



MEMORANDUM

TO: Karen S. Conard, City Manager, City of Portsmouth

Leila Mattila, Executive Coordinator, Rockingham County Board of Commissioners

Tim Roache, Executive Director, Rockingham Planning Commission

Members, Council on Resources and Development (CORD)

FROM: Heather Shank, Director, Division of Planning and Community Development

DATE: September 6, 2024

SUBJECT: Surplus Land Review

2024 SLR 005 - Frenchman's Lane, Portsmouth

The Council on Resources and Development (CORD) will hold a public meeting on the attached request on <u>October 10, 2024,</u> from 3-4 pm in the Kinsman Conference Room at the Department of Business and Economic Affairs (DBEA), 100 N. Main Street, Concord.

Please review the request and provide any comments in writing to Brendan.McDowell@livefree.nh.gov by **October 1, 2024.**

Please note, the application is also reviewed by the following organizations:

- The Department of Natural and Cultural Resources/NH Division of Historical Resources, in accordance with RSA 227-C:9.
- Members of the Public Water Access Advisory Board, in accordance with RSA 233-A.
- The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, in accordance with RSA 483-A:5, II.
- The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, in accordance with RSA 483:8, VII and 14.

For more information, see <u>DBEA – Office of Planning & Development – CORD</u>.



Charles M. Arlinghaus Commissioner (603) 271-3201

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street - Room 100
Concord, New Hampshire 03301
Office@das.nh.gov

Catherine A. Keane Deputy Commissioner (603) 271-2059

Sheri L. Rockburn Assistant Commissioner (603) 271-3204

August 16, 2024

Taylor Caswell, Commissioner
Joseph Doiron, Chair, Council on Resources and Development (CORD)
NH Department of Business and Economic Affairs
100 North Main Street, Suite 100
Concord, New Hampshire 03301

RE: CORD Surplus Land Review - Land underlying Frenchman's Lane in Portsmouth, New Hampshire

Dear Sirs:

The Department of Administrative Services proposes to dispose by transfer to the City of Portsmouth of an apparently forgotten State-owned land parcel remnant underlying that portion of Frenchman's Lane that abuts or intersects with Islington Street in Portsmouth, New Hampshire. Recent title research suggests that the subject parcel remnant was once associated with a parking lot for the formerly adjacent State-owned community/technical college facilities (New Hampshire Technical Institute, Portsmouth), which once occupied portions of adjacent City Tax Map 165, Lots 3 and 4 (also now known as 875 and 871 Islington Street, respectively). It appears likely that the subject parcel remnant was inadvertently omitted from the State of New Hampshire's 1972 transfer of abutting land to the City.

Earlier this year the New Hampshire Department of Education was approached by a private engineering firm working on behalf of the City of Portsmouth to request either: permission from the State to construct and maintain pedestrian improvements on the State land located within Frenchman's Lane, or the outright transfer of ownership of the subject parcel remnant to the City. The Department of Education, having no current record or institutional memory of owning or using any real property at this location in Portsmouth, sought the assistance of the Department of Administrative Services, which agreed to initiate and manage the requested disposal on behalf of the State pursuant to its default custody of "all state-owned or rented real property not specifically charged to some other department . . ." RSA 21-I, I(c)(3). The subject parcel remnant is too small to be of any particular use to the State (estimated less than 0.07 acres), is located entirely within/beneath an existing City street, and would appear to have little to no value except to the City due its size, configuration, location, and existing status as part of a City street.

Please submit the attached Surplus Land Review application to CORD for the requested review and recommendation for disposal of the subject property.

Sincerely,

Jared J. Nylund

Real Property Asset Manager

Council on Resources and Development REQUEST FOR SURPLUS LAND REVIEW ACTION

| Name | e of Requesting Agency: | Department of Administrative Services |
|------------------|--|--|
| Agen | cy Contact Person: | Jared Nylund, Real Property Asset Manager |
| | Address: | 25 Capitol Street, Concord, NH 03301 |
| | Phone Number: | (603) 271-7644 |
| | E-Mail: | <u>jared.j.nylund@das.nh.gov</u> |
| Appli | cant Contact Person: | (same as above) |
| | Address: | |
| | Phone Number: | |
| | E-Mail: | - |
| Locat | ion of Property: | Land underlying portion of Frenchman's Lane abutting Islington Street in Portsmouth, NH |
| Acred | age: | unknown nominal acreage (probably less than 0.07 acres) |
| Requ | ested Action: | Recommendation for disposal by gift transfer to the City of Portsmouth |
| Term | of Lease or Easement: | n/a |
| | | |
| Attn 1. W 2. W | NH Bureau of Economics: NH Office of Planning & 100 North Main St, Suite Concord, NH 03301 Attn: Stephanie N. Verdhat is the current use of the property consists of recognizes as a street of that is the proposed use of tended to create a publication. | & Development # 100, dile, Principal Planner stephanie.n.verdile@livefree.nh.gov his property? of a portion of Frenchman's Lane, which the City of Portsmouth wned and maintained by the City. of this property if surplused? Please note if proposed use is |
| | indeed create (or at least has no record of accept have been omitted from appears likely that such description of the prop | st maintain) a public benefit. The City recently realized that it cance of the subject parcel remnant. The property appears to in a 1972 State transfer of abutting land to the City. In context, it is omission was the result of an inadvertent error in the deed erty being conveyed. This realization occurred during the project to construct pedestrian access improvements within |
| 3. Do | oes the proposed use of t | this property entail new development? \square Yes \boxtimes No |
| a. | If yes, is it consistent wit | h adjacent and existing development? 🗌 Yes 👚 No |
| b. | | ne proposed new development differs from or is similar to its cate how it may initiate a future change in the use of the property |

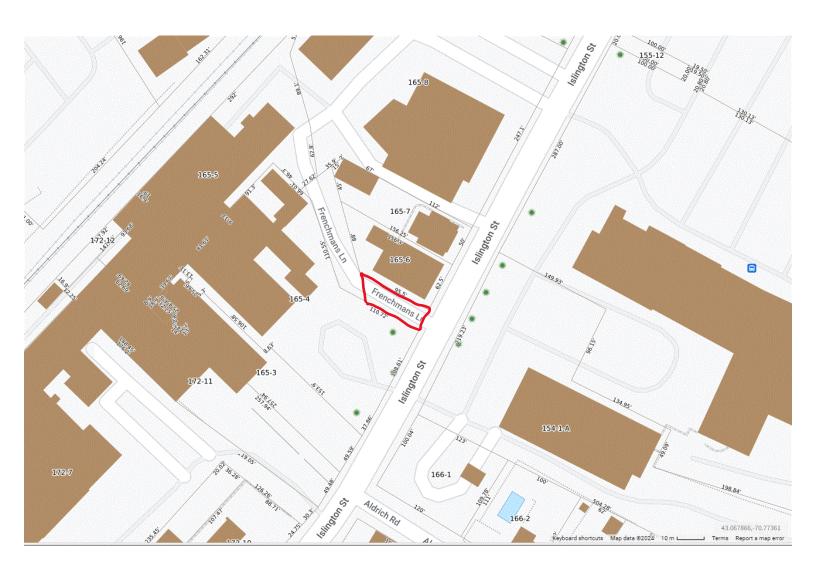
| | there any structures located on this property? | oxtime Yes | ☐ No | | |
|------------|--|--------------------------------|-------------|--|--|
| a. | If yes, please describe the structures including how many an | d what kind? | | | |
| | City street pavement and any associated storm water draina | ge infrastructi | ure | | |
| Are | e there historical architectural or archaeological resources ide | entified on this | site? | | |
| | | ☐ Yes | ⊠ No | | |
| a. | If yes, describe the resource(s)? | | | | |
| b. | If no, contact the NH Division of Historical Resources prior to a | application su | bmission. | | |
| ls t | here any existing development or structures on adjacent sites | ? ⊠Yes | ☐ No | | |
| a. | If yes, describe the use and number of structures of adjacent sites. If no, where is the nearest development? (Describe distance, use, and number) | | | | |
| | the entire area consists of fully developed urban lots and lan pavement and concrete surfaces | dscaping don | ninated by | | |
| Do | es the site represent the entire state property in this location? | ⊠ Yes | ☐ No | | |
| a. | If no, please describe its relationship to the entire state holding acreage, percentage of overall rail length, etc). | ng (percentag | ge of total | | |
| | | | | | |
| ls c | access to this property available? | oxtimes Yes | ☐ No | | |
| a | If yes, how is the site accessed? (from rail, water, across app | icant's prope | rty, etc) | | |
| | the site is part of an existing City street | | | | |
| | the site is part of all existing City street | | | | |
| b. | If yes, is there a potential for public access interruption? | ☐ Yes | ⊠ No | | |
| Are | 1 0 7 | | | | |
| Are Lal | If yes, is there a potential for public access interruption? e there water resources related to this property, such as: | | | | |
| Are Lal | If yes, is there a potential for public access interruption? The there water resources related to this property, such as: The there water resources related to this property, such as: The there water resources related to this property, such as: The water resources water of the size or extent of such resources. If yes, briefly describe how the requirements of RSA 483-B (Sh | Wetlands - oreland Wate | Yes 🛚 No | | |
| Are Lal | If yes, is there a potential for public access interruption? e there water resources related to this property, such as: kes/Ponds - Yes No OR Rivers - Yes No OR If yes, please indicate the size or extent of such resources. | Wetlands - oreland Wate | Yes 🛚 No | | |
| Are Lal | If yes, is there a potential for public access interruption? The there water resources related to this property, such as: The there water resources related to this property, such as: The there water resources related to this property, such as: The water resources water of the size or extent of such resources. If yes, briefly describe how the requirements of RSA 483-B (Sh | Wetlands - oreland Wate erty: | Yes No | | |
| Are Lal | If yes, is there a potential for public access interruption? ethere water resources related to this property, such as: kes/Ponds - Yes No OR Rivers - Yes No OR If yes, please indicate the size or extent of such resources. If yes, briefly describe how the requirements of RSA 483-B (Sh Protection Act) apply to potential development of this proper. If yes, briefly describe how any municipal zoning requirements. | wetlands - | Yes No | | |

| | Description: | | | | | | |
|-----|---|-------------|--|--|--|--|--|
| f. | f. How would the proposal affect the access opportunities described in e? | | | | | | |
| | | | | | | | |
| | ease identify any other significant resources or sensitive environmental conditions know located on or adjacent to this property. | n to | | | | | |
| | Yes (property) Yes (adjacent property) | No | | | | | |
| О | ı. Steep slopes | \boxtimes | | | | | |
| b | o. Wetlands (Prime and NWI) | \boxtimes | | | | | |
| С | . Threatened or endangered species | \boxtimes | | | | | |
| d | I. Wildlife Action Plan Critical Habitats | \boxtimes | | | | | |
| е | e. Increased impervious surface | \boxtimes | | | | | |
| f. | Potential stormwater flow changes | \boxtimes | | | | | |
| 9 | Agricultural soils of prime, statewide, or | | | | | | |
| | local importance | \boxtimes | | | | | |
| h | . Potential river channel change | \boxtimes | | | | | |
| i. | Other special designations | \boxtimes | | | | | |
| Ple | ease provide a description for any "yes" responses to question #10. | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within the town.

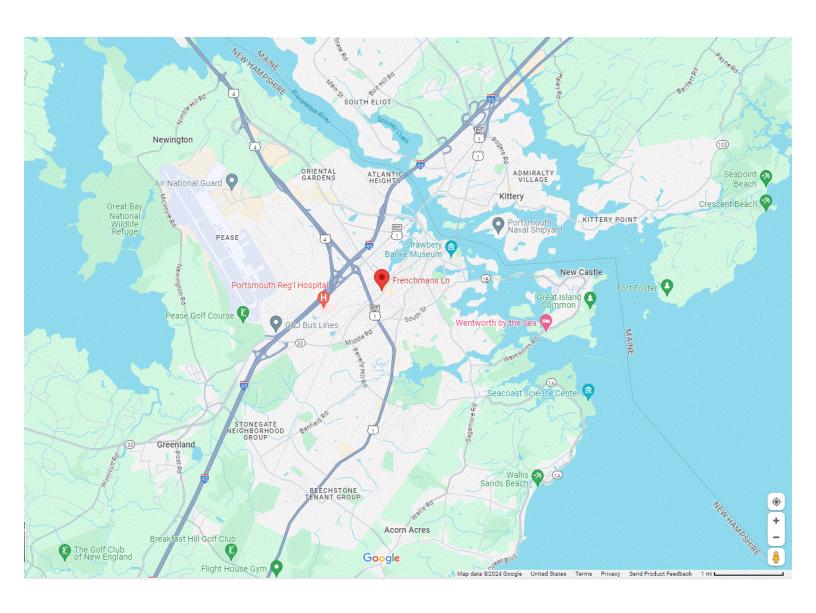
- a. Municipal tax map copy showing all abutters
- b. General location map with scale, north arrow, nearby roads, and water bodies/features*
- c. Aerial Photograph*
- d. Any site plans for new or proposed development prepared at the time of application
- e. Maps depicting rail lines, wetlands, conservation lands, rare species and exemplary natural communities, or topographic features are welcome but not required
- * Maps can be created with GIS, Google, Mapquest, GRANIT data mapper, or any other readily available mapping service.

Please paste any maps and photographs submitted as part of this application here.



Frenchman's Lane Portsmouth, New Hampshire City of Portsmouth GIS Tax Map Detail

(subject parcel remnant appears outlined by hand in red above)



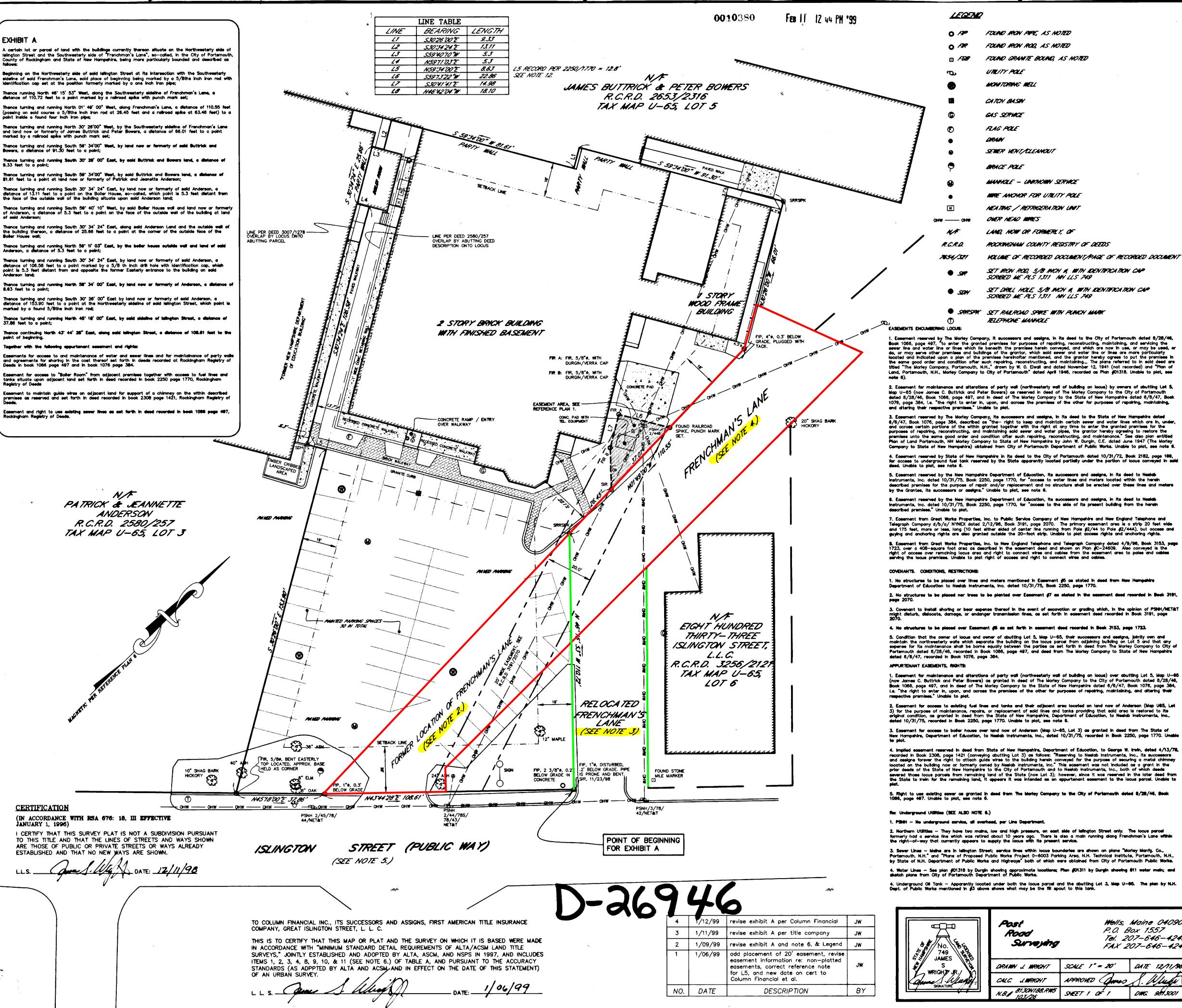
Frenchman's Lane Portsmouth, New Hampshire Google Location Map

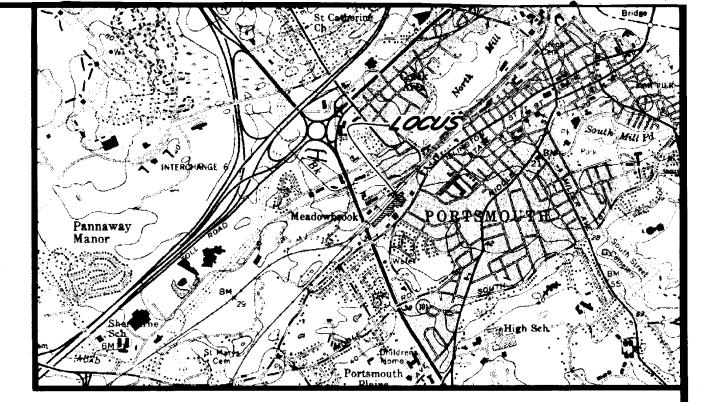
(subject parcel remnant location marked by labeled red pin at center of above map detail)



Frenchman's Lane
Portsmouth, New Hampshire
City of Portsmouth GIS Aerial Imagery Map

(subject parcel remnant appears outlined by hand in red above)





LOCATION PLAN

1.) EASEMENT PLAN OVER LAND OF GREAT WORKS PROPERTIES, INC. #871 ISLINGTON STREET - PORTSMOUTH, NEW HAMPSHIRE FOR NEW ENGLAND TELEPHONE AND TELEGRAPH CO. BY DURGIN, VERRA AND ASSOCIATES, INC. DATED APRIL 15, 1996 AND RECORDED AT THE R.C.R.D., PLAN

2.) PLAN OF LAND IN PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM, AS SURVEYED FOR TIMOTHY J. FLYNN & RUTH S. FLYNN, DATED JUNE 19, 1984 BY JGA ASSOCIATES. RECORDED AT THE R.C.R.D., PLAN #D-14255.

3.) LOT LINE REVISION PORTSMOUTH, N. H. GEORGE W. IRWIN TO GELMAR REALTY ASSOCIATES BY JOHN W. DURGIN ASSOCIATES, INC. DATED DECEMBER 1982, LAST REVISED JANUARY 5, 1983, APPROVED BY THE PORTSMOUTH PLANNING BOARD ON MARCH 3, 1983. RECORDED AT THE

4.) STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS PROJECT 0-6003 PARKING AREA N. H. TECHNICAL INSTITUTE, PORTSMOUTH, N. H. COUNTY OF ROCKINGHAM, DATED CIRCA 1950. UNRECORDED, COPY ON FILE WITH THE CITY OF PORTSMOUTH PUBLIC WORKS DEPARTMENT.

5.) PLAN OF LAND PORTSMOUTH, N. H. MORLEY COMPANY TO PHILIP LONG OR HIS NOMINEE, BY JOHN W. DURGIN DATED AUGUST 1947, RECORDED AT THE R.C.R.D. PLAN #01311.

6.) PLAN OF LAND PORTSMOUTH, N. H. MORLEY COMPANY TO STATE OF NEW HAMPSHIRE BY JOHN W. DURGIN, DATED JUNE 1947, COPY ON FILE WITH THE CITY OF PORTSMOUTH PUBLIC WORKS

7.) PLAN OF LAND PORTSMOUTH, N. H. MORLEY COMPANY TO CITY OF PORTSMOUTH, BY JOHN W. DURGIN, DATED APRIL 1946, RECORDED AT THE R.C.R.D. PLAN #01318.

8.) MISCELLANEOUS PLANS DEPICTING WATERLINES, SEWERS AND DRAINAGE ON FILE WITH THE CITY OF PORTSMOUTH PUBLIC WORKS DEPARTMENT.

REFERENCE PLANS

1.) THE BEARING DEPICTED HEREON ARE BASED ON INFORMATION SHOWN ON REFERENCE PLAN 6., AND APPEAR TO BE MAGNETIC, 1947.

2.) THIS PORTION OF FRENCHMAN'S LANE HAS BEEN ABANDONED, REFERENCE IS MADE TO THE FOLLOWING INSTRUMENTS RECORDED AT THE R.C.R.D.: VOLUME 2198, PAGE 71, VOLUME 2198,
PAGES 75-77 & VOLUME 2570, PAGE 1261. AS OF THE DATE OF THIS PLAT, THE FEE INTEREST RESIDES WITH THE CURRENT OWNER OF RECORD, GREAT WORKS PROPERTIES, INC.

3.) THE FEE INTEREST UNDERLYING THE RELOCATED FRENCHMAN'S LANE APPEARS TO RESIDE WITH THE STATE OF NEW HAMPSHIRE AS IT WAS INCLUDED IN THE CONVEYANCE FROM THE MORLEY COMPANY TO THE STATE (1081/324) BUT NOT INCLUDED IN THE DEED FROM THE STATE TO THE CITY OF PORTSMOUTH (2182/169).

4.) FRENCHMAN'S LANE, AS CURRENTLY CONSTITUTED, APPEARS TO HAVE A VARIABLE RIGHT-OF-WAY WIDTH DEFINED BY PREVIOUS CONVEYANCES TO ABUTTING PROPERTIES. THE STATUS OF FRENCHMAN'S LANE (PUBLIC OR PRIVATE) IS UNCLEAR AS THE CITY OF PORTSMOUTH DOES NOT APPEAR TO HAVE ACCEPTED SAID LANE (SEE R.C.R.D. 2198, PAGE 75), AND NO RECORD LAYOUT HAS BEEN FOUND.

5.) THE SIDELINE OF ISLINGTON STREET, AS SHOWN HEREON, IS BASED ON THE LOCUS DEED INFORMATION AND INFORMATION DEPICTED ON THE REFERENCE PLANS ABOVE. NO RECORD RIGHT OF WAY WIDTH HAS BEEN FOUND.

6.) THE LOCUS IS SERVED BY ELECTRICITY, WATER, GAS, TELEPHONE, SEWER, AND CABLE. ONLY THOSE PHYSICAL IMPROVEMENTS READILY VISIBLE ON THE FACE OF THE EARTH AS OF THE DATE OF THIS SURVEY HAVE BEEN LOCATED. NO SUBTERRANEAN LOCATION OF ANY SORT HAS BEEN PERFORMED BY POST ROAD SURVEYING. NO UNDERGROUND UTILITY LOCATION OR IDENTIFICATION HAS BEEN UNDERTAKEN BY POST ROAD SURVEYING.

7.) THE ACTUAL PHYSICAL LOCATION OF THE PARTY WALLS, DEPICTED HEREON, ARE INTENDED TO CÓNTROL BEARINGS AND DISTANCES.

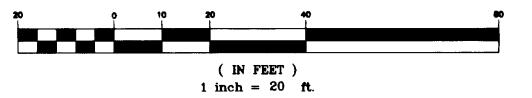
8.) WITH RESPECT TO THE EASEMENTS NOTED HEREON: EXCEPT AS DEPICTED THERE DOES NOT APPEAR TO BE ANY VISIBLE ENCROACHMENTS OR VISIBLE INTERFERENCE BY OTHER IMPROVEMENTS OR BUILDINGS ON THE PREMISES. (SEE ALSO NOTE 6.)

9.) TO THE BEST OF MY KNOWLEDGE AND BELIEF, WITH EXCEPTION OF THE RELOCATED FRENCHMAN'S LANE, THE LOCUS IS LOCATED ON A PHYSICALLY OPEN PUBLIC STREET.

10.) THE STRUCTURES DEPICTED HEREON APPEAR TO PREDATE CURRENT SETBACK REQUIREMENTS.

11.) THE LOCUS APPEARS TO BE LOCATED IN ZONE C, PER THE FLOOD INSURANCE RATE MAPS OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE, ROCKINGHAM COUNTY, COMMUNITY-PANEL NUMBER 330139 0016 B, EFFECTIVE DATE 1982.

12.) IT IS THE OPINION OF POST ROAD SURVEYING THAT THE DISTANCE CALL OF 12.8 FEET IN DEED 2250/1770 IS CONTROLLED BY THE QUALIFYING CALL FOR A "POINT APPROXIMATELY 5.3" FROM AND OPPOSITE THE NORTHERLY SIDE ENTRANCE TO THE NEW HAMPSHIRE DEPARTMENT OF EDUCATION BUILDING". GRAPHIC SCALE



ALTA / ACSM LAND TITLE SURVEY PREPARED FOR

GREAT ISLINGTON STREET, L. L. C. 871 ISLINGTON STREET

CITY OF PORTSMOUTH

ROCKINGHAM COUNTY, NEW HAMPSHIRE

AREA 41,134.8 SQUARE FEETH (0.944 ACRES 1)

Post Rood

FOUND IRON PIPE, AS NOTED

FOUND IRON ROD, AS NOTED

UTILITY POLE

CATCH BASIN

GAS SERVICE

SENNER VENT/CLEANOUT

OVER HEAD MINES

TELETYHONE MANHOLE

MANHOLE - UNINNOMN SERVICE

MARE ANOHOR FOR UTILITY POLE

MEATING / REFTRICETRATION UNIT

LAND, NOW OR FORMERLY, OF

ROCKINGHAM COUNTY REGISTRY OF DEEDS

SCRIBED ME PLS 1311 NH LLS 749

SCRIBED ME PLS 1311 NH LLS 749

HOLUME OF RECORDED DOCUMENT/PAGE OF RECORDED DOCUMENT

SET IRON ROO, 5/8 INCH II, WITH IDENTIFICATION CAP

SET DAILL HOLE, 5/8 INCH II, WITH IDENTIFICATION CAP

FOUND GRANITE BOUND, AS NOTED

Wells, Maine 04090 P.O. Box 1557 Tel. 207-646-4246 Surveying FAX 207-646-4242

DATE 12/11/98 SCALE 1" = 20" DRAMN I MRHOHT

SHEET 1 OF

DNG: 9513001