Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
November 14, 2022 @ 4:00 PM

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

Alternates: Stephen Welch, Carl Borchert (Absent) 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_jdDW8q9GT9ePS3QtiN4QsA

I. Call to order:

Chair Trudel called the meeting to order at 4:01PM.
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 *Aye*
Chair Trudel *Aye*

Alternates:
Stephen Welch *Aye*
Carl Borchert *ABSENT*
Abby De Molina *Aye (arrived at 5:21PM)*

Staff:
Meg Trudel *Aye*
Catherine Ancero *Aye*
Leslie Snell *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*
Joseph Topham *Aye*
Chair Trudel *Aye*

III. Minutes:

- **October 13, 2022 - *continue***

Mr. Rector moved to continue the October 13th minutes to the next meeting. The motion was duly seconded by Vice-Chair Iverson and the motion was carried unanimously.

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

- **September 12, 2022**

Mr. Rector moved to approve the minutes of September 12th. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

Chair Trudel wanted the public to be aware in case somebody is here for this application that under the Public Hearing item, 39 Fair Street requested for a withdrawal for the second curb cut.

IV. Secondary Dwellings:

- **Second Dwelling: Sankaty Head Golf Club, Inc., 12 Isobel's Way**
  SEE PUBLIC HEARING
- **18 Sherburne Turnpike Nominee Trust, 18 Sherburne Turnpike**
- **Stark Point LLC, 16 Easton Street**
- **Edward Coffin, Jr. & Morgan Coffin, 21 Allens Lane**
- **Nantucket Cottage Hospital, 60 Meadow View Drive**
- **Belinder Bralver & Chuck Bralver, 9 Eat Fire Spring Road**

Chair Trudel stated that Board should have received in their packet an updated plan for 9 Eat Fire Spring Road showing four parking spaces whereas the previous showed three.

Vice-Chair Iverson questioned if the Hospital withdrew their application. Mrs. Trudel stated no, they still have the tertiary dwelling application on the agenda. They initially submitted a Special Permit application to supplement because they were over the ground cover allowance however they have since reconfigured their plan of the house so it conforms to the tertiary dwelling requirement. They are withdrawing the Special Permit component to that tertiary dwelling application, and they are moving forward for the second and tertiary dwellings.

Motion/Vote: Vice-Chair Iverson moved to approve all secondary dwellings listed above except for 12 Isobel's that will be heard under the public hearing items 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.

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

V. Tertiary Dwellings:

- **Nantucket Cottage Hospital, 60 Meadow View Drive**

Motion/Vote: Mr. Rector moved to approve 60 Meadow View Drive 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 unanimously.

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

VI. ANR

- **The Summer House of Nantucket Realty Trust, Nantucket Island Land Bank and The Ocean Avenue Nominee Trust, Magnolia Avenue**
- **Stacey M. Davis, 13 Williams Lane**
- **The Ship's Inn – Nantucket Limited Partnership, 14 Miacomet Avenue**
- **Town of Nantucket, East Hallowell Lane**
- **KMS 126 Nominee Trust, Richard P. Beaudette, Trustee, 126 ½ Main Street**
- **Jamie & John Sandsbury, 17 Helen's Drive**
- **Jermaine & Marita Scarlett, 17A Helen's Drive**
- **Seven Generation Realty Trust, 250 Madaket Road**

Chair Trudel stated that for the record the Board did receive a couple of letters in opposition regarding adequacy of the road at 11 Pilgrim Road. Vice-Chair Iverson request to take out for further discussion.

Motion/Vote: Mr. Rector moved to approve all the ANR's listed above except for 11 Pilgrim Road for further discussion in accordance with the recommendations 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Eleven Pilgrim Road Nominee Trust, Douglas J. Wells Trustee, 11 Pilgrim Road**

Brief discussion regarding adequacy of 11 Pilgrim Road. Vice-Chair Iverson stated that he was the previous owner of this property before the current owner and feels that the road is no different, if anything a little bit better when he had lived there. There has been a considerable amount of development since he left and feels that the current road can handle that. Vice-Chair Iverson understands the concerns and that in his opinion there is enough grade and width for the three proposed lots. Mr. Rector stated that for the record he wants to note that staff goes out and does a review as well. There is written comment from staff stating that it did meet adequate and suitable width and grade. Mr. Lowell stated that this is a private road with no Homeowners Association and that the neighbors need to get together and create one in order to have the roads maintained.

Motion/Vote: Mr. Lowell 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 Vice-Chair Iverson and the motion carried unanimously.

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

VII. Previous Plans:

- **7 Bayberry Lane,** *acceptance of restriction*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Mrs. Trudel stated that Attorney Brescher is requesting the Board accept and endorse a restriction limiting the secondary dwelling to tertiary size standards on one of the original lots in the Rear Lot Subdivision. This is a simple formality that Attorney Brescher is following through with so they can build on the lot. Mr. Lowell questioned if this is affected by the Town Meeting article, if this can be 900 instead of 650. Mrs. Trudel stated yes that it only has to do with the size of the tertiary dwelling, and it'll be 900.

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

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

- **The Westmoor Club,** *Update status of tent*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Mrs. Trudel stated that Paul is here for the minor modification and that staff has not received anything from the Town Clerk about the Attorney General's write-up about the tent bylaw which is what this discussion was intended for.

- **The Westmoor Club MCD,** *Minor Modification*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: None

Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Paul Santos, Nantucket Surveyors
Discussion: Mr. Santos gave a brief overview of the application. Mr. Santos has no input or knowledge about the *"update status of tent"* and will move to the next Planning Board meeting.

Motion/Vote: Mr. Lowell moved to approve the minor modification in accordance with the recommendations and findings 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Stephen Welch - 13 Waydale Road** *second dwelling, tertiary dwelling, Special Permit second driveway access, Special Permit Secondary Lot and Special Permit Tertiary Dwelling extension request*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: Mr. Welch
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: Mrs. Trudel gave a brief overview of the request. Mr. Welch stated that for the record he has recused since this is pertaining to his property.

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

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

VIII. PublicHearings (Applications):

- **Nantucket Cottage Hospital c/o MassGeneralBrigham, 60 Meadow View Drive,** *action deadline 02-12-2023,* ***REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE***

Motion/Vote: Mr. Rector moved to approve the withdrawal without prejudice. The motion was duly seconded by Mr. Topham and the motion carried unanimously.

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

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

Motion/Vote: Mr. Rector moved to approve the continuance to the December meeting. 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*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

- **Sankaty Head Golf Club, Inc., 12 Isobels Way,** *action deadline 02-12-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Kevin Dale
Discussion: Mrs. Trudel stated that this is a twostep that if the Board approve the Special Permit request, then they need to also vote for the second dwelling request. Attorney Dale gave a gave a brief overview of the application. Mr. Lowell stated that he has no issues, and it makes sense. Mr. Topham questioned if Board should be requesting that the Applicant do a fire separation between the two structures for safety precaution. Chair Trudel stated that it falls under the preview of the Building Department. Chair Trudel opened the floor to the public. No public comments were made.

Motion/Vote: Vice-Chair Iverson moved to approve the continuance to the December meeting. 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*

Vice-Chair Iverson would like to include in the decision Mr. Topham's suggestion regarding the fire separation and does not want to be part of the decision without that being included. Chair Trudel stated that no one is not in agreement with Joe's suggestion however might not be under Planning Board's legality purview to require it, would fall under the Building Department. Attorney Dale stated that they would happily accept the suggestion whether it's beyond the Board's jurisdiction.

Motion/Vote: Vice-Chair Iverson made a motion to approve with the findings and conditions outlined in the staff report and add that the Board noted it would be reasonable and prudent for the Applicant to use the fire suppression methods during the course of construction. The motion was duly seconded by Mr. Topham and the motion carried unanimously.

