Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
June 14, 2021

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

Alternates: Stephen Welch, Campbell Sutton, David Callahan

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

To view the full recording of the meeting, use link below:
https://youtu.be/4yzYAhQs7Oc

I. Call to order:

Chair Wegner called the meeting to order at 4:05pm.

Vote by Roll Call:
Nat Lowell *Aye*
Vice-Chair John Trudel *Aye*
Chair Judith Wegner *Aye*
Fritz McClure *Aye*
David Iverson *Aye*

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

Staff:
Megan Trudel *Aye*
Andrew Vorce *Aye*
Catherine Ancero - *Absent*

II. Approval of the agenda:

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

Vote by Roll Call:
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Vice-Chair John Trudel *Aye*
Chair Judith Wegner *Aye*

III. Minutes:

- **October 26, 2020**
- **November 18, 2020**

Vice-Chair asked whether they Board would vote for the minutes for both meetings. Mrs. Trudel stated that both minutes are ready for a vote.

Motion/Vote: Vice-Chair Trudel moved to approve the minutes from the October 26, 2020 meeting and the November 18, 2020 meeting. The motion was duly seconded by Mr. Lowell and voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

IV. Second Dwellings:

- **EBWC LLC, 4 Lincoln Avenue**
- **Brant Point Real Estate LLC, 12 Brant Point Road**

Motion/Vote: Mr. Iverson moved to approve all second dwelling applications in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Vice-Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:
David Iverson *Aye*
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
Chair Judith Wegner *Aye*
Fritz McClure *Aye*

V. Garage Apartments:

- **Peter T. Kaizer, 6 Nobadeer Ave**

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

Vote by Roll Call:
David Iverson *Aye*
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
Chair Judith Wegner *Aye*
Fritz McClure *Aye*

VI. ANR Plans:

- **3 Raceway, LLC, 3 Raceway Drive**
- **Oak Bluff Realty Trust, James Georgaklis, Trustee & Camron T. & Julie C. Gammill, 46 Somerset Lane & 87 Somerset Road**
- **2 Highland Avenue, LLC, 6 Highland Avenue**
- **Nanahumacke LLC & Nanahumucke Preserve Homeowners Association Trust, 141 Hummock Pond Road (portion of) & Hummock Pond Road**
- **ABCET, LLC c/o Amos Hostetter, 58 Baxter Road**
- **Clifton Street Nominee Trust, Leonore S. Cunningham, Trustee31 Coffin Street**
- **Emily Curry Overlock, Willird J. Overlock, III, & James Garret Overlock, 20 & 22 Clifton Street**
- **Michael J. Vienneau & Barbara A. Condon-Morley, 3 Correia Lane**
  SEE PUBLIC HEARING
- **Nantucket Historical Association & Dorothy S. Taylor, 8 Walnut Lane & 12 Liberty Street**

- **12 West Creek Road Realty Trust, Christopher Ryder, Trustee, 29 Hinsdale Road**

  Motion/Vote: Vice-Chair Trudel moved to approve and endorse the ANR 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 5-0 in favor.

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

VII. <u>Preliminary Plans</u>

- **Dooley Family Trust, John P. Dooley, Sr. & John P. Dooley, Jr., Trustees, 201 Hummock Pond Road**

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Dan Mulloy, Agent/Engineer
Discussion: Mr. Mulloy provided the Board with an overview of the application. Last month's meeting Board reviewed and approved an ANR on this property. The owners are trying to do some estate planning to figure out what they want to do with the property. Property was subject to a zoning change at the Town Meeting. The preliminary plan filed to freeze the zoning in the event that they decide to do something under R-20 versus to rezone VR. The Applicant is proposing a three lot, two buildable lot. Access off Hummock Pond Road. Will be service in Town water and onsite septic systems. Swimming pools are allowed under zoning. Under VR it requires a Special Permit, under R-20 zoning it is allowed by right. Mr. Lowell questioned how long freeze plan is good for. Mrs. Snell stated that freeze plan is good for eight years from the date the Board endorses the plan. Vice-Chair sees no issues especially if used as a freeze for the zoning. No public hearing required for Preliminary plans.

Motion/Vote: Vice-Chair Trudel moved to approve the preliminary plan. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

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

VIII. <u>Previous Plans:</u>

#01-18 Nantucket Community Sailing, 12 West Creek Road, *request for a Minor Modification*
Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Attorney Arthur Reade
Discussion: Attorney Reade provided the Board with an overview of the application**.** Allow other nonprofit or governmental organization make use during off season. Attorney Reade stated that this was

not included in the staff report however was mentioned in their letter a request that certain businesses that were performing services for the community sailing be allowed to use it temporarily for their employees as well. The original special permit will continue to be enforced. Diana Brown stated that their employee management rules in terms of cars and having employer provide free shuttle bus passes to the residents should be in effect to anyone who's using the dorm. Ms. Brown stated that the do not expect or intend to and turn into a wedding factory house or of any kind of a short-term rental. Chair Wegner stated that she really appreciates what they are doing particularly through the winter and during COVID. Attorney Reade is requesting to remove the condition that they put in at the time of the original approval that would be limited solely to Nantucket Community Sailing employees. The expectation is that there would be an entity that would be taking the whole dormitory one at a time with an exception of they might allow when Nantucket Community Sailings people are in there to have some of the people that were assisting with their activities be able to stay there as well as Diana had put it.

Motion/Vote: Vice-Chair Trudel moved to support Attorney Reade's minor modification with the statements he had made to work with staff to put it into a more legal appropriate definition and in accordance with the findings outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
David Iverson *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **#02-19 CRH 46 Surfside LLC, 46 Surfside Road,** *request for a Minor Modification*
Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Surveyor Paul Santos and Attorney Sarah Alger
Discussion: Mr. Santos provided the Board with an overview of the application**.** Additional ground cover does not add to the parking requirement nor exceed the maximum allowable ground cover in the CN zoning district. This plan has been reviewed by Ed Pesce and his comments have been addressed. There are a few that still needs to be addressed however will be addressed prior to the issuance of a Certificate of Occupancy. The intended use for the building are a proposed duplex, that does not change from the original proposal, two apartments above the existing shops, one contractor shop which would be office supply and equipment storage carpet cleaning in a pool business and one contractor shop which is a personal pickup delivery washing, drying, pressing, ironing of linens and clothing. Mr. Santos met on site with David Gray and the owners will be amending sewer connection permit to address issues with the additional of the washing machine in the existing building however they believed this does not qualify as a laundromat that this falls under the contractor shop personal use provisions of the Zoning Bylaw. Vice-Chair Trudel asked the number of employees of the company that will be operating for pressing and washing. Attorney Alger stated that this is a small business. She said that there will be six (6) twenty-five (25) pound washing machines. No public use just with the employees and its affiliated with Pioneer. Vice-Chair Trudel questioned the other contractor shop apartments for parking if there is an area that is not going to be used all the time, at least open for deliveries, an area where they can pull in and out so no overflow in the street. Mr. Santos stated that it would be a standard van not a big box truck that would fit in a 9X20 space and the contractor shop will have designated parking requirements. Mrs. Snell stated that they have ample parking and if it becomes a problem we should let them manage it. Mrs. Trudel stated that they are not going to recognize members of the public because it is a minor modification.

Motion/Vote: Vice-Chair Trudel moved to approve the minor modification and if the Board sees fit then it's determined to qualify as a minor modification and that in accordance with the findings outlined in the staff report. The motion was duly seconded by Mr. Lowell. Mr. Iverson wants to have included in the motion that Ed Pesces concerns are addressed through staff. Vice Chair Trude revised to include Mr. Iverson's comments that Ed Pesce review the modification and addresses the concerns that he had initially made, and the Board voted 5-0 in favor.

