



Nantucket Planning Board

STAFF REPORT

January 5, 2024

To: Planning Board

From: William Saad,
Land Use Specialist

Re: Staff Report for January 8, 2024, Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- December 11, 2023

*****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 the exception of 6 & 6A Washington Avenue, and 10R Gray Avenue, which will first require Public Hearings. (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).

Secondary Dwellings:

- William F. Hopkins CPA, TRS – 7 Hallowell Lane
- Elizabeth Goulet, TR – 51 Miacomet Avenue
- 1 North Swift Rock Rd Trust – 1 North Swift Rock Road
- Family Ties ACK, LLC – 11 Alliance Lane
- Salty Kisses LLC – 4 Weweeder Avenue
- Robert & Meghan Blair – 16 Swift Rock Road
- Lee & Priscilla Saperstein – 20 New Street
- C. Gail Greenwald and Roy F. Greenwald, Trustees of the Roy F. Greenwald

Revocable Trust – 1994 and of the C. Gail Greenwald Revocable Trust – 1994 – 6 & 6A Washington Avenue **SEE PUBLIC HEARING**

Tertiary Dwellings:

- 7 White LLC – 7 White Street
- NHA Properties Inc. DBA Housing Nantucket – 66 Pochick Avenue
- Immodest Axe Realty Trust – 10R Gray Avenue **SEE PUBLIC HEARING**

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

Motion to approve ALL of the ANRs on the agenda, with the exception of 14 Tripp Drive, which will first require approval of a Special Permit.

ANRs:

- Don Allen Auto Services, Inc. – 26 Polpis Road

Representation: Alan Grady

The purpose of this plan is to convey a portion of the lot to an abutting property as was discussed and approved through the AR Subdivision for Victory Road. Planning staff recommends endorsement.

- Priscilla M. G. Mleczko & Thomas A. Mleczko, Jason Mleczko and Thomas Mleczko – Trustees of The Jason Mleczko Irrevocable Trust of 2012, Priscilla M. Van Ogtrop & Thomas Mleczko, – Trustees of The Priscilla M Van Ogtrop Irrevocable Trust of 2012 – 1, 3, & 5 Hinckley Lane

Representation: Alan Grady

The purpose of this plan is to show three (3) unbuildable lots that will be conveyed to and combined with abutting properties. Planning staff recommends endorsement.

- Laura Iorio – 12 New Street

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:

- #2772 Woodbury Lane Realty Trust, Neda Movaghar Revocable Trust of 2020, 9 Woodbury Lane (Lot 14 Plan File 25-A), *minor modification to allow structure within easement*

Representation: Steven Cohen

The Applicant is requesting consent to allow the drain and subdrain easement areas be reduced to five (5) feet. Per the Use Restrictions recorded in Book 308, Page 62 on page 6, Section 7 indicates the following:

“Natural Drainage. No owner of any lot shall alter, disturb or fill any natural drainage system or wale, nor build any structure on the ‘drain easements’ and ‘subdrain easements’ shown on the Woodbury Lane Plan, without the prior written consent of the Nantucket Planning Board.”

Since the plans have been endorsed by the Planning Board (October 27, 1986), there have been at least nine (9) lots that have been granted encroachments into the drainage easements: Lot 6 in 1990;

Lot 15 in 1991; Lot 8 in 1991; Lot 16 in 1992; Lot 18 in 1992; Lot 7 in 1995; Lot 6 in 1996; Lot 2 in 2017; and Lot 5 in 2017, therefore staff recommends approval.

- **#2772 Woodbury Lane Realty Trust, 11 Woodbury Lane Realty Trust, 11 Woodbury Lane (Lot 15 Plan File 25-A),** *minor modification to allow structure within easement*

Representation: Steven Cohen

The Applicant is requesting consent to allow the drain and subdrain easement areas be reduced to five (5) feet. Per the Use Restrictions recorded in Book 308, Page 62 on page 6, Section 7 indicates the following:

“Natural Drainage. No owner of any lot shall alter, disturb or fill any natural drainage system or wale, nor build any structure on the ‘drain easements’ and ‘subdrain easements’ shown on the Woodbury Lane Plan, without the prior written consent of the Nantucket Planning Board.”

Since the plans have been endorsed by the Planning Board (October 27, 1986), there have been at least nine (9) lots that have been granted encroachments into the drainage easements: Lot 6 in 1990; Lot 15 in 1991; Lot 8 in 1991; Lot 16 in 1992; Lot 18 in 1992; Lot 7 in 1995; Lot 6 in 1996; Lot 2 in 2017; and Lot 5 in 2017, therefore staff recommends approval.

- **PLSP-2020-12-0100 Fog Nominee Trust – Mark Dawson, Trustee,** *Request for extension of Special Permits*

Representation: Val Oliver

The Applicant is requesting a three (3) year extension to the Special Permit issued in Planning Board File No. PLSP2020-12-0100. Planning staff recommends the three (3) year extension be granted.

Public Hearings:

- **Nantucket Airport, c/o Airport Gas Station, Inc. – 10 Airport Road**
CONTINUED TO FEBRUARY 12, 2024
- **Steven L. Cohen, as Trustee of the 8 Walbang Nominee Trust – 8 Walbang Avenue,**
action deadline 04-08-2024
CONTINUED TO FEBRUARY 12, 2024
- **Catherine Dean Schulman, Trustee of the Carol W. Dean Revocable Trust – 48 West Miacomet Road,** *action deadline 04-08-2024*
CONTINUED TO FEBRUARY 12, 2024
- **John J. Calnan, Trustee, John J. Calnan 2015 Trust - 21 Brewster Road,** *action deadline 01-31-2024*
REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE
- **14 Tripp Drive LLC – 14 Tripp Drive,** *action deadline 01-14-2024*
Voting: Dave Iverson, Joseph Topham, Barry Rector, John Trudel,
Representation: Dan Mulloy

FROM THE OCTOBER 2023 STAFF REPORT:

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.

FROM THE NOVEMBER STAFF REPORT:

The Applicant has submitted the proposed 2-lot ANR application and plan and a copy of the HOA documentation, which indicates only lots 5-8 as members (the applicant is the owner of lot 6). The HOA only excludes lot 2, per Land Court Plan 37096-C. Planning staff still recommends approval as outlined above with the addition of the following conditions:

- 1) That both the existing and newly created lot are to remain in the Home Owners Association; and
- 2) That the use of the proprietors road, may be utilized for driveway layout purposes only on the portion that directly abuts the property.

UPDATE:

No new information was submitted by the Applicant.

- **ACKREIT 1865 LLC, 9 Hinsdale Road, *action deadline 02-11-2024***
Representation: Paul Santos

The Applicant is proposing a four (4) lot, three (3) buildable lot AR Subdivision. The site is currently located in the RC-2 zoning district. The Planning Board, at its meeting on August 14, 2023, approved the preliminary subdivision plan.

Lot 1 contains approximately 5,041 square feet, Lot 2 contains approximately 5,019 square feet, and Lot 3 contains approximately 7,142 square feet. A complete list of requested waivers is included in the packet for review.

Planning staff recommends approval of the Applicant's request, but that the Board should discuss with the Applicant, in lieu of granting waivers, an appropriate contribution (\$2,500 per dwelling unit is historically standard) to area bike and pedestrian path infrastructure and improvements.

Finding:

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

Conditions:

- 1) That the applicant will comply with all requests made by the Town's consulting engineer prior to the issuance of a building permit;
- 2) That recorded copies of any applicable legal documents, such as (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association Trust, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying RC-2 zoning district, or as otherwise specified in the zoning bylaw;
- 4) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 5) That Lot 1 and Lot 2 shall be eligible for release after the endorsement of plans and legal documents.
- 6) That the roadway lot shall be conveyed to the owner of Lot 3 prior to the release of the final lot. The owner of Lot 3 shall be responsible for the construction and ongoing maintenance of the roadway lot;
- 7) The roadway shall be constructed prior to the issuance of a Certificate of Occupancy for any structure on Lot 3;
- 8) That the applicant has agreed to provide a monetary contribution in the amount of \$2,500 per dwelling unit at two dwelling units per lot for a total of \$15,000.

• **Martin Edward Stone – 38 Hooper Farm Road, action deadline 04-08-2024**

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 3, which has approximately 4,448 square feet of lot area. The proposed market rate lot, Lot 4, has approximately 6,000 square feet of lot area. Both lots will be accessed by a common driveway on Hooper Farm Road. The site is zoned R-10.

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;

Conditions:

- 1) That proposed Lot 3 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;
- 2) That Lot 4 may be allowed a Secondary Dwelling (Tertiary Dwelling standards), and that Lot 3 shall be restricted to a single dwelling;
- 3) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (25%), or as otherwise specified in 139-8C; and
- 4) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

- **Norman W. Chalecki, Trustee of Norman and Joan Realty Trust – 10 Field Avenue,**
action deadline 04-08-2024

Representation: Jeff Blackwell

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 16,000 square feet of lot area. The proposed market rate lot, Lot A, has approximately 19,826 square feet of lot area. The Applicant is requesting that a waiver of the shared driveway requirement be granted. It is noted that both driveway accesses are preexisting. Both lots will be accessed from Field Avenue (a private, dirt road). 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 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 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;
- 2) That Lot A may be allowed a Secondary Dwelling (Tertiary Dwelling standards) and that Lot B shall be restricted to a single dwelling;

- 3) 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;
- 4) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit; and
- 5) That this may require additional permitting through the Health Department and/or Sewer Department.

- **Salvador A. Aguilar-Portilla & Mayra E. Escobar – 72 Cato Lane, *action deadline 03-30-2024***

Representation: Dan Mulloy

An AR Subdivision was approved at the December Planning Board meeting as a “proof plan”.

Proposed Lot 1 will contain approximately 11,900 square feet of lot area and Proposed Lot 2 will contain approximately 10,206 square feet. Both lots will have frontage and access on Cato Lane. The site is zoned R-10.

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) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirement of the underlying R-10 zoning district, or as otherwise specified in the Zoning Bylaw;
- 2) That there shall be no further subdivision without further modification from the Planning Board. Minor lot line adjustments may be permitted following the proper permitting procedures;
- 3) That a gift in the amount of \$2,500 per lot shall be made to the Town of Nantucket to be utilized for area bike path and pedestrian improvements;
- 4) That the filing of an ANR (Approval Not Required) plan is a necessary step to implement this Special Permit.

- **Immodest Axe Realty Trust – 10R Gray Avenue, *action deadline 04-08-2024***

Representation: Art Gasbarro

The Applicant is requesting a modification to an existing Rear Lot Subdivision Special Permit to eliminate the restriction of a tertiary dwelling on lot AB as listed in condition 4 of the Decision. There were three lots in the subdivision and Lots A1 (10,363 square feet) and AB (19,275 square feet) are restricted to a primary and secondary dwelling. Lot B1 (10,363 square feet) may have a primary, secondary, and tertiary dwelling.

The site is zoned R-10 and Lot AB consists of 19,275 square feet of lot area, nearly double the minimum lot size for this zoning district. The proposed conversion of the existing garage structure presents a minimal impact on the site. Although tertiary dwellings are prohibited as a condition of this decision, they are allowed by right in the R-10 zoning district.

Planning staff recommends approval with the following findings and conditions:

Findings:

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

Conditions

- 1) That a tertiary dwelling is allowed on Lot AB, and condition #4 in the original decision has been stricken as it relates to Lot AB only.
- 2) That all conditions in the original decision shall remain in full force in effect, except as modified herein.

• **Joseph Conway & Janet Snook – 67 Milestone Road, action deadline 04-08-2024**

Representation: Art Gasbarro

The Applicants are requesting a modification to an existing Secondary Lot Special Permit to allow the secondary dwelling on the market rate lot to exceed tertiary dwelling size as conditioned in the original decision in File No. 68-17. The Applicant is proposing to convert an existing barn structure that is proposed to be relocated on the lot and will contain approximately 1,050 SF of ground cover and approximately 2,000 SF of living area. The existing secondary dwelling structure is proposed to be converted to a home office.

The site is zoned LUG-1 and consists of approximately 110,069 square feet of lot area. The structure currently exists and given the proposed location on the lot, the impact of the proposed secondary dwelling is minimal.

Planning staff recommends approval with the following findings and conditions:

Findings:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent of the Bylaw.
- 2) That the proposal is in keeping with the character of the neighborhood.

Conditions

- 1) That the residential use for the existing secondary dwelling shall be abandoned for home occupancy space;
- 2) That the proposed gross floor area of the proposed new second dwelling shall not exceed 2,000 square feet;
- 3) The project shall be completed in substantial compliance with the "Site Plan", prepared for Joseph C. Conway & Janet J. Snook, dated December 5, 2023, prepared by Nantucket Engineering & Survey, PC; and

- 4) That all conditions in the original decision shall remain in full force in effect, except as modified herein.

- **Tertiary Dwelling – 10R Gray Avenue**

(Separate Vote) As a second step, the Applicant has applied for a tertiary dwelling. If the Board has approved the request above, then the tertiary dwelling should also be approved.

- **C. Gail Greenwald and Roy F. Greenwald, Trustees of the Roy F. Greenwald Revocable Trust, 1994 and of the C. Gail Greenwald Revocable Trust, 1994 – 6 & 6A Washington Avenue, action deadline 04-08-2024**

Representation: Steven Cohen

The applicant is requesting a Special Permit to waive the required 20% differential for a secondary dwelling. The applicant is the owner of 6 and 6A Washington Street and was granted Variance relief from the ZBA to merge the lots. The proposed primary single-family dwelling contains approximately 713± square feet of ground cover and the proposed secondary dwelling unit will have approximately 616± square feet of ground cover, an approximate 15.8% difference in ground cover.

Planning staff recommends approval of the Applicant's request as proposed with the following finding and no conditions (*no additional conditions from the secondary dwelling approval letter*):

Finding:

- 1) That a reduction in size differential is in harmony with the general purpose and intent of the Bylaw due to the structure being repurposed.

- **Secondary Dwelling – 6 & 6A Washington Street**

(Separate Vote) As a second step, the Applicant has applied for a second dwelling. If the Board has approved the request above, then the secondary dwelling should also be approved.

- **Carl H. Sjolund & Julie A. Fitzgerald, Trustees of the Carl H. Sjolund Trust – 2003 -24 Appleton Road & 3 Nobska Way, action deadline 04-08-2024**

Representation: Art Gasbarro

The Applicant is proposing a seven (7) lot, six (6) buildable lot, subdivision consistent with the previous Preliminary Plan approval.

The Applicant is exercising their statutory right to follow up with the preliminary plan approval with a definitive plan with the intent to implement a zoning freeze for the RC-2 district instead of immediately implementing R-5 (the freeze lasts eight years from the date of plan endorsement based on state statute). The Planning Board sponsored a map change to R-5 for this site at the 2023 ATM, which was unanimously adopted by the voters. Many uses allowed in the RC-2 district are not compatible with this site and the surrounding residential neighborhood. During discussions

with neighbors over multiple years, it was important to many of the surrounding property owners that the residential character of the neighborhood was preserved.

Planning staff recommends that the Board discuss prohibition of the following uses which would otherwise be allowed by-right or Special Permit in the RC-2 district:

- Convenience store
- Alcohol sales
- Pharmacy
- Supermarket
- Restaurant
- Take-out food
- Drive thru take-out food
- Tavern
- Formula Business
- Theater/Auditorium/Public Assembly
- Print Shop
- Laundromat
- Bank
- Automated Teller Machine
- Arcade
- Museum
- Crematorium
- Funeral Home
- Motor vehicle parking lots/structures
- Contractor shop
- Landscape contractor
- Light manufacturing
- Food processing
- Interior/exterior storage or warehouse
- Motor vehicle sales
- Motor vehicle rental
- Motor vehicle service station
- Car wash
- Taxicab business
- Bike rental/sales
- Adult uses
- Maritime service station
- Yacht/sailing club marina
- Boat related storage (as a commercial business, not as personal)
- Kennel
- Public stable

- Recreational facilities
- Commercial swimming pool
- Club

Planning staff recommends approval of the Applicant's proposal with the following finding and conditions:

Finding:

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

Conditions:

- 1) Prohibition of the uses as discussed by the Board above;
- 2) Lots 2, 3, and 4 shall be accessed by the interior roadway only;
- 3) Depending on the potential future development of the site, the roadway lot may be required to be paved;
- 4) 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;
- 5) That the Homeowner's Association shall apply to Lots 2, 3, and 4 only and shall be funded in the amount of \$3,000. Proof of funding shall be submitted to the Planning Board prior to the release of the final lot;
- 6) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the final lot;
- 7) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 8) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying RC-2 zoning district;
- 9) That the applicant has agreed to provide a monetary contribution in the amount of \$2,500 per dwelling unit at two dwelling units per lot for a total of \$30,000 prior to the release of any lots.
- 10) That no lot shall be eligible for release or a construction permit until the Town's consulting engineer has reviewed and approved all relevant documents submitted by the Applicant.

- **Greg Glowacki – 11 & 13 Miller Lane, action deadline 05-04-2024**

Representation: Linda Williams

The applicant is proposing a three (3) lot, four (2) buildable lot AR Subdivision. The site is currently located in the R-10 zoning district.

Lot A contains approximately 10,005 square feet, Lot B contains approximately 19,761 square feet, and Lot C (roadway lot) contains approximately 3,964 square feet. All three lots will have access from Miller Lane, which terminates at the property (a dirt road). A complete list of requested waivers is included in the packet for review.

Planning staff recommends approval of the Applicant's request, but that the Board should discuss with the Applicant, in lieu of granting certain waivers, an appropriate contribution to area bike and pedestrian path infrastructure and the grading of Miller Lane post-construction.

Finding:

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

Conditions:

- 1) That the applicant will comply with all requests made by the Town's consulting engineer prior to the issuance of a building permit;
- 2) That recorded copies of all legal documents, such as (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association Trust, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-10 zoning district, or as otherwise specified in the zoning bylaw;
- 4) That the roadway lot shall be conveyed to the owner of Lot B prior to the release of Lot A;
- 5) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 5) That a gift in the amount of \$2,500 per lot be made to the Town of Nantucket to be utilized for area bike path and pedestrian improvements;
- 6) That Miller Lane shall be graded from the property line to the edge of pavement on Miller Lane, prior to the release of any lots, and prior to a Certificate of Occupancy on Lot A.

- **La Barca Realty Trust - 52 Burnell Street, action deadline 05-04-2024**

Representation: Dan Mulloy

The applicant is requesting an amendment to a previously granted AR Definitive Subdivision.

This plan reflects the required right-of-way adjustments and easements to coincide with the approval at 50 Burnell Street. Additionally, the Applicant is requesting that one additional building lot be created at 52 Burnell Street. The increased intensity may require roadway improvements.

Planning staff recommends approval of the Applicant's request.

Finding:

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

Conditions:

- 1) That the applicant will comply with all requests made by the Town's consulting engineer prior to the issuance of a building permit;

- 2) That recorded copies of all updated legal documents, such as (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association Trust, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision; and
- 4) That all conditions in the original decision shall remain in full force in effect, except as modified herein.

- **Daniel H. Gault - 12 Essex Road, action deadline 03-31-2024**

Representation: Tori Ewing

The Applicant is requesting an amendment to the Definitive Subdivision Plan (AR) approval decision dated June 24, 1997, to allow additional dwelling units as allowed under the existing Bylaw, which may change from time to time. The site is currently zoned CN and was created under RC-2. The site is currently allowed commercial uses as conditioned in the original decision and is limited to a single dwelling unit, although an additional garage apartment was approved by the Planning Board in 2014. If the Applicant's request is approved as submitted, the Applicant would be eligible to apply for a Special Permit to create additional apartment units.

Additionally, if the Board were to approve this request, the Applicant would have to amend the HOA legal documents prior to proceeding with any next steps, and it has been past practice that any lots allowed additional dwelling units shall be subject to a monetary contribution to the HOA. Essex Road is a private road that relies on HOA funding to maintain and improve upon the existing infrastructure. \$11,000 was the price difference in 1997 between the lots restricted to one dwelling and the lots allowed multiple dwellings. Not taking into consideration the subjective and substantial increase in real estate values on Nantucket in the past twenty-plus years, \$11,000 in 1997 is now valued at \$21,043.99 (<https://www.usinflationcalculator.com/>) in 2024 based solely on inflation. It is recommended that the Board discuss an appropriate contribution based on this information.

Additionally, the Board should discuss with the Applicant how this proposed increase in density coupled with commercial use would impact the surrounding residential neighborhood.

Zoning Articles Proposed by Citizen Petition:

THE FOLLOWING ARTICLES WILL BE CONTINUED UNTIL JANUARY 11, 2024:

- **"A" Zoning Map Change: R-40 to CN – Evergreen Way and Airport Road (NISHA/Huber)**
- **"B" Zoning Map Change: R-10 to CN – 3 Cobble Court (Ottison) – (possible repetitive petition)**
- **"L" Zoning Bylaw Amendment: Moorlands Management District Pool Prohibition (Molden)**
- **"R" Zoning Map Change: LUG-2 to R-20 – 25 Rugged Road (Schreiber)**
- **"S" Zoning Map Change: R-5 to CN – 75B Old South Road (portion of) (Kuszpa)**
- **"BB" Zoning Bylaw Amendment: Greenhouse or Greenhouse Shed (Jekanowski)**
- **"H" Zoning Bylaw Amendment: Middle Income Inclusionary Housing (Kuszpa)**

THE FOLLOWING ARTICLES WILL BE CONTINUED UNTIL JANUARY 18, 2024:

- “Q” Zoning Bylaw Amendment: Regulating Residential Rental Use (Cohen)

THE FOLLOWING ARTICLE WILL BE CONTINUED UNTIL JANUARY 25, 2024:

- “CC” Zoning Map Change: LUG-2 to R-40 – 71 Hummock Pond Road

Other Business:

- Planning Board special meeting – Thursday, January 11, 2024, at 4PM via Zoom
- Planning Board special meeting – Thursday, January 18, 2024, at 4PM via Zoom
- Planning Board special meeting – Thursday, January 25, 2024, at 4PM via Zoom
- Planning Board special meeting – Thursday, February 8, 2024, at 4PM via Zoom

Public Comment *for items not listed on the agenda*

Adjournment: