

1. Planning Board Staff Report 09.13.21

Documents:

[09-13-2021 STAFF REPORT.PDF](#)



Nantucket Planning Board

STAFF REPORT

September 10,
2021

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for September 13, 2021 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- April 12, 2021
- July 12, 2021
- August 9, 2021

Note: The staff report will be structured differently moving forward for secondary dwellings, tertiary dwellings, and garage apartments. The applications and plans submitted 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, tertiary dwellings, and garage apartments that outlines conditions. **All applications have been thoroughly reviewed by staff for compliance.** None of the proposed secondary dwelling applications are requesting a second driveway access.

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

- 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 650 square feet of gross floor area

Secondary Dwellings:

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

Motion to approve ALL of the secondary dwellings, garage apartment(s), and tertiary dwelling(s) applications 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).

- **11 Hulbert Avenue, LLC, 11 Hulbert Avenue (Map 29.2.3, Parcel 2)**
- **6 BLVD, LLC 6 Boulevard (Map 80, Parcel 75.1)**
- **5 Sherburne Way LLC, 5 Sherburne Way (Map 30, Parcel 38)**
- **16 Trotters Lane, LLC, 16 Trotter’s Lane (Map 67, Parcel 140)**
- **Diane Catino, 11 D Street (Map 60.2.1, Parcel 17)**
- **30 Vestal Street LLC, 30 Vestal Street (Map 41, Parcel 45)**

**Note: The gravel parking area noted on the plan is existing and pre-dates the 1998 adoption of the Section 139-20.1 “Driveway Access” of the Zoning Bylaw.*

- Janice & Richard Hoff, 26 Quidnet Road (Map 21, Parcel 35)
- Jonathan R. & Lynell D. Vollans, 18 Flintlock Road (Map 76, Parcel 42)

Garage Apartment:

- Michael Edward Sproule, 31 Washing Pond Road (Map 31, Parcel 29)
**Note: The second driveway access is existing and pre-dates the 1998 adoption of the Section 139-20.1 "Driveway Access" of the Zoning Bylaw.*

Tertiary Dwelling:

- Lee A. Corkish, 326 Polpis Road (Map 24 Parcel 13.1)

ANR Plans:

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

Motion to approve and endorse ALL of the Approval Not Required "ANR" applications on the agenda (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).

- **Mark Maistro & Holly Maistro, 78 & 80 Pleasant Street (Map 55 Parcels 654 & 655)**
The purpose of this plan is to adjust the lot line between 78 Pleasant Street (Lot 654) and 80 Pleasant Street (Lot 655)
- **One Bloom, LLC c/o James W. Ikard, 1 Bloom Street (Map 42.3.3 Parcel 140)**
The purpose of this plan is to create "Parcel A", which will be combined with "Lot 2".
- **One Bloom, LLC c/o James W. Ikard, Main Street (Map 42.3.3 Parcel 98)**
The purpose of this plan is the follow up of the 1 Bloom Street plan, which combines "Parcel A" with "Lot 2" and formed Lot "2A" as shown on this plan.
- **The 9 Hulbert Avenue Real Estate Trust, Christina C. Moore and Whitney A. Gifford, Trustees, 9 & 11 Hulbert Avenue (Map 29.2.3 Parcel 3)**
The purpose of this plan is to convey an undersized parcel, shown as "Lot 17" from 9 Hulbert Avenue to 11 Hulbert Avenue.
- **Daniel D. & Seandra Bartlett, 41 Bartlett Farm Road (Map 82 Parcel 500)**
The purpose of this plan is to implement a previously granted Secondary Residential Lot Special Permit.
- **Derrick Maxwell, 6 Dooley Court (Map 68 Parcel 153.2)**
The purpose of this plan is a perimeter plan to combine Lot 26, shown on Plan No. 2016-56 with Lot 32, shown on Plan No. 2019-65.
- **Richard & Karen Borges, 4 Dooley Court (Map 68 Parcel 152)**
The purpose of this plan is to combine Lot 12 shown on Plan Bk. 18, Page 12 with Lot 35

shown on Plan No. 2019-65 and then create two lots, "Lot 1" and "Lot 2". "Lot 2" shall be unbuildable and is being conveyed to the abutting property.

- **David A. Rosenzweig, 35 Shawkemo Road (Map 44 Parcel 62)**
The purpose of this plan is to create an unbuildable parcel, "Lot 93" to convey to the Nantucket Conservation Foundation.
- **Oliver Carr III & Mary Semjen, 84 & 86 Cliff Road & 39 Pilgrim Road (Map 30 Parcels 74.1, 74.2 & 74.3)**
The purpose of this plan is to reconfigure the lot lines between the three (3) existing parcels.

Previous Plans:

- **#6901 Nanahumacke Preserve, *partial escrow release***
Representation: Karen and Frank Falck
The Applicant constructed two gates, which were a line item in the requirement of the Performance Surety Bond to have the final lot released. They are requesting that the money identified in that estimate for that line item be released. Upon inspection of the gates, staff noticed several issues within the subdivision requiring immediate attention (see email thread and photos included in packet). Staff recommends that the Applicants work with staff to remedy those issues prior to any money being released.
At the time of drafting this staff report, the signs have been removed and a section of the split rail at the gate located on the cul-de-sac has been removed to allow pedestrian access. The other items identified in the email have not been addressed
- **PLSUB-2020-10-00101 Shore Road Subdivision, 2 Francis Street, *escrow release***
Representation: Bryan Swain
The Applicant is requesting the remaining balance of the engineering escrow be released, as the subdivision is complete. Staff has confirmed with Ed Pesce that all proposed field changes have been made, that there are not any anticipated site visits to be made in the future, and that the account may be closed.

Planning staff recommends approving the applicant's request to return any unused funds from the engineering escrow account.

- **67 Fairgrounds Road, *establishment of Performance Surety***
Representation: Mary LaCoursiere/John Brescher
The Applicant is requesting that the Board accept a Performance Surety Bond to be held by the Town of Nantucket so that the purchaser of the covenant lot may obtain a building permit. Condition # 5 of the decision states "That the shared driveway access with 65 Fairgrounds Road shall either be relocated within the defined area of the easement, or the easement shall be updated to reflect the existing conditions prior to "Lot B" (affordable lot) being eligible for a building permit."
Estimates to complete the work of relocating the driveway within the defined area of the easement are included with your packet. \$12,428.00 shall be held in escrow, as this is 120% of the estimated amount to complete the work.

Planning staff recommends accepting the Performance Surety Bond, holding the funds in escrow until the work is complete, and allowing “Lot B” to obtain a building permit. It is recommended that the Board select a date that the work shall be completed, or the Town will facilitate the work utilizing the funds in the Bond.

- **6 & 8 Hydrangea Lane**, *legal documents*

Representation: Jessie Brescher

The Applicant has submitted updated subdivision legal documents for the Board to endorse which reflect the recently approved lot merger of 6 & 8 Hydrangea Lane.

Planning staff recommends endorsement.

Public Hearings:

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road**, *action deadline 10-13-2021*
REQUEST TO CONTINUE

- **PLSP-2021-08-0142 John & Nan Breglio, 52 West Miacomet Road**, *action deadline 12-12-2021*

Representation: Linda Williams

The Applicants are requesting a Modification to the Existing Special Permit to reconfigure the approved pool, which is located within the MMD zoning district. The area is an already disturbed area of the site, and the original approval showed the pool above grade, to be set into decking. The Applicant is requesting that the pool can be located below grade instead of being set within decking.

In order to approve the request, the following finding must be made:

- 1) That the siting of the dwelling, decking, shed, patio, and proposed pool, which will be sited away from known or suspected habitats of endangered plant and animal species both on and off site, minimizes potentially adverse effects on the moorlands environment and its scenic integrity and maximizes the protection of such species, as the area where the proposed pool is to be sited is already a disturbed area.

If the Board approves the Applicant’s request, Planning staff recommends the following conditions:

- 1) That the pool shall be constructed in substantial compliance with the site plan entitled, “Breglio Residence HDC Site Plan” prepared for Breglio Residence by Jardins International, Inc.; and
- 2) That all other conditions in the original decision shall remain in full force and effect.

• **PLSUB-2021-08-00195 DELFMARK, LP (Maple Lane Subdivision), 10 Rugged Road, action deadline 12-30-2021**

Representation: Dan Mulloy

The applicant is proposing a seven (7) buildable lot AR Subdivision. The Board approved a nine (9) buildable lot Preliminary Plan at the December meeting (letter included in your packet). Two of the lots included in that preliminary approval were subsequently created through ANR and the definitive plan before you today is for the largest lot of the three lot ANR subdivision.

The site will be serviced by Town Sewer and Town Water.

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

Ed Pesce is coordinating with the Applicant on plan/engineering review. As long as the decision is conditions to be subject to further engineering review, it should not delay the Board's ability to formalize a decision.

Planning staff recommends approval.

If approved, the following finding must be made:

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

Planning staff recommends the following conditions:

- 1) That Ed Pesce shall review and approve of all plans submitted by the Applicant prior to the issuance of a building permit for any of the buildable lots;
- 2) That a pedestrian connection shall be constructed at the Applicant's expense connecting Maple Lane to Cachalot Lane in lieu of a monetary bike path contribution. The construction shall be completed and easements shall be recorded prior to the release of the final lot;
- 3) *(This condition must be agreed to by the Applicant)* That although created through ANR, Lot 1 and Lot 2 shall be part of the subdivision, included with the Homeowner's Association, and shall only have vehicle access onto the Roadway Lot "Maple Lane", not Rugged Road;
- 4) That recorded copies of all legal documents (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;
- 5) 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 second lot.
- 6) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 7) 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; and

- 8) That two lots shall be eligible for release after endorsement of the legal documents and definitive plan.

Public Comment:

Other Business:

- **Discussion: Restructure of Fee Schedule**

Included with your packet is the existing Planning Board fee schedule. Unless there is Board opposition, staff plans to adjust the fee schedule to accommodate items such as adjust fees for specific types of permits, create fee types that better align with the new permitting software, and updates to the postal feess. In order to change the fee schedule, an advertised public hearing must take place (possibly either for the October or November meeting?) and the Board should weigh in on specifics at that time.

- **Next Planning Board meeting, Monday, October 18, 2021 at 4PM via Zoom/YouTube**

Adjournment: