

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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March 25, 2022

VIA EMAIL & HAND DELIVERED

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

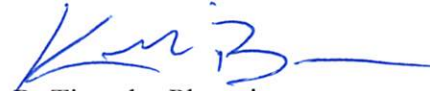
Re: Tuck Realty Corporation-Applicant
Project Location: Woodbury Avenue/Boyd Road
Tax Map 175 Lots 1, 2, 3 & 13
General Residence A (GRA Zone)

Dear Mr. Stith and Zoning Board Members:

On behalf of Tuck Realty Corporation, 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.
- 3/25/22 Memorandum and exhibits in support of zoning relief.

Very truly yours,



R. Timothy Phoenix
Kevin Baum

RTP:msw
Enclosures

cc Tuck Realty Corporation
Jones and Beach Engineer's
Artform Architecture


DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	STEPHANIE J. JOHNSON
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

Letter of Authorization

We, Frederick Bailey & Joyce Nelson, owners of property located at 212, 214 & 216 Woodbury Avenue & 6 Boyd in Portsmouth, NH, known as Tax Map 175, Lots 1, 2, 3 & 13 do hereby authorize Jones & Beach Engineers, Inc. ("JBE"), Garrepy Planning Consultants, LLC ("GPC"), and Hoefle, Phoenix, Gormley & Roberts, PLLC ("HPGR") to act on its behalf concerning the previously mentioned property.


I hereby appoint JBE, GPC and HPGR as agents to act on our behalf in the Planning Board and Zoning Board application process, to include any required signatures.

Frederick Bailey


As Partners and, Individually

1/5/22
Date

Joyce Nelson


As Partners and, Individually

1/05/22
Date

MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)
From: R. Timothy Phoenix Esq.
Kevin Baum, Esq.
Date: March 25, 2022
Re: Tuck Realty Corporation, Applicant
Project location: Woodbury Avenue/Boyd Road
Tax Map 175, Lots 1, 2, 3 & 13
General Residence A (GRA) Zone

Dear Chairman Parrott and Zoning Board Members:

On behalf of Tuck Realty Corporation (“Tuck” 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
 - C1-Existing Conditions
 - C2 -Site Plan
2. Architectural Elevations and Floor Plans-by ArtForm Architecture, Inc.
 - Maypop Expanded Duplex (Units 1-4)
 - Ben Gabriel (Units 5-8)
3. Site photographs
4. Tax Assessors cards
5. City GIS Map-identifying zoning districts and surrounding area
6. Tax Map 175

II. Property/Project

The subject property (“Property”), located at the corner of Woodbury Avenue and Boyd Road, is comprised of four separate lots (Tax Map 175, Lots 1, 2, 3, 13 **Exhibit 1 p.C1**) with existing single-family homes on each.

The Project calls for readjusting the lot lines, leaving the existing homes on newly configured, zoning compliant lots 2, 3 & 13. Each home and grounds is intended be renovated. The poor-condition home on Lot 1 will be removed along with the existing curb-cut/driveway on Woodbury Avenue. Tuck proposes eight condominium units comprised of four single-family and four duplex units on a 60,025 s.f. lot accessed from the lesser traveled Boyd Road. (**Exhibit 1 p. C2**). Preliminary building designs are provided as **Exhibit 2**; however, final designs are subject

to modification based upon Planning Board review and site and construction conditions. Each condominium unit will have garage space for at least one vehicle, together with space in front of the garage for additional parking. Four visitor parking spaces are provided.

The eight (8) units will be accessed from the proposed Grapevine Run directly across Boyd Road from the Manor Drive multi-building, multi-unit apartment complex. The proposed development is abutted to the north by the Holiday Inn Hotel and to the west by Best Western Hotel/Roundabout Diner.

III. Relief Required

The proposed project meets unit density (7500 s.f. per dwelling unit required, 7503 s.f. proposed, PZO§10.521, Table of Dimensional Standards), setback, lot coverage and open space requirements. (**Exhibit 1 p.C2**). However, limited relief is required to allow the proposed structures on a single lot.

Required relief is as follows:

-PZO§10.513 permitting one freestanding dwelling per lot, where four freestanding single-family units and two duplex freestanding buildings are 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 ordinance's 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- While the zoning ordinance limits residential to one building per lot, in addition to providing much-needed relatively affordable housing in Portsmouth, the proposed 8 units on 60,025 sf (1.38 acres) meets the general purposes of the GRA District to provide areas for single family, two-family and multifamily dwellings, with

appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre) together with appropriate accessory uses and limited services.(PZO§10.419). The proposal “fits” well in the area given the proximity of the abutting multi-building multi-unit Manor Drive development, the 2 large hotels and diner, along with single-family and duplex dwellings across Woodbury Avenue.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space- The proposal complies with lot size, building coverage, height, yards and open space requirements. Eight units on 1.38 acres meets the GRA general purposes 5-12 dwelling units per acre. At 7503 s.f. per dwelling unit, 8 units meet the 7500 s.f. per dwelling unit density requirement. Eight units will not be fully visible from the existing streets and is consistent with the area given the abutting Manor Drive development and the abutting hotels and diner.
3. The design of facilities for vehicular access, circulation, parking and loading- The Project will be served by a private street and driveways from the lesser traveled Boyd Road. The Project will eliminate a curb cut/driveway on the busy Woodbury Avenue. Each unit will have a garage with additional area on-site for visitor parking. Entry, exit, maneuvering and turnaround are all reasonable as proposed.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding- the proposed development is bounded by Woodbury Avenue and Boyd Road. Single-family homes/duplexes and their uses will be quiet and unassuming. The Project also rehabilitates 3 existing homes and grounds (lots 2, 3, 13), a benefit to the surrounding neighborhood.
5. The preservation and enhancement of the visual environment- The 8 tastefully designed units will preserve/enhance the visual environment as will the rehabilitation of the 3 existing homes/grounds.
6. The preservation of historic districts buildings and structures of historic or architectural interest-The property is not in the historic district. The existing home to be removed is old but of no known historic or architectural interest. The other 3 existing homes will be rehabilitated.
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 be fully 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 project location is along heavily traveled Woodbury Avenue. While there are single-family homes in the area the three closest are part of this overall project. Nearby are the traffic circle, bypass, automobile dealerships, hotels and the multi-building multi-unit Manor or Drive apartment complex. The 8 units, 2 of which are at the intersection of Woodbury and Boyd, with the others along the lessor-traveled Boyd Road are tucked at the northwest corner nearest the hotels. The Proposal fits in well with the eclectic area. Thus, granting 8 condominium units on 1.38 acres where the GRA zone intends 5-12 units per acre does not alter the essential character of the locality. Likewise, 8 new code compliant homes together with rehabilitating the 3 remaining existing homes and grounds will not threaten the public health, safety or welfare. To the contrary, the project will provide comparatively modestly priced housing in the city of Portsmouth.

3. Granting the variances will not diminish surrounding property values

The closest abutters to the 8 units are the 3 remaining single-family units to be purchased by Tuck and renovated. The units closest to the corner of Woodbury and Boyd are directly across Boyd Road from the Manor Drive development containing multiple duplexes. The existing uninhabited home at the corner of Woodbury and Boyd is a somewhat of an eyesore and will be removed along with the Woodbury Avenue curb cut. The 3 existing homes to remain are intended be rehabilitated and their adjoining yards cleaned up. The area is relatively heavily vegetated. The 8 condominium units will thus be screened from the neighborhood. The construction of 8 condominium units together with improving the 3 remaining single-family homes will improve the area significantly, thus will not diminish the 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 60025 s.f. lot holding the proposed 8 condominium units is large for the area. Density limits of the GRA zone are met. It is abutted by a much more significant multi-building, multi-unit apartment complex across Boyd Road on Manor Drive. The 1.38 acre lot with 8 units meets the GRA stated purposes of relatively dense development with 5-12 units per acre. Nearby is the bypass and traffic circle. Other than Manor Drive, there are a few homes across Woodbury Avenue; however, the primary abutters are the Manor Drive apartments, Best Western Hotel/Roundabout Diner and Holiday Inn Hotel. The parcel size and the property's location near hotels and a significant duplex project across the street 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 one free standing dwelling per lot is to prohibit overcrowding, allow for air, light, and separation between neighbors, and to permit stormwater treatment. The proposal meets the density requirements of 7,500 feet per dwelling unit, so overcrowding is nonexistent. Adequate area for air, light, separation between neighbors and stormwater treatment area is provided given its proximity to 3 other single-family homes which are part of the overall development project, the proximity of the Manor Drive apartments, two hotels and a diner, granting the variances will violate none of the underlying purposes of the “one freestanding dwelling unit per lot” zoning limitation. This is especially true where, given its location and surroundings, granting this particular variance will provide 8 relatively reasonably priced homes in the city of Portsmouth to include vegetated screening and significant improvements to the 3 existing homes/lots. The entire area will be upgraded, thus it follows that there simply is no reason to apply the strict requirements of the ordinance. This transitional location is well suited for an 8unit condominium comprised of single-family and duplexes units.

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 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.

Tuck 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. “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).

Because the Project meets all setback, lot coverage and open space requirements; abuts a large apartment complex, two hotels and a diner; is in close proximity to the bypass/traffic circle; eliminates one dilapidated home together with its driveway onto Woodbury Avenue; renovates the other three (3) homes and lots; provides relatively more affordable housing in Portsmouth given its location; will provide screening from abutters thus will be largely unnoticed, 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 variance causes great harm to Tuck and the property owners intending to sell via loss of value and the opportunity to provide additional forms of homeownership in Portsmouth New Hampshire, as the Project as proposed will not occur. Thus substantial justice dictates that the variances be granted.