Mr. Rector questioned if starting to get out of Planning Board purview regarding fire separation and if they are going to start requiring in the future as part of the Planning Board decision. Mrs. Snell stated that she does think that it is outside of Planning Board scope, it's a building code related issue however the Board can grant a Special Permit to waive the separation and the Applicant is open to it and maybe it would be better if the Board just make it as a note that you suggest it instead of a condition. Chair Trudel stated that he has no problem adding it as a note and not as a condition since it is the Building Department jurisdiction.

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

- **Second Dweling: Sankaty Head Golf Club, Inc., 12 Isobel's Way**
  Motion/Vote: Mr. Rector moved to approve 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*
  Joseph Topham *Aye*
  Chair Trudel *Aye*

- **Stuart Bomeisler, 28 Crooked Lane,** *action deadline 02-12-2023*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Melissa Bomeisler
  Discussion: Mrs. Trudel gave a gave a brief overview of the application. The new septic was relocated 200 feet towards Crooked Lane due to the Hummock Pond watershed area. The apron material falls under HDC hardscape. Chair Trudel opened the floor to the public. Campbell Sutton suggested that the Applicant remove the existing curb cut on the left hand side and replace with the one on the right hand side, as you enter into that area you would bear to the left to go into the driveway for the front house and if you're not going to the front house you continue on to the back house. Vice-Chair Iverson stated that he appreciates Mrs. Sutton suggestion however he has hard time forcing more cost on the Applicant. Mr. Rector asked if Cam if she has any standing in relation to commenting on this plan. Mr. Rector stated that the Board usually likes to hear from people who are directly affected by this who is about 300-foot radius from the property or was it a general comment. Mrs. Sutton stated just a concern citizen due to traffic safety and does not own property in that area. Stuart Bomeisler stated that the proposal is a safer route, that there's no topography, and no water running into Crooked Lane. Mr. Lowell stated that he sees the reason as to why they did this.

Motion/Vote: Mr. Lowell moved to close the public hearing meeting. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Vice-Chair Iverson moved to approve the application with the following findings and conditions 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*

- **ACKED LLC, 18B Bartlett Road,** *action deadline 02-12-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: None

Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Arthur Reade and Petko Zlatev
Discussion: Attorney Reade gave a gave a brief overview of the application. Chair Trudel stated that he did not see in the plans if there will be exterior storage, garbage debris removal, light manufacturing, or contractor shop, and what is the hours of operation. Mr. Zlatev stated that no exterior storage, everything will be stored inside so no debris, the hours of operation will be 7am to 6pm. The place will be air condition and doors will remain shut due to the materials. Chair Trudel opened the floor to the public. No public comment was made.

Motion/Vote: Mr. Lowell moved to close the public hearing meeting. 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*

Mr. Welch stated that this is a compatible use in the district however sound is really one of the biggest issues and asked to consider that.

Motion/Vote: Mr. Lowell moved to approve the application with the following findings and conditions outlined in the staff report, hours of operations is between 7am and 6pm, and no exterior storage. 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*

- **5 Amelia Drive LLC, 5 Amelia Drive,** *action deadline 02-12-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Arthur Reade and Cecil Barron Jensen

Discussion: Mrs. Trudel stated that she did a minor copy paste error in the staff report under the findings and it should say broadly *"the request is in harmony"* not requesting a contractor shop here in any shape or form. Attorney Reade gave a gave a brief overview of the application. Chair Trudel stated that he personally feels and that it is not reflective of the rest of the Board's opinion, that this is a great idea and that it is long overdue. There are so many different businesses here in the food business caterers, food trucks and things that are inundated with expensive for a site a brick and mortar just so they can provide a NSF approve which is the National Sanitary Foundation approved site so they can run a license out of and a lot of times people are using illegal spaces and home kitchens to skirt around that and maybe jeopardizing some health issues. Ms. Jensen stated that they have spent a fair amount of time before purchasing the building with the members of the Health Department. Roberto from the Health Department is in favor of making this happen and his inspectors are also excited about it. The Health Department likes the consolidation of kitchens in one location and they have assured them that they can have this level of activity in the building if there is a building manager on site to make sure that every person that comes in has their certifications and knows the rules that there is storage facilities in the building both cold freezer type of storage as well as dry storage that will be marked for individual use so there is no cross-contamination of food and people. The Applicant is not looking to continue beer and wine license in this building, there are people who have existing businesses who just need kitchen space. Chair Trudel opened the floor to the public.

Motion/Vote: Mr. Rector moved to close the public hearing meeting. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

Chair Trudel stated that under the findings there is obviously the first and foremost to request that it is in harmony with the general purpose of intent of the Zoning Bylaw also for number two, would like to reiterate what Attorney Reade was stating allowing the site to revert to 135 seat restaurants without further relief from the future and three, that a business manager would be on site with proper certification. Mrs. Trudel stated that it is one finding and two conditions.

Motion/Vote: Mr. Rector moved to approve the application with the following findings and conditions outlined in the staff report, allowing the site to revert to 135 seat restaurant without further relief and that a business manager would be on site with the proper certification. 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*

- **ACK Skibo Nominee Trust, Lester E. Lipscutz, Trustee, 9 Madaket Road,** *action deadline 12-14-2022*
  Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy, Surveyor from Site Design

Discussion: Mr. Mulloy gave a gave a brief overview of the application. The Applicant provided some more detailed plans for stormwater, road surface and fire department access that the abutters expressed concerns with. Applicant pulled back some of the waiver requests that they initially asked for. The Applicant provided a stormwater system for the "shared driveway", having its own drainage system, requiring that each house lot are proposed to construct its individual roof drain collection, storage, and infiltration systems. The Applicant is proposing a solid surface whether it's brick pavement, haven't decided which one and sent a plan over to the fire department showing that a fire truck could access the driveway. Mr. Mulloy stated that he sent the revised plans to the abutters and have not heard from anyone as of yet and is assuming that they have satisfied their concerns. Vice-Chair Iverson expressed saving some of the mature maple trees and if there is any way to work out a building envelope that would consider for both lots. Mr. Mulloy stated that unfortunately not, not a place where they can preserve them. Mr. Lowell no issues with the proposed hard surface for driveway. Chair Trudel stated that the Applicant addressed our concerns from the September meeting and added that there will be no further subdivision. Ms. De Molina joined the meeting at 5:21pm. Attorney Arthur Reade representing Patrick Mack and other abutters stated that the Applicant is not providing the required 40-foot roadway coming in from Madaket Road nor is there any turning radius provided for the entrance to Madaket Road as required by the regulations. Attorney Reade stated that this would be considered an unbuildable lot. Attorney Reade stated that traffic safety is a major concern and that's why the requirement for the turning radius is important. He feels that this is completely inappropriate to grant the waivers and is respectfully asking the Board to deny the various waivers and vote down the proposed subdivision. Jim McDonald stated that the concerns with the abutters regarding the stormwater runoff has not been addressed and adding additional properties and taking trees down will increase the probability of his house flooding. Patrick McEvoy stated that he disagrees with Mr. Mulloy's that things have been sufficiently cleaned up with the abutters. Mr. McEvoy stated that he never received anything from Dan Mulloy or the new proposals only received in a packet from Attorney Reade. Mr. McEvoy spoke with the caretaker very explicitly that they don't know what the intention is and is petrified of trying to subdivide a lot according to the rules and regulations of this Board is technically un-subdividable. Mr. McEvory has been frustrated that the Applicant has not reached out and that they have not addressed their concerns, request that the Board turn down the proposal and leave it as an oversized lot. Vice-Chair Iverson feels that the contours of the lot will be difficult to work with multiple buildings on it and if it doesn't pass the Applicant could come in and build a giant house in there, just because you can doesn't mean it's the right thing to do. Mr. Lowell asked Mrs. Snell to give clarification with the 20 foot as opposed to what the neighbors is stating about the 40 foot roadway what is required. Mrs. Snell stated that the Board has routinely granted waivers for the roadway with the traveled way and the width of the right of way because our subdivision rules and regulations specifically contemplate that it's difficult to create design standards that are appropriate to all types and sizes of subdivisions. The Board has broad discretion with granting waivers. The subdivision rules and regs also contemplate waiving compliance with the regulations to allow roads that are more in keeping with the landscape. Mr. Mulloy stated that he has been in front of the Board numerous occasions for subdivisions exactly like this one and have granted the exact same waivers essentially to reduce the roadway width. Mr. Topham stated that he did have a problem with this when he first saw the application however one of his clients on Lowell Place with similar concerns regarding if enough for a fire truck to get through and there was a false alarm and know that it can get down the road. Mrs. Snell stated that tertiary dwellings are not allowed in R-1. Mr. Mulloy stated that he made an attempt to reach out to all the abutters and if he did not he sent copies to Attorney Reade. Applicant does not see any issue of doing something for the bike path improvements in the area and is fine with no further subdivision. Mr. Rector stated that if this does get continued, he would like staff to get a list of what all the subject properties that are out there that are going to be very similar to what Board is looking at. Andrew Lowell who is a direct abutter stated that he has witness many major rain coming from Madaket Road coming down like a river. Andy Lowell feels that the drainage needs to be taken into much consideration. Andy Lowell personally feels this development would have a negative effect and being a direct abutter, no offense to brother Nat Lowell curious if he should be recusing himself. Andy Lowell questioned what the guidelines for are recusing yourself from a vote when a family member is involved. Nat Lowell stated that he has no financial interest.

