



Nantucket Planning Board

Adopted May 21, 2020
Nantucket Planning Board Minutes

MONDAY, JANUARY 27, 2020
5:00PM
4 Fairgrounds Road
Public Safety Facility Training Room
Second Floor

Board Members: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell – arrived at 5:06PM, “Fritz” McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and David Callahan

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

January 27, 2020

I. Call to order:

Chair Wegner called the meeting to order at 5:03 PM and stated that the acoustics not great in the room where the meeting is being held. See asked those who are going to speak to come forward so they can be heard.

II. Approval of the agenda:

Mr. Trudel moved to approve the agenda, duly seconded by Mr. McClure and voted 4-0 in favor.

III. Public Hearings:

- Zoning Bylaw amendment to create an additional development option to create affordable dwelling units through the issuance of a special permit in the Limited Use General 2 (LUG-2) and Limited Use General 3 (LUG-3) districts (citizen petition); *REQUEST FOR CONTINUANCE TO 02-10-2020*
- Zoning Bylaw amendment and Home Rule Petition to insert a new section adding the requirement for a liability waiver granted by the property owner in favor of the Town of Nantucket prior to the issuance of a building permit for construction on lots on “shorefront land” or within 300 feet of “shorefront land” (citizen petition);

Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and Dave Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation
Representing: Rick Atherton the proponent to the article
Discussion: Mr. Atherton asked the Board for any comments from Town Counsel. Mr. Vorce stated that comments just came in minutes before the meeting started and suggested that the Board continue to review Town Counsel's comments.
Motion/Vote: Mr. Trudel moved to continue to the February 10 th meeting. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

- **Zoning Map amendment to place a property at 25 Rugged Road currently located in the Limited Use General 2 (LUG-2) district in the Residential 20 (R-20) district (citizen petition);**

Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson
Alternates: Stephen Welch, Campbell Sutton and Dave Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams and the proponent to the article Irean Schreiber
Discussion: Chair Wegner opened the floor to the public. Emily Molden from Nantucket Land Council, stated that this neighborhood serves as a transition zone to greater mid island area and the current property owner can do a rear lot subdivision and feels that it is not appropriate way to change the zoning to LUG-1, although she is sympathetic to the applicant's personal situation. Mr. Vorce questioned how came about rear lot. Ms. Molden meant to say covenant lot. Peter Meerbergen at 20 Rugged Road stated that this is setting a precedent for change and said he doesn't support down zoning. Rafael Terrell at 18 Rugged Road stated that he is a bit confused to proposal. Mr. Vorce stated that Lot A contains three (3) lots, so there would be a net increase of two (2) additional lots under LUG-1. Mr. Vorce explained that LUG-1 net gain would be two (2) new lots with a primary, secondary and a tertiary dwelling on each lot. Mr. Rafael stated that he is opposed to this article. Chris Ray at 6 Sturgis Pines stated that he doesn't like single lot zoning change, trickledown effect and is opposed to this article. Julia Linder from ACKNOW stated that she is an opposition to the proposal. Ms. Williams stated that this zoning change should be ok with just a net increase of one more lot and said that the applicant would be willing to sign an agreement. Ms. Schreiber asked why she wouldn't be able to change the zoning, that in her opinion the transition between zoning districts is appropriate and that she doesn't want to be pushed out because she can't subdivide her property and can't see how it would ruin the neighborhood. Mr. Iverson stated that he is against down-zoning however does feel sympathetic to the applicant situation. Mr. Iverson asked the applicant if she would be willing to subdivide in a way of no further subdivision be available, in a way to split in half and would mitigate the concerns of having six (6) more kitchens. Mr. Lowell agreed with Mr. Iverson and that this area is nothing but imperfection from 1972 and problems are not going away. Mr. Lowell stated that this is very emotional and personal however this is a left-over issue. Mr. Lowell suggested a deed restriction to limit this lot to only one subdivision for two (2) lots. Mr. Lowell said he would be in favor of deed restriction to LUG-1. Mr. Trudel stated that this is a tough one, the owner under the current conditions would be eligible to create a covenant lot and doesn't want to set a precedent by being favorable to the applicant's request.

Mr. Trudel stated that he was not in favor of this proposal and understands his colleagues. **Mr. McClure** stated that he understands the hardship and emotion behind the applicant's request, however he agrees with Mr. Trudel and is opposed to a favorable recommendation. **Mr. Welch** stated that he agrees with his colleagues and doesn't want to set a precedent of rezoning on an individual basis. **Mr. Callahan** stated that he is opposed with same reasons however if there was a compromise made a new created lot could be limited to one dwelling. **Ms. Sutton** said she was opposed and agreed with Mr. Trudel, Mr. McClure and Mr. Welch's comments. **Chair Wegner** stated that she agrees with Mr. Trudel, Mr. McClure and Mr. Welch's comments and that it fails for not being consistent with other/previous zoning changes. Chair Wegner said she is sorry for the applicant's personal loss however proposal is not justifiable.

Motion/Vote: Mr. Trudel moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor. Mr. Trudel moved to give a negative recommendation. The motion was duly seconded by Mr. McClure and the Board voted 4-1 in favor. (Mr. Lowell voted in the negative)

▪ **Zoning Map amendment to place 8 properties on the north side of Polpis Road currently located in the Village Residential (VR) district in the Village Neighborhood (VN) district (citizen petition);**

Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and Dave Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Linda Williams, Joe Topham and Robert von Kampen the proponent to the article.

Discussion: **Chair Wegner** opened the floor to the public. **Emily Molden** representing the Nantucket Land Council stated that their concerns relate to the potential for subdivision and additional density and ground cover. She would like to see a vote from the Board for a negative recommendation. **Mr. Callahan** suggested if the article were to move forward that additional limitations on ground cover could be placed on the properties affected. **Mr. Welch** stated that he is concerned with the potential for ground cover increase. **Mr. McClure** stated that based on the principle of the matter and is therefore opposed to the proposal. **Mr. Trudel** stated that he is favorable for the proposal. **Mr. Lowell** stated that he needed more information with more details, consideration for different ground cover ratio and would like to continue to the February 10th meeting. **Mr. Iverson** stated that the problem is the ground cover and concern with potential subdivision either come up with restrictions for no subdivision in the VR. **Chair Wegner** referred to the overlay district section of the Master Plan and is concerned with the level of density in this district. **Mr. Vorce** stated that for any intermediate approach, there needs to be an indication that the property owners will grant a deed restriction and outline what those conditions are, who has the authority to enforce, and that the restriction would be in effect to the maximum allowable time for a private deed restriction, which is thirty (30) years. **Mr. Topham** stated that he spoke to all eight (8) owners. **Chair Wegner** emphasized that such documentation would need to be provided for the next hearing.

Motion/Vote: Mr. Lowell moved to continue to the February 10th meeting for more information from the applicant, including a draft agreement from all of the property owners (less of the two larger lots) that subdivision will not be

allowed, that the allowable ground cover will be reduced to not exceed 15%, and designate an entity to have enforcement rights. Mr. McClure asked when the agreement would be finalized, signed, and put into place. Mr. Vorce stated at time of the Annual Town Meeting votes on article. Ms. Williams stated that the restrictions agreed to would not take effect unless and until the article passes at ATM. The motion to continue was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

▪ **Zoning Map amendment to place 3 properties on Driscoll Way currently located in the Limited Use General 3 (LUG-3) district in the Limited Use General 1 (LUG-1) district (citizen petition);**

Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and Dave Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Linda Williams, James Driscoll and Michael Driscoll

Discussion: Ms. Williams provided a history of the lots. Mr. James Driscoll and Mr. Michael Driscoll both gave presentations about the history of the property. Chair Wegner opened the floor to the public. Emily Molden representing for Nantucket Land Council expressed concerns. Ms. Molden stated that the Planning Board doesn't have clarity about the overall area, utilities and infrastructure are not there and hopes that the Board will vote a negative recommendation. Dual MacIntyre emphasized that based on the 2007 Area Plan for Tom Nevers, the residents do not want development or changes. Bert Johnson at 28 Longwood Drive stated that he is not in favor of rezoning, doesn't want smaller lots, and that there is not availability to connect to Town water and sewer in that area. Mr. Johnson is opposed to the warrant article. Mr. Iverson stated that he feels terrible for the proponents, however he doesn't not agree with rezoning. Mr. Trudel suggested that that matter may be better to be raised at a Fall Special Town Meeting. Mr. McClure stated that his decision aligns with the Area Plan and to approve, would be inconsistent with that plan. Mr. Welch agreed.

Motion/Vote: Mr. Lowell moved to take no action. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

▪ **Zoning Map amendment to place properties on Bayberry Lane currently located in the Residential 20 (R-20) district in the Residential 40 (R-40) district;**

Voting: Judith Welch Wegner (Chair), Nat Lowell, Frederick McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and Dave Callahan

Recused: John Trudel, III (Vice-Chair)

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: This article was originally sponsored by the Planning Board. Mr. Vorce provided information on the subdivision. Mr. Lowell spoke in favor of leaving lots on Ticcoma as they are due to frontage. Mr. Iverson stated that it's heart breaking that the Board steps in to protect a nice house, a neighborhood and then the neighborhood has mixed feelings. Chair Wegner stated that Board should take no action. Ms. Sutton stated that she appreciated the conversation and supports the article as proposal. Mr. McClure had no

comments. **Mr. Callahan** supported taking no action. **Mr. Vorce** stated that there is validity of the northern lots across from R-5, CTEC, the area will end up a neighborhood of mixed zoning when residents/applicants finish submitting preplans and the neighborhood will no longer fully comply with R-40 zoning regulations. **Chair Wegner** stated that if the area is going to be chopped up she would rather take no action. **Marianne Jenkinson**, who is purchasing 1 Bayberry Lane, asked if the Board would consider removing that specific parcel from the article as it has frontage on both Bayberry and Ticcoma. **Mr. Vorce** stated that it is too late to remove specific parcels, but if the article were to be called on the Town Meeting floor, an amendment to remove the parcel could be proposed. **Jeff Morash**, who owns property at 8 Bayberry, stated that that proposal will keep the area as a nice neighborhood and is in favor of the article moving forward. **Josh Morash**, also of 8 Bayberry asked if the Board will give recommendations. **Chair Wegner** stated that you can speak and comment at Town Meeting and Boards role is to give recommendations on the articles. Chris Ray at 15 and 17 Bayberry stated that he just wants to clarify that no properties can be removed on this article. **Mr. Vorce** stated if the Board votes to take no action, zoning remains as is, they could eliminate parcels that's a different approach. **Mr. Welch** stated that if the article had a support a motion could be made where lots could be subtracted, but if the vote to take no actions there is no room to remove. **Emily Molden** from Nantucket Land Council spoke in favor of this proposal and appreciates the Board's thoughts.

Motion/Vote: Mr. Iverson moved to take no action. The motion was duly seconded by Mr. McClure and voted 4-0 in favor.

- **Zoning Map amendment to place properties on Union Street, Francis Street, Washington Street, and Salt Marsh Way currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district;**

Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson
Alternates: Stephen Welch, Campbell Sutton and Dave Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None
Discussion: Mrs. Snell stated that she spoke with most of the property owners and are in favor of this proposal, with the exception of removing 77 Washington Street and 103 Washington Street.
Motion/Vote: Mr. Trudel moved to give a positive recommendation with the removal of 77 and 103 Washington Street. The motion was duly seconded by Mr. Lowell and voted 5-0 in favor.

IV. Public Comments:

No comments.

V. Other Business:

- **Planning Board non-public hearing agenda items is Thursday, February 6, 2020 at 12PM at 2 Fairgrounds Road (conference room)**

Chair Wegner stated that there will be a special meeting. **Ms. Snell** stated that if the Board needs to hold a meeting staff placed a hold for the February 13th. For the regular meeting they will be reviewing the article for the driveway and had to re-advertise for 33 Old South Road and 24 Ticcoma that Board had voted on because the owners came forward with something slightly different from what Board voted for, so it is

back for reconsideration and then the two articles that were continued from tonight's meeting.

- **Planning Board regular meeting will be Monday, February 10, 2020 @ 5:00PM 4 Fairgrounds Road in the PSF Community Room (first floor)**
- **Planning Board, Thursday, February 13, 2020 @ 5:30PM, PSF Community Room (first floor), *Warrant Articles discussion if needed only***

VII. Adjournment:

Meeting adjourned at 8:33PM.

