

1. Planning Board Staff Report 05.09.22

Documents:

[05-09-22 STAFF REPORT.PDF](#)



# Nantucket Planning Board

## STAFF REPORT

May 6, 2022

To: Planning Board

From: Megan Trudel,  
Land Use Specialist

Re: Staff Report for May 9, 2022 Planning Board Meeting

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### **Call to order:**

### **Approval of the agenda:**

### **Minutes:**

- February 14, 2022
- March 14, 2022
- April 11, 2022

Note: The applications and plans submitted for secondary dwellings, garage apartments, tertiary dwellings, and ANR have all of the relevant information, which is easily identifiable, that was previously outlined in the staff report narrative. In addition to the application and proposed site plan, included with your packet is a draft approval letter for each of the secondary dwellings, garage apartments, tertiary dwellings that outlines conditions.

**All applications have been thoroughly reviewed by staff for compliance.**

### Criteria for Secondary Dwellings:

- Confirmation that a secondary dwelling is allowed by right in that zoning district (and/or subdivision if applicable)
- Adequacy of access
- 10ft scalar separation
- 80/20 compliance
- Parking calculations
- Apron and driveway dimension requirements

Criteria for Garage Apartment

- Garage Apartments are permitted in all districts pursuant to the “Use-Chart”
- Adequacy of access
- That the living area does not exceed 150% of the garage area (if it did it would be a secondary dwelling and not a garage apartment)
- Parking calculations
- Apron and driveway dimension requirements

Criteria for Tertiary Dwelling (no applications for this agenda)

- Confirmation that a tertiary dwelling is allowed by right in that zoning district (and/or subdivision if applicable)
- Adequacy of access
- Parking calculations
- Apron and driveway dimension requirements
- Confirmation of which unit on the site will be owner occupied or owned by a non-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household
- Compliance with the maximum bedroom count (only applicable for tertiary dwellings in the R-5, R-10, & R-20 zoning districts)
- Confirmation that the unit does not exceed 650 square feet of gross floor area

**Secondary Dwellings:**

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

Motion to approve ALL of the secondary dwelling and garage apartment applications on the agenda with any findings and/or conditions as written in the draft approval letters included with your packet, with the exception of 10 Lewis Court, because it has been withdrawn (*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*).

- ~~Vlatko Pesnaek, 10 Lewis Court (Map 67 Parcel 155)~~ **WITHDRAWN**
- Margaret Owen, 16 Golf View Drive (Map 66 Parcel 188) *\*GARAGE APT.*
- Kevin & Kelly Purcell, 32 Dukes Road (Map 56 Parcel 188)

**ANR**

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

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

- Nantucket Islands Land Bank, 174 Orange Street (Map 55 Parcel 64)  
Representation: Art Gasbarro  
The purpose of this plan is to convey a portion to the Town of Nantucket for municipal purposes and to convey the remaining portion to the abutting property. Planning staff recommends endorsement.

- **Nantucket Islands Land Bank, 2 Milestone Road (Map 55 Parcel 65)**  
Representation: Art Gasbarro  
The purpose of this plan is to convey a portion to the Town of Nantucket for municipal purposes. Planning staff recommends endorsement.
- **Fair City, LLC, 115 & 117 Old South Road (Map 68 Parcels 112 & 111)**  
Representation: Art Gasbarro  
The purpose of this plan is to divide two (2) existing buildable lots into six (6) buildable lots utilizing a pre-1955 way as frontage. Planning staff recommends endorsement.
- **1010WINS LLC, 10 Lincoln Avenue (Map 30 Parcel 184)**  
Representation: Paul Santos  
The purpose of this plan is to divide an existing buildable lot into two (2) buildable lots. Planning staff recommends endorsement.
- **Malcolm James Cranston & Kathleen O’Keefe, Derrymore Road, Paul Jones Road, Delaney Road and Cliff Road (Map 41 Parcel 119 et al)**  
Representation: Mike Connolly  
The purpose of this plan is to reconfigure lot lines, so that an additional (1) building lot may be created. Planning staff recommends endorsement.
- **Franklin Tyler Hardy, 3B Somerset Road (Map 56 Parcel 17.1)**  
Representation: Paul Santos  
The purpose of this plan is to exchange a portion of property between two abutting property owners. Planning staff recommends endorsement.
- **Thomas G. Schwenke, 14 Hummock Pond Road (Map 56 Parcel 17)**  
Representation: Paul Santos  
The purpose of this plan is to exchange a portion of property between two abutting property owners. Planning staff recommends endorsement.
- **David A. Lemberg & Patricia A. Lahiff, 33 South Shore Road (Map 56 Parcel 147)**  
Representation: Art Gasbarro  
The purpose of this plan is to implement a previously approved Secondary Residential Lot Special Permit. Planning staff recommends endorsement.

