

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
November 29, 2021 at 4pm

Board Members: Judith Welch Wegner (Chair)(*not present*), John Trudel, III (Vice-Chair), Nat Lowell, “Fritz” McClure, and David Iverson

Alternates: Stephen Welch (*not present*), 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/6UEO-GsVtgA>

I. Call to order:

4:00 PM meeting was called to order by Vice-Chair Trudel.

Acting-Chair Trudel announced that the purpose of this meeting is for the Board and staff to have a preliminary review and discussion of the citizen articles. The public hearings will occur in January to discuss each article in detail with the public. The Planning Board members should use this time to let staff know if further research on any of the article is needed so that it may be prepared and presented in advance of the public hearings. This is not open for public discussion.

II. Approval of the agenda:

Mr. Lowell moved to approve the agenda. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair John Trudel *Aye*

III. Discussion of Affordable Housing Article (Planning Board Sponsored)

• **Expansion of Workforce Housing to R-10 and R-20**

Mr. Vorce: The concept is to extend the workforce ownership housing to R-10 to R-20. There are two districts that only allow ownership housing and they are R-5 and R-10. Two separate articles for R-10 and R-20. Planning Board has not developed what the actual standard would be right now for R-5. Would like to start with 60,000 square foot parcel, which there are limited amount of them. Richmond properties is one area that has been implemented. There is still some work to identify what the minimum development parcel would be. Mr. Vorce asked Mr. Iverson that the Affordable Housing Trust Fund supported the idea and wanted Planning Board to be co-sponsors with them in advancing the article. **Mr. Iverson:** There seemed to be some confusion about co-sponsorship and sponsorship just by the Planning Board. Yes, these first two articles are ones that they would like to push forward if possible. **Acting Chair Trudel:** Asked if there is a wish list. **Mr. Vorce:** Look at it as a minimum lot and that this is going to require a lot of work which they really haven't gotten into yet. There must be some general policy level support for us to start doing the amount of work that we're going to need to do here. The warrant will be adopted January 26. If this is an article that you are going to support, staff will have to do the research about what kind of lots are remaining in R-10, what kind of lots are remaining in R-20 and what kind of bonuses would make sense to do in each of those districts. The Select Board must include any of the article that we send to them in the warrant. They have the final decision they have veto power over any articles that's created now. **Ms. Sutton:** Asked if it would be possible to follow this into the R-10 and see how that develops and then at another time look at R-20 in terms of workload. **Acting Chair Trudel:** Felt that it

might be helpful to show how many lots are available or affected, if any kind of change so can get a sense of where they are located throughout the island. Mostly concern with traffic. **Mr. Vorce:** 60,000 is based on twelve (12) five thousand (5000) square foot lots, you get a bonus of four additional lots so in that 60,000 if you use the workforce housing bylaw you would get sixteen (16). Ms. Sutton: The ability to pass this there may have some push back in areas that have had a lot of over development already. The R-10s are areas people have been experiencing what they perceive to be over developed or increased traffic. They may be less likely to be supportive of the idea. The apartments at Ticcoma Green when it passed there were controversy that people had thought they were going to get cottages and instead got many apartment buildings and I don't think this was received very well. **Acting Chair Trudel:** The R-20 with restrictions you do not want to do with the overlay district. Is there some way we can cater it to certain areas of R-20? **Mr. Vorce:** That would be a map change and could be considered. It's a preference because the overlay district you must see if it applies where an actual zoning map change the standards are all articulated. **Mr. Lowell:** Asked Mr. Vorce in the R-20 what was his thought process for a minimum lot size be, 60? **Mr. Vorce:** 80,000 or something higher.

- **Expansion of tertiary dwelling gross floor area**

Acting Chair Trudel: In the expansion of tertiary dwellings gross floor area, I for one is kind of disappointed in the past meetings where I've had to vote against certain new projects because it exceeded the 650 square feet interior gross living area. Stated before expanding this, the question is to what extent and what it would be going to because it is a quality of life. What is everyone's thought on square footage. **Mr. Iverson:** There's been discussion of 800 for tertiary and a thousand for standalone. **Mr. Vorce:** Yes, that's what we've discussed. **Mr. Lowell:** Asked about garage apartments. Would need three different numbers for three different units, above the garage, the basement and the freestanding unit. **Acting Chair Trudel:** Asked if it might be advantageous to group the accessory in the garage apartment within that eight hundred square feet. **Mr. Lowell:** Yes, something like that. **Mr. McClure:** All tertiary dwellings are affordable housing. Can we increase the square footage only for year-round affordable housing? What we are seeing are tertiaries, primary and secondary on big lot with big houses and all it's going to do is make additional dwelling bigger and when it has nothing to do with affordable housing year-round. **Mr. Iverson:** We are going to be in a position of policing this and I understand your concern however in the end it will open more opportunities to create more housing whether it's affordable. **Acting Chair Trudel:** Asked Mr. McClure if he would be ok if we make the square footage to 800 or increase it to a thousand and agree to put into an affordable or not covenant but designated as year-round housing would he be ok with that. **Mr. McClure:** That would be find. **Ms. Sutton:** Support Acting Chair's comments and Mr. McClure's concerns. **Mr. Callahan:** Still agrees with Mr. McClure on this issue. Thousand square foot standalone building is substantial, would like to see for simplicity all of them 800 square feet maybe allow a thousand square feet on the second floor instead of a thousand square feet of ground cover on a lot. **Mr. Iverson:** Agree with Mr. McClure and Mr. Callahan. If can restrict that bonus square footage it should be restricted for year-round housing. **Mr. Vorce:** We got the idea and will draft the article to explore some of the concepts so can have further discussion. Reminding that tertiaries are not allowed in every district. They are only allowed in seven (7) districts, R-5, R-10, R-20, R-40, LUG-1, LUG-2 and LUG-3. Not allowed in the ROH district, not in the country village residential. Also, it's important that there is a bedroom count limitation based on square footage that applies in R-5, R-10 and R-20 district that is not changing.

- **Two covenant lots on a single lot**

Mr. Lowell: There are two different concepts that should have already been done. The idea was if a person has a covenant or doesn't have any second dwelling now and they have a primary. **Acting Chair Trudel:** Nothing changes to ground cover and on the limitations as far as the secondary dwelling in the tertiary and internal space depending on what we the Town votes on

IV. **Discussion of Planning Board Sponsored Articles**

- **Finalize concept list for drafting to articles**

RC-2 Phase Out Articles:

- **Remaining Nobadeer Farm Road parcels**

Mr. Vorce would like to continue with a subset of six parcels that are in one specific location near Sun Island Road.

- **West side of Arrowhead Drive to CTEC**

Mr. Vorce not ready for this year.

- **East side of Surfside Road to CN (near Windy Way and Miacomet Avenue)**

A group of family property owners that staff will need to spend time with and will not have that time this year and will need to put off.

- **Perry Lane/Bartlett Road to CTEC (one parcel)**

A single parcel that was skipped over last year and want to finalize out. This one would stay.

- **Nobska Way to R-5**

There are two areas where there's a concentration of RC-2 left, Nobska Way and Salrose. Rather than divide into two will do all of them at once in a future article.

- **Bartlett and Raceway to CTEC or R-10**

Want to focus on R-10 group and there are three properties

- **Mioxes Way and Bartlett Road LUG-2 and RC-2 to R-5 or R-10**

There are several split lots and focus on that area Bartlett Farm Road. Mr. McClure asked what other areas that were not on this list. Mr. Vorce gave a list of properties such as Cisco brewery site, Mioxes parcel, corner of Raceway drive and Somerset Road, Miacomet Road, Nobska salrose, Bartlett Road, Surfside Road, Miacomet Avenue – hold off on, Old South Road by Holdgate properties, Egan Lane and Pine Crest with small lots correcting the access issues which is very complicated will be the last area to do.

RC Phase Out Articles

- **Galley Beach to CN**

- **Harbor Place/Commercial Wharf – to ROH and CDT**

Not sure if ready to do any rezoning place holder currently.

- **End of Washington Street (Sayle (3)) to CN**

Four parcels left, further south that will be included in this year's rezoning

- **77 Washington Street to ROH**

- **34 and 36 Washington Street (TON) to R-40 or ROH**

Various parcels will be rezoned to R-40

- **Harbor Terrace/Spruce Street/Marine Home Center?**

R-1 Phase Out Articles

- **SR-1? Dependent on Area Plan**

Not ready to introduce changes to that district so will need to be deferred.

- **Vesper Lane/Cato Lane/Woodland Hills Subdivision – R-5L**

Want to pursue with the R-5 Limited zoning district. That has not been mapped yet.

Currently in R-5 duplexes are allowed in R-5L they are not, second dwellings are allowed by right in R-5L by Special Permit. The Planning Board can put conditions on Special Permits in that zone. Mr. Lowell asked that R-5L will not allow tertiary. Mr. Vorce said correct.

Technical Amendment to the Zoning Map

- **Richmond R-5/CN correction for parking areas in Sandpiper II (check to see if needed for Sandpiper I)**

Certain areas where are R-5 and CN mix matches that need to be corrected and other areas with split lot. Will proceed forward.

- **Other split lot clean up**

Zoning Bylaw Amendments

- **Technical Amendments – all in a single article TBD (1:24:02/3:20:15)**
 - **Correct language about 2nd driveways to include garage apartments and tertiary dwellings**

Same language not in the tertiary dwellings would like to add for both tertiary dwellings and garage apartments without holding a public hearing would be more consistent. In Section 20.1[2](h) of the Bylaw. Adding a section “h” in the Bylaw to allow secondary driveways in a garage apartments and tertiary dwellings. Mr. Lowell stated that in Town existing conditions must play a big factor in the decision they make. Mr. McClure questioned about the section stating waiving any requirement of 20.1 by Special Permit. Mrs. Snell stated that this would allow the Board to do it without holding a public hearing to grant a Special Permit. It would put the same process in place for tertiary dwellings and garage apartments that already exist for secondary dwellings for driveway access.
 - **Change definition of tent to allow for extension by special permit**

Only extend by a variance. Economic Task force. Tent time frame extended by Special Permit

The tent definition had some requirements about the number of days in a calendar year that a tent can be erected. It can only extend by a variance which has very strict criteria that don't apply. This came out of the economic task force and some of the changes that some of the businesses made to adapt due to Covid. A few put up tents in various locations on their properties and some would like to continue to have it up. It has received a lot of positive responds to having additional outdoor dining options. This would allow the tent time frame to be extended by Special Permit to keep up for the season.
 - **Add a definition and specific allowance for food truck – currently treated as take-out**

Influx of food truck applications not through the Planning Board but through licensing and Town administration and there are zoning implications for food trucks depending on if they are parked in a specific location or if they're more mobile. Board has reviewed one permit for a food truck at Richmond and granted the permits. It has been treated as a takeout however not clearly defined so staff feels that it needs to be more specific in the Bylaw. Acting Chair Trudel asked that the language of the food truck wouldn't necessarily change the health requirements for the Health Department. The language of the food truck would not change health requirement. The owners of the food truck did not understand that there was a zoning piece that if they negotiated a space to park with a business owner they still must have parking available. In some districts it does not allow takeout and some it's allowed by Special Permit. Licensing didn't fully understand that parking must be available. Also working on aside from this concept some streamlined licensing for the business owner, so they know everything they have to do.
- **Special permit allowance for regularity factor**

Formula remain the same, instead of relief by variance will change to Special Permit.
- **Short term rentals**
- **Cannabis articles from CAC?**

Planning Board staff are not sure if they will get any articles from the Cannabis Advisory Committee. Dave Iverson who is in the Cannabis Advisory Committee stated that they only met once since the pandemic started and is not aware if gotten anything together yet.
- **Additional covenant units allowed on a lot**
- **Open Space Bylaw**

Planning Board staff does not have the capacity to move forward currently.

- **Paper Street Acquisition/Disposition**
 - Red Barn Road and Sheep Pond Road area
 - Surfside yard sale in vicinity of Curve Street (Plan 2012-60)
 - Tom Nevers Road network (additions to prior ATM votes)
 - Eel Point Road
 - Hawthorne (Sconset)
 - Westchester Street (public road? Land Bank)
- **Home Rule Petition**
 - **Ames and New Hampshire Avenue (real estate disposition already voted)**

Mrs. Snell stated that Real Estate this is not for Board to review however to let Board know that staff are working on things that are not related to zoning that takes up staff's time and attention.

Acting Chair Trudel reminding that they will not be taking any public comments or discussion for each of these individual citizen articles.

Mr. Vorce stated that all the forms have been distributed to the applicants, have not received all those however by the time of hearing staff will provide in their packet.

Questionnaires due Monday, December 6th. Distributed to all zoning articles sponsors.

V. Discussion of Citizen Sponsored Articles (*PUBLIC HEARINGS WILL BE SCHEDULED AT A FUTURE DATE*)

- **Zoning Map Change R-20 to CTEC and/or CN Old South Rd (Jackson)**
Mr. Vorce: 6 properties rezoned at the last town meeting near the corner of Old South Road and Airport Road.
- **Zoning Map Change R-20 to CTEC and/or CN Old South Rd (Bunting)**
Mr. Vorce: A single property.
- **Disallow hot tub/spa in ROH/SOH**
Mr. Vorce: At the last meeting a presentation from the proponent. Staff questioned if the Board feel that there should be a survey. Staff will get mailing labels or anything that the Board is interested in following up on. **Acting Chair Trudel:** Suggested that staff provide the Proponent a list of properties that are going to be affected. **Mr. McClure:** Received memo from proponent just before the meeting and it was noted that the Town association voted to support. Wanted to make it aware that the Town Association are being involved.
- **Reconcile definitional inconstancy: Swimming Pool – Residential and Hot Tub/Spa and change the size criterion for pools and hot tubs/spas (Dewez)**
- **Zoning Map Change R-20 to R-10L Nobadeer Way (Williams)**
The proposed zoning would not allow duplexes, tertiary dwellings and second dwellings allowed only by Special Permit. **Mr. McClure** asked what the zoning change permit them to do that they cannot do now. **Acting Chair Trudel:** Second dwellings are permitted through Special Permit. - **Mr. Vorce:** Now properties move from non-conforming to conforming.
- **Zoning Bylaw Change Definitions, allow the PB through Special Permit to waive density for Apartments in commercial districts (Williams)**
Mr. Vorce: Density standard for apartments in the commercial districts, under Bylaw 139.2. This proposal allows the Planning Board to vary these standards by Special Permit. Variance not an appropriate relief because it's not a hardship situation, it's really a policy-based situation. Will get more information at our Planning Board public hearing.
- **Zoning Bylaw Amendment Swimming Pools – 7,500 sq ft to 6,000 sq ft (Williams)**
Mr. Vorce: One article lowers the threshold of the lot size from 7,500 to 6,000 square feet and the other article would reverse the parameters of the vote from last year. **Acting Chair Trudel:** Hasn't been a year since introduce to this. Compromised brought it down from 10000 to 7500

square feet. Board did a lot of compromising to get it so that was palatable for the Town to vote on. How many house pools in the R-1 has been affected and has it affected so many that it would warrant us to support this only after one year. Opposed before it is introduced because had not enough time to see how it would affect the properties. **Mr. Vorce:** Don't really want to get into the merits of this article.

- **Zoning Bylaw Amendment Swimming Pools – reverse ATM 2021 (Williams)**

- **Zoning Bylaw Change- Storage Containers by Special Permit in CMI (Williams)**

This article would allow storage containers by Special Permit in the commercial mid-island area. The Board will have control over the numbers, appearance of colors of the containers through the Special Permit. **Mr. Lowell:** Makes sense and it is a good idea.

- **Zoning Map Change LUG-2 to R-5 or CN 44 Skyline Drive (Williams)**

Proposing to change the area from LUG-2 to R-5 or CN. Only reason to consider this is the subject property would be limited to some sort of affordability and the other is access to the property would extend the roadway. This article is related to affordable housing and the access point is to design away from the neighborhood on Skyline Drive not to connect to it except by walking and pedestrian. **Acting-Chair Trudel:** As a Community Preservation Committee member appointed by this group, this application did put an application before us this past year and the CPC found merit in it. The CPC did not give any financial consideration because it was in the preliminary stage and there were so many things that needed to be addressed and there are too many questions. Something to consider, has merit and needs to be explored. **Mr. Iverson:** Asked if the Town was supposed to take street. **Mr. Vorce:** Yes, the Town requests that street the owner must deed it to the Town. It must deed over the fee interest of the road and an easement at the end for future. The agreement of the subdivision is that the road is blocked by a fence with the understanding that it will open for pedestrian bike use in addition to the water line that would extend to the corner of Skyline. **Mr. Iverson:** Not one-person signs these which he finds a little telling.

- **Zoning Bylaw Protecting Rights of Short Term Rentals (Glidden)**

Talks about principals and accessory uses. Staff has some concerns. Having some issues keeping up the level of support needed for special permits. Staff has been doing a lot of research. Gathering some information about short-term rentals and what the actual data shows. A list of short-term rentals was provided by the State. Huge concentration in the Downtown area. Mr. Vorce did a brief review of the slide presentation for the short-term rentals. Mr. Vorce stated that staff is looking for a policy level. Went over the Bylaw amendment working concept.

VI. Adjournment:

Mr. McClure moved to adjourn the meeting at 7:21PM. The motion was duly seconded by Mr. Iverson and the motion was carried unanimously.

Vote Taken by Roll Call:

Fritz McClure *Aye*

David Iverson *Aye*

Nat Lowell *Aye*

Acting-Chair John Trudel *Aye*

Submitted by:
Catherine Ancero

