



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

STAFF REPORT

Thursday, April 8, 2021

1:00 PM

www.nantucket-ma.gov

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_dtObGfHZTp-rRnc8GBu2Sw

To view the LIVE broadcast of the meeting, see *YouTube Link* at <https://youtu.be/JXViAtCqdSI>

Date: April 6, 2021

To: Zoning Board of Appeals

From: Eleanor W. Antonietti, Zoning Administrator

Re: April 8, 2021

I. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

- 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Dr. Reade
Action Deadline July 5, 2021 **CONFLICTS: None Known**
Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition 'a.' that the "studio shall not be for human habitation". Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of

2 Fairgrounds Road Nantucket Massachusetts 02554
508-325-7587 telephone 508-228-7298 facsimile

owner's title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

This is a request to further modify prior Special Permit relief to allow the conversion of the nonconforming garage/studio structure into a 1-BR secondary DU. ZBA Decision No. 030-11 approved a reduction of the sideline setback from 10' to 5' pursuant to Section 139-16.C(1) to allow construction of a garage/studio as close as 5.5' from the northerly side yard lot line. The approval was subject to the following conditions:

a. Said studio shall not be for human habitation.

b. There shall be no bathtub or shower facilities in the Studio.

c. The footprint of the studio shall be no larger than 582 square feet, as shown on the attached site plan entitled, "Site Plan to Accompany Zoning Board of Appeals Application," prepared by Blackwell and Associates, Inc., dated May 10, 2011, attached hereto as "Exhibit A."

d. The ridge height of said studio shall be no higher than twenty-three (23) feet.

The Board may recall this applicant received additional relief in Decision No. 25-19. At that time, Applicants proposed to modify or eliminate conditions b, c, & d in the prior decision. Specifically:

- Elimination of condition 'b'.
- Modification of Condition 'c' to validate the As-Built ground cover of the garage at 595 SF.
- Modification of Condition 'd' to validate the As-Built ridge height of the garage at 23.3'.

2

Applicants also sought validation of the As-Built siting of the garage/studio as close as 5.3' from the northerly side yard lot line. The 2011 approval allowed for a reduction from 10' to "approximately 5.5 feet".

Applicants received Planning Board approval on 2/8/2021 for a Second Dwelling with a Special Permit to grant a waiver from the 10' scalar separation.

Both the 2011 & 2019 decisions and the Planning Board materials are **INCLUDED AT END OF THIS STAFF REPORT.**

The site provides adequate parking (3 spaces) to accommodate the uses upon the premises.

- 07-21 William S. Cowzer & Aisling L. Cowzer 32 Equator Dr. Williams
Action Deadline July 5, 2021 **CONFLICTS: None Known**
Applicants are requesting Modification of a previously issued Special Permit in the Decision in ZBA File No. 106-93 granted pursuant to Zoning By-law Section 139-16.C(1) in order to reduce the required southwesterly side yard setback from 10 feet to 6.6 feet to validate the siting of an existing bulkhead. A Modification was granted in the Decision in ZBA File No. 16-14 to construct an exterior "walk-down" set of stairs in place of the bulkhead, reducing the setback to 5.4 feet at its closest point. However, as the Special Permit was never exercised within the statutorily required 3-year time period, relief has arguably expired. Applicants are now seeking the same relief in the form of a Modification of the Decision in File No. 106-93 for the same project. The Locus is situated at 32 Equator Drive, is shown on Assessor's Map 56 as Parcel 340, and as Lot 80 upon Land Court Plan 35397-G. Evidence of owner's title is registered on Certificate of Title No. 23394 with the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

Pages 10 - 43

This is a straightforward request to reissue a prior approval. The applicants came before the Board on March 13, 2014, with the same request to modify a 1993 Special Permit which validated a said to be unintentional intrusion into the southwesterly side yard setback area brought about because the builder for the prior owner constructed a bulkhead not shown on the plans submitted to and approved by the Building Department in connection with the 1987 Bldg. Permit. The 1993 DECISION, found on Pages 21-24 of the Packet, granted relief by Special Permit pursuant to Section 139-16.C(1) “to reduce the sideline setback to validate the current siting of the structure, a bulkhead entrance, that encroaches upon the setback by 2± feet”, subject to the condition that no further alterations be made within the sideline setback without further relief from the ZBA. The existing bulkhead is in fact sited 6.6’ at its closest point to the southwesterly side yard lot line, somehow resulting in a greater intrusion than the 2.2±’ into the 10’ side yard setback required in R-20. The 1987 Building Permit for the 3-bedroom SFDU was issued a CO in February 1994. An As-Built Plot Plan by Richard Earle dated January 18, 1994, is **INCLUDED AT END OF THIS STAFF REPORT**.

The applicants took title to the property from prior owner in November 2009.

In 2014, they requested and received approval to demolish the existing BILCO/bulkhead and replace it with a new basement walkout. Unfortunately, they were unable to exercise the relief within the statutory 3-year requirement and are therefore back before the ZBA to request the same relief for the same proposal. The proposed basement access will be sited no closer than 5.4’ as shown on ZBA Exhibit Plan prepared by Paul Santos, dated 4/6/2021, and **INCLUDED AT END OF THIS STAFF REPORT**.

The relief is requested as a Modification of prior relief which was granted per Section 139-16.C(1) which reads:

The Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, SR-10, R-20 and SR-20 to five feet.

Staff recommends approval.

- 08-21 EBWC, LLC
Action Deadline July 5, 2021

4 Lincoln Ave. Beaudette

CONFLICTS: LB; MJO

Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A to allow for the extension, alteration, and change of a dwelling which is pre-existing nonconforming as to height. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. Specifically, Applicant proposes to construct an addition to the dwelling with a ridge height extending from the pre-existing nonconforming ridge height. As a result of the project as proposed, the height nonconformity will decrease slightly. The Locus is situated at 4 Lincoln Avenue, is shown on Assessor’s Map 30 as Parcel 151, as Lot 1 upon Land Court Plan 33167-B. Evidence of owner’s title is registered on Certificate of Title No. 27906 with the Nantucket County District of the Land Court. The site is zoned Residential One (R-1).

This is a request to alter a structure which is pre-existing nonconforming as to height. The proposal consists of renovating and building an addition to the circa 1920 dwelling. The ridge height will become slightly less nonconforming as a result of the project, decreasing to 32.46’ from an existing height of 32.79’ where 30’ is the maximum allowed pursuant to Section 139-17.A.

Other alterations are proposed upon the premises which do not require relief, including the removal of a garage structure which is currently sited within the side yard setback.

Both existing and proposed conditions are shown on Site Plan on Page 53 of the Packet. Architectural plans are on Pages 55-61 of the Packet.

Relief is requested pursuant to **Section 139-33.A(1)(a)** which reads:

Preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that:

(a) The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. [...]

II. OTHER BUSINESS (Votes may be taken)

III. ADJOURNMENT (VOTE WILL BE TAKEN)

JAYNE C. & BRIAN F.
DEBIASIO

39 MEADOW VIEW DR.

FILE NO. 06-21

SPECIAL PERMIT

MATERIALS

PROVIDED

BY STAFF



2011 00134331

Cert: 23121 Doc: SP
Registered: 08/09/2011 01:52 PM



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554**

11 JUL 15 A9 58

Date: July 15, 2011

To: Parties in Interest and Others concerned with the Decision of
The BOARD OF APPEALS in the Application of the following:

Application No: 030-11

Owner/Applicant: BRIAN F. DEBIASIO AND JAYNE C. DEBIASIO

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a
complaint in Land Court within TWENTY (20) days after this day's
date. Notice of the action with a copy of the complaint and
certified copy of the Decision must be given to the Town Clerk so
as to be received within such TWENTY (20) days.

Ed S. Toole (SAB)

Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-228-7215.

**NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554**

Assessor's Map 56, Parcel 133
39 Meadow View Drive
Residential - 20

Land Court Plan 14830-0, Lot 50
Certificate of Title No. 23,121

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, June 9, 2011, at 1:00 P.M., at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of BRIAN F. DEBIASIO AND JAYNE C. DEBIASIO, c/o Paul S. Jensen, PC, PO Box 3097, Nantucket, MA 02584, File No. 030-11:

2. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-16.C.(1) (reducing side yard setback to five feet) in order to construct a garage/studio approximately 5.5 feet from the side yard lot line in a zoning district that requires a ten (10) foot side yard setback that can be reduced to five (5) feet with Special Permit relief. The Locus is situated at 39 Meadow View Drive, is shown on Nantucket Tax Assessor's Map 56 as Parcel 133, is shown on Land Court Plan 14830-0 as Lot 50, and is registered as Certificate of Title No. 23,121 in the Nantucket County Registry District of the Land Court. The property is zoned Residential - 20.

3. Our decision is based upon the application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There was one (1) letter from the direct abutter to proposed garage/studio and a petition signed by nine (9) additional abutters, all approving the Applicant's plans and urging the Board to grant the requested relief.

4. Attorney Paul Jensen and the Applicant were present at the hearing. Attorney Jensen explained that the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-16.C.(1) in order to reduce the side yard setback from ten (10) feet to five (5) feet.

The Applicant stated that he intends to construct a garage/studio approximately 5.5 feet from the side yard lot line in a zoning district that requires a ten (10) foot side yard setback that can be reduced to five (5) feet by Special Permit. The Applicant is **burdened by existing wetlands** on the property. The only location where the Applicant could **build outside** the **50' wetland boundary** is within the ten (10) foot side yard setback.

The Board asked the purpose of the studio and reiterated to the Applicant that such a structure shall **not be for human habitation**. The Applicant confirmed that the use would not be for human habitation.

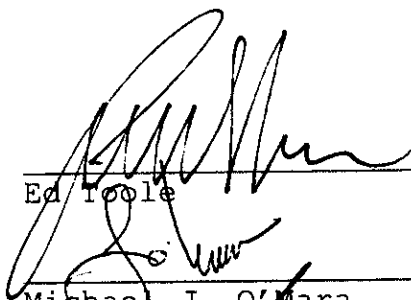
5. Therefore, after a discussion with the Applicant and Counsel for the Applicant, the Board finds that such a Special Permit may be granted to reduce the side yard setback from ten (10) feet to five (5) feet to allow the applicant to site the studio because such a permit would be in harmony with the general purpose and intent of the Zoning Bylaw.

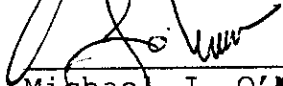
6. Accordingly, by a vote of FOUR in favor and ONE opposed (McCarthy opposed), the Board of Appeals made the finding that a Special Permit reducing the side yard setback from ten (10) feet to five (5) feet could be granted to the Applicant in order to allow the Applicant to site a studio within said ten (10) foot setback would be in harmony with the general purpose and intent of the Zoning Bylaw with the following conditions:

- a. Said studio shall not be for human habitation.
- b. There shall be **no bathtub or shower facilities** in the Studio.
- c. The **footprint** of the studio shall be **no larger than 582 square feet**, as shown on the attached site plan entitled, "Site Plan to Accompany Zoning Board of Appeals Application," prepared by Blackwell and Associates, Inc., dated May 10, 2011, attached hereto as "Exhibit A."
- d. The **ridge height** of said studio shall be **no higher than twenty-three (23) feet**.

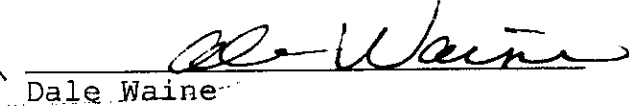
SIGNATURE PAGE TO FOLLOW

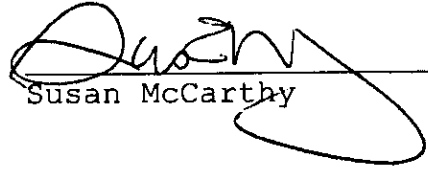
Dated: July 15, 2011


Ed Toole


Michael J. O'Mara


Kerim Koseatac

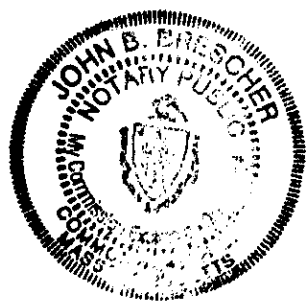

Dale Waine

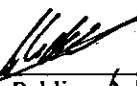

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

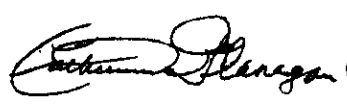
Nantucket, ss. July 15, 2011

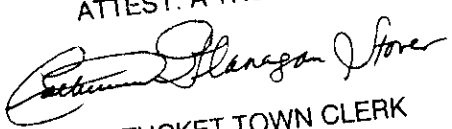
On this 15 day of July, 2011, before me, the undersigned Notary Public, personally appeared Ed Toole, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he she signed it voluntarily for its stated purpose.




Notary Public: John B. Brescher
My commission expires: 12/31/2012

I CERTIFY THAT 14 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

 TOWN CLERK

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

AUG 09 2011



2019 00163564

Cert: 23121 Doc: MSP
Registered: 11/04/2019 03:47 PM

NANTUCKET
TOWN CLERK

2019 OCT -9 PM 3:46



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554**

Date: September 27, 2019

To: Parties in Interest and Others concerned with the Decision of
The BOARD OF APPEALS in the Application of the following:

Application No.: 25-19

Owner/Applicant: JAYNE C. DEBIASIO & BRIAN F. DEBIASIO

Property Description: 39 Meadow View Drive
Map 56, Parcel 133

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a
complaint in Nantucket Superior Court or Land Court within TWENTY
(20) days after this day's date. Notice of the action with a copy
of the complaint and certified copy of the Decision must be given
to the Town Clerk so as to be received within such TWENTY (20)
days.


Eleanor W. Antonietti,
Zoning Administrator

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND
WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW
SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY
QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT
508-325-7587.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 56, Parcel 133
 39 Meadow View Drive
 Residential Twenty ("R-20")

Certificate of Title No. 23121
 Land Court Plan No. 14830-O
 Lot 50

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, held on Thursday, September 12, 2019 at 1:00 P.M., at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **JAYNE C. DEBIASIO & BRIAN F. DEBIASIO**, 39 Meadow View Drive, Nantucket, Massachusetts 02554, **File No. 25-19**.
2. Applicants are seeking to modify prior relief by Special Permit (Decision File No. 030-11) which permitted a reduction of the sideline setback from ten (10) feet to five (5) feet in order to construct a garage/studio within the northerly side yard setback. The structure has been constructed and when the "as-built" survey was done in pursuit of the Certificate of Occupancy, issues arose related to certain conditions contained in the Decision which applicants seek to either eliminate or alter in order to validate the as-built structure. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as Parcel 133, as Lot 50 upon Land Court Plan 14830-O. Evidence of owner's title is registered on Certificate of Title No. 23121 at the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).
3. Our decision is based upon the application and accompanying materials, representations and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. Except for presentation by the applicants' representative, there was neither support nor opposition presented at the public hearing.
4. Applicants' representative explained that the Applicant is requesting to modify prior Special Permit relief granted in Zoning Board of Appeals Decision No. 030-11 (registered as Document No. 134331 at the Nantucket County District of the Land Court) which approved a reduction of the sideline setback from ten (10) to five (5) feet pursuant to Section 139-16.C(1) to allow construction of a garage/studio as close as 5.5 feet from the northerly side yard lot line. The approval was subject to the following conditions:
 - a. *Said studio shall not be for human habitation.*
 - b. *There shall be no bathtub or shower facilities in the Studio.*

- c. *The footprint of the studio shall be no larger than 582 square feet, as shown on the attached site plan entitled, "Site Plan to Accompany Zoning Board of Appeals Application," prepared by Blackwell and Associates, Inc., dated May 10, 2011, attached hereto as "Exhibit A."*
- d. *The ridge height of said studio shall be no higher than twenty-three (23) feet.*

The studio has been constructed and when the "as-built" survey was done in pursuit of the Certificate of Occupancy, certain discrepancies became apparent in connection with specific conditions contained in the Decision.

5. Applicants propose to modify or eliminate three of the conditions in the prior decision in the following manner:
 - **Elimination of condition (b)** prohibiting bathtub or shower facilities in the Studio. In 2011 when the Special Permit was granted, the area was not yet on Town sewer but has since been connected. The property is also on Town water.
 - **Modification of condition (c)** to validate the As-Built ground cover of the garage at 595 sq. ft. as shown on plan entitled, "Building Location Plan of Land in Nantucket, Mass.", dated August 2, 2019, prepared by Blackwell & Associates, Inc., a reduced copy of which is attached herewith as "Exhibit A", for a difference of roughly thirteen (13) sq. ft.
 - **Modification of condition (d)** to validate the As-Built ridge height of the garage at 23.3 feet, an increase of roughly 3.5 inches from the maximum permitted 23 feet, per letter dated August 13, 2019, from Jeff Blackwell, P.L.S. dated 8/13/19, submitted with this application.
6. In addition, Applicants are seeking validation of the As-Built siting of the garage/studio. The approval was for a reduction from ten (10) feet to "approximately 5.5 feet" from the northerly side yard lot line. However, the above-referenced survey shows the structure as close as 5.3 feet, in excess of five (5) feet allowable by Special Permit relief pursuant to Section 139-16.C(1), for a difference of roughly 1.5 inches.
7. Accordingly, by **UNANIMOUS** vote, the Zoning Board of Appeals made the finding that the proposed amendments to the prior Special Permit granted in File No. 030-11 were in harmony with the purpose and intent of the Zoning By-law, and **GRANTED** the **MODIFICATION** to the **SPECIAL PERMIT** as requested by the applicants, by striking condition (b), modifying conditions (c) and (d), and validating the as-built garage/studio as shown on "Exhibit A", all as set forth above. Condition (a) and the remainder of the relief in said Special Permit shall remain in full force and effect.

SIGNATURE PAGE FOLLOWS

Assessor's Map 56, Parcel 133
39 Meadow View Drive
Residential Twenty ("R-20")

Certificate of Title No. 23121
Land Court Plan No. 14830-O
Lot 50

Dated: September 12, 2019

**I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER
THE DECISION WAS FILED IN THE OFFICE OF THE
TOWN CLERK, AND THAT NO APPEAL HAS BEEN
FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11**

NOV 04 2019

TOWN CLERK

ATTEST: A TRUE COPY

Nancy R. Holmes
NANTUCKET TOWN CLERK

[Signature]
Edward S. Toole

[Signature]
Michael O'Mara

[Signature]
Geoffrey W. Thayer

[Signature]
Jim Mondani

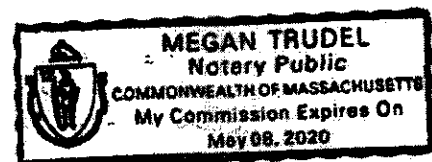
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 4th day of October, 2019, before me, the undersigned notary public, personally appeared Jim Mondani, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that they signed the foregoing instrument as their free act and deed and voluntarily for the purposes therein expressed.

[Signature]
Official Signature and Seal of Notary Public

My commission expires: May 6, 2020



*REF. SPECIAL FORMS #030-11, DOC. 134331.

56-132
N/P
37 MEADOW VIEW DRIVE TRUST
CERT. #4382
L.C.C. 14830-0
LOT 48

BUILDING LOCATION OF LAND IN NANTUCKET, MA

SCALE: 1" = 20' DATE: AUGUST 1988
JAYNE C. DEBIA
 Owner: **BRIAN F. DEBIA**
 Cost. of Title \$43121 Map L.C.C. #1
 Locust: . . 30 MEADOW VIEW DRIVE
BLACKWELL & ASSOCIATES
 Professional Land Surveyors

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF HANFORD BY BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PRELIMINARY LINE SURVEY. THE PROPERTY LINES SHOWN ON THIS ESTABLISH PROPERTY LINES BASED ON THE BEST AVAILABLE RECORDS AND ARE NOT BASED ON ANY AUXILIARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLATS OF RECORD.

THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: 58 PARCEL: 133

T: 2025 1 JAN 8
W: DRAMFRA@BOSTON.GOV CONN.DIG 8/2/2012 8:40:42 AM EDT

**BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.**

SCALE: 1" = 20' DATE: AUGUST 2, 2018

JAYNE C. DEBIASIO
BRIAN F. DEBIASIO

Owner: **BRIAN F. DEBIASIO**

Cont. of Title: #23121 . Plan: L.C.C. 14830-Q, 101, 80

Locust: 30 MEADOW VIEW DRIVE

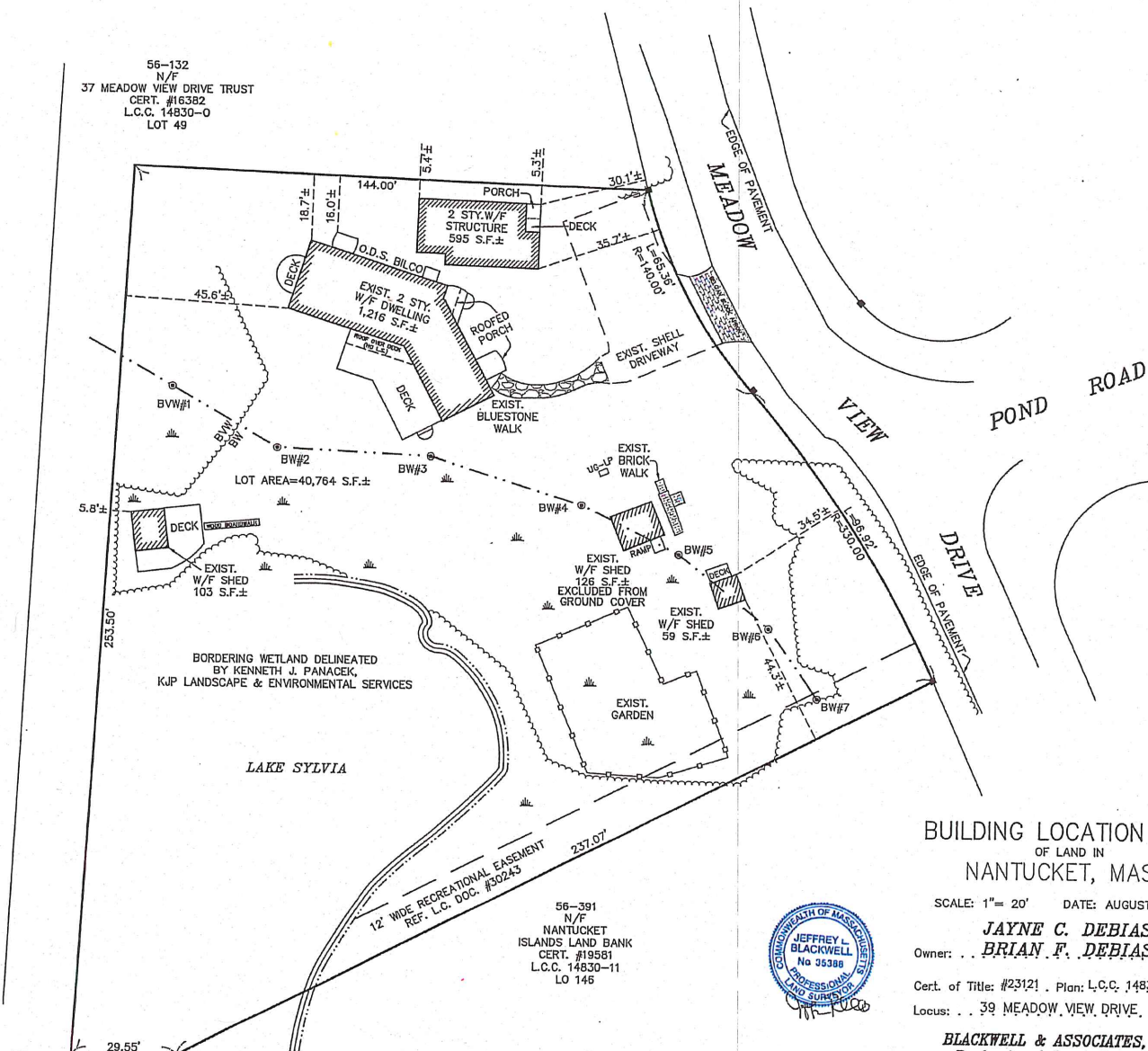
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
80 TRADDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 226-8028

B7S78

EXHIBIT A

MINIMUM LOT SIZE:	20,000 S.F.	40,764 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.*	SEE PLAN
GROUND COVER % :	12.5%	4.8% ±

56-132
N/F
37 MEADOW VIEW DRIVE TRUST
CERT. #16382
L.C.C. 14830-0
LOT 49



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.

THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: . . 56 . . , PARCEL: . . 133 . .

T:\CHRIS 1 JOB 9
V:\DRAWFILES\B7378\SEWER CONN.dwg 8/2/2019 8:46:42 AM EDT

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 20' DATE: AUGUST 2, 2019

JAYNE C. DEBIASIO

Owner: . . BRIAN F. DEBIASIO . . .

Cert. of Title: #23121 . Plan: L.C.C. 14830-0, LOT 50

Locus: . . 39 MEADOW VIEW DRIVE

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



B7378

"EXHIBIT A"

PLANNING BOARD

FILE # PBDW-2021-010089



NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49



Nantucket Planning Board

APPLICATION FOR A SECONDARY (2ND) DWELLING PERMIT

Date Submitted: 01-11-2021 Fee Amount: \$100-

Applicant: Jayne C. DeBiasio and Brian F. DeBiasio

Mailing address: c/o Reade, Gullicksen, Hanley & Gifford, LLP, 6 Young's Way,
P.O. Box 2669, Nantucket, MA 02584

Daytime phone number: 508-228-3128 Fax: 508-228-5630

E-mail Address: air@readelaw.com

Owner (if other than applicant): Same

Mailing address: _____

Signature of Property Owner(s) *Attors / Reade & Atty*

Location of proposed secondary (2ND) dwelling:

Street Address: 39 Meadow View Drive

Assessors Tax Map #: 56 Parcel #: 133

Size of Parcel: 40,764 sf Zoning District: R-20

Secondary Dwelling # of Bedrooms: 1

Primary Dwelling # of Bedrooms: 3

Number of Parking Spaces required (See Chapter 139-18 of the Bylaw): 3

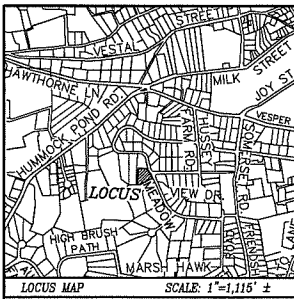
Number of Parking Spaces provided: 3

Does construction of the secondary dwelling require the approval of the Conservation Commission? (Y/N) No If yes, has the approval already been granted? (Y/N) --

Please provide a brief description of the proposed second dwelling:

PLEASE DO NOT WRITE "SEE ATTACHED."

Existing studio to be converted to one-bedroom secondary dwelling,
as shown on plan by Blackwell & Associates, Inc., dated January 7, 2021,
filed herewith.



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

MINIMUM LOT SIZE:	20,000 S.F.	40,764 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.*	SEE PLAN
GROUND COVER % :	12.5%	4.8% ±

*REF. SPECIAL PERMIT #030-11, DOC. 134331.

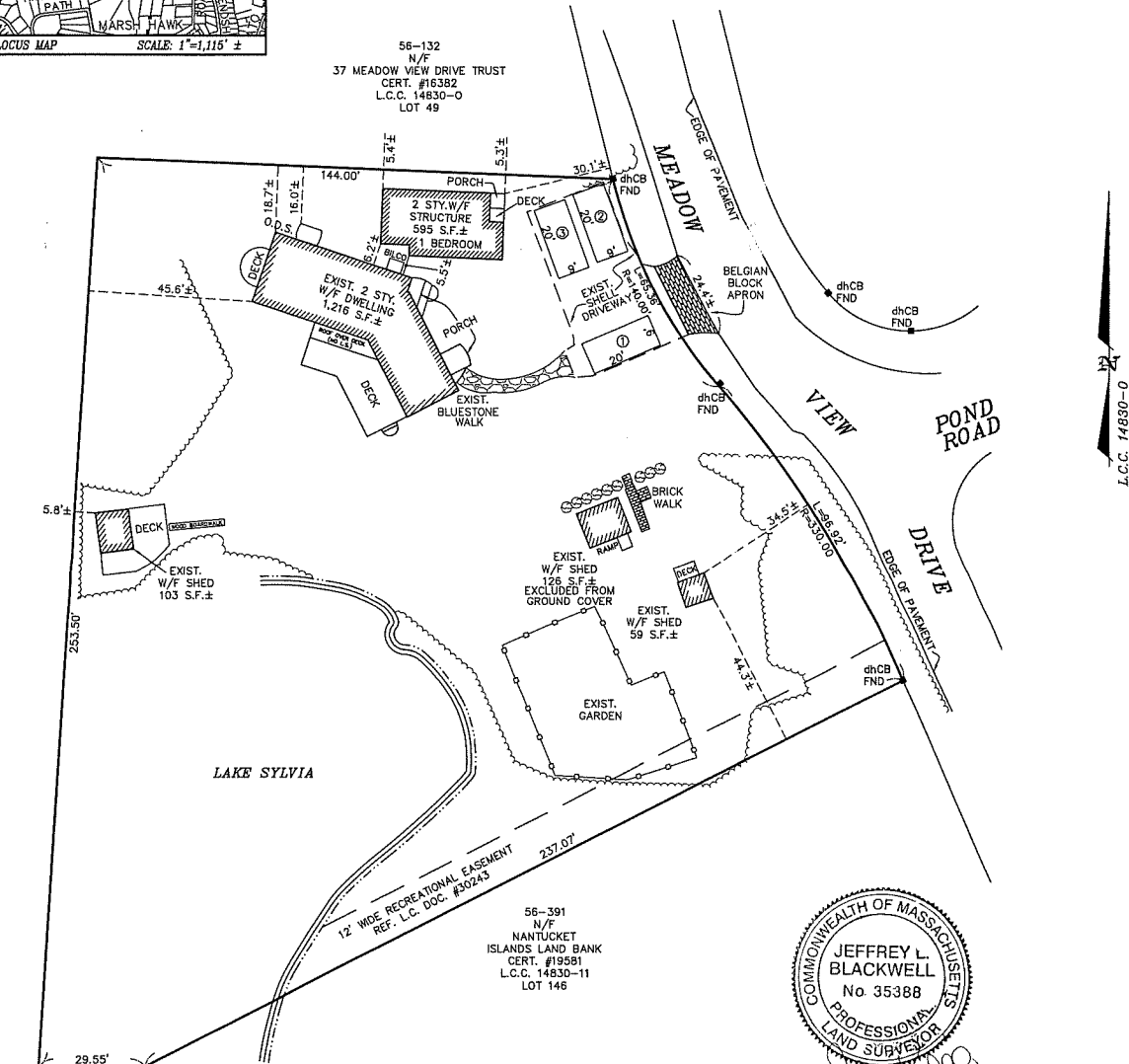
LEGEND

dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND

--- DENOTES EXIST. EDGE OF BRUSH

--- DENOTES EXIST. PLANK FENCE

56-132
N/F
37 MEADOW VIEW DRIVE TRUST
CERT. #16382
L.C.C. 14830-0
LOT 49

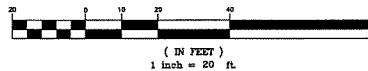


OWNER INFORMATION

JAYNE C. DEBIASIO
BRIAN F. DEBIASIO
CERT. OF TITLE #23121
L.C.C. 14830-0, LOT 50
ASSESSOR'S MAP 56, PARCEL 133
#39 MEADOW VIEW DRIVE

LOT AREA = 40,764± S.F.

GRAPHIC SCALE



BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

SITE PLAN OF LAND

PREPARED FOR
JAYNE C. & BRIAN F. DEBIASIO
#39 MEADOW VIEW DRIVE
NANTUCKET, MA
MAP: 56, PARCEL: 133

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1

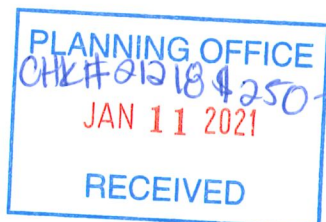
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JANUARY 07, 2021

NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49



Nantucket Planning Board

Application for a Special Permit

Date: January 11, 2021 Planning Board File #: _____

Name of development: _____

Owner(s) name(s): Jayne C. DeBiasio and Brian F. DeBiasio

Mailing address: c/o Reade, Gullicksen, Hanley & Gifford, LLP, 6 Young's Way, P.O. Box 2669, Nantucket, MA 02584

Phone number: 508-228-3128 Fax number: 508-228-5630 E-mail: air@readelaw.com

Applicant's name: Same

Mailing address: _____

Phone number: _____ Fax number: _____ E-mail: _____

Engineer / surveyor's name: _____

Mailing address: _____

Phone number: _____ Fax number: _____ E-mail: _____

Location of lot(s):

☐ Street address 39 Meadow View Drive

☐ Tax Assessors Map 56 Parcel 133

☐ Nantucket Registry of Deeds. Plan Book and Page OR

Plan File # OR Land Court Plan # 14830-O at Certificate # 23121
Lot 50

Size of parcel: _____ sq. ft. Zoning District: _____

Special Permit sought: (check one)

- ☐ Cluster subdivision
- ☐ Commercial WECS
- ☐ Driveway Access/Curb Cut Special Permit
- ☐ Harbor Overlay District (HOD)
- ☐ Major Commercial Development (MCD)

Nantucket Planning and Land Use Services ▪ 2 Fairgrounds Road ▪ Nantucket ▪ MA ▪ 02554 ▪ (508) 325-7587

- ☐ Multi-family Special Permit
- ☐ Moorlands Management District Subdivision or Construction (MMD)
- ☐ NEHOD (Neighborhood Employee Housing Overlay District)
- ☐ MRD (Major Residential Development)
- ☐ MIPOD (Mid-Island Planned Overlay District)
- ☐ Other Uses Requiring a Special Permit (specify all uses and *Nantucket Code* sections)

Section	Description
<u>139-2</u> <u>(Definitions)</u>	The applicants request relief by Special Permit from the requirement of 10 feet of scalar separation between primary and secondary dwellings, in connection with conversion of an existing studio to a secondary dwelling. The structures are 5.5 feet apart at the closest point, as shown upon plan by Blackwell & Associates, Inc., dated January 7, 2021, filed herewith.

Specify all associated Zoning Code relief sought:

Section	Description

Only the zoning relief expressly requested above will be considered as part of this application.

If applying for a Major Commercial Development, specify how the application will comply with Section 139-11 (j) of the *Zoning Code of the Town of Nantucket*, also known as the Town's Affordable Housing Effort:

Planning Board filing fee due: \$ _____

Engineering Inspection Escrow Deposit due: \$ _____

I/ we hereby certify that the applicant(s) cited above have been authorized by me/ us to file a Special Permit application with the Planning Board on property that I/ we own.

Nantucket Planning and Land Use Services ▪ 2 Fairgrounds Road ▪ Nantucket ▪ MA ▪ 02554 ▪ (508) 325-7587

JAYNE C. DEBIASIO and BRIAN F. DEBIASIO

By:



Owner(s)' Signature(s) Arthur I. Reade, Jr., Attorney

Applicant's Signature

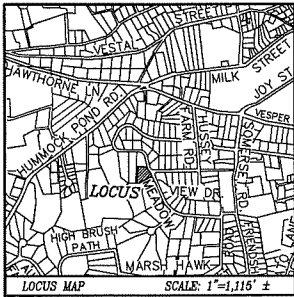
I/we _____, the undersigned, hereby authorize
_____ to act as agent(s) on my/our behalf and to
make any necessary revisions on this filed application as they may be requested by the Board to meet its governing
rules and guidelines.

Owner(s)' signature(s)

Check List:

- ☐ Planning Board Special Permit abutters list – to be obtained at the Tax Assessor's office
- ☐ Completed application form entitled "Application to the Planning Board for a Special Permit"
- ☐ Application fee of \$250.00 payable to Town of Nantucket
- ☐ Abutters fee of \$6.90 per abutters payable to Pitney Bowes Reserved Funds
- ☐ Four (4) sets of mailing labels with each abutter's name and address
 - 1" x 2 5/8" size, typed labels, are preferred
 - duplicate labels are not necessary if the same owner is listed for more than one abutting property
- ☐ Town Clerk's stamped application (*provide 2 copies to the Town Clerk-one for Town Clerk and one for Planning Board*)

*****All materials MUST also be submitted via email to mtrudel@nantucket-ma.gov and cancero@nantucket-ma.gov.**



CURRENT ZONING CLASSIFICATION:
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MINIMUM LOT SIZE:	20,000 S.F.	40,764 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
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GROUND COVER %:	12.5%	4.8% ±

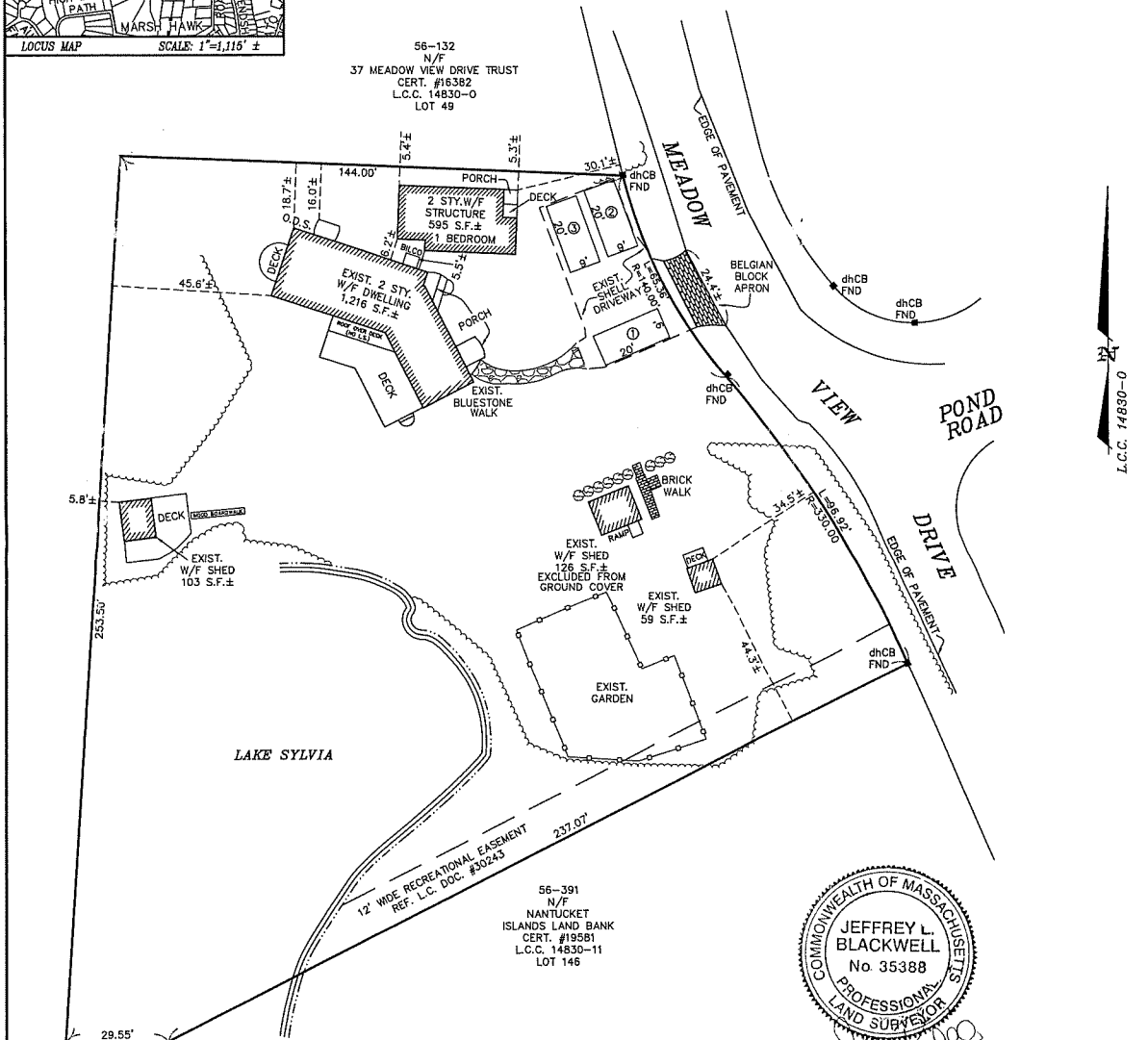
*REF. SPECIAL PERMIT #030-11, DOC. 134331.

LEGEND

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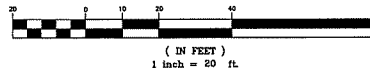
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#39 MEADOW VIEW DRIVE

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GRAPHIC SCALE



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JANUARY 07, 2021

SITE PLAN OF LAND
PREPARED FOR
JAYNE C. & BRIAN F. DEBIASIO
#39 MEADOW VIEW DRIVE
NANTUCKET, MA
MAP: 56, PARCEL: 133

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1

B7378



UPDATE

Original Meeting Posting Date: 02-03-2021

Time: 3:42PM Posting Number: T 114

MEETING POSTING

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed, and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

Committee/Board/s

PLANNING BOARD

Day, Date, and Time

MONDAY, FEBRUARY 8, 2021 @ 4:00PM

Location / Address

REMOTE PARTICIPATION VIA ZOOM WEBINAR

**Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached). Information on viewing the meeting can be found at <http://www.nantucket-ma.gov/138/Boards-Commissions-Committees>*

Signature of Chair or
Authorized Person

MEGAN TRUDEL
LAND-USE SPECIALIST

WARNING:

IF THERE IS NOT A QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

**The Planning Board meeting will be audio and video recorded*

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), Meg Trudel (Land Use Planner) and Catherine Ancero (Administrative Specialist)

PLANNING BOARD AGENDA 02-08-2021

(Subject to change)

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

*The complete text, plans, application, or other material relative to each agenda items are available for inspection digitally. Email requests may be sent to mtrudel@nantucket-ma.gov *

Participation in Public Hearings and Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the below link to register for Zoom participation. Contact mtrudel@nantucket-ma.gov with any questions.

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_ZzKjbOa6R0ycJUdVytjkWg

To view the meeting only, see link below: YouTube Link:

<https://youtu.be/rpG-mhhZYfw>

I. Call to order:

II. Approval of the agenda:

III. Minutes:

- September 14, 2020
- October 26, 2020

IV. Second Dwellings:

- Rafael Osona, 8 Boulevarde (Map 80, Parcel 75)
- EPR RGH LLC, 119 Eel Point Road (Map 33, Parcel 17.2)
- Jayne C. DeBiasio & Brian F. DeBiasio, 39 Meadow View Drive (Map 56, Parcel 133)
SEE PUBLIC HEARING
- Kyle Snell, 5 Pine Crest Drive (Map 68, Parcel 427)
- 2 Mayflower Circle LLC, Frank Glaser, 2 Mayflower Circle (Map 68, Parcel 725)
- 14 North Road LLC, 14 North Road (Map 43, Parcel 83)
- Catherine Kinsella, 19B Hummock Pond Road (Map 56, Parcel 468)
- Robert & Linda Flanagan, 19 Longwood Drive (Map 71, Parcel 41)
- Mark & Lynda Cutone, 35 Chuck Hollow Road (Map 75, Parcel 105)
- Kingfisher Realty Trust, 278 Polpis Road (Map 25, Parcel 2)
- James Fong, 85 Tom Nevers Road (Map 91, Parcel 14)
- FAE Andrew Perlman LLC, 17 Sherburne Turnpike (Map 30, Parcel 172.1)
- Nantucket 62 Walsh LLC, 60-62 Walsh Street (Map 29, Parcels 85 & 85.2)
- 5 Luff Road LLC, 5 Luff Road (Map 66, Parcel 351)
- Samuel & T. Michelle Oliva, 7 Shady Lane (Map 30, Parcel 171)

V. Tertiary Dwellings:

- FAE Andrew Perlman LLC, 17 Sherburne Turnpike (Map 30 Parcel 172.1)

VI. ANR Plans:

- Timothy Parsons, 33 Hinsdale Road (Map 68 Parcel 411)
- Marylin Lane Homeowners Association Trust, 9 Correia Lane (Map 80 Parcel 58)
- Samuel Limperis, 12 Lovers Lane (Map 68 Parcel 196)
- Kyle M. & Michelle J. Roberts, 8 Green Meadows (Map 67 Parcel 381)
- George U. & Susan M. Carneal, Trustees of the Carneal Nantucket Trust, 19 Sherburne Turnpike Road (Map 30 Parcel 173),
- James G. & Sarah R. Tyler, 47 Millbrook Road (Map 56 Parcel 231)

VII. Previous Plans:

- #7661 Woodland Hill Lot Release
- #7321 White Whale Lane Lot Release
- #8254 Reliance Way Lot Release

VIII. Public Hearings:

- PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle, *action deadline 06-15-2021*
REQUEST TO CONTINUE
- PLSP-2020-12-0098 5 Luff Road LLC, 5 Luff Road, *action deadline 04-11-2021*
REQUEST FOR WITHDRAWAL
- PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, *action deadline 02-21-2021*
- PLSP-2020-11-0094 Nantucket Boys and Girls Club, 69 Sparks Avenue, *action deadline 06-15-2021*
- PLSP-2020-12-0095 Elena & Veselin Nikolova, 5 Bailey Road, *action deadline 04-11-2021*
- PLSP-2020-12-00102 Isaiah Stover, 63 Cato Lane, *action deadline 05-09-2021*
- PLSP-2021-01-00101 Charles & Myra Wrubel Trustees of Reedy Owl Realty Trust, 8 Walbang Avenue, *action deadline 05-09-2021*
- **PLSP-2021-01-00103 Jayne C. DeBiasio & Brian F. DeBiasio, 39 Meadow View Drive, *action deadline 05-09-2021***
- PLSP-2021-01-00105 LMD Investment Limited Partnership, 140 & 144 Pleasant Street, *action deadline 05-09-2021*
- PLSP-2021-01-00104 Six Essex Road Condominium, 6B Essex Road, *action deadline 05-09-2021*

IX. ATM Warrant Articles *(Carry over from the February 4, 2021 Planning Board meeting if necessary. An updated meeting posting will be posted on Friday, February 5, 2021)*

❖ Zoning Articles Proposed by the Planning Board:

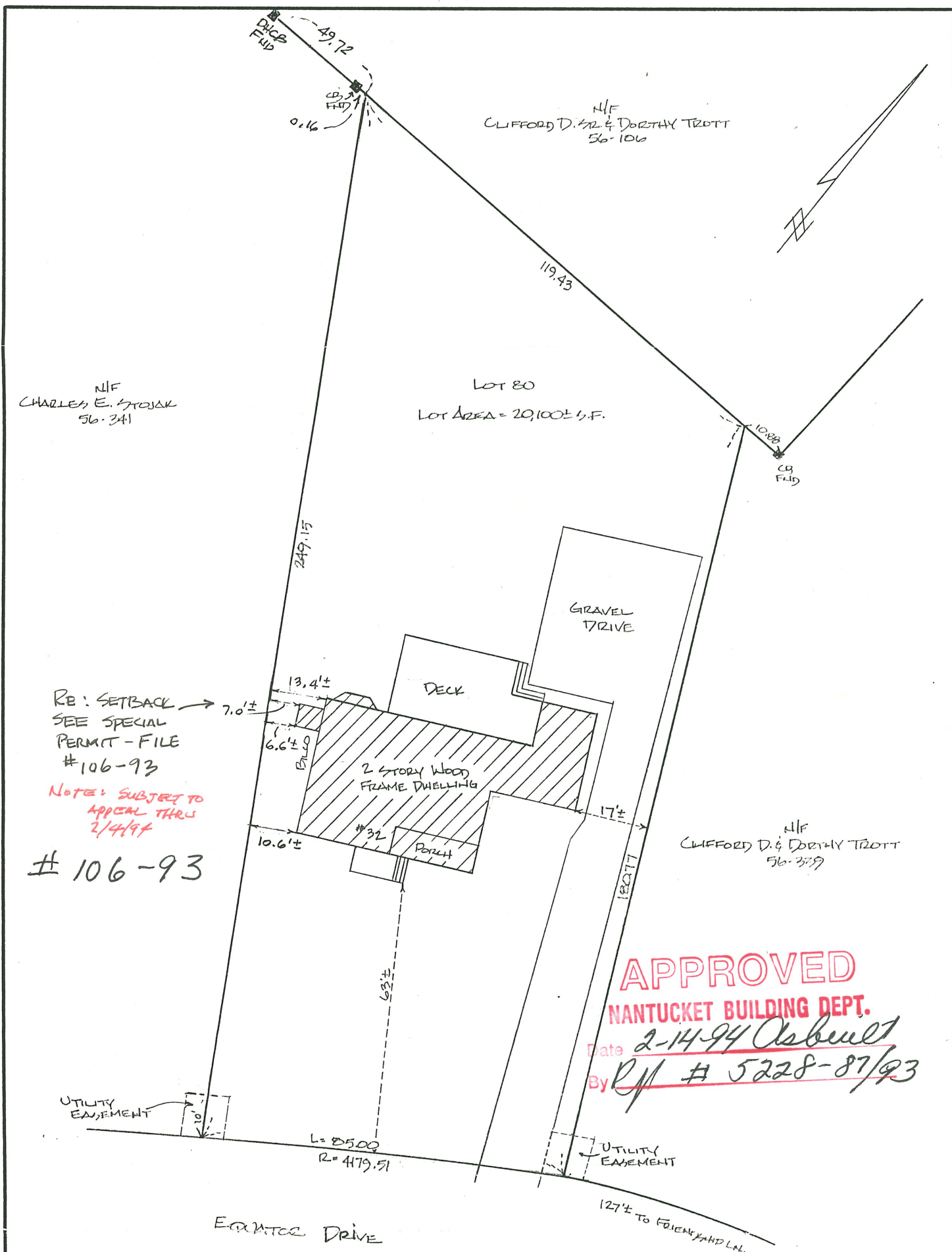
- Zoning Map amendment to place properties off of Tautemo and Osprey Ways and Hummock Pond Road currently located in the Residential 20 (R-20) district and Limited Use General 2 (LUG-2) district in the Village Residential (VR) district and/or Limited Use General 1 (LUG-1) district;

❖ Zoning Articles Proposed by Citizen Petition:

- Zoning Bylaw amendment to reduce the maximum allowed height in the Commercial Mid-Island (CMI) district from 40 feet to 30 feet; **REQUEST FOR WITHDRAWAL/TAKE NO ACTION**
- Zoning Map amendment to place a property at 10 Clifton Street currently located in the Sconset Residential 1 (SR-1) district in the Sconset Old Historic (SOH) district;
- 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;
- Zoning Map amendment to place properties located off Chatham Road, Monomoy Road, Polpis Road, and Milestone Road currently located in the Village Residential (VR) district in the Residential 20 (R-20) district and a Zoning Bylaw amendment to remove the same properties from the Country Overlay District and to place them in the Town Overlay District;
- Zoning Map amendment to place properties at 8 and 10 Chatham Road currently located in the Limited Use General 1 (LUG-1) district in the Village Residential (VR) district;
- Zoning Map amendment to place properties of Old South Road and Airport Road currently located in the Residential 20 (R-20) district in the Commercial Trade Entrepreneurship and Craft (CTEC) and/or the Commercial Neighborhood (CN) district;
- Zoning Map amendment to place property at 18 Evergreen Way currently located in the Limited Use General 1 (LUG-1) district in the Residential 40 (R-40) district;
- 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;

ZBA File 07-21

COWZER - 32 Equator Drive



CURRENT ZONING MAP: R-2
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONTYARD SETBACK: 30 FT.
SIDE AND REAR SETBACK: 10 FT.
ALLOWABLE G.C.R.: 12.5%
EXISTING G.C.R.: 9.1% ± (INCLUDING PORCH)

PROPERTY LINES SHOWN ARE TAKEN FROM RECORDED DEED AND PLAN REFERRED TO HEREON. BUILDINGS, MONUMENTS, ETC. ARE PLOTTED FROM FIELD MEASUREMENTS.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE 'C' ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230; MASS. EFFECTIVE: 6-3-86 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

N.B. 153/76



AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1" = 30' DATE: 1/18/94
PREPARED FOR:
LINDA M. & NEIL A. ROSENBERG

NANTUCKET SURVEYORS INC.
5 WINDY WAY
NANTUCKET, MA. 02554

DEED REFERENCE: Lc 13875
PLAN REFERENCE: Lc PL 35257-4
ASSESSOR'S MAP: 56 PCL. 340

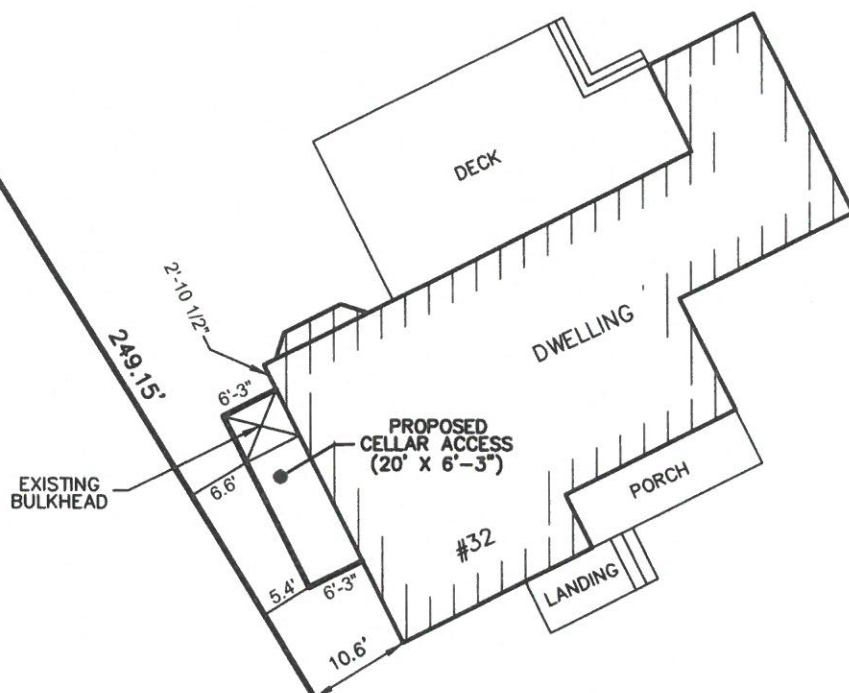
56-106

119.43'

LOT 80
AREA=20,100±S.F.

56-339

56-341



L=85.00'
R=4,179.51'
EQUATOR DRIVE

CURRENT ZONING: R-20
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75'
FRONTYARD SETBACK: 30'
SIDE AND REAR SETBACK: 10'
ALLOWABLE G.C.R.: 12.5%±

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B. 153/76



Henry Santos
4/6/2021

ZBA EXHIBIT PLAN
FILE NO. 07-20
#32 EQUATOR DRIVE
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 4/6/2021
DEED REFERENCE: L.C.C. #23394
PLAN REFERENCE: L.C. PL. 35397-G
ASSESSOR'S REFERENCE:
MAP: 56 PARCEL: 340
PREPARED FOR:
WILLIAM S. & AISLING L. COWZER
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

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