

1. Planning Board Staff Report 02.08.21

Documents:

[02-08-2021 STAFF REPORT FINAL.PDF](#)



Nantucket Planning Board

STAFF REPORT

Date: February 5, 2021

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for February 8, 2021 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- September 14, 2020
- October 26, 2020

Second Dwellings:

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

Motion to approve ALL of the secondary dwelling applications on the agenda with any findings and conditions outlined in the Staff Report with the exception of 39 Meadowview Drive, which will first require approval of a Special Permit (*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*).

▪ **Rafael Osona, 8 Boulevard (Map 80 Parcel 75)**

Representation: Mark Poor

The applicant is proposing to construct a three (3) bedroom second dwelling. The second dwelling will have approximately 768 square feet of ground cover and will be located on the eastern portion of the site, which has approximately 93,230 square feet of lot area and is zoned LUG-2. The existing five (5) bedroom primary dwelling will have an approximate ground cover of 2,890 square feet.

Both dwellings will be accessed by an existing dirt driveway with an entrance on Boulevard, which is a public, paved roadway of sufficient width, suitable grade and adequate construction.

The driveway will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). 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 the Boulevard 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 a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **EPR RGH LLC, 119 Eel Point Road (Map 33 Parcel 17.2)**

Representation: Brook Meergergen

The applicant is proposing to construct a two (2) bedroom second dwelling. The second dwelling will have approximately 660 square feet of ground cover and will be located on the south western portion of the site, which has approximately 90,253 square feet of lot area and is zoned LUG-2. The existing six (6) bedroom primary dwelling will have an approximate ground cover of 2,840 square feet.

Both dwellings will be accessed a reconfigured shell or pebble driveway with an entrance on Eel Point Road, which at the intersection with 119 Eel Point Road, is a private, unpaved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' exterior parking spaces and three (3) 9'x20' interior parking spaces (four (4) parking spaces are required). 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 driveway intersection with Eel Point Road shall be a minimum width of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **Jayne C. DeBiasio & Brian F. DeBiasio, 39 Meadow View Drive (Map 56 Parcel 133)**
SEE PUBLIC HEARING

▪ **Kyle Snell, 5 Pine Crest Drive (Map 68 Parcel 427)**

Representation: Carrie Thornewill/Kyle Snell

The applicant is proposing to construct a four (4) bedroom second dwelling. The second dwelling will have approximately 840 square feet of ground cover and will be located on the southern portion of the site, which has approximately 52,708 square feet of lot area and is zoned CTEC and RC-2. It is noted that the secondary dwelling will be constructed in the RC-2 portion of the site and is therefore allowed. The existing three (3) bedroom primary dwelling has an approximate ground cover of 1,644 square feet.

The primary dwelling will be accessed by an existing gravel driveway and the proposed secondary dwelling will be accessed by a separate driveway access, both with entrances on Pine Crest Drive, which is a private, paved shared driveway easement of sufficient width, suitable grade and adequate construction. The driveways will contain a total of 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.

In order to approve the second driveway access, the Board must make the following findings:

- 1) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 2) That the second driveway access will not have a significant and adverse effect on the scenic or historic integrity of the neighborhood.

It is noted that due to the shape of the lot, a single driveway access cannot be achieved.

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 aprons at the driveway intersections with Pine Crest Drive 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 a minimum of five (5) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **2 Mayflower Circle LLC, Frank Glaser, 2 Mayflower Circle (Map 68 Parcel 725)**

Representation: Linda Williams

The applicant is proposing to eliminate an existing second dwelling and convert an existing garage studio to a two (2) bedroom second dwelling. The second dwelling will have approximately 528 square feet of ground cover and will be located on the north eastern portion of the site, which has approximately 20,069 square feet of lot area and is zoned R-20. The existing five (5) bedroom primary dwelling has an approximate ground cover of 1,428 square feet.

Both dwellings will be access by a reconfigured shell driveway with an entrance on Mayflower Flower Circle, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain a total of four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). 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

- 6) That an apron at the driveway intersection with Mayflower Circle 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;
- 7) That a minimum of four (4) parking spaces shall be provided;
- 8) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 9) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 10) 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.

It is noted that this site is subject to a Citizen's Warrant Article which proposes to change the zoning from R-20 to R-5. The applicant has not acted on and has elected to not move forward with the Secondary Special Lot permit at this time. Because the applicant is not moving forward with the Secondary Lot Special Permit, the Special Permit request to increase the allowable gross floor area of the second dwelling is continued pending the outcome of ATM. The applicant may move forward with a second dwelling as defined under 139-2, not subject to the conditions outlined in the Special Permit, if they do not move forward with the subdivision of the lot.

▪ **North Road LLC, 14 North Road (Map 43 Parcel 83)**

Representation: John Brescher

The applicant is proposing to construct a one (1) bedroom garage apartment. The garage apartment will have approximately 575 square feet of ground cover and will be located on the southern portion of the site, which has approximately 40,284 square feet of lot area and is zoned LUG-1. The proposed five (5) bedroom primary dwelling will have an approximate ground cover of 2,230 square feet.

Both dwellings will be accessed by a proposed gravel driveway with an entrance on North Road, which is a private, unpaved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces and two 9' x 20' interior parking spaces (four (4) parking spaces are required). 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 required prior to the issuance of a building permit, and that they have already been granted approval.

Planning staff recommends approval with the following conditions

- 1) That the driveway intersection with North Rd shall be maintained with a minimum width of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **Catherine Kinsella, 19B Hummock Pond Road (Map 56 Parcel 468)**

Representation: Catherine Kinsella

The applicant is proposing to construct a four (4) bedroom second dwelling. The second dwelling will have approximately 820 square feet of ground cover and will be located on the southern portion of the site, which has approximately 26,613 square feet of lot area and is zoned R-20. The existing four (4) bedroom primary dwelling has an approximate ground cover of 1,640 square feet.

Both dwellings will be accessed by an existing dirt driveway with an entrance on Hummock Pond Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain seven (7) 9' x 20' exterior parking spaces (six (6) parking spaces are required). 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 Hummock Pond Road 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 a minimum of six (6) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **Robert & Linda Flanagan, 19 Longwood Drive (Map 71 Parcel 41)**

Representation: Mark Cutone

The applicant is proposing to remove the existing second dwelling and construct a new four (4) bedroom second dwelling. The second dwelling will have approximately 974 square feet of ground cover and will be located on the northern portion of the site, which has approximately 120,000 square feet of lot area and is zoned LUG-3. The existing five (5) bedroom primary dwelling has an approximate ground cover of 1,727 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Longwood Drive, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain two (2) 9' x 20' exterior parking spaces and two (2) 9' x 20' interior parking spaces (four (4) parking spaces are required). 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 Longwood Drive shall be 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 a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **Mark & Lynda Cutone, 35 Chuck Hollow Road (Map 75 Parcel 105)**

Representation: Mark Cutone

The applicant is proposing to construct a one (1) bedroom second dwelling. The second dwelling will have approximately 300 square feet of ground cover and will be located on the norther portion of the site, which has approximately 66,750 square feet of lot area and is zoned LUG-3. The existing four (4) bedroom primary dwelling will have an approximate ground cover of 1,688 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Chuck Hollow Road, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). 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 the Chuck Hollow Road shall

- be 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 a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **Kingfisher Realty Trust, 278 Polpis Road (Map 25 Parcel 2)**

Representation: Ethan Griffin

The applicant is proposing to construct a one (1) bedroom second dwelling. The second dwelling will have approximately 1,690 square feet of ground cover and will be located on the center of the site, which has approximately 831,900 square feet of lot area and is zoned LUG-3. The existing two (2) bedroom primary dwelling has an approximate ground cover of 1,344 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Polpis Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain five (5) 9' x 20' exterior parking spaces (four (4) parking spaces are required). 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 Polpis Road shall be 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 a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **James Fong, 85 Tom Nevers Road (Map 91 Parcel 14)**

Representation: Joseph Topham

The applicant is proposing to convert an existing one (1) bedroom primary dwelling to a secondary dwelling so that a new primary dwelling may be constructed. The second dwelling will have approximately 579 square feet of ground cover and will be located on the south eastern portion of the site, which has approximately 21,780 square feet of lot area and is zoned LUG-3. The proposed two (2) bedroom primary dwelling will have an approximate ground cover of 917 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Tom Nevers Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). 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 Tom Nevers Road shall be 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 a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway 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 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.

Staff notes that this plan was approved by the Board in 2016. The approval has expired and the applicant is requesting to move forward with originally approved plan.

▪ **FAE Andrew Perlman LLC, 17 Sherburne Turnpike (Map 30 Parcel 172.1)**

Representation: Anton Dimov

The applicant is proposing to construct a two (2) bedroom secondary dwelling. The second dwelling will have approximately 662 square feet of ground cover and will be located on the eastern portion of the site, which has approximately 27,298 square feet of lot area and is zoned R-20. The existing six (6) bedroom primary dwelling has an approximate ground cover of 1,545 square feet.

Both dwellings will be accessed by a proposed gravel driveway with an entrance on Sherburne Turnpike, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' and one (1) 7' x 17' exterior parking spaces and one (1) 9' x 20' interior parking space (four (4) parking spaces are required). 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 Sherburne Turnpike shall be 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 a minimum of four (4) parking spaces shall be provided;

- 3) That the driveway 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 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.

▪ **Nantucket 62 Walsh LLC, 60-62 Walsh Street (Map 29, Parcels 85 & 85.2)**

Representation: Lisa Botticelli

The applicant is proposing to construct a three (3) bedroom secondary dwelling. The second dwelling will have approximately 1,959 square feet of ground cover and will be located on the eastern portion of the site, which has approximately 29,476 square feet of lot area and is zoned R-1. The existing six (6) bedroom primary dwelling has an approximate ground cover of 3,875 square feet.

The primary dwelling will be accessed by an existing shell driveway and the second dwelling will be access by a proposed shell driveway, both with entrances on Walsh Street, which is a private, unpaved roadway (at the portion where the site is located) of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces and two 9' x 20' interior parking spaces (three (3) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

In order to approve the second driveway access, the Board must make the following findings:

- 1) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 2) That the second driveway access will not have a significant and adverse effect on the scenic or historic integrity of the neighborhood.

It is noted that this is an oversized lot with excess frontage as the site originally contained two separate lots. Additionally, a second driveway access is needed in order to access the attached garage.

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 three (3) parking spaces shall be provided;
- 2) That the driveway 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 entrance 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.

▪ **5 Luff Road LLC, 5 Luff Road (Map 66, Parcel 351)**

Representation: Lisa Botticelli

The applicant is proposing to construct a one (1) bedroom garage apartment. The garage apartment will have approximately 588 square feet of ground cover and will be located on the western portion of the site, which has approximately 15,260 square feet of lot area and is zoned R-10L. The existing three (3) bedroom primary dwelling has an approximate ground cover of 972 square feet.

Both dwellings will be accessed by an existing stone driveway with an entrance on Luff Road, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain two (2) 9' x 20' exterior parking spaces and two (2) 9'x 20' interior parking spaces (three (3) parking spaces are required). 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 Luff Road shall be maintained with a minimum depth of ten (10) feet;
- 2) That a minimum of three (3) parking spaces shall be provided;
- 3) That the driveway 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 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.

Note that the Special Permit application for a second dwelling on this site is being withdrawn. A second dwelling in the form of a single family detached home requires a Special Permit in the R-10L zoning district. A garage apartment does not require a Special Permit in the R-10L zoning district and is a use that is allowed by right. Additionally, there is not a scalar separation requirement for a garage apartment. For additional information, please reference 139-2 definitions for "secondary dwelling" and "garage apartment".

▪ **Samuel & T. Michelle Oliva, 7 Shady Lane (Map 30, Parcel 171)**

Representation: Hristo Rashkov

The applicant is proposing to construct a one (1) bedroom secondary dwelling. The second dwelling will have approximately 301 square feet of ground cover and will be located on the north western portion of the site, which has approximately 20,094 square feet of lot area and is zoned R-20. The existing four (4) bedroom primary dwelling has an approximate ground cover of 2,096 square feet.

Both dwellings will be accessed by an existing shell driveway with an entrance on Shady Lane, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' exterior parking spaces (three (3) parking spaces are required). 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 Shady Lane 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 a minimum of three (3) parking spaces shall be provided;
- 3) That the driveway 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 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:

- **FAE Andrew Perlman LLC, 17 Sherburne Turnpike (Map 30 Parcel 172.1)**

REQUEST TO WITHDRAW (the Applicant will be pursuing a Special Permit at a future meeting)

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

Motion to approve and endorse ALL of the ANR plans on the agenda with the exception of 33 Hinsdale Road, which will require Board discussion*(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 will need to recuse).*

ANR Plans:

- **Timothy Parsons, 33 Hinsdale Road (Map 68 Parcel 411)**

Representation: Joe Marcklinger

The purpose of this plan is to subdivide an existing buildable lot into three (3) buildable lots. Lot 1 will contain approximately 6,649 square feet; Lot 2 will contain approximately 6,896 square feet, and Lot 996(remainder) will contain approximately 25,739 square feet. The site is zones RC-2. All three lots meet the frontage requirement on Hinsdale Lane and have access from both Egan Lane (private, paved shared drive) and from Hinsdale Lane (private, unpaved roadway). It is anticipated that Egan Lane will be utilized for access.

Planning staff recommends that the Board discuss whether the practical access on Egan Lane (a paved shared drive), which is how the property owners will access the site, in combination with the access available on Hinsdale Road satisfies the requirement that the roadway be of sufficient width, suitable grade and adequate construction for an ANR subdivision.

- **Marylin Lane Homeowners Association Trust, 9 Correia Lane (Map 80 Parcel 58)**

Representation: Mike Connolly

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot 1 will contain approximately 40,002 square feet of lot area and has frontage and access on both Correia Lane and Marilyn Lane and Lot 2 will contain approximately 59,821 square feet of lot area and has frontage and access on Marylin Lane. Correia Lane (recently graded) and Marilyn

Lane are both private, unpaved roadways of sufficient width, suitable grade and adequate construction. The site is zoned LUG-1.

Planning staff recommends endorsement.

▪ **Samuel Limperis, 12 Lovers Lane (Map 68 Parcel 196)**

Representation: Ted King

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot A will contain approximately 12,593 square feet of land area and Lot B will contain approximately 10,607 square feet of land area. Both lots have access and frontage on Lovers Lane. The site is zoned CN.

Planning staff recommends endorsement.

▪ **Kyle M. & Michelle J. Roberts, 8 Green Meadows (Map 67 Parcel 381)**

Representation: Art Gasbarro

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot 1 will contain approximately 5,626 square feet of land area and Lot 2 will contain approximately 5,006 square feet of land area. Both lots have frontage and access on Green Meadows, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The site is zoned R-5.

Planning staff recommends endorsement.

▪ **George U. & Susan M. Carneal, Trustees of the Carneal Nantucket Trust, 19 Sherburne Turnpike Road (Map 30 Parcel 173)**

Representation: Art Gasbarro

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots and combine a third lot (non-buildable) with an adjacent property. Lot A will contain approximately 22,859 square feet of lot area and Lot B will contain approximately 21,201 square feet of lot area. Both Lots A and B have frontage and access on Sherburne Turnpike, a public, paved roadway of sufficient width, suitable grade and adequate construction. Lot C will contain approximately 16,383 square feet of lot area and will be combines with 3 Shady Lane. The site is zoned R-20.

Planning staff recommends endorsement.

▪ **James G. & Sarah R. Tyler, 47 Millbrook Road (Map 56 Parcel 231)**

Representation: Alan Grady

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot 1 will have approximately 23,567 square feet of lot area and Lot 2 will have approximately 40,001 square feet of lot area. Both lots have frontage and access on Millbrook Road, which is a private, unpaved roadway.

Planning staff recommends endorsement.

Previous Plans:

- **#7661 Woodland Hill Lot Release**

The applicant is requesting that the final lot in the subdivision be released. Ed Pesce performed an inspection and identified a list of items to be completed by the applicant. Because it is not practical for the applicant to complete these items in advance of the completion of construction, the applicant has submitted funding in the amount of 120% the estimate to complete the remaining work. Additionally, there are two easements to be granted to the Town of Nantucket as well as a portion of a parcel. Those gifts are on the upcoming Select Board agenda.

Planning staff recommends the Board endorse the Form G (to hold the performance security escrow) and to endorse the Form J (to release the lot) and for staff to hold the Form J (lot release) in the office pending the outcome of the Select Board meeting.

▪ **#7321 White Whale Lane Lot Release**

The applicant is requesting the final lot in the subdivision be released. Ed Pesce did an inspection of the site and determined that in addition to the final paving (which was escrowed at the last lot release), there is also a gift contribution for the bike path to be made, catch basins to be pumped and cleaned, aprons to be installed, final landscaping (which includes the installation of a street light), installation of a stop sign, boundary markers in the cul-de-sac, and a final as-built survey. The applicant must complete these items or provide written estimates and escrow 120% of the estimates for the lot to be released.

Planning staff recommends the Board endorse the Form G (to hold the performance security escrow) and to endorse the Form J (to release the lot) and for staff to hold the Form J (lot release) in the office pending receipt of the final estimates and escrow funding.

▪ **#8254 Reliance Way Lot Release**

The applicant is requesting the release of Lot 2, the final lot in the subdivision. The applicant is currently working with staff and Ed Pesce to identify remaining field items to be completed and the applicant has agreed to escrow the balance (120%) for the estimate to complete the remaining work.

Planning staff recommends the Board endorse the Form G (to hold the performance security escrow) and to endorse the Form J (to release the lot) and for staff to hold the Form J (lot release) in the office pending final inspection from Ed Pesce.

Public Hearings:

- **PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle, *action deadline 03-14-2021***
REQUEST TO CONTINUE
- **PLSP-2020-12-0098 5 Luff Road LLC, 5 Luff Road, *action deadline 04-11-2021***
REQUEST TO WITHDRAW
- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, *action deadline 02-21-2021***
Representation: Sarah Alger
VOTING: Judith Wegner, John Trudel, Nat Lowell, Dave Iverson, Fritz McClure
FROM THE NOVEMBER 23, 2020 STAFF REPORT:

The applicant is requesting a Special Permit to supersede and replace prior Special Permits 123-86 and 53-13 issued by the Zoning Board of Appeals. Currently, the cottage at 10A Cliff Road houses the manager and other employees and the lodging house located at 10B Cliff Road contains seventeen (17) guest rooms. The applicant is requesting to reconfigure the room layout by converting three (3) guest rooms in the lodging house located at 10B Cliff Road to be used for employee housing and converting the existing employee housing currently located in the cottage at 10A Cliff Road to three (3) guest rooms. There are no proposed exterior or ground cover changes, the reconfiguration is interior only. The overall guest room count of seventeen (17) for the entire site will remain unchanged. The existing residential kitchen, which is licensed through the Board of Health, will be retained. The current use is pre-existing non-conforming. The applicant will be able to cure that status by obtaining a Special Permit, an option that was only recently added to the Bylaw. Currently, on-site parking is not provided at either location and is not being proposed, so the applicant is seeking a waiver, to the extent necessary, for relief from the parking requirement.

Planning staff recommends approval of the application as proposed.

In order to approve the application, the following findings must be made:

- 1) That the proposal is in harmony with the general purpose and intent of the Bylaw;
- 2) That full compliance with the parking requirement is physically impossible for the site; and
- 3) That granting a waiver of the parking requirement will not be contrary to sound traffic and safety considerations.

FROM THE DECEMBER 14, 2020 STAFF REPORT:

This public hearing was not opened at the November 23, 2020 Planning Board meeting. Since that meeting, staff has received several emails from the abutters citing complaints primarily surrounding noise. Planning staff has reached out to the Police Department for a complete list of any noise complaints involving 10A or 10B Cliff Road from the past three (3) years. There have been six (6) documented complaints in the past year (none in the prior two), however, of those complaints, only two were outside of the 10:00pm-7:00/30am restriction, occurring at approximately 10:30pm

Please refer to the Noise Bylaw below (Section 101-2F, which is specific to radio, music, amplification, singing, etc.):

Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) in such a manner as to create a noise disturbance across a real property boundary.

[Amended 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]

Planning staff's initial recommendations remain the same with the addition of the following conditions:

- 1) That current management contact info shall be provided to be kept on file with the Planning Board at all times; and
- 2) That if complaints surrounding noise are received, the public hearing and Special Permit are subject to be reopened and additional conditions be imposed.

UPDATE:

At the December 14, 2020 meeting, several abutting property owners spoke about concerns surrounding noise and the conversion of the current employee housing to guest rooms. It is noted that without the proposed renovations to the site, the guest house may continue to operate as pre-existing non-conforming and not have any conditions imposed by the Board. The Applicant has further agreed to not allow the exterior amplification of music as a condition in the decision.

In addition to the recommended conditions from the December 14, 2020 staff report, planning staff also recommends the following conditions:

- 3) That there shall be no outdoor amplification of sound/music;
- 4) That no on street parking passes shall be applied for or granted to employees; and
- 5) That all employees shall be provided NRTA passes.

The applicant has also submitted a Management Plan for your review, included in your packet.

- **PLSP-2020-11-0094 Nantucket Boys and Girls Club, 69 Sparks Avenue, *action deadline 06-15-2021***

Representation: John Brescher

VOTING: Judith Wegner, John Trudel, Nat Lowell, Dave Iverson, Fritz McClure
FROM THE DECEMBER 14, 2020 STAFF REPORT:

The Applicant is requesting a Special Permit and to the extent necessary, modify the existing Tertiary Dwelling Special Permit to allow for the tertiary dwelling unit in the basement of the duplex to exceed 650 square feet of gross floor area. The proposed floor plans includes 1102 square feet. It is noted that the interior floor plan was not available at the time of granting the Tertiary Dwelling Special Permit, which is why this relief was not requested at that time. The request to utilize all of the area in the basement for the dwelling unit does not impact the proposed footprint, original bedroom count, or parking requirements for the overall structure. All three units in the building will serve as employee housing to the Nantucket Boys and Girls Club.

Because the tertiary unit will be serving as employee housing for a non-profit that provides critical services to the island, planning staff recommends approval of the application 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 Bylaw;
- 2) That the added square footage to the tertiary dwelling unit does not increase the ground cover, bedroom count, or overall density;
 - 3) That the added square footage to the tertiary dwelling unit will benefit a nonprofit that provides a critical service to the island and is located next door to the proposed housing; and
 - 4) That the modification to a previously granted Special Permit does not materially affect the findings and conclusions upon which the Planning Board's previous decision were based.

Conditions:

- 1) That the tertiary dwelling not exceed 1102 square feet of gross floor area;
- 2) That all three units in this building be utilized by employees of the Nantucket Boys and Girls Club only; and
- 3) That all other conditions from the original Tertiary Special Permit decision shall remain in full force and effect.

UPDATE:

Since the December 14, 2020 Planning Board meeting, staff discovered an error on the online version of ecode where the 650 square feet requirement for a tertiary dwelling as the third unit within a structure had been inadvertently deleted during an update. The deletion of this language was an error and was not a language change approved at Town Meeting. This error has since been corrected, but it should be noted that the language was missing when the Applicant's representation reviewed the Bylaw prior to submission of the original application.

Additionally, the Applicant has submitted a revised floor plan for the tertiary dwelling where the gross floor area is approximately 850 square feet of gross floor area. A significant reduction from the originally proposed 1,102 square feet.

Planning staff's original recommendation for approval with suggested conditions remain the same. All three units within the structure will be utilized for employee housing. The Nantucket Boys and Girls Club provides a critical service for the island and the location of employee housing next to the club mitigates added transportation needs.

- **PLSP-2020-12-0095 Elena & Veselin Nikolova, 5 Bailey Road, *action deadline 04-11-2021***
FROM THE JANUARY 11, 2021 STAFF REPORT:

(This Public Hearing was not opened at the January meeting)

Representation: Elena Nikolova

The Applicant is requesting a second driveway access. The site is located on the corner of Sea Fox Circle and Bailey Road, with the current driveway access on Sea Fox Circle. The proposed second driveway access would be on Bailey Road.

This site is currently subject to multiple open zoning violations which include an unpermitted duplex and an unpermitted tertiary dwelling. Both a duplex and a tertiary dwelling are not allowed on this site without modification to the subdivision, which the Applicant has not been granted or applied for.

It is the opinion of planning staff that the second driveway access would further contribute

to the zoning violations and therefore, staff recommends denying the application until the Applicant has resolved the open zoning violations to the satisfaction of the Zoning Enforcement Officer.

▪ **PLSP-2020-12-00102 Isaiah Stover, 63 Cato Lane, *action deadline 05-09-2021***

Representation: Isaiah Stover

The applicant is requesting a Special Permit to create a secondary residential lot for year-round residents. The covenant lot will be proposed Lot B, which has approximately 8,019 square feet of lot area. The proposed market rate lot, Lot A has approximately 14,422 square feet of lot area. Both Lots will be accessed by a shared driveway on Cato Lane, a private, paved road. The site is zoned Residential-20 (R-20).

If approved, the following findings must be made:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year- round residents;

Planning staff recommends the following conditions:

- 1) That proposed Lot B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That Lot A may be allowed a Secondary Dwelling (Tertiary Dwelling standards) and that Lot B shall be restricted to a single dwelling;
- 3) That a driveway easement providing access to Lot B shall be provided to the Board prior to conveyance out of common ownership;
- 4) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (12.5%), or as otherwise specified in 139-8C; and
- 5) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

▪ **PLSP-2021-01-00101 Charles & Myra Wrubel Trustees of Reedy Owl Realty Trust, 8 Walbang Avenue, *action deadline 05-09-2021***

Representation: Paul Santos/Steven Cohen

The applicant is requesting remove the existing single family home and detached garage studio and replace with a single family dwelling with the equivalent ground cover. Additionally, the applicant is proposing to construct a shed with 198 square feet of ground cover and 2,302 square feet in the aggregate devoted to decks, porches, a blue stone patio and a swimming pool. The site has approximately 80,007 square feet of land area and is located in the MMD zoning district. The current structures on the site are considered to be pre-existing non conforming, as this site was previously zoned LUG-2.

As proposed, the location of the dwelling, shed, pool, and decking/patio/porches will be located in an already disturbed area of the lot.

Planning staff recommends approval of application as proposed.

In order to approve the application, the following findings 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.

Planning staff recommends the following conditions:

- 1) The construction shall be substantially in accordance with the site plan entitled “MMD Special Permit Plot Plan # 8 Walbang Avenue in Nantucket, Massachusetts”, prepared by Nantucket Surveyors, LLC for 8 Walbang Nominee Trust dated January 11, 2021 and revised January 25, 2021;
- 2) Throughout the construction process, the Applicants shall maintain a construction fence that identifies the limit of work and prevents any intrusion into the undisturbed areas of the Locus;
- 3) Any temporarily disturbed areas will be restored, as close as is reasonably practical, to the condition that they were in immediately prior to the disturbance;
- 4) Upon the completion of the Project, the Applicants shall submit to the Planning Board an as-built plan showing all site improvements. An inspection shall be completed by Planning Staff prior to the final sign-off by the Building Commissioner for the Project to ensure compliance with this Decision.

▪ **PLSP-2021-01-00103 Jayne C. DeBiasio & Brian F. DeBiasio, 39 Meadow View Drive,**
action deadline 05-09-2021

Representation: Arthur Reade

The Applicant is requesting a waiver from the ten (10) foot scalar separation between a primary and secondary dwelling so that an existing garage/studio may be converted to a one (1) bedroom second dwelling. There is currently 5.5 feet between the two structures and no exterior changes are being proposed.

It is noted that although the Planning Board is the permit granting authority for the waiver of scalar separation, the Zoning Board of Appeals will need to determine whether to modify the existing variance to allow for the structure to be utilized as habitable space. One Board’s decision is not dependent on the other, but both are required prior to the issuance of a building permit and certificate of occupancy.

In order to approve the application, the Board must make the following finding:

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

Planning staff recommends approval of the application as proposed, noting that the abutter feedback relates to the variance(ZBA) and not the proposed scalar separation.

- **Second Dwelling - Jayne C. DeBiasio & Brian F. DeBiasio, 39 Meadow View Drive (Map 56 Parcel 133)**

If the Board has approved the above request, then planning staff recommends approval of the second dwelling. If the above request has been denied, then the second dwelling request must also be denied.

The applicant is proposing to convert an existing garage/studio to a one (1) bedroom secondary dwelling. The second dwelling will have approximately 595 square feet of ground cover and will be located on the northern portion of the site, which has approximately 40,764 square feet of lot area and is zoned R-20. The existing three (3) bedroom primary dwelling has an approximate ground cover of 1,215 square feet.

Both dwellings will be accessed by an existing shell driveway with an entrance on Meadow View Drive, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' exterior parking spaces (three (3) parking spaces are required). 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 Meadowview Drive shall be 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 a minimum of three (3) parking spaces shall be provided;
- 3) That the driveway 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 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.

▪ **PLSP-2021-01-00105 140 & 144 Pleasant Street, 140 & 144 Pleasant Street, *action deadline 05-09-2021***

Representation: Arthur Reade

The Applicant is requesting to modify an existing Special Permit to reallocate the allowed total dwelling units between Lot 3 and Lot 4 and to increase the allowed bedroom count on Lot 4 from six (6) bedrooms to eight (8) bedrooms. Lot 3 is currently restricted to two (2) dwelling units and a total of four (4) bedrooms and Lot 4 is currently restricted to four (4) dwelling units and a total of six (6) bedrooms. Only two (2) dwelling units and four (4) bedrooms actually exist on Lot 4. Lot 3 also has two (2) units and four (4) bedrooms. The Applicant proposes to add two additional dwelling units on the second floor of the commercial structure of Lot 3 (currently utilized as the United States Post Office). The proposed additional units would reflect a total of four (4) dwelling units and eight (8)

bedrooms on Lot 3.

In order to approve the application, the Board needs to make the following finding:

- 1) That the modification does not materially affect the findings and conditions on which the original decision and subsequent modification were based.

Planning staff recommends approval of the request with the following conditions:

- 1) That the allowable dwelling units and bedrooms on Lot 4 shall be reduced from four (4) dwelling units and six (6) bedrooms to two (2) dwelling units and four (4) bedrooms; and
- 2) That Lot 3 shall be allowed four (4) dwelling units and up to eight (8) bedrooms; and
- 3) That all other conditions in the previous decisions and modifications shall remain in full force and effect.

▪ **PLSP-2021-01-00104 Six Essex Road Condominium, *action deadline 05-09-2021***

Representation: Arthur Reade

The applicant is proposing to modify language in an existing Special Permit that states that the second floor of an existing commercial structure will be converted to an apartment. The second floor of the structure has been demolished, and the Applicant would like for no more than 50% of the first-floor area of the commercial structure to be utilized as an Apartment.

In order to approve the request, the Board must make the following finding:

- 1) That the modification does not materially affect the findings and conditions on which the original decision was based.

Planning staff recommends approval of the modification.

Public Comment:

Warrant Articles:

Please reference agenda and packet.

Other Business:

- **Planning Board meeting for ATM Articles, public hearings, Wednesday, February 17th at 1PM via Zoom/YouTube**
- **Next regular Planning Board meeting, Monday, March 8, 2021 at 4PM via Zoom/YouTube**

Adjournment: