



**UPDATED MEETING POSTING
ORIGINAL POSTING T 1065
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NANTUCKET TOWN CLERK
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MEETING POSTING

TOWN OF NANTUCKET

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

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Monday, November 22, 2021 at 12:00 PM
Location / Address	REMOTE PARTICIPATION VIA ZOOM WEBINAR INFORMATION on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	Leslie Woodson Snell, Deputy Director of Planning and Zoning Administrator

WARNING: **IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE-BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.**

AGENDA

(Subject to Change)

The meeting will be recorded and archived at www.nantucket-ma.gov

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

ZOOM WEBINAR REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_taaQsKRjQkWjEdHlii8DVw

To view the LIVE broadcast of the meeting, see YouTube Link at

<https://youtu.be/JfBmPTKwZ7w>

BELOW ARE THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- October 14, 2021

IV. NEW BUSINESS (APPEALS)

30-21 Anne Dewez, et. al (Applicants)

103 Main St

Self

Applicant is 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).

36-21 Cathy Ward (as Applicant)

9 West Dover St.

Self

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).

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

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).

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

23-21 Timothy Green

6 Macy Rd

Williams

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

06-21 Jayne C. Debiasio & Brian F. Debiasio

39 Meadow View Dr

Reade

Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition 'a.' that the "studio shall not be for human habitation". Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as

Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of owner's title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

18-21 Ack Smart As Applicant For 21 Woodbine LLC **21 Woodbine St** **Beaudette**
Applicant requests variance relief to validate the location of a solar ground array within the side and rear yard setbacks. The Locus is situated at 21 Woodbine Street, is shown on Nantucket Tax Assessor's Map 80 as Parcel 321 and shown as Lot 4 on Plan No. 54W on file with the Nantucket County Registry of Deeds. Evidence of owner's title is recorded in Book 1342, Page 75 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 1 (LUG-1).

19-21 Ack Smart as Applicant For Timothy & Lauren Miner **12 S Valley Rd** **Beaudette**
Applicant requests variance relief to validate the location of a solar ground array within the front and side yard setbacks. The Locus is situated at 12 S. Valley Road, is shown on Nantucket Tax Assessor's Map 43 as Parcel 139 and shown as Lot 76 on Land Court Plan 11461-J and as Lot 21 on Land Court Plan 11641-H on file with the Nantucket County Registry District of the Land Court. Evidence of owner's title is recorded as Certificate of Title No. 24316 on file at the Nantucket County Registry District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

21-21 Michael S. Jemison & Kristina Jemison **195 C Hummock Pond** **Brescher**
Applicants are seeking a modification of a previously issued Special Permit (File No. 040-04) and to the extent necessary, a Special Permit for the expansion of the pre-existing nonconforming use, to allow for an increase in ground cover ratio to construct a pool cabana. Locus is situated at 195C Hummock Pond Road, shown on Assessor's Map 65 as Parcel 23, and as Unit 2 on Plan No. 03-34. Evidence of owner's title is recorded in Book 865, Page 40 with the Nantucket County Registry of Deeds. The site is zoned Village Residential (VR).

25-21 John J. Barry and Nancy J. Barry **1 Goose Cove Way** **Brescher**
Continued to December 9, 2021
Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-2A and 139-7A to construct a residential swimming pool on the locus. Locus is situated at 1 Goose Cove Way, shown on Assessor's Map 59.4 as Parcel 133, and as Lot 892 upon Land Court Plan 3092-118. Evidence of owner's title is registered on Certificate of Title No. 28218 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

24-21 Steven L. Cohen, Trustee of the 6 Village Way Realty Trust & Trustee of the 37 Pocomo Rd Realty Trust **6 Village Way and 37 Pocomo Road** **Cohen**
Applicant is seeking a special permit pursuant to Zoning Bylaw Section 139-33A(1)(a) or in the alternative 139-33A(1)(b) to demolish the existing pre-existing nonconforming dwelling at 6 Village Way and to replace it with a new dwelling. The Applicant also seeks a modification/clarification of prior Variance relief granted in 2000 and a Special Permit granted in 2002 to reflect that the two lots are now in common ownership and to allow the septic system for 6 Village Way to be located within the required 50-foot vegetative buffer. Locus is situated at 6 Village Way and 37 Pocomo Road, shown on Assessor's Map 14 as Parcels 41 and 38, and as Lot 2D upon Land Court Plan 16220-B and Lot 17A upon Land Court Plan 22667-B. Evidence of owner's title is registered on Certificate of Title Nos. 27528 and 21644 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

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

35-21 Hugh and Kelly Mahon Johnston

76 Polpis Road

Cohen

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).

32-21 H.C. Bowen Smith, Trustee of Four Lowell Place Nominee Trust

4 Lowell Place

Reade

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).

33-21 Sea Daze, LLC

27 Baxter Rd

Reade

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).

34-21 Jason P. and Brian P. Hafler

71 North Liberty St.

Reade

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).

29-21 CRH 46 Surfside LLC

46 Surfside Rd

Halik

Continued to December 9, 2021

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).

31-21 James A. and Susan G. Genthner, Trustees of the James A. Genthner Trust and Susan G. Genthner Trust

Self

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).

VII. OTHER (VOTES MAY BE TAKEN)

VIII. ADJOURNMENT (VOTE WILL BE TAKEN)
