Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
December 13, 2021 at 4pm

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

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 recording see link below:
https://youtu.be/WDlTF4E3xoI

I. Call to order:

Acting -Chair Trudel called the meeting to order at 4:03PM.

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*
Chair Trudel *Aye*

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

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

II. Approval of the agenda:

Mr. Lowell moved to approve the agenda with the amendments. 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*
Chair Trudel *Aye*

***Chair Trudel announced the passing of Planning Board Chair Judith Wegner on December 3rd and offered condolences. Mr. Trudel requested a moment of silence to pay tribute to Judith Wegner.

III. Election of Vice-Chair:

Mr. Lowell moved to nominate Dave Iverson as Vice-Chair for the remainder of the year. 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 Trudel *Aye*

IV. Minutes:

- **October 25, 2021**
- **November 15, 2021**

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

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

V. Secondary Dwellings:

- **Lloyd Realty LLC, 7 Heather Lane (Map 30 Parcel 24.2)**
- **Donald & Mary Russell, 14 Brewster Road (Map 54 Parcel 236)**
- **John Barry, 22 Eel Point Road (Map 40 Parcel 45)**
- **22 Easton Street LLC, 22 & 24 Easton Street (Map 42.1.4 Parcels 12 & 12.1)**
- **Gerald and Elizabeth Minihan Trust, 16 Somerset Lane (Map 66 Parcel 3)**
- **Padraic Cassidy, 4 Sleepy Hollow Road (Map 66 Parcel 102.2)**

VI. Garage Apartment:

- **Gardner Perry, LLC, 5 Gardner Perry Lane (Map 55 Parcel 32.1)**

VII. Tertiary Dwellings:

- **Donald & Mary Russell, 14 Brewster Road (Map 54 Parcel 236)**

Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None
Motion/Vote: Mr. McClure moved to approve all secondary dwellings, garage apartment and tertiary dwellings listed in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

VIII. ANR

- **Robert L. Anglund & John Walsh Anglund, Trustees of Fifty-Five Nobadeer Avenue Nominee Trust, 55 Nobadeer Avenue (Map 88 Parcel 54)**
- **Michele Kolb, 2 Cabot Lane (Map 30 Parcel 254)**

- **16 Friendship Lane, LLC, 16 Friendship Lane (Map 56 Parcel 357)**
- **38 Prospect Street LLC, 28 North Mill Street (Map 55.4.4 Parcel 80.4)**
- **Carmine & Sheila Giardini, 7 Clifford Street (Map 79 Parcel 19)**
- **38 Prospect LLC; Richard C. Gillis, Jr., Manager, 38 Prospect Street (Map 55.4.4 Parcel 56)**
- **Walter J. Glowacki, 5 Meader Street (Map 42.2.3 Parcel 40)**

- **3 Beaver Street LLC, 3 Beaver Street (Map 55.1.4 Parcel 97)**
- **Diane M. Ryder, Trustee, 8 Chatham Road (Map 54 Parcel 230)**
- **Jason Scott Davidson, 73 Burnell Street (Map 49.3.2 Parcel 1.2)**
- **Juanita Vernal Gil & Junior A. Gil, 4 Hull Lane (Map 67 Parcel 278)**
  SEE PUBLIC HEARING

Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None
Discussion: Chair Trudel stated that 4 Hull Lane will be voted under the Public Hearing application of Juanita Vernal Gil & Junior A. Gil. Mrs. Trudel stated that 8 Chatham Road has been withdrawn at this time and will be excluded from the vote.
Motion/Vote: Vice-Chair. Iverson moved to approve the withdrawal without prejudice for 8 Chatham Road. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

Motion/Vote: Vice-Chair Iverson moved to approve all the ANR applications listed except for 4 Hull Lane in accordance with the recommendation outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

IX. Previous Plans:

- **PLSUB-2021-02-00133 Mueller Nominee Trust Subdivision,** *Endorse plans*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Discussion: Chair Trudel requested that no left turn coming out of Birdsong Lane. Mr. Callahan asked why not take a right coming out of Birdsong Lane. Chair Trudel stated that you can however no left turn due to blind spots. Mr. Lowell stated that there needs to be signage of Do Not Enter. Lots within the subdivision are prohibited from taking left turns out of the subdivision onto North Mill Street. Mrs. Snell suggest continuing this matter. Mr. McClure stated that it is very important that there is no confusion later and that it's a difference of interpretation and would like to follow Leslie's suggestion to hold for further review. Mr. Lowell and Chair Trudel both agree that condition 11 needs to be clarified. Mr. Gasbarro request that they move this application down in tonight's meeting, so he can get in touch with the applicant's attorney. Vice-Chair Iverson suggested that if they can replace condition 11 with no access to Prospect Street from the North Mill Street, it will resolve, and the signage can come. Chair Trudel stated

can put at end and revisit. Mrs. Snell stated that the decision has already been filed and recorded at the Registry of Deeds and that's not what's on the agenda for tonight. If Mr. Gasbarro's client is going to add notation to the plan that would be fine. Mr. McClure questioned if the Planning Board has the power to make it one way in that section.

Mr. Lowell stated that yes through the approval since its registered land and the subdivision owners own both sides of the road.

Motion/Vote: Mr. Lowell moved to endorse the plan. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

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

- **PLSUB-2020-06-00070 & PLSP-2020-06-0052 Fairgrounds Common, LLC, 31 Fairgrounds,** *Endorse plans*
Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None
Discussion: Mr. McClure questioned the letter from Land Bank. regarding Conservation easement that their final approval is subject to the commission's careful review of the conservation document and associated final plans which they have yet to receive. Mr. McClure stated that our endorsement is subject to there being a Conservation easement. Chair Trudel stated that it seems that the Board is tied into the approval based on the conservation restriction and someone taking possession of that which is hopefully going to be the Land Bank at a future time. Attorney Arthur Reade stated that we have a chicken and egg situation. The conservation restriction can't be finalized until the plans is in place and after the conservation restriction will have a process to go through, it has to be approved by the State and by the Select Board. Under the Bylaw we have to provide for the open space to be either held back under a conservation restriction or dealt with some other various methods that are listed under the flex development section of the bylaw. Mrs. Trudel stated that the language in the decision states that an entity must provide notice of intent not that the restriction needs to be finalized or that there needs to be a firm commitment and its staff's opinion that the letter does provide sufficient notice of intent for holding the restriction. Vice-Chair Iverson stated that we all need to remember why we did this because of Hawthorne Park and that the restriction floated out there and believes shows intent. Vice-Chair Iverson feels that they should move forward.

Motion/Vote: Vice-Chair Iverson moved to endorse the plans. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

- **Lori A. Geddes, 13 Evergreen Way,** *Endorse plans*
Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Alternates: Stephen Welch, Campbell Sutton and David Callahan.
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None

Motion/Vote: Mr. Lowell moved to endorse the plans. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

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

- **Navigator Way Subdivision, 18-26 Sparks Avenue,** *Endorse Plans*
Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
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. McClure moved to endorse the plans. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

- **Bonita Bar, LLC, 1, 2 & 4 Chin's Way,** *discussion of future MCD modification*
Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Alternates: Stephen Welch, Campbell Sutton and David Callahan.
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Paul Santos, Surveyor and Patrick Ridge, Owner of Island Kitchen.
Discussion: Mr. Santos briefly discussed the revision to the plan. Mr. Santos requesting to construct an addition, elimination of the existing retail space and to allow outdoor dining permanently. No change in the parking count or waivers. Chair Trudel questioned if need to appoint an alternate now or wait for the January meeting seeing that it is a Special Permit and that there are only four seating members. Mrs. Snell said in the January meeting or when they are ready to vote. Mr. Santos stated that because they are in the MIPOD they get credit for the interconnection of the pedestrian access. Chair Trudel questioned if this will affect any of the handicap parking that is designated. Mr. Santos stated that the handicap spaces that are there will still exist within the paved area at the end of Chin's Way. Ms. Sutton questioned the elimination of retail space. Mr. Santos stated where the ice cream takeout component is. Mr. Lowell stated that this is adding efficiency to the building and functionality. Mr. Lowell gave a thumb up.

- **Ellen's Way,** *Review Draft Conservation Restriction document (no approval required, FYI only)*
Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Emily Molden, Land Counsel & Sarah Alger, Attorney
Discussion: Informational only but willing to hear feedbacks or questions. The Select Board is local entity that approves this document. Ms. Molden provided a draft to staff for some comments and feedback before sending it up to the State for their review and wanted to get input that the Board might have. Ms. Molden stated that she was interested in some clarification on whether the language in the draft conservation restriction addresses the special condition in the permit specifically relevant to the easements that were provided and to make sure that based on the staff's comments wanted to make sure they were ok with the language around emergency access. Attorney Sarah Alger that the Board is happy with the conservation restriction so when they come back to ask for final form J they don't have any surprises. Ms. Sutton stated that in Section three (3), seven (7) under prohibited acts and uses under seven (7) with motor vehicles did not see anything about storing boats, toxic drainage that might flow out of cars if

this is generally covered and the two options for filing under C subordination and it says need to delete one. Attorney Alger stated that it is covered.

- **Norris Family Trust, 9 Bayberry Lane,** *Escrow release*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Discussion: Mrs. Trudel stated that the Applicant is requesting the balance of their funds from their subdivision be released back, they are going to be coming before the Board next month to convert into a rear lot subdivision so at that point engineering review is no longer required and Planning staff is supportive of releasing any remaining balance back to the Applicant at this point.

  Motion/Vote: Mr. Lowell moved to release the escrow. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

- **Maple Lane Subdivision,** *Endorse legal document*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Discussion: None

  Motion/Vote: Mr. Lowell moved to endorse the legal document. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

X. Preliminary Plans:

- **Jeffrey Kaschuluk, 86A & 88 Old South Road (Map 68 Parcels 400 & 419.1)**
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Recused: Chair Trudel
  Documentation: File with associated plans, photos and required documentation
  Representing: Jeffrey Kaschuluk and Daniela Petkova
  Discussion: Chair Trudel stated that Mr. Kaschuluk had been a previous client of his in real estate transactions and feels that he should recuse himself from this discussion. Vice-Chair Iverson will be the Acting Chair while Mr. Trudel recused from this. Mr. Kaschuluk stated that he owned for 27 years, inclusively used as a landscape storage yard for local landscapers on Nantucket with accesses through Eagan Lane. Mix use project, great demand for commercial and housing. Will be service in Town water and sewer. Mr. Kaschuluk stated that he is willing to cooperate with any future zoning classifications for the subject property. Acting Chair Iverson expressed concern for

preserving green space and may want to think of creating space for on-street parking. Mrs. Trudel stated that there is a motion to approve the preliminary plan and staff will draft approval letter to submit to the applicant and in that letter, it will identify those different concerns that were brought up.

Motion/Vote: Mr. McClure moved to approve the preliminary plans. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

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

XI. PublicHearings:

- **10 Cliff Road LLC, 10A & 10B Cliff Road,** *action deadline 12-31-2021,* ***Request to Withdraw Without Prejudice***
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Motion/Vote: Mr.Lowell moved to withdraw without prejudice. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

- **27 Fair Street, LLC, 27 & 29 Fair Street,** *action deadline 02-13-2022,* ***Request to Continue to January Meeting***
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Motion/Vote: Vice-Chair Iverson moved to continue. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

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

- **23 Broad Street Owner, LLC, Brotherhood of Thieves, 23 Broad Street,** *action deadline 01-23-2022,* ***Request to Continue to January Meeting***
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Motion/Vote: Iverson/Lowell

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

- **6 North Beach Street, LLC, 8 North Beach Street, LLC & 4 Dolphin Court, LLC – "The Brant", 6 & 8 North Beach Street & 4 Dolphin Court,** *action deadline 03-13-2022,* ***Request to Continue to January Meeting***
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: None
  Motion/Vote: Mr. Lowell moved to continue to the January 10th meeting. The motion was duly seconded by Mr. McClure and the motion was carried unanimously.

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

- **Juanita & Junior Gil, 4 Hull Lane,** *action deadline 03-13-2022*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Activated: Stephen Welch
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Linda Williams, Agent
  Discussion: Mr. Welch activated. Ms. Williams provided the Board with an overview of the application. Maintain existing driveway. Ms. Sutton questioned about the well if shared or Town water if divided between the two owners. Ms. Williams stated that she is not aware of the well and it is not before the Planning Board, the Building Commissioner or whoever is going to require that each lot has its own water supply that it is required under the State Law. Mr. Welch stated that the parking layout on Lot 2 is very effective and a very good use of space. Chair Trudel agrees with Mr. Welch's comment. Chair Trudel opened the floor to the public. No public comment.

  Motion/Vote: Mr. Welch moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

Vote taken by Roll Call:
Stephen Welch
Nat Lowell *Aye*
Fritz McClure *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Welch moved to approve per staff recommendations and conditions listed in the staff report. The motion was duly seconded by Mr. Iverson and the motion carried unanimously.

Vote taken by Roll Call:
Stephen Welch
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
Chair Trudel *Aye*

- **ANR: Juanita & Junior Gil, 4 Hull Lane**
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  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 endorse the ANR. The motion was duly seconded by Mr. McClure and the motion was carried unanimously.

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

- **Andrew Vorce, 40 Essex Road,** *action deadline 03-13-2022*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Activated: Campbell Sutton
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Steven Cohen
  Discussion: Attorney Cohen provided the Board with an overview of the application. Chair Trudel opened the floor to the public. David Bold at 42 Essex Road asked if the 14-year-old plan provided ok for Special Permit to operate being that old. Attorney Cohen stated that this is an As-built plan and that there is no reason to do a new survey for this and this is very common to use plans like this. Mr. Lowell stated that there will be another plan coming in a later date, this is a covenant lot. Mr. Bold questioned the procedure and policy if a person of the department is having an application process by the department, seeing that Mr. Vorce is the Director of the Planning Department and it's the department that is processing the application seems unusual. Chair Trudel stated that Mr. Vorce is being represented by an Attorney and not himself and we have to take it and review it as any other application. Mrs. Snell stated that government employees are covered by conflict of interest law and ethics rules that we are required to follow, and we have rights like all citizens of the Town and those application are all processed in the same manner. Mr. Iverson stated a very straight forward application.

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

Vote taken by Roll Call:
Nat Lowell *Aye*
Fritz McClure *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*
Campbell Sutton *Aye*

Motion/Vote: Ms. Sutton moved to approve per staff recommendations and conditions listed in the staff report. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

Vote taken by Roll Call:
Campbell Sutton *Aye*
Nat Lowell *Aye*
Fritz McClure *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

- **FRICK & FRACK, LLC, 134A Main Street,** *action deadline 03-13-2022*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Activated: David Callahan
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Steven Cohen
  Discussion: Attorney Cohen provided the Board with an overview of the application. The Select Board granted approval for the second curb cut including the elimination of a public parking space. Vice-Chair Iverson asked if the Town Tree warden looked at the tree. Attorney Cohen stated that they got a question from the Town administration about this and they ran it by the architect and the surveyor and both said that the driveway is designed to avoid having to do anything with the tree. Attorney Cohen suggested as an additional condition that before the installation that the contractor have a meeting with the Town tree warden or his designee to discuss construction protocols approved by the Town tree warden. Chair Trudel stated that it would make that number five (5) condition to meet the Town tree warden prior to construction. Chair Trudel opened floor to the public. Ms. Sutton questioned about the depth of the parking, is it meant to take two full-size cars and is concerned about the adequate space between and no overhang into the sidewalk. Attorney Cohen stated that there is a plan that shows twenty (20) feet from the sidewalk for the first space and then an additional seventeen (17) by seven (7) space which is a traditional reduce space that Planning Board allows. Chair Trudel opened the floor to the public. There was no public comment.

  Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Vice-Chair Iverson and the motion was carried unanimously.

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

Motion/Vote: Mr. Lowell moved to approve per staff recommendations and conditions listed in the staff report with an additional condition added that the Applicant meet with the Town tree warden prior to construction. The motion was duly seconded by Mr. McClure and the motion was carried unanimously.

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

- **Saracam LLC (Amendment #3), 46 ½ Surfside Road,** *action deadline 03-13-2022*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Activated: Stephen Welch
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Erik Johnson
  Discussion: Erik Johnson provided the Board with an overview of the application. Requesting a Special Permit for a two-unit apartment building and requesting to be remove from the MCD. 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 motion was carried unanimously.

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

  Motion/Vote: Mr. McClure moved to approve that removing the property from the MCD and granting a Special Permit for an Apartment Building is within the general purpose and intent of the Zoning Bylaw. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

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

  Mrs. Snell stated that procedural what you will get is a new decision for the apartment use that will have to be recorded at the Registry of Deeds and then we will modify the MCD to remove any reference to his property and anything that applies to that. There will be two decisions that have to be signed and recorded.

- **Scarlett O'Hara, LLC (Amendment #2), 43 Nobadeer Farm Road,** *action deadline 03-13-2022*
  Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
  Alternates: Stephen Welch, Campbell Sutton and David Callahan.
  Activated: Campbell Sutton
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Representing: Attorney Marianne Hanley and Dan Mulloy, Surveyor
  Discussion: Attorney Marianne Hanley provided the Board with an overview of the application. Ms. Sutton questioned the parking for the contractor shop. Mrs. Trudel stated that to clarify Mr. Pesce noticed that there were six (6) drains in that new building so his concerns was if they were rented to six separate tenants, would there be adequate parking for any of the proposed uses for those spaces should they be controlled and from separate entities. 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 motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Nat Lowell *Aye*
Fritz McClure *Aye*
Vice-Chair Iverson *Aye*
Campbell Sutton *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Lowell moved to approve per staff recommendations and conditions listed in the staff report. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Fritz McClure *Aye*
Campbell Sutton *Aye*
Chair Trudel *Aye*

- **Nantucket Realty, LLC, 61 Center Street,** *action deadline 03-13-2022*

Voting: John Trudel (Chair), David Iverson (Vice-Chair), Nat Lowell, and Fritz McClure
Alternates: Stephen Welch, Campbell Sutton and David Callahan.
Activated: David Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Attorney John Brescher and Lisa Soder, Owner
Discussion: Lisa Soder provided the Board with an overview of the application. Attorney Brescher stated that from a technical standpoint this was Zoning Board of Appeals application around 2000 or maybe earlier than that for a commercial use back when Zoning Board of Appeals had jurisdiction over these. Attorney Brescher stated that they are before them because it would be considered pre-existing non-conforming use because it is technically ROH under the definition of transient residential facility and that Planning Board has jurisdiction over this. Chair Trudel opened the floor to the public. Vice-Chair Iverson questioned why going before the Planning Board. Mrs. Trudel stated that there was a decision in the 90's from the Zoning Board of Appeals that did place restrictions on the studio, at that time the Zoning Board of Appeals was the permitting granting authority for guest houses, at this time the Planning Board is now the primary granting authority for guest houses and the Planning Board are the ones who could lift those restrictions on the studio and the rear property and combine it with the transient residential use of the front house. Chair Trudel questioned the restrictions. Vice-Chair Iverson read the list of restrictions. Chair Trudel opened the floor to the public. No comments were made.

Motion/Vote: Vice -Chair Iverson moved to close the public hearing. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

Motion/Vote: Mr. McClure moved to approve per staff recommendations and conditions listed in the staff report with an additional condition added that the existing space be restricted to the existing 364 square feet. The motion was duly seconded by Mr. Callahan and the motion carried unanimously.

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

XII. Public Comment:

There was no public comment.

XIII. Other Business:

- **2022 Planning Board meeting schedule October 17th PB – change only in October.**
  Mrs. Trudel stated that there is one change to the schedule that was made today it revolves around the October meeting date, there's a ZBA meeting on that Thursday so we're going to bump our Planning Board meeting to October 17th and then bump the NPE&EDC meeting out a week.

  Motion/Vote: Mr. Lowell moved to approve the 2022 Planning Board meeting schedule with the changes to the October meeting to be on October 17th. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

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

- **Discussion of ATM Articles**
- **Reminder Planning Board fee schedule update is effective with submissions for the January 2022 meeting.**
- **Next Regular Planning Board meeting Monday, January 10, 2022 @ 4:00PM. Via Zoom**

January 5th joint meeting with the Select Board that starts at 5:30PM Zoom meeting for Planning Board vacant seat.

XIII. Adjournment:

Mr. Lowell moved to adjourn the December 13, 2021 Planning Board meeting. The motion was duly seconded by Mr. Iverson and the motion carried unanimously.

The meeting adjourned at 6:26PM.

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

Submitted by:
Catherine Ancero