

1. Planning Board Staff Report

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[09.12.22 STAFF REPORT.PDF](#)



Nantucket Planning Board

STAFF REPORT

September 9, 2022

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for September 12, 2022 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- June 13, 2022
- July 11, 2022
- August 8, 2022

Appointments

- Cannabis Advisory Committee (*currently Dave Iverson*)
- Short Term Rental “STR” Workgroup, *one member, one alternate*

Note: The applications and plans submitted for secondary dwellings, garage apartments, tertiary dwellings, and ANR have all of the relevant information, which is easily identifiable, that was previously outlined in the staff report narrative. In addition to the application and proposed site plan, included with your packet is a draft approval letter for each of the secondary dwellings, garage apartments, tertiary dwellings that outlines conditions.

All applications have been thoroughly reviewed by staff for compliance.

Criteria for Secondary Dwellings:

- Confirmation that a secondary dwelling is allowed by right in that zoning district (and/or subdivision if applicable)
- Adequacy of access

- 10ft scalar separation
- 80/20 compliance
- Parking calculations
- Apron and driveway dimension requirements

Criteria for Garage Apartment

- Garage Apartments are permitted in all districts pursuant to the “Use-Chart”
- Adequacy of access
- That the living area does not exceed 150% of the garage area (if it did it would be a secondary dwelling and not a garage apartment)
- Parking calculations
- Apron and driveway dimension requirements

Criteria for Tertiary Dwelling (none on this agenda)

- Confirmation that a tertiary dwelling is allowed by right in that zoning district (and/or subdivision if applicable)
- Adequacy of access
- Parking calculations
- Apron and driveway dimension requirements
- Confirmation of which unit on the site will be owner occupied or owned by a non-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household
- Compliance with the maximum bedroom count (only applicable for tertiary dwellings in the R-5, R-10, & R-20 zoning districts)
- Confirmation that the unit does not exceed 900 square feet of gross floor area

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

Motion to approve ALL of the secondary dwellings and garage apartments on the agenda with any findings and/or conditions as written in the draft approval letters included with your packet*(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).*

Secondary Dwellings:

- 26 Pine Crest Drive, LLC – 26 Pine Crest Drive
- Kim Glowacki – 13 Woodland Drive
- Ryan & Sarah Murphy – Maple Lane, Lot 4
- Karlton Phillips & Suzanne Riddle – 19 Folger Avenue
- Joseph P. Minella – 9 Gingy Lane
- Hannah & Sacha Ross – 110 Surfside Road
- 27 Cato Lane, LLC – 27 Cato Lane
- Hollett Lane, LLC – 12 Almanack Pond Road
- Thornewill Design LLC – 73 Vestal Street

Garage Apartments:

- Rhett Dupont – 18 Nobadeer Avenue
- Laura Nicholson Trust – 12 Eat Fire Spring Road

ANR

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

Motion to approve and endorse ALL of the ANR applications on the agenda, with the exception of 12 Gardner Street, which has been withdrawn by the Applicant

- **Amanda B. Jacobs & Kevin J. Jacobs, Trustees – 4 Ray’s Court**

Representation: Paul Santos

The purpose of this plan is to adjust lot lines. Planning staff recommends endorsement.

- **Sharon W. Jacobson – 20 Monohansett Road**

Representation: Teddy King

The purpose of this plan is to create an unbuildable parcel to be conveyed to an abutting property.

Planning staff recommends endorsement.

- **Heather Vance Haddon, Trustee, Twenty-One Milk Street Trust – 21 Milk Street**

Representation: Jeff Blackwell

The purpose of this plan is to divide an existing buildable lot into two (2) buildable lots. Planning staff recommends endorsement.

- **Pocomo Point, LLC – 81 Pocomo Road**

Representation: Jeff Blackwell

The purpose of this plan is to convey an unbuildable parcel from 81 Pocomo Road to 79 Pocomo Road. Planning staff recommends endorsement.

- **Danny Boy Nominee Trust, Stanley Karp, Trustee – 15 Low Beach Road**

Representation: Jeff Blackwell

The purpose of this plan is to create and convey Lot B to a neighboring property. Planning staff recommends endorsement.

- **Quaker Road, LLC & 22 Vestal, LLC – 14 Quaker Road & 22 Vestal Street**

Representation: Don Bracken/Linda Williams

The purpose of this plan is to divide an existing buildable lot into two buildable lots utilizing 41/81L. Included with your packet for review is a detailed history of the property.

- **Town of Nantucket – Portions of Masaquet Avenue and Atlantic Avenue**

Representation: Don Bracken

The purpose of this plan is to acquire paper roads, as approved through Articles 98 and 99 of 2011 ATM as a part of the yard sale program. Planning staff recommends endorsement.

- **Ron Winters & Ellen H. Winters – 12 Gardner Street**

REQUEST TO WITHDRAW

Previous Plans:

- **Reliance Way Subdivision**, *request to release Performance Surety Bond*

Representation: Dan Mulloy

The applicant is requesting release of the Performance Surety Bond. The Town's consulting engineer, Ed Pesece, notified staff of two minor items to complete-the installation of a street sign and bringing the cover of the oil/water separator to grade. Planning staff recommends returning the funds to the Applicant upon confirmation that those two items have been completed.

- **Ellen's Way**, *final lot release-endorse Form J and Form Gs*

Representation: Sarah Alger

The Applicant is requesting the release of the final lot. As discussed by the Board at the May 9th meeting, the items left to complete include the final paving (\$235,200), clearing of land from the development to Zachary Way (\$25,000), and the Conservation Restriction(\$275,000). The Applicant will establish a Performance Surety Account/s (separate accounts may be required as determined appropriate by the Finance Department for the work to be completed vs the Conservation Restriction) totaling \$535,200. Planning staff recommends endorsement of the Form J to be release upon receipt of funding for the Performance Surety Account/s.

Public Hearings:

- **Catherine Dean Schulman, Trustee, 48 West Miacomet Road**, *action deadline 12-31-2022*,

CONTINUE TO OCTOBER 13, 2022

- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue**, *action deadline 12-31-2022*

CONTINUE TO OCTOBER 13, 2022

- **Leslie Linsley, 39 Union Street**, *action deadline 12-11-2022*

Representation: Paul Santos

The Applicant is requesting a Special Permit to create a secondary residential lot for year-round residents. The covenant lot will be proposed Lot 2B, which has approximately 2,098 square feet of lot area. The proposed market rate lot, Lot 2A, has approximately 3,210 square feet of lot area. Lot 2A will be accessed from Union Street and Lot 2B will be accessed from Flora Street.

Th Applicant is also requesting waivers to allow each lot its own driveway access, to reduce the setbacks from the interior lot line, and to distribute the groundcover between the two lots as long as the total ground cover does not exceed 40%.

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 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 proposed Lot 2B 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 both lots shall be limited to a single dwelling unit, as tertiary dwellings are prohibited in the ROH zoning district;
- 3) That the setbacks from the interior lot line between Lot 2A and Lot 2B shall be waived;
- 4) That each lot may utilize a separate driveway access as shown on the attached site plan;
- 5) That the ground cover ratio requirement for the secondary lots shall be waived provided that the total ground cover ratio does not exceed the amount that would have been allowed for the original lot (40%);
- 6) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

• **Jamie & Josh Sandsbury and Marita H. & Jermaine A. Scarlett, 17 & 17A Helen's Drive, *action deadline***
12-11-2022

Representation: John Brescher

The Applicants are proposing to modify an existing Special Permit for a Secondary Residential Lot so that each lot may have its own driveway access. Additionally, the Applicants are proposing an equal area land swap.

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

Findings:

- 1) That the Applicant's proposal is in harmony with the general purpose and intent of the Zoning Bylaw; and
- 2) 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, as the site is located on a private dead end street.

Conditions:

- 1) That driveway aprons shall be installed and maintained with each of the driveway intersections with Helen's Drive;
- 2) That all other conditions in the original special permit shall remain in full force and effect except as modified herein; and
- 3) That an Approval Not Required (ANR) plan is a necessary step to implement this special permit modification.

- **Nantucket Boat Basin, LLC, 29 Commercial Wharf, *action deadline 12-11-2022***

Representation: Rick Beaudette/Bryan Swain

The Applicant is requesting a Special Permit alter a pre-existing non conforming structure, to relocate an existing laundromat facility and a waiver of the off street parking requirements to the extent necessary.

The existing cottage, “Meridien Cottage”, located on the property is pre-existing non conforming to the southern side yard setback. In order to repair an existing seawall supporting the cottage will need to be removed. Once repairs to the seawall are complete, the cottage currently located at 15 Commercial Wharf “Rowland House” will be moved to the existing location of “Meridien Cottage” at 29 Commercial Wharf. While construction is taking place, an existing laundromat facility, exclusively used by/for guests of the Nantucket Boat Basin.

It is noted that the bylaw requires 3 parking spaces and the changes to the site do not increase the required parking. The existing configuration does not provide any on-site parking spaces, so the Applicant is request relief from the parking requirement only to the extend the Board finds it necessary.

The property is located in the Harbor Overlay District. The use of the Laundromat us defined as water dependent in the HOD and maintaining the existing use by replacing the existing structure with a neighboring structure was determined not to be construction of a new structure by the Building Commissioner.

The Applicant requires a Special Permit for the following:

- Laundromat in the Residential Commercial (“RC”) zoning district
- Alter and extend the pre-existing nonconforming structure by increasing the its height by 7’ 3” in the side yard setback, to accommodate for the height difference between the “Meridien Cottage” and the “Rowland House”
- On site parking requirements (to the extent necessary)

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

Findings:

- 1) That the Applicant’s proposal is in harmony with the general purpose and intent of the Zoning Bylaw; and
- 2) That the extension, alteration, or change of the preexisting non-conforming structure in not substantially more detrimental than the existing non-conforming structure to the neighborhood.

- **ACK Skibo Nominee Trust, Lester E. Lipschutz, Trustee, 9 Madaket Road, *action deadline 12-14-2022***

Representation: Dan Mulloy

The Applicant is proposing a three (3) lot, two (2) buildable lot AR Subdivision. Lot 1 will contain approximately 10,361 square feet of lot area, Lot 2 will contain approximately 9,845 square feet of lot area, and Lot 3 (the roadway lot- Ainsworth Avenue) will contain approximately 3,240 square

feet of lot area. The lots will be accessed from the roadway lot, which intersects with Madaket Road. The site is zoned R-1 (which has a minimum lot area requirement of 5,000 square feet).

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) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-1 zoning district, or as otherwise specified in 139-16 ("Intensity Regulations") and 139-33 ("Pre-existing, nonconforming uses, structures, and lots");
- 4) That the roadway lot shall be conveyed to the Homeowner's Association prior to the release of the second lot;
- 5) 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; and
- 6) 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.

- **The Nantucket Hotel, 77 Easton Street, *action deadline 12-11-2022***

Representation: Paul Santos

VOTING: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Carl Borchert

From the June 11, 2022 Staff Report:

The Applicant is requesting to amend an existing Special Permit to alter the pre-existing non-conforming structure, which is non-conforming to front yard setback and groundcover. The Applicant proposes to add a second level to the existing East Cottage, which will increase the total guest bedrooms from 69 to 73 (a number previously approved by the Planning Board). Additionally, the Applicant proposes to construct a new building to the rear of the pool which will consist of 7 small 1-bedroom units for manager staff housing only. The staff building will be elevated with parking spaces below.

The proposed ground cover will be increased by 2,960 square feet, or from 50.4% to 55.8%.

From the July 11, 2022 Staff Report:

At the June meeting, Campbell Sutton was the alternate activated, Stephen Welch was not present, so Carl Borchert should be activated.

The Applicant has revised their request to eliminate the “Staff Building” and will limit the requested work to the “East Cottage” only. They still need a waiver of groundcover and will be requesting that three additional guest bedrooms and two manager apartments containing one bedroom each be added to the new “East Cottage”.

Planning staff is supportive of the Applicant’s revised request, as it is contained within an already disturbed area of the property. The Board should discuss with the Applicant whether or not granting the Special Permit for an increase in ground cover would cause negative impacts to neighboring properties.

From the August 8, 2022 Staff Report:

The Applicant is further reducing the request of additional ground cover from 825 sq. ft. to 575 sq. ft. This translates to approximately an additional 1% ground cover and will occur over existing decking space. Planning staff is supportive of the Applicant’s revised request, as it is contained within an already disturbed area of the property.

UPDATE:

The Applicant has revised their plan and proposes to be allowed to reconfigure the present “I” shaped building in a way that will not increase the overall groundcover. The Applicant proposes to increase the allowable bedroom count from 73 to 74 bedrooms (there are currently 69 bedrooms on site where 73 were previously approved by the Planning Board) so that an additional staff housing unit may be added. Planning staff is supportive of the Applicant’s amended request.

- **Nantucket Realty Trust, Jeffrey Kaschuluk, Trustee, Van Glider Avenue
Subdivision, 86A & 88 Old South Road, *action deadline 12-31-2022***

Representation: Jeff Kaschuluk/Dani Petkova

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

From the July 11, 2022 Staff Report:

The Applicant is proposing an eleven (11) buildable lot AR Subdivision. The site is currently located in the RC-2 zoning district. The Board granted a Preliminary Plan approval for this site at the December 13, 2021 meeting.

While the site may remain RC-2 for eight years after endorsement of the final definitive plan, the zoning district will ultimately be changed. Abutting zoning districts include R-10, R-20, CTEC with R-5 and CN also located within close proximity. The Board should discuss with the Applicant the potential uses for the site, and how those uses may or may not change the required infrastructure.

Sent via email to the Board members, were emails from the Town’s consulting engineer and the Fire Department’s Fire Prevention Officer. Planning staff recommends that the Board discuss with the Applicant incorporating all of the feedback into the plans/proposal.

UPDATE:

At the July meeting, the Board discussed with the Applicant concerns surrounding roadway width, utilization of exiting easements for connection, and proposed uses on the site, as the site is currently located in the RC-2 zoning district and will be changed to the CTEC zoning district at ATM 2023. Additionally, staff met with the Applicant to go over some of the Board's concerns in further detail.

The Applicant has submitted a response to comment for Mr. Pesce's initial review, amended plans, and a stormwater management report. It is noted that the newly submitted swept path analysis has been reviewed and approved by the Fire Department. A report from Mr. Pesce commenting on the newly submitted materials is included with the packet for review.

Also included in your packet is an analysis of uses in the RC-2 zoning district and in the CTEC district. The Applicant has verbally confirmed to staff that they are amendable to a future zoning change to the CTEC zoning district. The Board should highlight any uses that may be appropriate to prohibit in anticipation of that change.

The Applicant still needs to adjust the easements on the plans to provide access to Egan Lane. Additionally, when the Board is ready to render a decision, it should be clear that the Subdivision roadway shall not provide frontage to any lot outside of the subdivision lots without a modification to the subdivision.

- **1 Airport Road, LLC, 1 Airport Road, *action deadline 10-31-2022***

Representation: Dan Mulloy/Linda Williams

Voting: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Carl Borchert

From the May 9, 2022 Staff Report:

The Applicant is requesting a Special Permit for a Major Commercial Development "MCD" utilize more than 5,000 square feet of exterior space for a commercial use/uses. The total lot size is approximately 34,213 square feet and will contain approximately 5 separate lease areas. Permanent structures are not proposed to be built at this time, and the Applicant proposes the following uses:

- Landscape contractor (by right)
- Boat related storage (by right)
- Exterior storage/warehousing (by Special Permit)
- Motor vehicle parking lot (by Special Permit)
- Up to six (6) storage containers

Additionally, the Applicant is requesting that the Board grant waivers of the Site Plan Review (storm drainage analysis and traffic study), conditions regarding a landscape plan, lighting plan, hours of operation, etc., and inclusionary housing.

To approve the Applicant's request, the Board must make the following finding:

- 1) That the proposal is in harmony with the general purpose and intent of the Bylaw.

Planning staff recommends approval of the Applicant's request with the following conditions:

- 1) That the driveway access on Airport Road shall be shared with 7 Airport Road;
- 2) At the entrance, where the driveway splits between 1 Airport Road and 7 Airport Road, there shall be a clear separation between the two properties either by a fence, evergreens, or other means of screening;
- 3) That the evergreen screening along the property line of Airport Road and Old South Road shall be maintained at all times;
- 4) That the site plan/conditions be improved to reflect the suggestions of the Town's consulting engineering within ninety (90) days of the filing of the decision; and
- 5) That a letter of compliance from Wannacomet Water Company shall be presented to planning staff within fourteen (14) days of the filing of the decision.

UPDATE:

At the May 9th Planning Board meeting, the Board discussed a variety of concerns with the Applicants of both 1 Airport Road and 7 Airport Road. Although the "MCD" applications are separate, with two separate owners, with different uses, many of the concerns were the same for both applications.

These concerns included:

- Addressing concerns in Mr. Pesce's letter
- Outlining what exactly will be stored. Will there be fertilizer storage in connection with the landscape contractor and/or storage uses? Confirming that all requirements of the Public Wellhead Overlay District are being met
- Additional screening along Airport Road
- Screening between 7 Airport Road and the properties along Nobadeer Way (separation of the commercial and residential zoning district)
- Sedimentation control (the entire area is dirt/sand)
- Landscape plan
- Addressing draining and run off
- Storm drain analysis
- Single driveway access on-to Airport Road
- Supplemental planning materials on berm
- Stressing that any future changes must come back to the Board for review

Planning staff has met with the Applicant of 1 Airport Road to go over the concerns of both staff and the Board in detail. Additionally, the Applicant has hired an engineer, Dan Mulloy, to address some of these concerns, and Mr. Mulloy is prepared to provide the Board with a verbal status update at the meeting.

- **7 Airport Road, LLC, 7 Airport Road, *action deadline 10-31-2022***

Representation: Dan Mulloy/Linda Williams

Voting: John Trudel, Dave Iverson, Nat Lowell, Barry Rector, Carl Borchert

From the May 9, 2022 Staff Report:

The Applicant is requesting a Special Permit for a Major Commercial Development “MCD” to utilize more than 5,000 square feet of exterior space for a commercial use/uses. The total lot size is approximately 32,988 square feet and will be used for storage in connection for materials, vehicles, and machinery used in connection with the Applicant’s general contracting business. Permanent structures are not proposed to be built at this time, and the Applicant proposes the following uses:

- Landscape contractor (by right)
- Exterior storage/warehousing (by Special Permit)

Additionally, the Applicant is requesting that the Board grant waivers of the Site Plan Review (storm drainage analysis and traffic study), conditions regarding a landscape plan, lighting plan, hours of operation, etc., and inclusionary housing.

To approve the Applicant’s request, the Board must make the following finding:

- 1) That the proposal is in harmony with the general purpose and intent of the Bylaw.

Planning staff recommends approval of the Applicant’s request with the following conditions:

- 1) That the driveway access on Airport Road shall be shared with 1 Airport Road;
- 2) At the entrance, where the driveway splits between 1 Airport Road and 7 Airport Road, there shall be a clear separation between the two properties either by a fence, evergreens, or other means of screening;
- 3) That the evergreen screening along the property line of Airport Road shall be maintained at all times;
- 4) That the site plan/conditions be improved to reflect the suggestions of the Town’s consulting engineering within ninety (90) days of the filing of the decision;
- 5) That a letter of compliance from Wannacommet Water Company shall be presented to planning staff within fourteen (14) days of the filing of the decision; and
- 6) That heavy machinery shall be stored at the rear of the site, where it is least viable from Airport Road and Old South Road.

UPDATE:

At the May 9th Planning Board meeting, the Board discussed a variety of concerns with the Applicants of both 1 Airport Road and 7 Airport Road. Although the “MCD” applications are separate, with two separate owners, with different uses, many of the concerns were the same for both applications.

These concerns included:

- Addressing concerns in Mr. Pesce’s letter
- Outlining what exactly will be stored. Will there be fertilizer storage in connection with the landscape contractor and/or storage uses? Confirming that all requirements of the Public Wellhead Overlay District are being met
- Additional screening along Airport Road
- Screening between 7 Airport Road and the properties along Nobadeer Way

(separation of the commercial and residential zoning district)

- Sedimentation control (the entire area is dirt/sand)
- Landscape plan
- Addressing draining and run off
- Storm drain analysis
- Single driveway access on-to Airport Road
- Supplemental planning materials on berm
- Stressing that any future changes must come back to the Board for review

The Applicant has hired an engineer, Dan Mulloy, to address some of these concerns, and he is prepared to provide the Board with a verbal status update at the meeting.

Public Comment:

Other Business:

- **Next Planning Board meeting, Thursday, October 13, 2022 (due to Indigenous Peoples Day), at 4pm via Zoom**
- Craig's Way Subdivision, extension of the submission of definitive plan and legal documents for endorsement. (Request for an agenda item did not comply with the OML 48 hr regulation)

Adjournment: