



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board
From: Peter Stith, Planning Manager
Date: May 18, 2023
Re: Recommendations for the May 18, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the April 20, 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 April 20, 2023 meeting and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SITE PLAN REVIEW

- A. 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)

- B. The request of and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

Planning Department Recommendations

- 1) *Vote to determine that these applications are 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.*
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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.

- A. 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 Background

The applicant is proposing to construct a new garage with a dwelling unit above, which will result in four units on the lot. The existing conditions include a single-family dwelling and a two-unit carriage house. The proposed development will include stormwater treatment, landscaping and other site improvements.



Project Review, Discussion, and Recommendations

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

Zoning Board of Adjustment

The Zoning Board of Adjustment, at its regularly scheduled meeting of October 18, 2022, considered the application and voted to grant the following:

- 1) *A Variance from Section 10.513 to allow 3 principal dwellings on a lot where only 1 is allowed per lot.*

- 2) *Variances from Section 10.521 to allow a) a lot area per dwelling of 5,376 square feet where 7,500 is required per dwelling unit; and b) a 10 foot rear yard where 20 feet is required.*

The Board granted the approval with the following stipulation:

The design and location of the garage may change based on Planning Board and Historic District Commission review and approval.

Technical Advisory Committee Review

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

Prior to Planning Board consideration:

1. *Applicant will update application materials to identify who will perform the maintenance of the stormwater system and make information available to the City on an annual basis.*
2. *Applicant will update application materials to move the leeching catch basin to the low point in the driveway.*
3. *Applicant will show fire service and domestic water line on the utility plan.*

Subsequent to Planning Board approval by prior to the issuance of a Building Permit:

4. *A licensed utility engineer will determine the appropriate sizing for the fire service and domestic water lines.*

The applicant has addressed items 1-3 above in the revised submittal for the Planning Board. Item 4 above is carried over in the recommendation below.

Historic District Commission

The Historic District Commission, at its regularly scheduled meeting of Wednesday, May 3, 2023, considered the application for a Certificate of Approval. The Commission voted to grant a Certificate of Approval. AS a result of the HDC review process, the building was modified, including replacing the large deck with a small balcony.

Planning Department Recommendation

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) A licensed utility engineer will determine the appropriate sizing for the fire service and domestic water lines.

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

- 2.3) 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.

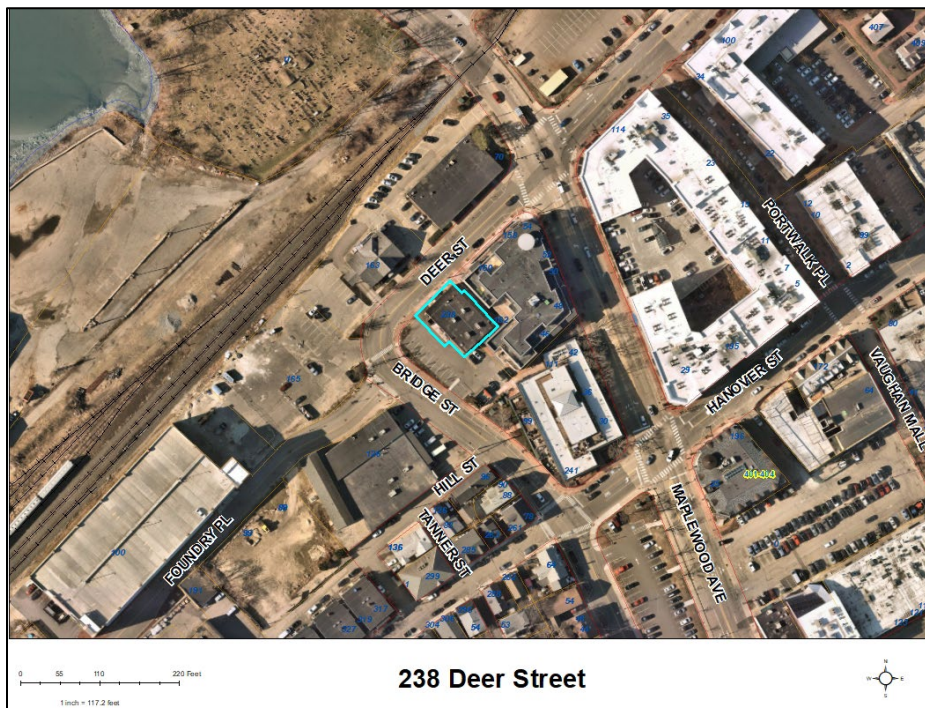
IV. PUBLIC HEARINGS – NEW BUSINESS

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 **238 Deer Street, LLC (Owner)**, for property located at **238 Deer Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where 11 spaces are required. Said property is shown on Assessor Map 125 Lot 3 and lies within the Character District 4 (CD4) District. (LU-20-238)