Motion/Vote: Mr. Lowell moved to continue to the December meeting. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **1 Airport Road, LLC, 1 Airport Road,** *action deadline 12-31-2022*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Carl Borchert (Absent)
Alternates: Stephen Welch and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: Carl Borchert (Not present)
Representing: Dan Mulloy from Site Design.
Discussion: Mr. Borchert will need to Mullen for future meetings due to not being at tonight's meeting. Mr. Mulloy stated that they did file a plan that suits both properties. The Applicant built swales around the driveway entrance along the airport roadside from Old South Road and put a 30-foot paved driveway width that will be shared between the two properties which will be wide enough and proposing a concrete in the middle to provide some separation. Most of the landscaping has been in place. Vice-Chair Iverson questioned if the Water Company had any concerns with the uses. Mr. Mulloy will need to follow up on that. Mr. Lowell asked if they curb cut on Old South will be removed and questioned the abutting properties on the Nobadeer side if it has been cleaned up. Mrs. Trudel stated that it should be addressed for 7 Airport Road. Chair Trudel opened the floor to the public. There were no public comments.

Motion/Vote: Mr. Lowell moved to continue to the December meeting. 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*
Chair Trudel *Aye*

- **7 Airport Road, LLC, 7 Airport Road,** *action deadline 12-31-2022*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Dan Mulloy from Site Design
Discussion: Mr. Mulloy stated that they are making progress. The status on the southern side of Nobadeer is being cleaned up and Mr. Mulloy is not sure if there may be a paper street abutting on that side which provides further separation. Mr. Lowell was not aware of the paper street. Mrs. Snell stated that the paper road, Upper road between project was the subject of a warrant article last year disposing of it so that will go away eventually. Mrs. Snell thinks that it is important that there is an adequate buffer due to it being a heavy industrial type of use and the residential properties and should be addressed in their decision making. Chair Trudel opened the floor to the public. Mr. Rector questioned if the Applicant will be looking at oil water separators and test pits depending on outside storages and vehicle storage. Mr. Mulloy stated that they will need to have a conversation with the Water Company, the Applicant is trying to stay away from any structural systems. Chair Trudel opened the floor to the public. No public comments were made.

Motion/Vote: Mr. Rector moved to continue to the December 12th meeting. 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*

- **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, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Dan Mulloy from Site Design
Discussion: Chair Trudel stated that this is more of an update status. Mr. Mulloy gave a brief update. Met with both abutters, Chris Young and Cumberland Farms and making some progress. Applicant is hoping to come back to the December meeting with something to show the Board. Chair Trudel opened the floor to the public. No public comments were made.

Motion/Vote: Mr. Lowell moved to continue to the December 12th meeting. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **William F. Puder, Trustee of WKP Realty Trust, 27 Fairground Road,** *action deadline 02-12-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: Nat Lowell
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Bryan Swain, Attorney Rick Beaudette, Donald Bracken, Engineer, and Applicant/Owner Bill Puder
Discussion: Attorney Swain gave a gave a brief overview of the application. The Applicant is requesting to allow the restaurant lot to have a portion of its parking on abutting parcels. An easement will be in place over the southern, unbuildable portions of the residential lot's parking spaces to ensure that such parking will not be removed. Chair Trudel opened the floor to the public. Billy Cassidy stated that he is speaking only as a member of the public, he would like to remind and point out to everybody that the application before you is represented by All-Stars and they have my complete and unconditional support with this and is a great idea. Jerry Vigil, a direct abutter and that this proposal does not provide adequate access to all proposed lots and the restaurant parking lot also needs to be addressed it appears to be inadequate. Mr. Vigil request that a natural buffer in the form of tall trees and a six-foot fence be provided along the entire rear and side of property. Mr. Vigil hopes that the trespassing issues will be addressed, it has been a long term problem. Attorney Swain stated that this could have six lots if someone wanted to demo and what the Applicant is proposing is modest and embarrassing to what could potentially happen. Attorney Swain stated that Kim and Bill Puder are true stewards of the island and whenever

someone needs something they are the first people to open the doors, they've been there for everyone and no one has ever had a problem with them, and we ask that the Board approve the proposal. Mrs. Trudel stated that in this case the Applicant were able to go straight to the Special Permit process because they provided a lotting plan that's an AR subdivision with no waivers that would be allowed by right so that's why they are skipping that step. Mrs. Snell stated that the 20 % is for the restaurant. Mr. Topham stated that if there is any way to get one curb cut for the three lots. Attorney Swain stated that there will be no "new" curb cut it will be exactly what you see when you drive up to Fairgrounds now and that they are going to access the rear lots though what is existing now. Mr. Topham stated that he will retract his comment based on the plan that Mr. Bracken showed on the screen. Mr. Welch stated that looking at the site layout if they flip-flopped those aisles and the parking on the perimeter, he parking will be closer to the restaurant. Mr. Bracken stated that they have looked at that however they wanted to make sure to have fire truck access to the building and the flow works.

Motion/Vote: Mr. Rector moved to close the public hearing meeting. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to approve the Special Permit request for a Rear Lot subdivision and to incorporate any findings or decisions that staff has made in relation to this project. 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*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Theodore, A. Lee, 39 Fair Street,** *action deadline 02-12-2023,* ***REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE***

Mr. Lowell stated that he looked at the property today and sees nothing wrong with the request for the second curb cut application. I would ask staff or the Board that the application fee be waived if they come back. Vice-Chair Iverson stated that this application received letters of opposition and wanted to make it clear that this particular property where they intended on putting a curb cut already had a yellow line in the street, not losing parking but gaining parking space and opening another parking space.

Motion/Vote: Mr. Lowell moved to waive any future application fee if they choose to come before the Board and approve the withdrawal without prejudice. The motion was duly seconded by Mr. Topham and the motion carried unanimously.

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

- **Sandpiper Place I" (South) Nantucket Property Owner LLC, 43 Beach Grass,** *action deadline 02-12-2023*
- **Sandpiper Place II" (North) Single Family Home Development Project, 24 Honeysuckle Drive,** *action deadline 02-12-2023*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina
Recused: Meg Trudel recusing as a neighbor
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Attorney Rick Beaudette
Discussion: Sandpiper Place I and Sandpiper Place II will be discussed at the same time since all the issues relate to one another however two separate votes will be made. No parking provided on site. The Applicant does not want to encourage anyone to drive and only available to the Sandpiper community. Attorney Beaudette gave a brief overview of the application. Chair Trudel questioned if there is a contingency that if the Applicant does not get the pool and the fitness center will it revert back to the original approval if the State doesn't approve. Attorney Beaudette stated that yes it will revert to the original approval. Vice-Chair Iverson stated that this is permitted through the Workforce Housing and asked what the split between the affordable units and the market rates. Attorney Beaudette stated that there are 25% affordable. Vice-Chair Iverson doesn't see how this will work for those who are in the affordable when they are in there because they can't afford and yet you got to pay to play in the pool. He feels that it is a moral dilemma that he can't get over. Vice-Chair Iverson sees that this might be a financial burden on some people. Mr. Welch asked Attorney Beaudette that this is a community pool, outbuilding with fitness studio, community space with restrooms, putting green and lawn area, there's only two requirement of access one is an Owner or a family member in the neighborhood and two is you pay your dues for the upkeep. Attorney Beaudette stated yes. Mr. Welch asked what they anticipate the capacity would be, maybe 40 or 50 people a day? Attorney Beaudette stated that they don't know, and it depends on who wants to be involved. Mr. Welch suggest that the Applicant explore Beach Plum, they have a pro rata approach. They are on an income restricted type of budget. Mr. Rector encourage some type of payment plan, some type of strategy. Chair Trudel opened the floor to the public. Dave Armanetti stated that they have no issues with the AMI swapping, could be a positive to add another 175 AMI restricted home as long as the DHCD certification and approval is not abrogated by this, they would fully support. Mr. Armanetti stated that they are fully in support of the use and the improvement of the lot for this purpose and also very generous to open it to all other members of the subdivision in the community. Mr. Armanetti suggest for some on-street parking. Mr. Armanetti suggested that if they can reduce, eliminate the turnaround on Mayflower it could provide with some additional on-street/off-street parking would be a win -win and would consent to it as the primary permit holder. Chair Trudel stated that some of the issues need to be addressed such as handicap parking and loading zone and certain requirements that code wise that they must have. Mary Longacre stated that a provision for employee parking would be wise. Mr. Rector asked if reached out to the direct abutters to get a general sense of the neighbors. Attorney Beaudette stated yes and they own most of the lots. They have reached out to Anne Kuszpa and is in support. Meg Trudel speaking as a member of the public stated that she is disappointed to hear about these price points and feels that they are unattainable to the community. Questions were raised about the on-street and off-street parking.

Motion/Vote: Mr. Lowell moved to continue to the December 12th meeting. 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*
Joseph Topham *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

- **Fair City LLC, 115 & 117 Old South Road,** *action deadline 02-12-2023*

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

  Alternates: Stephen Welch, Carl Borchert (Absent) and Abby De Molina

  Recused: None

  Documentation: File with associated plans, photos and required documentation

  Activated: None

  Representing: Art Gasbarro, Engineer.

  Discussion: Mr. Gasbarro gave a brief overview of the application. No retail. Vice-Chair Iverson wanted to thank his client for being responsive to PLUS when asked to put gravel down in your apron and that they were able to do that in a day, much appreciated. Vice-Chair Iverson asked if the Applicant reached out to Wannacomet Water Company. Mr. Gasbarro stated not yet will do so. Mr. Rector asked if worth trying to obtain an easement, between the proposed gravel way and on the untraveled way that sits on the side. Mrs. Snell stated that the "Way" that runs along the back of the property is the "Way" that's going to get eliminated. The concept of it will be sold to the Yard Sale Program and pieces of it would go to abutting property owners. Chair Trudel opened the floor to the public. There were no comments made. Chair Trudel questioned if there will be any manufacturing going on, what is the hours of operation, and storage. Mr. Gasbarro will need to confirm with Tom regarding hours of operation and manufacturing.

  Motion/Vote: Mr. Rector moved to continue to the December 12th meeting. 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*
  Joseph Topham *Aye*
  Chair Trudel *Aye*

IX. 2023 ATM Planning Board Sponsored Articles Concept List *see list included with meeting packet*

Mrs. Snell stated that she has been working on the Map change articles and is working on the Bylaw amendments, this is just informational at this point. Mr. Lowell thanked staff for working on an article regarding duplexes in the ROH district.
Mrs. Snell stated that Mr. Lowell's idea would be to add oversized lots in the R-10 and R-20 to the tertiary lot option. Vice-Chair Iverson interested in adding to the zoning district and add to look into a zoning bylaw that deals with timeshare and how to tighten it up. Mrs. Snell stated that there is a property being marketed as a time share and staff sent them an enforcement notice and there are others being marketed as "prospective" timeshare properties and sent enforcement notice to the owner. Mr. Rector mentioned the phasing out of RC-2/RC is still an ongoing process and want the Board to continue on focusing on that track. Mrs. Snell has all those map changes drafted already. Technical Amendments will need to do different this year, have been putting as a single article for decades however the Attorney General just flagged that, in the last set of Articles she approved it however suggested that in the future they do separate articles. Board and staff did a brief preliminary review and discussion of Planning Board sponsored articles concept list. Chair opened the floor to the public. Cam Sutton who lives within 300 feet of the proposed articles, speaking on RC-2 Phase out articles for Salros to CTEC or R-5 not in support of R-5 due to the business on the road fit more with the CTEC definition and not in support of R-5 on Nobska Way due to Appleton is not a sufficient width to handle the traffic load. Mr. Rector point of order stated that not even sure if going to adopt this article and that there will be public testimony at some point. Chair Trudel stated that this is a public comment, we are not going to be going back and forth but will give the liberty to allow Ms. Sutton to comment. Ms. Sutton feels that a buffer needs to be in place for Nobska Way and would appreciate if she did not receive so much negative pushback. Attorney David Buckley representing Christine McGrath looking for Planning Board support Zoning Change for 69 Hummock Pond Road. The property is currently LUG-2 and has been subject to a Conservation Restriction since the mid 90's and the purpose of this article is to clarify available ground cover and further build out of the property. The Conservation Restriction prohibits subdivision and a lot of uses and

development of the property. Attorney Buckley stated that they submitted a citizen petition however feels that they would have more success if the Planning Board sponsored the article. Mary Longacre questioned about the agenda item 10 and wanted to know if a discussion is going to take place tonight. Mrs. Snell stated that the item was the David Buckley comment that was just made. Mrs. Trudel stated that she added that item on Thursday as a potential agenda item knowing that today was the deadline for submission for the citizen warrant articles, staff had no way of knowing at that time whether those articles would be released to staff for the Board to review or discussion either prior to or during this meeting as it turned out staff did not receive a copy or list so therefore no discussion tonight.

X. Discussion of Citizen Articles: (*This agenda item was not anticipated by the Chairman 48 hours in advance*.)

XI. Public Comment:

There was no public comment.

XII. Other Business:

- **2023 Planning Board Meeting Schedule**

FYI staff received some communication from Erika Mooney about the zoom schedule and the October meeting maybe shifted so staff will make the adjustments to that as necessary otherwise it follows the standard second Monday of the month.

Next Planning Board meeting will be December 12th.

XI. Adjournment:

Vice-Chair Iverson moved to adjourn the meeting at 8:42PM. 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*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*