**Previous Plans:**

- **#6968 Ellen’s Way, Proposed Pedestrian Easement to TON & Conservation Restriction discussion**

Representation: Sarah Alger

The applicant has submitted an easement plan for the Boards review and approval. Additionally, the applicant would like to discuss with the Board, complications with the CR process.

**Public Hearings (Applications):**

- **27 Fair Street, LLC, 27 & 29 Fair Street, action deadline 08-30-2022**  
***CONTINUE TO JUNE 13, 2022***

- **ACK Mid Island, LLC & ACK Offices, LLC, 18, 18A, 20, 22, 24 & 26 Sparks Avenue, *action deadline 09-30-2022***  
***CONTINUE TO JUNE 13, 2022***
- **Catherine Dean Schulman, Trustee, 48 West Miacomet Road, *action deadline 06-12-2022***  
***CONTINUE TO JUNE 13, 2022***
- **William A. Tornovish, Jr. & Deborah A. Tornovish, Trustee, 21 Allen’s Lane, *action deadline 09-06-2022***  
***CONTINUE TO JUNE 13, 2022***
- **Great Harbor Yacht Club Modification #12, 56 Union Street, *action deadline 06-12-2022***

**VOTING: John Trudel, Dave Iverson, Nat Lowell, Barry Rector**

*Note: either Stephen Welch or Campbell Sutton must be activated on this particular application, Carl Borchert was not present as an alternate member at the March meeting.*

**FROM THE MARCH STAFF REPORT:**

Representation: Steven Cohen

The Applicant is requesting to expand their “MCD” Special Permit to include newly acquired property at 56 Union Street. The Applicant proposes to operate the former restaurant as a place for passive recreation for Club Members.

The Applicant anticipates that the space will have some tables, a coffee station, and a pool table. It will be available for remote work and general meeting space. Additionally, the existing kitchen and bar facilities will remain to provide limited dining and beverage service.

The Board should discuss in further detail the anticipated uses and operations with the applicant, how the proposed changes may potentially impact the area in terms of traffic and parking during day time activities, where the prior use of the building was primarily in the evening (when there is less vehicle traffic along the route to Town and the boats). Also, the Board should discuss whether the units previously utilized as employee housing will continue to serve as employee housing to Club staff. The Board should also discuss with the Applicant potential conditions such as hours of operation, exterior lighting, and noise. Finally, the Board should consider what site plan updates to the overall MCD should be submitted for consideration.

**UPDATE:**

The Applicant has provided an updated narrative description and site plan (included with the packet). The narrative includes proposed updates to the building, hours of operation, light and noise expectations, and an employee housing policy for the units on the second floor of the structure.

Planning staff recommends approval of the Applicant’s proposal with the following finding and condition:

Finding:

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

Conditions:

- 1) That the housing units within the 56 Union property shall be exclusively used to house GHYC employees;
- 2) Quiet hours of 10pm-8am of the housing units shall be strictly enforced;
- 3) That there shall be no alterations to the existing lighting system;
- 4) The triangular parking area on Union Street shall be reserved for staff parking;
- 5) That the hours of operation shall be consistent the prior approvals of this site, 9am-12am; and
- 6) All other conditions of the original special permit and subsequent modifications shall remain in full force and effect except as modified herein.

• **Donald E. Dimock, 58 Bartlett Road, *action deadline 08-07-2022***

Representation: Don Bracken

The Applicant is requesting a Special Permit for a Rear Lot Subdivision. Included with your packet is an ANR proof plan confirming the property's eligibility for a Rear Lot Subdivision.

Proposed Lot 1 will contain approximately 5,521 square feet of lot area and Proposed Lot 2 will contain approximately 7,395 square feet. Both lots will have frontage and access on Bartlett Road. The site is zoned R-5.

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

Findings:

- 1) That the applicant's proposal complies with the requirements for a Special Permit under §§139-8E, "Rear Lot Subdivision", as amended at the 2019 Annual Town Meeting, of the By-Law; and
- 2) That the proposal is in harmony with the general purpose and intent of the Bylaw.

Conditions:

- 1) Both lots shall connect to municipal sewer and water systems as available;
- 2) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirement of the underlying R-5 zoning district, or as otherwise specified in 139-8E;
- 3) That the filing of an ANR (Approval Not Required) plan is a necessary step to implement this Special Permit.

• **Joseph P. Donelan & Christine A. Donelan (Modification #3), 37 W. Miacomet Road, *action deadline 08-07-2022***

Representation: Don Bracken

The Applicant is proposing to modify an existing "MMD" Moorlands Management District Special Permit to relocate a shed, construct a second-floor addition to the dwelling, and to reconfigure the gravel driveway at the interior of the property. The addition does not add to the ground cover or

to the building height, and the relocation of the shed and the reconfiguration of the driveway will occur in an already disturbed portion of the property.

Planning staff recommends approval of the Applicant's proposal with the following findings and conditions:

Finding:

- 1) That the relocation of the shed and the reconfigured driveway have been 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.

Conditions:

- 1) That the relocation of the shed, reconfiguration of the driveway, and second story addition onto the dwelling shall be completed in substantial compliance with the proposed site plan;
- 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.

• **Kitty Murtaugh's RD, LLC, 4 West Creek Road, *action deadline 08-07-2022***

Representation: Linda Williams

The Applicant is proposing to modify an existing "MCD" Major Commercial Development Special Permit to allow the use of an outdoor patio. While the patio is in use, the basement will not be available, and the total occupancy and parking will remain unchanged.

Planning staff recommends approval of the Applicant's proposal with the following finding and conditions:

Finding:

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

Conditions:

- 1) That the use of an outdoor patio shall be allowed provided the total occupancy remains unchanged; and
- 2) That all other conditions of the original decision and subsequent modification/s shall remain in full force and effect except as modified herein.

• **NIR RETAIL, LLC, “Lola 41” 15 South Beach Street, *action deadline 08-07-2022***

Representation: Bryan Swain/Rick Beaudette

The Applicant is proposing to modify an existing Special Permit to allow for a tent in excess of thirty (30) days and to increase the total number of outdoor seats from twenty-four (24) to thirty-six (36) provided the total occupancy of eighty-nine (89) remains unchanged.

Planning staff recommends approval of the Applicant’s proposal with the following finding and conditions:

Finding:

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

Conditions:

- 1) That the use of a tent for longer than thirty (30) days shall be allowed;
- 2) That the Applicant shall be afforded flexibly to redistribute the occupancy between the interior and exterior provided the overall occupancy of eighty-nine (89) is not to be exceeded; and
- 3) That all other conditions of the original decision and subsequent modification/s shall remain in full force and effect except as modified herein.

• **Hither Creek, LLC, “Millie’s” 324 & 326 Madaket Road, *action deadline 08-07-2022***

Representation: Bryan Swain/Rick Beaudette

The Applicant is proposing to modify an existing “MCD” Major Commercial Development Special Permit to allow for a 30’x65’ tent on the premises for longer than thirty (30) days. It is noted that the tent will be placed at the front portion of the property, not in the parking lot area, and the total allowable occupancy for the restaurant will remain unchanged. The tent was previously allowed during the COVID-19 pandemic, and the Planning Board is now the permit granting authority for tents that are up for longer than thirty days. The purpose of the tent is to allow adequate distance between diners and patrons that may not be comfortable dining indoors or confined areas, and to provide protection from the wind, rain, and excessive sunlight.

Planning staff recommends approval of the Applicant’s proposal with the following finding and conditions:

Finding:

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

Conditions:

- 1) That the 30’x65’ tent located at the front of the property shall be allowed as long as the total occupancy remains unchanged; and
- 2) That all other conditions in original Special Permit and subsequent modification, except as modified herein, shall remain in full force and effect.

• **1 Airport Road, LLC, 1 Airport Road, *action deadline 08-07-2022***

Representation: Linda Williams

The Applicant is requesting a Special Permit for a Major Commercial Development “MCD” utilize more than 5,000 square feet of exterior space for a commercial use/uses. The total lot size is



approximately 34,213 square feet and will contain approximately 5 separate lease areas. Permanent structures are not proposed to be built at this time, and the Applicant proposes the following uses:

- Landscape contractor (by right)
- Boat related storage (by right)
- Exterior storage/warehousing (by Special Permit)
- Motor vehicle parking lot (by Special Permit)
- Up to six (6) storage containers

Additionally, the Applicant is requesting that the Board grant waivers of the Site Plan Review (storm drainage analysis and traffic study), conditions regarding a landscape plan, lighting plan, hours of operation, etc., and inclusionary housing.

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

- 1) That the driveway access on Airport Road shall be shared with 7 Airport Road;
- 2) At the entrance, where the driveway splits between 1 Airport Road and 7 Airport Road, there shall be a clear separation between the two properties either by a fence, evergreens, or other means of screening;
- 3) That the evergreen screening along the property line of Airport Road and Old South Road shall be maintained at all times;
- 4) That the site plan/conditions be improved to reflect the suggestions of the Town's consulting engineering within ninety (90) days of the filing of the decision; and
- 5) That a letter of compliance from Wannacomet Water Company shall be presented to planning staff within fourteen (14) days of the filing of the decision.

• **7 Airport Road, LLC, 7 Airport Road**, *action deadline 08-07-2022*

Representation: Linda Williams

The Applicant is requesting a Special Permit for a Major Commercial Development "MCD" to utilize more than 5,000 square feet of exterior space for a commercial use/uses. The total lot size is approximately 32,988 square feet and will be used for storage in connection for materials, vehicles, and machinery used in connection with the Applicant's general contracting business. Permanent structures are not proposed to be built at this time, and the Applicant proposes the following uses:

- Landscape contractor (by right)
- Exterior storage/warehousing (by Special Permit)

Additionally, the Applicant is requesting that the Board grant waivers of the Site Plan Review (storm drainage analysis and traffic study), conditions regarding a landscape plan, lighting plan, hours of operation, etc., and inclusionary housing.

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

- 1) That the driveway access on Airport Road shall be shared with 1 Airport Road;

- 2) At the entrance, where the driveway splits between 1 Airport Road and 7 Airport Road, there shall be a clear separation between the two properties either by a fence, evergreens, or other means of screening;
- 3) That the evergreen screening along the property line of Airport Road shall be maintained at all times;
- 4) That the site plan/conditions be improved to reflect the suggestions of the Town's consulting engineering within ninety (90) days of the filing of the decision;
- 5) That a letter of compliance from Wannacommet Water Company shall be presented to planning staff within fourteen (14) days of the filing of the decision; and
- 6) That heavy machinery shall be store at the rear of the site, where it is least viable from Airport Road and Old South Road.

**Public Comment:**

**Other Business:**

- Next Meeting, Monday, June 13<sup>th</sup> at 4pm via Zoom

**Adjournment:**