

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
July 12, 2021

To view a recording of the meeting, see link below:
<https://youtu.be/TmUCcs6RsY0>

I. Call to order:

Chair Wegner called the meeting to order at 4:03 PM.

This a joint meeting with the Select Board to discuss the upcoming Annual Town Meeting.

The meeting took place via remote participation using Zoom pursuant to Governor Baker's Executive Order of March 12, 2020 regarding the Open Meeting Law.

Roll call of Select Board members participating:

Kristie Ferrantella *Aye*

Dawn Hill Holdgate *Aye*

Matt Fee *Aye*

Chair Bridges *Aye*

Melissa Murphy *Aye*

Roll call of Planning Board Members:

Dave Iverson *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

Vice-Chair John Trudel *Aye*

Alternates:

Campbell Sutton *Aye*

Stephen Welch *Nay*

David Callahan *Aye* – *pending re-appointment not able to join discussion*

Staff:

Libby Gibson *Aye*

Leslie Snell *Aye*

Andrew Vorce *Aye*

Paul Murphy *Aye*

Megan Trudel *Aye*

Judith Cutler *Aye*

Catherine Ancero *Aye*

Judi Barrett *Aye*

Tucker Holland *Aye*

Ken Beaugrand *Aye*

Chair Judith Wegner *Aye*

II. Approval of the agenda:

Vice -Chair Trudel moved to approve the agenda. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*
Fritz McClure *Aye*
Nat Lowell *Aye*
Dave Iverson *Aye*
Chair Judith Wegner *Aye*

III. ATM 2020/2021/2022 Discussion, *joint discussion item with Select Board*****

Short Term Rentals:

Andrew Vorce (PB) – Update Board with article passed at last town meeting and to think of articles to sponsor for next Town Meeting. The debate of short-term rentals at last Town Meeting it over shadowed discussion and recent legal developments. **Mr. Vorce (PB)** – He stated that the question is whether the current zoning bylaw adequately covers current practice for short term rentals. There is currently a lawsuit that there was a request from ACKnow to do enforcement action against a property on New Mill Street. Mr. Murphy, Building Commissioner denied that and found that there was not enough evidence to move forward on any enforcement which would have been a cease and desist on that property. Mr. Murphy's decision was appealed at the Zoning Board of Appeals who unanimously found in favor of his ruling and that case has been appealed to the Land Court. **Mr. Vorce (PB)** - He stated that we need to start a policy direction whether to look at the zoning bylaw and potentially move forward with an article that clarifies the issue. **Mr. Vorce (PB)** - He stated that there might be a companion type article that deals with whether they should do some sort of registration of short-term rentals. **Chair Wegner (PB)** - She stated that she just wanted to recognize Melissa Murphy from the Select Board and John Trudel for the Planning Board both just joined the meeting (arrived at 4:11PM). Planning Board staff once they hear what has been discussed will follow up. One of the actions is to wait from the court or to do more proactive. Planning Board staff would like to hear what both Board's thoughts on this so staff can start planning for the next several months. **Jason Bridges (SB)** – He stated that three months ago ratifying the warrant and all agreed that the Town had a say in it whether it was a work group or some form of that. supportive of some type of entity to do something internally. **Melissa Murphy (SB)** - She stated that there are several issues that have come up during discussion and the importance the need to hash out regarding to our purview of policy noise and what are zoning related issues and Planning related issues. Mrs. Murphy question how short rental is impacting quality of life from the Select Board perspective as it relates to their strategic plan. **Dawn Holdgate (SB)** – She stated that they have a fundamental question that they have to answer, what is the problem they are trying to address and what are the different ways those problems can be addressed and are they unique to short-term rentals compared to any other long-term rental or home ownership where there might be a neighborhood issue, in terms of safety concerns, parking concerns, noise concerns and upkeep concerns. Number of issues that need to be addressed. How related to general bylaw or zoning bylaw. **Matt Fee (SB)** – He stated that he is glad article 90 came before them, brought up a lot of good topics that affects the quality of life issues in the neighborhood and the impacts. Mr. Fee questioned if limited, where do you draw the line and how to find way to draw a line that's fair. Need to look at other different tools that are available. **Kristie Ferrantella (SB)** – She stated that Mrs. Holdgate made a good point as to what is the problem we are trying to tackle. What are the impacts of short-term rentals on the island. From previous Select Board meeting heard a lot of how affecting affordable housing and that there is no clear indication of how short-term rentals are affecting affordable housing or housing market, could use some thing as a work group to commission a study to dig in the challenges they think are problematic. **Mrs. Ferrantella (SB)** – She suggested that at the next Town Meeting might bring up for discussion the new impact fees. **Fritz McClure (PB)** – Going forward are they permitted in residential zone by amending zoning bylaw to permit something permitted use in a residential zone which deals with short term rentals on some basis and saying that they are permitted. Mr. McClure interpreted that the decision stating that given the language of the bylaw and zoning, in Nantucket short term rentals are not residential uses which are permitted until something changes. From the zoning point of view the Planning Board needs to be addressing the current situation Residential because it also influences the existing litigation, existing houses and everything else. **John Giorgio (Town Counsel)** – Appreciates Mr. McClure's comments however disagreed. Mr. Giorgio stated that the court pointed out that each community is different, and that accessory uses maybe an avenue that would permit under certain circumstances as a short-term rental. **Vice-Chair John Trudel (PB)** – Stated that he concurs with Mrs. Holdgate, what is the problem and what are we trying to do to address

short term-rentals play a part. In for the long haul, not an easy fix. **Nat Lowell (PB)** – We have a lot of pre-existing uses. The impact fee not sure if the right way to go. Mr. Lowell briefly spoke on regarding short term rental from his perspective. **Dave Iverson (PB)** – It's a complex issue, long term. **Campbell Sutton (PB alternates)** – All the Board should be looking into this as inventing a wheel. Many Towns across the US have trouble with housing workers when short term rental acts came in. Unfettered capitalism does not lead a better place to live for the working class. Affordable housing issues. The other impact is carrying capacity is when you meet your limit of population. Would be in support of a short-term rental with some form of inspection such as annual inspection for fire, sewer and building inspection to make sure the number of people in the home is built for. **Stephen Welch (PB alternates)** – Some of these comments relate to not just the short-term rentals, they relate to properties around the island. Suggest two categories of actions, one assessing the problems which have been in discussion and two trying to determine workable solutions for the long term with a work group and propose intentional protections within the zoning in the general codes. The long course of action accessing the action and the other is to propose protection. Mr. Welch suggest that both actions require own definitions. Short term rental means different things to different people. Mr. Welch stated that agreeing on the problems before proposing a solution. Accomplish community goals in a timing way. **Tucker Holland (AHTF)** – Mr. Holland stated that this is helpful to hear the discussion and will hold further comments to staff. **Ken Beaugrand** – Stated that he agrees that this has been very helpful to identify the problem in regard to short term and long-term basis, both will require different type of solutions. **Chair Judith Wegner (PB)** – Ms. Wegner stated that it's very important to the public at large to engage in the issues. **Judith Culter** – Stated that this has been an interesting discussion and has given her a lot to think about. **John Giorgio (Town Counsel)** – He wanted to emphasize the issue with article 90 was the attempt to put together into one bylaw, both the regulation of the use and the inspection and permitting and fee provisions better separating those two things out. Chair Wegner agrees that to have a general provision makes sense to her. **Kristie Ferrantella (SB) – Mrs. Ferrantella (SB)** – She wanted clarification as to what the next step would be to move forward. **Mr. Giorgio (TC)** – He stated that the 2021 Annual Town Meeting for Article 90 was that there were too many issues with that article in regard to short-term rental. **Andrew Vorce (PB)** – At this point would like to continue with staff. They will look into both the Zoning Bylaw Amendment and the general bylaw amendment that was discussed, do some research with other Town and work with Town Counsel and have something to respond to later. **Jason Bridges (SB)** – Thanked Chair Wegner for allowing Select Board to join and found it to be a good discussion.

Motion/Vote: Mrs. Ferrantella moved to adjourn the Select Board meeting at 4:52pm. The motion was duly seconded by Mr. Fee and the Board voted 5-0 in favor.

Vote Taken by Roll call:

Kristie Ferrantella *Aye*
 Melissa Murphy *Aye*
 Matt Fee *Aye*
 Chair Bridges *Aye*
 Dawn Hill Holdgate *Aye*

Chair Wegner (PB) - She thanked Mr. Giorgio (TC) for the documentations given to the Board for review.

IV. Housing Production Plan:

Tucker Holland – He stated that the main purpose for every five (5) years municipality are required to update Housing Production Plan and have it approved by the Department of Housing and Community Development. Five years ago worked with Judi Barrett and her team creating a plan that has guided over the course of the last five years and served well. It has contributed significantly of two periods of Safe Harbor. DHCD certified HPP on June 11th for one more year. Plan in the works for a two-year certification in the next 60 days. **Judi Barrett** – Did an overview of the Housing Production Plan. **Tucker Holland** – Over 1200 response from the survey. **Brooke Mohr** – This year the outreach was done in multiple languages and given the changing population of Nantucket. **Ken Beaugrand** – Stated that there was a significant amount of advertising to create awareness. Spanish and Portuguese. Chair Wegner asked what languages **Judi Barrett** – explains process and procedure of the Housing Production Plan. **Judth Wegner**

– Stated that the Commonwealth requirements is that both Boards and the Select Board approve the plans. The Select Board transmits the plan under Libby Gibson's signature to the State as the Chief elected official. That starts the 90-day up to 90-day review period that. Judy Barrett suggest that Board take a vote and have a memo to have something in the record. A memo from the Planning Board to the Select Board. Mr. Vorce stated that need a motion to vote and then a follow up with that memo. Tucker Holland stated that this will be taken up on the 21st of this month with the Select Board.

Motion/Vote: Mr. Lowell moved to approve the Housing Production Plan. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll call:

Nat Lowell *Aye*

Dave Iverson *Aye*

Vice-Chair Trudel *Aye*

Fritz McClure *Aye*

Chair Wegner *Aye*

Judi Barrett – requested that any pictures of Nantucket send electronic to her.

V. Election of Officers:

- **Chair**
- **Vice-Chair**

Motion/Vote: Mr. Lowell moved to keep the current officers the same for the next year. 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*

Dave Iverson *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

Chair Wegner thanked the Board for their support.

VI. Annual Appointments:

- CPC (currently John Trudel)
- NAHT (currently Dave Iverson)
- CRAC (currently Fritz McClure)

Discussion: None

Motion/Vote: Mr. Lowell moved to approve to the current appointments for the next year. The motion was duly seconded by Chair Wegner and the Board voted 5-0 in favor.

Vote Taken by Roll call:

Nat Lowell *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

VII. Minutes:

- **November 23, 2020**

Vice-Chair Trudel moved to approve the November 23rd minutes. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

▪ **December 14, 2020**

Mr. McClure moved to approve the December 14th minutes. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

VIII. Second Dwellings:

- **Daniel Brownell, 107 Madaket Road (Map 40 Parcel 25.7)**
- **LBC Sconset, LLC, 9 Hawk's Circle (Map 74 Parcel 37.1)**
- **ACK Surfside Partners LLC, 24 Woodbine Street (Map 80 Parcel 96)**
- **Christopher Loftus, 8A Evergreen Way (Map 68 Parcel 703.1)**
- **Estate of Walter J. Glowacki & Kim Glowacki, 5 Meader Street (Map 42.2.3 Parcel 40)**

IX. Garage Apartments:

- **Fleur-De-Lis Property Trust, 8 Shimmo Pond Road (Map 54 Parcel 258)**

X. Tertiary Dwellings:

- **Veronica, Martha & Charles Dragon 8 Field Avenue (Map 80 Parcel 167)**

Motion/Vote: Vice-Chair Trudel moved to approve all the secondary dwellings, the garage apartment and the tertiary dwellings on this agenda in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and voted by the Board 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

XI. ANR Plans:

- **David L. Webb Trust-2007, Ann L. Webb Trust-2007, 142 Surfside Road (Map 80 Parcel 98)**
- **Estate of Atkinson, 139 Surfside Road (Map 80 Parcel 143.1)**
- **ACK T.O.W., LLC, 51 Weweeder Avenue (Map 88 Parcel 12)**
- **MP Nantucket, LLC, 18 Sherburne Turnpike (Map 30 Parcel)196), *held until August meeting***
- **Delfmark, LP, 10 Rugged Road (Map 67 Parcel 303)**
- **Cathcart Harbor View, LLC, 2, 4 & 4.5 Cathcart Road (Map 54 Parcels 8, 81 & 82), *SEE PUBLIC HEARING***

Motion/Vote: Vice-Chair Trudel moved to approve all the ANR applications on the agenda except for 18 Sherburne Turnpike that will be heard on the August meeting and Cathcart Harbor View, LLC

application will be voted under the Public Hearing agenda item. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

XII. Preliminary Plans:

- **Stop & Shop, 51 Sparks Avenue, 109 Pleasant Street & 47 Sparks Avenue (Map 55 Parcels 266, 267.1 & 912), 13 lots & 13 buildable lots**

Documentation: File with associated plans, photos and required documentation

Representing: John Hession

Discussion: The intent of this is a freeze plan result from Town meeting action. This plan was prepared from last year however was on hold due to COVID. This application met the statutory deadline. The application is for a thirteen (13) lot (12 buildable lot) subdivision. Ten lots will be accessed from the newly created roadway and two (2) of the lots will be accessed from Sparks Avenue.

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

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Judith Wegner *Aye*

XIII. Previous Plans: 5:18PM

- **#8038 Clay Street Subdivision, Form J Lot release**
- **Discussion:** Staff did not receive formal report from Ed Pesce. Mr. Pesce request that the applicant clean the catch basins. Staff recommendation to approve the endorsement of the Form J and hold in office until clearing out has been completed. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Nat Lowell *Aye*

Chair Judith Wegner *Aye*

- **#38-17 & 11-12 Island Lumber MCD, 1 Polpis Road, Request for minor modification**

Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Representing: Dan Mulloy, Engineering and Surveyor

Discussion: Staff recommending approve as a minor modification. The Applicant is proposing to install a shed roof over hang onto Building #1 that will cover doors.

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

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Judith Wegner *Aye*

XIV. Public Hearings:

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, *action deadline 10-13-2021, **CONTINUE UNTIL SEPTEMBER MEETING*****
- **PLSP-2020-11-0092, 2 Mayflower Circle LLC, 2 Mayflower Circle, *action deadline 09-15-2021, **REQUEST TO CONTINUE UNTIL 08-09-2021*****
- **PLSUB-2021-03-00134 Lori A. Geddes, 13 Evergreen Way, *action deadline 08-30-2021***

Voting: John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Marianne Hanley, Surveyor Paul Santos, Applicant Lori Geddes.

Discussion: Mrs. Trudel stated that staff received an opinion letter from Town Counsel which was included in their packet. It is in the opinion of Town Counsel that the Planning Board is authorized to waive any of its own Regulations under the Subdivision Control Law. Vice-Chair Trudel stated that his major concern was to wait to hear from Town Counsel if it was legal to do this and based on the decision from Town Counsel he feels comfortable with Town Counsel's decision. Mr. McClure stated that he agrees with Town Counsel's opinion however it does require a finding in the Subdivision Control Law that granting of the waivers is in the public interest and not inconsistent with a Subdivision Control Law. Mr. McClure doesn't feel granting the waivers is consistent with the Zoning Bylaw, based on not supported the findings, is still against it. Take every application with its own merit. Mr. Iverson stated that he feels that Town Counsel did not make it more comfortable with it because they have used this method to getting frontage from permanent easements. He would be less comfortable denying it and having the big lot just exist the way it is. His big concern is with this decision will Board see a stampede of applications from the past. Mr. Lowell restrict two dwellings per lot, can't require covenants and no tertiary. Mrs. Trudel stated that recommendation was not included in the prior staff report although it was discussed it can certainly be add into the motion. Chair Wegner opened the floor to the public. Attorney Hanley asked to allow one of the lot to have a tertiary dwelling because it is supposed to be rented out to year-round occupants. Lori Geddes agreeable to that request. Ms. Geddes would like the front lot to have the tertiary dwelling and willing to give up one on the rear lot. Emily Molden from Nantucket Land Council stated that she appreciates that the Board waited to receive Town Counsel's opinion. Ms. Molden stated that the opinion from town Counsel makes it clear that the Board has the ability and the discretion to grant waivers as it chooses however it doesn't seem to be specific to this project. Ms. Molden feels that these are not appropriate waivers to make. Ms. Molden stated that it does undermines fundamental intents of the bylaw and regulations that cover frontage and lot area. Reiterated that the homeowner can subdivide lot and important to consider what it will make. Also Ms. Molden agreed to Mr. Iverson's comments regarding that this could set a precedent for future lots to do the same thing that currently are not sub dividable. Mr. Lowell stated that it's a covenant not a subdivision. Covenant lot is an existing lot that can allow second dwelling. Mr. Vorce stated that he respectfully disagrees with Ms. Moldens opinion on this matter. Mr. Vorce stated that each case should be evaluated by the Board on specific instances that are before it. Mr. Vorce stated that in this case it is an oversized lot that is long and narrow that is different from its neighboring lots. Mr. Vorce said that each application should be viewed on its own merit and the recommendation from staff which is consistent with Town Council's opinion stands. Mr. Iverson stated that he appreciates what Marianne and Lori are trying to do with the tertiary however prefer to see four structures on the two lots and no tertiary dwellings. Ms. Geddes stated that from previous meetings it was never discussed to not have tertiary dwellings from both lots until this evening. Vice-Chair Trudel stated that in the past they have restricted primary and secondary on one lot and a primary and a tertiary on the second lot. Vice-Chair Trudel concurs with Mr. Iverson with four and the added condition from Nat with two dwellings per lot. Ms. Geddes stated that

her cousin who resides at 17 Evergreen just got approved to subdivide with three on one lot and two on the other lot. Vice-Chair Trudel stated that this was a different situation. Attorney Hanley stated that restricted only to primary and secondary dwellings on each lot and subject to further review by the Planning Board when applying for a modification in the future.

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

Vote Taken by Roll Call:

Nat Lowell *Aye*

Dave Iverson *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Motion/Vote: Mr. Lowell moved to approve the subdivision with all the recommended conditions and the findings outlined in the staff report with the addition condition that allows only two (2) dwellings per lot. The motion was duly seconded and voted 3-1 with Mr. McClure not in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Nay*

Dave Iverson *Aye*

- **PLSP-2021-06-0136 & PLSUB-2021-06-00176 Gary & Kimberly Creem, 6 & 8 Hydrangea Lane,**
action deadline 10-10-2021

Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Jessie Brescher

Discussion: Attorney Brescher provided the Board with an overview of the application. Vice-Chair Trudel stated that this is a bonus for the neighborhood. Chair Wegner opened the floor to the public.

Motion/Vote: Vice-Chair Trudel 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:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Dave Iverson *Aye*

Fritz McClure *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel 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 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Dave Iverson *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Chair Wegner *Aye*

▪ **PLSP-2021-07-0137 Richmond Great Point Development, LLC, Sandpiper II, 7, 9, 11 & 13**

Beach Grass Road, *action deadline 10-10-2021*

Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: David Armanetti

Discussion: Mrs. Trudel provided the Board with an overview of the application. Mr. Armanetti stated that they just received their final of the three Land Court orders to allow for the transfer of land through the eminent domain procedures from the Town, to them, which will allow them to file and register this subdivision once the Board takes this further action and once the Select Board approves the conveyance of that land at their real estate meeting in July. Ms. Sutton questioned if they anticipate occurring in other areas and as your occupying space is that an open space from the original design. Mr. Armanetti stated that referring to the Meadows II lot, swapping this land into small parking spaces. Ms. Sutton asked if the storm water drainage plan will accommodate. Stephen Welch stated that as a member of the HDC these proposed are in keeping with the aesthetic that was established and originally envisioned there and was acted upon through HDC approvals thought that he would mention for your consideration including with the idea of impervious parking area is beneficial. Mrs. Snell stated that Mr. Armanetti worked with staff addressing a lot of changes that staff had asked them to make and having the appropriate amount of spaces for these homes as well as being able to accommodate some behind them for yards and outdoor spaces is a good thing, staff are supportive of the application. Mr. Lowell stated that this is the incubator of the workforce housing bylaw. Mr. Vorce stated that they have spent a lot of time on that plan and set aside areas for open space and entrances into the subdivision and reminding the Board that any changes to the plans would have to be reviewed by us in advance. Chair Wegner opened the floor to the public. No comments were made.

Motion/Vote: Vice-Chair Trudel 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:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel 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.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Dave Iverson *Aye*

Fritz McClure *Aye*

Chair Wegner *Aye*

▪ **PLSP-2021-06-0135 Michael Y. & Mary E. LaCoursiere, 67 Fairgrounds Road**, *action deadline 10-10-2021*

Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Mary E. LaCoursiere

Discussion: Mrs. Trudel provided the Board with an overview of the application. The covenant lot will be accessed by a driveway easement and the market rate lot will be accessed by an existing driveway both coming off Fairgrounds Road. There were abutters who expressed their concerns surround the shared private driveway easement and it is staff's opinion that private driveway easements are more of a civil matter and not necessarily relevant to the review in accordance with the Zoning Bylaw. Staff recommend approval of the application as proposed with the conditions and findings outlined in the staff report. Mr. Lowell asked if horseshoe going away. Mrs. Trudel stated that they are requesting a waiver for the two driveway accesses due to the existing conditions are two and they are not proposing to make any changes to the existing driveway accesses. Chair Wegner opened the floor to the public. Jill Evarts an abutter clarifying what Board is recommending. Ms. Evarts stated that they do not want four households on one driveway. Mrs. Trudel stated that the Board cannot take away the easement rights to utilize that driveway as it exists today, that's beyond the scope of what the Board can do. Ms. LaCoursiere stated that when they purchased the property they were asked to get rid of the horseshoe driveway. The covenant lot will not be parking on easement. The covenant lot will be accessing through the easement which they have the right to. Mr. Lowell stated that this house could be built with a second dwelling by right whether it's a covenant or not and would still have the same discussion. Ms. Evarts stated that most of the driveway is not in the easement and questioned if that should be corrected. Chair Wegner stated that they may continue this matter for more information. Mrs. Trudel stated that the application presented before you today to be reviewed in accordance with the Zoning Bylaw complies with anything required of the Zoning Bylaw and the issues that the neighbors are having surrounding the driveway easement they will need to take up amongst themselves outside of this Planning Board hearing not really having anything to do with the approval of the Covenant lot. Mr. Lowell asked if the Applicants will be coming back with an ANR for this. An ANR plan to establish each lot to implement this Special Permit. Ms. LaCoursiere spoke with the neighbors about the access to the easement and it has been grandfathered for 10 to 15 years. Mrs. Snell stated that they could include a condition that says that prior to the issuance of a Building permit for the secondary lot that the driveway is either reconfigured within the existing easement area or that a new easement is identified and shown on the plan and recorded at the Registry. Ms. Evart agreeable to that.

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

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel moved to approve with the three staff the three staff recommendations and the five conditions with Mrs. Snell's comments in summary to hold back the permit until the resolution of the driveway easement conditions has been resolved. A motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Wegner *Aye*

▪ **PLSP-2021-04-0124 Yoanna K. Guzman, 8 New Mill Street, *action deadline 08-09-2021***

Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Linda Williams and Stephanie Basile

Discussion: No substantial materials to present. Mrs. Trudel stated that the Board need to take into consideration that these driveways have been an existence for 15 to 20 years when making their decision. Vice-Chair Trudel questioned the second driveway having honeycomb and grass it didn't appear as if it was an actual driveway and not sure if it was a consideration from the homeowner. Ms. Basile ok to consider that. Mr. McClure stated that he is opposed based on the scenic and historic integrity of the neighborhood. Mr. Iverson stated that the driveways has been there for years and if Board denies this what are their options and fear that their options may be build a second dwelling instead which will add more bedrooms and more cars to the street. Mr. Iverson feels that it is important to act and not let that happen. Mr. Iverson feels that Board should approve, it will be better for the neighborhood. Ms. Sutton stated that one of the arguments nonconforming driveway in the neighborhood find it problematic. Pointing out nonconformities might create more problems if need to be conforming for a second curb cut. Ms. Williams stated that not enough turnaround and not required in that street and not required under the bylaw. Most of the properties have two spaces. Anne Davis, direct abutter and weighing in as neighbors stated that this property has a non-conforming driveway, both driveways have no curb cuts. Ms. Davis feels that it is not in keeping with the intention of the historic district. Ms. Davis stated that they see this as detrimental to the character of the ROH. Ms. Davis stated that she agrees with Mr. McClure's assessment last month that the permitting of the second driveway would influence the scenic and historic integrity of the neighborhood. Patricia Beilman and David Poor at 17 Mill Street stated that they fully support the thorough and well documented points that their neighbor Anne Davis has presented and want to point out that the owners have the right to build a garage apartment that is not the issue. Ms. Beilman stated that they respectfully disagree with the proposal for the two driveways for the following reasons, it is setting a precedent and congestion and longevity is not a basis for a determination for a second driveway. Mr. Lowell stated that they are not adding to the driveways, it's an existing curb cut. Mr. Lowell stated that these arguments are terrible.

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

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Dave Iverson *Aye*

Chair Wegner *Aye*

Motion/Vote: Mr. Lowell made a motion to approve the existing curb cut with the conditions that they will make the smaller curb cut and to not extend any length to either curb cut or either space that currently exist. Vice-Chair Trudel stated that to clarify that he agrees with Pats comment about what he had said, he takes this issue very seriously and would like to clarify a little bit that he did propose that the grass blocks be used to offset and make it more appealing aesthetically. The motion was duly seconded by Vice-Chair Trudel and the Board voted 4-1 in favor with Mr. McClure not in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Nay*

Dave Iverson *Aye*

Chair Wegner *Aye*

- **PLSP-2021-06-0134, Cathcart Harbor View, LLC, 2, 4 & 4.5 Cathcart Road, *action deadline 10-10-2021***
Voting: Judith Welch Wegner (Chairman), John Trudel (Vice-Chairman), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and 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. Chair Wegner opened the floor to the public. A lot line reconfiguration not increasing density or increase in building lots. Mr. Iverson would like to add a restriction. Mr. Lowell asked if the restriction will run with the land forever. Mrs. Snell stated that restriction enforceable by the Planning Board run in perpetuity, just need to make sure have proper grant of enforcement of the restrictions. Chair Wegner opened the floor to the public. Attorney Kevin Dale stated that he represents Mr. and Mrs. Paul Crowley who owns property at 28 Brewster Road and their concern is with density. Emily Molden from Nantucket Land Council stated that she submitted a letter to the Planning Board that is in their packet with several questions and comments about this proposal. Ms. Molden questions how this proposal qualifies as a rear lot subdivision. Ms. Sutton stated that she would support restrictions on dwelling units because it is a very sensitive area. Brian Strachan stated that he is trying to get an understanding of a platform that was built over the weekend and it was near the wetlands. Mr. Strachan questioning the height of the structure and what the height restriction is. The cellar door is encroaching on his property which was a mistake when they built the house and not sure how to rectify that. Franci Neely co-president with Evan Jones of the Monomoy Civic Association and reviewed letters and opposition from neighbors to these properties and have received considerably opposition concerns from nearby residents in Monomoy. Ms. Neely stated that they agree with Ms. Molden that the application fails to meet the requirements of the rear lot subdivision provision and should be denied on that basis.

Motion/Vote: Vice-Chair 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:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Nay*

Dave Iverson *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel moved to approve with the two findings and the three recommendations outline in the staff report and no further subdivision. Mr. Iverson confirming that they are going to deed restrict this in perpetuity. Mrs. Snell said yes. The motion was duly seconded by Mr. M_

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Fritz McClure *Nay*

Dave Iverson *Aye*

Nat Lowell *Aye*

Chair Wegner *Aye*

- **ANR: Cathcart Harbor View, LLC, 2, 4 & 4.5 Cathcart Road (Map 54 Parcels 8, 81 & 82)**

Motion/Vote: Vice-Chair Trudel moved to approve the ANR 2, 4 & 4.5 Cathcart Road. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Fritz McClure *Nay*

Dave Iverson *Aye*

Nat Lowell *Aye*
Chair Wegner *Aye*

XV. Public Comment:

Mr. Lowell commented regarding the mill hill application.

Mrs. Snell put a chart together with density districts, a chart 2005 and where we are now.

XVI. Other Business:

- **Next Planning Board Meeting Monday, August 9th at 4pm.**

XVII. Adjournment:

Vice-Chair Trudel moved to adjourn the meeting at 7:45PM. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Chair Judith Wegner *Aye*

