



Nantucket Planning Board

Adopted May 21, 2020
Nantucket Planning Board Minutes

MONDAY, FEBRUARY 10, 2020
5:00 PM
4 Fairgrounds Road
Public Safety Facility Community Room
First Floor

Board Members: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, “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)

I. Call to order:

Chair Wegner called the meeting to order at 5:05 PM.

II. Approval of the agenda:

Mr. McClure motioned to approve the agenda. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

III. Consent Items:

a. Minutes:

- February 6, 2020
- January 27, 2020
- January 16, 2020
- January 13, 2020
- December 9, 2019
- November 14, 2019

Chair Wegner requested to continue all minutes pending further edits and review. Mr. Lowell motioned to continue all set of minutes. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

Chair Wegner asked for a moment of silence for Dual MacIntyre.

b. **Second Dwellings:**

▪ **PLDW-2020-02-0017 Amy Ambrecht, 13 Gingy Lane (Map 41 Parcel 850)**

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None.

Motion/Vote: Mr. Lowell motioned to approve PLDW-2020-02-0017 for a second dwelling, also granting the waiver for separate driveway access, in accordance with the recommendations and findings outlined in the staff report. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

▪ **PLDW-2020-02-0018 Sixty-Four Pocomo Road Realty Trust, Christopher Kelly, Trustee, 64 Pocomo Road (Map 15 Parcel 30)**

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: Came back because the Applicant is reconstructing the footprint, slight change. Meets all parking requirements.

Motion/Vote: Mr. Trudel motioned to approve PLDW-2020-02-0018 in accordance with the recommendations outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

IV. Previous Plans:

- **#61-19 & 8139 Hawthorne Park, Hawthorne Lane & Hummock Pond Road, *Approve legal documents***
Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson
Alternates: Campbell Sutton and David Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Attorney Sarah Alger
Discussion: Attorney Alger requested that the Board approve and sign for a reconfiguration of the driveways at the Hawthorne Park development.
Motion/Vote: Mr. McClure motioned to approve the amendments. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

V. Public Hearings:

- **#62-19 Mid-Island Service Limited Partnership MCD, 41 & 43 Sparks Avenue, *action deadline 3-31-2020, CONTINUE TO 03-09-2020***
- **#71-19 Merlos Landscaping, Inc. (Modification #3), 8B Greglen Avenue, *action deadline 04-31-2020, CONTINUE TO 03-09-2020***
- **PLSUB-2019-12-00018 Skinners Way Subdivision, 320R Milestone Road, *action deadline 04-29-2020, CONTINUE TO 04-13-2020***
- **PLSP-2020-01-0030 ACK Crazy LLC, 9 West Chester Street, *action deadline, 05-10-2020, CONTINUE TO 03-09-2020***

Mr. Trudel motioned to approve the request for a continuance for the public hearings above. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

- **PLSP-2020-01-0031 Millie's Market (Amendment #10), 324 Madaket Road, *action deadline 05-10-2020***
Voting: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, Frederick McClure, and David Iverson
Alternates: Stephen Welch (**ABSENT**), Campbell Sutton and David Callahan
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: None
Discussion: Seeking to amend the MCD. Seeking to put a farm truck on the market property. Staff suggest that the applicant submit a site plan to show where truck will be located on property. Chair Wegner opened the floor to the public. Dave Bartlett at 29 Somerset Road stated that they would like to provide service for Madaket. Mr. Trudel stated that he has no objection and suggest having the farm truck closer to the Market due to safety reasons. Mr. Iverson questioned hours of operations. Mr. Bartlett stated hours of operations will be 8am to 1pm. Mr. Lowell no issues where food truck will be located if open until 1pm. Mr. Iverson trust staff to work with Applicant for locating of farm truck. Mr. McClure no concerns. Ms. Sutton expressed that farm truck be out of way of driveway entrance due to bikers and walker's safety.
Motion/Vote: Mr. Lowell motioned to close the public hearing. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor. Mr. Trudel motioned to approve per staff recommendations, also hours of operation be 8am to 1pm and staff work with applicant for the location of where farm truck will be, and that this amendment is in harmony of the general Bylaw and allowing the use of the farm truck on the site is consistent with the original decision. The vote was unanimous.
- **PLSP-2020-01-0032 Francisco Merlos, 4 Forrest Avenue, *action deadline 05-10-2020***

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

Alternates: Campbell Sutton and David Callahan

Recused: John Trudel (Vice-Chair)

Documentation: File with associated plans, photos and required documentation

Representing: Attorney John Brescher and Francisco Merlos

Discussion: Applicant proposes to construct a 900 square foot steel structure and concrete block storage bay for landscaping materials. Attorney Brescher stated that he understands that there is a proposed zoning change. Staff suggested that if there are any changes to the site plan come back to the Planning Board. Chair Wegner opened the floor to the public. There was a brief discussion of the exterior storage be screened in by a wall, fence or densely planted vegetative buffer. Mr. Iverson stated that he is concern with the storing of landscape materials and how much will be stored. Mr. Merlos stated that he supplies his own fertilizers and a concrete pad beneath the exterior storage bays. Applicant will need to provide Certificate of Water Quality Compliance from the Water Company.

Motion/Vote: Mr. McClure motioned to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 4-0 in favor. Mr. Lowell motioned to approve the application and that the amendment is in harmony with the general purpose and intent of the Bylaw and per staff recommendation and that the applicant get the Certificate of Water Quality Certificate from the Water Company. The motion was duly seconded by Mr. McClure and the Board voted 4-0 in favor.

▪ **PLSP-2020-01-0033 KENAKQUAP LLC, 13 & 15 Spearhead Road, *action deadline 05-10-2020***

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

Alternates: Stephen Welch(**ABSENT**), Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Michael Wilson

Discussion: Screening be installed at the end of Spearhead Road. Attorney Wilson stated that the tenant has made use of this property. Attorney Wilson stated that the corner of the hoop house might be infringing on the setback and that his client willing to provide screening and not higher than the chain link fence or willing to explore mesh fence. Chair Wegner opened the floor to the public. No comments were made.

Motion/Vote: Mr. McClure motioned to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor. Mr. McClure motioned to approve the use of storage on the site, that the use of storage be in harmony with the general purpose and intent of the Bylaw and that the use with the subject to the recommendation with staff and screening installed within ninety days by Spearhead road. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

▪ **PLSP-2020-01-0029 Hera & Sujata Maharjan, 24 Bailey Road, *action deadline 05-10-2020***

Held until the consultant arrives.

▪ **PLSP-2020-01-0034 Winthrop Nantucket Realty Trust, 7 & 9 Salem Street; 2 & 4 New Whale Street; Straight Wharf, *action deadline 05-10-2020***

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

Alternates: Stephen Welch(**ABSENT**), Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Dan Bailey and co council Arthur Reade.

Discussion: The Applicant is seeking relief from the open space and to reduce the requirement area. The entire site is non-conforming. Going before the Zoning board of Appeals for a relief of the setback. Trying to create conforming lots to sell and redevelop. Attorney Reade stated that nothing is physically changing on the ground in the result of this. Mrs. Trudel stated that in the staff review it was suggested that there be a discussion amongst the Board that a vote considering that an equivalent value of what's being asked to be waived in terms of landscaping, open space maybe donated in another part of Downtown, what came to mind initially is the Easy Street property. Mr. Vorce stated that there are a few public spaces being developed for open space in the vicinity. Mr. Vorce stated that in the past the Board accepted freeze or other types of investment. Chair Wegner questioned the differential percentage of waiver. Mrs. Trudel stated that 10 %, a calculation of 8,838 square feet. Attorney Bailey stated that in this case nothing is being built only creating lot lines. Chair Wegner opened the floor to the public. No comments were made. Ms. Sutton questioned ground cover if temporary or will be carried through. Attorney Bailey stated that it will be temporary. Mr. Trudel stated that he would like to take note in the comment of deferring if this is of housekeeping and Board wanted to make some type of contingency where upon approval that the donation of the equivalent value would be deferred or at which time something was acted on and questioned if Board can do that in writing. Mr. Vorce stated that it can be made as part of their record. When having future discussion on this property that it is documented that it is part of the Boards consideration for it.

Motion/Vote: Mr. McClure motioned to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Mr. McClure motioned to approve the application for the special permit, finding that the request is in keeping with the general purpose and intent of the Bylaw, that the applicant cannot seek further relief from the open space requirements as broken down per parcel and notated in the application and decision without further relief from the Board. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

▪ **Warrant Articles Discussion:**

▪ **Article #61:**

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(**ABSENT**), Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Rick Atherton

Discussion: Mr. Atherton stated that he appreciates the work staff has done with additional slides and maps on the screen. He hopes that the Board or Town in general get more proactive on the spirit to ensure that individuals developing property on the shorelines is given a liability waiver in favor of the Town. Mr. Atherton stated that if not appropriate on the Zoning Code find another place for it and figure out another way to go about it. Mr. Atherton accepts that comments in green for Article 61 drafted by the staff has done. Chair Wegner commented that she will do her best to pursue these issues and continue to work with it. Mr. Lowell stated that this is more of a legal issue. Mr. Trudel stated that he likes the intent of the article, however the legality of the wording is going to create some issues and need to keep it an open dialogue. Mr. McClure concurs with the comments made so far. Mr. Callahan agrees with staff's recommendations. Ms. Sutton stated see that it will take a few years putting together however in those few years it will put Town in greater liability. Have property owners sign acknowledging they are held responsible so it is on record that they are taking their own risk themselves. Chair Wegner stated that the opinion from Town Counsel does not do justice to all the aspects to this.

Motion/Vote: Mr. Trudel motioned to give a negative recommendation with the Planning Board comment. The motion was duly seconded and the Board voted 5-0 in favor.

▪ **Article #60:**

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);

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

Alternates: Campbell Sutton

Recused: David Callahan recused

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Steven Cohen

Discussion: Town Counsel reviewed Attorney Cohen's marked up article and got comments from the Town moderator. The article is similar in concept from last year's Town Meeting and if the Board does not give it a positive recommendation the Town Meeting cannot consider it by a majority vote by the Board. Chair Wegner stated that for the record the Board received Attorney Cohen's letter Saturday night after 10PM for Monday night which meant staff could not review it before Board could get the staff report and have raised that kind of concern before and feels that it is not good practice in terms of citizens affected by things coming before the Board and is asking to weigh that in future. Attorney Cohen apologized and that they were still in active conversation with stake holders hoping to get to a place where they have the best information which they received which ended up slowing down the submission. Attorney Cohen stated that he pointed out that the proposal from last year was broadly done and what he is hearing from the Board that this is a decent idea however let's work on it and come back next year so now that is what they have done. Attorney Cohen is hoping that it could go to Town Meeting with the Boards support to move forward. The article would create a five (5) year pilot program in which the Planning Board can grant Special Permits for new subdivisions under the following terms: limited to only five lots of 160,000sf in the LUG-3 zone in Tom Nevers West; no more than four (4)

lots could be created from each original lot; 50% of the new buildable lots would have to be restricted to affordable housing under the NHNC program or a program that qualifies under the Subsidized Housing Inventory List; minimum lot size would be 20,000 sf for affordable lots and 40,000 for market rate lots; all lots restricted to one single family dwelling and the Planning Board would be empowered to control for any impacts by regulating access, parking, curb cuts, utilities, further subdivision, screening, buffer areas, ground cover, height, location, and uses. Mr. Lowell stated that he supports the process of this however the issues is this is going to turn into ruining Tom Nevers and making affordable housing from the publics eye. Chair Wegner opened the floor to the public. Attorney Arthur Reade represent Patricia and Kevin Cummings property owners in Tom Nevers expressed concern that this is inappropriate location for this type of zoning change to take place. Chair Wegner stated that Attorney Cohen designated for five properties. Attorney Reade stated that he is not sure how the five lots are going to be determine and that it violates the requirements for a uniformity under the Zoning district and that it should go to Town Counsel. Attorney Reade stated that this article increases the density. Attorney Reade urge the Board to give it a negative recommendation should they act on this article. Cormac Collier speaking as a private citizen stated that this is the third time that zoning has been attempted to change. Mr. Collier stated that he has never of all his years and area plan has been created that the Planning Board agreeing to a zoning change contrary to an area plan. Collier stated that the covenant program that currently exist works, do not want the increase density, increase growth in the neighborhood. Mr. Collier asked that the Board should look at this in two ways: 1. It's fundamentally flawed in a legal matter and that Town Council provided consideration that it should not be brought back forward if has a negative opinion; and 2. It does not conform with state law and the proposal will not be in uniform across the district. Mr. Cormac asked that the Board vote negatively against this article, consistent with proposed language which stated that it is contrary to the Town and Country Overlay District planning and contrary to Planning which is considered with zoning changes. Attorney Sarah Alger stated that she is not speaking for or against the article only to ask if the Board saw second opinion from Town Council's office that was received today, just an opinion that there might be an issue with this, introducing a potential of spot zoning issue because only a few specifically identifiable lots would be eligible for the rural affordable alternative. Kevin Cummings property on Ipswich stated that Attorney Cohen said that he spoke with the stake holders but had no benefit of not talking with him. Mr. Cummings asked the Board to vote a negative recommendation due to density. Mr. Cummings suggested that this needs more discussion and kick it for next year. Robert Colletti at Sandpiper Way felt that to change the other lots not fair for other people and that we should stick with the Master Plan. Mike Getter stated that point was raised as to how the five (5) lots were determined those five lots are in support of this amendments and that is how they were selected. Attorney Cohen stated that there is a misunderstanding or mischaracterization that this is not a zoning change in this area that this is a zoning option. Attorney Cohen stated that he really wants this viewed as positive for the community. Attorney Cohen willing to work further on this, do more homework and not rush to Town Meeting. Mr. Trudel stated that this is very sensitive issues, the intent has merit to. Mr. Trudel read his list of what was discussed and feels that he cannot support this article at this time. Mr. McClure's stated that he has the same comments as Mr. Trudel and gave a negative recommendation. Ms. Sutton

questioned how to go about amending Area Plan and if possible. Mr. Vorce stated that there are nine (9) elements that must be looked at including housing, open space utilities which are all part of the process. Needs to go to NP&EDC with a workgroup, NP&EDC appoints the Workgroup, usually puts a member in the committee and have a staff person to help. A good practice to follow is a 10 to 15 year “tune-up”. Chair Wegner stated that she would vote not to recommend. Chair Wegner gave following reasons such as: relying on the opinion from Town Counsel, too similar from last year’s ATM, the Area Plan needs to be updated, a predominant opinion from many people who thinks that we shouldn’t be proceeding piece mail on this, feels that its part of the Country Overlay District, services not available (no public water and sewer) and finds the process to be problematic, not fair to be giving the people limited information at the very last minute, those are her reasons not to recommend it. Attorney Cohen stated that he’s got a technical question, he stated that he is willing to withdraw the article for it to go to another Town Meeting. Mr. Lowell asked Attorney Sarah Alger if the Board denies versus take no action does this affect them coming back or do they have to wait for two (2) years. Attorney Alger stated that it is just a continuation from the existing two (2) years, it does not reset the two (2) years. If they go back in the fall they would need a positive recommendation to be heard at the Special Town Meeting.

Motion/Vote: Mr. Iverson motioned to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Mr. Lowell motioned to take no action. The motion was duly seconded – no seconded. Motion failed. Mr. McClure motioned to give a negative recommendation based on Town Counsels opinion, any further proposal in the future should be preferred back to the process of the Area Plans. The motion was duly seconded by Mr. Trudel and the Board voted 4-1 in favor. (Mr. Lowell opposed)

RECESS AT 7:20PM

RECONVENED AT 7:28PM

▪ **Article #44:**

Zoning Map amendment to place properties at 33 Old South Road and 24 Ticcoma Way currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district and/or Commercial Neighborhood (CN) district;

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: Mr. Vorce – Article to reconsider, the division line is moving a little bit and reason is that the front portion of lot that runs all the way from Old South Road to Ticcoma is currently in the RC-2 district and the front portion go to the Commercial Neighborhood district. Chair Wegner opened the floor to the public. No comments were made.

Motion/Vote: Mr. Lowell motioned to re-consider. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor. Mr. Trudel motioned to close the newly opened public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Mr. Trudel motioned to give a positive recommendation with that Lot 1 is rezoned to CN and Lot 2 to

designated to R-5 duly seconded by Nat Lowell and the Board voted 5-0 in favor.

▪ **Article #50:**

Zoning Bylaw amendment for new driveways within the “Core Historic Districts” requiring that a Certificate of Appropriateness must be issued by the Nantucket Historic District Commission prior to driveway access approval by the Department of Public Works;

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: **Mrs. Backus the Preservation Planner** – An amendment to section 139.20.1 driveway article. Requiring a Certificate of Appropriateness be issued for new driveways within the Core Historic Districts by the Historic District Commission prior to driveway access approval by the Department of Public Works. **Mr. Trudel** - In favor of this. Questioned time frame, retroactive sunset clause and those that are in the pipe line already. **Mr. Vorce** – In effect now. Anything that didn’t receive a permit is essentially grandfathered. Moving forward don’t see any real issues here. **Mrs. Backus** – HDC staff has already implemented on applications. **Mr. Trudel** – Wanted a definitive clarification of time frame, when does it take effect. **Mr. Vorce** – The date is whenever this article was advertised is when it took effect. Chair Wegner opened the floor to the public. **Attorney Arthur Reade** – There should be language in the Bylaw identifying as the Core Historic District. **Paul Santos** – Questioned if CDT is exempt from the parking requirement. **Mr. Vorce** – Could still choose to put a driveway in if wanted to. They would need to get permit in advance, reviewed by HDC before DPW issue a permit. Technically can have a driveway in the CDT if can find lot that could support parking spot. **Mr. Santos** – Questioned where exactly putting language in the zoning bylaw. **Mrs. Backus** - Section 139-20.1B at the end.

Motion/Vote: Mr. Trudel motioned to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor. Mr. Lowell motioned to give a positive recommendation. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

▪ **Article #63:**

Zoning Bylaw amendment to add a provision that 1 out of every 10 building permits issued for new residential dwelling units must designated as “affordable” (Citizen Petition); and

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Andy Lowell

Discussion: Andy Lowell gave a brief presentation of the proposed article. **Mr. Vorce** - Town Counsel initial opinion is that it is a nonbinding article, it doesn’t

have any Bylaw amendment attached to it. It would need legislation, or an actual Bylaw attached to it. The article essentially proposes rate of growth type regulation which is not constitutional to just impose. Chair Wegner opened the floor to the public. **Mr. McClure** – Based on Town Counsels advice this will not work. **Mr. Trudel** – The intent is great; how do you determine who gets the market and who gets the affordable this proposal poses legal problems. Opposed to this. **Mr. Iverson** – Appreciates the spirit however getting units in the SHI list is very complex situation and to hold up everyone’s building permit based on that is a very tough one to do. Needs to be worked out. **Chair Wegner** – Long legal issues and not practical. Can’t really see how to implement this approach legally, can’t support it. makes sense
Motion/Vote: Mr. McClure motioned to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Mr. Trudel motioned to give a negative recommendation. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Article #64:

Zoning Bylaw amendment to add a provision requiring that public infrastructure within 500 feet of a property boundary must be documented photographically and any damage resulting from construction must be repaired by the property owner prior to the issuance of a certificate of occupancy or other certification of completion of the approved work (Citizen Petition).

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Andy Lowell

Discussion: Mr. Vorce - Not sure what this article is. Doesn’t have an actual Bylaw attached to it. Should be consulted by staff. Building Commissioner is here and can talk about what he can and cannot do. Damage public property is public property and is not under control by the PLUS office under control by Town. Enforcement of Town owned property comes from two sources, DPW and Police Department. Other entities in Town have enforcement availability. Chair Wegner opened the floor to the public. **Jeff Morash at 35 Meadow**

View Drive and Building Inspector – Probably a question for the Select Board if the Powers to be were to give the Building inspector a little power to help clean up the trash he would be willing to make sure job sites are clean.

Paul Murphy, Building Commissioner – Extremely difficult to enforce. People don’t understand where he draws his authority. As a matter of law, he does not have the authority to withhold a Certificate of Occupancy something that is not related to zoning or Building code. The public right of ways is not regulated by PLUS.

Motion/Vote: Mr. McClure motioned to close the public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Mr. Lowell motioned not to adopt. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.

▪ **PLSP-2020-01-0029 Hera & Sujata Maharjan, 24 Bailey Road, *action deadline 05-10-2020***

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Linda Williams and Hera Maharjan

Discussion: **Ms. Williams** – Gave brief proposal. Mrs. Trudel – Previous gave a denial however as it has come back staff gave a positive recommendation for several reasons. It provides access to both sides of the duplex. Gives two access points on two different roads. Similar second curb cut access was approved last month across the street from this site. Chair Wegner opened the floor to the public. No comments were made.

Motion/Vote: Mr. Trudel motioned to close the public hearing. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor. Mr. Trudel motioned to approve with staff recommendations that the validated driveway access on Bailey Road be brought into compliance of 139-20.1 and 139-18 within forty-five (45) days of the filing of this decision and also that the findings number one (1) - That the second driveway access is not contrary to sound traffic and safety considerations because the site is located on a corner lot and the second driveway access provides separate access to each side of a duplex on different streets and number two (2) That the second driveway access does not have adverse impact on the scenic or historical integrity of the neighborhood as it is consistent with current approvals recently made by this Board, most notably the direct abutter across the street at the January 9, 2020 meeting. The motion was duly seconded and the Board voted 5-0 in favor.

▪ **Article #55:**

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(**ABSENT**), Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Linda Williams

Discussion: **Ms. Williams** – Request to take no action. Chair Wegner opened the floor to the public. No comments were made.

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

VI. **Preliminary Plans:**

- **PLSUB-2020-02-00028 Tamzin Carr Hutchinson, 8 Bayberry Lane (Map 67 Parcel 72), 3 lots, 2 buildable lots**

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

Alternates: Campbell Sutton and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Paul Santos, Surveyor, Josh Morash, Jeff Morash and Attorney Arthur Reade

Discussion: **Mr. Santos** – Gave summary of proposal. Town Sewer. Two (2) buildable lots. **Mr.**

Lowell – Questioned if rear lot provision for later. **Mr. Iverson** – Concern certain portion of

clearance. **Mr. Vorce** – Once the land is frozen there are other options that the Board can

consider. A rear lot subdivision is the way to go.

Motion/Vote: Mr. Lowell motioned to close the public hearing. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor. Mr. Lowell motioned to endorse option one as the preferred preliminary plan for 8 Bayberry. The motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

VII. Public Comments:

VIII. Other Business:

- **Finance Committee Warrant Articles recommendations/comments**

- **Discussion of Planning Board comments on articles 47, 48, 51, 55, 58, 60, 61, and 63**
 - Mr. Vorce** - Drafted language for Board to review and add some comments.
 - Article 47:** Move to take no action. Mr. McClure motioned to approve the comments and duly seconded by Mr. Lowell and the Board voted 5-0 in favor.
 - Article 48:** **Mr. Lowell** – Questioned time frame of when all comments need to be in by. **Chair Wegner** – Will attend Fincomm and ask to reconsider and provide an explanation. **Mrs. Snell** – Planning Board motions need to be submitted to Fincom on February 18th, then on March 3rd. Fincom will adopt all final motions and on March 4th the Select Board reviews the Fincomm and the Planning Boards recommendations. **Mr. Vorce** – Feels that Fincomm will reconsider on what they voted. **Chair Wegner** – Mr. McClure motioned to approve the comment. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.
 - Article 51:** **Mrs. Snell** – Consider comment added and felt that it would be helpful to the reader. **Mr. Vorce**- Not to get confused with the other bylaw. Mr. Lowell motioned to accept the language with change. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.
 - Article 55:** **Chair Wegner** – Moved to take no action. **Mr. Vorce** – Still thinks that there is another approach here not changing to commercial. Mr. Trudel motioned to not include the comment. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.
 - Article 58:** **Mr. Vorce** – Fincomm didn't finalize the motion and may come up on March 18th meeting. **Mr. Vorce** – Not recommending for this change to happen. Did speak to Stephen Maury about this and his concern was does this open the door to four stories and that has never been the intent of this article. Suggested could deal in a future Town meeting. The intent is three stories and not four stories. The Boards in review would be through Planning Board and HDC. **Mr. Lowell** – During the review require lower than forty (40) feet in height. Mr. Lowell motioned to approve the comments duly seconded by Mr. Trudel and the Board voted 5-0 in favor.
 - Article 60:** **Chair Wegner** - No need to act on this.
 - Article 61:** **Chair Wegner** – Board agreed to take no action and leave comment. Mr. Iverson motioned to approve to take no action and to include comment. The motion was duly seconded by Mr. Trudel and the Board voted 5-0 in favor.
 - Article 63:** Negative motion. Mr. McClure motioned to approve the comments and strike the first and leave the second duly seconded by Mr. Lowell 5-0 in favor.

- Mrs. Backus – Briefly updated and summarized the Hazard Mitigation plan.

- **Planning Board, Thursday, February 13, 2020 @ 5:30PM, PSF Community Room (first floor), *Warrant Articles discussion if needed only***
- **Discuss upcoming meeting dates for non-public hearing agenda items to address ANRs, escrow release, etc.... at 2 Fairgrounds Road. 12PM-1:00PM (Thursday once a month).**
- **Next regular Planning Board meeting – Monday, March 9, 2020 @ 5:00PM, PSF**

Community Room (first floor)

VII. Adjournment:

Meeting adjourned at 9:10 PM.