PLUS

NANTUCKET
TOWN CLERK

2021 NOV -3 PM 1:27

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 the 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 211at 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).

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_taaQsKRjQkWjEdHIiI8DVw
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. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

Pg 15-37 **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).

Pg 38-77 **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).

Pg 78-131 **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).

Pg 132-157 **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).

Pg 158-183 **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).

Pg 185-221 **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).

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

Pg 223-238 **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).

Pg 239-263 **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 211at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Pg 264-296 **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).

Pg 297-348 **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).

Pg 349-373 **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).

Pg 374-391 **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).

Pg 392-413 **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).

Pg 415-432 **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).

VI. OTHER (VOTES MAY BE TAKEN)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

Minutes

10-14-21

ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, October 14, 2021

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

Called to order at 12:00 pm and Announcements made by Ms. McCarthy

Staff in attendance:	Leslie Snell, Deputy Director of Planning
Attending Members:	McCarthy, Botticelli, Toole, O'Mara, Allen, Poor, Thayer, Mondani
Late Arrivals:	O'Mara, 12:13 pm; Mondani, 12:15 pm

Adoption of agenda:

Motion	**Motion to Approve the agenda as amended.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, Toole, Thayer, and Allen-aye

I. APPROVAL OF MINUTES

1. August 12, 2021
2. September 9, 2021

Snell – Mr. Toole noted some typographic errors.

Motion	**Motion to Approve the minutes as amended. (made by: Toole) (seconded)**
Vote	Carried 5-0//Toole, Thayer, O'Mara, Botticelli, and McCarthy-aye

II. OLD BUSINESS

1. 06-12 Jayne C. Debiasio & Brian F. Debiasio — 39 Meadow View Drive — Reade
   Continued to November 18, 2021
2. 18-21 Ack Smart as Applicant for 21 Woodbine, LLC — 21 Woodbine Street — Beaudette
   Continued to November 18, 2021
3. 19-21 Ack Smart as Applicant for Timothy & Lauren Miner — 12 South Valley Road — Beaudette
   Continued to November 18, 2021
4. 21-21 Michael S. Jemison & Kristina Jamesion — 195C Hummock Pond Road — 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).

Voting	McCarthy, Allen, Poor, Thayer, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos, correspondence, and required documentation
Representing	John Brescher, Glidden & Brescher P.C.
Public	None

Discussion (12:20)

Brescher – This is to increase in groundcover; the existing ZBA decision limits groundcover. Submitted the Historic District Commission (HDC) approval for the cabana and the Board of Health (BOH) approval for the septic plan. This lot already has 3 condominium dwelling units; the cabana cannot be a dwelling. The other property owners have sent letters of support. Asked to continue for a redesign rather than receiving a denial.

Allen – She had asked to see the plans for the cabana to understand the layout of the proposed interior; this looks like a guesthouse with a bedroom labeled as a playroom and with a full bathroom and kitchen. This should be applied for as a guesthouse.

McCarthy – The only way she would be okay with this is that it is called out as not for human habitation – no bedrooms allowed.

Thayer & **Mondani** – Agree.

Poor – If we limit it to no habitation, he'd be okay with it. He understands the concerns of the other Board members. After looking at all the documentation, the site plan doesn't have the appropriate zoning information; that needs to be updated as part of anything we approve.

PROPOSED

McCarthy – If we approve the relief, she wants 2 conditions: final Certificate of Occupancy (CO) specifies and restricts that this is not for human habitation and that the site plan is updated to reflect the correct zoning.
Allen – As it is right now, she would deny granting the relief; a true cabana would have no kitchen and, in her opinion, would be one room with a half bath and perhaps an outdoor shower. As designed, this has a laundry room, full bath, full kitchen, dining and living areas and a bedroom; to her this is a guesthouse.
Toole – With 2 sperate rooms and no kitchen, he could approve it as a cabana.
Poor – He's okay with the cabana having a sink and refrigerator for a snack bar that opens up onto the pool.
Thayer – He agrees with Mr. Poor; when you have cooking appliances, it becomes a full kitchen.
Mondani – He's concerned about "cabana creep."

Motion **Motion to Continue to November 18th, 2021 meeting.** (made by: Thayer) (seconded)
Roll-call vote Carried 5-0//McCarthy, Thayer, Allen, Poor, and Mondani-aye

III. NEW BUSINESS

1. 22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust 40 Warren's Landing Road Reade

Voting McCarthy, Botticelli, Toole, O'Mara, Allen
Alternates Poor, Thayer, Mondani
Recused None
Documentation None
Representing None
Public None
Discussion (12:56) **Snell** – This has been continued.
Not opened at this time.
Motion **Motion to continue to November 18th, 2021 meeting.** (made by: McCarthy) (seconded)
Roll-call vote Carried 5-0//McCarthy, Botticelli, Toole, O'Mara, and Allen-aye

2. 26-21 Richard W. Ralston & Doreen Ralston 33 Goldfinch Drive Brescher

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

Voting McCarthy, Botticelli, Toole, O'Mara, Mondani
Alternates Poor, Thayer
Recused None
Documentation File with associated plans, photos and required documentation
Representing John Brescher, Glidden & Brescher P.C.
Richard Ralston, owner
Public None
Discussion (12:39) **Brescher** – Explained the request for a special permit. In 2009, zoning changed requiring the 10' setback. He submitted the HDC approval. The reduction of the side-yard setback is in harmony with the Bylaw.
Botticelli – It seems reasonable; the aerial GIS indicates most houses are tight to the setback on at least one side.
Ralston – The two plans the architect submitted to the HDC this year had the old zoning distirct; many residents aren't aware the zoning changed to R-5.
McCarthy – She appreciates that the homeowners architectural review board has reviewed and approved this.
Mondani – Asked if there were any abutter correspondence (no). Asked how close the additions are to the line.
Brescher – 6.4' on the left and the other is 9.9'.
O'Mara – Given the fact we haven't heard from the neighbor at 35 Goldfinch and the fact that it was up-zoned; he's prepared to approve the request.
Toole – He thought there was a grace period after a zoning change in which you don't have to request a special permit.
Snell – The zoning went into effect at the first publication of the warrant.
Motion **Motion to Approve the relief as requested.** (made by: Mondani) (seconded)
Roll-call vote Carried 5-0//Mondani, Botticelli, McCarthy, O'Mara, and Toole-aye

3. 24-21 Steven L. Cohen, Trustee of the 6 Village Way Realty Trust & Trustee of the 37 Pocomo Rd Realty Trust
6 Village Way & 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).

Voting McCarthy, Botticelli, Toole, O'Mara, Allen
Alternates Thayer, Mondani

PROPOSED

Recused	Poor
Documentation	File with associated plans, photos, correspondence, and required documentation.
Representing	Steven Cohen, Cohen & Cohen Law P.C.
Public	None
Discussion (12:15)	**Cohen** – Explained the request involving demolition of an existing dwelling and construction of a new structure; work is approved by the HDC. The new structure reduces setback encroachment by over 50%. There is a deck that also encroaches, but if the Board has concerns, it can be converted to a patio. In 2000, 6 Village and 37 Pocomo were identified as 2 separate buildable lots with one structure on each; it required a 50' vegetative buffer between the two properties. The prior owner put the septic in the buffer, so seeking a waiver to allow the septic in the buffer. There is a restriction on the height of the 6 Village Way house not being raised without relief. **McCarthy** – The condition on the height was very specific. **Toole** – Doesn't understand why that condition was added. **O'Mara** – The condition might have been added for clarification it was only the porch roof being raised. **Botticelli** – If this building were to move south, the 2-story section would be less nonconforming. **Allen** – Agrees with Ms. Botticelli; if we get the 2-story element out of the setback, they don't need relief. **Mondani** – He'd prefer to keep the height restriction. Discussion about reducing or eliminating the vegetative buffer between the two properties. **Toole** – Just because the buffer was cleared in 2004 for a septic doesn't make it right. **Cohen** – If the board wants to limit to a percentage of clearing, that would be appreciated since his client would like to maintain some vegetation in the buffer. If the house shifts back, we will need to find another place for the parking; parking in front would be unattractive. **Botticelli** – She would like to see a plan showing the resited building, parking, the location of the septic, and the vegetation. **Allen** – The proposed height is shorter than all but one of the neighboring houses. **McCarthy** – She wants to see photos of the existing buffer and depictions of the proposed buffer. Asked if there were any letters of concern other than Richard Preston's. **Cohen** – He's happy to supple the revised site plan and a disturbance plan.
Motion	**Motion to Continue to November 18th, 2021 meeting.** (made by: Botticelli) (seconded)
Roll-call vote	Carried 5-0//Botticelli, Toole, O'Mara, McCarthy, and Mondani-aye

4. 25-21 John J. Barry and Nancy J. Barry 1 Goose Cove Way Brescher

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).

Voting	McCarthy, Botticelli, Toole, O'Mara, Mondani
Alternates	Poor, Thayer (Allen commented but didn't vote)
Recused	None
Documentation	File with associated plans, photos, correspondence, required documentation, and standard Madaket pool conditions.
Representing	John Brescher, Glidden & Brescher P.C.
Public	Doneyn Bourke, 6 Arkansas Avenue Peter Baur, 38 Arkansas Avenue Kerry McKenna, 22 Arkansas Avenue AdaRuth Waig, 34 Arkansas Avenue
Discussion (1:44)	**Brescher** – Explained the reasons for the request. HDC has approved the swimming pool and appurtenances. In response to the letter of opposition, he submitted a landscape plan showing 10 Leland Cyprus planted along the northern property line. The Health Department confirmed there is no problem with radii from wells. **Allen** – Asked if the vegetative buffer appeases the abutter. **Bourke** – Explained their main concern is the impact on water quality, the setback, and leaching of the chemicals used. **McCarthy** – In the decision, we address how the pool is emptied or water disposed of. **Brescher** – The site plan submitted from Don Bracken's, Bracken Engineering, office shows the pool 20' away from all setbacks; same with the pool equipment. The BOH will have to approve the pools setback from wells and leach fields. This will be a saltwater pool; doesn't know the exact procedures to be used but suspect it will be using best practices. **Botticelli** – There are still chemicals. We address the chemicals with our standard pool conditions. Asked to see the standard conditions for pools in Madaket. Review and discussion of Val Oliver's landscape plan and Mr. Bracken's site plan showing a 50' wide vegetative buffer between the pool and Starbuck Road. Discussion of the conditions related to what is needed for this request and review of photos of the existing buffer provided by the Bourkes. **Mondani** – He would like to see a more detailed landscape plan. He doesn't like introducing Leland Cyprus to Madaket and would prefer more native species. **Botticelli** – The buffer isn't to address a visibility issue; she too prefers native vegetation over Leland. One issue is where the fence will go and if some landscaping has to be cut to install it.

PROPOSED

Allen – Wants to know if the pool has an auto cover, which doesn't require a fence.
Mondani – The buffer on the north looks like it's on the adjoining property; further buffer might be required on this property.
Baur – He's concerned about the noise from the pump; the proposed pump runs at over 50 decibels. Stressed that Madaket is a very quiet environment.
McCarthy – We do address pool equipment placement.
McKenna – Read into the record their opposition to the pool: environment, water quality, power efficiency, and dark skies. Expressed concern about the means of abutter notification.
Snell – Explained notification requirements for the ZBA.
Waig – Mirrors the concerns expressed by Mr. Bauer and Mr. McKenna. Would prefer a structure around the pool equipment to mitigate the noise. Expressed concerns with notification. Wants actual fencing around 4 sides of the pool.
Botticelli – If the pool has an auto cover, no fence is required. The house as the "fourth wall" seems a bit stretched.
Toole – If there is no auto cover, the pool has to be alarmed as well as fenced. He sees no safety concerns.
Allen – Mr. Bracken's plan shows the pool equipment with a 2' landscaped surround.
O'Mara – Different pumps have different decibel ratings; this board might want to require a quiet pump.
Bourke – Going to back to the point of the salt water pool, they do use chlorine.
Poor – One plan proposes the pool as 9X21 and another plan proposes it 14X28. That needs to be resolved.
McCarthy – The September 13th plan shows the pool as 9X21. The client needs to get BOH approval for the pool. We need to know whether or not the pool has an auto cover. We will include the standard pool conditions in our decision. We need a landscape plan and requirements for the 15' buffer. The Board prefers native plantings. We need a lighting plan; we will impose limitations on lighting. Neighbors brought up issues of the safety of 4 walls versus 3 walls, fence, equipment location and decibel rating, and screening to mitigate pool equipment noise. The manufacturer specification on the pool equipment would be helpful.
Botticelli – Asked for a copy of the noise bylaw.

Motion: **Motion to Continue to November 18th, 2021 meeting.** (made by: Toole) (seconded)
Roll-call vote: Carried 5-0//Toole, O'Mara, McCarthy, Botticelli, and Mondani-aye

5. 28-21 Roy W. Weedon & Shelly Lafleur Weedon 9 Twin Street Williams
Withdrawn

6. 27-21 ACK86QR, LLC. 86 Quidnet Road Williams

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

Voting: McCarthy, O'Mara, Allen, Thayer, Mondani
Alternates: Poor
Recused: Botticelli (Toole took a break)
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams
Steve Theroux, Nantucket Architectural Group
Public: None
Discussion (2:28): **Williams** – Reviewed the request. HDC has approved all the changes and they have ConCom permits. Her client hopes to complete work before next summer. The staging area is across the street. Her client is taking steps to combine the 3 east-facing lots; doing that would eliminate the groundcover issues.
Theroux – The structure is moving out of the setback and away from wetland resource areas. We worked with all neighbors to secure their comfort level with this project. The 1st-floor elevation is not changing, and the existing groundcover is being reduced.
Motion: **Motion to Approve as submitted.** (made by: Allen) (seconded)
Roll-call vote: Carried 5-0//Allen, Thayer, O'Mara, McCarthy, and Mondani-aye

7. 23-21 Timothy Green 6 Macy Road 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).

Voting: McCarthy, Botticelli, Toole, O'Mara, Allen
Alternates: Poor, Thayer, Mondani
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Linda Williams
Timothy Green, owner

PROPOSED

Public Discussion (2:55)	**Williams** – Reviewed the request. HDC has approved the work. They don't have municipal water but do have a substantial well with which to fill the pool; the pool will have an auto-cover. The BOH will have to review and approve the pool. We will be fine with a condition to provide a lighting plan; she understands a low light must be kept on while the pool is not covered. It is 100 feet from the pool to the neighbor's house with a massive amount of existing vegetation for screening. **Botticelli** – If they take water out of the well to fill the pool, they undermine the aquifer. **McCarthy** – We will condition this that they contract with someone to fill the pool. **Toole** – On the GIS photo, it doesn't look like the neighbors are as far away from the pool as Ms. Williams indicates. **McCarthy** – We need a more accurate landscape plan showing the house with decks. Referencing page 189 of the packet, HDC approved the landscape plan. Asked if that landscape plan is adequate. **Toole** – This should meet the same requirements as every other pool in Madaket. We've asked for planting plans before. **Botticelli** – The landscaping goes off their property; that area needs to be revegetated. She'd like to see a previously approved site plan for comparison. **Allen** – It looks like 75' between the pool and the nearest neighbor's house. **Mondani** – Confirmed that it's the inside of the pool can't be in the setback. Cedar would be good; Leland Cyprus are not indigenous to Nantucket. **McCarthy** – Referenced another pool application that had a planting plan. There is a list of indigenous plants for landscapers to use. **Botticelli** – We need notes on the plans indicating existing vegetation will remain and we need photos of the existing vegetation and notes on what will be added. She's concerned about the lack of vegetation between the pool and retaining wall, which is under the control of this property owner. **Snell** – The level of screening is at ZBA discretion based upon conditions. **Green** – The retaining wall is only 12" to 18". All work is within existing lawn; nothing is being cut away. He is not doing any landscape lighting. He is cutting away the existing deck and tucking the pool close to the house. The pool is 12X28. **Allen** – Wants to know the distance between the pool coping and the retaining wall; that's not on the plans. **McCarthy** – We need a lighting plan, topography plan, detailed landscape plan with plantings, and screening plan. The encroaching clearing needs to be filled in to inside the west property line. We need to be consistent about what we require with pool applications in Madaket. **O'Mara** – Suggested a site visit set up by Ms. Williams. **Botticelli** – Would like a stake at the corner of the retaining wall. Discussion about placement of this on the November 18th agenda.
Motion	**Motion to continue to November 18th, 2021.** (made by: Toole) (seconded)
Roll-call vote	Carried 5-0//Toole, O'Mara, McCarthy, Botticelli, and Allen-aye

IV. OTHER BUSINESS

1. Discussion about when the ZBA might be able to return to meeting in person.

V. ADJOURNMENT

Motion	**Motion to Adjourn at 3:42 pm.** (made by: Toole) (seconded)
Vote	Carried unanimously.

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

1. None

Submitted by:
Terry L. Norton

PROPOSED

Old Business

Timothy Greene

File No. 23-21

6 Macy Rd

Special Permit

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No.** 23-21

Owner's name(s): Timothy Greene

Mailing address: 19 East Battery, Charleston, SC 29401

Phone Number: 843-305-5000 E-Mail: timothyjohngreene@gmail.com

Applicant's name(s): (Same)

Mailing Address: _____

Phone Number: c/o Linda Williams, 508-221-0432, czarinalinda@comcast.net

Locus Address: 6 MACY ROAD, MADAKET

Assessor's Map/Parcel: 60-144

Land Court Plan/Plan Book & Page/Plan File No.: Lot 265 on Plan 3092-18

Deed Reference/Certificate of Title: 28130 Zoning District VR

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

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72: 1997 or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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

SIGNATURE:_____Owner*

SIGNATURE: Linda Williams Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

--------- Forwarded message ---------
From: **Henri Congleton** <henri@nantucketoasis.com>
Date: Fri, Aug 20, 2021 at 9:24 AM
Subject: Permission to take 6 Macy Rd to ZBA
To: Linda Williams <Czarinalinda@comcast.net>

Linda,

We (Atlantic Landscaping Inc and Nantucket Oasis Pool & Spa Inc) give you permission to take 6A Macy Rd Pool Submission to the Zoning Board of Appeals.

Thank You,

Henri Congleton

Nantucket Oasis Pool & Spa Inc

ADDENDUM

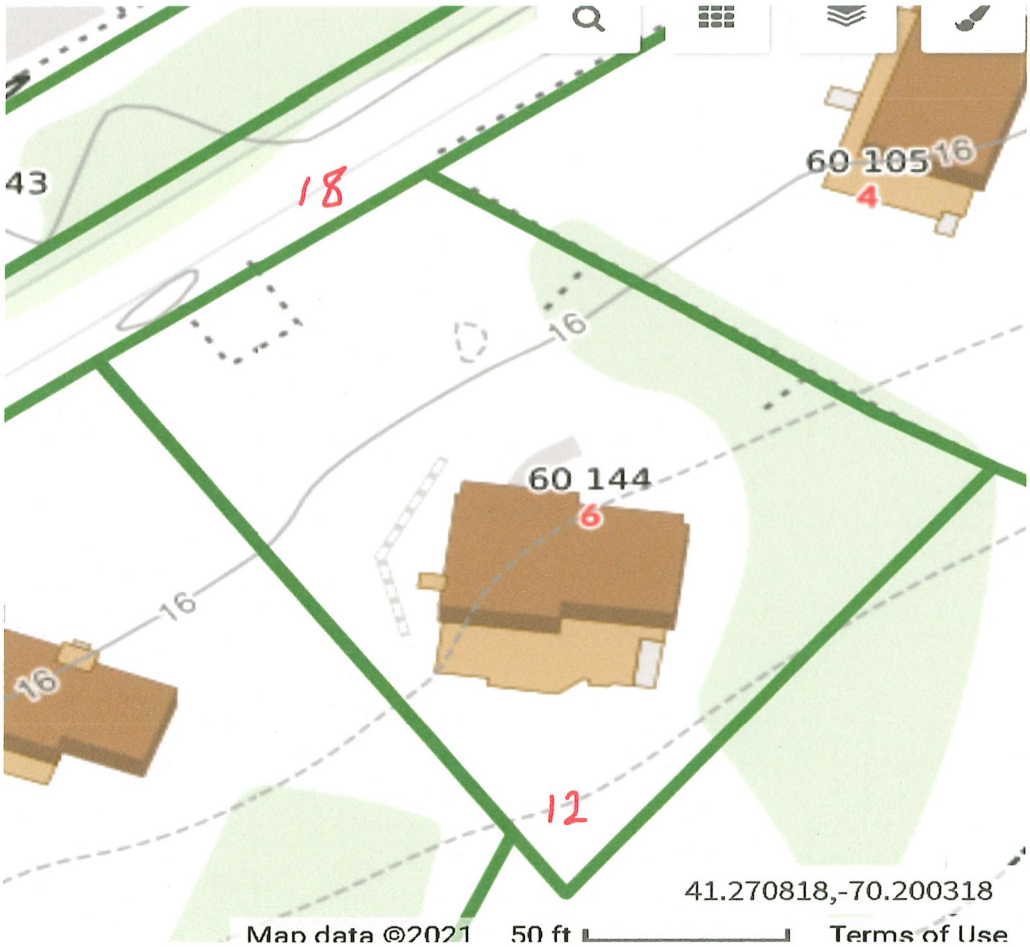
Applicant is seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-2 (Definitions and word usage – swimming pools) and Section 139-7A (Use chart). Applicants propose to construct a 12' x 28' residential swimming pool ("pool") in the rear section of their lot in Madaket. The property contains a single-family dwelling constructed in 1997 and is now situated in the Village-Residential ("VR") zoning district. Residential pools are allowed by Special Permit in the VR provided the pool meets certain specified criteria as noted below in the By-law. The minimum required lot size in the VR is 20,000 SF. The Locus has a lot size of about 24,393 SF, which exceeds the minimum required. The pool and associated equipment will be sited more than 20 feet from any side or rear yard lot line as required. The pool will be sited to the rear of the lot surrounded by extensive vegetation and at a lower grade (12' elevation) than Macy Road (18' elevation). Thus, the pool will have no impact on the surrounding neighborhood and will not be visible from Macy Road, Baltimore Road, Starbuck Road or Madaket Road. The Historic District Commission approved the pool at its May 25, 2021, meeting in COA #2021-03-3276. Photographic evidence has been included in the packet.

In addition to the criteria being met, a finding that the use is in harmony with the general purpose and intent of the Zoning By-law may be made to grant the requested Special Permit relief.

SWIMMING POOL - RESIDENTIAL

... In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.

MADAKET RD
MADAKET RD
CHICAGO ST
MACY RD
BALTIMORE ST
STARBUCK RD
STARBUCK
10
10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Map data ©2021
50 ft
Terms of Use

cy Rd
6
8

VIEW FROM MACY ROAD

2 Fairgrounds Roa d Nantucket Massachusett s 02554
508-228-7215 telephone

2 Fairgrounds Roa d Nantucket Massachusett s 02554
508-228-7215 telephone

08-4410

4. Eric Needleman ~~03-3276~~ 6 Macy Road Pool and hardscape 60/144 Atlantic Lndscp

Voting	Pohl, Coombs, McLaughlin, Camp, Oliver
Alternates	Thornewill
Recused	None
Documentation	Landscape design plans, site plan, and photos.
Representing	Lindsay Congleton, Atlantic Landscaping Inc.
Public	None
Concerns (6:38)	**Congleton** – Reviewed changes made per previous concerns. No concerns as long as it isn't visible from Madaket Trust property.
Motion	**Motion to Approve with the pool not to be visible at time of inspection and in perpetuity thereafter. (Oliver)**
Roll-call Vote	Carried 5-0//Camp, McLaughlin, Coombs, Oliver, and Pohl-aye Certificate # HDC2021-~~03-3276~~ 08-4410

5. Gary Creem **03-3265** 6 + 8 Hydrangea Lane Pool and hardscape 73/87 + 88 Atlantic Lndscpng

Voting	Pohl, Coombs, Camp, Thornewill
Alternates	None
Recused	Oliver
Documentation	Landscape design plans, site plan, photos, and advisory comments.
Representing	Lindsay Congleton, Atlantic Landscaping Inc. Val Oliver, Val Oliver Design
Public	None
Concerns (6:42)	**Congleton** – Reviewed changes made per previous concerns. **Backus** – Read SAB comments: this should track with the house, which depends on Planning Board approval; had asked for less hardscaping and moving closer to the house with more screening; moving 1 foot with some screening doesn't address those concerns. **Oliver** – The house will come back with minor revisions. The Cabana has been approved. The driveways are before the Planning Board for approval for 2 curb cuts. **Camp** – Asked about the 2 driveways and do they get to keep those. She's okay with the pool and hardscape. **Thornewill** – She's okay with this. This subdivision doesn't blend into the pastoral landscape, but this is appropriate for the subdivision. **Coombs** – She'd prefer more naturalization of corners. The Fire Chief said it is too dry to have a fire pit going.
Motion	**Motion to Approve through staff with the back corners of the wall rounded. (Coombs)**
Roll-call Vote	Carried 4-0//Thornewill, Camp, Coombs, and Pohl-aye Certificate # **HDC2021-03-3265**

6. George Balboa **03-3087** 71R Cliff Road New dwelling 30/160.1 B. Meerbergen

Voting	Pohl, Coombs, Camp, Thornewill
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, correspondence, historic documentation, and advisory comments.
Representing	Brook Meerbergen Linda Williams Steven Cohen, Cohen & Cohen Law P.C.
Public	Halil Padir, 69R Cliff Road MerylBralower, 1 Hamblin Road Ethan Griffin, for 69 Cliff Road
Concerns (6:50)	**Williams** – Reviewed context photos regarding visibility from Cliff Road and Hamblin Road. The way is an easement access for lots behind this one. Rebutted abutter comments regarding scale. **Meerbergen** – Reviewed design changes made per previous concerns; trim and sashes are white. **Padir** – In the abstract it compares to other structures; but the ratio of mass to lot size is very high. On top of that, it has the pool and cabana all crammed into a small lot. **Bralower** – Agrees with Mr. Padir and disagrees with Ms. Williams regarding the mass and visibility from Hamblin; the pool will be visible because trees will have to be removed. **Griffin** – Agrees with the other abutters. This structure as proposed is only 100sf smaller than 69 Cliff Road, which is in on a much larger lot. These structures cover 38% of the lawn where other structures on similar lots are around 25%. **Cohen** – None of the points of the neighbors are actually true here; this house is simple and appropriate, and no one has objected to the design. All lots in the area are densely laid out. **Thornewill** – Appreciates the work done to mitigate the perceived scale, which she feels is in keeping with the area. **Coombs** – East elevation, the front door needs more trim; would like the ganged 1st-floor windows separated. **Camp** – Agrees about beefing up the front door. East elevation, raise the dormer to lift the meeting rails. South elevation, would prefer if some windows aligned. **Pohl** – Beef up the frontispiece on the entry and raise the east elevation dormer double windows to align with the eaves.
Motion	**Motion to Approve through staff with proper frontispiece at front door and align the east elevation meeting rails of the dormer windows. (Thornewill)**
Roll-call Vote	Carried 4-0//Camp, Coombs, Thornewill, and Pohl-aye Certificate # **HDC2021-03-3087**

CERTIFICATE NO: HDC2021-[redacted] 08-4410 DATE ISSUED: 5/25/2021

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 60 PARCEL N°. 144

Street & Number of Proposed Work: 6 MACY RD.

Owner of record: NEEDLEMAN, ERIC

Mailing Address: 19 EAST BATTERY
CHARLESTON, SC 29401

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____

Mailing Address: ATLANTIC LANDSCAPING
6 MAYBUE WAY, NANTUCKET MA 02554

Contact Phone #: 5083673012 E-mail: _____
LINDSAY@ATLANTICLANDSCAPINGINC.COM

FOR OFFICE USE ONLY V2017

Date application received: 3/16/2021 Fee Paid: $ 200

Must be acted on by: ~~4/25/2021~~ 7/31/2021

Extended to: _____

Approved: Y Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

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

☒ Pool (Zoning District VR) ☐ Roof ☐ Other FIREPIT, BLUESTONE COPING & PATIO

Size of Structure or Addition: Length: 28 Sq. Footage 1st floor: _____ ~~Decks~~/Patio: Size: 977 SF ☐ 1st floor ☐ 2nd floor
Width: 12 Sq. footage 2nd floor: _____ BLUESTONE ↑ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date:

Original Builder:

~~REVISIONS~~ (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height: _____
Type: _____
Length: _____

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

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

Leaders (material and size): _____

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

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____
B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

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

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

Hardscape materials: Driveways _____ Walkways _____ Walls FIELDSTONE W/CAP

* Note: Complete door and window schedules are required.

COLORS

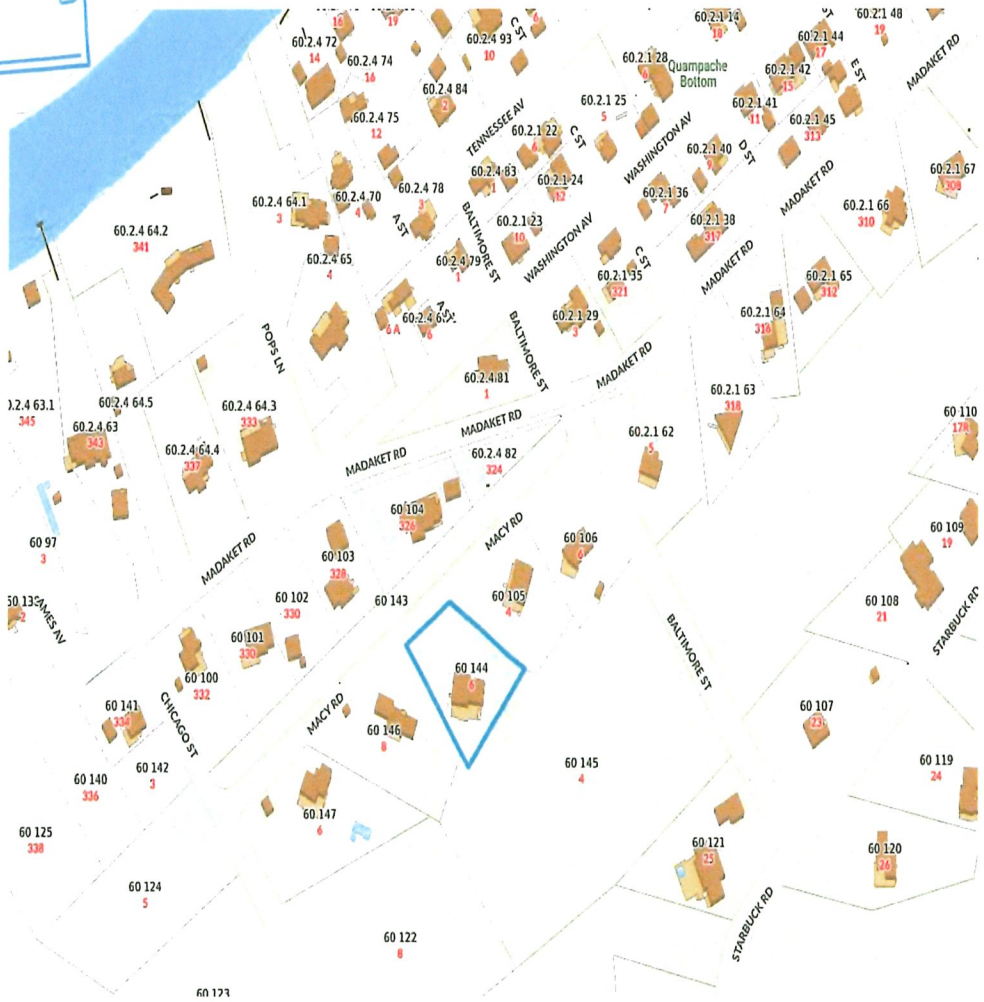
Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

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

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

Date 03/11/2021 Signature of owner of record _____ Signed under penalties of perjury

RECEIVED
APR 29 2021
By



1 LOCUS M-60 P-144

atlantic LANDSCAPING, INC

MARK	DATE

HDC Locus

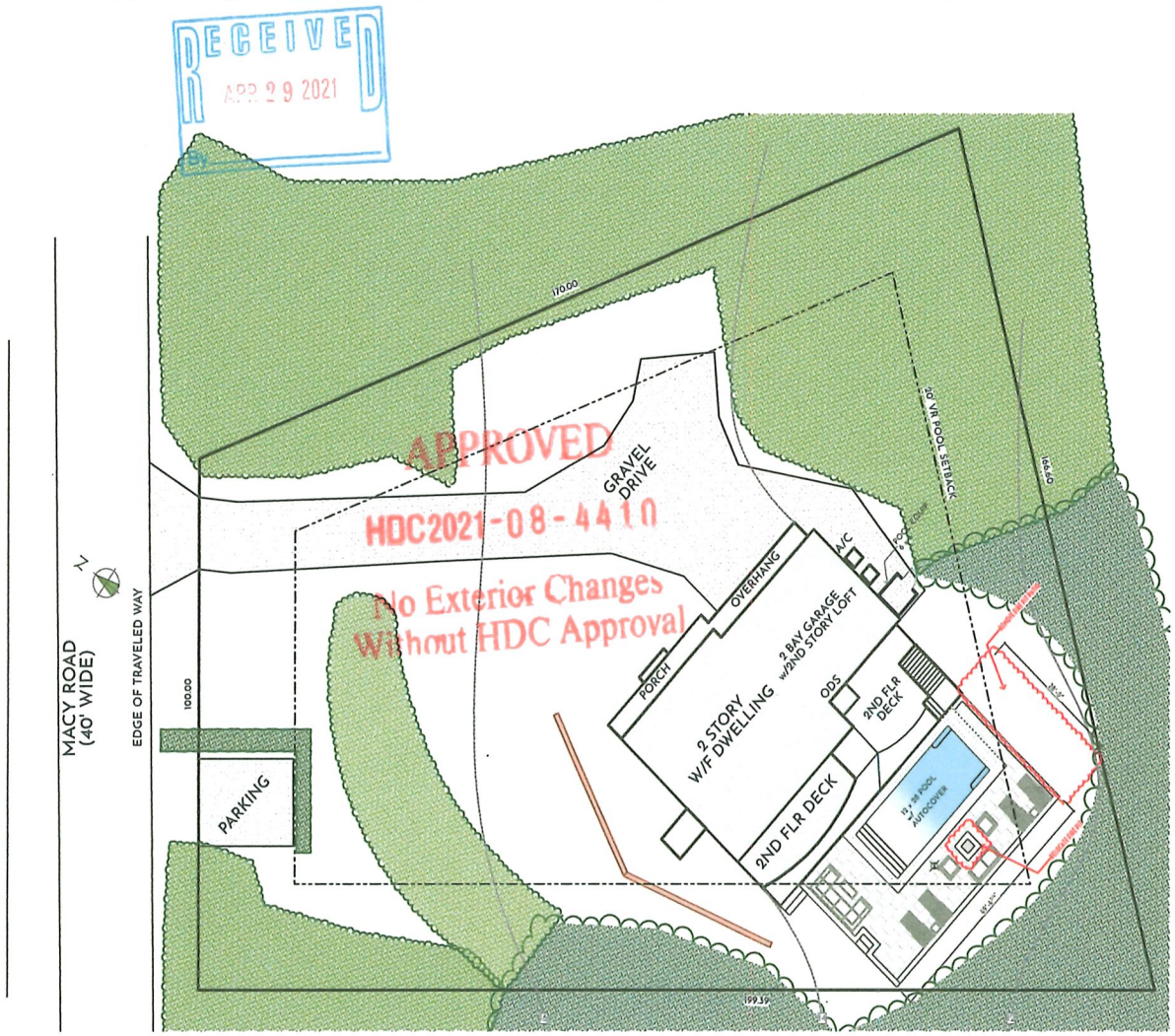
Landscape at
6 Macy Rd
Nantucket, Ma.
02554

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

HDC-A

2 Fairgrounds Roa d Nantucket Massachusetts 02554
508-228-7215 telephone

RECEIVED
APR 2 9 2021
APPROVED
2021-08-4410
No Exterior Changes
Without HDC Approval
6 MACY RD
6 MACY RD VIEW 1
6 MACY RD VIEW 2
6 MACY RD VEIW 3
6 MACY RD VIEW 4
LOCUS M-60 P.144
POOL WITH BLUESTONE PATIO
FIELDSTONE WALL WITH CAP
BLUESTONE FIRE PIT
HDC LANDSCAPE PLAN
SCALE: 1" = 10'
MACY ROAD
(40' WIDE)
EDGE OF TRAVELED WAY
GRAVEL DRIVE
PARKING
2 STORY
W/F DWELLING
2 BAY GARAGE
w/2ND STORY LOFT
OVERHANG
PORCH
A/C
ODS
2ND FLR DECK
2ND FLR DECK
15' VR POOL SETBACK
100.00
199.39
atlantic
LANDSCAPING INC.
HDC Landscape 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-1



1 HDC LANDSCAPE PLAN

2 Fairgrounds Roa d Nantucket Massachusetts 02554
508-228-7215 telephone

4 6 MACY RD

2 6 MACY RD VIEW 1

3 6 MACY RD VIEW 2

1 6 MACY RD VEIW 3

atlantic LANDSCAPING, INC

HDC Site Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554

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

HDC-C

1 6 MACY RD VIEW 4

2 POOL WITH BLUESTONE PATIO

3 BLUESTONE FIRE PIT

4 FIELDSTONE WALL WITH CAP

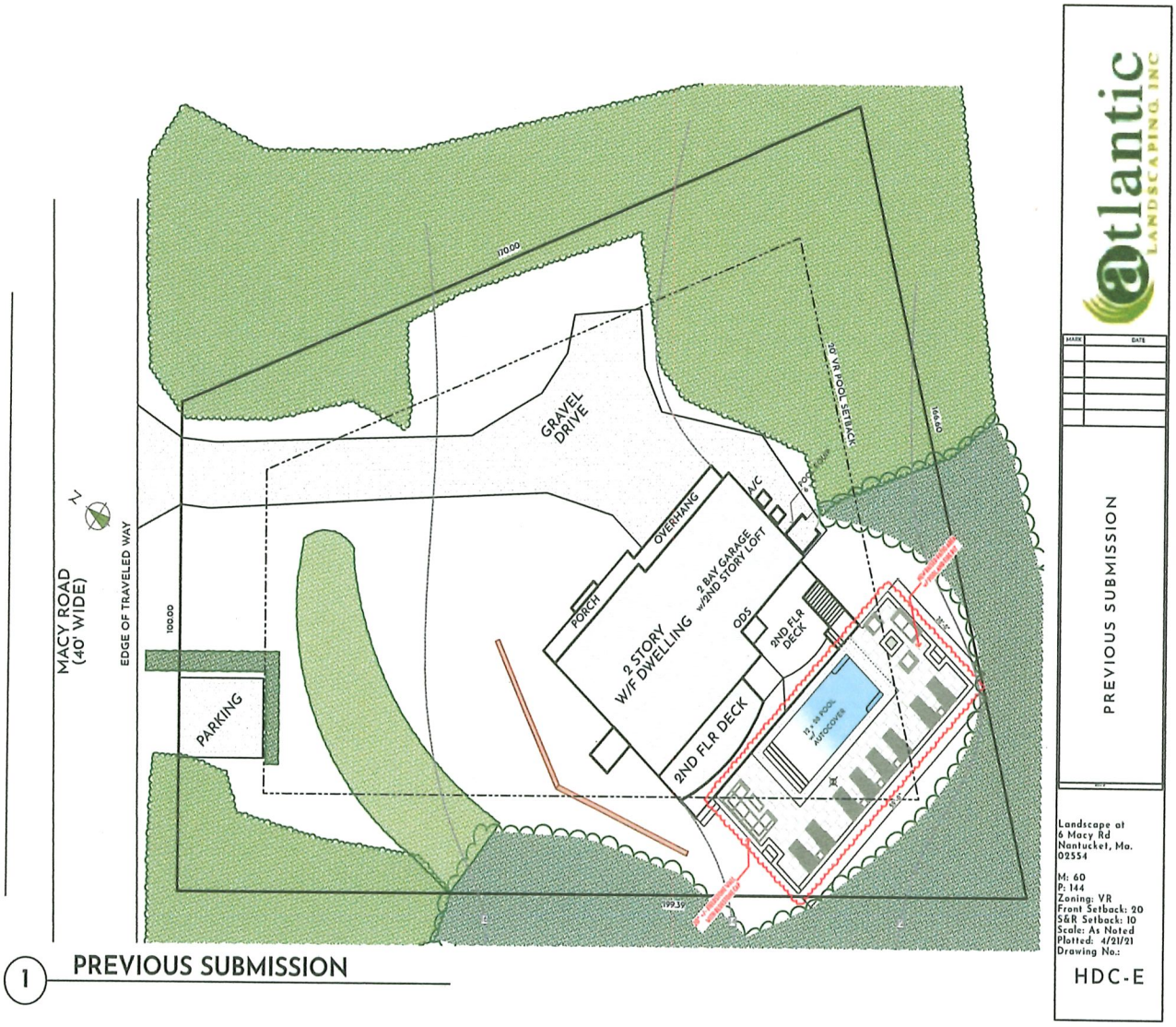
atlantic LANDSCAPING, INC

HDC Materials Photos

Landscape at
6 Macy Rd
Nantucket, Ma.
02554

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

HDC-D



1 PREVIOUS SUBMISSION

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER TIMOTHY GREENE

MAILING ADDRESS 19 EAST BATTERY, CHARLESTON, SC 29401

PROPERTY LOCATION 6 MACY ROAD

ASSESSORS MAP/PARCEL 60-144

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 8/20/2021

Mary Haley, Senior Clerk, Assessor's Office

ASSESSORS OFFICE

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

Abutters Listing

MBLU	Lot	LotSuf	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
60	19		MADAKET LAND TRUST		PO BOX 567	NANTUCKET	MA	02554	3 BALTIMO RE ST
60	44		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	10 C HICAGO ST
60	101		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	102		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	103		HERNANDEZ JOHN PATRICK ETAL		25 NORTHERN AVE APT# 1910	BOSTON	MA	02210	328 MADAKET RD
60	104		ANDERSON ORENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	326 MADAKET RD
60	105		NICHOLSON LAURA TR	4 MACY RD REALTY TRUST	33 STRAWBERRY HILL ROAD	ACTON	MA	01720	4 MACY RD
60	106		PICCIRILLO PAULA ETAL		PO BOX 16	NANTUCKET	MA	02554-0016	6 BALTIMO RE ST
60	122		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	8 C HICAGO ST
60	143		TOWN OF NANTUCKET		16 BROAD ST	NANTUCKET	MA	02554	MACY RD
60	144		GREENE TIMOTHY		19 EAST BATTERY	CHARLESTON	SC	29401	6 MACY RD
60	145		MADAKET CONSERVATION LAND TRUST	C/O KENNETH LINDSAY	P O BOX 567	NANTUCKET	MA	02554	4 BALTIMO RE ST
60	146		GALLAGHER PHILIP N JR		PO BOX 1071	NANTUCKET	MA	02554	2 MACY RD
60	147		SMITH DAVID TRUSTEE	C/O SCHNADER HARRISON SEGAL & LEWIS	1600 MARKET STREET STE 3600	PHILADELPHIA	PA	19103	6 C HICAGO ST
6021	62		KING WALTER C III		40 RICE RD	WAYLAND	MA	01778	5 BALTIMO RE ST
6024	64	3	333 MADAKET LLC		33 TAYLOR CROSS WY	BROOKLINE	MA	02445	333 MADAKET RD
6024	65		MORAN JEANNE TRST	JM MORAN TRUST	40 SLATER ROAD	CRANSTON	RI	02920	4 WASHINGTON AV
6024	81		TURNER OBOROEM III TR	TURNER MICHELLE J TRUST	5 HIDEAWAY LANE	DUXBURY	MA	02332	1 WASHINGTON AV
6024	82		ANDERSON ORENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	324 MADAKET RD
Count:	19								

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

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
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SOUTH HADLEY, MA 01075-0537

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BOSTON, MA 02210

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NANTUCKET, MA 02554

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4 MACY RD REALTY TRUST
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ACTON, MA 01720

PICCIRILLO PAUL A ETAL
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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
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TOWN OF NANTUCKET

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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'

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NANTUCKET, MA 02554

JAYNE C. & BRIAN F.
DEBIASIO

39 MEADOW VIEW DR.

FILE NO. 06-21

Special Permit

NEW MATERIALS SUBMITTED

Pg 40-47

2021 00171780
Cert: 23121 Doc: COC
Registered: 11/04/2021 10:14 AM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw Chapter 136

DEP File Number: SE48-3448 (Provided by DEP)

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. This Certificate of Compliance is issued to:

Jayne C. & Brian F. DeBiasio
Name

38905 North 58th Street
Mailing Address

Cave Creek | AZ | 85331
City/Town | State | Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Jayne C. & Brian F. DeBiasio
Name

7/23/2021 | SE48-3448
Dated | DEP File Number

3. The project site is located at:

39 Meadow View Drive | Nantucket
Street Address | City/Town

55 | 133
Assessors Map/Plat Number | Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

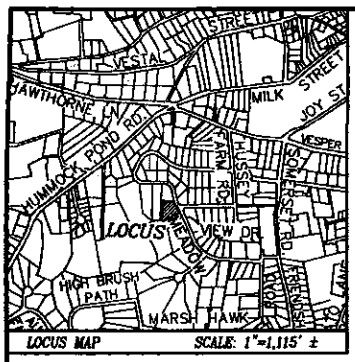
Jayne C. & Brian F. DeBiasio
Property Owner (if different)

Nantucket | Book | Page
County

23121 Re: Doc 170453
Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

10/25/2021
Date



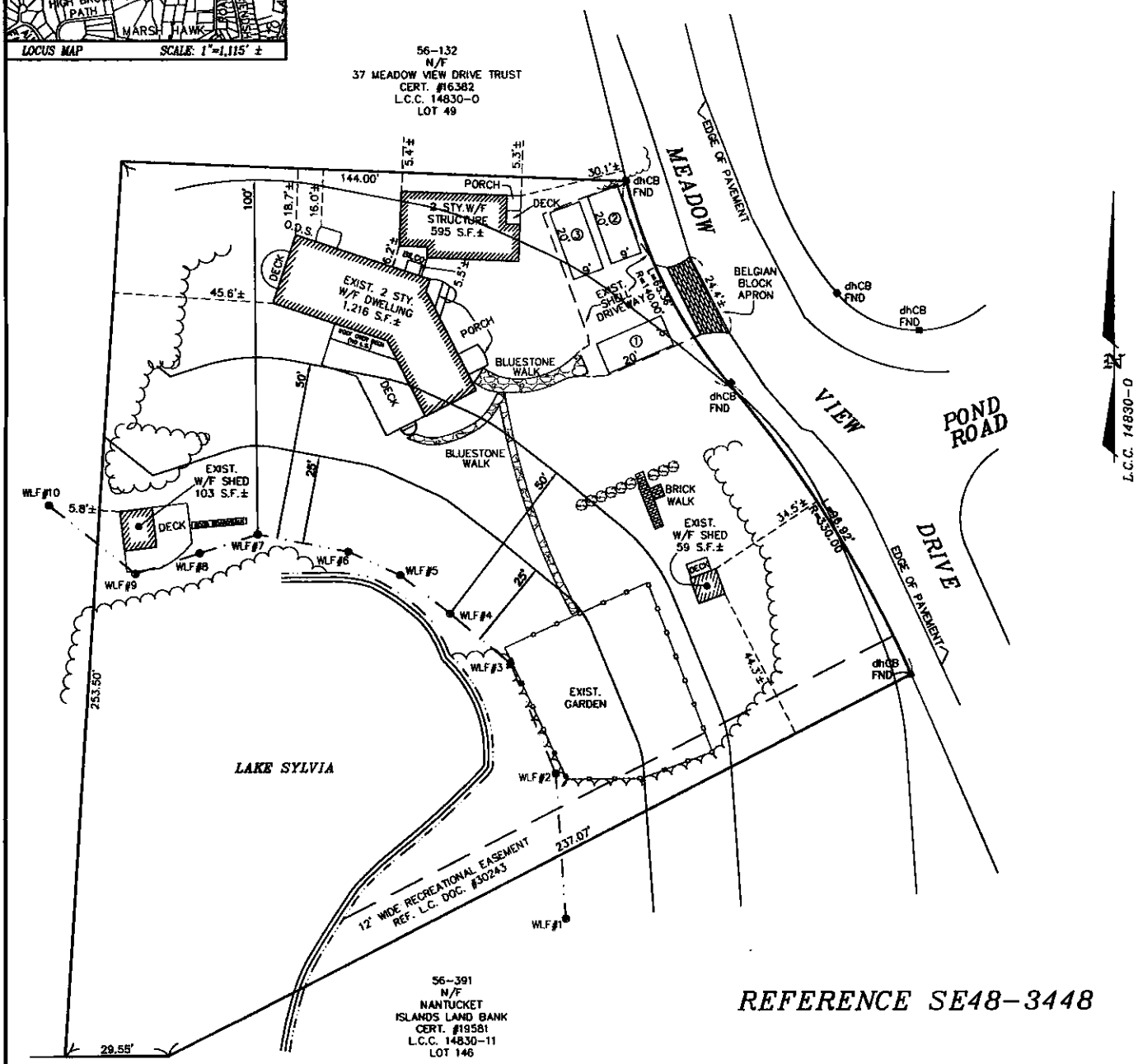
CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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%

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

LEGEND

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



REFERENCE SE48-3448

OWNER INFORMATION

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

LOT AREA = 40,764± S.F.

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

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

T:\KEN 25 JOB 31
V:\DRAWFILES\B7378\SP 2021.dwg 10/19/2021 11:34:25 AM EDT

October 19, 2021

SITE PLAN OF LAND
AT
#39 MEADOW VIEW DRIVE
NANTUCKET, MA
MAP: 56, PARCEL: 133

Drawn by: CLR/LSJ
Approved by: JLB

SHEET 1 OF 1

B7378

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw Chapter 136

DEP File Number:
SE48-3448
Provided by DEP

B. Certification

Check all that apply:

☒ **Complete Certification**: It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ **Partial Certification:** It is hereby certified that *only the* following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:

_____

_____

☐ Invalid Order of Conditions: It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

☐ **Ongoing Conditions**: The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

_____

C. Authorization

Issued by:

Nantucket
Conservation Commission

11/3/2021
Date of Issuance

This Certificate *must be signed* by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional *Office* (*See* http://www.mass.gov/dep/about/region/findyour.htm).

Signatures:

_____ _____

_____ Seth Engelbourg

_____ C Mankiller Beck

_____

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

SE48-3448
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw Chapter 136

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

Project Location DEP File Number

Has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date Book Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

citrix | RightSignature

SIGNATURE CERTIFICATE

REFERENCE NUMBER
D6CD9C0E-5BA0-4022-AB2B-04866E1E7A22

TRANSACTION DETAILS

Reference Number
D6CD9C0E-5BA0-4022-AB2B-04866E1E7A22

Transaction Type
Signature Request

Sent At
10/29/2021 08:51 EDT

Executed At
11/02/2021 15:41 EDT

Identity Method
email

Distribution Method
email

Signed Checksum
6375f14be65ff661dfa5d88c230577ba2fb8952e8bc1e21752b4a2356b4a636f

Signer Sequencing
Disabled

Document Passcode
Disabled

DOCUMENT DETAILS

Document Name
10-23-2021 Signature Pages

Filename
10-23-2021_signature_pages.pdf

Pages
10 pages

Content Type
application/pdf

File Size
191 KB

Original Checksum
f3920a8e2243fc0f2f2d947689fea08b09f5fa60ba37dd1e39a733ecdac362c4

SIGNERS

SIGNER

Name
Mark Beale

Email
mbeale297@gmail.com

Components
10

E-SIGNATURE

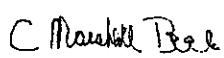
Status
signed

Multi-factor Digital Fingerprint Checksum
68aa9f336d6af8e855f2f9daaebe7614b5293801d65e0a5dd3c6d2872f84738c

IP Address
24.218.9.65

Device
Chrome via Mac

Drawn Signature



Signature Reference ID
F91306A1

Signature Biometric Count
1127

EVENTS

Viewed At
10/29/2021 10:59 EDT

Identity Authenticated At
10/29/2021 11:02 EDT

Signed At
10/29/2021 11:02 EDT

Name
Maureen Phillips

Email
maureen.phillips@icloud.com

Components
10

Status
signed

Multi-factor Digital Fingerprint Checksum
de5af7a829f109766c7789cfb2de4e72297e325e6749ca8b2e28770696d447b8

IP Address
24.62.127.178

Device
Safari via Mac

Drawn Signature

Signature Reference ID
A6E93D44

Signature Biometric Count
248

Viewed At
10/29/2021 10:00 EDT

Identity Authenticated At
10/29/2021 10:02 EDT

Signed At
10/29/2021 10:02 EDT

Name
Seth Engelbourg

Email
sengelbourg@llnf.org

Components
10

Status
signed

Multi-factor Digital Fingerprint Checksum
d4b18ef1d4eacf17ea574380daf968469937084472 47c60bf9f8cf205a91f54f

IP Address
75.144.135.30

Device
Chrome via Windows

Typed Signature

Seth Engelbourg

Signature Reference ID
9EB35504

Viewed At
10/29/2021 09:44 EDT

Identity Authenticated At
10/29/2021 09:45 EDT

Signed At
10/29/2021 09:45 EDT

AUDITS

TIMESTAMP	AUDIT
10/29/2021 08:51 EDT	Jeff Carlson (jcarlson@nantucket-ma.gov) created document '10-23-2021_signature_pages.pdf' on Chrome via Windows from 208.87.236.201.
10/29/2021 08:51 EDT	Linda Williams (czarinalinda@comcast.net) was emailed a link to sign.
10/29/2021 08:51 EDT	Maureen Phillips (maureen.phillips@icloud.com) was emailed a link to sign.
10/29/2021 08:51 EDT	Seth Engelbourg (sengelbourg@llnf.org) was emailed a link to sign.
10/29/2021 08:51 EDT	Mark Beale (mbeale297@gmail.com) was emailed a link to sign.
10/29/2021 09:44 EDT	Seth Engelbourg (sengelbourg@llnf.org) viewed the document on Chrome via Windows from 75.144.135.30.
10/29/2021 09:45 EDT	Seth Engelbourg (sengelbourg@llnf.org) authenticated via email on Chrome via Windows from 75.144.135.30.
10/29/2021 09:45 EDT	Seth Engelbourg (sengelbourg@llnf.org) signed the document on Chrome via Windows from 75.144.135.30.
10/29/2021 10:00 EDT	Maureen Phillips (maureen.phillips@icloud.com) viewed the document on Safari via Mac from 24.62.127.178.
10/29/2021 10:02 EDT	Maureen Phillips (maureen.phillips@icloud.com) authenticated via email on Safari via Mac from 24.62.127.178.
10/29/2021 10:02 EDT	Maureen Phillips (maureen.phillips@icloud.com) signed the document on Safari via Mac from 24.62.127.178.
10/29/2021 10:59 EDT	Mark Beale (mbeale297@gmail.com) viewed the document on Chrome via Mac from 24.218.9.65.
10/29/2021 11:02 EDT	Mark Beale (mbeale297@gmail.com) authenticated via email on Chrome via Mac from 24.218.9.65.
10/29/2021 11:02 EDT	Mark Beale (mbeale297@gmail.com) signed the document on Chrome via Mac from 24.218.9.65.
11/02/2021 15:41 EDT	Linda Williams (czarinalinda@comcast.net) was removed from document d6cd9c0e-5ba0-4022-ab2b-04866e1e7a22 as the document was force completed.
11/02/2021 15:41 EDT	Component 'Signature Field 39' assigned to signer4 was removed as the document was force completed.
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11/02/2021 15:41 EDT	Component 'Signature Field 33' assigned to signer4 was removed as the document was force completed.
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11/02/2021 15:41 EDT	Component 'Signature Field 31' assigned to signer4 was removed as the document was force completed.
11/02/2021 15:41 EDT	Jeff Carlson (jcarlson@nantucket-ma.gov) force completed document '10-23-2021_signature_pages.pdf' on Chrome via Windows from 208.87.236.201.

DOC No: 00171780

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Nov 04,2021 at 10:14A

Document Fee: 105.00 Rec Total:$105.00

CERTIFICATE No: 23121

171780

47

Print Form

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2021 MAY 13 PM 3:30
NANTUCKET TOWN CLERK

File No. 06 - 21 Map 56 Parcel 133

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

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

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

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

Such application is:

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

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

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

Arthur I. Reade, Attorney
For Applicant (s)

Eleanor W. Antonietti
For Zoning Board of Appeals

May 13, 2021
Effective Date of Agreement

Town Clerk Stamp:

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

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

May 2, 2021

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

Via email: eantonietti@nantucket-ma.gov

Dear Ms. McCarthy:

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

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

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

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

Sincerely yours,

Brian F. DeBiasio

Brian DeBiasio

CC: Arthur Reade

Zoning Board of Appeals
MAR 02 2021
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

PAID
MAR 04 2021
BY: Cash 21252

2021 MAR 16 PM 1:36
NANTUCKET TOWN CLERK

APPLICATION

Fee: $450.00

File No. 06-21

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

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

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

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

Mailing Address: **Same**

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

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

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

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

Uses on Lot- Commercial: **None**

Residential: Number of dwellings **One**

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

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

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

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

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

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

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

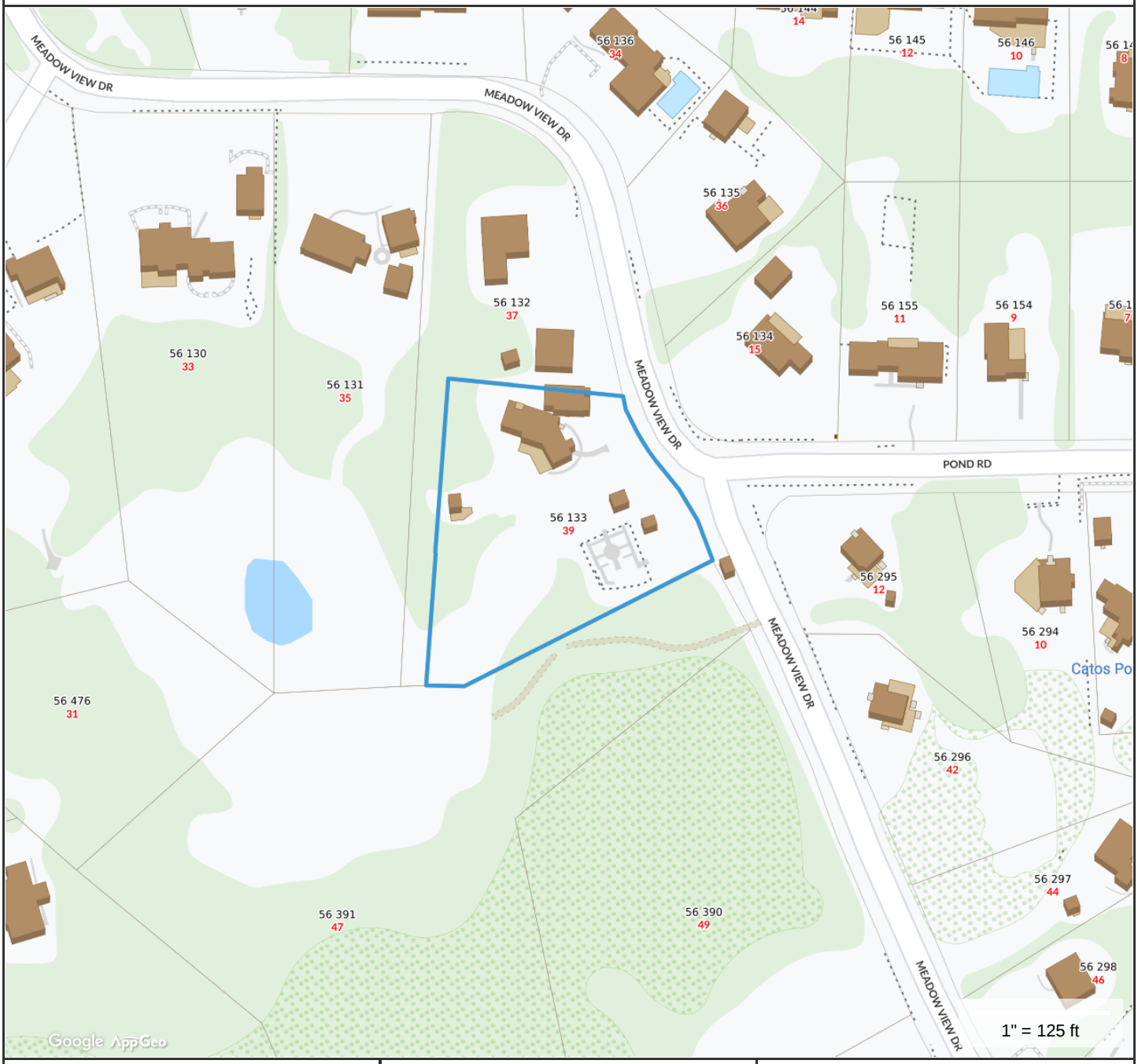
By:

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

Arthur I. Reade, Jr.

OFFICE USE ONLY

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



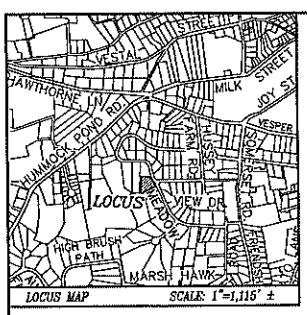
Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated Jan. 2021
Data updated Jan. 2021



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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

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

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

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

MEADOW VIEW DRIVE
POND ROAD
EDGE OF PAVEMENT
L.C.C. 14830-0
144.00'
253.50'
45.8'±
5.8'±
29.55'
237.07'
44.3'±
34.5'±
L=86.92'
R=350.00
2 STY. W/F STRUCTURE 595 S.F.± 1 BEDROOM
EXIST. 2 STY. W/F DWELLING 1,216 S.F.±
EXIST. SHELL DRIVEWAY
EXIST. BLUESTONE WALK
BELGIAN BLOCK APRON
PORCH
DECK
EXIST. W/F SHED 103 S.F.±
EXIST. W/F SHED 126 S.F.± EXCLUDED FROM GROUND COVER
EXIST. W/F SHED 59 S.F.±
BRICK WALK
RAMP
EXIST. GARDEN
dhCB FND
LAKE SYLVIA
12' WIDE RECREATIONAL EASEMENT REF. L.C. DOC. #30243
56-391
N/F
NANTUCKET ISLANDS LAND BANK
CERT. #19581
L.C.C. 14830-11
LOT 146

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

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

LOT AREA = 40,764± S.F.

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

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

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

JANUARY 07, 2021

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

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1 B7378

Town of Nantucket

Zoning Board of Appeals

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

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

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

PROPERTY LOCATION..... 39 Meadow View Drive

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

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

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.02.09 15:10:20 -05'00'

2-9-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
56	129		PENN JONATHAN TRUSTEE		120 CABOT STREET	CHESTNUT HILL	MA	02467	29 MEADOW VIEW DR
56	130		PONDERON LLC	C/O KUPPER WILLIAM P & JACQUELINE	28536 CHIANTI TERRACE	BONITA SPRINGS	FL	34135	33 MEADOW VIEW DR
56	131		MORASH JEFFREY D		35 MEADOW VIEW DR	NANTUCKET	MA	02554	35 MEADOW VIEW DR
56	132		MCGOVERN MARTHA C TRST	37 MEADOWVIEW DR TRUST #305	4825 GULF OFMEXICO DR UNIT C	LONGBOAT KEY	FL	34228	37 MEADOW VIEW DR
56	133		DEBIASIO JAYNE C & BRIAN F		39 MEADOW VIEW DR	NANTUCKET	MA	02554	39 MEADOW VIEW DR
56	134		CHAPMAN JOHN S JR & EDITH H		3 BORDEAUX CIRCLE	OLMSTED TOWNSHIP	OH	44138	15 POND RD
56	135		HINSON AMY & JAMES G		36 MEADOW VIEW DR	NANTUCKET	MA	02554	36 MEADOW VIEW DR
56	136		SLAVITZ NOREEN C		34 MEADOW VIEW DR	NANTUCKET	MA	02554	34 MEADOW VIEW DR
56	137		HANSEN JEFFREY TRST ETAL	HANSEN FAMILY TRUST	52 WHITEWOOD ROAD	MILFORD	MA	01757	32 MEADOW VIEW DR
56	138		30 MEADOW VIEW LLC		21 RUTLAND SQUARE #2	BOSTON	MA	02118	30 MEADOW VIEW DR
56	143		JOHNSON PAUL H & BRENDA B		16 MEADOW VIEW DR	NANTUCKET	MA	02554	16 MEADOW VIEW DR
56	144		LEHMACHER THOMAS J ETAL		23 COUGHLIN ROAD	KILLINGWORTH	CT	06419	14 MEADOW VIEW DR
56	145		ACKME LLC		4 HEATHER WAY	MILL VALLEY	CA	94941	12 MEADOW VIEW DR
56	154		ALLEN ELISA H		9 POND RD	NANTUCKET	MA	02554	9 POND RD
56	155		KUSZPA JOHN & ANNE P M		11 POND RD	NANTUCKET	MA	02554	11 POND RD
56	294		BLANK THEODORE J & CRISTINA		10 POND RD	NANTUCKET	MA	02554	10 POND RD
56	295		KANE JOHN J JR & ANGELA M		83 EAGLE ROCK ROAD	STOUGHTON	MA	02072	12 POND RD
56	296		PATTERSON ARTHUR H & CHISWICK	NANCY R	2443 HICKORY HILL DR	STATE COLLEGE	PA	16803	42 MEADOW VIEW DR
56	390		ALPER KARIN & MICHAEL TRST	KARIN ALPER REVOC TRUST 2005	5 CHESTNUT HILL TERRACE	NEWTON	MA	02467	49 MEADOW VIEW DR
56	391		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	47 MEADOW VIEW DR
56	476		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	31 MEADOW VIEW DR
Count:	**21**								

PENN JONATHAN TRUSTEE
120 CABOT STREET
CHESTNUT HILL, MA 02467

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

MORASH JEFFREY D
35 MEADOW VIEW DR
NANTUCKET, MA 02554

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

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

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

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

SLAVITZ NOREEN C
34 MEADOW VIEW DR
NANTUCKET, MA 02554

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

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

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

LEHMACHER THOMAS J ETAL
23 COUGHLIN ROAD
KILLINGWORTH, CT 06419

ACKME LLC
4 HEATHER WAY
MILL VALLEY, CA 94941

ALLEN ELISA H
9 POND RD
NANTUCKET, MA 02554

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

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

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

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

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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

Materials Provided by Staff

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

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

'11 JUL 15 A9:58

Date: July 15, 2011

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

Application No: 030-11

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

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

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

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

Edward S. Toole, Chairman

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

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

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

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

Land Court Plan 14830-O, Lot 50

Certificate of Title No. 23,121

DECISION:

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

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

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

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

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

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

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

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

a. Said studio shall not be for human habitation.

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

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

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

SIGNATURE PAGE TO FOLLOW

Dated: July 15, 2011

Ed Toole

Michael J. O'Mara

Kerim Koseatac

Dale Waine

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. July 15, 2011

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

Notary Public: John Bresher

My commission expires: [illegible]

JOHN B. BRESCHER NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

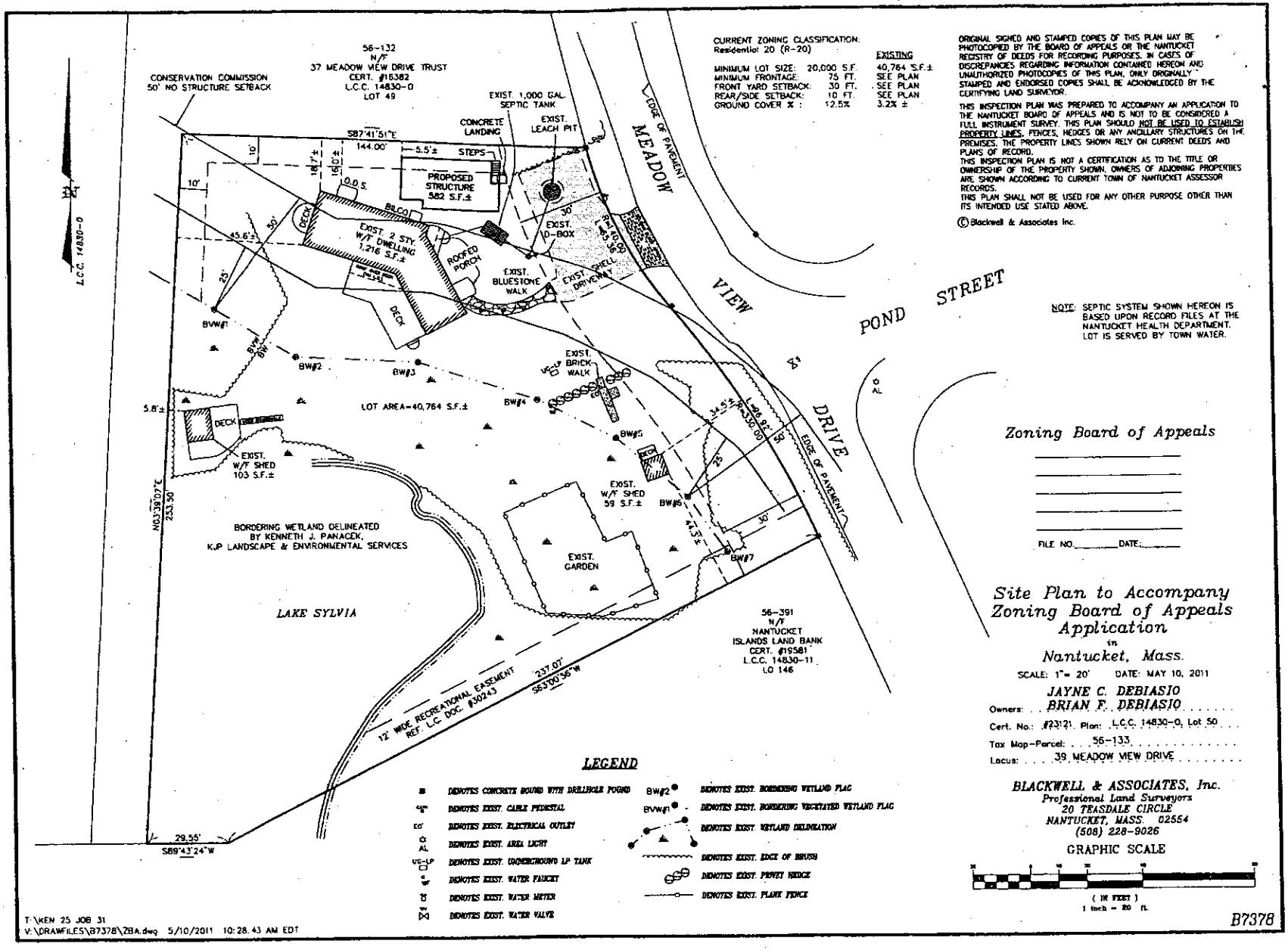
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

AUG 09 2011

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK


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

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

NANTUCKET
TOWN CLERK
2019 OCT -9 PM 3:46

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: September 27, 2019

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

Application No.: 25-19

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

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

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

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

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

Eleanor W. Antonietti,
Zoning Administrator

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

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

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

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

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

DECISION:

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

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

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

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

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

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

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

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

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

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

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

* * * * * * * * * * *

SIGNATURE PAGE FOLLOWS

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

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

Dated: September 12, 2019

Edward S. Tolle

Michael O'Mara

Geoffrey W. Thayer

Jim Mondani

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

NOV 04 2019 TOWN CLERK

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

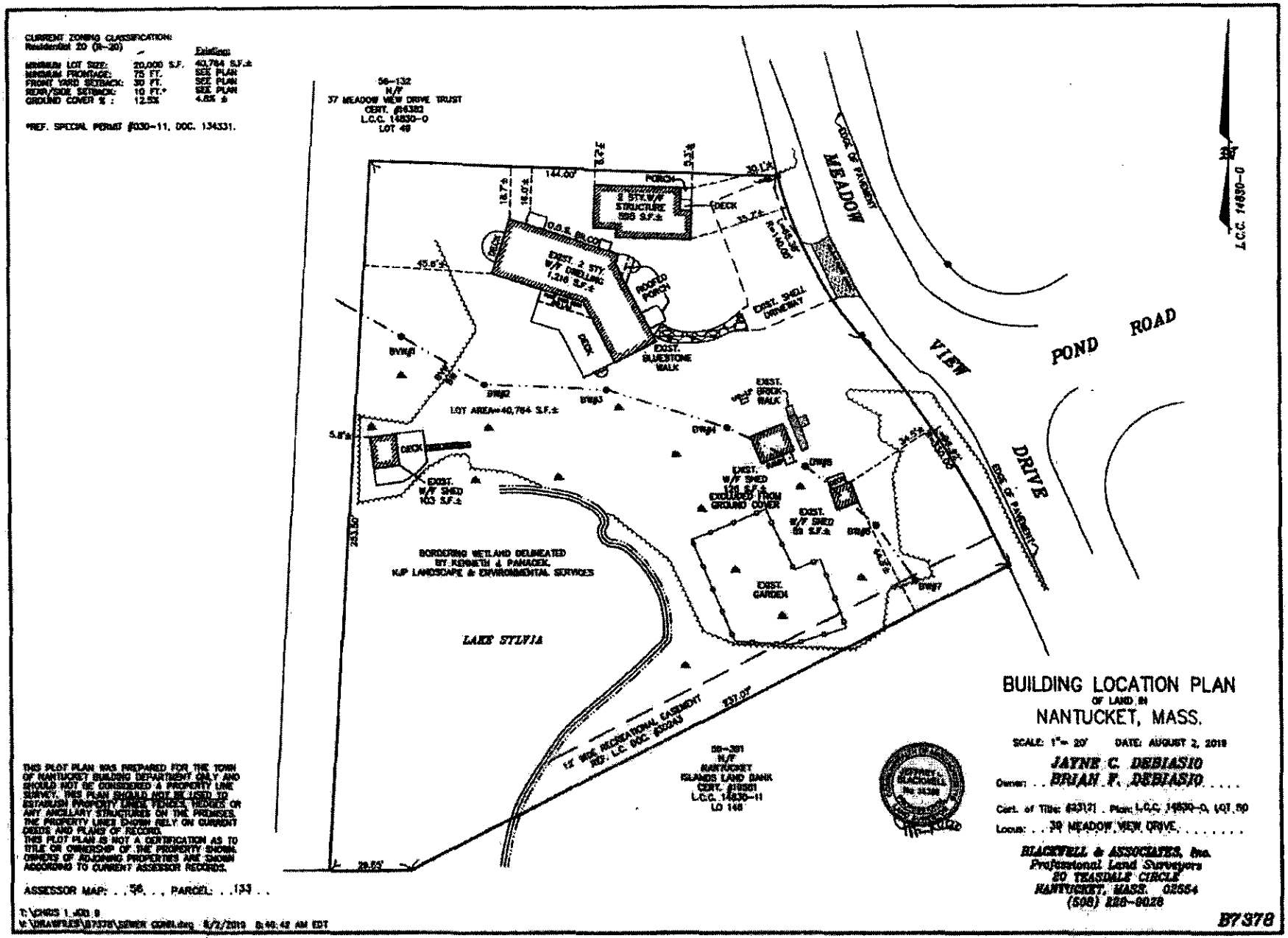
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

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

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



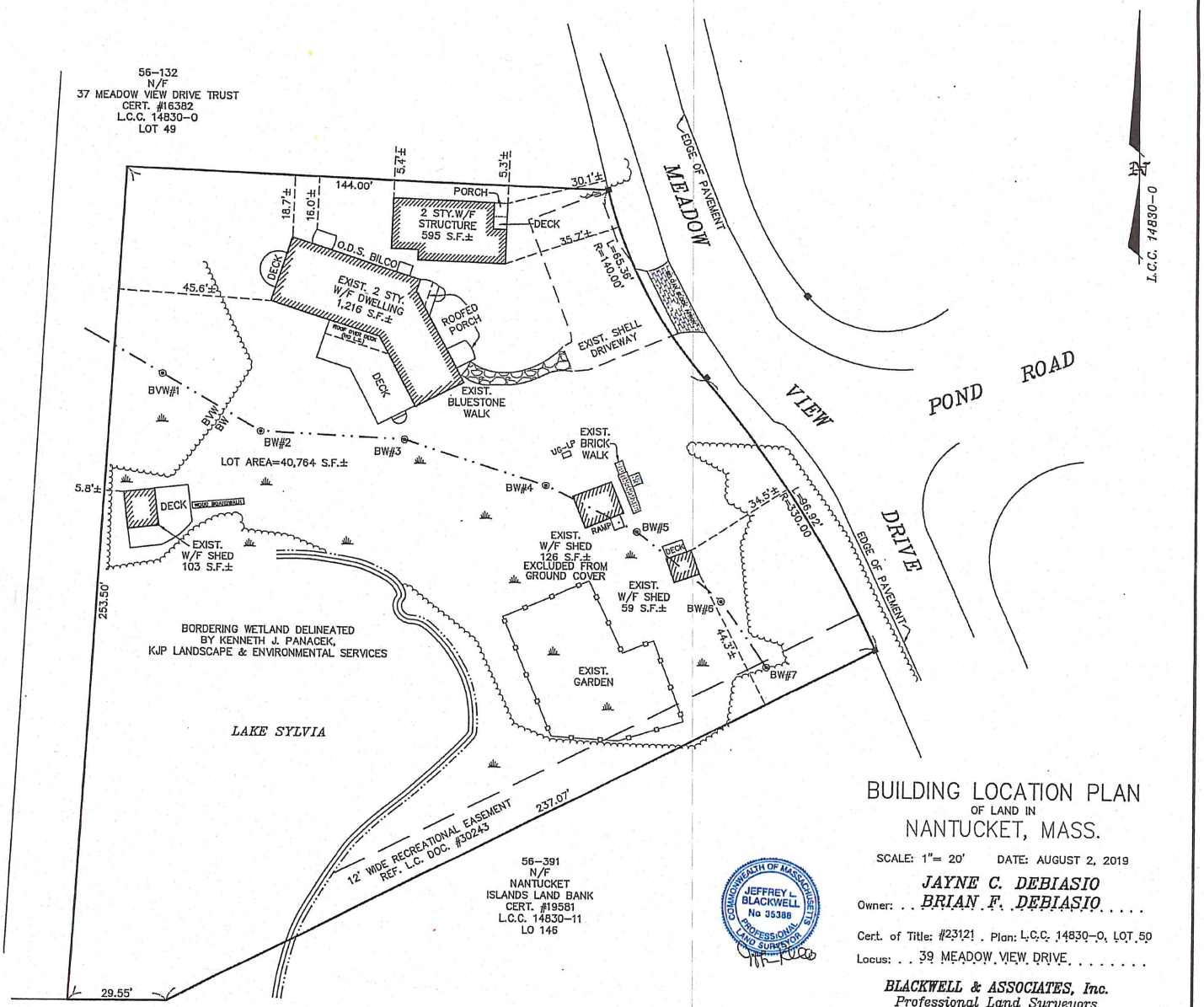
"EXHIBIT A"

163564

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

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

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



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

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

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

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

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

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

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

Nantucket Planning Board

APPLICATION FOR A SECONDARY (2ND) DWELLING PERMIT

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

Applicant: Jayne C. DeBiasio and Brian F. DeBiasio

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

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

E-mail Address: air@readelaw.com

Owner (if other than applicant): Same

Mailing address:

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

Location of proposed secondary(2ND) dwelling:

Street Address: 39 Meadow View Drive

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

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

Secondary Dwelling # of Bedrooms: 1

Primary Dwelling # of Bedrooms: 3

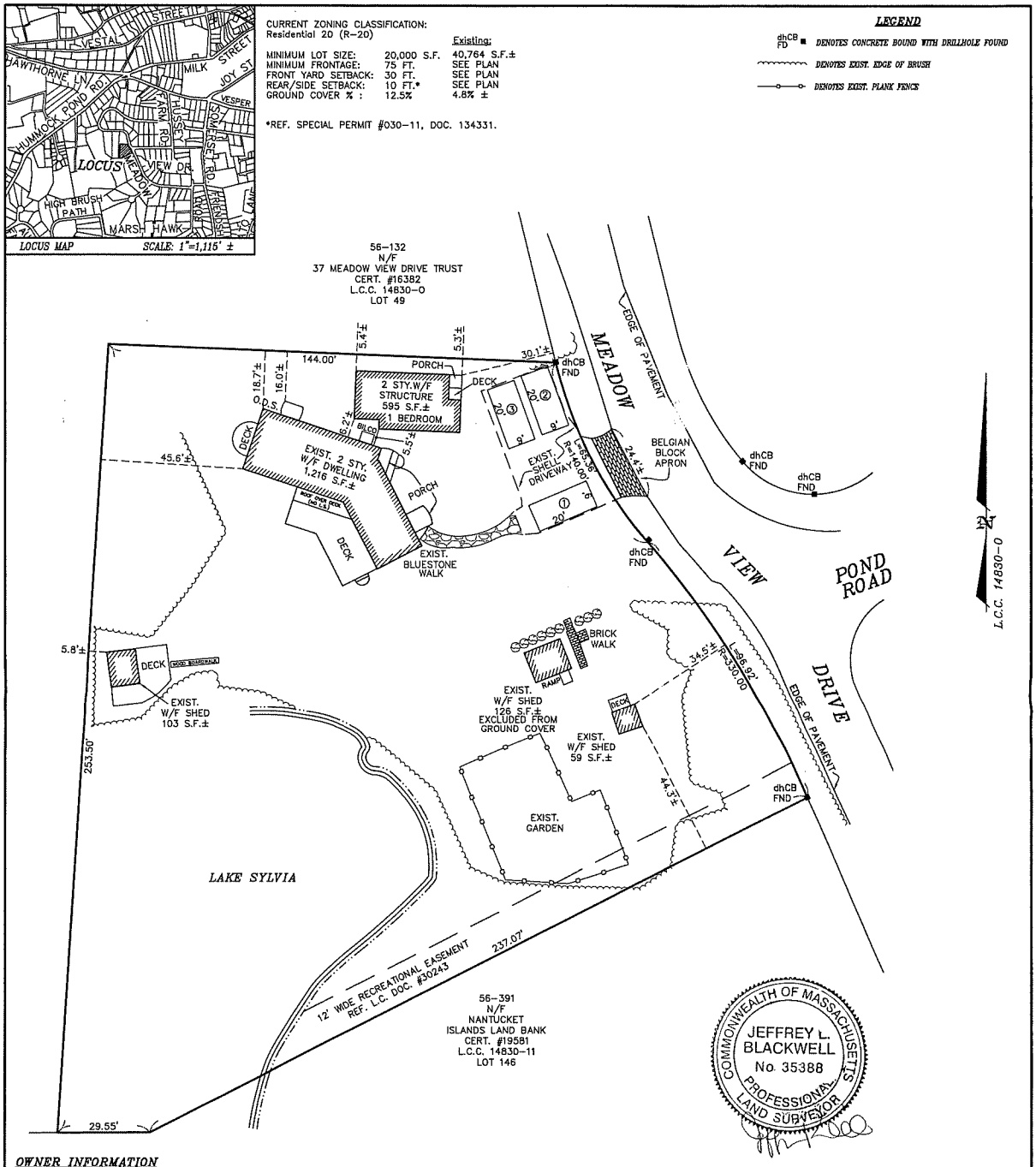
Number of Parking Spaces required (*See Chapter 139-18 of the Bylaw*): 3

Number of Parking Spaces provided: 3

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

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

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



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

OWNER INFORMATION

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

LOT AREA = 40,764± S.F.

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

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JANUARY 07, 2021

SITE PLAN OF LAND

PREPARED FOR

JAYNE C. & BRIAN F. DEBIASIO

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

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1

B7378

NANTUCKET
TOWN CLERK

2021 JAN 11 PM 2:49

PLANNING OFFICE
CHK# 21218 $250
JAN 11 2021
RECEIVED

Nantucket Planning Board

Application for a Special Permit

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

Name of development: _____

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

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

Applicant's name: Same

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

Engineer / surveyor's name: _____

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

Location of lot(s):

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

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

Special Permit sought: (check one)

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

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

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

Specify all associated Zoning Code relief sought:

Section	Description

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

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

Planning Board filing fee due: $_____

Engineering Inspection Escrow Deposit due: $_____

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

JAYNE C. DEBIASIO and BRIAN F. DEBIASIO

By: _____

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

_____

Applicant's Signature

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

_____

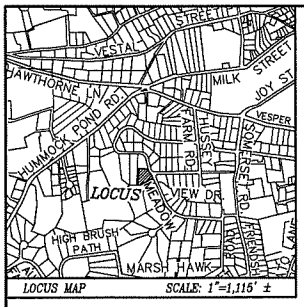
_____

Owner(s)' signature(s)

Check List:

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

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



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GROUND COVER % :	12.5%	4.8% ±

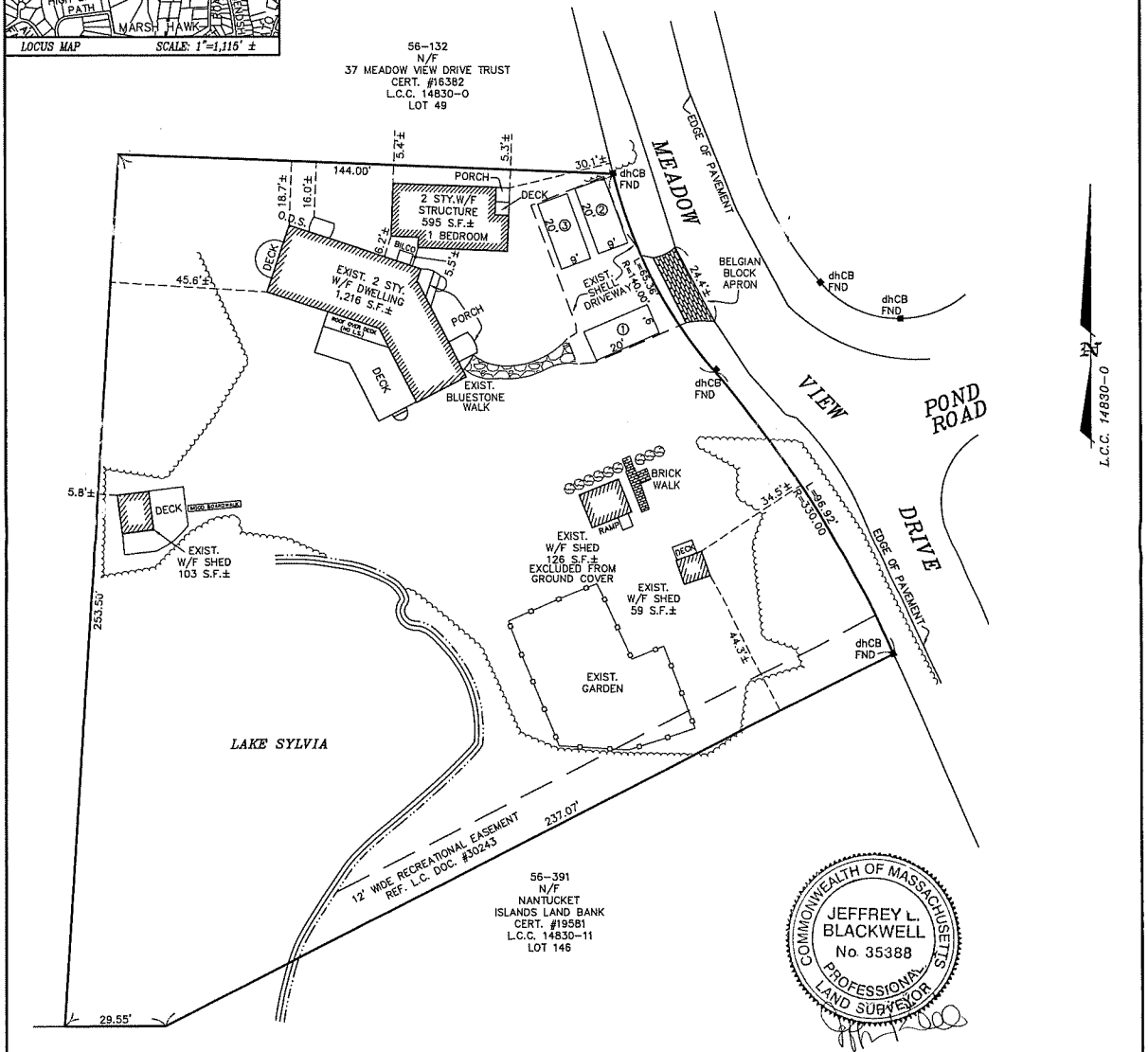
*REF. SPECIAL PERMIT #030-11, DOC. 134331.

LEGEND

dhCB FD ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND

DENOTES EXIST. EDGE OF BRUSH

DENOTES EXIST. PLANK FENCE



COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
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OWNER INFORMATION

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ASSESSOR'S MAP 56, PARCEL 133
#39 MEADOW VIEW DRIVE

LOT AREA = 40,764± S.F.

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

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PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
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(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

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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

NEW MATERIALS SUBMITTED

Pg 80-81

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

November 15, 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,

In connection with the above referenced applications, I am submitting this letter and attachments as additional information for consideration at the Nantucket Zoning Board's November 22, 2021 public hearing.

During the course of the August public hearing, the Board asked my client to obtain Nantucket Historic District Commission approval for the current location of the solar arrays at 21 Woodbine and also asked that I research the existence of a public footpath that may exist on the subject property near the solar arrays. My client applied for HDC approval and the HDC granted the request on the condition that my client plant a vegetative buffer surrounding the solar array on the Eastern and Southern property lines of 21 Woodbine. I have included a copy of the COA for such approval as well as a proposed evergreen planting plan.

In addition, I can confirm that there is not a public foot path on the 21 Woodbine property as suggested by an abutter. I attach the yard sale deed from the Town of Nantucket to the owner of 21 Woodbine for Parcel C on Plan 2013-14 recorded at the Nantucket Registry of Deeds (copy attached). There is no such footpath easement reserved in the deed, nor does it exist on the 2013-14 Plan. I also attach the deed from the Town of Nantucket to the Southerly neighbors, Laurence and Alvine Carpenter for Parcel A on the plan recorded at the Nantucket Registry of Deeds as Plan 2020-15 (neighbor's property). You will notice that this deed specifically reserves a footpath easement 4 feet wide on the neighbor's property and attached to this deed is an easement plan

showing the same. Given that an easement does not exist on 21 Woodbine, the applicant is free to plant a vegetative buffer to screen the existing solar arrays.

With respect to 12 S. Valley Road, we are likely to withdraw that application and remedy the setback encroachment. Please let me know if you have any questions.

Sincerely,

Richard Beaudette, Esq.

RPB/
Encs.

CERTIFICATE NO: 10/6/2021-10-4804

DATE ISSUED: 10/26/2021

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

CERTIFICATE OF APPROPRIATENESS

for structural work

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 80 PARCEL N°: 321

Street & Number of Proposed Work: 21 Woodbine ST

Owner of record: [illegible]

Mailing Address: [illegible]

Contact Phone #: [illegible] E-mail: [illegible]

AGENT INFORMATION (if applicable)

Name: [illegible]

Mailing Address: [illegible]

Contact Phone #: [illegible] E-mail: [illegible]

FOR OFFICE USE ONLY

Date application received: 10/26/21 Fee Paid: $ 100

Must be acted on by: 11/15/21

Extended to: _____

Approved: P Disapproved: _____

Chairman: _____

Member: Roy D Pado

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

Approved as submitted due to lack of visibility and with a $2000 fine to be levied

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. 2020-10-4804

☐ Pool (Zoning District ____) ☐ Roof ☒ Other Install Ground Level Deck

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Width: _____ Sq. footage 2nd floor: _____ Sq. footage 3rd floor: _____

Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor Size: _____ ☐ 1st floor ☐ 2nd floor

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date:

Original Builder,

REVISIONS (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height: _____ Type: _____ Length: _____

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

Manufacturer _____ Rough Opening _____ Size _____ Location _____

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

Leaders (material and size): _____

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

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

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

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

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

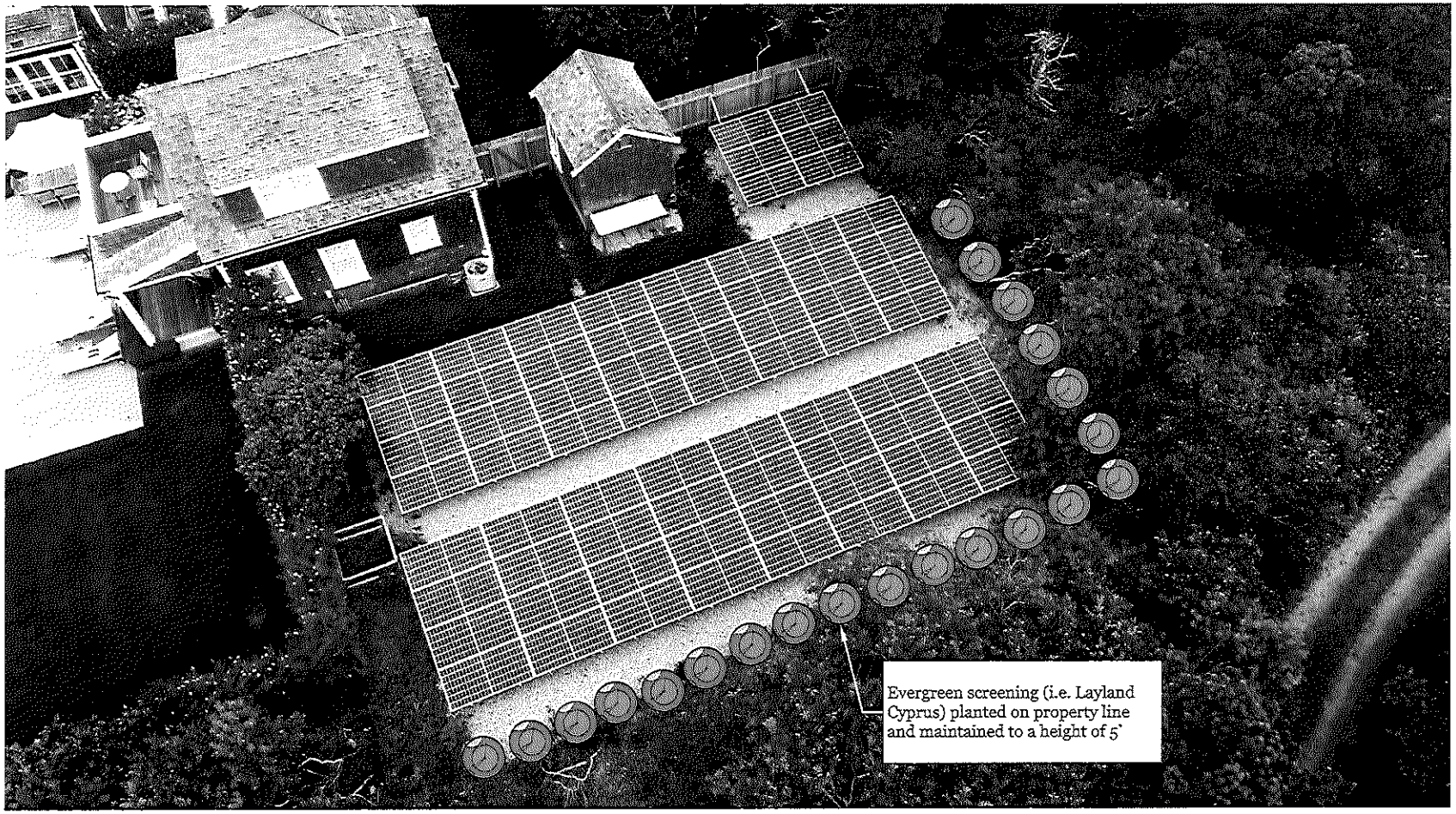
Sidewall _____ Clapboard (if applicable) _____ Roof _____

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.



PROPOSED SCREENING

SOLAR FIXED TILT GROUND ARRAY
29.75 KW DC, 19.0 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	11/05/2020	SUBMITTED FOR ENGINEERING REVIEW
3	9/29/2021	AS BUILT - SUBMITTED FOR REVIEW
4		
5		

PV 04

2013 00003341
Bk: 1409 Pg: 327 Page: 1 of 7
Doc: DD 10/24/2013 02:27 PM

QUITCLAIM DEED

Parcel C, Holly Street and Weweeder Avenue
Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Board of Selectmen (the "Grantor"), in consideration of Five Thousand and 00/100 Dollars ($5,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **21 Woodbine, LLC**, a Massachusetts limited liability company, having an address of 204 Van Rensselear Avenue, Stamford, Connecticut 06902 (the "Grantee"), with QUITCLAIM COVENANTS, a certain plot of land shown as Parcel C, Holly Street and Weweeder Avenue containing 9,800 square feet, more or less, in Nantucket, Massachusetts shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass. of Holly Street, Weweeder Avenue, Prepared by Bracken Engineering, Inc.," dated February 27, 2013, recorded with Nantucket County Registry of Deeds as Plan No. 2013-14. The premises hereby conveyed are a portion of Holly Street and Weweeder Avenue and, is a vacant nonconforming lot (the "Parcel").

The Grantor's conveyance of this Parcel is based in part on the Grantee's warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 21 Woodbine Street and shown on Town Assessor's Map 80 as Parcel 321 previously acquired by Grantee pursuant to Deed recorded with said Deeds in Book 1342, Page 75 (collectively with the Parcel, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Board of Selectmen and such permission is recorded at the Registry. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use, prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcels to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Board of Selectmen and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking recorded with said Deeds in Book 1383, Page 248.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this 23 day of October, 2013.

TOWN OF NANTUCKET

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Rick Atherton

Robert DeCosta

Bruce D. Miller

Matthew G. Fee

Tobias B. Glidden

NANTUCKET LAND BANK
CERTIFICATE
☑ Paid $ 100.00
☐ Exempt
☐ Non-applicable
3161 10/24/13
No. Date
Authorization

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 23 day of October, 2013, before me, the undersigned Notary Public, personally appeared Rick Atherton, Robert DeCosta, Bruce D. Miller, Matthew G. Fee and Tobias B. Glidden as Members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Board of Selectmen of the Town of Nantucket.

Erika Davidson Mooney
Notary Public
My Commission Expires:

ERIKA DAVIDSON MOONEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 17, 2017

ERIKA DAVIDSON MOONEY NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

484110/NANT19712/0101

Town of Nantucket

OFFICE OF THE
TOWN & COUNTY CLERK
16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: http://www.nantucket-ma.gov

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 99: "Real Estate Conveyance: "Paper" Streets, Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 99 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 99

(Real Estate Conveyance: "Paper" Streets, Surfside)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Plum, Poplar and Holly Streets between the northern sideline of Pochick Avenue and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue; excluding any portion of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue));
- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street;
- Miacomet, Monomoy and Massasoit Avenues between the centerline of Irving and Hawthorne Streets;
- Masquetuck and Dunham Streets between the northern sideline of Pochick Avenue and the southern sideline of Boulevarde;
- Dunham Street and Irving Street: between the northern sideline of Nobadeer Avenue and the southern sideline of Weweeder Avenue;
- Irving Street and Hawthorne Street: between the northern sideline of Massasoit Avenue and the southern sideline of Miacomet Avenue (excluding any portion of Monomoy Avenue);
- Holly Street between the northern sideline of Nonantum Avenue to the southern sideline of Pochick Avenue (excluding any portion of Weweeder and Nobadeer Avenues);
- Maclean Street between the eastern sideline of Fairgrounds Road and the eastern sideline of Myrtle Street;
- Mequash Avenue (f.k.a. Sechacha Avenue) between the western sideline of Pequot Street (formerly or also known as Orange Street) and the eastern sideline of Naushon Way (f.k.a. Cherry Street);
- Pochick Avenue between the eastern sideline of Naushon Way (f.k.a. Cherry Street) to the western sideline of Masquetuck Street (excluding any portion or Pequot and Woodbine Streets);
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Pequot Avenue (formerly or also known as Orange Street) and the western sideline of Masquetuck Street and the terminus of a turning tee and the eastern sideline of Atlantic Avenue;
- Woodbine Street between the northern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue);
- Myles Standish Street (f.k.a. or a.k.a. Shimmo Street) between the northern lot line of property at 38 Pochick Avenue (Assessor Map 80 Parcel 11) and a north and east sideline of a property at 36 Pochick Avenue (Assessor Map 80, Parcel 285) and the southern sideline of Boulevarde;
- Copeland Street between the southern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the eastern sideline of Atlantic Avenue;

- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western sideline of Surfside Road (f.k.a. Myrtle Street);
- Station Avenue between the western sideline of Atlantic Avenue and its terminus at an property at 5 extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) west to the western sideline of Station Avenue;
- Curve Street between the northeastern sideline of Station Avenue and the western sideline of Cononicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Nonantum Avenue: between the western sideline of Laurel Street and the eastern sideline of Atlantic Avenue;
- Lovers Lane between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue;
- Weweeder Avenue between the western sideline of Irving Street to the eastern sideline of Surfside Road (f.k.a. Myrtle Street); excluding any portion of Boulevarde (f.k.a. Central Street), Clifford Street, Pequot Street and Cherry Street (a.k.a. Naushon Way);
- Western Avenue between the eastern sideline of Surfside Road and its eastern terminus;
- Poplar Street between the northern sideline of Western Avenue and the southern sideline of Atlantic Avenue;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Cononicus Street and the southern sideline of Atlantic Avenue;
- Boulevarde from the western sideline of Russell Street to the western lot line of Assessor Map 88 Parcel 31.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified in the Warrant under Article 99, as amended below, and subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street, and Laurel Street (n.k.a. Cononicus Street) between the northern sideline of an unnamed way and the southern sideline of Atlantic Avenue;
- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the ~~western~~ northern sideline of Western Avenue excluding any portion of Surfside Road (f.k.a. Myrtle Street);

- Station ~~Avenue~~ Street between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station ~~Avenue~~ Street;
- Curve Street between the northeastern sideline of Station ~~Avenue~~ Street and the western sideline of Canonicus Street (f.k.a. or a.k.a. Laurel Street);
- ~~Arrugia~~ Atlantic Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Canonicus Street and the southern sideline of Atlantic Avenue.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011.

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

20113 0400606014
Pg:0 Page: 0
e: PLAN 03/29/2013 01:53 PM

NANTUCKET REGISTRY OF DEEDS
Date: 03/29/2013
Time: 1:53 PM
Plan No.: 2013-14
Jennifer Ferreira
Clerk Registrar

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.

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

3/1/13

ALAN M. GRADY, PLS
MASSACHUSETTS REG.
No. 37732

NOTES

1. LOCUS: WEWEEDER AVENUE
HOLLY STREET
(ON ASSESSORS MAP 80)

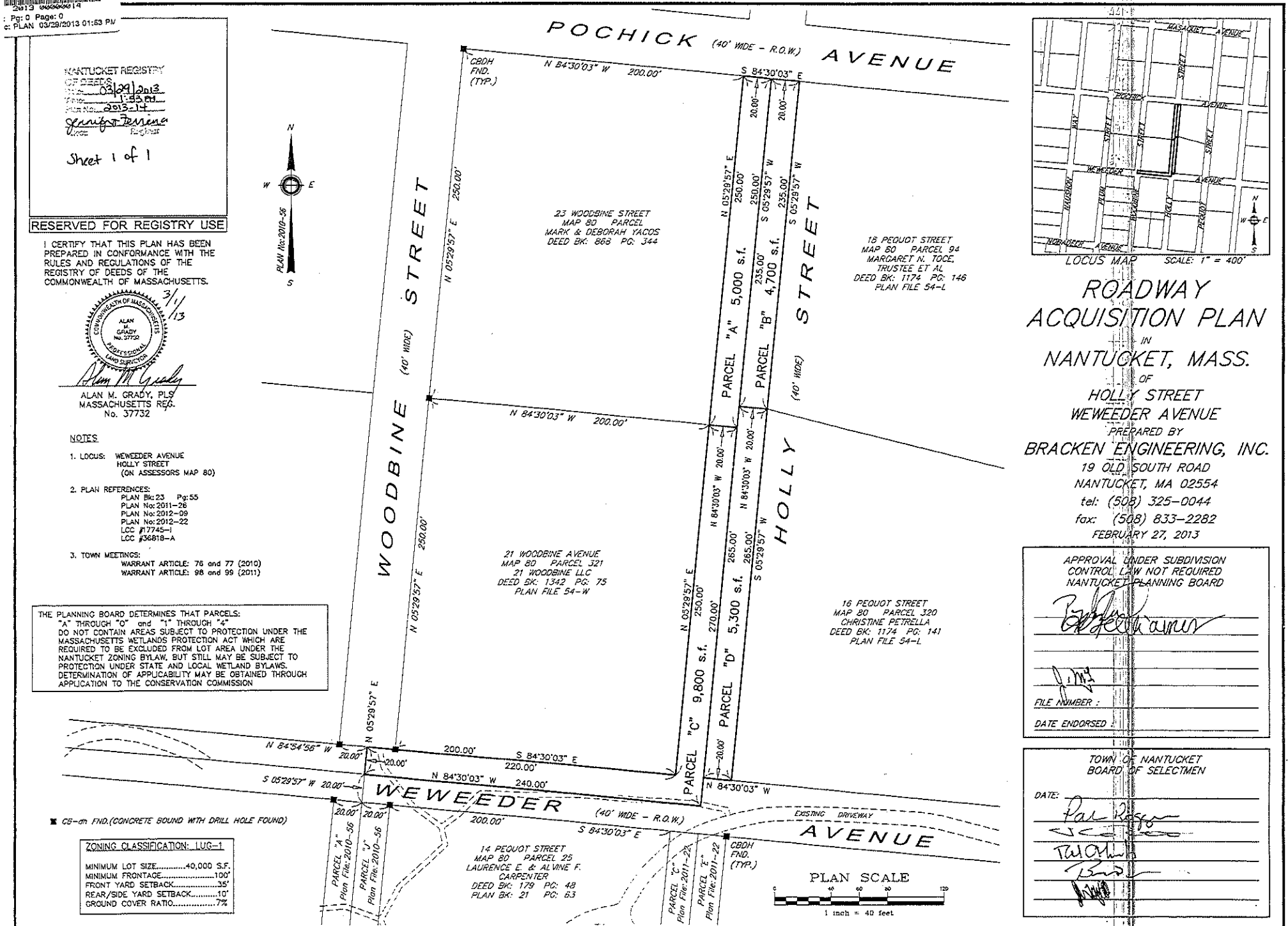
2. PLAN REFERENCES:
PLAN Bk: 23 Pg: 55
PLAN No: 2011-26
PLAN No: 2012-09
PLAN No: 2012-22
LCC #17745-I
LCC #36818-A

3. TOWN MEETINGS:
WARRANT ARTICLE: 76 and 77 (2010)
WARRANT ARTICLE: 98 and 99 (2011)

THE PLANNING BOARD DETERMINES THAT PARCELS: "A" THROUGH "D" and "1" THROUGH "4" 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

ZONING CLASSIFICATION: LUG-1

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



■ CS-dh FND.(CONCRETE BOUND WITH DRILL HOLE FOUND)

PLAN SCALE
0 40 60 80 120
1 inch = 40 feet

LOCUS MAP SCALE: 1" = 400'

ROADWAY ACQUISITION PLAN

IN

NANTUCKET, MASS.

OF

HOLLY STREET
WEWEEDER AVENUE

PREPARED BY

BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282

FEBRUARY 27, 2013

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED
NANTUCKET PLANNING BOARD

FILE NUMBER :

DATE ENDORSED :

TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE:

91

2021 00000206
Bk: 1796 Pg: 220 Page: 1 of 8
Doc: DD 01/19/2021 12:22 PM

QUITCLAIM DEED

Parcel A, Weweeder Avenue, Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the "Grantor"), in consideration of Eight Thousand One Hundred and 00/100 Dollars ($8,100.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **LAURENCE E. CARPENTER and ALVINE CARPENTER,** husband and wife as tenants by the entirety, of 14 Pequot Street, Nantucket Massachusetts 02554 (the "Grantee"), with QUITCLAIM COVENANTS, a certain lot of land in Nantucket, Massachusetts shown as Parcel A, Weweeder Avenue, on plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass. of a Portion of Weweeder Avenue" dated February 21, 2020, prepared by Bracken Engineering, Inc. and recorded with Nantucket County Registry of Deeds as Plan No. 2020-15 (the "Plan"). The premises hereby conveyed are a portion of Weweeder Avenue in Nantucket, Massachusetts and contain approximately 4,050 square feet of vacant land (the "Parcel").

The Parcel is conveyed subject to a walking path easement shown as "Walking Path Easement 2,160 ±square feet" on a plan entitled "Exhibit A Easement Plan in Nantucket, Mass. Prepared for Town of Nantucket Prepared by Bracken Engineering, Inc.," dated November 19, 2020, attached hereto and incorporated herein as Exhibit A, and a four foot (4') wide walking path easement over the area formerly known as Woodbine Street shown as "Walking Path Easement" on a plan recorded with said Deeds as Plan No. 2011-10 and the Exhibit A Easement Plan (together, the Walking Path Easements"), reserved by the Grantor for the following purposes:

1. Public access only by foot or non-motorized transportation over the Walking Path Easements, except for use of motorized wheelchairs or other mobility devices for the disabled or vehicles used in the construction, maintenance, repair, replacement or relocation of the Walking Paths; and
2. The right to cut or trim trees, shrubbery or vegetation in order to construct and maintain the Walking Paths and to re-surface the Walking Paths with any materials in the Grantor's sole discretion.

The Grantor's conveyance of this Parcel is based in part on the Grantee's warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting lot at 14 Pequot Street in said Nantucket and shown on Town Assessor's Map 80 as Parcel 25 (together, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or

of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking dated October 7, 2020 recorded with said Deeds in Book 1772, Page 36.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this 16 day of December, 2020.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Jason Bridges

Matthew G. Fee

Kristie L. Ferrantella

Melissa K. Murphy

NANTUCKET LAND BANK
CERTIFICATE
☑ Paid $ 162-
☐ Exempt
☐ Non-applicable
42762 12/17/21
No. Date
Authorization

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 17 day of December 2020, before me, the undersigned Notary Public, personally appeared Dawn E. Hill Holdgate, ~~Jason Bridges~~, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

742719NANT19712/0001

ERIKA DAVIDSON MOONEY
MY COMMISSION EXPIRES
NOVEMBER 1, 2024
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

Town of Nantucket

OFFICE OF THE
TOWN & COUNTY CLERK
16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: http://www.nantucket-ma.gov

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 99: "Real Estate Conveyance: "Paper" Streets, Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 99 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 99

(Real Estate Conveyance: "Paper" Streets, Surfside)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Plum, Poplar and Holly Streets between the northern sideline of Pochick Avenue and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue; excluding any portion of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue));
- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street;
- Miacomet, Monomoy and Massasoit Avenues between the centerline of Irving and Hawthorne Streets;
- Masquetuck and Dunham Streets between the northern sideline of Pochick Avenue and the southern sideline of Boulevarde;
- Dunham Street and Irving Street: between the northern sideline of Nobadeer Avenue and the southern sideline of Weweeder Avenue;
- Irving Street and Hawthorne Street: between the northern sideline of Massasoit Avenue and the southern sideline of Miacomet Avenue (excluding any portion of Monomoy Avenue);
- Holly Street between the northern sideline of Nonantum Avenue to the southern sideline of Pochick Avenue (excluding any portion of Weweeder and Nobadeer Avenues);
- Maclean Street between the eastern sideline of Fairgrounds Road and the eastern sideline of Myrtle Street;
- Mequash Avenue (f.k.a. Sechacha Avenue) between the western sideline of Pequot Street (formerly or also known as Orange Street) and the eastern sideline of Naushon Way (f.k.a. Cherry Street);
- Pochick Avenue between the eastern sideline of Naushon Way (f.k.a. Cherry Street) to the western sideline of Masquetuck Street (excluding any portion or Pequot and Woodbine Streets);
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Pequot Avenue (formerly or also known as Orange Street) and the western sideline of Masquetuck Street and the terminus of a turning tee and the eastern sideline of Atlantic Avenue;
- Woodbine Street between the northern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue);
- Myles Standish Street (f.k.a. or a.k.a. Shimmo Street) between the northern lot line of property at 38 Pochick Avenue (Assessor Map 80 Parcel 11) and a north and east sideline of a property at 36 Pochick Avenue (Assessor Map 80, Parcel 285) and the southern sideline of Boulevarde;
- Copeland Street between the southern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the eastern sideline of Atlantic Avenue;

- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western sideline of Surfside Road (f.k.a. Myrtle Street);
- Station Avenue between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) west to the western sideline of Station Avenue;
- Curve Street between the northeastern sideline of Station Avenue and the western sideline of Cononicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Nonantum Avenue: between the western sideline of Laurel Street and the eastern sideline of Atlantic Avenue;
- Lovers Lane between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue;
- Weweeder Avenue between the western sideline of Irving Street to the eastern sideline of Surfside Road (f.k.a. Myrtle Street); excluding any portion of Boulevarde (f.k.a. Central Street), Clifford Street, Pequot Street and Cherry Street (a.k.a. Naushon Way);
- Western Avenue between the eastern sideline of Surfside Road and its eastern terminus;
- Poplar Street between the northern sideline of Western Avenue and the southern sideline of Atlantic Avenue;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Cononicus Street and the southern sideline of Atlantic Avenue;
- Boulevarde from the western sideline of Russell Street to the western lot line of Assessor Map 88 Parcel 31.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified in the Warrant under Article 99, as amended below, and subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- **Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street, and Laurel Street (n.k.a. Cononicus Street) between the northern sideline of an unnamed way and the southern sideline of Atlantic Avenue;**
- **Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the ~~western~~ northern sideline of Western Avenue excluding any portion of Surfside Road (f.k.a. Myrtle Street);**

- Station ~~Avenue~~ Street between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station ~~Avenue~~ Street;
- Curve Street between the northeastern sideline of Station ~~Avenue~~ Street and the western sideline of Canonicus Street (f.k.a. or a.k.a. Laurel Street);
- ~~Street) between~~ Arrugia ~~Alley~~ Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Canonicus Street and the southern sideline of Atlantic Avenue.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011.

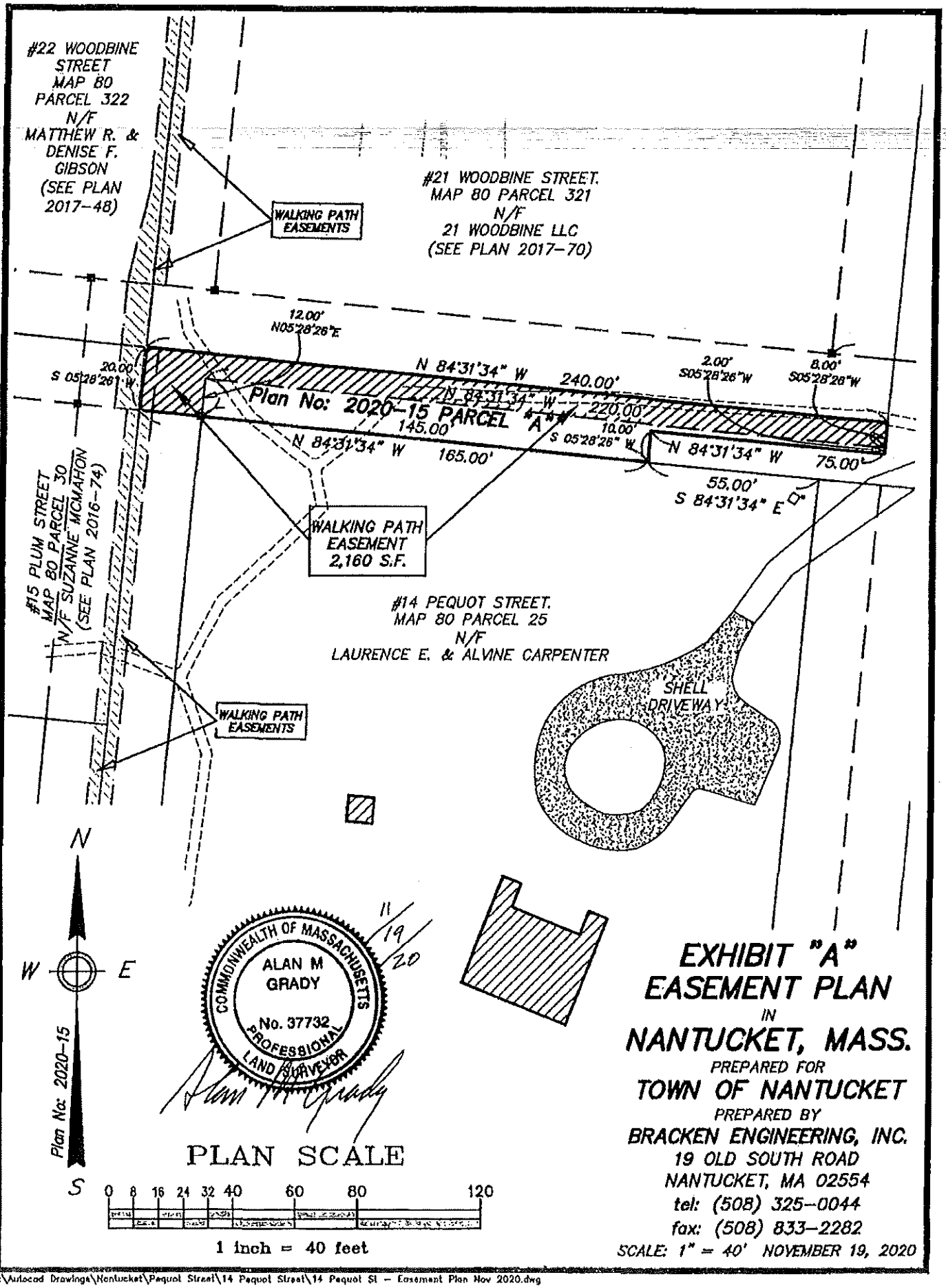
Nancy L. Holmes

NANTUCKET TOWN CLERK

ATTEST: TRUE COPY

Nancy L. Holmes

NANTUCKET TOWN & COUNTY CLERK



S:\Autocad Drawings\Nantucket\Pequot Street\14 Pequot Street\14 Pequot St - Easement Plan Nov 2020.dwg

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

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

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

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

WILLIAM F. HUNTER
OF COUNSEL

August 2, 2021

VIA E-MAIL

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

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

Dear Leslie,

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

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

Sincerely,

Richard Beaudette, Esq.

RPB/
Encs.

21 WOODBINE STREET
NANTUCKET, MA 02554

102

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

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

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

WILLIAM F. HUNTER
OF COUNSEL

July 13, 2021

VIA HAND DELIVERY AND EMAIL

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

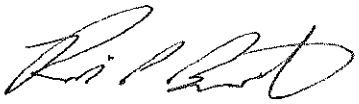
Re: Ack Smart
4 S. Beach Street Extension
Nantucket, MA 025254
Application for Variance

Dear Nantucket Board of Appeals,

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

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

Sincerely,



Richard Beaudette

RPB/BJS
Encs.
cc:

NANTUCKET TOWN CLERK

2021 JUL 13 AM 11:02

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
JUL 13 2021
By

APPLICATION

Fee: $450.00 File No._____

Owner's name(s): 21 Woodbine LLC

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

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

Applicant's name(s): Ack Smart

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

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

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

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

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

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

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

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

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

Previous Zoning Board Application Numbers: N/A

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

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

SEE ADDENDUM ATTACHED HERETO

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

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

SIGNATURE: _____ Applicant/Attorney/Agent*
*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/ / By:_____Complete:_____Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:_____
Fee deposited with Town Treasurer:_/_/_ By:__Waiver requested:_____ Granted:
/ / Hearing notice posted with Town Clerk:_/_/ Mailed: / /_____ I&M / /
& / / Hearing(s) held on: / / Opened on : / /____ Continued to: / /
Withdrawn: / / Decision Due By: / /__

Made: / / Filed w/Town Clerk: / / Mailed: / /_____

ADDENDUM

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

BACKGROUND INFORMATION

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

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

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

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

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

EXISTING CONDITIONS

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

REQUESTED RELIEF

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

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

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

Exhibit "A"

Bryan Swain

Subject: FW: Zoning set back question

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

Zach,

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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

Marcus,

Thank you for the response.

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

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

Thanks again,

Zach

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

Zach,

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

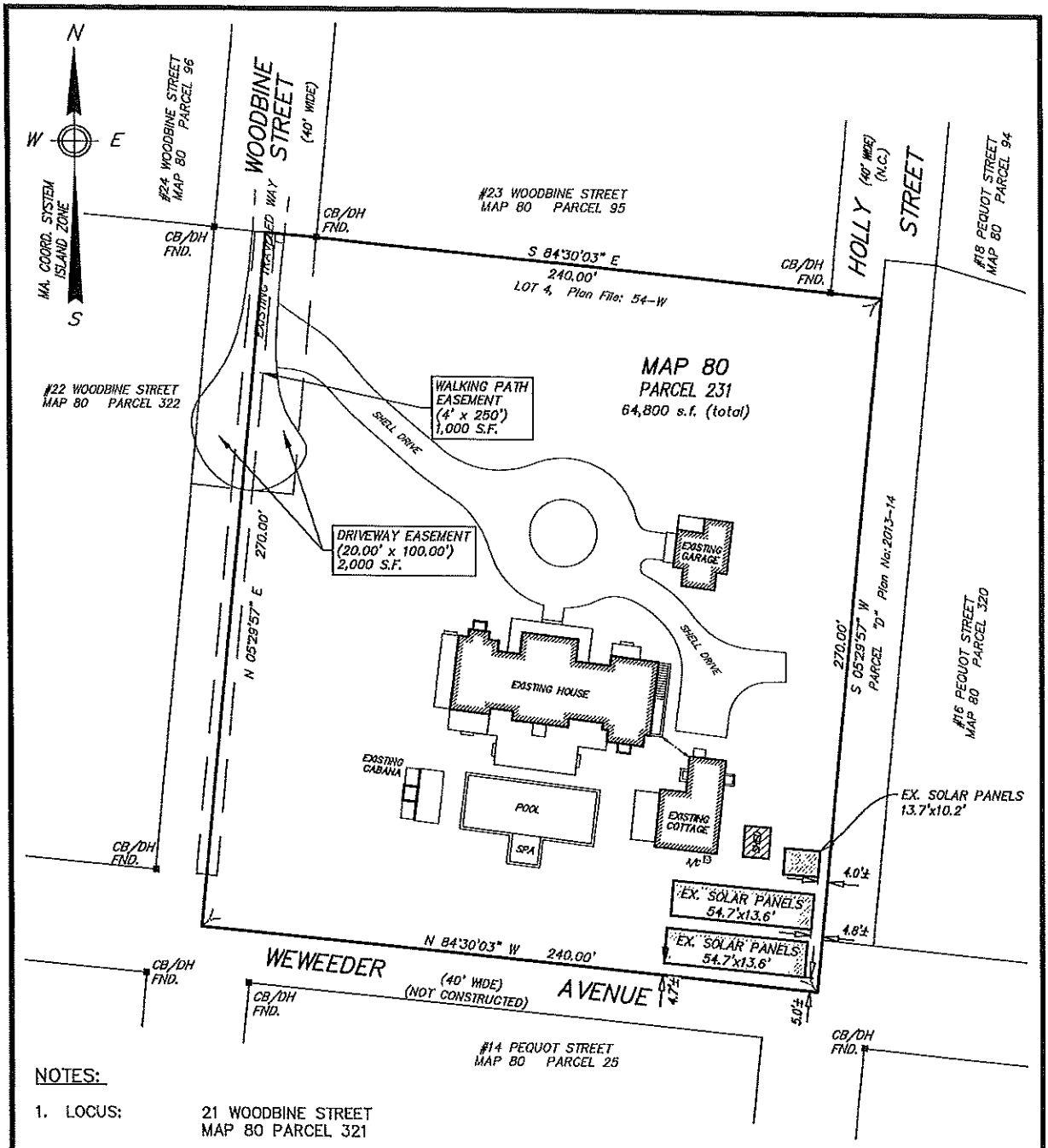
setback areas if necessary. See also Massachusetts General Laws (MGL) Ch. 40A, Sec. 3, para. 9.

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

Exhibit "B"



NOTES:

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

TO THE TOWN OF NANTUCKET:

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

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

PROFESSIONAL LAND SURVEYOR

PLAN SCALE

0 8 16 24 32 40 60 80 120

1 inch = 40 feet

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

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

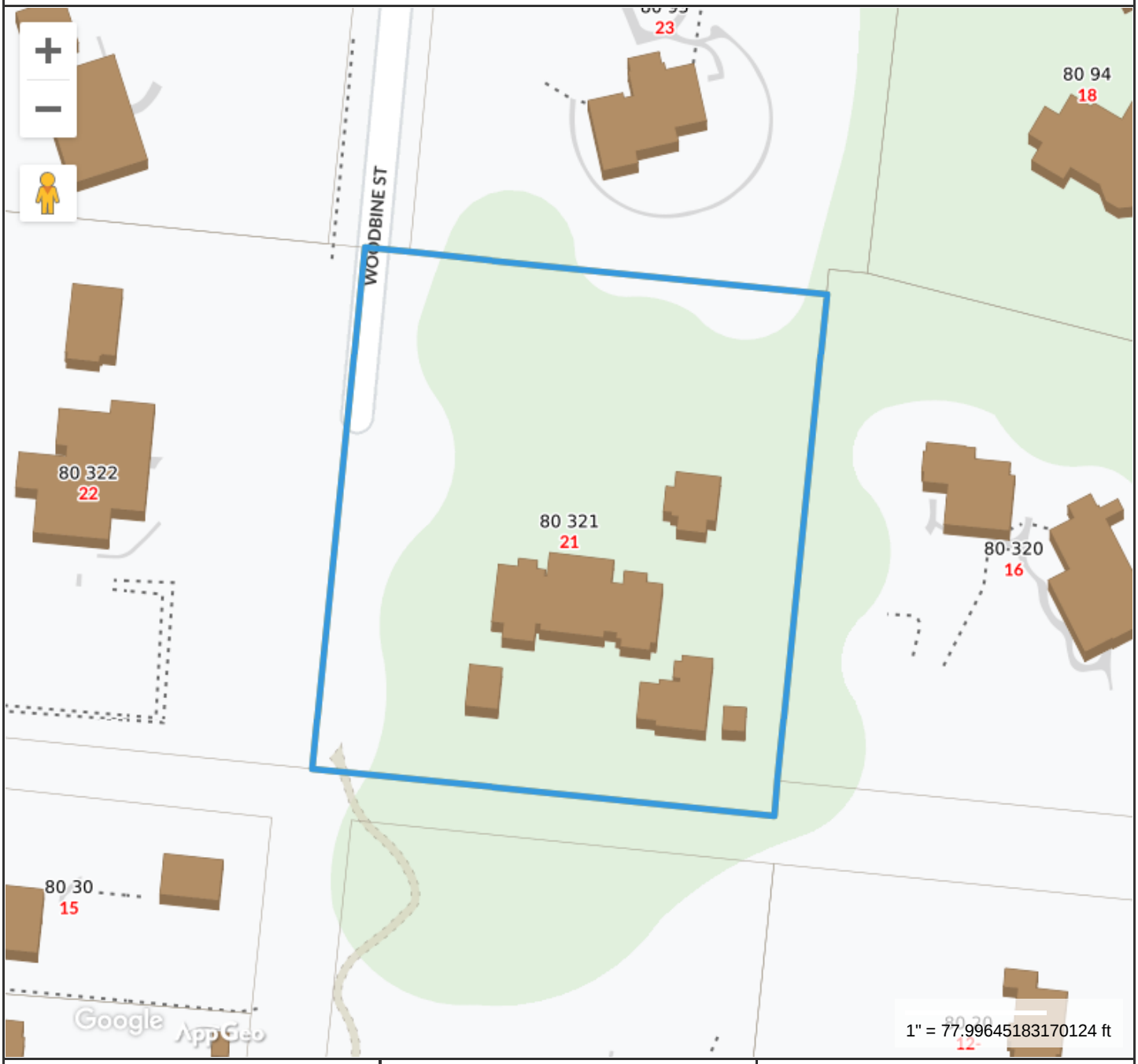
SOLAR PANEL AS-BUILT

IN NANTUCKET, MA.

Prepared for:

ACK SMART ENERGY
#21 WOODBINE STREET
MAP 80 PARCEL 231

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



Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

Town of Nantucket

Zoning Board of Appeals

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

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

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

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

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

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

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.07.01 13:39:07 -04'00'

7-1-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

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

RECEIVED
DEC 01 2020
By

BLDR-2020-12-1103
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

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

1. LOCATION OF BUILDING

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

21 WOODBINE ST
No. Street

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

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

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

B. OWNERSHIP
- ☒ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$95,000

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

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

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

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

DIMENSIONS 37' X 48'

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

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

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

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

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

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

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

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

3. Continued

M. ENERGY CONSERVATION

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

Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____

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

Percentage of Window Area to Wall Area: _____

N. STRUCTURAL CHARACTERISTICS OF BUILDING

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

Foundation

Footing size: _____ Footing reinforcing: _____

Wall material: _____ Wall thickness: _____

Wall height: _____ Wall reinforcing: _____

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

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

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

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

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

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

SKETCH OF PROPOSED WORK (minor projects)

GROUND SOLAR

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

$100.00

4. ZONING COMPLIANCE To be completed by all applicants

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

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

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

SUBDIVISION INFORMATION

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

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

DIMENSIONS

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

GROUND COVER

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

Total: _____ SF.
Allowable: _____ SF.

MISCELLANEOUS

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

FOR ZONING OFFICER

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

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

Date: 12/9/20

APPROVED BY: _____
Zoning Officer

5. IDENTIFICATION - To be completed by all applicants

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

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

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

Signature of applicant Timothy Carruthers

Address 38 BOWDOIN ST

Telephone # 781 325 6128

Print name TIMOTHY CARRUTHERS

E-Mail Address: SOLAR@ACKSMART.COM

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required				
HISTORIC DISTRICTS COMMISSION	HDC	2020.10.2161		11-09-20
SEPTIC	Proposed panels meet setbacks to septic system. OK. ABC 11/25/2020			
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

7. VALIDATION

Building Permit Issued 12 11 2020

Building Permit Fee $100.00

Date of Issuance of Certificate of Occupancy

FOR DEPARTMENT USE ONLY

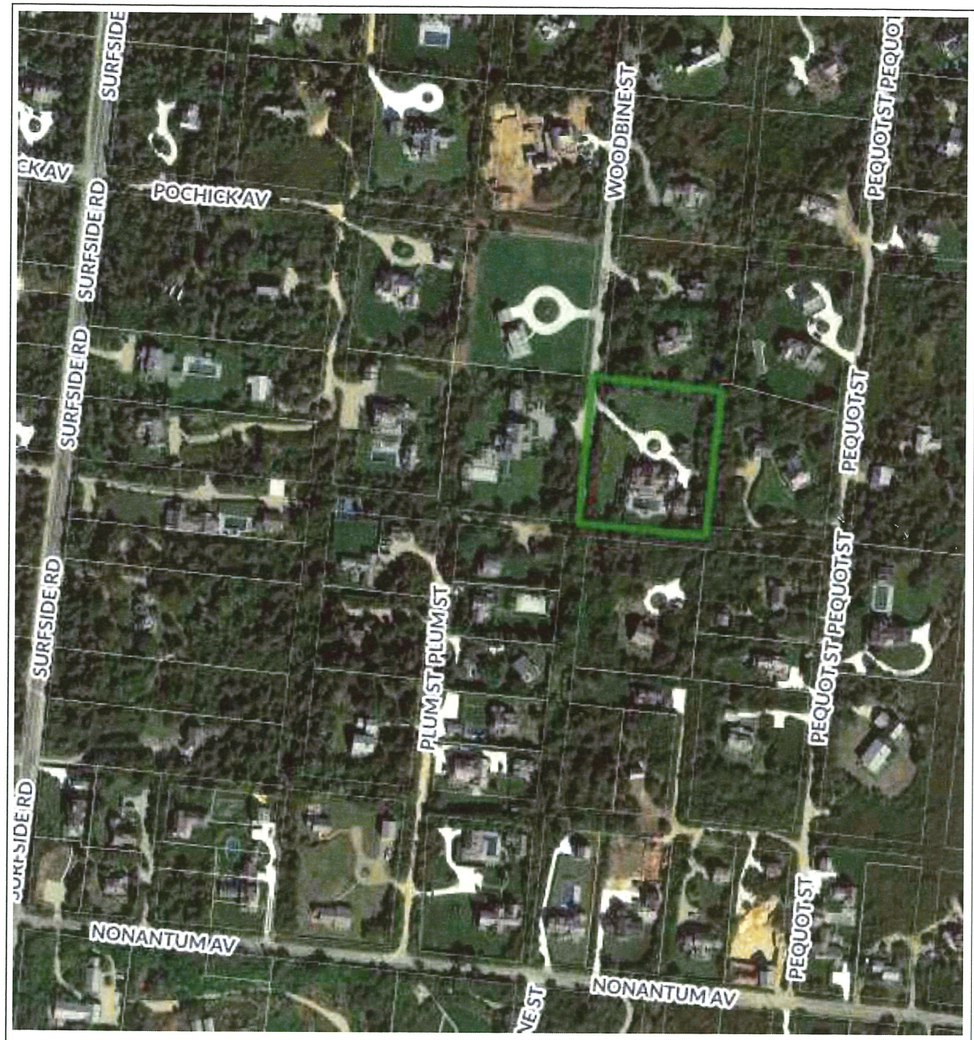
Use Group R3

Occupancy Load

Census No. 650

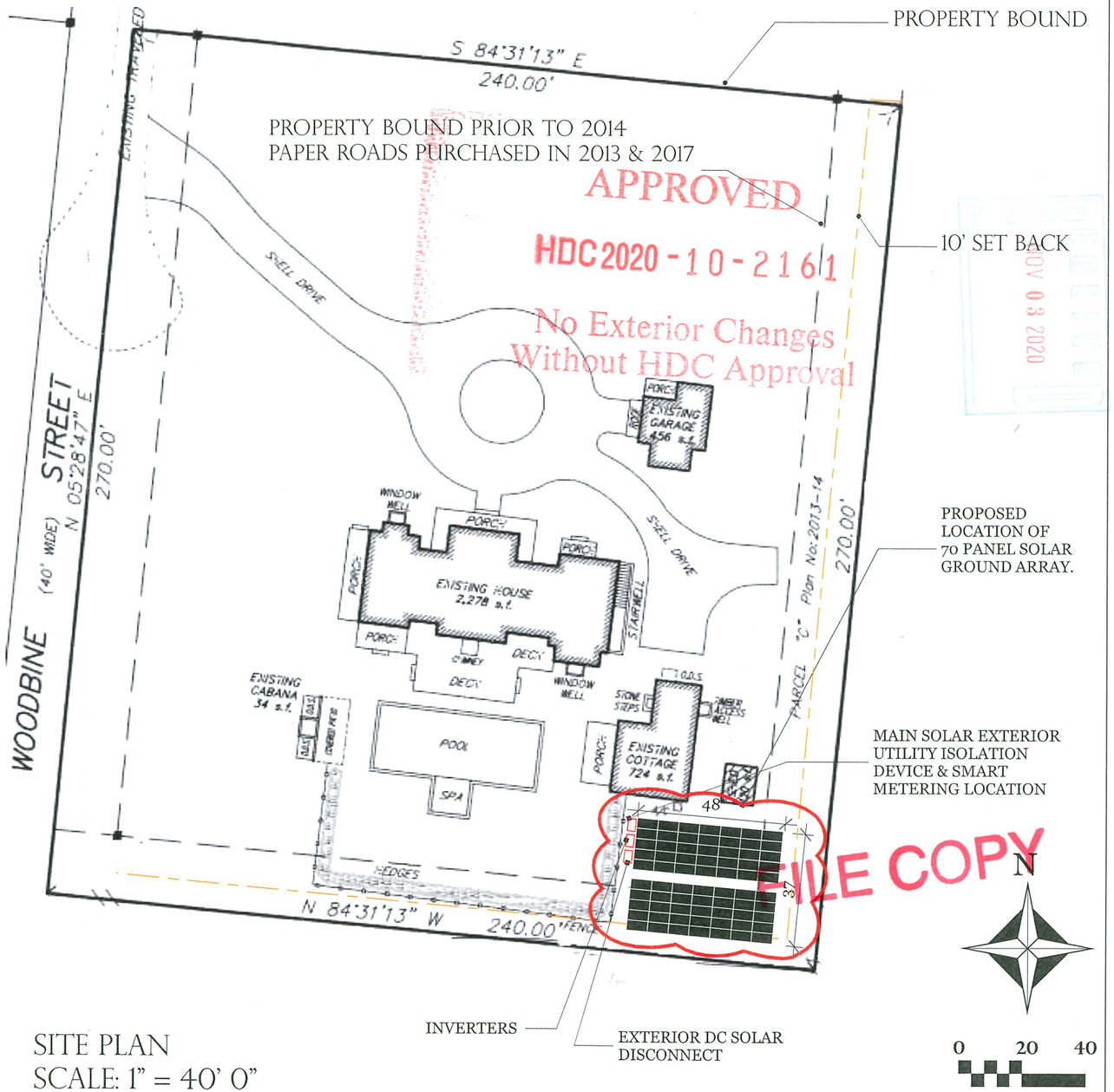
Approved by:

Building Commissioner



LOCUS MAP
SCALE: NOT TO SCALE

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



SITE PLAN
SCALE: 1" = 40' 0"

FILE COPY

NOV 03 2020

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

GIS & SITE PLAN

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

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

REVISIONS

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

PV 01

Letters

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

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

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

Thank you for your time,
Christine Petrella

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

Sent from my iPad

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

How do we submit written comments/questions?

Thank you,
Christine Petrella

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

Hi Christine –

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

Leslie Snell

_____

Leslie Woodson Snell, AICP, LEED AP BD+C

Deputy Director of Planning

Nantucket Planning & Economic Development Commission

Planning & Land Use Services (PLUS) Department

2 Fairgrounds Road

Nantucket, MA 02554

Telephone: 508-325-5385

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

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

Good evening,

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

Thank you,

Christine Petrella

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

Zachary,

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

Best regards,

Paul Murphy
Building Commissioner

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

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

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

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

RE: File No. 18-21 21 Woodbine St

Dear Ms. McCarthy:

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

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

We would like to express the following concerns:

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

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

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

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

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

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

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

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

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

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

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

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

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

Regards,

Larry & Alvene Carpenter

Laurence & Alvene Carpenter
14 Pequot St
Nantucket, MA 02493

Minutes from HDC November 9 Meeting:

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

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

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

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

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

August 1 (View from driveway looking west)

Timothy & Lauren Miner(Owner)

&

Ack Smart (Applicant)

File No. 19-21

12 South Valley Rd.

Variance Relief

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

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

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

WILLIAM F. HUNTER
OF COUNSEL

August 2, 2021

VIA E-MAIL

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

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

Dear Leslie,

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

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

Sincerely,

Richard Beaudette, Esq.

RPB/
Encs.

12 South Valley Road
Nantucket, MA 02554

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

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

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

WILLIAM F. HUNTER
OF COUNSEL

July 13, 2021

VIA HAND DELIVERY AND EMAIL

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

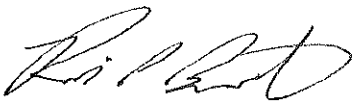
Re: Ack Smart
4 S. Beach Street Extension
Nantucket, MA 025254
Application for Variance

Dear Nantucket Board of Appeals,

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

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

Sincerely,



Richard Beaudette

RPB/BJS
Encs.
cc:

NANTUCKET
TOWN CLERK
2021 JUL 13 AM 11:02

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

RECEIVED
JUL 13 2021
By

Fee: $450.00

File No. 19-21

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

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

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

Applicant's name(s): Ack Smart

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

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

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

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

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

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

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

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

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

Previous Zoning Board Application Numbers: N/A

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

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

SEE ADDENDUM ATTACHED HERETO

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

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

SIGNATURE: _____ Applicant/Attorney/Agent*
*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/ / By:_____Complete:_____Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:_____
Fee deposited with Town Treasurer:_/_/_ By:__Waiver requested:_____ Granted:
/ / Hearing notice posted with Town Clerk:_/_/ Mailed: / /_____ I&M / /
& / / Hearing(s) held on: / / Opened on : / /____ Continued to: / /
Withdrawn: / / Decision Due By: / /__

Made: / / Filed w/Town Clerk: / / Mailed: / /_____

ADDENDUM

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

BACKGROUND INFORMATION

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

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

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

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

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

EXISTING CONDITIONS

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

REQUESTED RELIEF

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

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

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

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

Exhibit "A"

Bryan Swain

Subject: FW: Zoning set back question

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

Zach,

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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

Marcus,

Thank you for the response.

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

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

Thanks again,

Zach

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

Zach,

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

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

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

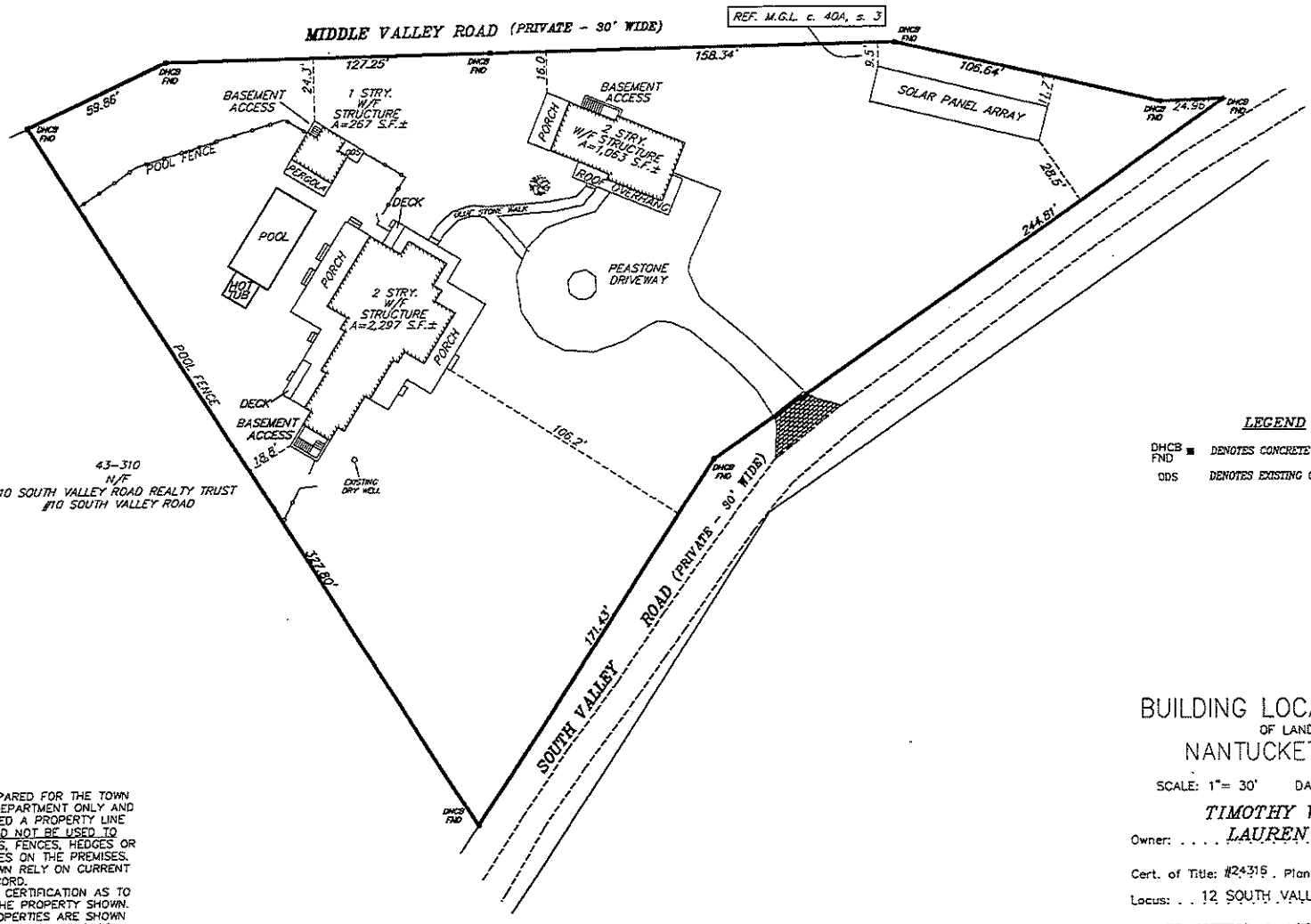
Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

Exhibit "B"

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

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



LEGEND

DHCB FND ■ DENOTES CONCRETE BOUND WITH DRILL HOLE FOUND

ODS DENOTES EXISTING OUTDOOR SHOWER

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

ASSESSOR MAP: . . 43 . . PARCEL: . . 139 . .

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

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

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

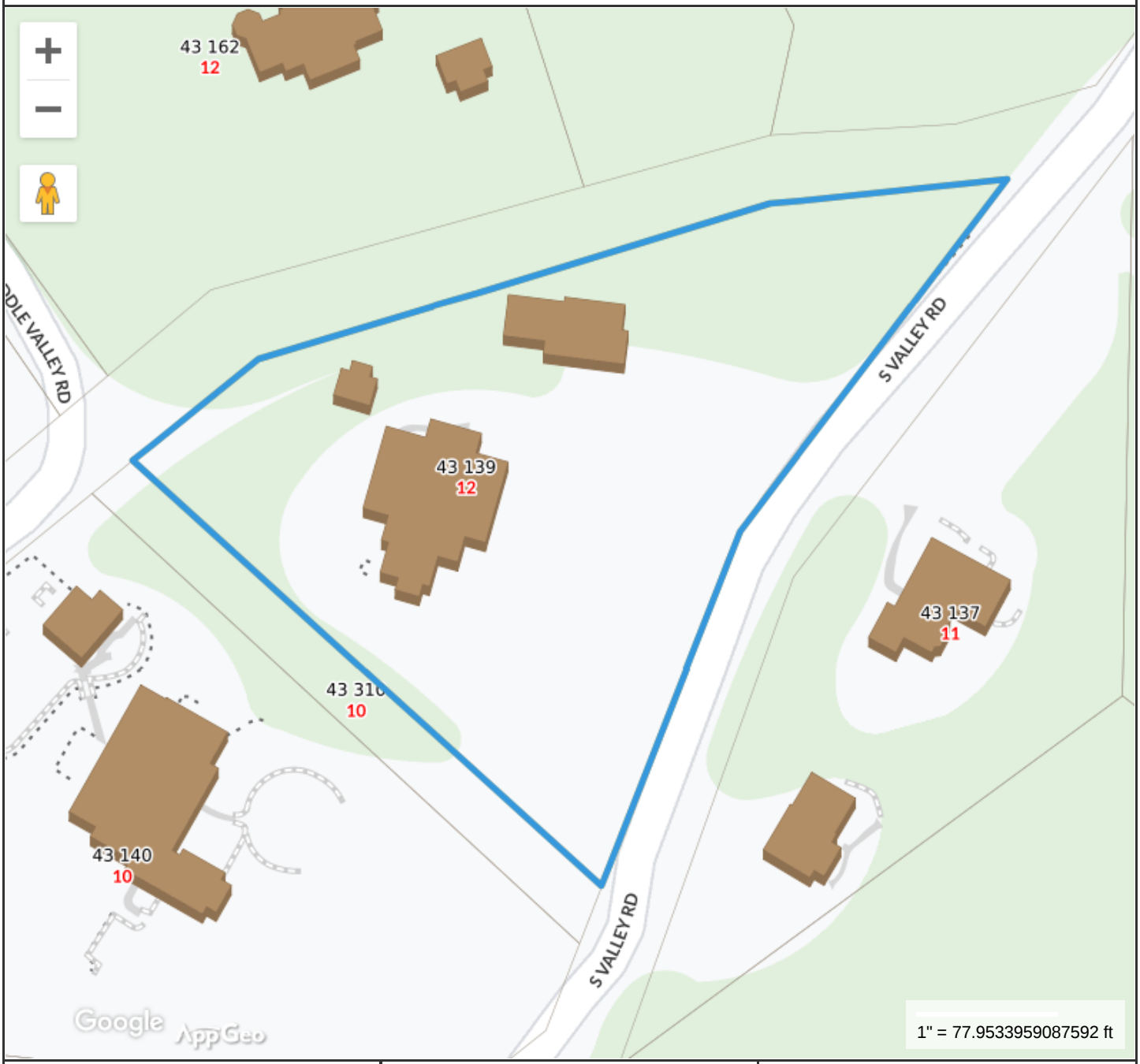
Cert. of Title: #24315 . Plan: L.C.C. 11461-H, LOT 21 L.C.C. 11461-J, LOT 76

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

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

B7530

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



Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

Town of Nantucket

Zoning Board of Appeals

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

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

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

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

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

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

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.07.01 13:43:41 -04'00'

7-1-2021
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

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

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

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

GONNELLA ROCK DYER
14 S VALLEY RD
NANTUCKET, MA 02554

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

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

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

MINER TIMOTHY & LAUREN
168 MAPLE STREET
SHERBORN, MA 01770

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

SOUTH VALLEY LLC
4 ST NICHOLAS RD
DARIEN, CT 06820

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

ANDERSON CLYDE B
PO BOX 19768
BIRMINGHAM, AL 35223

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

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

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

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

PAID JUL 30 2020 BY: #1263

RECEIVED JUL 21 2020 By

BLDR-2020-07-0691
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

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

1. LOCATION OF BUILDING

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

12 S VALLEY RD
No. Street

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

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

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

B. OWNERSHIP
- ☐ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$91,000.00

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

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

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

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

DIMENSIONS 55' X 35'

3. SELECTED CHARACTERISTICS OF BUILDING

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

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

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

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

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

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

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

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

3. Continued

M. ENERGY CONSERVATION

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

Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____

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

Percentage of Window Area to Wall Area: _____

N. STRUCTURAL CHARACTERISTICS OF BUILDING

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

Foundation

Footing size: _____ Footing reinforcing: _____

Wall material: _____ Wall thickness: _____

Wall height: _____ Wall reinforcing: _____

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

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

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

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

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

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

SKETCH OF PROPOSED WORK (minor projects)

GROUND SOLAR.

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

$100.00

4. ZONING COMPLIANCE To be completed by all applicants

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

Zoning District: _____ Total Land Area: _____

Frontage on Street: _____ Lot No.: _____

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

Date Lot Purchased: _____ Certificate No.: _____

Name of Previous Owner: _____

SUBDIVISION INFORMATION

Name of Owner: _____

Date of Plan Approval: _____

Type of Approval: ANR _____ AR _____

Planning Board File No.: _____

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

Is a Release required: YES _____ NO _____

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

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

TIME SHARING INFORMATION

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

Yes ____ No ____

DIMENSIONS

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

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

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

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

GROUND COVER

Principal Dwelling: _____

Secondary Dwelling: _____

Addition: _____ Total: _____ SF.

Garage: _____ Allowable: _____ SF.

Accessory Building: _____

Swimming Pool: _____

Other: _____

MISCELLANEOUS

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

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

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

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

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

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

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

FOR ZONING OFFICER

Minimum Lot Size: _____ Ground Cover Ratio: _____

Frontage on Street: _____ Side and Rear Setback: _____

Front Yard: _____ Secondary Dwelling approval _____

Additional Comments: _____ Board of Appeals _____

_____ Lot Release Form _____

_____

Date: 7/22/20 APPROVED BY: _____

Zoning Officer

5. IDENTIFICATION - To be completed by all applicants

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

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

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

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

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

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

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

7. VALIDATION

Building Permit Issued 7 23 2020

Building Permit Fee $ 100.00

Date of Issuance of Certificate of Occupancy

FOR DEPARTMENT USE ONLY

Use Group

Occupancy Load

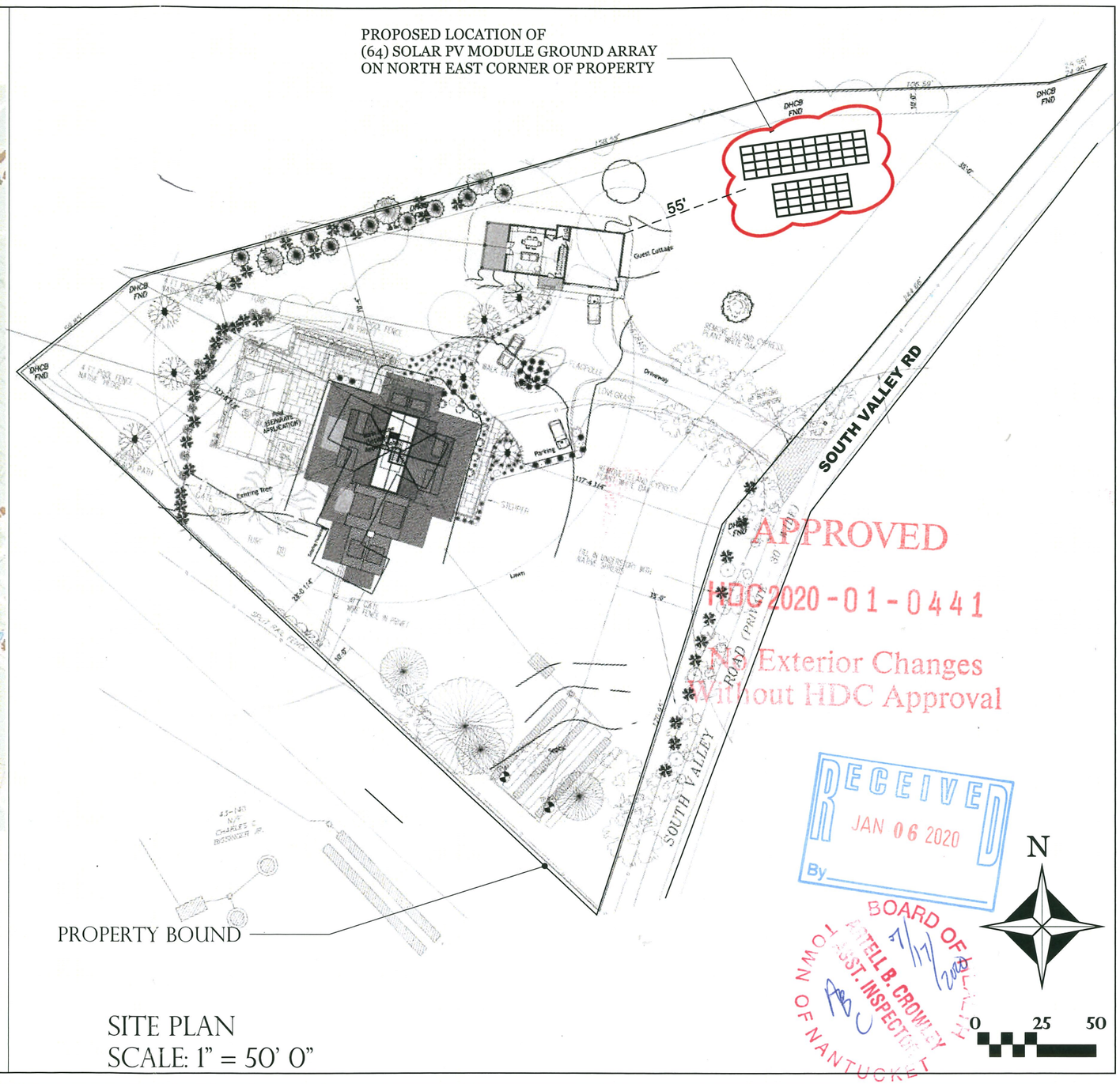
Census No. 650

Approved by:

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"

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

GIS & SITE PLAN

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

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

REVISIONS

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

PV 01

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

Zachary,

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

Best regards,

Paul Murphy
Building Commissioner

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

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

Michael S. & Kristina Elizabeth

JEMISON

File No. 21-21

195 C Hummock Pond Rd

Modification

NEW MATERIALS SUBMITTED

Pg 160-164

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

2 **Locus Map**

BOTTICELLI & POHL
11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P. 508.228.5455 | P. 617.482.4543

DATE REVISIONS

Site Plan

Cabana at
195C Hummock Pond Rd
Nantucket, MA 02554
MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92 REVISED: November 10, 2021

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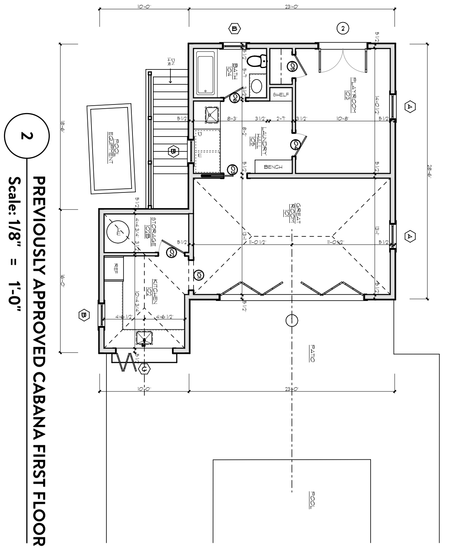
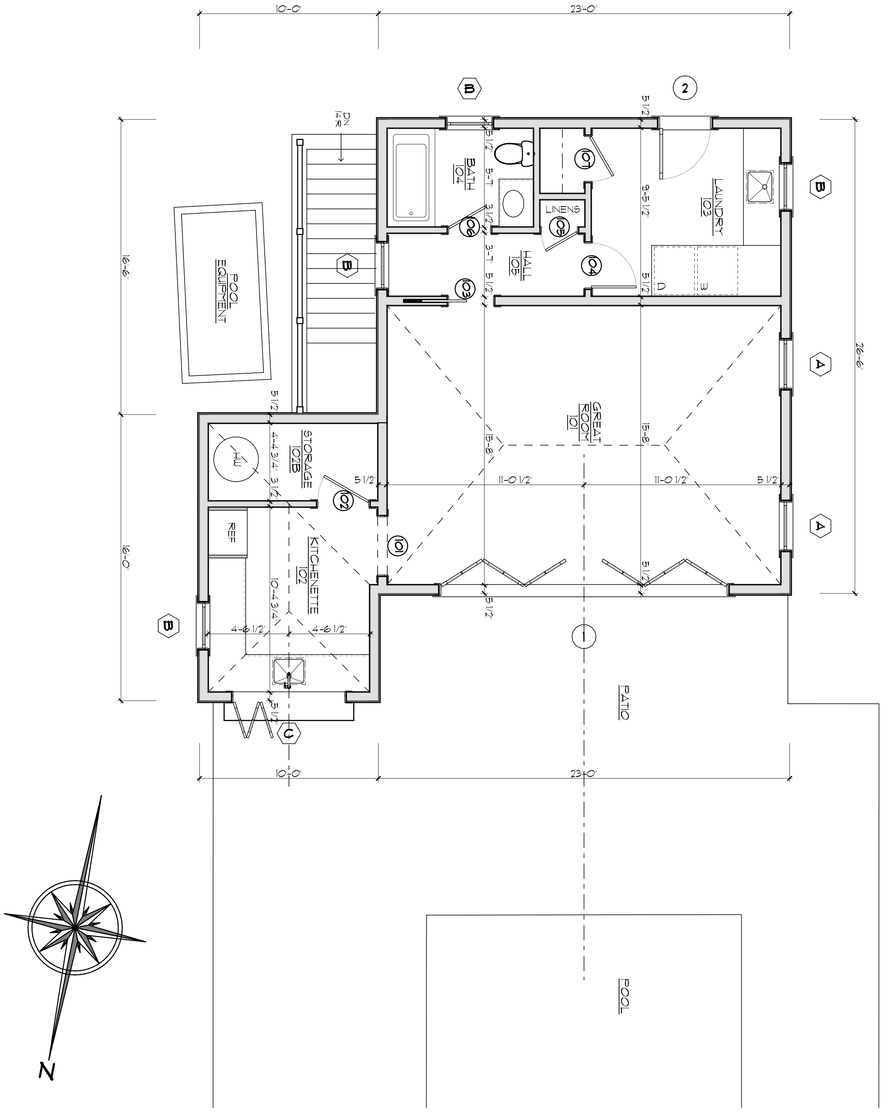
ID #
L-1.1



2 PREVIOUSLY APPROVED CABANA FIRST FLOOR
Scale: 1/8" = 1'-0"



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

ID# C-1.1

Cabana at
195C Hummock Pond Rd
Nantucket, MA 02554

MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92 REVISED: November 10, 2021

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Cabana Floor Plan

DATE REVISIONS

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P 508 228 5455

31 STATE STREET, BOSTON, MA 02109
P 617 482 4543

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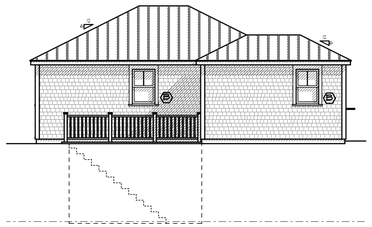
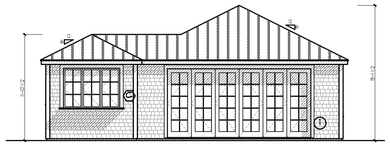
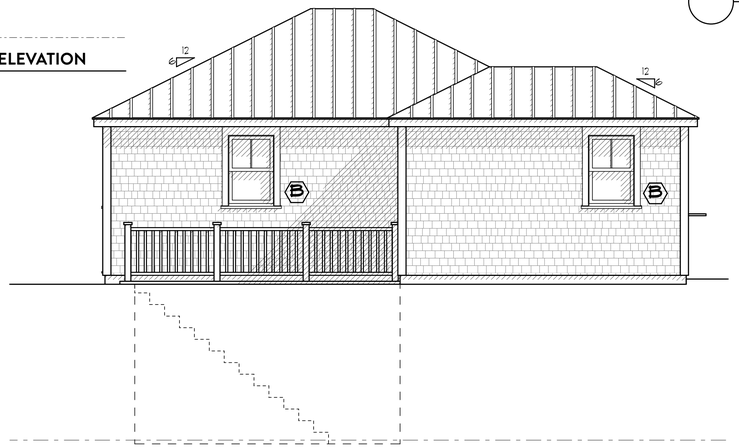


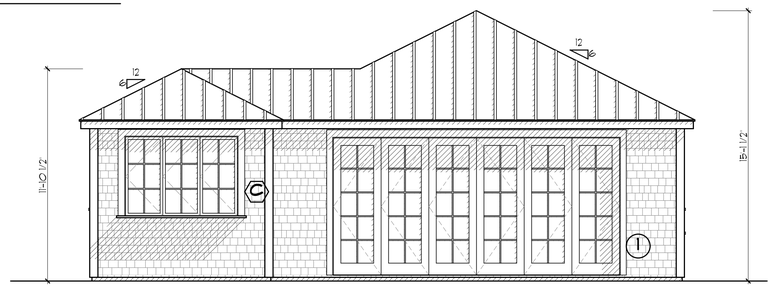
PREVIOUSLY APPROVED CABANA EAST ELEVATION
Scale: 1/8" = 1'-0"



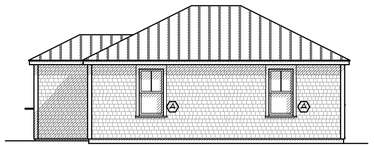
PREVIOUSLY APPROVED CABANA NORTH ELEVATION
Scale: 1/8" = 1'-0"



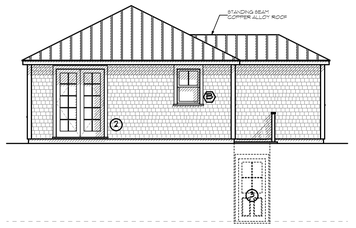
2 CABANA EAST ELEVATION
Scale: 1/4" = 1'-0"



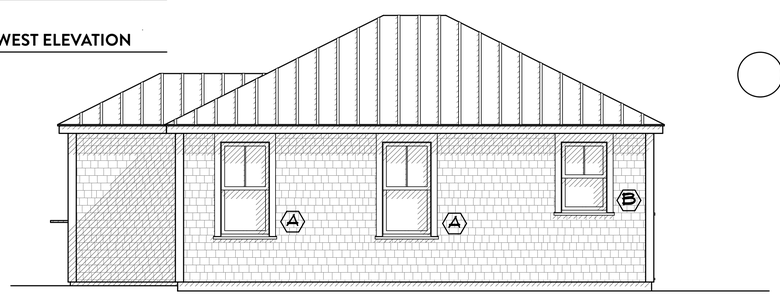
1 CABANA NORTH ELEVATION
Scale: 1/4" = 1'-0"



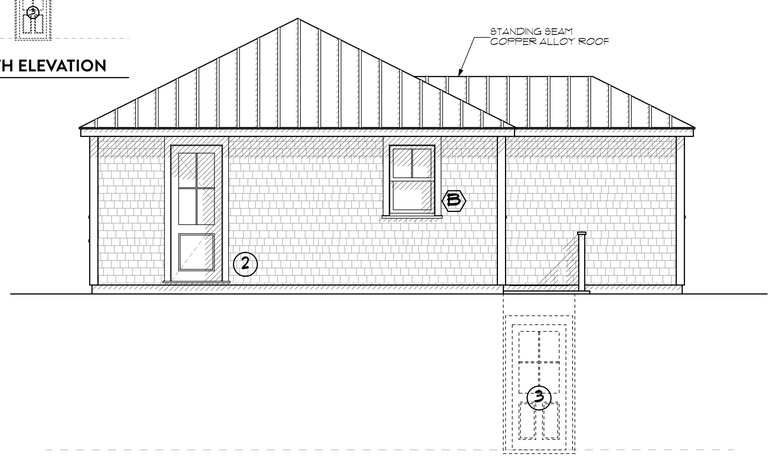
PREVIOUSLY APPROVED CABANA WEST ELEVATION
Scale: 1/8" = 1'-0"



PREVIOUSLY APPROVED CABANA SOUTH ELEVATION
Scale: 1/8" = 1'-0"



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



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

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

H.D.C. Submission: 10/27/20, 8/9/21
Rev.

Window Schedule

No.	Qn.	Type	Manuf.	Model #	Frame Size	Rough Opening	Lights	Comments
A	2	Double Hung	Marvin	WDH-1828	2'-9 3/8" x 5'-5"	2'-10 3/8" x 5'-5 1/2"	2 over 1	
B	4	Double Hung	Marvin	WDH-2620	2'-7 3/8" x 4'-1"	2'-8 3/8" x 4'-1 1/2"	2 over 1	
C	1	Trifold	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	Side Door	Custom		2'-10" x 7'-8"		4	over panel
3	1	Basement Door	Custom		3'-0" x 7'-0"		4	over panels

Notes:

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

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REVISIONS
DATE

Exterior Elevations

Cabana at
195C Hummock Pond Rd
Nantucket, MA 02554
MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92 REVISED: November 10, 2021

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ID #
C-2.1

Save

Save

ZBA

NANTUCKET
TOWN CLERK

2021 AUG 16 PM 3:11

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 File No. 21-21

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

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

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

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

Mailing Address: **Same**

Phone Number: E-Mail:

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

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

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

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

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

Date of Structure(s):

Building Permit Numbers:

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

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

See attached Addendum A

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

SIGNATURE:_____ Owner*

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

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

OFFICE USE ONLY

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

No. 13-21

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

TOWN OF NANTUCKET

Fee $850

APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

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

195C Hummock Pond Rd — Location - Address

65-23.2 — Assessors map and parcel no.

Mike + Kristina Jemison — Owner

2038 Meadow Glen, Wyomissing PA 19610 — Address

Strang LLC — Installer

10 Industry Rd Nantucket MA 02554 — Address

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

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

Other fixtures ____

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

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

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

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

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

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

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

3 <2 120" >120"

Description of Soil Sand

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

Agreement:

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

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

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

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

Signed ____ 1-7-21 Date

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

Application Disapproved for the following reasons: ____

NOTES:

Issued 1/22/21 Date

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

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 65 PARCEL N°. 23.2

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

Owner of record: Michael + Kristina Jemison

Mailing Address: 2038 Meadow Glen
Wymomissing, PA 19610

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Botticelli + Pohl

Mailing Address: 11 Old South Road
Nantucket, MA 02554

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

FOR OFFICE USE ONLY ✓14368

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

Must be acted on by: 12/12/20

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☑ Other Cabana

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

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

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

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height: _____
Type: _____
Length: _____

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

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

Leaders (material and size): _____

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

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

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

Doors* (type and material): ☐ TDL ☑ SDL Front Folding French - Wood/Glass Rear Wood/Glass Dbl French Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

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

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

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

Date 10/27/20 Signature of owner of record 168 Signed under penalties of perjury

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

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

Window Schedule

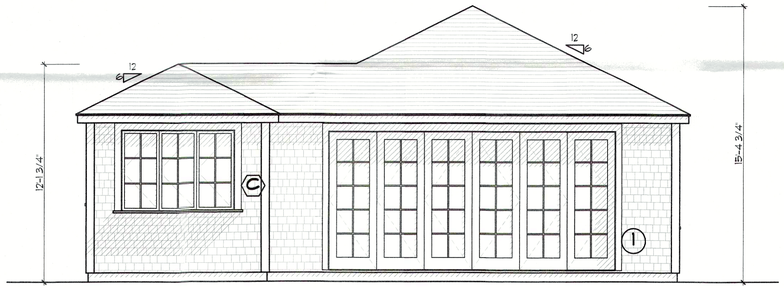
No.	Qn.	Type	Manuf.	Model #	Frame Size	Rough Opening	Lights	Comments
A	2	Double Hung	Marvin	WUDH2828	2'-9 3/8" x 5'-5"	2'-10 3/8" x 5'-5 1/2"	2 over 1	
B	3	Double Hung	Marvin	WUDH2620	2'-7 3/8" x 4'-1"	2'-8 3/8" x 4'-1 1/2"	2 over 1	
C	1	Tri-fold	Custom		6'-3" x 4'-9"		6 ea.	

Door Schedule

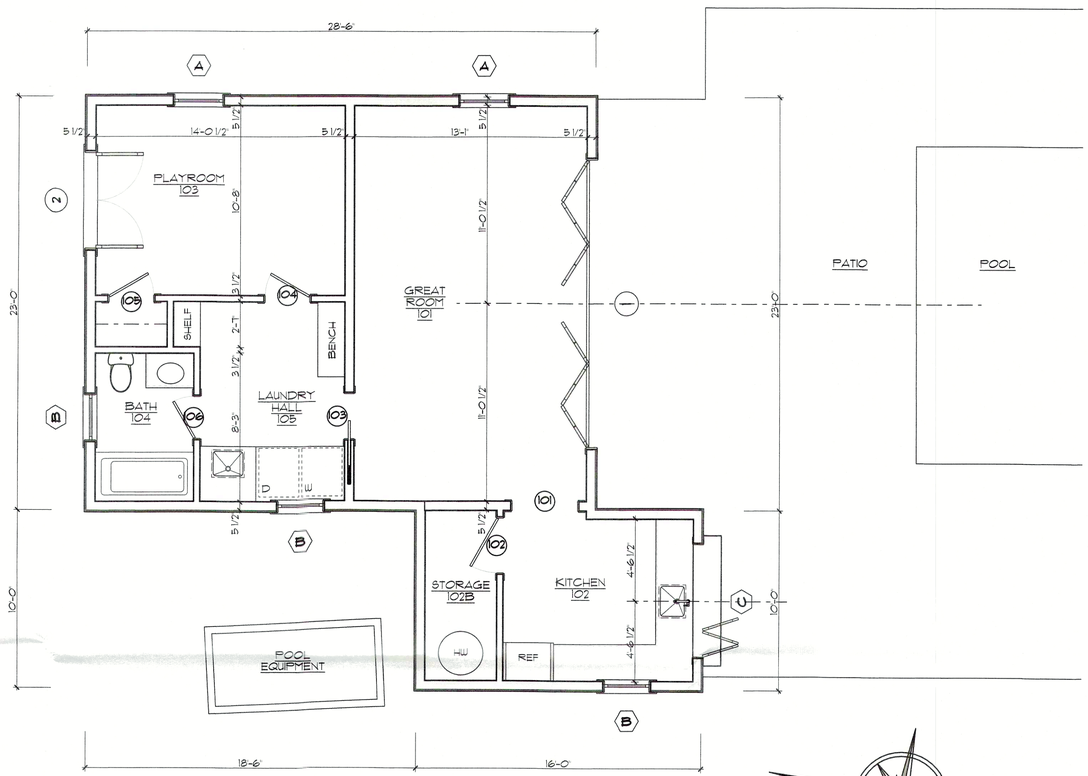
No.	Qn.	Type	Manuf.		Door Size	Rough Opening	Lights	Comments
1	1	Folding French Doors	Custom		(6) 2'-8" x 7'-8"		10 ea.	
2	1	Double French	Custom		(2) 2'-8" x 7'-8"		10 ea.	

Notes:

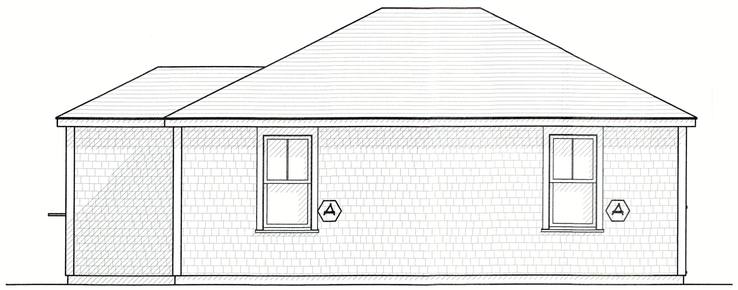
1. All windows will be Marvin windows as per above schedule, double glazed, SDL with muntin configuration as shown on drawings. Min. U-Factor .33
   Min. dp 30 rating required.
   All glazing to come with compliance sticker as required by local building codes.
2. All doors will be custom doors as per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



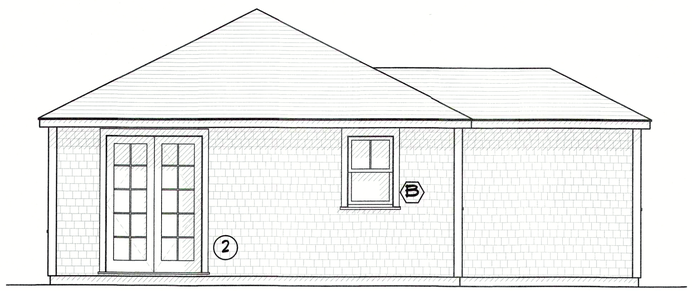
2 CABANA NORTH ELEVATION
Scale: 1/4" = 1'-0"



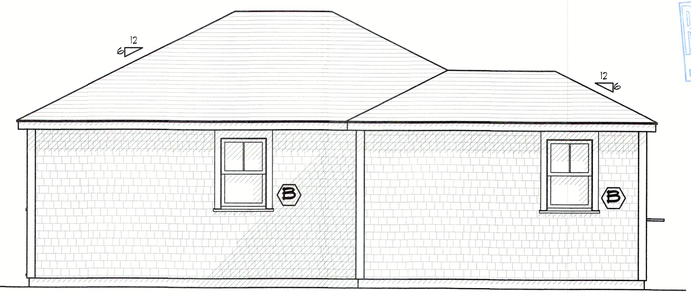
1 CABANA FIRST FLOOR
Scale: 1/4" = 1'-0"



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



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



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

RECEIVED
OCT 27 2020
By

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

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

DATE REVISIONS

Cabana Floor Plan & Elevations

Residence
195C Hummock Pond Rd
Nantucket, MA 02554

MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92 REVISED: October 27, 2020

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ID#
C-1.1

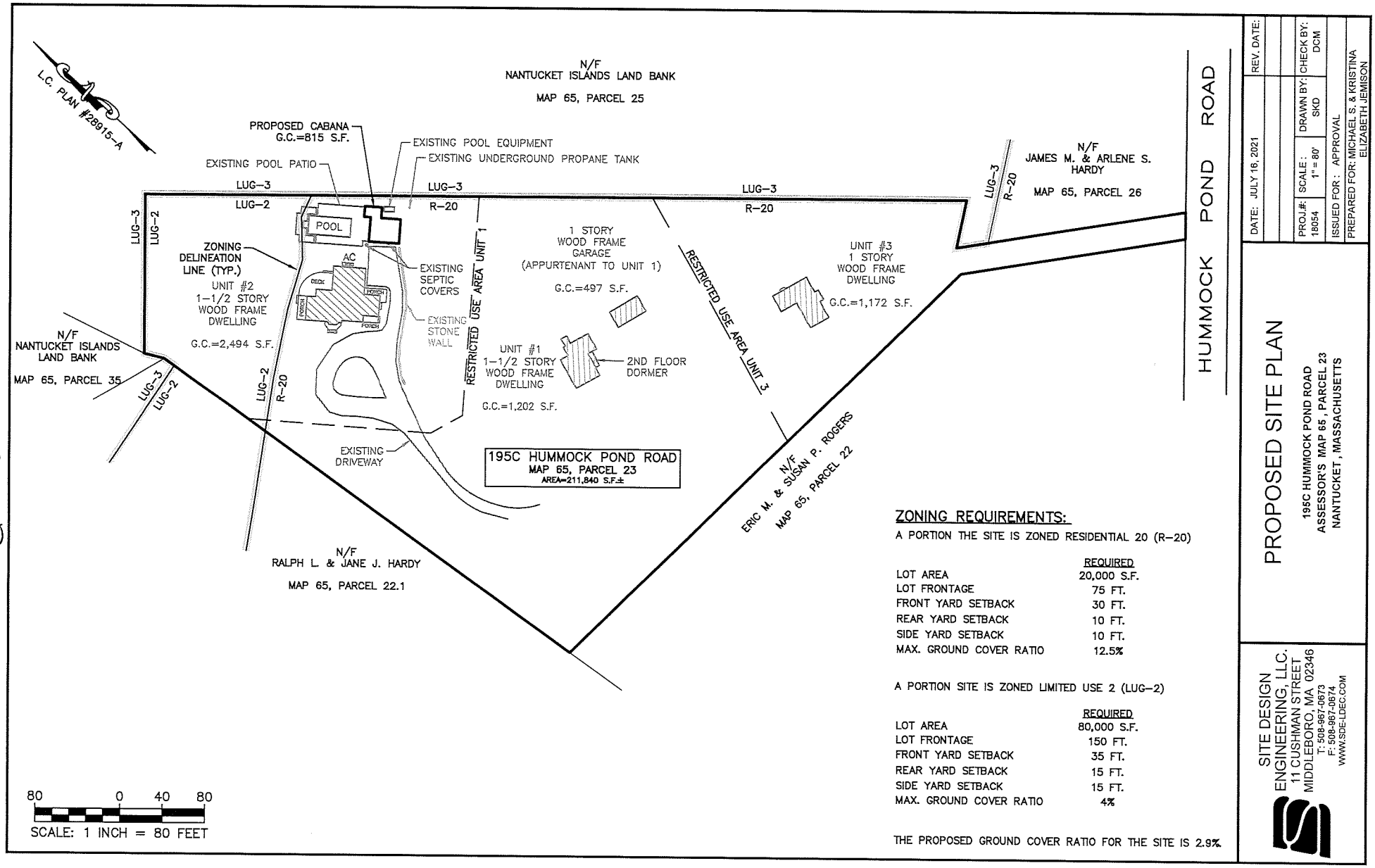
Addendum A

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

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

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

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



ZONING REQUIREMENTS:

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

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

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

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

THE PROPOSED GROUND COVER RATIO FOR THE SITE IS 2.9%

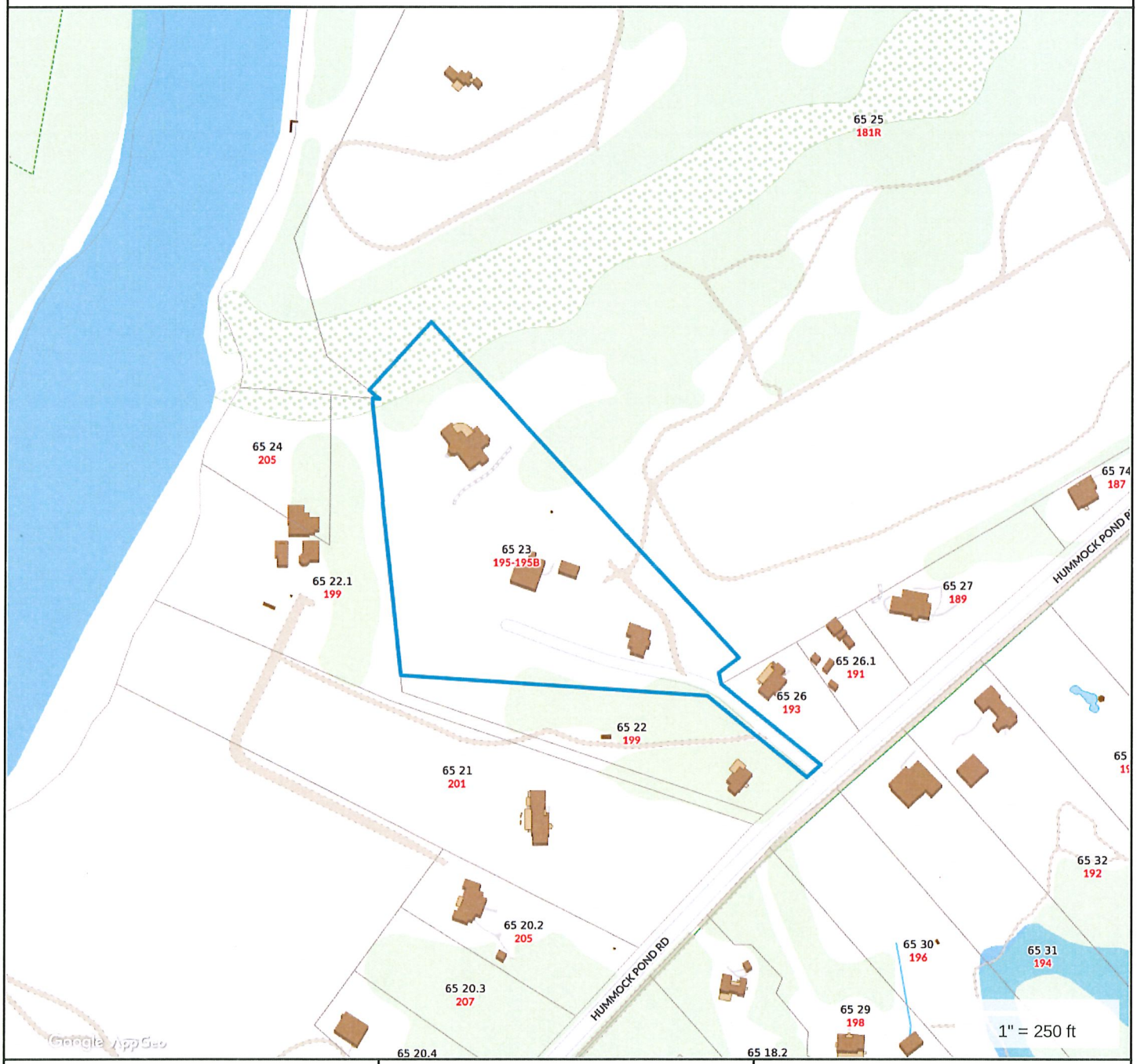
DATE: JULY 16, 2021 | REV. DATE:
PROJ.#: 18054 | SCALE: 1" = 80' | DRAWN BY: SKD | CHECK BY: DCM
ISSUED FOR: APPROVAL
PREPARED FOR: MICHAEL S. & KRISTINA ELIZABETH JEMISON

PROPOSED SITE PLAN

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

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

Exhibit B



Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

LOT 195C

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

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

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

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

EXISTING SILT FENCE TO REMAIN

PROPOSED SEDIMENT AND EROSION CONTROL FENCE

BRUSH LINE

LIMIT OF WETLAND

LEE'S POND FLOOD ZONE

25 FT. WETLAND SETBACK

50 FT. WETLAND BUFFER

LAWN

POOL

PROPOSED DWELLING

PROPOSED GARAGE

POOL EQUIPMENT

GRAVEL SURFACED DRIVEWAY

EDGE OF LAWN (TYP.)

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

STONE RETAINING WALL

PROPOSED INFILTRATOR 6UC54 HIGH CAPACITY CHAMBERS

EXISTING LEACHING PIT TO BE REMOVED

PROPOSED RESERVE AREA

EXISTING 4" CAST IRON WATER LINE

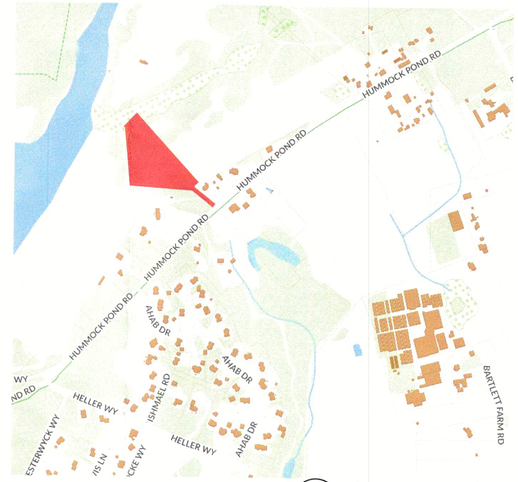
AREA = UNIT 2 RESTRICTED USE

RESTRICTED USE AREA - UNIT 1

AREA=21,840 S.F.±
MAP 65, PARCEL 23.2

N

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



2 **Locus Map**

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

RECEIVED
OCT 27 2020
By

BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 P 508.228.5455
31 STATE STREET, BOSTON, MA 02109 P 617.482.4543
BOTTICELLIANDPOHL.COM

DATE REVISIONS

Site Plan

Residence
195C Hummock Pond Rd
Nantucket, MA 02554

MAP NO: 65 ZONING INFO: R20
PARCEL NO: 23.2 PROJECT NO: 92
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ID #
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TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

1 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554

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

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

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

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

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

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

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

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

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

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

Dated: June 21, 2004

Nancy J. Sevrens

C. Richard Loftin

Edward Toole

David Wiley

Edward Murphy

NANTUCKET TOWN CLERK
04 JUN 21 A11:16
RECEIVED

JUL 14 2004

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

TOWN CLERK

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

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

End of Instrument

BOOK 0517 PAGE 236

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: September 20, 1996

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

Application No.: 043-96

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

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

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

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

Michael J. O'Mara, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS

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

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

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

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

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

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

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

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

Dated: September 20 1996
Nantucket, MA

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS 40 A, SECTION 17
Rebecca J. Coleman
TOWN CLERK

OCT 15 1996

Robert Leichter

Linda F. Williams

Dale Waine

Bill Hourihan

Michael O'Mara

OCT 16 1996
NANTUCKET COUNTY
REC'D ENTERED

2:25PM
SANDRA M CHADWICK
ATTEST REGISTER

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

End of Instrument

Town of Nantucket

Zoning Board of Appeals

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

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

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

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

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

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

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.08.04 11:54:53 -04'00'

9-4-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

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

Count : **20**

180

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

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

BARTLETT REBECCA M
205 HUMMOCK POND RD
NANTUCKET, MA 02554

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

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

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

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

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

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

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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

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

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

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

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

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

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

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

NANTUCKET ISLANDS LAND BANK
22 BROAD ST NANTUCKET, MA 02554

Letters

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

Town of Nantucket Board of Appeals Nantucket MA 02554

Dear Leslie Snell, Nickesha Sheriff, and Susan McCarthy,

August 31, 2021

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

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

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

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

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

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

Sincerely,

Jason Olbres

John j. & Nancy j.

Barry

File No. 25-21

1 Goose Cove Way

Special Permit

Continued to 12/9/21

Stephen L. Cohen

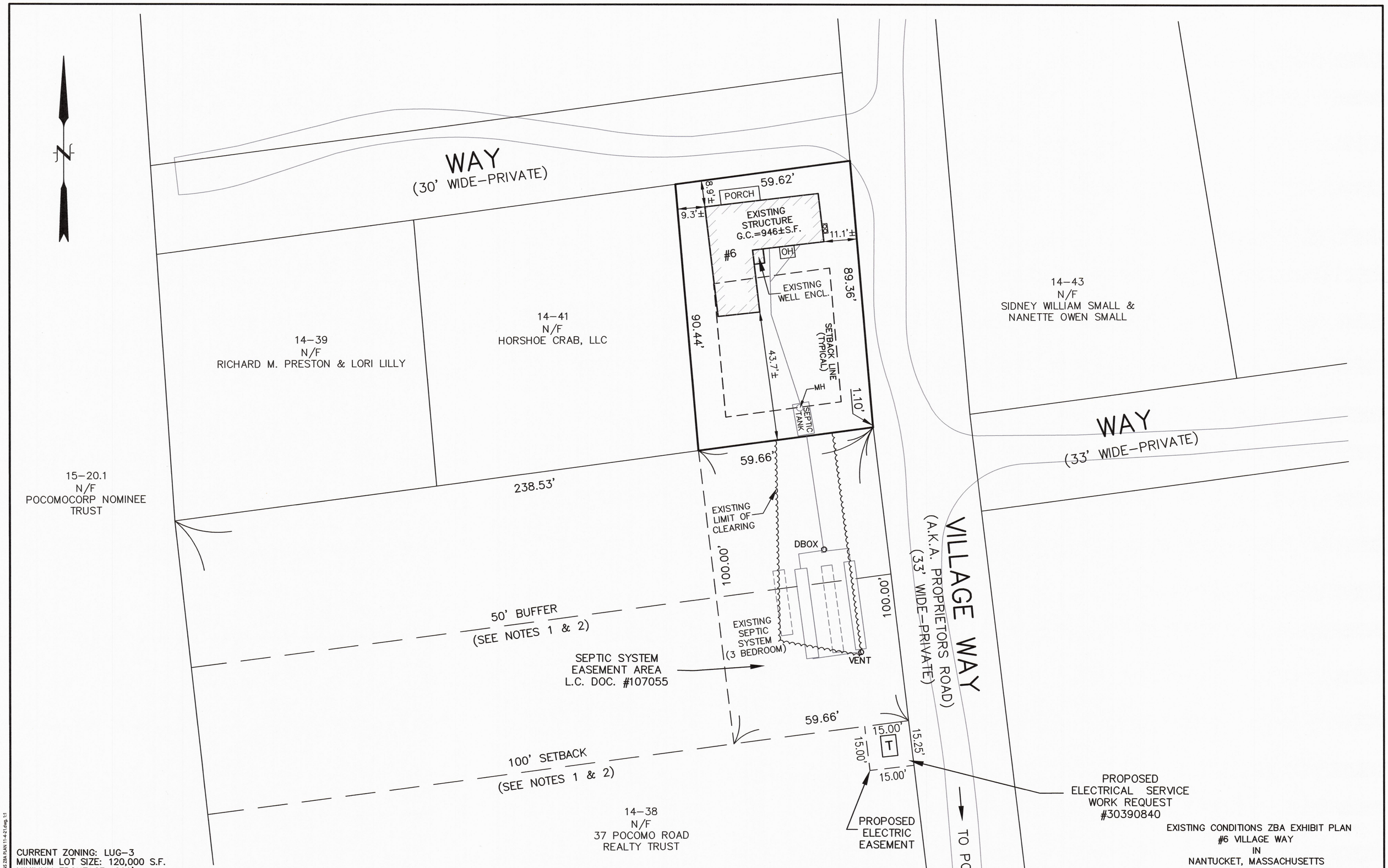
File No. 24-21

6 Village Way & 37 Pocomo Rd

Special Permit

NEW MATERIALS SUBMITTED

Pg 187-188



CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200'
FRONTYARD SETBACK: 35'
SIDE AND REAR SETBACK: 20' (10' LOT OF RECORD)
ALLOWABLE G.C.R.: 3% (1,500 S.F. LOT OF RECORD)
EXISTING G.C.R.: 946±S.F.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON "FIRM" MAP NO. 25019C0084G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B. 433/138 – 438/78 – 438/100

TITLE NOTES:

1. SEE VARIANCE ISSUED BY NANTUCKET ZONING BOARD OF APPEALS L.C. DOC. #88301.
2. SEE GRANT OF RIGHT OF ENFORCEMENT OF RESTRICTION L.C. DOC. #88950.
3. SEE SPECIAL PERMIT ISSUED BY NANTUCKET ZONING BOARD OF APPEALS L.C. DOC. #97712.
4. LOT AREA=5,386±S.F.
5. EXISTING CLEARING IN 50' BUFFER=10%±

EXISTING CONDITIONS ZBA EXHIBIT PLAN
#6 VILLAGE WAY
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 11/4/2021

DEED REFERENCE: L.C.C. #27528
PLAN REFERENCE: L.C. PL. NO. 16220-B

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 42

PREPARED FOR:
STEVEN L. COHEN, TRUSTEE OF
6 VILLAGE WAY REALTY TRUST

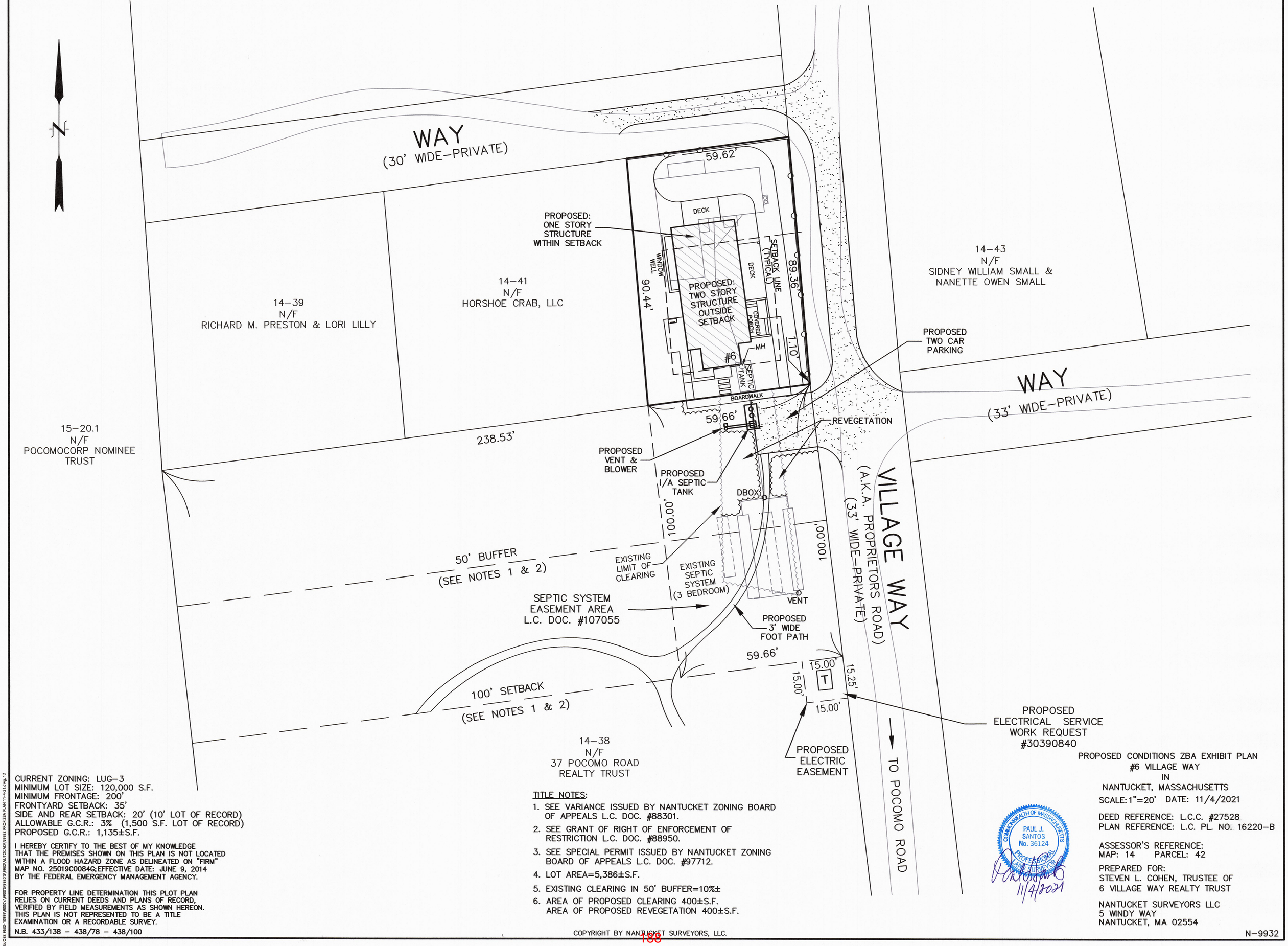
COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR
11/4/2021

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA 02554

N-9932

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

I:\JOBS 9932-10999\9900\9932\AUTOCAD\N9932 EXISTING CONDITIONS ZBA PLAN 11-4-21.dwg, 1:1



CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200'
FRONTYARD SETBACK: 35'
SIDE AND REAR SETBACK: 20' (10' LOT OF RECORD)
ALLOWABLE G.C.R.: 3% (1,500 S.F. LOT OF RECORD)
PROPOSED G.C.R.: 1,135±S.F.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON "FIRM" MAP NO. 25019C0084G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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TITLE NOTES:

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3. SEE SPECIAL PERMIT ISSUED BY NANTUCKET ZONING BOARD OF APPEALS L.C. DOC. #97712.
4. LOT AREA=5,386±S.F.
5. EXISTING CLEARING IN 50' BUFFER=10%±
6. AREA OF PROPOSED CLEARING 400±S.F.
   AREA OF PROPOSED REVEGETATION 400±S.F.

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR
11/4/2021

PROPOSED CONDITIONS ZBA EXHIBIT PLAN
#6 VILLAGE WAY
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 11/4/2021

DEED REFERENCE: L.C.C. #27528
PLAN REFERENCE: L.C. PL. NO. 16220-B

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 42

PREPARED FOR:
STEVEN L. COHEN, TRUSTEE OF
6 VILLAGE WAY REALTY TRUST

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA 02554

N-9932

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

I:\JOBS 9632-10999\9000's\9900's\9930's\9932\AUTOCAD\N9932 PROP ZBA PLAN 11-4-21.dwg, 1:1

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s): Steven L. Cohen, Trustee of the 6 Village Way Realty Trust and also Steven L. Cohen at Trustee of the 37 Pocomo Road Realty Trust.

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket MA 02554
Phone Number: 508-228-0337 E-Mail: Steven@CohenLegal.net
Applicant's name(s) SAME
Mailing Address: _____
Phone Number:_____ E-Mail:_____

Locus Address: 6 Village Way and 37 Pocomo Road Assessor's Map/Parcel: 14-41 and 14-38

Land Court Plan: Lot 2D on a Plan numbered 16220-B and Lot 17A on Land Court Plan 22667-B

Deed Reference/Certificate of Title: COTs 27528 and 21644 Zoning District LUG-3
Uses on Lot- Commercial: None__x_ Yes (describe) _____
Residential: Number of dwellings__1_____ Duplex _____ Apartments _____
Date of Structure(s): all pre-date 7/72 yes 1920s or _____
Building Permit Numbers: _____
Previous Zoning Board Application Numbers: 06-00 and 07-00 (consolidated into 07-01), and 36-02.

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

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

See attached.

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

SIGNATURE:_____ Owner*

SIGNATURE: Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

6 Village Way is a pre-existing nonconforming lot of 5,387 SF in the LUG-3 District, which requires 120,000 SF of lot area. It contains a dwelling built in the 1920s. The dwelling is close as 4.0' to the front yard lot line along the Way to the north, where the required front yard setback is 35', and as close as 8.3' to the side yard lot line to the west, where a 10.0' side yard setback is required. The house has a footprint of 987 SF, of which 934 SF is located within the zoning setback. These nonconformities predate the adoption of the Nantucket Zoning Bylaw in 1972 and the parcel is otherwise dimensionally conforming.

Applicant proposes to demolish the existing dwelling and to build a new dwelling of approximately 1,167 SF. This new dwelling would be conforming to the side yard setback, and would be 20' from the front yard lot line, a 16' improvement, of which only 402 SF would be in the setback, a 585 SF improvement. Applicant also proposes a 123 SF deck that would be as close as 10' to the front lot line, but this deck could also be a stone patio, which would not be a zoning encroachment. These proposed plans are approved by the Historic District Commission.

Pursuant to Zoning Bylaw 139-33.A(1)(a), the Board of Appeals may grant relief by Special Permit if it finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity. In the alternative, under 139-33.A(1)(b), the Zoning Administrator or the Board of Appeals may grant relief by Special permit upon a finding that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities. Where an existing structure violates a front, rear, or side yard setback distance, the Zoning Administrator may issue a permit allowing an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and no new nonconformities are created.

Here, the proposed alteration will significantly reduce the volume and distance of the front yard setback, will eliminated the side yard encroachment, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, is approved by the Historic District Commission as being historically appropriate for the lot and the neighborhood, does not increase the nonconforming nature of the encroachments, and does not create any new nonconformities.

The premises is also subject to a 2000 Variance and a 2002 Special Permit issued by the Board of Appeals. The 2000 Variance was to validate that 37 Pocomo Road (a vacant confirming lot) and 6 Village Way (an undersized improved lot). The Decision in that case confirming that these were two separate buildable lots had several conditions, including a restriction the 37 Pocomo not have more than one dwelling, the structures on 37 Pocomo shall be at least 100' from its northerly lot line (which abuts the homes on Village Way), that 37 Pocomo shall have an undisturbed 50' wide buffer of natural vegetation along its northern lot line, and that any future

expansion of the structure upon 6 Village Way required relief from the Board of Appeals. In 2002 the Board granted a Special Permit to allow a change to the roof height of a porch in the setback, with no change the habitable space of the dwelling. The Board granted this relief with the conditions that the work be done in conformity with the HDC approved plans and that the ridge of the roof of the dwelling not be increased (because it was not applied for, just the porch roof). The Applicant seeks two clarifications to these permits. First, since 37 Pocomo Road and 6 Village Way are in common underlying ownership (but not record ownership), and because the 2004 septic system for 6 Village Way is located within the 50 vegetative buffer, the Applicant requests relief from this buffer along the common lot line of these lots, slightly less than 60 feet. Second, since the Applicant now seeks to demolish the existing dwelling and build a new one, the granting of this relief necessarily supersedes the relief and conditions in the 2002 permit, but this should be stated in the Decision here.

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

Document No. 088301

Document No. 088301

Variance

Nantucket Registry District

FEB 15 2000

RECEIVED FOR REGISTRATION

1 O'CLOCK 40 m P M

NOTED ON CERTIFICATE NO. 7171

IN REGISTRATION BOOK 7 PAGE

ATTEST

ASST RECORDER

194

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

Assessor's Map 14, Parcels 14 & 38
6 Village Way; 37 Pocomo Road
Limited Use General-3

L.C. Plan 16220-B, Lot 2D;
L.C. Plan 22667-B, Lot 17A
Cert. of Title No. 7171

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, January 14, 2000, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the applications of ROBERT M. FLANAGAN and MARY L. FLANAGAN, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, Files Nos. 006-00 and 007-00:

2. The applicants, being the owners of two adjacent lots in common ownership, have filed two companion applications which, by consent of the applicants and the Board of Appeals, were presented together. The applicants' two lots consist of Lot 17A on Land Court Plan 22667-B, situated at 37 POCOMO ROAD, Assessor's Map 14, Parcel 38 ("Lot 17A"), and Lot 2D on Land Court Plan 16220-B, situated at 6 VILLAGE WAY, Assessor's Map 14, Parcel 14 ("Lot 2D"). Lot 17A is a vacant lot. According to the Assessor's records, Lot 17A contains about 2.7 acres, which is about 117,612 square feet, and the application to the Board of Appeals so described Lot 17A. However, a survey plan of Lot 17A prepared by Charles W. Hart & Associates, Inc., filed with the Board of Appeals, a reduced copy of which is attached hereto as Exhibit A, shows that Lot 17A actually has area of about 126,183 square feet, and frontage of 240.57 feet on Pocomo Road. Thus, Lot 17A complies with the dimensional requirements for the Limited Use General-3 district in which both Lot 17A and Lot 2D are situated, which consist of a minimum of 120,000 square feet of lot area and a minimum of 200 feet of frontage. Lot 2D is improved with a dwelling, pre-existing the 1972 effective date of the Nantucket Zoning By-law. According to the Assessor's records, Lot 2D contains about 5,227 square feet; the actual area, according to the plan shown in Exhibit A, is about 5,387 square feet, with frontage of 89.36 feet on Village Way, a Proprietors road; thus, Lot 2D is nonconforming as to both lot area and frontage. The dwelling upon Lot 2D is nonconforming as to front yard setback, according to the plan shown is Exhibit A, being situated at its closest point about 11.1 feet from Village Way, with minimum side yard setback in this district being 35 feet; and as to side and rear yard setback, with minimum side and rear yard setback being 20 feet (10 feet for a lot of record) and northerly side yard setback, according to the plan shown in Exhibit A, being situated about 4.2 feet from the northerly side lot line and about 9.3 feet from the westerly rear lot line.

According to the plan shown in Exhibit A, the structure upon Lot 2D has ground cover of about 946 square feet, for a ground cover ratio of about 17.56%; the maximum allowed in this zoning district is 3%, or 1,500 square feet for a lot of record. The applicants asked the Board of Appeals in their applications to issue relief by Variance to validate each of Lots 17A and 2D as a separate lot from each other, or in the alternative a determination that the lots have not merged and that no variance relief is needed, with each lot to be treated as a lot of record.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. The Planning Board recommendation was negative on both applications. There was no opposition presented in person or by correspondence at the public hearing. Two abutting property owners were represented by counsel, who expressed their support for the applications subject to the conditions set forth in this decision.

4. As presented by the applicants, their legal representative and family members, Lot 2D has belonged to the family of the applicant, Robert M. Flanagan, since some time in the 1920's. In the late 1920's, his grandparents, Eugene M. Perry and Annie M. Perry, constructed the dwelling upon Lot 2D, which still exists today. It is a simple one-story cottage. It was inherited by Catherine T. Flanagan, Robert's mother, in 1957, and she placed it in joint ownership with her husband, Charles P. Flanagan, immediately thereafter. Meanwhile, in 1955 Charles P. Flanagan and Catherine T. Flanagan purchased the adjacent Lot 17A, which had up to that time had a separate title history from Lot 2D; each lot was derived from a separate Land Court case and was held separately upon its own Certificate of Title. In 1974, Robert's parents conveyed both Lot 17A and 2D to the applicants. Each lot has been separately assessed by the Town of Nantucket consistently up to the present time. The Flanagan family have used the cottage upon Lot 2D during each summer since it was built, as shown by photographs submitted to the Board of Appeals. The applicants are not full-time residents of Nantucket, and Robert described to the Board the sentimental attachment that he and his family have for it. The applicants now have a financial need to sell Lot 17A, and if Lot 2D were to be considered as merged with Lot 17A, they consider it likely that a prospective buyer would demolish the cottage in order to be able to construct a more modern and substantial secondary dwelling. The applicants offered to place restrictions upon Lots 17A and 2D, as part of a favorable decision to be granted by the Board of Appeals and also enforceable by the neighboring property owners who, as set forth above, supported the applications through their counsel, that Lot 17A would be limited to a single dwelling and that any structure to be placed upon Lot 17A would be set back by 100 feet from the northerly property line (being the boundary of Lot 17A closest to Nantucket Harbor), rather than the 20 feet required as side yard setback under the Zoning By-law, with an undisturbed buffer of natural vegetation 50 feet wide within Lot 17A along its

northerly property line. Accordingly, the total number of dwellings upon Lot 17A and 2D would be two, which is exactly the same number of dwellings that could be constructed upon the entire property if it were merged together as a single lot.

5. Under the circumstances presented to the Board, the Board found that owing to circumstances relating to the shape and topography of Lot 2D and especially affecting Lot 2D but not affecting generally the zoning district in which it is situated, consisting of the configuration of the existing dwelling upon Lot 2D and the adverse effect which the construction of new dwellings upon Lot 17A in close proximity to its northern boundary would have upon the neighborhood, a literal enforcement of the provisions of the Zoning By-law would involve substantial hardship to the applicants, in that they would no longer be able to keep and enjoy the existing cottage if the combined Lots 17A and 2D were to be sold as a single lot, ant that desirable relief might be granted without substantial detriment to the public good any without nullifying or substantially derogating from the intent or purpose of the By-law, in that, conditioned as set forth below, the proposed Variance would have the effect of not increasing the total number of dwellings above that permitted as a matter of right, and would benefit the neighborhood by restricting the placement of structures upon Lot 17A. Accordingly, by UNANIMOUS vote, the Board of Appeals GRANTED the requested VARIANCE relief for Lot 2D, validating it as a separate lot for zoning purposes with the status of a lot of record, with the structure upon it as now existing, subject to the following conditions, which the applicants agreed would burden Lot 17A as well as Lot 2D:

(a) Not more than one dwelling, containing not more than one dwelling unit, shall be constructed or permitted to exist upon Lot 17A.

(b) All structures upon Lot 17A shall be situated at least 100 feet from the northerly boundary line of Lot 17A.

(c) An undisturbed buffer of natural vegetation 50 feet wide shall be maintained within Lot 17A along its northern boundary line.

(d) No expansion of the existing structure upon Lot 2D, as shown upon the plan shown in Exhibit A, shall be permitted without further relief from the Board of Appeals.

6. Inasmuch as Lot 17A conforms to the dimensional requirements of the Zoning By-law, it needs no relief (except for the Variance relief granted to Lot 2D as set forth above) in order to validate its status as a separate lot, and for that reason the requested VARIANCE for Lot 17A was DENIED by the Board of Appeals, by UNANIMOUS vote, for the reason that no relief was necessary; provided, however, that the conditions of this

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

Dated: January 20, 2000

William P. Hourihan, Jr.

Dale W. Waine

Michael N. O'Mara

Nancy J. Sevrens

Edward S. Toole

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554

JAN 20 2000

TIME: 1:25 pm

Asst. CLERK: RL Carpenter

P:\WP\Flanagan\Robert\ZBA DEC.doc

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

TOWN CLERK

FEB 14 2000

Document No. 097712

SPECIAL PERMIT

Nantucket Registry District
JUL 05 2002

RECEIVED FOR REGISTRATION
1 O'CLOCK 54 m P M

NOTED ON CERTIFICATE NO. 7171

IN REGISTRATION BOOK PAGE

ATTEST Joanne L. Kelley
ASST. RECORDER

Document No. 097712

000217

199

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

JUL 03 2002

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

CATHERINE FLANAGAN STOVER

Notary Public

My Commission Expires February 25, 2005

000218

097712

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: June 4 , 2002

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

Application No.: 036-02

Owner/Applicant: Robert M. Flanagan and Mary L. Flanagan

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

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

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

Nancy Sevrens

Nancy Sevrens, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

NANTUCKET ZONING BOARD OF APPEALS
1 East Chestnut Street
Nantucket, Massachusetts 02554

Assessor's Map 14, Parcel 42
6 Village Way, Pocomo
Limited Use General-3

Land Court Plan 16220-B
Lot 2D
Certificate of Title No. 7171

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, May 10, 2002, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following Decision on the Application of ROBERT M. FLANAGAN and MARY L. FLANAGAN, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 036-02:

2. The Applicants are seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law §139-33.A(4) and (5), for the alteration of a pre-existing, dimensionally nonconforming structure, without making any setback or other nonconforming dimension more nonconforming and without creating any new nonconformity. The Applicants propose to alter their pre-existing single-family dwelling, nonconforming as to setbacks and ground cover, including upward expansion of a portion of the structure within the required front yard and side yard setback areas, with no alteration in the pre-existing footprint and without coming any closer to those lot lines than the existing structure. Further, the Applicants are requesting that the Board of Appeals determine that this alteration and expansion, as approved by the Special Permit requested hereunder, would comply with the requirement of the Decision in Board of Appeals File No. 007-01 [contained in subparagraph 5(d) of the consolidated Decision in Files 006-00 and 007-00] that there be no expansion of the existing structure upon the locus without further relief from the Board of Appeals. The Locus is nonconforming as to lot size, with the Locus containing about 5,387 square feet in area, with the minimum required in the Limited Use General-3 [LUG-3] zoning district in which it is situated being 120,000 square feet; as to frontage, with the Locus having frontage of about 89.36 feet on Village Way, with a minimum of 200 feet required in the LUG-3 district; as to front yard setback, with the structure upon the Locus being sited at about 11.1 feet at the closest point from the front yard lot line, with the minimum in the LUG-3 district being 35 feet; as to side and rear yard setback, with the dwelling being sited as close as 4.2 feet from the northerly side yard lot line and as close as about 9.3 feet from the westerly rear yard lot line, with the minimum setback required in the LUG-3 district being 20 feet; and as to ground cover ratio,

with the Locus containing about 946 square feet of ground cover, for a ground cover ratio of about 17.6%, with the maximum allowed in the LUG-3 of 3%.

The Locus is situated as 6 VILLAGE WAY, Pocomo, is shown upon Assessor's Map 14 as Parcel 42, is shown upon Land Court Plan 16220-B as Lot 2D, and is situated in a Limited Use General-3 zoning district.

3. Our Decision is based upon the Application and accompanying materials, and representations and testimony received at our public hearing. No recommendation was received from the Planning Board. Certain neighboring property owners, represented by counsel at the public hearing, expressed their support for the Application. There was no other support nor opposition presented at the public hearing.

4. Applicants, through counsel, represented that The Locus was validated as a separate lot from adjacent vacant land which was then in common ownership, by the Board of Appeals Decision in BOA File No. 007-00. Accordingly, it is not afforded the benefit of the provisions of the Nantucket Zoning By-Law for lots of record. However, the proposal by the Applicants is to alter their pre-existing nonconforming dwelling without change to the building footprint and thus without affecting the pre-existing, nonconforming ground cover ratio and front and side yard setbacks, and creating no new nonconformities. In fact, the proposal merely involves upward change in the roofline above the existing porch to provide more headroom for the occupants, which is partly within the required setback areas, without creating a second story or adding to living space in the dwelling. No detriment to the neighborhood is apparent, and the only comments from neighbors are favorable to the granting of relief. A plan by Charles W. Hart & Associates, Inc., dated January 10, 2000, a reduced copy of which is attached hereto as Exhibit A, depicts the conditions now existing upon the Locus.

5. Accordingly, the Board of Appeals made the finding that the Applicants' proposed alteration of the existing dwelling, subject to the conditions set forth in Paragraph 7 of this Decision, would be an increase of the massing of the structure within the required setback area. However, said increase would not be substantially more detrimental to the neighborhood than the pre-existing nonconformities, would not create any new nonconformity, and would not make any pre-existing, nonconforming setback distance more nonconforming.

6. Accordingly, by a UNANIMOUIS vote, the Board GRANTED the requested SPECIAL PERMIT relief under Nantucket Zoning By-Law

§139-33.A(4) and (5) to allow the alteration of the structure as proposed, subject to the conditions set forth in Paragraph 7.

6. The relief hereby granted is subject to the following conditions:

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

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

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

Dated: June 4, 2002

(Nancy J. Sevrens)

Dale W. Waine

Edward Toole

C. Richard Loftin

Edward C. Murphy

RECEIVED
'02 JUN-4 P3:16
NAN. TOWN CLERK

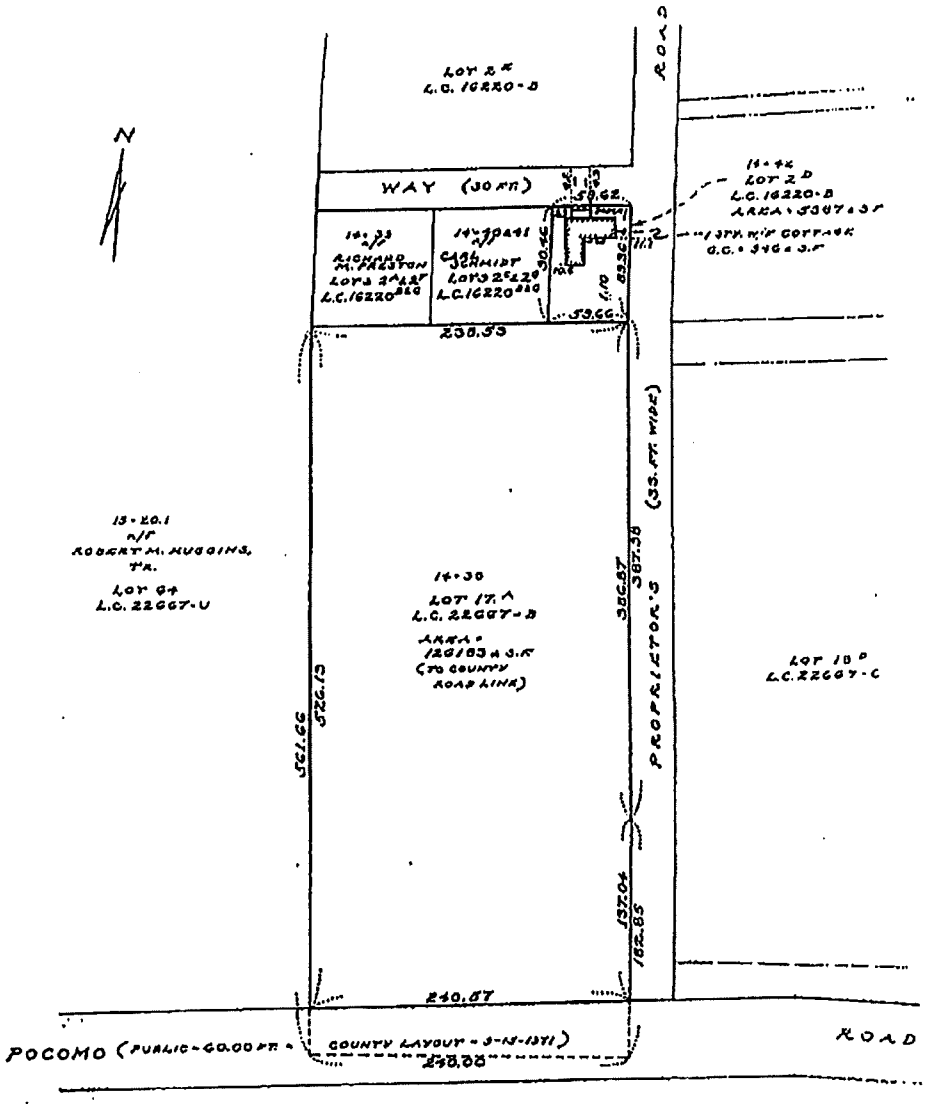
000222

097712

ZONING CLASSIFICATION: R.U.G.-3 EXISTING:

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

SEE PLAN



SITE PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1" = 100' DATE: 1-10-2000

Owner: ROBERT M. & MARY L. FLANAGAN
Deed: L.C. CERT. 7171 Plan: LOT 2-D; L.C. 16220-B and LOT 17-A; L.C. 22667-B
Locus: 37 POCOMO RD. & 6 VILLAGE WAY

Charles W. Hart
1-10-00

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

H-5899

Document No. 107055

EASEMENT

Nantucket Registry District
APR 27 2004

RECEIVED FOR REGISTRATION
1 OCLOCK 26 m P M

NOTED ON CERTIFICATE NO. 19486 + 7171
IN REGISTRATION BOOK _____ PAGE _____
ATTEST Joann D. Kelley
ASST RECORDER

Document No. 107055

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107055

GRANT OF EASEMENT

I, MARY L. FLANAGAN (the "Servient Owner"), being the owner of the land in Nantucket, Nantucket County, Massachusetts, shown as Lot 17-A on Land Court Plan 22667-B (the "Servient Land"), by virtue of Certificate of Title No. 19486 at Nantucket Registry District, grant to ROBERT M. FLANAGAN and MARY L. FLANAGAN (the "Dominant Owners"), being the owners of the land in said Nantucket shown as Lot 2D on Land Court Plan 16220-B (the "Dominant Land"), by virtue of Certificate of Title No. 7171 at Nantucket Registry District, a permanent easement, as appurtenant to the Dominant Land and not in gross, to install, maintain, repair, replace and inspect a sewage disposal system, and accompanying pipes, fittings and equipment, within the portion of the Servient Land which is shown as "Septic System Easement Area" upon the Easement Plan by Charles W. Hart & Associates, Inc., dated April 1, 2004, attached hereto as Exhibit A, to serve the structures and improvements which are now or hereafter may be existing upon the Dominant Land.

The provisions hereof shall run with the land, and shall be binding upon the Servient Owner and her successors in title or interest to the Servient Land, and shall inure to the benefit of the Dominant Owners and their successors in title or interest in the Dominant Land.

Executed and sealed on April 12, 2004.

Mary L. Flanagan

Mary L. Flanagan

STATE OF NEW YORK

_____, ss. April 12, 2004

Then personally appeared the above-named Mary L. Flanagan, and acknowledged the foregoing instrument to be her free act and deed, before me,

Notary Public

Printed name:
My commission expires:

FREDERICK M. WEINTRAUB
Notary Public, State of New York
No. 01WE4963174
Qualified In Nassau County
Commission Expires March 05, 20 06

F:\WPF\Flanagan\Robert\Septic Easement.doc

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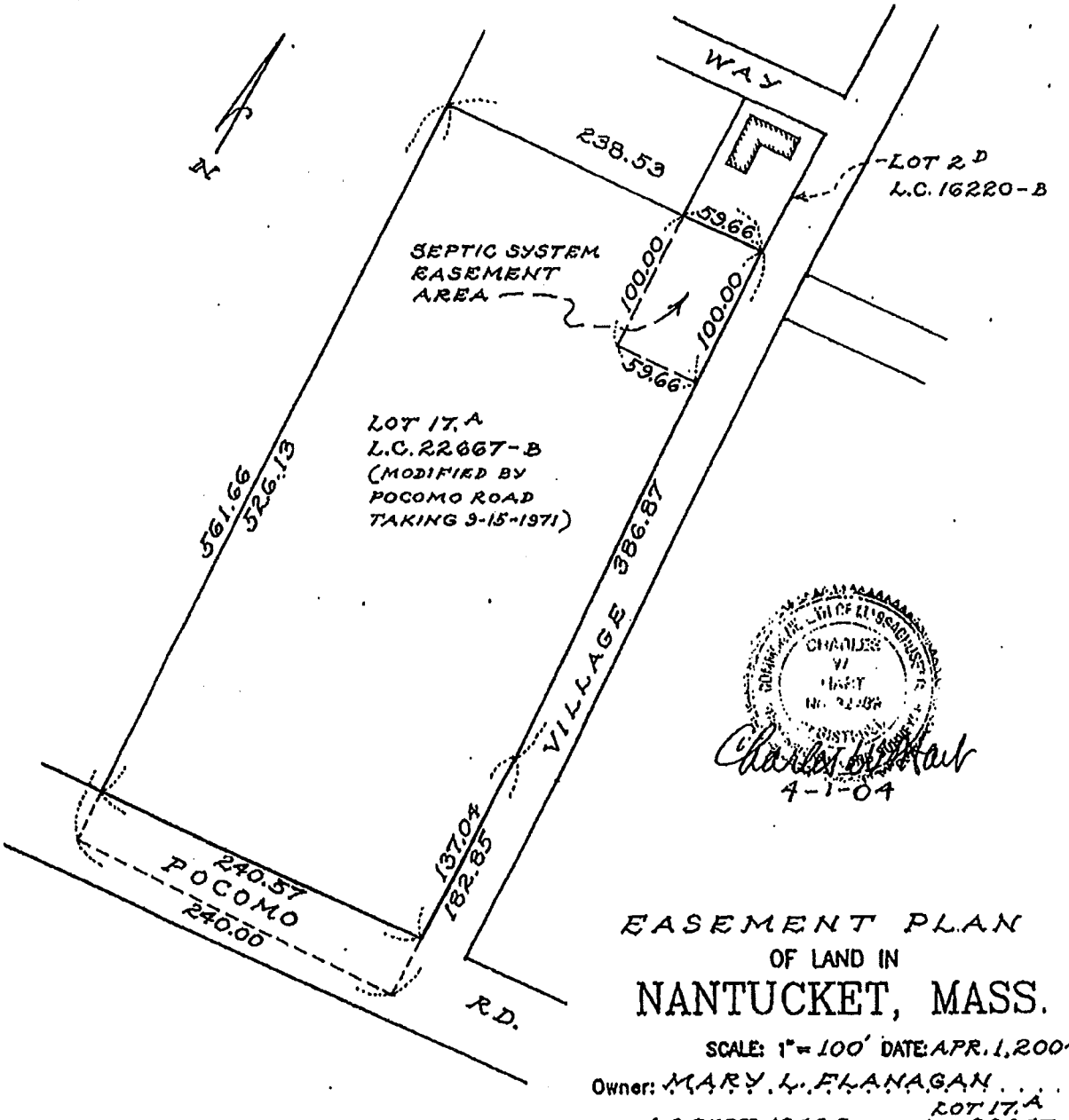
EXHIBIT A

107055



CHARLES W. HART
No. 9288
REGISTERED LAND SURVEYOR

4-1-04

EASEMENT PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1" = 100' DATE: APR. 1, 2004

Owner: MARY L. FLANAGAN

Deed: L.C. CERT. 19486 Plan LOT 17A L.C. 22667-B

Locus 37 POCOMO ROAD

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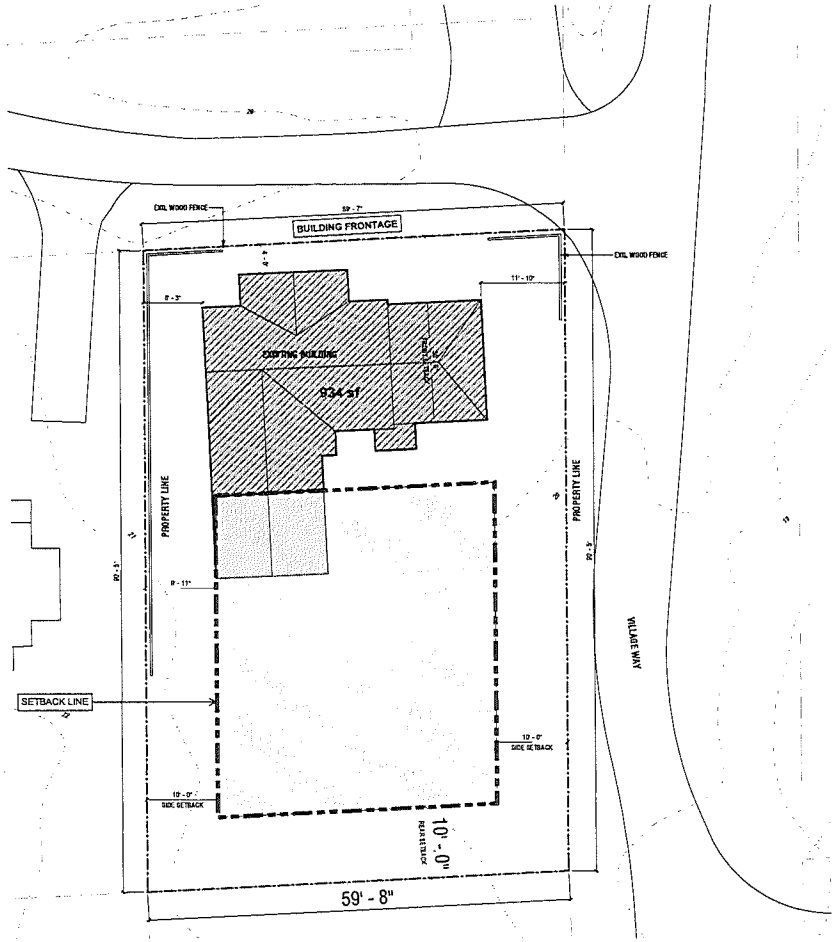
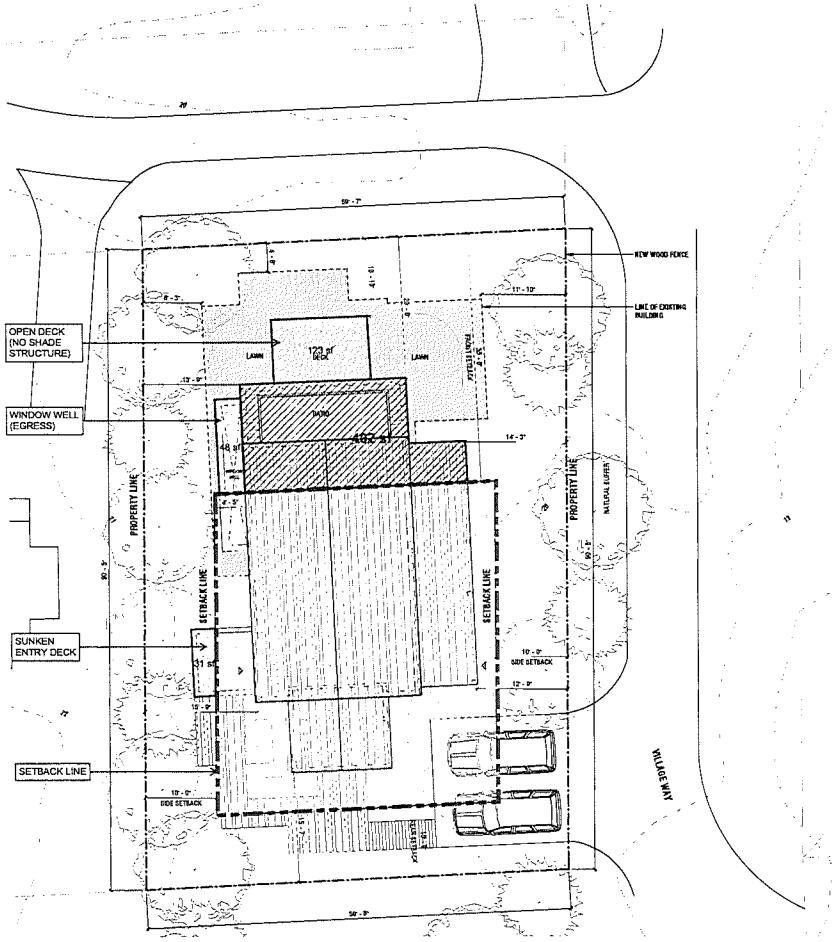
208



2 SITE PLAN - EXISTING
1/8" = 1'-0"

LOT SIZE: 5,387 SF
BUILDING AREA: 987 SF

TOTAL ENCROACHMENT SF: **934 SF**



1 SITE PLAN - PROPOSED
1/8" = 1'-0"

LOT SIZE: 5,387 SF
BUILDING AREA: 1,167 SF

TOTAL ENCROACHMENT SF: **402 SF**

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L COHEN OF THE 6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-0712 info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8798

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 812-8967

LANDSCAPE ARCHITECT

MIROSLAVA AHERN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 333-5138

SURVEYOR

NANTUCKET SURVEYORS, LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXS. FIELD CONDITIONS

REVISIONS

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS	
DRAWN BY	Author
CHECKED BY	Checker
DATE	10/16/21
SCALE	1/8" = 1'-0"
PROJ. NO.	321015

SITE PLAN

L-000

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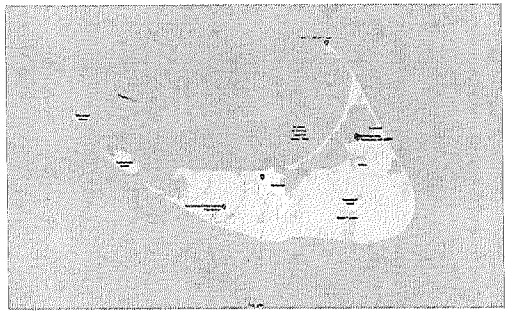
6VW NEW DWELLING

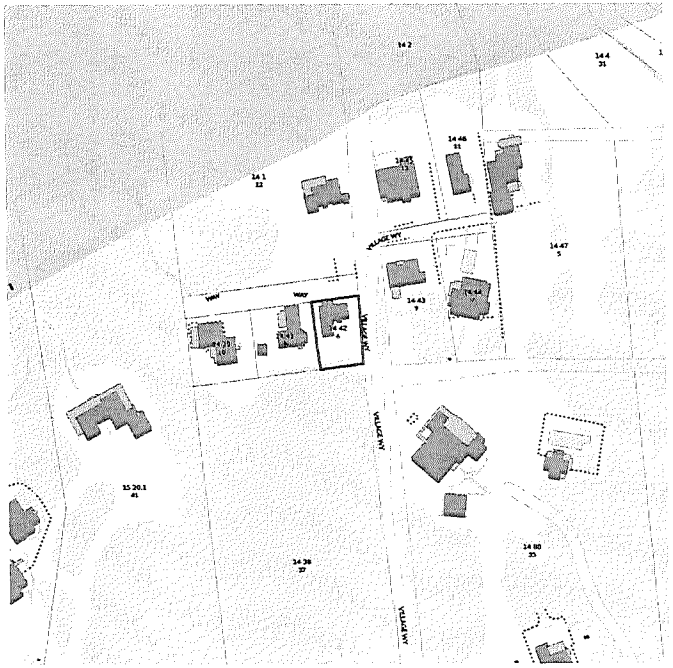
HDC REVISION I
NEW DWELLING
08 JULY 2021

6 VILLAGE WAY
NANTUCKET, MA 02554
PROJECT NO. 321015

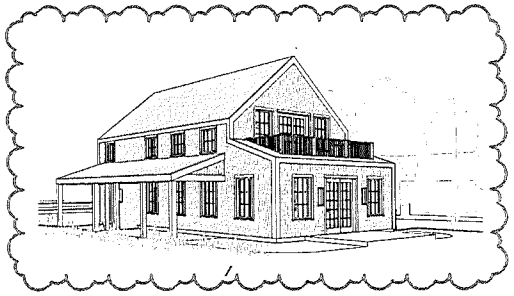
LOCUS PLAN



LOCUS PLAN



PERSPECTIVE VIEW OF NEW DWELLING



LIST OF DRAWINGS

SHEET NUMBER		03/15/2021 HDC SUBMISSION	07/08/2021 HDC Revision I
T-000	COVER SHEET / TITLE SHEET	●	●
G-001	GENERAL NOTES	●	●
G-002	EXISTING CONDITIONS	●	●
G-003	EXISTING CONDITIONS	●	
L-000	SITE PLAN	●	●
A-100	FLOOR PLANS	●	●
A-101	FLOOR PLANS	●	●
A-200	BUILDING ELEVATIONS	●	●
A-201	BUILDING ELEVATIONS	●	●
A-400	EXTERIOR DETAILS		●

Total Pages: 10

ZONING INFORMATION

Map & Parcel	14/42	
Current Zoning	LUG-3	
Front Setback	35	FT
Side Setback	10	FT
Rear Setback	10	FT
Max. Building Height	30	FT
Lot Size	5,387	SF
Max G.C.	1,500	SF*

*LOT OF RECORD, EXISTING NON-CONFORMING

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

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REVISIONS

1	07/08/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/08/2021	HDC Revision I

DRAWING INFO

CONSTRUCTION DOCUMENTS

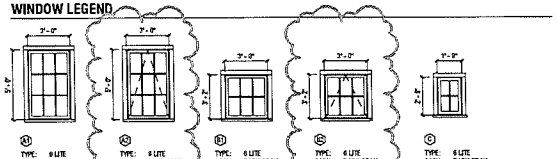
DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	12" = 1'-0"
PROJ. NO.	321015

COVER SHEET / TITLE SHEET

T-000

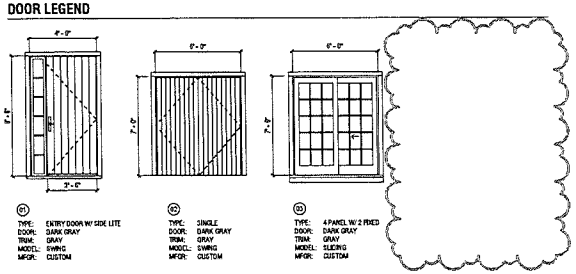
209

WINDOW LEGEND

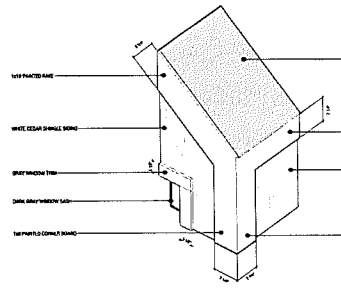


W1	W2	W3	W4	W5
TYPE: 6 LITE	TYPE: 6 LITE	TYPE: 6 LITE	TYPE: 6 LITE	TYPE: 6 LITE
SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY	SASH: DARK GRAY
TRIM: GRAY	TRIM: GRAY	TRIM: GRAY	TRIM: GRAY	TRIM: GRAY
MODEL: FIXED	MODEL: AWNING	MODEL: FIXED	MODEL: AWNING	MODEL: FIXED
MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM

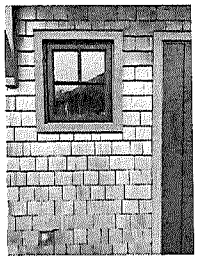
DOOR LEGEND



D1	D2	D3
TYPE: ENTRY DOOR W/ SIDE LITE	TYPE: SINGLE	TYPE: 4 PANEL W/ 2 FIXED
DOOR: DARK GRAY	DOOR: DARK GRAY	DOOR: DARK GRAY
TRIM: GRAY	TRIM: GRAY	TRIM: GRAY
MODEL: SWING	MODEL: SWING	MODEL: SLIDING
MFGR: CUSTOM	MFGR: CUSTOM	MFGR: CUSTOM



1 AXON - TYPICAL RAKE & FACSIA



REFERENCE IMAGE OF WINDOW SASH AND TRIM PAINT COLOR

GENERAL NOTES

1. DRAWINGS ARE REPRESENTATIVE DOCUMENTS TO FACILITATE CONSTRUCTION. CONTRACTOR SHOULD FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. THE HEIGHTS OF GRADE INDICATED ON DRAWINGS ARE APPROXIMATE AND ARE PROVIDED FOR INFORMATION ONLY. NOTIFY DESIGNER OF ANY ALTERATIONS OR DISCREPANCIES IMMEDIATELY UPON DISCOVERY AND BEFORE PROCEEDING WITH WORK.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISTRIBUTION OF DRAWINGS TO THE SUB-CONTRACTORS UNDER HIS JURISDICTION.
3. THE CONTRACTOR IS TO COORDINATE THE WORK OF ALL SUB-CONTRACTORS, INCLUDING THE TIMING AND SCHEDULING OF THEIR WORK AND THE LAYOUT OF THEIR SYSTEMS. THE CONTRACTOR SHALL PROVIDE ALL SUB-CONTRACTORS WITH NECESSARY POWER AND ACCESS AND CONNECTIONS THROUGH FOUNDATION WALLS AS REQUIRED.
4. WORKSHOPAPD IS CONTRACTED TO SERVE AS THE OWNERS REPRESENTATIVE DURING CONSTRUCTION. A REPRESENTATIVE OF WORKSHOPAPD SHALL MAKE PERIODIC SITE VISITS TO VERIFY CONSTRUCTION PROGRESS AND WILL REPORT FINDINGS TO THE OWNER AND CONTRACTOR IN THE FORM OF A WRITTEN REPORT. THE CONTRACTOR SHALL PROVIDE FREE ACCESS TO THE WORK TO THE OWNER, ARCHITECT, SUBCONTRACTOR, AND THEIR REPRESENTATIVES AT ALL TIMES.
5. THE CONTRACTOR SHALL ACKNOWLEDGE THAT JOB SITES ARE DIFFICULT AND DANGEROUS PLACES TO WORK BY NATURE, AS SUCH, ALL NECESSARY PRECAUTIONS WILL BE TAKEN TO ENSURE THE SAFETY AND GENERAL WELL BEING OF HIS EMPLOYEES, CONTRACTOR SHALL PROVIDE GUARDS, RAILS BARRICADES, FENCES CATCH PLATFORMS, RAILINGS, DECKING, NIGHT LIGHTING, ETC. AS REQUIRED. THE USE OF ANY STEREOS AND/OR RADIOS AND THE PRESENCE OF PETS, OF ANY KIND ARE PROHIBITED ON THE JOB SITE.
6. DRAWINGS SHALL NOT BE SCALED BY HAND, USE ONLY PRINTED DIMENSIONS TO IDENTIFY SIZE AND DIMENSION OF MATERIALS AS SHOWN. CONTACT THE DESIGNER TO VERIFY ANY DIMENSION THAT HAS BEEN OMITTED FROM THESE PLANS.
7. CONTRACTOR TO PROVIDE ALL MATERIALS FOR A COMPLETE JOB AS INDICATED IN THE DRAWINGS BOTH GRAPHICALLY AND WRITTEN, IN CASE OF DISCREPANCIES, THE MORE STRINGENT AND/OR COSTLY EXAMPLE SHALL BE ASSUMED. CONSULT DESIGNER IF SUCH A SITUATION OCCURS.
8. SHOP DRAWINGS SHALL BE SUBMITTED TO WORKSHOPAPC, PRIOR TO PROCEEDING WITH WORK, FOR ALL MATERIALS THAT REQUIRE FABRICATION. WORKSHOPAPC SHALL REVIEW AND RETURN SHOP DRAWINGS TO CONTRACTOR WITHIN A PERIOD OF TEN WORKING DAYS FROM THE DATE OF SUBMITTAL.
9. CONTRACTOR SHALL FURNISH SAMPLES OF ALL MATERIALS, AND/OR FINISHES AS SPECIFIED FOR CONSTRUCTION AT THE REQUEST OF THE OWNER OR DESIGNER.
10. ALL MATERIALS SHALL BE NEW, UNUSED, AND OF THE HIGHEST QUALITY IN EVERY RESPECT UNLESS NOTED OTHERWISE ON AT THE SPECIFIC AUTHORIZATION OF THE OWNER.
11. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE AND TRUE.
12. CONTRACTOR SHALL PERFORM ALL CUTTING AND PATCHING REQUIRED TO COMPLETE WORK OR MAKE PARTS FIT TOGETHER PROPERLY, WITHOUT COMPROMISING QUALITY OF WORK.
13. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR BRACING AND PROTECTING ALL WORK FROM DAMAGE, BREAKAGE, COLLAPSE, DISTORTION AND MIS-ALIGNMENT ACCORDING TO APPLICABLE BUILDING CODES AND STANDARDS OF GOOD PRACTICE.
14. CONTRACTOR SHALL MAINTAIN AND PROTECT ALL EXISTING SYSTEMS AT ALL TIMES FROM THE EFFECTS OF ADVERSE WEATHER (RAIN, SNOW, COLD, ETC.) AT NO ADDITIONAL COST TO THE OWNER.
15. ALL WORK SHALL BE INSTALLED SO THAT REQUIRED PARTS ARE READILY ACCESSIBLE AND AVAILABLE FOR INSPECTION, OPERATION, MAINTENANCE AND REPAIR.
16. CONTRACTOR SHALL MAINTAIN CLEAR AND UNOBSTRUCTED ACCESS FROM ALL FLOORS TO STAIRWELLS AND EXTERIOR EXITS AT ALL TIMES.
17. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR PROTECTING ALL DANGEROUS AREAS FROM ENTRY BY UNAUTHORIZED PARTIES.
18. CONTRACTOR SHALL PROVIDE PROTECTION OF ALL WINDOWS AND DOORS DURING CONSTRUCTION. MEANS OF PROTECTION SHALL NOT BE ATTACHED TOWINDOW AND DOOR FRAMES.
19. THE CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE REQUIRED TO COOPERATE WITH OTHER SUBCONTRACTORS AS NECESSARY INCLUDING THOSE HIRED UNDER SEPARATE CONTRACT BY THE OWNER. EACH SUBCONTRACTOR SHOULD COMPLETE WORK ON AN EXPEDITED AND REASONABLE SCHEDULE, IN A MANNER THAT DOES NOT DELAY OTHER TRADES AND SUBCONTRACTORS FROM COMPLETION OF WORK.
20. ALL NAILS AND FASTENERS IN AREAS PRONE TO MOISTURE SHALL BE "HOT DIPPED GALVANIZED" UNLESS NOTED OTHERWISE.
21. THE CONTRACTOR SHALL KEEP SUFFICIENT WORKMAN ON THE JOB SITE AT ALL TIMES TO PERFORM WORK IN THE MOST EXPEDITIOUS MANNER CONSISTENT WITH GOOD WORKMANSHIP, SOUND BUSINESS PRACTICE AND IN THE BEST INTEREST OF THE OWNER.
22. THE CONTRACTOR SHALL SECURE AND PAY FOR ALL PERMITS AND INSPECTION SERVICES OF LOCAL AUTHORITIES GIVEN THE ACTUAL BUILDING PERMIT AND HISTORIC DISTRICT COMMISSION APPROVAL, WHICH SHALL BE SECURED BY THE OWNER OR DESIGNER PRIOR TO THE SCHEDULED START DATE. ALL INSPECTIONS, RECORDS AND CERTIFICATE OF OCCUPANCY SHALL BE GIVEN TO THE OWNER AT THE END OF THE JOB. THE JOB SHALL NOT BE CONSIDERED COMPLETE UNTIL THE CERTIFICATE OF OCCUPANCY IS ISSUED.
23. ALL WORK SHALL CONFORM TO ALL APPLICABLE NATIONAL, STATE AND LOCAL BUILDING, PLUMBING, ELECTRICAL AND LIFE SAFETY CODES. EVEN WHEN NOT SPECIFIED IN THE DRAWING, NOTES, OR SPECIFICATIONS, IF ANY CODE IS IN CONFLICT WITH THESE, THE CONTRACTOR SHALL REPORT SUCH TO CWA FOR REVISIONS PRIOR TO BIDDING. IN THE EVENT OF CONFLICT BETWEEN APPLICABLE CODES OR REGULATIONS AND REFERENCE STANDARDS OF THESE PLANS AND SPECIFICATION, THE MORE STRINGENT PROVISIONS SHALL GOVERN.
24. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING UTILITY COMPANIES TO ENSURE SAFE DIGGING.
25. A REGISTERED SURVEYOR SHALL BE REQUIRED TO SET ALL FOUNDATION CORNERS, ELEVATIONS AND DIMENSIONS ON SITE.
26. USE OF THESE DRAWINGS MUST BE IN COMPLIANCE WITH ALL OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.

FOUNDATION NOTES:

1. FOUNDATION NOTES ARE APPLICABLE TO ALL CONDITIONS UNLESS OTHERWISE NOTED.
2. ALL FOUNDATION WALLS SHALL BE 12" THICK CONCRETE, MINIMUM 3000PSI AT 28 DAYS. UNLESS OTHERWISE NOTED.
3. FOUNDATION WALLS SHALL BE KEYED INTO FOOTINGS.
4. FOOTINGS SHALL BE A MINIMUM OF 9"-0"D X 2'-0"W WITH 3-#4 CONTINUOUS HORIZONTAL BARS. HORIZONTAL REINFORCING SHALL BE PLACED AT 3" ABOVE BOTTOM OF FOOTING.
5. ALL FOOTINGS AND CONCRETE PIERS SHALL EXTEND 4'-0" BELOW GRADE MINIMUM.
6. CONCRETE PIERS SHALL HAVE BELL CAST FOOTING, BASE OF BELL SHALL BE 3 TIMES WIDTH OF PIER, DEPTH OF BELL SHALL EQUAL WIDTH OF PIER, TAPER OF BELL SHALL BE 45 DEG. ANGLE MINIMUM.
7. ALL PERIMETER FOUNDATION WALLS SHALL HAVE WATERPROOFING APPLIED TO THE EXTERIOR.
8. FOUNDATION WALLS SHALL INCORPORATE 10" LONG - 1/2" DIAMETER ANCHOR BOLTS AT 32" O.C. MINIMUM, ON ALL PERIMETER WALLS, A MINIMUM OF TWO BOLTS SHALL BE USED AT EACH SILL PLATE. HOLD BOLTS 15" OFF CORNERS MINIMUM. APPROVAL OF TOPSOIL REMOVAL SHALL BE IN THE FORM OF AGRANCE ORDER.
9. CONCRETE FLOOR SLABS SHALL BE 4" THICK MINIMUM AND BE REINFORCED WITH WELDED WIRE MESH OR FIBER MESH REINFORCING. REINFORCING SHALL BE PLACED AT THE CENTER OF THE SLAB. FLOOR SLABS SHALL BE POURED OVER 4" GRAVEL BASE AND 6 MIL. POLY-VAPOR BARRIER ON STRUCTURALLY COMPACTED OR UNDISTURBED SOIL.
10. CONTRACTOR AND SUBCONTRACTORS SHALL USE CLEAN SAND, WELL GRADED AND FREE FROM ANY DELETERIOUS SUBSTANCES, AND CLEAN WATER, TAKEN FROM A SOURCE SUITABLE FOR CONCRETE CONSUMPTION.
11. FOR ALL BRICK OR STONE FINISHES THE CONTRACTOR SHALL SUBMIT A SAMPLE TO THE DESIGNER FOR APPROVAL, PRIOR TO INSTALLATION.
12. ANCHORS AND TIES SHALL BE CORROSION PROOF AND GALVANIZED AFTER FABRICATION.
13. COLD WEATHER INSTALLATIONS FOR CONCRETE, WHEN AIR TEMPERATURE IS BELOW 40 DEGREES F, REQUIRE APPROVAL BY THE DESIGNER.
14. MASONRY WORK SHALL BE PLUMB, TRUE TO LINE, WITH COURSES LEVEL. BUILD IN ALL METAL TIES AND ANCHORS AS WORK PROGRESSES.
15. CONCRETE MASONRY UNIT CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING STANDARDS: HOLLOW UNITS - ASTM C-90; SOLID UNITS - ASTM C-145; PORTLAND CEMENT - ASTM C-150; MASONRY CEMENT - ASTM C-91. NON-STAINING CEMENT SHALL BE USED WHERE NON-STAINING MORTAR IS REQUIRED; HYDRATED LIME - ASTM C-207, 6, G.M.U., BOTH BOTTOM AND ENDS, SHALL BE SET IN A FULL BED OF MORTAR WITH JOINTS OF UNIFORM THICKNESS AND HEAD JOINTS IN ALTERNATE COURSES PLUMB OVER THE ONES BELOW.
16. ALL JOINTS SHALL BE TOOLED AS SOON AS POSSIBLE AFTER INITIAL SET, FLUSH JOINTS SHALL NOT BE PERMITTED.
17. REFER TO DETAILS FOR FURTHER INFORMATION.

PLUMBING/MECHANICAL NOTES:

1. STRUCTURAL MEMBERS SHALL NOT BE IMPAIRED OR UNDERMINED BY IMPROPER CUTTING OR DRILLING.
2. ALL PLUMBING/MECHANICAL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, BE PERFORMED BY A LICENSED TRADESPERSON, AND BE COMPLETED IN ACCORDANCE WITH THE DIRECTION OF LOCAL BUILDING CODE OFFICIALS. SUBCONTRACTORS AND TRADESPERSONS ARE RESPONSIBLE FOR OBTAINING REQUIRED PERMITS FOR THEIR TRADE, SCHEDULING AND COMPLETING REQUIRED INSPECTIONS AND OPERATING ON A REASONABLE AND EFFICIENT SCHEDULE THAT DOES NOT DELAY THE WORK OF OTHER TRADES.
3. ALL MATERIALS SHALL BE SIZED IN ACCORDANCE WITH THE PROPOSED PLANS, ALLOWING FOR FUTURE EXPANSION IF INDICATED. ALL WORK SHALL BE INSTALLED SO THAT REQUIRED PARTS ARE READILY ACCESSIBLE AND AVAILABLE FOR INSPECTION, OPERATION, MAINTENANCE AND REPAIR.
4. ALL PRODUCTS, MATERIALS AND FIXTURES SHALL BE INSTALLED IN A MANNER CONSISTENT WITH SOUND PRACTICE AND QUALITY WORKMANSHIP.
5. PLUMBING WORK SHALL INCLUDE ALL LABOR AND MATERIALS FOR ALL PIPING, FIXTURES, HOT WATER HEATER, AND SEWER/SEPTIC CONNECTIONS. THIS INCLUDES CONNECTIONS FOR AN ICEMAKER IN THE REFRIGERATOR, THE DISHWASHER, AND WASHING MACHINE AS INDICATED ON PLANS. THE KITCHEN SINK WILL HAVE A GARBAGE DISPOSAL.
6. HOT WATER HEATER SHALL BE PROPANE FIRED HOT WATER HEATER, POWER VENTED, 45 GALLON CAPACITY (SUPER 3 STORE" OR APPROVED EQUIVALENT).
7. PLUMBER SHALL FURNISH AND INSTALL 500 GAL UNDERGROUND PROPANE STORAGE TANK, AND ALL REQUIRED PIPING TO BOILER, CLOTHES DRYER AND KITCHEN RANGE.
8. HEATING WORK SHALL INCLUDE ALL LABOR AND MATERIALS, ELECTRICAL/PLUMBING CONNECTIONS, AND INSTALLATION AS THEY OCCUR. DESCRIPTION OF SPECIFIC UNIT SHALL BE PART OF THE BID. STANDARD HEATING UNIT SHALL BE PROPANE FIRED RADIANT HOT WATER BASEBOARD SYSTEM WITH EFFICIENCY RATING OF 94 UNITS TO BE SIDEWALL VENTED. UNIT SIZE SHALL BE SIZED TO ACCOMMODATE THE ENTIRE HOUSE AT 70DF AT A 0DF EXTERIOR TEMPERATURE. HEATING SYSTEM SHALL BE CAPABLE OF OPERATING AT PEAK EFFENCIENCY AT A TEMPERATURE OF 72°F. HEATING SYSTEM SHALL BE DIVIDED INTO WHO ZONES. THERMOSTATS SHALL BE DIGITAL AND PROGRAMMABLE.
9. VENT TO THE EXTERIOR ALL BATHROOMS WHICH DO NOT HAVE OPERABLE WINDOWS.

FRAMING NOTES:

1. ALL WOOD FRAMING MEMBERS SHALL BE STRUCTURAL GRADE #2 OR BETTER.
2. ALL WOOD SHALL COMPLY WITH THE U.S. DEPARTMENT OF COMMERCE AMERICAN LUMBER STANDARDS SIMPLIFIED PRACTICE AND GRADING REQUIREMENTS OF A RECOGNIZED ASSOCIATION UNDER WHOSE RULES THE LUMBER IS PRODUCED.
3. WOOD SHALL BE FROM LIVE STOCK, THOROUGHLY SEASONED, WELL MANUFACTURED AND GENERALLY FREE FROM WARPAGE THAT CANNOT BE CORRECTED BY BINDING ON NAILING.
4. MOISTURE CONTENT OF LUMBER SHALL NOT EXCEED 19 % AT THE TIME OF CONSTRUCTION.
5. ALL PLAN DIMENSIONS ARE TO OUTSIDE OF FRAMING MEMBERS AND CENTERLINE OF OPENINGS. VERIFY ALL ROUGH OPENINGS WITH WINDOW AND DOOR SCHEDULE.
6. ALL EXTERIOR WALLS, AND INTERIOR PARTITION WALLS BEHIND TOILETS, SHALL BE 2"X6" STUD CONSTRUCTION AT 16" O.C. TYPICAL, ALL OTHER INTERIOR PARTITION WALLS SHALL BE 2"X4" STUD CONSTRUCTION AT 16" O.C. TYPICAL. WALLS SHALL HAVE SINGLE SHOE AND DOUBLE TOP PLATE.
7. JOIST HANGERS SHALL BE USED AT ALL FLUSH-FRAMED FLOOR JOISTS. JOISTS OVERLAPPING AT A SUPPORTING BEAM SHALL OVERLAP 3" MINIMUM.
8. PROVIDE WOOD BLOCKING OR METAL BRIDGING AT 12'0/0 POINTS ON ALL FLOOR JOISTS. BLOCKING SHALL BE SPACED 4'-0" O.C. MINIMUM AND OF LUMBER.
9. DOUBLE FLOOR JOISTS OR BLOCKING SHALL BE PROVIDED BELOW ALL INTERIOR PARTITION WALLS.
10. SIZES OF WOOD MEMBERS ARE NOMINAL SIZES. ALL LUMBER SHALL BE SURFACED ON FOUR SIDES, UNLESS NOTED OTHERWISE.
11. STRUCTURAL MEMBERS SHALL NOT BE IMPAIRED OR UNDERMINED BY IMPROPER CUTTING OR DRILLING
12. INSTALL GIRDER MEMBERS WITH JOINTS OVER SUPPORTS. PROVIDE 1/2" AIRSPACE AT ENDS AND SIDES OF GIRDERS FRAMED INTO MASONRY OR CONCRETE. WOOD SHIMS UNDER THE ENDS OF GIRDERS SHALL NOT BE PERMITTED.
13. MINIMUM BEARING OF JOISTS FRAMED INTO MASONRY SHALL BE 3".
14. JOISTS EXTENDING OVER BEARING PARTITIONS OR BEAMS MAY BE BUTTED AND TIED TOGETHER, OR NAILED TOGETHER WITH A MINIMUM OVERLAP OF 4".
15. EXTERIOR AND BEARING WALL CONSTRUCTION SHALL INCLUDE ADEQUATE RESISTANCE TO WRACKING BY THE USE OF CORNER BRACING OR ANCHORAGE OF STRUCTURAL SHEATHING TO PLATES.
16. JAMB STUDS, EXTENDING IN ONE PIECE FROM HEADER TO SOLE PLATE, SHALL BE INSTALLED AT ALL WINDOW AND DOOR OPENINGS, TO FORM RIGID ENCLOSURE.
17. PLYWOOD SHALL COMPLY WITH ALL APPLICABLE STANDARDS OF THE APA (AMERICAN PLYWOOD ASSOCIATION).
18. EXTERIOR TYPE HARDWOOD PLYWOOD, "TECHNICAL" OR "TYPE 1", MAY BE USED FOR ANY PART OF THE STRUCTURE.
19. STRUCTURAL INTERIOR TYPE, "STRUCTURE" PLYWOOD MAY BE USED FOR ALL INTERIOR WORK AND EXTERIOR WORK NOT DIRECTLY EXPOSED TO THE WEATHER.
20. INTERIOR PLYWOOD, "INT," OR "TYPE 2" MAY BE USED FUR INTERIOR WORK, EXCEPT BATHROOM AND SHOWER ENCLOSURES.
21. ROOF SHEATHING: 3/4" EXTERIOR GRADE TAG "TECHNICAL" PLYWOOD NAILED AT 10" O.C. WITH GALVANIZED 100 COMMON NAILS.
22. FLOOR SHEATHING: 3/4" STRUCTURAL "STRUCT-INT" PLYWOOD NAILED AT 10" O.C. WITH 100 COMMON NAILS.
23. EXTERIOR WALL SHEATHING: 1/2" EXTERIOR GRADE "TECHNICAL" PLYWOOD NAILED AT 6" O.C. WITH GALVANIZED 60 COMMON NAILS.
24. ALL OTHER SHEATHING: 1/2" INTERIOR GRADE "INT" PLYWOOD NAILED AT 8" O.C. WITH 60 COMMON NAILS.
25. FRAME ALL RAFTERS OPPOSITE EACH OTHER AT RIDGE WITH TIES OR RIDGE BOARD. THE DEPTH OF THE RIDGE BOARD SHALL BE NO LESS THAN THE CUT OF THE RAFTERS.

EXTERIOR FINISH NOTES:

1. BUILDING PAPER SHALL BE INSTALLED OVER ALL EXTERIOR SHEATHING TO RESIST MOISTURE AND WIND INFILTRATION, WALLS SHALL HAVE MINIMUM 15#FELT PAPER, ROOFS SHALL HAVE MINIMUM 30# ASPHALT IMPREGNATED FELT PAPER, WITH NOT LESS THAN 4" OVERLAP, FELT SHALL CONTINUE BEHIND ALL EXTERIOR TRIM. DOUBLED AND FOLDED INTO OPENINGS.
2. PROMPTLY REMOVE ALL MANUFACTURER'S STICKERS FROM GLASS AFTER INSTALLATION.
3. KEEP JOINTS TO BE INSULATED CLEAN AND DRY. DO NOT INSTALL INSULATION WHERE IT MAY BE EXPOSED TO WATER. INSTALL AS PER MANUFACTURER'S INSTRUCTIONS AND BUILDING CODE REQUIREMENTS. PROVIDE INSECT SCREEN OR BARRIER AT ALL VENT OPENINGS.
4. EXTERIOR FOUNDATION TO BE PARGE.
5. DECKS SHALL USE 1"X 4" MAHOGANY, CONFIRM, LAID FLAT WITH 1/4" REGULAR SPACING, ALL FLOORING AND DECKING SHALL BE TREATED 'S BOILED LINSEED OIL/50 % TURPENTINE, AND WITH A MIXTURE OF 50 %WAX SHALL BE PREVENTED OVER FINISHED SURFACES FOR THE PERIOD OF ONE WEEK.
6. EXTERIOR STEPS SHALL BE EQUAL TO DECK CONSTRUCTION, TRIM AND FINISH. RISERS SHALL MATCH TRIM MATERIAL, NOSING SHALL PROJECT 3/4".
7. ALL EXTERIOR STEPS SHALL LAND ON TO A 4" CONCRETE PAD SET ON A 4" GRAVEL BASE ON STRUCTURALLY COMPACTED SOIL. PAD SHALL BE 4" WIDER THAN STEPS AND PROJECT FROM LAST RISER 0" TOWARD DECK AND 18" AWAY FROM DECK.
8. PORCH CEILINGS SHALL BE 1X8 CEDAR NATURAL TO WEATHER, SQUARE GROVE.
9. PORCH POSTS SHALL BE 4X4 STRUCT, CURE WRAPPED W/ S 1/4" BO. NATURAL CEDAR TRIM.
10. SIDEWALL SHINGLES SHALL HAVE A MAXIMUM EXPOSURE OF 5", WITH DOUBLED SHINGLES AT ALL EAVES AND STARTER COURSE, BUTTS OF THE SHINGLES SHALL PROJECT 1 1/2" MINIMUM FROM THE EDGE OF THE ROOF EAVES TO ENSURE PROPER SPILLAGE.
11. WINDOW CAPS OR TRIM AND ALL OTHER PROJECTIONS AT POINTS WHERE RAIN ACCUMULATES OR RUNS OFF SHALL BE PROVIDED WITH FLASHING/FLASHING FOR RED CEDAR SHINGLES SHALL BE COPPER, SUCH FLASHING SHALL EXTEND A MINIMUM OF 4" UP THE WALL UNDER THE SHEATHING PAPER AND NOT LESS THAN 4" HORIZONTALLY, FLASHING SHALL BE SUFFICIENT LENGTH TO COVER THE COURSE ABOVE WITHOUT BEING PUNCTURED BY NAILS.
12. A CONTINUOUS RIDGE VENT SHALL BE PROVIDED AT ALL ROOF RIDGES, WHERE REQUIRED. SOFFIT VENTING SHALL BE PROVIDED AS INDICATED ON DETAIL DRAWINGS.
13. PROVIDE STEP FLASHING AT ALL CHIMNEY LOCATIONS.
14. SIDEWALL SHALL BE WHITE CEDAR SHINGLES, GRADE B. SHINGLES SHALL BEAR THE SPECIFIC GRADE MARKED LABEL OF THE CEDAR SHINGLE BUREAU.
15. CEDAR SHINGLES SHALL HAVE NATURAL FINISH.
16. ROOF VENTING SHALL BE "CONE VENT" OR EQUAL, EXTENDING ALONG ALL RIDGE LINES. TERMINATE RIDGE VENTS 12" FROM END OF RIDGE, COVERED WISHINGLES.
17. EXTERIOR TRIM SHALL BE SPECIFIED AS FOLLOWS:
   A. WINDOW AND DOOR JAMBS: 1"X2" RED CEDAR WINDOW AND DOOR HEADS: S4"X4" RED CEDAR, EXTENDED 3/4" BEYOND JAMB CASING. HEADS TONAVE CONTINUOUS COPPER DRIP CAP.
   B. WINDOW SILLS: WHEN NOT WOOD BY MANUFACTURER SHALL BE PRIMED PINE 2X2 W/ 70 TOP BEVEL EXTENDED 3/4" BEYOND JAMB CASING.
   DOORSILLS: INSTALLED BY MANUFACTURER
   C. CORNER BOARDS: 6"CA. WY, RED CEDAR (IF APPLICABLE)
   D. BASE BOARDS: 1X8 RED CEDAR
   E. FASCIA BOARDS: 1X10 RED CEDAR
   F. RAKE/FASCIA TRIM BOARDS: 1X8 RED CEDAR
   G. FRIEZE BOARDS TO BE 1X8 BLOCKED OFF 1 1/2" TO ACCOMMODATE SOFFIT VENTING & TOP OF SHINGLES (IF APPLICABLE)
   H. ALL TRIM TO BE PAINTED GRAY.
   DOOR AND WINDOW SASHES PAINTED: DARK GRAY
18. ALL EXTERIOR TRIM SHALL BE PLANED ON ALL FOUR SIDES AND HAVE SQUARED EDGES.
19. WINDOW & DOOR MANUFACTURERS AND SIZES AND HARDWARE SHALL BE SPECIFIED IN DOOR AND WINDOW SCHEDULE.
20. INSULATION SHALL BE SPECIFIED AS FOLLOWS:
   A. EXTERIOR WALLS: 5" R-21 BATT INSULATION, INSTALL 4 MIL. POLY-VAPOR BARRIER AT INSIDE FACE OF ALL EXTERIOR WALLS.
   B. ROOF: 9 1/4" R-38 BATT INSULATION, INSTALL 4 MIL. POLY-VAPOR BARRIER AT INSIDE FACE OF ALL EXTERIOR WALLS.
   C. INTERIOR WALLS AND CEILINGS: USG 3" TERMAFIBER SOUND ATTENUATION BLANKETS
   D. FOUNDATION INSULATION: 4" RIGID INSULATION SECURED TO EXTERIOR FACE OF WALL
   E. FIRST FLOOR INSULATION: 9 1/4" R-30 BATT INSULATION
21. CAVITIES SHALL SUPPORT PROPER VENTING, INCLUDING THE INSTALLATION OF BAFFLES BEWTHEEN ALL RAFTERS. KEEP ALL VENTILATION SPACE UNOBSTRUCTED.
22. EXTERIOR STICK SHALL MEET STANDARDS OF THE BNDK INSTITUTE OF AMERICA (BIA) FOR EXTERIOR/SEVERE WEATHER USE.

GLAZING NOTES:

1. IT IS THE CONTRACTORS RESPONSIBILITY TO MAKE ALL GLAZING (WINDOW, DOOR, OR OTHERWISE) ADJACENT TO A WALKING SURFACE, STAIR, LANDING, TUB OR SHOWER SAFETY LAMINATED GLASS MEETING THE REQUIREMENTS OF THE MASSACHUSETTS STATE BUILDING CODE, HANTUCKET, AND ANY OTHER APPLICABLE LOCAL OR NATIONAL CODE.
2. PROVIDE SHOWER ENCLOSURES AS INDICATED ON THE PLANS. GLASS TO BE LOW IRON, CLEAR GLASS.

ABBREVIATIONS

ABOVE FINISHED FLOOR	AFF	INSULATION	INSUL.
ACCESS PANEL	A.P.	JUNCTION BOX	J.B.
ACOUSTICAL	ACOUS.	LAMINATE	LAM.
ADJACENT	ADJ.	LOW VOLTAGE	L.V.
AIR CONDITIONING	A/C	MATERIAL	MATL.
ALUMINUM	AL.	MAXIMUM	MAX.
APPROXIMATE	APPROX.	MECHANICAL	MECH.
ARCHITECTURAL	ARCH.	METAL	MTL.
BLOCKING	BLKG	MINIMUM	MIN.
CEILING	CLG.	MISCELLANEOUS	MISC.
CEILING HEIGHT	C.H.	MOLDING	MLDG.
CENTER LINE	CL.	MOUNTED	MTD.
CERAMIC TILE	C.T.	MULLION	MUL.
COLUMN	COL.	NOMINAL	NOM.
CONCRETE	CONC.	NOT APPLICABLE	N.A.
CONSTRUCTION	CONST.	NOT IN CONTRACT	N.I.C.
CONTINUOUS	CONT.	NUMBER	NO.
DETAIL	DTL.	ON CENTER	O.C.
DIMENSION	DIM.	OPENING	OPNG.
	DN.	OPPOSITE/OPPOSITE HAND	OPP./OPH
DOUBLE	DBL.	PAINTED	PTD.
DOWN	DN.	PARTITION	PARTN.
DRAWING	DWG.	PLASTER	PL.
	EA.	PLASTIC LAMINATE	PLAM
ELECTRIC/ELECTRICAL	ELEC.	PLYWOOD	PLYWD., PLY
ELEVATION	EL.	QUANTITY	QTY.
EMERGENCY	EMER.	RECESSED	REC.
EQUAL	EQ.	REQUIRED	REQD
EQUIPMENT	EQPT.	RETURN AIR	R.A.
EXISTING	EXIST.	REVISE/REVISION	REV.
EXTERIOR	EXT.	ROUGH OPENING	R.O.
FINISH	FIN.	SCHEDULE	SCHED.
FINISH FLOOR	FIN. FL.	SECTION	SECT.
FIREPROOF	FPRF.	SHEET	SHT.
SELF-CLOSING	S.C.	SIMILAR	SIM.
FLOOR	FL.	SOLID CORE	SC
FLUORESCENT	FLUOR.	SQUARE FOOT	SQ.FT.
FOOTSTEP	FT.	STAINLESS STEEL	S.S.TL.
BY OWNER/OWNER	B.O.	STANDARD	STD.
GLASS	GL.	STEEL	STL.
GRILLE	GRIL.	STORAGE	STOR.
GROUND FAULT INTER.	GFI	TELEPHONE	TEL.
GYPSUM WALLBOARD	GWB	TO BE DETERMINED	T.B.D.
HANDRAIL	HNDRL.	TYPICAL	TYP.
HARDBOARD	HDBD.	UNLESS OTHERWISE NOTED	U.O.N.
HARDWOOD	HDWD.	VERIFY IN FIELD	V.I.F.
HEATING, VENT. & A/C	HVAC	VINYL COMPOSITION TILE	VCT
HOLLOW CORE	HC		W
HOLLOW METAL	H.M.	WITHOUT	W/O
HORIZONTAL	HORIZ.	WOOD	WD.
INCHES	IN.	TOP OF SLAB	T.O.S.

DRAWING SYMBOLS

- ELEVATION MARKER (LEVEL / ELEVATION)
- SPOT ELEVATION (+0")
- REFERENCE GRID LINE (0)
- PROPERTY LINE
- BREAKLINE
- VAPOR BARRIER
- OBJECT ABOVE
- HIDDEN OBJECT
- DIMENSION LINE (4'-10")
- ALIGNMENT

MATERIAL SYMBOLS

- CONCRETE
- STEEL
- ALUMINUM
- BRICK
- FINISHED WOOD
- CONTINUOUS BLOCKING/ STRUCTURAL LUMBER
- NON-CONTINUOUS BLOCKING OR SHIM
- EXISTING EARTH
- COMPACTED FILL
- GRAVEL
- SAND
- RIGID INSULATION
- PLYWOOD
- GLASS
- PLASTIC LAM, OR WATERPROOFING MEMBRANE
- GYPSUM WALL BOARD
- BATT INSULATION
- GLASS (ELEVATION)
- OPENING OR VOID

REFERENCE SYMBOLS

- N — PLAN NORTH
- 1 DRAWING 1 1/2" = 1'-0" — DRAWING TITLE
- 1 A101 SIM — DETAIL REFERENCE
- 1 A101 2 3 4 — ELEVATION SYMBOLS
- 1 A101 SIM — SECTION REFERENCE
- 0 1' 2' 4' 8' — GRAPHICAL SCALE

IDENTIFICATION SYMBOLS

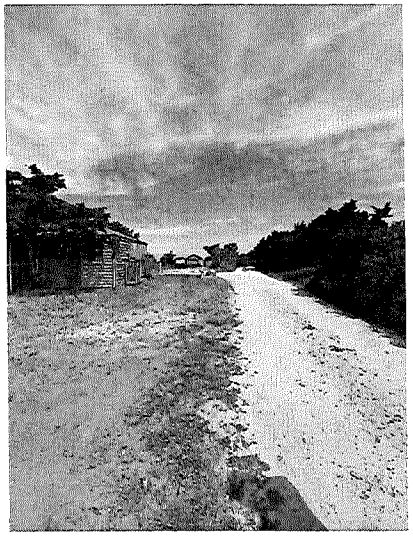
ROOM NAME
101 — ROOM TAG
101 — DOOR TAG
1 — WALL TAG
1 — WINDOW TAG
CO — D.C. MTD. COMBINED SMOKE-CO2 DETECTOR HARDWIRE 120V WITH BATTERY
4'-10" — CLG ELEVATION TAG
1 — REVISION SYMBOL AND TAG
EP — ELECTRICAL PANEL
FPSC — INDICATES FIREPROOF SELF-CLOSING DOOR

6VW

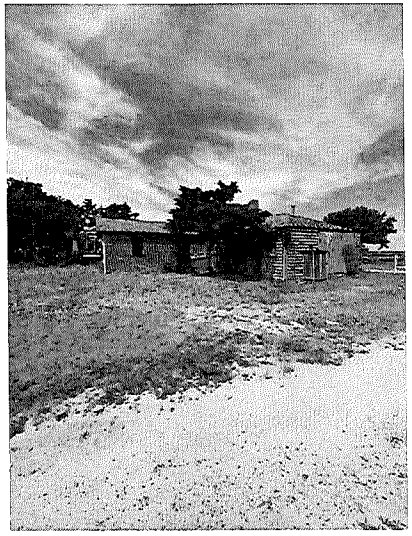
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

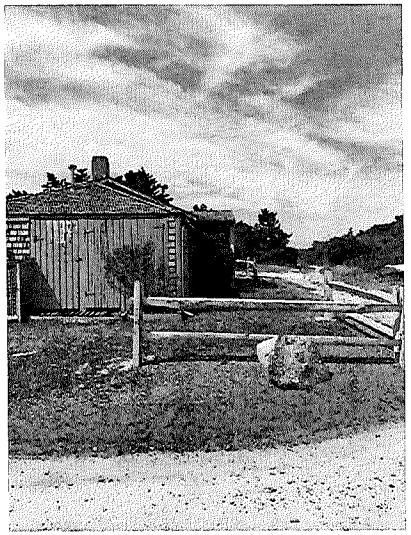
OWNER
STEVEN L. COHEN OF THE 6 VILLAGE WAY



STREEET VIEW - NORTH VIEW ON VILLAGE WAY



STREEET VIEW - WEST VIEW ON VILLAGE WAY



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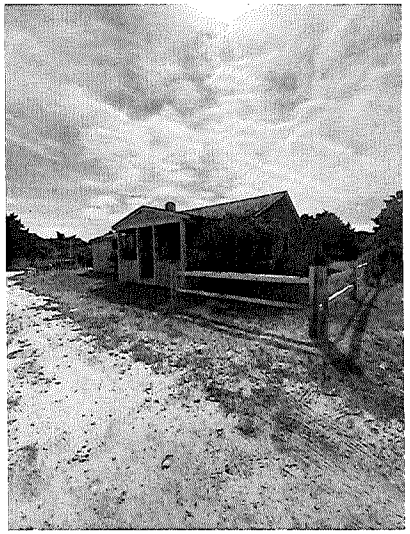
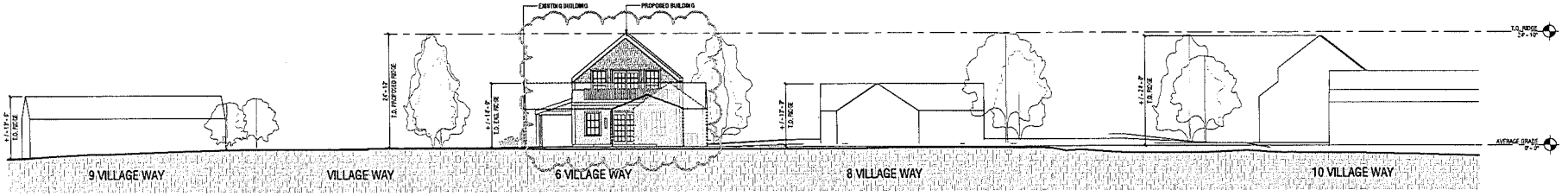
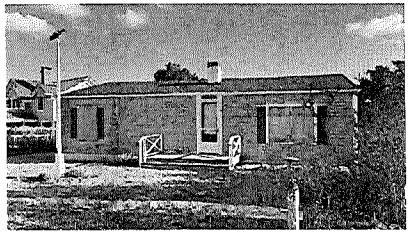


STREEET VIEW - NORTH WEST VIEW LOOKING SOUTH EAST

211

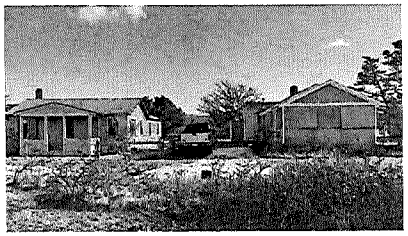


STREET ELEVATION WITH ABUTTING PROPERTIES

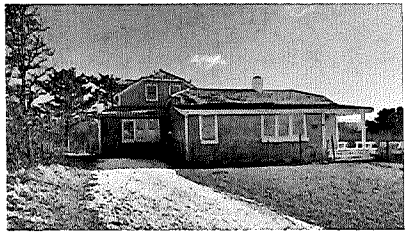


9 VILLAGE WAY - NORTH VIEW LOOKING SOUTH

6 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



6 & 8 VILLAGE WAY - NORTH VIEW LOOKING SOUTH



10 VILLAGE WAY - NORTH VIEW LOOKING SOUTH

6VW

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REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

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EXISTING CONDITIONS

G-002

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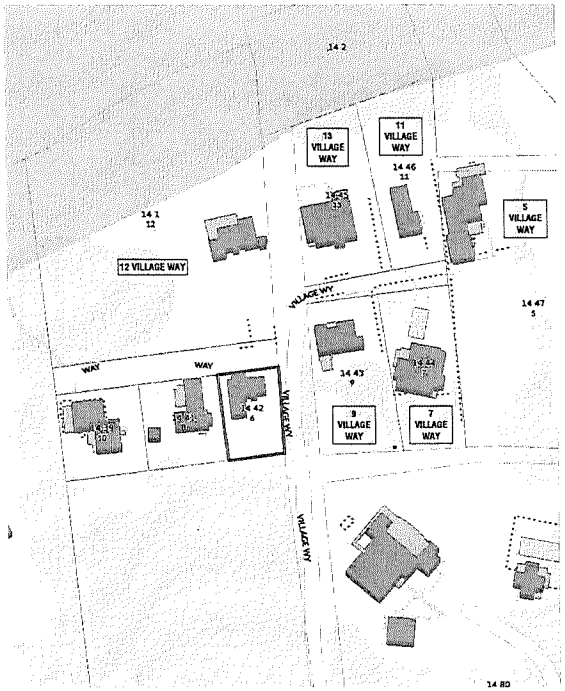
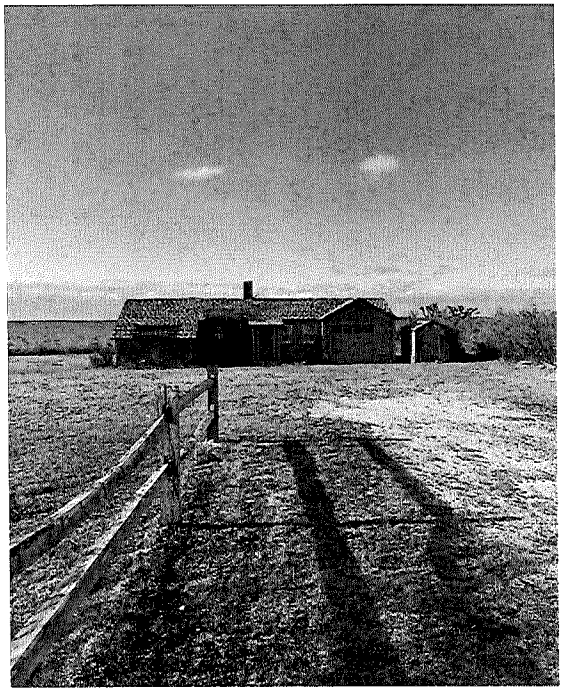


LOCUS PLAN



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

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

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

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

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

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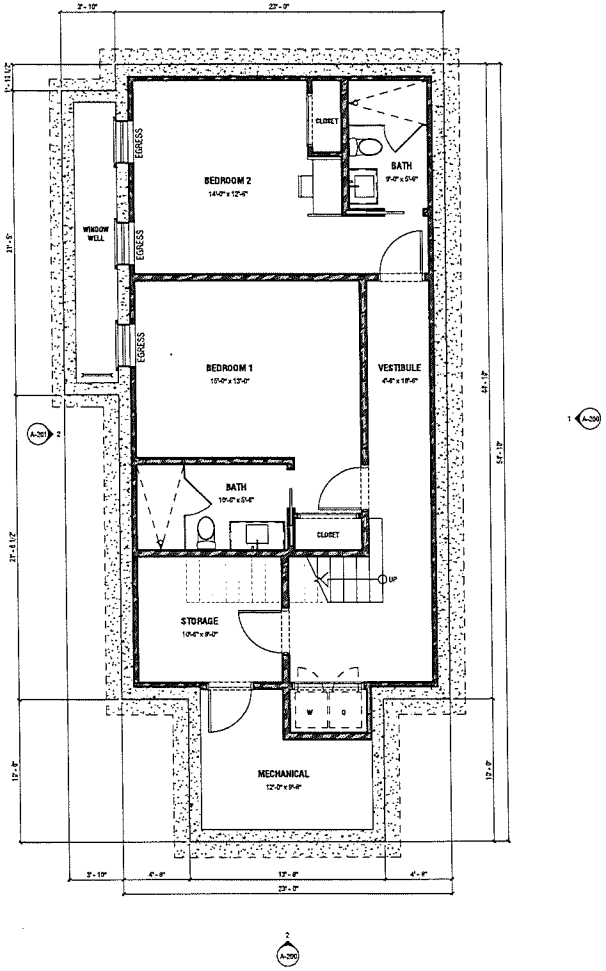
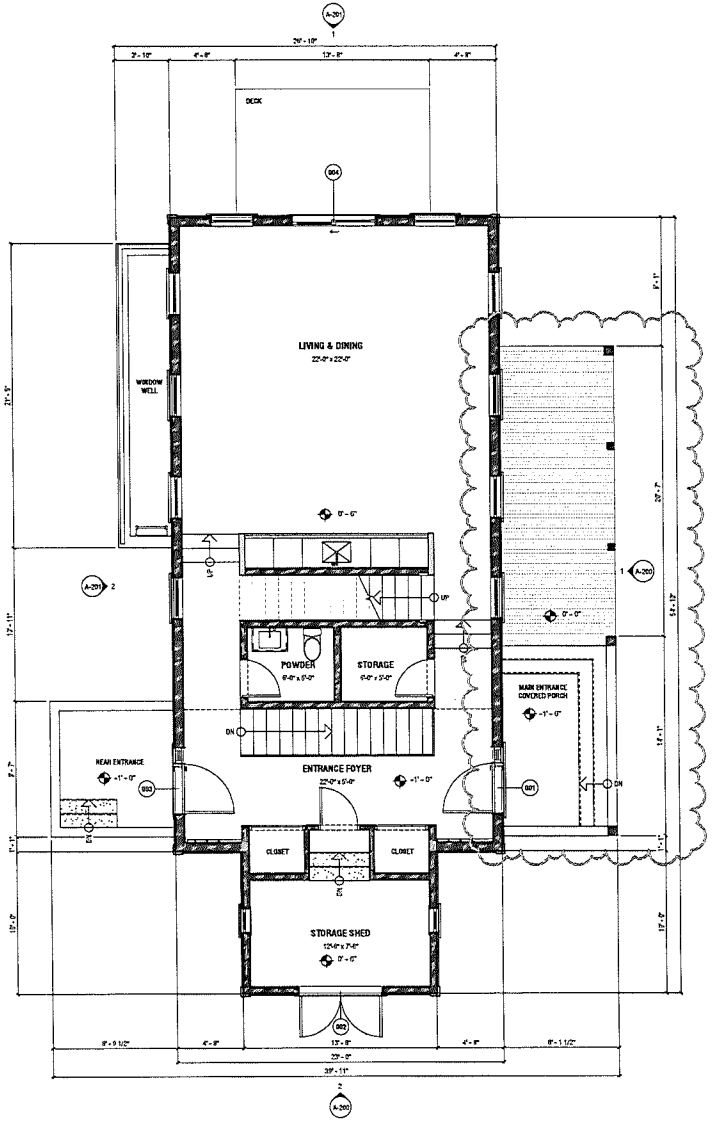


3 BASEMENT FLOOR PLAN

1/4" = 1'-0"



1 1ST FLOOR PLAN

1/4" = 1'-0"

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FLOOR PLANS

A-100

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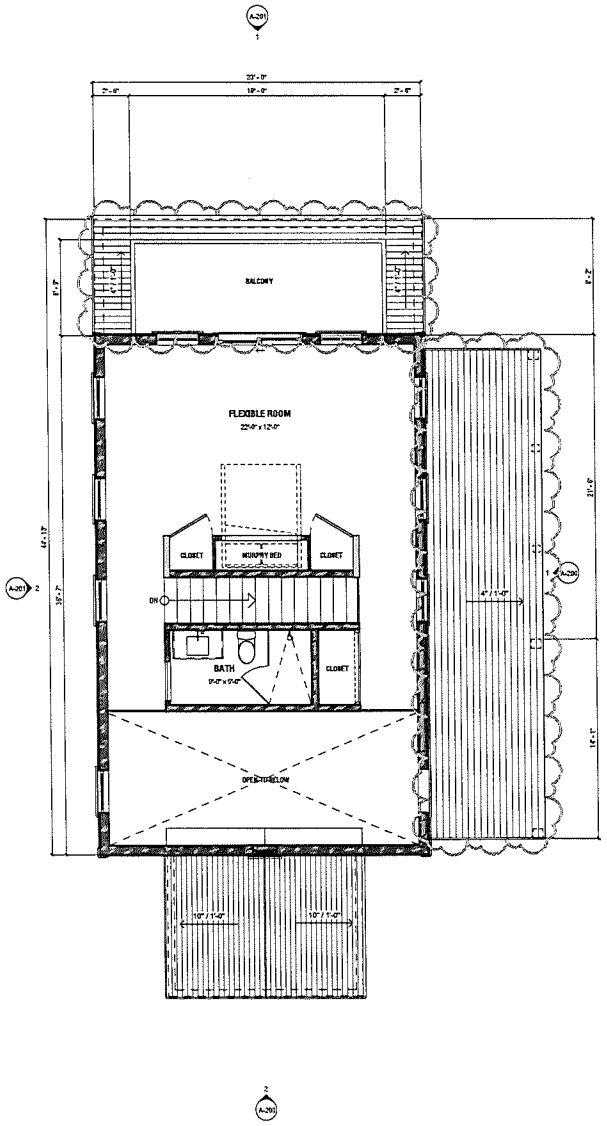
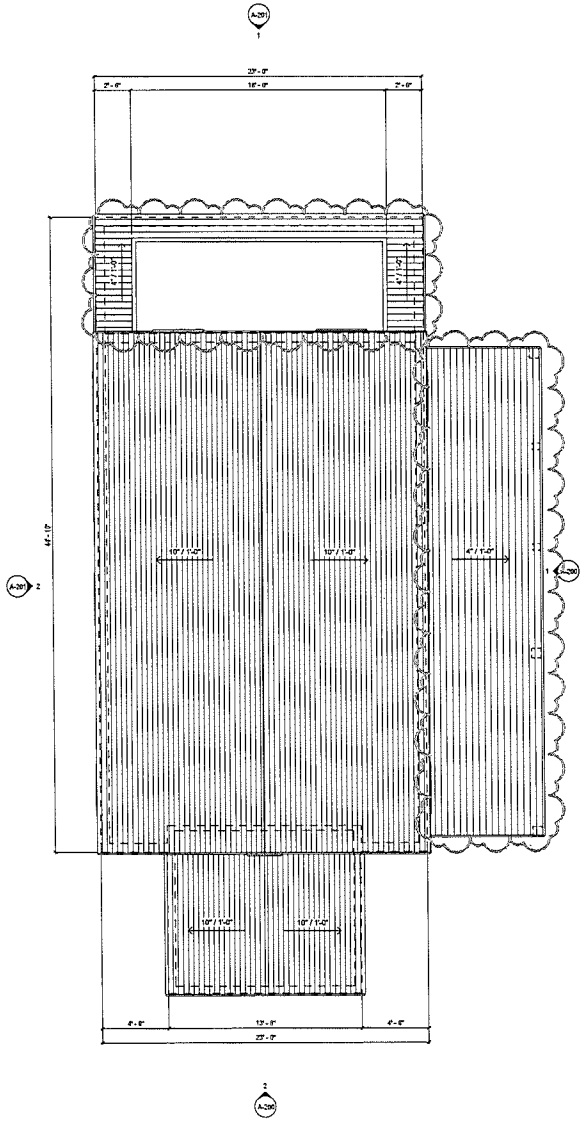


1 **2ND FLOOR PLAN**
1/4" = 1'-0"



2 **ROOF PLAN**
1/4" = 1'-0"

6VW

NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER

STEVEN L COHEN OF THE
6 VILLAGE WAY REAL TY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT

WORKSHOP/APD

WORKSHOP/APD ARCHITECTURE DPC
39 W 38th Street, 7th Fl, New York, NY 10018
T: (212) 273-8712 Info@workshopapd.com

CONTRACTOR

J. BROWN BUILDER
142 Old South Road
Nantucket, MA 02554
T: (508) 228-8799

STRUCTURAL ENGINEER

CRAFT - ENGINEERING STUDIO
39 West 38th Street, 6th Fl
New York, NY 10018
T: (646) 912-8967

LANDSCAPE ARCHITECT

MIROSLAVA AMERIN, LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 333-3138

SURVEYOR

NANTUCKET SURVEYORS LLC
5 Windy Way
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIT FIELD CONDITIONS

REVISIONS

1	07/08/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/08/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS

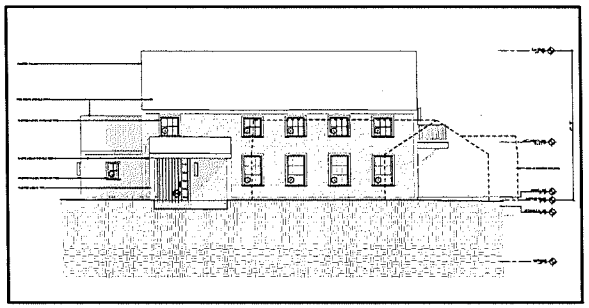
DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	121015

FLOOR PLANS

A-101

COPYRIGHT © 2021 WORKSHOP/APD ARCHITECTURE DPC

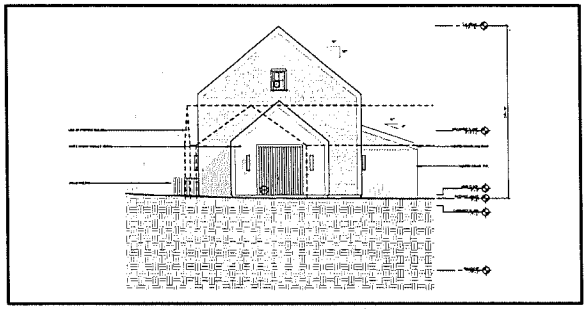
PREVIOUSLY SUBMITTED ELEVATION 04/07



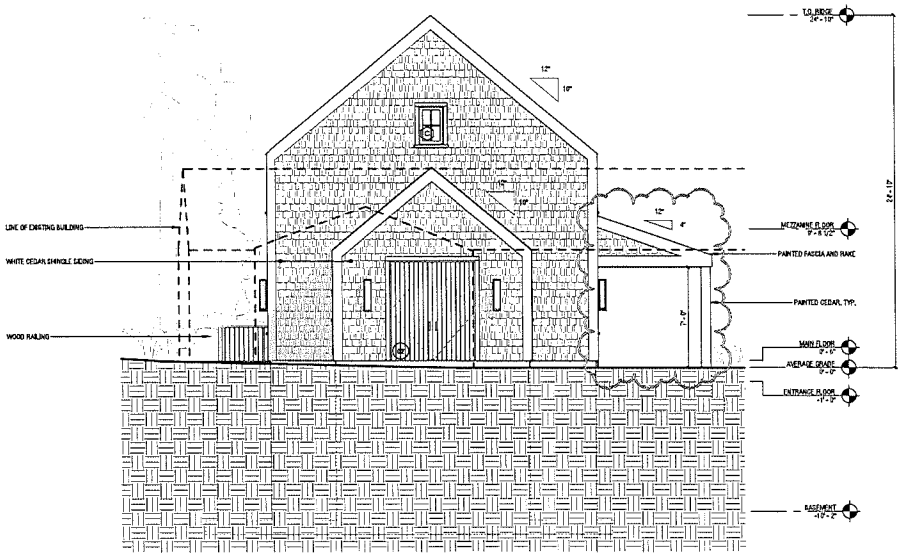
NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.
2. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.
3. ADDED OPERABLE AWNING WINDOW TYPES.

1 BUILDING ELEVATION EAST - LOOKING WEST FROM VILLAGE WAY
1/4" = 1'-0"

PREVIOUSLY SUBMITTED ELEVAITON 04/07



NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.



2 BUILDING ELEVATION SOUTH - LOOKING NORTH FROM 37 POCOMO
1/4" = 1'-0"

6VW
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER
STEVEN L COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 788
Nantucket, MA 02554

ARCHITECT
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WORKSHOP/APD ARCHITECTURE DPC
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Nantucket, MA 02554
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STRUCTURAL ENGINEER
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LANDSCAPE ARCHITECT
MIROSLAVA AHERN, LLC
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Nantucket, MA 02554
T: (508) 333-5138

SURVEYOR
NANTUCKET SURVEYORS LLC
5 Windy Way,
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIS. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/06/2021	HDC Revision 1

DRAWING INFO

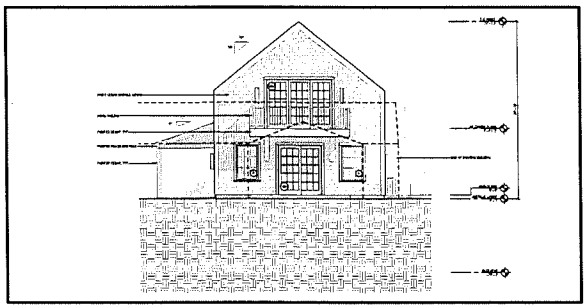
CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	201915

BUILDING ELEVATIONS

A-200

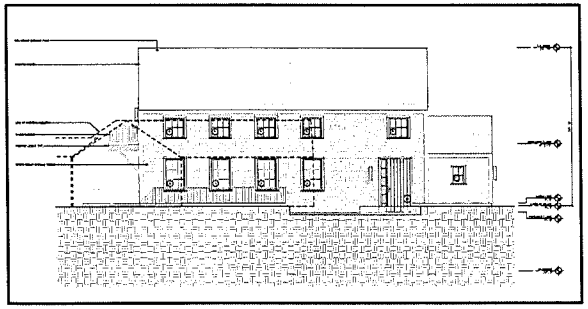
PREVIOUSLY SUBMITTED ELEVATION 04/07



NOTES:
1. EXTENDED ENTRY PORCH FULL LENGTH OF MAIN MASS.
2. SET BACK GABLE END ON NORTH FOR LOWER ADDITIVE MASS.

1 BUILDING ELEVATION NORTH - LOOKING SOUTH FROM DIRT ROAD
1/4" = 1'-0"

PREVIOUSLY SUBMITTED ELEVAITON 04/07



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

2 BUILDING ELEVATION WEST - LOOKING EAST FROM 8 VILLAGE WAY
1/4" = 1'-0"

6VW
NEW DWELLING

6 VILLAGE WAY
NANTUCKET, MA 02554

OWNER
STEVEN L COHEN OF THE
6 VILLAGE WAY REALTY TRUST
34 Main Street, 2nd Floor P.O Box 786
Nantucket, MA 02554

ARCHITECT
WORKSHOP/APD
WORKSHOP/APD ARCHITECTURE DPC
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STRUCTURAL ENGINEER
CRAFT - ENGINEERING STUDIO
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New York, NY 10018
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LANDSCAPE ARCHITECT
MIROSLAVA AHERN, LLC
6 Windy Way
Nantucket, MA 02554
T: (508) 325-0138

SURVEYOR
NANTUCKET SURVEYORS LLC
5 Windy Way,
Nantucket, MA 02554
T: (508) 228-0240

ALL DESIGNS & SPECS ARE SUBJECT TO VERIFICATION OF EXIS. FIELD CONDITIONS

REVISIONS

1	07/06/2021	Revision 1

NOT FOR CONSTRUCTION

ISSUES

1	04/07/2021	HDC Submission
2	07/08/2021	HDC Revision 1

DRAWING INFO

CONSTRUCTION DOCUMENTS

DRAWN BY:	Author
CHECKED BY:	Checker
DATE:	04/07/21
SCALE:	1/4" = 1'-0"
PROJ. NO.	321915

BUILDING ELEVATIONS

A-201

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Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER: 6 VILLAGE WAY REALTY TRUST

MAILING ADDRESS: PO BOX 659, NANTUCKET, MA 02554

PROPERTY LOCATION: 6 VILLAGE WAY, NANTUCKET, MA 02554

ASSESSOR MAP/PARCEL: 14/42

SUBMITTED BY: COHEN & COHEN LAW PC

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.09.10 10:07:28 -04'00'

9-10-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
1		FAR AWAY ISLAND LLC		1 OLD PETERSHAM ROAD	HARDWICK	MA	01037	12 VILLAGE '
2		HUNTER WILLIAM F TRUSTEE	HARBOR FRONT REALTY TRUST	PO BOX 786	NANTUCKET	MA	02554	VILLAGE '
38		DALE KEVEN F TRUSTEE	37 POCOMO RD REALTY TRUST	34 MAIN ST 2ND FL	NANTUCKET	MA	02554	37 POCOMO
39		PRESTON RICHARD M LORI LILLY		1220 N ATLANTIC DRIVE	LANTANA	FL	33462	10 VILLAGE '
41		HORSESHOE CRAB LLC		PO BOX 101761	DENVER	CO	80250	8 VILLAGE '
42		DALE KEVIN F TR	6 VILLAGE WAY REALTY TRUST	34 MAIN ST 2ND FL	NANTUCKET	MA	02554	6 VILLAGE '
43		SMALL SIDNEY WILLIAM & NANETTE OWEN		13 VILLAGE WAY	NANTUCKET	MA	02554	9 VILLAGE '
44		KOPFLER MICHAEL D & AMY F		8 RUTLAND SQUARE UNIT 2	BOSTON	MA	02118	7 VILLAGE '
45		FOUR WINDS NOMINEE TRUST		13 VILLAGE WAY	NANTUCKET	MA	02554	13 VILLAGE '
46		PROVIDENCE ASSOCIATES LLC		368 CENTER ST	SOUTHPORT	CT	06890	11 VILLAGE '
47		TULLOCH PETER & VIRGINIA TRS	FIVE VILLAGE WAY NOMINEE TRUST	368 CENTER ST	SOUTHPORT	CT	06890	5 VILLAGE '
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								

238

FAR AWAY ISLAND LLC
1 OLD PETERSHAM ROAD
HARDWICK, MA 01037

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

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

PROVIDENCE ASSOCIATES LLC
368 CENTER ST
SOUTHPORT, CT 06890

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

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

HORSESHOE CRAB LLC
PO BOX 101761
DENVER, CO 80250

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

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

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

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

FOUR WINDS NOMINEE TRUST
13 VILLAGE WAY
NANTUCKET, MA 02554

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

Letters

-----Original Message-----
From: Preston, Richard <RPreston@seyfarth.com>
Sent: Tuesday, September 28, 2021 5:25 PM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Lori Lilly <llilly1220@gmail.com>
Subject: File No. 24-21; 6 Village Way; 37 Pocomo Rd.

This email requests electronic transmittal of application materials for the above applications for variances to be heard by the ZBA on October 14.

We are the property owners at 10 Village Way with particular interest in any disturbance to the required vegetative buffer running along the northern property line of 37 Pocomo Rd.

Please let us know if you have any questions or issues supplying the requested information.

Sincerely,
Richard Preston
Lori Lilly

_____

New Business

Hugh & Kelly Mahon

Johnston

File No. 35-21

76 Polpis Rd

Modification

PLUS

PAID OCT 19 2021 PAID BY:

RECEIVED OCT 18 2021 By

2021 OCT 20 AM 9:56 NANTUCKET TOWN CLERK

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 X 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 05/28/2020 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**

Susan McCarthy

Lisa Botticelli

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 L. Holmes
NANTUCKET TOWN CLERK

MAY 2 8 2020

Michael J. O'Mara

Geoffrey Thayer

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.

Official Signature and Seal of Notary Public
My commission expires:

LESLIE WOODSON SNELL
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 25, 2025

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register 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.

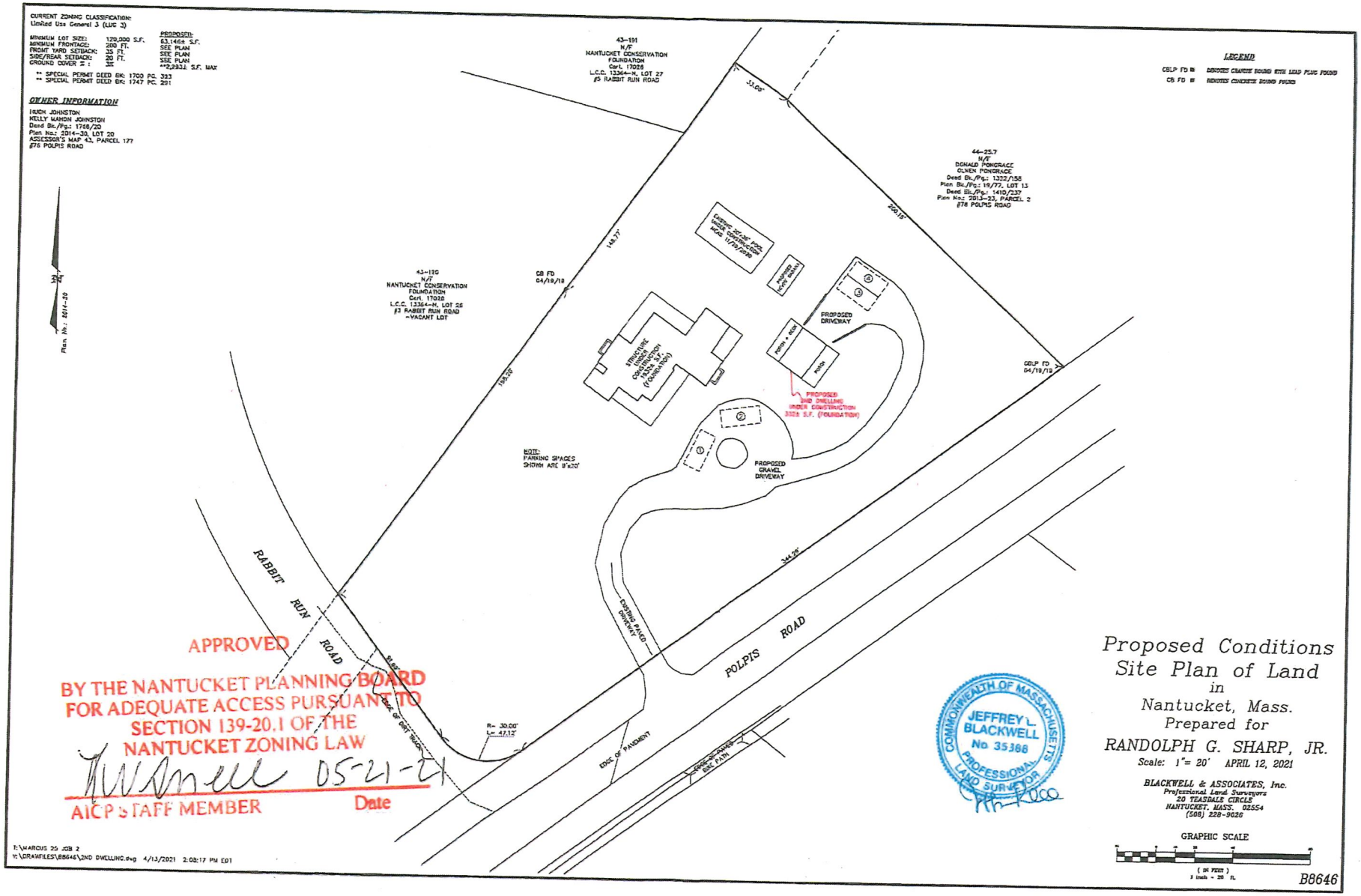
The approval is also **conditional** upon adherence to the site plan submitted by the applicant and endorsed by the Deputy Director, showing the relative locations of proposed or existing dwellings and driveways or parking areas. As per Section 139-2 of the *Nantucket Zoning Code*, the approval referenced 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


CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)
MINIMUM LOT SIZE: 170,000 S.F. PROPOSED: 63,146± S.F.
MINIMUM FRONTAGE: 200 FT. SEE PLAN
FRONT YARD SETBACK: 35 FT. SEE PLAN
SIDE/REAR SETBACK: 20 FT. SEE PLAN
GROUND COVER = : 35% **2,293± S.F. MAX
** SPECIAL PERMIT DEED BK: 1700 PG. 333
** SPECIAL PERMIT DEED BK: 1747 PG. 291
OWNER INFORMATION
HUGH JOHNSTON
KELLY MAHON JOHNSTON
Deed Bk./Pg.: 1768/20
Plan No.: 2014-30, LOT 20
ASSESSOR'S MAP 43, PARCEL 177
#75 POLPIS ROAD
Plan No.: 2014-30
43-191
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-H, LOT 27
#5 RABBIT RUN ROAD
43-190
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-H, LOT 26
#3 RABBIT RUN ROAD
-VACANT LOT
44-25.7
N/F
DONALD PONGRACZ
GLWEN PONGRACZ
Deed Bk./Pg.: 1322/158
Plan Bk./Pg.: 19/77, LOT 13
Deed Bk./Pg.: 1410/237
Plan No.: 2013-23, PARCEL 2
#78 POLPIS ROAD
LEGEND
CBLP FD ⊞ BOUNDS CHANGE BOUND WITH LEAD PLUG FOUND
CB FD ⊞ BENDING CONCRETE BOUND FOUND
CB FD 04/19/18
CBLP FD 04/19/18
148.77'
198.58'
220.19'
344.29'
33.06'
EXISTING 20'x24' WOOD FRAME HOUSE TO BE REMOVED 11/29/2020
SHED TO BE REMOVED
STRUCTURE UNDER CONSTRUCTION (FOUNDATION)
PROPOSED DRIVEWAY
PROPOSED 2ND DWELLING UNDER CONSTRUCTION 3326± S.F. (FOUNDATION)
PROPOSED GRAVEL DRIVEWAY
EXISTING PAVED DRIVEWAY
NOTE: PARKING SPACES SHOWN ARE 9'x20'
RABBIT RUN ROAD
POLPIS ROAD
EDGE OF DIRT ROAD
EDGE OF PAVEMENT
R= 30.00'
L= 47.12'
ASPHALT BIKE PATH
APPROVED
BY THE NANTUCKET PLANNING BOARD
FOR ADEQUATE ACCESS PURSUANT TO
SECTION 139-20.1 OF THE
NANTUCKET ZONING LAW
05-21-21
AICP STAFF MEMBER
Date
COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35368
PROFESSIONAL LAND SURVEYOR
Proposed Conditions
Site Plan of Land
in
Nantucket, Mass.
Prepared for
RANDOLPH G. SHARP, JR.
Scale: 1"= 20' APRIL 12, 2021
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
B8646
I:\MARCUS 25 JOB 2
H:\DRAWFILES\B8646\2ND DWELLING.dwg 4/13/2021 2:08:17 PM EDT

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).

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'

October 4, 2021
DATE

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

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

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		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 W	WASHINGTON	DC	20016	78 POLPIS RD
Count :	20								

Anne Dewez

File No. 30-21

103 Main St

Appeal

NANTUCKET TOWN CLERK
2021 SEP 21 PM 2:42

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

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 PETER TAYLOR **

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

Mailing Address: 5 Mill Street, Nantucket, MA 02554

Phone Number: 203 685 5361 E-Mail: afmckenez2@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

Deed Reference/Certificate of Title: Book 1494 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

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

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

Please see addendums attached
- 103 Main Spa Appeal [1] (3pages)
- 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: Jennifer M Lewis 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:____
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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*~~ 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:_____
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:__/__/__

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 dicussion. 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)

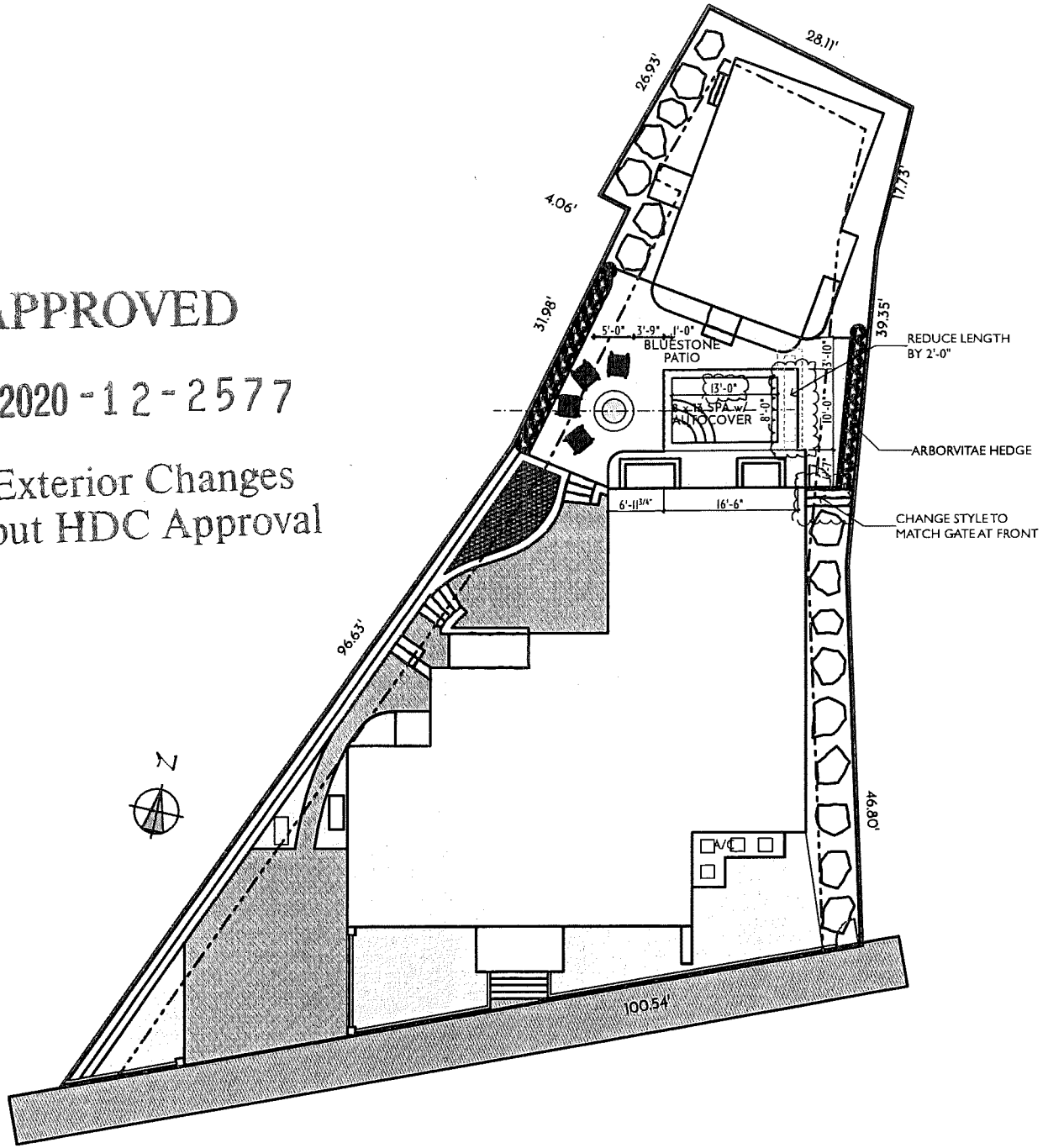
Note: Structure is the only definition that received a discussion that was more substantive than clarification during Town Meeting, per the YouTube video of the meeting; hence it is included above.

LOCUS PLAN FROM NANTUCKET TAX ASSESSORS MAP BOOK

APPROVED

HDC2020-12-2577

No Exterior Changes
Without HDC Approval



1 HDC LANDSCAPE PLAN
SCALE: 1" = 20'

atlantic LANDSCAPING, INC.

MARK	DATE

HDC Site Plan

249

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-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 C/O ROBERT GEASE, PO BOX 3142, PALM BEACH, FL 33480

PROPERTY LOCATION 103 MAIN ST

ASSESSOR MAP/PARCEL 42.33/153

APPLICANT ANNE DEWEZ

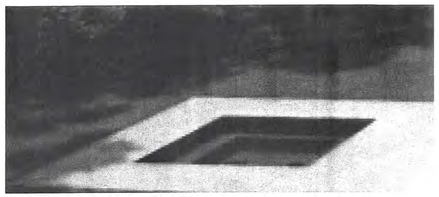
SEE ATTACHED PAGES

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



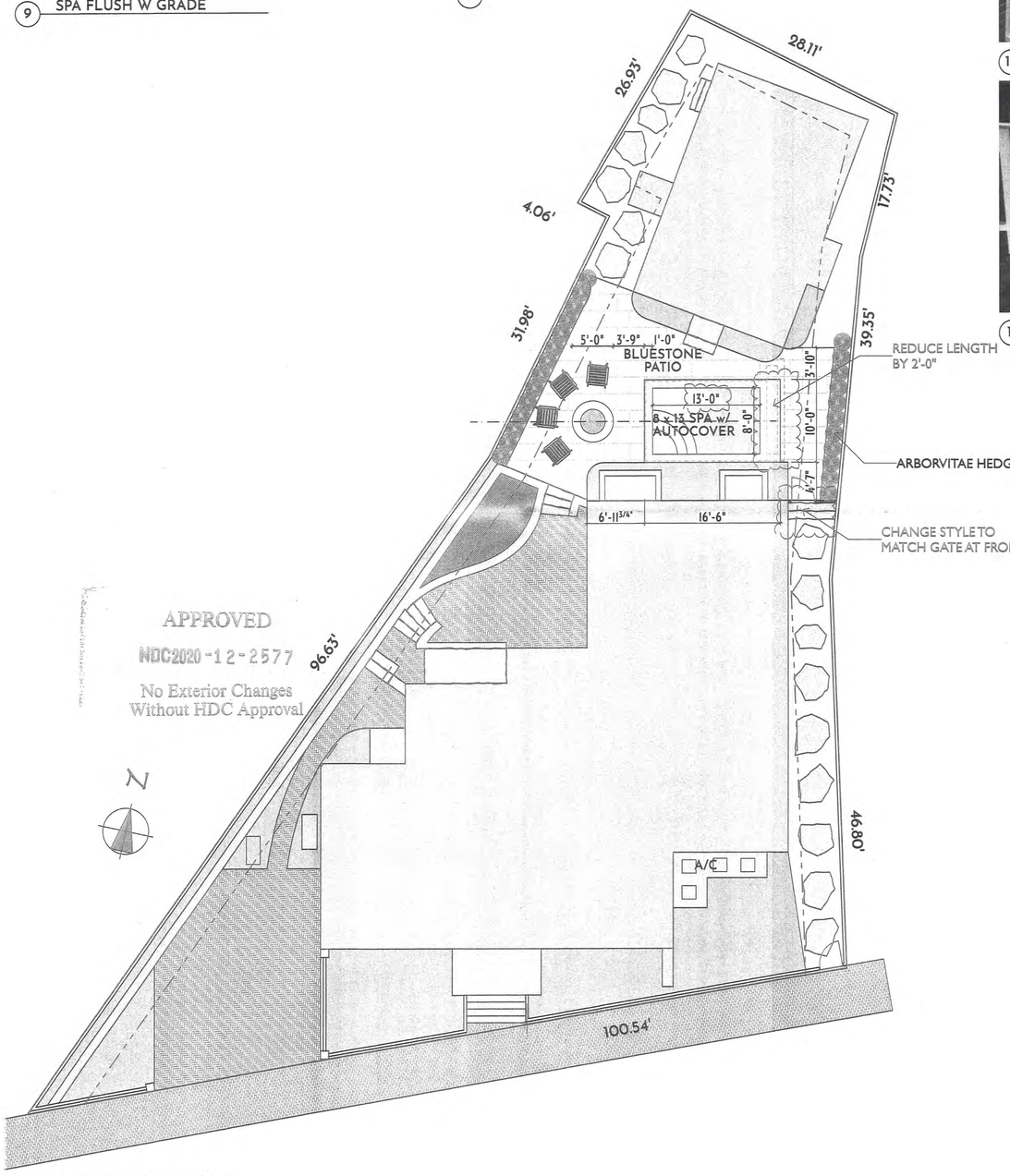
9 SPA FLUSH W GRADE

10 circular bluestone fire pit

12 NEW GATE LOCATION

11 MATCH EXISTING GATE

2 LOCUS M-42.3.3 P-153



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

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

atlantic LANDSCAPING, INC.

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 HGWY	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 & HELENE M		16 GARDNER ST	NANTUCKET	MA	02554	16 GARDNER ST
Count:	**62**							

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

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

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

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

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

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

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

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

SPLENDID LLC
6951 GREENTREE ROAD
BETHESDA, MD 20817

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

MERRITHEW PAUL B
P O BOX 120
AMHERST, NH 03031

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

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

7 GARDNER STREET LLC
PO BOX 22424
CHARLESTON, SC 29413

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

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

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

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

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

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

DAVIS HUGH O
112 MAIN ST
NANTUCKET, MA 02554

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

REILLY JOHN
1 HOWARD ST
NANTUCKET, MA 02554

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

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

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

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

1 PLEASANT NANTUCKET LLC
4 HUNTER LANE
RYE, NY 10580

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

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 HGWY
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

RUETTGERS 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

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NANTUCKET, MA 02554

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Letters

Mr. & Mrs. Jeffrey Rayport
89 Main Street
Nantucket, MA 02554

November 7, 2021

VIA EMAIL
Ms. Leslie Woodson Snell
Deputy Director of Planning

Dear Ms. Snell:

This letter is regarding the ZBA case file number 30-21, 103 Main Street, pool/spa. We own the residence at 89 Main Street.

Swimming Pools and Spas in the neighborhood are a serious concern. They cause noise, light, and environmental pollution. They intrude on privacy and generate additional service calls and traffic. We do not want any pools in our neighborhood, which is, like all of the Old Historic District, densely populated with small lots.

For this reason, as you know, voters at the 2011 ATM banned pools in the OHD and SOH. Restrictions were expanded to other zones last year.

Leading up to 2011, and continuing today, a pool is defined in the Nantucket zoning code as having 1,000 or more gallons of water. As a matter of Town law, this may not be ignored. While the large "spa" at 103 Main Street is less than 150 sq. feet of surface area, it evidently holds over 3,000 gallons of water, making it a pool, which is not permitted in the OHD.

Why is gallonage the critical measure under this zoning code? The gallonage establishes guidelines for overall size and limits type of use (active swimming and jumping) and environment (quantity of pool water that must be serviced, including heating, pumping, and cleaning).

Our neighbor likely did not realize that he was violating the zoning code by installing such a swimming pool. It's never comfortable to object to a neighbor's actions. Regardless, the pool is a serious imposition on the neighborhood as well as a violation of Town code. We would be seriously aggrieved if even a small spa, let alone a 1,000+ gallon pool, were to be installed on our lot line and under our windows.

It's very important that the ZBA clarify for the building and planning department and the public that the Nantucket zoning code defines a pool by volume. Nantucket voters worked hard to limit pools. Please uphold the zoning code, which restricts swimming pools.

Kind Regards,

Hillary and Jeffrey Rayport

-----Original Message-----
From: Marie Sussek <sussekmarie@gmail.com>
Sent: Monday, November 8, 2021 12:26 PM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: ZBA case file #30-21

As residents of 85 Main Street, we are writing to express our concern about the ZBA case referenced above. Our understanding is the so-called spa at 103 Main Street holds 3000 gallons which is illegal in the Old Historic District. We believe the zoning law allows pools of 1000 gallons or less. We wonder what the definition of "spa" is in this instance. We would think a "spa" would be no bigger than a hot tub.
The Old Historic District is made up of small lots which are close together. Even on Main Street where houses may be larger than the smaller streets, our lots are still small and separated only by fences, not large expanses. Pools and spas(?) should not be allowed in the OHD: it is designated that because the idea is to preserve the historic integrity of the area. Pools and spas do not fit that category. Therefore we are strongly opposed to a 3000 gallon body of water in the OHD.

With regards,
Marie and John Sussek

November 5, 2021

Town of Nantucket
Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Thomas M. Montgomery
33 N. Liberty Street
Nantucket, MA 02554

Ms. Susan McCarthy, Chair
Ms. Lisa Botticelli
Mr. Edward S. Toole
Mr. Michael J. O'Mara
Ms. Elisa H. Allen
Mr. James Mondani
Mr. Mark W. Poor
Mr. Geoff Thayer

Re: 103 Main Street, ZBA File No. 30-21

As a long-time year-round resident, and tax paying voter of Nantucket, I want to convey to you my utmost displeasure with recent events taking place at 103 Main Street, in the form of a swimming pool, that is being construed as a spa.

There is nothing about this swimming pool that is even close to what anyone would consider a spa. It's too deep and will be able to contain too much water to be considered anything other than a swimming pool.

At our Annual Town Meeting on April 5, 2011 (the second night), voters 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 this is:
SWIMMING POOL-RESIDENTIAL
A structure designed to be used for recreational purposes, either above or below grade, containing 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.

If my memory serves me correctly, during that second night, the Planning Board tried to have further study on the issue, imagine that, but the article was amended on Town Meeting floor to eliminate a provision that would have allowed pools through a special permit which the majority of the voters viewed as too large a loophole. This was posted two days later on April 7, 2011.

If we are to maintain the National Historic Landmark title which Nantucket has earned, we need and the Planning and Zoning Boards need to adhere to the rules and laws passed at our town

body form of government, namely Annual Town Meeting, and respect the wishes and decisions of the voters. An end run, like changing the terms of a swimming pool to a spa and using legal gobbledygook & maneuvering to accomplish it, as illegal as it is, only serves to detract from the ROH SOH and sets a bad precedent.

Do the right thing, and require the applicant at 103 Main Street, to conform this atrocity to the norms for a spa that have evolved from the Pool definition, as voted the (second night) April 5, 2011 Town Meeting, or rescind the building permit. Thank you.

Sincerely,

Thomas M. Montgomery

Cc: Ms. Leslie W. Snell

From: Helene Weld <hmweld@gmail.com>
Date: November 15, 2021 at 10:47:52 AM EST
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: 103 Main Street

Ms. Leslie W. Snell
Deputy Director of Planning and Zoning Administration

Dear Ms. Snell.

I am writing regarding the ZBA case file # 30-21, 103 Main Street pool/spa.
We live at 16 Gardner Street and received notice of an appeal filed by several neighbors. The neighborhood is within the Old Historic District and is densely populated. Pools/spas create noise, light and can be very dangerous to children and pets.
We support the appeal and ask that you rescind the permit.

Sincerely,
Helene and Francis Weld
16 Gardner Street

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
PAID BY:
OCT 26 2021
PAID

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: ~~11087~~ 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

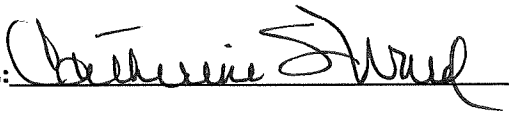
Building Permit Numbers: n/a

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, 202a, 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

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 Contac

Logi

9 West Dover Street, Nantucket MA

Gallery | Details | Availability | Map | Inquire | ♡

RENTAL

4	3	8	TOWN
BEDROOMS	BATHROOMS	SLEEPS	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

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	31	1	2	3	4

Weekly Rates

Week	Rate
April, 30, 2022 to May, 7, 2022	$2500
May, 7, 2022 to May, 14, 2022	$3000
May, 14, 2022 to May, 21, 2022	$3000
May, 21, 2022 to May, 28, 2022	$3000
May, 28, 2022 to June, 4, 2022	$4000

June 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	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

Weekly Rates

Week	Rate
May, 28, 2022 to June, 4, 2022	$4000
June, 4, 2022 to June, 11, 2022	$4000
June, 11, 2022 to June, 18, 2022	$5000
June, 18, 2022 to June, 25, 2022	$5350
June, 25, 2022 to July, 2, 2022	$7500

July 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	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	1	2	3	4	5	6

Weekly Rates

Week	Rate
June, 25, 2022 to July, 2, 2022	$7500
July, 2, 2022 to July, 9, 2022	$7500
July, 9, 2022 to July, 16, 2022	$7500
July, 16, 2022 to July, 23, 2022	$8000
July, 23, 2022 to July, 30, 2022	$8000
July, 30, 2022 to August, 6, 2022	$8000

August 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
31	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	1	2	3

Weekly Rates

Week	Rate
July, 30, 2022 to August, 6, 2022	$8000
August, 6, 2022 to August, 13, 2022	$8000
August, 13, 2022 to August, 20, 2022	$8000
August, 20, 2022 to August, 27, 2022	$7500
August, 27, 2022 to September, 3, 2022	$7500

September 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	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

Weekly Rates

Week	Rate
August, 27, 2022 to September, 3, 2022	$7500
September, 3, 2022 to September, 10, 2022	$5000
September, 10, 2022 to September, 17, 2022	$5000
September, 17, 2022 to September, 24, 2022	$4250
September, 24, 2022 to October, 1, 2022	$4250

October 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	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	1	2	3	4	5

Weekly Rates

Week	Rate
September, 24, 2022 to October, 1, 2022	$4250
October, 1, 2022 to October, 8, 2022	$4250
October, 8, 2022 to October, 15, 2022	$4250
October, 15, 2022 to October, 22, 2022	$4250
October, 22, 2022 to October, 29, 2022	$4250
October, 29, 2022 to November, 5, 2022	$4250

November 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
30	31	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	3

Weekly Rates

Week	Rate
October, 29, 2022 to November, 5, 2022	$4250
November, 5, 2022 to November, 12, 2022	$4250
November, 12, 2022 to November, 19, 2022	$4250
November, 19, 2022 to November, 26, 2022	$4250
November, 26, 2022 to December, 3, 2022	$4250

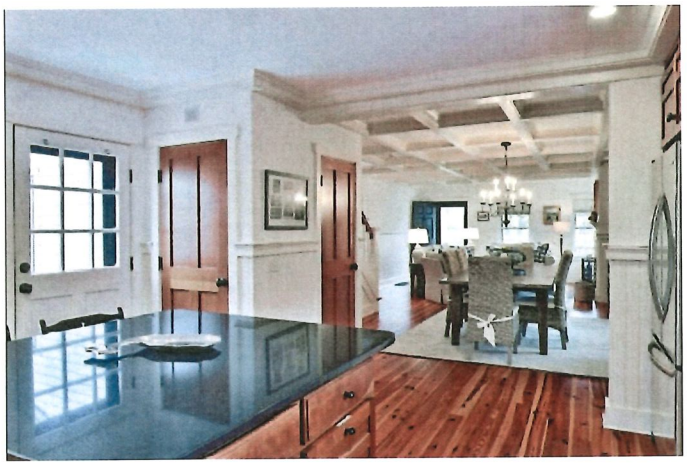
December 2022

Availability

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	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

Weekly Rates

Week	Rate
November, 26, 2022 to December, 3, 2022	$4250
December, 3, 2022 to December, 10, 2022	$4250
December, 10, 2022 to December, 17, 2022	$4250
December, 17, 2022 to December, 24, 2022	$4250
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

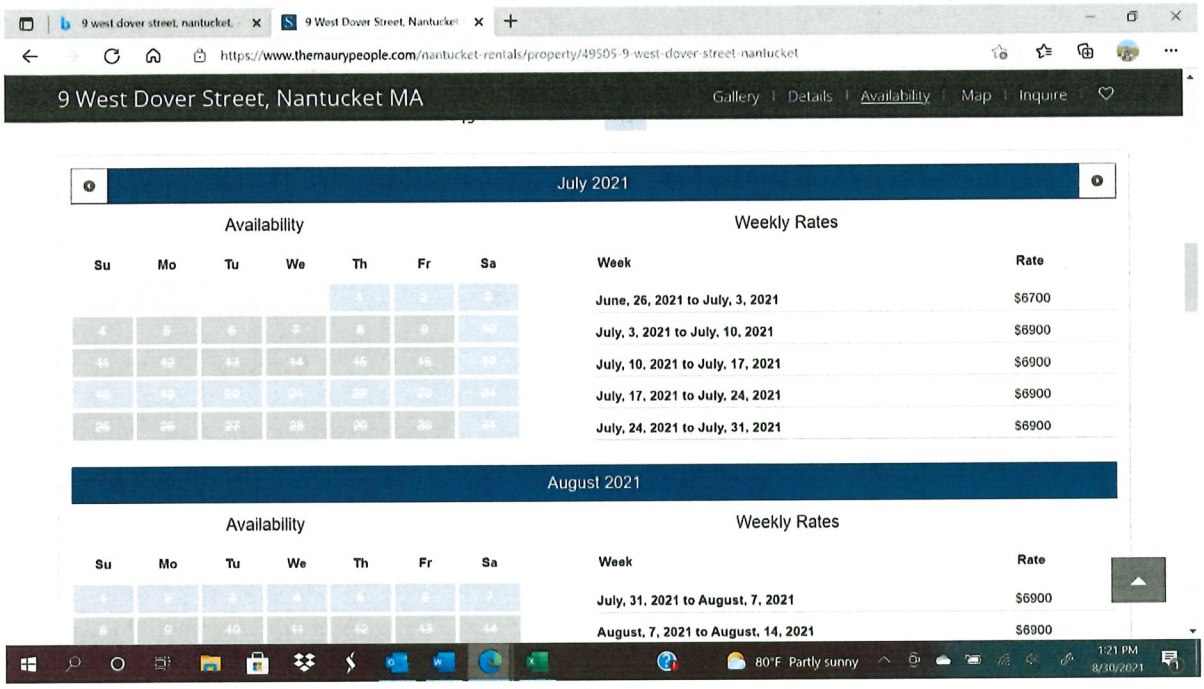
Mr. Silverstein, I am writing to you as a resident of 4A Silver Street, Nantucket, residential, single family area in town. I am now surrounded in this area by short term rentals, on my street, around the corner, on the street behind me, Dover Street. We are not the neighborhood we used to be due to 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?

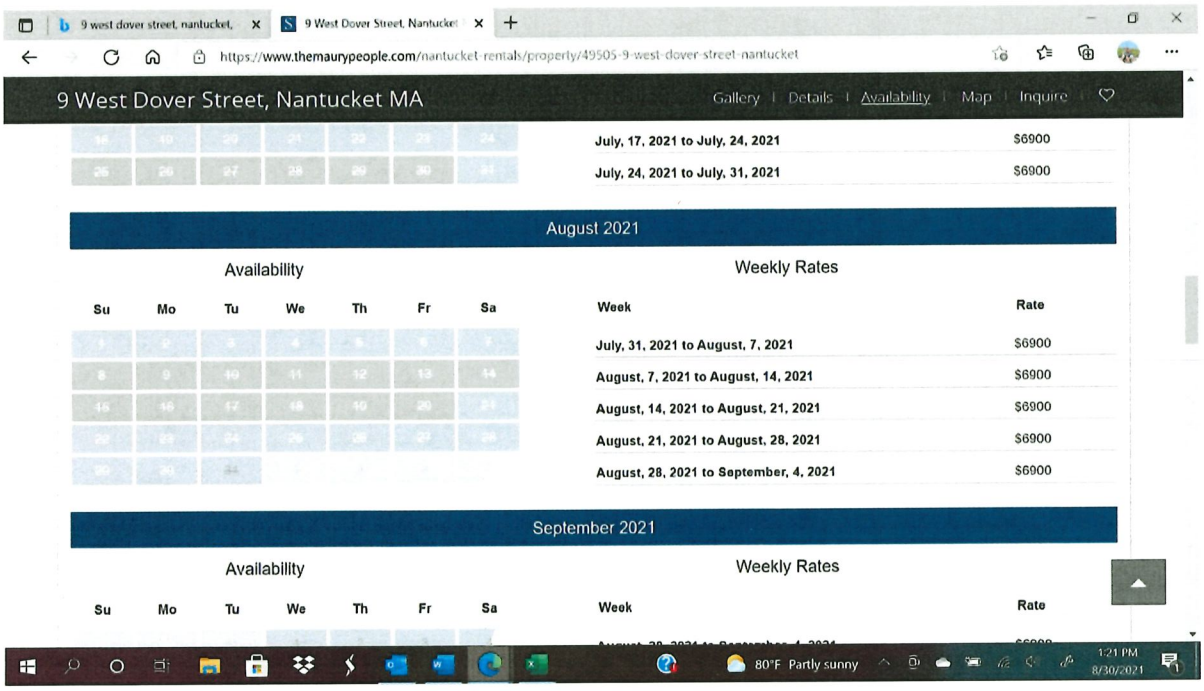
Nine Dover Street's use as a short-term rental is a commercial use and, thus, is prohibited in the ROH, SOH District in which it is located. The ROH, SOH District only permits residential uses, although it does allow rooming lodging and guest houses, but only if the owner has obtained a Special Permit 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.

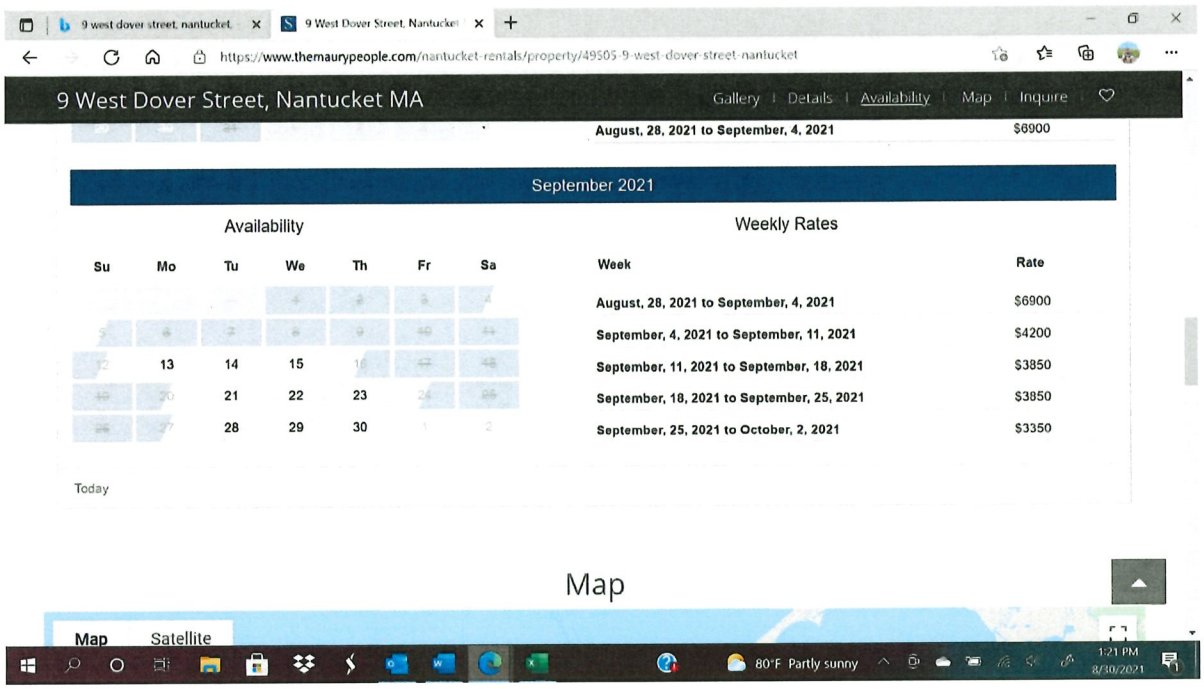
I am requesting that the Town, acting through your office, issue a cease and desist of that use for the property on Dover Street (rental schedule attached).

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


9 west dover street, nantucket,
9 West Dover Street, Nantucket
https://www.themaurypeople.com/nantucket-rentals/property/49505-9-west-dover-street-nantucket
9 West Dover Street, Nantucket MA
Gallery | Details | Availability | Map | Inquire
July 2021
Availability
Su Mo Tu We Th Fr Sa
Weekly Rates
Week
Rate
June, 26, 2021 to July, 3, 2021 $6700
July, 3, 2021 to July, 10, 2021 $6900
July, 10, 2021 to July, 17, 2021 $6900
July, 17, 2021 to July, 24, 2021 $6900
July, 24, 2021 to July, 31, 2021 $6900
August 2021
Availability
Su Mo Tu We Th Fr Sa
Weekly Rates
Week
Rate
July, 31, 2021 to August, 7, 2021 $6900
August, 7, 2021 to August, 14, 2021 $6900
80°F Partly sunny
1:21 PM
8/30/2021


9 west dover street, nantucket,
9 West Dover Street, Nantucket
https://www.themaurypeople.com/nantucket-rentals/property/49505-9-west-dover-street-nantucket
9 West Dover Street, Nantucket MA
Gallery | Details | Availability | Map | Inquire
July, 17, 2021 to July, 24, 2021 $6900
July, 24, 2021 to July, 31, 2021 $6900
August 2021
Availability
Su Mo Tu We Th Fr Sa
Weekly Rates
Week
Rate
July, 31, 2021 to August, 7, 2021 $6900
August, 7, 2021 to August, 14, 2021 $6900
August, 14, 2021 to August, 21, 2021 $6900
August, 21, 2021 to August, 28, 2021 $6900
August, 28, 2021 to September, 4, 2021 $6900
September 2021
Availability
Su Mo Tu We Th Fr Sa
Weekly Rates
Week
Rate
80°F Partly sunny
1:21 PM
8/30/2021


9 west dover street, nantucket
9 West Dover Street, Nantucket
https://www.themaurypeople.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
13 14 15
21 22 23
28 29 30
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

Addendum B

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

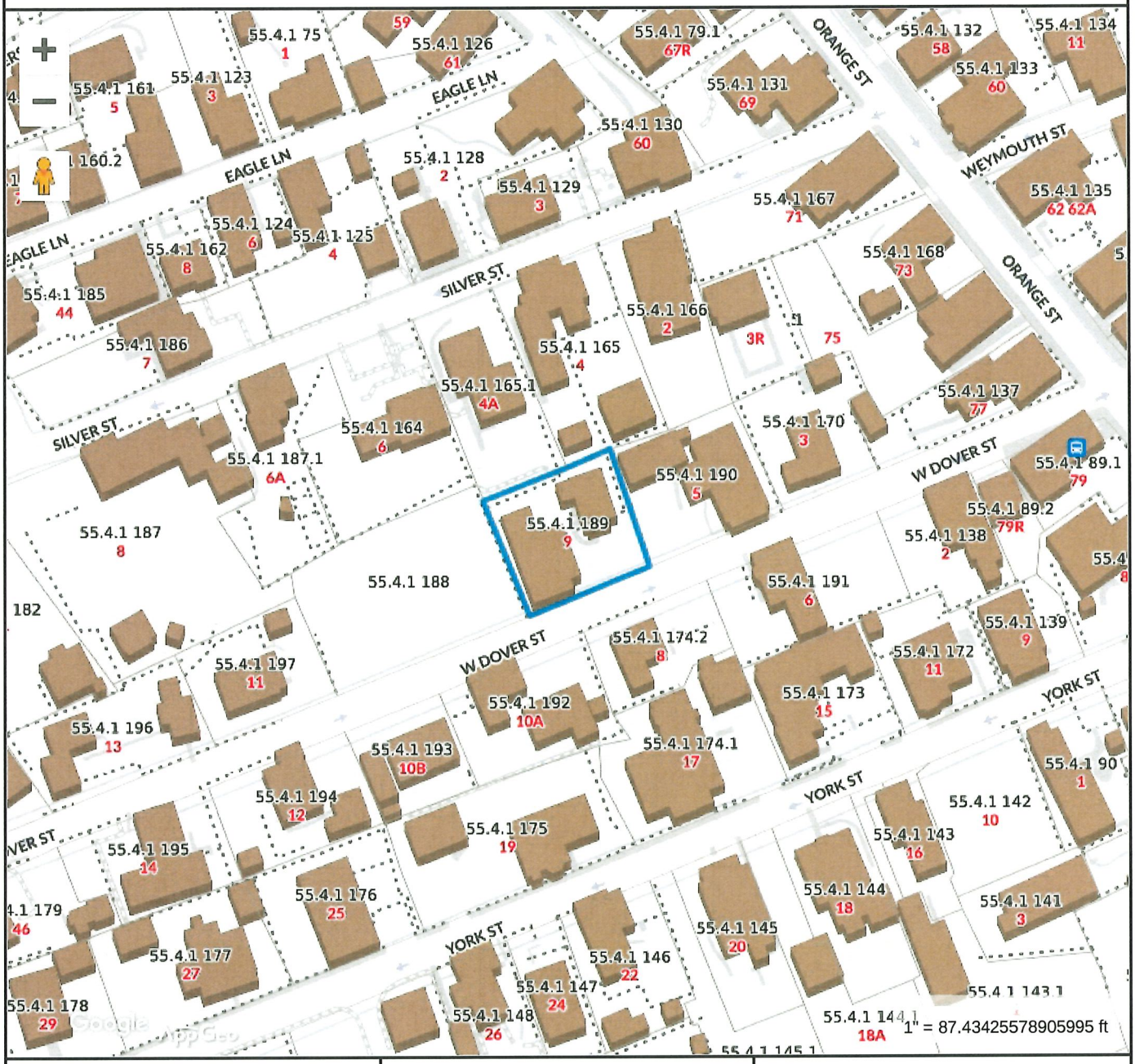
Paul Murphy
Building Commissioner
Town of Nantucket

Cc: Andrew Vorce, Director of Planning
Leslie Snell, Deputy Director of Planning

Certified Mail # 7019 2970 0001 3017 0902

Telephone 508-325-7587 ▪ 2 Fairgrounds Road ▪ Nantucket, MA 02554 ▪ 508-228-7298 facsimile

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
NEWBURG, 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
2 SILVER ST
NANTUCKET, MA 02554

ACK 71 ORANGE STREET LLC
C/O HAEBLER CAPITAL
8 SOUND SHORE DR
GREENWICH, CT 06830

BENDER STEPHEN L & LYNN ANNE A
73 ORANGE ST
NANTUCKET, MA 02554

BENYUS MIRIAM BRITT
706 BEDFORD ST
STAMFORD, CT 06901

SPRINGER MICHAEL R & LILLY DEBORAH
A ETAL
37 STONEGATE
FARMINGTON, CT 06035

3R WEST DOVER LLC
3600 RIDGEWOOD LN
ROANOKE, VA 24014

BROWN RICHARD A & SACHIYO Y
13229 GRIFFIN RUN
CARMEL, IN 46033

MCCALLISTER TODD & BARBARA
2156 COFFEE POT BLVD NE
ST PETERSBURG, FL 33704

LEWIS GILLIAN F & TIMOTHY J
PO BOX 8
NANTUCKET, MA 02554

BRINKERHOFF BETTE J
P O BOX 3246
WESTPORT, MA 02790

RIVES BARBARA WHAPLES
19 YORK ST
NANTUCKET, MA 02554

GLIDDEN RICHARD J TRST
C/O JEN BURRITT
844 LONGMEADOW STREET
LONGMEADOW, MA 01106

MUSEUM OF AFRO AMERICAN HISTORY
14 BEACON STREET
BOSTON, MA 02114

CARVALHO INVESTMENTS ASSC LP
105 ELDER AVE
RIVERSIDE, RI 02915-3754

ADRIANO JEAN M
14 SILVER ST
NANTUCKET, MA 02554

TOSCA DRIVE LLC
PO BOX 521
STOUGHTON, MA 02072

BLOOMBERG MICHAEL G TR
MATLIN TRUST
PO BOX 186
STOCKBRIDGE, MA 01262

ELLIS SARAH C TR
SILVER STREET NOM TRUST
BOX 368
SIASCONSET, MA 02564

DOBER RICHARD P TR
ANGELS ROOST NOMINEE TRUST
82 OXFORD RD
NEWTON, MA 02459

HENDERSON BARBARA JO
53 FISHER PLACE
RED BANK, NJ 07701

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

GRAPE PETER A & LINDA OLIVER
61 LOWELL ROAD
WELLESLEY, MA 02481

HANDY SUSAN E ETAL TRS
PO BOX 1048
NANTUCKET, MA 02554

IRELAND LORENE
13 OLD SOUTH WHARF
NANTUCKET, MA 02554

SCHNEIDER PEGGY
10A W DOVER ST
NANTUCKET, MA 02554

PETREL HOLDINGS LLC
10 A WEST DOVER STREET
NANTUCKET, MA 02554

BOURNE WHITFIELD C
12 W DOVER ST
NANTUCKET, MA 02554

SILVA KEVIN M & ELIZABETH JORDAN S
5 IRVINE RD
OLD GREENWICH, CT 06870

MILLER CHANDRA
BOX 233
NANTUCKET, MA 02554

MARKS SCOTT M & ANTHONY
P O BOX 853
NANTUCKET, MA 02554

Letters

To whom it may concern,

I am a property owner at 61 Fair Street, in the historic part of Nantucket. As you are well aware, homes in this part of town are thickly settled…meaning we hear and experience everything around us.

For the most part, neighbors are respectful of the peaceful nature of the neighborhood. However, with more and more short term rental situations, the lack of appreciation and respect for the area has eroded. Late night outside gatherings and daily disruptions have made life less than appealing. These renters are here for their own enjoyment, never needing to even acknowledge their neighbors. They are here and gone with not one concern over impact.

Granted, there might be exceptions to this lack of respect, but more and more it has been to the detriment of why these people even come to the island. If we are promoting Nantucket as a party playground, then I guess my family will have to learn to live with it or leave.

I respectfully request that 9 Dover's denial be rescinded. Please help us to maintain the quality of life that brought us to island ownership in the first place.

Respectfully,
Denise Korngold

To: Zoning Board of Appeals

From: Judith Lee

Re: Catherine Ward's Request Concerning 9 West Dover Street

Date: November 7, 2021

I am writing in support of Catherine Ward's request before the ZBA.

Ms. Ward is appealing the Building Commissioner's refusal to find that the use of the 9 West Dover Street property is commercial in nature and therefore contrary to the intent of the zoning code for the Residential Historic District.

My husband and I have been year-round residents of 69 Orange Street for 24 years. As such I would like to share with you the nature of this neighborhood and express a strong desire that it be maintained, not only in protection of the quality of life for its residents but also for the protection of the Historic District itself, one of Nantucket's most distinguishing characteristics.

The residents of Orange Street, year-round and seasonal, comprise a neighborhood that goes out of its way to know each other (block parties, birthday parties, sharing of responsibilities, etc.) We have a history of accommodating each other's families, friends and owner-managed rentals. Our lives are conducted close to each other's houses, within feet of lot lines. (Indeed, one of my lot lines IS a neighbor's house.) Points of friction are few and usually resolved amicably; respect and co-operation are in everyone's best interest.

In recent years, the neighborhood fabric has frayed a bit, and the example of 9 West Dover Street is clear case in point. The noise and

commotion coming from this dwelling is apparent and disturbing even from my location a long block away. I also sympathize with the light pollution experienced by neighbors. One wonders if the owners of the property in question are familiar with the “Dark Skies Initiative” which requests that outside lighting be capped and downward facing.

I would ask the ZBA to address a few issues:

1. Is it sensible that this property NOT be considered commercial? I draw your attention to the continuous weekly rental program advertised on-line, May to December, included in the filing package.
2. Could the Historic District maintain its character if all residents used their properties with the intensity with which this one is being used? In addition to quality of life, how would safety and infrastructure fare?
3. Would Nantucket itself maintain its attractiveness if this behavior were permitted in one of its most attractive touristic locations?

I respectfully request that you recognize that the current use of 9 West Dover is commercial in nature and is not appropriate in the Residential Historic District.

Sincerely yours,
Judith Lee

WILLIAM J. SHEEHAN
225 Commonwealth Ave Apt 3
Boston MA 02116

November 6, 2021

BY EMAIL TO: nsheriff@nantucket-ma.gov

Nantucket Zoning Board of Appeals
37 Washington St
Nantucket MA 02554

Re: Appeal of Building Commissioner's Zoning Enforcement Decision of September 24, 2021 at 9 West Dover Street

Dear Chair McCarthy and Members of the Board,

I am a seasonal resident and owner of residential property at 6 Silver Street that abuts the property at 9 West Dover Street. I am writing in support of Cathy Ward's appeal of the Building Commissioner's zoning enforcement decision of September 24, 2021, at 9 West Dover Street.

I confirm that the noise from the daytime and late-night activities of the transient occupants at 9 West Dover Street together with the use of bright outside lighting causes a significant disturbance to me and my family. I surmise that other abutters are similarly affected. From time to time, we all may experience a disturbance from a neighbor. What sets this situation apart is that the occupants of 9 West Dover Street are not "neighbors" in the normal sense, they are transient renters. While a neighbor may have one party over the course of the summer, the occupants of 9 West Dover Street are short term renters and accordingly occupancy frequently changes. With each change comes a fresh set of disturbances by people eager to celebrate. 9 West Dover Street is unique in our residential neighborhood in creating this type of disturbance.

The property at 9 West Dover Street is unique because it is not a residence. It is a business site offering short term rentals to transients. As more fully expressed in Cathy Ward's October 24, 2021 letter to the Board, Nantucket's Zoning Bylaw prohibits commercial business, such as a short term rental business, in a residential neighborhood.

I believe that a commercial business in a residential neighborhood diminishes the value of residences in the neighborhood because potential purchasers value the noncommercial attributes of residential neighborhoods. Permitting a commercial

business of short-term rentals in our neighborhood could well cause the diminution of value of any property abutting 9 West Dover Street. That should not be permitted.

I urge the board to find that the use of the property at 9 West Dover Street violates the Nantucket Zoning Bylaw.

Sincerely,

William J. Sheehan

William J. Sheehan

From: johnandflora@aol.com <johnandflora@aol.com>
Sent: Monday, November 8, 2021 1:22 PM
To: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Subject: 9 Dover st

To whom it may concern;I have been a property owner at 4 Eagle Lane and 5 Silver St.since 1980.During that time I often rented out 4 Eagle on a long time basis making sure that the quiet atmosphere of the neighborhood was maintained.

Recently short term rentals have entered into our quiet area during the summer with a disregard for noise control.I point out 9 Dover St. as one of the abusers of this noise situation and I respectfully request that their request for denial be rescinded.

Respectfully,
Florrie Collins Feuerbach

Melissa and Nathaniel Philbrick
4 Silver Street
Nantucket, MA 02554
November 13, 2021

Re: ZBA Case 36-21, 9 West Dover Street

Dear Zoning Board Members,

We have lived at 4 Silver Street for more than 35 years and we echo what Cathy Ward has said in her letter to the Zoning Enforcement Officer: we are now surrounded by short term rentals and it has drastically eroded the residential character of this neighborhood. It is clear to us that the commercial use of the surrounding properties, including 9 West Dover, as mini-hotels goes against the residential nature of the neighborhood.

Yes, seasonal rentals may be part of Nantucket and help fuel the economy. In fact, we rented our cottage for a month last spring to a young family recommended to us through a local broker. They shared our yard and our driveway and we were present to be sure that there were no issues. Our children and grandchildren used the cottage the other times that it was occupied. However, the advent of contactless entry by tenants who are here just for a weekend and book via online platforms has led to the proliferation of short term rental operations like the one behind us on West Dover. We understand that the brokers justify the prices that these properties command on resale based on the rental stream that constant short term rentals can produce, but over the past several years the rental market has escaped the due diligence and accountability that used to exist when local brokers were actively involved.

We who have lived in Town for decades by choice understand that noise from neighboring properties is a part of the lifestyle. However, there is a profound difference in the character of the noise – both intensity and type - that comes from most Short Term Rental tenants. In wedding season it starts on Thursday night as the exterior speakers come on and arriving guests are welcomed enthusiastically accompanied by the audible popping of champagne corks, and then by Friday the party is in full swing. Next Thursday it is the same story but with different guests - just as loud and just as disrespectful of the adjacent properties. By summer it doesn't matter what day of the week it is.

Ultimately amendments are needed to the Zoning Bylaw to address and control this problem. What is also clear is that the state's highest court has now recognized that these uses detract from the very characteristics that residential zoning districts were created to protect. Please declare that the use of this property as a business for short term rentals is a commercial not a residential use, and therefore prohibited. Let us go back to Town Meeting to carve out what exceptions would be appropriate. This Board needs to establish the premise for that discussion - that short term rentals are for-profit commercial uses - and then perhaps they can again be the exception and not the rule in a residential zone.

Sincerely,

Melissa Philbrick

Nathaniel Philbrick

STEVE BENDER, 73 ORANGE ST.

ZONING BOARD OF APPEALS
CATHY WARD - FILE # 36-21

THERE ARE AT LEAST FOURTEEN SHORT TERM RENTAL PROPERTIES WITHIN ONE BLOCK OF 73 ORANGE ST. (4 ON ORANGE ST., 5 ON WEYMOUTH ST., 4 ON SILVER ST. AND 9 WEST DOVER) TO MY KNOWLEDGE. I BELIEVE THEY ARE ALL PRIVETELY OWNED.

THIS IS PRIMARILY A NOISE PROBLEM AND ONLY PERIPHERALLY A ZONING PROBLEM SINCE THE BLDG. INSPECTOR COULD NOT FIND SHORT TERM RENTALS DEFINED AS A COMMERCIAL ACTIVITY AND THERE ARE PROBABLY HUNDREDS OF STR's IN RESIDENTIAL ZONES ON NANTUCKET.

THE NOISE PROBLEM HAS BEEN PREVIOUSLY ADDRESSED BY THE ADMINISTRATION AND PARAMETERS DRAWN, INSTRUMENT FOR MEASURING SOUND QUANTITATIVELY PURCHASED AND THEN THE POLICE DEPT. ANNOUNCED THAT THEY DO NOT KNOW HOW TO USE IT. HAVE HEARD NOTHING SINCE. THIS IS A PROBLEM FOR THE MANAGEMENT. BEST. STEVE

Hello,

I am a year-round resident of the ROH and I am concerned about the number of properties being used as short term rentals in a residential district.
Absentee landlords negatively affect the peaceful enjoyment and quality of life of this community.
I have many wonderful neighbors that are both year-round and seasonal who respect each other and the Island and that are negatively affected by these commercial entities.
Please help those of us that live here to protect our property values and our quiet enjoyment of our neighborhood.

Thank you,
Sarah Ellis
7 Silver Street
Nantucket

To: Zoning Board of Appeals
From: Marianne Kelley
Re: Catherine Ward's Request Concerning 9 West Dover Street
Date: November 15, 2021

Dear Zoning Board of Appeals:

I am writing in support of Catherine Ward's request before the ZBA.

We support Ms. Ward's appeal and urge that the Building Commissioner recognize that use of the 9 West Dover Street property is commercial in nature and therefore contrary to the intent of the zoning code for the Residential Historic District.

We are year-round residents on Orange Street just two short blocks from Dover and we wish to sustain the quality of life for the residents of this neighborhood and also for the protection of the Historic District itself.

The neighborhood has changed in the last few years. Given this appeal, I want to bring up other developments that has transpired in our district. There have been several car and bike accidents injuring people and destroying property this summer, a car stolen with a hide speed police chase, lack of parking; with additional noise from short term rental visitors in the neighborhood; 9 West Dover Street is an example. Houses in this area share very tight property lines within the historic district so noise travels easily.

There are not only potential noise issues with short-term rentals, but also parking issues.

Our home is unique, it was the old town garage; if you remember and we do not have parking. We came across several houses that use Orange Street as extended parking even though they have their own driveways. Most of these opportunists chose to park on Orange Street for convenience as their driveways were tight or had reached capacity. Residents ***with*** driveways on Dover, Weymouth, Mulberry, Flora and Orange Street continuously use Orange Street as their driveways. We have experienced several nights without room to park on Orange Street or any nearby street. When our search proved futile, we resorted to the town lot, only to find a ticket the next day. We have a town permit for our car, yet we received a ticket. Meanwhile, cars parked on Orange Street stayed there for days and weeks without a ticket. I worry more short term rentals, like 9 West Dover will invite more cars and make parking even more difficult.

I would ask the ZBA to address a few issues:

1. Recognize that short-term rentals are commercial in nature and do not belong in the historic neighborhood. What would happen to the neighborhood if several houses in this area followed suit in being short-term rentals? Wouldn't that seem more like a hotel neighborhood? How many houses does it take for it to "seem" commercial?
2. Review the shortage of parking and allowances for vehicles on island. Review the parking permits allowed on Orange Street.
3. Give consideration to the year-round residents who have to find parking to come home at night and get to work the next day. Implore residents/visitors to use their driveways.

4. Could there be an allowance for us to park in the Washington Street or Silver Street lot overnight if parking is unavailable? Could the DPW designate a parking spot in front of our residence?
5. House rentals without the homeowner present could open up potential noise problems with little supervision or care to the behavior affecting our quiet neighborhood.

Please recognize the commercial aspect of short-term rentals and it's impact on the community.

I respectfully request that you recognize that the current use of 9 West Dover is commercial in nature and is not appropriate in the Residential Historic District.

Sincerely yours,
Marianne Kelley
67 Orange Street
Nantucket, MA 02554

Adam Delaney-Winn

File No. 22-21

40 Warren's Landing Rd

Appeal

PAID SEP 03 2021

RECEIVED SEP 02 2021 By

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

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

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

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

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

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

Mailing Address: **Same**

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

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

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

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

Uses on Lot- Commercial: **None**

Residential: Number of dwellings **One**

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

Building Permit Numbers:

Previous Zoning Board Application Numbers:

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

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

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

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

By: _____

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

Arthur I. Reade, Jr.

OFFICE USE ONLY

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

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

EXPLANATION	AMOUNT	

21454

53-447/113
371

CHECK ARMOR FRAUD PROTECTION

PAY AMOUNT OF Four hundred fifty and 00/100 DOLLARS

Security Features Details on Back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	
9/1/2021	Town of Nantucket	40 Orientation Lane 2021	21454	$ 450.00

NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST

AUTHORIZED SIGNATURE

⑈021454⑈ ⑆011304478⑆ 8890163 6 7⑈

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

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

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

MAILING ADDRESS:

POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

August 30, 2021

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

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

Dear Marcus:

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

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

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

Thank you for your consideration.

Sincerely,

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

AIR/irv

cc: Sarah F. Alger, Attorney

Jeff Carlson, Conservation Commission

Arthur Reade

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

Arthur,

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

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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

Marcus,

Please see attached letter.

Thank you.

Arthur
8/30/2021

****

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

Town of Nantucket

Zoning Board of Appeals

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

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

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

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

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

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

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.09.01 14:50:10 -04'00'

9-1-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

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

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

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

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

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

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

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

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

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

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

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

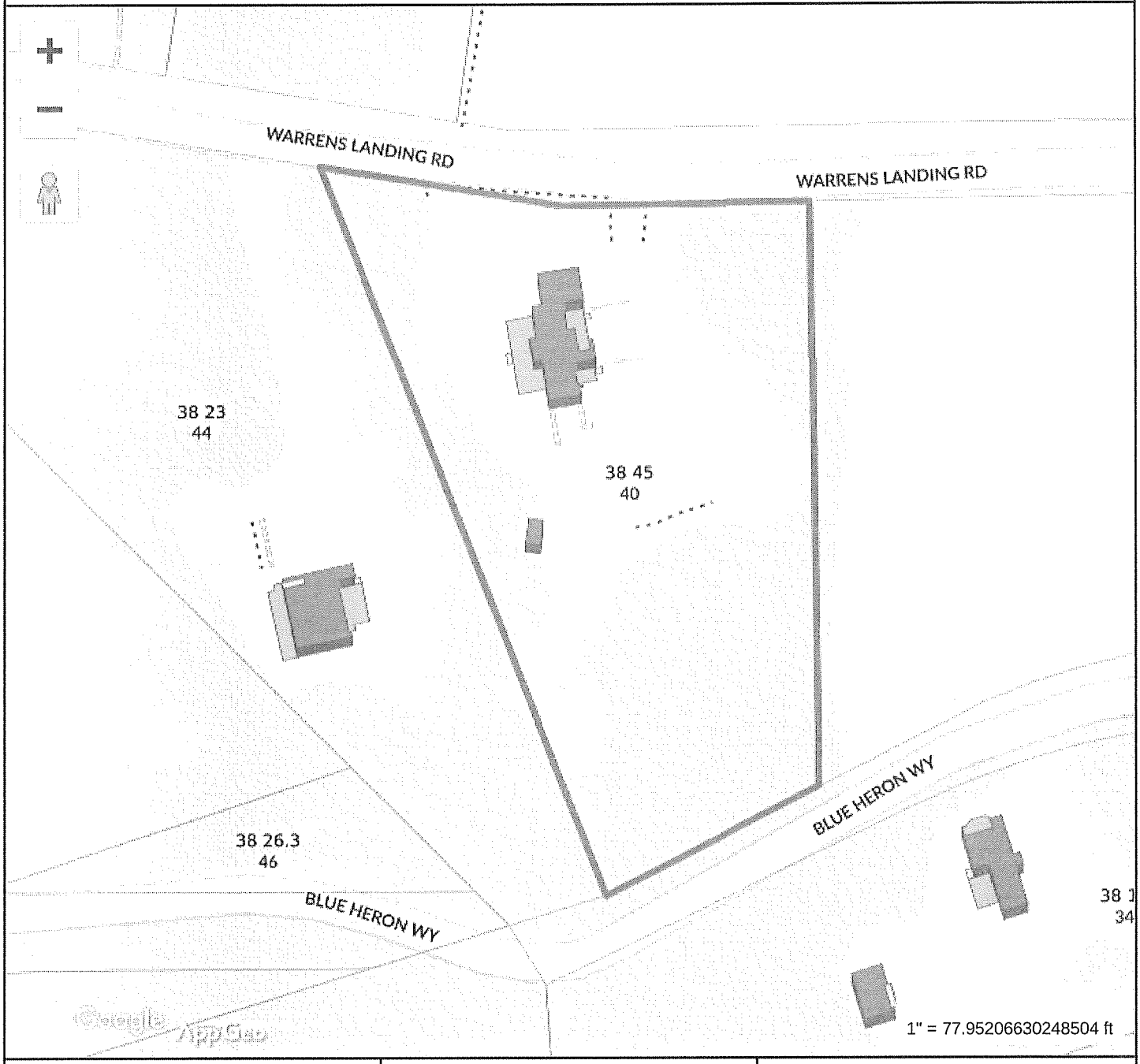
MALLOY JOHN M TR ETAL
MALLOY JOHN M TRUST AGREEMENT
PO BOX 176
NANTUCKET, MA 02554

STERLING JAMIE
1508 FOXHALL ROAD NW
WASHINGTON, DC 20007

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

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

40 Warren's Landing Road Parcel 38-45



Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

Abutters Listing

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

Count: 15

306

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

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WASHINGTON, DC 20007

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

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

Materials Provided by Staff

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

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-

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

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

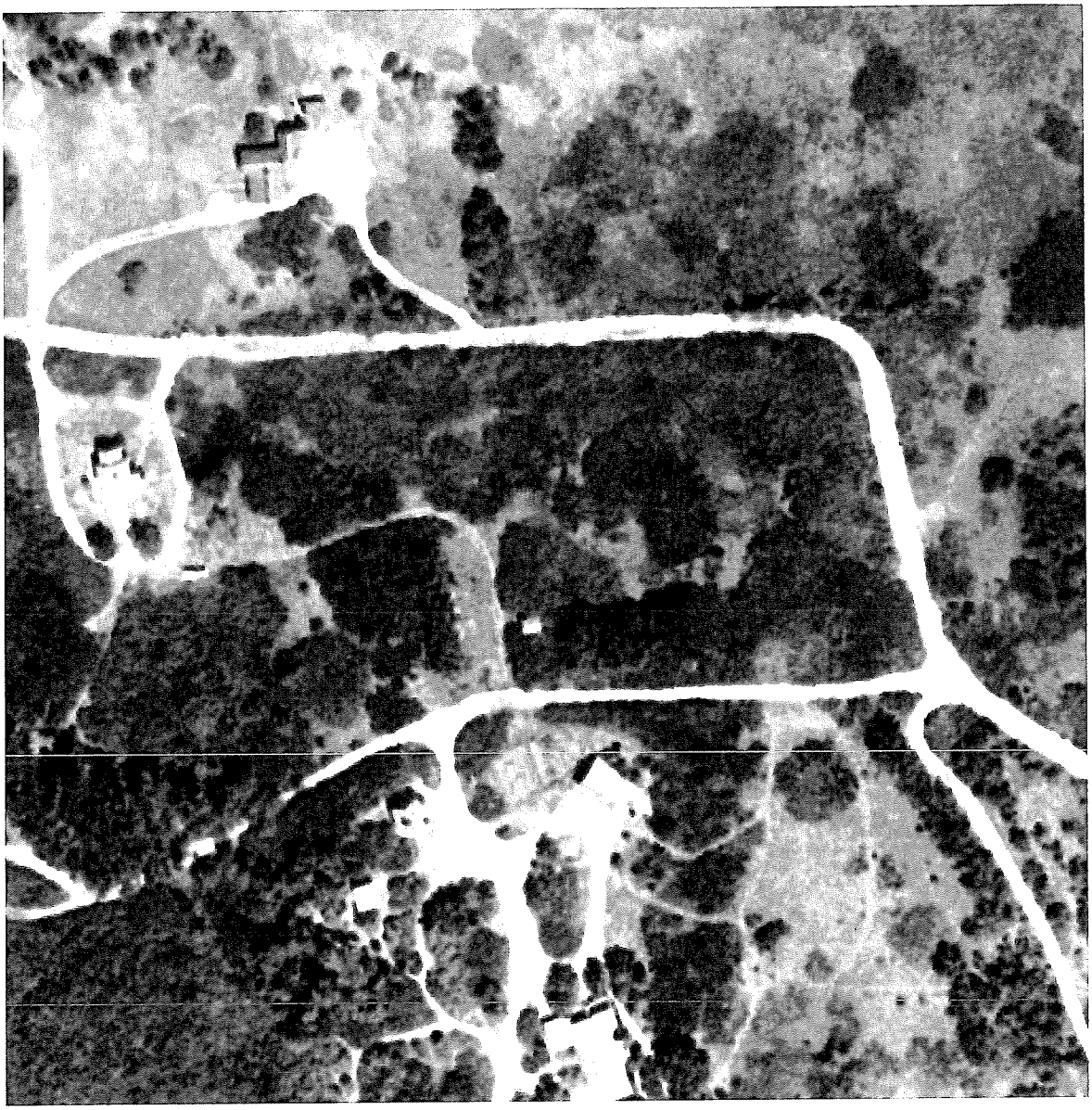
Let me know if you have any questions.

Thanks,

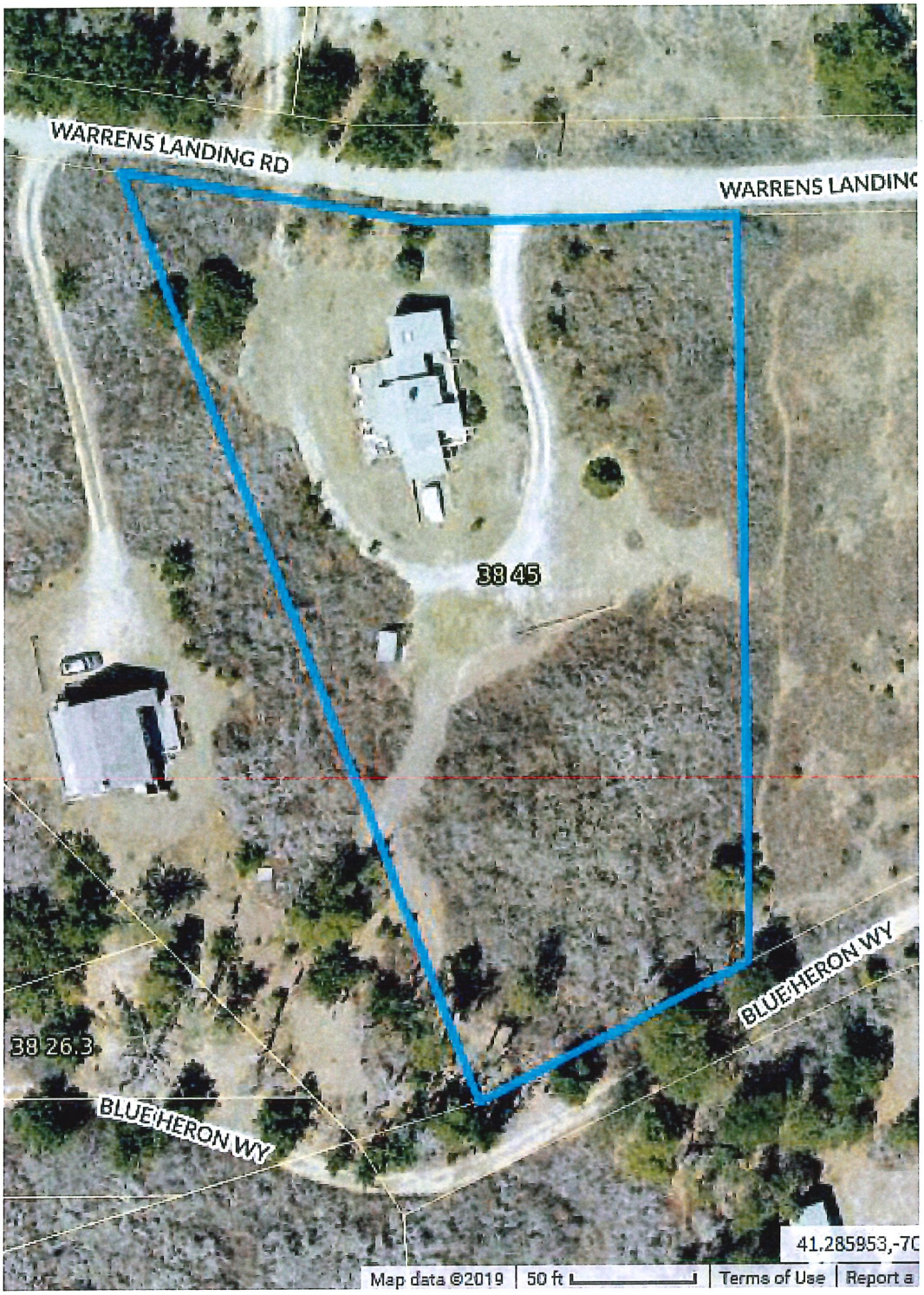
Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

40 Warren's Landing Road – Historic Aerials

1971:



2003:

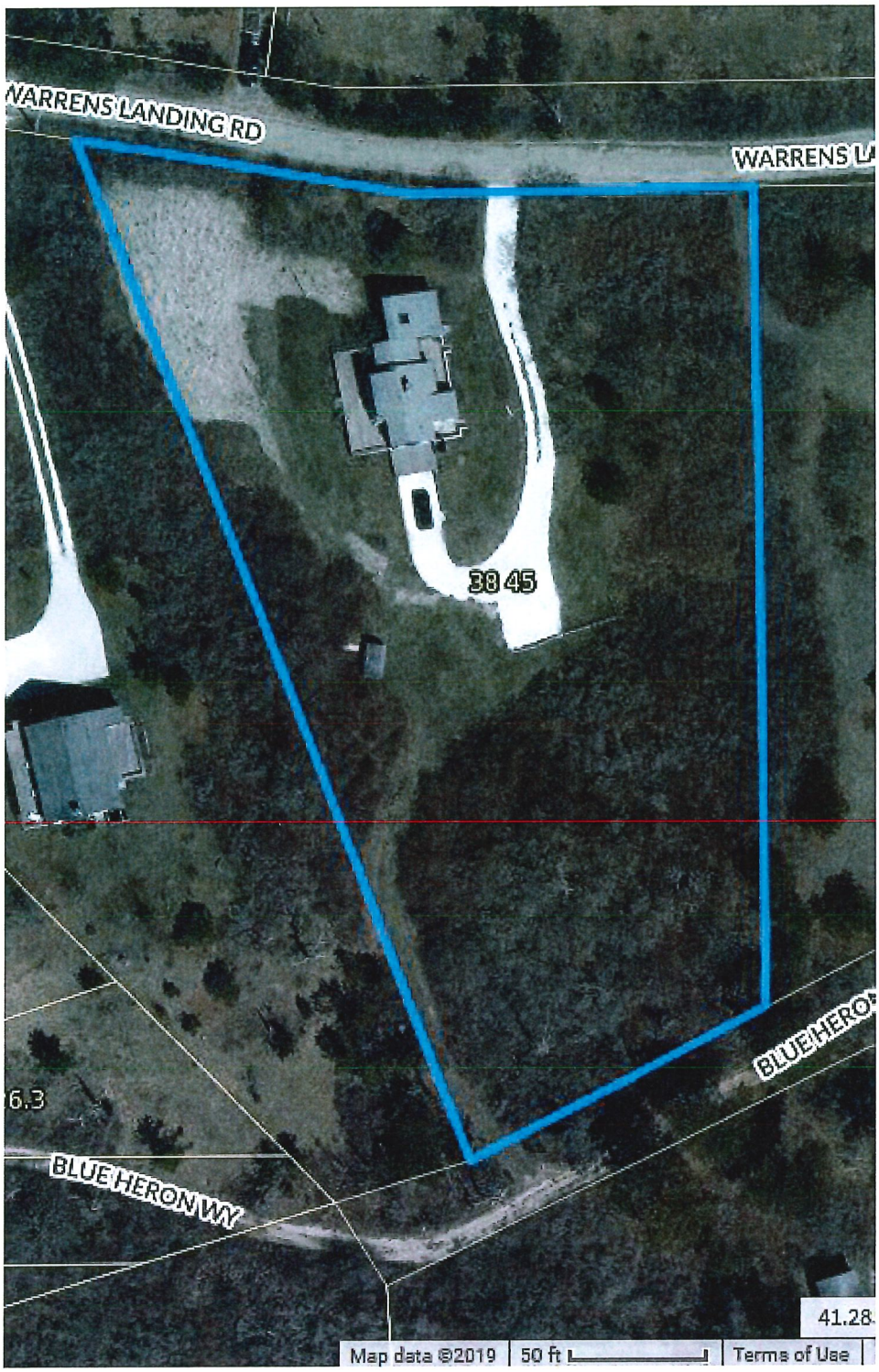

WARRENS LANDING RD
WARRENS LANDING
38 45
38 26.3
BLUE HERON WY
BLUE HERON WY
41.285953,-70
Map data ©2019
50 ft
Terms of Use
Report a

2011:

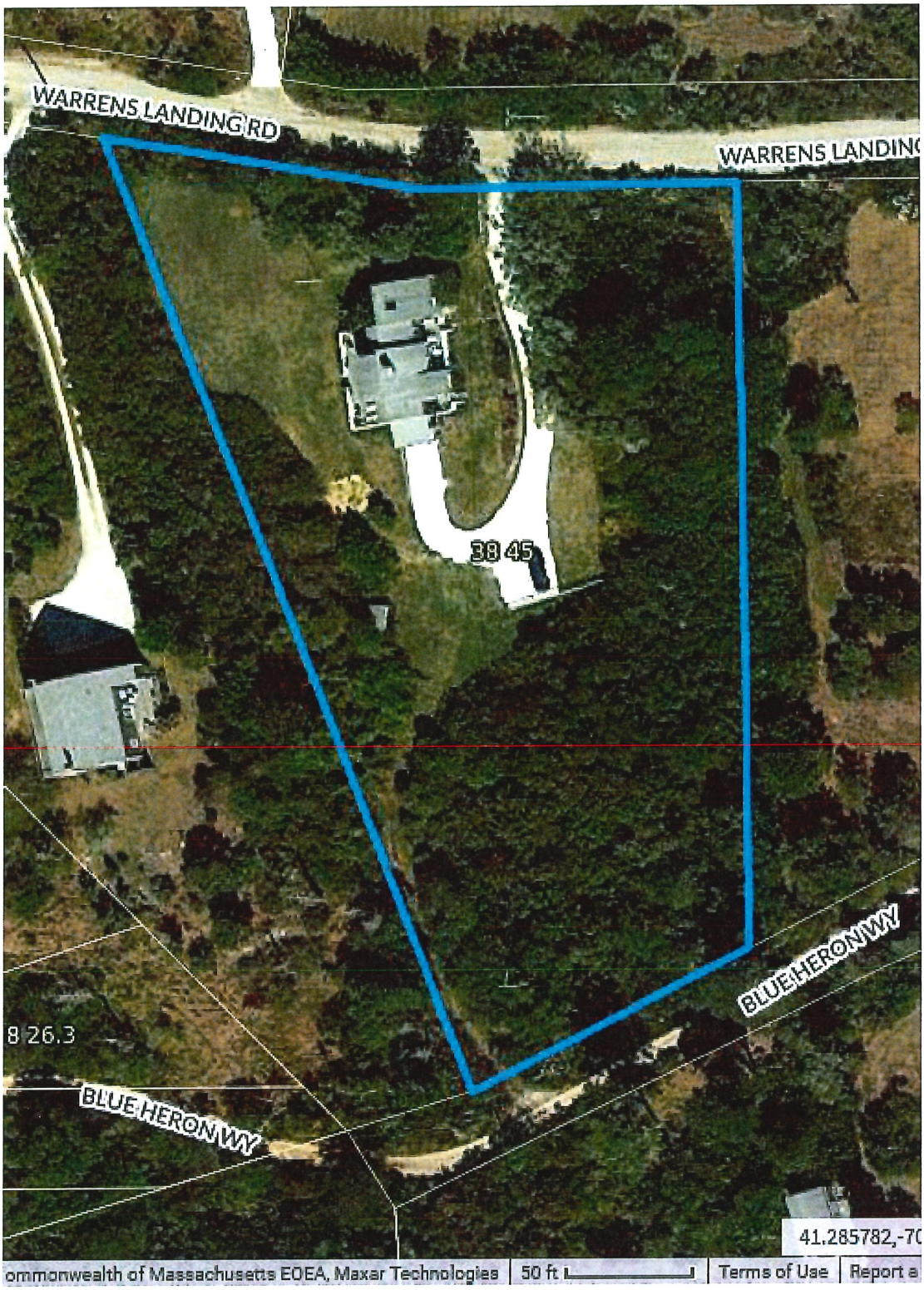
WARRENS LANDING RD
WARRENS LANDING R
38 45
BLUE HERON WY
38 26.3
BLUE HERON WY
41.285812,-70.1
Map data ©2019
50 ft
Terms of Use
Report a ma

320

2014:


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

2018: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BLUE HERON WY
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ommonwealth of Massachusetts EOEA, Maxar Technologies
50 ft
Terms of Use
Report a

Planning and Land Use Services

March 3, 2020

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

File #20-2841

Dear Mr. Delaney-Winn,

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

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

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

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

7008 1830 0003 8937 4489

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

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

OFFICIAL USE

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

Postmark Here

Sent To: Warren's Landing N.T.
Street, Apt. No., or PO Box No.: c/o Delaney-Winn, Tr.
City, State, ZIP+4: 02493 Del/War

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

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

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

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

Del/War

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

DEPARTMENT FILE NO. 21-2741

Town of Nantucket Massachusetts

VIOLATION NOTICE

A 27232

DATE NOTICE WRITTEN: 7/13/60

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

VIOLATOR

NAME (Last, First, Initial): [illegible]

ADDRESS: 20 Main St

CITY/TOWN: [illegible] STATE: MA ZIP: 02553

DATE OF BIRTH: [illegible] RACE/SEX: [illegible] SOCIAL SECURITY NUMBER: [illegible]

OWNER

OWNER (if different) or PARENT (if minor)): [illegible]

ADDRESS: [illegible]

CITY/TOWN: [illegible] STATE: [illegible] ZIP: [illegible]

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: [illegible]

OFFENSE(s)

DATE OF VIOLATION: 7/6/60

LOCATION OF VIOLATION: [illegible] TIME: ☒ AM ☐ PM

	VIOLATION CODE	FINE
A. [illegible]	[illegible]	[illegible]
B. [illegible]	[illegible]	

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ [illegible]

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: [illegible] ID NO. [illegible] ☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

WITNESSES:

325

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

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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.

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Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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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

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Let me know if you have any questions.

Thanks,

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

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

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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 Haffenreffers' property and has been used historically by people walking, jogging and biking. Two years ago, the Planning Board denied the application of a second curb cut to Blue Heron Way by the owner of 44 Warren's Landing Road, in part on the finding of the importance of maintaining the historical character of the 'way'.

The current owner of 40 Warren's Landing Road has been using this access as an illegal driveway regularly this summer. I attach six photographs taken this week, illustrating two instances, showing fresh tire tracks. Multiple cars, and some trucks have been seen using this illegally as a driveway.

We also note that the so-called existing second driveway on the plan runs within the 25 foot buffer zone of a wetland area and might be detrimental to it. For that reason, by copy of this letter we are also asking Jeff Carlson, as the administrative officer for the Conservation Commission, whether barring the use of this driveway is possible and can be incorporated into any order approving the Notice of Intent.

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources

cc. Sarah Alger, Esq.

This email was scanned by Bitdefender

8/23/21 6:06PM

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources
Sarah Alger, Esq.

337

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.

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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.

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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

Letters

From: ddrake@ackquack.com
Date: October 6, 2021 at 4:19:41 PM EDT
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Re: Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust - File No. 22-21 - Comment on Application

Town of Nantucket – Zoning Board of Appeals.

My wife and I are the owners of 32 Warren's Landing Road and, as such, received notice of the captioned application.

My parents purchased the parcel of land which included what are now 32 and 34 Warren's Landing Road in 1940. I have been on the island almost every summer since 1943. My wife and I moved here full time in 2000.

I am writing in support of the Zoning Enforcement Officer's recent determination that there was no driveway from the small, sandy road known as Blue Heron Way into the property at 40 Warren's Landing Road preceding the 1998 By-Law requiring permits for additional driveways.

As a frequent cycler and walker on Blue Heron Way over the years, I didn't observe vehicular activity accessing the property from Blue Heron Way until late 2019 after the present owner purchased it. (Such activity is easy to spot because of tire marks in the sand.) Since then, I have seen tire tracks in the sand leading into the property regularly.

I believe it was 2000 or 2001 or even later when the prior owner cut a wide path running from Blue Heron Way to the clearing behind the rear parking area of 40 Warren's Landing Road. The explanation at the time that it was to enable the household's dogs to be walked without going on Warren's Landing Road. Again, I did not observe the wider path being used for vehicle access.

Thank you for your consideration,

Dan Drake

Daniel W. Drake
32 Warren's Landing Road
PO Box 194
Nantucket, MA 02554

Tel: 508.228.4833
Cell: 508.221.0770

From: Joe Delogu <jdelogu@fdstonewater.com>
Sent: Thursday, October 7, 2021 1:20 PM
To: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Cc: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Re: File # 22-21

Nicky, Leslie —

Following are my comments in response to the below File matter:

My name is Joseph Delogu, and I am the Fee Simple owner of 44 Warrens Landing Road - a directly abutting neighbor of 40 Warrens Landing Road, the subject of this matter. Officially, for the record, I am completely fine with the property owners at 40 Warrens Landing Road maintaining its current driveway on Warrens Landing Road, while also maintaining the rough opening and access point situated along Blue Heron as it presently exists.

My attorneys have done a considerable amount of research regarding Blue Heron. As I understand it, Blue Heron is NOT a public roadway. It is private property - with common rights of access to a limited number of "abutting landowners". As private property, I question whether it is even fair to subject it to the review being conducted here. Regardless, my greater concern is that in the three years of my ownership of 44 Warrens Landing Road, I have observed a consistent pattern where the same few members of the “abutting landowners” group seeks to disenfranchise other members of the “abutting landowners” group from fully utilizing and accessing Blue Heron - in violation of their common rights of access (in my opinion). Indeed, at one point, one of the members of the “abutting landowners” group confronted my landscaper - and said he could not run a Bobcat down Blue Heron for the purposes of landscaping the rear portion of my property (clearly not a violation of any rule, but lends perspective to what’s really going on here). In the current situation with this File matter, I doubt this matter would even be in front of the Board if certain “abutting landowners” had not agitated for the Board’s involvement.

If the Board feels it is in the Board’s best interest to adjudicate differences between neighbors involving private property to which they have COMMON rights of use and access - well then “so be it”. However, I suggest the Board should stand back from this situation and assess whether they’re actually being manipulated and used as a “tool” to amplify the common use and access rights of some “abutting landowners” at the expense of other “abutting landowners”.

Regardless, again, for the record - this abutting property owner has NO PROBLEM WHATSOEVER with the owner’s of 40 Warrens Landing Road continuing to use their access point to Blue heron as they currently do.

Thank you very much for letting me comment on this File matter.

Best regards,

Joseph Delogu
Owner, 44 Warrens Landing Road

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

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

File No. 32-21

4 Lowell Place

Modification

PLUS

NANTUCKET TOWN CLERK
2021 OCT 20 AM 9:57

PAID
OCT 19 2021
PAID BY:

RECEIVED
OCT 18 2021
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**

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:__/__/__

Property Information

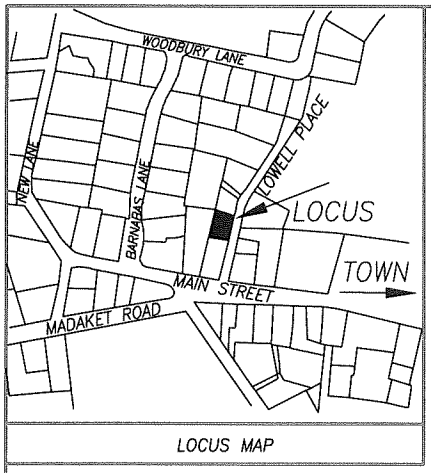
Property ID	41 168
Location	4 LOWELL PL
Owner	SMITH H C BOWEN TRST

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

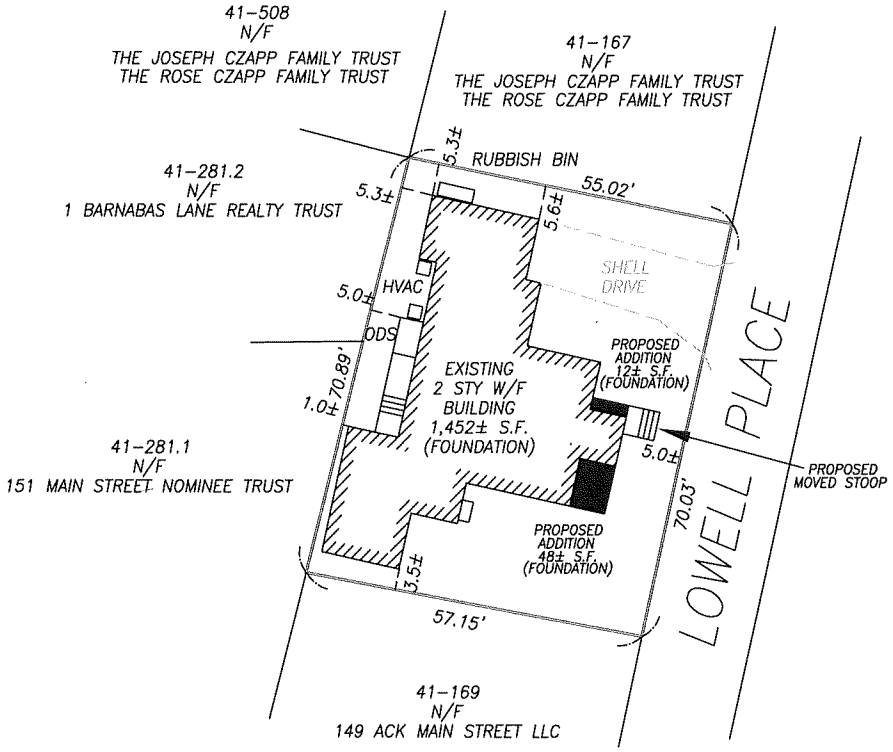
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



LOCUS MAP

ZONING CLASSIFICATION: R-1

		EXISTING:
MIN. AREA:	5,000 S.F.	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
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

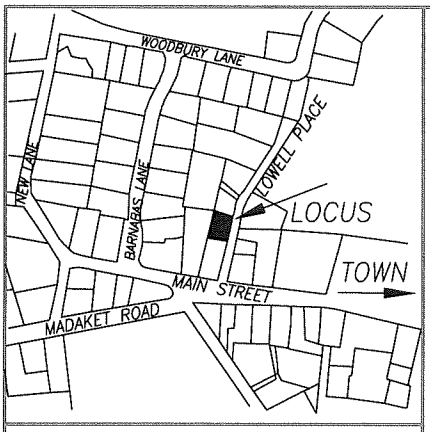
GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

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

C-7748



LOCUS MAP

ZONING CLASSIFICATION: R-1

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MIN. AREA:	5,000 S.F.	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

N

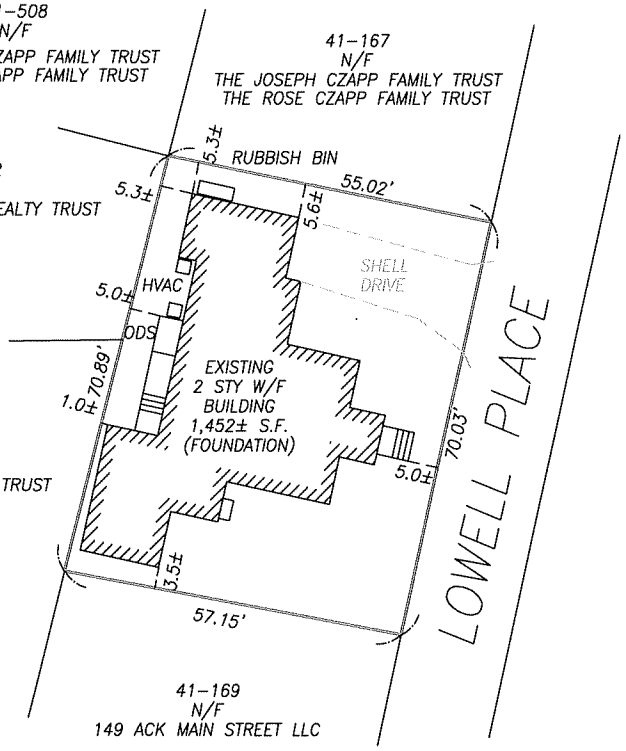
41-508
N/F
THE JOSEPH CZAPP FAMILY TRUST
THE ROSE CZAPP FAMILY TRUST

41-167
N/F
THE JOSEPH CZAPP FAMILY TRUST
THE ROSE CZAPP FAMILY TRUST

41-281.2
N/F
1 BARNABAS LANE REALTY TRUST

41-281.1
N/F
151 MAIN STREET NOMINEE TRUST

41-169
N/F
149 ACK MAIN STREET LLC



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

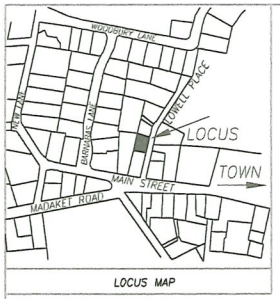
GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

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

C-7748



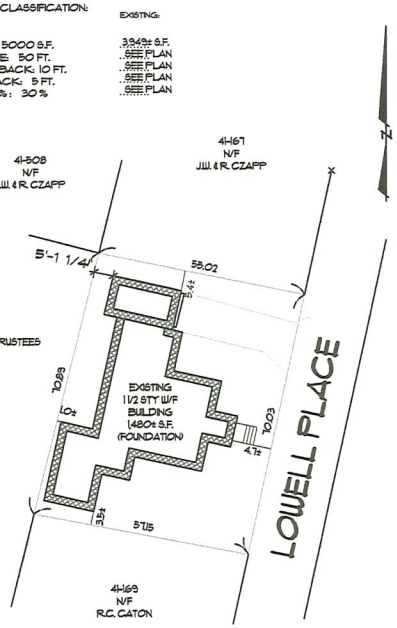
LOCUS MAP

ZONING CLASSIFICATION: R-1

	EXISTING:
MIN. AREA: . . . . . 5,000 S.F.	. 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

CURRENT ZONING CLASSIFICATION:
Residential I (R-1)

	EXISTING:
MINIMUM LOT SIZE: 5000 S.F.	3949± S.F.
MINIMUM FRONTAGE: 50 FT.	SEE PLAN
FRONT YARD SETBACK: 10 FT.	SEE PLAN
REAR/SIDE SETBACK: 5 FT.	SEE PLAN
GROUND COVER %: 30 %	SEE PLAN



BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

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

Owner: C. BOWEN & JANET G. SMITH

Deed: 1390-190 Plan: 19-26

Locus: #4 LOWELL PLACE

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

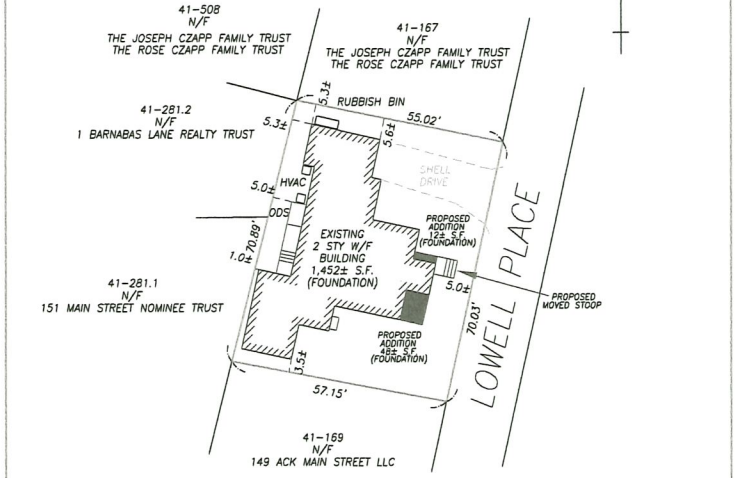
PROFESSIONAL LAND SURVEYOR

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

ASSESSOR MAP: 41, PARCEL 168

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

H-7002



LOCUS: 4 LOWELL PLACE
ASSESSOR MAP 41 PARCEL 168

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PROPOSED CONDITIONS
ZONING BOARD OF APPEALS
SITE PLAN
OF LAND IN
NANTUCKET, MA.
SCALE: 1"=20' DATE: SEPTEMBER 2, 2021

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 LOWELL PLACE LOCUS MAP
SCALE: 1:0.52

ID	NAME
A 0.1	MICHEAL CONNOLLY & ASSOCIATES PROPOSED SITE...
A 1.0	PROPOSED BASEMENT FLOOR PLAN
A 1.1	PROPOSED FIRST FLOOR PLAN
A 1.2	PROPOSED SECOND FLOOR PLAN
A 2.1	PROPOSED EAST & SOUTH ELEVATION
A 2.2	PROPOSED WEST & NORTH ELEVATION
A 3.1	CROSS SECTIONS
A 3.2	CROSS SECTIONS
A 5.1	MASTER BEDROOM CABINETRY
A 5.2	MASTER BEDROOM CABINETRY
S 1.0	FOUNDATION PLAN
S 1.1	FIRST FLOOR FRAMING PLAN
S 1.2	SECOND FLOOR FRAMING PLAN
S 1.3	ROOF FRAMING PLAN
E 1.0	BASEMENT ELECTRICAL FLOOR PLAN
E 1.1	FIRST ELECTRICAL FLOOR PLAN
E 1.2	SECOND ELECTRICAL FLOOR PLAN
S 2.1	TYPICAL WALL DETAILS
D 1.0	BASEMENT DEMOLITION FLOOR PLAN

TOPHAM DESIGN LLC
18 HUNTTOCK POND ROAD NANTUCKET MA 02554
TEL.: 508 · 325 · 5690 EMAIL: JOSEPH@TOPHAMDESIGNACK.COM

MARK	DATE	DESCRIPTION
	/ /	

MICHEAL CONNOLLY &. ASSOCIATES
PROPOSED SITE PLAN

NDC SUBMISSION 06 SEPTEMBER 2021 CERTIFICATE NO.:

SHEET NO.: 355

SMITH
RESIDENCE
4 LOWELL PLACE
NANTUCKET, MA 02554

NDC SUBMISSION
10/5/21

PROJECT NO.#1:

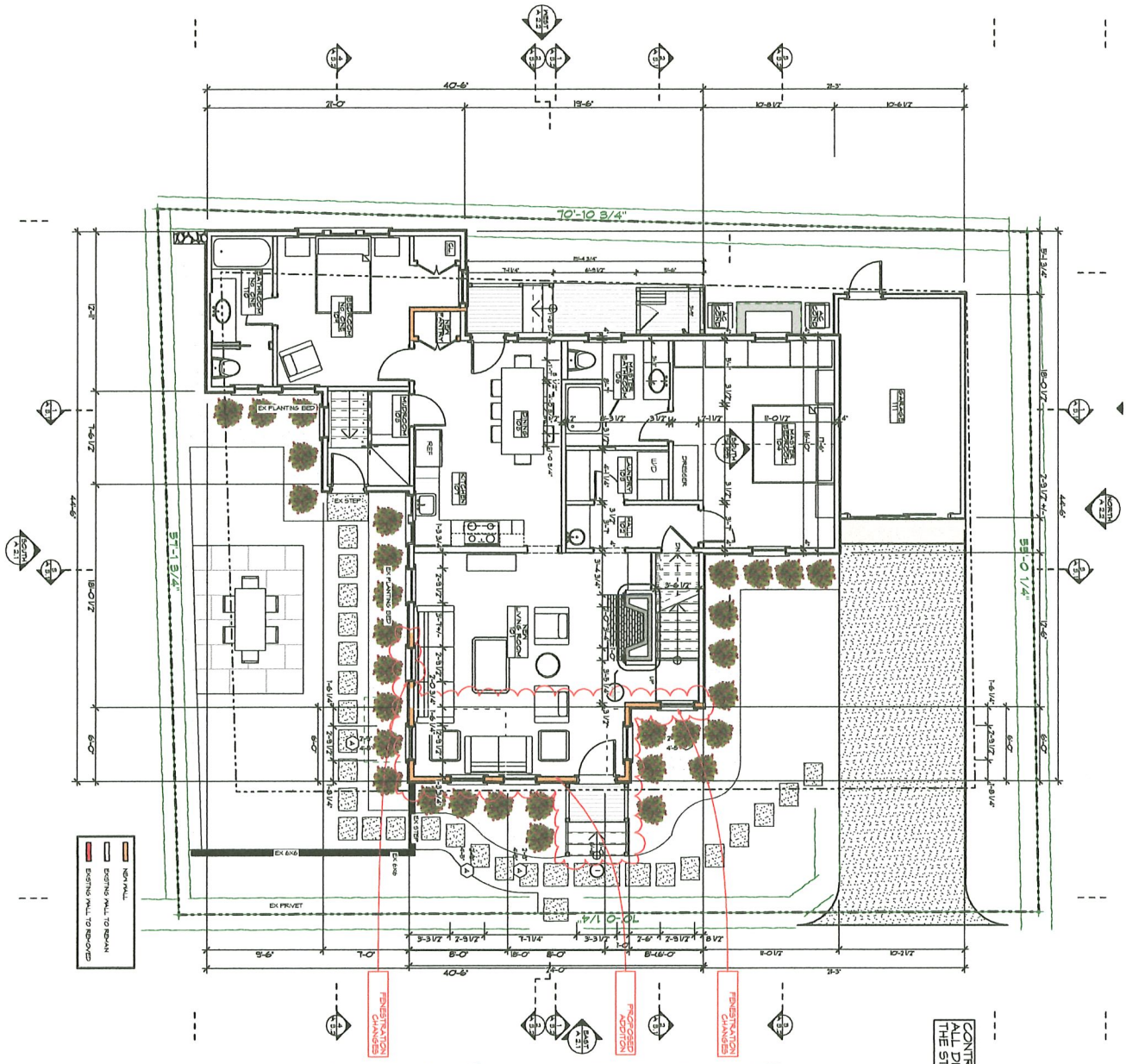
MAP NO.: 41	MAP NO.: 168
ZONING: R-1	ALLOWABLE % C.: 30%

ALL DRAWINGS AND WORKING SUPERVISED ARE THE SOLE PROPERTY OF TOPHAM DESIGN LLC AND MAY NOT BE USED ON ANY OF THESE PURPOSES WITHOUT THE WRITTEN PERMISSION OF TOPHAM DESIGN LLC

A 0.1

1 HART & ASSOCIATES EXISTING SITE PLAN
SCALE: 1:180

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



CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO THE START OF CONSTRUCTION

A1.1

SMITH RESIDENCE
4 LOWELL PLACE
NANTUCKET, MA 02554

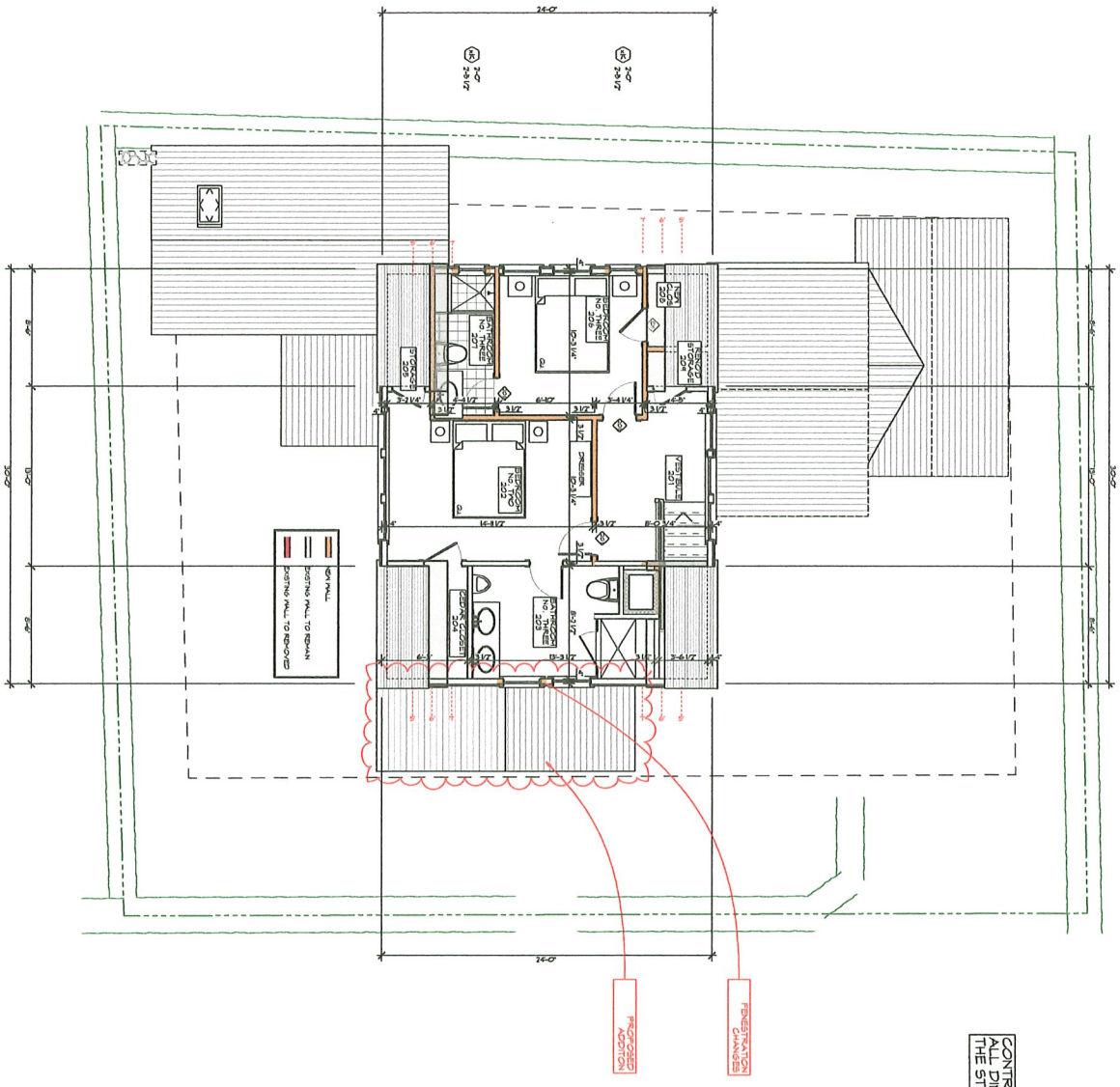
PROJECT NO./PH3
HDC SUBMISSION
10/5/21

PROPOSED FIRST FLOOR PLAN

HDC SUBMISSION 06 SEPTEMBER 2021 CERTIFICATE NO:

DESCRIPTION

TOPHAM DESIGN LLC
18 HUMMOCK POND ROAD NANTUCKET MA 02554
TEL.: 508·325·5890 EMAIL: JOSEPH@TOPHAMDESIGNACK.COM



CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO THE START OF CONSTRUCTION

PROPOSED SECOND FLOOR PLAN

SMITH RESIDENCE
4 LOWELL PLACE
NANTUCKET, MA 02554

NDC SUBMISSION
10/5/21

PROJECT NO. 2021

Date: 9.1.21 Plot No. 141

Plot No. 144

ELEVATIONS 1/4"=1'-0"

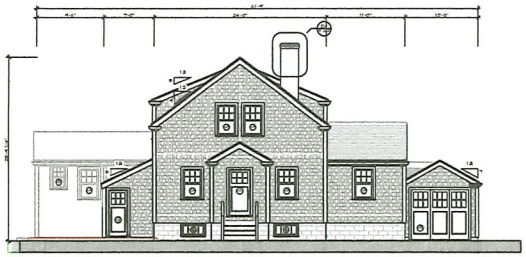
NDC Submission 06 September 2021 Certificate No:

Demolition

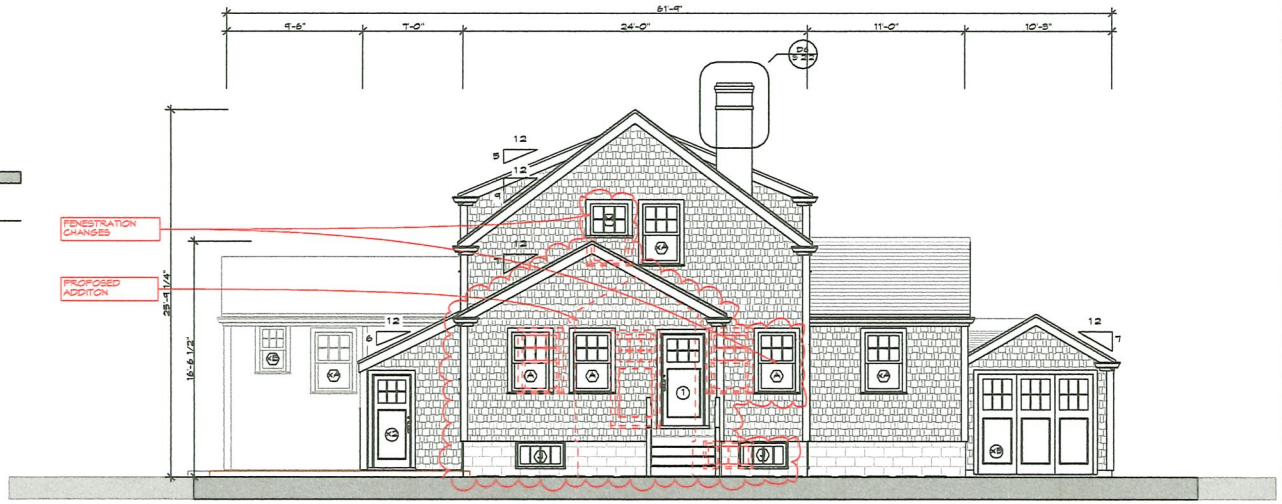
No.	Date	Description
1	/ /	

TOPHAM DESIGN LLC
18 HUMMOCK POND ROAD NANTUCKET MA 02554
TEL.: 508·325·5890 EMAIL: JOSEPH@TOPHAMDESIGNACK.COM

A1.2

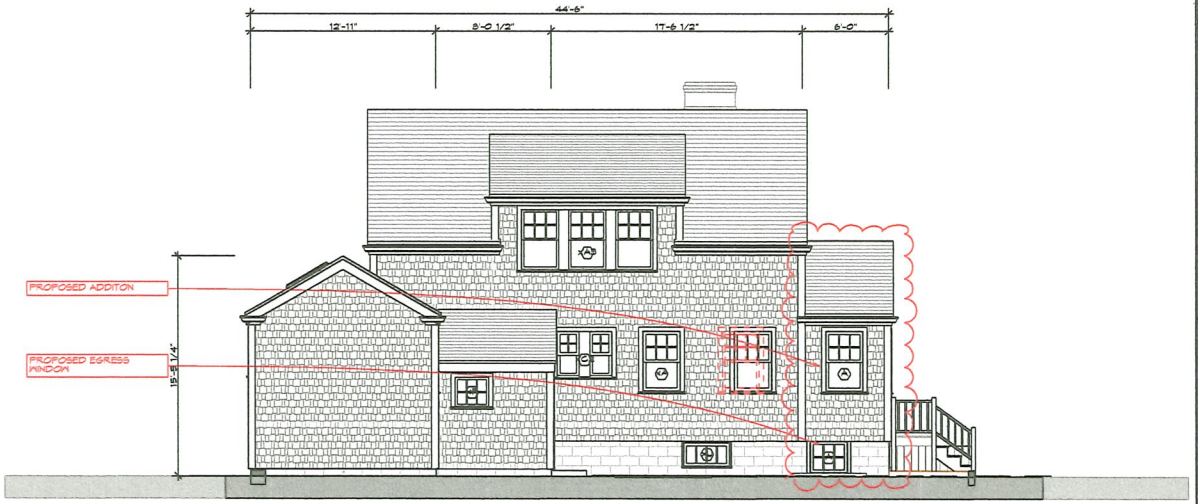


XE EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

XS EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

TOPHAM DESIGN LLC
18 HUMMOCK POND ROAD NANTUCKET MA 02554
TEL.: 508-325-5890 EMAIL: JOSEPH@TOPHAMDESIGNHACK.COM

NAME	DATE	DESCRIPTION
	/ /	

PROPOSED EAST & SOUTH ELEVATION

358 Main St

HDC Submission 06 September 2021 Continue to:

SMITH RESIDENCE
4 LOWELL PLACE
NANTUCKET, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO:#PLN

MAP NO.: 41 MAP NO.: 168

ZONING - R-1 ALLOWABLE 9% 30%

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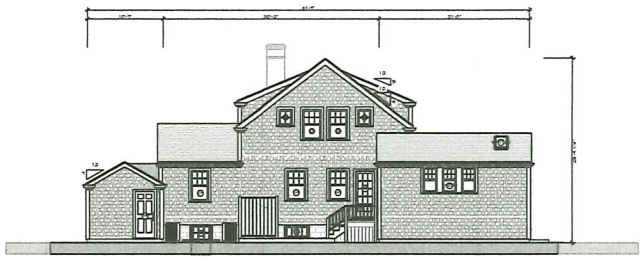
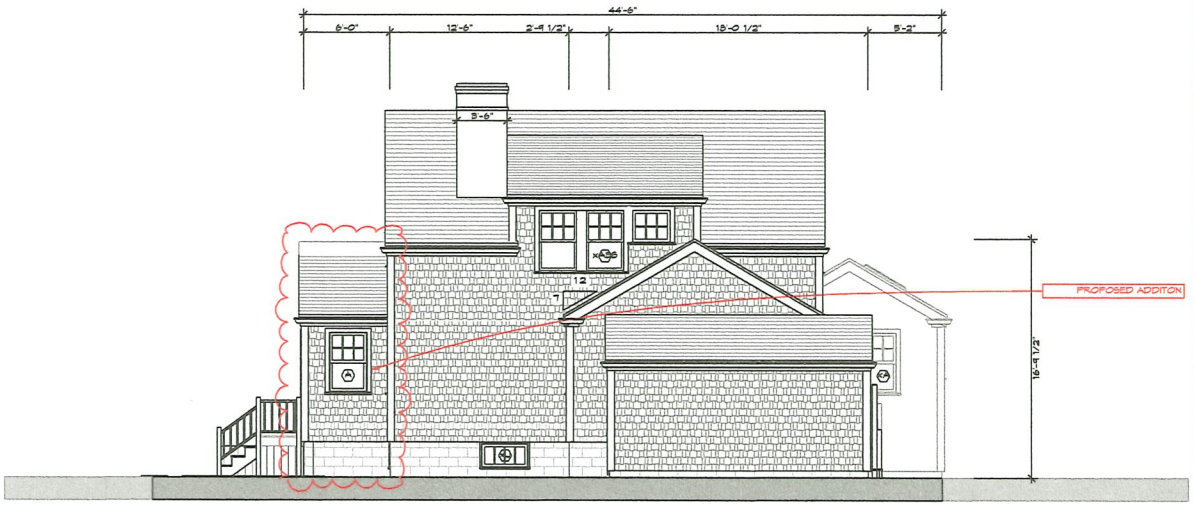
A2.1



XW EXISTING WEST ELEVATION
SCALE: 1/8" = 1'-0"

1 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

XN EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

TOPHAM DESIGN LLC
18 HUNTTOCK POND ROAD NANTUCKET MA 02554
TEL.: 508-325-5890 EMAIL: JOSEPH@TOPHAMDESIGNHACK.COM

MARK	DATE	DESCRIPTION
	/ /	

PROPOSED WEST & NORTH ELEVATION

HDC SUBMISSION 06 SEPTEMBER 2021 CERTIFICATE NO:

359

SMITH RESIDENCE
4 LOWELL PLACE
NANTUCKET, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO:#PLN

MAP NO: 41 | MAP NO.: 168

ZONING : R-1 | ALLOWABLE 9 C .30%

A 2.2

L 4 LOWELL PLACE LOCUS MAP

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

LOCUS MAP

360

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC SUBMISSION
10/5/21

PROJECT NO. #Pn
Map No. 41 Parcel No. 186

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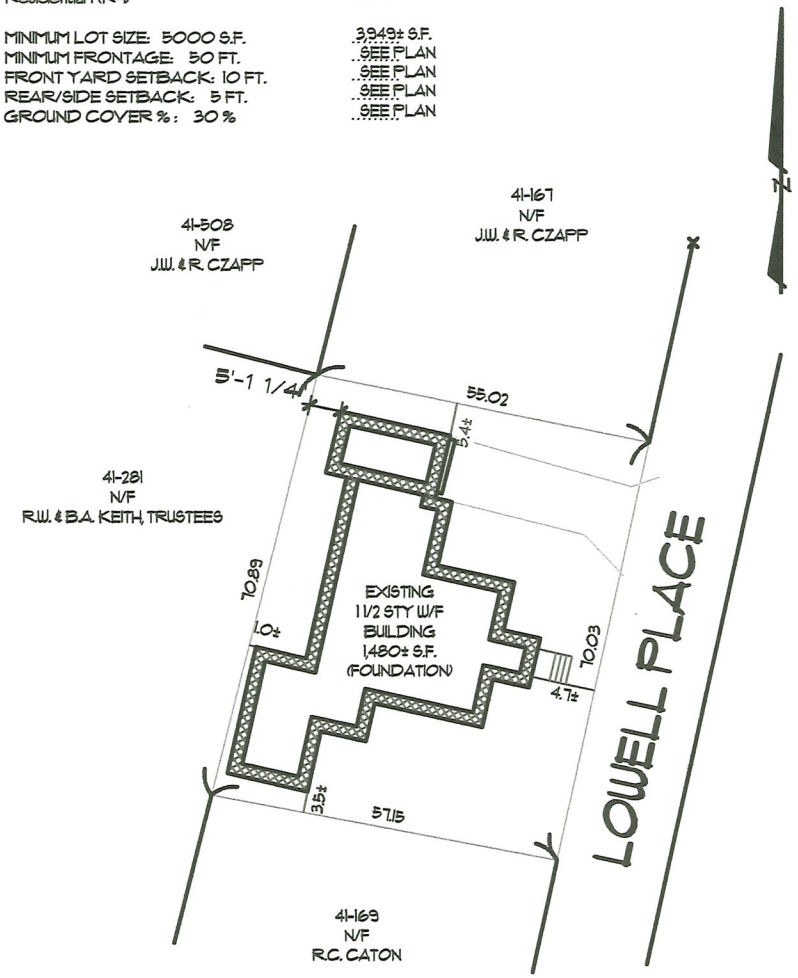
HDC 0.1

SHEET 27 OF 47

CURRENT ZONING CLASSIFICATION:
Residential I (R-I)

	EXISTING:
MINIMUM LOT SIZE: 5000 S.F.	3,949± S.F.
MINIMUM FRONTAGE: 50 FT.	SEE PLAN
FRONT YARD SETBACK: 10 FT.	SEE PLAN
REAR/SIDE SETBACK: 5 FT.	SEE PLAN
GROUND COVER %: 30 %	SEE PLAN



I CERTIFY, AS OF :....., THAT
THE BUILDING(S) IS/ARE LOCATED ON THE
GROUND AS SHOWN HEREON.

PROFESSIONAL LAND SURVEYOR

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: 41, PARCEL 168

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 15' DATE: OCTOBER 23, 2006

Owner: C. BOWEN & JANET S. SMITH

Deed: 150-190 Plan: 19-26

Locus: #4 LOWELL PLACE

CHARLES W. HART and ASSOCIATES, Inc.
Professional Land Surveyors
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

H-7002

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

HART & ASSOCIATES PROPOSED SITE PLAN

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

361

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554
HDC SUBMISSION
10/5/21

PROJECT NO. 6Fn
Map No. 41 Parcel No. 168

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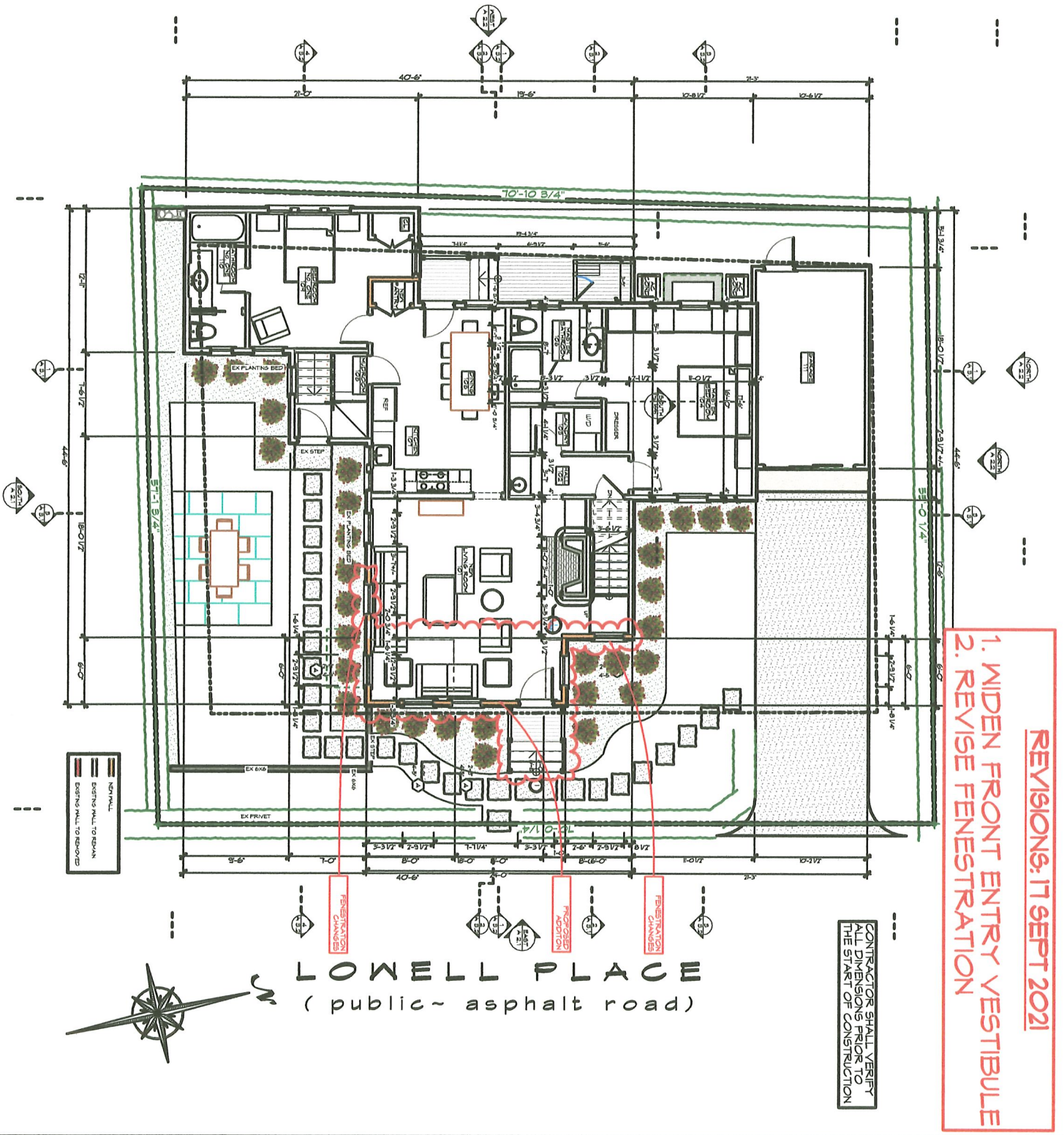
HDC 0.2

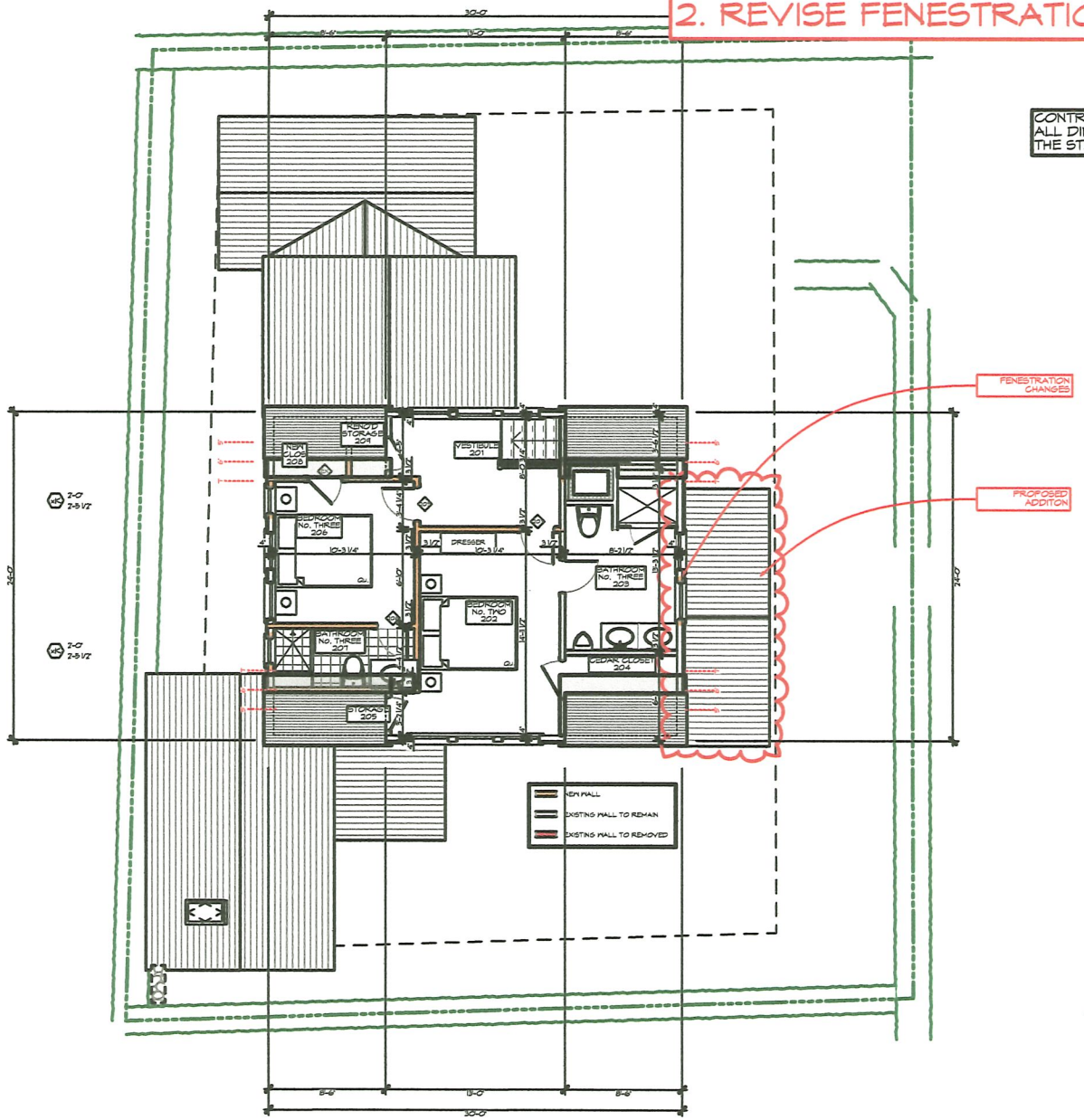
SHEET 28 OF 47


70'-10 3/4"
EX PLANTING BED
EX STEP
EX PLANTING BED
EX 6X6
EX 6X6
EX PRIVET
EX STEP
KITCHEN
DINING
LIVING ROOM
REF
DW
DRESSER
MASTER BEDROOM
MASTER BATH
LAUNDRY
LINEN
CLOSET
CLOSET
CLOSET

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@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

PROPOSED SECOND FLOOR PLAN

Building Permit No.:
HDC Submission: 06 September 2021 Certificate No.:

363

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO. #Pin
Map No.: 41 Parcel No.: 168

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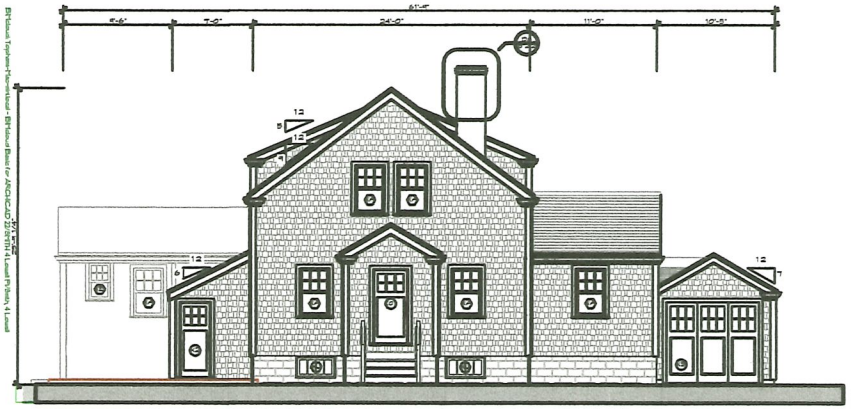
HDC 1.2

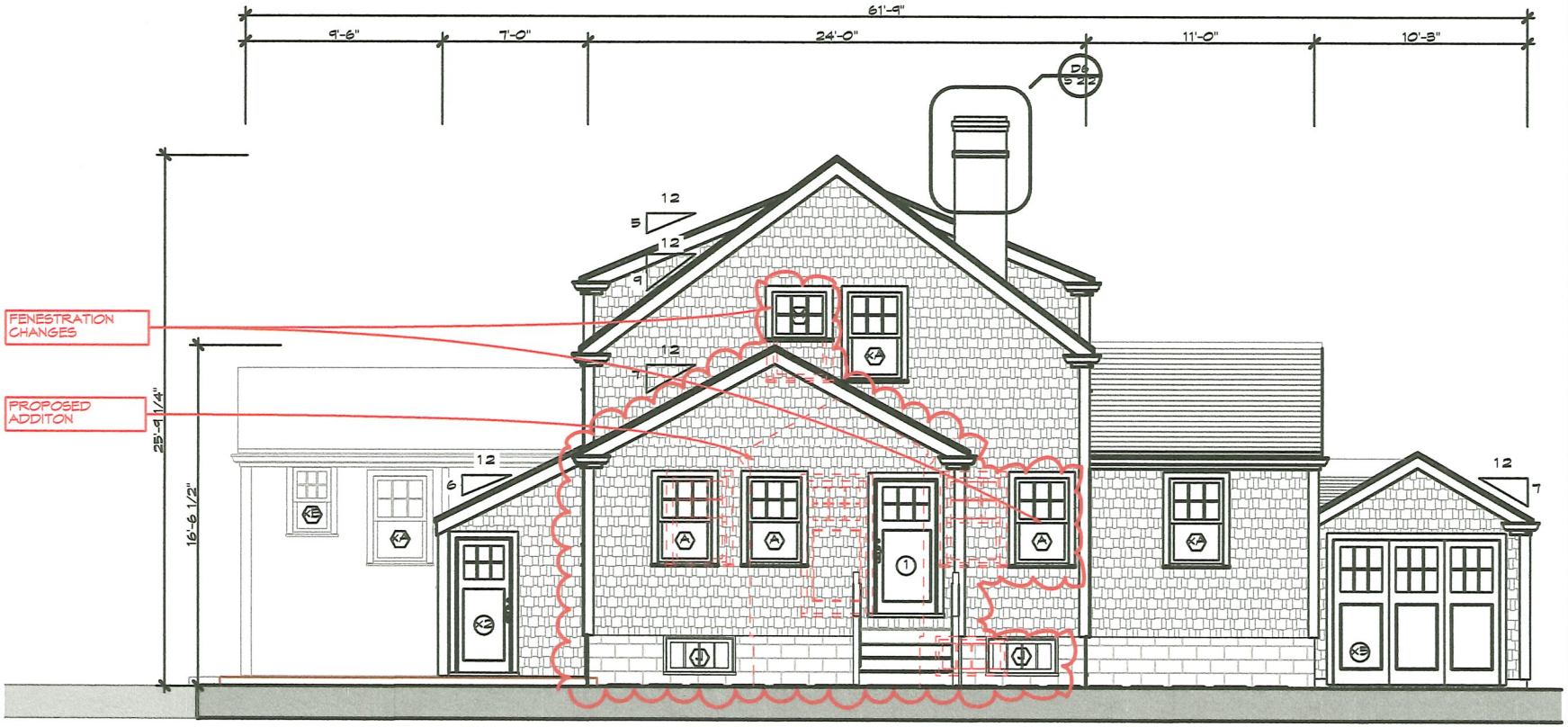
SHEET 30 OF 47

REVISIONS: 17 SEPT 2021

1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION



E EXISTING EAST ELEVATION 1/16" = 1'-0"



E PROPOSED EAST ELEVATION 1/8" = 1'-0"

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

PROPOSED EAST ELEVATION

Building Permit No.:
HDC Submission 06 September 2021 Certificate No.:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO: 4Pln
Map No: 41 Parcel No: 168

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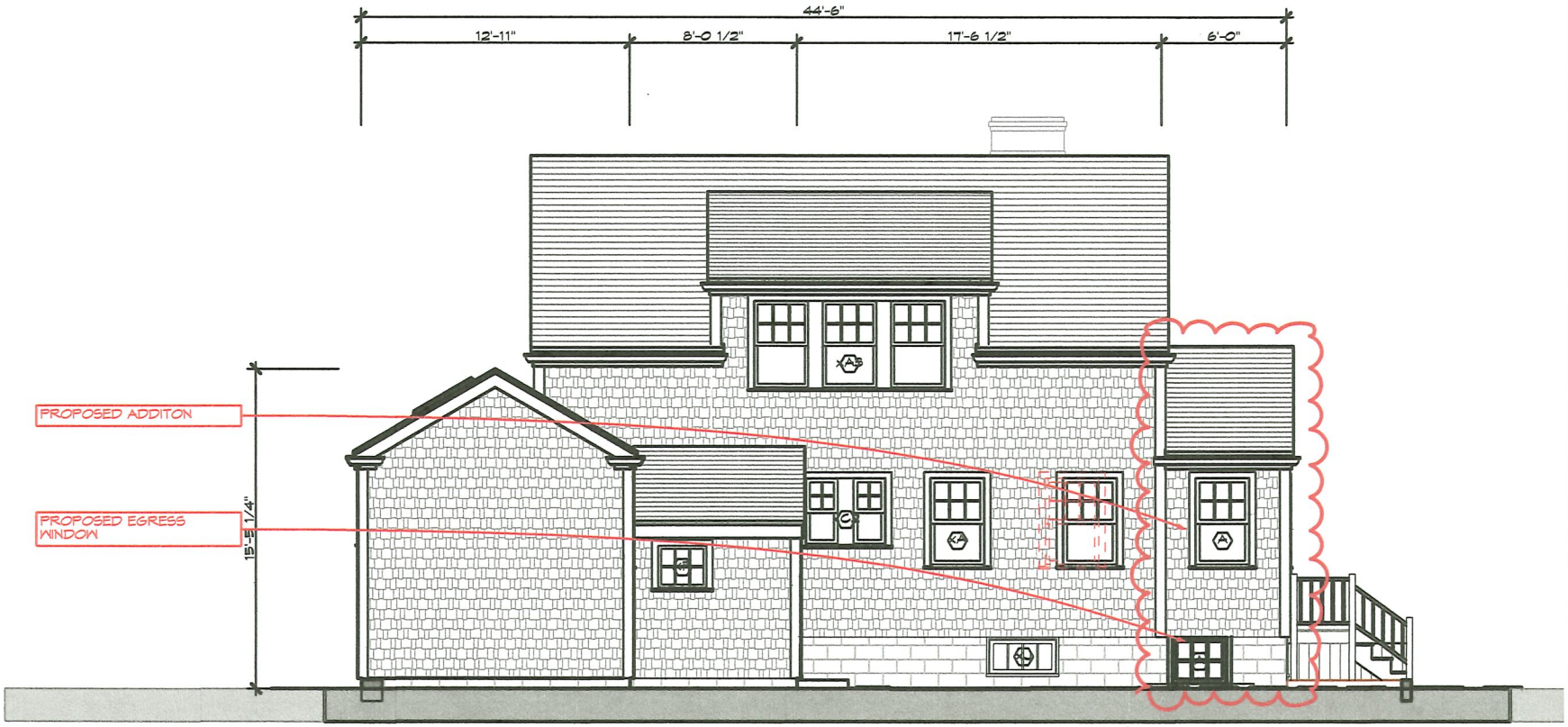
HDC 2.1

SHEET 31 OF 47

S EXISTING SOUTH ELEVATION 1/16" = 1'-0"

REVISIONS: 17 SEPT 2021

1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION



S PROPOSED SOUTH ELEVATION 1/8" = 1'-0"

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

PROPOSED SOUTH ELEVATION

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO: #Pn
Map No: 41 Parcel No: 168

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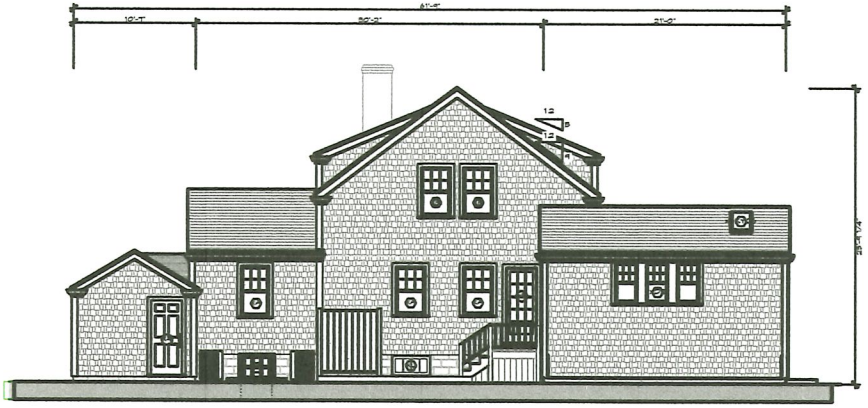
SHEET 32 OF 47



W EXISTING WEST ELEVATION 1/16" = 1'-0"

REVISIONS: 17 SEPT 2021

1. NO CHANGE

W EXISTING WEST ELEVATION 1/8" = 1'-0"

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.com

MARK	DATE	DESCRIPTION
	/ /	

PROPOSED WEST ELEVATION

Building Permit No:
HDC Submission 06 September 2021 Certificate No:

SMITH RESIDENCE
4 Lowell Place
Nantucket, MA 02554

HDC SUBMISSION
10/5/21

PROJECT NO. 4Pln
Map No: 41 Parcel No: 168

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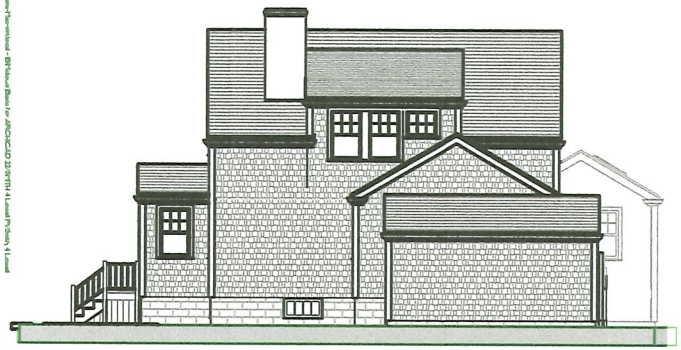
HDC 2.3

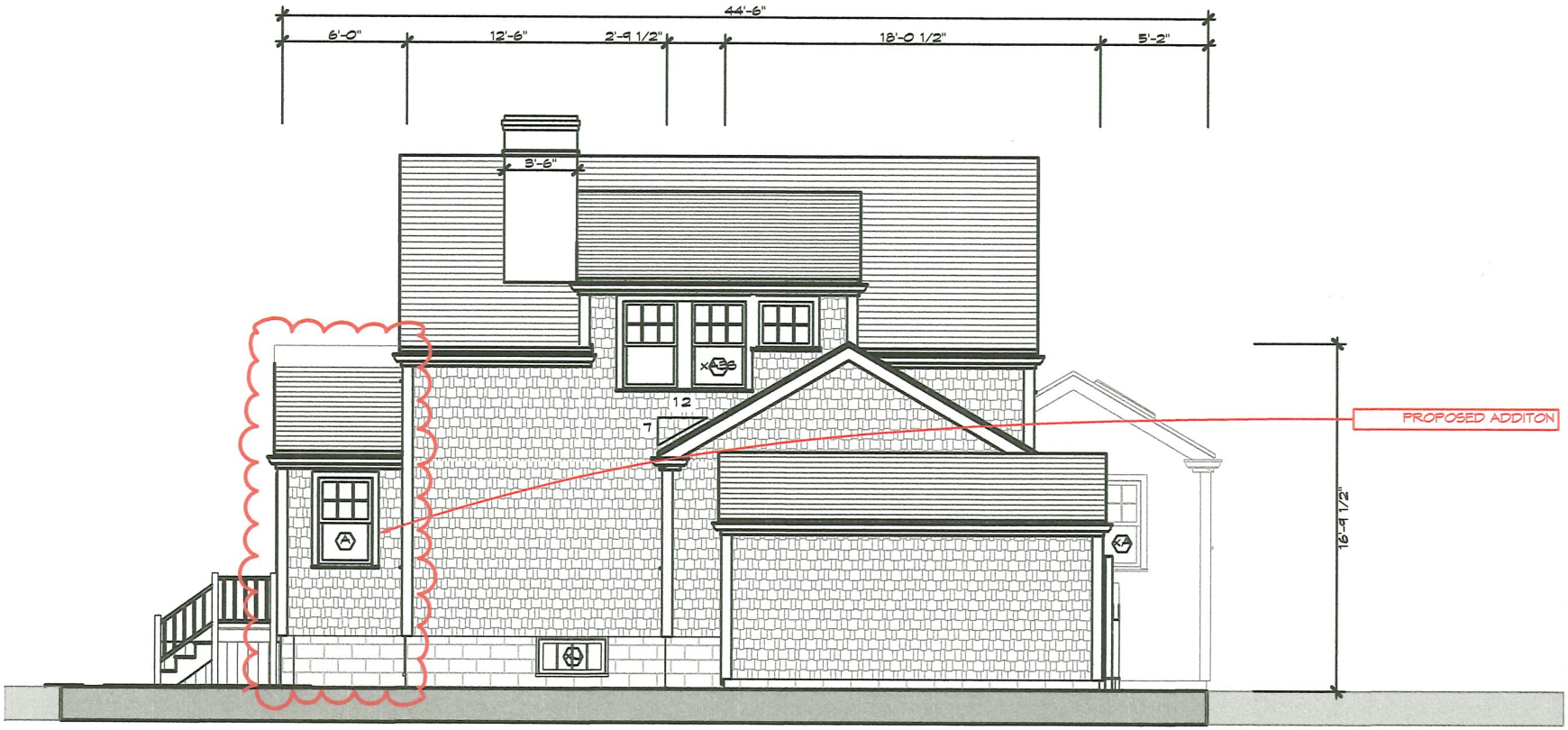
SHEET 33 OF 47

REVISIONS: 17 SEPT 2021

1. WIDEN FRONT ENTRY VESTIBULE
2. REVISE FENESTRATION



N EXISTING NORTH ELEVATION 1/16" = 1'-0"



N PROPOSED NORTH ELEVATION 1/8" = 1'-0"

TOPHAM DESIGN llc
18 Hummock Pond Road Nantucket MA 02554
Tel: 508-325-5890 email: joseph@tophamdesignack.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
10/5/21

PROJECT NO: 4Pln
Map No: 41 Parcel No: 168

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HDC 2.4

SHEET 34 OF 41

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

EXPLANATION	AMOUNT	

21510

53-447/113
371

CHECK ARMOR FRAUD PROTECTION

PAY AMOUNT OF Four hundred fifty and no/100 DOLLARS

Security Features Details on Back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	
10.15.21	Town of Nantucket	Smith, H.C. Bowen	21510	$ 450 00

NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST

AUTHORIZED SIGNATURE

⑈021510⑈ ⑆011304478⑆ 8890163671⑈

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	GOSSLELIN 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	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 &	SPERBER LORA E	154 COOLIDGE HILL	CAMBRIDGE	MA	02138	9 BARNABAS LN
41	563		DALE KEVIN F TR	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		580 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

Modification

PLUS

NANTUCKET TOWN CLERK
2021 OCT 20 AM 9:57

PAID
OCT 19 2021
BY:

RECEIVED
OCT 18 2021
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**

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: _____ ~~Applicant~~/Attorney/Agent
Arthur I. Reade, Jr.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

Property Information

Property ID	49.2.3 10
Location	27 BAXTER RD
Owner	SEA DAZE LLC

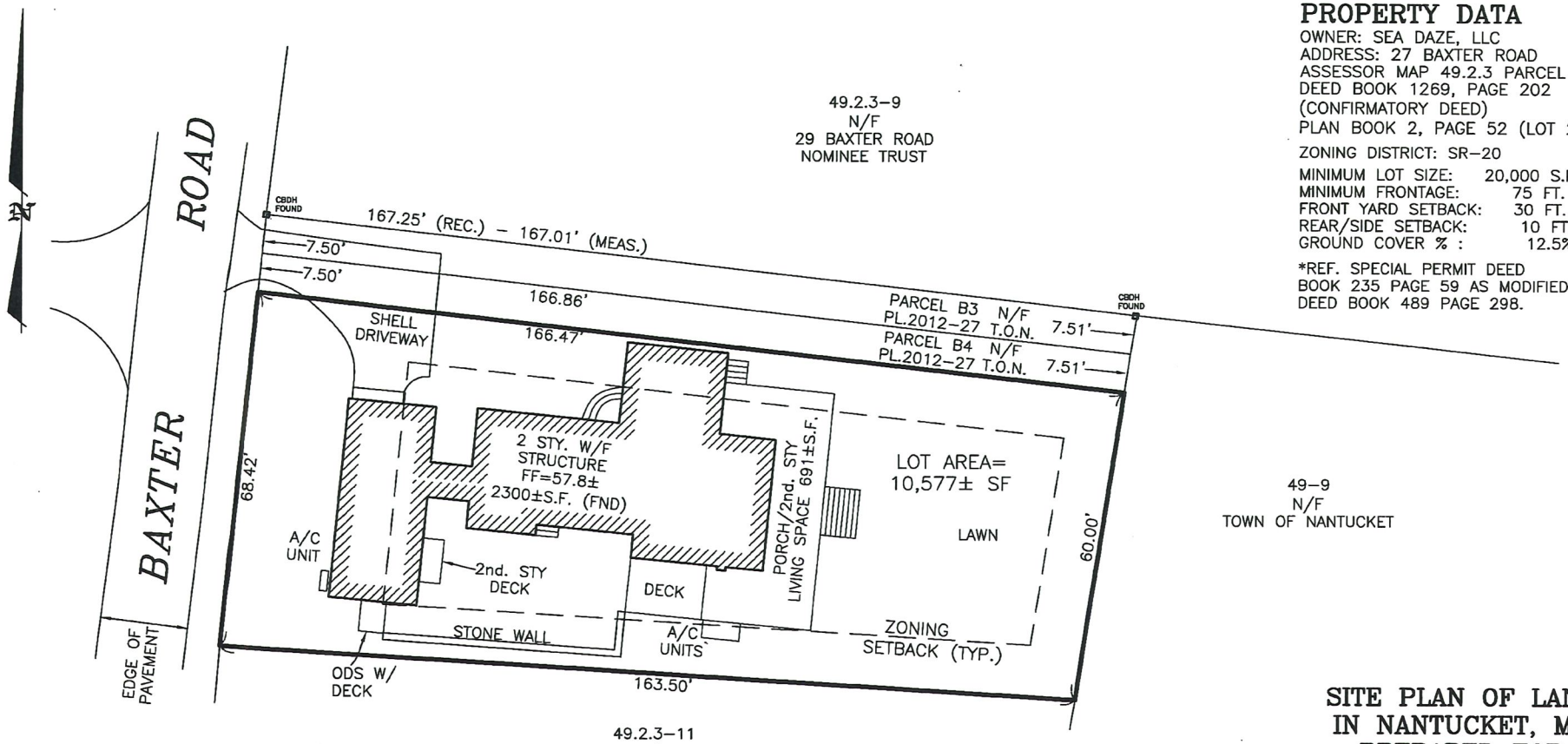
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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.

378



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.

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.

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO, III
No. 47149
PROFESSIONAL LAND SURVEYOR
10/15/21

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1 inch = 20 ft.

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'

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

CERTIFICATE NO: HRC2021-91, 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: 27 Baxter Road

Owner of record: Sea Daze LLC

Mailing Address: 3343 Broadway Street
San Francisco, CA 94115

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Botticelli + Pohl

Mailing Address: 11 Old South Road
Nantucket, MA 02554

Contact Phone #: 228-5455 E-mail: _____

FOR OFFICE USE ONLY ✓ 14634

Date application received: 9/7/21 Fee Paid: $100

Must be acted on by: 10/22/21

Extended to: _____

Approved: ☑ Disapproved: _____

Chairman: Debra Walcombe (acting)

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☑ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District ____) ☐ Roof ☑ Other New Full Basement

Size of Structure or Addition: Length: 5'-7½" Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: 3'-7½" Sq. footage 2nd floor: 20+/- Size: 29'x19' ☑ 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

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building attached? ☑ Yes ☐ N/A

REVISIONS* (describe)
1. East Elevation Revise Fenestration, New Window well
2. South Elevation Revise Fenestration, New window well, Revise Deck
3. West Elevation New Dormer, Revise Fenestration
4. North Elevation Revise Fenestration, Raise Roof + add new dormer, Revise Porch, New Window well

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed New to 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.

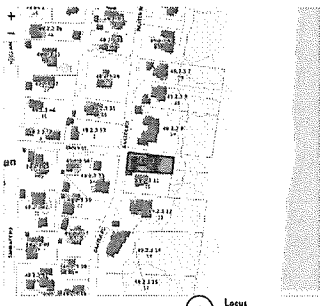
Date 9/7/21 Signature of owner of record 379 _____ Signed under penalties of perjury

6. Sea Daze, LLC **09-4585**	27 Baxter Road	New bsmnt/fenest revisions	49.2.3/10	Botticelli + Pohl

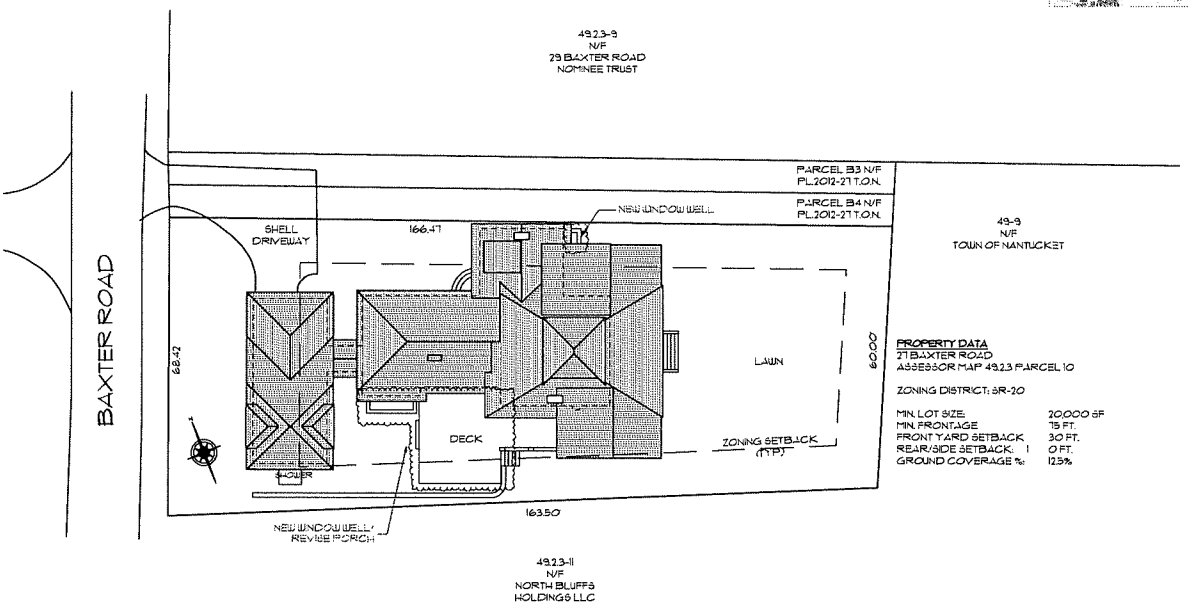
Voting	Camp (acting chair), McLaughlin, Coombs, Oliver, Thornewill
Alternates	Welch, Dutra
Recused	Pohl
Documentation	Architectural elevation plans, site plan, photos, historic documentation, and advisory comments.
Representing	Lisa Botticelli, Botticelli & Pohl
Public	None
Concerns (5:59)	**Botticelli** – 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	41/550	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 #



1 Locus
NOT TO SCALE



PROPERTY DATA
27 BAXTER ROAD
ASSESSOR MAP 49.23 PARCEL 10

ZONING DISTRICT: SR-20

MIN. LOT SIZE	20,000 SF
MIN. FRONTAGE	75 FT.
FRONT YARD SETBACK	30 FT.
REAR/SIDE SETBACK	0 FT.
GROUND COVERAGE %	12.5%

2 PROPOSED SITE PLAN
Scale: 1" = 10'

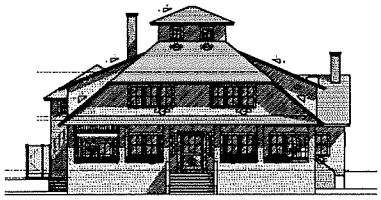
BOTTICELLI & POHL

DATE | REVISIONS

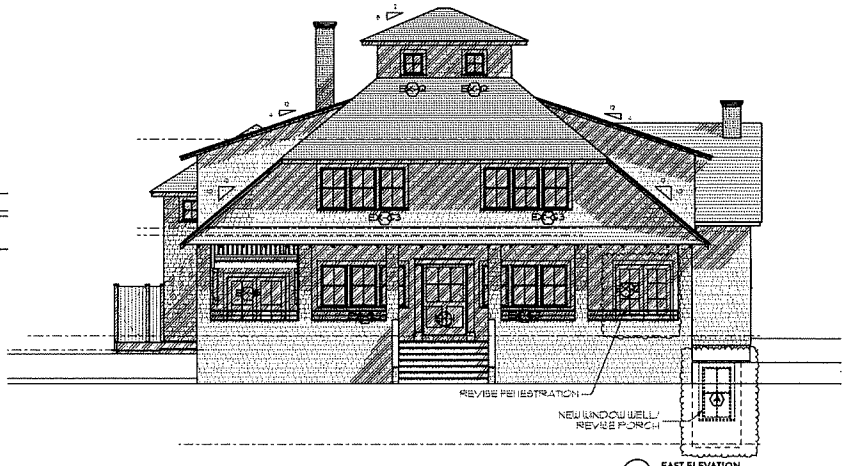
Site Plan

Residence at
27 Baxter Rd
Nantucket, MA 02554

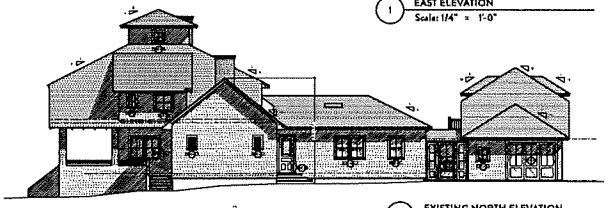
ID #
L-1.1



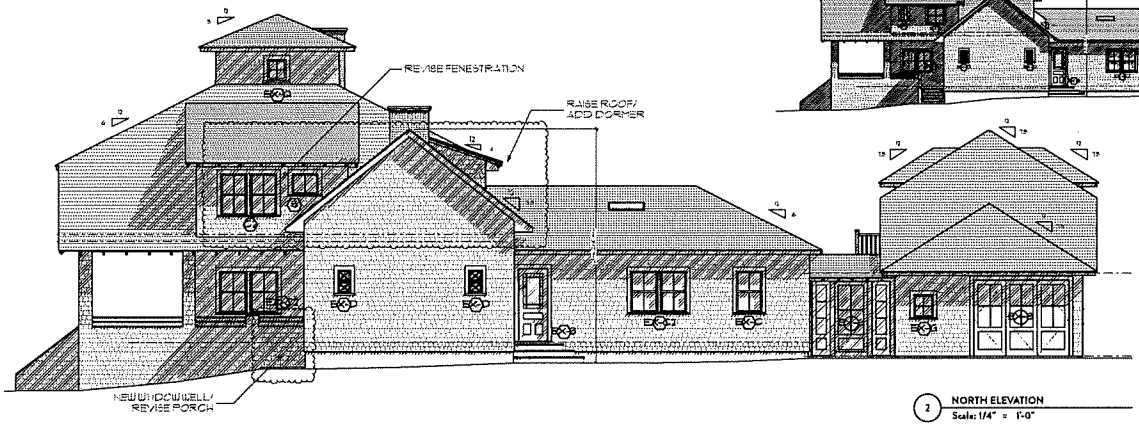
3 EXISTING EAST ELEVATION
Scale: 1/8" = 1'-0"



1 EAST ELEVATION
Scale: 1/4" = 1'-0"



4 EXISTING NORTH ELEVATION
Scale: 1/8" = 1'-0"



2 NORTH ELEVATION
Scale: 1/4" = 1'-0"

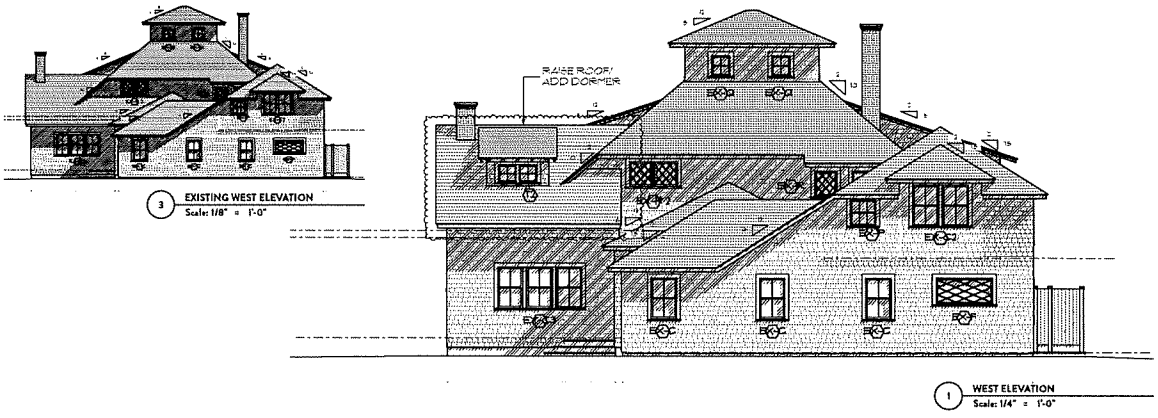
BOTTICELLI & POHL

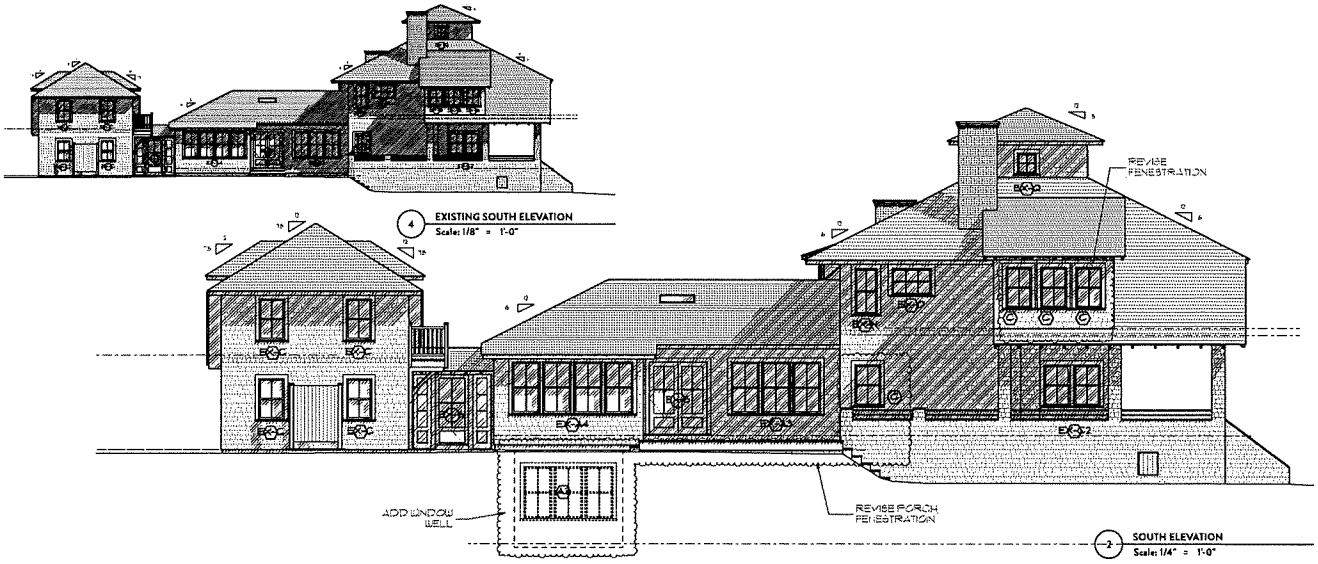
DATE REVISIONS

Exterior Elevations

Residence at
27 Baxter Rd
Nantucket, MA 02554

ID#
A-2.1





BOTTICELLI & POHL

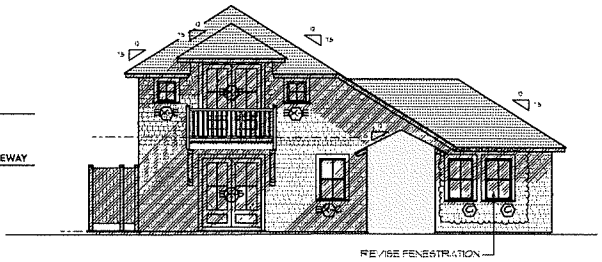
DATE | REVISIONS

Exterior Elevations

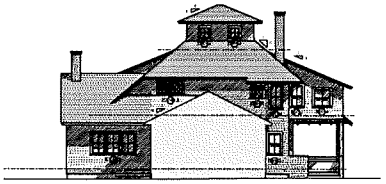
Residence at
27 Baxter Rd
Nantucket, MA 02554

ID#
A-2.2

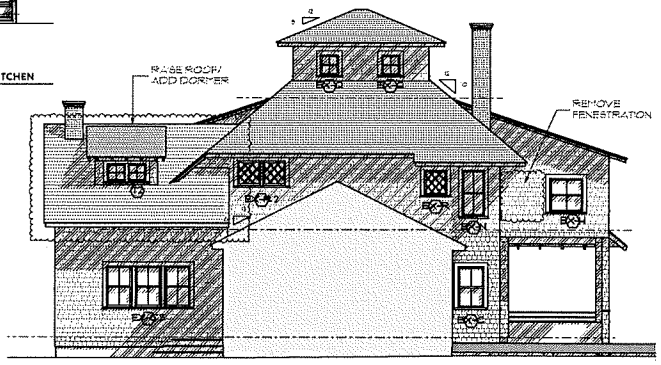
3 EXISTING EAST ELEVATION THRU BREEZEWAY
Scale: 1/8" = 1'-0"



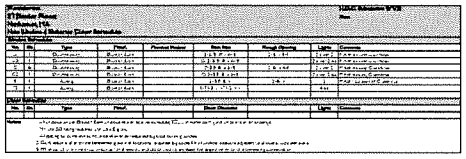
1 EAST ELEVATION THRU BREEZEWAY
Scale: 1/4" = 1'-0"



4 EXISTING WEST ELEVATION THRU KITCHEN
Scale: 1/8" = 1'-0"



2 WEST ELEVATION THRU KITCHEN
Scale: 1/4" = 1'-0"



BOTTICELLI & POHL
9 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 3 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P: 617.482.4001

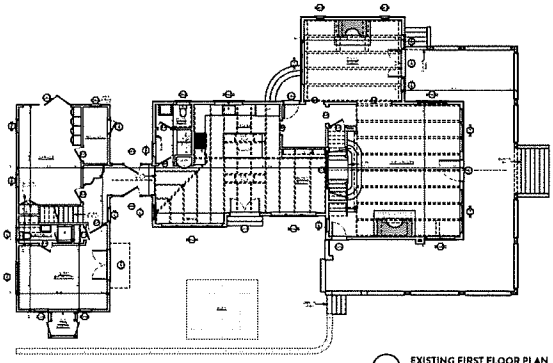
DATE | REVISIONS

Exterior Elevations

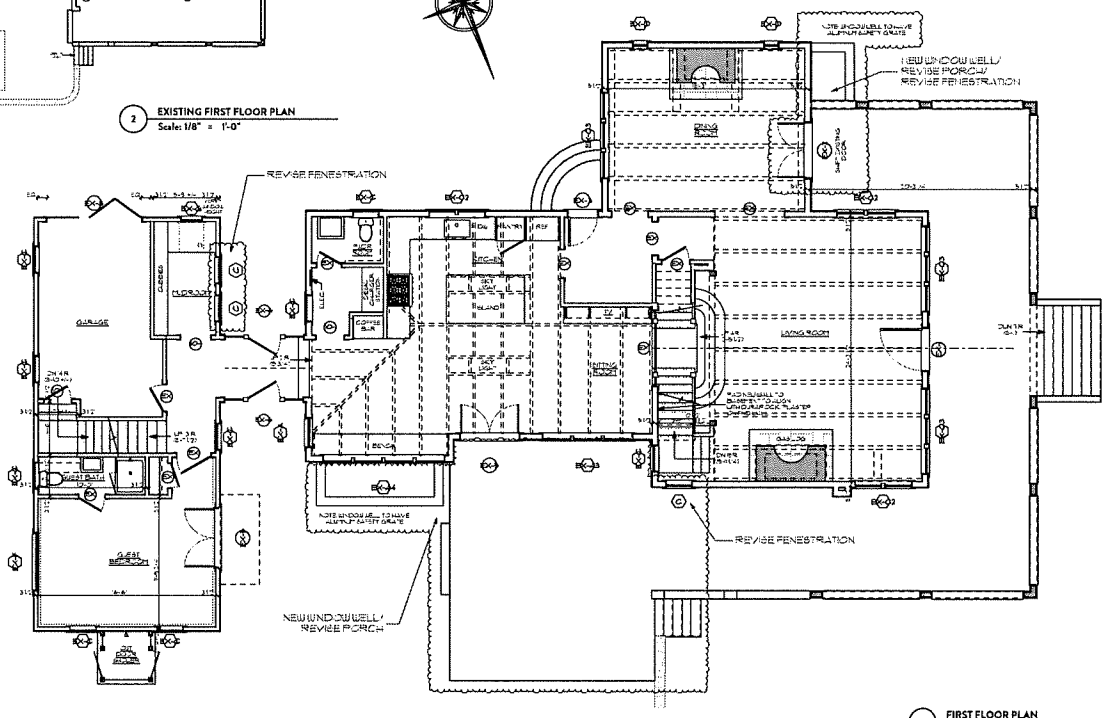
Residence at
27 Baxter Rd
Nantucket, MA 02554
MAP NO: 49.2.3 | ZONING INFO: GB-20
PARCEL NO: 10 | PROJECT NO: | REVISED: September 1, 2021

ID #
A-2.3

All drawings and designs contained herein are the property of Botticelli & Pohl, LLC. They are not to be used in any way without the permission of Botticelli & Pohl, LLC.



2 EXISTING FIRST FLOOR PLAN
Scale: 1/8" = 1'-0"



1 FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

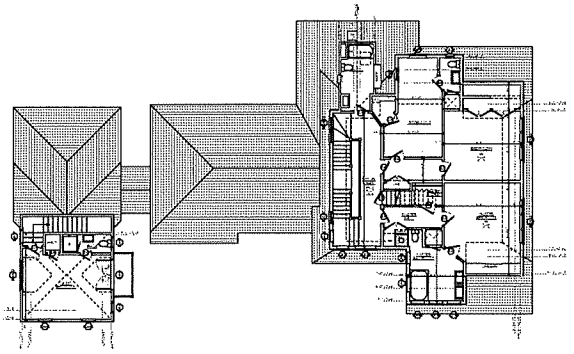
BOTTICELLI & POHL

DATE REVISIONS

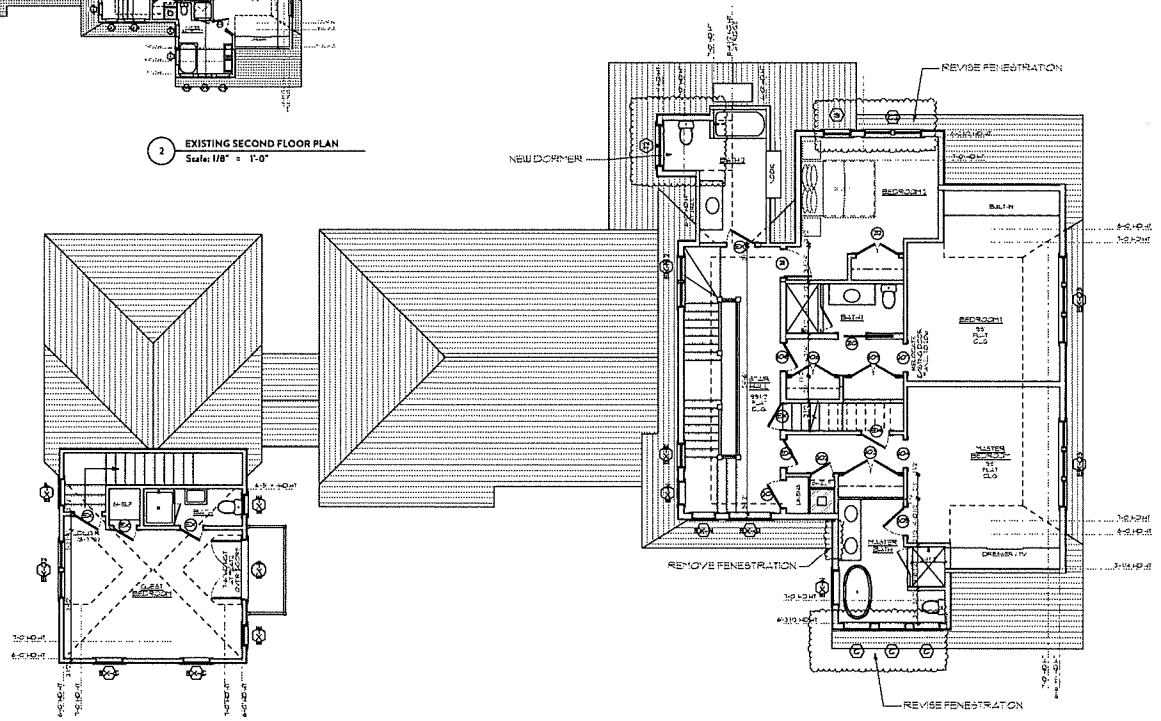
First Floor Plan

Residence at
27 Baxter Rd
Nantucket, MA 02554

ID#
A-1.1



2 EXISTING SECOND FLOOR PLAN
Scale: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
Scale: 1/4" = 1'-0"

BOTTICELLI & POHL

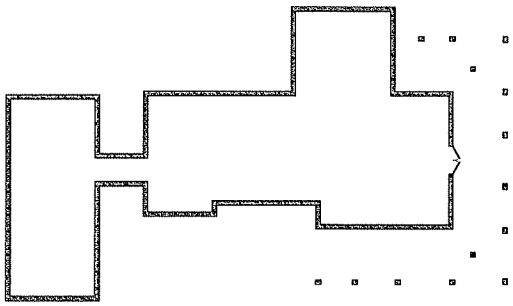
DATE	REVISIONS

Second Floor Plan

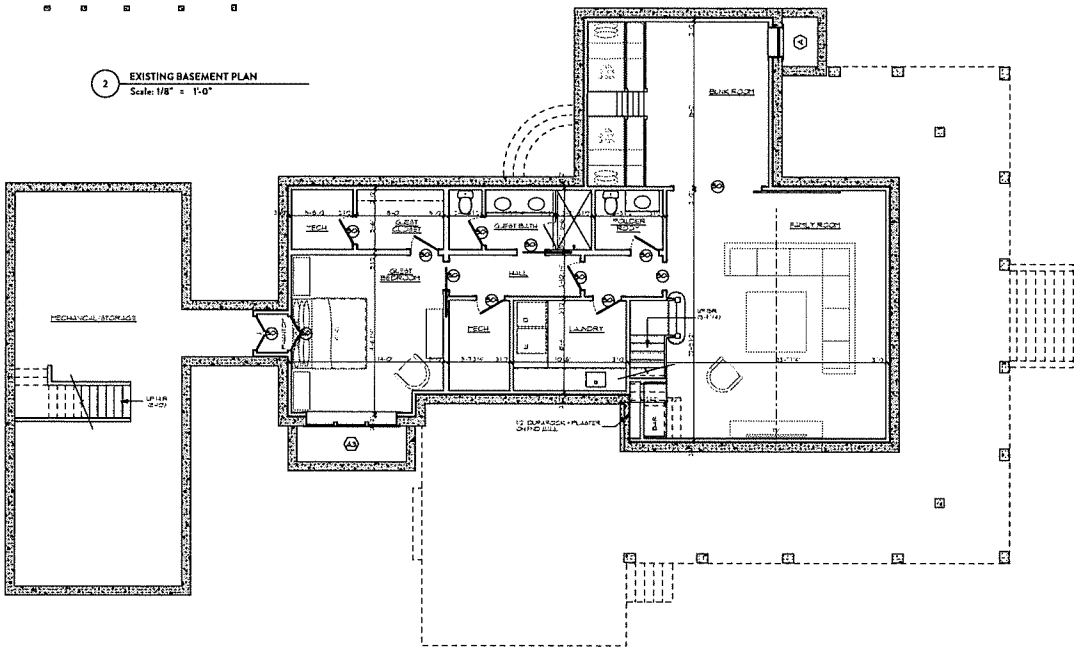
Residence at
27 Baxter Rd
Nantucket, MA 02554

MAP NO. 49.2.3 ZONING INFO: SR 20
PARCEL NO. 10 PROJECT NO.

ID #
A-1.2



2 EXISTING BASEMENT PLAN
Scale: 1/8" = 1'-0"



1 BASEMENT FLOOR PLAN
Scale: 1/4" = 1'-0"

BOTTICELLI & POHL

DATE REVISIONS

Basement Floor Plan

Residence at
27 Baxter Rd
Nantucket, MA 02554

ID #
A-1.0

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	28 BAXTER RD
4923	33		SHERMAN ROBERT D JR & DIANE D		200 NORTH ST	GREENWICH	CT	06830	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 FALMOUTH	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	34997-6022	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

BURKE ROBERT P & LESSLEY L
625 RIDGEBURY RD
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AGRMT
3707 MEREDITH ST
AUSTIN, TX 78703

SWEET EVERLASTING LLC
4820 UPTON ST N W
WASHINGTON, DC 20016

Jason P. & Brian P. **Hafler**

Trustees of 71 North Liberty Street Realty Trust

File No. 34-21

71 North Liberty St

Special Permit

PLUS

NANTUCKET TOWN CLERK
2021 OCT 20 AM 9:57

PAID OCT 19 2021 BY:

RECEIVED OCT 18 2021 By

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: _____ ~~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:__/__/__

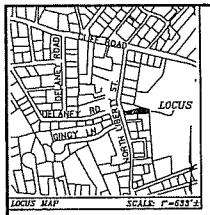
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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.

396



CURRENT ZONING CLASSIFICATION:
Residential Old Historic (ROH)

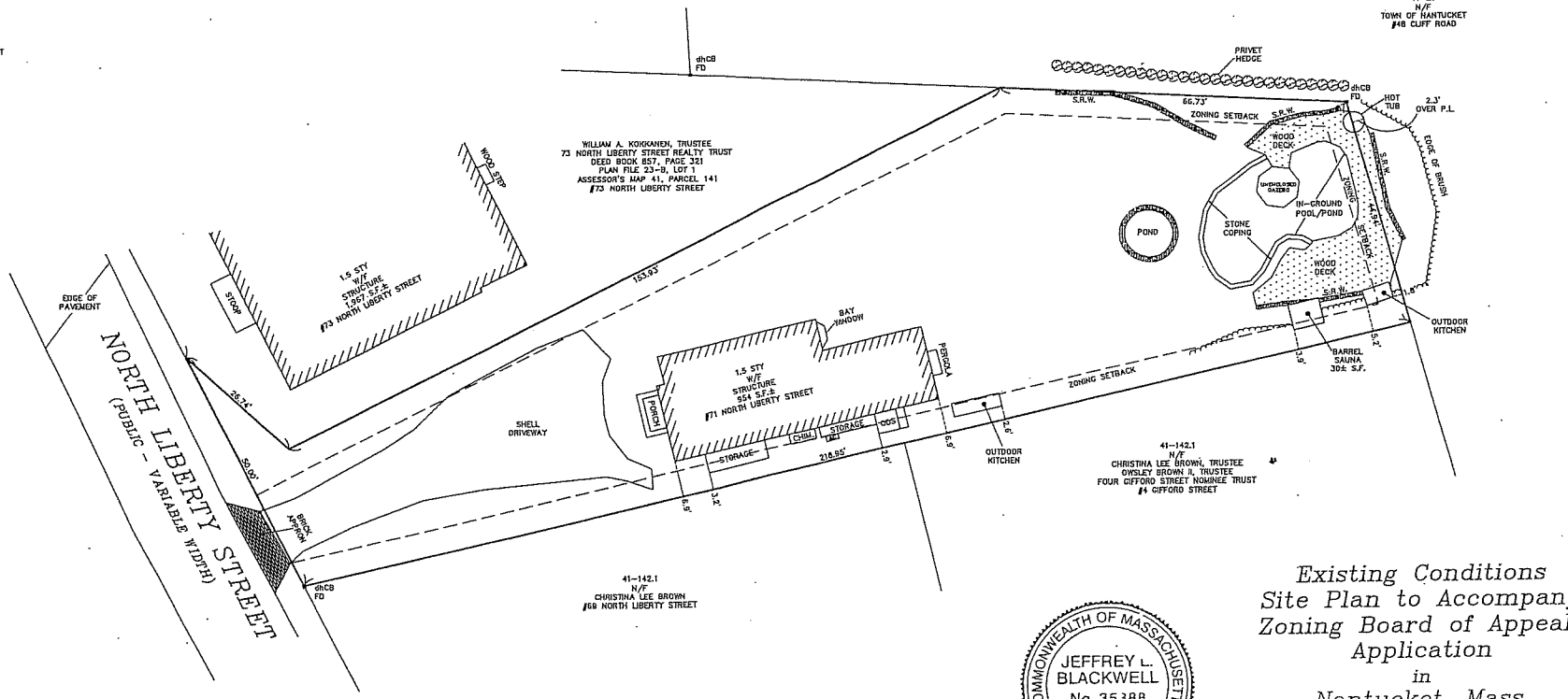
		EXISTING
MINIMUM LOT SIZE:	5,000 S.F.	10,504± S.F.
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
FRONT YARD SETBACK:	0 FT.	SEE PLAN
REAR/SIDE SETBACK:	5 FT.	SEE PLAN
GROUND COVER % :	40%	9.4% ±

LEGEND

■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
S.R.W. DENOTES STONE RETAINING WALL

OWNER INFORMATION

JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
DEED BK./Pg.: 335/195
PLAN FILE 23-B, LOT 2
ASSESSOR'S MAP 41, PARCEL 141.1
#71 NORTH LIBERTY STREET



ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
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THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

© Blackwell & Associates Inc.

T:\LUCAS JOB 12
V:\DRAWFILES\B8890\28A.dwg 7/20/2021 8:58:27 AM EDT

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35388
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.

Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

in

Nantucket, Mass.

Prepared for

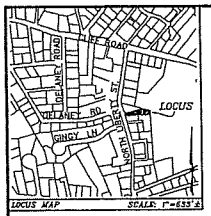
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST

Scale: 1"= 10' *JULY 15, 2021*

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9025

B8890

397



CURRENT ZONING CLASSIFICATION:
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		PROPOSED
MINIMUM LOT SIZE:	5,000 S.F.	10,504± S.F.
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
FRONT YARD SETBACK:	0 FT.	SEE PLAN
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GROUND COVER % :	40%	9.4% ±

LEGEND

■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND

OWNER INFORMATION

JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
DEED BK./Pg.: 335/195
PLAN FILE 23-B, LOT 2
ASSESSOR'S MAP 41, PARCEL 141.1
#71 NORTH LIBERTY STREET

41-29
N/F
TOWN OF NANTUCKET
#48 CLIFF ROAD

dhCB
FD

66.73'
ZONING SETBACK

WILLIAM A. KOKKANEN, TRUSTEE
73 NORTH LIBERTY STREET REALTY TRUST
DEED BOOK 857, PAGE 321
PLAN FILE 23-B, LOT 1
ASSESSOR'S MAP 41, PARCEL 141
#73 NORTH LIBERTY STREET

PROPOSED
POOL
EQUIPTMENT

HOT TUB

P. SAUNA

PROPOSED
POOL

ZONING SETBACK

44.94'

PROPOSED PERGOLA

WOOD STEP

1.5 STY
W/F
STRUCTURE
1,967 S.F.±
#73 NORTH LIBERTY STREET

STOOP

153.42'

EDGE OF
PAVEMENT

NORTH LIBERTY STREET
(PUBLIC - VARIABLE WIDTH)

26.74'

50.00'

BAY
WINDOW

PERGOLA

1.5 STY
W/F
STRUCTURE
954 S.F.±
#71 NORTH LIBERTY STREET

PORCH

SHELL
DRIVEWAY

STORAGE

CHIM.

STORAGE

DN'S

218.95'

ZONING SETBACK

OUTDOOR
KITCHEN

41-142.1
N/F
CHRISTINA LEE BROWN, TRUSTEE
OWSLEY BROWN II, TRUSTEE
FOUR GIFFORD STREET NOMINEE TRUST
#4 GIFFORD STREET

BRICK
APRON

dhCB
FD

41-142.1
N/F
CHRISTINA LEE BROWN
#69 NORTH LIBERTY STREET

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35388
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

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V:\DRAWFILES\B8890\ZBA.dwg 7/20/2021 8:58:27 AM EDT

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 16, 2021

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

B8890

CERTIFICATE NO: HDC2021-09-4641 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°: 141.1

Street & Number of Proposed Work: 71 N Liberty ST

Owner of record: 71 N Liberty ST Trust

Mailing Address: 71 N Liberty ST
Nantucket MA

Contact Phone #: 228-5231 E-mail:

AGENT INFORMATION (if applicable)

Name: Stephen Henry Hoag

Mailing Address: PO box 1814
Nantucket MA

Contact Phone #: 778-6231 x2 E-mail:
steve@nantucketarchitecture.com

FOR OFFICE USE ONLY 1594

Date application received: 9/10/21 Fee Paid: $200

Must be acted on by: 11/10/21

Extended to:

Approved: Y Disapproved:

Chairman:

Member:

Member:

Member: Roger Reed

Member:

Notes - Comments - Restrictions - Conditions

* Tree hut tub and pool through staff
w/ no approval of tree hardscape or
shrubs @ this time

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

Historic Name:

Original Date:

Original Builder:

REVISIONS* (describe)
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

Construct New Pool to replace exist Pool - Pool to conform to set backs w/ BLUESTONE PATIO. Pool 700SF±

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: 4FT
Type: Type II
Length: 58 L.F.

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.

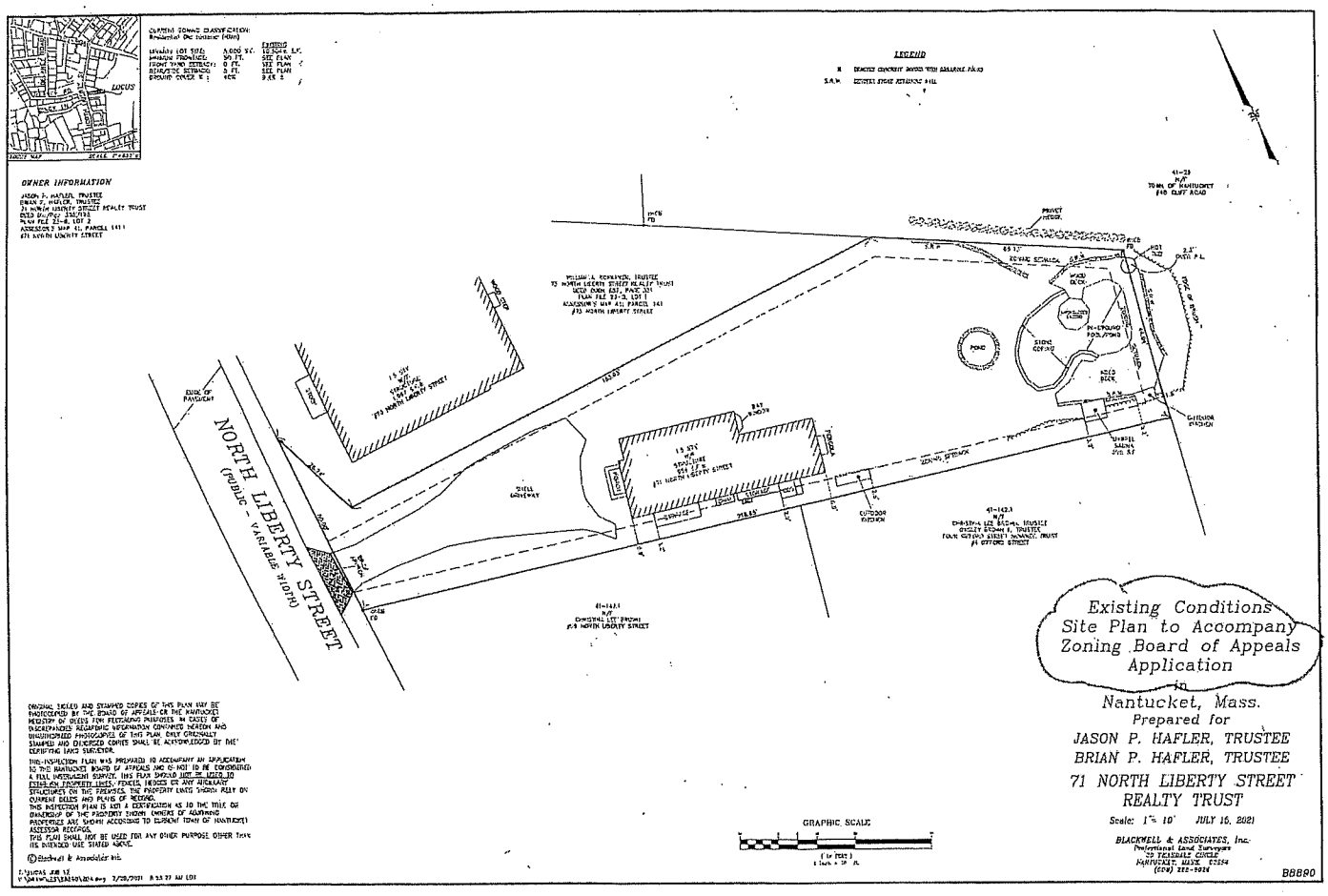
COLORS

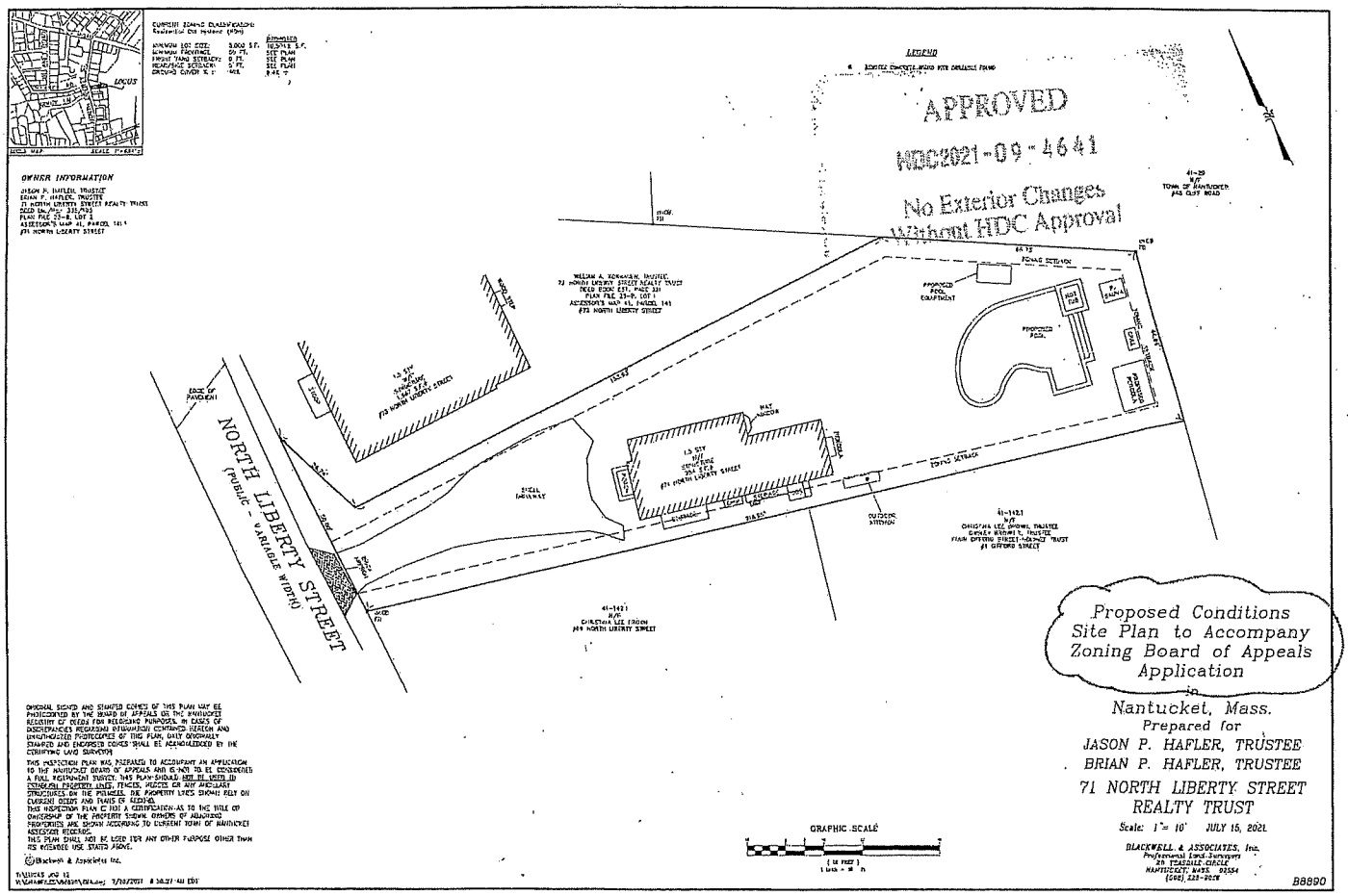
Sidewall Clapboard (if applicable) Roof
Trim Sash Doors
Deck Foundation Fence Shutters

* Attach manufacturer's color samples if color is not from HDC approval list.

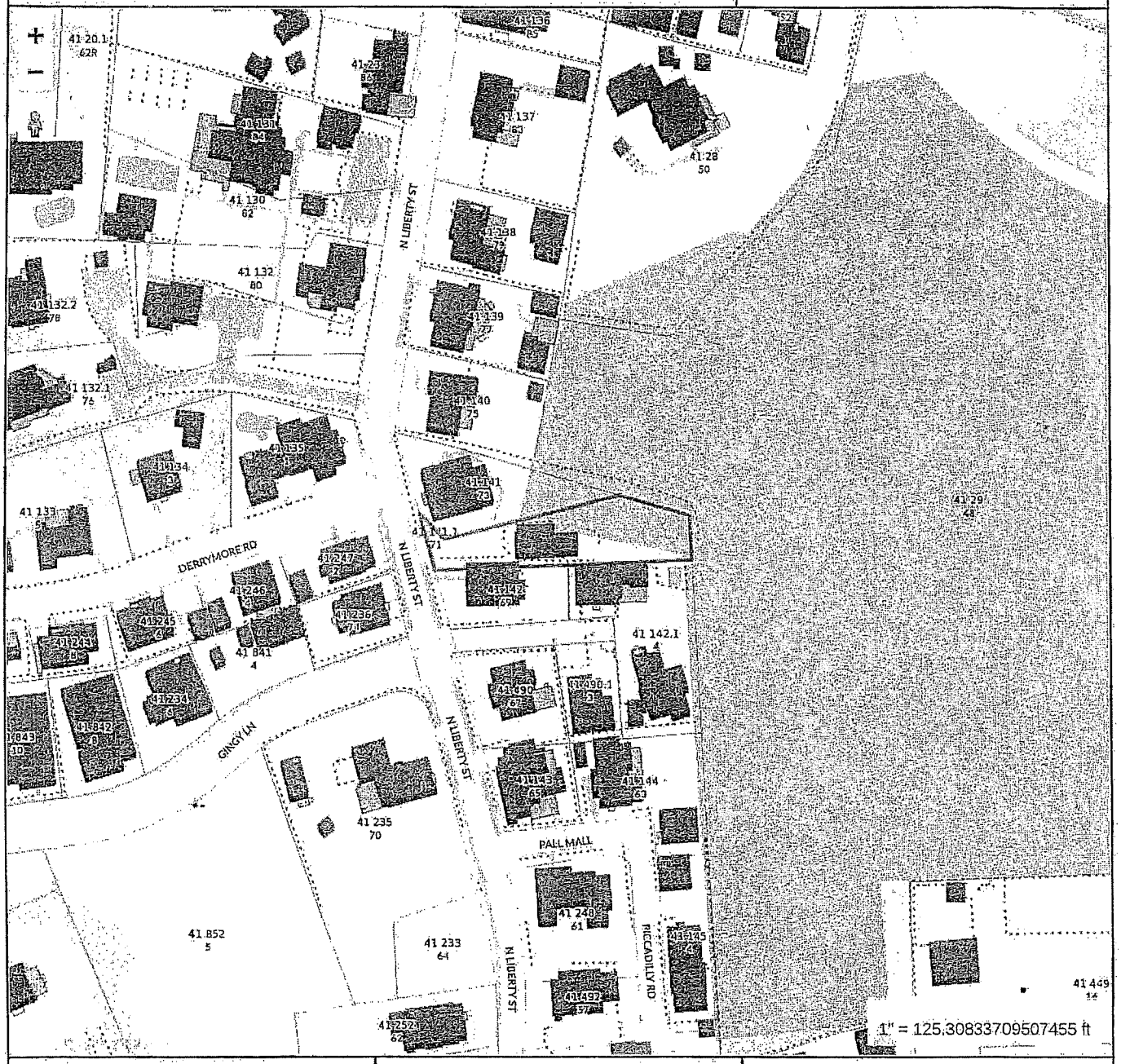
I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. 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 Signed under penalties of perjury


LOCUS
LOCUS MAP
SCALE: 1"=800'
CURRENT ZONING CLASSIFICATION:
Residential One Sustainer (RSU)
LEGEND
OWNER INFORMATION
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
DEED REF: 5567/153
PLAN REF 23-8, LOT 3
ASSESSOR'S MAP 41, PARCEL 141
71 NORTH LIBERTY STREET
NORTH LIBERTY STREET
(PUBLIC - VARIABLE WIDTH)
71 NORTH LIBERTY STREET
73 NORTH LIBERTY STREET
79 NORTH LIBERTY STREET
81 NORTH LIBERTY STREET
POND
SEPTIC SYSTEM
SHED
GRAPHIC SCALE
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 TRIANGLE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9924
BB890


APPROVED
HDC2021-09-4641
No Exterior Changes
Without HDC Approval
LOCUS
NORTH LIBERTY STREET
(PUBLIC - VARIABLE WIDTH)
EDGE OF PAVEMENT
WILLIAM A. YORKMAN, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
DEED BOOK 631, PAGE 331
PLAN FILE 23-B, LOT 1
ASSESSOR'S MAP 41, PARCEL 141
71 NORTH LIBERTY STREET
41-142.1
M/F
CHRISTINA LEE BROWN, TRUSTEE
BRADLEY WILLIAMS, TRUSTEE
MAIN DIVING STREET-NOMINEE TRUST
61 GIFFORD STREET
41-142.1
M/F
CHRISTINA LEE BROWN
69 NORTH LIBERTY STREET
41-29
M/F
TOWN OF NANTUCKET
145 CLIFF ROAD
PROPOSED POOL EQUIPMENT
PROPOSED POOL
HOT TUB
A/C UNITS
PROPOSED PERGOLA
1.5 STY WOOD SHINGLE 2ND STORY 73 NORTH LIBERTY STREET
1.5 STY WOOD SHINGLE 2ND STORY 71 NORTH LIBERTY STREET
SHED
GARAGE
BRICK WALK
STONE WALL
WOOD FENCE
STONE WALL
WOOD FENCE
STONE WALL
WOOD FENCE

Pool



Property Information

Property ID 41 141.1
Location 71 N LIBERTY ST
Owner HOKKANEN WILLIAM A TR

SEP 1 0 2021

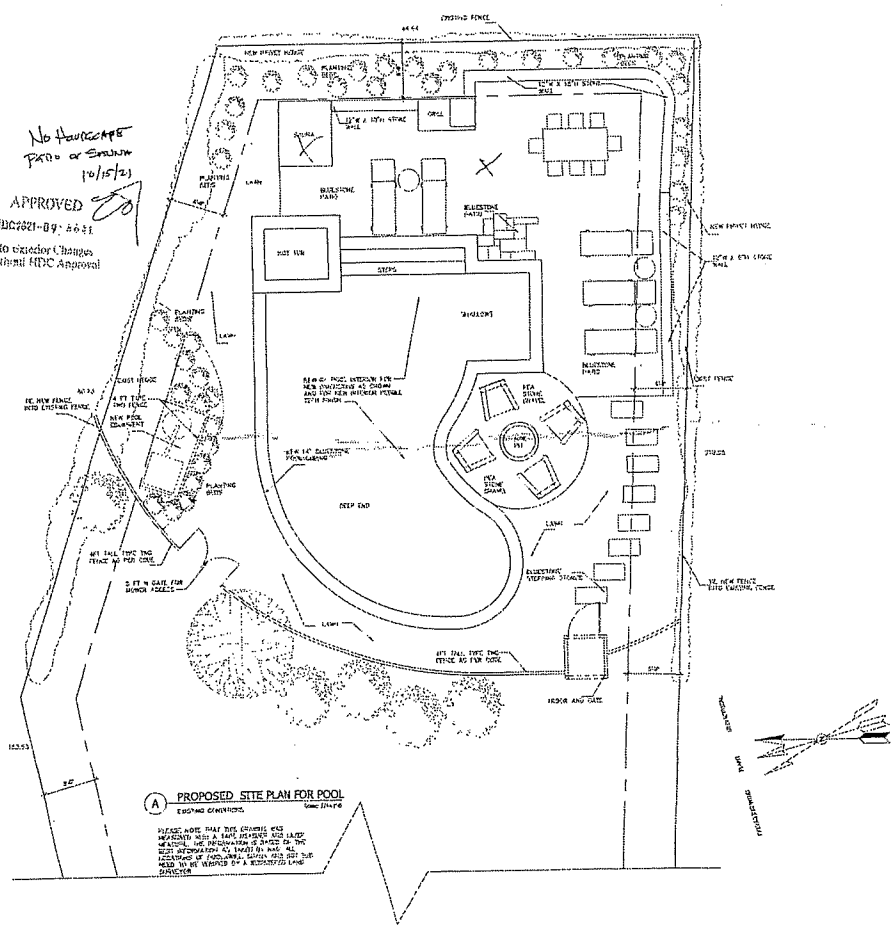
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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.

No Hardscape Patio or Swimm
10/15/21
APPROVED
HDC2021-89: 6631
No Exterior Changes Without HDC Approval



A PROPOSED SITE PLAN FOR POOL

PLEASE NOTE THAT THIS DRAWING WAS NEGATIVELY MADE A SEPTEMBER AND LATER MEASURE. THE INFORMATION IS BASED ON THE BEST INFORMATION AT HAND AND ALL DIMENSIONS OF PROPOSAL SHOWN ARE NOT TO BE VERIFIED BY A REGISTERED LAND SURVEYOR

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION FOR:
Mr. JASON HAFLER
73 N. LIBERTY STR.
NANTUCKET, MA 02554

POOL PLAN

HDC: XX/XX/XX	
BIDDING:	
BLDG. DEPT:	
REVISIONS:	
REVISIONS:	
REVISIONS:	
REVISIONS:	
DR:	

CERTIFICATE NO: HDC2021-09-9643 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°: 141.1

Street & Number of Proposed Work: 71 N Liberty ST

Owner of record: 71 N. Liberty TRUST

Mailing Address: 71 N Liberty ST
NANTUCKET MA

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Stephen Theroux NAG

Mailing Address: PO Box 1814
NANTUCKET MA

Contact Phone #: 228-5021 x 2 E-mail: Steve@nantucketarchitecture.com

FOR OFFICE USE ONLY V15958

Date application received: 9/10/21 Fee Paid: $ 100

Must be acted on by: 11/06/21

Extended to: _____

Approved: ~~Disapproved~~ Disapproved

Chairman: Dave WBCombs (ACTING)

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ 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* (describe)

1. East Elevation DEMO EXISTING FAILING POOL
2. South Elevation DECK & PAD
3. West Elevation 690 SF +/-
4. North Elevation

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ Inches) Front ☐ _____ Side ☐ _____
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____
B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____
☐ 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 _____

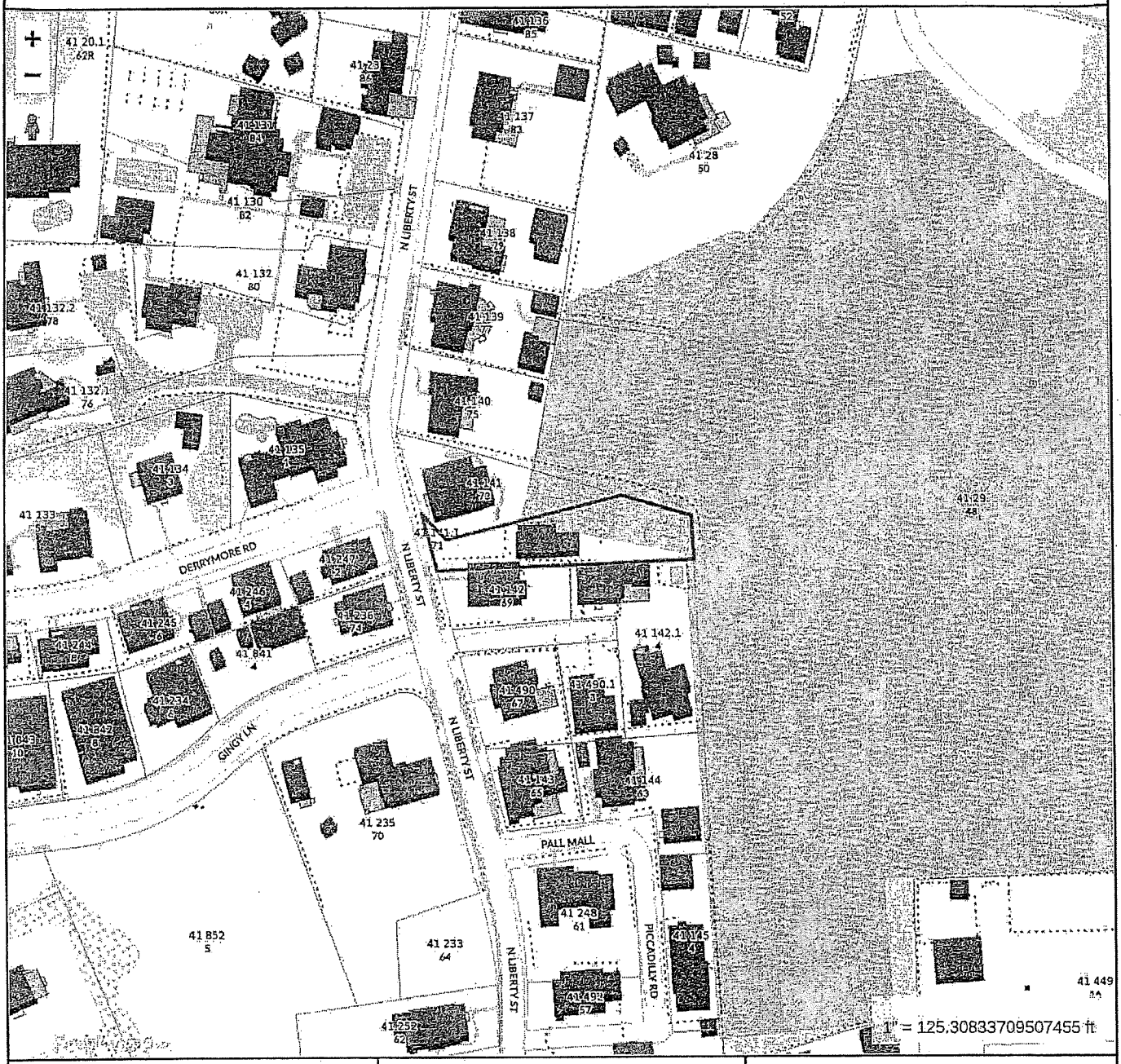
* Attach manufacturer's color samples if color is not from HDC approval list.

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 _____ Signed under penalties of perjury

403

DEMO



Property Information

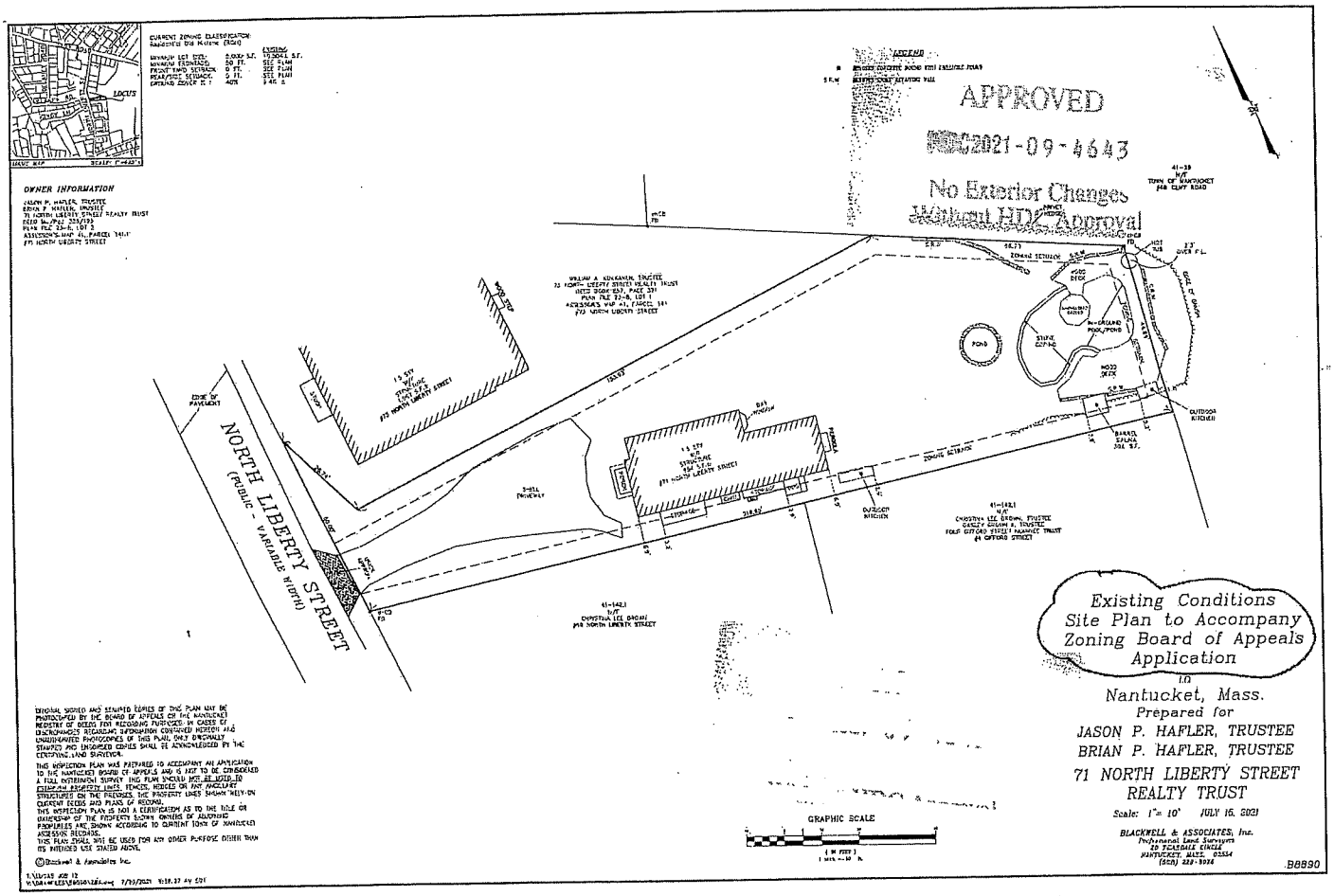
Property ID	41 141.1
Location	71 N LIBERTY ST
Owner	HOKKANEN WILLIAM A TR

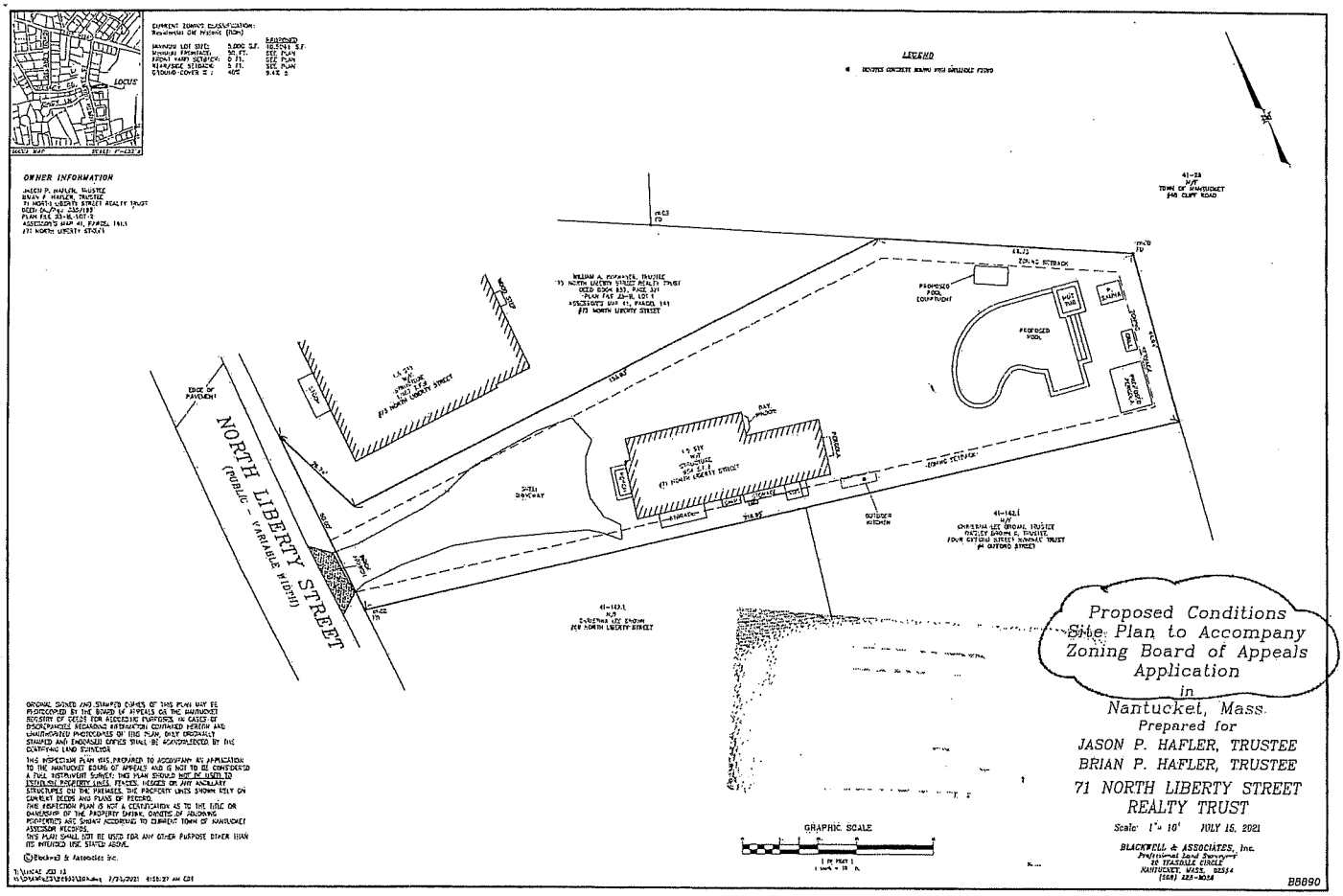
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

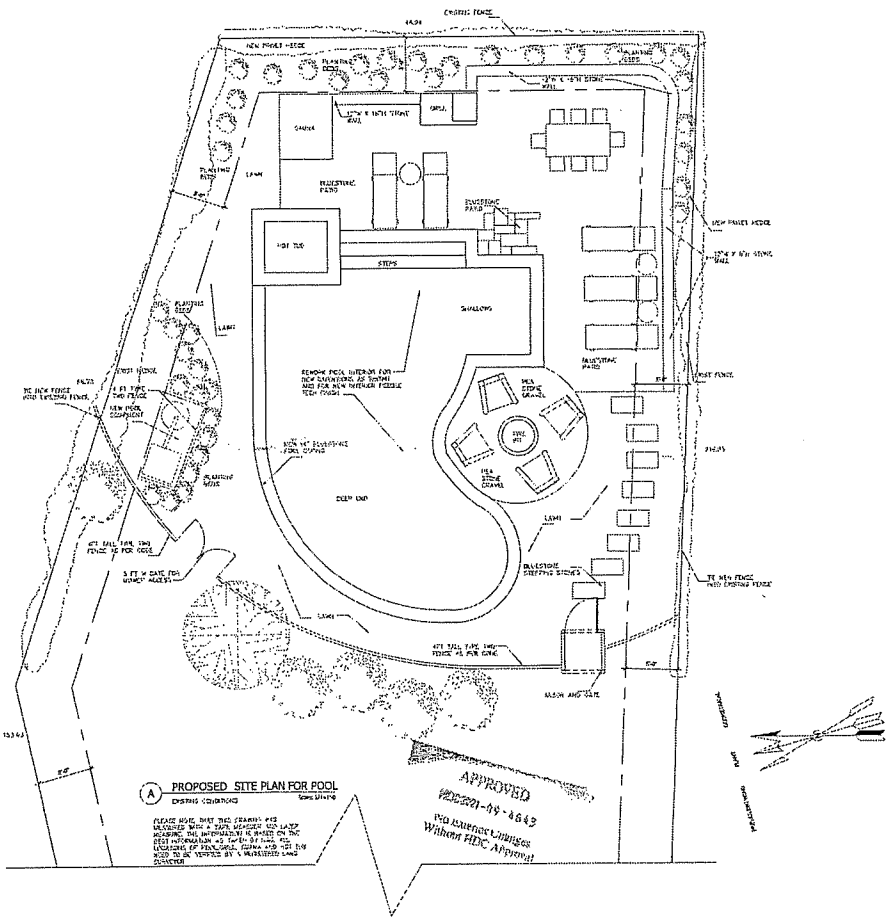
Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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.


APPROVED
2021-09-4643
No Exterior Changes
Without HDC Approval
NORTH LIBERTY STREET
(PUBLIC - VARIABLE WIDTH)
LOCUS
OWNER INFORMATION
GRAPHIC SCALE
Existing 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 16, 2021
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEAKDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9016
88890


LOCUS
LEGEND
OWNER INFORMATION
JASON P. HAFLER, TRUSTEE
BRIAN P. HAFLER, TRUSTEE
71 NORTH LIBERTY STREET REALTY TRUST
DEED BOOK 1515, PAGE 313
PLAN FILE 23-B, LOT 1
ASSESSORS MAP 41, PARCEL 141
71 NORTH LIBERTY STREET
NORTH LIBERTY STREET
(PUBLIC - VARIABLE WIDTH)
EDGE OF PAVEMENT
WILLIAM A. MCKENZIE, TRUSTEE
73 NORTH LIBERTY STREET REALTY TRUST
DEED BOOK 837, PAGE 241
PLAN FILE 23-B, LOT 1
ASSESSORS MAP 41, PARCEL 141
73 NORTH LIBERTY STREET
41-23
N/F
TOWN OF NANTUCKET
160 CLIFF ROAD
41-142.1
N/F
CHRISTINA LEE BROWNE, TRUSTEE
HADLEY BROWNE II, TRUSTEE
FOUR OXFORD STREET NOMINEE TRUST
64 OXFORD STREET
41-143.1
N/F
OWNERSHIP NOT KNOWN
169 NORTH LIBERTY STREET
PROPOSED POOL EQUIPMENT
PROPOSED POOL
HOT TUB
P. SHOWER
PROPOSED PAVILION
OUTDOOR KITCHEN
SITE DRIVEWAY
GRAPHIC SCALE
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
22 TEAZLE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-8014
B8890



NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS. 02554
TELEPHONE 508.228.5831
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION FOR:
Mr. JASON HAFLER
73 N. LIBERTY STR.
NANTUCKET, MA 02554

POOL PLAN

HDC: XXXXXX	
BIDDING:	
BLDG. DEPT:	
REVISIONS:	
REVISIONS:	
REVISIONS:	
REVISIONS:	
DIE:	sheet number

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).

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'

10-15-2021

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
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		LOKENSGARD 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		KARPER 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 HOKKENEN 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		NESBITT INN LLC		PO BOX 299	NANTUCKET	MA	02554	65 N LIBERTY ST
41	144		SYKES WENDELL S & COLIN M		2715 BROADWAY E	SEATTLE	WA	98102	63 N LIBERTY ST
41	145		BRAMEN DARREN & 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	06820	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		COUREY JEFFREY & TALANIAN 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	1	BERRY TURNEY 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		251 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

LOKENSGARD 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

PAY AMOUNT OF Four hundred fifty and no/100 DOLLARS

Security Features Details on Back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
10-18-21	Town of Nantucket	Hafler (71 N. Liberty)	21511

$ 450.

NANTUCKET BANK,
A DIVISION OF ROCKLAND TRUST

AUTHORIZED SIGNATURE

⑈021511⑈ ⑆011304478⑆ 88901636 7⑈

413

CRH 46 Surfside LLC

File No. 29-21

46 Surfside Rd

Appeal

Continued to 12/09/21

James A. & Susan G.

Genthner

File No. 31-21

128 Surfside Rd

Variance Relief

PLUS

RECEIVED
OCT 15 2021
By

2021 OCT 18 AM 11:07
NANTUCKET TOWN CLERK

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

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: 5086855355 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 X 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)

2 Fairgrounds Road Nantucket Massachusetts 02554
508 325-7587 telephone 508-228-7298 facsimile

State below or attach a separate addendum of specific special permits or variance relief applying for:

see attached

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Susan Gerthel + ~~Owner*~~

SIGNATURE: Susan Gerthel + ~~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 80/ 299.1 Genthner

128 Surfside 80/299.1
Genthner

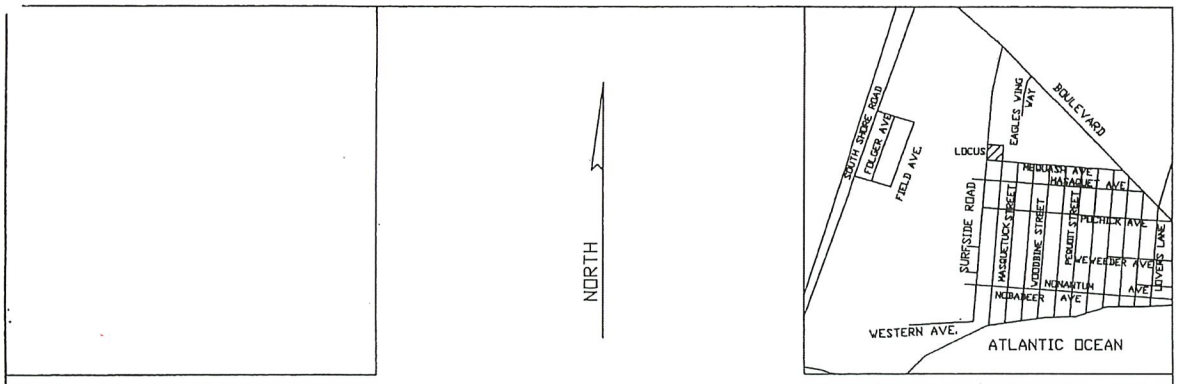
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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
80/299.1
128 Surfside Rd.
Shed Approval
Existing Plan



LOCUS MAP
SCALE 1" = 2,000'

MARIANNE E. LOFFREDO
JEFFREY K. HASS

0.22'
S84°31'15"E 193.50'
173.50'
20.00'

JEFFREY J. BURDICK

SURFSIDE ROAD
N06°19'47"E
235.00'
255.00'

S05°29'15"W
235.00'

HOUSE
1411 S.F.
deck

LOT A
49,816± S.F.

S05°29'15"W
255.00'

ZONING: LUG-1
MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 100 FT
FRONT YARD SETBACK: 35 FT
REAR & SIDE SETBACK: 10 FT
GROUND COVER RATIO: 7%

DEBORAH ANN BLAISDELL

BARN
1,211S.F.

176.95'
N84°30'45"W
20.00'
20.00'
197.24'
N84°30'45"W

1195 sq ft

MEQUASH AVENUE
aka Sechacha Avenue

LEGEND:
■ DH inC.B. fnd

AMY A. METCALFE

MASQUETUCK STREET
aka Poplar Street

STEPHANIE BASILE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
NANTUCKET PLANNING BOARD

DATE: 11-27-2006

FILE NUMBER: 6996

LOT(S) A 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 BYLAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

COMMONWEALTH OF MASSACHUSETTS
JOHN J. SHUGRUE
No. 23529
REGISTERED
PROFESSIONAL LAND SURVEYOR

PLAN OF LAND In
NANTUCKET, MASS.
SCALE: 1"=50'
DATE: AUGUST 29, 2006
JOHN J. SHUGRUE INC.
POST OFFICE BOX 1811
57 OLD SOUTH ROAD
NANTUCKET, MA. 02554
508-228-4480
FOR: SUSAN GENTHNER

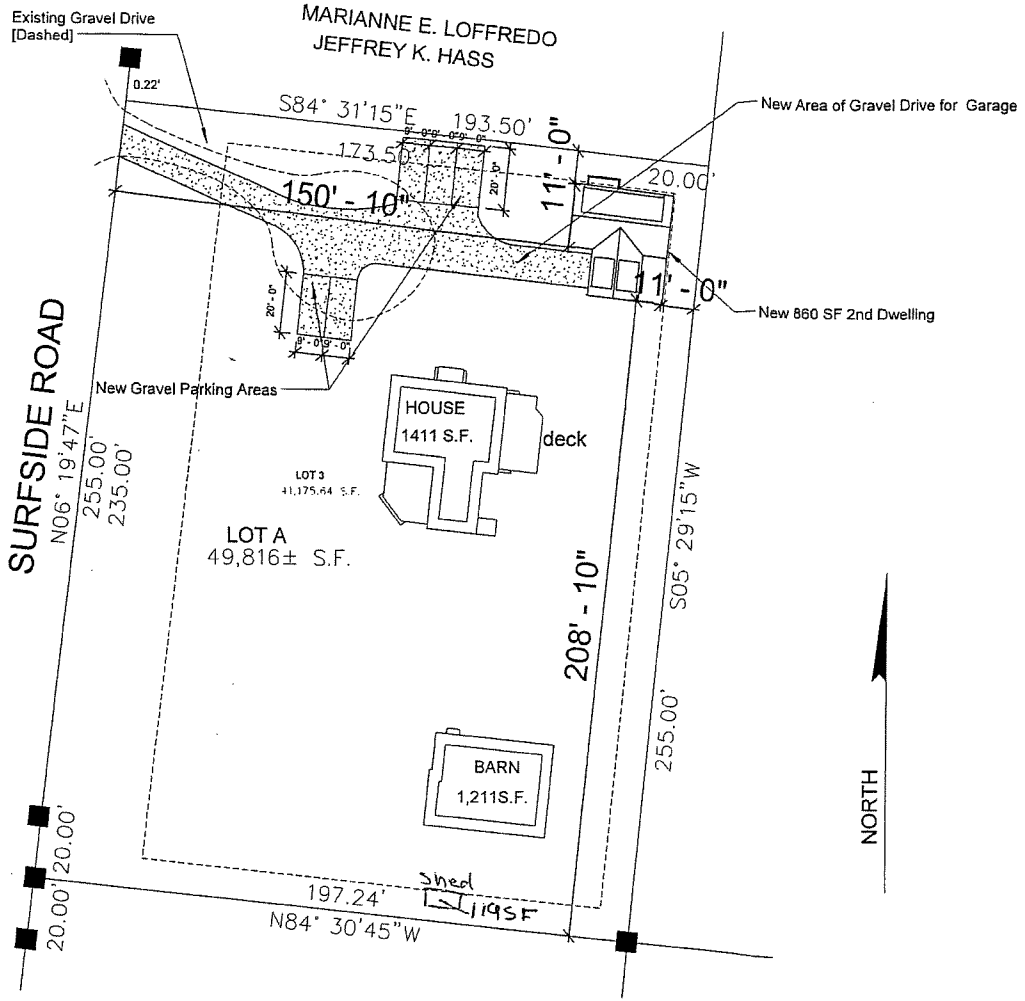
0 50 100
scale in feet

ASSESSORS MAP 80 PARCEL NO. 299.1

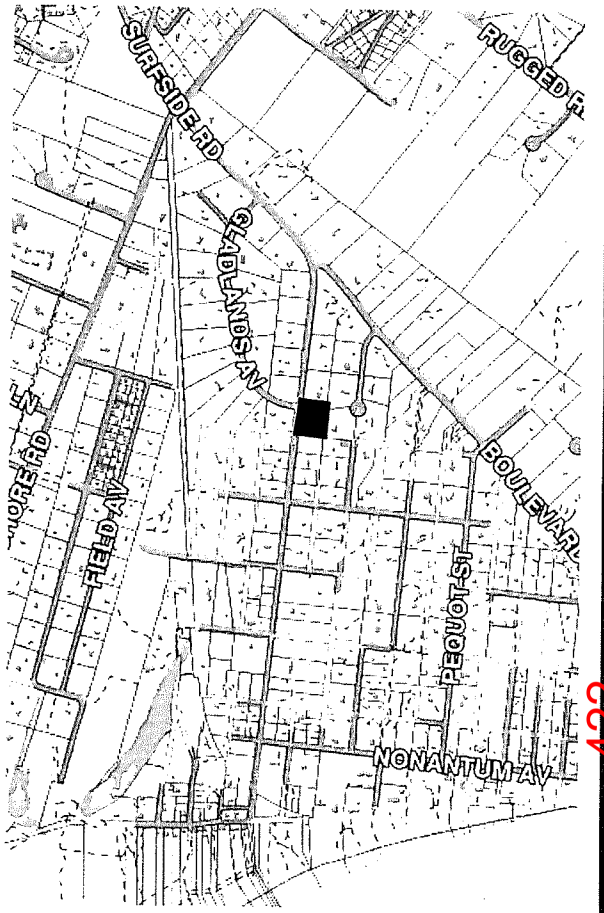
#4677R

421

NANTUCKET PLANNING BOARD APPLICATION 11.10.14



1 **Site Plan**
1" = 40'-0"



422

Concept Design
Horizontal Design & Plan
508 221 3808
PO BOX 3241 Nantucket, MA 02584

Genthner Cottage

128 Surdside Road.
Nantucket, MA 02554

Zoning Information

Map & Parcel	80-299.1	Min. Lot Size	40,000 SF
Current Zoning	LUG-1	Allowable G.C.	7%, or 3,487SF
Minimum Frontage	100 FT	Lot Size	49,816 SF
Front Setback	35 FT	Existing G.C.	2,622 SF
Side/Rear Setback	10 FT	Proposed G.C.	860 SF
		Total Proposed G.C.	3,482 SF

10.27.14

C1.1
COVER SHEET

Genthner
80/299.1
128 Surfside Rd.
Proposed Plan

Nantucket Planning Board

February 12, 2013

James A. Genthner & Susan G. Gentherner
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 Boulevarde, 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

Bk: Pg:0 Page: 0
Doc: PLAN 08/17/2012 03:00 PM

Gewhner
80 299.1
128 Surfside
Shows paper roads
Parcel J to be added 8,642 sqft.

NANTUCKET REGISTRY OF DEEDS
Date: 08/17/2012
Time: 3:00 PM
Plan No.: 2012-68
Attest: Register

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.

I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

COMMONWEALTH OF MASSACHUSETTS
SHANE M. MALLON
No. 46687
REGISTERED LAND SURVEYOR

SHANE M. MALLON, PLS
MASSACHUSETTS REG. No. 46687

8/31/12

LOCUS MAP SCALE: 1"=500'

THE PLANNING BOARD DETERMINES THAT PARCELS: "A" THROUGH "Q" and "I" THROUGH "J" 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

BOULEVARDE
TUCKERNUCK AVENUE (PRIVATE - 40' WIDE)
SURFSIDE ROAD (PUBLIC - VARIABLE WIDTH)
EAGLES WING WAY (PRIVATE - 40' WIDE)
SHAWAUKEMA AVENUE (PRIVATE - 40' WIDE)
MEQUASH AVENUE (PRIVATE - 40' WIDE) (A.K.A. SECHACHA AVE.)
NAUSHON WAY (PRIVATE - 40' WIDE) (A.K.A. DEANS STREET)
MASAQUET AVENUE (PRIVATE - 40' WIDE) (A.K.A. WAUWINET AVE.)
POPLAR STREET (PRIVATE - 40' WIDE)

ROADWAY PARCEL "1" 9,951± s.f.
ROADWAY PARCEL "2" 3,000± s.f.
ROADWAY PARCEL "3" 25.10' x 40.00' 1,004± s.f.
ROADWAY PARCEL "4" 11,114± s.f.

PARCEL "A" 2,500 s.f.
PARCEL "B" 2,400 s.f.
PARCEL "C" 2,500 s.f.
PARCEL "D" 2,400 s.f.
PARCEL "E" 2,210 s.f.
PARCEL "F" 2,400 s.f.
PARCEL "G" 6,790 s.f.
PARCEL "H" 6,348± s.f.
PARCEL "I" 8,832± s.f.
PARCEL "J" 8,542± s.f.
PARCEL "K" 13,968± s.f.
PARCEL "L" 8,695± s.f.
PARCEL "M" 4,750± s.f.
PARCEL "N" 8,564± s.f.
PARCEL "O" 3,325± s.f.
PARCEL "P" 8,467± s.f.
PARCEL "Q" 11,223± s.f.

#3 BOULEVARDE MAP 30 PARCEL 71 SANFORD B FERGUSON and KELLY W FERGUSON Bk:870 Pg:226
#124 SURFSIDE ROAD MAP 80 PARCEL 298 SANFORD B FERGUSON and KELLY W FERGUSON CERT #21541
#126 SURFSIDE ROAD MAP 80 PARCEL 293 MARIANNE E LOFFREDO and JEFFREY K HASS CERT #22034
#128 SURFSIDE ROAD MAP 80 PARCEL 299.1 JAMES A GENTHNER and SUSAN S GENTHNER CERT #23257
#130 SURFSIDE ROAD MAP 80 PARCEL 191 AMY A METCALFE Bk:873 Pg:210
#132 SURFSIDE ROAD MAP 80 PARCEL 252 THE VINCENT J CALARCO, JR TRUST and THE PENZA L CALARCO TRUST Bk:977 Pg:289
#134 SURFSIDE ROAD MAP 80 PARCEL 253 WALTER L GLITZENSTEIN FAMILY TRUST Bk:1109 Pg:144
#136 SURFSIDE ROAD MAP 80 PARCEL 254 HAIG M CASPARIAN Bk:181 Pg:14
#1 EAGLES WING WAY MAP 30 PARCEL 124 ROBERT J LINDVALL Bk:407 Pg:43
#3 EAGLES WING WAY MAP 30 PARCEL 223 DWIGHT HOLMES Bk:1023 Pg:157
#7 EAGLES WING WAY MAP 30 PARCEL 184 JEFFREY J BURDICK Bk:934 Pg:7
#9 EAGLES WING WAY MAP 30 PARCEL 194.1 DEBORAH ANN HASSELL Bk:953 Pg:227
#14 MASAQUET AVENUE MAP 80 PARCEL 267 LLOYD B SHAW and JILL C SHAW Bk:715 Pg:119
#20 NAUSHON WAY MAP 80 PARCEL 256 LEE ANN RICHARD and THOMAS W RICHARD Bk:143 Pg:265
#24 NAUSHON WAY MAP 80 PARCEL 255 THE HAMBLIN FAMILY TRUST Bk:1098 Pg:238
#26 NAUSHON WAY MAP 80 PARCEL 190 MAXWELL A JONES and BRENDA J BERLY Bk:1207 Pg:58

NOTES

1. LOCUS: BOULEVARD
TUCKERNUCK AVENUE
MASQUETUCK 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:60
PLAN Bk:17 Pg:41
PLAN Bk:20 Pg:10
PLAN Bk:20 Pg:56
PLAN Bk:21 Pg:50
PLAN Bk:21 Pg:119
PLAN Bk:22 Pg:90
PLAN Bk:23 Pg:49
PLAN FILE:5-F
PLAN FILE:11-A
PLAN No:2002-28
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)

ZONING CLASSIFICATION: LUG-1
MINIMUM LOT SIZE.....40,000 s.f.
MINIMUM FRONTAGE.....100'
FRONT YARD SETBACK.....35'
REAR/SIDE YARD SETBACK.....10'
GROUND COVER RATIO.....7%

PLAN SCALE
1 inch = 60 feet

ROADWAY ACQUISITION PLAN
IN
NANTUCKET, MASS.
OF
BOULEVARDE
TUCKERNUCK AVENUE
MASQUETUCK 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: 9/4/12

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED
NANTUCKET PLANNING BOARD
FILE NUMBER: 7479
DATE ENDORSED: 09-10-12

Gerthner 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...P.O. Box 64, Nantucket, MA 02554

PROPERTY LOCATION.....128 Surfside Rd.....

ASSESSOR MAP/PARCEL.....60-299.1.....

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

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'

October 6, 2021

DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
80	119		THOMAS RICHARD		37 EUCLID AVE	WESTWOOD	NJ	07675-2813	121 SURFSIDE RD
80	120		CARNEVALE JAMES M & DEBRA J TRS	DJLJ 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

428

Continued
80/299, 1
128 Surfside Rd,

Genthner
80/299.1
128 Surfside Rd.

Transfer Certificate of Title

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.

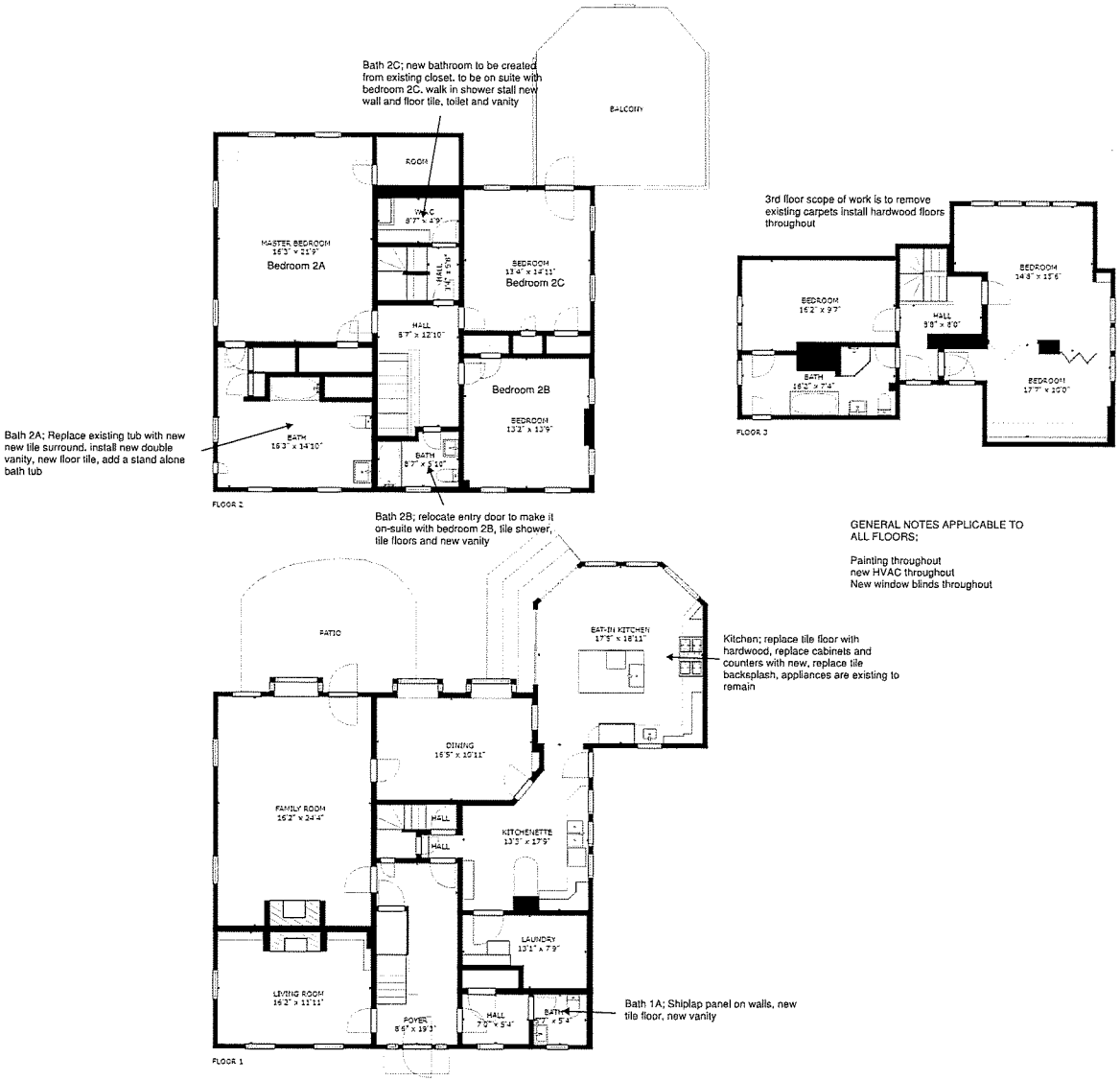
Jennifer H. Ferreira

Attest, with the Seal of said Court, _____
Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 128 Surfside Road

Land Court Case No. 40394

430



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.

34 Liberty Street Nantucket

Contractor;
Sean Fennell
978-352-6500

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Feed Paper

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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
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