

September 23, 2024

Portsmouth Board of Adjustment

1 Junkins Avenue

Portsmouth, NH 03801

RE: Variance Addendum for Stonefish, LLC at 0 Borthwick Avenue

A. Introduction

Lot 240-3 is a ±10.74 acre parcel on Borthwick Avenue in Portsmouth, NH, that is currently owned by Liberty Mutual and used solely as a 264-space parking lot. The proposed lot-line adjustment will combine a portion of Lot 259-15, which is currently leased by Liberty Mutual, with their current parking lot which serves 225 Borthwick Ave, Lot 240-1. This lot-line adjustment and related real estate transaction will result in Liberty Mutual owning the entire parking lot it designed, engineered, and constructed. Variance relief is necessary due to Borthwick Avenue's extension splitting Liberty Mutual's parcel into separate parcels, thus making the standalone parking lot use non-conforming. Pursuant to Zoning Ordinance Section 10.331, a non-conforming parcel is permitted to remain but to extend the non-conforming use, a variance is required.

B. Requested Relief

Zoning Ordinance Section 10.331 allows a lawful nonconforming use to continue, but such use may not be extended, enlarged or changed except in conformity with this Ordinance. The Applicant's proposed lot line adjustment will technically expand Lot 240-3's primary use as a parking lot, which is not an allowed primary use per Section 10.440 – Table of Uses. As a result, the Applicant seeks variance relief from Section 10.331.

C. The Five Variance Criteria

1. **Waiving the terms of the Ordinance will not be contrary to the public interest because:** For a variance to be contrary to the public interest, the proposal must conflict with the Ordinance so much that it violates the Ordinance's basic zoning objectives. The relevant tests are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens the public health, safety or welfare. This section of Borthwick Avenue has a wide variety of uses, with a mix of Office Research, Industrial,

and Municipal-zoned properties paralleling the Interstate 95 corridor. Granting the variance will not alter the essential character of the neighborhood, because each of these uses has accessory parking and the subject lots are already being used for parking. The site abuts similar uses and is buffered by wetlands. The continuation of this use will not threaten the public health, safety, or welfare because the Applicant's proposal will only represent a change on paper as the existing parking areas are already in existence and being used as such.

2. **Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:** Because it is in the public's interest to uphold the spirit of the Ordinance, the New Hampshire Supreme Court has held that this and the first criterion are related. If an application meets one test, it almost certainly meets the other. *See Farrar v. City of Keene*, 158 N.H. 684 (2009). In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the Ordinance. Among the stated purposes of the Zoning Ordinance and Master Plan are to promote economic development and to promote "the design of facilities for vehicular access, circulation, parking and loading." Allowing the requested relief simply allows the Applicant to redraw the lot lines while maintaining the existing necessary parking servicing the office building directly across Borthwick Ave. Accordingly, granting the variance will be consistent with the spirit of the Ordinance.
3. **Granting the variance would do substantial justice because:** The New Hampshire Supreme Court has held that measuring substantial justice requires balancing public and private rights. "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 515 (2011). The extension of Borthwick Ave in 1969 bifurcated the property and created the unusual circumstance where the accessory parking (Lot 240-3) is separated from the primary user (Lot 240-1). Denying the variance will harm the Applicant in its attempt to consolidate the existing parking areas, but would serve no public benefit as these uses already exist. There is no injury to the public if the variance is granted because it will allow the Applicant to realize reasonable property rights while maintaining necessary parking.
4. **The value of surrounding property will not be diminished because:** Continuing use of this property for parking will have no effect on surrounding properties. The parking lot serves an abutting property, and all of the other lots have significant parking areas, as would be expected. Additionally, many of the abutting properties are City-owned and generally impervious to any market fluctuations.

5. **Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. “Unnecessary hardship” means that, *owing to special conditions of the property that distinguish it from other properties in the area:***

The property’s size, location at the edge of multiple zoning districts, and historical creation by the City’s extension of Borthwick Ave are special conditions of the property that distinguish it from its neighbors and other properties in Portsmouth at large.

(A)(i) No fair and substantial relationship exists between the general purposes of the Ordinance provision and the specific application of that provision to the property because: Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no substantial relationship between the purpose of the Ordinance and the specific application of the Ordinance as applied to the property; and (2) the proposed use is reasonable. See RSA 674:33. The Zoning Ordinance aims to promote Portsmouth’s health, safety, and welfare while allowing reasonable uses of property. This property is unique in that its non-conformity was the result of municipal action. The proposal will not change physical layout of the engineered parking lot, but will enable a reasonable lot line adjustment to the benefit of the Applicant. Further, the current user of the lot does not own the lot, so granting this variance would enable the Applicant, as well as the current user of the lot, to both avoid unnecessary hardship.

(A)(ii) The proposed use is a reasonable one because: Parking is a necessary permitted accessory use. The fact that this lot was separated from its primary use, by municipal action no less, does not make its function any less accessory. When considering this property’s location abutting similar existing uses, providing the requested variance relief to allow this use at this location is fundamentally reasonable.

Should there be any questions or concerns about the aforementioned application, please feel free to contact me directly.

Sincerely,

Jeff Kilburg

Project Director

Encl: Application Material



LIBERTY MUTUAL INSURANCE

REAL ESTATE SERVICES
175 BERKELEY STREET
MAIL STOP M04E
BOSTON, MA 02116
TELEPHONE: (617) 357-9500
FAX: (617) 574-5779

Owner Authorization Form Portsmouth, New Hampshire

Liberty Mutual Insurance Company, owner of the Map 240 Lot 3 property, authorizes Apex
(Company Name)
Design Build, to submit a Zoning Variance Request (Lot Line Revision) application relating to
the project (# LU-24-165) at 0 Borthwick Ave, Portsmouth, NH.

William G. Johnson

William Johnson, AVP,
Director Real Estate Transactions,
Real Estate Delivery

9/23/2024

Date

Authorization Form

This Authorization Form (this “Authorization”), effective upon the date of signature below (the “Effective Date”), is by and among Northeast Credit Union dba Lighthouse Credit Union and its successors or assigns (“Lighthouse”), Apex Design Build (“Apex”) and Allen & Major Associates, Inc. (collectively with Apex, the “ATDG Borthwick Team”), to act as an agent on behalf of Lighthouse for the purposes and upon the limitations listed herein:

Effective upon the Effective Date, this Authorization, relative strictly to Lighthouse’s property located at 100 Borthwick Avenue, Portsmouth, New Hampshire 03801 (the “Property”) and the ATDG Borthwick Team’s ongoing project on behalf of ATDG, LLC at the Property (the “Project”), is limited to: 1) permitting and land use matters relative to the Project that are before governing boards, committees or other authority bodies or individuals authorized and acting on behalf of the City of Portsmouth, New Hampshire or the State of New Hampshire (collectively, the “Project Governmental Bodies”) and 2) authorizes the ATDG Borthwick Team to: a) apply for and sign permits and ancillary documents relative to the Project as needed from the Project Governmental Bodies and to b) speak with and appear before Project Governmental Bodies and individuals working on behalf of the same, as representative of Lighthouse in conjunction with the Project. This Authorization is contingent upon copy of all applications and submissions relative to the Project that are submitted to the Project Governmental Bodies being sent to Lighthouse, contemporaneously with or before their time of submission, as follows:

Lighthouse Credit Union

Attn: Lee Schafer, SVP, General Counsel & Chief Operating Officer

Via email to: lschafer@lighthousecu.org &

Neil Gordon, SVP & Chief Financial Officer

Via email to: ngordon@lighthousecu.org

With a copy to

Sheehan Phinney Bass & Green, PA

Attn: Eric T. Kilchenstein, Esq.

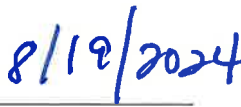
Via email to: ekilchenstein@sheehan.com

This Authorization is fully revocable without cause and upon written notice from Lighthouse.

[Signature Page Follows]

Northeast Credit Union dba Lighthouse Credit Union

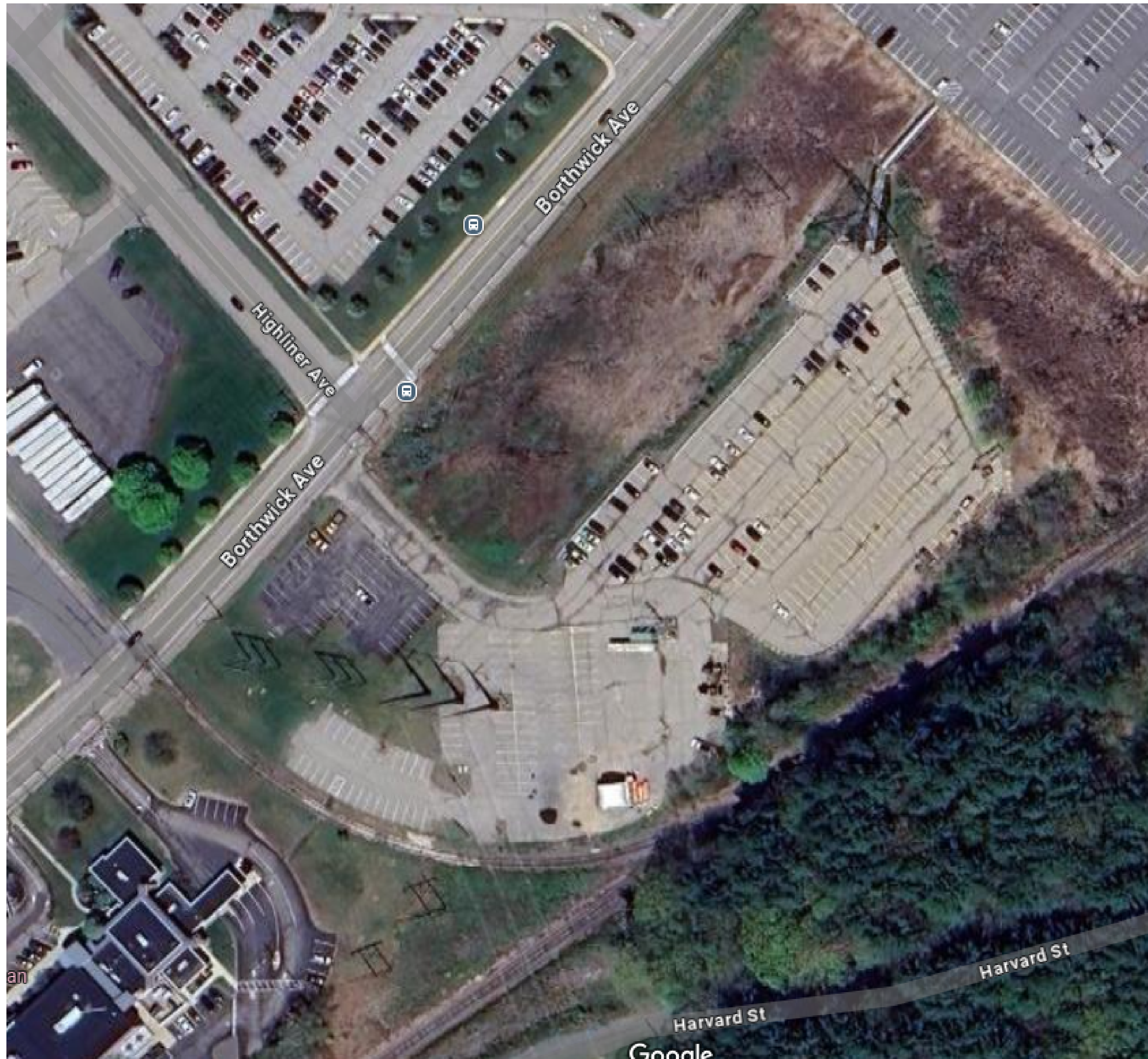




By: Neil Gordon,
Title: SVP and Chief Financial Officer
Duly Authorized

Date:

[Signature Page to Authorization Form]



9550 W. Higgins Rd. 170
Rosemont, IL 60018

Map 240 Lot 3

0 BORTHWICK AVE.
PORTSMOUTH, NH 03801

SEAL:

DISCLAIMER: All drawings are proprietary and the exclusive property of our company. This/these print(s) shall not be shared, copied or reproduced without expressed permission of our company. This print is loaned in confidence and subject to return upon request by our company.

No.	Description	Date

PARKING LOT PHOTOS

Project number

GA0-0

Scale



9550 W. Higgins Rd. 170
Rosemont, IL 60018

Map 240 Lot 3

0 BORTHWICK AVE.
PORTSMOUTH, NH 03801

SEAL:

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No.	Description	Date

PARKING LOT PHOTOS

Project number

GA0-0

Scale



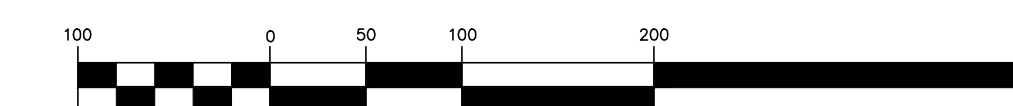


PLAN NOTES:

1. THE PURPOSE OF THIS DRAWING IS TO DEPICT THE PROPOSED LOT LINE ADJUSTMENT BETWEEN 100 BORTHWICK (MAP 259, LOT 15) AND 0 BORTHWICK (MAP 240, LOT 3) AS PART OF A ZONING VARIANCE APPLICATION FOR 0 BORTHWICK AVE.
2. THE INFORMATION SHOWN ON THIS PLAN IS THE SOLE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. IT'S INTENDED USE IS TO PROVIDE INFORMATION. ANY ALTERATION, MISUSE, OR RECALCULATION OF INFORMATION OR DATA WITHOUT THE EXPRESSED, WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. IS STRICTLY PROHIBITED.

Source:

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

REV	DATE	DESCRIPTION

APPLICANT/OWNER:
APEX DESIGN BUILD
9550 W. HIGGINS ROAD, STE 170
ROSEMONT, IL 60018

PROJECT:
MAP 240, LOT 3
0 BORTHWICK AVENUE
PORTSMOUTH, NH 03801

PROJECT NO.	3250-02	DATE:	09-23-24
SCALE:	1" = 100'	DWG. NAME:	C3250-02
DESIGNED BY:	BDJ	CHECKED BY:	RPC

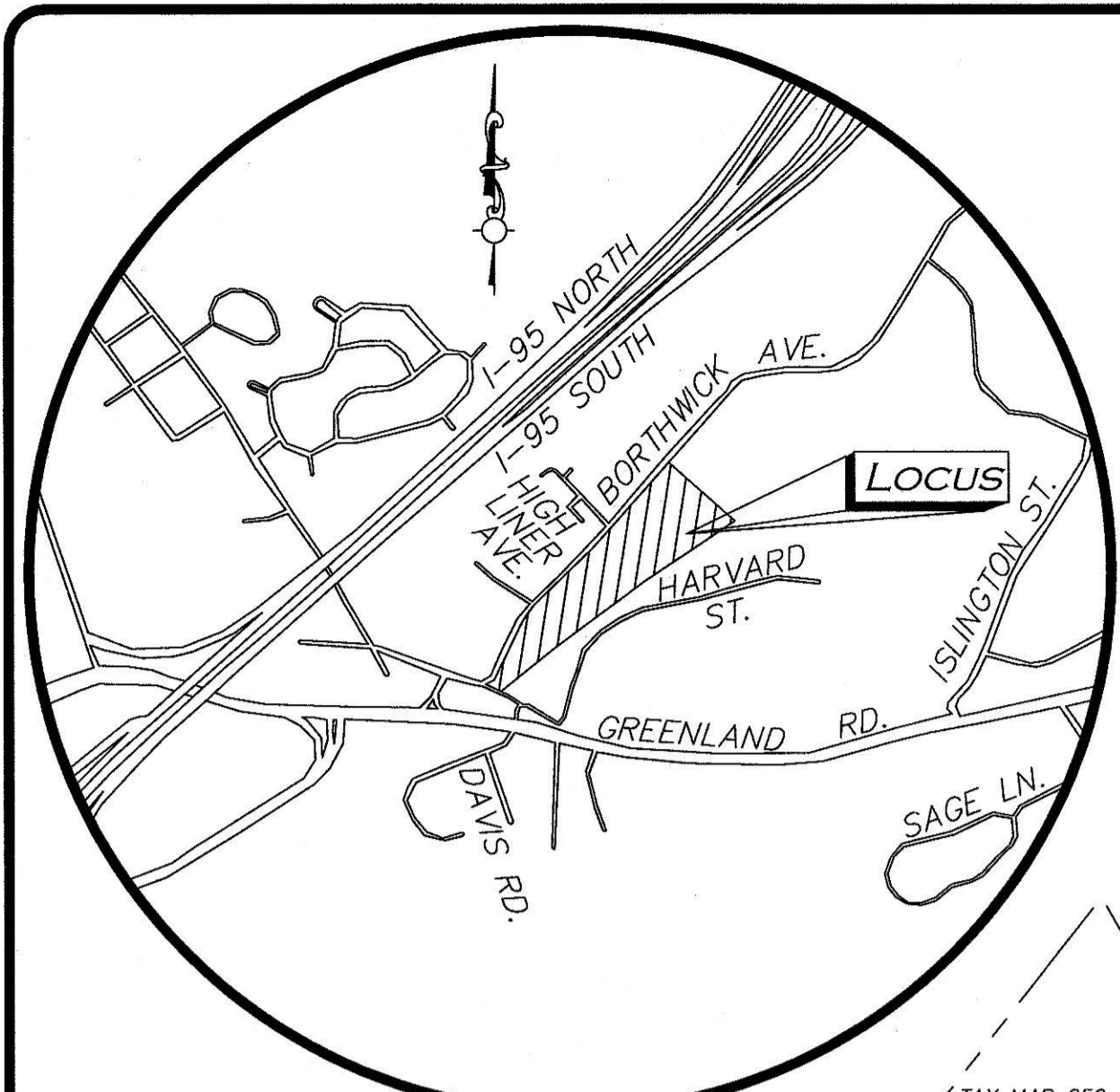
PREPARED BY:

ALLEN & MAJOR ASSOCIATES, INC.
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environmental consulting • landscape architecture
www.allenmajor.com
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MANCHESTER, NH 03103
TEL: (603) 627-5500
FAX: (603) 627-5501

WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

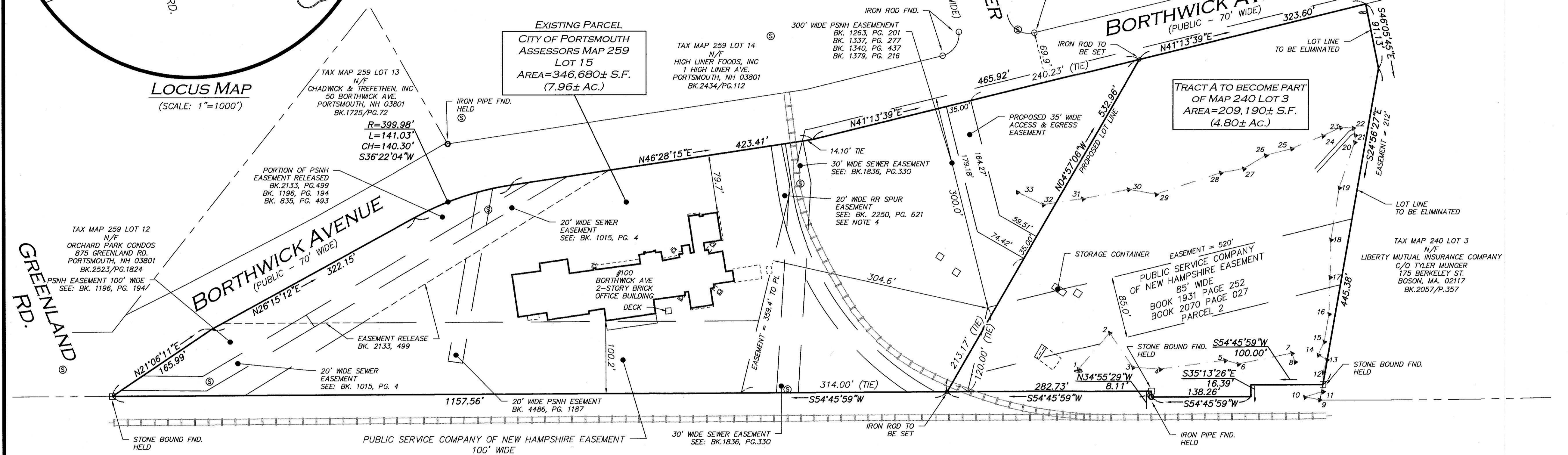
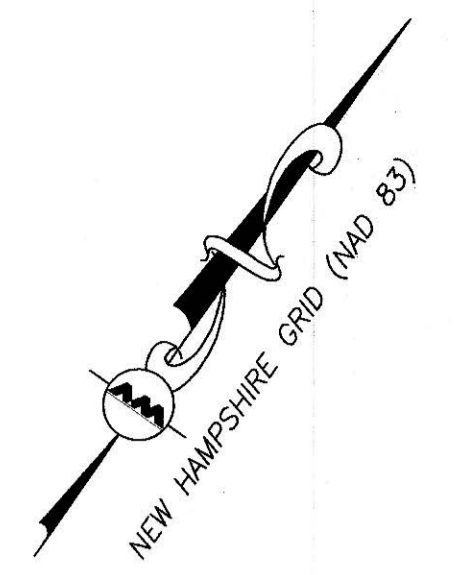
THIS DRAWING HAS BEEN PREPARED IN DIGITAL FORMAT. CLIENTS REPRESENTATIVE OR CONSULTANTS MAY BE PROVIDED COPIES OF DRAWINGS AND SPECIFICATIONS FOR HIS/HER INFORMATION AND/OR SPECIFIC USE ON THIS PROJECT. DUE TO THE POTENTIAL THAT THE PROVIDED INFORMATION MAY BE MODIFIED UNINTENTIONALLY OR OTHERWISE, ALLEN & MAJOR ASSOCIATES, INC. MAY REMOVE ALL INDICATION OF THE DOCUMENT'S AUTHORSHIP ON THE DIGITAL MEDIA. PRINTED REPRESENTATIONS OR PORTABLE DOCUMENT FORMAT OF THE DRAWINGS AND SPECIFICATIONS ISSUED SHALL BE THE ONLY RECORD COPIES OF ALLEN & MAJOR ASSOCIATES, INC.'S WORK PRODUCT.

DRAWING TITLE: VARIANCE EXHIBIT PLAN	SHEET No. EXH-1
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LEGEND	
STONE BOUND FND.	□
IRON PIPE (IP)	○
IRON ROD (IR)	●
WETLAND FLAG	▲A31
PROPERTY LINE	---
ABUTTERS LINE	---
STONE BOUND W/DRILL HOLE	SB/DH
CONC. BOUND W/DRILL HOLE	CB/DH
FOUND	FND
NOW OR FORMERLY	N/F
BOOK	BK.
PAGE	PG.
BUILDING HEIGHT	BH
SEWER MAN HOLE	⊙

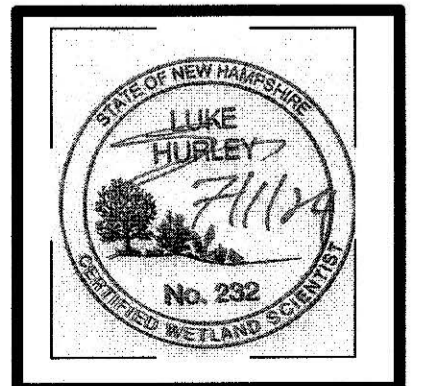
ZONING TABLE - OFFICE/RESEARCH DISTRICT			
ITEM	REQUIRED	EXISTING	PROPOSED 259-15
LOT AREA (MIN)	3 Ac.	12.76	7.96 AC.
LOT FRONTAGE (MIN)	300'	1842.10'	1518.5'
LOT DEPTH (MIN)	300'	337' AVG.	337' AVG.
FRONT YARD SETBACK (MIN)	50'	79.7'	79.7'
SIDE YARD SETBACK (MIN)	75'	829'	332'
REAR YARD SETBACK (MIN)	50'	100.2'	100.2'
OPEN SPACE (MIN)	30%	48%	45%
BUILDING COVERAGE (MAX)	30%	4%	4%
BUILDING HEIGHT (MAX)	60'	72'	72'



BOSTON & MAINE RAILROAD

PLAN REFERENCES

- PLAN ENTITLED, "PLAN OF A PORTION OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED DECEMBER 1975, PREPARED BY JOHN W. DURGIN, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-5695.
- PLAN ENTITLED, "SITE PLAN OF ORCHARD PARK CONDOMINIUMS", SCALE 1"=40', DATED OCTOBER 10, 1985, PREPARED BY KIMBALL CHASE COMPANY, INC. AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-14238.
- PLAN ENTITLED, "PLAN OF LAND MAP 240, LOTS 1 & 3 PORTSMOUTH, NEW HAMPSHIRE", SCALE 1"=60', DATED JUNE 13, 2005, PREPARED BY VHB, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-33833.
- PLAN ENTITLED, "SUBDIVISION PLAN FOR NATIONAL SEA PRODUCTS INCORPORATED HIGHLINER AVENUE/ BORTHWICK AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H.", SCALE 1"=100', DATED OCTOBER 25, 1997, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-25842.
- PLAN ENTITLED, "REVISED PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED AUGUST 31, 1966, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN #770.
- PLAN ENTITLED, "PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED JANUARY, 1964, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN NO. 282.
- PLAN ENTITLED, "STANDARD BOUNDARY SURVEY" DATED JUNE 2004, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND RECEIVED ON JUNE 17, 2024.
- PLAN ENTITLED, "EASEMENT PLAN MAP 259-LOT 15 NORTHEAST CREDIT UNION TO PSNH" DATED MARCH 2005, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND ON FILE AT R.C.R.D AS PLAN NO. D-32670.



HURLEY ENVIRONMENTAL & LAND PLANNING, LLC
 P.O. BOX 356
 EPSOM, NH 03234
 (603) 583-1745

THE WETLAND DELINEATION WAS PERFORMED BY HURLEY ENVIRONMENTAL & LAND PLANNING, LLC, JUNE 2024, UTILIZING THE FOLLOWING STANDARDS:

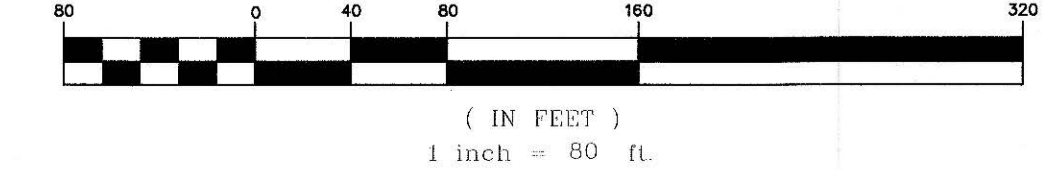
- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS MANUAL: NORTH CENTRAL AND NORTHEAST REGION, (VERSION 2.0) JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.
- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2, UNITED STATES DEPARTMENT OF AGRICULTURE(2018).
- NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2019 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
- NATIONAL WETLAND PLANT LIST, VERSIONS 3.5 (2020).

LOCUS REFERENCES

- CITY OF PORTSMOUTH TAX MAP 259, LOT 15
- R.C.R.D. BOOK 2270, PAGE 345

NOTES

- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINE BETWEEN MAP 259 LOT 15 AND MAP 240 LOT 3. PROPOSED TRACT A WILL BE ANNEXED AND COMBINED WITH MAP 240 LOT 3. NO SURVEY WORK WAS COMPLETED AT THIS TIME BY THIS OFFICE, FOR MAP 240 LOT 3.
- NORTH ARROW IS BASED ON NEW HAMPSHIRE GRID COORDINATE SYSTEM (NAD 83).
- BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM THE ROCKINGHAM COUNTY REGISTRY OF DEEDS IN BRENTWOOD, NH
- WETLANDS DELINEATED BY LUKE HURLEY, NH WETLAND SCIENTIST.
- RAILROAD SPUR WAS CONSTRUCTED OUTSIDE OF RECORD EASEMENT.
- PROPOSED NEW PARCEL MAP 259 LOT 15-A IS CURRENTLY USED AS A PARKING AREA.
- SEE EXISTING CONDITIONS PLAN SET, PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. WITH THE SAME DATE. ONLY THIS PLAN TO BE USED FOR SUBDIVISION RECORDING PURPOSES.
- SEE: BK. 4486, PG. 2595 EASEMENT TO CITY OF PORTSMOUTH FOR GROUNDWATER MONITORING.
- SEE: BK. 1374, PG. 142 35' WIDE EASEMENT TO ALLIED NH GAS COMPANY. SPECIFIC LOCATION NOT IDENTIFIED, BLANKET IN NATURE.
- SEE: BK. 835, PG. 493 FOR EASEMENT TO NH GAS & ELECTRIC COMPANY. BELIEVED TO BE AN OVERLAPPING EASEMENT THAT WAS DISCONTINUED IN BK. 2133, PG. 499.

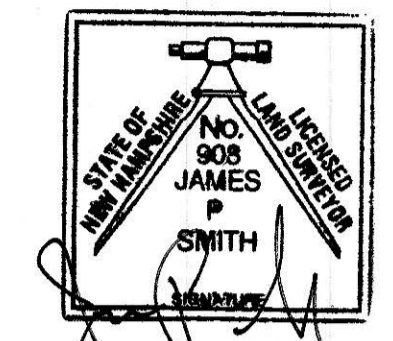


R:\PROJECTS\3250-02\SURVE\DRAWINGS\CURRENT\S-3250-02-LOT LINE ADJUSTMENT.DWG

CITY OF PORTSMOUTH, NH PLANNING BOARD APPROVAL	
CHAIRMAN	DATE

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 14, 2024 AND JULY 2, 2024 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000.
 THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X - "AREA OF MINIMAL FLOOD HAZARD" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTSMOUTH NEW HAMPSHIRE ROCKINGHAM COUNTY COMMUNITY PANEL NUMBER 33015C0270F HAVING AN EFFECTIVE DATE OF JANUARY 1, 2021.

ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH L.S. #908 DATE 8-19-24

REV	DATE	DESCRIPTION

APPLICANT:

STONEFISH, LLC
 875 GREENLAND RD. UNIT C8
 PORTSMOUTH, NH 03801

OWNER:

NORTH EAST CREDIT UNION
 PO BOX 1240
 PORTSMOUTH, NH 03802

PROJECT:

TM 259 LOT 15
 100 BORTHWICK AVE.
 PORTSMOUTH, NH

PROJECT NO.	3250-02	DATE:	08-19-2024
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SCALE: 1" = 80'	DWG. NAME: S-3250-02-LLA
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DRAFTED BY:	CTP	CHECKED BY:	JPS
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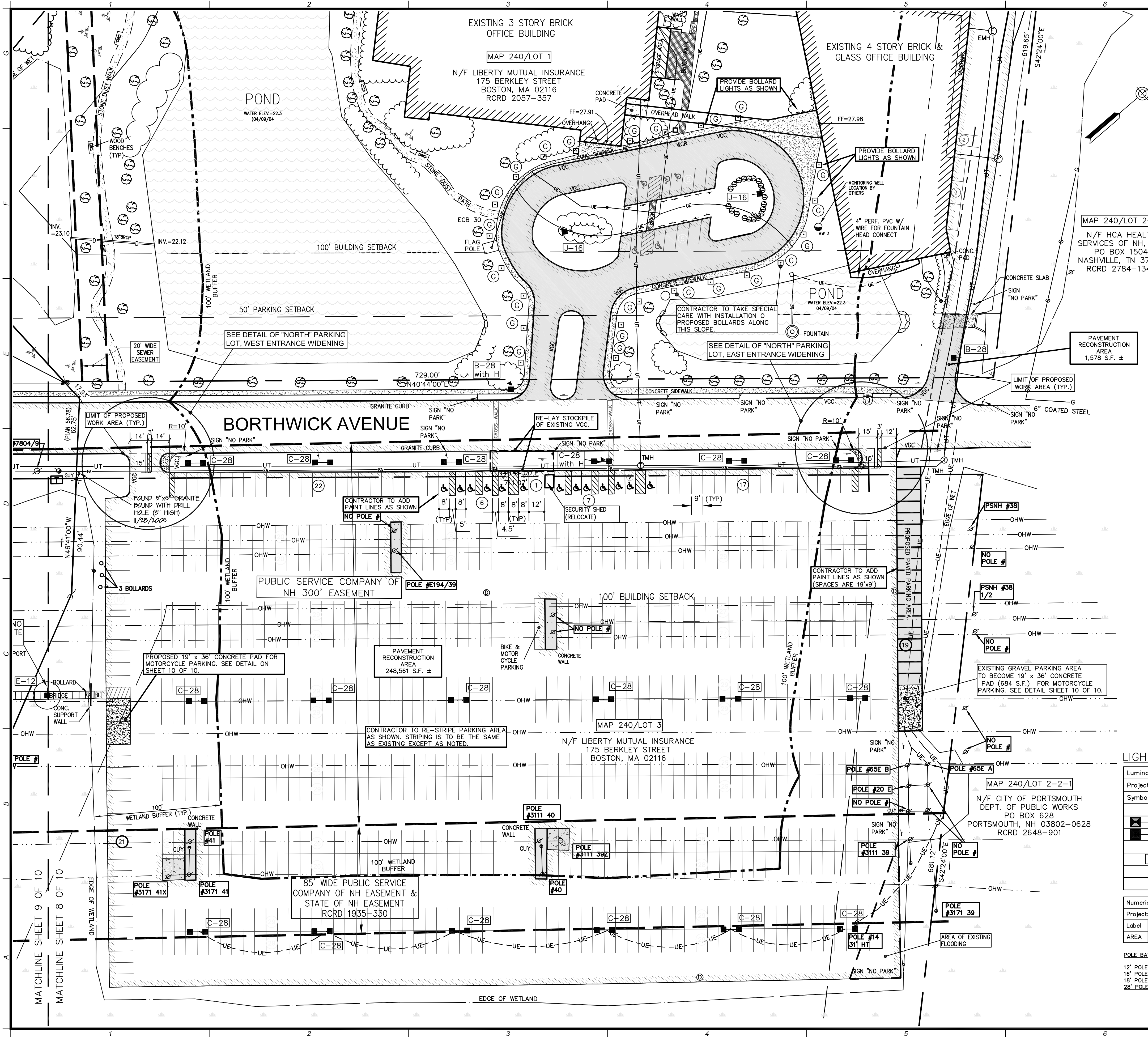
PREPARED BY:

ALLEN & MAJOR ASSOCIATES, INC.
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 environmental consulting • landscape architecture
 www.allenmajor.com
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 MANCHESTER, NH 03103
 TEL: (603) 627-5500
 FAX: (603) 627-5501

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DRAWING TITLE:	SHEET No.
LOT LINE ADJUSTMENT PLAN	1



**ISSUED
09/29/06**

- NOTES:**
- SEE SHEET 2 OF 10 FOR STANDARD NOTES.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION TO DETERMINE APPROPRIATE ACTION TO BE TAKEN BEFORE PROCEEDING WITH THE WORK.
 - CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DIGSAFE PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DIGSAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION. (1-888-344-7233).

UTILITY CONTACTS:

ELECTRIC: PUBLIC SERVICE CO. OF NH
1700 LAFAYETTE ROAD
PORTSMOUTH, NH 03801
CONTACT: WAYNE BROOKS
TRANSMISSION LINE ENGINEER
(603) 436-5660

TELEPHONE: VERIZON
ROUTE 33
PO BOX 307
GREENLAND, NH 03840
CONTACT: KEN MOKENZIE
(603) 427-2000

GAS: NORTHERN UTILITIES, INC.
325 WEST ROAD
PORTSMOUTH, NH 03801
CONTACT: JEFF INGLIS
(603) 436-0310

SEWER: PORTSMOUTH DPW
680 PEVERLY HILL ROAD
PORTSMOUTH, NH 03801
CONTACT: MIKE JENKINS
(603) 427-1552

WATER: PORTSMOUTH DPW
680 PEVERLY HILL ROAD
PORTSMOUTH, NH 03801
CONTACT: MIKE JENKINS

CABLE: MEDIA ONE
155 COMMERCE WAY
PORTSMOUTH, NH 03801
CONTACT: GEORGE KIRKWOOD
(603) 433-2166

- CONTRACTOR TO STRIPE PARKING AREAS AS SHOWN. STRIPING IS TO BE THE SAME AS THE EXISTING PARKING STRIPING EXCEPT AS NOTED.
CONTRACTOR TO STRIPE PARKING AREAS AS SHOWN.
THE RE-STRIPING WILL ALLOW FOR THE FOLLOWING INCREASE IN PARKING:
- | "SOUTH"/"CREDIT UNION" LOT: | EXISTING | PROPOSED | |
|-----------------------------|----------|----------|------------|
| "NORTH" LOT: | 779 | 795 | +16 SPACES |
| BUILDING ENTRANCE LOT: | 14 | 14 | |
| | 1059 | 1075 | +16 |

- LIGHTING DESIGN FROM LSI INDUSTRIES INC.
10000 ALLIANCE ROAD
CINCINNATI, OH 45242
(513) 793-3200
- CONTRACTOR TO COORDINATE WITH LSI INDUSTRIES INC. FOR LIGHT FIXTURE AND POLE SPECIFICATION.
- CONTRACTOR TO COORDINATE WITH CLIENT AND CITY OF PORTSMOUTH PLANNING DEPARTMENT TO ACHIEVE "DARK SKY" NON-GLARE LIGHTING.
- CONTRACTOR TO COORDINATE WITH PUBLIC SERVICE COMPANY OF NH FOR POLE LOCATED WITH THE PSNH EASEMENT.

LIGHTING SCHEDULE

Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Total Watts
[Symbol]	7	B	SINGLE	120000	0.720	GFR 3 1000 PSMV F	1080
[Symbol]	20	C	D180	120000	0.720	GFR 5 1000 PSMV F	2160
[Symbol]	8	D	D180	32000	0.720	GFM 5 320 PSMV F	736
[Symbol]	2	E	SINGLE	32000	0.720	GFM 3 320 MH F	368
[Symbol]	26	G	SINGLE	8500	0.720	BVS-ID-100-MH-CP	129
[Symbol]	2	H	SINGLE	32000	0.720	DRM2-MF-400-MHR-F	458
[Symbol]	2	J	SINGLE	36000	0.720	GFM 5 400 MHR F	458

Numeric Summary

Label	Avg	Max	Min	Avg/Min	Max/Min
AREA	5.68	22.2	0.1	56.80	222.00

POLE BASE SCHEDULE:

- 12' POLE - 9
- 16' POLE - 2
- 18' POLE - 3
- 24' POLE - 2
- 28' POLE - 22

ALL EXISTING POLE LOCATIONS

All 28' Poles to be mounted on concrete pedestals 2' above grade, for a total mounting height of 30'.
 ○ NEW POLE LOCATIONS MOUNTED AT 12'
 □ FIXTURE MOUNTED AT 16'
 △ FIXTURES "J" ARE MOUNTED AT 16'
 Maintained Footcandle levels at grade, using a .72 Total Light Loss Factor.

MAP 240, LOT 3 & MAP 259, LOT 15
PROPERTY OF
LIBERTY MUTUAL INSURANCE COMPANY
BORTHWICK AVENUE
COUNTY OF ROCKINGHAM
PORTSMOUTH
NEW HAMPSHIRE

LIGHTING & LAYOUT PLAN
 REV. 5 06/29/06 [REVISION NORTH PARKING LOT ENTRANCES]
 REV. 4 06/28/06 [REVISION NORTH PARKING LOT HANDICAP SPACES]
 REV. 3 05/18/06 [REVISIONS PER CLIENT REVIEW]
 REV. 2 03/17/06 [REVISIONS PER CLIENT REVIEW]
 REV. 1 02/23/06 [REVISIONS PER CLIENT REVIEW]
 DRAWN BY: LAS
 CHECKED BY: FRS

