

Nantucket Zoning Board of Appeals



PUBLIC NOTICE

A **PUBLIC HEARING** of the **NANTUCKET ZONING BOARD OF APPEALS** is scheduled for **12:00 PM** on **Monday, November 22, 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 each 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 nsheriff@nantucket-ma.gov. Written comments for the November 22, 2021 meeting received by 12:00 PM on Monday, November 15, 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

TIMOTHY GREEN, FILE NO. 23-21

STEVEN COHEN, TRUSTEE OF THE 6 VILLAGE WAY REALTY TRUST & TRUSTEE OF THE 37 POCOMO ROAD REALTY TRUST, FILE 24-21

JOHN J. BARRY AND NANCY J. BARRY, FILE NO 25-21

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).

CRH 46 Surfside LLC**File No. 29-21**

Applicant is appealing the action and determination of the Building Commissioner relative to the issuance of a cease and desist letter and refusal to grant a Certificate of Occupancy for the structure. At issue is whether or not the proposed use of the structure is compliant with the “contractor’s shop” use as allowed in the Major Commercial Development special permit issued by the Planning Board or whether the proposed use constitutes a commercial laundry. Locus is situated at 46 Surfside Road, shown on Assessor’s Map 67 as Parcel 120.3 and upon Land Court Plan 26439-Z. Evidence of owner’s title is recorded at Certificate of Title No. 27187-Z on file at the Nantucket County Registry District of the Land Court. The site is zoned Commercial Neighborhood (CN).

Anne Dewez, et. al (as Applicants)**File No. 30-21**

Applicants are appealing the determination of the Zoning Enforcement Officer that a structure at 103 Main Street conforms to the definition of hot tub/spa in Zoning Bylaw Section 139-2A. Locus is situated at 103 Main Street, shown on Assessor’s Map 42.3.3 as Parcel 153, and as Lot 2 upon Plan File 04-48. Evidence of owner’s title is recorded in Book 1494, Page 211 at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

James A. and Susan G. Genthner, Trustees of the James A. Genthner Trust and the Susan G. Genthner Trust**File No. 31-21**

Applicant is seeking a variance pursuant to Zoning Bylaw Section 139-A and 139-32 to exceed the maximum allowable ground cover ratio of 7%. Locus is situated at 128 Surfside Road, shown on Assessor’s Map 80 as Parcel 299.1 and as Lot 3 upon Land Court Plan 40394-B. Evidence of owner’s title is registered on Certificate of Title No. 28319 on file at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

H.C. Bowen Smith, Trustee of Four Lowell Place Nominee Trust**File No. 32-21**

Applicant is seeking a modification to a previously granted special permit to increase the pre-existing nonconforming ground cover in order to construct additions to the existing structure. Locus is situated at 4 Lowell Place, shown on Assessor’s Map 41 as Parcel 168 and in Plan Book 19, Page 26. Evidence of owner’s title is recorded in Book 1390, Page 271 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).

Sea Daze, LLC**File No. 33-21**

Applicant is seeking a modification to a previously granted special permit to alter the pre-existing nonconforming structure in order to place a new foundation under the existing dwelling and to increase the height of a gable located within the side yard setback. Locus is situated at 27 Baxter Road, shown on Assessor’s Map 49.2.3 as Parcel 10 and as Lot 29 in Plan Book 2, Page 52. Evidence of owner’s title is recorded in Book 1269, Page 202 on file at the Nantucket County Registry of Deeds. The site is zoned Siasconset Residential 20 (R-20).

Jason P. and Brian P. Hafler**File No. 34-21**

Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A to demolish and reconstruct a pre-existing nonconforming use (residential swimming pool). Locus is situated at 71 North Liberty Street, shown on Assessor’s Map 71 as Parcel 141.1 and as Lot 2 in Plan File 23-B. Evidence of owner’s title is recorded in Book 335, Page 195 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Hugh and Kelly Mahon Johnston**File No. 35-21**

Applicant is seeking a modification/clarification to a previously granted special permit in order to convert a portion of the garage structure to a second dwelling unit. Locus is situated at 76 Polpis

Road, shown on Assessor's Map 43 as Parcel 177 and on Plan No. 2014-30. Evidence of owner's title is recorded in Book 1766, Page 20 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General (LUG-3).

Cathy Ward (as Applicant)

File No. 36-21

Applicant is appealing a determination by the Building Commissioner that the use of 9 West Dover Street as a short-term rental ("STR") business is not a commercial use prohibited in the residential zone in which it is located. Applicant requests that the Zoning Board of Appeals overturn the Commissioner's determination with respect to the property and further that zoning enforcement action be taken by issuing an order to the owner to cease and desist using the property as an STR. The Locus is situated at 9 West Dover Street, is shown on Assessor's Map 55.1.4 as Parcel 189 and in Plan Book 7, Page 29. Evidence of title is recorded in Book 1581, Page 238 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Minutes

10-14-21

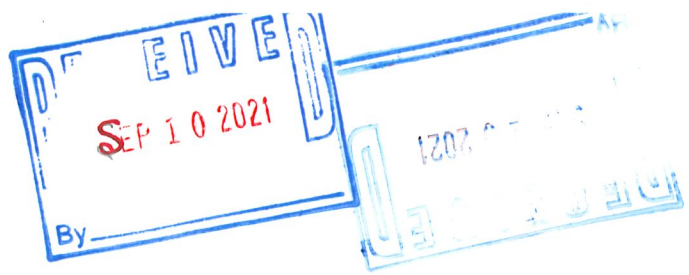
Old Business

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: timothyjohnngreene@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 ☒ 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

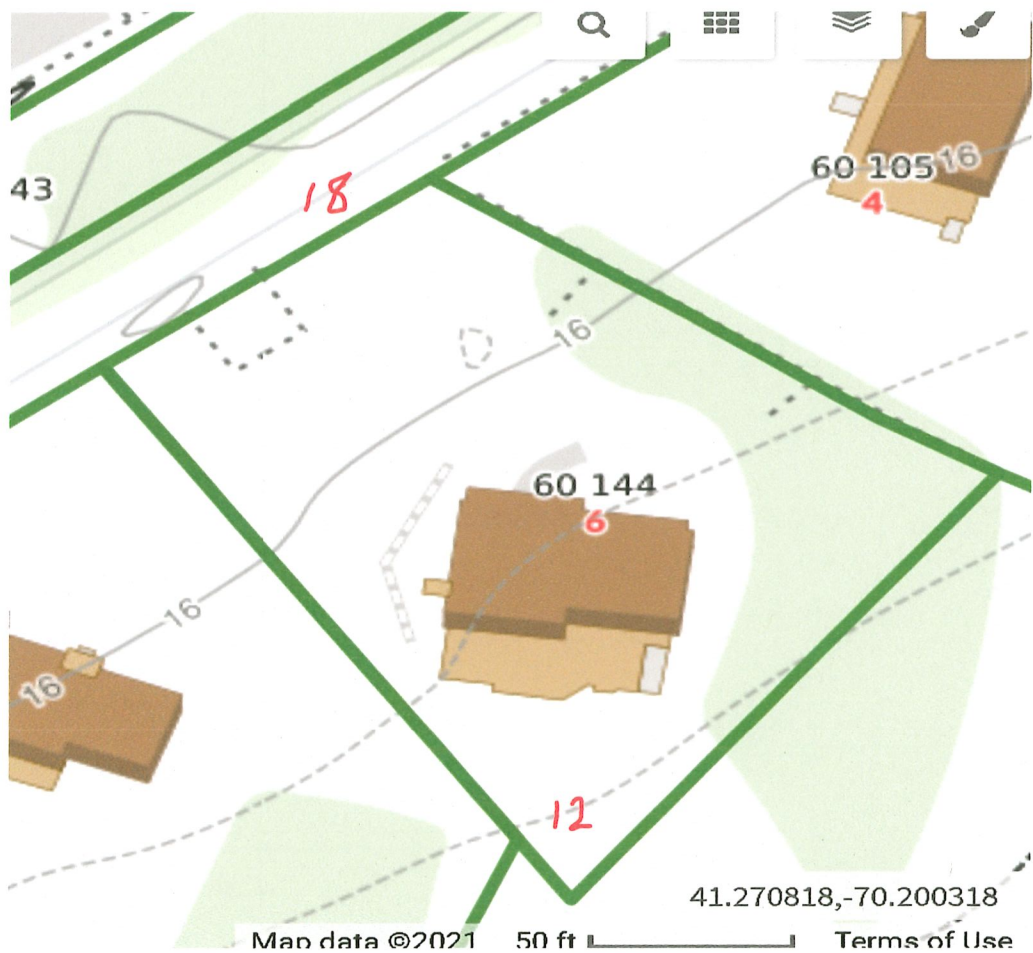
ADDENDUM

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.



2 Fairgrounds Road

Nantucket

Massachusetts

02554

508-228-7215 telephone



2 Fairgrounds Road Nantucket
508-228-7215 telephone

Massachusetts
508-228-7215

02554

VIEW FROM MACY ROAD



**2 Fairgrounds Road Nantucket
508-228-7215 telephone**

**Massachusetts
508-228-7215**

02554



2 Fairgrounds Road Nantucket
508-228-7215 telephone

Massachusetts

02554

508-228-7215



2 Fairgrounds Road Nantucket
508-228-7215 telephone

Massachusetts

02554

508-228-7215

08-4410

Proposed HDC Minutes for May 25, 2021

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 Meryl Bralower, 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 1 st -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: HDC 2021-08-4410 DATE ISSUED: 5/25/2021

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

CERTIFICATE OF APPROPRIATENESS
for structural work.

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: NEEDUEMAN, ERIC
Mailing Address: 19 EAST BATTERY
CHARLESTON, SC 29401
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____
Mailing Address: ATLANTIC LANDSCAPING
6 MARBLE WAY, NANTUCKET MA 02554
Contact Phone #: 508 367 3012 E-mail: _____
lms@atlanticlandscapinginc.com

FOR OFFICE USE ONLY

Date application received: 3/16/2021 Fee Paid: \$ 200
Must be acted on by: 4/25/2021 7/31/2021
Extended to: _____
Approved: ✓ Disapproved: _____
Chairman: _____
Member: Rgo
Member: Rgo
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 VP) ☐ Roof ☐ Other FIREPIT, BUESTONE CORNERS & 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: _____ BUESTONE 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 REVISIONS East Elevation _____ East _____ West _____

Additional Remarks

Historic Name: _____ (describe) 2. South Elevation
Original Date: _____ 3. West Elevation
Original Builder: _____ 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 PIEDSTONE W/CAP

* Note: Complete door and window schedules are required.

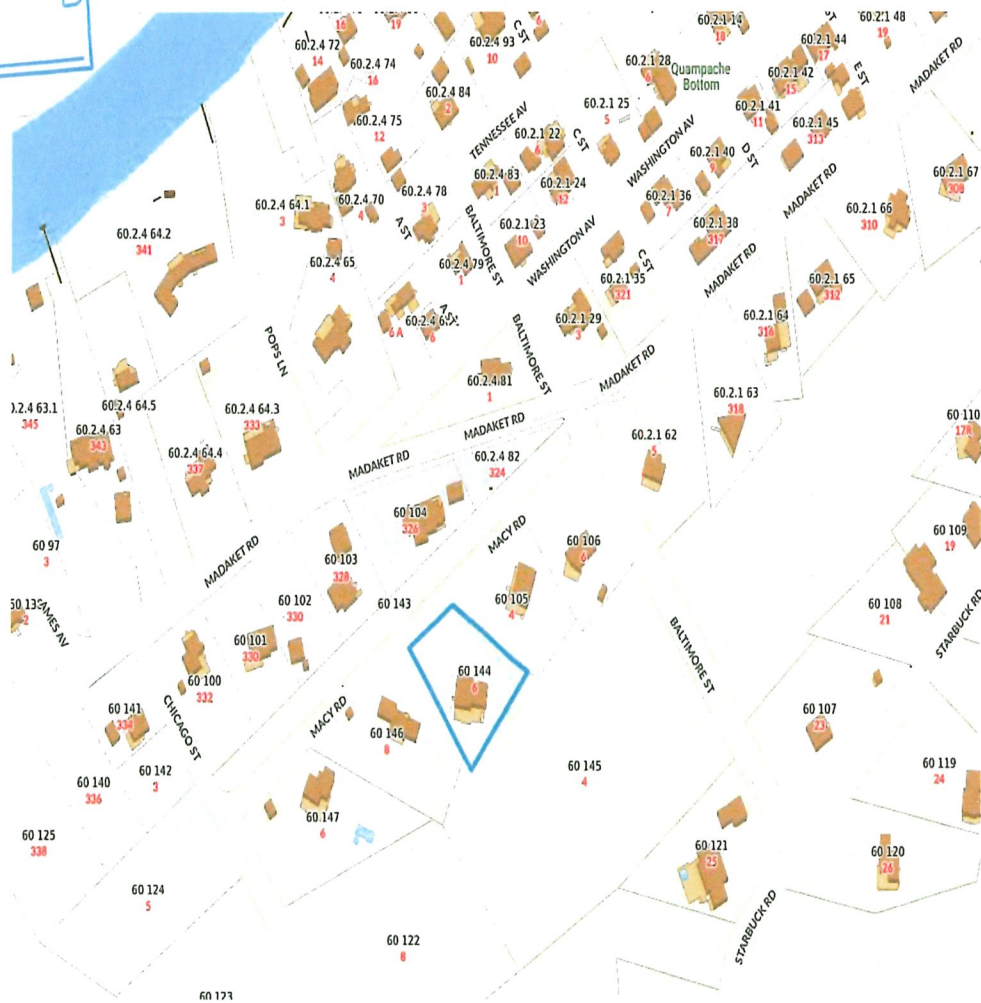
COLORS

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 that 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



1 LOCUS M-60 P-144

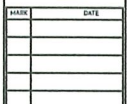


MARK	DATE

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



HDC Site Plan

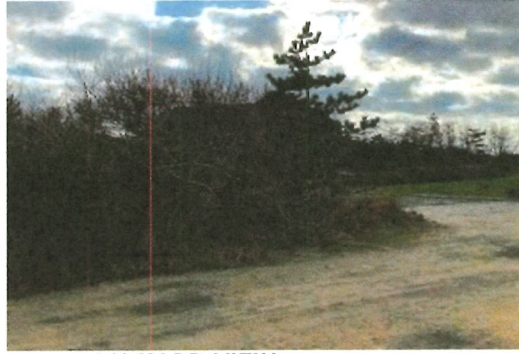
Landscape at
6 Macy Rd
Nantucket, Ma.
02554

M: 60
P: 144
Zoning: VR
Front Setback: 20
S&R Setback: 10
Scale: As Noted
Plotted: 4/21/21
Drawing No.:

HDC-B



4 6 MACY RD



2 6 MACY RD VIEW 1



3 6 MACY RD VIEW 2



1 6 MACY RD VIEW 3

atlantic
LANDSCAPING, INC.

DATE	TIME

HDC Site Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554
M: 40
P: 144
Zoning: V8
Front Setback: 20
S&B Setback: 10
Scale: As Noted
Plotted: 4/20/01
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.

DATE	TIME

HDC Materials Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554
M: 40
P: 144
Zoning: V8
Front Setback: 20
S&B Setback: 10
Scale: As Noted
Plotted: 4/20/01
Drawing No.:

HDC - D

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

UdL	lot	lotOut	Owner Full Name	Co-Owner Full Name	Address Line 1	Ct	St	Zip	Location
62	19		MAHAKET LAND TRUST		P O BOX 587	MAHAKET	MA	02554	3 BALTIMORE ST
62	44		MAHAKET CONSERVATION LAND TRUS	C/O KENNETH LIMOSKY	P O BOX 587	MAHAKET	MA	02554	100 HICKORY ST
62	101		ALFIO RO EDUARDO LE PATRICIA		P O BOX 587	50 UTH HADLEY	MA	01075-0537	300 MAHAKET RD
62	102		ALFIO RO EDUARDO LE PATRICIA		P O BOX 587	50 UTH HADLEY	MA	01075-0537	300 MAHAKET RD
62	103		HERNANDEZ JOHNN PATRICK ETAL		25 NO RTHERN AVE APT# 1910	BOSTON	MA	02210	323 MAHAKET RD
62	104		ANDERSON ONEHMAN TRUSTEE	ANDERSON & NOLINEE TRUST	P O BOX 5244	MAHAKET	MA	02554	325 MAHAKET RD
62	105		MCNOLSON & LAURA TR	4 HADLEY RD REALTY TRUST	338 STRAWBERRY HILL RD 40	ACTON	MA	01720	4 HADLEY RD
62	106		PICCOLLO PAULA ETAL		P O BOX 16	MAHAKET	MA	02554-0216	6 BALTIMORE ST
62	122		MAHAKET CONSERVATION LAND TRUS	C/O KENNETH LIMOSKY	P O BOX 587	MAHAKET	MA	02554	30 HICKORY ST
62	143		TOWN OF MAHAKET		16 BROAD ST	MAHAKET	MA	02554	HADLEY RD
62	144		ORENEE THOTHY		19 BOST BATTERY	CHARLESTON	SC	29401	6 HADLEY RD
62	145		MAHAKET CO CONSERVATION LAND TRUST	C/O KENNETH LIMOSKY	P O BOX 587	MAHAKET	MA	02554	4 BALTIMORE ST
62	146		OALLACHER PHILIP M JR		P O BOX 1071	MAHAKET	MA	02554	3 HADLEY RD
62	147		SMITH DAVID TRUSTEE C/O SCHWABER HARRISON & SEBASTIAN & LEWIS		150 MAHAKET STREET STE 300	PHILADELPHIA	PA	19103	60 HICKORY ST
6221	62		KING WALTER C III		40 RICE RD	WAYLAND	MA	01782	5 BALTIMORE ST
6224	64	3	300 MAHAKET LLC		33 TAYLOR CROSSWAY	BROOKLINE	MA	02445	300 MAHAKET RD
6224	66		HO RAN JEN H TRIST	JIN HO RAN TRUST	40 ELSTER RD 40	CAMSTON	RI	02820	4 WASHINGTON H AV
6224	81		TURNER GREG ROEM III TR	TURNER MICHELLE J TRUST	5 HIDEWAY LANE	DUXBURY	MA	02232	1 WASHINGTON H AV
6224	82		ANDERSON ONEHMAN TRUSTEE	ANDERSON & NOLINEE TRUST	P O BOX 5244	MAHAKET	MA	02554	324 MAHAKET 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
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P O BOX 987
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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,
ASSESSOR'S OFFICE
Assessor's Office

Digitally signed by Mary
Haley, Senior Clerk,
Assessor's Office
Date: 2021.08.20
11:37:51 -04'00'

tbl_u	Lot	Lot Cuf	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	BOSTON	MA	02210	328 MADAKET RD
60	104		ANDERSON GRENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	328 MADAKET RD
60	105		NICHOLSON LAURA TR	4 MACY RD REALTY TRUST	88 STRAWBERRY HILL ROAD	ACTON	MA	01720	4 MACY RD
60	106		PICORILLO 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		18 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	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	JIM 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								

Count:

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
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NANTUCKET, MA 02554

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 P O BOX 5244
 NANTUCKET, MA 02554

**JAYNE C. & BRIAN F.
DEBIASIO**

39 MEADOW VIEW DR.

FILE NO. 06-21

Special Permit



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:

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

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**

2021 MAR 16 PM 1:36

NANTUCKET
TOWN CLERK

PAID
MAR 04 2021
BY: DM 21252

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

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

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*

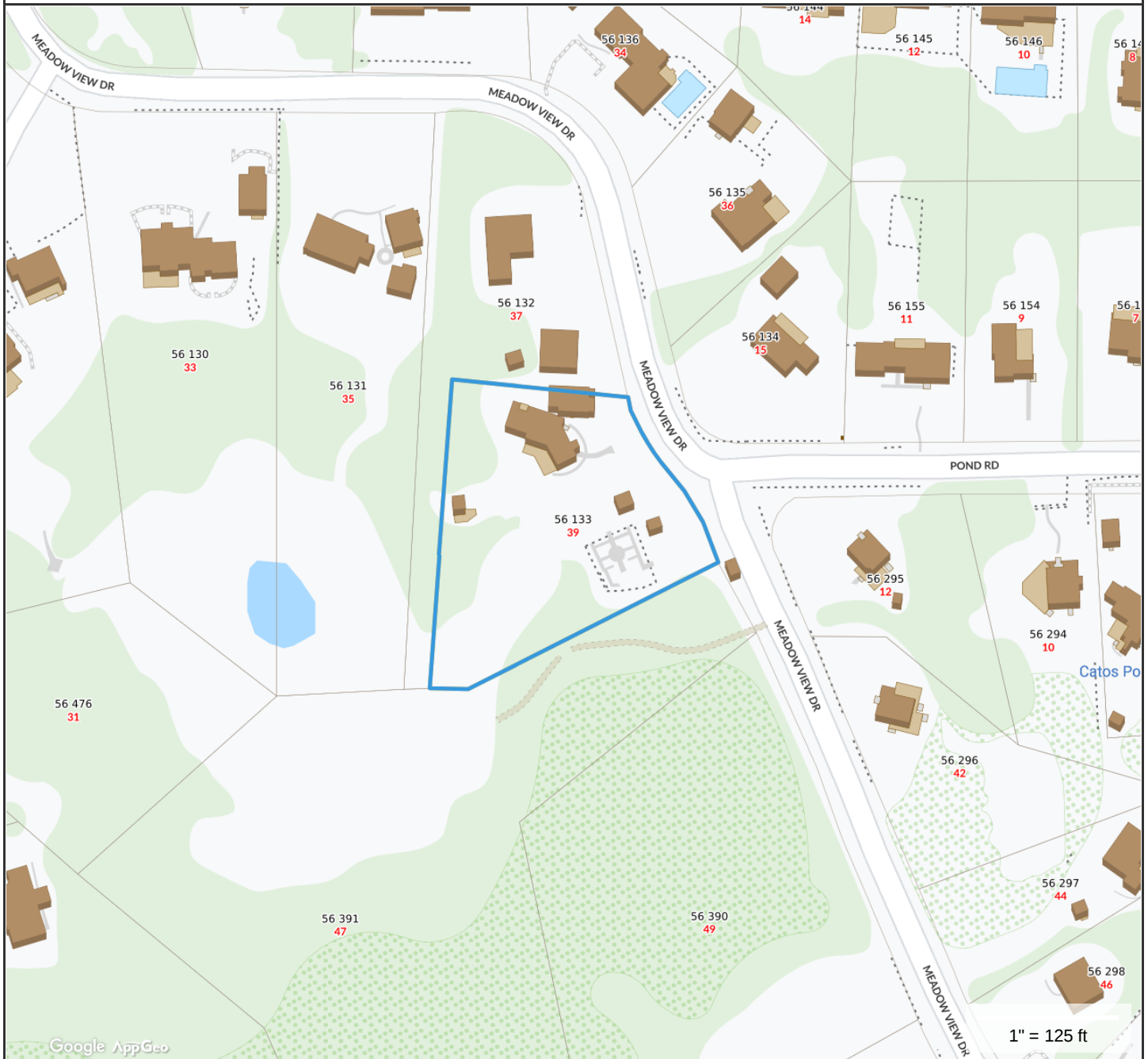
By:

SIGNATURE: *Arthur I. Reade, Jr.* 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: __/__/__

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

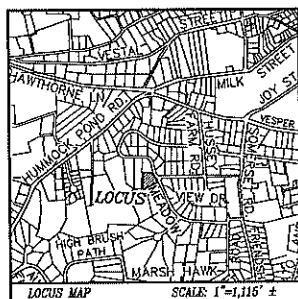
**Property Information**

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



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

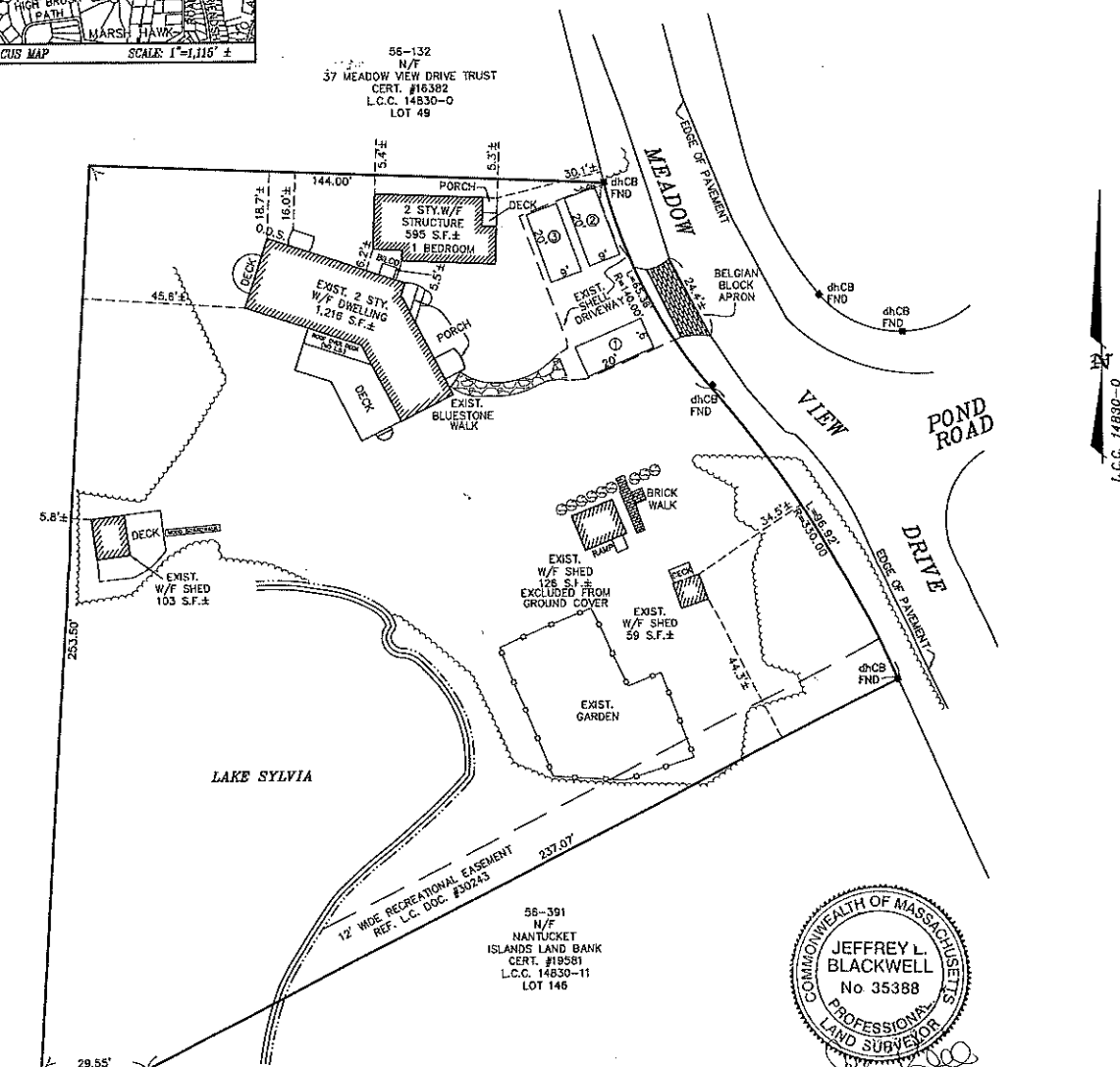
MINIMUM LOT SIZE:	20,000 S.F.	40,764 S.F. ±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER %:	12.5%	4.6% ±

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

LEGEND

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

55-132
N/T
37 MEADOW VIEW DRIVE TRUST
CERT. #16382
L.C.C. 14830-0
LOT 48



55-391
N/T
NANTUCKET
ISLANDS LAND BANK
CERT. #18561
L.C.C. 14830-11
LOT 146

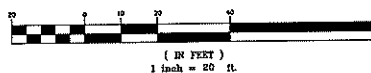


OWNER INFORMATION

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

LOT AREA = 40,764 ± S.F.

GRAPHIC SCALE



BLACKWELL & ASSOCIATES, Inc.

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

SITE PLAN OF LAND

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

JANUARY 07, 2021

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).

2-9-2021

DATE

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'

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
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LONGBOAT KEY, FL 34228

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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.

Ed S. Toole (SAB)

Edward S. Toole, Chairman

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

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

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

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

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

DECISION:

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

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

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

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

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

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

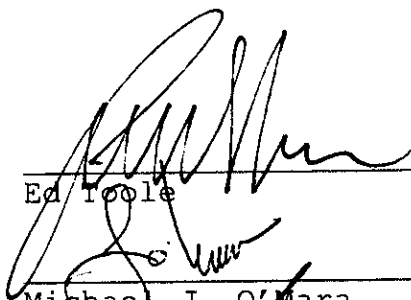
5. Therefore, after a discussion with the Applicant and Counsel for the Applicant, the Board finds that such a Special Permit may be granted to reduce the side yard setback from ten (10) feet to five (5) feet to allow the applicant to site the studio because such a permit would be in harmony with the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

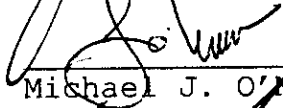
6. Accordingly, by a vote of FOUR in favor and ONE opposed (McCarthy opposed), the Board of Appeals made the finding that a Special Permit reducing the side yard setback from ten (10) feet to five (5) feet could be granted to the Applicant in order to allow the Applicant to site a studio within said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

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

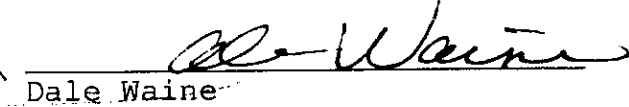
SIGNATURE PAGE TO FOLLOW

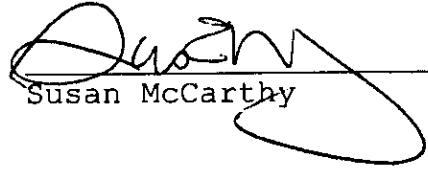
Dated: July 15, 2011


Ed Toole


Michael J. O'Mara


Kerim Koseatac

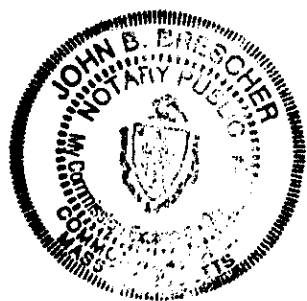

Dale Waine

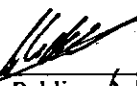

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. July 15, 2011

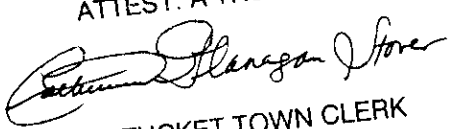
On this 15 day of July, 2011, before me, the undersigned Notary Public, personally appeared Ed Toole, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he she signed it voluntarily for its stated purpose.



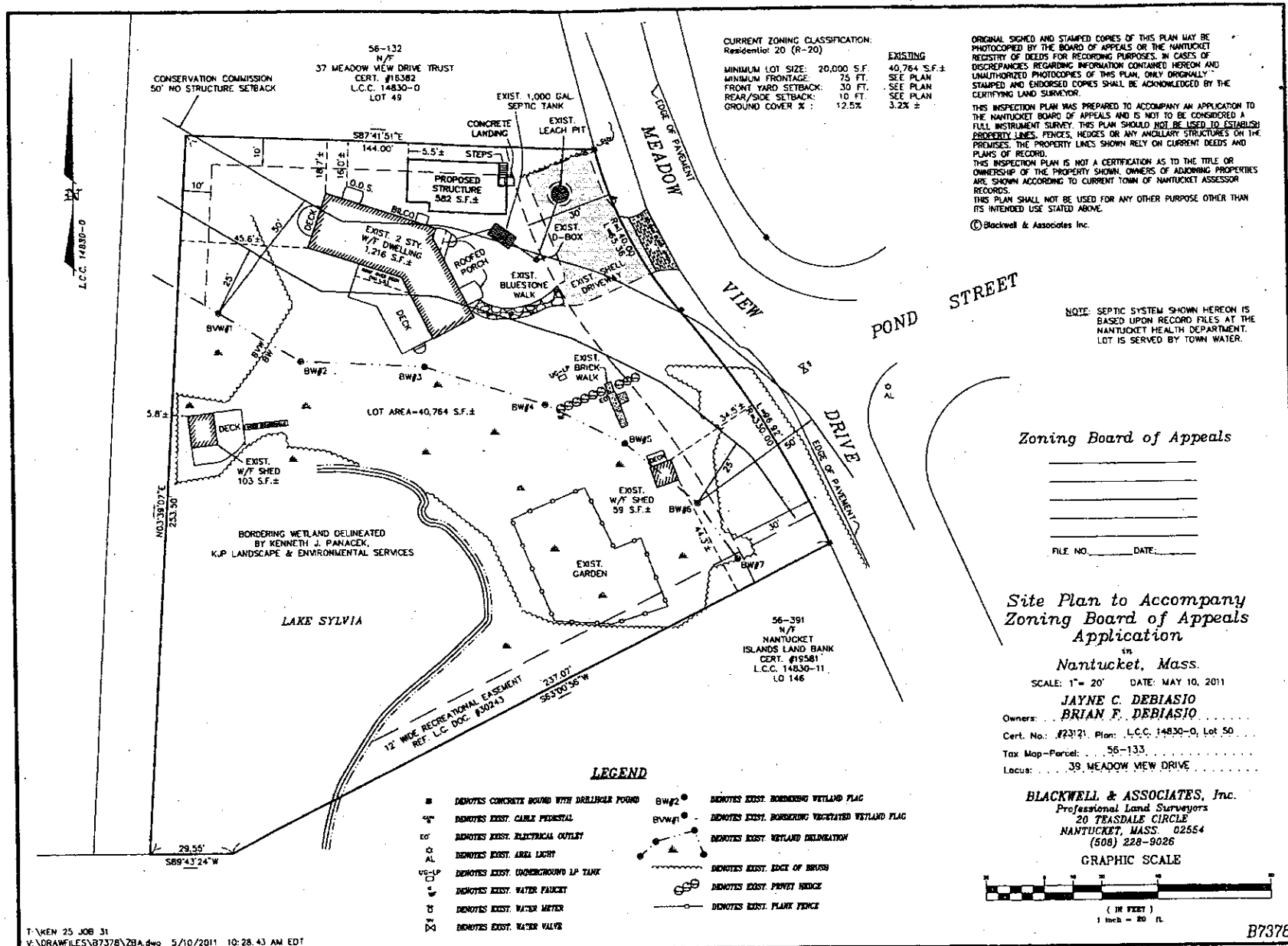

Notary Public: John B. Brescher
My commission expires: 12/31/2012

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

 TOWN CLERK

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

AUG 09 2011





2019 00163564

Cert: 23121 Doc: MSP
Registered: 11/04/2019 03:47 PMNANTUCKET
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.: 25-19Owner/Applicant: JAYNE C. DEBIASIO & BRIAN F. DEBIASIOProperty Description: 39 Meadow View Drive
Map 56, Parcel 133

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

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

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



Eleanor W. Antonietti,
Zoning Administrator

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

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

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

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

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

DECISION:

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

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

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

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

SIGNATURE PAGE FOLLOWS

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

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

Dated: September 12, 2019

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

NOV 04 2019

TOWN CLERK

ATTEST: A TRUE COPY

Nancy R. Holmes
NANTUCKET TOWN CLERK

[Signature]
Edward S. Toole

[Signature]
Michael O'Mara

[Signature]
Geoffrey W. Thayer

[Signature]
Jim Mondani

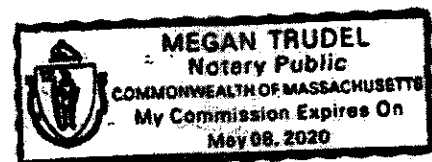
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

[Signature]
Official Signature and Seal of Notary Public

My commission expires: May 6, 2020

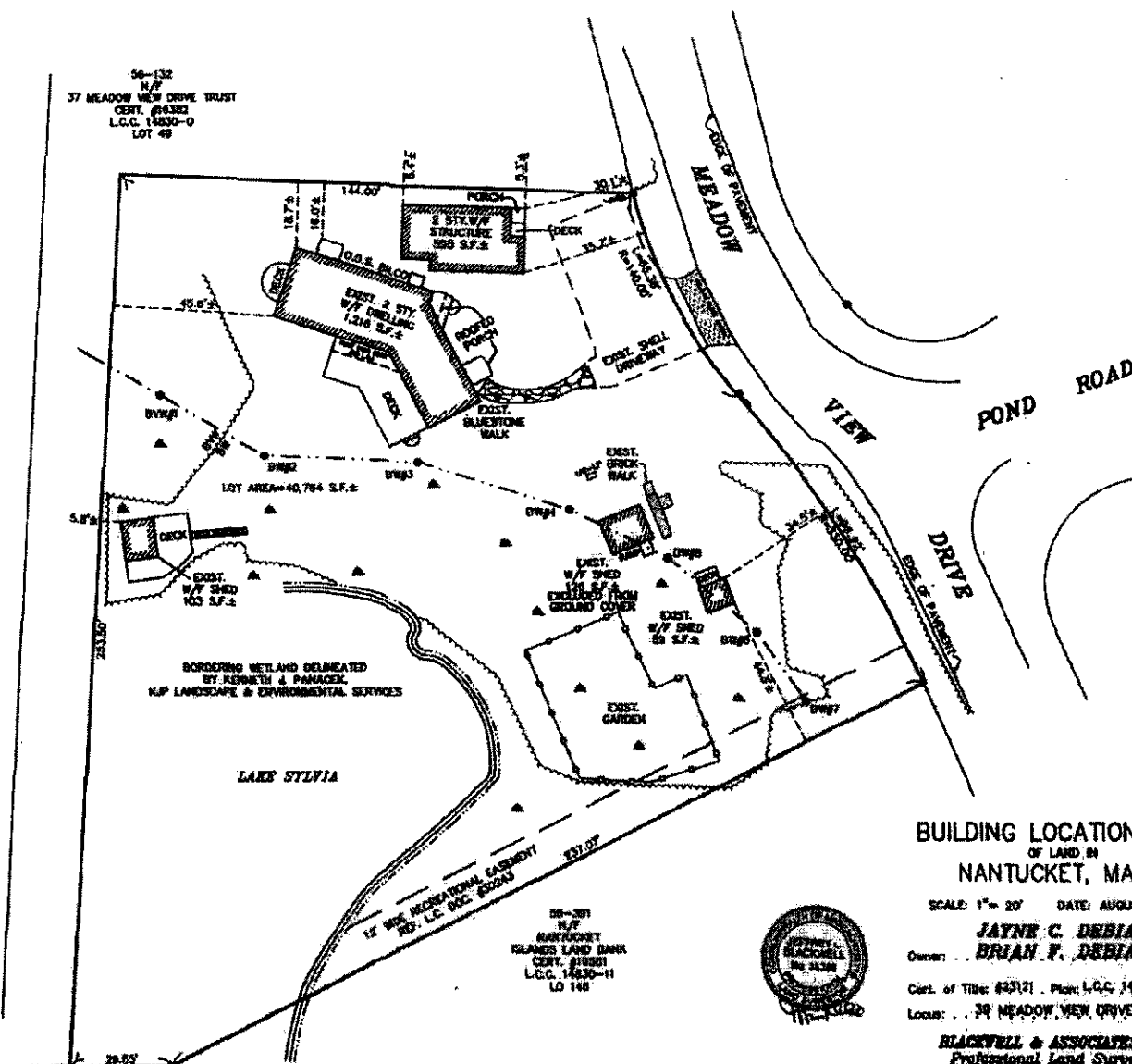


CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

Minimum	Maximum
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.

56-132
N/F
37 MEADOW VIEW DRIVE TRUST
CERT. #0303
L.C.C. 14830-0
LOT 48



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, FENCES OR ANY AUXILIARY 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 ADJACENT PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: . . 36 . . PARCEL: . . 133 . .

T:\CHRS 1.400.8
V:\DRAWINGS\B7378\SEWER CON\ldwg 8/2/2019 8:40:42 AM EDT

BUILDING LOCATION PLAN OF LAND IN NANTUCKET, MASS.

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

JAYNE C. DEBIASIO

Owner: BRIAN F. DEBIASIO

Cert. of Title: #03121 Plan: L.C.C. 14830-0, 147.80

Location: 37 MEADOW VIEW DRIVE

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TRISDALE CIRCLE
NANTUCKET, MASS. 02584
(508) 226-0028



B7378

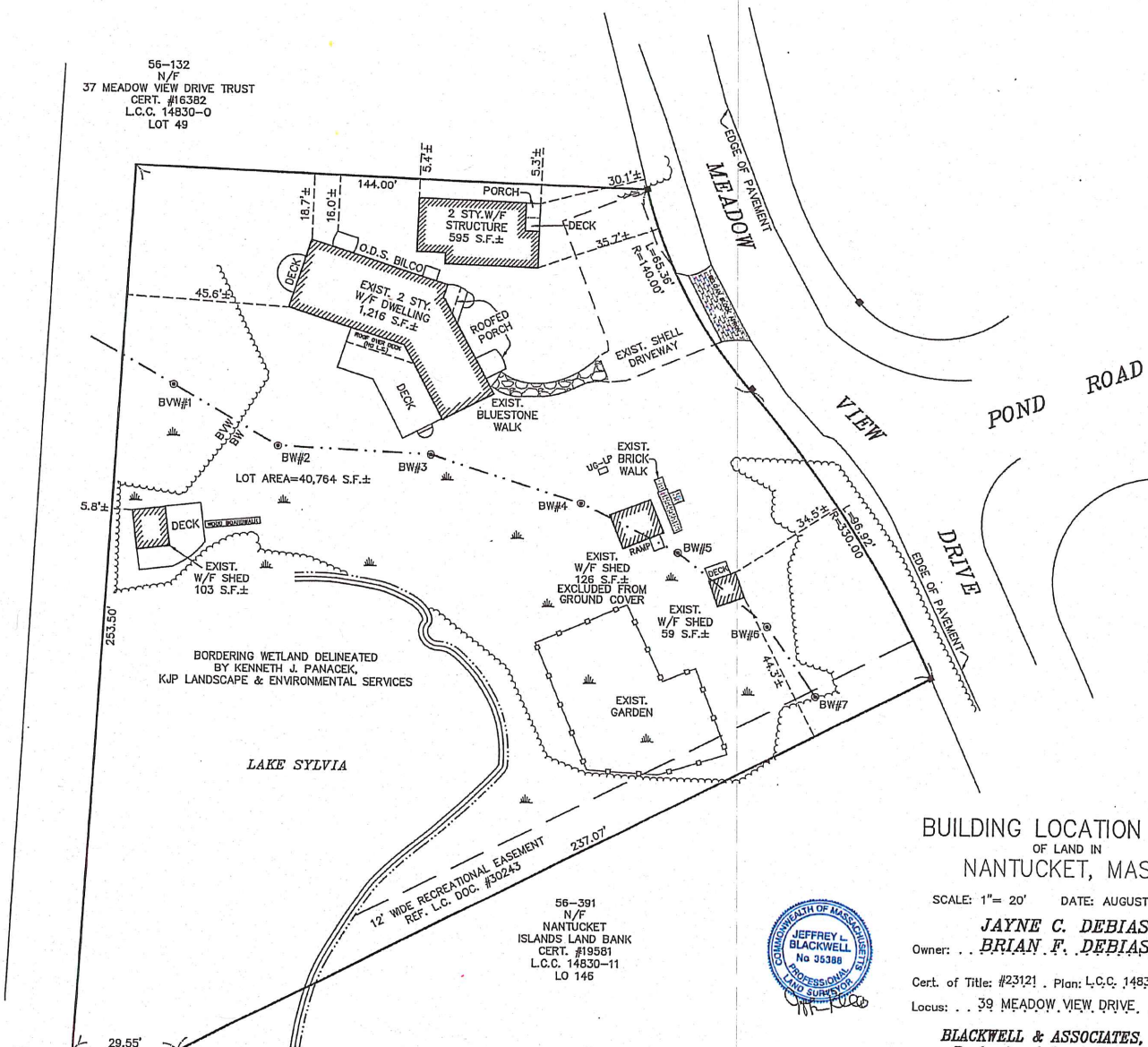
"EXHIBIT A"

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.

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



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

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

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

56-391
N/F
NANTUCKET
ISLANDS LAND BANK
CERT. #19581
L.C.C. 14830-11
LO 145



BUILDING LOCATION PLAN OF LAND IN NANTUCKET, MASS.

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

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

Cert. of Title: #23121 . Plan: L.C.C. 14830-0, LOT 50
Locus: . . 39 MEADOW VIEW DRIVE

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

B7378

"EXHIBIT A"

PLANNING BOARD

FILE # PBDW-2021-010089



NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49



Nantucket Planning Board

APPLICATION FOR A SECONDARY (2ND) DWELLING PERMIT

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

Applicant: Jayne C. DeBiasio and Brian F. DeBiasio

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

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

E-mail Address: air@readelaw.com

Owner (if other than applicant): Same

Mailing address: _____

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

Location of proposed secondary (2ND) dwelling:

Street Address: 39 Meadow View Drive

Assessors Tax Map #: 56 Parcel #: 133

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

Secondary Dwelling # of Bedrooms: 1

Primary Dwelling # of Bedrooms: 3

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

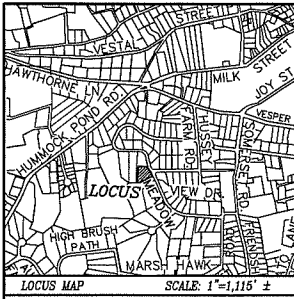
Number of Parking Spaces provided: 3

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

Please provide a brief description of the proposed second dwelling:

PLEASE DO NOT WRITE "SEE ATTACHED."

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



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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

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

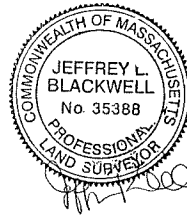
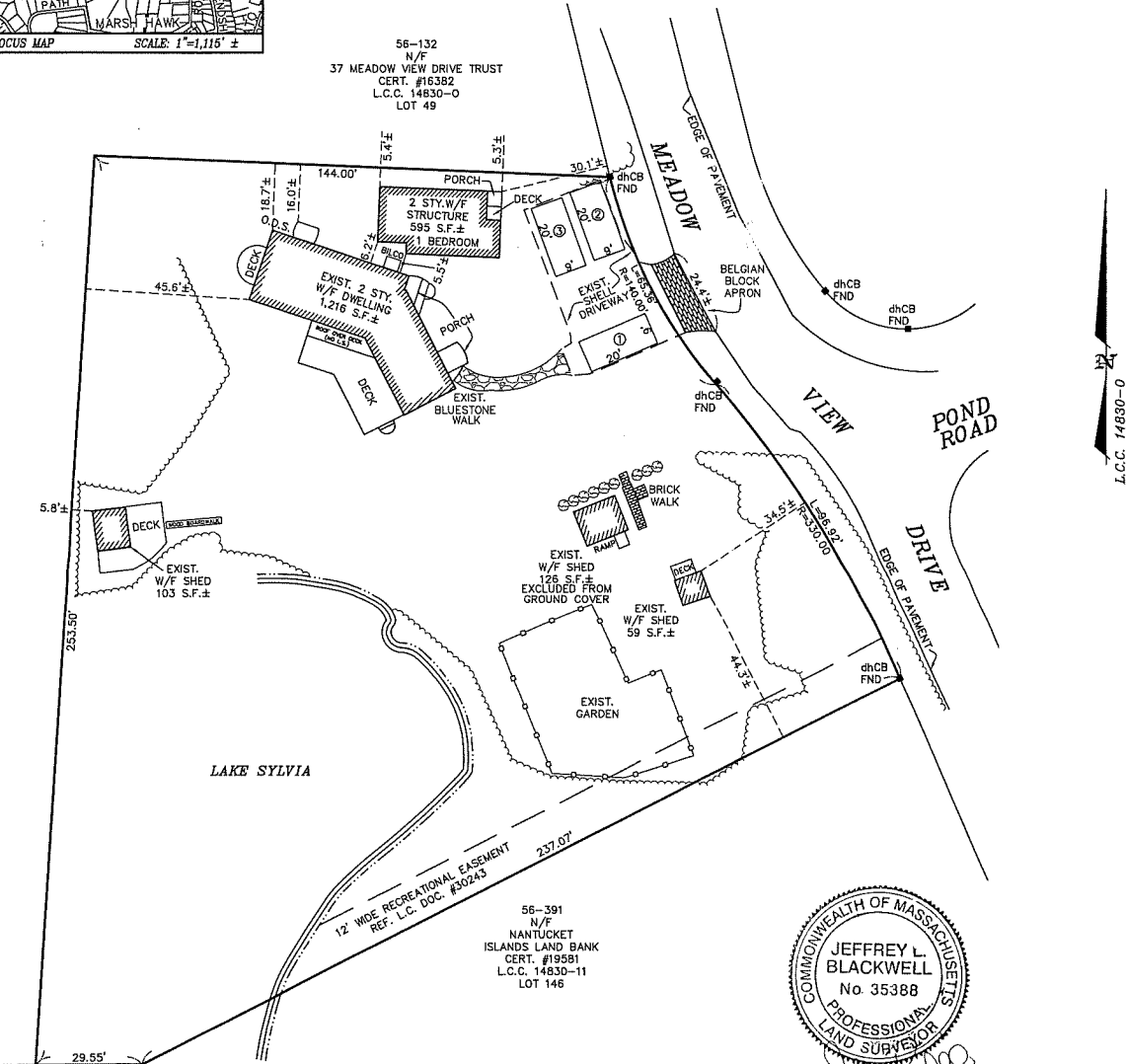
LEGEND

dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND

--- DENOTES EXIST. EDGE OF BRUSH

--- DENOTES EXIST. PLANK FENCE

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

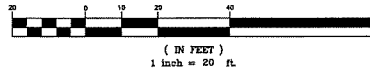


OWNER INFORMATION

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

LOT AREA = 40,764± S.F.

GRAPHIC SCALE



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

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

SITE PLAN OF LAND

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

Design/Drawn by: CLR
Approved by: JLB

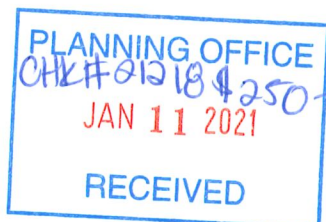
SHEET 1 OF 1

B7378

JANUARY 07, 2021

NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49



Nantucket Planning Board

Application for a Special Permit

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

Name of development: _____

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

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

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

Applicant's name: Same

Mailing address: _____

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

Engineer / surveyor's name: _____

Mailing address: _____

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

Location of lot(s):

☐ Street address 39 Meadow View Drive

☐ Tax Assessors Map 56 Parcel 133

☐ Nantucket Registry of Deeds. Plan Book and Page OR

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

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

Special Permit sought: (check one)

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

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

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

Specify all associated Zoning Code relief sought:

Section	Description
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Planning Board filing fee due: \$ _____

Engineering Inspection Escrow Deposit due: \$ _____

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

JAYNE C. DEBIASIO and BRIAN F. DEBIASIO

By:



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

Applicant's Signature

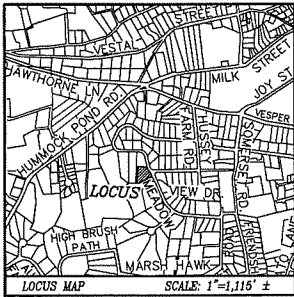
I/we _____, the undersigned, hereby authorize
_____ to act as agent(s) on my/our behalf and to
make any necessary revisions on this filed application as they may be requested by the Board to meet its governing
rules and guidelines.

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)

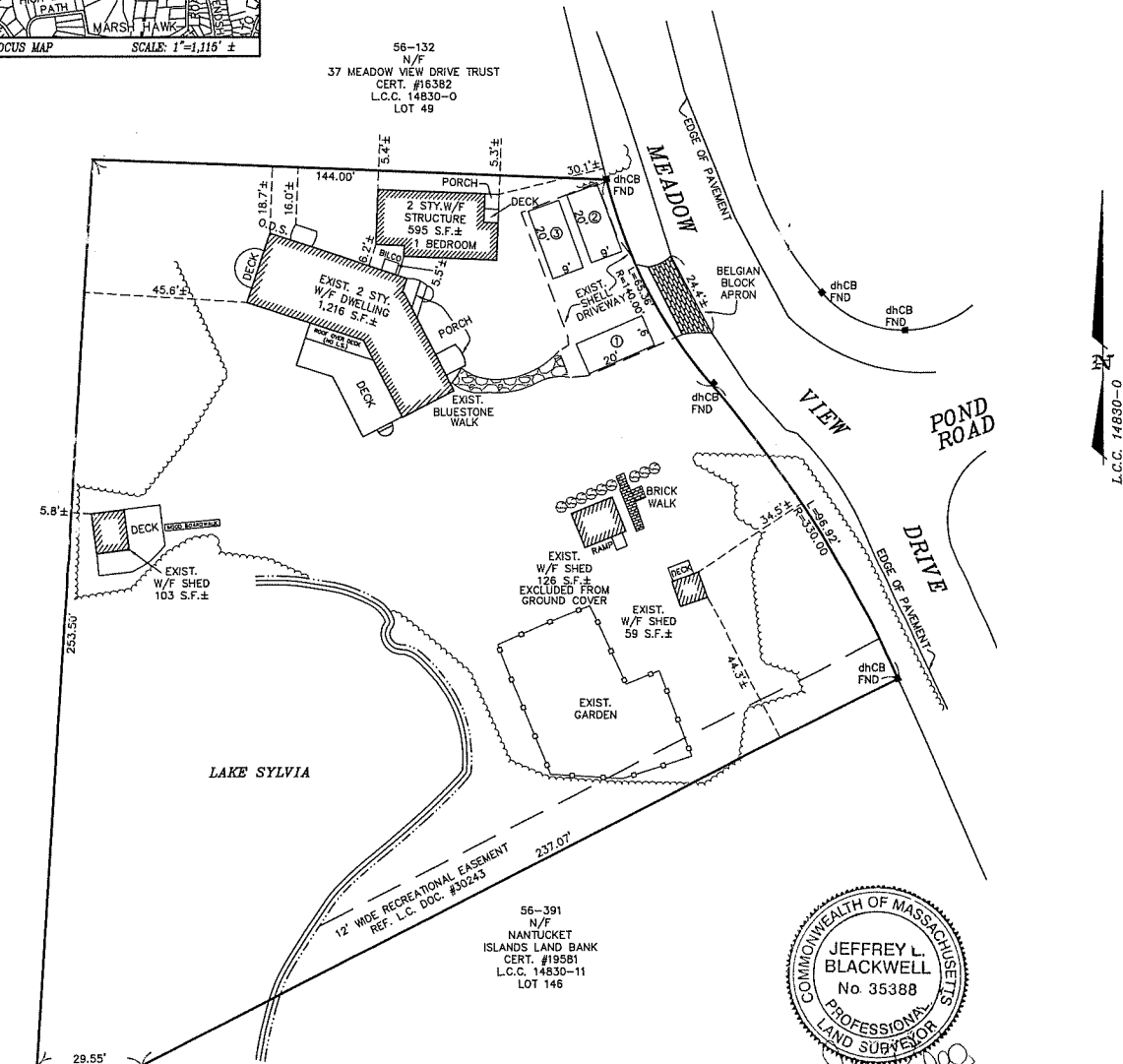
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.*
GROUND COVER %: 12.5%

Existing:
40,764 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
4.8% ±

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

LEGEND

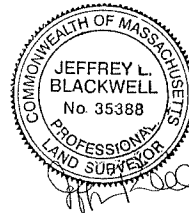
dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
FD ■ DENOTES EXIST. EDGE OF BRUSH
—○— DENOTES EXIST. PLANE TIES



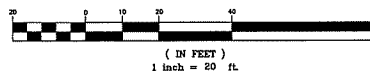
OWNER INFORMATION

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

LOT AREA = 40,764± S.F.



GRAPHIC SCALE



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

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

SITE PLAN OF LAND

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

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

JANUARY 07, 2021

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 filing, 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**



VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALE'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,

A handwritten signature in black ink, appearing to read 'Richard Beaudette', with a stylized, cursive script.

Richard Beaudette

RPB/BJS

Encs.

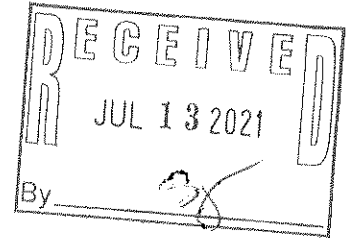
cc:



NANTUCKET
TOWN CLERK

2021 JUL 13 AM 11:02

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



APPLICATION

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 _____

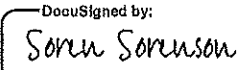
Building Permit Numbers: 964-13, 1499-12, 1500-12, 1458-13, 334-14, 706-14, 2020-12-1103

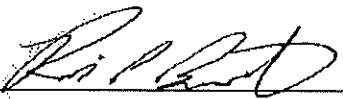
Previous Zoning Board Application Numbers: N/A

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 Sorensen, Manager Owner*
2F6AE24FB1BF4D1...

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 3¹, 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

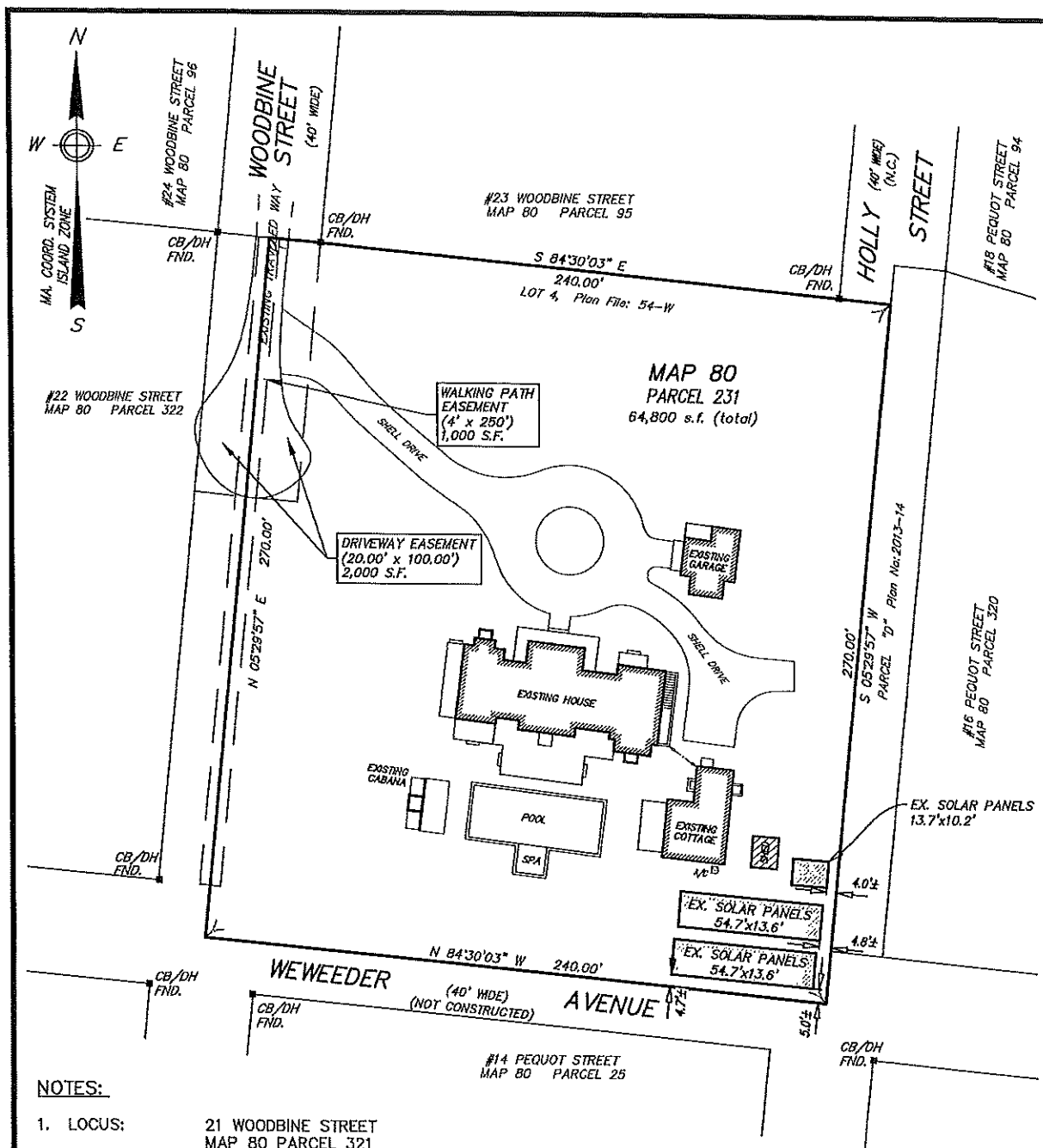
setback areas if necessary. See also Massachusetts General Laws (MGL) Ch. 40A, Sec. 3, para. 9.

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”

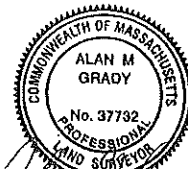


NOTES:

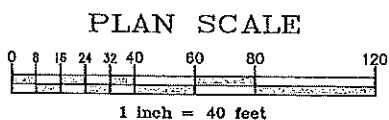
- LOCUS: 21 WOODBINE STREET
MAP 80 PARCEL 321
- OWNER: 21 WOODBINE LLC
5 PILOT ROCK LANE
RIVERSIDE, CT 06878
- DEED REF: Bk:1581 Pg:166 (PARCEL B, 2016-61)
Bk:1342 Pg:75 (LOT 4, PLAN FILE 54-W)
Bk:1409 Pg:327 (PARCEL C, 2013-14)
- PLAN REF: PLAN No.:2017-70
- EASEMENT REF: Bk: 1581 Pg: 172 (DRIVEWAY EASEMENT)
Bk: 1581 Pg: 166 (WALKING PATH EASEMENT)
- 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."



Alan M. Grady
PROFESSIONAL LAND SURVEYOR



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



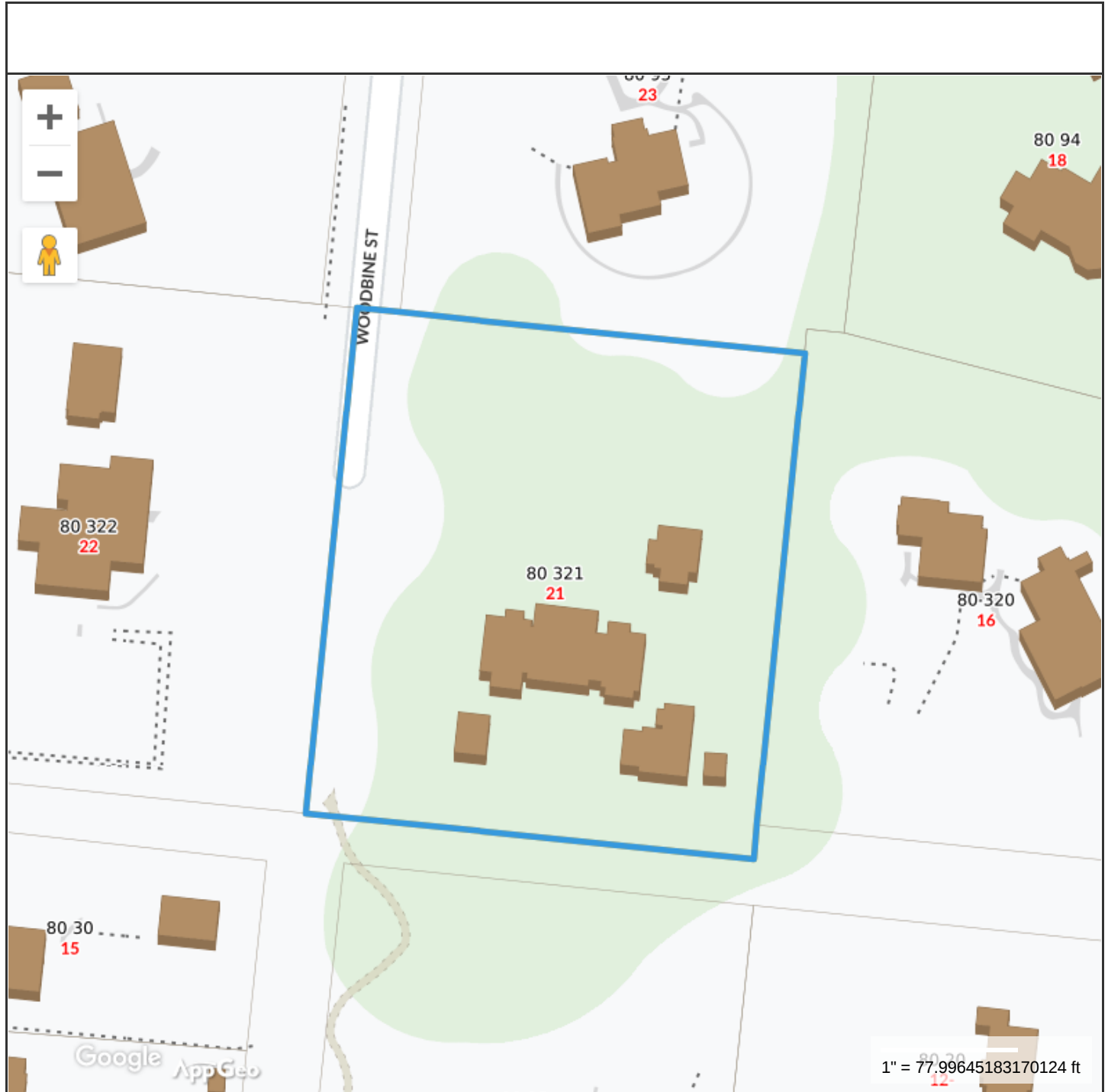
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.328.0044
www.brackeneng.com

SOLAR PANEL AS-BUILT
IN NANTUCKET, MA.

Prepared for:

ACK SMART ENERGY
#21 WOODBINE STREET
MAP 80 PARCEL 231

**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

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
80	18		MJB REALTY LLC		11421 WHIPPOWILL 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		D08W1K8	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 SURF-SIDE PARTNERS LLC		279 CHESTNUT ST	NEWTON	MA	02465	24 WOODBINE ST
80	97		12 WENEIDER 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		PINK JOHN S & ANNE M		592 OLD POST RD	BEDFORD	MA	15006	28 WOODBINE ST
80	275		WISPELWEY CLAUDINE R		526 PARK PLAZA	CHARLOTTESTVILLE	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		MANH KILEY TERRY		14 PLUM ST	NANTUCKET	MA	02554	14 PLUM ST

Count: 22



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 SOKEN
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

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'

ARRAY GROUND MOUNTED

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 _____

H. TYPE OF SEWAGE DISPOSAL

- ☐ Public
☒ Private (septic tank, etc.)

K. ACCESSORY HEAT SOURCE

No. of fireplaces _____

No. of Wood Stoves _____

Other: _____

G. PRINCIPLE TYPE OF HEATING

- ☐ Gas ☐ Electricity
☐ Oil ☐ Heat Pump
☐ Other - Specify _____

I. TYPE OF WATER SUPPLY

- ☐ Public
☒ Private (well)

J. SMOKE DETECTORS

No. of Detectors _____

See Plan for Location

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 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 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: _____ Ground Cover Ratio: _____
Frontage on Street: _____ Side and Rear Setback: _____
Front Yard: _____ Secondary Dwelling approval _____
Additional Comments: _____ Board of Appeals _____
Lot Release Form _____

Date: 12/9/20

APPROVED BY: _____

Zoning Officer

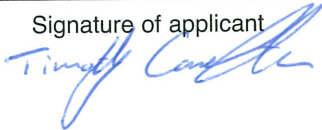
5. IDENTIFICATION - To be completed by all applicants

	Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	SOREN SORENSEN	5 PILOT ROCK LN RIVERSIDE CT	06878	2035505069
2. Contractor	Print Name ZACHARY ROUSSEAU	61040 SOUTH RD #500 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



Address

38 BURNELL ST

Telephone #

781 325 6128

Print name

TIMOTHY CARROTHERS

E-Mail Address:

SOLAK@ACKSUMMIT.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

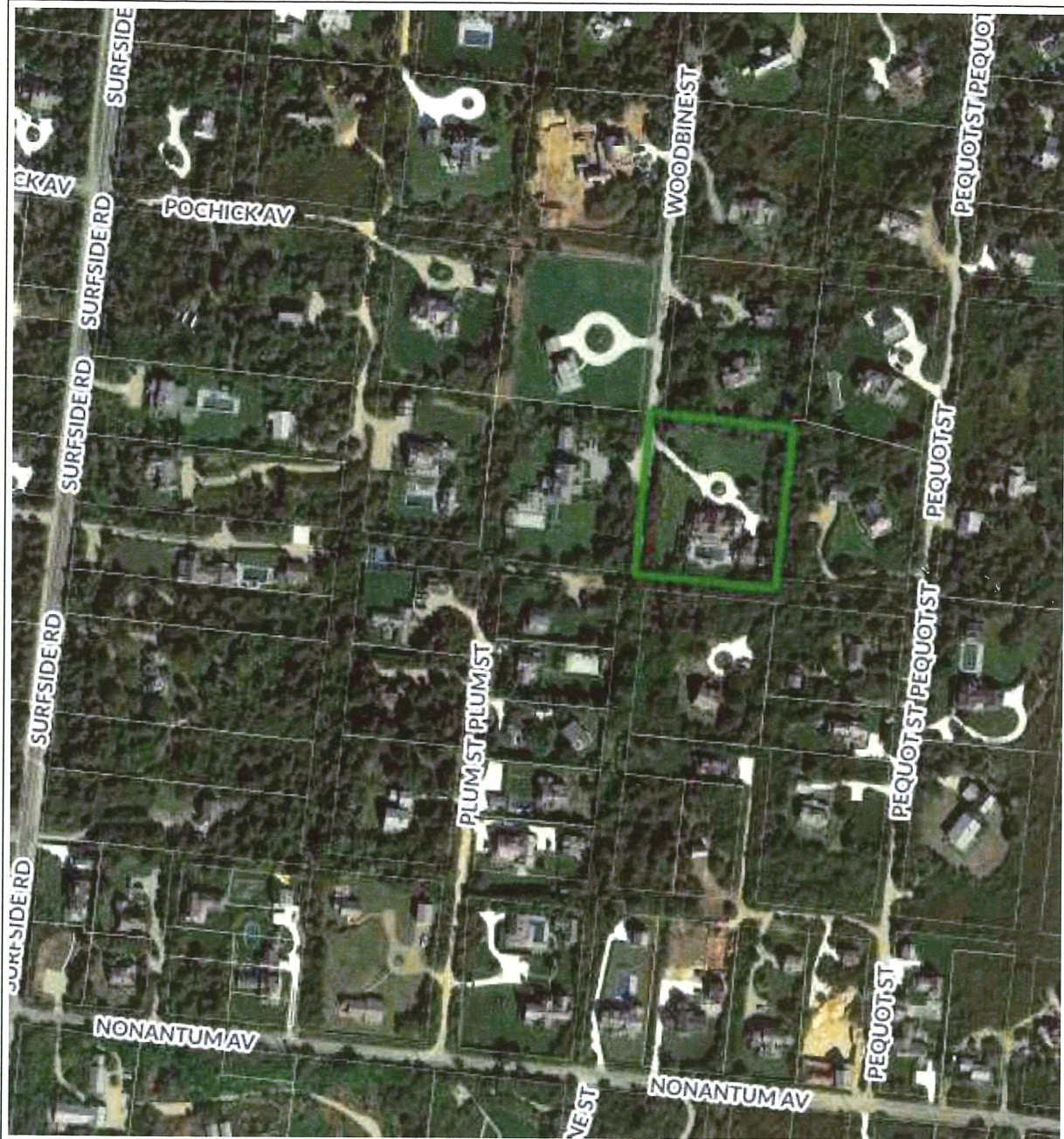
Occupancy Load

Census No.

650

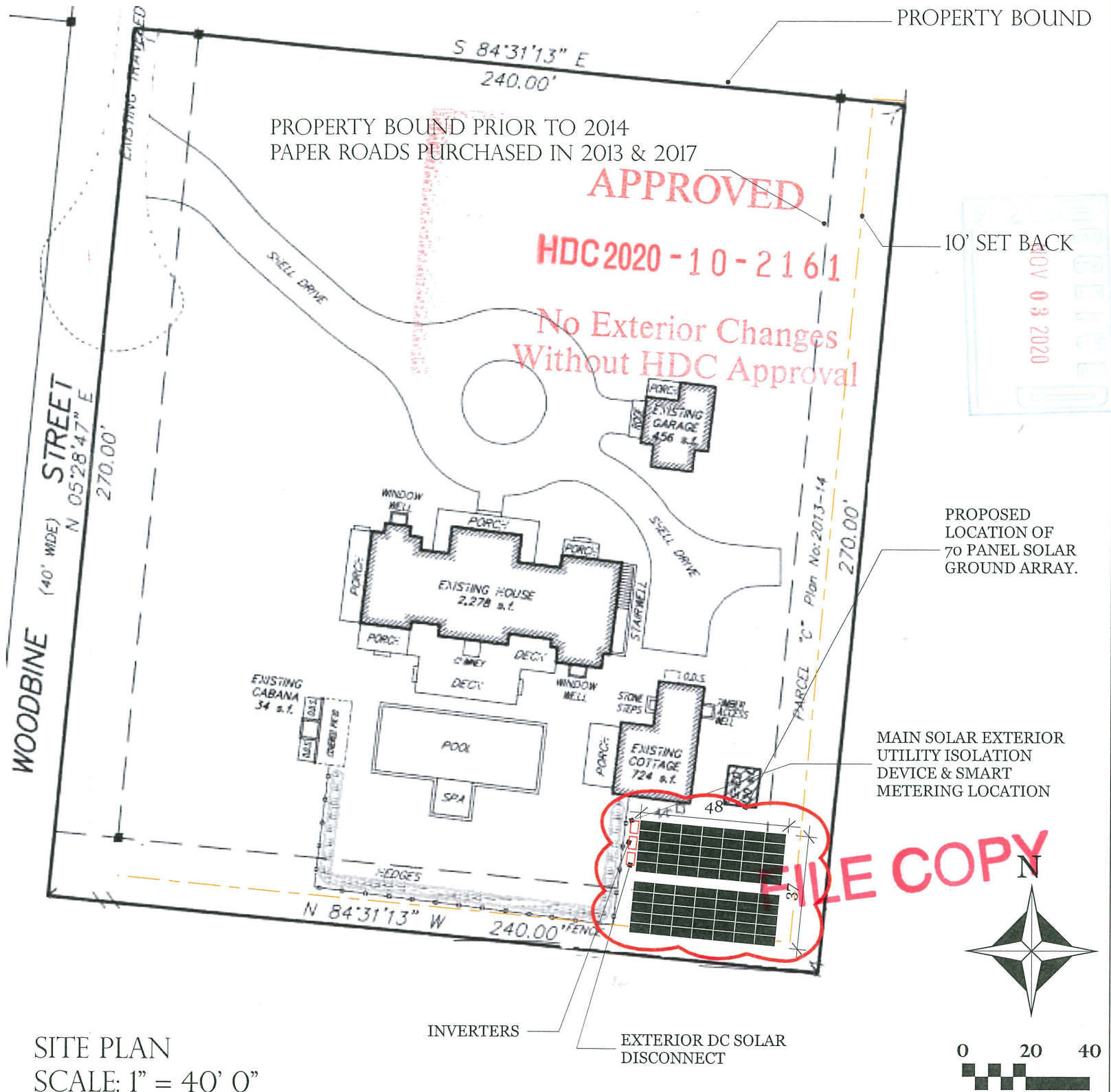
Approved by:


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"



GIS & SITE PLAN

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

OWNER:	SORENSEN, 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	

01
PV

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 clarification 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
lecalt@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 year¹, 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 week². 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.jpfc.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 filing, 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

WHALE'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

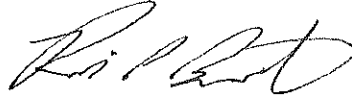
Re: Ack Smart
4 S. Beach Street Extension
Nantucket, MA 025254
Application for Variance

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,

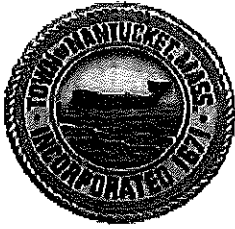
A handwritten signature in black ink, appearing to read "Richard Beaudette", written in a cursive style.

Richard Beaudette

RPB/BJS

Encs.

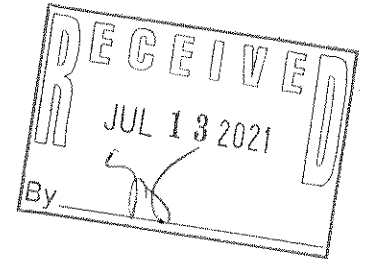
cc:



NANTUCKET
TOWN CLERK

2021 JUL 13 AM 11:02

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



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: ~~88/321~~ 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 _____

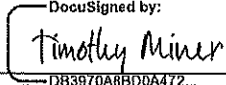
Building Permit Numbers: 1193-14, 1446-14, 1447-14, 136-15, 2020-07-0691

Previous Zoning Board Application Numbers: N/A

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:  Owner*
DocuSigned by:
DB3970A8B00A472...
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 3², 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

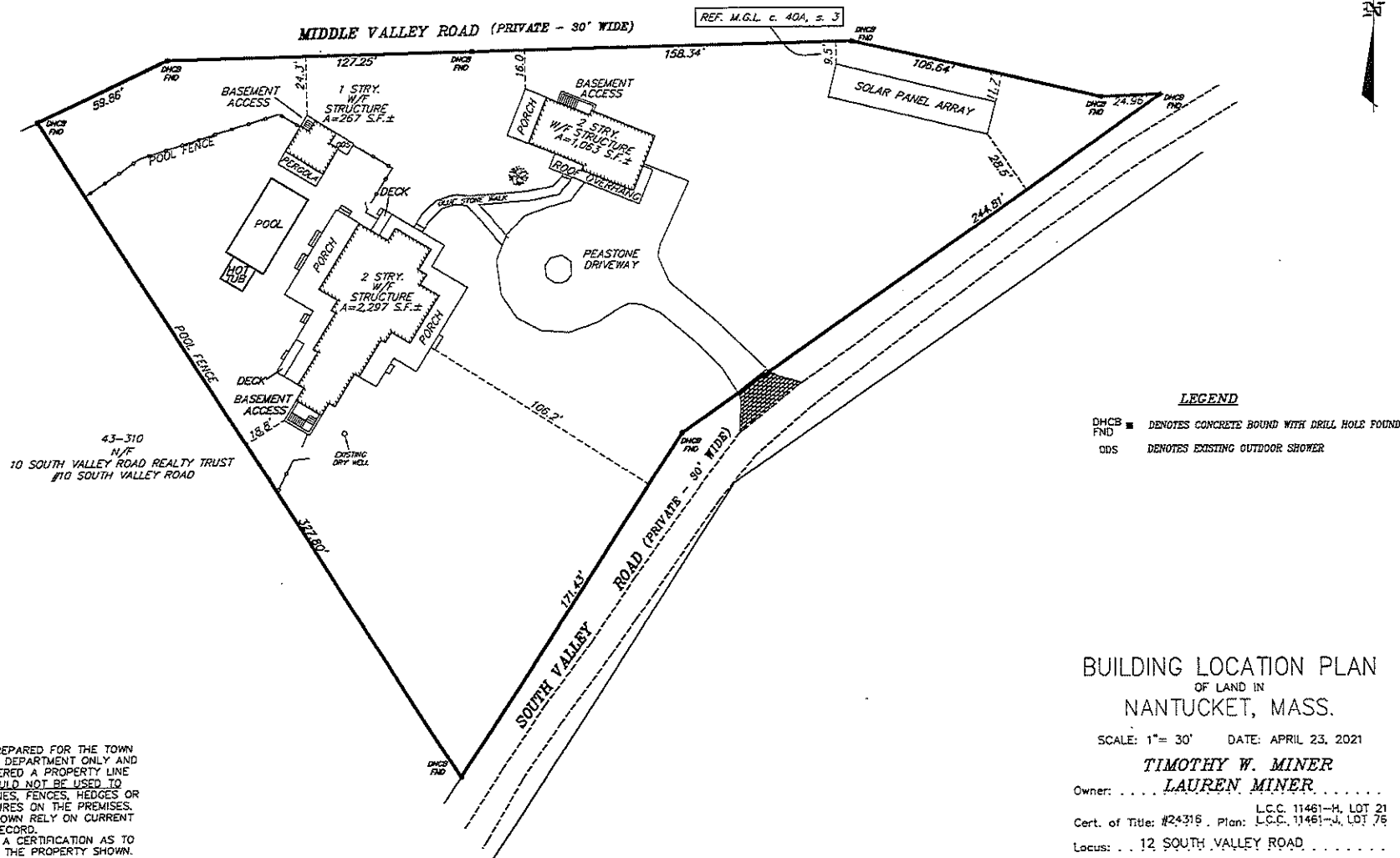
Exhibit “B”

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

MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER %: 7%

Existing:

66,631 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
5.4% ±



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

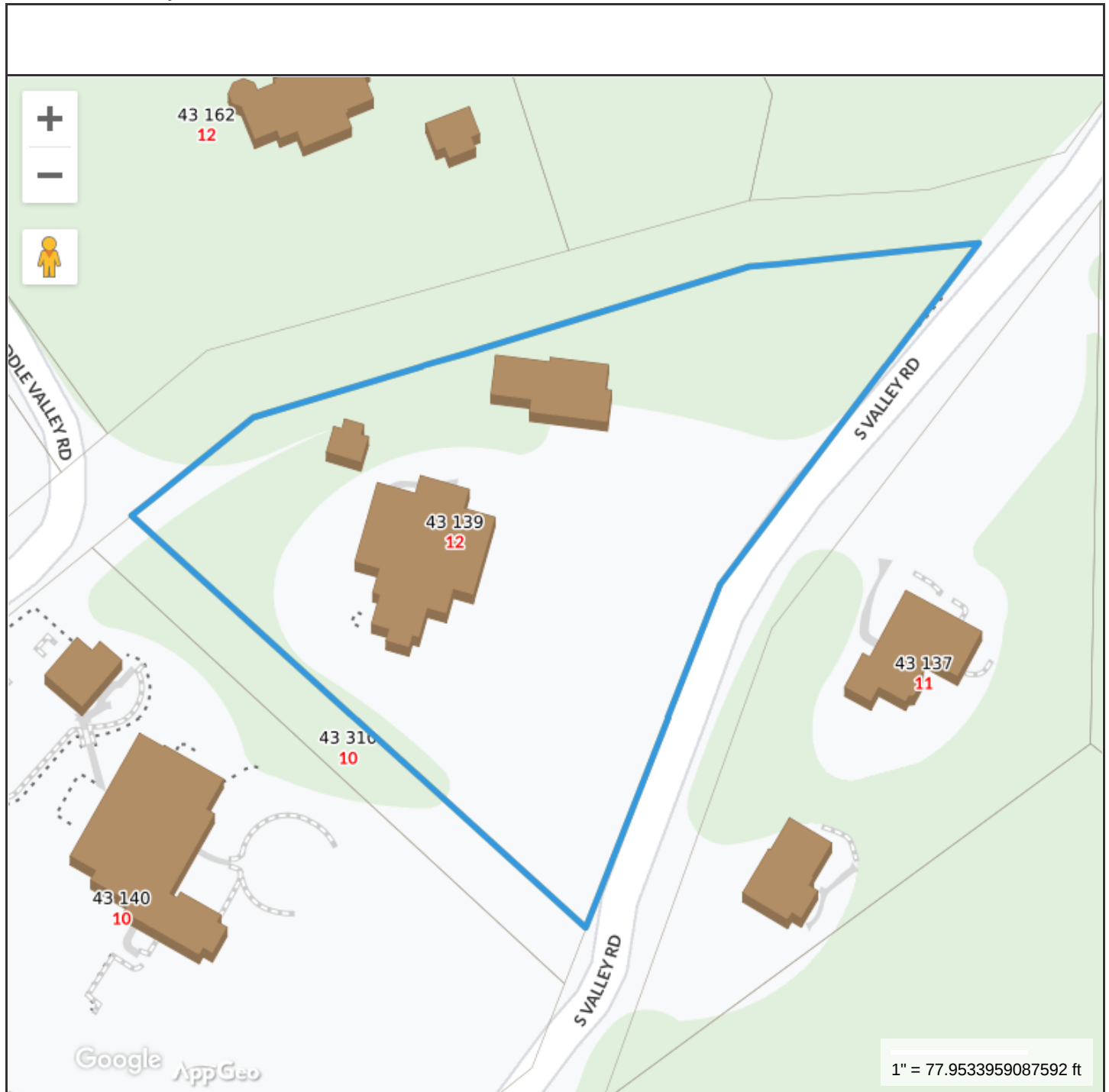
TIMOTHY W. MINER

Owner: . . . LAUREN MINER . . .

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

**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

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 MCINERNEY, 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 J		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: 601263

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 _____

H. TYPE OF SEWAGE DISPOSAL

- ☐ Public
☒ Private (septic tank, etc.)

K. ACCESSORY HEAT SOURCE

No. of fireplaces _____

No. of Wood Stoves _____

Other: _____

G. PRINCIPLE TYPE OF HEATING

- ☐ Gas ☐ Electricity
☐ Oil ☐ Heat Pump
☐ Other - Specify _____

I. TYPE OF WATER SUPPLY

- ☒ Public
☐ Private (well)

J. SMOKE DETECTORS

No. of Detectors _____

See Plan for Location

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: _____
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: _____ 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

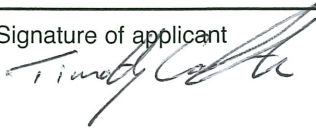
5. IDENTIFICATION - To be completed by all applicants

Name		Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	TIMOTHY MINIER	168 MAPLE ST SHEKBAKU MA	01770	617 899 7548
2. Contractor	Print Name ZACHARY NUSSEAU	61 OLD SOUTH RD #500 NAIUTUCKET 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



Address

38 Burnell St

Telephone #

781 325 6128

Print name

TIMOTHY CARUTHERS

E-Mail Address: SOLAK@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				

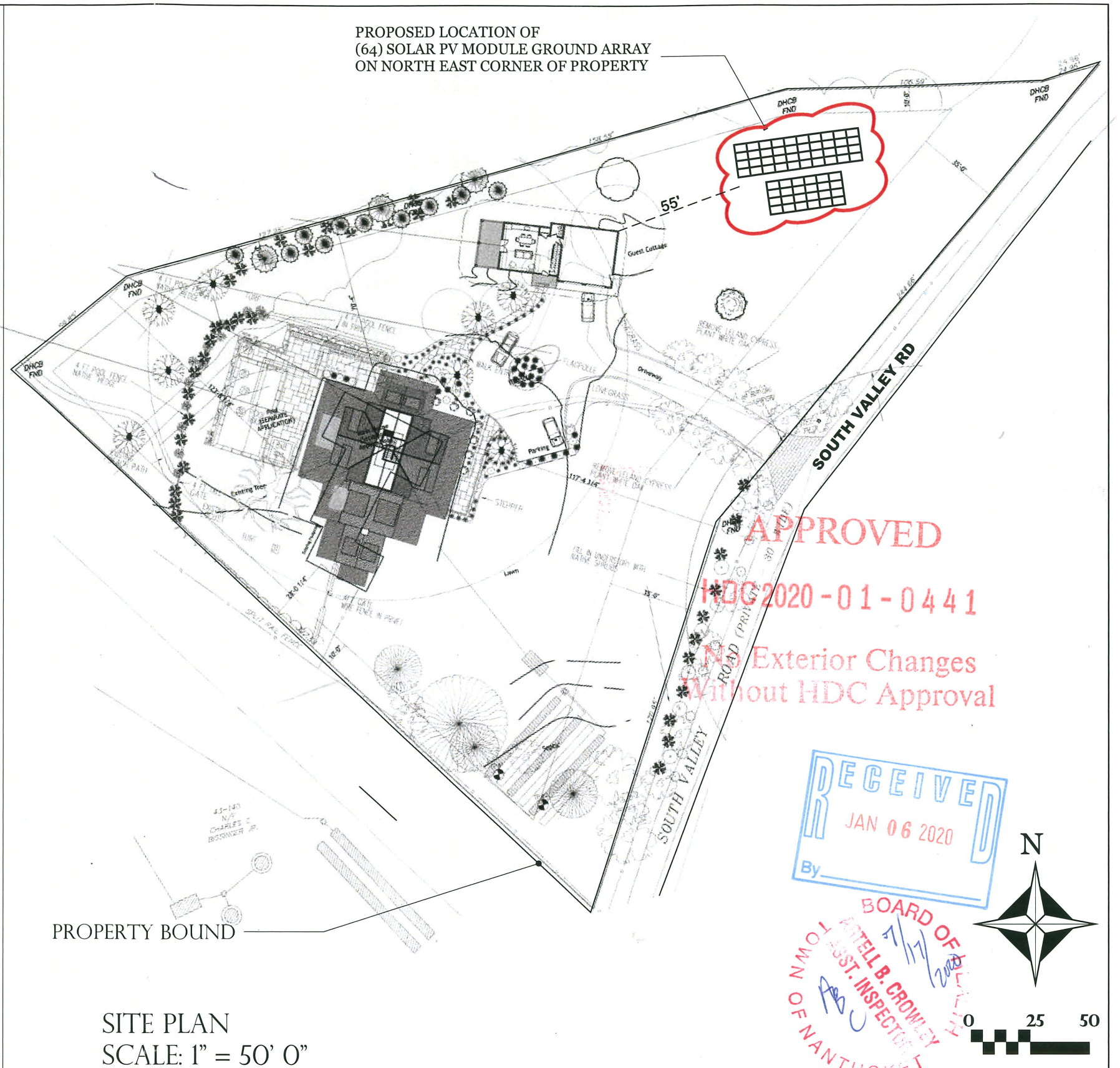
7. VALIDATION

Building Permit Issued <u>7 23 2020</u> Building Permit Fee <u>\$ 100.00</u> Date of Issuance of Certificate of Occupancy _____	FOR DEPARTMENT USE ONLY Use Group _____ Occupancy Load _____ Census No. <u>650</u> Approved by:  Building Commissioner
--	--

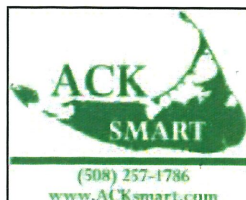


LOCUS MAP
SCALE: NOT TO SCALE

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



SITE PLAN
SCALE: 1" = 50' 0"

 (508) 257-1786 www.ACKsmart.com	GIS & SITE PLAN	OWNER:	MINER, TIMOTHY	REVISIONS				01	
		SITE ADDRESS:	12 S VALLEY RD	MM/DD/YY	REMARKS				
	SOLAR FIXED TILT GROUND ARRAY 20.8 KW DC, 15.2 KW AC	CITY, STATE, ZIP:	NANTUCKET, MA 02554	1	1/6/2020				SUBMITTED FOR HDC & PERMITTING REVIEW.
		MAP: 43	PARCEL: 139	2					
				3					
				4					
			5						

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

2B17
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

65-23.2

Location - Address

Assessors map and parcel no.

Mike + Kristina Temison

2038 Meadow Glen, Wyomissing PA 19610

Owner

Address

Strang LLC

10 Industry Rd Nantucket MA 02554

Installer

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 French X No. Width 17' Total Length 32'33" Total Leaching area 963.9 sq. ft.

Field

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 aforescribed 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

1-7-21
Date

Application Approved By

A. E. Henley

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 Lemison
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 #: 508-228-5455 E-mail:

FOR OFFICE USE ONLY

✓14368

Date application received: 10/21/20 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'-1 3/4" South 15'-4 3/4" East 12'-1 3/4" West 15'-4 3/4"

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS*

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 Side Wood Glass Double French

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 10/23/20

Signature of owner of record

[Signature]

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:

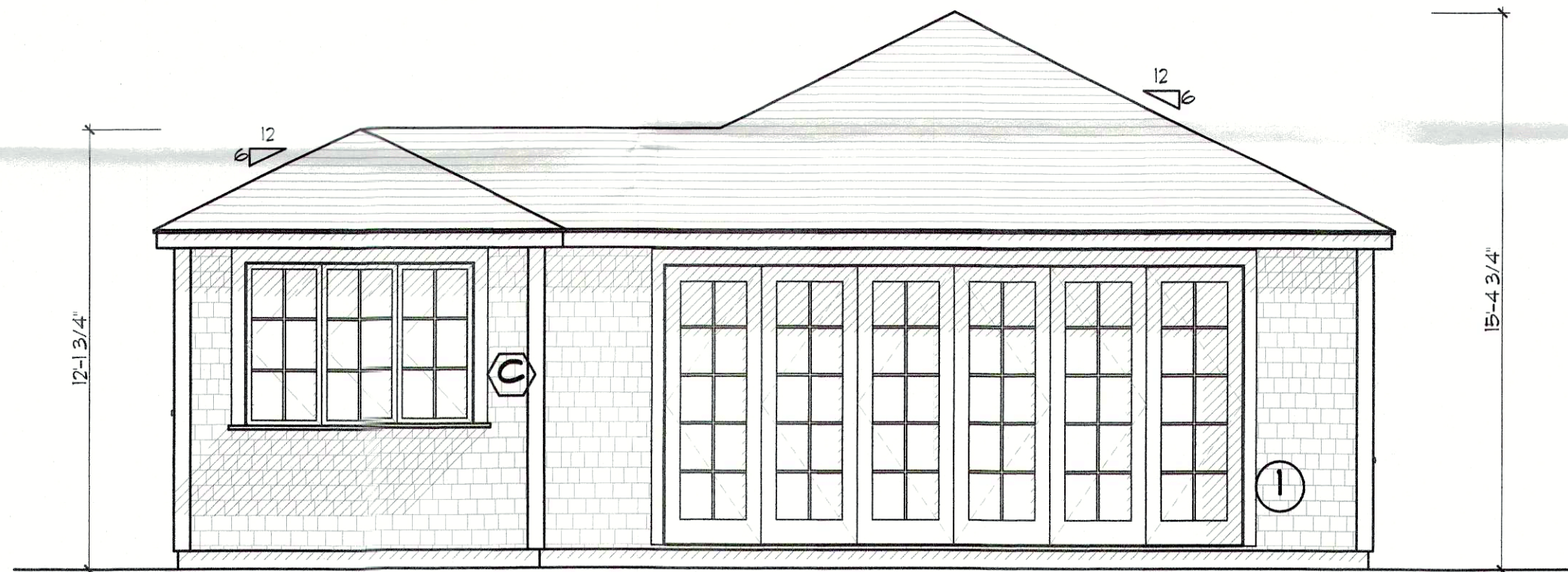
1. All windows will be Marvin windows as per above schedule, double glazed, SGL with muntin configuration as shown on drawings. Min. U-Factor .33
Min. dp 30 rating required.
All glazing to come with compliance sticker as required by local building codes.

2. All doors will be custom doors as per above schedule, double glazed, SGL, 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.

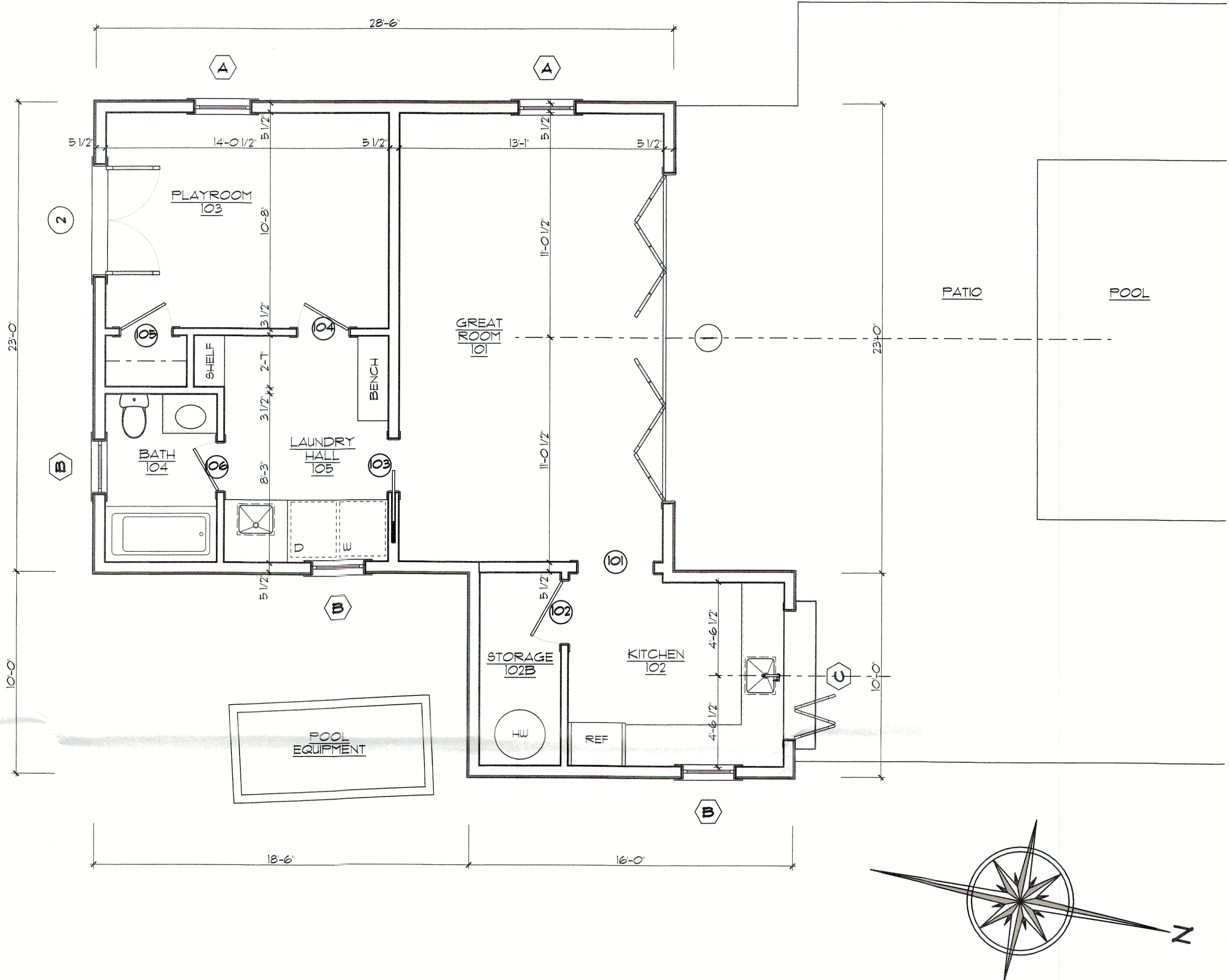
3. Mill shop will provide shop drawings for all window and door units to architect for approval prior to commencing construction.

4. Provide tempered glass in all locations required by code.

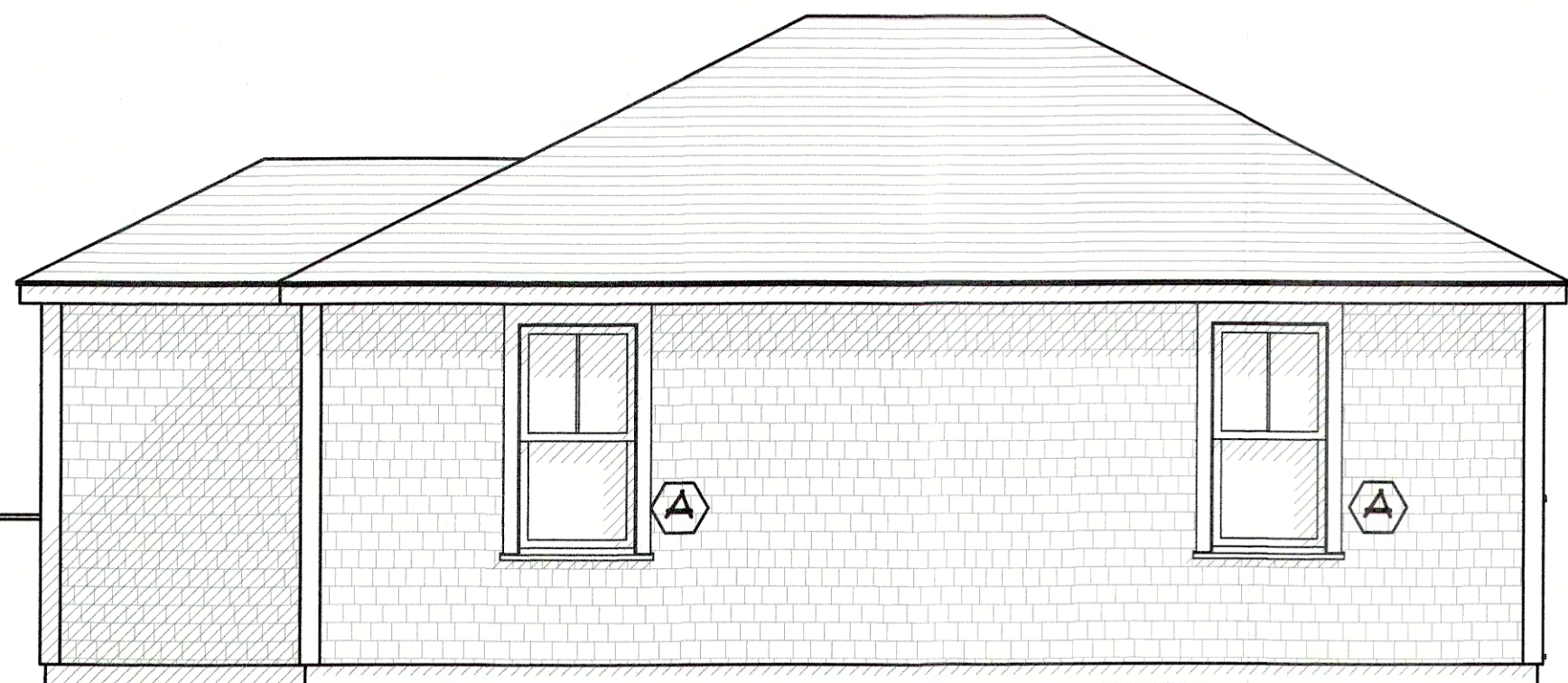
5. Contractor will verify all rough opening sizes and quantities on site during rough framing before placing window order.



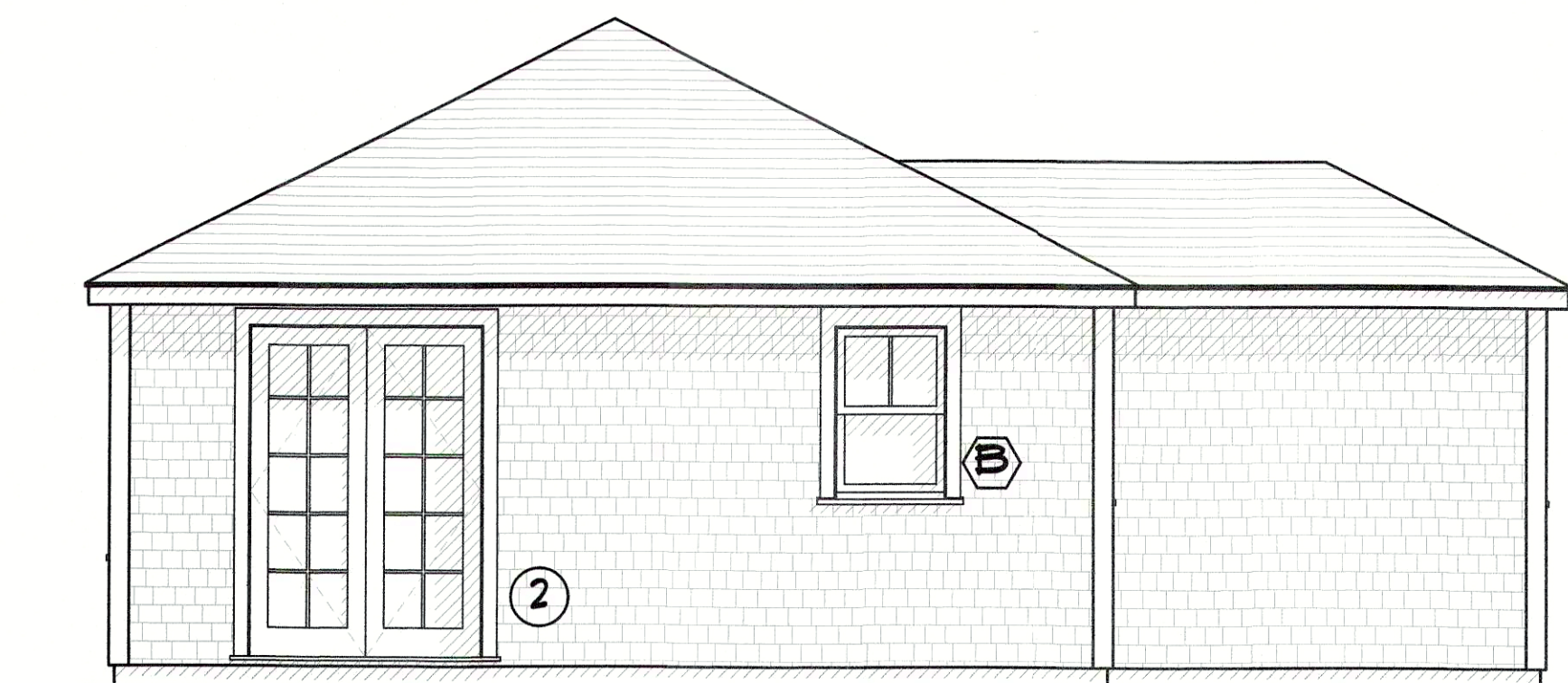
2 CABANA NORTH ELEVATION
Scale: 1/4" = 1'-0"



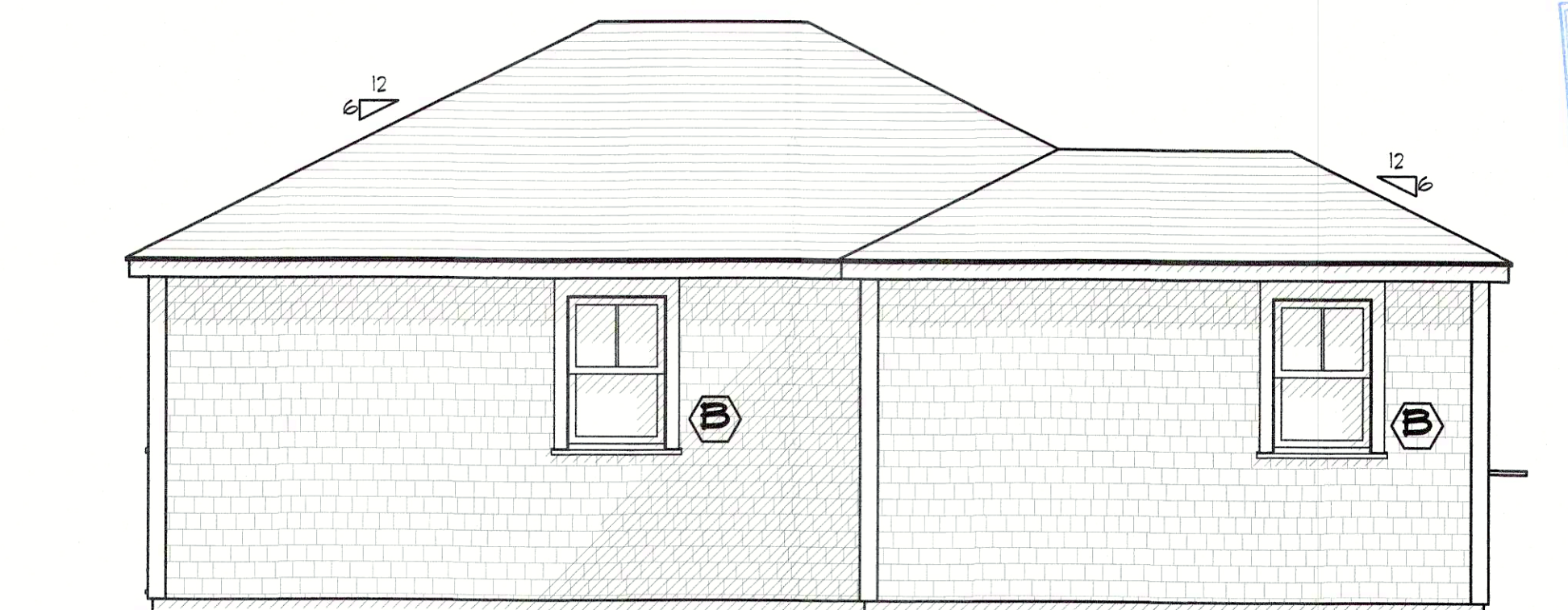
1 CABANA FIRST FLOOR
Scale: 1/4" = 1'-0"



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"

HDC2020-10-2155
No Exterior Changes
Without HDC Approval

Cabana Floor Plan & Elevations

BOTTICELLI & POHL

DATE	REVISIONS

Residence
195C Hummock Pond Rd
Nantucket, MA 02554
MAP NO: 65
PARCEL NO: 23.2
ZONING INFO: R20
PROJECT INFO: 92
REVISED: October 27, 2020
No publication or use of these documents is permitted without prior approval from Botticelli & Pohl, P.C.

1D #
C-1.1

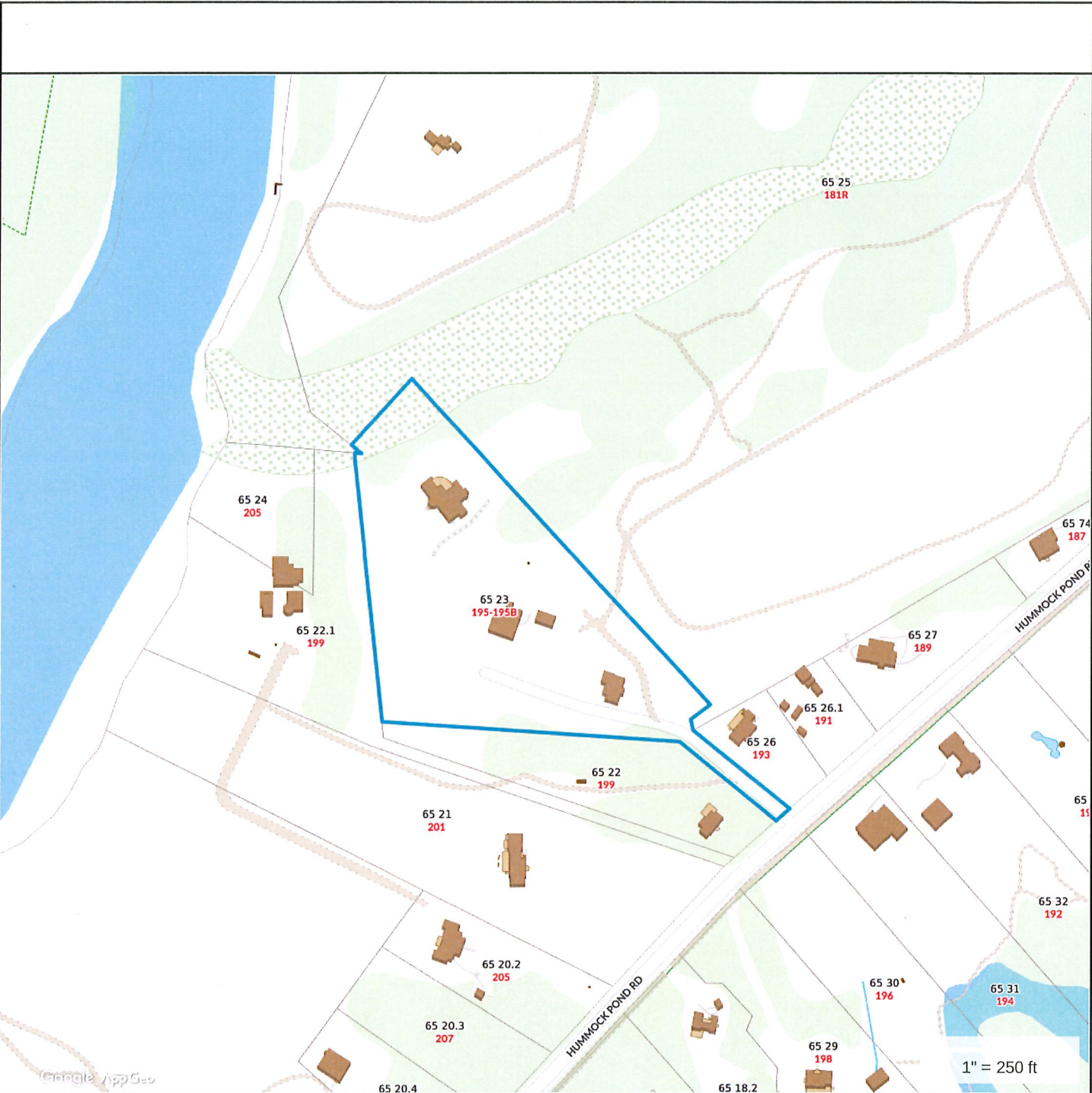
Addendum A

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.



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

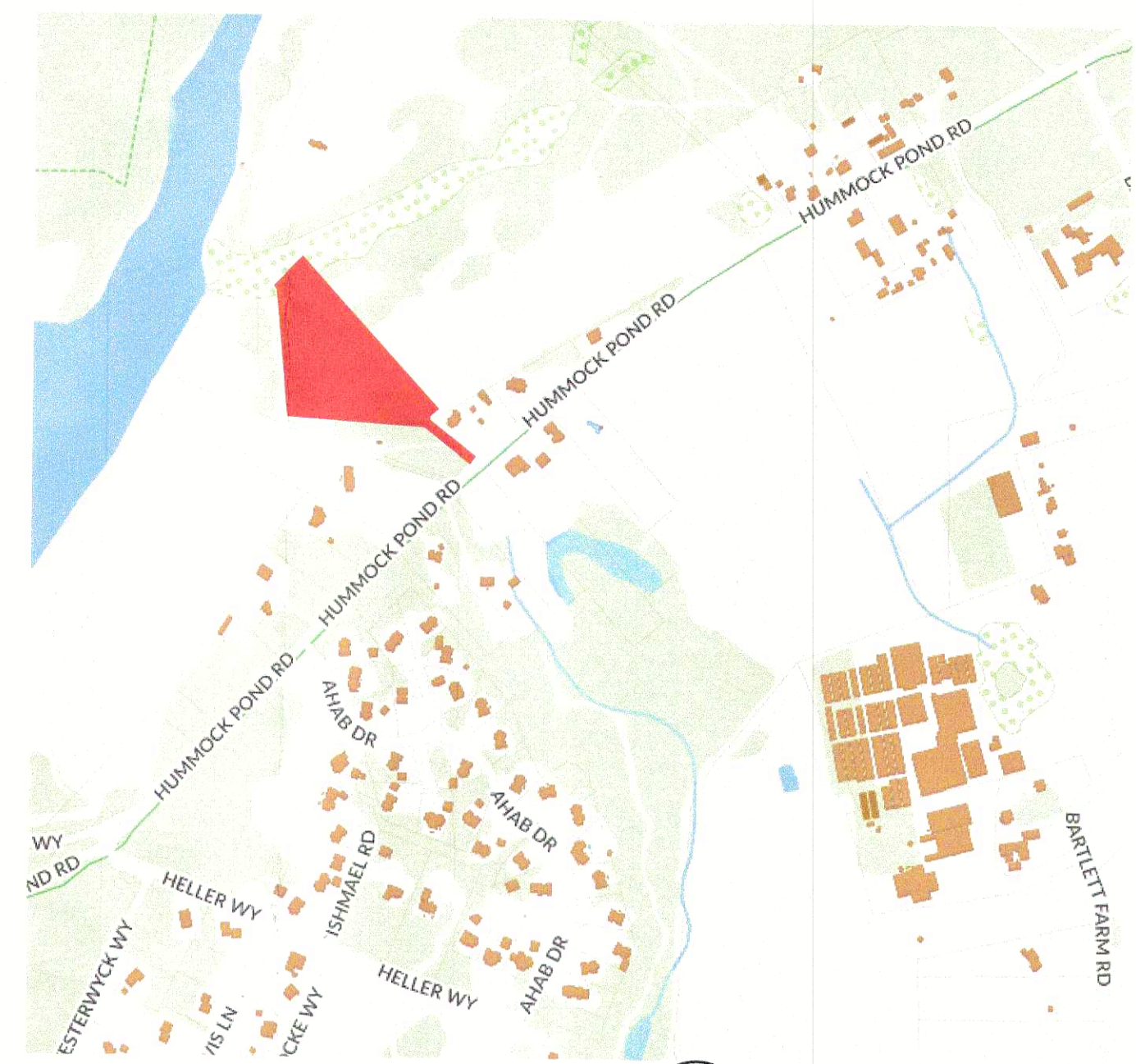


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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.



2 Locus Map

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

1 PROPOSED SITE PLAN
SCALE: 1" = 20'

11 OLD SOUTH ROAD, NANTUCKET, MA 02554

P 508.228.5455

BOTTICELLI&POHL.COM

31 STATE STREET, BOSTON, MA 02109

P 617.482.4543

Residence

195C Hummock Pond Rd

Nantucket, MA 02554

MAP NO: 65

PARCEL NO: 23.2

ZONING INFO: R20

PROJECT NO: 92

REVISED: October 27, 2020

No publication or use of these documents is permitted without prior approval from Botticelli & Pohl, P.C.

Site Plan

REVISIONS

DATE	REVISIONS

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".

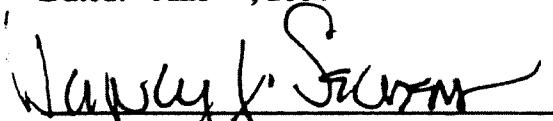
3. The Applicants, through their representative, stated that the property was benefited by previous grants of Special Permit relief in the Decisions in BOA File Nos. 043-96 (subject Unit #2), 050-97 and 044-96 (Unit #3), and 057-98 and 042-96 (Unit #1). The property is nonconforming as to the number 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

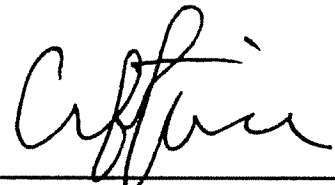
property has been transferred to new owners who are proposing to change the approved plans but did not have a new design as of the date of the public hearing. Applicants represented that each condominium unit is allowed in the condominium documents to construct up to a maximum ground cover of 2500 square 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.

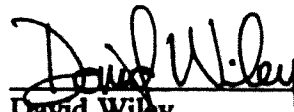
Dated: June 21, 2004


Nancy J. Savrens


C. Richard Loftin

Edward Toole

Edward Murphy


David Wiley
TOWN CLERK
JUN 21 AM 1:16
RECEIVED

JUL 14 2004

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

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THIS DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 48A, SECTION 11


TOWN CLERK

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'Kara, 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 $\pm$ square feet to 2225 $\pm$ square feet. The structure is sited upon a lot that consists of two (2) merged lots, containing 211,840 $\pm$ 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 $\pm$ sq. ft.	1550 $\pm$ sq. ft.
Unit Two (Linda Gardner)	790 $\pm$ sq. ft.	2225 $\pm$ sq. ft.
Unit Three (Shirley Gardner)	560 $\pm$ sq. ft.	1300 $\pm$ 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 40A, SECTION 17.
J. Collins
TOWN CLERK

OCT 15 1996

OCT 16 1996
NANTUCKET COUNTY
REC'D ENTERED

2:25 PM
SANDRA M CHADWICK
ATTEST REGISTER

[Signature]
Robert Leichter
[Signature]
Linda F. Williams
[Signature]
Dale Waine
[Signature]
Bill Hourihan
[Signature]
Michael O'Mara

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554

SEP 20 1996
TIME: 11:55 A
CLERK: LR

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. Jensen & Kristin Elizabeth Jensen
MAILING ADDRESS..... 2038 Mendon Glen, Wymondiscus, PA 19610
PROPERTY LOCATION..... 195C Hummock Pond Road
ASSESSOR MAP/PARCEL..... 65/23
SUBMITTED BY..... Glidden & 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: 2021.08.04 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 465	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	WYOMISSING	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

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

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

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

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

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

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

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

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

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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

HARDY JAMES M & ARLENE S
193 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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

BARTLETT REBECCA M
205 HUMMOCK POND RD
NANTUCKET, MA 02554

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

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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

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

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

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,

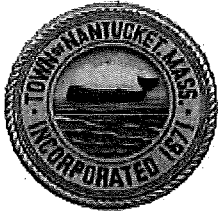
Jason Olbres

Stephen L. Cohen

File No. 24-21

6 Village Way & 37 Pocomo Rd

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): 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 ☒ 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.

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 eliminate 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 conforming 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

Standard Registry Blotter

FEB 15 2000

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NOTED ON CERTIFICATE NO. 1171

IN REGISTERED BOOK

ATTEST *James A. Kelly* Page

ASST RECORDER

088301

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 in 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, and 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

088301

Decision for the granting of the Variance for Lot 2D shall also burden Lot 17A, as agreed by the applicants.

Dated: January 20, 2000

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554

JAN 20 2000
TIME: 1:15 pm
Asst. CLERK: RL Carpenter

P:\WP\Finongan\Robert\20A DEC.doc

W.P. Houlahan
William P. Houlahan, Jr.

Dale W. Waine
Dale W. Waine

Michael N. O'Mara
Michael N. O'Mara

Nancy J. Sevens
Nancy J. Sevens

Edward S. Toole
Edward S. Toole

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, SECTION 11

William P. Houlahan TOWN CLERK
FEB 14 2000

I CERTIFY THAT 30 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 FLAVAGAN STOVER
Notary Public
My Commission Expires February 25, 2005

JUL 03 2002

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

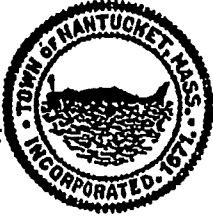
Document No. 097712
SPECIAL PERMIT
Nantucket Registry Bldg
JUL 05 2002
RECEIVED FOR REGISTRATION
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NOTED ON CERTIFICATE NO. 7171
IN REGISTRATION BOOK PAGE
ATTEST  JAMES A. KELLEY
ASTRECORDER

Document No. 097712

000217

000218

097712



TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: June 4, 2002

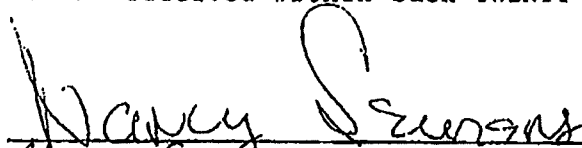
To: Parties in Interest and Others concerned with the
Decision of the BOARD OF APPEALS in the Application of the
following:

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 Seurens, 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.

000219

097712

**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 UNANIMOUS vote, the Board GRANTED the requested SPECIAL PERMIT relief under Nantucket Zoning By-Law

000221

097712

\$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:

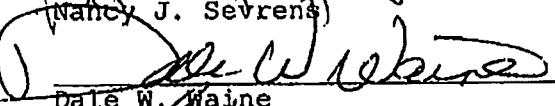
(a) There shall be no increase in the height of the main ridge of the roof of the dwelling upon the Locus as it now exists.

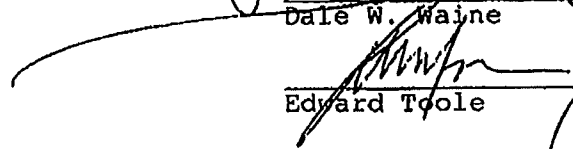
(b) All work shall be done in substantial conformity with the plans approved by the Nantucket Historic District Commission under Certificate of Appropriateness No. 39473, as may be amended.

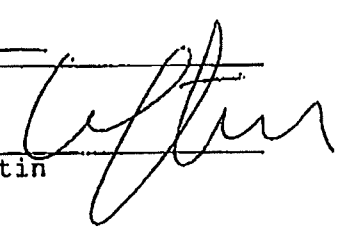
(c) Condition (d) of the Decision in File No. 007-01, which stated that no expansion of the existing structure upon the Locus shall be permitted without further relief from the Board of Appeals, shall remain in full force and effect.

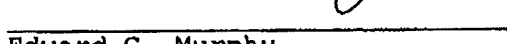
Dated: June 4, 2002


Nancy J. Sevens


Dale W. Waine


Edward Toole


C. Richard Loftin


Edward C. Murphy

RECEIVED
TOWN CLERK

02 JUN-4 P3:16

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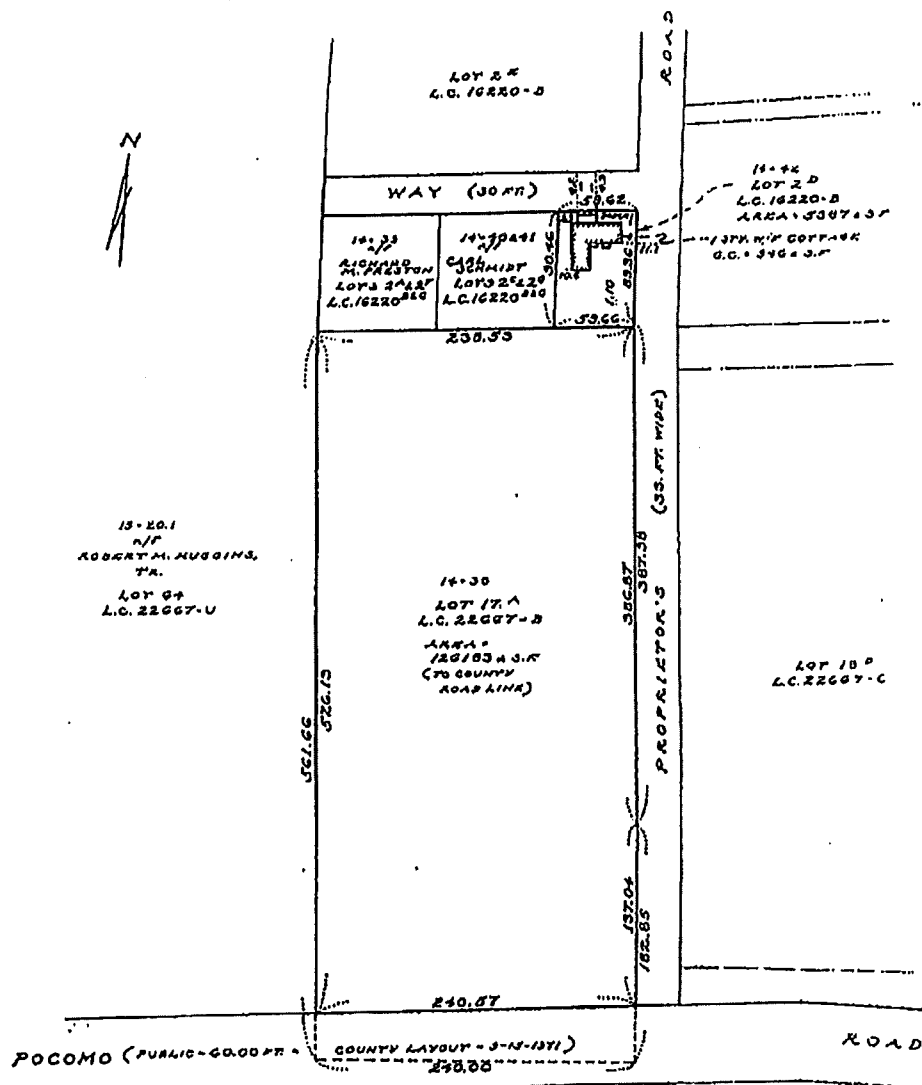
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EXISTING:

MIN. AREA: 120000 S.F.
MIN. FRONTAGE: 200 FT.
FRONT YARD S.B.: 35 FT.
REAR & SIDE S.B.: 20 FT.
GROUND COVER (%): 3%

SEE PLAN

0 1 2 3 4 5 6 7 8 9
 0 1 2 3 4 5 6 7 8 9
 0 1 2 3 4 5 6 7 8 9
 0 1 2 3 4 5 6 7 8 9
 0 1 2 3 4 5 6 7 8 9



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-D and
 G VILLAGE WAY LOT 17-A, L.C.
 Locust 37 POCOMO RD, 22667-B

CHARLES W. HART & ASSOCIATES, Inc.
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

H-5899

Charles W. Hill
1-10-00

11435

Document No. 107055

EASEMENT

Document No. 107055

000164

Sanhuckee Registry District
APR 27 2004

RECEIVED FOR REGISTRATION

1 O'CLOCK 26 m P M

NOTED ON CERTIFICATE NO. 19486 + 7171

IN REGISTRATION BOOK PAGE

ATTEST *Jeanne A. Kelley* ASST RECORDER

107055

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,

Fredrick M. Weintraub
Notary Public

Printed name:

My commission expires:

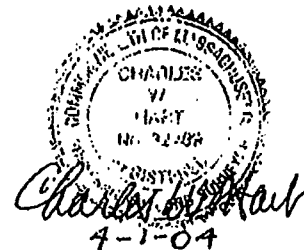
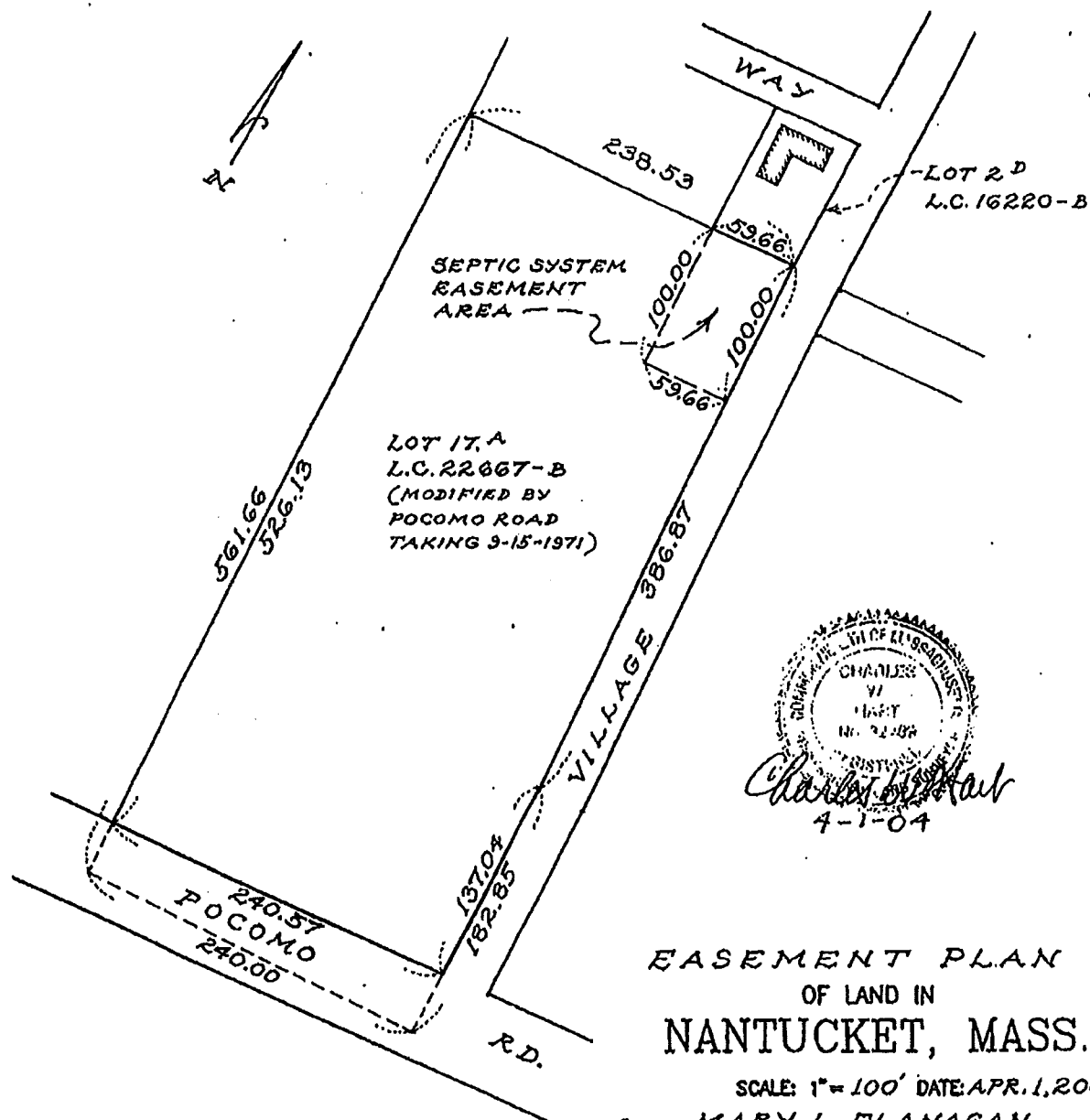
FREDERICK M. WEINTRAUB
Notary Public, State of New York
No. 01WE4963174
Qualified in Nassau County
Commission Expires March 05, 2006

F:\MPL\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 17.A
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

6VW

NEW DWELLING

1 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

1270 VILLAGE WAY
NANTUCKET, MA 02554
34 Village Way, Nantucket, MA 02554
NANTUCKET, MA 02554

ARCHITECT

WORKSHOP/APD
WORKSHOP/APD ARCHITECTURE INC
34 Village Way, Nantucket, MA 02554
T: 508.225.2472 info@workshopapd.com

CONTRACTOR

A. BROWN BUILDERS
1270 VILLAGE WAY
NANTUCKET, MA 02554
T: 508.225.8789

STRUCTURAL ENGINEER

DRIFT ENGINEERING STUDIO
1270 VILLAGE WAY
NANTUCKET, MA 02554
T: 508.225.8789

LANDSCAPE ARCHITECT

MELODYLAND LANDSCAPE
1270 VILLAGE WAY
NANTUCKET, MA 02554
T: 508.225.8789

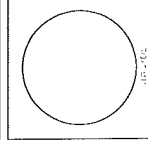
SURVEYOR

NANTUCKET SURVEYING
1270 VILLAGE WAY
NANTUCKET, MA 02554
T: 508.225.8789

ALL DIMENSIONS ARE IN FEET AND INCHES
UNLESS OTHERWISE SPECIFIED

REVISIONS

NOT FOR CONSTRUCTION



ISSUES

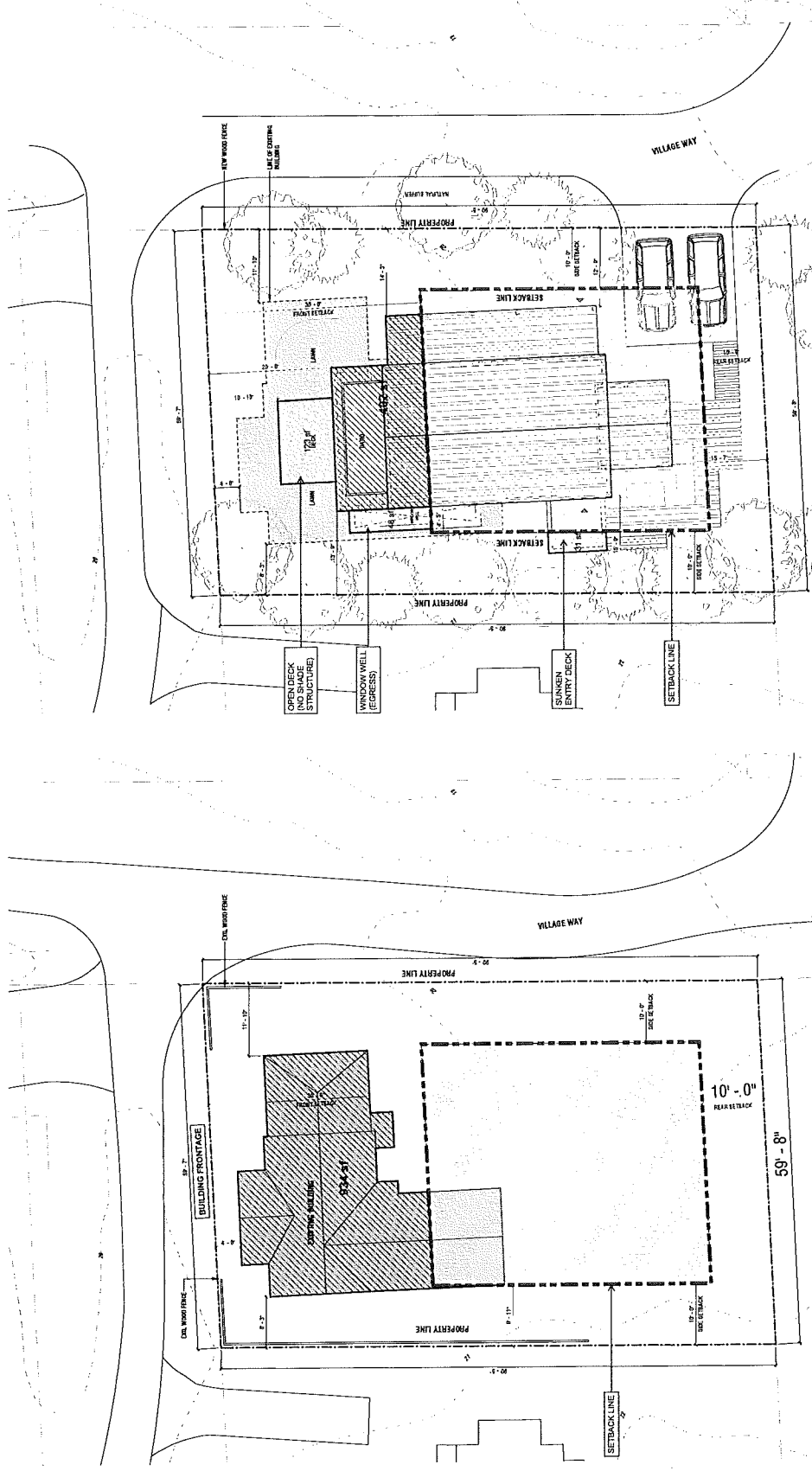
1. 12/15/2023 ISSUE 1: PRELIMINARY
2. 07/08/2024 ISSUE 2: REVISED

DRAWING INFO

CONTRACTING DOCUMENTS
DATE: 07/08/2024
PROJECT: 6VW
SHEET: 1 OF 1
TOTAL: 18 OF 18
SCALE: AS SHOWN
SHEET NO.

SITE PLAN

L-000



1 SITE PLAN - PROPOSED
LOT SIZE: 5,397 SF
BUILDING AREA: 402 SF

2 SITE PLAN - EXISTING
LOT SIZE: 5,397 SF
BUILDING AREA: 934 SF

TOTAL ENCROACHMENT SF: 402 SF

TOTAL ENCROACHMENT SF: 934 SF

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

6 VILLAGE WAY
NANTUCKET, MA 02554

ARCHITECT

WORKSHOP/APPS
30 NANTUCKET STREET, SUITE 200
NANTUCKET, MA 02554
T: 508.225.4712 M: 508.225.4712

CONTRACTOR

A. BROWN BUILDERS
400 NANTUCKET STREET
NANTUCKET, MA 02554
T: 508.225.4712

STRUCTURAL ENGINEER

CRISTO L. LAMONTE, P.E.
30 NANTUCKET STREET, SUITE 200
NANTUCKET, MA 02554
T: 508.225.4712

LANDSCAPE ARCHITECT

THE LANDSCAPE ARCHITECT
100 NANTUCKET STREET
NANTUCKET, MA 02554
T: 508.225.4712

SURVEYOR

THE SURVEYOR
100 NANTUCKET STREET
NANTUCKET, MA 02554
T: 508.225.4712

REVISIONS

ALL REVISIONS & NOTES ARE SUBJECT TO
VERIFICATION OF THE FIELD CONDITIONS

NOT FOR CONSTRUCTION

ISSUES

1. LAYOUT OF THE LOT
2. LAYOUT OF THE LOT

DRAWING INFO

DATE: 08/07/2021
DRAWN BY: J. BROWN
CHECKED BY: J. BROWN
SCALE: 1" = 10' - 0"

COVER SHEET / TITLE SHEET

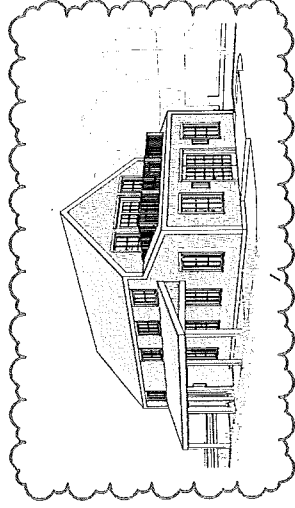
T-000

HDC REVISION I NEW DWELLING 08 JULY 2021

6 VILLAGE WAY
NANTUCKET, MA 02554

PROJECT NO. 321015

PERSPECTIVE VIEW OF NEW DWELLING



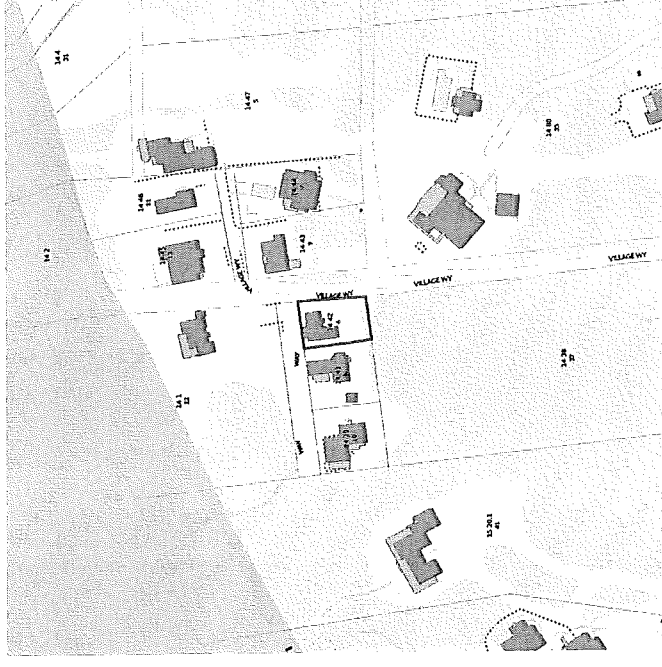
LIST OF DRAWINGS

NO.	DESCRIPTION	DATE	BY	CHKD.
1	COVER SHEET / TITLE SHEET	08/07/2021	J. BROWN	J. BROWN
2	GENERAL NOTES	08/07/2021	J. BROWN	J. BROWN
3	EXISTING LOT LAYOUT	08/07/2021	J. BROWN	J. BROWN
4	LOT LAYOUT	08/07/2021	J. BROWN	J. BROWN
5	FLOOR PLAN	08/07/2021	J. BROWN	J. BROWN
6	SECTION 1-1	08/07/2021	J. BROWN	J. BROWN
7	SECTION 2-2	08/07/2021	J. BROWN	J. BROWN
8	SECTION 3-3	08/07/2021	J. BROWN	J. BROWN
9	SECTION 4-4	08/07/2021	J. BROWN	J. BROWN
10	SECTION 5-5	08/07/2021	J. BROWN	J. BROWN
11	SECTION 6-6	08/07/2021	J. BROWN	J. BROWN
12	SECTION 7-7	08/07/2021	J. BROWN	J. BROWN
13	SECTION 8-8	08/07/2021	J. BROWN	J. BROWN
14	SECTION 9-9	08/07/2021	J. BROWN	J. BROWN
15	SECTION 10-10	08/07/2021	J. BROWN	J. BROWN
16	SECTION 11-11	08/07/2021	J. BROWN	J. BROWN
17	SECTION 12-12	08/07/2021	J. BROWN	J. BROWN
18	SECTION 13-13	08/07/2021	J. BROWN	J. BROWN
19	SECTION 14-14	08/07/2021	J. BROWN	J. BROWN
20	SECTION 15-15	08/07/2021	J. BROWN	J. BROWN

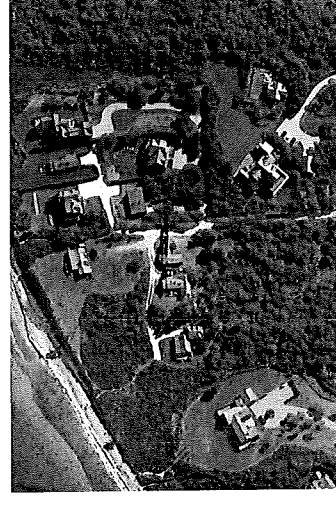
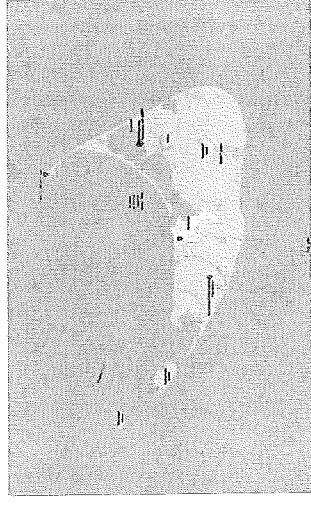
ZONING INFORMATION

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-CORRESPONDING	
Proposed Dwelling	1,167 SF
TOTAL G.C.	1,167 SF

LOCUS PLAN



LOCUS PLAN



6VW

NEW DWELLING

6 VILLAGE WAY
WATSONVILLE, CA 95070

OWNER

STEWART COOPER & SONS
4 VILLAGE DRIVE, SUITE 200
WATSONVILLE, CA 95070
T. (408) 255-0171

ARCHITECT

WORKSHOP/OPS
3010 W. 10TH STREET, SUITE 100
WATSONVILLE, CA 95070
T. (408) 255-0171

CONTRACTOR

J. J. BROWN BUILDING
1000 W. 10TH STREET, SUITE 100
WATSONVILLE, CA 95070
T. (408) 255-0171

STRUCTURAL ENGINEER

DR. J. J. BROWN
1000 W. 10TH STREET, SUITE 100
WATSONVILLE, CA 95070
T. (408) 255-0171

LANDSCAPE ARCHITECT

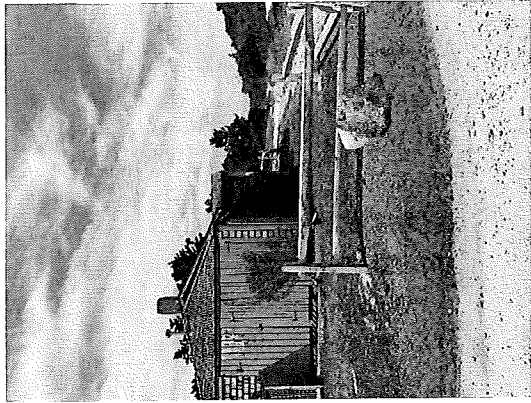
WATSONVILLE ARCHITECTS, LLC
3010 W. 10TH STREET, SUITE 100
WATSONVILLE, CA 95070
T. (408) 255-0171

SURVEYOR

WATSONVILLE SURVEYING, LLC
3010 W. 10TH STREET, SUITE 100
WATSONVILLE, CA 95070
T. (408) 255-0171



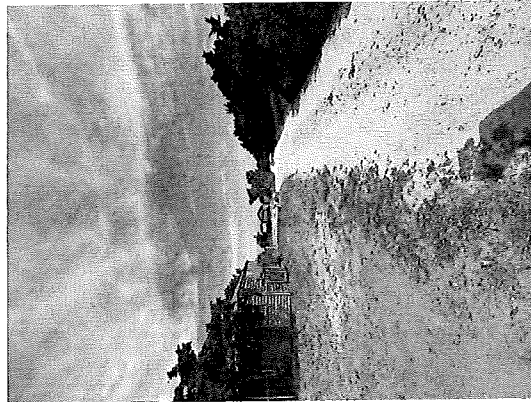
STREET VIEW - NORTH WEST VIEW LOOKING SOUTH EAST



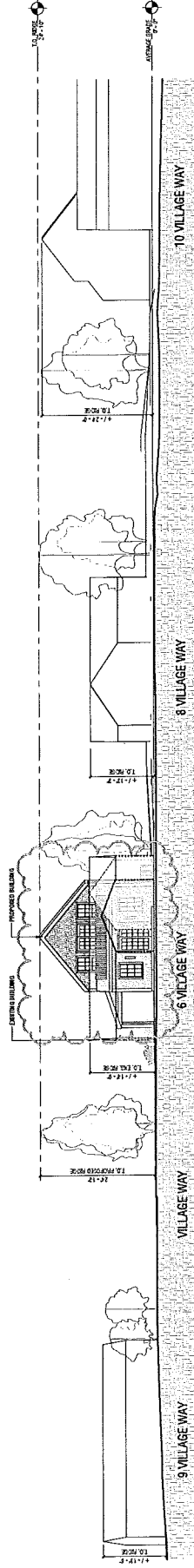
STREET VIEW - WEST VIEW ON VILLAGE WAY



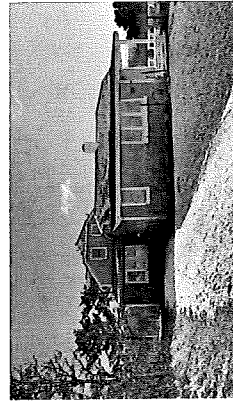
STREET VIEW - WEST VIEW ON VILLAGE WAY



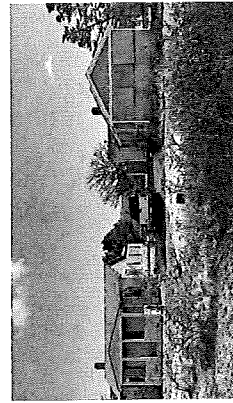
STREET VIEW - NORTH VIEW ON VILLAGE WAY



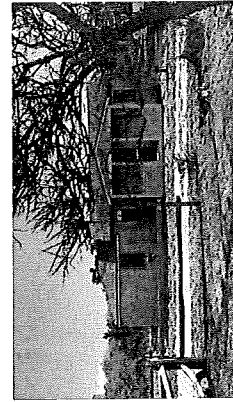
STREET ELEVATION WITH ABUTTING PROPERTIES



10 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



6 & 8 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



6 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



9 VILLAGE WAY - NORTH VIEW LOOKING SOUTH

ISSUES	
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100. LOCATION	100. LOCATION

DRAWING INFO

DATE: 10/1/2011
DRAWN BY: J. J. BROWN
CHECKED BY: J. J. BROWN
SCALE: 1/8" = 1'-0"
SHEET NO: 1
TOTAL SHEETS: 1

EXISTING CONDITIONS

G-002

6VW

NEW DWELLING

6 VILLAGE WAY
MANHATTAN, MA 02554

OWNER

13 VILLAGE LANE
34 Maple Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

ARCHITECT

WORKSHOP/APD
319 W. Main Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

CONTRACTOR

4 BROWN BLVD
100 Main Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

STRUCTURAL ENGINEER

DR. P. J. CONNOR, P.E.
319 W. Main Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

LANDSCAPE ARCHITECT

MR. J. A. CONNOR, P.E.
319 W. Main Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

SURVEYOR

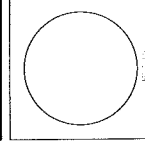
MR. J. A. CONNOR, P.E.
319 W. Main Street, 2nd Floor, 02108
Tel: (617) 552-1234
Fax: (617) 552-1235

1. ALL DIMENSIONS ARE IN FEET AND INCHES
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE

REVISIONS

NO.	DATE	DESCRIPTION

NOT FOR CONSTRUCTION



ISSUES

NO.	DATE	DESCRIPTION

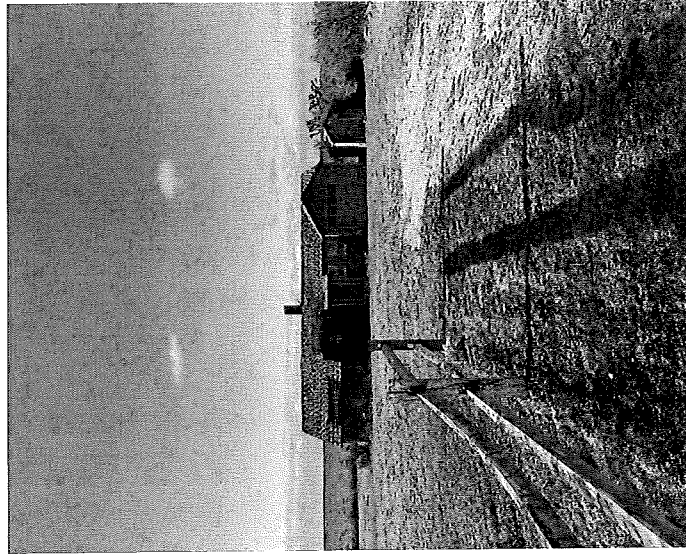
DRAWING INFO

NO.	DATE	DESCRIPTION

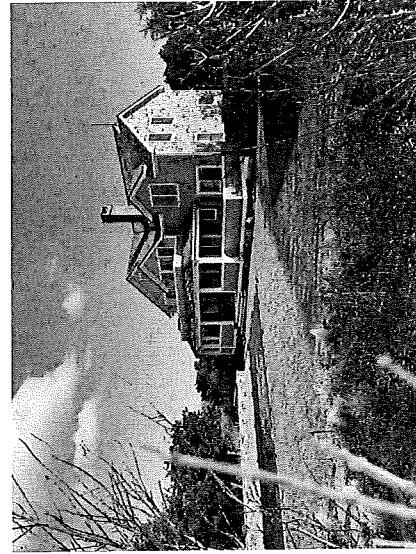
EXISTING CONDITIONS

G-003

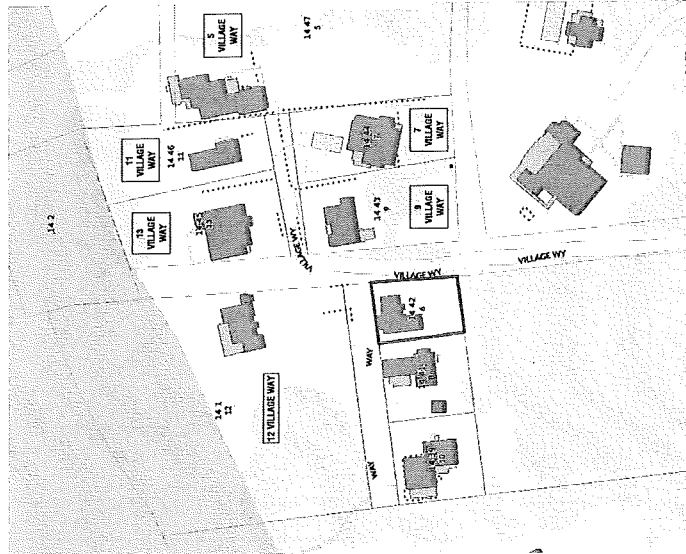
MANHATTAN, MA 02554



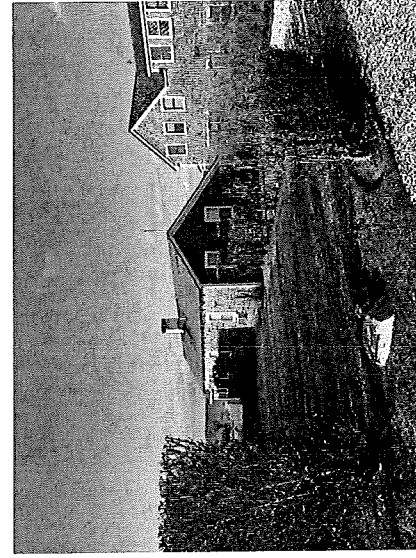
12 VILLAGE WAY (HEIGHT: 14'-0" +/-)



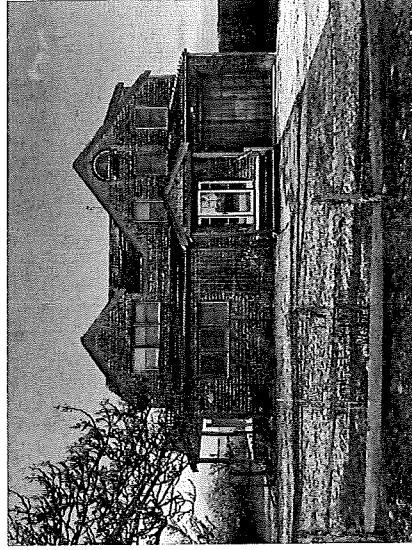
7 VILLAGE WAY (HEIGHT: 28'-0" +/-)



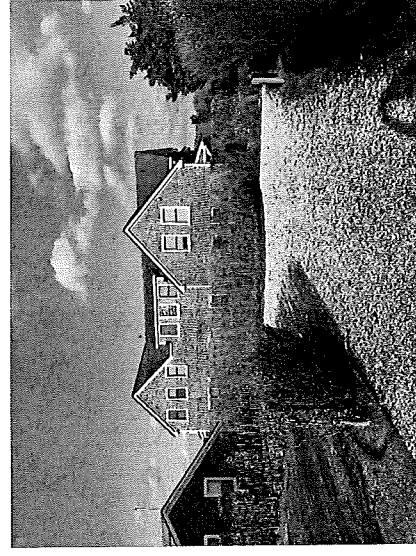
LOCUS PLAN



11 VILLAGE WAY (HEIGHT: 13'-6" +/-)



13 VILLAGE WAY (HEIGHT: 27'-6" +/-)



5 VILLAGE WAY (HEIGHT: 28'-6" +/-)

6VW

NEW DWELLING

6 VILLAGE WAY
WILMINGTON, MASSACHUSETTS

OWNER

ARCHITECT
WORKSHOP/APD
30 VILLAGE WAY, SUITE 200
WILMINGTON, MASSACHUSETTS 01897
T: 508.253.5752, F: 508.253.5753
WWW.WORKSHOPAPD.COM

CONTRACTOR

STRUCTURAL ENGINEER

LANDSCAPE ARCHITECT

SURVEYOR

ALL DIMENSIONS ARE IN FEET AND INCHES
UNLESS OTHERWISE SPECIFIED
VERIFICATION OF FIELD CONDITIONS

REVISIONS

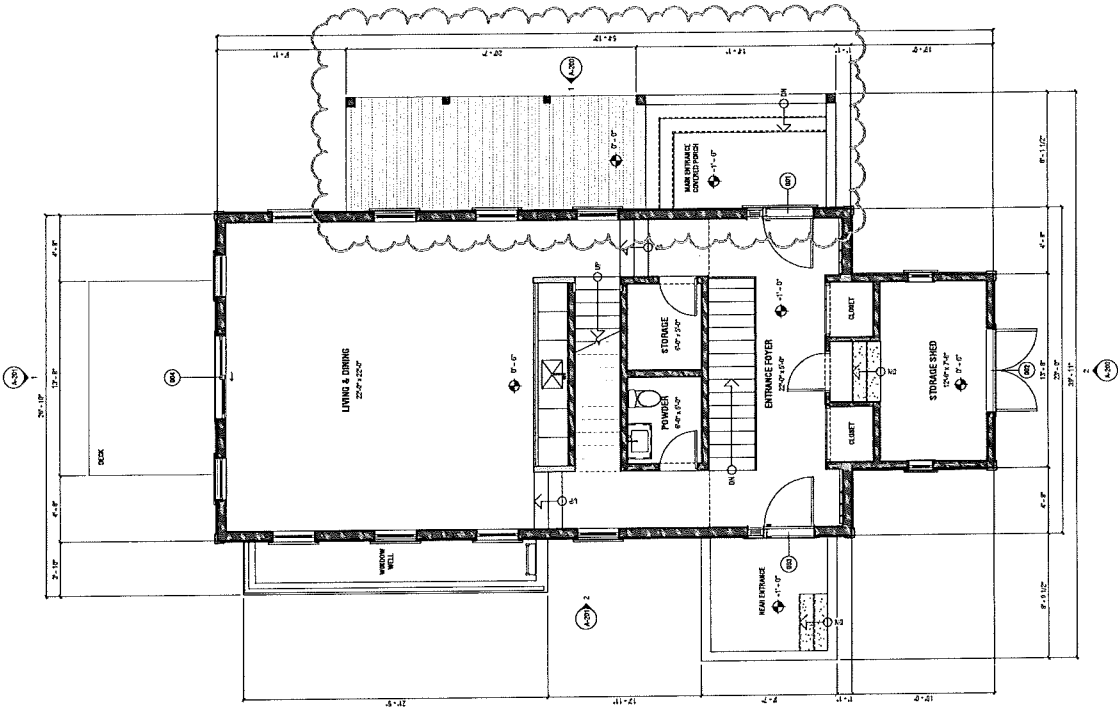
NOT FOR CONSTRUCTION

ISSUES

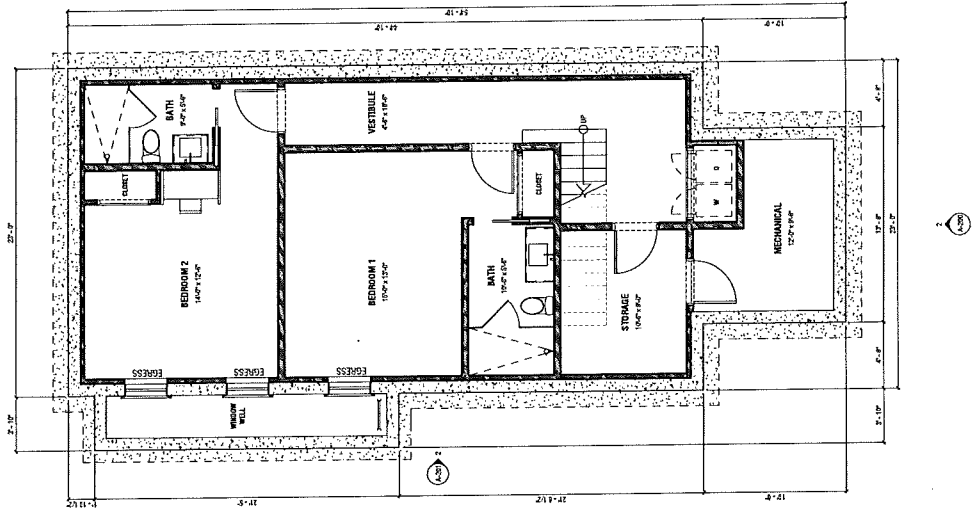
DRAWING INFO

FLOOR PLANS

A-100

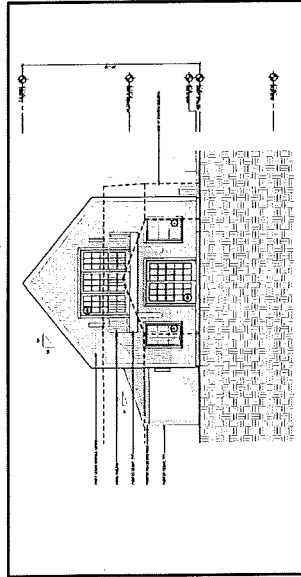


1 1ST FLOOR PLAN
1/4" = 1'-0"



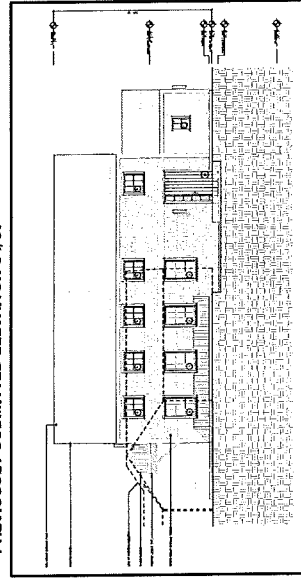
3 BASEMENT FLOOR PLAN
1/4" = 1'-0"

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.

PREVIOUSLY SUBMITTED ELEVATION 04/07



- NOTES:
1. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.
 2. ADDED OPERABLE AWNING WINDOW TYPES.

6VW
NEW DWELLING

OWNER

ARCHITECT

CONTRACTOR

STRUCTURAL ENGINEER

LANDSCAPE ARCHITECT

SURVEYOR

ISSUES

NOT FOR CONSTRUCTION

REVISIONS

DRAWING INFO

BUILDING ELEVATIONS

A-201

DATE

SCALE

PROJECT

CLIENT

LOCATION

DATE

SCALE

PROJECT

CLIENT

LOCATION

DATE

SCALE

PROJECT

CLIENT

LOCATION

DATE

SCALE

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LOCATION

DATE

SCALE

PROJECT

CLIENT

LOCATION

DATE

SCALE

PROJECT

CLIENT

LOCATION

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).

9-10-2021

DATE

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'

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
80		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

HUNTER WILLIAM F TRUSTEE
HARBOR FRONT REALTY TRUST
PO BOX 786
NANTUCKET, MA 02554

DALE KEVEN F TRUSTEE
37 POCOMO RD REALTY TRUST
34 MAIN ST 2ND FL
NANTUCKET, MA 02554

PRESTON RICHARD M LORI LILLY
1220 N ATLANTIC DRIVE
LANTANA, FL 33462

HORSESHOE CRAB LLC
PO BOX 101761
DENVER, CO 80250

DALE KEVIN F TR
6 VILLAGE WAY REALTY TRUST
34 MAIN ST 2ND FL
NANTUCKET, MA 02554

SMALL SIDNEY WILLIAM & NANETTE
OWEN
13 VILLAGE WAY
NANTUCKET, MA 02554

KOPFLER MICHAEL D & AMY F
8 RUTLAND SQUARE UNIT 2
BOSTON, MA 02118

FOUR WINDS NOMINEE TRUST
13 VILLAGE WAY
NANTUCKET, MA 02554

PROVIDENCE ASSOCIATES LLC
368 CENTER ST
SOUTHPORT, CT 06890

TULLOCH PETER & VIRGINIA TRS
FIVE VILLAGE WAY NOMINEE TRUST
368 CENTER ST
SOUTHPORT, CT 06890

MEATBALL MARTINI NANTUCKET LLC
104 DANS VIEW RD
SARATOGA SPRINGS, NY 12866

BALFE JUDITH M ETAL TRS
C/O ALLEN COHEN
7 CHARLDEN DR
SADDLE RIVER, NJ 07458

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 <lilly1220@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

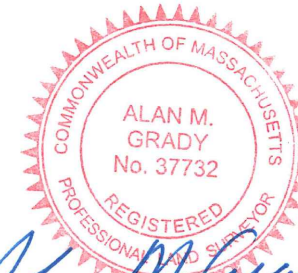
#6 ARKANSAS AVENUE
MAP 59.4 PARCEL 133.2

#1 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.1

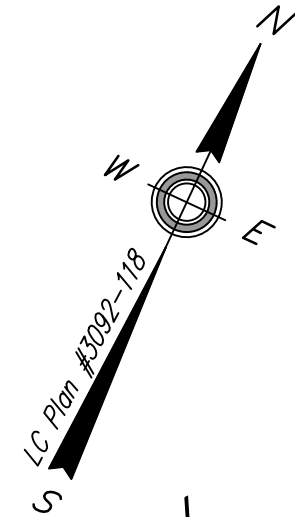
#3 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.2

#5 GOOSE COVE WAY
MAP 59.4 PARCEL 367

MAP 59.4
PARCEL 133
30,043± s.f.



Alan M. Grady



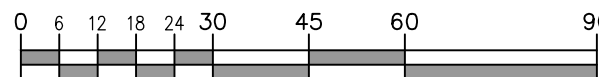
SOUTH CAMBRIDGE STREET
(COUNTY LAYOUT - 1959)

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:

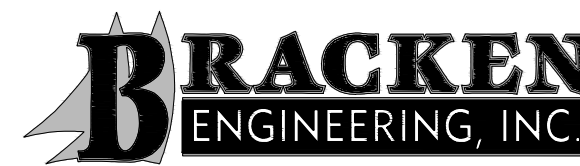
- OWNER: JOHN J. BARRY and NANCY J. BARRY
- DEED REF: Cert. #28218 Doc. #168928
- PLAN REF: LC Plan #3092-118 (LOT 892)

PLAN SCALE



1 inch = 30 feet

Date: SEPTEMBER 13, 2021	Drawn: RED/BEI	Checked: DFB/AMG
-----------------------------	-------------------	---------------------



49 HERRING POND ROAD
BUZZARDS BAY, MA 02532

(tel) 508.833.0070
(fax) 508.833.2282

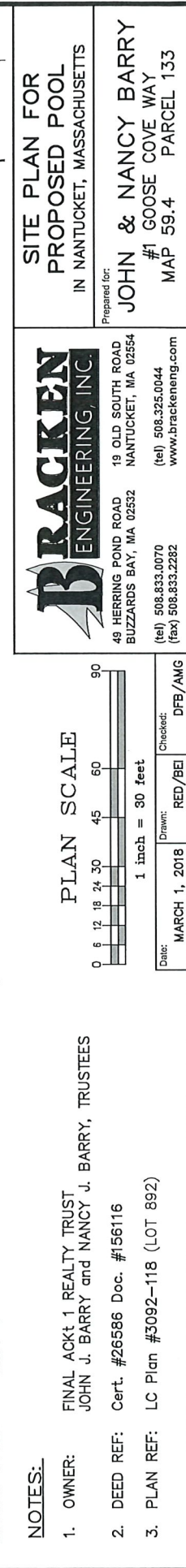
19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(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



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)

REAR YARD: 10'
GROUND COVER: 10% (MAX)

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



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 & Nancy S. Barry
MAILING ADDRESS..... 45 Summer St, North Easton, MA
PROPERTY LOCATION..... 1 Goose Cove Way
ASSESSOR MAP/PARCEL..... 59.4/133
SUBMITTED BY..... Clarke & 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).

9-9-2021

DATE

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'

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 & NATHANAE 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.

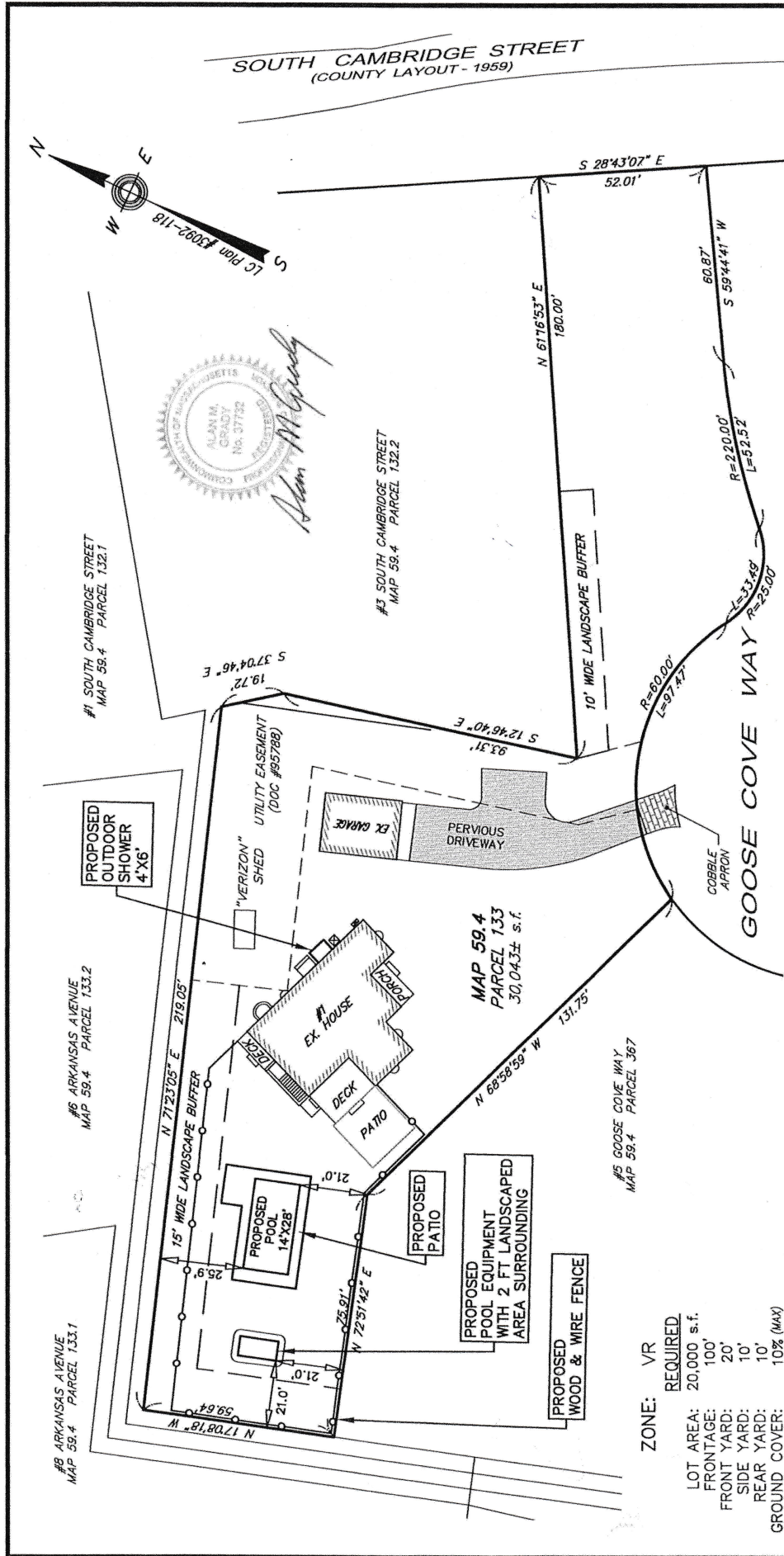
Yours sincerely,



Martin and Doneyn Bourke
6 Arkansas Ave
Nantucket, MA

508-325-5735

Email: martin.bourke@comcast.net
doneyn@gmail.com



BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
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

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
(fax) 508.325.2282
www.brackeneng.com

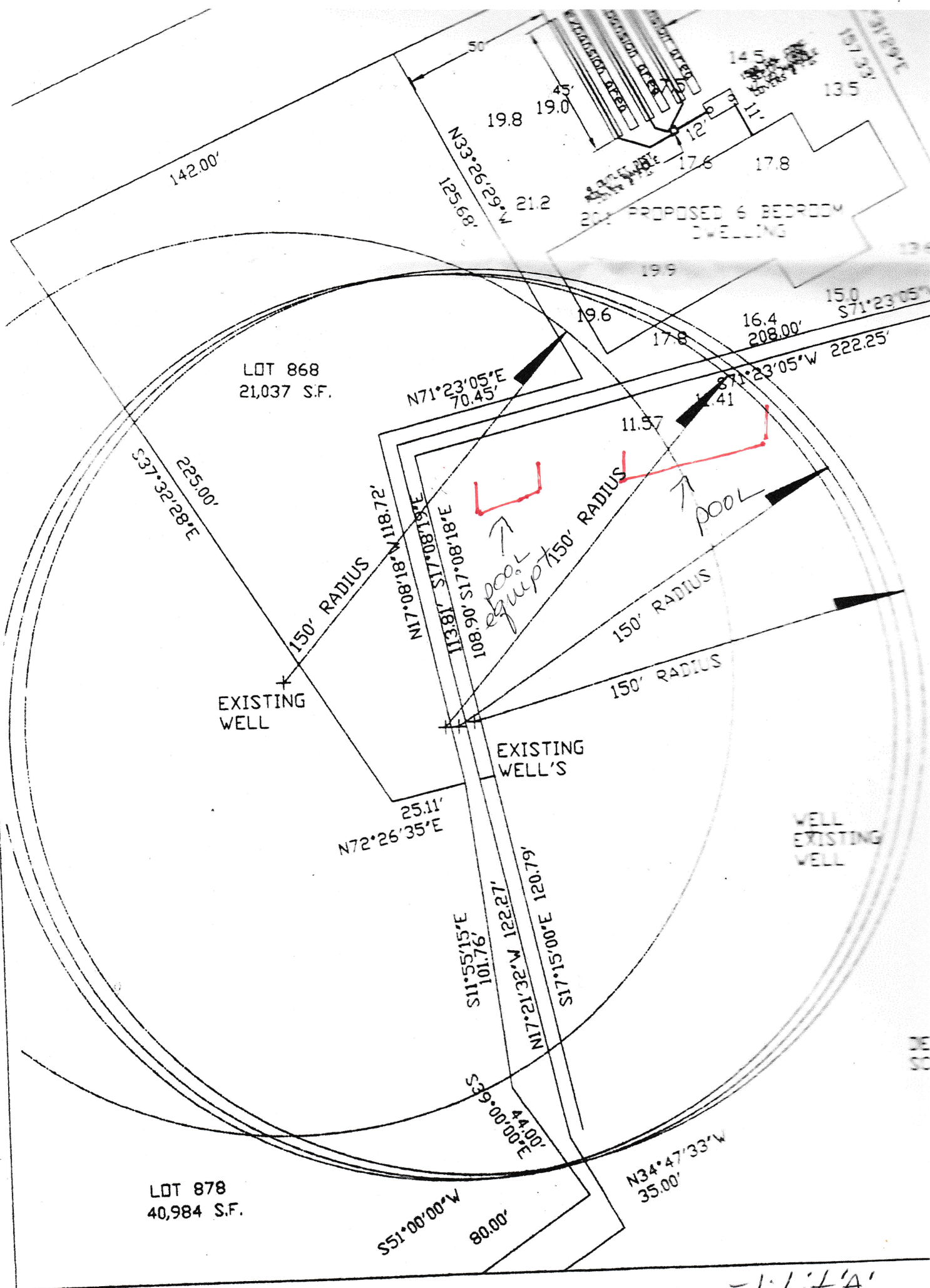


Exhibit 'A'

SOIL LOG

<u>TYPE</u>	<u>DEPTH</u>	<u>CLASS</u>
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
23	23	23
24	24	24
25	25	25
26	26	26
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84	84	84
85	85	85
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87	87	87
88	88	88
89	89	89
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91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

NO GROUNDWATER
AT DEPTH: 13.0
AT ELEV.: 6

SCHEDULE OF ELEVATIONS

OF FOUNDATION

EMENT FLOOR

ERT PIPE AT FOUNDATION

VERT AT SEPTIC TANK INLET

VERT AT SEPTIC TANK OUTLET

VERT AT DISTRIBUTION BOX INLET

VERT AT DISTRIBUTION BOX OUTLET

VERT AT LEACHING LINES (BEG)

VERT AT LEACHING LINES (END)

EVALUATION OF TRENCH BOTTOM

FLOW PER TRENCH: 2331
NUMBER OF TRENCHES: 3
TOTAL: 699 GALLONS

ASSESSORS MAP#	59.4	PARCEL#133.2 & 37.2

FOR A PROPOSED 6 BEDROOM DWELLING
6 ARKANSAS AVENUE
NANTUCKET, MA. 02554

APPLICANT, DONEYN BOURKE
76 ARKANSAS AVE
NANTUCKET, MA.



JOB NO. 6598SSD

SCALE: AS NOTED

DATE: JUNE 17, 2002, REVISED: JULY 24, 2002

JOHN J. SHUGRUE, INC.
OLD SOUTH ROAD
NANTUCKET, MA 02554

MAP 59.4 PARCEL 133

ARKANSAS AVENUE
59.4 PARCEL 133.1

#6 ARKANSAS AVENUE
MAP 59.4 PARCEL 133.2

#1 SOUTH CAMBRIDGE STREET
MAP 59.4 PARCEL 132.1

Actual placement of old #1 tree

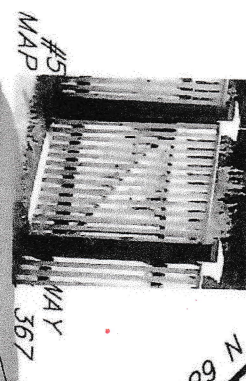
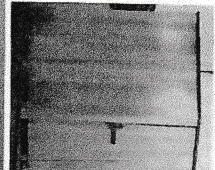
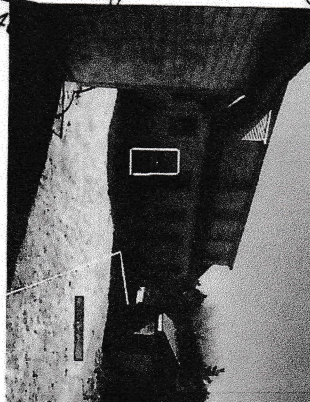
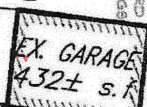
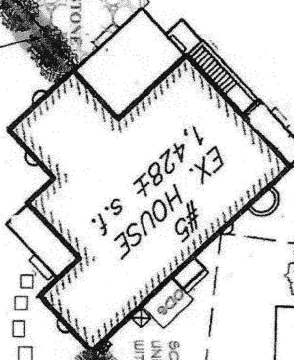
OUTDOOR SHOWER
PROPOSED 6'x6'

UTILITY EASEMENT
(DOC #95788)

SHED

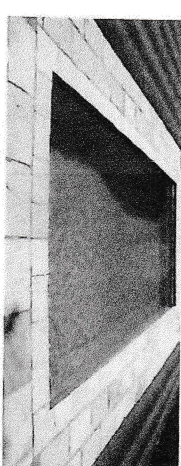
WIRE FENCE WITHIN PRIVET
AND NATURAL VEGETATION

LAWN



PERVIOUS DRIVEWAY

10' WIDE LANDSCAPE BUFFER



BLUESTONE AROUND POOL
(9'x24')

COBBLE APRON
R=60.00'
L=97.47'
R=25.00'
L=33.49'

GOOSE COVE WAY

VAL OLIVER DESIGN
PO BOX 3057
NANTUCKET, MA 02584

JACK AND NANCY BARRY- S CAMBRIDGE ST
POOL AND HARDSCAPE

SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 2-5-18



Exhibit C



Lehigh Valley

Exhibit 'D'



Exhibit 'E-1'

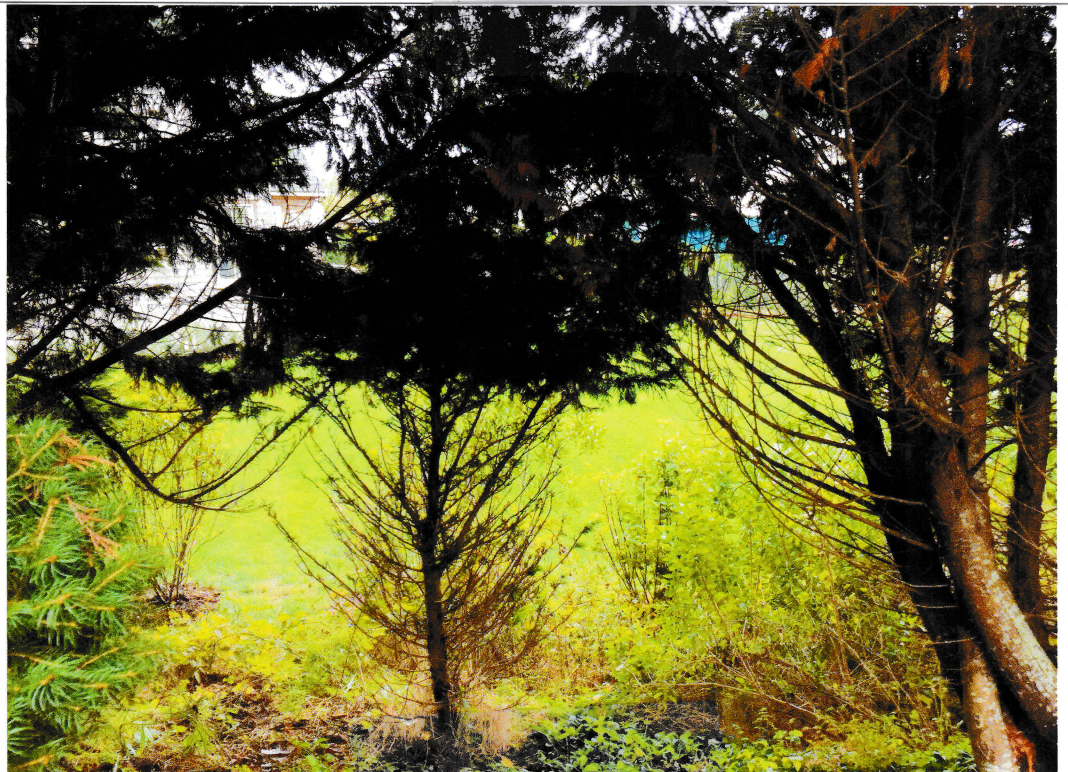


Exhibit 'E-2'



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:
cantoniatti@nantucket-ma.gov

please acknowledge receipt

New Business

Adam Delaney-Winn

File No. 22-21

40 Warren's Landing Rd

Appeal



**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. 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: Arthur I. Reade, Jr. Applicant/Attorney/Agent

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: __/__/__

SIX YOUNGS WAY
PO BOX 2669
NANTUCKET, MA 02584-2669

EXPLANATION	AMOUNT

53-447/113
371

 Security Features Details on Back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
9/1/2021	Town of Southwick	40 Warren St. Lexington MA	214574

**NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST**



AUTHORIZED SIGNATURE ^{MP}

021454 10113044781 889016367

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

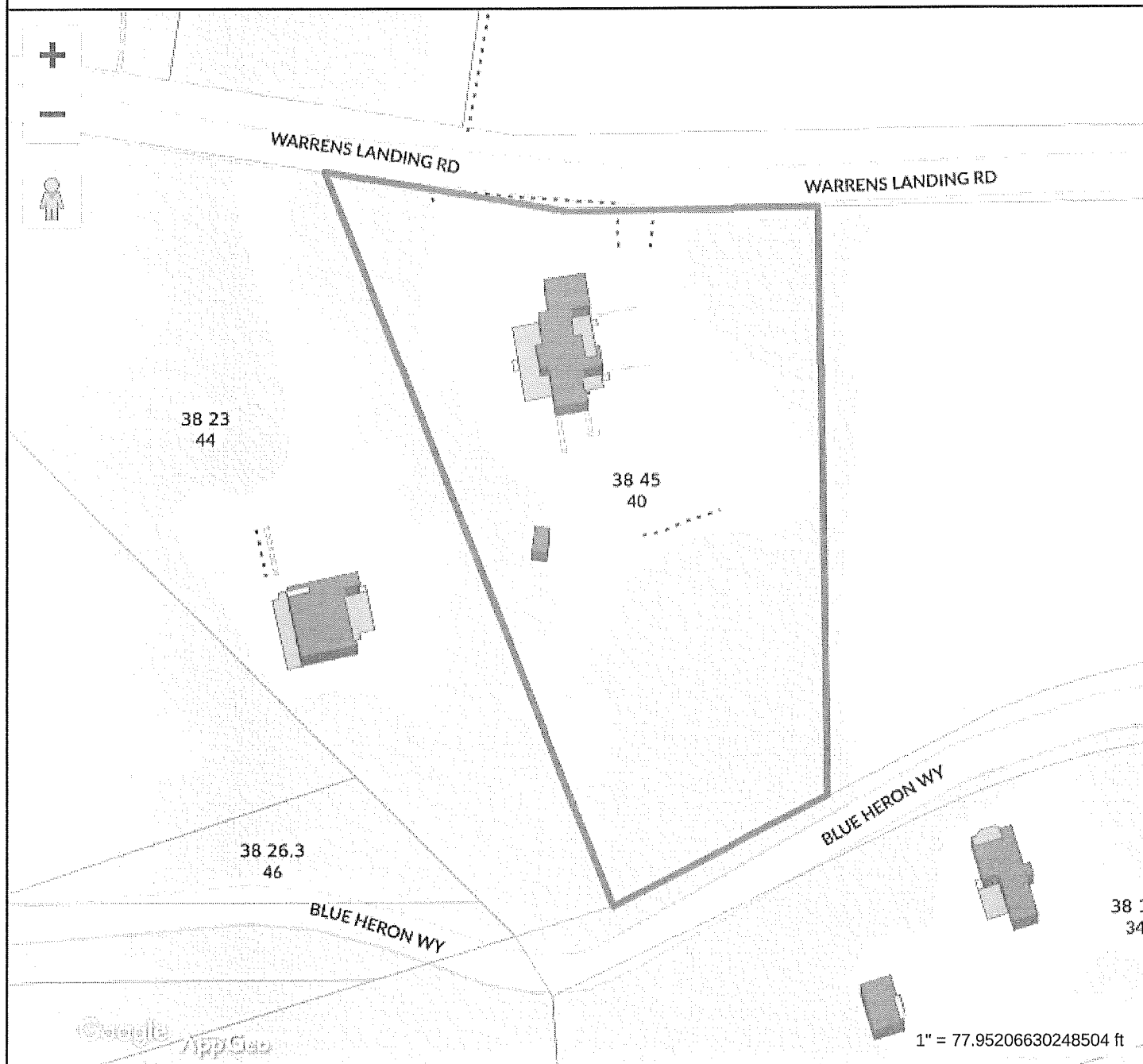
MALLOY JOHN M TR ETAL
MALLOY JOHN M TRUST AGREEMENT
PO BOX 176
NANTUCKET, MA 02554

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	02564 32	WARRENS LANDING RD
38	12		NANTUCKET CONSERVATION FOUND		PO BOX 13	NANTUCKET	MA	02564 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 FOUND		PO BOX 13	NANTUCKET	MA	02564 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-MINN ADAM TR	WARRENS LANDING NOM TRUST	192 MEADOWBROOK RD	WESTON	MA	02493 40	WARRENS LANDING RD
38	46		NANTUCKET CONSERVATION FOUND		PO BOX 13	NANTUCKET	MA	02564 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	02564 35	WARRENS LANDING RD
38	51		MALLOY JOHN M TR ETAL	MALLOY JOHN M TRUST AGREEMENT	PO BOX 176	NANTUCKET	MA	02564 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	02564 49	WARRENS LANDING RD
Count:	15								



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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
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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,

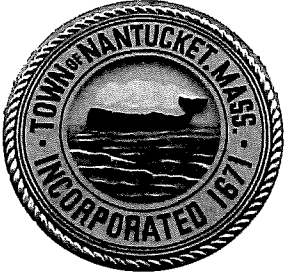
On October 16, 2019, a Violation Notice was issued to the owner(s) [Owner] of 40 Warren's Landing Rd. (Map# 38, Parcel# 45) pertaining to use of a secondary driveway access without the required Planning Board-issued special permit (Zoning Code §139-20.1B(1)). No appeal was filed within the statutorily 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

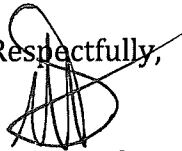
Dear Mr. Perry-Miller,

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.

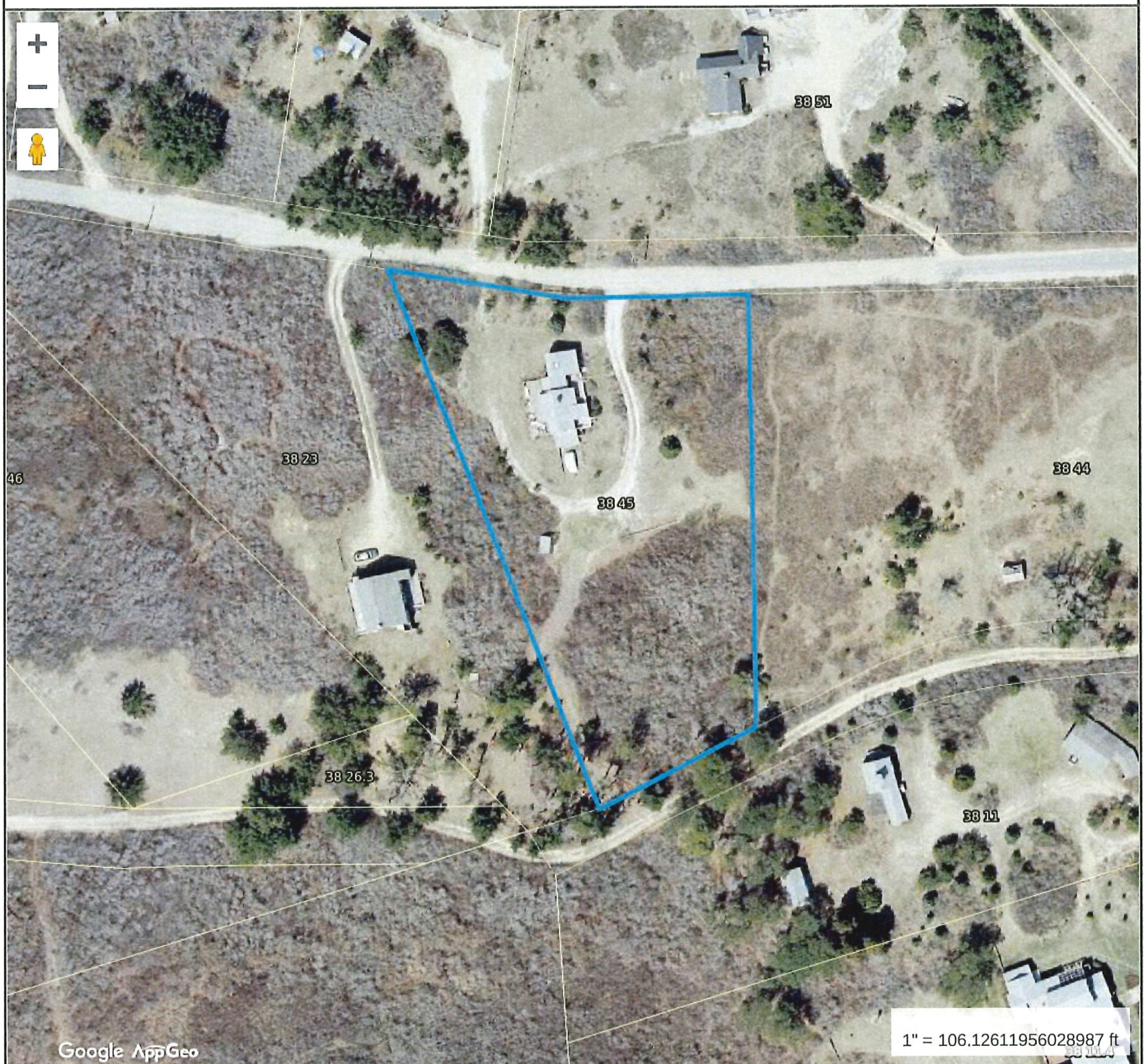
Geometry updated 07/29/2021
 Data updated Jan. 2021

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**

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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.

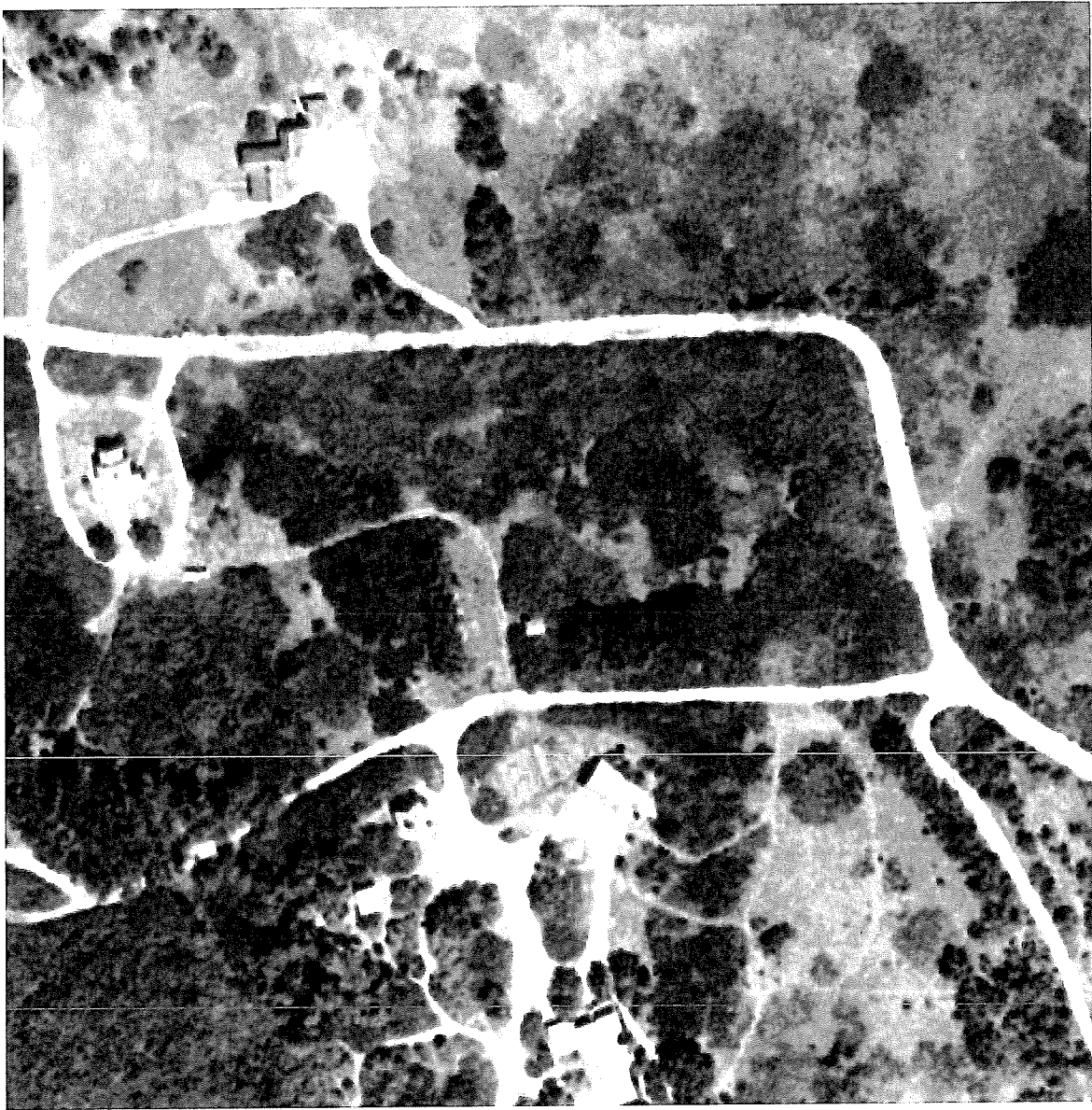
Let me know if you have any questions.

Thanks,

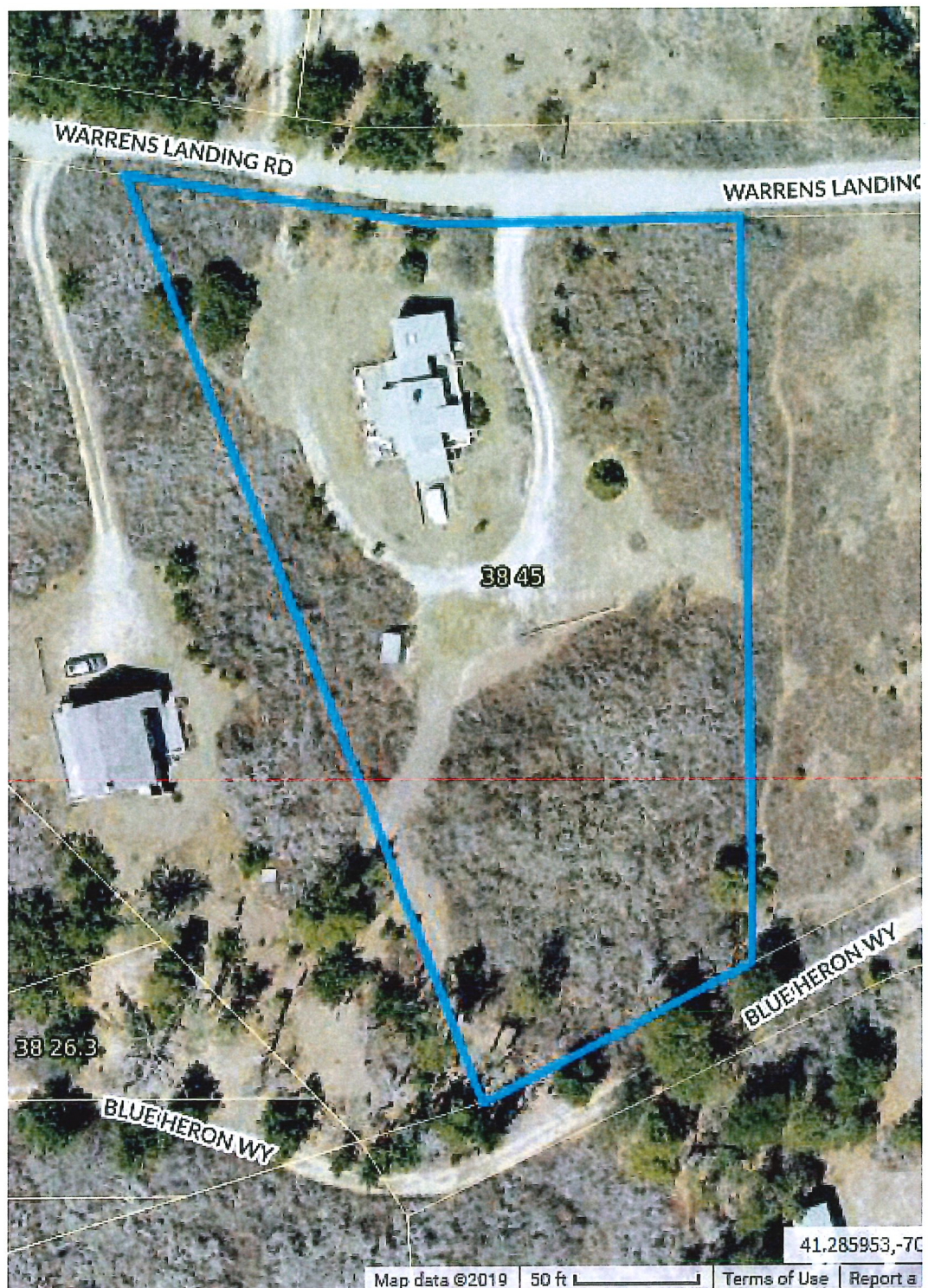
Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

40 Warren's Landing Road – Historic Aerials

1971:



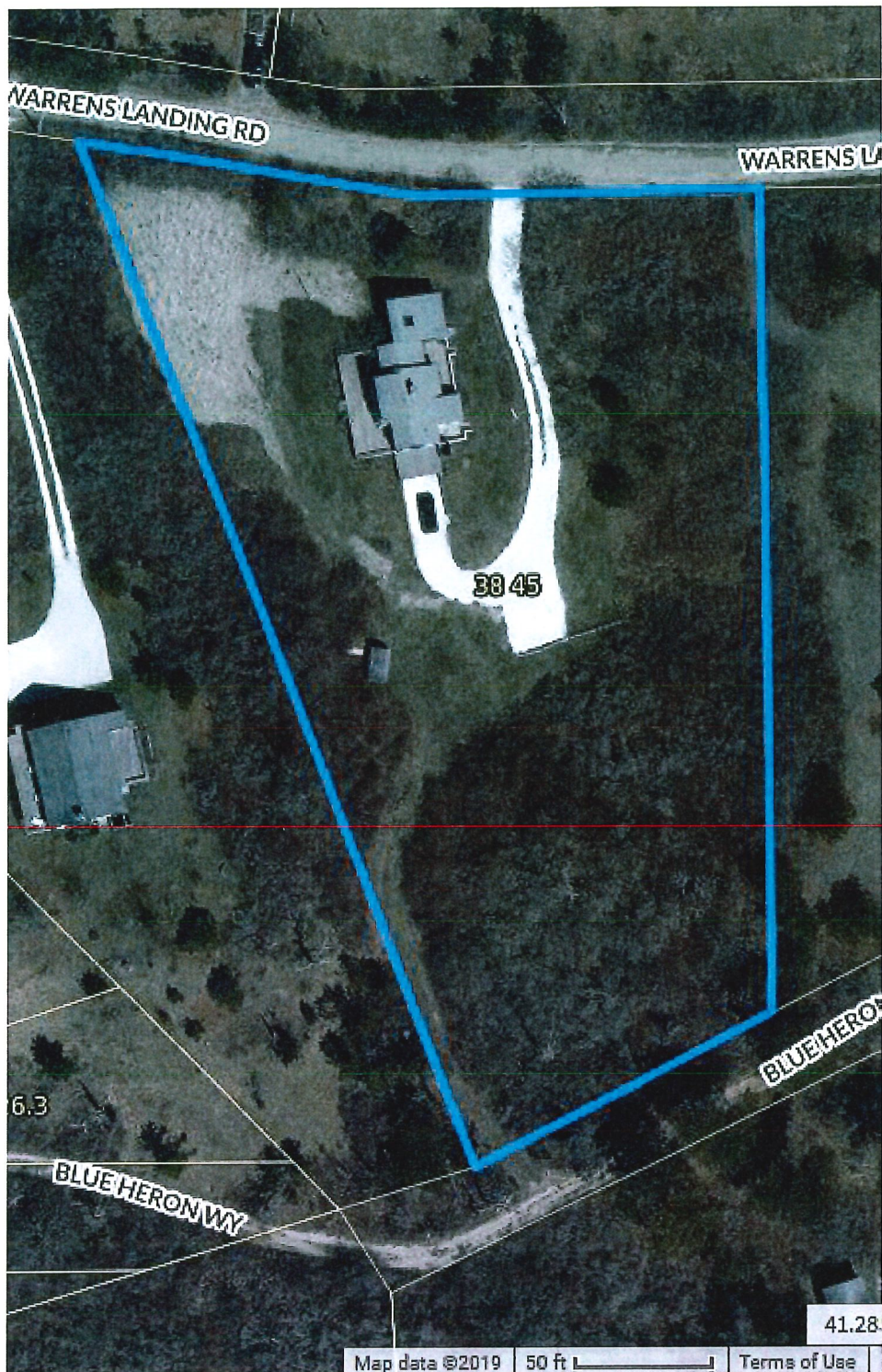
2003:



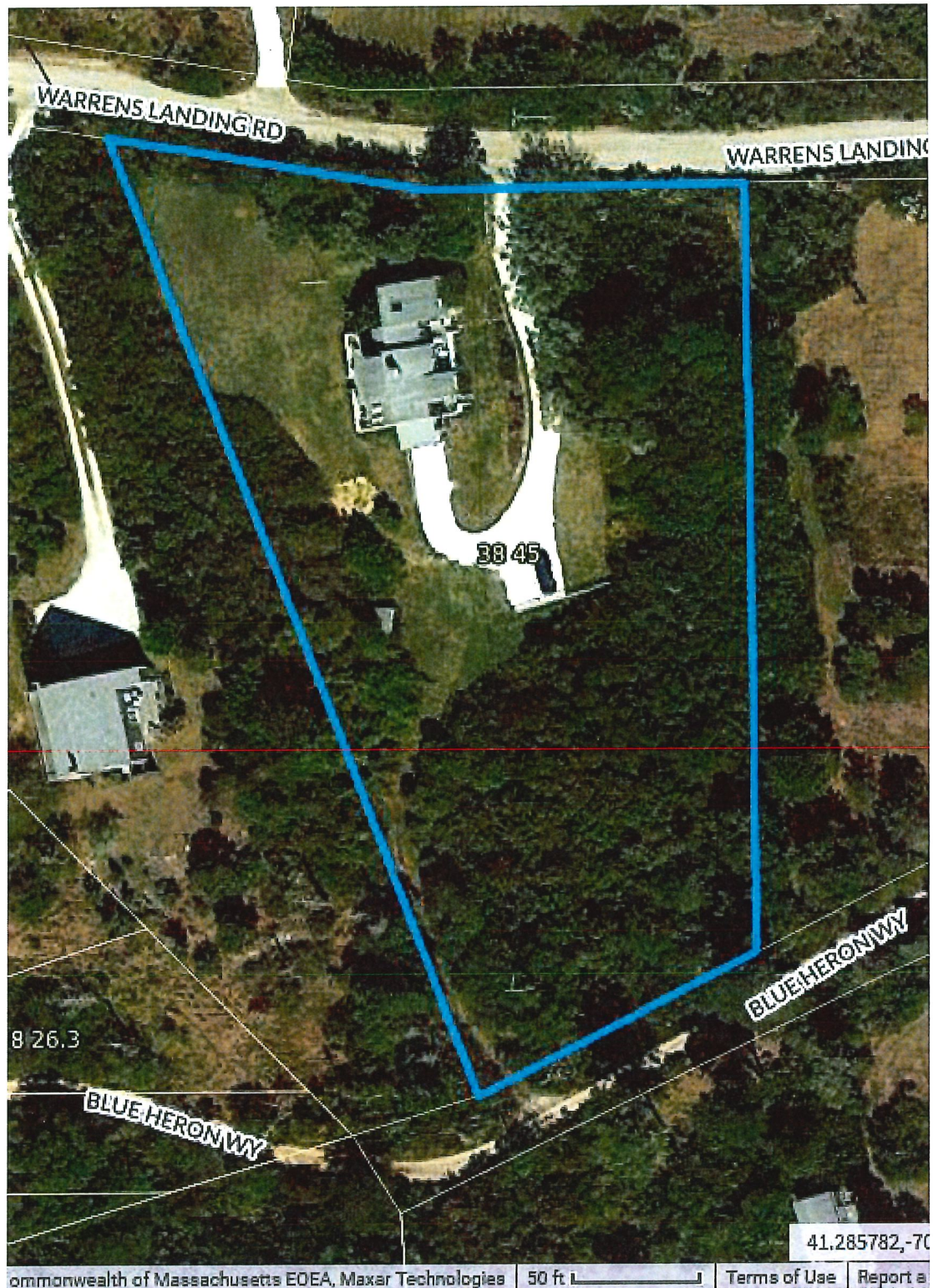
2011:

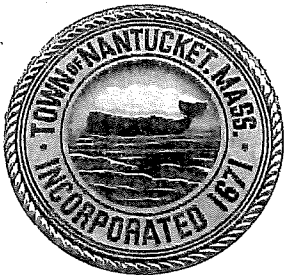


2014:



2018:





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

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

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

Postmark
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Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

Warren's Landing NT
 c/o Delaney-Winn, Tr.
 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:

Warren's 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

PS Form 3811, July 2015 PSN 7530-02-000-9053

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

Domestic Return Receipt



Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO.

20-2401

DATE NOTICE WRITTEN 2/1/00

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

A 27232

NAME (Last, First, Initial) William J. ...		OWNER (if different) or PARENT (if minor) ...	
ADDRESS 20 Nantucket St. Nantucket, MA 01903		ADDRESS ...	
CITY/TOWN Nantucket	STATE MA	CITY/TOWN ...	STATE ...
DATE OF BIRTH ...	RACE/SEX ...	SOCIAL SECURITY NUMBER ...	ZIP ...
DATE OF VIOLATION 2/1/00	LOCATION OF VIOLATION ...	DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE ...	
OFFENSE A. ... B. ...		VIOLATION CODE ...	TIME ... AM ... PM
OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL		IF NON-CRIMINAL TOTAL AMOUNT DUE: \$ 100.00	
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR		ID NO. ...	BY HAND ☐ BY MAIL ☒
VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE			

WITNESSES:

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

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Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

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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 Haffenreffer's 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 Haffenreffer's 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.

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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:

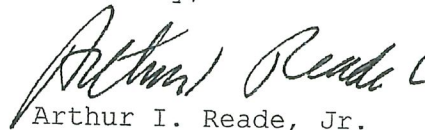
I have obtained from the Conservation Commission a copy of the letter sent to you by members of the Buttrick family, dated August 25, 2021, requesting action regarding the driveway access to 40 Warren's Landing Road from the right of way known as Blue Heron Way. I represent Warren's Landing Nominee Trust,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

CRH 46 Surfside LLC

File No. 29-21

46 Surfside Rd

Appeal



NANTUCKET
TOWN CLERK
2021 SEP 16 AM 11:35

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



APPLICATION

Fee: \$450.00

File No. 29-21

Owner's name(s): CRH 46 Surfside LLC

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

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

Applicant's name(s): Same as above

Mailing Address: Same as above

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

Locus Address: 46 Surfside Road Assessor's Map/Parcel: Map 67, Parcel 120.3

Land Court Plan/Plan Book & Page/Plan File No.: Land Court Plan 26439-Z

Deed Reference/Certificate of Title: 27187 Zoning District CN

Uses on Lot- Commercial: None Yes (describe) 2 contractor shops with ancillary storage and office

Residential: Number of dwellings _____ Duplex 1 Apartments 2

Date of Structure(s): all pre-date 7/72 _____ or 1998 and 2021 _____

Building Permit Numbers: 13697-96 and 2020-09-0773

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.

CRH 46 Surfside LLC

By:

SIGNATURE: Robin Halik Owner*

CRH 46 Surfside LLC

By:

SIGNATURE: Robin Halik 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

CRH 46 Surfside LLC, Applicant
46 Surfside Road, Nantucket, Massachusetts

Pursuant to Nantucket Zoning By-law (the "By-law") s. 139-31 (Appeals), the Applicant, CRH 46 Surfside LLC, a party "aggrieved by reason of [its] inability to obtain a permit [Certificate of Occupancy] from the Building Commissioner" for its property at 46 Surfside Road (the "Locus"), hereby appeals from the third bullet point of the cease and desist letter of the Nantucket Building Commissioner dated August 27, 2021, which sets forth the following alleged violation:

"Violation of Planning Board Special Permit #21-15, using the storage bays as a commercial laundry, which is a use not specifically contemplated in the Special Permit."

The Applicant asserts that the proposed uses are in conformity to the Applicant's Major Commercial Development ("MCD") special permit as amended. The MCD special permit allows the two so-called storage bays on the Locus to be used as contractor's shops. As approved in 2015, the Applicant proposes to use one of the existing contractor's shops, with an ancillary office and attendant storage, for the Applicant's (commercial and residential, including rugs) cleaning and pool cleaning businesses, and the other contractor's shop for the Applicant's laundry business and ancillary storage of materials and supplies. The laundry service would pick up laundry from its clients, launder and fold the laundry, and deliver it back to the clients.

To the extent that these proposed uses do not fall within the definition of "contractor's shop" under the the By-law, the Applicant sought a minor modification of the MCD Special Permit at the Planning Board's June 14, 2021. One of the purposes of the modification was to clarify the proposed uses. As shown on the YouTube video of the meeting, a rough transcript of which is filed herewith, the Applicant discussed the nature and scope of the proposed uses, including the laundry facility, and the Planning Board approved the minor modification after finding that a minor modification was appropriate. As set forth in the Applicant's September 17, 2021, e-mail correspondence with the Deputy Director of Planning, copy attached, these services are more in the nature of personal services, rather than a laundromat (for which there is no definition in the By-law). Members of the public would not be

allowed on the Locus, there would be no coin-operated machines or self-service, and all laundry would be picked up from and delivered back to the client (rather than dropped off and picked up).

The Applicant respectfully requests that the Board of Appeals overturn the Building Commissioner's August 27, 2021, decision and find that the proposed uses described above are consistent with the provisions of the MCD Special Permit.

Begin forwarded message:

From: Robin Halik <robin@pioneercleaningpro.com>
Subject: Fwd: 46 Surfside
Date: September 17, 2020 at 1:09:51 PM EDT
To: Geoff Thayer <geoffthayer123@gmail.com>

FYI reached out to Leslie re: laundry and she and Paul Murphy say it's fine.
Let's talk about what we need to do if I move forward with that aspect.

Robin Halik
<http://www.pioneercleaningpro.com>

Begin forwarded message:

From: Robin Halik <robin@pioneercleaningpro.com>
Subject: Re: 46 Surfside
Date: September 17, 2020 at 12:36:28 PM EDT
To: Leslie Snell <LSnell@nantucket-ma.gov>

Thanks very much Lesliel

Robin Halik
<http://www.pioneercleaningpro.com>

On Sep 17, 2020, at 12:35 PM, Leslie Snell <LSnell@nantucket-ma.gov> wrote:

Yes. I'm here with the Building Commissioner (Paul Murphy) and he is in fully agreement.

Sent from my iPad

On Sep 17, 2020, at 12:31 PM, Robin Halik <robin@pioneercleaningpro.com> wrote:

Thanks Leslie, so as long as we don't have customers in and out I can process linens. I appreciate your help and I hope you are well!

Robin Halik
<http://www.pioneercleaningpro.com>

On Sep 17, 2020, at 12:28 PM, Leslie Snell <LSnell@nantucket-ma.gov> wrote:

Hi Robin -

What you have described sounds more like "personal services" which is a use allowed by-right in the CN district. Under that use category, you would be allowed to store your cleaning equipment, run your business office, and perform the minor laundering that you mentioned.

A contractor shop requires a special permit, which you probably want to avoid if possible.

Let me know if you have additional questions.

Leslie

Sent from my iPad

On Sep 16, 2020, at 2:06 PM, Robin Halik <robin@pioneercleaningpro.com> wrote:

Hi Leslie,

I hope you are well!

I wanted to check in with you about my use at 46 Surfside. We are expecting a permit any time now. I have 2 sides of the building classified as contractor use I think. We are using one side for our business, Pioneer Cleaning. I am thinking about putting in a couple of washers and dryers and an ironer to do turnover linens on the other side. No customers in and out. Would this still fall under this use or would I have to change it?

Thanks for your help!
Robin Halik
<http://www.pioneercleaningpro.com>

This email was scanned by Bitdefender

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER CRH 46 SURFSIDE LLC

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

PROPERTY LOCATION 46 Surfside Road

ASSESSOR MAP/PARCEL Map 67, Parcel 120.3

SUBMITTED BY Holly Fernandes

SEE ATTACHED PAGES

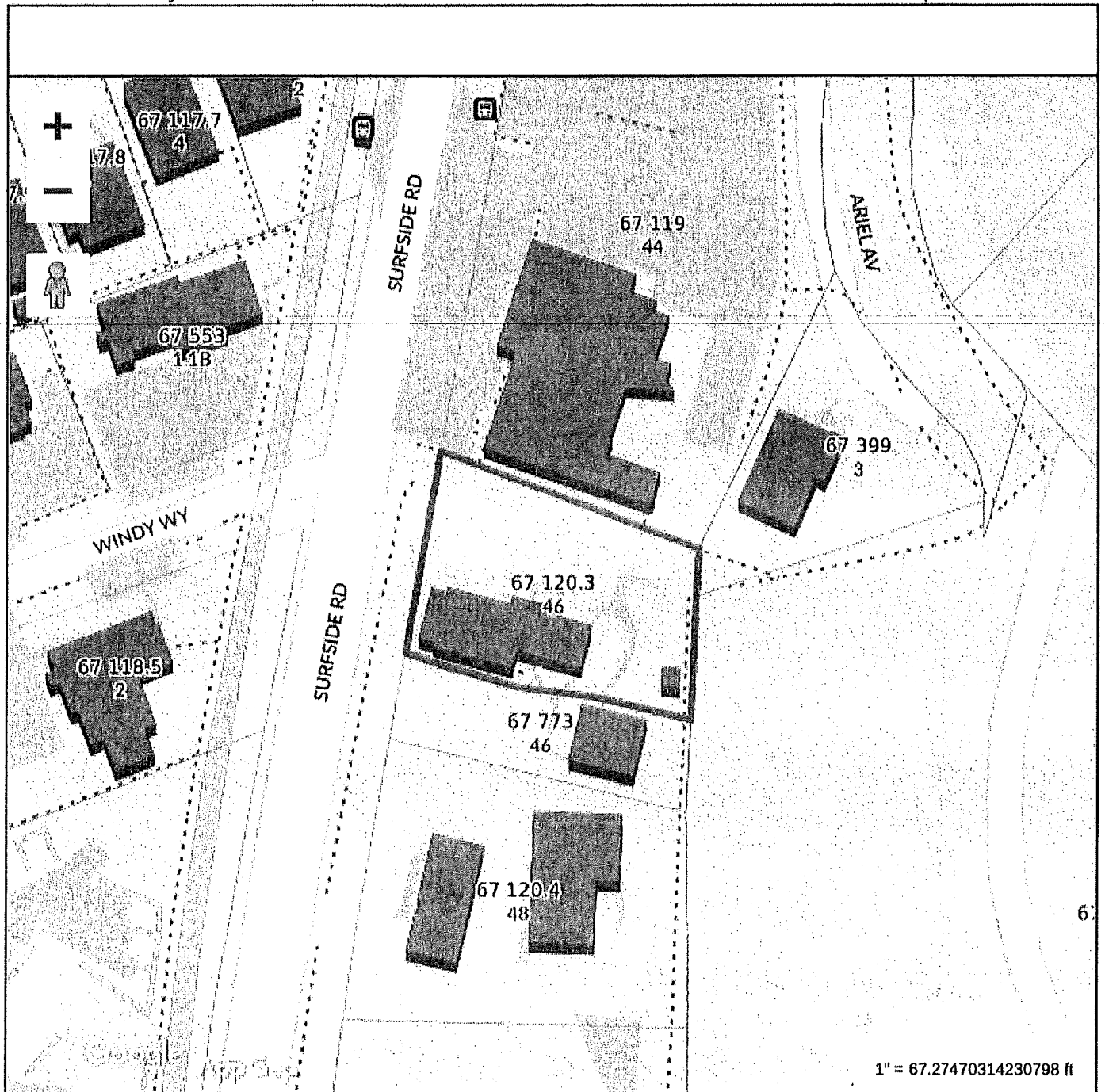
I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most 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: 2021.09.13 13:15:34 -04'00'

9-13-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET



Property Information

Property ID 67 120.3
 Location 46 SURFSIDE RD
 Owner CRH 46 SURFSIDE 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.

Abutters Listing

Parcel ID	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	14	2	KINNEY DAVID & JIMABAEV YERZHAN	C/O KINNEY DAVID ETAL	7 BOYNTON LANE	NANTUCKET	MA	02554	7 BOYNTON LN
67	15	1	DOBBERT MICHAEL & LINGER ELIZABETH K		42 CHAUNCEY ST UNIT 6-C	BOSTON	MA	02111	38 SURFSIDE RD
67	16		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	9 BACKLUS LN
67	17	4	NANTUCKET ISLAND HOMES INC		PO BOX 182	NANTUCKET	MA	02554	2 BOYNTON LN
67	117	5	GAME PLAN AGX LLC	C/O GAME PLAN AGX LLC	54A MEETINGHOUSE LANE	SAGAMORE BEACH	MA	02562	12 BOYNTON LN
67	117	7	HENSEL CHARLES & MARCIA		PO BOX 2897	NANTUCKET	MA	02584	4 BOYNTON LN
67	117	8	HUGHES MARIA T		2 HELENS DRIVE	NANTUCKET	MA	02584	6 BOYNTON LN
67	117	9	CONONICUS PARTNERS LLC		81 VESTAL STREET	NANTUCKET	MA	02554	8 BOYNTON LN
67	118	6	KEEP ON TRUCKING LLC		PO BOX 125	NANTUCKET	MA	02554	4 WINDY WY
67	119		ISLAND MANAGEMENT INC		BOX 2549	NANTUCKET	MA	02584	44 SURFSIDE RD
67	120	3	GRH 46 SURFSIDE LLC		221 MADAKET RD	NANTUCKET	MA	02554	46 SURFSIDE RD
67	120	4	DIAS MANUEL F TRUSTEE	DIAS MANUEL F REV TRUST	50 SURFSIDE RD	NANTUCKET	MA	02554	48 SURFSIDE RD
67	218		KEEP ON TRUCKING LLC		PO BOX 113	NANTUCKET	MA	02554	57 SURFSIDE RD
67	220		DIAS MANUEL F & ELAINE E TRST		50 SURFSIDE RD	NANTUCKET	MA	02554	50 SURFSIDE RD
67	221		DIAS CAMERON J		48 SURFSIDE RD	NANTUCKET	MA	02554	52R SURFSIDE RD
67	389		W B O INC		44 SURFSIDE ROAD	NANTUCKET	MA	02554	3 ARIEL AV
67	401		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	7 PILOT WHALE DR
67	447	1	TILTON LARRY E TRST	C/O TILTON & ASSC INC	81 JOHN L DIETSCHE BLVD	NORTH ATTLEBORO	MA	02763	5A WINDY WY
67	447	2	TILTON LARRY E TRST	TILTON & ASSC INC	81 JOHN L DIETSCHE BLVD	NORTH ATTLEBORO	MA	02763	5B WINDY WY
67	447	3	TILTON LARRY E TRST	TILTON & ASSC INC	81 JOHN L DIETSCHE BLVD	NORTH ATTLEBORO	MA	02763	5C WINDY WY
67	447	4	TILTON LARRY E TRST	TILTON & ASSC INC	81 JOHN L DIETSCHE BLVD	NORTH ATTLEBORO	MA	02763	5D WINDY WY
67	451	1	MAURY CHRISTOPHER L		3 WINDY WAY	NANTUCKET	MA	02554	3A WINDY WY
67	451	2	MIKE BOYLAN INC		10 WITHERSPOON DRIVE	NANTUCKET	MA	02554	3B WINDY WY
67	481	3	DEMERRITT JULIE K TRST	DEMERRITT FAMILY NOM TRUST	4585 SYLVAN RD	CANANDAIGUA	NY	14424	3C WINDY WY
67	481		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	5 BACKLUS LN
67	553	1	KACAR LLC	MALLY KLAUDIA & WROBLEWSKI CARRI	1284 WASHINGTON STREET	BOSTON	MA	02118	1A WINDY WY
67	553	2	KACAR LLC		1284 WASHINGTON ST	BOSTON	MA	02118	1B WINDY WY

67	560	DIAS CAMERON J	48 SURFSIDE RD	NANTUCKET	MA	02554	SURFSIDE RD
67	561	DIAS MANUEL F TRUSTEE	50 SURFSIDE RD	NANTUCKET	MA	02554	SURFSIDE RD
67	654	DOBYNS TANYA TR	17 RAILROAD AVE	DUXBURY	MA	02332	3 BOYNTON LN
67	665	DOBYNS PETER	PO BOX 1644	DUXBURY	MA	02331	1 BOYNTON LN
67	773	SARACAM LLC	8 EAGLES WING WAY	NANTUCKET	MA	02554	46 - SURFSIDE RD
67	779	SYLVESTER BAPTISTE & ANN MARIE	8A BOYNTON LN	NANTUCKET	MA	02554	8 A BOYNTON LN #1
67	780	FACEY ANDREA	8B BOYNTON LN	NANTUCKET	MA	02554	8 B BOYNTON LN #2
Count:		34					

KINNEY DAVID & JUMABAEV YERZHAN
C/O KINNEY DAVID ETAL
7 BOYNTON LANE
NANTUCKET, MA 02554

DOBBERT MICHAEL & LUNGER
ELIZABETH K
42 CHAUNCY ST UNIT 6-C
BOSTON, MA 02111

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

NANTUCKET ISLAND HOMES INC
PO BOX 192
NANTUCKET, MA 02554

GAME PLAN ACK LLC
C/O GAME PLAN ACK LLC
54A MEETINGHOUSE LANE
SAGAMORE BEACH, MA 02562

HENSEL CHARLES & MARCIA
PO BOX 2897
NANTUCKET, MA 02584

HUGHES MARIA T
2 HELENS DRIVE
NANTUCKET, MA 02554

CONONICUS PARTNERS LLC
61 VESTAL STREET
NANTUCKET, MA 02554

KEEP ON TRUCKING LLC
PO BOX 125
NANTUCKET, MA 02554

ISLAND MANAGEMENT INC
BOX 2549
NANTUCKET, MA 02584

CRH 46 SURFSIDE LLC
221 MADAKET RD
NANTUCKET, MA 02554

DIAS MANUEL F TRUSTEE
DIAS MANUEL F REV TRUST
50 SURFSIDE RD
NANTUCKET, MA 02554

KEEP ON TRUCKING LLC
PO BOX 113
NANTUCKET, MA 02554

DIAS MANUEL F & ELAINE E TRST
50 SURFSIDE RD
NANTUCKET, MA 02554

DIAS CAMERON J
48 SURFSIDE RD
NANTUCKET, MA 02554

W B B O INC
44 SURFSIDE ROAD
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

TILTON LARRY E TRST
C/O TILTON & ASSC INC
81 JOHN L DIETSCH BLVD
NORTH ATTLEBORO, MA 02763

TILTON LARRY E TRST
TILTON & ASSC INC
81 JOHN L DIETSCH BLVD
NORTH ATTLEBORO, MA 02763

TILTON LARRY E TRST
TILTON & ASSC INC
81 JOHN L DIETSCH BLVD
NORTH ATTLEBORO, MA 02763

TILTON LARRY E TRST
TILTON & ASSC INC
81 JOHN L DIETSCH BLVD
NORTH ATTLEBORO, MA 02763

MAURY CHRISTOPHER L
3 WINDY WAY
NANTUCKET, MA 02554

MIKE BOYLAN INC
10 WITHERSPOON DRIVE
NANTUCKET, MA 02554

DEMERITT JULIE K TRST
DEMERITT FAMILY NOM TRUST
4593 SYLVAN RD
CANANDAIGUA, NY 14424

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

KLACAR LLC
MALLY KLAUDIA & WROBLEWSKI CARRI
1284 WASHINGTON STREET
BOSTON, MA 02118

KLACAR LLC
1284 WASHINGTON ST
BOSTON, MA 02118

DIAS CAMERON J
48 SURFSIDE RD
NANTUCKET, MA 02554

DIAS MANUEL F TRUSTEE
DIAS MANUEL F REV TRUST
50 SURFSIDE RD
NANTUCKET, MA 02554

DOBYNS TANYA TR
DOBYNS FAMILY 2021 IRREV TRUST
17 RAILROAD AVE
DUXBURY, MA 02332

DOBYNS PETER
PO BOX 1644
DUXBURY, MA 02331

SARACAM LLC
8 EAGLES WING WAY
NANTUCKET, MA 02554

SYLVESTER BAPTISTE & ANN MARIE
8A BOYNTON LN
NANTUCKET, MA 02554

FACEY ANDREA
8B BOYNTON LN
NANTUCKET, MA 02554

Anne Dewez

File No. 30-21

103 Main St

Appeal



TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

NANTUCKET
TOWN CLERK
2021 SEP 21 PM 2:42

APPLICATION

Fee: \$450.00

File No. _____

Owner's name(s): 103 Main Street LLC

Mailing address: 201 Kenlyn Road, Palm Beach, FL 33480

Phone Number: unknown E-Mail: unknown

Applicant's name(s): ANNE DENEZ ; PETER TAYLOR **
R. M. KARGMAN *

Mailing Address: 5 Mill Street, Nantucket, MA 02554

Phone Number: 203 685 5361 E-Mail: afmdenez@gmail.com

Locus Address: 103 Main St. Assessor's Map/Parcel: 4233-153

Land Court Plan/Plan Book & Page/Plan File No.: 04-48 lot 2
Book 1494

Deed Reference/Certificate of Title: Page 211 Zoning District ROH

Uses on Lot- Commercial: None Yes (describe)

Residential: Number of dwellings 2 Duplex Apartments

Date of Structure(s): all pre-date 7/72 or 2005

Building Permit Numbers: BLDR 2021-03-1459

Previous Zoning Board Application Numbers:

* 8 Mill Street, Nantucket, MA 02554
** 98 MAIN STREET, Nantucket, MA 02554 ABUTTER

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

Please see addendums attached

- 103 Main Spa Appeal [1] (3 pages)
- Special Town Meeting Nov 6 2017 Summary

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: James M. Dewey Applicant/Attorney/Agent*

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

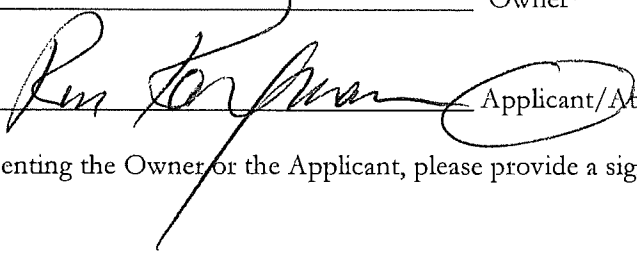
OFFICE USE ONLY

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: ___/___/___

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

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: ___/___/___

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

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: Pete Monahan ~~Owner~~ Applicant

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: _____
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I&M __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on: __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

Appeal of Zoning Enforcement Officer Marcus Silverstein's opinion that the definition of Hot Tub/Spa allows a pool in the ROH.

At Annual Town Meeting on April 5, 2011 (the second night), voters overwhelming passed Article 58, which effectively banned pools in ROH and SOH. The mechanism for doing this was to define Swimming Pool – Residential, add it to the Town of Nantucket Use Chart and enter N (No) at the intersection of Swimming Pool - Residential and ROH SOH. The relevant part of the definition for the purposes of this appeal is:

SWIMMING POOL – RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, contain water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including but not limited to, fountains, bird baths, and the like.

This commentary on Article 58 was posted by Atlantic East Real Estate on April 7, 2011

(<https://nantucketrealestate.com/pools-banned-in-town-and-sconset-old-historic-districts/>)

Pools Banned in Town and Sconset Old Historic Districts

Posted on **April 7, 2011**

During the second night of Annual Town Meeting, Article 58 was overwhelmingly approved, after a lengthy discussion. The zoning by-law amendment prohibits the construction of swimming pools in the downtown and Sconset historic districts. The Planning Board tried to have further study on the issue, but the article was amended on Town Meeting floor to eliminate a provision that would have allowed pool through a special permit which the majority viewed as too large a loophole.

On August 23 at 10.25AM, I wrote to Marcus Silverstein:

Dear Marcus,

Mark Godfrey referred me to you. I am beginning to suspect that one of two key criteria that govern "spas" in ROH is being ignored: the 1,000 gallon limitation.

This is a "spa" under construction at 103 Main Street:



The application lists the “spa” as 15’x8’. The landscape plan shows it as 13’x8’. There are no other specifications. Let’s assume it’s the smaller dimension. In that case, the depth is limited by the 1,000 gallon restriction to 15.4”. Clearly this “spa” is at least 4’ deep, if not 5’ - a clear violation of the rules.

Could you please look into this? I will research other “spas” to confirm that this situation exists elsewhere and let you know the addresses.

Thanks very much, Anne Dewez

I received the following response the same day at 1.58PM:

Anne,

Per the Nantucket Zoning Code, Sec. 139-2: Hot Tub/Spa -- <https://ecode360.com/11471477> -- a structure is considered a “Hot tub/spa” if it has a depth of water greater than 24-inches and less than 150-s.f. of water surface area (15’ x 8’ = 120-s.f.). The bylaw provides no maximum permitted gallonage.

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

At Special Town Meeting on November 6, 2017, voters passed Article 18 (Zoning Bylaw Amendment: Technical Amendments – Definitions). Please see the accompanying document “Special Town Meeting Nov 6 2017” for a summary of this Article. There are no public records that account for any discussion of this Article at the Board of Selectmen or the Planning Board. The Town Clerk provided the following account of the discussion of Article 18 at the Special Town Meeting:

Article 18 of the 2017 Special Town Meeting was called by Bobby DeCosta. Lisa Botticelli made a motion to amend the main motion relating to the definition of “structure.” After discussion, Lisa’s motion was NOT ADOPTED by a majority voice vote. I do not recall any other discussion. The Main Motion, as proposed by the Finance Committee and as printed in the Warrant, was ADOPTED by a declared 2/3 voice vote.

We appeal the opinion of the Zoning Enforcement Officer. The zoning code of Nantucket defines a Swimming Pool – Residential based on its surface area OR its volume. In other words, volume alone is sufficient to determine if a body of water is a pool. If a body of water is greater than 1,000 gallons, it is a Swimming Pool and therefore prohibited in ROH.

To review the math, there are 7.481 gallons per cubic foot. In order to contain less than 1000 gallons, a “spa” can be up to 133.7 cubic feet. The 13’x8’ spa at 103 Main Street would need to be a mere 15.4 inches deep to contain less than 1,000 gallons. Photographs show the “spa” at 103 Main Street is at least 4’ deep, if not 5’, meeting the definition of swimming pool, a prohibited use in the OHD.

We hope the Board will remember how strongly the residents of the Historic Districts felt about banning pools in their neighborhoods, when they did so in 2011. All residents were surveyed and over 80% agreed that “pools are not compatible with the historic character of the ROH and SOH districts”.

The survey showed that residents objected to noise, privacy impacts, visual impacts, safety concerns, and environmental concerns. Importantly, there was no mention of “spa” in the survey, no permitted use in the OHD of spa, and no discussion of spa at Town Meeting in 2011, when voters banned residential pools. For this reason, we and other residents have concerns about spas in our neighborhood.

Regardless of concerns for “spas”, we request the Zoning Board of Appeals to recognize the pool at 103 Main Street to be a pool, and therefore a violation of zoning code.

Because of this violation of the zoning code, we ask for relief in the form of a revocation of the building permit for the “spa” and an order that the “spa” be built so as not to contain more than 1,000 gallons of water; in the alternative, the ground should be restored to its original condition.

Special Town Meeting Nov 6 2017 Summary

ARTICLE 18

(Zoning Bylaw Amendment: Technical Amendments - Definitions)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend section 2A by as follows, with new definitions to be added in alphabetical order:

BAKERY

BREEZEWAY

DUPLEX

FOOD PROCESSING ESTABLISHMENT

GROUND COVER

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to fountains, bird baths, and the like.

SECONDARY DWELLING

STREET

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, ~~more than two steps providing access to a structure~~, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, ~~underground propane tanks~~, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

UNENCLOSED PORCH

Or, to take any other action related thereto. (Board of Selectmen for Planning Board)

Note: Structure is the only definition that received a discussion that was more substantive than clarification during Town Meeting, per the YouTube video of the meeting; hence it is included above.

No Exterior Changes Without HDC Approval



atlantic
LANDSCAPING, INC.

HDC-B

Town of Nantucket
Zoning Board of Appeals

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

PROPERTY OWNER.....103 MAIN STREET LLC.....
MAILING ADDRESS.....% ROBERT GEASE, PO BOX 3142, PALM BEACH, FL 33480.....
PROPERTY LOCATION.....103 MAIN ST.....
ASSESSOR MAP/PARCEL.....4233/153.....
APPLICANT.....ANNE DEWEZ.....

SEE ATTACHED PAGES

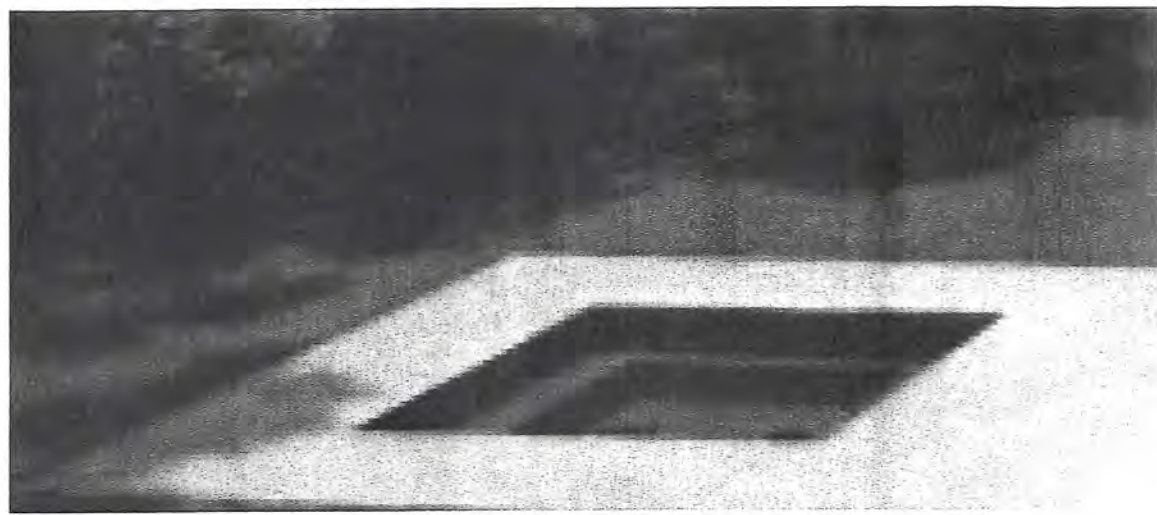
I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most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

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: 2021.09.20 10:38:07 -04'00'

09-20-2021
DATE

ASSESSOR'S OFFICE
Town of Nantucket



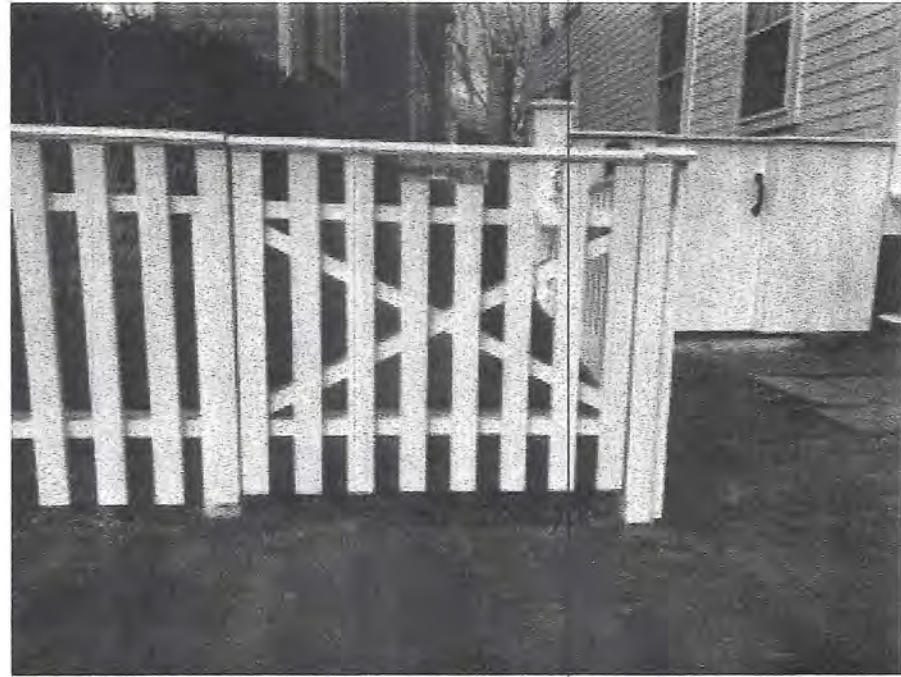
9 SPA FLUSH W GRADE



10 circular bluestone fire pit



12 NEW GATE LOCATION



11 MATCH EXISTING GATE



2 LOCUS M-42.3 P-153



3 VIEW 1 MAIN ST



4 VIEW 2 MAIN ST



5 VIEW 3 MAIN ST



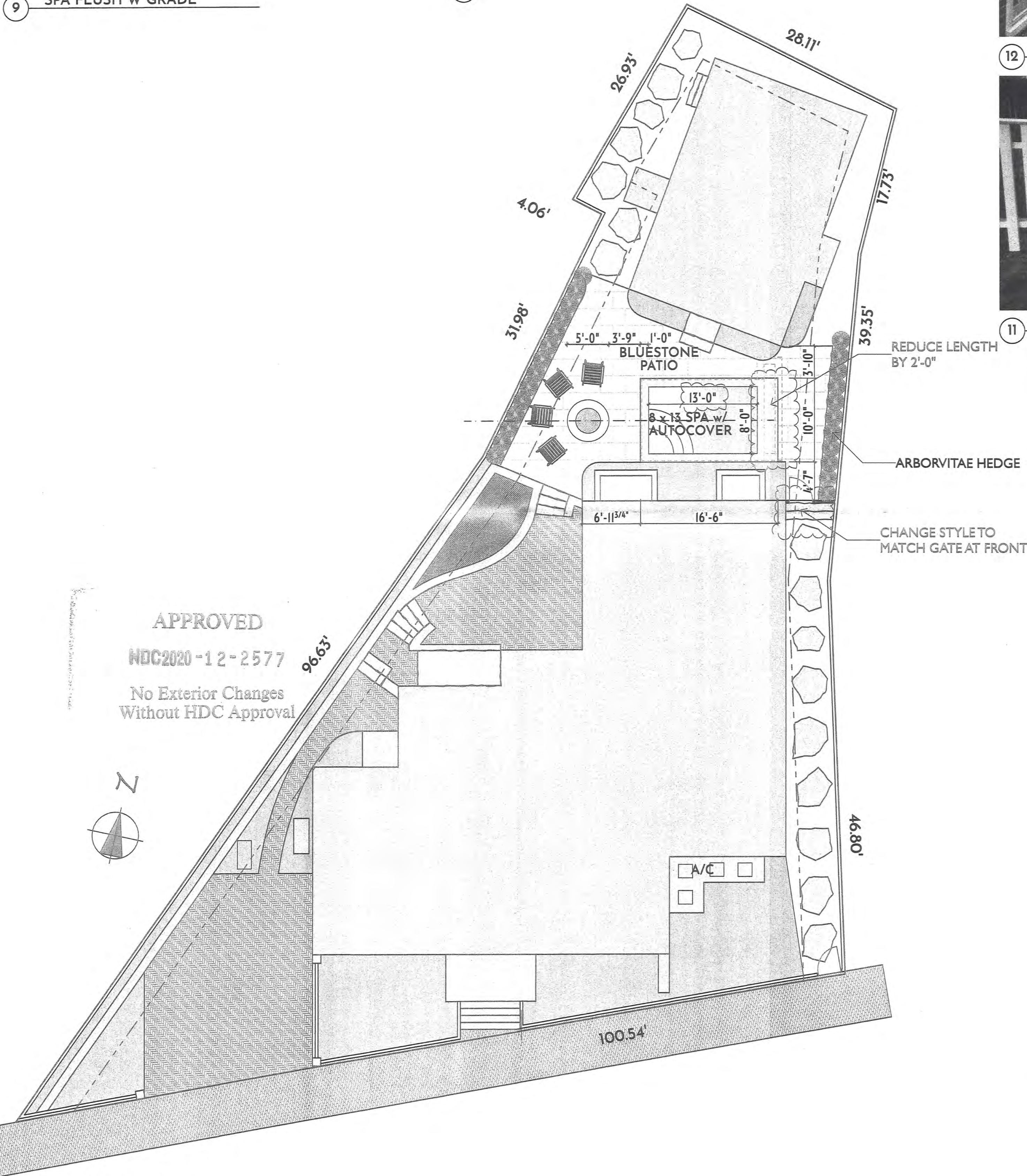
6 VIEW 4 MAIN ST



7 VIEW 5 MAIN ST



8 VIEW 6 MAIN ST



1 HDC LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



MARK	DATE

HDC Landscape Plan

Landscape at
103 Main St.
Nantucket, Ma.
02554

M: 42.3.3
P: 153
Zoning: ROH
Front Setback: 0
S&R Setback: 5
Scale: As Noted
Plotted: 1/26/21
Drawing No.:

HDC-1

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4233	11		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	8 HOWARD ST
4233	12		WINTERS RONALD & ELLEN		7 THIRTY ACRES LN	NANTUCKET	MA	02554	12 GARDNER ST
4233	13		SAYER JOHN D & RUTH P		27 CONSTITUTION HILL	PRINCETON	NJ	08540	10 GARDNER ST
4233	14		STRONG DANIELLE I TR	STRONG DANIELLE I SEPARATE PROP TRUST	2665 GRASSY SPRING PLACE	LAS VEGAS	NV	89135	11 GARDNER ST
4233	16		NORTHERN TRUST CO TRST	MIDDLE BRICK REALTY TRUST	C/O JOE BLUMBERG B3	CHICAGO	IL	60603	95 MAIN ST
4233	17		RUFIO ACK HOLDINGS LLC		C/O ANDREW CALDER	HOUSTON	TX	77005	93 MAIN ST
4233	18		OLYMPIC EQUITY HOLDINGS LLC		1290 EAST MAIN ST 3RD FL	STAMFORD	CT	06902	91 MAIN ST
4233	19		HEDGES HILLARY C & RAYPORT JEFFREY F		247 COMMONWEALTH AVE UNIT E	BOSTON	MA	02116	89 MAIN ST
4233	53		SPLENDID LLC		6951 GREENTREE ROAD	BETHESDA	MD	20817	7 HOWARD ST
4233	54		AINSLIE LEE TRUSTEE	MAVERICK CAPITAL LTD	1900 N PEARL ST 20TH FLOOR	DALLAS	TX	75201	9 HOWARD ST
4233	55		MERRITHEW PAUL B		P O BOX 120	AMHERST	NH	03031	4 GARDNER ST
4233	56		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	8 GARDNER ST
4233	57		BROCK AMY D TRST ETAL	C/O JUDITH B PHELAN	PO BOX 293	GERMANTOWN	NY	12526	9 GARDNER ST
4233	58		7 GARDNER STREET LLC		PO BOX 22424	CHARLESTON	SC	29413	7 GARDNER ST
4233	58	1	7A GARDNER STREET LLC		PO BOX 22424	CHARLESTON	SC	29413	7 A GARDNER ST
4233	60		BIRCHWOOD HOLDINGS LTD LLC		1290 EAST MAIN ST	STAMFORD	CT	06902	97 MAIN ST
4233	61		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	96 MAIN ST
4233	62		NOMOR LLC	C/O ANNE O'NEIL	94 MAIN ST	NANTUCKET	MA	02554	94 MAIN ST
4233	63		GRAHAM GOLDSMITH 2012 TRUST		2 VALLEY FORGE ROAD	DARIEN	CT	06820	92 MAIN ST
4233	64		GLIDDEN RICHARD J TRST	90 MAIN ST REALTY TRUST	37 CENTER ST	NANTUCKET	MA	02554	90 MAIN ST
4233	104		DAVIS HUGH O		112 MAIN ST	NANTUCKET	MA	02554	112 MAIN ST
4233	105		REILLY JOHN H TRST ETAL	113 MAIN ST REALTY TRUST	PO BOX 529	GLENSIDE	PA	19038	113 MAIN ST
4233	106		REILLY JOHN		1 HOWARD ST	NANTUCKET	MA	02554	1 HOWARD ST
4233	107		MIESMER CHARLES R & LINDSEY		1259 CEDAR RD	SOUTHPORT	CT	06490	3 HOWARD ST
4233	109		BURKE JACQUELYN & ROBERT F		25 FELLSCREST RD	ESSEX FELLS	NJ	07021	5 GARDNER ST
4233	110		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	99 MAIN ST
4233	111		TAYLOR PETER R & HARRISON W TR	98 MAIN STREET REALTY TRUST	P O BOX 446	KESWICK	VA	22947	98 MAIN ST

4233	112		1 PLEASANT NANTUCKET LLC		4 HUNTER LANE	RYE	NY	10580	1 PLEASANT ST
4233	113		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	2 PLEASANT ST
4233	114		MANGANARO MARGARET S TR		12312 WEDGETON LN	ST LOUIS	MO	63131	7 SUMMER ST
4233	115		WILMOT GUNNAR P		139 HAMPSHIRE RD	BRONXVILLE	NY	10708	3 SUMMER ST
4233	147		WRC/CCC REALTY LLC	C/O WILLIAM CAMP	1616 FOUNTAIN VIEW DR #607	HOUSTON	TX	77057	110 MAIN ST
4233	148		MERCHANT REALTY ASSOCIATES LLC	C/O JANE SCHNITZER	250 SOUTH 18TH ST #1602	PHILADELPHIA	PA	19103	111 MAIN ST
4233	149		ODONNELL MICHAEL & DEANE		9659 PRESTON TRAIL WEST	PONTE VEDRA BEACH	FL	32082	2 GARDNER ST
4233	150		RAUL ALAN C & MARY TINSLEY		3417 PROSPECT ST	WASHINGTON	DC	20007	109 MAIN ST
4233	151	1	BRESKMAN LOUIS A & SELINA V		180 UNDERDOWN RD	ANN ARBOR	MI	48105	107A MAIN ST
4233	152		DESETA EDWARD B & WANDA L TRST	105 MAIN ST NOM TRUST	PO BOX 20516	CHARLESTON	SC	29413	105 MAIN ST
4233	153		103 MAIN STREET LLC	C/O ROBERT GEASE	201 KENLYN ROAD	PALM BEACH	FL	33480	103 MAIN ST
4233	154		100 MAIN NANTUCKET LLC		100 MAIN ST	NANTUCKET	MA	02554	100 MAIN ST
4233	155		WEINMAN RHODA H TR	3 PLEASANT STREET NOM TRUST	PO BOX 1365	NANTUCKET	MA	02554	3 PLEASANT ST
4233	156		LEVINE ARTHUR E TR ETAL		335 N MAPLE DR STE 240	BEVERLY HILLS	CA	90210	5 PLEASANT ST
4233	157		TOLAND JOHN GERARD TR	JOHN G TOLAND REVOCABLE TRUST	4 PLEASANT ST	NANTUCKET	MA	02554	4 PLEASANT ST
4233	158		AKERS SUSAN D		1 STURGES HWY	WESTPORT	CT	06880	7 PLEASANT ST
4233	159		BURKE ROBERT F & JACQUELYN M		25 FELLSCREST RD	ESSEX FALLS	NJ	07021	102 MAIN ST
4233	159	1	NARBONNE LLC		138 WEST 17TH STREET APT 10	NEW YORK	NY	10011	104 MAIN ST
4233	175		MADAKET MILK LLC		50 PARK ROW WEST STE 113	PROVIDENCE	RI	02903	5 MILK ST
4233	176		GLASER TODD M & KIM AIMEE		PO BOX 402249	MIAMI	FL	33140	3 MILK ST
4233	177		ANCONA EDGAR D & NORA M		199 N GREEN BAY ROAD	LAKE FOREST	IL	60045	1 MILK ST
4233	178		RUETTGERS MICHAEL C & MAUREEN		453 BEDFORD ROAD	CARLISLE	MA	01741	108 MAIN ST
4233	179		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	106 MAIN ST
4233	180		BUTLER ROBERT M TRUSTEE	BUTLER FAMILY NOMINEE TRUST	22 WAYDALE ROAD	NANTUCKET	MA	02554	2 MILK ST
4233	181		GREENBERG TOBY A TR	TOBY GREENBERG TRUST	4 MILK ST	NANTUCKET	MA	02554	4 MILK ST
4233	182		GRIFFITHS CHRISTOPHER L & MELISSA S		PO BOX 728	CONCORD	MA	01742	8 MILK ST
4234	31		OLYMPIC EQUITY HOLDINGS LLC		1290 EAST MAIN ST 3RD FLOOR	STAMFORD	CT	06902	24 LIBERTY ST
4234	32		BIRCHWOOD HOLDINGS LTD LLC		1290 EAST MAIN ST	STAMFORD	CT	06902	97R MAIN ST

4234	34	DWYER MARY JEAN & DANIEL J		PO BOX 75	EAST WINTHROP	ME	04343	13 GARDNER ST
4234	35	BULLOCK CHARLES E & KRISTEN A TRST	BULLOCK C E & K A REVOCABLE TRUST	35 FAGAN DRIVE	HILLSBOROUGH	CA	94010	1 HOWARD CT
4234	74	ISSAC COFFIN LANCASTRIAN	SCHOOL	19 NEWTOWN ROAD	NANTUCKET	MA	02554	4 WINTER ST
4234	76	BLOOMER JEREMY J D ETAL		15 GARDNER ST	NANTUCKET	MA	02554	15 GARDNER ST
4234	77	MOCHARY MARY V &	BERGSTEIN ALEXANDRA M	26 PARK STREET SUITE 101	MONTCLAIR	NJ	07042	14 GARDNER ST
4234	115	CANNON KATHLEEN M TRST		221 CHESWOLD LANE	HAVERFORD	PA	19041	26 LIBERTY ST
4234	116	WELD FRANCIS L & HELENÉ M		16 GARDNER ST	NANTUCKET	MA	02554	16 GARDNER ST
Count:		62						

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

STRONG DANIELLE I TR
STRONG DANIELLE I SEPARATE PROP
TRUST
2665 GRASSY SPRING PLACE
LAS VEGAS, NV 89135

OLYMPIC EQUITY HOLDINGS LLC
1290 EAST MAIN ST 3RD FL
STAMFORD, CT 06902

AINSLIE LEE TRUSTEE
MAVERICK CAPITAL LTD
1900 N PEARL ST 20TH FLOOR
DALLAS, TX 75201

BROCK AMY D TRST ETAL
C/O JUDITH B PHELAN
PO BOX 293
GERMANTOWN, NY 12526

BIRCHWOOD HOLDINGS LTD LLC
1290 EAST MAIN ST
STAMFORD, CT 06902

GRAHAM GOLDSMITH 2012 TRUST
2 VALLEY FORGE ROAD
DARIEN, CT 06820

REILLY JOHN H TRST ETAL
113 MAIN ST REALTY TRUST
PO BOX 529
GLENSIDE, PA 19038

BURKE JACQUELYN & ROBERT F
25 FELLSCREST RD
ESSEX FELLS, NJ 07021

1 PLEASANT NANTUCKET LLC
4 HUNTER LANE
RYE, NY 10580

WINTERS RONALD & ELLEN
7 THIRTY ACRES LN
NANTUCKET, MA 02554

NORTHERN TRUST CO TRST
MIDDLE BRICK REALTY TRUST
C/O JOE BLUMBERG B3
CHICAGO, IL 60603

HEDGES HILLARY C & RAYPORT
JEFFREY F
247 COMMONWEALTH AVE UNIT E
BOSTON, MA 02116

MERRITHEW PAUL B
P O BOX 120
AMHERST, NH 03031

7 GARDNER STREET LLC
PO BOX 22424
CHARLESTON, SC 29413

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

GLIDDEN RICHARD J TRST
90 MAIN ST REALTY TRUST
37 CENTER ST
NANTUCKET, MA 02554

REILLY JOHN
1 HOWARD ST
NANTUCKET, MA 02554

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

SAYER JOHN D & RUTH P
27 CONSTITUTION HILL
PRINCETON, NJ 08540

RUFIO ACK HOLDINGS LLC
C/O ANDREW CALDER
HOUSTON, TX 77005

SPLENDID LLC
6951 GREENTREE ROAD
BETHESDA, MD 20817

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

7A GARDNER STREET LLC
PO BOX 22424
CHARLESTON, SC 29413

NOMOR LLC
C/O ANNE O'NEIL
94 MAIN ST
NANTUCKET, MA 02554

DAVIS HUGH O
112 MAIN ST
NANTUCKET, MA 02554

MIESMER CHARLES R & LINDSEY
1259 CEDAR RD
SOUTHPORT, CT 06490

TAYLOR PETER R & HARRISON W TR
98 MAIN STREET REALTY TRUST
P O BOX 446
KESWICK, VA 22947

MANGANARO MARGARET S TR
12312 WEDGETON LN
ST LOUIS, MO 63131

WILMOT GUNNAR P
139 HAMPSHIRE RD
BRONXVILLE, NY 10708

WRC/CCC REALTY LLC
C/O WILLIAM CAMP
1616 FOUNTAIN VIEW DR #607
HOUSTON, TX 77057

MERCHANT REALTY ASSOCIATES LLC
C/O JANE SCHNITZER
250 SOUTH 18TH ST #1602
PHILADELPHIA, PA 19103

ODONNELL MICHAEL & DEANE
9659 PRESTON TRAIL WEST
PONTE VEDRA BEACH, FL 32082

RAUL ALAN C & MARY TINSLEY
3417 PROSPECT ST
WASHINGTON, DC 20007

BRESKMAN LOUIS A & SELINA V
180 UNDERDOWN RD
ANN ARBOR, MI 48105

DESETA EDWARD B & WANDA L TRST
105 MAIN ST NOM TRUST
PO BOX 20516
CHARLESTON, SC 29413

103 MAIN STREET LLC
C/O ROBERT GEASE
201 KENLYN ROAD
PALM BEACH, FL 33480

100 MAIN NANTUCKET LLC
100 MAIN ST
NANTUCKET, MA 02554

WEINMAN RHODA H TR
3 PLEASANT STREET NOM TRUST
PO BOX 1365
NANTUCKET, MA 02554

LEVINE ARTHUR E TR ETAL
335 N MAPLE DR STE 240
BEVERLY HILLS, CA 90210

TOLAND JOHN GERARD TR
JOHN G TOLAND REVOCABLE TRUST
4 PLEASANT ST
NANTUCKET, MA 02554

AKERS SUSAN D
1 STURGES HWY
WESTPORT, CT 06880

BURKE ROBERT F & JACQUELYN M
25 FELLSCREST RD
ESSEX FALLS, NJ 07021

NARBONNE LLC
138 WEST 17TH STREET APT 10
NEW YORK, NY 10011

MADAKET MILK LLC
50 PARK ROW WEST STE 113
PROVIDENCE, RI 02903

GLASER TODD M & KIM AIMEE
PO BOX 402249
MIAMI, FL 33140

ANCONA EDGAR D & NORA M
199 N GREEN BAY ROAD
LAKE FOREST, IL 60045

RUETTIGERS MICHAEL C & MAUREEN
453 BEDFORD ROAD
CARLISLE, MA 01741

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

BUTLER ROBERT M TRUSTEE
BUTLER FAMILY NOMINEE TRUST
22 WAYDALE ROAD
NANTUCKET, MA 02554

GREENBERG TOBY A TR
TOBY GREENBERG TRUST
4 MILK ST
NANTUCKET, MA 02554

GRIFFITHS CHRISTOPHER L & MELISSA S
PO BOX 728
CONCORD, MA 01742

OLYMPIC EQUITY HOLDINGS LLC
1290 EAST MAIN ST 3RD FLOOR
STAMFORD, CT 06902

BIRCHWOOD HOLDINGS LTD LLC
1290 EAST MAIN ST
STAMFORD, CT 06902

DWYER MARY JEAN & DANIEL J
PO BOX 75
EAST WINTHROP, ME 04343

BULLOCK CHARLES E & KRISTEN A TRST
BULLOCK C E & K A REVOCABLE TRUST
35 FAGAN DRIVE
HILLSBOROUGH, CA 94010

ISSAC COFFIN LANCASTRIAN
SCHOOL
19 NEWTOWN ROAD
NANTUCKET, MA 02554

BLOOMER JEREMY J D ETAL
15 GARDNER ST
NANTUCKET, MA 02554

MOCHARY MARY V &
BERGSTEIN ALEXANDRA M
26 PARK STREET SUITE 101
MONTCLAIR, NJ 07042



5160®



Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®



Go to avery.com/templates
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CANNON KATHLEEN M TRST
221 CHESWOLD LANE
HAVERFORD, PA 19041

WELD FRANCIS L & HELENE M
16 GARDNER ST
NANTUCKET, MA 02554



James A. & Susan G.
Genthner

File No. 31-21

128 Surfside Rd

Variance Relief



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



2021 OCT 18 AM 11:07
NANTUCKET
TOWN CLERK

APPLICATION

Fee: \$450.00

File No. 31-21

Owner's name(s): James A. Genthner + Susan G. Genthner Trust

Mailing address: PO Box 64 Nantucket MA 02554

Phone Number: 508 685 5355 E-Mail: Suegenthner@gmail.com

Applicant's name(s): James + Susan Genthner

Mailing Address: PO Box 64 Nantucket MA 02554

Phone Number: 508 685 5355 E-Mail: Suegenthner@gmail.com

Locus Address: 128 Surfside Rd Assessor's Map/Parcel: 80/299.1

Land Court Plan/Plan Book & Page/Plan File No.: 40394-A File # 13,322

Deed Reference/Certificate of Title: 28319 Zoning District LUG 1

Uses on Lot- Commercial: None ☒ Yes (describe) _____

Residential: Number of dwellings 1 current Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or House 1992 Barn 1995 Shed 2011

Building Permit Numbers: House 8588-92 Barn 12072-95 Shed 317-11

Previous Zoning Board Application Numbers: Planning Board Approved
2nd dwelling in 2014 (November)

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: Susan Gauthier + [Signature] Owner*

SIGNATURE: Susan Gauthier + [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: __/__/__

Susan and James Genthner
128 Surfside Road
80/299.1

Application for Variance

1. We are applying for a variance to build a 2nd dwelling with an 860sqft footprint while waiting for paper roads to clear the Land Court.

In 2013 there was a taking of the paper roads abutting our property. We applied and were granted ownership of those paper roads identified as Parcel J on the Roadway Acquisition Plan prepared by Bracken Engineering. The roads have been tied up in Land Court since 2016. The paper roads will allow us enough ground cover to build a second dwelling.

The paper roads, Parcel J, adds 8,642sqft to my lot.

Lot **without** paper roads is 41,174 allowing a total GC of 2,882
Lot **with** the paper roads is 49,816 allowing a total GC of 3,487

Exisitng House	1,411sqft
Existing Barn	1,211sqft
Proposed dwelling	860sqft

Total GC 3,482sqft

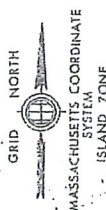
2. We built a 119sqft shed on our property that lies within the paper road. I believe we would need a variance for the location of the shed, within the paper road, in order to obtain a building permit for the second dwelling.



128
Surfside
801
299.1
Genther

City and County of
TUCKET
Massachusetts

SCHOFIELD BROTHERS, INC.
PROFESSIONAL ENGINEERS - REGISTERED LAND SURVEYORS
149 FEDERAL ST., NANTUCKET, MASS.



SHEET INDEX

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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128 Surfside 80/299.1
Genthner



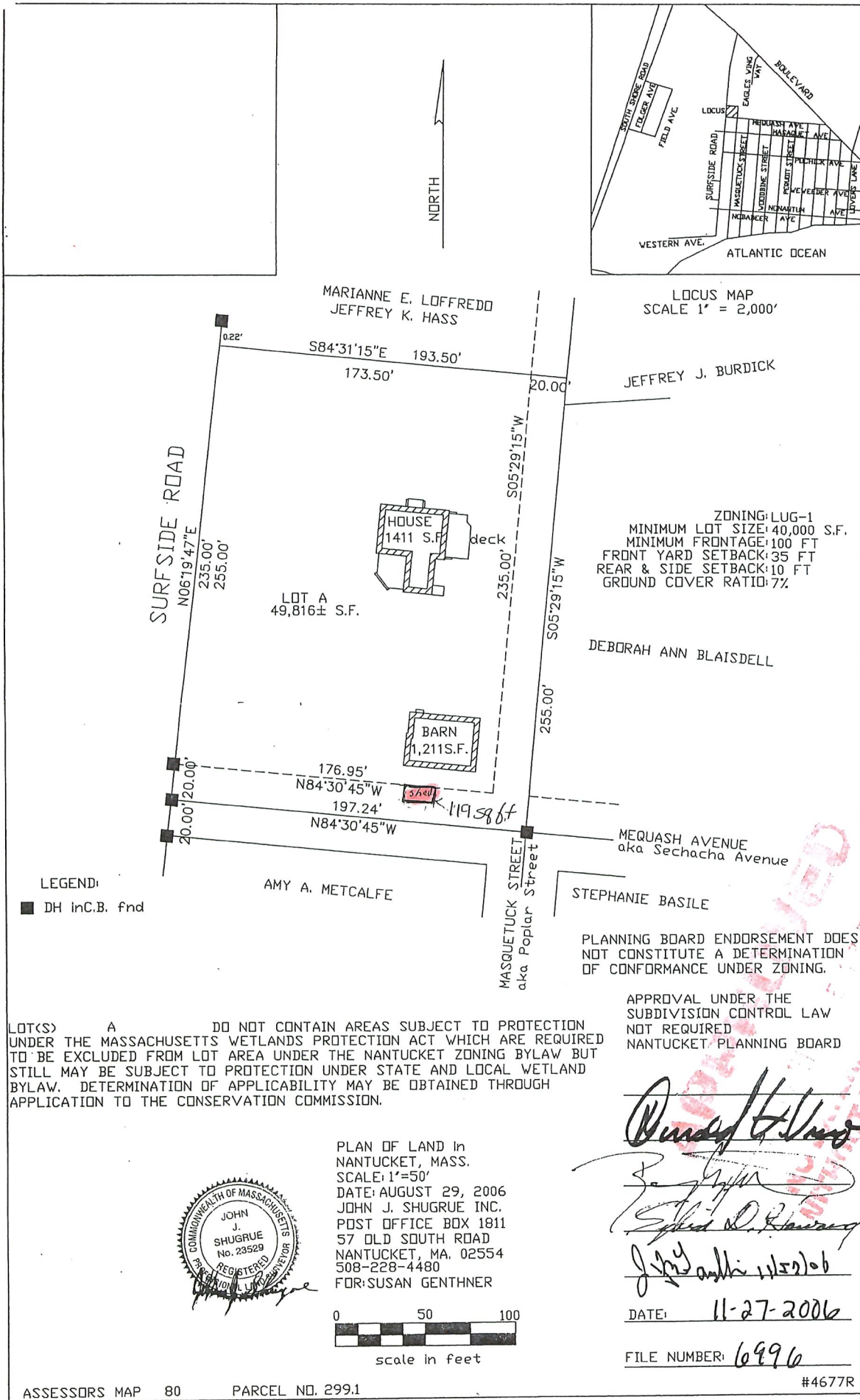
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

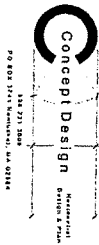
Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Genthner ~~street~~
 80/299.1
 128 Surfside Rd.
 Shed Approval
 Existing Plan



148

C



Gentner
80/299.1
128
Surfside
Rd.
Proposed
Plan

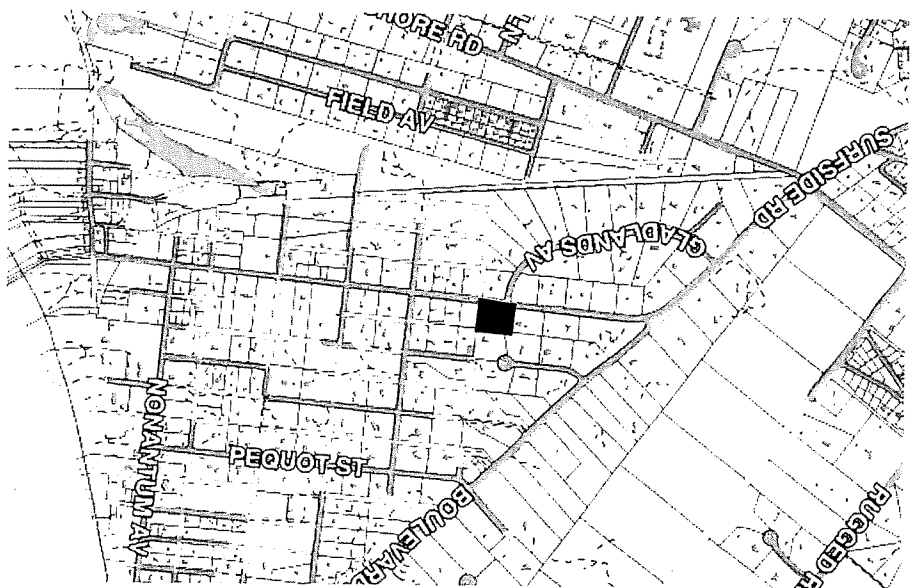
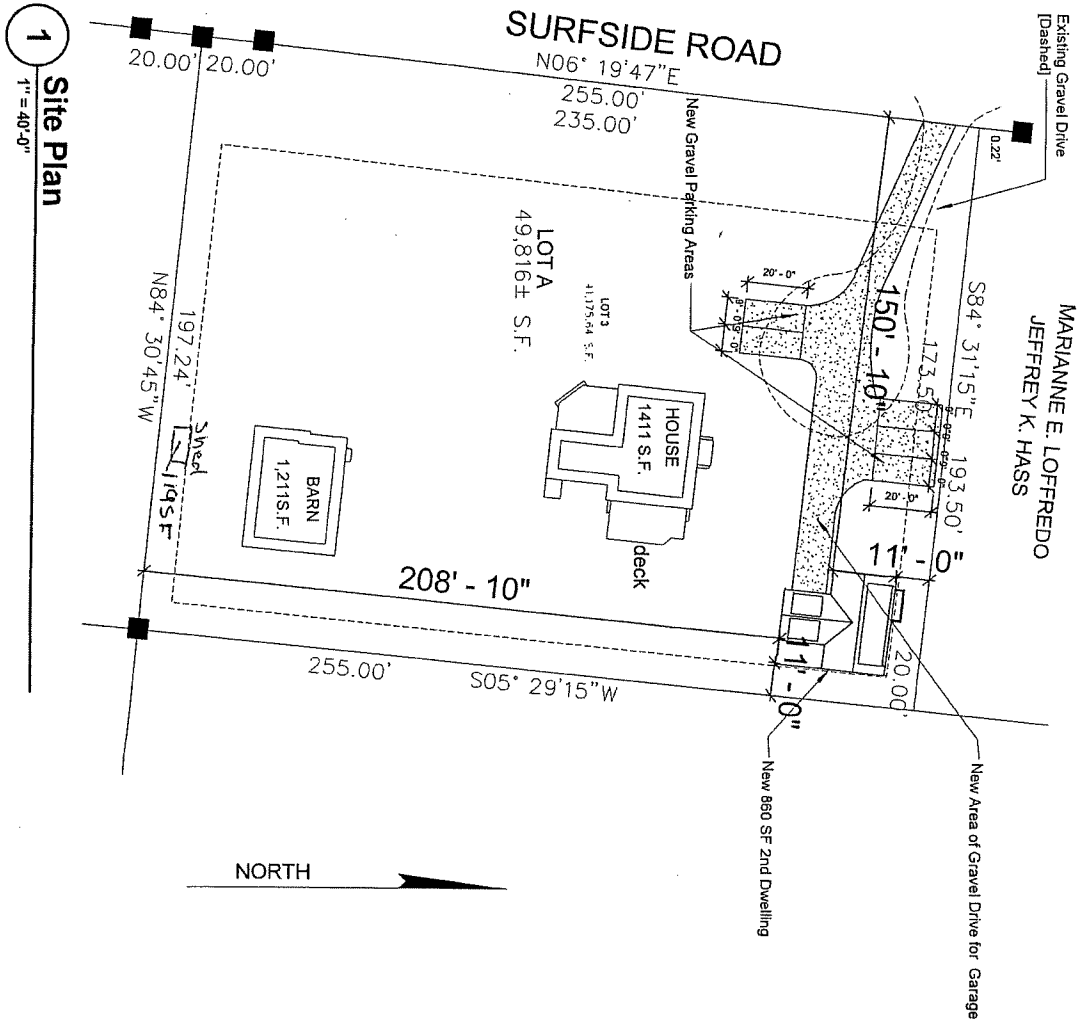
Gentner Cottage

128 Surfside Road,
Nantucket, MA 02554

Zoning Information
Map & Parcel
Current Zoning
Front Setback
Side/Rear Setback

80-299.1
LUG-1
35 FT
10 FT
Min. Lot Size
Allowable G.C.
Existing G.C.
Proposed G.C.
Total Proposed G.C.

49,000 SF
7% OF 3,487 SF
2,993 SF
860 SF
3,482 SF
C1.1
COVER SHEET





Nantucket Planning Board

February 12, 2013

James A. Genthner & Susan G. Genthner
PO Box 64
Nantucket, MA 02554

Re: Eminent Domain Taking by Town of Nantucket

Dear Landowner:

Please be advised that on January 30, 2013, pursuant to Massachusetts General Laws Chapters 40 and 79, the Town of Nantucket recorded an Order of Taking of property interest on unconstructed or "paper" streets known as portions of Poplar Street, Mequash Avenue, a.k.a. Sechacha Avenue, Shawaukema Avenue and Tuckernuck Avenue, adjacent to your property at 128 Surfside Road (Map 80 Parcel 299.1). Said taking is on file at the Nantucket Registry of Deeds as Certificate of Title 23257, Document Number 139966 and Book 1368 Page 23. The Town took the land for general municipal purposes as authorized by the affirmative vote on Article 76 of the 2010 Annual Town Meetings.

The land in question is referred to as Parcel J on a plan entitled, "Roadway Acquisition Plan in Nantucket, Mass. of Boulevard, Tuckernuck Avenue, Masquetuck Street, Shawaukema Avenue, Mequash Avenue, Prepared by Bracken Engineering, Inc.," dated August 31, 2012. Said plan is on file at the Nantucket Registry of Deeds, as plan number 2012-68.

The Town awarded \$1.00 as compensation for each parcel of this taking. You may submit a written request for your award or entitled percentage on any day, Monday through Friday, from 8:00 AM to 4:00 PM at the office of the Town Treasurer in the Town Offices, 37 Washington Street, Nantucket, MA 02554. Requests for compensation must be received in writing, and may also be mailed to the Town Treasurer, c/o Town Manager, 16 Broad Street, Nantucket, MA 02554. Once received, your request will be processed on the next available warrant and then the check will be mailed.

You may appeal this decision of an award of damages pursuant to Section 14 of Massachusetts General Laws Chapters 40 and 79 by filing a petition requesting a new determination of damages in the Superior Court within three (3) years from the date the Order of Taking was recorded.

The Board of Selectmen was granted additional authority by the vote of Town Meeting including the ability to release all or portions of land acquired. Please contact Andrew Vorce Director of Planning at 508.325.7587 or by email at avorce@nantucket-ma.gov for further information.

Sincerely,

C. Elizabeth Gibson
Town and County Manager



Planning and Land Use Services

May 21, 2013

Susan & James Genthner
P.O. Box 64
Nantucket, MA 02554

Dear Mr. & Mrs. Genthner:

The purpose of this letter is to inform you that the Board of Selectmen of Nantucket have been advised that you are the most advantageous proposer and will be awarded the surplus property identified as "Poplar Street, Parcel J, Plan No. 2012-68", as part of the Nantucket Yard Sale Program.

The Town will forward your proposal to our counsel to begin the preparation of legal documents necessary to convey the property. As stated in the Request for Proposals, you will be required to pay for these legal costs, as well as arrange for any actions necessary to combine the surplus parcel with your existing lot.

Please contact us in the upcoming weeks for more information on the procedure of conveyance. Otherwise, we will contact you at some point in the future to close out this matter.

If you should have any questions, please do not hesitate to contact me at 508-325-7587 or avorce@nantucket-ma.gov. Thank you.

Sincerely,

Andrew V. Vorce
Director of Planning

cc: Town Counsel

NANTUCKET REGISTRY
 OF DEEDS
 Date: 8/17/2012
 Time: 3:25 PM
 Plan No.: 0012-12
 Title:

SHEET 1 of 1

RESERVED FOR REGISTRY USE

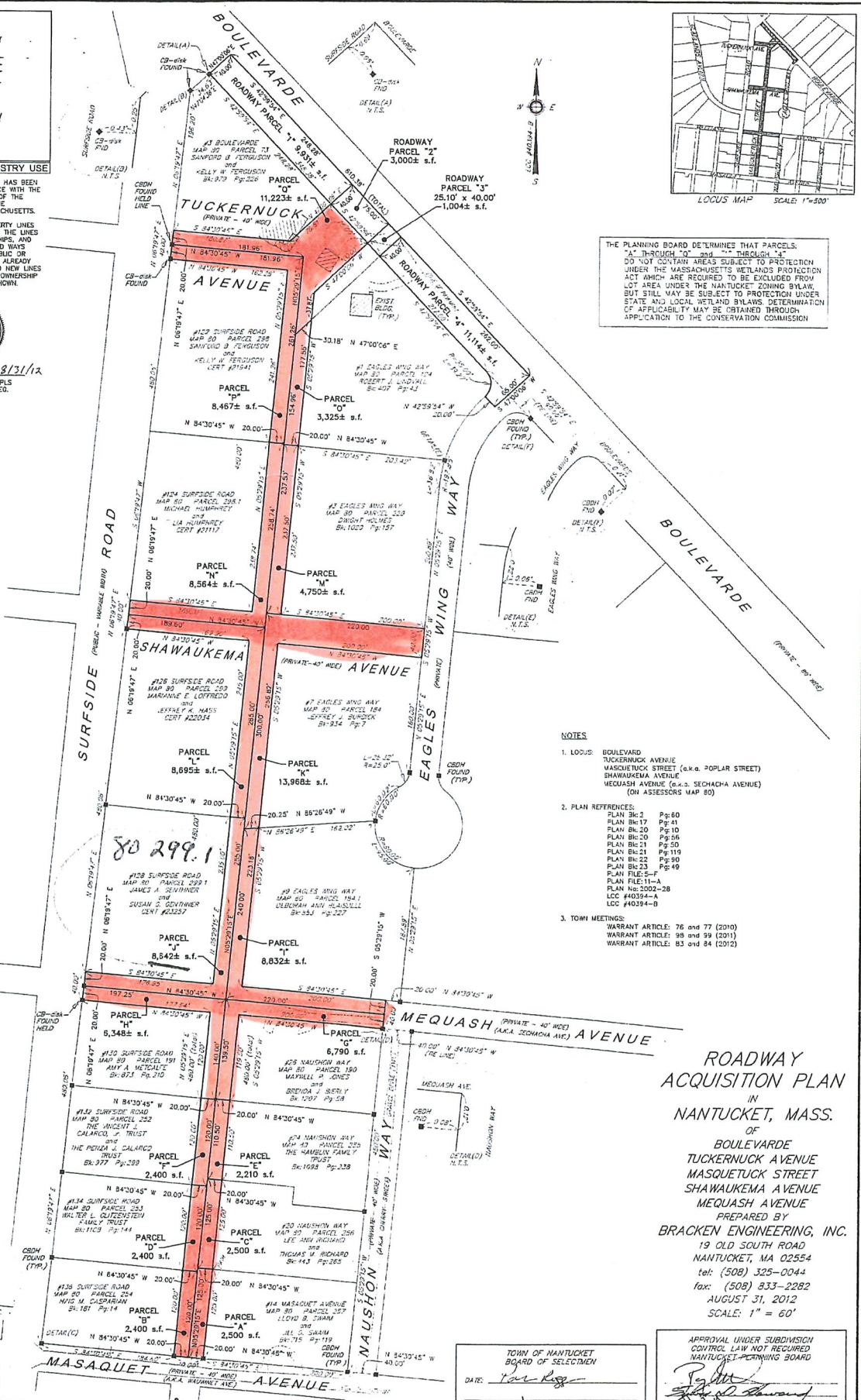
I CERTIFY THAT THIS PLAN HAS BEEN
 PREPARED IN CONFORMANCE WITH THE
 RULES AND REGULATIONS OF THE
 REGISTRY OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS.



SHANE M. MALLON, PLS
 MASSACHUSETTS REG.
 No. 48887

Gerdwuer
 80 299.1
 128
 Surfside
 Shows
 paper
 roads
 Parcel
 to be
 added
 8,642
 sqft.

ZONING CLASSIFICATION: LUG-1
 MINIMUM LOT SIZE: 40,000 s.f.
 MINIMUM FRONTAGE: 100'
 FRONT YARD SETBACK: 30'
 REAR/SIDE YARD SETBACK: 10'
 GROUND COVER RATIO: 7%



THE PLANNING BOARD DETERMINES THAT PARCELS
 "A" THROUGH "Q" AND "R" THROUGH "T"
 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION
 UNDER THE MASSACHUSETTS WETLANDS PROTECTION
 ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM
 LOT AREA UNDER THE NANTUCKET ZONING BYLAW.
 BUT STILL MAY BE SUBJECT TO PROTECTION UNDER
 STATE AND LOCAL WETLAND BYLAWS. DETERMINATION
 OF APPLICABILITY MAY BE OBTAINED THROUGH
 APPLICATION TO THE CONSERVATION COMMISSION.

NOTES

1. LOCUS: BOULEVARDE
TUCKERNUCK AVENUE
MAQUETUCK STREET (a.k.a. POPLAR STREET)
SHAWAUKEMA AVENUE
MEQUASH AVENUE (a.k.a. SECHACHA AVENUE)
(ON ASSESSORS MAP 80)
2. PLAN REFERENCES:
PLAN Bk:2 Pg:80
PLAN Bk:17 Pg:41
PLAN Bk:20 Pg:10
PLAN Bk:20 Pg:36
PLAN Bk:21 Pg:50
PLAN Bk:21 Pg:119
PLAN Bk:22 Pg:90
PLAN Bk:23 Pg:49
PLAN FILE:5
PLAN FILE:11-A
PLAN No: 0009-28
LCC #40394-A
LCC #40394-B
3. TOWN MEETINGS:
WARRANT ARTICLE: 76 and 77 (2010)
WARRANT ARTICLE: 98 and 99 (2011)
WARRANT ARTICLE: 83 and 84 (2012)

ROADWAY
 ACQUISITION PLAN
 IN
 NANTUCKET, MASS.

OF
 BOULEVARDE
 TUCKERNUCK AVENUE
 MAQUETUCK STREET
 SHAWAUKEMA AVENUE
 MEQUASH AVENUE
 PREPARED BY
 BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 325-0044
 fax: (508) 833-2282
 AUGUST 31, 2012
 SCALE: 1" = 60'

TOWN OF NANTUCKET
 BOARD OF SELECTMEN
 DATE: *For Reg*
For Assn
For Bldg

APPROVAL UNDER SUBDIVISION
 CONTROL LAW NOT REQUIRED
 NANTUCKET PLANNING BOARD
 DATE: *For Reg*
 FILE NUMBER: 3499
 DATE ENCLOSED: 09-10-12



Genthner 80 244.1
128 Surfside Rd

**REQUEST FOR PROPOSALS
DISPOSAL OF UNBUILDABLE SURPLUS PROPERTY VIA
"NANTUCKET YARD SALE"
TWENTY-SEVEN PARCELS**

The Town of Nantucket invites qualified responders to submit proposals for the purchase of surplus property owned by the Town, which has been identified as having inconsequential public purpose.

Surplus Property:

Paper Street	Parcel #	Square Footage	Price	Plan Reference	Article, Annual Town Meeting
Poplar Street	A	2,500	\$2,500	2012-68	99, 2011
Poplar Street	B	2,400	\$2,500	2012-68	99, 2011
Poplar Street	C	2,500	\$2,500	2012-68	99, 2011
Poplar Street	D	2,400	\$2,500	2012-68	99, 2011
Poplar Street	E	2,210	\$2,500	2012-68	99, 2011
Poplar Street	F	2,400	\$2,500	2012-68	99, 2011
Poplar Street	G	6,790	\$5,000	2012-68	77, 2010; 99, 2011
Poplar Street	H	6,348	\$5,000	2012-68	77, 2010; 99, 2011
Poplar Street	I	8,832	\$5,000	2012-68	77, 2010
Poplar Street	J	8,642	\$5,000	2012-68	77, 2010
Poplar Street	K	13,968	\$5,000	2012-68	84, 2012
Poplar Street	L	8,695	\$5,000	2012-68	84, 2012
Poplar Street	M	4,750	\$2,500	2012-68	84, 2012
Poplar Street	N	8,564	\$5,000	2012-68	84, 2012
Poplar Street	O	3,325	\$2,500	2012-68	84, 2012
Poplar Street	P	8,467	\$5,000	2012-68	84, 2012
Poplar Street	Q	11,223	\$5,000	2012-68	84, 2012
Mequash Avenue	B	3,576	\$2,500	2012-62	99, 2011
Mequash Avenue	C	5,124	\$5,000	2012-62	99, 2011
Mequash Avenue	D	4,800	\$2,500	2012-62	99, 2011
Mequash Avenue	E	4,400	\$2,500	2012-62	99, 2011
Holly Street	F	4,800	\$2,500	2012-62	99, 2011
Holly Street	G	4,800	\$2,500	2012-62	99, 2011
Weweeder Avenue	1	5,200	\$5,000	2012-61	99, 2011
Weweeder Avenue	2	4,800	\$2,500	2012-61	99, 2011

Town of Nantucket
Zoning Board of Appeals

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

PROPERTY OWNER..... Susan Genthner
MAILING ADDRESS..... PO. Box 64, Nantucket, MA 02554
PROPERTY LOCATION..... 128 Surfside Rd
ASSESSOR MAP/PARCEL..... 80-299.1
APPLICANT..... Susan Genthner

SEE ATTACHED PAGES

I certify that the foregoing is a list of 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, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

October 6, 2021

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary
Haley, Senior Clerk,
Assessor's Office
Date: 2021.10.06 14:22:44
-04'00'

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	119		THOMAS RICHARD		37 EUCLID AVE	WESTWOOD	NJ	07675-2813	121 SURFSIDE RD
80	120		CARNEVALE JAMES M & DEBRA J TRS	DULJ REALTY TRUST	235 OLD CART WAY	NORTH ANDOVER	MA	01845	125 SURFSIDE RD
80	184		7 EAGLES WING WAY LLC		7 EAGLES WING WY	NANTUCKET	MA	02554	7 EAGLES WING WY
80	184	1	BLAISDELL DEBORAH ANN		117 MILFORD POINT RD	MILFORD	CT	06460	9 EAGLES WING WY
80	185		JOHNSON ERIK O & SUSAN ALLISON		8 EAGLES WING WY	NANTUCKET	MA	02554	8 EAGLES WING WY
80	185	1	KEPENASH MICHAEL T & PATRICIA		10 EAGLES WING WY	NANTUCKET	MA	02554	10 EAGLES WING WY
80	189		LANGSTON JILL A TR	LANGSTON JILL A NOM TR	185 HAMPTON LAKE CROSSING	BLUFFTON	SC	29910	21 NAUSHON WY
80	190		BIERLY BRENDA J ETAL		26 NAUSHON WY	NANTUCKET	MA	02554	26 NAUSHON WY
80	191		HAKUBA 130 LLC		111 PARK AVE APT 12D	NEW YORK	NY	10128	130 SURFSIDE RD
80	192		OSBORNE BARBARA J		131 SURFSIDE RD	NANTUCKET	MA	02554	131 SURFSIDE RD
80	229		HOLMES DWIGHT T & NANCY L		3 EAGLES WING WY	NANTUCKET	MA	02554	3 EAGLES WING WY
80	234		SKAISTIS RACHEL TR		825 EIGHTH AV	NEW YORK	NY	10019	3 GLADLANDS
80	249		COTTO JAMES R & CORY E		62 LAMBERT BRIDGE RD	CROSS RIVER	NY	10518	133 SURFSIDE RD
80	250		SCHUTT WILLIAM R & LAURIE R		135 SURFSIDE RD	NANTUCKET	MA	02554	135 SURFSIDE RD
80	252		132 SURFSIDE ROAD LLC		1111 PARK AVE # 12D	NEW YORK	NY	10128	132 SURFSIDE RD
80	253		GLITZENSTEIN JANET E TRST ETAL		2030 RIDGE SPRING DR	THE VILLAGES	FL	32162	134 SURFSIDE RD
80	255		HAMBLIN GARY S & ROBERTA G TRS	HANBLIN FAMILY TRUST	24 NAUSHON WY	NANTUCKET	MA	02554	24 NAUSHON WY
80	256		RICHARD LEE ANNE & THOMAS M		PO BOX 126	NANTUCKET	MA	02554	22 NAUSHON WY
80	298	1	HUMPHREY LIA		124 SURFSIDE RD	NANTUCKET	MA	02554	124 SURFSIDE RD
80	299		LOFFREDO MARIANNE E & HASS JEFFREY K		12 FRANCES DRIVE	KATONAH	NY	10536	126 SURFSIDE RD

Count: 20

Gentner
80/299.1
128 Surfside Rd.

Transfer Certificate of Title

Genthner
80/299.1
128 Surfside
Rd.

Cert No: 28319
Doc No: 169740

From Transfer
Certificate No. 23257 Originally Registered June 15, 2009 at the Registry District of Nantucket County

This is to Certify that

JAMES A. GENTHNER and SUSAN G. GENTHNER, as Trustees of the JAMES A. GENTHNER TRUST u/d/t dated December 3, 2020, for which a Trust Certificate pursuant to M.G.L. Ch. 184, sec. 35 is registered as Document No. 169741 at the Registry District of Nantucket County; and SUSAN G. GENTHNER and JAMES A. GENTHNER, as Trustees of the SUSAN G. GENTHNER TRUST u/d/t dated December 3, 2020, for which a Trust Certificate pursuant to M.G.L. Ch. 184, sec. 35 is registered as Document No. 169742 at the Registry District of Nantucket County

of PO Box 64, Nantucket in the County of Nantucket and the Commonwealth of Massachusetts, 02554 are the owners, in fee simple, of that land situated in Nantucket, in the County of Nantucket and said Commonwealth, described as follows:

Lot 3 on plan numbered 40394-B, drawn by John J. Shugrue Inc., Surveyor, dated June 27, 1985, and filed with Certificate of Title No. 13,322 at the Registry District of Nantucket County.

So much of said Lot 3 as is included within the limits of said Shawaukema Avenue, Poplar Street and Sechacha Avenue is subject to the rights of all persons lawfully entitled thereto in and over the same.

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

JAMES A. GENTHNER and SUSAN G. GENTHNER, Trustees of the JAMES A. GENTHNER TRUST and SUSAN G. GENTHNER and JAMES A. GENTHNER, Trustees of the SUSAN G. GENTHNER TRUST

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 a mortgage given by Sonia A. Messana to David S. Mulchinock, dated June 27, 1979, duly recorded in Book 173, Page 10. (Doc. 24656)

Witness **GORDON H. PIPER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of

Nantucket the twenty-fifth day of May in the year two thousand and twenty-one at 1 o'clock and 6 minutes in the afternoon.

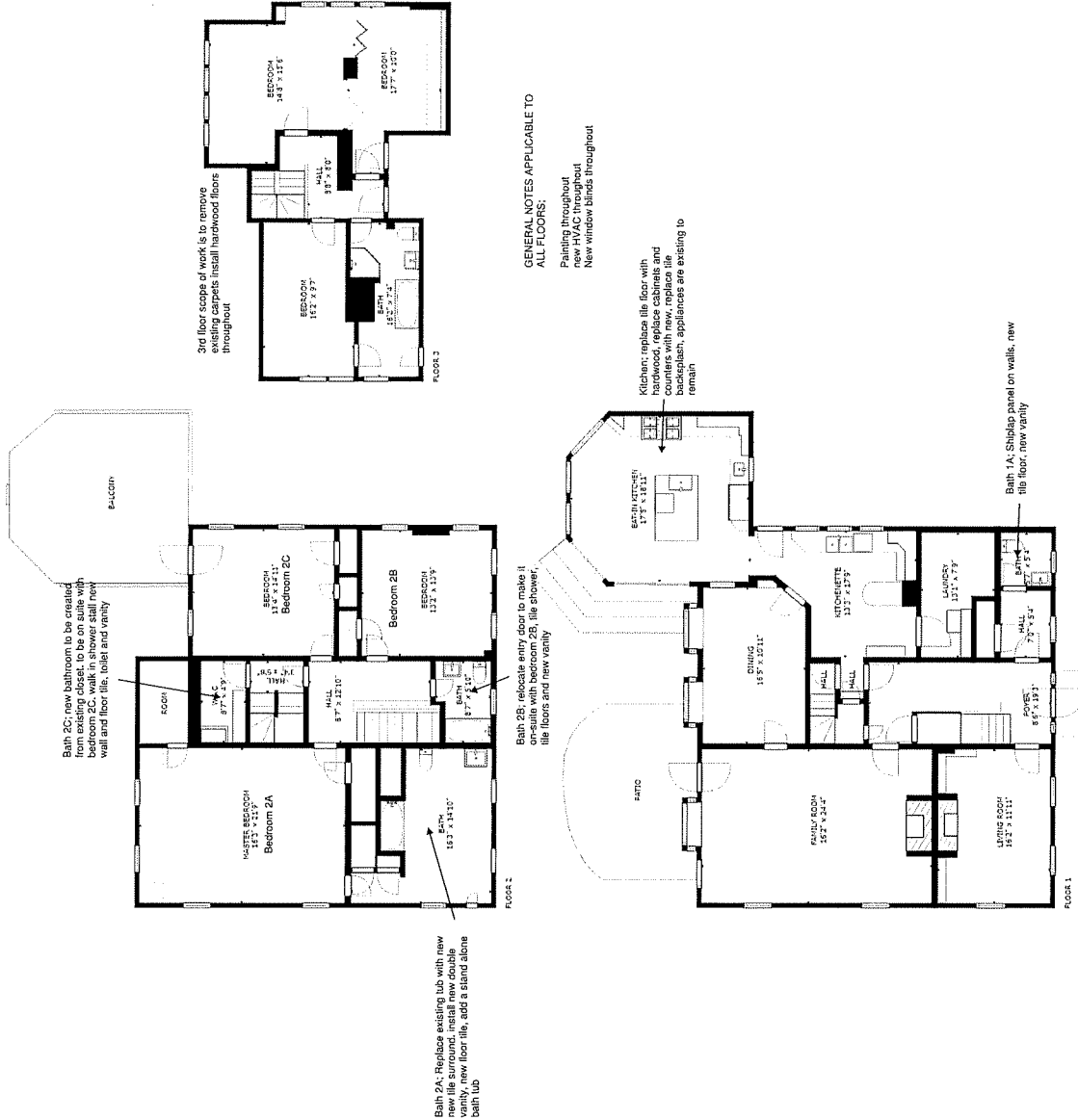
Jennifer H. Ferreira

Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 128 Surfside Road

Land Court Case No. 40394



34 Liberty Street Nantucket

Contractor;
Sean Fennell
978-352-6500

GROSS INTERNAL AREA

FLOOR 1: 1748 sq ft, FLOOR 2: 1326 sq ft

FLOOR 3: 712 sq ft, EXCLUDED AREAS:

REDUCED HEADROOM BELOW 1.5M: 31 sq ft

TOTAL: 3786 sq ft

SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MAY VARY.

THOMAS RICHARD
37 EUCLID AVE
WESTWOOD, NJ 07675-2813

CARNEVALE JAMES M & DEBRA J TRS
DJLJ REALTY TRUST
235 OLD CART WAY
NORTH ANDOVER, MA 01845

7 EAGLES WING WAY LLC
7 EAGLES WING WY
NANTUCKET, MA 02554

BLAISDELL DEBORAH ANN
117 MILFORD POINT RD
MILFORD, CT 06460

JOHNSON ERIK O & SUSAN ALLISON
8 EAGLES WING WY
NANTUCKET, MA 02554

KEPENASH MICHAEL T & PATRICIA
10 EAGLES WING WY
NANTUCKET, MA 02554

LANGSTON JILL A TR
LANGSTON JILL A NOM TR
185 HAMPTON LAKE CROSSING
BLUFFTON, SC 29910

BIERLY BRENDA J ETAL
26 NAUSHON WY
NANTUCKET, MA 02554

HAKUBA 130 LLC
111 PARK AVE APT 12D
NEW YORK, NY 10128

OSBORNE BARBARA J
131 SURFSIDE RD
NANTUCKET, MA 02554

HOLMES DWIGHT T & NANCY L
3 EAGLES WING WY
NANTUCKET, MA 02554

SKAISTIS RACHEL TR
825 EIGHTH AV
NEW YORK, NY 10019

COTTO JAMES R & CORY E
62 LAMBERT BRIDGE RD
CROSS RIVER, NY 10518

SCHUTT WILLIAM R & LAURIE R
135 SURFSIDE RD
NANTUCKET, MA 02554

132 SURFSIDE ROAD LLC
1111 PARK AVE # 12D
NEW YORK, NY 10128

GLITZENSTEIN JANET E TRST ETAL
2030 RIDGE SPRING DR
THE VILLAGES, FL 32162

HAMBLIN GARY S & ROBERTA G TRS
HANBLIN FAMILY TRUST
24 NAUSHON WY
NANTUCKET, MA 02554

RICHARD LEE ANNE & THOMAS M
PO BOX 126
NANTUCKET, MA 02554

HUMPHREY LIA
124 SURFSIDE RD
NANTUCKET, MA 02554

LOFFREDO MARIANNE E & HASS
JEFFREY K
12 FRANCES DRIVE
KATONAH, NY 10536

Genthner
80 299.1
128 Surfside Rd

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WESTWOOD, NJ 07675-2813

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NANTUCKET, MA 02554

LOFFREDO MARIANNE E & HASS
JEFFREY K
12 FRANCES DRIVE
KATONAH, NY 10536

Geithner
80 299.1
128 Surfside Rd

H.C Bowen Smith as Trustee of 4 Lowell Place Nominee Trust

File No. 32-21

4 Lowell Place

Variance

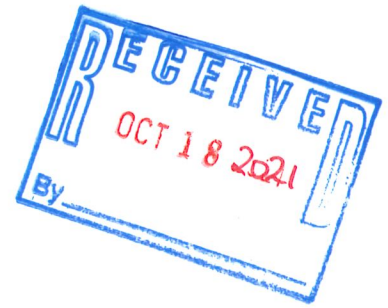
Plus



NANTUCKET
TOWN CLERK

2021 OCT 20 AM 9:57

PAID
OCT 19 2021
PAID
BY: _____



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

APPLICATION

Fee: \$450.00

File No. 32 -21

Owner's name(s): H. C. Bowen Smith, as Trustee of Four Lowell Place 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: 4 Lowell Place Assessor's Map/Parcel: 41-168

Plan: Plan Book 19, Page 26

Deed Reference: Nantucket Deeds, Book 1390, Page 271 Zoning District Residential-1 (R-1)

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: 049-07

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

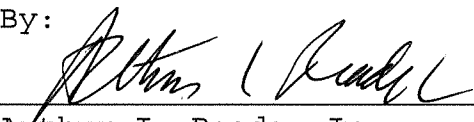
State below or attach a separate addendum of specific special permits or variance relief applying for:

The applicant proposes to construct two additions to the pre-existing, nonconforming single-family dwelling upon the locus, with additional ground cover of 48± square feet and 12± square feet respectively, increasing ground cover from the present 1,452± square feet to 1,512± square feet. Lot area is 3,949± square feet with minimum lot area in this Residential-1 zoning district being 5,000 square feet under the Nantucket Zoning By-law; maximum ground cover ratio is 30%. Present ground cover ratio is thus 36.77±%, and this would be increased to 38.29±%. The decision in ZBA File No. 049-07 authorized ground cover to be increased to an amount not to exceed 38.1%. The proposed changes are shown upon Existing Conditions and Proposed Conditions site plans prepared by Michael Connolly & Associates Inc., dated September 2, 2021, filed here with (the "Connolly Plans"). Accordingly, the applicant requests the Modification of the Special Permit issued in File No. 49-07, to permit the expansion of the pre-existing, nonconforming ground cover up to 38.3% and to refer to the alterations as being in accordance with the Connolly Plans.

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: *H. C. Bowen Smith, as Trustee* Owner*

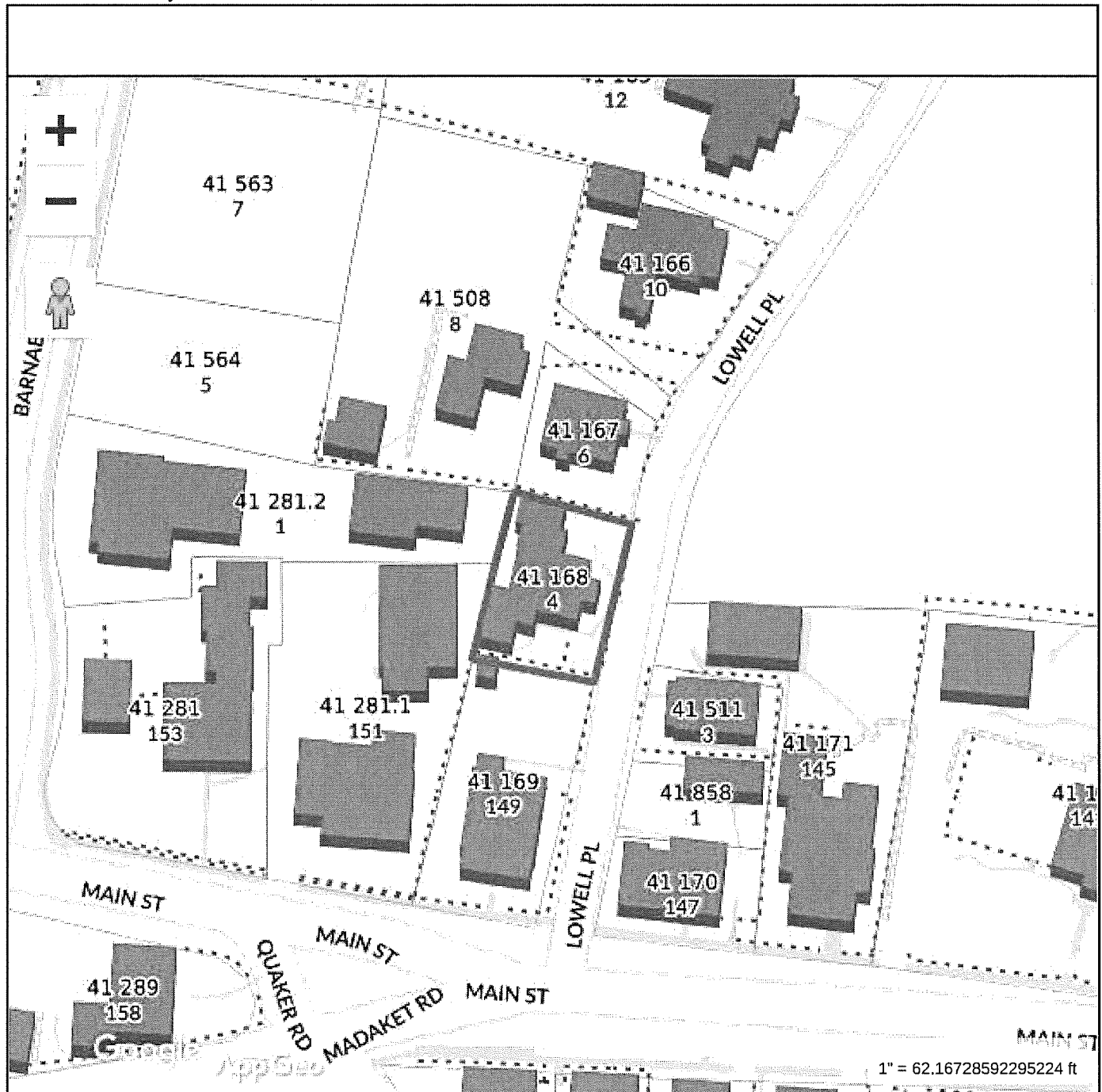
By:

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: __/__/__

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



Property Information

Property ID 41 168
 Location 4 LOWELL PL
 Owner SMITH H C BOWEN TRST

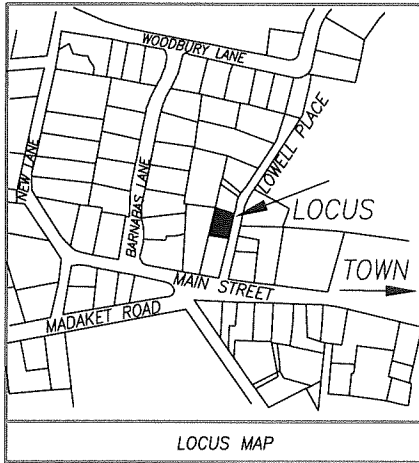


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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.

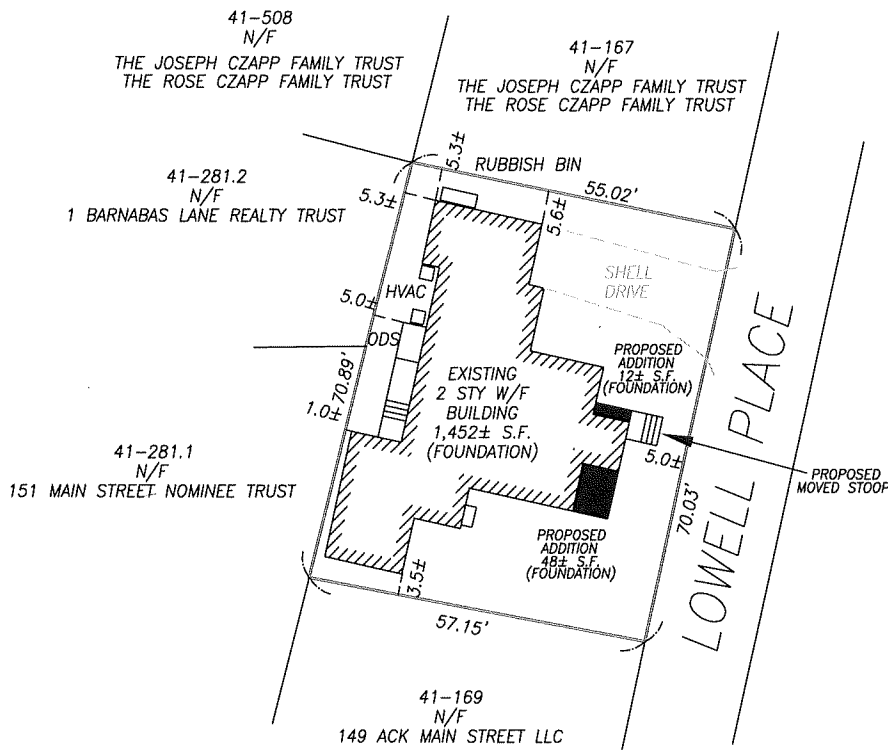


ZONING CLASSIFICATION: R-1

MIN. AREA: 5,000 S.F.
 MIN. FRONTAGE: 50 FT.
 FRONT YARD S.B.: 10 FT.
 REAR & SIDE S.B.: 5 FT.
 GROUND COVER (%): 30. %

EXISTING:

. 3,949± S.F.
 . 70.03' .
 . SEE PLAN
 . SEE PLAN
 . SEE PLAN



PROPOSED CONDITIONS ZONING BOARD OF APPEALS SITE PLAN OF LAND IN NANTUCKET, MA.

SCALE: 1"=20' DATE: SEPTEMBER 2, 2021

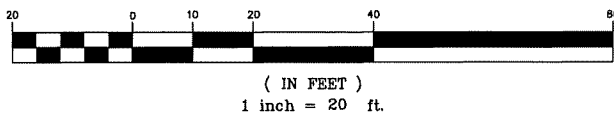
LOCUS: 4 LOWELL PLACE
 ASSESSOR MAP 41 PARCEL 168

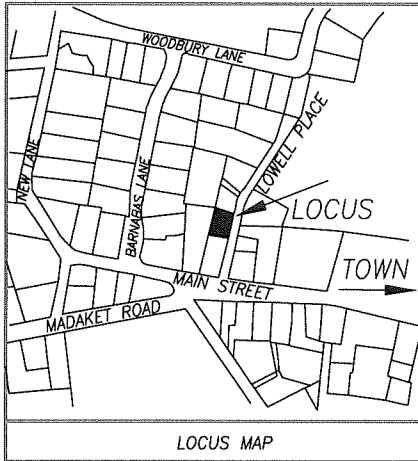
PREPARED FOR:
 FOUR LOWELL PLACE NOMINEE TRUST
 DEED BK. 1390 PG. 271
 PLAN BK. 19 PG. 26

MICHAEL CONNOLLY & ASSOCIATES INC.
 PROFESSIONAL LAND SURVEYORS
 150 SURFSIDE ROAD
 NANTUCKET, MA. 02554
 (508) 228-8910

C-7748

GRAPHIC SCALE



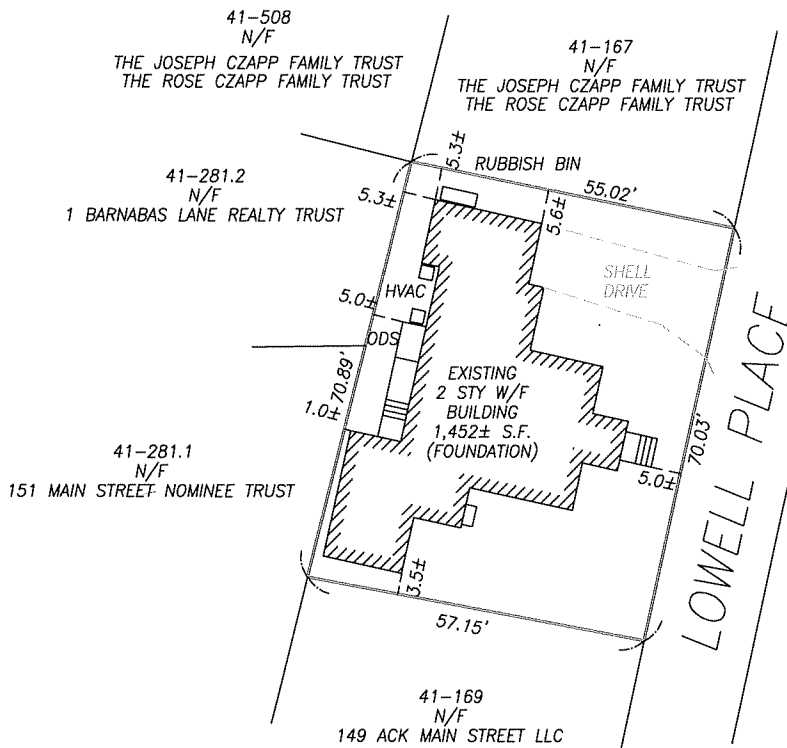


ZONING CLASSIFICATION: R-1

MIN. AREA: 5,000 S.F.
 MIN. FRONTAGE: 50 FT.
 FRONT YARD S.B.: 10 FT.
 REAR & SIDE S.B.: 5 FT.
 GROUND COVER (%): 30. %

EXISTING:

. 3,949± S.F.
 . 70.03'
 . SEE PLAN
 . SEE PLAN
 . SEE PLAN



EXISTING CONDITIONS ZONING BOARD OF APPEALS SITE PLAN OF LAND IN NANTUCKET, MA.

SCALE: 1"=20' DATE: SEPTEMBER 2, 2021

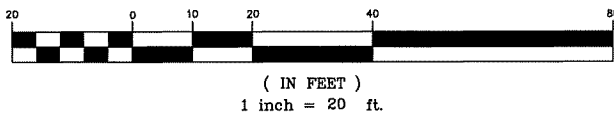
LOCUS: 4 LOWELL PLACE
 ASSESSOR MAP 41 PARCEL 168

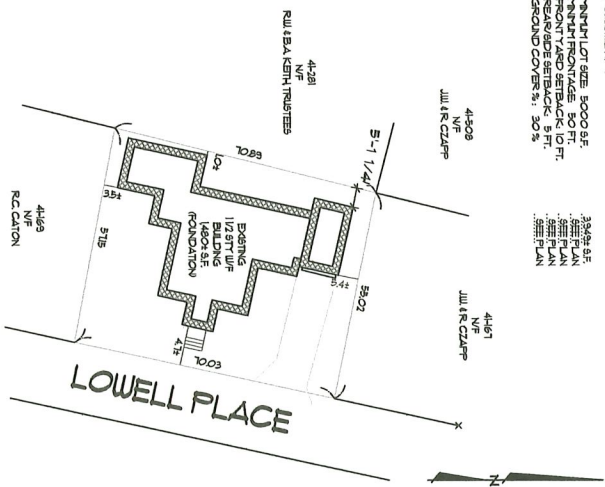
PREPARED FOR:
 FOUR LOWELL PLACE NOMINEE TRUST
 DEED BK. 1390 PG. 271
 PLAN BK. 19 PG. 26

MICHAEL CONNOLLY & ASSOCIATES INC.
 PROFESSIONAL LAND SURVEYORS
 150 SURFSIDE ROAD
 NANTUCKET, MA. 02554
 (508) 228-8910

C-7748

GRAPHIC SCALE





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

I CERTIFY, AS OF 1....., THAT
THE BUILDING(S) IS/ARE LOCATED ON THE
GROUND AS SHOWN HEREON

SCALE 1"=5' DATE OCTOBER 23, 2006

OWNER: C. BOULEN & JANEY S. SMITH
DEED: BO-190 Plan 19-26
LOCAL: 84 LOWELL PLACE.

THIS PARCEL WAS RECORDED FOR THE TOWN OF MAINTON BUILDING DEPARTMENT ON JANUARY 11, 1990. THE RECORDING INSTRUMENT SHOULD NOT BE CONSIDERED A PROPERTY LINES SURVEY. THIS PLAT SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCIBLES OR ANY OTHER STRUCTURES ON THE PROPERTY. THE PROPERTY LINES SHOULD BE DETERMINED BY A SURVEYOR'S PLAT AND RECORD DEEDS AND PLANS OF RECORD.

THE LAND IS SUBJECT TO A LITIGATION TO THE LAND COUNCIL OF THE PROPERTY AGAINST THE TOWN OF MAINTON. THE LITIGATION IS CURRENTLY PENDING IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF ALABAMA. THE LITIGATION IS CURRENTLY PENDING IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF ALABAMA. THE LITIGATION IS CURRENTLY PENDING IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF ALABAMA.

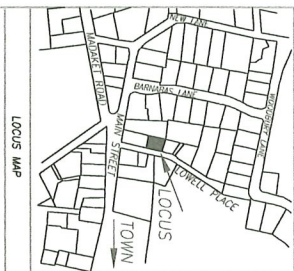
ASSESSOR MAP 4, PARCEL 16

CHARLES W. HART and ASSOCIATES, Inc.
Professional Land Surveyors
49 PARKS AVENUE
NANTUCKET, MASS. 02554
(508) 728-8910

H-7002

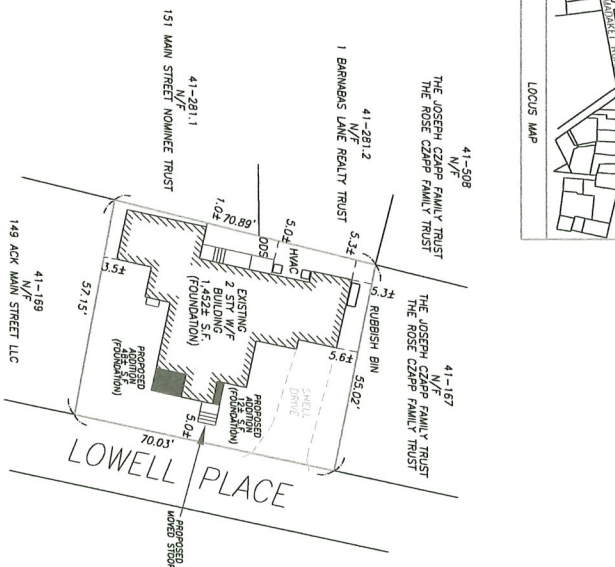
1 HART & ASSOCIATES EXISTING SITE PLAN
SCALE: 1:150

2 MICHAEL CONNOLLY & ASSOCIATES PROPOSED SITE PLAN
SCALE: 1:180



ZONING CLASSIFICATION: R-1

MIN. AREA	5,000 S.F.	EXISTING	3,949±S.F.
MIN. FRONTAGE	50 FT.		70.03
FRONT YARD S.B.	10 FT.		SEE PLAN
REAR & SIDE S.B.	5 FT.		SEE PLAN
GROUND COVER (%)	30 %		SEE PLAN



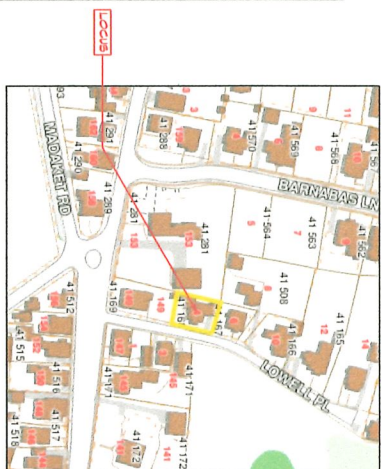
PROPOSED CONDITIONS
ZONING BOARD OF APPEALS
SITE PLAN

NANTUCKET, MA.
SCALE: 1"=20' DATE: SEPTEMBER 2, 2021

LOCUS: 4 LOWELL PLACE
ASSESSOR MAP 41 PARCEL 168

PREPARED FOR:
FOUR LOWELL PLACE NOMINEE TRUST
DEED BK. 1390 PG. 271
PLAN BK. 19 PG. 26

MICHAEL CONNOLLY & ASSOCIATES INC.
PROFESSIONAL LAND SURVEYORS
150 SURFSIDE ROAD
NANTUCKET, MA. 02554
(508) 228-8910
C-7748



4 4 LOWELL PLACE LOCUS MAP
SCALE: 1:0.52

ID	NAME
A.01	MICHAEL CONNOLLY + ASSOCIATES PROPOSED SITE
A.10	PROPOSED BASEMENT FLOOR PLAN
A.11	PROPOSED FIRST FLOOR PLAN
A.12	PROPOSED SECOND FLOOR PLAN
A.21	PROPOSED EAST + SOUTH ELEVATION
A.22	PROPOSED WEST + NORTH ELEVATION
A.31	CROSS SECTIONS
A.32	CROSS SECTIONS
A.51	MASTER BEDROOM CABINETRY
A.52	MASTER BEDROOM CABINETRY
S10	FOUNDATION PLAN
S11	FIRST FLOOR FINISH PLAN
S12	SECOND FLOOR FINISH PLAN
S13	ROOF FINISH PLAN
E10	BASEMENT ELECTRICAL FLOOR PLAN
E11	FIRST ELECTRICAL FLOOR PLAN
E12	SECOND ELECTRICAL FLOOR PLAN
S.21	TYPICAL WALL DETAILS
D10	BASEMENT DEMOLITION FLOOR PLAN

MICHEAL CONNOLLY & ASSOCIATES
PROPOSED SITE PLAN

BUILDING PERMIT NO.:

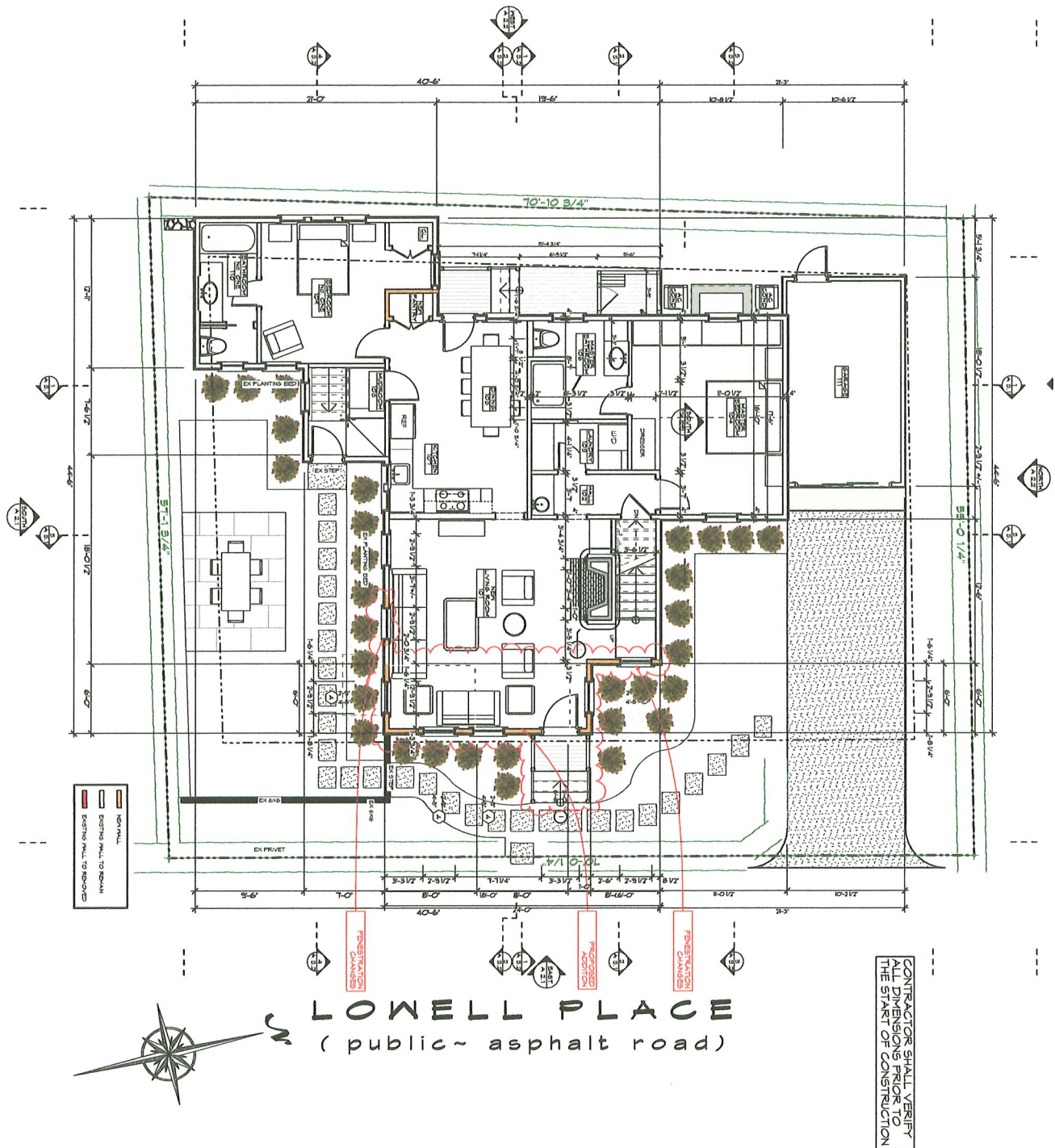
DOI: 10.1002/for

TOPHAM DESIGN LLC

18 HUMMOCK POND ROAD NANTUCKET MA 02554
TEL.: 508-325-5890 EMAIL: JOSEPH@TOPHAMDESIGNACK.COM

A.O.1

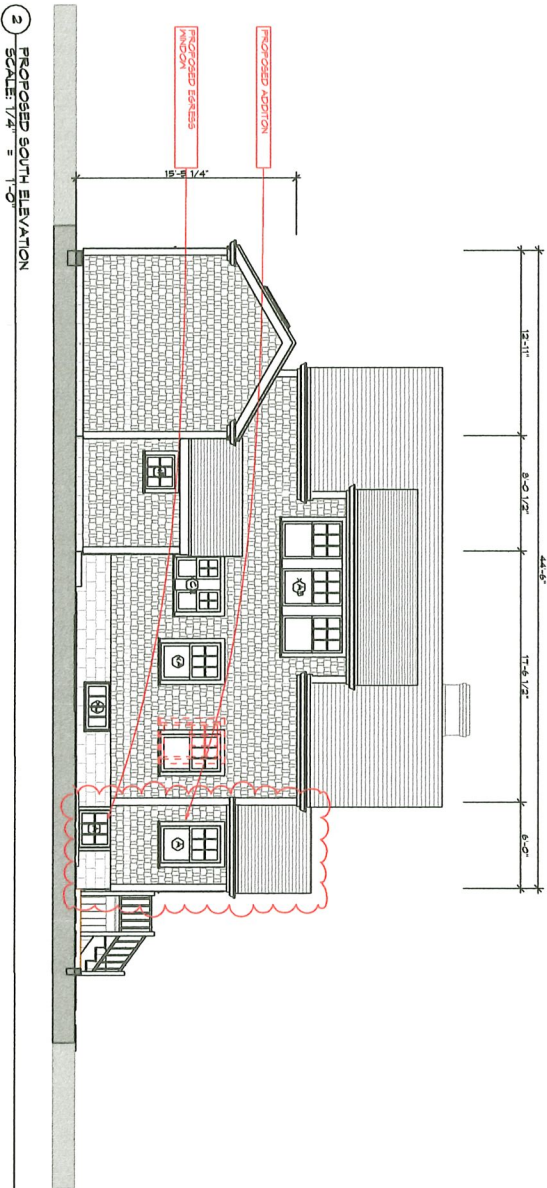
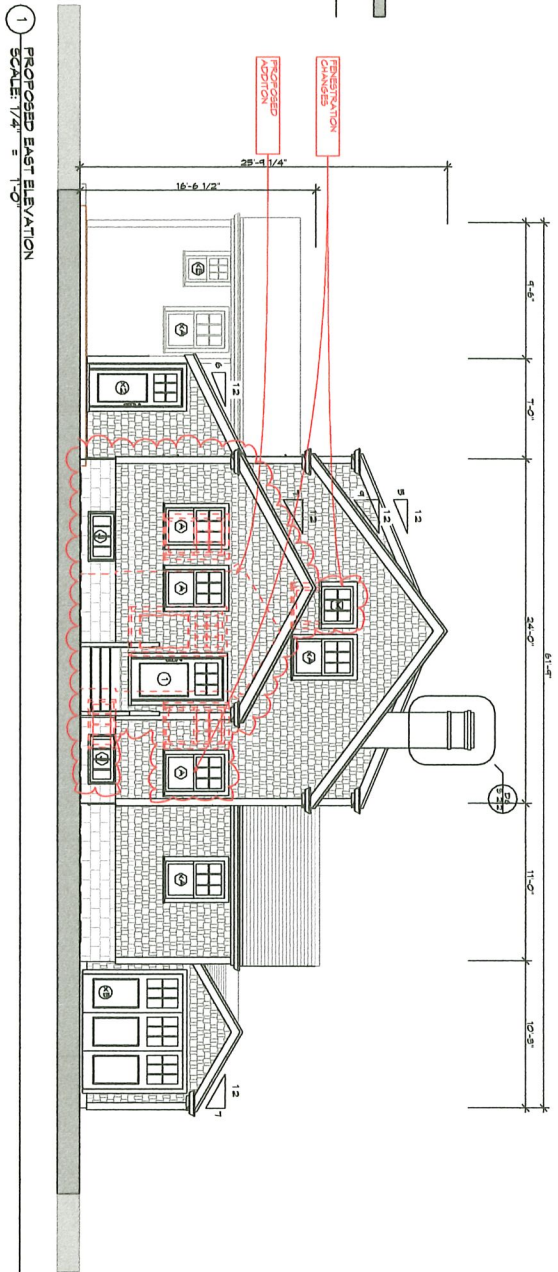
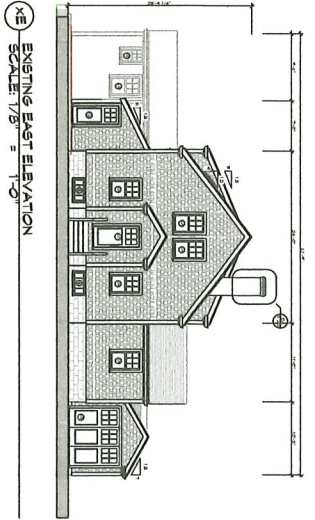
PROJECT NO. 07/11	
FILE NO. 41	FILE NO. 166
ZONING : R-1	ALLOWABLE Q.C. 10%

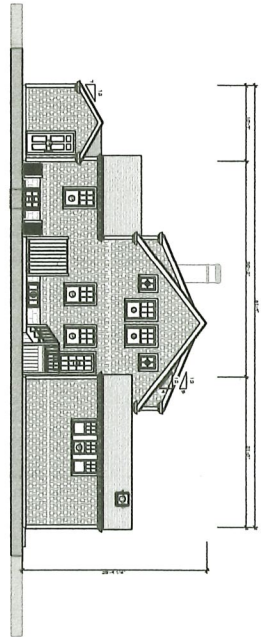


LOWELL PLACE
(public~ asphalt road)

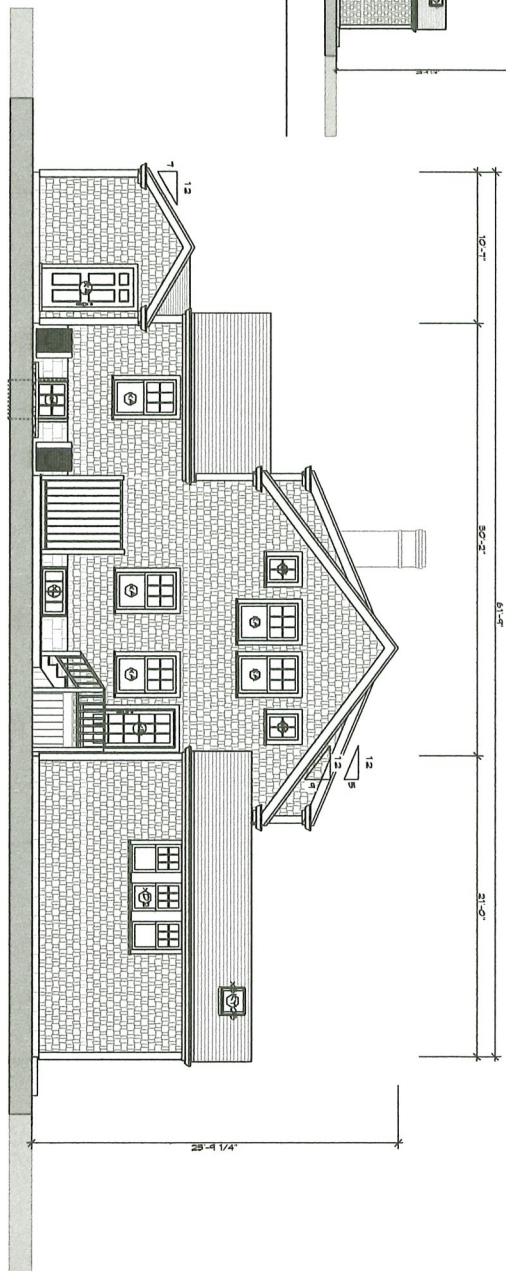
CONTRACTOR SHALL VERIFY
ALL DIMENSIONS PRIOR TO
THE START OF CONSTRUCTION

[illegible]

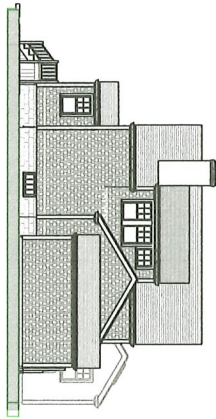




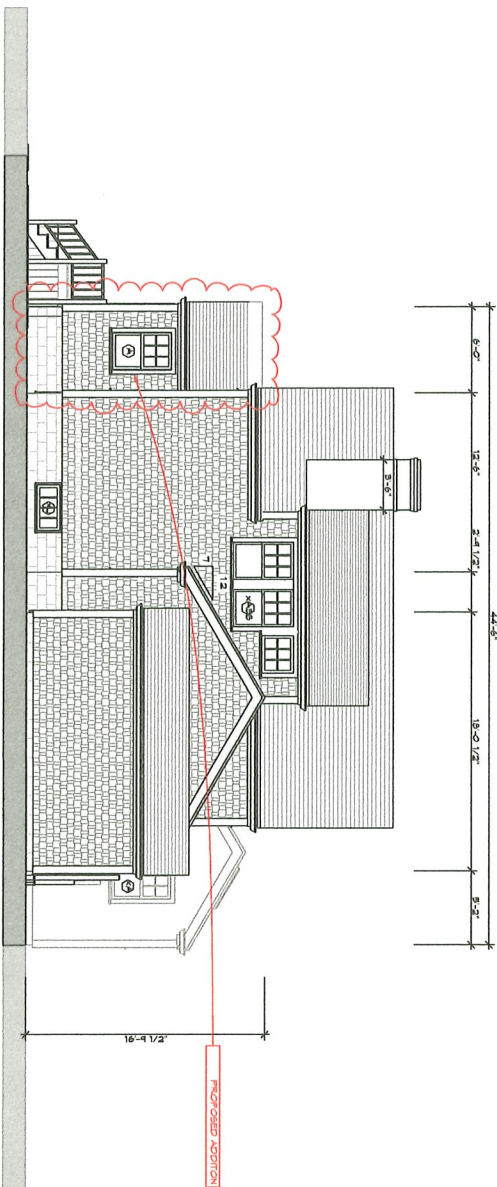
EXISTING NEST ELEVATION
SCALE: 1/8" = 1'-0"



1 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

[illegible]


TOPHAM DESIGN LLC
18 HUMPHOCK POND ROAD NANTUCKET MA 02554
TEL.: 508-325-5890 EMAIL: JOSEPH@TOPHAMDESIGNACK.COM

PROPOSED WEST & NORTH ELEVATION

BUILDING PERMIT NO.:

FEC Submission: 06 SEPTEMBER 2021 CERTIFICATE NO.:

**SMITH
RESIDENCE**
4 LOWELL PLACE
NANTUCKET, MA 02554

MDc SUPPRESSION

10/5/21

NO. 1711

MI	Rev No.:
----	----------

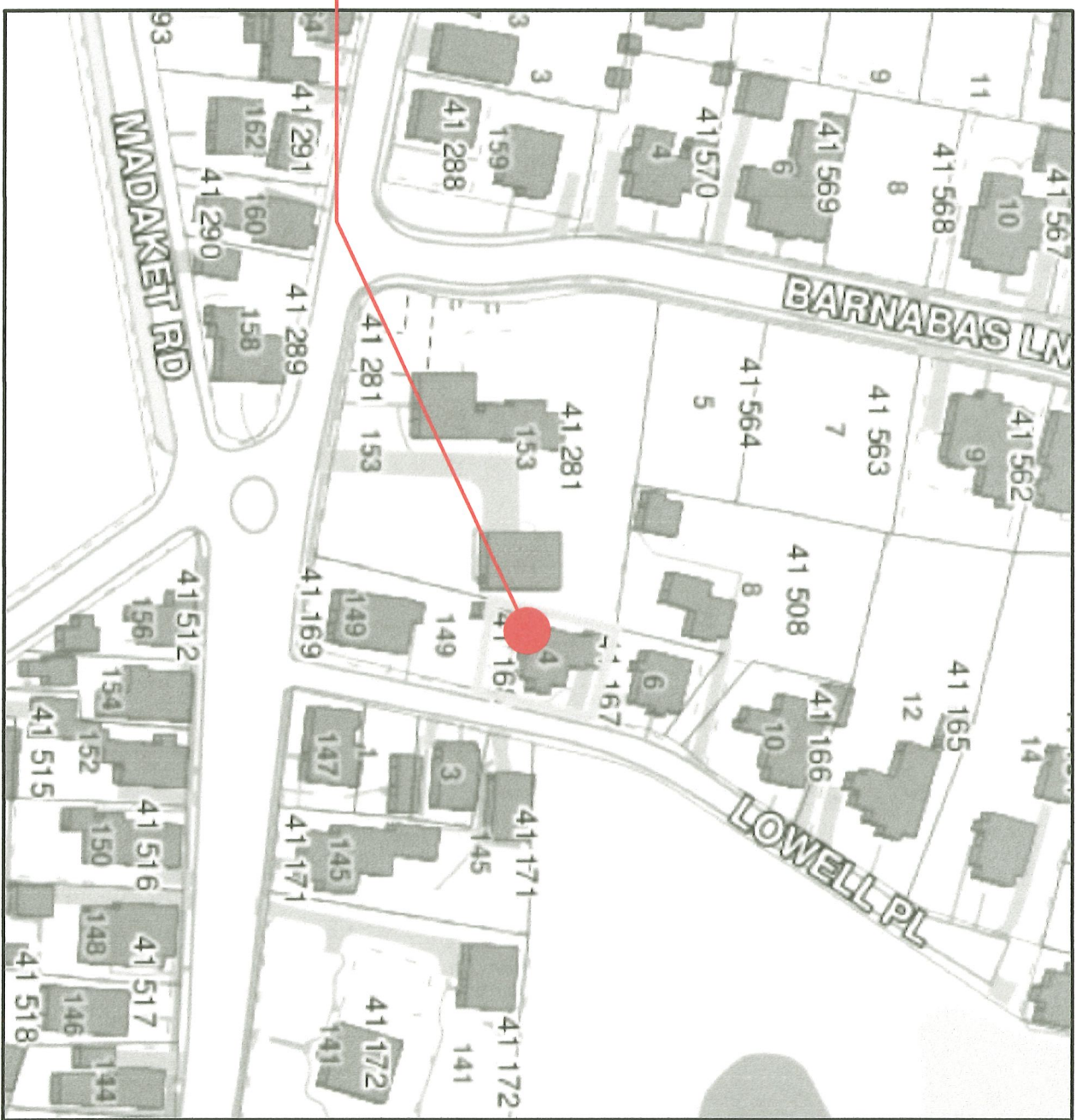
ALLOWABLE

[illegible]

ح

A2.2

LOCUS



4 LOWELL PLACE LOCUS MAP



TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignllc.com

DATE	DESCRIPTION
7/7	

LOCUS MAP

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC submission
10/9/21

HDC 01

SHEET 21 OF 41

EXISTING

MINIMUM LOT SIZE: 5000 S.F.	3,943 S.F.
MINIMUM FRONTAGE: 30 FT.	SEE PLAN
FRONT YARD SETBACK: 10 FT.	SEE PLAN
REAR/SIDE SETBACK: 5 FT.	SEE PLAN
GROUND COVER %: 30 %	SEE PLAN

41-508
N/F
JUL 4 R CZA/PF

4-167
N/F
JUL 4 R CZAPF

4-281
NF
R.W. & B.A. KEITH, TRUSTEES

EXISTING
1 1/2 ST W/F
BUILDING
1480± S.F.
FOUNDATION

LOWELL PLACE

R.C. CATON

N.F.

JUL & R. CZAPP

RUSTEES

10.89

5.11

5.42

10.03

4.12

3.54

4.16

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

PROFESSIONAL LAND SURVEYOR

SCALE: 1"=15' DATE: OCTOBER 23, 2006

Owner:.....C. BOWEN & JANET S. SMITH.....

Deed 150-190 Plan 19-26

Locust.....#4 LOWELL PLACE.....

CHARLES W. HART and ASSOCIATES, Inc.

THIS PLOT PLAN IS NOT A CERTIFICATION AS TO
TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.
OWNERS OF ADJACENT PROPERTIES ARE SHOWN
ACCORDING TO CURRENT ASSESSOR RECORDS.
ASSESSOR MAP: 41 PARCELS.....

CHARLES W. HART and ASSOCIATES
Professional Land Surveyors
49 PARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

44-7002



TOPHAM DESIGN LLC

18 Hummock Pond Road Nantucket MA 02554

Tel.: 508-325-5890 email: Joseph@tophamdesignnack.com

[illegible]

HART & ASSOCIATES PROPOSED SITE PLAN

Building Permit No:
HDC Submission On:

SMITH
RESIDENCE

4 Lowell Place
Nantucket, MA 02554

HDC SUBMISSION

10/5/12

PROJECT NO. 0794

Price

Protein and amino acid metabolism are the subject

No portion of any of these amounts is reported on Form 1041-ETC.

五

エ

AUGUST 28

500-40

REVISIONS: 17 SEPT 2021
1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION

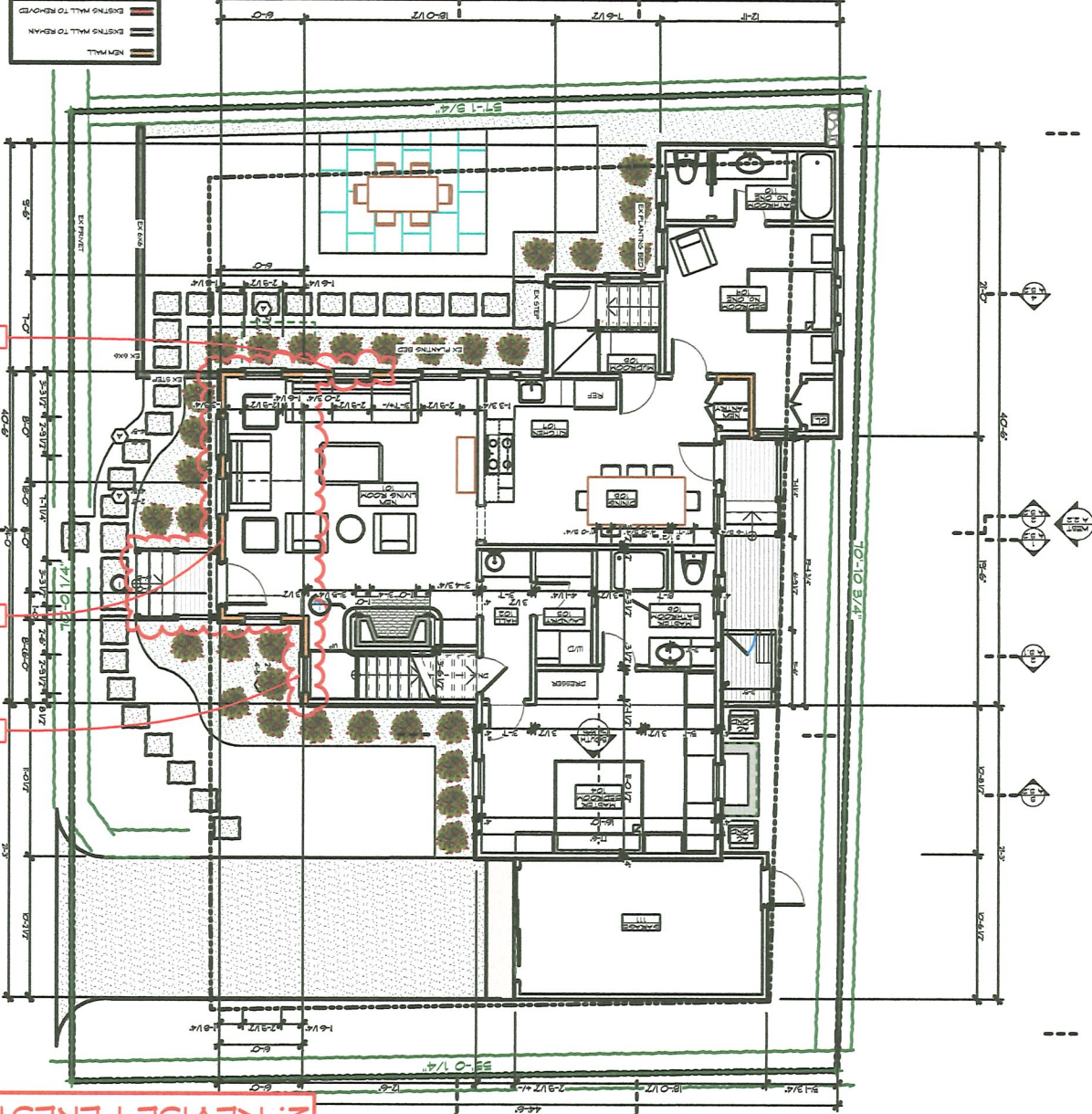
CONTRACTOR SHALL VERIFY
ALL DIMENSIONS PRIOR TO
THE START OF CONSTRUCTION



LOWELL PLACE
(public asphalt road)

NEW WALL
EXISTING WALL TO REMAIN
EXISTING WALL TO BE REMOVED

FENESTRATION CHANGES
FENESTRATION ADDITION
FENESTRATION CHANGES



PROPOSED FIRST FLOOR PLAN

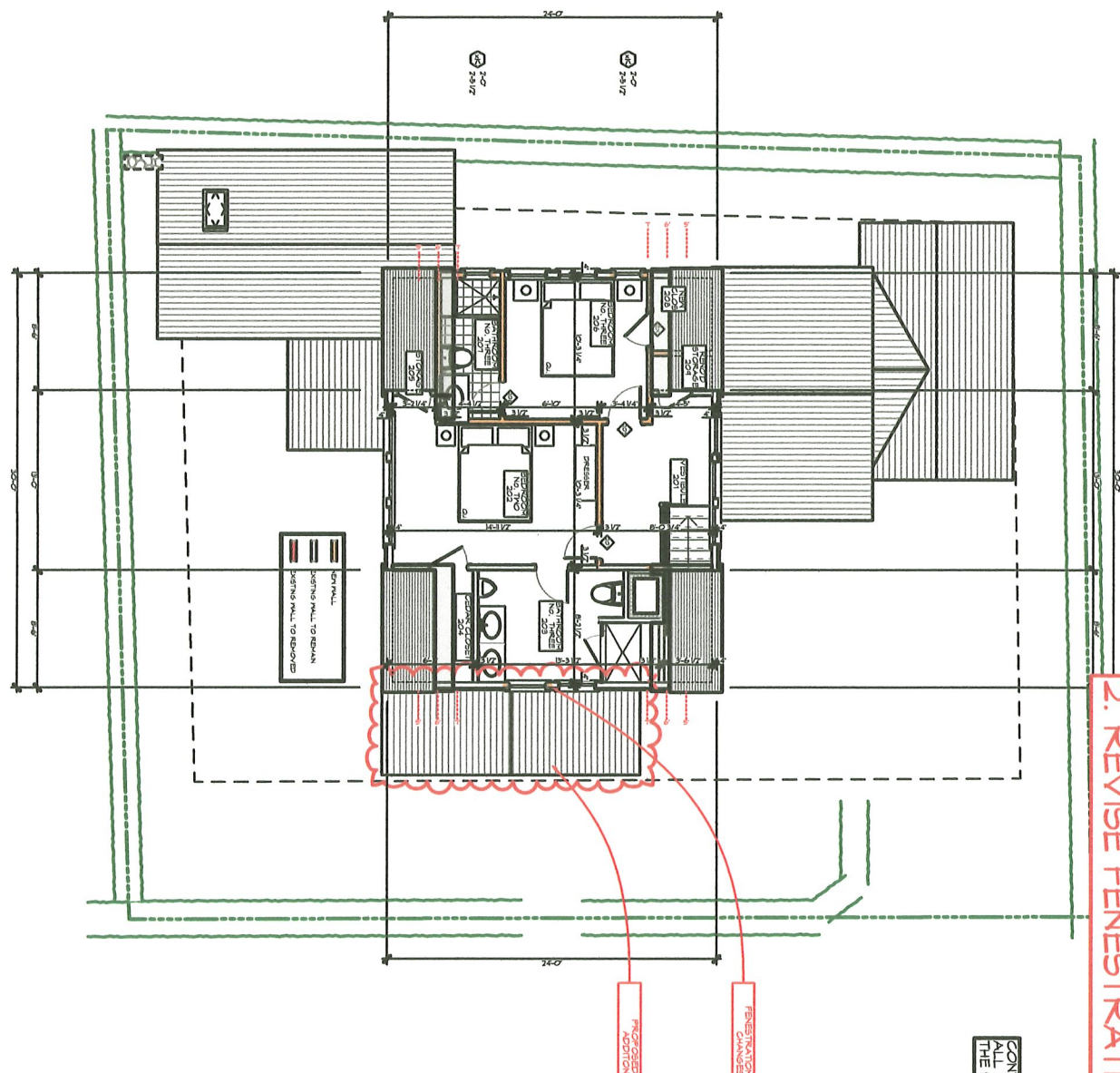
Building Permit No.
HDC Submission On September 2021 Certificate No.

SMITH
RESIDENCE
4 Lowell Place
Natick, MA 02554
HDC SUBMISSION
10/3/21
PROJECT NO.
18-011
Map No. 41

HDC 11

SHEET 29 OF 41

TOPHAM DESIGN LLC
18 Hummock Pond Road Natick, MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignllc.com



REVISIONS: 17 SEPT 2021
1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION

CONTRACTOR SHALL VERIFY
ALL DIMENSIONS PRIOR TO
THE START OF CONSTRUCTION





TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket, MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignllc.com

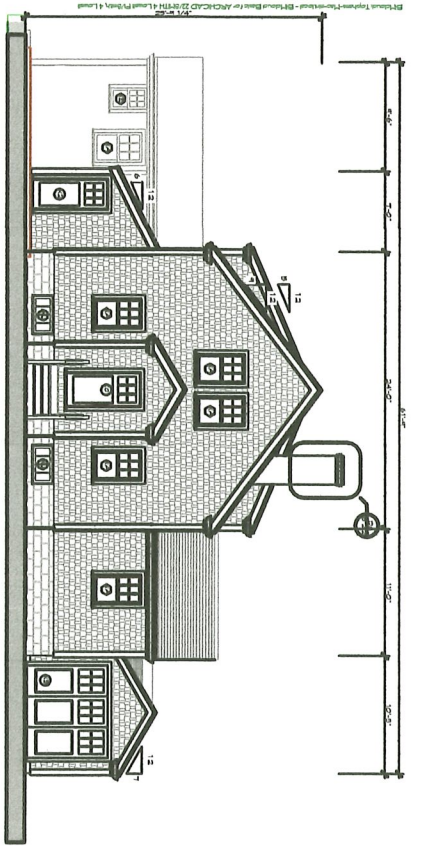
PROPOSED SECOND FLOOR PLAN

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC SUBMISSION
10/9/21

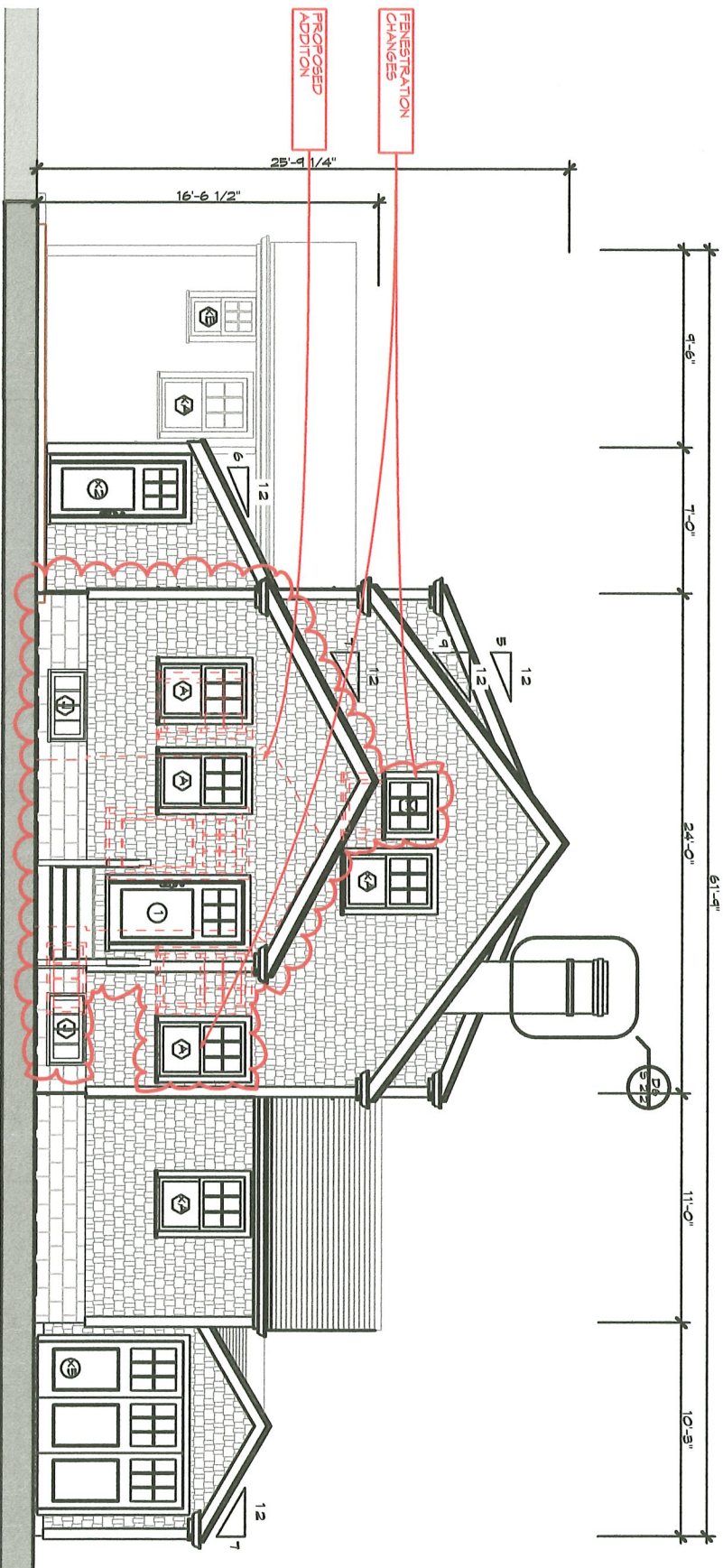
DESIGNED BY: [Signature]
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 10/9/21

HDC 1.2
SHEET 30 OF 41



- REVISIONS: 17 SEPT 2021**
1. WIDEN FRONT ENTRY VESTIBULE
 2. REVISE FENESTRATION

EXISTING EAST ELEVATION 1/16" = 1'-0"



PROPOSED EAST ELEVATION 1/8" = 1'-0"

TOPHAM DESIGN LLC
 18 Hummock Pond Road Nantucket MA 02554
 Tel: 508-325-5830 email: joseph@tophamdesignllc.com

PROPOSED EAST ELEVATION

Building Permit No:
 HDC Submission 06 September 2021 Certificate No:

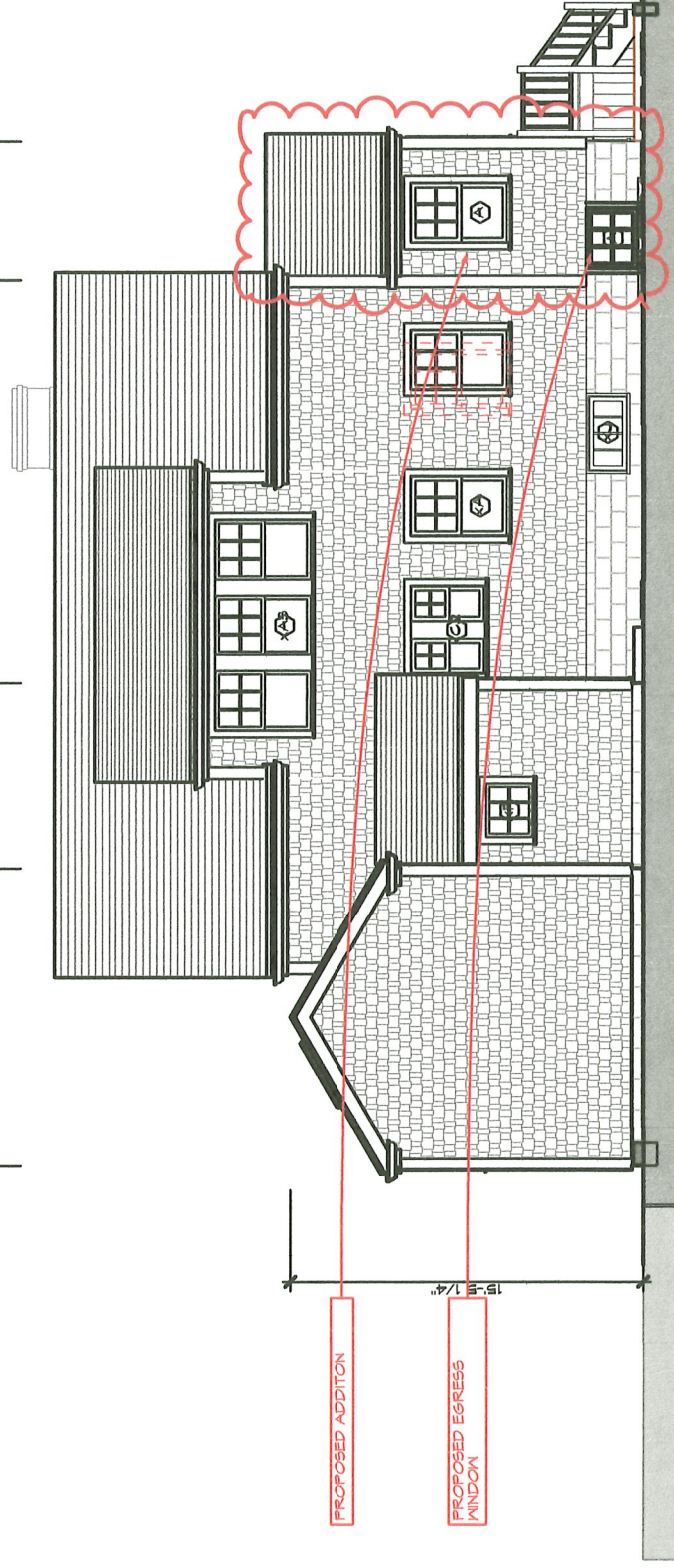
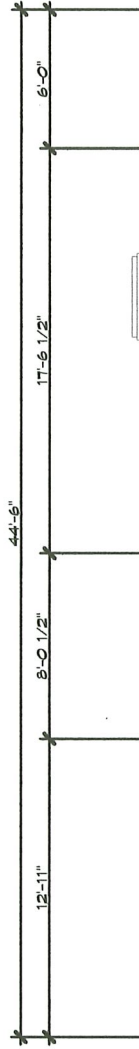
SMITH RESIDENCE
 4 Lowell Place
 Nantucket, MA 02554
 HDC SUBMISSION
 10/2/21

HDC 2.1

REVISIONS: 17 SEPT 2021

1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION

S EXISTING SOUTH ELEVATION 1/16" = 1'-0"



§ PROPOSED SOUTH ELEVATION

$$1/8'' = 1'-0''$$

PROPOSED SOUTH ELEVATION

Building Permit No: _____
HDC Submission 06 September 2021 Certificate No: _____

SMITH
RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC SUBMISSION

PROJECT NO.	SPR
Map No.	41
Parcel No.	145

HDC 2.2

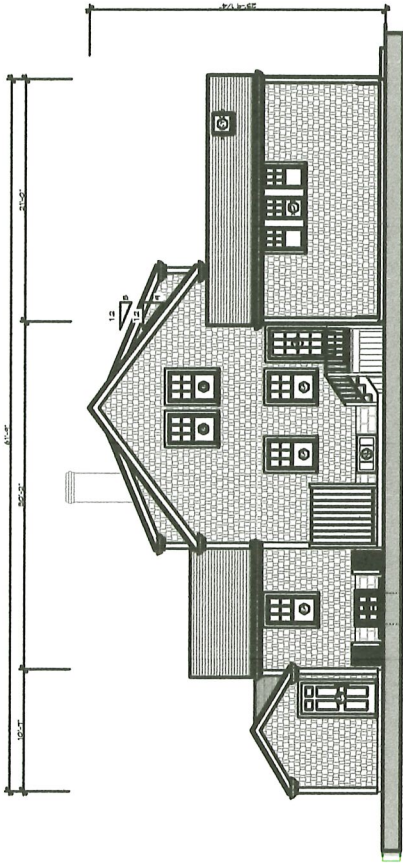
SHEET 32 OF 47

18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesigntack.com

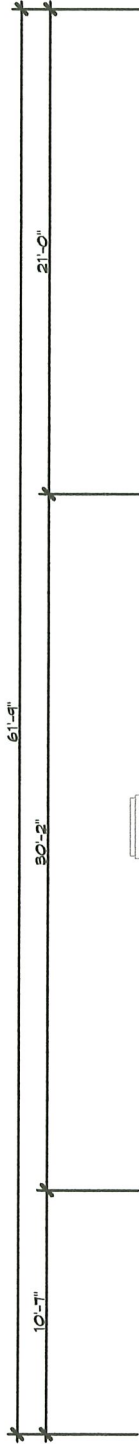
TOPHAM DESIGN LLC



MARK	DATE	DESCRIPTION
	//	



W EXISTING WEST ELEVATION 1/16" = 1'-0"



W EXISTING WEST ELEVATION 1/8" = 1'-0"

PROPOSED WEST ELEVATION

Building Permit No. 10/20/21
HDC Submission 06 September 2021 Certificate No.

SMITH
RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC SUBMISSION
10/20/21

PROJECT NO. 4
Sheet No. 48

HDC 2.3

SHEET 23 OF 41

TOPHAM DESIGN LLC
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignllc.com

REVISIONS: 17 SEPT 2021
1. NO CHANGE

REVISIONS: 17 SEPT 2021

1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION



TOPHAM DESIGN llc
 18 Hummock Pond Road Nantucket MA 02554
 Tel: 508-325-5890 email: joseph@tophamdesignllc.com

MARK	DATE	DESCRIPTION

PROPOSED NORTH ELEVATION

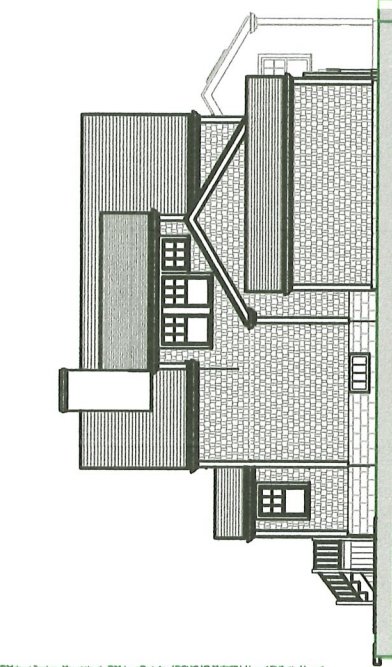
Building Permit No. _____
 HDC Submission 06 September 2021 Certificate No. _____

SMITH RESIDENCE
 4 Lowell Place
 Nantucket, MA 02554

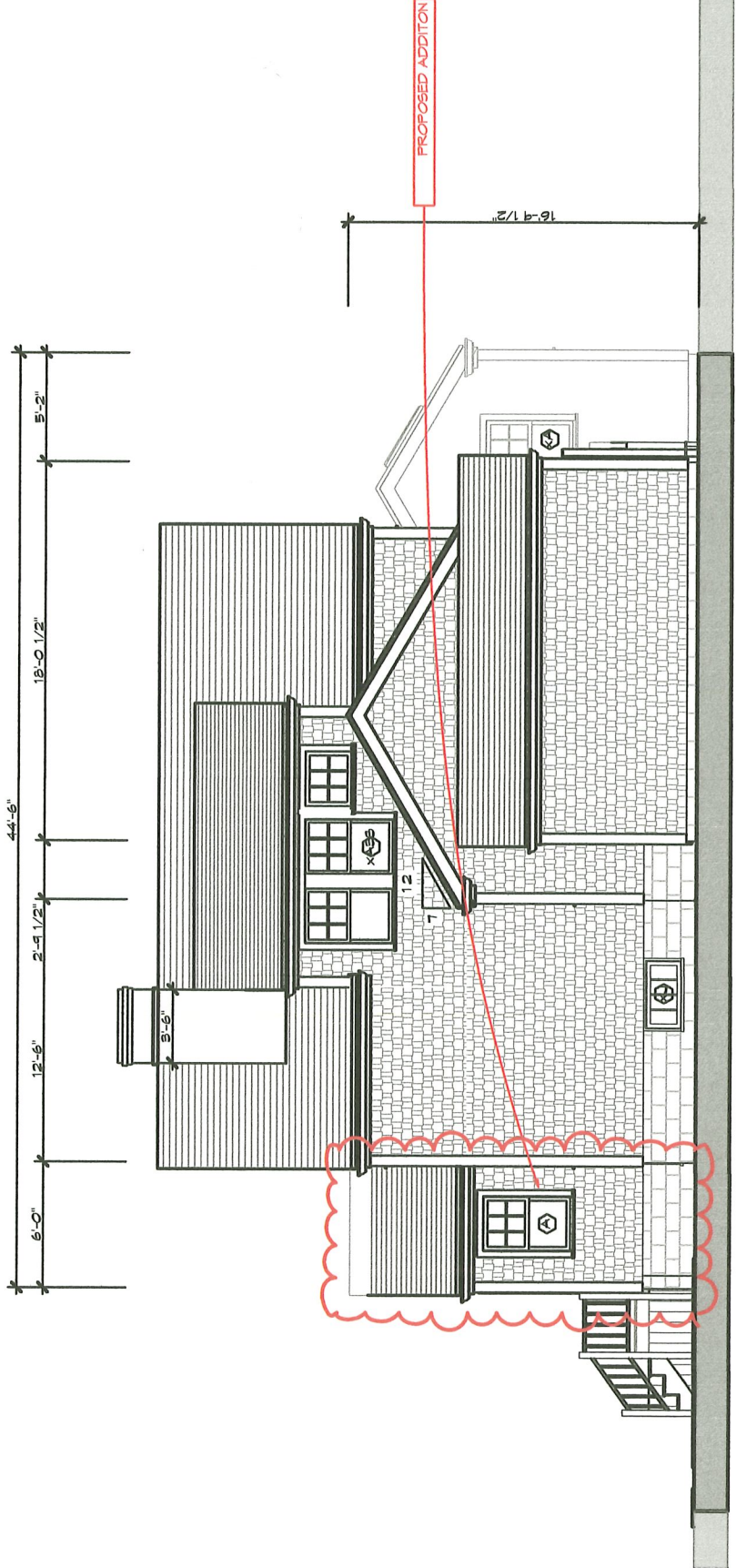
HDC SUBMISSION
 10/19/21

PROJECT NO. _____
 SHEET NO. 47 OF 47

HDC 2.4



EXISTING NORTH ELEVATION 1/16" = 1'-0"



PROPOSED NORTH ELEVATION 1/8" = 1'-0"

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... H.C. Bowen Smith, Trustee of Four Lowell Place Nominee Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 4 Lowell Place
ASSESSOR MAP/PARCEL..... Map 41, Parcel 168
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: 2021.10.15 09:29:14 -04'00'

10-15-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

READE GULLICKSEN HANLEY & GIFFORD LLP

SIX YOUNGS WAY
PO BOX 2669
NANTUCKET, MA 02584-2669

21510

53-447/113
371

CHECK ARMOR
BY THE ISSUING INSTITUTION



DOLLARS

Four hundred fifty and no/100

PAY
AMOUNT
OF

EXPLANATION	AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
10.15.21	Town of Nantucket	Smith, W.C. Bowen	21510

\$ 450.00

NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST

[Signature]
AUTHORIZED SIGNATURE

⑈021510⑈ ⑆011304478⑆ 889016367⑈

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
41	163		HERNDON JAMES H & GERALDINE TRS	JGH REALTY TRUST	5018 CASTLE ROCK DR	BIRMINGHAM	AL	35242	18 WOODBURY LN
41	163	1	BECKER WILLIAM G & LISA C		980 CRESCENT BEACH RD	VERO BEACH	FL	32963	20 WOODBURY LN
41	164		NORRIS BUILDING CO INC		24 MACYS LANE	NANTUCKET	MA	02554	14 LOWELL PL
41	165		RAKOV VICTORIA A		20 HIGHLAND ST	WESTON	MA	02493	12 LOWELL PL
41	166		MARSH JEFFREY B		4 BRIDLEWOOD DR WEST	NEW HOPE	PA	18938	10 LOWELL PL
41	167		HAMLING DEIRDRE TR	JOSEPH & ROSE CZAPP FAMILY TRUSTS	83 FOUR CORNERS RD	WARWICK	NY	10990	6 LOWELL PL
41	168		SMITH H C BOWEN TRST	4 LOWELL PLACE NOM TRUST	716 SILVERMINE	NEW CANAAN	CT	06840	4 LOWELL PL
41	169		149 ACK MAIN STREET LLC		307 POLPIS RD	NANTUCKET	MA	02554	149 MAIN ST
41	170		SHEA PETER RYAN TR	LYNDA SHEA PERSONAL RESIDENCE TRUST	909 SOUTH SHADY GROVE RD	MEMPHIS	TN	39120	147 MAIN ST
41	171		KATTMAN MARY FAY TR	WAYMAN FAMILY IRREV TRUST	1313 WASHINGTON ST APT 702	BOSTON	MA	02118	145 MAIN ST
41	172		141 MAIN ST LLC		340 ROYAL POINCIANA WY	PALM BEACH	FL	33480	141 MAIN ST
41	181		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	1 QUAKER RD
41	281		KESSLER ADAM & DEBRA		32 PARK AVE	NEWTON	MA	02458	153 MAIN ST
41	281	1	ULM SCOTT J & WILTON PAMELA B TR	151 MAIN ST NOM TRUST	10875 CHARLESTON DRIVE	VERO BEACH	FL	32963	151 MAIN ST
41	281	2	GOSSELIN JOHN T TR		7 WESTOVER DRIVE	LYNNFIELD	MA	01940	1 BARNABAS LN
41	287		LENO KATHLEEN		PO BOX 195	NANTUCKET	MA	02554	3 NEW LN
41	288		PAYNE HARRY CALEB II		159 MAIN ST	NANTUCKET	MA	02554	159 MAIN ST
41	288	1	TROXELL DANA C JR TRS		290 LYONS PLAIN RD	WESTON	CT	06883	157 MAIN ST
41	288	2	HOFFMAN DIANE		PO BOX 2108	NANTUCKET	MA	02584	159 B MAIN ST
41	288	3	MECKLER MICHELLE		159 C MAIN ST	NANTUCKET	MA	02554	159 A MAIN ST
41	289		DITOMASSI GEORGE		61 BEACON STREET	BOSTON	MA	02108	158 MAIN ST
41	290		COSPER SUSAN M		355 ROWLAND ROAD	FAIRFIELD	CT	06824	160 MAIN ST
41	291		MUGFORD WILLIAM ETAL		151 SOUTH MAIN ST	MIDDLETON	MA	01949	162 MAIN ST
41	455		REYNOLDS ELIZABETH HILLGER	C/O HILLGER ELIZABETH TRUSTS	P O BOX 1880	NANTUCKET	MA	02554	139 MAIN ST
41	508		HAMLING DEIRDRE TR	JOSEPH & ROSE CZAPP FAMILY TRUSTS	83 FOUR CORNERS RD	WARWICK	NY	10990	8 LOWELL PL
41	511		ROSENBERG JOAN ARBETTER		77 MONTVALE RD	NEWTON	MA	02459	3 LOWELL PL

41	512	WERDIGER RICHARD S & ELIZABETH N		PO BOX 216	PURCHASE NY	10577	156 MAIN ST
41	513	WERDIGER RICHARD S	& ELIZABETH N	8 COTTAGE AVENUE	PURCHASE NY	10577	154 MAIN ST
41	515	TAYLOR R SCOTT TRST ETAL	152 MAIN ST NOM TRUST	1333 WEST 11TH AVENUE	ANCHORAGE AK	99501	152 MAIN ST
41	516	BOARDMAN WILLIAM J II ETAL		PO BOX 1027	NANTUCKET MA	02554	150 MAIN ST
41	517	ROBIN W PULEO LLC		1690 FIELDVIEW LANE	BETHLEHEM PA	18015	148 MAIN ST
41	518	LOWER BRIDGET CLAIRE & BRANDON WILSON		2 HILLTOP PLACE	RYE NY	10580	146 MAIN ST
41	519	BRYAN J STEWART & LISA MARGARET S		4608 SULGRAVE RD	RICHMOND VA	23221	144 MAIN ST
41	524	FOUR QUAKER LLC		182 BRATTLE ST	CAMBRIDGE MA	02138	4 QUAKER RD
41	559	HALTENHOF PAULA M TRST	24 WOODBURY LN NOM TRUST	11228 HUNTERS POND	ST LOUIS MO	11228	24 WOODBURY LN
41	560	MAC FARM PARTNERS LLC	C/O KELLMAN	2770 INDIAN RIVER BLVD STE 331	VERO BEACH FL	32960	22 WOODBURY LN
41	561	MACLAY GEOFFREY G JR TRST ETAL		7268 WEST HERON POND DR	MEQUON WI	53092	11 BARNABAS LN
41	562	FARKAS CHARLES M & DALE KEVIN F TR	SPERBER LORA E	154 COOLIDGE HILL	CAMBRIDGE MA	02138	9 BARNABAS LN
41	563		C/O CHARLES FARKAS & LORA SPERBER	154 COOLIDGE HILL	CAMBRIDGE MA	02138	7 BARNABAS LN
41	564	5 BARNABAS LANE LLC		37 CENTER ST	NANTUCKET MA	02554	5 BARNABAS LN
41	567	WEILER ROBERT & ELIZABETH		11666 LOST TREE WAY	NORTH PALM BEACH FL	33408	10 BARNABAS LN
41	568	CONDON PHILIP G & MARGARET C		560 WASHINGTON ST #302	WELLESLEY MA	02482	8 BARNABAS LN
41	569	CONDON PHILIP G & MARGARET C		580 WASHINGTON ST #302	WELLESLEY MA	02482	6 BARNABAS LN
41	570	EMERT JOHN P & GAW MARY ELLEN		13 BROOKWOOD LANE	NEW CANAAN CT	06840	4 BARNABAS LN
41	571	NOEL BERRY		PO BOX 1878	NANTUCKET MA	02554	16 WOODBURY LN
41	858	ACK ONE LOWELL LLC		77 MONTVALE RD	NEWTON MA	2459	1 LOWELL PL
4233	3	FULL COURSE LLC ETAL	C/O ROBERT A ERNST	4906 SCARSDALE ROAD	BETHESDA MD	20186	4 QUARTER MILE HILL
Count:	47						

HERNDON JAMES H & GERALDINE TRS
JGH REALTY TRUST
5018 CASTLE ROCK DR
BIRMINGHAM, AL 35242

BECKER WILLIAM G & LISA C
980 CRESCENT BEACH RD
VERO BEACH, FL 32963

NORRIS BUILDING CO INC
24 MACYS LANE
NANTUCKET, MA 02554

RAKOV VICTORIA A
20 HIGHLAND ST
WESTON, MA 02493

MARSH JEFFREY B
4 BRIDLEWOOD DR WEST
NEW HOPE, PA 18938

HAMLING DEIRDRE TR
JOSEPH & ROSE CZAPP FAMILY TRUSTS
83 FOUR CORNERS RD
WARWICK, NY 10990

SMITH H C BOWEN TRST
4 LOWELL PLACE NOM TRUST
716 SILVERMINE
NEW CANAAN, CT 06840

149 ACK MAIN STREET LLC
307 POLPIS RD
NANTUCKET, MA 02554

SHEA PETER RYAN TR
LYNDA SHEA PERSONAL RESIDENCE
TRUST
909 SOUTH SHADY GROVE RD
MEMPHIS, TN 39120

KATTMAN MARY FAY TR
WAYMAN FAMILY IRREV TRUST
1313 WASHINGTON ST APT 702
BOSTON, MA 02118

141 MAIN ST LLC
340 ROYAL POINCIANA WY
PALM BEACH, FL 33480

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

KESSLER ADAM & DEBRA
32 PARK AVE
NEWTON, MA 02458

ULM SCOTT J & WILTON PAMELA B TR
151 MAIN ST NOM TRUST
10875 CHARLESTON DRIVE
VERO BEACH, FL 32963

GOSSLELIN JOHN T TR
7 WESTOVER DRIVE
LYNNFIELD, MA 01940

LENO KATHLEEN
PO BOX 195
NANTUCKET, MA 02554

PAYNE HARRY CALEB II
159 MAIN ST
NANTUCKET, MA 02554

TROXELL DANA C JR TRS
290 LYONS PLAIN RD
WESTON, CT 06883

HOFFMAN DIANE
PO BOX 2108
NANTUCKET, MA 02584

MECKLER MICHELLE
159 C MAIN ST
NANTUCKET, MA 02554

DITOMASSI GEORGE
61 BEACON STREET
BOSTON, MA 02108

COSPER SUSAN M
355 ROWLAND ROAD
FAIRFIELD, CT 06824

MUGFORD WILLIAM ETAL
151 SOUTH MAIN ST
MIDDLETON, MA 01949

REYNOLDS ELIZABETH HILLGER
C/O HILLGER ELIZABETH
P O BOX 1880
NANTUCKET, MA 02554

HAMLING DEIRDRE TR
JOSEPH & ROSE CZAPP FAMILY TRUSTS
83 FOUR CORNERS RD
WARWICK, NY 10990

ROSENBERG JOAN ARBETTER
77 MONTVALE RD
NEWTON, MA 02459

WERDIGER RICHARD S & ELIZABETH N
PO BOX 216
PURCHASE, NY 10577

WERDIGER RICHARD S
& ELIZABETH N
8 COTTAGE AVENUE
PURCHASE, NY 10577

TAYLOR R SCOTT TRST ETAL
152 MAIN ST NOM TRUST
1333 WEST 11TH AVENUE
ANCHORAGE, AK 99501

BOARDMAN WILLIAM J II ETAL
PO BOX 1027
NANTUCKET, MA 02554

ROBIN W PULEO LLC
1690 FIELDVIEW LANE
BETHLEHEM, PA 18015

LOWER BRIDGET CLAIRE & BRANDON
WILSON
2 HILLTOP PLACE
RYE, NY 10580

BRYAN J STEWART & LISA MARGARET S
4608 SULGRAVE RD
RICHMOND, VA 23221

FOUR QUAKER LLC
182 BRATTLE ST
CAMBRIDGE, MA 02138

HALTENHOF PAULA M TRST
24 WOODBURY LN NOM TRUST
11228 HUNTERS POND
ST LOUIS, MO 11228

MAC FARM PARTNERS LLC
C/O KELLMAN
2770 INDIAN RIVER BLVD STE 331
VERO BEACH, FL 32960

MACLAY GEOFFREY G JR TRST ETAL
7268 WEST HERON POND DR
MEQUON, WI 53092

FARKAS CHARLES M &
SPERBER LORA E
154 COOLIDGE HILL
CAMBRIDGE, MA 02138

DALE KEVIN F TR
C/O CHARLES FARKAS & LORA SPERBER
154 COOLIDGE HILL
CAMBRIDGE, MA 02138

5 BARNABAS LANE LLC
37 CENTER ST
NANTUCKET, MA 02554

WEILER ROBERT & ELIZABETH
11666 LOST TREE WAY
NORTH PALM BEACH, FL 33408

CONDON PHILIP G & MARGARET C
580 WASHINGTON ST #302
WELLESLEY, MA 02482

CONDON PHILIP G & MARGARET C
580 WASHINGTON ST #302
WELLESLEY, MA 02482

EMERT JOHN P & GAW MARY ELLEN
13 BROOKWOOD LANE
NEW CANAAN, CT 06840

NOEL BERRY
PO BOX 1878
NANTUCKET, MA 02554

ACK ONE LOWELL LLC
77 MONTVALE RD
NEWTON, MA 2459

FULL COURSE LLC ETAL
C/O ROBERT A ERNST
4906 SCARSDALE ROAD
BETHESDA, MD 20186

Sea Daze llc

File No. 33-21

27 Baxter Rd

Special Permit

PLUS



NANTUCKET
TOWN CLERK

2021 OCT 20 AM 9:57

PAID
OCT 19 2021
PAID
BY: _____



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

APPLICATION

Fee: \$450.00

File No. 33 -21

Owner's name(s): Sea Daze, LLC

**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: 27 Baxter Road, Siasconset Assessor's Map/Parcel: 49.2.3-10

Plan Book 2, Page 52, Lot 29

Deed: Nantucket Deeds, Book 1269, Page 202 (confirmatory deed)

Zoning District Siasconset Residential 20 (SR-20)

Uses on Lot- Commercial: None

Residential: Number of dwellings One

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

Previous Zoning Board Application Numbers: 063-85; 058-95

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

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

The applicant proposes to alter the pre-existing, nonconforming single-family dwelling upon locus, previously altered pursuant to relied granted by Special Permit in ZBA File No. 063-85 and further altered pursuant to Modification of that Special Permit in ZBA File No. 058-95, by placing a new foundation under the dwelling and by increasing the height of a gable within the side yard setback area, without affecting the footprint of the portion of the structure which lies within the setback area. The lot contains 10,577± square feet, with 20,000 square feet being the minimum in this SR-20 zoning district under the Nantucket Zoning By-law; the dwelling is also nonconforming as to front yard setback and northerly side yard setback. Conditions are shown upon a Site Plan prepared by Nantucket Engineering & Survey, P.C., dated October 15, 2021, filed herewith. The proposed alterations have been approved by the Nantucket Historic District Commission. Accordingly, the applicant requests a further Modification of the Special Permit, to authorize the alterations described above and as approved by the HDC.

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: *Sea Daze, LLC; G. Parker Harris III, Manager* Owner*

By:

SIGNATURE: *Arthur I. Reade, Jr.* 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: __/__/__

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

**Property Information**

Property ID 49.2.3 10
Location 27 BAXTER RD
Owner SEA DAZE 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.

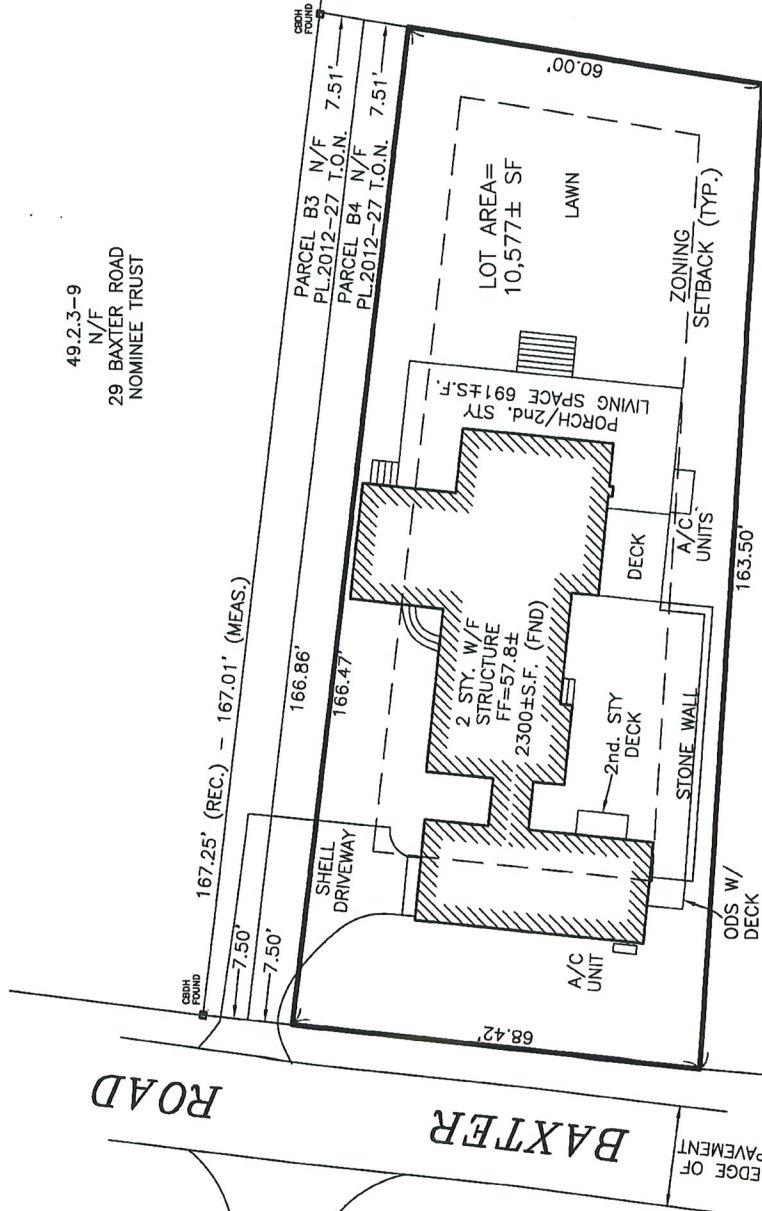
Geometry updated 07/29/2021
Data updated Jan. 2021

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

PROPERTY DATA

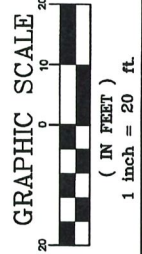
OWNER: SEA DAZE, LLC
 ADDRESS: 27 BAXTER ROAD
 ASSESSOR MAP 49.2.3 PARCEL 10
 DEED BOOK 1269, PAGE 202
 (CONFIRMATORY DEED)
 PLAN BOOK 2, PAGE 52 (LOT 29)
 ZONING DISTRICT: SR-20
 MINIMUM LOT SIZE: 20,000 S.F.
 MINIMUM FRONTAGE: 75 FT.
 FRONT YARD SETBACK: 30 FT.
 REAR/SIDE SETBACK: 10 FT.
 GROUND COVER % : 12.5%
 *REF. SPECIAL PERMIT DEED
 BOOK 235 PAGE 59 AS MODIFIED, REF.
 DEED BOOK 489 PAGE 298.

49.2.3-9
 N/F
 29 BAXTER ROAD
 NOMINEE TRUST



49-9
 N/F
 TOWN OF NANTUCKET

SITE PLAN OF LAND
 IN NANTUCKET, MA
 PREPARED FOR
 SEA DAZE, LLC
 27 BAXTER ROAD
 MAP 49.2.3 PARCEL 10
 OCTOBER 15, 2021
 SCALE: 1"=20'



49.2.3-11
 N/F
 NORTH BLUFFS
 HOLDINGS LLC

THIS PLOT PLAN WAS PREPARED FOR PERMITTING PURPOSES 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. CONDITIONS SHOWN HEREON BASED ON FIELD SURVEY CONDUCTED ON JUNE 9, 2021.

NANTUCKET
 ENGINEERING
 & SURVEY, PC
 20 Mary Ann Drive Nantucket, MA 02554
 NantucketEngineer.com 508-825-5053

CERTIFICATE NO: HC201-01, 4585

DATE ISSUED: 9/28/21

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°: 49.2.3 PARCEL N°: 10
 Street & Number of Proposed Work: 37 Baxter Road
 Owner of record: SEA DAZE LLC
 Mailing Address: 3342 Broadway Street
San Francisco, CA 94115
 Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Botticelli + Pelli
 Mailing Address: 11 Old South Road
Nantucket, MA 02554
 Contact Phone #: 278-5455 E-mail: _____

FOR OFFICE USE ONLY	
Date application received: <u>9/17/21</u>	Fee Paid: \$ <u>14634.00</u>
Must be acted on by: <u>10/23/21</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: <u>[Signature] (LBC Bomb Factory)</u>	
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 New Full Basement

Size of Structure or Addition: Length: 5'-7 1/2" Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
 Width: 3'-7 1/2" Sq. Footage 2nd floor: 204 Size: 29' x 19' ☒ 1st floor ☐ 2nd floor
 (Dormer) 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 N/C South N/C East N/C West N/C

Additional Remarks

REVISIONS:

Historic Name:

Original Date:

Original Builder:

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 Match Existing ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 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 _____ 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 TME Rake TME Soffit (Overhang) TME Corner boards _____ Frieze _____

Window Casing TME Door Frame TME Columns/Posts: Round _____ Square _____

Windows: ☒ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☒ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer Boston Sash

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 Natural Clapboard (if applicable) _____ Roof Natural
 Trim White Sash White Doors White
 Deck Natural 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 9/17/21

Signature of owner of record: [Signature]

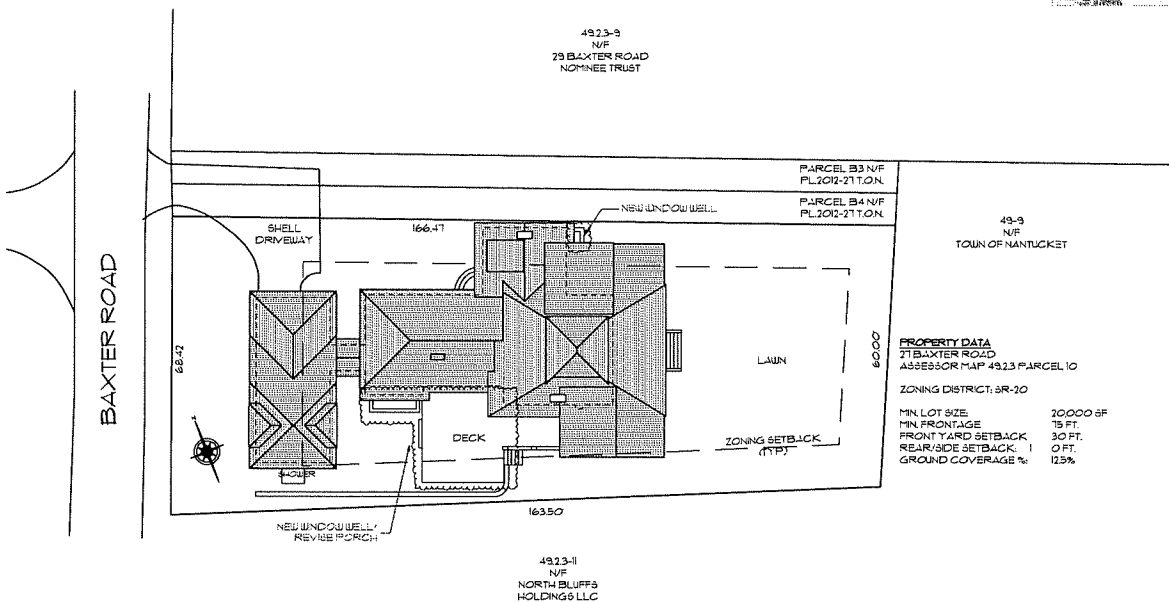
Signed under penalties of perjury

HDC Minutes for September 28, 2021, adopted Oct. 12

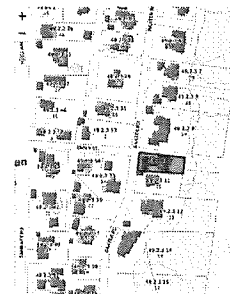
6.	Sea Daze, LLC 09-4585	27 Baxter Road	New bsmt/fenest revisions	49.2.3/10	Borticelli + Pohl
Voting	Camp (acting chair), McLaughlin, Coombs, Oliver, Thornewill				
Alternates	Welch, Dutra				
Recused	Pohl				
Documentation	Architectural elevation plans, site plan, photos, historic documentation, and advisory comments.				
Representing	Lisa Botticelli, Botticelli & Pohl				
Public	None				
Concerns (5:59)	Botticelli – Presented project; the windows marked “EX” are remaining; reviewed which windows are being changed. Backus – Shingle style circa 1904; we need a window survey and concurs windows should be restored. Read SAB comments 9/20: west elevation, move the dormer to center of mass; north elevation significant amount of historic fabric being lost; every window is proposed to be replaced; asked what is existing below shingle line; more sensitive alterations to maximize retention of historic fabric; provide window survey; windows should be restored rather than replaced. Oliver – She doesn’t see the changes being as significant as SAB indicates; she thinks the additions are nicely done. Coombs – Agrees the changes aren’t that bad. West elevation, the left dormer should come down to be even with the windows to the right. Glad the diamond windows are remaining. McLaughlin – He has no concerns. Thornewill – This house can handle a little change; it’s in keeping with what’s existing. Camp – Agrees about bringing down the west elevation dormer.				
Motion	Motion to Approve as submitted. (McLaughlin)				
Roll-call Vote	Carried 3-2//Thornewill, Oliver, and McLaughlin-aye; Camp and Coombs-nay				
			Certificate #	HDC2021-09-4585	



7.	Lauren Stein 09-4574	11 Woodbury Lane	New dwelling	41/350	Normand Residential
Voting	Pohl, Camp, McLaughlin, Coombs, Oliver				
Alternates	Welch, Dutra, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, and advisory comments.				
Representing	Ben Normand, Residential Design				
Public	None				
Concerns (6:12)	Normand – Presented project; this is the lot where the house blew up in November 2020; no basement is allowed; requesting simulated-divided-light windows (SDL). Backus – Read HSAB comments 9/13: roof walk should be shorter in length; chimney could be shorter; south elevation, odd with is a window where there an interior chimney should be (move chimney to other end); prefer true-divided-light windows (TDL) on front; if back is visible – prefer it to be simpler. The previous home was built in 1992; National Historic Landmarks (NHL) lists the Woodbury subdivision as an example of residential architecture of the 1980s. Feels the replacement should resemble the lost building as much as possible; the garage design is not typical for this subdivision. Agrees that TDLs are more appropriate. Appreciates reproduction of plank-framed windows. The 4-over-4 window right of the front door is odd. McLaughlin – This is suitable to the area. East elevation left, remove the shutter from the garage window. Coombs – Roof walk is too large. The house goes from lot line to lot line; it should come in so there is some greenery along the sides, which is common in Woodbury. Windows on the front should be TDL. West elevation, pull the window away from the 2nd-floor French doors. The “B” windows look longer than the “A” windows; likes the 4-over-4s. The chimney height could come down. Oliver – Likes the house; it fits in quite well. Her only concern is the connected garage with a steep pitch; the example shown was a separate structure set back from the house. Disagrees with Ms. Coombs about not going from lot line to lot line; that is an existing state in Woodbury. Agrees about moving the chimney to the right of the secondary mass. Okay with the roof walk. Okay with the windows being SDL given this is a later development. Camp – Likes a more centered chimney. Front door should have a more prominent surround. Agrees the roof walk is too large; suggested a 3-bay roof walk. West elevation, instead of the attached garage, would prefer a separate structure. TDLs really do make a difference; SDLs don’t read true. Pohl – Given the distance from the road, he thinks well-made SDLs will be good because it does away with aluminum triple-tracks; there are bad SDLs and good SDLs and Mr. Normand has chosen a good manufacturer. Agrees about reducing the roof walk and height of the chimney. He thinks the garage is set back enough to allow for a historical story. Doesn’t think the back will be visible.				
Motion	Motion to Hold for revisions. (Camp)				
Roll-call Vote	Carried 5-0//Coombs, Oliver, McLaughlin, Camp, and Pohl-aye				
			Certificate #		



2 PROPOSED SITE PLAN
Scale: 1" = 10'



1 Locu
NOT TO SCALE

BOTTICELLI & POHL

Site Plan

Residence at
27 Baxter Rd
Nantucket, MA 02554

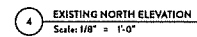
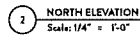
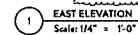
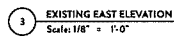
MAP NO. 4923 ZONING DIST. SR 20
PARCEL NO. 10 PROJECT NO.

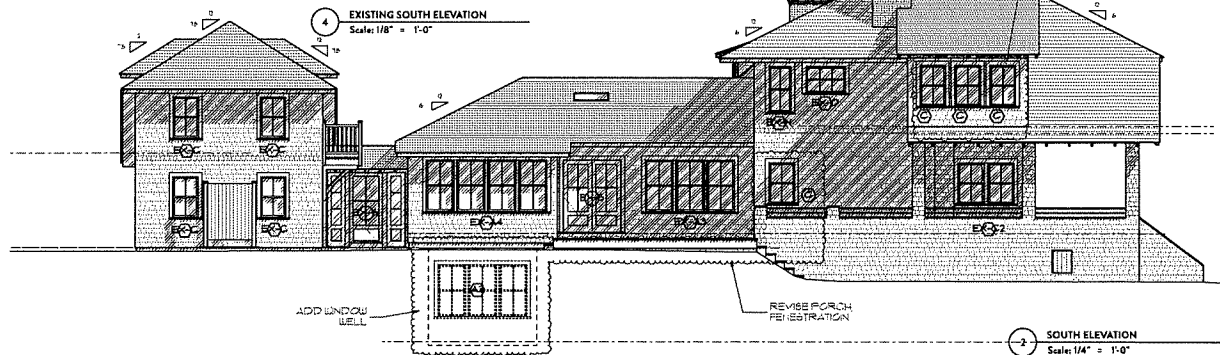
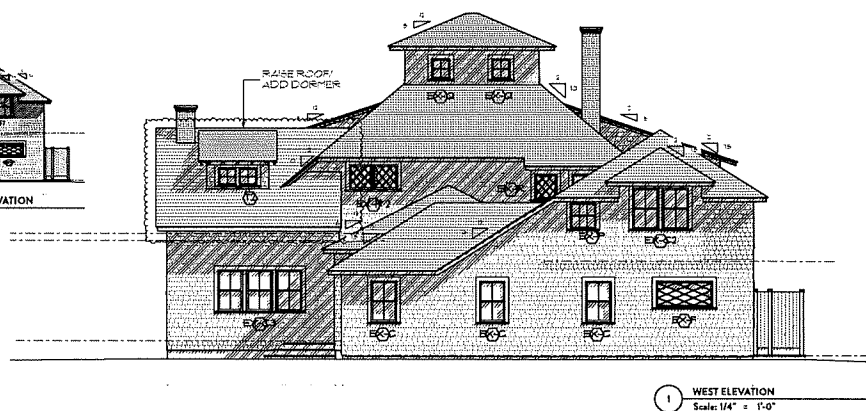
REVISIONS

DATE

10#

L-1.1





BOTTICELLI & POHL

DATE RECEIVED

Exterior Elevations

Residence at
27 Baxter Rd
Nantucket, MA 02554

MAP NO. 412.3 ZONING INFO. SP 20
PARCEL NO. 10 PROJECT NO. REVISED: September 1, 1978

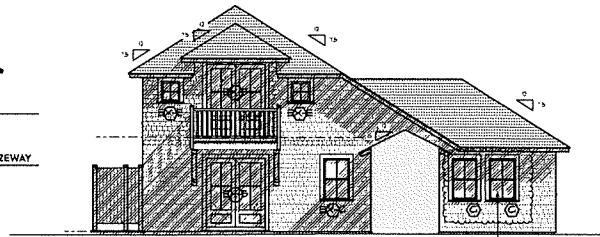
Map showing the location of the site property of Nantucket Blue PC.
The public use of these documents is prohibited without prior approval from Nantucket Blue PC.

ID#

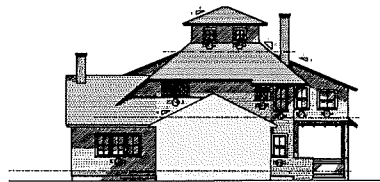
A-2.2



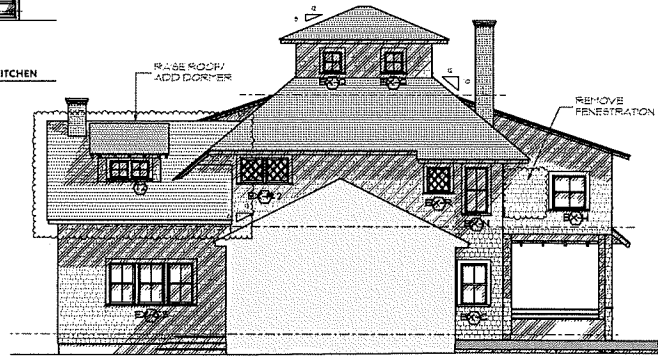
3 EXISTING EAST ELEVATION THRU BREEZEWAY
Scale: 1/8" = 1'-0"



1 EAST ELEVATION THRU BREEZEWAY
Scale: 1/4" = 1'-0"



4 EXISTING WEST ELEVATION THRU KITCHEN
Scale: 1/8" = 1'-0"

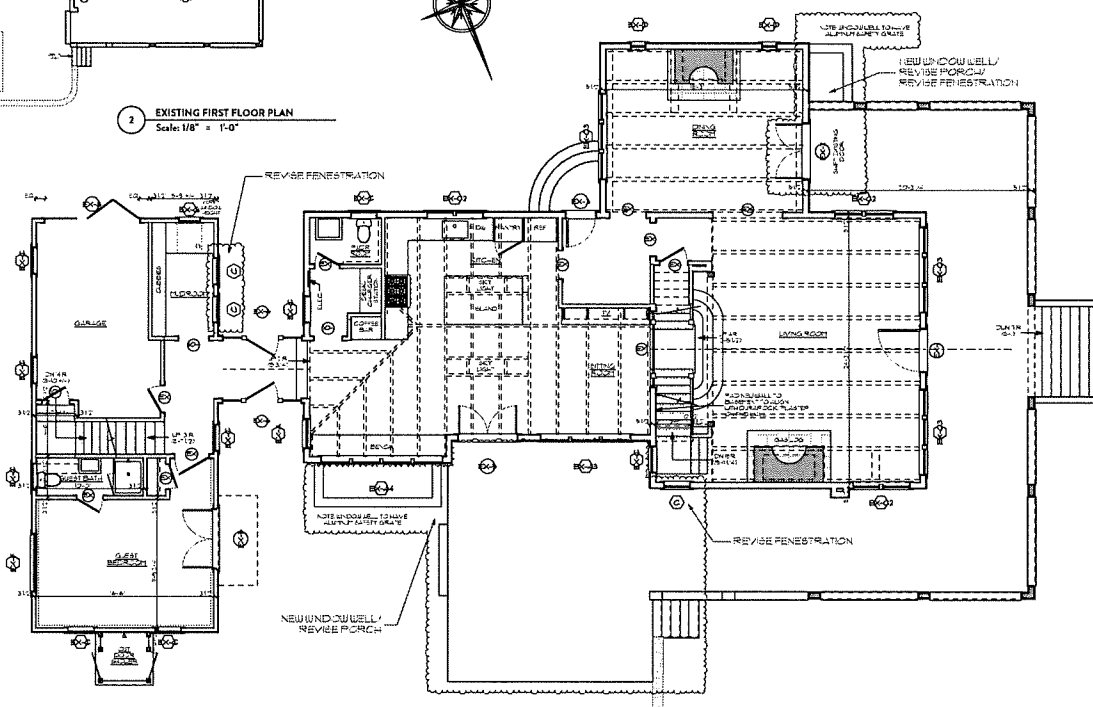


2 WEST ELEVATION THRU KITCHEN
Scale: 1/4" = 1'-0"

EXISTING MATERIAL SCHEDULE									
NO.	ITEM	QTY	UNIT	PRICE	TOTAL	REMARKS	DATE	BY	CHKD
1	BRICK	1000	SQ. YD.	1.50	1500.00	EXISTING BRICK			
2	CEMENT	100	SQ. YD.	1.50	150.00	EXISTING CEMENT			
3	ROOFING	100	SQ. YD.	1.50	150.00	EXISTING ROOFING			
4	PAINT	100	SQ. YD.	1.50	150.00	EXISTING PAINT			
5	GLASS	100	SQ. YD.	1.50	150.00	EXISTING GLASS			
6	IRON	100	SQ. YD.	1.50	150.00	EXISTING IRON			
7	BRICK	1000	SQ. YD.	1.50	1500.00	EXISTING BRICK			
8	CEMENT	100	SQ. YD.	1.50	150.00	EXISTING CEMENT			
9	ROOFING	100	SQ. YD.	1.50	150.00	EXISTING ROOFING			
10	PAINT	100	SQ. YD.	1.50	150.00	EXISTING PAINT			
11	GLASS	100	SQ. YD.	1.50	150.00	EXISTING GLASS			
12	IRON	100	SQ. YD.	1.50	150.00	EXISTING IRON			
13	BRICK	1000	SQ. YD.	1.50	1500.00	EXISTING BRICK			
14	CEMENT	100	SQ. YD.	1.50	150.00	EXISTING CEMENT			
15	ROOFING	100	SQ. YD.	1.50	150.00	EXISTING ROOFING			
16	PAINT	100	SQ. YD.	1.50	150.00	EXISTING PAINT			
17	GLASS	100	SQ. YD.	1.50	150.00	EXISTING GLASS			
18	IRON	100	SQ. YD.	1.50	150.00	EXISTING IRON			
19	BRICK	1000	SQ. YD.	1.50	1500.00	EXISTING BRICK			
20	CEMENT	100	SQ. YD.	1.50	150.00	EXISTING CEMENT			
21	ROOFING	100	SQ. YD.	1.50	150.00	EXISTING ROOFING			
22	PAINT	100	SQ. YD.	1.50	150.00	EXISTING PAINT			
23	GLASS	100	SQ. YD.	1.50	150.00	EXISTING GLASS			
24	IRON	100	SQ. YD.	1.50	150.00	EXISTING IRON			
25	BRICK	1000	SQ. YD.	1.50	1500.00	EXISTING BRICK			
26	CEMENT	100	SQ. YD.	1.50	150.00	EXISTING CEMENT			
27	ROOFING	100	SQ. YD.	1.50	150.00	EXISTING ROOFING			
28	PAINT	100	SQ. YD.	1.50	150.00	EXISTING PAINT			
29	GLASS	100	SQ. YD.	1.50	150.00	EXISTING GLASS			
30	IRON	100	SQ. YD.	1.50	150.00	EXISTING IRON			



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



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

BOTTICELLI & POHL

J. Pharm. Med. (1998) 6, 171

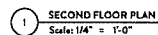
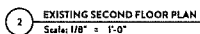
First Floor Plan

Residence at

10#

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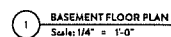
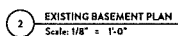
1 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | 800CELLNANOWHERE.COM



A-1.2

[illegible]

1010 SOUTH ROAD, HANOVER, MA 01926 | 617-271-1111 | 11 STATE STREET, BOSTON, MA 02109 | BOSTON@MATTJONES.COM



BOTTICELLI & POHL

Basement Floor Plan

Residence at
27 Baxter Rd
Nantucket, MA 02554

MAP NO. 4823 ZONING INFO. 60-20
PARCELS NO. 10 PROJECT NO.

REVISED: September 1998

10Я

A-1.0

OLD SOUTH ROAD, NAUWATUCK, MA 01564
 508.237.6837 FAX 508.237.6837
 11 STATE STREET, BOSTON, MA 02109
 617.452.1111 FAX 617.452.1111
 807.ICEILL@NOPOH.COM

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Sea Daze, LLC
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION... 27 Baxter Road
ASSESSOR MAP/PARCEL... Map 49.2.3, Parcel 10
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: 2021.08.27 08:40:52 -04'00'

8-27-2021

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
49	9		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	SCONSET BLUFF
4923	7		GORSUCH LLC	RL & F CORP	920 N KING STREET FL 2	WILMINGTON	DE	19801	33 BAXTER RD
4923	8		BURKE ROBERT P & LESSLEY L		625 RIDGEBURY RD	RIDGEFIELD	CT	06877	31 BAXTER RD
4923	9		LAUGHLIN CONAN J & BROOKE H		109 ESSEX RD	NEWTON	MA	02467	29 BAXTER RD
4923	10		SEA DAZE LLC		2342 BROADWAY ST	SAN FRANCISCO	CA	94115	27 BAXTER RD
4923	11		NORTH BLUFF HOLDINGS LLC		303 MADDOCK WAY	PALM BEACH	FL	33480	25 BAXTER RD
4923	12		THE BRAES LLC		303 MADDOCK WAY	PALM BEACH	FL	33480	23 BAXTER RD
4923	14		SIMON MCDUFF LLC		480 PARK AVE # 11F	NEW YORK	NY	10022	19 BAXTER RD
4923	29		PAGON MARSHALL W & HOLLY M		520 N ROSE LANE	HAVERFORD	PA	19041	32 BAXTER RD
4923	31		WINDRUSH LLC		C/O 520 NORTH ROSE LANE	HAVERFORD	PA	19041	26 BAXTER RD
4923	33		SHERMAN ROBERT D JR & DIANE D		200 NORTH ST	GREENWICH	CT	06630	24 BAXTER RD
4923	35		HANLEY MARIANNE TR	22 BAXTER ROAD NOMINEE TRUST	PO BOX 2669	NANTUCKET	MA	02584	22 BAXTER RD
4923	37		COOPER BARRY M & SUSANNE D		2 CHEDINGTON PL #8A	TORONTO	ON	M4N 3R5	20 BAXTER RD
4923	42		HEDGE FUN LLC		15 DEER RUN RD	N PALMOUTH	MA	02556	31 SANKATY RD
4923	44		CUNNINGHAM LEONORE S TR	HAKUNA MATATA REALTY TRUST	7190 SE GOLF RIDGE WAY	HOBE SOUND	FL	33455	6 EMILY ST
4923	46		PASTORE CHARLES W		PO BOX 282	SIASCONSET	MA	02564	35 SANKATY RD
4923	47		LATHROP JOHN G		2924 SE FAIRWAY W	STUART	FL	34997-5022	37 SANKATY RD
4923	52		RUNDE JAMES		BOX 1447	BOCA GRANDE	FL	33921	5 EMILY ST
4923	53		CHURCHILL MARY ELIZABETH TR	CHURCHILL MARY ELIZABETH TRUST AGRMT	3707 MEREDITH ST	AUSTIN	TX	78703	3 EMILY ST
4923	54		SWEET EVERLASTING LLC		4820 UPTON ST N W	WASHINGTON	DC	20016	4 EMILY ST
Count:		20							

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

GORSUCH LLC
RL & F CORP
920 N KING STREET FL 2
WILMINGTON, DE 19801

BURKE ROBERT P & LESSLEY L
625 RIDGEBURY RD
RIDGEFIELD, CT 06877

LAUGHLIN CONAN J & BROOKE H
109 ESSEX RD
NEWTON, MA 02467

SEA DAZE LLC
2342 BROADWAY ST
SAN FRANCISCO, CA 94115

NORTH BLUFF HOLDINGS LLC
303 MADDOCK WAY
PALM BEACH, FL 33480

THE BRAES LLC
303 MADDOCK WAY
PALM BEACH, FL 33480

SIMON MCDUFF LLC
480 PARK AVE # 11F
NEW YORK, NY 10022

PAGON MARSHALL W & HOLLY M
520 N ROSE LANE
HAVERFORD, PA 19041

WINDRUSH LLC
C/O 520 NORTH ROSE LANE
HAVERFORD, PA 19041

SHERMAN ROBERT D JR & DIANE D
200 NORTH ST
GREENWICH, CT 06830

HANLEY MARIANNE TR
22 BAXTER ROAD NOMINEE TRUST
PO BOX 2669
NANTUCKET, MA 02584

COOPER BARRY M & SUSANNE D
2 CHEDINGTON PL #8A
TORONTO, ON M4N 3R5

HEDGE FUN LLC
15 DEER RUN RD
N FALMOUTH, MA 02556

CUNNINGHAM LEONORE S TR
HAKUNA MATATA REALTY TRUST
7190 SE GOLF RIDGE WAY
HOBE SOUND, FL 33455

PASTORE CHARLES W
PO BOX 282
SIASCONSET, MA 02564

LATHROP JOHN G
2924 SE FAIRWAY W
STUART, FL 34997-6022

RUNDE JAMES
BOX 1447
BOCA GRANDE, FL 33921

CHURCHILL MARY ELIZABETH TR
CHURCHILL MARY ELIZABETH TRUST
AGRMT
3707 MEREDITH ST
AUSTIN, TX 78703

SWEET EVERLASTING LLC
4820 UPTON ST N W
WASHINGTON, DC 20016

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

GORSUCH LLC
RL & F CORP
920 N KING STREET FL 2
WILMINGTON, DE 19801

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625 RIDGEBURY RD
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SEA DAZE LLC
2342 BROADWAY ST
SAN FRANCISCO, CA 94115

NORTH BLUFF HOLDINGS LLC
303 MADDOCK WAY
PALM BEACH, FL 33480

THE BRAES LLC
303 MADDOCK WAY
PALM BEACH, FL 33480

SIMON MCDUFF LLC
480 PARK AVE # 11F
NEW YORK, NY 10022

PAGON MARSHALL W & HOLLY M
520 N ROSE LANE
HAVERFORD, PA 19041

WINDRUSH LLC
C/O 520 NORTH ROSE LANE
HAVERFORD, PA 19041

SHERMAN ROBERT D JR & DIANE D
200 NORTH ST
GREENWICH, CT 06830

HANLEY MARIANNE TR
22 BAXTER ROAD NOMINEE TRUST
PO BOX 2669
NANTUCKET, MA 02584

COOPER BARRY M & SUSANNE D
2 CHEDINGTON PL #8A
TORONTO, ON M4N 3R5

HEDGE FUN LLC
15 DEER RUN RD
N FALMOUTH, MA 02556

CUNNINGHAM LEONORE S TR
HAKUNA MATATA REALTY TRUST
7190 SE GOLF RIDGE WAY
HOBE SOUND, FL 33455

PASTORE CHARLES W
PO BOX 282
SIASCONSET, MA 02564

LATHROP JOHN G
2924 SE FAIRWAY W
STUART, FL 34997-6022

RUNDE JAMES
BOX 1447
BOCA GRANDE, FL 33921

CHURCHILL MARY ELIZABETH TR
CHURCHILL MARY ELIZABETH TRUST
AGRMT
3707 MEREDITH ST
AUSTIN, TX 78703

SWEET EVERLASTING LLC
4820 UPTON ST N W
WASHINGTON, DC 20016

Jason P. & Brian P.
Hafner

Trustees of 71 North Liberty Street Realty Trust

File No. 34-21

71 North Liberty St

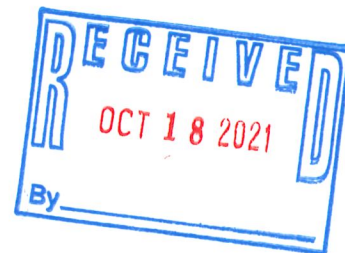
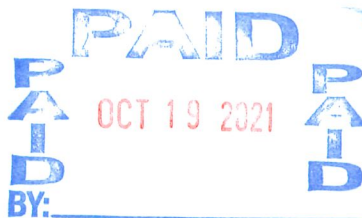
Amendment

PLUS



NANTUCKET
TOWN CLERK

2021 OCT 20 AM 9:57



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

APPLICATION

Fee: \$450.00

File No. 34 -21

**Owner's name(s): Jason P. Hafler and Brian P. Hafler,
Trustees of 71 North Liberty Street Realty 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: 71 North Liberty Street Assessor's Map/Parcel: 71-141.1

Plan File No. 23-B, Lot 2

Deed Reference: Nantucket Deeds, Book 335, Page 195

Zoning District Residential-Old Historic (ROH)

Uses on Lot- Commercial: None

Residential: Number of dwellings One

Date of Structure(s): c. 1988; pool before 1998

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

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

The applicants propose to alter the pre-existing, nonconforming swimming pool, by demolition and construction of a replacement pool. The existing pool has been in place at least since 1998, prior to the amendment of the Nantucket Zoning By-law use chart to prohibit swimming pools in the Residential-Old Historic District and further is nonconforming as to rear yard setback, lying within the 5' rear yard setback area. The applicants propose to construct the new pool outside the setback areas. The present and proposed conditions are shown upon plans by Blackwell & Associates, Inc., copies of which are filed herewith. The proposed conditions have been approved by the Nantucket Historic District Commission. Accordingly, the applicants request a Special Permit under By-law § 139-33.A, for the alteration of the pre-existing nonconforming swimming pool by demolition and reconstruction.

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: Jason P. Hafler and Brian P. Hafler, Trustees Owner*

By:

SIGNATURE: Arthur I. Reade, Jr. 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: __/__/__



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.

CERTIFICATE NO: HDC2021-09-41641

DATE ISSUED: 10/5/21

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°: 41 PARCEL N°: 1461
Street & Number of Proposed Work: 710 LIBERTY ST
Owner of record: 710 LIBERTY ST TRUST
Mailing Address: 710 LIBERTY ST
NANTUCKET MA
Contact Phone #: 228-5631 E-mail:

AGENT INFORMATION (if applicable)

Name: Stephan Therax DAG
Mailing Address: PO BOX 1814
NANTUCKET MA
Contact Phone #: 228-5631 X2 E-mail: STAG@NANTUCKETARCHITECTURE.COM

FOR OFFICE USE ONLY	
Date application received: <u>9/10/21</u>	Fee Paid: <u>\$200</u>
Must be acted on by: <u>11/06/21</u>	
Extended to: _____	
Approved: <u>✓</u>	Disapproved: _____
Chairman: _____	
Member: _____	
Member: <u>Randy Reed</u>	
Member: _____	
Member: _____	
Notes - Comments - Restrictions - Conditions <u>* True but tub and pool through staff</u> <u>just no approval of true hardwood or</u> <u>stucco @ this time</u>	

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 ROH) ☐ 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

REVISIONS:

1. East Elevation Construct New Pool to Replace Exst
2. South Elevation Pool to conform to set backs
3. West Elevation W/ BLUESTONE PATIO
4. North Elevation Pool 7'00" x 11'

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: 4 FT
Type: TYPE II
Length: 58 LF

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 _____

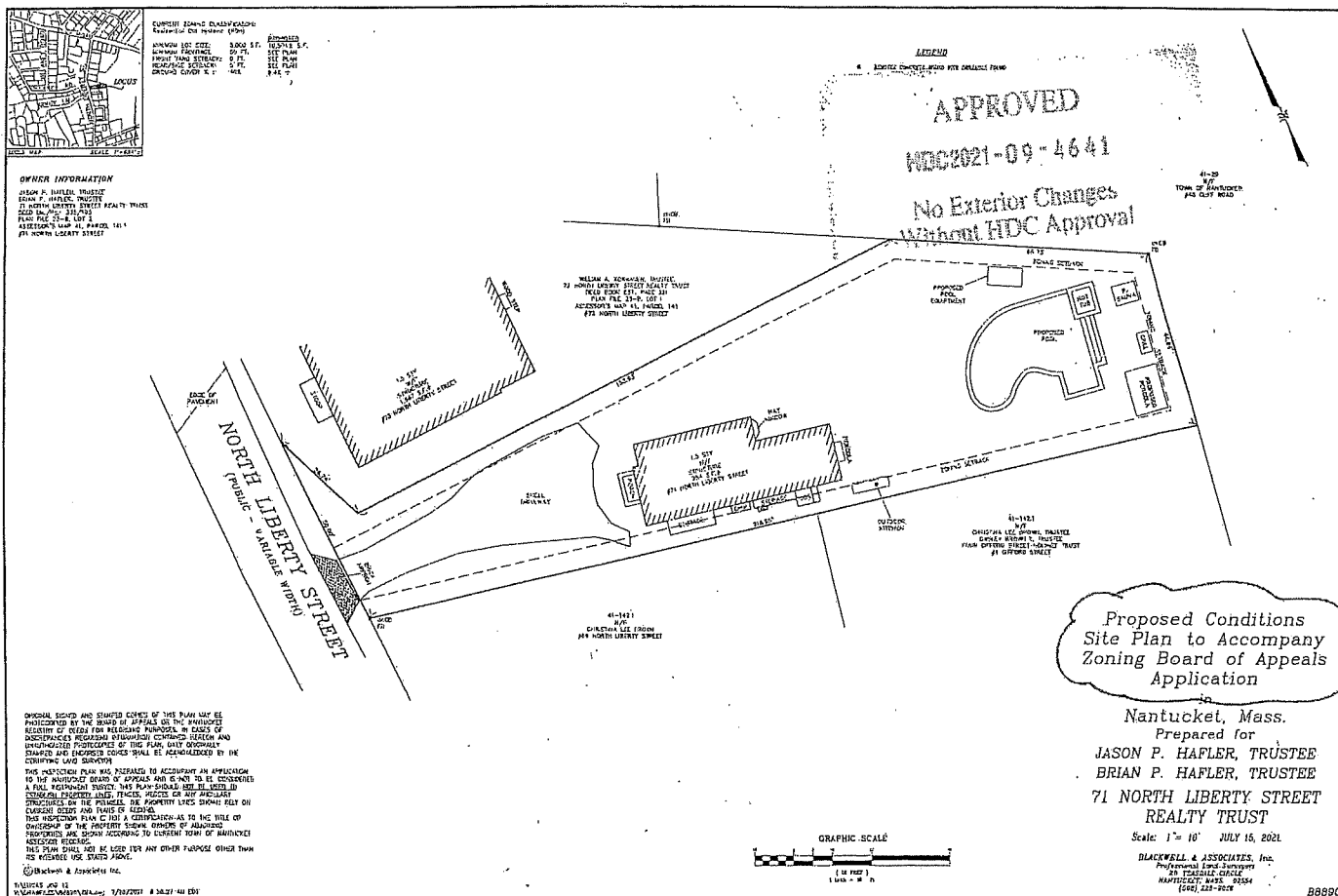
Trim _____ Sash _____ Doors _____

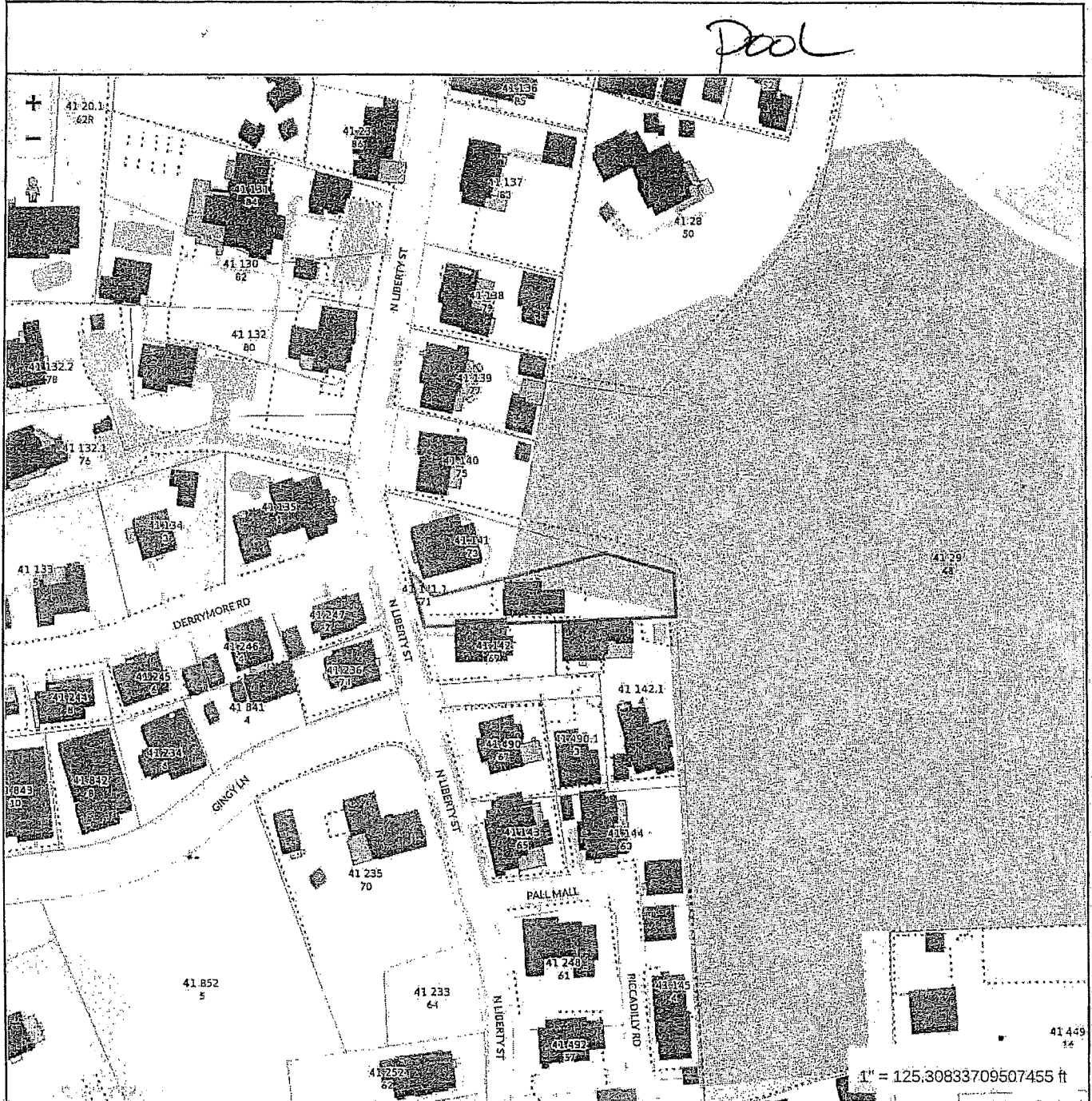
Deck _____ Foundation _____ Fence _____ Shutters _____

* 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 9/8/2021 Signature of owner of record [Signature] Signed under penalties of perjury





Property Information

Property ID 41 141.1
 Location 71 N LIBERTY ST
 Owner HOKKANEN WILLIAM A TR

SEP 10 2021



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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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.

CERTIFICATE NO: HDC2021-07-9643

DATE ISSUED: 10/5/21

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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°: 41 PARCEL N°: 141.1
Street & Number of Proposed Work: 710 LIBERTY ST
Owner of record: 710 LIBERTY TRUST
Mailing Address: 710 LIBERTY ST
NANTUCKET MA
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Stephen Therax NAG
Mailing Address: PO BOX 1814
NANTUCKET MA
Contact Phone #: 278-5231 x2 E-mail: Steve@NANTUCKETARCHITECTURE.COM

FOR OFFICE USE ONLY	
Date application received: <u>9/10/21</u>	Fee Paid: \$ <u>100</u>
Must be acted on by: <u>11/26/21</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: <u>Paul G. Bombas (Acting)</u>	
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: _____ 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*

1. East Elevation

2. South Elevation

3. West Elevation

4. North Elevation

DEMO EXISTING FAILING POOL
DECK & PAVO
690 SFT

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

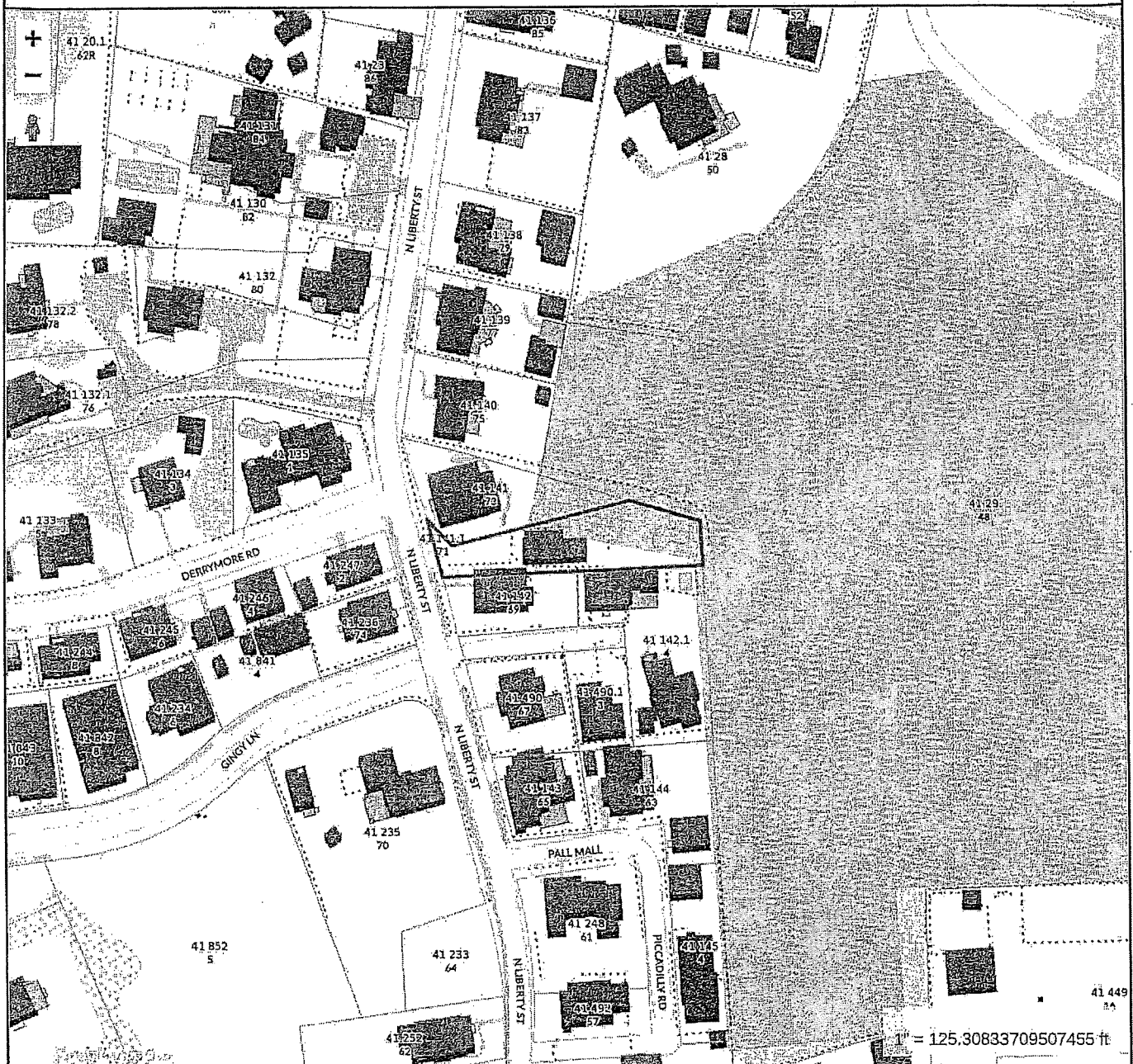
Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

* 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: 9/18/2021 Signature of owner of record: [Signature] Signed under penalties of perjury

Demo



Property ID 41-141.1
Location 71 N LIBERTY ST
Owner HOKKANEN WILLIAM A TR



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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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.



CURRENT ZONING CLASSIFICATION
DRAFTED FOR REVIEW (2021)

EXISTING	PROPOSED
MINIMUM LOT SIZE: 2,000 S.F.	10,000 S.F.
MINIMUM FRONT YARD SETBACK: 0 FT.	10 FT.
MINIMUM SIDE YARD SETBACK: 0 FT.	5 FT.
MINIMUM REAR YARD SETBACK: 0 FT.	5 FT.
MINIMUM LOT COVER: 0%	25%

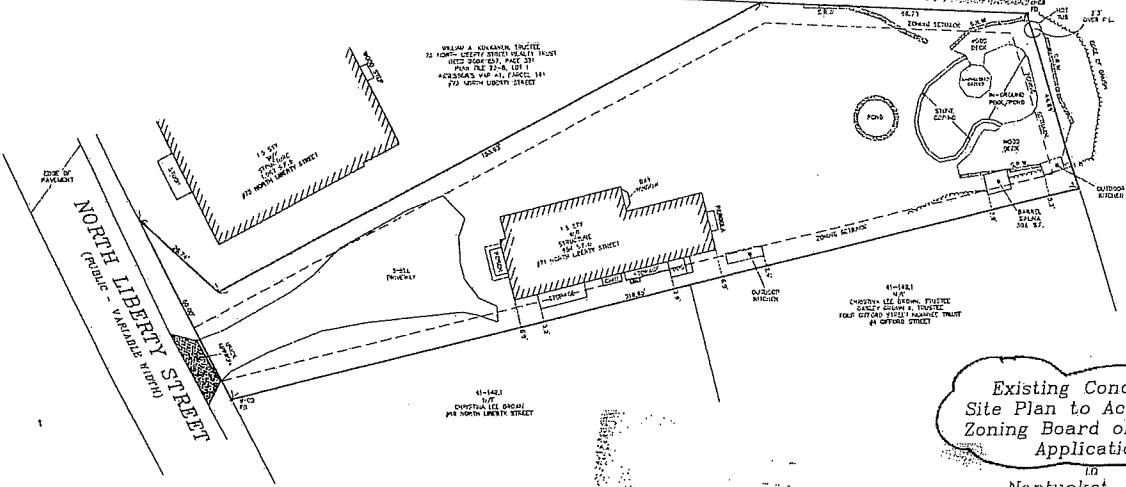
OWNER INFORMATION
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET, NANTUCKET, MASS. 02559
TEL: 508.228.1015
FAX: 508.228.1016
WWW.HAFLER.COM

APPROVED

2021-09-4643

No Exterior Changes
Without HDZ Approval

41-38
TOWN OF NANTUCKET
214 CLAY ROAD



Existing Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application

Nantucket, Mass.

Prepared for

JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE

71 NORTH LIBERTY STREET
REALTY TRUST

Scale: 1" = 10' JULY 16, 2021

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TUCKERMAN STREET
NANTUCKET, MASS. 02554
(508) 228-1016

B0890

EXPLANATION: SHOWN AND SCALED SERIES OF THIS PLAN MAY BE PHOTOGRAPHED BY THE BOARD OF APPEALS OF THE TOWN OF NANTUCKET FOR THE PURPOSES OF RECORDING AND FOR THE PURPOSES OF THE ZONING BOARD OF APPEALS. THE BOARD OF APPEALS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE BOARD OF APPEALS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE BOARD OF APPEALS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

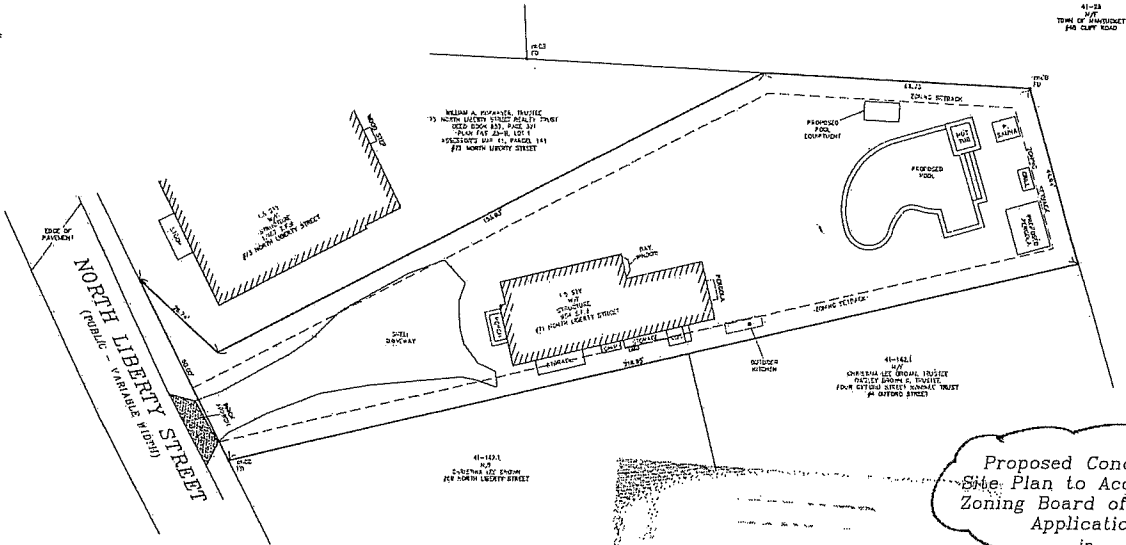
1. NANTUCKET 2021-09-4643
2. NANTUCKET 2021-09-4643
3. NANTUCKET 2021-09-4643



CURRENT ZONING CLASSIFICATION:
Residential Use District (R-100)

MAXIMUM LOT SIZE	MAXIMUM BUILDING HEIGHT	MAXIMUM BUILDING AREA
5,000 S.F.	35 FT.	10,000 S.F.
MINIMUM LOT SIZE	25 FT.	5,000 S.F.
MINIMUM BUILDING HEIGHT	10 FT.	1,000 S.F.
MINIMUM BUILDING AREA	500 S.F.	500 S.F.

OWNER INFORMATION
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
1000 SOUTH MAIN STREET
SUITE 100
NANTUCKET, MASS. 02541
401-221-1111
401-221-1111



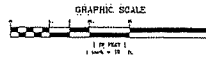
OWNER, DONOR AND STATEMENT OF THIS PLAN MAY BE
PROVIDED BY THE BOARD OF APPEALS OF THE TOWN OF
NANTUCKET. THE BOARD OF APPEALS MAY, IN ITS DISCRETION,
REQUIRE THE OWNER TO PROVIDE ADDITIONAL INFORMATION
AND DOCUMENTATION OF THE PLAN, BUT SPECIFICALLY
STANDARD AND EXISTING RECORDS SHALL BE MAINTAINED BY THE
TOWN OF NANTUCKET.

THE PROPOSED PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE BOARD OF APPEALS OF THE TOWN OF NANTUCKET. THE
BOARD OF APPEALS MAY, IN ITS DISCRETION, REQUIRE THE
OWNER TO PROVIDE ADDITIONAL INFORMATION AND DOCUMENTATION
OF THE PLAN, BUT SPECIFICALLY STANDARD AND EXISTING
RECORDS SHALL BE MAINTAINED BY THE TOWN OF NANTUCKET.

THE PROPOSED PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR
ADVERSE OF THE PROPERTY. THE BOARD OF APPEALS OF THE TOWN OF
NANTUCKET MAY, IN ITS DISCRETION, REQUIRE THE OWNER TO
PROVIDE ADDITIONAL INFORMATION AND DOCUMENTATION OF THE
PLAN, BUT SPECIFICALLY STANDARD AND EXISTING RECORDS
SHALL BE MAINTAINED BY THE TOWN OF NANTUCKET.

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

1/15/2021 11:00 AM
1/15/2021 11:00 AM



Proposed Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application

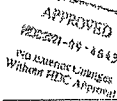
in
Nantucket, Mass.

Prepared for
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET
REALTY TRUST

Scale: 1" = 10' JULY 15, 2021

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors
1000 SOUTH MAIN STREET
NANTUCKET, MASS. 02541
(508) 225-1111

B8890



CHINESE JOURNAL

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... William A. Hokkanen, Trustee of 71 North Liberty Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 71 North Liberty Street
ASSESSOR MAP/PARCEL... Map 41, Parcel 141.1
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).

10-15-2021

DATE

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: 2021.10.15 10:02:22 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cnt	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
41	28		SOMETHING INC.	C/O FEE MATTHEW G	50 CLIFF RD	NANTUCKET	MA	02554	50 CLIFF RD
41	29		NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD	NANTUCKET	MA	02554	48 CLIFF RD
41	130		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	82 N LIBERTY ST
41	131		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	84 N LIBERTY ST
41	132		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	80 N LIBERTY ST
41	132	1	SHEELER TIMOTHY D & ELIZABETH Q		1080 WEST HILL DR	GATES MILLS	OH	44040	76 N LIBERTY ST
41	132	2	HENDERSON SCHUYLER ETAL		78 N LIBERTY ST	NANTUCKET	MA	02554	78 N LIBERTY ST
41	133		HELMS JOSEPH & PAMELA TRS		834 EUCLID STREET	BERKELEY	CA	94708	5 DERRYMORE RD
41	134		LOKENS GARD OLE & MARY HEEN		1204 ESSEX AVE	RICHMOND	VA	23229	3 DERRYMORE RD
41	135		PASTAN PHILIP F & CHRISTINA D TRST		14 BRIDGE STREET	MARBLEHEAD	MA	01945	1 DERRYMORE RD
41	137		COMMONWEALTH OF MASSACHUSETTS	C/O STATE POLICE PAUL SYLVIA	326 WEST GROVE ST	MIDDLEBORO	MA	02346	83 N LIBERTY ST
41	138		LYNCH JEFFREY R & MARY G		56 TURKEY HILL LN	HINGHAM	MA	02043	79 N LIBERTY ST
41	139		KAPER DIANE H &	CALLAN DICKSIE ETAL TRS	940 TURTLE COVE LANE # 101	VERO BEACH	FL	32963-2356	77 N LIBERTY ST
41	140		STEVENSON ELIZABETH TR		245 MILL STREET	GREENWICH	CT	06830	75 N LIBERTY ST
41	141		HOKKANEN WILLIAM A TRUSTEE	73 N LIBERTY ST REALTY TRUST	PO BOX 913	NANTUCKET	MA	02554	73 N LIBERTY ST
41	141	1	HOKKANEN WILLIAM A TR	C/O HOKKANEN WILLIAM	P.O. BOX 913	NANTUCKET	MA	02554	71 N LIBERTY ST
41	142		BROWN CHRISTINA LEE		333 E MAIN STREET STE 401	LOUISVILLE	KY	40202	69 N LIBERTY ST
41	142	1	BROWN CHRISTINA L & OWSLEY II TRS	FOUR GIFFORD ST NOMINEE TRUST	6501 LONGVIEW LANE	LOUISVILLE	KY	40222-6107	4 GIFFORD ST
41	143		NESSBITT INN LLC		PO BOX 299	NANTUCKET	MA	02554	66 N LIBERTY ST
41	144		SYKES WENDELL S & COLIN M		2715 BROADWAY E	SEATTLE	WA	98102	63 N LIBERTY ST
41	145		BRAMEN DARRIN & REBECCA		915 POTTS LANE	BRYN MAWR	PA	19010	4 PICCADILLY RD
41	233		SILVA ALBERT L JR ETAL	C/O GEOFFREY SILVA	2121 N OCEAN BLVD APT 1404W	BOCA RATON	FL	33431	64 N LIBERTY ST
41	234		MINELLA PHILIP J		PO BOX 1363	NANTUCKET	MA	02554	6 GINGY LN
41	235		TAYLOR ROBERT L & DEBORAH A TRST		70 N LIBERTY ST	NANTUCKET	MA	02554	70 N LIBERTY ST
41	236		74 NORTH LIBERTY LLC		20 BEACH DRIVE	DARIEN	CT	06620	74 N LIBERTY ST
41	244		BARNES PETER WINSLOW & CHERYL SHAW		8 DERRYMORE RD	NANTUCKET	MA	02554	8 DERRYMORE RD

41	245	ALLEN DAVID C & ELIZABETH M TRS		116 MORNINGSIDE DR	MANHATTEN BEACH	CA	90266	6 DERRYMORE RD
41	246	COURCEY JEFFREY & TALAMIAN ALICIA		15 OLD COLONY RD	WELLESLEY	MA	02481	4 DERRYMORE RD
41	247	CARROLL JOHN B & MARY B TRS	GENEVIEVE OBRIEN NOM TRUST	P O BOX 38	MALDEN BRIDGE	NY	12115	2 DERRYMORE RD
41	248	HILLIS EDWARD C JR		456 DIAMOND RD	JACKSON	NJ	08527	61 N LIBERTY ST
41	490	67 N LIB LLC		17 AIRLIE GARDENS FLAT	LONDON		W87AN	67 N LIBERTY ST
41	490	BERRY TURNER P TRUSTEE	C/O BROWN OWSLEY II	333 E MAIN ST #400	LOUISVILLE	KY	40202	3 GIFFORD ST
41	841	GLIDDEN RICHARD J TRST	FOUR GINGY LN REALTY TRUST	37 CENTER ST	NANTUCKET	MA	02554	4 GINGY LN
41	842	IMHOFF ELIZABETH ROSE		261 LUCE HILL RD	STOWE	VT	05672	8 GINGY LN
41	852	MINELLA JOSEPH P		72 N LIBERTY ST	NANTUCKET	MA	02554	5 GINGY LN
Count:	35							

SOMETHING INC
C/O FEE MATTHEW G
50 CLIFF RD
NANTUCKET, MA 02554

NANTUCKET TOWN OF
C/O PARK & REC
2 BATHING BEACH RD
NANTUCKET, MA 02554

S NANTUCKET LLC
111 CENTER STREET
LITTLE ROCK, AK 72201

S NANTUCKET LLC
111 CENTER STREET
LITTLE ROCK, AK 72201

S NANTUCKET LLC
111 CENTER STREET
LITTLE ROCK, AK 72201

SHEELER TIMOTHY D & ELIZABETH Q
1080 WEST HILL DR
GATES MILLS, OH 44040

HENDERSON SCHUYLER ETAL
78 N LIBERTY ST
NANTUCKET, MA 02554

HELMS JOSEPH & PAMELA TRS
834 EUCLID STREET
BERKELEY, CA 94708

LOKENS GARD OLE & MARY HEEN
1204 ESSEX AVE
RICHMOND, VA 23229

PASTAN PHILIP F & CHRISTINA D TRST
14 BRIDGE STREET
MARBLEHEAD, MA 01945

COMMONWEALTH OF MASSACHUSETTS
C/O STATE POLICE-PAUL SYLVIA
326 WEST GROVE ST
MIDDLEBORO, MA 02346

LYNCH JEFFREY R & MARY G
56 TURKEY HILL LN
HINGHAM, MA 02043

KARPER DIANE H &
CALLAN DICKSIE ETAL TRS
940 TURTLE COVE LANE # 101
VERO BEACH, FL 32963-2356

STEVENSON ELIZABETH TR
245 MILL STREET
GREENWICH, CT 06830

HOKKANEN WILLIAM A TRUSTEE
73 N LIBERTY ST REALTY TRUST
PO BOX 913
NANTUCKET, MA 02554

HOKKANEN WILLIAM A TR
C/O HOKKENEN WILLIAM
P.O.BOX 913
NANTUCKET, MA 02554

BROWN CHRISTINA LEE
333 E MAIN STREET STE 401
LOUISVILLE, KY 40202

BROWN CHRISTINA L & OWSLEY II TRS
FOUR GIFFORD ST NOMINEE TRUST
6501 LONGVIEW LANE
LOUISVILLE, KY 40222-6107

NESBITT INN LLC
PO BOX 299
NANTUCKET, MA 02554

SYKES WENDELL S & COLIN M
2715 BROADWAY E
SEATTLE, WA 98102

BRAMEN DARREN & REBECCA
915 POTTS LANE
BRYN MAWR, PA 19010

SILVA ALBERT L JR ETAL
C/O GEOFFREY SILVA
2121 N OCEAN BLVD APT 1404W
BOCA RATON, FL 33431

MINELLA PHILIP J
PO BOX 1363
NANTUCKET, MA 02554

TAYLOR ROBERT L & DEBORAH A TRST
70 N LIBERTY ST
NANTUCKET, MA 02554

74 NORTH LIBERTY LLC
20 BEACH DRIVE
DARIEN, CT 06820

BARNES PETER WINSLOW & CHERYL
SHAW
8 DERRYMORE RD
NANTUCKET, MA 02554

ALLEN DAVID C & ELIZABETH M TRS
116 MORNINGSIDE DR
MANHATTEN BEACH, CA 90266

COUREY JEFFREY & TALANIAN ALICIA
15 OLD COLONY RD
WELLESLEY, MA 02481

CARROLL JOHN B & MARY B TRS
GENEVIEVE OBRIEN NOM TRUST
P O BOX 38
MALDEN BRIDGE, NY 12115

HILLIS EDWARD C JR
456 DIAMOND RD
JACKSON, NJ 08527

67 N LIB LLC
17 AIRLIE GARDENS FLAT
LONDON, W87AN

BERRY TURNEY P TRUSTEE
C/O BROWN OWSLEY II
333 E MAIN ST #400
LOUISVILLE, KY 40202

GLIDDEN RICHARD J TRST
FOUR GINGY LN REALTY TRUST
37 CENTER ST
NANTUCKET, MA 02554

IMHOFF ELIZABETH ROSE
251 LUCE HILL RD
STOWE, VT 05672

MINELLA JOSEPH P
72 N LIBERTY ST
NANTUCKET, MA 02554

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

EXPLANATION	AMOUNT

21511

5.



PAY
AMOUNT
OF

For hundred fifty and no/100



Security
Printed on
Back

DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
10-18-21	Town of Nantucket	Hwy 10 (11 N. Liberty)	21511

\$450.

M. Gullicksen

NANTUCKET BANK
A DIVISION OF ROCKLAND TRUST

AUTHORIZED SIGNATURE

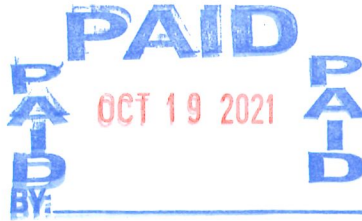
⑈02151⑈ ⑈011304478⑈ 889016367⑈

Hugh & Kelly Mahon **Johnston**

File No. 35-21

76 Polpis Rd

Special Permit



2021 OCT 20 AM 9:56

NANTUCKET
TOWN CLERK

Plus

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

APPLICATION

Fee: \$450.00

File No. 35-21

Owner's name(s): Hugh Johnston and Kelly Mahon Johnston

Mailing address: 183 Hemlock Road, New Canaan, CT 06840

Phone Number: _____ E-Mail: _____

Applicant's name(s): Same.

Mailing Address: c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Floor, Nantucket MA 02554

Phone Number: 508-228-0337 E-Mail: steven@cohenlegal.net

Locus Address: 76 Polpis Road Assessor's Map/Parcel: 43/177

Land Court Plan/Plan Book & Page/Plan File No.: _____ Plan No. 2014-30

Deed Reference/Certificate of Title: Bk. 1766, P. 20 Zoning District LUG-3

Uses on Lot- Commercial: None ☒ Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or _____ SFR - 2020; Studio/Garage - 2020

Building Permit Numbers: BLDR-2020-12-1125

Previous Zoning Board Application Numbers: 11-19; 03-20

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

Please 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: Steven Cohen Applicant/Attorney/Agent*

Steven Cohen as Authorized attorney
*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

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

ADDENDUM

The Locus is a 62,876 square foot lot in the LUG-3 Zoning District, which previously contained a single-family dwelling and attached garage totaling 2,293 square feet of ground cover.* The Board previously granted relief to allow for the use of 2,264 square feet of ground cover on the Locus (File No. 11-19). The Board then granted relief to allow these 2,264 square feet of ground cover to be split between two structures, including a dwelling (approximately 1,932 square feet), “and a detached garage or other ancillary structure of approximately 332 square feet of ground cover.” (File No. 03-20).

The Applicant requests a clarification and/or amendment to the Decision issued by this Board on February 20, 2020, which was filed for record with the Nantucket Registry of Deeds at Book 1747, Page 291 (“the Decision” is attached), to allow for the second structure to be a dwelling unit.

The Applicant has constructed a one and one-half story studio above a garage bay in the 332 square foot structure, and now asks this Board to confirm the use of the phrase “other ancillary structure” includes the proposed “secondary dwelling,” or in the alternative, to amend the Decision to allow the Applicant to convert the structure to a dwelling. The secondary dwelling has already been approved by the Planning Board (May 21, 2021 approval letter attached).

The Applicant’s proposed secondary dwelling will not result in any increased ground cover and comports with the prior decisions of this Board, the Special Permit (as amended), and the Nantucket Town Code.

* The 2,293 square feet of ground cover (3.6%) exceeded the 3.0% ground cover ratio threshold for LUG-3, because the main dwelling was constructed in 1984 when the property was zoned LUG-1, which allowed for a 7.0% ground cover ratio.

EXHIBIT A



2020 00001237

Bk: 1747 Pg: 291 Page: 1 of 4
Doc: SP 06/28/2020 01:11 PM

NANTUCKET
TOWN CLERK

2020 MAR 12 PM 2:20

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

Date: February 20, 2020

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

Application No.: 03-20

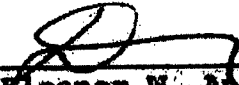
Owner/Applicant: RANDOLPH G. SHARP, JR., Trustee of the RANDOLPH
G. SHARP, JR. TRUST

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.

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

Assessor's Map 43, Parcel 177
76 Polpis Road
Limited Use General-3 (LUG-3)

Book 1691, Page 177
Plan Book 19, Page 126
Lot 2

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals (the "Board") opened on Thursday, February 13, 2020 in the Conference Room, at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following Decision on the application of **RANDOLPH G. SHARP, JR.**, Trustee of the **RANDOLPH G. SHARP, JR. TRUST**, the owner of record, ("Applicant"), c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Floor, P.O. Box 786, Nantucket, MA 02554, in File No. 03-20.
2. The Locus is a 62,876 square foot lot in the LUG-3 Zoning District, which has a minimum lot area requirement of 120,000 square feet. The Locus contains a single-family dwelling with attached garage with 2,293 square feet of ground cover comprising 3.6% ground cover ratio (GCR). The LUG-3 zoning district allows 3.0% GCR. This nonconformity is a pre-existing nonconforming condition under Section 139.33A. The main dwelling was constructed in 1984 when the property was zoned LUG-1, which allowed for a 7% GCR. The Locus is otherwise dimensionally conforming under the Zoning Bylaw.
3. Applicant was recently granted Special Permit relief (see File No. 11-19 and Special Permit recorded with the Nantucket Registry of Deeds in Book 1700, Page 323) under Zoning Bylaw Section 139-33(A)4 to remove the pre-existing nonconforming structure and replace it with a new single structure of up to 2,293 square feet of ground cover.
4. The Applicant requested an amendment to that granted relief under Sections 139-33(A)1 and 4, as applicable, to allow instead for the construction of two structures, which the applicant proposed to be a dwelling of approximately 1,932 square feet of ground cover and a detached garage or other ancillary structure of approximately 332 square feet of ground cover. This would result in 2,264 total square feet of ground cover on the Locus, slightly below the total allowed by the previous Special Permit. Applicant sought to retain the right to also use the remaining 29 square feet of ground cover in the construction and final measurements of either building.

5. Our decision is based upon the application and accompanying materials, representations, and testimony received at the public hearing. No opposition, written or oral, was presented at the hearings.

6. Applicant, through its counsel, presented testimony at the public hearing.

7. Accordingly, by a **UNANIMOUS** vote, the Board **GRANTS** the amendment to the **SPECIAL PERMIT** as requested.

SIGNATURE PAGE FOLLOWS

Assessor's Map 43, Parcel 177
76 Polpis Road
Limited Use General-3 (LUG-3)

Book 1691, Page 177
Plan Book 19, Page 126
Lot 2

Dated: February 13, 2020

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

ATTEST: A TRUE COPY

Nancy Z. Holmes
NANTUCKET TOWN CLERK

MAY 28 2020

Susan McCarthy
Susan McCarthy

Lisa Botticelli
Lisa Botticelli

Michael J. O'Mara
Michael J. O'Mara

Geoffrey Thayer
Geoffrey Thayer

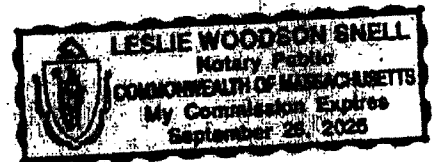
James Mondani
James Mondani

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 3 day of March, 2020, before me, the undersigned notary public,
personally appeared Susan McCarthy, 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.

Leslie Woodson Snell
Official Signature and Seal of Notary Public
My commission expires:



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Farrell, Registrar of Deeds

EXHIBIT B



Nantucket Planning Board

May 21, 2021

Paul Murphy,
Building Commissioner
2 Fairgrounds Road
Nantucket, Massachusetts 02554

RE: Hugh Johnston & Kelly Mahon Johnston – 76 Polpis Road Secondary Dwelling Approval

Dear Mr. Murphy:

Please be advised that the Planning Board, at its meeting on May 10, 2021, considered the above referenced application for adequate access, as per §139-20.1 of the *Nantucket Zoning Code*, and granted a secondary dwelling approval conditional upon the following:

- 1) That an apron at the driveway intersection with Polpis Road shall be installed and maintained with a minimum depth of ten (10) feet and a minimum width of ten (10) feet and a maximum of fifteen (15) feet in width, excluding corner rounding which may have maximum radius of 2 feet;
- 2) That a minimum of four (4) parking spaces shall be provided;
- 3) That any future landscaping at the driveway entrance be limited to low growing plant material not to exceed three (3) feet in height;
- 4) That the driveway be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet; and,
- 5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

The approval is also **conditional** upon adherence to the site plan submitted by the applicant and endorsed by the Deputy Director, showing the relative locations of proposed or existing dwellings and driveways or parking areas. As per Section 139-2 of the *Nantucket Zoning Code*, the approval referenced herein is valid for a period of two years only, calculated from the date of site plan endorsement by the Planning Board.

If you have any questions regarding this approval, please contact the Planning Office at 508-325-7587.

Sincerely,

Leslie Snell, AICP, LEED AP
Deputy Director of Planning, PLUS

Cc: Hugh Johnston & Kelly Mahon Johnston
Marcus Silverstein – Zoning Compliance Coordinator / Inspector

76 Polpis Road

**Property Information**

Property ID 43 177
Location 76 POLPIS RD
Owner JOHNSTON HUGH & KELLY M

**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: Randolph G. Sharp, Jr, Trustee
the Randolph G. Sharp, Jr. Trust

MAILING ADDRESS: c/o Cohen & Cohen, 34 Main Street, Nantucket

PROPERTY LOCATION: 76 Polpis Road, Nantucket, MA 02554

ASSESSOR MAP/PARCEL: 43/177

SUBMITTED BY Cohen & Cohen Law PC

SEE ATTACHED PAGES

I certify that the foregoing is a list of 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 landowners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

October 4, 2021

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2021.10.04
14:30:53 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

SHAWKEMO DUCKLANDS LLC
35 WYKEHAM RD
NEWTON, MA 02465

NANTUCKET CONSERVATION FOUND
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

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NANTUCKET, MA 02554

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NANTUCKET, MA 02554

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PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

LARNER C CHARLES III & BROOKE D
33 BRIMMER ST
BOSTON, MA 02108

MOOR BETTER LLC
701 SHERIDAN RD
WILMETTE, IL 60091

EPSTEIN ADAM S & LUCIA F
84 ROYALSTON RD
WELLESLEY, MA 02481

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

TROGNI MICHAEL J & MICHELE L
8 CHAPEL LN
RIVERSIDE, CT 06878

PIERCE MARCO A & PATRICIA J
721 MAIN STREET
HINGHAM, MA 02043

BARTON NANCY A TR
BARTON REALTY TRUST
PO BOX 3116
NANTUCKET, MA 02584

WEBER PAUL F TR
117 WEBSTER ST
NEWPORT, RI 02840

KENNEDY JOHN J & ANNE L TRST
OVER HERE OVER THERE TRUST
5 COURSEVIEW ROAD
BRONXVILLE, NY 10708

PONGRACE DONALD R & OLWEN T
4150 FORDHAM RD N W
WASHINGTON, DC 20016

Abutters Listing

MBLU	Lot	Lot	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
43	6		SHAWKEMO DUCKLANDS LLC		35 WYKEHAM RD	NEWTON	MA	02465	11 GARDNER RD
43	178		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	POLPIS RD
43	186		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	10 RABBIT RUN RD
43	187		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	10 RABBIT RUN RD
43	188		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	10 RABBIT RUN RD
43	189		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	4 RABBIT RUN RD
43	190		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	3 RABBIT RUN RD
43	191		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	5 RABBIT RUN RD
43	192		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	7 RABBIT RUN RD
43	193		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	1 CONSERVATION AV
43	209		LARNER C CHARLES III & BROOKE D		33 BRIMMER ST	BOSTON	MA	02108	2 DREW LN
43	211		MOOR BETTER LLC		701 SHERIDAN RD	WILMETTE	IL	60091	4 MOORS END LN
43	212		EPSTEIN ADAM S & LUCIA F		84 ROYALSTON RD	WELLESLEY	MA	02481	6 MOORS END LN
43	222		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	2 MOORS END LN
44	23	1	TROGNI MICHAEL J & MICHELE L		8 CHAPEL LN	RIVERSIDE	CT	06878	4 DREW LN
44	23	2	PIERCE MARCO A & PATRICIA J		721 MAIN STREET	HINGHAM	MA	02043	77 POLPIS RD
44	23	3	BARTON NANCY A TR	BARTON REALTY TRUST	PO BOX 3116	NANTUCKET	MA	02584	79 POLPIS RD
44	23	4	WEBER PAUL F TR		117 WEBSTER ST	NEWPORT	RI	02840	81 POLPIS RD
44	25	6	KENNEDY JOHN J & ANNE L TRST	OVER HERE OVER THERE TRUST	5 COURSEVIEW ROAD	BRONXVILLE	NY	10708	82 POLPIS RD
44	25	7	PONGRACE DONALD R & OLWEN T		4150 FORDHAM RD N	WASHINGTON	DC	20016	78 POLPIS RD
Count		20							
		:							

Cathy Ward

File No. 36-21

9 West Dover St

Appeal

CATHERINE S. WARD
4A SILVER STREET
NANTUCKET, MA. 02554
508-228-5391

October 24, 2021

Nantucket Zoning Board of Appeals
37 Washington St.
Nantucket, MA 02554

***Re: Appeal of Building Commissioner's Zoning Enforcement Decision of September 24th,
2021 at 9 West Dover Street***

Dear Chair McCarthy and Members of the Board,

Attached, you will find the following application components:

1. Complete application page
2. Appeal letter
3. Exhibit A: Rental Listings for 9 West Dover
4. Addendum A: Cease and Desist Letter Dated 9/24/2021
5. Addendum B: Commissioner's Denial Letter
6. Locus Plan from Nantucket Tax Assessor's Map Book
7. Abutters List

Thank you,


Cathy Ward



PAID
OCT 26 2021
PAID
BY: _____

NANTUCKET
TOWN CLERK
2021 OCT 25 PM 1:20

PLANNING OFFICE
OCT 25 2021
RECEIVED

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

APPLICATION

Fee: \$450.00

File No. _____

Owner's name(s): Peter A Grape & Linda Oliver Grape

Mailing address: 61 Lowell Road, Wellesley, MA 02481

Phone Number: _____ E-Mail: _____

Applicant's name(s): Cathy Ward

Mailing Address: 4A Silver Street, Nantucket, MA 02554

Phone Number: 508-228-5391 E-Mail: _____

Locus Address: 9 West Dover Street Assessor's Map/Parcel: 55.4.1/189

Land Court Plan/Plan Book & Page/Plan File No.: Book 1581 Page 238

Deed Reference/Certificate of Title: 14087 Zoning District ROH

Uses on Lot- Commercial: None _____ Yes (describe) _____

Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 2003

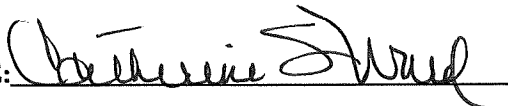
Building Permit Numbers: n/a

Previous Zoning Board Application Numbers: n/a

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

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: __/__/__

To: Nantucket Zoning Board of Appeals

From: Catherine Ward

Re: Reasons for Enforcement at 9 Dover Street

Date: October 24, 2021

I write to appeal the Building Commissioner's September 24th, 2021 decision pursuant to Zoning Code Section 139-31-A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. The Commissioner refused to find that use of the property at 9 West Dover Street ("Property") for short-term rentals ("STR") violates Nantucket's Zoning Bylaws. That finding is inconsistent with the Town's Zoning Bylaws ("Bylaw") as it is a commercial use in a residential district.

BACKGROUND

The Property is a 4-bedroom, 3-bath single-family home located in the downtown Historic District of Nantucket. The Property is located in the ROH District, which permits only residential uses except in very limited circumstances (that do not apply here).

Linda Oliver and Peter Grape, the Property's owners, purchased it in 2017. They advertise the Property, which is available year round for weekly rates, with Sotheby's International Realty and Lee Real Estate. **Exhibit A.** Prices range from \$285 per night during the winter months to \$1100 per night during peak weeks in the summer and fall. **Exhibit B.**

I, along with my neighbors in the immediate vicinity of the property, have been significantly disrupted because of the commercial use of the Property as a STR. We have experienced increased noise and light from the Property, which we can describe further during the ZBA's hearing.

As demonstrated by our experience with customers at 9 West Dover, the property's use as an STR is antithetical to the surrounding residential uses within the ROH District. The property's owners are operating a business at the property for commercial purposes in violation of the Zoning Bylaw. The Board should therefore order the owners to cease and desist all such uses at the Property.

On September 17, 2021, pursuant to G.L. 40A, § 7 and Town Zoning Bylaw § 139-25, I filed a request with Nantucket's Building Commissioner requesting that he issue a cease and desist order to Linda Oliver Grape and Peter Grape for using the Property as an STR in a residential district. **Addendum A.** The Commissioner denied my request on September 24th, 2021, refusing to find that the use of the Property as an STR violates the Town Zoning Bylaw. **Addendum B.** I do not believe that his decision is supported by either the Nantucket Zoning Bylaw or recent, binding Massachusetts case law. I ask that this Board overturn his decision.

LEGAL REASONS

My neighbors are running a business at 9 Dover Street – plain and simple. Given the fact that it is available for rent every week of the year, the Property exists almost exclusively to serve commercial business purposes. The Property’s owners are conducting numerous arms-length transactions for fixed rates over brief periods of time with unrelated third parties. It is done for the purpose of making money.

My understanding is that, under the Bylaw, this is a “commercial” use. The Bylaw defines “commercial” as “a trade, occupation, or business, including transient residential facility, but excluding governmental, religious or private residential uses.” Bylaw §139-2. On Nantucket, no commercial uses are allowed in the “Town Residential” districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-20 and R-40) or in the Country Residential districts (V-R, LUG-1, LUG-2, LUG-3 and MMD), with very limited exceptions.

Massachusetts courts have recently held that these type of commercial enterprises that charge weekly rental rates via contractual agreements are indeed commercial in nature and have no place in residential districts. In its recently finding in *Styller v. Zoning Bd. of Appeals of Lynnfield*, 487 Mass. 588, 600 (2021), the state’s highest court found that “a short-term rental use of a one family home is inconsistent with the zoning purpose of the single-family residence zoning district in which it is situated, i.e., to preserve the residential character of the neighborhood.” *Id.* (emphasis added). This is because “where short term rentals are at issue, there is an absence of stability and permanence of the individuals residing in those districts, and the goal [of a residential district] is necessarily subverted.” *Styller v. Zoning Bd. of Appeals of Lynnfield*, 487 Mass. 588, 600 (2021). *See also Stevens v. Zoning Bd. of Appeals of Bourne*, 97 Mass. App. Ct. 713 (2020) (finding an STR property that was solely rented pursuant to rental contracts with unrelated third parties was a commercial use prohibited in a residential district); *Lytle v. Swiec*, 2017 WL 2257702 (Mass. Land Ct. May 23, 2017) (holding a homeowner’s use of one unit in his two-dwelling single-family home for weekly summer rentals was a commercial use prohibited in a residential district).

CONCLUSION AND REQUEST FOR RELIEF

At this point, in a decision which I understand to be binding on all lower courts and those enforcing zoning bylaws, the state’s highest court has issued a clear decision that short-term rentals are antithetical to traditional residential uses in residential zoning districts. Nantucket cannot play by its own rules. It must enforce its zoning bylaw – that prohibits commercial uses in residential districts – the same as all other communities in accordance with *Styller*.

Further, allowing the Commissioner’s Decision to stand risks exacerbating a near-impossible situation for Nantucket’s already over-priced and under-supplied year-round housing stock. If it refuses to define the Property as a “commercial use”, this Board would be giving buyers, including investment companies, the green light to continue buying up single family homes in residential districts and turning them into high-turnover rental properties. This would further blur

Nantucket Zoning Board of Appeals
October 24, 2021
Page 3

the lines of commercial versus residential, and come at a high cost to actual residents of Nantucket's many residential neighborhoods.

Exhibit A



Maury
People

Sotheby's
INTERNATIONAL REALTY

[Home](#)

[Sales](#)

[Rentals](#)

[Research](#)

[Nantucket](#)

[Blog](#)

[About](#)

[Webcam](#)

[Contact](#)

[Login](#)

9 West Dover Street, Nantucket MA

[Gallery](#) | [Details](#) | [Availability](#) | [Map](#) | [Inquire](#) | [Heart](#)



RENTAL

4
BEDROOMS

3
BATHROOMS

8
SLEEPS

TOWN
AREA

Beautifully maintained in-town home with central air-conditioning, updated kitchen and baths and beautiful patio. First floor: Covered porch, Open plan living, dining and kitchen area with beautiful pine floors. Kitchen has cherry cupboards and large island. Full bath and two bedrooms; one with twin beds and another with a queen. Second floor: Spacious master bedroom with queen bed with private bath. Guest bedroom with queen bed with private bath. Basement: Full finished basement with TV/family room, and laundry. Cozy patio surrounded by gardens off of the kitchen. Owners sometimes occupy the Carriage house during tenant's residency.

Property Id

49505 A/C

Central

Bedroom 1:

Queen

Bedroom 2:

2 Twins

Bedroom 3:

Queen

Bedroom 4:

Queen

Baths w/ Shower & Tub:

1

Baths w/ Shower Only:

2

Detailed Amenities

- ✓ Alarm
- ✓ Alarm Clocks
- ✓ BBQ/Outdoor Grill (Gas)
- ✓ Beach Umbrella
- ✓ Blender
- ✓ Cable
- ✓ Coffee Maker
- ✓ Cooler
- ✓ Deck Furniture
- ✓ Dishwasher
- ✓ Dryer
- ✓ Beach Towels
- ✓ Beach Chairs
- ✓ Internet
- ✓ BBQ/Outdoor Grill (Gas)
- ✓ DVD Player
- ✓ Fireplace
- ✓ Iron
- ✓ Iron Board
- ✓ Microwave
- ✓ Outdoor Shower
- ✓ Patio
- ✓ Toaster
- ✓ Toaster Oven
- ✓ Washer

May 2022

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
1	2	3	4	5	6	7	April, 30, 2022 to May, 7, 2022	\$2500
8	9	10	11	12	13	14	May, 7, 2022 to May, 14, 2022	\$3000
15	16	17	18	19	20	21	May, 14, 2022 to May, 21, 2022	\$3000
22	23	24	25	26	27	28	May, 21, 2022 to May, 28, 2022	\$3000
29	30	31	1	2	3	4	May, 28, 2022 to June, 4, 2022	\$4000

June 2022

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
		31	1	2	3	4	May, 28, 2022 to June, 4, 2022	\$4000
5	6	7	8	9	10	11	June, 4, 2022 to June, 11, 2022	\$4000
12	13	14	15	16	17	18	June, 11, 2022 to June, 18, 2022	\$5000
19	20	21	22	23	24	25	June, 18, 2022 to June, 25, 2022	\$5350
26	27	28	29	30	1	2	June, 25, 2022 to July, 2, 2022	\$7500

1

July 2022

2

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
26	27	28	29	30	1	2	June, 25, 2022 to July, 2, 2022	\$7500
3	4	5	6	7	8	9	July, 2, 2022 to July, 9, 2022	\$7500
10	11	12	13	14	15	16	July, 9, 2022 to July, 16, 2022	\$7500
17	18	19	20	21	22	23	July, 16, 2022 to July, 23, 2022	\$8000
24	25	26	27	28	29	30	July, 23, 2022 to July, 30, 2022	\$8000
31							July, 30, 2022 to August, 6, 2022	\$8000

August 2022								
Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
	1	2	3	4	5	6	July, 30, 2022 to August, 6, 2022	\$8000
7	8	9	10	11	12	13	August, 6, 2022 to August, 13, 2022	\$8000
14	15	16	17	18	19	20	August, 13, 2022 to August, 20, 2022	\$8000
21	22	23	24	25	26	27	August, 20, 2022 to August, 27, 2022	\$7500
28	29	30	31				August, 27, 2022 to September, 3, 2022	\$7500

1

September 2022

2

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
				1	2	3	August, 27, 2022 to September, 3, 2022	\$7500
4	5	6	7	8	9	10	September, 3, 2022 to September, 10, 2022	\$5000
11	12	13	14	15	16	17	September, 10, 2022 to September, 17, 2022	\$5000
18	19	20	21	22	23	24	September, 17, 2022 to September, 24, 2022	\$4250
25	26	27	28	29	30	1	September, 24, 2022 to October, 1, 2022	\$4250

October 2022

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
25	26	27	28	29	30	1	September, 24, 2022 to October, 1, 2022	\$4250
2	3	4	5	6	7	8	October, 1, 2022 to October, 8, 2022	\$4250
9	10	11	12	13	14	15	October, 8, 2022 to October, 15, 2022	\$4250
16	17	18	19	20	21	22	October, 15, 2022 to October, 22, 2022	\$4250
23	24	25	26	27	28	29	October, 22, 2022 to October, 29, 2022	\$4250
30	31	1	2	3	4	5	October, 29, 2022 to November, 5, 2022	\$4250

November 2022

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
30	31	1	2	3	4	5	October, 29, 2022 to November, 5, 2022	\$4250
6	7	8	9	10	11	12	November, 5, 2022 to November, 12, 2022	\$4250
13	14	15	16	17	18	19	November, 12, 2022 to November, 19, 2022	\$4250
20	21	22	23	24	25	26	November, 19, 2022 to November, 26, 2022	\$4250
27	28	29	30	1	2	3	November, 26, 2022 to December, 3, 2022	\$4250

December 2022

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
27	28	29	30	1	2	3	November, 26, 2022 to December, 3, 2022	\$4250
4	5	6	7	8	9	10	December, 3, 2022 to December, 10, 2022	\$4250
11	12	13	14	15	16	17	December, 10, 2022 to December, 17, 2022	\$4250
18	19	20	21	22	23	24	December, 17, 2022 to December, 24, 2022	\$4250
25	26	27	28	29	30	31	December, 24, 2022 to December, 31, 2022	\$4250





Addendum A

Catherine S. Ward
4a Silver Street
Nantucket, Ma. 02554
508-228-5391

September 17, 2021

Marcus Silverstein, Zoning Enforcement Officer

Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

Mr. Silverstein, I am writing to you as a resident of 4A Silver Street, Nantucket, residential, single family area in town. I am now surrounded in this area by short term rentals, on my street, around the corner, on the street behind me, Dover Street. We are not the neighborhood we used to be due to short term rentals. I am requesting zoning enforcement for the neighboring property located at 9 Dover Street, owned by Dr. and Mrs. Grape. Based on publicly available information (attached hereto) and personal experience as its neighbor, the property is being used primarily as a short-term rental. The noise makes me dread the coming of summer and I can't enjoy being outside due to all the noise that is generated by the renters. The owners are not sympathetic to the noise and have let me know that they can make noise until 10 PM! The lights are left on all night and are probably more than 40 watts. Why should I have to close my windows and doors while they enjoy being outside on the brick patio enjoying partying?

Nine Dover Street's use as a short-term rental is a commercial use and, thus, is prohibited in the ROH, SOH District in which it is located. The ROH, SOH District only permits residential uses, although it does allow rooming lodging and guest houses, but only if the owner has obtained a Special Permit for the property for use as a "Transient Residential Facility" as defined in the Nantucket Zoning Bylaw. I believe that there are at least three houses on Dover that are short term rentals, three on Silver Street, one on corner of Pine and Silver and then one on Eagle Lane next to it! It is my understanding that the Supreme Court of Massachusetts ruled that use of a single family home in a residential area is considered unlawful. It appears that this house and others mentioned are being used as a hotel of sorts.

I am requesting that the Town, acting through your office, issue a cease and desist of that use for the property on Dover Street (rental schedule attached).

Please respond as to next steps. If needed, I would be happy to provide more information (at least to the extent it is publicly available) and how it qualifies as a commercial use. I can be reached at the phone and email listed above. Thank you for your consideration of this important issue.

Cathy Ward

July 2021

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
				1	2	3	June, 26, 2021 to July, 3, 2021	\$6700
4	5	6	7	8	9	10	July, 3, 2021 to July, 10, 2021	\$6900
11	12	13	14	15	16	17	July, 10, 2021 to July, 17, 2021	\$6900
18	19	20	21	22	23	24	July, 17, 2021 to July, 24, 2021	\$6900
25	26	27	28	29	30	31	July, 24, 2021 to July, 31, 2021	\$6900

August 2021

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
1	2	3	4	5	6	7	July, 31, 2021 to August, 7, 2021	\$6900
8	9	10	11	12	13	14	August, 7, 2021 to August, 14, 2021	\$6900

15	16	17	18	19	20	21	July, 17, 2021 to July, 24, 2021	\$6900
22	23	24	25	26	27	28	July, 24, 2021 to July, 31, 2021	\$6900

August 2021

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
1	2	3	4	5	6	7	July, 31, 2021 to August, 7, 2021	\$6900
8	9	10	11	12	13	14	August, 7, 2021 to August, 14, 2021	\$6900
15	16	17	18	19	20	21	August, 14, 2021 to August, 21, 2021	\$6900
22	23	24	25	26	27	28	August, 21, 2021 to August, 28, 2021	\$6900
29	30	31					August, 28, 2021 to September, 4, 2021	\$6900

September 2021

Availability							Weekly Rates	
Su	Mo	Tu	We	Th	Fr	Sa	Week	Rate
							August 28, 2021 to September 4, 2021	\$6900

9 west dover street, nantucket x 9 West Dover Street, Nantucket x

https://www.themaunypeople.com/nantucket-rentals/property/49505-9-west-dover-street-nantucket

9 West Dover Street, Nantucket MA

Gallery | Details | Availability | Map | Inquire |

August, 28, 2021 to September, 4, 2021 \$6900

September 2021

Availability

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Today

Weekly Rates

Week	Rate
August, 28, 2021 to September, 4, 2021	\$6900
September, 4, 2021 to September, 11, 2021	\$4200
September, 11, 2021 to September, 18, 2021	\$3850
September, 18, 2021 to September, 25, 2021	\$3850
September, 25, 2021 to October, 2, 2021	\$3350

Map

Map Satellite

80°F Partly sunny 1:21 PM 8/30/2021



Planning and Land Use Services

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

BUILDING DIVISION

September 24, 2021

Catherine S. Ward
4A Silver Street
Nantucket, MA 02554

Reference: Request for Zoning Enforcement at 9 West Dover Street

Dear Ms. Ward,

I am in receipt of your zoning enforcement request dated September 18, 2021, with regard to the property located at 9 West Dover Street, Nantucket (the "Property"). I respectfully decline to pursue zoning enforcement at this time because, in my opinion, the use of the property for short term rentals does not violate the Town's Zoning Bylaw.

If you are aggrieved by this determination, you may appeal to the Nantucket Zoning Board of Appeals pursuant to G.L. c. 40A Sections 8 and 15.

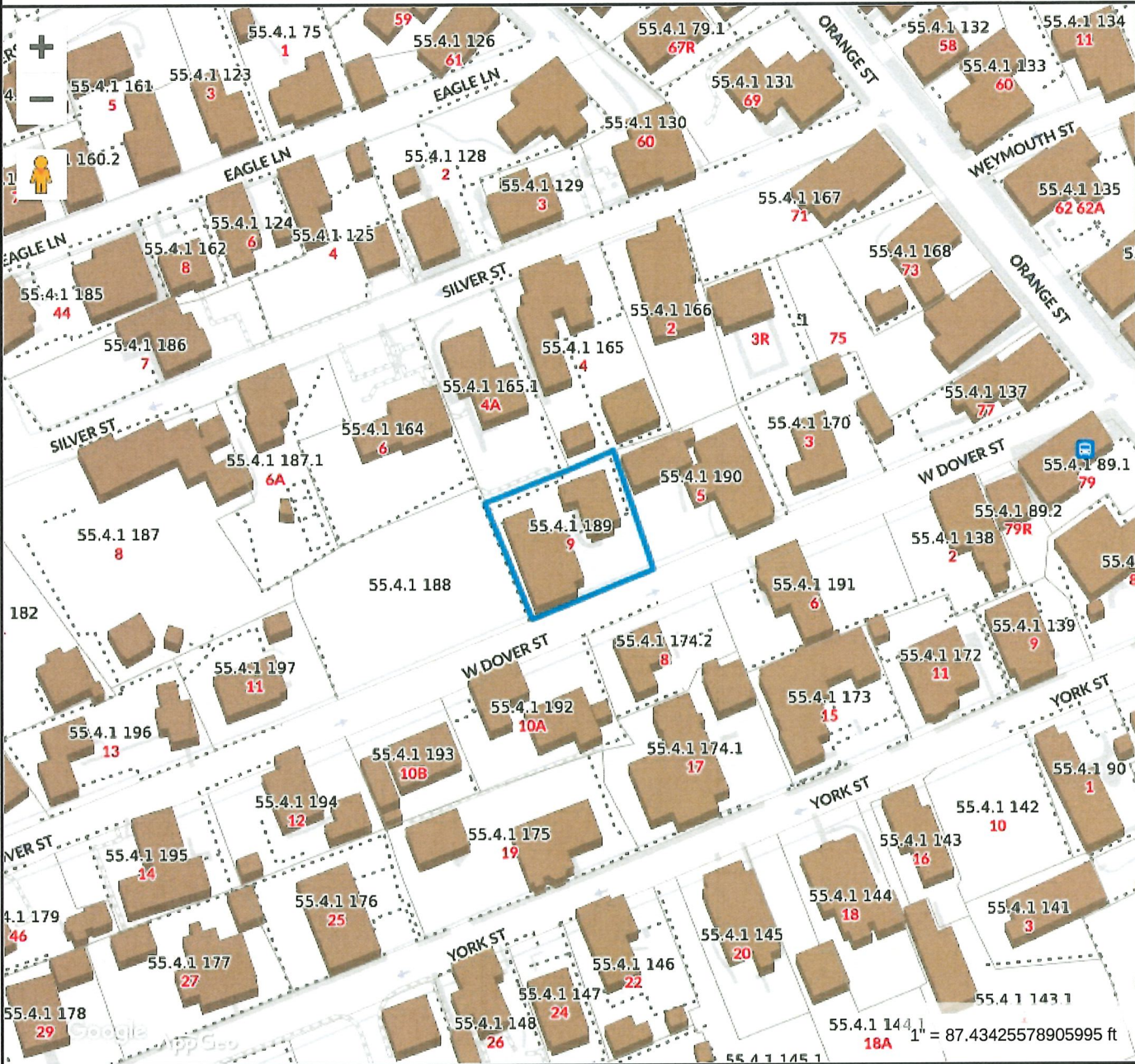
Very truly yours,

Paul Murphy
Building Commissioner
Town of Nantucket

Cc: Andrew Vorce, Director of Planning
Leslie Snell, Deputy Director of Planning

Certified Mail # 7019 2970 0001 3017 0902

9 W Dover Street, Assessor Map



Property Information

Property ID 55.4.1 189
Location 9 W DOVER ST
Owner GRAPE PETER A & LINDA OLIVER



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..... Peter A Grape & Linda Oliver
MAILING ADDRESS..... 61 Lowell Road, Wellesley, MA 02481
PROPERTY LOCATION..... 9 W Dover Street
ASSESSOR MAP/PARCEL..... 01581 / 0238
SUBMITTED BY..... Cathy Ward

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: 2021.10.21 14:56:48 -04'00'

10-21-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

MCCAULEY RITA A & KATHLEEN N
ATTYMASS 2003 REV TRUST
12 VILLA AVE
EVERETT, MA 02149

BOGAN LAWRENCE SR & PAULINE A
TRST
PO BOX 2173
NANTUCKET, MA 02584

WILLAUER WHITING R JR TR
1955 COMPASS COVE DR
VERO BEACH, FL 32963

KELLEY JAMES R & JANE C TR
57 FAIR STREET NOM TRUST
PO BOX 995
NANTUCKET, MA 02554

JONES MIRIAM H LIFE ESTATE
C/O JONES MIRIAM HASKELL
58 FAIR STREET
NANTUCKET, MA 02554

AMICK ROBERT A TRUSTEE
SAFE HARBOR TRUST
22 WALKER TERRACE
ATLANTA, GA 30309

DELUCA DAVID A & MAUREEN D
948 SUMMER STREET
MARSHFIELD, MA 02050

LYNCH MICHAEL
PO BOX 2543
NANTUCKET, MA 02584

MACLEOD JUDITH TRST
612 WARWICK RD
KENILWORTH, IL 60043

WOOD DONALD T
315 E 68TH ST
NEW YORK, NY 10065

WIGHT EDWARD I JR & HOLLY NEAS
804 KATESFORD RD
COCKEYSVILLE, MD 21030

79 ORANGE LLC
50 CLIFF ROAD
NANTUCKET, MA 02554

79R ORANGE STREET LLC
50 CLIFF RD
NANTUCKET, MA 02554

SNYDER PATRICIA A
2160 REEDS RUN ROAD
NEW PHILADELPHIA, OH 44663

GOWEN MELANIE L
5 BOYERS ALLEY WY
NANTUCKET, MA 02554

GORY PAMELA B
6 ROUND HILL RD
NEWTOWN, PA 18940

TROXELL ROBERT E & CAROL R J TRST
406 ALTAMONT STREET
CHARLOTTESVILLE, VA 22902

FEUERBACH FLORENCE C
59 GLENN RD
LARCHMONT, NY 10538

KORNGOLD JACOB H TRST ETAL
JH & DA KORNGOLD REVOCABLE TRUST
3100 NORTH OCEAN BLVD # 601
FORT LAUDERDALE, FL 33308

ACK PROPERTIES & DEVELOPMENT INC
436 CONESTOGA RD
WAYNE, PA 19087

KINNEY DAVID M & VIRGINIA R TRST
3 1/2 SILVER ST
NANTUCKET, MA 02554

FALCONER CAMERON M & TRACY S TRS
FALCONER FAMILY REV INTER VIVOS
TRUST
2116 BAKER ST
SAN FRANCISCO, CA 94115

60 FAIR STREET NOM TRUST
C/O KATHERINE KRILL
59 ROGERS RD
STAMFORD, CT 06902

LEE JUDITH F
69 ORANGE ST
NANTUCKET, MA 02554

BAUER RICHARD H TRUSTEE
76 BALMVILLE ROAD
NEWBURGH, NY 12550

BAUER RICHARD H & MARY JANE
76 BALMVILLE ROAD
NEWBURGH, NY 12550

FITZGERALD JAMES A & JANE M
9716 CARRIAGE RD
KENSINGTON, MD 20895

CASSANO MATTHEW P & JOSLYN
5521 NORTHEAST 33RD AVE
FORT LAUDERDALE, FL 33308

WONG BERNICE C & LAIRD JAMES H
111 HEMLOCK HILL RD
NEW CANAAN, CT 06840

BACK EAST LLC
C/O ALLISON SIMEONE
24 TALCOTT PINES RD
PLYMOUTH, MA 02360

OSTRANDER HARRY M TRUSTEE
244 FISHER AVE
BROOKLINE, MA 02445

FRAUNFELDER JOHN & SARAH
C/O FRAUNFELDER SARAH
9 YORK ST
NANTUCKET, MA 02554

LAYMAN MELLISA
188 COMMONWEALTH AVE UNIT 16
BOSTON, MA 02116

10 YORK STREET LLC
29 NORTH LIBERTY ST
NANTUCKET, MA 02554

BRADLEY JAMES
175 EAST 2ND ST APT 5A
NEW YORK, NY 10009

BRADLEY JAMES
175 EAST 2ND ST APT 5A
NEW YORK, NY 10009

SHERMAN LORI &
FOLGER GORDON M
18 YORK ST
NANTUCKET, MA 02554

SHERMAN LORI & FOLGER GORDON M
18 YORK ST
NANTUCKET, MA 02554

MEA LLC
20 YORK ST
NANTUCKET, MA 02554

ROSENTHAL JOHN JUSTIN & WHITNEY
3128 P STREET NW
WASHINGTON, DC 20007

DAVIS HUGH O
15 VALLEY ROAD
WESTPORT, CT 06880

FORD KELLY A
2515 MAIN ST
LAWRENCEVILLE, NJ 08648

HABEL JAMES & MICHELLE
1600 MARLAY DR
LOS ANGELES, CA 90069

28 YORK ACK LLC
PO BOX 2234
NANTUCKET, MA 02584

FLERWIN LLC
1332 RIDGE ROAD
SYOSSETT, NY 11791

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

HOURIHAN LOUISE E TR &
HOURIHAN WILLIAM P JR TR
PO BOX 602
NANTUCKET, MA 02554

SHEEHAN WILLIAM J & ANN L
6 SILVER ST
NANTUCKET, MA 02554

PHILBRICK MELISSA D & NATHANIEL D
4 SILVER ST
NANTUCKET, MA 02554

WARD CATHERINE S TRST
CSW TRUST 2014
4A SILVER ST
NANTUCKET, MA 02554

MAUTNER ALEXANDER J & LYNNETTE H
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