



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

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: July 18, 2024

Re: Recommendations for the July 18, 2024 Planning Board Meeting

I. APPROVAL OF MINUTES

A. Approval of the June 20, 2024 meeting 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 June 20, 2024 meeting and vote to approve meeting minutes with edits if needed.

II. 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 **Perkins Kwoka Joint Revocable Trust (Owner)**, for property located at **224 Broad Street, Unit 3** is requesting a Wetland Conditional Use Permit from Section 10.1017.50 for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. The applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, a planting plan, and a stone drip edge. Said property is located on Assessor Map 131Lot 13-3 and lies within the General Residence A (GRA) District. (LU-23-179)

Background

This application is requesting a Wetland Conditional Use Permit for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. Additionally, the applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, an extensive planting plan, and a stone drip edge surrounding the new sunroom and deck.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this utility project.

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

The existing site has a steep slope which has been directing stormwater into and around the existing home, instead of towards the adjacent wetland. The proposed stormwater controls will involve some regrading of the lawn and the redirection of stormwater away from the home and through an underdrain to outlet underneath the expanded deck. This proposed deck will have ¾" spaced decking and will have crushed stone underneath for infiltration.

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 this property is within the 100 ft. buffer. The existing home is within the buffer and experiencing impacts of stormwater and ponding on the property. The applicant is proposing to address these issues with new stormwater controls and the addition of plantings, while working to reduce the impervious surface where possible.

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

or surrounding properties.

The applicant is proposing to redirect stormwater directly through an underdrain and into a crushed stone area to slow infiltration. This should improve the flooding conditions for the home while directing the flow closer to the wetland with an option for infiltration into the soil.

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

The applicant is proposing to maintain all existing trees and vegetation. In addition, the applicant will be improving the vegetation on site by planting a native micro-clover lawn in addition to planting beds and multiple trees and shrubs.

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

While the applicant is proposing an expansion of the home within the buffer, the expansion is occurring in the direction opposite of the wetland and will be compensated with a reduction in existing impervious. There are plans for overall improvements to the buffer including landscaping and reseeding the lawn with a micro-clover seed mix.

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

The applicant is proposing to stay completely outside of the 25' vegetated buffer.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, April 10, 2024 and the Commission voted unanimously to recommend approval as presented.

Planning Department Recommendation
Wetland Conditional Use Permit

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

(Alt.) Vote to find that the Conditional Use Permit Application meets the requirements

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set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as amended.

