Nantucket Planning Board

Nantucket Planning Board Approved Minutes
Remote Participation via Zoom Webinar
November 13, 2023 @ 4:00 PM

**The Planning Board meeting will be audio and video recorded*

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

Alternates: Stephen Welch, Abby De Molina and John Kitchener

Staff: Leslie Snell (Director of Planning), Meg Trudel (Senior Planner), William Saad (Land Use Specialist), and Catherine Ancero (PLUS Administrative Specialist)

PLANNING BOARD AGENDA
11-13-2023

(***Subject to change***)

Please list below the topics the chair reasonably anticipates will be discussed at the meeting.

***The complete text, plans, application, or other material relative to each agenda item are available for inspection digitally. Email requests may be sent to wsaad@nantucket-ma.gov ***

****Participation in Public Hearings and Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the below link to register for Zoom participation. Contact mtrudel@nantucket-ma.gov with any questions. ****

Webinar Registration Link:

https://us06web.zoom.us/webinar/register/WN_4jjcogjZRAqx08Xd7TDPaA#/registration

To view the meeting only, see link below:

https://www.youtube.com/watch?v=tZt7jJOdi5Y

I. Call to order:

Chair Iverson called the meeting to order at 4:04pm.
Chair Iverson 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:

Vote taken by Roll Call:
John Trudel *Aye*
Nat Lowell *Aye*

Vice-Chair Topham *Aye*
Chair Iverson *Aye*

Alternates:
Abby De Molina *Aye*
John Kitchener *Aye*
Stephen Welch *Aye*

Staff:
Billy Saad *Aye*
Megan Trudel *Aye*
Catherine Ancero *Aye*

II. Approval of the agenda:
Vice-Chair Topham moved to approve the agenda. The motion was duly seconded by Mr. Trudel and the motion was carried unanimously 4-0.

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

III. Minutes:
- **September 26, 2023, Special Meeting**
- **October 16, 2023**

Voting: (Chair) Iverson, Nat Lowell, Barry Rector and Vice-Chair Topham
Alternates: None
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: None

Motion/Vote: Mr. Trudel moved to approve both set of minutes listed above. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 4-0.

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

IV. Secondary Dwellings:
- **2 Mayflower Circle LLC – 2 Mayflower Circle – *REQUEST TO WITHDRAW WITHOUT PREJUDICE***
- **Warren's Landing Nom. Trust – 40 Warren's Landing Road**
- **Patrick Mcnamara & Rebecca Mcnamara – 2 Hiawasse Lane**
- **Norval Ferguson 2 Corby Way LLC – 2 Corby Way**
- **Doherty ACK LLC – 4 Mariner Way**

V. Tertiary Dwellings:
- **2 Mayflower Circle LLC – 2 Mayflower Circle – *REQUEST TO WITHDRAW WITHOUT PREJUDICE***
- **Monica Flegg, Trustee 6 Exeter Street NT – 6 Exeter Street**

Voting: (Chair) Iverson, Nat Lowell, Barry Rector and Vice-Chair Topham
Alternates: None
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: None

Motion/Vote: Mr. Trudel moved to accept the request for withdrawal for 2 Mayflower Circle for secondary and tertiary dwellings as listed above without prejudice. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

__**Vote taken by Roll Call:**__
John Trudel *Aye*
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

Motion/Vote: Vice-Chair Topham moved to approve all the second dwellings, garage apartments and tertiary dwellings listed above per staff recommendations. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

__**Vote taken by Roll Call:**__
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

VI. __ANRs:__

- **14 Tripp Drive LLC – 14 Tripp Drive – *See Public Hearing***
- **Town of Nantucket – Sandwich Road**
- **Joan Bunting – 14 Macys Lane**
- **David M. & Linda M. Charnes – 10 Evergreen Way**
- **Lightus Cooperative, Inc. - 7 Crooked Lane**
- **Steven L. Cohen, Trustee of the 8 Walbang Nominee Trust - 8 Walbang Avenue**
- **Goldeneye, LLC – 4 Cathcart Road**
- **Benjamin Rubenstein & Arienne Marie Bistany – 51 Tennessee Avenue**
- **Jeffrey Bennet, Trustee of the 53 Tennessee Avenue Realty Trust – 53 Tennessee Avenue**

Motion/Vote: Mr. Rector moved to approve all the ANR applications listed above except for 4 Cathcart Road, in accordance with the recommendations in the staff report. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 4-0.

__**Vote taken by Roll Call:**__
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

- **Goldeneye, LLC – 4 Cathcart Road**

Motion/Vote: Mr. Trudel moved to approve 4 Cathcart Road in accordance with the recommendations in the staff report. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously 5-0.

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

VII. <u>Preliminary Plans:</u>

- **Susan R. Shapiro & Rachel T. Shapiro, Trustees Dionis Realty Trust – 76 Eel Point Road**
  Voting: Chair David Iverson, Vice-Chair Joseph Topham, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Attorney Arthur Reade
  Discussion: The preliminary plan is a five lot, four buildable lot subdivision.

  Motion/Vote: Mr. Trudel moved to approve the preliminary plan. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously 5-0.

  <u>Vote taken by Roll Call:</u>
  John Trudel *Aye*
  Vice-Chair Topham *Aye*
  Nat Lowell *Aye*
  Barry Rector *Aye 4:22pm arrived*
  Chair Iverson *Aye*

VIII. <u>Previous Plans</u>:

- **Ticcoma Green, 6 Fairgrounds Road,** *Request for extension of Special Permits*

  Motion/Vote: Trudel moved to approve the 3-year extension. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 5-0.

  <u>Vote taken by Roll Call:</u>
  John Trudel *Aye*
  Barry Rector *Aye (4:22pm arrived)*
  Nat Lowell *Aye*
  Vice-Chair Topham *Aye*
  Chair Iverson *Aye*

- **Sophie's Way,** *Endorse plans*
  Motion/Vote: Mr. Rector moved to endorse the plans. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

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

- **Nantucket Electric Company, 32 Bunker Road,** *Request for Minor Modification*
  Discussion: None

  Motion/Vote: Mr. Rector moved to approve the minor modification. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

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

- **Mariner Way, Form J (Lots 1, 2 & 4)**
  Discussion: There was a proposal to endorse Form J and release three lots for Mariners Way Subdivision. Staff suggested releasing one lot immediately and holding the other two in the office until a punch list could be fine-tuned specifying incomplete items and their dollar values. The Town's consulting engineer was on vacation delaying the completion of the infrastructure list. There was a brief discussion to determine the performance bond amount. It was emphasized that the zoning freeze expiring soon therefore it is time sensitive. The staff's recommendation was to approve the release of one lot allowing staff to work with the consulting engineer and the applicant to establish a performance bond amount.

  Motion/Vote: Mr. Rector moved to approve the endorsement of Form J with the release of Lot two immediately and hold Lots one and two, allowing staff to work with the consulting engineer and the applicant to establish a performance bond amount. The motion was duly seconded by Mr. Trudel and the motion was carried unanimously 5-0.

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

IX. Public Hearings (Applications):

- **2 Mayflower Circle LLC – 2 Mayflower Circle,** *action deadline 01-14-2024,*
  REQUEST TO WITHDRAW WITHOUT PREJUDICE
- **The Procaccianti Group, LLC - 3, 5 & 7 Sea Street,** *action deadline 12-10-2023,*
  REQUEST TO WITHDRAW WITHOUT PREJUDICE

Discussion: The request is to allow the applications listed above to withdraw without prejudice.

Motion/Vote: Mr. Rector moved to approve the withdrawal without prejudice for the applications listed above. 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*
John Trudel *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

- **Daniel Gault – 12 Essex Road,** *action deadline 12-28-2023,*
CONTINUE
- **John J. Calnan, Trustee, John J. Calnan 2015 Trust - 21 Brewster Road,** *action deadline 11-30-2023*
CONTINUE

Motion/Vote: Mr. Rector moved to approve the continuance of both applications listed above. The motion was duly seconded by Mr. Trudel and the motion was carried unanimously.

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

- **ACK Mid Island, LLC & ACK Offices, LLC – 18, 18A, 20, 22, 24 & 26 Sparks Avenue,** *action deadline 01-31-2024*
Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, John Trudel and Barry Rector
Alternates: Stephen Welch, and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Dan Mulloy, Site Design Surveyor and Chris Fiumara
Discussion: Mr. Mulloy discusses the status of the project regarding the recent changes. Mr. Mulloy stated that at the last meeting the focus was on addressing stormwater questions. An updated plan with minor revisions was submitted. Mr. Mulloy stated that they are committed to working with the Town on ensuring affordability and restricting the use of apartments to year-round occupancy, excluding short-term rentals. Mr. Mulloy agrees with the staff recommendations and the proposed conditions. Chair Iverson opened the floor to the public. Val Oliver expressed her concerns about the mix-use commercial project. Ms. Oliver stated that despite meeting zoning requirements, it lacks logic and common sense in addressing the existing infrastructure challenges. Ms. Oliver suggests the need for electronic traffic controls and predicts parking issues due to increased housing. Ms. Oliver appreciates the affordable housing aspect however argues that the project's size and services including a bowling alley and two restaurants are excessive for the area. Ms. Oliver appeals to Mr. Fiumara urging a reconsideration and scaling back of the project to better suit the needs of the Nantucket Community. David Gray, Director Sewer Department thanked the Board for being given the opportunity to address the Board quickly. Mr. Gray informed the Board about ongoing concerns regarding old and undersized sewer infrastructure in the area. Mr. Gray stated that he discussed these concerns with engineer Dan in the past. Mr. Gray acknowledged the answers provided to stormwater questions and highlighted their oversight of all stormwater projects on the island. Mr. Gray acknowledged the grease interceptor on the side of the building, which was seen as a positive development. Mr. Gray stated that overall Mr. Mulloy is aware of their concerns. There were concerns about the capacity of an existing infrastructure, especially the six-inch line and an old force main running across the fire station property. It was noted that the project would address sewer concerns as part of the permit approval and are very aware of the shallow 16-inch force main that needs to be protected during construction. Meredith Lepore expressed concerns about the proposed development that it does not aesthetically align with Nantucket's character and that it resembles a strip mall from off island. Ms. Lepore voiced her concerns about the lack of parking for residents and the potential increase in traffic in an area where children walk or bike to school. Ms. Lepore urged the Board as elected officials to have a say in this, to improve the project and that there is a better solution to preserve Nantucket's character. Some of the Board members address concerns about the development project and describe the extensive time and effort invested in reviewing and modifying the plans. The Board members acknowledge community concerns about the building size however addressed the importance of balancing development with safety considerations for pedestrians, especially children. There was a brief discussion of previous projects, collaboration with private businesses and ongoing discussions about affordable housing and parking management.

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

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

Chair Iverson proposed removing the phrase "to the extent possible" from the condition. Chair Iverson requests to have the language specifically use only native species without the condition "when possible" which Mr. Mulloy agreed to this change. Mrs. Trudel discussed affordable housing, year-round restrictions and prohibiting short-term rentals. Mr. Mulloy briefly discussed the plans to rebuild the sidewalk to a ten-foot width, consistent with Sparks corridor model. Traffic considerations were addressed with Mr. Mulloy stating that the schedule would be dictated by traffic. Chair Iverson supported a parking management plan for Town staff to review.

Motion/Vote: Mr. Rector moved to approve the project as submitted, incorporating the findings and conditions identified in our transactions and as specified by the staff. The motion was duly seconded by Vice-Chair Topham 4-1 (Chair Iverson opposed)

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

- **The Westmoor Club - 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane,** *action deadline 02-28-2024*
  Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Attorney Steven Cohen and Paul Santos, Surveyor
  Discussion: Attorney Cohen presented changes to the proposed project addressing concerns raised by neighbors. Chair Iverson opened the floor to the public. Attorney Sarah Alger stated that she has worked with Attorney Cohen, nearing settlement agreement. Attorney Cohen gave input on emergency access, approved by the Fire Department and satisfying residents. There were questions about resident actions triggering Planning Board notification. Attorney Cohen agreed to notify the Board if neighbors pursued legal action to enforce settlement terms. Virginia Chase at 117 West Chester Street expressed feeling excluded in the negotiations regarding a construction project. Ms. Chase voiced opposition to the project and requested a condition for no further development for five to ten years. Chair Iverson acknowledged her frustration and mentioned a settlement term restricting construction with limited exceptions. Mr. Lowell explained the compromise restriction on a portion of the property from further development. Francis Farrell expressed satisfaction with their cooperative efforts in addressing concerns about a proposed road. Mr. Farrell raised concerns about vegetation removal for the road construction and requested a formalization of the commitment to revegetate the area. There was discussion of formalizing the commitment to revegetate the area affected by road construction in both the decision and the landscaping plan approval through staff coordination with Mr. Farrell. Thomas Holland questioned the need for the requested increase in employee housing capacity from 80 to 118, stating that it exceeds current zoning regulations. Attorney Cohen explained that the 110-person occupancy reflects all employee housing, with the additional 8 in the cottage for single-family housing. Graham Goldsmith highlighted the extensive efforts made during the initial development to engage with neighbors, create buffer zones and address concerns. Mr.

Goldsmith stressed the benefits of on-campus employee housing, reducing traffic and creating a more controlled environment. Mr. Goldsmith expressed commitment to addressing concerns, adjusting, and contributing positively to the community. Mr. Holland expressed concerns about the proposed cottage being placed over wetlands and exceeding zoning regulations. Mr. Holland questioned the need for housing for 118 employees and suggested that Mr. Goldsmith consider moving the cottage to a two-acre cleared area along West Chester Street. Mr. Goldsmith's responded by clarifying that the cleared area was already planned for further developments, such as tennis courts and a maintenance building.

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

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

Motion/Vote: Mr. Lowell moved to approve the project with the findings and conditions outlined in the staff report and to add condition that the Board be notified if any action was taken by the abutters. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously.

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

Note: Before voting Mr. Trudel mentioned that this was the last time Carl Borchert, a late alternate member, visited the site with him. Mr. Trudel stated that they both were impressed, spending about an hour there. Mr. Trudel expressed that based on Carl's perspective, he would vote in favor of the proposal.

John Trudel *Aye*
Chair Iverson *Aye*

- **14 Tripp Drive LLC – 14 Tripp Drive,** *action deadline 01-14-2024*
  Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy, Site Design Surveyor
  Discussion: Mr. Mulloy addressed concerns about the Homeowners Association (HOA) status and provided clarification about their membership in the HOA. The Board briefly discussed the condition related to grading the road before and after construction, and there was mention of an email from a neighbor raising concerns about private deed restrictions on the property. Planning staff clarified that the private deed restriction, limiting the property to single family use, is not within its purview and any enforcement would be a civil matter. Chair Iverson opened the floor to the public. Attorney Sarah Alger raised concerns about the proposed subdivision citing a bylaw section related to rear lot subdivisions and the use of an unconstructed public road, Proprietor's Road as frontage. Attorney Alger argued that the plan did not meet the requirements of the bylaw for approval. There was a brief discussion of past practices involving paper roads as frontage and how access through easements has been granted in such cases. Mr. Mulloy explained that access through an easement was provided to avoid developing the Proprietor's Road fully. Both Attorney Alger and Eliza Tripp expressed concerns about the proposed subdivision, stating that the property lacks the frontage required for a rear lot subdivision. Attorney Alger argued that the use of

an unconstructed public road (Proprietor's Road) did not meet the criteria for frontage. Elizah Tripp raised concerns about the potential impact on the neighborhood's character, road width, and the number of housed if the subdivision was approved. There was a discussion of the Homeowners Association's role in determining the future character and maintenance of the road. The Board emphasized the need for clear communication among Association members to define the desired improvements without compromising the area's unique character. The Planning Board members express agreement with the need for a continuation to allow for further discussions and the exploration of practical restrictions. The Board members acknowledge the concerns raised by the abutters and emphasized the importance of collaborating with them to address issues such as density, potential overdevelopment, and road layout.

Motion/Vote: Mr. Rector moved to continue this application. The motion was duly seconded by Mr. Trudel and the motion was carried unanimously.

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

- **ANR: 14 Tripp Drive LLC – 14 Tripp Drive**
  Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, and Barry Rector
  Alternates: Stephen Welch, and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy, Site Design Surveyor and Chris Fiumara
  Discussion: None

- **Jeffrey Rosenthal & Jennifer Rosenthal – 7 Wright's Landing,** *action deadline 02-11-2024*
  Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, John Trudel and Barry Rector
  Alternates: Stephen Welch, and Abby De Molina
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Attorney Arthur Reade, Chip Webster, Architect, Jeffrey Rosenthal
  Discussion: Attorney Reade gave a brief overview of the application. A request for a waiver to reduce the side yard setback from 20 feet to 10 feet for the construction of a walkout basement in the Wright's Landing subdivision. Attorney Reade argues that the proposed construction will not increase ground cover and is consistent with past waivers granted in the subdivision. There were concerns amongst the Board members regarding the potential precedent this decision could set. Some Board members express worries about the impact on the neighborhood's aesthetics and the possibility of future requests for similar setbacks. Board members emphasize the importance of maintaining the existing zoning setbacks to preserve the character of the neighborhood and avoid potential changes that may negatively affect the overall look of the area. Chair Iverson opened the floor to the public. David Hendry, the owner of the property to the West of the applicant's house at 9 Wright's Landing, expressed his objection to the setback reduction. Mr. Hendry stated that they purchased the lot with the understanding that deed restrictions would remain in effect, and the proposed setback reduction could set a precedent that diminishes property values. Louis Beierle an abutter, reiterated the concerns about the setback variance changing the uniqueness and character of the neighborhood. Mr. Beierle emphasized the appeal of the neighborhood due to the space between housed and the overall character established by the original restrictions. Attorney Reade clarified that that they are not requesting a change in zoning but seeking a waiver to reduce the setback which is within the Planning Board's power for major residential and open space development. Attorney Reade argued that the proposed setback reduction is in line with the cluster subdivision concept and highlighted

their willingness to provide screening for visual separation. Chip Webster presented plans for a walkout in the basement of the property. Mr. Webster shared site photographs and alternative sketches to address concerns raised by neighbors. The dimensions of the proposed walkout would extend 10 feet from the side and approximately 30 feet along the rear of the house. The applicant emphasized their intention to maintain existing vegetation and offered alternatives to address visibility concerns raised by neighbors. The Board members expressed concerns about the size of the proposed walkout, its potential impact on the neighborhood's character, and the precedent it might set. The Board members questioned the need for such a large walkout and suggested alternative locations. Board members were not convinced that the proposed walkout, as presented, was in the best interest of the community.

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

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

Motion/Vote: Mr. Trudel moved to not approve the application. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously.

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

- **Monica S. Flegg, Trustee of the 6 Exeter Nominee Trust – 6 Exeter Street,** *action deadline 02-11-2024*

Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, John Trudel and Barry Rector
Alternates: Stephen Welch, and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Paul Santos, Surveyor and Linda Williams, Agent
Discussion: Paul Santos gave a brief overview of the application. Mr. Santos explained that they were not seeking a waiver to back out and had sufficient room on the property for turning around. The primary dwelling had an existing driveway on Exeter Street, and they were requesting a secondary driveway cut on Dartmouth Street to serve a secondary dwelling and a tertiary dwelling. Mr. Santos emphasized the layout of the driveways and their compliance with zoning regulations. The Board members discussed the need for a turnaround, which is required in LUG zones. There were also concerns raised by some residents regarding vehicles stored along Dartmouth Street, and that they were assured that the issue would be rectified. Board members expressed concerns about the existing unauthorized curb cuts on the property, with vehicles that may not be registered and could appear abandoned. The neighbors, while not objecting to the idea of two curb cuts, raised concerns about the status of the site and the need for cleaning up the area. There was a brief discussion that addressing screening and cleaning up the site would be beneficial before granting approval for the second driveway cut. Chair Iverson opened the floor to the public. Stuart Flagg, the property owner, responded, indicating that he is willing to clean up the site, and some improvements have already been made. Cliff Mulcahy expressed concerns about Mr. Flegg's historical non-compliance and suggested making approval conditional upon cleaning up the debris

and adding plantings to prevent a recurrence. Mrs. Trudel explained that Mr. Flegg is currently under the zoning enforcement action, and addressing these actions is the reason for his Special Permit application. Mrs. Trudel stated a provision in the bylaw specifying that parking must be within delineated areas, and the staff report recommends a condition for the Special Permit related to this requirement. Chairman Iverson sough clarification regarding the space shown in the plan that is getting cut off and removed. Ms. Williams confirmed that this area, a long-standing concern, is indeed going away as part of the Special Permit application for the second driveway access. Regarding zoning enforcement, it was clarified that it is not under the Planning Board purview. However, acknowledged that addressing the parking issue is within their scope as part of granting the Special Permit. Mrs. Trudel suggested attaching a timeline to the recommended condition of cleaning up the vehicles on the site. Mrs. Trudel proposed tying it to the issuance of a building permit or a certificate of occupancy and emphasized the importance of having a specific date for this cleanup.

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

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

Motion/Vote: Mr. Trudel moved to approve the application with the following three findings and conditions listed in the staff report with the additional of having a timetable for the removal of the vehicles from the lot prior to the issuance of the building permit. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously.

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

- **2 Mary Ann Drive LLC – 2 Mary Ann Drive,** *action deadline 02-11-2024*
Voting: (Chair) Iverson, Vice-Chair Topham, Nat Lowell, John Trudel and Barry Rector
Alternates: Stephen Welch, and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Linda Williams, Agent
Discussion: Ms. Williams stated that Dr. Pavia, is seeking approval for a reorganization of the interior space of her dental practice. Ms. Williams stated that the goal is to enhance the layout relocating certain rooms, such as the stff room and storage, to better accommodate the needs dental office. The proposed changes aim to provide more space for patients and staff, especially considering COVID testing services that Dr. Pavia has been offering as a community service. Additionally, the Applicant wants to replace the asphalt driveway apron with Belgian block, requesting waiver for this material change. Ms. Williams stated that the final component involves adjustments to parking requirements due to the removal of an apartment from the basement and the relocation of office space. Chair Iverson opened the floor to the public. Art Gasbarro raised concerns about the traffic congestion, especially in proximity to the bike path, corner, and mailboxes. Mr. Gasbarro urged the Board to impose reasonable conditions. Mr. Gasbarro stated the importance of including a condition prohibiting on-street parking associated with the commercial use, given the historical issues with parking

conflicts and safety concerns in the area. Mr. Gasbarro stressed that the Board should address traffic safety and neighborhood impacts, particularly concerning limited parking availability. Mr. Gasbarro recommended revising the plan and acknowledging the absence of an ADA space. Ms. Williams addressed concerns about on-street parking, stating that many vehicles on the street are not related to her business. Ms. Williams mentioned the challenges posed by the neighboring house with multiple occupants and insufficient parking spaces. Vice-Chair Topham expressed concern about the ADA parking requirement. Ms. Williams stated that she will need to go to the AAB to get a waiver.

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

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

Motion/Vote: Mr. Rector moved to approve the application submitted with the findings and conditions as listed in the staff report, that no on-street parking for employees and a notation regarding ADA. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously.

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

X. <u>Other Business:</u>

- **2024 Planning Board Meeting Schedule**
- **Planning Board regular meeting – Monday, December 11, 2023, at 4PM via Zoom**
- **BR thesis**

XI. <u>Public Comment</u> *for items not listed on the agenda*

XII. <u>Adjournment</u>:

Mr. Rector moved to adjourn the meeting at 8:03PM. The motion was duly seconded by Mr. Trudel and the motion was carried unanimously 5-0.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
John Trudel *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*

Submitted by: Catherine Ancero