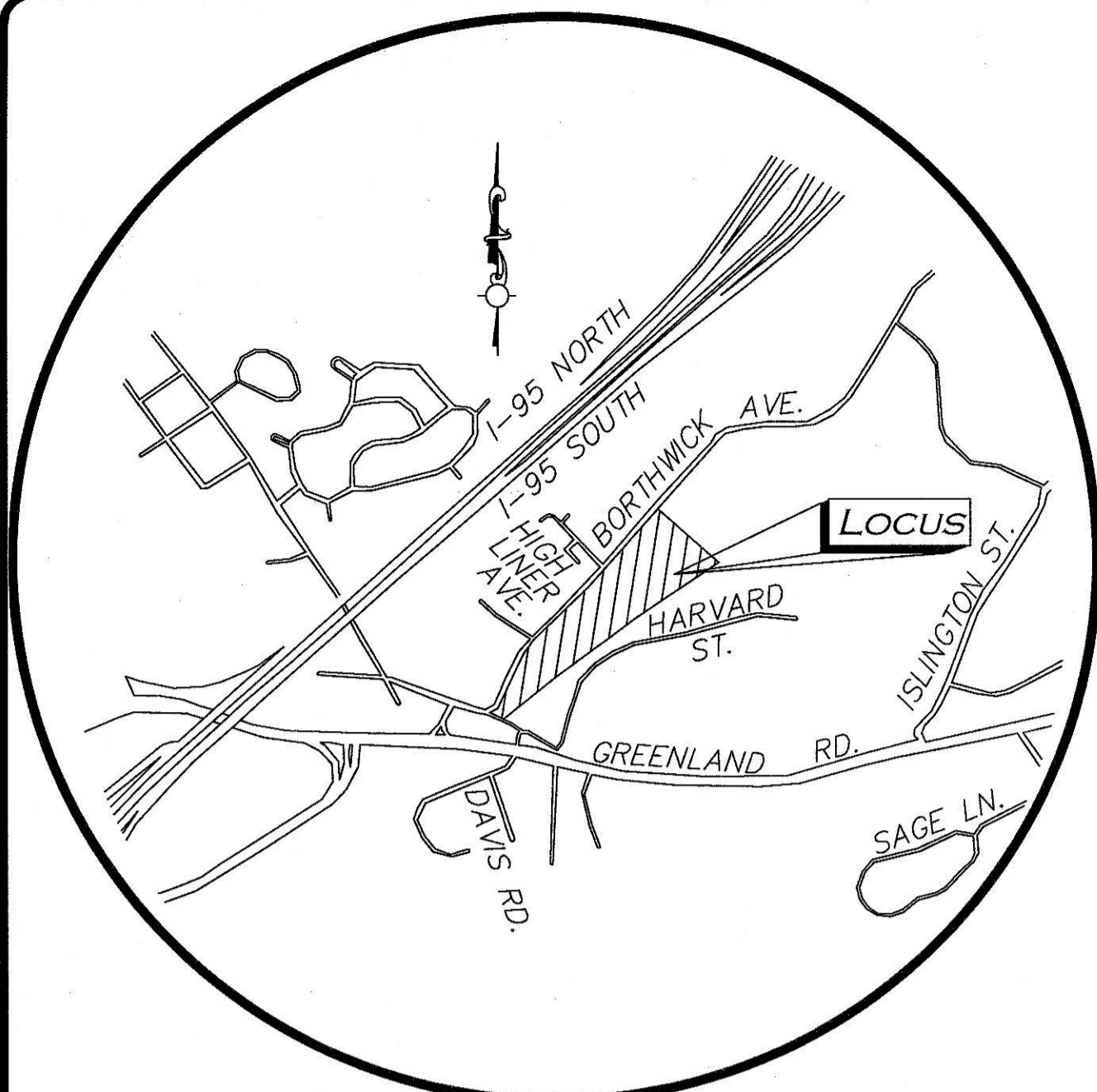
AMES MSC
ARCHITECTS & ENGINEERS
 JOHN HART MANSION
 403 THE HILL
 P.O. Box 427
 www.amesmsc.com
 PORTSMOUTH, NH 03802-0427

DATE: DECEMBER 27, 2005

SHEET 8 OF 10

PROJECT NO. 05783

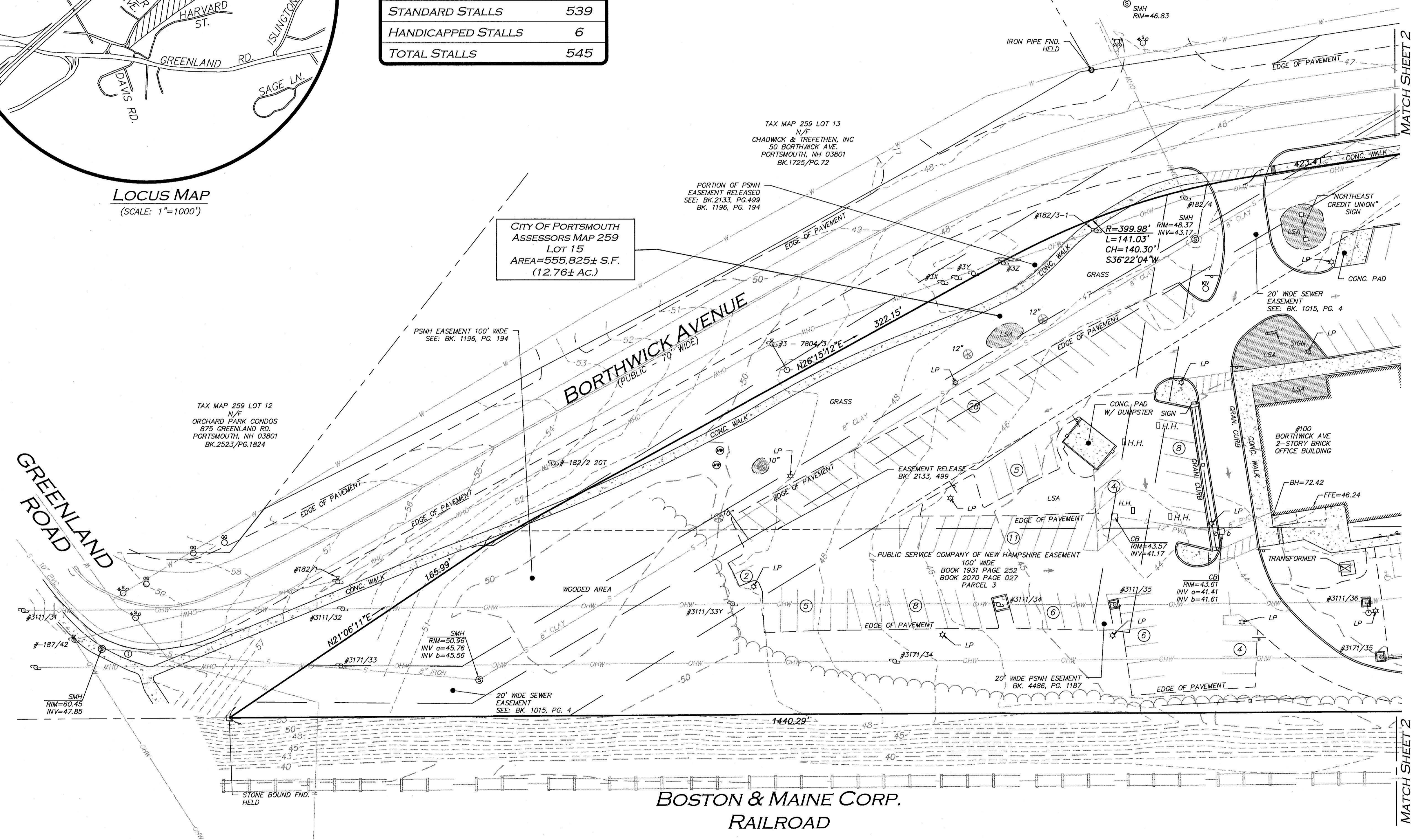
SCALE: 1" = 40'



LOCUS MAP
(SCALE: 1"=1000')

BENCHMARK SUMMARY		
TBM #	DESCRIPTION	ELEV.
1	COTTON GIN SPINDLE IN UP#182/6	39.66
2	COTTON GIN SPINDLE IN UP#2	50.65

PARKING SUMMARY	
STANDARD STALLS	539
HANDICAPPED STALLS	6
TOTAL STALLS	545



CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOT 15
AREA=555,825± S.F.
(12.76± AC.)

TAX MAP 259 LOT 12
N/F
ORCHARD PARK CONDOS
875 GREENLAND RD.
PORTSMOUTH, NH 03801
BK. 2523/PG. 1824

TAX MAP 259 LOT 13
N/F
CHADWICK & TREFETHEN, INC
50 BORTHWICK AVE.
PORTSMOUTH, NH 03801
BK. 1725/PG. 72

PORTION OF PSNH
EASEMENT RELEASED
SEE: BK. 2133, PG. 499
BK. 1196, PG. 194

PSNH EASEMENT 100' WIDE
SEE: BK. 1196, PG. 194

EASEMENT RELEASE
BK. 2133, 499

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE EASEMENT
100' WIDE
BOOK 1931 PAGE 252
BOOK 2070 PAGE 027
PARCEL 3

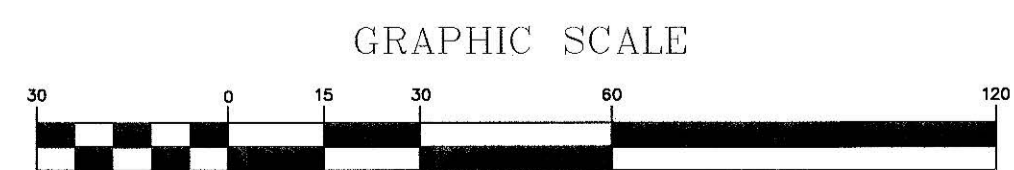
20' WIDE PSNH EASEMENT
BK. 4486, PG. 1187

20' WIDE SEWER
EASEMENT
SEE: BK. 1015, PG. 4



BOSTON & MAINE CORP.
RAILROAD

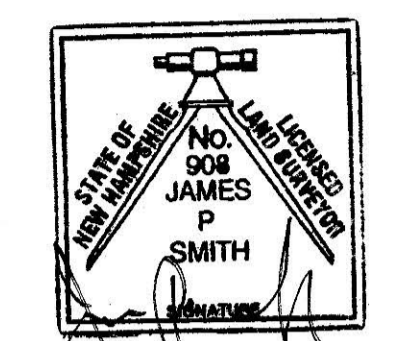
- NOTES**
- SEE SHEET 3 FOR UTILITY STATEMENT AND LEGEND.
 - SEE SHEET 4 FOR NOTES, LOCUS REFERENCES, AND PLAN REFERENCES.



R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-EC.DWG

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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 7/08/24

SCALE: 1" = 30' DWG. NAME: S-3250-02-EC

DRAFTED BY: CTP CHECKED BY: JPS

PREPARED BY:

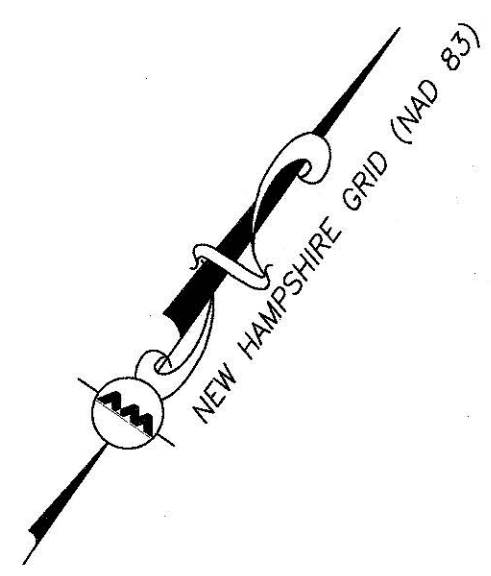
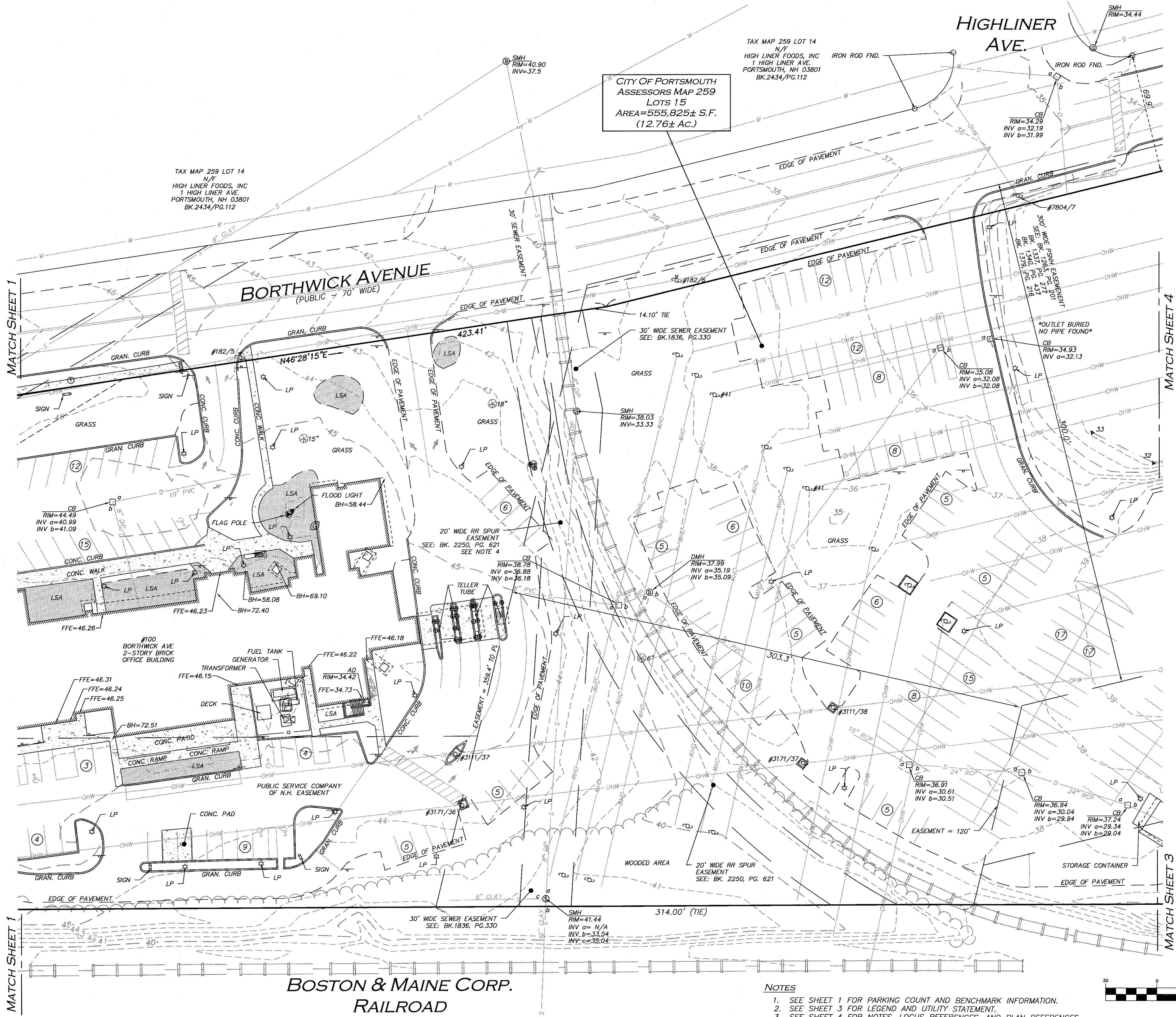
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www.allenmajor.com
400 HARVEY ROAD
MANCHESTER, NH 03103
TEL: (603) 627-5500
FAX: (603) 627-5501

WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

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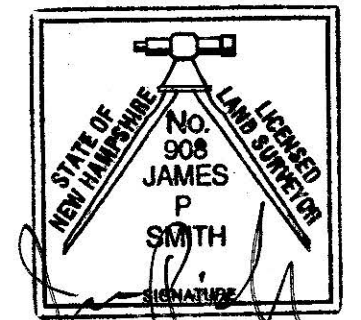
DRAWING TITLE:	SHEET NO.
EXISTING CONDITIONS	1

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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

1-9-24
DATE

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875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 **DATE:** 7/08/24

SCALE: 1" = 30' **DWG. NAME:** S-3250-02-EC

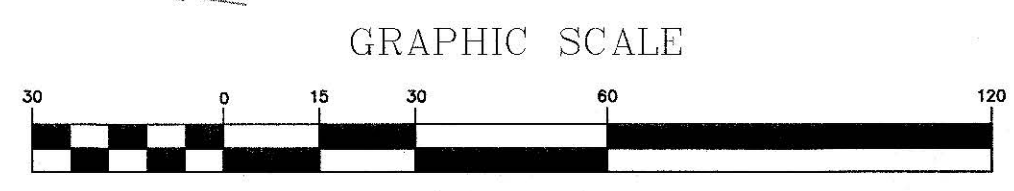
DRAFTED BY: CTP **CHECKED BY:** JPS

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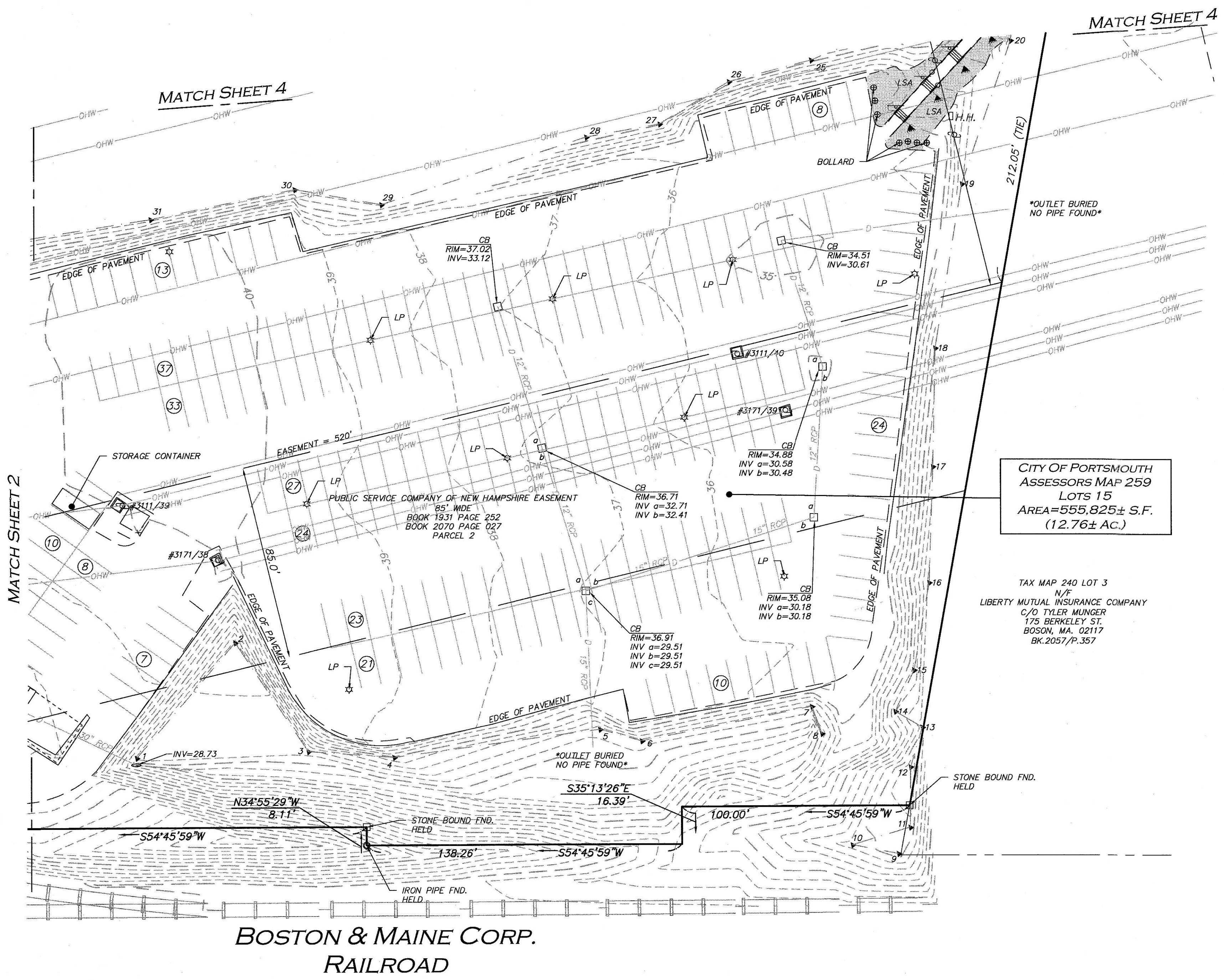
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DRAWING TITLE: EXISTING CONDITIONS	SHEET NO.: 2
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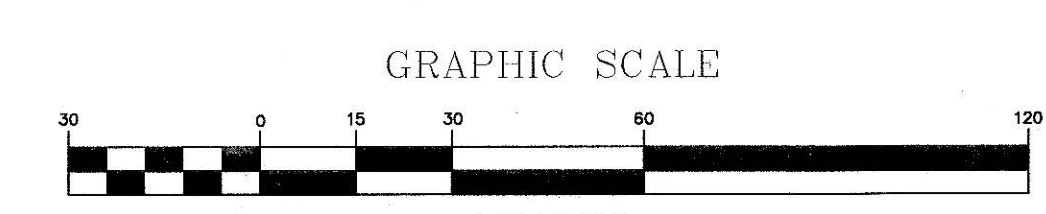
LEGEND			
IRON PIPE (IP)	○	LIGHT	☆
IRON ROD (IR)	◦	FLOODLIGHT	▲
DRAIN MANHOLE (DMH)	⊙	TREE	⊗
SEWER MANHOLE (SMH)	⊕	AREA DRAIN	○
ELECTRIC MANHOLE (EMH)	⊖	SIGN	⊖
TELEPHONE MANHOLE (TMH)	⊗	SIGN	⊖
CATCH BASIN (CB)	⊠	MAILBOX	⊠
ROUND CATCH BASIN (RCB)	⊡	TRANSFORMER	⊠
UTILITY POLE	⊙	MONITOR WELL	⊙
UTILITY POLE W/LIGHT	⊙	WETLAND FLAG	⊙
GUY WIRE	—	ELECTRIC BOX	⊙
FIRE HYDRANT	⊙	FLAG POLE	⊙
WATER GATE	⊙	GAS METER	⊙
GAS GATE	⊙	HANDICAPPED PARKING SPACE	⊙
BOLLARD	⊙	IRRIGATION CONTROL VALVE	⊙
INVERT (INV)	—		
		PAINTED ARROW	→
		PARKING SPACE COUNT	⑩
		CONCRETE	▨
		LANDSCAPED AREA (LSA)	▨
		WETLAND AREA	▨
		BUILDING	▨
		BUILDING OVERHANG	▨
		WETLAND	▨
		BUFFER ZONE	▨
		EASEMENT LINE	▨
		1' CONTOUR	---5.3---
		5' CONTOUR	---5.5---
		PROPERTY LINE	▨
		ABUTTERS LINE	▨
		CONCRETE RETAINING WALL	▨
		TREE LINE	▨
		EDGE OF PAVEMENT	▨
		CURB	▨
		CHAIN LINK FENCE	▨
		STOCKADE FENCE	▨
		VINYL FENCE	▨
		GUARDRAIL	▨
		WATER LINE	—W—
		SEWER LINE	—S—
		DRAIN LINE	—D—
		GAS LINE	—G—
		ELECTRIC LINE	—E—
		TELEPHONE LINE	—T—
		OVERHEAD WIRES	—OHW—
		FINISHED FLOOR ELEVATION	FFE
		BITUMINOUS	BIT.
		CONCRETE	CONC.
		GRANITE	GRAN.
		BOTTOM CENTER	(BC)
		REINFORCED CONCRETE PIPE	RCP
		POLYVINYL CHLORIDE PIPE	PVC
		CORRUGATED METAL PIPE	CMP
		CAST IRON PIPE	CI
		DUCTILE IRON PIPE	DI
		STONE BOUND W/DRILL HOLE	SB/DH
		CONC. BOUND W/DRILL HOLE	CB/DH
		FOUND	FND
		NOW OR FORMERLY	N/F
		BOOK	BK.
		PAGE	PG.
		BUILDING HEIGHT	BH



- NOTES**
- SEE SHEET 1 FOR PARKING COUNT AND BENCHMARK INFORMATION.
 - SEE SHEET 4 FOR NOTES, LOCUS REFERENCES, AND PLAN REFERENCES.

UTILITY STATEMENT

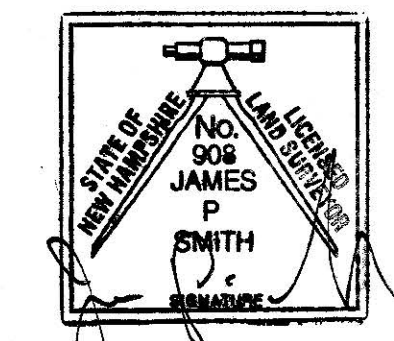
THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. ALLEN & MAJOR ASSOCIATES, INC. (A&M) MAKES NO GUARANTEE THAT THE UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. A&M FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. A&M HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-EC.DWG

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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

APPLICANT:
STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

APPLICANT/OWNER:
JEFF KILBURG
9550 W. HIGGINS RD SUITE 170
ROSEMONT, IL 60018

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 **DATE:** 7/08/24

SCALE: 1" = 30' **DWG. NAME:** S-3250-02-EC

DRAFTED BY: CTP **CHECKED BY:** JPS

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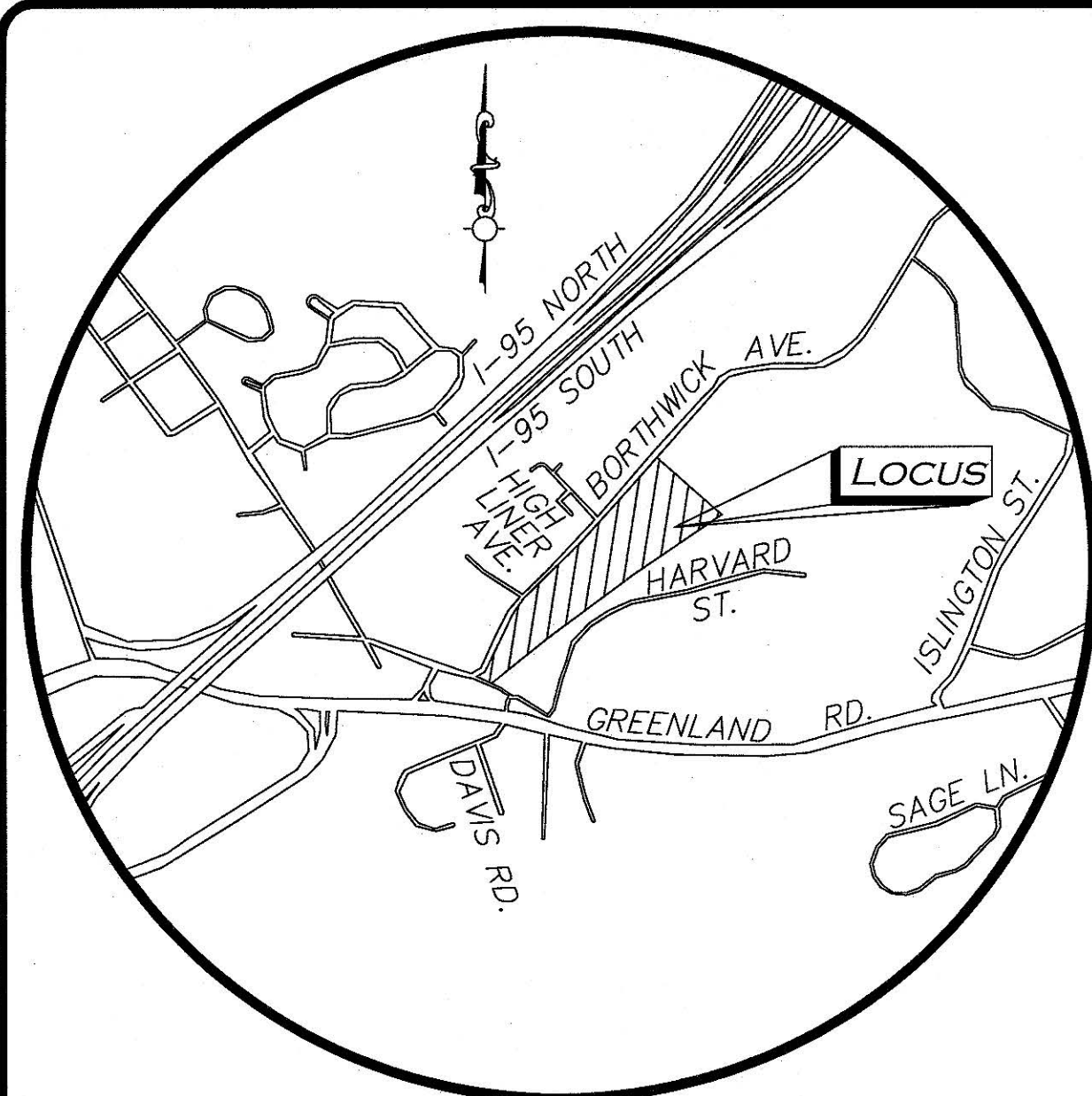
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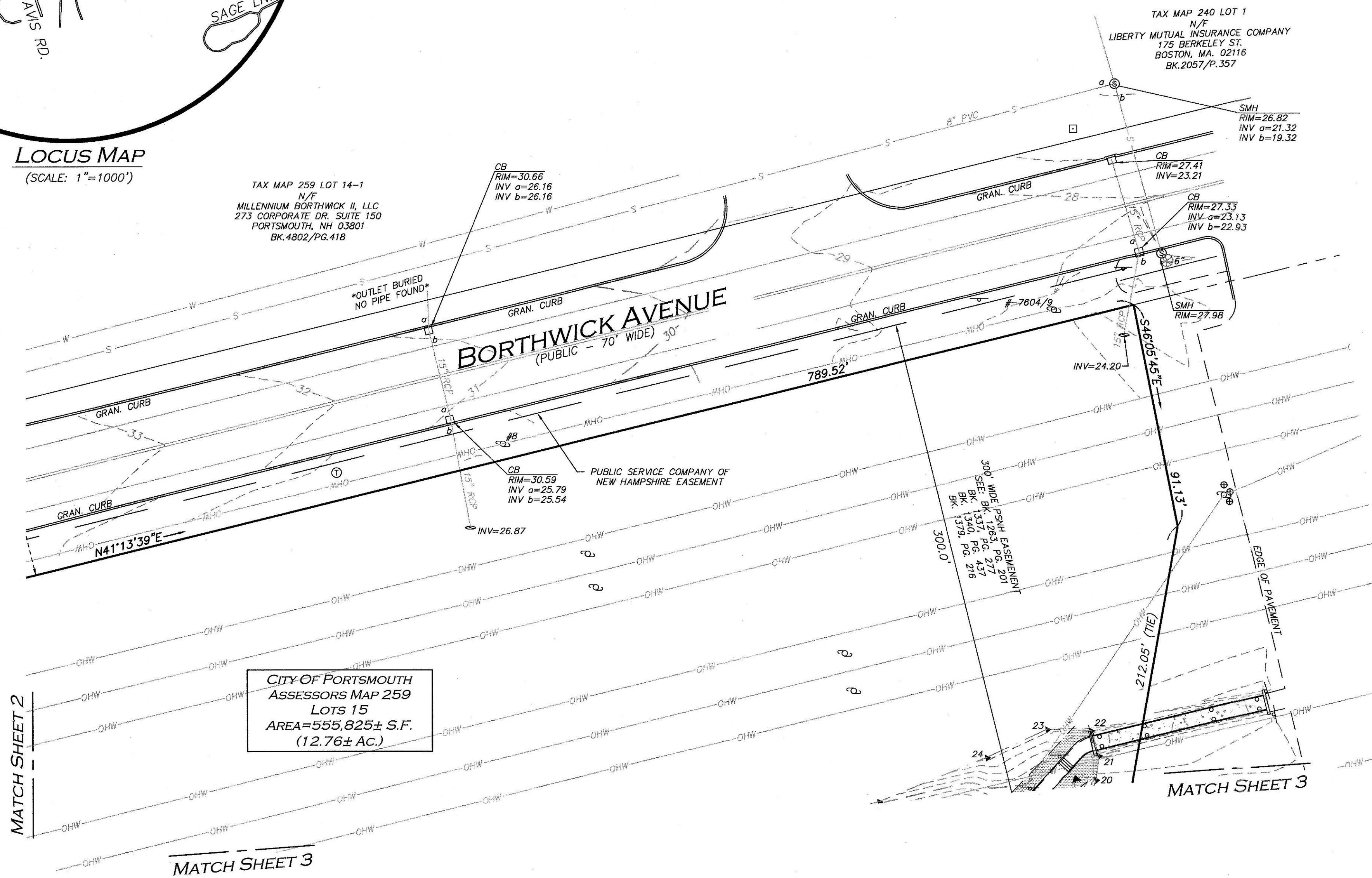
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DRAWING TITLE: PROPERTY LINE / EXISTING CONDITIONS	SHEET No. 3
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LOCUS MAP
(SCALE: 1"=1000')



CITY OF PORTSMOUTH
ASSESSORS MAP 259
LOTS 15
AREA=555,825± S.F.
(12.76± AC.)

