

1. Planning Board Staff Report 02.13.23

Documents:

[02.13.23 STAFF REPORT.PDF](#)



# Nantucket Planning Board

## STAFF REPORT

February 11, 2023

To: Planning Board

From: Megan Trudel,  
Land Use Specialist

Re: Staff Report for February 13, 2023 Planning Board Meeting

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### Call to order:

### Approval of the agenda:

### Minutes:

- December 12, 2022
- January 9, 2023
- January 12, 2023
- January 26, 2023

### **\*\*\*RECOMMEND MOTION\*\*\***

**Motion to approve ALL of the secondary dwellings and tertiary dwellings 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:

- Robert W. Meyer and Bernadette Meyer – 307 Polpis Road

### Tertiary Dwellings:

- Robert W. Meyer and Bernadette Meyer – 307 Polpis Road
- Matthew Maryanski – 1 Maclean Lane

**\*\*\*RECOMMEND MOTION\*\*\***

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

**ANR**

- **5 Orange Street, LLC – 5 Orange Street** *revised 41/81L*

Representation: Jeff Blackwell

The purpose of this plan is to reconfigure the lot lines of the 41/81L, which was previously approved at the January 9, 2023 Planning Board meeting. Planning staff recommends endorsement.

- **5 Orange Street, LLC – 5 Orange Street** *lot line reconfiguration*

Representation: Jeff Blackwell

The purpose of this planning is a final lotting plan. Planning staff recommends endorsement.

- **Houlihan Swift Rock, LLC – 28 Swift Rock Road**

Representation: Don Bracken/Alan Grady

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

- **Hinckley Lane 2010 Nantucket Trust, Richard K. Lubin, Trustee – 6 Hinckley Lane**

Representation: Don Bracken/Alan Grady

The purpose of this plan is to create an unbuildable parcel off 6 Hinckley Lane and convey it to 111 Cliff Road, which will make 111 Cliff Road a conforming lot. Planning staff recommends endorsement.

- **Little Nauti, LLC – 1 Farmview Drive**

Representation: Don Bracken

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

- **Gerald Jones – 152 Main Street**

Representation: Mike Connolly

The purpose of this plan is a perimeter plan. Planning staff recommends endorsement.

- **Ara Charder, Trustee et al – 121 Orange Street**

Representation: Teddy King/Mike Wilson

The purpose of this plan is to divide an existing buildable lot into two buildable lots utilizing 41/81L. A comprehensive report is included with the packet. Planning staff recommends endorsement.

- **The Allen Huntington Breed Revocable Trust of 2004 & The Robert Taylor Breen Revocable Trust of 2004 – 11 & 13 West Chester Street**

Representation: Leo Asadoorian

The purpose of this plan is to reconfigure the lot lines. No new buildable lots are being created. Planning staff recommends endorsement.

**Previous Plans:**

- **Van Gilder Subdivision**, *endorsement of legal docs*

Representation: Richard Glidden

The Applicant has submitted legal documents for the Board’s endorsement. Planning staff recommends endorsement subject to the Applicant adding language specific to the “spike strip” lot, and that there shall be no expectation for release of that lot without a Subdivision modification and Board approval. This update may be handled administratively between the staff and the Applicant prior to the Board members physically signing the documents.

- **Woodland Hill Subdivision**, *partial release of escrow*

Representation: Greg Grant

The Applicant is requesting that funding be released from the performance surety bond for the completion of paving. \$66,000 is the amount that was allocated for paving per the 2019 estimates. Upon inspection, Pesce Engineering noted that the sewer manhole covers have not been brought to grade, this will require additional paving work, and Mr. Pesce recommends that \$7,500 is withheld from the requested release until that work is completed. Planning staff recommends that \$58,500 be released back to the Applicant.

- **5 Macy Lane “Macy Lane Commercial Development”**, *request for minor modification*

Representation: John Brescher

The Applicant is requesting a minor modification to clarify language in the decision pertaining to the location of a kitchen and storage. Converting the second floor to an apartment use was the material piece to the MCD modification in 2015, therefore it’s planning staff’s opinion that the change to the description in the decision of the placement of the kitchen and storage area can be approved through a minor modification.

Planning staff recommends approval of the Applicant’s request with the following finding and no additional conditions:

Finding:

That the language change proposed does not materially affect the findings and conclusions upon which the Planning Board's previous decision were based.

- **31 Fairgrounds Road**, *progress discussion*

Representation: Arthur Reade/Billy Cassidy

The Applicant has requested to provide the Board with a status update.

It has come to staff’s attention that legal documents and Form Js were never filed and the Applicant was inadvertently issued building permits. The Applicant will have to produce legal documents for the Board to endorse, produce a Conservation Restriction (the Land Bank had informally agreed to holding the restriction in 2021 but it was never followed up with formalized paperwork), and Form J requests for the lots that have already been issued building permits.

At this time, infrastructure and drainage work has not begun. The Applicant should provide written estimates for all work to be completed (including but not limited to drainage installation,

roadway installation, landscaping, final as-built) as well as an estimated timeline before the Board may consider any future lot releases, as is procedure for all subdivisions.

It's staff's recommendation that the Applicant follow these steps before further permits are issued.

- **Sandpiper and Meadows, Richmond Great Point Development, LLC, *parking discussion***

Representation: Phil Pastan/Dave Armanetti/Andrew Burek

The Applicant would like to discuss with the Board on street parking issues in the Sandpiper Place and Meadows subdivision and is requesting the Board's support of moving forward with the creation of an impound lot, to be located off-site. Planning staff met with the Applicant to discuss this proposed off site tow lot and is supportive of the concept.

**Public Hearings (Warrant Articles, *if needed*):**

- **Zoning Bylaw Amendment: Swimming Pool-Residential (Article 39)**– to amend Section 139-2A “Definitions” to change “Swimming Pool” to “Recreational Outdoor Water Feature” and to define three types: “Hot tub/spa”, “Small swimming pool”, and “Large swimming pool”. The existing definition of “Hot tub/spa” is proposed to be deleted. Section 139-7A is proposed to be updated to insert the new terms, delete the existing “Hot tub/Spa” row, and to allow a “Recreational outdoor water feature” consistent with current bylaw provisions. (Planning Board)

This article was voted on at the February 9<sup>th</sup> meeting and was only included on the agenda due to OML required posting times and the potential for continued discussion. There is no need for discussion at this time as this public hearing has been closed. Please remove this as a public hearing item.

**Public Hearings (Applications):**

- **Leslie Linsley, 39 Union Street, *action deadline 04-28-2023***  
***REQUEST TO WITHDRAW WITHOUT PREJUDICE***
- **The Westmoor Club, 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane, *action deadline 05-31-2023***  
***REQUEST TO CONTINUE TO MARCH 13, 2023***
- **Fair City LLC – 115 & 117 Old South Road, *action deadline 04-28-2023***  
***REQUEST TO CONTINUE TO MARCH 13, 2023***

- **38 Derrymore Road LLC, 38 Derrymore Road, *action deadline 05-14-2023***

Representation: Tom Garrette

The Applicant is requesting a Special Permit for a waiver of the driveway design standards to reduce the apron depth from 10' to 5'. Planning staff went on a site visit and the driveway material (shells) appeared to be contained. It is noted that this driveway access replaced a two curb cut “horseshoe” style driveway with a single curb cut.

Planning staff recommends approval of the Applicant's request as proposed with the following findings and no conditions:

Findings:

- 1) The request for a reduction in apron depth is in harmony with the general purpose and intent of the Zoning Bylaw;
- 2) The granting of a reduction in apron depth will not have a significant and adverse effect on the scenic or historic integrity of the neighborhood; and
- 3) The granting of a reduction in apron depth is not contrary to sound traffic and safety considerations.

• **Chris & Cheryl Emery, 7 West Way**, *action deadline 05-14-2023*

Representation: Chris Emery

The Applicant is requesting a Special Permit for a waiver of the onsite parking requirements and a waiver of the driveway design standards as it applies to width and to an apron. Included with your packet is an approved site plan for a secondary dwelling and an as-built survey. During construction of the driveway, the Applicant realized that the placement of the fourth parking space would require the removal of trees and/or parking on top of the leeching field of the septic system. The driveway constructed is head in, approximately 30ft in width varying in depth from 17ft -20ft, and can accommodate up to three vehicles (where four spaces are required). Additionally, a driveway apron was not installed. While many driveways in this area do not have aprons, aprons were not required until 1998 and properties that have not had certain permits issued with a requirement to install an apron since 1998 may be considered preexisting non-conforming.

Planning staff recommends the following:

1. As it pertains to the request for the elimination of one parking space, the Board should deny that waiver. With an additional four feet in width, a total of 34', a compact parking space can be created and with an additional six feet a regular sized space can be created.
2. As it pertains to the width of the drive, the Board should grant the waiver to accommodate four spaces (34-36ft) in width, with only one space being allowed the depth of 17' (the three other spaces must have a 20' depth)
3. As it pertains the driveway apron, the Board should grant a partial waiver to a reduced apron depth of 5'.

The following findings shall apply:

- 1) The request for a reduction in apron depth and increase in driveway width is in harmony with the general purpose and intent of the Zoning Bylaw;
- 2) The granting of a reduction in apron depth and increase in driveway width will not have a significant and adverse effect on the scenic or historic integrity of the neighborhood; and
- 3) The granting of a reduction in apron depth and increase in driveway width is not contrary to sound traffic and safety considerations.

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

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

Representation: Vilma Merlos

**FROM THE DECEMBER STAFF REPORT:**

The Applicant is requesting a Special Permit for a second driveway access. The existing driveway access is located on Celtic Drive, and the proposed second access will also be located along Celtic

Drive.

In order to approve the Applicant's request as proposed the following findings must be made with the following recommended conditions:

Findings:

- 1) The request for a second driveway access is in harmony with the general purpose and intent of the Zoning Bylaw;
- 2) The granting of a second driveway access will not have a significant and adverse effect on the scenic or historic integrity of the neighborhood; and
- 3) The granting of a second driveway access is not contrary to sound traffic and safety considerations.

Conditions:

- 1) The driveway aprons shall be installed and maintained at both driveway intersections with Celtic Drive, extending across the entire width of the driveway and shall have a minimum depth of ten (10) feet behind the edge of pavement;
- 2) The driveway accesses shall be cleared free of vegetation and obstruction to a minimum width of 12 feet and a minimum height of 13 feet;
- 3) The travelled surface of the driveway shall be a minimum of 10 feet in width and a maximum of 15 feet in width, excluding corner rounding which may have a maximum radius of 2 feet; and
- 4) All other standards as outlined in Section 139-20.1B(2) of the Nantucket Zoning Bylaw shall be met.

**UPDATE:**

At the December meeting, the Board discussed the application at length and requested further information as to whether the property has adequate parking based on the parking requirements as written in the zoning bylaw. Additionally, the Board wanted to further understand why the additional access was being requested based upon whether or not the parking requirements are being met.

While no further plans have been submitted (photos from the Applicant are included in the packet) review of the initial plan provided and the bedroom count as provided by the Assessor's property card, is in planning staff's opinion, meeting the parking requirements as written in the zoning bylaw. Additionally, the creation of more spaces at the front of the property will eliminate a large portion of impervious green space, which may have an adverse effect on the scenic integrity of the neighborhood.

- **30 North Beach Street, LLC – “The Beachside” – 30 North Beach Street, *action deadline 05-14-2023***

Representation: Sarah Alger

The applicant is requesting a Special Permit for an MCD in connection with several proposed site improvements to The Beachside hotel. It is noted that the site is pre existing non conforming to setbacks, and those will not be extended or made more nonconforming as a part of this request. The site is currently subject to several Zoning Board of Appeal permits and this Special Permit will supersede those permits. Included with your packet is a detailed summary of the proposal as well as comments from Pesce Engineering.

The majority of the requested changes pertain to updates to the interior of the hotel including relocating the meeting space from the main building to an existing garage structure and converting the existing meeting space into two guest units; relocating the existing gym that's currently located in the garage; eliminating two existing guest rooms in the main building to be converted into a game room; consolidating the existing kitchens into a single kitchen; adding a restaurant for hotel guests; and converting the existing employee housing into guest rooms (employee housing will be provided off site).

Exterior site improvements include changing the driveway entrance from 90 degrees to 60 degrees, replacing the concrete with crushed stone/shell, reconfiguring some of the parking area, incorporating storm water management, and rebuilding the swimming pool to incorporate a child friendly area within it. Additionally, a coffee cart and food truck will be available for guests.

It is important to note that all of the amenities, including the restaurant are for the exclusive use of guests.

Planning staff is supportive of the Applicant's request as proposed and recommends that the Board incorporate suggestions in Ed Pesce's letter and the Hotel Management plan into the conditions of the decision. Additionally, staff recommends that NRTA passes are provided for all employees.

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

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

***Representation: Dan Mulloy/Steven Cohen***

**FROM THE OCTOBER STAFF REPORT:**

The Applicant is proposing a mixed-use development to include a small restaurant, take out food, bank, office, bowling ally and apartments. Included with your packet is a detailed summary of what's being requested as well as an architectural rendering, proposed site plan, and proposed floor plan. Please note that the maximum allowable units is 32 and not 34. Planning staff is supportive of the shared connections with the abutting properties.

The Board should provide the Applicant with any feedback, concerns, recommended changes, etc.

**FROM THE NOVEMBER STAFF REPORT:**

The Applicant intends to provide the Board with a verbal status update. No new information has been submitted at this time.

**UPDATE:**

The Applicant has submitted a detailed description of the updated proposal, an updated site plan, a storm water management plan, and a traffic report. Updates include an adjustment to the building size, which will now consist of three levels and a basement level for storage. *Note that this property is subject to an eight year zoning freeze and may construct up to forty feet in height under the zoning bylaw at the time of the freeze.*



The first floor will have an eight-lane bowling alley, a small restaurant with take out, and some apartments. The second and third floor will consist entirely of apartments. There will be a total of 32 apartments with 59 bedrooms. An updated parking calculation has been provided, and when credits are applied the Applicant is providing 13 more parking spaces than are required (77 required when credits are applied where 90 are provided). Additionally, there have been changes to the loading zone and trash removal, and there will now be a shared driveway access between the two abutting properties.

The Applicant has made significant progress in site layout and shared connections.

- **“Sandpiper Place I” Beach Grass 43 ACK, LLC – 43 Beach Grass, *action deadline 04-28-2023***

- **“Sandpiper Place II” Nantucket Property Owner, LLC – 24 Honeysuckle Drive, *action deadline 04-28-2023***

***\*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 Island Resorts, LLC – 98 Old South Road, *action deadline 05-14-2023***

***Voting: Dave Iverson, Nat Lowell, Barry Rector, Joseph Topham, Abby DeMolina***

***Representation: Bryan Swain and Rick Beaudette***

#### **FROM THE JANUARY STAFF REPORT:**

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.

**UPDATE:**

At the January 9<sup>th</sup> Planning Board meeting, the Board unanimously approved the Applicant's request for a Special Permit with the additional condition that all persons entering the property shall utilize the easterly business easement and not access from Pine Crest Drive. It was brought to the staff and Board's attention after the fact, that the property owner of 98 Old South Road has been working with the Town to eliminate that easement as a part of the larger plan of improvements being made to Pine Crest Drive. The condition of requiring occupants of 98 Old South Road to use the easement for access is contrary to the ongoing efforts between the Town and Pine Crest Drive property owners to validate the subdivision.

***This public hearing is being re-opened to discuss the access condition only. No other merits of the application may be discussed.***

Planning staff recommends that the condition requiring access from the easterly business easement be eliminated, and there should be language in the decision that reflects the acknowledgement of the work to eliminate that easement at which time any occupants will no longer utilize the easement. Occupants may also enter and exit through Pine Crest Drive. The Board should also discuss with the Applicant potentially completing paving from the property to Pine Crest Drive.

**Public Comment** *for items not listed on the agenda*

**Other Business:**

- **Planning Board special meeting – Thursday, March 9, 2023, at 4pm via Zoom**
- **Planning Board regular meeting – Monday, March 13, 2023, at 4pm via Zoom**
- **Planning Board joint meeting with Select Board and Fin Com – March 20, 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:**

*See updated materials included in the packet. An update to the staff recommendation will be provided in advance of the meeting.*