



# Nantucket Planning Board

## STAFF REPORT

Date: January 7, 2021

To: Planning Board

From: Megan Trudel,  
Land Use Specialist

Re: Staff Report for January 11, 2021 Planning Board Meeting

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### Call to order:

### Approval of the agenda:

### Presentation – Arcadis- Coastal Resiliency

### Minutes

- September 14, 2020
- October 26, 2020

### Second Dwellings:

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

**Motion to approve ALL of the secondary dwelling applications on the agenda with any findings and conditions outlined in the Staff Report (pull any application(s) from this motion that the Board feels may require further discussion or if there are any applications where a Board member must recuse).**

- **PBDW-2021-01-0080 38 Derrymore Road LLC, 38 Derrymore Road**

Representation: Tom Garrette

The applicant is proposing to construct a two (2) bedroom second dwelling. The second dwelling will have approximately 649 square feet of ground cover and will be located on the south western portion of the site, which has approximately 20,059 square feet of lot area and is zoned R-1. The proposed six (6) bedroom primary dwelling will have an approximate ground cover of 2,536 square feet.

Both dwellings will be accessed by a proposed shell driveway with an entrance on Derrymore Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain three (3) 9' x 20' exterior parking spaces (two (2) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Derrymore Road shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of two (2) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBDW-2021-01-0081 38 Prospect LLC, 38 Prospect Street**

Representation: Brook Meerbergen

The applicant is proposing to reconfigure the footprint and location of a previously approved second dwelling. The proposed two (2) bedroom second dwelling will have approximately 468 square feet of ground cover and will be located on the southern portion of the site, which has approximately 6,479 square feet of lot area and is zoned ROH. The proposed seven (7) bedroom primary dwelling will have an approximate ground cover of 1,496 square feet.

Both dwellings will be accessed by a proposed shell driveway with an entrance on Derrymore Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain two (2) 9' x 20' exterior parking spaces and one (1) 7' x 17' exterior parking space (two (2) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That the driveway intersection with North Mill Street shall be a minimum width of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of two (2) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;

- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBDW-2021-01-0082 Paul Caggiano, 59B Polpis Road**

Representation: Val Oliver

The applicant is proposing to construct a two (2) bedroom garage apartment. The garage apartment will have approximately 725 square feet of ground cover and will be located on the northwestern portion of the site, which has approximately 42,250 square feet of lot area and is zoned LUG-1. The proposed four (4) bedroom primary dwelling will have an approximate ground cover of 2,171 square feet.

Both dwellings will be accessed by a reconfigured dirt driveway with an entrance on Polpis Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Polpis Road shall be maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBWD-2021-01-0083 Nantucket Homes for People Inc., 2 Blueberry Lane**

Representation: Doug Carlson

The applicant is proposing to construct a three (3) bedroom second dwelling. The second dwelling will have approximately 770 square feet of ground cover and will be located on the northern portion of the site, which has approximately 40,000 square feet of lot area and is zoned LUG-1. The proposed five (5) bedroom primary dwelling will have an approximate ground cover of 2,000 square feet.

Both dwellings will be accessed by a proposed crushed stone or shell driveway with an entrance on Blueberry Lane, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (four (4) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to

the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Blueberry Lane shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBDW-2021-01-0084 Nantucket Homes for People Inc., 4 Blueberry Lane**

Representation: Kristopher Megna

The applicant is proposing to construct a three (3) bedroom second dwelling. The second dwelling will have approximately 780 square feet of ground cover and will be located on the northern portion of the site, which has approximately 40,000 square feet of lot area and is zoned LUG-1. The proposed five (5) bedroom primary dwelling will have an approximate ground cover of 2,008 square feet.

Both dwellings will be accessed by a proposed crushed stone or shell driveway with an entrance on Blueberry Lane, which is a private, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain five (5) 9' x 20' exterior parking spaces (four (4) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Blueberry Lane shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBDW-2021-01-0085 James & Amy VanSicklin, 9 Myles Standish Street**

Representation: Ben Normand

The applicant is proposing to construct a one (1) bedroom second dwelling. The second dwelling will have approximately 904 square feet of ground cover and will be located on the

northern portion of the site, which has approximately 27,006 square feet of lot area and is zoned R-20. The proposed three (3) bedroom primary dwelling will have an approximate ground cover of 1,548 square feet.

Both dwellings will be accessed by a reconfigured dirt driveway with an entrance on Myles Standish Street, which is a private, unpaved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (three (3) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That the driveway intersection with Myles Standish Street shall be a minimum width of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of three (3) parking spaces shall be provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PBDW-2021-01-0086 154 Cliff Road Nominee Trust, 154 Cliff Road**

Representation: David Knouf

The applicant is proposing to construct a one (1) bedroom second dwelling. The second dwelling will have approximately 896 square feet of ground cover and will be located on the northern portion of the site, which has approximately 43,348 square feet of lot area and is zoned R-20. The proposed five (5) bedroom primary dwelling will have an approximate ground cover of 2,217 square feet.

Both dwellings will be accessed by an existing gravel driveway with an entrance on Cliff Road, which is a public, paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain four (4) 9' x 20' exterior parking spaces (three (3) parking spaces are required). The plan, as submitted, meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

Planning staff recommends approval with the following conditions

- 1) That an apron at the driveway intersection with Cliff Road shall be maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That a minimum of three (3) parking spaces shall be provided;

- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

**ANR Plans:**

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

**Motion to approve and endorse ALL of the ANR plans on the agenda (pull any application(s) from this motion that the Board feels may require further discussion or if there are any applications where a Board member will need to recuse).**

▪ **PLSUB-2021-01-000120, Kitty Glantz, 7 Sherburne Turnpike**

Representation: Dan Mulloy

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot 1 will have approximately 8,256 square feet of lot area and Lot 2 will have approximately 9,867 square feet of lot area. Both lots have frontage and access on Sherburne Turnpike, which is a public, paved roadway as well as Sherburne Way, which is a private gravel way. The site is zoned R-1.

Planning staff recommends endorsement.

▪ **PLSUB-2021-01-000121, John Fones, Mary L. Weber & Nancy Dearing, 126 Somerset Road**

Representation: Dan Mulloy

The purpose of this plan is to subdivide an existing buildable lot into two (2) buildable lots. Lot 1 will contain approximately 15,315 of lot area and Lot 2 will contain approximately 11,520 square feet of lot area. Lot 1 has frontage and access on both Somerset Road and Somerset Lane while Lot has frontage and access on only Somerset Road. Both roads are public, paved roadways. It is noted that Lot 2 has a reduced frontage (from 75' to 55') as allowed pursuant to Section 139-16B(3) of the Zoning Bylaw.

*(3) Frontage of a lot may be reduced for an individual lot in a subdivision or on a plan endorsed "approval not required" to a minimum of 50 feet (which width shall not be reduced at any depth within the lot), provided that:*

*(a) The total number of lots does not exceed the total permitted by the area requirements of § 139-16A above.*

*(b) The total frontage of all lots shall meet or exceed the total frontage requirements of § 139-16A above.*

*(c) Each lot shall have a regularity factor of 0.55 or more as required by Subsection D below.*

*(d) Notice of the reduction of frontage for any lot under this § 139-16B(3) shall have been recorded or registered as an encumbrance upon the record title for each lot considered in making any computation under this section concurrently with the recording or registration of the plan which created such lot with reduced frontage or prior to conveyance or building upon any individual lot shown upon such plan.*

Planning staff recommends endorsement.

▪ **PLSUB-2021-01-000122, Norris Building Co. Inc, 14 Lowell Place**

Representation: Jeff Blackwell

The purpose of this plan is a lot line adjustment. No new buildable lots are being created.

Planning staff recommends endorsement.

▪ **PLSUB-2021-01-000123, Timothy Parsons, 33 Hinsdale Road**

Representation: Joe Marcklinger

The purpose of this plan is to subdivide an existing buildable lot into three (3) buildable lots. Lot 996 will contain approximately 25,739 square feet of lot area, Lot 1 will contain approximately 5,649 square feet of lot area, and Lot 2 will contain approximately 6,896 square feet of lot area. All three lots have legal frontage and access on Hinsdale Lane, a private, unpaved roadway. It is opinion of staff that Hinsdale Road is not of sufficient width, suitable grade and adequate construction to provide access to the lots. The applicant proposes to use Egan Lane for access. Although the applicant may practically utilize Egan Lane for access, it is a private, shared driveway that cannot provide the legal frontage and access required to subdivide.

Planning staff recommends that the Board not endorse the plan, that Hinsdale Road be improved, and that the Applicant reapply at a future time.

▪ **PLSUB-2021-01-000124, Michael M. Metz, Clare T. Casademont, Iam Ventures, LLC, 9 & 10 Auriga**

Representation: Mike Connolly

The purpose of this plan is an equal land area swap. No new buildable lots are being created. Lot 1 will be conveyed and combined with Plan No. 2014-70 and Lots 2 & 3 will be conveyed and combined with the remainder of Plan No. 2013-73.

Planning staff recommends endorsement.

▪ **PLSUB-2021-01-000125, Julie Hughes, Trustee of Edna Nominee Trust, 5B Bunker Hill Road**

Representation: Paul Santos

The purpose of this plan is a lot line adjustment. No new building lots are being created.

Planning staff recommends endorsement.

**Previous Plans:**

▪ **#19-19 Bradbury Holdings, LLC, 10.5 Cherry Street, *request for minor modification***

Representation: John Brescher

The Applicant is requesting a minor modification in order to reconfigure the layout of the driveway. In conditions number 1 & 2 of the Special Permit it states that the driveway and aprons must be maintained to a minimum width of ten (10) feet and a maximum width of fifteen (15). The applicant would prefer to pursue a different driveway configuration allowed pursuant to 139-20.1 of the Bylaw, which would have two head in parking spaces. The newly configured driveway access would still satisfy the parking requirement for the site.

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

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

- 1) That the amendment to the previously granted Special Permit does not materially affect the findings and conclusions upon which the Planning Board's previous decision to approve the development was based and therefore shall be allowed without a public hearing.

**Public Hearings:**

- **PLSP-2020-08-0066 Grey Lady Marine (MCD Amendment #2), 13 Arrowhead Drive, action deadline 03-31-2021, *REQUEST TO WITHDRAW WITHOUT PREJUDICE***
- **PLSP-2020-1-0092 2 Mayflower Circle LLC, 2 Mayflower Circle, action deadline 03-14-2021 *REQUEST TO CONTINUE TO 02-08-21***
- **PLSP-2020-11-0094 Nantucket Boys and Girls Club, 69 Sparks Avenue, action deadline 03-14-2021 *REQUEST TO CONTINUE TO 02-08-21***
- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, action deadline 02-21-2021**

Representation: Sarah Alger

***VOTING: Judith Wegner, John Trudel, Nat Lowell, Dave Iverson, Fritz McClure***  
**FROM THE NOVEMBER 23, 2020 STAFF REPORT:**

The applicant is requesting a Special Permit to supersede and replace prior Special Permits 123-86 and 53-13 issued by the Zoning Board of Appeals. Currently, the cottage at 10A Cliff Road houses the manager and other employees and the lodging house located at 10B Cliff Road contains seventeen (17) guest rooms. The applicant is requesting to reconfigure the room layout by converting three (3) guest rooms in the lodging house located at 10B Cliff Road to be used for employee housing and converting the existing employee housing currently located in the cottage at 10A Cliff Road to three (3) guest rooms. There are no proposed exterior or ground cover changes, the reconfiguration is interior only. The overall guest room count of seventeen (17) for the entire site will remain unchanged. The existing residential kitchen, which is licensed through the Board of Health, will be retained. The current use is pre-existing non-conforming. The applicant will be able to cure that status by obtaining a Special Permit, an option that was only recently added to the Bylaw. Currently, on-site parking is not provided at either location and is not being proposed, so the applicant is seeking a waiver, to the extent necessary, for relief from the parking requirement.

Planning staff recommends approval of the application as proposed.

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

- 1) That the proposal is in harmony with the general purpose and intent of the Bylaw;
- 2) That full compliance with the parking requirement is physically impossible for the site; and
- 3) That granting a waiver of the parking requirement will not be contrary to sound



traffic and safety considerations.

**FROM THE DECEMBER 14, 2020 STAFF REPORT:**

This public hearing was not opened at the November 23, 2020 Planning Board meeting. Since that meeting, staff has received several emails from the abutters citing complaints primarily surrounding noise. Planning staff has reached out to the Police Department for a complete list of any noise complaints involving 10A or 10B Cliff Road from the past three (3) years. There have been six (6) documented complaints in the past year (none in the prior two), however, of those complaints, only two were outside of the 10:00pm-7:00/30am restriction, occurring at approximately 10:30pm

Please refer to the Noise Bylaw below (Section 101-2F, which is specific to radio, music, amplification, singing, etc.):

*Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) in such a manner as to create a noise disturbance across a real property boundary.*

*[Amended 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]*

Planning staff's initial recommendations remain the same with the addition of the following conditions:

- 1) That current management contact info shall be provided to be kept on file with the Planning Board at all times; and
- 2) That if complaints surrounding noise are received, the public hearing and Special Permit are subject to be reopened and additional conditions be imposed.

**UPDATE:**

At the December 14, 2020 meeting, several abutting property owners spoke about concerns surrounding noise and the conversion of the current employee housing to guest rooms. It is noted that without the proposed renovations to the site, the guest house may continue to operate as pre-existing non-conforming and not have any conditions imposed by the Board. The Applicant has further agreed to not allow the exterior amplification of music as a condition in the decision.

In addition to the recommended conditions from the December 14, 2020 staff report, planning staff also recommends the following conditions:

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

- **PLSP-2020-12-0097 John G. Wofford, Trustee, 20 Madequecham Valley Road, *action deadline 04-11-2021***

Representation: Jay Maroney

The Applicant is requesting a waiver of the 20% size differential between the primary dwelling and secondary dwelling pursuant to 139-2 of the Zoning Bylaw. The site currently has two dwellings, one with approximately 1,260 square feet of ground cover and another with approximately 940 square feet of ground cover. The Applicant proposes to relocate and increase the size of one of the dwellings from approximately 940 square feet of ground cover to 1,353 square feet of ground cover. As proposed, the differential between the two dwellings will be approximately 7%.

A significant portion (approximately 41,227 square feet since 1968) of the Applicant's property has eroded causing the lot size, and therefore allowable groundcover to decrease. A second dwelling of this size may have met the 20% differential by increasing the size of the primary dwelling, an option no longer available to the Applicant.

The applicant has indicated that Conservation Commission approval is not required to move forward with this applicant.

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

- 1) That the request is consistent with the general purpose and intent of the Bylaw.

Planning staff recommends approval of this application as proposed.

- **PLSP-2020-12-0100 & PLSUB-2020-12-00119 Mark Dawson, Trustee, Fog Nominee Trust, 17 Milestone Crossing, *action deadline 04-11-2021***

Representation: Mark Dawson

The Applicant is proposing to create a Secondary Residential Lot for year-round residents. The market rate lot, shown as "Proposed Parcel 458" will contain approximately 98,457 square feet of lot area. The covenant lot, shown as "Proposed Parcel 458-1" will contain approximately 21,533 square feet of lot area. The applicant is requesting that the Board grant a waiver to allow the covenant lot to have a separate driveway access and to waive the ground cover ratio (as long as the total groundcover for the two proposed lots does not exceed what is currently allowed). The site is zoned LUG-3.

In order to move forward with the Special Permit for the Secondary Lot, the Subdivision must first be modified to allow for the further subdivision of the lot. Additionally, the applicant is requesting that the condition in the original subdivision prohibiting access to Hinsdale Road be removed so that the newly created covenant lot may be accessed from Hinsdale Road. The requested modification is specific to this lot and will not apply to the entire subdivision.

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

**In order to approve, two votes must be taken by the Board**

- Amendment to the Subdivision (3/5)
- Secondary Residential Lot (4/5)

Findings:

- 1) That the proposal advances the intent of the zoning bylaw by creating housing for year-round residents; and
- 2) That the request is consistent with the general purpose and intent of the Bylaw.

Recommended conditions for the AR Subdivision Amendment:

- 1) That this amendment is applicable to 17 Milestone Crossing only; and
- 2) That all other conditions in the original decision shall remain in full force and effect.

Recommended conditions for the Special Permit:

- 1) That the lot shown as “Proposed Parcel 458-1” 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 Applicant grade Hinsdale Road from the driveway entry point to Nobadeer Farm Road;
- 3) That lot shown as “Proposed Parcel 458” may be allowed a Secondary Dwelling (Tertiary Dwelling standards);
- 4) That the requirement for a shared driveway access be waived pursuant to 139-8C(3)(h);
- 5) 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;
- 6) That the interior setback between the market rate lot and the covenant lot be reduced pursuant to 139-8C; and
- 7) That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

▪ **PLSP-2020-12-0098 5 Luff Road LLC, 5 Luff Road, *action deadline 04-11-2021***

Representation: Lisa Botticelli

The Applicant is proposing to construct a secondary dwelling unit. It is important to note that the property was placed in R-10L, which requires a Special Permit for a second dwelling, after similar private deed restrictions in the subdivision expired and the property owners in the neighborhood supported limited density.

The proposed second dwelling will contain one (1) bedroom, will have approximately 748 square feet of ground cover and will be located on the western portion of the site, which has approximately 15,260 square feet of lot area. The existing three (3) bedroom primary dwelling has an approximate ground cover of 972 square feet. Additionally, the Applicant is requesting a waiver from the scale-separation requirement of ten (10) feet pursuant to 139-2, as the proposed new second dwelling will have to be located closer than ten feet to the primary dwelling so that it may remain within the required 10 foot side yard setback.

Both dwellings will be accessed by an existing shell driveway with an entrance on Luff Road which is a private, private paved roadway of sufficient width, suitable grade and adequate construction. The driveway will contain two (2) 9' x 20' exterior parking spaces and two (2) 9' x 20' interior parking spaces, which satisfies the parking requirement (three (3) total spaces are

required).

The Applicant has indicated that Conservation Commission approval is not required prior to the issuance of a building permit.

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

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

Planning staff recommends approval with the following conditions:

- 1) That an apron at the driveway intersection with Luff Road shall be maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That there be a minimum of three (3) parking spaces provided;
- 3) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet;
- 4) That any landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

▪ **PLSP-2020-12-0095 Elena & Veselin Nikolova, 5 Bailey Road, *action deadline 04-11-2021***

Representation: Joe Marcklinger/Elena Nikolova

The Applicant is requesting a second driveway access. The site is located on the corner of Sea Fox Circle and Bailey Road, with the current driveway access on Sea Fox Circle. The proposed second driveway access would be on Bailey Road.

This site is currently subject to multiple open zoning violations which include an unpermitted duplex and an unpermitted tertiary dwelling. Both a duplex and a tertiary dwelling are not allowed on this site without modification to the subdivision, which the Applicant has not been granted or applied for.

It is the opinion of planning staff that the second driveway access would further contribute to the zoning violations and therefore, staff recommends denying the application until the Applicant has resolved the open zoning violations to the satisfaction of the Zoning Enforcement Officer.

▪ **PLSP-2020-12-0099 8SPR, LLC, 8 Sheep Pond Road, *action deadline 04-11-2021***

Representation: Don Bracken

The Applicant is requesting a second driveway access so that a pre-existing non-conforming second driveway access may be relocated to the opposite side of the property. The site is located on Sheep Pond Road, which is a public unpaved roadway. This site is surrounded by Sheep Pond Road on three (3) sides. Both driveway accesses are currently located on the western portion of the site, which is subject to coastal erosion. The driveway access to the second dwelling will remain and will be reconfigured, while the driveway access to the primary dwelling is proposed to be relocated to the eastern portion of the site.

Planning staff recommends approval of this application.

To approve the application, 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 the following conditions:

- 1) That any future landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 2) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet.

▪ **PLSP-2020-12-0096 Adam Kessler, 11 Meadow Lane, *action deadline 04-11-2021***

Representation: Katy Mitchell

The Applicant is requesting a second driveway access so that a “horseshoe” driveway may be created. The site is located on Meadow Lane, which is a public, paved roadway. Additionally, Meadow Lane is a dead end street with limited traffic.

Planning staff recommends approval of the application.

To approve the application, 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 the following conditions:

- 1) That aprons at both driveway entrances with Meadow Lane shall be installed and maintained with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- 2) That any future landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- 3) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet.

**Public Comment:**

**Other Business:**

▪ **Harbor Place Discussion**

If you were not in attendance at the December 21<sup>st</sup> NPEDC meeting, it may be helpful to review the recording of the meeting, specifically the discussion surrounding Harbor Place.

The meeting may be viewed on YouTube using the link below:

<https://www.youtube.com/watch?v=vjK4M2qi21A>

- ATM public hearing previously scheduled for January 14, 2021 is **CANCELLED**
- Next regular Planning Board meeting, Monday, February 8, 2021 at 4pm via Zoom/YouTube
- ATM public hearing scheduled for Thursday, February 4, 2020 at 4pm via Zoom
- ATM public hearing scheduled for Wednesday, February 17, 2020 **1:00pm-4:30pm**

**Adjournment:**