Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
February 12, 2024 @ 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, (ABSENT) Nat Lowell (ABSENT), 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 (Administrative Specialist)

PLANNING BOARD AGENDA
02-12-2024

(*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 wsaad@nantucket-ma.gov with any questions. ****

Webinar Registration Link:
https://us06web.zoom.us/webinar/register/WN_yx6K_rdaQP6r9s3f8HyfPA#/registration
To view the meeting only, see link below:
https://www.youtube.com/live/5H461ZmTzWs?si=OWwfCKmUC3E2tVkJ

I. Call to order:
Chair Iverson called the meeting to order at 4:02pm.

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:
Vice-Chair Topham *Aye*
Barry Rector *Aye*
Chair Iverson *Aye*

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

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

II. Approval of the agenda:

Motion/Vote: Mr. Rector moved to approve the agenda. The motion was duly seconded by Vice-Chair Topham and was carried unanimously with a vote of 3-0.

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

III. Minutes

- **January 18, 2024**
- **January 25, 2024**
- **February 8, 2024**

Motion/Vote: Mr. Rector moved to approve all three sets of minutes listed above. The motion was duly seconded by Vice-Chair Topham and was carried unanimously with a vote of 3-0.

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

IV. Second Dwellings:

- **Robin B. Lord – 9 Old Westmoor Farm Road**
- **John Daly – 6 Nobadeer Way**
- **Gale and Richard Valero – 7 Waydale Road**

V. Garage Apartments:

- **Henry A. Butler and Cassandra L. Butler – 3 Evergreen Way**

VI. Tertiary Dwellings:

- **Kimarick Farm, LLC – 128 Hummock Pond Road**

Voting: (Chair) Iverson, (Vice-Chair) Topham and Barry Rector
Alternates: None
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: Chair Iverson would like to pull 6 Nobadeer Way from the vote for further discussion.

Motion/Vote: Mr. Rector moved to approve all the secondary dwelling applications except for 6 Nobadeer Way, which will be pulled out for further discussion, approve garage apartment, 3 Evergreen Way and the tertiary dwelling for 128 Hummock Pond Road per staff recommendation and conditions. The motion was duly seconded by Vice-Chair Topham and was carried unanimously with a vote of 3-0.

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

Second Dwellings:

- **John Daly – 6 Nobadeer Way**

Voting: (Chair) Iverson, (Vice-Chair) Topham and Barry Rector
Alternates: None
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: The Board discussed 6 Nobadeer Way, located in a zoning district that requires a special permit for a second dwelling. Mrs. Trudel stated that although the property hasn't officially moved to the R10 limited zoning yet, they must adhere to R10 limited standards. Therefore, the Board cannot approve a second dwelling without a public hearing and a special permit. The Board decided to remove the application from the agenda without prejudice which will allow the applicant to reapply in the future if they do so. Mr. Rector confirmed with staff, Mrs. Trudel that if denying the application, it won't prevent the applicant from reapplying later. Mrs. Trudel acknowledge that Mr. Rector was correct.

Motion/Vote: Mr. Rector moved to deny the application without prejudice. The motion was duly seconded by Vice-Chair Topham and was carried unanimously with a vote of 3-0.

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

II. ANRs:

- **1 and 3 Back Street, LLC – 1 and 3 Back Street**
- **Martin Edward Stone – 38 Hooper Farm Road**
- **La Barca Real Estate – 52 Burnell Street –** ***See Public Hearing***

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, John Trudel, and Barry Rector
Alternates: None
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: Chair Iverson removed 52 Burnell Street from the vote.
Motion/Vote: Vice-Chair Topham moved to approve all the ANR applications listed above except

for 52 Burnell Street which will be discussed and voted under the Public Hearing items in accordance with the staff recommendations outlined in the staff report. The motion was duly seconded by Mr. Rector, and it was carried unanimously with a vote of 3-0.

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

III. Previous Plans:

- **PLSUB-2022-06-00289 Van Gilder Subdivision –** *endorse plans*

Motion/Vote: Mr. Rector moved to approve the endorsement pending review and approval of the Town's consulting engineer. The motion was duly seconded by Vice-Chair Topham, and it was carried unanimously with a vote of 3-0.

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

IV. Public Hearing (Applications):

- **Greg Glowacki – 11 & 13 Miller Lane,** *action deadline 05-04-2024*
  Continued to March 11, 2024
- **6 Daisy, LLC – 6 Daisy Way,** *action deadline 05-12-2024*
  Continued to March 11, 2024
- **Steven L. Cohen, as Trustee of the 8 Walbang Nominee Trust – 8 Walbang Avenue,** *action deadline 04-08-2024*
  Continue to March 11, 2024
- **Catherine Dean Schulman, Trustee of the Carol W. Dean Revocable Trust – 48 West Miacomet Road,** *action deadline 04-08-2024*
  Continue to March 11, 2024
- **ACKREIT 1865 LLC – 9 Hinsdale Road,** *action deadline 04-30-2024*
  Continue to March 11, 2024

Voting: Chair Iverson, Vice-Chair Joseph Topham, and Barry Rector
Alternates: Stephen Welch, Abby De Molina and John Kitchener
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: None

Motion/Vote: Mr. Rector moved to continue the applications listed above to the March 11th meeting. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 3-0.

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

- **US REIF Marine Nantucket Fee, LLC – 6A, 6B, 6C, 6D, 6E & 6F Bayberry Court,** *action deadline 05-12-2024*
  Voting: Chair Iverson, Vice-Chair Joseph Topham, and Barry Rector
  Alternates: Stephen Welch, Abby De Molina and John Kitchener
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: Stephen Welch, and Abby De Molina
  Representing: Attorney Arthur Reade, Ron Foster
  Discussion: Attorney Reade stated that the proposed conversion of Building 6 in Nantucket Commons from retail to residential units. The entity Lumber Marine Home Center who owns the building plans to convert it to residential use after the hospital lease expires. The proposal addresses the need for residential units on the island, especially for the employees. The plan is to create 8 units, each with a maximum of two bedrooms, totaling no more than 16 bedrooms. The condo association has already approved the change. This is like the previous conversion in Building 9. The parking requirement will decrease significantly from 39 to potentially 16 spaces due to the change in land use. Attorney Reade stated that the proposal falls under the Major Commercial Development special permit which the Planning Board can allow to increase the number of units if they are inclusionary. The exact layout is still being finalized, however there will be no more than 16 bedrooms and likely no more than 8 residential units.

  Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Welch, and the motion was carried unanimously 5-0.

  <u>Vote taken by Roll Call:</u>
  Barry Rector *Aye*
  Stephen Welch *Aye*
  Abby De Molina *Aye*
  Vice-Chair Topham *Aye*
  Chair Iverson *Aye*

  Motion/Vote: Mr. Rector moved to approve the application and the proposed floor plans to be approved by staff and properly formatted. The motion was duly seconded by Mr. Welch, and the motion was carried unanimously 5-0.

  <u>Vote taken by Roll Call:</u>
  Barry Rector *Aye*
  Stephen Welch *Aye*
  Abby De Molina *Aye*
  Vice-Chair Topham *Aye*
  Chair Iverson *Aye*

- **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*
  Voting: Chair Iverson, Vice-Chair Joseph Topham, and Barry Rector
  Alternates: Stephen Welch, Abby De Molina and John Kitchener
  Recused: None
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Leo Asadoorian, Surveyor, Julie Fitzgerald and Carl Sjolund.
  Discussion: Mr. Asadoorian provided updates regarding a meeting with Ms. Fitzgerald and Carl to discuss potential use restrictions. Mr. Asadoorian stated that certain restrictions would be outright prohibited while others might require a special permit for consideration by the Board. An email from Ed

Pesci was forwarded for review. Mr. Asadoorian mentioned ongoing efforts to set up a meeting with the Fire Department to address access and hydrant location concerns. Mr. Asadoorian indicated a willingness to work through any necessary revisions and submit the required documentation. Ms. Fitzgerald discussed the monetary contribution of $2500 per dwelling unit. There was an inquiry regarding the timing of the payment for the monetary contribution per dwelling unit specifically in relation to residential building permits. It was suggested to adjust the language to condition 9 to accommodate this change. Another question was raised about whether existing dwellings would be exempt from the monetary contribution requirement. The Board members expressed agreement with the proposed restrictions and special permit. Chair Iverson opened the floor to the public. There were no comments or concerns.

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 5-0.

Vote taken by Roll Call:
Barry Rector *Aye*
Vice-Chair Topham *Aye*
Stephen Welch *Aye*
Abby De Molina *Aye*
Chair Iverson *Aye*

Motion/Vote: Mr. Rector moved to approve the application with Mrs. Trudel's minor edits and adjust the language to condition #9. The motion was duly seconded by Mr. Welch, and the motion was carried unanimously 5-0.

Vote taken by Roll Call:
Vice-Chair Topham *Aye*
Barry Rector *Aye*
Stephen Welch *Aye*
Abby De Molina *Aye*
Chair Iverson *Aye*

- **Daniel Gault – 12 Essex Road,** *action deadline 03-31-2024*
Voting: Chair Iverson, Vice-Chair Joseph Topham, and Barry Rector
Alternates: Stephen Welch, Abby De Molina and John Kitchener
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: Mr. Gault presented an amendment to the subdivision. Mr. Gault clarified that this amendment was the first step in the process with a subsequent amendment special permit application expected in the future. Mr. Gault discussed the positive response and support received from the Homeowners Association regarding the proposed changes. Mr. Gault provided details on the proposed restrictions and shared documents showing the layout changes. There was a brief discussion regarding parking arrangements, with plans to locate parking within the interior of the lot. Chair Iverson opened the floor to the public. There were no comments or concerns.

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 5-0.

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

Motion/Vote: Mr. Rector moved to approve the amendment to the definitive subdivision plan with the findings and conditions as stated in the staff report.

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

- **La Barca Realty Trust – 52 Burnell Street,** *action deadline 05-12-2024*
Voting: Chair Iverson, Barry Rector, Stephen Welch, Abby De Molina and John Kitchener
Alternates: Stephen Welch, Abby De Molina and John Kitchener
Recused: Vice-Chair Topham
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch, Abby De Molina and John Kitchener
Representing: Dan Mulloy, Surveyor and Agent for the Applicant
Discussion: Mr. Mulloy discussed the proposal to amend a previous subdivision approval to accommodate three lots instead of two. There are no changes to access, utilities, or roadway requirements from the previous approval. There were concerns regarding the internal roadway, Oliver's Way, about its alignment which were addressed through an easement within one of the lots to preserve vegetation. There was a brief discussion on stormwater management and permeable surfaces. Chair Iverson opened the floor to the public. Emily Molden raised concern regarding stormwater management and Ed Pesce's review of the roadway improvements regarding the increased number of lots in the AR subdivision. Ms. Molden asked for clarification on whether the subdivision portion which involves increasing the number of lots had been reviewed by Mr. Pesce and whether the roadway improvements were adequately addressed. Mrs. Trudel confirmed that Mr. Pesce had reviewed both the AR modification application for 52 Burnell Street and the previous application for 50 Burnell Street for similar applications. Mr. Saad mentioned that Mr. Pece's review was included in the January 8th Planning Board packet. The There were no public comments or concerns.

Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Welch, and the motion was carried unanimously 5-0.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Stephen Welch *Aye*
Abby De Molina *Aye*
John Kitchener *Aye*
Chair Iverson *Aye*

Motion/Vote: Mr. Rector moved to approve the amendment to the definitive subdivision plan with the findings and conditions as denoted by staff in the staff report as well as to formalize these agreements within the conditions outlined in the decision.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Stephen Welch *Aye*

Abby De Molina *Aye*
John Kitchener *Aye*
Chair Iverson *Aye*

ANR – La Barca Realty Trust - 52 Burnell Street
Voting: (Chair) Iverson, (Vice-Chair) Topham, and Barry Rector
Alternates: Stephen Welch, Abby De Molina and John Kitchener
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: None

Motion/Vote: Mr. Rector moved to approve the ANR application listed above in accordance with the staff recommendations outlined in the staff report. The motion was duly seconded by Vice-Chair Topham, and it was carried unanimously with a vote of 3-0.

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

- **Airport Gas – 10 Airport Road,** *action deadline 05-12-2024*
Voting: Chair Iverson, Vice-Chair Joseph Topham, and Barry Rector
Alternates: Stephen Welch, Abby De Molina and John Kitchener
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Dan Mulloy, Surveyor and Agent for Applicant and Volney Sinclair, Applicant
Discussion: Mr. Mulloy presented the proposed changes, reorganizing the interior retail space, adding car wash bays, and minor adjustments to the building footprint. Also, the plans include improvements to the parking layout and landscaping. The proposed changes will enhance the parking issues and functionality without significant expansion. Mr. Welch raised concerns regarding past compliance with open space requirements, wastewater treatment for the car wash and potential contamination concerns. Mr. Mulloy stated that he acknowledged the existence of a pre-existing wastewater treatment system but didn't have detailed specifications. Chair Iverson opened the floor to the public. Emily Molden raised concerns about stormwater specifications and requested documentation of the existing infrastructure and treatment methods before closing the public hearing. Ms. Molden mentioned the historical conditions requiring the use of biodegradable detergents and questioned the discrepancy between past and current open space requirements. Mr. Mulloy provided information on past stormwater upgrades and treatment systems. Volney Sinclair stated and assured that they have made efforts to minimize the use of harmful chemicals and briefly gave an outline of maintenance procedures for wastewater management. Art Gasbarro expressed support for Airport Gas's proposal. Mr. Gasbarro expressed the importance of updating the stormwater operation and maintenance plans. Mr. Gasbarro also stressed of bringing the 1986 permit and operations up to current standards. Mr. Gasbarro noted the need for a landscape plan and dense evergreen buffer to address concerns regarding Airport Park's screening. The Board agreed to continue the discussion to the next meeting on March 11th to allow for the necessary review and submission of additional information.

Motion/Vote: Mr. Rector moved to continue to the March 11th meeting. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously with a vote of 3-0.

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

IX. Other Business:

- **Planning Board regular meeting – Monday, March 11, 2024, at 4PM via Zoom**
- **Planning Board joint meeting with Select Board and Finance Committee – Thursday, March 14, 2024, at 4PM via Zoom.**

V. Public Comment *for items not listed on the agenda*
There were no public comments.

XIII. Adjournment:
Mr. Rector moved to adjourn the meeting at 5:42PM. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously with a vote of 3-0.

Vote taken by Roll Call:
Barry Rector Aye
Vice-Chair Joseph Topham
Chair Dave Iverson

Submitted by Catherine Ancero

***Link to the Planning Board packet:**

https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_02122024-13500?html=true