V. Conclusion

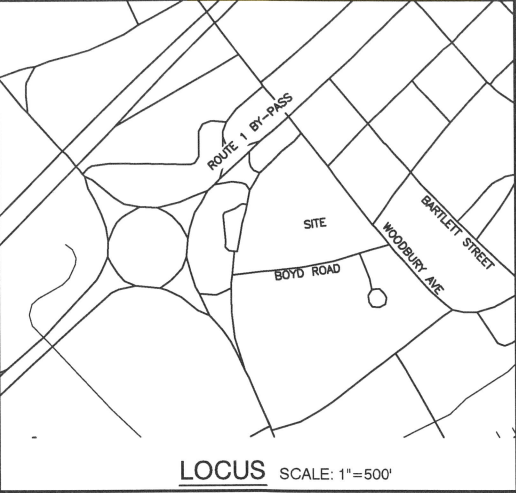
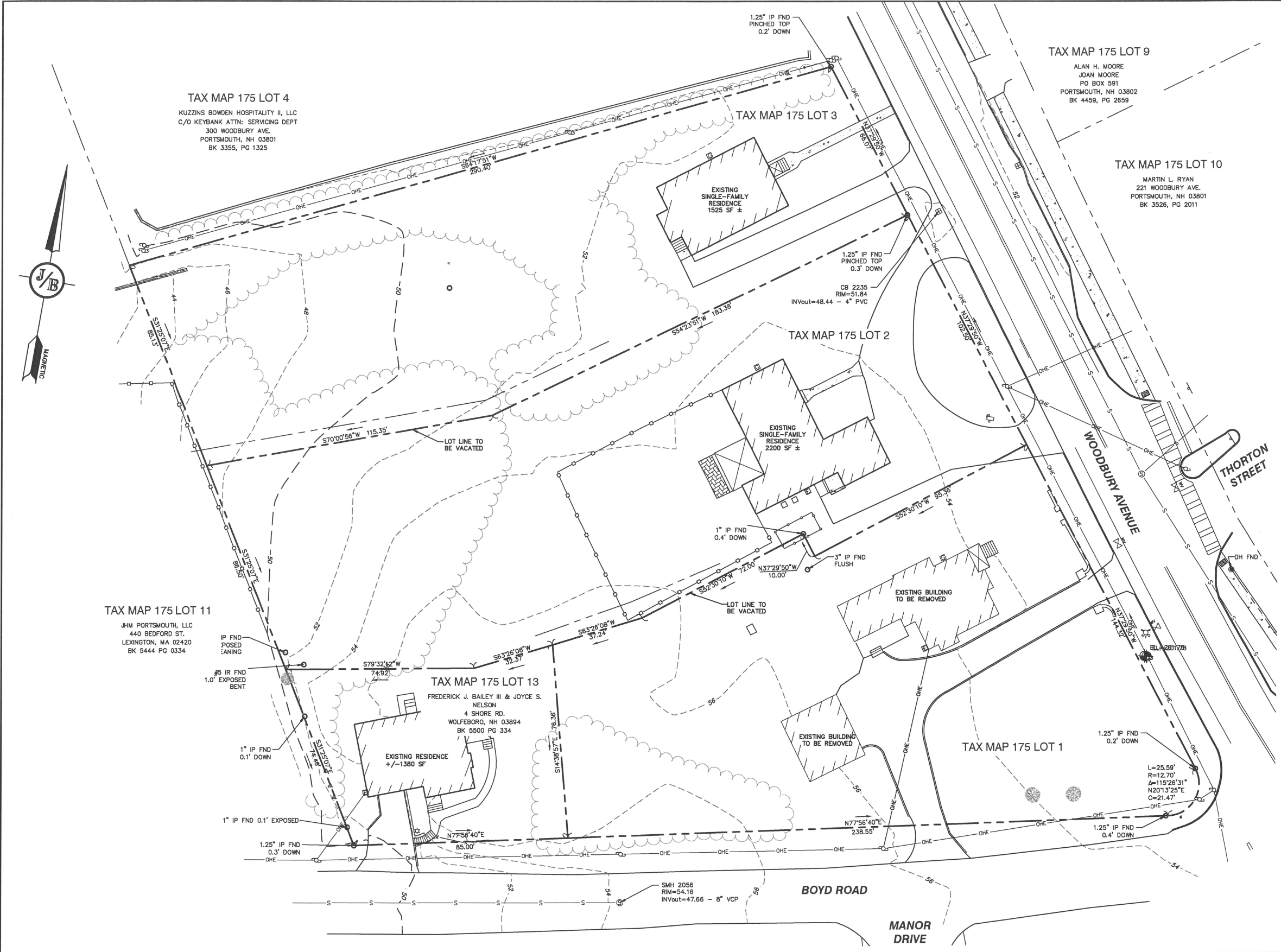
For all of the reasons herein stated, Tuck respectfully requests that the Portsmouth Zoning of Adjustment grant the requested variances.

Respectfully submitted,
Tuck Realty Corporation

By:

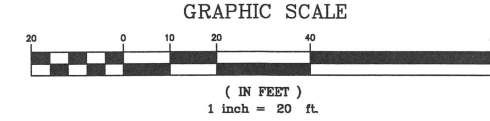
A handwritten signature in blue ink, appearing to be 'Kevin Baum', is written over a horizontal line.

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



- EXISTING CONDITIONS NOTES:
- THE INTENT OF THIS PLAN IS TO SHOW THE APPROXIMATE EXISTING FEATURES LOCATED ON CITY OF PORTSMOUTH TAX MAP 175, LOTS 1, 2 & 3.
 - UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE (1-888-344-7233).
 - NO WETLANDS WERE OBSERVED WITHIN 100' OF THE PROPERTY BOUNDARY. SEE LETTER FROM GOVE ENVIRONMENTAL SERVICES, INC.
 - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.

ADDITIONAL ABUTTER:
TAX MAP 162 LOT 56
COLBY T. GAMESTER
AMANDA D. GAMESTER
187 WOODBURY AVE.
PORTSMOUTH, NH 03801
BK 6050 PG 180



PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 175, LOTS 1,2,&3
APPLICANT
TUCK REALTY CORP.
ATTN: TURNER PORTER
P.O. BOX 190
EXETER, NH 03833
TOTAL LOT AREA
87,661 SQ. FT.
2.01 ACRES

Design: JAC	Draft: AJB	Date: 01/05/22
Checked: JAC	Scale: 1"=20'	Project No.: 21254
Drawing Name: 21254-PLAN.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
1	3/21/22	REVISED PER CLIENT	DJM
0	1/5/22	ISSUED FOR REVIEW	AJB

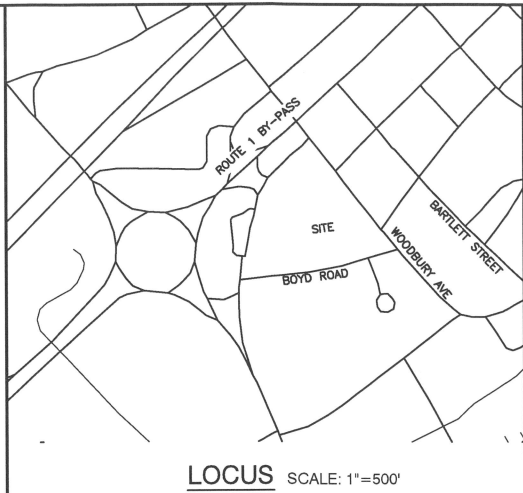
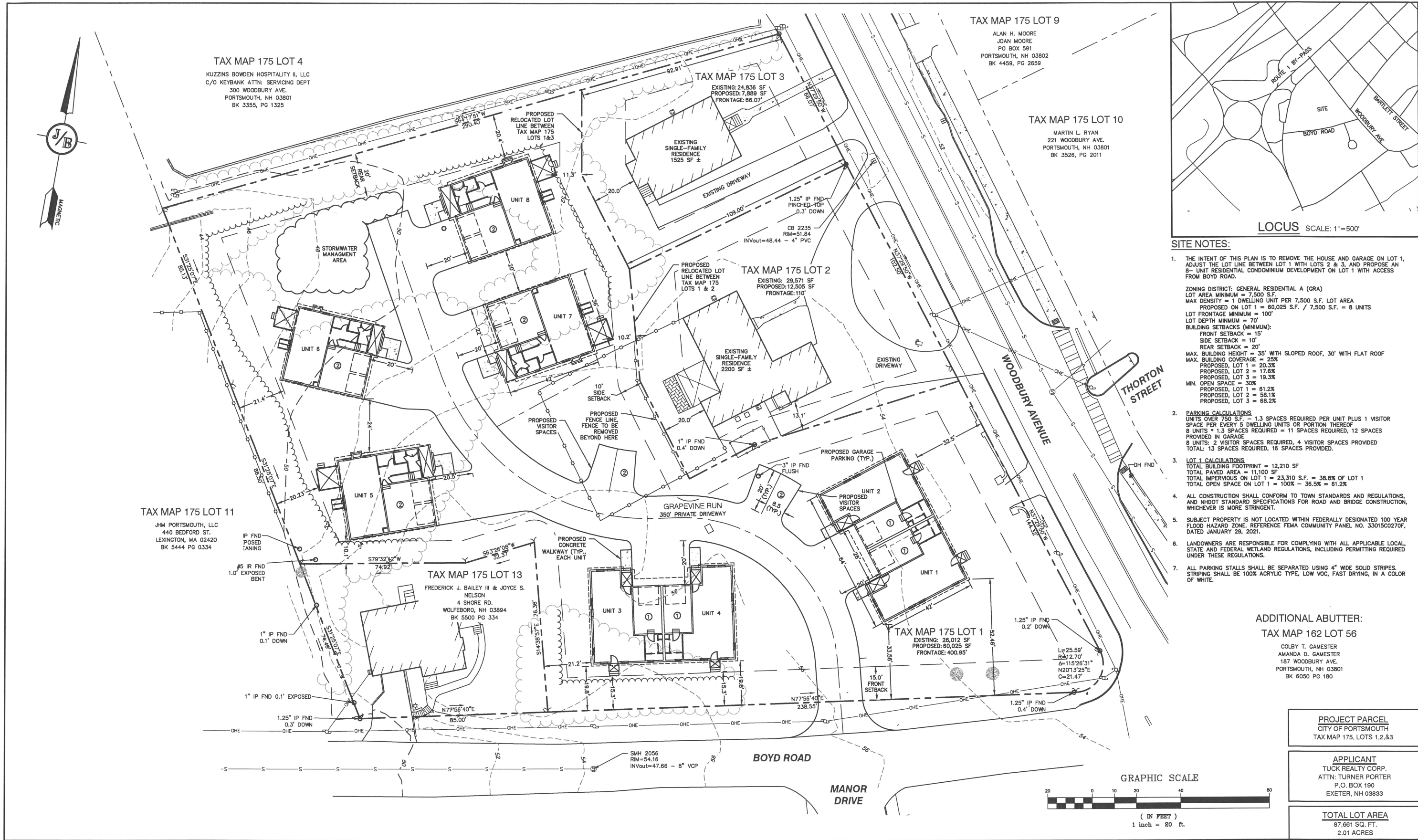
J/B Jones & Beach Engineers, Inc.
Civil Engineering Services
85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885
603-772-4746
FAX: 603-772-0227
E-MAIL: JB@JONESANDBEACH.COM

Plan Name:	EXISTING CONDITIONS PLAN
Project:	"GRAPEVINE RUN" PORTSMOUTH, NH 03801
Owner of Record:	LOT 1&2: FREDERICK J. BAILEY III & JOYCE NELSON 22 KIRRIEMUIR RD., STRATHAM, NH 03885 LOT 1: BK 4708 PG 979, LOT 2: BK 4582 PG 888 LOT 3: FREDERICK J. BAILEY III & JOYCE S. NELSON BAILEY: 22 KIRRIEMUIR RD., STRATHAM, NH 03885 NELSON: 19 BUCKINGHAM DR., BOW, NH BK 3919 PG 1345

DRAWING No.

C1

SHEET 1 OF 2
JBE PROJECT NO. 21254



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO REMOVE THE HOUSE AND GARAGE ON LOT 1, ADJUST THE LOT LINE BETWEEN LOT 1 WITH LOTS 2 & 3, AND PROPOSE AN 8-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON LOT 1 WITH ACCESS FROM BOYD ROAD.
 - ZONING DISTRICT:** GENERAL RESIDENTIAL A (GRA)
LOT AREA MINIMUM = 7,500 S.F.
MAX DENSITY = 1 DWELLING UNIT PER 7,500 S.F. LOT AREA
PROPOSED ON LOT 1 = 60,025 S.F. / 7,500 S.F. = 8 UNITS
LOT FRONTAGE MINIMUM = 100'
LOT DEPTH MINIMUM = 70'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 15'
SIDE SETBACK = 10'
REAR SETBACK = 20'
MAX. BUILDING HEIGHT = 35' WITH SLOPED ROOF, 30' WITH FLAT ROOF
MAX. BUILDING COVERAGE = 25%
PROPOSED, LOT 1 = 20.3%
PROPOSED, LOT 2 = 17.6%
PROPOSED, LOT 3 = 19.3%
MIN. OPEN SPACE = 30%
PROPOSED, LOT 1 = 61.2%
PROPOSED, LOT 2 = 58.1%
PROPOSED, LOT 3 = 68.2%
 - PARKING CALCULATIONS**
UNITS OVER 750 S.F. = 1.3 SPACES REQUIRED PER UNIT PLUS 1 VISITOR SPACE PER EVERY 5 DWELLING UNITS OR PORTION THEREOF
8 UNITS * 1.3 SPACES REQUIRED = 11 SPACES REQUIRED, 12 SPACES PROVIDED IN GARAGE
8 UNITS: 2 VISITOR SPACES REQUIRED, 4 VISITOR SPACES PROVIDED
TOTAL: 13 SPACES REQUIRED, 16 SPACES PROVIDED.
 - LOT 1 CALCULATIONS**
TOTAL BUILDING FOOTPRINT = 12,210 SF
TOTAL PAVED AREA = 11,100 SF
TOTAL IMPERVIOUS ON LOT 1 = 23,310 S.F. = 38.8% OF LOT 1
TOTAL OPEN SPACE ON LOT 1 = 100% - 38.8% = 61.2%
 - ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
 - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE, REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.
 - LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
 - ALL PARKING STALLS SHALL BE SEPARATED USING 4" WIDE SOLID STRIPES. STRIPING SHALL BE 100% ACRYLIC TYPE, LOW VOC, FAST DRYING, IN A COLOR OF WHITE.

ADDITIONAL ABUTTER:
TAX MAP 162 LOT 56
COLBY T. GAMESTER
AMANDA D. GAMESTER
187 WOODBURY AVE.
PORTSMOUTH, NH 03801
BK 6050 PG 180

PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 175, LOTS 1,2,&3
APPLICANT TUCK REALTY CORP. ATTN: TURNER PORTER P.O. BOX 190 EXETER, NH 03833
TOTAL LOT AREA 87,661 SQ. FT. 2.01 ACRES

Design: JAC	Draft: AJB	Date: 01/05/22
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Drawing Name: 21254-PLAN.dwg		
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1	3/21/22	REVISED PER CLIENT	DJM
0	1/5/22	ISSUED FOR REVIEW	AJB
REV.	DATE	REVISION	BY



Designed and Produced in NH

Jones & Beach Engineers, Inc.

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

Civil Engineering Services

603-772-4746
FAX: 603-772-0227
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	ZBA SITE PLAN
Project:	"GRAPEVINE RUN" PORTSMOUTH, NH 03801
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DRAWING No.

C2

SHEET 2 OF 2
JBE PROJECT NO. 21254

3/3/2022

Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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restrictions.

**Artform Home Plans**

603-431-9559



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Maypop Expanded Duplex 471.224.v3

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).

3/3/2022

Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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Artform Home Plans

603-431-9559



3/3/2022

Maypop Expanded Duplex

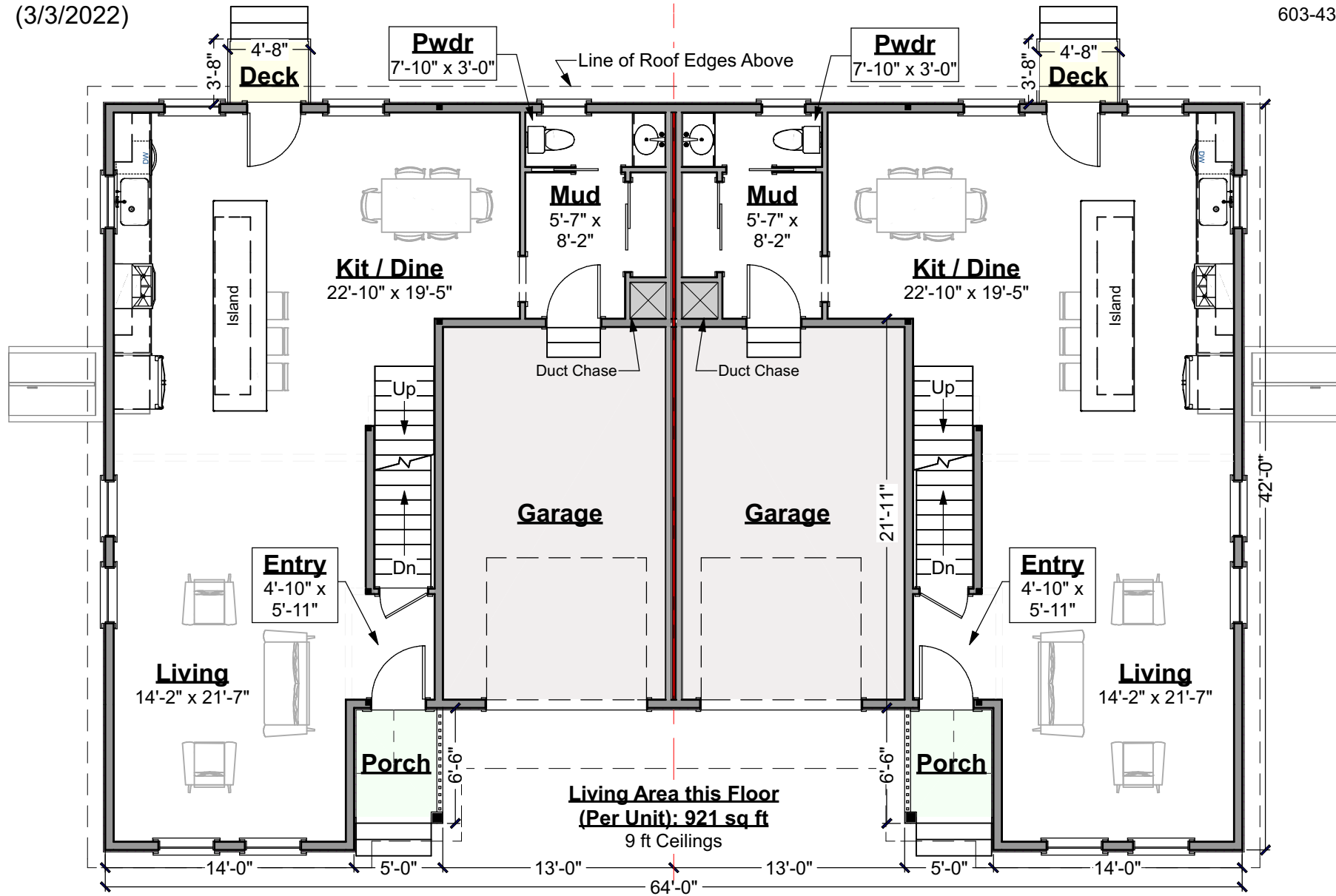
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Artform Home Plans

603-431-9559



First Floor Plan

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

3/3/2022

Maypop Expanded Duplex

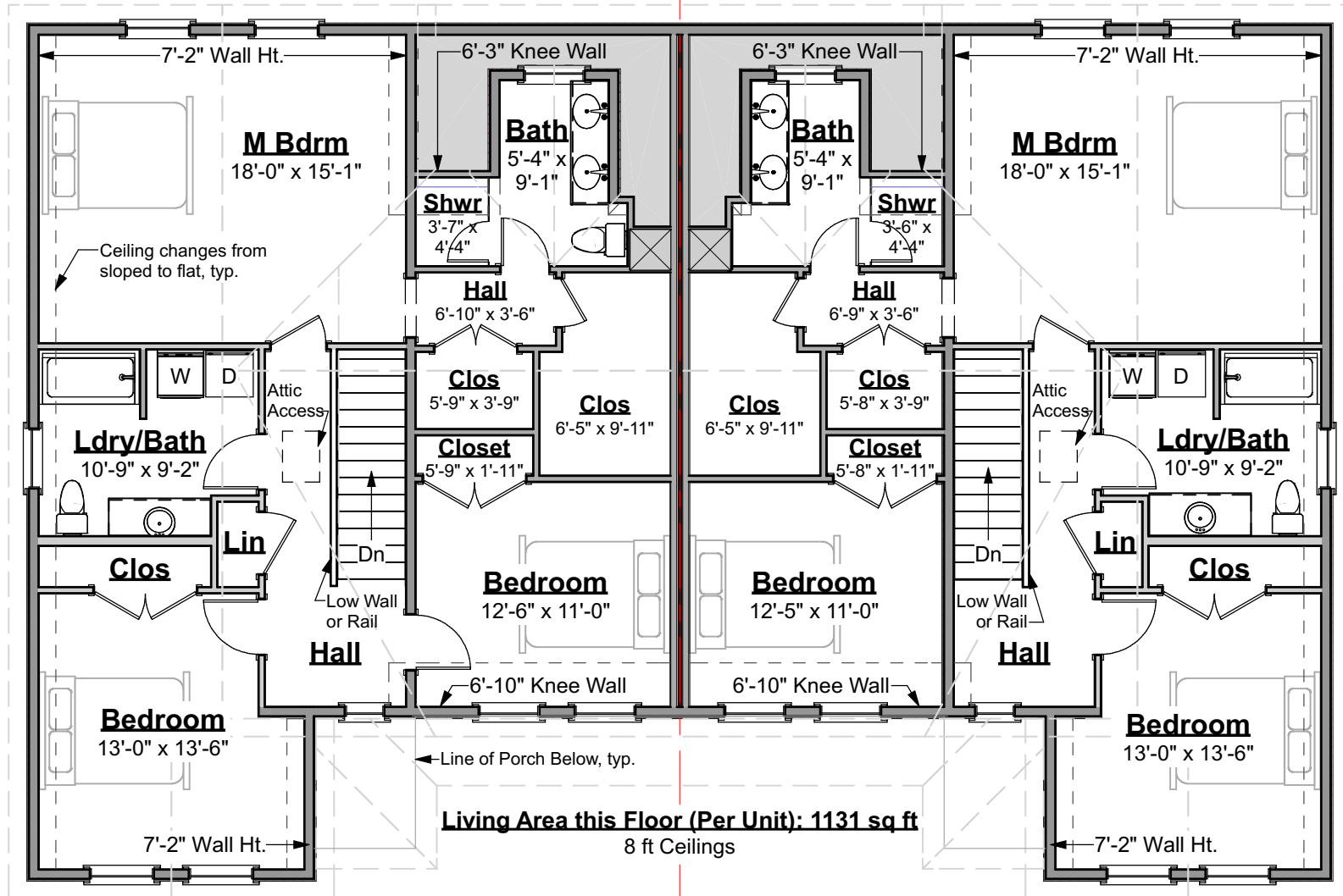
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(3/3/2022)

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603-431-9559



Second Floor Plan

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

3/3/2022

Maypop Expanded Duplex

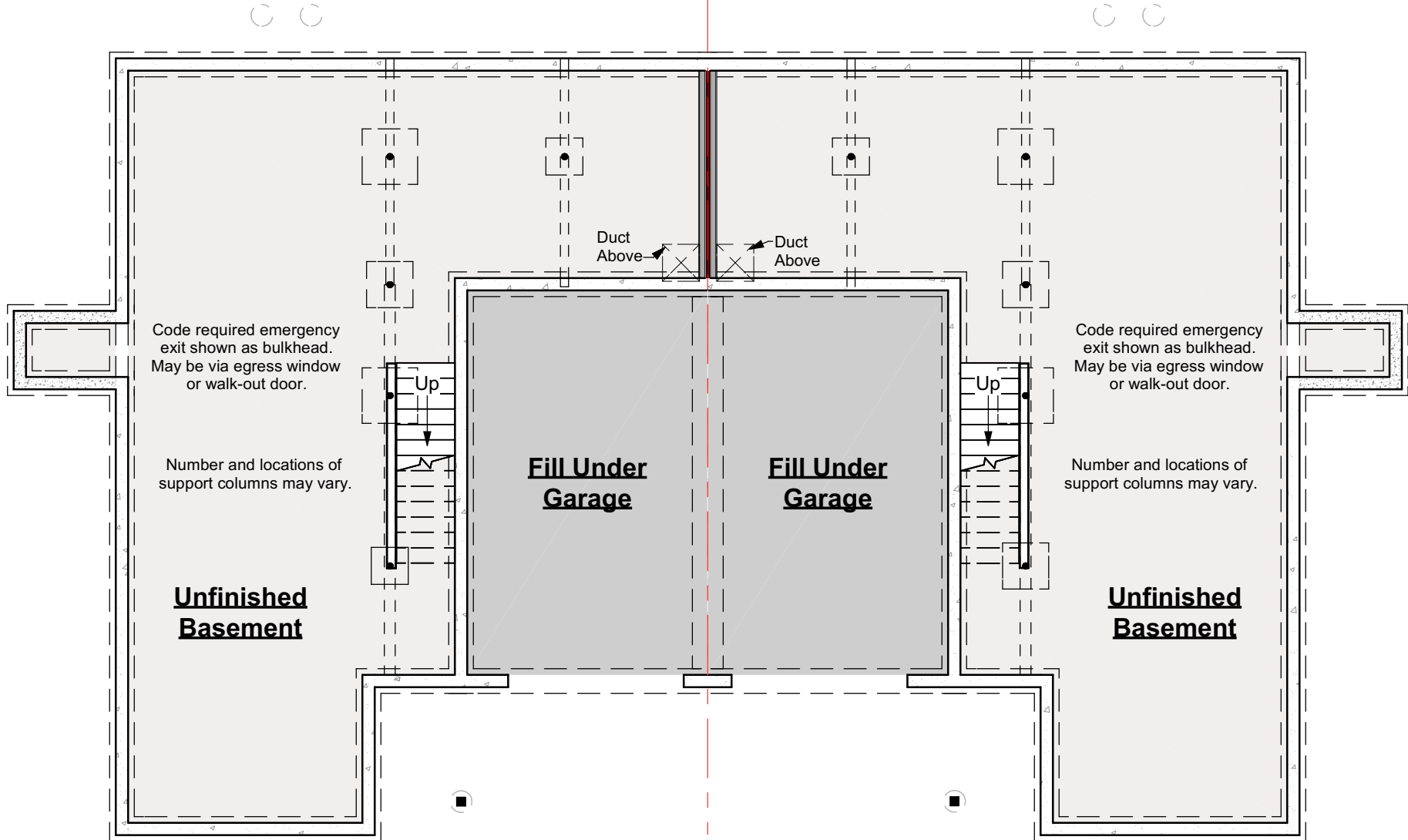
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(3/3/2022)

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Artform Home Plans

603-431-9559



Foundation Plan

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

3/3/2022

Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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Artform Home Plans

603-431-9559



3/3/2022

Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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Artform Home Plans

603-431-9559



3/3/2022

Maypop Expanded Duplex

471.224.v3

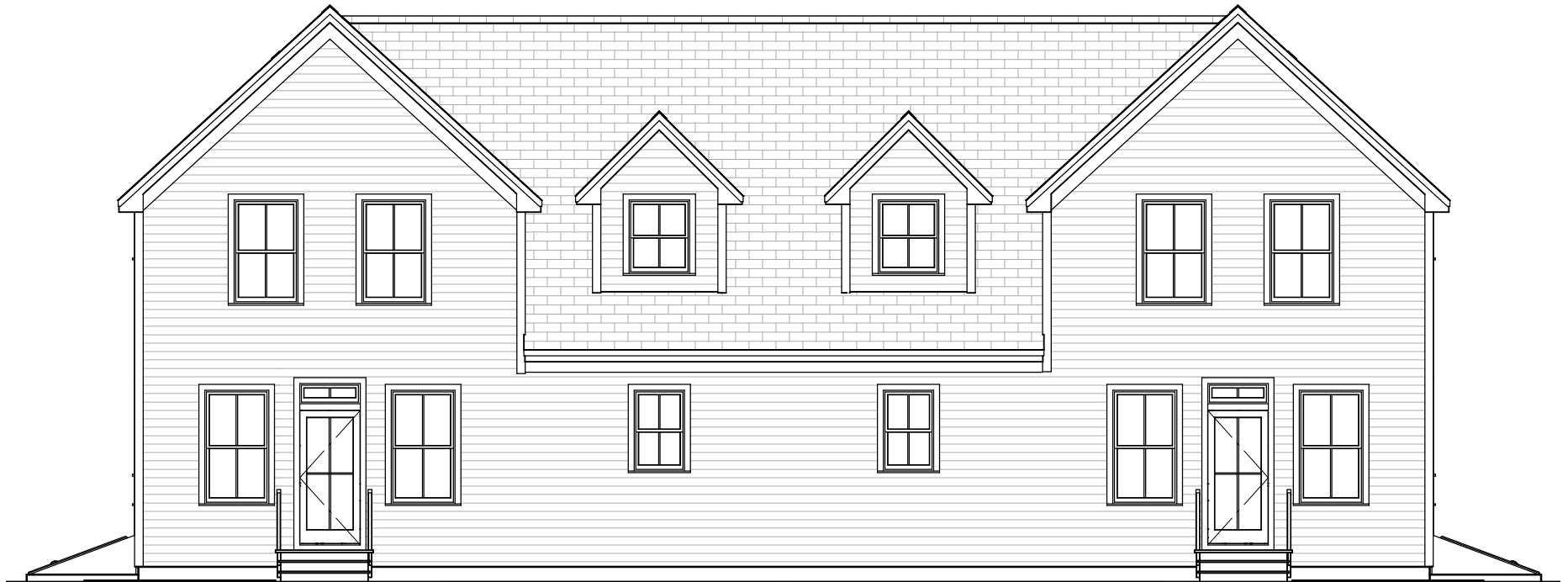
(3/3/2022)

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even if you make changes. This design may have geographic
restrictions.



Artform Home Plans

603-431-9559



Rear Elevation

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

3/3/2022

Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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Artform Home Plans

603-431-9559



Ben Gabriel

1096.124 GR (3/23/2022)

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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).

3/23/2022

Ben Gabriel

1096.124 GR (3/23/2022)

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Artform Home Plans

603-431-9559



3/23/2022

Ben Gabriel

1096.124 GR (3/23/2022)

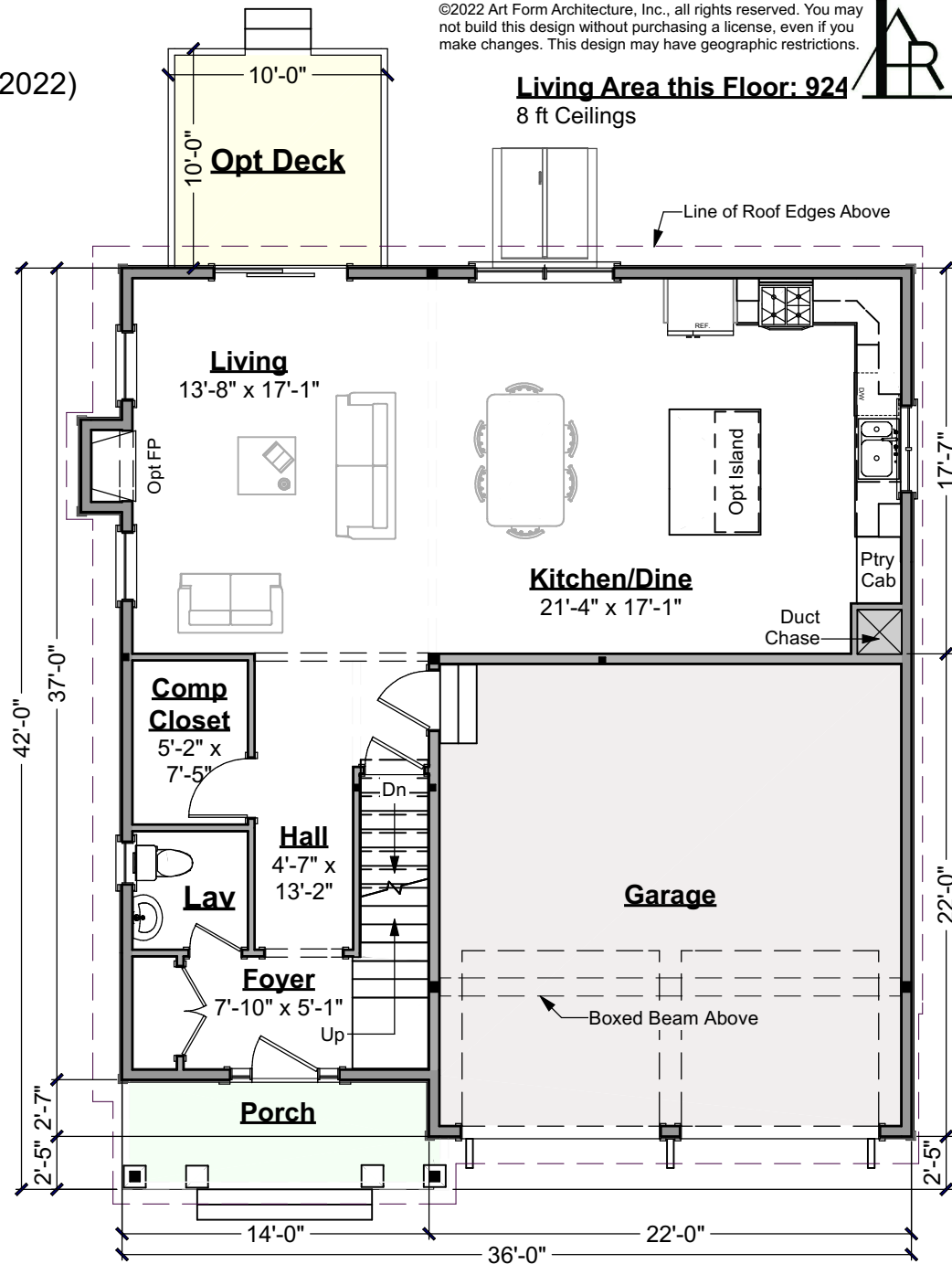
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Living Area this Floor: 924

8 ft Ceilings

Artform Home Plans

603-431-9559



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

3/23/2022

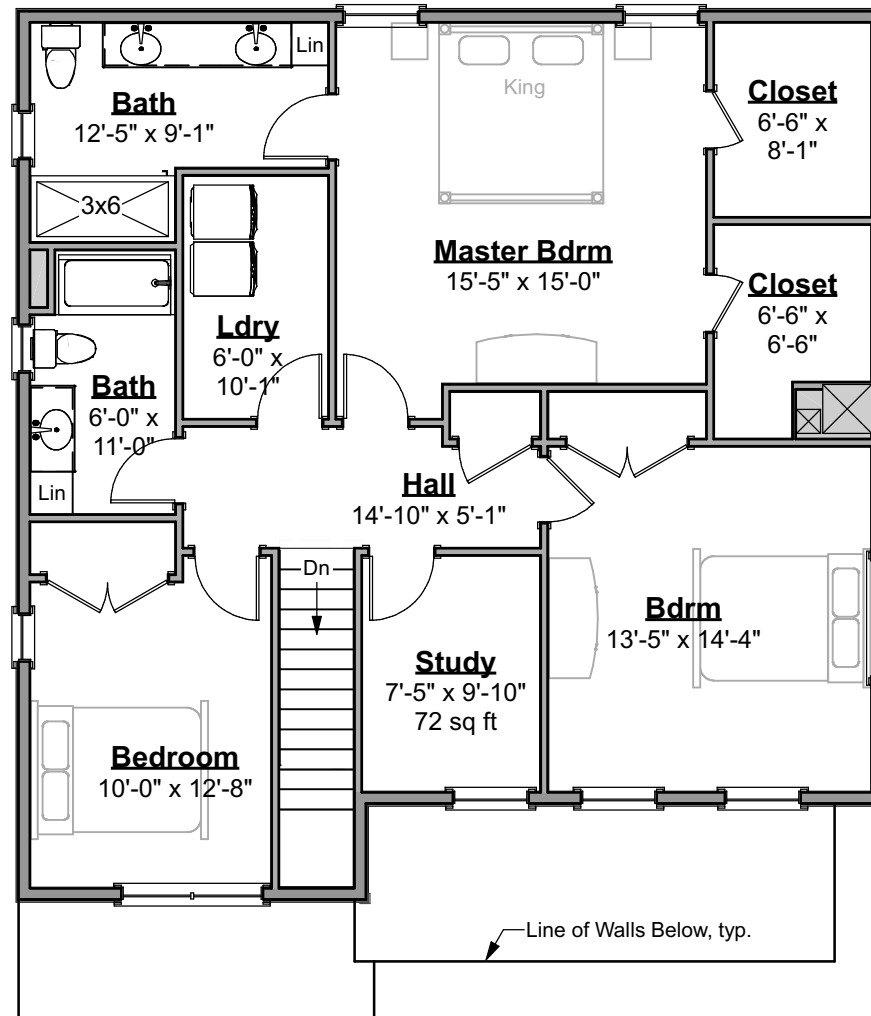
Ben Gabriel

1096.124 GR (3/23/2022)

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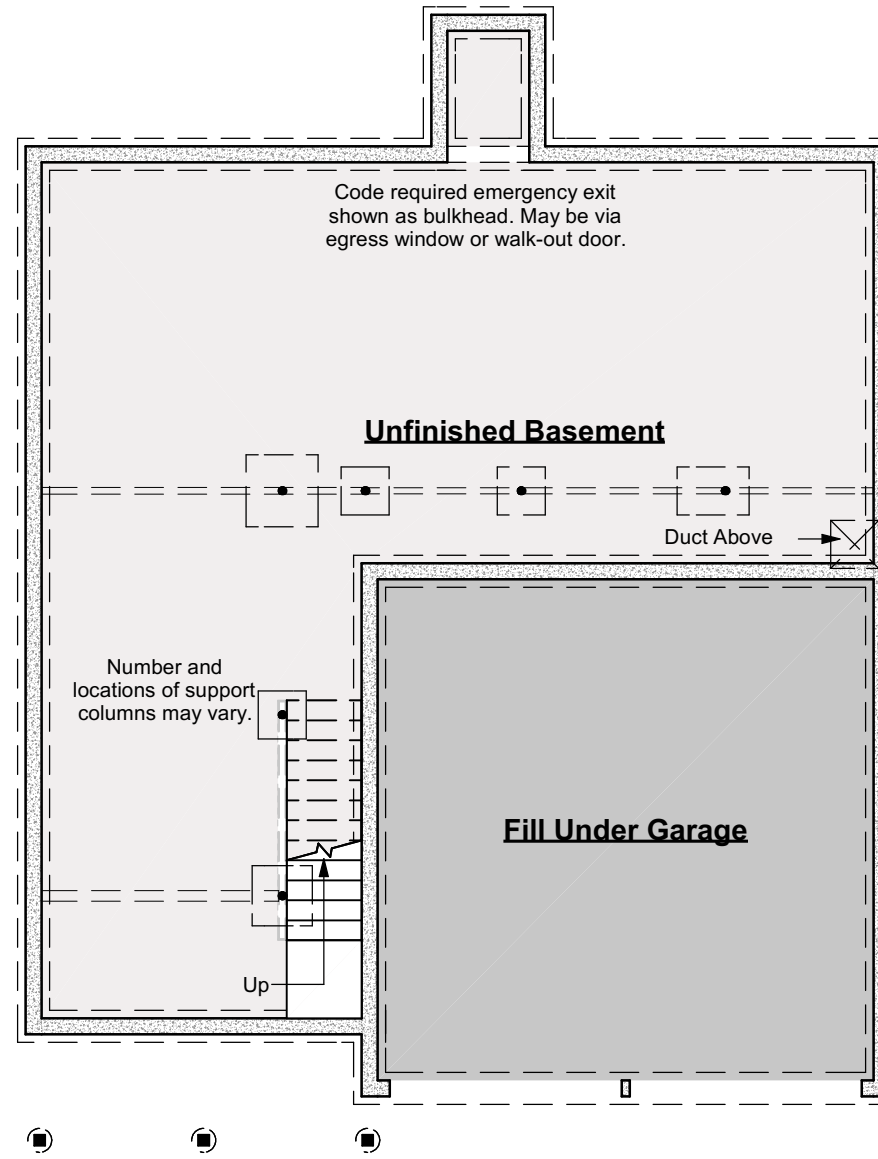
Artform Home Plans

603-431-9559



Living Area this Floor: 1246 sq ft
8 ft Ceilings

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



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

3/23/2022

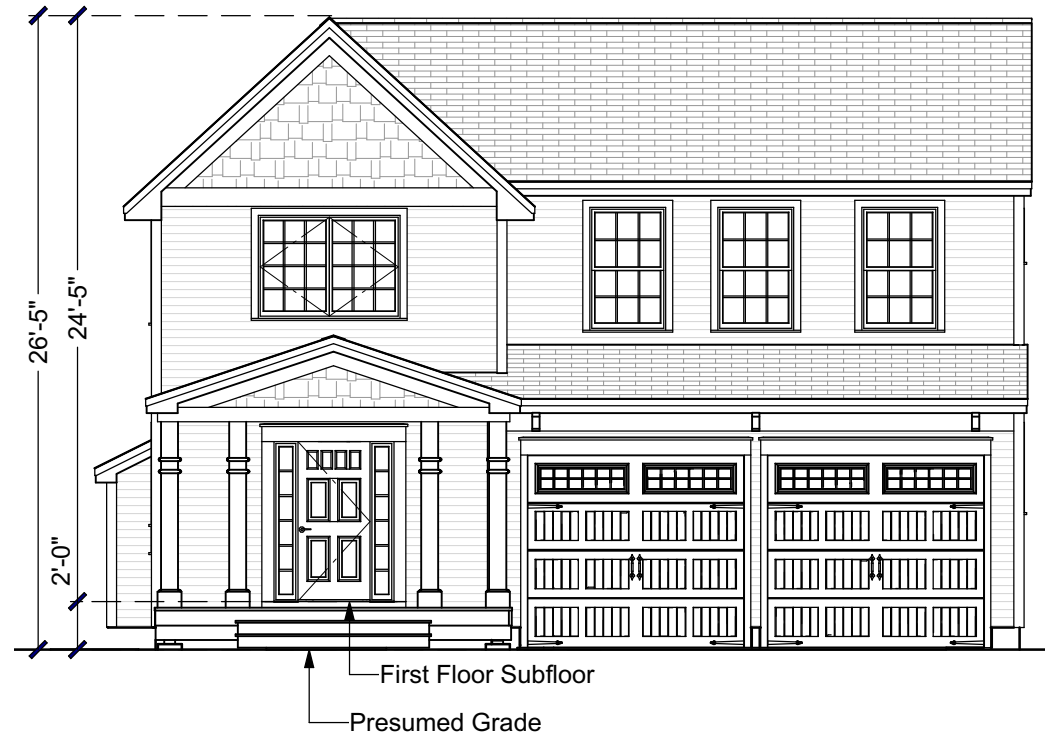
Ben Gabriel

1096.124 GR (3/23/2022)

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Artform Home Plans

603-431-9559



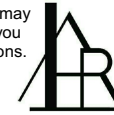
Front Elevation
Scale: 1/8" = 1'-0"

3/23/2022

Ben Gabriel

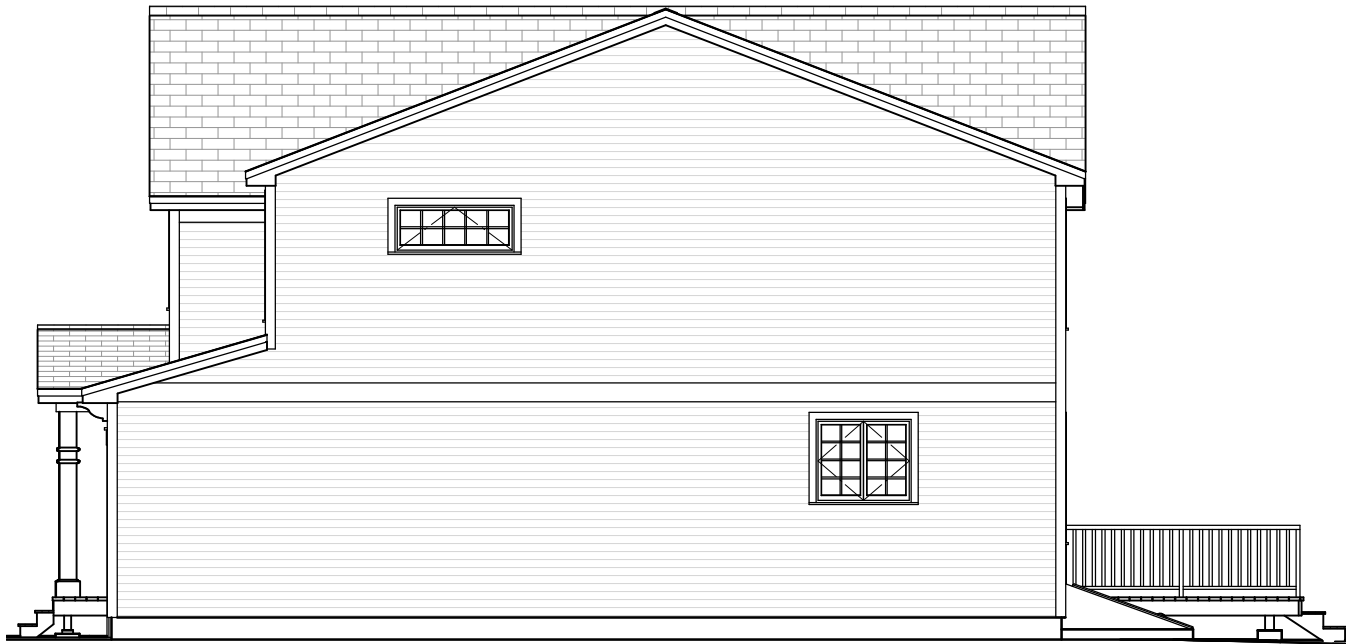
1096.124 GR (3/23/2022)

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Artform Home Plans

603-431-9559



Right Elevation

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

3/23/2022

Ben Gabriel

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Artform Home Plans

603-431-9559



Rear Elevation

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

3/23/2022

Ben Gabriel

1096.124 GR (3/23/2022)

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Artform Home Plans

603-431-9559



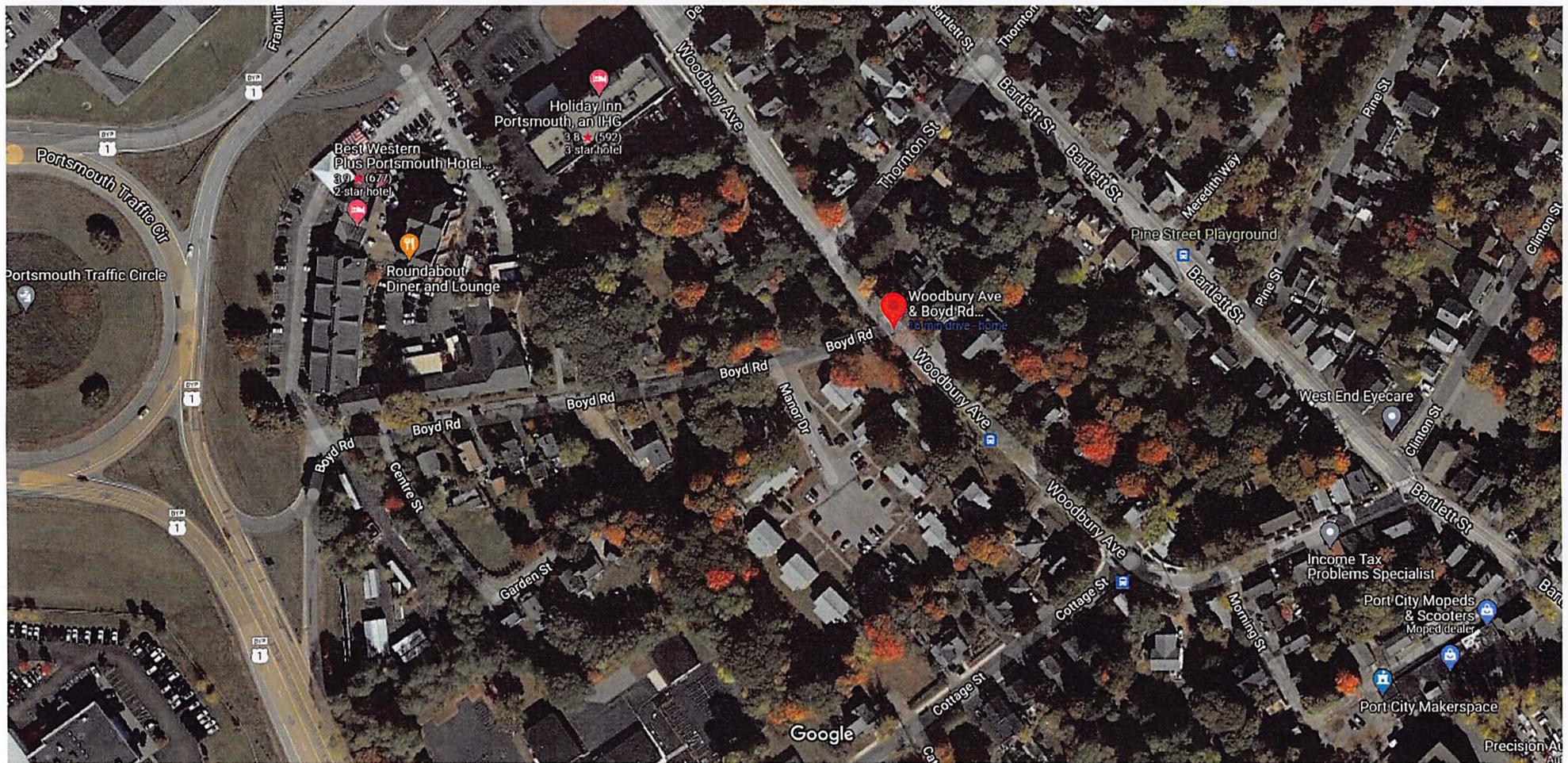
Left Elevation
Scale: 1/8" = 1'-0"

2/21/22, 10:01 AM

Woodbury Ave & Boyd Rd - Google Maps

EXHIBIT 3

Google Maps Woodbury Ave & Boyd Rd



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2022 100 ft

2/21/22, 10:01 AM

Woodbury Ave & Boyd Rd - Google Maps

Google Maps Woodbury Ave & Boyd Rd



Imagery ©2022 Maine GeoLibrary, U.S. Geological Survey, Map data ©2022 20 ft

2/21/22, 10:02 AM

2 Manor Dr - Google Maps

Google Maps 2 Manor Dr

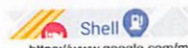


Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011



https://www.google.com/maps/@43.0726422,-70.7769293,3a,75y,127.32h,83.3t/data=!3m7!1e1!3m5!1szrX41MSnwhTwEBSi4hwuHA!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3DzrX41MSnwhTwEBSi4hwuHA%26cb_client%3Dmaps_sv.tactile.gps%26w%3D203%26h%3D... 1/1













212 WOODBURY AVE

Location 212 WOODBURY AVE

Mblu 0175/ 0001/ 0000/ /

Acct# 35282

Owner BAILEY FREDERICK J III

PBN

Assessment \$383,800

Appraisal \$383,800

PID 35282

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800

Owner of Record

Owner BAILEY FREDERICK J III
Co-Owner NELSON JOYCE
Address 4 SHORE RD
WOLFEBORO, NH 03894

Sale Price \$475,000
Certificate
Book & Page 4708/0979
Sale Date 09/15/2006
Instrument 24

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$475,000		4708/0979	24	09/15/2006

Building Information

Building 1 : Section 1

Year Built: 1870
Living Area: 2,432
Replacement Cost: \$337,263
Building Percent Good: 26

Replacement Cost

Less Depreciation: \$87,700

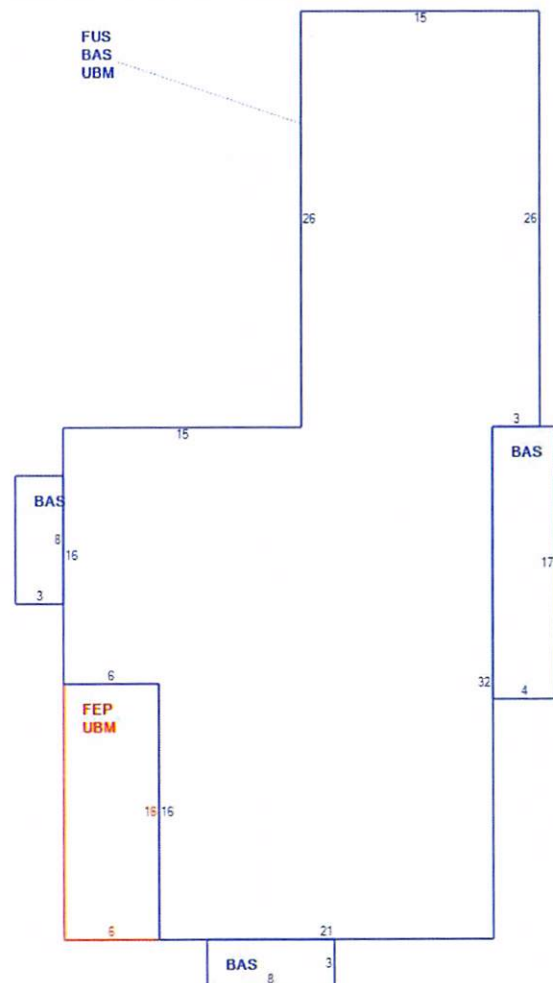
Building Attributes	
Field	Description
Style:	Conventional
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Interior Flr 2	Carpet
Model	Residential
Grade:	C+
Stories:	2
Exterior Wall 1	Clapboard
Roof Structure:	Mansard
WB Fireplaces	0
Extra Openings	0
Roof Cover	Asph/F Gls/Cmp
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	
Interior Wall 1	Plastered
Interior Flr 1	Hardwood
Heat Fuel	Gas
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	1
Total Rooms:	7
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\02\09\71.jpg>)

Building Layout



([ParcelSketch.ashx?pid=35282&bid=35282](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,274	1,274
FUS	Upper Story, Finished	1,158	1,158
FEP	Porch, Enclosed	96	0

UBM	Basement, Unfinished	1,254	0
		3,782	2,432

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
KIT	EXTRA KITCHEN	1.00 UNITS	\$1,000	1

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone GRA
Neighborhood 131
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.59
Frontage
Depth
Assessed Value \$293,400
Appraised Value \$293,400

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE	02	DETACHED	624.00 S.F.	\$1,700	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800
2019	\$90,400	\$293,400	\$383,800
2018	\$80,500	\$266,700	\$347,200

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800
2019	\$90,400	\$293,400	\$383,800
2018	\$80,500	\$266,700	\$347,200

214 WOODBURY AVE

Location 214 WOODBURY AVE

Mblu 0175/ 0002/ 0000/ /

Acct# 35283

Owner BAILEY FREDERICK J III

PBN

Assessment \$521,600

Appraisal \$521,600

PID 35283

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600

Owner of Record

Owner BAILEY FREDERICK J III
Co-Owner NELSON JOYCE S
Address 4 SHORE RD
WOLFEBORO, NH 03894

Sale Price \$450,000
Certificate
Book & Page 4582/0888
Sale Date 11/16/2005
Instrument 0

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$450,000		4582/0888	0	11/16/2005

Building Information

Building 1 : Section 1

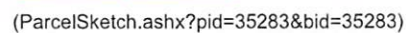
Year Built: 1960
Living Area: 1,380
Replacement Cost: \$251,251
Building Percent Good: 84

Less Depreciation:	\$211,100
--------------------	-----------

Extra Features

A photograph of a single-story house with a white garage and a dark roof, surrounded by trees. The house has a white garage door with a grid pattern and a dark roof. The house is surrounded by trees and a lawn.

Building Layout



Extra Features

Legend

Code	Description	Size	Value	Bldg #
REC	REC ROOM	600.00 S.F.	\$12,600	1

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone GRA
Neighborhood 131
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.71
Frontage
Depth
Assessed Value \$297,900
Appraised Value \$297,900

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
2019	\$221,600	\$297,900	\$519,500
2018	\$199,200	\$270,800	\$470,000

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
2019	\$221,600	\$297,900	\$519,500
2018	\$199,200	\$270,800	\$470,000

216 WOODBURY AVE

Location 216 WOODBURY AVE

Mblu 0175/ 0003/ 0000/ /

Acct# 35284

Owner BAILEY FREDERICK J III

PBN

Assessment \$453,900

Appraisal \$453,900

PID 35284

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900

Owner of Record

Owner BAILEY FREDERICK J III
Co-Owner NELSON JOYCE
Address 4 SHORE RD
WOLFEBORO, NH 03894

Sale Price \$0
Certificate
Book & Page 3919/1345
Sale Date 12/27/2002

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
BAILEY FREDERICK J III	\$0		3919/1345	12/27/2002

Building Information

Building 1 : Section 1

Year Built: 1935
Living Area: 1,572
Replacement Cost: \$252,007
Building Percent Good: 64

Replacement Cost
Less Depreciation: \$161,300

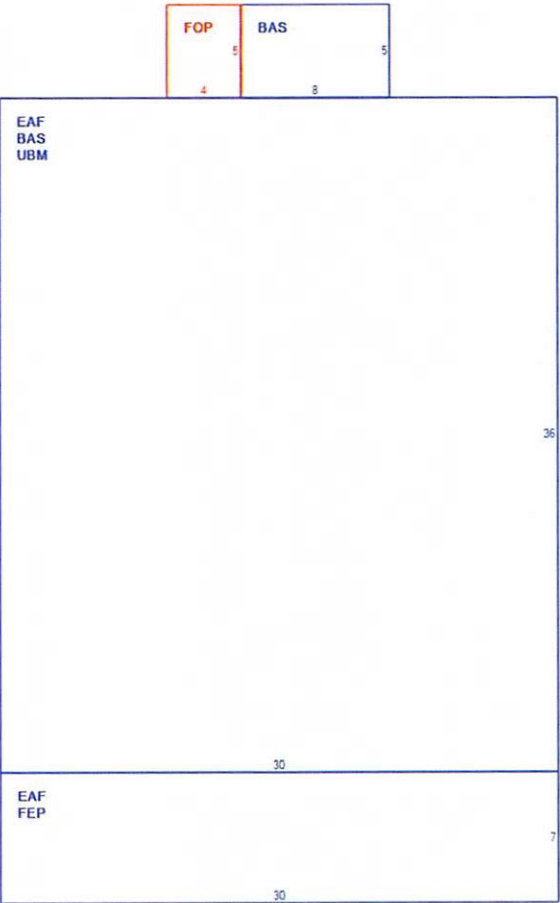
Building Attributes	
Field	Description
Style:	Bungalow
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Interior Flr 2	Carpet
Model	Residential
Grade:	C
Stories:	1
Exterior Wall 1	Wood Shingle
Roof Structure:	Gable/Hip
WB Fireplaces	0
Extra Openings	0
Roof Cover	Asph/F Gls/Cmp
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	
Interior Wall 1	Plastered
Interior Flr 1	Hardwood
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	5
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/10010104128.JPG>)

Building Layout



(ParcelSketch.ashx?pid=35284&bid=35284)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,120	1,120
EAF	Attic Expansion	1,290	452
FEP	Porch, Enclosed	210	0
FOP	Porch, Open	20	0
UBM	Basement, Unfinished	1,080	0

		3,720	1,572
--	--	-------	-------

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation
Use Code 1010	Size (Acres) 0.57
Description SINGLE FAM MDL-01	Frontage
Zone GRA	Depth
Neighborhood 131	Assessed Value \$292,600
Alt Land Appr No	Appraised Value \$292,600
Category	

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900
2019	\$161,300	\$292,600	\$453,900
2018	\$143,300	\$266,000	\$409,300

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900
2019	\$161,300	\$292,600	\$453,900
2018	\$143,300	\$266,000	\$409,300

6 BOYD RD

Location

6 BOYD RD

Mblu

0175/ 0013/ 0000/ /

Acct#

35292

Owner

BAILEY FREDERICK J III

PBN

Assessment

\$335,500

Appraisal

\$335,500

PID

35292

Building Count

1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500

Owner of Record

Owner

BAILEY FREDERICK J III

Sale Price

\$238,000

Co-Owner

NELSON JOYCE S

Certificate

Address

4 SHORE RD

Book & Page

5500/0334

WOLFEBORO, NH 03894

Sale Date

12/06/2013

Instrument

24

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$238,000		5500/0334	24	12/06/2013
COLLINS GLORIA C LIVING REVOC TR 1999	\$0		4708/0976		09/15/2006

Building Information

Building 1 : Section 1

Year Built:

1951

Living Area:

1,318

Replacement Cost:

\$215,624

Building Percent Good: 70
Replacement Cost
Less Depreciation: \$150,900

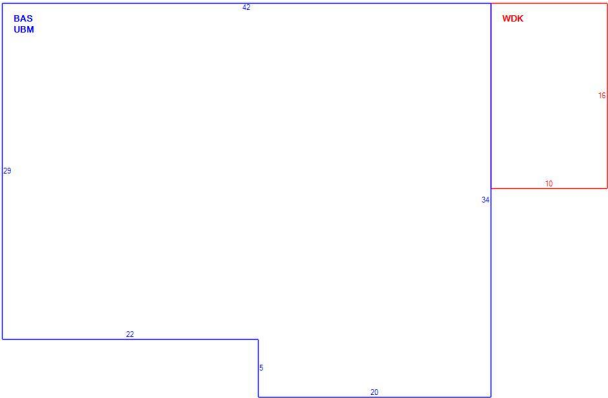
Building Attributes	
Field	Description
Style:	Ranch
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Interior Flr 2	Carpet
Model	Residential
Grade:	C
Stories:	1
Exterior Wall 1	Clapboard
Roof Structure:	Gable/Hip
WB Fireplaces	1
Extra Openings	0
Roof Cover	Asph/F GlS/Cmp
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	1
Interior Wall 1	Drywall/Sheet
Interior Flr 1	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	1
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Below Avg Qual
Kitchen Gr	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\02\02\67.jpg>)

Building Layout



(ParcelSketch.ashx?pid=35292&bid=35292)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,318	1,318
UBM	Basement, Unfinished	1,318	0
WDK	Deck, Wood	160	0
		2,796	1,318

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone GRA
Neighborhood 129
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.15
Frontage
Depth
Assessed Value \$184,600
Appraised Value \$184,600

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
2019	\$150,900	\$184,600	\$335,500
2018	\$139,200	\$174,500	\$313,700

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
2019	\$150,900	\$184,600	\$335,500
2018	\$139,200	\$174,500	\$313,700

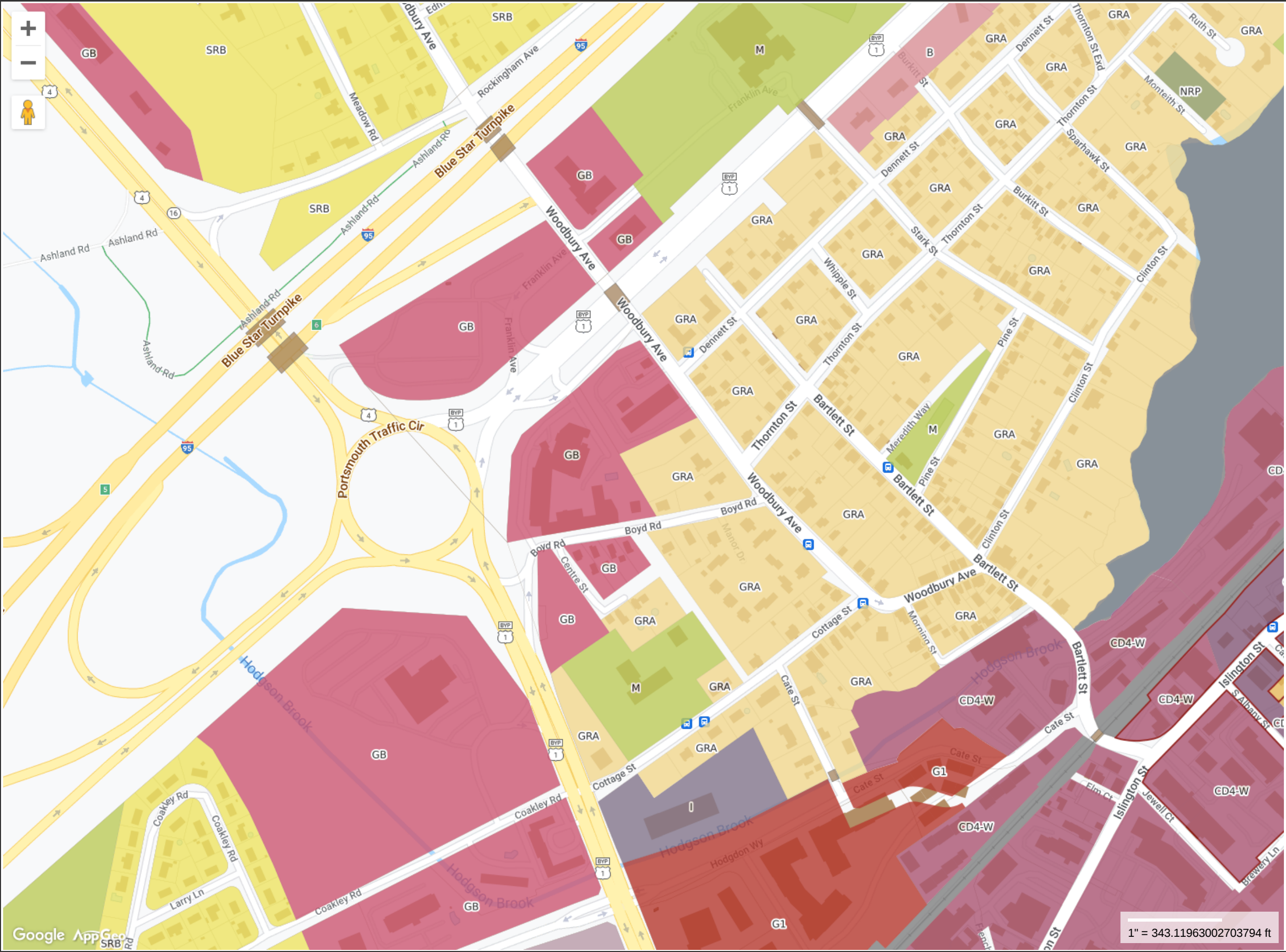


EXHIBIT 5



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.

1" = 343.11963002703794 ft

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

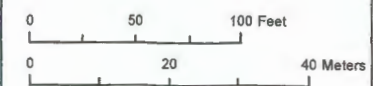


Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
25 Address number
233-137 Parcel number from a neighboring map
or Parcel line dimension
SIMS AVE Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