Project Background

The 4-story mixed-use building with commercial use on the first floor and 21 micro-apartments on the second through fourth floors received site plan approval in March of 2022. The mixed-use building development does not have sufficient area on-site to accommodate off-street parking and therefore the applicant is requesting a conditional use permit in accordance with Section 10.1112.14 of the Ordinance to provide less than the required minimum parking. The project first received a CUP in February of 2021, which was the first land use approval the project obtained. From there, the applicant went to the Board of Adjustment and Historic District Commission before finally receiving site plan approval. A one-year extension to the site plan was granted by the Planning Board on February 16, 2023. The applicant requested the Board extend the parking CUP however, the Board determined it did not have jurisdiction to do so, therefore the CUP expired. The applicant is back with a new parking CUP application to allow the project to move forward as approved.



The off-street parking standards in the City's Zoning Ordinance for 21 residential units (of less than 500 sq. ft.) require 0.5 spaces per unit for a total of 10.5 spaces and 4.2 visitor spaces, which totals 15 required parking spaces for the development. The Downtown Overlay District provides a credit of 4 spaces, which results in a total of 11 parking spaces required for this project and no parking is required for the first floor commercial use.

Per Section 10.1112.14 of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum parking spaces required by the off-street parking standards. An application for a conditional use permit for off-street parking must include a parking demand analysis, which is required to be reviewed by the Technical Advisory Committee.

Project Review, Discussion, and Recommendations

The TAC reviewed the parking demand analysis with the applicant at the May 2, 2023 meeting and voted to recommend approval of the CUP with one condition and additional findings included below:

- 1) *The applicant shall update the Parking Demand Analysis using land use code 221 for the residential and include the first floor commercial in the analysis; and for the following reasons:*
 1. Unlike all other properties in the North End, the lot size is extremely small at 6,000 SF with a width too narrow to support at-grade parking and no possibility to provide underground parking.
 2. The Planning Board already approved this same project in 2021 which resulted in the applicant making a substantial investment in the design and permitting of this project with the PB and HDC. More recently, when an extension request was submitted the Planning Board discovered that they didn't have authorization to grant the extension for the CUP. Importantly however, several members suggested the applicant return with another application for a CUP and even consider removing the previous requirement to seek the 7 off-site spaces.
 3. The HDC fully supports the proposed building and site design and would categorically not desire to see this project fail to gain the CUP for parking only to return with a sub-optimal design and reuse of the existing non-contributing and decrepit building. This building is well past its life expectancy and the replacement building is consistent with the quality and character of the surrounding new buildings.
 4. This project provides a critically absent housing type – small micro units less than 500 SF – in the heart of our downtown business district. These units are nearly non-existent and their construction within the project will serve as well-below market

priced housing options in what is increasingly becoming millionaires' row.

5. Future Development Potential – Only the Ferguson lot (which is nearly 30,000 SF (nearly 5x bigger) and Lot 4 on Deer Street (nearly 20,000 SF or 3.5x bigger) every other property has on-site parking for their existing or proposed residential uses. Thus, this project will not unnecessarily overburden the existing public parking facilities for unit owners or tenants that reside in this project. In fact, the absence of on-site parking is a key driver and inconvenience to the owner or tenant which will have a negative effect on value or rent. To the benefit of our existing and future residents who don't have or need cars.

In supporting this request, the TAC acknowledges that the parking requirement analysis results in a deficit of 11 spaces whereas a "best fit" of the proposed use to the ITE manual generates a traffic demand analysis of 21 spaces (1 space per unit).

Planning Department Recommendation
Conditional Use Permit

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.14 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 10.1112.14 and to adopt the findings of fact as amended and read into the record.

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.*

- B. Request of Nobles Island Condominium Association, (Owner), and CP Management, Inc. Applicant,** for property located at **500 Market Street** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance to remove and replace existing decks on Buildings A, B, and C including the addition of new structural supports with no expansion of the existing footprint resulting in 27 square feet of permanent impact and up to 1,240 square feet of temporary impacts all within the 100’ tidal wetland buffer area. Said property is shown on Assessor Map 120 Lot 2 and lies within the Character District 4-L1 (CD4-L1) and the Historic District. (LU-23-34)

Project Background

The applicant was granted a Wetland CUP on May 20, 2021, however the CUP expired, and the applicant has submitted a new application for the same project. The project includes replacing the existing cantilevered decks in the same footprint but adding concrete footings to support the decks.



Project Review, Discussion, and Recommendations

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

Historic District Commission

The Historic District Commission, at its regularly scheduled meeting of Wednesday, April 5, 2023, considered the application for the project. The HDC voted to grant the Certificate of Approval as presented.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, April 12, 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 not use rodenticide for pest control, instead they shall use mechanical traps.*
- 2) *The Applicant shall submit plans for approval to the Planning & Sustainability Department prior to Planning Board submittal for the two storm-water outfall areas off the parking lot. These areas should be provided with some sort of infiltration before it reaches the North Mill Pond. This can include digging down into the soil and placing crushed stone or the planting of native buffer species to slow storm-water.*
- 3) *Native buffer plantings shall be placed along the bank behind Building B as a replacement of portions of the grass as well as others areas where appropriate.*
- 4) *The Conservation Commission recommends the property owner follow NOFA land care standards on the site*
http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf
- 5) *In accordance with Section 10.1018.40 of the Zoning Ordinance, the applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

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.

The applicant has stated they will address some of the Conservation Commission conditions in a memo to the Planning Board, however they are not depicted on the plan, therefore staff is recommending the Board include the conditions outlined 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 submit plans for approval to the Planning & Sustainability Department prior to building permit issuance for the two storm-water outfall areas off the parking lot. These areas should be provided with some sort of infiltration before it reaches the North Mill Pond. This can include digging down into the soil and placing crushed stone or the planting of native buffer species to slow storm-water.*

2.2) *Native buffer plantings shall be placed along the bank behind Building B as a replacement of portions of the grass as well as others areas where appropriate.*

- 2.3) *The Conservation Commission recommends the property owner follow NOFA land care standards on the site*
http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf
- 2.4) *In accordance with Section 10.1018.40 of the Zoning Ordinance, the applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.*

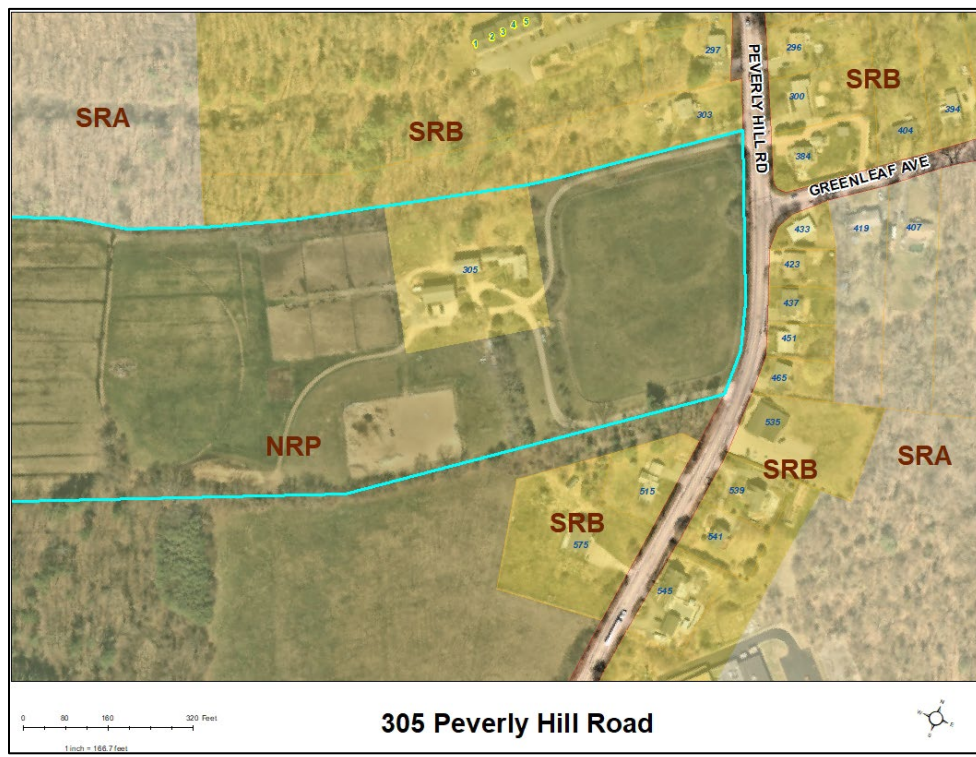
IV. PUBLIC HEARINGS – NEW BUSINESS

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 and **Thomas E, Marybeth B, James B, and Meegan C. Reis (Owners)**, for property located at **305 Peverly Hill Road** requesting redevelopment of the property including the addition of two new dwelling units for a total of three units with associated site improvements. Said property is shown on Assessor Map 255 Lot 5 and lies within the Single Residence B (SRB) and Natural Resources Protection (NRP) Districts. (LU-23-18 and LU-22-25)

Project Background

The proposed project includes construction of a new single-family dwelling and a new dwelling attached to the existing house, creating a two-family dwelling. The property is split zoned, with most of it located in the NRP district and 2 acres located in the SRB district. The property is encumbered by a conservation easement, with the 2 acres zoned SRB excluded from the restrictions of the easement. There is an existing single-family dwelling located in the area, along with several outbuildings that are used for equestrian use. The project includes running new utilities from Peverly Hill Road to service the new dwellings and installation of a new septic system. Staff confirmed with the State that the work within the easement area is allowed to run the new utilities.



Project Review, Discussion, and Recommendations

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

Zoning Board of Adjustment

The Zoning Board of Adjustment, at its regular meeting on Tuesday, January 24, 2023, considered the application for the following:

- 1) *Variance from Section 10.440 Use #1.30 to allow a two-unit dwelling in the SRB District.*
- 2) *Variance from Section 10.513 to allow more than one free standing dwelling on a lot in the SRB District.*

The Board voted to grant the variances as presented with the following condition:

- 1) *No more than 3 dwelling units will be permitted on the lot.*

Technical Advisory Committee Review

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday, April 4, 2023, considered the application for Site Plan Approval. The Committee voted to recommend Site Plan Approval to the Planning Board with the following conditions:

- 1) *The new septic plan is reviewed and approved by the Department of Public Works prior to Planning Board consideration.*
- 2) *The site plan is updated to widen the driveway in appropriate areas. The plan is to be reviewed and approved by the Fire Department prior to Planning Board consideration.*

Both TAC conditions have been addressed and signed off on by DPW and the Fire Department.

Planning Department Recommendation

Site Plan Waiver Approval

- 1) *Vote to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations:*
 1. *Section 2.5.4.3J – outdoor Lighting; Section 10.1 – Dark Sky Lighting Measures; Section 2.5.4.3K – Landscaping; Section 7.6.5 – Stormwater Management; and Section 7.6.5 – Inspection and Maintenance Plan.*

[Note: An affirmative vote of six members of the Planning Board is required to grant a waiver.]

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.*
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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 **Ken Linchey (Applicant)**, and **The City of Portsmouth (Owner)**, for property located at **50 Andrew Jarvis Drive** for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the reconfiguration of the existing four tennis courts at the high school along with resurfacing work and the addition of two more courts over existing wetland buffer area which will result in 84,676 s.f. of impact to the wetland buffer. The applicant is proposing pervious surfaces and improved stormwater infiltration from crushed stone areas to help mitigate and slow impacts to the wetland. Said property is shown on Assessor Map 229 Lot 3 and lies within the Municipal (M), Single Residence B (SRB), and Natural Resource Protection (NRP) Districts. (LU-23-32)

Project Background

The applicant is requesting a wetland conditional use permit to install new tennis courts at the high school. The existing courts will be reconfigured, and two new courts will be added. The majority of the project is within the 100' buffer. Additional improvements include walkways around the courts, bleachers, and three covered areas for players to be out of the weather.



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) *A planting plan shall be submitted to and approved by the Planning and Sustainability Department before submission to the Planning Board.*
- 2) *The applicant shall reduce walkways from 12 feet wide to 10 feet wide where possible.*
- 3) *The applicant shall consider the use of pervious pavement wherever possible.*
- 4) *The applicant shall replace the proposed silt fences and use silt socks during construction.*
- 5) *The applicant shall replace all Maple trees to be removed with new Maple trees and replace all trees over 4" dbh with new trees around the site and school property.*

Staff Analysis

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

The proposal would expand on the space that is already utilized for tennis courts and extend further into both the 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 four tennis courts that already exist in this location cannot currently be utilized as they do not meet NHA competition standards which require six courts. The alternative would be placing new courts farther away from the existing courts which is not desirable.

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

The proposed project represents an expansion of impervious surface within the buffer. The applicant is proposing to direct stormwater off the courts through stone and is also planning for additional landscaping.

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

The proposed impact to the vegetative area will only occur in the areas required to meet construction goals. The applicant is planning to install landscaping around the new courts to help offset the loss of vegetation.

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 and associated landscaping and stormwater control.

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

The applicant should provide a planting plan to display areas to be landscaped and replace any impacted vegetation.

As of the writing of this report, the applicant is working on the planting plan and expects to submit it prior to the May 18th meeting. This condition is included below for review and approval of the planting plan prior to issuance of a building permit or any site work.

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.

- 1) *Vote to grant the Wetland Conditional Use permit with the following conditions:*
- 2.2) *A planting plan shall be submitted to and approved by the Planning and Sustainability Department prior to issuance of a building permit or any site work.*
 - 2.3) *The applicant shall reduce walkways from 12 feet wide to 10 feet wide where possible.*
 - 2.4) *The applicant shall consider the use of pervious pavement wherever possible.*
 - 2.5) *The applicant shall replace the proposed silt fences and use silt socks during*
 - 2.6) *construction.*
 - 2.7) *The applicant shall replace all Maple trees to be removed with new Maple trees and replace all trees over 4" dbh with new trees around the site and school property.*

V. PRELIMINARY CONCEPTUAL CONSULTATION

- A.** The request of **Giri Portsmouth 505 INC (Owner)**, for property located at **505 US Route 1 Bypass** requesting demolition of the existing motel and the construction of a 5-story, 122-key hotel with first floor parking and a 1-story fast food restaurant/coffee shop with an accessory drive-through including associated site improvements for parking, pedestrian access, utilities, stormwater management, lighting, and landscaping. Said property is shown on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LUPD-23-2)

The applicant has provided a set of preliminary plans for discussion with the Board. As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:
[Preliminary conceptual consultation] ... shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan.

The preliminary conceptual consultation phase provides the Planning Board with an opportunity to review the outlines of a proposed project before it gets to detailed design (and before the applicant refines the plan as a result of review by the Technical Advisory Committee and public comment at TAC hearings). In order to maximize the value of this phase, Board members are encouraged to engage in dialogue with the proponent to offer suggestions and to raise any concerns so that they may be addressed in a formal application. Preliminary conceptual consultation does not involve a public hearing, and no vote is taken by the Board on the proposal at this stage. Unlike Design Review, completion of Preliminary Conceptual Consultation does not vest the project to the current zoning.

VI. CITY COUNCIL REFERRALS

The City Council adopted the Accessory Dwelling Unit zoning amendments on May 1, 2023 at their regular meeting.

VIII. OTHER BUSINESS

- A.** The request of **2082 IL-50 VZ, LLC** and **PWBARRETT, LLC (Owners)**, for property located at **404 Islington Street** requesting a 1-year extension to the Planning Board Parking Conditional Use Permit originally granted on **June 16, 2022**.

Project Background

On June 16, 2022, the Planning Board granted a parking CUP to provide 11 spaces where 13 were required for an Inn at 303 Islington Street. The applicant did get Board of Adjustment approval for a Special Exception in July of 2022, however they have not obtained a building permit yet. Section 10.246.10 below allows the applicant to request a one year extension prior to the expiration of the original approval.

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 June 16, 2024.*
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VIII. OTHER BUSINESS

- B.** Chairman's Updates and Discussion Items
- C.** Planning Board Rules and Procedures
- D.** Board discussion of Regulatory Amendments, Master Plan & other matters

IX. ADJOURNMENT