



Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

Date: September 8, 2021

To: Zoning Board of Appeals

From: Leslie Woodson Snell, AICP
Deputy Director of Planning/Zoning Administrator

Re: Staff Memo for September 9, 2021 Agenda

OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

- 18-21 Ack Smart as Applicant for 21 Woodbine, llc 21 Woodbine St. Beaudette
CONTINUED TO OCTOBER 14, 2021

Action Deadline November 10, 2021

- 19-21 Ack Smart as Applicant for Timothy & Lauren Miner 12 S. Valley Rd. Beaudette
CONTINUED TO OCTOBER 14, 2021

Action Deadline November 10, 2021

- Pg. 7-37 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadowview Dr. Reade

Action Deadline October 5, 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).

UPDATE: When last discussed by the Board, the actual request did not receive any opposition. However, a shed became an issue and approval to remove it was granted by the Conservation Commission. The applicant has an arrangement with another property owner to move the shed onto a different property and they are in the process at the HDC to receive move off/move on approval. The applicant has also indicated that a condition to remove the shed is acceptable. At this point, all outstanding concerns have been addressed and staff recommends approval.

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

- **Pg. 39-58 20-21 Nantucket Island School of Design&Arts 23&25 Wauwinet Rd Reade**
Action Deadline December 8, 2021

Applicant is seeking a determination that an increase in the pre-existing nonconforming groundcover ratio and an encroachment into the rear yard setback resulting from the relocation of a structure onto the property is reasonable and that pursuant to MGL Chapter 40A Section 3, no relief is required. In the alternative, Applicant requests that Condition (c) in the Variance/Special Permit relief issued in File No. 028-98 be modified to allow for the structure to be relocated as proposed, or that additional Variance and/or Special Permit relief be granted as applicable. Locus is situated at 23 and 25 Wauwinet Road, shown on Assessor's Map 20 as Parcels 36 and 80, and as Lot 103 upon Land Court Plan 6283-12 and as Lot 105 on Plan 6283. Evidence of owner's title is registered on Certificate of Title Nos. 10132 and 18379 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

A prior decision from 1998 contained a condition limiting future expansion of existing structures, which this technically is not since the applicant is proposing to move a historic barn structure onto the property. Regardless, MGL Chapter 40 Section 3 provides a zoning exemption for educational uses subject to a finding that, in this case, the setbacks and ground cover resulting from the relocation of the structure are reasonable. Typically this finding would be made by the Building Commissioner as the Zoning Enforcement Officer and in fact he reviewed the application and was prepared to make the finding. However, the applicant had concerns about the condition of the prior variance and a possible appeal of the Building Commissioner's determination. The relocated historic barn structure will be sited as close as 4.7 feet from the rear lot line where 10 feet is required and the ground cover will increase from 8.4% to 9.9% where 3% is allowed. A letter of support from Nantucket Preservation Trust is in your packet. Staff recommends that the Board make a finding that a modification to the prior variance is not required and that no relief is necessary based on the provisions of MGL Chapter 40A Section 3.

- **Pg.59-74 21-21 Michael S. Jemison & Kristina Jemison 195 C Hummock Pond Rd Bailey**
Action Deadline December 8, 2021

Applicants are seeking a modification of a previously issued Special Permit (File No. 040-04) and to the extent necessary, a Special Permit for the expansion of the pre-existing nonconforming use, to allow for an increase in ground cover ratio to construct a pool cabana. Locus is situated at 195C Hummock Pond Road, shown on Assessor's Map 65 as Parcel 23, and as Unit 2 on Plan No. 03-34. Evidence of owner's title is recorded in Book 865, Page 40 with the Nantucket County Registry of Deeds. The site is zoned Village Residential (VR).

The site contains three market-rate detached condominium units that were constructed prior to the adoption of the Zoning Bylaw. A 2004 decision of the ZBA set a maximum ground cover of 2,500 square feet for the entire lot, which at the time was partially located in the R-20 district and partially located in the LUG-2 district. The entire property, along with others in the area, was placed in the

VR district at the 2021 ATM. The proposed increase results in 3,309 square feet of ground cover, or 2.9%, which is well under the maximum 10% allowed in the VR district. The other condominium unit owners submitted letters in support of this request. Staff recommends approval.

II. OTHER BUSINESS: (Votes may be taken)

III. ADJOURNMENT (VOTE WILL BE TAKEN)