



Nantucket Planning Board

STAFF REPORT

October 13, 2023

To: Planning Board

From: William Saad,
Land Use Specialist

Re: Staff Report for October 16, 2023 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- September 11, 2023
- September 26, 2023, Special Meeting

*****RECOMMEND MOTION for Secondary Dwellings, Garage Apartments and Tertiary Dwellings*****

Motion to approve ALL of the secondary dwellings, garage apartments, and tertiary dwellings on the agenda with any findings and/or conditions as written in the draft approval letters included with your packet. *(pull any application(s) from this motion that the Board feels may require further discussion or if there are any applications where a Board member must recuse)*. Except 2 Mayflower Circle, which will first require approval of a Special Permit.

Secondary Dwellings:

- Benjamin Gifford & Jane Carlin – 4 Heads of Plains Road
- Slacktide LLC – 14-16 Sheep Pond Road
- John & Patrick Harold – 2-4 Highland Avenue
- 8 Maple LLC – 10 Rugged Road (Maple Lane – Lot 8)
- 2 Mayflower Circle LLC – 2 Mayflower Circle – **SEE PUBLIC HEARING**
- Anne R. Teasdale – 24 India Street

Garage Apartments:

- Dan Stobie – 60 Hulbert Avenue

Tertiary Dwellings:

- Theodorakos Vaios Trust – 79 Pocomo Road

*****RECOMMEND MOTION for ANRs*****

Motion to approve ALL of the ANRs on the agenda.

ANRs:

- Nantucket Cottage Hospital – 16 Vesper Lane

Representation: Rick Beaudette

The purpose of this plan is to divide an existing buildable lot into four (4) buildable lots. Planning staff recommends endorsement.

- Robert J. Reby & Mary J. Reby and Robert P. Burke & Leslie L. Burke – 33 & 31 Baxter Road

Representation: Art Gasbarro

The purpose of this plan is to convey parcels from the yard sale program as approved through Article 74 of ATM 2010. Planning staff recommends endorsement.

- Connolly Realty Trust, Connolly Investment Realty Trust III; Connolly Investment Realty Trust, Margaret T. Connolly & Michael E. Connolly, Trustees – 150 Surfside Road

Representation: Mike Connolly

The purpose of this plan is a perimeter plan. Planning staff recommends endorsement.

- Daniel T. Mooney & Anna S. Mooney – 171 Orange Street

Representation: Paul Santos

The purpose of this plan is to divide an existing buildable parcel into two buildable parcels and one unbuildable parcel to be conveyed to an abutting property. Planning Staff recommends endorsement.

- 43 West Miacomet, LLC – 43 West Miacomet Road

Representation: Dan Mulloy

The purpose of this plan is to file a perimeter plan. Planning staff recommends endorsement.

- 41 WMR Trust – 41 West Miacomet Road

Representation: Dan Mulloy

The purpose of this plan is to file a perimeter plan. Planning staff recommends endorsement.

- 85 Orange Street – Rita A. McCauley et al Trustees of Attymass 2003 Rev. Trust

Representation: Jeff Blackwell

The purpose of this plan is to divide a buildable lot into two buildable lots utilizing 41/81L, a report is provided in the packet for review. Planning Staff recommends

endorsement.

Previous Plans:

- **Ainsworth Avenue – 9 Madaket Road,** *Endorse legal documents*

Representation: Richard Glidden

The Applicant is requesting that the Board endorse the legal documents (as provided in the packet). Planning staff recommends endorsement.

- **Grey Lady Subdivision,** *request for release of Performance Surety*

Representation: Larry Maury

The Applicant is requesting release of the remaining fund in the performance surety account. It is noted that there may be some minor “punch list” items remaining. Planning staff recommends that Board approve the release subject to staff coordination with the Town’s consulting engineer on final amount.

- **Hawthorne Park Subdivision,** *request for release of Performance Surety*

Representation: Rich Craddock/Sarah Alger

The Applicant is requesting release of the remaining fund in the performance surety account. It is noted that there may be some minor “punch list” items remaining. Planning staff recommends that Board approve the release subject to staff coordination with the Town’s consulting engineer on final amount.

- **Ellens Way Subdivision,** *request for release of Performance Surety*

Representation: Sarah Alger

The Applicant is requesting release of the remaining fund in the performance surety account. It is noted that there may be some minor “punch list” items remaining. Planning staff recommends that Board approve the release subject to staff coordination with the Town’s consulting engineer on final amount.

Public Hearings:

- **John J. Calnan, Trustee, John J. Calnan 2015 Trust - 21 Brewster Road,** *action deadline 12-31-2023*
REQUEST TO CONTINUE
- **ACK Mid Island, LLC & ACK Offices, LLC – 18, 18A, 20, 22, 24 & 26 Sparks Avenue,** *action deadline 12-31-2023*
REQUEST TO CONTINUE
- **Daniel H. Gault - 12 Essex Road,** *action deadline*
REQUEST TO CONTINUE
- **The Westmoor Club - 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane,** *action deadline 12-10-2023*
REQUEST TO CONTINUE
- **The Procaccianti Group, LLC - 3, 5 & 7 Sea Street,** *action deadline 12-10-2023*
REQUEST TO CONTINUE

- **Costas Avalon LLC – 50 Burnell Street**, *action deadline 11-12-2023*

Voting: David Iverson, Nat Lowell, John Trudel, Barry Rector, Joe Topham

FROM THE AUGUST STAFF REPORT:

Representation: Dan Mulloy

The Applicant is proposing a four (4) lot, three (3) buildable lot AR Subdivision. The roadway lot will have an entrance on Burnell Street and will function as a shared gravel driveway approximately 14ft in width. The buildable lots are all oversized, ranging in size from 32,868 to 42,346 square feet. The property is currently serviced by municipal sewer, and the Applicant is reviewing the option of extending municipal water. The site is located in the SR-20 zoning district.

Included in your packet is a list of waivers proposed by the Applicant. A report from the Town's consulting engineer will be forthcoming.

It is noted the Board approved a similar request at an abutting property at 52 Burnell Street in 2021. Planning staff recommends approval, with the following finding and conditions that are reflective of the 52 Burnell Street decision for consistency.

Findings:

- 1) That the Applicant's proposal is in harmony with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That the Applicant make any necessary adjustments to the proposal as a result of the recommendations of the Town's consulting engineer, Ed Pesce;
- 2) That recorded copies of all legal documents, such as Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association, shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That the Homeowner's Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the final lot;
- 4) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 5) That the lots shall not be further subdivided without further relief from the Planning Board. Minor lot line adjustments and creation of secondary and tertiary lots may be permitted following the proper permitting processes;
- 6) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying SR-20 zoning district, or as otherwise specified in the zoning bylaw;
- 7) That the roadway lot be conveyed to the Homeowner's Association prior to the release of the final lot;
- 8) All lots shall be connected to both municipal sewer and water prior to the issuance of a Certificate of Occupancy for any structure; and
- 9) That two of the three lots and the roadway lots shall be eligible for release after endorsement of the legal documents and definitive plan.

FROM THE SEPTEMBER STAFF REPORT:

The Applicant has submitted an updated plan, with a shared access with the Oliver's Way subdivision.

This is a desirable outcome, as it combines two existing access points onto Burnell Street into one and allows for the proposed roadway to be shifted further from the rear of the abutting lots on Plainfield. It is noted that the Oliver's Way Subdivision (52 Burnell Street) must be amended to implement this plan.

Planning staff recommends approval with the finding and conditions as noted above.

UPDATE:

An updated plan has been provided in the packet. Planning staff recommends approval as previously stated above. Board members should go on a site visit to view the existing driveway access.

- **Old South Road Limited Partnership – 8 Rupert's Way, *action deadline 01-14-2023***

Representation: Dan Mulloy

The Applicant is requesting a Special Permit for a waiver of the driveway design standards to exceed the maximum width of 15'. It is noted that the Board previously approved the request for a tertiary dwelling in the basement of the duplex unit at the September meeting, however this waiver was not requested at that time.

Planning staff recommends approval with the following findings and no conditions:

Findings:

- 1) That the granting of requested relief would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and would not be contrary to sound traffic, parking, or safety considerations

- **14 Tripp Drive LLC – 14 Tripp Drive, *action deadline***

Representation: Dan Mulloy

The Applicant is requesting a Special Permit for a Rear Lot Subdivision. Included with your packet is a proof plan confirming the property's eligibility for a Rear Lot Subdivision.

Proposed Lot 1 will contain approximately 41,021 square feet of lot area and Proposed Lot 2 will contain approximately 43,523 square feet. Both lots will have frontage and access on Tripp Drive. The site is zoned LUG-1.

Planning staff recommends approval of the Applicant's request as proposed, with the following findings and conditions:

Findings:

- 1) That the applicant's proposal complies with the requirements for a Special Permit under §§139-8F, "Rear Lot Subdivision", as amended at the 2019 Annual Town Meeting, of the By-Law; and
- 2) That the proposal is in harmony with the general purpose and intent of the Bylaw.

Conditions:

- 1) Both lots shall connect to municipal sewer and water systems as available;
- 2) That Tripp Drive shall be graded from the property line to the entrance with South Shore Road prior to the issuance of a building permit and prior to the issuance of a Certificate of Occupancy at the Applicant's expense and must be inspected by staff;
- 3) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirement of the underlying LUG-1 zoning district, or as otherwise specified in the Zoning Bylaw;
- 4) That the filing of an ANR (Approval Not Required) plan is a necessary step to implement this Special Permit.

- **David Charnes – 10 Evergreen Way, *action deadline 01-14-2024***

Representation: Linda Williams

The applicant is requesting a Special Permit to create a secondary residential lot for year- round residents. The covenant lot will be proposed Lot B, which has approximately 17,587 square feet of lot area. The proposed market rate lot, Lot A, has approximately 63,120 square feet of lot area. Additionally, the applicant is seeking relief by special permit to waive the requirement of a common driveway. The existing and proposed driveways would access each lot respectively from Evergreen Way.

Planning staff recommends approval of the Applicant's request as proposed, with the following findings and conditions:

Findings:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year- round residents;
- 2) That the separate driveway access is not contrary to sound traffic and safety considerations and would not have an adverse effect on the scenic and historic integrity of the neighborhood.

Conditions:

- 1) That aprons at the driveway intersections with Evergreen Way shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19)
- 2) That proposed Lot B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 3) That Lot A may be allowed a Secondary Dwelling (Tertiary Dwelling standards) and that Lot B shall be restricted to a single dwelling;
- 4) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (7%), or as otherwise specified in

139-8C; and

- 5) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

- **2 Mayflower Circle LLC – 2 Mayflower Circle**, *action deadline*

Representation: Linda Williams

The Applicant is requesting a Special Permit to increase the bedroom count on the property from eight total bedrooms to nine total bedrooms. The Applicant is proposing to convert an existing studio structure to a secondary dwelling with two bedrooms. The existing secondary dwelling is proposed to be converted into a tertiary dwelling with two bedrooms, and the existing primary dwelling contains 5 bedrooms. It is noted that the parking requirement would be satisfied for the increase in bedrooms. It is noted that if approved, the tertiary dwelling shall comply with the definitions as listed in the Bylaw below:

TERTIARY DWELLING

[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015; amended 4-2-2016 ATM by Art. 51, AG approval 7-12-2016]

(1)

The tertiary dwelling shall be in the same ownership as at least one other **owner-occupied** dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

OWNER OCCUPIED

The primary residence, or temporary (seasonal) residence, of a person(s) or the individual beneficiaries of a legal entity that holds title to the property, where such persons are physically present and living within dwelling units on said property for at least three months each calendar year. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as **owner occupied**.

[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015]

If the Board is inclined to approve this application, the following finding must be made, and staff recommends the following conditions:

Finding:

- 1) That the Applicant's request is in harmony with the general purpose and intent of the Zoning Bylaw.

Conditions:

- 1) A non-public hearing Tertiary dwelling application must be approved by the Planning Board at a future meeting prior to the issuance of a building permit.
- 2) That the tertiary dwelling shall not exceed 900 square feet of gross floor area;
- 3) That the tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round

household. A restriction limiting occupancy to a year-round household shall be filed with the Registry of Deeds prior to the issuance of a Building Permit and a copy of which shall be provided to staff;

- 4) That the driveway entrance shall be cleared free of vegetation and obstruction to a
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

Other Business:

- **Planning Board regular meeting – Monday, November 13, 2023, at 4PM via Zoom**

Public Comment *for items not listed on the agenda*

Adjournment: