Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
August 8, 2022

Board Members: John Trudel, III (Chair), David Iverson (Vice-Chair), Nat Lowell, Barry Rector, and Joseph Topham

Alternates: Stephen Welch, Carl Borchert, and Abby DeMolina

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/lGsapZBPn34

I. Call to order:

Chair Trudel called the meeting to order at 4:05PM.

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:
Vice- Chair Iverson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Barry Rector *Aye arrived at 4:06PM*
Chair Trudel *Aye*

Alternates:
Carl Borchert *Aye*
Stephen Welch *Aye*
Abby DeMolina *Aye*

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

II. **<u>Approval of the agenda:</u>**

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

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Nat Lowell *Aye*
Vice- Chair Iverson *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

III. **<u>Minutes:</u>**

- **June 13, 2022 -** ***continue***
- **July 11, 2022 -** ***continue***

IV. **<u>Secondary Dwellings:</u>**

- **55 Road LLC, 56 South Shore Road (Map 80 Parcel 114)**
- **Whale's End II LLC, 43 & 45 Squam Road (Map 13 Parcels 24 & 23)**
- **Pochick Partners LLC, 30 Pochick Avenue (Map 80 Parcel 281)**
- **Elizabeth Doble Holby, 19 Low Beach Road (Map 74 Parcel 83)**
- **John & Rachel Rosenberg, 15 Hedgebury Lane (Map 41 Parcel 602)**
- **Andrew O'Shea, 10 Miller Lane (Map 68 Parcel 757)**
- **Jessica N. Torre, 53 Miacomet Avenue (Map 67 Parcel 90)**
- **55 Eel Point Holdings, LLC, 55 Eel Point Road (Map 32 Parcel 47)**

Motion/Vote: Mr. Lowell moved to approve all secondary dwellings listed above in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Topham and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Nat Lowell *Aye*
Joseph Topham *Aye*
Vice- Chair Iverson *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

- **Arienne Bistany & Benjamin Rubenstein, 51 Tennessee Avenue (Map 59.4 Parcel 202)**
- **Andrea C. Giroux & Donald J. Giroux, 25 Hummock Pond Road (Map 56 Parcel 08)**

Motion/Vote: Joseph Topham *Recused*
Mr. Rector moved to approve 51 Tennessee Avenue and 25 Hummock Pond Road in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried 4-0 in favor.

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

V. <u>Garage Apartments:</u>

- **Jennifer & Michael Dobie Check, 1 Stonepost Way (Map 74 Parcel 82)**

Motion/Vote: Joseph Topham *recused*
Mr. Rector moved to approve 1 Stonepost Way in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Vice-Chair Iverson and the motion carried 4-0 in favor.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Vice- Chair Iverson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

VI. <u>Tertiary Dwellings:</u>

- **CEL ACK LLC, 5 Celtic Drive (Map 67 Parcel 659)**

Motion/Vote: Vice-Chair Iverson moved to approve 5 Celtic Drive in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Rector and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Vice- Chair Iverson *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

VII. <u>ANR</u>

- **Donald E. Dimock, 58 Bartlett Road (Map 66 Parcel 100.1)**
- **Ocean's Dojo, LLC, 20 & 22 Bartlett Farm Road (Map 65 Parcels 76 & 76.1)**
- **Nantucket Old South LLC, Clifford Schorer, Manager, 33 Old South Road (Map 68 Parcel 4)**
- **Auburn Cottage, LLC, 46 Easton Street (Map 42.4.1 Parcel 22)**
- **Quaker Road LLC, 14 Quaker Road & 22 Vestal Street (Map 41 Parcel 39)**
- **Nantucket Cottage Hospital C/O Partners Health Care, 60 Meadow View Drive (Map 56 Parcel 167)**

Motion/Vote: Vice-Chair Iverson moved to approve all the ANR's listed above in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Vice- Chair Iverson *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

VIII. Previous Plans:

- **Oliver's Way Subdivision, 52 Burnell Street,** *Endorse legal documents*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Endorse legal documents that go with the subdivision.

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

  Vote taken by Roll Call:
  Barry Rector *Aye*
  Vice-Chair Iverson *Aye*
  Nat Lowell *Aye*
  Joseph Topham *Aye*
  Chair Trudel *Aye*

- **Maple Lane Subdivision,** *for J Lot Release and acceptance of Performance Security Bond*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Mrs. Trudel briefly gave an overview and update of the subdivision.

  Motion/Vote: Mr. Rector moved to release the three (3) of the remaining four (4) lots and to hold fourth lot under the condition that the Applicant submit a Performance Security Bon in the amount of $960,090.0 and to hold the Form J until the road base is installed and inspected by Mr. Pesci which is scheduled to be installed August 8th. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

  Vote taken by Roll Call:
  Barry Rector *Aye*
  Vice-Chair Iverson *Aye*
  Nat Lowell *Aye*
  Joseph Topham *Aye*
  Chair Trudel *Aye*

- **Sandpiper I & Sandpiper II**, *re-affirm vote of minor mod from January 2019*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None

Discussion: The decision was never drafted and filed. Requesting that the Board re-vote in the positive, it was a decision that the Board made back in 2019 to allow the AMI units to also apply to the duplex units where the initial decision only allowed for single family. This hasn't been an issue in terms of permitting and financing, it was more of a paperwork clean up.

Motion/Vote: Vice-Chair Iverson moved to re-affirm the original vote so staff can draft and file under the current Board composition. 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*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

IX. Sketch Plans:

- **10R Gray Ave,** *discussion of potential Special Permit Amendment*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Lisa Botticelli
  Discussion: Lisa Botticelli stated that when the rear lot subdivision happened there was a tertiary dwelling restriction put on the back of the lot. The Applicant is hoping to remove the restriction like Laura Garabrant who is next door to them. The goal is to get more year-round housing and not for a short-term rental. No further division on this property. Planning Staff supports request. Mr. Welch supports the application. Mr. Lowell stated that shed could be the tertiary and the garage as a second dwelling. Mrs. Trudel stated that from Planning staff perspective this is something they would support, it is generating additional housing and it's an oversized lot. The plan shows two houses, the main house, the little shed that is a dwelling now and the garage/studio which would be designated as a tertiary dwelling. Mr. Rector is in support of this and would like to use Mrs. Trudel's supportive comment. Vice-Chair Iverson stated that he would like to see it remain within the tertiary standards. Mr. Topham stated that he is in favor. Mr. Welch stated that the whole reason tertiary is in place is to local control a year-round housing and is in support of this application.

X. PublicHearings:

- **Nantucket Realty Trust, Jeffrey Kaschuluk, Trustee, Van Glider Avenue Subdivision, 86A & 88 Old South Road,** *action deadline 09-12-2022,*
  CONTINUED TO 09-12-2022
- **Catherine Dean Schulman, Trustee, 48 West Miacomet Road,** *action deadline 09-30-2022,*
  CONTINUED TO 09-12-2022
- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue,** *action deadline 09-30-2022*
  CONTINUED TO 09-12-2022
- **The Nantucket Hotel, 77 Easton Street,** *action deadline 09-11-2022*
  CONTINUED TO 09-12-2022

Motion/Vote: Mr. Lowell moved to approve all the continuance listed above. The motion was duly seconded by Mr. Rector and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

- **1 Airport Road, LLC, 1 Airport Road,** *action deadline 10-31-2022* ***CONTINUED TO 09-12-2022***
- **7 Airport Road, LLC, 7 Airport Road,** *action deadline 10-31-2022* ***CONTINUED TO 09-12-2022***

Vice-Chair Iverson stated that he is frustrated by the continued continuation for these two applications. Not happy with the process, the property is an eyesore and makes the Board look terrible. Vice-Chair stated that he doesn't want to believe that this was a strategic move to stop from getting fined. Vice-Chair Iverson stated that he would like to see drainage plan, landscape plan and a site plan. No more continuance must have an update. Makes the Board look bad and a waste of staff time. Chair Trudel opened the public hearing. Linda Williams, Agent for 1 and 7 Airport Road stated that they are talking with the engineer to discuss different scenarios and that everyone involved is aware that this needs to be worked out. They received clearance from the Wannacomet Water Company. They need to implement the screening on 7 Airport Road. The Applicants agreed to splitting the driveways. The Applicants are waiting to work with Tom Hanlon regarding screening. Chair Trudel stated that permits were filed to avoid fines. Mrs. Trudel stated that this is swaying to a full-blown discussion where this is listed as a continued item on the agenda. The status update was appropriate, the frustration amongst the Board is appropriate however the back-and-forth discussion in detail going into open meeting law. Mr. Borchert stated that he objects to opening the public hearing with no information in the packet when it was presented as a continued item in the staff report. Mr. Rector point of procedure stated that it would have been fine to express concern about the continuance however we've opened the door with the Applicant's representative of making a comment about the project and unfortunately, we have crossed into a territory of should we be holding public hearing. Hopefully the Public will respect our request to wait. Chair Trudel stated that looking at the procedure the comment made by Mr. Iverson was appropriate, when we allowed Ms. Williams to speak on it, we must now open to the public. Chair Trudel stated that as a precautionary that the Board adhere to all procedures asked if there's any comment from the public that he would entertain them to speak. Mrs. Trudel stated that she is not seeing anyone.
Point of procedure Mr. Rector.

Motion/Vote: Mr. Rector moved to continue both applications 1 Airport Road and 7 Airport Road duly seconded by Mr. Lowell and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Mid Island Service Limited Partnership, 41 & 43 Sparks Avenue, action deadline Car Wash,** *action deadline 11-06-2022*

  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: Nat Lowell
  Documentation: File with associated plans, photos and required documentation
  Activated: Abby DeMolina
  Representing: Attorney Arthur Reade
  Discussion: Attorney Reade gave an update. Attorney Reade stated that this is a situation in which the Major Commercial Development was granted for the second floor of the car wash to be used for employee housing however the Applicant is requesting that the plan be amended to be used for office and storage spaces. Chair Trudel opened the floor to the public. No public comments were made.

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

  <u>Vote taken by Roll Call:</u>
  Barry Rector *Aye*
  Vice-Chair Iverson *Aye*
  Abby DeMolina *Aye*
  Joseph Topham*Aye*
  Chair Trudel *Aye*

  Motion/Vote: Mr. Rector moved to approve the modified special permit for the MCD application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

  <u>Vote taken by Roll Call:</u>
  Barry Rector *Aye*
  Vice-Chair Iverson *Aye*
  Joseph Topham *Aye*
  Abby DeMolina *Aye*
  Chair Trudel *Aye*

- **Nantucket Property Owner, LLC, 6 Beach Grass,** *action deadline 11-06-2022*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Linda Williams, Agent
  Discussion: Mrs. Trudel provided the Board with an overview of the application. Vice-Chair Iverson in favor of the application. Mr. Rector wants to make sure that there is a provision that there are no on street parking and is in favor. Chair Trudel opened the floor to the public. No public comments were made.

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

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

- **Stephen T. Swift & James V. Nancy S. O'Connor, Sand Eel Subdivision (Modification #1), 50 Miacomet Avenue & 3 Sand Eel Lane,** *action deadline 10-23-2022*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchart and Abby DeMolina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Arthur Reade and Dan Bailey
Discussion: Mrs. Trudel provided the Board with an overview of the application. There was a brief discussion of modifying condition number 1 to change six months to a year, the applicant would be requesting for an extension. Chair Trudel opened the floor to the public. No public comments were made.

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

<u>Vote taken by Roll Call:</u>
Nat Lowell *Aye*
Joseph Topham *Aye*
Barry Rector *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Lowell moved to approve the application with the following findings and conditions outlined on the staff report with the elimination of condition #2 and modifying condition number 1 to reflect one year instead of six (6) months. 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*
Joseph Topham *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

- **27 Fair Street, LLC, 27 & 29 Fair Street,** *action deadline 10-31-2022*

  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

  Alternates: Stephen Welch, Carl Borchart and Abby DeMolina

  Recused: None

  Documentation: File with associated plans, photos and required documentation

  Activated: None

  Representing: Attorney Sarah Alger

  Discussion: Attorney Alger provided the Board an update. Attorney Alger has been working with the abutters per the Boards request to reach a resolution. Attorney Alger stated that with the cooperation and considerable efforts with everyone they reached a resolution of the issues and would like to go over it with the Board. Submitted a revised operation management plans to staff. There will be a total of seventeen (17) guest rooms across both properties with a total occupancy for guests exclusive of employees of thirty-four (34) guests. The back building at 29 Fair Street will be used for storage and office space. All three guest buildings that house guests will be renovated and will include fire suppression systems. Restaurant will be for the sole use of guest of the Hotel. 29 Fair Street known as the Wood Box will be used solely for guests of the hotel and the guest house at 29 and 27 Fair Street. All food will be prepared in the on-site commercial kitchen, all services will be limited to table service and it will be in accordance with the local State and federal laws. There will be no outdoor seating for the restaurant. There will be no room service or other food delivery provided from the restaurant. The hotel can apply for an all-alcohol innkeeper's license however there will be no physical bar at the hotel. No alcohol delivered to rooms due to no room service. The hours of operation will be from 7am to 10pm. No exterior expansion and footprint or massing of any of the structures at either 27 and 29 Fair Street with the exception of the maintenance restoration of the foundation of the main building at 29 Fair Street. For 29 Fair Street the Applicant are going to try and do a historic renovation of that structure and part of that will be fixing the foundation that it sits on. The Applicant will attempt to ameliorate the drainage issues that are coming from the rear building at 29 Fair Street. There will be permitted changes for ADA and Massachusetts Commission on disability compliance. On 29 Fair Street there's an interior light shaft that goes through the building they will be closing it. A nonsmoking policy will be enforced. The Management plan can only be modified by a public hearing. Chair Trudel opened the floor to the public. Attorney Reade stated that they have reached a settlement which may not be exactly what either party would have ideally wanted. Attorney Reade thanked everybody for their participation and Attorney Alger. Vice-Chair Iverson questioned with the agreement with the abutters that they are not allowed to open restaurant to the public or is there hope that they will open to the public at some time. Attorney Alger stated that they are putting a deed restriction on the property that would prevent the Applicant from opening to the public. Vice-Chair Iverson stated that it's sad but appreciate all the work to make this work out. Mr. Rector stated that the loss of the restaurant to the public is somewhat troublesome that it's become its own private entity. Mr. Rector stated that as a Board we are missing something by letting it be privatized on that level. Hank Gutman thanked everyone for their efforts. Mourn the loss of the public restaurant Woodbox. Mr. Rector …Jay Foley direct abutter of 27 Fair Street, appreciate all time and from Blueflag there are a few issues that have not been addressed is the current plan interior for 27 Fair Street the kitchen arrangement and concern with the preliminary agreement. William Fordyce not in favor of the application and expressed his concerns. Mr. Borchert had an understanding that the decision will incorporate many parts of the management plans that are in place and agreed to. Vice-Chair Iverson stated that he wants to move forward and need to forward. Felt that the Applicant has given enough and that it is a Special Permit where it can be revisited. Mr. Rector troubled by bringing parking up again. He stated that is why he was asking about the site plan having changed.

What he knew that there were landscape patios and parking was a bare minimum. He asked if there is something changing that they should be aware of. Mr. Rector unclear as to why it was brought up and would like an explanation as to why. Attorney Alger stated that they are not proposing any changes to the site plan that was presented in the June meeting. William Fordyce stated that he had two issues, and they are drainage and parking due to safety.

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

Vote taken by Roll Call:
Vice-Chair Iverson *Aye*
Carl Borchert *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Borchert moved to approve the application with the provision that the construction window is from June 15th to September 15th be prohibited and with the conditions that have been laid out based on the management plan. The motion was duly seconded by Vice-Chair Iverson. Chair Trudel included in the motion the existing proposed conditions landscape plan, lighting plans, the recent certificate of inspection, the existing and proposed bedroom counts and with the fire suppression as discussed. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

Vote taken by Roll Call:
Carl Borchert *Aye*
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

Chair Trudel thanked everyone and stated that the Board will probably hear some negative but likes to look at all the positive.

Attorney Alger thanked Attorney Reade and his clients as well as the Board for their patients and getting through this process.

XI. Public Comment:

There was no public comment made.

XII. Other Business:

- **Next Planning Board meeting, Monday, September 12, 2022, at 4pm via Zoom**

XI. Adjournment:

Mr. Rector moved to adjourn the meeting at 6:11PM. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously 5-0.

Vote taken by Roll Call:
Carl Borchert *Aye*
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*