



Nantucket Planning Board

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

Attending Members: Chair Dave Iverson (Board member), Vice-Chair Joseph Topham (Board member), Nat Lowell (Board Member) and Howard Matz (Alternate)

Remote Attendance: John Kitchener (Board member) and Abby De Molina (Alternate)

Absent: Barry Rector (Board member), and Stephen Welch (Alternate), Meg Trudel (Senior Planner),

Staff: Leslie Snell (Director of Planning), William Saad (Zoning Administrator/Land Use Specialist), and Catherine Ancero (Administrative Specialist)

PLANNING BOARD AGENDA

07-08-2024

(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 *

Webinar Registration Link:

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

To view the meeting only, see link below:

<https://www.youtube.com/watch?v=S9juGlBx9Cg>

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.

Chair Iverson welcomed and introduced new alternate member Howard Maltz.

The meeting is being audio and video recording, and all votes will be conducted via roll call. Attendees on Zoom are required to use their real names for accurate minute-keeping. The Chair will recognize both in-person and Zoom participants when it is their turn to speak. Attendees are requested to mute themselves when not speaking.

II. Approval of the agenda:

Mr. Lowell moved to approve the agenda. 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*

John Kitchener *Aye*

Chair Iverson *Aye*

III. Public Comment: *for items not listed on the agenda*

There were no public comments.

IV. Subdivision Rules and Regulations Update

Discussion: This discussion focused on updating the subdivision rules and regulations, which have not been revised since 1999. Mrs. Snell stated that significant changes have occurred in terms of the scale of subdivisions, materials used, preferences, and technology, making update necessary. A consultant, Patrick Brennan, a professional engineer, has been hired for the update. Mr. Brennan started gathering background information and consulting with Ed Pesci. Some of the various concerns that the Board members raised included, frontage on unimproved roads where local property owners prefer no improvements, the success of the rear lot subdivision in maintaining the character of the area without requiring extensive road improvements, handling properties with pre-existing structures when there's potential for redevelopment under current regulations, frequent waivers issued for current regulations indicating a need to align regulations with actual practices, historical context and specific local needs such as maintaining a 20-foot wide layouts for certain roads, how other communities handle similar issues and whether those practices can be integrated. Chair Iverson opened the floor to the public. Hillary Rayport expressed her concern about historic preservation, especially in the Old Historic District. Ms. Rayport expressed issues with the 4181L exemption, which allows for the subdivision of lots without requiring zoning board approval, leading to the development of non-conforming lots and demolition of historic buildings. Mr. Kitchener asked if recent wetland regulation changes should be integrated into the subdivision rules update. The consensus with the Board was that wetland issues should remain under the jurisdiction of the Conservation Commission. During the discussion it was clarified that the 4181L exemption is state law and not developed by the Planning Board. The local zoning bylaw was changed to prevent the need for additional planning and zoning board approvals for certain subdivisions which some community members want to revisit.

V. Master Plan Update - Barrett Planning Group, LLC

Discussion: Judy Barrett provided an update on the Master Plan noting the need to incorporate recent planning work and regulatory changes since the last plan in 2009. The plan is to integrate various planning documents and community concerns into a comprehensive master plan, addressing areas such as demographics, built environment character, sustainability, community health, and area plans. Ms. Barrett mentioned that the master plan updated hopes to be completed by December, will likely extend to early spring due to the extensive effort required to catalog and analyze existing documents and plans. Vice-Chair Topham suggested creating a systematic way to organize and categorize planning documents, making it easier to access and understand past decisions and discussions. This would help future staff and Board members to have a clear outline of previous meetings and decisions. There was a discussion regarding the importance of different Town Boards, like Zoning Board of Appeals, the Planning Board and the Architectural Control Commission working together. This collaboration would avoid conflicting decisions. Ms. Barret stressed engaging the public in the planning process, with plans to hold community meetings to gather input on what residents' value and envision for the Town.

VI. Minutes: this is junior long time no see

- June 10, 2024

Documentation: File with associated plans, photos and required documentation

Motion/Vote: Mr. Lowell made a motion to approve the set of minutes of June 10th. 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*

John Kitchener *Aye*

Chair Iverson *Aye*

VII. Second Dwellings:

- John & Susan McDonough – 5 Moby Way
- 12 Derrymore Realty Trust – 12 Derrymore Road
- Dukes Road Trust; Steven Cohen Trustee – 2 Dukes Road
- 156 Cliff Road Nominee Trust, Monica Halperin TTR – 156 Cliff Road
- Island Cricket LLC – 169 Polpis Road
- 106 Squam Rd LLC – 106 Squam Road
- Jonathan & Jennifer Damashek – 77 Vestal Street
- Wolfram Family Trust - 7 Folger Lane
- Summer Sidecar 66 LLC – 66 Miacomet Avenue

VIII. Garage Apartments:

- Jason & Aimee Davidson – 21 Clifton Street
- JFM CACIQUE LLC – 36 Easton Street

IX. Tertiary Dwellings:

- 106 Squam Rd LLC – 106 Squam Road

Documentation: File with associated plans, photos and required documentation

Discussion: There were no recusals on the agenda items involving second dwellings, garage apartments or tertiary dwellings for the following properties listed above.

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

Vote taken by Roll Call:

Vice-Chair Topham *Aye*

Nat Lowell *Aye*

John Kitchener *Aye*

Chair Iverson *Aye*

X. ANRs:

- Joshua Adam Leffler & Margaret Mary Leffler – 22 Pleasant Street
- Joseph R. Motta, Jr. – 38 Cliff Road
- Charles A. Ernst III Realty Trust – 166 Cliff Road
- Unmatched Properties, LLC Lawrence M. Maury, Manager – 13R Evergreen Way
- Richard A. Valero & Gale L. Valero – 1 Evergreen Way

Documentation: File with associated plans, photos and required documentation

Discussion: There were no recusals on the ANR agenda for the following properties listed above.

Correction noted that the agenda had an error regarding the ownership of 1 Evergreen Way, which is owned by Nantucket Safe Harbor for Animals Incorporated (NISHA).

Motion/Vote: Mr. Lowell made a motion to approve all the ANR applications listed above. 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*
John Kitchener *Aye*
Chair Iverson *Aye*

XI. Previous Plans:

- **33 Old South Road,** *Release Lots 1-3 and 13 & endorse legal documents and Form J*

Documentation: File with associated plans, photos and required documentation

Discussion: Mr. Saad provided the staff report explaining that the applicant requested the release of three building lots and a roadway lot. The original decision stipulated that these lots would be released upon the endorsement of the plan and submission of legal documents. The applicant submitted the necessary legal documents in the required Form J.

Motion/Vote: Vice-Chair Topham made a motion to release lots 1-3 and 13, endorse the legal documents and Form J. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Vote taken by Roll Call:

Vice-Chair Topham *Aye*
Nat Lowell *Aye*
John Kitchener *Aye*
Chair Iverson *Aye*

- **Maple Lane Subdivision,** *Release Final Lot & endorse Form J*

Documentation: File with associated plans, photos and required documentation

Discussion: The applicant requested the release of the final lot in the Maple Lane subdivision. The packet included information on the current escrow balance. Ed Pesci confirmed that the escrow balance was adequate to ensure the remaining work's completion. Staff (Mrs. Trudel) and Ed Pesci had numerous communications to verify this.

Motion/Vote: Mr. Lowell made a motion to release the final lot and endorse Form J. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

Vote taken by Roll Call:

Nat Lowell *Aye*
John Kitchener *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

XII. Public Hearing:

- **Great Harbor Yacht Club (Tennis and Swim Center)– 19, 21 (portion of) & 23 Nobadeer Farm Road,** *action deadline 09-08-2024* **CONTINUED TO AUGUST 12, 2024**
- **GJ Smith, Inc. – Bunker Road (Nantucket Airport Bunker Parcels),** *action deadline 10-06-2024* **CONTINUED TO AUGUST 12, 2024**
- **17 Cannonbury Lane LLC– 17 Cannonbury Lane,** *action deadline 09-08-2024* **CONTINUED TO AUGUST 12, 2024**

Motion/Vote: Mr. Lowell made a motion to continue the hearings for 19, 21 and 23 Nobadeer Farm Road, Bunker Road and 17 Cannonbury Lane. 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*
John Kitchener *Aye*
Chair Iverson *Aye*

- **12 Derrymore Realty Trust – 12 Derrymore Road, *action deadline 10-06-2024* **REQUEST TO WITHDRAW WITHOUT PREJUDICE****

Motion/Vote: Mr. Lowell made a motion to withdraw 12 Derrymore Road without prejudice. 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*
John Kitchener *Aye*
Chair Iverson *Aye*

- **Seven Square Rigger, LLC – 7 Square Rigger Road, *action deadline 09-08-2024***

Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, and John Kitchener

Alternates: Abby De Molina and Howard Matz

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Dan Mulloy, Surveyor

Discussion: Mr. Mulloy presented an application related to a neighborhood project involving issues with density and parking. The Board had previously continued the discussion to allow members to visit the site for a better understanding. Mr. Lowell, Vice-Chair Topham and Mr. Kitchener all visited the site and shared their observations, agreeing that the area needed formalized parking agreements and better organization. The Board expressed issues with parking and the neighborhood's overall condition stating that informal parking arrangements were inadequate. The Board was reluctant to approve a waiver for a third apartment due to these concerns. Chair Iverson opened the floor to the public. There were no comments or concerns from the public. Mr. Mulloy requested to withdraw the application without prejudice stating that he will have plans to clean up the area, including a sewer line construction project that might resolve some issues that the Board expressed. The Board accepted the withdrawal with the understanding that the applicant may return with a revised plan in the future.

Motion/Vote: Vice-Chair Topham made a motion to accept the withdrawal for 7 Square Rigger Road without prejudice. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Vote taken by Roll Call:

Vice-Chair Topham *Aye*
Nat Lowell *Aye*
John Kitchener *Aye*
Chair Iverson *Aye*

- **Climbing Everest, LLC “The Boat House” – 2 Sanford Road**, *action deadline 10-06-2024*

Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, and John Kitchener

Alternates: Abby De Molina and Howard Matz

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Linda Williams, Agent

Discussion: The Applicant is requesting to extend the operating hours of Sanford Boat Building, Units 2C and 2D from 1:00am to 2:00am. Ms. Williams, representing the Applicants Mr. and Mrs. Mahajan stated that the extension would benefit the community by providing late-night food options in Mid-town, reducing congestion downtown and supporting a pedestrian-friendly environment. Ms. Williams stated that the establishment is well-managed, enclosed, air-conditioned and has no outdoor seating after 11:00PM with minimal noise impact. Ms. Williams stated that the Applicant received support from Amy Baxter and mentioned that the request aligns with previous decisions similar establishments such as the Hen House now known as Island Kitchen. Board members expressed support for the application, appreciating the family’s contribution to the neighborhood. Chair Iverson opened the floor to the public. There were no public concerns or comments.

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

Vote taken by Roll Call:

Vice-Chair Topham *Aye*

Nat Lowell *Aye*

John Kitchener *Aye*

Chair Iverson *Aye*

Motion/Vote: Vice-Chair Topham made a motion to approve the application request. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

Vote taken by Roll Call:

Vice-Chair Topham *Aye*

John Kitchener *Aye*

Nat Lowell *Aye*

Chair Iverson *Aye*

- **13 and 15 Nancy Ann LLC – 13 and 15 Nancy Ann Lane**, *action deadline 10-06-2024*

Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, and John Kitchener

Alternates: Abby De Molina and Howard Matz

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Attorney Arthur Reade

Discussion: The Applicant is proposing a Special Permit Major Commercial Development (MCD) mixed-use building, on approximately 49,000 square feet across two lots, to be used as a single parcel. The first floor will have 10 contractor shops, the second floor will have 12 apartments and the basement will be used for long-term vehicle storage. The Applicant is also seeking to allow more than four apartments, and a waiver of the 20% open space but requested a waiver as a precaution in case of future changes. Additionally, the car park provided exceeds the requirement, excluding the basement parking, which is for long-term storage. Attorney Reade stated that other requests include permission for commercial vehicle washing within a public Wellhead Protection District. Considerations were made about protecting this area due to its environmental sensitivity. The Applicant is seeking plan review alongside the special permit relieve. A report by Ed Pesci was received and the Applicant has no issues complying with the points raised. Don Bracken addressed engineering and site plan issues. Issues include Fire Department access, sewer connections, car washing systems and stormwater management. The site will handle all runoff on-site with an infiltration system, and

during construction, erosion control measures will be in place. Concerns were raised about parallel track with the Historic District Commission (HDC) and the Planning Board. The Board felt that there should be a coordinated review to avoid redundant changes. There was a brief discussion on the need for a final landscaping plan and a comprehensive management plan to be reviewed before the next meeting. The Board stressed the importance of progressing Article 38 which pertains to zoning building bylaws. The Board expressed the need to differentiate between residential and commercial metrics and the importance of coordinating with the Architectural Conservation Commission. Chair Iverson opened the floor to the public. Campbell Sutton raised concerns about the environmental impact of an underground car wash and the necessity for adequate green space for residents. Ms. Campbell also mentioned the need for sufficient parking for contractors. Emily Molding expressed maintaining open space for natural infiltration in the Wellhead recharge area and the environmental impact of car washes particularly PFAS contamination. Anne Kuzspa expressed the requirement for inclusionary housing units as per the MCD bylaw and encouraged the Board to make sure that they are complying.

Motion/Vote: Mr. Lowell made a motion to continue to the August 12th meeting for further review and adjustments. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously.

XIII. Other Business:

- **Planning Board special meeting – Monday, July 15, 2024, at 4PM Hybrid**
- **Planning Board special meeting (if needed) – Thursday, July 18, 2024, at 4PM Zoom ONLY**
- **Planning Board regular meeting – Monday, August 12, 2024, at 4PM Hybrid**

XIV. Adjournment:

Vice-Chair Topham moved to adjourn the meeting at 5:53PM. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Vote taken by Roll Call:

Vice-Chair Joseph Topham *Aye*

Nat Lowell *Aye*

John Kitchener *Aye*

Chair Dave Iverson *Aye*

Submitted by: Catherine Ancero

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

<https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/07082024-14020?html=true>

****Link to the Planning Board video:**

<https://www.youtube.com/watch?v=S9juGIBx9Cg>