

1. Planning Board Staff Report

Documents:

[01.09.23 STAFF REPORT.PDF](#)



Nantucket Planning Board

STAFF REPORT

January 8, 2023

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for January 9, 2023 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- November 14, 2022
- December 12, 2022 *continue*

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 (none on this agenda)

- 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 900 square feet of gross floor area

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

Motion to approve **ALL** of the secondary dwellings, garage apartments, and tertiary dwellings on the agenda with any findings and/or conditions as written in the draft approval letters included with your packet with the exception of 16 Quaker Road, which first requires the approval of a Special Permit and 50 Madequecham Valley Road, which requires Board discussion, see notes below. *(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:

- Georgi Dimov – 3 Miles Court
- Nantucket 16 Quaker Project, LLC – portion of 14 Quaker Road and a portion of 22 Vestal Street • P.S. & O.S., LLC – 105 Surfside Road

SEE PUBLIC HEARING

- William Waldorf – 50 Madequecham Valley Road

Representation: Linda Williams

The Board’s scope of review for secondary dwellings is focused on adequacy of access. The site is located in a remote area, accessed by a long, dirt road, with the road often times in poor condition.

In the past, the following has been the outcome of secondary dwelling applications on this road:

- Two approvals for alterations to existing structures (one second dwelling and one garage apt)

- One approval conditional upon grating the road from the property to the paved portion of Bunker Road before the issuance of a building permit and a CO
- One denial

The Board should discuss and consider both the access and the prior decisions for consistency.

- John Buttrick, et al – 26 Warren’s Landing
- Graham Burton & Luann Burton – 55 Meadow View Drive
- Chris & Ashley Austin – Lot 7 Maple Lane

Tertiary Dwellings:

- 16 Monohansett Trust, Todd Winship & Claire Winship, Trustees – 16 Monhansett Road

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

Motion to approve and endorse ALL of the ANR applications on the agenda.

ANR

- Nantucket 16 Quaker Project, LLC & Nantucket 22 Vestal Project, LLC – 14 Quaker Road & 22 Vestal Street

Representation: Don Bracken

The purpose of this plan is an equal area land swap between (what will be known as 16 Quaker Road) and 22 Vestal Street. Planning staff recommends endorsement.

- 5 Orange Street, LLC – 5 Orange Street

Representation: Linda Williams & Jeff Blackwell

The purpose of this plan is to divide an existing buildable lot into two buildable lots utilizing 41/81L. Included with your packet is a comprehensive report confirming the eligibility for subdivision. Planning staff recommends endorsement.

- Christopher J. Holdgate – 3 Rosebud Lane

Representation: Dan Mulloy

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

- Town of Nantucket – Morgan Square

Representation: Dan Mulloy

The purpose of this plan is to implement an acquisition/conveyance for a paper road as a part of the yard sale program. Planning staff recommends endorsement.

Previous Plans:

- Nanhumacke Preserve, *request for partial Performance Security release*

Representation: Jeff Kaschuluk/John Bresher

The Applicant is requesting a partial release of funding for the completion of paving. Because \$88,000 was the amount that was provided as an estimate to create the performance security account, that is the amount that planning staff recommended to be released back to the Applicant.

- **Birdsong Lane Subdivision**, *request for Form J and creation of Performance Security Acct*
Representation: Rich Gillis/Zach Stuppy

The Applicant is requesting the release of the second and final lot. Planning staff recommends that the Board endorse the form J to release the lot under the condition that the Applicant submits funding in the amount of \$94,800 to create a performance security account. \$94,800 is the estimate (including an added 20%) that the Town's consulting engineer, Ed Pesce has recommended.

- **Bittersweet Lane Subdivision**, *request for extension of submission of plans and legal documents*
Representation: Whitney Gifford/Paul Santos

The Applicant is requesting an extension of 90 days to file the applicable legal documents and endorsement of the final plans. Planning staff recommends extending for 90 days until April 10, 2023.

Preliminary Plans

- **John J. Calnan, Trustee – John J. Calnan 2015 Trust - 21 Brewster Road**

Representation: Don Bracken

The Applicant is proposing a four lot (three buildable lot) subdivision. The site currently has access from both Brewster Road and Polpis Road and is located in the LUG-1 zoning district. The Board should discuss access (will all three lots utilize the new roadway?), infrastructure, and density with the Applicant. Additionally, Don Allen owns parcels on either side of the roadway lot, and has rights to travel on the parcel. Designated access points into Don Allen, and whether it will also impact that MCD should be discussed.

Public Hearings (Applications):

- **Leslie Linsley, 39 Union Street**, *action deadline 04-28-2023*

REQUEST TO CONTINUE

- **The Westmoor Club, 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane**,
action deadline 03- 12-2023

REQUEST TO CONTINUE

- **Vilma Merlos, 3 Celtic Drive**, *action deadline 03-12-2023*

REQUEST TO CONTINUE

- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue**, *action deadline 03- 31-2023*

REQUEST TO CONTINUE

- **Fair City LLC – 115 & 117 Old South Road**, *action deadline 04-28-2023*

REQUEST TO CONTINUE

• **39 West Miacomet Road, LLC – 39 W. Miacomet, *action 04-09-2023***

Representation: Natalie Kaufman

The applicant is requesting to amend an existing Special Permit to expand existing decks on a single family dwelling unit located in the Moorlands Management District “MMD”. The decks are being proposed to be expanded by a total of 591 square feet (475 sq. ft and 116 sq. ft.). Additionally, the Applicant proposes to construct a roof over 330 sq ft of existing deck area (which will not impact groundcover) and a small (35 sq ft) expansion of a second floor deck.

The proposed expansion will be constructed in an already cleared/disturbed area of the property.

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

Finding:

- 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.

Conditions:

- 1) That the expansion of the deck shall be in substantial compliance with the proposed site plan;
- 2) All other conditions of the original decision shall remain in full force and effect.

• **ACK Skibo Nominee Trust, Lester E. Lipscutz, Trustee – 9 Madaket Road, *action deadline 04-28-2023***

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

Representation: Dan Mulloy

FROM THE SEPTEMBER STAFF REPORT:

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.

From the November Staff Report:

At the September Planning Board meeting, the Applicant discussed with the Board and abutting property owners concerns surrounding drainage, noise, and traffic. The Applicant has submitted revised plans, which include keeping the roadway (which will function as a shared driveway) as a pervious surface to mitigate noise from vehicles entering and exiting the property. The revised plans also include an updated drainage analysis. At the time of the publication of this report, Mr. Pesce, the Town's consulting engineer has not provided official comments.

At the September meeting, the Board also discussed adding a condition which prohibits further subdivision of either lot without further relief from the Planning Board.

Planning staff recommends approval of the Applicant's proposal with the finding and conditions outlined in the September staff report with the additional two conditions:

- 7) That the lots shall be prohibited from further subdivision without further relief from the Planning Board. Minor lot line adjustments shall be permitted.
- 8) That the Town's consulting engineer shall review and approve of the proposed changes prior to the release of any lots.

UPDATE:

The Applicant has agreed to restrict one of the properties to a single dwelling unit and proposes updates to the drainage. Planning staff is supportive of the updated proposal and it should be incorporated into conditions of the decision, including providing the Planning Board with a deed restriction as to which lot will be restricted to a single dwelling unit prior to the transfer out of common ownership and before the issuance of any building permits.

• **Nantucket Island Resorts, LLC, 98 Old South Road**, *action deadline 03-12-2023*

Representation: Bryan Swain and Rick Beaudette

The Applicant is requesting a Special Permit for Neighborhood Employee Housing. The existing structure on the site contains residential units and office space, and the Applicant proposes to renovate the interior of the structure to create a total of eighteen bedrooms which would house up to eighteen employees.

The Applicant is also requesting a waiver of the parking requirement. Thirteen spaces are provided where eighteen spaces are required. As a result, the Applicant has agreed to provide all employees living the unit with NRTA passes and will install bike racks on site.

Included with your packet is a proposed Management Plan and a site plan.

It is noted that the Board recently approved a Neighborhood Employee Housing Special Permit for NIR at neighboring 96 Old South Road. Although the 1,000 ft rule only applies to Neighborhood Employee Housing units in residential districts, and these properties are zoned CTEC, consideration should be given to the increase in density and possible increased traffic. Additionally, the Board should discuss access with the Applicant and whether or not the Applicant has the proper easements in place to access the site from Pine Crest Drive (as opposed to the “access drive” on Old South Road).

Subject to any conditions that the Board feel should be implemented based on the discussion and public hearing, planning staff is supportive of the Applicant’s request with the following findings and conditions (*note that the recommended conditions are consistent with 96 Old South Road*):

Findings:

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

Conditions:

- 1) That the use of the Premises shall be subject to the conditions outlined in the Employee Housing Management Plan;
- 2) That the occupancy of the employee housing shall be limited to 18 persons; and
- 3) That the site shall be serviced by municipal sewer and water prior to occupation.

• **Sandpiper Place I” (South) Nantucket Property Owner LLC, 43 Beach Grass**, *action deadline 02-12-2023*

• **Sandpiper Place II” (North) Single Family Home Development Project, 24 Honeysuckle Drive**, *action deadline 02-12-2023*

****Note: Megan Trudel has recused from participating as a staff member in this application. See attached addendum prepared by Deputy Director of Planning, Leslie Snell***

• **Nantucket 16 Quaker Project, LLC – 16 Quaker Road (a portion of 14 Quaker Road & 22 Vestal Street)**, *action deadline 04-09-2023*

Representation: Linda Williams

The Applicant is requesting a Special Permit to waive the required 20% differential for a secondary dwelling, so that a dwelling on the adjacent property (14 Quaker Road) may be relocated to 16 Quaker Road. The existing single-family dwelling contains approximately 651± square feet of ground cover and the proposed secondary dwelling unit will have approximately 580± square feet of ground cover, an approximate 11% difference in ground cover.

Planning staff recommends approval of the Applicant's request as proposed with the following finding and no conditions (*no additional conditions from the secondary dwelling approval letter*):

Finding:

- 1) That a reduction in size differential is in harmony with the general purpose and intent of the Bylaw due to the structure being repurposed.

- **Secondary Dwelling**

(Separate Vote) As a second step, the Applicant has applied for a second dwelling. If the Board has approved the request above, then the secondary dwelling should also be approved.

- **Theodore A. Lee – 39 Fair Street, *action deadline 04-09-2023***

Representation: Rick Beaudette/Bryan Swain

The Applicant is requesting a Special Permit for a second driveway access to create a single parking space on the property. The existing parking space and access is located on Tattle Court, to the rear of the property. The creation of the onsite parking space will not remove a parking space on Fair Street.

In order to approve the Applicant's request, the following findings must be made:

Findings:

- 1) That the Special Permit relief for a second driveway access is within the general purpose and intent of the Zoning Bylaw.
- 2) That the second driveway is not contrary to sound traffic and safety considerations and would not have an adverse effect on the scenic and historic integrity of the neighborhood.

Recommended Conditions:

- 1) That aprons at the driveway entrances with Fair Street shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That any future landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 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.

Public Comment: *for items not on the agenda*

Other Business:

- Additional Planning Board Sponsored Warrant Article Concepts for ATM 2023 ○ Rachel Drive & South Shore Road

See proposed article in packet

- Planning Board special meeting – Thursday, January 12, 2023, at 4pm via Zoom
- Planning Board special meeting – Thursday, January 26, 2023, at 4pm via Zoom
- Planning Board special meeting – Thursday, February 9, 2023, at 4pm via Zoom
- Planning Board regular meeting – Monday, February 13, 2023, at 4pm via Zoom
- Planning Board special meeting – Thursday, March 9, 2023, at 4pm via Zoom

Adjournment:

ADDENDUM RE: SANDPIPER PLACE
Prepared by Leslie Snell, Deputy Director of Planning

- **Sandpiper Place I” Beach Grass 43 ACK, 43 Beach Grass Road, *action deadline 02-12-2023***
- **Sandpiper Place II” Nantucket Property Owner, LLC, 24 Honeysuckle Drive, *action deadline 02-12-2023***

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

From November meeting:

This proposed modification is technically two separate Special Permit requests but are dependent on one another. Two votes must be taken, and two decisions will be filed, but the contents and merits of the request should be discussed together.

Representation: Rick Beaudette/Bryan Swain

The Applicant is proposing to modify both the Sandpiper I and Sandpiper II Workforce Housing Special Permits so that a designated 175%AMI unit at 24 Honeysuckle Drive (Sandpiper II) may be relocated, to a duplex market rate at 43 Beach Grass Road. This will remove one single family home 175% unit from Sandpiper II but will add two units in the duplex located in Sandpiper I. The Applicant then proposes to construct a community pool, outbuilding (containing a fitness studio, community space, and restrooms), outdoor putting green, and recreational lawn game area at 24 Honeysuckle Drive. Included with your packet is a proposed site plan and proposed rules and regulations for the pool/clubhouse.

The board should discuss with the Applicant the following concepts:

- Eliminating the turning easement at the end of Mayflower Circle. Mayflower Circle is a short, wide, dead-end street servicing only two properties.
- Submitting an updated proposed site plan for 24 Honeysuckle Drive which would include both the elimination of the easement and a couple of on-site parking spaces.
- Whether the intent to disburse the AMI units throughout the development is still being met with relocating a single unit from 24 Honeysuckle Drive to two units at 43 Beach Grass Road.
- Whether the requirements of the MOA with the Select Board is still being met.
- Confirmation, in writing, support of the Applicant’s proposal from both the Municipal Housing Director and DHCD, as an AMI unit is impacted by the proposal.
- Detailing changes to the HOA, pricing impacts to the existing and future community members of both Sandpiper I and Sandpiper II (both market rate and AMI restricted units) and any potential impacts to other relevant legal documents that are connected to the Sandpiper Place Subdivision decisions or Special Permit decisions.

From the December Staff Report:

The Applicant has submitted an updated proposed site plan and an updated initiation fee schedule. Planning staff met with the Applicant’s attorney, and suggested adding at least two more parking spaces than what is being proposed. Additionally, staff has not received an update regarding the following items, as was suggested at the November meeting: 14

- Whether the intent to disburse the AMI units throughout the development is still being met with relocating a single unit from 24 Honeysuckle Drive to two units at 43 Beach Grass Road.
- Whether the requirements of the MOA with the Select Board is still being met.
- Confirmation, in writing, support of the Applicant's proposal from both the Municipal Housing Director and DHCD, as an AMI unit is impacted by the proposal.

It is recommended that these items be addressed prior to the Board making a decision.

Update:

An update will be provided in advance of the meeting.