

1. Planning Board Staff Report 04.12.21

Documents:

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Nantucket Planning Board

STAFF REPORT

Date: April 9, 2021
To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for April 12, 2021 Planning Board Meeting

Call to order:

Approval of the agenda:

Minutes:

- March 8, 2021 -continue to May 10, 2021

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

Motion to approve ALL of the secondary dwelling, garage apartment, and tertiary dwelling applications on the agenda with any findings and conditions outlined in the Staff Report (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).

Second Dwellings:

- **Darrell C. & Andrea Ferguson, 28 Main Street (Siasconset) (Map 73.3.1 Parcel 47)**

Representation: Anton Dimov / Dan Mulloy

The applicant is proposing to construct a one (1) bedroom secondary dwelling. The second dwelling will have approximately 321 square feet of ground cover and will be located on the southern portion of the site, which has approximately 12,972 square feet of lot area and is zoned SR-10. The existing five (5) bedroom primary dwelling has an approximate ground cover of 1,962 square feet.

Both dwellings will be accessed by a proposed driveway (material TBD) with an entrance on Main Street (Sias), a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain at three (3) 9' x 20' exterior parking spaces (three (3) parking spaces are required on the site). 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 Main Street shall be installed and 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 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.

▪ **Nineteen Pond View Drive NT, 19 Pond View Drive (Map 81 Parcel 26)**

Representation: Thea Rabb

The applicant is proposing to construct a two (2) bedroom secondary dwelling. The second dwelling will have approximately 720 square feet of ground cover and will be located on the western portion of the site, which has approximately 80,001 square feet of lot area and is zoned LUG-2. The existing four (4) bedroom primary dwelling has an approximate ground cover of 2,459 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Pond View Drive, a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain at least four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required on the site). 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 Pond View Drive shall be installed and 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.

▪ **04TST36Washingpond, LLC, 36 Washing Pond Road (Map 31 Parcel 13.2)**

Representation: Art Gasbarro

The applicant is proposing to construct a three (3) bedroom secondary dwelling. The second dwelling will have approximately 1,080 square feet of ground cover and will be located on the western portion of the site, which has approximately 108,284 square feet of lot area and is zoned LUG-2. The proposed five (5) bedroom primary dwelling will have an approximate ground cover of 2,580 square feet.

Both dwellings will be accessed by a proposed pea stone driveway with an entrance on Washing Pond Road, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces and one (1) 9' x 20' interior parking space (four (4) parking spaces are required on the site). 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 Washing Pond Road shall be installed and 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.

▪ **David Lemberg & Patricia Lahiff, 33 South Shore Road (Map 80 Parcel 64)**

Representation: Brook Meerbergen

The applicant is proposing to move a dwelling onto the site. The “move-on” dwelling, which will have four (4) bedrooms and approximately 1,196 square feet of ground cover will be the primary dwelling on the site and the existing primary dwelling, which has three (3) bedrooms and approximately 463 square feet of ground cover will become the secondary dwelling. The site, which has approximately 50,005 square feet of lot area and is zoned LUG-1.

The primary dwelling will be accessed by an existing driveway with an entrance on South Shore Road, a public, paved roadway of sufficient width, suitable grade and adequate construction and the secondary dwelling will be accessed from Correia Lane, a private unpaved roadway of sufficient width, suitable grade and adequate construction. The driveways will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required on the site). 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.

It is noted that there is a pre-existing second driveway access on the property on Correia Lane. Based on the aerial photographs, whether the access existed in its current form prior to 1998 is difficult to determine. For that reason, the Applicant requests that the Board validates the second driveway access on Correia Lane as a part of the second dwelling approval. 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.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with South Shore Road 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 driveways 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 entrances 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.

▪ **17 Avenue Realty Trust, Clifford A. Wolff Trustee, 17 Lincoln Avenue (Map 30 Parcel 118)**

Representation: Lisa Botticelli

The applicant is proposing to construct a two (2) bedroom secondary dwelling. The second dwelling will have approximately 1,029 square feet of ground cover and will be located on the southern portion of the site, which has approximately 24,670 square feet of lot area and is zoned R-1. The existing seven (7) bedroom primary dwelling will have an approximate ground cover of 3,381 square feet.

Both dwellings will be accessed by a reconfigured Belgian block driveway with an entrance on Lincoln Avenue, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain six (6) 9' x 20' exterior parking spaces and one (1) 9' x 20' interior parking space (two (2) parking spaces are required on the site). 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.

It is noted that the existing horse-shoe driveway, which predates the 1998 adoption of Section 139-20.1 "driveway access" of the Bylaw, will be abandoned in favor of a single driveway access.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Lincoln Avenue shall be installed and

- 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 two (2) 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.

▪ **3 Sherburne Turnpike LLC, 3 Sherburne Turnpike (Map 30 Parcel 114)**

Representation: Lisa Botticelli

The applicant is proposing to construct a one (1) bedroom secondary dwelling. The second dwelling will have approximately 700 square feet of ground cover and will be located on the western portion of the site, which has approximately 11,459 square feet of lot area and is zoned R-1. The existing five (5) bedroom primary dwelling will have an approximate ground cover of 2,320 square feet.

Both dwellings will be accessed by an existing pea gravel driveway with an entrance on Sherburne Way, a private, unpaved roadway of sufficient width, suitable grade and adequate construction. There is an additional parking space that is accessed on Sherburne Turnpike. The driveways will contain three (3) 9' x 20' exterior parking spaces (two (2) parking spaces are required on the site). 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.

It is noted that the existing second driveway access predates the 1998 adoption of Section 139-20.1 "driveway access" of the Bylaw and therefore may remain.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Sherburne Turnpike shall be installed and 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 two (2) 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.

▪ **Jacqueline & Eric Kraeutler, 35 New Street (Map 73.4.2 Parcel 42)**

Representation: Lisa Botticelli

The applicant is proposing to convert an existing structure to a one (1) bedroom secondary dwelling. The second dwelling will have approximately 350 square feet of ground cover and

will be located on the eastern portion of the site, which has approximately 7,771 square feet of lot area and is zoned SR-1. The existing three (3) bedroom primary dwelling has an approximate ground cover of 1,560 square feet.

Both dwellings will be accessed by an existing shell driveway with an entrance on Burnell Street, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain two (2) 9' x 20' exterior parking spaces (two (2) parking spaces are required on the site). 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 Burnell Street shall be installed and 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 two (2) 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.

Garage Apartments:

▪ 140 Cliff Road LLC, 140 Cliff Road (Map 41 Parcel 575)

Representation: Mark Cutone

The applicant is proposing to construct a one (1) bedroom garage apartment. The garage apartment will have approximately 568 square feet of ground cover and will be located on the southern portion of the site, which has approximately 21,073 square feet of lot area and is zoned R-20. The existing five (5) bedroom primary dwelling has an approximate ground cover of 2,042 square feet.

Both structures will be accessed by an existing shell driveway with an entrance on Cliff Road, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' exterior parking spaces and one (1) 9' x 20' interior parking space (three (3) parking spaces are required on the site). 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 Cliff Road 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 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.

▪ **Stephanie Basile, 8 New Mill Street (Map 42.3.3 Parcel 33.2)**

Representation: Yoana Guzman

The applicant is proposing to construct a one (1) bedroom garage apartment. The garage apartment will have approximately 682 square feet of ground cover and will be located on the western portion of the site, which has approximately 7,511 square feet of lot area and is zoned ROH. The existing three (3) bedroom primary dwelling has an approximate ground cover of 856 square feet.

Both structures will be accessed by an existing shell driveway with an entrance on New Mill Street, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain one (1) 9' x 20' exterior parking space and one (1) 9' x 20' interior parking space (two (2) parking spaces are required on the site). 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.

It is noted that there is an unpermitted second driveway access on the site. Unlike secondary dwellings, the Board may not approve or validate a second driveway access as a part of a garage apartment approval. The Applicant has agreed to either abandon the second driveway access or pursue a Special Permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with New Mill Street shall be installed 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 two (2) 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:

▪ **Patricia Patterson, 3 First Way (Map 55 Parcel 236)**

Representation: Patricia Paterson

The applicant is proposing to construct a one (1) bedroom tertiary dwelling unit. The tertiary dwelling will have an approximate ground cover of 630 square feet (with a gross living area of

616 square feet) and will be located on the north western portion of the site which is zoned R-10 and is approximately 10,000 square feet. The existing one (1) bedroom secondary dwelling has an approximate ground cover of 750 square feet and the existing three (3) bedroom primary dwelling has an approximate ground cover of 940 square feet. Pursuant to Section 139-2 of the Bylaw, the property may have a total of seven (7) bedrooms (one (1) bedroom per 1,400 square feet of lot area). As proposed, there will be five (5) bedrooms between the three dwelling units.

The secondary and tertiary dwellings will be accessed by an existing dirt driveway with an entrance on Allen's Lane, a private, paved roadway of sufficient width, suitable grade and adequate construction and the primary dwelling is accessed by an existing dirt driveway with an entrance on First Way, a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveways 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.

It is noted that the existing second driveway access predates the 1998 adoption of Section 139-20.1 "driveway access" of the Bylaw and therefore may remain.

Planning staff recommends approval with the following conditions:

- 1) That the tertiary dwelling not exceed 650 square feet of gross floor area;
- 2) That there be a minimum of four (4) parking spaces provided as delineated on the site plan;
- 3) That aprons at the driveway intersections with Allen's Lane and First Way shall be installed 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;
- 4) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 5) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 6) That the tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household. A restriction limiting occupancy to a year-round household shall be filed with the Registry of Deeds prior to the issuance of a Certificate of Occupancy and a copy of which shall be provided to staff; and
- 7) 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.

▪ **Judith C. Brownell, 65 Skyline Drive (Map 79 Parcel 107)**

Representation: Marianne Hanley

The applicant is proposing to convert an existing structure to a one (1) bedroom tertiary dwelling unit. The structure where the tertiary dwelling unit will be located has an approximate ground cover of 765 square feet and is located on the western portion of the site which is zoned LUG-2. The tertiary unit will have garage space below and the proposed

gross floor area of the unit is 605 square feet. The site is approximately 109,866 square feet. The existing two (2) bedroom secondary dwelling has an approximate ground cover of 1,120 square feet and the existing four (4) bedroom primary dwelling has an approximate ground cover of 2,030 square feet.

The primary and tertiary dwellings will be accessed by an existing gravel driveway with an entrance on Webster Road and the secondary dwelling is accessed by an existing gravel driveway with an entrance on Skyline Drive. Both roads are private, paved roadways of sufficient width, suitable grade and adequate construction. The driveways contain nine (9) 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.

It is noted that the existing second driveway access predates the 1998 adoption of Section 139-20.1 "driveway access" of the Bylaw and therefore may remain.

Planning staff recommends approval with the following conditions:

- 1) That the tertiary dwelling not exceed 650 square feet of gross floor area;
- 2) That there be a minimum of five (5) parking spaces provided as delineated on the site plan;
- 3) That aprons at the driveway intersections with Skyline Drive and Webster Road shall be installed 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;
- 4) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 5) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 6) That the tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household. A restriction limiting occupancy to a year-round household shall be filed with the Registry of Deeds prior to the issuance of a Certificate of Occupancy and a copy of which shall be provided to staff; and
- 7) 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.

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

Motion to approve all ANR applications except 49 Fairgrounds Road, which will be voted on following the public hearing (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).

ANR Plans:

- **Six North Star Lane Nominee Trust, William F. Hunter, Trustee, 6 North Star Lane (Map 30 Parcel 213)**
Representation: Alan Grady

The purpose of this plan is to convey “Lot A” to 8 North Star Lane. The plan does not create any additional buildable lots.

Planning staff recommends endorsement.

- **111 Cliff Road Trust, Daniel P. Carbonneau, Trustee, 111 Cliff Road (Map 41 Parcel 10)**

Representation: Alan Grady

The purpose of this plan is a perimeter plan to combine lots A, B and C as shown on Plan 2020-41 with 111 Cliff Road.

Planning staff recommends endorsement.

- **Richard J. & Rosemary McCreedy Trustee, 239 Hummock Pond Road (Map 82 Parcel 41)**

Representation: Teddy King

The purpose of this plan is to file a perimeter plan.

Planning staff recommends endorsement.

- **Susan M. Doughan, 134A, 134C & 134D Main Street (Map 41 Parcels 37.1, 37.2 & 37.4)**

Representation: Jeff Blackwell

The purpose of this plan is a conveyance plan that divided Lots 1 & 2 shown on Plan 2020-45 into conveyance parcels A & B. “Lot 4” will be merged with “Parcel A” and “Lot 5” will be merged with “Parcel B”.

Planning staff recommends endorsement.

- **Norris Building Co Inc., 14 Lowell Place (Map 41 Parcel 164)**

Representation: Jeff Blackwell

The purpose of this plan is a lot line adjustment.

Planning staff recommends endorsement.

- **Town of Nantucket, North Sias Road (Map 73.4.1)**

Representation: Alan Grady

The purpose of this plan is a roadway acquisition plan for an unconstructed portion of “North Sias Road”.

Planning staff recommends endorsement.

- **Valhalla Nominee Trust, 3R Newtown Road (Map 55 Parcel 210.1)**

Representation: Jeff Blackwell

The purpose of this plan to convey portions of 3R Newtown Road to abutting properties and to create one (1) additional building lot. Please refer to the left side of the plan for a detailed description.

Planning staff recommends endorsement.

- **Maury Associates, Inc., 5 & 7 Grey Lady Lane (Map 66 Parcels 177 & 712)**
Representation: Dan Mulloy
The purpose of this plan is to reconfigure the lot line between “Lot 12A” and “Lot 11A”.

Planning staff recommends endorsement.

- **Oliver Carr III, 84 & 86 Cliff Road (Map 30 Parcels 74.1 & 74.2)**
Representation: Dan Mulloy
The purpose of this plan is to reconfigure the lot line between Lot 1 and Lot 2. The plan brings Lot 1 into conformity.

Planning staff recommends endorsement.

- **Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153)**
SEE PUBLIC HEARING PLSP-2021-03-0120

Previous Plans:

- **Champion Rentals, 11/13/15/17 Tomahawk, *request for minor modification***
Representation: Linda Williams
The Applicant is requesting a Minor Modification to validate the construction of office space on the site. Condition #7 in the decision states:

“That construction of an office space at a future date may be approved by the Board without holding a public hearing”.

The Applicant has been working with a registered engineer and the Building Commissioner to make the outfitted storage containers building code compliant. Once the office space is determined to be code compliant, it will fall under the definition of a “structure” and not a “storage container”.

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

- 1) That the request does not materially affect the findings and conclusions upon which the Planning Board’s previous decision to approve the development was based” and therefore shall be allowed without a public hearing.

Planning staff recommends approval of the request subject to the following conditions:

- 1) That a new Certificate of Compliance shall be issued by Wannacomet Water Company and submitting to Planning Staff within thirty (30) days of this decision;
- 2) That the new office structures shall be deemed building code compliant by the Building Commissioner or his designee within ninety (90) days of this decision; and
- 3) That all other conditions in the original decision shall remain in full force and effect.

- **Lynne F. Berlyn, 2 Francis Street, Legal Docs & Form J (Lot 2, & Roadway) and endorse plan**
Representation: Bryan Swain
The Applicant is requesting that the Board endorse the plan and legal documents and release Lot 2 and the Roadway Lot. As a condition of the decision, one lot and the roadway lot shall be eligible for release upon endorsement of the plan and legal documents.

Planning staff recommends endorsement of the legal documents, the plans and the Form J authorizing the release of Lot 2 and the Roadway Lot.

- **#8089 Nantucket Investment Holdings LLC, 24 Pocomo Road, Form J (Lot 112)**
Representation: Sarah Alger
The Applicant is requesting the release of the second and final lot of the subdivision. There have been no changes to the site since the last lot release in 2019 when the Board required an escrow deposit for the full amount of estimated costs associated with improvements. These estimates and remaining items remain the same. Planning staff recommends releasing the lot and endorsing the Form J.

Public Hearings:

- **PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle, action deadline 06-15-2021**

REQUEST TO CONTINUE to 06-14-2021

- **PLSP-2021-03-0118, Town of Nantucket, 6 Fairgrounds Road, action deadline 07-11-2021**

Representation: Sarah Alger

The Applicant is proposing a Modification to an Existing Special Permit so that the site plan submission deadline may be extended and to increase the number of income restricted units beyond 51.

The Applicant requests that the deadline to submit the fully engineered final site plan be extended to at least June 15, 2021. All deadlines of the original decision were stayed during the appeal, followed by the Governor's order extending all permits due to COVID.

Additionally, the Applicant would like to increase the number of income restricted units beyond the 51 that are outlined in the original Special Permit decision. Finally, the Applicant requests that the Special Permit be modified to allow for future modifications to the number, mix, and distribution of income-restricted and unrestricted units to be approved by staff without holding a public hearing, provided that all units qualify for SHI and that there shall always be a minimum of 51 income restricted units and 6 unrestricted units.

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

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

Planning staff recommend approval of the Applicant's request as proposed.

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road,**
action deadline 04-30-2021

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:

- 2) That the proposal is in harmony with the general purpose and intent of the Bylaw;
- 3) That full compliance with the parking requirement is physically impossible for the site; and
- 4) 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.

FROM THE FEBRUARY 8th STAFF REPORT:

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:

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

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

UPDATE:

At the February 8, 2021 meeting, the Applicant proposed to submit a draft decision for the Board's review. The matter was not heard at the March 8, 2021 meeting.

▪ **PLSP-2021-03-0120, Shannah Green, 49 Fairgrounds Road, *action deadline 07-11-2021***

Representation: Sarah Alger

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 4,001 square feet of lot area. The proposed market rate lot, Lot A has approximately 16,040 square feet of lot area. Lot B will be accessible by an easement through Lot A. The existing structure on Lot B is preexisting non-conforming to the side yard setbacks. In addition, the Applicant is requesting that the Board grant a waiver of the interior lot line setback, as the existing structure does not meet the 10-foot requirement. The site is zoned R-10.

Planning staff recommends approval of the application as proposed.

If approved, the following finding 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 the interior lot line setback shall be reduced from ten (10) feet to zero (0) feet;
- 4) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (25%), or as otherwise specified in 139-8C;
- 5) That an access easement shall be recorded and submitted to the Planning Board prior to the conveyance of the lots out of common ownership; and
- 6) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

➤ **ANR: Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153)**

The purpose of the plan is to implement the above Special Permit. If the Special Permit request has been approved, Planning Staff recommends endorsement.

- **PLSUB-2021-02-00133, Mueller Nantucket Associates, LLC, North Mill Street, *action deadline***

Voting: Judith Wegner, John Trudel, Nat Lowell, Dave Iverson, Fritz McClure

FROM THE MARCH 2021 STAFF REPORT:

Representation: Art Gasbarro

The applicant is proposing a five (5) lot, four (4) buildable lot AR Subdivision. The Board issued a preliminary plan approval at the December 14, 2020 meeting (letter included in your packet) where the Board discussed drainage issues, roadway materials, and traffic flow. At the meeting, the Applicant discussed the potential for density restrictions including a decrease in allowable ground cover and a limitation on the number of dwellings. The site is zoned ROH.

Lot 34 consists of 14,274 square feet, Lot 35 consists of 6,704 square feet, Lot 36 consists of 10,119 square feet, and Lot 37 consists of 12,717 square feet. The roadway lot, Lot 38 will contain approximately 7,661 square feet of lot area and will be accessed from North Mill Street.

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

prepared by Ed Pesce Engineering.

At the time of this report, Ed Pesce has recommended that the applicant supply an updated plan with watermain information.

Planning staff recommends approval of the overall project but recommends that the Board discuss the proposal with the Applicant, and wait until further watermain information is supplied by the applicant and reviewed by Ed Pesce prior to issuing a decision.

UPDATE:

Since the last meeting, Planning Staff has received an updated report from Ed Pesce and a subsequent updated plan from the Applicant addressing Ed's remarks. The plan has reverted back to the plan approved as a Preliminary Plan. Planning staff recommends approval of the application as proposed.

If approved, the following finding must be made:

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

Planning staff recommends the following conditions:

- 1) That recorded copies of all legal documents (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 2) That the Homeowner's Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot.
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) That the lots shall not be further subdivided without further review from the Board, as an increase in density may require a higher level of review for adequate infrastructure. Minor lot line adjustments shall be permitted as necessary;
- 5) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying ROH zoning district, or as otherwise specified in 139-8.E.
- 6) That the roadway lot be conveyed to the Homeowner's Association prior to the release of the second lot; and
- 7) That one (1) of the two (2) lots be eligible for release after endorsement of the legal documents and definitive plan.

▪ **PLSP-2021-03-0122, 10 Industry LLC, 10 Industry Road, *action deadline 07-11-2021***

Representation: Linda Williams

The Applicant is requesting a Modification to an existing Major Commercial Development "MCD" Special Permit in order to construct a 60' x 120' storage garage and to relocate the pit haul road and associated perimeter chain link fence.

Included with your packet is a detailed plan, elevations of the proposed storage garage and a report prepared by Ed Pesce.

The items identified in Ed Pesce's report are clerical in nature and can be addressed between the Applicant, staff and the Building Commissioner in advance of the issuance of a building permit and/or a certificate of occupancy.

Planning staff recommends approval of the Applicant's request as proposed with the following condition:

- 1) That the new storage garage shall be located within substantial compliance of the site plan entitled, "Plan to Accompany MCD Amendment 10 Industry Road in Nantucket, MA" prepared for 10 Industry, LLC by Blackwell & Associates, Inc on February 23, 2021.

▪ **PLSP-2021-03-0113, Leeward Realty Trust, 3 Perry Lane, *action deadline 07-11-2021***

Representation: Linda Williams

The Applicant is seeking a Special Permit to allow the use of exterior storage. The site is currently located within the RC-2 zoning district, which allows the use of exterior storage by Special Permit only. It is noted that the site is subject to a zoning change at ATM 2021, which proposed to change the zoning from RC-2 to CTEC. Exterior storage is a use that is allowed by right in the CTEC zoning district.

Other uses on the site, including "Landscape Contractor", "Boat Storage", and "Interior Storage and Warehousing", have been permitted through the issuance of ZBA permit #45-13.

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 Zoning Bylaw; and
- 2) That the use will be consistent and of similar intensity as other commercial uses in the neighborhood.

Planning staff recommends approval of the Applicant's request as proposed subject to the following condition:

- 1) That the layout of the site shall remain in substantial compliance with the site plan entitled "Proposed Site Plan of Land in Nantucket, Mass." Prepared for Joseph & Nancy Armstrong by Island Surveyors, LLC on July 25, 2013 and revised on October 13, 2013 and March 31, 2021.

▪ **PLSP-2021-03-0117, John and Nan Breglio, 52 W Miacomet Ave, *action deadline 07-11-2021***

Representation: Linda Williams

The Applicants are requesting a Modification to the Existing Special Permit which allowed for them to construct a pool on their property, which is located within the MMD zoning district,

in an already disturbed area of their yard. When the existing septic system was located by a surveyor, it was determined that the pool will need to be repositioned to the east so that the required 20-foot separation between the pool and the septic system can be maintained. The pool will continue to be above grade, located within the deck in an already disturbed area of the property.

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

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

Planning staff recommends approval of the application as proposed with the following conditions:

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

▪ **PLSP-2021-03-0122, James Riley, 2 Sea Fox Circle, *action deadline 07-11-2021***

Representation: James Riley

The Applicant is requesting a Special Permit for a second driveway access. The property has approximately 10,257 square feet of lot area and is located within the R-10 zoning district. A duplex unit is located on the site. Both units in the duplex are currently accessed by the same driveway located on Sea Fox Circle. The proposed second driveway access will be located on Bailey Road and will allow for both units within the duplex to have separate driveway accesses.

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

- 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.

Planning staff recommends approval. A second driveway would be appropriate for this particular property because of its location on a corner lot and the Board has approved two similar requests in this neighborhood.

Planning staff recommends the following conditions:

- 1) That aprons at both driveway entrances with Sea Fox Circle and Bailey 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 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.

▪ **PLSP-2021-03-0121, Cesar Moreno & Ariana Costakes, 8 Toombs Ct, *action deadline 07-11-2021***

Representation: Dan Mulloy

The applicant is requesting a Special Permit to create a secondary residential lot for year-round residents. The covenant lot will be proposed Lot 2B, which has approximately 8,287 square feet of lot area. The proposed market rate lot, Lot 2A has approximately 11,729 square feet of lot area. The Applicant is requesting that waivers from the shared driveway requirement, the ground cover ratio, and a reduction of interior lot line be granted. Both lots will be accessed from Toombs Court, a private unpaved roadway of sufficient width, suitable grade and adequate construction. The site is zoned R-20.

Planning staff recommends approval of the application as proposed.

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

Planning staff recommends the following conditions:

- 1) That proposed Lot 2B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That Lot 2A may be allowed a Secondary Dwelling (Tertiary Dwelling standards) and that Lot 2B shall be restricted to a single dwelling;
- 3) That the requirement of a shared driveway accessed by waived;
- 4) That the interior lot line setback shall be reduced from ten (10) feet to five (5) feet;
- 5) 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
- 6) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

- **PLSUB-2021-03-00135, La Barca Realty Trust, James A. Strassenburgh & Amos E. Applegate, Trustees, 52 Burnell Street, *action deadline 07-24-2021***

Representation: Dan Mulloy

The applicant is proposing a three (3) lot, two (2) buildable lot AR Subdivision. A Preliminary Plan was approved in December of 2019. The proposal includes two oversized lots that will be accessed by an approximately 300-foot long, 12-foot wide gravel roadway. Lot 1 is approximately 40,000 square feet and Lot 2 is approximately 38,188 square feet. The Roadway Lot contains approximately 8,549 square feet of lot area. The site is located within the SR-20 zoning district, which requires a minimum lot size of 20,000 square feet.

Currently, the site is serviced by septic/well but will be connected to Town Sewer.

Included with your packet is a list of waivers being proposed by the applicant and a report prepared by Ed Pesce Engineering.

Planning staff recommends approval.

If approved, the following finding must be made:

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

Planning staff recommends the following conditions:

- 1) That recorded copies of all legal documents (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 2) That the Homeowner's Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot.
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) That the lots shall not be further subdivided without further review from the Board, as an increase in density may require a higher level of review for adequate infrastructure. Minor lot line adjustments shall be permitted as necessary;
- 5) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying SR-20 zoning district, or as otherwise specified in 139-8.E.
- 6) That both lots shall be connected to Town Sewer prior to the release of the second lot.
- 7) That the roadway lot be conveyed to the Homeowner's Association prior to the release of the second lot; and
- 8) That one (1) of the two (2) lots be eligible for release after endorsement of the legal documents and definitive plan.

▪ **PLSUB-2021-03-00134, Lori A. Geddes, 13 Evergreen Way, action deadline 07-11-2021**

Representation: Paul Santos

The applicant is proposing a two (2) lot AR Subdivision. Lot 438A is approximately 40,016 square feet and Lot 438B is approximately 40,015 square feet. The Lot 438B will be accessed by a proposed "Road Easement". It is noted that a Rear Lot Subdivision was not applied for because the regularity formula could not be met. If the AR Subdivision is approved, the Applicant may then come back to the Board and request a conversion to a Rear Lot Subdivision. The site is located within the R-40 zoning district, which requires a minimum lot size of 40,000 square feet.

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

Included with your packet is a list of waivers being proposed by the applicant and a report prepared by Ed Pesce Engineering.

Planning staff recommends approval.

If approved, the following finding must be made:

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

Planning staff recommends the following conditions:

- 1) That recorded copies of all legal documents (Covenant, Statement of Conditions, Grant of Right of Enforcement, Homeowners Association) shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 2) That the Homeowner's Association shall be funded in the amount of \$1,000 per lot. Proof of funding shall be submitted to the Planning Board prior to the release of the second lot.
- 3) That the definitive plan shall be presented to the Planning Board within six (6) months of the filing of the decision;
- 4) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirements of the underlying R-40 zoning district, or as otherwise specified in 139-8.E.
- 5) That the existing "horse-shoe" driveway shall be abandoned in favor of the driveway easement prior to the conveyance of the lots out of common ownership;
- 6) That a recorded copy of the Road Easement shall be provided to the Planning Board prior to the release of the second lot; and
- 7) That one (1) of the two (2) lots shall be eligible for release after endorsement of the legal documents and definitive plan.

- **PLSP-2021-03-0119, The 8 Walbang Nominee Trust, 8 Walbang Avenue, *action***
deadline 07-11-2021

Representation: Paul Santos/Steve Cohen

The Applicant is requesting a Special Permit to reconstruct a pre-existing non-conforming dwelling in the MMD zoning district. The site, which has approximately 80,007 square feet of lot area has a primary dwelling with approximately 1,519 square feet of ground cover and a detached garage/studio with approximately 590 square feet of ground cover (total 2,109 square feet of ground cover). The Applicant proposes to eliminate the existing primary dwelling and garage/studio and construct a dwelling with 2,109 square feet of ground cover (to remain consistent with the existing ground cover). The new primary dwelling will be positioned in the same vicinity as the existing primary dwelling, which is an already disturbed area of the property.

Prior to deliberating the merits of this application, the Board must find (by a 4/5 vote) that the proposal is substantially different than the previous request which was denied by the Board.

Planning staff recommends that the Board finds this application is substantially different than the previous application which was denied. The Applicant has eliminated their request for a pool and a shed, as well as some of the exterior hardscaping features that would go along with the pool and shed from their proposal.

Additionally, Planning staff recommends approval of the Applicant's request as proposed. The construction of the new dwelling will have a same ground cover of the existing dwelling and garage/studio and will be positioned in an already disturbed area of the property.

In order to approve the Applicant's request, the Board must make the following findings:

- 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 March 15, 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-2021-03-0114, Richmond Great Point Development LLC, Sandpiper I, *action deadline 07-11-2021***

Representation: Dave Armanetti

The Applicant is requesting a Special Permit to reduce the number of on-site parking spaces required for five (5) of the designated duplex lots in the Sandpiper I Development. The duplex units can accommodate six (6) total bedrooms, three (3) bedrooms per side, however accommodating six parking spaces at the rear of the lot does not afford a practical design layout.

The original Special Permit and endorsed plans provide access to the rear of the duplex lots through a shared driveway easement with parking shown at the rear of the lots (please refer to the plan included with you packet). The intent was to minimize the amount of curb cuts onto Beach Grass Road. The concept of this plan and traffic pattern is to remain the same. The applicant does not propose to waive the required parking entirely, but to relocate two required parking spaces to the opposite side of the shared drive on property owned by Richmond Development for the Meadows II Apartments. The parking spaces will be deeded through easements to the prospective/future property owners of the duplex lots.

Planning staff recommends approval of the Applicant's request as proposed. The proposal allows for the Applicant to still provide the required amount of parking spaces while continuing to minimize the visibility of the off-street parking spaces from Beach Grass Road, which was the intent of the original design.

In order to approve the Applicant's request, the Board must make the following findings:

- 1) That the granting of the relief is in harmony with the general purpose and intent of the Bylaw;
- 2) That full compliance would have an adverse effect upon the scenic or historic integrity of the neighborhood; and
- 3) That granting relief would not be contrary to sound traffic, parking, or safety considerations.

▪ **PLSP-2021-03-0113 Richmond Great Point Development LLC, Old South Road Crossing "Liner" Buildings, *action deadline 07-11-2021***

Representation: Dave Armanetti

The Applicant is proposing a Modification to an existing Major Commercial Development "MCD" Special Permit to allow for a Bartlett's Farm mobile produce truck (retail sales) and a mobile food truck (take-out food establishment). While, the proposed uses are allowed by right and do not require modification of the Special Permit through the Planning Board, a modification is required to allow for an "outdoor seating area" and for the "outdoor display of merchandise". The proposed produce truck and food truck will be located on what is now a vacant lot totaling 25,200 square feet of lot area to be accessed from Ironwood Drive.

The proposed uses would be limited to two (2) mobile trucks with the adjacent informal outdoor seating area (picnic tables or something similar). The operators will coordinate trash and recycle removal daily and the site will also be subject to receipt of licensing, Health Department approval, etc. The operations are proposed to be seasonal and there will be landscape screening installed along the seating and parking area.

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

- 1) That no alcoholic beverages will be sold on site, and that no consumption of alcoholic beverage will be permitted on the premises;
- 2) That operations shall remain seasonal, April through December, dependent on weather conditions;
- 3) That the hours of operation shall be limited to seven (7) days a week from 8AM-8PM;
- 4) That the site shall be graded and surfaced with compact gravel to accommodate onsite parking for a minimum of ten (10) vehicles;
- 5) That access to the site directly from Old South Road be restricted, the site may be accessed by Ironwood Drive or any of the other constructed roadways within Richmond Development;
- 6) That the parking and seating areas shall be appropriately screened with landscaping consistent with the provisions of the Zoning Bylaw; and
- 7) That all other conditions in the original decision shall remain in full force and effect.

▪ **PLSP-2021-03-0116, SEO Real Estate LLC, 19.5 Surfside Road, *action deadline 07-11-2021***

Representation: Rick Beaudette

The Applicant is requesting a Special Permit to operate a "Medical Clinic". Additionally, the Applicant is requesting a waiver of 139-18(a)(8) to allow for stacked parking for a commercial use (a parking configuration that the currently utilized).

Currently, the premises is permitted for a "Customary Home Occupation" Doctor's Office. Under the definition in the Bylaw, a "Home Occupation" may not exceed 800 square feet. The Applicant would like to construct an addition, which would increase the square footage by 238 square feet, for a total of 1,038 square feet, therefore exceeding the allowable space for "Home Occupation".

At the time of the originally permitted "Home Occupation", the site was located within a residential zoning district. The site is now located within the Commercial Neighborhood "CN" zoning district, which allows for a "Medical Clinic" by issuance of a Special Permit. The Bylaw (139-2 "Definitions") defines a "Medical Clinic" as:

"offices organized as a unified facility by one or more physicians, dentists, chiropractors or other licensed practitioners to provide medical or dental treatment and examination, but not including bed-patient care."

The change in use from "Home Occupation" to "Medical Clinic" will require a total of

five (5) parking spaces. Seven (7) parking spaces will be provided. Currently, and for the past thirty-four (34) years tandem parking has been utilized in the driveway. Because the current use is residential, and the proposed use is commercial, a waiver to be able to continue to utilize tandem parking is required.

Planning staff recommends approval of the Applicant's request as proposed.

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

- 1) That the granting of the Special Permit is in harmony with the general purpose and intent of the Bylaw;
- 2) That granting a waiver to allow tandem parking will not have a significant or adverse effect upon the scenic or historic integrity of the neighborhood; and
- 3) That granting a waiver to allow tandem parking would not be contrary to sound traffic, parking, or safety considerations.

▪ **PLSP-2021-03-0115, The Garden Group, Inc., 84 Old South Road, *action deadline 07-11-2021***

Representation: Bryan Swain

The Applicant is requesting a Special Permit for "Landscape Contractor". The portion of the site to be utilize for a "Landscape Contractor" is located to the south, abutting Old South Road and is zoned "RC-2". A Special Permit was issued in 2017, however has passed the three-year statutory requirement to activate the Special Permit. The Applicant now wishes to move forward with using the site for "Landscape Contractor". The proposed hours of operation are Monday-Friday 7:30am-5:00pm, Saturday from 8:00am to 1:00pm and closed on Sunday.

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

- 1) That the proposal is consistent with the uses and intent of the definition of "Landscape Contractor" within the Bylaw;
- 3) That the proposal is in harmony with the general purpose and intent of the Zoning Bylaw; and
- 4) That the use will be consistent and of similar intensity as other commercial uses in the neighborhood.

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

- 1) That the hours of operation shall be Monday-Friday 7:30am-5:00pm, Saturday from 8:00am to 1:00pm and closed on Sunday; and
- 2) That the business shall be screened from the bike-path facing Old South Road with dense vegetation.

ATM Warrant Articles

- **(Re-Opening Public Hearing) Article 41: Zoning Map Change " RC-2 to CTEC – Appleton Road, Bartlett Road, and Perry Lane RC-2 to CTEC"**

The property owner of 1 Perry Lane and 26 Bartlett Road, Newman Family Trust, requested that the Board remove their parcels from the Warrant Article. The change to CTEC would leave the vacant lot at 26 Bartlett non-conforming to the minimum lot size, therefore combining 26 Bartlett Road with 1 Perry Lane, which are held in common ownership.

Planning staff recommends removing the parcels from this article, however stresses to the effected property owner that RC-2 is being phased out and the property will be subject to a zoning change at ATM 2022.

Public Comment:

Other Business:

- **Planning Board “Regular Meeting” schedule remainder of 2021**
- **Next regular Planning Board meeting, Monday, May 10, 2021 at 4PM via Zoom/YouTube**
- **Annual Town Meeting – Saturday June 5, 2021 at 9AM - NPS Backus Playing Field (Rain Date Sunday June 6, 2021 9AM)**

Adjournment: