Nantucket Planning Board

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

Board Members: David Iverson (Chair), Joseph Topham (Vice-Chair) - *ABSENT*, Nat Lowell, Barry Rector, and John Kitchener

Alternates: Stephen Welch, Abby De Molina (*Remote Participation*), Howard Matz

Staff: Meg Trudel (Senior Planner), William Saad (Zoning Administrator/Land Use Specialist), and Catherine Ancero (Administrative Specialist)

PLANNING BOARD APPROVED MINUTES
09-09-2024

(*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_wcL4eXqoSBeuoKFl7AMO_A#/registration

To view the meeting only, see link below:
https://www.youtube.com/watch?v=IW01ToOnr8Q

I. Call to order:

Chair Iverson called the meeting to order at 4:03pm.

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.

II. Approval of the agenda:

Mr. Lowell moved to approve the agenda. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

III. Minutes:

- **August 12, 2024**

Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch Abby De Molina and Howard Matz
Recused: None
Absent: Vice-Chair Joseph Topham
Documentation: File with associated plans, photos and required documentation
Activated: None

Representing: None
Discussion: None
Motion/Vote: Mr. Rector made a motion to approve the sets of minutes as submitted listed above. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

IV. **Public Comment:** *for items not listed on the agenda*
There were no public comments or concerns.

V. **Second Dwellings:**
- **Peggy Schneider – 10 West Dover Street**
- **Annie Teasdale – 24 India Street**

VI. **ANRs:**
- **Albert Gird & Carol Ann Gird – 10 South Pasture Lane** ***SEE PUBLIC HEARING***
- **Richard F. Larrabee Jr. & Shawna J. Whitmore – 9 Millbrook Road**
- **STARRY NIGHT, LLC c/o Ruth A. Hodges and John R. Leclaire & Ruth A. Hodges – 337 and 339 Madaket Road**
- **A. Eugene Palchanis – 1 Daffodil Lane**
- **Andrew W. Caspe & Jeanne V. Caspe – 46 Essex Road**
- **Nantucket Woodland Limited Partnership – 13 & 13A Woodland Drive**

Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch, Abby De Molina and Howard Matz
Recused: None
Absent: Vice-Chair Joseph Topham
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: Chair Iverson wanted to discuss ANR application 13 and 13A Woodland Drive separately.

Motions/Votes: (Secondary Dwellings and ANRs) Mr. Rector made a motion to approve both secondary dwellings listed above (10 West Dover Street and 24 India Street) with the findings and conditions listed in the staff report and approve all the ANRs listed above except for 13 and 13A Woodland Drive in accordance with the staff recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Discussion for ANR 13 and 13A Woodland Drive: Chair Iverson asked why part of the lot is unbuildable. Mrs. Trudel stated that it's excess land that could be sold however is currently unbuildable due to zoning.

Motions/Votes: (ANR) Mr. Rector made a motion to approve and endorse 13 and 13A Woodland Drive. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

VII. **Previous Plans:**
- **#67-17 6FG Workforce Affordable Housing –** *endorse plans, approve site plan review*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch, Abby De Molina and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: The applicant submitted the final engineering site plans for the Workforce Affordable Housing

project. The plans were reviewed by the Town's consulting engineer and incorporated suggested changes. Staff requested the Board to make a motion to accept and endorse the plans as the final engineered site plan.

Motion/Vote: Mr. Rector moved to endorse the plans and approve the site plan review. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

- **PLSUB-2023-12-0438 Nobska Way,** *endorse plans*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch, Abby De Molina and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: The Board reviewed plans. The Applicant complied with all conditions and the consulting engineer's comments were incorporated.

  Motion/Vote: Mr. Lowell moved to approve and endorse the plans. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

- **PLSUB-2023-08-0404 Costas Avalon LLC – 50 Burnell Street,** *endorse plans*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch, Abby De Molina and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: The Board reviewed plans. The Applicant complied with all conditions and the consulting engineer's comments were incorporated.

  Motion/Vote: Mr. Kitchener moved to approve and endorse the plans. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

- **PLSUB-2022-000289 Van Gilder Subdivision, 86A & 88 Old South Road,** *Form J lot release (Lots 2-4, 7& 8)*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch, Abby De Molina and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: None
  Discussion: The Applicant is requesting the release of five of the ten lots with infrastructure and road base already installed and inspected. Staff recommends endorsing the release while withholding five lots.

  Motion/Vote: Mr. Rector moved to endorse the plans and approve the site plan review. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

- **#7661 Woodland Hill Subdivision,** *endorse consent document*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch Abby De Molina and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham

Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: This was continued from the previous meeting to confirm that the number of lots referred to in the amendment matched the subdivision decision. The updated document has been reviewed and confirmed. Applicant complied with all suggestions from the consulting engineer and were incorporated. Chair Iverson suggested that moving forward application provide a summary of modifications in bullet points to track changes. The Board and staff agreed that this would be helpful.

Motion/Vote: Mr. Kitchener moved to endorse the consent documents. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

- **PLSP-2020-05-0043 National Grid, 32 Bunker Road –** *minor modification request*
Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch, Abby De Molina and Howard Matz
Recused: None
Absent: Vice-Chair Joseph Topham
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: The Applicant is requesting a modification to expand their garage by 300 square feet to accommodate new technology for the vehicles stored there. Staff suggests that this should be considered a minor modification as outlined in the staff report. Board members agreed.

Motion/Vote: Mr. Rector made a motion that this is a minor modification. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Motion/Vote: Mr. Rector made a motion to approve the changes with the staff recommendations as outlined in the staff report. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

VIII. Public Hearing:

- **Great Harbor Yacht Club (Tennis and Swim Center)– 19, 21 (portion of) & 23 Nobadeer Farm Road,** *action deadline 11-29-2024* ***CONTINUED TO OCTOBER 21, 2024***
- **Great Harbor Tennis and Swim Center - Great Harbor Yach Club, Inc. – 19 & 23 Nobadeer Farm Road,** *action deadline 11-10-2024* ***CONTINUED TO OCTOBER 21, 2024***
- **Richard Joseph Leider & Jane Leider, Trustees of the Richard & Jane Leider Revocable Trust – 62 & 64 Sankaty Road,** *action deadline 12-08-2024* ***CONTINUED TO OCTOBER 21, 2024***
- **13 and 15 Nancy Ann LLC – 13 and 15 Nancy Ann Lane,** *action deadline 10-06-2024* ***CONTINUED TO OCTOBER 21, 2024***

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

Motion/Vote: Mr. Rector moved to approve the list of applications above to be continued to October 21st. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

- **Louie Dog, LLC – 16 & 18 Tomahawk Road,** *action deadline 12-08-2024*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch and Abby De Molina
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: Howard Matz
  Representing: Dan Mulloy, Site Design Engineering, LLC and Ryan Maxwell from Bracken Engineering
  Discussion: The applicant seeks approval to build a two-bedroom apartment on the second floor of a contractor workshop for employee housing, which requires a Special Permit due to the CI zoning district. This aligns with the subdivision's original rules allowing one second-floor dwelling for employee use. Chair Iverson opened the floor to the public. Campbell Sutton expressed concern about safety, suggesting a fence be installed between the road and lawn to protect children and or pets. The Board clarified that because the plans show two twin beds, there is no certainty about children living there, though the design does imply the possibility of a family. Board members agree the safety concern is valid however the decision to install a fence should be left to the building owner. There was a brief discussion to formally condition the fence in the permit. Mrs. Trudel cautioned against making informal decisions, suggesting that any requirements should be refrained to avoid confusion later. It was mentioned that since this is a Special Permit the Board could reopen the discussion if issues arose. The Board appreciated the applicant providing more parking than required.

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

  Activated: Howard Matz

  Motion/Vote: Mr. Lowell moved to approve the application with the relief aligning with the general purposes of the Bylaw, with the conditions specified. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

- **SDC Nantucket, LLC – 86A & 88 Old South Road,** *action deadline 12-08-2024*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: Abby De Molina
  Representing: Linda Williams (Agent), Gregory Saad (Project Representative) and Attorney Jessie Brescher
  Discussion: The proposal is about a new building project for Frito-Lay and Pepsi which will replace their current outdated facility. The Proposal is for a 5800 square foot building on two lots with plans approved by the Historic District Commission (HDC). This proposal is to replace an antiquated metal building with a new tenant-occupied structure, managed by a development team. The project is in the RC-2 zone. The building is on sewer and water with a landscape plan and downlit lights to address concerns from neighbors about screening, noise and operating hours. The applicant agreed to restrict Sunday hours 6am to 6pm and a commitment to manage noise and lighting issues. There was a request for a waiver for the inclusionary housing and a traffic study. Ms. Williams explained that the building design doesn't allow for residential space, and corporate policies made it difficult to comply with the housing requirements. Board members expressed concerns about inclusionary housing and screening. The applicant added over 50 trees for screening. Mr. Rector suggested contributing to the Affordable Housing Trust Fund to address the issue. Ms. Williams expressed willingness to consider a contribution instead of providing housing. The Board stressed that setting a precedent of waiving the inclusionary housing could lead to future issues with other corporations. Mr. Metz raised a question about the lease agreement with Pepsi and Frito-Lay suggesting that the company should consider the long-term use of the building especially for future tenants. Mr. Lowell stated that while current employees might have housing future employees may not and that this should be considered in the planning

process. Chair Iverson opened the floor to the public. David Gray commented on the need to maintain the onsite stormwater system for the project. Mr. Gray stated that while the project documents were reviewed the maintenance agreement had not been signed which caught his attention. Greg Saad confirmed that the agreement had been signed and submitted, it may not have been included in the packet. Erika Mooney stated that the building may not always be owned by Pepsi and Frito-Lay, therefore future uses and tenants should be considered in its design. This includes planning for potential housing needs. Attorney Jessie Brescher representing some of the neighbors expressed that the neighbors are generally working through issues with the development. Attorney Brescher stated that they are supportive of increasing the vegetative buffer at the rear of the building and recommended for more durable plants such as evergreen trees for year-round coverage. The neighbors appreciate the efforts made so far and are primarily focused on mitigating the impact of the commercial use on their properties.

Motion/Vote: Mr. Rector moved to continue the public hearing to the October 21st. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

- **Albert Gird & Carol Ann Gird – 10 South Pasture Lane,** *action deadline 12-08-2024*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: Abby De Molina
  Representing: Arthur Gasbarro, Nantucket Engineering & Survey, P.C.
  Discussion: This is an application for a Special Permit for a rear lot subdivision. Mr. Gasbarro stated that the property line is irregular to accommodate setbacks and existing septic systems. Mr. Gasbarro stated that his clients have reviewed and agree with the staff's recommendations and proposed conditions. The irregular shape of the property line, zigzag is intentional to meet the requirements. Chair Iverson opened the floor to the public. There were no comments or concerns.

Activated: Abby De Molina

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

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

Motion/Vote: Mr. Rector moved to approve the Special Permit application for a rear lot subdivision as submitted with the conditions and findings specified in the staff report. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

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

ANR: Albert Gird & Carol Ann Gird – 10 South Pasture Lane
Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
Discussion: None

Motion/Vote: Mr. Rector moved to approve and endorse the ANR with the appropriate notations made by staff. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

- **GJ Smith, Inc. – Bunker Road (Nantucket Airport Bunker Parcels),** *action deadline 10-06-2024*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch and Howard Matz
  Recused: None
  Absent: Vice-Chair Joseph Topham
  Documentation: File with associated plans, photos and required documentation
  Activated: Abby De Molina
  Representing: Dan Mulloy, Site Design Engineering, LLC
  Discussion: Mr. Mulloy updated the Board on revisions made to the project plan following feedback from a previous meeting. The vehicle storage area will now be paved with all runoffs directed to the stormwater system. Storage containers have been relocated to the right side of the property and vehicle storage to the left. The site is required to be fenced by state law and lighting will be kept minimal to comply with dark sky standards and meet legal requirements. Mr. Mulloy stated that they are working with the Water Company to relocate the water around the buildings. The Board questioned about the cost of relocating the water main. Mr. Mulloy confirmed that they are aware of the cost, and it will be their responsibility. The Board received a letter from the Airport Commission requesting the project be paused until issues with the tenant are resolved. The Board agreed to honor this request. The Board discussed the restriction of storing hazardous materials on-site. It was suggested to reference hazardous materials as defined in the commercial building code to cover any concerns. There were concerns regarding the need for precautions in case non-hazardous liquids are stored to prevent spillage from seeping into the water table. The site is currently under a stop work order and no work can resume until approval from the Planning Board and Building Department is obtained. Chair Iverson opened the floor to the public. Campbell Sutton raised concerns about combustible materials being stored on-site. This was acknowledged as a valid point.

  Motion/Vote: Mr. Lowell moved to continue the public hearing to October 21st. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

IX. **<u>Other Business:</u>**

- **Update, Master Plan**
  Discussion: The first round of in-person interviews with Barrett Planning Group took place today. There will be follow-up virtual interviews next week. The staff also is finalizing a community engagement process with Barett, which will be shared soon. Mrs. Trudel stated that feedback of the meetings has been positive with many participants engaging actively.
- **Appoint Member to Coastal Resiliency Advisory Committee (CRAC)**
  Discussion: Chair Iverson acknowledges that he needed to discuss something with a colleague this week and apologizes for the delay. This will be continued to the next meeting
- **ATM 2025 Warrant Article Concepts**
  Discussion: Mrs. Trudel stated that Town staff are preparing a list of potential changes to be proposed at the Annual Town Meeting (ATM). This process begins now with advertising expected to start after the holidays and public hearings to follow. Mrs. Trudel stated that staff seeks direction on which initiatives to prioritize for the meeting and which to table for next year. A list of proposed changes was sent out later that afternoon. Some require significant outreach and research. Specific properties in the Hooper Farm Road area and the Appleton area are discussed for zoning adjustments. Outreach will be done with property owners to gather input and potentially move forward with changes. Pickleball Court concerns - addressing noise concerns related to pickleball courts. The community expressed concerns about noise nuisance, will need to discuss regulations such as setback requirements or restrictions in residential areas. Mr. Welch stated that many

communities' have issues with pickleball noise. Mr. Welch suggested creating a specific bylaw based on ideas from other areas that have dealt with similar problems. The Housing Bylaw – had a conversation with the Housing Director and that the current bylaw requires 10% of rental units to be three-bedroom. This is causing issues because the demand is mainly for one- and two-bedroom units. There is a proposal allowing more flexibility in bedroom requirements to reflect market needs. Solar Energy – the Board discussed refining definitions related to solar energy installations such as roof versus ground arrays. Cottage Colony and height bylaws – staff is working on these bylaws which are more complex than initially thought. Vacation Rental (VR) bylaw – there's a suggestion to adjust the VR bylaw to allow for a greater ground cover percentage, 12.5% instead of 10% for low one-story developments. This would help address issues with smaller lots. Country Store concept – exploring the idea of allowing small country stores in residential areas to reduce grocery trips.

- **2025 Planning Board Meeting Schedule**
  Discussion: Mrs. Trudel stated that the room availability needs to be confirmed and will check with Erika and Robin for NCTV and the room. If the room is unavailable, it was suggested relocating meetings to the trailer which has been used in the past or can use the second-floor emergency operations room.
- **Planning Board special meeting – Monday, October 21, 2024, at 4PM Hybrid**

XIV. Adjournment:
Mr. Lowell moved to adjourn the meeting at 5:44PM. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

Submitted by: *Catherine Ancero*

****Link to the Planning Board Staff Report:***
https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_09092024-14239?html=true

*****Link to the Planning Board packet:***
https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_09092024-14242?html=true

******Link to the Planning Board meeting video:***
https://www.youtube.com/watch?v=IW01ToOnr8Q