



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Elisa Allen (Clerk), Michael J. O'Mara, John Brescher
Alternates: Mark Poor, Jim Mondani

~~ MINUTES ~~

Thursday, June 08, 2023

Public Safety Facility, 4 Fairgrounds Road, Community Room –1:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 1:08 pm and announcements made by Ms. McCarthy

Staff in attendance: William Saad, Land Use Specialist; Paul Murphy, Building Commissioner, Janelle Austin, Town Council, KP LAW

Attending Members: McCarthy, Allen, O'Mara, Brescher, Mondani, Poor

Absent: Botticelli

Agenda adopted by unanimous consent

Motion **Motion to Approve.** (made by: O'mara) (seconded)

Vote Carried unanimously

I. APPROVAL OF MINUTES

1. May 11, 2023

McCarthy – No substantive changes really just bolding and capitalization changes.

Motion Motion to Approve with minor edits. (made by: Allen) (seconded)

Vote Carried unanimously

II. OPEN MEETING LAW COMPLAINT FROM ATTORNEY PAUL HAVERTY, DATED MAY 18, 2023

1. Open Meeting Law complaint from Paul Haverly, dated May 18, 2023

Discussion (6:57) **Austin-** There has been an open meeting law complaint filed against the Board by attorney Paul Haverly dated May 18, 2023, it pertains to the Board of Appeals meeting on May 11th at the meeting today the Board will acknowledge the open meeting law complaint against it discuss the allegations generally Town Council has prepared a draft response subject to the Board's review this afternoon relative to the allegations set forth in the complaint which I will discuss in one minute essentially the board will review those allegations and um discuss it determine if there are any comments to the draft proposed and authorized Town Council to file the response with the complainant and the Attorney General's division of open government subject to any comments or changes the board may have in essence the complaint alleges that the motion to amend leading agenda for the May 11th meeting was not in compliance with the provisions of the open meeting law as it was not unanticipated nor was it an emergency. Town Council has prepared a draft response subject to the Board's review outlining the Board's position on that and certainly available to answer any questions the Board may have.

McCarthy- I read over Town council's opinion and I'm sure we've all read the complaint filed by Attorney Haverly. I don't have any changes to the response. Does anyone have any questions for Town Council about open meeting violation that was filed?

Mondani- Why didn't you think it constituted an emergency?

Austin- There was discussion based on my review of the meeting that it was something that was anticipated by the Board in advance of the meeting and based on the totality of the circumstances and the factual circumstances surrounding it and the Attorney General's determinations and what generally would constitute an emergency in my opinion based on my review of the open meeting law determinations on point it is unlikely that it would constitute an emergency for purposes of the open meeting law.

Mondani- I disagree with that, I think there was a reason for it and the circumstances are important. I was not able to get this item on the agenda. We had a hearing at two o'clock that afternoon and we were not represented by Council and what's ironic about this is your Law Firm is writing this when it has to do with us obtaining special counsel. So, you're conflicted on this and that's been the basis of what I've been saying all along. You're throwing this Board under the bus by saying we violated it and I know the AG's office has ruled on we could have ratified this at another meeting but again the chair has refused to allow me to add this as an agenda item so that's that. My other question relates to why don't you just have us ratify the vote why don't we just go and open it for discussion and ratify it and my concern is that you probably have a conflict in that and probably a concern because we're going to reopen this to appoint special counsel and I guess the bottom line is I don't think it's an acceptable response and I think you should I think the board should consider that and consider some other options and review the draft which unfortunately we don't have at this meeting because the draft of what it wasn't included in the packet.

McCarthy- What are the consequences of acknowledging that there was an open meeting violation for this Board?

Austin- Just to be clear, the response that's been provided to the to the Board is consistent with my experience in interpreting the Open Meeting Law and that's what I'm here to discuss this afternoon. In my opinion the consequences are as follows generally if a complainant is unhappy with the Board's response they would seek further review with the attorney general's division of open government to the extent the division of open government may deem it to be a violation of the Open Meeting Law there are often remediation requirements, training requirements or alternatively if there's an intentional violation or a series of intentional violations there is the risk of penalties or fines in extraordinary circumstances.

Mondani- Do you believe that your firm has a conflict in this? This isn't your typical open meeting violation. It's not like we discussed this behind the scenes, and I think this is something that we can readily rectify by putting it in on the agenda and discussing it and re-voting. Maybe it doesn't require a vote, but I feel like Town Council is not adequately representing us.

Austin- Just to be clear, it's certainly our position that there is no conflict at issue here and second, I want to be cognizant of what's on the agenda this afternoon relative to just discussion of the Open Meeting Law complaint so I want to be clear about that. With respect to the second question in terms of the potential remedy in my opinion there is an option to have a meeting subsequently if it's posted in accordance with the open meeting law if the Chair so declares to put it on the meeting agenda um as a topic with 48 Hours advanced notice to resolve it as well. In response to this complaint as you all know there's a 14-day requirement to provide a response to the complainant as well as the division of open government that is what we're here for this afternoon but that is an available remedy to attempt to ratify any open meeting or value under the Attorney General's determinations.

O'Mara- Didn't we vote whether or not to seek out our own Council?

McCarthy- We voted, and that vote did not carry.

O'Mara- So I'm not sure if that's ratifying the situation or not but I would think that that's got to fall into this puzzle somewhere that we did vote on it.

McCarthy- I think that is mentioned in the complaint that it the potential open meeting violation, not that it's mitigated but that the fact that the result the topic of discussion, the topic of the open meeting or this is only I think one aspect of the complaint that was filed but that it wasn't voted forward maybe tempers the violation.

O'Mara- If the member thought that it was an emergency in his mind and maybe still feels that way, maybe he doesn't. Is that clear-cut evidence that the open meeting law was broken?

Austin- So generally in my experience the Attorney General's office would look at the totality of the circumstances to determine whether it be based on the law and facts at issue there this would constitute an emergency as you might expect emergencies under the open meeting law generally pertain to public health and safety emergencies large storms sewer issues certainly Public Health emergencies. In the past couple of years those are generally the categories that fall under emergencies for purposes of the Open Meeting Law even if it is an emergency with the Attorney General's office advises is that the best practice so to speak is to amend the agenda as soon as possible to give members of the public as much as advance notice as necessary to revise the agenda as soon as you can even if there isn't an emergency and then to ratify it at a future meeting if the Chair decides to put it on the agenda.

O'Mara- What are we going to be voting on today regarding this?

Austin- Essentially, all the Board is being asked to vote on is a response to attorney Haverly's Open Meeting Law complaint that's before you. Town Council has prepared a draft for the members review this afternoon a copy of that has been distributed so essentially, it's just a motion to authorize the draft subject to any comments or other considerations the Board may have into authorized Town Council to file that with the complainant as well as the division of open government in response to the May 18th Open Meeting Law complaint.

Mondani- For the record, I'm not sure Council knows about this, but I acknowledge that if it was a violation that we could have ratified it at another meeting. I requested this agenda item, and it was rejected so those circumstances need to be taken into account and our council's representation of us.

McCarthy- When we were discussing this and when the request was made to the motion into an emergency aspect of it. It was not brought to my attention until later and it's in the minutes on page eight, but it was not brought to my attention or the Board's attention in general that the hearing that was on that day at two o'clock was something about the Land Council and Tipping Point to introduce additional evidence and we the Town wasn't a participant in that hearing so I feel like if we did have any emergency aspect of if that had been made known at the beginning it we might have gone down a different path. I support the recommendation from Town Council. I don't have any changes to it, and I suggest that we acknowledge this response and authorized Town Council to file it with the attorney general in the division of open government to meet the 14-day response unless anyone has any suggested changes or other questions or comments.

III. OLD BUSINESS

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|----|------------|-----------------------------------|--------------------|----------|
| 1. | 09-22 | Harris on Weweeder, LLC | 50 Weweeder Avenue | Brescher |
| | | CONTINUED to July 13, 2023 | | |
| | Voting | McCarthy, O'Mara, Allen, Poor | | |
| | Discussion | Not opened at this time. | | |
| | Motion | Motion to continue | | |
| | Vote | Carried unanimously | | |

2. 20-22 Steve L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust, 29 Monomoy Road Cohen

CONTINUED to July 13, 2023

Voting	McCarthy, Brescher, Allen, Mondani
Discussion	Not opened at this time.
Motion	Motion to continue
Vote	Carried unanimously

3. 37-21 Kristina & Nicholas Amendolare

8 Bank Street

Williams

CONTINUED to July 13, 2023

Voting	McCarthy, Brescher, Allen, Mondani
Motion	Motion to Continue to July 13, 2023. (made by: O'Mara) (seconded by: McCarthy)
Vote	Carried unanimously

IV. NEW BUSINESS

1. 10-22 Paul P. Moran & Jean M. Moran

4 Washington Avenue

Santos

CONTINUED to July 13, 2023

Voting	McCarthy, O'Mara, Allen, Mondani
Discussion	Not opened at this time.
Motion	Motion to continue. (made by:Brescher) (seconded by: Allen)
Vote	Carried unanimously

2.17-22 Nantucket Cottage Hospital

16 Vesper Lane

Erickson

WITHDRAW WITHOUT PREJUDICE

Voting	McCarthy, O'Mara, Allen, Bresche, Poor
Discussion	Not opened at this time.
Motion	Motion to withdraw without prejudice. (made by: Allen) (seconded by: Brescher)
Vote	Carried unanimously

3. 06-23 NOB ACK, LLC

2 Nobadeer Way

Cohen

Discussion (38:03) **Cohen-** My client would like to build a new structure on the property. The problem is you can't get a building permit for a new house if you have the house on the property because it would exceed the number of allowable houses on the property. My client is asking for a Variance from the definition of dwelling, which a dwelling under the bylaw is defined as a structure that is either occupied for or intended to be occupied for dwelling purposes and then it has other words that say what that means but essentially what I'm asking for is for the Board to give a temporary waiver of the phrase intended to be so that this structure would only be counted as a dwelling but it is occupied not when it is intended to be occupied because the intention starts with as soon as you dig the foundation and so that temporary variance would only be through the construction of the structure. The family would move out of the very poor condition building into the brand-new structure and then the waiver would be extinguished by the operation of the permit they're requesting, and the existing structure would be demolished so the property would always be in compliance with the number of occupied dwellings on the land at the time and we would only have that allowance. I know that the staff report recommended against this because in general you're not supposed to give use variances I don't think this is properly characterized as a use variance I understand why staff made that point and I think they were actually diligent about it and in fact I think the way I originally applied for it they were correct, and I had to change my application based on some advice and dealing with the staff to give a different reason for it. I had originally asked for an additional dwelling which I think would have been a use variance that you couldn't grant. I would note that the Board has granted similar relief to what I'm asking for in different purposes and what I mean by that is right now you can get a variance, a special permit relief from the definition of tent to allow it to be on the property for more than what is otherwise allowed under the definition in the bylaw.

Allen- Can we hear from Paul the head of the Building Department as to his opinion on this.

Murphy- I didn't weigh in on this one way or another, I don't have a position on the matter, whatever is the pleasure of the Board.

Allen- Have you seen this in the past?

Murphy- Not on Nantucket but in other communities.

Allen- So you haven't seen yet where one house is going up while the other one is occupied and then that gets demolished?

Murphy- I have not seen it on Nantucket but I've only been here four and a half years, so I don't have a long history with it, but it is done in other communities.

Cohen- It predates my personal experience, but I know Bernie Bartlett who used to be the Building Commissioner used to allow for these types of permits with conditions on them for people to move houses and otherwise engage in the construction or moving of structures to properties where they were going to build something and then demolish. The problem he ran into is he got burned by people who would not finish it's since been the policy of the of the Building Department to stop doing. My client would be willing to put money into escrow or otherwise put conditions in place.

O'mara- Is there any provision to put a fence around the construction?

Cohen- Whatever conditions the Board felt reasonable my client would be willing to accommodate.

McCarthy- Was there any other avenue other than a temporary alteration of the definition of dwelling unit, I don't love that language.

Cohen- I had originally applied for permission to do a fourth dwelling instead. Staff contacted me and thought that might be a bridge too far and I didn't disagree with their reading of it and I think that what I've suggested in the alternative is at least consistent with the practice that the Board has used a couple of times in the recent past in terms of how to work within its authority.

Allen- As long as we could get this in writing assurance that as soon as the family moved into the new structure the other structure had to be demolished.

Cohen- I do have a thought on that for your consideration which is that you could put a condition in it that through staff or through the Building Commissioner that we would provide evidence of a permit for demolition, evidence of a contract for that demolition and evidence of availability advocate for that to happen.

McCarthy- Can you talk to me a little bit about the next steps with the Planning Board for the additional bedrooms?

Cohen- There's two permits that are required from the Planning Board, one of them is for a tertiary dwelling whether it's a tertiary permit or a tertiary special permit you need one either way so that's something that we have applied for it's on the agenda for Monday and then the second thing that we've applied for is to exceed the bedroom count this has allowed 7.9 bedrooms and we've asked for a waiver to go to eight. There's an addition that's been proposed that comes forward of the building so it's away from the setback encouragement, we had originally considered doing a sideways edition which would have required relief from the Board to do an expansion of a pre-existing non-conforming use within the set back and then we decided to not continue with that request so any addition to the building that's being kept would be outside of this set back.

Manning- Amy Manning, 7 Nobadeer Way. I was just looking at the abutters who got information and I'm at number seven and didn't get any information on this. All the houses are old ranch style houses on the cul-de-sac, and it was made R10 Limited at town meeting prior. There's at least six or seven people in that house and there's at least 10 cars that park two in the driveway, three on the lawn, one car was just removed that was in an accident and has been there since the accident. There are people that park on the road, so you want to build another house and put it in and have how many employees that work for whomever building a house adding to our road for parking, taking away parking from what the cottage in the back is. There's already a nighttime thing where there is not supposed to be parking overnight and technically that resource officer is going to start ticketing yet again, it's too much. We have called The Board of Health because there is illegal cooking being sold over at Statue Park. I don't want people to lose their housing, housing is horrible here, but you cannot put a third dwelling that's already there and say you're not going to take away you're adding a duplex. Where are they going to park?

Cohen- I appreciate what Amy's saying, some of it is not necessarily relevant to here and some of it actually is concerning to me as the attorney for the owner and I'd like to follow up after to make sure that if there are any health and safety issues or any zoning violations or just any neighbor disturbances my client would take action to try and mitigate any of those things. If you were to turn us down all of this would happen anyway except we would demolish the structure first and displace the family and you'd end up with the same exact thing um so you know I appreciate what Amy's saying but really the only question in front of you is whether you want us to demolish that building and displace the family or if you're willing to put conditions in place to allow it to happen.

Brescher- I don't love this as a variance, I think it's a stretch. I appreciate that you can absolutely do this by right and I understand why you've come before us. I would love it if there was a way that you could do it administratively without a variance because I feel like if we go down the variance route, we're going to wind up putting a lot of very difficult conditions on this.

Cohen - To the extent if the Board were to go in that direction frankly it's okay for my client I've told them to expect you know conditions that would be both protective of the of the families on the property and protective of the neighbors it might actually be better for the neighbors if the Board put conditions in place so for example a requirement so that there be no on-street parking by this construction company is not something that you could do not something that would exist outside of variance but it's something you could put on your permit like there are conditions that you could impose that would be beneficial to the neighbors that don't otherwise exist.

Allen- It sounds like there's a parking issue even without the construction vehicles.

Cohen- Our intent is to alter the parking right now there's two different driveways and one of them basically has all the parking in the yard. We are going to change that so that there's only going to be one curb cut instead of two and two different modern approved compliant parking areas.

Allen- Can we discuss why the staff recommends we don't approve this?

Cohen- When I first applied for this, I applied for permission to do a third and fourth dwelling and Billy reached out to me and suggested that might be a use variance which is not generally allowed under your authority and I agreed with him and I tried to think well how can we do this and I remember that we had done this temporary alteration to the tent Bylaw a couple of times and so I revised my application and I think that the staff's position on this is not for against the merits of the application it's whether or not they consider this to be a use variance and I think they're coming down on the side that it might be.

Saad- Under the definition of Variance with respect to land or structures and it's not specific to any owner. That would be with respect to the land or structures regardless of who owned it, would not be able to do this. Given the circumstances it's very particular to this case it's not, regardless of who would own that land.

Poor- It would appear that after the primary dwelling closest to the street is razed and the proposed secondary tertiary building whatever you want to call it goes in the addition that was proposed on this plan for the one story one bedroom dwelling seems not to calculate into a 20 percent difference between the primary dwelling and the secondary dwelling.

Cohen- That's correct there are two answers to that one of them is that we would if we were going to get approval to do that addition we could potentially require permission from the Planning Board to get the waive the 20 differential rule which we have not yet applied for and I think actually the more correct, more complicated answer is that that rule applies to primary and secondary dwellings but the structure that would be measured against is both a secondary dwelling and with an attached tertiary so if you delete the attached tertiary then it would apply. That is an issue that I would have to clean up at the Planning Board and if the Planning Board requires that waiver then we would either get that waiver or not be able to do the addition.

Cohen- Because it's a variance, my hope is that you'll grant the motion, but my inclination would be to withdraw instead of making a denial if you're heading in that direction.

Brescher- Suggested the matter continue and applicant possibly dealing with the relief request administratively.

CONTINUED to July 13, 2023

Voting McCarthy, O'Mara, Allen, Brescher, Poor

Discussion

Motion **Motion to continue to July 13, 2023.** (made by: O'Mara) (seconded by: Brescher)

Vote Carried unanimously

4.07-23 Charles B. Johnson

4 Harbor Square

Alger

Discussion (1:25:11) **Alger-** I represent the old North Wharf Cooperative with me is Danielle de Benedictus she represents Charles Johnson who's one of the Cooperative shareholders and the holder of the long-term lease on the dwelling that's about 12 inches away from this proposed project the purpose of this action is twofold we're appealing the decision of the Building Commissioner not to revoke the building permit issued for this project in the absence of an MCD special permit and we're asking for the revocation of the permit itself. An MCD is defined as a single commercial structure or use or a group of commercial structures or uses which is proposed to be constructed on a single water tract of land or on a contiguous tract of land and held in common ownership or control, meeting in the aggregate any one or more of the following criteria. That's really what's at issue here, they should be required to go to the Planning Board like everybody else and get an MCD Special Permit.

Poor- Expressed he may have a conflict.

Mondani- Expressed he may have a conflict as NIR is the landlord for his business at the Boat Basin.

De Benedictus- I think under the state Conflict of Interest Law which as a former Assistant Attorney General I'm very familiar with there's definitely conflict here.

McCarthy- I think we should continue if we only have four members at this point.

O'mara- I think we have to continue; the question is the testimony that we've already heard can we get somebody to mullen in on that?

McCarthy- We should have a new full board member by July 13th so that'll give us five, assuming he doesn't have a conflict.

Continued to July 13, 2023

Voting McCarthy, O'Mara, Allen, Brescher

Discussion

Motion **Motion to continue to July 13, 2023.** (made by: Brescher) (seconded by: O'mara)

Vote Carried unanimously

5.08-23 39 Monomoy Road LLC

39 Monomoy Road

Reade

Discussion (1:51:02) **Reade-** This is an application to construct alterations to a pre-existing non-conforming single-family dwelling the structure is on a lot that was created pursuant to an 811 subdivision, so it has the status in all respects of being a legally existing non-conforming structure my client is now proposing to construct certain additions to the structure which will involve eliminating an existing non-conformity in the side yard setback will increase the front yard setback from the present 9.6 feet to 9.9 feet and we'll keep the existing ground cover exactly at the level that it's at right now.

O'Mara- I just realized that my office was involved in this sale okay and I don't know the buyer but I just want to bring that to your attention. I

McCarthy- Do you have any reservations about Michael participating in this?

Reade- No, I don't I think any involvement he had was with the prior owner and not with the present owner.

McCarthy- Based on the application and the increasing conformance with the front yard setback I don't at this time have any objections or issues.

Reade- I meant to mention not that it changes anything, but we'll be putting something about it in the decision. The side is constrained by wetlands and that's the reason why we're keeping the house in approximately the present condition regardless of the work that's being done.

Voting McCarthy, O'Mara, Allen, Brescher, Poor

Discussion

Motion **Motion to Approve relief as requested.** (made by: Brescher) (seconded by: Poor)

6.09-23 Edward V. Lahey, Jr Trustee of Boathouse Realty Trust 52 Warrens Landing

Reade

Discussion (1:59:09) **Reade-** This is an application involving moving an existing very small cottage, one bedroom structure that has existed for many years on this property. My client Ed Leahy working with his Architects, his surveyor and Wetland Specialists they've determined that it would be appropriate to move the house away from where it is currently situated which is right on the harbor in a position where although the rate of erosion there is relatively slow it is immediately adjacent to the beach and as a matter of dealing with coastal resiliency issues as everyone is supposed to be doing these days. They want to move the structure to a point on the eastern part of the lot farther away from Madaket Harbor. The wetland constraints are not only the location of the harbor but also a wetland to the east and southeast of the property and in so doing they've obtained ConCom and HDC approval for the structure to be moved to a location which would wind up having a 24-foot setback from Warren's Landing Road and the lesser setback from an unnamed way running along the easterly side of the property. The structure is now conforming as the front yard setback because even though it's closer to Warren's Landing Road than would be permitted the unconstructed way on the easterly side of the property technically provides front yard setback and under the bylaw that's allowed to be counted; we're basically creating a new non-conformity by moving the house to this location and therefore we need a variance.

Mondani- The house is being moved or demolished?

Reade- Combination of both.

McCarthy- I think looking at the application and the proposed work I think this request squarely fits into what the Variance is designed for and especially what we've done in the past for homes in this area and in Sconset that need to be moved away from eroding bluffs or coastlines to retain the ability to use the house and keep it viable as long as possible. I don't have any objections to this request.

Mondani- my only reservation on this is and I was surprised I didn't know there's erosion in Madaket Harbor. When I looked at these two pictures I don't I don't really see a lot of erosion in this case.

Saad- This was on the staff report, and I noticed after I saw the printout that that is not what I was looking at it's much different looking when you see it on a computer screen because there was a lot of green behind that house that's turned to sand and that's what I was trying to show and it didn't really show up because the GIS aerials are just very granulated pixelated photos.

Reade- We obviously also are dealing with sea level rise issues which we are being confronted with constantly and that is a further reason to deal with the location of the house as well as elevating the house and getting it into a more appropriate location on the site.

Allen- Is there a way of relocating it and conforming?

Reade- No, we have gone as close as we possibly can granted the wetlands in connection with the notice of intent of the Conservation Commission

Allen- Are you increasing the square footage?

Reade- No

McCarthy- I was relying more on the plan from Jeff Blackwell that's dated May 10, 2023, that shows corner of the deck is right up against that Coastal Bank.

Voting McCarthy, O'Mara, Allen, Brescher, Mondani

Discussion

Motion **Motion to Approve relief as requested.** (made by: Allen) (seconded by: Brescher)

7.10-23 Nantucket Cottage Hospital

16 Vesper Lane

Beaudette

Discussion (2:11:09) **Beaudette-** This property is currently owned by Nantucket Cottage Hospital and it's an oversized lot in the CN District with almost two acres in a district that only requires 7 500 square feet. The property is non-conforming and has no frontage whatsoever. It's accessed through an easement through the Coast Guard property. We are seeking a Variance seeking to create additional lots on 16 Vesper and those lots would also not have frontage. The proposal is to divide 16 into four lots, one with the existing housing structure on it that the hospital will continue to use and the other three lots created are oversized lots. The proposal meets the standard for a Variance as certainly the applicant and the affordable housing Trust would have a substantial hardship.

Brescher- Do we still get Planning Board recommendations on ZBA applications?

Saad- I don't think I heard anything from the Planning Board on this one.

Brescher- Ultimately, I think I'm inclined to vote for this Variance; however, I'll be the first to say that this is something that I would certainly defer to the Planning Board or like to see the Planning Board have comments on any types of restrictions or recommendations that they would have relative to this since they normally deal with these types of subdivisions.

McCarthy- Were you looking for an easement with the Coast Guard or did that get resolved?

Beaudette- No, we have an easement with the Coast Guard, they originally objected and then you know since then the reason we haven't come back and opened the hearing is because we were negotiating with them. Their only condition was if there's anything that's constructed, they want to instead grant us a separate temporary easement to the west for just construction purposes so that construction trucks aren't coming through the Coast Guard property that was their only concern.

Brescher- The relief is so that you guys get three buildable lots right?

Beaudette- The relief is to create three new vacant lots in addition to the lot that we'll keep. Those are the three lots that go to the Affordable Housing Trust and I know that the trust isn't sure what they're going to do with it yet specifically, but I think the chances are that it's going to be used as one lot.

Brescher- Have you gone through for an ANR yet?

Beaudette- No we haven't, and I know that you usually ask for the Planning Board's opinion and I know it's been vetted for a year and a half through the through the Plus Department and it certainly has their blessing.

Sullivan- We're excited to work with the hospital, this has been a long road in acquiring the property from UMass and then be able to get to the table with the hospital to kind of create both an affordable housing need and then a hospital need. They have worked very hard with the Coast Guard on our behalf and to get to the table here. We recently worked with the Plus Department on the concept of bringing forth the three lots. The plan as drawn was recommended to us by the officers at PLUS and it's why we're here today in conjunction with the hospital.

Allen- If this became three lots would each lot only be allowed to have one dwelling on it?

Beaudette- Part of what Sully is talking about is that having the three lots gives them the maximum flexibility to do what they want to do as a member right so no I think the trust is able to put as many dwellings as possible that could go on the property in the CN district.

McCarthy- What you were thinking about for conditions or you're just looking for guidance?

Brescher- I was looking more so for guidance because you could do conditions, if need be, but the client is requesting basically three buildable lots and hypothetically if they constructed a road through there, they could get three buildable lots. I was just more curious about what planning would say because they're doing an ANR subdivision without doing an ANR subdivision by virtue of an easement.

Beaudette- I think we would overburden the easement if we specifically applied for an ANR subdivision potentially. I'm unaware of any ANR subdivision that's created on a landlocked lot.

O'Mara- It's for the community obviously and if the Board was so inclined, we could continue it to next month and maybe have Leslie come up with some conditions that would be appropriate for parking.

Brescher- Ultimately, I think I'm leaning in favor of this, we just need some guidance.

Continued to July 13, 2023

Voting McCarthy, O'Mara, Allen, Brescher, Poor

Discussion

Motion **Motion to Continue to July 13, 2023.** (made by: Brescher) (seconded by: O'mara)

V. OTHER BUSINESS

1. APPOINTMENT OF ZONING ADMINISTRATORS

McCarthy- We have an announcement that Libby should be appointing Megan and Billy as the Zoning Administrators.

Saad- The Zoning Administrator duties are covered under the contract of the Land Use Specialist so moving me and Megan in is sort of the simplest maneuver given that Andrew's leaving.

Brescher- Do we need to ratify it as well once they've been appointed?

McCarthy- We used to, but it turns out at some point there was a discovery that the Bylaw and the Charter were at odds and so only the Town Manager appoints.

VI. ADJOURNMENT

Motion **Motion to Adjourn.** (made by: Brescher) (seconded Allen)

Vote Carried unanimously

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:

Nickisha Sheriff

