

1. Planning Board Staff Report 08.09.21

Documents:

[08-09-21 STAFF REPORT.PDF](#)



Nantucket Planning Board

STAFF REPORT

August 6, 2021

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for August 9, 2021 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- April 12, 2021
- May 10, 2021

Secondary Dwellings:

*****RECOMMEND MOTION*****

Motion to approve ALL of the secondary dwelling, garage apartment, and tertiary dwelling applications on the agenda with any findings and/or conditions outlined in the Staff Report with the exception of the Secondary Dwelling at 38 Prospect Street, which first requires a clarification of the subdivision listed under “Previous Plans” (pull any application(s) from this motion that the Board feels may require further discussion or if there are any applications where a Board member must recuse).

- **38 Prospect LLC, 38 Prospect Street (Map 55.4.4 Parcel 80.1 [portion])**

Representation: Brook Meerbergen

*****note that the subdivision clarification listed under “Previous Plans” for New Mill Street Subdivision must first be approved prior to approving the request for a second dwelling in its proposed configuration.*****

The applicant is proposing to construct a four (4) bedroom secondary dwelling. The second dwelling will have approximately 900 square feet of ground cover and will be located on the

western portion of the site, which has approximately 12,549 square feet of lot area and is zoned ROH. The proposed seven (7) bedroom primary dwelling will have an approximate ground cover of 1,640 square feet.

Both dwellings will be accessed by a proposed driveway (material TBD) with an entrance on Bird Song Lane (a to be constructed roadway lot). The driveway will contain three (3) 9' x 20' exterior parking spaces (two (2) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That the roadway lot shall be constructed and inspected prior to the issuance of a Certificate of Occupancy;
- 2) That a minimum of two (2) parking spaces shall be provided;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Wianno Nantucket Family LLC, 27 Brewster Road (Map 54 Parcel 173)**

Representation: Stephen Theroux

The applicant is proposing to convert the existing garage/studio into a two (2) bedroom secondary dwelling. The second dwelling will have approximately 830 square feet of ground cover and will be located on the eastern portion of the site, which has approximately 58,275 square feet of lot area and is zoned LUG-1. The existing ten (10) bedroom primary dwelling has an approximate ground cover of 2,735 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Brewster Road. The driveway will contain two (2) 9' x 20' exterior parking spaces and two (2) interior parking spaces (four (4) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That a minimum of four (4) parking spaces shall be provided;
- 2) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 3) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 4) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Mary E. Claus Rev. Trust; Mary Claus Trustee, 31 Low Beach Road (Map 74 Parcel 36)**

Representation: Lisa Botticelli

The applicant is proposing to construct a new four (4) bedroom primary dwelling and the existing three (3) bedroom primary dwelling will become the secondary dwelling. The second dwelling has an approximate ground cover of 1,140 square feet and is located on the southern portion of the site, which has approximately 32,477 square feet of lot area and is zoned SR-20. The proposed primary dwelling will have an approximate ground cover of 1,944 square feet.

Both dwellings will be accessed by a proposed shell driveway with an entrance on Low Beach Road. The driveway will contain six (6) 9' x 20' exterior parking spaces (five (5) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Low Beach Road shall be installed and maintained with a minimum depth of ten (10) feet and a minimum width of ten (10) feet not to exceed fifteen (15) feet;
- 2) That a minimum of five (5) parking spaces shall be provided;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Thomas & Anastasia Fusaro/AAR Mutual Nominee Trust, 6 Toombs Court (Map 68 Parcel 82)**

Representation: Dave Fredericks

The applicant is proposing to construct a two (2) bedroom secondary dwelling. The second dwelling will have an approximate ground cover of 884 square feet and will be located on the northeastern portion of the site, which has approximately 30,000 square feet of lot area and is zoned R-20. The existing three (3) bedroom primary dwelling has an approximate ground cover of 1,295 square feet.

Both structures will be accessed by an existing gravel driveway with an entrance on Toombs Court. The driveway will contain five (5) 9' x 20' exterior parking spaces (five (5) total parking spaces are required on the site when the proposed tertiary dwelling is also included). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That a minimum of five (5) parking spaces shall be provided;
- 2) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 3) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 4) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Don & Andrea Giroux, 25 Hummock Pond Road (Map 56 Parcel 8)**

Representation: Carrie Thornewill

The applicant is proposing to re-apply for a second dwelling that was previously granted approval on December 12, 2017 and expired on December 12, 2020. There are no proposed changes to the original approval.

Planning staff recommends approval of the request with the same conditions outlined in the original decision (see packet).

Garage Apartments:

• **Chris Skehel, 61 Cato Lane (Map 56 Parcel 49)**

Representation: Tori Ewing

The applicant is proposing to construct a two (2) bedroom garage apartment. The garage apartment will have an approximate ground cover of 1,080 square feet and if located on the western portion of the site, which has approximately 23,312 square feet of lot area and is zoned R-20. The existing four (4) bedroom primary dwelling has an approximate ground cover of 1,216 square feet.

Both structures will be accessed by a proposed gravel driveway with an entrance on Cato Lane. The driveway will contain two (2) 9' x 20' exterior parking spaces and two (2) interior 9' x 20' parking spaces (four (4) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 5) That an apron at the driveway intersection with Cato Lane shall be maintained with a minimum depth of ten (10) feet and a minimum width of ten (10) feet not to exceed fifteen (15) feet;
- 6) That a minimum of four (4) parking spaces shall be provided;
- 7) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 8) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 9) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Andrew Bazos, 1 Melville Ct (Map 82, Parcel 98)**

Representation: Carrie Thornewill

The applicant is proposing to convert an existing garage/studio into a one (1) bedroom garage apartment. The garage apartment will have an approximate ground cover of 992 square feet and is located on the western portion of the site, which has approximately 31,822 square feet of lot area and is zoned LUG-2. The existing three (3) bedroom primary dwelling has an approximate ground cover of 1,954 square feet.

Both structures will be accessed by a proposed gravel driveway with an entrance on Cato Lane. The driveway will contain two (2) 9' x 20' exterior parking spaces and one (1) interior 9' x 20' parking space (three (3) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Melville Court shall be installed and maintained with a minimum depth of ten (10) feet and a minimum width of ten (10) feet not to exceed fifteen (15) feet;
- 2) That a minimum of three (3) parking spaces shall be provided;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

• **Eloy Nava, 79 Milk Street (Map 56, Parcel 213)**

Representation: Steve Roethke

The applicant is proposing to construct a two (2) bedroom garage apartment. The garage apartment will have an approximate ground cover of 766 square feet and will be located on the western portion of the site, which has approximately 23,024 square feet of lot area and is zoned R-20. The existing four (4) bedroom primary dwelling has an approximate ground cover of 2,104 square feet.

Both structures will be accessed by a reconfigured pea stone driveway with an entrance on Hawthorne Lane. The driveway will contain four (4) 9' x 20' exterior parking spaces and two (2) interior 9' x 20' parking spaces (four (4) parking spaces are required on the site). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Hawthorne Lane shall be installed and maintained with a minimum depth of ten (10) feet and a minimum width of ten

- (10) feet not to exceed fifteen (15) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

Tertiary Dwellings:

- **Thomas & Anastasia Fusaro/AAR Mutual Nominee Trust, 6 Toombs Court (Map 68, Parcel 82)**

Representation: Dave Fredericks

The applicant is proposing to construct a 625 square foot, one (1) bedroom tertiary dwelling unit in the basement of the secondary dwelling. The site is zoned R-20 and has approximately 30,000 square feet of lot area. The proposed two (2) bedroom secondary dwelling has an approximate ground cover of 884 square feet and the existing three (3) bedroom primary dwelling has an approximate ground cover of 1,295 square feet.

All three dwelling units will be access from an existing gravel driveway with an entrance on Toombs Court. The driveway will contain five (5) 9' x 20' exterior parking spaces (five (5) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

Planning staff recommends approval with the following conditions:

- 1) That the tertiary dwelling not exceed 650 square feet of gross floorarea;
- 2) That there be a minimum of five (5) parking spaces provided as delineated on the site plan;
- 3) That the driveway shall be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household. A restriction limiting occupancy to a year-round household shall be filed with the Registry of Deeds prior to the issuance of a Certificate of Occupancy and a copy of which shall be provided to staff; and
- 6) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

- **NHA Properties Inc d/b/a Housing Nantucket, 46 Okorwaw Ave (Map 79, Parcel 173)**

Representation: Anne Kuszpa

The applicant is proposing to convert the existing secondary dwelling on the site to a tertiary dwelling so that a new secondary dwelling may be “moved on” to the site. The two (2) bedroom tertiary dwelling is approximately 589 square feet and is located on the western portion of the site. The site is zoned LUG-2 and has approximately 96,000 square feet of lot area. The proposed three (3) bedroom secondary dwelling will have an approximate ground cover of 985 square feet and the existing three (3) bedroom primary dwelling has an approximate ground cover of 1,030 square feet. A Special Permit has previously been issued for the 20% differential between the primary and secondary dwelling.

All three dwelling units will be access from an existing dirt driveway with an entrance on Okorwaw Avenue. The driveway will contain six (6) 9’ x 20’ exterior parking spaces (five (5) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

Planning staff recommends approval with the following conditions:

- 1) That the tertiary dwelling not exceed 650 square feet of gross floor area;
- 2) That there be a minimum of five (5) parking spaces provided as delineated on the site plan;
- 3) That the driveway shall be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household. A restriction limiting occupancy to a year-round household shall be filed with the Registry of Deeds prior to the issuance of a Certificate of Occupancy and a copy of which shall be provided to staff; and
- 6) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

ANR Plans:

*****RECOMMEND MOTION*****

Motion to approve and endorse ALL of the Approval Not Required “ANR” applications on the agenda with the exception of 5 Quail Lane, which has been withdrawn (pull any application(s) from this motion that the Board feels may require further discussion or if there are any applications where a Board member must recuse).

- **18 Sherburne, LLC, 18 Sherburne Turnpike (Map 30 Parcel 196)**

Representation: Dan Mulloy

The purpose of this plan is to divide an existing buildable lot into three (3) buildable lots. Lot 1

will contain approximately 5,000 square feet of land area, Lot 2 will contain approximately 9,700 square feet of land area, and Lot 3 will contain approximately 10,052 square feet of land area. Lot 1 has frontage on Hamblin Road, Lot 2 has frontage on Folger Road (which has been constructed since the aerial photo was taken), and Lot 3 has frontage on both Sherburne Turnpike and Folger Road. The site is zoned R-1.

Planning staff recommends endorsement.

- **Michael Y. & Mary E. Lacoursiere, 67 Fairgrounds Road (Map 66 Parcel 177)**

Representation: Jeff Blackwell

The purpose of this plan is to implement a Special Permit for a Secondary Residential Lot.

Planning staff recommends endorsement.

- **WYNNH HILL, LLC, 15 Winn Street (Map 56 Parcel 195)**

Representation: Steve Sullivan

The purpose of this plan is to divide an existing buildable lot into three (3) buildable lots. Lot 12 contains approximately 274,065 square feet of land area and has frontage on Milk Street and Winn Street, Lot 14 has approximately 43,560 square feet of land area and has frontage on both Milk Street and Winn Street, and Lot 13 has approximately 40,888 square feet of land area and has frontage on Vestal Street Extension. The site is zoned R-20.

Planning staff recommends endorsement.

- **Christopher F. L. Ryder, Trustee 12 West Creek Road Realty Trust, 29 Hinsdale Road (Map 68 Parcel 410)**

Representation: Paul Santos/Chris Ryder

The purpose of this plan is to divide an existing buildable lot into three (3) buildable lots and one (1) non-buildable lot. All lots have frontage and access on Hinsdale Road with additional practical access from Egan Lane. Lot B-1 will contain approximately 7,702 square feet of land area, Lot B-2 will contain approximately 10,432 square feet of land area, Lot B-3 will contain approximately 8,200 square feet of land area, and Lot B-4 (the non-buildable lot) will contain approximately 10,474 square feet of lot area. The site is zoned RC-2.

Planning staff recommends endorsement.

- **One Bloom LLC, 126 Main Street (Map 42.3.3 Parcel 98)**

Representation: Linda Williams/Don Bracken

The purpose of this plan is to divide an existing buildable lot into two (2) buildable lots through 41-81L. Lot 1 will contain approximately 4,270 square feet of land area and Lot 2 will contain approximately 3,565 square feet of land area. Both lots will have access from Main Street. The site is zoned ROH. Included with your packet is detailed information regarding the history of the existing structures on the property.

Planning staff recommends endorsement.

- Cheryl Maureen Searle, Trustee of the Cheryl Maureen Searle Living Trust, 10 Angola Street (Map 55.4.4, Parcel 79)

Representation: Jeff Blackwell

The purpose of this plan is to divide an existing buildable lot into two (2) buildable lots. Lot 1 will contain approximately 8,903 square feet of land area and Lot 2 will contain approximately 7,331 square feet of land area. Both lots have frontage and access on Angola Street. The site is zoned ROH.

Planning staff recommends endorsement.

- David M. Lilly, Trustee of the Front of 55 Trust, 53 Hulbert Ave (Map 29, Parcel 12.1)

Representation: Jeff Blackwell

The purpose of this plan is to create an unbuildable parcel, Lot 3, which contains approximately 2,259 square feet of lot area, so that it may be conveyed to the abutting property located at 55 Hulbert Avenue.

Planning staff recommends endorsement.

- Brenda Garnett, 5 Quail Lane (Map 67, Parcel 257)

WITHDRAWN

- Gary & Kimberly Creem, 6 & 8 Hydrangea Lane (Map 73, Parcels 88 & 87)

Representation: Jessie Brescher/Dan Mulloy

The purpose of this plan is a merger plan to combine 6 and 8 Hydrangea Lane, which was approved through a Subdivision and Special Permit Modification at the July Planning Board meeting.

Planning staff recommends endorsement.

- Robert D. Carter & Carol M. Carter, Trustees, 9 Warren Street (Map 55.4.1 Parcel 95)

Representation: Don Bracken/Alan Grady

The purpose of this plan is to create Parcel A, an unbuildable parcel, which contains approximately 119 square feet of land area so that it may be conveyed to the abutting property owner.

Planning staff recommends endorsement.

Previous Plans:

- North Mill Street Subdivision (Bird Song Lane), *request for clarification*

Representation: Rick Beaudette/Marianne Hanley

The Applicant is proposing a clarification to subdivision regarding the access rights to the roadway lot for Lots 26 and 28 shown on LCC 42885-F. These two lots had been previously eliminated from the initial subdivision request after the subdivision was applied for, but before the decision was rendered by the Board. There is an existing easement running along the roadway lot that provides access to these two lots.

Planning staff recommends that the Board approve a technical amendment to the decision that would reflect the following:

- Updated ownership information;
- Clarifying that Lots 26 and 28 may utilize the subdivision roadway for access as previously granted through an easement subject to the following:
 - Frontage may only come from North Mill Street and not the Roadway Lot
 - That these two parcels shall be included with the Homeowner's Association and shall contribute to any applicable funding amount and ongoing roadway maintenance fees.

See updated decision included in the packet, specifically conditions 9 & 12.

▪ **#8213 Rupert's Way, Form J (Lots 15-18) & endorse legal document**

Representation: Ken Gullicksen/Dan Mulloy

The Applicant is requesting the release of the final two lots in the subdivision. Ed Pesce has identified a handful of minor items that must be completed prior to the release of the lots (email included with packet). Planning staff recommends that the Board vote to approve the release of the lots and endorse the Form J to be held in the office until the applicant works with staff to complete the remaining items.

▪ **The Westmoor Club, minor modification**

Representation: Paul Santos/Steven Cohen

The Applicant is requesting a minor modification to an existing MCD Special Permit to reconfigure the positioning of parking spaces. The total number of spaces will remain unchanged.

Planning staff recommends approval of the Applicant's request as proposed with the following finding:

- 1) That the proposal does not materially affect the findings and conclusions upon which the original decision and subsequent modifications were based, and therefore does not require a public hearing.

▪ **12 Correia Lane, Form J Lot Release**

Representation: John Brescher

The Applicant is request the release of Lot13A. The subdivision was approved in 1973 and there were recent roadway improvements made.

Planning staff recommends approval of the lot release and endorsement of the Form J.

Public Hearings:

▪ **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, action deadline 10-13-2021,**
CONTINUE UNTIL 09-13-2021

▪ **PLSP-2020-11-0092, 2 Mayflower Circle LLC, 2 Mayflower Circle, action deadline 09-15-2021,**
REQUEST FOR WITHDRAWAL

▪ **PLSP-2021-07-0140 21 Amelia Drive, LLC, 21 Amelia Drive, *action deadline 11-07-2021***

Representation: Paul Santos

The Applicant is requesting an MCD Special Permit to construct a two-story, 4, 055 square feet commercial building with a full basement. The site contains approximately 12,988 square feet of land area and is zoned “CN”. The first floor of the building will contain three (3) office suites and three (3) garage bays. The second floor will contain two (2) apartments and the basement will also contain two (2) apartments for a total of four (4) apartments. The site will share a driveway access with the abutting property, 23 Amelia Drive, where Granite City Electric Supply is located. All proposed uses are allowed by right in the CN zoning district.

The Applicant is requesting a waiver for the requirement of a traffic study, to the extent necessary a waiver from inclusionary housing, and a parking waiver, to allow to the extent necessary, tandem parking for a commercial use. All sixteen (16) of the required parking spaces are located on the site, with three (3) spaces being located within the garage bays, which may be considered tandem parking by the Board.

Planning staff recommends that the Board approve the Applicant’s request with the following finding and conditions:

Finding:

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

Conditions:

- 1) That the expansion of any uses other than what is specified in the requested proposal must come back to the Planning Board for further relief;
- 2) That a Certificate of Water Compliance shall be issued by Wannacomet Water Company and submitted to the Planning Board prior to the site being eligible for any construction permits; and
- 3) That the Town’s consulting engineer shall review and approve all of the requested items referenced in the report before the site is eligible for any construction permits.

▪ **PLSP-2021-07-0141 The Roberts Collection Amendment, 2 & 4 Chestnut Street, 29 & 31 Center Street, 11 India Street, and 16.5 Federal Street, *action deadline 11-07-2021***

Representation: Sarah Alger

The Applicant is requesting to modify the existing MCD Special Permit to include abutting properties located at 2 Chestnut Street and 16.5 Federal Street. Additionally, the Applicant proposes to create an addition onto the pre-existing non-conforming guest house located at 2 Chestnut Street which will require the Board to grant a waiver pursuant to 139-17 to allow for a height higher than thirty (30) feet but will not exceed the pre-existing non-conforming height of approximately thirty-five (35) feet. The addition on 2 Chestnut Street property will increase the current guest units from nine (9) to nineteen (19) and the current guest bedrooms from ten (10) to nineteen (19).

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

Findings:

- 1) That the request is in harmony with the purpose and intent of the Zoning Bylaw;
- 2) That the proposed height exceeding thirty (30) feet but not exceeding thirty-five (35) feet is both necessary and desirable to the restoration or preservation of the existing historic structure;
- 3) That the proposed height exceeding thirty (30) feet but not exceeding thirty-five (35) feet is both complementary and appropriate to the scale of the adjoining streetscape which is supported by the existence of the surrounding buildings of equivalent height; and
- 4) Not detrimental to adjoining properties by substantially casting them in shadow resulting in the loss of privacy, air circulation, sunlight, safe ingress and egress or overcrowding.

Condition:

- 1) That all conditions in the original decision shall remain in full force and effect.

▪ **PLSUB-2021-07-00184 ACK Mid Island, LLC & ACK Offices, LLC, Navigator Way Subdivision, 18/18A/20/22/24/26 Sparks Avenue, action deadline 10-13-2021**

Representation: Dan Mulloy

The Applicant is proposing a twelve (12) lot (eleven (11) buildable lot) subdivision consistent with the previous Preliminary Plan approval.

It is noted that the intent of the subdivision is to implement a zoning freeze. The applicant has not requested any waivers. Any concerns related to the intended MCD submission should be addressed at that time.

Planning staff recommends approval of the Applicant's proposal with the following finding and conditions:

Finding:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent of 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) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 2) That the Homeowner's 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 final lot;
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying CMI zoning district; and
- 5) That no lot shall be eligible for release or a construction permit until the Town's consulting engineer has reviewed and approved all relevant documents submitted by the Applicant.

Public Comment:

Other Business:

Included with your packet is the most recent draft of Article concepts.

Adjournment: