



---

**MEMORANDUM**

---

**To:** Planning Board  
**From:** Juliet T.H. Walker, Planning Director *JTW*  
Jillian Harris, Planner 1  
**Subject:** Staff Recommendations for the September 17, 2020 Planning Board Meeting  
**Date:** 9/11/2020

---

**III. PUBLIC HEARINGS – OLD BUSINESS**

- A. The application of the **Maud Hett Revocable Trust, Owner**, for property located on **Banfield Road** requesting Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 22 single-family homes and a new road with related parking, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 256 Lot 02 and lies within the Single Residence A (SRA) District.



Description

This is a project to construct 22 single family homes served by septic systems and a private road on an existing undeveloped forested parcel according to the requirements for an Open Space Planned Unit Development. The proposed private road accessing the development requires a wetland crossing and the entire project will result in additional permanent impacts to the wetland buffer.

Wetland Conditional Use Permit

The Planning Board previously granted the wetland conditional use permit at the August 2020 meeting with the following stipulations:

- 1) Add yellow advisory sign of 15 mph along at the wildlife crossing location;
- 2) Add WILDLIFE CROSSING signs at crossing locations;
- 3) Provide details on plan showing planting of wetland seed mix in areas where site disturbance occurs within 25' of wetlands;
- 4) Provide information in condominium documents that restrict use of pesticides and fertilizers in buffer areas equal to or greater than as required in the City's Zoning Ordinance;
- 5) Provide a Conservation Easement in perpetuity that includes all the common open space and expands the protected area to including all wetland and upland areas up to the wetland edge of the 100' buffer surrounding the limited common areas. Such easement deed shall be reviewed and approved by the Planning and Legal Departments prior to recording. Such easement shall be held by a public body (such as the City) which shall maintain the land as open space for the benefit of the general public or a private non-profit organization which has as a purpose the preservation of open space through ownership and control;
- 6) That there should be a connection in the condominium document that references the chloride reduction guidance stated in the maintenance guide;
- 7) Change the wording of removal of dead and diseased tree removal on open space only to the removal necessary to protect buildings and infrastructure.

Open Space Planned Unit Development Conditional Use Permit and Site Plan Review Approval

According to the Zoning Ordinance, the purpose of allowing open space planned unit developments is to permit a higher density clustering of residential units than a conventional subdivision in order to preserve natural features and create usable open space. The base residential density for an OSPUD is calculated in either one of the following ways:

- The number obtained by dividing the *developable area* of the parcel by the minimum lot area per dwelling unit required in the underlying zoning district.
- The number of lots that could be developed in a conventional subdivision of the lot.

The developable area excludes open water bodies, wetlands, floodplains, slopes exceeding 15 percent, and areas subject to existing valid open space restrictions.

In addition to allowing clustering of the residential units (rather than spreading out on individual conforming lots) an OSPUD has reduced requirements for interior building setbacks and allows for a variety of residential types (single family dwelling, two-family dwelling, townhouse, and multifamily dwelling).

An OSPUD must dedicate at least 25 percent of the total site area as permanently protected common open space according to the following guidelines/requirements:

- A portion of the minimum required open space must be developable area that is at least equal to the portion of the overall site that is developable. In order to comply with this requirement for this site, the applicant must include 6 acres of developable area in the permanently protected open space area.
- Preserved in perpetuity by restrictive covenant owned by either a private, non-profit corporation, association, or other non-profit legal entity (such as a condominium agreement or homeowners association), a public body (such as the City), a private non-profit organization (such as The Nature Conservancy).
- Linear open space that connects or contributes to other public or private open space is encouraged.
- Regulated public access to the common open space is encouraged.

The approval process for an OSPUD follows the procedures and standards for BOTH the City's Subdivision Rules and Regulations and Site Plan Review Regulations and therefore is subject to Technical Advisory Committee Review. In addition, the Conservation Commission shall be afforded an opportunity to comment on the particulars of a proposed PUD, including but not limited to the natural features of the parcel and how these may be impacted by the proposed project.

Prior to granting a conditional use permit for an OSPUD, the Planning Board must make the following findings:

- 1) The site is appropriate for an OSPUD.
- 2) The anticipated impacts of the proposed OSPUD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional residential development of the site.

At its discretion, the Planning Board shall consider one of the following courses of action when considering a project submitted under the OSPUD requirements of the Ordinance:

- To grant a conditional use permit for the maximum number of allowable dwelling units authorized;
- To grant a conditional use permit for a number of dwelling units which is less than the maximum number authorized;
- To deny the conditional use permit.

Representations made at public hearings or in materials submitted to the Planning Board by an applicant for a conditional use permit for a PUD (including specifications for exterior building design and features; dwelling types, e.g., garden style, townhouse, free standing; dwelling unit sizes; number of buildings on lot; mix of market rate and affordable units; and parking) shall be deemed conditions and shall be documented in a development agreement entered into between the applicant and the City. Said development agreement must be reviewed and approved by the City Attorney prior to Planning Board approval of a conditional use permit. The applicant has submitted the draft development agreement to the City Attorney for review. Staff will advise the Planning Board on the status of that review at the meeting.

*Conservation Commission Review*

The Conservation Commission was provided an opportunity to comment on the OSPUD at the August 12, 2020 meeting. Although the Commission did not provide comments specifically on the OSPUD conditional use permit, they did discuss the overall impacts on natural features due to the proposed number of units and the challenges of developing a site that has a lot of ledge and will be entirely on private septic.

*Technical Advisory Committee Review*

During the TAC review for this project, a third party review was requested by City staff for the site drainage and the septic system design. The applicant and the City agreed to contract with CMA Engineers, Inc. for this review. The TAC reviewed the site plan application at the April 7, 2020 meeting and voted to recommend approval with the following stipulations:

Conditions of approval to be completed prior to submission to Planning Board:

- 1) Applicant shall overlay landscape plans with utility plans, check for conflicts and revise as necessary;
- 2) Applicant shall modify water main per the sketch provided by DPW separately;
- 3) Street name sign to be added to plan that is compliant with MUTCD and DPW standards;
- 4) Gas is shown on utility plan as deepest utility. Typical depth is 3'. Applicant to update plans as required by DPW;
- 5) Sheet C-34, Buried Gate Valve Detail shall be updated to show anchor tees with gate valves. Same detail, note 1 does not apply to this detail, note 2 is incorrect. Valve to open right;
- 6) Water Service Connection Detail says type K copper services, plan says CTS, please specify properly and update. If CTS, tracer wire will be required;
- 7) Add note to hydrant, 'hydrant to open right';
- 8) Specify NH standard frame and grate for catch basins;
- 9) Water main shall be DI, PVC shown on detail is not approved and shall be updated;
- 10) Gravel selects should extend at least 24" past EOP because road is so narrow;
- 11) Details for retaining walls along the roadway need to be designed and stamped by PE and submitted for review;
- 12) Applicant shall add a note to the Lighting Plan that roadway lighting shall be dark sky friendly and lighting details shall be updated accordingly;
- 13) Stormwater maintenance plan and cleaning report need to be submitted yearly to the DPW and Planning Department. Applicant shall include a note on the plan for this requirement;

- 14) Extent of guardrail to be used shall be shown clearly and plans shall call out where guardrail locations are required. Plans shall specify requirements per AASHTO;
- 15) Move the stop sign and stop bar to 10 feet from the edge of Banfield Road;
- 16) There appears to be a tree in the path of the fire truck turning path at the intersection with the first internal cross street. The landscape plans and the fire truck turning path plans should be overlaid to determine if there are any other locations where conflicts may occur;
- 17) See separate comments provided by peer reviewer (CMA) for drainage system. Final sign off from peer review is required for the drainage system design;
- 18) Sewer design plan shall be submitted and shall include percolation test data as required by TAC. Third party review and approval is required for the design prior to submission to Planning Board;
- 19) Applicant shall provide documentation that an analysis of the habitat crossings proposed are the preferred design versus a bridge crossing as previously discussed with TAC;
- 20) Applicant shall update plans to fully align the two common access driveways at the front end of the development.

Conditions to be included in Planning Board approval:

- 21) Utilities and storm drainage to be overseen by third party during construction;
- 22) Hydrant maintenance plan shall be provided;
- 23) ECO Passage Grates to be reviewed every 5 years for compliance with H2O loading by NH PE, report to be submitted to DPW. Applicant shall submit Condominium documents that outline this requirement subject to final review and approval by DPW, Planning, and Legal Departments.

On June 24, 2020 the applicant submitted revised plans addressing stipulations 1-20 to the satisfaction of the Planning Department and DPW. The third party review was also completed by CMA. The remaining conditions have been added below and an additional stipulation has been added related to requirements for compliance with licensing for utilities in the ROW at the request of DPW.

#### Waiver Requests

The applicant has requested waivers to the subdivision and site plan review requirements for this project. Per Section 10.724.40 of the Zoning Ordinance, if the Planning Board grants waivers to street design standards or utility standards, the conditional use permit shall include a condition prohibiting a future petition for acceptance as a public street.

- 1) Subdivision Regulations -- Section VI(3)(I) Cul-de-Sacs: "The maximum length of a cul-de-sac shall generally be five hundred (500) feet unless otherwise approved by the Board."

The proposed cul-de-sac is located 900' from the street. The applicant has made a case that creating a second accessway to the site to create a through-road would have additional impacts to wetland areas. Each house will have a sprinkler system installed. Additionally, fire hydrants are proposed in two locations along the proposed road to aid in fire suppression.

- 2) Subdivision Regulations – Section VI(3)(B) Street Rights of Way and Residential Street Minimum Standards: The required minimum right-of-way is 50’ and the required pavement width is 32’.

The proposed pavement width is 20’. The applicant has referenced the guidelines provided in the “City of Portsmouth Complete Street Design Guidelines,” which recommend a pavement width of 20’ for a *neighborhood slow street*.

Planning Department Comments

As explained above, in order to grant the OSPUD CUP, the Planning Board must find that the impacts of the proposed OSPUD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental than the impacts of a conventional residential development of the site. One of the ways to determine this is to do a comparative analysis of the proposed project with a conventional residential development of the site (which in this case would be a conventional subdivision meeting the dimensional requirements of the Single Residence A district).

While the applicant could reasonably make a case that project impacts to traffic and market values would not be more detrimental than a conventional development of the site, it is hard to assess how stormwater runoff and environmental factors (such as wildlife habitat and tree loss) would compare to a conventional development without a more detailed analysis of both options. The burden for making that case is on the applicant.

The applicant has worked to minimize the impacts of the project on the wetland buffer area by implementing a stormwater treatment system that the third party review concurred would manage groundwater and provide the intended stormwater flow attenuation and water quality treatment. However, in order to stay out of the wetland buffer and still maintain the 22 single family homes, the subsurface stormwater system that is proposed will be more difficult to monitor for maintenance issues and failures and any repairs will be difficult particularly because they are partially under the subdivision access road. In contrast, a more conventional surface water quality treatment, such as gravel wetlands, bioretention area or similar, would be easier to construct and maintain. In order to construct a surface treatment system that is not located at least one of the proposed residential units would likely need to be removed.

During the TAC process, staff recommended that the applicant consider options to reduce the overall footprint of the project by exploring townhomes or multi-family dwellings which are allowed in a PUD or by simply reducing the number of units. The applicant’s attorney has argued that the Zoning Ordinance does not allow townhouses or multi-family residences, but Planning Department staff continues to affirm that such uses are allowed. Even if the applicant is unwilling to consider alternatives to single family residences, a reduction in the number of units could be considered.

If the Planning Board is not convinced that the proposed OSPUD will not be more detrimental than a conventional residential development, the Board has the option to either deny the application all together or to grant approval for a number of dwelling units which is less than the maximum allowed.



While the common open space provided by the applicant meets the minimum area required by the ordinance, the applicant does not clearly demonstrate how the open space supports the goals of Section 10.721.11 of the Zoning Ordinance to preserve natural features and create usable open space. The Zoning Ordinance provides guidance in Section 10.725.40 that the common open space should connect or contribute to other public or private open space and should provide regulated public access. In addition to protecting the common open space through a conservation easement and expanding the easement to include the wetland areas (as recommended by the Conservation Commission), provision for limited public access and/or connections to neighboring open spaces should be considered.

#### Planning Board Review

The Planning Board reviewed this application at the August 2020 meeting and, after some discussion, voted to continue the application to the September meeting. As part of the discussion, the Board requested that the applicant provide a comparative analysis of the proposed project with a conventional residential development of the site in order to assist in the Board's consideration of the OSPUD CUP criteria.

The applicant has provide additional material responding to the request of the Board.

#### **Planning Department Recommendation**

##### Conditional Use Permit and Site Plan Review Approval – OSPUD

- 1) *If the Planning Board determines that the applicant has made the case that the proposed OSPUD will not be more detrimental than a conventional subdivision, the Planning Board should vote to find that:*
  - 1.1) *The site is appropriate for an OSPUD, and;*
  - 1.2) *The anticipated impacts of the proposed OSPUD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional residential development of the site.*
  
- 2) *Vote to grant a waiver to the Subdivision Regulations -- Section VI(3)(I) Cul-de-Sacs to allow a 900-foot cul-de-sac length where 500 feet is the maximum allowed by finding that either [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*

3) *Vote to grant a waiver to the Subdivision Regulations -- Section VI(3)(B) Street Rights of Way and Residential Street Minimum Standards to allow 20' of pavement width where 32' is the minimum allowed by finding that either [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*

4) *Vote EITHER to grant the conditional use permit and site plan review approval for the maximum number of allowed dwelling units authorized OR grant the conditional use permit and site plan review for a number of dwelling units which is less than the maximum number authorized, with the following stipulations [in addition to any stipulations added by the Planning Board as part of their deliberations]:*

*4.1) 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;*

*4.2) Utilities and storm drainage shall be overseen by third party during construction;*

*4.3) 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;*

*4.4) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments;*

*4.5) A hydrant maintenance plan shall be provided prior to issuance of a building permit;*

*4.6) ECO Passage Grates shall be reviewed every 5 years for compliance with H2O loading by NH PE and such report shall be submitted to the City of Portsmouth Planning Department and DPW. Applicant shall submit condominium documents that outline this requirement subject to final review and approval by DPW, Planning, and Legal Departments;*

*4.7) Street name sign proof shall be reviewed and approved by DPW prior to fabrication and installation;*

*4.8) A license for locating the proposed utility pole in the Banfield Road right-of-way shall be reviewed and approved by the Legal Department and DPW and accepted by the City Council;*

*4.9) The granting of the waiver for the cul-de-sac length shall prohibit a future petition for acceptance of the private road as a public street;*

*4.10) Owner shall provide an access easement to the City for water valve access and leak detection;*

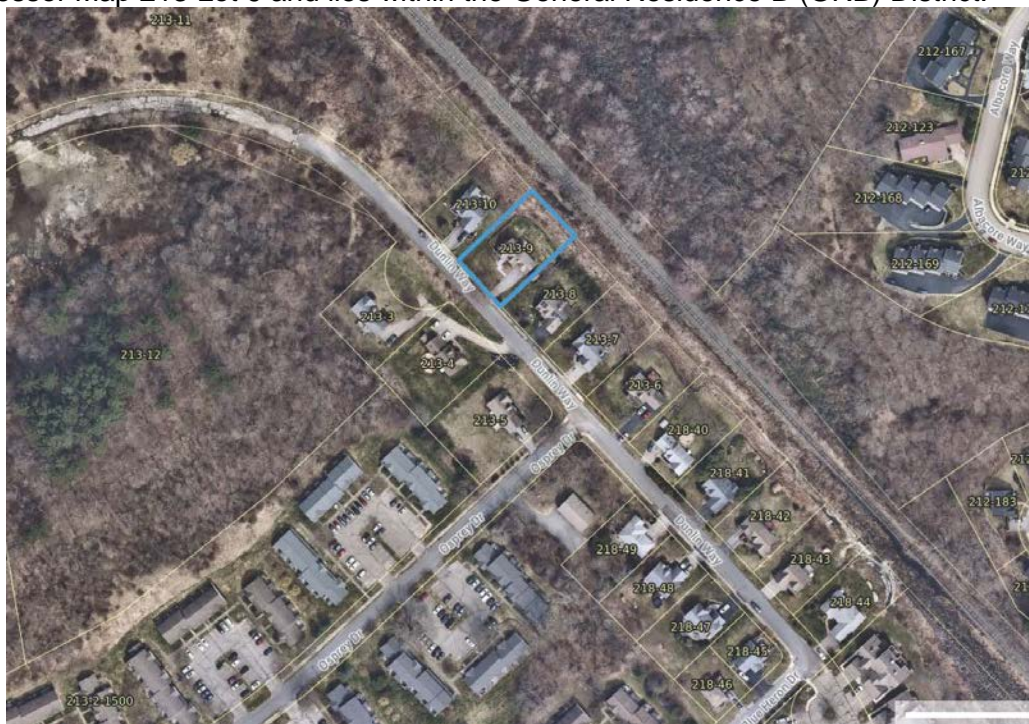
*4.11) Prior to the issuance of a building permit, any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council;*



*4.12) Prior to issuance of a building permit, the applicant shall enter into a development agreement with the City per the requirements of the Zoning Ordinance and subject to review and approval by the Legal Department.*

#### IV. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of the **Nania Family Trust, Owner**, for property located at **18 Dunlin Way** requesting Wetland Conditional Use permit approval under Section 10.1017 of the Zoning Ordinance to construct a 16 x 16 foot addition, 12 x 12 foot deck and associated stairway and porous paver patio where a 12 x 12 foot porch currently exists. The design incorporates stormwater infiltration and new buffer plantings. Said property is shown on Assessor Map 213 Lot 9 and lies within the General Residence B (GRB) District.



#### Description

This application is to construct a 16x16 foot addition, 12x12 foot deck and associated stairway and porous paver patio where a 12x12 foot porch currently exists. The applicant has developed a design which incorporates stormwater infiltration and new buffer plantings to offset the impacts from the proposed addition.

#### Conservation Commission Review

1. *The land is reasonably suited to the use activity or alteration.* The proposed addition is within a lawn area at the rear of the house.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant is proposing to utilize the most appropriate portion of the site for the proposed addition. All of the structure is within the 100' wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has proposed a thoughtful design which incorporate stormwater infiltration and wetland buffer plantings which should reduce any impacts of the proposed expansion to below what is occurring today.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of the natural vegetated state. There will be some loss of lawn area with this proposal. The applicant has proposed wetland buffer plantings to offset the impacts from the project.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to reduce the impacts from the proposed addition. The proposed buffer plantings and infiltration strip has been designed to reduce any adverse impacts from the proposed addition.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has proposed plantings at the rear of the yard beyond the existing fence within the 25 foot vegetated buffer strip to offset the impacts of the project.

The Conservation Commission reviewed the wetland conditional use permit application at the August 12, 2020 meeting and voted unanimously to recommend approval of this application with the following stipulations:

- 1) The proposed shrubs will be planted on the inside of the fence at the rear of the property instead of outside the fence as shown on the plan.
- 2) That the applicant will insure that the erosion control measures are installed during construction.

The applicant submitted revised plans on August 19, 2020 addressing the recommended stipulations to the satisfaction of the Planning Department.

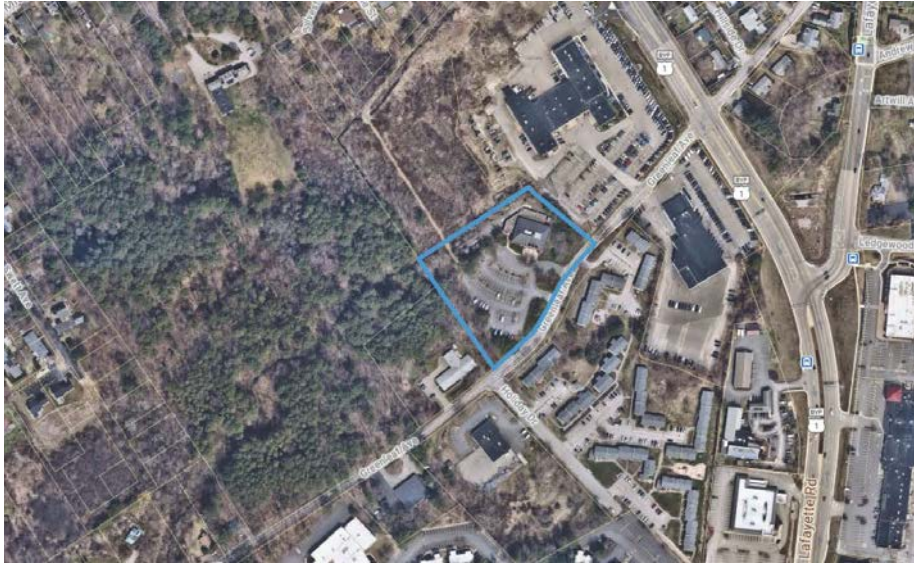
**Planning Department Recommendation**

- 1) *Vote to grant the Wetland Conditional Use Permit as presented.*

#### IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

---

- B. The application of **Media One of NE, Inc., Owner**, for property located at **180 Greenleaf Avenue** requesting Wetland Conditional Use permit approval under Section 10.1017 of the Zoning Ordinance to construct a 180 square foot shed on a concrete pad with associated drip edge, remove a 220 square foot structure and restore the site to a lawn area. Said property is shown on Assessor Map 243 Lot 67-1 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District. LU 20-151.



#### Description

This application is to construct a 180 square foot shed on a concrete pad with associated drip edge, remove a 220 square foot structure and restore the site to a lawn area.

#### Conservation Commission Review

1. *The land is reasonably suited to the use activity or alteration.* The proposed addition is within a fenced in lawn area which currently exists on 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 applicant is proposing to replace an existing shed and remove an additional shed reducing the overall impact on the site. The location of the shed is where a storage building currently exists with access by an existing concrete walkway which is not going to change.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has proposed to restore the site to lawn once the shed has been removed and the new shed has been constructed. The installation of the stone drip edge should reduce the overall impacts from what exists today.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of the natural vegetated state. There will be some additional lawn area when the project is completed.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project will result in a net reduction in impervious surface on the site.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing to replace areas of impact with lawn. There is an opportunity for the applicant plant the wetland buffer but none has been proposed.

The applicant submitted revised plans on August 18, 2020 addressing the recommended stipulation to the satisfaction of the Planning Department.

**Planning Department Recommendation**

- 1) *Vote to grant the Wetland Conditional Use Permit as presented.*



#### IV. PUBLIC HEARINGS – NEW BUSINESS (Cont.)

---

- C. Request by **Public Service Company of New Hampshire d/b/a Eversource Energy** for naming of a privately-owned road located off **Gosling Road** on Assessor Map 214 Lots 1, 2 & 3 as **Jacona Road**.



##### Description

This is a request from Eversource and GSP Schiller who own properties that are accessed from a presently unnamed private road. The parcels all presently have an address of Gosling Road. This creates challenges for emergency response. The parties are requesting the name the private road as Jacona Road and assign the properties and buildings listed below with new addresses:

##### Eversource Facilities

- Portsmouth Substation (parcel 214-3, presently addressed 300 Gosling Road)
- Resistance Substation (parcel 214-1, presently 400 Gosling Road)

##### GSP Schiller LLC Facilities

- The Red Building (parcel 214-2, presently 280 Gosling Road)
- NT Tank Farm (parcel 214-2, presently 280 Gosling Road)
- Wood Yard Building (parcel 214-2, presently 280 Gosling Road)
- SR Tank Farm (parcel 214-2, presently 280 Gosling Road)

While this is not a public road, the subdivision regulations and City Ordinances do reference the Planning Board's role in road naming. While the regulations do not stipulate that this has to be done as a public hearing, it has been the Planning Board's policy to notify abutting properties and to allow for a public hearing prior to approving the name. This process is also consistent with state laws governing the naming of streets. The City Council will ultimately need to vote on this request as well.

**Planning Department Recommendation**

- 1) *Vote to recommend that the City approve the renaming of the private road to Jacona Road.*



## V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of the **SB & NA Stokel Trust and Philip Stokel, Owners**, for property located at **83 Peverly Hill Road** for Preliminary Conceptual Consultation for a 60-unit Open Space Planned Unit Development (OSPUD). Said property is shown on Assessor Map 242 Lot 4 and lies within the Single Residence A (SRA) District.



### Description

As authorized by NH RSA 676:4,II, the Site Plan Review 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. There is no limitation on the number of preliminary conceptual consultations that an applicant can request with the Planning Board. The applicant was last in front of the Planning Board at the August meeting to discuss a previous commitment by the City to waive the maximum length of a cul-de-sac road for this property.

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. OTHER BUSINESS**

- A. The request of **Paul W. Mullen, Owner**, for property located at **97 Eastwood Drive** for a 1-year extension of Conditional Use Permit approval for the addition of a 746 sq. ft. Attached Accessory Dwelling Unit to the first floor of an existing home that was originally granted on June 27, 2019.

Description

The project received conditional use permit approval from the Planning Board on June 27, 2019 for the addition of a 746 sq. ft. Attached Accessory Dwelling Unit to the first floor of an existing home. While the applicant applied for a building permit prior to the June 27<sup>th</sup> expiration, their building permit was not issued as there are still construction details that need to be finalized. While it is unusual to approve a retro-active extension, the Planning Department staff support some flexibility due to the challenges presented to many homeowners related to the COVID-19 pandemic.

**Planning Department Recommendation**

*Vote to approve a retro-active 1-year extension of the Conditional Use Permit  
Approval to expire on June 27, 2021.*