



City of Portsmouth
Planning Department
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Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: April 20, 2023
Re: Recommendations for the April 20, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the March 16, 2023 minutes.

Planning Department Recommendation

1) Board members should determine if the draft minutes include all relevant details for the decision-making process that occurred at the March 16, 2023 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)
- B. The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

Planning Department Recommendations

- 1) *Vote to determine that Item A is complete according to the Subdivision Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the application for consideration.*
 - 2) *Vote to determine that Item B is complete according to the Pease Subdivision Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the application for consideration.*
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SITE PLAN REVIEW

- A.** The request of **Frederick J. Bailey III & Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)
- B. REQUEST TO POSTPONE** The request of **Nicole J. Giusto and David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. (LU-22-196) **REQUEST TO POSTPONE**
- C.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

Planning Department Recommendations

- 1) *Vote to determine that Item A is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration.*
 - 2) *Vote to determine that Item C is complete according to the Pease Site Plan Review Regulations, (contingent on the granting of any required waivers under Sections III and/or IV of the agenda) and to accept the applications for consideration.*
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III. PUBLIC HEARINGS – OLD BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

It is recommended that Old Business Items IIIA and IIIC and New Business Item IVA be discussed together and voted on separately.

A motion is required to consider these items together.

- A.** The request of **Frederick J. Bailey III and Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Applicant)**, for properties located at **212, 214, and 216 Woodbury Avenue** requesting Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed. Said properties are located on Assessor Map 175 Lots 1, 2, and 3 and lie within the General Residence A (GRA) District. (LU-22-129)

- B.** The request of **Frederick J. Bailey III and Joyce Nelson (Owners)**, and **Tuck Realty Corporation (Owner and Applicant)**, for properties located at **212 Woodbury Avenue** requesting Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street. Said properties are located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

Project Background

The lot line revision plan proposed will create a 1.38-acre lot at 212 Woodbury Avenue to construct an 8-unit development consisting of 2 two-family units and 4 single-family units. The rear portions of 214 and 216 Woodbury will be merged into 212 Woodbury and the new access will be off Boyd Road and the remaining areas for 214 and 216 will be conforming lots and will not be part of the site plan development.

Three of the proposed units fall within the Highway Noise Overlay District (HNOD), which requires a Conditional Use Permit. Noise sensitive land uses, which include residential uses, which are located within the HNOD require a Conditional Use Permit. A noise analysis by a qualified professional must be completed to identify the level of noise and determine if noise mitigation is necessary for the proposed use.

The existing condition where the development is proposed consists mostly of open space with vegetation and trees. The predevelopment drainage sheet flows onto the adjacent hotel site. The proposed development will provide stormwater treatment

with two bioretention systems and infiltration beds located between the structures. The stormwater management system is described in further detail in the enclosed Drainage Analysis.

The project also includes off-site improvements including a 5-foot sidewalk from the new entrance to the development on Boyd Road and extending around the corner along the frontage on Woodbury Avenue.

Project Review, Discussion, and Recommendations

The project has been before the Technical Advisory Committee and the Zoning Board of Adjustment. See below for details.

Zoning Board of Adjustment

The Zoning Board of Adjustment, at its regularly scheduled meeting of Tuesday, April 19, 2022, considered the application and voted to grant a variance to allow more than one free standing dwelling on one lot with the following stipulations:

- 1) *The Board shall allow any changes made through TAC and the Planning Board during their review processes.*
- 2) *The Demolition Committee shall review the petition if anyone objects to the mansard building's demolition.*
- 3) *The applicant shall be allowed to make modifications based on any discussion with the abutters.*

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, February 7, 2023, considered the application for Subdivision and Site Plan Approval. The Committee voted to recommend approval of both to the Planning Board with the following conditions:

- 1) *DPW will review and approve the locations of domestic fire service lines entering all buildings.*

Planning Department Recommendation

Subdivision

- 1) *Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as amended and read into the record.

- 2) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
 - 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
 - 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*
 - 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City;*

Site Plan Approval

1) Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.

(Alt.) Vote to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended.

2.) Vote to grant Site Plan Approval with the following conditions:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.3) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.4) *DPW will review and approve the locations of domestic and fire service lines entering all buildings.*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.5) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*

Planning Department Recommendation
Conditional Use Permit

1) *Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as amended.

2.) *Vote to grant the Conditional Use Permit as presented.*

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- A.** The request of **Frederick J. Bailey III** and **Joyce Nelson (Owners)**, for property **located at 212 Woodbury Avenue** requesting a Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District (HNOD) for a residential development within the HNOD. Said property is located on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-129)

It is recommended that Item IIIA, IIIC and Item IVA under New Business be discussed together and voted on separately.

A motion is required to consider these items together.

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- B.** The request of **Jacob J. Sullivan (Owner)**, for property located at **86 Newcastle Avenue** requesting a Wetland Conditional Use Permit under section 10.1017. The proposal includes the removal of an existing deck and landscaping and replacing with a 405 s.f. two-story addition, 630 s.f. of pervious pavers and patio space, as well as replacement of existing landscaping with native plantings for a disturbance of approximately 2,764 s.f. within the inland wetland buffer and no impact in the tidal wetland buffer. Said property is located on Assessor Map 207 Lot 70 and lies within the Single Residence B (SRB) district. (LU-23-20)

Project Background

Applicant is proposing a 405 square foot addition and a 630 square foot pervious paver patio and walkways located where existing lawn and landscaped areas currently exist.

Staff Analysis

1. The land is reasonably suited to the use activity or alteration.

The overall project is an addition to the existing principal structure and new pervious pavers all within the wetland buffer. The small size of the addition and the inclusion of the porous pavers appears to be reasonable for the site.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity, or alteration.

The existing project is to expand the footprint of the interior living space where a deck currently exists. Given they are utilizing an existing footprint the location is the best alternative.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The proposed project represents a small new impact of impervious surface, but the applicant is adding landscaping and porous pavers to the site which will reduce any overall impact. The landscaping will include mulch and plantings – more details are necessary on the types of plantings.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

There is no impact to the woodland and the only natural vegetation will be removal of some lawn and landscaped areas which are fairly small and will be replaced by porous pavers and new landscaping.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

Overall, the applicant has provided an alternative with a small impact to the wetland buffer.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The proposal includes a plan with native landscaping and porous paver buffer.

Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, March 8, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following stipulations:

1. *The applicant shall provide a plan in the Planning Board submission that addresses roof drainage and how stormwater will be infiltrated with the new addition before it reaches the wetland.*
2. *The applicant shall post wetland boundary marker signs along or near the buffer.*
3. *The applicant shall follow NOFA standards- http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdfand*
4. *The applicant shall include a planting plan that includes native plantings in their submission to the Planning Board that is of equal or greater area than what currently exists for plantings. This plan should be submitted to the Planning & Sustainability Director prior to submission to the Planning Board.*
5. *The property owners be given a maintenance guide for the pervious paver materials.*
6. *The existing area of meadow shall remain undisturbed and will continue to be a meadow.*

The applicant has addressed numbers 1, 4 and 5 above in their updated submittal and those conditions are not included in the staff recommendation below.

Planning Department Recommendation

Wetland Conditional Use Permit

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

2) *Vote to grant the Wetland Conditional Use permit with the following condition:*

2.1) *The applicant shall post wetland boundary marker signs along or near the buffer.*

2.2) *The applicant shall follow NOFA standards- http://www.organiclandcare.net/sites/default/files/nofa_organic_and_care_standards_6thedition_2017_opt.pdf*

2.3) *The existing area of meadow shall remain undisturbed and will continue to be a meadow.*

IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- C.** The request of **Nicole J. Giusto** and **David A. Sinclair (Owners)**, for property located at **765 Middle Street** requesting Site Plan Approval for a fourth dwelling unit in a new detached structure with a 3-bay garage, including stormwater management improvements, expanded driveway utility services and landscaping. Said property is located on Assessor Map 148 Lot 37 and lies within the General Residence A (GRA) and Historic Districts. (LU-22-196)

Project Status

The application was postponed at the April Historic District Commission meeting and the applicant has requested to postpone it at the Planning Board until they receive approval from the HDC.

Planning Department Recommendation

Vote to postpone the application to the May regular meeting.

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

- D.** The request of **Crystal A. and Aaron D. Nersesian (Owners)**, for property located at **96 Buckmister Way** requesting a Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of approximately 200 s.f. of the inland wetland buffer. This application proposes the construction of a 12x16' shed, associated crushed stone fill for a base, and addition of native wetland buffer plantings to help filter stormwater and offset impervious impacts. Said property is located on Assessor Map 282 Lot 6-7 and lies within the Single Residence A (SRA) district. (LU-23-19)

Project Background

The applicant is requesting a wetland conditional use permit to install a new shed on their property. The proposed shed would be located completely within the 100' wetland buffer and adjacent to the existing driveway.

Staff Analysis

1. The land is reasonably suited to the use activity or alteration.

The applicant is proposing to construct a new 12' x 16' shed that will be placed on a crushed stone base off the ground sitting on concrete blocks. This will allow for infiltration of stormwater from the shed below the footprint area of the shed. Most of this parcel is located within a 100' wetland buffer.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

The majority of the parcel that is located at or behind the principal structure is within the 100' wetland buffer, leaving no real alternative location outside of the buffer. The large size of the shed does not allow for a safer alternative location on the property.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The shed placement on concrete blocks above a crushed stone base will help to reduce impervious impacts from the shed roof by allowing for greater infiltration of stormwater.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The proposal does not indicate any removal of trees or vegetation, only placement of crushed stone as fill.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

Given the nature of the project, significant impacts are not expected. Applicant should consider including native buffer plantings on the property to help offset the impacts from the 192 s.f. impact of the shed.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The applicant is not proposing any disturbance or changes to the 25' vegetated buffer strip.

Project Review, Discussion, and Recommendations

The project has been before the Conservation Commission. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, March 8, 2023, considered the application and voted to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following stipulations:

1. *Native plantings shall be planted to help with storm-water flow - this will consist of at least five shrubs that are four feet on center.*
2. *The foundation of the shed will be crushed stone base and concrete blocks - not a poured foundation. The applicant shall remove the section of application that misrepresents the foundation.*
3. *NOFA standards shall be used in landscaping and lawn care- http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf*
4. *Wetland boundary markers shall be placed along or near the buffer.*

Planning Department Recommendation
Wetland Conditional Use Permit

- 1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented.*

(Alt.) Vote to find that the Conditional Use Permit meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as amended and read into the record.

- 2) *Vote to grant the Wetland Conditional Use permit with the following conditions:*

- 2.1) *Native plantings shall be planted to help with storm-water flow - this will consist of at least five shrubs that are four feet on center.*

- 2.2) *The foundation of the shed will be crushed stone base and concrete blocks - not a poured foundation. The applicant shall remove the section of application that misrepresents the foundation.*

- 2.3) *NOFA standards shall be used in landscaping and lawn care- http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf*

- 2.4) *Wetland boundary markers shall be placed along or near the buffer.*

IV. PUBLIC HEARINGS – NEW BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

It is recommended that Item IVE, IVF under New Business be discussed together and voted on separately.

A motion is required to consider these items together.

- E.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of a ±209,750 SF advanced manufacturing building including ±18,145 SF of office space, two (2) parking areas, two (2) loading dock areas, minor realignment of a portion of Rochester Avenue, and associated site improvements consisting of underground utilities, landscaping, lighting, and a stormwater management system. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

- F.** The request of **Aviation Avenue Group LLC (Applicant)**, for property located at **80 Rochester Avenue (100 New Hampshire Avenue)** requesting Subdivision approval under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to subdivide 10.9 acres (474,333 square feet) to create a lease lot area for the applicant. Said property is located on Assessor Map 308 Lot 1 and lies within the Pease Industrial (PI) District. (LU-22-210)

Project Background

The existing area is a flat open space with areas of pavement from a former development. The applicant is proposing to construct a 209,750 square foot advanced manufacturing building with associated site improvements. The lot is in the Pease Industrial District and the leased land is proposed to be subdivided from the larger Pease parcel as part of the project. A third-party engineer reviewed the stormwater design and Pease engaged a third-party for a peer review of the traffic.

The recent amendments to RSA 676:3 with regards to adopting findings of fact for a project apply to local planning boards making decisions based on the municipality’s regulations. Pease falls exclusively under RSA 12-G and the Pease Land Use Controls, therefore the requirement to vote on and adopt findings of fact do not apply for either of these applications.

Project Review, Discussion, and Recommendations

The Pease Development Authority granted conceptual approval for the project on October 20, 2022. The project has been before the Technical Advisory Committee and the Zoning Board of Adjustment (BOA). See below for details.

Zoning Board of Adjustment

The applicant was before the BOA on November 15, 2022 for a front yard variance and again on March 21, 2023 for a rear yard variance. The BOA recommended approval to the PDA Board for both variances.

Technical Advisory Committee

The applicant was before TAC for several meetings and as part of the review, a third-party engineer reviewed the stormwater design and is satisfied with the current design. At the regular scheduled meeting on March 7, 2023 the Committee recommended approval with the following conditions:

- 1) *Approval is received from the Zoning Board of Adjustment.*
- 2) *Applicant monitor pedestrian safety for the first six months or up to a year after full occupancy and report back to City staff. Applicant will coordinate with DPW and City staff to set up and schedule monitoring.*
- 3) *All previous comments be addressed.*

Planning Department Recommendation

Subdivision

- 1) *Vote to recommend Preliminary and Final Subdivision Approval to the PDA Board with the following conditions:*
 - 2.1) *The subdivision plan shall be recorded at the Registry of Deeds by the PDA.*
 - 2.2) *Property monuments shall be set as required by the PDA prior to release of bond.*
 - 2.3) *GIS data shall be provided to the PDA and the Department of Public Works in the form as required by the City;*

Site Plan Approval

1) Vote to recommend Site Plan Approval to the PDA Board with the following conditions:

2.1) Applicant monitor pedestrian safety for the first six months or up to a year after full occupancy and report back to City staff. Applicant will coordinate with PDA, DPW and City staff to set up and schedule monitoring.

V. CITY COUNCIL REFERRALS

None

VI. OTHER BUSINESS

- A.** The request of **Andrew Harvey (Owner)**, for property located at **710 Middle Rd** requesting a 1-year extension to the Planning Board Conditional Use Permit originally granted on June 23, 2021, and extended to May 14, 2022, by the Rockingham County Superior Court denial of the appeal of the CUP.

Project background

A CUP was granted on June 21, 2021 for a detached accessory dwelling unit. The decision of the Planning Board was appealed to Superior Court. The Court Order denying the appeal was issued on May 14, 2022 at which time the approval timeframe started. The applicant is requesting a one-year extension as provided for in Section 10.246.10 of the Ordinance below:

10.246 Expiration and Abandonment of Approvals

10.246.10 A conditional use permit shall expire unless a **building permit** is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The **Board** may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

Planning Department Recommendation

- 1) *Vote to grant a one-year extension to the Planning Board Approval of the Conditional Use Permit to May 14, 2024.*
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VI. OTHER BUSINESS

- A. Chairman's Updates and Discussion Items
- B. Planning Board Rules and Procedures

Background

The Board has had discussion about amending the Rules and Procedures over the course of this year. The Chair provided a marked-up copy of the procedures for the Board to consider in February. Legal has not completed their review as of the writing of this memo. If comments are ready, they will be distributed separately prior to the meeting.

- C. Board Discussion on Regulatory Amendments, Master plan and Other Matters

VII. ADJOURNMENT