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May 27, 2022

City of Portsmouth  
Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

**Via UPS Overnight Delivery**

**Applicant/** WSS Lafayette Properties, LLC  
**Owners:** Noerdlinger Real Estate, LLC  
GDC Lafayette Properties, LLC  
Sastry Holding, LLC  
Clark Point Real Estate, LLC, and  
LCE Holdings, LLC  
**Property:** 1900 Lafayette Road, Tax Map 267, Lot 8 (the "Property")  
**Zone:** Office Research ("OR")  
**Request:** Special Exception for Ambulatory Surgical Center

Dear Ladies and Gentlemen:

**PURPOSE**

The purpose of this letter is to provide an overview of the above-referenced request and an inventory of the materials submitted in support. The letter and supporting materials were uploaded along with the related on-line application on Friday, May 27, 2022. A hard copy will be delivered by UPS overnight delivery to arrive at your office on Wednesday, June 1, before the 4:30 P.M. deadline in order for the matter to be included on the Board of Adjustment's agenda for its meeting on June 22.

In addition to this letter and the online application, please find herewith the following:

1. Letter of Authorization
2. Site Development Plans signed by the City of Portsmouth Planning Board on November 5, 2015, and recorded in the Rockingham County Registry of Deeds ("RCRD") as Plan #D-39176, with the following pages:
  - a. C-2A, Site Plan Phase 1
  - b. C-2B, Site Plan Phase 2
  - c. C-3A, Layout & Materials Plan, Phase 1
  - d. C-3B, Layout & Materials Plan, Phase 2
  - e. C-8A, Landscape Plan – Phase 1
  - f. C-8B, Landscape Plan – Phase 2

3. Amended Site Plans signed by the City of Portsmouth Planning Board on March 3, 2020, and recorded in the RCRD as Plan #D-42046, with the following pages:
  - a. C-06-A
  - b. C-06-B
4. Documents locating and depicting the Property from City GIS maps:
  - a. Excerpt from GIS mapping system, highlighting Zoning for the property
  - b. Excerpt from GIS mapping system, highlighting the Property
5. We will promptly pay the filing and notification fees upon advice of same.

The application seeks a special exception to operate an ambulatory surgical center on the Property in the OR zone, in accordance with Section 6.40 from the Table of Uses in the City's zoning ordinance.

### **PROPERTY**

The Property is shown on the City of Portsmouth Tax Maps as Map 267, Lot 8, and contains approximately 3.98 acres, according to the tax card. The Property lies on the westerly side of Lafayette Road between Hoover Drive and McKinley Road in the Office Research (OR) Zone. As the GIS map shows, the parcel has two existing structures, one located near the front of the parcel and the other toward the rear. The front structure was constructed in 2015, and contains approximately 21,296 SF in two-stories. The rear building was completed last year and encompasses a little more than 11,000 SF in a single story.

### **HISTORY**

According to the site plans, in 2015 the Property was a vacant lot. At that time, the owners secured site plan approval for a two phase development. Phase 1 consisted of the 2 story, 21,000 SF front building, with an intended use as medical and professional offices. At the time of the 2015 site plan, Phase 2 was proposed to be a second 2 story office building with two floors each containing 10,000 SF.

In 2019, the site plan was amended to reduce the size of the second building to 11,175 SF on a single floor. The amended site plan labels the proposed use of the second building as "ambulatory surgical center" ("ASC"). Following approval of the amended site plan in March of 2020, the owners obtained a building permit, completed construction of the building, received a certificate of occupancy, and Atlantic Orthopedics has been performing same-day surgeries there regularly for months.

None of the participants in the 2019 process – the owner, the planning department staff, the planning board, code enforcement officers, no one – questioned the proposed use of the building as an ASC. Now, however, the owners of the Property have entered into a contract to sell, and the buyer has flagged the use issue after completing its due diligence. The basis of the buyer's concern is the fact that "ambulatory surgical center" is called out as a separate use in the Table of Uses. According to the Table, the ASC use is permitted in no zone by right, but it is permitted in four zones with a special exception, including the OR zone where this Property is located.

### RESERVATION OF RIGHTS

While this present application seeks a special exception to use the Property for an ASC, it also reserves the owners' right to contest the requirement and assert that no special exception is, in fact required. There are at least two theories which would support that position.

The first theory is that of municipal estoppel, stemming from the City's approval of the site plan, building permit, and occupancy permit. In 2019, the owners presented a plan which clearly labeled the proposed use of the building as an ambulatory surgical center. All of the municipal stakeholders who approved the plan, the building, and the occupancy did so with full knowledge of the intended use. The owners, in reasonable reliance on the municipal actions to approved the project, spent considerable sums on site work, construction, outfitting and operation of the building, and the City should now be estopped from taking any position adverse to the ASC use.

The second theory comes from the zoning ordinance itself. The ordinance permits medical offices and outpatient clinics in the OR zone by right. The ordinance permits inpatient clinics and ASCs in the OR zone with a special exception. The ordinance defines inpatient and outpatient clinics as follows:

**Clinic**

A facility providing care and treatment for sick or injured human patients, not including a ~~medical office, hospital or substance abuse treatment facility.~~

**Outpatient clinic**

A ~~clinic~~ providing care and treatment on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours, that does not include overnight care facilities.

**Inpatient clinic**

A ~~clinic~~ that may include overnight care facilities.

There is no definition in the ordinance for ambulatory surgical center. And there is a decent argument that the defined term "outpatient clinic" already embraces the same uses of an "ambulatory surgical center." It is hard to know how a definition of ambulatory surgical center would differ from that of an outpatient clinic.

Under the principles set forth in *Stephen Bartlett, et al. v. City of Manchester*, 164 N.H. 634 (2013), the board of adjustment could decide that no special exception is required for use of the Property as an ambulatory surgical center because the use is subsumed by the ordinance's defined term "outpatient clinic" which is a use permitted by right in the OR district.

### SPECIAL EXCEPTION

If the board is not so inclined, it should nevertheless have no difficulty finding that the use of the Property as an ambulatory surgical center easily satisfies the criteria for a special exception set forth in Section 10.230 of the zoning ordinance, as follows:

§10.232.10      Use of the property as an ASC is in harmony with the general purpose and intent of the ordinance, and meets the specified standards.

- §10.232.21 ASCs are permitted by special exception in the OR zone.
- §10.232.22 No hazard to the public or adjacent property exists on account of potential fire, explosion, or release of toxic materials.
- §10.232.23 There is no detriment to property values in the vicinity or any change in the essential character of the area.
- §10.232.24 No traffic safety hazard is created by operation of the ASC.
- §10.232.25 The ASC imposes no excessive demand on municipal services.
- §10.232.26 Use of the property as an ASC has caused no significant increase in storm water runoff.

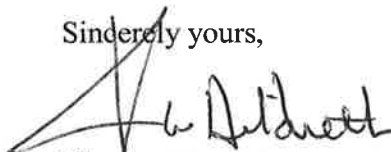
All of the foregoing statements are not merely prospective conjecture. The Property has been operating as an ambulatory surgical center for several months now and has proven by its operation to satisfy all of these standards.

#### CONCLUSION

Based on the foregoing, we respectfully request that the board either decide that ambulatory surgical center is a permitted use already embraced by the defined term "outpatient clinic"; or, alternatively, that the use of the Property as an ambulatory surgical center satisfies the relevant standards for a special exception and grant an affirmative special exception here.

If you have any questions about this submission or require additional information in advance of hearing, please be in touch. Otherwise, thank you for your attention to and assistance with the processing of this application. We will look forward to speaking with you further about it at your meeting in June.

Sincerely yours,

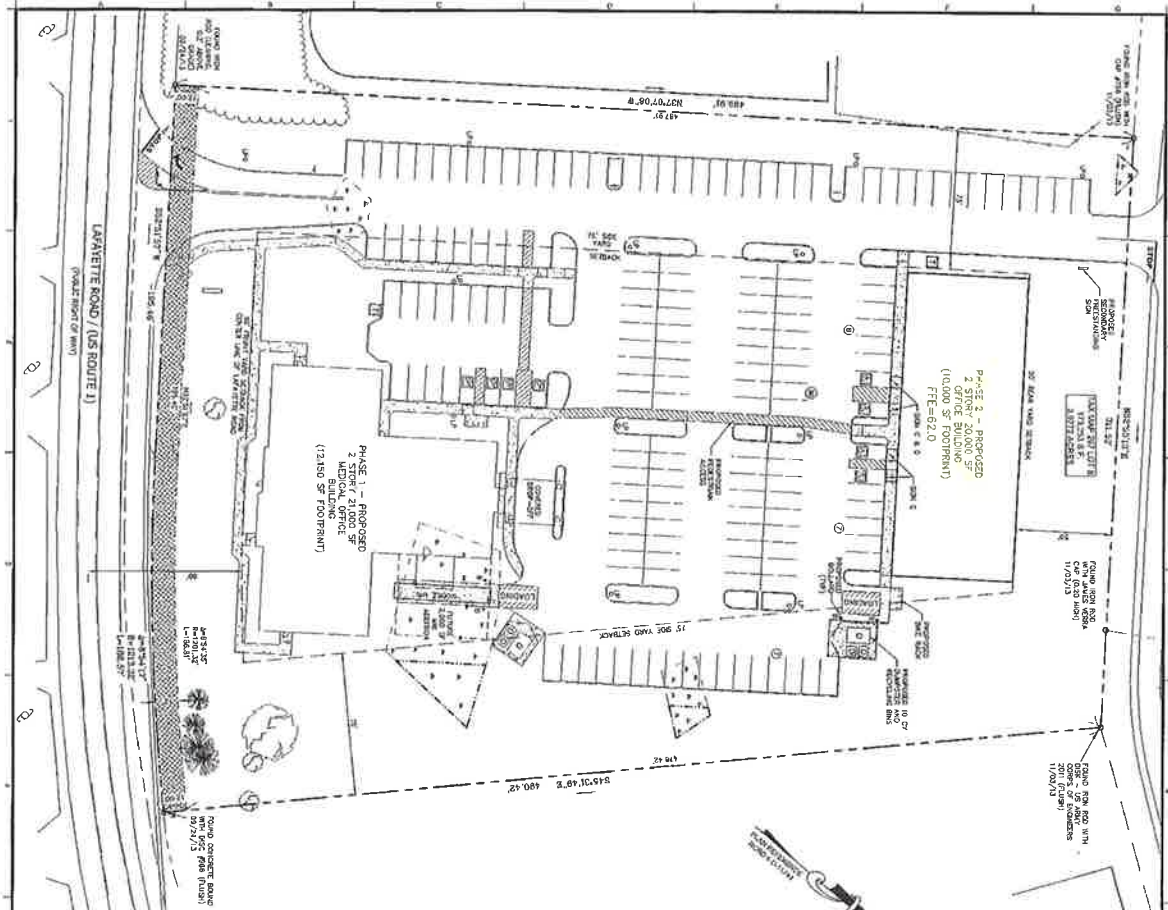


Thomas W. Hildreth

TWH:  
Enclosures  
ec: M. Lane







CITY OF PORTSMOUTH PLANNING BOARD  
 SHEET 2 of 6  
 DATE 11.5.15

**SITE DATA**

**GENERAL INFORMATION**

PROJECT NAME: 1900 LAFAYETTE ROAD SPE, LLC, SASTRY HOLDINGS, LLC AND GDC LAFAYETTE PROPERTIES, LLC  
 PROJECT ADDRESS: 1900 LAFAYETTE ROAD, NEW HAMPSHIRE 03801  
 PROJECT OWNER: SASTRY HOLDINGS, LLC  
 PROJECT ARCHITECT: MSC ENGINEERS, INC.

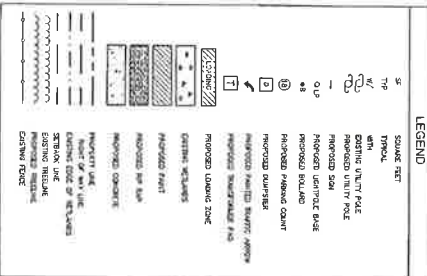
**ADDITIONAL INFORMATION**

1. THE SITE IS LOCATED IN THE COMMERCIAL DISTRICT OF THE CITY OF PORTSMOUTH.  
 2. THE SITE IS ZONED COMMERCIAL (C-2B).  
 3. THE SITE IS ADJACENT TO LAFAYETTE ROAD (US ROUTE 1) TO THE SOUTH.  
 4. THE SITE IS ADJACENT TO ANOTHER ROAD TO THE EAST.

**DIRECTIONAL SIGN LEGEND**

TYPE	SYMBOL	DESCRIPTION
STOP	[STOP SIGN]	STOP SIGN
YIELD	[YIELD SIGN]	YIELD SIGN
ONE WAY	[ONE WAY SIGN]	ONE WAY SIGN
STREET NAME	[STREET NAME SIGN]	STREET NAME SIGN
TRAVEL DIRECTION	[TRAVEL DIRECTION SIGN]	TRAVEL DIRECTION SIGN

- SITE NOTES**
- THESE PLANS ARE PREPARED FOR THE CITY OF PORTSMOUTH AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.
  - THE SITE IS ZONED COMMERCIAL (C-2B) AND THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - THE SITE IS ADJACENT TO LAFAYETTE ROAD (US ROUTE 1) TO THE SOUTH AND ANOTHER ROAD TO THE EAST.
  - THE PROPOSED DEVELOPMENT INCLUDES A BUILDING, PARKING LOT, AND OTHER INFRASTRUCTURE.
  - THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF PORTSMOUTH'S ZONING ORDINANCE.
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  - THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE CITY OF PORTSMOUTH'S ZONING ORDINANCE.