Mrs. Trudel stated that Ed's concerns will all be tied to the Certificate of Occupancy. It would be advantageous for the applicant to work with him before that process.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

- **Shore Road Subdivision, 2 Francis Street,** *Form J*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Brian Swain
  Discussion: Mrs. Trudel provided the Board with an overview of the request.
  Motion/Vote: Mr. McClure moved to endorse the Form J in the condition that staff hold it until the applicant has completed the remaining minor "punch list" items or supplies escrow funding. The motion was duly seconded by Vice-Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:
Fritz McClure *Aye*
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

- **Sconset Hydrangeas Cluster Residential Homes Special Permit and Subdivision***, updated legal documents*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Brian Swain
  Discussion: Attorney Swain provided the Board with an overview of the request.
  Motion/Vote: Mr. McClure moved to endorse the legal documents to reflect the Special Permit Modification that merged 1 and 3 Hydrangea Lane. The motion was duly seconded by Vice-Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:
Fritz McClure *Aye*
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

- **#8013, Meadows II Definitive Subdivision,** *request for a Minor Modification*
  SEE PUBLIC HEARING
- **#54-16, Sandpiper Place II North, Special Permit Workforce Homeownership,** *request for a Minor Modification*
  SEE PUBLIC HEARING
- **#40-16, Meadows II Workforce Rental Special Permit**, *request for a Minor Modification*
  SEE PUBLIC HEARING

IX. Public Hearings:

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road,** *action deadline 10-13-2021*
  CONTINUE TO 09-13-2021
- **PLSP-2020-11-0092, 2 Mayflower Circle LLC, 2 Mayflower Circle,** *action deadline 09-15-2021*
  CONTINUE TO 07-12-2021
- **PLSP-2021-05-0130, Michael Vienneau, 3 Correia Lane,** *action deadline 09-12-2021*

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell and Stephen Welch
Recused: David Iverson
Documentation: File with associated plans, photos and required documentation
Representing: Barbara Congdon.
Discussion: Mrs. Trudel provided the Board with an overview of the application. Correia Lane is a private unpaved roadway. Mrs. Trudel stated that she did an inspection recently and confirmed that the roadway is of sufficient width and suitable grade and is in good condition. A follow up ANR plan has been applied for to implanted to the Special Permit. Vice-Chair Trudel stated that it is refreshing to see almost a half-acre for a secondary lot. Ms. Condon stated that the purpose of creation of then secondary lot is to sell to her daughter and her husband who live here year-round. Chair Wegner opened the public hearing. No public comments were made.

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

<u>Vote by Roll Call:</u>
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*
Stephen Welch *Aye*

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

<u>Vote by Roll Call:</u>
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
Stephen Welch *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **Michael J. Vienneau & Barbara A. Condon-Morley, 3 Correia Lane**
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell
  Recused: David Iverson
  Documentation: File with associated plans, photos and required documentation
  Representing: Barbara Congdon
  Discussion: None
  Motion/Vote: Vice-Chair Trudel moved to approve and endorse the ANR. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

  Vote by Roll Call:
  Vice-Chair John Trudel *Aye*
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  Chair Judith Wegner *Aye*

- **PLSP-2021-05-0132 Daniel D. & Seandra Bartlett, 41 Bartlett Farm Road,** *action deadline 09-12-2021*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Marianne Hanley
  Discussion: Attorney Hanley provided the Board with an overview of the application. She stated that she submitted a revised plan and that an ANR will be submitted sometime near the future once the decision has been rendered. Vice-Chair Trudel commented that this was another good proposal for a covenant lot.
  Chair Wegner opened the public hearing. No public comments were made.

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

  Vote by Roll Call:
  Vice-Chair John Trudel *Aye*
  Nat Lowell *Aye*
  David Iverson *Aye*
  Fritz McClure *Aye*
  Chair Judith Wegner *Aye*

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

  Vote by Roll Call:
  Vice-Chair John Trudel *Aye*
  David Iverson *Aye*
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  Chair Judith Wegner *Aye*

- **PLSP-2021-05-0133, ACK-N-BACK, LLC, 33 Quidnet Road,** *action deadline 09-12-2021*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation

Representing: Attorney Sarah Alger
Discussion: Attorney Alger provided the Board with an overview of the application. This property has gone before the Conservation Commission and the NHESP process and received approval of the driveway as proposed, which is eight (8) feet wide as opposed to the required ten (10) with a clearing of twelve (12). The Applicant does not intend to extinguish the private access easement. Chair Wegner opened the public hearing. Christian Anderson stated that he would like to reduce the driveway easement. Mr. Anderson doesn't understand why they can't just use the primary access. Attorney Alger stated that the concern is fire and emergency vehicles and other people will continue to use the easement. Mr. Iverson whether the Conservation Commission requested the reduction in width. Attorney Alger confirmed that they did as a condition of the approval. Mrs. Snell stated that the easement is in place and that they're entitled to continue using the easement, it's a private agreement between the property owners. Attorney Alger stated that the application had two components, one is to allow the reduction in width of a driveway from ten (10) feet to eight (8) feet and to the extent of the easement is to consider a first driveway access, the new driveway would be a second driveway access. Staff confirmed that the requested driveway access was the primary access, as the easement is a private agreement, therefore there is not a need to request relief for a second driveway access, only from the design standards for the minimum width of the travelled way. The Board also concluded that the existing access easement shall not be considered a second driveway access.

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 by Roll Call:</u>
Nat Lowell *Aye*
David Iverson *Aye*
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

Mrs. Trudel stated that there was a minor language change, updating the recommended findings, accidentally included on-site turnaround which is not what the Applicant is asking for, it's for the width. Mr. McClure asked whether the Board would need to modify the findings to eliminate the requests for the second driveway access. Mrs. Trudel said yes.

Motion/Vote: Mr. McClure moved to approve the reduce travel area from ten (10) to eight (8) feet with the following findings and no access easement be considered as a secondary driveway access. The motion was duly seconded by Mr. Lowell and the Board voted 4-1 in favor.

<u>Vote by Roll Call:</u>
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Vice-Chair John Trudel *Nay*
Chair Judith Wegner *Aye*

- **PLSUB-2021-05-00163, Richmond Great Point Development LLC, "Old South Crossing",** *action deadline 09-12-2021*
Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Dave Armanetti

Discussion: Mr. Armanetti provided the Board with an overview of the application, which requests to make minor lot line adjustments. No issues or concerns with the Board. Chair Wegner opened the public hearing. No comments were made.

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

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Nat Lowell *Aye*
Chair Judith Wegner *Aye*

Motion/Vote: Vice-Chair Trudel moved to approve the amendment. The motion was seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **PLSUB-2021-05-00164, Richmond Great Point Development LLC, "Sandpiper Place II (North)",** *action deadline 09-12-2021*
Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell and David Iverson
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: David Armanetti
Discussion: Mr. Armanetti provided the Board with an overview of the application. This proposal is to accommodate minor lot line adjustments and roadway takings. Vice-Chair Trudel asked for clarification on the vote. Mrs. Trudel stated that it is a four-step application. The first step is what Mr. Armanetti just provided the proposal which requires a public hearing and any input from the public, the second are the previous plans that will take place after this discussion which is only meant to reflect the changes made to the Sandpiper Place II Subdivision in the other related permits, more of a paper trail for the technical language changes, that there are not any substantive changes being made to those permits.
Chair Wegner opened the public hearing. There were no public comments. Mr. Armanetti stated that this next component is within the Sandpiper II Subdivision, technically it would be a change to the subdivision and a minor change to the adjacent Meadows II Apartment Subdivision. The proposed changes will place portions of several lots into a different zoning district which will be addressed through a technical map amendment at next year's ATM. This proposal also will be updated through minor modification as shown on the agenda items immediately listed below. These previous plans items are to consolidate the language so that each permit has language and tracks the minor changes that are made to each other. Mr. Armanetti stated that there is no substantive action that is being taken here, it is just describing, explaining and putting languages that reflects these changes in all these permits. Mrs. Snell asked MR. Armanetti if the lot lines with the yellow highlights match up with what they discussed about, it looks to her that it doesn't match up. Mr. Armanetti stated that the plan that is on the screen reflects what they discussed. Mrs. Snell questioned the relocation of dumpsters. The Special Permit will need to be applied to incorporate the parking for the several lots that could not be dealt with the lot line adjustments and that this is added to Leslie's list of technical amendments for next year's ATM to clean up the Zoning District line change.

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

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

Mrs. Trudel suggest taking a motion for the public hearing first and then vote on the minor modifications.

Motion/Vote: Vice-Chair Trudel moved to approve as proposed. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **Previous Plan (nonpublic hearing)- #8013, Meadows II Definitive Subdivision,** *request for a Minor Modification*
- **Previous Plan (nonpublic hearing)- #54-16, Sandpiper Place II North, Special Permit Workforce Homeownership,** *request for a Minor Modification*
- **Previous Plan (nonpublic hearing)- #40-16, Meadows II Workforce Rental Special Permit,** *request for a Minor Modification*

Mrs. Trudel stated that the land that was subject to Meadows II is now subject to Sandpiper II, the language changes in their respective other affected Special Permits and Subdivisions need to reflect that land swap.

Motion/Vote: Vice-Chair Trudel moved to approve the three minor modifications to only reflect the changes made to the Sandpiper II Subdivision modification not to reflect any proposed changes to the parking, which will actually be dealt with a Special Permit and that the proposal does not materially affect the findings and conclusions upon which the original decision and subsequent modifications were based, and therefore does not require a public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
David Iverson *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **PLSP-2021-05-0131, FedEx Ground, 9 Nancy Ann Lane,** *action deadline 09-12-2021*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Mary Burns, Project Coordinator and Robert Jones with Vortex engineering
  Discussion: Mr. Jones provided the Board with an overview of the application. Mrs. Trudel stated that staff received the water compliance certificate from Wannacomet and that there were several items noted in Mr. Pesce's report that were minor items that can be addressed between staff, Mr. Pesce and the Vortex team prior to an issuance of a Building Permit. Chair Wegner opened the public hearing. Mr. Iverson whether the application would have any effect on the open space requirements for the MCD with the added ground over. Mr. Jones stated that they are decreasing the amount of impervious surface by adding landscape island with screening and buffering on the East side of the property adjacent to Nancy Ann Lane. Mr. Iverson asked if there is a maintenance plan for storm water system and oil and grit separators. Mr. Jones said yes, Mr. Pesce requested that they provide storm water maintenance manual be drafted and signed by the facility's senior manager. Emily Molden, Nantucket Land Council, asked to confirm that Mr. Pesce would submit a letter or a follow-up just for the file later to ensure that all his concerns have been addressed. Mrs. Trudel stated that we will get that from Mr. Pesce prior to the issuance of a building permit. Vice-Chair Trudel asked whether the lighting was complient. Mr. Jones confirmed that the lighting is prepared within the plans and analyzed the isometrics and the luminaires to ensure that there was no light pollution off the property.

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

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

  Motion/Vote: Vice-Chair Trudel moved to approve the modification for the Major Commercial Development 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 by Roll Call:</u>
  Vice-Chair John Trudel *Aye*
  David Iverson *Aye*
  Nat Lowell *Aye*
  Fritz McClure *Aye*
  Chair Judith Wegner *Aye*

- **PLSP-2021-03-0119, The 8 Walbang Nominee Trust, 8 Walbang Avenue,** *action deadline 07-11-2021*
  Voting: John Trudel (Vice-Chair), Nat Lowell, Fritz McClure, David Iverson and Dave Callahan (activated)
  Recused: Chair Wegner
  Documentation: File with associated plans, photos and required documentation
  Representing: Paul Santos, Surveyor
  Discussion: Mr. Santos provided the Board with an update to the application. Mr. Iverson stated that any landscaping remains in the disturb area and thanked the applicant for the hard work and patience. Acting Chair Trudel opened the public hearing. Emily Molden from Nantucket Land Council thanked the

Board for taking the time to review the application thoroughly and appreciates the Board working with the Applicant and Mr. Santos. Mr. Santos added that there may need to be a slight deviation into an undisturbed area to bring the septic into compliance.

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

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

Motion/Vote: Mr. McClure moved to approve the Special Permit in accordance with the findings and conditions outlined in the staff report with the modification in number one it should reference the plan dated March 15, 2021 as revised May 5, 2021 and June 10, 2021, any disturbed areas will be restored, as close as reasonably practical, to the condition that they were in immediately prior to the disturbance, with the exception of any areas to be disturbed due to required septic upgrades. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

<u>Vote by Roll Call:</u>
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Dave Callahan *Aye*
Vice-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: Judith Welch Wegner (Chair),
Documentation: File with associated plans, photos and required documentation
Representing: Paul Santos, Surveyor, Attorney Marianne Hanley and Applicant Lori Geddes.
Discussion: Attorney Hanley stated read staff conditions and client ok with it. Waivers requesting consistent with prior plans. A small two lot subdivision with an easement access. Attorney Hanley questioned if the Board need to activate due to Chair was not at previous meeting. Chair Wegner needed to fill out paper work and filed at the Town Clerk prior to today's meeting. Chair Wegner recused herself. Vice-Chair Trudel will be the acting Chair. Mr. McClure questioned the subdivision plan easement if included in the square footage of the lot. Mr. McClure also questioned if the easement a street for purposes of the Zoning Bylaw since frontage must be on the street. Attorney Hanley stated that the proposed roadway is not open to the public use. Mr. McClure stated that the proposed findings are not in the staff report and that in the prior cases that have been citied there were no findings in either one of those decisions under the Subdivision Rules and Regulations. He said if Board wants to do this right the need to include those findings. Acting Chair Trudel opened the public hearing. Emily Molden from Nantucket Land Council stated that they are opposed to the proposal as described in the letter they sent. Rachel Gates an abutter who spoke at the last meeting in April wanted to reiterated statement from previous meeting. Mr. Iverson asked if appropriate to have Town Counsel to rule on this due to confusion of square footage and the road. Acting Chair Trudel agrees with Mr. Iverson and suggest getting clarification from Town Counsel. Mrs. Snell stated that there is nothing in the subdivision control law and Ms. Hanley confirmed this that says that a road must be laid out as a separate lot and that requirement does not exist.

Motion/Vote: Mr. Iverson moved to continue the public hearing. Mr. Lowell mentioned the action deadline date. Staff will provide an action deadline extension for the applicant to sign. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

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

- **PLSP-2021-04-0124 Yoanna K. Guzman, 8 New Mill Street,** *action deadline 08-09-2021*
  Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell. Fritz McClure and David Iverson
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Linda Williams and Stephanie Basile
  Discussion: Chair Wegner stated that at the last meeting the public hearing was not opened. Staff received several emails from neighboring property owners in opposition of the proposal. Ms. Williams provided the Board with an overview of the application. The applicant is building for family. Ms. Basile stated that she didn't know that her second driveway was an issue. When Ms. Basile purchased the property, she didn't know it required a Special Permit until she applied for the garage. Charles Davis at 15 Mill Street stated that he was asked to consolidate comments from the twelve (12) neighbors who've expressed an interest in this matter. He expressed what this means for the neighborhood. Mr. Davis had a list of questions such as if there are permitted driveways for this property, granting the second curb cut will potentially increase the number of renters and cars which he finds detrimental to the neighborhood and contrary to the intent of the zoning bylaws for the historic district. Mr. Davis feels that this would have a negative impact on the occupants of other properties. Patricia Beilman and David Poor at 17 Mill Street supports Mr. Davis's comments and. rebuts what Ms. Williams has put in her comments. Ms. Beilman feels that Ms. Williams has inaccurately portrayed the parking spots around the neighborhood, she has called a grass field a grass yard as a potential parking space for four cars. Ms. Beilman feels that just because Ms. Williams is very strong advocate and speaks very strongly on her clients on their behalf does not mean she is correct. Ms. Beilman stated that the abutters are very concern about the precedent that this will set in the neighborhood. Mrs. Trudel stated that it is important to recognize that this can't fall under the pre-existing non-conforming because it does not predate 1998. Mrs. Trudel said that the driveway has been an existence for nearly twenty (20) years in its current configuration had the applicant not applied for a garage apartment it wouldn't have been on anyone's radar, it's not subject to a current zoning violation there haven't been neighborhood complaints prior to the noticing of the public hearing. She said that the reason why it couldn't be approved as a part of the garage apartment application is because only second dwellings can approve a second driveway access and having spoken to Leslie there might be something that should possibly be addressed through a technical amendment at a Town meeting at some point in the future to keep the same purpose in the garage apartment and tertiary dwellings as we have for the secondary dwellings. Mr. Lowell stated that there is nothing wrong with what the applicant has and must look at it in practicality. Mr. Iverson stated that the curb cut existed over ten years with no zoning violations attached to it. He said that he feels the abutters and understands where they are coming from however they need to understand that the Applicant has the legal right to build their garage regardless of the curb cut there will be another housing unit on that property. Mr. Iverson stated that as far as the drinking game goes it has nothing to do with the curb cut and if it is a rental unfortunately it happens. Mr. Iverson said that the curb cuts have existed for well over a decade and will be voting in favor of it because it's not really changing anything. Mr. McClure stated that agrees with the statement that was just made however is hung up is saying that those two curb cuts the way they look do not have an adverse effect on the scenic and historic integrity of the neighborhood and for that reason he will not support it. Vice-Chair Trudel stated that he wished it didn't come to the Planning Board to acknowledge

the legality of it and some of the comments not necessarily used for the planning purposes like drinking in the back yard guilty as charge will not acknowledge that. Vice-Chair Trudel stated that he would have to deny. David Poor stated that this is exactly what we wish for, this is allowing a subdivision here and we will think this will lead to more cars in the street, creating additional parking. Ms. Williams stated that there is no subdivision plan, it's an oversized lot and to address John's concerns is that the Applicant would not be here asking for a second curb cut they are here validating the two curb cuts that already exist which is entirely different then asking for a new curb cut. Ms. Williams stated that instead of having a negative vote Applicant will withdraw this and come back for a second dwelling upon which you can ask for two curb cuts. Mr. Iverson stated that the abutters understands that the Board we're not validating a second curb cut that doesn't mean they don't get their garage apartment there's still going to be another housing unit on the property, they will just have to park on the street. Ms. Williams request to continue the hearing.

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

Vote by Roll Call:
Nat Lowell *Aye*
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

X. Public Comment:

None

XI. Other Business:

- **41, 81-I, Young's Way,** *roadway layout recommendation*

Motion/Vote: Vice-Chair Trudel moved to support the taking of Young's Way as a public road in accordance with the plan and recommendations outlined in the letter. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

XI. Adjournment:

Vice-Chair Trudel moved to adjourn the meeting. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:
Nat Lowell *Aye*
Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
David Iverson *Aye*
Chair Judith Wegner *Aye*

The meeting adjourned at 7:50PM

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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW, G. L. c. 30A, § 20

WHEREAS, on March 10,2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Govenunent are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declarnd emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A munici pal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active pmiicipation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any pmiy entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities ofpublic bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at{ '-f Mthis 12th day of March, two thousand and twenty.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts