

1. Planning Board Staff Report 06.12.23

Documents:

[06.12.23 STAFF REPORT.PDF](#)



Nantucket Planning Board

STAFF REPORT

June 10, 2023

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for June 12, 2023 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- May 6, 2023 (2023 ATM Day 1 of 2)
- May 8, 2023 (2023 ATM Day 2 of 2)
- May 8, 2023
- March 20, 2023

Secondary Dwellings:

- Julie & Matthew Reinemo – 2 Eli Place – *SEE PUBLIC HEARING*

Tertiary Dwellings:

- Surfside 13 ACK LLC – 13 Surfside Drive – *SEE PUBLIC HEARING*
- NOB ACK LLC - 2 Nobadeer Way

Planning staff recommends approval of the Applicant's request as proposed with the conditions as outlined in the draft approval letter. It is noted that a tertiary dwelling is permitted in this location, despite being zoning R-10L because the Applicant filed a perimeter plan "freeze plan" in advance of the zoning change.

Public Hearings (Applications):

- **ACK Mid Island, LLC & ACK Offices, LLC – 18, 18A, 20, 22, 24 & 26 Sparks Avenue,**

action deadline 06-30-2023

REQUEST TO CONTINUE

- **181 Polpis Road Realty Trust, 181R Polpis Road,** *action deadline 09-10-2023*

Representation: Jessie Brescher/Rick Beaudette

The Applicant is requesting to modify an existing Special Permit for a Secondary Residential Lot to allow Lot 4 to be buildable so that it may be conveyed to an abutting property. Planning staff recommends approval of the Applicant's request as proposed with the following finding and no additional conditions.

Finding:

- 1) That the Applicant's request is in harmony with the general purpose and intent of the Zoning Bylaw.

- **Julie & Matthew Reinemo – 2 Eli Place,** *action deadline 07-09-2023*

Representation: Karsten Reinemo

The Applicant is requesting to convert the existing AR Subdivision into a Rear Lot Subdivision. The roadway lot, Eli Place, only services the single lot and would be incorporated into that lot. No additional building lots are being created. Planning staff recommends approval with the following finding and condition:

Finding:

- 1) That the Applicant's request is within the general purpose and intent of the Zoning Bylaw.

Condition:

- 1) That an ANR plan is a necessary step to implement the Special Permit.

Second Dwelling:

- **Julie & Matthew Reinemo – 2 Eli Place**

The Applicant is requesting a secondary dwelling. If the above Special Permit request has been granted, planning staff recommends approval of the second dwelling as proposed with the conditions as outlined in the draft approval letter included in the packet.

- **Sandpiper Place I (South) Workforce Homeownership Development, 4 Bluet Court,** *action deadline 09-10-2023*
- **Sandpiper Place II (North) Workforce Homeownership Development, 26 Honeysuckle Drive,** *action deadline 09-10-2023*

Note that these are two separate applications and two votes must be taken, but they are interconnected and should be discussed together.

Representation: Andrew Burek

The Applicant is requesting modifications to the Sandpiper I and Sandpiper II Special Permits so that the affordability restriction of 175% AMI currently placed on 26 Honeysuckle Drive (Sandpiper I) may be swapped with the existing market rate lot located at 4 Bluet Court (Sandpiper II). 26 Honeysuckle

Drive would then become a market rate lot without an affordability restriction and 4 Bluet Court would have an affordability restriction of 175% AMI placed on the lot.

Planning staff recommends approval of the Applicant's request as proposed with the following findings and conditions.

26 Honeysuckle Drive – Sandpiper I

Finding:

- 1) That the Applicant's request is in harmony with the general purpose and intent of the Zoning Bylaw

Condition:

- 1) That the 175% affordability restriction shall only be removed if an affordability restriction shall be placed on 4 Bluet Court

4 Bluet Court

Finding:

- 1) That the Applicant's request is in harmony with the general purpose and intent of the Zoning Bylaw.

- **40 OSR, LLC, 2A & 2B Forrest Avenue, *action deadline 08-31-2023***

Voting: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Joseph Topham
FROM THE APRIL STAFF REPORT:

Representation: Art Gasbarro

The Applicant is proposing an MCD with a 126-seat take out restaurant on the first floor and apartments with a total of 12 bedrooms on the second floor. It is noted that while a large restaurant is a prohibited use in the CN district, a take-out restaurant is allowed by Special Permit. Additionally, the Applicant is requesting a waiver of 35 parking spaces.

Planning staff suggests that the intensity of the site be reduced to a level that does not require such a parking waiver. Additionally, the engineering review is pending at this time, but based on preliminary discussions with the consulting engineer, Ed Pesce, there will be several suggested updates to the plan. A Certificate of Water Quality Compliance will also be required.

UPDATE:

The Applicant has submitted a revised plan and application, which was re-advertised. The revised proposal includes changing the 126—seat takeout restaurant to a 51-seat small restaurant, identifying the hours of operation of the as 6am-10pm, including a stormwater and operations maintenance plan, placing parking spaces in the basement level of the structure, and agreeing to work with the abutting property (40 Old South Road) on an access easement/shared parking area. It is noted that with the updated use change, 32 parking spaces are required and 29 have been provided. While planning staff is generally supportive of this revised proposal, staff suggests the following items be addressed prior to making a final decision:

- Detailed engineered drawings of the garage parking for review (including entry, turning radius, etc. ;
- Receipt of a Certificate of Water Quality Compliance issued by Wannacommet Water

- Company;
 - Submitting more detailed landscape information;
 - Updating the stormwater O&M Plan to address the recommendations brought forth by Ed Pesce, the Town’s consulting engineer; and
 - Addressing all other comments in the reviews submitted by Ed Pesce, the Town’s consulting engineer.
- **40 Old South Road, LLC, 40 Old South Road, *action deadline 06-11-2023***

Voting: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Joseph Topham

FROM THE MARCH STAFF REPORT:

Representation: Art Gasbarro

The Applicant is proposing a mixed use structure, which will contain a commercial use take out food establishment and retail area on the first floor and two apartments with a total of five bedrooms on the second and third floors. The basement will contain storage, mechanicals, a breakroom, and an office space ancillary to the commercial business on the first floor. The site is located in the CN zoning district, where Apartments and retail uses are allowed by-right and a take-out food establishment requires the issuance of a Special Permit.

The site will be serviced by a driveway entrance on Forrest Avenue. The Applicant complies with the open space requirement, providing approximately 31%, where 20% is required. The ground cover of the structure is approximately 20%, where 40% is allowed. The Applicant is requesting a waiver of the parking requirement, and will provide (12) twelve on-site parking spaces, where (17) seventeen are required. Screening will be installed around the parking area.

Planning staff is supportive of the Applicant’s request and recommends approval after the Board discusses with the Applicant conditions such as proposed hours of operation, bike rack installation, monetary contribution for area pedestrian/bike improvements and/or maintenance, NRTA passes for employees, etc.

FROM THE APRIL STAFF REPORT:

Note that at last month’s meeting, the address was referred to 2A Forrest Av, formerly 40 Old South Road. The address is, in fact 40 Old South Road. It’s the lot on the corner of Old South Road and Forrest Av, not to be confused with 2A/2B Forrest Av.

The Applicant has submitted update materials (included with the packet) clarifying questions that were brought up in both last month’s staff report and last month’s Planning Board meeting. Planning staff recommends approval of the Applicants request with the following findings and conditions:

Findings:

- 1) That the granting of the Special Permit is in harmony with the general purpose and intent of the Bylaw;
- 2) That full compliance of the parking requirements is physically impossible to provide;

and

- 3) That the granting of parking relief would not be contrary to sound traffic, parking, or safety considerations, as the five required spaces for the apartments will be occupied by employees that will not be allowed to keep a vehicle/s on site.

Conditions:

- 1) That a Certificate of Water Quality Compliance from Wannacomet Water Co must be submitted to planning staff prior to the issuance of a building permit;
- 2) That a stormwater management plan shall be submitted to planning staff and reviewed and approved by the Town's consulting engineer prior to the issuance of a building permit;
- 3) That the apartments shall be occupied by employees of the commercial space below and their family members only;
- 4) The hours of operation shall be from 6am to 10pm;
- 5) That a \$5,000 contribution to the Town of Nantucket shall be made prior to the issuance of a Certificate of Occupancy and will be used towards area improvements.

UPDATE:

At the April meeting, the Board discussed implementing an access easement through the abutting property. Planning staff is supportive of future connections, and ideally the Applicant will work with the neighboring property owner for shared access.

Planning staff recommends that the Application be approved as proposed with the above findings and conditions.

- **Nantucket Old South LLC Subdivision, 33 Old South Road, *action deadline 08-23-2023***

Representation: Art Gasbarro

The Applicant is proposing a thirteen lot (12 buildable lot) subdivision. The new lots are located in the R-5 zoning district and will all be approximately 5,111± square feet with 55' of frontage. The proposed access will be from the newly created roadway lot, which stretches from Ticcoma Way to Youngs Way. The proposed roadway lot will accommodate one way traffic flow. As drawn on the plan, the Applicant is proposing the traffic enter from Ticcoma and exit onto Young's.

Planning staff suggests that the Board discuss with the Applicant items such as the direction of the traffic flow and whether the opposite direction would be more appropriate, width and layout of the sidewalk (perhaps considering a wider multi use path with the grass strip inbetween the path and the road with a full connection to Old South Road), a contribution for area paths and infrastructure, density of the lots, etc.

Planning staff recommends that prior to approval, the Applicant provide the following for review and discussion at a future meeting:

- Detailed list of waiver
- Landscape Plan

- Draining and Grading Plan
- Stormwater O&M Plan
- Addressing other plan updates as recommended by Pesce Engineering
- **Leanne M. Bell, Trustee of the 34 Chuck Hollow Realty Trust, 34 Chuck Hollow Road, *action deadline 09-10-2023***

Representation: Steven Cohen

The Applicant is requesting a Special Permit to create a Secondary Residential Lot for year round residents. The proposed secondary lot will be 20,000± and the market rate lot will be 197,982± square feet. The Applicant is requesting a waiver so that each lot may utilize a separate driveway access, both of which will have entrances on Chuck Hollow Road. Additionally, the Applicant is requesting a waiver so that the secondary dwelling until does not need to comply with the tertiary dwelling size standards to accommodate the existing second dwelling on the property.

Planning staff recommends approval of the Applicant’s request as proposed with the following findings and conditions:

Findings:

- 1) That the proposal advances the intent of the Zoning bylaw by creating housing for year-round residents.
- 2) That the second dwelling not complying with the tertiary dwelling size standards is in keeping with the character of the surrounding neighborhood due to the size of the lot; and
- 3) That a second driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic and safety considerations because the property abuts two streets

Conditions:

- 1) That “Concept Lot B” shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That “Concept Lot B” shall be restricted to a single dwelling and “Concept Lot A” may have a secondary dwelling pursuant , which is not restricted to tertiary size standards as outlined in Section 139-2 of the Zoning bylaw;
- 3) That each lot may utilize a separate driveway access as shown on the attached site plan;
- 4) That the total ground cover ratio does not exceed the amount that would have been allowed for the original lot (3%);
- 5) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

- **41 WMR Trust, 41 West Miacomet Road, *action deadline 07-09-2023***

Voting: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Joseph Topham

FROM THE APRIL STAFF REPORT:

Representation: Steven Cohen

The Applicant is requesting a Special Permit to proceed with alterations to the existing structure (additions on second floor and constructing a basement), the creation of new structures (shed, shade

pavilion, pergola, swimming pool), and a reconfiguration of the driveway for a pre-existing non-conforming property located in the Moorlands Management District. A comprehensive narrative detailing the request is included in the packet.

The Board should discuss with the Applicant how the proposed changes to the property may impact the surrounding environment, habitat, scenery and how much new area will be disturbed in order to fully complete the project as proposed. The performance standards for plan review in the MMD are as follows:

- 1) *To maximize the protection of endangered plant and animal species through the siting of structures and uses a maximum distance away from known or suspected habitats of such species, even when such habitats are located off-site; to minimize disturbance to such species by limiting construction activities to certain times of the year.*
- 2) *To maximize the protection of scenic views through the siting of structures on lower elevations, and clustering of structures near other structures located off-site.*
- 3) *To maximize protection of moorlands and heath-land vegetation and landforms through the use of various measures, including, but not limited to, limitations on grading, fencing, landscaping, driveway and parking facilities, and other physical disruptions to indigenous natural systems.*

While portions of the proposal appear to be acceptable and minor, generally speaking, planning staff would not be supportive of the creation of any new and/or increased disturbances to the site.

UPDATE:

The Applicant has submitted a revised and significantly reduced proposal, which the details of are included in the packet. Changes include no increase in groundcover to the dwelling, a reduction in decking, an increase of 80 sq ft to the shed, elimination of the proposed pavilion and cabana, a reduction in the size of the proposed pool, and relocation of the proposed pool equipment to underneath the shed. Additionally, the Applicant has provided photos of the proposed pool location and NHESP's "no take" determination.

The Board should evaluate the amended proposal and determine whether it complies with the required performance standards and if the permit is granted, language/conditions from the NHESP determination should be incorporated in the decision.

- **Surfside 13 ACK LLC, 13 Surfside Drive, action deadline 09-10-2023**

Representation: Steven Cohen

The Applicant is requesting a Special Permit to waive the total bedroom count so that a total of eight bedrooms may be permitted, where seven are allowed by right. There is an existing duplex on the site, each unit containing three bedrooms, for a total of six bedrooms and the Applicant proposes to construct a two bedroom tertiary dwelling unit. The tertiary dwelling is otherwise compliant with the size limitations as detailed in the Zoning Bylaw. It is noted that five parking spaces are required and nine parking spaces are provided.

Planning staff recommends approval of the Applicant's request as proposed with the following finding and no additional conditions beyond what is listed in the draft tertiary dwelling approval letter.

Finding:

- 1) That the granting of the Special Permit is in harmony with the general purpose and intent of the Bylaw

- Tertiary Dwelling- Surfside 13 ACK LLC – 13 Surfside Drive

Representation: Steven Cohen

If the Special Permit has been granted, planning staff recommends approval of the tertiary dwelling as proposed with the standard conditions for a tertiary dwelling.

- **Reel Keeper, LLC – Pile Lane Subdivision, 10 Surfside Drive, action deadline 09-09-2023**

Representation: Dan Mulloy

The Applicant is proposing a three lot (two buildable lot) subdivision. Each of the building lots contain approximately 10,000 square feet of land area and the roadway lot is approximately 2,108 of land area. The site is located in the R-10 zoning district.

It is noted that the Applicant's intent of is to convert to a rear lot subdivision upon receipt of approval.

Included with your packet is a list of waivers being proposed by the Applicant and a report prepared by the Town's consulting engineer, Ed Pesce.

The Board should discuss with the Applicant a contribution to the Town to be utilized for area improvements.

Planning Staff recommends approval of the applicant's request as proposed with the following finding and conditions:

Finding:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent and aligns with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That if the site is not converted into a Rear Lot Subdivision, and the Applicant pursues an AR Subdivision, prior to the conveyance of the lots out of common ownership, the Application shall be reviewed by the Town's consulting engineer and the Applicant shall comply with all recommendations made at their own expense;
- 2) That recorded copies of all legal documents (such as Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) The Planning Board may issue an extension of deadlines without holding a public hearing;
- 5) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-10 zoning district, or as otherwise in the zoning bylaw;
- 6) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the second lot;

- 7) That the Homeowners Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot;
- 8) That one of the two lots and the roadway lot shall be eligible for release after the endorsement of the legal documents and definitive plan;
- 9) Further subdivision which results in new buildable lots shall be prohibited. Minor lot line adjustments and creation of affordable lot (Secondary Lot) shall be permitted.

- **The Westmoor Club, 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane, action deadline 08-31-2023**

Voting: John Trudel, Nat Lowell, Barry Rector
FROM THE DECEMBER 2022 STAFF REPORT:

Representation: Paul Santos/Steven Cohen

The Applicant is requesting to modify the existing MCD Special Permit to construct a maintenance garage, a cottage, and an accessory garage/maintenance building.

Included with you packet is a detailed description of each proposed structure.

In addition to the Planning Board making a decision, it is noted that Conservation Commission approval will also be required prior to the issuance of building permits for the cottage and accessory garage/maintenance building.

UPDATE:

The Applicant has submitted as revised proposal specifically as it pertains to the proposed cottage. Please see the packet for a detailed write up and response to comments from the December meeting.

- **21 Pilgrim Road Trust, Steven Cohen, Trustee and Sophie’s Way Homeowners Association Trust, Steven Cohen, Trustee – Sophie’s Way Subdivision, 4 Sophie’s Way & 21 Pilgrim Road, action deadline 09-09-2023**

Representation: Dan Mulloy

The Applicant is requesting a modification to the AR Definitive Subdivision to reduce the length of the roadway, to adjust a lot line between Lot 1 and Lot 2, and clarify whether the 15’ front setback applies to Pilgrim Road or Sophie’s Way.

Planning staff recommends approval of the Applicant’s request as proposed with the following finding and conditions:

Finding:

- 1) That the Applicant’s proposal is in harmony with the general purpose and intent and aligns with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That a 15’ setback shall apply to Lot 1 from Pilgrim Road ; and
- 2) That all other conditions in the original decision shall remain in full force and effect.

- **ACK Laundro LLC, 4 Hanabea Lane, *action deadline 09-10-2023***

Representation: Linda Williams

The Applicant is requesting a Special Permit for a vehicle repair shop in the PWRD. The Applicant intends to use the first floor garage space for light vehicle repair in connection with a custom vehicle modification business. The second floor office space will be ancillary to the business on the first floor. Two parking spaces are required and six are provided.

It is noted that the Applicant has submitted a letter of Water Quality Compliance from Wannacomet, who has reviewed the plans and does not state any objections.

Planning staff recommends approval of the application as proposed with the following finding. The Board should discuss conditions with the Applicant and be clear about what types of vehicle repair will and will not be permitted.

Finding:

- 1) That the Applicant's request is in harmony with the general purpose and intent of the zoning bylaw

Conditions:

- 1) TBD

- **Abel Way Subdivision, 156 & 158 Cliff Road, *action deadline 08-24-2023***

Representation: Dan Mulloy

The Applicant is proposing a five lot (four buildable lot) subdivision. Each of the four building lots contain approximately 20,000 square feet of land area and the roadway lot is approximately 7,900 of land area. The site is located in the R-20 zoning district.

It is noted that abutting properties to the rear, 154 and 154R Cliff Road are accessed through an easement running through Lot 4 and the roadway lot. Additionally, the recommended conditions should remain consistent with that decision are included in the recommended conditions outlined below.

Additionally, the Board should be aware that Applicant's intent of this application is to convert to a rear lot subdivision upon receipt of approval. For that reason, an engineering review has not been conducted at this time.

Included with your packet is a list of waivers being proposed by the Applicant.

The Board should discuss with the Applicant a contribution to the Town to be utilized for area improvements.

Planning Staff recommends approval of the applicant's request as proposed with the following finding and conditions:

Finding:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent and aligns with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That if the site is not converted into a Rear Lot Subdivision, and the Applicant pursues an AR Subdivision, prior to the conveyance of the lots out of common ownership, the Application shall be reviewed by the Town's consulting engineer and the Applicant shall comply with all recommendations made at their own expense;
- 2) That recorded copies of all legal documents (such as Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) The Planning Board may issue an extension of deadlines without holding a public hearing;
- 5) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-20 zoning district, or as otherwise in the zoning bylaw;
- 6) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the second lot;
- 7) That the Homeowners Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot;
- 8) That one of the two lots and the roadway lot shall be eligible for release after the endorsement of the legal documents and definitive plan;
- 9) That there will be dust mitigation (following the appropriate Best Management Practices) during the exterior construction of improvements of the building;
- 10) That there will be no exterior construction between June 15th and September 15th;
- 11) That the existing utility and driveway easement from Cliff Road will be stabilized and graded a minimum of twice per year;
- 12) Further subdivision which results in new buildable lots shall be prohibited. Minor lot line adjustments and the creation of affordable lots (Secondary Lots) shall be permitted; and
- 13) Each lot shall be limited to two dwelling units. Tertiary dwelling units shall be prohibited.

- **Davkim Smiley LLC, 10 & 12 Davkim Lane**, *action deadline 09-10-2023*

Representation: Arthur Reade/Ryan Maxwell

The applicant is requesting a Special Permit for a Major Commercial Development "MCD" for a self storage facility. There will also be a duplex constructed on the site, which one of the units will be dedicated to employee housing. The site will also include a covered vehicle storage area that can accommodate up to ten vehicles. Finally, the Applicant is requesting a waiver of the parking requirements. It's staff's opinion that the use of a storage facility generally does not create a large need for parking, and would recommend approval of that requested waiver.

A detailed narrative of the proposal is included in the packet. Planning staff is supportive of the Applicant's request, but recommends that the Board discuss things such as hours of operation and additional screening measures at the rear of the site, where the property directly abuts a residential zoning district and neighborhood.

- **K & P Muldoon Family Nominee Trust, 9 Arlington Street, action deadline 09-10-2023**

Representation: Dan Mulloy

The Applicant is proposing to construct a residential garage as the primary use on the site. The lot is an undersized lot in LUG-3 and does not comply with septic regulations. A variance from the septic regulations was denied by the Board of Health, and therefore the property may not be developed with any habitable structures.

Planning staff recommends the Board discuss with the Applicant how the garage intends to be used and what impacts it may or may not have to the surrounding neighborhood.

- **Joseph J. & Marcia J. Aguiar – Marks Way Subdivision, 68 Fairgrounds Road, action deadline 09-09-2023**

Representation: Dan Mulloy

The Applicant is proposing a three lot (two buildable lot) subdivision. Each of the building lots contain approximately 40,000 square feet of land area and the roadway lot is approximately 6,200 of land area. The site is located in the R-40 zoning district.

It is noted that the Applicant's intent of is to convert to a rear lot subdivision upon receipt of approval. For that reason, an engineering review has not been conducted at this time.

Included with your packet is a list of waivers being proposed by the Applicant.

The Board should discuss with the Applicant a contribution to the Town to be utilized for area improvements.

Planning Staff recommends approval of the applicant's request as proposed with the following finding and conditions:

Finding:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent and aligns with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That if the site is not converted into a Rear Lot Subdivision, and the Applicant pursues an AR Subdivision, prior to the conveyance of the lots out of common ownership, the Application shall be reviewed by the Town's consulting engineer and the Applicant shall comply with all recommendations made at their own expense;
- 2) That recorded copies of all legal documents (such as Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) The Planning Board may issue an extension of deadlines without holding a public hearing;
- 5) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-40 zoning district, or as otherwise in the zoning bylaw;

- 6) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the second lot;
- 7) That the Homeowners Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot;
- 8) That one of the two lots and the roadway lot shall be eligible for release after the endorsement of the legal documents and definitive plan;
- 9) Further subdivision which results in new buildable lots shall be prohibited. Minor lot line adjustments and creation of affordable lot (Secondary Lot) shall be permitted.

- **P & M Reis Trucking, Inc. – MJ Way Subdivision, 10 Green Meadows**, *action deadline 09-09-2023*

Representation: Dan Mulloy

The Applicant is proposing a three lot (two buildable lot) subdivision. It is noted that while only two buildable lots are being created, three buildable lots would be supported in the R-5 zoning district. Lot 12A will contain approximately 6,439± square feet of land area, Lot 12B will contain approximately 10,013± square feet of land area, and the roadway lot (with an entrance from Green Meadows) will contain approximately 2,387± square feet of land area.

Included with your packet is a list of waivers being proposed by the Applicant and a report prepared by the Town's consulting engineer, Ed Pesce.

The Board should discuss with the Applicant a contribution to the Town to be utilized for area improvements.

Planning Staff recommends approval of the applicant's request as proposed with the following finding and conditions:

Finding:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent and aligns with the *Rules and Regulations Governing the Subdivision of Land*.

Conditions:

- 1) That recorded copies of all legal documents (such as Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association, etc.) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 2) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 3) The Planning Board may issue an extension of deadlines without holding a public hearing;
- 4) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-5 zoning district, or as otherwise in the zoning bylaw;
- 5) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the second lot;
- 6) That \$XXXX shall be paid to the Town of Nantucket as a gift to be utilized for area pedestrian, bicycle, and infrastructure improvements;

- 7) That the Homeowners Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot;
- 8) That one of the two lots and the roadway lot shall be eligible for release after the endorsement of the legal documents and definitive plan;
- 9) Further subdivision which results in new buildable lots shall be prohibited. Minor lot line adjustments and creation of affordable lots (Secondary Lot) shall be permitted.

Public Comment *for items not listed on the agenda*

Other Business:

- **Planning Board regular meeting – Monday, July 10, 2023, at 4PM via Zoom**

Adjournment: