RECEIVED
2021 OCT 08 PM 12:10
NANTUCKET TOWN CLERK
Posting Number:T 948

MEETING POSTING

TOWN OF NANTUCKET
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	Zoning Board of Appeals
Day, Date, and Time	Thursday, October 14, 2021 at 12:00 PM
Location / Address	**REMOTE PARTICIPATION *VIA* ZOOM WEBINAR** **INFORMATION on viewing the meeting can be found at** https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	Leslie Woodson Snell, Deputy Director of Planning and Zoning Administrator
WARNING:	**IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE-BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.**

AGENDA
(Subject to Change)
The meeting will be recorded and archived at 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** lsnell@nantucket-ma.gov **with any questions. ***

ZOOM WEBINAR REGISTRATION LINK:
https://us06web.zoom.us/webinar/register/WN_YPzRUhcQQQSrALcH4QGlGQ
To view the LIVE broadcast of the meeting, see YouTube Link at
https://youtu.be/C1ml4AyF-WY
BELOW ARE THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:
- August 12, 2021
- September 9,2021

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

Pg13-43 **06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Dr Reade**

Action Deadline November 15, 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).

Pg 44-76 **18-21 Ack Smart As Applicant For 21 Woodbine LLC 21 Woodbine St Beaudette**

Action Deadline November 10, 2021

Applicant requests variance relief to validate the location of a solar ground array within the side and rear yard setbacks. The Locus is situated at 21 Woodbine Street, is shown on Nantucket Tax Assessor's Map 80 as Parcel 321 and shown as Lot 4 on Plan No. 54W on file with the Nantucket County Registry of Deeds. Evidence of owner's title is recorded in Book 1342, Page 75 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 1 (LUG-1).

Pg 77-102 **19-21 Ack Smart as Applicant For Timothy & Lauren Miner 12 S Valley Rd Beaudette**

Action Deadline November 10, 2021

Applicant requests variance relief to validate the location of a solar ground array within the front and side yard setbacks. The Locus is situated at 12 S. Valley Road, is shown on Nantucket Tax Assessor's Map 43 as Parcel 139 and shown as Lot 76 on Land Court Plan 11461-J and as Lot 21 on Land Court Plan 11641-H on file with the Nantucket County Registry District of the Land Court. Evidence of owner's title is recorded as Certificate of Title No. 24316 on file at the Nantucket County Registry District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

Pg 103-123 **21-21 Michael S. Jemison & Kristina Jemison 195 C Hummock Pond Brescher**

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).

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

Pg 125-175 **22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust 40 Warren's Landing Reade**

Action Deadline January 12, 2022

Applicant is appealing the determination of the Zoning Enforcement Officer that the driveway accessing the locus from Blue Heron Way is in violation of Zoning Bylaw section 139-20.1B (1) because there is an additional driveway access from Warren's Landing Road. Locus is situated at 40 Warren's Landing Road, shown on Assessor's Map 38 as Parcel 45, and as Lot 10 upon Land Court Plan 16956-E. Evidence of owner's title is registered on Certificate of Title No. 27280 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 2 (LUG-2).

Pg 176-198 **23-21 Timothy Green 6 Macy Rd Williams**

Action Deadline January 12, 2022

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-2A and 139-7A to construct a residential swimming pool on the locus. Locus is situated at 6 Macy Road, shown on Assessor's Map 60 as Parcel 144, and as Lot 265 upon Land Court Plan 3093-18. Evidence of owner's title is registered on Certificate of Title No. 28130 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Pg 199-232 **24-21 Steven L. Cohen, Trustee of the 6 Village Way Realty Trust & Trustee of the 37 Pocomo Rd Realty Trust 6 Village Way and 37 Pocomo Road Cohen**

Action Deadline January 12, 2022

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A(1)(a) or in the alternative 139-33A(1)(b) to demolish the existing pre-existing nonconforming dwelling at 6 Village Way and to replace it with a new dwelling. The Applicant also seeks a modification/clarification of prior Variance relief granted in 2000 and a Special Permit granted in 2002 to reflect that the two lots are now in common ownership and to allow the septic system for 6 Village Way to be located within the required 50-foot vegetative buffer. Locus is situated at 6 Village Way and 37 Pocomo Road, shown on Assessor's Map 14 as Parcels 41 and 38, and as Lot 2D upon Land Court Plan 16220-B and Lot 17A upon Land Court Plan 22667-B. Evidence of owner's title is registered on Certificate of Title Nos. 27528 and 21644 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

Pg 233-257 **25-21 John J. Barry and Nancy J. Barry 1 Goose Cove Way Brescher**

Action Deadline January 12, 2022

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-2A and 139-7A to construct a residential swimming pool on the locus. Locus is situated at 1 Goose Cove Way, shown on Assessor's Map 59.4 as Parcel 133, and as Lot 892 upon Land Court Plan 3092-118. Evidence of owner's title is registered on Certificate of Title No. 28218 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Pg 258-270 **26-21 Richard W. Ralston & Doreen Ralston, 33 Goldfinch Dr Brescher**

Action Deadline January 12, 2022

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-16C (1) and 139-30 to reduce the ten (10) foot required side yard setback to five (5) feet along the westerly side yard lot line in order to construct an addition to the existing dwelling. Locus is situated at 33 Goldfinch Drive, shown on Assessor's Map 68 as Parcel 544, and as Lot 240 upon Land Court Plan 16514-12. Evidence of owner's title is registered on Certificate of Title No. 19012 with the Nantucket County District of the Land Court. The site is zoned Residential 5 (R-5).

Pg 271-340 **27-21 ACK86QR, LLC.** **86 Quidnet Rd** **Williams**

Action Deadline January 12, 2022

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A (4) to remove and reconstruct portions of the pre-existing nonconforming structure while moving it away from the coastal bank without exceeding the existing ground cover ratio and will meet all setback requirements. Locus is situated at 86 Quidnet Road, shown on Assessor's Map 21 as Parcel 102 (also includes Parcels 103 and 69), and as Lot 8 upon Land Court Plan 8606-A (also includes Lot 7 upon Land Court Plan 8606-A and Lot 34 upon Land Court Plan 8606-B). Evidence of owner's title is recorded in Book 1802, Page 65 at the Nantucket County Registry of Deeds (and on Certificate of Title No. 28160 with the Nantucket County District of the Land Court). The site is zoned Residential 20 (R-20).

Pg 341-370 **28-21 Roy W. Weedon & Shelly Lafleur Weedon** **9 Twin Street** **Williams**

Action Deadline January 12, 2022

Applicants are seeking a special permit pursuant to Zoning Bylaw Section 139-33A (4) in order to demolish (or move off site) the pre-existing nonconforming dwelling and to construct a new dwelling with the same ground cover ratio and meeting all setback requirements. Locus is situated at 9 Twin Street, shown on Assessor's Map 55.4.1 as Parcel 7.1, and as Lot 2 upon Plan No. 2013-33. Evidence of owner's title is recorded in Book 1397, Page 253 at the Nantucket County District of the Land Court. The site is zoned Residential Old Historic (ROH).

VI. OTHER (VOTES MAY BE TAKEN)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

Plus

NANTUCKET
TOWN CLERK

2021 SEP 21 AM 10:58

Nantucket Zoning Board of Appeals

PUBLIC NOTICE

A **PUBLIC HEARING** of the **NANTUCKET ZONING BOARD OF APPEALS** is scheduled for **12:00 PM** on **Thursday, October 14, 2021**, *via* Zoom on the Nantucket Government TV YouTube Channel, pursuant to Governor Baker's March 12, 2020, Order Regarding Open Meeting Law. Information about viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees A complete copy of the application is on file with the Zoning Board of Appeals at the office of Planning and Land Use Services at 2 Fairgrounds Road, Nantucket, MA, 02554. Requests to review an electronic copy of the complete application materials may be submitted *via* e-mail to lsnell@nantucket-ma.gov. Written comments for the October 14, 2021 meeting received by 12:00 PM on Thursday, October 7, 2021 will be provided to the Board in advance of the meeting.

OLD BUSINESS:

JAYNE C. DEBIASIO & BRIAN F. DEBIASIO, FILE NO. 06-21

ACK SMART AS APPLICANT FOR 21 WOODBINE, LLC, FILE NO. 18-21

ACK SMART AS APPLICANT FOR TIMOTHY & LAUREN MINER, FILE NO. 19-21

MICHAEL S. JEMISON & KRISTINA JEMISON, FILE NO. 21-21

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

Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust **File No. 22-21**
Applicant is appealing the determination of the Zoning Enforcement Officer that the driveway accessing the locus from Blue Heron Way is in violation of Zoning Bylaw section 139-20.1B (1) because there is an additional driveway access from Warren's Landing Road. Locus is situated at 40 Warren's Landing Road, shown on Assessor's Map 38 as Parcel 45, and as Lot 10 upon Land Court Plan 16956-E. Evidence of owner's title is registered on Certificate of Title No. 27280 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 2 (LUG-2).

Timothy Green **File No. 23-21**
Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-2A and 139-7A to construct a residential swimming pool on the locus. Locus is situated at 6 Macy Road, shown on Assessor's Map 60 as Parcel 144, and as Lot 265 upon Land Court Plan 3093-18. Evidence of owner's title is registered on Certificate of Title No. 28130 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Steven L. Cohen, Trustee of the 6 Village Way Realty Trust and Steven L. Cohen, Trustee of the 37 Pocomo Road Realty Trust **File No. 24-21**

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A(1)(a) or in the alternative 139-33A(1)(b) to demolish the existing pre-existing nonconforming dwelling at 6 Village Way and to replace it with a new dwelling. The Applicant also seeks a modification/clarification of prior Variance relief granted in 2000 and a Special Permit granted in 2002 to reflect that the two lots are now in common ownership and to allow the septic system for 6 Village Way to be located within the required 50-foot vegetative buffer. Locus is situated at 6 Village Way and 37 Pocomo Road, shown on Assessor's Map 14 as Parcels 41 and 38, and as Lot 2D upon Land Court Plan 16220-B and Lot 17A upon Land Court Plan 22667-B. Evidence of owner's title is registered on Certificate of Title Nos. 27528 and 21644 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

John J. Barry and Nancy J. Barry **File No. 25-21**

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-2A and 139-7A to construct a residential swimming pool on the locus. Locus is situated at 1 Goose Cove Way, shown on Assessor's Map 59.4 as Parcel 133, and as Lot 892 upon Land Court Plan 3092-118. Evidence of owner's title is registered on Certificate of Title No. 28218 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Richard W. Ralston and Doreen Ralston, Trustees of the Ralston Realty Trust
File No. 26-21

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-16C (1) and 139-30 to reduce the ten (10) foot required side yard setback to five (5) feet along the westerly side yard lot line in order to construct an addition to the existing dwelling. Locus is situated at 33 Goldfinch Drive, shown on Assessor's Map 68 as Parcel 544, and as Lot 240 upon Land Court Plan 16514-12. Evidence of owner's title is registered on Certificate of Title No. 19012 with the Nantucket County District of the Land Court. The site is zoned Residential 5 (R-5).

ACK86QR, LLC. **File No. 27-21**

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A (4) to remove and reconstruct portions of the pre-existing nonconforming structure while moving it away from the coastal bank without exceeding the existing ground cover ratio and will meet all setback requirements. Locus is situated at 86 Quidnet Road, shown on Assessor's Map 21 as Parcel 102 (also includes Parcels 103 and 69), and as Lot 8 upon Land Court Plan 8606-A (also includes Lot 7 upon Land Court Plan 8606-A and Lot 34 upon Land Court Plan 8606-B). Evidence of owner's title is recorded in Book 1802, Page 65 at the Nantucket County Registry of Deeds (and on Certificate of Title No. 28160 with the Nantucket County District of the Land Court). The site is zoned Residential 20 (R-20).

ROY W. WEEDON AND SHELLY LAFLEUR WEEDON **File No. 28-21**

Applicants are seeking a special permit pursuant to Zoning Bylaw Section 139-33A (4) in order to demolish (or move off site) the pre-existing nonconforming dwelling and to construct a new dwelling with the same ground cover ratio and meeting all setback requirements. Locus is situated at 9 Twin Street, shown on Assessor's Map 55.4.1 as Parcel 7.1, and as Lot 2 upon Plan No. 2013-33. Evidence of owner's title is recorded in Book 1397, Page 253 at the Nantucket County District of the Land Court. The site is zoned Residential Old Historic (ROH).

Minutes

09-09-21

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, Elisa Allen
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, September 9, 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 pm and Announcements made by Ms. McCarthy

Staff in attendance:	Leslie Snell, Deputy Director of Planning; Nicky Sheriff, Administrative Specialist
Attending Members:	McCarthy, Toole, O'Mara, Allen, Poor, Thayer, Mondani
Absent:	Botticelli
Early departure:	O'Mara and Toole, 2:33 pm

Agenda adopted by unanimous consent

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

I. APPROVAL OF MINUTES

1. August 12, 2021

Motion	**Motion to Hold for next month's meeting.** (made by: Toole) (seconded)
Roll-call Vote	Carried 5-0//McCarthy, O'Mara, Toole, Mondani, and Allen-aye

II. OLD BUSINESS

1.	18-21	ACK SMART as Applicant for 21 Woodbine, LLC	21 Woodbine Street	Beaudette

Continued to October 14, 2021

2.	19-21	ACK SMART as Applicant for Timothy and Lauren Miner	12 S. Valley Road	Beaudette

Continued to October 14, 2021

3.	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, Toole, O'Mara, Allen, Mondani
Alternates	Poor, Thayer
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 (1:04)	**Reade** – This was last heard in April; reviewed the reason for the request. The Planning Board provided a special permit for relief between the dwelling and studio. There is a shed within area of Conservation Commission (ConCom) jurisdiction that hadn't appeared on prior plans and came into existence without permit; received an Order of Conditions to remove the shed, which hasn't yet been removed. The move on approval for the shed is in process with Historic District Commission (HDC). Asking for the modification to the Special Permit issued under File No. 030-11. **Toole** – Asked if this is within the setback line. **Reade** – We received the special permit to allow this within 5 feet rather than 10 feet from the line. **Toole** – The change to a full-on second dwelling doesn't have a huge impact but he's not too happy with it. **Allen** – If this structure were applied for today, asked if it would be approved with the setback and square footage; would it be legal today. **Reade** – It has the Special Permit from the Planning Board for separation from the main dwelling.

PROPOSED

McCarthy – The question is if this were a new application, would the ZBA grant the variance for side-yard setback; we did grant that for a studio-garage with the condition that it wouldn't become a secondary dwelling.
Snell – ZBA granted the relief with the stipulation. There were abutters notifications for the Planning Board hearing regarding the change of use and separation from the main dwelling; none of those notified abutters are here today.
Allen – Asked how allowing this to become a second dwelling impacts further development of the property.
Snell – Tertiary dwellings are allowed in R-20.
Reade – Most of the lot is affected by wetland restrictions; because of that, there is no room for another dwelling. There could be additions to the main house and this, with further relief from the board. We would agree to a condition that there will be no tertiary dwelling on the property.
O'Mara – It's important to note that in the R-20, you can change from 10' to 5' with a special permit, which they did. He's comfortable with this.
Mondani – He agrees with Mr. Toole on this; the only change is the septic and that wasn't part of the decision barring this from become a residence.
Poor – The use of the structure by zoning purposes is available for change. With the advent of the sewer connection, they have the right to ask for the change.
McCarthy – Thanked the applicant for the letter addressing concerns about the shed.
Toole – Asked if the conversion has already taken place. Jeff Blackwell's, Blackwell & Assoc., site plan states there is a bedroom in the structure.
Debiasio – No, the upstairs is used as an office and storage. He pointed out the error regarding the bedroom to Mr. Blackwell and the site plan was corrected.
Reade – There is a tenant in the main house who uses the upstairs studio space as an office.
Toole – Asked when the shed will be removed.
Debiasio – He's donated the shed to a couple, who has applied to the HDC to move it to their property. It's ready to go once approval is received; he wants it out of there between now and next month.
Toole – Wants the shed removed before the ZBA grants this relief.
Reade – Suggested a condition that before a Certificate of Occupancy (CO) is issued for the second dwelling, the shed is removed.
Discussion about removing the unpermitted shed before granting relief.
Allen – She likes Mr. Reade's suggestion of not issuing a CO before confirmation of the shed's removal. However, rules weren't followed, and now we're giving the okay to continue not following the process. She wants to have a move-off permit before granting relief.
Toole – It isn't a heavy burden to wait for removal of the shed; the building is already up.
Debiasio – The only change for a dwelling is to provide a 2nd-floor egress and add a kitchen.
Reade – Requested continuing this case to October to allow time for the shed to be removed.

Motion	**Motion to Continue to October 14th meeting.** (made by: O'Mara) (seconded)
Roll-call Vote	Carried 5-0//McCarthy, O'Mara, Toole, Allen, and Mondani-aye

III. NEW BUSINESS

1. 20-21 Nantucket Island School of Design and the Arts, Inc. 23&25 Wauwinet Road Hanley

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).

Voting	McCarthy, Toole, O'Mara, Allen, Mondani
Alternates	Poor, Thayer
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP Kathy Kelm, Director, NISDA Founder
Public	None
Discussion (1:35)	**Hanley** – Explained the application. The lot is impacted by wetland restrictions and location of septic. There is historic preservation restriction on the barn as well. It will be used for classrooms and studios. The move will take place probably next Fall. Currently, the barn is on 19 Wauwinet Road; it was moved there in 1976. Part of the old foundation is still in the barn's original historical location; the 1973 land court map shows its original location. **Toole** – The structure will have to be 5' away; pointed out extraordinary steps would have to be taken to ensure it complies with the Fire Code. **O'Mara** – Asked how many parking places are proposed. Asked the proposed function of this barn once it's moved.

PROPOSED

Hanley – No changes are proposed to the parking; we have 51 parking spaces when we're required to have only 19. It will be for classrooms, studio space, and office space; if possible in the future, the 2nd floor would be modified to be a residence.
McCarthy – Asked if NISDA would have to apply for a change of use when they are ready to put an apartment in it.
Hanley – We'd have to apply for a building permit, but it would still fall within the exemption. Don Bracken, Bracken Engineering, has been at the site frequently. If we were to pull it forward, we would have to deal with the existing historic preservation restriction; we also would have to deal with the existing silo, which can't be moved.
Toole – Suggested tweaking it diagonally about 6".
Kelm – Getting this barn is serendipitous. The rear property line is along now Nantucket Islands Land Bank property.
McCarthy – Asked if members want to modify the variance conditions or follow Massachusetts General Law for an educational use.
Toole – He was wondering how they determined where the building is going to go; it doesn't look like it's going close to the original location.
Hanley – We can put in the decision that everything was discussed.
Allen – Asked if when the move the structure, will it be reconnected to the silo. Noted that the connector might not be as long as was originally; that could pull the barn off the property line.
Hanley – That's up to the Preservation Institute, which hold the preservation restriction; also, the integrity of the silo needs to be considered. You can make a Finding that MGL 40A §3 is applicable and no further relief is required.
O'Mara – He's not willing to put that finding in a motion; there's way too much going occurring on this property: not confident about the number of parking spots, don't have information on the leach field, and there's wetlands all round this. If they come back with a plan that shows more parking spaces or delineates all the parking spaces, he might consider it. He also doesn't know the last time this property was surveyed. he disagrees with the idea that this doesn't impact the general welfare public.
Hanley – Mr. Bracken has surveyed this property extensively; he did the septic plan.
McCarthy – They would have to deal with septic if and when they have permits to outfit the building; we're looking at the relocation.
Mondani – He's willing to pass as is; this is what the law is for and it fits the way the property is set up.
Toole – It would be nice to have the information Mr. O'Mara is asking for, but if we go the route of MGL, that becomes an issue for someone else.
Thayer – He's okay with this; he understands Mr. O'Mara's concerns, but a building permit won't be issued without septic and parking.
Hanley – The septic was installed 2 years ago, and we have a certificate of compliance. Not asking for relief for parking; the prior relief required 19 spots; also parking falls under MGL 40A.
McCarthy – She hasn't been looking at parking because it isn't part of this application. When they go to get the building permit or the CO, it will need to be sussed out. Her concern if the setback and groundcover are reasonable. Cited the all the reasons that make it okay for it to be approved under the MGL exemption. If we don't think this falls under MGL, then we would get into the parking and septic and require a more detailed plan.
Continued discussion about whether or not there is adequate parking.

Motion — **Motion to find that the proposal to move the barn back to its original location is reasonable and falls under educational exemption MGL 40A §3.** (made by: Mondani) (seconded)

Roll-call Vote — Carried 4-1//McCarthy, Toole, Allen, and Mondani-aye; O'Mara-nay

2. 21-21 — Michael S. and Kristina Elizabeth Jemison — 195C Hummock Pond Road — Glidden

Applicant is requesting special permit pursuant to Nantucket Zoning Bylaw Section 139-30, and to the extent is situated at 195C Hummock Pond Road, is shown on Nantucket Tax Assessor's Map 65 as Parcel 23 and shown as Evidence of owner's title is recorded in Book 865, Page 40 on file at the Nantucket County Registry of Deeds. The site is zoned village residential (VR).

Voting — McCarthy, Allen, Thayer, Mondani
Alternates — None (poor departed at some point)
Recused — None
Documentation — File with associated plans, photos, required documentation, and correspondence.
Representing — John Brescher, Glidden & Glidden
Public

Discussion (2:32) — **Brescher** – Explained the application to increase groundcover allowance; historically, the lot is pre-existing nonconforming. There are letters of support and they have received HDC approval. This increase request is for this unit only. This relief would be in harmony with the bylaw.
McCarthy – Looking at the proposed site plan dated July 16, 2021, it looks like part of this if R-20. Asked if the 850 sf will cause problems with the other two condo units.
Brescher – This property was rezoned at 2021 Annual Town Meeting from R-20 to VR; Dan Mulloy's, Site Design Engineering, site plan just missed that change. The other owners are okay with this request.
Allen – Asked if any abutters are opposed to this.

PROPOSED

Toole – Owners of 200 Hummock Pond Road submitted an email of opposition. Asked if the Land Bank has weighed in on this.
Snell – We have not heard from the Land Bank; doesn't anticipate hearing from them.
Brescher – Once this change is approved, the master condo plan will be amended. Units and A & B will remain at 2500 sf groundcover; they have elected not to increase their groundcover.
Discussion about why the groundcover was set at 2500 sf and the impact of this requested change.
Allen – Asked if this is enclosed or open. If it's open on at least 3 sides, we'd be ensured it is just a cabana as opposed to being a potential guesthouse if it's completely enclosed. She doesn't want to approve something that sounds like a guesthouse but is called a pool house.
Brescher – It is completely enclosed and there is a bathroom in it
McCarthy – Referenced the letter of opposition regarding concerns it could be a dwelling. Asked if it can be conditioned against its being used for habitation. We would want to see an HDC approval. Just realized Mr. Poor had left; she hadn't intended for this to be opened with a 4-person board.
Brescher – This has to continue; asked what they are looking for.
McCarthy – Plans confirming it is a pool house. Asked the procedure to ensure there is a 5-person board at the next hearing.
Snell – There are three people who can read back in for the next hearing.
Toole – He wants confirmation that there is a room that is counted as a bedroom for septic capability.

Motion	**Motion to Continue to October 14th meeting.** (made by: Thayer) (seconded)
Roll-call Vote	Carried 4-0//McCarthy, Thayer, Mondani, and Allen-aye

IV. OTHER BUSINESS

1. As of right now, there October 14th meeting has the tow continued applications, Debiasio, this application and two ne

V. ADJOURNMENT

Motion	**Motion to Adjourn at 2:57 pm.** (made by: Mondani) (seconded)
Roll-call vote	Carried unanimously

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

JAYNE C. & BRIAN F.
DEBIASIO

39 MEADOW VIEW DR.

FILE NO. 06-21

Special Permit

Print Form

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2021 MAY 13 PM 3:30
NANTUCKET TOWN CLERK

File No. 06 - 21 Map 56 Parcel 133

This agreement to extend the time limit for the Board of Appeals to make a decision, hold a public hearing, or to take other action concerning the application of:

Jayne C. & Brian F. DeBIASIO - 39 Meadow View Dr. - Modification

Pursuant to the provisions of the Acts of 1987, Chapter 498, amending the State Zoning Act, Chapter 40A of the Massachusetts General Laws, Applicant(s)/Petitioner(s) and the Zoning Board of Appeals hereby agree to extend the time limit

- ○ For a public hearing on the application
- ● For a written decision
- ○ For other action _____

Such application is:

- ○ An appeal from the decision of any administrative official
- ○ A petition for a special permit
- ○ A petition for a variance
- ○ An extension
- ● A modification

The new time limit shall be midnight on August 12, 2021, which is not earlier than a time limit set by statute or bylaw.

The Applicant (s), attorney, or agent for the Applicant represented to be duly authorized to act in this matter for the applicant, in executing this agreement waives any rights under the Nantucket Zoning Bylaw and the State Zoning Act, as amended, to the extent, but only to the extent, inconsistent with this agreement.

Arthur I. Reade, Attorney
For Applicant (s)

Eleanor W. Antonietti
For Zoning Board of Appeals

May 13, 2021
Effective Date of Agreement

Town Clerk Stamp:

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile

Jayne C. DeBiasio
Brian F. DeBiasio
39 Meadow View Drive
Nantucket, MA 02554
Tel. Cell (508) 332-6731
Tel. Home (508) 228-3911

May 2, 2021

Zoning Board of Appeals
MAY 04 2021
RECEIVED

Ms. Susan McCarthy
Zoning Board of Appeals Chair
Planning & Land Use Services
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

Via email: eantonietti@nantucket-ma.gov

Dear Ms. McCarthy:

I am writing to you with reference to our ZBA hearing in April, pertaining to our change of use request for the Garage Studio, located on our property at 39 Meadow View Drive: Map 56, Parcel 133. The Board tabled approval of allowing the studio to be converted to living space pending documentation from Conservation Commission pertaining to the grandfathered shed that we rebuilt within the wetlands zoning.

After checking our records, we in fact did not have written authorization to rebuild an existing shed that had rotted away and was demolished in the location. My wife and I sincerely apologize for the error on our part, as we thought we could rebuild it without formal approval. We are in the process of going before the Conservation Commission to either have this approved, or removed from the property (and donated to a local charity).

In any event, we will not be able to provide you with any documentation for the upcoming May ZBA meeting and we request that this review be tabled until such time as we can provide you with requested proper documentation as unfortunately this will take some time. We will notify Ms. Antonietti once we have finalized the Conservation Commission to have this re-scheduled.

Again Madam Chair, Jayne & I sincerely apologize for this error on our part and we will correct it. We are sending this letter via email to Ms. Antonietti and copying Arthur Reade, our attorney. Thank you for your time and consideration.

Sincerely yours,

Brian F. DeBiasio

Brian DeBiasio

CC: Arthur Reade

Zoning Board of Appeals
MAR 02 2021
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

PAID
MAR 04 2021
BY: Cash 21252

2021 MAR 16 PM 1:36
NANTUCKET TOWN CLERK

APPLICATION

Fee: $450.00

File No. 06-21

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

Mailing address: **c/o Reade, Gullicksen, Hanley & Gifford, LLP**
6 Young's Way, Post Office Box 2669, Nantucket, Massachusetts 02584

Phone Number: **508-228-3128** E-Mail: **air@readelaw.com**

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: **Same** E-Mail: **Same**

Locus Address: **39 Meadow View Drive** Assessor's Map/Parcel: **56-133**

Land Court Plan **14830-O, Lot 50**

Certificate of Title: **23121** Zoning District **Residential-20 (R-20)**

Uses on Lot- Commercial: **None**

Residential: Number of dwellings **One**

Date of Structure(s): all pre-date 7/72 **No**

Building Permit Numbers: **5615-87 (dwelling); 1350-12 (garage/studio)**

Previous Zoning Board Application Numbers: **030-11; 25-19**

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

The applicant requests that the condition set forth in the decision in File No. 030-11, which granted a Special Permit for side line setback of a garage/studio structure, that the studio which was the subject of that application "shall not be for human habitation", be removed. At the time of granting of the Special Permit, the locus was served by an on-site septic system which did not have the capacity for an additional bedroom. Subsequently, the locus has been connected to the municipal sewer system. The applicant has applied to the Planning Board for secondary dwelling approval, which has been granted.

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: ***Jayne C. DeBiasio and Brian F. DeBiasio*** Owner*

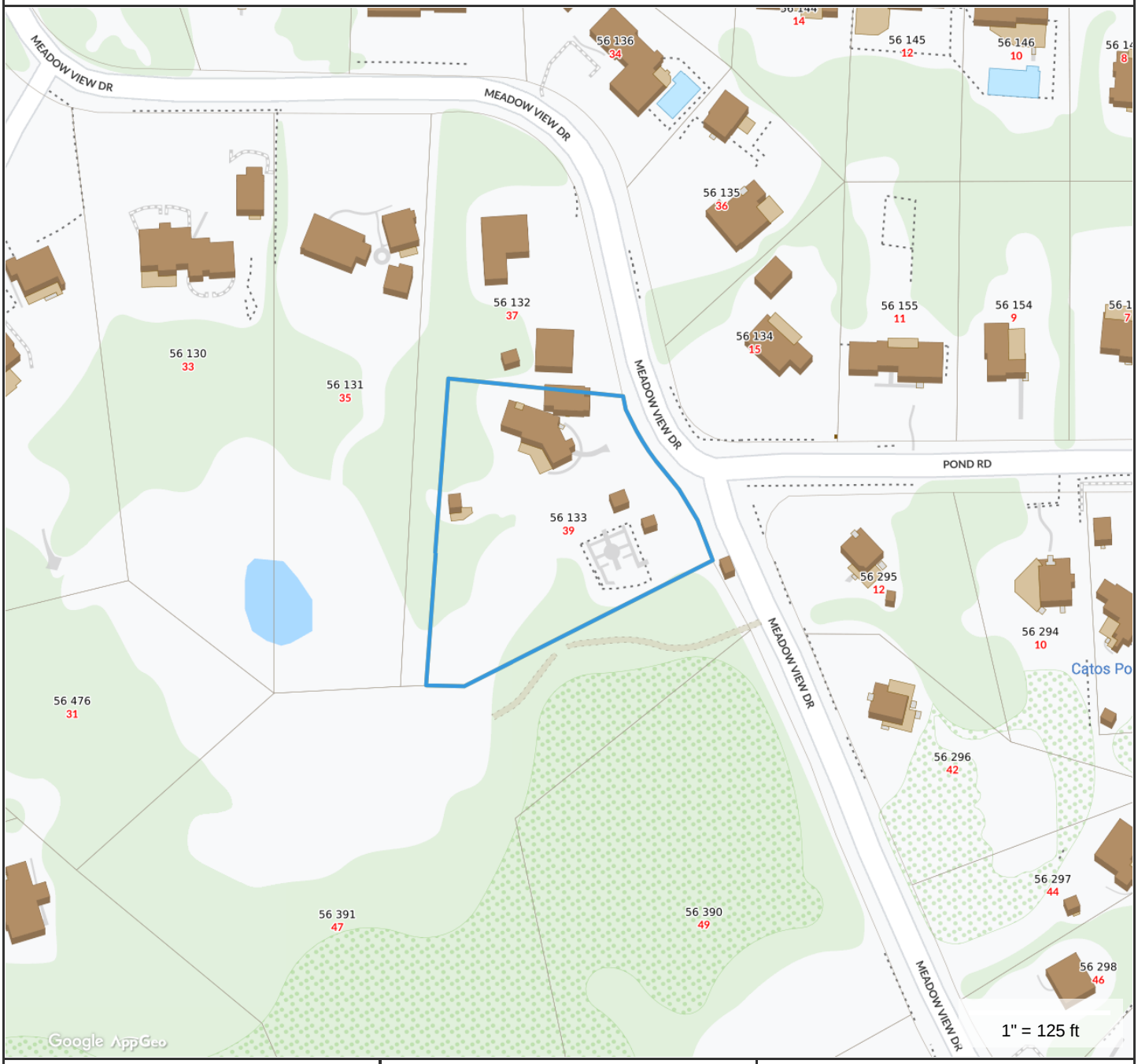
By:

SIGNATURE: _____ ~~Applicant~~/Attorney/Agent

Arthur I. Reade, Jr.

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:__/__/__



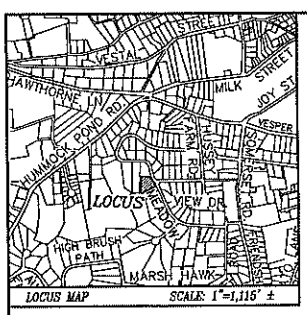
Property Information

Property ID	56 133
Location	39 MEADOW VIEW DR
Owner	DEBIASIO JAYNE C & BRIAN F

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



LOCUS MAP SCALE: 1"=1,115' ±

CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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

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

LEGEND
dhCB FD ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
DENOTES EXIST. EDGE OF BRUSH
DENOTES EXIST. PLANK FENCE

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

MEADOW VIEW DRIVE
POND ROAD
EDGE OF PAVEMENT
BELGIAN BLOCK APRON
dhCB FND
2 STY.W/F STRUCTURE 595 S.F.± 1 BEDROOM
EXIST. 2 STY. W/F DWELLING 1,216 S.F.±
EXIST. SHELL DRIVEWAY
EXIST. BLUESTONE WALK
PORCH
DECK
BRICK WALK
EXIST. W/F SHED 103 S.F.±
EXIST. W/F SHED 126 S.F.± EXCLUDED FROM GROUND COVER
EXIST. W/F SHED 59 S.F.±
EXIST. GARDEN
L=86.92'
R=350.00
144.00'
253.50'
237.07'
29.55'
45.8'±
5.8'±
44.3'±
34.5'±
30.1'±
24.4'±
18.7'±
16.0'±
5.4'±
5.3'±
L.C.C. 14830-0

LAKE SYLVIA

12' WIDE RECREATIONAL EASEMENT REF. L.C. DOC. #30243

56-391
N/F
NANTUCKET ISLANDS LAND BANK
CERT. #19581
L.C.C. 14830-11
LOT 146

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

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

LOT AREA = 40,764± S.F.

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

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

T:\KEN 25 JOB 31
V:\DRAWFILES\B7378\SP 2021.dwg 1/7/2021 1:59:41 PM EST

JANUARY 07, 2021

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

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1 B7378

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Jayne C. DeBiasio and Brian F. DeBiasio

MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP

PROPERTY LOCATION..... 39 Meadow View Drive

ASSESSOR MAP/PARCEL..... Map 56, Parcel 133

SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

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: 2021.02.09 15:10:20 -05'00'

2-9-2021

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
56	129		PENN JONATHAN TRUSTEE		120 CABOT STREET	CHESTNUT HILL	MA	02467	29 MEADOW VIEW DR
56	130		PONDERON LLC	C/O KUPPER WILLIAM P & JACQUELINE	28536 CHIANTI TERRACE	BONITA SPRINGS	FL	34135	33 MEADOW VIEW DR
56	131		MORASH JEFFREY D		35 MEADOW VIEW DR	NANTUCKET	MA	02554	35 MEADOW VIEW DR
56	132		MCGOVERN MARTHA C TRST	37 MEADOWVIEW DR TRUST #305	4825 GULF OFMEXICO DR UNIT C	LONGBOAT KEY	FL	34228	37 MEADOW VIEW DR
56	133		DEBIASIO JAYNE C & BRIAN F		39 MEADOW VIEW DR	NANTUCKET	MA	02554	39 MEADOW VIEW DR
56	134		CHAPMAN JOHN S JR & EDITH H		3 BORDEAUX CIRCLE	OLMSTED TOWNSHIP	OH	44138	15 POND RD
56	135		HINSON AMY & JAMES G		36 MEADOW VIEW DR	NANTUCKET	MA	02554	36 MEADOW VIEW DR
56	136		SLAVITZ NOREEN C		34 MEADOW VIEW DR	NANTUCKET	MA	02554	34 MEADOW VIEW DR
56	137		HANSEN JEFFREY TRST ETAL	HANSEN FAMILY TRUST	52 WHITEWOOD ROAD	MILFORD	MA	01757	32 MEADOW VIEW DR
56	138		30 MEADOW VIEW LLC		21 RUTLAND SQUARE #2	BOSTON	MA	02118	30 MEADOW VIEW DR
56	143		JOHNSON PAUL H & BRENDA B		16 MEADOW VIEW DR	NANTUCKET	MA	02554	16 MEADOW VIEW DR
56	144		LEHMACHER THOMAS J ETAL		23 COUGHLIN ROAD	KILLINGWORTH	CT	06419	14 MEADOW VIEW DR
56	145		ACKME LLC		4 HEATHER WAY	MILL VALLEY	CA	94941	12 MEADOW VIEW DR
56	154		ALLEN ELISA H		9 POND RD	NANTUCKET	MA	02554	9 POND RD
56	155		KUSZPA JOHN & ANNE P M		11 POND RD	NANTUCKET	MA	02554	11 POND RD
56	294		BLANK THEODORE J & CRISTINA		10 POND RD	NANTUCKET	MA	02554	10 POND RD
56	295		KANE JOHN J JR & ANGELA M		83 EAGLE ROCK ROAD	STOUGHTON	MA	02072	12 POND RD
56	296		PATTERSON ARTHUR H & CHISWICK	NANCY R	2443 HICKORY HILL DR	STATE COLLEGE	PA	16803	42 MEADOW VIEW DR
56	390		ALPER KARIN & MICHAEL TRST	KARIN ALPER REVOC TRUST 2005	5 CHESTNUT HILL TERRACE	NEWTON	MA	02467	49 MEADOW VIEW DR
56	391		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	47 MEADOW VIEW DR
56	476		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	31 MEADOW VIEW DR
Count:	**21**								

PENN JONATHAN TRUSTEE
120 CABOT STREET
CHESTNUT HILL, MA 02467

PONDERON LLC
C/O KUPPER WILLIAM P & JACQUELINE
28536 CHIANTI TERRACE
BONITA SPRINGS, FL 34135

MORASH JEFFREY D
35 MEADOW VIEW DR
NANTUCKET, MA 02554

MCGOVERN MARTHA C TRST
37 MEADOWVIEW DR TRUST #305
4825 GULF OFMEXICO DR UNIT C
LONGBOAT KEY, FL 34228

DEBIASIO JAYNE C & BRIAN F
39 MEADOW VIEW DR
NANTUCKET, MA 02554

CHAPMAN JOHN S JR & EDITH H
3 BORDEAUX CIRCLE
OLMSTED TOWNSHIP, OH 44138

HINSON AMY & JAMES G
36 MEADOW VIEW DR
NANTUCKET, MA 02554

SLAVITZ NOREEN C
34 MEADOW VIEW DR
NANTUCKET, MA 02554

HANSEN JEFFREY TRST ETAL
HANSEN FAMILY TRUST
52 WHITEWOOD ROAD
MILFORD, MA 01757

30 MEADOW VIEW LLC
21 RUTLAND SQUARE #2
BOSTON, MA 02118

JOHNSON PAUL H & BRENDA B
16 MEADOW VIEW DR
NANTUCKET, MA 02554

LEHMACHER THOMAS J ETAL
23 COUGHLIN ROAD
KILLINGWORTH, CT 06419

ACKME LLC
4 HEATHER WAY
MILL VALLEY, CA 94941

ALLEN ELISA H
9 POND RD
NANTUCKET, MA 02554

KUSZPA JOHN & ANNE P M
11 POND RD
NANTUCKET, MA 02554

BLANK THEODORE J & CRISTINA
10 POND RD
NANTUCKET, MA 02554

KANE JOHN J JR & ANGELA M
83 EAGLE ROCK ROAD
STOUGHTON, MA 02072

PATTERSON ARTHUR H & CHISWICK
NANCY R
2443 HICKORY HILL DR
STATE COLLEGE, PA 16803

ALPER KARIN & MICHAEL TRST
KARIN ALPER REVOC TRUST 2005
5 CHESTNUT HILL TERRACE
NEWTON, MA 02467

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

Materials Provided by Staff

2011 00134331
Cert: 23121 Doc: SP
Registered: 08/09/2011 01:52 PM

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

'11 JUL 15 A9:58

Date: July 15, 2011

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

Application No: 030-11

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

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

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

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

Edward S. Toole, Chairman

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

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

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

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

Land Court Plan 14830-O, Lot 50

Certificate of Title No. 23,121

DECISION:

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

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

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

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

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

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

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

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

a. Said studio shall not be for human habitation.

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

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

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

SIGNATURE PAGE TO FOLLOW

Dated: July 15, 2011

Ed Toole

Michael J. O'Mara

Kerim Koseatac

Dale Waine

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. July 15, 2011

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

Notary Public: John Brescher

My commission expires: [illegible]

JOHN B. BRESCHER NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

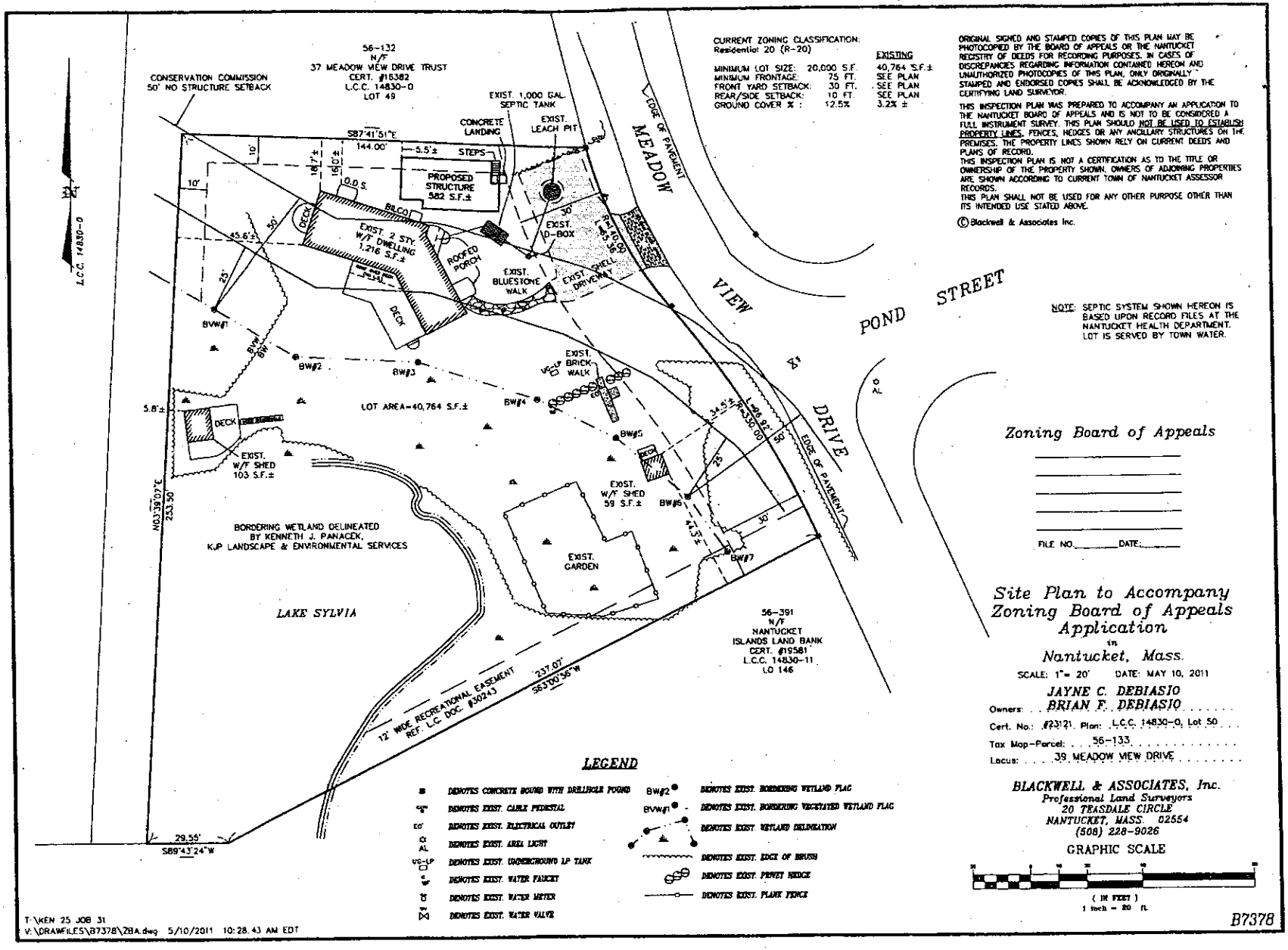
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

AUG 09 2011

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK


56-132
N/F
37 MEADOW VIEW DRIVE TRUST
CERT. #16382
L.C.C. 14830-0
LOT 49
CONSERVATION COMMISSION
50' NO STRUCTURE SETBACK
EXIST. 1,000 GAL. SEPTIC TANK
CONCRETE LANDING
EXIST. LEACH PIT
S87°41'51"E
144.00'
5.5'± STEPS
PROPOSED STRUCTURE 382 S.F.±
EXIST. 2 STY. W/F DWELLING 1,216 S.F.±
DECK
BALCO
ROOFED PORCH
EXIST. BLUESTONE WALK
EXIST. SHELL DRIVEWAY
EXIST. I.D. BOX
EDGE OF PAVEMENT
MEADOW VIEW
POND STREET
DRIVE
BW#1
BW#2
BW#3
BW#4
BW#5
BW#6
BW#7
EXIST. BRICK WALK
LOT AREA=40,764 S.F.±
EXIST. W/F SHED 103 S.F.±
EXIST. W/F SHED 59 S.F.±
EXIST. GARDEN
N03°39'07"E
253.50
BORDERING WETLAND DELINEATED BY KENNETH J. PANACEK, KJP LANDSCAPE & ENVIRONMENTAL SERVICES
LAKE SYLVIA
12' WIDE RECREATIONAL EASEMENT REF. L.C. DOC. #30243
S63°00'56"W
237.07'
29.55'
S89°43'24"W
56-391
N/F
NANTUCKET ISLANDS LAND BANK
CERT. #19581
L.C.C. 14830-11
LO 146
L.C.C. 14830-0
CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)
EXISTING
MINIMUM LOT SIZE: 20,000 S.F. 40,764 S.F.±
MINIMUM FRONTAGE: 75 FT. SEE PLAN
FRONT YARD SETBACK: 30 FT. SEE PLAN
REAR/SIDE SETBACK: 10 FT. SEE PLAN
GROUND COVER % : 12.5% 3.2% ±
ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.
THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS 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.
NOTE: SEPTIC SYSTEM SHOWN HEREON IS BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT. LOT IS SERVED BY TOWN WATER.
Zoning Board of Appeals
FILE NO._____ DATE:_____
Site Plan to Accompany Zoning Board of Appeals Application
in
Nantucket, Mass.
SCALE: 1"= 20' DATE: MAY 10, 2011
JAYNE C. DEBIASIO
BRIAN F. DEBIASIO
Owners:
Cert. No.: 123121 Plan: L.C.C. 14830-0, Lot 50
Tax Map-Parcel: 56-133
Locus: 39 MEADOW VIEW DRIVE
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
LEGEND
DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
DENOTES EXIST. CABLE PEDESTAL
DENOTES EXIST. ELECTRICAL OUTLET
DENOTES EXIST. AREA LIGHT
DENOTES EXIST. UNDERGROUND LP TANK
DENOTES EXIST. WATER FAUCET
DENOTES EXIST. WATER METER
DENOTES EXIST. WATER VALVE
DENOTES EXIST. BORDERING WETLAND FLAG
DENOTES EXIST. BORDERING VEGETATED WETLAND FLAG
DENOTES EXIST. WETLAND DELINEATION
DENOTES EXIST. EDGE OF BRUSH
DENOTES EXIST. PRIVET HEDGE
DENOTES EXIST. PLANK FENCE
T:\KEN 25 JOB 31
V:\DRAWFILES\B7378\Z8A.dwg 5/10/2011 10:28.43 AM EDT
B7378

134331

2019 00163564
Cert: 23121 Doc: MSP
Registered: 11/04/2019 03:47 PM

NANTUCKET
TOWN CLERK
2019 OCT -9 PM 3:46

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: September 27, 2019

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

Application No.: 25-19

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

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

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

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

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

Eleanor W. Antonietti,
Zoning Administrator

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

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

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

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

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

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, held on Thursday, September 12, 2019 at 1:00 P.M., at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **JAYNE C. DEBIASIO & BRIAN F. DEBIASIO,** 39 Meadow View Drive, Nantucket, Massachusetts 02554, **File No. 25-19.**

2. Applicants are seeking to modify prior relief by Special Permit (Decision File No. 030-11) which permitted a reduction of the sideline setback from ten (10) feet to five (5) feet in order to construct a garage/studio within the northerly side yard setback. The structure has been constructed and when the "as-built" survey was done in pursuit of the Certificate of Occupancy, issues arose related to certain conditions contained in the Decision which applicants seek to either eliminate or alter in order to validate the as-built structure. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as Parcel 133, as Lot 50 upon Land Court Plan 14830-O. Evidence of owner's title is registered on Certificate of Title No. 23121 at the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

3. Our decision is based upon the application and accompanying materials, representations and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. Except for presentation by the applicants' representative, there was neither support nor opposition presented at the public hearing.

4. Applicants' representative explained that the Applicant is requesting to modify prior Special Permit relief granted in Zoning Board of Appeals Decision No. 030-11 (registered as Document No. 134331 at the Nantucket County District of the Land Court) which approved a reduction of the sideline setback from ten (10) to five (5) feet pursuant to Section 139-16.C(1) to allow construction of a garage/studio as close as 5.5 feet from the northerly side yard lot line. The approval was subject to the following conditions:

    a. Said studio shall not be for human habitation.
    b. There shall be no bathtub or shower facilities in the Studio.

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

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

5. Applicants propose to modify or eliminate three of the conditions in the prior decision in the following manner:

- **Elimination** of ***condition (b)*** prohibiting bathtub or shower facilities in the Studio. In 2011 when the Special Permit was granted, the area was not yet on Town sewer but has since been connected. The property is also on Town water.
- **Modification** of ***condition (c)*** to validate the As-Built ground cover of the garage at 595 sq. ft. as shown on plan entitled, "Building Location Plan of Land in Nantucket, Mass.", dated August 2, 2019, prepared by Blackwell & Associates, Inc., a reduced copy of which is attached herewith as "Exhibit A", for a difference of roughly thirteen (13) sq. ft.
- **Modification** of ***condition (d)*** to validate the As-Built ridge height of the garage at 23.3 feet, an increase of roughly 3.5 inches from the maximum permitted 23 feet, per letter dated August 13, 2019, from Jeff Blackwell, P.L.S. dated 8/13/19, submitted with this application.

6. In addition, Applicants are seeking validation of the As-Built siting of the garage/studio. The approval was for a reduction from ten (10) feet to "approximately 5.5 feet" from the northerly side yard lot line. However, the above-referenced survey shows the structure as close as 5.3 feet, in excess of five (5) feet allowable by Special Permit relief pursuant to Section 139-16.C(1), for a difference of roughly 1.5 inches.

7. Accordingly, by **UNANIMOUS** vote, the Zoning Board of Appeals made the finding that the proposed amendments to the prior Special Permit granted in File No. 030-11 were in harmony with the purpose and intent of the Zoning By-law, and **GRANTED** the **MODIFICATION** to the **SPECIAL PERMIT** as requested by the applicants, by striking condition (b), modifying conditions (c) and (d), and validating the as-built garage/studio as shown on "Exhibit A", all as set forth above. Condition (a) and the remainder of the relief in said Special Permit shall remain in full force and effect.

* * * * * * * * * * *

SIGNATURE PAGE FOLLOWS

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

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

Dated: September 12, 2019

Edward S. Tolle

Michael O'Mara

Geoffrey W. Thayer

Jim Mondani

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

NOV 04 2019 TOWN CLERK

ATTEST: A TRUE COPY
Nancy D. Holmes
NANTUCKET TOWN CLERK

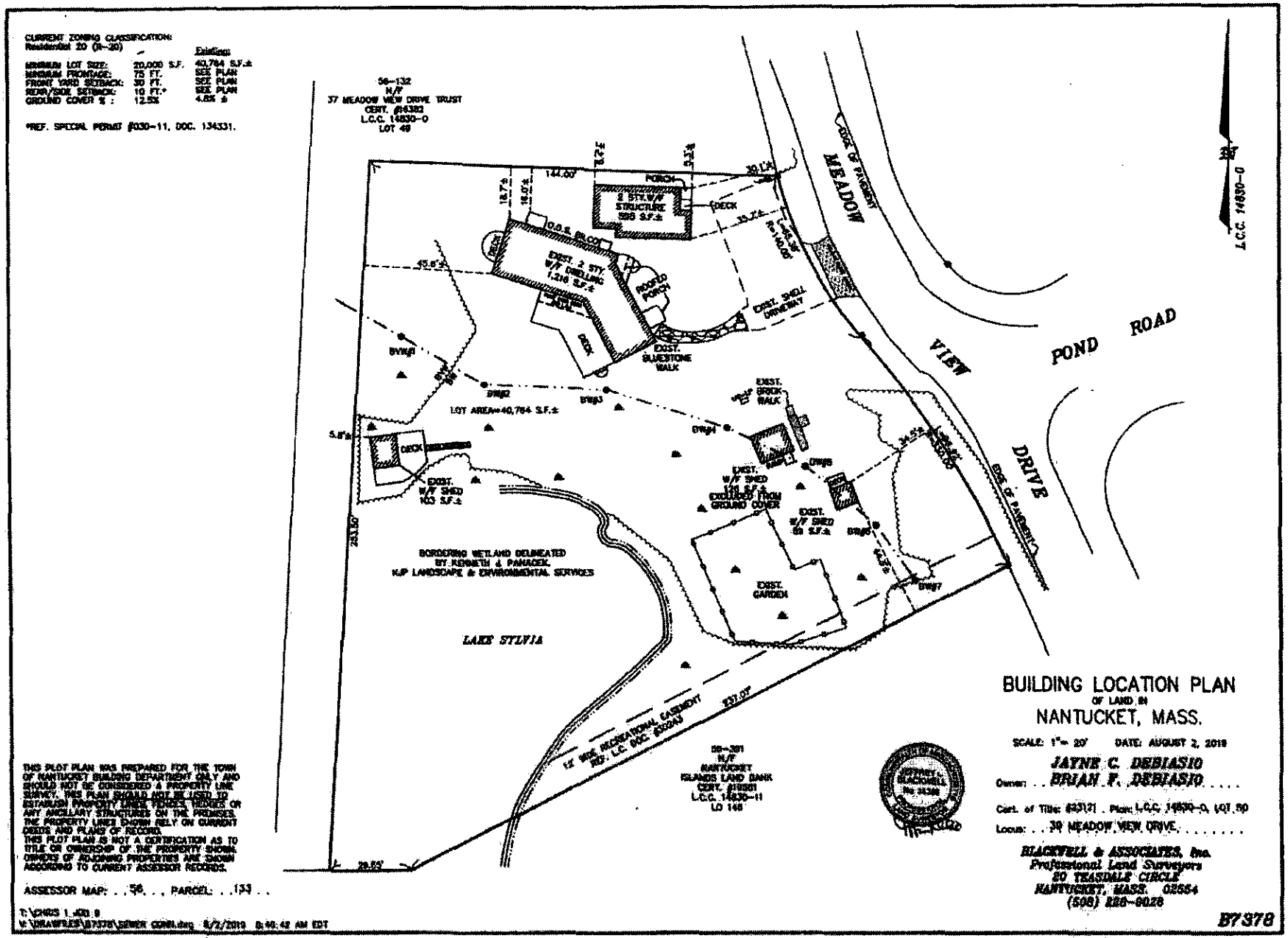
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Official Signature and Seal of Notary Public
My commission expires: May 8, 2020

MEGAN TRUDEL
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires On
May 08, 2020



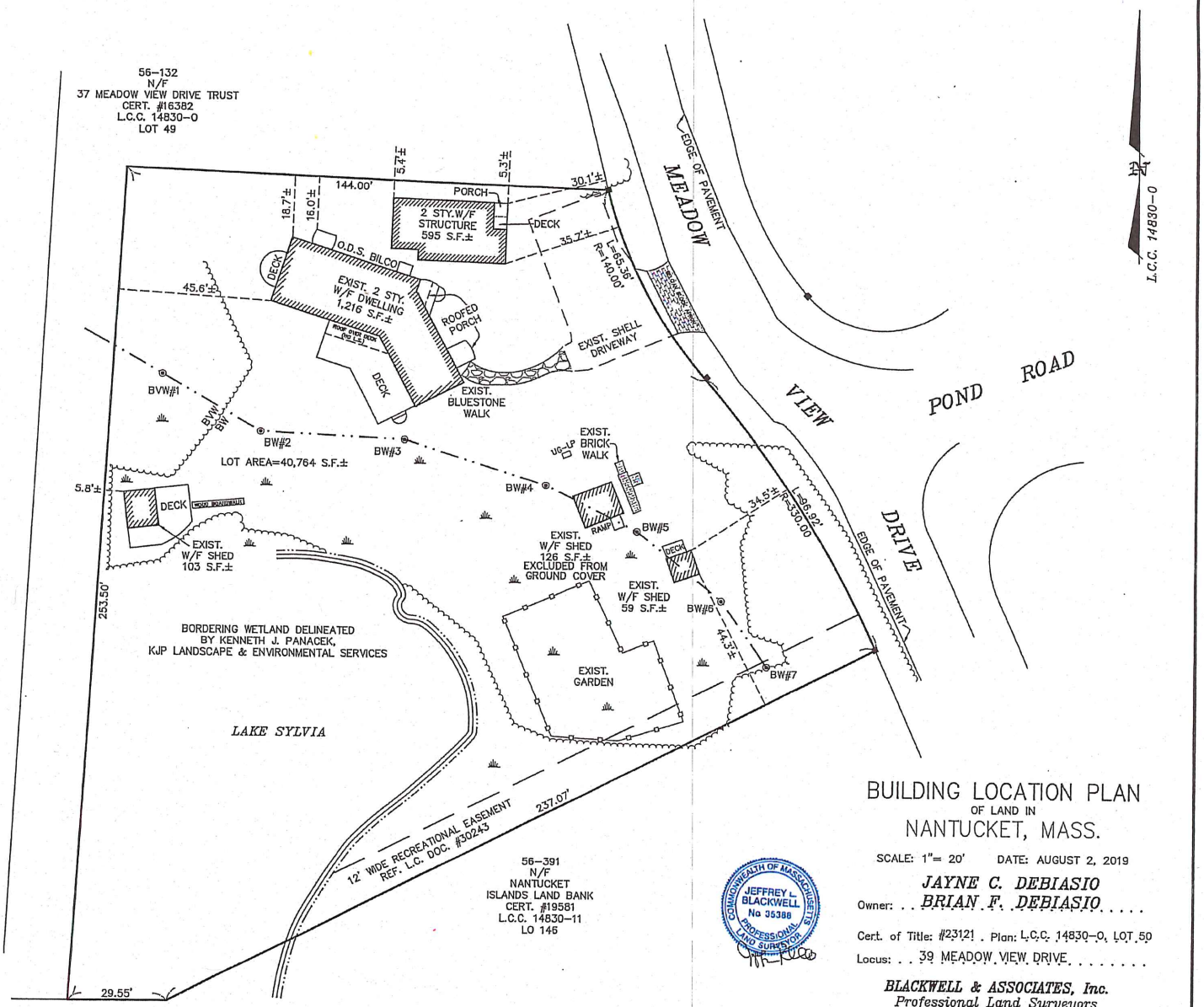
"EXHIBIT A"

163564

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

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

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



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

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

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

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35386
PROFESSIONAL LAND SURVEYOR

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

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

Owner: . . JAYNE C. DEBIASIO . . . . BRIAN F. DEBIASIO . . . .

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

Locus: . . 39 MEADOW VIEW DRIVE . . . . . .

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

B7378

"EXHIBIT A"

PLANNING BOARD

FILE # PBDW-2021-010089

NANTUCKET TOWN CLERK

2021 JAN 11 PM 2:49

PLANNING OFFICE CHECK #21317 JAN 11 2021 $100.- RECEIVED

Nantucket Planning Board

APPLICATION FOR A SECONDARY (2ND) DWELLING PERMIT

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

Applicant: Jayne C. DeBiasio and Brian F. DeBiasio

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

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

E-mail Address: air@readelaw.com

Owner (if other than applicant): Same

Mailing address:

Signature of Property Owner(s) Allen I Reade by Atty

Location of proposed secondary(2ND) dwelling:

Street Address: 39 Meadow View Drive

Assessors Tax Map #: 56 **Parcel #:** 133

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

Secondary Dwelling # of Bedrooms: 1

Primary Dwelling # of Bedrooms: 3

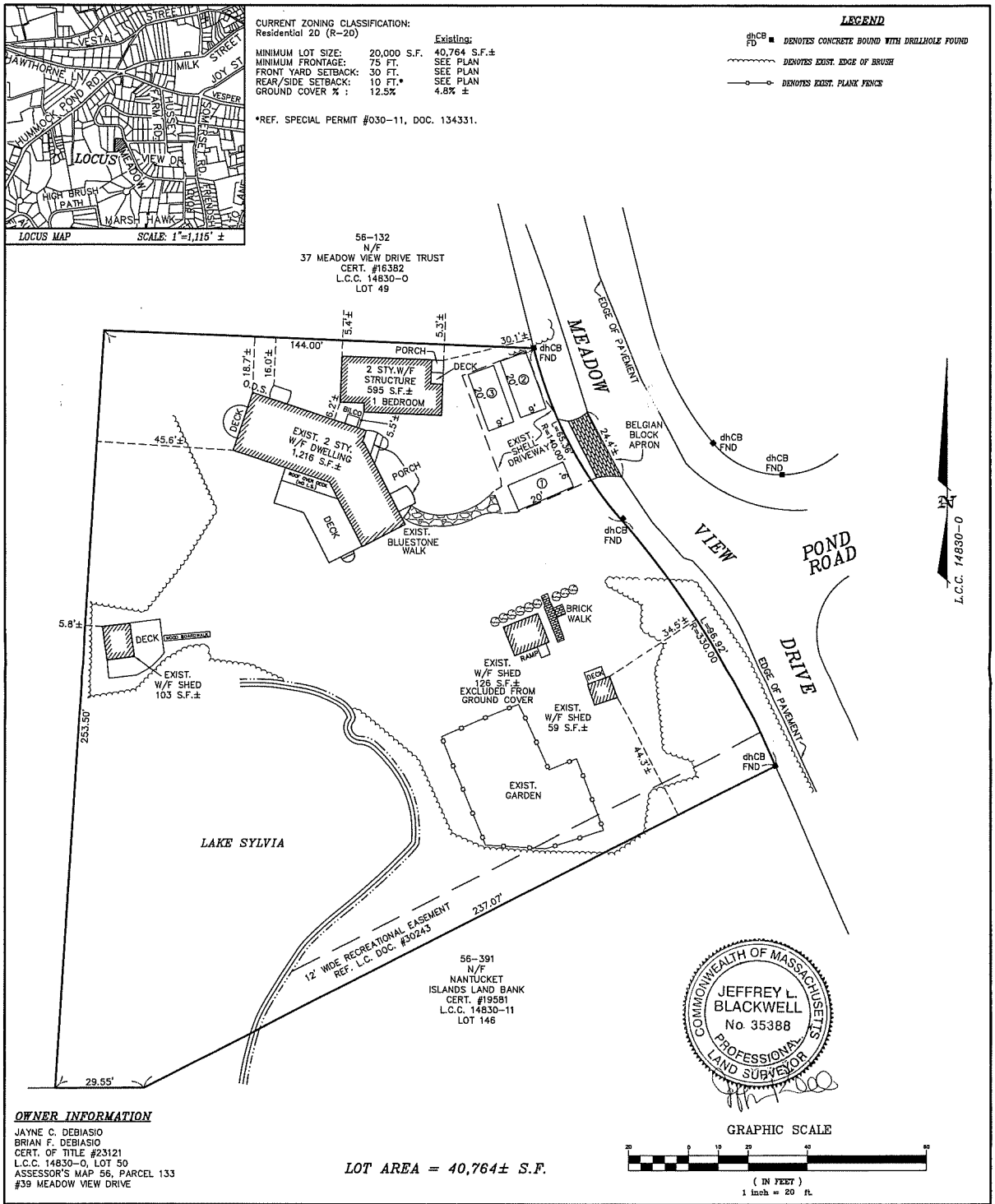
Number of Parking Spaces required (*See Chapter 139-18 of the Bylaw*): 3

Number of Parking Spaces provided: 3

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

Please provide a brief description of the proposed second dwelling:
*****PLEASE DO NOT WRITE "SEE ATTACHED."**

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



OWNER INFORMATION

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

LOT AREA = 40,764± S.F.

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

T:\KEN 25 JOB 31
V:\DRAWFILES\B7378\SP 2021.dwg 1/7/2021 1:59:41 PM EST

JANUARY 07, 2021

SITE PLAN OF LAND

PREPARED FOR

JAYNE C. & BRIAN F. DEBIASIO

#39 MEADOW VIEW DRIVE
NANTUCKET, MA
MAP: 56, PARCEL: 133

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1

B7378

NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49

PLANNING OFFICE
CHK# 2218 $250
JAN 11 2021
RECEIVED

Nantucket Planning Board

Application for a Special Permit

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

Name of development: _____

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

Mailing address: c/o Reade, Gullicksen, Hanley & Gifford, LLP, 6 Young's Way, P.O. Box 2669, Nantucket, MA 02584
Phone number: 508-228-3128 Fax number: 508-228-5630 E-mail: air@readelaw.com

Applicant's name: Same

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

Engineer / surveyor's name: _____

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

Location of lot(s):

- ☐ Street address 39 Meadow View Drive
- ☐ Tax Assessors Map 56 Parcel 133
- ☐ ~~Nantucket Registry of Deed.~~ ~~Plan Book~~ _____ ~~and Page~~ _____ ~~OR~~ ~~Plan File #~~ _____ ~~OR~~ Land Court Plan # 14830-O Lot 50 at Certificate # 23121

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

Special Permit sought: (check one)

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

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

Specify all associated Zoning Code relief sought:

Section	Description

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

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

Planning Board filing fee due: $_____

Engineering Inspection Escrow Deposit due: $_____

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

JAYNE C. DEBIASIO and BRIAN F. DEBIASIO

By: _____

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

_____

Applicant's Signature

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

_____

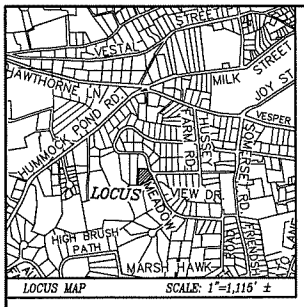
_____

Owner(s)' signature(s)

Check List:

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

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



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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

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

LEGEND

dhCB FD ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND

DENOTES EXIST. EDGE OF BRUSH

DENOTES EXIST. PLANK FENCE

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

144.00'
5.4'±
5.3'±
30.1'±
18.7'±
16.0'±
PORCH
DECK
2 STY. W/F STRUCTURE 595 S.F.± 1 BEDROOM
dhCB FND
MEADOW
EDGE OF PAVEMENT
BELGIAN BLOCK APRON
EXIST. SHELL DRIVEWAY
24.4'±
45.6'±
EXIST. 2 STY. W/F DWELLING 1,216 S.F.±
PORCH
DECK
EXIST. BLUESTONE WALK
VIEW
POND ROAD
DRIVE
L.C.C. 14830-O
BRICK WALK
RAMP
5.8'±
DECK
EXIST. W/F SHED 103 S.F.±
EXIST. W/F SHED 126 S.F.± EXCLUDED FROM GROUND COVER
EXIST. W/F SHED 59 S.F.±
DECK
34.5'±
R=330.00
L=96.92
EDGE OF PAVEMENT
253.50'
44.3'±
EXIST. GARDEN
LAKE SYLVIA
237.07'
12' WIDE RECREATIONAL EASEMENT
REF. L.C. DOC. #30243
56-391
N/F
NANTUCKET ISLANDS LAND BANK
CERT. #19581
L.C.C. 14830-11
LOT 146
29.55'

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

OWNER INFORMATION

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

LOT AREA = 40,764± S.F.

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

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

T:\KEN 25 JOB 31
V:\DRAWFILES\B7378\SP 2021.dwg 1/7/2021 1:59:41 PM EST

JANUARY 07, 2021

SITE PLAN OF LAND

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

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1 B7378

UPDATE

Original Meeting Posting Date: 02-03-2021
Time: 3:42PM Posting Number: T 114

MEETING POSTING

Pursuant to MGL Chapter 30A, § 18-25
All meeting notices and agenda must be filed, and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

Committee/Board/s	**PLANNING BOARD**
Day, Date, and Time	**MONDAY, FEBRUARY 8, 2021 @ 4:00PM**
Location / Address	**REMOTE PARTICIPATION VIA ZOOM WEBINAR** ***Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached). Information on viewing the meeting can be found at*** **http://www.nantucket-ma.gov/138/Boards-Commissions-Committees**
Signature of Chair or Authorized Person	**MEGAN TRUDEL** **LAND-USE SPECIALIST**
WARNING:	**IF THERE IS NOT A QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

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

Board Members: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, "Fritz" McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and David Callahan

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

PLANNING BOARD AGENDA 02-08-2021

(*Subject to change*)

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

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

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

ZOOM WEBINAR REGISTRATION LINK:

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

To view the meeting only, see link below: YouTube Link:
https://youtu.be/rpG-mhhZYfw

I. Call to order:

II. Approval of the agenda:

III. Minutes:

- **September 14, 2020**
- **October 26, 2020**

IV. Second Dwellings:

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

V. Tertiary Dwellings:

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

VI. ANR Plans:

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

VII. Previous Plans:

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

VIII. **Public Hearings:**

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

REQUEST TO CONTINUE

- **PLSP-2020-12-0098 5 Luff Road LLC, 5 Luff Road,** *action deadline 04-11-2021*

REQUEST FOR WITHDRAWAL

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

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

❖ **Zoning Articles Proposed by the Planning Board:**

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

❖ **Zoning Articles Proposed by Citizen Petition:**

- Zoning Bylaw amendment to reduce the maximum allowed height in the Commercial Mid-Island (CMI) district from 40 feet to 30 feet; ***REQUEST FOR WITHDRAWAL/TAKE NO ACTION***
- Zoning Map amendment to place a property at 10 Clifton Street currently located in the Sconset Residential 1 (SR-1) district in the Sconset Old Historic (SOH) district;
- Zoning Map amendment to place 8 properties on the north side of Polpis Road currently located in the Village Residential (VR) district in the Village Neighborhood (VN) district;
- Zoning Map amendment to place properties located off Chatham Road, Monomoy Road, Polpis Road, and Milestone Road currently located in the Village Residential (VR) district in the Residential 20 (R-20) district and a Zoning Bylaw amendment to remove the same properties from the Country Overlay District and to place them in the Town Overlay District;
- Zoning Map amendment to place properties at 8 and 10 Chatham Road currently located in the Limited Use General 1 (LUG-1) district in the Village Residential (VR) district;
- Zoning Map amendment to place properties of Old South Road and Airport Road currently located in the Residential 20 (R-20) district in the Commercial Trade Entrepreneurship and Craft (CTEC) and/or the Commercial Neighborhood (CN) district;
- Zoning Map amendment to place property at 18 Evergreen Way currently located in the Limited Use General 1 (LUG-1) district in the Residential 40 (R-40) district;
- Zoning Map amendment to place a property at 25 Rugged Road currently located in the Limited Use General 2 (LUG-2) district in the Residential 20 (R-20) district;

21 Woodbine LLC (Owner)

&

Ack Smart (Applicant)

File No. 18-21

21 Woodbine St

Variance Relief

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

August 2, 2021

VIA E-MAIL

Leslie Woodson Snell, Deputy Director of Planning
Nantucket Zoning Board of Appeals
Planning and Land Use Building
2 Fairgrounds Road
Nantucket, MA 02554

Re: Ack Smart's Applications for Special Permits
21 Woodbine Street and 12 S. Valley Road
Nantucket, MA 02554

Dear Leslie,

As you are aware, our client, Ack Smart, submitted Special Permit Applications to the Nantucket Board of Appeals on behalf of 21 Woodbine LLC, the owner of 21 Woodbine Street, Nantucket, Massachusetts 02554, and Timothy and Lauren Miner, owners of 12 S. Valley Road, Nantucket, MA 02554, pursuant to Ch. 139-32 of the Nantucket Zoning By-Law, to validate the location of solar ground arrays, which intrude into the setbacks of the respective properties.

Enclosed for filling, are aerial photos that show the locations of said arrays in relation to the setbacks on each property. Can you please supplement both Special Permit Applications with the enclosed photos? Please let me know if you have any questions.

Sincerely,

Richard Beaudette, Esq.

RPB/
Encs.

21 WOODBINE STREET
NANTUCKET, MA 02554


47

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

July 13, 2021

VIA HAND DELIVERY AND EMAIL

Nantucket Zoning Board of Appeals
Planning and Land Use Building
2 Fairgrounds Road
Nantucket, MA 02554

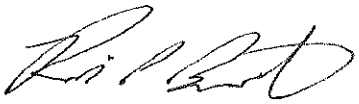
Re: Ack Smart
4 S. Beach Street Extension
Nantucket, MA 025254
Application for Variance

Dear Nantucket Board of Appeals,

Our client, Ack Smart, is seeking variance relief on behalf of 21 Woodbine LLC, the owner of 21 Woodbine Street, Nantucket, Massachusetts 02554 and Timothy and Lauren Miner, owners of 12 S. Valley Road, Nantucket, MA 02554, pursuant to Ch. 139-32 of the Nantucket Zoning By-Law, to validate the location of solar ground arrays, which intrude into the setbacks of the respective properties. To that end, enclosed please find two (2) Applications to the Zoning Board of Appeals for Variances, together with supporting documentation, certified abutters lists and two (2) checks in the amount of $450.00 made payable to the Town of Nantucket representing the filing fees. If possible, I would like to have both applications heard concurrently at the next Nantucket Zoning Board of Appeals meeting. Please note that I reserve the right to supplement this application with addition materials at a later time.

Thank you for your attention to this matter, please do not hesitate to call me should you have any questions or concerns.

Sincerely,



Richard Beaudette

RPB/BJS
Encs.
cc:

NANTUCKET TOWN CLERK

2021 JUL 13 AM 11:02

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
JUL 13 2021
By

APPLICATION

Fee: $450.00 File No._____

Owner's name(s): 21 Woodbine LLC

Mailing address: C/O Vaughan, Dale, Hunter, Beaudette and Swain, P.C.
2 Whalers Lane, PO BOX 659, Nantucket, MA 02554

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

Applicant's name(s): Ack Smart

Mailing Address: C/O Vaughan, Dale, Hunter, Beaudette and Swain, P.C.
2 Whalers Lane, PO BOX 659, Nantucket, MA 02554

Phone Number: same as above E-Mail: same as above

Locus Address: 21 Woodbine Street, Nantucket, MA 02554 Assessor's Map/Parcel: 80/321

Land Court Plan/Plan Book & Page/Plan File No.: Lot 4 on Plan No. 54-W

Deed Reference/Certificate of Title: Book 1342, Page: 75 Zoning District (LUG-1)

Uses on Lot- Commercial: None Yes (describe) N/A

Residential: Number of dwellings two (2) Duplex N/A Apartments N/A

Date of Structure(s): all pre-date 7/72 *Zero (0)* or _____

Building Permit Numbers: 964-13, 1499-12, 1500-12, 1458-13, 334-14, 706-14, 2020-12-1103

Previous Zoning Board Application Numbers: N/A

DocuSign Envelope ID: 28E8B6C2-FE50-4DB1-99F9-4F28346AF051

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

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: DocuSigned by: Soren Sorenson 2F6AE24FB1BF4D1... Owner*
Soren Sorensen, Manager

SIGNATURE: _____ Applicant/Attorney/Agent*
*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

The Applicant, Ack Smart, hereby requests a Variance pursuant to Section 139-32 of the Nantucket Zoning Bylaw, on behalf of its client, 21 Woodbine, LLC, the owner of the improved real property located at 21 Woodbine Street, Nantucket, MA 02554, via deed recorded in Book 1342, Page 75, at the Nantucket Registry of Deeds ("Owner"). The Premises is shown as Lot 4 on Plan No.54-W, recorded at the Nantucket Registry of Deeds (hereinafter the "Premises"). The Premises is located in the Limited Use General (LUG-1) Zoning District.

BACKGROUND INFORMATION

The Applicant, Ack Smart, a local solar power installation company with a principal place of business at 4 South Beach Street Extension, Nantucket, MA 02554 ("Ack Smart"), was hired by the Owner to install a solar array on the Premises. By way of background, in October of 2017, Ack Smart received two (2) emails from Marcus Silverstein, the Town of Nantucket's Zoning Enforcement officer, stating that:

> "locating solar arrays outside of the setback is encouraged whenever possible. However, solar arrays may be constructed within setback areas, if necessary. See also M.G.L. Ch. 40A(3)… [and that]… no variance is required. But again, you are encouraged to leave as much space as possible between the array and any property line" (see email correspondences attached hereto as Exhibit "A").

On December 11, 2020, Ack Smart received a building permit, No. 2020-12-1103, duly issued by the Nantucket Building Department (the "Permit"), to install a solar array on the Premises. When siting the arrays on the Premises, Ack Smart relied on the Nantucket Zoning Enforcement Officer's emails and interpretation of MGL c. 40A Section 3[1], that solar arrays can be sited within a setback area, if necessary.

[1] M.G.L. Ch. 40A, states that no zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

Based upon the Building Commissioner's position with the 12 S. Valley Road Application (stating that the solar arrays must conform to the Nantucket bylaw setback requirements), the Applicants seek Variance relief to validate the setback encroachments.

EXISTING CONDITIONS

The siting of the solar arrays on the Premises can be seen on the existing conditions plan entitled "Solar Panel As-Built, prepared by Bracken Engineering, Inc.", a copy of which is attached hereto as Exhibit "B". As seen thereon, the solar array unit is located as close as Four and Seven-Tenths (4.7) +/- feet from the rear yard lot line, and four (4) +/- feet from the side yard lot line, where the required setback distances for both lot lines in this Zoning District (LUG-1) is ten (10) feet.

REQUESTED RELIEF

The Applicants request a Variance pursuant to Section 139-32 to validate the location of the solar array within the ten-foot setback because a literal enforcement of the ten (10) foot side yard setback would involve a significant financial substantial hardship and granting this relief does not involve substantial detriment to the public good or a derogation of the intent of the By-law. Moving the solar arrays on the Premises, and on 12 S. Valley Road, Nantucket, MA 02554, a property that is applying for the same relief as prayed for herein, would require the Applicant to expend between $30,000.00 to $50,000.00 to remedy the set-back intrusions. Ack Smart is a small local business that is dedicated to improving the environment, not only on the island but, globally, by generating clean, renewable power for our community. The significant financial detriment that Ack Smart would suffer if forced to move the array significantly outweighs any benefits to the Town of Nantucket and its residents, as the solar arrays do not produce any noise that would be considered a nuisance to any abutters. Since the Applicants' received Mr. Murphy's denial and interpretation of 40A, they have taken affirmative acts to change the siting locations on their current projects so that they comply with setback regulations. The Applicants have tried complying with all regulations since the inception of their company and have relied on Mr. Silverstein's email, informing that

that they can install arrays in the setback and do not need variance relief to do it, and but for such advice, they would not have installed any arrays in a setback area.

Therefore, the Applicants respectfully request that the Board Approve the requested Variance under Section 139-32.

Exhibit "A"

Bryan Swain

Subject: FW: Zoning set back question

On Oct 18, 2017, at 8:00 AM, Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Zach,

No variance is required. But again, you are encouraged to leave as much space as possible between the array and any property line.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Zachary Dusseau [mailto:zach@acksmart.com]
Sent: Tuesday, October 17, 2017 5:08 PM
To: Marcus Silverstein
Subject: Re: Zoning set back question

Marcus,

Thank you for the response.

So in short, we do not need to file for a variance prior to construction of the array?

We want to make sure we go about this properly to prevent permitting and as built zoning issues for our client.

Thanks again,

Zach

On Oct 17, 2017, at 7:55 AM, Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Zach,

Locating solar arrays outside of required setbacks is encouraged whenever possible. However, solar arrays may be constructed within

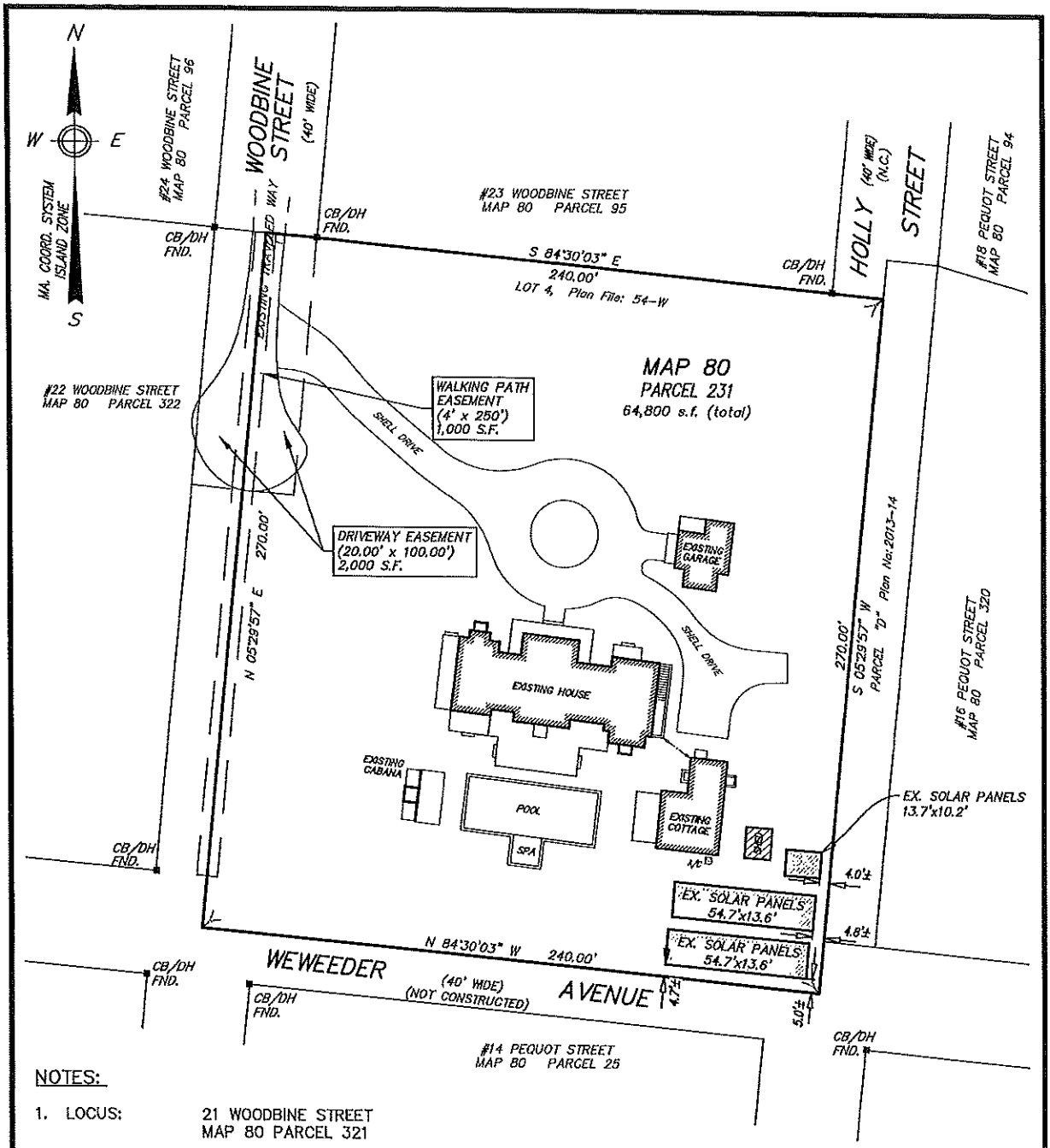
setback areas if necessary. See also Massachusetts General Laws (MGL) Ch. 40A, Sec. 3, para. 9.

If any person is aggrieved by this opinion, an appeal may be filed with the Zoning Board of Appeals within thirty (30) days of the date of this notice.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

Exhibit "B"



NOTES:

1. LOCUS: 21 WOODBINE STREET
   MAP 80 PARCEL 321
2. OWNER: 21 WOODBINE LLC
   5 PILOT ROCK LANE
   RIVERSIDE, CT 06878
3. DEED REF: Bk:1581 Pg:166 (PARCEL B, 2016-61)
   Bk:1342 Pg:75 (LOT 4, PLAN FILE 54-W)
   Bk:1409 Pg:327 (PARCEL C, 2013-14)
4. PLAN REF: PLAN No.: 2017-70
5. EASEMENT REF: Bk: 1581 Pg: 172 (DRIVEWAY EASEMENT)
   Bk: 1581 Pg: 166 (WALKING PATH EASEMENT)
6. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0152-G dated 06/09/2014.

TO THE TOWN OF NANTUCKET:

"I CERTIFY THAT THE BUILDINGS AND IMPROVEMENTS SHOWN WERE LOCATED BY AN ACTUAL FIELD SURVEY AND THE DIMENSIONS SHOWN ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF."

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR

PLAN SCALE

0 8 16 24 32 40 60 80 120

1 inch = 40 feet

Date:	Drawn:	Checked:
MARCH 31, 2021	DAF/BEI	DFB/AMG

BRACKEN ENGINEERING, INC
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.326.0044
www.brackeneng.com

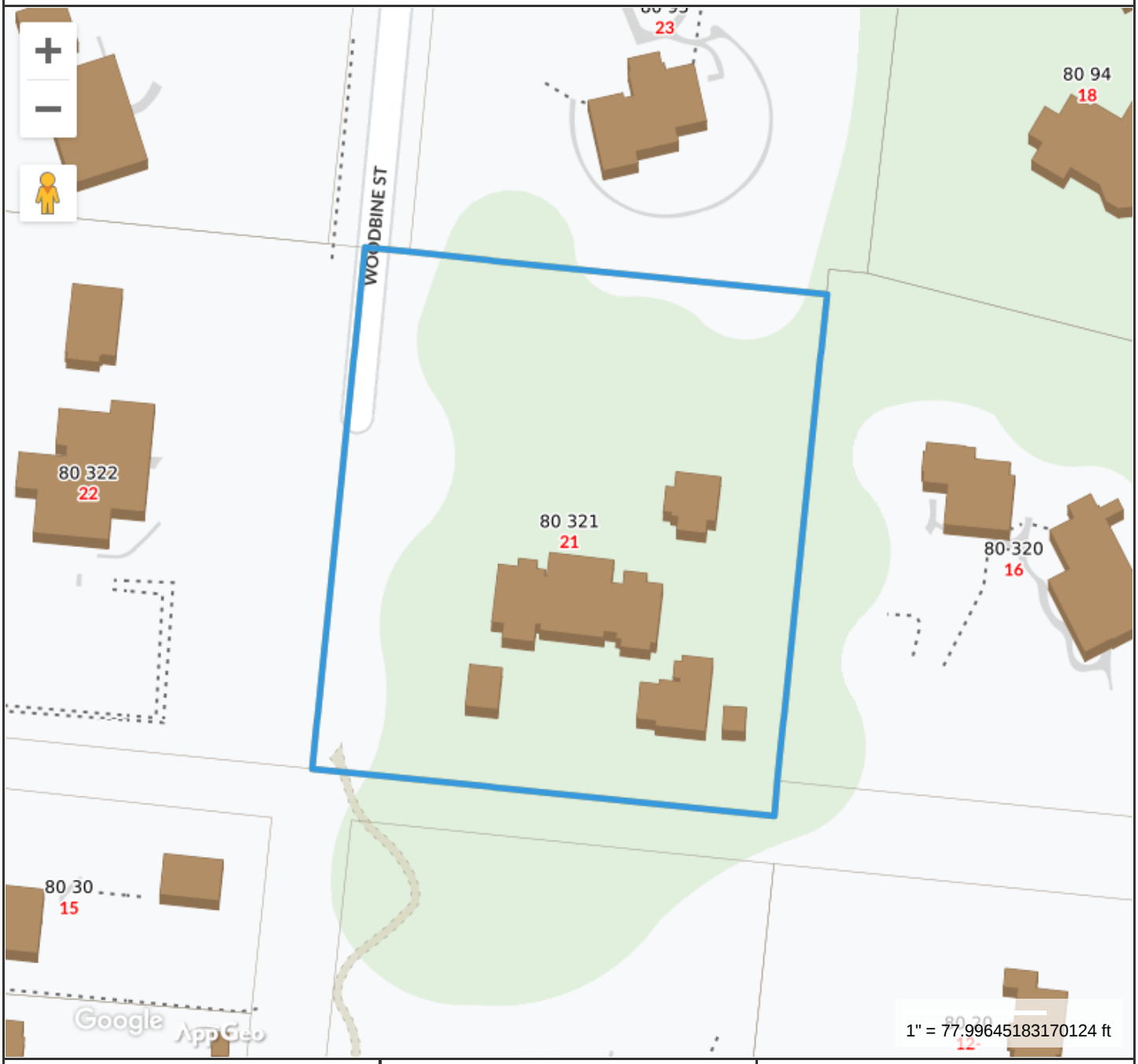
SOLAR PANEL AS-BUILT

IN NANTUCKET, MA.

Prepared for:

ACK SMART ENERGY
#21 WOODBINE STREET
MAP 80 PARCEL 231

S:\Autocad Drawings\Nantucket\Woodbine Street\21 Woodbine Street\21 Woodbine St - Solar As-built.dwg



Property Information

Property ID	80 321
Location	21 WOODBINE ST
Owner	21 WOODBINE LLC

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 07/29/2021
Data updated Jan. 2021

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

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..21 WOODBINE LLC
C/O Vaughan, Dale, Hunter, Beaudette, and Swain

MAILING ADDRESS..2 Whalers Lane, P.O.BOX 659, Nantucket, MA 02554...

PROPERTY LOCATION..21 WOODBINE STREET, Nantucket, MA 02554.....

ASSESSOR MAP/PARCEL..80 / 321.....

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 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: 2021.07.01 13:39:07 -04'00'

7-1-2021

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
80	18		MJB REALTY LLC		11421 WHIPPORWILL RD	HOUSTON	TX	77024	11 PEQUOT ST
80	19		NEWTON EDWARD & CHARLES		82 GLEN DRIVE	NEW CANAAN	CT	06840	10 PEQUOT ST
80	20		COOPER FAITH B	C/O COOPER DIANA	478 3RD STREET APT 4R	BROOKLYN	NY	11215	12 PEQUOT ST
80	20	1	PINGPANK CHRISTOPHER & ELIZABETH		84 CHESTERTON RD	WELLESLEY	MA	02481	12 PEQUOT ST
80	23		KERMAN KAREN TR	10 HOLLY STREET REALTY TRUST	59 KETTLE POINT AVE	EAST PROVIDENCE	RI	02914	10 HOLLY ST
80	25		CARPENTER LAURENCE E & ALVINE		52 PIPPINS WAY	MORRISTOWN	NJ	07960	14 PEQUOT ST
80	28		MULLINS KEVIN & EMILY		257 WEST THIRD ST UNIT 1	SOUTH BOSTON	MA	02127	11 PLUM ST
80	29		FITZPATRICK WILLIAM R & SUSAN L		56 TURNERS WY	NORWELL	MA	02061	13 PLUM ST
80	30		MCMAHON SUZANNE		27 WINDSOR RD	RATHMINES DUBLIN		D06W1K6	15 PLUM ST
80	93		MCINTOSH JAMES R & DEBORAH H		437 E CARRIAGE DR	GLASTONBURY	CT	06033	17 PEQUOT ST
80	94		TOCE MARGARET N TR ETAL		42 BEACON HILL RD	NEW CANAAN	CT	06840	18 PEQUOT ST
80	95		YACOS MARK J & DEBORAH H		378 LAVELLE CT	WYCKOFF	NJ	07481	23 WOODBINE ST
80	96		ACK SURFSIDE PARTNERS LLC		279 CHESTNUT ST	NEWTON	MA	02465	24 WOODBINE ST
80	97		12 WEWEEDER AVE LLC	C/O JOHN MONTGOMERY	47 VILLAGE AVE UNIT 211	DEDHAM	MA	02026	9 NAUSHON WY
80	97	1	ST PIERRE GREG		629 MAIN ST	HINGHAM	MA	02043	13 NAUSHON WY
80	272		FINK JOHN S & ANNE M		692 OLD POST RD	BEDFORD	MA	10506	28 WOODBINE ST
80	275		WISPELWEY CLAUDINE R		526 PARK PLAZA	CHARLOTTESVILLE	VA	22902	25 WOODBINE ST
80	278		JONES KATE R TR ETAL	KR JONES REVOCABLE LIV TRUST	1821 RUPERT ST	MCLEAN	VA	22101-5434	20 PEQUOT ST
80	320		PETRELLA CHRISTINE		20 MOUNT HOLLY RD	KATONAH	NY	10536	16 PEQUOT ST
80	321		21 WOODBINE LLC	C/O SOREN SORENSON	5 PILOT ROCK LANE	RIVERSIDE	CT	06878	21 WOODBINE ST
80	322		GIBSON MATTHEW R & DENISE F		542 DICKENS AV	CHICAGO	IL	60614	22 WOODBINE ST
80	325		MANN KILEY TERRY		14 PLUM ST	NANTUCKET	MA	02554	14 PLUM ST
Count:	22								

RECEIVED
DEC 01 2020
By

BLDR-2020-12-1103
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 **Please Print**

1. LOCATION OF BUILDING

OWNERS NAME (print): SORENSEN SOREN
Last First Middle Initial

21 WOODBINE ST
No. Street

Assessor's Map No. 80 Assessor's Parcel No. 321

2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E

A. TYPE OF IMPROVEMENT
- ☐ New Building
- ☒ Addition
- ☐ Alteration
- ☐ Repair, replacement
- ☐ Demolition
- ☐ Moving

B. OWNERSHIP
- ☒ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$95,000

D. DIMENSIONS
Dimensions of Structure
First Floor Area: _____
Second Floor Area: _____
Third Floor Area: _____
Total Floor Area: _____
Full Cellar Area: _____

E. PROPOSED USE
Residential
- ☐ One Family
- ☐ Studio
- ☐ Two or more family - Enter number of units _____
- ☐ Hotel, Motel, Dormitory enter number of units
- ☐ Second Dwelling
- ☐ Garage
- ☐ Pool
- ☒ Other - Specify SOLAR ARRAY/ GROUND MOUNTED

Detail scope of work by floor & provide the square footage.

INSTALL 70 SOLAR PV MODULES ON A GROUND BASED FIXED TILT RACKING SYSTEM

DIMENSIONS 37' X 48'

3. SELECTED CHARACTERISTICS OF BUILDING For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.

F. PRINCIPLE TYPE OF FRAME
- ☐ Wood frame
- ☐ Other - Specify _____

G. PRINCIPLE TYPE OF HEATING
- ☐ Gas ☐ Electricity
- ☐ Oil ☐ Heat Pump
- ☐ Other - Specify _____

H. TYPE OF SEWAGE DISPOSAL
- ☐ Public
- ☒ Private (septic tank, etc.)

I. TYPE OF WATER SUPPLY
- ☐ Public
- ☒ Private (well)

J. SMOKE DETECTORS
No. of Detectors _____
See Plan for Location

K. ACCESSORY HEAT SOURCE
No. of fireplaces _____
No. of Wood Stoves _____
Other: _____

L. RESIDENTIAL BUILDINGS
Number of Bedrooms _____
Number of Bathrooms _____
Full _____ Partial _____

3. Continued

M. ENERGY CONSERVATION

	Type	Thickness	R Value
Foundation or Floor insulation			
Wall Insulation			
Ceiling or Roof Insulation			

Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____

Doors: Insulated Yes _____ No _____ Weatherstripped: Yes _____ No _____

Percentage of Window Area to Wall Area: _____

N. STRUCTURAL CHARACTERISTICS OF BUILDING

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

Foundation

Footing size: _____ Footing reinforcing: _____

Wall material: _____ Wall thickness: _____

Wall height: _____ Wall reinforcing: _____

Pier or column size: _____ Pier or column spacing: _____

Pier or column footing size: _____ Pier or column reinforcing: _____

No. of crawl space vents: _____ Crawl space: ❑ Full ❑ Partial

FRAMING: Main Carrying members: Size: _____ Support Spacing: _____

First Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Second Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Ceiling Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Roof Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

SKETCH OF PROPOSED WORK (minor projects)

GROUND SOLAR

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

$100.00

4. ZONING COMPLIANCE To be completed by all applicants

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: LUG - 1
Frontage on Street: _____
Plan Book No. and Page: _____
Date Lot Purchased: _____

Total Land Area: _____
Lot No.: _____
Land Court Plan No.: _____
Certificate No.: _____
Name of Previous Owner: _____

SUBDIVISION INFORMATION

Name of Owner: _____
Date of Plan Approval: _____
Type of Approval: ANR _____ AR _____
Planning Board File No.: _____
Is the Subdivision subject to a Covenant: YES _____ NO _____
Is a Release required: YES _____ NO _____
Has Plan been filed with the Registry of Deeds? YES _____ NO _____
If YES: Plan Book and Page No.: _____ Date _____

TIME SHARING INFORMATION
Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?
Yes ____ No ____

DIMENSIONS

Distance from Property Lines: FRONT 170' REAR 10' LEFT 210 RIGHT 10'
Distance between Principal and Secondary Dwelling: _____ (12ft. minimum)
Height of structure above finish grade: N _____ E _____ S _____ W _____
Number of off-street parking spaces: Enclosed _____ On-site _____

GROUND COVER

Principal Dwelling: _____
Secondary Dwelling: _____
Addition: _____
Garage: _____
Accessory Building: _____
Swimming Pool: _____
Other: _____

Total: _____ SF.
Allowable: _____ SF.

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES ____ NO____
If answered YES, include "Order of Conditions" with application.
What date was the "Order of Conditions" with application.
What date was the "Order of Conditions" filed with the Registry of Deeds? _____
Is the property located within a Flood Hazard district? YES _____ NO _____
Was a Variance or Special Permit granted by the Board of Appeals? YES _____ NO _____
If answered YES, what date was the decision filed with the Town Clerk? _____

FOR ZONING OFFICER

Minimum Lot Size: _____
Frontage on Street: _____
Front Yard: _____
Additional Comments: _____

Ground Cover Ratio: _____
Side and Rear Setback: _____
Secondary Dwelling approval _____
Board of Appeals _____
Lot Release Form _____

Date: 12/9/20

APPROVED BY: _____
Zoning Officer

5. IDENTIFICATION - To be completed by all applicants

	Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	SOREIN SORENSEIN	5 PILOT ROCK LN RIVERSIDE CT	06878	2035505069
2. Contractor	Print Name ZACHARY ROUSSEAU	61 OLD SOUTH RD #300 NANTUCKET MA	Builder's License	CS-109718
	Signature		Date 11/23/20	
3. Contact Person	CONTRACTOR AS ABOVE		Date	

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant Timothy Carruthers

Address 38 BURNELL ST

Telephone # 781 325 6128

Print name TIMOTHY CARRUTHERS

E-Mail Address: SOLAR@ACKSMART.COM

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required				
HISTORIC DISTRICTS COMMISSION	HDC	2020-10-2161		11-09-20
SEPTIC	Proposed panels meet setbacks to septic system. OK. ABC 11/25/2020			
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

7. VALIDATION

Building Permit Issued 12 11 2020

Building Permit Fee $100.00

Date of Issuance of Certificate of Occupancy

FOR DEPARTMENT USE ONLY

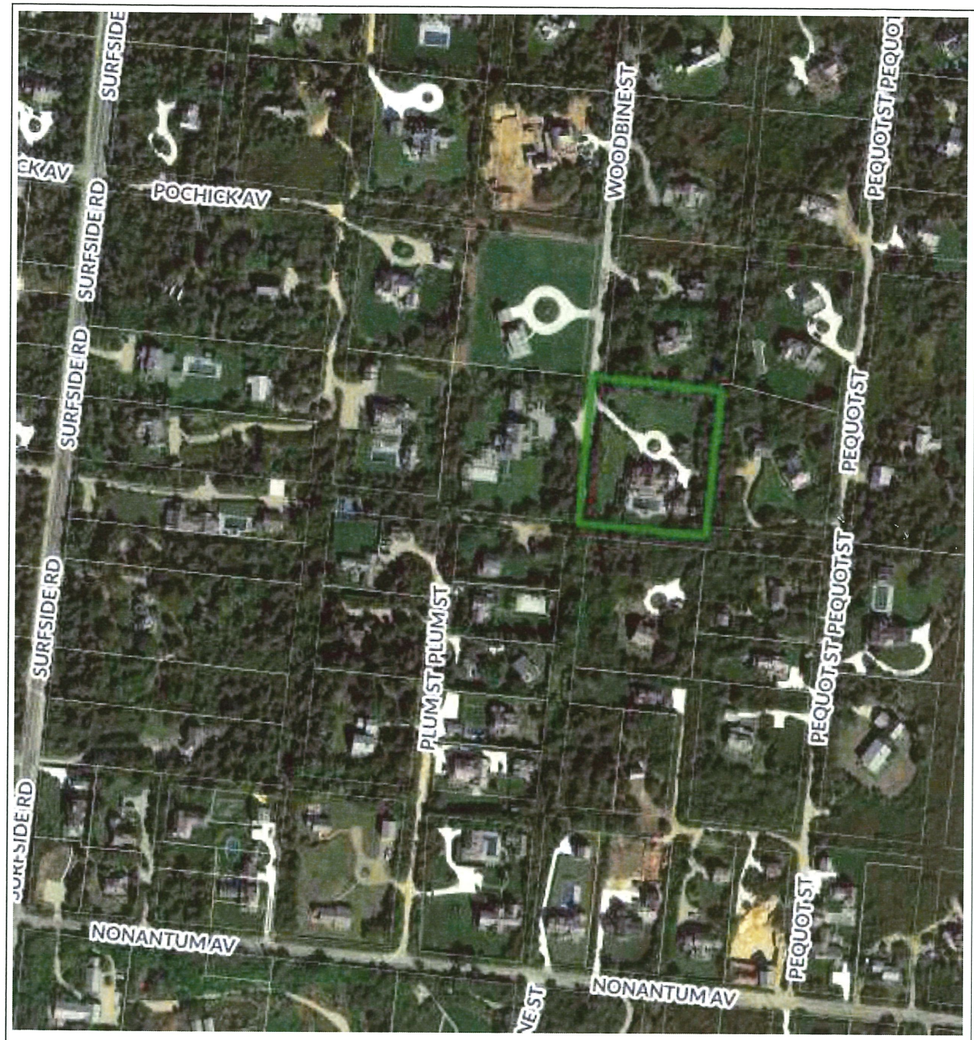
Use Group R3

Occupancy Load

Census No. 650

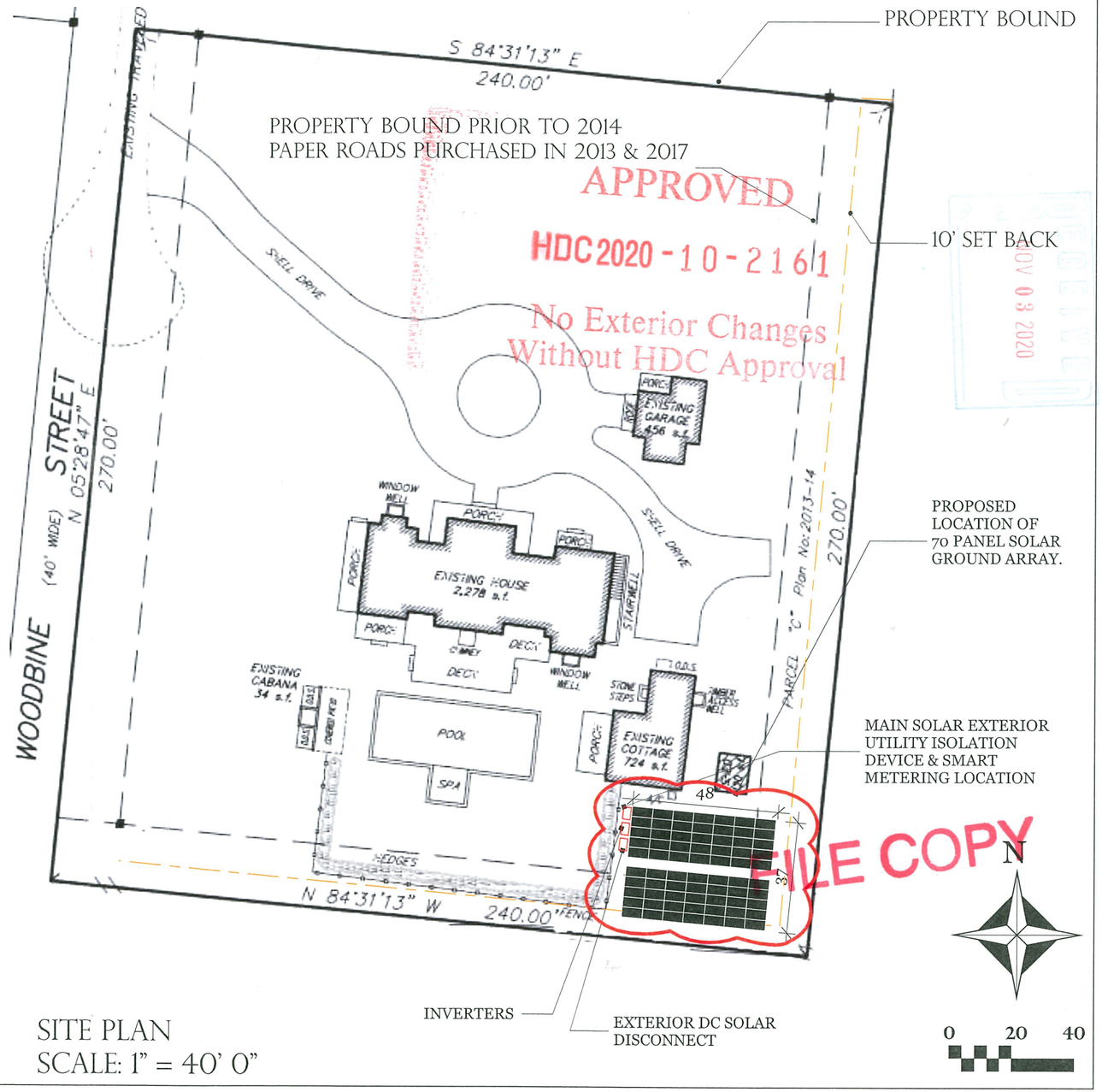
Approved by:

Building Commissioner



LOCUS MAP
SCALE: NOT TO SCALE

ZONING CLASS:	LUG1
FRONT SETBACK:	35 FT
SIDE/REAR SETBACK:	10 FT



SITE PLAN
SCALE: 1" = 40' 0"

ACK SMART
(508) 257-1786
www.ACKsmart.com

GIS & SITE PLAN

SOLAR FIXED TILT GROUND ARRAY
29.4 KW DC, 25.0 KW AC

OWNER:	SORENSON, SOREN
SITE ADDRESS:	21 WOODBINE ST
CITY, STATE, ZIP:	NANTUCKET, MA 02554
MAP: 80	PARCEL: 321

REVISIONS

	MM/DD/YY	REMARKS
1	10/26/2020	SUBMITTED FOR HDC.
2		
3		
4		
5		

PV 01

Letters

From: Christine Petrella <chrispetrella@gmail.com>
Sent: Thursday, August 5, 2021 12:16 PM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Re: ACK smart for 21 Woodbine File No. 18-21

In their filing, Applicant Ack Smart repeatedly relies on 2017 email correspondence with the zoning officer stating that solar arrays may be constructed within setback areas, if necessary. The required setback distance for the lot lines in this case is 10 feet, and applicant states that the arrays are located 4.7 and 4 feet from the rear and side property lines, assuming that the lots lines and measurements are in fact accurate on their as-built submission. (Parcel D has been incorporated into 16 Pequot, therefore the panels are very close, 4 feet, from our property line) Looking at the lot in question, it is just shy of 1.5 acres with ample open space on the north and west sides of the property and one has to wonder why the solar arrays were squeezed into the southeast corner of the property within the setback and in clear view from Weeweeder. It is so close to the driveway access for 14 Pequot that additional screening does not seem possible. While there is currently a large buffer of brush in that corner of our property, the placement of the panels interferes with our home as we now will need to maintain a buffer in that location and it is unavailable for future uses. I don't see any language from the applicant that this location for the placement of these arrays was necessary. It appears to me that the location was chosen to be out of sight from the owners view as they would be more visible in the large open space areas of their property. While it is unfortunate that applicants would have to bear the expense to relocate the array, this could have been avoided by placement adhering to the setback requirements. If they are relying on the 2017 correspondence from the Town Enforcement Officer, Ack Smart should be required to provide some evidence that this location, above all others on the 1.5 acre lot, was necessary. If there is some correspondence with evidence that the location of these panels within the setback was necessary, I would like to see a copy of it. We are also concerned that neighboring properties were not given notice prior to construction that such a substantial structure would be located well within the setback.

Additionally, a review of the HDC minutes of November 9, 2020 reveals that the project was approved through staff with clarifcation that it will not be in the setback with a majority of the board voicing concerns that it appeared to be located within the setback. If there are more documents relating to the installation of these panels, that are well within the set back, I would like to see them.

Thank you for your time,
Christine Petrella

On Sat, Jul 24, 2021 at 8:10 AM Leslie Snell <LSnell@nantucket-ma.gov> wrote:
You can email them to me.

Sent from my iPad

On Jul 23, 2021, at 11:43 PM, Christine Petrella <chrispetrella@gmail.com> wrote:

How do we submit written comments/questions?

Thank you,
Christine Petrella

On Fri, Jul 23, 2021, 4:37 PM Leslie Snell <LSnell@nantucket-ma.gov> wrote:

Hi Christine –

A copy of the application materials is attached for your review.

Leslie Snell

_____

Leslie Woodson Snell, AICP, LEED AP BD+C

Deputy Director of Planning

Nantucket Planning & Economic Development Commission

Planning & Land Use Services (PLUS) Department

2 Fairgrounds Road

Nantucket, MA 02554

Telephone: 508-325-5385

From: Christine Petrella <chrispetrella@gmail.com>
Sent: Wednesday, July 21, 2021 10:49 PM

To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: ACK smart for 21 Woodbine File No. 18-21

Good evening,

As the owner of 16 Pequot Street, I am requesting to review the application materials for the variance relief request for the existing solar array that is located within the side setback of 21 Woodbine.

Thank you,

Christine Petrella

From: Paul Murphy
Sent: Wednesday, April 14, 2021 8:16 AM
To: solar@acksmart.com
Cc: Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>; Marcus Silverstein <herrsilverstein@gmail.com>
Subject: Setback violations - 12 S. Valley Road

Zachary,

After careful review of the file of 12 S. Valley Road, I am referring you to the zoning board of appeals for relief from setback requirements. The option of relocating the array is also permissible. The plan presented to this office, and to the HDC, shows the array in a different location, and complying with the setback requirements of the zoning district. Your company deviated from the approved plan and located the array within a front and rear yard setback, without prior authorization from this office. The email from 2017 was general guidance on MGL Chapter 40A Sec. 3, a regulation interpreted and enforced by the permit granting authority, not the permit applicant. In summary, you did not have the authority to locate the array in any other location than what was approved by this office. You will also need to re-file with the HDC, for the new location. Please feel free to call my office should you have any further questions.

Best regards,

Paul Murphy
Building Commissioner

Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7057
Fax: 508-228-7298
pmurphy@nantucket-ma.gov

Laurence and Alvene Carpenter
14 Pequot St
Nantucket, MA 02554
lecbalt@gmail.com

September 8, 2021
Town of Nantucket
Zoning Board of Appeals
Susan McCarthy, Chair
Nantucket, MA

RE: File No. 18-21 21 Woodbine St

Dear Ms. McCarthy:

We are writing to express our concern with granting a zoning variance for the solar array installation located at 21 Woodbine Street. By way of background, we are the owners of 14 Pequot Street, which abuts 21 Woodbine street to the south.

We arrived in April and were surprised and dismayed to see the array, particularly having received no notice about its installation. We would have submitted this objection to the appeal prior to the August 12th, 2021 initial hearing on this matter but found out about the hearing too late to submit written materials. Fortunately, our son Scott Carpenter attended the hearing and expressed our concerns, and we are formally submitting them in this letter for your continuing discussion at your October 14th, 2021 meeting.

We would like to express the following concerns:

1. **HDC approval on 11/9/20 was granted subject to it not being within the setback**. The approved motion was conditioned on it not being within the setback and Applicant ("ACK Smart") agreeing to meet that condition (see minutes attached). Furthermore, there was some concern amongst some members of the HDC that there was no screening provided, except that to the homeowner, with one member voting against approval as a result. In the HDC hearing, ACK Smart said that there was "no possibility of it being seen by the neighbors", as it was a "heavily vegetated area", though it was recognized that all such vegetation is located on abutters property, and it is indeed seen by us (see attached pictures). Ultimately the HDC noted they cannot require screening as part of the approval as it is not visible from a public way, but screening would be the "neighborly thing to do".

2. **The array is very large.** The solar array consists of 70 panels which raises several issues.

    a. **Production Capacity** – We have some familiarity with solar and estimate a 70-panel array (assuming 300 watts/panel) generates approximately 25MWh annually. At the average Nantucket price of 24c/KWh, this equates to $19K in electricity generated, and Solar Renewable Energy Credits (SRECs) payments adds another $7K, so the total value generated annually is more than $25k. Note that the average house in Nantucket uses

    about 7.3MWh of electricity per year[1], so this array generates enough electricity for 3.5 average Nantucket homes. 21 Woodbine is a rental property, and therefore used seasonally. Our point is this is arguably a commercial solar endeavor, likely generating electricity more than used on site, and not suitable for a residential neighborhood. In short, the array could have been made smaller at the sacrifice of economics.

b. **The array could have been located elsewhere on the property.** To the extent the owner and installer desired to have such a large array, there are plenty of other locations on the 1.5-acre property that can accommodate the array desired while being well within the required setbacks. Clearly those locations would impact the aesthetics for renters, which is presumably why they weren't considered. What resulted was the array being constructed in the southeast corner of the property, with screening for homeowner/renters at the expense of abutters aesthetics.

c. **The array could have been more compact.** The installation included gaps for "maintenance purposes", the tradeoff of which was encroaching on the setback. We suggest that the tradeoff of ease of *potential* maintenance at the expense of *permanent* encroachment on the setback is a poor choice, again placing the burden on abutters rather than the homeowner.

3. **Existing vegetation removed, nor any replacement screening provided.** The applicant appears to have clear cut all vegetation right up to their property line, including some more mature taller vegetation that perhaps would have cast shade on the solar array. As indicated earlier, we received no notice from 21 Woodbine regarding the construction, nor was there an attempt at replacement vegetation screening.

4. **We question with the "Financial Hardship" assertion.** As previously noted, the solar array generates significant financial benefits to someone. Further, 21 Woodbine is a rental property that rents for $40,000 – 50,000 per week[2]. To the extent the Board considers financial hardship as reason for a variance approval, it should examine the economic and contractual relationship between the homeowner and applicant to ensure the homeowner (who we believe is ultimately responsible for compliance with zoning laws) isn't shielding itself behind a small business owner (ACK Smart) of limited financial means. Furthermore, the Board should understand if such expressed hardship (claimed to be $30,000 - 50,000) is direct costs (labor to reconfigure/relocate) or opportunity costs (i.e. lost savings/revenue due to downsized array).

5. **We disagree with the applicant's interpretation of 40A, and reliance on a 4-year-old email regarding an unrelated property as grounds for disregarding zoning by-laws.** While we are not legal experts on 40A, it seems the applicant had plenty of opportunity to comply with zoning regulations between relocation and/or reduction in size, including making changes while installing on-site, without having to now plead a 40a exception. Relying on such logic would enable solar installations of any size without regard to zoning laws, well beyond the intent of 40A. Clearly installation of the arrays within the setback was not "necessary", but an intentional choice to accommodate its size and location.

[1] https://www.maenergyratings.com/electricity-rates/massachusetts/nantucket#:~:text=Average%20Rates%20%26%20Usage%20in%20Nantucket&text=The%20average%20households%20monthly%20electricity,the%20average%20bill%20around%20%24136.
[2] https://www.jpfco.com/nantucket-rentals/Surfside/21-Woodbine-Street-2596.html

6. **No consideration for public footpath.** There is a public footpath that runs east-west that is a deed easement relating to our southern-half of the "paper road" acquisition of Weweeder. Our understanding is that such easement applies to both sides of paper-road acquisitions, and therefore to 21 Woodbine's acquisition of their northern-half of Weweeder. We do not see any accommodation made by them regarding this footpath, and indeed, the installation of the solar array cuts off the existing footpath (see picture).

As abutters, we ask the Board to reject the applicants appeal, and require that they abide by the zoning laws that are in place so that all may enjoy the use of their property here on Nantucket. This includes

amending the array so that it does not encroach upon the setback, as well as providing and maintaining appropriate screening.

Regards,

Larry & Alvene Carpenter

Laurence & Alvene Carpenter
14 Pequot St
Nantucket, MA 02493

Minutes from HDC November 9 Meeting:

HDC Minutes for November 9, 2020, adopted Nov. 24; amended Dec. 7

16. Soren Sorenson	**10-2161**	21 Woodbine Street	Ground solar array	80/321	ACK Smart

Voting	Pohl, Coombs, Camp, Oliver, Welch
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and manufacturer spec sheet.
Representing	Tim Carruthers, ACK Smart
Public	None
Concerns (6:40)	**Carruthers** – Presented project; there is existing vegetation around the array. **Oliver** – Her concern is that it might be in the setback; it looks like it's slightly over the south set-back line. **Backus** – Solar arrays are considered structures and must meet setback. **Coombs** – No concerns. **Camp** – They have a hedge concealing it from the pool but not a vegetated screen between the array and neighbors. Should rethink the plan of how it's laid out to be more generous to the setback. **Welch** – He was concerned that this along a paper road. If it's in the setback, it is problematic. Approving subject to moving it out of the setback would allow room for screening along the property line. **Pohl** – Screening from the neighbors would be neighborly but we can't require it.
Motion	**Motion to Approve through staff with clarification that it will not be in the setback. (Welch)**
Roll-call Vote	Carried 4-1//Coombs, Oliver, Welch, and Pohl-aye; Camp-nay — Certificate # **HDC2020-10-2161**

April 19th, 2021 (14 pequot looking north - after installation)



June 11, 2020 (14 Pequot looking north - before installation)



August 1 (View from driveway looking west)



Timothy & Lauren Miner(Owner)

&

Ack Smart (Applicant)

File No. 19-21

12 South Valley Rd.

Variance Relief

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

August 2, 2021

VIA E-MAIL

Leslie Woodson Snell, Deputy Director of Planning
Nantucket Zoning Board of Appeals
Planning and Land Use Building
2 Fairgrounds Road
Nantucket, MA 02554

Re: Ack Smart's Applications for Special Permits
21 Woodbine Street and 12 S. Valley Road
Nantucket, MA 02554

Dear Leslie,

As you are aware, our client, Ack Smart, submitted Special Permit Applications to the Nantucket Board of Appeals on behalf of 21 Woodbine LLC, the owner of 21 Woodbine Street, Nantucket, Massachusetts 02554, and Timothy and Lauren Miner, owners of 12 S. Valley Road, Nantucket, MA 02554, pursuant to Ch. 139-32 of the Nantucket Zoning By-Law, to validate the location of solar ground arrays, which intrude into the setbacks of the respective properties.

Enclosed for filling, are aerial photos that show the locations of said arrays in relation to the setbacks on each property. Can you please supplement both Special Permit Applications with the enclosed photos? Please let me know if you have any questions.

Sincerely,

Richard Beaudette, Esq.

RPB/
Encs.

12 South Valley Road
Nantucket, MA 02554



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

July 13, 2021

VIA HAND DELIVERY AND EMAIL

Nantucket Zoning Board of Appeals
Planning and Land Use Building
2 Fairgrounds Road
Nantucket, MA 02554

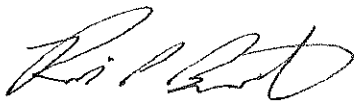
Re: Ack Smart
4 S. Beach Street Extension
Nantucket, MA 025254
Application for Variance

Dear Nantucket Board of Appeals,

Our client, Ack Smart, is seeking variance relief on behalf of 21 Woodbine LLC, the owner of 21 Woodbine Street, Nantucket, Massachusetts 02554 and Timothy and Lauren Miner, owners of 12 S. Valley Road, Nantucket, MA 02554, pursuant to Ch. 139-32 of the Nantucket Zoning By-Law, to validate the location of solar ground arrays, which intrude into the setbacks of the respective properties. To that end, enclosed please find two (2) Applications to the Zoning Board of Appeals for Variances, together with supporting documentation, certified abutters lists and two (2) checks in the amount of $450.00 made payable to the Town of Nantucket representing the filing fees. If possible, I would like to have both applications heard concurrently at the next Nantucket Zoning Board of Appeals meeting. Please note that I reserve the right to supplement this application with addition materials at a later time.

Thank you for your attention to this matter, please do not hesitate to call me should you have any questions or concerns.

Sincerely,



Richard Beaudette

RPB/BJS
Encs.
cc:

NANTUCKET
TOWN CLERK

2021 JUL 13 AM 11:02

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

RECEIVED
JUL 13 2021
By

Fee: $450.00

File No. 19-21

Owner's name(s): Miner, TIMOTHY & LAUREN

Mailing address: C/O Vaughan, Dale, Hunter, Beaudette and Swain, P.C
2 Whalers Lane, PO BOX 659, Nantucket, MA 02554

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

Applicant's name(s): Ack Smart

Mailing Address: C/O Vaughan, Dale, Hunter, Beaudette and Swain, P.C
2 Whalers Lane, PO BOX 659, Nantucket, MA 02554

Phone Number: same as above E-Mail: same as above

Locus Address: 12 S. Valley Road, Nantucket, MA 02554 Assessor's Map/Parcel: ~~80/321~~ 43, 139

Land Court Plan/Plan Book & Page/Plan File No.: Lot 76 on Plan No. 11461-J & Lot 21 on Plan No. 11461-H

Deed Reference/Certificate of Title: Cert No. 24316 Zoning District (LUG-1)

Uses on Lot- Commercial: None Yes (describe) N/A

Residential: Number of dwellings two (2) Duplex N/A Apartments N/A

Date of Structure(s): all pre-date 7/72 *Zero (0)* or

Building Permit Numbers: 1193-14, 1446-14, 1447-14, 136-15, 2020-07-0691

Previous Zoning Board Application Numbers: N/A

DocuSign Envelope ID: E61AE724-D6D6-4314-B5BA-79486AFDBF45

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

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: DocuSigned by: Timothy Miner DB3970A8BD0A472... Owner*
Timothy Minor

SIGNATURE: _____ Applicant/Attorney/Agent*
*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

The Applicant, Ack Smart, hereby requests a Variance pursuant to Section 139-32 of the Nantucket Zoning Bylaw, on behalf of its clients, Timothy and Lauren Miner, the owners of the improved real property located at 12 S. Valley Road, Nantucket, MA 02554, via certificate of Title No. 24316, registered at the Nantucket Registry District of the Land Court ("Owner"). The Premises is shown as Lot 21 on Land Court Plan No. 11461-H and Lot 76 on Land Court Plan No. 11461-J (hereinafter the "Premises"). The Premises is located in the Limited Use General (LUG-1) Zoning District.

BACKGROUND INFORMATION

The Applicant, Ack Smart, a local solar power installation company with a principal place of business at 4 South Beach Street Extension, Nantucket, MA 02554 ("Ack Smart"), was hired by the Owner to install a solar array on the Premises. By way of background, in October of 2017, Ack Smart received two (2) emails from Marcus Silverstein, the Town of Nantucket's Zoning Enforcement officer, stating that:

> "locating solar arrays outside of the setback is encouraged whenever possible. However, solar arrays may be constructed within setback areas, if necessary. See also M.G.L. Ch. 40A(3)… [and that]… no variance is required. But again, you are encouraged to leave as much space as possible between the array and any property line" (see email correspondences attached hereto as Exhibit "A").

On July 23, 2020, Ack Smart received a building permit, No. 2020-07-0691, duly issued by the Nantucket Building Department (the "Permit"), to install a solar array on the Premises. When siting the arrays on the Premises, Ack Smart relied on the Nantucket Zoning Enforcement

Officer's emails and interpretation of MGL c. 40A Section 3[2], that solar arrays can be sited within a setback area, if necessary.

Ack Smart finished installing the solar arrays on the Premises and submitted the Permit to the Nantucket Building Department to be "closed-out". Despite the opinion of the Zoning Enforcement Officer and the issuance of the Permit, the Building commissioner refused to sign off on the permit, taking the position that the solar arrays must conform to the Nantucket bylaw setback requirements.

EXISTING CONDITIONS

The siting of the solar arrays on the Premises can be seen on the existing conditions plan entitled "Building Location Plan in Nantucket, Mass, prepared by Blackwell and Associates", a copy of which is attached hereto as Exhibit "B". As seen thereon, the solar array unit is located as close as Nine and a half (9.5) +/- feet from the side yard lot line and twenty-eight and a half (28.5) feet from the front yard setback, where the required side yard and front yard setback distances of lots in this Zoning District (LUG-1) are ten (10) feet and thirty-five (35) feet, respectively.

REQUESTED RELIEF

The Applicants request a Variance pursuant to Section 139-32 to validate the location of the solar array within the ten (10) foot side yard setback and the thirty-five (35) foot front yard setback because a literal enforcement of the ten (10) foot side yard setback and the thirty-five (35) foot front yard setback would involve a significant financial substantial hardship and

[2] M.G.L. Ch. 40A, states that "no zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."

granting this relief does not involve substantial detriment to the public good or a derogation of the intent of the By-law. Moving the solar arrays on the Premises, and on 21 Woodbine Road, Nantucket, MA 02554, a property that is applying for the same relief as prayed for herein, would require the Applicant to expend between $30,000.00 to $50,000.00 to remedy the set-back intrusion. Ack Smart is a small local business that is dedicated to improving the environment, not only on the island but, globally, by generating clean, renewable power for our community. The significant financial detriment that Ack Smart would suffer if forced to move the array significantly outweighs any benefits to the Town of Nantucket and its residents, as the solar arrays do not produce any noise that would be considered a nuisance to any abutters. Since the Applicants' received Mr. Murphy's denial and interpretation of 40A, they have taken affirmative acts to change the siting locations on their current projects so that they comply with setback regulations. The Applicants have tried complying with all regulations since the inception of their company and have relied on Mr. Silverstein's email, informing that that they can install arrays in the setback and do not need variance relief to do it, and but for such advice, they would not have installed any arrays in a setback area.

Therefore, the Applicants respectfully request that the Board Approve the requested Variance under Section 139-32.

Exhibit "A"

Bryan Swain

Subject: FW: Zoning set back question

On Oct 18, 2017, at 8:00 AM, Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Zach,

No variance is required. But again, you are encouraged to leave as much space as possible between the array and any property line.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Zachary Dusseau [mailto:zach@acksmart.com]
Sent: Tuesday, October 17, 2017 5:08 PM
To: Marcus Silverstein
Subject: Re: Zoning set back question

Marcus,

Thank you for the response.

So in short, we do not need to file for a variance prior to construction of the array?

We want to make sure we go about this properly to prevent permitting and as built zoning issues for our client.

Thanks again,

Zach

> On Oct 17, 2017, at 7:55 AM, Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:
>
> Zach,
>
> Locating solar arrays outside of required setbacks is encouraged whenever possible. However, solar arrays may be constructed within

setback areas if necessary. See also Massachusetts General Laws (MGL) Ch. 40A, Sec. 3, para. 9.

If any person is aggrieved by this opinion, an appeal may be filed with the Zoning Board of Appeals within thirty (30) days of the date of this notice.

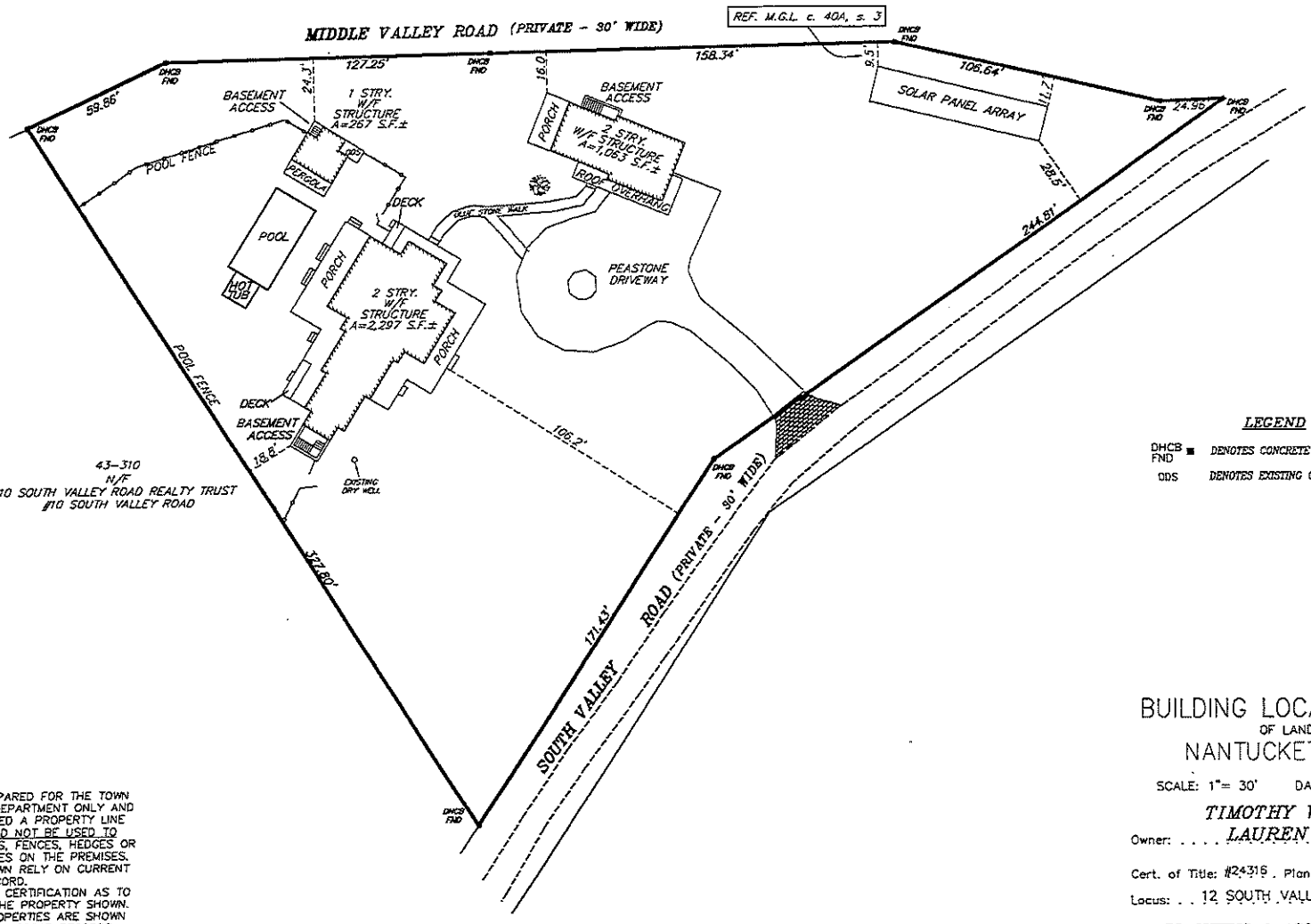
Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

Exhibit "B"

CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (L.U.G.-1)

		Existing:
MINIMUM LOT SIZE:	40,000 S.F.	66,631 S.F.±
MINIMUM FRONTAGE:	100 FT.	SEE PLAN
FRONT YARD SETBACK:	35 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER %:	7%	5.4% ±



LEGEND

DHCB FND ■ DENOTES CONCRETE BOUND WITH DRILL HOLE FOUND

ODS DENOTES EXISTING OUTDOOR SHOWER

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: . . 43 . . PARCEL: . . 139 . .

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 30' DATE: APRIL 23, 2021

TIMOTHY W. MINER
LAUREN MINER
Owner: . . . . . .

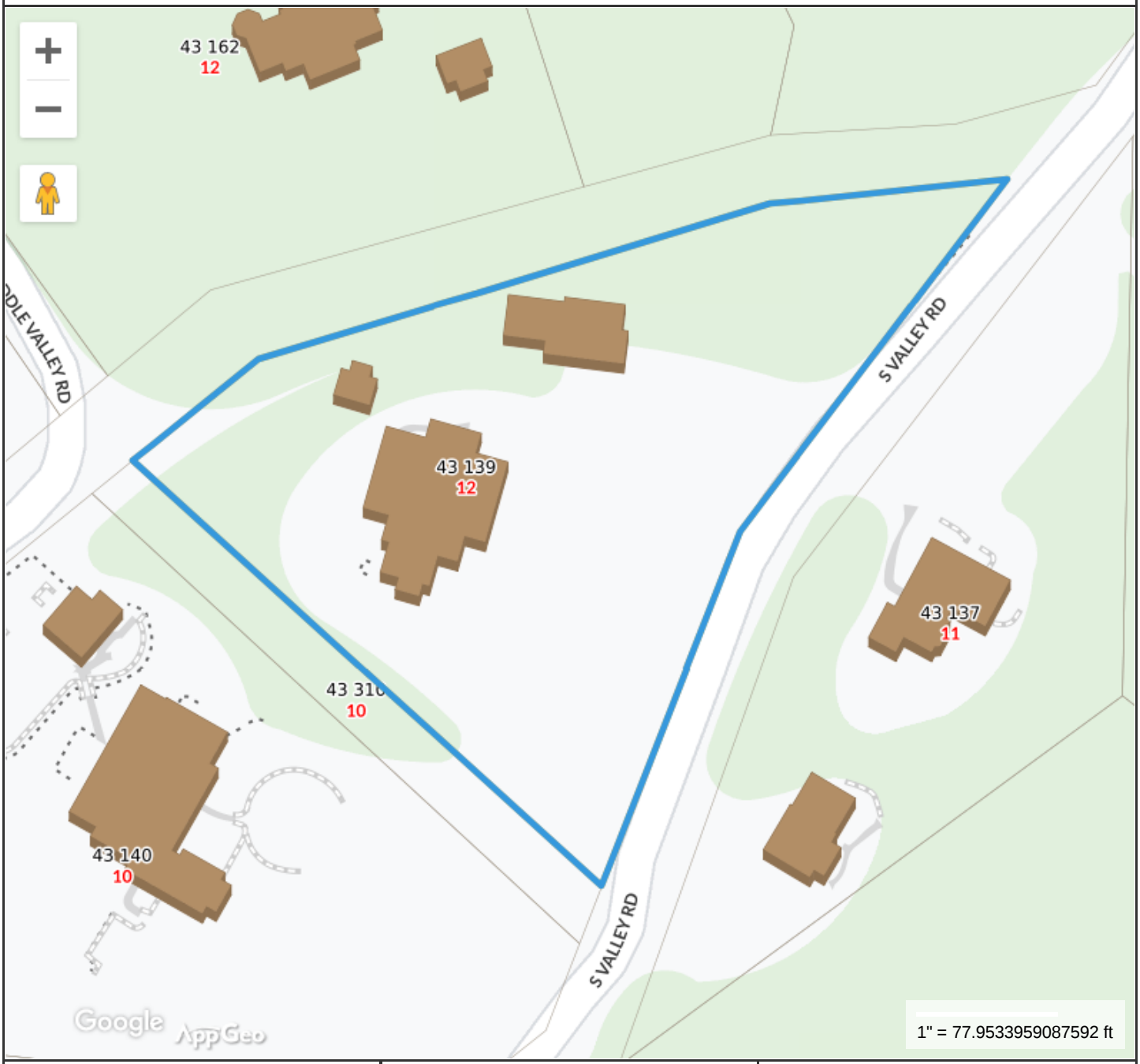
Cert. of Title: #24315 . Plan: L.C.C. 11461-H, LOT 21 L.C.C. 11461-J, LOT 76

Locus: . . 12 SOUTH VALLEY ROAD . . . . . .

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

B7530

T:\ADAM 25 JOB 110
V:\DRAWFILES\B7579\BLP 2021.dwg 4/23/2021 2:02:38 PM EDT



Property Information

Property ID	43 139
Location	12 S VALLEY RD
Owner	MINER TIMOTHY & LAUREN

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 07/29/2021
Data updated Jan. 2021

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

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..MINER TIMOTHY & LAUREN
C/O Vaughan, Dale, Hunter, Beaudette, and Swain

MAILING ADDRESS..2 Whalers Lane,, P.O.BOX.659,,Nantucket, MA 02554...

PROPERTY LOCATION..12 S. VALLEY RD, Nantucket, MA 02554.....

ASSESSOR MAP/PARCEL 43 / 139.....

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 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: 2021.07.01 13:43:41 -04'00'

7-1-2021
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
43	94	3	LINDSAY RONALD M & NANCY S		1041 OLD MARLBORO RD	CONCORD	MA	01742	15 PIPPENS WY
43	128		4 MVR LLC	JUSTIN MCINERNY, TR	5708 HUNTINGTON PKWY	BETHESDA	MD	20814	4 MIDDLE VALLEY RD
43	133		GONNELLA ROCK DYER		14 S VALLEY RD	NANTUCKET	MA	02554	14 S VALLEY RD
43	134		WATERMAN JUDY PORTER TRST	WATERMAN JUDY P REV TRUST	17 S VALLEY RD	NANTUCKET	MA	02554	17 S VALLEY RD
43	136		RAVENSCROFT CHRIS & LISA SANDERS		15 S VALLEY RD	NANTUCKET	MA	02554	15 S VALLEY RD
43	137		HOLLY BARBER A TRST	HAB REVOCABLE TRUST	11 S VALLEY RD	NANTUCKET	MA	02554	11 S VALLEY RD
43	139		MINER TIMOTHY & LAUREN		168 MAPLE STREET	SHERBORN	MA	01770	12 S VALLEY RD
43	140		BISSINGER CHARLES C JR TRST	10 SOUTH VALLEY REALTY TRUST	100 WELLS AVE	NEWTON	MA	02459	10 S VALLEY RD
43	142		SOUTH VALLEY LLC		4 ST NICHOLAS RD	DARIEN	CT	06820	7 S VALLEY RD
43	157		NANTUCKET CONSERVATION FOUND		PO BOX 13	NANTUCKET	MA	02554	2 MIDDLE VALLEY RD
43	160		ANDERSON CLYDE B		PO BOX 19768	BIRMINGHAM	AL	35223	8 MIDDLE VALLEY RD
43	162		MORIARTY DONALD P JR TR	MORIARTY REALTY TRUST	44 EDGEWOOD LANE	BRONXVILLE	NY	10708	12 MIDDLE VALLEY RD
43	303		BROKAW THOMAS J TRST ETAL		4907 ROCKWOOD PKWY N W	WASHINGTON	DC	20016	9 JUNIPER HILL
43	308		SWARTZ STEVEN R & TINA		44 GREENFIELD AVE	BRONXVILLE	NY	10708	8 S VALLEY RD
43	310		BISSINGER CHARLES C JR TRST	10 SOUTH VALLEY REALTY TRUST	100 WELLS AVE	NEWTON	MA	02459	10 S VALLEY RD
Count:	**15**								

LINDSAY RONALD M & NANCY S
1041 OLD MARLBORO RD
CONCORD, MA 01742

4 MVR LLC
JUSTIN MCINERNY, TR
5708 HUNTINGTON PKWY
BETHESDA, MD 20814

GONNELLA ROCK DYER
14 S VALLEY RD
NANTUCKET, MA 02554

WATERMAN JUDY PORTER TRST
WATERMAN JUDY P REV TRUST
17 S VALLEY RD
NANTUCKET, MA 02554

RAVENSCROFT CHRIS & LISA SANDERS
15 S VALLEY RD
NANTUCKET, MA 02554

HOLLY BARBER A TRST
HAB REVOCABLE TRUST
11 S VALLEY RD
NANTUCKET, MA 02554

MINER TIMOTHY & LAUREN
168 MAPLE STREET
SHERBORN, MA 01770

BISSINGER CHARLES C JR TRST
10 SOUTH VALLEY REALTY TRUST
100 WELLS AVE
NEWTON, MA 02459

SOUTH VALLEY LLC
4 ST NICHOLAS RD
DARIEN, CT 06820

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

ANDERSON CLYDE B
PO BOX 19768
BIRMINGHAM, AL 35223

MORIARTY DONALD P JR TR
MORIARTY REALTY TRUST
44 EDGEWOOD LANE
BRONXVILLE, NY 10708

BROKAW THOMAS J TRST ETAL
4907 ROCKWOOD PKWY N W
WASHINGTON, DC 20016

SWARTZ STEVEN R & TINA
44 GREENFIELD AVE
BRONXVILLE, NY 10708

BISSINGER CHARLES C JR TRST
10 SOUTH VALLEY REALTY TRUST
100 WELLS AVE
NEWTON, MA 02459

PAID JUL 30 2020 BY: #1263

RECEIVED JUL 21 2020 By

BLDR-2020-07-0691
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 **Please Print**

1. LOCATION OF BUILDING

OWNERS NAME (print): MINER TIMOTHY
Last First Middle Initial

12 S VALLEY RD
No. Street

Assessor's Map No. 43 Assessor's Parcel No. 139

2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E

A. TYPE OF IMPROVEMENT
- ☐ New Building
- ☒ Addition
- ☐ Alteration
- ☐ Repair, replacement
- ☐ Demolition
- ☐ Moving

B. OWNERSHIP
- ☐ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$91,000.00

D. DIMENSIONS
Dimensions of Structure
First Floor Area: _____
Second Floor Area: _____
Third Floor Area: _____
Total Floor Area: _____
Full Cellar Area: _____

E. PROPOSED USE
Residential
- ☐ One Family
- ☐ Studio
- ☐ Two or more family - Enter number of units _____
- ☐ Hotel, Motel, Dormitory enter number of units
- ☐ Second Dwelling
- ☐ Garage
- ☐ Pool
- ☒ Other - Specify SOLAR GROUND ARRAY

Detail scope of work by floor & provide the square footage.

INSTALL 64 ALL BLACK, SOLAR PV MODULES ON A GROUND BASED FIXED TILT RACKING SYSTEM

DIMENSIONS 55' X 35'

3. SELECTED CHARACTERISTICS OF BUILDING

For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.

F. PRINCIPLE TYPE OF FRAME
- ☐ Wood frame
- ☐ Other - Specify _____

G. PRINCIPLE TYPE OF HEATING
- ☐ Gas ☐ Electricity
- ☐ Oil ☐ Heat Pump
- ☐ Other - Specify _____

H. TYPE OF SEWAGE DISPOSAL
- ☐ Public
- ☒ Private (septic tank, etc.)

I. TYPE OF WATER SUPPLY
- ☒ Public
- ☐ Private (well)

J. SMOKE DETECTORS
No. of Detectors _____
See Plan for Location

K. ACCESSORY HEAT SOURCE
No. of fireplaces _____
No. of Wood Stoves _____
Other: _____

L. RESIDENTIAL BUILDINGS
Number of Bedrooms _____
Number of Bathrooms _____
Full _____ Partial _____

3. Continued

M. ENERGY CONSERVATION

	Type	Thickness	R Value
Foundation or Floor insulation			
Wall Insulation			
Ceiling or Roof Insulation			

Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____

Doors: Insulated Yes _____ No _____ Weatherstripped: Yes _____ No _____

Percentage of Window Area to Wall Area: _____

N. STRUCTURAL CHARACTERISTICS OF BUILDING

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

Foundation

Footing size: _____ Footing reinforcing: _____

Wall material: _____ Wall thickness: _____

Wall height: _____ Wall reinforcing: _____

Pier or column size: _____ Pier or column spacing: _____

Pier or column footing size: _____ Pier or column reinforcing: _____

No. of crawl space vents: _____ Crawl space: ❑ Full ❑ Partial

FRAMING: Main Carrying members: Size: _____ Support Spacing: _____

First Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Second Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Ceiling Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Roof Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

SKETCH OF PROPOSED WORK (minor projects)

GROUND SOLAR.

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

$100.00

4. ZONING COMPLIANCE To be completed by all applicants

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: _____ Total Land Area: _____

Frontage on Street: _____ Lot No.: _____

Plan Book No. and Page: _____ Land Court Plan No.: _____

Date Lot Purchased: _____ Certificate No.: _____

Name of Previous Owner: _____

SUBDIVISION INFORMATION

Name of Owner: _____

Date of Plan Approval: _____

Type of Approval: ANR _____ AR _____

Planning Board File No.: _____

Is the Subdivision subject to a Covenant: YES _____ NO _____

Is a Release required: YES _____ NO _____

Has Plan been filed with the Registry of Deeds? YES _____ NO _____

If YES: Plan Book and Page No.: _____ Date _____

TIME SHARING INFORMATION

Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?

Yes ____ No ____

DIMENSIONS

Distance from Property Lines: FRONT 43' REAR 14' LEFT 287' RIGHT 60'

Distance between Principal and Secondary Dwelling: _____ (12ft. minimum)

Height of structure above finish grade: N _____ E _____ S _____ W _____

Number of off-street parking spaces: Enclosed _____ On-site _____

GROUND COVER

Principal Dwelling: _____

Secondary Dwelling: _____

Addition: _____ Total: _____ SF.

Garage: _____ Allowable: _____ SF.

Accessory Building: _____

Swimming Pool: _____

Other: _____

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES ____ NO____

If answered YES, include "Order of Conditions" with application.

What date was the "Order of Conditions" with application.

What date was the "Order of Conditions" filed with the Registry of Deeds? _____

Is the property located within a Flood Hazard district? YES _____ NO _____

Was a Variance or Special Permit granted by the Board of Appeals? YES _____ NO _____

If answered YES, what date was the decision filed with the Town Clerk? _____

FOR ZONING OFFICER

Minimum Lot Size: _____ Ground Cover Ratio: _____

Frontage on Street: _____ Side and Rear Setback: _____

Front Yard: _____ Secondary Dwelling approval _____

Additional Comments: _____ Board of Appeals _____

_____ Lot Release Form _____

_____

Date: 7/22/20 APPROVED BY: _____

Zoning Officer

5. IDENTIFICATION - To be completed by all applicants

	Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	TIMOTHY MINER	168 MAPLE ST SHERBORN MA	01770	617 899 7548
2. Contractor	Print Name ZACHARY RUSSEAU	61 OLD SOUTH RD #500 NANTUCKET MA	Builder's License CS 109718	508 332 8614
	Signature		Date 1/27/2020	
3. Contact Person	CONTRACTOR AS ABOVE		Date	

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant Timothy Carruthers Address 38 Burnell St Telephone # 781 325 6128

Print name TIMOTHY CARRUTHERS E-Mail Address: SOLAR@ACKSMART.COM

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required				
HISTORIC DISTRICTS COMMISSION	HDC	2020-01-0441		01 14 2020
SEPTIC O.K. ABC 7/17/2020.				
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

7. VALIDATION

Building Permit Issued 7 23 2020

Building Permit Fee $ 100.00

Date of Issuance of Certificate of Occupancy

FOR DEPARTMENT USE ONLY

Use Group

Occupancy Load

Census No. 650

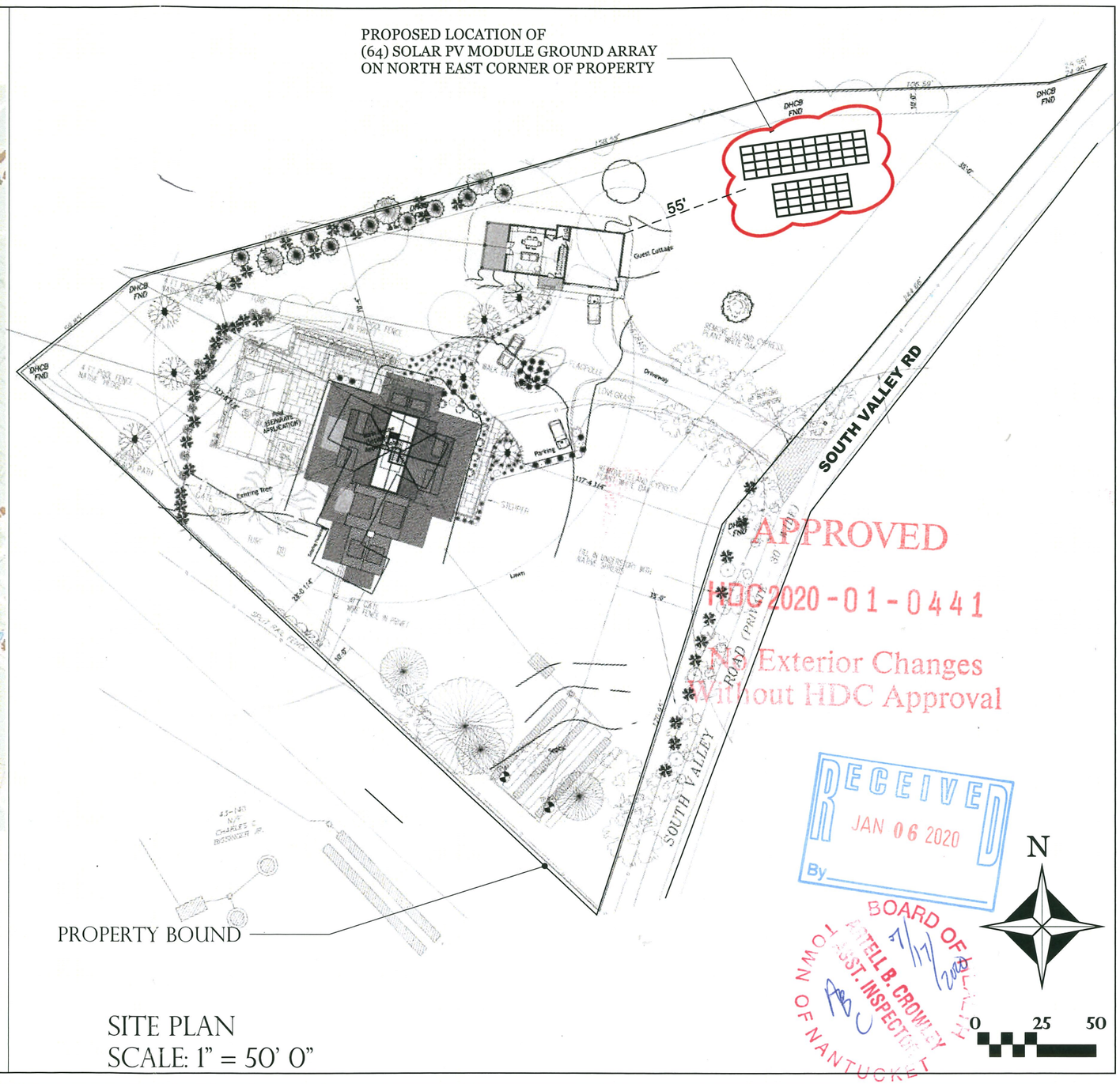
Approved by:

James C. Barry
Building Commissioner



LOCUS MAP
SCALE: NOT TO SCALE

ZONING CLASS:	LUG-1
FRONT SETBACK:	35 FT
SIDE/REAR SETBACK:	10 FT



SITE PLAN
SCALE: 1" = 50' 0"

APPROVED
HDC2020-01-0441
No Exterior Changes
Without HDC Approval

RECEIVED
JAN 06 2020
By

BOARD OF APPEALS
1/17/2020
ASSTELL B. CROWLEY
ASST. INSPECTOR
TOWN OF NANTUCKET

ACK SMART
(508) 257-1786
www.ACKsmart.com

GIS & SITE PLAN

SOLAR FIXED TILT GROUND ARRAY
20.8 KW DC, 15.2 KW AC

OWNER:	MINER, TIMOTHY
SITE ADDRESS:	12 S VALLEY RD
CITY, STATE, ZIP:	NANTUCKET, MA 02554
MAP: 43	PARCEL: 139

REVISIONS

	MM/DD/YY	REMARKS
1	1/6/2020	SUBMITTED FOR HDC & PERMITTING REVIEW.
2		
3		
4		
5		

PV 01

From: Paul Murphy
Sent: Wednesday, April 14, 2021 8:16 AM
To: solar@acksmart.com
Cc: Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>; Marcus Silverstein <herrsilverstein@gmail.com>
Subject: Setback violations - 12 S. Valley Road

Zachary,

After careful review of the file of 12 S. Valley Road, I am referring you to the zoning board of appeals for relief from setback requirements. The option of relocating the array is also permissible. The plan presented to this office, and to the HDC, shows the array in a different location, and complying with the setback requirements of the zoning district. Your company deviated from the approved plan and located the array within a front and rear yard setback, without prior authorization from this office. The email from 2017 was general guidance on MGL Chapter 40A Sec. 3, a regulation interpreted and enforced by the permit granting authority, not the permit applicant. In summary, you did not have the authority to locate the array in any other location than what was approved by this office. You will also need to re-file with the HDC, for the new location. Please feel free to call my office should you have any further questions.

Best regards,

Paul Murphy
Building Commissioner

Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7057
Fax: 508-228-7298
pmurphy@nantucket-ma.gov

Michael S. & Kristina Elizabeth

JEMISON

File No. 21-21

195 C Hummock Pond Rd

Amendment

ZBA

NANTUCKET
TOWN CLERK

2021 AUG 16 PM 3:11

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 File No. 21-21

Owner's name(s): **Michael S. Jemison and Kristina Elizabeth Jemison**

Mailing address: **2038 Meadow Glen, Wymomissing, PA 19610**

Phone Number: **508-228-0771** E-Mail: john@gliddenandglidden.com

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: E-Mail:

Locus Address: **195C Hummock Pond Road** Assessor's Map/Parcel: **65/23**

~~Land Court Plan/Plan Book & Page/~~Plan File No.: **Unit 2, Plan No. 03-34**

Deed Reference~~/Certificate of Title~~: **Book 865, Page 40**
Zoning District: **Village Residential**

Uses on Lot- Commercial: **No** Yes (describe)

Residential: Number of dwellings: **1** Duplex _____ Apartments _____ _____

Date of Structure(s):

Building Permit Numbers:

Previous Zoning Board Application Numbers: 043-96; 042-96; 044-96; 050-97; 057-98; 040-04

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

See attached Addendum A

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*~~

*If an Attorney or other 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:__/__/__

NEW MATERIALS SUBMITTED

Pg 107-109

No. 13-21

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

TOWN OF NANTUCKET

Fee $850

APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

Application is hereby made for a Permit to Construct (X) or Repair ( ) an Individual Sewage Disposal System at:

195C Hummock Pond Rd — Location - Address

65-23.2 — Assessors map and parcel no.

Mike + Kristina Jemison — Owner

2038 Meadow Glen, Wyomissing PA 19610 — Address

Strang LLC — Installer

10 Industry Rd Nantucket MA 02554 — Address

Type of Building
Dwelling X No. of Bedrooms 6 Expansion Attic ( ) Size Lot 211,840 Sq. feet Garbage Grinder ( )

Other ____ Type of Building ____ No. of persons ____ Showers ( ) — Cafeteria ( )

Other fixtures ____

Design Flow 55 gallons per person per day. Total daily flow 660 gallons.

Septic Tank 2 Liquid capacity 1500 gallons Length 10.5' Width 5.7' Diameter ____ Depth 5.8'

Disposal ~~Trench~~ Field X No. ____ Width 17' Total Length ~~32~~ 339' Total Leaching area 963.9 sq. ft.

Seepage Pit No. ____ Diameter ____ Depth below inlet ____ Total Leaching area ____ gal.
Other Distribution box ( ) Dosing tank ( )

Percolation Test Results Performed by Dan Mulloy, PE. Date 2-20-19

Test Pit No. 1 <2 minutes per inch Depth of Test Pit 120" Depth to ground water >120"

Test Pit No. 2 <2 minutes per inch Depth of Test Pit 120" Depth to ground water >120"

3 <2 120" >120"

Description of Soil Sand

Nature of Repairs or Alterations — Answer when applicable Upgrade of existing 4 bedroom conventional septic to new 6 bedroom I/A system

Agreement:

(1) The undersigned agrees to install the aforedescribed Individual Sewage Disposal System in accordance with the provisions of new Title 5 of the State Sanitary Code.

(2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.

(3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.

(4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed [signature] 1-7-21 Date

Application Approved By A. E. Lowell 1/22/21 Date

Application Disapproved for the following reasons: ____

NOTES:

Issued 1/22/21 Date

CERTIFICATE NO: HDC2020-10-2155 DATE ISSUED: 11/02/2020

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°: 65 PARCEL N°. 23.2

Street & Number of Proposed Work: 195C Hummock Pond Road

Owner of record: Michael + Kristina Jemison

Mailing Address: 2038 Meadow Glen
Wymomissing, PA 19610

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Botticelli + Pohl

Mailing Address: 11 Old South Road
Nantucket, MA 02554

Contact Phone #: 508-228-9455 E-mail: _____

FOR OFFICE USE ONLY ✓14368

Date application received: 10/27/20 Fee Paid: $ 143.10

Must be acted on by: 12/12/20

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ 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 Cabana

Size of Structure or Addition: Length: 34'-6" Sq. Footage 1st floor: 815.5 Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: 33'-0" Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North N/C South N/C East N/C West N/C

Height of ridge above final finish grade: North 12'-1¾" South 15'-4¾" East 12'-1¾" West 15'-4¾"

Additional Remarks

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building attached? ☐ Yes ☑ N/A

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

*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) _____ ☐ Other _____

Roof Pitch: Main Mass 6 /12 Secondary Mass 6 /12 Dormer _____/12 Other _____

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

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): _____

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 1 x 6 Rake _____ Soffit (Overhang) 6" Corner boards 5/4 x 6 Frieze _____
Window Casing 5/4 x 4 Door Frame 5/4 x 4 Columns/Posts: Round _____ Square _____

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 Folding French - Wood/Glass Rear Wood/Glass Dbl French Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall Natural Clapboard (if applicable) _____ Roof Natural
Trim To match Main House Sash To Match Main House Doors To Match Main House
Deck _____ Foundation Natural Fence _____ Shutters _____

* 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 10/27/20 Signature of owner of record 108 Signed under penalties of perjury

Cabana
195C Hummock Pond Road
Nantucket, MA
Window & Exterior Door Schedule

H.D.C. Submission: 10/27/20
Rev.

Window Schedule

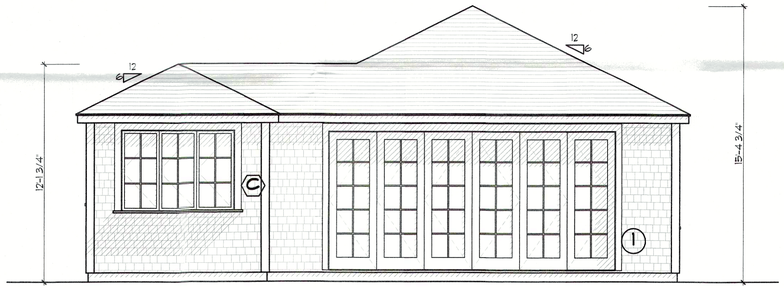
No.	Qn.	Type	Manuf.	Model #	Frame Size	Rough Opening	Lights	Comments
A	2	Double Hung	Marvin	WUDH2828	2'-9 3/8" x 5'-5"	2'-10 3/8" x 5'-5 1/2"	2 over 1	
B	3	Double Hung	Marvin	WUDH2620	2'-7 3/8" x 4'-1"	2'-8 3/8" x 4'-1 1/2"	2 over 1	
C	1	Tri-fold	Custom		6'-3" x 4'-9"		6 ea.	

Door Schedule

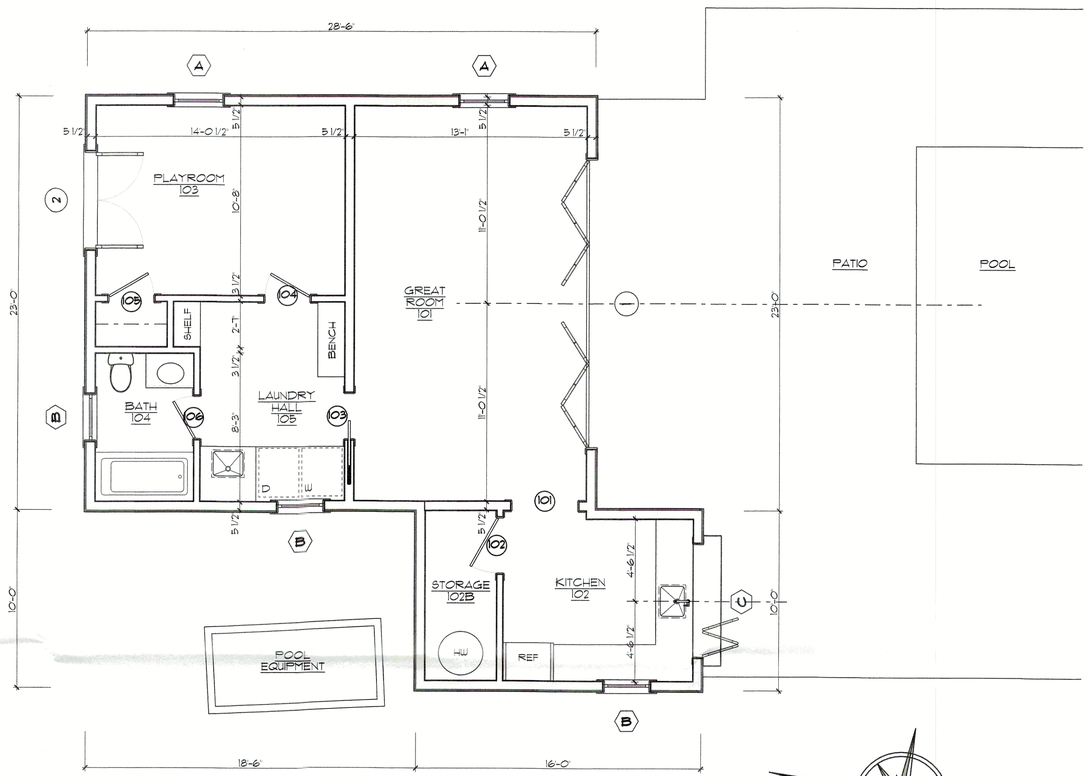
No.	Qn.	Type	Manuf.		Door Size	Rough Opening	Lights	Comments
1	1	Folding French Doors	Custom		(6) 2'-8" x 7'-8"		10 ea.	
2	1	Double French	Custom		(2) 2'-8" x 7'-8"		10 ea.	

Notes:

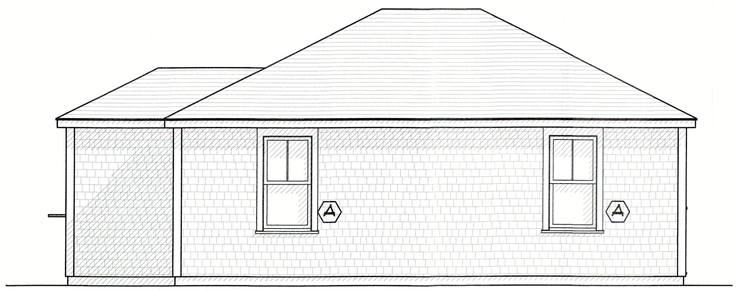
1. All windows will be Marvin windows as per above schedule, double glazed, SDL with muntin configuration as shown on drawings. Min. U-Factor .33
   Min. dp 30 rating required.
   All glazing to come with compliance sticker as required by local building codes.
2. All doors will be custom doors as per above schedule, double glazed, SDL, w/ Low-E w/ muntin configuration as shown on drawings.
   Min U-Factor .30 for French door.
   Min. dp 30 rating required.
   All glazing to come with compliance sticker as required by local building codes.
3. Mill shop will provide shop drawings for all window and door units to architect for approval prior to commencing construction.
4. Provide tempered glass in all locations required by code.
5. Contractor will verify all rough opening sizes and quantities on site during rough framing before placing window order.



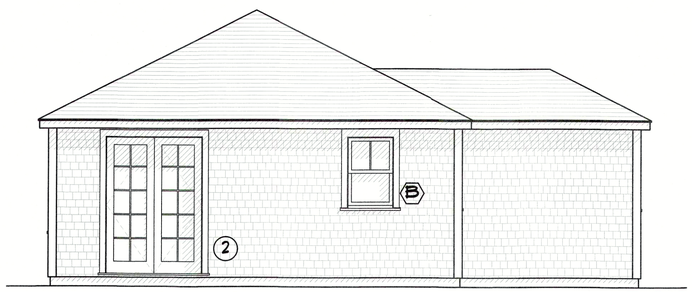
2 CABANA NORTH ELEVATION
Scale: 1/4" = 1'-0"



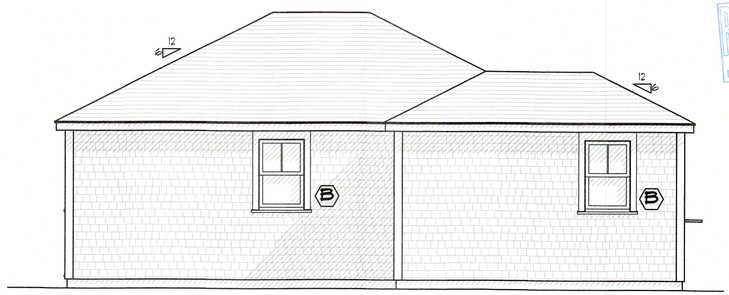
1 CABANA FIRST FLOOR
Scale: 1/4" = 1'-0"



5 CABANA WEST ELEVATION
Scale: 1/4" = 1'-0"



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



3 CABANA EAST ELEVATION
Scale: 1/4" = 1'-0"

RECEIVED
OCT 27 2020
By

~~APPROVED~~
HDC2020-10-2155
No Exterior Changes
Without HDC Approval

BOTTICELLI & POHL
11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P 508 228 5455 | P 617 482 4543

DATE REVISIONS

Cabana Floor Plan & Elevations

Residence
195C Hummock Pond Rd
Nantucket, MA 02554
MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92 REVISED: October 27, 2020

All drawings and designs contained are the sole property of Botticelli & Pohl, P.C.
No publication or use of these documents is permitted without prior approval from Botticelli & Pohl, P.C.

ID#
C-1.1

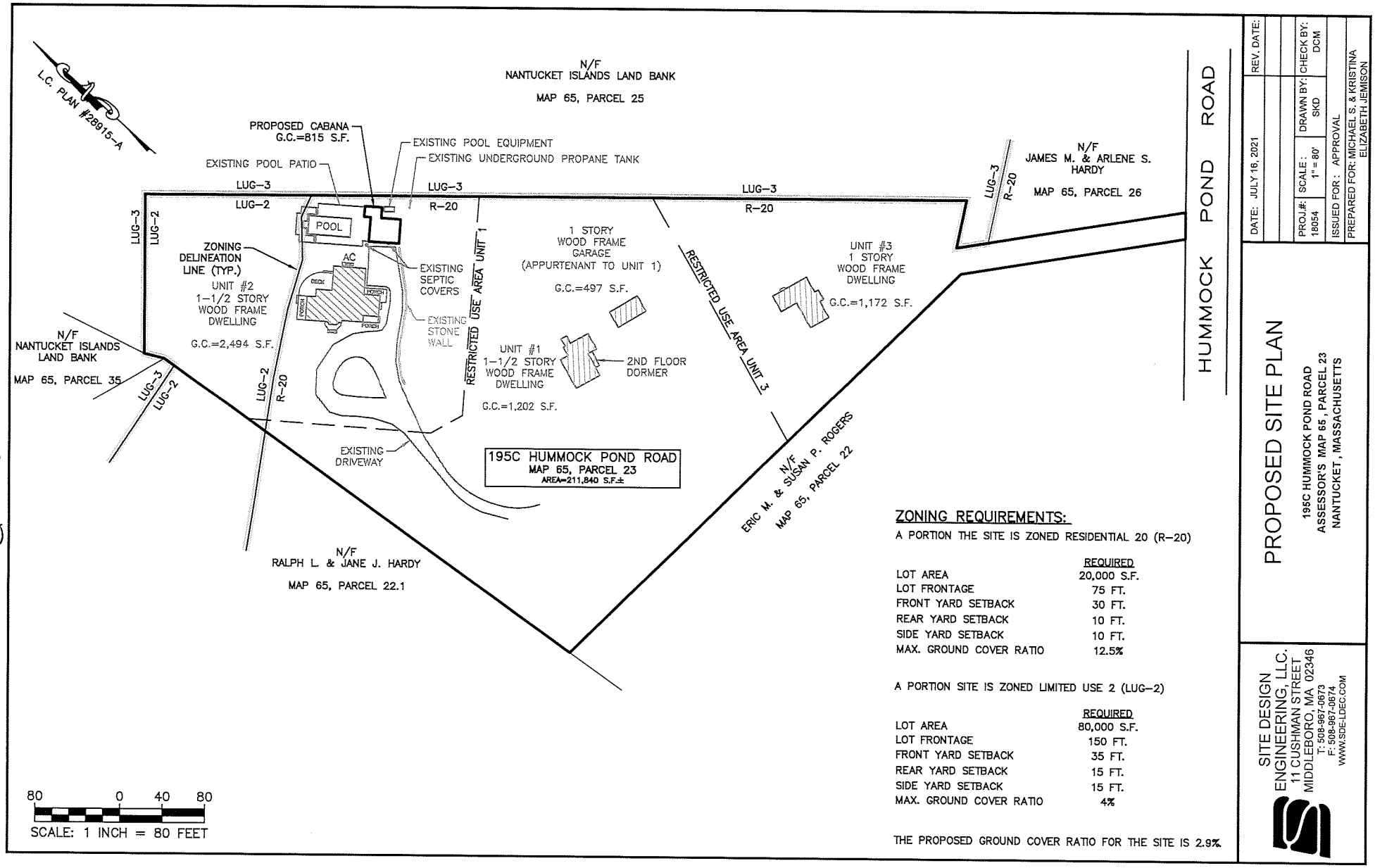
Addendum A

The Owner/Applicant, Michael S. Jemison and Kristina Elizabeth Jemison (hereinafter referred to as "Jemison") are the owners of Unit 2 of the Gardner Condominium, which is known and numbered as 195C Hummock Pond Road ("the Premises") by virtue of Unit Deed recorded in Book 865, Page 40 at the Nantucket Registry of Deeds. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-30, and to the extent necessary 139-33, to allow for a modification to Zoning Board of Appeals Special Permit No. 040-04 to allow the ground cover to be increased to 3,309 square feet which is above the amount allowed in Special Permit No. 040-04, but still less than the maximum allowed in the Village Residential ("VR") zoning district.

195 Hummock Pond Road, the subject of the Gardner Condominium, is a conforming lot with a pre-existing nonconforming use. The nonconforming use being three (3) dwelling units located on one lot prior to the adoption of the zoning bylaw. The property was subsequently converted to a condominium form of ownership and Jemison is the record title holder of Unit 2, the Premises, which is improved with a single-family dwelling with approximately 2,494 square feet of ground cover. The Gardner Condominium and structures thereon otherwise conform to the intensity regulations of the VR zoning district.

Per the Zoning Board of Appeals Decision No. 040-04, the Board of Appeals allowed for the expansion of the units to 2,500 square feet of ground cover, per the condominium documents, as amended. Presently, Jemison is proposing to construct a pool cabana as shown on the site plan attached hereto as Exhibit B. The resulting ground cover for the Premises will be 3,309 square feet. The resulting ground cover for the entire condominium will be 2.9% in a zoning district that stipulates a maximum ground cover ratio of 10%. The other unit owners of the condominium have assented to this increase in ground cover and have agreed to amend the Master Deed in order to effectuate this change and said documentation will be forthcoming. The pool cabana was approved by the Historic District Commission by virtue of Certificate of Appropriateness No. HDC 2020-10-2155.

Accordingly, because the increase in ground cover to 3,309 square feet to 2.9% is well below the 10% maximum ground cover ratio and the other condominium unit owners have assented to this increase, the proposed request is in harmony with the purpose and intent of the Zoning Bylaw and a modification to the existing Special Permit may be granted.



ZONING REQUIREMENTS:

A PORTION THE SITE IS ZONED RESIDENTIAL 20 (R-20)

	REQUIRED
LOT AREA	20,000 S.F.
LOT FRONTAGE	75 FT.
FRONT YARD SETBACK	30 FT.
REAR YARD SETBACK	10 FT.
SIDE YARD SETBACK	10 FT.
MAX. GROUND COVER RATIO	12.5%

A PORTION SITE IS ZONED LIMITED USE 2 (LUG-2)

	REQUIRED
LOT AREA	80,000 S.F.
LOT FRONTAGE	150 FT.
FRONT YARD SETBACK	35 FT.
REAR YARD SETBACK	15 FT.
SIDE YARD SETBACK	15 FT.
MAX. GROUND COVER RATIO	4%

THE PROPOSED GROUND COVER RATIO FOR THE SITE IS 2.9%

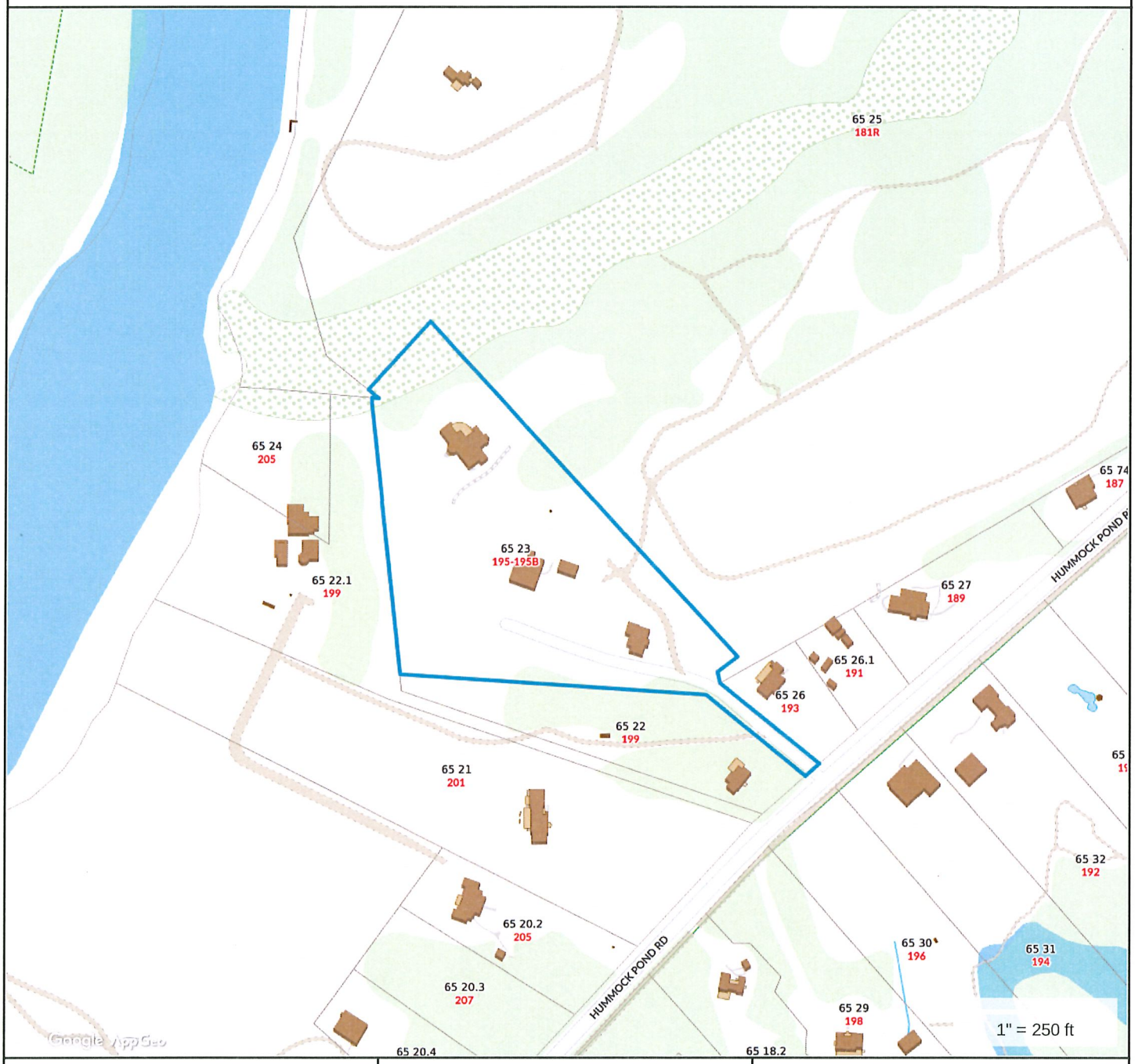
DATE: JULY 16, 2021 | REV. DATE:
PROJ.#: 18054 | SCALE: 1" = 80' | DRAWN BY: SKD | CHECK BY: DCM
ISSUED FOR: APPROVAL
PREPARED FOR: MICHAEL S. & KRISTINA ELIZABETH JEMISON

PROPOSED SITE PLAN

195C HUMMOCK POND ROAD
ASSESSOR'S MAP 65, PARCEL 23
NANTUCKET, MASSACHUSETTS

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673
F: 508-967-0674
WWW.SDE-LDEC.COM

Exhibit B



Property Information

Property ID	65 23.2
Location	195C HUMMOCK POND RD
Owner	JEMISON MICHAEL S & KRISTINA ELIZABETH

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 07/29/2021
Data updated Jan. 2021

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

LOT 195C

ZONE: R-20
AREA = 21,840 S.F. +/-
MIN. LOT SIZE: 20,000 S.F.
MIN. LOT FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR & SIDE SETBACK: 10 FT.
GROUND COVER RATIO (%): 12.5%

MAP 65, PARCEL 35
LAND BANK
NANTUCKET ISLANDS
N/F

MAP 65, PARCEL 221
RALPH L & JANE J. HARDY
N/F

N/F
NANTUCKET ISLANDS LAND BANK
MAP 65, PARCEL 25

EXISTING SILT FENCE TO REMAIN

BRUSH LINE

PROPOSED SEDIMENT AND GROWTH CONTROL FENCE

LIMIT OF WETLAND

LEE'S POND FLOOD ZONE

25 FT. WETLAND BUFFER

50 FT. WETLAND BUFFER

LAWN

POOL

POOL EQUIPMENT

PROPOSED GARAGE

PROPOSED DWELLING

GRAVEL SURFACED DRIVEWAY

EDGE OF LAWN (TYP.)

50-FOOT TO 100-FOOT BUFFER ZONE ON ABUTTING PROPERTY TO BE REPLANTED WITH NATIVE SEEDMIX AND SHRUBS (SEE NARRATIVE)

STONE RETAINING WALL

PROPOSED INFILTRATOR 6UC54 HIGH CAPACITY CHAMBERS

EXISTING LEACHING PIT TO BE REMOVED

PROPOSED RESERVE AREA

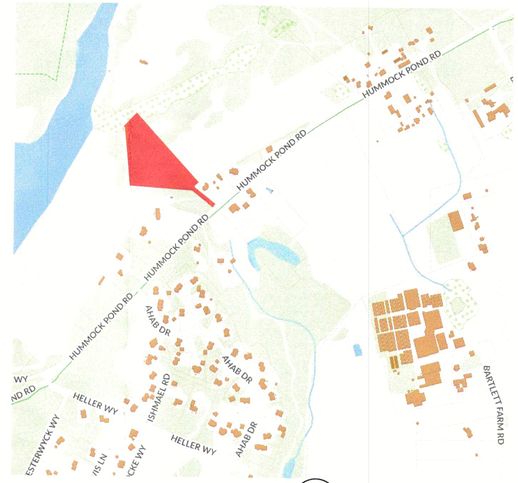
EXISTING 4" CAST IRON SEWER LINE

AREA = UNIT 2 RESTRICTED USE

RESTRICTED USE AREA - UNIT 1

AREA=21,840 S.F.± MAP 65, PARCEL 23.2

N



2 **Locus Map**

1 **PROPOSED SITE PLAN**
SCALE: 1" = 20'

APPROVED
HDC 2020-10-2155
No Exterior Changes
Without HDC Approval

RECEIVED
OCT 27 2020
By

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

Site Plan

Residence
195C Hummock Pond Rd
Nantucket, MA 02554
MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92
REVISED: October 27, 2020

All drawings and designs contained are the sole property of Botticelli & Pohl, P.C.
No publication or use of these documents is permitted without prior approval from Botticelli & Pohl, P.C.

ID #
L-1.1

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

1 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554

Assessors Map 65
Parcel 23.2
LUG-2/R-2

195-197 Hummock Pond Road
LC Plan 28915-A
Plan File 47-O
Deed Ref. 865/40

At a Public Hearing of the Nantucket Zoning Board of Appeals, held at 1:00 P.M., Friday, April 2, 2004, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, on the Application of the MICHAEL S. AND KRISTINA E. JEMISON, of 1155 Reading Building, Wyomissing, PA 19610, Board of Appeals File No. 040-04, the Board made the following Decision:

1. Applicants are seeking a MODIFICATION of SPECIAL PERMIT relief granted in the Decision in BOA File No. 043-96, which allowed alterations to the single-family dwelling with a maximum ground cover of about 2,225 square feet. Applicants are asking the Board to alter and expand the dwelling up to a maximum ground cover of about 2,489 square feet, and/or a ground cover not to exceed 2,500 square feet, as allowed in the existing condominium document for this unit. The Locus is nonconforming as to number of units with the lot containing three separate single-family dwellings in a district that allows a maximum number of two dwelling units on one lot. The Lot is also nonconforming as to frontage. The Lot is conforming as to ground cover and would continue to meet ground cover requirements after the expansion. The previous Decision did not restrict the ground cover on the Lot as a condition. However, it contains a chart in paragraph #3 that specifies the ground cover for all three units.

The Premises is located at **195 – 197 HUMMOCK POND ROAD, UNIT #2**, Assessor's Map 65, Parcel 23.2, Land Court Plan 28915-A, and Plan File 47-O. The property is zoned Residential-2 and Limited-Use-General-2.

2. The Decision is based upon the Application and the material submitted with it and the testimony and evidence presented at the Hearing. The Planning Board made no recommendation. There were two letters on file from the owners of Unit #1 and Unit #3 that supported the raise in ground cover for this unit to a maximum of 2500 square feet, stating that this was "exactly what is allowed by the Condominium documents".

3. The Applicants, through their representative, stated that the property was benefited by previous grants of Special Permit relief in the Decisions in BOA File Nos. 043-96 (subject Unit #2), 050-97 and 044-96 (Unit #3), and 057-98 and 042-96 (Unit #1). The property is nonconforming as to the number of dwelling units allowed on one lot, having three separate single-family dwellings, in a district that allows a maximum of two. Though all alterations, which were the subject of the previous Decisions, were conforming, relief is necessary to alter or expand any of the units. Applicants are now before the Board to ask that the maximum ground cover allowed for Unit #2 be modified to be 2500 square feet. In the Decision in BOA File No. 043-96 a list of the then existing and proposed ground cover figures was contained in evidentiary paragraph # 3 and not specified in paragraph #4 as part of the conditions. Applicants' unit was allowed to expand the ground cover to a maximum of 2225 square feet in said Decision. The

property has been transferred to new owners who are proposing to change the approved plans but did not have a new design as of the date of the public hearing. Applicants represented that each condominium unit is allowed in the condominium documents to construct up to a maximum ground cover of 2500 square feet and the Applicants are asking for the Decision to be modified to be consistent with this figure.

4. Based upon the foregoing, the Board finds that the Modification of the Decision in BOA File No. 043-96 to allow up to a maximum ground cover for Unit #2 of 2500 square feet without further relief from this Board, would not be substantially more detrimental to the neighborhood than the existing nonconforming situation, especially given the large size of the Lot and the location of the structures interior of the Lot. The Board further finds that there would no increase of any of the existing nonconformities, as there would continue to be three separate dwelling units on the site and any increase in ground cover to a maximum of 2500 square feet per unit would constitute a ground cover well below the maximum allowed on the site.

5. Accordingly, by a UNANIMOUS vote, the Board GRANTS the requested MODIFICATION of the SPECIAL PERMIT relief granted in the Decision in BOA File No. 043-96, to allow alteration and expansion of Unit #2 with a maximum ground cover of 2500 square feet without further relief from this Board.

Dated: June 21, 2004

Nancy J. Sevrens

C. Richard Loftin

Edward Toole

David Wiley

Edward Murphy

NANTUCKET TOWN CLERK
04 JUN 21 A11:16
RECEIVED

JUL 14 2004

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

TOWN CLERK

Nantucket County Received & Entered
Date: JUL 16 2004 Time: 1:50pm
Attest: Joanne L. Kelley Register of Deeds

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

End of Instrument

BOOK 0517 PAGE 236

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: September 20, 1996

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

Application No.: 043-96

Owner/Applicant: LINDA REID GARDNER (UNIT NO. 2)

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..

Michael J. O'Mara, 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.

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS

At a Public Hearing of the Nantucket Zoning Board of Appeals opened at 1:00 P.M. on Friday, August 9, 1996, in the Selectman's Meeting Room, Town and County Building, Broad Street, Nantucket, Massachusetts, on the Application of Linda Reid Gardner, for herself as Owner and Applicant in connection with property situated at Hummock Pond Road (Board of Appeals File No. 043-96). The Board made the following decisions:

1. In ZBA file 043-96, Applicant is seeking a SPECIAL PERMIT under Nantucket Zoning By-Law Section 139-33A (alteration/extension of a pre-existing non-conforming use/structure). Applicant proposes to renovate the single-family dwelling, by expanding the ground cover from 790 ± square feet to 2225 ± square feet. The structure is sited upon a lot that consists of two (2) merged lots, containing 211,840 ± square feet of area that is nonconforming as to frontage having only 25.38 feet of frontage along Hummock Pond Road in a district that requires a minimum frontage of 75 feet in the Residential - 2 district and 150 feet in the LUG-2 district. The majority of the property (including the portions containing all of the improvements) is zoned Residential - 2, with a portion of the property zoned Limited Use General - 2. The Locus is also non-conforming as to number of dwelling units on one lot, containing three (3) said to be pre-existing separate dwelling units in a zoning district that requires a maximum of two (2) dwelling units on one lot. There is no expansion of the garage structure appurtenant to Unit No. 2 proposed. See BOA File Nos. 042-96 and 044-96 for similar requests for Unit No. 1 and Unit No. 3, respectively. For Applicant's title, see Unit Deed recorded in Book 509, Page 84 at the Nantucket Registry of Deeds.

The premises is located at 195-197 HUMMOCK POND ROAD, Assessor's Map 65, Parcels 23 and 24, Plan File 47-0 and Land Court Plan 28915-A. The property is zoned Residential - 2 and Limited Use General - 2.

2. The Board's findings are based upon the Application papers and testimony received at the meeting on Friday, August 9, 1996. There was no opposition to the request SPECIAL PERMIT relief expressed at the public hearing and the Planning Board made no recommendation.

3. The Applicant is the owner of Unit 2. Three dwelling units have existed on this property since prior to 1972. Relief is requested in this and the related applications to renovate, alter and expand the dwelling units (now known as Units 1, 2, and 3 of the Gardner Condominium) as follows:

	Existing Ground Cover	Approx. Proposed Ground Cover
Unit One- dwelling only (Galen Gardner)	1230 ± sq. ft.	1550 ± sq. ft.
Unit Two (Linda Gardner)	790 ± sq. ft.	2225 ± sq. ft.
Unit Three (Shirley Gardner)	560 ± sq. ft.	1300 ± sq. ft.

The Board finds that given the size of the parcel and the modest nature of the additions proposed, the expansion of Unit 2 of the Gardner Condominium will not be substantially more detrimental to the neighborhood than the existing nonconformities.

4. Based on the foregoing findings, in connection with ZBA file No. 043-96, the Board hereby GRANTS, by a unanimous vote in favor of, the requested Special Permit under Nantucket Zoning By-Law Section 139-33A to allow the renovation and expansion of the structure known as Unit 2, substantially as shown on the plans approved by the Historic District Commission (Cert. of Appropriateness No. 20,332). The Board further, by unanimous vote, grants the requested waiver of the filing fee in connection with this application.

Dated: September 20 1996
Nantucket, MA

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 40 A, SECTION 17
Rebecca J. Coleman
TOWN CLERK

OCT 15 1996

Robert Leichter

Linda F. Williams

Dale Waine

Bill Hourihan

Michael O'Mara

OCT 16 1996
NANTUCKET COUNTY
REC'D ENTERED

2:25PM
SANDRA M CHADWICK
ATTEST REGISTER

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
SEP 20 1996
TIME: 11:55 A
CLERK:

End of Instrument

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Michael S. Jemison + Kristin Elizabeth Jem.

MAILING ADDRESS..... 2038 Meadow Glen, Wyomissing, PA 19610

PROPERTY LOCATION..... 195 C Hummock Pond Road

ASSESSOR MAP/PARCEL..... 65/23

SUBMITTED BY..... Glidden + Bordon, PC

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: 2021.08.04 11:54:53 -04'00'

9-4-2021

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
65	18	2	OLBRES JASON A & MARKS NICHOLE L		PO BOX 1602	NANTUCKET	MA	02554	200 HUMMOCK POND RD
65	20		BARTLETT HENRY D TR	BARTLETT FAMILY TRUST	5330 CHAMBREY COURT	COLORADO SPRINGS	CO	80919	211 HUMMOCK POND RD
65	20	2	BARTLETT REBECCA M		205 HUMMOCK POND RD	NANTUCKET	MA	02554	205 HUMMOCK POND RD
65	21		DOOLEY JOHN P SR & JEANNE M TR		PO BOX 455	NANTUCKET	MA	02554	201 HUMMOCK POND RD
65	22		ROGERS ERIC M & SUSAN P		199 HUMMOCK POND RD	NANTUCKET	MA	02554	199 HUMMOCK POND RD
65	22	1	HARDY RALPH L & JANE J TRS	HARDY FAMILY NOMINEE TRUST	4 SOMERSET RD	NANTUCKET	MA	02554	199 A HUMMOCK POND RD
65	23	1	KRINSKY JENNY L TRST ETAL		361 STONE POND RD	MARLBOROUGH	NH	03455	195B HUMMOCK POND RD
65	23	2	JEMISON MICHAEL S & KRISTINA ELIZABETH		2038 MEADOW GLEN	WYMOMISSING	PA	19610	195C HUMMOCK POND RD
65	23	3	GARDNER RICHARD M JR & HAZEL K		126 PARKER ST APT 12A	ACTON	MA	01720	197 HUMMOCK POND RD
65	24		KENNEDY ROBERT E TR	R ERIC KENNEDY TRUST	2043 RANDOM RD #304	CLEVELAND	OH	44106	205 R HUMMOCK POND RD
65	25		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	181 HUMMOCK POND RD
65	25	1	NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	181R HUMMOCK POND RD
65	26		HARDY JAMES M & ARLENE S		193 HUMMOCK POND RD	NANTUCKET	MA	02554	193 HUMMOCK POND RD
65	26	1	HARDY JAMES M & ARLENE S		193 HUMMOCK POND ROAD	NANTUCKET	MA	02554	191 HUMMOCK POND RD
65	27		MACCORMICK ALEXANDER C ETAL		152 FEEKS LANE	LOCUST VALLEY	NY	11560	189 HUMMOCK POND RD
65	29		POWERS-TASCH PATRICIA		198 HUMMOCK POND RD	NANTUCKET	MA	02554	198 HUMMOCK POND RD
65	30		CHERNER STEPHEN P TR	C/O MAXIM FINANCIAL CORP	1482 EAST VALLEY ROAD STE 847	SANTA BARBARA	CA	93018	196 HUMMOCK POND RD
65	31		CHERNER STEPHEN P TR	C/O MAXIM FINANCIAL CORP	1482 EAST VALLEY RD STE 847	SANTA BARBARA	CA	93018	194 HUMMOCK POND RD
65	32		CHERNER STEPHEN P & VICKERY ME	C/O MAXIM FINANCIAL CORP	1482 EAST VALLEY RD STE 847	SANTA BARBARA	CA	93018	192 HUMMOCK POND RD
65	35		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	HUMMOCK POND RD

Count : 20

OLBRES JASON A & MARKS NICHOLE L
PO BOX 1602
NANTUCKET, MA 02554

BARTLETT HENRY D TR BARTLETT FAMILY TRUST
5330 CHAMBREY COURT
COLORADO SPRINGS, CO 80919

BARTLETT REBECCA M
205 HUMMOCK POND RD
NANTUCKET, MA 02554

DOOLEY JOHN P SR & JEANNE M TR
PO BOX 455
NANTUCKET, MA 02554

ROGERS ERIC M & SUSAN P
199 HUMMOCK POND RD
NANTUCKET, MA 02554

HARDY RALPH L & JANE J TRS HARDY FAMILY NOMINEE TRUST
4 SOMERSET RD
NANTUCKET, MA 02554

KRINSKY JENNY L TRST ETAL
361 STONE POND RD
MARLBOROUGH, NH 03455

JEMISON MICHAEL S & KRISTINA ELIZABETH
2038 MEADOW GLEN
WYMOMISSING, PA 19610

GARDNER RICHARD M JR & HAZEL K
126 PARKER ST, APT 12A
ACTON, MA 01720

KENNEDY ROBERT E TR R ERIC KENNEDY TRUST
2043 RANDOM RD #304
CLEVELAND, OH 44106

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

HARDY JAMES M & ARLENE S
193 HUMMOCK POND RD
NANTUCKET, MA 02554

HARDY JAMES M & ARLENE S
193 HUMMOCK POND RD
NANTUCKET, MA 02554

MACCORMICK ALEXANDER C ETAL
152 FEEKS LANE
LOCUST VALLEY, NY 11560

POWERS-TASCH PATRICIA
198 HUMMOCK POND RD
NANTUCKET, MA 02554

CHERNER STEPHEN P TR C/O MAXIM FINANCIAL CORP
1482 EAST VALLEY ROAD, STE 847
SANTA BARBARA, CA 93018

CHERNER STEPHEN P TR C/O MAXIM FINANCIAL CORP
1482 EAST VALLEY RD, STE 847
SANTA BARBARA, CA 93018

CHERNER STEPHEN P & VICKERY ME C/O MAXIM FINANCIAL CORP
1482 EAST VALLEY RD, STE 847
SANTA BARBARA, CA 93018

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

Letters

Jason Olbres and Nichole Marks 200 Hummock Pond Rd Nantucket, MA 02554

Town of Nantucket Board of Appeals Nantucket MA 02554

Dear Leslie Snell, Nickesha Sheriff, and Susan McCarthy,

August 31, 2021

I am writing to express my opposition to allowing the applicant at 195c Hummock Pond Rd for any additional ground cover for their pool cabana. I feel the Board should take the following into consideration when reviewing this application.

The proposed cabana reads more like a guest house given the amount of proposed round cover of 815SF, and the "Playroom" has a closet and direct access to the full bathroom. While the plans and applications may be calling it a cabana, I feel given the size and amenities it will function more like guest house (or dwelling).

Allow the application states that they may be "conforming" to the ground cover ratio for their current zoning districts for the entire property of the condominium, they remain non-conforming due to the number of dwelling, and adding this structure, which reads more like a dwelling, would exacerbate this non-conformity.

Further, while they may be well under their current G.C. ratio for the entire condominium, I would gather that respective to their exclusive use area, that they are over this ratio since roughly half of that area is LUG-2. Their exclusive use area seems dense compared to the other units which have 1,172sf GC (Unit 1) and 1,699sf GC (Unit 3). The applicants 3304sf GC would be almost 15% greater than the other 2 units combined, or 65% greater than Unit 1 and 48% greater than Unit 3.

While the application states that revised condo documents are forthcoming, they are not here in the record, and they should be included with this application with the submission to the Board since according to this application their ground cover would be greater than the current condo docs allow.

Additionally, the location and proximity to Land Bank's Gardner Property does not seem to respect the special character that open space contributes to our island.

Sincerely,

Jason Olbres

New Business

Adam Delaney-Winn

File No. 22-21

40 Warren's Landing Rd

Appeal

PAID SEP 03 2021

RECEIVED SEP 02 2021 By

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No. 22-21**

Owner's name(s): **Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust**

Mailing address: **c/o Reade, Gullicksen, Hanley & Gifford, LLP**
6 Young's Way, Post Office Box 2669, Nantucket, Massachusetts 02584

Phone Number: **508-228-3128** E-Mail: **air@readelaw.com**

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: **Same** E-Mail: **Same**

Locus Address: **40 Warren's Landing Road** Assessor's Map/Parcel: **38-45**

Land Court Plan. **16956-E, Lot 10**

Certificate of Title: **27280** Zoning District **Limited Use General-2 (LUG-2)**

Uses on Lot- Commercial: **None**

Residential: Number of dwellings **One**

Date of Structure(s): all pre-date 7/72 **Yes**

Building Permit Numbers:

Previous Zoning Board Application Numbers:

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

The property owner hereby appeals from the determination made by Marcus Silverstein, as Zoning Enforcement Officer, that the access to locus from Blue Heron Way is in violation of the provisions of Nantucket Zoning By-law §139-20.1.B(1) because there is an additional driveway access to locus from Warren's Landing Road. The appellant avers that the provisions of §139-20.1.B(1) are inapplicable. The existence of two driveway accesses to locus pre-exists the adoption of §139-20.1 by the 1998 Annual Town Meeting, and as a pre-existing, nonconforming condition is entitled to continue in existence and is protected against enforcement. See attached e-mail response by Mr. Silverstein dated August 31, 2021 to letter from Arthur I. Reade, Jr., dated August 30, 2021.

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: ***Adam Delaney-Winn, Trustee*** Owner*

By: _____

SIGNATURE: _____ ~~Applicant~~/Attorney/Agent

Arthur I. Reade, Jr.

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:__/__/__

READE GULLICKSEN HANLEY & GIFFORD LLP
SIX YOUNGS WAY
PO BOX 2669
NANTUCKET, MA 02584-2669

EXPLANATION	AMOUNT

21454

53-447/113
371

CHECK ARMOR FRAUD PROTECTION

PAY AMOUNT OF Four hundred fifty and 00/100 DOLLARS

Security Features Details on Back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
9/1/2021	Town of Nantucket	40 Unrestricted Way 2021	21454

$ 450.00

NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST

AUTHORIZED SIGNATURE

⑈021454⑈ ⑆011304478⑆ 88901636 7⑈

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN
MARIANNE HANLEY
WHITNEY A. GIFFORD

(508) 228-3128
FAX: (508) 228-5630

MAILING ADDRESS:

POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

August 30, 2021

Marcus Silverstein,
Zoning Enforcement Officer
Planning and Land Use Services
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: 40 Warren's Landing Road
Parcel 38-45

Dear Marcus:

I have obtained from the Conservation Commission a copy of the letter sent to you by members of the Buttrick family, dated August 25, 2021, requesting action regarding the driveway access to 40 Warren's Landing Road from the right of way known as Blue Heron Way. I represent Warren's Landing Nominee Trust, owner of this property.

The access between locus and Blue Heron Way has been in existence since prior to the amendment of the Nantucket Zoning By-law to limit driveway access points, and the dual access from Blue Hero Way and Warren's Landing Road is accordingly a pre-existing, nonconforming situation, grandfathered accordingly. Locus has express, appurtenant easement rights in Blue Heron Way.

Accordingly, it would be inappropriate for any action to be taken by the Town against the access driveway to and from Blue Heron Way.

Thank you for your consideration.

Sincerely,

Arthur I. Reade, Jr.
air@readelaw.com

AIR/irv

cc: Sarah F. Alger, Attorney

Jeff Carlson, Conservation Commission

Arthur Reade

From: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Sent: Tuesday, August 31, 2021 8:15 AM
To: Arthur Reade
Cc: Jeff Carlson; 'Sarah F. Alger (sfa@sfapc.com)'; Paul Murphy; Megan Trudel
Subject: RE: 40 Warren's Landing Road

Arthur,

Unfortunately, the matter of the un-permitted secondary access at 40 Warren's Landing Rd. (Map# 38, Parcel# 45) remains an open violation dating to the first citation issued on October 16, 2019. A second citation was issued March 3, 2020. No appeal of the October 16, 2019 order was filed within the statutory appeal period and the violation stands. Furthermore, the secondary access is not a pre-existing nonconforming use. Although the 1971 aerial does show an access in the same or similar location, said access was closed some years prior to the 1998 bylaw and reestablished sometime between 1998 and 2003 without the required special permit.

The Warren's Landing Nominee Trust, Adam Delaney-Winn, Tr., is given five (5) days from the date of this email to either apply to the Planning Board for the required Special Permit for a secondary access, or close the access to vehicular traffic until such a time that the required permit(s) is/are obtained. Failure to comply will result in additional citations and fines.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Arthur Reade <air@readelaw.com>
Sent: Monday, August 30, 2021 2:55 PM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: Jeff Carlson <JCarlson@nantucket-ma.gov>; 'Sarah F. Alger (sfa@sfapc.com)' <sfa@sfapc.com>
Subject: 40 Warren's Landing Road

Marcus,

Please see attached letter.

Thank you.

Arthur
8/30/2021

****

Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust

MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP

PROPERTY LOCATION..... 40 Warren's Landing Road

ASSESSOR MAP/PARCEL..... 38-45

SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

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: 2021.09.01 14:50:10 -04'00'

9-1-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

BUTTRICK HAROLD & ANN TRSTS
BUTTRICK NANTUCKET TRUST
110 RIVERSIDE DR APT 15D
NEW YORK, NY 10024

DRAKE DANIEL W & JUDITH S
P O BOX 194
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

DELOGU JOSEPH D
5310 37TH ST NORTH
ARLINGTON, VA 22207

HAFFENREFFER P R & WOODBURN R
C/O HEMENWAY & BARNES LLP
75 STATE STREET 16TH FLOOR
BOSTON, MA 02109-1466

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

FINNEGAN MARK D & HILARY B
126 OAK HILL RD
HARVARD, MA 01451

DELANEY-WINN ADAM TR
WARRENS LANDING NOM TRUST
192 MEADOWBROOK RD
WESTON, MA 02493

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

LYNCH HELEN M
1105 PARK AVE APT 12A
NEW YORK, NY 10128

BEAUMONT C DAVID & SUSAN
PO BOX 2990
NANTUCKET, MA 02584

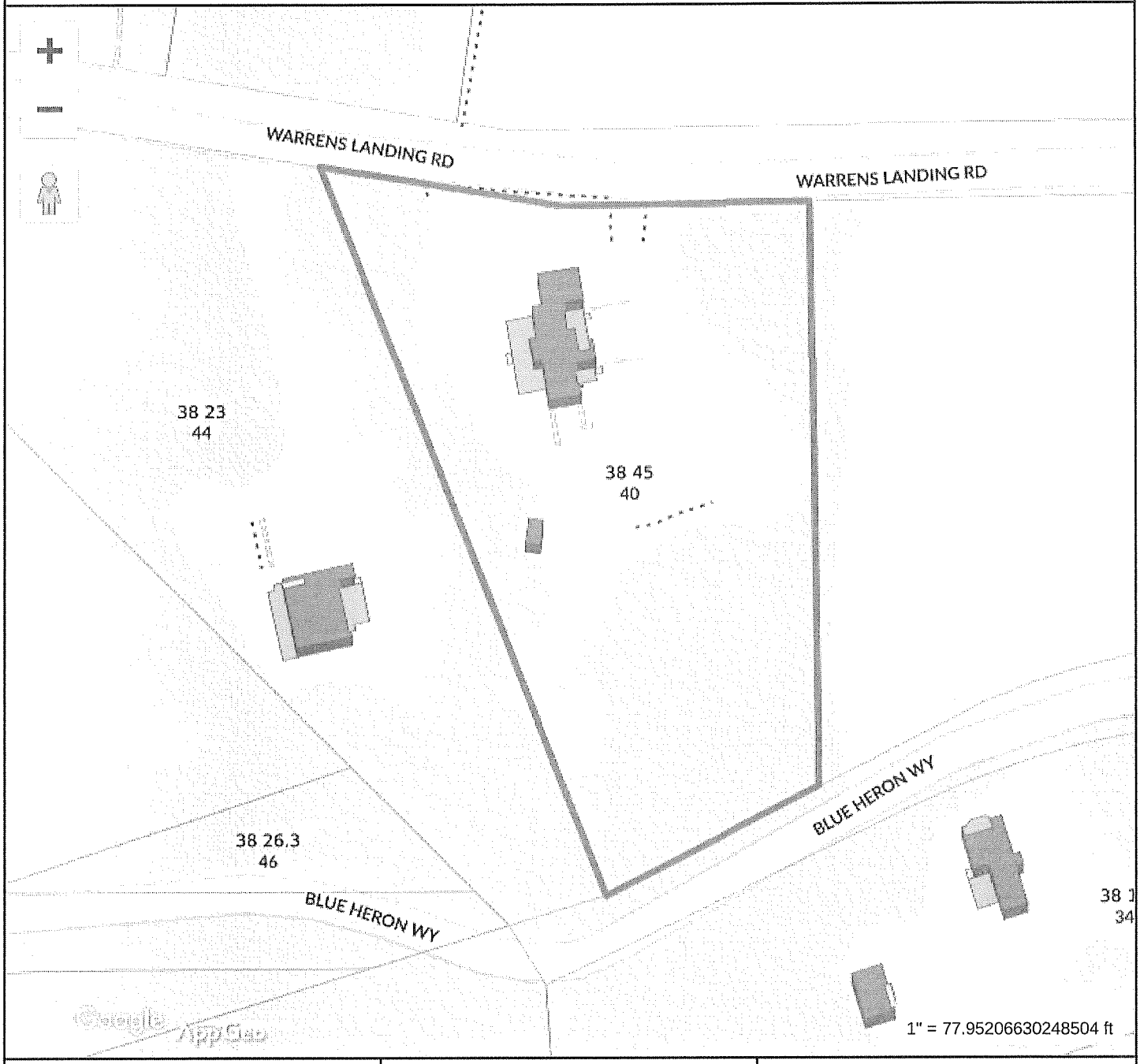
MALLOY JOHN M TR ETAL
MALLOY JOHN M TRUST AGREEMENT
PO BOX 176
NANTUCKET, MA 02554

STERLING JAMIE
1508 FOXHALL ROAD NW
WASHINGTON, DC 20007

FAR EAST NANTUCKET LLC
575 FAR HILL RD
WAYZATA, MN 55391

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

40 Warren's Landing Road Parcel 38-45



Property Information

Property ID	38 45
Location	40 WARRENS LANDING RD
Owner	DELANEY-WINN ADAM TR

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 07/29/2021
Data updated Jan. 2021

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

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
38	11		BUTTRICK HAROLD & ANN TRSTS	BUTTRICK NANTUCKET TRUST	110 RIVERSIDE DR APT 15D	NEW YORK	NY	10024	34 WARRENS LANDING RD
38	11	4	DRAKE DANIEL W & JUDITH S		P O BOX 194	NANTUCKET	MA	02554	32 WARRENS LANDING RD
38	12		NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	34R WARRENS LANDING RD
38	23		DELOGU JOSEPH D		5310 37TH ST NORTH	ARLINGTON	VA	22207	44 WARRENS LANDING RD
38	26	1	HAFFENREFFER P R & WOODBURN R	C/O HEMENWAY & BARNES LLP	75 STATE STREET 16TH FLOOR	BOSTON	MA	02109-1466	10 BLUE HERON WY
38	26	3	NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	46 WARRENS LANDING RD
38	44		FINNEGAN MARK D & HILARY B		126 OAK HILL RD	HARVARD	MA	01451	36 WARRENS LANDING RD
38	45		DELANEY-WINN ADAM TR	WARRENS LANDING NOM TRUST	192 MEADOWBROOK RD	WESTON	MA	02493	40 WARRENS LANDING RD
38	46		NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	46 WARRENS LANDING RD
38	49		LYNCH HELEN M		1105 PARK AVE APT 12A	NEW YORK	NY	10128	43 WARRENS LANDING RD
38	50		BEAUMONT C DAVID & SUSAN		PO BOX 2990	NANTUCKET	MA	02584	35 WARRENS LANDING RD
38	51		MALLOY JOHN M TR ETAL	MALLOY JOHN M TRUST AGREEMENT	PO BOX 176	NANTUCKET	MA	02554	39 WARRENS LANDING RD
38	53		STERLING JAMIE		1508 FOXHALL ROAD NW	WASHINGTON	DC	20007	45 WARRENS LANDING RD
38	54		FAR EAST NANTUCKET LLC		575 FAR HILL RD	WAYZATA	MN	55391	47 WARRENS LANDING RD
38	55		COHEN STEVEN L TR		PO BOX 786	NANTUCKET	MA	02554	49 WARRENS LANDING RD

Count: 15

BUTTRICK HAROLD & ANN TRSTS
BUTTRICK NANTUCKET TRUST
110 RIVERSIDE DR APT 15D
NEW YORK, NY 10024

DRAKE DANIEL W & JUDITH S
P O BOX 194
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

DELOGU JOSEPH D
5310 37TH ST NORTH
ARLINGTON, VA 22207

HAFFENREFFER P R & WOODBURN R
C/O HEMENWAY & BARNES LLP
75 STATE STREET 16TH FLOOR
BOSTON, MA 02109-1466

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

FINNEGAN MARK D & HILARY B
126 OAK HILL RD
HARVARD, MA 01451

DELANEY-WINN ADAM TR
WARRENS LANDING NOM TRUST
192 MEADOWBROOK RD
WESTON, MA 02493

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

LYNCH HELEN M
1105 PARK AVE APT 12A
NEW YORK, NY 10128

BEAUMONT C DAVID & SUSAN
PO BOX 2990
NANTUCKET, MA 02584

MALLOY JOHN M TR ETAL
MALLOY JOHN M TRUST AGREEMENT
PO BOX 176
NANTUCKET, MA 02554

STERLING JAMIE
1508 FOXHALL ROAD NW
WASHINGTON, DC 20007

FAR EAST NANTUCKET LLC
575 FAR HILL RD
WAYZATA, MN 55391

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

Planning and Land Use Services

October 1, 2021

Re: ZBA File #22-21: Delaney-Winn, 40 Warren's Landing Appeal

Dear Board Members,

On October 16, 2019, a Violation Notice was issued to the owner(s) [Owner] of 40 Warren's Landing Rd. (Map# 38, Parcel# 45) pertaining to use of a secondary driveway access without the required Planning Board-issued special permit (Zoning Code §139-20.1B(1)). No appeal was filed within the statutorily required thirty (30) days that ended on or about November 15, 2019. A follow-up notice and fine were issued on March 3, 2020. And on August 31, 2021, it was conveyed through the Owner's current counsel that the matter remains unresolved. Also through counsel, Owner was given five (5) days from that date to file a request with the Planning Board or close the access to vehicular use.

The current appeal is unlawful due to a lack of timeliness. Although the August 31, 2021 response to the Owner is arguably "an order or decision" within the context of §139-31A(2), it is a continuation of the original October 16, 2019 order for which the appeal period is long expired. Signaling that a property owner can ignore a lawfully issued order, their statutory obligations, and subsequent orders for as long as they choose only to have a chance to vacate the order on appeal at some point in the future is bad practice and falls well outside the spirit and intent of local and state laws governing appeals.

Finally, the courts treat deadlines like appeal periods very seriously and the Board should as well. While the Owner arguably has a right to appeal the August 31, 2021 email, they do not necessarily have the right to have said appeal heard. I believe it is within the Board's authority to open the hearing, immediately entertain a vote to deny this appeal based on the lack of timeliness and vote to do so.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

Planning and Land Use Services

October 16, 2019

Warren's Landing Nominee Trust
c/o Davidson Perry-Miller
85 Newton St.
Weston, MA 02493

File #19-19842

Dear Mr. Perry-Miller,

Please be advised that your property at **40 Warren's Landing Rd.** (Map# 38, Parcel# 45) is in violation of the following section(s) of the Nantucket Zoning Code, and you are subject to fines as allowed in §139-25C(1) of said code:

> **§139-20.1B(1)**: Installation of secondary driveway access/curb-cut without the required Special Permit.

Pursuant to MGL Ch. 40A, §7, and §139-25 of the Nantucket Zoning Code, you are ORDERED to apply for and receive the required Special Permit for the secondary access or close said access to vehicular use. Additionally, **you are hereby fined one hundred dollars ($100)** for the above violation(s) on October 16, 2019.

Failure to comply with this order will result additional fines for each violation and day the violations persist, and possible legal action through the court system.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket



Property Information

Property ID	38 45
Location	40 WARRENS LANDING RD
Owner	DELANEY-WINN ADAM TR

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 07/29/2021
Data updated Jan. 2021

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

Map Theme Legends

Aerial Photo, 1998

PARCELS



Property Information

Property ID	38 45
Location	40 WARRENS LANDING RD
Owner	DELANEY-WINN ADAM TR

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 07/29/2021
Data updated Jan. 2021

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

Map Theme Legends

Aerial Photo, 2003

PARCELS

Letters

Marcus Silverstein

From: Brian Elworthy <belworthy@gmail.com>
Sent: Tuesday, November 05, 2019 1:34 PM
To: Marcus Silverstein
Cc: nantucketproperties@gmail.com; Paul Murphy
Subject: Re: 40 Warren's Landing - Aerial Photos

Thanks for the prompt response, Marcus.

I respectfully disagree with this and so I'm going to turn it over to my attorney who will be in touch with you.

Thanks,

Brian Elworthy

On Tue, Nov 5, 2019 at 12:21 PM Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Brian,

Thank you for providing the additional information. Unfortunately, the issue pertaining to a secondary access without the required special permit remains.

For a structure and/or use to be considered "pre-existing nonconforming" the structure and/or use must pre-exist the adoption of or change to the zoning bylaw that created the nonconformity and remain in existence and/or use since that time. Per the attached 1998 aerial, neither the pass-thru nor the access shown on the provided 1971 aerial are in existence on or around the time of the 1998 bylaw. The rear access was reestablished sometime between the 1998 and 2003 aerials but without the special permit that was then required.

As such, you are required to either receive the necessary special permit to maintain the secondary access, close said access to vehicular use, or successfully appeal the October 16, 2019 order.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

-----Original Message-----
From: Brian Elworthy <belworthy@gmail.com>
Sent: Monday, November 04, 2019 11:56 AM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: nantucketproperties@gmail.com
Subject: 40 Warren's Landing - Aerial Photos

Hi Marcus-

We spoke last week regarding my property's access to Blue Heron.

We reached out to our environmental engineer, Nantucket Engineering & Survey, PC, to provide the support that you

need to clarify our access rights.

You'll see from the attached a clear access point (actually two access points) has been in existence since as early as 1971. The subsequent photos show the maintenance of the access point in question since then, including through the date of the 1998 bylaws passage, to the present date.

I hope that this helps clarify any confusion. Would appreciate your conveying this if ever it gets questioned again. Given our plan to make infrequent use of that access point over time, I hope and suspect it will not.

Let me know if you have any questions.

Thanks,

Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

--
Brian Elworthy
c: 978.204.8705
e: belworthy@gmail.com

Marcus Silverstein

From: Brian Elworthy <belworthy@gmail.com>
Sent: Monday, November 04, 2019 11:56 AM
To: Marcus Silverstein
Cc: nantucketproperties@gmail.com
Subject: 40 Warren's Landing - Aerial Photos
Attachments: HistoricAerials.pdf; ATT00002.txt

Hi Marcus-

We spoke last week regarding my property's access to Blue Heron.

We reached out to our environmental engineer, Nantucket Engineering & Survey, PC, to provide the support that you need to clarify our access rights.

You'll see from the attached a clear access point (actually two access points) has been in existence since as early as 1971. The subsequent photos show the maintenance of the access point in question since then, including through the date of the 1998 bylaws passage, to the present date.

I hope that this helps clarify any confusion. Would appreciate your conveying this if ever it gets questioned again. Given our plan to make infrequent use of that access point over time, I hope and suspect it will not.

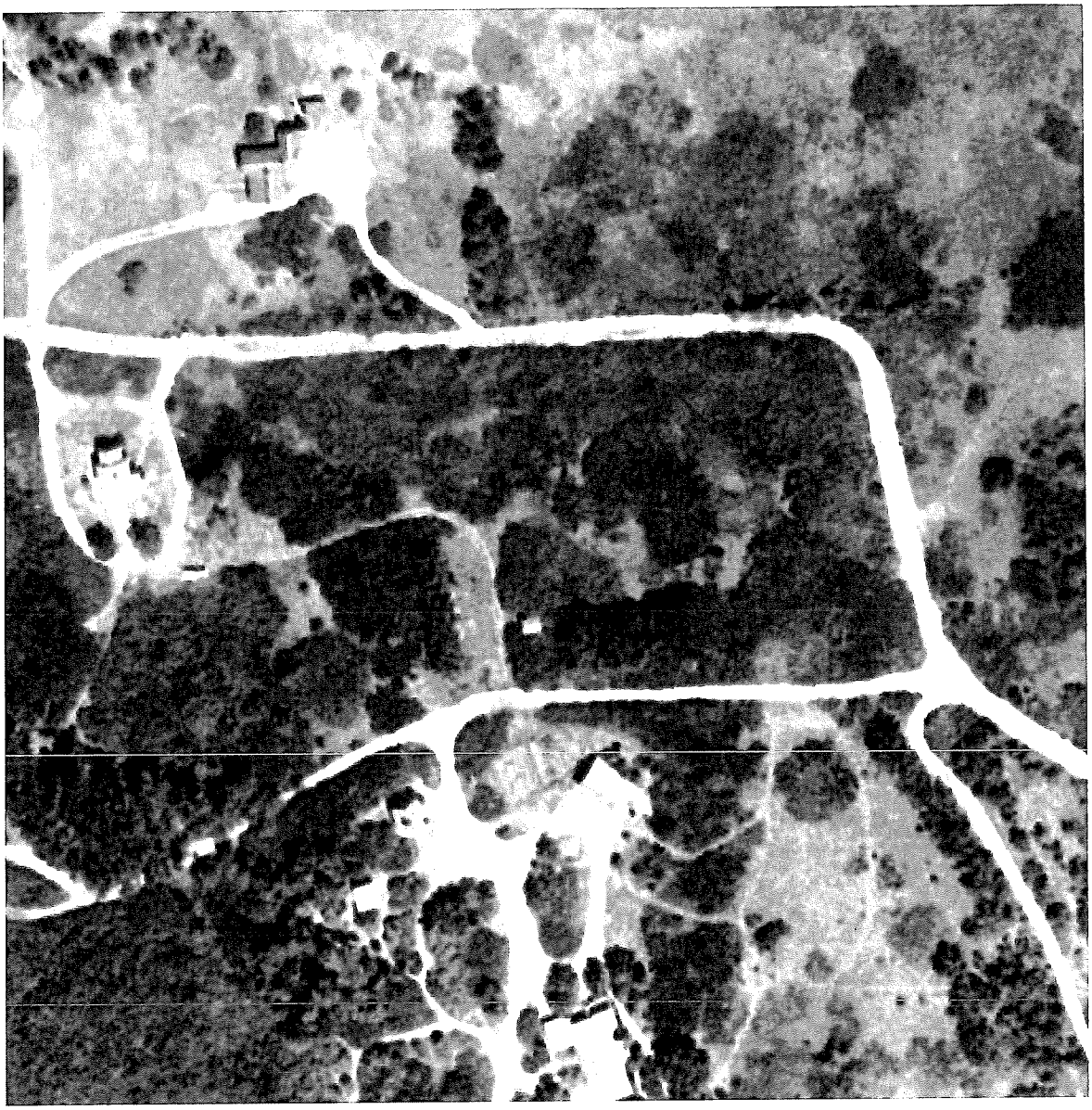
Let me know if you have any questions.

Thanks,

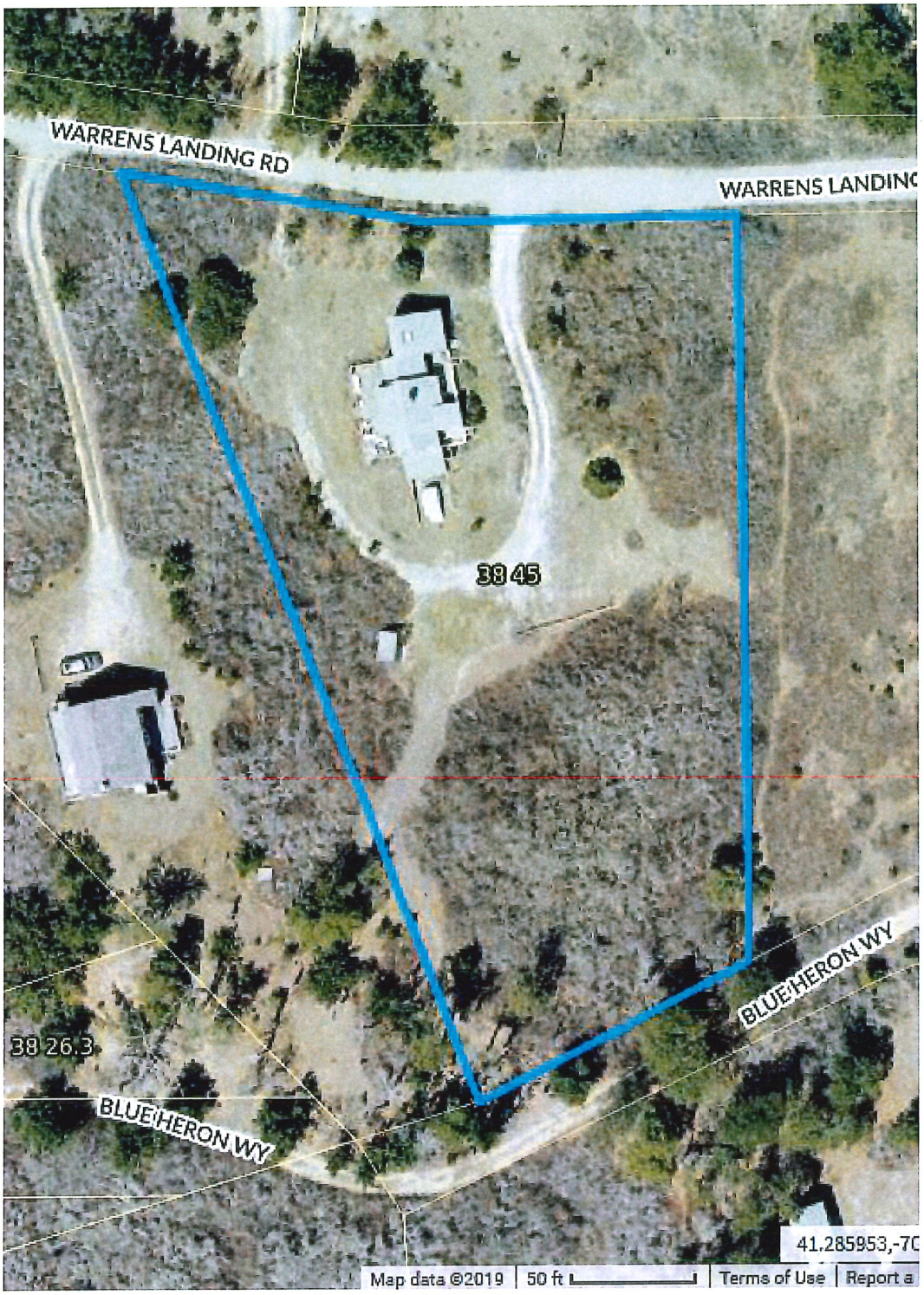
Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

40 Warren's Landing Road – Historic Aerials

1971:



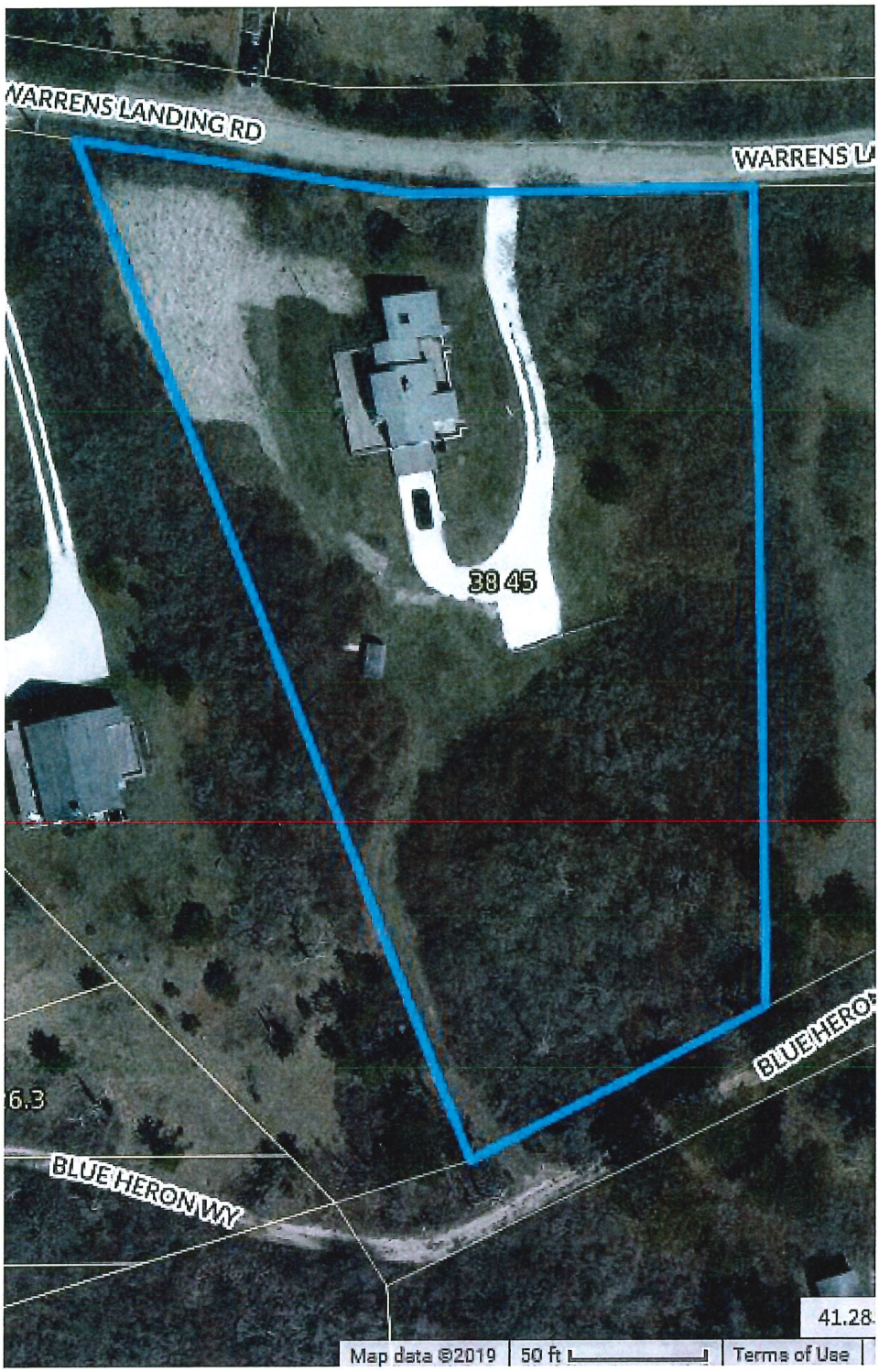
2003:


WARRENS LANDING RD
WARRENS LANDING
38 45
38 26.3
BLUE HERON WY
BLUE HERON WY
41.285953,-70
Map data ©2019
50 ft
Terms of Use
Report a

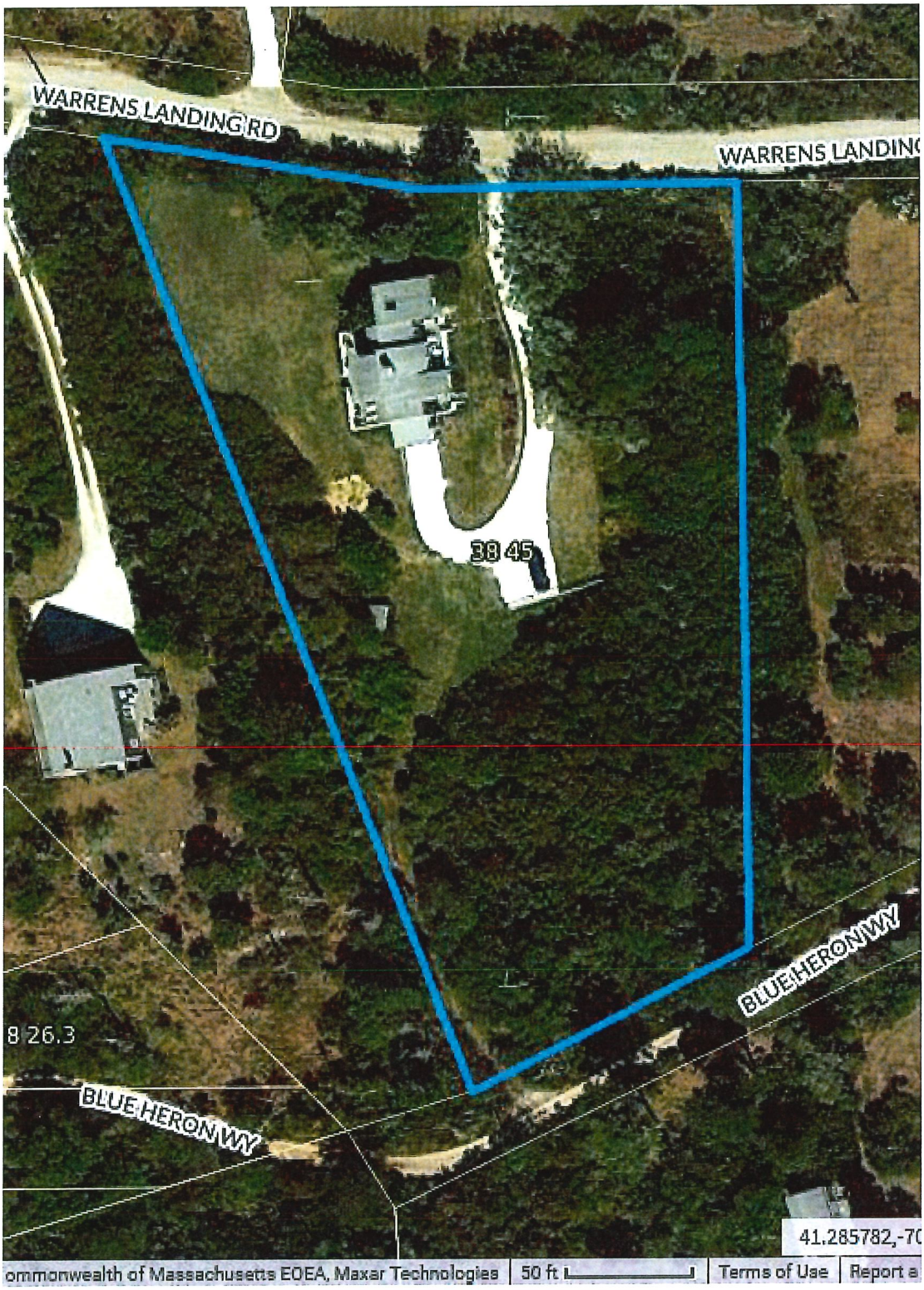
2011:


WARRENS LANDING RD
WARRENS LANDING R
38 45
38 26.3
BLUE HERON WY
BLUE HERON WY
41.285812,-70.1
Map data ©2019
50 ft
Terms of Use
Report a ma

2014:


WARRENS LANDING RD
WARRENS LA
3845
BLUE HERON WY
6.3
41.28
Map data ©2019
50 ft
Terms of Use

2018:


WARRENS LANDING RD
WARRENS LANDING
38 45
BLUE HERON WY
8 26.3
BLUE HERON WY
41.285782,-7
ommonwealth of Massachusetts EOEA, Maxar Technologies
50 ft
Terms of Use
Report a

Planning and Land Use Services

March 3, 2020

Warren's Landing Nominee Trust
c/o Adam Delaney-Winn, Trs.
85 Newton St.
Weston, MA 02493

File #20-2841

Dear Mr. Delaney-Winn,

Please be advised that your property at **40 Warren's Landing Rd.** (Map# 38, Parcel# 45) is in violation of the following section(s) of the Nantucket Zoning Code, and you are subject to fines as allowed in §139-25C(1) of said code:

> **§139-20.1B(1):** Installation of secondary driveway access/curb-cut without the required Special Permit.

Pursuant to MGL Ch. 40A, §7, and §139-25 of the Nantucket Zoning Code, you are ORDERED to apply for and receive the required Special Permit for the secondary access or close said access to vehicular use. Additionally, **you are hereby fined one hundred dollars ($100)** for the above violation(s) on March 2, 2020.

Failure to comply with this order will result additional fines for each violation and day the violations persist, and possible legal action through the court system.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

7008 1830 0003 8937 4489

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To: Warren's Landing NT
Street, Apt. No., or PO Box No.: C/o Delaney - Winn, Tr.
City, State, ZIP+4: 02493 Del/War

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Warrens Landing N.T.
C/o Adam Delaney-Winn, Tr.
85 Newton St.
Weston, MA 02493

9590 9402 3942 8060 9337 22

2. Article Number (Transfer from service label)
7008 1830 0003 8937 4489

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Del/War

PS Form 3811, July 2015 PSN 7530-02-000-9053 — Domestic Return Receipt

DEPARTMENT FILE NO. 21-27232

Town of Nantucket Massachusetts

VIOLATION NOTICE

A 27232

DATE NOTICE WRITTEN: 7/1/21

DEPARTMENT: ☐ POLICE ☐ HEALTH ☐ BUILDING ☐ MARINE ☐ H.D.C. ☐ _____

VIOLATOR

NAME (Last, First, Initial)

ADDRESS

CITY/TOWN STATE ZIP

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor))

ADDRESS

CITY/TOWN STATE ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE

OFFENSE(s)

DATE OF VIOLATION

LOCATION OF VIOLATION

TIME ☐ AM ☐ PM

	VIOLATION CODE	FINE
A.		
B.		

OFFICER: CHECK ONE ONLY ☐ WARNING ☐ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR | ID NO. | ☐ BY HAND ☐ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE

X

WITNESSES:

153

Marcus Silverstein

From: Marcus Silverstein
Sent: Thursday, July 23, 2020 11:58 AM
To: belworthy@gmail.com
Cc: nantucketproperties@gmail.com; Paul Murphy; Jeff Morash; Jim Barry; Megan Trudel
Subject: RE: 40 Warren's Landing - Aerial Photos

Brian,

Ticket #27222 was issued to then-Trustee Davidson Perry-Miller. The fact you say the fine was paid is confusing since that ticket was also appealed by Mr. Perry-Miller, which was slated to be heard at District Court on July 9, 2020.

The hearing scheduled for August 18, 2020 concerns Ticket #27232 (Incident report #20-2841; issued to Trustee Adam Delaney-Winn on March 3, 2020 for $300).

Per §139-20.1B(1) of the Nantucket Zoning Code, "No more than one driveway access shall be allowed on a lot. However, the Planning Board may grant a waiver to allow two or more driveway accesses in accordance with § **139-20.1C**." The width of the existing secondary access is sufficient to permit its use by vehicles and is far in excess of what is necessary for pedestrian access. Pedestrian access is not at issue here. As such, you must either close the access to prohibit use by vehicles or receive the required special permit through the Nantucket Planning Board.

Please let me know of your decision by August 6, 2020.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Brian Elworthy <belworthy@gmail.com>
Sent: Thursday, July 23, 2020 9:40 AM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: nantucketproperties@gmail.com; Paul Murphy <pmurphy@nantucket-ma.gov>; Jeff Morash <jmorash@nantucket-ma.gov>; Jim Barry <jbarry@nantucket-ma.gov>; Megan Trudel <mtrudel@nantucket-ma.gov>
Subject: Re: 40 Warren's Landing - Aerial Photos

Marcus-

Thanks for your response. The trustee did not request an appeal- at the time we had no desire to address this issue. In fact, we mailed a check to you back in November and the Town cashed a check for the amount of $100; the check was number 419 and the memo clearly noted it was for violation of #27222. It was cashed on November 22, 2019. What am I missing?

Also, I asked my attorney (Don Pinto of Pierce Atwood, who has a lot of familiarity with the Town) to look into the bylaws and determine what, if anything, the Town can do to force me to take steps on my own land. Can you please point to the authority that gives the Town the ability to force me to erect a fence or plantings? The bylaws simply require me to stop using the driveway (which I have agreed to do) but we cannot find anything to suggest that I can be forced to landscape my property in a certain way (especially on my own dime). That said, I continue to make use of the path as a walking path so I would not put a fence under any circumstances.

Let's deal with the hearing first as, like yourself, I have no interest in going to a hot courtroom in August :-)

Thanks,

Brian

On Thu, Jul 23, 2020 at 9:11 AM Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Brian,

With regards to the court date – Docket# 2088AC000117; 8/18/2020 – I have no control over that. When I received notice of the hearing I believed Mr. Delaney-Winn had requested an appeal of the fine. On second reading, it may be instead that the fine was not paid and the Town filed the criminal complaint. In the latter instance, I believe payment of the fine, and any possible late fees, will eliminate the need for the hearing. But you should contact the District Court directly to be certain. If the matter is an appeal, then it falls to Mr. Delaney-Winn to retract the appeal and pay the fine or carry forward with the appeal. Note, however, that neither payment nor successful appeal of the fine cures the secondary access violation.

In that regard, the access must be physically closed to vehicular use, or a Planning Board-approved special permit allowing the access to remain is required. For the former, allowing the area to grow in might prove to be the simplest solution, but a fence or other obstruction that disallows access by vehicles is acceptable. For the latter, please contact Megan Trudel at mtrudel@nantucket-ma.gov (copied) for information on how to proceed.

This matter has now lingered since October, 2019, and I would like to see it resolved one way or the other. I was preparing a new citation when I received your email, but will hold off until two weeks from today (August 6, 2020) before taking further action. Please inform me whether you decide to seek the special permit, or close the access to vehicular use within that time frame.

Respectfully,

Marcus Silverstein

Zoning Enforcement Officer

Town of Nantucket

From: Brian Elworthy <belworthy@gmail.com>
Sent: Wednesday, July 22, 2020 11:19 AM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: nantucketproperties@gmail.com; Paul Murphy <pmurphy@nantucket-ma.gov>; Jeff Morash <jmorash@nantucket-ma.gov>; Jim Barry <jbarry@nantucket-ma.gov>
Subject: Re: 40 Warren's Landing - Aerial Photos

Hi Marcus-

Hope you are all staying safe and enjoying this relatively strange and unorthodox summer.

You probably recall our discussion at the end of last year regarding what is referred to as a second driveway on my property. The trustee of the trust that owns our house received a court summons regarding a code violation (he was named in his individual capacity, not as trustee, which was strange). I asked my attorney to look into this and he confirmed that this summons relates to the matter discussed at length below. At the time, I agreed to pay the fine (which I did) and stop making vehicular use of the grassy pathway. To my knowledge, no one has accessed this pathway. We have been down here since the end of June. I have also instructed any landscaper or other third-party to not drive their vehicles down that path. They seem to have all followed this request. I do have CCTV monitoring the property and occasionally through the winter I would be notified of vehicles with unknown occupants driving down my driveway (one was a Town of Nantucket vehicle, in fact) but I chalked it up as nosy neighbors or folks out for a Sunday drive- does not bother me. I suspect that our friendly neighbor, Mr. Drake, who confirmed initiating this crusade with you, can probably confirm that he and his wife have not taken any further video footage of anyone driving down this pathway.

Are you (or anyone else copied here) available to have a quick chat to discuss how this escalated to a court hearing? My preference would be to not have to make an appearance in court in August but I will be on-island and available as needed. I suspect that we can resolve this matter without having to go to court.

Let me know if you have time for a call.

Thanks,

Brian

On Thu, Nov 7, 2019 at 11:17 AM Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Brian,

Per §139-31 of the Nantucket Zoning Code (https://ecode360.com/11472652) an appeal of any order or decision of the Zoning Enforcement Officer must be filed within thirty (30) days of the date of the order or decision. Take special note that the thirty day clock begins at "the date of the order or decision" and not from the receipt of an order or decision. Procedures for filing and for all other procedures and requirements concerning appeals are also spelled out under the link above. Again, that's §139-31 of the bylaw.

Instructions regarding paying or appealing a fine are on the back of the ticket. Payment or an appeals of a fine is to be made to the Nantucket District Court within twenty-one (21) days.

Also note that payment of a fine solely addresses the matter of the ticket and does not resolve a violation of the Zoning Code or constitute any other action in addressing a violation. Violations of the zoning bylaw can only be addressed by complying with or successfully appealing an order or decision. Compliance in this instance involves either closing the access to vehicular use or receiving the required special permit for a secondary access.

Lastly, there is no statutory time restriction to file for the secondary access special permit. As long as you make reasonably good faith and timely efforts to pursue the special permit, additional enforcement action is forestalled while that process plays out. If you do seek the special permit please keep me notified as to your progress.

Respectfully,

Marcus Silverstein

Zoning Enforcement Officer

Town of Nantucket

From: Brian Elworthy <belworthy@gmail.com>
Sent: Thursday, November 07, 2019 9:55 AM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: nantucketproperties@gmail.com; Paul Murphy <pmurphy@nantucket-ma.gov>
Subject: Re: 40 Warren's Landing - Aerial Photos

Marcus-

Quick question on process, as my attorney is asking and I do not have the original copy of the violation notice in my possession at the moment, the notice of violation that was sent to me is dated 10/16/19. In order to preserve my right to contest the findings and not have the findings become a de facto ruling (thereby preventing me from contesting these findings), am I required to either 1) pay the fine by 11/16 or 2) contest it within 30 days of the date of the notice? And, if the latter, should I send a notice to your office? I am happy to pay the fine in order to preserve my ability to contest the findings- just tell me what is easier.

Thanks,

Brian

Thanks,

On Tue, Nov 5, 2019 at 1:33 PM Brian Elworthy <belworthy@gmail.com> wrote:

Thanks for the prompt response, Marcus.

I respectfully disagree with this and so I'm going to turn it over to my attorney who will be in touch with you.

Thanks,

Brian Elworthy

On Tue, Nov 5, 2019 at 12:21 PM Marcus Silverstein <MSilverstein@nantucket-ma.gov> wrote:

Brian,

Thank you for providing the additional information. Unfortunately, the issue pertaining to a secondary access without the required special permit remains.

For a structure and/or use to be considered "pre-existing nonconforming" the structure and/or use must pre-exist the adoption of or change to the zoning bylaw that created the nonconformity and remain in existence and/or use since that time. Per the attached 1998 aerial, neither the pass-thru nor the access shown on the provided 1971 aerial are in existence on or around the time of the 1998 bylaw. The rear access was reestablished sometime between the 1998 and 2003 aerials but without the special permit that was then required.

As such, you are required to either receive the necessary special permit to maintain the secondary access, close said access to

vehicular use, or successfully appeal the October 16, 2019 order.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

-----Original Message-----
From: Brian Elworthy <belworthy@gmail.com>
Sent: Monday, November 04, 2019 11:56 AM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: nantucketproperties@gmail.com
Subject: 40 Warren's Landing - Aerial Photos

Hi Marcus-

We spoke last week regarding my property's access to Blue Heron.

We reached out to our environmental engineer, Nantucket Engineering & Survey, PC, to provide the support that you need to clarify our access rights.

You'll see from the attached a clear access point (actually two access points) has been in existence since as early as 1971. The subsequent photos show the maintenance of the access point in question since then, including through the date of the 1998 bylaws passage, to the present date.

I hope that this helps clarify any confusion. Would appreciate your conveying this if ever it gets questioned again. Given our plan to make infrequent use of that access point over time, I hope and suspect it will not.

Let me know if you have any questions.

Thanks,

Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

This email was scanned by Bitdefender

--

Brian Elworthy
c: 978.204.8705
e: belworthy@gmail.com

This email was scanned by Bitdefender

Marcus Silverstein

From:	Sarah Buttrick <sebuttrick@me.com>
Sent:	Wednesday, August 25, 2021 3:35 PM
To:	Marcus Silverstein
Cc:	Jeff Carlson; Sarah Alger
Subject:	40 Warren's Landing Road, hearing on Notice of Intent before the Conservation Commission 8/26/21
Attachments:	Marcus Silverstein re 40 Warren's Landing Road rev. 8.25.21.pdf; 40 Warrens Landing Road violation October 16, 2019.pdf; 40 Warrens Landing Road violation March 3, 2020.pdf; NOI_40WarrensLanding_8-5-21.pdf

Dear Mr. Silverstein,

We are advised that our neighbor at 40 Warren's Landing Road has submitted an application to the Nantucket Conservation Commission for consideration tomorrow, August 26, 2021. We would like to voice our concern about one aspect of the proposal.

In the Notice of Intent before the Conservation Commission, there is a reference to an "existing driveway" onto Blue Heron Way (see p. 2 of the Nantucket Engineering & Survey letter under "Work Description"). We are not aware of any Special Permit that was granted for this second driveway, and note that two Notice of Violation letters were issued in late 2019 and early 2020 to the current owner for making a curb cut onto Blue Heron Way. These citations were issued after our uncle and neighbor Daniel Drake reported the violations.

We have lived at 34 Warren's Landing Road for generations, and there was never an active driveway from 40 Warren's Landing Road onto Blue Heron Way. Prior to the current owner, the access to Blue Heron Way that was opened about 20 years ago was used rarely and only as a walkway.

Blue Heron Way is a sand/dirt rutted road that is used as access to the Haffenreffers' property and has been used historically by people walking, jogging and biking. Two years ago, the Planning Board denied the application of a second curb cut to Blue Heron Way by the owner of 44 Warren's Landing Road, in part on the finding of the importance of maintaining the historical character of the 'way'.

The current owner of 40 Warren's Landing Road has been using this access as an illegal driveway regularly this summer. I attach six photographs taken this week, illustrating two instances, showing fresh tire tracks. Multiple cars, and some trucks have been seen using this illegally as a driveway.

We also note that the so-called existing second driveway on the plan runs within the 25 foot buffer zone of a wetland area and might be detrimental to it. For that reason, by copy of this letter we are also asking Jeff Carlson, as the administrative officer for the Conservation Commission, whether barring the use of this driveway is possible and can be incorporated into any order approving the Notice of Intent.

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources

cc. Sarah Alger, Esq.

This email was scanned by Bitdefender

8/23/21 6:06PM

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources
Sarah Alger, Esq.

Buttrick Family
34 Warrens Landing Road, Nantucket, MA 02554

August 25, 2021

Mr. Marcus Silverstein
Planning and Land Use Services, Zoning Enforcement
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA. 02554

Dear Mr. Silverstein,

We are advised that our neighbor at 40 Warren's Landing Road has submitted an application to the Nantucket Conservation Commission for consideration tomorrow, August 26, 2021. We would like to voice our concern about one aspect of the proposal.

In the Notice of Intent before the Conservation Commission, there is a reference to an "existing driveway" onto Blue Heron Way (see p. 2 of the Nantucket Engineering & Survey letter under "Work Description"). We are not aware of any Special Permit that was granted for this second driveway, and note that two Notice of Violation letters were issued in late 2019 and early 2020 to the current owner for making a curb cut onto Blue Heron Way. These citations were issued after our uncle and neighbor Daniel Drake reported the violations.

We have lived at 34 Warren's Landing Road for generations, and there was never an active driveway from 40 Warren's Landing Road onto Blue Heron Way. Prior to the current owner, the access to Blue Heron Way that was opened about 20 years ago was used rarely and only as a walkway.

Blue Heron Way is a sand/dirt rutted road that is used as access to the Haffenreffers' property and has been used historically by people walking, jogging and biking. Two years ago, the Planning Board denied the application of a second curb cut to Blue Heron Way by the owner of 44 Warren's Landing Road, in part on the finding of the importance of maintaining the historical character of the 'way'.

The current owner of 40 Warren's Landing Road has been using this access as an illegal driveway regularly this summer. I attach six photographs taken this week, illustrating two instances, showing fresh tire tracks. Multiple cars, and some trucks have been seen using this illegally as a driveway.

We also note that the so-called existing second driveway on the plan runs within the 25 foot buffer zone of a wetland area and might be detrimental to it. For that reason, by copy of this letter we are also asking Jeff Carlson, as the administrative officer for the Conservation Commission, whether barring the use of this driveway is possible and can be incorporated into any order approving the Notice of Intent.

Marcus Silverstein

From: Marcus Silverstein
Sent: Tuesday, August 31, 2021 8:15 AM
To: 'Arthur Reade'
Cc: Jeff Carlson; 'Sarah F. Alger (sfa@sfapc.com)'; Paul Murphy; Megan Trudel
Subject: RE: 40 Warren's Landing Road

Arthur,

Unfortunately, the matter of the un-permitted secondary access at 40 Warren's Landing Rd. (Map# 38, Parcel# 45) remains an open violation dating to the first citation issued on October 16, 2019. A second citation was issued March 3, 2020. No appeal of the October 16, 2019 order was filed within the statutory appeal period and the violation stands. Furthermore, the secondary access is not a pre-existing nonconforming use. Although the 1971 aerial does show an access in the same or similar location, said access was closed some years prior to the 1998 bylaw and reestablished sometime between 1998 and 2003 without the required special permit.

The Warren's Landing Nominee Trust, Adam Delaney-Winn, Tr., is given five (5) days from the date of this email to either apply to the Planning Board for the required Special Permit for a secondary access, or close the access to vehicular traffic until such a time that the required permit(s) is/are obtained. Failure to comply will result in additional citations and fines.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Arthur Reade <air@readelaw.com>
Sent: Monday, August 30, 2021 2:55 PM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: Jeff Carlson <JCarlson@nantucket-ma.gov>; 'Sarah F. Alger (sfa@sfapc.com)' <sfa@sfapc.com>
Subject: 40 Warren's Landing Road

Marcus,

Please see attached letter.

Thank you.

Arthur
8/30/2021

****

Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way

Nantucket, Massachusetts 02554

Post Office address:
Post Office Box 2669
Nantucket, Massachusetts 02584

508-228-3128 (Tel.)
508-228-5630 (Fax)
air@readelaw.com

WIRE FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer. **We do not change wiring instructions**; should you receive a notification of change, via e-mail or otherwise, please notify this office immediately at 508-228-3128.

****

IRS CIRCULAR 230 NOTICE

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.

STATEMENT OF CONFIDENTIALITY:
The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. Any review, retransmission, dissemination or other use of, or taking action in reliance upon this information by persons or entities other than the intended receiver is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.

This email was scanned by Bitdefender

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN
MARIANNE HANLEY
WHITNEY A. GIFFORD

(508) 228-3128
FAX: (508) 228-5630

MAILING ADDRESS:

POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

August 30, 2021

Marcus Silverstein,
Zoning Enforcement Officer
Planning and Land Use Services
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: 40 Warren's Landing Road
Parcel 38-45

Dear Marcus:

I have obtained from the Conservation Commission a copy of the letter sent to you by members of the Buttrick family, dated August 25, 2021, requesting action regarding the driveway access to 40 Warren's Landing Road from the right of way known as Blue Heron Way. I represent Warren's Landing Nominee Trust, owner of this property.

The access between locus and Blue Heron Way has been in existence since prior to the amendment of the Nantucket Zoning By-law to limit driveway access points, and the dual access from Blue Hero Way and Warren's Landing Road is accordingly a pre-existing, nonconforming situation, grandfathered accordingly. Locus has express, appurtenant easement rights in Blue Heron Way.

Accordingly, it would be inappropriate for any action to be taken by the Town against the access driveway to and from Blue Heron Way.

Thank you for your consideration.

Sincerely,

Arthur I. Reade, Jr.
air@readelaw.com

AIR/irv

cc: Sarah F. Alger, Attorney

Jeff Carlson, Conservation Commission

From: ddrake@ackquack.com
Date: October 6, 2021 at 4:19:41 PM EDT
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Re: Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust - File No. 22-21 - Comment on Application

Town of Nantucket – Zoning Board of Appeals.

My wife and I are the owners of 32 Warren's Landing Road and, as such, received notice of the captioned application.

My parents purchased the parcel of land which included what are now 32 and 34 Warren's Landing Road in 1940. I have been on the island almost every summer since 1943. My wife and I moved here full time in 2000.

I am writing in support of the Zoning Enforcement Officer's recent determination that there was no driveway from the small, sandy road known as Blue Heron Way into the property at 40 Warren's Landing Road preceding the 1998 By-Law requiring permits for additional driveways.

As a frequent cycler and walker on Blue Heron Way over the years, I didn't observe vehicular activity accessing the property from Blue Heron Way until late 2019 after the present owner purchased it. (Such activity is easy to spot because of tire marks in the sand.) Since then, I have seen tire tracks in the sand leading into the property regularly.

I believe it was 2000 or 2001 or even later when the prior owner cut a wide path running from Blue Heron Way to the clearing behind the rear parking area of 40 Warren's Landing Road. The explanation at the time that it was to enable the household's dogs to be walked without going on Warren's Landing Road. Again, I did not observe the wider path being used for vehicle access.

Thank you for your consideration,

Dan Drake

Daniel W. Drake
32 Warren's Landing Road
PO Box 194
Nantucket, MA 02554

Tel: 508.228.4833
Cell: 508.221.0770

Reference: Town of Nantucket Board of Appeals meeting file no. 22-21

October 14, 2021

Adam Delaney-Winn, Trustee, Warren's Landing Nominee Trust

Dear Zoning Board of Appeals:

It has come to our attention that Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust, is appealing the Zoning Board's determination that the owners of 40 Warren's Landing Road do not have a grandfathered in second driveway onto Blue Heron Way.

I write on behalf of my family, as concerned neighbors. We have owned 34 Warren's Landing Road for four generations, since the 1940s, and during that time there has never been a driveway from 40 Warren's Landing Road onto Blue Heron Way that any of us can remember. It is only since the current owners moved in that the old lightly used foot path onto Blue Heron Way has been used for cars as if it were a driveway.

The current owners did not appeal the two violation notices for using an un-permitted secondary access that were issued on October 16, 2019, and March 3, 2020, so we thought this matter had been settled until we received their recently submitted Notice of Intent to the Conservation Commission (which we were alerted to as neighbors). This Notice of Intent to the Conservation Commission shows an existing secondary driveway onto Blue Heron Way on their plans. In the meantime, the current owners have continued to use the car access they have created onto Blue Heron Way.

From our perspective, it appears that by using the old footpath as a driveway the current owners are attempting to establish and broaden the access from their property so that it seems like a driveway was always there.

Attached is an aerial view of the property from the Town's website from 1998, confirming that there was no driveway from the property onto Blue Heron Way in 1998. The former owners had two curb cuts onto Warren's Landing Road so they could have a horseshoe shaped driveway. Our understanding is that the applicable law regarding secondary driveways requires that a special permit be granted before a secondary driveway is established. As far as we know, no such permit was granted to establish a secondary driveway for 40 Warren's Landing Road.

We respectfully urge you to uphold the ruling of the zoning enforcement officer.

Thank you for your consideration.

Sincerely,

Sarah Buttrick
For John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

40 Warren's Landing Road 1998 Aerial



Property Information

Property ID	38 45
Location	40 WARRENS LANDING RD
Owner	DELANEY-WINN ADAM TR

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 07/29/2021
Data updated Jan. 2021

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

Map Theme Legends

Natural Resource Protection

NHESP Certified Vernal Pools

NHESP Potential Vernal Pools

NHESP Priority Habitats of Rare Species

NHESP Estimated Habitats of Rare Wildlife

Areas of Critical Environmental Concern

Massachusetts DCR, Natural Heritage and Endangered Species Program

Aerial Photo, 1998

PARCELS

From: Joe Delogu <jdelogu@fdstonewater.com>
Sent: Thursday, October 7, 2021 1:20 PM
To: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Cc: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Re: File # 22-21

Nicky, Leslie —

Following are my comments in response to the below File matter:

My name is Joseph Delogu, and I am the Fee Simple owner of 44 Warrens Landing Road - a directly abutting neighbor of 40 Warrens Landing Road, the subject of this matter. Officially, for the record, I am completely fine with the property owners at 40 Warrens Landing Road maintaining its current driveway on Warrens Landing Road, while also maintaining the rough opening and access point situated along Blue Heron as it presently exists.

My attorneys have done a considerable amount of research regarding Blue Heron. As I understand it, Blue Heron is NOT a public roadway. It is private property - with common rights of access to a limited number of "abutting landowners". As private property, I question whether it is even fair to subject it to the review being conducted here. Regardless, my greater concern is that in the three years of my ownership of 44 Warrens Landing Road, I have observed a consistent pattern where the same few members of the “abutting landowners” group seeks to disenfranchise other members of the “abutting landowners” group from fully utilizing and accessing Blue Heron - in violation of their common rights of access (in my opinion). Indeed, at one point, one of the members of the “abutting landowners” group confronted my landscaper - and said he could not run a Bobcat down Blue Heron for the purposes of landscaping the rear portion of my property (clearly not a violation of any rule, but lends perspective to what’s really going on here). In the current situation with this File matter, I doubt this matter would even be in front of the Board if certain “abutting landowners” had not agitated for the Board’s involvement.

If the Board feels it is in the Board’s best interest to adjudicate differences between neighbors involving private property to which they have COMMON rights of use and access - well then “so be it”. However, I suggest the Board should stand back from this situation and assess whether they’re actually being manipulated and used as a “tool” to amplify the common use and access rights of some “abutting landowners” at the expense of other “abutting landowners”.

Regardless, again, for the record - this abutting property owner has NO PROBLEM WHATSOEVER with the owner’s of 40 Warrens Landing Road continuing to use their access point to Blue heron as they currently do.

Thank you very much for letting me comment on this File matter.

Best regards,

Joseph Delogu
Owner, 44 Warrens Landing Road

Timothy Greene

File No. 23-21

6 Macy Rd

Special Permit





TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554



APPLICATION

Fee: $450.00 **File No.** 23-21

Owner's name(s): Timothy Greene

Mailing address: 19 East Battery, Charleston, SC 29401

Phone Number: 843-305-5000 E-Mail: timothyjohngreene@gmail.com

Applicant's name(s): (Same)

Mailing Address: _____

Phone Number: c/o Linda Williams, 508-221-0432, czarinalinda@comcast.net

Locus Address: 6 MACY ROAD, MADAKET

Assessor's Map/Parcel: 60-144

Land Court Plan/Plan Book & Page/Plan File No.: Lot 265 on Plan 3092-18

Deed Reference/Certificate of Title: 28130 Zoning District VR

Uses on Lot- Commercial: None X Yes (describe) _____

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72: 1997 or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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: Linda Williams _____Applicant/Attorney/Agent*

*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: / /__

--------- Forwarded message ---------
From: **Henri Congleton** <henri@nantucketoasis.com>
Date: Fri, Aug 20, 2021 at 9:24 AM
Subject: Permission to take 6 Macy Rd to ZBA
To: Linda Williams <Czarinalinda@comcast.net>

Linda,

We (Atlantic Landscaping Inc and Nantucket Oasis Pool & Spa Inc) give you permission to take 6A Macy Rd Pool Submission to the Zoning Board of Appeals.

Thank You,

Henri Congleton

Nantucket Oasis Pool & Spa Inc

ADDENDUM

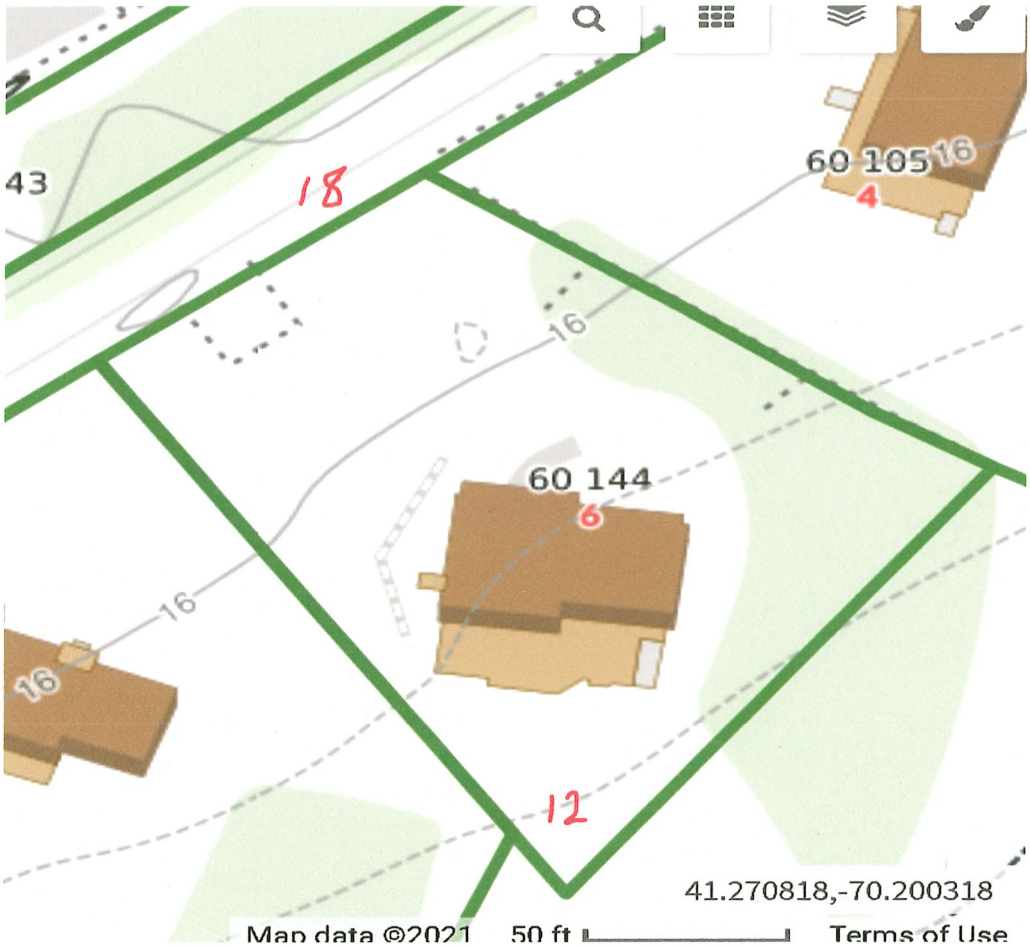
Applicant is seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-2 (Definitions and word usage – swimming pools) and Section 139-7A (Use chart). Applicants propose to construct a 12' x 28' residential swimming pool ("pool") in the rear section of their lot in Madaket. The property contains a single-family dwelling constructed in 1997 and is now situated in the Village-Residential ("VR") zoning district. Residential pools are allowed by Special Permit in the VR provided the pool meets certain specified criteria as noted below in the By-law. The minimum required lot size in the VR is 20,000 SF. The Locus has a lot size of about 24,393 SF, which exceeds the minimum required. The pool and associated equipment will be sited more than 20 feet from any side or rear yard lot line as required. The pool will be sited to the rear of the lot surrounded by extensive vegetation and at a lower grade (12' elevation) than Macy Road (18' elevation). Thus, the pool will have no impact on the surrounding neighborhood and will not be visible from Macy Road, Baltimore Road, Starbuck Road or Madaket Road. The Historic District Commission approved the pool at its May 25, 2021, meeting in COA #2021-03-3276. Photographic evidence has been included in the packet.

In addition to the criteria being met, a finding that the use is in harmony with the general purpose and intent of the Zoning By-law may be made to grant the requested Special Permit relief.

SWIMMING POOL - RESIDENTIAL

... In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.


MADAKET RD
MADAKET RD
CHICAGO ST
MACY RD
BALTIMORE ST
STARBUCK RD
STARBUCK
10
10


43
18
60 105
16
4
16
60 144
6
16
16
12
41.270818,-70.200318
Map data ©2021
50 ft
Terms of Use




cy Rd
6
8

VIEW FROM MACY ROAD









2 Fairgrounds Roa d Nantucket Massachusett s 02554
508-228-7215 telephone



2 Fairgrounds Roa d Nantucket Massachusett s 02554
508-228-7215 telephone

4. Eric Needleman 03-3276	6 Macy Road	Pool and hardscape	60/144	Atlantic Lndscp

Voting	Pohl, Coombs, McLaughlin, Camp, Oliver
Alternates	Thornewill
Recused	None
Documentation	Landscape design plans, site plan, and photos.
Representing	Lindsay Congleton, Atlantic Landscaping Inc.
Public	None
Concerns (6:38)	**Congleton** – Reviewed changes made per previous concerns. No concerns as long as it isn't visible from Madaket Trust property.
Motion	**Motion to Approve with the pool not to be visible at time of inspection and in perpetuity thereafter. (Oliver)**
Roll-call Vote	Carried 5-0//Camp, McLaughlin, Coombs, Oliver, and Pohl-aye Certificate # HDC2021-03-3276

08-4410

5. Gary Creem 03-3265	6 + 8 Hydrangea Lane	Pool and hardscape	73/87 + 88	Atlantic Lndscpng

Voting	Pohl, Coombs, Camp, Thornewill
Alternates	None
Recused	Oliver
Documentation	Landscape design plans, site plan, photos, and advisory comments.
Representing	Lindsay Congleton, Atlantic Landscaping Inc. Val Oliver, Val Oliver Design
Public	None
Concerns (6:42)	**Congleton** – Reviewed changes made per previous concerns. **Backus** – Read SAB comments: this should track with the house, which depends on Planning Board approval; had asked for less hardscaping and moving closer to the house with more screening; moving 1 foot with some screening doesn't address those concerns. **Oliver** – The house will come back with minor revisions. The Cabana has been approved. The driveways are before the Planning Board for approval for 2 curb cuts. **Camp** – Asked about the 2 driveways and do they get to keep those. She's okay with the pool and hardscape. **Thornewill** – She's okay with this. This subdivision doesn't blend into the pastoral landscape, but this is appropriate for the subdivision. **Coombs** – She'd prefer more naturalization of corners. The Fire Chief said it is too dry to have a fire pit going.
Motion	**Motion to Approve through staff with the back corners of the wall rounded. (Coombs)**
Roll-call Vote	Carried 4-0//Thornewill, Camp, Coombs, and Pohl-aye Certificate # **HDC2021-03-3265**

6. George Balboa 03-3087	71R Cliff Road	New dwelling	30/160.1	B. Meerbergen

Voting	Pohl, Coombs, Camp, Thornewill
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, correspondence, historic documentation, and advisory comments.
Representing	Brook Meerbergen Linda Williams Steven Cohen, Cohen & Cohen Law P.C.
Public	Halil Padir, 69R Cliff Road MerylBralower, 1 Hamblin Road Ethan Griffin, for 69 Cliff Road
Concerns (6:50)	**Williams** – Reviewed context photos regarding visibility from Cliff Road and Hamblin Road. The way is an easement access for lots behind this one. Rebutted abutter comments regarding scale. **Meerbergen** – Reviewed design changes made per previous concerns; trim and sashes are white. **Padir** – In the abstract it compares to other structures; but the ratio of mass to lot size is very high. On top of that, it has the pool and cabana all crammed into a small lot. **Bralower** – Agrees with Mr. Padir and disagrees with Ms. Williams regarding the mass and visibility from Hamblin; the pool will be visible because trees will have to be removed. **Griffin** – Agrees with the other abutters. This structure as proposed is only 100sf smaller than 69 Cliff Road, which is in on a much larger lot. These structures cover 38% of the lawn where other structures on similar lots are around 25%. **Cohen** – None of the points of the neighbors are actually true here; this house is simple and appropriate, and no one has objected to the design. All lots in the area are densely laid out. **Thornewill** – Appreciates the work done to mitigate the perceived scale, which she feels is in keeping with the area. **Coombs** – East elevation, the front door needs more trim; would like the ganged 1st-floor windows separated. **Camp** – Agrees about beefing up the front door. East elevation, raise the dormer to lift the meeting rails. South elevation, would prefer if some windows aligned. **Pohl** – Beef up the frontispiece on the entry and raise the east elevation dormer double windows to align with the eaves.
Motion	**Motion to Approve through staff with proper frontispiece at front door and align the east elevation meeting rails of the dormer windows. (Thornewill)**
Roll-call Vote	Carried 4-0//Camp, Coombs, Thornewill, and Pohl-aye Certificate # **HDC2021-03-3087**

CERTIFICATE NO: HDC2021-[illegible] 08-4410 DATE ISSUED: 5/25/2021

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°: 60 PARCEL N°. 144

Street & Number of Proposed Work: 6 MACY RD.

Owner of record: NEEDLEMAN, ERIC

Mailing Address: 19 EAST BATTERY
CHARLESTON, SC 29401

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____

Mailing Address: ATLANTIC LANDSCAPING
6 MAYBEE WAY, NANTUCKET MA 02554

Contact Phone #: 5083673012 E-mail: lindsay@atlanticlandscaping-inc.com

FOR OFFICE USE ONLY V2017

Date application received: 3/16/2021 Fee Paid: $ 200

Must be acted on by: ~~4/25/2021~~ 7/31/2021

Extended to: _____

Approved: Y Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ 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 VR) ☐ Roof ☐ Other FIREPIT, BLUESTONE COPING & PATIO

Size of Structure or Addition: Length: 28 Sq. Footage 1st floor: _____ ~~Decks~~/Patio: Size: 977 SF ☐ 1st floor ☐ 2nd floor
Width: 12 Sq. footage 2nd floor: _____ BLUESTONE ↑ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date:

Original Builder:

~~REVISIONS~~ (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

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

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): _____

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 _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

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

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

Hardscape materials: Driveways _____ Walkways _____ Walls FIELDSTONE W/CAP

* Note: Complete door and window schedules are required.

COLORS

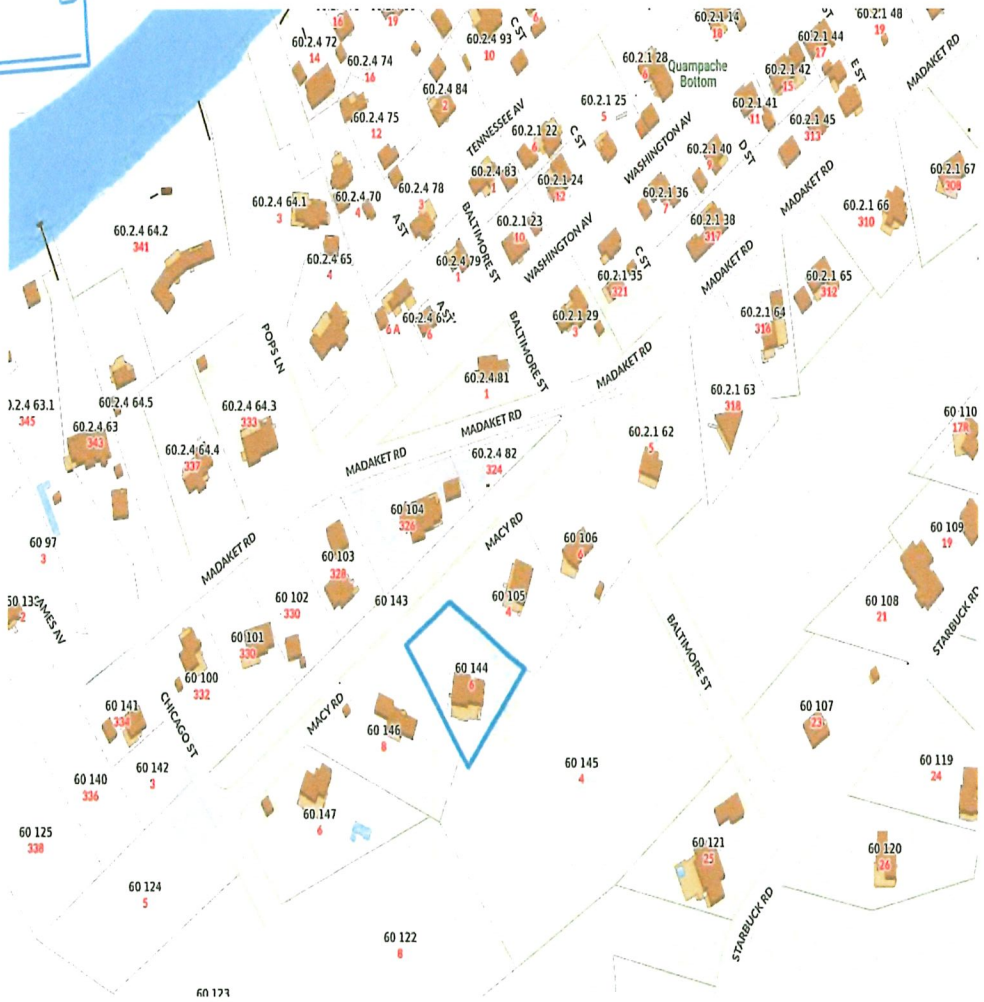
Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

* 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 03/11/2021 Signature of owner of record _____ Signed under penalties of perjury

RECEIVED
APR 29 2021
By



1 LOCUS M-60 P-144

atlantic LANDSCAPING, INC

MARK	DATE

HDC Locus

Landscape at
6 Macy Rd
Nantucket, Ma.
02554

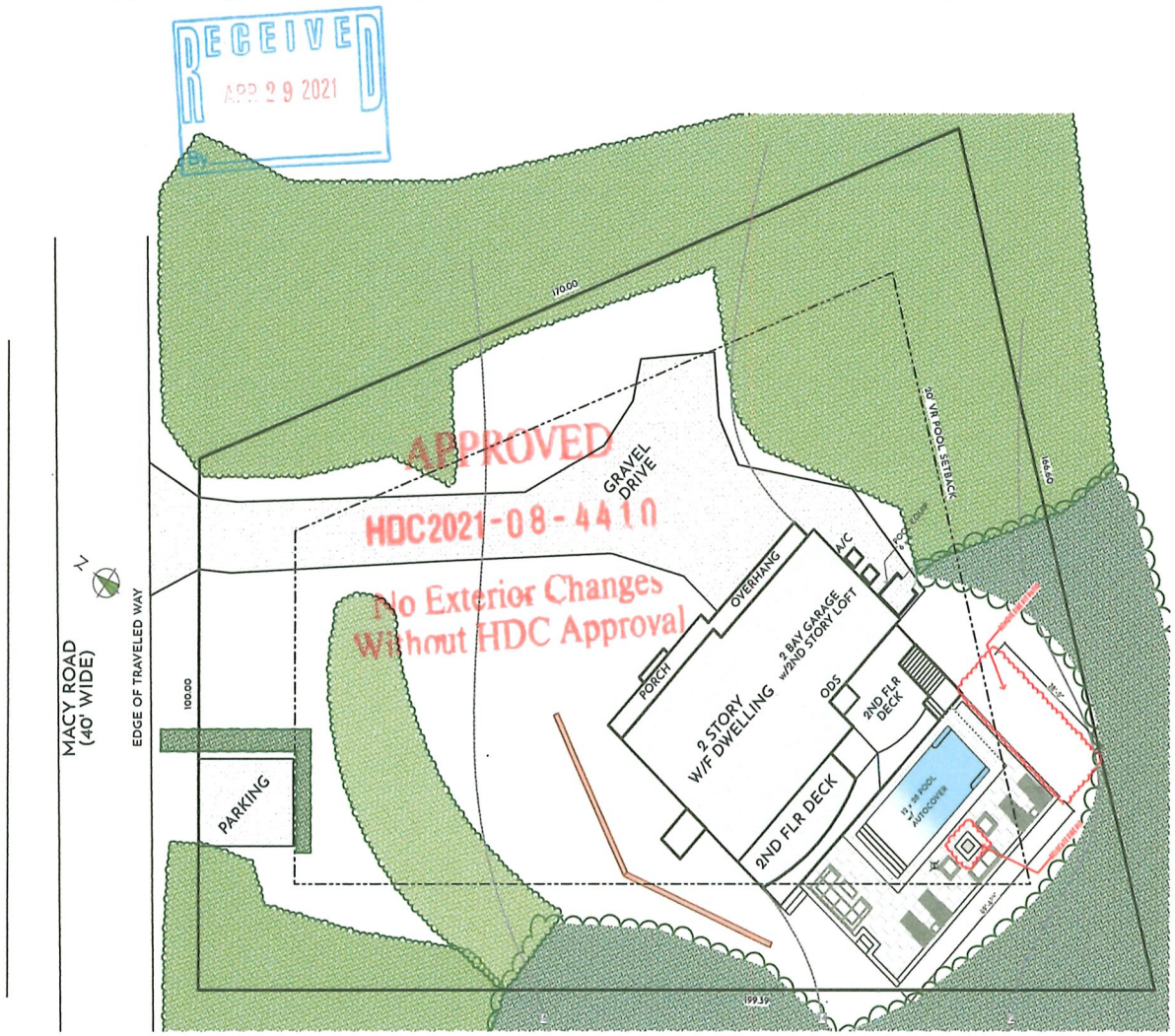
M: 60
P: 144
Zoning: VR
Front Setback: 20
S&R Setback: 10
Scale: As Noted
Plotted: 4/21/21
Drawing No.:

HDC-A

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone



2 Fairgrounds Roa d Nantucket Massachusetts 02554
508-228-7215 telephone



1 HDC LANDSCAPE PLAN

2 Fairgrounds Roa d Nantucket Massachusetts 02554
508-228-7215 telephone



4 6 MACY RD



2 6 MACY RD VIEW 1



3 6 MACY RD VIEW 2



1 6 MACY RD VEIW 3

atlantic LANDSCAPING, INC

HDC Site Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554

M: 60
P: 144
Zoning: VR
Front Setback: 20
S&R Setback: 10
Scale: As Noted
Plotted: 4/21/21
Drawing No.:

HDC-C



1 6 MACY RD VIEW 4



2 POOL WITH BLUESTONE PATIO



3 BLUESTONE FIRE PIT



4 FIELDSTONE WALL WITH CAP

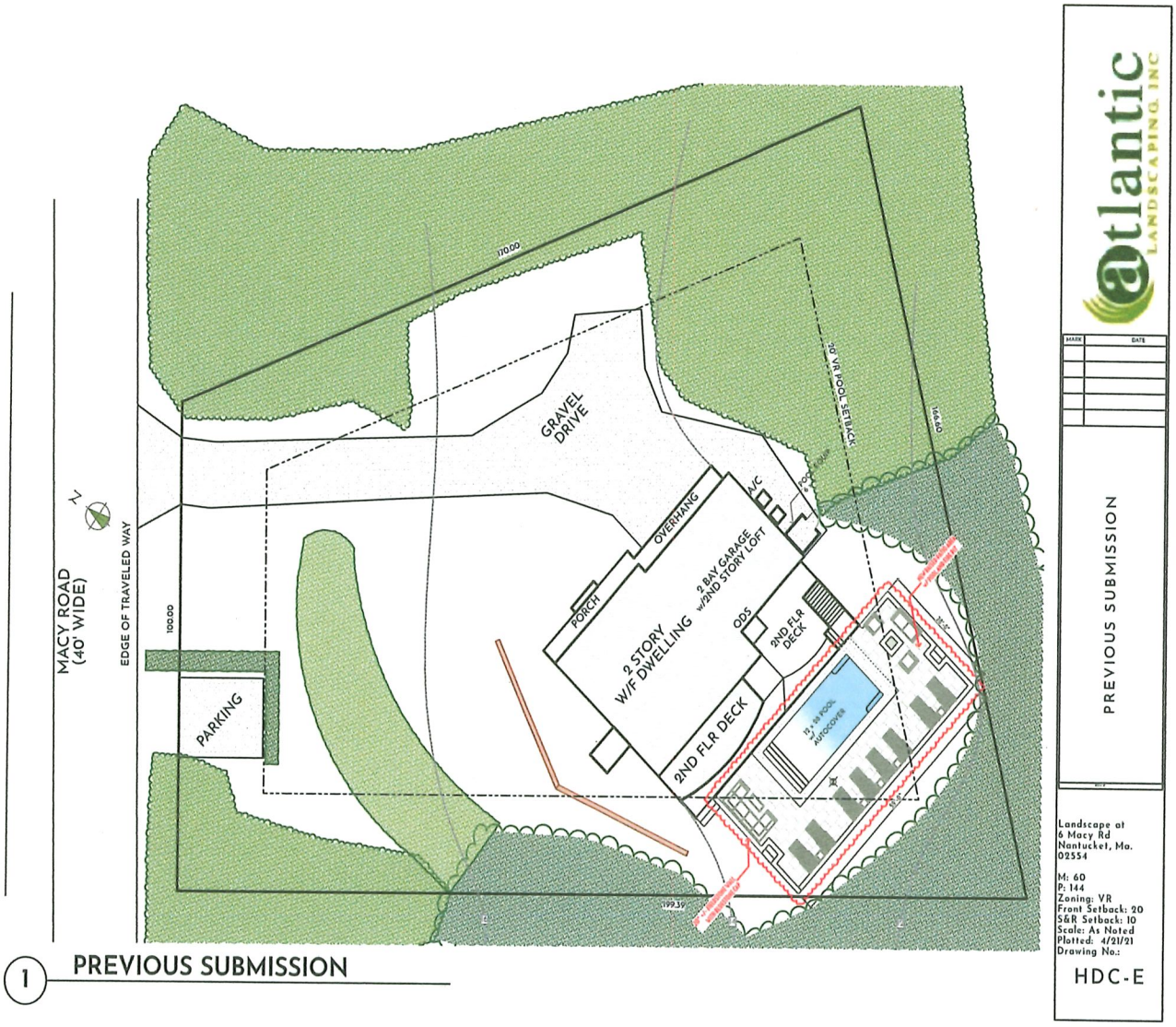
atlantic LANDSCAPING, INC

HDC Materials Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554

M: 60
P: 144
Zoning: VR
Front Setback: 20
S&R Setback: 10
Scale: As Noted
Plotted: 4/21/21
Drawing No.:

HDC-D



2 Fairgrounds Roa d Nantucket Massachusetts 02554
508-228-7215 telephone

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER TIMOTHY GREENE

MAILING ADDRESS 19 EAST BATTERY, CHARLESTON, SC 29401

PROPERTY LOCATION 6 MACY ROAD

ASSESSORS MAP/PARCEL 60-144

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 8/20/2021

Mary Haley, Senior Clerk, Assessor's Office

ASSESSORS OFFICE

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2021.08.20 11:37:51 -04'00'

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone

Abutters Listing

MBLU	Lot	LotSuf	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
60	19		MADAKET LAND TRUST		PO BOX 567	NANTUCKET	MA	02554	3 BALTIMO RE ST
60	44		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	10 C HICAGO ST
60	101		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	102		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	103		HERNANDEZ JOHN PATRICK ETAL		25 NORTHERN AVE APT# 1910	BOSTON	MA	02210	328 MADAKET RD
60	104		ANDERSON ORENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	326 MADAKET RD
60	105		NICHOLSON LAURA TR	4 MACY RD REALTY TRUST	33 STRAWBERRY HILL ROAD	ACTON	MA	01720	4 MACY RD
60	106		PICCIRILLO PAULA ETAL		PO BOX 16	NANTUCKET	MA	02554-0016	6 BALTIMO RE ST
60	122		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	8 C HICAGO ST
60	143		TOWN OF NANTUCKET		16 BROAD ST	NANTUCKET	MA	02554	MACY RD
60	144		GREENE TIMOTHY		19 EAST BATTERY	CHARLESTON	SC	29401	6 MACY RD
60	145		MADAKET CONSERVATION LAND TRUST	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	4 BALTIMO RE ST
60	146		GALLAGHER PHILIP N JR		PO BOX 1071	NANTUCKET	MA	02554	2 MACY RD
60	147		SMITH DAVID TRUSTEE	C/O SCHNADER HARRISON SEGAL & LEWIS	1600 MARKET STREET STE 3600	PHILADELPHIA	PA	19103	6 C HICAGO ST
6021	62		KING WALTER C III		40 RICE RD	WAYLAND	MA	01778	5 BALTIMO RE ST
6024	64	3	333 MADAKET LLC		33 TAYLOR CROSSWY	BROOKLINE	MA	02445	333 MADAKET RD
6024	65		MORAN JEANNE TRST	JM MORAN TRUST	40 SLATER ROAD	CRANSTON	RI	02920	4 WASHINGTON AV
6024	81		TURNER GEORGE M III TR	TURNER MICHELLE J TRUST	5 HIDEAWAY LANE	DUXBURY	MA	02332	1 WASHINGTON AV
6024	82		ANDERSON ORENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	324 MADAKET RD
Count:	19								

MADAKET LAND TRUST
PO BOX 987
NANTUCKET, MA 02554

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

HERNANDEZ JOHN PATRICK ETAL
25 NORTHERN AVE APT # 1910
BOSTON, MA 02210

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

NICHOLSON LAURA TR
4 MACY RD REALTY TRUST
88 STRAWBERRY HILL ROAD
ACTON, MA 01720

PICCIRILLO PAUL A ETAL
PO BOX 16
NANTUCKET, MA 02554-0016

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

GREENE TIMOTHY
19 EAST BATTERY
CHARLESTON, SC 29401

MADAKET CONSERVATION LAND TRUST
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

GALLAGHER PHILIP N JR
PO BOX 1071
NANTUCKET, MA 02554

SMITH DAVID TRUSTEE
C/O SCHNADER HARRISON SEGAL &
LEWIS
1600 MARKET STREET STE 3600
PHILADELPHIA, PA 19103

KING WALTER C III
40 RICE RD
WAYLAND, MA 01778

333 MADAKET LLC
33 TAYLOR CROSS WY
BROOKLINE, MA 02445

MORAN JEAN M TRST
JM MORAN TRUST
40 SLATER ROAD
CRANSTON, RI 02920

TURNER GEORGE M III TR
TURNER MICHELLE J TRUST
5 HIDEAWAY LANE
DUXBURY, MA 02332

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER TIMOTHY GREENE

MAILING ADDRESS 19 EAST BATTERY, CHARLESTON, SC 29401

PROPERTY LOCATION 6 MACY ROAD

ASSESSORS MAP/PARCEL 60-144

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 8/20/2021

_____

Mary Haley, Senior Clerk, ASSESSORS OFFICE Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2021.08.20 11:37:51 -04'00'

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
60	19		MADAKET LAND TRUST		PO BOX 987	NANTUCKET	MA	02554	3 BALTIMORE ST
60	44		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	10 CHICAGO ST
60	101		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	102		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	103		HERNANDEZ JOHN PATRICK ETAL		25 NORTHERN AVE APT # 1910	BOSTON	MA	02210	328 MADAKET RD
60	104		ANDERSON GRENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	326 MADAKET RD
60	105		NICHOLSON LAURA TR	4 MACY RD REALTY TRUST	88 STRAWBERRY HILL ROAD	ACTON	MA	01720	4 MACY RD
60	106		PICCIRILLO PAUL A ETAL		PO BOX 16	NANTUCKET	MA	02554-0016	6 BALTIMORE ST
60	122		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	8 CHICAGO ST
60	143		TOWN OF NANTUCKET		16 BROAD ST	NANTUCKET	MA	02554	MACY RD
60	144		GREENE TIMOTHY		19 EAST BATTERY	CHARLESTON	SC	29401	6 MACY RD
60	145		MADAKET CONSERVATION LAND TRUST	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	4 BALTIMORE ST
60	146		GALLAGHER PHILIP N JR		PO BOX 1071	NANTUCKET	MA	02554	8 MACY RD
60	147		SMITH DAVID TRUSTEE	C/O SCHNADER HARRISON SEGAL & LEWIS	1600 MARKET STREET STE 3600	PHILADELPHIA	PA	19103	6 CHICAGO ST
6021	62		KING WALTER C III		40 RICE RD	WAYLAND	MA	01778	5 BALTIMORE ST
6024	64	3	333 MADAKET LLC		33 TAYLOR CROSS WY	BROOKLINE	MA	02445	333 MADAKET RD
6024	65		MORAN JEAN M TRST	JM MORAN TRUST	40 SLATER ROAD	CRANSTON	RI	02920	4 WASHINGTON AV
6024	81		TURNER GEORGE M III TR	TURNER MICHELLE J TRUST	5 HIDEAWAY LANE	DUXBURY	MA	02332	1 WASHINGTON AV
6024	82		ANDERSON GRENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	324 MADAKET RD
Count:	**19**								

MADAKET LAND TRUST
PO BOX 987
NANTUCKET, MA 02554

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

HERNANDEZ JOHN PATRICK ETAL
25 NORTHERN AVE APT # 1910
BOSTON, MA 02210

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

NICHOLSON LAURA TR
4 MACY RD REALTY TRUST
88 STRAWBERRY HILL ROAD
ACTON, MA 01720

PICCIRILLO PAUL A ETAL
PO BOX 16
NANTUCKET, MA 02554-0016

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

GREENE TIMOTHY
19 EAST BATTERY
CHARLESTON, SC 29401

MADAKET CONSERVATION LAND TRUST
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

GALLAGHER PHILIP N JR
PO BOX 1071
NANTUCKET, MA 02554

SMITH DAVID TRUSTEE
C/O SCHNADER HARRISON SEGAL &
LEWIS
1600 MARKET STREET STE 3600
PHILADELPHIA, PA 19103

KING WALTER C III
40 RICE RD
WAYLAND, MA 01778

333 MADAKET LLC
33 TAYLOR CROSS WY
BROOKLINE, MA 02445

MORAN JEAN M TRST
JM MORAN TRUST
40 SLATER ROAD
CRANSTON, RI 02920

TURNER GEORGE M III TR
TURNER MICHELLE J TRUST
5 HIDEAWAY LANE
DUXBURY, MA 02332

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

MADAKET LAND TRUST
PO BOX 987
NANTUCKET, MA 02554

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

HERNANDEZ JOHN PATRICK ETAL
25 NORTHERN AVE APT # 1910
BOSTON, MA 02210

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

NICHOLSON LAURA TR
4 MACY RD REALTY TRUST
88 STRAWBERRY HILL ROAD
ACTON, MA 01720

PICCIRILLO PAUL A ETAL
PO BOX 16
NANTUCKET, MA 02554-0016

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

GREENE TIMOTHY
19 EAST BATTERY
CHARLESTON, SC 29401

MADAKET CONSERVATION LAND TRUST
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

GALLAGHER PHILIP N JR
PO BOX 1071
NANTUCKET, MA 02554

SMITH DAVID TRUSTEE
C/O SCHNADER HARRISON SEGAL & LEWIS
1600 MARKET STREET STE 3600
PHILADELPHIA, PA 19103

KING WALTER C III
40 RICE RD
WAYLAND, MA 01778

333 MADAKET LLC
33 TAYLOR CROSS WY
BROOKLINE, MA 02445

MORAN JEAN M TRST
JM MORAN TRUST
40 SLATER ROAD
CRANSTON, RI 02920

TURNER GEORGE M III TR
TURNER MICHELLE J TRUST
5 HIDEAWAY LANE
DUXBURY, MA 02332

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

Stephen L. Cohen

File No. 24-21

6 Village Way & 37 Pocomo Rd

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s): Steven L. Cohen, Trustee of the 6 Village Way Realty Trust and also Steven L. Cohen at Trustee of the 37 Pocomo Road Realty Trust.

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket MA 02554
Phone Number: 508-228-0337 E-Mail: Steven@CohenLegal.net
Applicant's name(s) SAME
Mailing Address: _____
Phone Number:_____ E-Mail:_____

Locus Address: 6 Village Way and 37 Pocomo Road Assessor's Map/Parcel: 14-41 and 14-38

Land Court Plan: Lot 2D on a Plan numbered 16220-B and Lot 17A on Land Court Plan 22667-B

Deed Reference/Certificate of Title: COTs 27528 and 21644 Zoning District LUG-3
Uses on Lot- Commercial: None__x_ Yes (describe) _____
Residential: Number of dwellings__1_____ Duplex _____ Apartments _____
Date of Structure(s): all pre-date 7/72 yes 1920s or _____
Building Permit Numbers: _____
Previous Zoning Board Application Numbers: 06-00 and 07-00 (consolidated into 07-01), and 36-02.

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:

See 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:_____ Owner*

SIGNATURE:  Applicant/Attorney/Agent*

*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:__/__/__

6 Village Way is a pre-existing nonconforming lot of 5,387 SF in the LUG-3 District, which requires 120,000 SF of lot area. It contains a dwelling built in the 1920s. The dwelling is close as 4.0' to the front yard lot line along the Way to the north, where the required front yard setback is 35', and as close as 8.3' to the side yard lot line to the west, where a 10.0' side yard setback is required. The house has a footprint of 987 SF, of which 934 SF is located within the zoning setback. These nonconformities predate the adoption of the Nantucket Zoning Bylaw in 1972 and the parcel is otherwise dimensionally conforming.

Applicant proposes to demolish the existing dwelling and to build a new dwelling of approximately 1,167 SF. This new dwelling would be conforming to the side yard setback, and would be 20' from the front yard lot line, a 16' improvement, of which only 402 SF would be in the setback, a 585 SF improvement. Applicant also proposes a 123 SF deck that would be as close as 10' to the front lot line, but this deck could also be a stone patio, which would not be a zoning encroachment. These proposed plans are approved by the Historic District Commission.

Pursuant to Zoning Bylaw 139-33.A(1)(a), the Board of Appeals may grant relief by Special Permit if it finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity. In the alternative, under 139-33.A(1)(b), the Zoning Administrator or the Board of Appeals may grant relief by Special permit upon a finding that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities. Where an existing structure violates a front, rear, or side yard setback distance, the Zoning Administrator may issue a permit allowing an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and no new nonconformities are created.

Here, the proposed alteration will significantly reduce the volume and distance of the front yard setback, will eliminated the side yard encroachment, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, is approved by the Historic District Commission as being historically appropriate for the lot and the neighborhood, does not increase the nonconforming nature of the encroachments, and does not create any new nonconformities.

The premises is also subject to a 2000 Variance and a 2002 Special Permit issued by the Board of Appeals. The 2000 Variance was to validate that 37 Pocomo Road (a vacant confirming lot) and 6 Village Way (an undersized improved lot). The Decision in that case confirming that these were two separate buildable lots had several conditions, including a restriction the 37 Pocomo not have more than one dwelling, the structures on 37 Pocomo shall be at least 100' from its northerly lot line (which abuts the homes on Village Way), that 37 Pocomo shall have an undisturbed 50' wide buffer of natural vegetation along its northern lot line, and that any future

expansion of the structure upon 6 Village Way required relief from the Board of Appeals. In 2002 the Board granted a Special Permit to allow a change to the roof height of a porch in the setback, with no change the habitable space of the dwelling. The Board granted this relief with the conditions that the work be done in conformity with the HDC approved plans and that the ridge of the roof of the dwelling not be increased (because it was not applied for, just the porch roof). The Applicant seeks two clarifications to these permits. First, since 37 Pocomo Road and 6 Village Way are in common underlying ownership (but not record ownership), and because the 2004 septic system for 6 Village Way is located within the 50 vegetative buffer, the Applicant requests relief from this buffer along the common lot line of these lots, slightly less than 60 feet. Second, since the Applicant now seeks to demolish the existing dwelling and build a new one, the granting of this relief necessarily supersedes the relief and conditions in the 2002 permit, but this should be stated in the Decision here.



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 07/29/2021
Data updated Jan. 2021

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

Document No. 088301

Document No. 088301

Variance

Nantucket Registry District

FEB 15 2000

RECEIVED FOR REGISTRATION

1 O'CLOCK 40 m P M

NOTED ON CERTIFICATE NO. 7171

IN REGISTRATION BOOK 7 PAGE

ATTEST

ASST RECORDER

205

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

Assessor's Map 14, Parcels 14 & 38
6 Village Way; 37 Pocomo Road
Limited Use General-3

L.C. Plan 16220-B, Lot 2D;
L.C. Plan 22667-B, Lot 17A
Cert. of Title No. 7171

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, January 14, 2000, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the applications of ROBERT M. FLANAGAN and MARY L. FLANAGAN, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, Files Nos. 006-00 and 007-00:

2. The applicants, being the owners of two adjacent lots in common ownership, have filed two companion applications which, by consent of the applicants and the Board of Appeals, were presented together. The applicants' two lots consist of Lot 17A on Land Court Plan 22667-B, situated at 37 POCOMO ROAD, Assessor's Map 14, Parcel 38 ("Lot 17A"), and Lot 2D on Land Court Plan 16220-B, situated at 6 VILLAGE WAY, Assessor's Map 14, Parcel 14 ("Lot 2D"). Lot 17A is a vacant lot. According to the Assessor's records, Lot 17A contains about 2.7 acres, which is about 117,612 square feet, and the application to the Board of Appeals so described Lot 17A. However, a survey plan of Lot 17A prepared by Charles W. Hart & Associates, Inc., filed with the Board of Appeals, a reduced copy of which is attached hereto as Exhibit A, shows that Lot 17A actually has area of about 126,183 square feet, and frontage of 240.57 feet on Pocomo Road. Thus, Lot 17A complies with the dimensional requirements for the Limited Use General-3 district in which both Lot 17A and Lot 2D are situated, which consist of a minimum of 120,000 square feet of lot area and a minimum of 200 feet of frontage. Lot 2D is improved with a dwelling, pre-existing the 1972 effective date of the Nantucket Zoning By-law. According to the Assessor's records, Lot 2D contains about 5,227 square feet; the actual area, according to the plan shown in Exhibit A, is about 5,387 square feet, with frontage of 89.36 feet on Village Way, a Proprietors road; thus, Lot 2D is nonconforming as to both lot area and frontage. The dwelling upon Lot 2D is nonconforming as to front yard setback, according to the plan shown is Exhibit A, being situated at its closest point about 11.1 feet from Village Way, with minimum side yard setback in this district being 35 feet; and as to side and rear yard setback, with minimum side and rear yard setback being 20 feet (10 feet for a lot of record) and northerly side yard setback, according to the plan shown in Exhibit A, being situated about 4.2 feet from the northerly side lot line and about 9.3 feet from the westerly rear lot line.

According to the plan shown in Exhibit A, the structure upon Lot 2D has ground cover of about 946 square feet, for a ground cover ratio of about 17.56%; the maximum allowed in this zoning district is 3%, or 1,500 square feet for a lot of record. The applicants asked the Board of Appeals in their applications to issue relief by Variance to validate each of Lots 17A and 2D as a separate lot from each other, or in the alternative a determination that the lots have not merged and that no variance relief is needed, with each lot to be treated as a lot of record.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. The Planning Board recommendation was negative on both applications. There was no opposition presented in person or by correspondence at the public hearing. Two abutting property owners were represented by counsel, who expressed their support for the applications subject to the conditions set forth in this decision.

4. As presented by the applicants, their legal representative and family members, Lot 2D has belonged to the family of the applicant, Robert M. Flanagan, since some time in the 1920's. In the late 1920's, his grandparents, Eugene M. Perry and Annie M. Perry, constructed the dwelling upon Lot 2D, which still exists today. It is a simple one-story cottage. It was inherited by Catherine T. Flanagan, Robert's mother, in 1957, and she placed it in joint ownership with her husband, Charles P. Flanagan, immediately thereafter. Meanwhile, in 1955 Charles P. Flanagan and Catherine T. Flanagan purchased the adjacent Lot 17A, which had up to that time had a separate title history from Lot 2D; each lot was derived from a separate Land Court case and was held separately upon its own Certificate of Title. In 1974, Robert's parents conveyed both Lot 17A and 2D to the applicants. Each lot has been separately assessed by the Town of Nantucket consistently up to the present time. The Flanagan family have used the cottage upon Lot 2D during each summer since it was built, as shown by photographs submitted to the Board of Appeals. The applicants are not full-time residents of Nantucket, and Robert described to the Board the sentimental attachment that he and his family have for it. The applicants now have a financial need to sell Lot 17A, and if Lot 2D were to be considered as merged with Lot 17A, they consider it likely that a prospective buyer would demolish the cottage in order to be able to construct a more modern and substantial secondary dwelling. The applicants offered to place restrictions upon Lots 17A and 2D, as part of a favorable decision to be granted by the Board of Appeals and also enforceable by the neighboring property owners who, as set forth above, supported the applications through their counsel, that Lot 17A would be limited to a single dwelling and that any structure to be placed upon Lot 17A would be set back by 100 feet from the northerly property line (being the boundary of Lot 17A closest to Nantucket Harbor), rather than the 20 feet required as side yard setback under the Zoning By-law, with an undisturbed buffer of natural vegetation 50 feet wide within Lot 17A along its

northerly property line. Accordingly, the total number of dwellings upon Lot 17A and 2D would be two, which is exactly the same number of dwellings that could be constructed upon the entire property if it were merged together as a single lot.

5. Under the circumstances presented to the Board, the Board found that owing to circumstances relating to the shape and topography of Lot 2D and especially affecting Lot 2D but not affecting generally the zoning district in which it is situated, consisting of the configuration of the existing dwelling upon Lot 2D and the adverse effect which the construction of new dwellings upon Lot 17A in close proximity to its northern boundary would have upon the neighborhood, a literal enforcement of the provisions of the Zoning By-law would involve substantial hardship to the applicants, in that they would no longer be able to keep and enjoy the existing cottage if the combined Lots 17A and 2D were to be sold as a single lot, ant that desirable relief might be granted without substantial detriment to the public good any without nullifying or substantially derogating from the intent or purpose of the By-law, in that, conditioned as set forth below, the proposed Variance would have the effect of not increasing the total number of dwellings above that permitted as a matter of right, and would benefit the neighborhood by restricting the placement of structures upon Lot 17A. Accordingly, by UNANIMOUS vote, the Board of Appeals GRANTED the requested VARIANCE relief for Lot 2D, validating it as a separate lot for zoning purposes with the status of a lot of record, with the structure upon it as now existing, subject to the following conditions, which the applicants agreed would burden Lot 17A as well as Lot 2D:

(a) Not more than one dwelling, containing not more than one dwelling unit, shall be constructed or permitted to exist upon Lot 17A.

(b) All structures upon Lot 17A shall be situated at least 100 feet from the northerly boundary line of Lot 17A.

(c) An undisturbed buffer of natural vegetation 50 feet wide shall be maintained within Lot 17A along its northern boundary line.

(d) No expansion of the existing structure upon Lot 2D, as shown upon the plan shown in Exhibit A, shall be permitted without further relief from the Board of Appeals.

6. Inasmuch as Lot 17A conforms to the dimensional requirements of the Zoning By-law, it needs no relief (except for the Variance relief granted to Lot 2D as set forth above) in order to validate its status as a separate lot, and for that reason the requested VARIANCE for Lot 17A was DENIED by the Board of Appeals, by UNANIMOUS vote, for the reason that no relief was necessary; provided, however, that the conditions of this

Decision for the granting of the Variance for Lot 2D shall also burden Lot 17A, as agreed by the applicants.

Dated: January 20, 2000

William P. Hourihan, Jr.

Dale W. Waine

Michael N. O'Mara

Nancy J. Sevrens

Edward S. Toole

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554

JAN 20 2000

TIME: 1:25 pm

Asst. CLERK: RL Carpenter

P:\WP\Flanagan\Robert\ZBA DEC.doc

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, CHAPTER 40A, SECTION 11.

TOWN CLERK

FEB 14 2000

Document No. 097712

SPECIAL PERMIT

Nantucket Registry District
JUL 05 2002

RECEIVED FOR REGISTRATION
1 O'CLOCK 54 m P M

NOTED ON CERTIFICATE NO. 7171

IN REGISTRATION BOOK ____ PAGE ____

ATTEST Joanne L. Kelley
ASST. RECORDER

Document No. 097712

000217

210

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

JUL 03 2002

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

CATHERINE FLANAGAN STOVER

Notary Public

My Commission Expires February 23, 2005

000218

097712

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: June 4 , 2002

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

Application No.: 036-02

Owner/Applicant: Robert M. Flanagan and Mary L. Flanagan

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.

Nancy Sevrens

Nancy Sevrens, 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
1 East Chestnut Street
Nantucket, Massachusetts 02554

Assessor's Map 14, Parcel 42
6 Village Way, Pocomo
Limited Use General-3

Land Court Plan 16220-B
Lot 2D
Certificate of Title No. 7171

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, May 10, 2002, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following Decision on the Application of ROBERT M. FLANAGAN and MARY L. FLANAGAN, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 036-02:

2. The Applicants are seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law §139-33.A(4) and (5), for the alteration of a pre-existing, dimensionally nonconforming structure, without making any setback or other nonconforming dimension more nonconforming and without creating any new nonconformity. The Applicants propose to alter their pre-existing single-family dwelling, nonconforming as to setbacks and ground cover, including upward expansion of a portion of the structure within the required front yard and side yard setback areas, with no alteration in the pre-existing footprint and without coming any closer to those lot lines than the existing structure. Further, the Applicants are requesting that the Board of Appeals determine that this alteration and expansion, as approved by the Special Permit requested hereunder, would comply with the requirement of the Decision in Board of Appeals File No. 007-01 [contained in subparagraph 5(d) of the consolidated Decision in Files 006-00 and 007-00] that there be no expansion of the existing structure upon the locus without further relief from the Board of Appeals. The Locus is nonconforming as to lot size, with the Locus containing about 5,387 square feet in area, with the minimum required in the Limited Use General-3 [LUG-3] zoning district in which it is situated being 120,000 square feet; as to frontage, with the Locus having frontage of about 89.36 feet on Village Way, with a minimum of 200 feet required in the LUG-3 district; as to front yard setback, with the structure upon the Locus being sited at about 11.1 feet at the closest point from the front yard lot line, with the minimum in the LUG-3 district being 35 feet; as to side and rear yard setback, with the dwelling being sited as close as 4.2 feet from the northerly side yard lot line and as close as about 9.3 feet from the westerly rear yard lot line, with the minimum setback required in the LUG-3 district being 20 feet; and as to ground cover ratio,

with the Locus containing about 946 square feet of ground cover, for a ground cover ratio of about 17.6%, with the maximum allowed in the LUG-3 of 3%.

The Locus is situated as 6 VILLAGE WAY, Pocomo, is shown upon Assessor's Map 14 as Parcel 42, is shown upon Land Court Plan 16220-B as Lot 2D, and is situated in a Limited Use General-3 zoning district.

3. Our Decision is based upon the Application and accompanying materials, and representations and testimony received at our public hearing. No recommendation was received from the Planning Board. Certain neighboring property owners, represented by counsel at the public hearing, expressed their support for the Application. There was no other support nor opposition presented at the public hearing.

4. Applicants, through counsel, represented that The Locus was validated as a separate lot from adjacent vacant land which was then in common ownership, by the Board of Appeals Decision in BOA File No. 007-00. Accordingly, it is not afforded the benefit of the provisions of the Nantucket Zoning By-Law for lots of record. However, the proposal by the Applicants is to alter their pre-existing nonconforming dwelling without change to the building footprint and thus without affecting the pre-existing, nonconforming ground cover ratio and front and side yard setbacks, and creating no new nonconformities. In fact, the proposal merely involves upward change in the roofline above the existing porch to provide more headroom for the occupants, which is partly within the required setback areas, without creating a second story or adding to living space in the dwelling. No detriment to the neighborhood is apparent, and the only comments from neighbors are favorable to the granting of relief. A plan by Charles W. Hart & Associates, Inc., dated January 10, 2000, a reduced copy of which is attached hereto as Exhibit A, depicts the conditions now existing upon the Locus.

5. Accordingly, the Board of Appeals made the finding that the Applicants' proposed alteration of the existing dwelling, subject to the conditions set forth in Paragraph 7 of this Decision, would be an increase of the massing of the structure within the required setback area. However, said increase would not be substantially more detrimental to the neighborhood than the pre-existing nonconformities, would not create any new nonconformity, and would not make any pre-existing, nonconforming setback distance more nonconforming.

6. Accordingly, by a UNANIMOUIS vote, the Board GRANTED the requested SPECIAL PERMIT relief under Nantucket Zoning By-Law

§139-33.A(4) and (5) to allow the alteration of the structure as proposed, subject to the conditions set forth in Paragraph 7.

6. The relief hereby granted is subject to the following conditions:

(a) There shall be no increase in the height of the main ridge of the roof of the dwelling upon the Locus as it now exists.

(b) All work shall be done in substantial conformity with the plans approved by the Nantucket Historic District Commission under Certificate of Appropriateness No. 39473, as may be amended.

(c) Condition (d) of the Decision in File No. 007-01, which stated that no expansion of the existing structure upon the Locus shall be permitted without further relief from the Board of Appeals, shall remain in full force and effect.

Dated: June 4, 2002

(Nancy J. Sevrens)

Dale W. Waine

Edward Toole

C. Richard Loftin

Edward C. Murphy

RECEIVED
'02 JUN -4 P3:16
NAN. TOWN CLERK

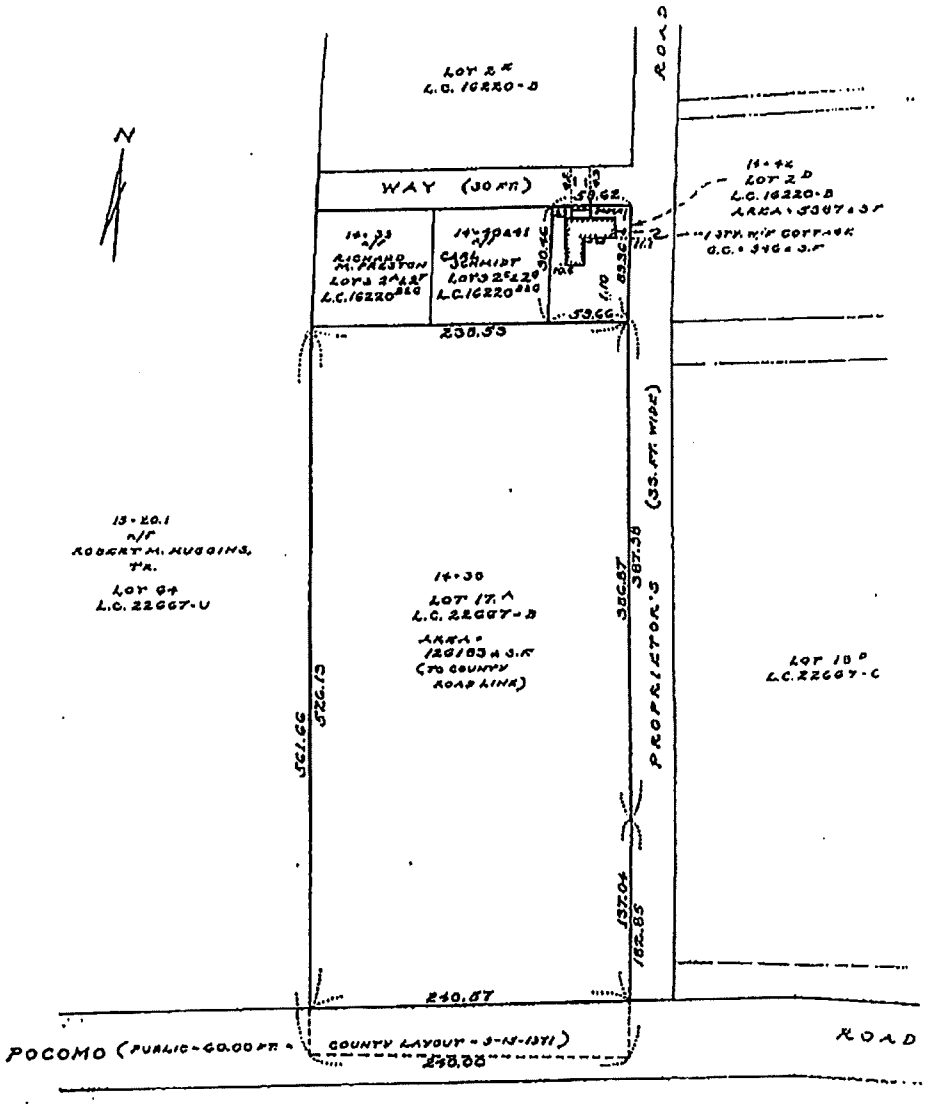
000222

097712

ZONING CLASSIFICATION: R.U.G.-3 EXISTING:

MIN. AREA: . .120000 S.F.
MIN. FRONTAGE: . .200 F.T. .
FRONT YARD S.B.: . .35 F.T. .
REAR & SIDE S.B.: . .20 F.T. .
GROUND COVER (%): . 3% . . .

SEE PLAN



SITE PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"=100' DATE: 1-10-2000

Owner: ROBERT M. & MARY L. FLANAGAN
Deed: L.C. CERT. 7171 Plan: LOT 2-D; L.C. 16220-B and LOT 17-A; L.C. 22667-B
Locus: 37 POCOMO RD. & 6 VILLAGE WAY

Charles W. Hart
1-10-00

CHARLES W. HART & ASSOCIATES, Inc.
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

H-5899

Document No. 107055

EASEMENT

Nantucket Registry District
APR 27 2004

RECEIVED FOR REGISTRATION
1 OCLOCK 26 m P M

NOTED ON CERTIFICATE NO. 19486 + 7171
IN REGISTRATION BOOK _____ PAGE _____
ATTEST Joann D. Kelley
ASST RECORDER

Document No. 107055

000164

107055

216

000165

107055

GRANT OF EASEMENT

I, MARY L. FLANAGAN (the "Servient Owner"), being the owner of the land in Nantucket, Nantucket County, Massachusetts, shown as Lot 17-A on Land Court Plan 22667-B (the "Servient Land"), by virtue of Certificate of Title No. 19486 at Nantucket Registry District, grant to ROBERT M. FLANAGAN and MARY L. FLANAGAN (the "Dominant Owners"), being the owners of the land in said Nantucket shown as Lot 2D on Land Court Plan 16220-B (the "Dominant Land"), by virtue of Certificate of Title No. 7171 at Nantucket Registry District, a permanent easement, as appurtenant to the Dominant Land and not in gross, to install, maintain, repair, replace and inspect a sewage disposal system, and accompanying pipes, fittings and equipment, within the portion of the Servient Land which is shown as "Septic System Easement Area" upon the Easement Plan by Charles W. Hart & Associates, Inc., dated April 1, 2004, attached hereto as Exhibit A, to serve the structures and improvements which are now or hereafter may be existing upon the Dominant Land.

The provisions hereof shall run with the land, and shall be binding upon the Servient Owner and her successors in title or interest to the Servient Land, and shall inure to the benefit of the Dominant Owners and their successors in title or interest in the Dominant Land.

Executed and sealed on April 12, 2004.

Mary L. Flanagan

Mary L. Flanagan

STATE OF NEW YORK

_____, ss. April 12, 2004

Then personally appeared the above-named Mary L. Flanagan, and acknowledged the foregoing instrument to be her free act and deed, before me,

Notary Public

Printed name:
My commission expires:

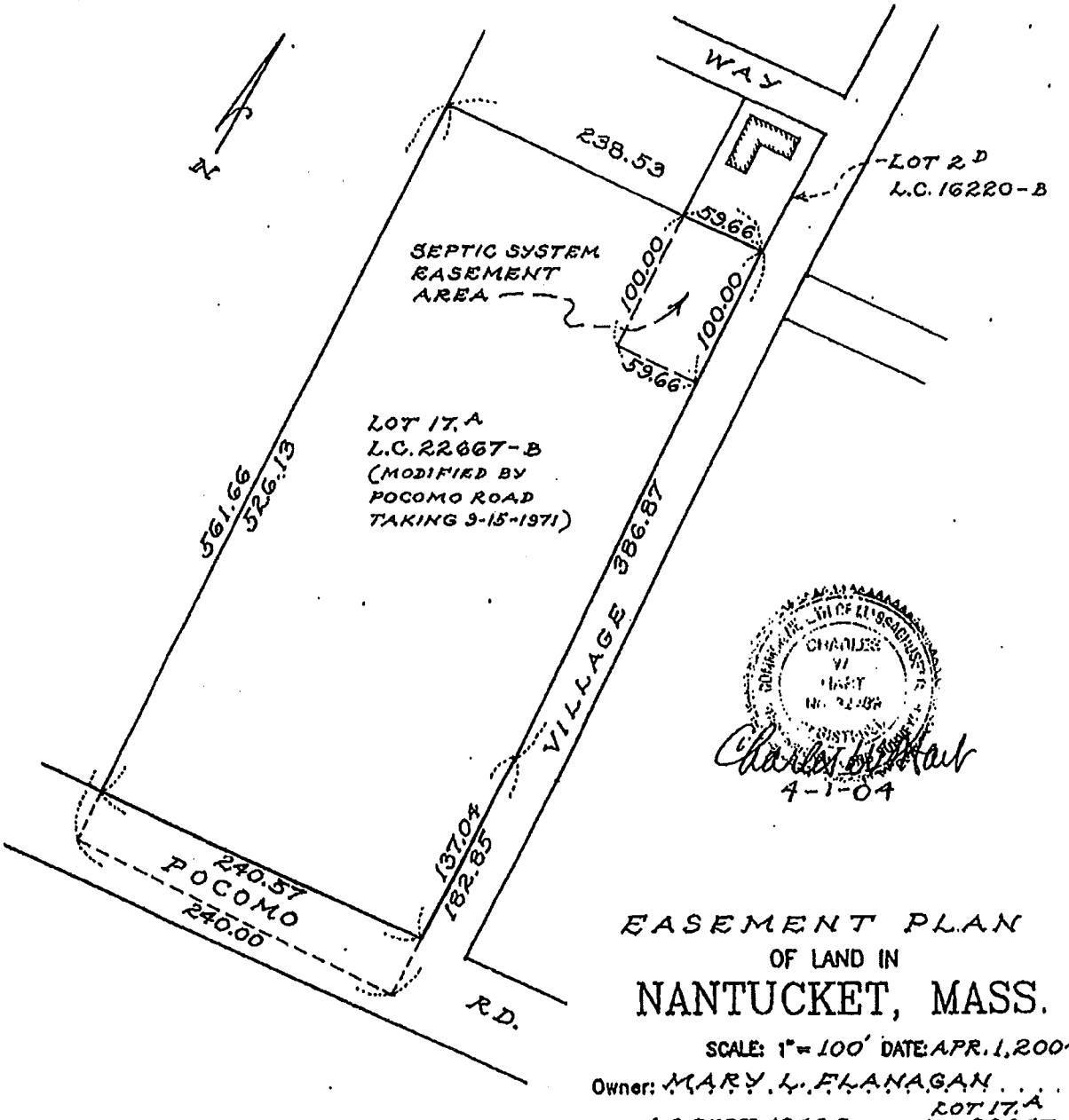
FREDERICK M. WEINTRAUB
Notary Public, State of New York
No. 01WE4963174
Qualified In Nassau County
Commission Expires March 05, 20 06

F:\WPP\Flanagan\Robert\Septic Easement.doc

000166

EXHIBIT A

107055



EASEMENT PLAN

OF LAND IN

NANTUCKET, MASS.

SCALE: 1" = 100' DATE: APR. 1, 2004

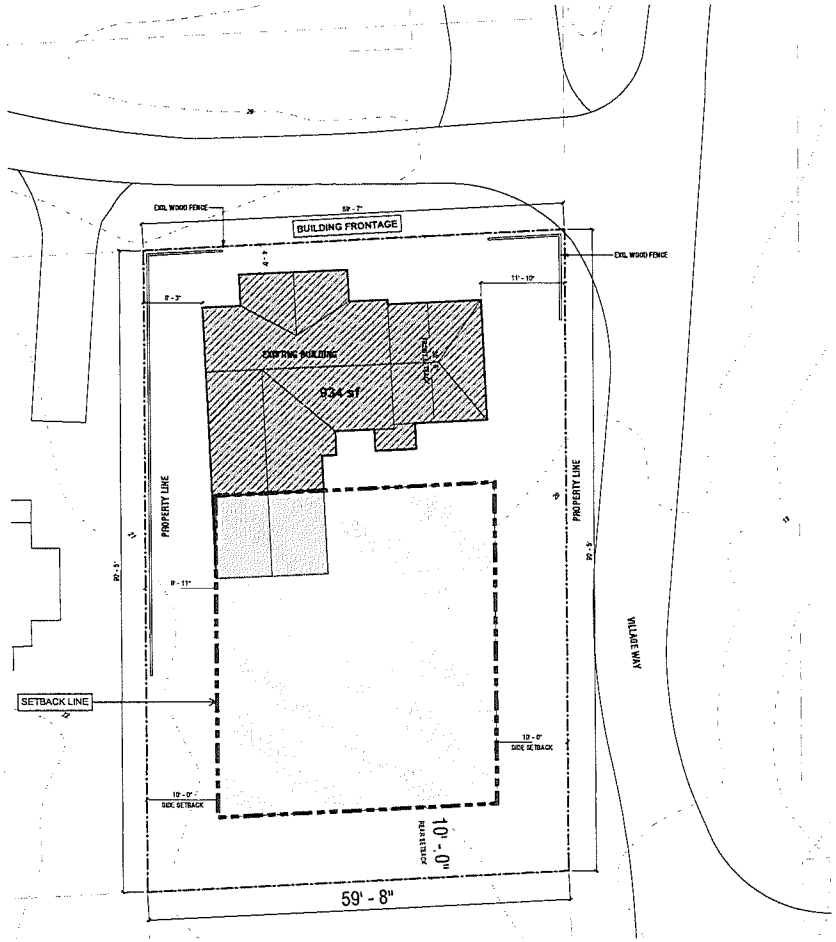
Owner: MARY L. FLANAGAN

Deed: L.C. CERT. 19486 Plan LOT 17A L.C. 22667-B

Locus 37 POCOMO ROAD

CHARLES W. HART & ASSOCIATES, Inc.
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

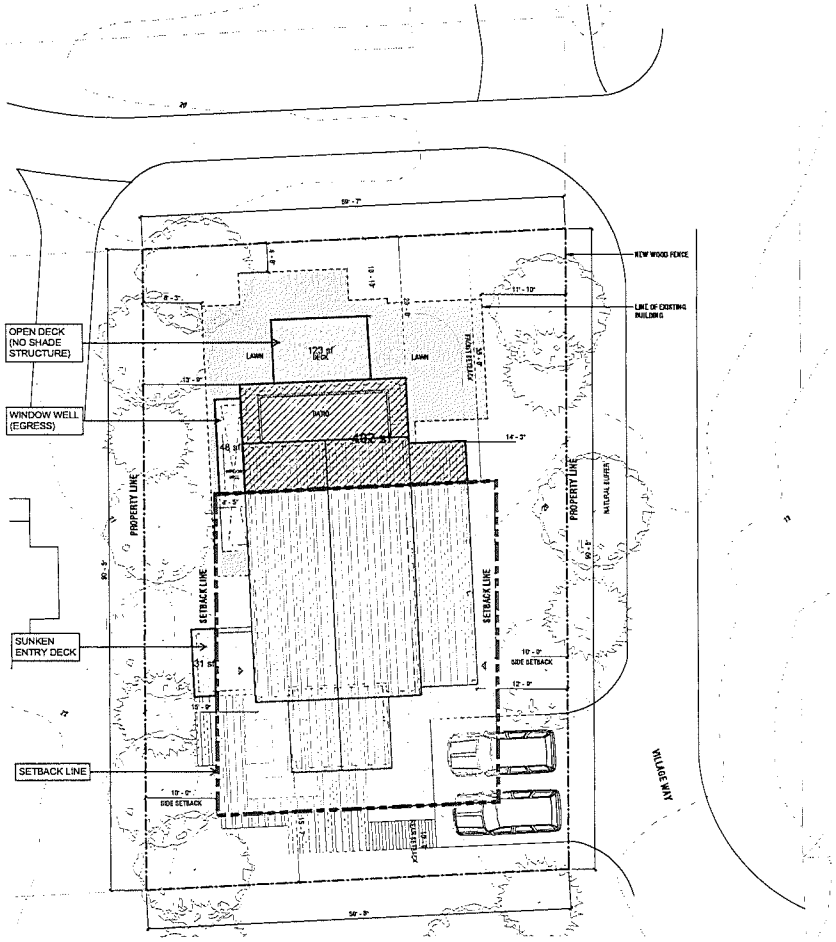
H-5899



2 SITE PLAN - EXISTING
1/8" = 1'-0"

LOT SIZE: 5,387 SF
BUILDING AREA: 987 SF

TOTAL ENCROACHMENT SF: **934 SF**



1 SITE PLAN - PROPOSED
1/8" = 1'-0"

LOT SIZE: 5,387 SF
BUILDING AREA: 1,167 SF

TOTAL ENCROACHMENT SF: **402 SF**

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L COHEN OF THE 6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-0712 info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8798

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 812-8967

LANDSCAPE ARCHITECT

MIROSLAVA AHERN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 333-5138

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXS. FIELD CONDITIONS

REVISIONS

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS	
DRAWN BY	Author
CHECKED BY	Checker
DATE	10/16/21
SCALE	1/8" = 1'-0"
PROJ. NO.	321015

SITE PLAN

L-000

COPYRIGHT © 2021 WORKSHOP/APD ARCHITECTURE DPC

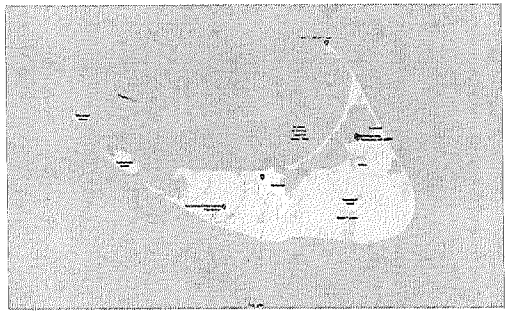
6VW NEW DWELLING

HDC REVISION I
NEW DWELLING
08 JULY 2021

6 VILLAGE WAY
NANTUCKET, MA 02554
PROJECT NO. 321015

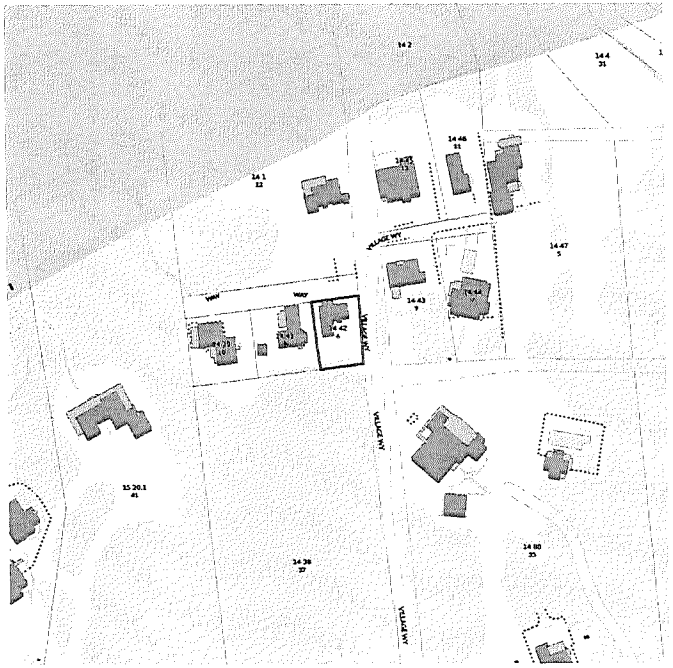
220

LOCUS PLAN

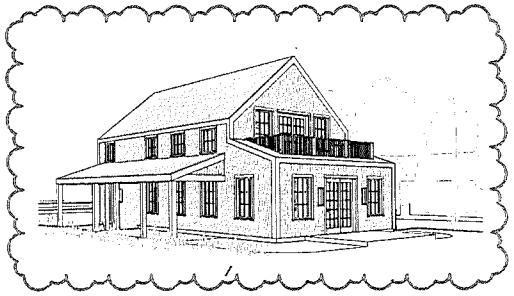




LOCUS PLAN



PERSPECTIVE VIEW OF NEW DWELLING



LIST OF DRAWINGS

SHEET NUMBER		03.15.2021 HDC SUBMISSION	07.08.2021 HDC Revision I
T-000	COVER SHEET / TITLE SHEET	●	●
G-001	GENERAL NOTES	●	●
G-002	EXISTING CONDITIONS	●	●
G-003	EXISTING CONDITIONS	●	
L-000	SITE PLAN	●	●
A-100	FLOOR PLANS	●	●
A-101	FLOOR PLANS	●	●
A-200	BUILDING ELEVATIONS	●	●
A-201	BUILDING ELEVATIONS	●	●
A-400	EXTERIOR DETAILS		●

Total Pages: 10

ZONING INFORMATION

Map & Parcel	14/42	
Current Zoning	LUG-3	
Front Setback	35	FT
Side Setback	10	FT
Rear Setback	10	FT
Max. Building Height	30	FT
Lot Size	5,387	SF
Max G.C.	1,500	SF*

*LOT OF RECORD, EXISTING NON-CONFORMING

Proposed Dwelling	1,167	SF
TOTAL G.C.	1,167	SF

6VW
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER
STEVEN I. COHEN OF THE
37 POCOMO ROAD REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT
WORKSHOP/APD
WORKSHOP/APD ARCHITECTURE DPC CORP.
39 West 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-8712 info@workshopapd.com

CONTRACTOR
J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER
CRAFT - ENGINEERING STUDIO
39 West 38th Street, 8th Fl
New York, NY 10018
T: (646) 812-8867

LANDSCAPE ARCHITECT
MIROSLAVA AHERN, LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 333-0138

SURVEYOR
NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 229-0240

ALL DRAWING & SPECS ARE SUBJECT TO VERIFICATION OF CND. FIELD CONDITIONS

REVISIONS

1	07/08/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/08/2021	HDC Revision I

DRAWING INFO

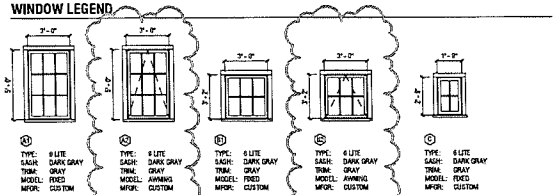
CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	12" = 1'-0"
PROJ. NO.	321015

COVER SHEET / TITLE SHEET

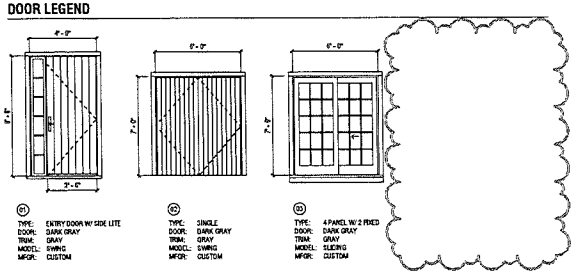
T-000

WINDOW LEGEND

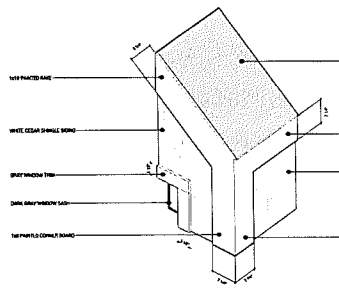


(A1)	(A2)	(B1)	(B2)	(C)
TYPE: 8 LITE	TYPE: 8 LITE	TYPE: 6 LITE	TYPE: 6 LITE	TYPE: 6 LITE
SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY
TRIM: GRAY	TRIM: GRAY	TRIM: GRAY	TRIM: GRAY	TRIM: GRAY
MODEL: FIXED	MODEL: AWNING	MODEL: FIXED	MODEL: AWNING	MODEL: FIXED
MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM

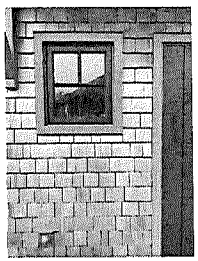
DOOR LEGEND



(D1)	(D2)	(D3)
TYPE: ENTRY DOOR W/ SIDE LITE	TYPE: SINGLE	TYPE: 4 PANEL W/ 2 FIXED
DOOR: DARK GRAY	DOOR: DARK GRAY	DOOR: DARK GRAY
TRIM: GRAY	TRIM: GRAY	TRIM: GRAY
MODEL: SWING	MODEL: SWING	MODEL: SLIDING
MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM



1 AXON - TYPICAL RAKE & FACSIA



REFERENCE IMAGE OF WINDOW SASH AND TRIM PAINT COLOR

GENERAL NOTES

1. DRAWINGS ARE REPRESENTATIVE DOCUMENTS TO FACILITATE CONSTRUCTION. CONTRACTOR SHOULD FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. THE HEIGHTS OF GRADE INDICATED ON DRAWINGS ARE APPROXIMATE AND ARE PROVIDED FOR INFORMATION ONLY. NOTIFY DESIGNER OF ANY ALTERATIONS OR DISCREPANCIES IMMEDIATELY UPON DISCOVERY AND BEFORE PROCEEDING WITH WORK.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISTRIBUTION OF DRAWINGS TO THE SUB-CONTRACTORS UNDER HIS JURISDICTION.
3. THE CONTRACTOR IS TO COORDINATE THE WORK OF ALL SUB-CONTRACTORS, INCLUDING THE TIMING AND SCHEDULING OF THEIR WORK AND THE LAYOUT OF THEIR SYSTEMS. THE CONTRACTOR SHALL PROVIDE ALL SUB-CONTRACTORS WITH NECESSARY POWER AND ACCESS AND CONNECTIONS THROUGH FOUNDATION WALLS AS REQUIRED.
4. WORKSHOPAPD IS CONTRACTED TO SERVE AS THE OWNERS REPRESENTATIVE DURING CONSTRUCTION. A REPRESENTATIVE OF WORKSHOPAPD SHALL MAKE PERIODIC SITE VISITS TO VERIFY CONSTRUCTION PROGRESS AND WILL REPORT FINDINGS TO THE OWNER AND CONTRACTOR IN THE FORM OF A WRITTEN REPORT. THE CONTRACTOR SHALL PROVIDE FREE ACCESS TO THE WORK TO THE OWNER, ARCHITECT, SUBCONTRACTOR, AND THEIR REPRESENTATIVES AT ALL TIMES.
5. THE CONTRACTOR SHALL ACKNOWLEDGE THAT JOB SITES ARE DIFFICULT AND DANGEROUS PLACES TO WORK BY NATURE, AS SUCH, ALL NECESSARY PRECAUTIONS WILL BE TAKEN TO ENSURE THE SAFETY AND GENERAL WELL BEING OF HIS EMPLOYEES, CONTRACTOR SHALL PROVIDE GUARDS, RAILS BARRICADES, FENCES, CATCH PLATFORMS, RAILINGS, DECKING, NIGHT LIGHTING, ETC. AS REQUIRED. THE USE OF ANY STEREOS AND/OR RADIOS AND THE PRESENCE OF PETS, OF ANY KIND ARE PROHIBITED ON THE JOB SITE.
6. DRAWINGS SHALL NOT BE SCALED BY HAND, USE ONLY PRINTED DIMENSIONS TO IDENTIFY SIZE AND DIMENSION OF MATERIALS AS SHOWN. CONTACT THE DESIGNER TO VERIFY ANY DIMENSION THAT HAS BEEN OMITTED FROM THESE PLANS.
7. CONTRACTOR TO PROVIDE ALL MATERIALS FOR A COMPLETE JOB AS INDICATED IN THE DRAWINGS BOTH GRAPHICALLY AND WRITTEN, IN CASE OF DISCREPANCIES, THE MORE STRINGENT AND/OR COSTLY EXAMPLE SHALL BE ASSUMED. CONSULT DESIGNER IF SUCH A SITUATION OCCURS.
8. SHOP DRAWINGS SHALL BE SUBMITTED TO WORKSHOPAPC, PRIOR TO PROCEEDING WITH WORK, FOR ALL MATERIALS THAT REQUIRE FABRICATION. WORKSHOPAPC SHALL REVIEW AND RETURN SHOP DRAWINGS TO CONTRACTOR WITHIN A PERIOD OF TEN WORKING DAYS FROM THE DATE OF SUBMITTAL.
9. CONTRACTOR SHALL FURNISH SAMPLES OF ALL MATERIALS, AND/OR FINISHES AS SPECIFIED FOR CONSTRUCTION AT THE REQUEST OF THE OWNER OR DESIGNER.
10. ALL MATERIALS SHALL BE NEW, UNUSED, AND OF THE HIGHEST QUALITY IN EVERY RESPECT UNLESS NOTED OTHERWISE ON AT THE SPECIFIC AUTHORIZATION OF THE OWNER.
11. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE AND TRUE.
12. CONTRACTOR SHALL PERFORM ALL CUTTING AND PATCHING REQUIRED TO COMPLETE WORK OR MAKE PARTS FIT TOGETHER PROPERLY, WITHOUT COMPROMISING QUALITY OF WORK.
13. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR BRACING AND PROTECTING ALL WORK FROM DAMAGE, BREAKAGE, COLLAPSE, DISTORTION AND MIS-ALIGNMENT ACCORDING TO APPLICABLE BUILDING CODES AND STANDARDS OF GOOD PRACTICE.
14. CONTRACTOR SHALL MAINTAIN AND PROTECT ALL EXISTING SYSTEMS AT ALL TIMES FROM THE EFFECTS OF ADVERSE WEATHER (RAIN, SNOW, COLD, ETC.) AT NO ADDITIONAL COST TO THE OWNER.
15. ALL WORK SHALL BE INSTALLED SO THAT REQUIRED PARTS ARE READILY ACCESSIBLE AND AVAILABLE FOR INSPECTION, OPERATION, MAINTENANCE AND REPAIR.
16. CONTRACTOR SHALL MAINTAIN CLEAR AND UNOBSTRUCTED ACCESS FROM ALL FLOORS TO STAIRWELLS AND EXTERIOR EXITS AT ALL TIMES.
17. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR PROTECTING ALL DANGEROUS AREAS FROM ENTRY BY UNAUTHORIZED PARTIES.
18. CONTRACTOR SHALL PROVIDE PROTECTION OF ALL WINDOWS AND DOORS DURING CONSTRUCTION. MEANS OF PROTECTION SHALL NOT BE ATTACHED TO WINDOW AND DOOR FRAMES.
19. THE CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE REQUIRED TO COOPERATE WITH OTHER SUBCONTRACTORS AS NECESSARY INCLUDING THOSE HIRED UNDER SEPARATE CONTRACT BY THE OWNER. EACH SUBCONTRACTOR SHOULD COMPLETE WORK ON AN EXPEDITED AND REASONABLE SCHEDULE, IN A MANNER THAT DOES NOT DELAY OTHER TRADES AND SUBCONTRACTORS FROM COMPLETION OF WORK.
20. ALL NAILS AND FASTENERS IN AREAS PRONE TO MOISTURE SHALL BE "HOT DIPPED GALVANIZED" UNLESS NOTED OTHERWISE.
21. THE CONTRACTOR SHALL KEEP SUFFICIENT WORKMAN ON THE JOB SITE AT ALL TIMES TO PERFORM WORK IN THE MOST EXPEDITIOUS MANNER CONSISTENT WITH GOOD WORKMANSHIP, SOUND BUSINESS PRACTICE AND IN THE BEST INTEREST OF THE OWNER.
22. THE CONTRACTOR SHALL SECURE AND PAY FOR ALL PERMITS AND INSPECTION SERVICES OF LOCAL AUTHORITIES GIVEN THE ACTUAL BUILDING PERMIT AND HISTORIC DISTRICT COMMISSION APPROVAL, WHICH SHALL BE SECURED BY THE OWNER OR DESIGNER PRIOR TO THE SCHEDULED START DATE. ALL INSPECTIONS, RECORDS AND CERTIFICATE OF OCCUPANCY SHALL BE GIVEN TO THE OWNER AT THE END OF THE JOB. THE JOB SHALL NOT BE CONSIDERED COMPLETE UNTIL THE CERTIFICATE OF OCCUPANCY IS SERVED.
23. ALL WORK SHALL CONFORM TO ALL APPLICABLE NATIONAL, STATE AND LOCAL BUILDING, PLUMBING, ELECTRICAL AND LIFE SAFETY CODES. EVEN WHEN NOT SPECIFIED IN THE DRAWINGS, NOTES, OR SPECIFICATIONS, IF ANY CODE IS IN CONFLICT WITH THESE, THE CONTRACTOR SHALL REPORT SUCH TO CWA FOR REVISIONS PRIOR TO BIDDING. IN THE EVENT OF CONFLICT BETWEEN APPLICABLE CODES OR REGULATIONS AND REFERENCE STANDARDS OF THESE PLANS AND SPECIFICATION, THE MORE STRINGENT PROVISIONS SHALL GOVERN.
24. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING UTILITY COMPANIES TO ENSURE SAFE DIGGING.
25. A REGISTERED SURVEYOR SHALL BE REQUIRED TO SET ALL FOUNDATION CORNERS, ELEVATIONS AND DIMENSIONS ON SITE.
26. USE OF THESE DRAWINGS MUST BE IN COMPLIANCE WITH ALL OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.

FOUNDATION NOTES:

1. FOUNDATION NOTES ARE APPLICABLE TO ALL CONDITIONS UNLESS OTHERWISE NOTED.
2. ALL FOUNDATION WALLS SHALL BE 12" THICK CONCRETE, MINIMUM 3000PSI AT 28 DAYS, UNLESS OTHERWISE NOTED.
3. FOUNDATION WALLS SHALL BE KEYED INTO FOOTINGS.
4. FOOTINGS SHALL BE A MINIMUM OF 9"-0"D X 2'-0"W WITH 3-#4 CONTINUOUS HORIZONTAL BARS. HORIZONTAL REINFORCING SHALL BE PLACED AT 3" ABOVE BOTTOM OF FOOTING.
5. ALL FOOTINGS AND CONCRETE PIERS SHALL EXTEND 4'-0" BELOW GRADE MINIMUM.
6. CONCRETE PIERS SHALL HAVE BELL CAST FOOTING, BASE OF BELL SHALL BE 3 TIMES WIDTH OF PIER, DEPTH OF BELL SHALL EQUAL WIDTH OF PIER, TAPER OF BELL SHALL BE 45 DEG. ANGLE MINIMUM.
7. ALL PERIMETER FOUNDATION WALLS SHALL HAVE WATERPROOFING APPLIED TO THE EXTERIOR.
8. FOUNDATION WALLS SHALL INCORPORATE 10" LONG - 1/2" DIAMETER ANCHOR BOLTS AT 32" O.C. MINIMUM, ON ALL PERIMETER WALLS, A MINIMUM OF TWO BOLTS SHALL BE USED AT EACH SILL PLATE. HOLD BOLTS 15" OFF CORNERS MINIMUM. APPROVAL OF TOPSOIL REMOVAL SHALL BE IN THE FORM OF AGRANCE ORDER.
9. CONCRETE FLOOR SLABS SHALL BE 4" THICK MINIMUM AND BE REINFORCED WITH WELDED WIRE MESH OR FIBER MESH REINFORCING. REINFORCING SHALL BE PLACED AT THE CENTER OF THE SLAB. FLOOR SLABS SHALL BE POURED OVER 6" GRAVEL BASE AND 6 MIL. POLY-VAPOR BARRIER ON STRUCTURALLY COMPACTED OR UNDISTURBED SOIL.
10. CONTRACTOR AND SUBCONTRACTORS SHALL USE CLEAN SAND, WELL GRADED AND FREE FROM ANY DELETERIOUS SUBSTANCES, AND CLEAN WATER, TAKEN FROM A SOURCE SUITABLE FOR CONCRETE CONSUMPTION.
11. FOR ALL BRICK OR STONE FINISHES THE CONTRACTOR SHALL SUBMIT A SAMPLE TO THE DESIGNER FOR APPROVAL, PRIOR TO INSTALLATION.
12. ANCHORS AND TIES SHALL BE CORROSION PROOF AND GALVANIZED AFTER FABRICATION.
13. COLD WEATHER INSTALLATIONS FOR CONCRETE, WHEN AIR TEMPERATURE IS BELOW 40 DEGREES F, REQUIRE APPROVAL BY THE DESIGNER.
14. MASONRY WORK SHALL BE PLUMB, TRUE TO LINE, WITH COURSES LEVEL. BUILD IN ALL METAL TIES AND ANCHORS AS WORK PROGRESSES.
15. CONCRETE MASONRY UNIT CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING STANDARDS: HOLLOW UNITS - ASTM C-90; SOLID UNITS - ASTM C-145; PORTLAND CEMENT - ASTM C-150; MASONRY CEMENT - ASTM C-91. NON-STAINING CEMENT SHALL BE USED WHERE NON-STAINING MORTAR IS REQUIRED; HYDRATED LIME - ASTM C-207, 6, G.M.U., BOTH BOTTOM AND ENDS, SHALL BE SET IN A FULL BED OF MORTAR WITH JOINTS OF UNIFORM THICKNESS AND HEAD JOINTS IN ALTERNATE COURSES PLUMB OVER THE ONES BELOW.
16. ALL JOINTS SHALL BE TOOLED AS SOON AS POSSIBLE AFTER INITIAL SET, FLUSH JOINTS SHALL NOT BE PERMITTED.
17. REFER TO DETAILS FOR FURTHER INFORMATION.

PLUMBING/MECHANICAL NOTES:

1. STRUCTURAL MEMBERS SHALL NOT BE IMPAIRED OR UNDERMINED BY IMPROPER CUTTING OR DRILLING.
2. ALL PLUMBING/MECHANICAL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, BE PERFORMED BY A LICENSED TRADESPERSON, AND BE COMPLETED IN ACCORDANCE WITH THE DIRECTION OF LOCAL BUILDING CODE OFFICIALS. SUBCONTRACTORS AND TRADESPERSONS ARE RESPONSIBLE FOR OBTAINING REQUIRED PERMITS FOR THEIR TRADE, SCHEDULING AND COMPLETING REQUIRED INSPECTIONS AND OPERATING ON A REASONABLE AND EFFICIENT SCHEDULE THAT DOES NOT DELAY THE WORK OF OTHER TRADES.
3. ALL MATERIALS SHALL BE SIZED IN ACCORDANCE WITH THE PROPOSED PLANS, ALLOWING FOR FUTURE EXPANSION IF INDICATED. ALL WORK SHALL BE INSTALLED SO THAT REQUIRED PARTS ARE READILY ACCESSIBLE AND AVAILABLE FOR INSPECTION, OPERATION, MAINTENANCE AND REPAIR.
4. ALL PRODUCTS, MATERIALS AND FIXTURES SHALL BE INSTALLED IN A MANNER CONSISTENT WITH SOUND PRACTICE AND QUALITY WORKMANSHIP.
5. PLUMBING WORK SHALL INCLUDE ALL LABOR AND MATERIALS FOR ALL PIPING, FIXTURES, HOT WATER HEATER, AND SEWER/SEPTIC CONNECTIONS. THIS INCLUDES CONNECTIONS FOR AN ICEMAKER IN THE REFRIGERATOR, THE DISHWASHER, AND WASHING MACHINE AS INDICATED ON PLANS. THE KITCHEN SINK WILL HAVE A GARBAGE DISPOSAL.
6. HOT WATER HEATER SHALL BE PROPANE FIRED HOT WATER HEATER, POWER VENTED, 45 GALLON CAPACITY (SUPER 3 STORE" OR APPROVED EQUIVALENT).
7. PLUMBER SHALL FURNISH AND INSTALL 500 GAL UNDERGROUND PROPANE STORAGE TANK, AND ALL REQUIRED PIPING TO BOILER, CLOTHES DRYER AND KITCHEN RANGE.
8. HEATING WORK SHALL INCLUDE ALL LABOR AND MATERIALS, ELECTRICAL/PLUMBING CONNECTIONS, AND INSTALLATION AS THEY OCCUR. DESCRIPTION OF SPECIFIC UNIT SHALL BE PART OF THE BID. STANDARD HEATING UNIT SHALL BE PROPANE FIRED RADIANT HOT WATER BASEBOARD SYSTEM WITH EFFICIENCY RATING OF 94 UNITS TO BE SIDEWALL VENTED. UNIT SIZE SHALL BE SIZED TO ACCOMMODATE THE ENTIRE HOUSE AT 70DF AT A 0DF EXTERIOR TEMPERATURE. HEATING SYSTEM SHALL BE CAPABLE OF OPERATING AT PEAK EFFENCIENCY AT A TEMPERATURE OF 72°F. HEATING SYSTEM SHALL BE DIVIDED INTO WOHO ZONES. THERMOSTATS SHALL BE DIGITAL AND PROGRAMMABLE.
9. VENT TO THE EXTERIOR ALL BATHROOMS WHICH DO NOT HAVE OPERABLE WINDOWS.

FRAMING NOTES:

1. ALL WOOD FRAMING MEMBERS SHALL BE STRUCTURAL GRADE #2 OR BETTER.
2. ALL WOOD SHALL COMPLY WITH THE U.S. DEPARTMENT OF COMMERCE AMERICAN LUMBER STANDARDS SIMPLIFIED PRACTICE AND GRADING REQUIREMENTS OF A RECOGNIZED ASSOCIATION UNDER WHOSE RULES THE LUMBER IS PRODUCED.
3. WOOD SHALL BE FROM LIVE STOCK, THOROUGHLY SEASONED, WELL MANUFACTURED AND GENERALLY FREE FROM WARPAGE THAT CANNOT BE CORRECTED BY BINDING OR NAILING.
4. MOISTURE CONTENT OF LUMBER SHALL NOT EXCEED 19 % AT THE TIME OF CONSTRUCTION.
5. ALL PLAN DIMENSIONS ARE TO OUTSIDE OF FRAMING MEMBERS AND CENTERLINE OF OPENINGS. VERIFY ALL ROUGH OPENINGS WITH WINDOW AND DOOR SCHEDULE.
6. ALL EXTERIOR WALLS, AND INTERIOR PARTITION WALLS BEHIND TOILETS, SHALL BE 2"X6" STUD CONSTRUCTION AT 16" O.C. TYPICAL, ALL OTHER INTERIOR PARTITION WALLS SHALL BE 2"X4" STUD CONSTRUCTION AT 16" O.C. TYPICAL. WALLS SHALL HAVE SINGLE SHOE AND DOUBLE TOP PLATE.
7. JOISTHANGERS SHALL BE USED AT ALL FLUSH-FRAMED FLOOR JOISTS, JOISTS OVERLAPPING AT A SUPPORTING BEAM, SHALL OVERLAP 3" MINIMUM.
8. PROVIDE WOOD BLOCKING OR METAL BRIDGING AT 12'0/0 POINTS ON ALL FLOOR JOISTS, BLOCKING SHOULD BE SPACED 4'-0" O.C. MINIMUM AND AT O.C.MAXIMUM.
9. DOUBLE FLOOR JOISTS OR BLOCKING SHALL BE PROVIDED BELOW ALL INTERIOR PARTITION WALLS.
10. SIZES OF WOOD MEMBERS ARE NOMINAL SIZES. ALL LUMBER SHALL BE SURFACED ON FOUR SIDES, UNLESS NOTED OTHERWISE.
11. STRUCTURAL MEMBERS SHALL NOT BE IMPAIRED OR UNDERMINED BY IMPROPER CUTTING OR DRILLING
12. INSTALL GIRDER MEMBERS WITH JOINTS OVER SUPPORTS. PROVIDE 1/2" AIRSPACE AT ENDS AND SIDES OF GIRDERS FRAMED INTO MASONRY OR CONCRETE. WOOD SHIMS UNDER THE ENDS OF GIRDERS SHALL NOT BE PERMITTED.
13. MINIMUM BEARING OF JOISTS FRAMED INTO MASONRY SHALL BE 3".
14. JOISTS EXTENDING OVER BEARING PARTITIONS OR BEAMS MAY BE BUTTED AND TIED TOGETHER, OR NAILED TOGETHER WITH A MINIMUM OVERLAP OF 4".
15. EXTERIOR AND BEARING WALL CONSTRUCTION SHALL INCLUDE ADEQUATE RESISTANCE TO WRACKING BY THE USE OF CORNER BRACING OR ANCHORAGE OF STRUCTURAL SHEATHING TO PLATES.
16. JAMB STUDS, EXTENDING IN ONE PIECE FROM HEADER TO SOLE PLATE, SHALL BE INSTALLED AT ALL WINDOW AND DOOR OPENINGS, TO FORM RIGID ENCLOSURE.
17. PLYWOOD SHALL COMPLY WITH ALL APPLICABLE STANDARDS OF THE APA (AMERICAN PLYWOOD ASSOCIATION).
18. EXTERIOR TYPE HARDWOOD PLYWOOD, "TECHNICAL" OR "TYPE 1", MAY BE USED FOR ANY PART OF THE STRUCTURE.
19. STRUCTURAL INTERIOR TYPE, "STRUCTURE" PLYWOOD MAY BE USED FOR ALL INTERIOR WORK AND EXTERIOR WORK NOT DIRECTLY EXPOSED TO THE WEATHER.
20. INTERIOR PLYWOOD, "INT," OR "TYPE 2" MAY BE USED FUR INTERIOR WORK, EXCEPT BATHROOM AND SHOWER ENCLOSURES.
21. ROOF SHEATHING: 3/4" EXTERIOR GRADE TAG "TECHNICAL" PLYWOOD NAILED AT 10" O.C. WITH GALVANIZED 100 COMMON NAILS.
22. FLOOR SHEATHING: 3/4" STRUCTURAL "STRUCT-INT" PLYWOOD NAILED AT 10" O.C. WITH 100 COMMON NAILS.
23. EXTERIOR WALL SHEATHING: 1/2" EXTERIOR GRADE "TECHNICAL" PLYWOOD NAILED AT 6" O.C. WITH GALVANIZED 60 COMMON NAILS.
24. ALL OTHER SHEATHING: 1/2" INTERIOR GRADE "INT" PLYWOOD NAILED AT 8" O.C. WITH 60 COMMON NAILS.
25. FRAME ALL RAFTERS OPPOSITE EACH OTHER AT RIDGE WITH TIES OR RIDGE BOARD. THE DEPTH OF THE RIDGE BOARD SHALL BE NO LESS THAN THE CUT OF THE RAFTERS.

EXTERIOR FINISH NOTES:

1. BUILDING PAPER SHALL BE INSTALLED OVER ALL EXTERIOR SHEATHING TO RESIST MOISTURE AND WIND INFILTRATION, WALLS SHALL HAVE MINIMUM 15#FELT PAPER, ROOFS SHALL HAVE MINIMUM 30# ASPHALT IMPREGNATED FELT PAPER, WITH NOT LESS THAN 4" OVERLAP, FELT SHALL CONTINUE BEHIND ALL EXTERIOR TRIM. DOUBLED AND FOLDED INTO OPENINGS.
2. PROMPTLY REMOVE ALL MANUFACTURERS'S STICKERS FROM GLASS AFTER INSTALLATION.
3. KEEP JOINTS TO BE INSULATED CLEAN AND DRY. DO NOT INSTALL INSULATION WHERE IT MAY BE EXPOSED TO WATER. INSTALL AS PER MANUFACTURER'S INSTRUCTIONS AND BUILDING CODE REQUIREMENTS. PROVIDE INSECT SCREEN OR BARRIER AT ALL VENT OPENINGS.
4. EXTERIOR FOUNDATION TO BE PARGE.
5. DECKS SHALL USE 1"X 4" MAHOGANY, CONFIRM, LAMP, LAID FLAT WITH 1/4" REGULAR SPACING, ALL FLOORING AND DECKING SHALL BE TREATED 'S BOILED LINSEED OIL/50 % TURPENTINE, AND WITH A MIXTURE OF 50 %WAYNE SHALL BE PREVENTED OVER FINISHED SURFACES FOR THE PERIOD OF ONE WEEK.
6. EXTERIOR STEPS SHALL BE EQUAL TO DECK CONSTRUCTION, TRIM AND FINISH. RISERS SHALL MATCH TRIM MATERIAL, NOSING SHALL PROJECT 3/4".
7. ALL EXTERIOR STEPS SHALL LAND ON TO A 4" CONCRETE PAD SET ON A 4" GRAVEL BASE ON STRUCTURALLY COMPACTED SOIL. PAD SHALL BE 4" WIDER THAN STEPS AND PROJECT FROM LAST RISER 0" TOWARD DECK AND 18" AWAY FROM DECK.
8. PORCH CEILINGS SHALL BE 1X8 CEDAR NATURAL TO WEATHER, SQUARE GROVE.
9. PORCH POSTS SHALL BE 4X4 STRUCT, CURE WRAPPED W/ S 1/4" BO. NATURAL CEDAR TRIM.
10. SIDEWALL SHINGLES SHALL HAVE A MAXIMUM EXPOSURE OF 5", WITH DOUBLED SHINGLES AT ALL EAVES AND STARTER COURSE, BUTTS OF THE SHINGLES SHALL PROJECT 1 1/2" MINIMUM FROM THE EDGE OF THE ROOF EAVES TO ENSURE PROPER SPILLAGE.
11. WINDOW CAPS OR TRIM AND ALL OTHER PROJECTIONS AT POINTS WHERE RAIN ACCUMULATES OR RUNS OFF SHALL BE PROVIDED WITH FLASHING/FLASHING FOR RED CEDAR SHINGLES SHALL BE COPPER, SUCH FLASHING SHALL EXTEND A MINIMUM OF 4" UP THE WALL UNDER THE SHEATHING PAPER AND NOT LESS THAN 4" HORIZONTALLY, FLASHING SHALL BE SUFFICIENT LENGTH TO COVER THE COURSE ABOVE WITHOUT BEING PUNCTURED BY NAILS.
12. A CONTINUOUS RIDGE VENT SHALL BE PROVIDED AT ALL ROOF RIDGES, WHERE REQUIRED. SOFFIT VENTING SHALL BE PROVIDED AS INDICATED ON DETAIL DRAWINGS.
13. PROVIDE STEP FLASHING AT ALL CHIMNEY LOCATIONS.
14. SIDEWALL SHALL BE WHITE CEDAR SHINGLES, GRADE 5, SHINGLES SHALL BEAR THE SPECIFIC GRADE MARKED LABEL OF THE CEDAR SHINGLE BUREAU.
15. CEDAR SHINGLES SHALL HAVE NATURAL FINISH.
16. RIDGE VENT SHALL BE "ICONE VENT" OR EQUAL, EXTENDING ALONG ALL RIDGE LINES, TERMINATE RIDGE VENTS 12" FROM END OF RIDGE, COVERED WISHINGLES.
17. EXTERIOR TRIM SHALL BE SPECIFIED AS FOLLOWS:
   A. WINDOW AND DOOR JAMBS: "PSO" RED CEDAR WINDOW AND DOOR HEADS: S4"S4" RED CEDAR, EXTENDED 3/4" BEYOND JAMB CASING. HEADS TONAVE CONTINUOUS COPPER DRIP CAP.
   B. WINDOW SILLS: WHEN NOT WOOD BY MANUFACTURER SHALL BE PRIMED PINE 2X2 W/ 70 TOP BEVEL EXTENDED 3/4" BEYOND JAMB CASING.
   DOORSILLS: INSTALLED BY MANUFACTURER
   C. CORNER BOARDS: (P.E.A. WY, RED CEDAR (IF APPLICABLE)
   D. BASE BOARDS: 1X8 RED CEDAR
   E. FASCIA BOARDS: 1X10 RED CEDAR
   F. RAKE/FASCIA TRIM BOARDS: 1X8 RED CEDAR
   G. FRIEZE BOARDS TO BE 1X8 BLOCKED OUT 1 1/2" TO ACCOMMODATE SOFFIT VENTING & TOP OF SHINGLES (IF APPLICABLE)
   H. ALL TRIM TO BE PAINTED GRAY.
   DOOR AND WINDOW SASHES PAINTED: DARK GRAY
18. ALL EXTERIOR TRIM SHALL BE PLANED ON ALL FOUR SIDES AND HAVE SQUARED EDGES.
19. WINDOW & DOOR MANUFACTURERS AND SIZES AND HARDWARE SHALL BE SPECIFIED IN DOOR AND WINDOW SCHEDULE.
20. INSULATION SHALL BE SPECIFIED AS FOLLOWS:
   A. EXTERIOR WALLS: 5" R-21 BATT INSULATION, INSTALL 4 MIL. POLY-VAPOR BARRIER AT INSIDE FACE OF ALL EXTERIOR WALLS.
   B. ROOF: 9 1/4" R-38 BATT INSULATION, INSTALL 4 MIL. POLY-VAPOR BARRIER AT INSIDE FACE OF ALL EXTERIOR WALLS
   C. INTERIOR WALLS AND CEILINGS: USG 3" TERMAMBER SOUND ATTENUATION BLANKETS
   D. FOUNDATION INSULATION: 4" RIGID INSULATION SECURED TO EXTERIOR FACE OF WALL
   E. FIRST FLOOR INSULATION: 9 1/4" R-30 BATT INSULATION
21. CAVITIES SHALL SUPPORT PROPER VENTING, INCLUDING THE INSTALLATION OF BAFFLES BEHWEEN ALL RAFTERS. KEEP ALL VENTILATION SPACE UNOBSTRUCTED.
22. EXTERIOR SPACE SHALL MEET STANDARDS OF THE BNDK INSTITUTE OF AMERICA (BIA) FOR EXTERIOR/SEVERE WEATHER USE.

GLAZING NOTES:

1. IT IS THE CONTRACTORS RESPONSIBILITY TO MAKE ALL GLAZING (WINDOW, DOOR, OR OTHERWISE) ADJACENT TO A WALKING SURFACE, STAIR, LANDING, TUB OR SHOWER SAFETY GLAZING IS GLASS MEETING THE REQUIREMENTS OF THE MASSACHUSETTS STATE BUILDING CODE, NANTUCKET, AND ANY OTHER APPLICABLE LOCAL OR NATIONAL CODE.
2. PROVIDE SHOWER ENCLOSURES AS INDICATED ON THE PLANS. GLASS TO BE LOW IRON, CLEAR GLASS.

ABBREVIATIONS

ABOVE FINISHED FLOOR	AFF	INSULATION	INSUL.
ACCESS PANEL	A.P.	JUNCTION BOX	J.B.
ACOUSTICAL	ACOUS.	LAMINATE	LAM.
ADJACENT	ADJ.	LOW VOLTAGE	L.V.
AIR CONDITIONING	A/C	MATERIAL	MATL.
ALUMINUM	AL.	MAXIMUM	MAX.
APPROXIMATE	APPROX.	MECHANICAL	MECH.
ARCHITECTURAL	ARCH.	METAL	MTL.
BLOCKING	BLKG	MINIMUM	MIN.
CEILING	CLG.	MISCELLANEOUS	MISC.
CEILING HEIGHT	C.H.	MOLDING	MLDG.
CENTER LINE	CL.	MOUNTED	MTD.
CERAMIC TILE	C.T.	MULLION	MUL.
COLUMN	COL.	NOMINAL	NOM.
CONCRETE	CONC.	NOT APPLICABLE	N.A.
CONSTRUCTION	CONST.	NOT IN CONTRACT	N.I.C.
CONTINUOUS	CONT.	NUMBER	NO.
DETAIL	DTL.	ON CENTER	O.C.
DIMENSION	DIM.	OPENING	OPNG.
	DN.	OPPOSITE/OPPOSITE HAND	OPP./OPH
DOUBLE	DBL.	PAINTED	PTD.
DOWN	DN.	PARTITION	PARTN.
DRAWING	DWG.	PLASTER	PL.
	EA.	PLASTIC LAMINATE	PLAM
ELECTRIC/ELECTRICAL	ELEC.	PLYWOOD	PLYWD., PLY
ELEVATION	EL.	QUANTITY	QTY.
EMERGENCY	EMER.	RECESSED	REC.
EQUAL	EQ.	REQUIRED	REQD
EQUIPMENT	EQPT.	RETURN AIR	R.A.
EXISTING	EXIST.	REVISE/REVISION	REV.
EXTERIOR	EXT.	ROUGH OPENING	R.O.
FINISH	FIN.	SCHEDULE	SCHED.
FINISH FLOOR	FIN. FL.	SECTION	SECT.
FIREPROOF	FPRF.	SHEET	SHT.
SELF-CLOSING	S.C.	SIMILAR	SIM.
FLOOR	FL.	SOLID CORE	SC
FLUOR/FLUORESCENT	FLUOR.	SQUARE FOOT	SQ.FT.
FOOTSTEP	FT.	STAINLESS STEEL	S.S.TL.
BY OWNER/OWNER	B.O.	STANDARD	STD.
GLASS	GL.	STEEL	STL.
GRILLE	GRIL.	STORAGE	STOR.
GROUND FAULT INTER.	GFI	TELEPHONE	TEL.
GYPSUM WALLBOARD	GWB	TO BE DETERMINED	T.B.D.
HANDRAIL	HNDRL.	TYPICAL	TYP.
HARDBOARD	HDBD.	UNLESS OTHERWISE NOTED	U.O.N.
HARDWOOD	HDWD.	VERIFY IN FIELD	V.I.F.
HEATING, VENT. & A/C	HVAC	VINYL COMPOSITION TILE	VCT
HOLLOW CORE	HC		VCWCT
HOLLOW METAL	H.M.	WITHOUT	W/
HORIZONTAL	HORIZ.	WOOD	WO
INCHES	IN.	TOP OF SLAB	WD.
			T.O.S.

DRAWING SYMBOLS

- ELEVATION MARKER (LEVEL ELEVATION)
- SPOT ELEVATION (+0")
- REFERENCE GRID LINE (0)
- PROPERTY LINE
- BREAKLINE
- VAPOR BARRIER
- OBJECT ABOVE
- HIDDEN OBJECT
- DIMENSION LINE (4'-10")
- ALIGNMENT

MATERIAL SYMBOLS

- CONCRETE
- STEEL
- ALUMINUM
- BRICK
- FINISHED WOOD
- CONTINUOUS BLOCKING/ STRUCTURAL LUMBER
- NON-CONTINUOUS BLOCKING OR SHIM
- EXISTING EARTH
- COMPACTED FILL
- GRAVEL
- SAND
- RIGID INSULATION
- PLYWOOD
- GLASS
- PLASTIC LAM, OR WATERPROOFING MEMBRANE
- GYPSUM WALL BOARD
- BATT INSULATION
- GLASS (ELEVATION)
- OPENING OR VOID

REFERENCE SYMBOLS

- N — PLAN NORTH
- 1 / DRAWING / 1 1/2" = 1'-0" — DRAWING TITLE
- 1 / A101 — SIM — DETAIL REFERENCE
- 1 / A101 — 2 / 3 — ELEVATION SYMBOLS
- 1 / A101 — SIM — SECTION REFERENCE
- 0 1' 2' 4' 8' — GRAPHICAL SCALE

IDENTIFICATION SYMBOLS

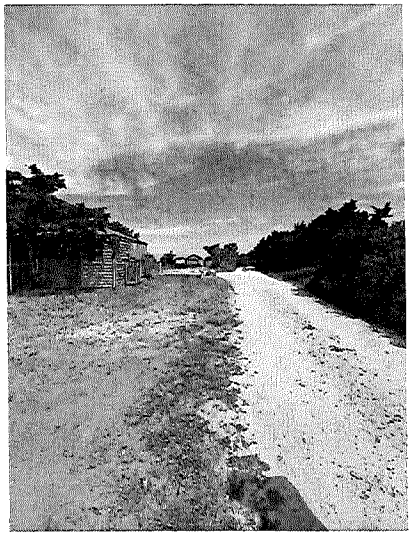
ROOM NAME

- 101 — ROOM TAG
- 101 — DOOR TAG
- 1 — WALL TAG
- 1 — WINDOW TAG
- D.C. M.D. COMBINED SMOKE-CO2 DETECTOR HARDWIRE 120V WITH BATTERY
- 4'-10" — CLG ELEVATION TAG
- REVISION SYMBOL AND TAG
- EP — ELECTRICAL PANEL
- FPSD — INDICATES FIREPROOF SELF-CLOSING DOOR

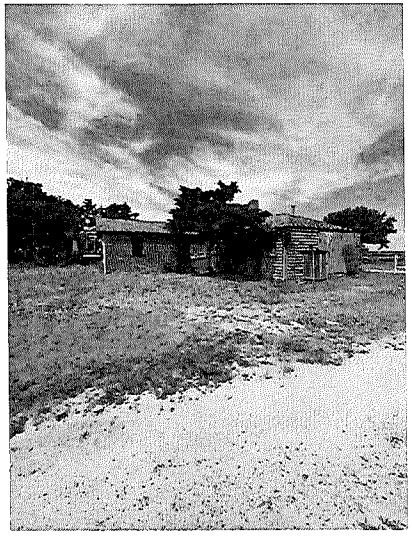
6VW

NEW DWELLING

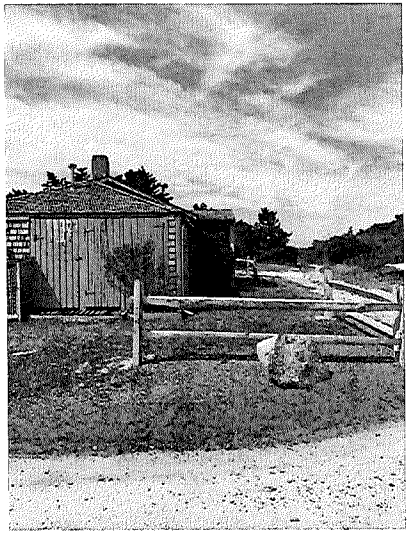
6 VILLAGE WAY
NANTU



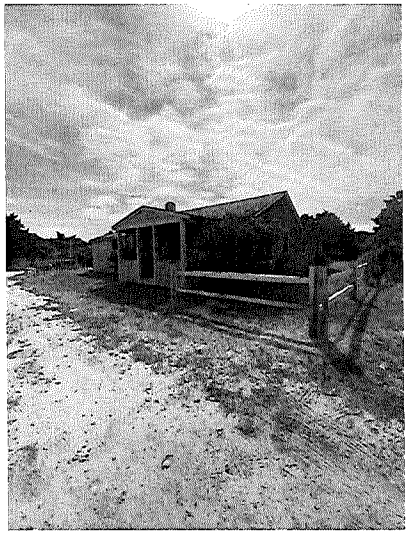
STREEET VIEW - NORTH VIEW ON VILLAGE WAY



STREEET VIEW - WEST VIEW ON VILLAGE WAY

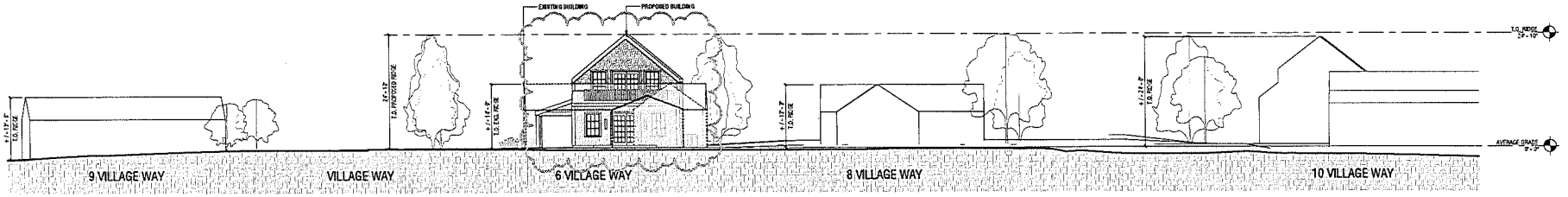


STREEET VIEW - WEST VIEW ON VILLAGE WAY

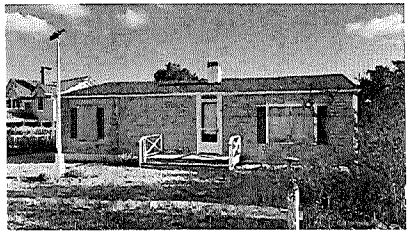


STREEET VIEW - NORTH WEST VIEW LOOKING SOUTH EAST

222



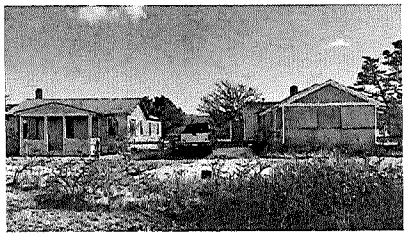
STREET ELEVATION WITH ABUTTING PROPERTIES



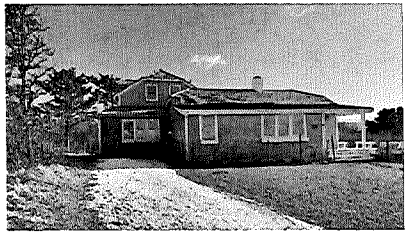
9 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



6 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



6 & 8 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



10 VILLAGE WAY - NORTH VIEW LOOKING SOUTH

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L. COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T. (212) 273-3712 info-newyork@apd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T. (508) 228-8799

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T. (646) 812-0867

LANDSCAPE ARCHITECT

MIROSLAVA ANDRE, LLC
6 Windy Way
Nantucket, MA 02554
T. (508) 333-0133

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T. (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXC. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

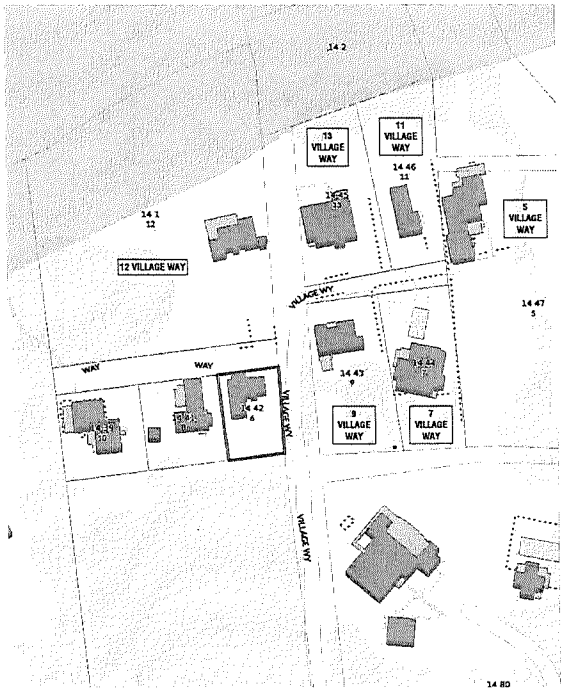
CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	3/32" = 1'-0"
PROJ. NO.	321015

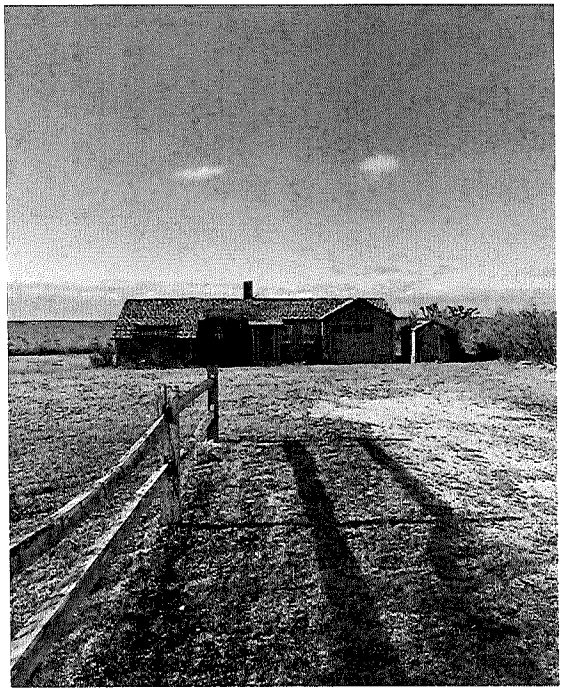
EXISTING CONDITIONS

G-002

COPYRIGHT © 2021 WORKSHOP/APD ARCHITECTURE DPC



LOCUS PLAN



12 VILLAGE WAY (HEIGHT: 14' - 0" +/-)



13 VILLAGE WAY (HEIGHT: 27' - 6" +/-)



11 VILLAGE WAY (HEIGHT: 13' - 6" +/-)



7 VILLAGE WAY (HEIGHT: 28' - 0" +/-)



5 VILLAGE WAY (HEIGHT: 28' - 6" +/-)

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T. (212) 273-8712 info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T. (508) 228-8798

STRUCTURAL ENGINEER

DRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T. (646) 812-8867

LANDSCAPE ARCHITECT

MIROSLAVA ANDRN, LLC
6 Windy Way
Nantucket, MA 02554
T. (508) 333-0136

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T. (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXG. FIELD CONDITIONS

REVISIONS

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/07/2021	HDC Revision 1

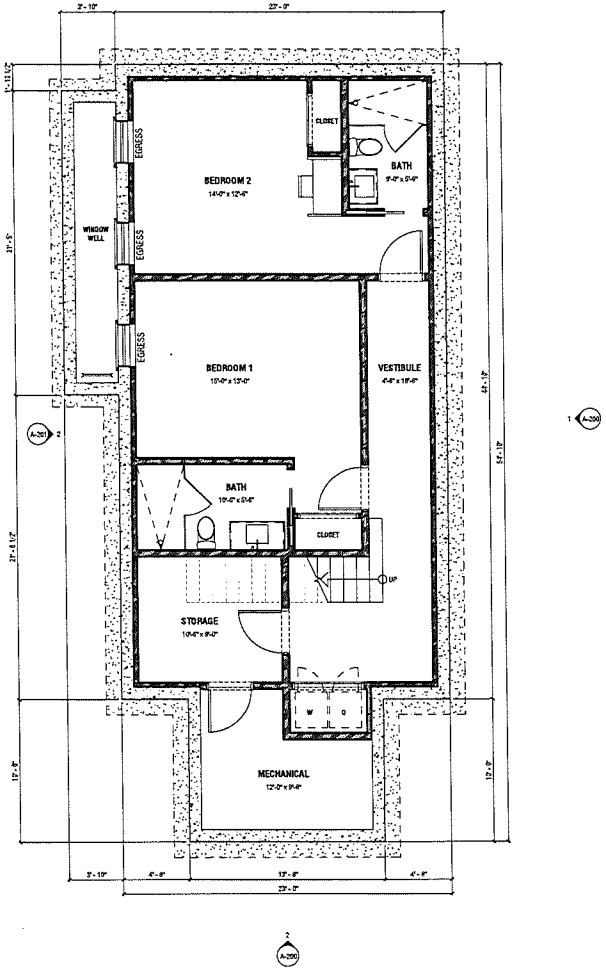
DRAWING INFO

CONSTRUCTION DOCUMENTS	
DRAWN BY	Author
CHECKED BY	Checker
DATE	04/07/21
SCALE	
PROJ. NO.	201915

EXISTING CONDITIONS

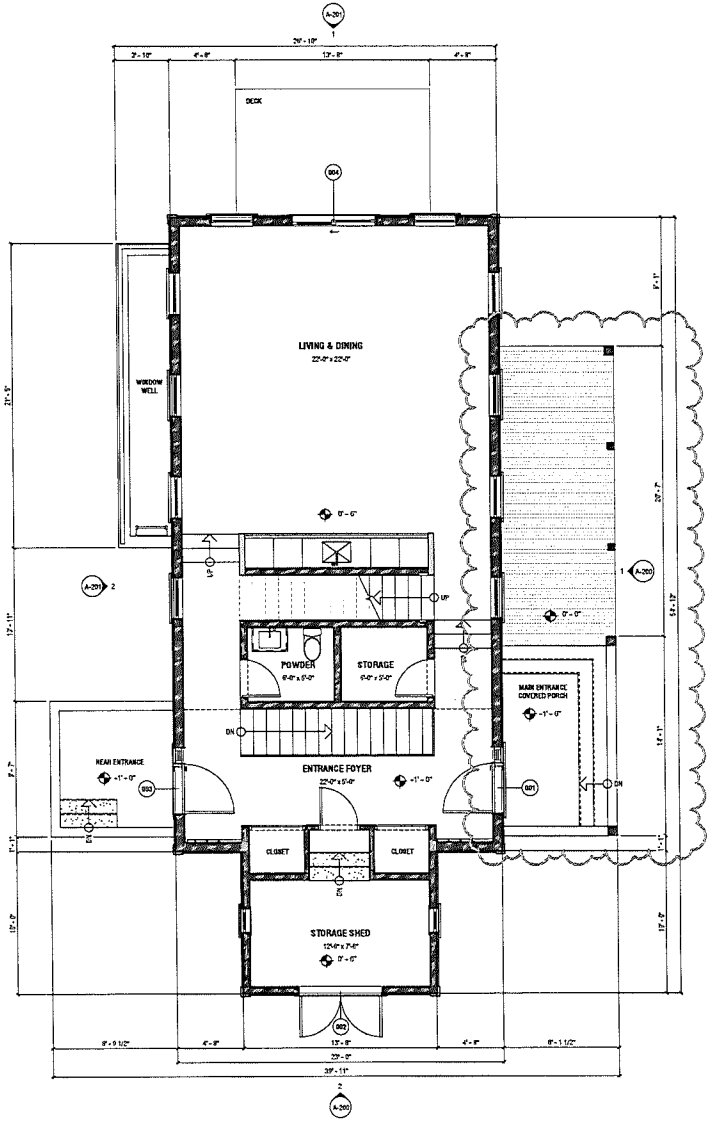
G-003

COPYRIGHT © WORKSHOP/APD ARCHITECTURE DPC



3 BASEMENT FLOOR PLAN

1/4" = 1'-0"



1 1ST FLOOR PLAN

1/4" = 1'-0"

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L. COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-9712 info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 912-8807

LANDSCAPE ARCHITECT

MIROSLAVA AHERN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 333-5138

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way,
Nantucket, MA 02554
T: (508) 228-2040

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIST. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

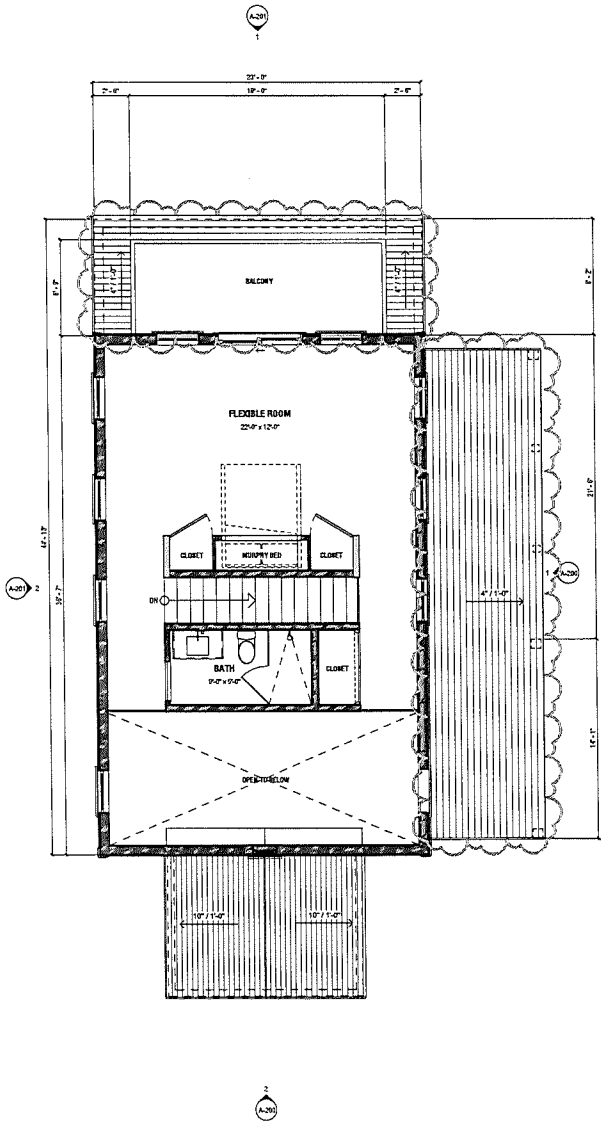
CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	2214115

FLOOR PLANS

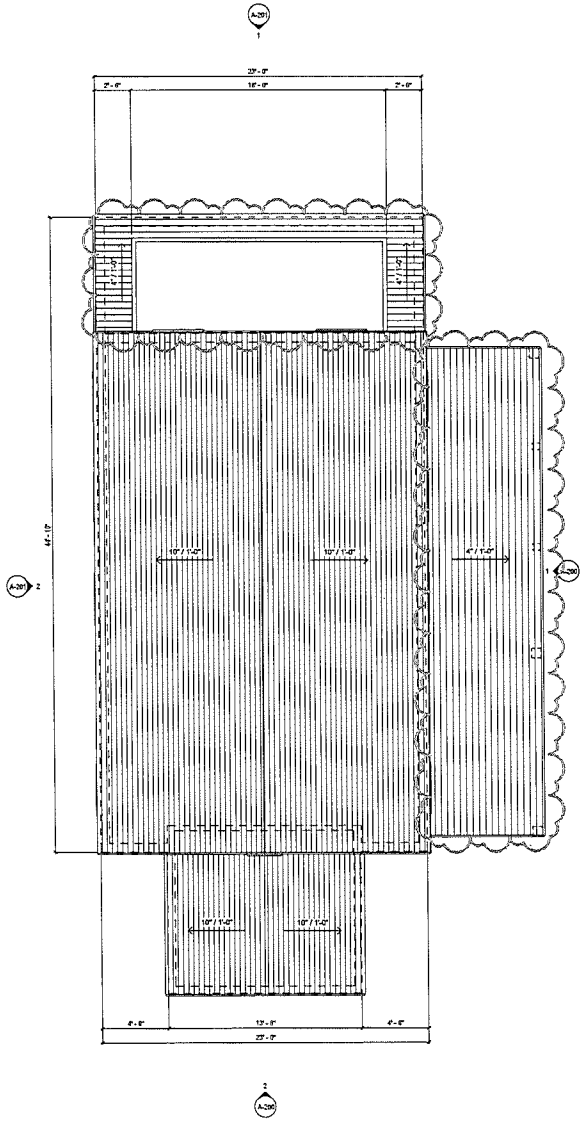
A-100

COPYRIGHT © 2014 WORKSHOP/APD ARCHITECTURE DPC



1 2ND FLOOR PLAN

1/4" = 1'-0"



2 ROOF PLAN

1/4" = 1'-0"

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L COHEN OF THE
6 VILLAGE WAY REAL TY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-8712 info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 912-8967

LANDSCAPE ARCHITECT

MIROSLAVA AMERIN, LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 333-3138

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIT FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS

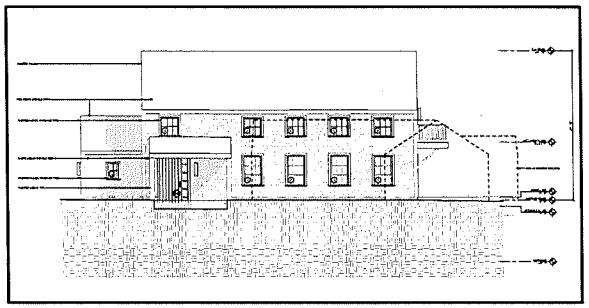
DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	121015

FLOOR PLANS

A-101

COPYRIGHT © 2021 WORKSHOP/APD ARCHITECTURE DPC

PREVIOUSLY SUBMITTED ELEVATION 04/07



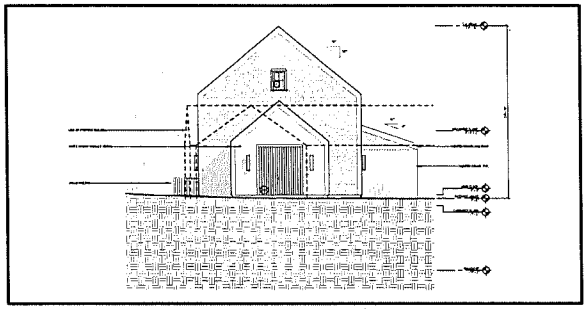
NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.
2. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.
3. ADDED OPERABLE AWNING WINDOW TYPES.



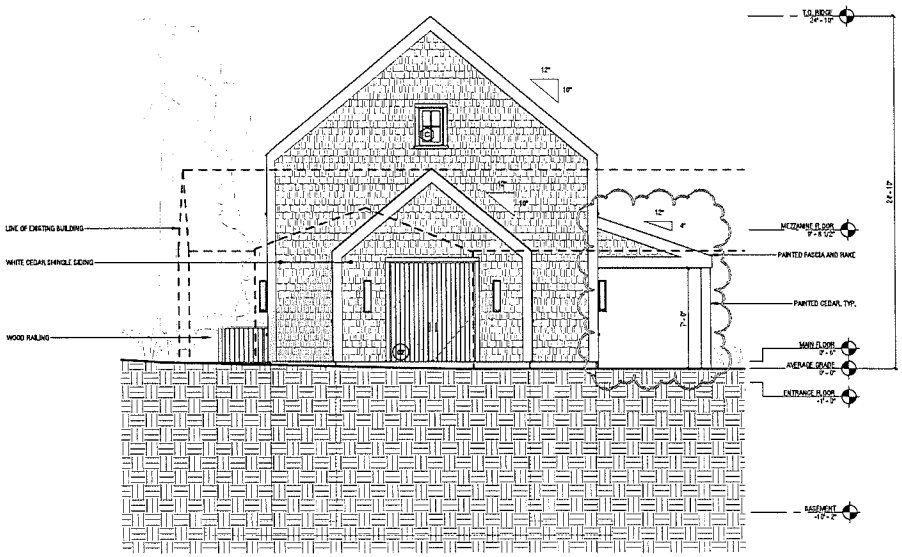
1 BUILDING ELEVATION EAST - LOOKING WEST FROM VILLAGE WAY
1/4" = 1'-0"

226

PREVIOUSLY SUBMITTED ELEVAITON 04/07



NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.



2 BUILDING ELEVATION SOUTH - LOOKING NORTH FROM 37 POCOMO
1/4" = 1'-0"

6VW
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER
STEVEN L COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 788
Nantucket, MA 02554

ARCHITECT
WORKSHOP/APD
WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl New York, NY 10018
T: (212) 273-8712 info@workshopapd.com

CONTRACTOR
J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER
CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 912-8867

LANDSCAPE ARCHITECT
MIROSLAVA AMORIN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 333-5138

SURVEYOR
NANTUCKET SURVEYORS LLC
5 Windy Way,
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXG. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS

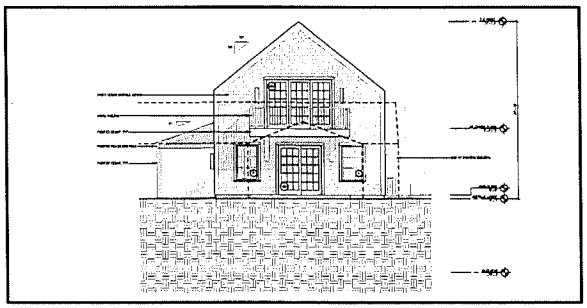
DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	201915

BUILDING ELEVATIONS

A-200

227

PREVIOUSLY SUBMITTED ELEVATION 04/07

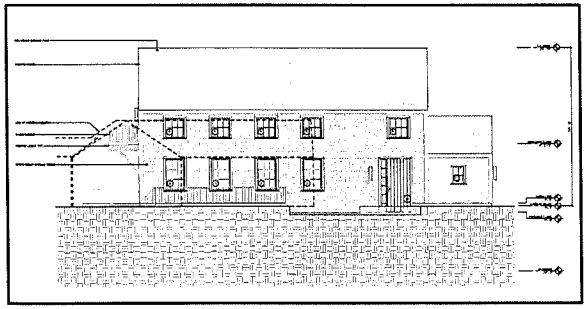


NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.
2. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.

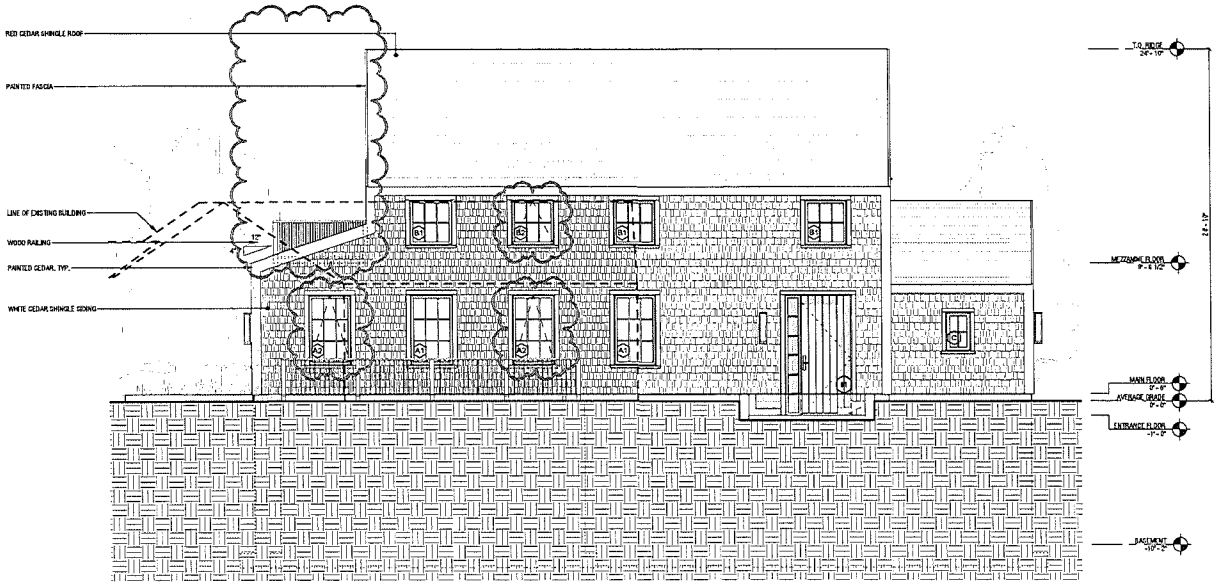


1 BUILDING ELEVATION NORTH - LOOKING SOUTH FROM DIRT ROAD
1/4" = 1'-0"

PREVIOUSLY SUBMITTED ELEVAITON 04/07



NOTES:
1. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.
2. ADDED OPERABLE AWNING WINDOW TYPES.



2 BUILDING ELEVATION WEST - LOOKING EAST FROM 8 VILLAGE WAY
1/4" = 1'-0"

6VW
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER
STEVEN L COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT
WORKSHOP/APD
WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-0712 info@workshopapd.com

CONTRACTOR
J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER
CRAFT - ENGINEERING STUDIO
20 West 39th Street, 6th Fl
New York, NY 10018
T: (646) 912-8967

LANDSCAPE ARCHITECT
MIROSLAVA AHERN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 325-0138

SURVEYOR
NANTUCKET SURVEYORS LLC
5 Windy Way,
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIS. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	321915

BUILDING ELEVATIONS

A-201

COPYRIGHT © 2021 WORKSHOP/APD ARCHITECTURE DPC

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER: 6 VILLAGE WAY REALTY TRUST

MAILING ADDRESS: PO BOX 659, NANTUCKET, MA 02554

PROPERTY LOCATION: 6 VILLAGE WAY, NANTUCKET, MA 02554

ASSESSOR MAP/PARCEL: 14/42

SUBMITTED BY: COHEN & COHEN LAW PC

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: 2021.09.10 10:07:28 -04'00'

9-10-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
1		FAR AWAY ISLAND LLC		1 OLD PETERSHAM ROAD	HARDWICK	MA	01037	12 VILLAGE '
2		HUNTER WILLIAM F TRUSTEE	HARBOR FRONT REALTY TRUST	PO BOX 786	NANTUCKET	MA	02554	VILLAGE '
38		DALE KEVEN F TRUSTEE	37 POCOMO RD REALTY TRUST	34 MAIN ST 2ND FL	NANTUCKET	MA	02554	37 POCOMO
39		PRESTON RICHARD M LORI LILLY		1220 N ATLANTIC DRIVE	LANTANA	FL	33462	10 VILLAGE '
41		HORSESHOE CRAB LLC		PO BOX 101761	DENVER	CO	80250	8 VILLAGE '
42		DALE KEVIN F TR	6 VILLAGE WAY REALTY TRUST	34 MAIN ST 2ND FL	NANTUCKET	MA	02554	6 VILLAGE '
43		SMALL SIDNEY WILLIAM & NANETTE OWEN		13 VILLAGE WAY	NANTUCKET	MA	02554	9 VILLAGE '
44		KOPFLER MICHAEL D & AMY F		8 RUTLAND SQUARE UNIT 2	BOSTON	MA	02118	7 VILLAGE '
45		FOUR WINDS NOMINEE TRUST		13 VILLAGE WAY	NANTUCKET	MA	02554	13 VILLAGE '
46		PROVIDENCE ASSOCIATES LLC		368 CENTER ST	SOUTHPORT	CT	06890	11 VILLAGE '
47		TULLOCH PETER & VIRGINIA TRS	FIVE VILLAGE WAY NOMINEE TRUST	368 CENTER ST	SOUTHPORT	CT	06890	5 VILLAGE '
30		MEATBALL MARTINI NANTUCKET LLC		104 DANS VIEW RD	SARATOGA SPRINGS	NY	12866	33 POCOMO
20	1	BALFE JUDITH M ETAL TRS	C/O ALLEN COHEN	7 CHARLDEN DR	SADDLE RIVER	NJ	07458	41 POCOMO
13								

FAR AWAY ISLAND LLC
1 OLD PETERSHAM ROAD
HARDWICK, MA 01037

PRESTON RICHARD M LORI LILLY
1220 N ATLANTIC DRIVE
LANTANA, FL 33462

SMALL SIDNEY WILLIAM & NANETTE OWEN
13 VILLAGE WAY
NANTUCKET, MA 02554

PROVIDENCE ASSOCIATES LLC
368 CENTER ST
SOUTHPORT, CT 06890

BALFE JUDITH M ETAL TRS
C/O ALLEN COHEN
7 CHARLDEN DR
SADDLE RIVER, NJ 07458

HUNTER WILLIAM F TRUSTEE
HARBOR FRONT REALTY TRUST
PO BOX 786
NANTUCKET, MA 02554

HORSESHOE CRAB LLC
PO BOX 101761
DENVER, CO 80250

KOPFLER MICHAEL D & AMY F
8 RUTLAND SQUARE UNIT 2
BOSTON, MA 02118

TULLOCH PETER & VIRGINIA TRS
FIVE VILLAGE WAY NOMINEE TRUST
368 CENTER ST
SOUTHPORT, CT 06890

DALE KEVEN F TRUSTEE
37 POCOMO RD REALTY TRUST
34 MAIN ST 2ND FL
NANTUCKET, MA 02554

DALE KEVIN F TR
6 VILLAGE WAY REALTY TRUST
34 MAIN ST 2ND FL
NANTUCKET, MA 02554

FOUR WINDS NOMINEE TRUST
13 VILLAGE WAY
NANTUCKET, MA 02554

MEATBALL MARTINI NANTUCKET LLC
104 DANS VIEW RD
SARATOGA SPRINGS, NY 12866

Letters

-----Original Message-----
From: Preston, Richard <RPreston@seyfarth.com>
Sent: Tuesday, September 28, 2021 5:25 PM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Lori Lilly <llilly1220@gmail.com>
Subject: File No. 24-21; 6 Village Way; 37 Pocomo Rd.

This email requests electronic transmittal of application materials for the above applications for variances to be heard by the ZBA on October 14.

We are the property owners at 10 Village Way with particular interest in any disturbance to the required vegetative buffer running along the northern property line of 37 Pocomo Rd.

Please let us know if you have any questions or issues supplying the requested information.

Sincerely,
Richard Preston
Lori Lilly

_____

John j. & Nancy j.

Barry

File No. 25-21

1 Goose Cove Way

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

A P P L I C A T I O N

Fee: $450.00 **File No._____**

Owner's name(s): **John J. Barry and Nancy J. Barry**

Mailing address: **45 Summer Street, North Easton, MA 02356**

Phone Number: 508-228-0771 E-Mail: John@gliddenandglidden.com

Applicant's name(s): **Same**

Mailing Address:

Phone Number: 508-228-0771 E-Mail: John@gliddenandglidden.com

Locus Address: **1 Goose Cove Way** Assessor's Map/Parcel: **59.4/133**

Land Court Plan/~~Plan Book & Page/~~.: LC Plan No. 3092-118, Lot 892

~~Deed Reference/~~Certificate of Title: **28218** Zoning District: **V-R**

Uses on Lot- Commercial: **No** Yes (describe) _____ _____

Residential: Number of dwellings: **1** Duplex _____ Apartments _____ _____

Date of Structure(s):

Building Permit Numbers:

Previous Zoning Board Application Numbers:

Exhibit A

The Owner/Applicant, John J. Barry and Nancy J. Barry (hereinafter referred to as "Barry") are the owners of 1 Goose Cove Way ("the Premises") by virtue of a Certificate of Title No. 28218. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-2 (definitions – residential Swimming Pool) and 139-30.

The Premises consists of approximately 30,043 +/- sf in the Village Residential ("VR") zoning district that requires a minimum lot size of 20,000 sf. The Premises and structures thereon conform to all intensity regulations of the Zoning Bylaw.

The Applicant wishes to construct a new pool with customary appurtenances. Per the Bylaw changes at April 2017 Annual Town Meeting, residential swimming pools in the VR zoning district now require Special Permit relief from the Zoning Board of Appeals per Section 139-2 (definitions – residential Swimming Pool). Accordingly, the Applicant is requesting Special Permit relief pursuant to Section 139-30 in order to site the proposed swimming pool as shown on the site plan entitled "Site Plan for Proposed Pool in Nantucket, Massachusetts," prepared by Bracken Engineering, Inc., attached hereto as Exhibit B.. Said pool and structures have been approved by the Historic District Commission by virtue of Certificate of Appropriateness Number 69708, as revised.

Pursuant to Section 139-2, the definition of Swimming Pools reads as such:

" In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment."

The Premises exceed the minimum lot size of the VR zoning district and the swimming pool and all associated mechanical equipment is twenty (20) feet from the rear and side yard setbacks as shown on the attached hereto as Exhibit B.

There is a substantial landscape buffer between the Premises and the property to the North. Furthermore, there is a 2 foot landscaping buffer surrounding the proposed pool equipment.

Accordingly, because the proposed swimming pool meets the standards as set forth in Section 139-2, the proposed request is in harmony with the purpose and intent of the Zoning Bylaw and Special Permit relief may be granted.

#8 ARKANSAS AVENUE
MAP 59.4 PARCEL 133.1

#6 ARKANSAS AVENUE
MAP 59.4 PARCEL 133.2

#1 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.1

N 71°23'05" E 219.05'

15' WIDE LANDSCAPE BUFFER

N 17°08'18" W 59.64'

27'±

31'±

21'±

21'±

21'±

75.91'

N 72°51'42" E

"VERIZON" SHED

UTILITY EASEMENT (DOC #95788)

19.72'

S 37°04'46" E

DECK

EX. #1 HOUSE

DECK

PATIO

PORCH

EX. GARAGE

PERVIOUS DRIVEWAY

PROPOSED PATIO

PROPOSED 9' X 21' POOL

PROPOSED POOL EQUIPMENT WITH 2 FT LANDSCAPED AREA SURROUNDING

PROPOSED WOOD & WIRE FENCE

N 68°58'59" W 131.75'

MAP 59.4
PARCEL 133
30,043± s.f.

93.31'

S 12°46'40" E

#3 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.2

N 61°16'53" E
180.00'

10' WIDE LANDSCAPE BUFFER

S 28°43'07" E
52.01'

60.87'
S 59°44'41" W

R=220.00'
L=52.52'

R=60.00'
L=97.47'

L=33.49'
R=25.00'

#5 GOOSE COVE WAY
MAP 59.4 PARCEL 367

COBBLE APRON

GOOSE COVE WAY

SOUTH CAMBRIDGE STREET
(COUNTY LAYOUT - 1959)

N
W E
S
LC Plan #3092-118

COMMONWEALTH OF MASSACHUSETTS
ALAN M. GRADY
No. 37732
REGISTERED PROFESSIONAL LAND SURVEYOR

ZONE: VR

	REQUIRED
LOT AREA:	20,000 s.f.
FRONTAGE:	100'
FRONT YARD:	20'
SIDE YARD:	10'
REAR YARD:	10'
GROUND COVER:	10% (MAX)

NOTES:

1. OWNER: JOHN J. BARRY and NANCY J. BARRY
2. DEED REF: Cert. #28218 Doc. #168928
3. PLAN REF: LC Plan #3092–118 (LOT 892)

PLAN SCALE

0 6 12 18 24 30 45 60 90

1 inch = 30 feet

Date:	Drawn:	Checked:
SEPTEMBER 13, 2021	RED/BEI	DFB/AMG

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

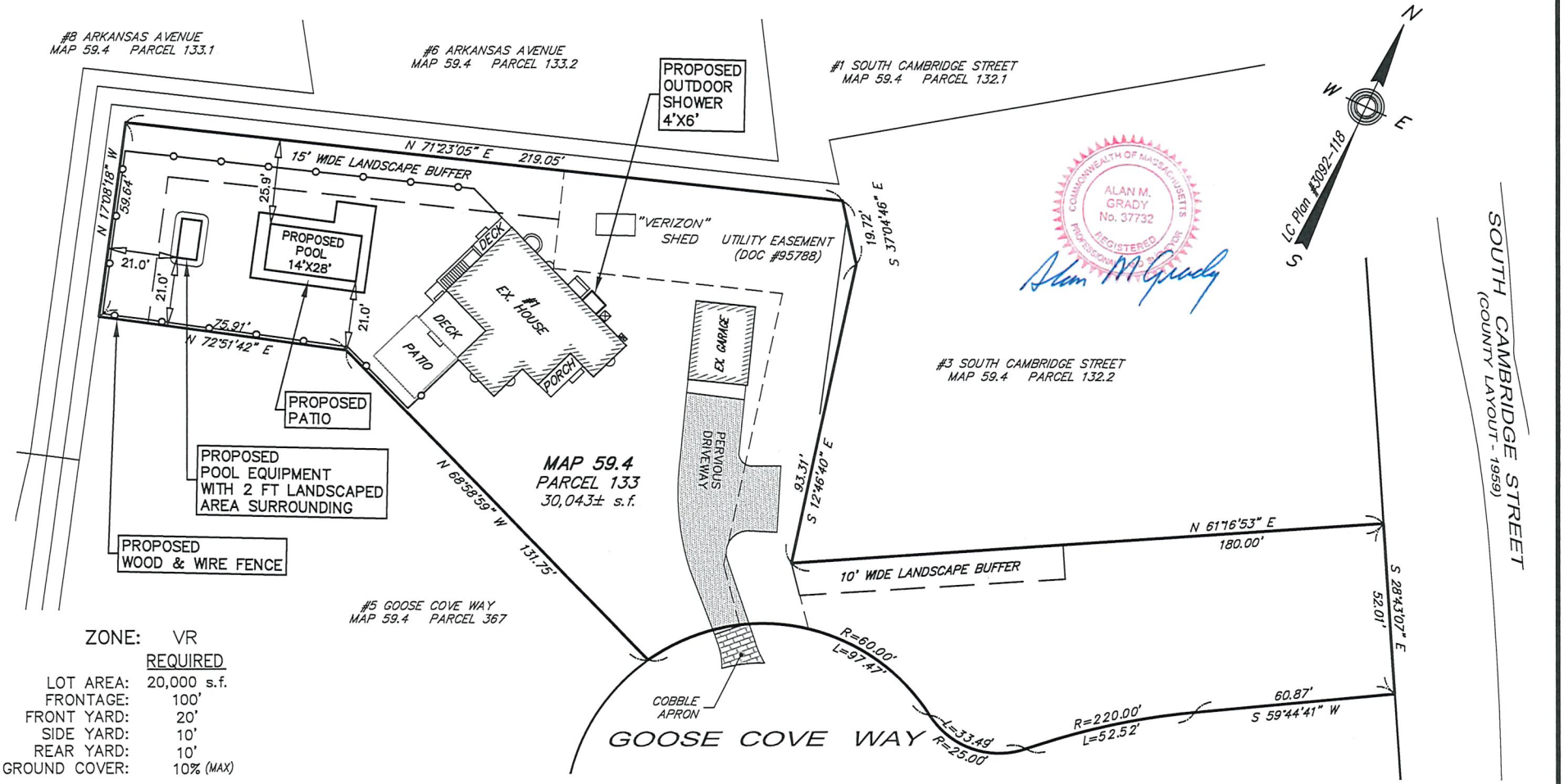
SITE PLAN FOR PROPOSED POOL

IN NANTUCKET, MA

Prepared for:

JOHN & NANCY BARRY
#1 GOOSE COVE WAY
MAP 59.4 PARCEL 133

S:\Autocad Drawings\Nantucket\Goose Cove Way\1 Goose Cove Way (formerly 5 South Cambridge)\1 Goose Cove Way – Site Plan (Pr.Pool) – 2018-02-18.dwg



ZONE: VR

	REQUIRED
LOT AREA:	20,000 s.f.
FRONTAGE:	100'
FRONT YARD:	20'
SIDE YARD:	10'
REAR YARD:	10'
GROUND COVER:	10% (MAX)

NOTES:

1. OWNER: FINAL ACKt 1 REALTY TRUST
   JOHN J. BARRY and NANCY J. BARRY, TRUSTEES
2. DEED REF: Cert. #26586 Doc. #156116
3. PLAN REF: LC Plan #3092-118 (LOT 892)

PLAN SCALE

0 6 12 18 24 30 45 60 90

1 inch = 30 feet

Date:	Drawn:	Checked:
MARCH 1, 2018	RED/BEI	DFB/AMG

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

SITE PLAN FOR PROPOSED POOL

IN NANTUCKET, MASSACHUSETTS

Prepared for:

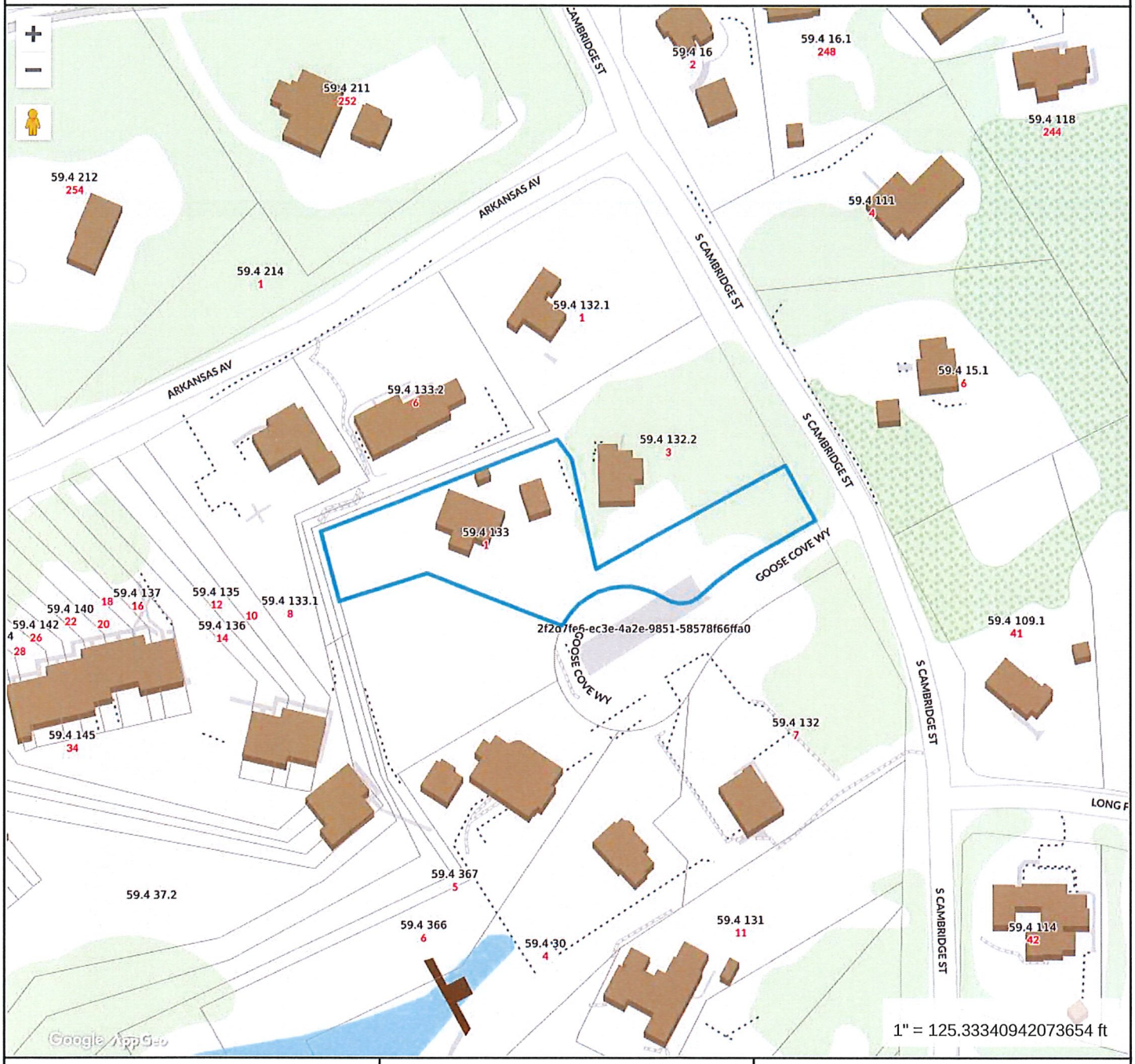
JOHN & NANCY BARRY
#1 GOOSE COVE WAY
MAP 59.4 PARCEL 133

S:\Autocad Drawings\Nantucket\Goose Cove Way\1 Goose Cove Way (formerly 3 South Cambridge)\1 Goose Cove Way - Site Plan (Pr.Pool) - 2018-02-15.dwg

John Brescher

From: Jack Barry <cape29@verizon.net>
Sent: Monday, September 13, 2021 11:11 AM
To: John Brescher
Subject: Barry: ZBA Representation

Hello John,
By this email, I am authorizing you to represent me before the Nantucket ZBA for our swimming pool special permit.
Best,
Jack & Nancy Barry



Property Information

Property ID	59.4 133
Location	1 GOOSE COVE WY
Owner	BARRY JOHN J & NANCY J

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 07/29/2021
Data updated Jan. 2021

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

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... John S. Barry & Mary S. Barry .....

MAILING ADDRESS..... 45 Summer St, North Easton, MA .....

PROPERTY LOCATION..... 1 Goose Cove Way .....

ASSESSOR MAP/PARCEL..... 59.4 / 133 .....

SUBMITTED BY..... Cloth & Bresch PC .....

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: 2021.09.09 10:17:39 -04'00'

9-9-2021

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
593	40		MADAKET CONSERVATION LAND TRUS	C/O BYRNE MATTHEW V JR	499 S WARREN ST	SYRACUSE	NY	13202	S CAMBRIDGE ST
594	15	1	BOGIN BETSY J		7346 EAST ROCKVIEW RD	SCOTTSDALE	AZ	85266	6 S CAMBRIDGE ST
594	16		WHALEN ROBERT M & PEGGY O		10 KENISTON ROAD	LYNNFIELD	MA	01940	2 S CAMBRIDGE ST
594	16	1	SMITH SCOTT C & NAOMI W		1135 OXFORD RD NE	ATLANTA	GA	30306	248 MADAKET RD
594	30		RAYMOND DAVID S & CAFASSO IRENA TR	GOOSE COVE REAL ESTATE TRUST	2 FULLER BROOK RD	WELLESLEY	MA	02482	4 GOOSE COVE WY
594	37		SULLIVAN TIMOTHY C TRST	SULLIVAN REVOCABLE TRUST	8 STEEPLE LANE	AMHERST	NH	03031	ARKANSAS AV
594	37	1	KILBOURNE THOMAS B ETAL		41 MOUNTAIN CHURCH ROAD	HOPEWELL	NJ	08525	ARKANSAS AV
594	37	2	BOURKE DONEYN & HAYWARD WILLIAM SR		6 ARKANSAS AV	NANTUCKET	MA	02554	ARKANSAS AV
594	109	1	PASSANANTE ERIK & SUSAN J		24 PLEASANT STREET	DARIEN	CT	06820	41 LONG POND DR
594	111		SOUTH CAMBRIDGE LLC		83 FREE STREET	HINGHAM	MA	02043	4 S CAMBRIDGE ST
594	112		CAREY SARAH BURCHFIELD		32 STILLINGTON	GLOUCESTER	MA	01930	39 LONG POND DR
594	113		PASTOR DEVON F		90 FIVE MILE RIVER RD	DARIEN	CT	06820	37 LONG POND DR
594	114		STOTT CHARLES E & BARBARA J TRST	STOTT FAMILY REALTY TRUST	42 LONG POND DR	NANTUCKET	MA	02554	42 LONG POND DR
594	118		GRANIK JOYCE TRST ETAL		94 E ELM ST #2	GREENWICH	CT	06830-6639	244 MADAKET RD
594	118	1	OSOWA JOAN H TR	242 MADAKET RD NOM TRUST	95 KENYON AVE	EAST GREENWICH	RI	02818-2905	242 MADAKET RD
594	131		ADAGIO INVESTMENT LLC		9567 OLYMPUS BEACH ROAD	BAINBRIDGE ISLAND	WA	98110	11 S CAMBRIDGE ST
594	132		GRAZIOSO KRISTINE & HENRY		66 EMERY ROAD	MARSHFIELD	MA	02050	7 S CAMBRIDGE ST
594	132	1	KILBOURNE THOMAS B ETAL		41 MOUNTAIN CHURCH ROAD	HOPEWELL	NJ	08525	1 S CAMBRIDGE ST
594	132	2	SULLIVAN TIMOTHY C TRST	SULLIVAN REVOCABLE TRUST	8 STEEPLE LANE	AMHERST	NH	03031	3 S CAMBRIDGE ST
594	133		BARRY JOHN J & NANCY J		45 SUMMER ST	NORTH EASTON	MA		1 GOOSE COVE WY
594	133	1	WALKER PATRICK & JULIE MARTIN		52 PARTRIDGE DR	WESTWOOD	MA	02090	8 ARKANSAS AV
594	133	2	RETAINED REALTY TRUST		5 EAST 42ND STREET	NEW YORK	NY	10017	6 ARKANSAS AV
594	134		WILLIAMS STEVEN ETAL		23 APPLETON RD	NANTUCKET	MA	02554	10 ARKANSAS AV
594	135		RAST GARY F & SYLVIA D TR	THE RAST TRUST	4240 CORBRIDGE COURSE	WILLIAMSBURG	VA	23188	12 ARKANSAS AV
594	136		FRIEDMAN ERIC & NANCY		526 WEST SADDLE RIVER RD	RIDGEWOOD	NJ	07450	14 ARKANSAS AV
594	137		SECIA DOROTHY E		16 ARKANSAS - AVE UNIT 436	NANTUCKET	MA	02554	16 ARKANSAS AV
594	138		ROJAS ISMAEL RIOS		18 ARKANSAS AV	NANTUCKET	MA	02554	18 ARKANSAS AV

594	139	STONE MICHAEL J & BETH D	46 UNIVERSITY ROAD	BROOKLINE	MA	02445	20 ARKANSAS AV
594	140	MCKENNA KERRY & VERONICA BOLCIK	61 OLD SOUTH RD #325	NANTUCKET	MA	02554	22 ARKANSAS AV
594	141	MULLER MAUREEN K	24 ARKANSAS AVE	NANTUCKET	MA	02554	24 ARKANSAS AV
594	142	DICRISTOFARO PETER & BONNIE	137 BRIARCLIFF AVE	WARWICK	RI	02889	26 ARKANSAS AV
594	143	HITHER CREEK LLC	PO BOX 2835	NANTUCKET	MA	02554	28 ARKANSAS AV
594	144	TRISTRAMS GROUP	2 SANFORD RD #5	NANTUCKET	MA	02554	30 ARKANSAS AV
594	145	WAIG ADARUTH T & NATHANAEL M	34 ARKANSAS AVE	NANTUCKET	MA	02554	34 ARKANSAS AV
594	146	GRANDAHL JEFFREY J	151 BUSHY HILL ROAD	SIMSBURY	CT	06070	36 ARKANSAS AV
594	147	BAUR PETER A	PO BOX 3612	PLACIDA	FL	33946	38 ARKANSAS AV
594	211	SIMMONS ALAN & VIRGINIA A	11 HELMLOCK ROAD	WESTON	MA	02493	252 MADAKET RD
594	212	ROSS HENRY C & MARY ANNE	254 MADAKET RD	NANTUCKET	MA	02554	254 MADAKET RD
594	214	MCLEISH ROBERT H ETAL	1840 WEST ROAD	MANCHESTER	VT	05255	1 ARKANSAS AV
594	366	WATTS MICHAEL R & AMY C	5 STEVENS WAY	HINGHAM	MA	02043	6 GOOSE COVE WY
594	367	5 GOOSE COVE WAY LLC	15 BLUEBERRY LN	LEXINGTON	MA	02420	5 GOOSE COVE WY

Count: **41**

MADAKET CONSERVATION LAND TRUS
C/O BYRNE MATTHEW V JR
499 S WARREN ST
SYRACUSE, NY 13202

BOGIN BETSY J
7346 EAST ROCKVIEW RD
SCOTTSDALE, AZ 85266

WHALEN ROBERT M & PEGGY O
10 KENISTON ROAD
LYNNFIELD, MA 01940

SMITH SCOTT C & NAOMI W
1135 OXFORD RD NE
ATLANTA, GA 30306

RAYMOND DAVID S & CAFASSO IRENA TR
GOOSE COVE REAL ESTATE TRUST
2 FULLER BROOK RD
WELLESLEY, MA 02482

SULLIVAN TIMOTHY C TRST
SULLIVAN REVOCABLE TRUST
8 STEEPLE LANE
AMHERST, NH 03031

KILBOURNE THOMAS B ETAL
41 MOUNTAIN CHURCH ROAD
HOPEWELL, NJ 08525

BOURKE DONEYN & HAYWARD WILLIAM SR
6 ARKANSAS AV
NANTUCKET, MA 02554

PASSANANTE ERIK & SUSAN J
24 PLEASANT STREET
DARIEN, CT 06820

SOUTH CAMBRIDGE LLC
83 FREE STREET
HINGHAM, MA 02043

CAREY SARAH BURCHFIELD
32 STILLINGTON
GLOUCESTER, MA 01930

PASTOR DEVON F
90 FIVE MILE RIVER RD
DARIEN, CT 06820

STOTT CHARLES E & BARBARA J TRST
STOTT FAMILY REALTY TRUST
42 LONG POND DR
NANTUCKET, MA 02554

GRANIK JOYCE TRST ETAL
94 E ELM ST #2
GREENWICH, CT 06830-6639

OSOWA JOAN H TR
242 MADAKET RD NOM TRUST
95 KENYON AVE
EAST GREENWICH, RI 02818-2905

ADAGIO INVESTMENT LLC
9567 OLYMPUS BEACH ROAD
BAINBRIDGE ISLAND, WA 98110

GRAZIOSO KRISTINE & HENRY
66 EMERY ROAD
MARSHFIELD, MA 02050

KILBOURNE THOMAS B ETAL
41 MOUNTAIN CHURCH ROAD
HOPEWELL, NJ 08525

SULLIVAN TIMOTHY C TRST
SULLIVAN REVOCABLE TRUST
8 STEEPLE LANE
AMHERST, NH 03031

BARRY JOHN J & NANCY J
45 SUMMER ST
NORTH EASTON, MA

WALKER PATRICK & JULIE MARTIN
52 PARTRIDGE DR
WESTWOOD, MA 02090

RETAINED REALTY TRUST
5 EAST 42ND STREET
NEW YORK, NY 10017

WILLIAMS STEVEN ETAL
23 APPLETON RD
NANTUCKET, MA 02554

RAST GARY F & SYLVIA D TR
THE RAST TRUST
4240 CORBRIDGE COURSE
WILLIAMSBURG, VA 23188

FRIEDMAN ERIC & NANCY
526 WEST SADDLE RIVER RD
RIDGEWOOD, NJ 07450

SECIA DOROTHY E
16 ARKANSAS - AVE UNIT 436
NANTUCKET, MA 02554

ROJAS ISMAEL RIOS
18 ARKANSAS AV
NANTUCKET, MA 02554

STONE MICHAEL J & BETH D
46 UNIVERSITY ROAD
BROOKLINE, MA 02445

MCKENNA KERRY & VERONICA BOLCIK
61 OLD SOUTH RD #325
NANTUCKET, MA 02554

MULLER MAUREEN K
24 ARKANSAS AVE
NANTUCKET, MA 02554

DICRISTOFARO PETER & BONNIE
137 BRIARCLIFF AVE
WARWICK, RI 02889

HITHER CREEK LLC
PO BOX 2835
NANTUCKET, MA 02554

TRISTRAMS GROUP
2 SANFORD RD #5
NANTUCKET, MA 02554

WAIG ADARUTH T & NATHANAEL M
34 ARKANSAS AVE
NANTUCKET, MA 02554

GRANDAHL JEFFREY J
151 BUSHY HILL ROAD
SIMSBURY, CT 06070

BAUR PETER A
PO BOX 3612
PLACIDA, FL 33946

SIMMONS ALAN & VIRGINIA A
11 HELMLOCK ROAD
WESTON, MA 02493

ROSS HENRY C & MARY ANNE
254 MADAKET RD
NANTUCKET, MA 02554

MCLEISH ROBERT H ETAL
1840 WEST ROAD
MANCHESTER, VT 05255

WATTS MICHAEL R & AMY C
5 STEVENS WAY
HINGHAM, MA 02043

5 GOOSE COVE WAY LLC
15 BLUEBERRY LN
LEXINGTON, MA 02420

Letters

Zoning Board of Appeals
Town of Nantucket

ATTN: Leslie Snell **[via email: lsnell@nantucket-ma.gov]**
ATTN: Eleanor Antonietti **[via email: eantonietti@nantucket-ma.gov]**

PLEASE ACKNOWLEDGE RECEIPT

RE: Barry, John and Nancy
1 Goose Cove Way
Nantucket, MA
Application for residential swimming pool
Map 59.4, Parcel #133

To All Parties Concerned:

We are the direct neighbor's north of the above aforementioned property, Martin and Doneyn Bourke, 6 Arkansas Ave, Nantucket, MA

We object to the approval of the proposed swimming pool by John and Nancy Barry for the following reasons:

1) Proposed pool location is less than 100' away from our well head.
[See attached Exhibits 'A' and 'B', photo copies of the plans drawn by John Shugrue, dated 6-17-2002, rev. 7-24-2002 ~ indicating locations of the existing well heads]

2) Although it is listed at 15' screen barrier [Leyland trees], these trees are not the Barry's trees and sit high on a berm on our property. [and the other aforementioned landscaping is a series of sporadic bushes with open spaces, which leave virtually no barrier whatsoever from their back yard to ours. IN fact, the bushes don't even reach the tops of the bottoms of the roots of the leland trees][See attached previous proposal, Exhibit 'C and D'] [see attached photos, exhibit 'E-1, 2 and 3']

3) The proposed location of the pool is approximately 50 feet from our back deck, specifically situated below our outdoor dining area.

4) The proposed screening does not take into account the 'noise factor' when kids play in a pool. Noise travels a great deal in this area because of its location to Long Pond. We fear constant interruptions to our peace and tranquility which is why we live in the Madaket area.

5) As you may recall, we vehemently opposed the Island Racquet Club and agreed to having a 5 house subdivision located in its place. Now it seems we have one property owner who wants to bring something similar to just his parcel.

6) We fear there is not sufficient screening proposed to the project to mitigate the noise factor, as our property sits high on a berm above their parcel.

RE: Barry, John and Nancy
1 Goose Cove Way
Nantucket, MA
Application for residential swimming pool
Map 59.4, Parcel #133

7) The location of the pool equipment housing is located far too close, with it constantly filtering, etc., we will never be able to escape from that continual noise.

8) Please see our former letter dated 4-2-2018, with our previous objections which for the most part still ring true and it does not appear that those objections have been addressed. [Exhibit 'F']

We urge the zoning board to deny this application, as proposed.

We don't feel that sufficient consideration has been taken into account for the location of the proposed swimming pool, nor all the mitigating factors, as stated above.

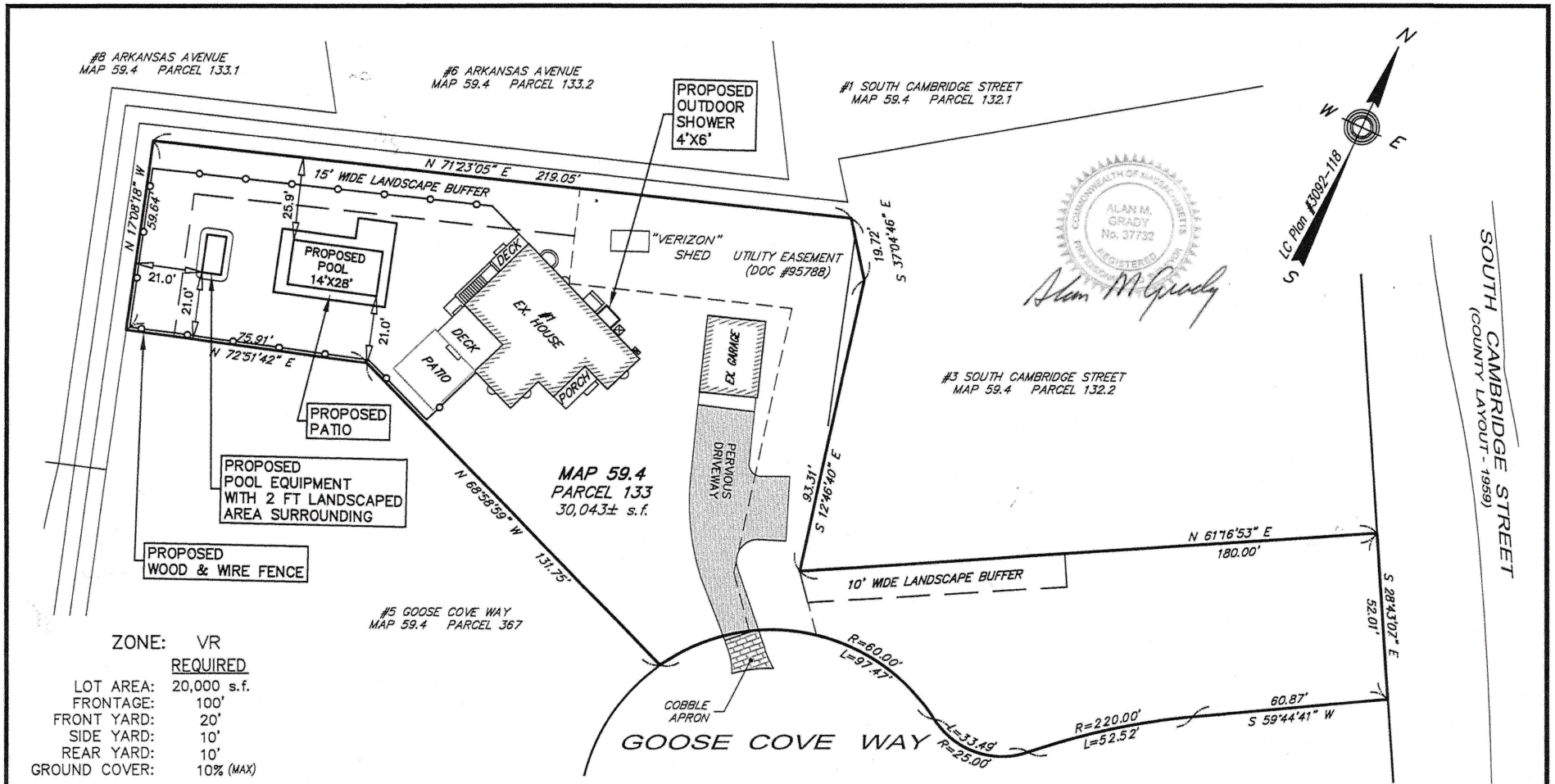
Yours sincerely,

Martin & Doneyn Bourke

Martin and Doneyn Bourke
6 Arkansas Ave
Nantucket, MA

508-325-5735

Email: martin.bourke@comcast.net
doneyn@gmail.com



ZONE: VR

	REQUIRED
LOT AREA:	20,000 s.f.
FRONTAGE:	100'
FRONT YARD:	20'
SIDE YARD:	10'
REAR YARD:	10'
GROUND COVER:	10% (MAX)

NOTES:

1. OWNER: FINAL ACKt 1 REALTY TRUST
   JOHN J. BARRY and NANCY J. BARRY, TRUSTEES
2. DEED REF: Cert. #26586 Doc. #156116
3. PLAN REF: LC Plan #3092-118 (LOT 892)

PLAN SCALE

0 6 12 18 24 30 45 60 90

1 inch = 30 feet

Date:	Drawn:	Checked:
MARCH 1, 2018	RED/BEI	DFB/AMG

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

SITE PLAN FOR PROPOSED POOL

IN NANTUCKET, MASSACHUSETTS

Prepared for:

JOHN & NANCY BARRY
#1 GOOSE COVE WAY
MAP 59.4 PARCEL 133

S:\Autocad Drawings\Nantucket\Goose Cove Way\1 Goose Cove Way (formerly 3 South Cambridge)\1 Goose Cove Way - Site Plan (Pr.Pool) - 2018-02-16.dwg

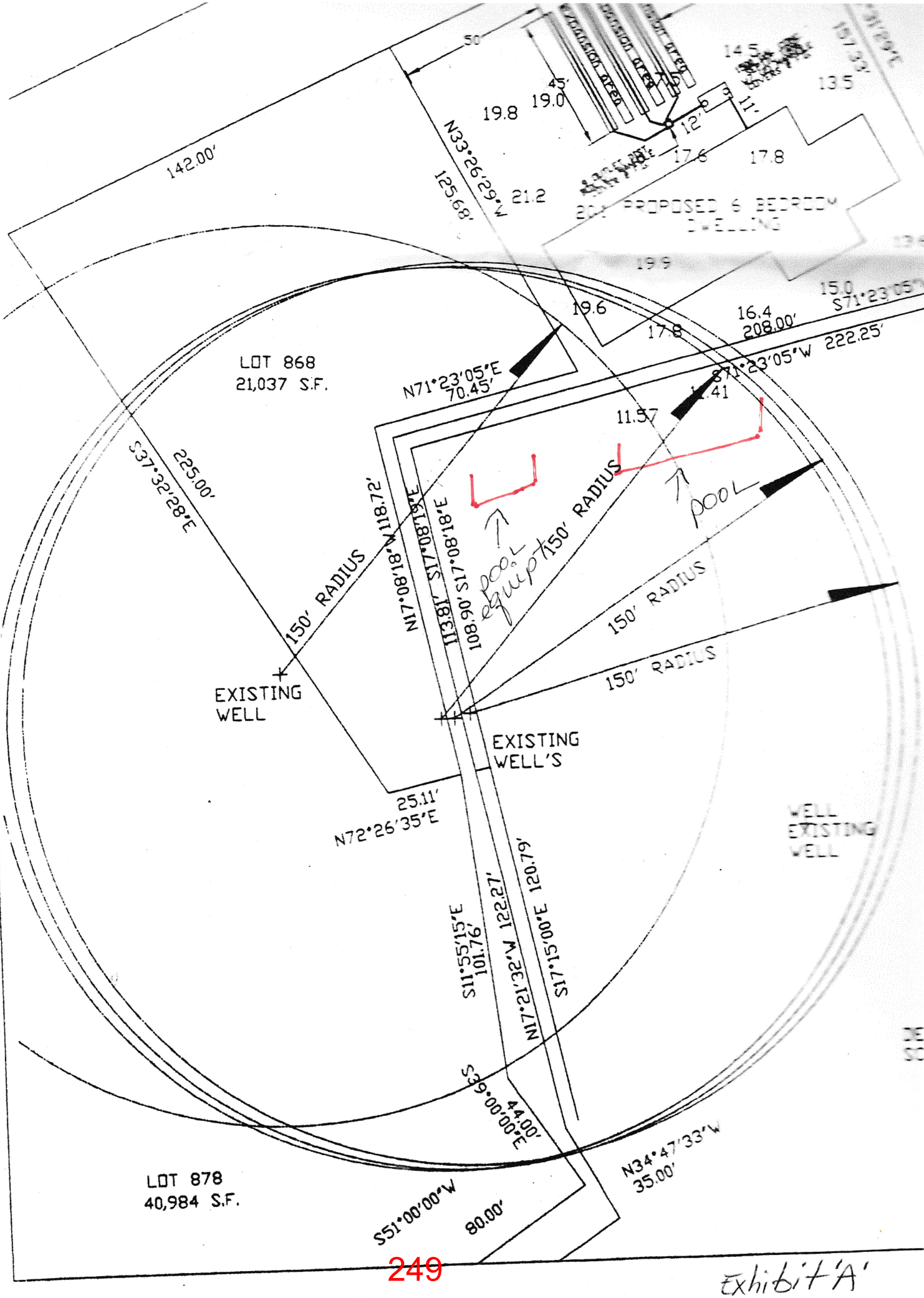
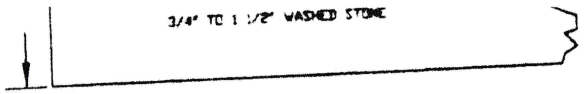

142.00'
50'
N33°26'29"W
125.68'
19.8
19.0
45'
12'
11'
14.5
13.5
17.6
17.8
21.2
PROPOSED 6 BEDROOM DWELLING
19.9
19.6
17.8
16.4
208.00'
15.0
S71°23'05"W 222.25'
LOT 868
21,037 S.F.
N71°23'05"E
70.45'
11.57
225.00'
S37°32'28"E
150' RADIUS
N17°08'18"W 118.72'
S17°08'18"E 113.81'
108.90'
pool equip
150' RADIUS
POOL
150' RADIUS
150' RADIUS
EXISTING WELL
EXISTING WELL'S
25.11'
N72°26'35"E
WELL
EXISTING
WELL
S11°55'15"E
101.76'
N17°21'32"W 122.27'
S17°15'00"E 120.79'
S39°00'00"E
44.00'
N34°47'33"W
35.00'
LOT 878
40,984 S.F.
S51°00'00"W
80.00'

Exhibit 'A'



SIDEWALL (0.74 GAL/FT)(2+2 FT)(45 FT) = 99.9 GAL
BOTTOM (0.74 GAL/FT)(3 FT)(45 FT)

FLOW PER TRENCH: 233.1
NUMBER OF TRENCHES: 3
TOTAL: 699 GALLONS

Exhibit 'B'

TEST HOLE & PERCOLATION TEST DATA

SOIL LOG

TYPE	DEPTH	CLASS
SOIL	0.0-0.8	
SOIL	0.8-1.7	
UM SAND	1.7-13.0	10YR7/8

SURFACE ELEVATION: 19.0
DATE: JUNE 15, 1993

PERCOLATION TEST
AT A DEPTH 36" - 48"

RATE= <2 MIN/INCH

NO GROUNDWATER
AT DEPTH: 13.0
AT ELEV.: 6

NOTE: GROUNDWATER AT ELEV.: 6
PER MAP #2 H.M.H.