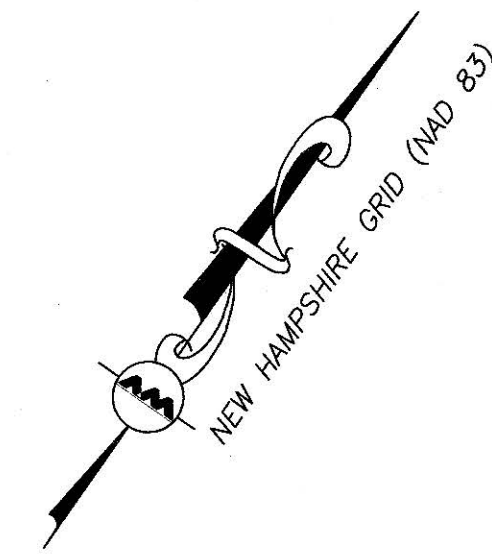
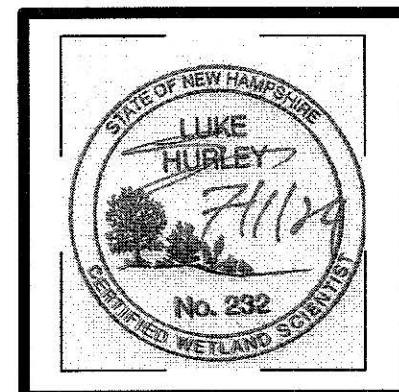
MATCH SHEET 2

MATCH SHEET 3

HURLEY ENVIRONMENTAL & LAND PLANNING, LLC
P.O. BOX 356
EPSOM, NH 03234
(603) 583-1745

THE WETLAND DELINEATION WAS PERFORMED BY HURLEY ENVIRONMENTAL & LAND PLANNING, LLC, JUNE 2024, UTILIZING THE FOLLOWING STANDARDS:

- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS MANUAL: NORTH CENTRAL AND NORTHEAST REGION, (VERSION 2.0) JANUARY 2012, U.S. ARMY CORPS OF ENGINEERS.
- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 8.2, UNITED STATES DEPARTMENT OF AGRICULTURE(2018).
- NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2019 VERSION 4, FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
- NATIONAL WETLAND PLANT LIST, VERSIONS 3.5 (2020).



NOTES

- SEE SHEET 1 FOR PARKING COUNT AND BENCHMARK INFORMATION.
- SEE SHEET 3 FOR UTILITY STATEMENT AND LEGEND.

LOCUS REFERENCES

- CITY OF PORTSMOUTH TAX MAP 259, LOT 15
- R.C.R.D. BOOK 2270, PAGE 345

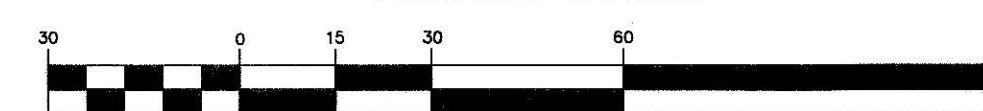
PLAN REFERENCES

- PLAN ENTITLED, "PLAN OF A PORTION OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H.", SCALE 1"=60', DATED DECEMBER 1975, PREPARED BY JOHN W. DURGIN, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-5695.
- PLAN ENTITLED, "SITE PLAN OF ORCHARD PARK CONDOMINIUMS", SCALE 1"=40', DATED OCTOBER 10, 1985, PREPARED BY KIMBALL CHASE COMPANY, INC. AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-14238.
- PLAN ENTITLED, "PLAN OF LAND MAP 240, LOTS 1 & 3 PORTSMOUTH, NEW HAMPSHIRE", SCALE 1"=60', DATED JUNE 13, 2005, PREPARED BY VHB, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-33833.
- PLAN ENTITLED, "SUBDIVISION PLAN FOR NATIONAL SEA PRODUCTS INCORPORATED HIGHLINER AVENUE/ BORTHWICK AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H., SCALE 1"=100', DATED OCTOBER JUNE 25, 1997, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, AND ON FILE AT THE R.C.R.D. AS PLAN NO. D-25842.
- PLAN ENTITLED, "REVISED PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED AUGUST 31, 1966, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN #770.
- PLAN ENTITLED, "PLAN OF BORTHWICK INDUSTRIAL PARK PORTSMOUTH, N.H." SCALE 1"=60', DATED JANUARY, 1964, PREPARED BY JOHN W. DURGIN AND ON FILE AT THE R.C.R.D. AS PLAN NO. 262.
- PLAN ENTITLED, "STANDARD BOUNDARY SURVEY" DATED JUNE 2004, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND RECEIVED ON JUNE 17, 2024.
- PLAN ENTITLED, "EASEMENT PLAN MAP 259-LOT 15 NORTHEAST CREDIT UNION TO PSNH" DATED MARCH 2005, PREPARED BY AMBIT ENGINEERING, INC. CIVIL ENGINEERS & LAND SURVEYORS AND ON FILE AT R.C.R.D AS PLAN NO. D-32670.

NOTES

- NORTH ARROW IS BASED ON NEW HAMPSHIRE GRID COORDINATE SYSTEM (NAD 83).
- BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM THE ROCKINGHAM COUNTY REGISTRY OF DEEDS IN BRENTWOOD, NH.
- VERTICAL DATUM IS NAVD 88.
- CONTOUR INTERVALS ARE ONE FOOT (1').
- WETLANDS DELINEATED BY LUKE HURLEY, NH WETLAND SCIENTIST.
- RAILROAD SPUR WAS CONSTRUCTED OUTSIDE OF RECORD EASEMENT.
- SEE EXISTING CONDITIONS PLAN SET, PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. WITH THE SAME DATE. ONLY THIS PLAN TO BE USED FOR SUBDIVISION RECORDING PURPOSES.
- SEE: BK. 4486, PG. 2595 EASEMENT TO CITY OF PORTSMOUTH FOR GROUNDWATER MONITORING.
- SEE: BK. 1374, PG. 142 35' WIDE EASEMENT TO ALLIED NH GAS COMPANY. SPECIFIC LOCATION NOT IDENTIFIED, BLANKET IN NATURE.
- SEE: BK. 835, PG. 493 FOR EASEMENT TO NH GAS & ELECTRIC COMPANY. BELIEVED TO BE AN OVERLAPPING EASEMENT THAT WAS DISCONTINUED IN BK. 2133, PG. 499.

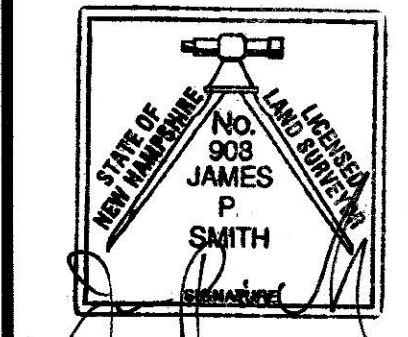
GRAPHIC SCALE



R:\PROJECTS\3250-02\SURVEY\DRAWINGS\CURRENT\S-3250-02-EG.DWG

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ALLEN & MAJOR ASSOCIATES, INC.



JAMES P. SMITH NH LLS #908

7-9-24
DATE

REV	DATE	DESCRIPTION

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STONEFISH, LLC
875 GREENLAND RD. UNIT C8
PORTSMOUTH, NH 03801

OWNER:
NORTH EAST CREDIT UNION
PO BOX 1240
PORTSMOUTH, NH 03802

PROJECT:
TM 259 LOT 15
100 BORTHWICK AVE.
PORTSMOUTH, NH

PROJECT NO. 3250-02 DATE: 7/08/24

SCALE: 1"=30' DWG. NAME: S-3250-02-EG

DRAFTED BY: CTP CHECKED BY: JPS

PREPARED BY:

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environmental consulting • landscape architecture
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DRAWING TITLE: **EXISTING CONDITIONS** SHEET No. **4**

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REVIEW – RESPONSE LETTER

DATE: September 23, 2024

PROJECT: Map 240 Lot 3 - 0 Borthwick Ave

This letter addresses review comments received on September 20,2024.

COMMENT #1

In order to consider this application as complete, we need a narrative that addresses the 5 variance Criteria found in section 10.233 of the Zoning Ordinance and your responses to how the application meets each criterion. You are currently citing the special exception criteria.

RESPONSE #1

The narrative addressing the 5 variance Criteria found in section 10.233 of the Zoning Ordinance and the responses to how the application meets each criterion has been updated. The special exception criteria reference has been removed from the narrative.

COMMENT #2

Additionally, we need a site plan that shows both parcels in their entirety. We need to be able to see the lots and features as they currently exist as well as the proposed layout.

RESPONSE #2

An aerial view of existing Map 240, Lot 3 and existing Map 259 Lot 15 plans have been added to the set as to show both parcels in their entirety. Original drawing of Map 240 Lot 3 has been added to show lots and features as they currently exist.

COMMENT #3

Additionally, please provide an owner authorization form for Liberty Mutual (owners of Map 240 Lot 3).

RESPONSE #3

The Owner authorization form for Liberty Mutual has been provided with this submittal.

COMMENT #4

The application addressing should reflect the lot of which the variance is being requested for. In this case, the lot that requires the variance is Map 240 Lot 3 with an address of 0 Borthwick Ave. Please update your materials accordingly and we will change the address in the online permit.

RESPONSE #4

The address on the application and narratives have been updated to Map 240 Lot 3 with the address of 0 Borthwick Ave. The materials have been updated to show correct address.

Sincerely,

Apex Design Build