

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 29, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Re: 635 Sagamore Development, LLC, Owner/Applicant
Project Location: 635 Sagamore Avenue
Tax Map 222, Lot 19
General Residence A (GRA Zone)

Dear Mr. Stith and Zoning Board Members:

On behalf of 635 Sagamore Development, LLC, applicant, enclosed please find the following documents in support of a request for zoning relief:

- Portsmouth Land Use Application uploaded to Viewpoint today.
- Owner Authorization.
- 3/29/22 Memorandum and exhibits in support of zoning relief.

Very truly yours,



R. Timothy Phoenix
Kevin Baum

KMB:pcb
Enclosures

cc 635 Sagamore Development, LLC
Jones & Beach Engineers, Inc.
Artform Architecture, Inc.

| | | | |
|---------------------|----------------------------|----------------------|---------------------|
| DANIEL C. HOEFLE | R. PETER TAYLOR | MONICA F. KIESER | AMANDA M. FREDERICK |
| R. TIMOTHY PHOENIX | KIMBERLY J.H. MEMMESHEIMER | SAMUEL HARKINSON | OF COUNSEL: |
| LAWRENCE B. GORMLEY | KEVIN M. BAUM | JACOB J.B. MARVELLEY | SAMUEL R. REID |
| STEPHEN H. ROBERTS | GREGORY D. ROBBINS | DUNCAN A. EDGAR | JOHN AHLGREN |

MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)
From: Kevin Baum, Esq.
R. Timothy Phoenix Esq.
Date: March 29, 2022
Re: 635 Sagamore Development, LLC, Owner/Applicant
Project location: 635 Sagamore Avenue
Tax Map 222, Lot 19
General Residence A (GRA) Zone

Dear Chairman Parrott and Zoning Board Members:

On behalf of 635 Sagamore Development, LLC (“Sagamore” or “Applicant”) we are pleased to submit this memorandum and the attached exhibits in support of zoning relief to be considered by the ZBA at its April 19, 2022 meeting.

I. Exhibits

1. Plan Set – by Jones and Beach Engineers
 - a. C1 – Existing Conditions Plan
 - b. C2 – ZBA Site Plan
 - c. C3 – Topographic Site Plan
2. Architectural Elevations and Floor Plans-by ArtForm Architecture, Inc.
 - a. Sea Watch (Buildings 1-2)
 - b. Sweet Peekaboo (Buildings 3-5)
3. Site photographs
4. Tax Assessors Card
5. City GIS Map – identifying nearby zoning districts and surrounding area

II. Property/Project

The subject property is located at 635 Sagamore Avenue (the “Property”) in the GRA Zoning District. It is currently developed as the Luster King auto detailing shop, with an existing two story building towards the front of the lot and a service garage to the rear. **Exhibit 1.a.** The frontmost building also contains a residential apartment on the second floor, currently utilized by the former owner and operator of the Luster King business. The existing commercial buildings are non-conforming as to use, and with respect to primary commercial building, also non-conforming as to the front setback. Id. The buildings are generally in disrepair and incongruous with the surrounding residential area. **Exhibit 3.**

The Applicant proposes to remove the existing commercial building and garage and redevelop the Property with five new single-family homes with access via a private driveway from Sagamore Avenue. **Exhibit 1.b; Exhibit 2.** The proposal removes the long non-conforming commercial use and will create five new residences, consistent with the surrounding neighborhood. **Exhibit 3 (aerial photo); Exhibit 5.** Nearby properties include the 144 unit Sagamore Court Condominium to the north and the 122 unit Tidewatch Condominium, which directly abuts the Property to the west. Id. Other nearby abutters are largely developed with single family residences with similar density as the proposed project. The Property is currently served by septic, it is the Applicant's intention to tie into the municipal sewer system upon completion of the Sagamore Avenue Sewer Extension Project, as has been previously discussed with the Public Works Department.

The proposal meets all use and dimensional requirements of the Portsmouth Zoning Ordinance ("PZO") with the exception of Section 10.513 allowing no more than one free-standing dwelling per lot and Section 10.521 requiring a one acre lot area per dwelling unit. The proposal includes five dwelling units on a ± 1.947 acre lot, or 2.57 units/acre (1 unit per 16,959 square feet). As noted, this density is consistent with surrounding lots, including the more densely developed Sagamore Court Condominium (144 units/15.01 acre = 9.59 units per acre) to the north and similarly dense Tidewatch Condominium (122 units/53.59 acre = 2.27 units per acre) directly to the west. Notably, the SRB Zone, located across Sagamore Avenue, permits a lot area of 15,000 square feet per dwelling unit or approximately 2.9 units per acre. The proposal at 16,959 square feet per unit is slightly less dense. Thus, in addition to cleaning up a long distressed and non-conforming site, the proposal creates a natural transition between the GRB Zone and existing multi-building condominium developments to the north and west (rear) of the Property. The Applicant has spoken with several abutters who are in favor of the proposed five unit development.

III. Relief Required

The proposed project meets setback, lot coverage and open space requirements. **Exhibit 1.b.** However, limited relief is required to allow the proposed structures on a single lot and for lot area per dwelling unit. Required relief is as follows:

- PZO§10.513 permitting one freestanding dwelling per lot, where five freestanding single-family units are proposed.
- PZO§10.521 (Table of Dimensional Standards) permitting one dwelling unit per acre, five dwelling units on ±1.947 acres or 2.57 dwelling units per acre is proposed.

IV. Variance Requirements

1. **The variance will not be contrary to the public interest**
2. **The spirit of the ordinances observed**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc v. Town of Chichester, 155 NH 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinances basic zoning objectives." Id. "Mere conflict with the ordinance is not enough." Id.

The Portsmouth Zoning Ordinance was enacted for the general purpose (PZO§10.121) of promoting the health, safety and welfare in accordance with the Master plan by regulating:

1. **The use of land, buildings and structures for business, industrial, residential and other purposes-** The Property currently houses a non-conforming commercial auto detailing business and service garage. **Exhibit 3.** The proposal would replace those buildings with brand new, to code, residences consistent with surrounding uses.
2. **The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space-** The proposal complies with building coverage, height, yards and open space requirements. The proposed five new dwellings on a single lot, at 2.57 dwelling units per acre is consistent with surrounding properties and less than the density permitted by right across Sagamore Avenue.
3. **The design of facilities for vehicular access, circulation, parking and loading-** The Project will be served by a private driveway from Sagamore Avenue. **Exhibit 1.b.** There is currently no defined curb cut on the property so the redevelopment will improve driveway distances, site lines and overall traffic safety from the Property. **Exhibit 3.** The driveway will undergo further review as part of the Planning Board and NHDOT review processes.
4. **The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding-** The Property is currently used as a commercial auto detailing facility in the middle of a residential area. *Id.* The proposal will convert the Property to residential use with lighting, noise and other conditions more appropriate for the neighborhood. Stormwater runoff will be improved over the current development which is significantly

paved and will discontinue the use of cleaning and other commercial chemicals on the site.

5. The preservation and enhancement of the visual environment- The removal of the distressed commercial structures and addition of five new tastefully designed homes will preserve/enhance the visual environment.
6. The preservation of historic districts buildings and structures of historic or architectural interest-The property is not in the historic district. The existing structures to be removed are of no known historic or architectural interest.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality- The Project will have no negative effect on these purposes. It will remove a commercial use, including associated cleaning solutions and other chemicals used onsite. The Project will be further vetted by the Planning Board.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinances basic zoning objectives." Malachy Glen, supra, the New Hampshire Supreme Court also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality. Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (Emphasis Added)

The Property is located in a densely developed residential area. While there are some other nearby commercial properties, they are located closer to Sagamore Creek in the Waterfront Business Zone, are largely less impactful and are more buffered from nearby residences than the current business operations on the Property. The proposal would convert a long non-conforming commercial use that is grossly incongruent with the character of the locality and impacts the health, safety and welfare to residential use. The proposed new homes are consistent with the residential character of the neighborhood and the construction of five brand new, to code, residences will greatly improve the public health, safety and welfare over Luster King's existing commercial use. Sagamore Avenue can easily support the additional five dwelling units. The density is consistent with nearby properties, which include two large condominium developments and creates a natural transition between these developments and the adjoining GRB zone. Thus, permitting five code compliant, single-family buildings on ±1.947 acres does

not alter the essential character of the locality nor will it threaten the public health, safety or welfare.

3. Granting the variances will not diminish surrounding property values

The commercial buildings currently located on the Property are distressed, incongruent with the surrounding residential neighborhood and frankly an eyesore. The proposal would clean up the site by removing the commercial buildings/uses and replacing them with brand new tastefully designed residences. The proposal will improve the area significantly, thus greatly improving the overall value of surrounding properties.

4. Denial of the variances results in an unnecessary hardship

a. Special conditions distinguish the property/project from others in the area-

The Property at ±1.947 acre is larger than most lots in the area. **Exhibit 5.** Two notable exceptions are the Tidewatch and Sagamore Creek Condominiums, which are more or similarly dense with 122 and 144 units, respectively. *Id.*; see also Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). Additionally, the Property is non-conforming with respect to both its commercial use and front setback. The parcel size, location near other densely developed residential parcels and longstanding non-conformity of the current use combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of the requirements for one free standing dwelling per lot and lot area per dwelling unit is to prohibit overcrowding, allow for air, light, and separation between neighbors, and to permit stormwater treatment. The proposal meets all lot area, building and open space coverage, height and external setback requirements. Additionally, the proposal provides for voluntary setbacks between each of the five new buildings of at least 20 feet, consistent with the side setback requirement for the district. Thus, adequate area for air, light, separation between neighbors and stormwater treatment is provided. The proposed density is also consistent with the surrounding area, which includes many smaller sized lots with homes located in relatively

close proximity. **Exhibit 5.** Moreover, granting the requested variances will significantly improve the Property and surrounding area by removing two blighted, non-conforming commercial structures and replacing them with five brand new, needed homes. The entire area will be upgraded, thus it follows that there is no reason to apply the strict requirements of the ordinance. This transitional location, located near and adjoining two densely development condominiums and across Sagamore Avenue from the GRB Zone is well suited for the proposed five building single-family development.

c. The proposed use is reasonable

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 NH 747 (2005). The proposal is a residential use in a residential zone and thus is reasonable.

5. Substantial justice will be done by granting the variance.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

“The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added). Sagamore is constitutionally entitled to the use of the lot as it sees fit subject only to the effect of the development with respect to zoning. In this instance, granting approval not only protects the rights of the Owner/Applicant but renders the Property more conforming, to the benefit of the surrounding property owners as well.

Granting approval removes blighted buildings and non-conforming commercial use while adding needed residential housing within Portsmouth. Thus, there will be no gain to the public from denying the variances and no harm to the public by granting the variances. Conversely, denial of the variances cause great harm to Sagamore and its abutters by continuing the commercial use of the property. Accordingly, substantial justice dictates that the requested variances be granted.

V. Conclusion

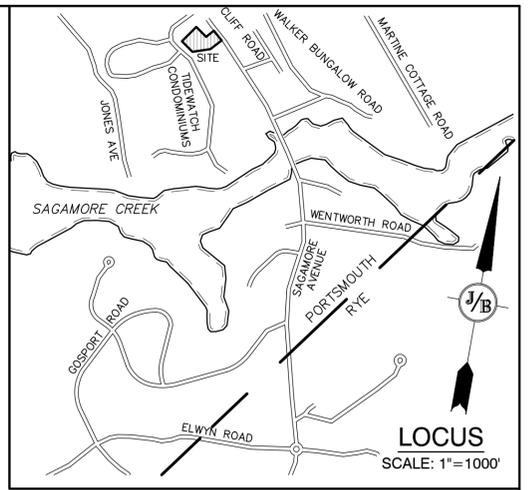
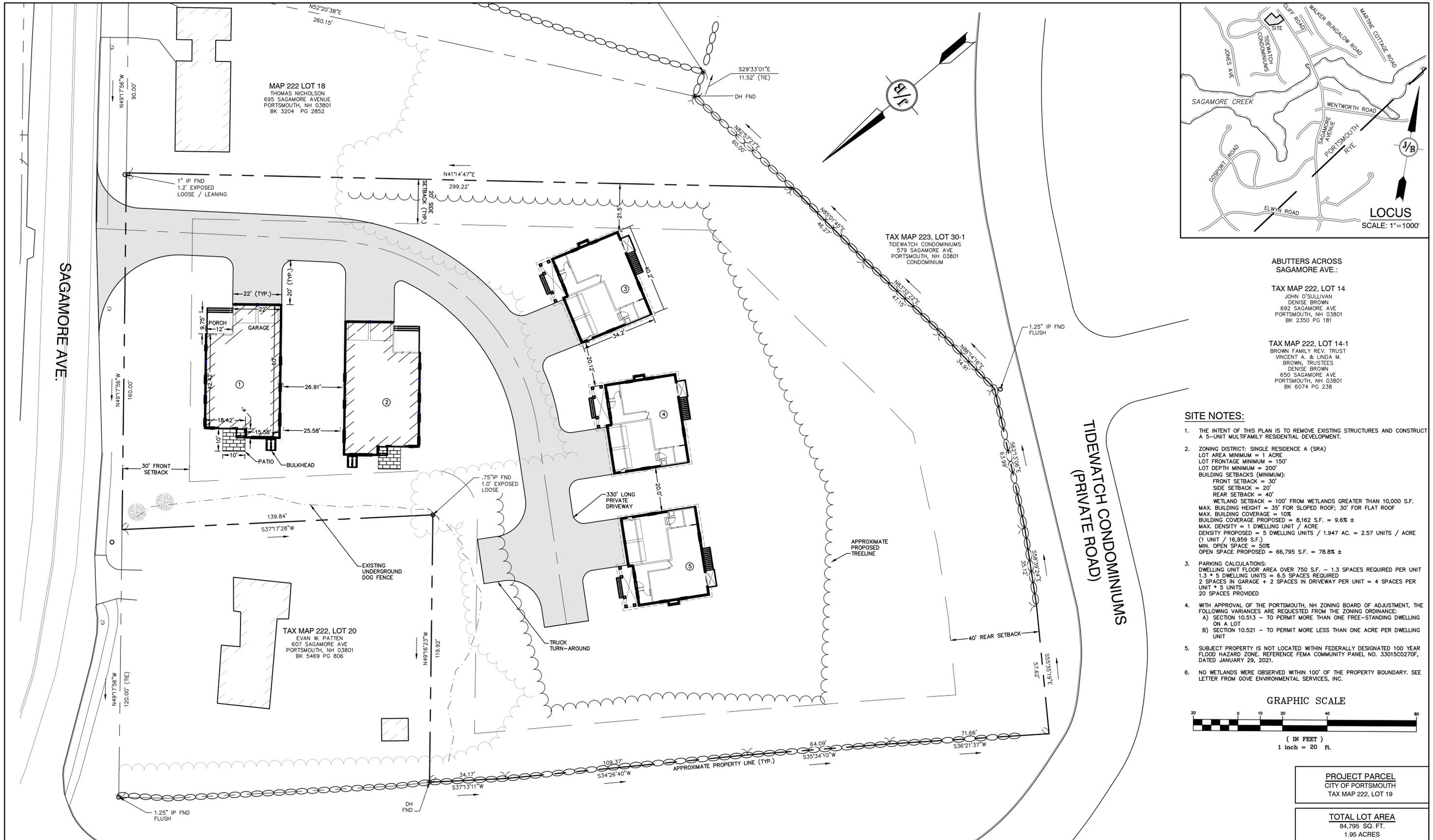
For all of the reasons herein stated, Sagamore respectfully requests that the Portsmouth Zoning of Adjustment grant the requested variances.

Respectfully submitted,
635 Sagamore Development, LLC

By:



Kevin Baum, Esq.
R. Timothy Phoenix, Esq.



ABUTTERS ACROSS SAGAMORE AVE.:

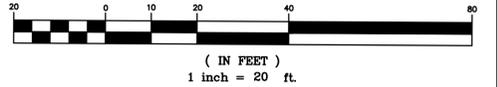
TAX MAP 222, LOT 14
JOHN O'SULLIVAN
DENISE BROWN
692 SAGAMORE AVE
PORTSMOUTH, NH 03801
BK 2350 PG 181

TAX MAP 222, LOT 14-1
BROWN FAMILY REV. TRUST
VINCENT A. & LINDA M.
BROWN, TRUSTEES
DENISE BROWN
650 SAGAMORE AVE
PORTSMOUTH, NH 03801
BK 6074 PG 238

SITE NOTES:

- THE INTENT OF THIS PLAN IS TO REMOVE EXISTING STRUCTURES AND CONSTRUCT A 5-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT.
- ZONING DISTRICT: SINGLE RESIDENCE A (SRA)
LOT AREA MINIMUM = 1 ACRE
LOT FRONTAGE MINIMUM = 150'
LOT DEPTH MINIMUM = 200'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 30'
SIDE SETBACK = 20'
REAR SETBACK = 40'
WETLAND SETBACK = 100' FROM WETLANDS GREATER THAN 10,000 S.F.
MAX. BUILDING HEIGHT = 35' FOR SLOPED ROOF; 30' FOR FLAT ROOF
MAX. BUILDING COVERAGE = 10%
BUILDING COVERAGE PROPOSED = 8,162 S.F. = 9.6% ±
MAX. DENSITY = 1 DWELLING UNIT / ACRE
DENSITY PROPOSED = 5 DWELLING UNITS / 1.947 AC. = 2.57 UNITS / ACRE (1 UNIT / 16,959 S.F.)
MIN. OPEN SPACE = 50%
OPEN SPACE PROPOSED = 66,795 S.F. = 78.8% ±
- PARKING CALCULATIONS:
DWELLING UNIT FLOOR AREA OVER 750 S.F. - 1.3 SPACES REQUIRED PER UNIT
1.3 * 5 DWELLING UNITS = 6.5 SPACES REQUIRED
2 SPACES IN GARAGE + 2 SPACES IN DRIVEWAY PER UNIT = 4 SPACES PER UNIT * 5 UNITS
20 SPACES PROVIDED
- WITH APPROVAL OF THE PORTSMOUTH, NH ZONING BOARD OF ADJUSTMENT, THE FOLLOWING VARIANCES ARE REQUESTED FROM THE ZONING ORDINANCE:
A) SECTION 10.513 - TO PERMIT MORE THAN ONE FREE-STANDING DWELLING ON A LOT
B) SECTION 10.521 - TO PERMIT MORE THAN ONE ACRE PER DWELLING UNIT
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.
- NO WETLANDS WERE OBSERVED WITHIN 100' OF THE PROPERTY BOUNDARY. SEE LETTER FROM GOVE ENVIRONMENTAL SERVICES, INC.

GRAPHIC SCALE



| |
|--|
| PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 222, LOT 19 |
| TOTAL LOT AREA 84,795 SQ. FT. 1.95 ACRES |

| | | |
|---|-----------------|----------------------|
| Design: JAC | Draft: DJM | Date: 12/07/2021 |
| Checked: JAC | Scale: AS NOTED | Project No.: 18134.1 |
| Drawing Name: 18134-CONCEPT-8.dwg | | |
| THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE. | | |

| REV. | DATE | REVISION | BY |
|------|---------|---------------------------|-----|
| 3 | 3/21/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 2 | 2/10/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 1 | 2/4/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 0 | 1/6/22 | ISSUED FOR REVIEW | DJM |
| REV. | DATE | REVISION | BY |

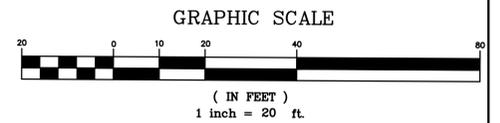
Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. Civil Engineering Services 603-772-4746
 PO Box 219 Stratham, NH 03885 FAX: 603-772-0227
 E-MAIL: JBE@JONESANDBEACH.COM

| | |
|------------------|--|
| Plan Name: | ZBA SITE PLAN |
| Project: | 5-UNIT RESIDENTIAL SITE 635 SAGAMORE AVE., PORTSMOUTH, NH |
| Owner of Record: | 3612 LAFAYETTE RD., DEPT 4, PORTSMOUTH, NH 03801 BK 6332 PG 1158 |

| | |
|--------------|-------------------------|
| DRAWING No. | C2 |
| SHEET 2 OF 3 | JBE PROJECT NO. 18134.1 |



PROJECT PARCEL
 CITY OF PORTSMOUTH
 TAX MAP 222, LOT 19

TOTAL LOT AREA
 84,795 SQ. FT.
 1.95 ACRES

Design: JAC Draft: DJM Date: 12/07/2021
 Checked: JAC Scale: AS NOTED Project No.: 18134.1
 Drawing Name: 18134-CONCEPT-8.dwg

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| REV. | DATE | REVISION | BY |
|------|---------|---------------------------|-----|
| 3 | 3/21/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 2 | 2/10/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 1 | 2/4/22 | REVISED CONCEPTUAL LAYOUT | DJM |
| 0 | 1/6/22 | ISSUED FOR REVIEW | DJM |

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. Civil Engineering Services 603-772-4746
 PO Box 219 Stratham, NH 03885 FAX: 603-772-0227
 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **ZBA TOPOGRAPHIC SITE PLAN**

Project: **5-UNIT RESIDENTIAL SITE
 635 SAGAMORE AVE., PORTSMOUTH, NH**

Owner of Record: **3612 LAFAYETTE RD., DEPT 4, PORTSMOUTH, NH 03801 BK 6332 PG 1158**

DRAWING No.

C3

SHEET 3 OF 3
 JBE PROJECT NO. 18134.1

1/27/2022

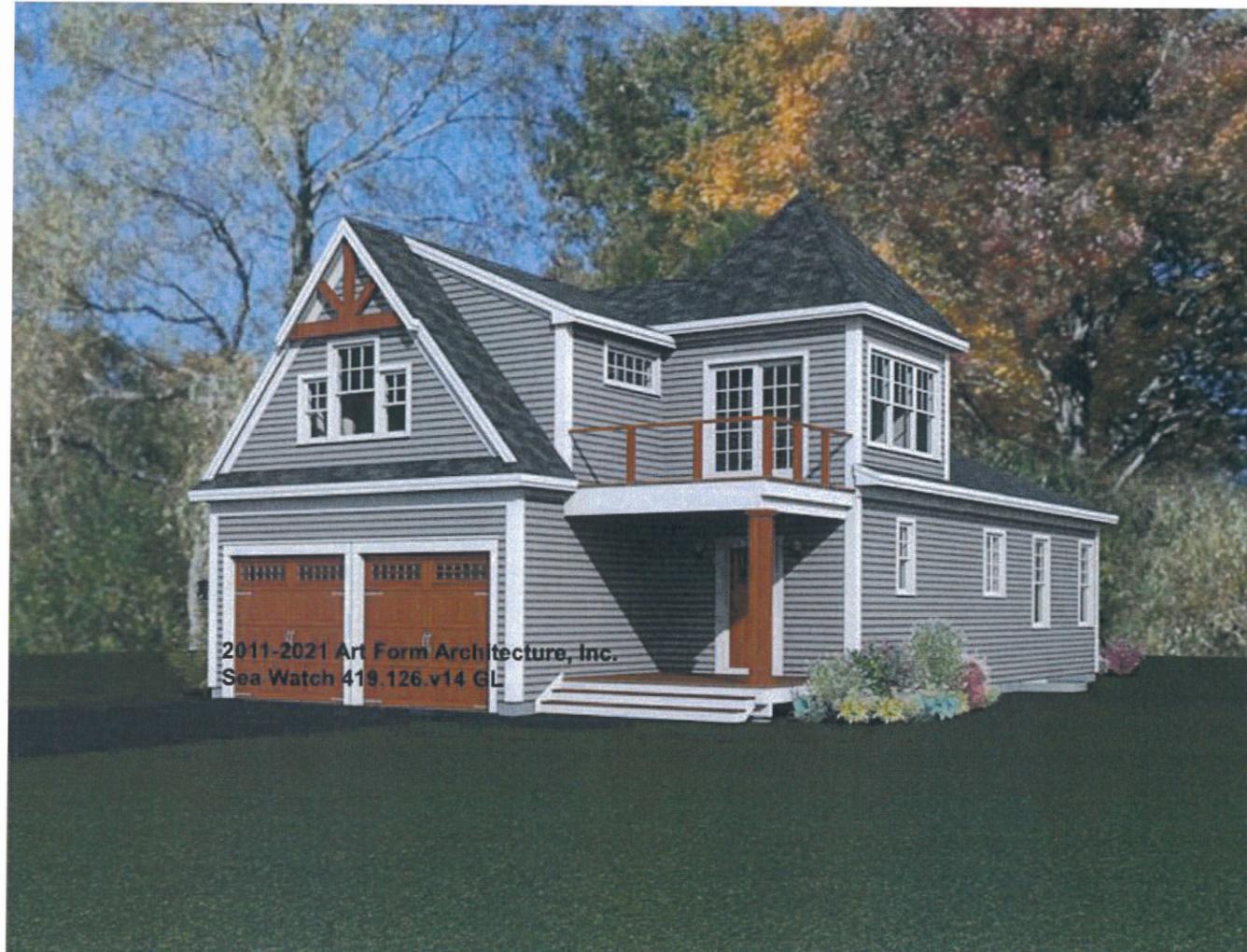
Sea Watch

419.126.v14 GL (1/27/2022)

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603-431-9559



Dear Builders and Home Buyers,

In addition to our Terms and Conditions (the "Terms"), please be aware of the following:

This design may not yet have Construction Drawings (as defined in the Terms), and is, therefore, only available as a Design Drawing (as defined in the Terms and together with Construction Drawings, "Drawings"). It is possible that during the conversion of a Design Drawing to a final Construction Drawing, changes may be necessary including, but not limited to, dimensional changes. Please see Plan Data Explained on www.ArtformHomePlans.com to understand room sizes, dimensions and other data provided. We are not responsible for typographical errors.

Artform Home Plans ("Artform") requires that our Drawings be built substantially as designed. Artform will not be obligated by or liable for use of this design with markups as part of any builder agreement. While we attempt to accommodate where possible and reasonable, and where the changes do not denigrate our design, any and all changes to Drawings must be approved in writing by Artform. It is recommended that you have your Drawing updated by Artform prior to attaching any Drawing to any builder agreement. Artform shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

Facade Changes:

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Artform.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

Floor plan layout and/or Structural Changes:

- Structural changes always require the express written consent of Artform
- If you wish to move or remove walls or structural elements (such as removal of posts, increases in house size, ceiling height changes, addition of dormers, etc), please do not assume it can be done without other additional changes (even if the builder or lumber yard says you can).

1/27/2022

Sea Watch

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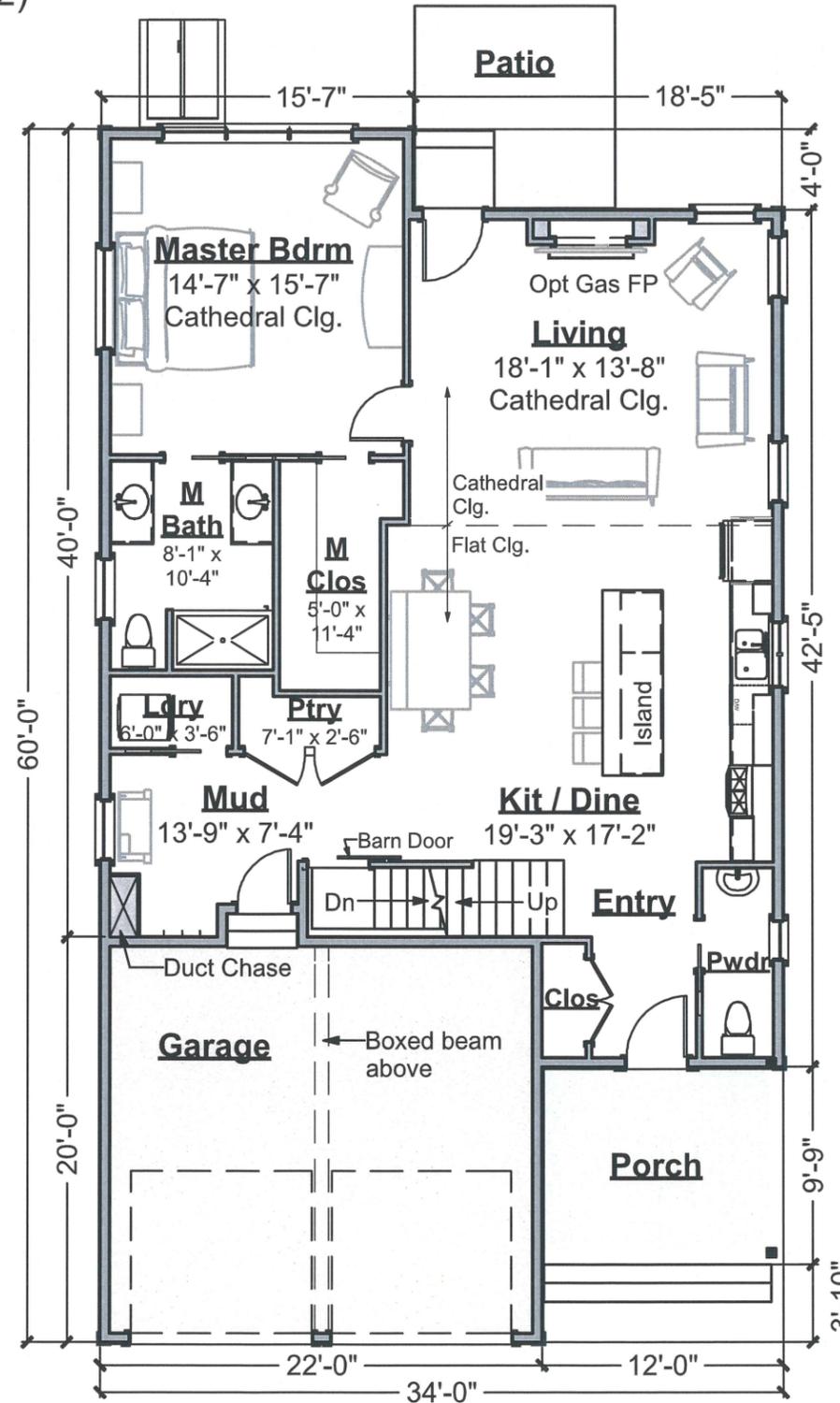
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Living Area This Floor: 1370 sq ft
9 ft Ceilings, unless noted otherwise

First Floor Plan
Scale: 3/32" = 1'-0"

1/27/2022

Sea Watch

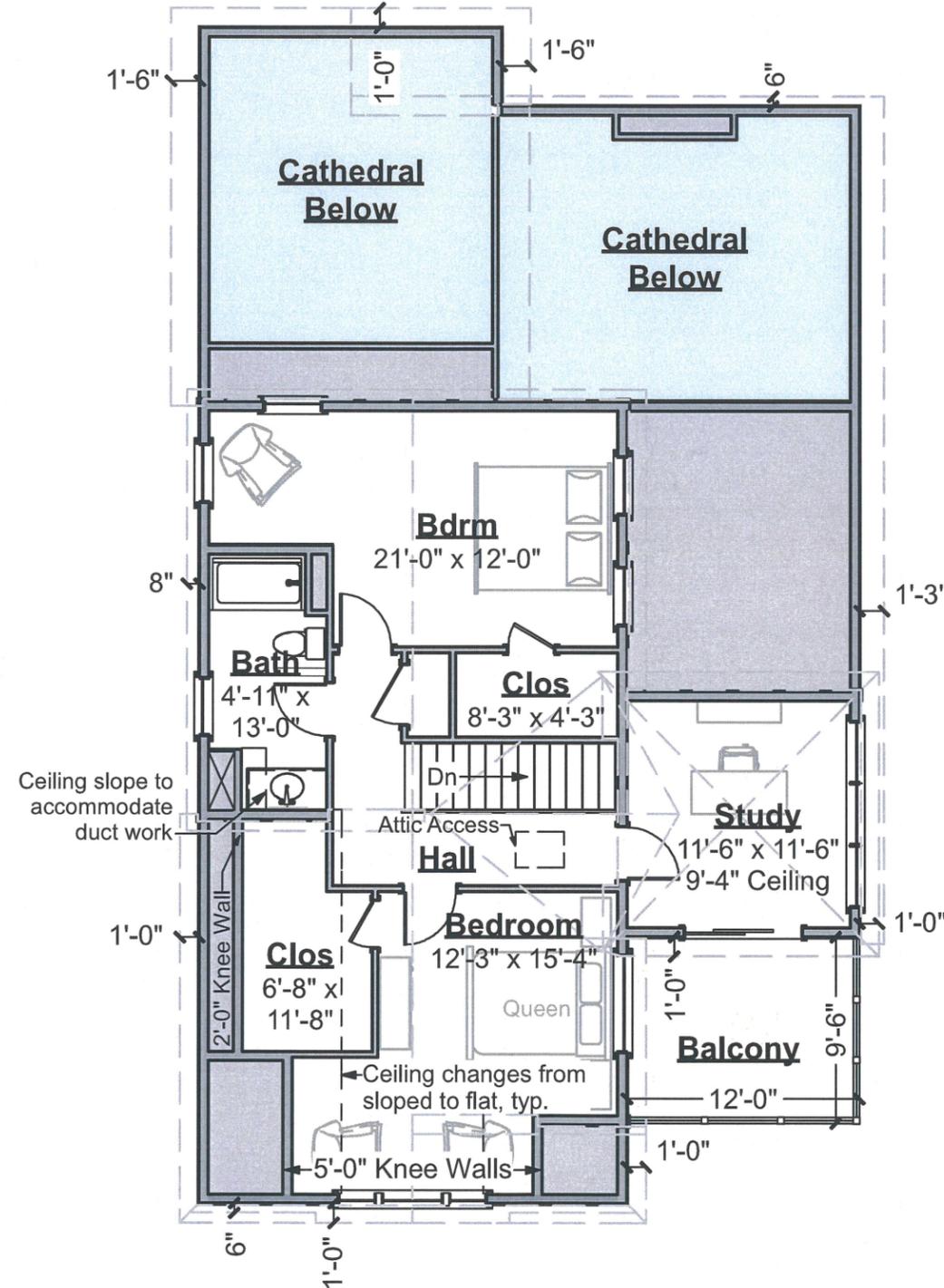
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Living Area This Floor: 979 sq ft
8 ft Ceilings, unless noted otherwise



Second Floor Plan
Scale: 3/32" = 1'-0"

1/27/2022

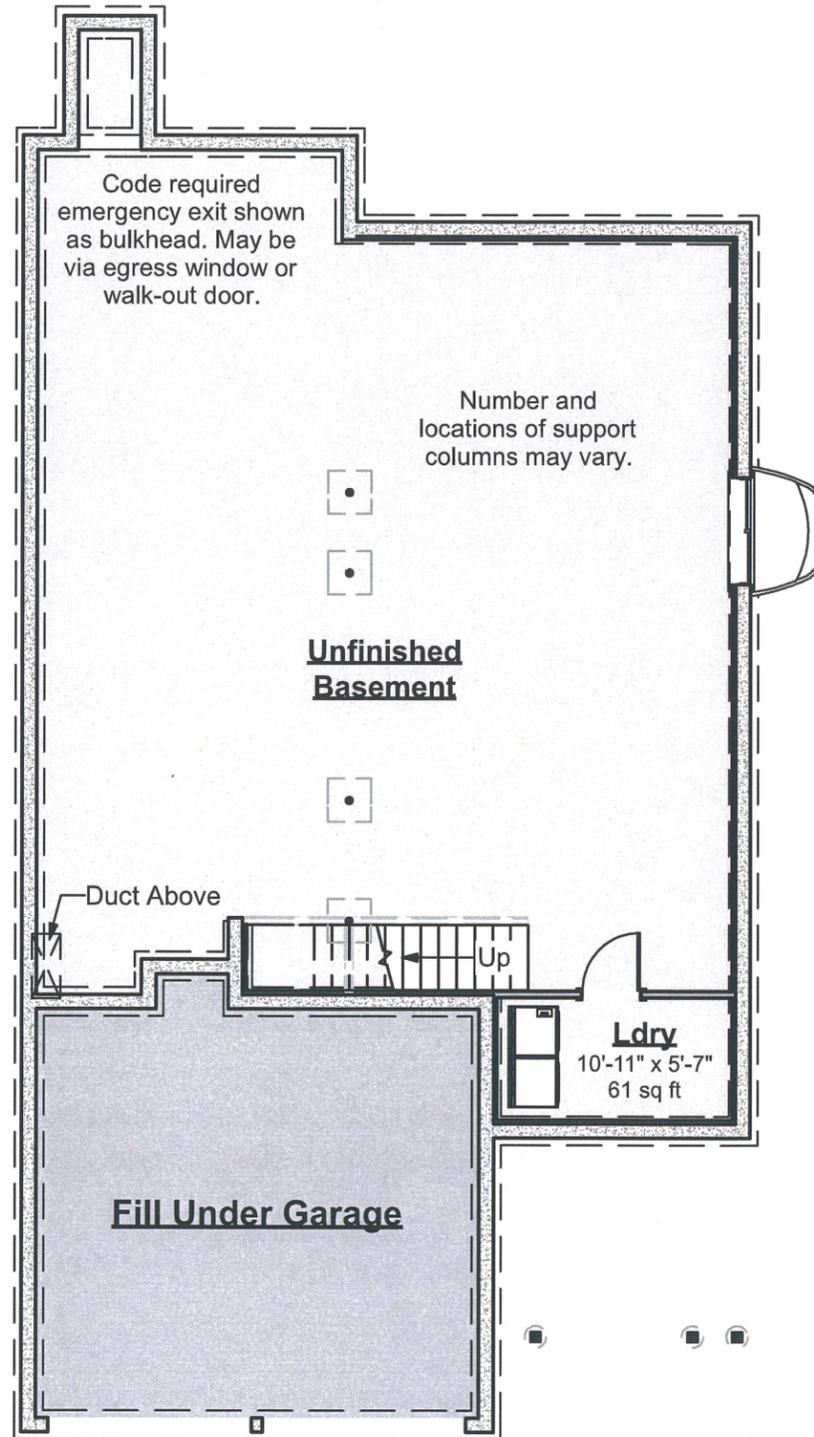
Sea Watch

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Foundation Plan

Scale: 3/32" = 1'-0"

1/27/2022

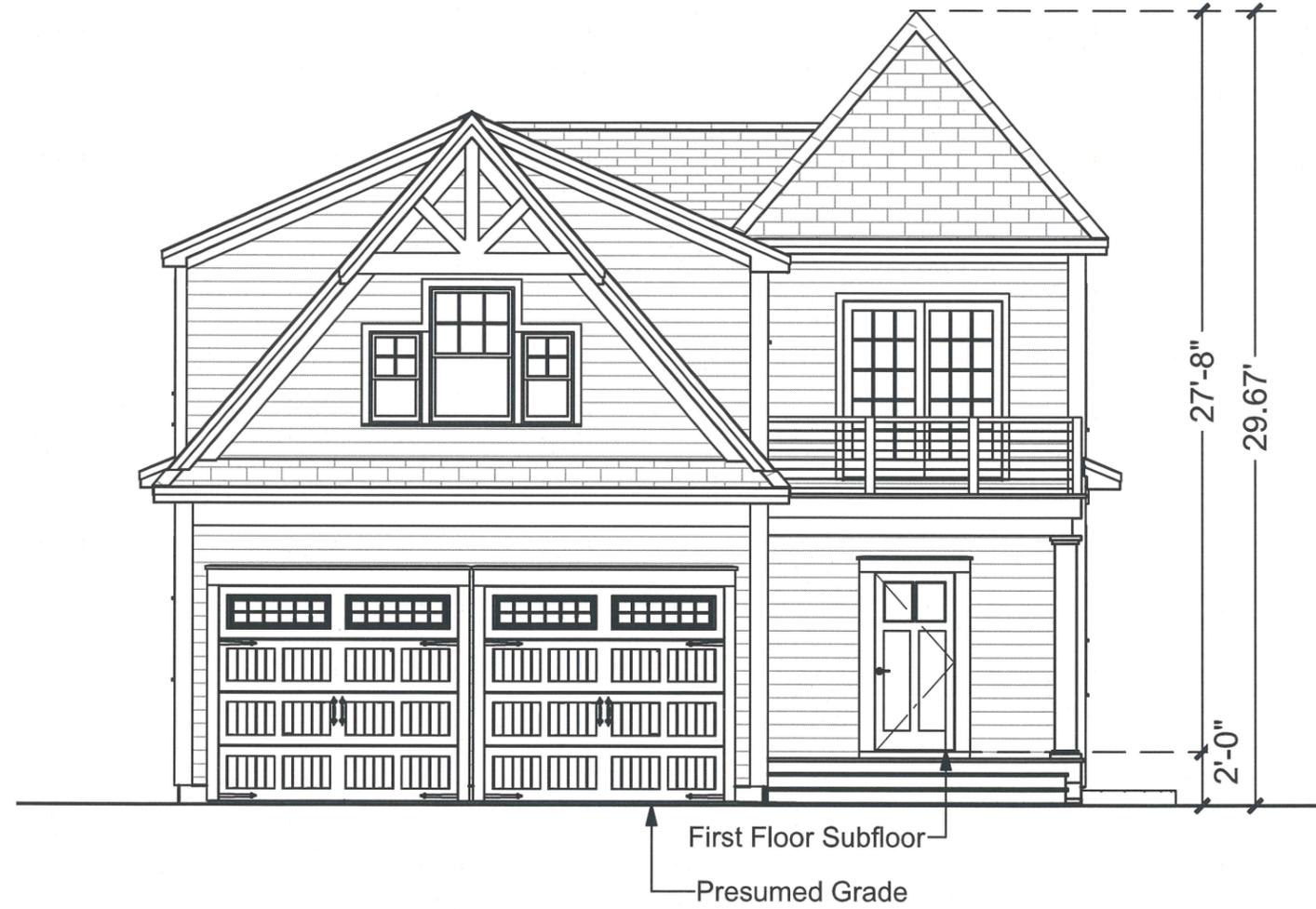
Sea Watch

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603-431-9559



Front Elevation

Scale: 1/8" = 1'-0"

1/27/2022

Sea Watch

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Right Elevation

Scale: 1/8" = 1'-0"

419.126.v14 GL Sea Watch

1/27/2022

Sea Watch

419.126.v14 GL (1/27/2022)

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419.126.v14 GL 5/27/2022

Rear Elevation

Scale: 1/8" = 1'-0"

1/27/2022

Sea Watch

419.126.v14 GL (1/27/2022)

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Left Elevation
Scale: 1/8" = 1'-0"

1/27/2022

Sea Watch

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419.126.v14 GL (1/27/2022)

Interior Views

3/4/2022

Sweet Peekaboo

418.124.v13 GL (3/4/2022)

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In addition to our Terms and Conditions (the "Terms"), please be aware of the following:

This design may not yet have Construction Drawings (as defined in the Terms), and is, therefore, only available as a Design Drawing (as defined in the Terms and together with Construction Drawings, "Drawings"). It is possible that during the conversion of a Design Drawing to a final Construction Drawing, changes may be necessary including, but not limited to, dimensional changes. Please see Plan Data Explained on www.ArtformHomePlans.com to understand room sizes, dimensions and other data provided. We are not responsible for typographical errors.

Artform Home Plans ("Artform") requires that our Drawings be built substantially as designed. Artform will not be obligated by or liable for use of this design with markups as part of any builder agreement. While we attempt to accommodate where possible and reasonable, and where the changes do not denigrate our design, any and all changes to Drawings must be approved in writing by Artform. It is recommended that you have your Drawing updated by Artform prior to attaching any Drawing to any builder agreement. Artform shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

Facade Changes:

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Artform.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

Floor plan layout and/or Structural Changes:

- Structural changes always require the express written consent of Artform
- If you wish to move or remove walls or structural elements (such as removal of posts, increases in house size, ceiling height changes, addition of dormers, etc), please do not assume it can be done without other additional changes (even if the builder or lumber yard says you can).

3/4/2022

Sweet Peekaboo

418.124.v13 GL (3/4/2022)

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603-431-9559



3/4/2022

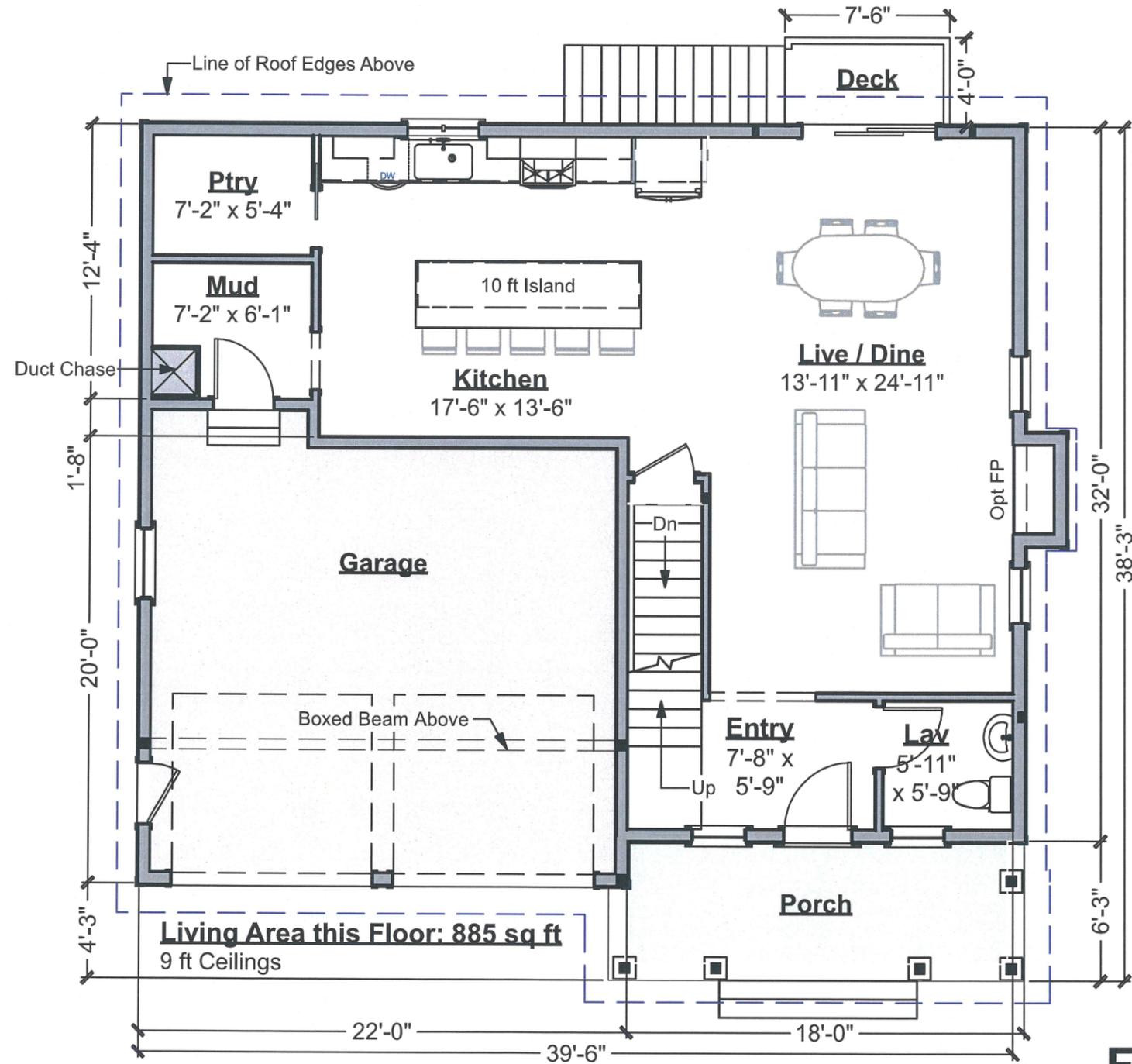
Sweet Peekaboo

418.124.v13 GL (3/4/2022)

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603-431-9559



First Floor Plan
Scale: 1/8" = 1'-0"

3/4/2022

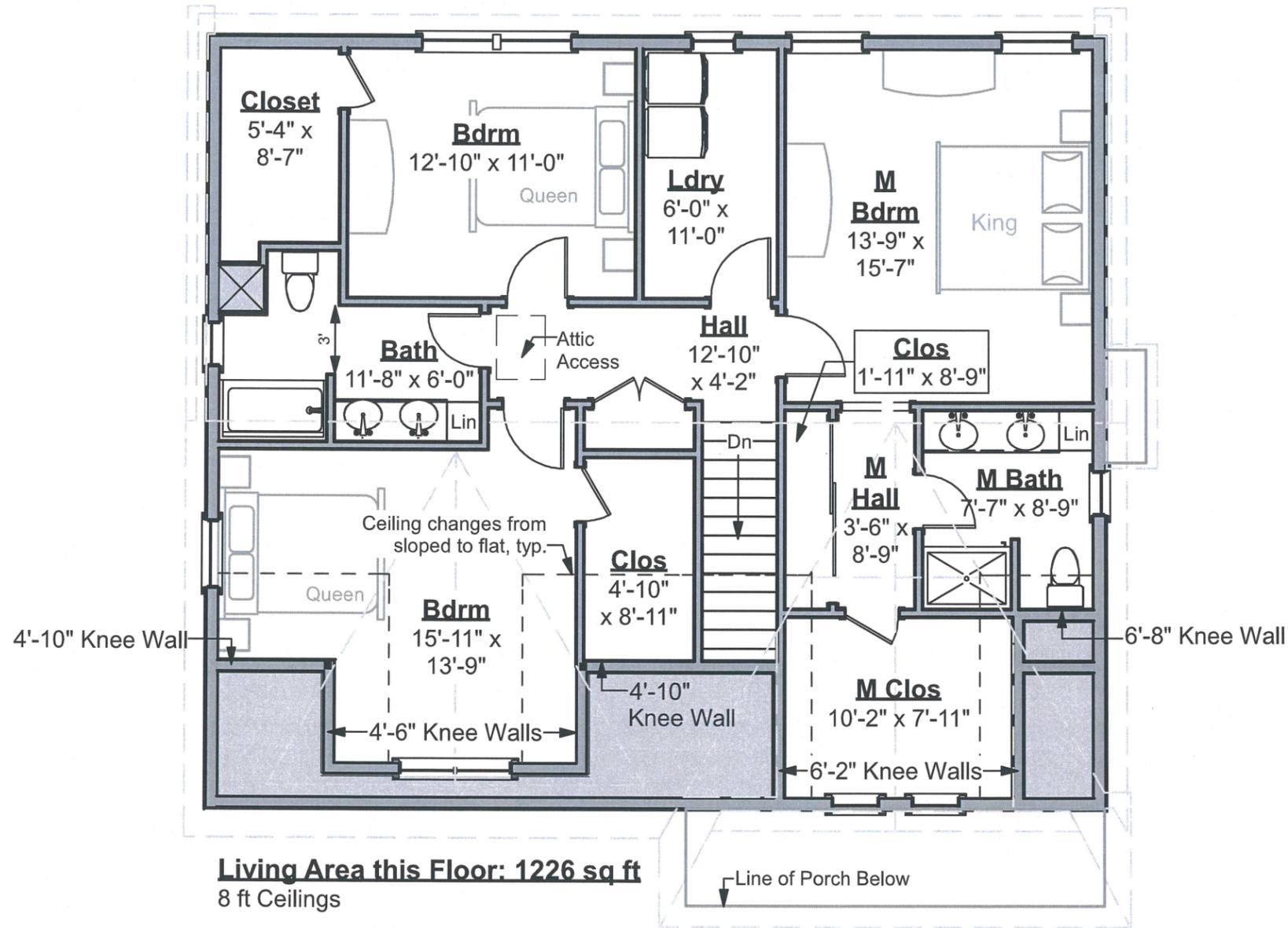
Sweet Peekaboo

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603-431-9559



Second Floor Plan

Scale: 1/8" = 1'-0"

3/4/2022

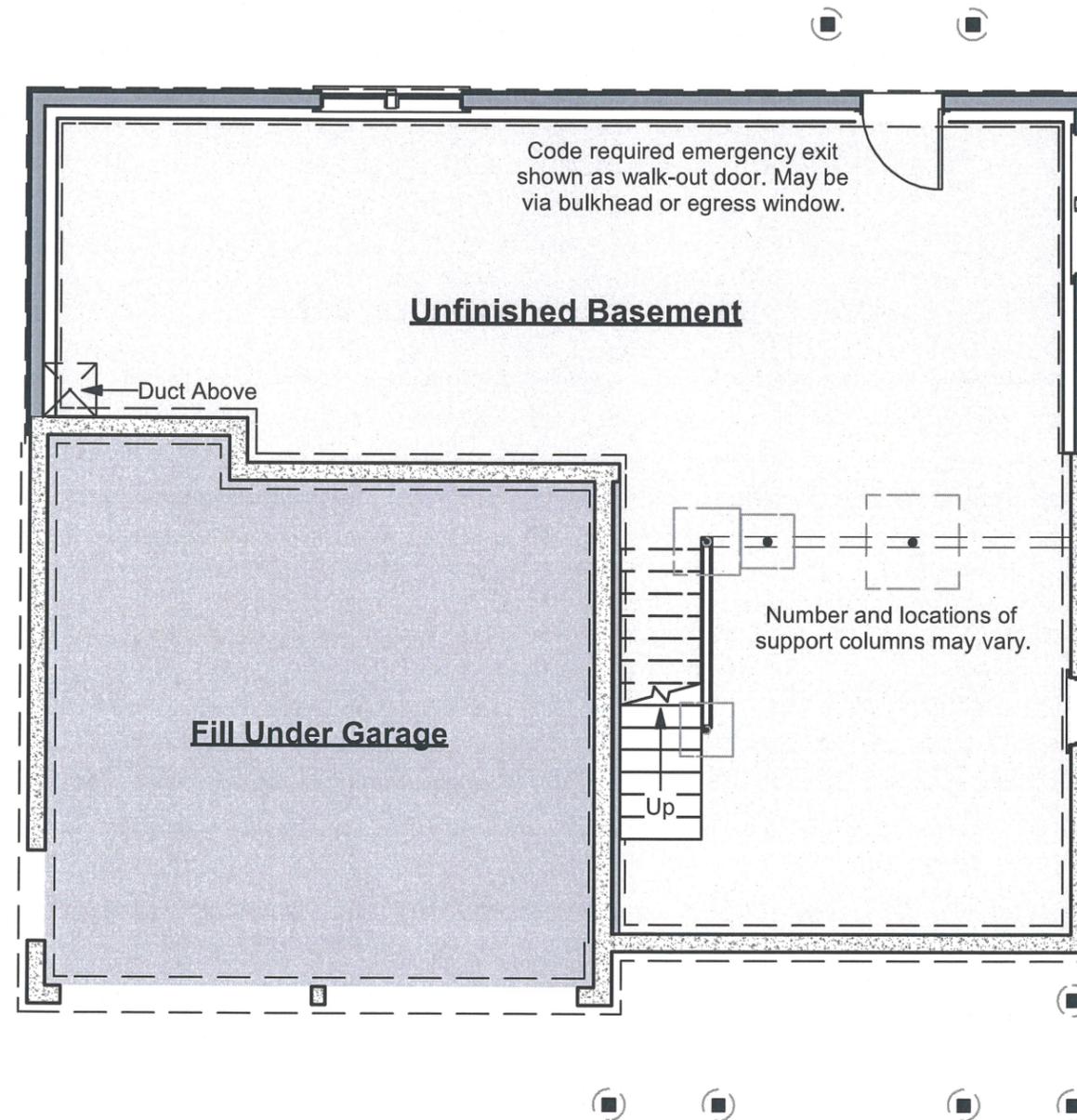
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Foundation Plan
Scale: 1/8" = 1'-0"

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Front Elevation
Scale: 1/8" = 1'-0"

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603-431-9559



Right Elevation
Scale: 1/8" = 1'-0"

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Rear Elevation

Scale: 1/8" = 1'-0"

3/4/2022

Sweet Peekaboo

418.124.v13 GL (3/4/2022)

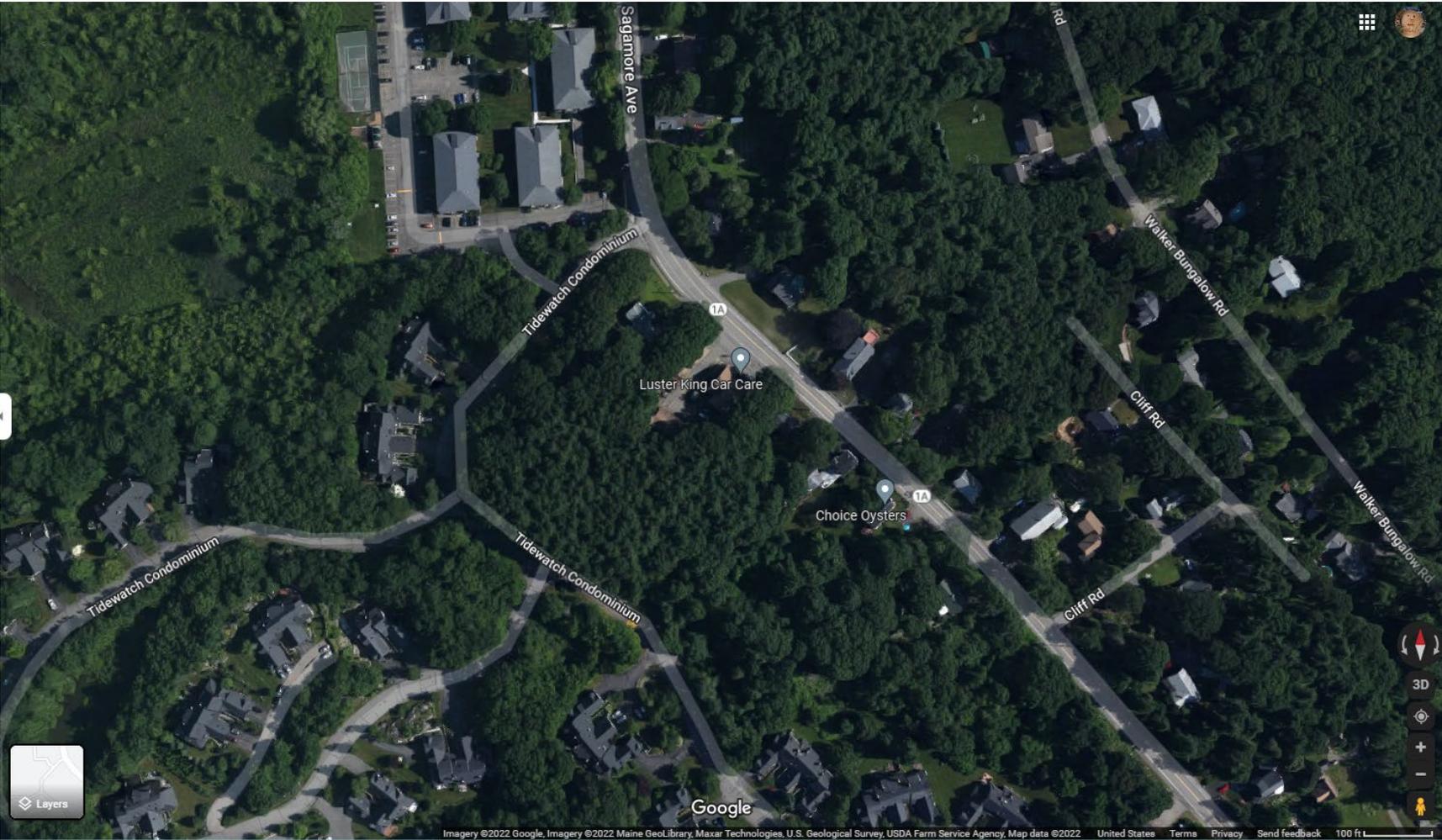
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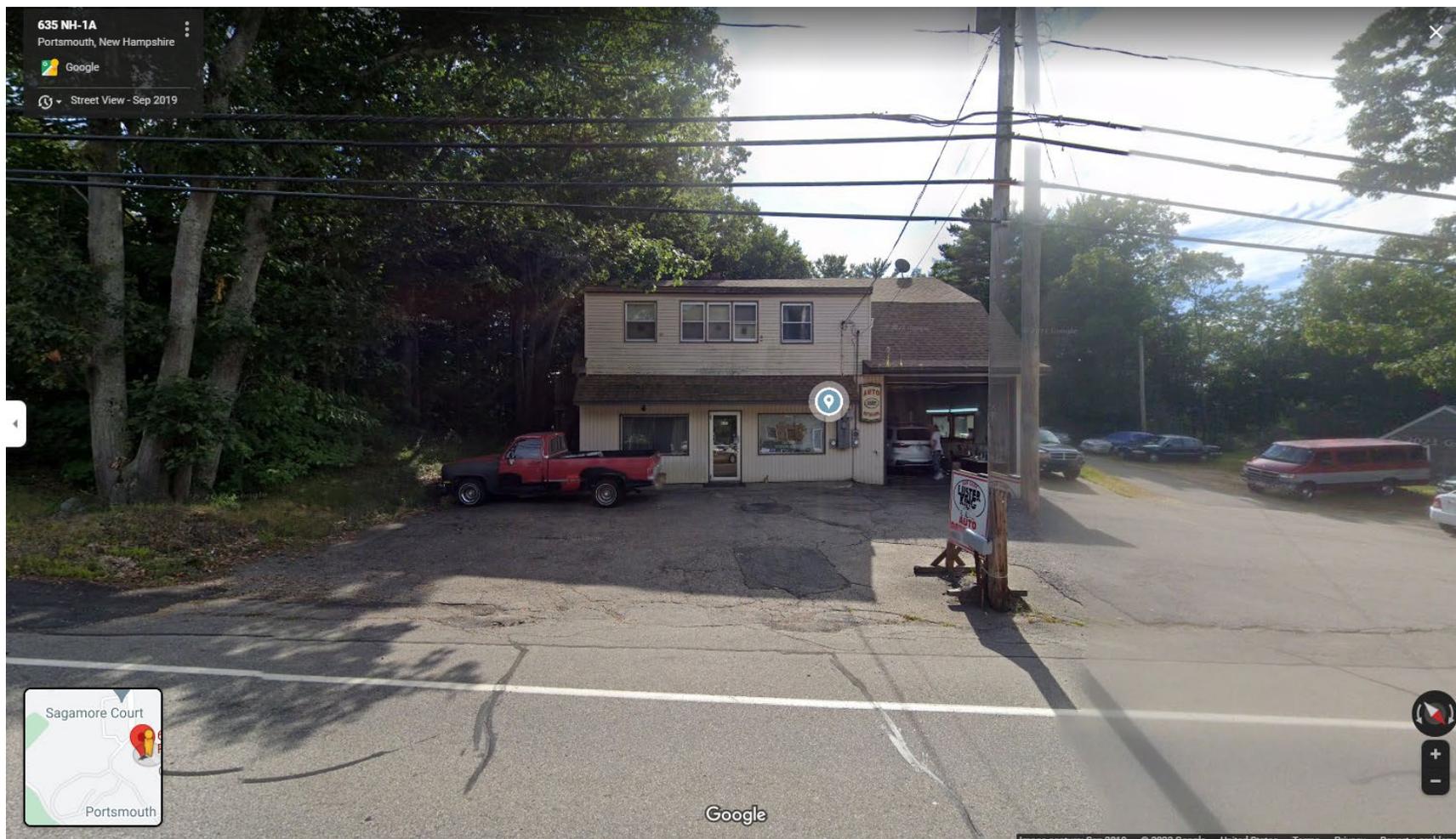
603-431-9559



Left Elevation
Scale: 1/8" = 1'-0"



Aerial view of Property



Front View of Property (Sagamore Ave)



Front View of Property



Front View of Property



Side View of Property



View of Service Garage and Shed



Rear View of Property

Exhibit 4

635 SAGAMORE AVE

Location 635 SAGAMORE AVE

Mblu 0222/ 0019/ 0000/ /

Acct# 35416

Owner 635 SAGAMORE
DEVELOPMENT LLC

PBN

Assessment \$682,800

Appraisal \$682,800

PID 35416

Building Count 2

Current Value

| Appraisal | | | |
|----------------|--------------|-----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2020 | \$407,600 | \$275,200 | \$682,800 |
| Assessment | | | |
| Valuation Year | Improvements | Land | Total |
| 2020 | \$407,600 | \$275,200 | \$682,800 |

Owner of Record

Owner 635 SAGAMORE DEVELOPMENT LLC
Co-Owner
Address 3612 LAFAYETTE RD DEPT 4
PORTSMOUTH, NH 03801

Sale Price \$387,133
Certificate
Book & Page 6332/1158
Sale Date 09/24/2021

Ownership History

| Ownership History | | | | |
|------------------------------|------------|-------------|-------------|------------|
| Owner | Sale Price | Certificate | Book & Page | Sale Date |
| 635 SAGAMORE DEVELOPMENT LLC | \$387,133 | | 6332/1158 | 09/24/2021 |
| HINES FAMILY REVO TRUST | \$0 | | 4885/1538 | 02/11/2008 |

Building Information

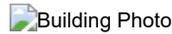
Building 1 : Section 1

Year Built: 1950
Living Area: 4,477

Replacement Cost: \$513,721
Building Percent Good: 54
Replacement Cost
Less Depreciation: \$277,400

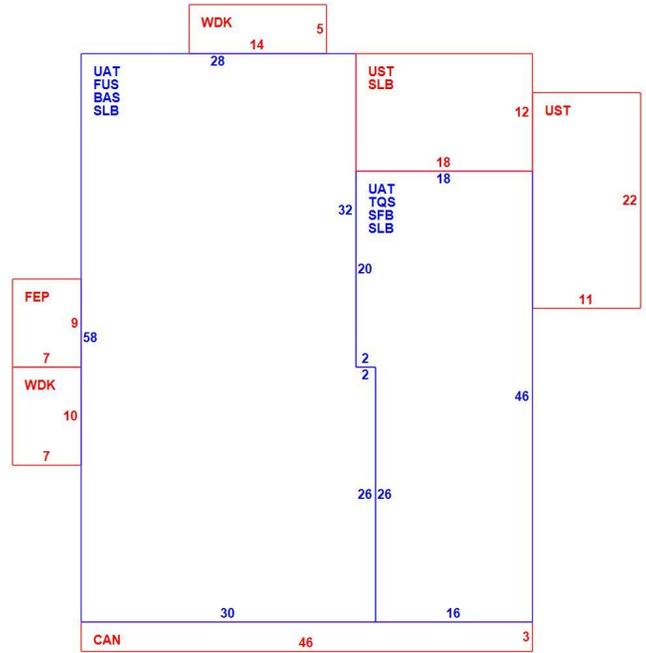
| Building Attributes | |
|---------------------|------------------|
| Field | Description |
| Style: | Retail/Apartment |
| Model | Commercial |
| Grade | C |
| Stories: | 2 |
| Occupancy | 3.00 |
| Residential Units | |
| Exterior Wall 1 | Vinyl Siding |
| Exterior Wall 2 | Pre-Fab Wood |
| Roof Structure | Gable/Hip |
| Roof Cover | Asph/F GlS/Cmp |
| Interior Wall 1 | Drywall/Sheet |
| Interior Wall 2 | |
| Interior Floor 1 | Inlaid Sht Gds |
| Interior Floor 2 | Carpet |
| Heating Fuel | Oil |
| Heating Type | Hot Water |
| AC Type | Unit/AC |
| Bldg Use | PRI COMM |
| Total Rooms | |
| Total Bedrms | |
| Total Baths | |
| Kitchen Grd | |
| Heat/AC | NONE |
| Frame Type | WOOD FRAME |
| Baths/Plumbing | AVERAGE |
| Ceiling/Wall | CEIL & WALLS |
| Rooms/Prtns | AVERAGE |
| Wall Height | 10.00 |
| % Comn Wall | |
| 1st Floor Use: | |
| Class | |

Building Photo



(http://images.vgsi.com/photos2/PortsmouthNHPhotos///0033/DSC01732_;

Building Layout



(ParcelSketch.ashx?pid=35416&bid=35416)

| Building Sub-Areas (sq ft) | | | Legend |
|----------------------------|------------------------------|------------|-------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 1,676 | 1,676 |
| FUS | Upper Story, Finished | 1,676 | 1,676 |
| TQS | Three Quarter Story | 776 | 582 |
| SFB | Base, Semi-Finished | 776 | 543 |
| CAN | Canopy | 138 | 0 |
| FEP | Porch, Enclosed | 63 | 0 |
| SLB | Slab | 2,668 | 0 |
| UAT | Attic | 2,452 | 0 |
| UST | Utility, Storage, Unfinished | 458 | 0 |
| WDK | Deck, Wood | 140 | 0 |
| | | 10,823 | 4,477 |

Building 2 : Section 1

Year Built: 2000
Living Area: 1,650
Replacement Cost: \$153,450

Building Percent Good: 84

Replacement Cost

Less Depreciation: \$128,900

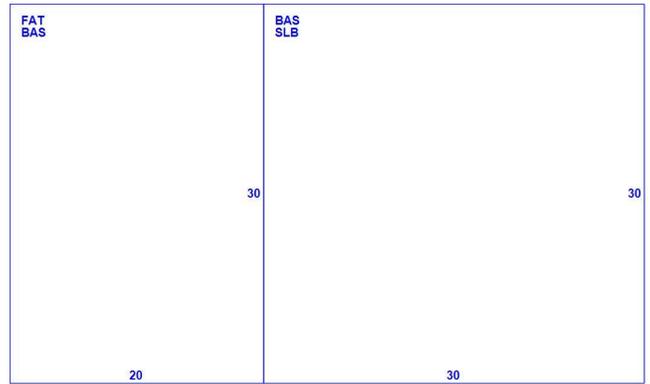
| Building Attributes : Bldg 2 of 2 | |
|-----------------------------------|----------------|
| Field | Description |
| Style: | Service Shop |
| Model | Commercial |
| Grade | C |
| Stories: | 1 |
| Occupancy | 1.00 |
| Residential Units | |
| Exterior Wall 1 | Vinyl Siding |
| Exterior Wall 2 | |
| Roof Structure | Gable/Hip |
| Roof Cover | Asph/F Gls/Cmp |
| Interior Wall 1 | Drywall/Sheet |
| Interior Wall 2 | |
| Interior Floor 1 | Concr-Finished |
| Interior Floor 2 | Carpet |
| Heating Fuel | Oil |
| Heating Type | Hot Water |
| AC Type | None |
| Bldg Use | AUTO S S&S |
| Total Rooms | |
| Total Bedrms | |
| Total Baths | |
| Kitchen Grd | |
| Heat/AC | NONE |
| Frame Type | WOOD FRAME |
| Baths/Plumbing | AVERAGE |
| Ceiling/Wall | CEIL & WALLS |
| Rooms/Prtns | AVERAGE |
| Wall Height | 12.00 |
| % Comn Wall | |
| 1st Floor Use: | |
| Class | |

Building Photo

Building Photo

(http://images.vgsi.com/photos2/PortsmouthNHPhotos///0033/DSC01731_;

Building Layout



(ParcelSketch.ashx?pid=35416&bid=40140)

| Building Sub-Areas (sq ft) | | | <u>Legend</u> |
|----------------------------|-------------|------------|---------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 1,500 | 1,500 |
| FAT | Attic | 600 | 150 |
| SLB | Slab | 900 | 0 |
| | | 3,000 | 1,650 |

Extra Features

Extra Features

Legend

Land

Land Use

Use Code 0310
Description PRI COMM
Zone SRA
Neighborhood 306
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1.93
Frontage
Depth
Assessed Value \$275,200
Appraised Value \$275,200

Outbuildings

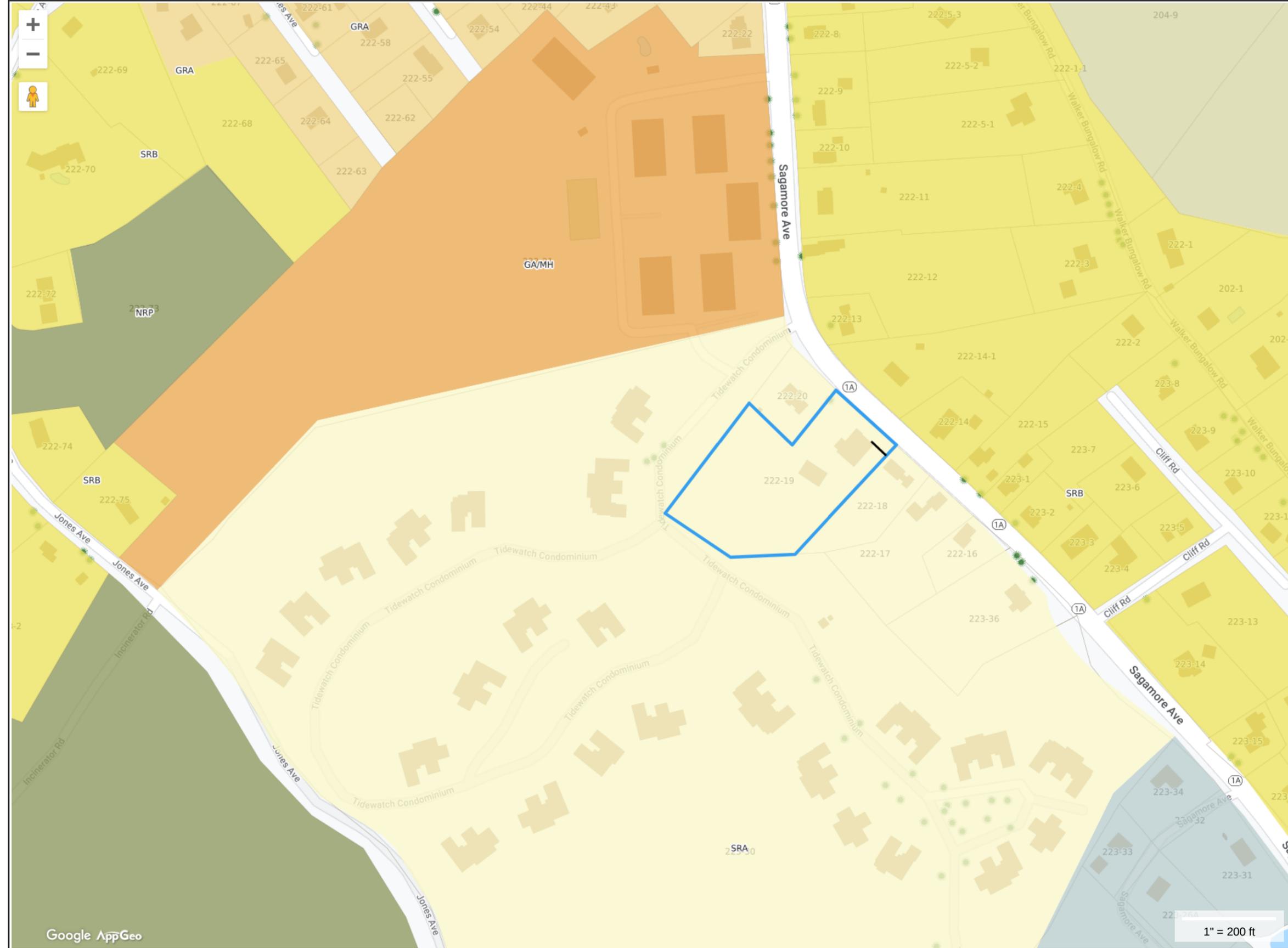
| Outbuildings | | | | | | Legend |
|--------------|----------------|----------|-----------------|--------------|---------|--------|
| Code | Description | Sub Code | Sub Description | Size | Value | Bldg # |
| PAV1 | PAVING-ASPHALT | | | 1344.00 S.F. | \$1,200 | 1 |
| SHD1 | SHED FRAME | | | 96.00 S.F. | \$100 | 1 |

Valuation History

| Appraisal | | | |
|----------------|--------------|-----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2020 | \$418,400 | \$275,200 | \$693,600 |
| 2019 | \$418,400 | \$275,200 | \$693,600 |
| 2018 | \$391,100 | \$254,800 | \$645,900 |

| Assessment | | | |
|----------------|--------------|-----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2020 | \$418,400 | \$275,200 | \$693,600 |
| 2019 | \$418,400 | \$275,200 | \$693,600 |
| 2018 | \$391,100 | \$254,800 | \$645,900 |

635 Sagamore Avenue



Property Information

| | |
|--------------------|------------------------------|
| Property ID | 0222-0019-0000 |
| Location | 635 SAGAMORE AVE |
| Owner | 635 SAGAMORE DEVELOPMENT LLC |



**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.

Exhibit 5

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