20) LOT CREATED AUGUST 31, 1989

ASSESSORS MAP# 59.4 PARCEL#133.2 & 37.2

SCHEDULE OF ELEVATIONS

	DESIGN	ASBUILT
OF FOUNDATION	20.5	
EMENT FLOOR	12.5	
ERT PIPE AT FOUNDATION	17.50	
ERT AT SEPTIC TANK INLET	17.25	
ERT AT SEPTIC TANK OUTLET	17.00	
ERT AT DISTRIBUTION BOX INLET	16.90	
ERT AT DISTRIBUTION BOX OUTLET	16.73	
ERT AT LEACHING LINES (BEG)	16.63	
ERT AT LEACHING LINES (END)	16.50	
EVATION OF TRENCH BOTTOM	14.50	

PROPOSED SEWAGE DISPOSAL SYSTEM

FOR A PROPOSED 6 BEDROOM DWELLING
6 ARKANSAS AVENUE
NANTUCKET, MA. 02554

APPLICANT: DONEYN BOURKE
76 ARKANSAS AVE.
NANTUCKET, MA.

COMMONWEALTH OF MASSACHUSETTS
JOHN J. SHUGRUE
CIVIL
No. 27514
REGISTERED PROFESSIONAL ENGINEER

JOB NO. 6598SSD
SCALE: AS NOTED
DATE: JUNE 17, 2002, REVISED: JULY 24, 2002

JOHN J. SHUGRUE, INC.
OLD SOUTH ROAD
NANTUCKET, MA 02554

250

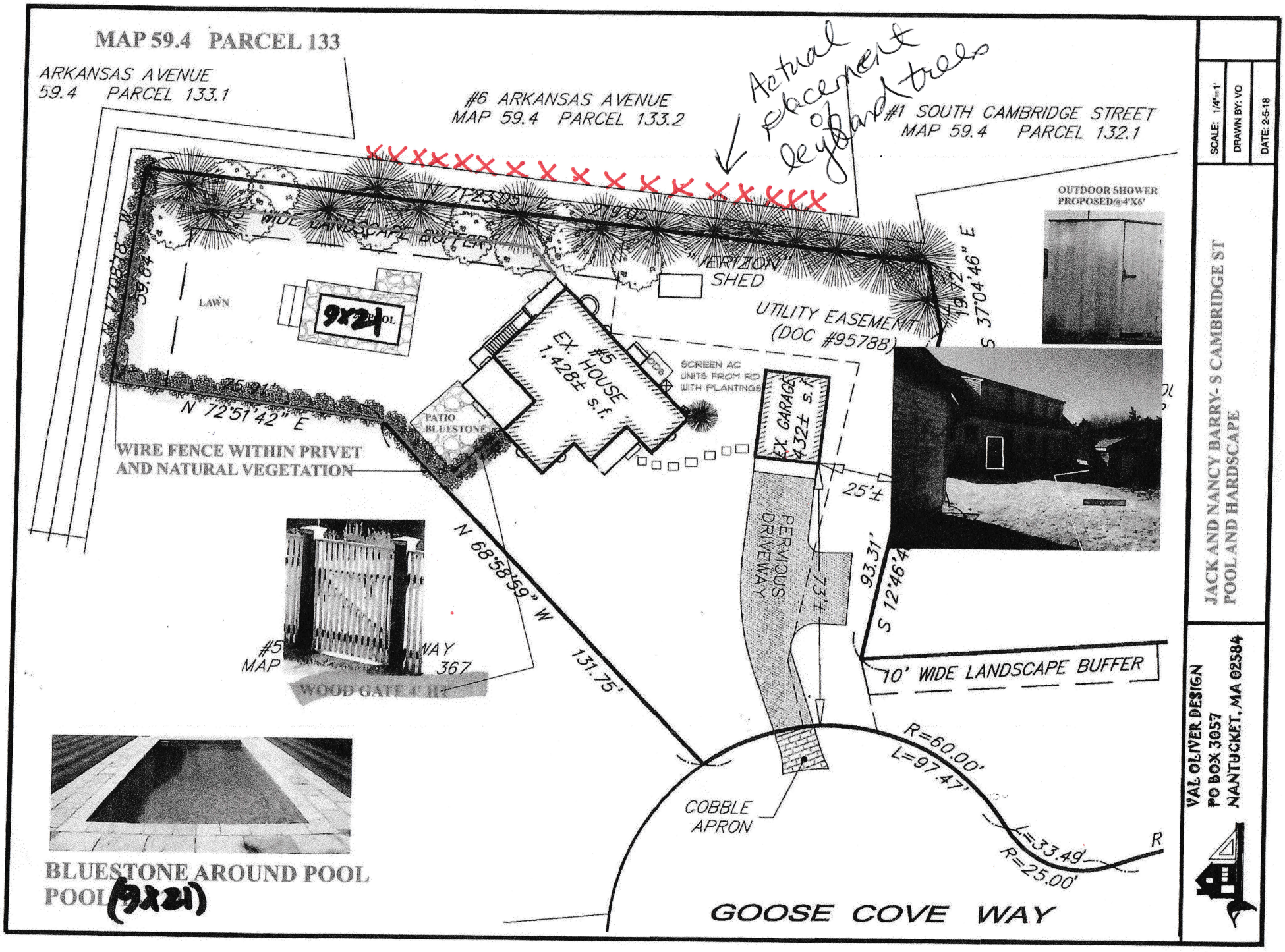

MAP 59.4 PARCEL 133
ARKANSAS AVENUE
59.4 PARCEL 133.1
#6 ARKANSAS AVENUE
MAP 59.4 PARCEL 133.2
Actual placement of keyboard trees
#1 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.1
OUTDOOR SHOWER
PROPOSED@4'X6'
10' WIDE LANDSCAPE BUFFER
VERIZON SHED
UTILITY EASEMENT
(DOC #95788)
LAWN
9X24 POOL
EX. #5 HOUSE 1,428± s.f.
SCREEN AC UNITS FROM RD WITH PLANTINGS
EX. GARAGE 432± s.f.
PATIO BLUESTONE
WIRE FENCE WITHIN PRIVET AND NATURAL VEGETATION
N 72°51'42" E
75.91'
N 68°58'59" W
131.75'
S 37°04'46" E
19.42'
S 12°46'4
93.31'
25'±
PERVIOUS DRIVEWAY
#5 MAP
WAY
367
WOOD GATE 4' H
BLUESTONE AROUND POOL
POOL (9X24)
COBBLE APRON
R=60.00'
L=97.47'
L=33.49'
R=25.00'
R
GOOSE COVE WAY
SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 2-5-18
JACK AND NANCY BARRY- S CAMBRIDGE ST
POOL AND HARDSCAPE
VAL OLIVER DESIGN
PO BOX 3057
NANTUCKET, MA 02584

Exhibit 'C'


LEYLAND trees
59.4 133.2
59.4 132.2
59.4 133
59.4 133.1
2f2d7fe6-ec3e-4a2e-9851-58578f66
252

Exhibit 'D'



Exhibit 'E-1"





Exhibit 'E-2'

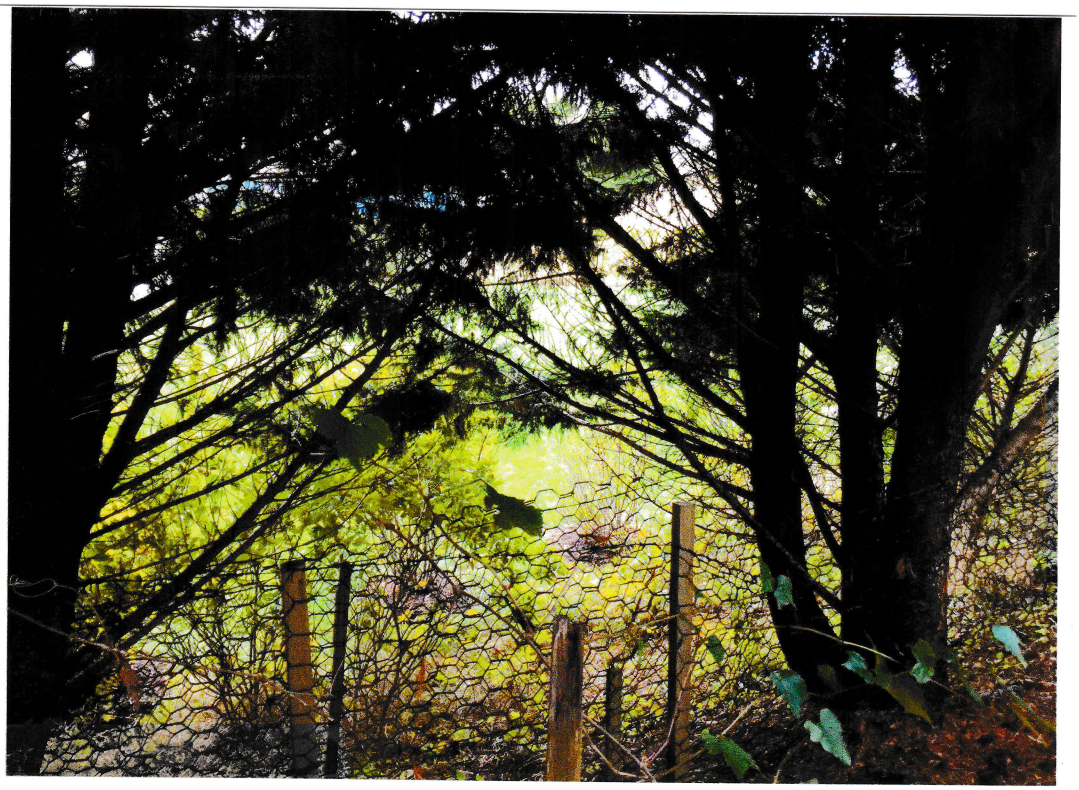




Exhibit 'E-3'

Martin & Doneyn Bourke
6 Arkansas Ave
Nantucket
MA 02554

Tel 508-325-5735

Email: martin.bourke@comcast.net
doneyn@gmail.com

April 2nd, 2018

Re Zoning Board of appeals - John J Barry and Nancy J Barry, Trustee, Final Ackt 1 Realty, Trust File No.13-18

Dear Board Members

We wish to add to the public comment the following:

1. We reside at the afore mentioned address.

2. Noticeably absent from the design plan submitted from Don Bracken are the locations of the wells for drinking water for 8 Arkansas Ave, 6 Arkansas Ave, 1 South Cambridge and 3 South Cambridge.

3. Our well head is within 100 ft of the proposed locations of chemically treated water.

4. If this is allowed to progress we need grantees that there will be no damage to our well and our water by excavation.
   We need explicit grantee that the will be no contamination to our well supply from any chemically treated water.
   We need assurances that any individuals involved in the pool construction and continued maintenance are properly insured and they provide proof of insurance.

5. The proposed landscape buffer is only on one side, why is this not required of the other side [Location N17'08'18W].

6. There is no detailed landscape plan associated with the buffer.

7. There is no detailed plan regarding the fence.

8. On the drawings there are no details regarding any proposed filtration systems, heating systems, nor location of underground piping to be associated with either.

Exhibit 'F' pg 1

9. At the other locations near us where there are pools, we are subject to light and noise pollution day and night, and for long periods of time. The proximity of this proposed pool location is located far too close and we will not have any quiet enjoyment nor privacy.

We strenuously object based on the above mention items.

Yours Sincerely,

.....
Martin Bourke

.....
Doneyn Bourke

Sent via email; 4-3-2018, 8:00pm to:
eantonietti@nantucket-ma.gov

please acknowledge receipt

Richard W. & Doreen

Ralston

File No. 26-21

33 Goldfinch Drive

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s): **Richard W. Ralston and Doreen Ralston, Trustees of the Ralston Realty Trust u/d/t dated 10/26/1998 and registered as Document No. 85832 at the Nantucket County Registry District.**

Mailing address: **25 Carriage Drive, Lexington, MA 02420**

Phone Number: **508-228-0771** E-Mail: john@gliddenandglidden.com

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: E-Mail:

Locus Address: **33 Goldfinch Drive** Assessor's Map/Parcel: **68 / 544**

Land Court Plan~~/Plan Book & Page/Plan File No.~~: **Lot 240 LC Plan No. 16514-12**

~~Deed Reference~~/Certificate of Title: **19012**
Zoning District: **R-5**

Uses on Lot- Commercial: **No** Yes (describe)

Residential: Number of dwellings: **1** Duplex _____ Apartments _____ _____

Date of Structure(s):

Building Permit Numbers:

Addendum A

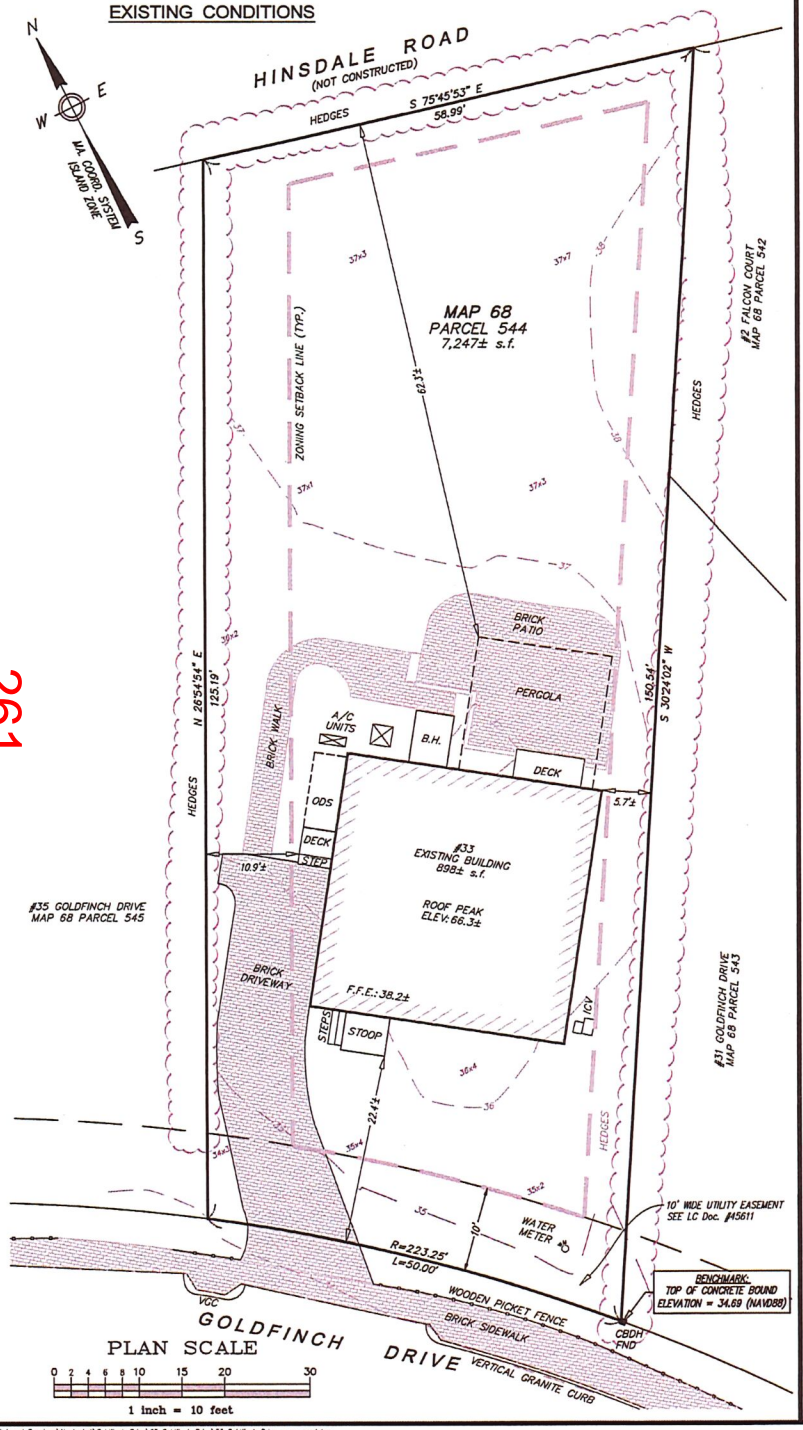
The Owner/Applicant, Richard W. Ralston and Doreen Ralston, Trustees of the Ralston Realty Trust u/d/t dated 10/26/1998 (hereinafter referred to as "Ralston") are the owners 33 Goldfinch Drive ("the Premises") by virtue of Certificate of Title No. 19012 registered at the Nantucket County Registry District of the Land Court. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-30 and Section 139-16.C.(1) in order to reduce the ten (10) foot side yard setback to five (5) feet in order to site an addition to the premises. The resulting addition will be as close as 6.4 feet from the side yard lot line as shown on the site plan entitled, "Proposed Site Plan in Nantucket, MA" dated August 30, 2021 prepared by Bracken Engineering, Inc., enclosed herewith.

The Premises is presently located in the R-5 zoning district, which allows for a five (5) foot side yard setback on one side and a ten (10) foot side yard setback on the other. The Premises and the structures thereon are presently conforming to the R-5 zoning regulations.

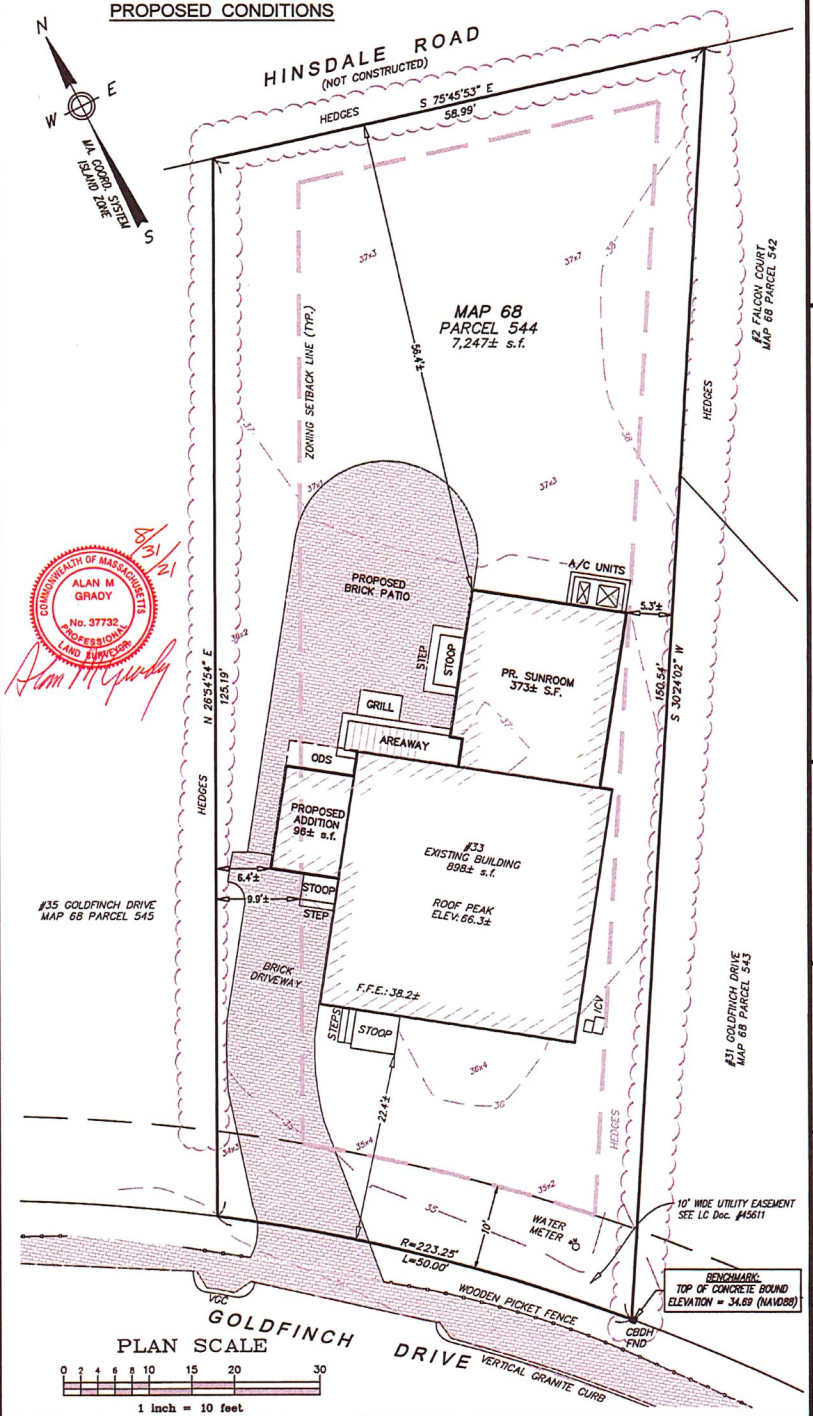
In 2008, the entire Naushop neighborhood was rezoned from RC-2 to R-5. The result of which is that the two five (5) foot setbacks were reduced to one five (5) foot setback and one ten (10) foot setback. Multiple properties in this neighborhood were rendered pre-existing nonconforming as a result of this change.

Therefore, because there were historically five (5) foot setbacks in this neighborhood, desirable relief may be granted by Special Permit to pursuant to Nantucket Zoning Bylaw Section 139-16.C.(1) to reduce the ten (10) foot setback to five (5) feet so the addition as proposed may be constructed. Furthermore, such relief would be in harmony with the purpose and intent of this Zoning Bylaw because this neighborhood historically has had five (5) foot setbacks.

EXISTING CONDITIONS



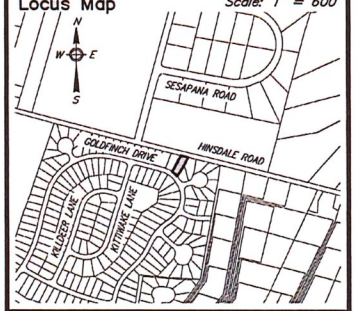
PROPOSED CONDITIONS



COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR
8/31/21

Locus Map

Scale: 1" = 600'



Notes

1. LOCUS: #33 GOLDFINCH DRIVE MAP 68 PARCEL 544
2. OWNER: RALSTON REALTY TRUST RICHARD W. RALSTON and DOREEN RALSTON, Trustees 25 CARRIAGE DRIVE LEXINGTON, MA 02420
3. DEED REF: LC Cert. #19012 Doc. #85833
4. PLAN REF: LC Plan #16514-12 (LOT 240)
5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-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.

ZONE: R-5

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 s.f.	7,247± s.f.	7,247± s.f.
FRONTAGE:	50'	50.0'	50.0'
FRONT YARD:	10'	22.4'±	22.4'±
SIDE YARD:	10' (a)	10.9'±	6.4'±
	5' (b)	5.7'±	5.3'±
REAR YARD:	5'	62.3'±	56.4'±
GROUND COVER:	40% (MAX) (2,898 s.f.)	12.4% (898± s.f.)	18.9% (1,367± s.f.)

(a) 10' MIN. ON ONE SIDE
(b) 5' MIN. THEREAFTER

Prepared By:

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MA

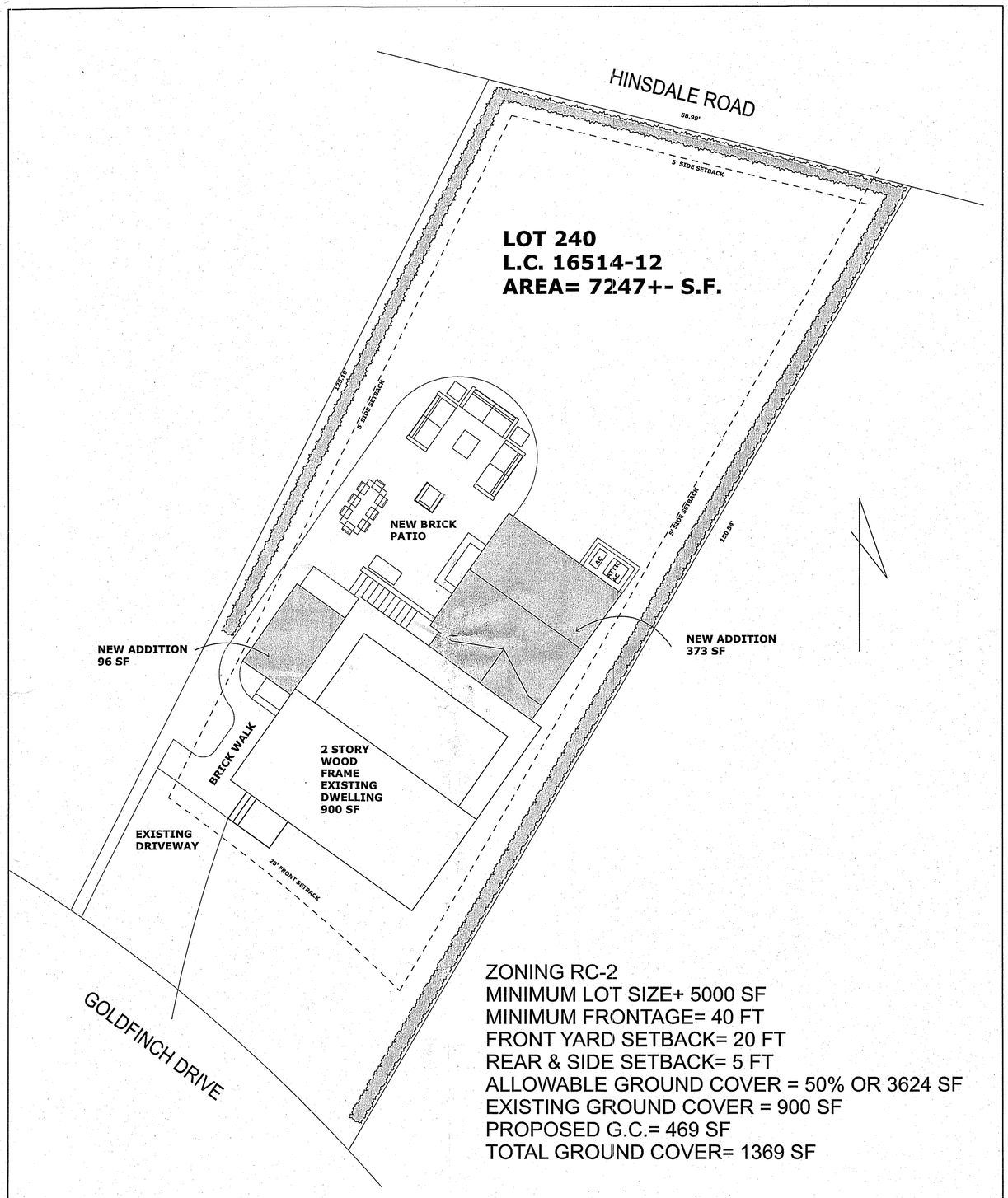
Prepared For:

RALSTON REALTY TRUST
#33 GOLDFINCH DRIVE
MAP 68 PARCEL 544

No.	Date	Revision Description	By
-	-	-	-

Date: AUGUST 30, 2021 | Drawn: JMC/ERC/BEI | Checked: DFB/AMG | Sheet: 1 of 1

S:\Autocad Drawings\Nantucket\Goldfinch Drive\33 Goldfinch Drive\33 Goldfinch Drive - ex cond.dwg



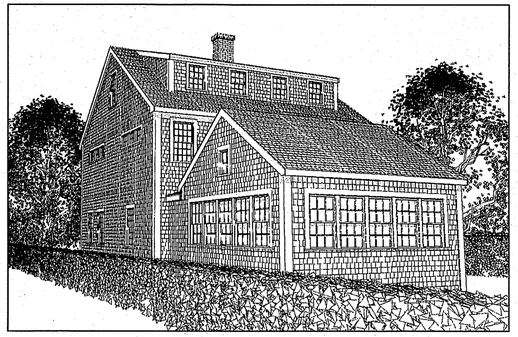
Site Plan- Proposed

SCALE: 1/8" = 1'-0"

An Addition to the

Ralston Realty Trust

33 Goldfinch Drive
Nantucket , Massachusetts



Northeast Perspective

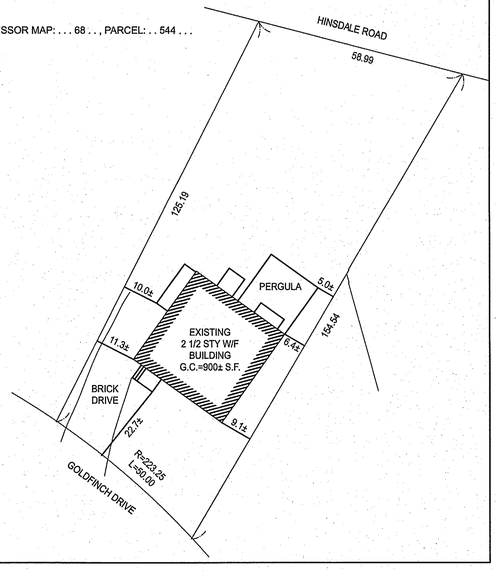
SCALE: 1:0.49

DRAWING INDEX		
ARCHITECTURAL	A0.0	COVER SHEET, SITE PLAN, LOCUS
	A1.1	FLOOR PLANS/ SCHEDULES
	A2.1	ELEVATIONS
	A2.2	ELEVATIONS
	A3.1	SECTIONS

CURRENT ZONING CLASSIFICATION:
Residential 5 (R-5)

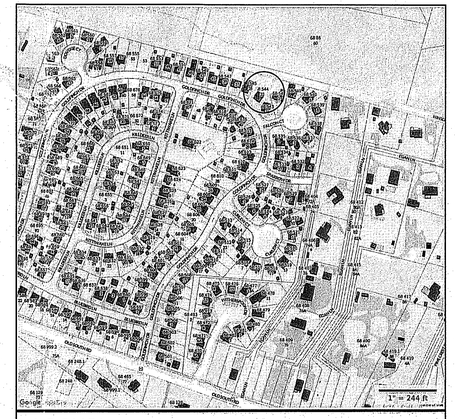
	EXISTING:
MINIMUM LOT SIZE: 5000 S.F.	7,248± S.F.
MINIMUM FRONTAGE: 50 FT.	. SEE PLAN
FRONT YARD SETBACK: 10 FT.	. SEE PLAN
REAR/SIDE SETBACK: 5 FT. /10 then 5 FT.	. SEE PLAN
GROUND COVER % : 40%	. SEE PLAN

ASSESSOR MAP: . . . 68 . . , PARCEL: . . 544 . . .



Site Plan-Existing

SCALE: 1" = 20'



LOCUS

N.T.S.

APPROVED
NOV 27 2018 #71479
NO EXTERIOR CHANGES WITHOUT HDC APPROVAL

RECEIVED
NOV 19 2018
By

ISSUES/REVISION	DATE
HDC 1	2/06/17
HDC 2	5/4/17
HDC 3	10/4/18
	11/02/18

An Addition to the Ralston Realty Trust
33 Goldfinch Drive
Nantucket, Massachusetts

USE OF DRAWING

This drawing is the sole property of the Designer and is to be used for the identified project and location only. Unless otherwise agreed to, this drawing and design shall not be used, altered, transferred, copied, or reproduced in whole or in part without the written permission of the Designer. This drawing is to be returned to the Designer upon request.

© Thornewill Design LLC 2016

Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:

A0.0

Contents:
Cover- Proposed House

CERTIFICATE NO: 71479 DATE ISSUED: 11/27/18

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°: 60 PARCEL N°. 544

Street & Number of Proposed Work: 33 Goldfinch

Owner of record: Ralston Realty trust

Mailing Address: 25 Carriage Drive

Lexington Ma. 02420

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Thornewill design Inc.

Mailing Address: 48 Dukes Rd

Nantucket Ma

Contact Phone #: 508 332 0702 E-mail: Thornewilldesign @ comcast.net

FOR OFFICE USE ONLY

Date application received: 11/19/18 Fee Paid: $ 108

Must be acted on by: 1/25/19

Extended to: _____

Approved: ✓ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____ 11/27/18

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☑ Addition ☐ 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: Length: 12 16 Sq. Footage 1st floor: 469 SF Decks/Patio: Size: 22 x 30 ☐ 1st floor ☐ 2nd floor
Width: 8 10 Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North 0 South 0 East 0 West 0

Height of ridge above final finish grade: North 12 / 16-4 South 13 East 16-4 West 16-4

Additional Remarks

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

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

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8' ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 8 /12 Secondary Mass 8 /12 Dormer _____/12 Other 4 1/2

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

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☒ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): NOOK 6 x 6

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 _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

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

Doors* (type and material): ☒ TDL ☐ SDL Front 9 LITE Rear 15 Light Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways Brick PATIO Walls _____

* Note: Complete door and window schedules are required.

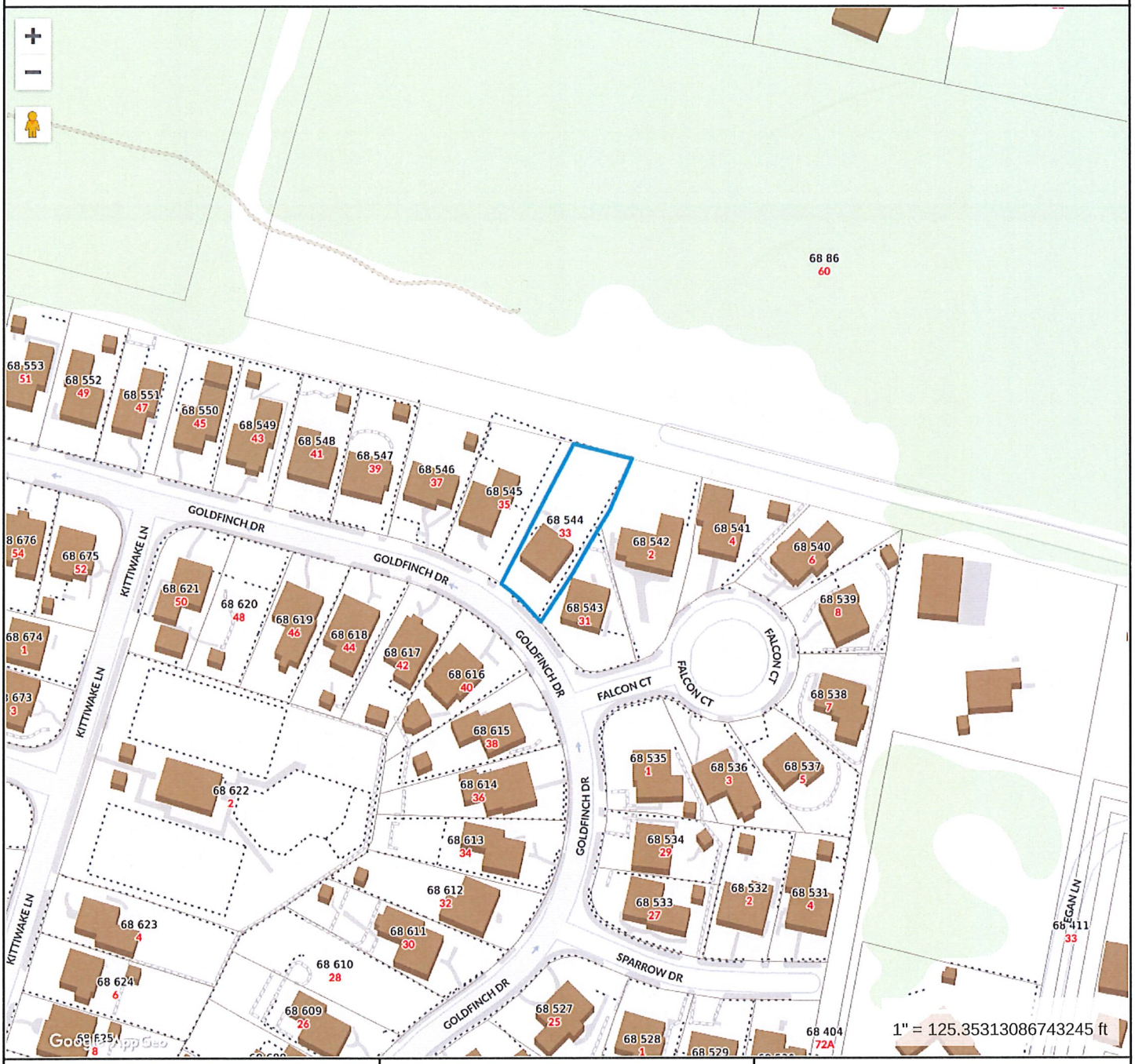
COLORS

Sidewall Nat Clapboard (if applicable) N/A Roof Grey/Black TO MATCH EXISTING
Trim White Sash White Doors White
Deck Nat. Foundation NAT. Fence _____ Shutters _____

* 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 11/19/18 Signature of owner of record Jane Thornewill for Ralston Realty Signed under penalties of perjury



Property Information

Property ID	68 544
Location	33 GOLDFINCH DR
Owner	RALSTON RICHARD W & DOREEN

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 07/29/2021
Data updated Jan. 2021

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

Richard and Doreen Ralston
25 Carriage Drive
Lexington, MA 02420
Email packleader8@gmail.com
Cell (781) 640-8497

11 September 2021

Re: Representation before the Zoning Board of. Appeals

John Brescher, Esquire
Glidden and Brescher , P.C.
37 Centre Street / PO Box 1079
Nantucket, Massachusetts 02554

Dear John,

You are authorized to represent us before the Nantucket Zoning Board of Appeals in all matters related to our request for a special permit for construction of a side addition to our property at 33 Goldfinch Drive, Nantucket, MA.

Thank you.
Richard and Doreen Ralston

Richard W. Ralston, Trustee Ralston Realty Trust

Doreen Ralston, Trustee Ralston Realty Trust

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Ralston Realty Trust

MAILING ADDRESS..... 25 Curing Drive, Lexington, MA 02420

PROPERTY LOCATION..... 33 Goldfinch Dr.

ASSESSOR MAP/PARCEL..... 68/544

SUBMITTED BY..... Clark, Brosnan PC

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: 2021.09.03 14:25:27 -04'00'

9-3-2021

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
68	86		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	60 HINSDALE RD
68	404		DUGAN TIMOTHY E		72A OLD SOUTH RD	NANTUCKET	MA	02554	72A OLD SOUTH RD
68	405		CRB LLC		PO BOX 3051	NANTUCKET	MA	02584	74 OLD SOUTH RD
68	527		KELLEHER BARBARA V TR	BARBARA V KELLEHER REVOCABLE TRUST	1281 TREE BAY LANE	SARASOTA	FL	34242	25 GOLDFINCH DR
68	531		COZORT WILLIAM M & MARTHA D		4 SPARROW DRIVE	NANTUCKET	MA	02554	4 SPARROW DR
68	532		DUNLAP DANIEL P & SHELLIE L TRS		2 SPARROW DRIVE	NANTUCKET	MA	02554	2 SPARROW DR
68	533		ROBERTS RHODA F TR ETAL	ESTATE TAX SHELTER TRUST	106 GLEN SIDE	WILTON	CT	06897	27 GOLDFINCH DR
68	534		VOLPE DARCY		415 GRAND STREET E 908	NEW YORK	NY	10002	29 GOLDFINCH DR
68	535		BROWN JENNIFER & ERIC		124 REGENT DRIVE	LEDO BEACH	NY	11561	1 FALCON CT
68	536		BURCH RICHARD C & JANA C		1203 CARROLLTON AVE	TOWSON	MD	21204	3 FALCON CT
68	537		MITTON EDWARD J JR & PAULA A		2106 OWEN FARM CT	REISTERSTOWN	MD	21136	5 FALCON CT
68	538		BERNSTEIN ROBERT J ETAL TRS	ABC FAMILY REVOCABLE TRUST	419 BROWNING LN	CHERRY HILL	NJ	08003	7 FALCON CT
68	539		BURCH KIM & STUART		7616 LIHIRONDELLE CLUB RD	TOWSOM	MD	21204	8 FALCON CT
68	540		CAHILL AGNES & CHRISTOPHER		576 SHELTON ROAD	RIDGEWOOD	NJ	07450	6 FALCON CT
68	541		GOLDEN JAMIE		11 WORCESTER SQ UNIT 4	BOSTON	MA	02118	4 FALCON CT
68	542		VUJOSEVIC DOBRILA & MIROSLAV		16 ALDGATE CT	PRINCETON	NJ	08540	2 FALCON CT
68	543		BIAMONTI CLELIA & PSICHOS ADAM		1 MALLET LN	FAR HILLS	NJ	07931	31 GOLDFINCH DR
68	544		RALSTON RICHARD W & DOREEN		25 CARRIAGE DRIVE	LEXINGTON	MA	02420	33 GOLDFINCH DR
68	545		SHERTENLIEB RICHARD F & MARY O		35 GOLDFINCH DRIVE	NANTUCKET	MA	02554	35 GOLDFINCH DR
68	546		WHITE MICHAEL		5 MARK LANE	HYANNIS	MA	02601	37 GOLDFINCH DR
68	547		KING GARY A & JOAN G		39 GOLDFINCH DR	NANTUCKET	MA	02554	39 GOLDFINCH DR
68	548		SHALLOW POND INC	C/O SHALLOW POND INC	19 WEST ROAD	ORLEANS	MA	02653	41 GOLDFINCH DR
68	549		DENTISTE WILLIAM C & CHERIE C TR	DENTISTE NOMINEE TRUST	4 RIVERBEND ROAD	HOPKINGTON	MA	01748	43 GOLDFINCH DR
68	550		GENTNER KENNETH L & CLAUDIA A		14 SKYVIEW DRIVE	NORTH HALEDON	NJ	07508	45 GOLDFINCH DR
68	611		TOPOROFF STUART J & VALERIE K		5046 GREEN PINE DRIVE NE	ATLANTA	GA	30342	30 GOLDFINCH DR
68	612		WILSON WILLIAM R & BARBARA A		1450 ESTATES DRIVE	NEWARK	OH	43055	32 GOLDFINCH DR
68	613		TAYLOR JASPER G III & DONNA S		1600 POST OAK BLVD #1903	HOUSTON	TX	77056-2919	34 GOLDFINCH DR

68	614	GLIDDEN RICHARD J TRST	OLD GRAY BARN REALTY TR	PO BOX 1079	NANTUCKET	MA	02554	36 GOLDFINCH DR
68	615	SCHMIDT SUSAN J TRST ETAL	SJ SCHMIDT REVOCABLE TRUST	325 RIDGEBURY RD	RIDGEFIELD	CT	06877	38 GOLDFINCH DR
68	616	WELLS CAROLYN K 2011 REV TRUST		40 GOLDFINCH DR	NANTUCKET	MA	02554	40 GOLDFINCH DR
68	617	CONNOR MICHELLE & JAMES H		6 TATE TUCK TRAIL	EASTON	CT	06612	42 GOLDFINCH DR
68	618	ROBL STEPHANIE & WENZEL STEPHEN		30 OAK POINT	WRENTHAM	MA	02093	44 GOLDFINCH DR
68	619	ELKMAN RICHARD & CYNTHIA	C/O GROUP TWO ADVERTISING INC	16292 BRISTOL POINT DR	DELRAY BEACH	FL	33446	46 GOLDFINCH DR
68	620	MARTIN SCOTT TRUSTEE	A & A TEMKIN ROANALAN TRUST	20 LEROY PLACE	CHAPPAQUA	NY	10504	48 GOLDFINCH DR
68	621	GHIRADELLI JOHN J & KATHERINE E		1 NEAREN ROW UNIT 3B	CHARLESTOWN	MA	02129	50 GOLDFINCH DR
68	622	NAUSHOP HOMEOWNERS ASSC TRUST		4 PRESTON CT SUITE 101	BEDFORD	MA	01730	2 KITTIWAKE LN

Count: **36**

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

DUGAN TIMOTHY E
72A OLD SOUTH RD
NANTUCKET, MA 02554

CRB LLC
PO BOX 3051
NANTUCKET, MA 02584

KELLEHER BARBARA V TR
BARBARA V KELLEHER REVOCABLE TRUST
1281 TREE BAY LANE
SARASOTA, FL 34242

COZORT WILLIAM M & MARTHA D
4 SPARROW DRIVE
NANTUCKET, MA 02554

DUNLAP DANIEL P & SHELLIE L TRS
2 SPARROW DRIVE
NANTUCKET, MA 02554

ROBERTS RHODA F TR ETAL
ESTATE TAX SHELTER TRUST
106 GLEN SIDE
WILTON, CT 06897

VOLPE DARCY
415 GRAND STREET E 908
NEW YORK, NY 10002

BROWN JENNIFER & ERIC
124 REGENT DRIVE
LEDO BEACH, NY 11561

BURCH RICHARD C & JANA C
1203 CARROLLTON AVE
TOWSON, MD 21204

MITTON EDWARD J JR & PAULA A
2106 OWEN FARM CT
REISTERSTOWN, MD 21136

BERNSTEIN ROBERT J ETAL TRS
ABC FAMILY REVOCABLE TRUST
419 BROWNING LN
CHERRY HILL, NJ 08003

BURCH KIM & STUART
7616 LIHIRONDELLE CLUB RD
TOWSOM, MD 21204

CAHILL AGNES & CHRISTOPHER
576 SHELTON ROAD
RIDGEWOOD, NJ 07450

GOLDEN JAMIE
11 WORCESTER SQ UNIT 4
BOSTON, MA 02118

VUJOSEVIC DOBRILA & MIROSLAV
16 ALDGATE CT
PRINCETON, NJ 08540

BIAMONTI CLELIA & PSICHOS ADAM
1 MALLET LN
FAR HILLS, NJ 07931

RALSTON RICHARD W & DOREEN
25 CARRIAGE DRIVE
LEXINGTON, MA 02420

SHERTENLIEB RICHARD F & MARY O
35 GOLDFINCH DRIVE
NANTUCKET, MA 02554

WHITE MICHAEL
5 MARK LANE
HYANNIS, MA 02601

KING GARY A & JOAN G
39 GOLDFINCH DR
NANTUCKET, MA 02554

SHALLOW POND INC
C/O SHALLOW POND INC
19 WEST ROAD
ORLEANS, MA 02653

DENTISTE WILLIAM C & CHERIE C TR
DENTISTE NOMINEE TRUST
4 RIVERBEND ROAD
HOPKINGTON, MA 01748

GENTNER KENNETH L & CLAUDIA A
14 SKYVIEW DRIVE
NORTH HALEDON, NJ 07508

TOPOROFF STUART J & VALERIE K
5046 GREEN PINE DRIVE NE
ATLANTA, GA 30342

WILSON WILLIAM R & BARBARA A
1450 ESTATES DRIVE
NEWARK, OH 43055

TAYLOR JASPER G III & DONNA S
1600 POST OAK BLVD #1903
HOUSTON, TX 77056-2919

GLIDDEN RICHARD J TRST
OLD GRAY BARN REALTY TR
PO BOX 1079
NANTUCKET, MA 02554

SCHMIDT SUSAN J TRST ETAL
SJ SCHMIDT REVOCABLE TRUST
325 RIDGEBURY RD
RIDGEFIELD, CT 06877

WELLS CAROLYN K 2011 REV TRUST
40 GOLDFINCH DR
NANTUCKET, MA 02554

CONNOR MICHELLE & JAMES H
6 TATE TUCK TRAIL
EASTON, CT 06612

ROBL STEPHANIE & WENZEL STEPHEN
30 OAK POINT
WRENTHAM, MA 02093

ELKMAN RICHARD & CYNTHIA
C/O GROUP TWO ADVERTISING INC
16292 BRISTOL POINT DR
DELRAY BEACH, FL 33446

MARTIN SCOTT TRUSTEE
A & A TEMKIN ROANALAN TRUST
20 LEROY PLACE
CHAPPAQUA, NY 10504

GHIRADELLI JOHN J & KATHERINE E
1 NEAREN ROW UNIT 3B
CHARLESTOWN, MA 02129

NAUSHOP HOMEOWNERS ASSC TRUST
4 PRESTON CT SUITE 101
BEDFORD, MA 01730

ACK86QR LLC

File No. 27-21

86 Quidnet Rd

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s): ACK86QR LLC

Mailing address: c/o Joseph M. Guay, Esq., PO Box 1294, Nantucket, MA 02554

Phone Number: 508-228-0228 E-Mail: josephmguay@aol.com

Applicant's name(s): (Same)

Mailing Address: _____

Phone Number: Agent - Linda Williams, 508-221-0432, czarinalinda@comcast.net

Locus Address: 86 Quidnet Road

Assessor's Map/Parcel: 21-102 (*21-103 & 21-69)

Land Court Plan/Plan Book & Page: Lot 8 on Plan 8606-A/Deed Ref. 1802-65

Deed Reference & Certificate of Title: (*Lot7 8606-A & Lot 34 8606-B COT 28160)

Zoning District R-20

Uses on Lot- Commercial: None X Yes (describe) _____

Residential: Number of dwelling: 1 Duplex_____ Apartments _____

Date of Structure(s): all pre-date 7/72: 1910+/- or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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: Linda Williams Applicant/Attorney/Agent*

*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: / /__

From: josephmguay@aol.com,
To: czarinalinda@comcast.net,
Cc: josephmguay@aol.com,
Subject: ACK86QR LLC - ZBA Application for Special Permit Relief
Date: Mon, Sep 13, 2021 12:12 pm

Linda:

This email confirms authorization for you to appear as an agent of the Applicant in the presentation of the Application for Special Permit relief before the ZBA on October 16, 2021.

Thanks, Joe

Joseph M. Guay, Esq.
108 Surfside Road
P.O. Box 1294
Nantucket, MA 02554
508-228-0228
josephmguay@aol.com

ADDENDUM

Applicant is seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-30 (special permit) from the provisions of Section 139-33A(4) (Preexisting, nonconforming uses, structures, lots). Applicant received Historic District Commission ("HDC") approval in Certificate of Appropriateness ("COA") #2021-02-2944 on April 20, 2021, to make renovations to an existing single-family dwelling. A revision of said COA was granted on August 17, 2021, COA number is #2021-8-4345, to alter the fenestration on the easterly side of the dwelling.

Modifications included moving the structure in a westerly direction farther away from the coastal bank and onto a new, stable foundation. Portions of the existing structure will be removed in favor of new additions and alterations. The northerly nonconforming setback intrusion of seven feet (10 feet is required for a side yard setback) will be eliminated and the setback distance increased to approximately 19.9 feet. The pre-existing nonconforming groundcover of the house of approximately 2,276 SF will be reduced to approximately 2,264 SF after completion of the proposed project. Thus, overall groundcover ratio would be reduced from approximately 21.6% to 21.5%. The structure would continue to meet height requirements with a height above grade of about 23'8" on two (2) sides and 25'10" on the other two (2) sides due to the uneven terrain. There is a pre-existing nonconforming garage/shop on the site with a groundcover of about 310 SF. No changes are currently planned for that structure. The locus is conforming as to frontage and will remain conforming as to southerly side, easterly rear and westerly front yard setback requirements.

The Applicant's title ownership in the property at 86 Quidnet Road is comprised of three (3) lots) – subject Lot 8, Land Court Plan 8606-A, Lot 7, Land Court Plan 8606-A and Lot 34, Land Court Plan 8606-B. The three lots, held in common ownership by the Applicant, would contain approximately 29,622 SF of land area and would allow for groundcover of approximately 3,703 SF. Had the three lots been considered one parcel, the existing groundcover of approximately 2,276 SF (dwelling) and approximately 310 SF (garage/shop) totaling approximately 2,589 SF would conform with the maximum 12.5% groundcover ratio in the R-20 Zoning District.

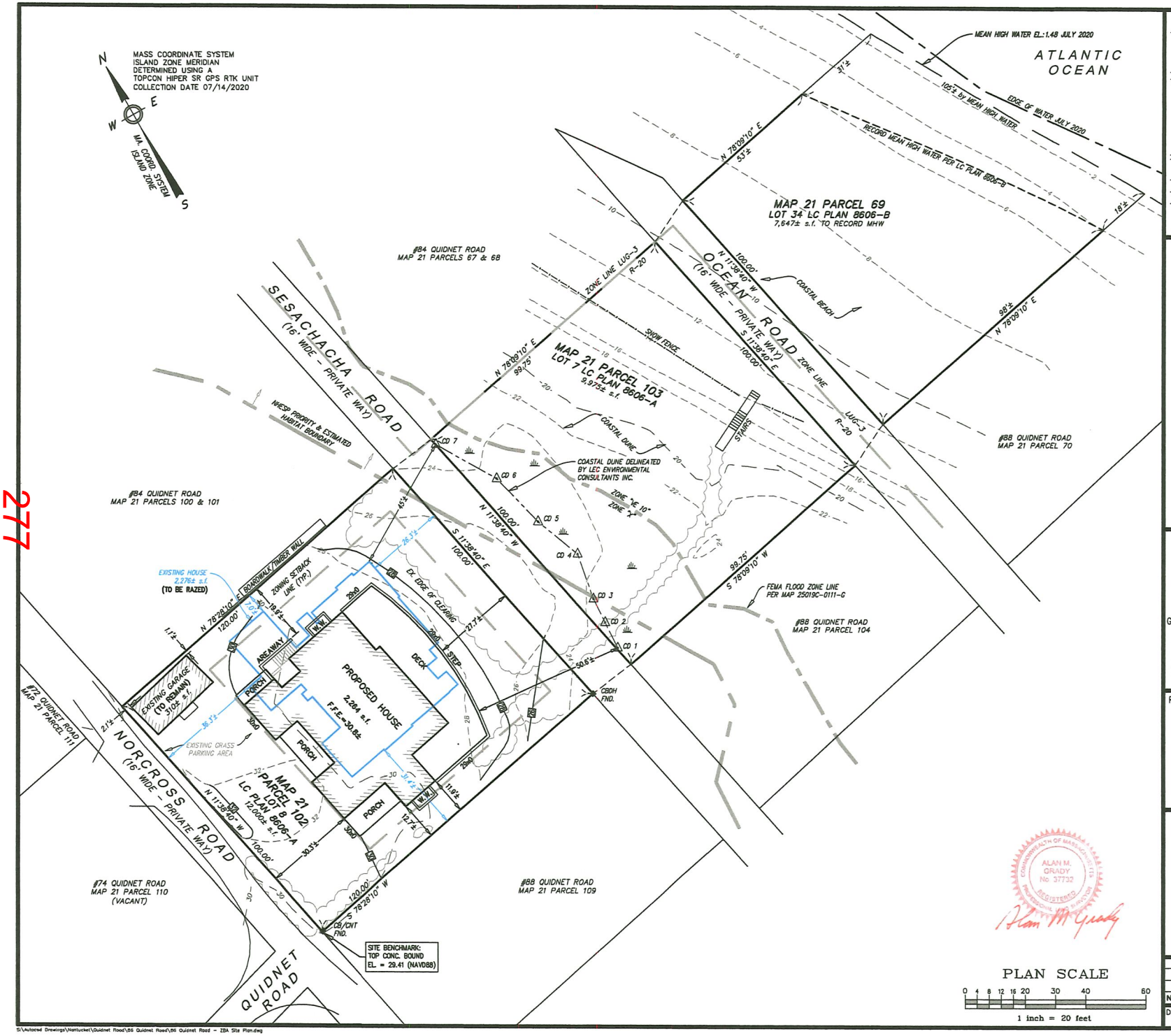
However, the three lots that comprise the locus are separated by paper roads (Sesachacha Road and Ocean Road). The paper roads affect the locus and the adjoining/neighboring properties at 88, 90 and 94 Quidnet Road. Due to the separation of the three lots that comprise the locus, the groundcover calculation under zoning exceeds the 12.5% ratio – or 1,500 SF of Lot 8, Land Court Plan 8606-A. The Locus has a lot size of about 12,000 SF in the R-20 zoning district which requires a minimum lot size of 20,000 SF.

The structure was present on the lot by 1910 and was used as a barn. Later additions and modifications were made over several years as it was converted to a single-family dwelling. The structure, as modified during a period prior to the enactment of the Nantucket Zoning By-law, has remained unchanged and unaltered as to groundcover since prior to 1972.

A finding could be made to grant relief pursuant to Sections 139-30 and 139-33A(4) that the removal and replacement of groundcover, relocation of and modification to the structure, without increasing the pre-existing nonconforming groundcover and curing an existing setback intrusion, would not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure and groundcover. The relevant section is noted below:

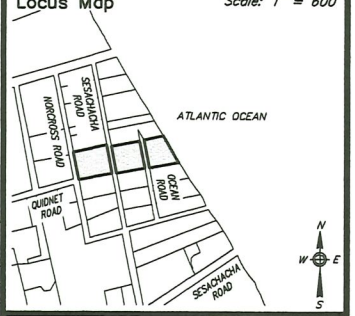
139-33 (Preexisting nonconforming uses, structures, lots)

(4) Removal and reconstruction of any or all of the preexisting nonconforming structure(s), or any portion(s) thereof, in excess of the permitted ground cover ratio upon a lot, shall be allowed by special permit, provided that:
(a) Such special permit shall have been issued prior to the removal of the preexisting nonconforming structure(s), or any portion(s) thereof;
(b) (Reserved)
(c) All reconstructed structure(s), or portion(s) thereof, shall conform to all applicable front, rear and side yard setback requirements; unless relief is granted under separate provisions of this chapter; and
(d) The special permit granting authority shall have made the finding that the result of the proposed removal and reconstruction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and/or use.



Locus Map

Scale: 1" = 600'



Notes

1. LOCUS: #86 QUIDNET ROAD
   MAP 21 PARCELS 69, 102, & 103
2. OWNER: ACK86QR, LLC
   86 QUIDNET ROAD
   NANTUCKET, MA 02554
3. DEED REF: Bk.:1802 Pg.: 65
4. PLAN REF: LC Plan #8606-A (LOT 7)
   LC Plan #8606-B (LOT 34)
   LC Plan #8606-A (LOT 8)
   (LOT 8 UNREGISTERED LAND)
5. LOCUS DOES PARTIALLY FALL WITHIN A SPECIAL FLOOD HAZARD ZONE VE10 AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0111-G dated 06/09/2014.
6. LOCUS DOES PARTIALLY FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES, BUT WORK DOES NOT FALL WITHIN THIS AREAS.
7. LOT CREATED NOVEMBER of 1921.

ZONE: R-20

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	20,000 s.f.	12,000± s.f.	12,000± s.f.
FRONTAGE:	75'	100.00'	100.00'
FRONT YARD:	30'	36.3'±*	30.3'±**
SIDE YARD:	10'	7.0'±*	11.9'±**
REAR YARD:	10'	26.3'±*	27.7'±**
GROUND COVER:	12.5% (MAX) (1,500 s.f.)	21.6% (2,586± s.f.)	21.5% (2,574± s.f.)

LOT SUBJECT TO AND HAS THE BENEFIT OF CHAPTER 139 SECTION 33E OF THE CODE OF THE TOWN OF NANTUCKET, ZONING BYLAW.

* SETBACKS TO EXISTING HOUSE

** SETBACKS TO PROPOSED HOUSE

Prepared By:

BRACKEN ENGINEERING INC

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
TO ACCOMPANY
ZBA APPLICATION
IN NANTUCKET, MASSACHUSETTS

Prepared For:

ACK86QR, LLC

#86 QUIDNET ROAD
MAP 21 PARCELS 69, 102, & 103

ALAN M. GRADY
No. 37732
REGISTERED PROFESSIONAL ENGINEER
COMMONWEALTH OF MASSACHUSETTS

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

No.	Date	Revision Description	By

Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 13, 2021	RMM/ERC/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Quidnet Road\86 Quidnet Road\86 Quidnet Road - ZBA Site Plan.dwg

277

HDC HMINUTES

HDC Minutes for April 20, 2021, adopted May 3 Page 13 of 14 9. Derek Till 02-2944 86 Quidnet Street Reno and addition 21/102

L. Williams/NAG Voting Coombs (acting chair), Camp, Welch, Thornewill Alternates None Recused Oliver

Documentation Architectural elevation plans, site plan, and photos.

Representing Steve Theroux, Nantucket Architectural Group Linda Williams

Public None Concerns (8:51)

Theroux – Reviewed changes made per previous concerns.

Williams – From the beach, you can only see the very top of the structure.

Welch – Appreciates the changes; thank you.

Camp – This is now a more cohesive design.

Thornewill – The beach side still has a lot of windows. South elevation, the right plate on the funky roof is at about the midline of the windows and now it is above them; asked how tall that ridge is now.

Motion to Approve as submitted. (Welch) Roll-call Vote Carried 4-0//Camp, Thornewill, Welch, and Coombs-aye

Certificate # HDC2021-02-2944

Revision granted on August 17, 2021:

Property owner name Street Address Scope of work Map/Parcel Agent 1. ACK 860 QR, LLC 08-4345 86 Quidnet Road Rev. 2944: windows & doors 21/102

NAG Voting Pohl, McLaughlin, Coombs, Welch, Thornewill Alternates None Recused Oliver

Documentation Landscape plans, site plan, and photos.

Representing Steve Theroux, Nantucket Architectural Group Linda Williams

Public None

Concerns (5:13) Williams – Changing windows on east elevation facing the water.

Theroux – We want to simplify the elevation by matching an existing window. Thornewill – These windows are used all over Quidnet; suggested centering the middle window in the right

gable with doors in place of the flanking windows.

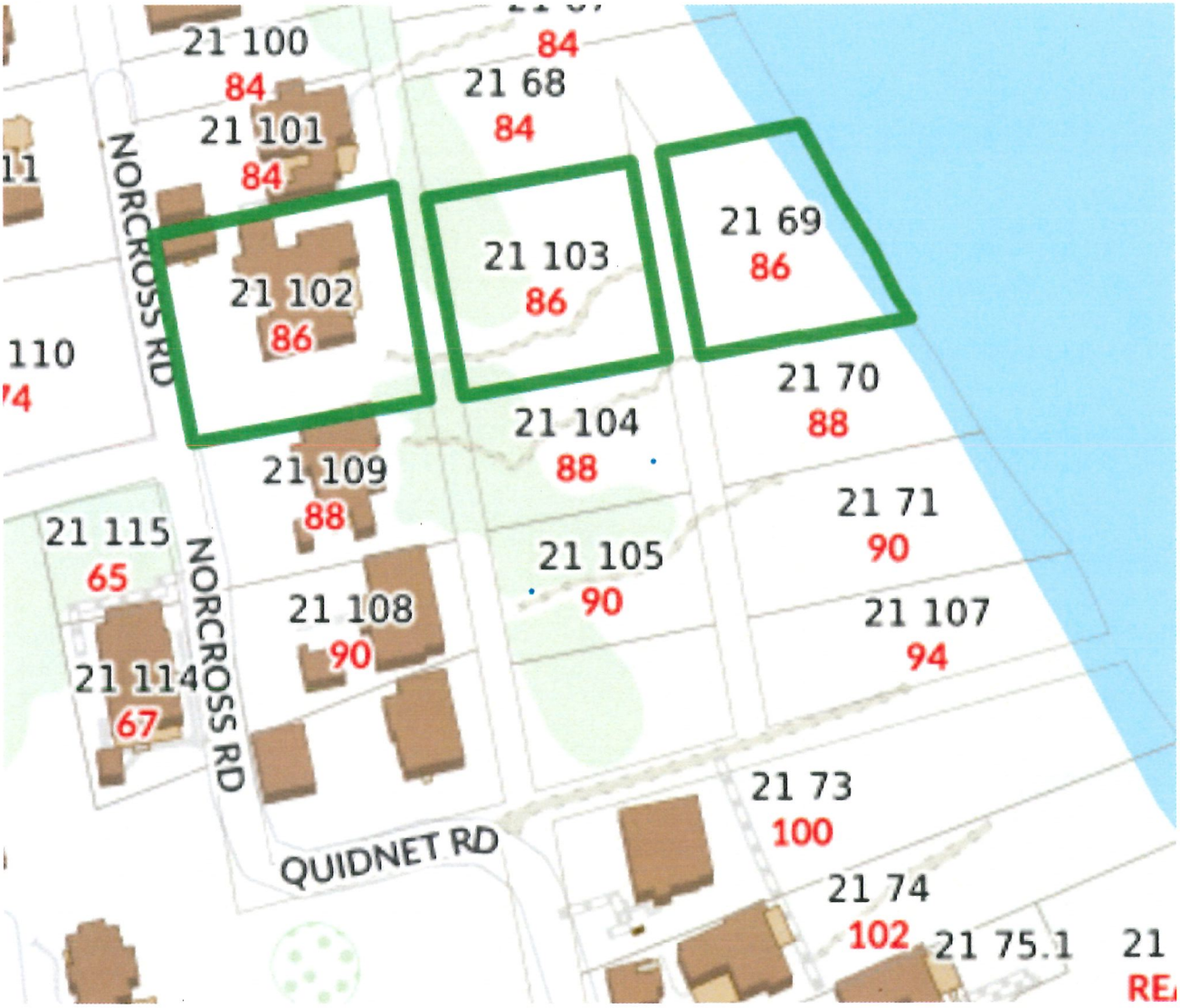
Coombs – Centering the window would be okay.

Welch – He's good with it as proposed.

McLaughlin – No comments.

Motion to Approve through staff with the center picture window centered in the gable and to have flanking doors to match the window-door combination on the right. (Thornewill) Roll-call Vote Carried 5-0//McLaughlin, Welch, Coombs, Thornewill, and Pohl-aye

Certificate # HDC2021-08-4345



9.	Derek Till **02-2944**	86 Quidnet Street	Reno and addition	21/102	L. Williams/NAG

Voting: Coombs (acting chair), Camp, Welch, Thornewill
Alternates: None
Recused: Oliver
Documentation: Architectural elevation plans, site plan, and photos.
Representing: Steve Theroux, Nantucket Architectural Group; Linda Williams
Public: None
Concerns (8:51): **Theroux** – Reviewed changes made per previous concerns.
Williams – From the beach, you can only see the very top of the structure.
Welch – Appreciates the changes; thank you.
Camp – This is now a more cohesive design.
Thornewill – The beach side still has a lot of windows. South elevation, the right plate on the funky roof is at about the midline of the windows and now it is above them; asked how tall that ridge is now.
Motion: **Motion to Approve as submitted. (Welch)**
Roll-call Vote: Carried 4-0//Camp, Thornewill, Welch, and Coombs-aye — Certificate # **HDC2021-02-2944**

The rest held for Thursday, April 22.

10.	3 Mary Ann Drive, LLC **01-2772**	3 Mary Ann Drive	Rev 71596; garage door	68/214	M. Cutone Arch.
11.	7 Starbuck Court, LLC **01-2818**	7 Starbuck Court	Rev 1451: raise/new fndtn	42.3.3/80	M. Cutone Arch.
12.	EBWC, LLC **02-2972**	4 Lincoln Avenue	Garage	30/151	Botticelli + Pohl
13.	4EW, LLC **02-3055**	4 Ellen's Way	New dwelling	81/171	Brook Meerbergen
14.	4EW, LLC **02-3054**	4 Ellen's Way	Garage/studio	81/171	Brook Meerbergen
15.	4EW, LLC **02-3052**	4 Ellen's Way	Pool and hardscape	81/171	Brook Meerbergen
16.	Paul Piccirillo **10-2053**	6 Baltimore Road	New dwelling	60/106	Val Oliver Design

VII. NEW BUSINESS (04/06/21)

	Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1.	Philip Nowak **04-3489**	32 New Street	Chimney/metal roof	73.4.2/30	Self
2.	JE Heron Trustee **04-3325**	56 Washington Street	As-built A/C units	42.2.3/11	Self
3.	David Lazowski **04-3410**	18 Parson Lane	New dwelling	75/102	M. Cutone Arch.
4.	David Lazowski **04-3411**	18 Parson Lane	Hardscaping	75/102	M. Cutone Arch.
5.	Barbara Maier **04-3406**	24 Union Street	Driveway/apron/fence	42.3.2/177	NAG
6.	Kim Wentworth **04-3408**	14 Lincoln Avenue	Pool-hardscape	30/182	M. Cutone Arch.
7.	Cannonbury Holdings, LLC **04-3380**	18 Cannonbury Lane	New dwelling	71/13	CWA
8.	EBWC, LLC **04-3395**	4 Lincoln Avenue	New studio	30/151	Botticelli & Pohl
9.	Richard Hohlt **04-3384**	121 Madaket Road	Pool-spa	40/60.1	Botticelli & Pohl
10.	John Confalone Trst **04-3414**	30 Cliff Road	Driveway and hardscape	42.4.4/36	Val Oliver Design
11.	Mary Claus Trustee **04-3405**	31 Low Beach Road	New dwelling	74/36	Botticelli & Pohl
12.	36 Lily Street LLC **04-3401**	36 Lily Street	Relocate studio on lot	42.4.3/94	Botticelli & Pohl
13.	36 Lily Street LLC **04-3416**	36 Lily Street	New dwelling	42.4.3/94	Botticelli & Pohl
14.	Anehialine Prop LLC **04-3327**	19 East Creek Road	Addition	55/60	BPC
15.	William Scannell **04-3396**	119R Eel Point Road	Rev. 2760: fenst + omit deck	33/17.1	BPC
16.	William Scannell **04-3400**	119R Eel Point Road	Cabana/gazebo	33/17.1	BPC
17.	ACK Mimi LLC **04-3413**	58 Wauwinet Road	Garage	14/65	NAG
18.	Eugene Clapp **04-3388**	42 Cliff Road	Addition + fenestration	42.4.4/40	Normand Resid.
19.	Tonya Capaldo **04-3392**	19 Union Street	Rev 12-2411 add + fenest	42.3.2/136	Topham Design
20.	Beach Vibes LLC **04-3393**	9 Cannonbury Lane	New dwelling	74/28	Workshop APD
21.	Beach Vibes LLC **04-3397**	9 Cannonbury Lane	Garage	74/28	Workshop APD
22.	Beach Vibes LLC **04-3398**	9 Cannonbury Lane	Shed	74/28	Workshop APD
23.	Nelson Eldridge **04-3402**	2 Eldridge Lane	Roof top solar	49/77	Freedom Frvr,LLC
24.	MAG Ventures **04-3419**	30 Devon Street	Garage	76.4.2/1	JB Studio
25.	MAG Ventures **04-3418**	30 Devon Street	Cabana/otdr shr/pergola	76.4.2/1	JB Studio
26.	Eliza Silva **04-3391**	16 Helen's Drive	Rooftop solar	66/53	ACK Smart
27.	Jennifer Silva **04-3381**	14 Harbor View Way	Addition	42.4.1/26	Thornewill Design
28.	Daniel Omstead **04-3378**	9 Quaise Pasture - MH	Rev. 2441: cupola/brzwy	26/20.1	SMRD
29.	Daniel Omstead **04-3377**	9 Quaise Pasture - Cottage	Rev 12-2439 porch chng	26/20.1	SMRD
30.	Thomas Keegan **04-3330**	41B Cliff Road	Addition	29/40	JB Studio
31.	Thomas Keegan **04-3329**	41B Cliff Road	Cabana	29/40	JB Studio
32.	Thomas Keegan **04-3328**	41B Cliff Road	Pool and hardscape	29/40	JB Studio
33.	Mark Norris **04-3415**	14A Lowell Place	Cottage-resite/additions	41/164	Williams/Emeritus
34.	Peter Taylor **04-3394**	98 Main Street	A/C units and fence	42.3.3/111	Linda Williams
35.	14 MVR LLC **04-3420**	14 Madequecham Valley Rd	New dwelling	89/13	Emeritus
36.	Tim Demasi **04-3424**	3 Gladlands Avenue	New dwelling	80/234	Emeritus

CERTIFICATE NO: HDC2021-02-2944 DATE ISSUED: 04/20/2021

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°: 21 PARCEL N°. 102

Street & Number of Proposed Work: 86 QUIDNET RD

Owner of record: DRUMLIN REALTY TRUST

Mailing Address: 106 OLD BEDFORD RD APT 130
BEDFORD MA

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Stephen Thevoux NAIA

Mailing Address: PO BOX 1814
NANTUCKET MA

Contact Phone #: 228-5031 E-mail: _____
steve@nantucketarchitecture.com

FOR OFFICE USE ONLY

Date application received: 2/8/21 Fee Paid: $ 74 (Mail)

Must be acted on by: 3/20/21 5/19/21

Extended to: _____

Approved: X Disapproved: _____

Chairman: Doug W Boomhower (ACTING)

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

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

☐ Pool (Zoning District ____) ☐ Roof ☒ Other RAISE FOR NEW FOUNDATION - RELOCATE ON LOT

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: 2276 Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: 1429 Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North +1-0 South 1'-0 East 1'-0 West 1-0

Height of ridge above final finish grade: North 23-10 South 23-10 East 25-8 West 25-8

Additional Remarks

Historic Name:

Original Date: 1930

Original Builder: UNKNOWN

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

RAISE HOUSE & MOVE SOUTH OUT OF SY SB MOVE FORWARD. ADDITION & ALTERATIONS TO EXIST. RESIDENCE. NO CHANGE IN SF FIRST FLR. ADD 548 SF TO 2ND FLOOR *GROUNDCOVER STAYS THE SAME

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 6'-1'-6 ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 8:5 /12 Secondary Mass _____/12 Dormer 4 /12 Other _____

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

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer NA Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): NA

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 1x8 Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing 5/4x4 Door Frame 5/4x4 Columns/Posts: Round _____ Square _____

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

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

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

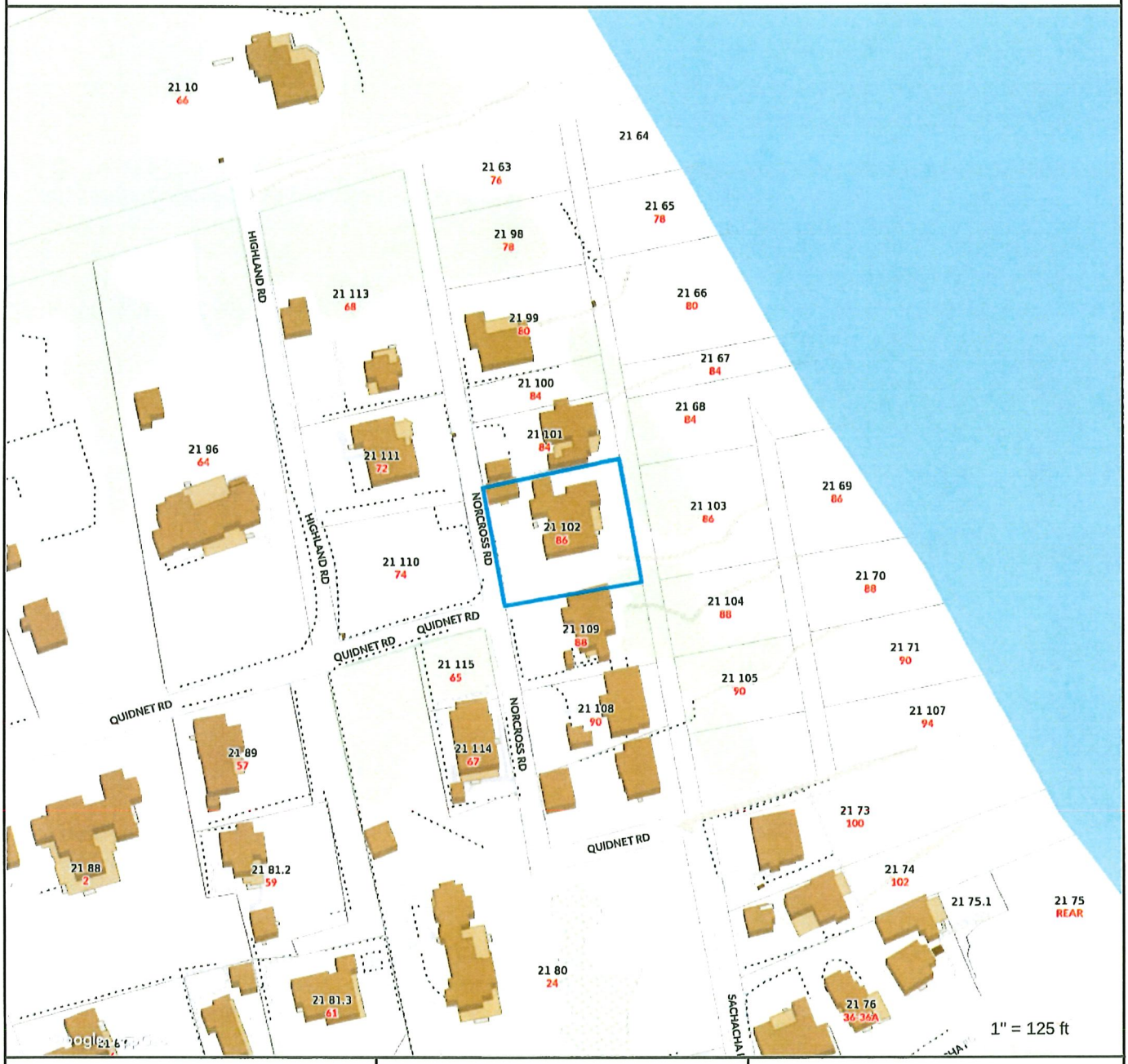
Sidewall NTW Clapboard (if applicable) _____ Roof NTW
Trim WHITE Sash WHITE Doors WHITE
Deck NTW Foundation GRAY Fence _____ Shutters _____

* 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 1/27/2021 Signature of owner of record _____ Signed under penalties of perjury

281



Property Information

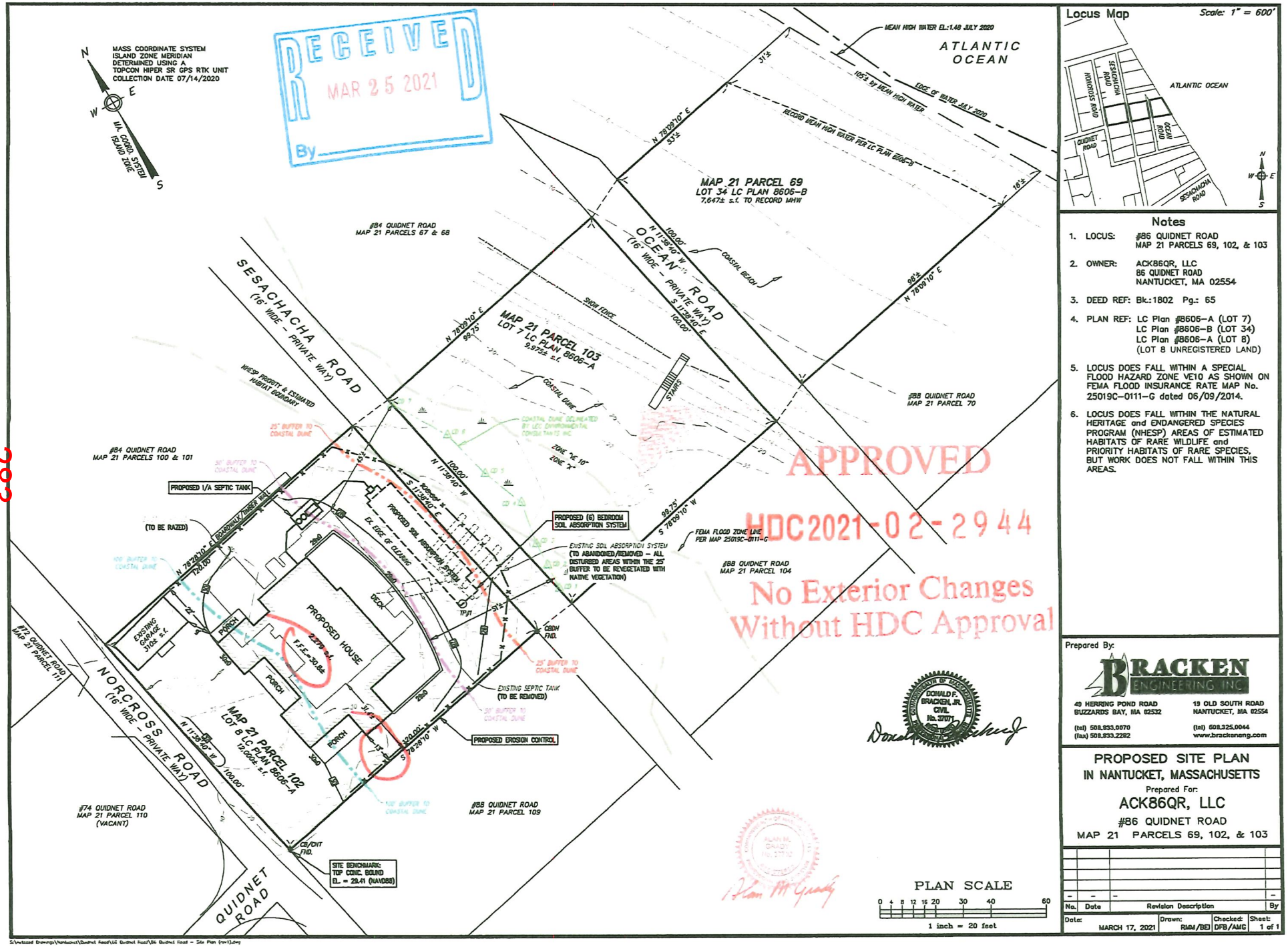
Property ID	21 102
Location	86 QUIDNET RD
Owner	TILL DEREK E & STEPHEN E TRSTS

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

283



Locus Map

Scale: 1" = 600'

Notes

1. LOCUS: #86 QUIDNET ROAD
   MAP 21 PARCELS 69, 102, & 103
2. OWNER: ACK86QR, LLC
   86 QUIDNET ROAD
   NANTUCKET, MA 02554
3. DEED REF: Bk.:1802 Pg.: 65
4. PLAN REF: LC Plan #8606-A (LOT 7)
   LC Plan #8606-B (LOT 34)
   LC Plan #8606-A (LOT 8)
   (LOT 8 UNREGISTERED LAND)
5. LOCUS DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE VE10 AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0111-G dated 06/09/2014.
6. LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES, BUT WORK DOES NOT FALL WITHIN THIS AREAS.

Prepared By:

BRACKEN ENGINEERING INC
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0670
(fax) 508.833.2282
13 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

ACK86QR, LLC

#86 QUIDNET ROAD

MAP 21 PARCELS 69, 102, & 103

No.	Date	Revision Description	By
-	-	-	-

Date: MARCH 17, 2021 | Drawn: RMM/BEI | Checked: DFB/AMC | Sheet: 1 of 1

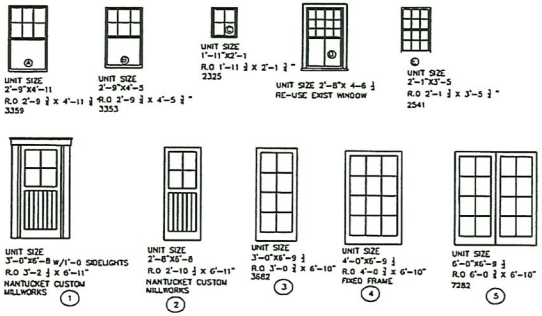
NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM
RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA
FLOOR PLANS
HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
A1
B PROPOSED FIRST FLOOR PLAN
2372 EXISTING
A EXISTING FIRST FLOOR PLAN
2274 EXISTING
SCREEN PORCH
DINING ROOM
KITCHEN
PANTRY
MUD ROOM
REF.
RANGE
DW
SINK
TRASH
ISLAND
MICRO
LIVING ROOM
STAIR HALL
OPEN TO ABOVE
LAV
DECK
PERGOLA
MASTER BED ROOM NUMBER 2
MASTER BATH
BATH ROOM
BED ROOM NUMBER 1
BATH RM 1A
BED RM NO 1
BATH RM 2B
BED RM NO 2
LAUNDRY
ENCLOSED PORCH
EXIST DECK
DINING RM
BED RM NO 3
SUNKEN ENTRY
LIVING RM
KITCHEN
ENTRY
STORAGE
BATH RM 4A
ENTRY
BED RM NO 4

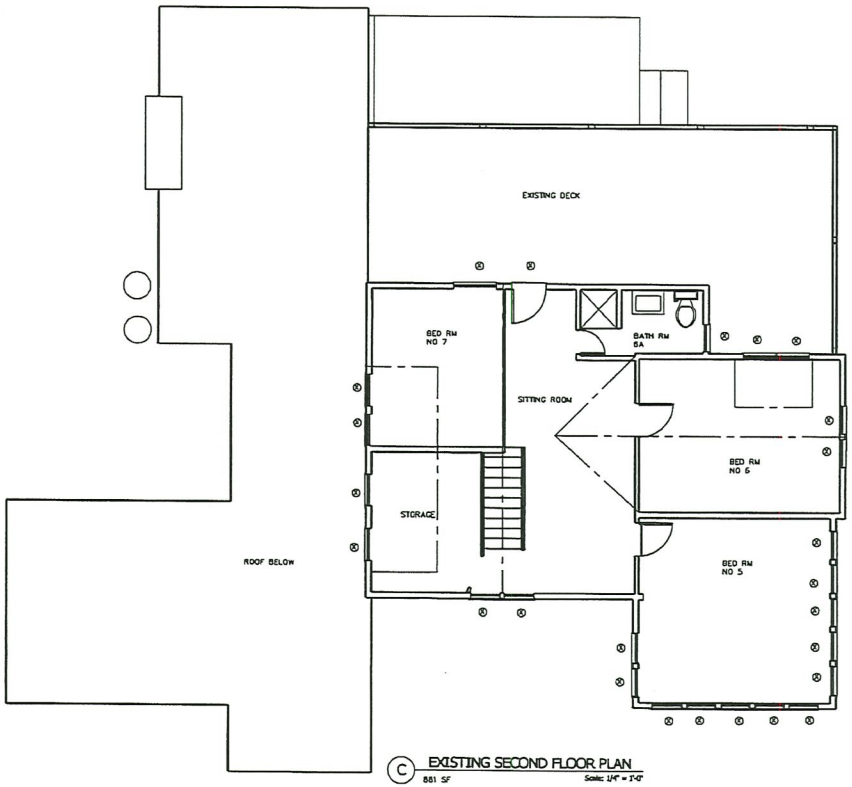
NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM
RENOVATION AND ADDITION FOR:
ACK86GR LLC
86 QUIDNET ROAD, NANTUCKET MA
FLOOR PLANS
HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
A2d
D PREVIOUSLY SUBMITTED SECOND FLOOR PLAN
1429 SF
D PROPOSED SECOND FLOOR PLAN
1335 SF
MASTER BED ROOM NUMBER 5
M. BATH
DRESSING/OFFICE
ROOF BELOW
COVERED PORCH
DECK
HOME OFFICE/STAIRHALL
FP
BED ROOM NUMBER 4
BED ROOM NUMBER 3
JACK N JILL BATH

286

WINDOW AND DOOR SCHEDULE

WINDOWS AND DOORS TO BE PELLA RESERVE TRADITIONAL DP 50





C EXISTING SECOND FLOOR PLAN
881 SF
Scale: 1/4" = 1'-0"

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

FLOOR PLANS

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:

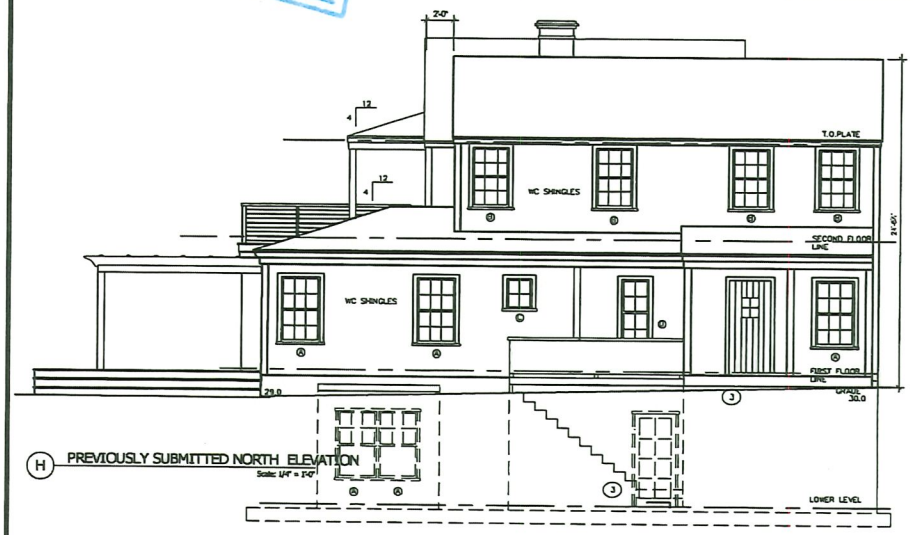
D/B:xxx copyright nag 2015

client number

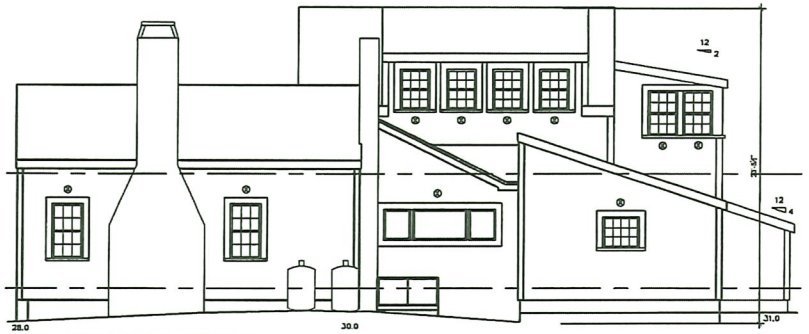
A2

RECEIVED
MAR 25 2021
By

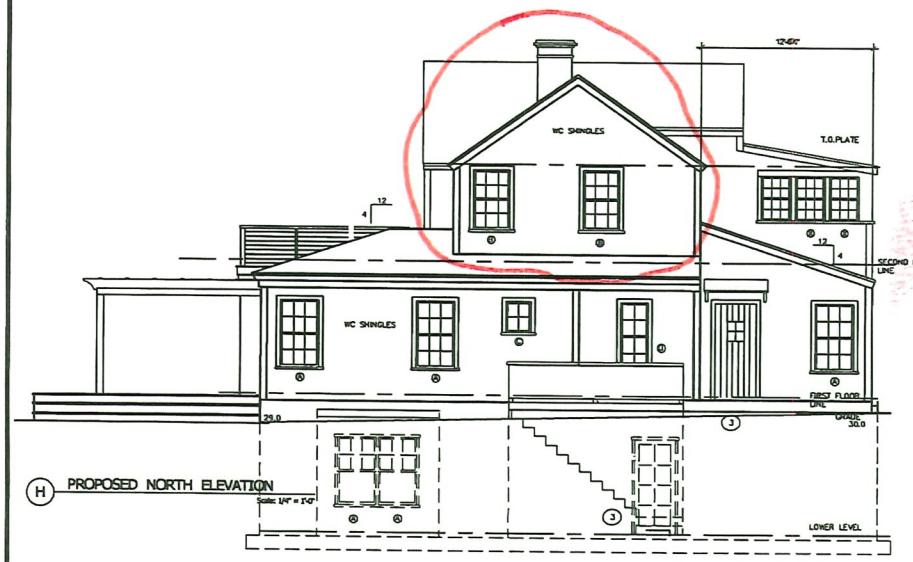
287



H PREVIOUSLY SUBMITTED NORTH ELEVATION



G EXISTING NORTH ELEVATION



H PROPOSED NORTH ELEVATION

APPROVED

HDC2021-02-2944

No Exterior Changes
Without HDC Approval

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

ELEVATIONS

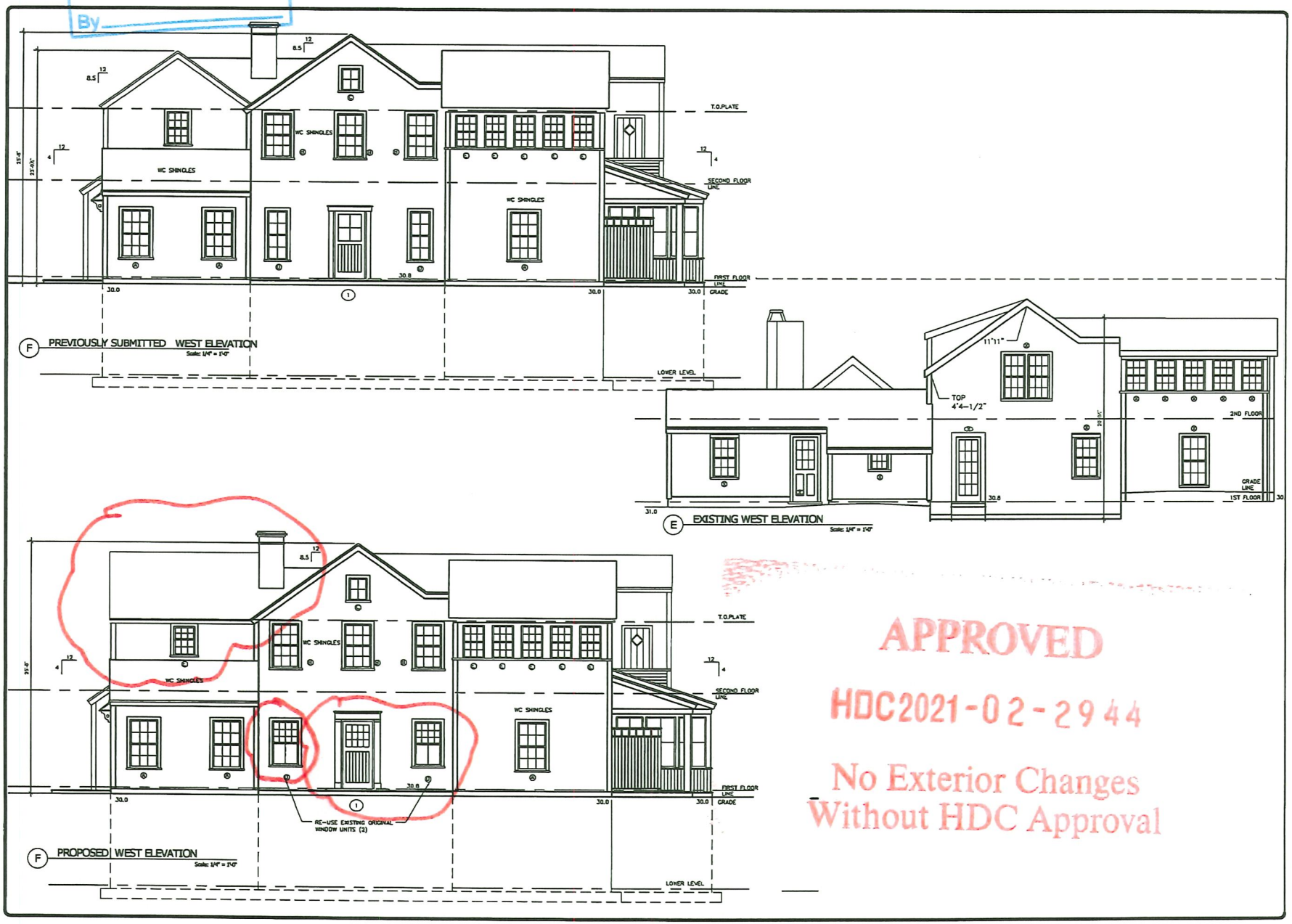
HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
D/E:xxx copyright nag 2015

client number

A3c

RECEIVED
MAR 25 2021
By

288



APPROVED
HDC2021-02-2944

No Exterior Changes
Without HDC Approval

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

ELEVATIONS

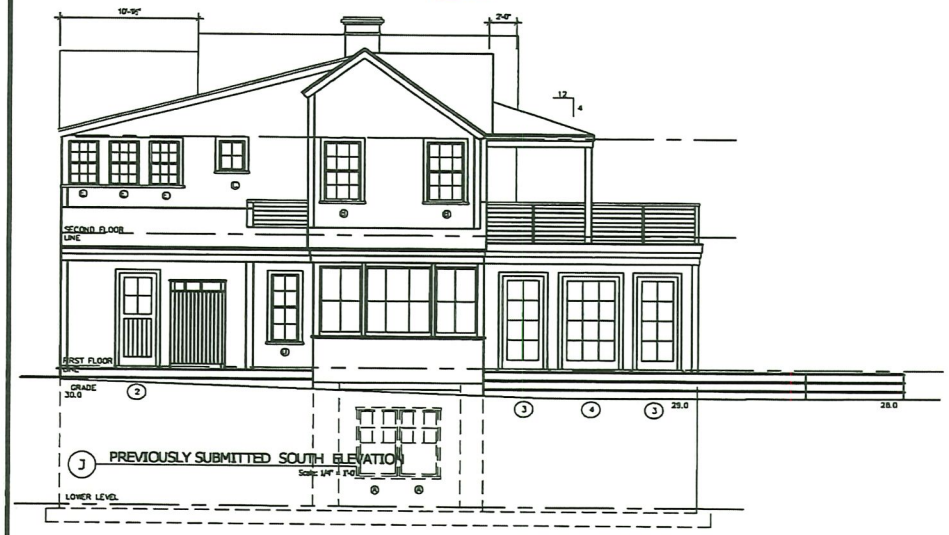
HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
D/B:xxx copyright nog 2015

client number

A3

RECEIVED
MAR 25 2021
By

289

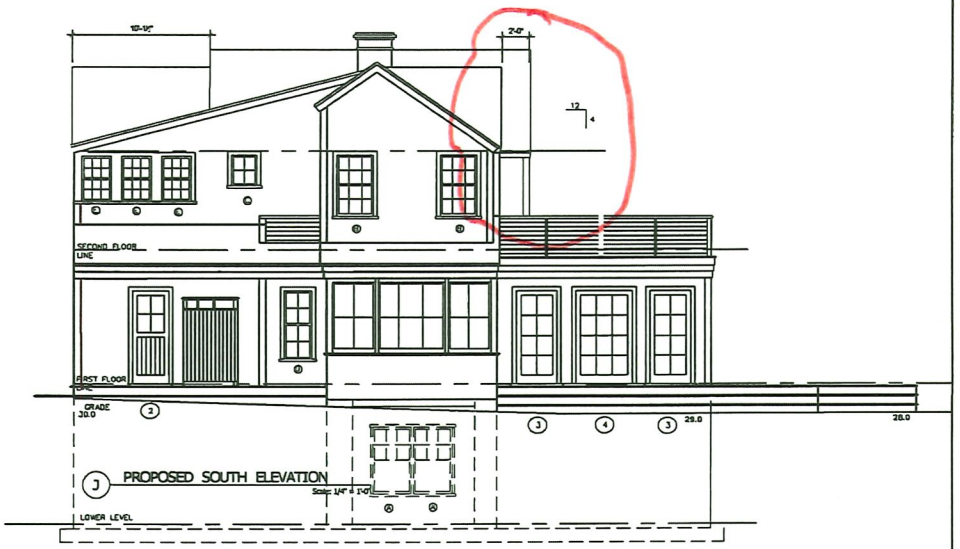


J PREVIOUSLY SUBMITTED SOUTH ELEVATION

APPROVED
HDC2021-02-2944
No Exterior Changes
Without HDC Approval



H EXISTING SOUTH ELEVATION



J PROPOSED SOUTH ELEVATION

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

ELEVATIONS

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:

D/B:xxx copyright nag 2015
client number

A4

290

RECEIVED
MAR 25 2021
By

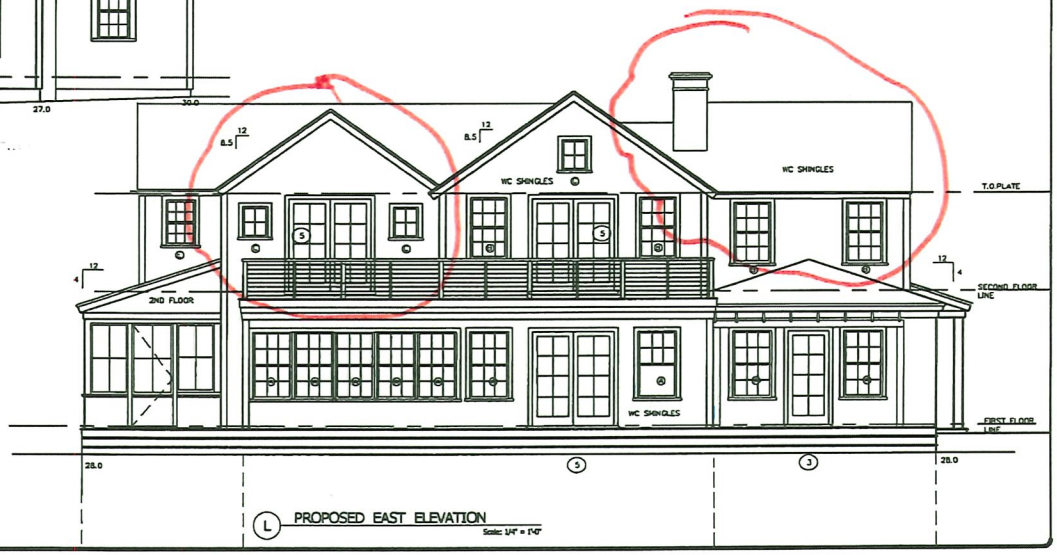


L PREVIOUSLY SUBMITTED EAST ELEVATION
Scale: 1/4" = 1'-0"



K EXISTING EAST ELEVATION
Scale: 1/4" = 1'-0"

APPROVED
HDC2021-02-2944
No Exterior Changes
Without HDC Approval



L PROPOSED EAST ELEVATION
Scale: 1/4" = 1'-0"

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

ELEVATIONS

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:

D/B:xxx copyright nos 2015
client number

A4c

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

OVERLAY

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
DRE=== copyright reg 2015
client number

A5

CERTIFICATE NO: HDC2021-08-4345 DATE ISSUED: 08/17/2021

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°: 21 PARCEL N°: 102

Street & Number of Proposed Work: 86 QUIDNET RD

Owner of record: ACK 86 QR LLC

Mailing Address: 86 QUIDNET RD
NANTUCKET MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Stephen Theroux NAGNA

Mailing Address: PO box 1614
NANTUCKET MA

Contact Phone #: _____ E-mail: _____
steve@nantucketarchitecture.com

FOR OFFICE USE ONLY

Date application received: 7/14/21 Fee Paid: $ 50.-

Must be acted on by: ~~8/12/21~~ 12/31/21

Extended to: _____

Approved: V Disapproved: _____

Chairman: Raynold

Member: _____

Member: _____

Member: Cleveland

Member: _____

Notes - Comments - Restrictions - Conditions

PICTURE WINDOW W/ FLANKING DOORS CENTERED IN CENTRAL MASS (TO MATCH UNIT ON RIGHT SIDE)

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☑ Revisions to previous Cert. No. HDC2021-02-2944
☐ Pool (Zoning District ____) ☐ Roof ☐ Other _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date:

Original Builder:

REVISIONS* (describe)
1. East Elevation MINOR WINDOW & DOOR REVISIONS
2. South Elevation
3. West Elevation
4. North Elevation

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

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

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): _____

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 _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☑ Other SINGLE & LT PLATE WINDOWS
☐ True Divided Lights(muntins), single pane ☑ SDL's (Simulated Divided Lights) Manufacturer 4/4 + PLATE WINDOWS

Doors* (type and material): ☐ TDL ☑ SDL Front _____ Rear 4LT FRENCH Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall N/TW Clapboard (if applicable) _____ Roof N/TW
Trim WHITE Sash WHITE Doors WHITE
Deck N/TW Foundation GRAY Fence _____ Shutters _____

* 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 7/14/21 Signature of owner of record _____ Signed under penalties of perjury

292

8'/2x11 Copy

STAFF APPROVAL CHECKLIST 8'/2x11

Planning and Land Use Services

Historic District Commission

2 Fairgrounds Road, Nantucket, Ma 02554
508-325-7587

This checklist MUST be submitted with your Staff Approval.

✓	Sign In submission at Front Desk
	HDC case number: (ex. HDC2020-XX-XXXX) If applicable HDC 2021-08-4345
✓	Meeting Approval Date: 7/27/2021 Copy of Minutes (application item circled)
✓	Four (4) Large (24"x36") sets of plans (circle all that apply) a. Site Plan b. North Elevation c. South Elevation d. East Elevation e. West Elevation f. Window/door schedule
✓	One set reduced plans: 8 ½ x 11
X	Additional information requested by Commission- if applicable (i.e. pictures, FEMA flood Certificate, etc.)
✓	Electronic Submission: ALL documents MUST BE scanned to hdcsubmissions@nantucket-ma.gov.

** PLUS staff is not responsible to research, gather, collate or submit documents on behalf of the applicant.

Town and County of Nantucket, MA March 24, 2021



Property Information

Property ID	21 102
Location	86 QUIDNET RD
Owner	TILL DEREK E & STEPHEN E TRSTS

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

5. 11 India Street, LLC 08-43??	11 India Street	Projecting sign		42.3.1/122.1	Carlene Santos

Voting	Pohl, McLaughlin, Coombs, Welch, Thornewill
Alternates	None
Recused	None
Documentation	Sign design plan, site plan, photos, and advisory comments.
Representing	None
Sign Advisory	None
Concerns (5:00)	**McCarthy** – This is approvable per SAC comments.
Motion	**Motion to Approve through staff per SAC comments. (Coombs)**
Roll-call Vote	Carried 5-0//McLaughlin, Welch, Thornewill, Coombs, and Pohl-aye Certificate # **HDC2021-08-____**

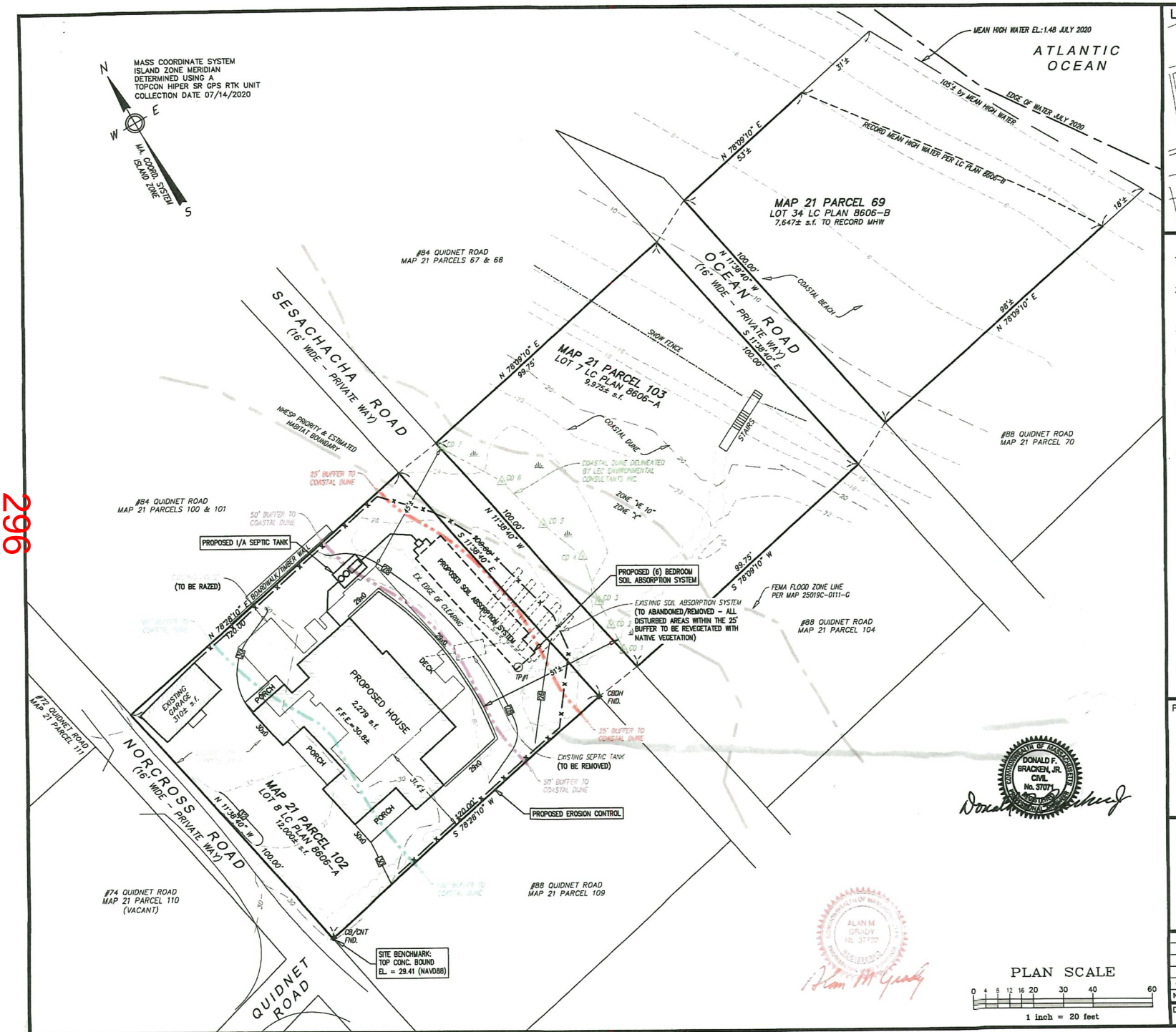
V. OLD BUSINESS 07/27/21

Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1. ACK 860 QR, LLC 08-4345	86 Quidnet Road	Rev. 2944: windows & doors	21/102	NAG

Voting	Pohl, McLaughlin, Coombs, Welch, Thornewill
Alternates	None
Recused	Oliver
Documentation	Landscape plans, site plan, and photos.
Representing	Steve Theroux, Nantucket Architectural Group Linda Williams
Public	None
Concerns (5:13)	**Williams** – Changing windows on east elevation facing the water. **Theroux** – We want to simplify the elevation by matching an existing window. **Thornewill** – These windows are used all over Quidnet; suggested centering the middle window in the right gable with doors in place of the flanking windows. **Coombs** – Centering the window would be okay. **Welch** – He's good with it as proposed. **McLaughlin** – No comments.
Motion	**Motion to Approve through staff with the center picture window centered in the gable and to have flanking doors to match the window-door combination on the right. (Thornewill)**
Roll-call Vote	Carried 5-0//McLaughlin, Welch, Coombs, Thornewill, and Pohl-aye Certificate # **HDC2021-08-4345**

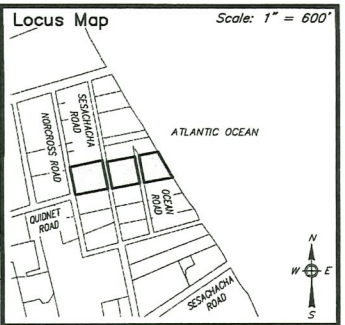
2. John Barry 05-3838	22 Eel Point Road	New dwelling	40/45	Emeritus

Voting	Pohl, Camp, Coombs, McLaughlin, Welch
Alternates	Thornewill
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and correspondence.
Representing	Matt MacEachern, Emeritus Development
Public	Linda Williams Houlihan, 28 Swift Rock Road
Concerns (5:22)	**MacEachern** – Reviewed changes made and grading plan per previous concerns. **Williams** – Her client had issues with other lots raising their grade; would prefer the grade be lowered to match the grade in front of the house rather than raised to match the rear grade. **Camp** – She doesn't see anything objectionable. **Welch** – Suggested an even amount of cut on the high side and fill on the low side. Asked the difference in the finished height of this versus the existing. **MacEachern** – The height is similar; our finished floor is 6" lower than the existing. **McLaughlin** – No comments. **Coombs** – Likes what he did on the roof. She doesn't understand the ridge height and grade. It's at the maximum height that is appropriate; she could approve it with the ridge not to be higher than the existing. **Pohl** – The difference between existing and proposed grade is 4'. If the 2 buildings are the same height, this will be 4' taller. Grade at the front door is 35 next to a grade of 31. He wants to see grading up 2' in front and cutting in 2' at the back.
Motion	Motion to Approve as submitted. (McLaughlin) Not carried//Welch, Coombs, Pohl-nay **Motion to Approve through staff with the front grade dropped 2' and the finished floor to be dropped 1'. (Coombs)**
Roll-call Vote	Carried 5-0//Welch, McLaughlin, Coombs, Camp, and Pohl-aye Certificate # **HDC2021-05-3838**



Locus Map

Scale: 1" = 600'



Notes

1. LOCUS: #86 QUIDNET ROAD
   MAP 21 PARCELS 69, 102, & 103
2. OWNER: ACK86QR, LLC
   86 QUIDNET ROAD
   NANTUCKET, MA 02554
3. DEED REF: Bk.:1802 Pg.: 65
4. PLAN REF: LC Plan #8606-A (LOT 7)
   LC Plan #8606-B (LOT 34)
   LC Plan #8606-A (LOT 8)
   (LOT 8 UNREGISTERED LAND)
5. LOCUS DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE VE10 AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0111-G dated 06/09/2014.
6. LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES, BUT WORK DOES NOT FALL WITHIN THIS AREAS.

Prepared By:
BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:
ACK86QR, LLC
#86 QUIDNET ROAD
MAP 21 PARCELS 69, 102, & 103

No.	Date	Revision Description	By
-	-	-	-

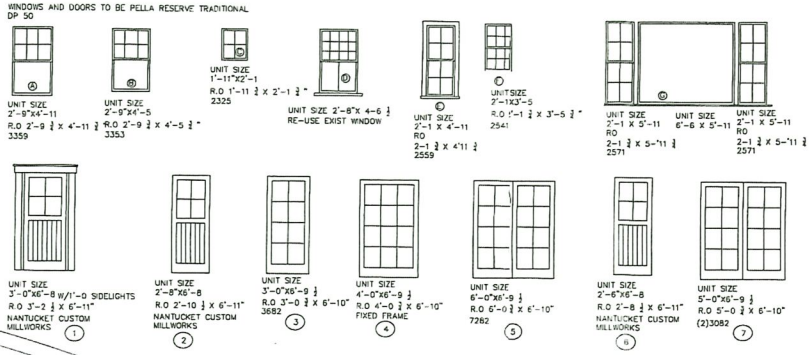
Date: MARCH 17, 2021 | Drawn: RMM/BEI | Checked: DFB/AMG | Sheet: 1 of 1

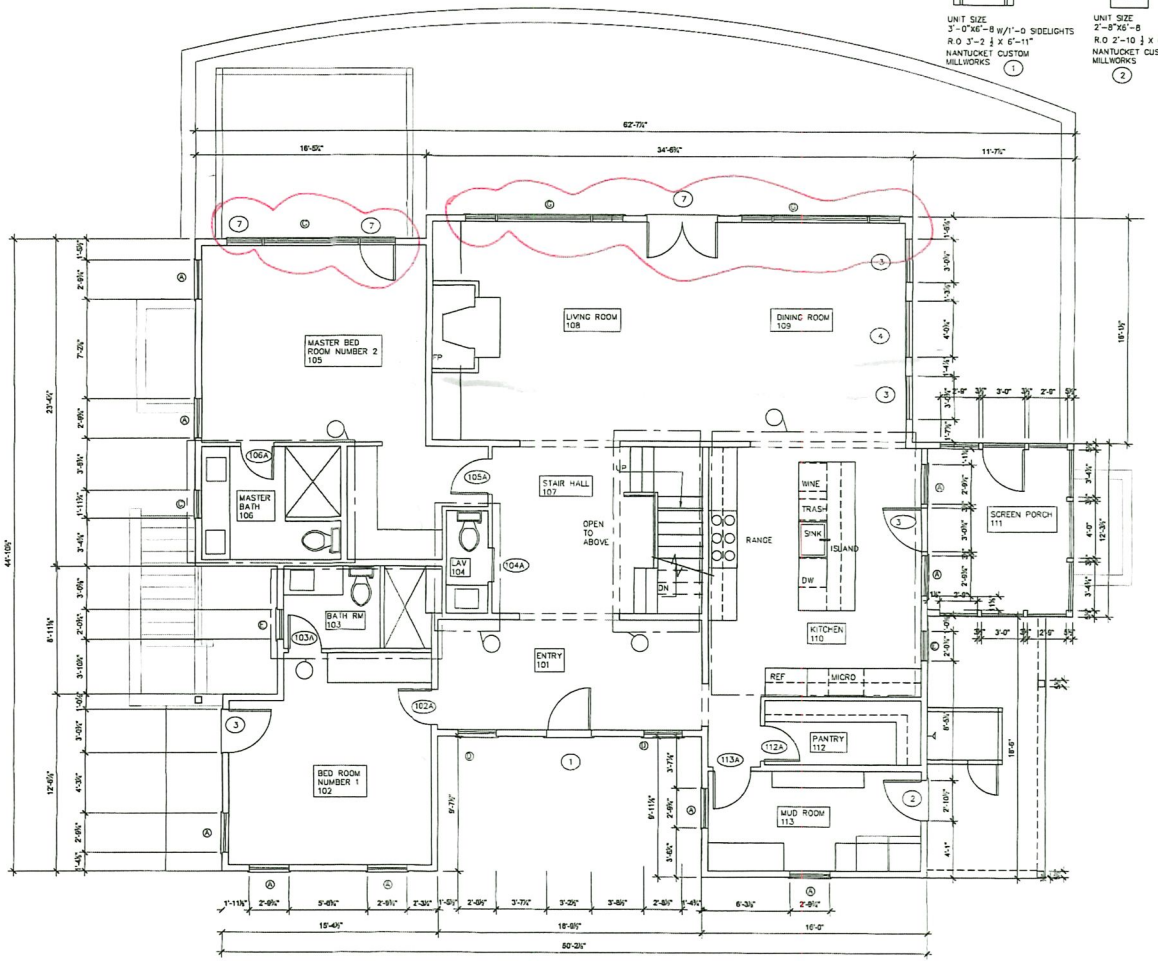
S:\Autocad Drawings\Nantucket\Quidnet Road\86 Quidnet Road\86 Quidnet Road - Site Plan (rev1).dwg

297

WINDOW AND DOOR SCHEDULE

WINDOWS AND DOORS TO BE PELLA RESERVE TRADITIONAL DP 50





B PROPOSED FIRST FLOOR PLAN REVISIONS
2272 EXISTING Scale: 1/4=1'-0

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

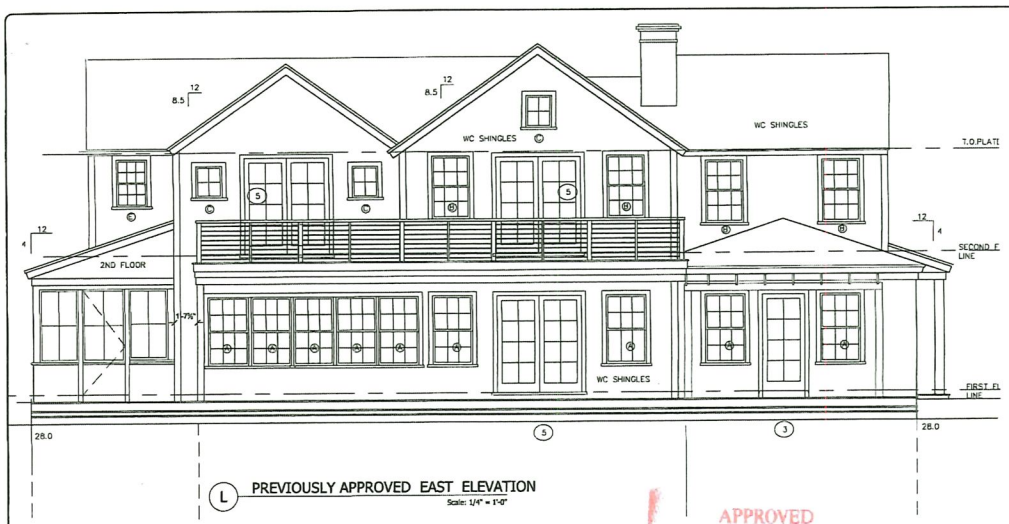
RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

OVERLAY

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:

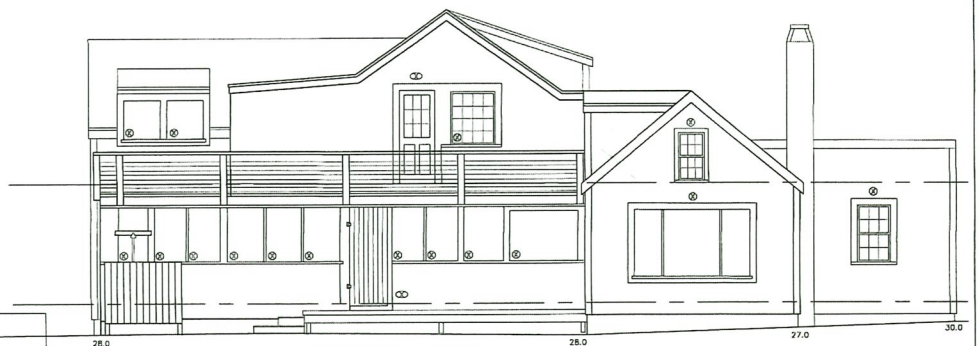
D/B:xxx copyright nag 2015
client number

A10

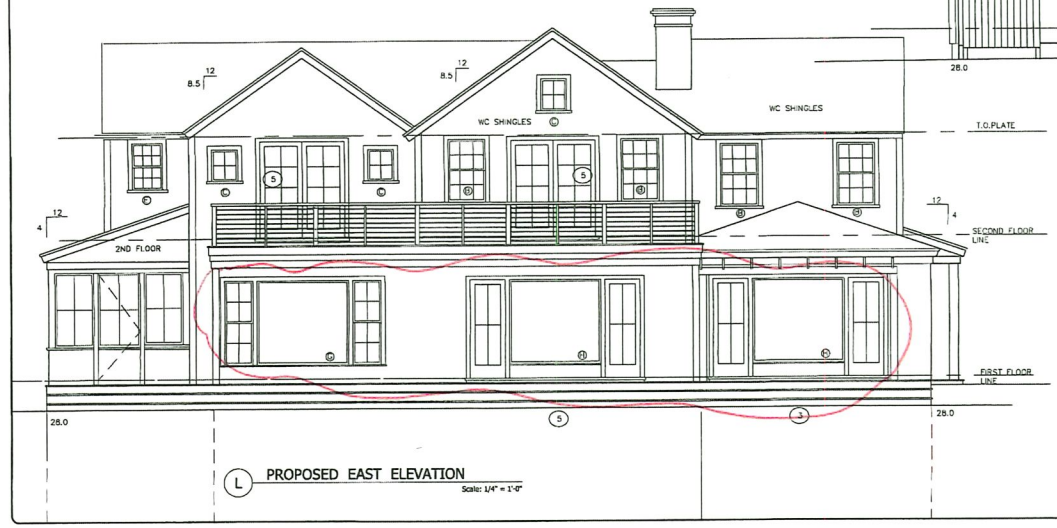


L PREVIOUSLY APPROVED EAST ELEVATION
Scale: 1/4" = 1'-0"

APPROVED
HDC2021-08-4345
No Exterior Changes
Without HDC Approval



K EXISTING EAST ELEVATION
Scale: 1/4" = 1'-0"



L PROPOSED EAST ELEVATION
Scale: 1/4" = 1'-0"

298

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION AND ADDITION FOR:
ACK86QR LLC
86 QUIDNET ROAD, NANTUCKET MA

HDC: XX/XX/XX
BIDDING:
BLDG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
D/B:

xxx copyright nag 2015

client number

A22

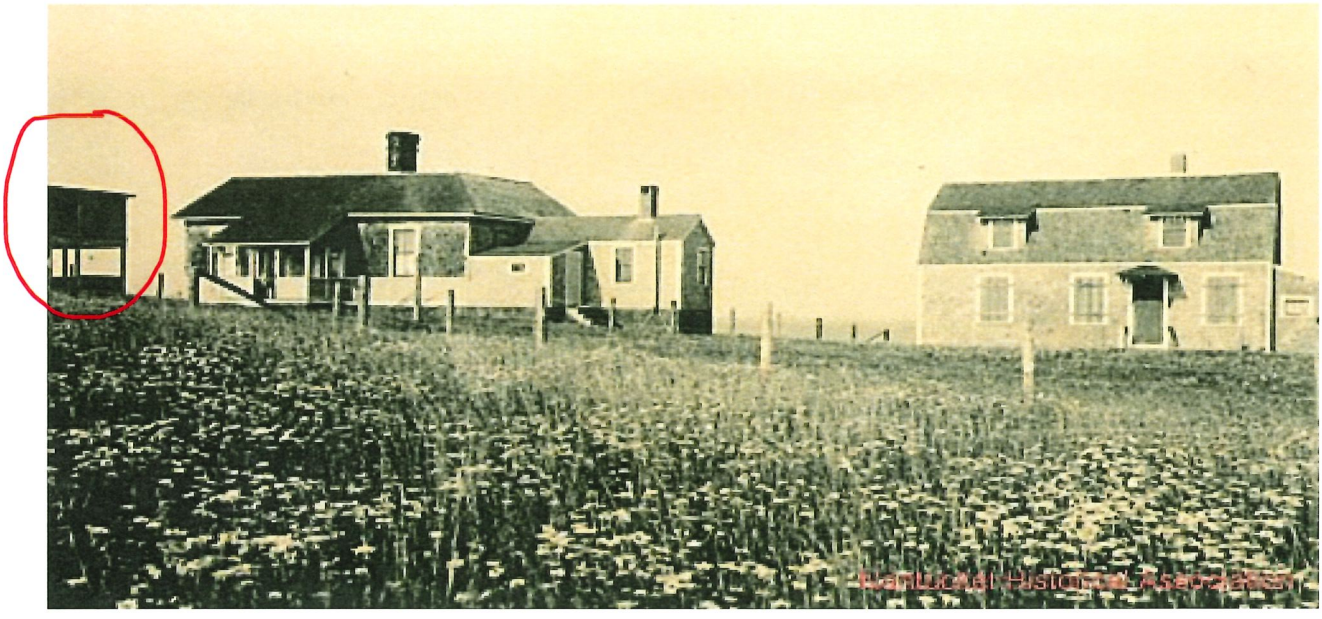
86 QUIDNET ROAD – ALTERATIONS AND ADDITIONS

DUE TO THE SIZE OF THE LOT/EXISTING GROUNDCOVER THE NEW ADDITIONS AND ADJUSTMENTS OF FOOTPRINT ARE LIMITED BY INABILITY TO EXCEED THE GROUNDCOVER

1910 –STRUCTURE ON 86 IS SHOWN ON THE LEFT OF 88 - SAID TO HAVE BEEN A BARN WITH SIMPLE GABLE FORMS – STRUCTURE TO THE RIGHT ON 90 WAS ALLOWED TO BE DEMOLISHED AND A NEW STRUCTURE BUILT IN 1988



1920 – FIRST ADDITION OF A PORCH TYPE STRUCTURE IS SHOWN ON THE LEFT THAT WOULD BE ON THE SOUTH EAST CORNER OF THE STRUCTURE AND ENCLOSED YEARS LATER



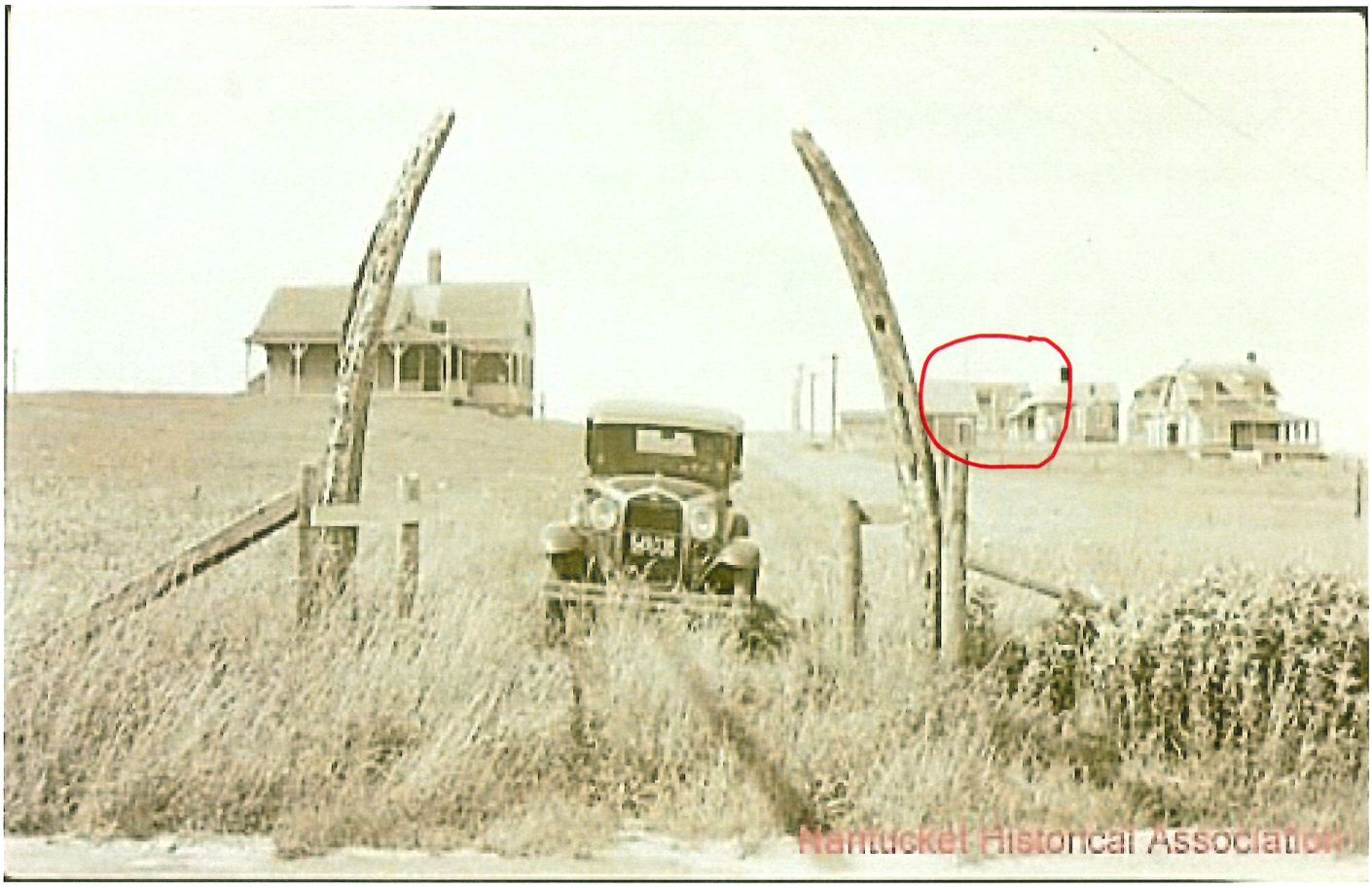
1930S – MORE ADDITIONS ARE VISIBLE – FAR RIGHT – POCRCHES ARE OPEN



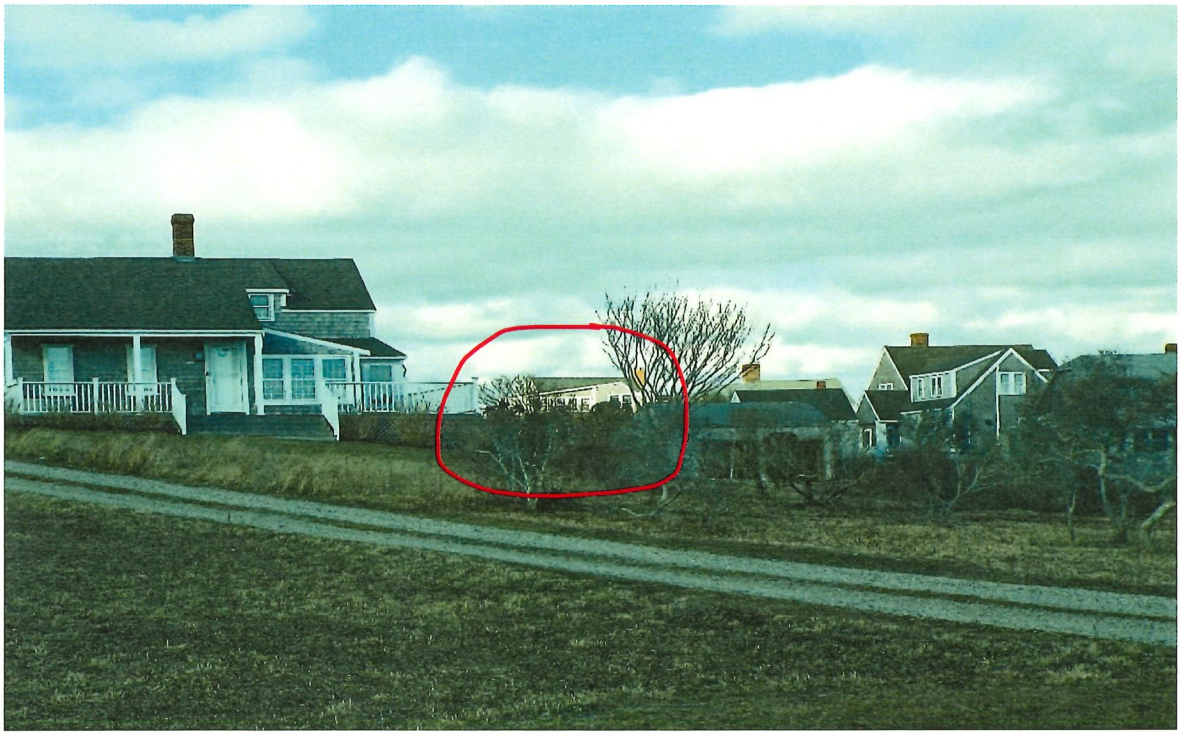
1939 – 86 IS FAR LEFT WITH SECOND FLOOR OPEN TO WEATHER PORCHES ON BOTH THE EAST AND THE WEST SIDE



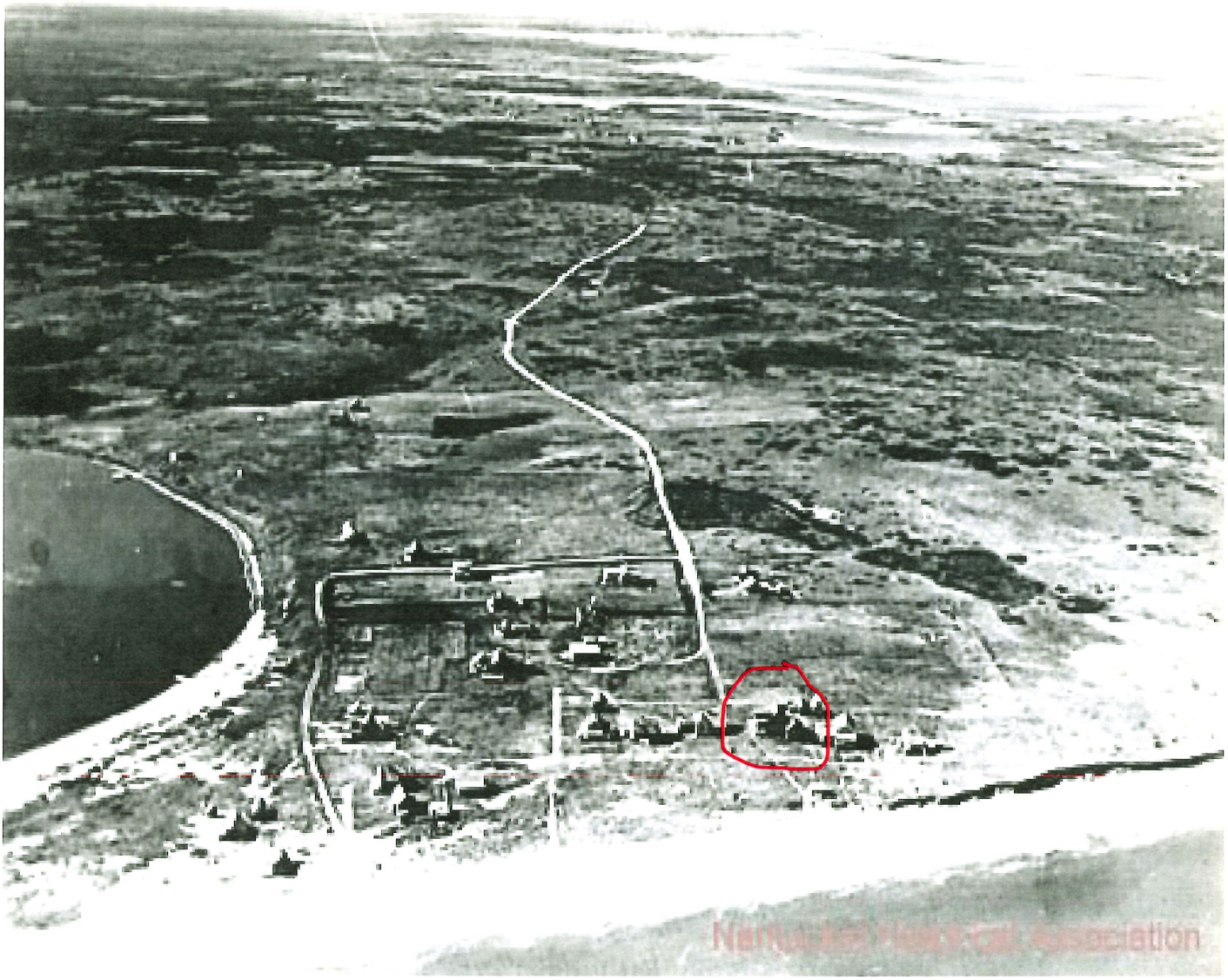
1940 – STARTING ON THE RIGHT IS 94, 90, 88 AND THEN A FAR VIEW OF 86 – APPEARS TO BE CONTINUE TO HAVE OPEN FRONT SECOND FLOOR PORCH AND EAST SIDE PORCH



2/2021 – FRONT SECOND-STORY PORCH IS ENCLOSED AND ROOF ANGLE HAS CHANGED

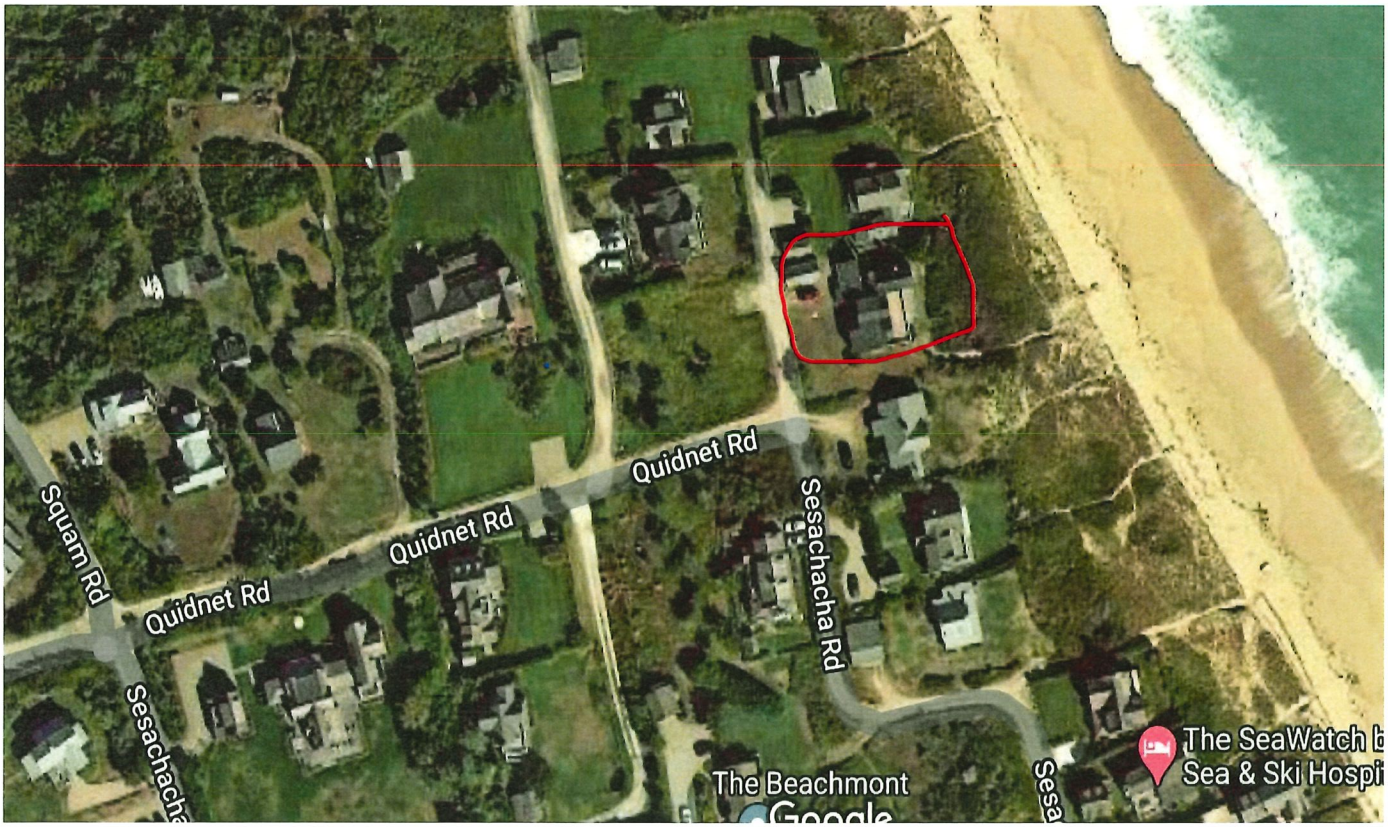


1926 NHA AERIAL SHOWS ADDITIONS HAVING BEEN ADDED TO THE STRUCTURE OSTENSIBLY TO MAKE IT INTO A HABITABLE DWELLING – THE OPEN PORCH ON THE SE SIDE OF THE STRUCTURE IS TAKING ON MORE OF A FORM, THE PRECURSOR TO THE CURRENT PORCH



1993 – THE NEXT YEAR PHOTOGRAPHIC EVIDENCE IS PUBLICLY AVAILABLE







WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



MULTIPLE ROOF CHANGES ON NORTH ELEVATION – NORTH DORMER ON MAIN GABLE



EAST ELEVATION (REAR-WATERSIDE)





FROM THE BEACH LOOKING WEST





HISTORIC RUBBLE FOUNDATION





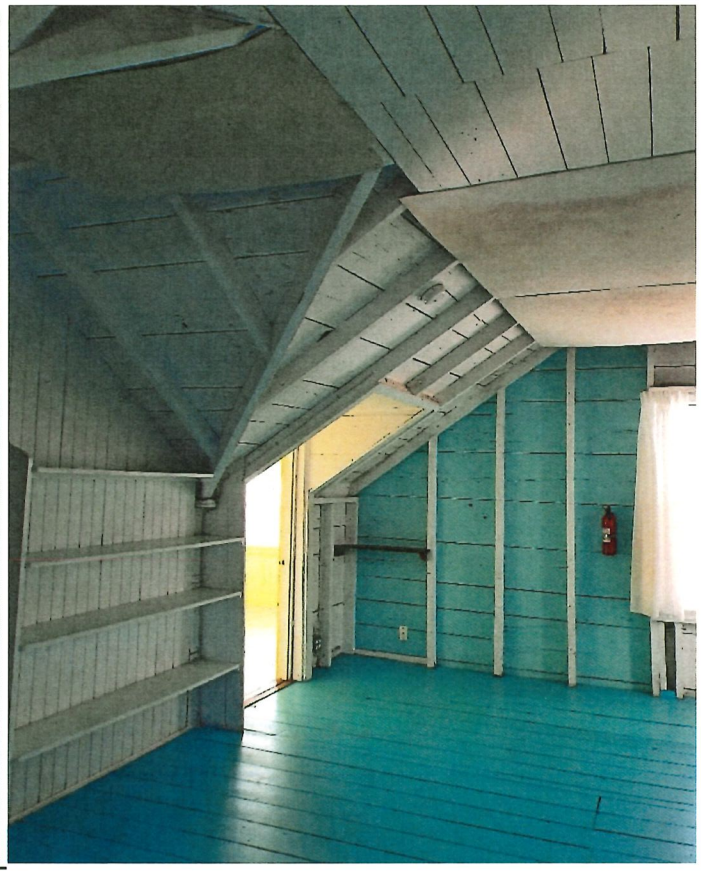
SLANTING FLOORS DUE TO UNSTABLE PIERS

















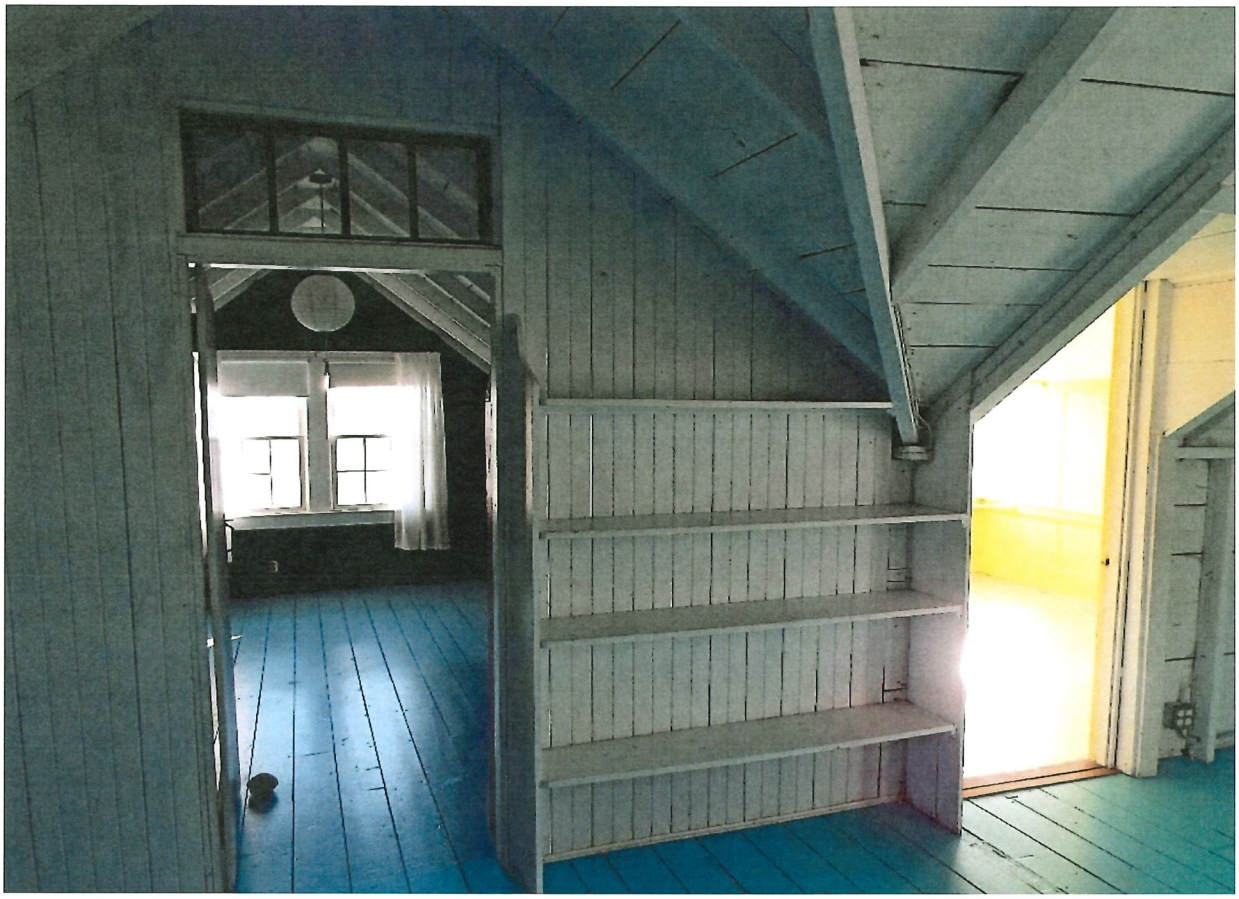


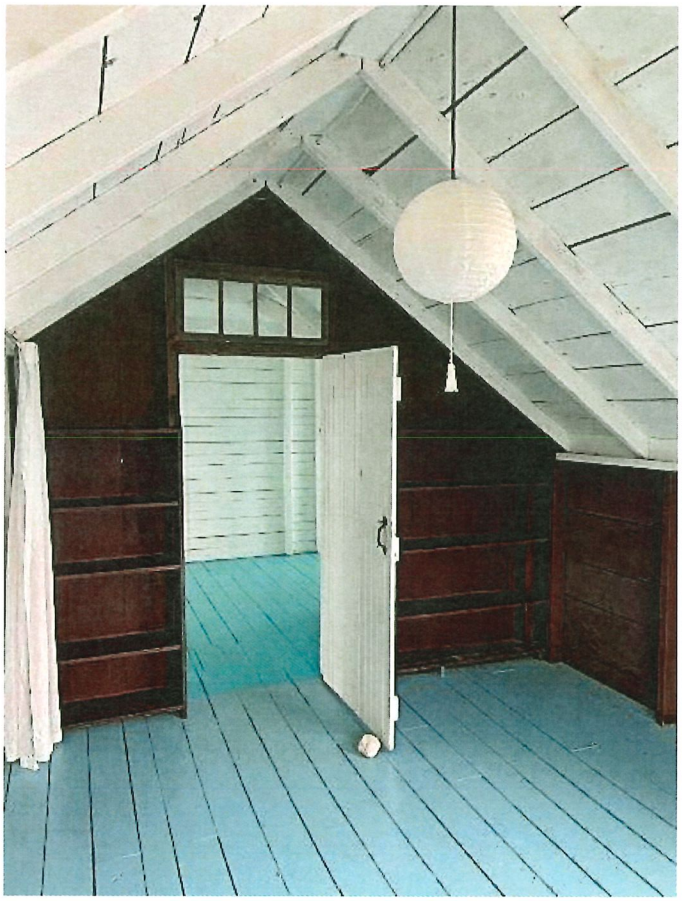


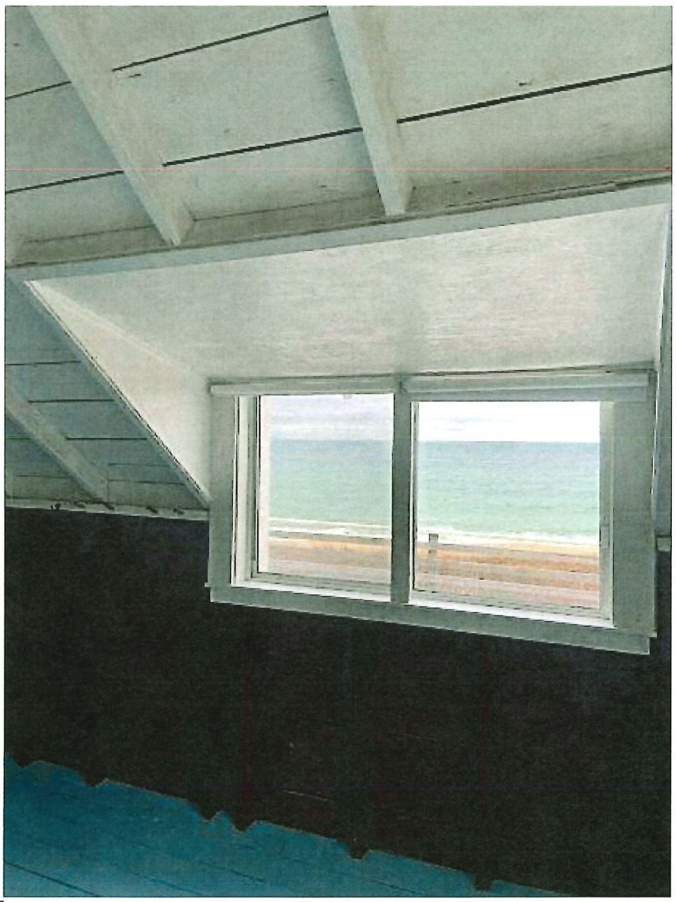


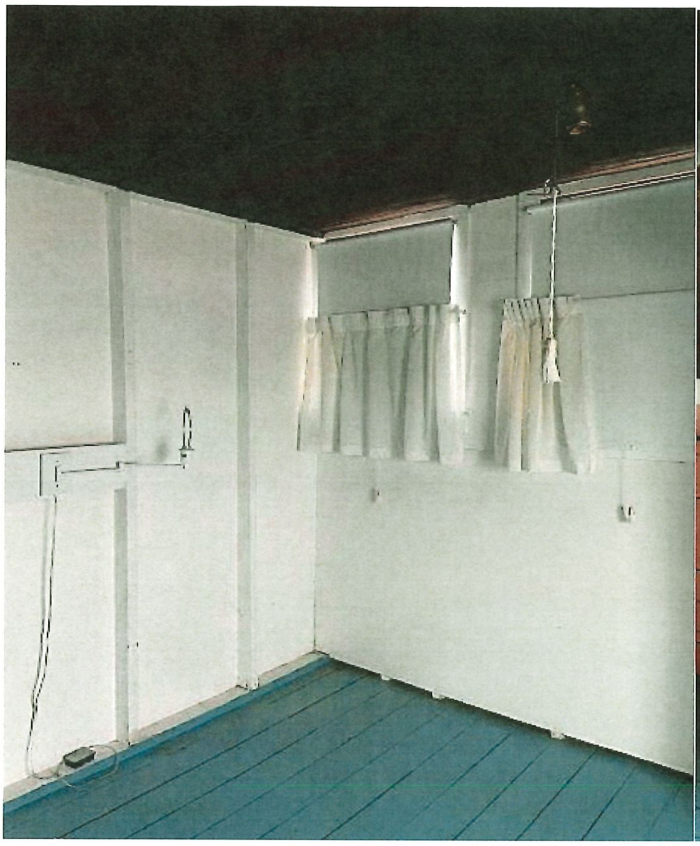




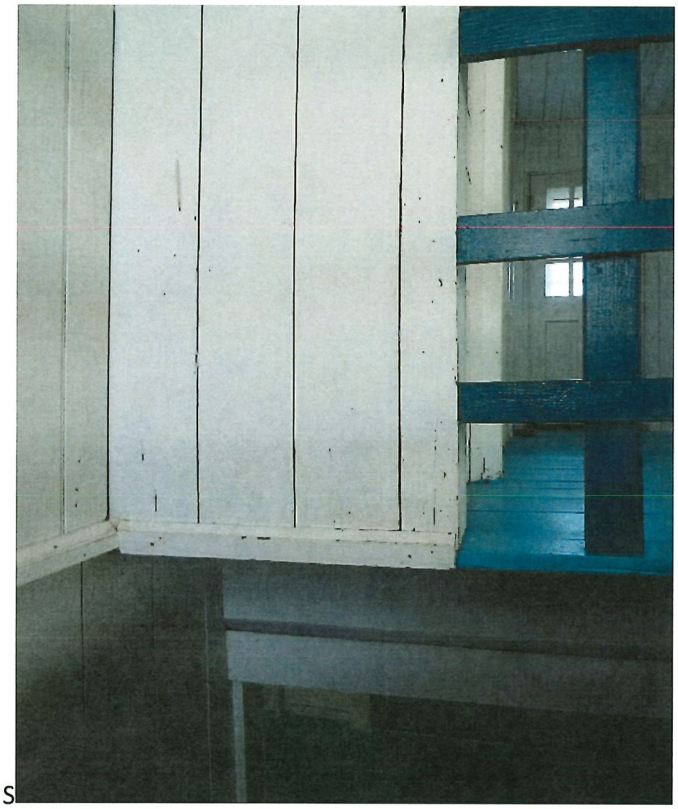














S





DATA

- **The Town GIS form states that the structure was built in 1940, clearly in error.**
- **The HDC Historical Survey Form states the following:**
  "Gables portion of structure originally barn. All other portions added after move in 1920 from south of cut."
- **The Survey Form further states:**
  "Significance…date of initial construction: circa 1900…architectural style: N/A… Historical and architectural importance: unknown"
- **The booklet titled "The Evolution and Development of Quidnet" mentions 86 Quidnet Road.**

The next significant period for Quidnet is 1900 to 1910, when about twelve structures were built. This includes the years when commercial fishing declined and summer people started moving in. Six of these houses were built on Sesachacha Road. Three, 11, 28, and 30, are very close to the pond. Two, 18 (now 61 Quidnet Road) and 24, are set back and up on the hill. All have porches, some very modest and others running across the front and wrapping around one side. The other six houses, along Quidnet Road, are much larger, but again, they are vernacular structures. Most have additions made over the years, usually with little regard to outward appearances. Most (84, 86, 88, and 94 Quidnet Road) overlook the ocean. Almost all the houses from this period are part of the old Norcross farm, later platted for resort lots, and these four predate the development Norcross envisioned.

The owners of 86 Quidnet Road believe that part of their house was a barn that (as Mr. Arthur Norcross remembered) was floated over from north of the lighthouse. The owner of 88 believes it was an old farmhouse, possibly one of the Norcross houses. Number 90, also dating from this period, was demolished and replaced with a new structure in 1988. The house at 94 Quidnet Road is the only one with any semblance of style, including a wrap-around porch, dormers, and clipped eaves. Dating from 1909, it shows influences from the Arts and Crafts movement then sweeping the mainland. The additions to this house are modest and do not dominate the main structure.

During the 1920s, two houses were built, a very modest one at 50 Quidnet Road, and another at 102 Quidnet Road that has been extensively modified. The house at number 50 is small and low to the ground and has no ornamentation but a few additions at the back and on one side. The addition to the side is one room, with windows running along all three elevations, perhaps reflecting use of the house in the summer, when the inhabitants were not concerned with cold and wanted to take advantage of sun and breezes. The house at number 102 is believed to have originated as a Sears, Roebuck house, and, if so, it is the only known Sears house surviving on Nantucket. Although the house has been enlarged over the years, it retains a single façade—the one overlooking the ocean—bearing some resemblance to the original Sears house. According to the owner, the house formerly situated next door (owned by a Mrs. Studwell and demolished many years ago) was also a Sears house. The



A family summerin in Quidnet. This photograph was probably taken between 1910-1930. *Photo courtesy of Derek Till.*

architectural integrity of number 102 may not stand the test; but that there were Sears houses constructed on Nantucket is a significant reflection of mainland architecture and how its fashions traveled to Nantucket. There is one Sears building on Tuckernuck, but no others are known on Nantucket itself. 102 Quidnet Road could, thus, be one of a kind.

This Sears house in Quidnet ties Nantucket to what is referred to as the bungalow period in the architectural history of the American mainland. Gustav Stickley, furniture designer and publisher of the magazine *Craftsman Movement*, described the bungalow as a house "reduced to its simplest form," a form that "harmonizes with the surrounding landscape." The bungalow house was popular because it could fit into any area of the country, could be built by local builders with local materials, and was based on a simple design with little ornamentation. Realizing the commercial value of this kind of house, Sears, Roebuck offered several bungalow designs in its catalog. Sears bungalow kits were shipped all over the country, from pre-cut lumber and nails to doors and windows.

There are many Sears houses elsewhere in New England, including a large group along the coast near Bar Harbor. There are other examples on such historic properties as Montpelier, in Virginia, the former

2014 00000660
Bk: 1427 Pg: 62 Page: 1 of 7
Doc: SP 03/12/2014 09:19 AM

RECEIVED
2014 FEB 19 PM 12:15

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: February 18, 2014

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

Application No: 084-13

Owner/Applicant: MICHAEL LYNCH

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

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

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

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.

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
2 FAIRGROUNDS ROAD
NANTUCKET, MA 02554

Assessor's Map 55.4.1,
Parcel 79.2
58A Orange Street

Deed Book 1399, Page 31
Lot 2, Plan No. 2013-38
Residential Old Historic (ROH)

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, December 12, 2013, at 1:00 P.M., Four Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **MICHAEL LYNCH**, c/o Sarah F. Alger, P.C., Two South Water Street, Nantucket, Massachusetts. 02554, **File No. 084-13**.

2. The Applicant is requesting Special Permit relief pursuant to Nantucket Zoning By-law (the "By-law") §§139-30 and 139-33.A.(4), (5), (8), and (9) and §139-18.B to modify the relief granted by the Nantucket Zoning Board of Appeals in File No. 075-13 to demolish the existing structure and to construct a new two-story residential structure that will be less non-conforming than the existing structure. The Applicant also proposes minor changes to the shape of the lot. The locus is situated at 58A Orange Street, is shown on Assessor's Map 55.4.1 as Parcel 79.2, and is shown as Lot 2 on Plan No. 2013-38 recorded with Nantucket Deeds, and evidence of owner's title is recorded in Book 1399, Page 31 at the Nantucket County Registry of Deeds. The locus is located in the Residential Old Historic (ROH) zoning district.

3. Our decision is based upon the application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There were no letters in favor of, or in opposition to, the application. Attorney Marianne Hanley, representing an abutter, and a second abutter spoke at the hearing and requested conditions be imposed upon any relief granted by the Board.

4. Attorney Sarah Alger represented the Applicant at the hearing. Attorney Alger explained to the Board that the Applicant seeks a special permit under By-law §§139.30 and 139-33.A.(4), (5), (8), and (9) and By-law §139-18.B to modify the relief granted by the Nantucket Zoning Board of Appeals in File No. 075-13 to allow the pre-existing nonconforming structure on the locus to be demolished and replaced with a two-story single-family dwelling that will be less nonconforming as to side and rear setbacks, but not completely conforming, on either the existing pre-existing, nonconforming lot or on a lot reconfigured by swapping parcels of approximately equal size with an abutter. In either case, the proposed dwelling will have rear and side setbacks of at least three feet and will conform as to use and front yard setback. The locus will continue to be nonconforming as to lot area, frontage, and parking, but will be less nonconforming, as to side and rear setbacks and ground cover.

The locus and the building on it are pre-existing, nonconforming as to lot area, having a lot area of about 1,206 square feet where a minimum lot area of 5,000 is required; as to frontage, having frontage of about 33.08 feet where fifty feet is required; as to side and rear setbacks, having a setback essentially on the lot line where a minimum side and rear setback of five feet is required; as to ground cover having ground cover of close to 100%, where maximum ground cover for a lot having lot area of less than 5,000 square feet is 30%; as to parking, having no on-site parking; and as to use, being used for commercial purposes in a zone that does not permit such use.

The building has been used for commercial purposes, most recently as the sign shop and storage for the Town of Nantucket Department of Public Works, which is a pre-existing, nonconforming use. The Town recently sold the locus to the Applicant, who proposes to convert its use to that of a dwelling, which is a conforming use.

The Applicant proposes to reconfigure the shape of the lot by swapping parcels of approximately equal size with an abutter; however, if the swap is not completed, the Applicant would like the flexibility to proceed with the project on the lot as currently configured. The locus will continue to be nonconforming as to frontage, lot area, and parking, but will be less nonconforming, as to side and rear setback and ground cover.

The Applicant also proposes to demolish the existing structure and to rebuild a two-story, single-family dwelling on either the existing or reconfigured lot. Air conditioning equipment to serve the new dwelling will be placed below grade in the window well. Although the window well and stairs will be closer to the rear property line than three feet, the air conditioning units shall not be closer than three feet to the property line. A retaining wall to replace the wall of the existing structure that has been acting as a retaining wall will also be constructed along the westerly boundary to protect the abutter's property. This retaining wall will be no more then four (4) feet above grade but will extend about nine (9) feet below grade.

5. Therefore, after a discussion with the Applicant and taking testimony from the public, the Board finds that such Special Permit relief pursuant to By-Law §§139-33.A.(4), (5), (8), and (9) and By-law §139-18.B to allow (a) the reconfiguration of the lot that is pre-existing nonconforming as to lot area and frontage by swapping a parcel of equal size with an abutter, (b) the construction of a retaining wall along the westerly boundary that is no more than four (4) feet above grade but extends about nine (9) feet below grade, and (c) the alteration and extension of the pre-existing nonconforming structure on the pre-existing nonconforming lot, either as currently configured or as reconfigured, where no parking is provided, by demolishing the existing structure and constructing a new two-story, single-family dwelling, with a window well and stairs in the rear setback containing air conditioning units that are no closer than three feet to the lot line, which structure is less nonconforming but still nonconforming as to side and rear setback, ground cover, and parking, to be used as a single-family dwelling, which is a conforming use in the ROH Zoning District, would be in harmony with the general purposes and intent of the By-law and would not be substantially more detrimental to the neighborhood than the existing nonconformity, the concerns of the abutters being adequately addressed by the conditions imposed herein.

6. Accordingly, by a UNANIMOUS vote, the Board of Appeals grants such Special Permit relief pursuant to By-Law §§139-33.A.(4), (5), (8), and (9) and By-law §139-18.B to allow (a) the reconfiguration of the lot that is pre-existing, nonconforming as to lot area and frontage by swapping a parcel of equal size with an abutter, (b) the construction of a retaining wall along the westerly boundary that is no more than four (4) feet above grade but extends about nine (9) feet below grade, and (c) the alteration and extension of the pre-existing

nonconforming structure on the pre-existing nonconforming lot, either as currently configured or as reconfigured, where no parking is provided, by demolishing the existing structure and constructing a new two-story, single-family dwelling, with a window well and stairs in the rear setback containing air conditioning units that are no closer than three feet to the lot line, which structure is less nonconforming but still nonconforming as to side and rear setback, ground cover, and parking, to be used as a single-family dwelling, which is a conforming use in the ROH Zoning District, upon the following conditions:

(a) All work, including, but not limited to, the retaining wall and the window well containing stairs and air conditioning equipment below grade, shall be done in substantial compliance with one of the two site plans, entitled "Site Plan of Land in Nantucket, Mass." prepared by Island Surveyors, LLC, dated November 19, 2013, reduced copies of which are attached hereto as "Exhibit A" and "Exhibit B".

(b) The height of the new dwelling shall not exceed twenty-nine (29) feet.

(c) There shall be no dormer on the west side of the new dwelling.

(d) There shall be no exterior construction between Memorial Day and Labor Day of any year.

SIGNATURE PAGE TO FOLLOW

Dated: February 12, 2014

Edward S. Toole

Michael J. O'Mara

Lisa Botticelli

Kerim Koseatac

Geoffrey W. Thayer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 13 day of February, 2014, before me, the undersigned Notary Public, personally appeared Edward Toole, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

Lynell D Vollans
Notary Public

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

My commission expires:

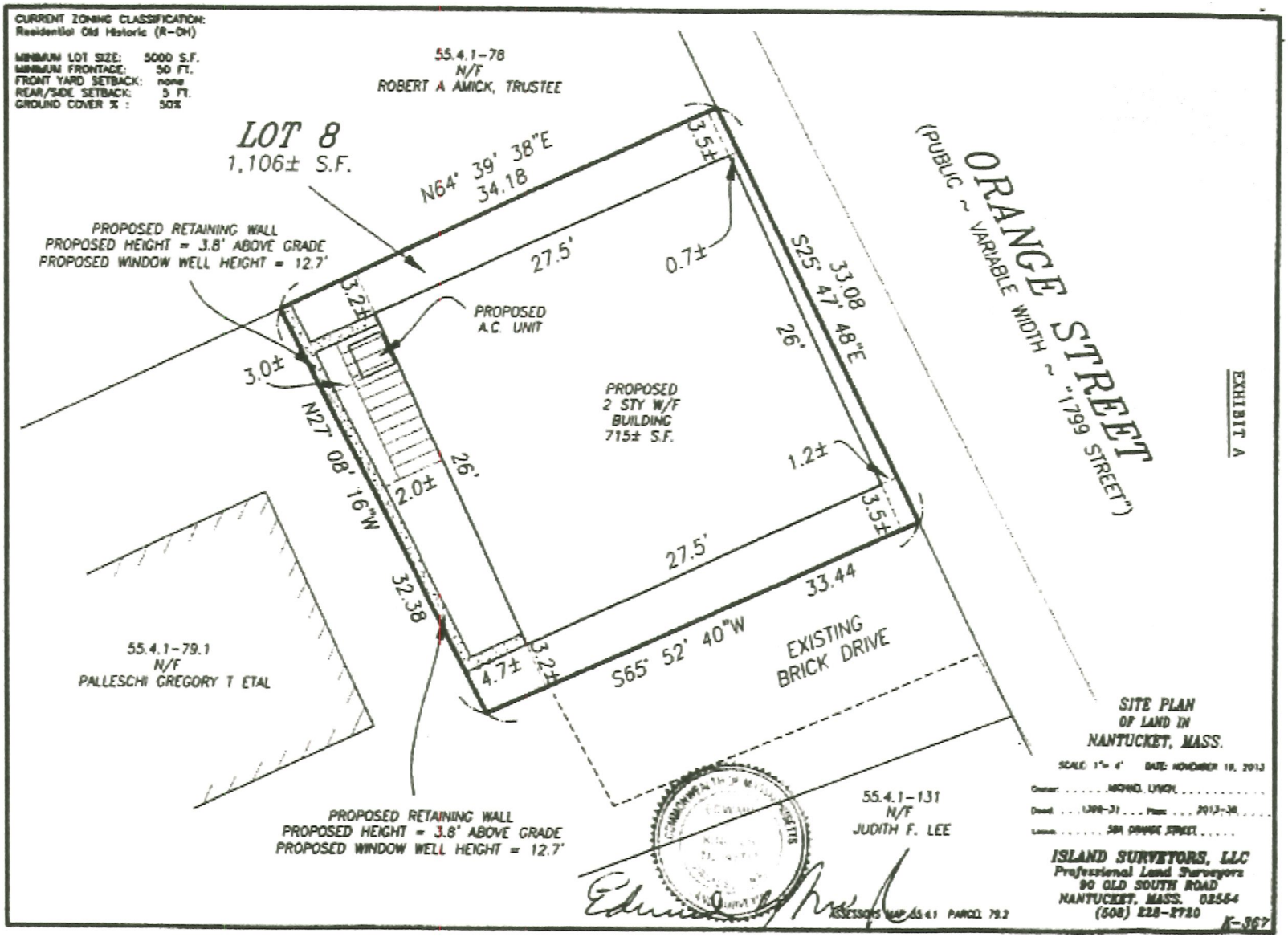
LYNELL D. VOLLANS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 28, 2018

MAR 12 2014

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

5

TOWN CLERK


CURRENT ZONING CLASSIFICATION:
Residential Old Historic (R-OH)
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%
55.4.1-78
N/F
ROBERT A AMICK, TRUSTEE
LOT 8
1,106± S.F.
N64° 39' 38"E
34.18
3.5±
PROPOSED RETAINING WALL
PROPOSED HEIGHT = 3.8' ABOVE GRADE
PROPOSED WINDOW WELL HEIGHT = 12.7'
27.5'
0.7±
33.08
S25° 47' 48"E
ORANGE STREET
(PUBLIC ~ VARIABLE WIDTH ~ "1799 STREET")
3.2±
PROPOSED
A.C. UNIT
26'
3.0±
PROPOSED
2 STY W/F
BUILDING
715± S.F.
N27° 08' 16"W
26'
2.0±
1.2±
3.5±
27.5'
32.38
33.44
55.4.1-79.1
N/F
PALLESCHI GREGORY T ETAL
4.7±
3.2±
S65° 52' 40"W
EXISTING
BRICK DRIVE
PROPOSED RETAINING WALL
PROPOSED HEIGHT = 3.8' ABOVE GRADE
PROPOSED WINDOW WELL HEIGHT = 12.7'
55.4.1-131
N/F
JUDITH F. LEE
EXHIBIT A
SITE PLAN
OF LAND IN
NANTUCKET, MASS.
ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228-2720
ASSESSORS MAP 55.4.1 PARCEL 79.2
K-367

REDACTED

Bk: 01617 Pg: 246

2017 00003401

Bk: 1617 Pg: 246 Page: 1 of 5
Doc: BP 11/01/2017 10:42 AM

NANTUCKET
TOWN CLERK

2017 OCT 11 PM 3:38

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: October 6, 2017

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

Application No.: 32-17

Owner/Applicant: DAVID G. KAYTES and BARBARA B. KAYTES

Property Description: 14 Bassett Road
Map 26 Parcel 41

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.

Assessor's Map 26, Parcel 41
14 Bassett Road
Limited Use General -3 ("LUG-3")

Book 430 Page 231
Plan File 39-J
Lot 2

DECISION:

1. At a public hearing of the Nantucket Board of Appeals held on Thursday, September 14, 2017, at 1:00 pm, at 4 Fairgrounds Road, Nantucket, Massachusetts 02554, the Board made the following decision on the application of **DAVID G. KAYTES and BARBARA B. KAYTES**, 680 Steamboat Road, Apt. 3, Greenwich, CT 06830, **File No. 32-17.**

2. This is an application for SPECIAL PERMIT relief pursuant to Nantucket Zoning By-Law Section 139-33.A(4) to allow for the conversion and reconstruction of pre-existing, non-conforming buildings on the property as follows:

a) Conversion and reconstruction of the existing secondary dwelling to a studio with a reduction in ground cover from 1,608 sq. ft. to 484 sq. ft.;
b) Construction of a new secondary dwelling with a ground cover of 1,084 sq. ft.; and
c) No change in the existing primary dwelling on the property which has ground cover of 2,312 sq. ft. and no change in the existing garage which has ground cover of 432 sq. ft.

5. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. The Applicant, through counsel, stated that the converted and reconstructed studio, new secondary dwelling and existing primary dwelling and garage would conform to current zoning regulations and the new secondary dwelling and the conversion and renovation of the existing secondary dwelling to a reduced-size studio would not be substantially more detrimental to the neighborhood than the existing non-conforming structures and, in fact, the aggregate ground cover of the buildings would be reduced by 40 sq. ft. Counsel noted to the Board there was no opposition to this application for Special Permit relief. Applicants, through counsel, asked the Board to grant the SPECIAL PERMIT pursuant to Section 139-33.A(4) of the By-Law to allow for the reconstruction and conversion of the pre-existing and non-conforming buildings on the Property.

7. Accordingly, by **UNANIMOUS** vote, the Board **GRANTS** the requested **SPECIAL PERMIT** relief in accordance with the provisions of Zoning By Law Section 139-33.A(4) to allow for the reconstruction and conversion of the existing secondary dwelling on the Property to a studio and the construction of a new, secondary dwelling upon the following conditions:

a). The new secondary dwelling and studio be constructed substantially in accordance with the Certificates of Appropriateness to be issued for the buildings by the Nantucket Historic District Commission; and

b). The project be constructed substantially in accordance with the Revised Site Plan for the Property prepared by Site Design Engineering, LLC, dated September 8, 2017, a copy of which is annexed hereto as Exhibit "A."

2019 00001729
Bk: 1700 Pg: 323 Page: 1 of 5
Doc: SP 07/09/2019 01:34 PM

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: June 13, 2019

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

Application No.: 11-19

Prior Owner: CYNTHIA M. CASSANO,Trustee of the Doris Murray Trust

Current Owner/Applicant: RANDOLPH G. SHARP, JR., Trustee of the Randolph G. Sharp, Jr. Trust

Property Description: 76 Polpis Road Map 43, Parcel 177

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.

Assessor's Map 43, Parcel 177
76 Polpis Road
Limited Use General-3 (LUG-3)

Book 1496, Page 192
Book 1691, Page 93
Lot 2; Plan Book 19, Page 126

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals (the "Board") opened on Thursday, May 9, 2019 in the Conference Room, at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following Decision on the application of **CYNTHIA M. CASSANO, Trustee** of the **DORIS MURRAY TRUST**, the owner of record at the time the application was submitted, and **RANDOLPH G. SHARP, JR., Trustee** of the **RANDOLPH G. SHARP, JR. TRUST**, the contract purchaser, ("Applicants") and current owner, c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Floor, P.O. Box 786, Nantucket, MA 02554, in **File No. 11-19**.

2. Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A(4) in order to demolish a pre-existing nonconforming structure having approximately 2,293 square feet for a ground cover ratio of 3.6% where 3.0% is allowed, and to replace it with a new structure that retains the nonconforming ground cover ratio ("GCR"). Locus is situated at 76 Polpis Road, shown on Assessor's Map 43 as Parcel 177 and as Lot 2 upon Plan Book 19, Page 126. Evidence of prior[1] owner's title is recorded in Book 1496, Page 192 on file at the Nantucket County Registry of Deeds. The site is zoned Limit Use General-3 (LUG-3).

5. When the dwelling was constructed, circa 1984, the lot was zoned LUG-1 where allowable ground cover was a GCR of 7%, which in this case would have been 4,420 sq. ft. The Locus contains a single-family dwelling with attached garage having 2,293 square feet of ground cover, or a GCR of 3.6%. The Locus is otherwise dimensionally conforming under the Zoning Bylaw. The Applicant proposes to remove the existing structure and to replace it with a new structure which will retain the same ground cover. The proposed structure is said to be consistent with other dwelling structures and their respective ground cover in the area.

7. Based upon the foregoing, together with the absence of opposition, the Board made the finding that the requested relief could be granted. The proposed new dwelling shall not be substantially more detrimental to the neighborhood than the pre-existing ground cover ratio nonconformity and the new structure shall conform to all applicable front, rear, and side yard setback requirements.

8. Accordingly, by a **UNANIMOUS** vote, the Board **GRANTS** the requested **SPECIAL PERMIT** to remove the pre-existing nonconforming structure and replace it with a new structure with the same ground cover ratio, which shall not exceed 2,293 square feet of ground cover.

TL

2020 00003831
Bk: 1785 Pg: 81 Page: 1 of 7
Doc: SP 12/02/2020 03:46 PM

NANTUCKET
TOWN CLERK

2020 NOV -6 PM 3:20

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: October 26, 2020

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

Application No.: 21-20

Owner/Applicant: VANDELAY REALTY LLC

Property Description: 84 Polpis Road
Map 44, Parcel 25.5

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.

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals (the "Board") opened on Thursday, October 15, 2020 *via* Zoom[1], the Board made the following Decision on the application of **VANDELAY REALTY LLC**, the owner of record, and **LAWRENCE M. MAURY**, the contract purchaser, ("Applicants"), c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Floor, P.O. Box 786, Nantucket, MA 02554, in **File No. 21-20.**

2. Applicant is seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-33.A(4) to remove and reconstruct any or all of the pre-existing nonconforming dwelling or any portion thereof in excess of the permitted 3% ground cover ratio. Specifically, Applicant proposes to demolish all or portions of the existing structure to allow for new construction with the ability to retain the pre-existing nonconforming ground cover ratio of up to 5.97%. As a result of a zoning change from LUG-1 to LUG-3, the Locus became pre-existing existing nonconforming as to lot size and ground cover. Applicant is seeking approval to retain this ground cover in order to remove and reconstruct any or all of the structures or any portion thereof in excess of the permitted ground cover ratio. As shown on proposed conditions plan entitled, "Proposed Site Plan; 84 Polpis Rd.", dated September 11, 2020, prepared by Site Design Engineering, LLC, a reduced copy of which is attached herewith as "Exhibit B", the proposal consists of constructing a 3,460 sq. ft. dwelling and a 140 sq. ft. pool cabana for a total ground cover of 3,600 sq. ft., for a net decrease of 88 sq. ft. Applicant maintains that the proposed structures are consistent with other structures and GCRs in the area and that the new or renovated structures will conform to all applicable front, rear, and side yard setback requirements.

8. Accordingly, by a **UNANIMOUS** vote, the Board **GRANTS** the requested **SPECIAL PERMIT** pursuant to Section 139-33.A(4) to remove the pre-existing nonconforming structure and replace it with a new structure or structures with the same ground cover ratio, which shall not exceed 3,688 square feet or 5.97% of ground cover.

SIGNATURE PAGE FOLLOWS

2021 00000562
Bk: 1802 Pg: 65 Page: 1 of 6
Doc: DD 02/10/2021 10:20 AM

QUITCLAIM DEED

2021 00168465
Cert: 28160 Doc: DD
Registered: 02/10/2021 10:12 AM

We, ALISON B. TILL and PETER S. K. TILL, Trustees of the DRUMLIN REALTY TRUST, under Declaration of Trust dated December 12, 1997, registered at the Nantucket Registry District of the Land Court and noted on Certificate of Title No. 18240 as Document No. 78816 and recorded at the Nantucket Registry of Deeds in Book 558, Page 344 with a mailing address of 106 Old Billerica Road, Apartment 130, Bedford, MA 01730, for consideration paid in the amount of Four Million Five Hundred Twenty Thousand Dollars ($4,520,000.00) grant to ACK86QR LLC, a Massachusetts limited liability company with a mailing address of 86 Quidnet Road, Nantucket, MA 02554, with QUITCLAIM COVENANTS,

That certain parcel of land in Nantucket, Nantucket County, Massachusetts, together with the buildings, structures, and improvements thereon now known and numbered as 86 Quidnet Road, Nantucket, Massachusetts, as more particularly described as follows:

PARCEL ONE

NORTHERLY	by	Lot 9 on a Plan hereinafter mentioned, one hundred twenty and 00/100 (120.00) feet,
EASTERLY	by	Sesachaha Road, one hundred and 00/100 (100.00) feet,
SOUTHERLY	by	Lot 6 on said Plan, one hundred twenty and 00/100 (120.00) feet, and
WESTERLY	by	Norcross Road, one hundred and 00/100 (100.00) feet.

Said land is shown as Lot 8 on Plan No. 8606-A filed with Certificate of Title No. 1109 at the Nantucket Registry District for the Land Court. Said land described in the Land Court Petition of Grace Jarvis Schauffler numbered 14670 and memorandum recorded at the Registry of deeds for the County of Nantucket on March 19, 1931, in Book 106, Page 52, and Land Court Decree in favor of Petitioner under the provisions of Chapter 185 of the General Laws recorded in Book 106, Page 154.

PARCEL TWO

Lot 7 on Land Court Plan No. 8606-A filed with Certificate of Title No. 1109 at the Nantucket Registry District for the Land Court.

PARCEL THREE

Lot 34 on Land Court Plan No. 8606-B filed with Certificate of Title No. 1109 at the Nantucket Registry District for the Land Court.

The above described premises are conveyed subject to the following:

a) Subject to an Easement registered on May 14, 1979 as Document No. 20964 at the Nantucket Registry District for the Land Court released on March 22, 2000 by Document No. 88851 at said Registry and recorded in Book 656, Page 48 at the Nantucket Registry of Deeds.
b) Subject to an Order of Conditions registered on April 14, 1983 as Document No. 26982 at the Nantucket Registry District for the Land Court, as affected by a Certificate of Compliance registered on February 10, 2021, as Document No. 168460 and recorded in Book 1802, Page 51.
c) Real estate taxes assessed by the Town of Nantucket for the current fiscal year.

The Grantors hereby certify that no beneficiary, or a spouse, civil union partner, ex-spouse or ex-civil union partner of a beneficiary of DRUMLIN REALTY TRUST, occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.

Grantors further certify that they are the present trustees of DRUMLIN REALTY TRUST, which has not been amended nor revoked, and has not terminated; and that they have been duly authorized to execute and deliver this instrument according to its terms and content by the holders of all of the beneficial interest in said Trust, none of the holders being under any disability to act, and none of the holders being a corporation (or limited liability company which has elected to be taxed as a corporation) which is disposing of all or substantially all of its property situated in Massachusetts.

For seller's title, see Deeds recorded in Book 559, Page 001 and Book 559, Page 002 at the Nantucket Registry of Deeds for Parcel One, and on Certificate of Title No. 18240 for Parcel Two and Parcel Three.

{Signature Page to Follow}

Executed under seal this 5th day of October 2020.

ALISON B. TILL, as Trustee

STATE OF:

County of:

On this 5 day of October 2020, before me, the undersigned notary public, personally appeared the above-named ALISON B. TILL, as Trustee, proved to me through satisfactory evidence of identification, which was: AKDL5523490, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it, as her free act and deed, voluntarily for its stated purpose.

Notary Public
My commission expires: 5/22/22

STATE OF ALASKA
NOTARY PUBLIC
Rhiannon A-Stokes
My Commission Expires: 5/22/22

Executed under seal this 24 day of September 2020.

PETER S. K. TILL, as Trustee

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket

On this 24 day of September 2020, before me, the undersigned notary public, personally appeared the above-named PETER S. K. TILL, as Trustee, proved to me through satisfactory evidence of identification, which was: US passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it, as his free act and deed, voluntarily for its stated purpose.

Notary Public
My commission expires:

STEVEN L. COHEN
MY COMM. EXPIRES JAN. 30, 2026
NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

NANTUCKET LAND BANK
CERTIFICATE
Paid $ 90,400
Exempt
Non-applicable
42865 2/10/21
No. Date
Authorization

MASSACHUSETTS EXCISE TAX
Nantucket County ROD #16 001
Date: 02/10/2021 10:12 AM
Ctrl# 465084 02696 Doc# 00168465
Fee: $20,611.20 Cons: $4,520,000.00

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

DOC No: 00168465

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Feb 10,2021 at 10:12A

Document Fee: 155.00 Rec Total:$21,321

CERTIFICATE No: 28160

Also noted on CERT 18240

168465

335

Transfer Certificate of Title

Cert No:28160
Doc No:168465

From Transfer
Certificate No. 18240 Originally Registered January 27, 1998 at the Registry District of Nantucket County

This is to Certify that

ACK86QR LLC, a Massachusetts limited liability company

of 86 Quidnet Road, Nantucket in the County of Nantucket and the Commonwealth of Massachusetts, 02554 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

PARCEL 1:

NORTHERLY	by Lot 30 on plan hereinafter mentioned, ninety-nine and 75/100 (99.75) feet;
EASTERLY	by Ocean Road, one hundred (100.00) feet;
SOUTHERLY	by Lot 5 on said plan, ninety-nine and 75/100 (99.75) feet; and
WESTERLY	by Sesachacha Road, one hundred (100.00) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 8606-A, drawn by William S. Swift, Surveyor, dated November 1921, and filed with Certificate of Title No. 1109 at the Registry District of Nantucket County. Said land is shown thereon as Lot 7.

PARCEL 2:

NORTHERLY	by Lot 25 on plan hereinafter mentioned, measuring on the upland, about fifty-three (53.+/-) feet;
EASTERLY	by the Atlantic Ocean;
SOUTHERLY	by Lot 33 on said plan, measuring on the upland, about ninety-eight (98.+/-) feet; and
WESTERLY	by Ocean Road, one hundred (100.00) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 8606-B, drawn by C. B. Humphrey, Engineer for Court, dated June 28, 1922, and filed with Certificate of Title No. 1109 at the Registry District of Nantucket County. Said land is shown thereon as Lot 34.

Said Lot 7 and 34 are subject to a right of way for the Proprietors of the Common and Undivided Land on the Island of Nantucket from the Proprietors Road on the North over Sesachacha Road to Beach Road, and from Beach Road on the South to Lot No. 35 on said plan 8606-B, in favor of all those lawfully entitled thereto.

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

ACK86QR LLC

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 as aforesaid; and to any and all public rights legally existing in and over the same below mean high water mark.

Witness **GORDON H. PIPER,** Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the tenth day of February in the year two thousand and twenty-one at 10 o'clock and 12 minutes in the forenoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court, _____
Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 86 Quidnet Road
Land Court Case No. 8606
CERTIFICATE OF TITLE NO. **28160**

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER ACK86QR

MAILING ADDRESS 86 QUIDNET ROAD, NANTUCKET, MA 02584

PROPERTY LOCATION 86 QUIDNET ROAD

ASSESSORS MAP/PARCEL 21-102

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 09/10/2021

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2021.09.10 13:46:49 -04'00'

ASSESSORS OFFICE

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
21	59		DENNINGER DOUGLAS ETAL		226 APRIL LANE	TIVERTON	RI	02878	52 QUIDNET RD
21	63		MILLER MARLIN JR		211 NORTH TULPEHOCKEN RD	READING	PA	19601	76 QUIDNET RD
21	64		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	QUIDNET RD
21	65		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	78 QUIDNET RD
21	66		MILLER MARLIN JR		211 NORTH TULPEHOCKEN	READING	PA	19601	80 QUIDNET RD
21	67		QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
21	68		QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
21	69		ACK86QR LLC		86 QUIDNET ROAD	NANTUCKET	MA	02554	86 QUIDNET RD
21	70		QUINLISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
21	71		QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD
21	73		MEYER BRADLEY C & ALICIA C TR	MEYER BRADLEY C REV TRUST	649 PONUS RIDGE RD	NEW CANAAN	CT	06840	100 QUIDNET RD
21	80		PERRY TERESSA G		61 OLD SOUTH RD #133	NANTUCKET	MA	02554	24 SESACHACHA RD
21	81	2	LIPP WENDY		27 SPRING HOUSE RD	POUND RIDGE	NY	10576	59 QUIDNET RD
21	81	3	LAKE VIEW VILLA II LLC		30 PEACHCROFT DR	BERNARDSVILLE	NJ	07924	61 QUIDNET RD
21	88		LIPP WENDY		27 SPRING HOUSE RD	POUND RIDGE	NY	10576	2 SESACHACHA RD
21	89		ROSENFELD ERIC TR	57 QUIDNET ROAD TRUST	4001 N OCEAN BLVD APT 302	GULF STREAM	FL	33483	57 QUIDNET RD
21	96		MILLER MARLIN JR TRST	QUIDNET PROPERTY NOM TR	211 NORTH TUPEHOCKEN RD	READING	PA	19601	64 QUIDNET RD
21	98		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	78 QUIDNET RD
21	99		MILLER MARLIN JR		211 NORTH TULPEHOCKEN	READING	PA	19601	80 QUIDNET RD
21	100		QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
21	101		QUIDNET PROPERTIES LLC	C/O KEITH M YANKOW	P O BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
21	104		QUINLISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
21	105		QUIDNET PROPERTIES LLC	C/O KEITH M YANKOW	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD
21	107		SWART GREGORY S & ANN CAMERON K		40 SEAFIRTH PLACE	TIBURON	CA	94920	94 QUIDNET RD
21	108		QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD
21	109		QUINLISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
21	110		MILLER MARLIN JR ETAL TRUSTEES	QUIDNET PARTNERSHIP NOM TRUST	211 NORTH PULPEHOCKEN ROAD	READING	PA	19601	74 QUIDNET RD
21	113		MILLER MARLIN JR TRST	QUIDNET PROPERTY NOM TRST	211 NORTH TUPEHOCKEN RD	READING	PA	19601	68 QUIDNET RD
21	114		PERRY ANTHONY G & TERESA G		61 OLD SOUTH RD #133	NANTUCKET	MA	02554	67 QUIDNET RD
21	115		QUINLISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	65 QUIDNET RD
21	74		DUFOE CARLETON & MICHELLE N	102 QUIDNET RD TRUST	19 RICHARDSON RD	HOLLIS	NH	O3049	102 QUIDNET RD
21	76	1	SCHLOTT, KIM McMAHON		36B SESACHACHA RD	NANTUCKET	MA	O2554	36B SESACHACHA RD
21	111		MILLER, MARLIN JR. TR	QUIDNET PROPERTY TR	211 N TULPEHOCKEN RD	READING	PA	19601	72 QUIDNET RD
21	103		ACK86QR LLC		86 QUIDNET ROAD	NANTUCKET	MA	2554	86 QUIDNET RD
Count:	**34**								

DENNINGER DOUGLAS ETAL
226 APRIL LANE
TIVERTON, RI 02878

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

LIPP WENDY
27 SPRING HOUSE RD
POUND RIDGE, NY 10576

ROSENFELD ERIC TR
57 QUIDNET ROAD TRUST
4001 N OCEAN BLVD APT 302
GULF STREAM, FL 33483

MILLER MARLIN JR
211 NORTH TULPEHOCKEN
READING, PA 19601

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

MILLER MARLIN JR TRST
QUIDNET PROPERTY NOM TRST
211 NORTH TUPEHOCKEN RD
READING, PA 19601

MILLER MARLIN JR
211 NORTH TULPEHOCKEN RD
READING, PA 19601

MILLER MARLIN JR
211 NORTH TULPEHOCKEN
READING, PA 19601

ACK86QR LLC
86 QUIDNET ROAD
NANTUCKET, MA 02554

MEYER BRADLEY C & ALICIA C TR
MEYER BRADLEY C REV TRUST
649 PONUS RIDGE RD
NEW CANAAN, CT 06840

LAKE VIEW VILLA II LLC
30 PEACHCROFT DR
BERNARDSVILLE, NJ 07924

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUIDNET PROPERTIES LLC
C/O KEITH M YANKOW
PO BOX 742
MOUNT KISCO, NY 10549

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

MILLER MARLIN JR TRST
QUIDNET PROPERTY NOM TRST
211 NORTH TUPEHOCKEN RD
READING, PA 19601

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

PERRY TERESSA G
61 OLD SOUTH RD #133
NANTUCKET, MA 02554

LIPP WENDY
27 SPRING HOUSE RD
POUND RIDGE, NY 10576

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

QUIDNET PROPERTIES LLC
C/O KEITH M YANKOW
P O BOX 742
MOUNT KISCO, NY 10549

SWART GREGORY S & ANN CAMERON K
40 SEAFIRTH PLACE
TIBURON, CA 94920

MILLER MARLIN JR ETAL TRUSTEES
QUIDNET PARTNERSHIP NOM TRUST
211 NORTH PULPEHOCKEN ROAD
READING, PA 19601

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

DUFOE CARLETON & MICHELLE N
102 QUIDNET RD TRUST
19 RICHARDSON RD
HOLLIS, NH O3049

SCHLOTT, KIM McMAHON
36B SESACHACHA RD
NANTUCKET, MA O2554

MILLER, MARLIN JR. TR
QUIDNET PROPERTY TR
211 N TULPEHOCKEN RD
READING, PA 19601

ACK86QR LLC
86 QUIDNET ROAD
NANTUCKET, MA 2554

Roy W. & Shelly Lafleur

Weedon

File No. 18-21

9 Twin St

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s): Roy W Weedon and Shelly LaFleur Weedon

Mailing address: 9 Twin Street, Nantucket, MA 02554

Phone Number: 508-221-2732 E-Mail: roy@jpfco.com

Applicant's name(s): (Same)

Mailing Address: _____

Phone Number: Agent - Linda Williams, 508-221-0432, czarinalinda@comcast.net

Locus Address: 9 Twin Street

Assessor's Map/Parcel: 55.4.1 – 7.1

Land Court Plan/Plan Book & Page/Plan File No.: Lot 2 on Plan 2013-33

Deed Reference & Certificate of Title: 1397-253 Zoning District ROH

Uses on Lot- Commercial: None X Yes (describe) _____

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72: @ 1962 or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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: Linda Williams Applicant/Attorney/Agent*

*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: / /__

Linda Williams

Subject: FW: ZBA Legal Ad for October 14

From: Roy Weedon Jr. <roy@jpfco.com>
Sent: Monday, September 20, 2021 10:31 AM
To: Linda Williams <czarinalinda@comcast.net>
Subject: Re: ZBA Legal Ad for October 14

You have my authorization to represent me and submit / sign my application to the ZBA.

Roy Weedon
M: 5082212732
sent from my iPhone

ADDENDUM

Applicants are seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-33A(4) (Preexisting, nonconforming uses, structures, lots). Applicant received Historic District Commission ("HDC") approvals in COA #HDC2021-09-4540 on August 31, 2021, to move or demolish a pre-existing nonconforming single-family dwelling and COA #HDC2021-09-4639 to construct a new dwelling as proposed. The new dwelling will be conforming to all setback requirements. The pre-existing nonconforming groundcover of about 621 SF will be maintained after completion of the proposed project.

The property is nonconforming as to lot size with a lot size of approximately 1,414 SF in a district that requires a minimum lot size of 5,000 SF. The current groundcover ratio is approximately 44% (621 SF). The ROH maximum groundcover ratio is now 40%. It was reduced from 50% in 2019 at the Annual Town Meeting. Had it not been reduced the groundcover would have been conforming. The existing dwelling is nonconforming as to setbacks, with the structure being sited as close as less than one (1) foot from the northerly rear yard lot line and as close as about 1.9 feet from the easterly side yard lot line. The lot is nonconforming as to parking. The structure is conforming to the 5-foot required westerly side yard setback and the front yard setback. The proposed new 621 SF single-family dwelling will be conforming as to all setback requirements. The following is the 41-81L Section that grants grandfathered status to the lot and structure:

139-33A(3):

Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. **Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures. The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than one year.**

Based upon the information presented with the 41-81L plan, the structure pre-dates the 1972 enactment of the Zoning By-law and is thus grandfathered as to groundcover and the northerly and easterly side yard setback requirements.

Special Permit relief is available as the Planning Board endorsed a 41-81L as noted in the above section. Applicants request that the ZBA make the finding that the removal and replacement of of the existing structure with 621 SF of groundcover without increasing the pre-existing nonconforming groundcover, and elimination of all setback intrusions, would not be substantially more detrimental to the neighborhood than the pre-existing nonconforming situation.

139-33A (Preexisting nonconforming uses, structures, lots)

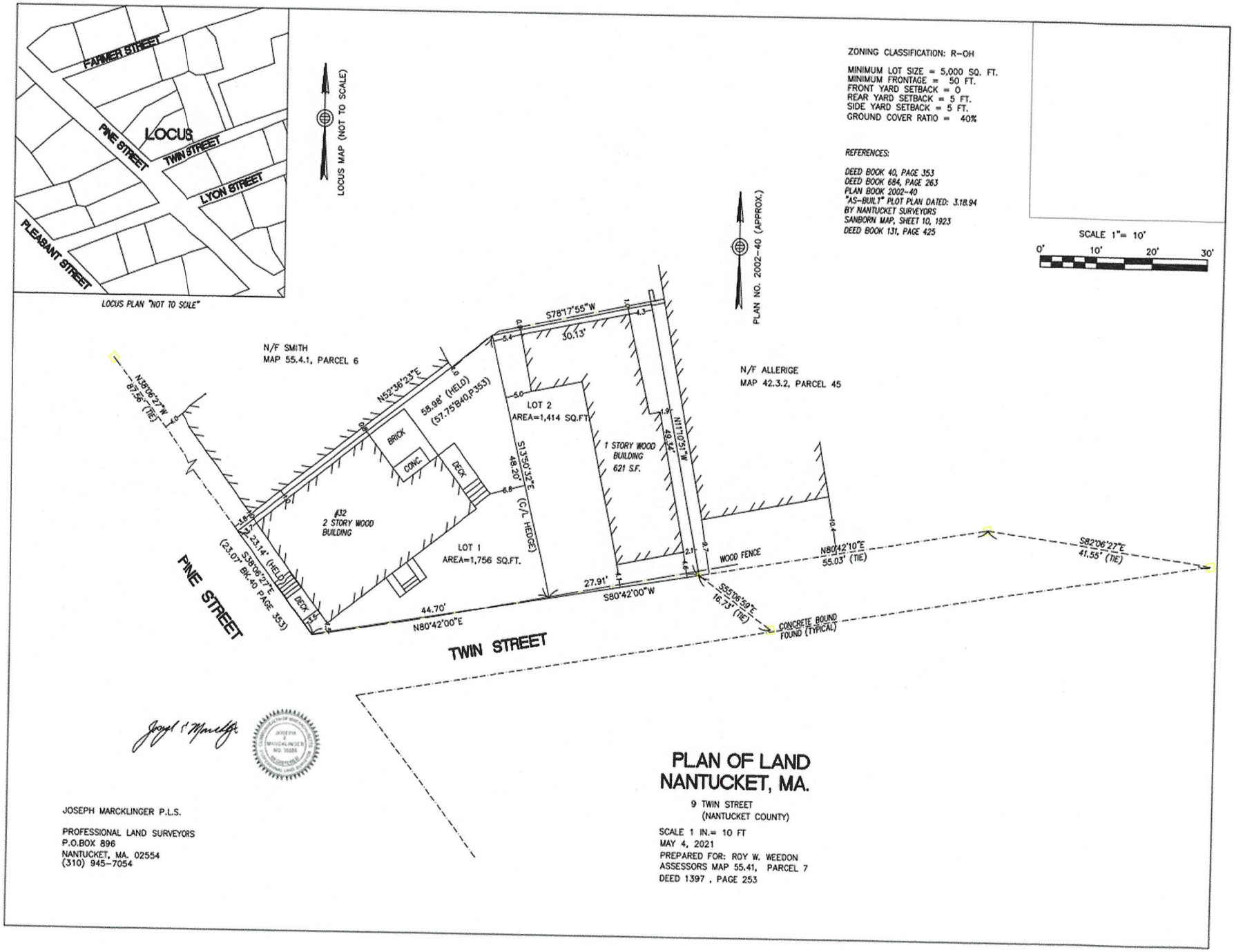
(4) Removal and reconstruction of any or all of the preexisting nonconforming structure(s), or any portion(s) thereof, in excess of the permitted ground cover ratio upon a lot, shall be allowed by special permit, provided that:

(a) Such special permit shall have been issued prior to the removal of the preexisting nonconforming structure(s), or any portion(s) thereof;

(b) (Reserved)

(c) All reconstructed structure(s), or portion(s) thereof, shall conform to all applicable front, rear and side yard setback requirements; unless relief is granted under separate provisions of this chapter; and

(d) The special permit granting authority shall have made the finding that the result of the proposed removal and reconstruction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and/or use.



2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone

9 TWIN STREET





2014



EAST ELEVATION





SOUTH ELEVATION



WEST ELEVATION – INTERIOR COURT YARD



8. Susan Doughan **08-4330** 134 Main Street Rev. 2406: drvway/hrdscpe 41-37.1 Gryphon Arch

Voting	Pohl, Camp, Coombs, Welch, Thornewill
Alternates	Dutra
Recused	None
Documentation	Landscape design plans, site plan, photos, and advisory comments.
Representing	Ethan Griffin, Gryphon Architects
Public	None
Concerns (6:44)	**Griffin** – Presented project. **Backus** – Read HSAB comments 8/16: not clear what has changed from previous application; too much brick; the driveway is wider than necessary for one car; reduce in width. **Coombs** – The driveway is 14 feet wide, which is unnecessary for one car; should be reduced is length and width. **Camp** – Suggested some greenery in the last 2'; that's a lot of hardscaping and needs to be softened. **Thornewill** – Agrees; it is 33' long from the sidewalk; reduce the length and width and have grass around it. **Welch** – Agrees; could also change up the material. **Pohl** – Given the expanse of brick, it needs to be reduced.
Motion	**Motion to Hold for revisions. (Camp)**
Roll-call Vote	Carried 5-0//Coombs, Thornewill, Welch, Camp, and Pohl-aye Certificate #

9. Tom McCann **08-4427** 78 Milk Street Rev. 1386: pool location 56/6.1 Linda Williams

Voting	Pohl, Camp, Coombs, Welch, Dutra
Alternates	Thornewill
Recused	None
Documentation	Landscape design plans, site plan, and photos.
Representing	Linda Williams
Public	None
Concerns (6:52)	**Williams** – Presented project; this was on consent but was pulled off; it's not visible and should have been on consent. Asserted the lot is enclosed in vegetation and the pool will not be visible from anywhere. **Coombs** – There's a wide driveway connecting this to his house next door providing a line-of-sight to the pool. Concerned the pool will be visible in the winter because most of the screening is seasonal. **Camp** – If this changes hands, she's concerned about okaying a pool on this high-profile location; the vegetation is seasonal, and she doesn't support this. **Welch** – The need for evergreen is a valid concern. **Dutra** – The pool is 30' from the road at a stop sign; it's a small pool and not squeezed in. The two properties are currently not divided by screening and the pool would be visible. The screening is very narrow along the road. Our caveat doesn't always work. **Pohl** – The caveat is very important; there should be evergreen screening. Discussion on the motion regarding maintenance of arbor vitae and other evergreens.
Motion	**Motion to Approve through staff with evergreen added to the screening along Hummock Pond and Milk Street and the pool not to be visible at time of inspection and in perpetuity. (Welch)**
Roll-call Vote	Carried 3-2//Dutra, Welch, and Pohl-aye; Camp and Coombs-nay Certificate # **HDC2021-08-4427**

10. Roy Weeden **09-4540** 9 Twin Street Demo cottage 55.4.1/71 Linda Williams

Voting	Pohl, Camp, Coombs, Dutra, Thornewill
Alternates	Welch
Recused	None
Documentation	Architectural elevation plans, site plan, photos, historic documentation, and advisory comments.
Representing	Linda Williams
Public	None
Concerns (7:07)	**Williams** – Presented project; this was not on the lot before 1964 according to the Sanborn maps. **Backus** – Read HSAB comments 8/30: prefer a move; new building should retain the same scale and style and trim color. Should this be demolished, she wants photos of the interior for the file; the survey indicates this was a carriage house. No concerns.
Motion	**Motion to Approve as a move off/demolition. (Camp)**
Roll-call Vote	Carried 5-0//Coombs, Thornewill, Dutra, Camp, and Pohl-aye Certificate # **HDC2021-09-4540**

CERTIFICATE NO: HDC2021-09-4540 DATE ISSUED: 8/31/2021

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°: 55.4.1 PARCEL N°. 7.1

Street & Number of Proposed Work: 9 TWIN STREET

Owner of record: ROY WEEDON

Mailing Address: 9 TWIN STREET NANTUCKET MA 02554

Contact Phone #: 508-221-2733 E-mail: ROY@JPFCO.COM

AGENT INFORMATION (if applicable)

Name: LINDA WILLIAMS

Mailing Address: PO BOX 1446 NANTUCKET, MA 02554

Contact Phone #: 508-221-0433 E-mail: CZARINALINDA@COMCAST.NET

FOR OFFICE USE ONLY ✓#1289

Date application received: 8/27/2021 Fee Paid: $100 CC

Must be acted on by: 10/8/2021

Extended to:

Approved: ✓ Disapproved:

Chairman:

Member:

Member: Roy Weedon

Member:

Member:

Notes - Comments - Restrictions - Conditions

Approved as a move or demolition

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ 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: Length: 616 Sq. Footage 1st floor: 616

43X12'4 REAR EL 22X10 Width: Sq. footage 2nd floor:

Sq. footage 3rd floor:

Decks/Patio: Size: 105F ☒ 1st floor ☐ 2nd floor

Size: ☐ 1st floor ☐ 2nd floor

Difference between existing grade and proposed finish grade: North South East West

Height of ridge above final finish grade: North South East West

Additional Remarks

Historic Name: 1962

Original Date:

Original Builder:

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH 1962 ONE-STORY COTTAGE

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed ____ ☐ Block ☐ Block Parged ☐ Brick (type) ____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) ____ ☐ Other ____

Roof Pitch: Main Mass ____/12____ Secondary Mass ____/12____ Dormer ____/12____ Other ____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) ____

Fence: Height: ____ Type: ____ Length: ____

Skylights (flat only): Manufacturer ____ Rough Opening ____ Size ____ Location ____

Manufacturer ____ Rough Opening ____ Size ____ Location ____

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

Leaders (material and size): ____

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 ____ Rake ____ Soffit (Overhang) ____ Corner boards ____ Frieze ____

Window Casing ____ Door Frame ____ Columns/Posts: Round ____ Square ____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other ____

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer ____

Doors* (type and material): ☐ TDL ☐ SDL Front ____ Rear ____ Side ____

Garage Door(s): Type ____ Material ____

Hardscape materials: Driveways ____ Walkways ____ Walls ____

* Note: Complete door and window schedules are required.

COLORS

Sidewall ____ Clapboard (if applicable) ____ Roof ____

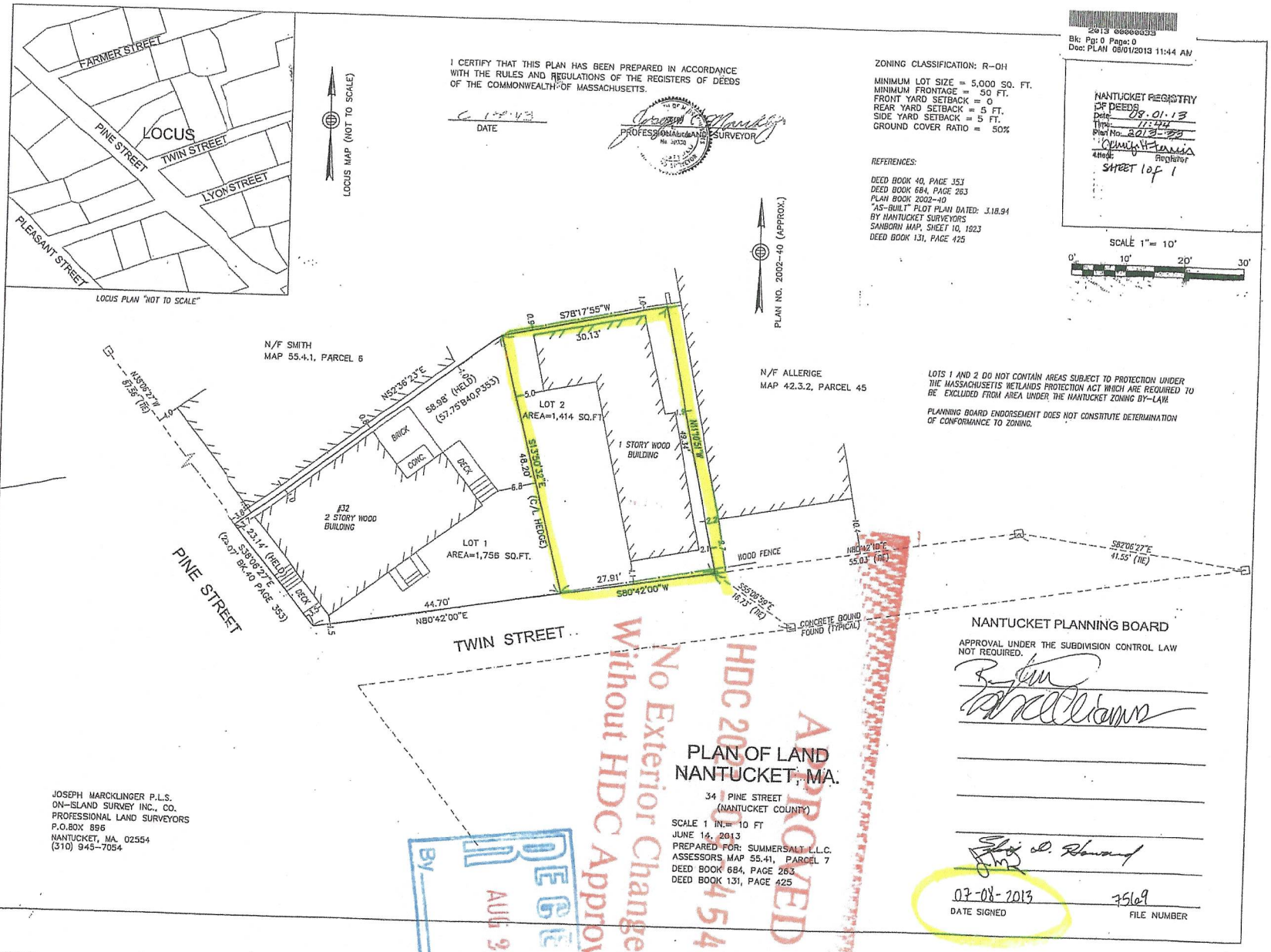
Trim ____ Sash ____ Doors ____

Deck ____ Foundation ____ Fence ____ Shutters ____

* 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 7/27/2021 Signature of owner of record


FARMER STREET
PINE STREET
LOCUS
TWIN STREET
LYON STREET
PLEASANT STREET
LOCUS PLAN "NOT TO SCALE"
LOCUS MAP (NOT TO SCALE)
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
DATE
PROFESSIONAL LAND SURVEYOR
ZONING CLASSIFICATION: R-OH
MINIMUM LOT SIZE = 5,000 SQ. FT.
MINIMUM FRONTAGE = 50 FT.
FRONT YARD SETBACK = 0
REAR YARD SETBACK = 5 FT.
SIDE YARD SETBACK = 5 FT.
GROUND COVER RATIO = 50%
REFERENCES:
DEED BOOK 40, PAGE 353
DEED BOOK 684, PAGE 263
PLAN BOOK 2002-40
"AS-BUILT" PLOT PLAN DATED: 3.18.94
BY NANTUCKET SURVEYORS
SANBORN MAP, SHEET 10, 1923
DEED BOOK 131, PAGE 425
PLAN NO. 2002-40 (APPROX.)
2013 00000033
Bk: Pg: 0 Page: 0
Doc: PLAN 08/01/2013 11:44 AM
NANTUCKET REGISTRY OF DEEDS
Date: 08.01.13
Time: 11:44
Plan No. 2013-33
Attest: Register
SHEET 1 OF 1
SCALE 1"= 10'
0' 10' 20' 30'
N/F SMITH
MAP 55.4.1, PARCEL 6
N/F ALLERIGE
MAP 42.3.2, PARCEL 45
LOTS 1 AND 2 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM AREA UNDER THE NANTUCKET ZONING BY-LAW.
PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE DETERMINATION OF CONFORMANCE TO ZONING.
S78°17'55"W
30.13'
N52°36'23"E
58.98' (HELD)
(57.75'B40,P353)
BRICK
CONC.
DECK
#32
2 STORY WOOD BUILDING
LOT 1
AREA=1,756 SQ.FT.
LOT 2
AREA=1,414 SQ.FT
1 STORY WOOD BUILDING
S13°50'32"E
48.20'
(C/L HEDGE)
N11°45'W
48.31'
WOOD FENCE
N80°42'10"E
55.03' (M)
S82°06'27"E
41.55' (TIE)
S80°42'00"W
27.91'
44.70'
N80°42'00"E
S55°06'39"E
18.73' (TIE)
CONCRETE BOUND FOUND (TYPICAL)
N38°06'27"W
87.56' (TIE)
S38°06'27"E
(23.07' BK.40 PAGE 353)
23.14' (HELD)
PINE STREET
TWIN STREET
NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
07-08-2013
DATE SIGNED
7569
FILE NUMBER
PLAN OF LAND
NANTUCKET, MA.
34 PINE STREET
(NANTUCKET COUNTY)
SCALE 1 IN.= 10 FT
JUNE 14, 2013
PREPARED FOR: SUMMERSALT L.L.C.
ASSESSORS MAP 55.41, PARCEL 7
DEED BOOK 684, PAGE 263
DEED BOOK 131, PAGE 425
JOSEPH MARCKLINGER P.L.S.
ON-ISLAND SURVEY INC., CO.
PROFESSIONAL LAND SURVEYORS
P.O.BOX 896
NANTUCKET, MA. 02554
(310) 945-7054
HDC 2013 0004 540
APPROVED
No Exterior Changes
Without HDC Approval
RECEIVED
AUG 27 2013
BY

11. Roy Weeden 09-4639 | 9 Twin Street | New dwelling | 55.4.1/71 | Linda Williams

Voting	Pohl, Camp, Coombs, Dutra, Thornewill
Alternates	Welch
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and advisory comments.
Representing	Linda Williams
Public	None
Concerns (7:12)	**Williams** – Presented project; quaker grey trim and black windows; 21' in the rear and 14' on the front. **Backus** – This is a great scale related to what's there. Read HSAB comments 8/30: ok with size and scale; the band of shingles above the 2 west facing doors should be eliminated by raising the height of the opening or lowering the eave; ideally this should look like a side porch that was filled in rather than a shed addition with 2 negative masses at either end; trim and window casing color should match the original cottage – Nantucket grey; suggested a short side fence to conceal the areaway dose to Twin Street; east elevation, prefer window in dormer to be double hung rather than casement. **Camp** – Really appreciates that this is small and quirky. **Coombs** – Agrees with Ms. Camp. **Dutra** – He too appreciates the design; it's sensitive to the area. **Thornewill** – Agrees but she's against the black sash; it doesn't work with the cottage style or a quirky old building; should be Nantucket grey. **Pohl** – West elevation porch, remove the shingle course above the French doors.
Motion	**Motion to Approve through staff with the trim and sash as Nantucket grey; the west elevation, remove the shingle course above the porch French doors; and the front door to be the same color as 35 Mill Street. (Camp)**
Roll-call Vote	Carried 5-0//Coombs, Dutra, Thornewill, Camp, and Pohl-aye Certificate # **HDC2021-09-4639**

12. 4 E Lincoln, LLC 08-4340 | 4 East Lincoln Avenue | Add Stair & Door | 42.4.1/49 | NAG

Voting	Pohl, Camp, Coombs, Welch, Thornewill
Alternates	Dutra
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and advisory comments.
Representing	Steve Theroux, Nantucket Architectural Group
Public	None
Concerns (7:24)	**Theroux** – Presented project. **Backus** – Read HASB comments 8/23: outdoor stairs are usually not encouraged, but the visibility might be very limited; decking material to be natural. No concerns.
Motion	**Motion to Approve. (Coombs)**
Roll-call Vote	Carried 5-0//Camp, Thornewill, Welch, Coombs, and Pohl-aye Certificate # **HDC2021-08-4340**

13. Acked, LLC 08-4419 | 18 B Bartlett Road | Move Building | 67/113.1 | Petro Zlatev

Voting	Pohl, Camp, Coombs, Welch, Dutra
Alternates	Thornewill
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	Petro Zlatev
Public	None
Concerns (7:28)	**Zlatev** – Presented project. **Welch** – He reviewed this for consent but there were no elevations at that time; they have since been submitted. It appears to have a common driveway to a home in the back so the drive would be like a small road with a cul de sac. **Coombs** – Doesn't understand why it's being turned. If the plants in front are maintained, she'd go with it. **Camp** – She has no strong opinion on this. **Dutra** – No concerns; it won't stand out.
Motion	**Motion to Approve as submitted. (Dutra)**
Roll-call Vote	Carried 5-0//Coombs, Camp, Welch, Dutra, and Pohl-aye Certificate # **HDC2021-08-4419**

CERTIFICATE NO: _____ DATE ISSUED: _____

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°: 55.4.1 PARCEL N°. 7.1

Street & Number of Proposed Work: 9 TWIN STREET

Owner of record: ROY WEEDON

Mailing Address: 9 TWIN STREET NANTUCKET, MA 02554

Contact Phone #: 508-221-2732 E-mail: Roy@JPFCO.COM

AGENT INFORMATION (if applicable)

Name: LINDA WILLIAMS

Mailing Address: PO BOX 1446 NANTUCKET, MA 02554

Contact Phone #: 508-221-0432 E-mail: CZARINALINDA@COMCAST.NET

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: $ _____

Must be acted on by: _____

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☒ New Dwelling ☐ Addition ☐ 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: Length: 40' Sq. Footage 1st floor: 565 Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: 18' Sq. footage 2nd floor: 310 Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North -0- South -0- East -0- West -0-

Height of ridge above final finish grade: North 21' South ~~21'~~ 14'7" East 21' West 21'

Additional Remarks

Historic Name:

Original Date:

Original Builder:

REVISIONS* (describe)

1. East Elevation 40 SHOWER- 4'x4' x 6'
2. South Elevation CONSTRUCT NEW 2-STORY
3. West Elevation DWELLING
4. North Elevation 2-AHC UNITS

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 10 /12 Secondary Mass 4 /12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☒ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____ Type: _____ Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): _____

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 6" Rake 6" Soffit (Overhang) _____ Corner boards 6" Frieze 2"

Window Casing 6" Door Frame 6" Columns/Posts: Round _____ Square _____

Windows*: ☒ Double Hung ☐ Casement ☐ All Wood ☐ Other ~~CAR~~

☐ True Divided Lights(muntins), single pane ☒ SDL's (Simulated Divided Lights) Manufacturer GREEN MOUNTAIN 9/6-4LT

Doors* (type and material): ☐ TDL ☒ SDL Front 6LT/PB Rear 2-12LT FRENCH Side ~~6LT~~ TRANSOM

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall NTW Clapboard (if applicable) _____ Roof ~~GRANITE~~ PEWTER GRAY

Trim WHITE Sash WHITE Doors WHITE

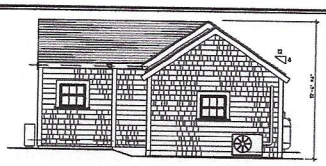
Deck NTW Foundation GRAY Fence _____ Shutters _____

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

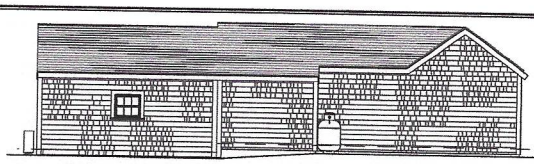
I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application.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

Date 8/21/02 Signature of owner of record _____ Signed under penalties of perjury

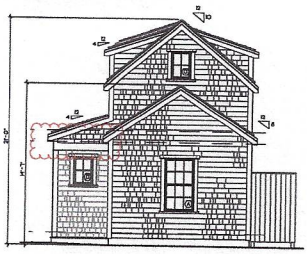
356



EXISTING SOUTH ELEVATION
SCALE 1/4"=1'-0"



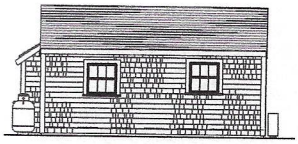
EXISTING EAST ELEVATION
SCALE 1/4"=1'-0"



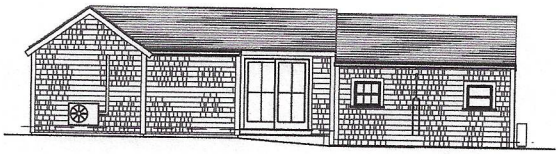
SOUTH ELEVATION
SCALE 1/4"=1'-0"



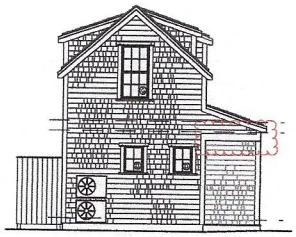
EAST ELEVATION
SCALE 1/4"=1'-0"



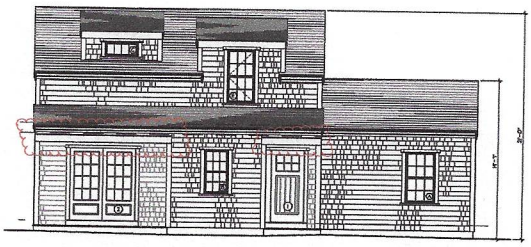
EXISTING NORTH ELEVATION
SCALE 1/4"=1'-0"



EXISTING WEST ELEVATION
SCALE 1/4"=1'-0"



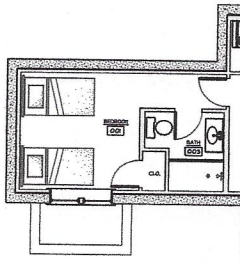
NORTH ELEVATION
SCALE 1/4"=1'-0"



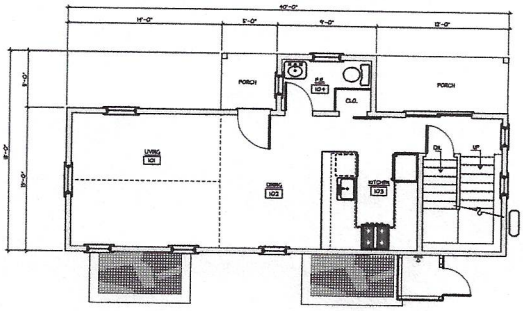
WEST ELEVATION
SCALE 1/4"=1'-0"

REVISIONS:
5/26/2021 AS-BUILT MEASURING
6/22/2021 AS-BUILT PLANS
7/19/2021 PROGRESS PRINT
7/07/2021 HDC PRINT
9/02/2021 HDC APPROVAL

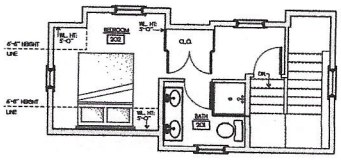
COPYRIGHT NOTICE	WEEDON RESIDENCE	FLOOR PLANS		SHEET NO.
		ADDRESS:	DATE: 9/09/2021	SCALE: 1/4" = 1'-0"
				a2



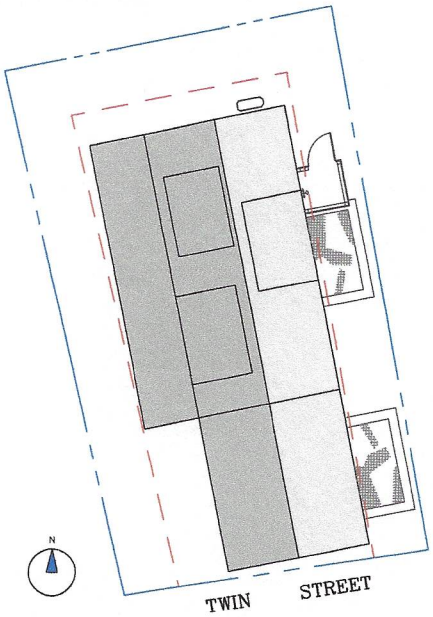
BASEMENT PLAN
SCALE 1/4"=1'-0" 565 SF.

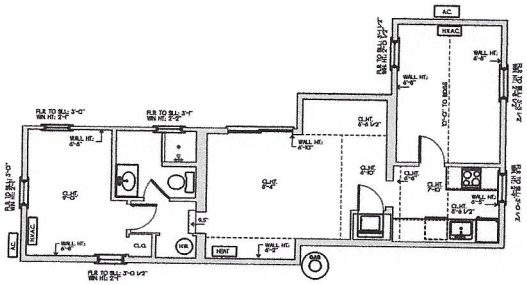


FIRST FLOOR PLAN
SCALE 1/4"=1'-0" 565 SF.



SECOND FLOOR PLAN
SCALE 1/4"=1'-0" 350 SF.

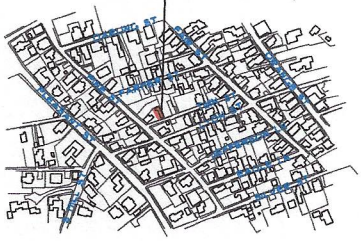




EXISTING FIRST FLOOR PLAN
SCALE 1/4"=1'-0" 455 SF.

ZONING CLASSIFICATION: R.O.H.
MAP: 55.4.1 PARCEL: 7.1

MIN. AREA:	5,000 sq.ft.
MIN. FRONTAGE:	50 ft.
FRONT YARD S.B.:	0 ft.
SIDE S.B.:	0 ft.
REAR S.B.:	5 ft.
GROUND COVER (%):	40%



DOOR & WINDOW SCHEDULE

SYM	MANUFACTURER	WINDOW SIZE	QTY.	REMARKS
A	GREEN MOUNTAIN	2'-8" X 4'-6"	6	6/6 D.H.
B	GREEN MOUNTAIN	2'-2" X 4'-0"	3	6/6 D.H.
C	GREEN MOUNTAIN	3'-0" X 1'-4"	1	4 LT. AWNING
D	GREEN MOUNTAIN	1'-4" X 2'-6"	4	4 LT. CASEMENT
E	GREEN MOUNTAIN	2'-6" X 4'-6"	1	6/6 EGRESS W/ CHECK RAIL
F	GREEN MOUNTAIN	2'-2" X 4'-6"	3	6/6 D.H.
G	GREEN MOUNTAIN	2'-4" X 4'-6"	3	6/6 D.H.
I	SIMPSON	5'-0" X 6'-8"	1	4 LT. 1 PNL. EXTERIOR WD. DR.
J	SIMPSON	6'-0" X 6'-8"	1	15 LT. 1 PNL. FRENCH DOORS

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY ALL UNIT DIMENSIONS PRIOR TO ORDERING. IF THERE ARE ANY QUESTIONS OR DISCREPANCIES PLEASE CONTACT THE DESIGNERS. ALL WINDOWS AND DOORS TO BE SINGAL PANE TRUE DIVIDED LIGHTS

REVISIONS
5/26/2021 AS-BUILT MEASURING
6/22/2021 AS-BUILT PLANS
7/12/2021 PROGRESS PRINT
7/19/2021 HDC PRINT
9/02/2021 HDC APPROVAL

COPYRIGHT NOTICE

WEEDON RESIDENCE

HDC. SITE PLAN ONLY

ADDRESS:

DATE: 9/02/2021

SCALE: 1/4" = 1'-0"

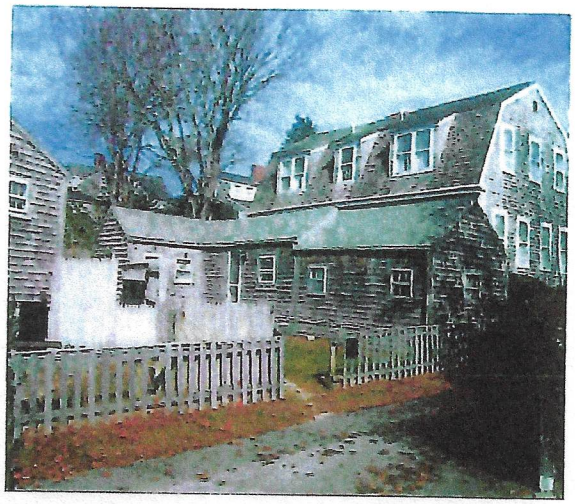
SHEET NO. S 1

ASSESSOR'S GIS DATA SHEET – BUILT IN 1962

ar Built:	1962
ing Area:	616
placement Cost:	$77,791
ilding Percent Good:	84
placement Cost ss Depreciation:	$65,300

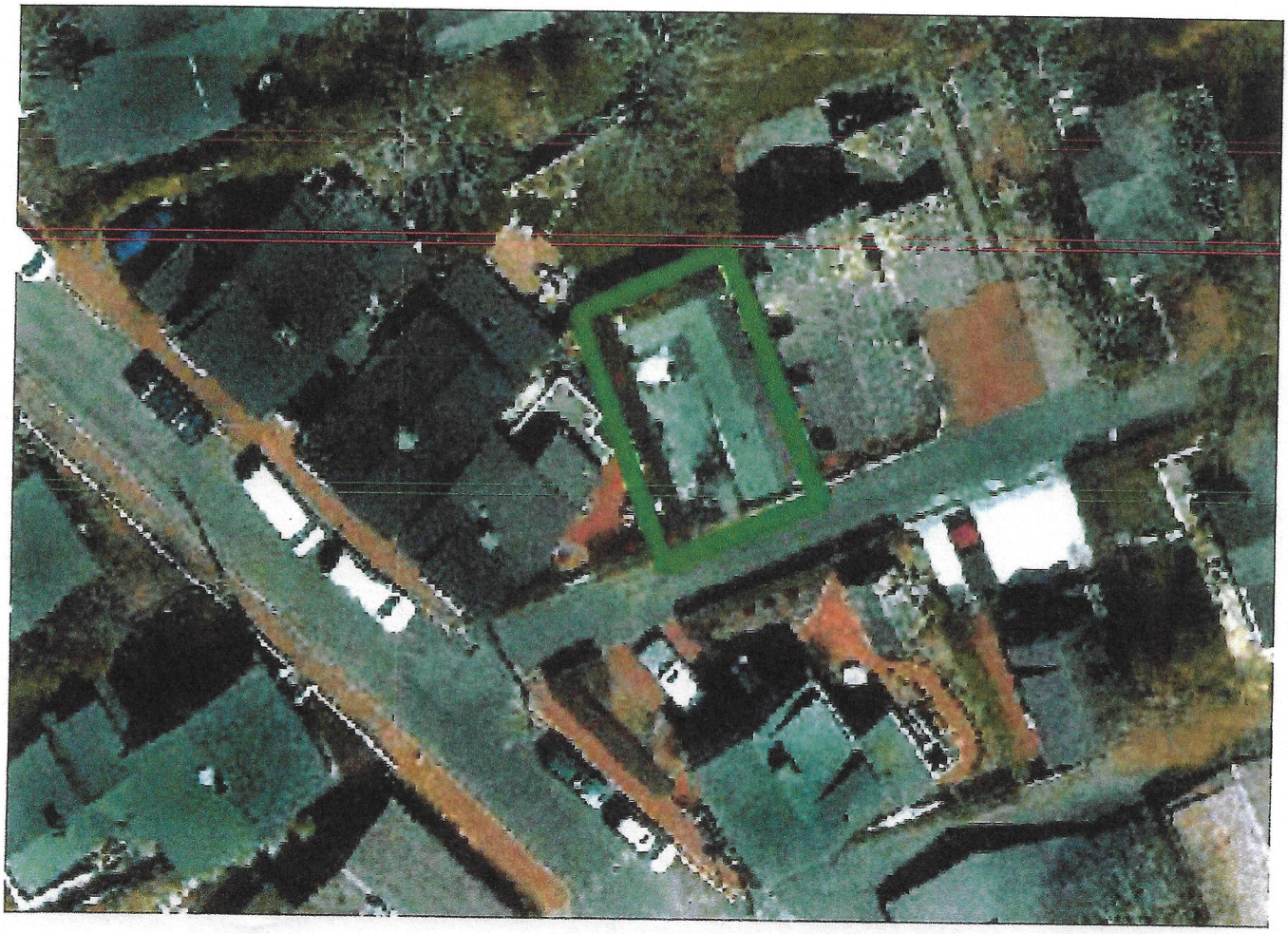
Building Attributes	
Field	Description
yle:	Cottage
odel	Residential
ade:	Average
ories:	1
ccupancy	1
terior Wall 1	Wood Shingle

Building Photo



Building Layout

CURRENT AERIAL



BUILDING-STRUCTURE INVENTORY FORM

NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/
FILM ROLL #: Old Hp - 2
MAP/PARCEL#: 55 41 - 007

Recorded By: AES Date: 12/1 Organization: HDC

IDENTIFICATION: (side on Twin St)

1. STREET NAME & NO.: 34 Pine St 2. BUILDING NAME:

3. OWNERSHIP: ○ a. public ○ b. private 4. PRESENT OWNER:

5. OWNERSHIP HISTORY: (include owner names, date(s) of ownership, and information source)

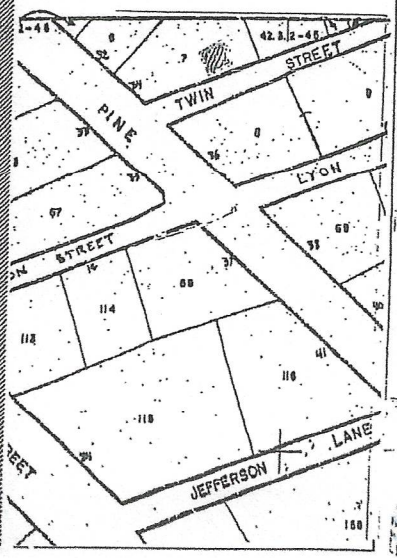
6. USE: Original: Present: carriage house

○ a. seasonal ○ b. year-round

7. ACCESSIBILITY TO PUBLIC:

Exterior visible from public road: ○ a. Yes ○ b. No
Interior accessible, explain:

8. MAP -- 3 X 2"





/89

DESCRIPTION:

10. FOUNDATION
○ a. brick ○ b. rubblestone ○ c. concrete ○ d. other: [illegible]

11. STRUCTURAL SYSTEM
○ a. post-and-beam ○ c. masonry load-bearing walls
○ b. balloon wood frame ○ d. other: _____

12. EXTERIOR WALL MATERIAL: Front Facade:
◉ a. shingles - weathered ○ c. brick ○ e. board and batten
○ b. shingles - painted ○ d. clapboard ○ f. flush boarding
○ g. other: _____

13. EXTERIOR WALL MATERIAL: Side Elevations:
◉ a. shingles - weathered ○ c. brick ○ e. board and batten
○ b. shingles - painted ○ d. clapboard ○ f. flush boarding
○ g. other: _____

14. EXTERIOR WALL MATERIAL: Rear Elevation:
◉ a. shingles - weathered ○ c. brick ○ e. board and batten
○ b. shingles - painted ○ d. clapboard ◉ f. flush boarding
○ g. other: _____

15. NUMBER OF STORIES:
◉ a. 1 ○ c. 1 3/4 ○ e. 2 1/2 ○ g. other: _____
○ b. 1 1/2 ○ d. 2 ○ f. 3

16. ROOF SHAPE:
◉ a. gable ○ c. hip ○ e. other: _____
○ b. gambrel ◉ d. shed

17. ROOFING MATERIAL:
◉ a. composition shingle ○ b. weathered cedar shinge ○ c. slate

18. ROOF FEATURES:
○ a. roof walk ○ e. balustrade
◉ b. dormers on street facade ◉ f. skylight
◉ c. dormers on side elevations ○ g. roof hatch
○ d. dormers on rear elevation ◉ h. cupola
◉ i. other: _____

19. DORMER ROOF(S):
○ a. gable ○ b. hip ◉ c. shed ○ d. other: _____

20. CHIMNEY MATERIAL:
○ a. brick, unpainted ○ c. brick, parged ○ e. concrete block
○ b. brick, painted ○ d. rubblestone ○ f. metal

21. CHIMNEY POSITION:
○ a. center ○ b. off-center ○ c. end wall ○ d. other: _____

22. NUMBER OF CHIMNEYS:
○ a. one ○ b. two ○ c. three ○ d. other: _____

23. CHIMNEY FEATURES:
○ a. corbelling ○ b. chimney pots/owls ○ c. pilastered

24. FRONT/PRIMARY DOOR LOCATION:
○ a. center ◉ b. off-center

36. STYLE OF ARCHITECTURE:

- O a. pre-1750, 2 1/2-story Lean-to
- O b. post-1750, 1 3/4-story Lean-to
- O c. Typical Nantucket 4-bay
- O d. 1 3/4 story, 3-bay
- O e. Federal
- O f. Greek Revival
- O g. Gothic Revival
- O h. Italianate
- O i. Second Empire
- O j. Queen Anne
- O k. Colonial Revival
- O l. Shingle style
- O m. Bungalow
- O n. Four Square
- O o. other: _____

37. HISTORICAL AND ARCHITECTURAL IMPORTANCE: _____

38. SOURCES:

- O a. Registry of Deeds: _____
- O b. Assessor's Records: _____
- O c. Lancaster, The Architecture of Historic Nantucket, page: _____
- O d. H. C. Forman, Early Nantucket & Its Whaling Houses, page: _____
- O e. Sanborn Maps, date: _____
- O f. NHA photos: _____
- O g. HABS research: _____
- O h. NHA plaque records: _____
- O i. other: _____

GENERAL SETTING AND ORIENTATION OF BUILDING:

39. LOT SIZE: O a. 1/2 acre or less O b. 1/2 acre or more: _____

40. APPROXIMATE FRONTAGE: _____ feet

41. SETBACK FROM STREET:

- O a. at sidewalk
- O b. 10 feet or less
- O c. 20 feet or less
- O d. other: _____

42. ORIENTATION TO STREET ADDRESS: O a. gabled O b. ridge parallel O c. other: _____

43. SURROUNDINGS: (check several if appropriate)

- O a. densely built-up
- O b. scattered buildings
- O c. open land
- O d. residential
- O e. commercial
- O f. old historic district

44. RELATED OUTBUILDINGS AND PROPERTY:

See form(s): _____

- O a. barn
- O b. privy
- O c. shop
- O d. arbor
- O e. carriage house
- O f. shed
- O g. gardens
- O h. deck
- O i. garage
- O j. greenhouse
- O k. fence
- O l. parking
- O m. scallop shanty
- n. landscape features: _____
- o. other: _____

45. OTHER NOTABLE FEATURES: _____
(Building or site including interior features if known)

25. FRONT/PRIMARY DOOR FRAME FEATURES:

(check several if appropriate)

- ○ a. sidelights
- ○ b. transom
- ○ c. plank frame
- ⊘ d. flush frame
- ○ e. Federal
- ○ f. fanlight
- ○ g. blind fan
- ○ h. Greek Revival
- ○ i. recessed
- ○ j. other: _____

26. NUMBER OF BAYS:

- ○ a. three
- ○ b. four
- ⊘ c. five
- ○ d. N/A
- ○ e. other: _____

27. WINDOW FRAME TYPE:

- ⊘ a. flush
- ○ b. plank frame
- ○ c. bull-nose
- ○ d. other: _____

28. WINDOW SASH TYPE(S) - FRONT FACADE:

- ○ a. 12/12
- ○ b. 9/9
- ○ c. 6/6
- ○ d. 2/2
- ○ e. casement
- ○ f. other: 3/2

29. PORCH:

- ○ a. front
- ○ b. side
- ○ c. wrap

30. DETAILS:

(check several if appropriate)

- ⊘ a. corner boards (plain)
- ⊘ b. corner boards (beaded)
- ○ c. corner board (single)
- ○ d. entry stairs w. balustrade
- ⊘ e. blinds
- ○ f. watertable
- ○ g. pilasters
- ○ h. trellis
- ○ i. other: _____

31. CONDITION:

- ⊘ a. excellent
- ⊘ b. good
- ○ c. fair
- ○ d. deteriorated

32. INTEGRITY:

- ○ a. original site
- ○ b. moved if so, when?: _____

Major alterations or additions: _____
(with dates if known) _____

SIGNIFICANCE:

33. ROLE THE BUILDING PLAYS:

- ○ a. individually significant
- ○ b. contributing
- ⊘ c. non-contributing

34. DATE OF INITIAL CONSTRUCTION: _____ SOURCE: _____
ARCHITECT: _____
BUILDER: _____

35. BUILDING TYPE:

- ○ a. box
- ○ b. additive
- ○ c. gable front
- ○ d. gable ell
- ⊘ e. side-gabled
- ○ f. other: L

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER ROY WEEDON

MAILING ADDRESS 9 TWIN STREET, NANTUCKET, MA 02584

PROPERTY LOCATION 9 TWIN STREET

ASSESSORS MAP/PARCEL 55.4.1- 7.1

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 09/10/2021

Mary Haley,
Senior Clerk,
ASSESSORS OFFICE
Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2021.09.10 14:02:37 -04'00'

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4232	40		AMES JONATHAN & LESLIE JOANNE		11 LOWER CROSS LANE	SADDLE RIVER	NJ	07458	51 FAIR ST
4232	41		A LYONS TALE LLC		1790 CARLA RIDGE	BEVERLY HILLS	CA	90210	1 LYON ST
4232	43		GREEN SUSAN ZISES		161 EAST 35TH ST FIRST FLOOR	NEW YORK	NY	10016	1 TWIN ST
4232	45		ALLDERIGE KATHERINE & MILLER JAMES R	ALLDERIGE NOM TRUST	P O BOX 6435	ITHACA	NY	14851-6435	7 TWIN ST
4232	46		LEFEVRE SHARON A TRST	30 PINE ST NOM TRUST	310 DELACEY STREET	PHILADELPHIA	PA	19106	30 PINE ST
4232	47		28 PINE LLC		1 CHEROKEE RD NW	ATLANTA	GA	30305	28 PINE ST
4232	48		COWHERD J ANDREW & CAROL H		4 HOWLAND TERRACE	MORRISTOWN	NJ	07960	25B PINE ST
4232	48	1	RICH JARED A & RYAN M TRST	2020 RICH FAMILY IRREV QPR TRUST	231 BEDFORD RD	GREENWICH	CT	06831	25C PINE ST
4232	49		MCCORMICK JENNIFER W & JOHN M TR		50 BURDICK ROAD	NEW HARTFORD	CT	06057	24 PLEASANT ST
4232	101		SCHOEN PATRICIA OHAGAN		1 JO BARN WAY	NORWALK	CT	06835	49 FAIR ST
4232	102		DECICCIO JOHN M TRST	DECICCIO REALTY TRUST	P O BOX 1405	NANTUCKET	MA	02554	47 FAIR ST
4232	103		GREEN SUSAN Z		161EAST 35TH ST FIRST FLOOR	NEW YORK	NY	10016	2 FARMER ST
4232	104		BADIE HELEN JOAN TRST		4700 S FULTON RANCH BLVD #88	CHANDLER	AZ	85248	4 FARMER ST
4232	105		BELASH JUDITH G		6 FARMER ST	NANTUCKET	MA	02554	6 FARMER ST
4232	106		HAYDEN DIANA R TRST	EIGHT FARMER STREET TRUST	3120 CASSEEKEY ISLAND RD	JUPITER	FL	33477	8 FARMER ST
4232	108		KREITLER ROBIN M TR		552 DRYDEN PL	CHARLOTTESVILLE	VA	22903	7 FARMER ST
4232	109		DIGRAVIO VICKER V III & KAREN A TRS		129 GUN HILL RD	MILTON	MA	02186	26 PINE ST
4232	110		POHL RAYMOND & BOTTICELLI LISA M		24 PINE STREET	NANTUCKET	MA	02554	24 PINE ST
4232	115		WELCH MARCIA P TR		1000 BEACH RD #197	VERO BEACH	FL	32963	12 DARLING ST
4232	116		DRUCKER JEANMARIE TRST ETAL		1192 PARK AVE # 15A	NEW YORK	NY	10128	10 DARLING ST
4232	154		LECOURS ROBERT & WUNDERLICH		4405 LELAND ST	CHEVY CHASE	MD	20815	46 FAIR ST
4232	155		LTEAL SZIKLAS COLLITON TR ETAL	HARRIET BACKUS IRREVOCABLE TRUST	28 UNION STREET	LEBANON	NH	03766	44 FAIR ST
4232	156		CALLAHAN PETER & JOSEPHINE SASSO		310 E HOUSTON ST PH1	NEW YORK	NY	10002	45 FAIR ST
4232	157		NOPPER RICHARD E		PO BOX 27	CHESTER SPRINGS	PA	19425	43 FAIR ST
4232	158		BEAUGRAND KENNETH L & AUGUSTA B		1 FARMER ST	NANTUCKET	MA	02554	1 FARMER ST
4232	159		DOWSETT ROBERT J & HALLEY SUSAN E		4 LANGLEY PARK	FARMINGTON	CT	06032	3 FARMER ST
4232	160		JOHNSON CHARLES B TRST		1220 SOUTH OCEAN BLVD	PALM BEACH	FL	33480-5016	5 FARMER ST
4232	161	2	GRISWOLD, BENJAMIN H IV & WENDY		2838 BUTLER RD	GLYNDON	MD	21071	8A DOWLING ST
4232	161	1	GRISWOLD, BENJAMIN H IV & WENDY		2838 BUTLER RD	GLYNDON	MD	21071	8B DARLING ST
4232	162		WITMER RICHARD H TR	DARLING STREET NOM TRUST	6 DARLING ST	NANTUCKET	MA	02554	6 DARLING ST
4232	185		WALLER WILLIAM A TRUSTEE	WALLER FAIR STREET NOM TRUST	42 FAIR ST	NANTUCKET	MA	02554	42 FAIR ST
4232	186		ROACH GEORGE E & MARIA		PO BOX 228	POUND RIDGE	NY	10516	40 FAIR ST
4232	187		TROUTMAN ANNE W ETAL		41 FAIR ST	NANTUCKET	MA	02554	41 FAIR ST
4232	189		STATZER LOUIS & TRACEY HOPPE		641 POINCIANA DR	FT LAUDERDALE	FL	33301	3 TATTLE CT
4232	190		KILVERT CHARLES A III & EMILY H		4 DARLING ST	NANTUCKET	MA	02554	4 DARLING ST
4232	210		CAPONIGRO CHRISTOPHER & PATRICIA		24 LLOYD ROAD	BERNARDSVILLE	NJ	07924	38 FAIR ST
4232	211		LEE THEODORE ALLEN		25 BRIMMER ST # 2	BOSTON	MA	02108	39 FAIR ST

4232	212		HELFRICH JAMES A & CYNTHIA F		37 FAIR ST	NANTUCKET	MA	02554	37 FAIR ST
4232	223		SEAY WILLIAM H JR & CAROLYN		3709 NORMANDY AVE	DALLAS	TX	75205-2104	36 FAIR ST
5541	3		26 PLEASANT STREET LLC	C/O COPLEY MNGT & DEV CORP	896 BEACON STREET	BOSTON	MA	02115	26 PLEASANT ST
5541	4		GIFFORD WHITNEY A TR	C/O TWENTY-SEVEN PINE ST NOM TRUST	PO BOX 444	NEW VERNON	NJ	07976	27 PINE ST
5541	5		31 PINE ST NOMINEE TRUST	DOCKERTY ROBERT J TR	3000 N OCEAN BLVD	GULF STREAM	FL	33483	31 PINE ST
5541	6		LUCY GIOVANNA		1850 SOUTH OCEAN DR # 3301	HALLANDALE BEACH	FL	33009	32 PINE ST
5541	8		MACAIRE MARY ADAIR		36 PINE ST	NANTUCKET	MA	02554	36 PINE ST
5541	9		TUCK JEROME M & RICHARD L TRST		68 HARVARD STREET	BROOKLINE	MA	02146	7 LYON ST
5541	11		HEDAA MARYANN G	THE DUNHILL	401 EAST 84TH ST APT 16B	NEW YORK	NY	10028	3 LYON ST
5541	12		CALLAWAY JAMES G JR & MARY C		549 WEST 123RD ST APT # 13A	NEW YORK	NY	10027-5039	4 LYON ST
5541	13	1	BRISKMAN SUSAN TRST ETAL		20 CHAPEL ST APT C909	BROOKLINE	MA	02446	53 FAIR ST
5541	63		CATINO DIANE TRS ETAL		12 BEECHWOOD CIR	BRIDGEWATER	MA	02324	23 PLEASANT ST
5541	65		CRAIG RYAN P & LINDSAY		5930 WARM MIST LN	DALLAS	TX	75248	28 PLEASANT ST
5541	66		TAYLOR SUZANNE TRST	SUZANNE TAYLOR TRUST	33 PINE STREET	NANTUCKET	MA	02554	33 PINE ST
5541	67		MACDONALD GREGORY TR	35 PINE STREET TRUST	174 MANSFIELD AVE	DARIEN	CT	06820	35 PINE ST
5541	68		FOUR TUCK LLC		7292 MILL SPRING DR	AMBLER	PA	19002	37 PINE ST
5541	69		POMERANZ DIAN M & JAMES L		265 FARMS VILLAGE RD	WEST HARTFORD	CT	06107	38 PINE ST
5541	70		10 LYONS STREET LLC	C/O NEW URBAN PART LLC	109 CHESTNUT STREET # 5	BOSTON	MA	02108	10 LYON ST
5541	71		HARTMANN JAMES J TR	HARTMANN JAMES J REVOCABLE TRUST	346 HOBART AVE	SHORT HILLS	NJ	07078	8B LYON ST
5541	72		8 LYON STREET LLC		PO BOX 367	ROYAL OAK	MD	21662	8 LYON ST
5541	73		WELTON CHARLES E TRST	C/O COHN PATIENCE WELTON	2679 KEY LARGO LN	FT LAUDERDALE	FL	33312	6 LYON ST
5541	74	1	HENDRICKS JOHN R & GREER K		1212 FIFTH AVENUE	NEW YORK	NY	10029	1 JEFFERSON LN
5541	108	1	NASTOU, ROGER G & MAUREEN B		7 BREMER CIRCLE	HINGHAM	MA	02043	31A PLEASANT ST
5541	108	2	HAIGHT, RICHARD GORDON JR		49 WORCESTER ST #2	BOSTON	MA	02118	31B PLEASANT ST
5541	109		SENECAL PAUL RAYMOND TRST	PLEASANT ST NOM TRUST	PO BOX 834	NANTUCKET	MA	02554	29 PLEASANT ST
5541	111		25 ACK LLC		1502 HAMPTON RD	CHARLESTON	WV	25314	25 PLEASANT ST
5541	112		WIANNO GETAWAY LLC		340 PARKER ROAD	OSTERVILLE	MA	02655	30 PLEASANT ST
5541	113		CHANG JAE W		2ND FLOOR VIEW MANSION	MID-LEVELS HONG KONG			32 PLEASANT ST
5541	114		HALSTED BARBARA		14 LYON STREET	NANTUCKET	MA	02554	14 LYON ST
5541	115		HANLON FRANCIS P		34 PLEASANT ST	NANTUCKET	MA	02554	34 PLEASANT ST
5541	116		SOPHONWATTANA CHAI		41 PINE ST	NANTUCKET	MA	02554	41 PINE ST
5541	117		MUYSKENS JOHN III & CARA M TRS		461 MAIN ST	ACTON	MA	01720	40 PINE ST
5541	119	1	ABDULLA, SAMATHA & ANTHONY		82 GEORGETOWN RD	BOXFORD	MA	01921	5B JEFFERSON LN
5541	119	2	DONATO, MARK TR	SCONSET MARKET REALY TR	P. O. BOX 19	SIASCONSET	MA	02564	5 JEFFERSON LN
5541	119	3	BJK LLC		6004 FLOWERDALE CT	MYRTLE BEACH	FL	29579	5A JEFFERSON LN
5541	121		HOFFMAN CHRISTIAN M & MARY DONNA		17 CLIFF ROAD	WESTON	MA	2493	42 PINE ST
5541	157	1	HOOPER ARTHUR W JR TRST	36 PLEASANT ST TRUST	2 SETTLERS TRAIL UNIT 1	DARIEN	CT	06820	36 PLEASANT ST
5541	158		GRAY CAT LLC	C/O ELZAY MICHAEL P	419 EAST 57TH ST APT 10C	NEW YORK	NY	10022	43 PINE ST
5541	158	1	UHRAN GEORGE M & ALBERTA L		ANTHONY WAYNE RD	MORRISTOWN	NJ	07960	14 JEFFERSON LN
5541	159		BEARDSLEY DAVID A & WENDY J TR		37 WAINWRIGHT AVE	CLOSTER	NJ	07624	9 EAGLE LN
5541	160	1	CAUCHON MARK P		322 PEDRO STREET	VENICE	FL	34285	7 EAGLE LN

5541	160	2	CORSAIR INVESTMENTS LLC		547 PRIMROSE WAY	LOUISVILLE	KY	40206	5- EAGLE LN
5541	161		ROSSKAM DAVID D		4206 37TH ST NW	WASHINGTON	DC	20008	5 EAGLE LN
5541	184		WEINMAN RHODA H TRST	C/O PENN WENDY & JOHN	377 RYDER RD	MANHASSET	NY	11030	45 PINE ST
5541	200		DI GRAVIO VICKER V TRST ETAL		129 GUN HILL ST	MILTON	MA	02186	8 JEFFERSON LN
5541	10		PAULSON, JAMES	UYEN CHAN NOM TRUST	203 VIRGINIA HILLS DR	MARTINEZ	CA	94553	5 LYON ST
Count:	**82**								

AMES JONATHAN & LESLIE JOANNE
11 LOWER CROSS LANE
SADDLE RIVER, NJ 07458

A LYONS TALE LLC
1790 CARLA RIDGE
BEVERLY HILLS, CA 90210

GREEN SUSAN ZISES
161 EAST 35TH ST FIRST FLOOR
NEW YORK, NY 10016

ALLDERIGE KATHERINE & MILLER JAMES R
ALLDERIGE NOM TRUST
P O BOX 6435
ITHACA, NY 14851-6435

LEFEVRE SHARON A TRST
30 PINE ST NOM TRUST
310 DELACEY STREET
PHILADELPHIA, PA 19106

28 PINE LLC
1 CHEROKEE RD NW
ATLANTA, GA 30305

COWHERD J ANDREW & CAROL H
4 HOWLAND TERRACE
MORRISTOWN, NJ 07960

RICH JARED A & RYAN M TRST
2020 RICH FAMILY IRREV QPR TRUST
231 BEDFORD RD
GREENWICH, CT 06831

MCCORMICK JENNIFER W & JOHN M TR
50 BURDICK ROAD
NEW HARTFORD, CT 06057

SCHOEN PATRICIA OHAGAN
1 JO BARN WAY
NORWALK, CT 06835

DECICCIO JOHN M TRST
DECICCIO REALTY TRUST
P O BOX 1405
NANTUCKET, MA 02554

GREEN SUSAN Z
161EAST 35TH ST FIRST FLOOR
NEW YORK, NY 10016

BADIE HELEN JOAN TRST
4700 S FULTON RANCH BLVD #88
CHANDLER, AZ 85248

BELASH JUDITH G
6 FARMER ST
NANTUCKET, MA 02554

HAYDEN DIANA R TRST
EIGHT FARMER STREET TRUST
3120 CASSEEKEY ISLAND RD
JUPITER, FL 33477

KREITLER ROBIN M TR
552 DRYDEN PL
CHARLOTTESVILLE, VA 22903

DIGRAVIO VICKER V III & KAREN A TRS
129 GUN HILL RD
MILTON, MA 02186

POHL RAYMOND & BOTTICELLI LISA M
24 PINE STREET
NANTUCKET, MA 02554

WELCH MARCIA P TR
1000 BEACH RD #197
VERO BEACH, FL 32963

DRUCKER JEANMARIE TRST ETAL
1192 PARK AVE # 15A
NEW YORK, NY 10128

LECOURS ROBERT & WUNDERLICH DAVID
4405 LELAND ST
CHEVY CHASE, MD 20815

L TEAL SZIKLAS COLLITON TR ETAL
HARRIET BACKUS IRREVOCABLE TRUST
28 UNION STREET
LEBANON, NH 03766

CALLAHAN PETER & JOSEPHINE SASSO
310 E HOUSTON ST PH1
NEW YORK, NY 10002

NOPPER RICHARD E
PO BOX 27
CHESTER SPRINGS, PA 19425

BEAUGRAND KENNETH L & AUGUSTA B
1 FARMER ST
NANTUCKET, MA 02554

DOWSETT ROBERT J & HALLEY SUSAN E
4 LANGLEY PARK
FARMINGTON, CT 06032

JOHNSON CHARLES B TRST
1220 SOUTH OCEAN BLVD
PALM BEACH, FL 33480-5016

GRISWOLD, BENJAMIN H IV & WENDY
2838 BUTLER RD
GLYNDON, MD 21071

GRISWOLD, BENJAMIN H IV & WENDY
2838 BUTLER RD
GLYNDON, MD 21071

WITMER RICHARD H TR
DARLING STREET NOM TRUST
6 DARLING ST
NANTUCKET, MA 02554

WALLER WILLIAM A TRUSTEE
WALLER FAIR STREET NOM TRUST
42 FAIR ST
NANTUCKET, MA 02554

ROACH GEORGE E & MARIA
PO BOX 228
POUND RIDGE, NY 10516

TROUTMAN ANNE W ETAL
41 FAIR ST
NANTUCKET, MA 02554

STATZER LOUIS & TRACEY HOPPE
641 POINCIANA DR
FT LAUDERDALE, FL 33301

KILVERT CHARLES A III & EMILY H
4 DARLING ST
NANTUCKET, MA 02554

CAPONIGRO CHRISTOPHER & PATRICIA
24 LLOYD ROAD
BERNARDSVILLE, NJ 07924

LEE THEODORE ALLEN
25 BRIMMER ST #2
BOSTON, MA 02108

HELFRICH JAMES A & CYNTHIA F
37 FAIR ST
NANTUCKET, MA 02554

SEAY WILLIAM H JR & CAROLYN
3709 NORMANDY AVE
DALLAS, TX 75205-2104

26 PLEASANT STREET LLC
C/O COPLEY MNGT & DEV CORP
896 BEACON STREET
BOSTON, MA 02115

GIFFORD WHITNEY A TR
C/O TWENTY-SEVEN PINE ST NOM TRUST
PO BOX 444
NEW VERNON, NJ 07976

31 PINE ST NOMINEE TRUST
DOCKERTY ROBERT J TR
3000 N OCEAN BLVD
GULF STREAM, FL 33483

LUCY GIOVANNA
1850 SOUTH OCEAN DR # 3301
HALLANDALE BEACH, FL 33009

MACAIRE MARY ADAIR
36 PINE ST
NANTUCKET, MA 02554

TUCK JEROME M & RICHARD L TRST
68 HARVARD STREET
BROOKLINE, MA 02146

HEDAA MARYANN G
THE DUNHILL
401 EAST 84TH ST APT 16B
NEW YORK, NY 10028

CALLAWAY JAMES G JR & MARY C
549 WEST 123RD ST APT # 13A
NEW YORK, NY 10027-5039

BRISKMAN SUSAN TRST ETAL
20 CHAPEL ST APT C909
BROOKLINE, MA 02446

CATINO DIANE TRS ETAL
12 BEECHWOOD CIR
BRIDGEWATER, MA 02324

CRAIG RYAN P & LINDSAY
5930 WARM MIST LN
DALLAS, TX 75248

TAYLOR SUZANNE TRST
SUZANNE TAYLOR TRUST
33 PINE STREET
NANTUCKET, MA 02554

MACDONALD GREGORY TR
35 PINE STREET TRUST
174 MANSFIELD AVE
DARIEN, CT 06820

FOUR TUCK LLC
7292 MILL SPRING DR
AMBLER, PA 19002

POMERANZ DIAN M & JAMES L
265 FARMS VILLAGE RD
WEST HARTFORD, CT 06107

10 LYONS STREET LLC
C/O NEW URBAN PART LLC
109 CHESTNUT STREET # 5
BOSTON, MA 02108

HARTMANN JAMES J TR
HARTMANN JAMES J REVOCABLE TRUST
346 HOBART AVE
SHORT HILLS, NJ 07078

8 LYON STREET LLC
PO BOX 367
ROYAL OAK, MD 21662

WELTON CHARLES E TRST
C/O COHN PATIENCE WELTON
2679 KEY LARGO LN
FT LAUDERDALE, FL 33312

HENDRICKS JOHN R & GREER K
1212 FIFTH AVENUE
NEW YORK, NY 10029

NASTOU, ROGER G & MAUREEN B
7 BREMER CIRCLE
HINGHAM, MA 02043

HAIGHT, RICHARD GORDON JR
49 WORCESTER ST #2
BOSTON, MA O2118

SENECAL PAUL RAYMOND TRST
PLEASANT ST NOM TRUST
PO BOX 834
NANTUCKET, MA 02554

25 ACK LLC
1502 HAMPTON RD
CHARLESTON, WV 25314

WIANNO GETAWAY LLC
340 PARKER ROAD
OSTERVILLE, MA 02655

CHANG JAE W
2ND FLOOR VIEW MANSION
MID-LEVELS HONG KONG,

HALSTED BARBARA
14 LYON STREET
NANTUCKET, MA 02554

HANLON FRANCIS P
34 PLEASANT ST
NANTUCKET, MA 02554

SOPHONWATTANA CHAI
41 PINE ST
NANTUCKET, MA 02554

MUYSKENS JOHN III & CARA M TRS
461 MAIN ST
ACTON, MA 01720

ABDULLA, SAMATHA & ANTHONY
82 GEORGETOWN RD
BOXFORD, MA O1921

DONATO, MARK TR
SCONSET MARKET REALY TR
P. O. BOX 19
SIASCONSET, MA O2564

BJK LLC
6004 FLOWERDALE CT
MYRTLE BEACH, FL 29579

HOFFMAN CHRISTIAN M & MARY DONNA
17 CLIFF ROAD
WESTON, MA 2493

HOOPER ARTHUR W JR TRST
36 PLEASANT ST TRUST
2 SETTLERS TRAIL UNIT 1
DARIEN, CT 06820

GRAY CAT LLC
C/O ELZAY MICHAEL P
419 EAST 57TH ST APT 10C
NEW YORK, NY 10022

UHRAN GEORGE M & ALBERTA L
ANTHONY WAYNE RD
MORRISTOWN, NJ 07960

BEARDSLEY DAVID A & WENDY J TR
37 WAINWRIGHT AVE
CLOSTER, NJ 07624

CAUCHON MARK P
322 PEDRO STREET
VENICE, FL 34285

CORSAIR INVESTMENTS LLC
547 PRIMROSE WAY
LOUISVILLE, KY 40206

ROSSKAM DAVID D
4206 37TH ST NW
WASHINGTON, DC 20008

WEINMAN RHODA H TRST
C/O PENN WENDY & JOHN
377 RYDER RD
MANHASSET, NY 11030

DI GRAVIO VICKER V TRST ETAL
129 GUN HILL ST
MILTON, MA 02186

PAULSON, JAMES
UYEN CHAN NOM TRUST
203 VIRGINIA HILLS DR
MARTINEZ, CA 94553

End of Packet