# Nantucket Planning Board DRAFT Minutes
## Remote Participation via Zoom Webinar
## November 15, 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 meeting, see link below:**
https://youtu.be/zMjLnNyI1sc

## I. Call to order:

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

Acting -Chair Trudel called the meeting to order at 4:02PM.

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

**Roll call of those participating:**

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

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

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

## II. Approval of the agenda:

Acting Chair Trudel announced two continued public hearings items, the Brotherhood of Thieves and 27 Fair Street LLC to the December 13th meeting.

Mr. Lowell moved to approve the agenda with the amendments. The motion was duly seconded by Mr. McClure and the Board voted 4-0 in favor.

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

## III. Minutes:

- **October 25, 2021, *CONTINUE 12-13-2021***

## IV. Secondary Dwellings:

- **Matthew & Kate Harrington, 50 Hummock Pond Road (Map 56, Parcel 286)**

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

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

- **Sean Kolloff, 19 Bartlett Road (Map 67, Parcel 8), *SEE PUBLIC HEARING***

## V. Garage Apartment:

- **Alison Groenstein, 38 Hummock Pond Road (Map 56 Parcel 292)**
- **Arlene Hogan, 76 Pleasant Street, (Map 55, Parcel 367)**
- **John D. & Amanda Mcgovern, 26 Lincoln Street, Siasconset (Map 73.4.2 Parcel 132)**
- **Richard J. & Laura S. Belair, 2 Rudder Lane (Map 66 Parcel 348)**

**Discussion:** Mrs. Trudel stated that she updated 38 Hummock Pond Road on the agenda and forgot to reciprocate that on the staff report, during the review found out that it's a garage apartment and not a second dwelling. Made the change on the posting.

**Motion/Vote:** Mr. Lowell moved to approve all the garage apartment applications in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

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

## VI. Tertiary Dwellings:

- **Essex 36 ACK LLC, 36 Essex Road (Map 67 Parcel 626)**

**Motion/Vote:** Mr. Iverson moved to approve the tertiary dwelling application in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 4-0 in favor.

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

## VII. ANR

- **VEGHTE NOMINEE TRUST, 26 Main Street Siasconset (Map 73.3.1 Parcel 48)**
- **Sandra H. Lundin, Trustee, Lundin Family Nominee Realty Trust, 6 Forrest Avenue (Map 68 Parcel 12)**
- **Town of Nantucket, Portion of Cherry Street**

- **Purple Wampum, LLC, 41 Jefferson Avenue (Map 30, Parcel 45)**
- **Patrick W. Taaffe & Carol A. Muehling, 17 Okorwaw Avenue (Map 79 Parcel 180)**
- **Charles E. & Maria R.B. Davis, 53 South Shore Road (Map 80, Parcel 311),** ***SEE PUBLIC HEARING***

**Motion/Vote:** Mr. McClure moved to approve and endorse all the ANRs with an exception of 53 South Shore Road, which will first require the approval of a Special Permit. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

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

**VIII. Previous Plans:**

- **PLSUB-2021-08-00195 Maple Lane Subdivision,** *Endorse plans*
**Voting:** John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
**Alternates:** Stephen Welch, Campbell Sutton and David Callahan.
**Recused: None**
**Documentation:** File with associated plans, photos and required documentation
**Representing:** Dan Mulloy
**Discussion:** Mrs. Trudel stated that she did speak with Mr. Mulloy noting that the pedestrian pathway being constructed in addition to the easement languages which is a condition in the decision, thought that it is important to include in the plan. Mr. Mulloy agreed to make the necessary updates prior to endorsing and with that change recommend approval.
**Motion/Vote:** Mr. McClure moved to approve the endorsement of the plans. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

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

- **Richmond Great Point Development, Sandpiper II & Meadows II,** *Form J*
**Voting:** John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
**Alternates:** Stephen Welch, Campbell Sutton and David Callahan.
**Recused:** None
**Documentation:** File with associated plans, photos and required documentation
**Representing:** None
**Discussion:** Mrs. Trudel stated that this is Sandpiper Place II and Meadows II. Mrs. Trudel has not been able to get in touch with Ed Pesce who has been away on vacation to touch base with him regarding any outstanding items that should be addressed prior to releasing the Form J. Mrs. Trudel's recommendation is to move forward and endorse the Form J for staff to hold in the office until she touch base with Mr. Pesce.
**Motion/Vote:** Mr. Iverson moved to approve the endorsement of the Form J. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor.

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

**IX. Public Hearings:**

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road,** *action deadline 12-31-2021,* ***CONTINUE 12-13-2021***
- **27 Fair Street, LLC, 27 & 29 Fair Street,** *action deadline 02-13-22,* ***CONTINUE 12-13-2021***
- **23 Broad Street Owner, LLC, Brotherhood of Thieves, 23 Broad Street,** *action deadline 01-23-2022,* ***CONTINUE 12-13-2021***

**Voting:** John Trudel (Acting-Chair), Nat Lowell, Fritz McClure, and David Iverson
**Alternates:** Stephen Welch, Campbell Sutton and David Callahan.
**Recused:** None
**Documentation:** File with associated plans, photos and required documentation
**Representing:** None
**Discussion:** None
**Motion/Vote:** Mr. Lowell moved to approve the public hearing items that are continued to the December 13th meeting. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

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

- **David Lemberg, 33 South Shore Road,** *action deadline 02-13-22*

**Voting:** John Trudel (Acting Chair), Nat Lowell, Fritz McClure, Campbell Sutton and David Iverson
**Alternates:** Campbell Sutton, David Callahan and Stephen Welch
**Recused:** None
**Activated:** Campbell Sutton
**Documentation:** File with associated plans, photos and required documentation
**Representing:** David Lemberg
**Discussion:** Ms. Sutton questioned the second driveway if it has already been approved. Mrs. Trudel stated that the second curb cut has already been approved in April of 2021 however it technically still needs to be requested again as a waiver through a Special Permit process. Mr. Iverson stated that the driveway that Ms. Sutton is referencing will be gone as soon as this project is done and only the new driveway as indicated on the plan. Ms. Sutton activated. Acting Chair Trudel opened the floor to the public. Ian McNeice stated that he is opposed to the proposal expressed concern with traffic and safety. Mrs. Trudel stated that the approval that was received back in April of 2021 was for a second dwelling, there's a provision in the Bylaw that allows for a second curb cut as part of the approval, which requires no public hearing and the abutters are not noticed. Mr. Iverson stated that there are plenty of driveways that are a crossed from each other. Mr. McNeice stated that South Shore Road is a busy road, no parking on either side and suggested that the driveway on South Shor Road be moved further south of the property. Mr. Lemberg ok with driveway shift further to the south for Lot two.

**Motion/Vote:** Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure.

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

**Motion/Vote:** Mr. Lowell moved to approve with the change and the location of the driveway shift in the parking towards the south along with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Iverson and the Board in favor.

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

- **Charles & Maria Davis, 53 South Shore Road,** *action deadline 02-13-22*
  **Voting:** John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Callahan and David Iverson
  **Alternates:** Campbell Sutton, David Callahan and Stephen Welch
  **Recused:** None
  **Activate:** David Callahan
  **Documentation:** File with associated plans, photos and required documentation
  **Representing:** Jeff Blackwell, Surveyor
  **Discussion:** Mr. Blackwell provided the Board with an overview of the application. Both properties will be continued to be served by a single driveway access and the appropriate cross easements. Mr. Callahan activated. An ANR will implement the Special Permit. Acting Chair Trudel opened the floor to the public. No public comment. Mrs. Trudel stated that this is an interesting thing too to create a covenant lot leaving a market rate lot larger, where there is availability to do two market rate lots on this property through ANR.

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

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

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

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

  - **ANR: Charles E. & Maria R.B. Davis, 53 South Shore Road (Map 80, Parcel 311)**

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

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

- **16 Friendship Lane, LLC, 16 Friendship Lane,** *action deadline 02-13-22*
  **Voting:** John Trudel (Acting Chair), Nat Lowell, Fritz McClure, Stephen Welch and David Iverson

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch
**Recused:** None
**Activate:** Stephen Welch
**Documentation:** File with associated plans, photos and required documentation
**Representing:** Bryan Swain, Attorney
**Discussion:** Attorney Swain provided the Board with an overview of the application. Stephen Welch activated. Acting Chair Trudel opened the floor to the public. No comments were made.

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

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

**Motion/Vote:** Mr. McClure moved to approve the special permit 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:**
Fritz McClure *Aye*
Nat Lowell *Aye*
David Iverson *Aye*
Stephen Welch *Aye*
Acting-Chair John Trudel *Aye*

- **Sean Kollof, 19 Bartlett Road,** *action deadline 02-13-22*

**Voting:** John Trudel (Acting Chair), Nat Lowell, Fritz McClure, Campbell Sutton and David Iverson
**Alternates:** Campbell Sutton, David Callahan and Stephen Welch
**Recused:** None
**Activate:** Campbell Sutton
**Documentation:** File with associated plans, photos and required documentation
**Representing:** Tori Ewing and Juraj Bencat
**Discussion:** Tori provided the Board with an overview of the application. Mr. Lowell stated that this is a great improvement and use of another house for this property. Acting Chair Trudel opened the floor to the public. No public comments.

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

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

**Motion/Vote:** Mr. Lowell moved to approve the Special Permit 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. Seconded by Mr. Lowell.

**Vote Taken by Roll Call:**
Nat Lowell *Aye*

David Iverson *Aye*
Fritz McClure *Aye*
Campbell Sutton *Aye*
Acting-Chair John Trudel *Aye*

- **Second Dwelling Application: Sean Kolloff, 19 Bartlett Road (Map 67, Parcel 8)**

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

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

- **Candlewick Corner VTT ACK, LLC (Modification #6), 120, 122 & 124 Old South Road,** *action deadline 01-23-2022*

**Voting:** John Trudel (Acting Chair), Nat Lowell, Fritz McClure, David Callahan and David Iverson
**Alternates:** Campbell Sutton, David Callahan and Stephen Welch
**Recused:** None
**Activate:** David Callahan
**Documentation:** File with associated plans, photos and required documentation
**Representing:** Attorney John Brescher
**Discussion:** Attorney Brescher questioned if enough Board to vote seeing that Ms. Wegner is not present. Mrs. Trudel stated that she confirmed with Andrew that all the alternates were present at the last meeting and that any one of the four can be activated for this evening. Mr. Callahan activated. Attorney Brescher provided the Board with an overview of the application. Applicant committed to installing a bike path. The Applicant is willing to fund the Homeowners Association or continue to fund it. Monitoring and management of the trailer and unregistered vehicle parking the Applicant can enforce since owns all the property. Mr. Iverson asked if HOA is the best document to enforce. Attorney Brescher stated that the Applicant has no intentions of selling that they are rental properties. Acting Chair Trudel questioned that there should be a language in the decision that if the individual owner they're protected in the homeowner association would transfer to the new owner. Attorney Brescher asked the Board if they want a condition in the decision that upon the first conveyance of any of these properties that the Homeowners Association be funded and reviewed by the Planning Board. Mr. Iverson stated that the most important thing is that someone needs to really monitor the parking situation. Mr. Callahan believes that there needs to be a management plan and a manger on site. Mr. Callahan stated that there needs to be policing these activities someone who can be on call. Ms. Sutton liked Mr. Callahan's idea and suggested possibly have a one-year review. Attorney Brescher stated that reviewing in one year may not work because not necessarily the apartments will be finished within a year. Acting Chair Trudel opened the floor to the public.

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

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

Mr. McClure questioned the management plan. Acting Chair Trudel stated that Attorney Brescher request for an annual review on the Certificate of Occupancy due to not sure how long the construction will be. Mr. McClure supports the idea of some type of management plan. Mr. Callahan stated that he didn't know that the year for review from the CO was tied to the management plan, thought they were two different things. Mr. Callahan stated that he prefers to see a management plan to start off first because issues might arise the first year. Mrs. Trudel stated that if the property is ever separated out of common ownership that shall trigger the creation of the Homeowners Association to be approved and endorsed by the Planning Board, that a management plan shall be accepted by the Planning Board and that prior to the issuance of any construction permits there should be a one year review after the issuance of a Certificate of Occupancy on any of these apartment buildings and the build out of the bike path to be coordinated with Ed Pesce and Leo at the Applicant's expense.

**Motion/Vote:** Mr. McClure moved to approve the modification to the existing MCD to construct three apartment buildings, waiver of three parking spaces so that 84 parking spaces would be required, and that the approval would be subject to the conditions outlined by Mrs. Trudel and the build out of the bike path from Macy's to Wampanoag findings and conditions listed in the staff report property owner, with an additional management plan prior to receiving a Certificate of Occupancy. A one-year review of a co and a bike path at the applicant's expense. Buildout bike path Wampanoag. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

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

## X. Public Comment:

No public comment was made.

## XI. Other Business:

- **Special Meeting, Discussion RE: Warrant Articles, Monday, November 29, 2021 @ 4:00PM via Zoom**
- **Next Regular Planning Board meeting Monday, December 13, 2021 @ 4:00PM. Via Zoom**
- **Anne Dewez - Citizen Proposal, presentation by Article sponsor re: spas/pools** (*not a public hearing, informational presentation only)*

Ms. Dewez gave a brief presentation of the proposal, this is not open for public hearing discussion.

## XII. Adjournment:

Mr. McClure moved to adjourn the meeting at 5:24 PM. The motion was duly seconded by Mr. Iverson and the Board voted 4-0 in favor.

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