

ZBA MEETING PACKET

02/10/22

NANTUCKET
TOWN CLERK

2022 JAN 26 AM 11:34

Nantucket Zoning Board of Appeals



PUBLIC NOTICE

A **PUBLIC HEARING** of the **NANTUCKET ZONING BOARD OF APPEALS** is scheduled for **1:00 PM on Thursday, February 10, 2022**, *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 February 10, 2022 meeting received by 3:00 PM on Thursday, February 3, 2022 will be provided to the Board in advance of the meeting.

OLD BUSINESS

- Adam Delany-Winn, Trustee of Warren's Landing Nominee Trust, File No. 22-21
- CRH 46 Surfside, LLC, File No. 29-21
- Kristina & Nicholas Amendolare File No. 37-21

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

Cheryl Gilbert

File No. 01-22

Applicant is seeking a Special Permit pursuant to the Zoning Bylaw Sections 139-33 A. 1 (a) (b) (c) to add second floor to main house that has an existing non-conforming setback of 8.7' where 10' is required. Locus is situated at 16 D Street, shown on Assessor's Map 60.2.1 as Parcel 2 and as Lot 87 B upon Land Court Plan 3092-T. Evidence of owner's title is registered on Certificate Title No. 28235 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR) and located in the Village Height Overlay District (VHOD).

Zero India Street, LLC

File No. 02-22

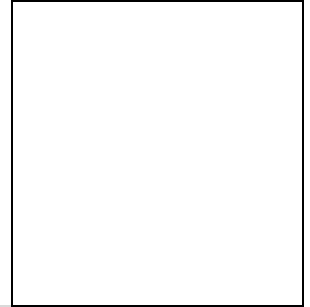
Applicant is seeking a Special Permit pursuant to the Zoning Bylaw Sections 139-30 and 33.A (1) (a) to alter and extend a pre-existing, nonconforming structure on a pre-existing, nonconforming lot. Locus is situated at 1 Cambridge Street, Unit 2 and shown on Assessor's Map 42.3.1 as Parcel 130.2 and upon Plan No 2020-55. Evidence of owner's title is recorded in Book 1779, Page 136 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Downtown (CDT).



MEETING POSTING

TOWN OF NANTUCKET

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



Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, February 10, 2022 at 1:00 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 nsheriff@nantucket-ma.gov with any questions. ***

ZOOM WEBINAR REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_PTnK7C9pRMMyogQk7Tz3fZw

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

<https://youtu.be/fJGs2LhCibU>

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:
 - January 13, 2022

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

Pg 10-89 **37-21 Kristina & Nicholas Amendolare** **8 Bank Street** **Williams**
Applicants are seeking a Special Permit pursuant to Zoning Bylaw Sections 139-30 and 139-33A to make renovations, including an addition, to a single-family dwelling that is pre-existing non-conforming to the setbacks. Locus is situated at 8 Bank Street, shown on Assessor's Map 73 and Parcel 69. Evidence of owner's title is recorded in Book 1770, Page 216 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

Pg 90-139 **22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust** **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).

29-21 CRH 46 Surfside LLC **46 Surfside Road** **Halik**
Request to Withdraw
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. The 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).

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

Pg 142-174 **01-22 Cheryl Gilbert** **16 D Street** **Maxwell**
Applicant is seeking a Special Permit pursuant to the Zoning Bylaw Sections 139-33 A. 1 (a) (b) (c) to add second floor to main house that has an existing non-conforming setback of 8.7' where 10' is required. Locus is situated at 16 D Street, shown on Assessor's Map 60.2.1 as Parcel 2 and as Lot 87 B upon Land Court Plan 3092-T. Evidence of owner's title is registered on Certificate Title No. 28235 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR) and located in the Village Height Overlay District (VHOD).

Pg 175-217 **02-22 Zero India Street, LLC** **1 Cambridge Street, Unit 2** **Alger**
Applicant is seeking a Special Permit pursuant to the Zoning Bylaw Sections 139-30 and 33.A (1) (a) to alter and extend a pre-existing, nonconforming structure on a pre-existing, nonconforming lot. Locus is situated at 1 Cambridge Street, Unit 2 and shown on Assessor's Map 42.3.1 as Parcel 130.2 and upon Plan No 2020-55. Evidence of owner's title is recorded in Book 1779, Page 136 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Downtown (CDT).

- VI. OTHER (VOTES MAY BE TAKEN)**
- **NANTUCKET COASTAL RESILIENCE WORKSHOP ZBA REPRESENTATIVE**
 - PREP SESSION- **WEDNESDAY, FEBRUARY 23,2022 VIA ZOOM 9:30AM-10:30AM**
 - IN PERSON WORKSHOP- **MARCH 7- 8 8AM-3:30PM**

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

01/13/22



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, January 13, 2022

Public Safety Facility, 4 Fairgrounds Road, Community Room –1:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 1:00 pm and Announcements made by Ms. McCarthy

Staff in attendance: Leslie Snell, Deputy Director of Planning; Nicky Sheriff, PLUS Administrative specialist; Terry Norton, Town Minutes Taker

Attending Members: McCarthy, Toole, O'Mara, Allen, Thayer, Mondani

Absent: Botticelli, Poor

Agenda adopted by unanimous consent

Motion **Motion to Approve as drafted.** (made by: Allen) (seconded)

Roll-call Vote Carried 5-0//McCarthy, Toole, Allen, O'Mara, and Mondani-aye

I. APPROVAL OF MINUTES

1. December 9, 2021

McCarthy – Page 2 of 9: “**McCarthy** – Mr. Dennison is say Mr. Kargman...” should read “...is saying...”

Page 4 of 9: Add Lisa Botticelli, Botticelli & Pohl under representative under application 21-21.

Motion **Motion to Approve as amended.** (made by: Toole) (seconded)

Roll-call vote Carried 5-0//McCarthy, Toole, O'Mara, Allen, and Mondani-aye

2. December 16, 2021

Motion **Motion to Approve as drafted.** (made by: Toole) (seconded)

Roll-call vote Carried 5-0//McCarthy, Toole, O'Mara, Allen, and Mondani-aye

II. OLD BUSINESS

1. 30-21 Anne Dewez, et. al (Applicants) 103 Main Street Dennison

WITHDRAWN

Voting McCarthy, Toole, Allen, Mondani

Alternates Thayer

Motion **Motion to Approve the request for withdrawal.** (made by: Toole) (seconded)

Roll-call vote Carried 4-0//McCarthy, Toole, Mondani, Allen-aye

2. 37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams

CONTINUED TO FEBRUARY 10, 2022.

3. 22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust Reade

CONTINUED TO FEBRUARY 10, 2022

4. 29-21 CRH 46 Surfside, LLC 46 Surfside Road Halik

CONTINUED TO FEBRUARY 10, 2022

Voting McCarthy, Toole, O'Mara, Allen

Alternates Thayer, Mondani

Motion **Motion to Continue 37-21, 22-21, and 29-21 to the regularly scheduled February 10th, 2022 ZBA meeting.** (made by: O'Mara) (seconded)

Roll-call vote Carried 5-0//O'Mara, Toole, McCarthy, Allen, and Thayer-aye

5. 25-21 John J. Barry and Nancy J. Barry 1 Goose Cove Way Brescher

WITHDRAW WITHOUT PREJUDICE.

Voting McCarthy, Toole, O'Mara, Allen

Alternates Thayer, Mondani

Motion **Motion to Approve the withdrawal without prejudice.** (made by: Allen) (seconded)

Roll-call vote Carried 5-0//Allen, O'Mara, Toole, McCarthy, and Thayer-aye

III. NEW BUSINESS

1. 31-21 James A. & Susan G. Genthner, Trustees of the James A. Genthner Trust and the Susan G. Genthner Trust
128 Surfside Road Sue Genthner
- Applicant is seeking a variance pursuant to Zoning Bylaw Sections 139-16A and 139-32 to exceed the maximum allowable ground cover ratio of 7% and to reduce the rear-yard setback from 10 feet to 5 feet only where it applies to the proposed new dwelling. 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).
- Voting McCarthy, Toole, O'Mara, Allen, Mondani
Alternates Thayer
Recused None
Documentation File with associated plans, photos and required documentation
Representing Sue Genthner, owner/applicant
Public None
Discussion (1:10) **Genthner** – Reviewed her request for groundcover relief; at that time, the plan showed the cottage in the paper road. She has moved the cottage out of the paper road and is asking the setback at the back of the cottage be 5'.
Toole – Asked if the applicant's plan shows it 10' from the lot line on one side. Asked also if any money changed hands.
McCarthy – They're looking for both side and rear setback. We asked her to move it and they have.
Snell – This is still in progress in Land Court. We've renoticed this with no response from abutters. Recommend approval. Some Requests for Proposals require a deposit, and it's likely we did that but can't say 100%. You could consider putting money in an escrow account.
Genthner – She doesn't pay for the land until it goes through Land Court and she takes possession.
O'Mara – If we approve as requested and the applicant doesn't complete her side of the deal, that would create a title issue in the future. If he were the buyer, he'd prefer to have the money in an escrow account.
Snell – We would deposit the money in a segregated account until the transaction is complete.
Genthner – She would be comfortable with that.
Mondani – He's fine with that but doesn't know how much protection that provides. If they don't get the property and build the structure, they will be over groundcover.
Allen – If it doesn't come together, the cottage would be in the setback to the paper road. If it's outside the 10' setback, we are dealing only with the groundcover issue.
McCarthy – Yes, they could pull the money out of the escrow account before the sale is complete but it's not probable. She has no issues with this proposal and is okay with reducing the setback. The yard sale is a Town initiative to give abutters the land at a very reasonable price. The Genthners have already waited a long time for this to happen.
Snell – You can reduce the side-yard setback to only the area affected by the structure.
O'Mara – If the Genthners don't acquire the land, the neighbors can buy it. He's okay with the recommendation and thinks the Town and neighbors are protected.
Toole – That protects the Town regarding setback but the elephant in the room is ground cover. He doesn't understand why they can't wait for the Land Court to finish processing this.
Genthner – Allowable ground cover is 2882sf without the paper road and 3487sf with the road. This is a 1-acre wooded parcel; she believes her neighbors are built out and the variance for ground cover has been given before. She's been waiting since 2013; she intends to buy the paper road once she can.
Allen – If the Genthners wait for the paper road, they can move the structure more into the paper road without relief. Wonders if granting this would end up setting a precedent for lenience in similar situations.
McCarthy – Other applicants who came to us for setback relief already had the paper road; the Genthners don't have the land yet. Because it's been in process for 9 years, we are considering special relief.
Mondani – This is a very unique situation and we aren't setting precedent.
Motion **Motion to Approve the relief as requested with the 5' setback limited to the structure as shown on the plan.** (made by: Allen) (seconded)
Roll-call vote Carried 4-1//Allen, O'Mara, McCarthy, and Mondani-aye; Toole-nay
2. 38-21 Brett Stephen Morneau & Sarah Morneau 7 Goldfinch Drive Brescher
- Applicants are seeking a Special Permit pursuant to Zoning Bylaw Sections 139-30 and 139-16. C.(1) in order to reduce the ten (10) foot side yard setback to five (5) feet to site an addition to the premises. Locus is situated at 7 Goldfinch Drive and shown on Assessor's Map 68 and Parcel 504. Evidence of owner's title is registered on Certificate Title No. 27995 with the County District of the Land Court. The site is zoned Residential 5 (R5).
- Voting McCarthy, Toole, O'Mara, Thayer, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing John Brescher, Glidden & Brescher, P.C.
Public None

Discussion (1:40) **McCarthy** – Disclosed she lives on Goldfinch but isn’t an abutter.
 Brescher – Requesting the relief to reduce the 10’ setback to 5’ to site a structure. The change from R2 to R5 rendered many properties in Naushop non-conforming. There are no abutter concerns.
 McCarthy – She believes we granted this for 31 Goldfinch in November.
 Toole – Asked when the setback switched from 5&5 to 5&10.
 McCarthy – When it went to R5.
 Brescher – Going to R5 removed the commercial potential out of Naushop.
 Snell – The intent of 5&10 allows better access to structures in the back. Believes what is being asked meets with the intent.
Motion **Motion to Approve the relief as requested.** (made by: Thayer) (seconded)
Roll-call vote Carried 5-0//Mondani, Thayer, McCarthy, Toole, and O’Mara-aye

IV. OTHER BUSINESS

1. Next meeting February 10, 2022 via ZOOM

V. ADJOURNMENT

Motion **Motion to Adjourn at 1:47 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

OLD BUSINESS

Kristina & Nicholas
AMENDOLARE

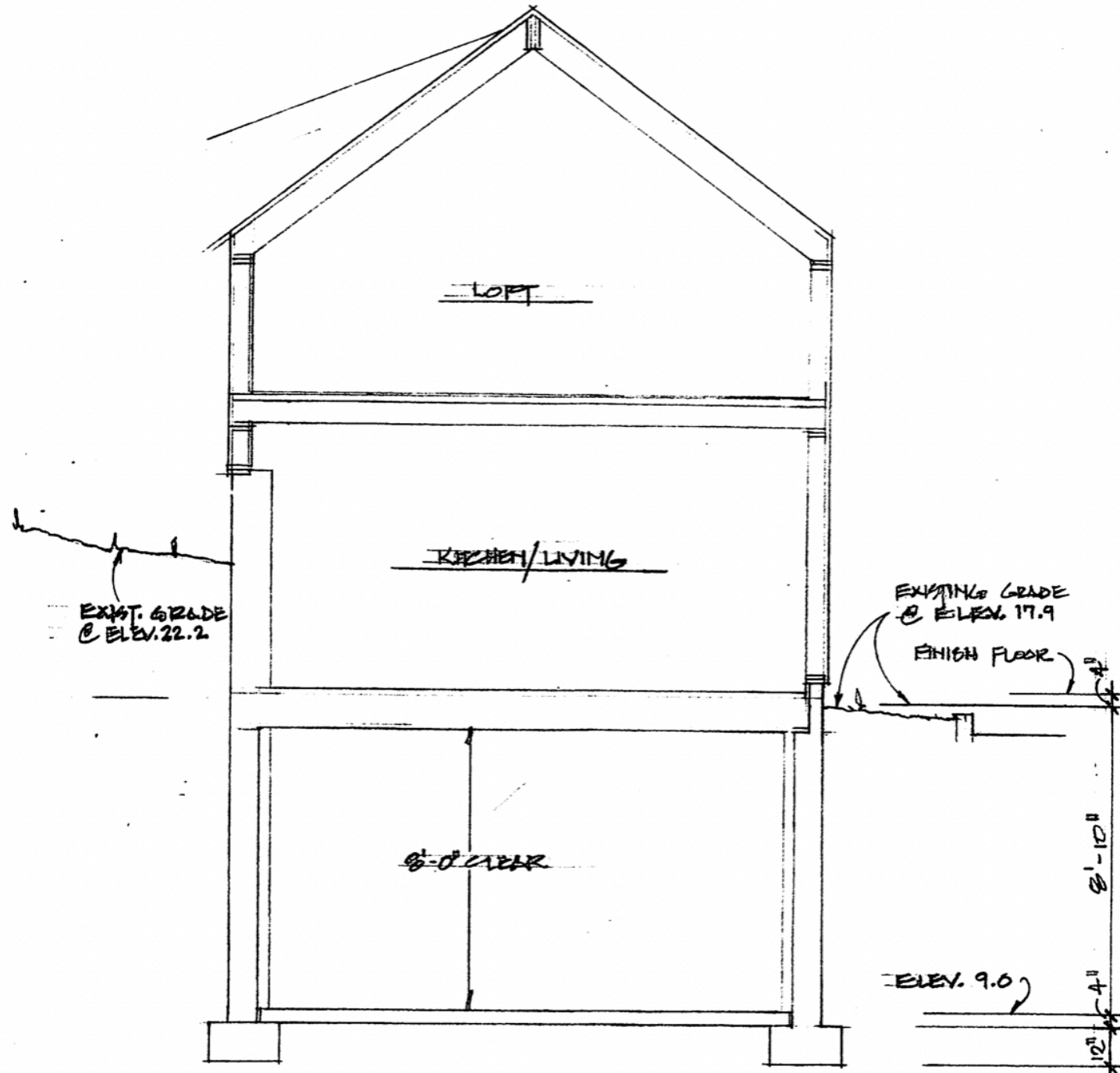
File No. 37-21

8 Bank St

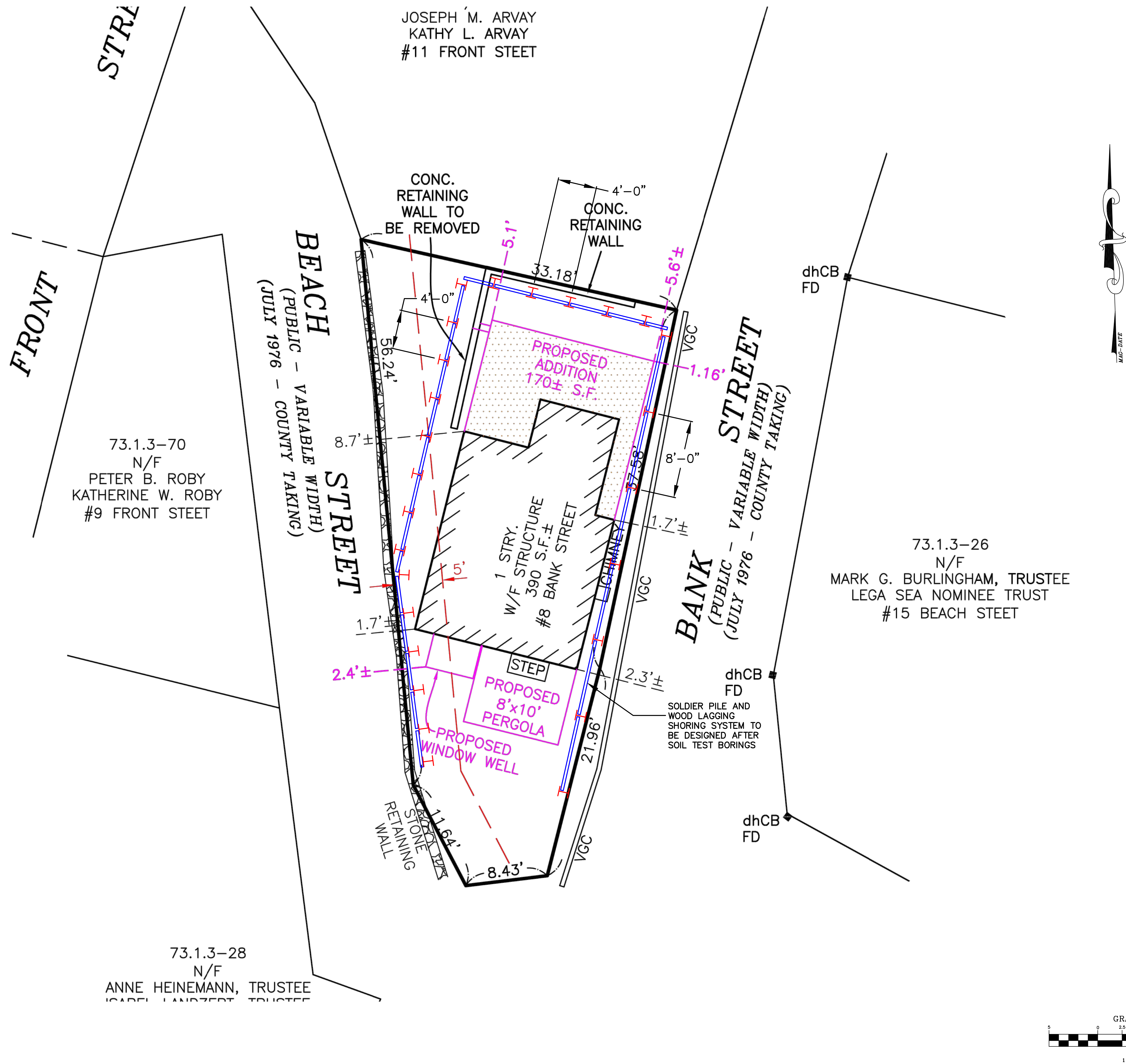
SPECIAL PERMIT

NEW MATERIALS SUBMITTED

Pages 12-18




BUILDING SECTION 12
 SCALE: 1/4" = 1'-0"



REVISIONS

DRAWN BY: WAM

DESIGNED BY: WAM

CHECKED BY: SLH

McArdle Gannon Associates, Inc.

Engineers & Consultants

300 Oak Street, Suite 460

Pembroke, MA 02359

781.826.0040 phone

781.735.0418 fax

CONCEPTUAL EXCAVATION
SUPPORT PLAN
PROPOSED REDEVELOPMENT

8 BANK STREET, NANTUCKET, MA

JANUARY 28, 2022

SCALE: 1" = 5'

JOB No.W0903

DWG No: SOE-1

SHEET 1 OF 1

January 28, 2022
MGA File No.W0903

Kristina & Nicholas Amendolare
8 Bank Street
Nantucket, Massachusetts 02554
C: 781.632.9677
E: kristi@anchorlinepartners.com

RE: Temporary Earth Support Design Services – Proposed Redevelopment – 8 Bank Street –
Nantucket, Massachusetts

To whom it may concern at the Nantucket Zoning Board of Appeals,

McArdle Gannon Associates, Inc. (MGA) has been engaged to provide geotechnical engineering services for the referenced project. Our services have been divided into five separate phases of work and will include: conceptual braced excavation support plans; geotechnical explorations; braced excavation design; pre-construction surveys; and construction observation and administration services.

- Conceptual Temporary Braced Excavation Support Plan: We plan to provide a conceptual plan based on assumed soil conditions. Note that this plan is not intended for construction and will only be used to obtain approvals for the project from the town.
- Geotechnical Explorations: will be performed to explore the subsurface soil and groundwater conditions within (or near) the proposed basement/addition area and along the temporary earth support alignment. The information gathered from this work will be used to verify foundation design assumptions, evaluate the need for basement underdrainage (if necessary) and be used for design of temporary earth support.
- Temporary Braced Excavation Support Design: will be provided to protect adjoining properties during excavation of basement walls. We plan on providing the necessary design plans for construction.
- Pre-construction Surveys: will be performed to document the existing conditions (interior and/or exterior) of the accessible portions of nearby structures that may be impacted by installation of the temporary earth support system and basement excavation. Documentation resulting from the surveys will be retained for use in defending potential claims (if any) of damage to the identified properties.

- Construction Observation and Administration: will be provided to verify and document through construction observation (and vibration monitoring services if necessary) that the installation of the excavation support system is performed in general conformance to the applicable portions of the project plans and specifications and with our recommendations. We will also assess the consistency of the actual subsurface conditions encountered during construction with those anticipated prior to construction upon which the geotechnical engineering report and the project documents are based.

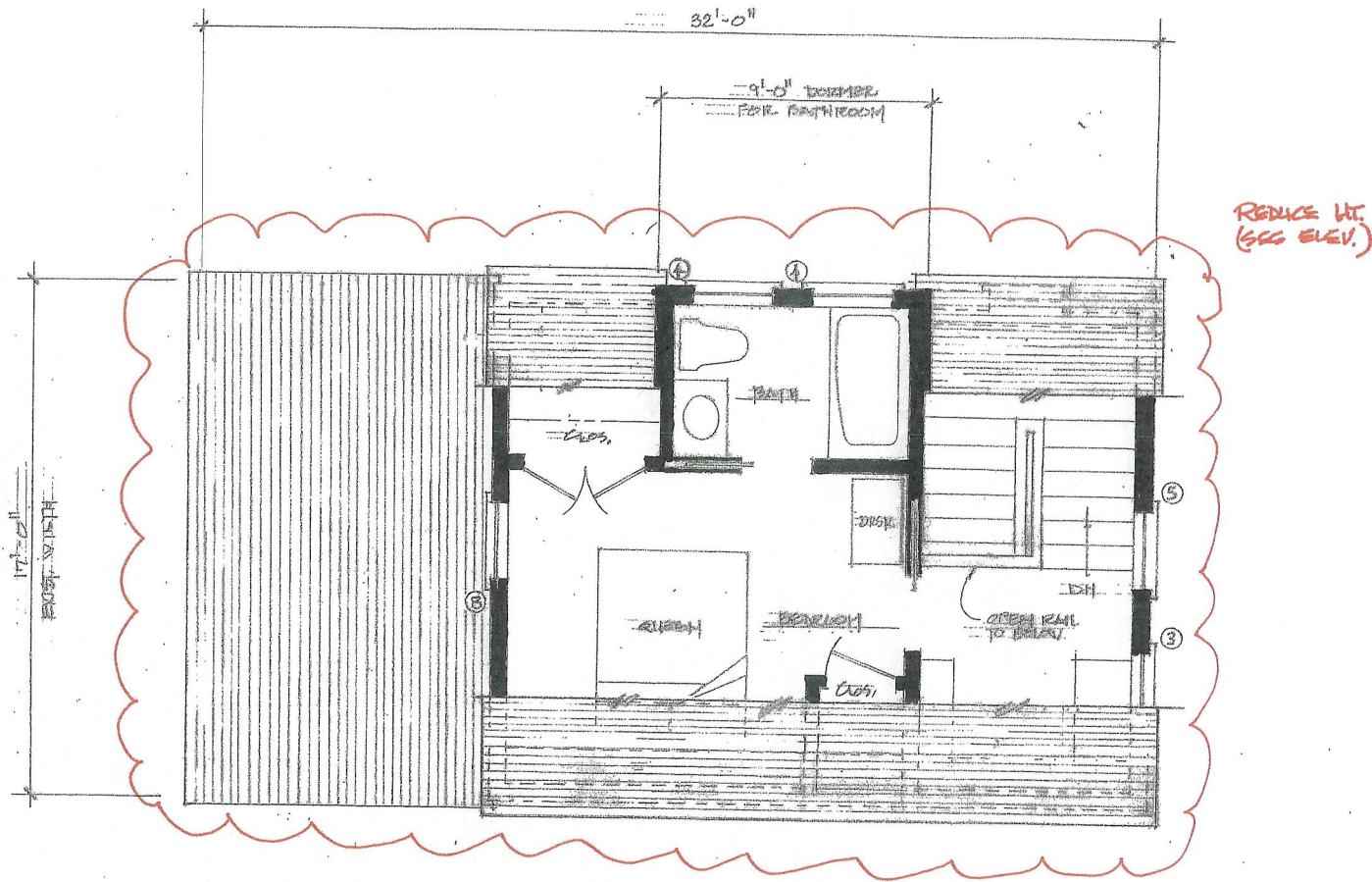
If you have any additional questions or comments regarding the scope of our services for this project, please contact me directly.

MCARDLE GANNON ASSOCIATES, INC.



