Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
October 13, 2022

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

Alternates: Stephen Welch, Carl Borchert, and Abby De Molina

Staff: Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (Administrative Specialist)

Webinar Registration Link:
https://us06web.zoom.us/webinar/register/WN_Q6bmA-kOQ2aeh-rIEbvF5g
To view the meeting only, see link below:
https://www.youtube.com/watch?v=SgBzLIk8I_U

I. Call to order:

Chair Trudel called the meeting to order at 4:06PM.
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*
Barry Rector *Aye*
Joseph Topham - *Absent*
Chair Trudel *Aye*

Alternates:
Carl Borchert *Aye*
Stephen Welch *Aye*
Abby De Molina *Aye (arrived late)*

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

II. **Approval of the agenda:**
Mr. Rector moved to approve the agenda. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

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

III. **Minutes:**
- **September 12, 2022, *CONTINUE TO NOVEMBER 14, 2022***

IV. **Secondary Dwellings:**
- **Homemade LLC - 7A Mary Ann Drive**
- **Jose Hidalgo - 28A Evergreen Way**
- **William Graham - 53 Meadow View Drive**
- **Francis Farrell - 4 Westmoor Lane**
- **27 Cornwall Street Realty Trust - 27 Cornwall Street**
- **AF12, LLC – 26 Naushon Way**

Motion/Vote: Mr. Rector 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. Lowell and the motion carried unanimously.

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

- **Kim Glowacki - 3B Miller Lane**

Chair Trudel recused and Vice -Chair Iverson will be the acting Chair.

Motion/Vote: Mr. Rector moved to approve 3B Miller Lane 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:
Barry Rector *Aye*
Nat Lowell *Aye*
Vice- Chair Iverson *Aye*

V. **ANR**
- **S.A.W.B. Corporation - 24 Cliff Road**
- **Ronald W. Winters and Ellen H. Winters - 12 Gardner Street**
- **Heather Vance Haddon, Trustee of Twenty One Milk Street Trust - 21 Milk Street**
- **Diane L. Downing - 1 Toombs Court**
- **T. McGrath 2012 Qualified Personal Residence Trust & S. Medallis 2012 Qualified Personal Residence Trust - 78 Cliff Road**
- **Town of Nantucket - Waverly Street Parcel W**

- **Okay Okay House LLC - 10 Union Street**
- **Town of Nantucket - 47 Okorwaw**
- **Richmond Meadows Two ACK, LLC - Lot 963 on LC Plan Harvey Road –** ***To be heard under Previous Plan***

Motion/Vote: Mr. Rector moved to approve all the ANR's listed above in accordance with the recommendations outlined in the staff report except for Richmond Meadows Two ACK, LLC which will be discussed under agenda item previous plans. 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*
Chair Trudel *Aye*

VI. Previous Plans:

- **#40-16 Meadows II Workforce Rental Development,** *minor modification*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
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 identify as a minor modification. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

Motion/Vote: Mr. Rector moved to approve the minor modification. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

- **ANR: Richmond Meadows Two ACK, LLC - Lot 963 on LC Plan Harvey Road**

Motion/Vote: Mr. Lowell moved to approve Lot 963 on LC Plan Harvey Road in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

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

- **Craig's Way Subdivision,** *Re-affirm vote from 09-12-2022 meeting*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  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. Lowell moved to re-affirm vote taken on September 12th. 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*
  Barry Rector *Aye*
  Chair Trudel *Aye*

- **8 & 8A Miacomet Avenue,** *endorsement of plans*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Endorse plan.

  Motion/Vote: Vice-Chair Iverson 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>
  Vice-Chair Iverson *Aye*
  Nat Lowell *Aye*
  Barry Rector *Aye*
  Chair Trudel *Aye*

- **Sand Eel Lane Subdivision,** *endorsement of plans*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Endorse plan.

  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*
  Barry Rector *Aye*
  Chair Trudel *Aye*

- **PLSUB-2022-05-00273 William A. Tornovish, Jr. & Deborah A. Tornovish, Trustees Tornovish Realty Trust, 21 Allen's Lane Subdivision,** *endorse legal documents*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  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*
  Chair Trudel *Aye*

VII. Warrant Article Concepts (draft list):

Mrs. Snell gave a brief preliminary draft list of articles for the 2023 ATM.
Chair Trudel questioned if there has been any opposition of the proposed articles concepts. Mrs. Snell stated that this list is preliminary and conceptual. Arrowhead Drive property owner consider something else usually done in October late November for time to review for any adjustments. Mr. Lowell the double covenant come up with criteria under the special permit to allow two in R-10 and R-20 with certain amount of lot size to fit that criteria to allow. Mrs. Snell will investigate and do some type of analysis. Will work with GIS coordinators with over sized lots and go from there. Chair Trudel welcomed Abby who joined meeting at 4:27PM.

VIII. PublicHearings:

- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue,** *action deadline 12-31-2022,* ***REQUEST TO WITHDRAW WITHOUT PREJUDICE (see new application)***
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: None
  Motion/Vote: Mr. Rector moved to accept the request for withdrawal without prejudice. 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*
  Chair Trudel *Aye*

- **Catherine Dean Schulman, Trustee, 48 West Miacomet Road,** *action deadline 12-31-2022*
  REQUEST TO WITHDRAW WITHOUT PREJUDICE
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: None
Motion/Vote: Mr. Rector moved to accept the request for withdrawal without prejudice. 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*
Chair Trudel *Aye*

- **1 Airport Road, LLC, 1 Airport Road,** *action deadline 12-31-2022*
  CONTINUE TO NOVEMBER 14, 2022
- **7 Airport Road, LLC, 7 Airport Road,** *action deadline 12-31-2022*
  CONTINUE TO NOVEMBER 14, 2022

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: None
Motion/Vote: Vice-Chair Iverson extend the action deadline to 12-31-2022 and to continue the public hearing to the November 14th meeting for both applications 1 and 7 Airport Road. 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*
Chair Trudel *Aye*

- **ACK Skibo Nominee Trust, Lester E. Lipscutz, Trustee, 9 Madaket Road,** *action deadline 12-14-2022*
  CONTINUE TO NOVEMBER 14, 2022

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Arthur Reade
Discussion: Vice-Chair Iverson questioned the reason for continuance. Mrs. Trudel stated that the Applicant's representative wanted to have an opportunity to reach out to some of the property owners.

Motion/Vote: Vice-Chair Iverson to continue to November 14th. 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*

Chair Trudel *Aye*

- **Mark and Karen Correia, 9 Correia Lane,** *action deadline 01-11-2023*
  Voting: (Chair) John Trudel, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  Recused: Vice-Chair Iverson
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Attorney Michael Wilson and Marylin Correia
  Discussion: Attorney Wilson provided the Board with an overview of the application. Lot 1 removed from the HOA which would prohibit access to the lot from Marylin Lane. No access from Marylin Lane there would be no need to contribute to the ongoing maintenance of Marylin Lane. 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*
  Chair Trudel *Aye*

  Chair Trudel sees no safety issues and if neighbors have no issues good to go. Attorney Wilson stated that the owners will continue with condition number one provided in the staff report.

  Motion/Vote: Mr. Rector moved to approve 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*
  Chair Trudel *Aye*

- **Helaina M. Jones, 41 ½ Nobadeer Farm Road,** *action deadline 01-11-2023*
  Voting: Vice-Chair David Iverson, Nat Lowell, Barry Rector and Abby De Molina

  Alternates: Stephen Welch, Carl Borchert and Abby De Molina
  Recused: (Chair) John Trudel
  Documentation: File with associated plans, photos and required documentation
  Activated: Carl Borchert and Abby De Molina
  Representing: Attorney Arthur Reade
  Discussion: Mrs. Trudel provided the Board with an overview of the application. Acting -Chair Iverson 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>
  Nat Lowell Aye
  Barry Rector *Aye*
  Abby De Molina *Aye*
  Carl Borchert Aye
  Vice-Chair Iverson *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.

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

- **29 Center Street, LLC – "The Faraway" – 2 & 4 Chestnut Street, 29 & 31 Center Street, 11 India Street, and 16.5 Federal Street,** *action deadline 01-11-2023*

Two separate public hearings before the Board there will Part one and Part two for discussion.

Part One:
Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Stephen Welch
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch
Representing: Attorney Sarah Alger and Brad Guidi
Discussion: Mrs. Trudel stated that the Board does need to take this in two separate public hearings, the first one is the applicant is requesting to modify the MCD special permit so that the lower level of the corner property, known as the Manor House can be converted to the existing retail space it wants to be converted to a simple meeting space which staff is supportive of the request and it wouldn't warrant any additional conditions. 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.

Vote taken by Roll Call:
Barry Rector *Aye*
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Stephen Welch *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 Vice-Chair Iverson and the motion carried unanimously.

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

Part 2:
Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Stephen Welch
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch
Representing: Attorney Sarah Alger and Brad Guidi, Blue Flag Partners
Discussion: Part two is a follow up to the original decision. This is a decision and condition that stated that

the Board needed to hold a public hearing in the fall following the first full season that the restaurant was open to go through and make sure the conditions of the decision were being met. From Staff's knowledge they didn't receive any complaints from the public. Chair Trudel opened the floor to the public. Cam Sutton wanted to make sure that there was a thorough vetting in terms of complaints. Mrs. Trudel stated that there have been no complaints to our office regarding this special permit or development. Staff did not check with the Police Department, nor have they made staff aware of anything occurring on this site of any complaints. Mr. Lowell stated that Amy Baxter would have informed Planning staff with any issues and or concerns. Attorney Alger not aware of any issues however has not been to the Police station to confirm. Hillary Hedges Rayport stated that she sent an email to Amy Baxter about a year ago in September and read the email to the Board. Ms. Rayport wanted the Board to be aware that she was seated in the cocktail lounge outside with dining happening as well. Attorney Alger stated that there is nothing in the decision that's relevant to the decision that Ms. Rayport stated. Chair Trudel stated that Ms. Rayport has the right to express comments. Lind Williams stated that several restaurants downtown have outside patios without violating any historic issues. Mr. Guidi stated that there are formal dining height tables of about twenty (20) seats and there is a full menu to serve dinner outside.

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

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

Motion/Vote: Mr. Lowell moved that the Board approves Planning staff's opinion that the Applicant met all the necessary conditions of the existing permit for the 2022. The motion was duly seconded by Mr. Rector and the motion carried unanimously.

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

- **Spencer & Denise Goldsmith, 1 White Street,** *action deadline 01-11-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Carl Borchert
Representing: Spencer & Denise Goldsmith
Discussion: Mrs. Trudel provided the Board with an overview of the application. Chair Trudel sees no issues with the proposal and is supportive of this application. Mr. Welch stated that the Applicant put the apron a little further out into, not sure which side the multi-use path is going to be on and wanted to reference to the Applicant. Chair Trudel opened the floor to the public. Cam Sutton stated that at last night's Select Board meeting they discussed about this and possibly making it about forty (40) feet wide and suggested to delay until the improvements are done due to the taking of lands. Chair Trudel Mrs. Trudel stated that condition number two (2) can be reworded to say something to the effect of a compliant apron shall be installed after Lovers Lane roadway improvements have been completed. Mr. Rector suggested that condition number one should be modified as well and asked if this was time sensitive. It is time sensitive, and the Applicant will need the approval to obtain the Certificate of Occupancy for the second dwelling, if they don't receive the approval, it would be a possible zoning violation. Mrs. Trudel stated that she would slightly amend her staff

recommendation from a staff perspective eliminating condition one (1) and rewording condition number two

(2) to bring that into compliance after the roadway improvements are completed so we are not holding the Applicant.

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

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

Motion/Vote: Mr. Lowell moved to approve the application with the following findings and conditions outlined on the staff report and the changes that Mrs. Trudel stated in the discussion. The motion was duly seconded by Mr. Borchert and the motion carried unanimously.

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

- **Sarah Underwood, Trustee of The Sarah M. Underwood 2021 Revocable Trust, 25 Autopscot Circle,** *action deadline 01-11-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Abby De Molina
Alternates: Stephen Welch, and Carl Borchert
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Abby De Molina
Representing: Matthew MacEachern
Discussion: Mr. MacEachern provided the Board with an overview of the application. Nashaquisett Homeowners Association reviewed the plans and written a letter for support of the project. Chair Trudel questioned if this is the first of this kind in the neighborhood or will this trigger other homeowners to seek the same kind of relief. Mr. MacEachern stated that he is going to assume that other property owners in the subdivision have sought modifications additions to their properties. Mr. Welch stated that it is a diminish change to the footprint. 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 Vice-Chair Iverson and the motion carried unanimously.

Vote taken by Roll Call:
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Barry Rector *Aye*
Abby De Molina *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Lowell moved to approve the 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.

Vote taken by Roll Call:
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Barry Rector *Aye*
Abby De Molina *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 and 4 Dolphin Court (RE-NOTICE),** *action deadline 10-30-2021*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch
Representing: Attorney Michael Wilson, Linda Williams, and Don Bracken
Discussion: Attorney Wilson provided the Board with an overview of the application. Attorney Wilson requesting that the Board reconsider to allow them to submit a new site plan allowing to create one buildable lot and one non-buildable lot which will be dedicate to the rerouting of the sidewalk along North Beach Street to accommodate a pullover location for taxi drop-off and pick-up. Chair Trudel opened the floor to the public. Cam Sutton questioned if available for short term parking for Epernay or public use if it comes to Town property. Attorney Wilson stated that the intent is transient drop-off and pickup to avoid interfering with the regular flow of traffic on North Beach Street. David Klebanoff council to the neighbors on Dolphin Court stated that he wanted to be clear that this was a very long thought through negotiation which it resulted in a new easement agreement and wanted to make sure that there's a copy of the written conditions that was discussed with Council so when the time comes to include the agreement in the permit. Mark Gonnella owners of 71, 73 and 75 Easton Street on the back side of the Dolphin Court, wanted an update from the February meeting and status. Attorney Wilson gave an overview of the proposal. Linda Williams stated that she has not brought to HDC yet due to technical needs. Mr. Gonnella questioned if he will be sent a noticed. Ms. Williams stated that she will make sure once she submits HDC application that he will be notified.

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

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

Motion/Vote: Mr. Rector moved to approve the Applicant's revised proposal, to allow staff to work with Council to incorporate the proper wording and terminology in the decision prior to it being filed and with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

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

- **Nantucket Realty Trust, Jeffrey Kaschuluk, Trustee, Van Gilder Avenue Subdivision, 86A & 88 Old South Road,** *action deadline 12-31-2022*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Jeff Kaschuluk and Dani Petkova
Discussion: Mrs. Trudel stated that Mr. Kaschuluk spent time with Planning staff to sort through the details and brought back a solid plan. Mr. Kaschuluk has no issues with the four-member Board and ok to move forward. Mrs. Trudel stated that the plan has been updated, some of the lot sizes have been adjusted, an unbuildable spike strip lot added to the end of the roadway to eliminate a connection to an oversized lot, applicant agreed to a utility easement will be put into place from the Easterly Access Easement to the roadway lot and from the Westerly Business Drive an Electric Easement to the roadway lot. Mrs. Trudel put in staff report a list of uses allowed in RC-2 and this will have the standard conditions in a subdivision approval. Chair Trudel questioned about the strip if potentially open in the future if the Town deems it a necessity for the betterment of the Town. Andrew Vorce stated yes. The Planning Board could release the lot if there is a connecting road proposed. Fire Department has reviewed plan. Vice-Chair Iverson wanted to make sure that the stormwater is all set due to it being a big property and in the well recharged wellhead. Mr. Kaschuluk stated that there are no issues and have worked out all the details that Ed Pesce had concerns with. 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*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

Mrs. Trudel stated that staff has had conversation with the Applicant regarding donating some more caliber trees to be planted along the bike path and that it needs to be incorporated into the decision. Mr. Kaschuluk stated that he would like to supply and install in cooperation with the Town Arborist 20 deciduous four-inch caliper tress to be planted between the bike path on the North side of Old South Road and the pavement edge on Old South Road where the Town and Arborist see fit. Chair Trudel asked what the cost would be of doing that. Mr. Kaschuluk stated that it would be between twenty-five to thirty thousand dollars plus.
Motion/Vote: Mr. Rector moved to approve the subdivision with the conditions that the Board laid forward and with what staff provided with the addition of the forestry caliber trees and the editing of condition number three by staff to specify lots five and six instead of all the lots to the West as condition number 11. 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*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

- **Leslie Linsley, 39 Union Street,** *action deadline 12-11-2022*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Abby De Molina
Alternates: Stephen Welch, and Carl Borchert
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Abby De Molina

Representing: Paul Santos, Nantucket Surveyors and Leslie Linsley, Owner
Discussion: Mr. Santos provided the Board with an overview of the application. The intent is to downsize and utilize the lot for Mrs. Linsley's own purposes for her to stay on island and sell of the remainder or the market rate lot. On the plan Mr. Santos stated that they added the location of the Town trees and identified each of them by tag numbers, Town trees 878, 879, and 880. Char Trudel read the update staff report, "The Town Tree Warded shall be consulted, review and approve of the location of a new dwelling unit as it relates to the Town trees prior to the issuance of a building permit. Such approval shall be submitted to the Planning Board." Mr. Rector stated that this lot is a little bit troublesome, and the waiver request are a bit extensive. Some of the waiver's issue with. Vice-Chair Iverson doesn't see giving up ground cover. Mr. Borchert stated that he went and checked out the property. Sees no possible way without damaging the trees and can't see digging foundation without harming the trees. Vice Chair Iverson questioned if Board could deny if tree is part of the purview. Mr. Vorce stated that it is not specifically outlined however can consider a public resource. It is not Chair Trudel opened the floor to the public. Dave Champoux can't see a possibility to build on the property. The roots would be compromised. Would always be. Cam Sutton gave a different design of lot. Nathaniel Scott Land Council unfortunately this lot is too small and constraint for a dwelling unit. Mr. Borchert stated that he did a site visit and feels that building a covenant lot will damage or kill the existing Town trees. Vice-Chair Iverson asked if the tree issues part of their purview. Mr. Vorce stated that the Board has the right to consider a public resource and that this is a subjective call by the Board. Mr. Santos stated that the waiver request is not outside of the scope of Section 8C of the regulation. Mrs. Linsley stated that she has lived on this lot since 1968 and has been trying to find ways to stay on island. Duplex not allowed. Mr. Lowell suggest having this on Town meeting to fix this problem. Mrs. Linsley stated that she is willing to work with staff to solve this issue. Mr. Santos suggest continuing and meet with the Tree warden. Chair opened he floor to the public. Dave Champoux stated that he does not see a possibility to build anything because the root will be compromised and it's just too small of a lot. Cam Sutton stated that the only buildable area is where the parking space on Flora for a garage apartment. Nathaniel Scott, Land Use Coordinator for The Nantucket Land Council stated that he wanted to address some concerns about the proposal feels that the construction of another dwelling unit will compromise the root system of the trees and that the Planning Board should not be granting this Special Permit.

Motion/Vote: Mr. Rector moved to continue the public hearing to the November 13th meeting. 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*
Nat Lowell *Aye*
Abby De Molina *Aye*
Chair Trudel *Aye*

- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue,** *action deadline 01-11-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, and Barry Rector
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Dan Mulloy, Site Design Engineer, and Attorney Steven Cohen
Discussion: Mr. Mulloy provided the Board with an overview of the application. Major Commercial Development with mix use commercial residential building. Thirty-two apartments with 59 bedrooms. Proposing a shared driveway with Cumberland Farms on one side and then a shared driveway connection with house bidders on the other side. Mr. Mulloy stated that at this point this is a proposal and that there is no written agreement with both abutters. Mr. Mulloy stated that the goal is to hear feedback from the Board so they can prepare to adjust the project. Chair Trudel opened the floor to the public. The Applicant provided bigger sidewalk. Provided ninety-four (94) parking spaces. Attorney Cohen stated that the thirty-two units of one two- and three-bedroom units is an opportunity to get that entry level and rental year-round housing which the master plan calls for with this kind of mixed-use development. A proposed bowling alley will be in

the basement. Mr. Lowell Vice-Chair Iverson questioned if the apartments will be deed restricted. Attorney Cohen stated no deed restriction and is currently working with Housing Nantucket to get these into the SHI list by having some affordable housing. Vice-Chair Iverson concern with market rate will not serve the community because too expensive for those in great need for housing and would like for them to continue working with Housing Nantucket. Ms. De Molina questioned if there will be space for bikes and any of the parking spots available for electric vehicles. Attorney Cohen stated that the application it's a three-part Transportation plan that involves bikes, parking being provided for electric vehicles and charging stations. There will be transit passes for employees. Mr. Borchert asked it the Applicant will be doing a traffic study. Mr. Mulloy stated that they started a traffic study with the original application, and it's been on pause until they will provide once a definitive plan has been in place. Chair Trudel stated that for consideration that maybe one day the future Sparks Avenue be a one-way and on Pleasant Street to be another way. Mr. Lowell stated that this is more of an existing condition study to see what improvements can be made with this project. Mr. Mulloy stated that the people they got doing the traffic study are already familiar with the neighborhood since they took part of the Stop and Shop and Cumberland Farms traffic study awhile back. Mr. Welch expressed concern with the restaurant parking spaces and to keep in mind for year-round who are working remotely and that those parking spaces might not be vacant. Mr. Rector stated that they need definitive of what type of mixed-use are going in, hours of operation, expressed concern waiving of the parking spaces and the entrance and exit of the proposed project. Mr. Rector suggested roadway easement to connect onto Allen's Lane. Attorney Cohen stated that there is an objection from the abutter from the West as to doing the shared access. Attorney Cohen stated that they are still talking to and trying to work out a voluntary agreement and if that doesn't work out Mr. Cohen recommend putting a warrant article for 2024 that would do that taking. Mr. Rector in favor of Attorney Cohen's recommendation of imminent domain taking. Chair Trudel opened the floor to the public. Cam Sutton disappointed that there has not been more discussion of the entry and exit with the neighboring properties. Ms. Sutton liked Mr. Rector's suggestion of Allen's Lane connecting. Ms. Sutton would love to see someway to facilitate entrepreneurial retail spaces. Ms. Sutton wanted to make sure that the arcade being proposed is not a gambling opportunity. Attorney Cohen stated that the arcade games are for amusement, not for gambling and there are different types of licensing. Val Oliver stated that this proposal needs to be scrutinized with the transportation and parking in the area. Ms. Oliver suggest scaling things down so no need to request for waiving parking spaces. Charles Locke representing On Island Center and siblings stated that they were not agreeable to the negotiations that was offered due to the traffic flow, parking spaces and the impact it will have of his businesses, Cumberland Farms, and the Second Shop. Chair Trudel stated that the Board takes into consideration what is better for the community, what's good for the future for flow of traffic and safety. Nathaniel Scott for The Nantucket Land Council expressed that they are very concern with the size and intensity of this proposed development. Mr. Scott stated that they are mostly concerned with the storm water management and drainage plans however will reserve comments once they are able to review the plans for the storm water management on the site. Mr. Lowell commented that there is the Nantucket Auto Body and the gas station over the aquifer. Chris Young stated his concern with the shared access. Mr. Young feels that this will have negative impact with his driveway disappearing, drainage an issue due to a lot of run-offs and soften the streetscape like Stop and Shop. Curtis Himy agrees with what Chris Young's concerns and is in same position as him. Hillary Hedges Rayport stated that she is extremely excited the potential for this development and appreciate a mixed-use facility. Ms. Rayport feels that this will make the mid-island have more of a sense of place. She encourages the idea of shared parking and feels that the Planning Department are the only once that can guide proper development of shared parking. Ms. Rayport suggest a way to incorporate HDC session to weigh in on the height and the massing.

Motion/Vote: Mr. Rector moved to continue 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*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

IX. Public Comment:

Hillary Hedges Rayport commented that she was listening to the discussion on Leslie Lindsey's lot and all the concern of how small the lot is. Ms. Rayport suggested to the Board to consider putting an article in the Zoning Code for Town Meeting regarding building on undersized lot and 81L subdivision subject to a variance.

X. Other Business:

- **Next Planning Board meeting, Monday, November 14, 2022, at 4pm via Zoom**

XI. Adjournment:

Mr. Rector moved to adjourn the meeting at 8:47PM. The motion was duly seconded by Vice- Chair Iverson and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Vice- Chair Iverson *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*