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

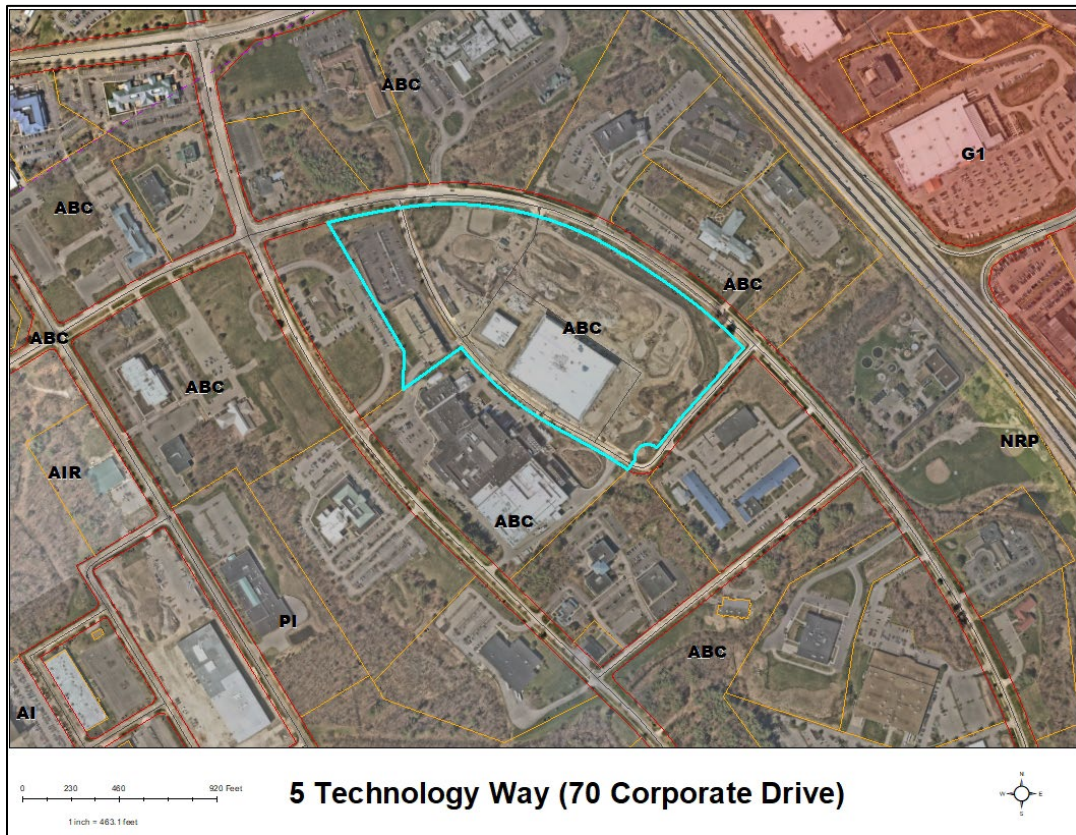
III. PUBLIC HEARINGS – NEW BUSINESS

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 (Owner), for property located at **5 Technology Way (Formerly 70 Corporate Drive)** requesting Amended Site Plan approval for the addition of Phase Photovoltaic Cell (PV) Solar canopies over the previously approved temporary surface parking lot with associated utility infrastructure improvements. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business (ABC) District. (LU-23-108)

Background

This application is seeking Amended Site Plan approval to add Solar canopies over the proposed surface parking lot area. The addition of the solar canopies will require electrical modifications and will result in no impact to the drainage design for the project.



Project Review, Discussion, and Recommendations

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

details.

Technical Advisory Committee

The applicant was before TAC for at their regularly scheduled meeting of Tuesday, June 4, 2024 meeting. TAC voted to recommend that the Planning Board recommend approval to the Pease Development Authority as presented.

The 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 this application.

Planning Department Recommendation

Site Plan Approval

- 1) *Vote to recommend Amended Site Plan Approval to the PDA Board.*
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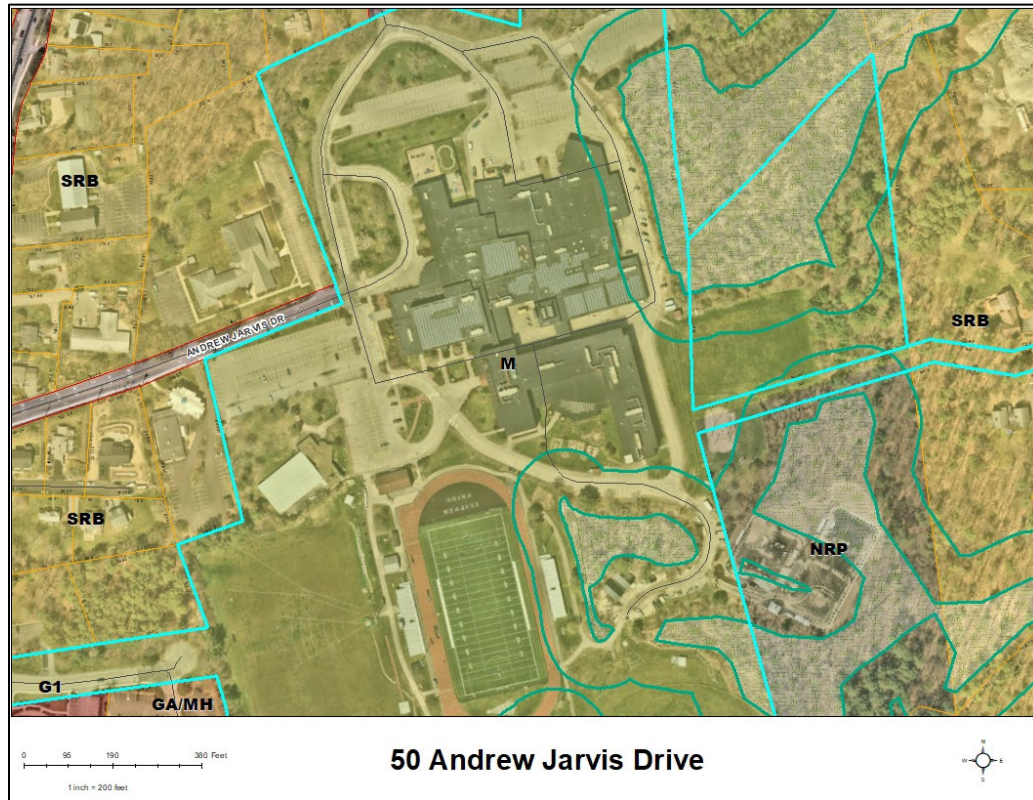
III. PUBLIC HEARINGS – NEW BUSINESS

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 **The City of Portsmouth (Owner)**, for property located at **50 Andrew Jarvis Drive** requesting a Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance for the conversion of an existing practice field into a baseball and softball practice field which includes adding an 800 s.f. batting cage, a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer. Said property is located on Assessor Map 229 Lot 3 and lies within the Municipal (M) District. (LU-24-50)

Project Background

This application is for the conversion of an existing practice field into a more formalized baseball and softball practice field at the high school. The proposal includes the addition of an 800 s.f. batting cage, and a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer, with additional grass removal and infield mix placement outside the 100' buffer.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this utility project.

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

This area is already heavily used as a recreation area for high school students and other recreation leagues. The addition of baseball/softball equipment will allow for more teams to utilize the space.

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

While there is an alternative location in this area that would create minimal disturbance and be outside the buffer, it would create a safety hazard due to its proximity to buildings and parking areas. The chosen location within the buffer is already used as a recreational field and it does not receive any harmful maintenance such as fertilizer or chemical use, only occasional mowing. The conversion to a baseball/softball field will not change how the buffer has been used historically.

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

The infield mix proposed for the new field will be a permeable mix that should not have a noticeable impact on infiltration within this buffer area. The adjacent

wetland is well forested and should not see an impact from this field conversion.

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

The only vegetation proposed to be removed is a portion of existing grass lawn. This will be replaced with a permeable sand/silt/clay infield mix.

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

The proposal minimizes impacts to the buffer by proposing a permeable infield mix and minimal permanent equipment. On-site alternatives would require greater disturbance to areas that are not already used as recreational fields.

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

No work is proposed within the 25' vegetated buffer.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Commission at its regularly scheduled meeting of Wednesday, June 12, 2024 and the Commission voted unanimously to recommend approval with the following conditions:

- 1. The updated Planning Board submission shall include the new batting cage location, the location of the new no-mow area, and the locations for wetland boundary placards.*
- 2. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.*

The Conservation Commission recommended conditions have been satisfied or added to the staff recommendation.

Planning Department Recommendation
Wetland Conditional Use Permit

- 1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 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 10.1017.50 of the Ordinance and adopt the findings of fact as amended.

2.) Vote to grant the Conditional Use Permit with the following conditions:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.

III. 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 **The City of Portsmouth (Owner)**, for property located at **0 Maplewood Avenue** requesting an after the fact Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance due to the emergency authorization issued by NHDES on May 16, 2024 for repair of the stone wall alongside the North Cemetery. This application is for the restoration and repair of the wall in-kind which includes installation of new stone, installing non-woven geotextile along the eroded bank, importing structural backfill, and loam and seeding the disturbed areas once finished. Said property is located on Assessor Map 124 Lot 2 and lies within the Municipal (M) District. (LU-24-102)

Project Background

The is an after the fact wetland conditional use permit due to the emergency authorization for this work. The stone wall alongside the North Cemetery is in danger of collapse due to significant erosion along the bank and this application is for the restoration and repair of the wall in-kind which includes installation of new stone, installing non-woven geotextile along the eroded bank, importing structural backfill, and loam and seeding the disturbed areas once finished. Recent inspections of this site concluded that any future storm events or heavy rains could cause significant damage and irreversible harm to the stability of this wall and the contents behind it. Due to this, the City of Portsmouth Department of Public Works has obtained an emergency authorization to perform this work from NHDES and is now seeking a wetland conditional use permit.



Staff Analysis – Wetland CUP

According to Article 10 Section 10.1017.50 the applicant must satisfy the following conditions for approval of this utility project.

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

This work is an in-kind repair job. The damaged wall is structurally integral to keeping the cemetery border and fill contained.

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

There is no alternative location to rebuild this wall in. The safety of the tomb and burials behind the wall is reliant on the structure of this wall and it must be fortified in order to prevent further erosion, or worse, collapse.

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

The applicant used professional services to access the area and wall from the adjacent property, so as not to disturb the hallowed ground. This may have impacts on the pathway of any necessary construction vehicles. The applicant shall restore any disturbed soils with native wetland buffer conservation seed mix and monitor for establishment.

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

The natural vegetated state was disturbed in order to get construction equipment onto the site. This area should be stabilized with erosion controls, along with the wall, and should be reseeded at the end of construction with a native wetland buffer conservation seed mix.

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

The alternatives to not repairing this wall would be allowing it, and the fill, and historic infrastructure to erode and/or slide into the North Mill Pond. The repair of this wall was an emergency repair.

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

All areas disturbed within the 25' vegetated buffer shall be reseeded at the end of construction with a native wetland buffer conservation seed mix.

Project Review, Decisions, and Recommendations

The applicant was before the Conservation Commission. See below for details.

Conservation Commission

The applicant was before the Conservation Commission at its regularly scheduled meeting of Wednesday, June 12, 2024 and the Commission unanimously voted to recommend approval with the following conditions:

- 1. Applicant shall monitor the success of reseeded areas to ensure stabilization. If stabilization is not successful within 30 days of seeding, the area will need to be reseeded.*
- 2. Native wetland buffer shrub plantings shall be installed within the temporary accessway area in the Fall of 2024. This should be included in updated plan set for the Planning Board submission.*

Planning Department Recommendation

Wetland Conditional Use Permit

1) Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 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 10.1017.50 of the Ordinance and adopt the findings of fact as amended.

2.) Vote to grant the Conditional Use Permit with the following conditions:

2.1) Applicant shall monitor the success of reseeded areas to ensure stabilization. If stabilization is not successful within 30 days of seeding, the area will need to be reseeded.

2.2) A planting plan of the temporary accessway area shall be submitted to the Planning & Sustainability Department for review and approval.

III. 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 **Rosania RR & KL Revocable Trust (Owner)**, for property located at **32 Boss Avenue** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.22 for a Home Occupation 2. Said property is located on Assessor Map 153 Lot 5 and lies within the Single Residence B (SRB) District. (LU-24-117)

Project Background

On June 17, 2024, the City Council adopted zoning amendments for home occupations. The amendments provide for client or general public visitation for a home occupation 1 and 2, which were previously not permitted. A home occupation 1 can have up to 2 clients at one time and is permitted in all zoning districts. A home occupation 2 can have up to 6 clients at one time and requires a Conditional Use Permit (CUP) in residential districts. The definitions are below for your reference. Both types of home occupations must comply with the requirements in main definition below:

Home occupation

An **office** or other **use** customarily conducted as an **accessory use** to a **dwelling**, complying with all the following standards:

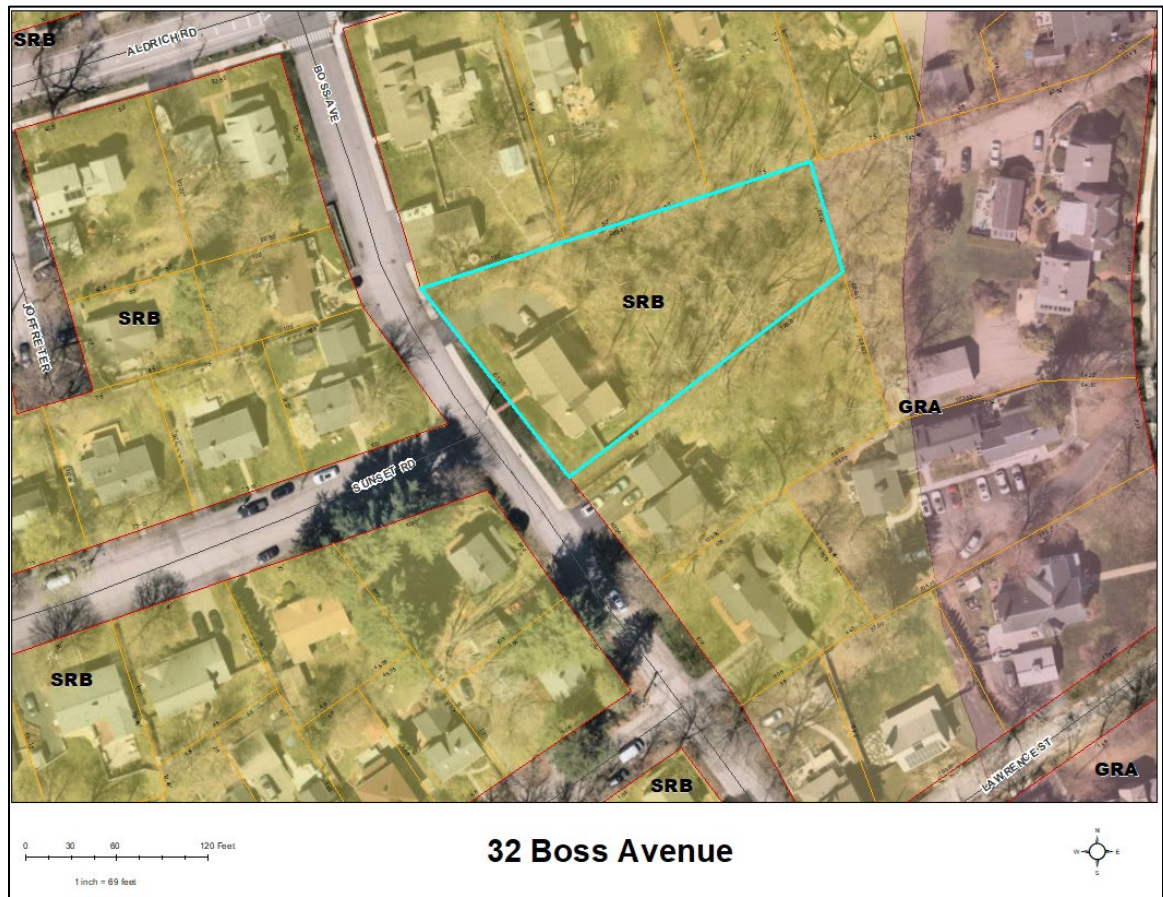
- (a) Conducted entirely within a **dwelling** or an existing **accessory building**, and with no change to the character of the **dwelling** or **accessory building**;
- (b) Maximum floor area of 300 square feet;
- (c) No **outdoor storage** of materials or products;
- (d) Outdoor parking of no more than one vehicle related to the **home occupation**;
- (e) No deliveries by vehicles with more than two axles.

Home occupation 1

A **home occupation** with no nonresident employees; no **sign** related to the business; no more than 2 client, vendor or general public visitations at one time; and no deliveries other than by regular postal service and no more than one package delivery service truck (e.g., FedEx, UPS, etc.) per day.

Home occupation 2

A **home occupation** with not more than one nonresident employee and not more than 6 client, vendor or general public visitations at one time.



Project Review, Decisions, and Recommendations

The applicant is requesting a CUP for a home occupation 2 in an existing studio that is less than the 300 square foot maximum floor area for the use. While the applicant shows ample parking in the existing driveway, only one space can be designated for the home occupation use.

Per Section 10.860 Hours of Operation, a home occupation 2 is limited to the hours of 8 am – 5 pm unless different hours are established under a special exception or conditional use permit. The applicant is requesting the ability to have up to 2 classes per week from 6 – 9 pm and one day on the weekend.

Planning Department Recommendation

Home Occupation 2 Conditional Use Permit

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 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 10.243.20 and to adopt the findings of fact as amended and read into the record.

2) Vote to approve the conditional use permit with the following condition:

2.1) The home occupation may have up to 2 additional classes per week between the hours of 6 – 9 pm and one day on the weekend between the hours of 8 am – 5 pm.

III. 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 P The request of **Mark E. and Janet Greenwood (Owners)**, for property located at **480 Dennett Street** requesting a Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit (DADU) for the demolition of the existing garage and construction of a new DADU Said property is located on Assessor Map 160 Lot 26 and lies within the General Residence A (GRA) District. (LU-24-120)

Project Background

The applicant is proposing to demolish the existing nonconforming garage and construct a new Detached Accessory Dwelling Unit (DADU) that will conform to the dimensional requirements in the GRA. The proposed DADU will be 750 sq. ft. and comply with all other dimensional and design requirements for a DADU.



Planning Department Recommendation
Detached Accessory Dwelling Unit Conditional Use Permit

1) *Vote to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.814.62 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 10.814.62 of the Ordinance and adopt the findings of fact as amended.

2) *Vote to grant the Conditional Use Permit with the following conditions:*

2.1) *Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.*

2.2) *A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.*

2.3) *The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.*

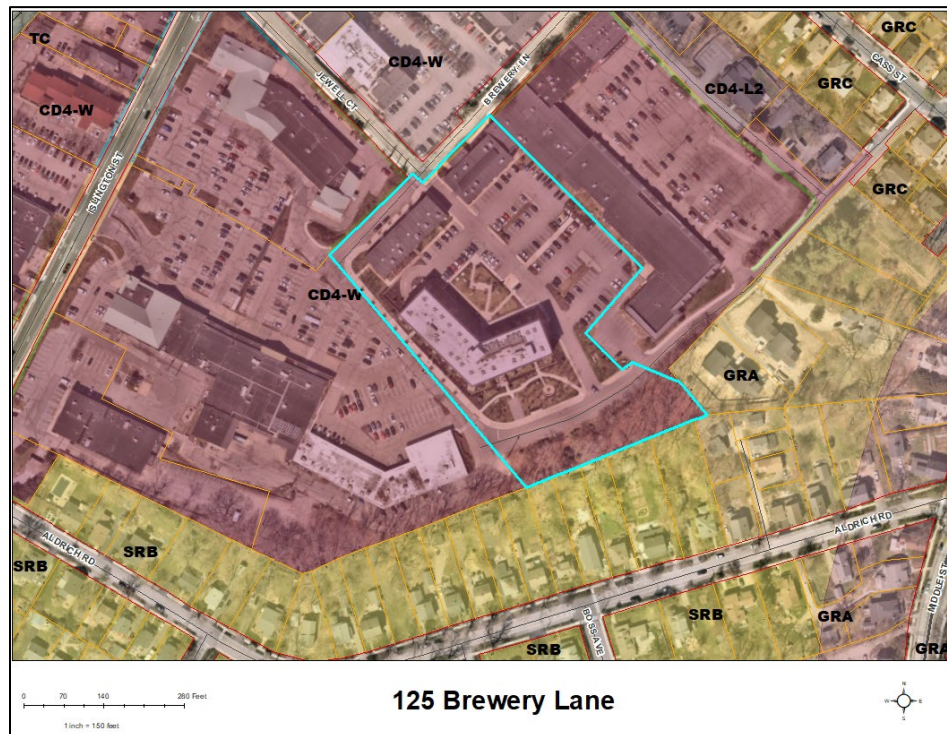
III. PUBLIC HEARINGS – NEW BUSINESS

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.

- G. The request of **Portsmouth West End Development LLC (Owner)**, for property located at **125 Brewery Lane** requesting a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use. Said property is located on Assessor Map 154 Lot 2 and lies within the Character District 4-W (CD-4W) District. (LU-24-108)

Background

The property is located in the CD4-W district, where an outdoor dining and drinking area requires a conditional use permit as an accessory use to a principal use. The applicant is proposing to add picnic tables and bistro tables and chairs to an area at the back of the building which faces the existing parking lot. The proposal includes expanding the gravel area to accommodate the tables and chairs.



Planning Department Recommendation

Outdoor Dining Conditional Use Permit

1) *Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 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 10.243.20 and to adopt the findings of fact as amended and read into the record.

2) *Vote to approve the conditional use permit as presented.*

IV. PRELIMINARY CONCEPTUAL CONSULTATION AND DESIGN REVIEW

- A. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** requesting preliminary Conceptual Consultation for a subdivision of one lot into three conforming lots with associated site improvements. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District. (LUPD-24-5)

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 consultation is not required for this application, however the applicant wanted to get feedback from the Board prior to submitting a formal TAC application for site plan and subdivision approval.

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.

- B. 361 Hanover Steam Factory, LLC (Owner)**, for property located at **361 Hanover Street**, requesting Preliminary Conceptual Consultation for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. (LUPD-24-3)

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.

This project was before the Board in April for Preliminary Conceptual Consultation and then Design Review in May in order to vest the zoning. The

applicant has made substantial changes to the project based on input from the public and the Planning Board and wanted to present the new plan to the Board prior to seeking variances for certain elements of the project.

V. OTHER BUSINESS

- A.** Chairman's Updates and Discussion Items
- B.** Board Discussion of Regulatory Amendments and Other Matters

VI. ADJOURNMENT