Nantucket Planning Board

NANTUCKET PLANNING BOARD

APPROVED MINUTES
APRIL 12, 2021

MEETING CONDUCTED VIA ZOOM WEBINAR

Board Members: Judith Welch Wegner (Chair) (ABSENT), John Trudel, III (Acting-Chair), Nat Lowell, "Fritz" McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and David Callahan

Staff: Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (Administrative Specialist)

Mrs. Trudel stated that Town Counsel, Jonathan Silverstein will participate for the 6 Fairgrounds Road public hearing, however has another commitment at 4pm and suggested that Board hold until he can attend meeting.

I. **Call to order:**

Acting-Chair Trudel announced that Chair Wegner is unable to attend the meeting and he will be Acting Chair.

Acting -Chair Trudel called the meeting to order at 4:00PM.

Acting-Chair Trudel read a prepared statement in accordance with Governor Baker's March 21, 2020 order regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

Roll call of those participating:
Board members:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*

Alternates:
David Callahan *Aye*
Stephen Welch *Aye*
Campbell Sutton *Aye*

Staff:
Leslie Snell *Aye*
Meg Trudel *Aye*
Catherine Ancero *Aye*

II. Approval of the agenda:
Mr. Lowell moved to approve the agenda, the motion was duly seconded by Mr. McClure, and the Board voted 4-0 in favor.

Vote taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*

III. Minutes:
- **March 8, 2021 –** continued to the May 10th Planning Board meeting.

IV. Second Dwellings:
- **Darrell C. & Andrea Ferguson, 28 Main Street (Siasconset) (Map 73.3.1 Parcel 47)**
- **Nineteen Pond View Drive NT, 19 Pond View Drive (Map 81 Parcel 26)**
- **04TST36Washingpond, LLC, 36 Washing Pond Road (Map 31 Parcel 13.2)**
- **David Lemberg & Patricia Lahiff, 33 South Shore Road (Map 80 Parcel 64)**
- **17 Avenue Realty Trust, Clifford A. Wolff Trustee, 17 Lincoln Avenue (Map 30 Parcel 118)**
- **3 Sherburne Turnpike LLC, 3 Sherburne Turnpike (Map 30 Parcel 114)**
- **Jacqueline & Eric Kraeutler, 35 New Street (Map 73.4.2 Parcel 42)**

V. Garage Apartments:
- **140 Cliff Road LLC, 140 Cliff Road (Map 41 Parcel 575)**
- **Stephanie Basile, 8 New Mill Street (Map 42.3.3 Parcel 33.2)**

VI. Tertiary Dwellings:
- **Patricia Patterson, 3 First Way (Map 55 Parcel 236)**
- **Judith C. Brownell, 65 Skyline Drive (Map 79 Parcel 107)**

Mrs. Trudel suggested that the Board take a single consent vote for the second dwellings, garage apartments and the tertiary dwellings applications as long as no Board members would need to recuse of there weren't any questions.

Motion/Vote: Mr. McClure moved to approve all second dwellings, garage apartments and the tertiary dwellings applications in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote taken by Roll Call:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*

VII. ANR Plans:

- **Six North Star Lane Nominee Trust, William F. Hunter, Trustee, 6 North Star Lane (Map 30 Parcel 213)**
- **111 Cliff Road Trust, Daniel P. Carbonneau, Trustee, 111 Cliff Road (Map 41 Parcel 10)**
- **Richard J. & Rosemary McCready Trustee, 239 Hummock Pond Road (Map 82 Parcel 41)**
- **Susan M. Doughan, 134A, 134C & 134D Main Street (Map 41 Parcels 37.1, 37.2 & 37.4)**
- **Norris Building Co Inc., 14 Lowell Place (Map 41 Parcel 164)**
- **Town of Nantucket, North Sias Road (Map 73.4.1)**
- **Valhalla Nominee Trust, 3R Newtown Road (Map 55 Parcel 210.1)**
- **Maury Associates, Inc., 5 & 7 Grey Lady Lane (Map 66 Parcels 177 & 712)**
- **Oliver Carr III, 84 & 86 Cliff Road (Map 30 Parcels 74.1 & 74.2)**
- **Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153),** ***SEE PUBLIC HEARING PLSP-2021-03-0120***

Motion/Vote: Mr. McClure moved to approve and endorse all the ANRs an exception of 49 Fairgrounds Road, which will first require the approval of a Special Permit. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote taken by Roll Call:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*

VIII. Previous Plans:

- **Champion Rentals, 11/13/15/17 Tomahawk,** *request for minor modification*
  Voting: John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Brian Glowacki and Linda Williams
  Discussion: The Applicant is before the Board to validate the conversion of a storage containers into an office space. The original decision contained a condition which states that the construction of an office space at a future date may be approved by the Board without holding a public hearing. The Applicant has been working with a registered engineer as well as with our Building Commissioner to bring structure into building code compliance. Mr. McClure asked what is involved in making the storage container code compliant. Acting Chair Trudel stated that the proposed structural changes to would have to go through the Building Department and file the proper permits.

  Motion/Vote: Mr. Lowell moved to approve with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

  Vote taken by Roll Call:
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Acting-Chair Trudel *Aye*

- **Lynne F. Berlyn, 2 Francis Street,** *Legal Docs & Form J (Lots 1 2, 3 & Roadway) and endorse plan*
  Voting: John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Discussion: None
  Motion/Vote: Mr. McClure moved to endorse the legal documents and endorse the Form J and plans. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

  Board members:
  Fritz McClure *Aye*
  Nat Lowell *Aye*
  David Iverson *Aye*
  Acting-Chair Trudel *Aye*

- **#8089 Nantucket Investment Holdings LLC, 24 Pocomo Road,** *Form J (Lot 112)*
  Voting: John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Discussion: Mrs. Trudel stated that the applicant funded a performnact security account to cover the estimated costs for the completion of the work.
  Motion/Vote: Mr. Iverson moved to approve the endorsement of the Form J. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

  Board members:
  David Iverson *Aye*
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  Acting-Chair Trudel *Aye*

IX. Public Hearings:

- **PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle,** *action deadline 06-15-2021*
  REQUEST TO CONTINUE to 06-14-2021
- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road,** *action deadline 04-30-2021,* ***REQUEST TO CONTINUE to 06-14-2021***

Mr. McClure moved to continue 2 Mayflower Circle and 10A and 10B Cliff Road. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Board members:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*

Mrs. Trudel suggest moving taking the agenda out of order and forward with 49 Fairgrounds due to the availability of Town Counsel.

- **PLSP-2021-03-0120, Shannah Green, 49 Fairgrounds Road,** *action deadline 07-11-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Callahan and David Iverson
  Alternates: Campbell Sutton and Stephen Welch
  Recused: None
  Activated: David Callahan
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Sarah Alger and Jeff Blackwell, Surveyor
  Discussion: Attorney Alger provided the Board with an overview of the application. She clarified that there is not a living space located within the Yoga Room and that there is an artist's studio located on the second floor that is sometimes utilized as a Pilates studio. Acting Chair Trudel opened the public hearing. Robert Bates stated that he is an abutter to this property and concerned that the Applicant is looking for reduction in the setbacks from ten feet to five feet on both lots. Attorney Alger stated that the existing structure will remain in its current configuration, so the waiver would need to be requested to retain non-conforming setback and that it's been in that place since last the late 1970', furthermore that request is for in interior lot line setback and not the rear setback. Mr. Bates questioned if there was a permit for the outdoor deck area that was used for yoga classes and if there was a public hearing. Mrs. Snell stated that this is subject to an older ZBA permit. Attorney Alger stated that the deck was a temporary structure which was put up quickly due to COVID and that won't be continuing, this is outside of this application in terms of their existing application.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  David Iverson *Aye*
  Acting-Chair John Trudel *Aye*
  David Callahan *Aye*

  Motion/Vote: Mr. Lowell moved to approve the application in accordance with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  David Callahan *Aye*
  Acting-Chair John Trudel *Aye*

- **ANR: Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153)**

  Motion/Vote: Mr. Lowell moved to approve and endorse the ANR application. The motioned was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Acting-Chair John Trudel *Aye*

- **PLSUB-2021-02-00133, Mueller Nantucket Associates, LLC, North Mill Street,** *action deadline*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure and David Iverson
Recused: None
Activated: None
Documentation: File with associated plans, photos and required documentation
Representing: Art Gasbarro, Surveyor
Discussion: Mrs. Trudel provided updated information. Ed Pesce has reviewed the plans and staff 's recommendation is to approve this application with the findings and conditions outline in the staff report. Ms. Sutton asked about Mr. Pesce's review and the recommendation of removing overgrowth at the top of North Mill Street for entry and exit safely from that road. Mr. Iverson stated that his understanding is that trucks may access that for construction, but it will be pedestrians and bikes only after construction done. Acting Chair opened the public hearing. Acting Chair Trudel asked if they as a Board can designate a one way to make a right only when pulling out of the development from Prospect. Mrs. Snell stated that North Mill is private and may impact other property owners who are not part of this subdivision. Acting Chair opened the public hearing. There was a brief discussion of signage and traffic flow. Fred Mueller gave a summary of what their intensions are and the layout of the subdivision. The Applicant will place sufficient funding in the HOA they created to finish the top of the Lane. Mr. Gasbarro suggested that they can offer a condition of no left turn allowed in the decision. Acting Chair Trudel stated that in the past Board has asked developers to contribute and if it is an appropriate request. Mrs. Snell stated that it is a reasonable request. In the past Board have asked for donation for $2000 per dwelling unit that would go towards the construction of new pedestrian and bicycle infrastructure in the area or maintain and enhance what is already there.

  Motion/Vote: Mr. McClure moved to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Fritz McClure *Aye*
  David Iverson *Aye*
  Nat Lowell *Aye*
  Acting-Chair John Trudel *Aye*

  Motion/Vote: Mr. McClure moved to approve that it is in harmony with the general purpose and intent of the Bylaw and in accordance with the findings and conditions outlined in the staff report plus the two-additional condition that no left turn out of the subdivision and the acceptance of the $2,000 per dwelling unit for the contribution to the bike path. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Fritz McClure *Aye*
  David Iverson *Aye*
  Nat Lowell *Aye*
  Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0122, 10 Industry LLC, 10 Industry Road,** *action deadline 07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Campbell Sutton
Alternates: David Callahan and Stephen Welch
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams
Discussion: Ms. Williams gave a brief review of the proposal and stated that it is simply for storage. Acting Chair Trudel asked if they had to go before HDC for construction. Ms. Williams stated that the

Applicant has already done that and received approval. Ms. Sutton asked about Mr. Pesce's letter

regarding the two recommendations, if they have been addressed or are they acceptable to the Applicant. Mrs. Trudel stated that there has been some communication between herself, Mr. Pesce and the applicant where he is comfortable that these changes be noted on the plan and submitted to him prior to building process review. Acting Chair Trudel opened the public hearing. No comments were made.

Motion/Vote: Mr. Lowell made a motion to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Campbell Sutton *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. Lowell made a motion to approve per the one condition from staff. The motion was duly seconded by Ms. Sutton and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Nat Lowell *Aye*
Campbell Sutton *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0113, Leeward Realty Trust, 3 Perry Lane,** *action deadline 07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Stephen Welch
Alternates: Campbell Sutton, David Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams
Discussion: Mrs. Trudel stated that the special permit relief is the exterior storage and warehousing and this property is currently located in the RC2 which requires a special permit, however it should be noted that the site is subject to a Planning Board sponsored zoning article, which proposes to change the zoning to CTEC, where these uses are allowed by right. Acting Chair Trudel opened the public hearing. No comments were made.

Motion/Vote: Mr. McClure moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Stephen Welch *Aye*
Acting-Chair John Trudel *Aye*

Mrs. Snell suggested to include a condition regarding fencing in the storage area which will help alleviate concerns from abutters. Acting Chair Trudel questioned will that carry through with the zoning change. Mrs. Snell stated that the exterior storage will need to be screened whether it's by Special Permit or by right.

Motion/Vote: Mr. McClure moved to approve the applications request with the findings that it is in harmony with the general purpose and intent of the Zoning Bylaw and in accordance with the findings and conditions outlined in the staff report and an additional condition that a fencing of the exterior storage areas be required. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
Fritz McClure *Aye*
David Iverson *Aye*
Stephen Welch *Aye*
Nat Lowell *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0117, John and Nan Breglio, 52 W Miacomet Ave,** *action deadline 07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and David Callahan
Alternates: Campbell Sutton and Stephen Welch
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams
Discussion: Ms. Williams gave a summary of proposal. Mr. Iverson wanted to make sure that the Applicant is not encroaching on any undisturbed part of the property. Ms. Williams confirmed that it would not. Acting Chair Trudel opened the public hearing. No public comments were made.

Motion/Vote: Mr. Callahan moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
David Callahan *Aye*
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. Callahan moved to approve in accordance with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
David Callahan *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Nat Lowell *Aye*
Acting-Chair John Trudel *Aye*

Returning to 6 Fairgrounds Road of the agenda under Public Hearing.

- **PLSP-2021-03-0118, Town of Nantucket, 6 Fairgrounds Road,** *action deadline 07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Stephen Welch
Alternates: Campbell Sutton, David Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Attorney Sarah Alger and Town Counsel Jonathan Silverstein
Discussion: Mr. Silverstein gave a brief overview of the application. The primary issue is the number of

the affordable units seemed to be capped. The developer is requesting additional income restricted

units. Also, the Applicant is asking that some of the site plan deadlines in the original decision be extended. Acting Chair Trudel opened the public hearing. No comments were made.

Motion/Vote: Mr. McClure moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Stephen Welch *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. McClure moved to approve the request in accordance with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Stephen Welch *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0122, James Riley, 2 Sea Fox Circle,** *action deadline 07-11-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure and David Iverson
  Alternates: Campbell Sutton, David Callahan and Stephen Welch
  Recused: None
  Activated: Campbell Sutton
  Documentation: File with associated plans, photos and required documentation
  Representing: James Riley
  Discussion: Mr. Riley stated he agreed with the conditions outlined in the staff report. Ms. Sutton suggested that Mr. Riley move driveway five feet closer to the water meter. Mr. Riley had no objections to the request. Acting Chair Trudel opened the public hearing. No comments were made.

Motion/Vote: Ms. Sutton moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Campbell Sutton *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Ms. Sutton moved to approve that the driveway be moved five feet closer to the water meter and with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Campbell Sutton *Aye*
Nat Lowell *Aye*

David Iverson *Aye*

Fritz McClure *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0121, Cesar Moreno & Ariana Costakes, 8 Toombs,** *action deadline 07-11-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Stephen Welch
  Alternates: Campbell Sutton, David Callahan
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Dan Mulloy, Surveyor
  Discussion: Mr. Mulloy provided the Board with an overview of the application and stated he agreed with the staff recommendations. Acting Chair opened the public hearing. No comments were made.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

  Motion/Vote: Mr. Iverson moved to approve with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  David Iverson *Aye*
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

- **PLSUB-2021-03-00135, La Barca Realty Trust, James A. Strasenburgh & Amos E. Applegate, Trustees, 52 Burnell Street,** *action deadline 07-24-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Dan Mulloy, Surveyor
  Discussion: Mr. Mulloy provided the Board with an overview of the application. Ms. Sutton asked if applicant will be donating funds toward the bike path. Mrs. Snell stated that there is no bike path or sidewalk near Burnell Street and that there is not anything planned for the immediate future, so the Board should not request funding. Acting Chair Trudel opened the public hearing. No public comments were made.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  David Iverson *Aye*
  Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. Lowell moved to approve the Applicants proposal and with the findings and conditions outlined in the staff report and minor clearing and grading of the road. (Mr. Mulloy requested a rewording of condition number 6 re-worded to that the sewer be constructed or made available to lots due to one of the lots might be vacant at that time and would have nothing to connect it to.) Board agreed to the change of wordings to condition number 6. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

- **PLSUB-2021-03-00134, Lori A. Geddes, 13 Evergreen Way,** *action deadline 07-11-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Paul Santos, Surveyor and Lori Geddes, Owner
  Discussion: Mr. Santos provided the Board with an overview of the application. The horseshoe driveway will be abandoned in favor of the driveway easement prior to conveyance of the lots out of common ownership. Ed Pesce's specifically request that they provide driveway cross-sections detailing the asphalt apron. The newly created lot will be serviced both public sewer and public water. Mr. McClure questioned that they adopted an interpretation that the minimum lot size would have to be made and could not include the area of the roadway. Mrs. Snell stated that what Mr. McClure is referring to is a conversation that the Board had about modifying the bylaw to restrict out the strip of land that would be used for the driveway easement which did not happened. Mrs. Snell brought up the Lebrec decision and she said that there is a condition in it about excluding the roadway easement area from the portion of the lot that would be counted towards the ground cover and if inclined to approve this application, it should include similar condition and that the easement area must be dedicated for roadway. Acting Chair questioned if there is a limit of what you can do with the lots as far as a house as secondary and a tertiary dwelling. Mr. Santos stated that the Lebrec decision has the typical waivers and started reading conditions numbers three through twelve from the decision. Mr. Iverson questioned if there is enough legal frontage. Mr. Santos stated that he is referring to the roadway easement as opposed to a defined street line. Mr. McClure expressed concern of the legal requirements if they come to a vote whether the Board is meeting the legal requirements of the Subdivision Law. Acting Chair Trudel opened the public hearing. Rachel Gates an abutter at back end of 13 Evergreen by Daffodil stated that she did write a letter of objection and quickly summarized her letter. Mr. Callahan questioned that the existing house lot will not be added to the sewer system. Mr. Santos stated that the Applicant is to utilize the septic system until such time. Ms. Sutton commented that she read Ms. Gates letter and is in support of all what she mentioned in the letter. Ms. Sutton stated that as a member of the public she would like to see more consideration be given to existing vegetation and only the areas where building must occur that there be disturbance to the land. She would like to see more to address the habitat loss.

Motion/Vote: Mr. McClure moved to continue to the next Planning Board meeting. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote Taken by Roll Call:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0119, The 8 Walbang Nominee Trust, 8 Walbang Avenue,** *action deadline07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and David Callahan
Alternates: Campbell Sutton and Stephen Welch
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Paul Santos, Surveyor and Attorney Steve Cohen
Discussion: Attorney Cohen provided the Board an overview of the application. Ms. Sutton questioned if need to vote first before deliberating. Acting Chair Trudel asked the Board if they find that the proposal is substantially different than the previous request. Mr. McClure stated how is measured substantial. Mr. Iverson believes that they are bringing something potentially different. Mr. Callahan feels that it is substantially different as well.

Motion/Vote: Mr. McClure moved that they find that the proposal is substantially different than the previous and allow the Board to proceed. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Fritz McClure *Aye*
David Iverson *Aye*
Nat Lowell *Aye*
David Callahan *Aye*
Acting-Chair John Trudel *Aye*

Mr. Santos briefly gave history of the application. Not requesting for deforestation or reworking of the developed area of this lot. Mr. Iverson questioned how much decks and patios beyond what was existing? Mr. Santos said approximately 1800 square feet additional to what it currently exists. Attorney Cohen stated that other lots are much more built out and this lot has the least. Mr. Lowell stated that there is no pool and the shed is leaving and, in his opinion, he thinks that this is modest for today's standard. Acting Chair reopened the public hearing hearing. Mrs. Trudel stated that Emily Molden submitted a letter at the last minute which hadn't been circulated to the Board in advance of the meeting. Mrs. Trudel screened shared the email from Emily Molden. In the letter Ms. Molden asked the Board to consider requiring no net gain in both ground cover and additional impervious surface for the redevelopment of this site. Also, she asked that the Board ensure that the redevelopment does not require any additional disturbance beyond existing landscaping. Mr. McClure stated no issues if it's within the existing building site so there will be no new disturbance in that lot. Mr. Callahan stated that he had a little problem with the 1800 square feet of renewed impervious surface area. Mr. Iverson stated that he agrees with Mr. Callahan. Acting Chair Trudel stated that the additional 1800 square feet is a little bit excessive and the bluestone patio exceeds the building envelope that was already there which it would be disturbing some ground. Acting Chair Trudel stated that the Board would need to look at the merits of this. Attorney Cohen stated that he has heard the Board and he would like to request for a continuance.

Motion/Vote: Mr. McClure moved to continue to the next meeting. The motion was duly seconded by Mr. Callahan and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Fritz McClure *Aye*
David Callahan *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0114, Richmond Great Point Development LLC, Sandpiper I,** *action deadline 07-11-2021*

  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Stephen Welch
  Alternates: Campbell Sutton, David Callahan
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: David Armanetti
  Discussion: Mr. Armanetti provided the Board an overview of the application. Board members no issues or concerns. Acting-Chair Trudel opened the public hearing. No comments were made.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  David Iverson *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

  Motion/Vote: Mr. Lowell moved to approve as requested and with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  David Iverson *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0113 Richmond Great Point Development LLC, Old South Road Crossing "Liner" Buildings,** *action deadline 07-11-2021*

  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Campbell Sutton
  Alternates: David Callahan and Stephen Welch
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: David Armanetti
  Discussion: Mr. Armanetti provided the Board an overview of the application. Ms. Sutton stated that her only concern is the use of the porta potty and would like to see it more formalized mobile porta potty like Children's Beach porta potty. Phil Pastan stated that they anticipating to going for a larger quarter porta potty which is handicap accessible. Mr. Iverson stated that he is excited and is in favor. Acting-Chair Trudel opened the public hearing. No comments were made.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Campbell Sutton *Aye*
  Acting-Chair John Trudel *Aye*

Mr. Armaneitt would like to open reasonably soon, condition number six that the staff is acceptable that the landscaping and screening plan could be subject to approval by staff, so they can expedite things and maybe not have to come back to another meeting. Acting Chair stated that he made a note for number six to say approval and acceptance by staff. Ms. Sutton questioned if screening is similar Downtown sitting area not permanent. Mr. Armanetti stated that they are looking for seasonal and temporary nature.

Motion/Vote: Mr. Lowell moved to approve and with the findings and conditions outlined in the staff report with the additional condition added number seven as altered by staff and chair. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Campbell Sutton *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0116, SEO Real Estate LLC, 19.5 Surfside Road,** *action deadline07-11-2021*
Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and David Callahan
Alternates: Campbell Sutton and Stephen Welch
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Attorney Rick Beaudette.
Discussion: Attorney Beaudette provided the Board an overview of the application. Attorney Beaudette requesting for a waiver to allow tandem parking. Acting Chair questioned the 238 square feet addition and he thought he stated 275. Attorney Beaudette stated that it is 275 and confirmed it with Steve Rothske. Ms. Sutton questioned if not required to have handicap parking space and more parallel parking. Attorney Beaudette doesn't think it's required when they first started. Acting Chair Trudel questioned once changed from home occupation to a medical clinic does the parking requirements change for handicap space. Mrs. Snell stated that when a change of use permit is filed with the Building Department, the Building Commissioner application is filed it would be part of the Building Commissioner's review. Acting Chair Trudel opened the public hearing. Kenneth Tannen questioned if there will be changed in the two-parking spaces by Anna Drive or will it remain the same. Acting Chair Trudel stated that he sees no change in the surveyed plan that is presented. Mr. Tannen asked if business still staying the same. Attorney Beaudette stated yes will stay the same.

Motion/Vote: Mr. Callahan moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:
David Callahan *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. Lowell moved to approve and with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Callahan and the Board voted 5-0 in favor.

<u>Vote Taken by Roll Call:</u>
Nat Lowell *Aye*
David Callahan *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

- **PLSP-2021-03-0115, The Garden Group, Inc., 84 Old South Road,** *action deadline07-11-2021*
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Iverson, and Stephen Welch
  Alternates: Campbell Sutton, David Callahan
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Bryan Swain
  Discussion: Mr. Swain provided the Board an overview of the application and stated he agreed with the recommendations in the staff report. Ms. Sutton expressed concern with noise, the storing of goods and materials. Mrs. Snell commented that the Applicant has proposed the hours of operation Monday through Friday, 7:30am to 5:00pm and Saturday, 8:00am to 1:00pm, closed on Sundays so any work would have to be done within those hours of operation. Acting Chair Trudel opened the public hearing. No comments were made.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  David Iverson *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

  Motion/Vote: Mr. Lowell moved to approve and with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

  <u>Vote Taken by Roll Call:</u>
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Stephen Welch *Aye*
  Acting-Chair John Trudel *Aye*

X. <u>ATM Warrant Articles</u>

- **(Re-Opening Public Hearing) Article 41: Zoning Map Change "RC-2 to CTEC – Appleton Road, Bartlett Road, and Perry Lane RC-2 to CTEC**
  Voting: John Trudel (Acting Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Bryan Swain
  Discussion: Mrs. Trudel stated that the request came from a property owner of 1 Perry Lane and 26 Bartlett Road they're two seperate properties in common ownership and if the zoning change moves forward, they will be combined into one parcel. Mrs. Snell stated that this comes up every year with one article. Mrs. Snell stated that Board should recommend removing for now to give property owners time to make necessary arrangements for us to rezone them possibly at the next Town Meeting. This is

consistent with the practice of the Board. Acting Chair Trudel opened the public hearing. No comments were made.

Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 4-0 in favor.

Vote Taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

Motion/Vote: Mr. McClure moved to remove parcels 1 Perry Lane and 26 Bartlett Road from Article 41 Zoning Map change. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote Taken by Roll Call:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Acting-Chair John Trudel *Aye*

XI. Public Comment:
No public comments were made.

XII. Other Business:
- **Planning Board "Regular Meeting" schedule remainder of 2021**
- **Next regular Planning Board meeting, Monday, May 10, 2021 at 4PM via Zoom/YouTube**
- **Annual Town Meeting – Saturday June 5, 2021 at 9AM - NPS Backus Playing Field (Rain Date Sunday June 6, 2021 9AM)**
  Annual Town Meeting will be at the Backus Playing Field tented, will have electronic voting however we will not have the screen.

XI. Adjournment:
Mr. Lowell moved to adjourn the meeting at 7:42 PM. The motion was duly seconded by Mr. McClure and the Board voted 4-0 in favor.

Vote Taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Acting-Chair Trudel *Aye*