Wayne A. McArdle, P.E.
Principal

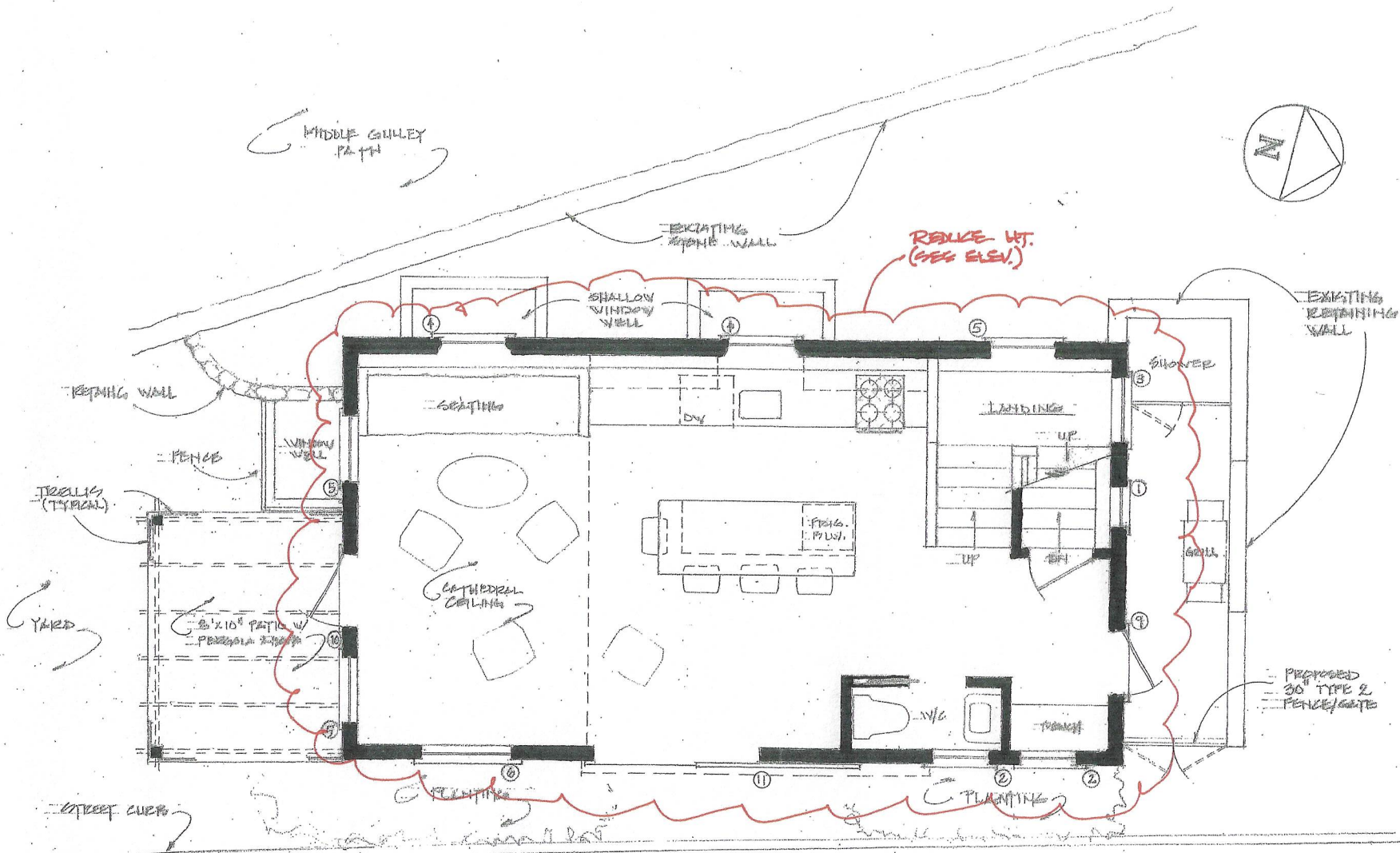




② SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

AMENDOLARE RESIDENCE
8 BANK STREET
GREENSBORO, NC

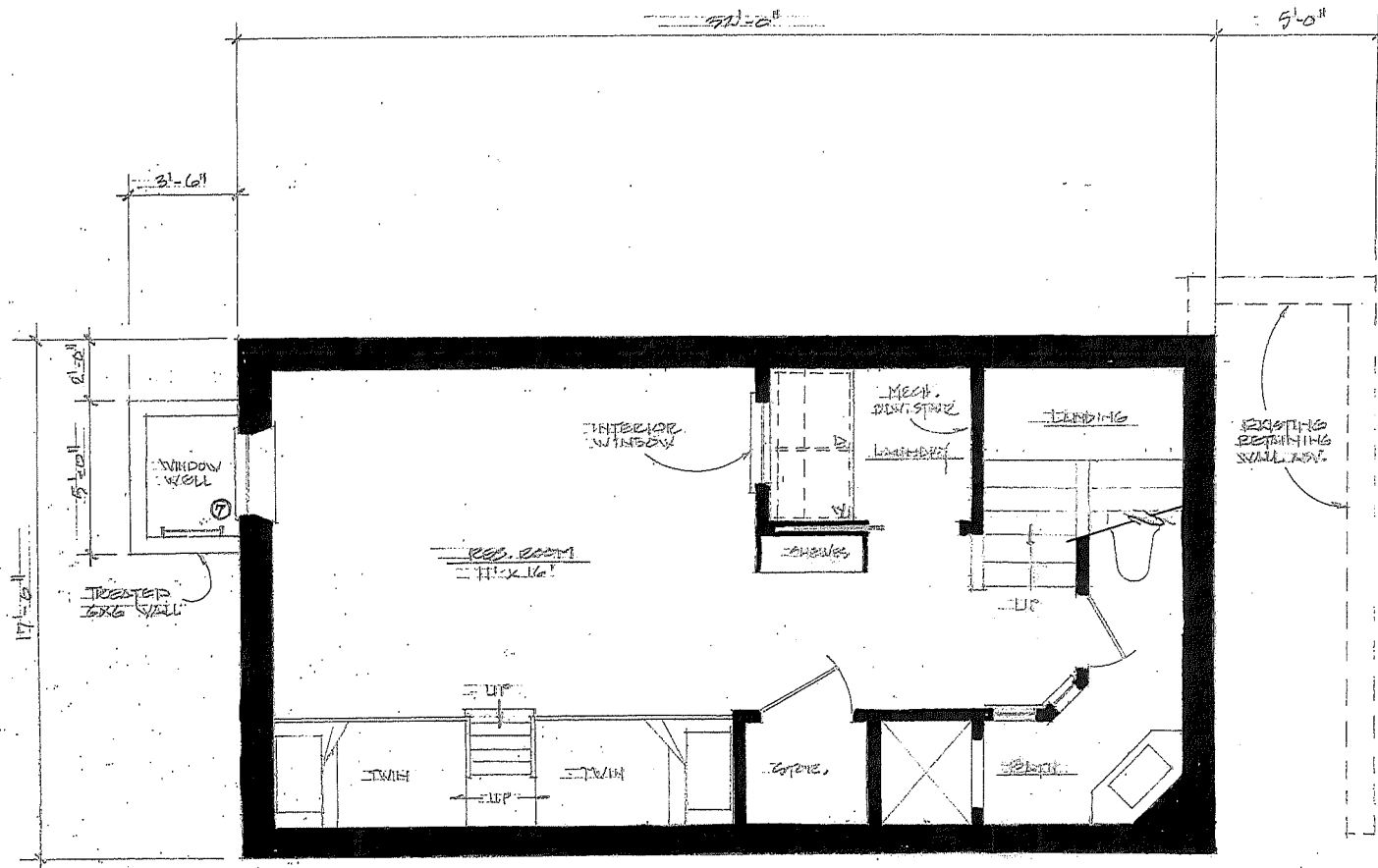
ANGUS MACLEOD DESIGN
P.O. BOX 1055
GREENSBORO, NC
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
WILMINGTON, MA

ANGUS MACLEOD DESIGN
P.O. BOX 71095
WILMINGTON, MA
(508) 257-6789



① BASMENT PLAN
 SCALE 1/4" = 1'-0"

AMENDOLARE RESIDENCE
 8 BEAK STREET
 GLOUCESTER, MA

ANGUS MACLEOD DESIGN
 P.O. BOX 7055
 GLOUCESTER, MA
 (508) 257-6789



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

2021 NOV 15 PM 3:21

NANTUCKET
TOWN CLERK

APPLICATION

Fee: \$450.00

File No. _____

Owner's name(s): Kristina & Nicholas Amendolare

Mailing address: c/o Michael Wilson, Esq., 1 Hooper Farm Rd, Nantucket, MA 02554

Phone Number: 508-228-1929 E-Mail: mjw@mjwilsonlaw.com

Applicant's name(s): (Same)

Mailing Address: _____

Phone Number: Agent - Linda Williams, 508-221-0432, czarinalinda@comcast.net

Locus Address: 8 Bank Street, Siasconset

Assessor's Map/Parcel: 73.1.3/69

Land Court Plan/Plan Book & Page: None on record

Deed Reference & Certificate of Title: 1770/216

Zoning District SOH

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

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72: 1935 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: / / ____

ADDENDUM

Applicants are seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-30 (special permit) from the provisions of Section 139-33A(1)(a) (Preexisting, nonconforming uses, structures, lots). Applicants received Historic District Commission ("HDC") approval in Certificate of Appropriateness ("COA") #2021-05-3626 on September 7, 2021, to make renovations to an existing single-family dwelling.

Modifications include adding second floor space to move the one (1) existing bedroom upstairs with a full bath and constructing a one-story addition on the northly side of the structure. Height would increase to 20± feet. Groundcover would be increased from 27.7% ± (390 SF ±) to 40% ± (560 SF ±) . The zoning district was changed from SR-1 to SOH which allows a maximum groundcover of 50%, a zero front yard setback and requires a minimum of a 5-foot side and rear yard setback for this lot. Relief is sought to increase the height of the dwelling within the required 5-foot rear yard setback area without coming any closer to the westerly lot line than the existing structure. The second-floor small addition would be constructed over the existing footprint. Only a southerly portion of the existing dwelling is sited within the rear yard 5-foot setback area, with the structure being sited as close as about 1.7 feet at its closest point on the southwesterly corner. In addition to the rear yard setback intrusion, the Locus is pre-existing nonconforming as to lot size with the lot containing about 1,409 SF of area.

The structure was present on the lot by 1935 and had various uses in it. A later addition was made several years ago and it was converted to a single-family dwelling. The structure, as modified during a period prior to the 1972 enactment of the Nantucket Zoning By-law, has remained unchanged and unaltered.

A finding could be made to grant relief pursuant to Sections 139-30 and 139-33A that the small vertical expansion of the structure, per the above noted HDC approval, would not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure. The relevant section is noted below:

139-33A(1)(a) (Preexisting nonconforming uses, structures, lots) (emphasis added)

The special permit granting authority 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; ...

Exhibits attached

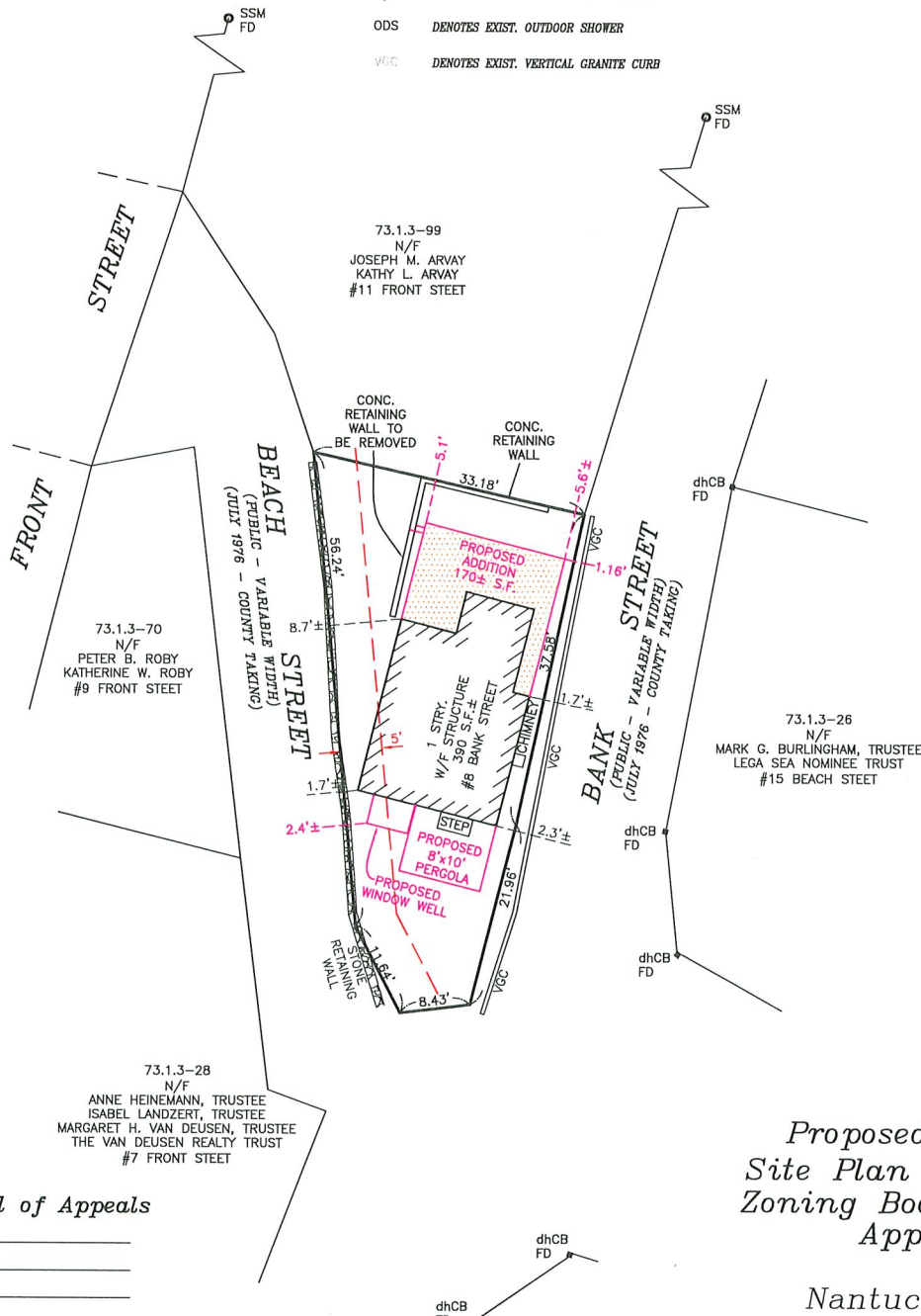
- HDC COA, minutes
- Site plans by Blackwell & Associates, Inc. of existing and proposed
- Town of Nantucket GIS data sheet
- Section showing elevation of existing structure and proposed expansion
- Sconset Advisory Committee notes
- Cod Fish area photographic examples of other dwellings

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

MINIMUM LOT SIZE:	5000 S.F.	Existing:	1,409 S.F.±	Proposed:	1,409 S.F.±
MINIMUM FRONTAGE:	50 FT.		SEE PLAN		SEE PLAN
FRONT YARD SETBACK:	none		SEE PLAN		SEE PLAN
REAR/SIDE SETBACK:	5 FT.		SEE PLAN		SEE PLAN
GROUND COVER %:	50%		27.7% ±		40% ±

LEGEND

dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 SSM ○ DENOTES STEEL SURVEY MARKER FOUND
 x22.6 DENOTES EXIST. GRADE SPOT ELEVATION
 ODS DENOTES EXIST. OUTDOOR SHOWER
 VGC DENOTES EXIST. VERTICAL GRANITE CURB



Zoning Board of Appeals

FILE NO. _____ DATE: _____

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.

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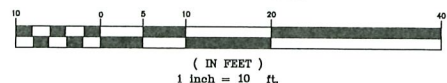
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OWNER INFORMATION

KRISTINA M. AMENDOLARE
 NICHOLAS AMENDOLARE
 DEED, BK. 1770, PG. 216
 PLAN: NONE
 ASSESSOR'S MAP 73.1.3, PARCEL 69
 #8 BANK STREET

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

GRAPHIC SCALE



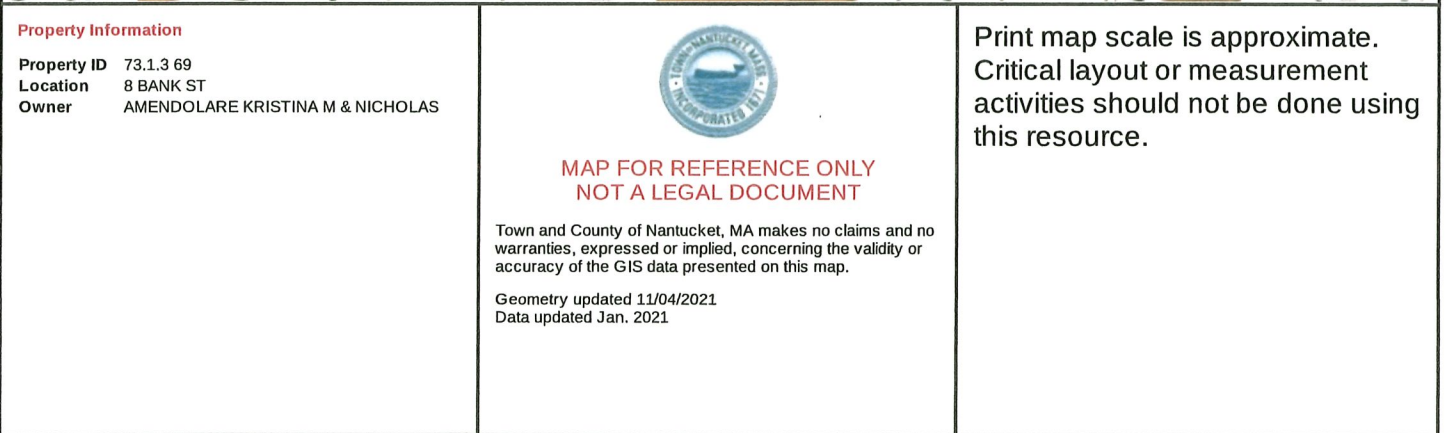
Proposed Conditions
 Site Plan to Accompany
 Zoning Board of Appeals
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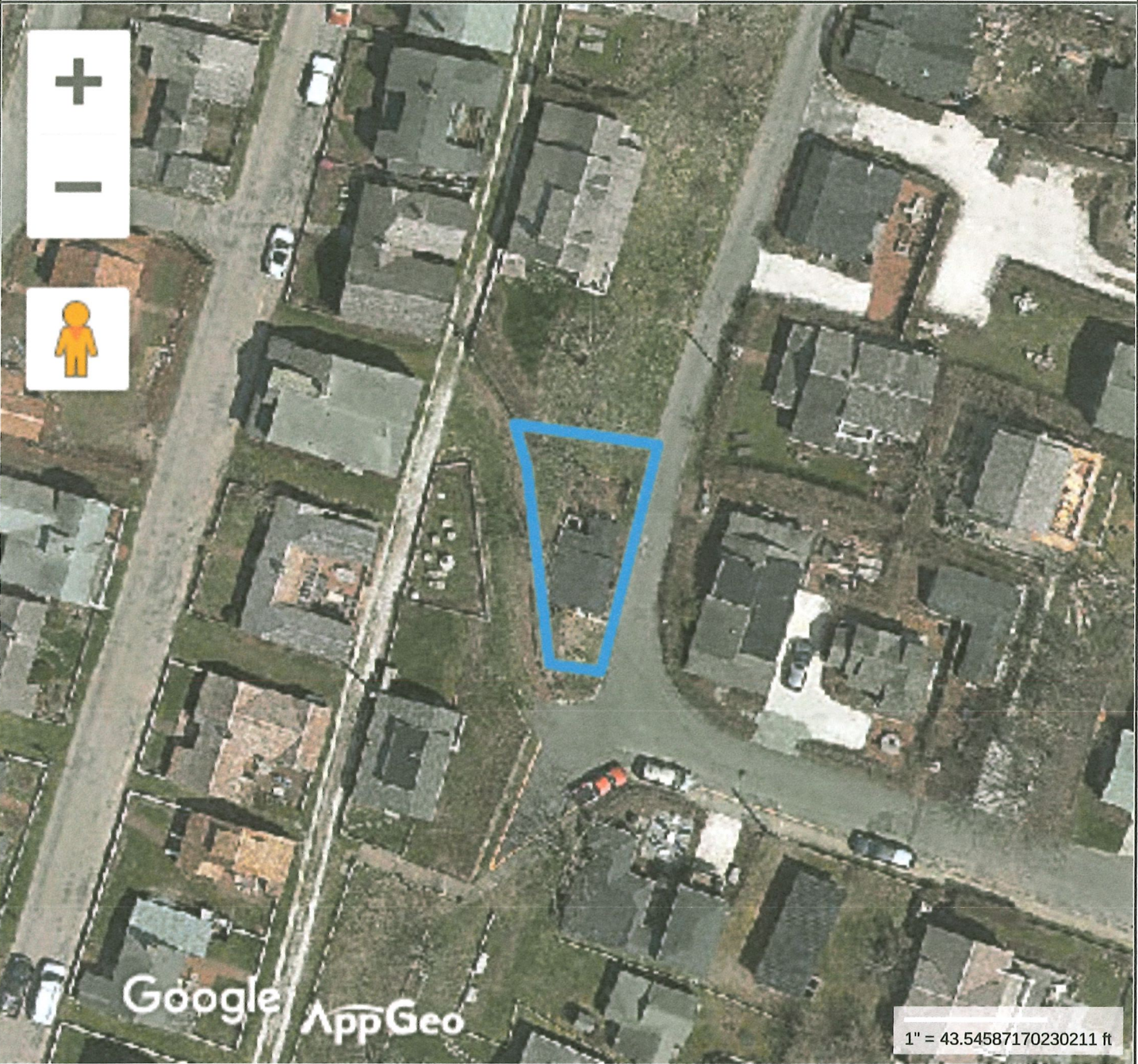
in
 Nantucket, Mass.

Prepared for

KRISTINA M. AMENDOLARE
 NICHOLAS AMENDOLARE

Scale: 1"= 10' NOVEMBER 15, 2021





Property Information	
Property ID	73.1.3 69
Location	8 BANK ST
Owner	AMENDOLARE KRISTINA M & NICHOLAS



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 11/04/2021
Data updated Jan. 2021

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

8 BANK STREET

EAST ELEVATION



SOUTH ELEVATION







LINKNantucket.com



6.	Kristine Amendolare 05-3625	8 Bank Street Sias	Additions	72.1.3/69	Angus Macleod
Voting	Coombs (acting chair), McLaughlin, Camp, Thornewill				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historic documentation, advisory comments, and topographical information				
Representing	Angus MacLeod				
Public	Margaret Van Deusen, 7 Front Street Joe Arvay, 11 Front Street Isabel Landzert – 7 Front Street John Shae, 'Sconset Civic Assn				
Concerns (7:15)	MacLeod – Reviewed changes made per previous concerns; the engineers and excavators have figured out how not to destabilize the bank. There are letters supporting this proposal but those aren't being read into the record. This was designed to be as low as possible and still function; we can't go any lower. Backus – No additional SAB comments. This is a proposed alteration to an 1923-1926 structure. We've received abutters' letters of concerns and have forwarded those to commissioners. If this is a proposed addition, questions what of the original structure is being maintained. Read into the record letters of concerns from the 'Sconset Civic Association (SCA) and the Gardeners of 9 Broadway & 9 Front Street. Van Deusen – This is the 1st building that would be right against and into the bank; the proposed height makes it more visually impactful at the entrance to Codfish Park. Referenced Mr. John Shae's letter describing the area's sense of place and history. If this is approved, it will "open a floodgate of change." Asked for a denial. Arvay – Questions what is remaining of the original structure. Concurs with comments about the strategic positioning of this building. Landzert – That SCA, which represents the village, objects to this should be carefully considered. Though this is aesthetically pleasing, it is not appropriate in this location. People come here to watch the sunrise, which is over rooftops, not the ocean. Shae – This vote could change 'Sconset forever. Camp – The problem is how perfectly the existing structure hugs the bank; there would be no better proposal for this location. She voted against 15 Beach Street. Likes Ms. Thornewill's suggestion to push it north. Thornewill – This building is appropriate and throws back to historic Codfish Park buildings. With a zoning variance, it might be shifted back onto the retaining wall; that moves it away from the corner and lower bank. McLaughlin – The design as proposed is appropriate to the neighborhood. Coombs – Concerns about digging into the bank affecting its stability is not within HDC purview. She has concerns about SCA's claim regarding 15 Beach Street; this is not taller than that. Asked if the ridge could be reduced to 19'.				
Motion	Motion to Approve. (McLaughlin) Not carried 2-2//Coombs and Camp abstain				
	Motion to Hold for revisions. (Thornewill)				
Roll-call Vote	Carried 4-0//Camp, McLaughlin, Thornewill, and Coombs-aye			Certificate #	
7.	Westmoor Club, LLC 07-4189	105 West Chester Street	Tennis/pickleball courts	41/805	JGG Architects
Voting	Camp (acting chair), McLaughlin, Coombs, Thornewill				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	Adam Davis, J. G. Goldsmith Architects				
Public	None				
Concerns (7:57)	Davis – Reviewed changes made per previous concerns; no proposing to put tennis in at southern-most point. Backus – They will have to do a separate application to change the internal tennis courts into the pickleball courts on the other lot. Thornewill – Appreciates moving the pickleball courts away from the street and extensive planting plan. McLaughlin – No concerns and he'd approve as submitted. Coombs – Pickleball makes more noise than tennis; she's glad it's moving inward. As much vegetation as possible would be appreciated. Camp – Double up the trees in front of the future barn is; the more the better.				
Motion	Motion to Approve as submitted. (McLaughlin)				
Roll-call Vote	Carried 4-0//Coombs, Thornewill, McLaughlin, and Camp-aye			Certificate #	HDC2021-07-4189

From: Angus Macleod angusonack@gmail.com
Subject: 8 Bank Street ~ Codfish Park House Alterations
Date: Aug 17, 2021 at 4:25:28 PM
To: Angus angusonack@gmail.com

16 Codfish Park Houses that have been altered with HDC approval

Copies of Documentation have been filed with PLUS for HDC meeting

9 Beach Street ~	2 story building, addition ~	22'+ High
10 Beach Street ~	Demo 1 story, build 2 story ~	22' High
15 Beach Street ~	Demo 1 story, build 2 story ~	23.5' High
7 Bank Street ~	Reconfigure, build 2 story ~	23.5' High
11 Bank Street ~	2 story building, add balcony ~	21.5' High
19 Bank Street ~	Reconfigure, build 2 story ~	19' High
23 Bank Street ~	Move/Reconfigure, 2 story ~	18' High
23R Bank Street ~	Build New 2 story ~	22' High
25 Bank Street ~	2 story building, add balcony ~	19.5' High
12 Codfish Park Road ~	Demo 1 story, build 2 story ~	25' High
16 Codfish Park Road ~	Demo 1 story, build 2 story ~	24.5' High
34 Codfish Park Road ~	Demo 1 story, build 2 story ~	23.3' High
36 Codfish Park Road ~	1 story, 2 story addition ~	23.5' High
7 Fawcett Road ~	1 story, 2 story addition ~	22.5' High
3 North Gully Road ~	2 story building, addition ~	20.6' High
8 North Gully Road ~	Demo 1 story, build 2 story ~	19.6' High



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Geometry updated Jan. 2021
Data updated Jan. 2021

RECEIVED
AUG 19 2021
By _____

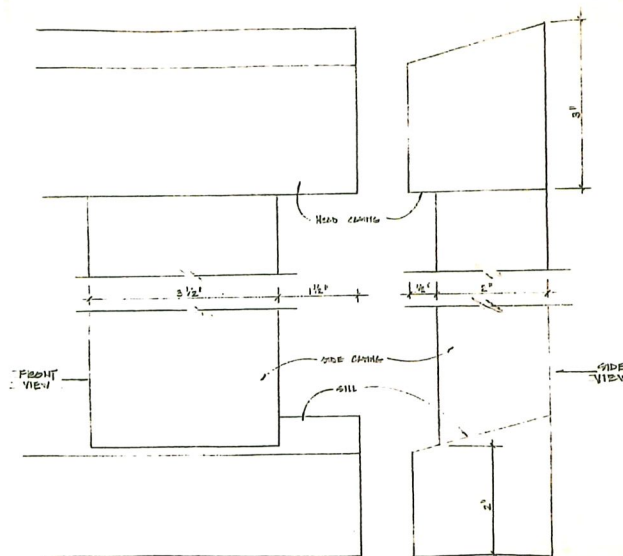
Angus MacLeod Designs
P.O.Box 7055
Sconset, MA
02564

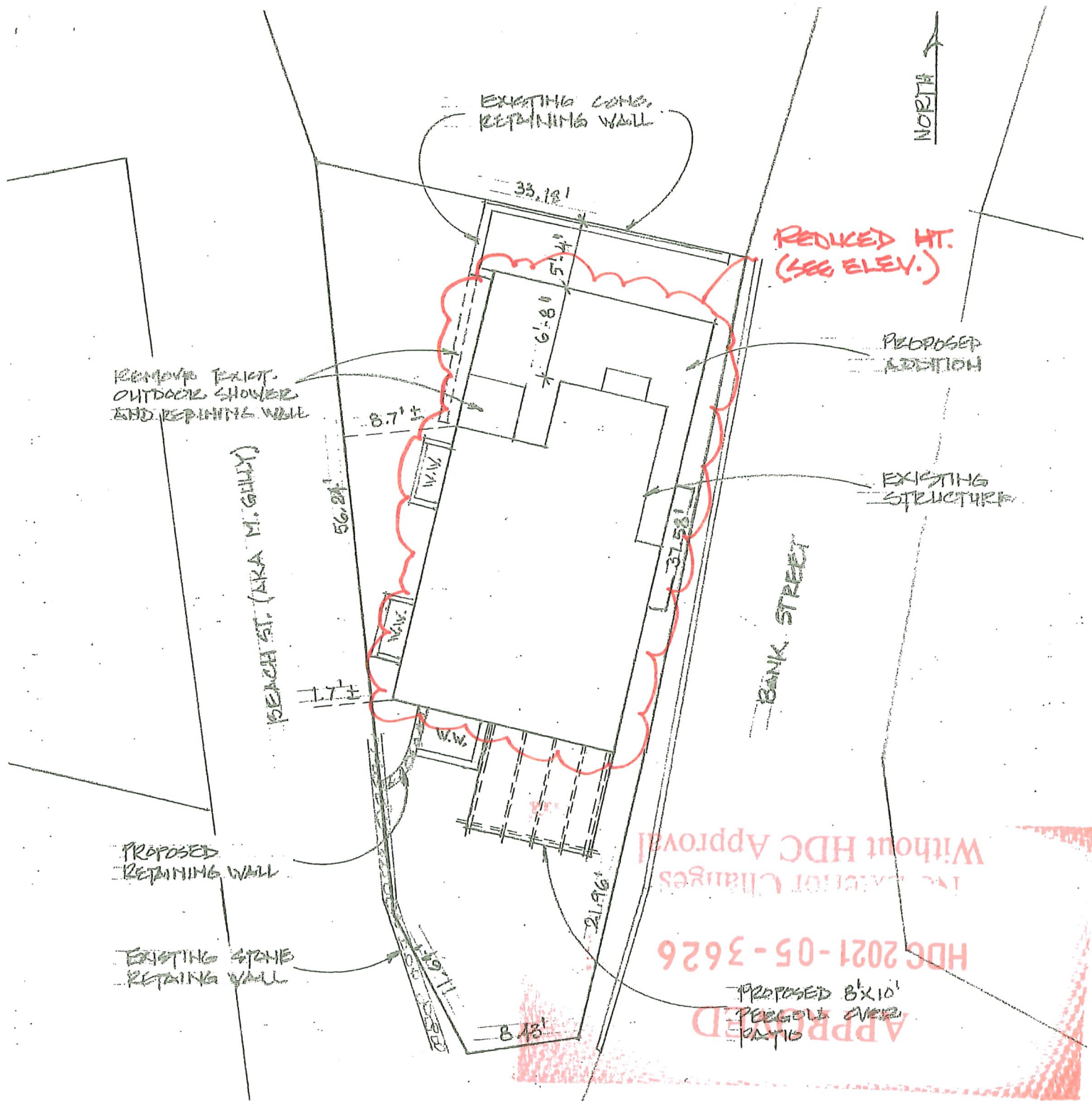
Amendaloro: Window Schedule

No	Unit Size	Manu.	Glass size	Type	Notes	Quant.
1	1' - 8" x 2' - 1"	Boston Sash	8 x 10	4 (2H2W) Light Hopper Window	Single	2
2	2' - 6" x 3' - 1"	Boston Sash	8 x 10	9 (3H3W) Light Single-Hung Window	Single	2
3	2' - 8" x 1' - 11"	Boston Sash	7 x 9	8 (2H4W) Light Hopper Window	Single	2
4	2' - 8" x 2' - 8"	Boston Sash	7 x 9	12 (3H4W) Light Hopper Window	Single	2
5	2' - 8" x 4' - 11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	5
6	3' - 9" x 3' - 1"	Boston Sash	8 x 10	15 (3H5W) Light Single-Hung Window	Single	1
7	2' - 8" x 4' - 11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	1
8	2' - 8" x 3' -	Boston Sash	7 x 9	8/8 Double-Hung Window	Single	1
9	3' - 0" x 7' - 0"	Custom	8 x 10	4 Light Plank Door	Single	1
10	3' - 0" x 7' - 0"	Custom		Plank Door	Single	1
11	6' - 9" x 8' - 0"	Custom		Plank Door	Single	1

Window Notes:

- * Casings to be Cedar Plank Frame with "horns" (see sketch detail below)
- * Windows to have "Western Style" Casing for inset storm/screens
- * Double-Hung windows to have concealed balances
- * All Window panes to be Bendheim "Light Restoration" Glass
- * Prime Sash / Casings natural to weather

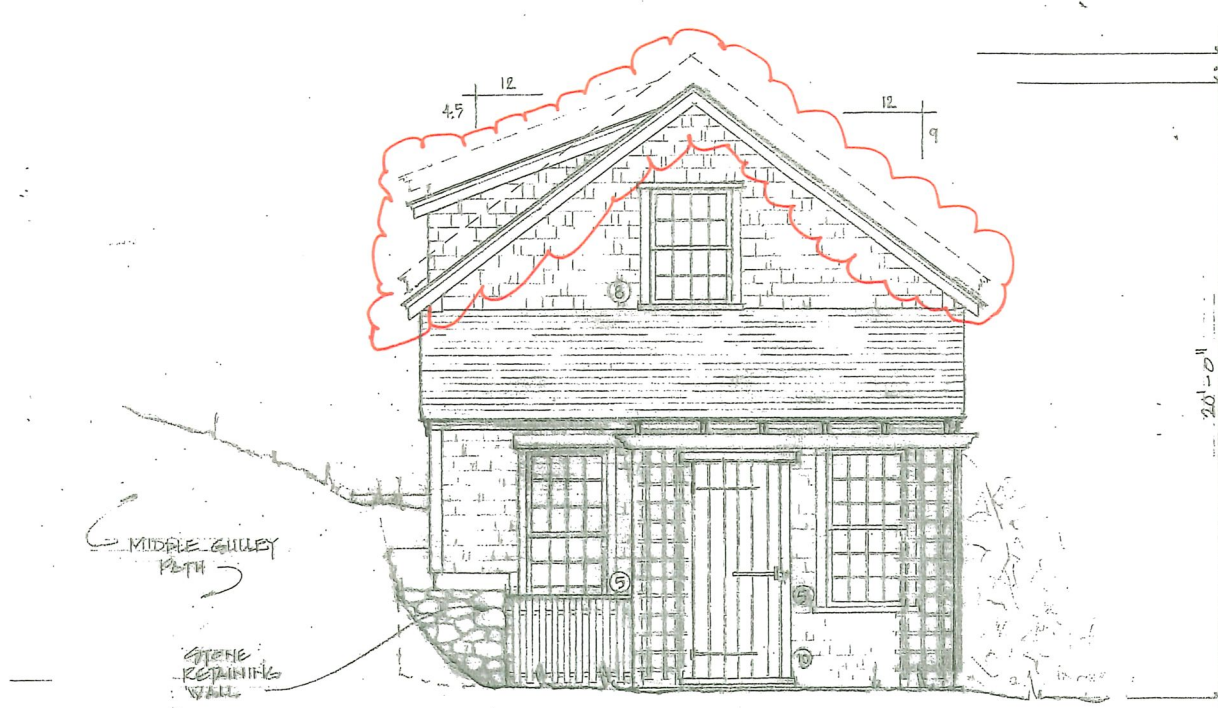




⊙ SITE PLAN
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
8 BANK STREET
GROHSET, MA

ANGIE MACLEOD DESIGN
P.O. BOX 7055
GROHSET, MA
(508) 257-6789



REDUCE TOTAL
HT. BY 1'-0"

20'-0"

APPROVED
HDC 2021-05-3626
No Exterior Changes
Without HDC Approval

RECEIVED
AUG 19 2021
By _____

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

AMENDOLARI RESIDENCE
8 BUNK STREET
DORSET, MA

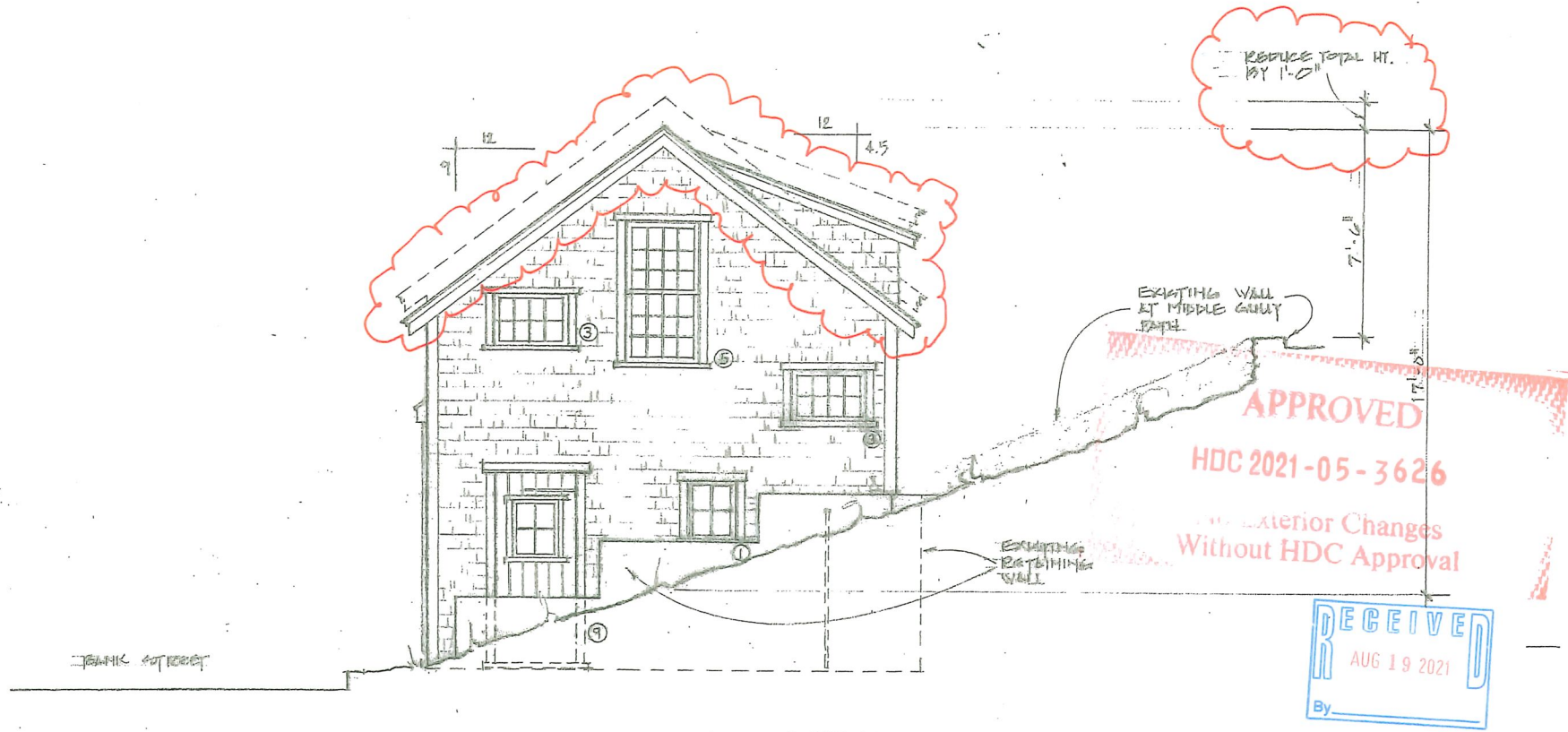
ANGIE MACLEOD DESIGN
P.O. BOX 11095
DORSET, MA
(508) 257-6789



○ EAST ELEVATION
 SCALE: 1/4" = 1'-0"

AMENDOLARA RESIDENCE
 8 BARK STREET
 GLOUCESTER, MA

ANGUS MACLEOD DESIGN
 P.O. BOX 71055
 GLOUCESTER, MA
 (508) 257-6789



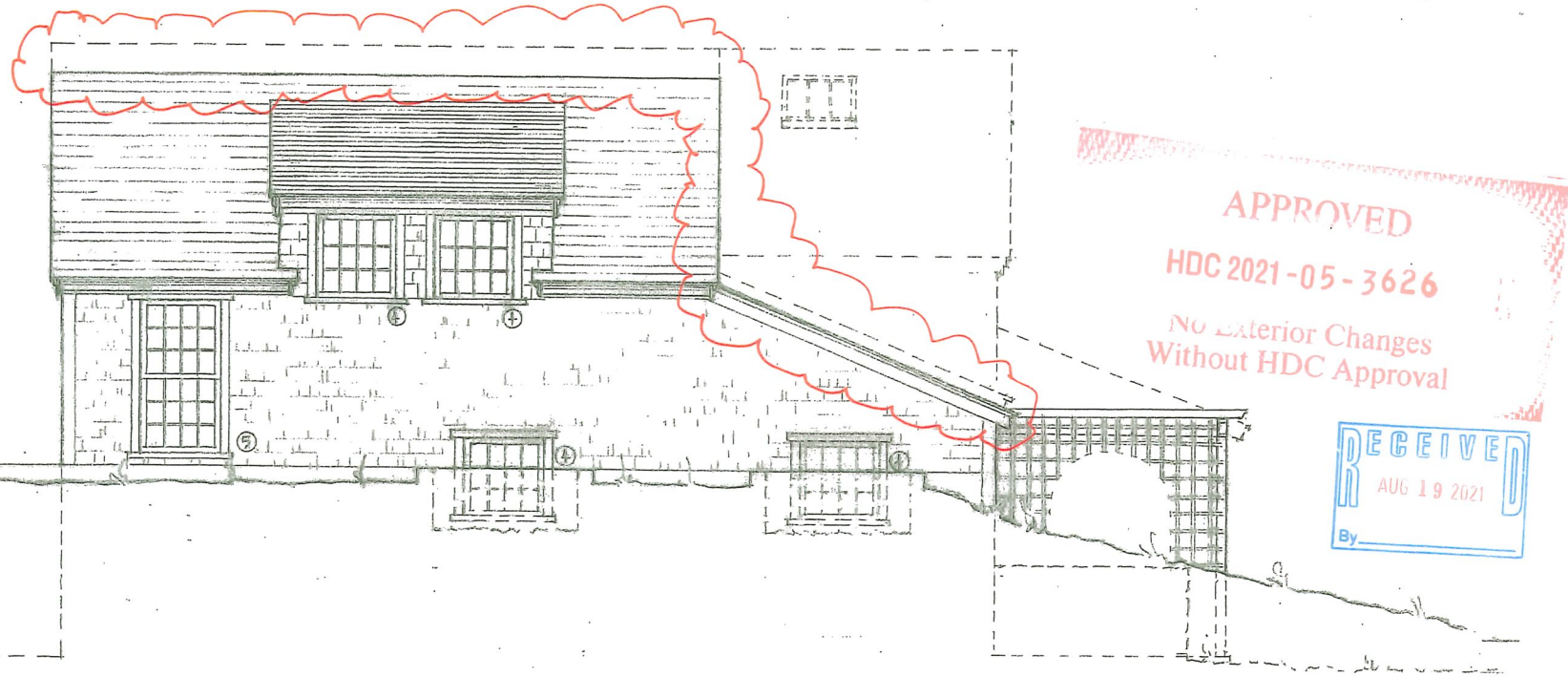
© NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

AMENDOLARA RESIDENCE 8 BANK STREET GREENSBORO, MA	ANGUS MACLEOD DESIGN P.O. BOX 7055 GREENSBORO, MA (508) 257-6789
---	---

REDUCE TOTAL HT.
BY 1'-0"

13'-0"
BASE AND ZONE

EXISTING
RETAINING
WALL



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

AMENDOLARE RESIDENCE
8 BANK STREET
WENDELL, MA

ANGUS MACLEOD DESIGN
P.O. BOX 17035
WENDELL, MA
(508) 257-6789



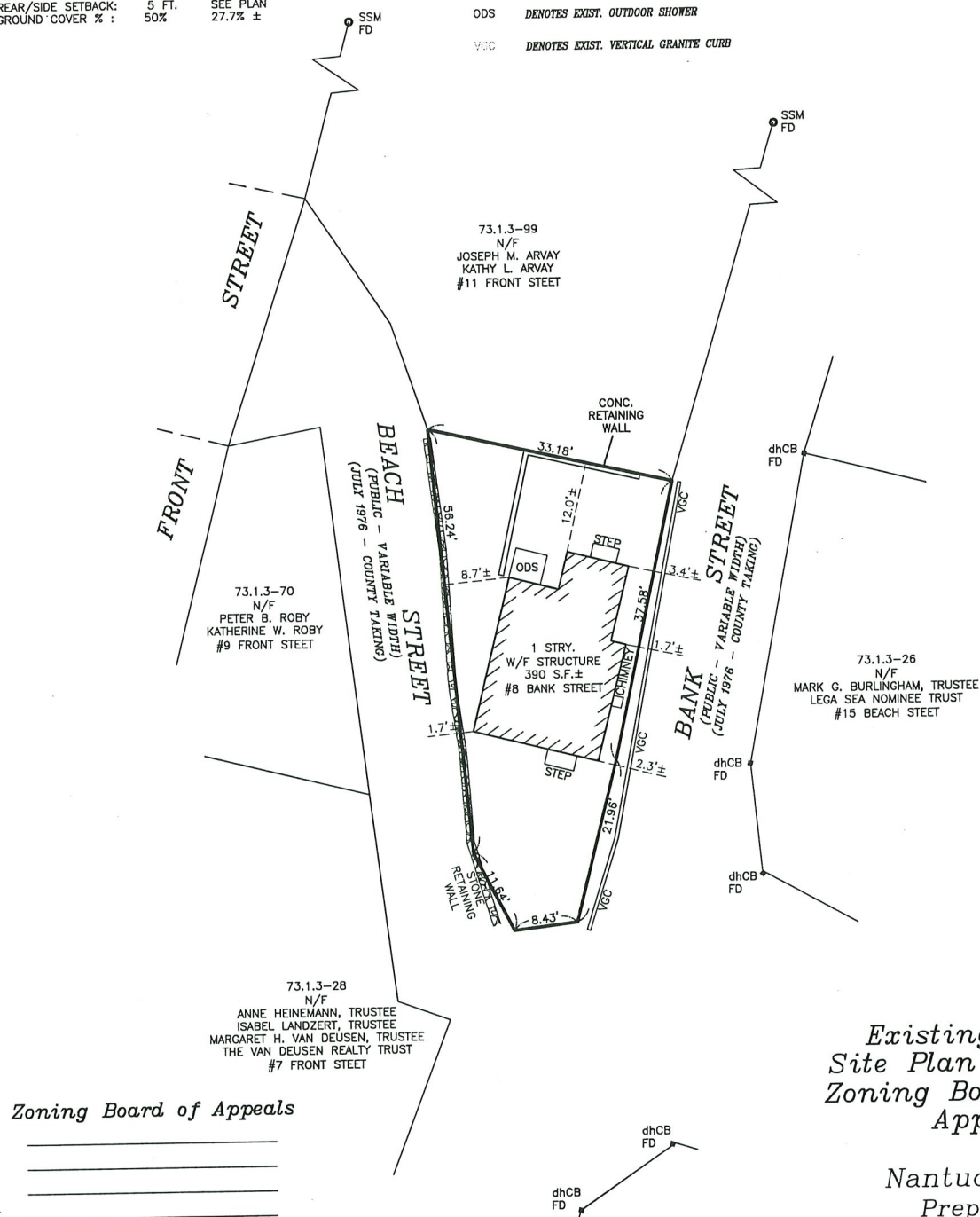
AMENDOLARE RESIDENCE
8 BANK STREET
QUONSET, MA

ARTHUR MACLEOD DENNIS
P.O. BOX 7055
ROCKFORD, MA
(508) 257-6789

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%

Existing:
1,409 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
27.7% ±

dhCB	■	DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
SSM	○	DENOTES STEEL SURVEY MARKER FOUND
FD		
ODS		DENOTES EXIST. OUTDOOR SHOWER
VCC		DENOTES EXIST. VERTICAL GRANITE CURB



Zoning Board of Appeals

FILE NO. _____ DATE: _____

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NICHOLAS AMENDOLARE
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PLAN: NONE
ASSESSOR'S MAP 73.1.3, PARCEL 69
#8 BANK STREET

*Existing Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application*

in

Nantucket, Mass.

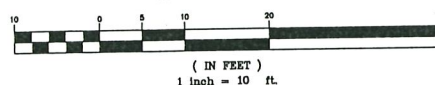
Prepared for

KRISTINA M. AMENDOLARE
NICHOLAS AMENDOLARE

Scale: 1" = 10' NOVEMBER 09, 2021

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

GRAPHIC SCALE



T:\LUCAS JOB 50

V:\DRAWFILES\B8867\ZBA.dwg 11/9/2021 2:04:28 PM EST

Sheet 1 of 2

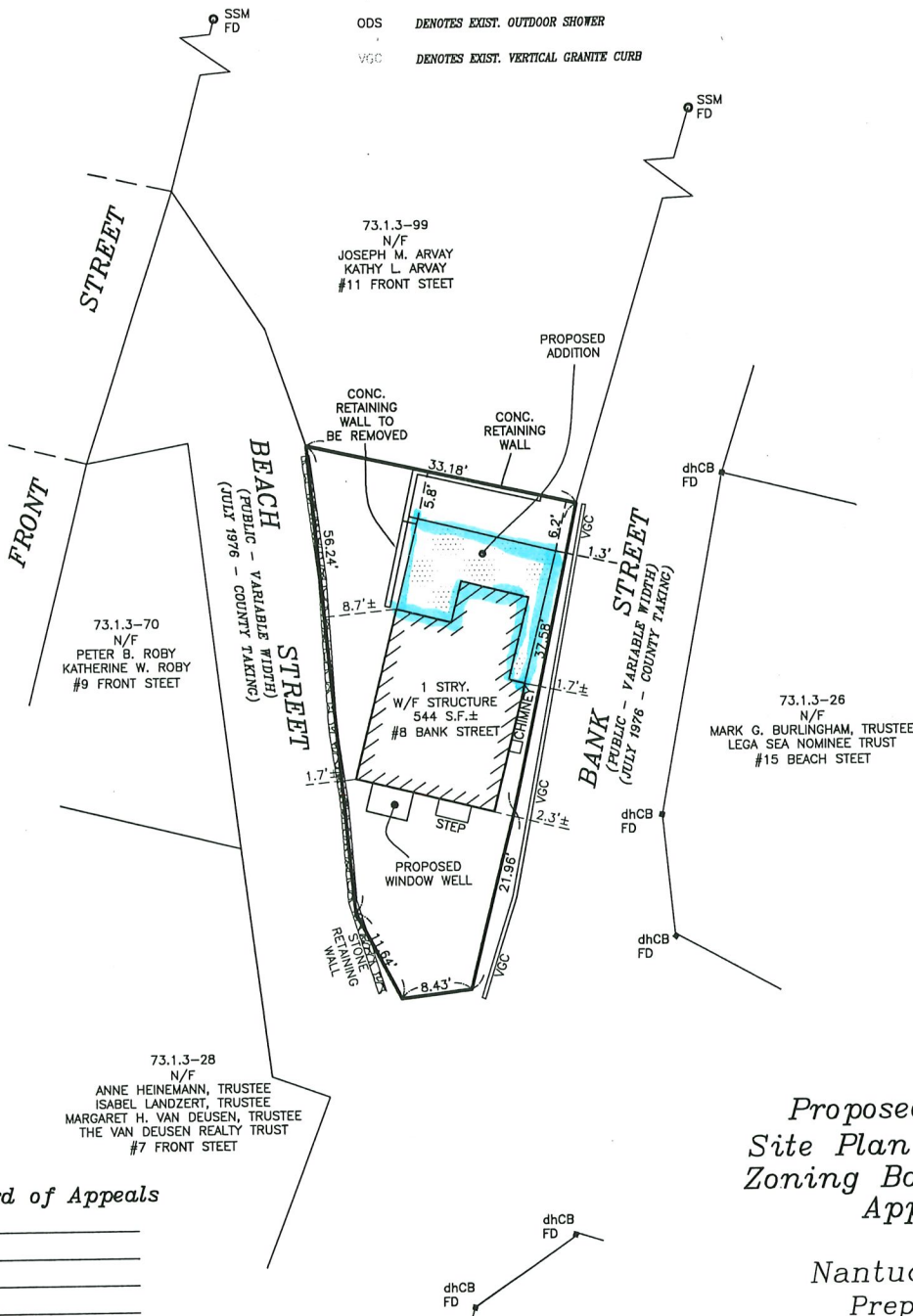
B8867

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

MINIMUM LOT SIZE:	5000 S.F.	Existing:	1,409 S.F.±	Proposed:	1,409 S.F.±
MINIMUM FRONTAGE:	50 FT.	SEE PLAN	SEE PLAN	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	none	SEE PLAN	SEE PLAN	SEE PLAN	SEE PLAN
REAR/SIDE SETBACK:	5 FT.	SEE PLAN	SEE PLAN	SEE PLAN	SEE PLAN
GROUND COVER % :	50%	27.7% ±	27.7% ±	38.6% ±	38.6% ±

LEGEND

dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 FD ○ DENOTES STEEL SURVEY MARKER FOUND
 x22.6 DENOTES EXIST. GRADE SPOT ELEVATION
 ODS DENOTES EXIST. OUTDOOR SHOWER
 VGC DENOTES EXIST. VERTICAL GRANITE CURB



Zoning Board of Appeals

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 NICHOLAS AMENDOLARE
 DEED, BK. 1770, PG. 216
 PLAN: NONE
 ASSESSOR'S MAP 73.1.3, PARCEL 69
 #8 BANK STREET

Proposed Conditions
 Site Plan to Accompany
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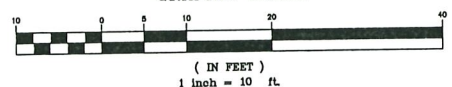
in
 Nantucket, Mass.

Prepared for
 KRISTINA M. AMENDOLARE
 NICHOLAS AMENDOLARE

Scale: 1"= 10' NOVEMBER 09, 2021

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

GRAPHIC SCALE



Sheet 2 of 2

B8867

8 BANK ST

Location 8 BANK ST

Mblu 7313//69//

Acct# 00011862

Owner AMENDOLARE KRISTINA M &
NICHOLAS

Assessment \$748,000

PID 11862

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$123,600	\$624,400	\$748,000

Owner of Record

Owner AMENDOLARE KRISTINA M & NICHOLAS

Sale Price \$683,000

Co-Owner

Certificate

Address 538 LYNN FELS PRKWY
MELROSE , MA 02176

Book & Page 1770/216

Sale Date 10/05/2020

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
AMENDOLARE KRISTINA M & NICHOLAS	\$683,000		1770/216	00	10/05/2020
JOHNSON GAIL N	\$0		01723/0069	99	12/22/2019
NICKERSON CAROL	\$0		00132/0470		01/01/1900

Building Information

Building 1 : Section 1

Year Built: 1935
Living Area: 387
Replacement Cost: \$143,725
Building Percent Good: 86
Replacement Cost
Less Depreciation: \$123,600

Building Attributes

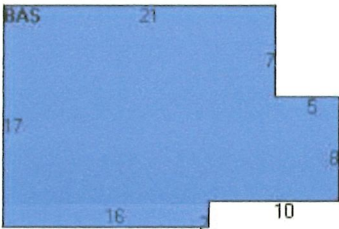
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Below Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Coal or Wood
Heat Type:	None
AC Type:	None
Total Bedrooms:	1 Bedroom
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(http://images.vgsi.com/photos/NantucketMAPhotos//00\01\83\80.jpg)

Building Layout



(http://images.vgsi.com/photos/NantucketMAPhotos//Sketches/11862_1

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	387	387
		387	387

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Use Code	1010	Size (Acres)	0.03
Description	Single Fam M01	Frontage	0
Zone	SR1	Depth	0
Neighborhood	250	Assessed Value	\$624,400
Alt Land Appr	No		
Category			

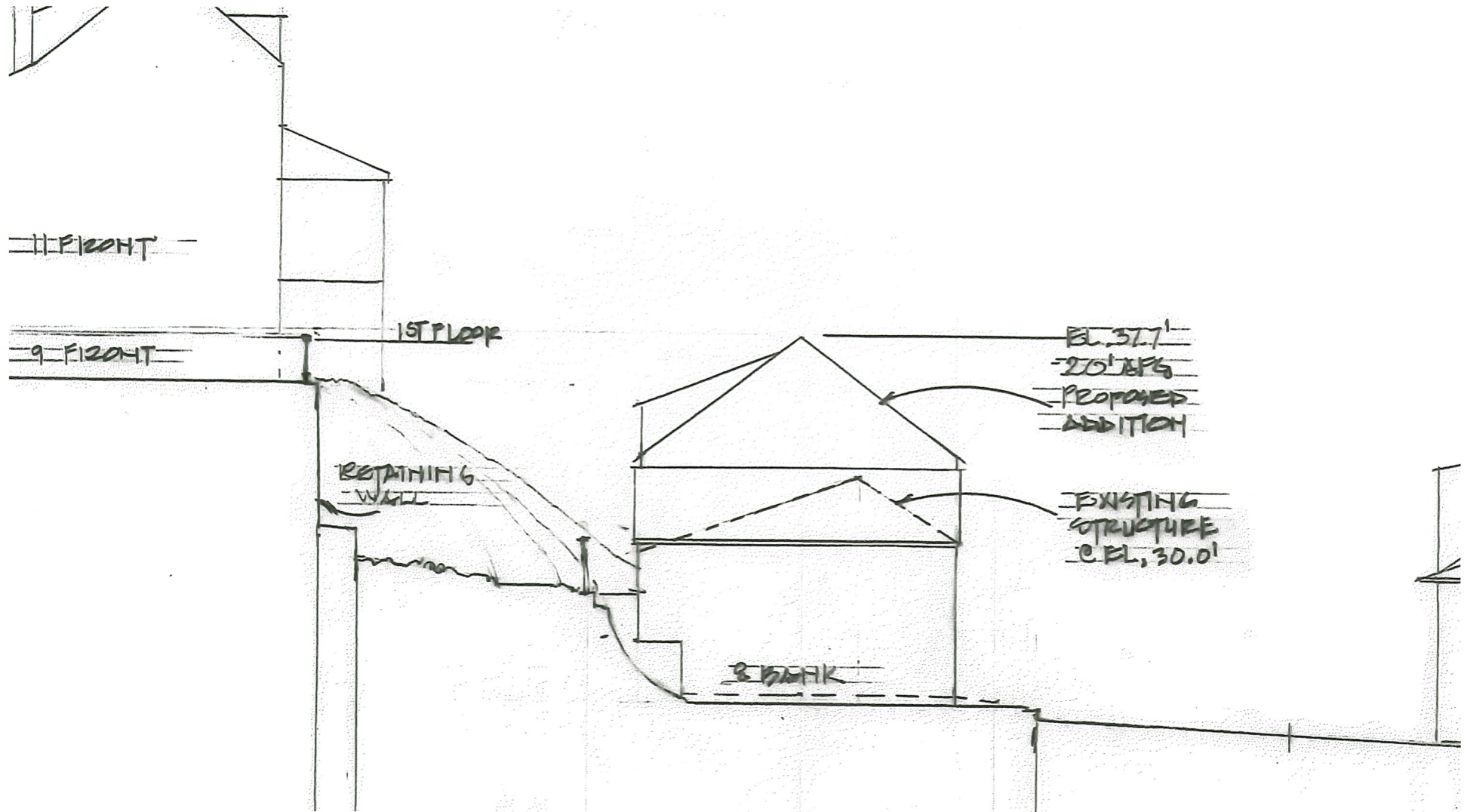
Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$123,600	\$624,400	\$748,000
2020	\$112,000	\$713,600	\$825,600
2018	\$104,300	\$535,200	\$639,500
2017	\$92,700	\$428,200	\$520,900
2016	\$77,300	\$428,200	\$505,500

CHANGE HEIGHT FROM EL 30 TO EL 37.7 – 20 FT HEIGHT AS HDC APPROVED





'Scosnet Advisory Board (SAB) recommendations for HDC

7/19/21 via Zoom

Present: R. Benchley, Chair; Angus Macleod, Caroline Ellis, Clement Durkes, Mary Lathrop Will

**Included by reference are all electronic submissions, prior and current: plans, documents, letters
and recorded video of this meeting.**

1) 6A Morey Lane—Earret LLC

Concerns: Revised plans submitted are not substantive to prior concerns of both the SAB and the HDC, with regard to size, height, massing, lot use and neighborhood compatibility.
Applicant's representative was not present at hearing.

Recommendations: Submit a comprehensive plan, reflecting the above un-addressed items, including the prior proposal to move or demo the historic on-site barn.
SAB requests a review of these revisions.

2) 8 Bank Street-- Kristina Amendalore REVISIONS

Recused: Angus MacLeod

Public Comment:

Neighbors along Front Street concerned that the ridge-line is too tall and could impact a so-called "viewshed" of Codfish Park over Middle Gully Road; many concerns voiced regarding any potential damage done to the bank and the road during and after construction.

SAB Comments:

- 1) Revised plans show a 30% reduction along the roofline per earlier concerns.**
- 2) Design is "very much in keeping" with Codfish Park**
- 3) Design stands out for what it doesn't have: roof walk, 2nd floor deck, French doors, etc.**
- 4) Ridge is waist-high from Front Street view, and does not "tower" as stated during public comment.**
- 5) Bank and road stability concerns are not in the purview of the SAB**

Recommendations: None

Respectfully submitted: Rob Benchley, SAB Chair

(SAB Notes, 8/2/21 Page 2)

Angus MacLeod, Architect for applicant:

- 1) Feels the concern for height and massing is misguided.
- 2) Compared to current and recent construction, 8 Bank would be one of the smallest buildings in Codfish Park.
- 3) The existing house is not the original historic building.

SAB Comments:

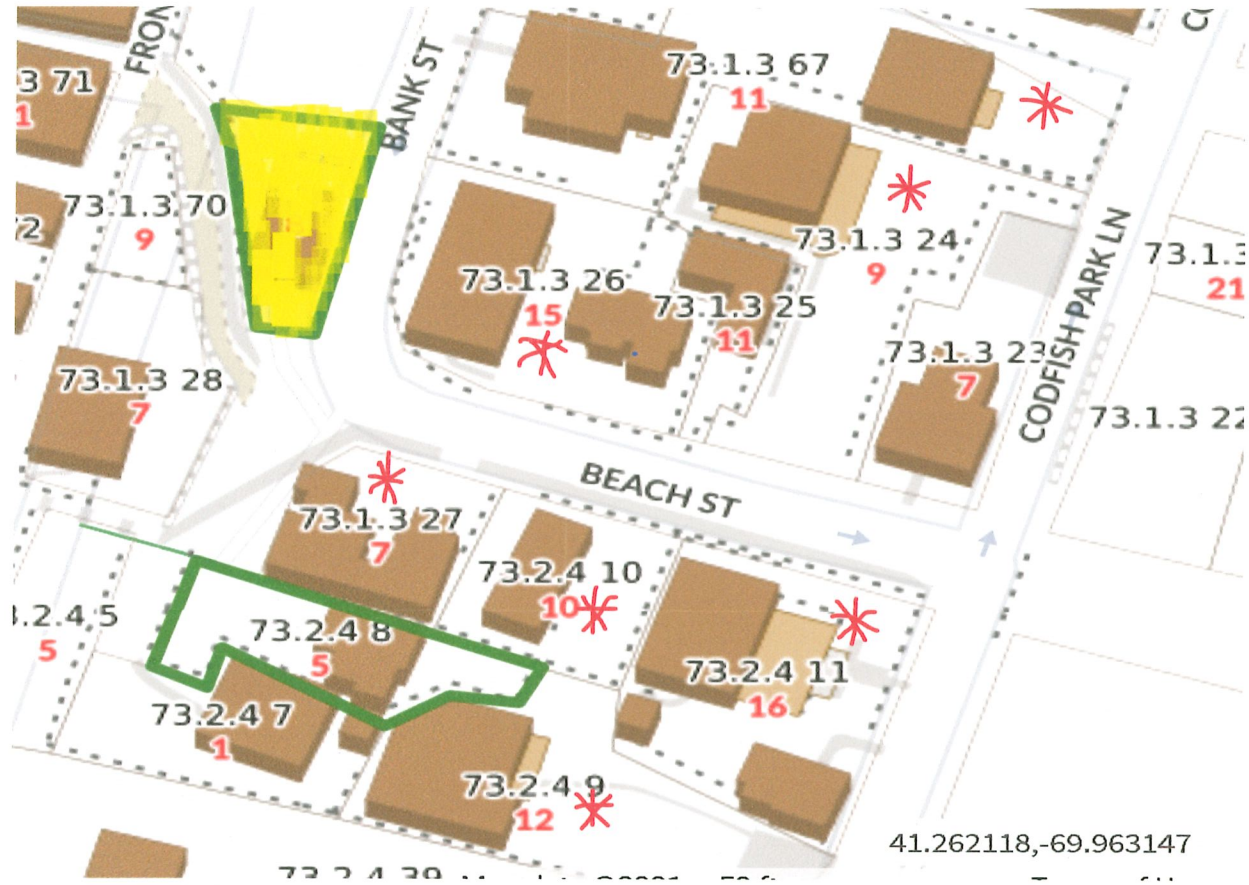
Ellis: Understands that this is a change; this is a lovely change

Durkes: Charming and in keeping with Codfish Park

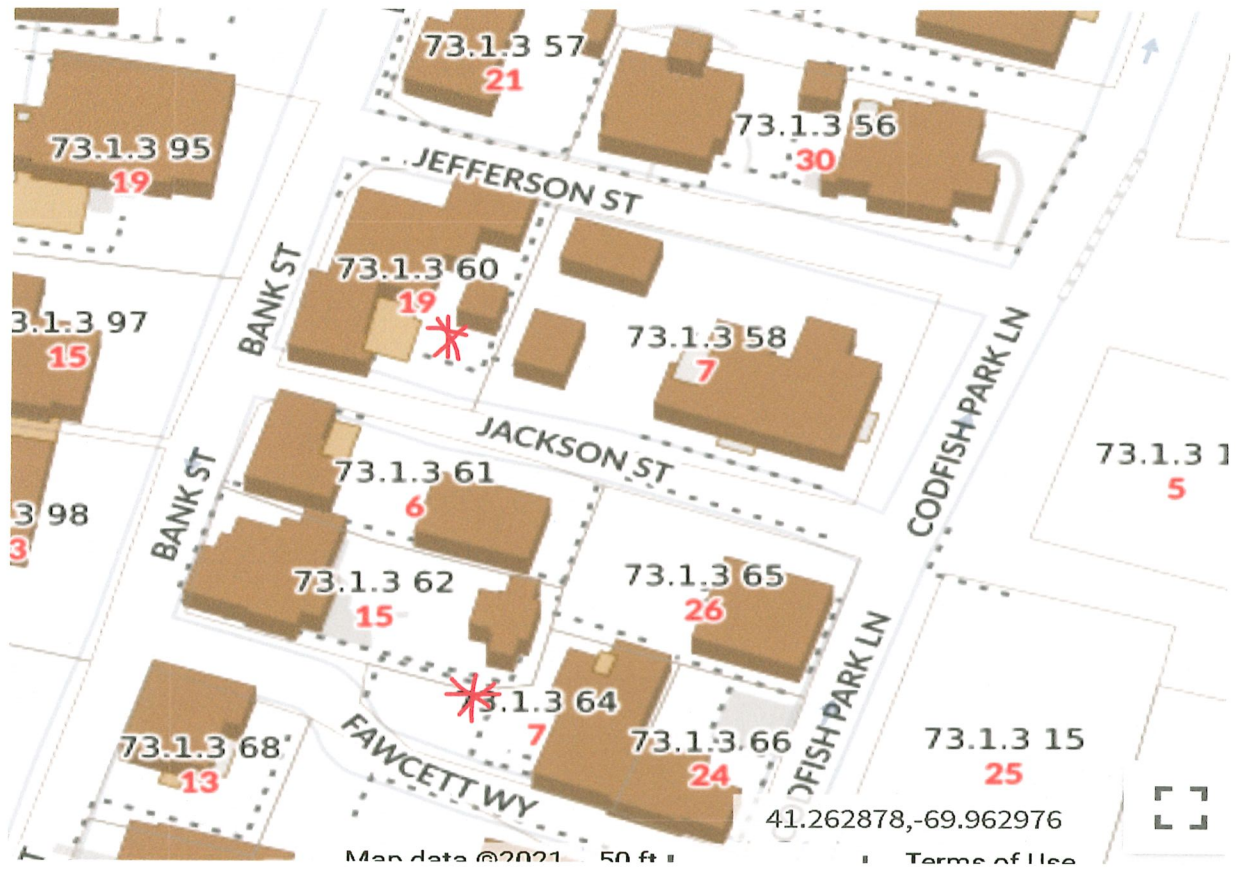
Benchley: So unlike a lot of the more modern things that have been allowed to be built down there. If possible to bring it down even more, that would be great.

