

1. Staff Report-Planning Board 06.15.20

Documents:

[STAFF REPORT- 06.15.20.PDF](#)



Nantucket Planning Board

STAFF REPORT

Date: June 12, 2020

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Report for June 15, 2020 Planning Board Meeting

Call to order:

Approval of the agenda:

Consent Items:

Minutes:

- January 16, 2020
- March 9, 2020 **Request to continue**
- May 21, 2020

Secondary Dwellings:

- **PBDW-2020-05-0025 Richard Larrabee, 7 Millbrook Road (Map 56 Parcels 324, 474 & 475)**

The applicant is proposing to convert the current three (3) bedroom primary dwelling to the secondary dwelling and construct a new primary dwelling. The proposed secondary dwelling will have an approximate ground cover of 1,536 square feet and will be located on the northern portion of the site, which has approximately 164,992 square feet and is zoned LUG-2. The newly constructed three (3) bedroom primary dwelling will have an approximate ground cover of 2,365 square feet.

Planning staff notes that the plan submitted meets the 80/20 differential, but only with the current attached garage being demolished as proposed on the site plan.

Both dwellings will be accessed by reconfigured dirt driveway off of Millbrook Road, which is a private, unpaved road. The driveway will contain six (6) 9' x 20' exterior parking. The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

Planning staff recommends approval with the following conditions:

- 1) That the travelled surface of the driveway shall be a minimum of ten (10) feet in width and a maximum of fifteen (15) feet;
- 2) That any future landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet; and,
- 4) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

ANR Plans:

- **PLSUB-2020-06-00052 Jason D. and Natasha Willauer Harman, 92 Surfside Road**
SEE PUBLIC HEARING PLSP-2020-05-0044

- **PLSUB-2020-06-00057 3 Somerset Lane**
SEE PUBLIC HEARING PLSP-2020-05-0045

- **PLSUB-2020-06-00055 Nicholas A. Leo & Ashley McCarthy, 6 & 6R Madaket Road**
The purpose of this plan is to reconfigure two (2) existing buildable lots, specifically the interior lot line and portion to the east. The site is zoned Residential-1 (R-1), which requires a minimum lot size of 5,000 square feet and frontage of 50 feet. Lot 1 will contain approximately 5,125 square feet and Lot 2 will contain approximately 6,897 square feet. Both lots meet the frontage requirement on Winn Street, which is a private, partially paved roadway. Planning staff recommends endorsement.

- **PLSUB-2020-06-00053 7 Coffin Street Realty Trust, Matthew J. Downey, Trustee, 7 Coffin Street**
The purpose of this plan is to combine the 108 square foot area shown as “ ‘Gap’ Parcel” with 7 Coffin Street. Planning staff recommends endorsement.

- **PLSUB-2020-06-00054, Dane House LLC/Joshua D. Morash, 8 Bayberry Lane**
The purpose of this plan is to implement Rear Lot Special Permit #PLSP-2020-02-0036. Planning staff recommends endorsement.

- **PLSUB-2020-06-00051 15 Cliff Road Nantucket LLC, Julia Jensen-Weed & Daintry Jensen, Managers, 15 Cliff Road**
The purpose of this perimeter plan is to re-establish the boundaries and update the outdated plan on file with the Registry of Deeds. Planning staff recommends endorsement.

- **PLSUB-2020-06-00056 262 Polpis Road Nominee Trust, David J. Murphy, Trustee, 262 Polpis Road**
The purpose of this plan is to divide an existing lot into three (3) buildable lots on which three (3) buildings were in existence prior to the 1955 enactment of the Subdivision Control Law. Lot 6 will contain approximately 945,671 square feet, Lot 7 will contain approximately 1,003,283 square feet, and Lot 8 will contain approximately 549,860 square feet. Evidence of all three buildings on the lot are shown with documentation including Nantucket Historical Association records, Historic District Commission & Building Department Records, Town of Nantucket

Aerial Maps, Sanborn Insurance Maps, Historic District Commission Surveys, Photographs, Registry of Deeds Titles of Land and a written summary of the property.
Planning staff recommends endorsement.

Previous Plans:

- **#09-12 Cape Cod Five Cents Savings Bank, 112 Pleasant Street** *Request to release engineering escrow and Performance Security funds*

The applicant is requesting the release of the remaining engineering escrow funds, which total \$459.80. Additionally, the applicant is requesting to release the Performance Security Bond, which has a balance of approximately \$22,200.00.

Planning staff has received all pending documentation and recommends the release of funds.

- **PBDW-2020-05-0027 Cindi & John Galiher, 34 Washing Pond** *request to adjust position of secondary dwelling*

The applicant is requesting to modify the secondary dwelling approval by shifting the secondary dwelling approximately 45-feet to the south due to concerns that arose during the wetland permitting process.

Planning staff recommends approval.

- ~~#7060 Sand Eel Lane~~
WITHDRAWN

- **#8254 Reliance Way Subdivision**

The applicant has submitted the Statement of Conditions, Declaration of Restrictions and Easements, Grant of Right of Enforcement, Homeowners Associations Organizational Documents for the Board's review.

Planning staff recommends endorsement.

Preliminary Plans:

- **26 ½ Bartlett Road**

The applicant is proposing a three (3) lot, two (2) buildable lot subdivision within the RC-2 Zoning District. Proposed Lot A contains approximately 10,144 square feet, proposed Lot B contains approximately 5,005 square feet, and the roadway lot, Lot C, contains approximately 3,340 square feet.

The site is included in Warrant Article 43, ATM 2020 that proposed to change the zoning from RC-2 to CTEC and therefore, the applicant has submitted the preliminary plan for review to freeze the zoning.

Planning staff recommends approval of the preliminary plan, but notes that the zoning free runs with the land and not the plan and that the Board can consider that during the review of the definitive plan.

Public Hearings:

- #62-19 Mid-Island Service Limited Partnership MCD, 41 & 43 Sparks Avenue, *action deadline 9-30-2020*

CONTINUE TO 07-20-20

- PLSP-2020-01-0030 ACK Crazy LLC, 9 West Chester Street, *action deadline, 07-30-2020*

CONTINUE TO 07-20-20

- PLSP-2020-02-0035 ACK Laundro, LLC, 4 Hanabea Lane, *action deadline, 09-30-2020*

CONTINUE TO 07-20-20

- PLSP-2019-12-0021 Richard and Jessica Millard, 5 Cudweed, *action deadline 09-30-2020*

REQUEST TO WITHDRAW WITHOUT PREJUDICE

- PLSUB-2019-12-00018 Skinners Way Subdivision, 320R Milestone Road, *action deadline, 07-30-2020*

The applicant is proposing a five (5) lot, four (4) buildable lot subdivision in the Residential-20 (SR-20) zoning district. The site is approximately 313,694 square feet and has the potential for a thirteen (13) lot, twelve (12) buildable lot subdivision. There are three existing buildings to the rear of the site that are accessed by a 10'-12' wide dirt drive. The applicant is requesting to widen the existing drive to 16' with a turn-around to access the lots within the subdivision. The site is located within the Well Head Protection Zone. Currently, the site utilizes well and septic, but is subject to Warrant Article 82, ATM 2020, which proposes to add the site to the Sconset Sewer District.

A complete list of waivers requested are included in the packet for review.

Planning staff has received responses from the Sewer Department, Fire Department, Wannacommet, and Ed Pesce, the Town's consulting engineer. These responses are located in the packet for review.

Planning staff recommends that the Board have a discussion with the applicant about the intent and development of the subdivision. The overall intensity will govern what roadway and infrastructure improvements may be needed. It should be determined how many dwellings will be allowed on each lot and whether or not the proposed lots will be allowed to further subdivide in the future.

- PLSP-2020-03-0041 Gerard P. & Ellen M. O'Shea, 10 Tom Nevers Road, *action deadline, 08-30-2020*

The applicant is requesting to create a secondary residential lot for year-round residents. The applicant is also requesting a waiver for each lot to have separate driveway. The existing lot is approximately 128,012 square feet. The proposal consists of a market rate lot (Lot A), which is approximately 94,511 square feet and a secondary residential lot, or covenant lot (Lot B), which is approximately 27,000 square feet. Lot B will be accessed from Longwood Drive and Lot A will be accessed from Tom Nevers Road. The site is zoned LUG-3.

If approved, the following findings must be made:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year-round residents;
- 2) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 3) That the second driveway access does not have an adverse impact on the scenic or historic integrity of the neighborhood.

Planning staff recommends the following conditions:

- 1) That proposed Lot B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (3%), or as otherwise specified in 139-8C;
- 3) That the market rate lot, proposed Lot A, may be allowed a Secondary Dwelling (Tertiary standards);
- 4) That the requirement for shared driveway access required by 139-8.C(h) shall be waived;
- 5) That a driveway apron be installed on the driveway access with Longwood Drive and that the existing driveway apron with the entrance to Tom Nevers Road continue to be maintained; and
- 6) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

▪ **PLSP-2020-03-0042 Christopher and Linda Roberts, 41 Surfside Road, *action deadline 08-30-2020***

The applicant is requesting to create a secondary residential lot for year-round residents. The applicant is also requesting a waiver for each lot to have separate driveway. There are two separate driveway accesses existing. Additionally, the application is requesting a waiver to reduce the setbacks of the interior lot line from ten (10) feet to five (5) feet. The existing lot is approximately 10,616 square feet. The proposal consists of a market rate lot (Lot 55A), which is approximately 6,598 square feet and a secondary residential lot, or covenant lot (Lot 55B), which is approximately 4,018 square feet. Lot 55B will be accessed from Larrabee Lane and Lot A will be accessed from Maclean Lane. The site is zoned Residential-10 (R-10).

If approved, the following findings must be made:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year-round residents;
- 2) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 3) That the second driveway access does not have an adverse impact on the scenic or historic integrity of the neighborhood.

Planning staff recommends the following conditions:

- 1) That proposed Lot 55B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of

any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;

- 2) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (25%), or as otherwise specified in 139-8C;
- 3) That the market rate lot, proposed Lot 55A, may be allowed a Secondary Dwelling (Tertiary standards);
- 4) That the requirement for shared driveway access required by 139-8.C(h) shall be waived; and
- 5) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

▪ **PLSP-2020-05-0047 Shannon Haddon, 17 Evergreen Way, *action deadline 09-30-20***

The applicant is proposing a two (2) buildable lot rear lot subdivision. Currently the site is approximately 81,196 square feet. Proposed Lot A will contain approximately 40,010 square feet and Proposed Lot B will contain approximately 41,184 square feet. Both lots have frontage on Evergreen Way. As proposed, the application satisfies all requirements outlined in 138-8E “Rear Lot Subdivision”.

Planning staff has received one email in opposition to the request.

To approve the application, the following findings must be made:

- 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.

Planning staff recommends approval as proposed with the following conditions:

- 1) That each lot shall comply with the ground cover ratio, front setback, and side and rear yard setback requirement of the underlying R-40 zoning district, or as otherwise specified in 139-8E;
- 2) That driveway aprons be installed at the entrances on Evergreen Way;
- 3) That the filing of an ANR (Approval Not Required) plan is a necessary step to implement this Special Permit.

▪ **PLSUB-2020-03-0040 C & D Properties LLC, 14 Tomahawk, *action deadline 08-30-2020***

The applicant is seeking an amendment to the AR Subdivision for “Arrowhead Drive Subdivision” to allow for a second employee housing unit to be constructed on the second floor of the building. The proposed building will have a total of four (4) bedrooms on the second floor. The parking requirements in the CI zoning district are one (1) space per bedroom with an additional one (1) space per 900 square feet of gross floor area required to satisfy the parking requirements for the commercial use of the site. As proposed, the site plan satisfies those parking requirements with four (4) exterior 9’ x 20’ parking spaces, one (1) exterior 7’ x 17’ parking space, and one (1) interior 9’ x 20’ parking space.

If approved, the following findings must be made:

- 1) That the request is in harmony with the general purpose and intent of the Bylaw; and

- 2) That the request is consistent with the findings in the original decision.

Planning staff recommends approval with the following conditions:

- 1) That the two (2) dwelling units are for the use of employee housing for the employees of the business utilizing the commercial space below only;
- 2) That the four (4) tandem parking spaces are for the use of the residential units; and
- 3) That the parking area shall be effectively screened on each abutting property by wall, fence, or densely planted compact hedge not less than 3 feet nor more than 8 feet in eight.

▪ **PLSP-2020-05-0043 National Grid, 32 Bunker Rd, *action deadline 08-30-2020***

The applicant is requesting a modification to the existing MCD Special permit in order to construct a new 26' x 50' (1800 square foot) pre-engineered steel storage building, gate, a paved driveway, add four (4) perpendicular parking spaces and remove two (2) parallel parking spaces, add an 8' chain link pivot gate with 1' of barbed wire (which will replace the existing rolling gate), and add four (4) 25' light poles. Additionally, the project will include the demolitions and/or removal of certain buildings and equipment that were previously identified for removal in connection with prior modification. The intent is to accommodate the storage of materials and spare parts while also providing a workshop area to perform minor repairs. The site is zoned CI and contains approximately 136,741 square feet.

The applicant is requesting waivers for screening of the parking area, traffic study, and open space requirements.

Included with the packet is a report prepared by Ed Pesce, the Town's consulting engineer.

If approved, the following findings must be made:

- 1) That the request is harmony with the general purpose and intent of the Bylaw; and
- 2) That the request is consistent with the findings in the original decision.

Planning staff recommends approval with the following condition:

- 1) That all items in the report prepared by Pesce Engineering & Associates, Inc. on June 4, 2020 are addressed prior to the start of construction and the issuance of a building permit.

▪ **PLSP-2020-02-0038 Christopher Loftus, 4 Flint Road, *action deadline, 08-30-2020***

The applicant is requesting to approve the use of seven (7) storage containers on the site. The site is located in the CI zoning district and is approximately 5,003 square feet. The site is currently subject to a zoning violation for an unpermitted storage container. That storage container is currently located on the southeast corner of the lot.

If approved, the following findings must be made:

- 1) That the use of seven (7) storage containers on the site is consistent with the CI zoning district pursuant to sections 139-7A and 139-2 of the Bylaw; and
- 2) That the request is in harmony with the general purpose and intent of the Bylaw.

If approved, Planning staff recommends the following conditions:

- 1) That screening of the storage containers be installed at the Flint Road portion of the site;

- 2) That the parking area shall be effectively screened on each abutting property by wall, fence, or densely planted compact hedge not less than 3 feet nor more than 8 feet in eight; and
- 3) That the storage containers are located in substantial compliance with the site plan “Site Plan / Exhibit for Special Permit Application”, drawn by Chris Loftus on March 3, 2020.

▪ **PLSP-2020-05-0045 Kristina Kay, 3 Somerset Road, *action deadline 09-13-20***

The applicant is requesting to create a secondary residential lot for year-round residents. The applicant is also requesting a waiver for each lot to have separate driveway access. The existing lot is approximately 21,046 square feet. The proposal consists of a market rate lot (Lot 2), which is approximately 13,037 square feet and a secondary residential lot, or covenant lot (Lot 1), which is approximately 8,009 square feet. Both lots will be accessed from Somerset Road. The site is zoned Residential-20 (R-20).

If approved, the following findings must be made:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year-round residents;
- 2) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 3) That the second driveway access does not have an adverse impact on the scenic or historic integrity of the neighborhood.

Planning staff recommends the following conditions:

- 1) That proposed Lot 1 shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (12.5%), or as otherwise specified in 139-8C;
- 3) That the market rate lot, proposed Lot 2, may be allowed a Secondary Dwelling (Tertiary standards);
- 4) That the requirement for shared driveway access required by 139-8.C(h) shall be waived;
- 5) That aprons be maintained on both driveway access' on Somerset Road; and
- 6) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

○ **ANR Kristina Kay, 3 Somerset Road**

The purpose of this plan is to implement Secondary Residential Lot Special Permit #PLSP-2020-05-0045.

Planning staff recommends endorsement.

▪ **PLSP-2020-05-0044 Jason D. & Natasha Willauer Harman 92 Surfside, *action deadline 09-13-20***

The applicant is requesting to create a secondary residential lot for year-round residents. The applicant is also requesting a waiver for each lot to have separate driveway access and a waiver to reduce the interior lot line set back from (10) feet to (6) feet. The existing lot is approximately 10,000 square feet. The proposal consists of a market rate lot (Lot A), which is approximately

6,000 square feet and a secondary residential lot, or covenant lot (Lot B), which is approximately 4,000 square feet. Lot B will be accessed from Hooper Farm Road and Lot A will be accessed from Surfside Road. The site is zoned Residential-10 (R-10).

If approved, the following findings must be made:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year-round residents;
- 2) That the second driveway access is not contrary to sound traffic and safety considerations; and
- 3) That the second driveway access does not have an adverse impact on the scenic or historic integrity of the neighborhood.

Planning staff recommends the following conditions:

- 1) That proposed Lot B shall be subject to a Nantucket Housing Needs Covenant Ownership form, which shall provide without limitation, that owners and any occupants of any dwelling thereon, shall earn at or below 150% of the Nantucket County median household income;
- 2) That the total ground cover ratio for both lots shall not exceed the amount otherwise allowed for the original lot (25%), or as otherwise specified in 139-8C;
- 3) That the market rate lot, proposed Lot A, may be allowed a Secondary Dwelling (Tertiary standards);
- 4) That the requirement for shared driveway access required by 139-8.C(h) shall be waived;
- 5) That the side/rear yard setback for the interior lot line only be reduced to six (6) feet;
- 6) That the existing apron with the driveway entrance on Surfside Road continue to be maintained and that an apron at the driveway entrance on Hooper Farm Road be installed; and
- 7) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

○ **ANR- PLSUB-2020-06-00052 Jason D. and Natasha Willauer Harman, 92 Surfside Road**

The purpose of this plan is to implement Secondary Residential Lot Special Permit #PLSP-2020-05-0044.

Planning staff recommends endorsement.

▪ **PLSP-2020-05-0046 Elizabeth B. Pagnam, 19 Lily Street, *action deadline 09-13-20***

The applicant is requesting a second driveway access. The proposed second driveway access would accommodate two (2) pull in compact 7'x17' parking spaces and be constructed of brick to match the existing pull in driveway access. It is noted that directly across the street from the proposed second driveway access there is a no parking zone. Planning staff also notes that Lily Street is a narrow roadway with limited on-street parking options. Adding two (2) additional parking spaces to the site would effectively make two (2) otherwise used on-street spaces available for public use. The site is zoned ROH.

If approved, the following findings must be made:

- 1) That the second driveway access requested is consistent with the general purpose and intent

- of the Bylaw;
- 2) That the second driveway access is not contrary to sound traffic and safety considerations; and
 - 3) That the second driveway access does not have an adverse impact on the scenic or historic integrity of the neighborhood.

Planning staff recommends approval with the following conditions:

- 1) That the driveways shall be kept cleared free of vegetation and obstruction to a minimum width of twelve (12) feet and a minimum height of thirteen (13) feet.;
- 2) That pull in driveway access not exceed twenty (20) feet in width (excluding corner roundings with a maximum radius of two (2) feet); and
- 3) That an apron at both driveway entrances with Lily Street shall be maintained with a minimum depth of ten (10) feet.

▪ **PLSP-2020-05-0048 Nantucket Energy, 25 Bunker Road, *action deadline 09-13-20***

The applicant is requesting to modify the existing MCD special permit in order to construct one (1) 60' x 100' building with a new septic system, construct two (2) new pre-engineered steel buildings, and install a new gate at the north east end of the site. The site consists of two leased lots totaling approximately 79,610 square feet and zoned CI. For clarification on the orientation of the site and the respective setbacks, the frontage is being claimed as the unpaved portion of Old South Road, making the Bunker Road portion of the site one of the side yards. The line shown to the south (left side of the plan) is a lease line and not the lot line, therefore the rear-yard setback is applicable to the lot line, which is not a part of the site in question. As proposed, the site complies with all setback requirements.

Included with the packet is a report prepared by Ed Pesce, the Town's consulting engineer.

If approved, the following findings must be made:

- 1) That the request is harmony with the general purpose and intent of the Bylaw; and
- 2) That the request is consistent with the findings in the original decision.

Planning staff recommends approval with the following condition:

- 1) That all of the comments referenced in report prepared by Pesce Engineering & Associated, Inc. on June 4, 2020, with the exception of comment "2.c." addressing setbacks, are addressed prior to the issuance of a building permit and start of construction.

▪ ~~**PLSP-2020-05-0049 Hither Creek LLC, 324 & 326 Madaket Road, 3 & 5 Chicago Street, and Macy Road, *action deadline 09-13-20***~~

~~**WITHDRAWN**~~

Public Comments:

Other Business:

- Updated Public Hearing Schedule
 - Monday, July 20th at 4pm via Zoom/YouTube
 - Monday August 17th at 4pm via Zoom/YouTube
 - Monday September 14th at 4pm via Zoom/YouTube

- Fall and winter schedule not yet confirmed
- An updated list of meetings and deadlines is on the Town's website
- Next regular Planning Board, Monday, July 20, 2020 at 4pm via Zoom/YouTube

Adjournment: