ZBA

PACKET

THURSDAY

MAY 13, 2021

1pm *via* ZOOM WEBINAR[1]

REGISTRATION LINK:
https://us06web.zoom.us/webinar/register/WN_PDAd0X1xSVastTks1R4C4w

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

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[1] Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link above to register for Zoom participation. Contact eantonietti@nantucket-ma.gov with any questions.*

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Agenda
(Subject to Change)
Thursday, May 13, 2021
1:00 PM
www.nantucket-ma.gov

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

1

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I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- February 11, 2021
- March 11, 2021
- April 8, 2021

Pages 6 - 14

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

- 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
  Request to WITHDRAW WITHOUT PREJUDICE
  Applicants are seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-33.A(1)(a) to alter, change, and extend a preexisting nonconforming lot, or in the alternative and to the extent necessary, a Variance, or the modification of an existing Variance, under By-law Section

139-32. The locus is improved with primary and secondary dwellings, constructed as principal residences for each couple. The dwellings have been treated separately, and for all intents and purposes as separate lots and structures, each served by a separate driveway. Applicants propose to separate out their properties for estate planning and other purposes. The proposal would encompass one of the dwellings and subdivision of the property into two nonconforming lots of approximately equal land area, each containing a dwelling. No additional dwellings are proposed, and the Applicants propose to permanently restrict each lot to one dwelling and no additional ground cover above that which would be allowed by right. In the alternative, the Applicants request relief to allow them to create a two-unit condominium or cooperative. The Locus is situated at 21 & 25 Monohansett Road, is shown on Tax Assessor's Map 27 as Parcel 31, and as Lot 2 upon Land Court Plan 39913-A and as Lot 1 in Block 262 upon Plan No. 2, Page 60. Evidence of owner's title is registered on Certificate of Title No. 17375 at the Nantucket County District of the Land Court and in Book 1655, Page 103 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General One (LUG-1).

- 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Dr. Reade

REQUEST TO CONTINUE TO JULY 8, 2021

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 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).

2

- 08-21 EBWC, LLC 4 Lincoln Ave. Beaudette

Action Deadline July 5, 2021

Pages 18 - 43

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).

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

- 09-21 Shannah Green 49 Fairgrounds Road Alger

Action Deadline August 11, 2021

Pages 45- 84

Applicant requests amendment of previously granted Special Permit relief, recently amended by the Planning Board to permit creation of a secondary residential lot, to allow use of a seasonally covered deck for outdoor classes. Specifically, Applicant seeks to modify the relief and its conditions to: 1) permit classes to be conducted outside to allow for appropriate social distancing during the pandemic; and 2) substitute an updated Site Plan as new "Exhibit A." The Locus is situated at 49

Fairgrounds Road, is shown on Tax Assessor's Map 67 as Parcel 306, and Lots 56 and 57 upon Land Court Plans 34507-H and 34507-I. Evidence of owner's title is registered as Certificate of Title No. 16996 in the Nantucket County District of the Land Court. The site is zoned Residential 10 (R-10).

VI. OTHER BUSINESS: (Votes may be taken)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

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

MINUTES

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, February 11, 2021

This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:00 p.m. and announcements made by Ms. McCarthy

Staff in attendance:	Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members:	McCarthy, Botticelli, O'Mara, Poor, Thayer, Mondani
Absent:	Toole, Koseatac

Agenda adopted by unanimous consent

Motion	**Motion to Approve.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, O'Mara, Thayer, and Poor-aye

I. APPROVAL OF MINUTES

1. January 14, 2021

Motion	**Motion to Approve as drafted.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, O'Mara, Thayer, and Poor-aye

II. OLD BUSINESS

1. 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust
21 & 25 Monohansett Road Alger

CONTINUED TO MAY 13, 2021

III. NEW BUSINESS

1. 02-21 ACK*NOW 14 Mill Street Pickering-Cook

Appellants bring an appeal, pursuant to M.G.L. c.40A, Sections 8 & 15 and Zoning By-law Sections 139-29.E and 139-31, of a determination by the Building Commissioner that the use of 14 New Mill Street exclusively as a short-term rental ("STR") business is not a commercial use prohibited in the residential zone in which it is located. Appellant requests that the Zoning Board of Appeals overturn the Commissioner's determination with respect to the property and further that zoning enforcement action be taken by issuing an order to the owner to cease and desist using the property as an STR. The Locus is situated at 14 New Mill Street, is shown on Assessor's Map 55.4.4 as Parcel 133, and as Lot A-1 on Plan Book 14, Page 17. Evidence of title to 14 New Mill Street, LLC is recorded in Book 1559, Page 133 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting	McCarthy, Botticelli, O'Mara, Thayer, Mondani
Alternates	Poor
Recused	None
Documentation	File with associated plans, photos, required documentation, and correspondence.
Representing	Nina Pickering-Cook, Anderson & Krieger LLP, for ACK*Now and neighbors
	Julia Lindner, Executive Director ACK*NOW
	Beverly Dammin, 12 New Mill Street
Public	Paul Murphy, Building Commissioner
	Alex Weisheit, K&P Law P.C., for ZBA
	John Hofmann, Gilman, McLaughlin & Hanrahan, for 14 New Mill Street, LLC
	Bob McLaughlin, Gilman, McLaughlin & Hanrahan LLP for 14 New Mill Street, LLC
	Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP, for 14 New Mill Street, LLC
	Robert Miklos, 16 Mill Street
Discussion (1:10)	**Pickering-Cook** – This is to appeal a December 1, 2020 decision by the Building Inspector, requesting the Board to overturn his ruling on 14 Mill Street, which is an investor-owned short-term rental (STR). This is not an attack on residents occasionally renting their homes for additional income. The issue is whether an investor-owned property, where no one lives, can be a legitimate use within a residential zone. Her clients contest that this is as a single-family home since no one claims it as a residence. Cited court cases in which it was ruled that STRs are a commercial use. The Nantucket Zoning bylaw has the concept of transient residential facility (TRF) and the definition for owner occupied, which requires the owner lives at least 3 months at the property. This is a TRF and they should acquire the appropriate license or shut down. Read into the record statements of opposition from her clients.

PROPOSED

Dammin – We abut this property. 12 and 14 New Mill Street were in the Coffin family for many years until 12 New Mill Street was purchased by our family. Cited ways the neighborhood has been negatively impacted by the STR use at 14 New Mill Street versus 2-weeks (or more) rentals by owners on the street.

Lindner – ACK*NOW has been researching investor-owned STRs over the past few months and the impact on the Island; recapped their findings on housing and quality of life for year-round residents.

McCarthy – 14 New Mill Street was on the free market, but no one purchased it for year-round housing. Asked speakers to focus on the harm alleged against this property.

Pickering-Cook – There are examples around the Island on disruption, noise, traffic, anonymity, etc.

McCarthy – She understands that the neighborhood has changed; that happens. Traffic and noise increases for all of us in the high season; we have a larger year-round population, so traffic and noise have increased everywhere, and we have all lived next to rentals.

Pickering-Cook – Feels Ms. McCarthy is being dismissive of the neighbors' concerns. This property is 52 weeks of different rentals a year.

McCarthy – In her opinion, the neighbors' concerns don't rise to the level of harm.

Botticelli – In the definition of transient rentals, it mentions they don't have kitchens.

Pickering-Cook – Individual residents don't have their own kitchen and there is no commercial kitchen at the facility.

McCarthy – Looking at rooming, lodging, and guesthouse, it mentions those don't have commercial kitchens. Also, TRFs tend to have live-in managers.

McLaughlin – He represents 14 New Mill Street, LLC not the Copley Group; Copley Management Group manages the property. Zoning is the use and dimensions; this is a single-family home owned by a single entity. Reviewed the appellant's credentials to file this case. Standing is essential to this appeal. The Aggrieved must be evidenced as having established legal interest. Countered cases cited by Ms. Pickering-Cook. He expected police logs, traffic records, expert testimony, etc. to show how the neighborhood has been detrimentally impacted. We contest that the primary use for 14 New Mill Street is that of a single-family residence; it is not a rooming house or hotel. If this issue is a community-wide concern, it should be addressed at Town Meeting, not here.

McCarthy – This board is not in a position to decide standing.

Pickering-Cook – She is acting on behalf of not only ACK*NOW, but the neighbors as listed in her memorandum.

Weisheit – Standing is for a Land Court to decide; recommended the ZBA not address that.

Mondani – Asked Mr. Weisheit what standard to use in reviewing the Building Inspector's decision.

Weisheit – It's up to the Board to determine if what he did was reasonable based upon your understanding of the bylaw.

Murphy – The Board has his letter. Renting of homes is a permitted, primary, principal use regardless of who owns it. This should come through a Zoning Bylaw, not enforcement. This is not an accessory use; it doesn't matter who owns it or how long someone stays there.

McLaughlin – His issue is that the abutters appeal did not meet the 30-day appeal period. Ms. Pickering-Cook made the deadline for ACK*NOW but not the neighbors. Also, ACK*NOW does not prove agency.

Pickering-Cook – Countered Mr. McLaughlin's claim and read her letter of December 30, 2020 citing the neighbors.

Dammin – We know Nantucket has changed; her point is that the transient tenants are disrespectful due to the nature that they are anonymous.

McCarthy – The behavior of the tenant isn't determined by the owner.

Pickering-Cook – The frequency and anonymity of STRs for profit only are looked at by the court as commercial use. The owner isn't relevant, it's the use; in this case it is solely for profit.

McCarthy – She respectfully disagrees with Ms. Pickering-Cook's assertion how Nantucketers use their homes. This is a traditional, accepted, celebrated use, which includes being an additional revenue stream for an Islander. There are different ways that people rent their homes.

Botticelli – This is very different than the past normal practice of residents renting their house out for extra income. She thinks it is turning into a problem for Nantucket. People should be allowed to rent their house and do what they want with their property; but this is different. This is a deeper issue the Island has to grapple with.

McCarthy – There is a Zoning Warrant Article that addresses investor-owned STR. We need to look at the bylaw as currently written and make a ruling based on that.

Pickering-Cook – She is trying to address the particular harm caused by the use of this particular property on her clients and their neighborhood.

McCarthy – Asked, if ZBA rules this is transient, would they need a special permit to change their use as a TRF.

Weisheit – If the ZBA finds it to be transient, it would require a special permit.

Antonietti – TRFs are not allowed in the ROH; rooming, lodging or guest house are allowed by special permit; a Hotel is not allowed.

McLaughlin – We all know this is a single-family house.

Reade – The use chart is confusing. TRF is allowed by special permit in that portion of the ROH within ¼ mile of downtown; this is outside that limit, so doesn't require a special permit.

Miklos – He is a party of interest and been impacted by the activities at 14 New Mill Street. The change of ownership and use has significantly impacted the neighborhood. The critical issue is that the use changes the character of the houses on the street. This is one of 800 remaining pre-civil war houses that contribute to the authenticity and character of Nantucket;

PROPOSED

it was originally a 3-bedroom house converted to a 5-bedroom house thus destroying the historical character of the structure; destroying that historic character ultimately destroys the character of the street and the value of the homes.

O'Mara – Both sides have made good points; however, he hasn't heard anything that would compel him to overturn the building inspector's decision.

Thayer – He feels if we overturn the Building Inspector's decision, we become a policy board.

Botticelli – Her earlier discussion wasn't indicative that she disagrees with Mr. Murphy. There is no zoning reason to overturn Mr. Murphy's decision. This is a huge issue for the Island and needs to be discussed.

Mondani – This has been a great discussion about the issue. His view is that Mr. Murphy made the right interpretation of the bylaw and there is no reason to overturn it. The appellant has a challenge with the issue of standing. He believes ACK*NOW is trying to make a policy decision through this Board; it's a way to shoehorn their policy decision through the ZBA; that's not the right way.

Pickering-Cook – Read comments of concern from Jim Riesenbach at 7 New Mill Street and Louisa Schaeffer at 5 New Mill Street.

Motion — **Motion to Deny the appeal and uphold the Building Inspector's determination this is not a commercial use**. (made by: Thayer) (seconded)

Roll-call vote — Carried 5-0//McCarthy, Botticelli, O'Mara, Thayer, and Mondani-aye

2. 03-21 Damon S. Cartelli & Debra A. Cartelli 35 Washington Street Beaudette

Applicant is requesting Modification of prior relief by Variance granted in File No. 73-94 (recorded at Book 463, Page 206) pursuant to Zoning By-law Section 139-32 in order to validate the premises' insufficient frontage and a westerly lot line setback intrusion brought about by an interior lot line reconfiguration with abutting property. Specifically, Applicant requests that a Condition prohibiting more than one dwelling be eliminated to allow the applicant to construct a secondary dwelling upon the premises. Neither nonconformity will be affected by the proposed modification. The Locus is situated at 35 Washington Street, is shown on Assessor's Map 42.3.2 as Parcel 142, and as Lot 4 on Plan File 46-U. Evidence of title is recorded in Book 1635, Page 1329 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting — McCarthy, Botticelli, O'Mara, Thayer, Mondani

Alternates — Poor

Recused — None

Documentation — File with associated plans, photos and required documentation

Representing — Richard Beaudette, Vaughn, Dale, Hunter, Beaudette, and Swain P.C.

Public — None

Discussion (2:53) — **Beaudette** – There are two non-conformities on the property: 29-foot frontage and easterly and westerly setbacks. The 1994 variance validated this and 32 Union Street as separately marketable lots with conditions. Explained the request to remove Conditions A and B. In 1994 they should have probably done an 81L subdivision; there would have been no restrictions in that case. This is an oversized lot.

Mondani – If we were to grant the variance, asked how it would impact 32 Union Street.

Beaudette – If the conditions are changed, the other property would have the ability to request the same.

Antonietti – This is unique to this locus. The decision would not mention 32 Union Street; they cannot benefit from the relief unless they come to the ZBA.

McCarthy – Asked what the R1 to ROH change meant to the property.

Beaudette – That changed made 32 Union Street completely compliant and provided this site more groundcover with no setback.

McCarthy – Wonders why the Board would not now allow a second house on the lots. A second dwelling wouldn't over-tax that lot and the frontage wouldn't be an issue.

Beaudette – His experience is that the ZBA typically wants to avoid non-conformity. If this came in as an empty lot today, a second dwelling would be allowed. Also, the property wasn't a subdivision but a lot-line change. He's seen this condition on another lot where a lot was limited to one dwelling; but the house took up the whole lot.

O'Mara – He has no opinion on this and will go along with the Board on this.

Botticelli – Asked if there would be any concern with parking.

Beaudette – He could see the Planning Board wanting them to extend the driveway past the house a bit; they have to meet Planning Board parking requirements.

McCarthy – Questions why they didn't go with an 81L. They might have gotten the variance because they chose the wrong venue to making two lots.

Discussion about access to the two lots.

Thayer – Asked where the second dwelling would be placed and generate sufficient parking.

Beaudette – The second dwelling would be in back of the main house; the lot is almost 10,000sf with a lot of room for parking in the front. They don't want to extend the driveway behind the front house.

Antonietti – They could do a hammerhead-type configuration; there's time to figure that out.

Botticelli – Her concern is that you're adding density and more cars. They are asking to undo a restriction placed there because of a variance and feels there was a reason for that restriction.

Antonietti – Many variances like this were issued; the Board did grant similar relief in an identical situation.

McCarthy – The Planning Board made an unfavorable recommendation under the Zoning Bylaw; the lots were created in 1983 and there were no grounds to grant the variance.

PROPOSED

Discussion on why the variance was granted with conditions in 1994 versus going with an 81L subdivision.
O'Mara – The conditions could have been offered up in the presentation.
McCarthy – If we allow the restriction to come off, the Planning Board will look closely at access and parking. It would have been allowed with an 81L; she's okay with removing the restrictions.
Mondani – We don't know why this was created.
Poor – The Planning Board didn't uphold the request for a second dwelling due to access.

Motion	**Motion to Approve the relief to eliminate the first 2 conditions as requested.** (made by: Mondani) (seconded)
Roll-call vote	Carried 4-1//McCarthy, O'Mara, Thayer, and Mondani-aye; Botticelli-nay

IV. OTHER BUSINESS

1. None

V. ADJOURNMENT

Motion	**Motion to Adjourn at 3:33 p.m.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, Thayer, O'Mara, and Mondani-aye

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
Terry L. Norton

PROPOSED

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, March 11, 2021

This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:00 p.m. and announcements made by Ms. McCarthy.

Staff in attendance:	Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members:	McCarthy, Botticelli, Toole, O'Mara, Koseatac, Poor, Thayer, Mondani
Late Arrivals:	O'Mara, 1:20 p.m.

Agenda adopted by unanimous consent

Motion	**Motion to Approve as drafted.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//Botticelli, Toole, Koseatac, Poor, and Mondani-aye

I. APPROVAL OF MINUTES

1. February 11, 2021

Motion	**Motion to Hold for next month.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//Botticelli, Koseatac, Poor, Mondani, and Thayer-aye

II. OLD BUSINESS

1. 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
CONTINUED TO MAY 13, 2021

III. NEW BUSINESS

1. 04-21 Anton J. Mello, Tr., Mello Realty Trust 20 Miacomet Road Waickowski

Applicant seeks relief by Special Permit pursuant to Zoning By-law Section 139-16.C(2) to validate an unintentional setback intrusion. The subject barn structure was sited and built based on measurements taken from a reasonably licensed survey after 1990 and is not greater than 5 feet into the required rear yard setback and is not closer than 4 feet from the rear yard lot line. In a district where minimum rear yard setback is 15 feet, the barn is as close as 11.7 feet from the rear yard lot line. The Locus is situated at 20 Miacomet Road, is shown on Assessor's Map 67 as Parcel 336.2, and as Lot 4 on Plan Book 23, Page 81. Evidence of owner's title to is recorded in Book 1446, Page 283 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General Two (LUG-2).

Voting	Botticelli, Toole, Koseatac, Poor, Mondani
Alternates	Thayer
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Robert Waickowski, Attorney for 20 Miacomet Road Jeff Blackwell, Blackwell & Assoc.
Public	None
Discussion	**Waickowski** – Situating the barn, being 11 feet from the rear-yard setback where the zoning requires 15 feet, is the reason for the request. This is an unintentional intrusion into the setback. **Blackwell** – We staked the buildings on the property in this location. **Toole** – Asked for an explanation of how this happened. **Blackwell** – There was confusion by a staff member about the Massachusetts Endangered Species Act (MESA) setback versus the zoning setback. He didn't catch that error until the foundation was in place. The MESA limit of work on the base plan was filed with MESA. **Toole** – The applicant had asked permission to cut within 10 feet and that somehow became confused as the zoning setback. **Thayer** – It sounds like it was a mistake. **Toole** – There should be language that granting the relief doesn't allow further intrusion. **Antonietti** – The condition would be no further intrusion into the setback without further approval from the Board.
Motion	**Motion to Grant the relief with no further intrusion into the setback without ZBA approval.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//Botticelli, Toole, Koseatac, Poor, and Mondani-aye

PROPOSED

2. 05-21 Richard P. Beaudette, Tr., Westwind Nom. Tr. 8 Isobel's Way Beaudette

Applicant is requesting Modification of prior relief by Special Permit granted in File No. 55-04 pursuant to Zoning By-law Section 139-16.C(2) in order to validate the siting of the subject garage structure 34.27 feet from the front yard lot line where minimum front yard setback is 35 feet. Specifically, the applicant proposes to change the use of the garage to a studio. There will be no change in footprint or ground cover as a result of the change of use. The Locus is situated at 8 Isobel's Way, is shown on Assessor's Map 49 as Parcel 13, and as Lot 2 on Plan File 12-F. Evidence of title is recorded in Book 1740, Page 284 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General Three (LUG-3).

Voting	McCarthy, Botticelli, Toole, O'Mara, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Richard Beaudette, Vaughn, Dale, Hunter, Beaudette, and Swain P.C., owner
Public	None
Discussion	**Beaudette** – This is to request a change of use of the garage, which intrudes into the setback by less than 1 foot; the owner received a permit for that intrusion. There is a note on the plan showing pool equipment at the back of the garage; the pool will probably be constructed in the future. Discussion about the prior decision granting the intrusion into the setback. **Toole** – Asked if the building height is increasing. **Antonietti** – It says no change. **Botticelli** – Confirmed the outdoor shower and decking won't be in the setback. **McCarthy** – The studio is a permitted use; the special permit is a "housekeeping" change. **Toole** – If they aren't changing the footprint, asked the reason the Zoning Enforcement Officer bounced this. **Antonietti** – Change of use of a non-conforming structure. **Toole** – He thinks the pool equipment goes into the setback; that could be a problem. **Botticelli** – On page 16 of the Staff Report, there is plan showing a small pool and the outdoor shower and pool equipment are off the setback; that can be conditioned not to be in the setback. **Antonietti** – They aren't asking for any improvements aside from change of use; if they want to do anything else, that is another application. **McCarthy** – The only thing they are asking for is the change of use; the confusion is the shed is sometimes called out as a garage. We can add a condition saying the siting of the shed as it is today with no additional setback intrusion. **Antonietti** – Page 11 of the Staff report shows Art Gasbarro's, Nantucket Engineering & Survey, plan. Discussion and clarification about the shed and where pool equipment is going and it not being in the setback. **Toole** – Asked to include, in the motion, moving the 167sf shed out of the setback. **Beaudette** – The 167sf shed has been in that location since 1994. **McCarthy** – Read the ZBA decision, paragraph 5, as recorded with the Deed on September 13, 2004.
Motion	**Motion to Grant the change of use and with no further setback intrusion without further relief from the Board.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, Toole, Koseatac, and Poor-aye

IV. OTHER BUSINESS

1. Antonietti – She will be on leave starting next Wednesday and hopes to be back in time for the April meeting.

V. ADJOURNMENT

Motion	**Motion to Adjourn at 1:46 p.m.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, Toole, O'Mara, and Koseatac-aye

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
Terry L. Norton

PROPOSED

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, April 8, 2021

This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:00 p.m. and announcements made by Ms. McCarthy
Staff in attendance: Eleanor Antonietti, Zoning Administrator
Attending Members: McCarthy, Botticelli, Toole, Koseatac, Poor, Thayer, Mondani
Absent: O'Mara
Early departure: Botticelli, 2:33 p.m.

I. NEW BUSINESS

1. 06-21 Jayne C. DeBiasio & Brian F. DeBiasio 39 Meadow View Drive Reade

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 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).

Voting	McCarthy, Botticelli, Toole, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP Brian DeBiasio, owner
Public	None
Discussion	**Reade** – This is to remove the condition that the studio "shall not be for human habitation" to allow it to become a secondary dwelling. The condition was connected to the septic; the site is now on Town sewer. **Antonietti** – Confirmed the Planning Board approved the change though the decision has not yet been filed. **McCarthy** – Reviewed the 2019 decision in which the other three conditions were removed. It seems that if it hadn't been for the septic, a secondary dwelling would have been allowed. She has no concerns. **Toole** – Asked if there is a reason that it was tucked into the corner and not placed outside the setback. **McCarthy** – She agrees at first it seemed like an attempt to come back for more and more; but now with Town water and sewer, this makes more sense. **Reade** – The building envelop is constrained by wetlands. Reviewed the site plan showing the wetland boundaries. It now meets all Planning Board requirements as a secondary dwelling. There is no basement. **DeBiasio** – The structure is within the 50-foot boundary and wouldn't be allowed today; at that time, this is where the Conservation Commission (ConCom) allowed the structure. **McCarthy** – Suggested limiting it to one bedroom. **Mondani** – Confirmed that Town water and sewer were added after the 2011 decision. He counts 5 structures on the property; asked if that is by right. **Reade** – Yes, we aren't over groundcover. **Botticelli** – One structure is excluded from groundcover. **Toole** – Asked when the other structures were built. **DeBiasio** – We purchased the property in 2008 and those structures were existing; we had two storage sheds removed. We had ConCom permission to rebuild the shed that is within the 25-foot buffer. **Toole** – Wants evidence that ConCom permitted the rebuild of the shed. **Antonietti** – The 2011 Order of Conditions pertains to construction of a studio/game room outside the 50-foot wetland buffer as well as removal of dead trees, replanting with native vegetation, and on-going maintenance of the existing structure. **Toole** – He isn't hearing anything that permits "rebuilding" that shed. It is positioned on the wetland line. He wants to see they had permission to rebuild that shed in that location before we permit something else. **Botticelli** – It makes sense to know it is being presented accurately with permission. As part of the decision, we would have to have proof it was granted by the ConCom. The zoning shed doesn't show up in 2011 but does show up in 2019.

PROPOSED

Toole – We don't know when it was taken down and when it was rebuilt.
McCarthy – Would like to continue this until we know the zoning shed was properly permitted.
Antonietti – In a 2007 aerial, it looks like there is a structure there.
Botticelli – It isn't there in 1998 but shows up in 2006 and 2007. It's not there in 2011 and looks like a pile of rubble in 2014 and is back in 2018 but more rectangular.
Toole – You can't do that without permission; if you have proof of permission, he wants to see that.
Reade – At this point we need to continue to get to the bottom of the situation, though it isn't a zoning issue.
Mondani – Asked if the groundcover numbers have been updated; it's not clear to him.
Reade – Jeff Blackwell, Blackwell & Assoc., plan included in the packet has the current groundcover.
DeBiasio – When we bought the property, there were 5 sheds on the property, now there are 3.
McCarthy – You would need ConCom permission to have removed and rebuilt the shed in that location. It isn't on the 2011 plan, so our decision was based upon "incomplete" information. We want to ensure all appropriate steps have been taken.
Antonietti – This applicant was before us in 2019 to modify other conditions; that shed was shown on that plan. That 2019 modification relative to the structure being applied for now was allowed with the shed in place.
McCarthy – All we were doing was taking off the conditions against a bathtub or shower and allowing the ridge height of 23.3' and it ended up being 5.3' from the setback as opposed to 5.5'.
Antonietti – This is not a zoning issue and we weren't concerned in 2019.
McCarthy – Sees no harm in bringing this up.
Toole – Thinks there is no harm in protecting other boards; would like to think they would do the same for us.

Motion **Motion to Continue to May 13th meeting.** (made by: Toole) (seconded)
Roll-call vote Carried 5-0//McCarthy, Botticelli, Toole, Koseatac, and Thayer-aye

2. 07-21 William S. Cowzer & Aisling L. Cowzer 32 Equator Drive Williams

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).

Voting Botticelli, Toole, Poor, Thayer, Mondani
Alternates McCarthy
Recused Koseatac
Documentation File with associated plans, photos and required documentation
Representing Linda Williams
Williams & Aisling Cowzer, owners
Public None
Discussion **Williams** – This relief was granted for a walkdown to be a 5.4'; that special permit expired, so this is the same request. Currently it is just a bilko. Only condition was no further construction in the setback without permission.
Thayer – He has no concerns; we granted the permit.
McCarthy – Nothing is changing except the date.
Motion **Motion to Grant relief as requested. (made by: Botticelli) (seconded)**
Roll-call vote Carried 5-0//Toole, Botticelli, Poor, Thayer, and Mondani-aye

3. 08-21 EBWC, LLC 4 Lincoln Avenue Beaudette

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).

Voting McCarthy, Toole, Koseatac
Alternates Poor, Thayer, Mondani
Recused Botticelli
Documentation File with associated plans, photos and required documentation
Representing Richard Beaudette, Vaughn, Dale, Hunter, Beaudette, and Swain P.C.,
Public None
Discussion **Beaudette** – This is an oversized lot; the historic structure is 32.79', in excess of maximum height allowed in the bylaw. Want to put on an addition to the rear of the property. The back slope will be graded reducing the height in the rear to 32.46' and making the height slightly less nonconforming. Don't believe it is substantially more detrimental to the neighborhood.
Toole – Asked about the HDC approval and asked if there was proof of that.

PROPOSED

Beaudette – Believes that the HDC approved this through staff.
Thayer – He'd like to see proof of that approval first. Doesn't know if we can grant contingent on HDC approval.
McCarthy – She can't read any text on page 61; this is the elevations. She's not so concerned but would like to see the HDC approval before we go forward.
Toole – He agrees, and there is no great hurry.
McCarthy – Suggested the plans be emailed to the members in advance of the meeting.
Beaudette – These might be the revised plans showing the conditions of the approval.
Toole – We don't know that.

Motion	**Motion to Continue to May 13th.** (made by: Toole) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Toole, Thayer, Poor, Koseatac-aye

II. OTHER BUSINESS

1. Toole – Asked if there is a timeline for when the meetings go back into being in person.
   Antonietti – She hasn't heard anything. It's up to Governor Baker.
   McCarthy – She feels there is enough separation to hold the meeting with social distancing.

III. ADJOURNMENT

Motion	**Motion to Adjourn at 2:03 p.m.** (made by: Koseatac) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Toole, Koseatac, Thayer, and Mondani-aye

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
Terry L. Norton

PROPOSED

OLD

BUSINESS

Peter J. Mackay & Alison Mackay
and
David P. Mackay & Anne M. Phaneuf,
Trustees of
Mackay/Phaneuf Family Trust

21 & 25 Monohansett Road

FILE NO. 11-20

SPECIAL PERMIT

Request to WITHDRAW WITHOUT PREJUDICE

Jayne C. & Brian F.
DEBIASIO

39 MEADOW VIEW DR.

FILE NO. 06-21

MODIFICATION TO SPECIAL PERMIT

REQUEST TO CONTINUE TO JULY 8, 2021

EBWC, LLC

4 Lincoln Ave.

FILE NO. 08-21

SPECIAL PERMIT

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WHALER'S LANE
P.O. BOX 659
NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455
FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN
KEVIN F. DALE
RICHARD P. BEAUDETTE
BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

March 8, 2021

VIA HAND DELIVERY:
Eleanor W. Antonietti
Zoning Board of Appeals Administrator
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: EBWC, LLC
4 Lincoln Ave.
Nantucket, MA 02554
Application for a Special Permit

Dear Eleanor:

Our client, EBWC, LLC, hereby requests Special Permit Relief pursuant to Section 139-33 (A)(1)(a) of the Nantucket Zoning By-Law (the "By-Law"), or in the alternative Variance relief pursuant to 139-32 of the By-law, with respect to 4 Lincoln Avenue, Nantucket, MA 02554 (the "Premises"). Further to this application, enclosed please find the following documents:

1. An application for a Special Permit with its Addendum and Exhibit (a copy of which is simultaneously being filed with the Town Clerk);
2. Locus Plan from the Nantucket Tax Assessor's Map Book;
3. A check in the sum of $450.00, made payable to "Town of Nantucket," representing the Special Permit filing fee, and,
4. A certified list of the parties in interest (Abutters) to the application and two (2) sets of mailing labels.

Please note that the Applicant reserves the right to supplement this application with additional materials and information at a later time. Please mark this matter for hearing by the Zoning Board of Appeals at its meeting scheduled for April 8, 2021. Please feel free to call me should you or any of the Staff or Board members have questions or concerns.

Sincerely,

Richard P. Beaudette, Esq.

RPB/lld
Enclosures
cc: EBWC, LLC

Zoning Board of Appeals
MAR 09 2021
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

PAID
MAR 09 2021
BY: V3581

APPLICATION

Fee: $450.00 **File No. 08-21**

2021 MAR 16 PM 1:36
NANTUCKET TOWN CLERK

Owner's name(s): EBWC, LLC

Mailing address: c/0 2 Whalers Lane PO Box 659, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@vdhlaw.com

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 4 Lincoln Avne. Assessor's Map/Parcel: 30 / 151

Land Court Plan/Plan Book & Page/Plan File No.: Lot 1 on Plan No. 33167-B

Deed Reference/Certificate of Title: COT 27906 Zoning District R-1

Uses on Lot- Commercial: None x Yes (describe) _____
Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 x or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

State below or attach a separate addendum of specific special permits or variance relief applying for:

Please see Addendum, attached hereto.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: _____ Owner*
Michael Petrick SBWC LLC Owner/Manager

SIGNATURE: _____ Applicant/Attorney/Agent*
Rick Beaudette, Attorney for Applicant

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

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

State below or attach a separate addendum of specific special permits or variance relief applying for:

Please see Addendum, attached hereto.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:_____ Owner*

SIGNATURE: _____ Applicant/Attorney/Agent*

Rick Beaudette, Attorney for Applicant

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

ADDENDUM TO ZONING APPLICATION
EBWC, LLC
4 LINCOLN AVENUE, NANTUCKET, MA 02554
NANTUCKET TAX ACCESSOR'S MAP: 30, PARCEL: 151

Introduction

The applicant, EBWC, LLC (hereinafter the "Applicant"), requests Special Permit relief pursuant to Section 139-33A(1)(A), of the Nantucket Zoning By-Law (the "By-Law") for the property located at 4 Lincoln Avenue, Nantucket, Massachusetts 02554, shown as Parcel 151 on Nantucket Town Assessor's Map 30 (the "Premises").

Existing Conditions

The existing and proposed conditions of the Premises are shown on the plan prepared by Bracken Engineering, Inc., dated March 8, 2021, a copy of which is attached hereto as Exhibit A and the design plans by Bottecelli and Pohl dated March 4, 2021 and attached hereto as Exhibit B. As noted on the plans, the Premises is located in the R-1 zoning district. The existing house shown on the plans has a ridge height of 32.79 +/- feet, while Section 139-17 of the Zoning By-Law limits the maximum ridge height to 30 feet. The house was built in 1920 and is, therefore, pre-existing nonconforming as to the current zoning regulations.

Proposed Conditions

The Applicant desires to renovate the preexisting nonconforming house, demolish the existing garage, construct a new garage and studio each of which conform to the Nantucket Zoning Bylaw in all respects except for ridge height. Specifically, the Applicant desires to construct an addition to the house with a ridge height extending from the existing height. The Applicant also plans to fill the back site where it slopes off, which will help to flatten the site and slightly lessen the existing non-conformity with respect to ridge height. The proposed ridge height above grade will be 32.46 +/- feet.

Relief

Nantucket Bylaw Chapter 139 § 33 (a)(1)(A) provides that "preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that: 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."

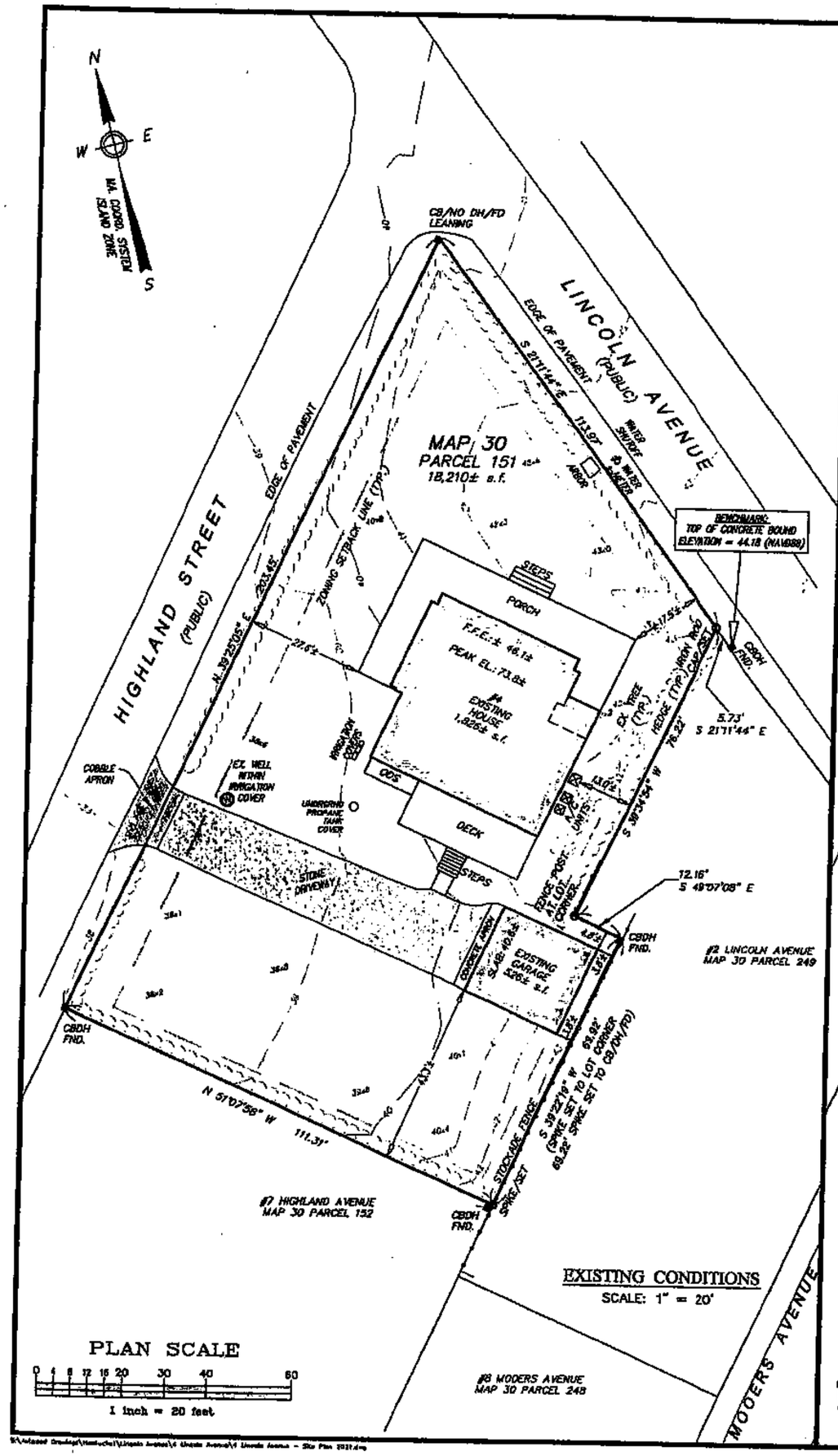
The proposed renovations to the house will not be substantially more detrimental than the existing nonconforming house. The ridge height of the house will not change, and in conjunction with the renovation, the Applicant plans to fill in the back of the yard, thereby helping to lessen the nonconforming ridge height.

Accordingly, the Applicant respectfully requests the Board grant the relief under Section 139-33A of the By-Law to construct the proposed renovations.

Conclusion

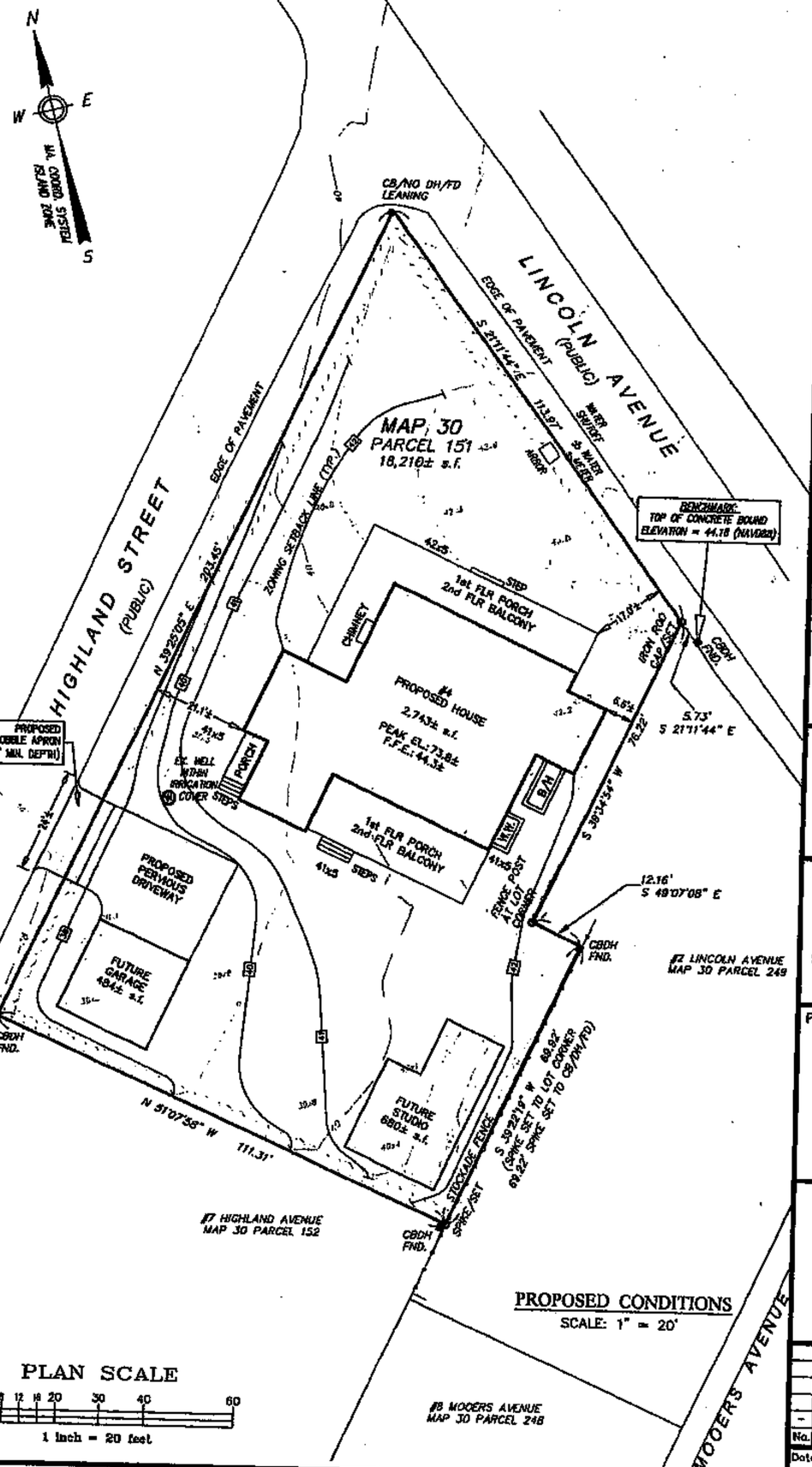
Granting the proposed relief under the above referenced Sections of the By Law for the proposed renovations are not substantially more detrimental than the existing nonconforming house to the neighborhood, and is within the spirit and intent of the Bylaw. The proposed renovations are suitable for the Premises and will be in harmony with other houses in this area of the Island. The Applicant respectfully requests that the Board grant the requested relief.

EXHIBIT A



EXISTING CONDITIONS
SCALE: 1" = 20'

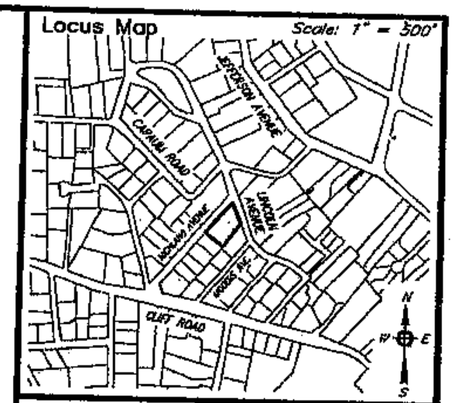
PLAN SCALE
0 4 8 12 16 20 30 40 60
1 inch = 20 feet



PROPOSED CONDITIONS
SCALE: 1" = 20'

PLAN SCALE
0 4 8 12 16 20 30 40 60
1 inch = 20 feet

Locus Map
Scale: 1" = 500'



Notes

1. LOCUS: #4 LINCOLN AVENUE MAP 30 PARCEL 151
2. OWNER: EBWC LLC 511 INDIAN FIELD ROAD GREENWICH, CT 06830
3. DEED REF: Cert. #27906
4. PLAN REF: LC Plan #33167-B (LOT 1)
5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.

HEIGHT CALCULATIONS:

	EXISTING	PROPOSED
PEAK ELEVATION:	73.80	73.80
MEAN GRADE:	41.01	41.34
BUILDING HEIGHT:	32.79	32.46

ZONE: R-1

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 s.f.	18,210± s.f.	18,210± s.f.
FRONTAGE:	50'	113.97'	113.97'
FRONT YARD:	10'	17.5'±	17.0'±
SIDE/REAR YARD:	5'	3.8'±	6.6'±
GROUND COVER:	30% (MAX) (5,463 s.f.)	12.9% (2,352± s.f.)	15.1% (2,743± s.f.)

Prepared By:
BRACKEN ENGINEERING INC
48 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.9870
(fax) 508.833.2252
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.9044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MA
Prepared For:
EBWC LLC
#4 LINCOLN AVENUE
MAP 30 PARCEL 151

No.	Date	Revision Description	By
-	-	-	-

Date: MARCH 8, 2021 | Drawn: ERC/BEI | Checked: DFB/AMG | Sheet: 1 of 1

EXHIBIT B

CERTIFICATE NO: HDC2021-02-2973 DATE ISSUED: 03/23/2021

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind,* prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 30 PARCEL N°. 151

Street & Number of Proposed Work: 4 Lincoln Avenue

Owner of record: EBWC LLC

Mailing Address: 511 Indian Field Road
Greenwich, CT 06830

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Botticelli + Pohl

Mailing Address: 11 Old South Road
Nantucket, MA 02554

Contact Phone #: 228-5455 E-mail: _____

FOR OFFICE USE ONLY V#14446

Date application received: 2/05/2021 Fee Paid: $ 726.20

Must be acted on by: 3/20/2021.

Extended to: 5/19/2021

Approved: _____ Disapproved: _____

Chairman: Diane R. Bombas (acting)

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

ATS w/ the front door to have 12 lights and shutter placement up to applicant.

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☑ Additions ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☑ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District _____) ☐ Roof ☐ Other _____

Size of Structure or Addition:		Additions	Demo
Length: 71'-11½" OA	Sq. Footage 1st floor:	1868	873
Width: 59'-2" OA	Sq. footage 2nd floor:	1478	303
	Sq. footage 3rd floor:	285	Ø

Decks/Patio: Size: 797 sf ☑ 1st floor ☑ 2nd floor 847 sf
Size: 537 sf ☑ 1st floor ☑ 2nd floor 885 sf
705 sf ☑ 1st floor

Difference between existing grade and proposed finish grade: North +0.0' South +2.5' East +0.0' West +3.0'

Height of ridge above final finish grade: North 31'-4" +/- South 32'-4" +/- East 31'-4" +/- West 31'-4" +/-

Additional Remarks

Historic Name: Twin Decks

Original Date: c 1915

Original Builder:

REVISIONS (describe)
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

- Demo existing East + South Wings
- Revise Fenestration
- Add New East, South + West Additions

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 6" ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☑ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☑ Brick (type) Painted ☐ Other _____

Roof Pitch: Main Mass 9 /12 Secondary Mass _____/12 Dormer 9 /12 Other 4|12 Mudroom porch

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☑ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer Velux Rough Opening 22½" x 23" Size 23¼" x 23½" Location South Roof of Main Mass
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☑ Wood ☐ Aluminum ☐ Copper ☑ Leaders (material) Copper

Leaders (material and size): 2" Copper in 4½" Wood Box

Sidewall: ☑ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☑ Cedar ☐ Other _____
B. Treatment ☑ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia 1x8 Rake _____ Soffit (Overhang) 10" Corner boards 5/4 x 6 Frieze 1x6
Window Casing 5/4 x 4 Door Frame 5/4 x 4 Columns/Posts: Round _____ Square 7¼"

Windows*: ☑ Double Hung ☐ Casement ☑ All Wood ☐ Other _____
☐ True Divided Lights(muntins), single pane ☑ SDL's (Simulated Divided Lights) Manufacturer Marvin

Doors* (type and material): ☐ TDL ☑ SDL Front Dutch Rear French Side French
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall To Weather Clapboard (if applicable) _____ Roof To Weather
Trim White Sash White Doors White | Front Hamilton Blue
Deck to Weather Foundation Natural ~~Fence~~ _____ Shutters Hamilton Blue
Chimney White

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 1/29/21 Signature of owner of record _____ Signed under penalties of perjury

2 **Locus Map**

HIGHLAND STREET

1 **PROPOSED SITE PLAN**
Scale: 1" = 10'

HDC REVISIONS:
FOR STAFF APPROVAL MAR 25 2021

BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | P. 508 228 5455
31 STATE STREET, BOSTON, MA 02109 | P. 617.482.4543
BOTTICELLIANDPOHL.COM

DATE REVISIONS

APPROVED
HDC2021-02-2973
No Exterior Changes
Without HDC Approval

RECEIVED
MAR 26 2021
By

Site Plan

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554
MAP NO: 30 ZONING INFO: R-1 REVISED: March 30, 2021
PARCEL NO: 151 PROJECT NO: 63

All drawings and designs contained are the sole property of Botticelli & Pohl, P.C.
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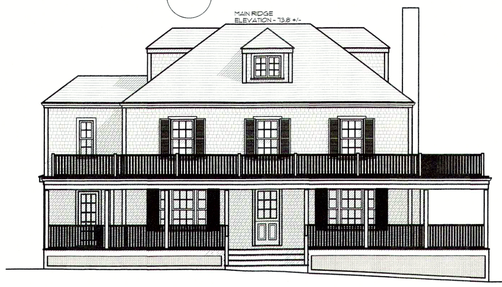
ID #
L-1.1

Previously Submitted North



EXIST MH NORTH ELEVATION

Renovations at
4 Lincoln Ave, Nantucket, MA
Main House

Windows & Exterior Door Schedule

Rev. 2020-03-09

Windows Schedule

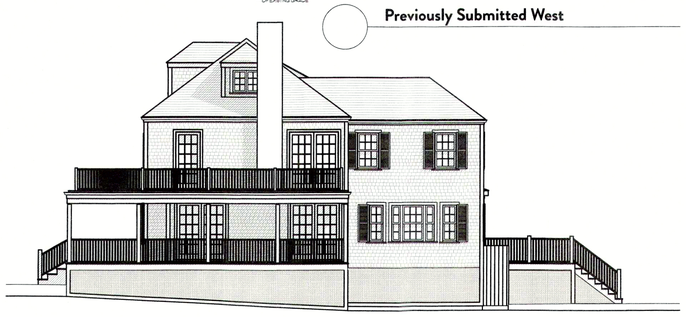
No.	Qty.	Type	Manf.	Product Number	Unit Size	Rough Opening	Lights	Comments
A	10	Double Hung	Marvin	ULDH-3052	3'-0 3/8" x 5'-0"		8 over 8	
B	14	Double Hung	Marvin	ULDH-3058	3'-0 3/8" x 5'-8"		8 over 8	
B1	1	Q Double Hung	Marvin	QUADH-3058	3'-0 1/2" x 5'-8"		8 over 8	
C	5	Double Hung	Marvin	ULDH-3054	3'-0 3/8" x 5'-4"		8 over 8	
D	3	Fixed	Marvin	ULCL-3644	3'-7" x 3'-11 7/8"		8	
E1	1	Q Double Hung	Marvin	QUADH-3051	3'-0 3/8" x 4'-11 7/8"		8 over 8	
F	1	Double Hung	Marvin	ULDH-3020	3'-0 3/8" x 2'-0"		3 over 6	
G	1	Arched	Marvin	TB-3068	3'-0" x 6'-7 1/8"			

Door Schedule

No.	Qty.	Type	Manf.	Door Size	Door Rough Opening	Lights	Comments
1	1	Single Divided Light French Door	Custom	3'-0" x 8'-0"		15	3 over 5 panes
2	1	Double French Door	Custom	5'-0" x 8'-0"		10	2 over 5 panes
3	1	Single Side Door	Custom	3'-0" x 8'-0"		4	2 over 2 panes
4	1	Double French Door	Custom	5'-0" x 8'-0"		10	2 over 5 panes
5	4	4' HERMITE		3'-8" x 8'-0"		10	2 over 5 panes
6	4	Single French Door	Custom	3'-0" x 7'-0"		10	
7	1	Double French Door	Custom	5'-0" x 7'-0"		10	
8	1	Single French Door	Custom	3'-0" x 7'-0"		10	
9	1	4' HERMITE		3'-8" x 7'-0"		10	
10	1	Bilevel Access Door	Custom	3'-0" x 7'-0"			Door wired below TBD

Notes:
a) Unless otherwise noted, all windows are DH and all sidelights are double glazed SDL per manufacturer's standard configuration & amount of bars.
This also SDL wing required on Low E glass. All sidelights to have mechanical vents at 7.5'.
b) All doors at the south and west sides of sidelights are double glazed SDL per manufacturer's standard configuration & amount of bars.
This also SDL wing required on Low E glass. All sidelights to have mechanical vents at 7.5' or room above. All vents operable.
c) This schedule is for reference only. Contractor to verify all window and door units are accurately sized for each opening prior to commencing construction.
d) This schedule is for reference only. Contractor to verify all window and door units are accurately sized for each opening prior to commencing construction.
e) Provide all windows with hardware finish as per Architect's selection from standard options.
f) Provide all windows with screens. All screens to be full mesh.
g) Contractor to verify all rough opening sizes and quantities prior to ordering. Inform Architect of any discrepancies.

Previously Submitted West



EXIST MH WEST ELEVATION

1 **MH NORTH ELEVATION**
Scale: 1/4" = 1'-0"

2 **MH WEST ELEVATION**
Scale: 1/4" = 1'-0"

HDC REVISIONS:
FOR STAFF APPROVAL MAR 25 2021

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31 STATE STREET, BOSTON, MA 02109 | P. 617 482 4543
BOTTICELLIANDPOHL.COM

DATE REVISIONS

North & West Elevations

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Renovations at
4 Lincoln Avenue
Nantucket, MA 02554
MAP NO: 30 ZONING INFO: R-1 REVISED:
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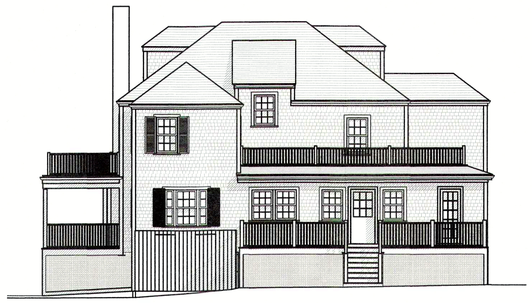
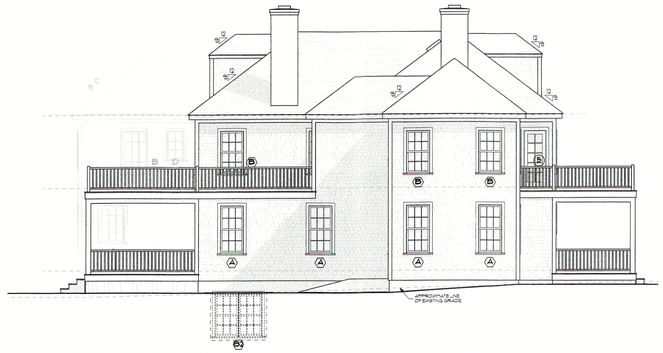
Previously Submitted South

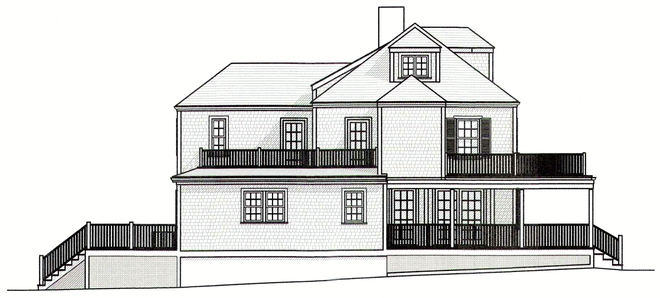


EXIST MH SOUTH ELEVATION

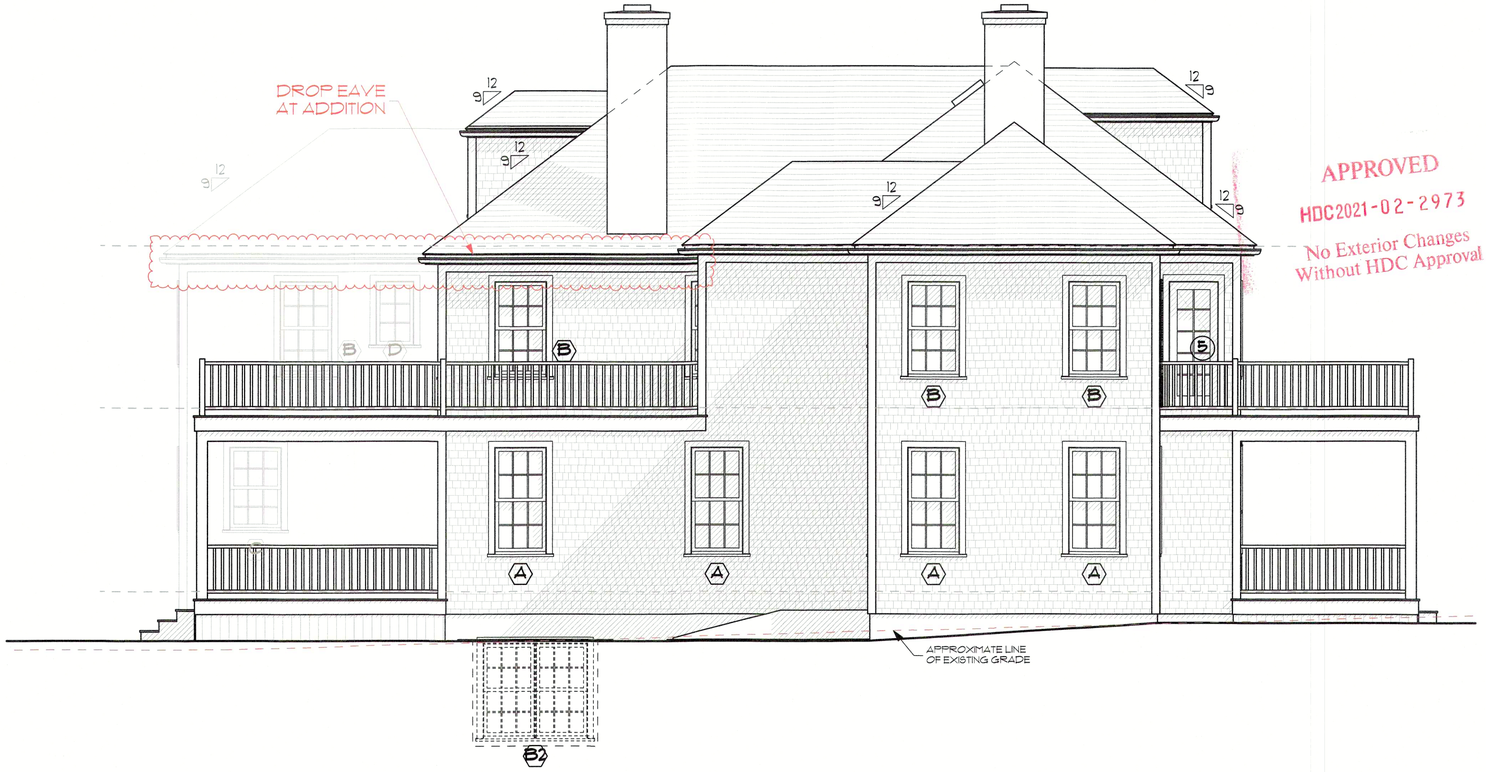
1 MH SOUTH ELEVATION
Scale: 1/4" = 1'-0"



Previously Submitted East



EXIST MH EAST ELEVATION



APPROVED
HDC2021-02-2973
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2 MH EAST ELEVATION
Scale: 1/4" = 1'-0"

HDC REVISIONS:
FOR STAFF APPROVAL MAR 25 2021

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DATE
REVISIONS

South & East Elevations

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By

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554

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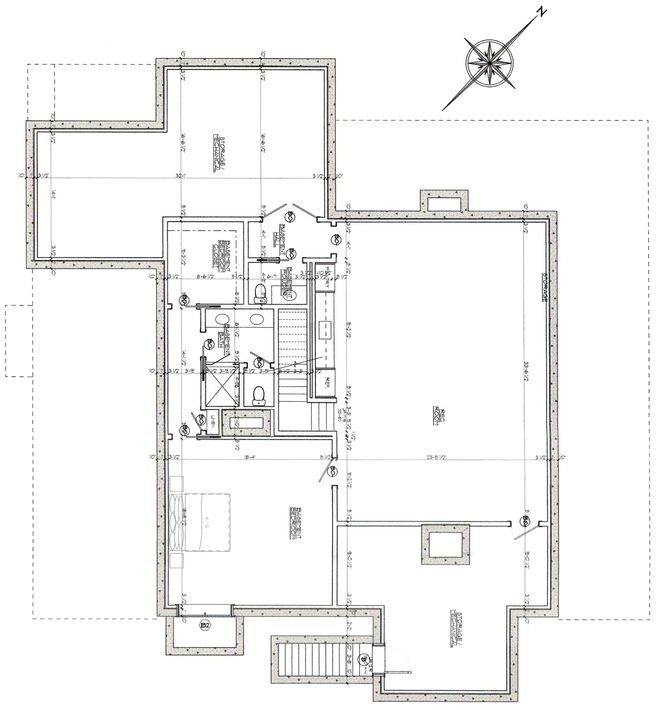
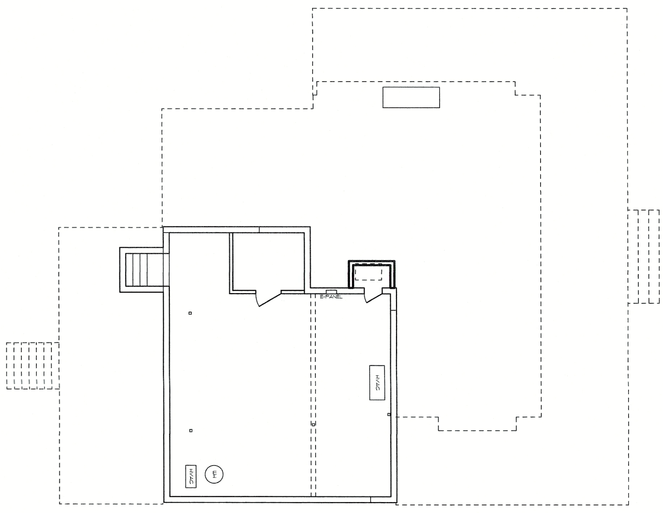
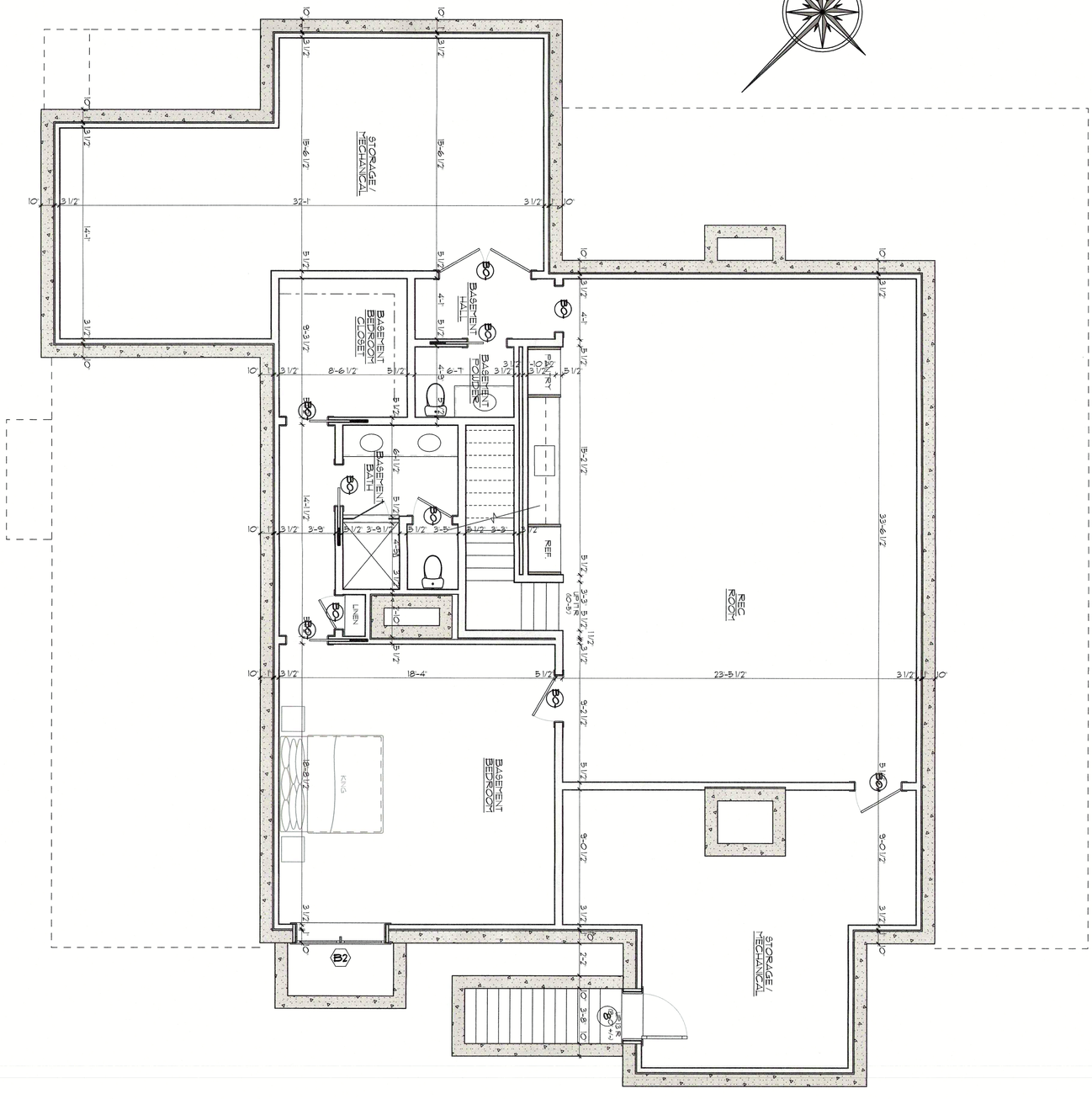
ID#
A-2.2



EXISTING BASEMENT PLAN
SCALE: 1/8" = 1'-0"



Previously Submitted Basement



1 BASEMENT FLOOR PLAN
Scale: 1/4" = 1'-0"

ID# A-1.0

Renovations at
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Basement Floor Plan

DATE	REVISIONS

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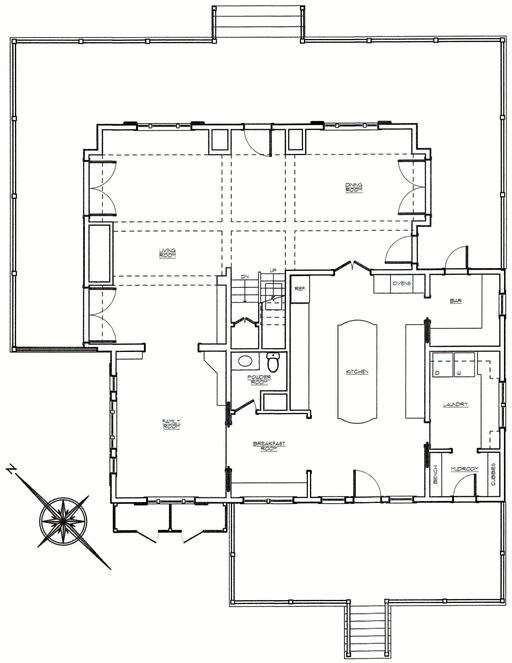
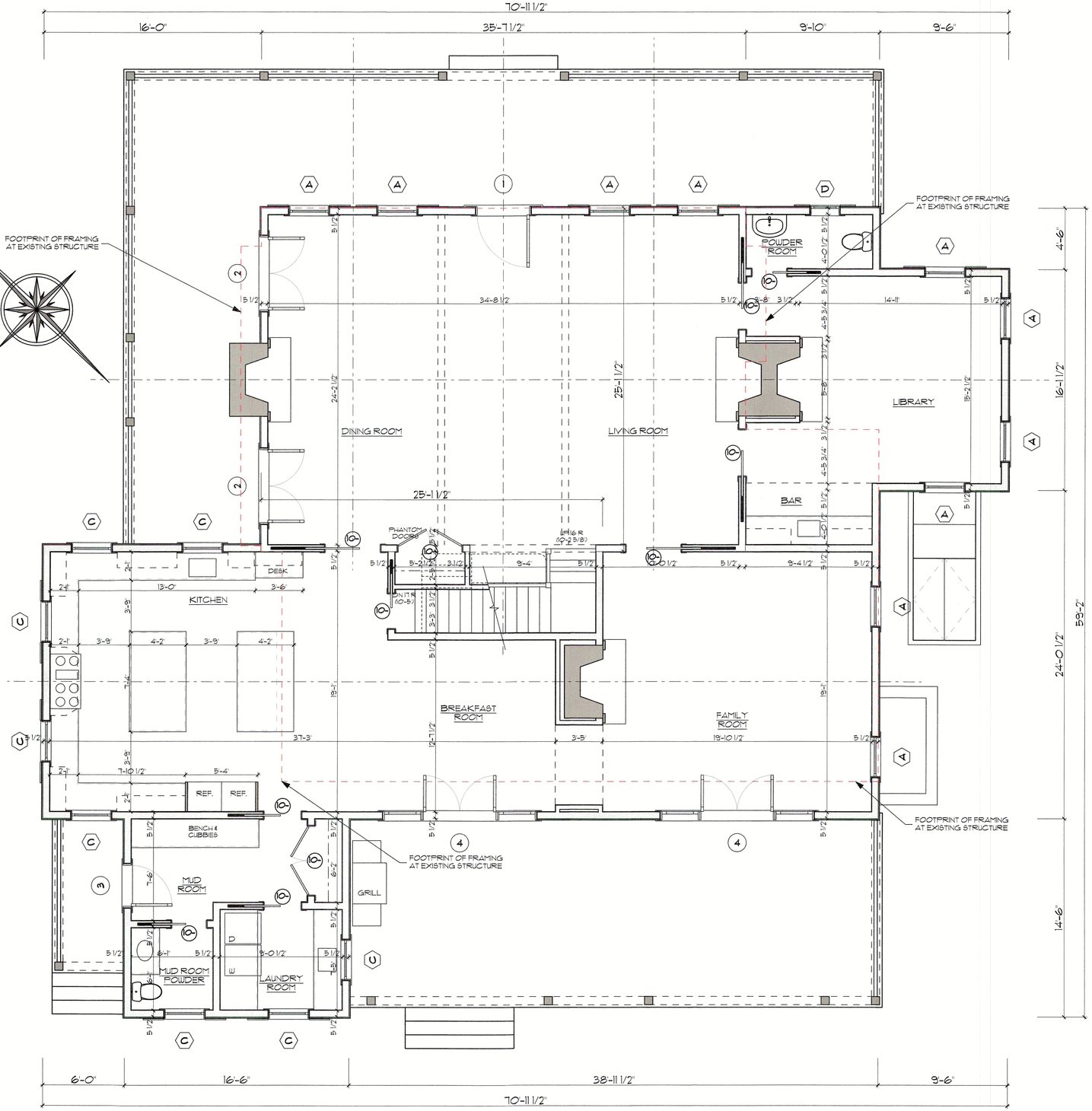


EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

Previously Submitted First Floor



FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

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DATE | REVISIONS

First Floor Plan

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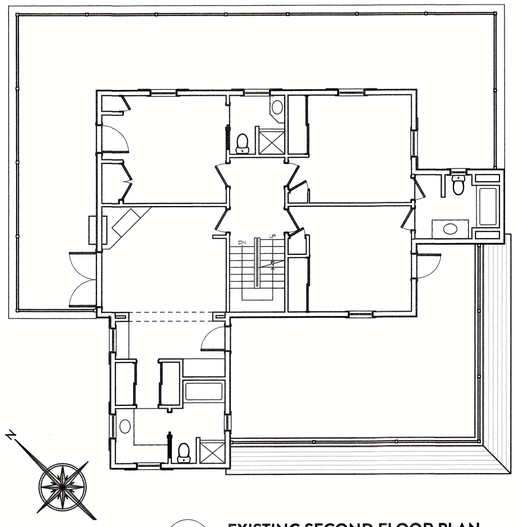
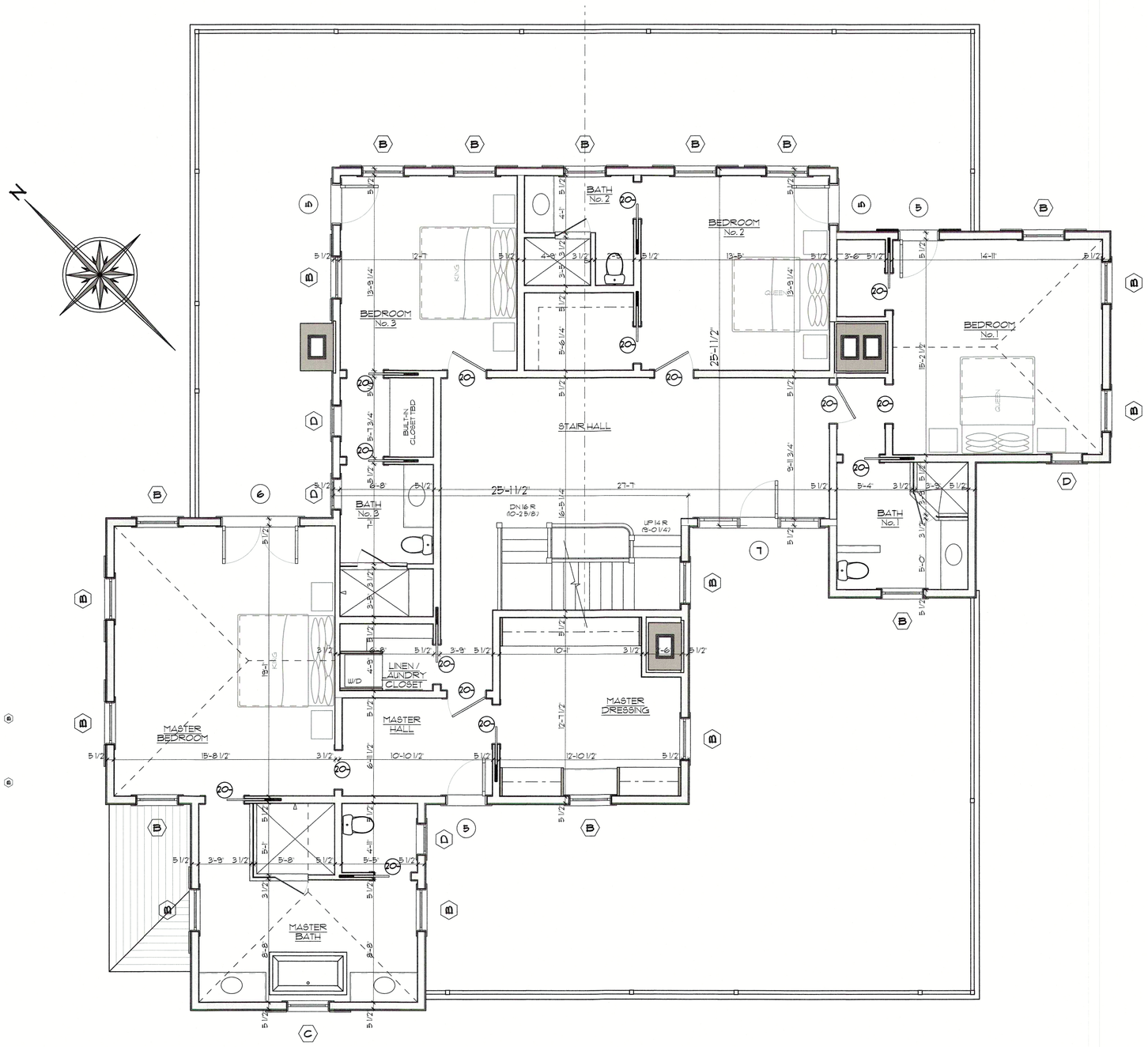
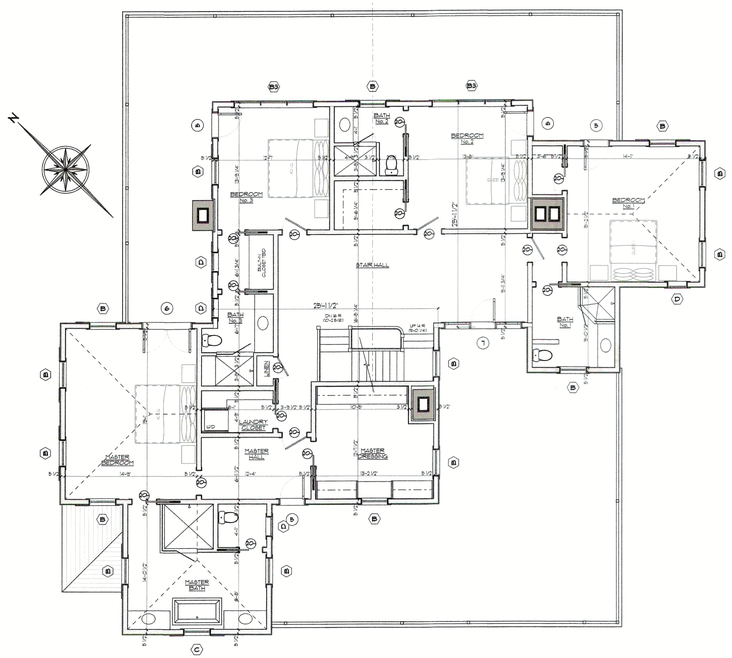


EXISTING SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"





Previously Submitted Second Floor

1 SECOND FLOOR PLAN
Scale: 1/4" = 1'-0"

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DATE REVISIONS

Second Floor Plan

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554
MAP NO: 30 ZONING INFO: R-1
PARCEL NO: 151 PROJECT NO: 63 REVISED:

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ID#
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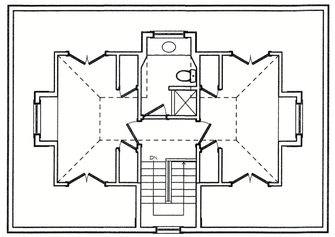
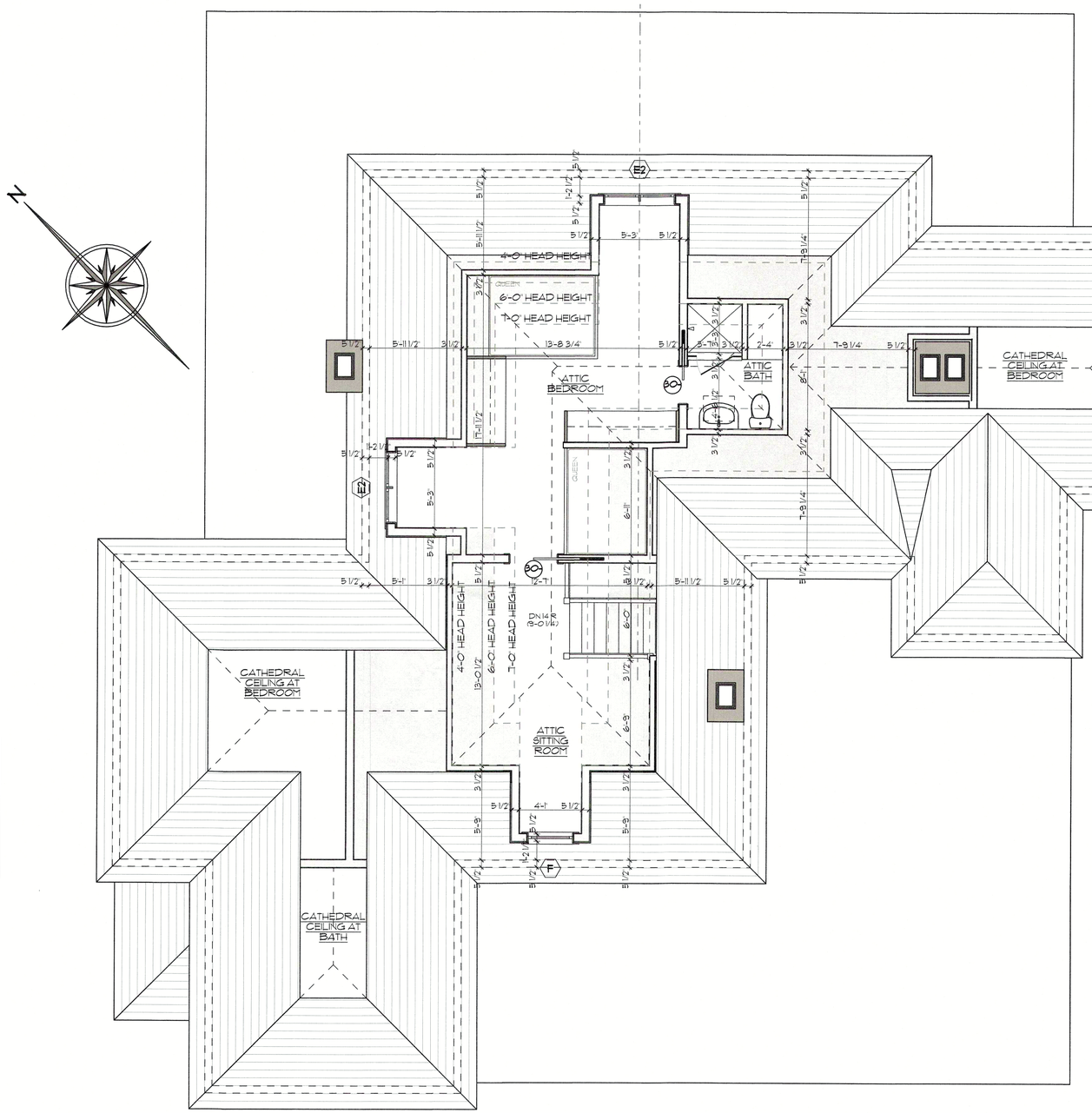
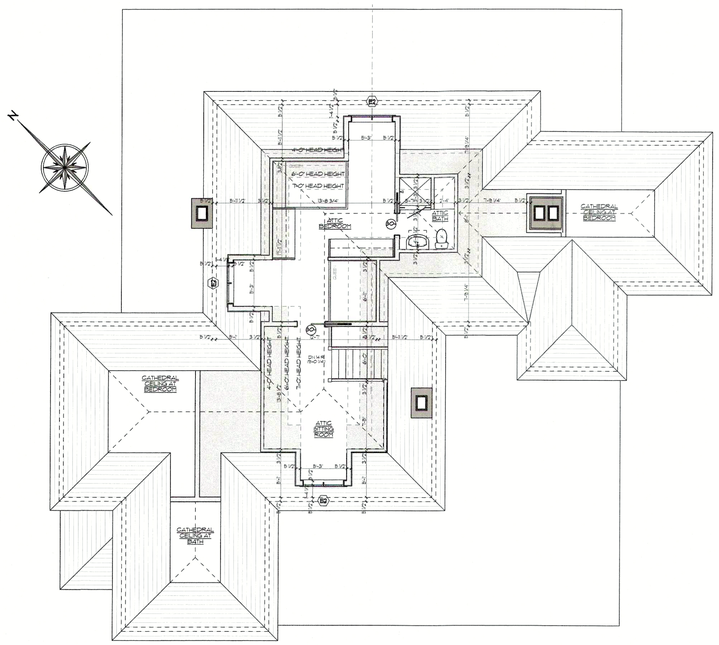


EXISTING THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"





Previously Submitted Third Floor

1 THIRD FLOOR PLAN
Scale: 1/4" = 1'-0"

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DATE REVISIONS

Third Floor Plan

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554

MAP NO: 30 ZONING INFO: R-1
PARCEL NO: 151 PROJECT NO: 63 REVISED:

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ID #
A-1.3

Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... SULLIVAN, WILLIAM F. TRST ETAL .....

MAILING ADDRESS..... C/O VDHB&S, 2 Whales Lane, PO BOX 659, Nantucket, MA .....

PROPERTY LOCATION..... 4 Lincoln Ave. .....

ASSESSOR MAP/PARCEL..... 30 / 151 .....

SUBMITTED BY..... Bryan J. Swain, Esq. .....

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 1 1 and Zoning Code Chapter 40A, Section 139-29B (2).

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.01.05 14:49:28 -05'00'

1-5-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City
30	57		3 GRANT AVENUE LLC		330 SOCIETY HILL BLVD	CHERRY HILL
30	63		PHYLLIS M HOADLEY LIVING TRST	HOADLEY DEBORAH	27 PHEASANT RUN	SOMERS
30	64		LEVENTI PETER & GABRIELA		15 OLD ROARING BROOK RD	MT KISCO
30	136		MCCAUSLAND CHRISTOPHER F TRST ETAL		PO OX 274	LAFAYETTE HILL
30	137		NANTUCKET POINT OF VIEW LLC	C/O JOHN D FLAVIN	PO BOX 860	SARATOGA SPRINGS
30	138	2	NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET
30	139		LEVINGER FREDERICK N & CAROL J TRST	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS
30	139	1	LEVINGER FREDERICK N TR	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS
30	140		DIAMOND JENNIFER		400 BROADHOLLOW RD	MELVILLE
30	142		ALGER SARAH F TRST	C/O HARDING & CARBONE	PO BOX 460329 DEPT 909	HOUSTON
30	143		CERUZZI LOUIS L JR		1720 POST ROAD	FAIRFIELD
30	144		3 GRANT AVENUE LLC		330 SOCIETY HILL BLVD	CHERRY HILL
30	145		ROTONDARO KATHLEEN M TRST	8 NANTUCKET AVENUE NOM. TRUST	10 NEWLANDS STREET	CHEVY CHASE
30	146		BARTLETT JOHN P ETAL		19 CLEVELAND LANE	PRINCETON
30	147		ALLFATHER CAROL TRST	NELSON FAMILY IRRV 2012 TRUST	170 EAST 95TH STREET	NEW YORK
30	148		STEPHENSON L PARKER & ROBERT W		151 WEST 86TH STREET APT 12C	NEW YORK
30	152		WEILLE JEAN WALKER TR		166 E 96TH STREET # 1A	NEW YORK
30	153		HOADE RONEE		390 FIRST AVE - APT 7-D	NEW YORK
30	154		JARVIS DAVID J & SUZANNE L TRST	3 HIGHLAND NOM TRUST	28 CHIEFTANS ROAD	GREENWICH
30	155		HARBERT NANCY		1 CHARLES STREET APT 5D	BOSTON
30	184		LMD INVESTMENT LIMITED PRTSHIP		177 GOODHILL ROAD	WESTON
30	185		FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY
30	185	1	FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY
30	186		GRAVES ANNE M & JAMES P TRST		321 SEA OAK DR	VERO BEACH
30	187		2 HIGHLAND AVENUE LLC		2 N CLIFF WY	NANTUCKET
30	214		IRWIN WILLIAM C & CLARK VIRGINIA		2 N CLIFF WY	NANTUCKET
30	217		MCDONALD JOHN T		5406 MARYANNA DRIVE	AUSTIN

30	218		KEITH ROBERT M & KATE L		19 OLD FARM RD	DARIEN
30	247		BEALE ANTHONY E & ANN PATRICIA		119 RIDGE RD	MILLERSVILLE
30	247	1	THOMPSON GEORGE III & BETTY M TRST	SIXTY ONE CLIFF RD NOM TRUST	5020 COLLINWOOD AVE STE 300	FORT WORTH
30	248		GOLDSTUCK CHARLES & KARIN		465 FIELD POINT ROAD	GREENWICH
30	249		BEAUDETTE RICHARD P TR	2 LINCOLN AVE NOM TRUST	PO BOX 659	NANTUCKET
30	252		TRILLIUM 88 LLC		707 DARLINGTON RD NE	ATLANTA
30	286		MILLER JOSEPH AUSTIN TR		937 BELLVIEW RD	MCLEAN
30	287		8 HIGHLAND AVE LLC		19 OLD FARM ROAD	DARIEN
30	288		2 HIGHLAND AVE LLC		2 NORTH CLIFF WY	NANTUCKET
30	289		2 HIGHLAND AVENUE LLC		2 N CLIFF WY	NANTUCKET
30	290		LUCKY STARFISH 17 LLC		3656 MAPLEWOOD AVE	DALLAS
30	291		CROWLEY DENNIS & KELLY		33 MOUNCE FARM WAY	MARSHFIELD
30	608		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET
30	609		32 DUCKS LLC		830 PARK AVE APT 9/10 B	NEW YORK
Count :	**41**					

State	Zip	Location
NJ	08003	3 GRANT AV
CT	06071	3 NANTUCKET AV
NY	10549	55 CLIFF RD
PA	19444	11 LINCOLN AV
NY	12866	9 LINCOLN AV
MA	02554	COBBLESTONE HILL
FL	33410	5 LINCOLN AV
FL	33410	7 LINCOLN AV
NY	11747	3 LINCOLN AV
TX	77056	7 GRANT AV
CT	06824	5 GRANT AV
NJ	08003	3 GRANT AV
MD	20815	8 NANTUCKET AV
NJ	08540	6 GRANT AV
NY	10128	5 MOORS AV
NY	10024	4 NANTUCKET AV
NY	10128	7 HIGHLAND AV
NY	10010	5 HIGHLAND AV
CT	06831-3260	3 HIGHLAND AV
MA	02116	63 CLIFF RD
CT	06883	10 LINCOLN AV
CT	06033	8 LINCOLN AV
CT	06033	3 CAPAUM RD
FL	32963	6 LINCOLN AV
MA	02554	2 HIGHLAND AV
MA	02554	2 N CLIFF WY
TX	78746	4 CAPAUM RD

CT	06820	2 CAPAUM RD
PA	17551	4 MOOERS AV
TX	76107-3664	61 CLIFF RD
CT	06830	8 MOOERS AV
MA	02554	2 LINCOLN AV
GA	30305	5 NANTUCKET AV
VA	22102	10 HIGHLAND AV
CT	06820	8 HIGHLAND AV
MA	02554	6 HIGHLAND AV
MA	02554	2 HIGHLAND AV
TX	75205	6 N CLIFF WY
MA	02050	12 HIGHLAND AV
MA	02554	2 NANTUCKET AV
NY	10021	1 HIGHLAND AV

3 GRANT AVENUE LLC
330 SOCIETY HILL BLVD
CHERRY HILL, NJ 08003

PHYLLIS M HOADLEY LIVING TRST
HOADLEY DEBORAH
27 PHEASANT RUN
SOMERS, CT 06071

LEVENTI PETER & GABRIELA
15 OLD ROARING BROOK RD
MT KISCO, NY 10549

MCCAUSLAND CHRISTOPHER F TRST
ETAL
PO OX 274
LAFAYETTE HILL, PA 19444

NANTUCKET POINT OF VIEW LLC
C/O JOHN D FLAVIN
PO BOX 860
SARATOGA SPRINGS, NY 12866

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

LEVINGER FREDERICK N & CAROL J TRST
LEVINGER NOMINEE TRUST
13360 PROVENCE DR
PALM BEACH GARDENS, FL 33410

LEVINGER FREDERICK N TR
LEVINGER NOMINEE TRUST
13360 PROVENCE DR
PALM BEACH GARDENS, FL 33410

DIAMOND JENNIFER
400 BROADHOLLOW RD
MELVILLE, NY 11747

ALGER SARAH F TRST
C/O HARDING & CARBONE
PO BOX 460329 DEPT 909
HOUSTON, TX 77056

CERUZZI LOUIS L JR
1720 POST ROAD
FAIRFIELD, CT 06824

3 GRANT AVENUE LLC
330 SOCIETY HILL BLVD
CHERRY HILL, NJ 08003

ROTONDARO KATHLEEN M TRST
8 NANTUCKET AVENUE NOM TRUST
10 NEWLANDS STREET
CHEVY CHASE, MD 20815

BARTLETT JOHN P ETAL
19 CLEVELAND LANE
PRINCETON, NJ 08540

ALLFATHER CAROL TRST
NELSON FAMILY IRRV 2012 TRUST
170 EAST 95TH STREET
NEW YORK, NY 10128

STEPHENSON L PARKER & ROBERT W
151 WEST 86TH STREET APT 12C
NEW YORK, NY 10024

WEILLE JEAN WALKER TR
166 E 96TH STREET # 1A
NEW YORK, NY 10128

HOADE RONEE
390 FIRST AVE - APT 7-D
NEW YORK, NY 10010

JARVIS DAVID J & SUZANNE L TRST
3 HIGHLAND NOM TRUST
28 CHIEFTANS ROAD
GREENWICH, CT 06831-3260

HARBERT NANCY
1 CHARLES STREET APT 5D
BOSTON, MA 02116

LMD INVESTMENT LIMITED PRTSHIP
177 GOODHILL ROAD
WESTON, CT 06883

FERGUSON ERIC N & ANNE R TRS
C/O FERGUSON NEIL
120 RIDGE RD
GLASTONBURY, CT 06033

FERGUSON ERIC N & ANNE R TRS
C/O FERGUSON NEIL
120 RIDGE RD
GLASTONBURY, CT 06033

GRAVES ANNE M & JAMES P TRST
321 SEA OAK DR
VERO BEACH, FL 32963

2 HIGHLAND AVENUE LLC
2 N CLIFF WY
NANTUCKET, MA 02554

IRWIN WILLIAM C & CLARK VIRGINIA
2 N CLIFF WY
NANTUCKET, MA 02554

MCDONALD JOHN T
5406 MARYANNA DRIVE
AUSTIN, TX 78746

KEITH ROBERT M & KATE L
19 OLD FARM RD
DARIEN, CT 06820

BEALE ANTHONY E & ANN PATRICIA
119 RIDGE RD
MILLERSVILLE, PA 17551

THOMPSON GEORGE III & BETTY M TRST
SIXTY ONE CLIFF RD NOM TRUST
5020 COLLINWOOD AVE STE 300
FORT WORTH, TX 76107-3664

GOLDSTUCK CHARLES & KARIN
465 FIELD POINT ROAD
GREENWICH, CT 06830

BEAUDETTE RICHARD P TR
2 LINCOLN AVE NOM TRUST
PO BOX 659
NANTUCKET, MA 02554

TRILLIUM 88 LLC
707 DARLINGTON RD NE
ATLANTA, GA 30305

MILLER JOSEPH AUSTIN TR
937 BELLVIEW RD
MCLEAN, VA 22102

8 HIGHLAND AVE LLC
19 OLD FARM ROAD
DARIEN, CT 06820

2 HIGHLAND AVE LLC
2 NORTH CLIFF WY
NANTUCKET, MA 02554

2 HIGHLAND AVENUE LLC
2 N CLIFF WY
NANTUCKET, MA 02554

LUCKY STARFISH 17 LLC
3656 MAPLEWOOD AVE
DALLAS, TX 75205

CROWLEY DENNIS & KELLY
33 MOUNCE FARM WAY
MARSHFIELD, MA 02050

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

32 DUCKS LLC
830 PARK AVE APT 9/10 B
NEW YORK, NY 10021

NEW

BUSINESS

SHANNAH GREEN

49 Fairgrounds Rd.

FILE NO. 09-21

NANTUCKET
TOWN CLERK

2021 MAY -3 PM 3:34

PAID
APR 26 2021
BY: V11196 Emt

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Zoning Board of Appeals
APR 26 2021
RECEIVED

APPLICATION

Fee: $450.00 **File No.** 09-21

Owner's name(s): Shannah Green

Mailing address: c/o Sarah F. Alger, P.C., 4 North Water Street, Nantucket, MA 02554

Phone Number: (508) 228-1118 E-Mail: sfa@sfapc.com

Applicant's name(s): Same as above.

Mailing Address: Same as above.

Phone Number: Same as above. E-Mail: Same as above.

Locus Address: 49 Fairgrounds Road Assessor's Map/Parcel: 67/306
Lot 56, Land Court Plan No. 34507-H
Land Court Plan/Plan Book & Page/Plan File No.: Lot 57, Land Court Plan No. 34507-I

Deed Reference/Certificate of Title: 16,996 Zoning District Residential-10

Uses on Lot- Commercial: None____ Yes (describe) Yoga and dance studio
Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or Dwelling - 2/4/87; Dwelling - 2/6/87; and Studio - 7/12/01

Building Permit Numbers: 65-77; 1156-79; 872-01

Previous Zoning Board Application Numbers: 036-00 and 24-17

State below or attach a separate addendum of specific special permits or variance relief applying for:

See addendum attached.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Shannah Green By: _____ Owner*
Sarah F. Alger, Attorney

SIGNATURE: Shannah Green By: _____ Applicant/Attorney/Agent*
Sarah F. Alger, Attorney

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

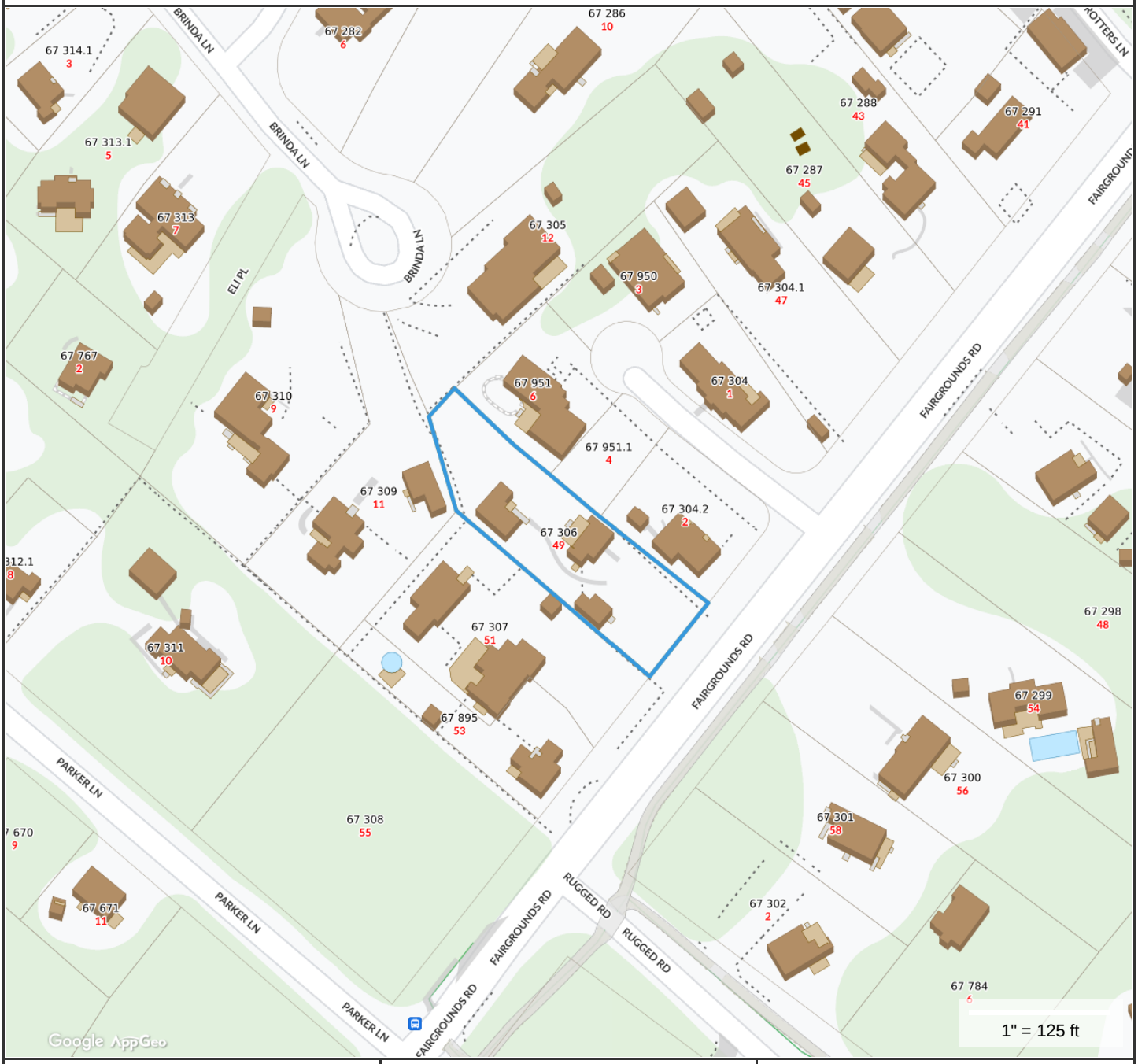
OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

ADDENDUM
(Nantucket Zoning Board of Appeals Application
49 Fairgrounds Road, Nantucket, Massachusetts)

The Applicant seeks an amendment of previously granted Special Permit relief, recently amended by the Planning Board to permit creation of a secondary residential lot, to allow use of a seasonally covered deck for outdoor classes. Specifically, Applicant seeks to modify the relief and its conditions to: 1) permit classes to be conducted outside to allow for appropriate social distancing during the pandemic; and 2) substitute an updated Site Plan as new "Exhibit A." The Locus is situated at 49 Fairgrounds Road, is shown on Tax Assessor's Map 67 as Parcel 306, and Lots 56 and 57 upon Land Court Plans 34507-H and 34507-I. Evidence of owner's title is registered as Certificate of Title No. 16996 in the Nantucket County District of the Land Court. The site is zoned Residential 10 (R-10).

The Locus is located at 49 Fairgrounds Road, is shown on Nantucket Tax Assessor's Map 67 as Parcel 306, is shown as Lot 56, on Land Court Plan No. 34507-H and Lot 57 on Land Court Plan No. 34507-I, and is now located in the Residential-10 ("R-10") Zoning District.



Property Information

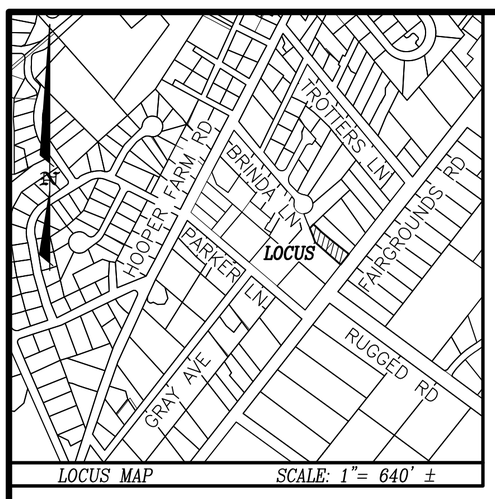
Property ID	67 306
Location	49 FAIRGROUNDS RD
Owner	GREEN SHANNAH

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan. 2021
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



LOCUS MAP SCALE: 1"= 640' ±

OWNER INFORMATION

SHANNAH GREEN
CERT. OF TITLE #16996
L.C.C. 34507-H, LOT 56
L.C.C. 34507-I, LOT 57
ASSESSOR'S MAP 67, PARCEL 306
#49 FAIRGROUNDS ROAD

NOTE:
OFSETTS TO PROPERTY LINE SHOWN ARE TO CORNER BOARDS 4' ABOVE GRADE.

LEGEND

dhCB FD ■	DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
CB FD ■	DENOTES CONCRETE BOUND FOUND
CRB FD ■	DENOTES COUNTY ROAD BOUND FOUND
IP FD ○	DENOTES IRON PIPE FOUND
(R)	DENOTES RECORD MONUMENT
(NF)	DENOTES MONUMENT NOT FOUND
(D)	DENOTES DISTURBED MONUMENT
⊞ CBS	DENOTES EXISTING CATCHBASIN
P. ⊡	DENOTES CONCRETE BOUND WITH DRILLHOLE TO BE SET

CURRENT ZONING CLASSIFICATION:
Residential 10 (R-10)

MINIMUM LOT SIZE:	10,000 S.F.
MINIMUM FRONTAGE:	75 FT.
FRONT YARD SETBACK:	20 FT.
REAR/SIDE SETBACK:	10 FT.
GROUND COVER % :	25%

N
L.C.C. 34507

67-305 N/F ALAN E. RUSCH JUDITH A. RUSCH CERT. 15111 L.C.C. 34507-G, LOT 49 #12 BRINDA LANE

67-951 N/F MICHAEL HORTON SAMANTHA HORTON CERT. 26939 L.C.C. 34507-23, LOT 160 #6 WEATHERLY PLACE

67-309 N/F ROBERT G. BATES, JR. SHERRY L. BATES CERT. 15325 L.C.C. 34507-G, LOT 51 #11 BRINDA LANE

67-951.1 N/F JOHN D. HEDDEN MARILYN VAUGHN L.C.C. CERT. 26797 34507-23, LOT 159 #4 WEATHERLY PLACE

67-304.2 N/F ANGELA L. GILES JANET L. COLBY CERT. 25418 L.C.C. 34507-17, LOT 144 #2 WEATHERLY PLACE

67-307 N/F RAYMOND F. ST. PETER LYNDA S. ST. PETER CERT. 13258 L.C.C. 34507-11, LOT 127 #51 FAIRGROUNDS ROAD

dhCB (R) FD 01/09/2021
29.78' N46°55'43"E
S49°39'38"E 113.89'
S49°39'38"E 153.53'
N21°18'19"W 95.49'
S40°20'22"W 32.23'
S49°39'38"E 39.64'
6.4'±
S49°39'38"E 4.7'±
67.84'
S49°39'38"E 135.00'
S49°39'38"E 67.16'
S37°53'15"W 75.00'
S37°53'15"W 69.36'
N49°39'38"W 135.00'
5.8' H
5.5' H
N49°39'38"W 76.12'
S49°43'43"E 21.73'
S22°36'43"E 52.16'
S58°14'25"E 24.64'
S12°46'41"W 24.64'
N40°19'16"E 7.14'
S49°39'38"E 20.49'
N40°20'22"E 27.61'
S80°21'13"E 20.52'
ch=19.04' ch=N54°29'27"W
L=19.55' R=24.64'
Not Tan.
Not Tan.

LOT 189
16,039± S.F.

LOT 190
NHNC LOT
4,001± S.F.

"ROOF" OVERHANG
SEASONALLY COVERED DECK
BASEMENT ACCESS
10.9'±
11.0'±
2 STRY. W/F STRUCTURE 788 S.F.±
RAMP
BRICK WALK
DECK
1½ STRY. W/F STRUCTURE 698 S.F.±
LP TANK
STOOP
CHIM.
BASEMENT ACCESS
LP TANKS
1½ STRY. W/F STRUCTURE 386 S.F.±
LP TANK
STOOP
0.22' @ 90°
0.17'
S49°39'38"E 135.00'
N.T.S.
0.06' @ 90°
0.03'
S49°39'38"E 135.00'
N.T.S.
0.10'
S.M.
0.02' @ 90°
N.T.S.
S.M. (R) FD 02/04/2021 CAP BROKEN, RE-BAR INTACT
S.M. (R) FD 01/09/2021
dhCB (R) FD 01/09/2021
CONCRETE APRON
EDGE OF PAVEMENT
EDGE OF PAVEMENT

FAIRGROUNDS ROAD

NOTE:
REAR LOT CREATED PURSUANT TO TOWN OF NANTUCKET ZONING BYLAW Ch. 139-8 (C). SPECIAL PERMIT ISSUED BY THE PLANNING BOARD TO BE RECORDED AT REGISTRY OF DEEDS.

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

"I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HERON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 01-09-2021 AND 02-04-2021."

DATE: _____

_____
REGISTERED PROFESSIONAL LAND SURVEYOR

UNADJUSTED TRAVERSE DATA

SURVEY PRECISION	: 1:28594
LINEAR ERROR OF CLOSURE	: 0.0259
DIRECTIONAL ERROR OF SURVEY	: N09°39'45.7"W
EDM ACCURACY LEICA TCRP 1203	: ±(5mm+2ppm)

THE PLANNING BOARD DETERMINES THAT:

NOTE:

PARCEL(S) 189-190 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

Nantucket Planning Board
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

_____
_____
_____
_____
_____
_____
DATE SIGNED FILE #

GRAPHIC SCALE
15 0 8 15 30 60
(IN FEET)
1 inch = 15 ft.

T:\CHRISRAY JOB 27
V:\DRAWFILES\B4502\ANR.dwg 3/26/2021 2:26:05 PM EDT

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

BEING A DIVISION OF LCC 34507-H, LOT 56 & LCC 34507-I, LOT 57

DIVISION PLAN OF LAND

in Nantucket, MA
Prepared for
SHANNAH GREEN

Drawn by: CJA/LSJ	Date: March 22, 2021	B4502
Approved by: JLB	Scale: 1"=15'	

CURRENT ZONING CLASSIFICATION:
Residential 10 (R–10)

		Existing:	Proposed Lot A:	Proposed Lot B:
MINIMUM LOT SIZE:	10,000 S.F.	20,041 S.F.±	16,040 S.F.±	4,001 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	20 FT.	SEE PLAN	SEE PLAN	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN	SEE PLAN	SEE PLAN
GROUND COVER % :	25%	9.3% ±	7.3% ±	17.5% ±

REF. SPECIAL PERMIT DOCUMENTS #89935 & #156439

OWNER INFORMATION

SHANNAH GREEN
CERT. #16996
L.C.C. 34507–H, LOT 56
L.C.C. 34507–I, LOT 57
ASSESSOR'S MAP 67, PARCEL 306
#49 FAIRGROUNDS ROAD

PLAN REFERENCE

L.C.C. 34507–H
L.C.C. 34507–I

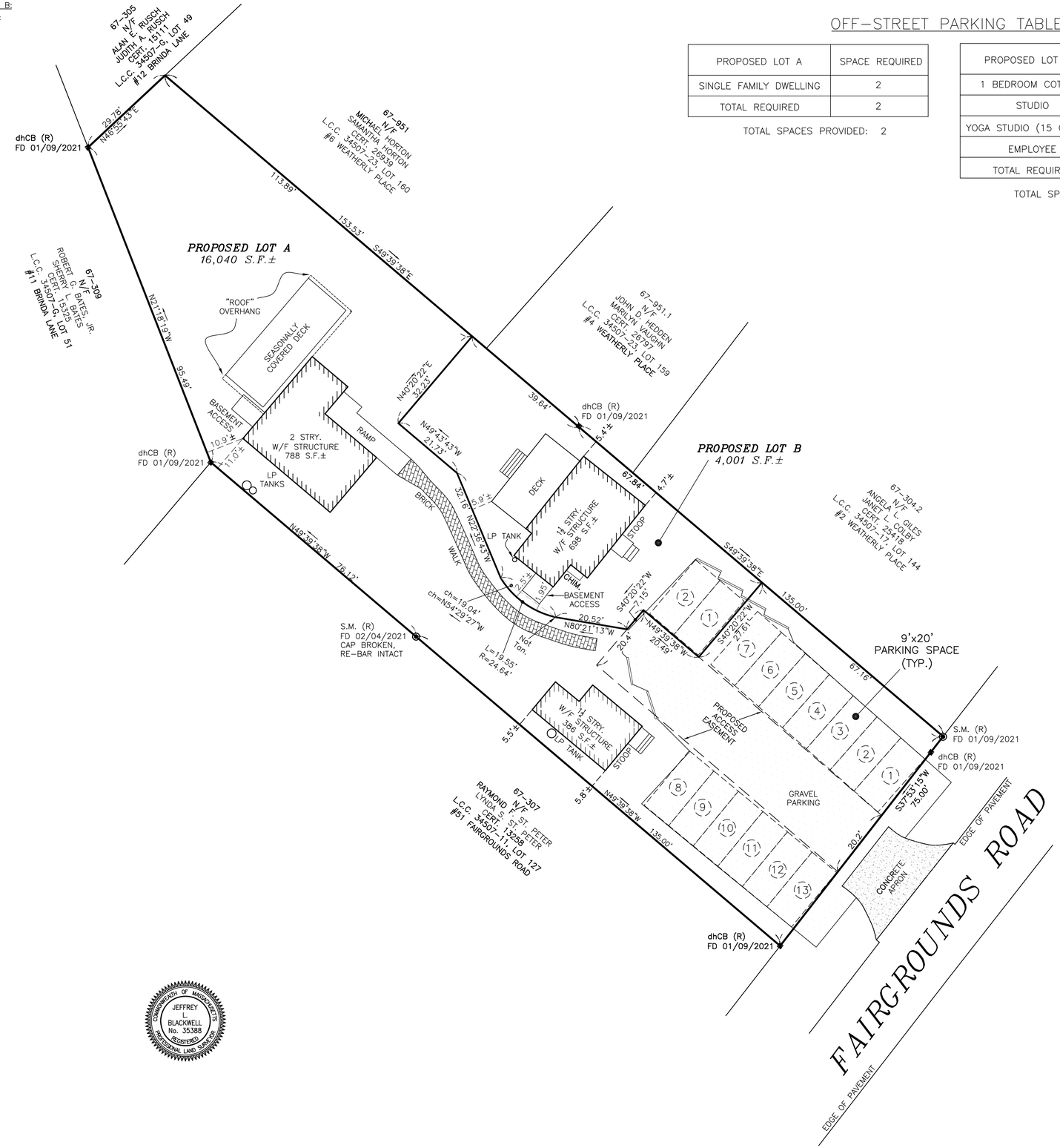
OFF–STREET PARKING TABLE

PROPOSED LOT A	SPACE REQUIRED
SINGLE FAMILY DWELLING	2
TOTAL REQUIRED	2

TOTAL SPACES PROVIDED: 2

PROPOSED LOT B	SPACE REQUIRED
1 BEDROOM COTTAGE	1
STUDIO	1
YOGA STUDIO (15 CLIENTS)	5
EMPLOYEE	1
TOTAL REQUIRED	8

TOTAL SPACES PROVIDED: 13



LEGEND

dhCB FD ■	*DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND*
R+C FD ◉	*DENOTES RE–BAR WITH CAP FOUND*
CBS ⊞	*DENOTES EXIST. CATCHBASIN*

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35388
REGISTERED PROFESSIONAL LAND SURVEYOR

NOTE
Location of underground utilities is unknown.

T:\CHRISRAY JOB 27
V:\DRAWFILES\B4502\SPECIAL PERMIT.dwg 3/15/2021 4:24:24 PM EDT

Concept Plan of Land in Nantucket, Mass. Prepared for

SHANNAH GREEN

Scale: 1"= 15' March 15, 2021

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

GRAPHIC SCALE

15 0 8 15 30 60
(IN FEET)
1 inch = 15 ft.

B4502

Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Shannah Green

MAILING ADDRESS..... c/o Sarah F. Alger, P.C., 4 North Water Street, Nantucket, MA 02554

PROPERTY LOCATION..... 49 Fairgrounds Road

ASSESSOR MAP/PARCEL..... Map 67, Parcel 306

SUBMITTED BY..... Sarah F. Alger, P.C.

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2).

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.04.23 07:56:41 -04'00'

4-23-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	282		DIGGLE BRYAN M		PO BOX 2942	NANTUCKET	MA	02584	6 BRINDA LN
67	283		PILARSKI CAROL A TR		8 FLINT STREET	MARBLEHEAD	MA	01945	8 BRINDA LN
67	286		BENDIKSEN CARL J		10 BRINDA LN	NANTUCKET	MA	02554	10 BRINDA LN
67	287		NORDBY ERIC J		45 FAIRGROUNDS RD	NANTUCKET	MA	02554	45 FAIRGROUNDS RD
67	297	1	BUNLERSSAKSKUL SOMCHAI		46 FAIRGROUNDS RD	NANTUCKET	MA	02554	46 FAIRGROUNDS RD #1
67	297	2	KYOMITMAITEE SOMWONG		PO BOX 2837	NANTUCKET	MA	02584	46B FAIRGROUNDS RD #2
67	298		BUTLER STEPHEN & KARLA W		54 FAIRGROUNDS RD	NANTUCKET	MA	02554	48 FAIRGROUNDS RD
67	299		BUTLER STEPHEN & KARLA W		54 FAIRGROUNDS RD	NANTUCKET	MA	02554	54 FAIRGROUNDS RD
67	300		TRUE LINDA M		56 FAIRGROUNDS RD	NANTUCKET	MA	02554	56 FAIRGROUNDS RD
67	301		FEE MATTHEW G TRUSTEE	THE FEE-FAIRGROUNDS REALTY TR	50 CLIFF RD	NANTUCKET	MA	02554	58 FAIRGROUNDS RD
67	302		FEE MATTHEW G TRUSTEE	THE FEE-FAIRGROUNDS REALTY TR	50 CLIFF RD	NANTUCKET	MA	02554	2 RUGGED RD
67	304		RODRIGUEZ JORGE A & NANCY		61 OLD SOUTH RD #482	NANTUCKET	MA	02554	1 WEATHERLY PL
67	304	1	SHARRETTS GAIL B		47 FAIRGROUNDS RD	NANTUCKET	MA	02554	47 FAIRGROUNDS RD
67	304	2	GILES ANGELA L & COLBY JANET L		2 WEATHERLY PLACE	NANTUCKET	MA	02554	2 WEATHERLY PL
67	305		RUSCH ALAN E & JUDITH A		12 BRINDA LN	NANTUCKET	MA	02554	12 BRINDA LN
67	306		GREEN SHANNAH		363 MORRIS AVE	PROVIDENCE	RI	02906	49 FAIRGROUNDS RD
67	307		ST PETER RAYMOND F & LYNDA S		53 FAIRGROUNDS RD	NANTUCKET	MA	02554	51 FAIRGROUNDS RD
67	308		FEINDEL DAVID A & MARGARET G TR	FEINDEL NOMINEE TRUST	10 PARKER LANE	NANTUCKET	MA	02554	55 FAIRGROUNDS RD
67	309		BATES ROBERT G JR & SHERRY L		11 BRINDA LANE	NANTUCKET	MA	02554	11 BRINDA LN
67	310		NUNEZ WEENIEX F M & STACY A M		9 BRINDA LANE	NANTUCKET	MA	02554	9 BRINDA LN
67	311		FEINDEL DAVID A & MARGARET G TR	FEINDEL NOMINEE TRUST	10 PARKER LN	NANTUCKET	MA	02554	10 PARKER LN
67	312		SJOLUND JAMES R		PO BOX 2567	NANTUCKET	MA	02584	6 PARKER LN
67	312	1	SJOLUND JAMES R		PO BOX 2567	NANTUCKET	MA	02584	8 PARKER LN
67	313		PENA MARIA J		PO BOX 2450	NANTUCKET	MA	02584	7 BRINDA LN
67	493		LIGHTHOUSE SCHOOL INC		1 RUGGED RD	NANTUCKET	MA	02554	1 RUGGED RD
67	767		PEKARCIK DAVID P		PO BOX 1444	NANTUCKET	MA	02584	2 ELI PL
67	895		ST PETER RAYMOND F & LYNDA S		53 FAIRGROUNDS RD	NANTUCKET	MA	02554	53 FAIRGROUNDS RD
67	950		ACK WEATHERLY PLACE LLC		12 FLINTLOCK RD	NANTUCKET	MA	02554	3 WEATHERLY PL
67	951		HORTON MICHAEL & SAMANTHA		6 WEATHERLY PL	NANTUCKET	MA	02554	6 WEATHERLY PL
67	951	1	HEDDEN JOHN D & VAUGHN MARILYN		4 WEATHERLY PLACE	NANTUCKET	MA	02554	4 WEATHERLY PL
Count:	**30**								

PILARSKI CAROL A TR
8 FLINT STREET
MARBLEHEAD, MA 01945

DIGGLE BRYAN M
PO BOX 2942
NANTUCKET, MA 02584

BENDIKSEN CARL J
10 BRINDA LN
NANTUCKET, MA 02554

NORDBY ERIC J
45 FAIRGROUNDS RD
NANTUCKET, MA 02554

BUNLERSSAKSKUL SOMCHAI
46 FAIRGROUNDS RD
NANTUCKET, MA 02554

KYOMITMAITEE SOMWONG
PO BOX 2837
NANTUCKET, MA 02584

BUTLER STEPHEN & KARLA W
54 FAIRGROUNDS RD
NANTUCKET, MA 02554

BUTLER STEPHEN & KARLA W
54 FAIRGROUNDS RD
NANTUCKET, MA 02554

TRUE LINDA M
56 FAIRGROUNDS RD
NANTUCKET, MA 02554

FEE MATTHEW G TRUSTEE
THE FEE-FAIRGROUNDS REALTY TR
50 CLIFF RD
NANTUCKET, MA 02554

FEE MATTHEW G TRUSTEE
THE FEE-FAIRGROUNDS REALTY TR
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SHARRETTS GAIL B
47 FAIRGROUNDS RD
NANTUCKET, MA 02554

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NANTUCKET, MA 02554

RUSCH ALAN E & JUDITH A
12 BRINDA LN
NANTUCKET, MA 02554

GREEN SHANNAH
363 MORRIS AVE
PROVIDENCE, RI 02906

ST PETER RAYMOND F & LYNDA S
53 FAIRGROUNDS RD
NANTUCKET, MA 02554

FEINDEL DAVID A & MARGARET G TR
FEINDEL NOMINEE TRUST
10 PARKER LANE
NANTUCKET, MA 02554

BATES ROBERT G JR & SHERRY L
11 BRINDA LANE
NANTUCKET, MA 02554

NUNEZ WEENIEX F M & STACY A M
9 BRINDA LANE
NANTUCKET, MA 02554

FEINDEL DAVID A & MARGARET G TR
FEINDEL NOMINEE TRUST
10 PARKER LN
NANTUCKET, MA 02554

SJOLUND JAMES R
PO BOX 2567
NANTUCKET, MA 02584

SJOLUND JAMES R
PO BOX 2567
NANTUCKET, MA 02584

PENA MARIA J
PO BOX 2450
NANTUCKET, MA 02584

LIGHTHOUSE SCHOOL INC
1 RUGGED RD
NANTUCKET, MA 02554

PEKARCIK DAVID P
PO BOX 2147
NANTUCKET, MA 02584

ST PETER RAYMOND F & LYNDA S
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BUTLER STEPHEN & KARLA W
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NANTUCKET, MA 02554

BUTLER STEPHEN & KARLA W
54 FAIRGROUNDS RD
NANTUCKET, MA 02554

TRUE LINDA M
56 FAIRGROUNDS RD
NANTUCKET, MA 02554

FEE MATTHEW G TRUSTEE
THE FEE-FAIRGROUNDS REALTY TR
50 CLIFF RD
NANTUCKET, MA 02554

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NANTUCKET, MA 02554

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2 WEATHERLY PLACE
NANTUCKET, MA 02554

RUSCH ALAN E & JUDITH A
12 BRINDA LN
NANTUCKET, MA 02554

GREEN SHANNAH
363 MORRIS AVE
PROVIDENCE, RI 02906

ST PETER RAYMOND F & LYNDA S
53 FAIRGROUNDS RD
NANTUCKET, MA 02554

FEINDEL DAVID A & MARGARET G TR
FEINDEL NOMINEE TRUST
10 PARKER LANE
NANTUCKET, MA 02554

BATES ROBERT G JR & SHERRY L
11 BRINDA LANE
NANTUCKET, MA 02554

NUNEZ WEENIEX F M & STACY A M
9 BRINDA LANE
NANTUCKET, MA 02554

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SJOLUND JAMES R
PO BOX 2567
NANTUCKET, MA 02584

SJOLUND JAMES R
PO BOX 2567
NANTUCKET, MA 02584

PENA MARIA J
PO BOX 2450
NANTUCKET, MA 02584

LIGHTHOUSE SCHOOL INC
1 RUGGED RD
NANTUCKET, MA 02554

PEKARCIK DAVID P
PO BOX 2147
NANTUCKET, MA 02584

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ACK WEATHERLY PLACE LLC
12 FLINTLOCK RD
NANTUCKET, MA 02554

HORTON MICHAEL & SAMANTHA
6 WEATHERLY PL
NANTUCKET, MA 02554

HEDDEN JOHN D & VAUGHN MARILYN
4 WEATHERLY PLACE
NANTUCKET, MA 02554

PILARSKI CAROL A TR
8 FLINT STREET
MARBLEHEAD, MA 01945

DIGGLE BRYAN M
PO BOX 2942
NANTUCKET, MA 02584

BENDIKSEN CARL J
10 BRINDA LN
NANTUCKET, MA 02554

NORDBY ERIC J
45 FAIRGROUNDS RD
NANTUCKET, MA 02554

BUNLERSSAKSKUL SOMCHAI
46 FAIRGROUNDS RD
NANTUCKET, MA 02554

KYOMITMAITEE SOMWONG
PO BOX 2837
NANTUCKET, MA 02584

BUTLER STEPHEN & KARLA W
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4 WEATHERLY PLACE
NANTUCKET, MA 02554

Easy Peel® Labels
Use Avery® Template 5160®
Feed Paper
Bend along line to expose Pop-up Edge™
AVERY® 5160®

Materials Provided by Staff

FORM G

Book 90
Page 229

Transfer Certificate of Title.

No. 16,996

From Transfer Certificate Nos 13,677 & 14,470, Originally Registered June 16th, 1988 July 2nd, 1990, in Registration Books 71 & 77 Pages 127 & 20 for the Registry District of Nantucket County.

This is to Certify that

SHANNAH GREEN

49 Fairgrounds Road,
of Nantucket in the County of Nantucket and Commonwealth of Massachusetts, 02554

~~marrieck inx~~

is
the owner in fee simple

of that certain parcel of land situate in Nantucket

in the County of Nantucket and said Commonwealth, bounded and described as follows:

PARCEL 1:

SOUTHEASTERLY	by Fairgrounds Road, seventy-five (75.00) feet;
SOUTHWESTERLY	by Lot 39 as shown on plan hereinafter mentioned, one hundred thirty-five (135.00) feet;
NORTHWESTERLY	seventy-five (75.00) feet, and
NORTHEASTERLY	one hundred thirty-five (135.00) feet, by Lot 55 on said plan.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 34507-H, drawn by Josiah S. Barrett, Surveyor, dated May 2, 1977, and filed with Certificate of Title No. 7979 at the Registry District of Nantucket County. Said land is shown thereon as Lot 56.

PARCEL 2:

NORTHWESTERLY	by Lot 49 as shown on plan hereinafter mentioned, twenty-nine and 78/100 (29.78) feet;
NORTHEASTERLY	by Lot 58 on said plan, one hundred fifty-three and 53/100 (153.53) feet;
SOUTHEASTERLY	by Lot 56 as shown on said plan, seventy-five (75.00) feet; and
SOUTHWESTERLY	by Lots 39 and 51 as shown on said plan, two courses, one hundred seventy-one and 61/100 (171.61) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 34507-I, drawn by Josiah S. Barrett, Surveyor, dated December 5, 1977, and filed with Certificate of Title No. 8180 at the Registry District of Nantucket County. Said land is shown thereon as Lot 57.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

SHANNAH GREEN

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting, ~~and subject also to~~

WITNESS, ROBERT V. CAUCHON, Esquire, Judge of the Land Court, at Nantucket in the County of Nantucket the fourth day of October in the year nineteen hundred and ninety-five at eleven o'clock and fifty-nine minutes in the fore noon.

Attest, with the Seal of said Court,

Land Court Case No. 34507
Document No. 69507

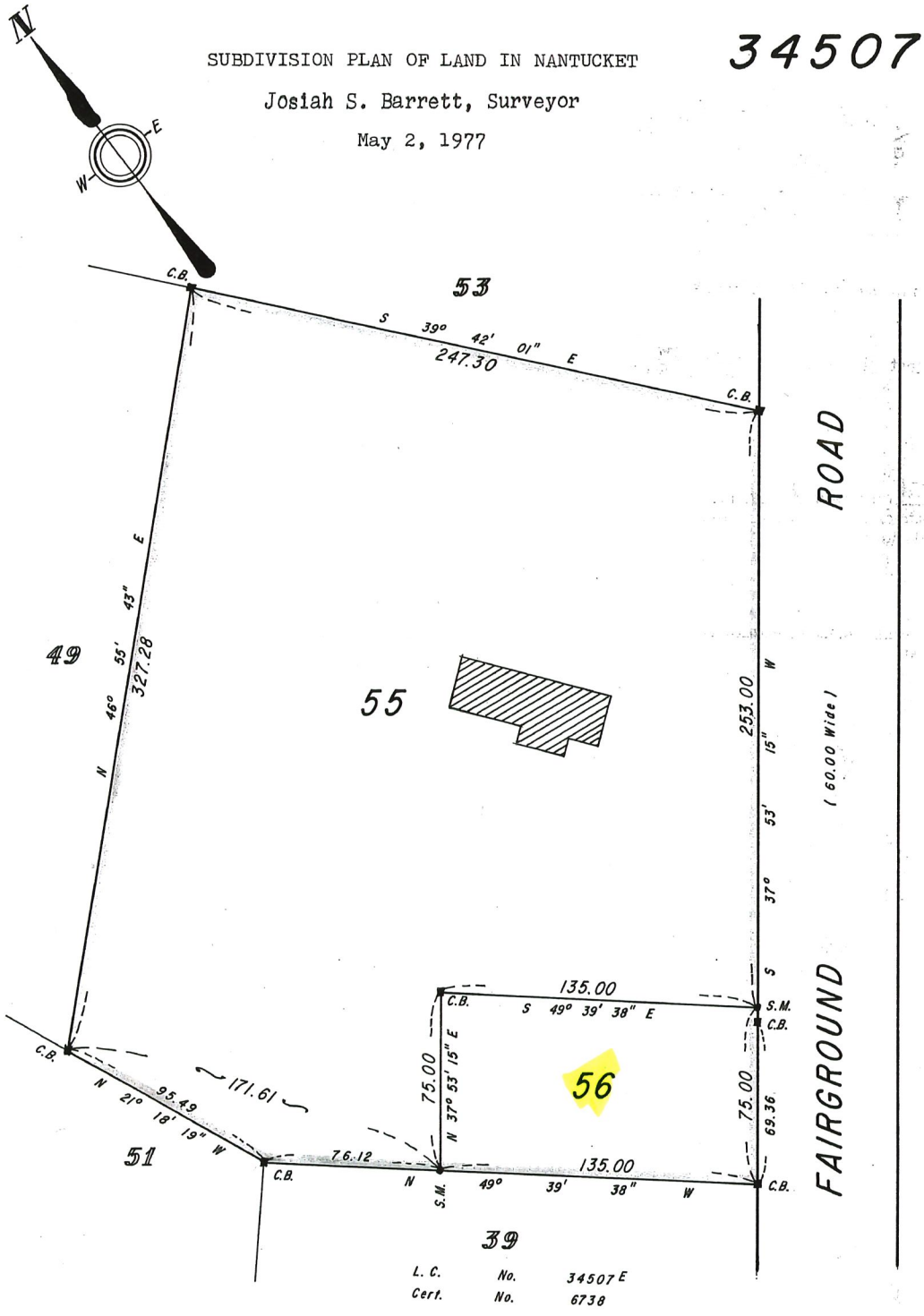
Sandra M. Chadwick
Assistant Recorder.

34507 H

SUBDIVISION PLAN OF LAND IN NANTUCKET

Josiah S. Barrett, Surveyor

May 2, 1977



Subdivision of Lot 52
Shown on Plan 34507G
Filed with Cert. of Title No. 7482
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon as Lots 55 and 56
By the Court.

MAY 9, 1977 Margaret M. Daly
Recorder.

SAL.

Copy of part of plan filed in
LAND REGISTRATION OFFICE
MAY 9, 1977
Scale of this plan 50 *feet to an inch*
R.L. Woodbury, *Engineer for Court*

This plan filed with Certificate No. 7979

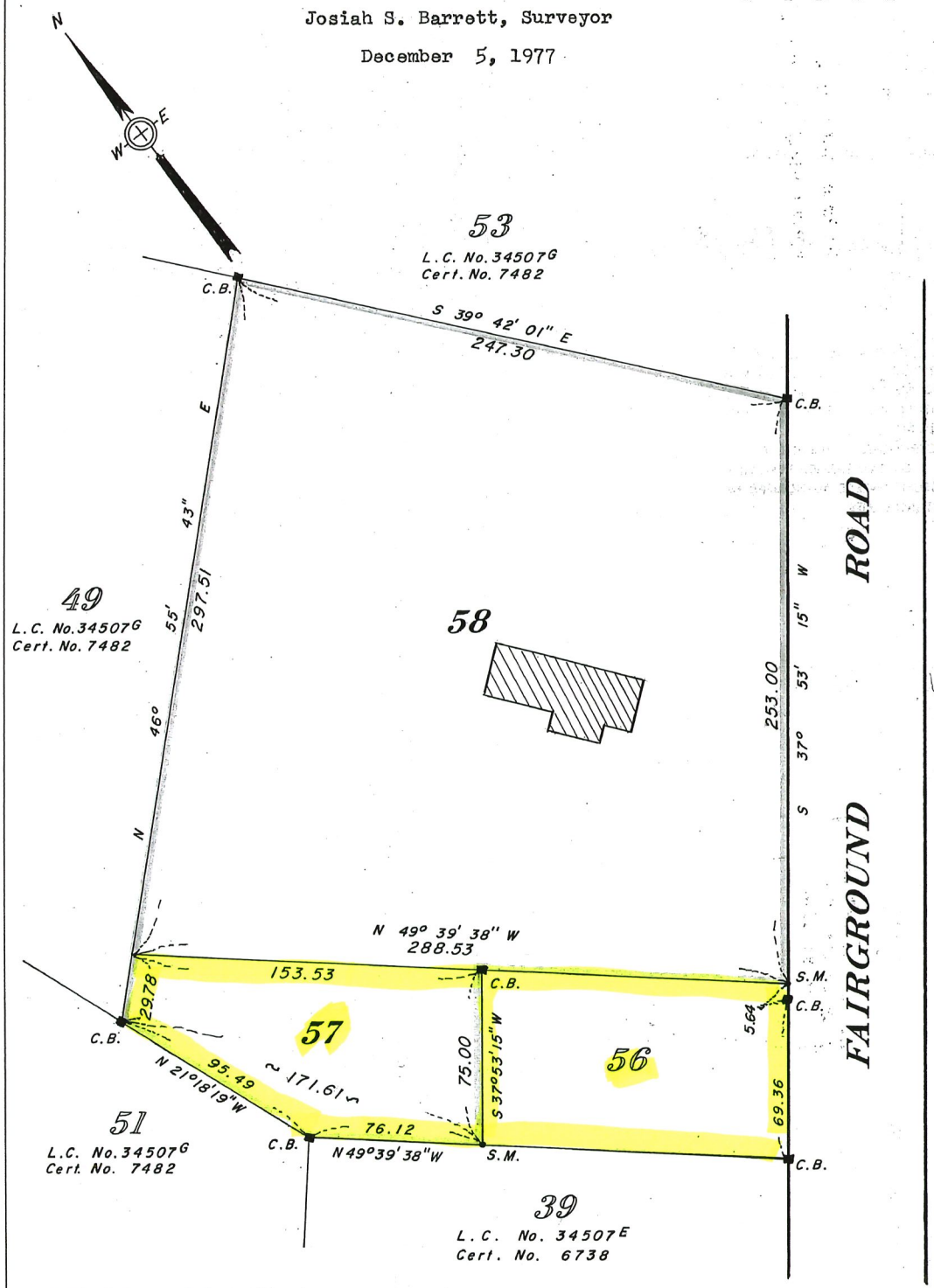
Form LCE-S-3. 3000-7-76

SUBDIVISION PLAN OF LAND IN NANTUCKET

34507[I]

Josiah S. Barrett, Surveyor

December 5, 1977



[This plan filed with Certificate No. 8180]

Subdivision of Lot 55
Shown on Plan 34507H
Filed with Cert. of Title No. 7979
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon as Lots 57 and 58 *By the Court.*

Dec. 22, 1977 Margaret M. Dolan Recorder.

F.F.

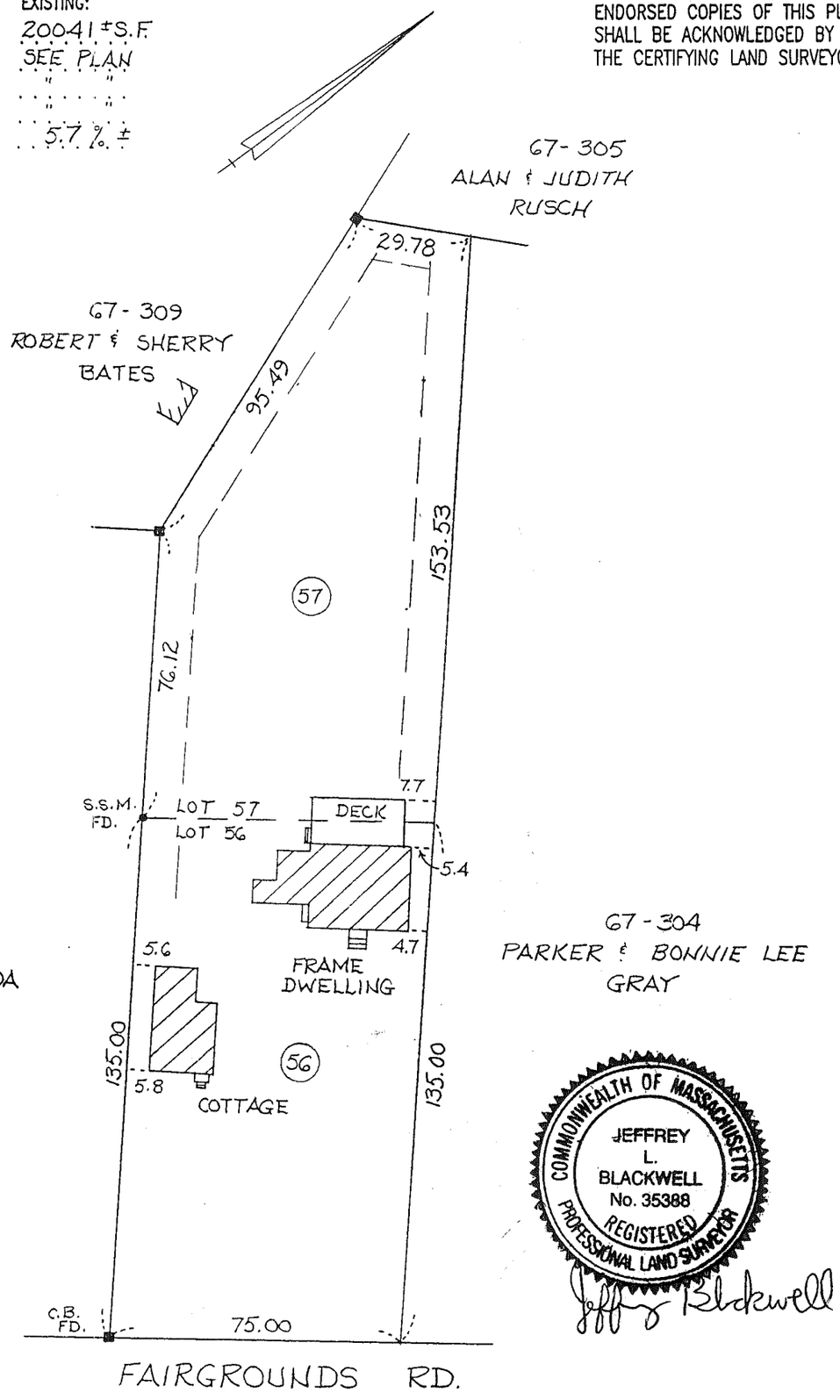
Copy of part of plan filed in
LAND REGISTRATION OFFICE
Dec. 22, 1977
Scale of this plan 50 feet to an inch
R.L. Woodbury, Engineer for Court

Form LCE-S-3. 2500-4-78

ZONING CLASSIFICATION: R-10

		EXISTING:
MIN. AREA:	10000 S.F.	20041 ± S.F.
MIN. FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD S.B.:	20 FT.	" "
REAR & SIDE S.B.:	10 FT.	" "
GROUND COVER (%):	20 %	5.7 % ±

ONLY ORIGINALLY STAMPED AND ENDORSED COPIES OF THIS PLAN SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.



COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL No. 35388 REGISTERED PROFESSIONAL LAND SURVEYOR

Jeffrey L. Blackwell

TO: . . NANTUCKET BANK . . . . . .

. . . . . AND NO OTHERS.

I CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THE PREMISES SHOWN ARE LOCATED IN FLOOD HAZARD ZONE: . . . C . , DELINEATED ON F.I.R.M. / COMMUNITY PANEL NUMBER: 250230-00 . 12 C . . D, BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. EFFECTIVE DATE OF MAPS: JUNE 3, 1986 AND AS PERIODICALLY REVISED.

THIS INSPECTION PLAN WAS PREPARED FOR MORTGAGE PURPOSES ONLY AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT 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 INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS.

THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

©Blackwell & Associates Inc.

NOT TO BE RECORDED

MORTGAGE INSPECTION PLAN

in

NANTUCKET, MASS.

SCALE: 1" = 40' DATE: JAN. 22 1999

Owner: . . SHANNAH GREEN . . . . . .

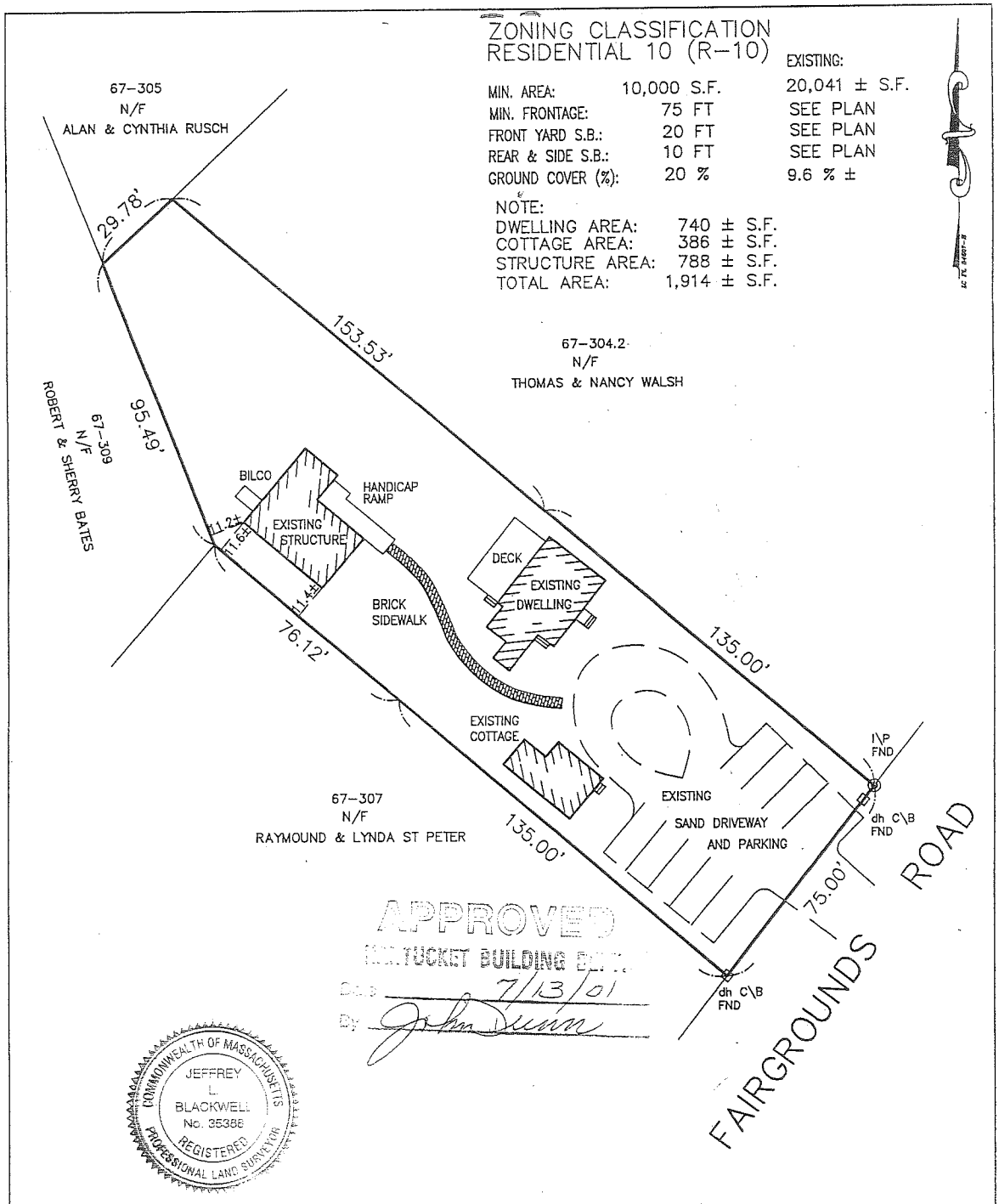
. . . . . 34507-I LOT 57

Deed/Cert.: CERT. 1699.6 Plan: 34507-H LOT 56

Tax Map: 67:306, 341 Locus: *49 FAIRGROUNDS RD.

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
6 Young's Way
Nantucket, Massachusetts 02554
(508) 228-9026

FBK.: 36/55 B-4502



I CERTIFY, AS OF : 5-7-01 , THAT THE BUILDING(S) IS/ARE LOCATED ON THE GROUND AS SHOWN HEREON.

Jeffrey Blackwell

PROFESSIONAL LAND SURVEYOR

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 ASSESOR RECORDS.

ASSESSOR MAP: 67 , PARCEL: 306, 341

BUILDING LOCATION PLAN

OF LAND IN

NANTUCKET, MASS.

SCALE: 1"= 40' DATE: MAY 7, 2001

OWNER: **SHANNAH GREEN**
LC PL 34507-I (LOT 57)
DEED: L.C.C. 16996 PLAN: 34507-H (LOT 56)

LOCUS: #49 FAIRGROUNDS ROAD

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

B-4502

TOWN OF NANTUCKET

089935

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: July 7, 2000

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

Application No.: 036-00

Owner/Applicant: SHANNAH GREEN

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed in 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 an complaint in 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.

William P. Hourihan, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

NANTUCKET ZONING BOARD OF APPEALS
37 Washington Street
Nantucket, Massachusetts 02554

089935

Assessor's Map 67, Parcels 306 and 341
49 Fairgrounds Road
Residential-10

Certificate of Title No.16996

Lot 56, Land Court Plan 34507-H
Lot 57, Land Court Plan 34507-I

DECISION:

At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, June 9, 2000 (originally noticed for and continued without opening from May 12, 2000), at 1:00 PM, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the application of SHANNAH GREEN, c/o Sarah F. Alger, P.C., Two Union Street, Nantucket, Massachusetts 02554, File No. 036-00:

1. The Applicant seeks a Special Permit under Nantucket Zoning By-law §139-8B(1) to construct and use a structure as a yoga and dance studio. The Applicant proposes to limit building occupancy to a maximum of 12 students. The Applicant proposes to provide the required six (6) parking spaces on-site. However, should the Board determine that additional spaces are required under the Bylaw, the Applicant is hereby seeking relief by Special Permit under Nantucket Zoning Bylaw §139-18 (parking requirements) and under Section 139-20 (loading zone requirements). The Locus is nonconforming as to side yard setback with the secondary dwelling being sited at about 5.6 feet from the southwesterly side yard lot line and with the principal single-family dwelling being sited at about 4.7 feet at its closest point from the northeasterly side yard lot line, in a district that requires a minimum side yard setback of ten (10) feet.

The premises are located at 49 Fairgrounds Road, Assessor's Map 67, Parcel 306 (includes Parcel 341), Land Court Plan No. 34507-H, Lot 56, and Land Court Plan No. 34507-I, Lot 57. The premises are zoned Residential-10.

2. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. The Planning Board recommendation was positive and requested confirmation that the two lots comprising the Premises are merged for zoning purposes. A letter dated May 26, 2000 was received from the Wannacomet Water Company stating that the proposed project will not have a negative impact on ground water quality. There was no opposition presented at the public hearing, personally, by representatives, or in writing.

3. The Applicant proposes to construct a structure having ground cover of about 725 square feet upon the premises for use as a yoga and dance studio and also containing an artist's studio that is allowed under the By-law as a matter of right without relief. The premises are in conformity with the lot area, frontage, front and rear yard setback, and ground cover ratio requirements of the Nantucket Zoning By-law (the "By-law"). The premises are improved by two single-family dwellings. These dwellings do not comply with

the current ten foot (10') side yard setback requirements of the By-law, but they were both in compliance at the time of their construction (the primary dwelling was constructed in 1977 when the side yard setback requirement was three feet (3'), and the second dwelling was constructed in 1979 when the side yard setback requirement was five feet (5')), and thus, they are protected from zoning enforcement as pre-existing, nonconforming structures. The proposed new structure will conform to all dimensional requirements of the By-law.

4. The premises are located on Fairgrounds Road, and the Board took note of the precedent of a variety of other pre-existing, nonconforming commercial uses already operating in the general neighborhood.

5. The Applicant has worked with her abutters in designing the proposed structure and has agreed to certain conditions. In particular, the Applicant has agreed to limit the number of students to twelve; to hold classes only between the hours of 6:45 AM and 8 PM, Monday through Saturday; to not have exterior floodlights and to direct all exterior lighting downward; to ensure that no music can be heard beyond the lot lines of the premises; and to provide appropriate screening.

6. The Board finds that the proposed use is a fitness center or the like within the meaning of By-law §139-8.B.(1), allowed by special permit in the Residential-10 zoning district. The Board calculates the parking spaces required by the uses, existing and proposed on the lot, under §139-18 of the By-law to be 6, as follows:

Use	Spaces Required
Primary Dwelling	1
Secondary Dwelling	1
Recreational Facility (1 for every 3 people up to a maximum of 12)	4
Total	**6**

The Applicant proposes to provide nine (9) conforming on-site parking spaces, which are in excess of the total number of spaces required under the By-law. The Board finds that no off-street loading facility is necessary or required.

7. On the question of merger, the Board finds that premises consist of two lots that have by necessity merged for zoning purposes and must be treated as one lot. Both lots are owned by the Applicant, and standing on its own, Lot 57 on Land Court Plan No. 34507-I has no frontage.

8. Upon these facts, the Board of Appeals finds that the use and occupancy of the proposed dance and yoga studio upon the premises, conditioned as set forth herein, would not be substantially more detrimental to the neighborhood, nor to the

environment, than existing or permitted alternative uses of the lot and that they are in harmony with the general purpose and intent of the By-law.

9. Accordingly, by UNANIMOUS vote, the Board grants the requested relief by SPECIAL PERMIT, under Nantucket Zoning By-law §139-8.B.(1), to operate a yoga and dance studio upon the premises upon the following express conditions:

a. The number of students in a class in the yoga and dance studio shall be limited to twelve (12).
b. No aerobics classes shall be permitted.
c. Classes shall only be conducted between the hours of 6:45 AM and 8 PM, Monday through Saturday. (No classes shall be held on Sunday.)
d. There shall be no exterior floodlights, and all other exterior lighting shall be directed downward.
e. No music shall be played in the yoga and dance studio that can be heard beyond the lot lines of the premises.
f. The use hereby permitted, including the siting of the structure and parking and screening, shall be performed in substantial conformity to the site plan drawn by Blackwell & Associates, Inc., dated April 24, 2000, and revised on May 6, 2000, May 12, 2000, and June 7, 2000, a reduced copy of portions of which are attached hereto as Exhibit A.
g. The structure shall be constructed in substantial conformity to the plans submitted to the Nantucket Historic District Commission and approved by it in Certificates of Appropriateness Nos. 36184 and 36185.
h. The lots comprising the premises, Lot 56, Land Court Plan 34507-H and Lot 57, Land Court Plan 34507-I, are merged for zoning purposes.
i. The relief hereby granted is particular to the Applicant. Any change shall require further relief from this Board.

Dated: July 7, 2000

Michael J. O'Mara

Edward J. Sanford

D. Neil Parent

Edward C. Murphy

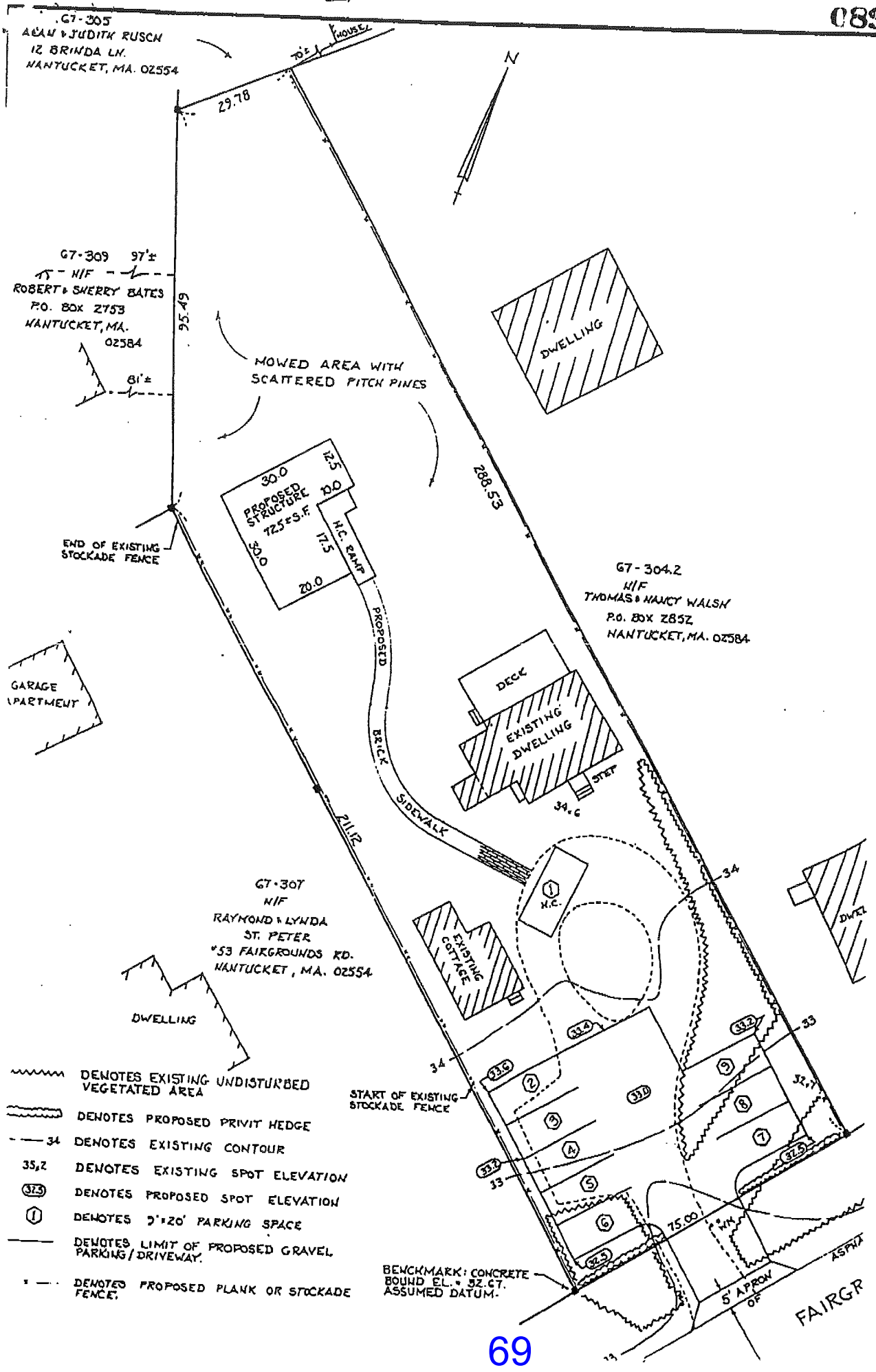
Nancy J. Sevrens

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
TIME: JUL 07 2000
CLERK: 2:41 pm

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
JUL 28 2000
TOWN CLERK

Exhibit H

089935



089935

REVISIONS

DATE:	DESCRIPTION
5-6-2000	ADD EXISTING VEGETATION
5-12-2000	H.C. PARKING, SIDEWALK, BUILDING FOOTPRINT
6-7-2000	DRAINAGE

PROJECT TITLE:

SITE PLAN

DATE: 6/9/00

FILE NO.: 036-00

ZONING CLASSIFICATION R-10

		EXISTING:
MIN. AREA:	10,000 S.F.	20,041 ± S.F.
MIN. FRONTAGE:	75 FT	SEE PLAN
FRONT YARD S.B.:	20 FT	" "
REAR & SIDE S.B.:	10 FT	" "
GROUND COVER (%):	20 %	SEE BELOW

EXISTING BLDING G.C. = 5.7 % ±
G.C. INCLUDING PROPOSED STRUCTURE : 11 %

1. PROPOSED POST DEVELOPMENT GREENSPACE : 68 % ±
2. NO WETLANDS EXIST ON OR WITHIN 100' OF LOCUS.
3. PROPERTY IS LOCATED WITHIN THE PUBLIC WELLHEAD RECHARGE DISTRICT.
4. PROPERTY IS LOCATED IN FLOOD ZONE C AS SHOWN ON THE F.E.M.A. - F.I.R.M.

PARKING TABLE

USE	SPACES REQUIRED
DWELLING	1 SPACE
COTTAGE	1 SPACE
DANCE STUDIO CLIENTS (12) 1 SPACE PER 3 CLIENTS	4 SPACES
TOTAL	6 SPACES

SPACES PROVIDED : 9

PROJECT LOCATION : 49 FAIRGROUNDS RD.
ASSESSOR'S MAP : 67 PARCELS 306, 341

ROAD

O CONFORM

PREPARED FOR:
SHANNAH GREEN
CERT. OF TITLE : 16996
LOT 56 L.C.C. 34507-H
LOT 57 L.C.C. 34507-I
MAILING ADDRESS : 49 FAIRGROUNDS RD.

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
6 YOUNGS WAY
NANTUCKET, MASS. 02554
(508) 228-9026

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L BLACKWELL
No. 35368
REGISTERED
PROFESSIONAL LAND SURVEYOR

6-7-00

SCALE: 1" = 20'

0' 20' 40' 60'

DATE: APRIL 24, 2000	SHEET
DRAWN: JLB	1
CHECKED:	
FIELD BOOK: 36-55	
JOB NO.: B-4502	OF

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

NANTUCKET TOWN CLERK
2017 SEP 15 PM 3:36

Date: September 14, 2017

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

Application No.: 24-17

Owner/Applicant: SHANNAH GREEN

Property Description: 49 Fairgrounds Road
Map 67 Parcel 306

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
Two Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 67, Parcel 306
49 Fairgrounds Road
Residential-10 (R-10)

Certificate of Title No. 16996
Land Court Plans 34507-H & 34507-I
Lots 56 and 57

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, August 10, 2017, at 1:00 PM, in the First Floor Community Room of the Public Safety Facility at Four Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **SHANNAH GREEN**, in care of Sarah F. Alger, Attorney, Four North Water Street, Nantucket, Massachusetts 02554, **File No. 24-17**:

2. The Applicant requests the amendment of prior Special Permit relief granted to allow construction and use of a yoga and dance studio. Specifically, the Applicant seeks to modify conditions in order to allow (a) an increase in occupancy from 12 to 15 students, (b) a change in hours of operation, (c) substitution of an updated Site Plan as a new "Exhibit A," and (d) removal of a condition restricting relief to the initial applicant. The Locus is situated at 49 Fairgrounds Road, is shown on Nantucket Tax Assessor's Map 67 as Parcel 306, is shown as Lot 56, on Land Court Plan No. 34507-H and Lot 57 on Land Court Plan No. 34507-I. The Applicant's title is evidenced by Certificate of Title No. 16996 at the Nantucket Registry District. The Locus is located in the Residential-10 ("R-10") Zoning District.

3. Our decision is based upon the application and accompanying materials and representations and testimony received at our public hearing. The Applicant and her attorney spoke in support of the application. The Board received letters from various abutters both expressing support for, and concern about, the Application.

4. The Applicant seeks to modify and amend the previously granted Special Permit decision in Zoning Board of Appeals File No. 036-00, dated July 7, 2000, registered with Nantucket Registry District as Document No. 89935 (the "2000 Decision"), as follows:

(a) Condition 9(a). The Applicant requests that the number of students in a class in the yoga and dance studio be limited to fifteen (15), instead of twelve (12).

(b) Condition 9(c). The Applicant asks that the hours of operation be modified to allow classes to begin at 6:30 AM and end at 9 PM, Monday through Saturday, and to begin at 7:30 AM to end at 7 PM on Sunday.

(c) Condition 9(f). The Applicant requests that an updated site plan be substituted for the site plan attached to the 2000 Decision as Exhibit A.

(d) Condition 9(i). The Applicant asks that the provision that the relief is particular to the Applicant be removed.

5. The Applicant has a proven track record, having been in business at this location for seventeen years without incident. During peak hours of operation, there is a parking monitor to ensure that there is no parking along Fairgrounds Road. The parking provided on site is in compliance with the By-law as set forth on the plan entitled "Existing Conditions Site Plan," drawn by Blackwell & Associates, Inc., dated August 1, 2017, a copy of which is attached hereto as Exhibit A (the "2017 Site Plan"). The uses on the Locus, both current and as proposed, are in

keeping with the neighborhood and in harmony with the general purposes and intent of the By-law.

6. After a discussion with the Applicant and taking public testimony, the Board finds that modifying such existing Special Permit relief as requested is consistent with the 2000 Decision and in harmony with the general purposes and intent of the By-law.

7. Accordingly, by a **UNANIMOUS** vote, the Board of Appeals **GRANTS** the requested relief by SPECIAL PERMIT in accordance with By-Law §139-30 and the use chart under By-law §139-7 (Recreational facilities) and modifies the 2000 Decision as follows:

(a) Condition 9(a). The number of students in a class in the yoga and dance studio be limited to fifteen (15).

(b) Condition 9(c). Classes may begin at 6:30 AM and end at 9 PM, Monday through Saturday, and may begin at 7:30 AM and end at 7 PM on Sunday.

(c) Condition 9(f). The 2017 Site Plan is substituted for the plan attached to the 2000 Decision as Exhibit A and is now the site plan of record for the Locus.

(d) Condition 9(i). This condition is stricken from the 2000 Decision in its entirety.

Except as modified by this decision, the 2000 Decision shall remain in full force and effect.

SIGNATURE PAGE FOLLOWS

16996

Assessor's Map 67, Parcel 306
49 Fairgrounds Road
Residential-10 (R-10)

Certificate of Title No. 21927
Land Court Plans 34507-H & 34507-I
Lots 56 and 57

Dated: September 14, 2017

Edward S. Toole

Susan McCarthy

Lisa Botticelli

Michael J. O'Mara

Kerim Koseatac

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the 14 day of September, 2017, before me, the undersigned notary public, personally appeared Ed Toole, 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 he signed the foregoing instrument voluntarily for the purposes therein expressed.

Official Signature and Seal of Notary Public
My commission expires:

LESLIE WOODSON SNELL
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
My Comm. Expires Sept. 28, 2018

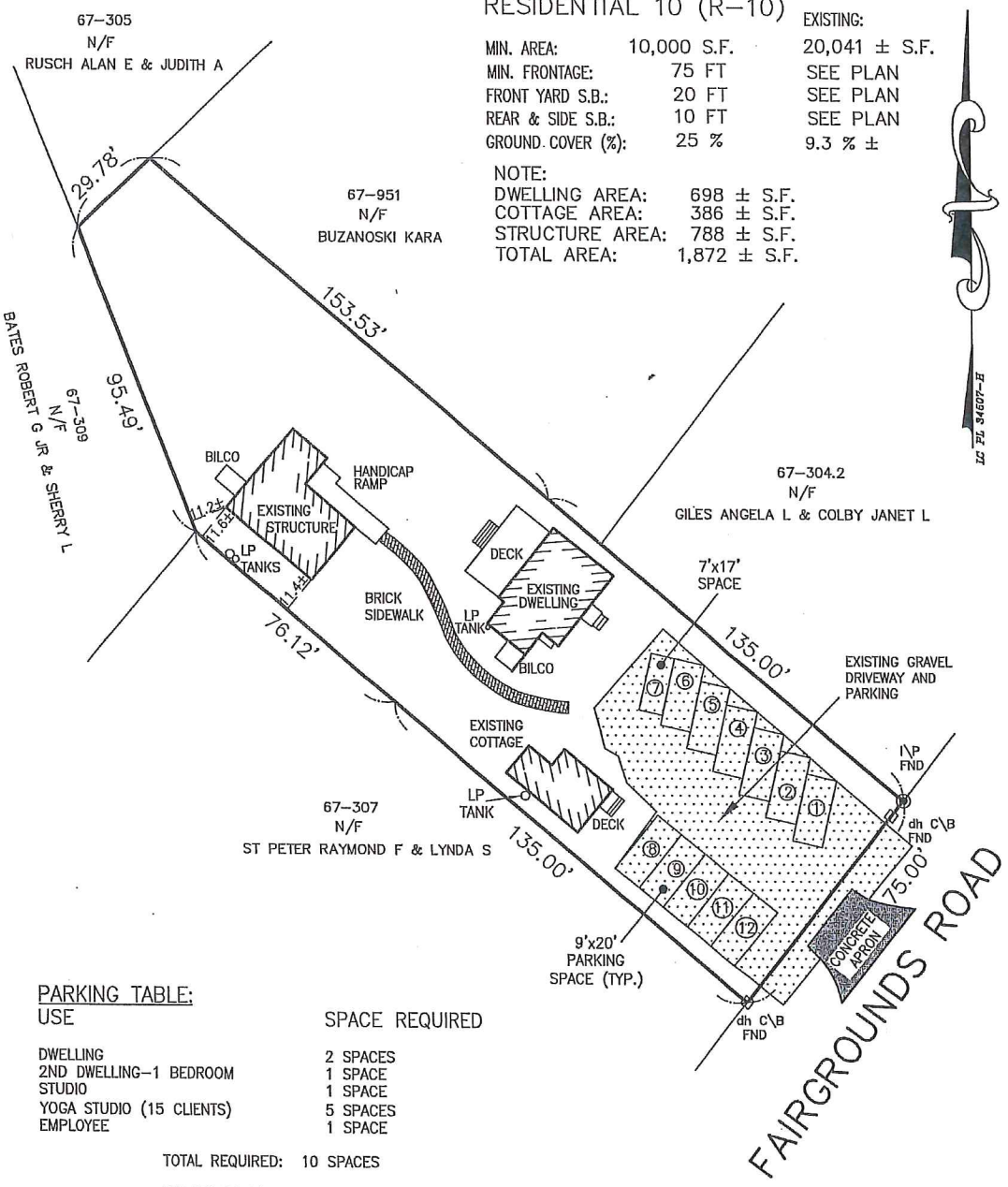
"EXHIBIT A"

ZONING CLASSIFICATION
RESIDENTIAL 10 (R–10)

		EXISTING:
MIN. AREA:	10,000 S.F.	20,041 ± S.F.
MIN. FRONTAGE:	75 FT	SEE PLAN
FRONT YARD S.B.:	20 FT	SEE PLAN
REAR & SIDE S.B.:	10 FT	SEE PLAN
GROUND COVER (%):	25 %	9.3 % ±

NOTE:

DWELLING AREA:	698 ± S.F.
COTTAGE AREA:	386 ± S.F.
STRUCTURE AREA:	788 ± S.F.
TOTAL AREA:	1,872 ± S.F.



PARKING TABLE:

USE	SPACE REQUIRED
DWELLING	2 SPACES
2ND DWELLING–1 BEDROOM	1 SPACE
STUDIO	1 SPACE
YOGA STUDIO (15 CLIENTS)	5 SPACES
EMPLOYEE	1 SPACE

TOTAL REQUIRED: 10 SPACES

SPACES PROVIDED: 12 SPACES

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35388
PROFESSIONAL LAND SURVEYOR

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: 67 , PARCEL: 306

V:\DRAWFILES\B4502\SP.dwg 8/1/2017 3:58:32 PM EDT

Existing Conditions Site Plan

OF LAND IN

NANTUCKET, MA

SCALE: 1"= 40' DATE: AUGUST 1, 2017

OWNER: SHANNAH GREEN

CERTIFICATE: 16996 PLAN: LCC 34507–I, LOT 57 / LCC 34507–H, LOT 56

LOCUS: #49 FAIRGROUNDS ROAD

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

B4502

RECEIVED
2021 APR 06 PM 02:20
NANTUCKET TOWN CLERK
Posting Number:T 327

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, APRIL 12, 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 POSTI** **IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HE**

**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 04-12-2021

(*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 mus register in advance in order to participate. Use the below link to register for Zoom participation. Contac mtrudel@nantucket-ma.gov with any questions.

ZOOM WEBINAR REGISTRATION LINK:
https://zoom.us/webinar/register/WN_fDfwNhABQfON7RQ2BqljHQ

To view the meeting only, see link below: YouTube Link:
https://youtu.be/RrVcXtk-6hU

I. Call to order:

II. Approval of the agenda:

III. Minutes:
- **March 8, 2021**

IV. Second Dwellings:
- **Darrell C. & Andrea Ferguson, 28 Main Street (Siasconset) (Map 73.3.1 Parcel 47)**
- **Nineteen Pond View Drive NT, 19 Pond View Drive (Map 81 Parcel 26)**
- **04TST36Washingpond, LLC, 36 Washing Pond Road (Map 31 Parcel 13.2)**
- **David Lemberg & Patricia Lahiff, 33 South Shore Road (Map 80 Parcel 64)**
- **17 Avenue Realty Trust, Clifford A. Wolff Trustee, 17 Lincoln Avenue (Map 30 Parcel 118)**
- **3 Sherburne Turnpike LLC, 3 Sherburne Turnpike (Map 30 Parcel 114)**
- **Jacqueline & Eric Kraeutler, 35 New Street (Map 73.4.2 Parcel 42)**

V. Garage Apartments:
- **140 Cliff Road LLC, 140 Cliff Road (Map 41 Parcel 575)**
- **Stephanie Basile, 8 New Mill Street (Map 42.3.3 Parcel 33.2)**

VI. Tertiary Dwellings:
- **Patricia Patterson, 3 First Way (Map 55 Parcel 236)**
- **Judith C. Brownell, 65 Skyline Drive (Map 79 Parcel 107)**

VII. ANR Plans:
- **Six North Star Lane Nominee Trust, William F. Hunter, Trustee, 6 North Star Lane (Map 30 Parcel 213)**
- **111 Cliff Road Trust, Daniel P. Carbonneau, Trustee, 111 Cliff Road (Map 41 Parcel 10)**
- **Richard J. & Rosemary McCready Trustee, 239 Hummock Pond Road (Map 82 Parcel 41)**
- **Susan M. Doughan, 134A, 134C & 134D Main Street (Map 41 Parcels 37.1, 37.2 & 37.4)**
- **Norris Building Co Inc., 14 Lowell Place (Map 41 Parcel 164)**
- **Town of Nantucket, North Sias Road (Map 73.4.1)**
- **Valhalla Nominee Trust, 3R Newtown Road (Map 55 Parcel 210.1)**
- **Maury Associates, Inc., 5 & 7 Grey Lady Lane (Map 66 Parcels 177 & 712)**
- **Oliver Carr III, 84 & 86 Cliff Road (Map 30 Parcels 74.1 & 74.2)**
- **Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153),** ***SEE PUBLIC HEARING PLSP-2021-03-0120***

VIII. Previous Plans:
- **Champion Rentals, 11/13/15/17 Tomahawk,** *request for minor modification*
- **Lynne F. Berlyn, 2 Francis Street,** *Legal Docs & Form J (Lots 1 2, 3 & Roadway) and endorse plan*
- **#8089 Nantucket Investment Holdings LLC, 24 Pocomo Road,** *Form J (Lot 112)*

IX. PublicHearings:
- **PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle,** *action deadline 06-15-2021*

REQUEST TO CONTINUE to 06-14-2021

- **PLSP-2021-03-0118, Town of Nantucket, 6 Fairgrounds Road,** *action deadline 07-11-2021*
- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road,** *action deadline 04-30-2021*
- **PLSP-2021-03-0120, Shannah Green, 49 Fairgrounds Road,** *action deadline 07-11-2021*
  - **ANR: Shannah Green, 49 Fairgrounds Road (Map 68 Parcel 153)**
- **PLSUB-2021-02-00133, Mueller Nantucket Associates, LLC, North Mill Street,** *action deadline*
- **PLSP-2021-03-0122, 10 Industry LLC, 10 Industry Road,** *action deadline 07-11-2021*
- **PLSP-2021-03-0113, Leeward Realty Trust, 3 Perry Lane,** *action deadline 07-11-2021*
- **PLSP-2021-03-0117, John and Nan Breglio, 52 W Miacomet Ave,** *action deadline 07-11-2021*
- **PLSP-2021-03-0122, James Riley, 2 Sea Fox Circle,** *action deadline 07-11-2021*
- **PLSP-2021-03-0121, Cesar Moreno & Ariana Costakes, 8 Toombs,** *action deadline 07-11-2021*
- **PLSUB-2021-03-00135, La Barca Realty Trust, James A. Strasenburgh & Amos E. Applegate, Trustees, 52 Burnell Street,** *action deadline 07-24-2021*
- **PLSUB-2021-03-00134, Lori A. Geddes, 13 Evergreen Way,** *action deadline 07-11-2021*
- **PLSP-2021-03-0119, The 8 Walbang Nominee Trust, 8 Walbang Avenue,** *action deadline 07-11-2021*
- **PLSP-2021-03-0114, Richmond Great Point Development LLC, Sandpiper I,** *action deadline 07-11-2021*
- **PLSP-2021-03-0113 Richmond Great Point Development LLC, Old South Road Crossing "Liner" Buildings,** *action deadline 07-11-2021*
- **PLSP-2021-03-0116, SEO Real Estate LLC, 19.5 Surfside Road,** *action deadline 07-11-2021*
- **PLSP-2021-03-0115, The Garden Group, Inc., 84 Old South Road,** *action deadline 07-11-2021*

X. ATM Warrant Articles

- **(Re-Opening Public Hearing) Article 41: Zoning Map Change " RC-2 to CTEC – Appleton Road, Bartlett Road, and Perry Lane RC-2 to CTEC**

XI. Public Comment:

XII. Other Business:

- **Planning Board "Regular Meeting" schedule remainder of 2021**
- **Next regular Planning Board meeting, Monday, May 10, 2021 at 4PM via Zoom/YouTube**
- **Annual Town Meeting – Saturday June 5, 2021 at 9AM - NPS Backus Playing Field (Rain Date Sunday June 6, 2021 9AM)**

XI. Adjournment:

NANTUCKET
TOWN CLERK
2021 MAR 16 AM 9:23

Nantucket Planning Board

Application for a Special Permit

Date: March 15, 2020 Planning Board File #:_____

Name of development: 49 Fairgrounds Road

Owner(s) name(s): Shannah Green

Mailing address: c/o Sarah F. Alger, Attorney, 4 North Water Street, Nantucket, MA 02554
Phone number: 508-228-1118 Fax number: 508-228-8004 E-mail: sfa@sfapc.com

Applicant's name: Same as above.

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

Engineer / surveyor's name: Blackwell & Associates, Inc.

Mailing address: 20 Teasdale Circle, Nantucket, Massachusetts 02554
Phone number: 508-228-9026 Fax number: _____ E-mail: jeff@blackwellsurvey.com

Location of lot(s):

☒ Street address 49 Fairgrounds Road

☐ Tax Assessors Map 67 Parcel 306

☐ Nantucket Registry of Deed: Plan Book _____ and Page _____ **OR**

Plan File #_____ **OR** Land Court Plan # 34057-H at Certificate # 16996

Size of parcel: 0.46 sq. ft. Zoning District: R-10

Special Permit sought: (check one)

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

- ○ 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
139-8.C	Secondary Residential Lots for Year-Round Residents
139-30	Special Permits

Specify all associated Zoning Code relief sought:

Section	Description
139-8.C	Secondary Residential Lots for Year-Round Residents
139-30	Special Permits

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: $ 250.00

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.

Owner(s)' Signature(s) Shannah Green

Applicant's Signature Shannah Green

I/we Shannah Green, the undersigned, hereby authorize Sarah F. Alger 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) Shannah Green

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.**

ADDENDUM

Shannah Green
49 Fairgrounds Road, Nantucket, Massachusetts
Assessor's Map 67, Parcel 306

The Applicant seeks a Special Permit pursuant to Nantucket Zoning By-law (the "By-law") §§139-8.C and 139-30 to create a secondary lot for year-round residents at the property located at 49 Fairgrounds Road (the "Locus").

The Applicant proposes to subdivide the Locus into two (2) lots, shown as Lot A and Lot B on the plan entitled, "Concept Plan of Land," drawn by Blackwell & Associates, Inc., dated March 15, 2021, a copy of which is submitted herewith (the "Concept Plan").

As shown on the Concept Plan, Lot A will have lot area of about 16,040 square feet and will contain the existing cottage having ground cover of about 386 square feet; the structure having ground cover of about 788 square feet currently used as a yoga and dance studio pursuant to special permit dated July 7, 2000, registered with Nantucket Registry District as Document No. 89935, as affected by modification to special permit dated September 14, 2017, registered as Document No. 156439, copies of which are submitted herewith (collectively, the "ZBA Special Permit"); and the parking spaces required under the ZBA Special Permit. Lot A will retain the ability to have a secondary dwelling pursuant to By-law §139-8.C(3)(d).

Lot B will have area of about 4,001 square feet, which is more than forty percent (40%) of the minimum lot size of 10,000 square feet required in the Residential-10 ("R-10") zoning district in which the Locus is located as required under By-law §139-8.C(3)(e), and will be subject to an NHNC-Ownership Form as required under By-law §139-8.C(3)(b). Lot B will contain the dwelling having ground cover of about 698 square feet and the two parking spaces required for that use.

Lot B will have the benefit of a permanent, nonexclusive, appurtenant access easement, about twenty (20) feet wide, from Fairgrounds Road over Lot A as shown on the Concept Plan as required under By-law §139-8.C(3)(g), and Lot A and Lot B will share a single driveway access from Fairgrounds Road as required under By-law §139-8.C(3)(h).

The dwelling on Lot B does not conform to side yard setback requirements on the northeast, having a side yard setback of about 4.7 feet at its closest point. This dwelling has been in this location with no material exterior alterations since at least the late 1970's and as such is considered a pre-existing, nonconforming structure under Mass. Gen. Laws c. 40A, §7. As proposed, this dwelling on Lot B would also not meet side yard setback on the southwest from the interior lot line, and the Applicant seeks a

special permit for such reduced side yard setback pursuant to By-law §139.8.C(3)(f)[1].

To the extent necessary, the Applicant seeks to modify the ZBA Special Permit to reflect the creation and sale into separate ownership of the secondary residential lot (Lot B) created by this Special Permit, including, but not limited to, the substitution of the Concept Plan as the new site plan of record.

Evidence of owner's title is registered with Nantucket Registry District as Certificate of Title No. 16996. The Locus is located at 49 Fairgrounds Road, is shown on Nantucket Tax Assessor's Map 67 as Parcel 306, is Lot 56 and Lot 57 on Land Court Plan No. 34057-H, and is located in a Residential 10 ("R10") Zoning District.

CURRENT ZONING CLASSIFICATION:
Residential 10 (R–10)

		Existing:	Proposed Lot A:	Proposed Lot B:
MINIMUM LOT SIZE:	10,000 S.F.	20,041 S.F.±	16,040 S.F.±	4,001 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	20 FT.	SEE PLAN	SEE PLAN	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN	SEE PLAN	SEE PLAN
GROUND COVER % :	25%	9.3% ±	7.3% ±	17.5% ±

REF. SPECIAL PERMIT DOCUMENTS #89935 & #156439

OWNER INFORMATION

SHANNAH GREEN
CERT. #16996
L.C.C. 34507–H, LOT 56
L.C.C. 34507–I, LOT 57
ASSESSOR'S MAP 67, PARCEL 306
#49 FAIRGROUNDS ROAD

PLAN REFERENCE

L.C.C. 34507–H
L.C.C. 34507–I

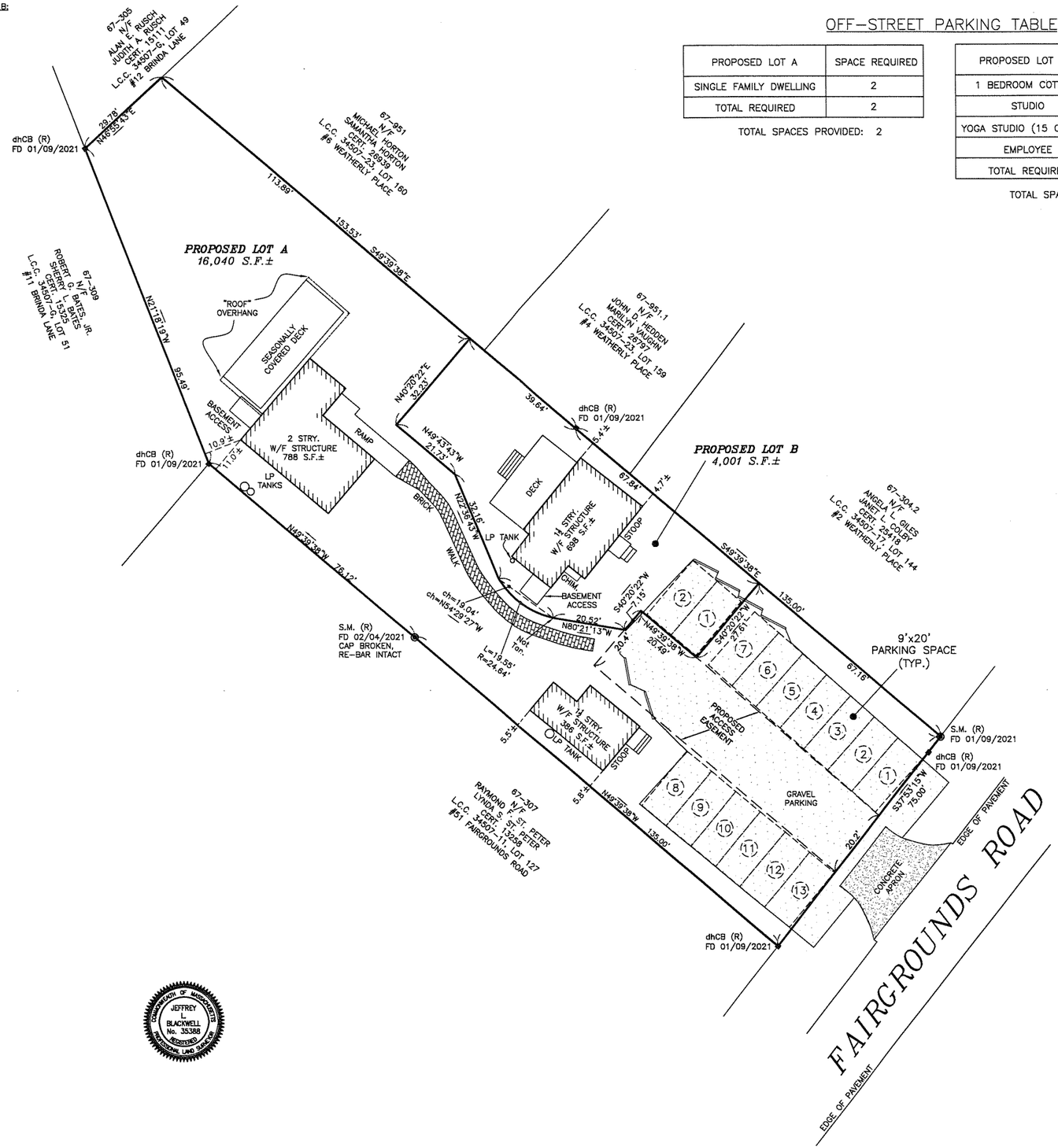
OFF–STREET PARKING TABLE

PROPOSED LOT A	SPACE REQUIRED
SINGLE FAMILY DWELLING	2
TOTAL REQUIRED	2

TOTAL SPACES PROVIDED: 2

PROPOSED LOT B	SPACE REQUIRED
1 BEDROOM COTTAGE	1
STUDIO	1
YOGA STUDIO (15 CLIENTS)	5
EMPLOYEE	1
TOTAL REQUIRED	8

TOTAL SPACES PROVIDED: 13



LEGEND

dhCB / FD ■	DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
R+C / FD ◉	DENOTES RE–BAR WITH CAP FOUND
CBS ⊞	DENOTES EXIST. CATCHBASIN

JEFFREY L. BLACKWELL No. 35388 REGISTERED PROFESSIONAL LAND SURVEYOR
COMMONWEALTH OF MASSACHUSETTS

NOTE
Location of underground utilities is unknown.

T:\CHRISRAY JOB 27
V:\DRAWFILES\B4502\SPECIAL PERMIT.dwg 3/15/2021 4:15:35 PM EDT

Concept Plan of Land in Nantucket, Mass.
Prepared for

SHANNAH GREEN

Scale: 1"= 15' March 15, 2021

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

GRAPHIC SCALE
15 0 8 15 30 60
(IN FEET)
1 inch = 15 ft.

B4502

End of Packet