



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: September 15, 2023
Re: Recommendations for the September 21, 2023 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the August 17, 2023 and August 30, 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 August 17, 2023 regular meeting and August 30, 2023 work session and vote to approve meeting minutes with edits if needed.

II. DETERMINATION OF COMPLETENESS

SUBDIVISION REVIEW

- A. The request of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting to Subdivide one lot into two lots to create the following: Proposed Lot 1 with 6.65 acres of lot area and 354 feet of street frontage and Proposed Lot 2 with 7.96 acres of lot area and 200 feet of street frontage. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District.

- B. The request of **Clyde C. Logue and Mary Duff Kastel (Owners)**, for property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval for a lot line relocation and subdivision as follows: Tax Map 223 Lot 18 decreasing from 34,205 square feet and 230 feet of frontage to 20, 1999 square feet and 129 feet of frontage; Map 223 Lot 18-1 decreasing from 23,149 square feet and 127 feet of frontage to 21, 241 square feet and 101 feet of frontage; and creation of a new lot with a lot area of 15,812 square feet and 100 feet of frontage. Said property is located on Assessor Map 223 Lot 18, 18-1 and lies within the Single Residence B (SRB) District. (LU-23-102)

- C. The request of **928 S. Street NH LLC (Owner)**, for property located at **928 South Street** requesting Preliminary and Final Subdivision approval for Lot Line Relocation as follows: Tax Map 221 Lot 88 increasing from 69,272 square feet and 165 feet of frontage to 102,228 square feet and 343 feet of frontage; Map 221 Lot 87 increasing from 505,739 square feet and 337 feet of frontage to 537,966 square feet and 120 feet of frontage; and Tax Map 221 Lot 90 decreasing in size from 284,452 square feet to 219,116 square feet with no change to street frontage. Said property is located on Assessor Map 221 Lots 87, 88, 90 and lies within the Single Residence B (SRB) District.

Planning Department Recommendations

- 1) *Vote to determine that the above applications are 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.*
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SITE PLAN REVIEW

- A. The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping.

- B. The request of **JKM Realty LLC (Owner)**, for property located at **700 Peverly Hill Road** requesting Site Plan Review Approval for the construction of a 3,385 square foot addition to an existing commercial building with associated site improvements. Said property is located on Assessor Map 252 Lot 2-10 and lies within the Industrial (I) District. (LU-23-109)

Planning Department Recommendations

- 1) *Vote to determine that Items A and B 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.

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

A motion is required to consider these items together.

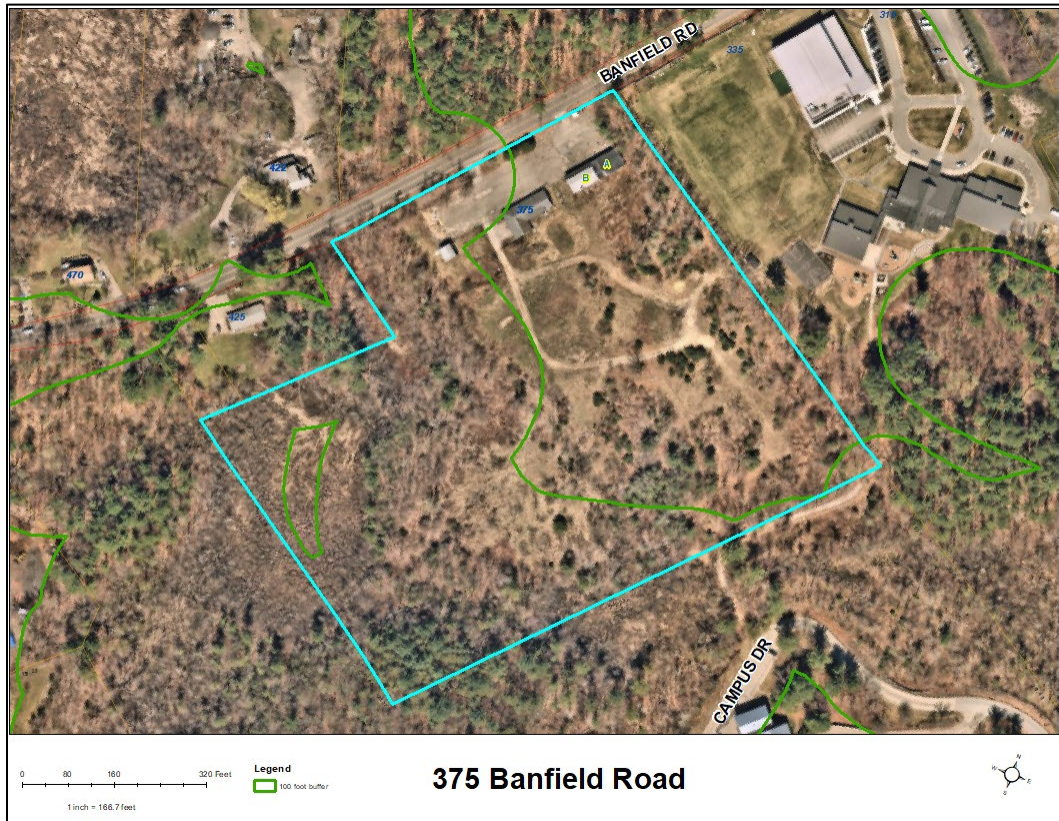
- A.** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting Site Plan review approval to demolish two existing commercial buildings and an existing shed and construct a 75,000 s.f. industrial warehouse building with 75 parking spaces as well as associated paving, stormwater management, lighting, utilities and landscaping. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. (LU-20-259)

Project Background

This application proposes removing the existing buildings and constructing a new, 75,000 square foot industrial building. The property contains two commercial buildings and was most recently an auto salvage yard. The majority of the lot contains wetlands or wetland buffer area, with approximately 6.5 acres of the 17-acre site consisting of uplands and the remaining 10.5 acres consisting of wetlands and buffer area. As part of this proposal, the applicant is proposing to subdivide the lot into two lots to separate the development from the lowland portion of the site that consists of wetlands. A portion of the stormwater infrastructure is in the buffer as well as an area near the entrance of the site where asphalt will be removed and replaced with a vegetative strip. This work triggers the requirement for a Wetland CUP.

The applicant has been working with New Hampshire DES and the Environmental Protection Agency on remediation actions to clean up pollutants found on the site. The site has been separated into the upland portion, where the proposed development is located, and the lowland section, which consists almost entirely of wetland and wetland buffer area. Work plans have been prepared by the environmental consultant on how to address the contaminants on the site working in conjunction with NHDES and the EPA.

The applicant is subdividing the property to separate the development in order to finance the project. The owner will continue to work on the remediation plan for the lowland areas and will still be responsible for the clean up on the new lot.



Project Review, Discussion, and Recommendations

The applicant was before the Conservation Commission in 2021 and has been working through the Technical Advisory Committee since February of 2021 and received a recommendation on June 6, 2023. See below for details.

Conservation Commission

The Conservation Commission, at its regularly scheduled meeting of Wednesday, June 9, 2021, considered the application and voted unanimously (5-0) to recommend approval of the Wetland Conditional Use Permit to the Planning Board with the following conditions:

- 1. The naturally revegetated areas shall be loamed and seeded with a wildflower mix.*

Technical Advisory Committee – Site Plan

The project first went to TAC in early 2021 and was postponed for a considerable amount of time while the applicant was working with DES and the EPA on pollutant investigation and preparing remediation plans for the upland portion of the property. At the regularly scheduled Technical Advisory Committee meeting on June 6, 2023, the Committee recommended approval to the Planning Board with the following conditions:

- 1) Subject to written assurance and any required surety for performance provided to the Planning Board, the applicant shall conduct work in accordance with all*

requirements of the NHDES letter dated April 26, 2023, which includes investigation work in the proposed upland development areas, approval of an Activities and Use limitation and the completion of a remedial action implementation plan for the upland development area. In addition, as presented by the applicant, they shall continue their investigation of the lowland area, including full characterization of any reportable site contaminants in compliance with any and all remedial action plans or other permits from NHDES or the EPA.

2) Fire service shall be at least 8" in diameter to where it meets the two 6" lines.

Technical Advisory Committee – Subdivision

The Technical Advisory Committee, at its regularly scheduled meeting on Tuesday, August 1, 2023 recommended approval of the subdivision to the Planning Board with the following conditions:

- 1) The necessary waivers are requested prior to Planning Board approval.*
- 2) Proof of clean up responsibility required prior to Planning Board approval.*

The applicant has satisfied both comments above in their Planning Board submission.

Staff Analysis – Wetland CUP

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

The amended proposal is for 4000 square feet of new stormwater treatment swale to be constructed in the wetland buffer almost to the edge of the existing wetland area. It was stated by the applicant that this swale needed to be constructed here to stay away from waste. It needs to be demonstrated why no location outside of the buffer could be used for this.

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

The proposed pavement to be removed from the buffer is the appropriate location for this work. However, it is not clear that the proposed stormwater treatment swale and stone check dam are not appropriate for the buffer. While it does not make sense to route stormwater through contaminated soil as the applicant has said would occur with the previous location it is also not clear given the site is being completely demolished to construct the building why another location away from the waste and out of the buffer could not be used.

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

This pavement removal will result in a reduction of impervious surface in the wetland buffer but the stormwater treatment swale and stone check dam are all new impacts to the buffer.

The new swale will have impact to the wetland buffer that may be avoidable if a different location outside of the buffer could be used.

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

The removal of pavement from the buffer will result in an expansion of the natural vegetative state of the buffer. The addition of the new vegetated area will provide some buffer function as the natural vegetation in this location where there is pavement today.

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

jurisdiction of this section. The proposed pavement removal will reduce the amount of impervious surface in the wetland buffer but the new swale at the rear of the site does not appear to be the least impacting alternative. While they cannot discharge stormwater through the fill if the site design were different it may be possible to avoid this area of impact.

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

The plan provides for removal of pavement in the buffer to provide a planted area and the proposed swale will be vegetated so it will be vegetated over much of its area but the maintenance will now allow for as robust a planting as would be if this were undisturbed buffer.

Planning Department Recommendation

Subdivision Waiver

1. *Vote to grant the requested waivers to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds, and Section IX.2 Maintenance Bonds. [NOTE: Motion maker must select one of the following options]:*

a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

[OR]

b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

Planning Department Recommendation

Subdivision

- 3) *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.

- 4) *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.*
- 2.6) *Subject to written assurance and any required surety for performance provided to the Planning Board, the applicant shall conduct work in accordance with all requirements of the NHDES letter dated April 26, 2023, which includes investigation work in the proposed upland development areas, approval of an Activities and Use limitation and the completion of a remedial action implementation plan for the upland development area. In addition, as presented by the applicant, they shall continue their investigation of the lowland area, including full characterization of any reportable site contaminants in compliance with any and all remedial action plans or other permits from NHDES or the EPA.*

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 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 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:*

- 2.7) *The naturally revegetated areas shall be loamed and seeded with a wildflower mix.*
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IV. PUBLIC HEARINGS – NEW BUISNESS

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 IIIA under Old Business and Items IVA and IVB under New Business be discussed together and voted on separately.

A motion is required to consider these items together.

- A.** The request of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting to Subdivide one lot into two lots to create the following: Proposed Lot 1 with 6.65 acres of lot area and 354 feet of street frontage and Proposed Lot 2 with 7.96 acres of lot area and 200 feet of street frontage. Said property is shown on Assessor Map 266 Lot 7 and 7-1 and lies within the Industrial (I) District. (LU-23-107)

See Item IIIA under Old Business

- B.** The application of **Banfield Realty, LLC (Owner)**, for property located at **375 Banfield Road** requesting a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for 7,910 square feet of impact within the 100' wetland buffer for stormwater management in association with the proposed development. Said property is shown on Assessor Map 266 Lot 7 and lies within the Industrial (I) District. (LU-20-259)

See Item IIIA under Old Business

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 **Jeffrey M. and Melissa Foy (Owners)**, for property located at **67 Ridges Court** will be heard at the **October 19, 2023** Planning Board meeting due to a noticing error. (LU-22-199)

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 **JKM Realty LLC (Owner)**, for property located at **700 Peverly Hill Road** requesting Site Plan Review Approval for the construction of a 3,385 square foot addition to an existing commercial building with associated site improvements. Said property is located on Assessor Map 252 Lot 2-10 and lies within the Industrial (I) District. (LU-23-109)

Background

This application for site plan approval proposes to construct an addition to the front of one of the commercial buildings located on the property. AS part of the project, some minor grading and paving work will be done to ensure proper drainage. Since the entrance to this building is off West Road and not Peverly Hill, the building will be readdressed to have a West Road address.



Project Review, Discussion, and Recommendations

The project has been before the Technical Advisory Committee. See below for details.

Technical Advisory Committee

The Technical Advisory Committee, at its regularly scheduled meeting of Tuesday,

August 1, 2023, voted to recommend approval to the Planning Board with the following condition:

- 1) *Ownership and maintenance responsibility for drainage infrastructure to be detailed on plans and in easements.*

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.*
- 2.5) *Provide a drainage and flow easement to the City to permit stormwater drainage through drain infrastructure to be constructed and maintained by the applicant. The applicant shall provide the City with the right, but not the obligation, to maintain drainage infrastructure at the applicant's expense.*
- 2.6) *Ownership and maintenance responsibility for drainage infrastructure to be detailed on plans and in easements.*

V. 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.

- E. The request of **Clyde C. Logue** and **Mary Duff Kastel (Owners)**, for property located at **27 Shaw Road** requesting Preliminary and Final Subdivision approval for a lot line relocation and subdivision as follows: Tax Map 223 Lot 18 decreasing from 34,205 square feet and 230 feet of frontage to 20, 199 square feet and 129 feet of frontage; Map 223 Lot 18-1 decreasing from 23,149 square feet and 127 feet of frontage to 21, 241 square feet and 101 feet of frontage; and creation of a new lot with a lot area of 15,812 square feet and 100 feet of frontage. Said property is located on Assessor Map 223 Lot 18, 18-1 and lies within the Single Residence B (SRB) District. (LU-23-102)

Project Background

The applicant is proposing to create a new, conforming lot which involves the subdivision of Lot 18 and a lot line relocation of Lot 18-1 to create a new lot with frontage on Shaw Road. The new lot will have frontage on Shaw and Walker Bungalow. A subdivision was approved in 2022 which created Lot 18-1. As part of that approval, a drainage easement was established across Lot 18 to Shaw Road with the expectation a stormwater retention area would be constructed. The new proposal will release and relocate the easement to the edge of the eastern lot line.



Project Review, Discussion, and Recommendations

The project was before the Technical Advisory Committee in August. See below for details.

Technical Advisory Committee

The applicant was before TAC for at their regularly scheduled August 1, 2023 meeting and recommended approval with the following conditions:

- 1) *The setbacks need to be corrected and the lot lines need to be adjusted based on the frontage.*
- 2) *The applicant will provide a stormwater management note on plans describing the location and requirements of the rain garden prior to Planning Board approval.*
- 3) *The applicant will provide a note on plans indicating that regular maintenance reports for infiltration ponds will be submitted to DPW.*
- 4) *A stormwater maintenance management plan shall be updated and provided prior to Planning Board approval.*
- 5) *Correct the size and location of the utilities and drain on plans.*

The TAC conditions have been satisfied with the Planning Board submission.

Planning Department Recommendation

Subdivision Waiver

- 1) *Vote to grant the requested waivers to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds. [NOTE: Motion maker must select one of the following options]:*

a) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

[OR]

b) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

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;*
 - 2.4) *Stormwater management system for Lot 18-0-1 shall be approved by DPW prior to issuance of a building permit.*
 - 2.5) *Correct front setback notation on Shaw Road.*

V. 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.

- F.** The request of **928 S. Street NH LLC (Owner)**, for property located at **928 South Street** requesting Preliminary and Final Subdivision approval for Lot Line Relocation as follows: Tax Map 221 Lot 88 increasing from 69,272 square feet and 165 feet of frontage to 102,228 square feet and 343 feet of frontage; Map 221 Lot 87 increasing from 505,739 square feet and 337 feet of frontage to 537,966 square feet and 120 feet of frontage; and Tax Map 221 Lot 90 decreasing in size from 284,452 square feet to 219,116 square feet with no change to street frontage. Said property is located on Assessor Map 221 Lots 87, 88, 90 and lies within the Single Residence B (SRB) District. (LU-23-144)

Project Background

According to the application, the property was recently sold and the proposed lot line adjustments were a condition of the sale.

Subdivisions are required to be reviewed by TAC if they contain any of the following:

- a. Creation of a new lot;
- b. Construction of a new public or private street;
- c. Widening or realignment of an existing public or private street;
- d. Construction of public or private water, sewer or stormwater facilities serving more than one lot;
- e. Establishment of an easement over one lot for water, sewer or stormwater facilities to serve a different lot; or
- f. Provision of a common driveway or access easement;

The proposed lot line relocation does not include any of the above, therefore the need to go before TAC is not required, however if the Planning Board feels the need for TAC review, it may refer it to TAC.



Planning Department Recommendation

Subdivision Waiver

- 1) *Vote to grant the requested waivers to the Subdivision Standards from Section IX.1 Improvements and Installation Bonds. [NOTE: Motion maker must select one of the following options]:*

- a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

[OR]

- b) *Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

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;*

VI. OTHER BUSINESS

- A. 201 Kearsarge Way - Subdivision 6-Month Extension Request – *originally approved October 27, 2022*

The first six-month extension was granted by the Planning & Sustainability Director on April 18, 2023. A second extension may be granted by the Planning Board for a period not to exceed 18 months from the original approval date. The applicant is seeking another six months (18 months total) to finalize and record the subdivision. See Section III E of the Subdivision Regulations below:

E. Approval Expiration and Extension

1. All stipulations of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within 6 months of the date of approval by the Planning Board.
2. The Planning Director may grant an extension of up to 6 months if he determines that the applicant has been unable to complete a stipulation due to circumstances beyond the applicant's control.
3. The applicant may apply to the Planning Board for an extension of the time for completion, which shall not exceed 18 months from the original date of Planning Board approval of the subdivision.

Planning Department Recommendation

- 1) *Vote to grant an additional six-month extension to the Planning Board Approval of the Subdivision.*
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- B. 2 Russell Street – Request for Extensions – Subdivision, Site Plan, Conditional Use Permits - *originally approved on December 15, 2022*

The first six-month extension was granted by the Planning & Sustainability Director on May 12, 2023. A second extension may be granted by the Planning Board for a period not to exceed 18 months from the original approval date. The applicant is seeking another six months (18 months total) to finalize and record the subdivision. See Section III E of the Subdivision Regulations below:

E. Approval Expiration and Extension

1. All stipulations of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within 6 months of the date of approval by the Planning Board.
2. The Planning Director may grant an extension of up to 6 months if he determines that the applicant has been unable to complete a stipulation due to circumstances beyond the applicant's control.
3. The applicant may apply to the Planning Board for an extension of the time for completion, which shall not exceed 18 months from the original date of Planning Board approval of the subdivision.

Site Plans may be extended for a year prior to the expiration date per Section 2.14 (2) below:

Section 2.14 Approval Expiration and Extension

1. Site plan approval by the Planning Board shall expire unless used (obtain a Building Permit) within a period of one (1) year from the date granted.
2. The Planning Board may, for good cause shown, extend such period by as much as one (1) year if requested and acted upon prior to the expiration date.

Conditional Use Permits may be extended for one-year only per Section 10.246.10 of the Zoning Ordinance.

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

- 2) *Vote to grant an additional six-month extension to the Planning Board Approval of the Subdivision and a one-year extension for the Site Plan Approval and two Conditional Use Permits granted on December 15, 2022.*
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C. Chairman's Updates and Discussion Items

D. Planning Board Rules and Procedures

E. Board discussion of Regulatory Amendments, Master Plan Scope & other matters

VII. ADJOURNMENT