

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
August 9, 2021

Board Members: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, “Fritz” McClure (**Absent**), 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 a recording of the meeting, use link below:
<https://www.youtube.com/watch?v=dks1Rj3kgmg>

I. Call to order:

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

Roll call of this participating:

Board Members:

Nat Lowell *Aye*

David Iverson *Aye*

Vice Chair John Trudel *Aye*

Chair Judith Wegner *Aye*

Alternates:

Stephen Welch *Aye*

Campbell Sutton *Aye*

David Callahan *arrived at 4:10pm*

Staff:

Megan Trudel *Aye*

Catherine Ancero *Aye*

Leslie Snell *arrived at 4:08pm*

Chair Wegner 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.

Public Participation:

Ann Kuszpa – Executive Director for Housing Nantucket

Arthure Reade – Attorney

Carrie Thornewall – Thornewall Design

Christopher Skehel - Builder

Dan Mulloy - Surveyor for Site Design

David Fredericks

David Lilly

Emily Molden – Nantucket Island Land Council

Paul Santos – Surveyor for Nantucket Surveyor

Richard Beaudette - Attorney

II. Minutes:

- April 12, 2021
- May 10, 2021

Mrs. Trudel stated that there were some technical corrections that need to be made for the April 12, 2021 set of minutes however can move forward with the May 10th set of minutes.

Motion/Vote: Mr. Iverson moved to approve the set of minutes of May 10, 2021. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor

Vote Taken by Roll Call:

David Iverson *Aye*
 Nat Lowell *Aye*
 Vice-Chair Trudel *Aye*
 Chair Wegner *Aye*

III. Approval of the agenda:

Mr. Lowell moved to approve the agenda. 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*
 David Iverson *Aye*
 Vice-Chair Trudel *Aye*
 Chair Wegner *Aye*

IV. Secondary Dwellings:

- 38 Prospect LLC, 38 Prospect Street (Map 55.4.4 Parcel 80.1 [portion])
- Wianno Nantucket Family LLC, 27 Brewster Road (Map 54 Parcel 173)
- Mary E. Claus Rev. Trust; Mary Claus Trustee, 31 Low Beach Road (Map 74 Parcel 36)
- Thomas & Anastasia Fusaro/AAR Mutual Nominee Trust, 6 Toombs Court (Map 68 Parcel 82)
- Don & Andrea Giroux, 25 Hummock Pond Road (Map 56 Parcel 8)

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

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

Vote Taken by Roll Call:

Vice-Chair Trudel *Aye*
 David Iverson *Aye*
 Nat Lowell *Aye*
 Chair Wegner *Aye*

V. Garage Apartments:

- Chris Skehel, 61 Cato Lane (Map 56 Parcel 49)
- Andrew Bazos, 1 Melville Ct (Map 82, Parcel 98)
- Eloy Nava, 79 Milk Street (Map 56, Parcel 213)

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

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

Vote Taken by Roll Call:

David Iverson *Aye*

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

Chair Wegner *Aye*

VI. Tertiary Dwellings:

- **Thomas & Anastasia Fusaro/AAR Mutual Nominee Trust, 6 Toombs Court (Map 68, Parcel 82)**
- **NHA Properties Inc d/b/a Housing Nantucket, 46 Okorwaw Ave (Map 79, Parcel 173)**

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

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

Vote Taken by Roll Call:

David Iverson *Aye*

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

Chair Wegner *Aye*

Chair Wegner stated that one of the alternates questioned if the Board had authority. Do we have authority to recommend at the Annual Town Meeting to change any zoning areas for fewer ANR's and therefore more requirements that had to be reviewed on the merits. Mrs. Snell stated that Board can entertain articles to rezone different areas of the island based on studies or the Master Plan or Citizen petition. The requirements for ANR's are statutory and those cannot be changed.

VII. ANR Plans:

- **18 Sherburne, LLC, 18 Sherburne Turnpike (Map 30 Parcel 196)**
- **Michael Y. & Mary E. Lacoursiere, 67 Fairgrounds Road (Map 66 Parcel 177)**
- **WYNND HILL, LLC, 15 Winn Street (Map 56 Parcel 195)**
- **Christopher F. L. Ryder, Trustee 12 West Creek Road Realty Trust, 29 Hinsdale Road (Map 68 Parcel 410)**
- **One Bloom LLC, 126 Main Street (Map 42.3.3 Parcel 98)**
- **Cheryl Maureen Searle, Trustee of the Cheryl Maureen Searle Living Trust, 10 Angola Street (Map 55.4.4, Parcel 79)**
- **David M. Lilly, Trustee of the Front of 55 Trust, 53 Hulbert Ave (Map 29, Parcel 12.1)**
- **Brenda Garnett, 5 Quail Lane (Map 67, Parcel 257), *WITHDRAWN***
- **Gary & Kimberly Creem, 6 & 8 Hydrangea Lane (Map 73, Parcels 88 & 87)**
- **Robert D. Carter & Carol M. Carter, Trustees, 9 Warren Street (Map 55.4.1 Parcel 95)**
- **Cheryl Maureen Searle, Trustee of the Cheryl Maureen Searle Living Trust, 10 Angola**

Street (Map 55.4.4, Parcel 79)

Voting: Chair Judith Wegner, Nat Lowell, and David Iverson

Recused: Vice-Chair Trudel

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: Vice-Chair Trudel must recuse for the vote of 10 Angola due to a conflict of interest.

Motion/Vote: Mr. Lowell moved to approve and endorse 10 Angola Street. The motion was duly seconded by Mr. Iverson and the Board voted 3-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

David Iverson *Aye*

Chair Wegner *Aye*

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: Vice-Chair Trudel

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Motion/Vote: Vice-Chair Trudel moved to approve all ANR applications on the agenda except for 10 Angola Street. 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*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

VIII. Previous Plans:

- **New Mill Street Subdivision (Bird Song Lane), *request for clarification***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorneys Rick Beaudette & Marianne Hanley

Discussion: Attorney Beaudette provided the Board an overview of the application requesting a minor modification.

Motion/Vote: Vice-Chair moved to approve the request for a minor modification in accordance with the findings 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:

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Chair Wegner *Aye*

- **Second Dwelling: 38 Prospect LLC, 38 Prospect Street (Map 55.4.4 Parcel 80.1 [portion])**

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None.

Motion/Vote: Mr. Lowell moved to approve the application in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded and voted by Vice-Chair Trudel and the Board voted 4-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*
Vice-Chair Trudel *Aye*
David Iverson *Aye*
Chair Wegner *Aye*

• **#8213 Rupert's Way, Form J (Lots 15-18) & endorse legal document**

Voting: Chair Judith Wegner, John Trudel, and David Iverson

Recused: Nat Lowell

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Ken Gullicksen & Dan Mulloy, Surveyor

Discussion: Mrs. Trudel provided the Board an overview of the application requesting for endorsement of the Form J with the release of Lots 15-18 and to endorse the legal documents. Mrs. Trudel stated that there are minor things that need to be completed such as installation of the sign, a final inspection by Ed and any items left to be completed can be handled between the applicant and staff. Mrs. Trudel suggest moving forward with the request and will hold the documents in the office until all items have been completed to Ed's and staff satisfaction.

Motion/Vote: Vice-Chair Trudel moved to endorse the Form J with the release of the lots and to endorse the legal documents and hold the documents until the applicant complete the remaining items to Ed's and staff's satisfaction. The motion was duly seconded by Mr. Iverson and the Board voted 3-0 in favor.

Vote Taken by Roll Call:

Vice-Chair Trudel *Aye*
David Iverson *Aye*
Chair Wegner *Aye*

• **The Westmoor Club, minor modification**

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Paul Santos, Surveyor & Attorney Steven Cohen

Discussion: Mr. Santos provided the Board an overview of the application requesting for a minor modification. This plan was submitted to the Conservation Commission which certified mailings were sent to abutters. The Conservation Commission meeting will be this Thursday. Mr. Santos stated that this is just a flip flop of parking from one side of the driveway to the other and all happening in the interior of the site. Vice-Chair Trudel stated that he has no issues with the request since not eliminating parking however he felt that abutters should be notified even if it's a minor modification. Mr. Iverson agrees with Vice-Chair Trudels comments. He also feels that they are putting too much for a minor modification. Vice-Chair clarified that he has no issues but feels that it is a necessity to inform the neighbors.

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

Vote Taken by Roll Call:

David Iverson *Aye*
Nat Lowell *Aye*
Vice-Chair Trudel *Aye*
Chair Wegner *Aye*

- **12 Correia Lane, Form J Lot Release**

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: Mrs. Trudel provided the Board an overview of the application requesting for the Form J to be endorsed and lot to be released. Mrs. Trudel stated that the roadway access is in good condition and recommends releasing the lot.

Motion/Vote: Vice-Chair Trudel moved to endorse the Form J with the release of the lot. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote Taken by Roll Call:

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Chair Wegner *Aye*

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 UNTIL 09-13-2021***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Motion/Vote: Mr. Lowell moved to continue. The motion was duly seconded by Vice-Chair Trudel and the Board voted 4-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

David Iverson *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

- **PLSP-2020-11-0092, 2 Mayflower Circle LLC, 2 Mayflower Circle, *action deadline 09-15-2021, REQUEST FOR WITHDRAWAL***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Mrs. Trudel stated that the Applicant has decided not to move forward with the covenant lot at this time therefore withdrawing the Special Permit application at this time.

- **PLSP-2021-07-0140 21 Amelia Drive, LLC, 21 Amelia Drive, *action deadline 11-07-2021***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, David Iverson, and Campbell Sutton

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Paul Santos, Surveyor

Activated: Ms. Sutton

Discussion: Mr. Callahan has not been reappointed formally therefore not able to be activated for this application. Mr. Callahan stated that he hopes to be re-appointed on the 18th of this month. Ms. Sutton activated. Mr. Santos provided the Board an overview of the application. The lot is in the public wellhead recharge overlay district. Due to its location the applicant will obtain a Certificate of Water Quality Compliance issued by Wannacomet Water Company. The first floor will contain three office suites and three drive-in garage bays. Two apartments on the second floor and two apartments in the basement. There will be a shared driveway entrance with Granite City Electric at 23 Amelia Drive. Driveway easements were executed at the original Amelia Drive subdivision. All the uses that Mr. Santos spoke about are all allowed by right as set forth in the Use Chart at Section 139.7. The site plan has been laid out to comply. The Applicant is also requesting for a Special Permit relief to the inclusionary housing, off street parking and any traffic study. The sixteen (16) parking spaces complies for this use. Chair Wegner stated that Mr. Santos did not fully address the request for a waiver for the inclusionary housing. Mr. Santos stated that the intent here is to have housing that would be utilized by staff, similar request made on the Special Permit for the Meat and Fish Market with similar requirements. Vice-Chair Trudel briefly listed a few concerns such as the handicap parking, the apartments if will be employee housing or not, provide public transportation passes for employees, the garbage receptacles will they be separate for residential and commercial, depending on use question of restrictions on hours of operation inside use. Mr. Santos stated that the uses are defined in the application, three office suites, three drive-in garage bays along with the apartments. Mrs. Trudel stated that she included a condition that is in the staff report that any expansion of any uses beyond what is presented today should come back to the Planning Board for further relief. Ms. Sutton has an issue with tandem parking possibly be an inconvenience to the people who are living in the apartments. Ms. Sutton asked that the open parking that is not tandem be assigned to the apartments. Mr. Santos said that designating parking for residential uses not an issue. Mr. Iverson stated that he foresees issues with parking. He also suggested to reaching to the neighbors and see if they can figure something out. Mr. Iverson wanted clarity on the waiver request for the inclusionary housing. Mrs. Trudel stated that she believes he is requesting it to the extent necessary because the Board may impose inclusionary housing however it doesn't necessarily mean that it's required. Mr. Snell stated that inclusionary housing is intended more for large scale operations. Mr. Iverson questioned time frame of viewing the storm sewer plans. Ms. Sutton supports Mr. Iverson's thoughts on inclusionary housing. Mrs. Snell stated that inclusionary housing is usually in place for large scale projects. The Board does not typically require for small projects like this with businesses coming and going. Mrs. Trudel read the definition of inclusionary housing. Mrs. Snell stated that that the Board encourages use of the apartments for employees of the businesses. Chair Wegner opened the floor to the public. Emily Molden from the Nantucket Land Council stated that she wanted to make sure that the storm water design plans and the Water Quality Compliance will be submitted and reviewed and realized that the Board had already covered all basis.

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 Trudel *Aye*

David Iverson *Aye*

Nat Lowell *Aye*

Campbell Sutton *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel moved to approve with the application in accordance with the findings and conditions outlined in the staff report and encourage inclusionary housing and add condition number four (4) to designate spots shown as eight (8) through thirteen (13) for the

residential uses on the site. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Campbell Sutton *Aye*

Chair Wegner *Aye*

• **PLSP-2021-07-0141 The Roberts Collection Amendment, 2 & 4 Chestnut Street, 29 & 31 Center Street, 11 India Street, and 16.5 Federal Street, *action deadline 11-07-2021***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, David Iverson, and Stephen Welch

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Sarah Alger & Brad Guidi

Discussion: Attorney Alger provided the Board an overview of the application. Brad Guidi stated that they are abutters on both sides. Ms. Wegner questioned if there will be disruption due to construction. Mr. Guidi stated that construction would be on the off season. Mrs. Trudel stated that all the conditions from the original decision shall remain in full force in effect and should cover any construction issues. Mr. Welch has no issues with this application. Ms. Sutton questioned if they are historic structures. Ms. Sutton stated that she would like to see the garage stay as a secondary dwelling to the historic in regard to height. Ms. Sutton stated that mailings have been terrible and getting mail in a timely fashion seems nearly impossible these days. Attorney Alger stated that something like that will be hashed out at the HDC. Stephen Welch addressed directly with the HDC and will be looking to them as to how it should historically fit together. Attorney Alger said that she was bit confused with the primary and secondary comment because these are no primary and secondary dwellings. Mrs. Sutton stated that she used the wrong terminology in terms of the scale of the structures both of which are historic. Attorney Alger stated that the HDC will determine what height is appropriate for the historic structures. Mr. Welch clarified for the record again regarding Ms. Alger's comment that she just made, my being all right with the application and proceeding is not with respect to the architectural design the elements or the height that will be addressed directly at the HDC. Vice-Chair. Trudel stated that no one mentioned gaining extra units. Chair Wegner opened the floor to the public. Emily Molden stated that she realized that the Board covered her concerns regarding the storm water design plans and the wellhead protection district. Christopher Skehel stated that it is fantastic and great for the downtown area. Mr. Skehel only expressed concern with the current condition of the street regarding rubbish is questionable. Mr. Guidi stated that they are in the process of getting that done. He said that there is some concrete work that needs to be done.

Motion/Vote: Vice-Chair Trudel 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:

Vice-Chair Trudel *Aye*

David Iverson *Aye*

Nat Lowell *Aye*

Stephen Welch *Aye*

Chair Wegner *Aye*

Motion/Vote: Vice-Chair Trudel moved to approve in accordance with the staff recommendations and the four findings as well as the original conditions in the decision shall remain in full force and effect and that the Applicant consult with the Tree Warden if necessary. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair Trudel *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Stephen Welch *Aye*

Chair Wegner *Aye*

- **PLSUB-2021-07-00184 ACK Mid Island, LLC & ACK Offices, LLC, Navigator Way Subdivision, 18/18A/20/22/24/26 Sparks Avenue, *action deadline 10-13-2021***

Voting: Chair Judith Wegner, John Trudel, Nat Lowell, and David Iverson

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Arthur Reade and Dan Mulloy, Surveyor

Discussion: Mr. Mulloy provided the Board an overview of the application. The intent of this plan is a freeze plan. A twelve (12) lot subdivision that will have town sewer and water. A twenty (20) foot paved road. Attorney Reade stated that the intent of this is to proceed with the MCD application at some point in the future. Attorney Reade stated that the MCD will cover any water issues about the project. Ms. Sutton feels that lots one and four to combine the access as commercial lots with the existing easement and wit the Cumberland exit be utilized instead of another curb cut. utilize the captured/filtered water utilize it as an irrigation for the commercial properties. Attorney Reade issues for inclusionary housing is for MCD and not for Subdivision. Ms. Sutton sated that they should consider this as a fall back plan. Ms. Sutton feels that lots one (1) and four (4) combine the access as commercial lots with the existing easement instead of another curb cut. Utilize the captured treated water as Chair Wegner opened the floor to the public. No public comment.

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

Vote Taken by Roll Call:

David Iverson *Aye*

Nat Lowell *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

Vice-Chair Trudel clarifying name of subdivision Navigator Way or Mariner Way. Mrs. Trudel stated that the name of the subdivision is Navigator Way and that she informed Mr. Mulloy that there is already a subdivision name Mariner Way therefor not to confuse between the two subdivisions.

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

Vote Taken by Roll Call:

David Iverson *Aye*

Nat Lowell *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*

X. Public Comment:

No public comment was made.

XI. Other Business:

Mrs. Snell stated that staff is operating with an assumption that there will be no fall Town Meeting. Mrs. Snell briefly went over list of articles that are suggestions for consideration for the Annual Meeting scheduled for May 2nd. Purely conceptual articles. There are some articles that Staff and Board should

focus on. Short term rental a concern with Chair Wegner would like to discuss at end of meeting. Mrs. Snell stated that she is not sure if there will be cannabis related articles from the Cannabis Advisory Committee so that is in question. There is another concept to allow an additional covenant unit to be created on a lot. Mrs. Snell stated that the idea would be to allow three units and that more than one be subject to the covenant. Chair Wegner expressed her concern with the short-term rentals. She said that what she saw in North Carolina to protect waterfront they developed a concept called Community Protection District which she would like similar concept. Mrs. Snell stated that Andrew Vorce wanted the Board to know that he is continuing his research and he's working on some concepts to bring forward to the Board later. Julia Lindner, Executive Director of ACKnow wanted the Board and staff to know that they have resources that they researched and that they are open to sharing. Ms. Lindner stated that they will be in touch directly with Andrew and Leslie after this meeting to extend the offer regarding short term rentals. Mr. Lowell briefly discussed second curb cuts.

XIII. Adjournment:

Vice Chair Trudel moved to adjourn the meeting at 5:58pm. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

Vote Taken by Roll Call:

David Iverson *Aye*

Nat Lowell *Aye*

Vice-Chair Trudel *Aye*

Chair Wegner *Aye*