Nantucket Planning Board

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

Board Members: David Iverson (Chair), Joseph Topham (Vice-Chair), Nat Lowell, Barry Rector arrived at 4:10PM, and John Kitchener

Alternates: Stephen Welch, Abby De Molina, Howard Matz (ABSENT)

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

PLANNING BOARD APPROVED MINUTES
10-21-2024

(***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 and/or cancero@nantucket-ma.gov

Webinar Registration Link:
https://us06web.zoom.us/webinar/register/WN_Gv8VAaxkRqKWcStbbdGxZg#/registration

To view the meeting only, see link below:

https://www.youtube.com/watch?v=Jlo6kSfGKZM

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

II. Approval of the agenda:
Mr. Rector moved to approve the agenda. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously 4-0.

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

IV. Minutes:

- **September 9, 2024**
- **September 12, 2024**
  Documentation: File with associated plans, photos and required documentation

  Motion/Vote: Vice-Chair Topham made a motion to approve the sets of minutes listed above. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously 4-0.

V. **Second Dwellings:**

- **Melissa & Dean Long – 11 Pippen's Way, *SEE PUBLIC HEARING***
- **Mary Paige Yates, Trustee Mary Paige Yates Revocable Children's Trust – 4 Coffin Sias Street, *SEE PUBLIC HEARING***
- **Carlos Portillo – 36 Chuck Hollow Road, *SEE PUBLIC HEARING***
- **Carl E. Nelson & Karen L. Nelson – 21 Wigwam Road**
- **Mark P. Chioffi, Trustee of Five Crow's Nest Nominee Trust – 5 Crow's Nest Way**
- **Golden Pond LLC – 64 & 66 Baxter Road**

VI. **Garage Apartments:**

- **Peter & Jennifer Garren – 36 Pocomo Road**
- **The Donovan 2014 Trust, Timothy B. Smith, Trustee – 104 Surfside Road**

Documentation: File with associated plans, photos and required documentation

Motion/Vote: Mr. Lowell made a motion to approve all the secondary dwellings listed above except for 11 Pippen's Way, 4 Coffin Sias Street and 36 Chuck Hollow Road that was pulled and will be heard under the Public Hearing agenda items and approve all the garage apartment applications. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously 3-0. Vice-Chair Topham recused

Mr. Rector arrived at 4:10PM.

VII. **Surfside Crossing Discussion:**

Briefly revisited the Surfside Crossing development discussion. The project has been updated with a revised plan for 156 units, submitted by the developer. Billy, a staff member heavily involved with the Zoning Board of Appeals (ZBA) on this project, was asked to provide details. While he noted some documentation oversight, he assured the board that all relevant documents are accessible on the town's website. Due to timing, the Board decided to push further discussion to their next meeting on November 14. The ZBA has a follow-up meeting scheduled for November 20 to allow for more in-depth discussion, so no immediate action was required. The board agreed to continue the discussion on November 14.

VIII. **ANRs:**

- **Salvador A. Aguilar-Portilla & Mayra E. Escobar – 72 Cato Lane**
- **Two Pilgrims, LLC – 15 & 17 Pilgrim Road**
- **Shannon M. Boehm & Richard A. Boehm – 63 New Sias Street**
- **Seventh Generation Realty Trust – 250 Madaket Road**
- **John P. Pearl & Lynn C. Pearl, Trustees of the John P. Pearl Trust & Lynn C. Pearl Tr. – 10 Main Street Siasconset**
- **David A. Jackson & Cynthia M. Jackson – 1 Gully Road**
- **James A. Genthner, Trustee & Susan G. Genthner, Trustee – 128 Surfside Road**

Documentation: File with associated plans, photos and required documentation

Motion/Vote: Vice-Chair Topham made a motion to approve all the ANR applications. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously 5-0.

IX. **Previous Plans:**

- **PLSP-2021-09-0145 Candlewick Corner VTT ACK, LLC,** *accept management plan*
  Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina
  Recused: Vice-Chair Joseph Topham

Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: None
Discussion: This management plan was required as part of condition number two in the board's decision, enabling the applicant to proceed with the building permit process. The plan includes contact information for handling any issues related to the development, covering both the new buildings and the area. After staff reviewed and recommended approval, the board accepted the plan.

Motion/Vote: Vice-Chair Topham made a motion to accept the management pan. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously 5-0.

- **PLSUB-2023-11-00435 ACKREIT1865 LLC - 9 Hinsdale Road,** Re-*endorse plans & legal documents*
Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch (remote participation), and Abby De Molina
Recused: None
Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing:
Discussion: The Board reviewed final plans and legal documentation for a three-lot subdivision at 9 Hinsdale Road (submitted by ACR 1865 LLC) for endorsement. The plans had been previously approved, and the board's consulting engineer confirmed that all required changes were incorporated. Following the recommendation for endorsement, the board unanimously approved the endorsement.

  Motion/Vote: Mr. Kitchener made a motion to approve re-endorse plans and legal documents. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously 5-0.

- **#8024 Sandpiper Place I (South) - 5 Sandplain Drive,** *Request to authorize the Building Commissioner to issue a demolition permit to an existing residential structure*
Voting: Chair Dave Iverson, Vice-Chair Joseph, Topham Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch (remote participation), and Abby De Molina
Recused: None
Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing:
Discussion: The Planning Board discussed a request from Rich Development Company to issue a demolition permit for a condemned residential structure on Sandpiper Place. The property had been inherited from the previous owner and was deemed unsafe by the health department. The board agreed to authorize the demolition but made it clear that the approval was only for demolition and site safety measures. No construction could take place until the required Form J lot release was obtained.

  Motion/Vote: Mr. Rector made a motion to have staff draft a letter to formalize this approval, with the caveats discussed. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

- **#40-16 Meadows II,** *minor modification to authorize substituting a second playground as open space/recreational component*
Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch (remote participation), and Abby De Molina
Recused: None

Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: David Armanetti
Discussion: The Planning Board discussed a request by the Richmond Development Group for a minor modification to the Meadows 2 subdivision project. The request involved substituting a community garden with additional playground equipment. The board supported the modification, noting the growing number of children in the area, which would make the new playground space more beneficial than the community garden. After considering the request and confirming it was a minor change, the board voted to approve the modification, moving forward with the new playground design.

Motion/Vote: Mr. Rector made a motion to approve that this is a minor modification. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

Motion/Vote: Mr. Rector made a motion to authorize substituting a second playground as open space/recreational. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

X. Public Hearing:

- **13 and 15 Nancy Ann LLC – 13 and 15 Nancy Ann Lane,** *action deadline 12-31-2024* ***CONTINUE TO 11-14-2024***
- **Great Harbor Tennis and Swim Center - Great Harbor Yach Club, Inc. – 19 & 23 Nobadeer Farm Road,** *action deadline 11-10-2024* ***CONTINUE TO 11-14-2024***
- **Richard Joseph Leider & Jane Leider, Trustees of the Richard & Jane Leider Revocable Trust – 62 & 64 Sankaty Road,** *action deadline 12-08-2024* ***CONTINUE TO 11-14-2024***

Documentation: File with associated plans, photos and required documentation

Motion/Vote: Mr. Lowell made a motion to approve the continuance of 13 and 15 Nancy Ann Lane, the second application of Great Harbor Yacht Club (19 and 23 Nobadeer Farm Road) and 62 and 64 Sankaty Road with the applications listed above. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 5-0.

- **Carlos Portillo – 36 Chuck Hollow Road,** *action deadline 01-19-2025*

Voting: Chair Dave Iverson, Nat Lowell, Barry Rector John Kitchener and Stephen Welch (remote participation)
Alternates: Stephen Welch, and Abby De Molina
Recused: Vice-Chair Joseph Topham
Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch (remote participation)
Representing: Linda Williams - Agent
Discussion: Carlos Portillo purchased the property in March 2021. Wants to convert an existing barn, originally built before 1998 as the only structure on the property, into a secondary dwelling. The barn predated the construction of the primary residence, it doesn't meet the current 20% size difference requirement. Chair Iverson opened the floor to the public. There were no comments or concerns.

Motion/Vote: Mr. Rector made a motion to approve the continuance with the applications listed above. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

Roll call of Board members:
Barry Rector, *Aye*
Nat Lowell, *Aye*

John Kitchener, *Aye*
Stephen Welch *(remote participation), Aye*
Chair Iverson, *Aye*

Motion/Vote: Mr. Rector made a motion to approve the applications with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

<u>Roll call of Board members:</u>
John Kitchener, *Aye*
Barry Rector, *Aye*
Nat Lowell, *Aye*
Stephen Welch *(remote participation), Aye*
Chair Iverson, *Aye*

<u>Second Dwelling: 36 Chuck Hollow Road</u>

Motion/Vote: Mr. Rector made a motion to approve the second dwelling. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 4-0.

- **Melissa & Dean Long – 11 Pippen's Way,** *action deadline 01-19-2025*
Voting: Chair Dave Iverson, Nat Lowell, Barry Rector and John Kitchener
Alternates: Abby De Molina (remote participation)
Recused: Vice-Chair Joseph Topham
Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: Stephen Welch (remote participation)
Representing: Art Gasbarro, Surveyor and Agent
Discussion: The proposal is for a waiver of the 20% size differential between the primary dwelling and the proposed secondary dwelling. The applicant sought the waiver because the secondary dwelling is a prefab structure and trimming it to meet the size requirement would be difficult. The Board discussed the rationale behind granting such waivers. Mrs. Trudel explained that in cases where the structure is pre-existing or prefab, it may not be practical to modify the building. Chair Iverson opened the floor to the public. There were no questions or concerns.

Motion/Vote: Mr. Rector made a motion to approve close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

<u>Roll call of Board members:</u>
Barry Rector, *Aye*
Nat Lowell, *Aye*
John Kitchener, *Aye*
Stephen Welch *(remote participation), Aye*
Chair Iverson, *Aye*

Motion/Vote: Mr. Rector made a motion to approve the applications with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

<u>Roll call of Board members:</u>
John Kitchener, *Aye*
Barry Rector, *Aye*
Nat Lowell, *Aye*
Stephen Welch *(remote participation), Aye*

Chair Iverson, *Aye*

Second Dwelling: 11 Pippen's Way

Motion/Vote: Mr. Rector made a motion to approve the second dwelling. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 4-0.

- **Mary Paige Yates, Trustee Mary Paige Yates Revocable Children's Trust – 4 Coffin Sias Street,** *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Doug Carlson - Agent
  Discussion: The owner is requesting for a waiver. Constructing a new structure closer to an existing dwelling, which requires a waiver for the required 10-foot separation between buildings. Due to the layout and mature trees on-site, they chose the most practical location for the new structure, which will be approximately 6.5 feet from the existing building. The Board commented that typically the Fire Department would be consulted in this case, however it was not deemed necessary here. Board members recommended checking with the Tree Warden to assess the health and location of mature trees nearby because of the structure is including a full basement that could potentially impact the root system. The owner spoke with John Bartlett who has met with the Tree Warden, and they have been in communication regarding taking measures to protect the trees that are in place. Chair Iverson opened the floor to the public. There were no comments or concerns.

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

  Motion/Vote: Mr. Rector made a motion to approve the applications with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

  Second Dwellings: 4 Coffin Sias Street

  Motion/Vote: Mr. Rector made a motion to approve the second dwelling. The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously 4-0.

- **Great Harbor Yacht Club (Tennis and Swim Center)– 19, 21 (portion of) & 23 Nobadeer Farm Road,** *action deadline 11-29-2024*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Arthur Reade – Attorney and Leo Asadorian - Surveyor
  Discussion: Mr. Asadorian provided an update on the status of site improvements. Cleaning drainage structures and addressing visibility concerns at the entrance due to overgrown vegetation. Plans to install a crosswalk with ADA compliant ramps. There was discussion regarding adding four pickleball courts and one additional tennis court. Mr. Asadorian stated that the noise impact near the school properties would be mitigated through planned sound barriers and plantings. Attorney Reade indicated that they are in discussion with the Land Bank regarding deed restrictions. Attorney Reade stated that these Land Bank negotiations don't directly affect the Planning Board's decision the Board expressed a preference to align

both processes. Mr. Lowell raised questions about the move or demolition of an old building, and it was confirmed that it would be relocated and not torn down. Mr. Lowell asked about what could be added to the site, such as additional sports facilities. There was discussion on parking and access challenges. There were various ideas explored for improving traffic flow and access, however, were rejected by the affected institutions. A traffic study was conducted to propose alternative traffic solutions, however the schools involved preferred separate access, making the suggested alternatives unviable. Chair Iverson opened the floor to the public. Matt DWI, representing Great Harbor Yacht Club stressed the importance of addressing each issue separately to allow for productive discussions. He stated that they plan to work collaboratively, particularly regarding setback restrictions which he clarified function more like zoning setbacks than buffers. Luke Thornewill, a local tennis advocate, praised Great Harbor Yacht Club's contribution to the community. Mr. Thornewill explained the club's support of local tennis teams, especially during COVID-19, and their role in accommodating in hosting school matches. Mark Vanor, a year-round resident and pickleball committee member stated that there is high demand for pickleball courts on the island and the use of the Great Harbor facilities, including public access to tennis courts, help meet a critical need for more courts. Bruce Turner, head high school sailing coach and Great Harbor member, stated that the club has been a valuable community partner, providing the sailing team with facilities and supporting local sports. Kristen Graham and Jill praised the support from Great Harbor Yacht Club, which brings together year-round and seasonal residents.

Motion/Vote: Vice-Chair Topham made a motion to continue to the next hearing. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 5-0.

- **21 Pilgrim Road Trust, Steven L. Cohen, Trustee, c/o Cohen & Cohen Law, PC – 21 Pilgrim Road,** *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy - Surveyor
  Discussion: The owners is requesting for a minor setback adjustment. The property previously had a 15-foot front setback imposed although standard zoning only requires 10 feet. The owners are now requesting to reduce the setback to 11 feet to accommodate part of their planned building which would slightly encroach into the 15-foot area. The board members raised concerns about overturning the original condition without understanding why it was established. It was speculated that it might have been set to maintain the neighborhood's character. Board agreed that before deciding they should review the original approval documents and minutes to clarify the rationale behind the 15-foot setback. Chair Iverson opened the floor to the public. There were no public comments or concerns. The Board decided to continue the matter to the next meeting.

  Motion/Vote: Mr. Rector made a motion to continue to the next hearing. The motion was duly seconded by Vice-Chair Topham Mr. Kitchener and the motion was carried unanimously 5-0.

- **SDC Nantucket, LLC – 86A & 88 Old South Road,** *action deadline 12-08-2024*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Linda Williams – Agent and Greg Saad, Owner.

Discussion: Ms. Williams provided the Board an update. The office was removed to add a handicap-accessible unit as recommended by the Board. Proposed using deer resistant cedar trees for year-round privacy, replacing vegetation that deer might eat. This screening will surround the perimeter, parking areas and dumpster. The applicant worked with PepsiCo on housing inclusion and satisfied all requirements from the town's consultant, Ed Pesce. They also agreed to route construction traffic through a designated street (Van Gilder) to avoid disturbing nearby residential areas. The Board discussed adding a condition to make sure proper upkeep of the screening plants.

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

Motion/Vote: Mr. Rector made a motion to approve the applications with the findings and conditions outlined in the staff report with the added new condition. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

- **GJ Smith, Inc. – Bunker Road (Nantucket Airport Bunker Parcels),** *action deadline 12-31-2024*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy – Surveyor and Agent
  Discussion: It was confirmed that the Airport Commission and the Water Company approved the relocation of a water main. Chair Iverson opened the floor to the public. No additional issues were raised by the Board or public.

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

  Motion/Vote: Mr. Lowell made a motion to approve the applications with the findings and conditions outlined in the staff report. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

- **Daniel & Sarah Gault – 12 Essex Road***, action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Victoria Ewing - Agent
  Discussion: The applicant is proposing adding two-bedroom basement apartment, needing nine parking spaces however currently have seven. Board members expressed concerns about parking due to the limited-on street parking. The applicant agreed to add two more parking spots and to provide a revised site plan. Chair Iverson opened the floor to the public. Tony Mazotas, Treasure of the Homeowners Association on Essex Road, brought up parking restrictions, subdivision amendments and financial contributions to the HOA. Tony confirmed that the HOA supports restricting on-street parking and has amended their Declaration of Restrictions and Easements to address parking limitations. Currently, they've reduced overnight parked cars to two or three. There was a previous agreement for a monetary contribution of approximately $21,000 from a certain lot (associated with an additional dwelling unit) to the HOA due to the road being private and reliant on HOA funding. This contribution amount was previously agreed upon however hadn't appeared in the staff notes for the recent discussion. The board

confirmed they would add the $21,000 contribution as a condition in their current decision. Mrs. Trudel clarified that this obligation is based on past practices where additional units required monetary contributions to the HOA to account for maintenance and improvements. The board also mentioned that if paying the contribution becomes challenging, the applicant may need to negotiate further with the HOA.

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

Motion/Vote: Vice-Chair Topham made a motion to approve the applications with the following conditions, submission of a revised site plan within six months, no parking allowed on street, and agreed a $21,000 contribution to the Homeowner's Association (HOA). The motion was duly seconded by Mr. Rector, and the motion was carried unanimously 5-0.

- **ACK Mid Island, LLC & ACK Office, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue**, *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy – Surveyor and Linda Williams, Agent
  Discussion: Mr. Mulloy presented updates regarding site plan. The new building configuration involves separating one large building into two smaller ones, maintaining the same parking and utilities, and not requiring any significant changes to the original planning approval. There's ongoing concern about traffic flow, particularly regarding curb cuts and shared access between businesses. There's a proposal to revisit a previous plan for improving access, which could resolve issues with the current traffic situation. It was stressed that the developer collaborate between property owners and local businesses. There's also a discussion about potential improvements to the pedestrian easement and how money could help facilitate those changes. Hopes of develop a shared access plan, making the space function as a single unified area. There was a brief discussion of the pedestrian pathways and upkeep around Cumberland's. This could make the area more pedestrian friendly. Chair Iverson opened the floor to the public. There were no public comments and concerns.

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

  Motion/Vote: Mr. Rector made a motion to approve the modification subject to conditions set by staff. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously 5-0.

  The board recognized Mr. Mulloy's contributions to the project and acknowledged his commitment to following up on community concerns. Board members acknowledge Mr. Mulloy's efforts and appreciated his work and support in the meeting.

- **John P. Murray – 73 & 75 Fairgrounds Road,** *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy – Surveyor and Agent
  Discussion: Mr. Mulloy stated that the Board had a approved a two-lot subdivision several years ago, with Mr. Murray initially planning to retain his house and garage on one of the lots. He is now proposing a

three lot, with two existing structures, house and garage and one vacant lot. This requires a modification to the original subdivision, including shifting the garage and creating a new small right of way to meet frontage requirements. Chair Iverson raised concerns about the numerous waivers requested for this modification, seems extensive than previous cases. and questioned the reduction of the cul-de-sac radius. Mrs. Trudel clarified that while frontage was maintained the roadway reduction created larger lot areas. There was concern about whether this subdivision would intensify density making three lots where two currently exist, with potential access issues and future safety implications due to a narrower shared driveway. Chair Iverson opened the floor to the public. Emily Molden from Land and Water Council argued that the plan seemed to exploit "rear lot subdivision" provisions as a loophole to circumvent standard rules, increasing density. Ms. Molden stated that the large lot in the subdivision could potentially allow for a secondary residential lot or covenant lot, which has implications for density. Ms. Molden stated that the Board must make a finding that the proposal is in harmony with the general purpose and intent and algins with the subdivision rules and regulations. Ms. Molden asked the Board to provide clear reasons for the waivers beyond just the fact that this is a rear lot subdivision. Ms. Molden felt that the rear lot subdivision might be misused and to consider carefully during the decision making. Mr. Mulloy stated that the only restriction on the property is no commercial activity. The Owner has full use of the exclusive use easement, which would go away. Mr. Rector questioned how many dwellings in the current configuration. Total of 6 dwellings between the two lots (Lots B and D). Mr. Mulloy stated that if approved, the project would require further review if significantly changes were made. Ms. Molden wanted to confirm whether the existing 22,000 plus square foot lot could be subdivided using secondary or tertiary lot provisions, suggesting that there are other ways to divide the lot that could have a greater community benefit than creating another market-rate lot. The Board expressed concerns about stormwater runoff and overall density. The Board's solution for addressing the stormwater issues would be improving engineering design for the proposed development. There was a brief discussion of continuing this application for one more month for further review.

Motion/Vote: Mr. Lowell made a motion to continue to the next meeting. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously 5-0.

- **RG Gamma LLC, Richard Valero and RG Beta LLC – 60 & 62 Old South Road,** *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Dan Mulloy – Surveyor and Agent
  Discussion: Mr. Mulloy stated that the plan involves constructing an 18,000 square foot building to house a gym on the first floor and a beauty salon, tanning, and nail facilities on the second, with employee housing units. The proposal includes maintaining the current two-way entrance and adjusting the layout to improve traffic flow and pedestrian access. Mr. Mulloy stated that the facility would have adequate parking with 56 spaces, and that the entrance would be formalized and curbed to manage drainage. Board questioned about potential safety concerns related to truck traffic intersecting with gym and spa users. The Board suggested clarifying the hours of operation and encourage creating a clear traffic flow that separates customer and truck access. The Board requested that the developer explore design adjustments, including consolidating open space by connecting nearby areas or incorporate bike racks. Chair Iverson opened the floor to the public. Scot Wilson, who serves as chairman of the Naushop Board of Trust raised several concerns regarding the proposed project. Mr. Wilson expressed concerns such as the issue with the stormwater runoff that could negatively impact their properties and request a thorough review of the proposed drainage solutions. Mr. Wilson recalled a past agreement, Memorandum of Understanding with the Valeros and another company, Richmond Great Point Development, that covered lighting and boundary protections. Mr. Wilson stressed the need that the lighting remains minimal to maintain the

community's dark sky standards, especially after hours. Mr. Wilson requested that the lighting plan be designed to reduce the potential impact on their bedroom community. Mr. Wilson also expressed concerns about the noise and light disturbances impacting their community during non-business hours. He urged the Board for clearer guidelines to limit operational hours to help minimize disruption. Mr. Wilson stated that there will be an increase in traffic on Old South Road, which is already congested during peak times in the summer. The Board confirmed that the project's lighting would comply with dark sky standards. The stormwater would be managed on-site, and any ongoing concerns could be addressed through a management plan that includes community input. Emily Molden expressed interest in exploring ways to meet the open space requirement on the development site as plans continue to evolve. Ms. Molden asked for confirmation that Mr. Pesce would be involved in future reviews of the plans. Mr. Mulloy stated that he is aware that traffic and safety were the most frequently raised issues, and with stormwater management. Mr. Mulloy confirmed that the current site lacks stormwater controls however the complete development will address this. Mr. Mulloy stated that he is committed to carefully reviewing the drainage to prevent runoff issues. The Board discussed the benefits of new stormwater installations and that these improvements might help mitigate existing issues for neighboring downhill properties. Mr. Rector suggested revisiting the Old South Road area, where Richmond had previously implemented improvements and that it would be worthwhile to reassess to identify any additional adjustments that could enhance traffic flow and safety. There was discussion of widening Old South Road or adding new lanes. It was agreed that due to the development's scale, adding a turning lane may be challenging. Ms. Trudel mentioned of involving Mike Burns, an expert in traffic studies to assess whether a full traffic study was needed, especially given the changes in use around Old South Road and Ironwood intersection. Mr. Mulloy discussed open space waiver and the current percentage of open space on the property. Mr. Mulloy stated that this is no Major Commercial Development benchmark requirement, the property has about 15% open space, which they aim to increase to 18%. Mr. Mulloy stated that they might not reach the full 20% of open space however he assured the Board that they are committed to adding green space where possible to improve the site's appearance.

Motion/Vote: Vice-Chair Topham made a motion to continue to the next meeting. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously 5-0.

- **ACK AMA Realty Ventures LLC c/o Charles River Realty – 1 Sparks Avenue,** *action deadline 01-19-2025*

Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
Recused: None
Absent: Howard Matz
Documentation: File with associated plans, photos and required documentation
Activated: None
Representing: Donald Darush on behalf of ACK AMA Realty and Millies
Discussion: The applicant is requesting a change in use for a small 121-square-foot shed on the One Sparks rotary property. Formerly used as an ice cream and frozen yogurt, the applicant is proposing to amend the Special Permit to allow both hot and cold food preparation to support the main kitchen of the restaurant on site. Mr. Darush stated that this modification would optimize the space and improve kitchen efficiency due to limited kitchen space inside the main restaurant. Chair Iverson opened the floor to the public. There were no comments and concerns.

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 5-0.

Motion/Vote: Mr. Lowell made a motion to approve the application with the findings and conditions set in the staff report. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

- **Galley West, LLC – 1 Mothball Way,** *action deadline 01-19-2025*
  Voting: Chair Dave Iverson, Vice-Chair Joseph Topham, Nat Lowell, Barry Rector and John Kitchener
  Alternates: Stephen Welch (remote participation), and Abby De Molina (remote participation)
  Recused: None
  Absent: Howard Matz
  Documentation: File with associated plans, photos and required documentation
  Activated: None
  Representing: Attorney Arthur Reade
  Discussion: Attorney Reade stated that the Planning Board had required lots 8 and 9 to be treated as a single lot due to concerns about septic placement and regulations at the time. This decision was to make sure that it follows health and safety standards under the pre-1995 Title 5 septic regulations. The lots originally in R20 zoning and now under VR zoning, continue to meet the zoning requirements form minimum lot size 20,000 square feet. However, updates to Title 5 regulations now permit these lots to be serviced by a shared septic system, which would eliminate the need to treat them as a single lot. The deed restrictions related to this subdivision were set to expire after 30 years. They expired last year, since the Planning Board retained enforcement rights over the restrictions as a condition of the subdivision approval, they remain enforceable. Given the change in septic regulations and the lots' compliance with VR zoning standards, Attorney Reade argued that treating lots 1and 1B as separate parcels should be reconsidered. Attorney Reade request Planning Board approval to formally recognize these lots as distinct parcels, now capable of supporting individual dwellings with a shared septic system. Chair Iverson opened the floor to the public. There were no public comments and concerns.

  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 5-0.

  Motion/Vote: Mr. Lowell made a motion to approve the application, removing the restriction to allow lots 8 and 9 to be combined as one lot. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

XI. Other Business:

- **Appoint Member to Coastal Resiliency Advisory Committee (CRAC)**
  Dave Iverson was appointed as the new CRAC representative.
- Mrs. Trudel stated that the Planning Board received an update on the Master Plan from staff members Judy Barrett and Mrs. Snell, who have been working on securing funding to enhance community engagement efforts for the plan. They are finalizing a community engagement plan, which will be presented soon. Judy Barrett is scheduled to provide a Master Plan update to the Select Board on November 6th, chosen to coincide with the departmental update to reach a wider audience. The Planning Board will post a meeting notice in case a quorum of members wishes to attend.
- **Planning Board meeting – Thursday, November 14, 2024, at 4PM Hybrid**

XIV. Adjournment:
Mr. Lowell made a motion to adjourn the meeting at 7:45PM. The motion was duly seconded by Mr. Rector and the motion was carried unanimously.

Submitted By: Catherine Ancero

Link to the Planning Board meeting of 10-21-2024:
https://www.youtube.com/watch?v=Jlo6kSfGKZM

Link to the Planning Board packet of 10-21-2024:
https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_10212024-14411?html=true