



# Nantucket Planning Board

## Nantucket Planning Board APPROVED Minutes Remote Participation via Zoom Webinar January 10, 2022

**Board Members:** John Trudel, III (Chair), David Iverson (Vice-Chair), Nat Lowell, Barry Rector, and Frederick “Fritz” McClure

**Alternates:** Stephen Welch, Campbell Sutton, David Callahan

**Staff:** Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (Administrative Specialist)

To view the meeting, see link below:  
<https://youtu.be/xby2Duxzki4>

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### **I. Call to order:**

Chair Trudel called the meeting to order at 4:04PM.

Chair Trudel read a prepared statement in accordance with Governor Baker’s March 21, 2020 order regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

Welcomed Barry Rector on board.

### **Roll call of those participating:**

#### **Board members:**

Nat Lowell *Aye*  
Vice- Chair Iverson *Aye*  
Barry Rector *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

#### **Alternates:**

David Callahan *Aye*  
Stephen Welch *Aye*  
Campbell Sutton *Aye*

#### **Staff:**

Meg Trudel *Aye*  
Catherine Ancero *Aye*

### **II. Approval of the agenda:**

Mr. Lowell moved to approve the agenda with the amendments. The motion was duly seconded by Mr. Rector and the motion was carried unanimously.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Vice- Chair Iverson *Aye*  
Barry Rector *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

**III. Secondary Dwellings:**

- Philip & Denese Allen, 6 Deer Run Road (Map 57, Parcel 14.5)
- 32 Woodbine LLC, 32 Woodbine Drive (Map 80 Parcel 188)

**IV. Garage Apartments:**

- Jeffrey B. & Patricia Haines Trust, 23 Stone Post Way (Map 73.3.2, Parcel 71-Lot 9)
- Leslie Snell, 23 Woodland Drive (Map 68, Parcel 261)

**V. Tertiary Dwellings:**

- Philip & Denese Allen, 6 Deer Run Road (Map 57, Parcel 14.5)

**Motion/Vote:** Mr. Iverson moved to approve all secondary dwellings, garage apartment and tertiary dwellings listed in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Rector and the motion carried unanimously.

**Vote taken by Roll Call:**

Vice- Chair Iverson *Aye*  
Barry Rector *Aye*  
Nat Lowell *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

**VI. ANR**

- Town of Nantucket, Auriga Street, Surfside

**Motion/Vote:** Mr. McClure moved to approve Auriga Street in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Fritz McClure *Aye*  
Nat Lowell *Aye*  
Vice- Chair Iverson *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

- 69 Cato Lane Realty Trust, 69 Cato Lane (Map 66 Parcel 15) – ***SEE PUBLIC HEARING***

**VII. Previous Plans:**

- Bittersweet Lane Subdivision, 14 Somerset Road, *extension request*

**Motion/Vote:** Mr. Rector moved to approve the request to extend the deadline for one year, until January 10, 2023. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

- **13 Waydale Road, Secondary Dwelling,** *extension request*
- **13 Waydale Road, Tertiary Dwelling,** *extension request*

**Motion/Vote:** Vice-Chair Iverson moved to approve the request to extend the approval for the secondary and tertiary dwellings to February 23, 2023. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

**Vote taken by Roll Call:**

Vice-Chair Iverson *Aye*  
Fritz McClure *Aye*  
Nat Lowell *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

Mr. Welch stated that for the record he recused from this application although was not activated.

- **12 Gray Avenue,** *Performance Surety Request*

**Representing:** Allan LaFrance

**Discussion:** Ms. Sutton questioned if it was divided into two parcels or three parcels for a rear lot subdivision. Mrs. Trudel stated that it was for three, with a larger parcel in the rear and the two smaller parcels in the front. There was a condition in the decision that said that prior to the issuance of a CO the shared driveway access running through the larger property needs to be installed and included in the plan. Mr. McClure wanted clarification if Mr. LaFrance is looking to be released of the condition entirely or is he proposing to provide a Performance Surety Bond in lieu of the completion of the road prior to the issuance of a CO. Mr. LaFrance stated that he was not aware of this condition and that the subdivision owner is responsible. Mrs. Snell stated that the Board can consider releasing however the questions is if this requires a Public Hearing. There are only two property owners that are involved, and they are Mr. LaFrance and Robert Garrabrant. Mrs. Snell stated that her understanding after speaking with Mr. LaFrance that they were working together to solve this issue. Mr. Lowell stated that if this has happened before. Mrs. Snell stated that for the rear lot always required a shared driveway. Mr. LaFrance request to withdraw. Once an As-built has been submitted a co will be issued.

**Motion/Vote:** Mr. Rector moved to accept the request for withdrawal without prejudice. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*  
Fritz McClure *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Chair Trudel *Aye*

## VIII. Public Hearings (Applications):

- **27 Fair Street, LLC, 27 & 29 Fair Street**, *action deadline 04-30-2022*  
**CONTINUE UNTIL FEBRUARY 14, 2022**
- **23 Broad Street Owner, LLC, Brotherhood of Thieves, 23 Broad Street**, *action deadline 03-31-2022*  
**CONTINUE UNTIL FEBRUARY 14, 2022**
- **Randolph P. Norris, Trustee of Norris Family Trust, 9 Bayberry Lane**, *action deadline 04-10-2022*  
**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector  
**Alternates:** Campbell Sutton, David Callahan and Stephen Welch  
**Recused:** None  
**Documentation:** File with associated plans, photos and required documentation  
**Representing:** Attorney Arthur Reade  
**Discussion:** Attorney Reade stated that based on the staff report written they will need to continue to the next meeting. Chair Trudel asked Mrs. Trudel to confirm that a vote will need to be made. Mrs. Trudel stated yes and that they should vote with the addition of the above applications for continuance.

**Motion/Vote:** Mr. Rector moved to continue all three applications listed above to the February 14<sup>th</sup> meeting. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

### Vote taken by Roll Call:

Barry Rector *Aye*  
Fritz McClure *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Chair Trudel *Aye*

Staff will email to the Applicant for an action deadline extension for 23 Broad Street.

- **69 Cato Lane Realty Trust, 69 Cato Lane**, *action deadline 04-10-2022*  
**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure  
**Alternates:** Campbell Sutton, David Callahan and Stephen Welch  
**Recused:** Barry Rector  
**Documentation:** File with associated plans, photos and required documentation  
**Activated:** Campbell Sutton  
**Representing:** Tori Ewing, Agent  
**Discussion:** Mr. Rector recused due to the Executor Board of the Oddfellows who is an abutter to this application. Ms. Sutton has been activated. Ms. Ewing provided the Board with an overview of the application. Chair Trudel opened the floor to the public. No public comments were made.

**Motion/Vote:** Mr. Iverson moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

### Vote taken by Roll Call:

Vice-Chair Iverson *Aye*  
Nat Lowell *Aye*  
Fritz McClure *Aye*  
Campbell Sutton *Aye*  
Chair Trudel *Aye*

**Motion/Vote:** Mr. Iverson moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Vice-Chair Iverson *Aye*  
Campbell Sutton *Aye*  
Nat Lowell *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

➤ **ANR: 69 Cato Lane Realty Trust, 69 Cato Lane (Map 66 Parcel 15)**

**Motion/Vote:** Mr. Iverson moved to approve ANR application 69 Cato Lane in accordance with the recommendation. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

**Vote taken by Roll Call:**

Vice-Chair Iverson *Aye*  
Fritz McClure *Aye*  
Nat Lowell *Aye*  
Chair Trudel *Aye*

• **Whalebone Realty Trust, Harvey S. Young Trustee, 12 Larrabee Lane, *action deadline 04-10-2022***

**Voting:** (Chair) John Trudel, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** Vice-Chair Iverson

**Documentation:** File with associated plans, photos and required documentation

**Activated:** David Callahan

**Representing:** Attorney Jessie Brescher

**Discussion:** Attorney Brescher provided the Board with an overview of the application. The only waiver requesting is the interior lot line from ten (10) feet to five (5) feet to accommodate an existing shed. Chair Trudel opened the floor to the public. Richard Mullen – A zoom hacker. No public comments for this application

**Motion/Vote:** Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Callahan and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*  
David Callahan *Aye*  
Nat Lowell *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

**Motion/Vote:** Mr. Lowell moved to approve the application with the following findings and conditions outlined on the staff report and the waiver request for the interior lot line from ten (10) feet to five (5) feet. The motion was duly seconded by Mr. McClure and the motion carried unanimously.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Fritz McClure *Aye*  
David Callahan *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

- **Ernest J. Weinhold, Jr. & Mary E. Mitchell Splaine (Modification #4), Wherowhero & South Shore Road, *action deadline 04-28-2022***

**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** None

**Documentation:** File with associated plans, photos and required documentation

**Activated:** None

**Representing:** Attorney Peter Kyburg

**Discussion:** Attorney Kyburg provided the Board with an overview of the application. Need a formal approval. Chair Trudel opened the floor to the public. No public comments were made.

**Motion/Vote:** Mr. Lowell moved to close the public hearing. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

**Vote taken by Roll Call:**

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Fritz McClure *Aye*

Barry Rector *Aye*

Chair Trudel *Aye*

**Motion/Vote:** Mr. Rector moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*

- **Bonita Bar, LLC, A Massachusetts Limited Liability Company, 1, 2 & 4 Chin's Way, *action deadline 04-10-2022***

**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** None

**Documentation:** File with associated plans, photos and required documentation

**Activated:** None

**Representing:** Surveyor Paul Santos, Owner Patrick Ridge and Attorney Rhoda Weinman

**Discussion:** The last meeting was not a public hearing with that Mr. Rector did not have to Mullen in. Mr. Rector stated that he did review the application from December. Surveyor Paul Santos provided the Board with an overview of the application. Requesting an additional of 400 square feet of finished space and 300 square feet of unfinished storage space. The Applicant would like to continue to use the outdoor seating. Not seeking relief for this MCD. Vice-Chair Iverson asked if Mr. Ridge also controls the parking spaces behind the pizza places. Mr. Ridge stated yes, he owns that as well. Chair Trudel stated that it is a different entity. Chair Trudel stated that it is accessible through the walkway but not connected to this application. Mr. Ridge stated that it is where his staffs park. Mr. Rector stated that it has gone a long way and the business is doing well. Mr. Rector suggested to put additional stripping down for the parking spaces. He also would like to see that the public access area be maintained every two to three months and to work with neighbors to keep area clear. The staircase that runs between his property and onto Orange Street is to put a railing. Chair Trudel opened the floor to the public. No public comments were made.

**Motion/Vote:** Mr. McClure moved to close the public hearing. The motion was duly seconded by Mr. Rector and the motion carried unanimously.

**Vote taken by Roll Call:**

Fritz McClure *Aye*  
Barry Rector *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Chair Trudel *Aye*

Chair Trudel stated that he did not want to confuse anybody moving forward with the expansion of outdoor seating. Chair Trudel stated that he didn't want to open flood gates Downtown as the Town would allow extra seating into streets. They would need to be taken on a separate case by case. This is something entirely different the ones in Town private business.

**Motion/Vote:** Mr. McClure moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Fritz McClure *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

• **Clarke Brothers Realty LLC, 20 Tomahawk Road, *action deadline 04-10-2022***

**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** None

**Documentation:** File with associated plans, photos and required documentation

**Activated:** None

**Representing:** Tory Ewing, Agent

**Discussion:** Ms. Ewing provided the Board with an overview of the application. Chair Trudel opened the floor to the public. No public comments were made.

**Motion/Vote:** Mr. Rector moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*  
Nat Lowell *Aye*  
Vice-Chair Iverson *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

**Motion/Vote:** Mr. Rector moved to approve the application with the following findings and conditions outlined on the staff report. The motion was duly seconded by Vice-Chair and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Vice-Chair Iverson *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

• **NIR Retail, LLC (Amendment #1), 137 Old South Road, *action deadline 04-10-2022***

**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** None

**Documentation:** File with associated plans, photos and required documentation

**Activated:** None

**Representing:** Attorney Bryan Swain

**Discussion:** Attorney Swain provided the Board with an overview of the application. Chair Trudel opened the floor to the public. No public comments were made.

**Motion/Vote:** Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Fritz McClure *Aye*

Chair Trudel *Aye*

**Motion/Vote:** Mr. Rector moved to approve the application as submitted with the following findings and conditions outlined on the staff report. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Vice-Chair Iverson *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

Chair Trudel *Aye*

• **6 North Beach Street, LLC, 8 North Beach Street, LLC & 4 Dolphin Court, LLC – “The Brant”, 6 & 8 North Beach Street & 4 Dolphin Court, *action deadline 03-13-2022***

**Voting:** (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Frederick McClure, and Barry Rector

**Alternates:** Campbell Sutton, David Callahan and Stephen Welch

**Recused:** None

**Documentation:** File with associated plans, photos and required documentation

**Activated:** None

**Representing:** Linda Williams, Agent, Matt MacEachern, Don Bracken, Ben Dellman and Justin David Bow and Kevin O’Shea, Pete and Thea Kaiser, Kristy McMann and Michael Wilson, Andrew Maher.

**Discussion:** Ms. Williams provided the Board with an overview of the application. Ms. Williams stated that they are withdrawing the waiver request for the storm drainage feels that it would be inappropriate. Ms. Williams feels that the staff conditions appear to be doable and that they are closing off the entrance off North Beach Street and come in the curb cut on Dolphin Court. The Applicant will provide a landscape plan. The Applicants are in the process of filing to the Conservation Commission. Ms. Sutton



expressed concern of water being displaced causing flooding to neighboring abutters due to the new Barn. Chair Trudel opened the floor to the public. **Attorney Arthur Reade** representing the Dolphin Court Homeowners Association stated that Dolphin Court was created as a subdivision by a roadway to service four residential lots. The concern that the Dolphin Court Homeowners have is the extent of use that's going to be made of this roadway if in fact it will be the sole access. The main concern is the access from Dolphin Court with large vehicles and the impact it will cause with the adjacent properties. There is an easement granted to the Homeowner's Association for planting the hedges. Douglas Raymond at 5 Cornish Street, the concern is that the rezoning to MCD. Ms. Williams stated that this is not a zoning change and that the underlying zoning will remain CN. Due to it being over 4000 square feet interior it triggered the Major Commercial Development Special Permit. Mr. Raymond stated that he appreciates her correcting him. Barbara Wolff resides at 6 Dolphin Court stated that it affects them directly they have a fence that come on their property and trees and hedges that separate them. Concern with their trees and hedges if the Applicant are putting up fences. Concern with deck that will be built under their bedroom windows a house with eight bedrooms. In terms of street a private street there are children playing and there are no sidewalks. Leaving Dolphin Court and approach North Beach traffic issue. Julie Devito who has owned her property for twelve (12) years, expressed concern opening the street to traffic. The impact of children safety and not open it up to traffic. Ms. Williams stated that a few of the houses are rental units. The traffic will remain the same and no change to where Dolphin Court meets North Beach Street. Any trees that are not on the MCD property cannot touch. The Planning Board can reopen the public hearing to address whatever issues that the abutting neighbors may have. Thea and Peter Kaizer stated that emulate what they started, and that the Applicant will do a good job. Mrs. Kaizer hopes that they can all work together and that the Applicant can move forward with this project. Ms. Williams stated that the Applicants are willing to be members of the Dolphin Court HOA and pay tribute to the road maintenance to any damage that occurs especially during construction. Willing to be part of group so they can be held accountable if anything goes wrong. Emily Molden from Nantucket Land Council expressed concern with stormwater drainage to the site and hopes that the public hearing remains open to hear Ed Pesce's review of the plan and from the Conservation Commission. Barbara Wolff, Dolphin Court is now a residential neighborhood and is concern with the neighborhood. Ms. Sutton expressed some concerns with the management plan. Ms. Sutton stated that the on-site bins would like to see on construction site that some form of cover are over these bins. The last annual town meeting article 66 passed which concerns the conditions of public ways that surround public sites. Would like to propose before and after picture be taken for the condition of the sidewalks and roadways on the side of construction as well Questioned with this MCD sidewalk from west side of Dolphin court to the corner of North Beach Street on the side of this development be enhance. Mrs. Snell stated that enhancing the sidewalk in front of the site is relatively something that the Board could ask to be done, not sure if it has the extra room to make it wider will need to look into it. As far as improving from its current condition could include as a condition that they prepare the plans to ask the Select Board to accept as a gift as they perform the work. Vice-Chair Iverson asked what the Concom's purview of this application. Don Bracken stated that all the work proposed on a coastal flood zone it would trigger a Notice of Intent application from the Conservation Commission. Vice-Chair Iverson also asked if they will be reviewing the stormwater management plan as well. Mr. Bracken stated that yes, they will be reviewing the stormwater management plan. Mr. Rector asked if NRTA passes are provided to the employees. Ms. Williams said yes. Mr. Lowell stated that there will need to be an improvement on Dolphin Court and hopefully agreed upon with neighbors and with the new owners. Attorney Michael Wilson addressed the two issues of the sidewalk and the access. Stephen Welch stated that the proposal is consistent for this area. Provided shuttle service and addressing the drainage is important. It's important to keep in mind for the neighbors is that it can reopen the public hearing with the Planning Board. Having staff on site is helpful with neighborly relations. Mr. Lowell no issue with Landscape plan. Vice-Chair Iverson need to take what Board members have said. Not changing the use and not increasing. Stormwater management a concern. Mr. McClure safety issues traffic coming in and out Dolphin Court, stormwater drainage plan huge concern. Do we want to see the stormwater drain plan? Parking not sure what to do about. Mr. Rector stated that needs examination for stormwater. Propose in lieu of that sidewalk of the opposite side since it is close,

in proximity. Ms. Williams stated that the corner drainage and the sidewalk issues and landscape plan give more an answer with the sidewalk will meet with DPW and give you a little bit more of the landscape plan. Chair Trudel would like to see a landscape plan, drainage plan. Chair Trudel reiterated that this special permit can reopen if neighbors have any concerns in the future.

**Motion/Vote:** Mr. Rector moved to continue the public hearing to the February 14<sup>th</sup> meeting. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Vice-Chair Iverson *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

**IX. Public Hearings (Citizen Warrant Articles)**

- **Zoning Map Amendment** to place properties located at 105/107/109 and other unnumbered lots on Old South Road shown as Map 68, Parcels 164, 135, 166, 174, 209, & 210, currently in the Residential-20 (R-20) district in either the Commercial Neighborhood (CN) district or Commercial Trade and Entrepreneurship (CTEC) district.

**Discussion:** Chair Trudel stated that Vice-Chair Iverson will be leaving the meeting at 7pm due to an appointment. Citizen petition. Staff recommend that CN should not be considered at all, too intense to many uses and subdivision in staff 's opinion. For CTEC a portion of the property maybe appropriate. Little Isle Lane to the East going commercial and the properties to the West remain residential. Staff suggest that the Board only consider the three little lots East of Little Isle Lane if willing to consider anything from R-20 to CTEC. Ms. Sutton stated that she is not impressed with what happened to that corner. Chair opened the floor to the public. Ms. Williams stated that they are trying to convince Mr. Rector stated a lot of positive things to CTEC. Emily Molden with the Nantucket Land Council appreciates staff recommendation. Reviewing the questionnaire that the proponent answered. 100-foot buffer a little bit more elaboration. Mrs. Trudel stated that this is from the Naushop area plan which encompasses. Ms. Sutton questioned voting. Mrs. Snell stated that if the Board is only inclined three of the lots your motion would only include those three lots. Town meeting votes on the Planning Board motions unless the article is called. Jim Jackson argues they need more CN than CTEC. Would like to have all six lots. Jim Jackson encourage to take all the lots. Not enough commercial lots. Ms. Sutton encourages area plan to engage with the people who live in this area by reaching out who may be interested in. Needs closer scrutiny. Jim Jackson agrees that there needs to be a broader discussion.

**Motion/Vote:** Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. McClure and the motion were carried unanimously 4-0.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

**Motion/Vote:** Mr. Rector moved to give positive recommendations with the three lots that have been identified. The motion was duly seconded by Mr. Lowell and the motion were carried unanimously 4-0. Mrs. Trudel stated that the intent of Mr. Rector's motion that the three properties he references will move to CTEC. Mr. Rector stated yes.

**Vote taken by Roll Call:**

Barry Rector *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

- **Zoning Map Amendment** to place property located at Old South Road, shown as Map 68, Parcel 208, currently in the Residential-20 (R-20) district in either Commercial Neighborhood (CN) or Commercial Trade and Entrepreneurship (CTEC).

Mrs. Snell stated that staff recommend that its stays in the R-20. Staff recommends taking no action. Chair opened the floor to the public. No comments.

**Motion/Vote:** Mr. McClure moved to close the public hearing. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

**Vote taken by Roll Call:**

Fritz McClure *Aye*

Barry Rector *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

**Motion/Vote:** Mr. Lowell moved to take no action. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*

Barry Rector *Aye*

Fritz McClure *Aye*

Chair Trudel *Aye*

- **Zoning Map Amendment** to place property located at 44 Skyline Drive currently in the Limited Use Genertal-2 (LUG-2) district in either Residential-5 (R-5) district or Commercial Neighborhood (CN) district.

Mrs. Snell stated that the proponent of this article came up with a re-development which has some merit however staff feels that it is premature to entertain a rezoning at this time and staff recommends taking no action. Chair opened the floor to the public. Erika Mooney stated that she submitted her letter and realized that there was a typo. In the letter she references R-5 to CTEC but should be CN. Appreciates the Board for recommending taking no action currently. Art Gasbarrow stated that he echoes staff's recommendation. Dennis Erickson stated that he sent an email and supports staff recommendation as well and hopes that the zoning remains. Emily Molden supports staff recommendation. Ms. Sutton is opposed to this zoning change.

**Motion/Vote:** Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. McClure.

Clifford Williams the proponent gave a brief outline of the proposal. Ms. Mooney stated that she has watched most of the meetings for the Affordable Housing Trust Fund and CPC to get money for his

development and that the Affordable Housing not even closed to recommending supporting for the property concepts. Worried with additional build out beyond the LUG-2 zoning district is going to exacerbate the contaminated water supply that is currently an issue.

**Motion/Vote:** Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the motion carried unanimously 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Fritz McClure *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

**Motion/Vote:** Mr. Lowell moved to take no action. The motion was duly seconded by Mr. McClure and it was a unanimous vote 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Fritz McClure *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

Mr. Lowell stated that the discussion we just had was unfortunate.

- **Zoning Map Amendment** to place all properties (1-12) located on Nobadeer Way currently in the Residential-20 (R-20) district in the Residential-10 Limited (R-10L) district. Chairman Trudel questioned if there was a lot removed. Ms. Williams stated that the lot is owned by a police officer so on GIS map it is not identified due to state law. Mrs. Snell states that these properties are all nonexistence non-conforming properties and are part of a subdivision done in the 1950's. The R-10L would bring lots to conformity. Duplexes would not be allowed; no tertiary dwellings and second dwellings would go through a Special Permit. Mr. Lowell stated that going to R-10L locals live and will want to have a tertiary. Chair opened to the public. No comments.

**Motion/Vote:** Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the vote carried unanimously 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Fritz McClure *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

Mr. McClure spoke of not in favor of this article.

**Motion/Vote:** Mr. Lowell moved to give a positive recommendation. The motion was duly seconded by Mr. Rector and the motion was 3-1, positive recommendation.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Barry Rector *Aye*  
Fritz McClure *Nay*  
Chair Trudel *Aye*

- **Zoning Bylaw Amendment** to make technical changes to the definition of “Apartments” to add language that the Planning Board may waive the density requirements by issuance of a Special Permit. Ms. Williams representing. It didn't allow a Special Permit only as a Variance. Chair Trudel questioned if the Town Counsel reviewed due to language changes. Mrs. Snell stated that staff is completely in support of this bylaw amendment and encouraged the Board to give a positive recommendation. Mr. McClure is not in favor of approving a Special Permit. Chair Trudel opened the floor to the public. Emily Molden questioned the new language. Mrs. Snell stated that the Planning Board may waive the lot area requirements as set forth in the schedule above provided through the issuance of a Special Permit, based on the finding that not more than one additional unit than would otherwise be allowed, not to exceed a total of four, may be constructed.

**Motion/Vote:** Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the motion carried unanimously 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Fritz McClure *Aye*  
Barry Rector *Aye*  
Chair Trudel *Aye*

**Motion/Vote:** Mr. Lowell moved to give a positive recommendation with the changes to the language per discussion with staff. The motion was duly seconded by Mr. Rector and carried unanimously 4-0.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Barry Rector *Aye*  
Fritz McClure *Aye*  
Chair Trudel *Aye*

- **Zoning Bylaw Amendment** to allow storage containers as a use allowed by Special Permit in the Commercial Mid-Island (CMI) district.

Ms. Williams requested to be continue to the January 31st meeting.

**Motion/Vote:** Mr. Lowell moved to continue to the January 31st meeting and the motion was duly seconded by Mr. Rector and carried unanimously 4-0 in favor.

**Vote taken by Roll Call:**

Nat Lowell *Aye*  
Barry Rector *Aye*  
Fritz McClur *Aye*  
Chair Trudel *Aye*

**X. Public Comment:**

No comments were made from the public.

**XI. Other Business:**

- **Special Planning Board meeting (Warrant Articles) Monday, January 31, 2022 @ 4:00PM via Zoom**
- **Special Planning Board meeting (Warrant Articles) Monday, February 7, 2022 @ 4:00PM via Zoom**
- **Regular Planning Board meeting Monday, February 14, 2022 @ 4:00PM via Zoom**

Mrs. Trudel stated that there will be a Special Planning Board meeting on Monday, January 24th to discuss amongst the Board the short-term rental to get input from the Board. Brief meeting that will start at 3:30pm. This will not be open for discussion with the public.

**XIII. Adjournment:**

Mr. McClure moved to adjourn the meeting at 8:12PM. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

**Vote taken by Roll Call:**

Fritz McClur *Aye*

Nat Lowell *Aye*

Barry Rector *Aye*

Chair Trudel *Aye*

***Submitted by:***

***Catherine Ancero***

