



Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
February 13, 2023 @ 4:00 PM

Board Members: John Trudel, III (Chair), David Iverson (Vice-Chair), Nat Lowell, Barry Rector, Joseph Topham

Alternates: Stephen Welch, Carl Borchert, Abby De Molina

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

PLANNING BOARD APPROVED MINUTES OF 02-13-2023

Webinar Registration Link:

https://us06web.zoom.us/webinar/register/WN_4fx_EC53T6W6wxsh4jm1Jg

To view the meeting only, see link below:

<https://www.youtube.com/watch?v=5ANQB1f4-K8>

I. Call to order:

Chair Trudel called the meeting to order at 4:01PM.

Roll call of those participating:

Board members:

Vice- Chair Iverson *Aye*

Nat Lowell *Aye*

Barry Rector *Aye*

Joseph Topham *Aye*

Alternates:

Carl Borchert *Aye*

Abby De Molina *Aye*

Stephen Welch *Aye*

Staff:

Meg Trudel *Aye*

Catherine Ancero *Aye*

Leslie Snell *Aye*

II. Approval of the agenda:

Mr. Lowell moved to approve the agenda. The motion was duly seconded by Vice-Chair Iverson and the motion was carried unanimously 5-0.

Vote taken by Roll Call:

Nat Lowell *Aye*
Chair Iverson *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

III. Minutes:

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

Mr. Rector moved to approve the minutes for January 9th only and the rest of the minutes will be on for the March meeting. The motion was duly seconded by Mr. Topham and the motion was carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Acting-Chair Iverson *Aye*
Chair Trudel *Aye*

IV. Tertiary Dwellings:

- **Matthew Maryanski – 1 Maclean Lane**

Motion/Vote: Mr. Topham moved to approve 1 Maclean Lane application in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Vote taken by Roll Call:

Joseph Topham *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Vice- Chair Iverson *Aye*
Chair Trudel *Aye*

V. Secondary Dwellings:

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

VI. Tertiary Dwellings:

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

Chair Trudel recused due to Applicant is a co-worker.

Motion/Vote: Mr. Topham moved to approve the second dwelling and tertiary dwelling applications for 307 Polpis Road in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

Vote taken by Roll Call:

Joseph Topham *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
Acting-Chair Iverson *Aye*

VII. ANR

- **Houlihan Swift Rock, LLC – 28 Swift Rock Road**
- **Hinckley Lane 2010 Nantucket Trust, Richard K. Lubin, Trustee – 6 Hinckley Lane**
- **Little Nauti, LLC – 1 Farmview Drive**
- **Gerald Jones – 152 Main Street**
- **Ara Charder, Trustee et al – 121 Orange Street**
- **The Allen Huntington Breed Revocable Trust of 2004 & The Robert Taylor Breen Revocable Trust of 2004 – 11 & 13 West Chester Street**

Motion/Vote: Mr. Rector moved to approve all the ANR applications listed above in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

ANR

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

Vice-Chair Iverson stated that he wanted to be clear of what is going on with the lots. Mrs. Trudel stated that the application for 41 81L which is Lots 6 and 4 combined, lots 3 and 5 combined, these unbuildable lots are being created after the ANR for the 41 81L is being approved, it gives the property Owner flexibility to convey Parcels from one lot to the other. The net gain will be one buildable lot, there will never be more than two buildable lots total for this site based on the 41 81L regulations.

Motion/Vote: Mr. Rector moved to approve both ANR applications listed above in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Vice-Chair Iverson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

VIII. Previous Plans:

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

Representation: None

Discussion: Mrs. Trudel stated that there is a correction to incorporate language specific to the spike strip lot so it wouldn't automatically provide access to abutting lot, it will need to come back to the Board for review before there is any roadway expansion potential. Language needs to be added to some of the legal

documents to reiterate that. Simple language change that could be handled between applicant's attorney and staff. Will put the documents out to sign once the change is reflected.

Motion/Vote: Mr. Rector moved to approve the endorsement of legal document with the understanding that there are some things that need to be cleaned up in the language that can be handled administratively between the staff and the Applicant before the Board signs the final legal documents. The motion was duly seconded by Mr. Topham and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Joseph Topham *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*

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

Representing: None

Discussion: Mrs. Trudel stated that the Applicant for the most part completed the paving, they are requesting that a portion of the Performance Security bond be released back to them \$66,000.00 was the original estimate back in 2019. Mr. Pesce inspected the property and had a few comments. Mr. Pesce's recommendation is to withhold some of the fundings because the manhole covers need to be brought to grade which will require additional paving work. His estimate cost approximately \$7,500.00. Mr. Pesce recommendation would be to withhold \$7,500.00 from the \$66,000.00 thereby requesting that the Board release back to the Applicant \$58,500.00. Chair Trudel asked if they normally hold back the actual amount if the project was delayed. Chair Trudel stated that if the Board ask for more than the actual face value of what the Board is looking to complete for the escrow amount. held up and ask more for the face value for completion. Mrs. Trudel stated that the escrow amount is determined based on the estimated amount plus of 20 percent.

Motion/Vote: Mr. Topham moved to approve the releasee of \$58,500.00 based on the comments. The motion was duly seconded by Mr. Rector and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Joseph Topham *Aye*

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*

• **5 Macy Lane "Macy Lane Commercial Development", *request for minor modification***

Representing: Attorney John Brescher

Recused: Chair Trudel recused due to have a relationship with the Owner.

Discussion: Mrs. Trudel stated that some language in the MCD modification where the actual intent of the proposal was to convert the upstairs dining area into Apartments which did happen however need to clarify in the decision pertaining to the location of the kitchen and storage which never happened. It is staff's opinion that the change to the description in the decision of the placement of the kitchen and storage area can be approved through a minor modification.

Motion/Vote: Mr. Rector moved to approve as a minor modification and with the findings noted on the staff report. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Joseph Topham *Aye*

- **31 Fairgrounds Road**, *progress discussion and request for lot release*

Representing: Attorney Arthur Reade, Art Gasbarro and Billy Cassidy

Recused: None

Discussion: Mrs. Trudel stated that this is more of housekeeping. Attorney Reade stated that the subdivision got approved by the Planning Board and the Applicant, the Coffin family were the owners at the time. After the approval was obtained the agreement purchased of the property was assigned to Housing Nantucket NHA properties Inc. and the Coffin family sold the property directly to NHA Properties Inc. which then followed up with a restriction placed on the property for the benefit of the Town of Nantucket requiring the property to be used for affordable rental housing and various levels of affordability, that was followed by a mortgage by the NHA properties Inc. to the Town of Nantucket Affordable Housing Trust. The Affordable Housing Trust advanced funds to the project for the purchase and for the construction of improvements on the site. The legal documents and the Form Js were never filed, and the Applicant was inadvertently issued a building permit. Mrs. Trudel stated that the staff is to not release all lots with no estimate or timeline, the expectation would be to clean up the paperwork issues re-evaluate what's going on, what has been done and what has been completed, what estimates are out there to take a look at what type of bond would need to be put up as is with all the subdivision in order to move this project forward. Chair Trudel stated that there is no need for a formal vote. Attorney Reade stated that they will be in contact with the Board.

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

Representing: Andrew Burek, Phil Pastan and Dave Arminetti

Discussion: The Applicant is requesting the Board's support of moving forward with the creation of an impound lot, to be located off-site due to the parking issues at Sandpiper Place and Meadows. The Applicant is asking for general support of the concept before they pursue the off-site lot through the Select Board. Chair Trudel asked if there has been issues that they have had to deal with to resort to towing an abandoned vehicles or anything in that nature. Mr. Pastan stated that they have experienced several issues because the lack of parking globally from the apartment side. They have people over housed which they have tried to control. They are seeing people taking other people's parking spaces that they are not legally allowed to take. The only way to manage this is allow them to find another place to park and not break the law. The Applicant is proposing a \$300 fine, that they would have to pay and get there car back, \$150 of that dollar would go to the Police Department to support their time and effort and the other \$150 would go to the towing company. Mr. Lowell stated that supporting this makes sense and has room for adjustments over time. Vice-Chair Iverson supports this idea and hopes that the message will get out and will clean the problem. Mr. Topham stated that he agreed with Vice-Chair Iverson's comments and thinks that this is wise and professional way to go about it. Mr. Rector stated that he is in support of this and revisit this in three years from now to see where things are at. Chair Trudel stated that the Applicant is looking for a vote of confidence or from the idea portion of it to present to the Select Board as a letter of support not necessarily a vote where we have a Special Permit and must revisit in a period of time. Chair Trudel does not want to put a particular time on something that they are not voting on. Mr. Rector stated that he wanted it as a potential however is in support of what the Applicant is trying to accomplish as well. Mrs. Snell stated that a letter of support from the Planning Board would be a good thing. Mr. Pastan also requested that the Board recommend what they think is reasonable for land to be utilize for this. Chair Trudel stated that the Board is recommending that they are in support of the idea however it is the Select Board's jurisdiction. This would be something that they can bring up to the Select Board. Mrs. Snell stated that they have already spoke with the Richmond team several times and staff can talk with them about potential sites anytime and can make recommendations to the Select Board outside of the Planning Board process. Mrs. Snell stated that what is important now if for the Board to recommend it in concept and in details can be hammered out at some other times since it seems like it's going to move forward. Vice-Chair Iverson stated that this might be better off in your hands in all honesty.) Mr. Welch stated that he has a little experience with this and that the State has a statute on the removal of motor vehicles from private ways and the number of fines you can assess. Notifying the Police Department when towing you must provide specific information, the finding is the fine and the fee are so poultry that it's the prohibitive nature of this is that the vehicle is not convenient to get, might be there overnight or for longer.

Motion/Vote: Mr. Rector moved to have the Board send a letter of support to the Selectmen authorizing the Chair to sign it and Applicant can work with staff should they need help with additional language. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Joseph Topham *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*

Mr. Topham recused.

IX. Public Hearings (Warrant Articles, if needed):

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

There was no discussion for this article. The public hearing has closed so the Board will continue to move to agenda item Public Hearings.

X. Public Hearings (Applications):

- **Leslie Linsley, 39 Union Street, action deadline 04-28-2023**
REQUEST TO WITHDRAW WITHOUT PREJUDICE

Motion/Vote: Mr. Rector moved to approve the withdrawal without prejudice. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously 4-0 in favor.

Vote taken by Roll Call:

Barry Rector *Aye*

Vice-Chair Iverson *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

- **The Westmoor Club, 105 W. Chester Street, 109 W. Chester Street & 10 Westmoor Lane, action deadline 05-31-2023**
REQUEST TO CONTINUE TO MARCH 13, 2023
- **Fair City LLC – 115 & 117 Old South Road, action deadline 04-28-2023**
REQUEST TO CONTINUE TO MARCH 13, 2023

Motion/Vote: Mr. Rector moved to approve the request for continuance for both applications listed above to the March 13th meeting. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0 in favor.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*

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

Voting: (Chair) John Trudel (Absent), Acting-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Joseph Topham

Documentation: File with associated plans, photos and required documentation

Activated: Carl Borchert

Representing: Dan Mulloy

Discussion: Mrs. Trudel gave a brief overview of the application. Chair Trudel opened the floor to the public. No 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 5-0.

Vote taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Barry Rector *Aye*

Carl Borchert *Aye*

Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to approve with the findings noted by staff. The motion was duly seconded by Vice-Chair Iverson and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Vice-Chair Iverson *Aye*

Carl Borchert *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

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

Voting: (Chair) John Trudel (Absent), Acting-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Joseph Topham

Documentation: File with associated plans, photos and required documentation

Activated: Abby De Molina

Representing: Chris Emery

Discussion: Mrs. Trudel gave a brief overview of the application. Chair Trudel opened the floor to the public. Seth Gottlieb stated that if going to shorten the depth of the apron they want it to at least to all go onto the Owner's property and the other concern is that the portion of the driveway that is in front of the landing for the cottage it doesn't meet the depth requirement from the property line in and the parking space depths requirements are met as well. Mrs. Trudel stated that the space they are talking about no man's land it is measured from the edge of the pavement not from the edge of the roadway layout. The Zoning Bylaw is clear that the aprons in depth go from the edge of pavement not from the edge of the roadway layout. Chair Trudel stated that the parking would have to be entirely on the lot.

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

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Abby De Molina *Aye*

Vice-Chair Iverson (technical issues unable to make a vote)

Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to approve, grant the waiver for reduction of the apron to be five feet, have the expansion of the four (4) feet to make it wider, grant the waiver to accommodate four (4) spaces in width with one space being allowed the depth of 17 feet and the other spaces must have a 20 feet depth and all four parking spaces located entirely on the lot and with the findings and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Abby De Molina *Aye*

Chair Trudel *Aye*

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

Voting: (Chair) John Trudel, Acting-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Vilma Merlos

Discussion: Mrs. Trudel gave a brief overview of the application. Staff has not received new survey plans. The last meeting was whether the existing parking was sufficient for what the Bylaw requires for a duplex. The Board will need to make a finding that it's not going to be detrimental to the scenic integrity of the neighborhood. Ms. Merlos stated that she has been hoping for years to have this proposed parking space for family. Mr. Lowell stated that it would make sense that Vilma and the neighbor should try to establish an easement between the two properties or an agreement of some kind where they share and create some more parking in that area across the street. Mr. Welch stated that he agrees with staff in retaining the scenic space not eliminating the previous green space. Mr. Welch briefly gave where proposed parking might work by green space area. Mr. Topham agrees with Mr. Lowell and Mr. Welch's comment regarding working with the green space. Chair Trudel opened the floor to the public. Linda Williams gave a brief history. Ms. Williams stated that her client and another neighbor has been retaliated against Vilma. Ms. Williams clients main concern is safety. Ms. Williams stated that a survey plot plan that is accurate has not been submitted and that there is some scenic integrity. Ms. Williams stated that there no one else in that area has a second curb cut and that this is the wrong area to add a second curb cut. Ms. Williams asking to deny the application. Chair Trudel stated that it might be necessary for the Applicant to hire a professional that might show alternative ways of parking, working with the neighbor to find other options. Mr. Rector asked if Ms. Merlos had an architect or an engineer help design this. Ms. Merlos stated no. Chair Trudel stated that they are not looking at this application independently, not as a neighbor's point of view but as the Planning Boar's point of view of what requirements would be safety issues and not basing it on the neighbor. The Board suggested that the Applicant hire a professional to design something that would work and that they can review and maybe approve. Mr. Rector suggested that the Applicant withdraw without prejudice which will then give the Applicant time to be able to get all the appropriate engineering specs taken care of and waive the application fee for coming back. Ms. Merlos request to withdraw the application without prejudice. Mrs. Trudel asked that Ms. Merlos see staff when she returns from off island to help her walk through the next steps. Chair Trudel stated that if Ms. Merlos needs help with translation, there is a member of the Board who is fluent in Spanish, Abby who will be able to help.

Motion/Vote: Mr. Rector moved to approve the withdrawal without prejudice and waive any future application fee if they choose to come before the Board. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Joseph Topham *Aye*
Chair Trudel *Aye*

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

Voting: (Chair) John Trudel, Acting-Chair David Iverson, Nat Lowell, Barry Rector
and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Joseph Topham

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Attorney Sarah Alger and Brad Guidi partners with BLueflag

Discussion: Attorney Alger stated that her client is trying to do right for this property. The Applicant had some initial conversation with the neighbors when they purchased the property. The neighbors would like the restaurant not to open to the public due to traffic concerns. Attorney Alger stated that they are going to make the site friendlier and nicer. Hoping to reorganize the parking, get rid of some of the asphalt, put a few more plantings, rebuild and enlarge the existing swimming pool to incorporate a child friendly area within it. There will be an attendant responsible for the pool when the pool is open, relocate the meeting space from the main building to the garage structure, relocate the gym. Attorney Alger stated that those relocations make way to allow construction of the game room for only hotel guests and not for the public. Replacing the existing residential kitchens that are permitted for guest house use will be replaced with a commercial kitchen. Add restaurant for guests and invitees only that would be limited to 70 seats. Relocate the employees off-site, convert the existing space to rental units with a total of 101 rental units on site. Operate the hotel with the restaurant and other amenities in accordance with the hotel management plan that was submitted with the application. The hours of operation would be shut down by 10pm however would like the flexibility to keep some things open if there was a special event. Attorney Alger stated that if that is going to create an issue, they are happy to close everything at 10pm. Attorney Alger stated that the coffee cart would be at a cart where you can go up to and pour yourself a cup of coffee and not out on the street like what you would see at a hotel resort or even at an airport. The food truck would be in the parking lot not out on North Beach Street. Adding stormwater management, replacing the old concrete with crushed stone, adding a rain garden and a swale revamping the parking areas and refreshing the rooms. Vice-Chair Iverson apologized to Attorney Alger and to Mr. Guidi for the abuse they received by the public. Vice-Chair Iverson feels that the Applicants are not asking for a lot and that he is glad to see the infrastructure upgrades and wished that the restaurant wasn't just for the hotel guest and hopes that it will change in time. Vice-Chair Iverson stated that this is what the island needs and that it couldn't be in better hands and thanked the Applicants. Mr. Topham agreed with Vice-Chair Iverson's comments. Mr. Topham stated that the one thing that it was lacking was the kitchen facility, they served only muffins and coffee however the guest would leave and go off site to eat. Mr. Topham stated that he applauds the proposal that they are making it a family hotel. Mr. Rector asked if year-round or seasonal hotel. Mr. Guidi stated that it is seasonal. Mr. Rector stated that he agreed with his colleagues to a certain extent. Mr. Rector asked that the employee housing that is going to be provided off-site going to be the same as what was being provided on site. Mr. Guidi stated that they would supply the same amount of employee housing that was on site. Mr. Rector stated that he is not a fan of the food truck. Mr. Guidi stated that the food truck would be driven on the lawn in the property and the idea is in the evening possibly do something where you have headphones, and it would be a silent movie an outdoor movie with a food truck. Attorney Alger stated that there are food truck rules that have been put into place. Attorney Alger stated that the food trucks coming is as of right situation. Chair Trudel asked if the food truck will have a permanent fixture or is that for special occasions. Mr. Guidi stated that it would be for special occasions. Mr. Rector stated that this is close to a gated community as you get. Attorney Alger stated no that this is different and not their intention. Mr. Guidi stated that they were being responsive to the neighborhood wants and thought that's what they were doing with the restaurant not being open to the public. Attorney Alger stated that if they started bringing the public then they run into parking constraints. Chair Trudel stated that he is frustrated where they are just trying to accommodate for families and the changes that they are making are reasonable. Chair Trudel stated that he is getting frustrated with the social media putting a negative spin before it's even presented. Mr. Topham stated that the Applicants should be supported and once they open and see how it runs, they will adjust and tweaks and might come back before the Board. Mr. Lowell stated that the Applicant has done a great job and has had it with the complaints. Mr. Borchert asked if they have any plans to transport guest and families. Mr. Guidi

stated that it is not in their management plan however if they get 100 rooms could consider a van to drive hotel guests. Chair Trudel opened the floor to the public. Joseph Ripp at 6 Brant Point Road is an abutter stated that he does not use social media, he's president of the North Beach Association who is directly across the street from the proposed expanded facility and objects to the change of parking requirements for the Hotel and would like to find other solutions. Mr. Ripp stated that it is hard to enforce a guest only facility and suggest that the Board should consider the restaurant meeting facilities as a separate item and need to seriously consider the parking ramifications both in the neighborhood which is directly across the street and on Brant Point which is already plagued through the expanded parking of the White Elephant Hotel of the Jetties Beach of the restaurant down the road and all of the other facilities. Mr. Ripp stated that if the Board is going to approve this that his only request is that the Board make sure that the parking is adequately addressed that steps are taking for off-site parking if that's required that it doesn't spill over the existing neighborhood where it already is a problem. Mr. Guidi stated that there is already a meeting space on site just relocating it. Mr. Guidi pointed out that they essentially ran at capacity this past summer and for the past several years however 22 of the parking spaces have been rented, they are not using all the parking spaces even at capacity. There is still an abundance of extra parking spaces. Vice-Chair Iverson pointed out that they are not really asking for waivers and that the restaurant seating is already taken up by hotels so it's redundant parking. Attorney Arthur Reade stated that he would like to point out the outset that he does not subscribe to or participate in social media of any type. Attorney Reade stated that he has made it his policy in his business to avoid social media and is unaware of whatever Attorney Alger is speaking of in that regards. Attorney Reade stated that the only communication to her was that he emailed Attorney Alger the other day as a courtesy to let her know that he was representing certain concerned neighbors. Attorney Reade representing Mary Mottershead and Robert Morris at 29 Cliff Road which is above the rear of 30 North Beach Street property stated that the impact that this will have on the residential neighborhood has to be taken into consideration, the noise has a tendency to move up and outdoor seating for the restaurant will result in there being noise and that's going to have an adverse impact with his clients and the other residential neighbors. Chair Trudel stated that he heard Mr. Guidi state that when playing movies people will be wearing headsets like what the Dreamland promotes when they have outdoor above deck concerts, and everyone wears headsets so you never hear the amplified music, it would be silent. Attorney Reade would like that to be a condition against amplified sound. Another concern that Attorney Reade's client has is the proposal to eliminate the concrete in the driveway replacing it with crush stone due to it being noisy. Emily Molden from the Nantucket Land Council stated that she appreciates the incorporation of the vegetated swale and rain garden on site to help manage storm water. Scott Martin at 12 Brant Point Road stated that he too is not a big social media guy however wants to echo Joe's comments regarding parking that parking is a problem and echo's Arthur's concerns about noise. Point of clarification questioned what Brad said earlier that he'd be willing to shut things down at 10pm. The pool will close at 8PM. Mr. Martin suggested Brad and him get together and talk, he haven't had the opportunity to meet him. Mr. Guidi stated will do. Glenn Wood, Reuben and Rudman environmental attorney and he is representing the property owners of 5, 7 and 9 Arbor Way their concerns was the hours of operation, closing at 1am. Attorney Wood stated that he is not on social media and is not a part of that. Joseph Ripp request if permitted a prohibition against renting spaces because the overflow will more likely go into his client's neighborhood. Attorney Alger stated that anything that they agree will be conditions of the decision. Attorney Alger stated that they do not intend to continue to rent out spaces and has no issue putting that as a condition in the decision. Attorney Alger stated that they are not taking up all the pavement and they are not replacing all of the driving services with gravel. Mary Mottershead and Robert Morris stated that they don't really understand the proposed application, however they do not have issues with the addition of room count improving or enlarging the pool, adding full-service restaurant, adding other family amenities. Mrs. Mottershead stated that their main concerns is the increase of noise, the truck operations, the change of the one-way operation. Stephen McBrady stated that he lives across the street from Joe Ripp and that they are really impressed and sensitive to the upgrade. Mr. Ripp likes that they are focused on making it family friendly. Mr. McBrady's main concerns are traffic, light and the large events such as hosting weddings on weekends. Mr. McBrady stated that they appreciate the effort that has gone into this and support updating the Beachside. Mr. Guidi stated that he's not quite sure how to address the traffic. Mr. Guidi stated that they really don't have event space besides the meeting space. Mr. Guidi stated that for tents they would need to pull a permit, light they would have to comply the current policy in place. Mr. Guidi stated that loading and unloading could be done without having to go to the back of property, to keep the noise level down. Attorney Alger stated that she will be gathering all information from concern neighbors and come up with some revisions. Mr. Guidi asked if any of the

neighbors want to talk to go through Meg Trudel to get his contact information. Attorney Alger stated that she will be in touch, gather all notes and provide copies to the neighbors, Attorney Arthur Reade and Attorney Glenn Wood. Mr. Lowell mentioned the manager phone number. Mr. Lowell stated that for the record he thought that the public hearing was going to close tonight.

Motion/Vote: Mr. Rector moved to continue to March 13th meeting. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Iverson *Aye*

Joseph Topham *Aye*

Chair Trudel *Aye*

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

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Joseph Topham

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Attorney Steven Cohen, Dan Mulloy, Chris Humara, Robert Misha (traffic consultant)

Discussion: Attorney Cohen gave a brief update. The eight-lane bowling alley and the kitchens for the restaurants are being removed from the basement and brought upstairs into the building. With that it eliminated a lot of retail space. The applicant is now proposing a one sit down restaurant with about 50 seats and one takeout restaurant with a dozen seats. The apartments reduced to 32 apartments, with 6 3-bedrooms, 15 two bedrooms and 11 one bedrooms. Vice-Chair Iverson asked if all apartment units are market rate. Attorney Cohen stated yes. Mr. Mulloy stated that there has been discussion about trying to do some affordability with the Town, that hasn't worked out yet, still in the working progress. Vice-Chair Iverson stated that his concern with market rate housing is that it will be a summer spot year-round. Attorney Cohen will continue to have conversation with the Affordable Housing Trust Fund to make something work. Chair Trudel opened the floor to the public. Emily Molden from the Nantucket Land Council stated that she appreciates the new development, having the opportunity to review the stormwater plans and did a preliminary review with the consultants. Ms. Molden stated that it was brought to her attention and that it might be standard practice that when calculating the storm events for the stormwater management plans that there are certain rainfall values that are used to create calculations and get results. The values that were used for this case are 1961 values and that there are updated standards per values through NOAA and feels that it's important to consider that the data be re-evaluated. Ms. Molden stated that the site is in the Wellhead Protection District and in the Nantucket Harbor Watershed there is no discussion of the nitrogen inputs and wants to put on the Planning Board's radar. Ms. Molden feels that there are some additional elements that could be incorporated whether it's trenches with some trees, some of the landscape area to do some kind of bioremediation or pre-treatment using vegetation above ground. Ms. Molden stated that the Board has some responsibility to incorporate some other methods of treating nitrogen and reducing nitrogen in the storm water before it enters the ground it would be incumbent upon the Board to try to see if the applicant can do that. No official landscaping plan has been provided. Mr. Mulloy stated that they were familiar with the rainfall information that Ms. Molden had mention, they did look at and are happy to look at it again. If there is other data out there will certainly look at it. Applicant hoping to have on next agenda the landscape plan. Val Oliver stated that a project as big and impactful as this commercial development should allow citizens to take part in person that the webinar format was rather impersonal and dismissive of those who wants to ask questions about the project that impacts them. Ms. Oliver asked the Board to reconsider changing the policy. Ms. Oliver stated that the quantity of services seems aggressive and completely out of context for the island. Ms. Oliver asked if the developer could scale back some more and might be more in keeping with the Mid Island area. Ms. Oliver thinks that waiving any

parking spaces should not be allowed. Ms. Oliver stated that she liked the housing idea that it will not be a short-term rental. Stephen Welch stated that he wants to reiterate prior points which is parking designated spaces for residences. Mr. Welch stated that the parking tends to migrate, and he didn't see anything for reserved parking or condominium parking besides what was mentioned for the existing condominium on 16 Sparks and asked that the Applicant to look into it. Vice-Chair Iverson stated that he wants to follow up with what Emily said regarding the Applicant putting some effort of the landscape designs as far as it comes to swales and anything that will help absorb nitrogen. Mr. Rector stated that the ability to work with neighbors such as Cumberland Farm is inherited toward making this plan to get to a more functional status. Mr. Rector stated that this needs to be continued and encouraged people to read the mid-island plan which discusses about how the neighborhood gets created and how it does integrate. Chair Trudel asked if where the equipment of HVAC will be. Mr. Mulloy stated that all mechanical systems will be on the roof. Chair Trudel looks forward to seeing the elevation plans. Chair Trudel hopes that the Applicant will address the assigned parking for the residents who will be living there. Tucker Holland appreciates the Board's focus on year-round housing and the developer did reach out earlier about how this project might serve the year-round community. Mr. Holland wanted to clarify that they do have a program for buying down affordability. Mr. Holland feels that this is a project that could serve the year-round community in a meaningful way. Attorney Cohen stated that he will follow up with Mr. Holland after the meeting.

Motion/Vote: Mr. Rector moved continue to March 13th meeting. The motion was duly seconded by Mr. Topham and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Joseph Topham *Aye*

Vice-Chair Iverson *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

- **“Sandpiper Place I” Beach Grass 43 ACK, LLC – 43 Beach Grass, *action deadline 04-28-2023***
- **“Sandpiper Place II” Nantucket Property Owner, LLC – 24 Honeysuckle Drive, *action deadline 04-28-2023***

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector
and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Joseph Topham

Documentation: File with associated plans, photos and required documentation

Activated: None

Representing: Attorney Rick Beaudette

Discussion: Mrs. Trudel recused as a staff person however will help navigate the meeting. Attorney Beaudette gave a brief update. Attorney Beaudette stated that all owners in the development will be offered an opportunity to join the Community Center and pool without the initiation fee. There will be monthly maintenance charges to the owners. The MOA requirements continue to be met with the Town of Nantucket. The AMI units will be dispersed throughout the development. The Housing Director and DHCD supports this application. The Applicant provided a turn-in space in front of the Community Center and there is a designated handicap parking space across the street that was already approved as part of the master development. Mr. Topham asked about a one-time buy-in fee and if the Owners did that will there still be a monthly fee. Attorney Beaudette stated that there is a one-time buy-in to defray the cost of it. Mr. Rector asked if the facility is only opened to the neighborhood. Attorney Beaudette stated that it is open only for Sandpiper I and II and not for another neighborhood. Mr. Rector suggested that to resolve their parking issues is to take commercial lots that sits and abuts on Old South Road area. Mr. Rector feels that it is divisional in nature. Attorney Beaudette stated that they don't own commercial lots on Old South Road and are primarily owned by Richmond. Mr. Rector still going back to the integrated concept. Chair Trudel stated that he didn't want to add extra parking due to more problems. Chair Trudel stated that making it affordable makes it more inclusive. Vice-Chair Iverson felt that not enough parking spaces will contribute to the parking issue. Attorney Beaudette stated that they want to encourage people walking and discourage them from driving. Chair Trudel opened the floor to the public. David Small from Cedar Crest III would like to have the noise, lighting, and hours of operation and to have

some type of buffer in place between Cedar Crest and this parcel. Andrew Burek council for The Richmond Company that the main issue is parking. Community amenity is not listed in the Bylaw as having minimum required parking, does not exempt it from parking. Attorney Burek stated that Attorney Beaudette is hearing the concerns of the master developer however he is ignoring that they have repeatedly asked for two parking spaces head in perpendicular to the street on the site. Attorney Burek stated that they have stressed and concerns have been ignored that parking has become an issue and that they need the tools to manage their own development and a developer that understands the vision and the Planning Board's vision for this particular development to work together in harmony. Attorney Burek hopes that their continued cooperation with this is not overlooked. Chair Trudel stated that they are hearing their concerns and that the parking that they are asking is not going to solve the parking issues for that development. Phil Pastan echo Attorney Burek's comments. He stated that they have tried to work with Capital Hall Partners and have reached out to their exclusive broker to tell them that if they work with them, they could find a compromise. Mr. Pastan suggested that the Applicant take the land that is behind them, that is a hammerhead lot, use it to expand their community center and that will give them five to ten parking spaces out front that are perpendicular to Honeysuckle Road and that would solve the problem. Mr. Pastan suggest that the Board not decide and do a site walk to show how there's a solution. Mrs. Trudel commenting as a public and not as a staff person stated that she wanted to publicly say that she appreciates the applicant's willingness to listen to some of those that live in the community as it relates specifically to the initiation fee and listen to our objections. David Armanetti director real estate development for Richmond stated that getting together with staff and brainstorm regarding parking issues might help solve this once and for all. Tucker Holland stated that his comments focus mainly on the restricted units stated that the comments from Attorney Burek, Mr. Pastan and Mr. Armanetti have brought up they really have first-hand experience and the suggestion of meeting on site and thinking through the parking issue makes a lot of sense to him especially dealing with a neighborhood with parking challenges. Mr. Small referring to the parking plan Mayflower Circle portion of back of property there is a turn around easement and would like to know what is planned for that space and a buffer is supposed to be in place by Mayflower Circle. Mrs. Snell stated that the Mayflower Circle turning easement has been determined that it is no longer needed, and this year's warrant article is to dissolve that easement, if approve in theory will go away eventually if approved. Mr. Small asked who it would go to. Attorney Beaudette stated that it would go to their lot. Attorney Beaudette stated that they do not have control of the lot right now. Pool not within the 20-foot buffer zone. Attorney Beaudette stated that The Richmonds were in the best position to create parking and try to stop their own parking from creating their own parking and they failed to do that. Attorney Beaudette stated that they are in the best position to eliminate that turnaround and now they are stuck with it. They were in the best position to not have duplexes on any of these lots, but they got them. Frustrating to hear these things now from a developer who were in the best position and now they are trying to solve it. Want to limit the pool hours. Want to have key fobs for only the Owners. The lighting must be approved by the Building Department. Landscaping, there is a 20-foot buffer not allowed to have construction on. Landscape it properly. Mr. Topham stated that it is not necessary for extra parking for the pool. Mr. Topham stated that Attorney Beaudette is correct that the Richmond had this under their control, and they didn't fix some of the mistakes and thanked Attorney Beaudette for waiving the \$20,000. Mr. Lowell stated that Mr. Pastan suggested a site visit and it might be the right thing for this development. Mr. Armanetti stated that its factually inaccurate to say that they can solve some of these things when they were the only developer weren't proposing or including these things, they had no need to address the turning radius because they weren't proposing anything other than a single-family home. Mr. Armanetti stated that they are using every manageable tool that is available to them to maintain and manage the problem. Looking forward to coming to a consensus and being able to put this behind. Chair Trudel asked if Attorney Beaudette take into consideration to meet at the site with Board members and all the interested parties to brainstorm and come to a mutual beneficial decision. Attorney Beaudette stated that he is willing to meet to resolve whatever they can. Attorney Beaudette stated that he is not hearing from the Board any issues with the parking besides the statements made by Richmond group.

Motion/Vote: Vice-Chair Iverson moved continue to March 13th meeting. The motion was duly seconded by Mr. Rector and the motion carried unanimously 5-0.

The Board members will be meeting with all interested parties at the site for parking considerations.

Vote taken by Roll Call:

Vice-Chair Iverson *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

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

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: Chair Trudel

Documentation: File with associated plans, photos and required documentation

Activated: Abby De Molina

Representing: Attorney Rick Beaudette

Discussion: Chair Trudel stated that he will activate Abby De Molina however he will still run the meeting. This is a re-opening of a public hearing to discuss the access condition only. The easterly easement will be abandoned. There will be improvements all along Pine Crest Drive. The Owner will complete the paving to connect the currently paved portion of the access easement with Pine Crest Drive prior to the issuance of a Certificate of Occupancy. Ms. De Molina stated that she was having technical issues earlier and she did hear the discussion. Chair opened the floor to the public. Ann Egan stated that she is very happy regarding the elimination of the easement. Paula McQuaid stated that her main concern is safety. Jennifer Iller expressed concern that all the neighbors and homeowners are in support of this before it is approved. She feels that everyone should be informed. Mrs. Trudel stated that the State has a very strict requirements for noticing public hearings and all those requirements were followed through for this public hearing. Ms. Egan stated that everybody affected was notified and doesn't understand why it must go any further, to get approved would be the right thing to do. Ms. Iller stated that they did receive notification from Attorney Jessie Brescher that they had to have approval from all the neighbors before this could actually go through and have signatures and that has not been accomplished at this point. Mrs. Iller asked if the Board had a chance to see Pine Crest due to serious safety issues and is a primary concern.

Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Joseph Topham *Aye*
Abby De Molina *Aye*

Motion/Vote: Mr. Rector moved to approve the project with the changes that have been denoted by staff with what has to happen with Pine Crest and eliminating the access from the easterly easement and will be no longer utilize the easement. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Barry Rector *Aye*
Nat Lowell *Aye*
Vice-Chair Iverson *Aye*
Joseph Topham *Aye*
Abby De Molina *Aye*

Mr. Lowell left meeting at 10:02PM.

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

Ara Charter stated that she is bringing forth an ANR application that was discussed early in the meeting tonight by someone who claimed to be her agent without her knowledge or consent. She stated that she would like to save the positive approval of a subdivision of her lot when it's brought and submitted on her behalf, to reconsider the Board's unanimous vote to approve this because she has never even met this person who claims to be her agent. Chair Trudel stated that the public comment is not made for staff or the Board to engage in a discussion however it is noted with what she said. Planning Staff and appropriate authorities will be looking into this and if there is a basis to her claim an appropriate action will be taken either at the next or future meeting. Public comment is not for debate, it's for the public to express any concern. Ms. Williams stated that she does not want Teddy King's name to be besmirched in this way. Chair Trudel stated that he does not want to hear a debate between the previous person Ms. Williams stated that it was legally filed by the receiver who hired Teddy.

XII. Other Business:

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

XI. Adjournment:

Motion/Vote: Mr. Rector moved to adjourn the meeting at 10:11PM. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0 in favor.

Vote taken by Roll Call:

Barry Rector *Aye*

Joseph Topham *Aye*

Vice-Chair Iverson *Aye*

Chair Trudel *Aye*