**MSC**  
 A Division of MWH Global, Inc.  
 Civil Engineers, Structural Engineers  
 Landscape Architects & Surveyors  
 PHONE: 603-431-2222  
 FAX: 603-431-0910  
 www.msc-engineers.com

















**SITE DEVELOPMENT PLANS**  
 TAX MAP 167-18  
 PROPERTY OF  
 1900 LAFAYETTE ROAD SPE, LLC, SASTRY HOLDINGS, LLC  
 AND GDC LAFAYETTE PROPERTIES, LLC  
 1900 LAFAYETTE ROAD  
 PORTSMOUTH, NEW HAMPSHIRE  
 COUNTY OF ROCKINGHAM

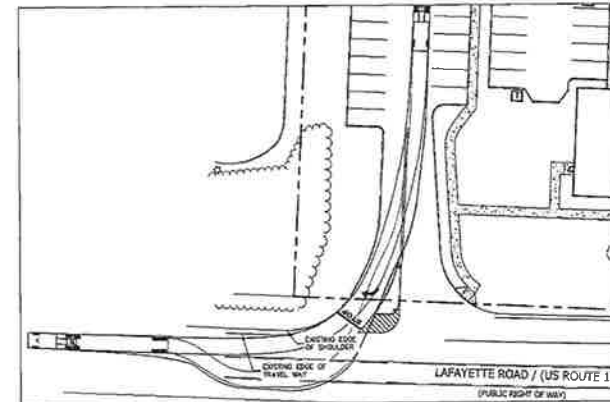
**CITY OF PORTSMOUTH**  
 PLANNING BOARD  
 SHEET 2 of 6  
 DATE 11.5.15



1. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY, STATE, AND FEDERAL CODES AND EXISTING FEATURES.
2. CONTRACTOR TO NOTIFY ENGINEER IN WRITING OF ANY DISCREPANCIES OF PROPOSED LAYOUT AND EXISTING FEATURES.
3. THE CONTRACTOR SHALL EMPLOY A LICENSED LAND SURVEYOR TO DETERMINE ALL LOTS AND GRADINGS.
4. ALL ON-SITE GRADING SHALL BE SLOPED DRAINAGE, EXCEPT FOR THE CURBWAY, WHICH SHALL BE SLOPED DRAINAGE CROWN.
5. CURBS AND GUTTERS SHALL BE WIDENED TO ACCORD CONFORM WITH ALL UTILITY MANHOLES AND PIPES AND OTHER CASTINGS. ALL CONCRETS SHALL BE REINFORCED WITH THE OTHER PIONEER SO THAT THEY WILL BE ABLE TO WITHSTAND ALL FUTURE ROADWAY LOADINGS.
6. WHERE NEW CURBS WOULD EXIST OUTSIDE CURB OR GRADING OF A DIFFERENT MATERIAL, A TRANSITION SHALL BE CONSTRUCTED SO THAT CONNECTION IS FLUSH IN ALGOWAY, WITH NO REPAIR.
7. ALL TRAFFIC PANE SHALL MEET THE REQUIREMENTS OF ASTM D403 WIDE TYPE "T".
8. ALL PAINTED CURBS SHALL BE 4" HIGH PARALLEL LINES AT 5-10' OC BORDERED BY 4" HIGH LINES.
9. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO THE LATEST EDITION OF "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (STANDARD APPROVED FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS) AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS.
10. RESIST TO ANTI-CORROSION PLANS FOR LAYOUT OF DRAINAGE DRAINAGES AND CONCRETE PIPES SHALL BE PAINTED WITH AN ANTI-CORROSION PAINT. ALL CURBS, SLOPE CURBS AND PARALLEL LINES AND SIGNS SHALL BE PAINTED WITH REFLECTIVE PAINT.
11. OVERSIZES AND NOY USE INFORMATION FOR SHOWN ON THIS PLAN SHALL SUPERSEDE ALL OTHER LAYOUT AND DESIGN INFORMATION SHOWN ON THIS PLAN OR IN ANY PART OF THIS PLAN.
12. ALL DRAINAGE AND MATERIALS WITHIN THE STATE HIGHWAY 1700 ALONG ROUTE 1 SHALL BE CONSTRUCTED TO MEET WIDE OVERSIZES, AND SHALL BE CONFORM WITH PLAN FOR THE STATE HIGHWAY 1700.

### LEGEND

	PROPOSED DOUBLE SOLID YELLOW LINE
	PROPOSED SINGLE SOLID YELLOW LINE
	RADIUS
	TYPICAL
	VERTICAL GRANITE CURB
	SLOPED GRANITE CURB
	PROPOSED ACCESSIBLE PARKING
	PROPOSED PARKED ARROW
	PROPOSED OBSTRUCTION/ACCESSIBLE WALK
	PROPOSED LIGHT POLE BASE
	PROPOSED DUMPSTER
	PROPERTY LINE
	RIGHT OF WAY LINE
	SEAL/DAKS
	PROPOSED CURB
	PROPOSED CONCRETE



"RIGHT-OUT"  
 TRUCK TURNING TEMPLATE  
 SCALE: 1"=30'

CITY OF PORTSMOUTH PLANNING BOARD

*[Signature]*  
CHARTERS

11.5.15  
DATE



6 IN FRONT

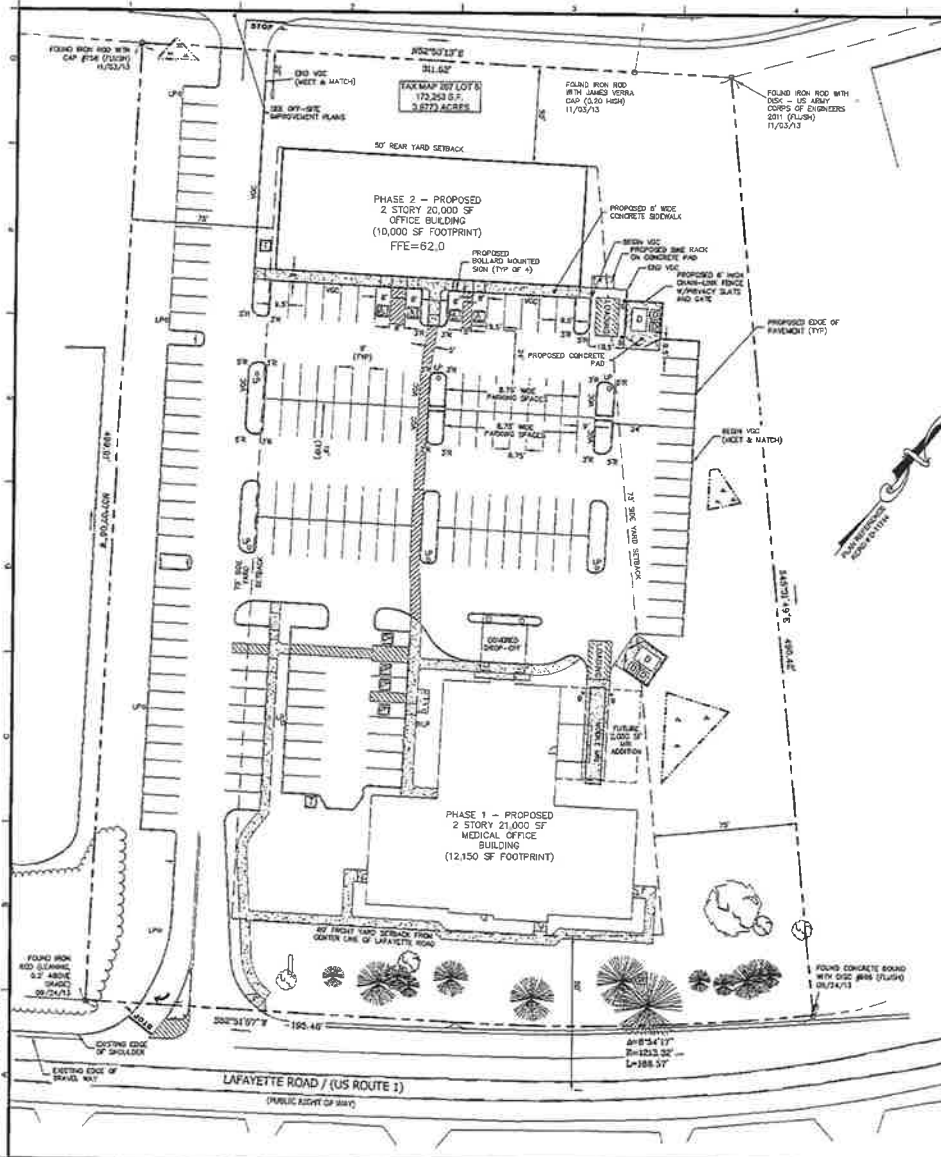
## SITE DEVELOPMENT PLANS

1900 LAFAYETTE ROAD SPE, LLC, SASTRY HOLDINGS, LLC  
AND GDC LAFAYETTE PROPERTIES, LLC  
1900 LAFAYETTE ROAD  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM



PROJECT NO. 1288
DATE: 2/20/2014
SCALE: 1"=10'-0" (PLAN) 1"=10'-0" (ELEV)
<b>LAYOUT &amp; MATERIALS PLAN PHASE 1</b>
<b>C-3A</b>

2015.001 - 9 PH 2-31



# LAYOUT & MATERIAL NOTES

1. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY, STATE, AND FEDERAL CODES.
2. CONTRACTOR TO NOTIFY ENGINEER IN WRITING OF ANY DISCREPANCIES OF PROPOSED LAYOUT AND EXISTING FEATURES.
3. THE CONTRACTOR SHALL EMPLOY A LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
4. ALL ON-SITE CURBING SHALL BE VERTICAL GRANITE CURBING, EXCEPT FOR THE DRIVEWAY MEDIAN WHICH SHALL BE SLOPED GRANITE CURB.
5. CURBING ALIGNMENT SHALL BE ADJUSTED TO AVOID CONFLICTS WITH ALL UTILITY MARKINGS ON POLES AND OTHER CANTILEVER. ALL CONFLICTS SHALL BE RESOLVED WITH THE OWNER PRIOR TO PLACEMENT OF CURB FOR ANYTHING OF MAJOR ALIGNMENT.
6. WHERE NEW CURB MEETS EXISTING CURB OR CURBING OF A DIFFERENT MATERIAL, A TRANSITION SHALL BE CONSTRUCTED SO THAT CONNECTION IS FLUSH IN ALIGNMENT, WIDTH AND REVEAL.
7. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "I".
8. ALL PAINTED ISLANDS SHALL BE 4" WIDE DIAGONAL LINES AT 5'-0" O.C. BORDERED BY 4" WIDE LINES.
9. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO THE LATEST EDITION OF "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES," "STANDARD ALPHABETICS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS," AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS.
10. REFER TO ARCHITECTURAL PLANS FOR LAYOUT OF BUILDING FOUNDATIONS AND CONCRETE ELEMENTS WHICH ARE THE BUILDING SUCH AS STAIRS, ELEVATORS, LOADING DOCK, STAIRS AND PADS TO NOT USE SITE PLANS FOR LAYOUT OF FOUNDATIONS.
11. DIMENSIONS AND LAYOUT INFORMATION SHOWN ON THIS PLAN SHALL SUPERSEDE ALL OTHER LAYOUT INFORMATION (INCLUDING AUTOCAD FILE) IN THE EVENT OF A CONFLICT.

## LEGEND

POST	PROPOSED DOUBLE YELLOW YELLOW LINE
POST	PROPOSED DOUBLE SOLID YELLOW LINE
8	TYPICAL
VOC	VERTICAL GRANITE CURB
SDC	SLOPED GRANITE CURB
5	PROPOSED ACCESSIBLE PARKING
+	PROPOSED PAINTED ARROW
	PROPOSED CROSSWALK/ACCESSIBLE WALK
---	PROPOSED LIGHT POLE BASE
D	PROPOSED DUMPSTER
---	PROPERTY LINE
---	SCOT OF WAY LINE
---	SEWERAGE
---	PROPOSED CURB
---	PROPOSED CONCRETE

## SITE DEVELOPMENT PLANS

TAX MAP 301.08  
PROPERTY OF  
1800 LAFAYETTE ROAD SPE, LLC, SASTRY HOLDINGS, LLC  
AND GDC LAFAYETTE PROPERTIES, LLC  
1800 LAFAYETTE ROAD  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

**MSC**  
A division of TETRA TECH, INC.  
Civil, Mechanical, Electrical, and Environmental Engineers  
130 COMMERCE WAY  
PORTSMOUTH, NEW HAMPSHIRE 02871  
PHONE 603.331.3222  
WWW.MSC-ENGINEERS.COM

PROJECT NO. 1380  
DATE: 11/03/13  
SCALE: 1"=40' (SEE SHEET)  
LAYOUT & MATERIALS PLAN  
PHASE 2  
C-3B

CITY OF PORTSMOUTH PLANNING BOARD

*Spin*  
HARRISON

11.5.15  
DATE



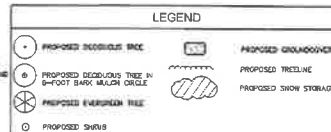


2015 NOV - 9 PM 2:32

# PLANT SCHEDULE:

CODE	COMMON NAME	SIZE	REMARKS
AR	ACER RUBRUM 'OCTOBER GLORY'	2 1/2" - 3" CALIPER	8 & 8
BR	BETULA NIGRA 'MORTAGE'	12" - 14" HT	8 & 8 (CLUMP)
BP	BETULA PAPPYRIFERA	12" - 14" HT	8 & 8 (CLUMP)
CK	CORNUS KOUSA	2 - 2 1/2" CALIPER	8 & 8 (SINGLE STD)
VA	MAIUS 'ADONISDA'	2 1/2" - 3" CALIPER	8 & 8
PC	PIRUS CALIFORNICA 'CHANCELLER'	2 1/2" - 3" CALIPER	8 & 8
PC	PIRUS BLANCA	8 - 10" HT	8 & 8
PS	PRUNUS STROBUS	8 - 10" HT	8 & 8 (CH-102)
OP	QUERCUS PALMISTIS	2 1/2" - 3" CALIPER	8 & 8
ZI	ZELKOYA SEROTINA 'GREEN VASE'	2 1/2" - 3" CALIPER	8 & 8
CODE	COMMON NAME	SIZE	REMARKS
CA	CLETHRA ALNIFOLIA 'VIBRY SPICE'	2 - 2 1/2" HT	CONTAINER
CS	COPIA SERRATA	3 - 3 1/2" HT	CONTAINER
HP	HYDRANGEA PANICULATA 'LITTLE LAMB'	3 1/2" - 4" HT	CONTAINER
LE	LEUCODENDRON 'SHAMROCK'	3 - 3 1/2" HT	CONTAINER
RE	RED SPICE & SWEET WOODROSE	2 - 2 1/2" HT	CONTAINER
DE	DECATUR BLUEBERRY	2 - 2 1/2" HT	CONTAINER
EL	ELAEAGNUS 'WINDMILL'	2 - 2 1/2" HT	CONTAINER
CODE	COMMON NAME	SIZE	REMARKS
RL	REMOVALS 'HAPPY RETURN'	2	CONTAINER
EM	EMULSION 'HAPPY RETURN'	2	CONTAINER
EP	EPHEDRA 'HAPPY RETURN'	2	CONTAINER
HO	HOSTA 'HAPPY RETURN'	2	CONTAINER
LE	LEUCODENDRON 'HAPPY RETURN'	2	CONTAINER
PR	PRUNUS 'HAPPY RETURN'	2	CONTAINER
ST	STYRACIA 'HAPPY RETURN'	2	CONTAINER

## LEGEND



## CITY OF PORTSMOUTH PLANNING BOARD

*Chairperson*  
CHAIRPERSON

11.5.15  
DATE

## LANDSCAPE NOTES

- THE CONTRACTOR SHALL FURNISH AND PLANT ALL PLANTS IN QUANTITIES AS SHOWN ON THIS PLAN. NO SUBSTITUTIONS WILL BE PERMITTED UNLESS APPROVED BY OWNER. ALL PLANTS SHALL BE NURSERY GROWN.
- PLANTS SHALL BE IN ACCORDANCE WITH THE CURRENT "AMERICAN ASSOCIATION FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF HORTICULTURE.
- PLANT STOCK SHALL BE GROWN WITHIN THE HARDINESS ZONES 4 THRU 7 ESTABLISHED BY THE PLANT HARDINESS ZONE MAP, MISCELLANEOUS PUBLICATION NO. 814, AGRICULTURAL RESEARCH SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, LANSING, MICHIGAN.
- ALL PLANTS MUST BE UNIFORM WITH THE HIGHEST SYSTEMS AS SHOWN WITHIN THE BUDGET. NO PLANT SHALL BE ACCEPTED WHEN THE BALL OF EARTH SURROUNDING ITS ROOTS HAS BEEN BARELY CRACKED BY BROKEN ROOTS PLANTING. ALL PLANTS SHALL BE PROPERLY DOG. ALL PLANTS THAT CANNOT BE PLANTED AT ONCE MUST BE NEEDED-IN BY SETTING IN THE GROUND AND COVERING THE BALLS WITH SOIL AND FERTILIZER DURING TRANSPORT. ALL PLANT MATERIALS SHALL BE PROTECTED WITH NEED PROOF COVERING.
- PLANT MATERIALS SHALL BEAT THE SAME RELATIONSHIP TO FINISHED GRADE AS TO THE ORIGINAL PLANTING GRADE PRIOR TO DOING.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE THE APPROPRIATE ARRANGEMENTS TO PROVIDE ALL PLANTS AND MATERIALS TO ACCOMMODATE PLANTINGS WITHIN THE TIME ALLOWED BY THE CONSTRUCTION SCHEDULE.
- NO SUBSTITUTION OF PLANT MATERIALS WILL BE ALLOWED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE OWNER.
- THE CONTRACTOR SHALL LOCATE, VERIFY AND MARK ALL EXISTING AND NEWLY METALLED UNDERGROUND UTILITIES PRIOR TO ANY LAWN WORK OR PLANTING. ANY CONFLICTS WHICH MIGHT OCCUR BETWEEN PLANTING AND UTILITIES SHALL IMMEDIATELY BE REPORTED TO THE OWNER SO THAT ALTERNATE PLANTING LOCATIONS CAN BE DETERMINED.
- ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED, SHALL RECEIVE SIX (6) INCH LOAN AND SEED AT THE DIRECTION OF THE ENGINEER.
- SEE PLANTING DETAILS FOR NEED BARRIER INFORMATION AND ADDITIONAL REQUIREMENTS.
- THREE STAKES AND MEASUREMENT SHALL REMAIN IN PLACE FOR NO LESS THAN 6 MONTHS AND NO MORE THAN 1 YEAR.
- PLANTING SHALL BE COMPLETED FROM APRIL 15TH THROUGH OCTOBER 15TH, NO PLANTING DURING JULY AND AUGUST UNLESS SPECIAL PROVISIONS ARE MADE FOR DROUGHT.
- PARKING AREA PLANTED GRASSES TO HAVE MINIMUM OF 1"-2" TOPSOIL, PLACED TO THE TOP OF CURB ELEVATION. REMOVE ALL CONSTRUCTION DEBRIS BEFORE PLACING TOPSOIL.
- TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE LATEST EDITION OF ANSI A300 "TREES, SHRUBS AND OTHER WOOD PLANT MAINTENANCE STANDARD PRACTICES".
- ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL BE WATERED REGULARLY, OR MORE OFTEN, IF NECESSARY DURING THE FIRST GROWING SEASON, NOT LESS THAN ONE YEAR.
- EXISTING TREES SHOWN ON THE PLAN ARE TO REMAIN UNDISTURBED. ALL EXISTING TREES SHOWN TO REMAIN ARE TO BE PROTECTED WITH A 4'-FOOT SNOW FENCE PLACED AT THE DRIP LINE OF THE BRANCHES OR AT 8 FEET MINIMUM FROM THE TREE TRUNK.
- ALL BARE LIXES AND ORNAMENTAL GRASSES SHALL BE DEADENED AND CUT BACK EVERY FALL ON A YEARLY BASIS.
- THE CONTRACTOR SHALL MAINTAIN AND GUARANTEE ALL PLANTINGS TO BE IN GOOD HEALTHY, FLOURISHING AND ACCEPTABLE CONDITION FOR A PERIOD OF (1) YEAR BEGINNING AT THE DATE OF ACCEPTANCE OF SUBSTANTIAL COMPLETION. ALL GRASSES, TREES AND SHRUBS THAT, IN THE OPINION OF THE LANDSCAPE ARCHITECT, SHOW LESS THAN 80% HEALTHY GROWTH AT THE END OF (1) YEAR PERIOD SHALL BE REPLACED BY THE CONTRACTOR.
- AREA TO BE HYDROLOGICALLY WITH MIX OF SEED AND SOLOVAND BOWDED FIBER MATRIX OR EQUALLY, SEED TO BE APPLIED AT A RATE OF 300 LBS/ACRE AND IN A MANNER CONSISTENT WITH SOLOVAND BOWDED FIBER MATRIX MANUFACTURER'S SPECIFICATION. SEED MIX SHALL BE (2) 1/2" MIXED SEED (40% KENTUCKY BLUEGRASS (40% AND PERENNIAL RYEGRASS (40%)).
- ALL PLANTINGS TO BE IN LAWN MUST BEAT OTHERWISE SPECIFIED AS "TREES".
- ALL LAWN WITHIN THIS IS TO BE LAID OVER APPROVED LANDSCAPE NEED FACING TO PLANT NEED GROWTH.
- PROPOSED TREES INCHONGRASS, HOBBS, OR PLANTING SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
- THE AREA OF THE PLANTING BUILDING TO BE CONSTRUCTED AS PART OF PHASE 2 IS TO BE IN LAWN AND SEEDS AND PLANTED AS SHOWN.
- LANDSCAPE SHALL BE LOCATED WITHIN 100 FT OF EXISTING ROSE ATTACHMENT OR SHALL BE PROVIDED WITH AN IRRIGATION SYSTEM.
- UPON EXPIRATION OF THE CONTRACTOR'S ONE YEAR GUARANTEE PERIOD, THE OWNER SHALL BE RESPONSIBLE FOR LANDSCAPE MAINTENANCE INCLUDING WATERING DURING PERIODS OF DROUGHT.
- ALL LANDSCAPING WITHIN THE DRIVEWAY ISLAND SHALL HAVE A MATURE GROWTH HEIGHT OF LESS THAN 3 FEET AS NOT TO OBSTRUCT SIGHT LINES.

## RECORDING NOTES

- THIS LANDSCAPE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- THE PROPERTY OWNER AND ALL PLANNING PERSONS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.
- PERCEDES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.
- ALL PLANTING MATERIALS SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS. ALL REQUIRED PERCEDES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.
- ALL PLANTING MATERIALS SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION, REPLACED WHEN NECESSARY, AND KEPT FREE OF REFUSE AND DEBRIS. ALL REQUIRED PERCEDES AND WALLS SHALL BE MAINTAINED IN GOOD REPAIR.



## SITE DEVELOPMENT PLANS

TAX MAP 2017 LOT 9  
1800 LAFAYETTE ROAD SUE LLC, SASTRY HOLDINGS, LLC  
AND GDC LAFAYETTE PROPERTIES, LLC  
1800 LAFAYETTE ROAD  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

## MSC

City Engineer, Structural Engineers  
Landscape Architects & Surveyors  
1710 COMMERCIAL WAY  
SUITE 102  
PORTSMOUTH, NH 03801

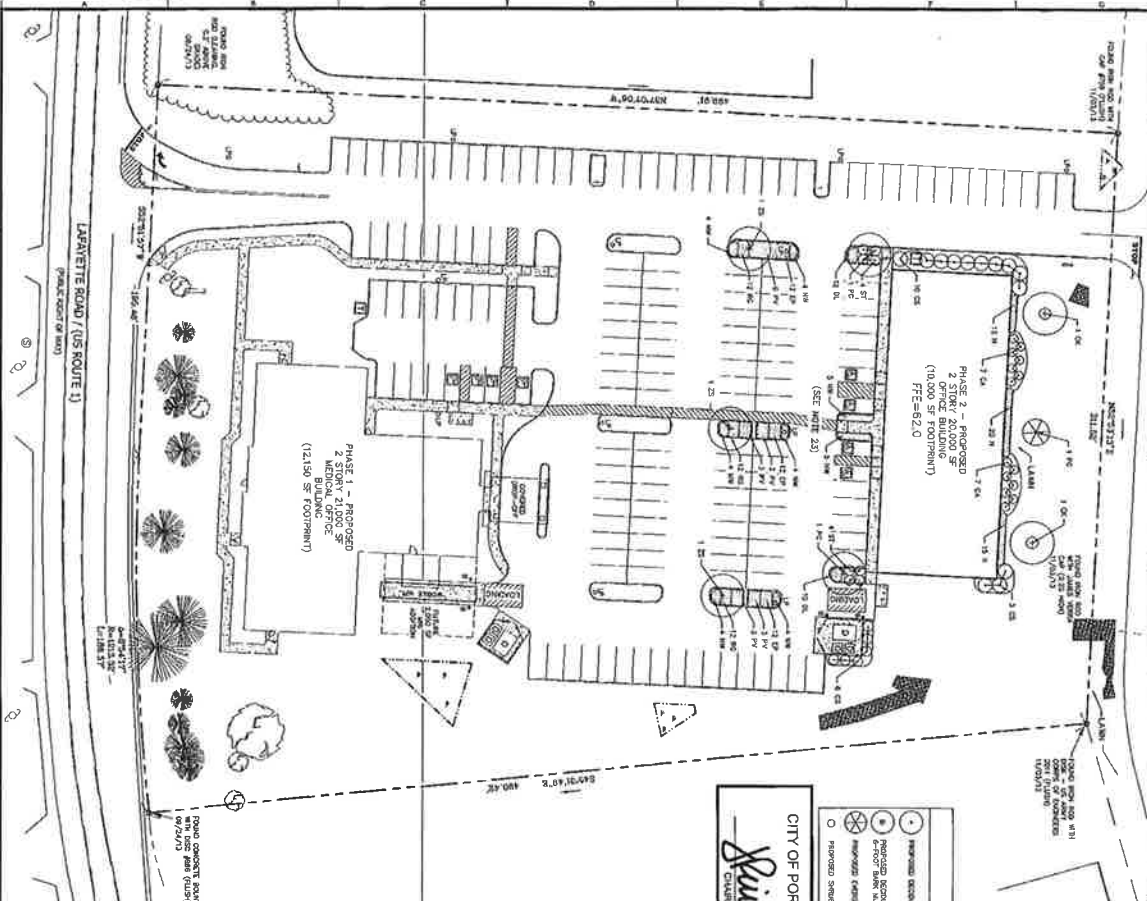
## MSC

1710 COMMERCIAL WAY  
SUITE 102  
PORTSMOUTH, NH 03801

## LANDSCAPE PLAN - PHASE 1

C-8A

D-39176 Sheet 5 of 6



## CITY OF PORTSMOUTH PLANNING BOARD

**Chair**

DA:

**LEGEND**

- PROPOSED DECOROUS TREE IN  
6-FOOT DIAMETER CIRCLE

## LANDSCAPE NOTES

- [illegible]

## RECORDING NOTES

- ## RECORDING NOTES

## PLANT SCHEDULE

[illegible]

( IN TEST



**MSC**  
A division of TFMoran, Inc.  
Civil Engineers, Structural Engineers  
Traffic Engineers, Land Surveyors

PHONE: 603-431-7222 170 COMMERCE  
FAX: 603-431-0910 SUITE  
WWW.MIDCOMPUTERS.COM PORTSMOUTH, NH 02870

### SITE DEVELOPMENT PLANS

TAX MAP 267 LOT 8  
PROPERTY OF  
1900 LAFAYETTE ROAD SPE, LLC, SASTRY HOLDINGS, LLC  
AND GDC LAFAYETTE PROPERTIES, LLC  
1900 LAFAYETTE ROAD  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM



المجلد ١٠٠

2	09/05/2015	Aspirateur R1
6	09/10/2016	100 Inducteur Eau chaude
6	08/05/2018	Remplacement de l'égouttoir aérateur
4	04/06/2018	Remplacement de l'égouttoir aérateur
2	12/10/2018	Remplacement de l'égouttoir aérateur
2	02/10/2018	Remplacement de l'égouttoir aérateur
1	04/09/2014	Remplacement de l'égouttoir aérateur
Plan	Date	Description

REGISTERED PROFESSIONAL ENGINEER  
 REGISTERED AT STATE OF NEW HAMPSHIRE  
 PLAN NO. 42046  
 DATE: 04/15/2019  
 SCALE: 1"=40'

**LEGEND**

- B BOLLARD
- CHD'S BEARING
- CHD'S LENGTH
- L LENS
- R RADIUS
- TYP TYP
- VCC VERTICAL CURVE
- CTRAL ANGLE
- LIGHT POLE
- SIGN POST
- CLUMPER
- TRANSFORMER
- STORAGE PAD
- HANDBAR
- CONTINUOUS TREE
- DECIDUOUS TREE
- CHAINLINK FENCE
- SPOON FENCE
- PROPERTY LINE
- RESIDUALS



**SITE DATA**

**ZONING**  
 EXISTING USE: MEDICAL USE  
 PROPOSED USE: MEDICAL USE

**DEVELOPMENT REQUIREMENTS**

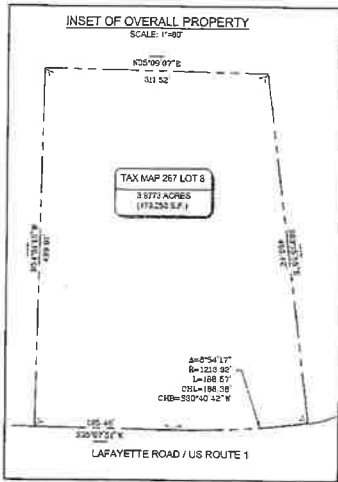
MINIMUM LOT DIMENSIONS	DEVELOPER	PROJECT
LOT AREA	3 ACRES	4 ACRES
STREET FRONTAGE	300 FT	300 FT
DEPTH	300 FT	455 FT
MINIMUM YARD DIMENSIONS		
FRONT	50 FT (1)	300 FT
SIDE	12 FT	925 FT
REAR	30 FT	300 FT
MINIMUM STRUCTURE DIMENSIONS		
STRUCTURE HEIGHT	10 FT	40 FT
ROOF APPEARANCE HEIGHT	30 FT	147 FT
BUILDING COVERAGE	30 %	43 %
MINIMUM OPEN SPACE		
REQUIREMENTS		
PARKING SPACES (SEE CALCULATION)	150 SPACES	120 SPACES
ACCESSIBLE SPACES (REQ'D BY ADA)	5 SPACES	4 SPACES
PARKING SPACE SIZE	8.5 FT x 19 FT	9 FT x 19 FT
ASLE #/SQ	24 FT	21 FT

**PARKING SPACE ALLOCATIONS**

REQUIRED PARKING RATIO: MEDICAL OFFICE - 1 SPACE PER 250 SF OFA

TOTAL REQUIRED = 31,250 SF = 1 SPACE/250 SF = 64 SPACES  
 EXISTING 2 STORY MEDICAL OFFICE 11,175 SF = 1 SPACE/250 SF = 45 SPACES  
 PROPOSED 1 STORY MEDICAL CENTER 11,175 SF = 1 SPACE/250 SF = 45 SPACES

(1) MINIMUM FRONT YARD SETBACK IS 30' FROM CENTER LINE OF LAFAYETTE ROAD (CROSSING - SECTION 16.523)



**AMENDED SITE PLANS**

**TAX MAP 267 LOT 8**  
**SITE PLAN**  
**ATLANTIC ORTHOPAEDICS**  
**1900 LAFAYETTE ROAD**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**COUNTY OF ROCKINGHAM**  
 OWNED BY WSS LAFAYETTE PROPERTIES, LLC,  
 NOERDINGER REAL ESTATE, LLC, OGC LAFAYETTE PROPERTIES, LLC,  
 SASTRY HOLDINGS, LLC & CLARK POINT REAL ESTATE, LLC  
 PREPARED FOR ND ARCHITECTS

SCALE: 1" = 30' (12"x34")  
 1" = 40' (14"x17")

APRIL 15, 2019

**TFM**

4540718

**MSC**

4540718

Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Soil Scientists

170 Galloway Way, Suite 102  
 Portsmouth, NH 03801  
 Phone (603) 431-2222  
 Fax (603) 431-0010  
 www.TFMinc.com

APPROVED BY THE PORTSMOUTH PLANNING BOARD  
 CHAIRMAN: [Signature]  
 SECRETARY: [Signature]



1. 10/24/19 CLOSER SITE C-05-B FOR RECORDS	45	45
2. 1/24/20 REVISED FOR ADMINISTRATION APPROVAL	45	45
3. 1/24/20 REVISED FOR ADMINISTRATION APPROVAL	45	45
4. 1/24/20 REVISED FOR ADMINISTRATION APPROVAL	45	45

D-42046 Sh. 1 of 2



OR	BOLLARD
CH	CHORD BEARING
CH L	CHORD LENGTH
R	LENGTH
TYP	RADIUS
VOC	TYP.
A	VERTICAL GRANITE CURB
2	CENTRAL ANGLE
D	WEST POLE
T	SIGN POST
S	DUMPSITE
5	TRANSFORMER
6	STORAGE PAD
7	HANDICAP
8	CONFERGUS TREE
9	DECIDUOUS TREE
10	CHAINLINK FENCE
11	TREE LINE
12	PROXIMITY LINE
13	WETLAND
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FOR RECORDING PURPOSES ONLY

## AMENDED SITE PLANS

**TAX MAP 267 LOT 8  
SITE PLAN  
ATLANTIC ORTHOPAEDICS  
1900 LAFAYETTE ROAD  
PORTSMOUTH, NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM  
OWNED BY WBS LAFAYETTE PROPERTIES, LLC,  
NOERDLINGER REAL ESTATE, LLC, ODC LAFAYETTE PROPERTIES, LLC,  
SASTRY HOLDINGS, LLC & CLARK POINT REAL ESTATE, LLC  
PREPARED FOR MD ARCHITECTS**

SCALE: T = 20° (22°N34)  
T = 40° (11°N12°)

APRIL 15, 2019



Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Soil Scientists

170 Commerce Way, Suite 102  
 Portsmouth, NH 03801  
 Phone (603) 831-2222  
 Fax (603) 831-2910  
 www.Tierson.com

APPROVED BY THE PORTSMOUTH PLANNING BOARD  
ON 3/31/2010 Date of Day AND  
CHAIRMAN SECRETARY

Graphic scale bar showing 0 to 20 feet.

2	13/04/19	ORDERED THE SHIRT FOR MORGAN	42	✓
3	13/04/19	ORDERED FOR ADMINISTRATION APPROVAL	42X	✓



## 1900 Lafayette Road

**Property Information**

**Property ID** 0267-0008-0000  
**Location** 1900 LAFAYETTE RD  
**Owner** WSS LAFAYETTE PROPERTIES LLC  
(16.67% INT)

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

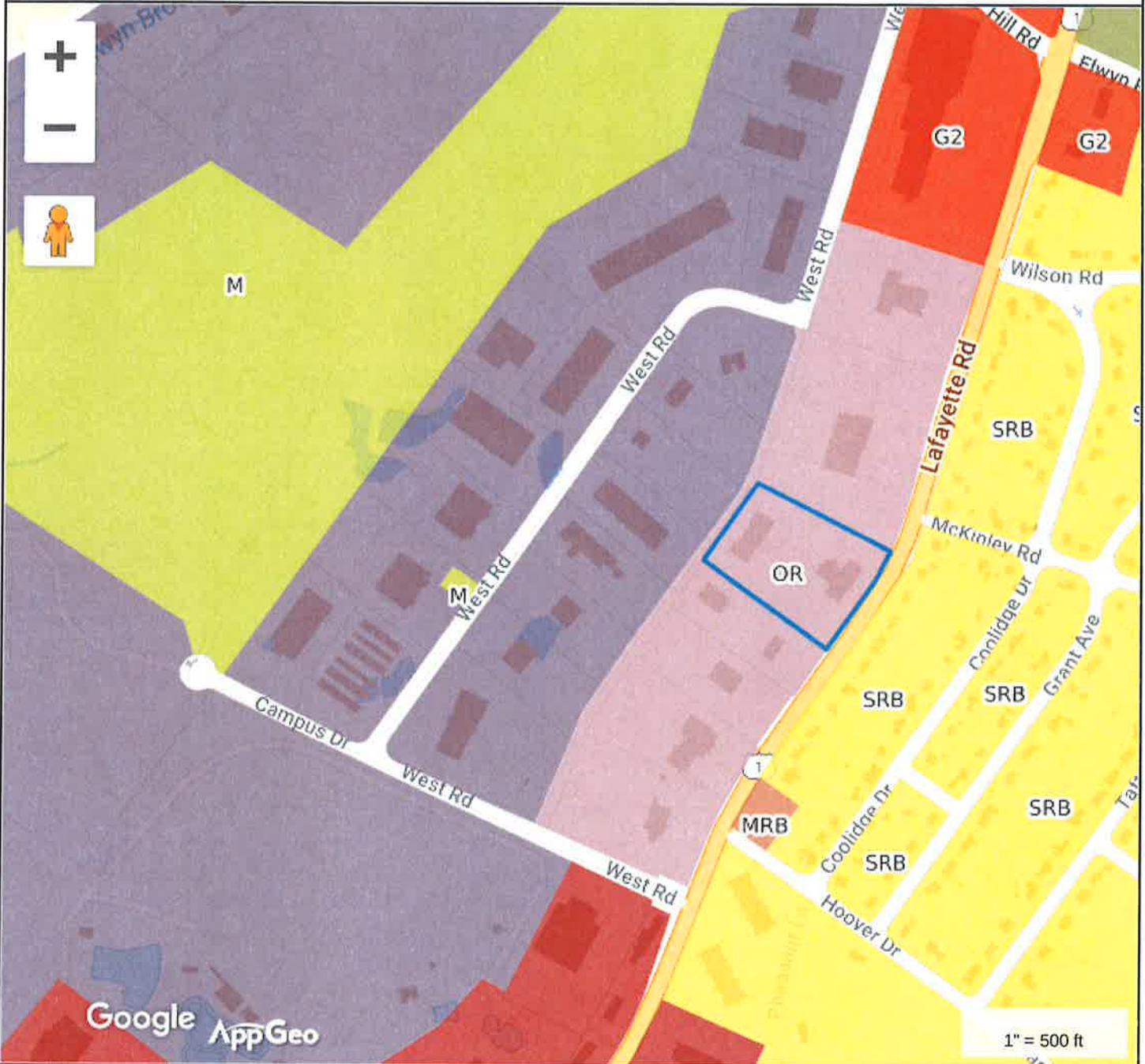
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022  
Data updated 3/9/2022

Print map scale is approximate.  
Critical layout or measurement  
activities should not be done using  
this resource.



## Zoning map



## Property Information

Property ID 0267-0008-0000  
Location 1900 LAFAYETTE RD  
Owner WSS LAFAYETTE PROPERTIES LLC  
(16.67% INT)



MAP FOR REFERENCE ONLY  
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Geometry updated 3/9/2022  
Data updated 3/9/2022

Print map scale is approximate.  
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this resource.

## Map Theme Legends

### Zoning



#### Residential Districts

	R	Rural
	SRA	Single Residence A
	SRB	Single Residence B
	GRA	General Residence A
	GRB	General Residence B
	GRC	General Residence C
	GA/MH	Garden Apartment/Mobile Home Park

#### Mixed Residential Districts

	MRO	Mixed Residential Office
	MRB	Mixed Residential Business
	G1	Gateway Corridor
	G2	Gateway Center

#### Business Districts

	GB	General Business
	B	Business
	WB	Waterfront Business

#### Industrial Districts

	OR	Office Research
	I	Industrial
	WI	Waterfront Industrial






#### Airport Districts

	AIR	Airport
	AI	Airport Industrial
	PI	Pease Industrial
	ABC	Airport Business Commercial

#### Conservation Districts

	M	Municipal
	NRP	Natural Resource Protection

#### Character Districts

	CD5	Character District 5
	CD4	Character District 4
	CD4W	Character District 4-B
	CD4-L1	Character District 4-L1
	CD4-L2	Character District 4-L2

#### Civic District

		Civic District
---	--	----------------

#### Municipal District

		Municipal District
---	--	--------------------

#### Overlay Districts

	OLOD	Osprey Landing Overlay District
		Downtown Overlay District
		Historic District

City of Portsmouth