Respectfully submitted on 8/5/21: Rob Benchley, SAB Chair

**SOUTH SECTION OF COD FISH PARK – EVERY STRUCTURE HAS BEEN ALTERED – INCLUDING
SOME ON THE FIRST FLOOR ONLY**



MIDDLE SECTION OF COD FISH PARK – A MAJORITY OF STRUCTURES HAVE BEEN ALTERED –
1-STORY STRUCTURES ALSO ADDED ONTO



NORTH SECTION OF COD FISH PARK – EVERY STRUCTURE HAS BEEN ALTERED –

1-STORY STRUCTURES ALSO ADDED ONTO



12 COD FISH PARK RD – 73.2.4-9 – 2002



16 COD FISH PARK RD – 73.2.4-11– 1890 RENO



10 BEACH ST – 73.2.4-10 SECOND FL ADDED



7 BANK STREET – 73.1.3-27- 1910- ADDITION



15 BEACH ST – 73.1.3-26 PRIMARY-1935



DEMOLISHED 2004-NEW 1 ½ APPROVED 2020



11 BANK ST – 73.1.3-67 – 1987



19 BANK ST – 73.1.3-60 – 1885 - ADDITION



23 BANK ST-73.1.3-55- 1900- ADDITION



SECONDARY - 2003



25 BANK ST- 73.1.3-51 – 1920- ADDITION



23R BANK ST-73.1.3-52 -2007



8 N GULLY RD – 73.1.3-48 – 1976



3 N GULLY RD – 73.1.3-7 – 1910 - RENO



36 COD FISH PARK-73.1.3-47-ADDITION-1910



34 COD FISH PK-73.1.3-53 -2015 REAR ADD.



7 FAWCETT WAY-73.1.3-64 – 1960



9 BEACH ST-73.1.3-24 - 1986



TOWN OF NANTUCKET
ZONING BOARD OF APPEALS

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

PROPERTY OWNER AMENDOLARE KRISTINA M & NICHOLAS

MAILING ADDRESS 538 LYNN FELS PRKWY, MELROSE , MA 02176

PROPERTY LOCATION 8 BANK STREET

ASSESSORS MAP/PARCEL 73.1.3-69

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:
November 10, 2021

Mary Haley, Senior
Clerk, Assessor's
Office

ASSESSORS OFFICE:

Digitally signed by Mary Haley,
Senior Clerk, Assessor's Office
Date: 2021.11.10 08:01:56
-05'00'

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
7313	14		KING SARAH P & ANNDRIA E		68 WYLUSS AVE	EVERETT	MA	2149	5 JACKSON ST
7313	15		DENIKE BRUCE M & DITMORE VINCE		2 FIFTH AVE APT 5T	NEW YORK	NY	10011	25 CODFISH PARK RD
7313	17		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	3 FAWCETT WY
7313	18		SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA	02564	1 FAWCETT WY
7313	21		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	21 CODFISH PARK RD
7313	23		CURTIN GEORGE E III & SUSAN L		PO BOX 951	SIASCONSET	MA	02564	7 BEACH ST
7313	24		BROWN ROBERTA		1 THOMAS PLACE	ROWAYTON	CT	06853	9 BEACH ST
7313	25		GILBERT LINDA J D & ADAM		5 MEREDITH DRIVE	CRANSTON	RI	02920	11 BEACH ST
7313	26		BURLINGHAM MARK G TRST	LEGA SEA NOM TRUST	P O BOX 1633	NANTUCKET	MA	02554	15 BEACH ST
7313	27		TIRAPELLI NICOLE ALEXANDRIA		7 BANK ST #155	SIASCONSET	MA	02654	7 BANK ST
7313	28		HEINEMANN ANN & LANDZERT	ISABEL & VANDEUSEN MARGARET TR	391 ESSEX ST	SALEM	MA	01970	7 FRONT ST
7313	29		SCONSET CORP INC	C/O MARY WILLIAMS	164 CHESHIRE WAY	NAPLES	FL	34110	7 BROADWAY
7313	30		TODD VINCENT E JR & SHEILA M		PO BOX 232	SIASCONSET	MA	02564	4 BROADWAY
7313	32		BOLTON JOHN R & LYNNE M		630 OENOKE RIDGE RD	NEW CANAAN	CT	06840	4 SHELL ST
7313	32	1	KURZINA PETR S & STEPHANIE		79 BEACON ST	BOSTON	MA	02108	9 PARK LN
7313	33		FERENCE-GRAY DEBORAH S		51 CHERRY VALLEY RD	GREENWICH	CT	06831	ZERO NEW SIAS ST
7313	34		DAISY COT LLC		PO BOX 436	SAINT JAMES	NY	11780	2 NEW SIAS ST
7313	35		ONE NEW STREET REALTY TRUST		575 GREENWAY DRIVE	LAKE FOREST	IL	60045	1 NEW SIAS ST
7313	56		MOLLOY MICHAEL FRANCIS TRS		116 ENFIELD RD	BALTIMORE	MD	21212	30 CODFISH PARK RD
7313	57		SPERAU MELISSA		16634 YORK RD	MONKTON	MD	21111	21 BANK ST
7313	60		2538970 ONTARIO INC		765 WESTNEY RD SOUTH	AJAX	ON	L1S6W1	19 BANK ST
7313	65		DAMICO CHRISTINE ETAL		15 APPLE LANE	CALIFON	NJ	07830	26 CODFISH PARK RD
7313	66		DAMICO CHRISTINE & MAZZA JOHN		15 APPLE LN	CALIFON	NJ	07832	24 CODFISH PARK RD
7313	67		TORABY DARIUS TRST	JUSO REALTY TRUST	31 STRICKLAND RD	COS COB	CT	06807	11 BANK ST
7313	68		TOMASIELLO ANTHONY JR & JANET		24 LEXINGTON CIRCLE	HOLDEN	MA	01520	13 BANK ST
7313	70		9 BROADWAY		608 WELLINGTON RD	COPELL	TX	75019	9 FRONT ST
7313	71		BROADWAY LLC	C/O F PETER CONATY JR	PO BOX 8080	WILMINGTON	DE	19803	11 BROADWAY
7313	72		9 BROADWAY		608 WELLINGTON RD	COPELL	TX	75019	9 BROADWAY
7313	73		DANIEL SAMUEL V III		P O BOX 191	SIASCONSET	MA	02564	6 BROADWAY
7313	74		WILLIAMS HASEOTES KRISTEN	C/O YVONNE WEI MOSER	7 BARSTOW ROAD	NANTUCKET	MA	02554	8 BROADWAY
7313	75		ACK SCONSET LLC		PO BOX 2544	NAPLES	FL	34106	10 BROADWAY
7313	76		ARVAY KATHY L		1 LONGFELLOW PLACE #3807	BOSTON	MA	02114	8 CENTER SIAS ST
7313	78		SCONSET HOLDINGS LLC		5 BLACHLEY CIRCLE	MENDHAM	NJ	07945	3 FOLGERS CT
7313	79		NORTHBOUND HOLDINGS LLC		65 COMMERCIAL WHF EAST #2	BOSTON	MA	02110	5 FOLGERS CT
7313	80		HEYDA ENSCONCED NOM		PO BOX 302	SIASCONSET	MA	02564	12 SHELL ST
7313	81		WARD MARY EMMA H	HEYDA ENSCONCED NOM	378 DAVIS RD	BEDFORD	MA	01730	14 SHELL ST
7313	82		GUSTAFSON DALTON TR		10 GEORGE ST	RIVERSIDE	CT	06878	6 FOLGERS CT
7313	83				27 LEDGE ROCK ROAD	CONCORD	MA	01742	16 SHELL ST

7313	94	BALLOU FREDERICK D & JANET D			LINCOLN ROAD	SUDBURY	MA	01776	21 FRONT ST
7313	95	READE ARTHUR I JR TRST	C/O JOAN BINGHAM	39 EAST 79TH STREET APT 14B		NEW YORK	NY	10075	19 FRONT ST
7313	97	GULLS WING LLC		PO BOX 401		SIACONSET	MA	02564	15 FRONT ST
7313	98	CONNELL MARY G		1 LONGFELLOW PL #3807		BOSTON	MA	02114	13 FRONT ST
7313	99	ARVAY JOSEPH M & KATHY L		5 BLACHLEY COURT		MENDHAM	NJ	07945	11 FRONT ST
7313	100	SOEDER LISA P		PO BOX 878		SIACONSET	MA	02564	13 BROADWAY
7313	101	MAYER LESLIE PLANT		46 SOUTH PLEASANT ST		HINGHAM	MA	02043	14 BROADWAY
7313	102	PETTY DIANE I DE LOES	15, CH. LOUIS-DEGALLIER	15, CH. LOUIS-DEGALLIER		1290 VERSOIX			10 CENTER SIAS ST
7313	103	ROOFTREE LLC		PO BOX 302		SIACONSET	MA	02564	12 CENTER SIAS ST
7313	104	KROHN JEFFREY & MICHELE A		129 ORCHARD WAY		BERWYN	PA	19312	14 CENTER SIAS ST
7313	105	TIRAPELLI NICOLE ALEXANDRIA		PO BOX 155		SCONSET	MA	02564	18 CENTER SIAS ST
7313	109	MOYER CAROL		23 PILFERSHIRE LN		SIMSBURY	CT	06092	23 BROADWAY
7313	110	LICHTMAN JEFFREY A & HORN SHARON		1600 PARKER AVE		FORT LEE	NJ	07024	21 BROADWAY
7313	111	BREEN FAITH F & GEORGE E JR		4002 TENYSON ST		HOUSTON	TX	77005	19 BROADWAY
7313	112	KUMPF RICHARD STUART TR		3806 STRATFORD AVE		DALLAS	TX	75205	17 BROADWAY
7313	113	MALETTA ANNE		PO BOX 82		SIACONSET	MA	02564	15 BROADWAY
7313	114	KROGH PETER F	MARTIN BOX TRUST	PO BOX 351		SIACONSET	MA	02564	16 BROADWAY
7313	115	STRONG HELEN M & CARTER		5 CHALFONT CT		BETHESDA	MD	20816	18 BROADWAY
7313	116	HUBBS GEORGE J TRUSTEE	AFH NANTUCKET QPRT FAMILY TR	95 SKIDAWAY ISLAND PARK RD APT 407		SAVANNAH	GA	31411	20 BROADWAY
7313	117	APGAR ANNE N TRST ETAL		PO BOX 4		SIACONSET	MA	02564	22 BROADWAY
7324	1	FORTUNE COOKIE LLC	C/O RGHG	6 YOUNGS WAY		NANTUCKET	MA	02554	5 MAIN SIAS ST
7324	3	CYGNET 2 PROPERTIES LLC		117 ST ALBANS WY		BALTIMORE	MD	21233	2 BROADWAY
7324	4	RODTS FORREST A TR	OLD GARDNER HOUSE TRUST	17 GLOVER SQUARE		MARBLEHEAD	MA	01945	5 BROADWAY
7324	5	RODTS FORREST A TR	OLD GARDNER HOUSE TRUST	17 GLOVER SQUARE		MARBLEHEAD	MA	01945	5 FRONT ST
7324	7	LAMOTT FRED G & SARAH F TRST		PO BOX 462		SIACONSET	MA	02564	1 BANK ST
7324	8	HEGARTY WILLIAM T & WILLIAM T JR TRS		41 TAYLOR ST		SAUGUS	MA	01906	5 BANK ST
7324	9	COHEN STEVEN L TR	12 CODFISH PARK RD TR	PO BOX 786		NANTUCKET	MA	2554	12 CODFISH PARK RD
7324	10	WILNER SHEILA & ROBERT TR		787 KING STREET		RYE BROOK	NY	10573	10 BEACH ST
7324	11	WILNER SHEILA TRST ETAL		EDGAR ROAD		GREENWICH	CT	06830	16 CODFISH PARK RD
7324	36	NANTUCKET CONSERVATION FOUND I		PO BOX 13		NANTUCKET	MA	02554	2 MAIN SIAS ST
7324	37	MCNAMARA JULIANNE S &	MANN MARY ELIZABETH	584 N SCHOOL LANE		LANCASTER	PA	17603	1 BROADWAY
7324	38	REGAN AMY H & GOLDSMITH		P O BOX 1678		NEW LONDON	NH	03257	3 BROADWAY
7324	39	REGAN AMY HARPER &	GOLDSMITH CATHERINE	P O BOX 1678		NEW LONDON	NH	03257	10 CODFISH PARK RD
7324	40	WALKER JULIA M ETAL		C/O JULIANNE MCNAMARA		LANCASTER	PA	17603	8 CODFISH PARK RD
7324	41	ELBOW LANE GROUP LLC		29 MURRAY HILL CIRCLE		BALTIMORE	MD	21212	7 ELBOW LN
7324	51	NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD		NANTUCKET	MA	02554	5 CODFISH PARK RD
Count:		74							

Letters

Nickesha Sheriff

From: Planning and Land Use Services
Sent: Friday, February 4, 2022 12:28 PM
To: Nickesha Sheriff
Subject: FW: 8 BANK STREET, ZBA 2/10/22 MEETING

-----Original Message-----

From: Sam Daniel <svdiii@comcast.net>
Sent: Friday, February 4, 2022 12:27 PM
To: Planning and Land Use Services <plus@nantucket-ma.gov>
Subject: 8 BANK STREET, ZBA 2/10/22 MEETING

ZBA Members,

8 Bank Street's application cites a renovation. It's a rebuild, not a renovation.

Sam Daniel
6 Broadway

This email was scanned by Bitdefender

Clarification: As for the 19' ridge height, it can certainly be lower, but not higher. Sam

Begin forwarded message:

From: Sam Daniel <svdiii@comcast.net>

Subject: 8 BANK STREET, 'SCONSET

Date: November 27, 2021 at 11:06:54 AM EST

To: nsheriff@nantucket-ma.gov

Cc: kmccarthy@nantucket-ma.gov, Holly Backus <hbackus@nantucket-ma.gov>, Daniel Sam <svdiii@comcast.net>

ZBA Board Members,

I approve of the latest design that was presented to the HDC for 8 Bank Street's structure.

I have concerns about the proposed basement, but do not oppose it, as long as it passes all of the necessary inspections.

The tree is old, compromised, and not attractive. If left standing, when and if it falls, it and its roots will damage the Middle Gully road, the bank, and 8 Bank Street.

As for the structure's much debated ridge-height, I firmly support 19'. My old mouse-house's ridge-height is 14'. While its old loft is accommodating, a 19' ridge-height would make it so totally accommodating and livable. Sadly, structures that are too high and inappropriate have been allowed in Codfish Park, setting very bad precedents. It's a perfect example of the old saying, once you let the camel's nose under the tent, you get the whole camel.

Sam Daniel
6 Broadway

Good Afternoon,
Please distribute the below to the Zoning Board of Appeals.

Dear Members of the Board of Appeals,

We are writing to express our concern about what may be a clerical error but is otherwise a serious violation of the Open Meeting Law (G.L. c. 30A, §§ 18 through 25), by the Historic District Commission (HDC) in the above-referenced matter. In either case, the Board of Appeals should refuse to hear the applicants' request for a special permit and require them to withdraw it until this matter is resolved in an open process, or alternatively it should deny the special permit request.

As you will see from the HDC minutes attached to the applicant's ZBA submission, a copy of which are attached hereto, contrary to the applicants' assertion in their filing with the ZBA, a motion to approve this project did *not* carry at the HDC's September 7, 2021, meeting.

At that meeting, the HDC members declined to approve the project, and voted to hold it for further revisions. No further proceedings were noticed or held on this application before the HDC to the best of our knowledge. We were therefore quite surprised to learn for the first time when reviewing the ZBA application that the plans are stamped approved by the HDC in contradiction of its last public vote.

Since an application for a building permit must be accompanied by a certificate of appropriateness issued by the HDC, under the circumstances here, the Board should remove this matter from its December 9, 2021 agenda and until such time as the Attorney General's Office has reviewed this pursuant to the Open Meeting Law.

Sincerely,
Margaret Van Deusen, Isabel Landzert and Anne Reilly
7 Front Street



HISTORIC DISTRICT COMMISSION REGULAR MEETING

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

Commissioners: Raymond Pohl (Chair), Abigail Camp (Vice-chair), John McLaughlin, Diane Coombs, Vallorie Oliver,
Associate Commissioners: Stephen Welch, Jessie Dutra, Carrie Thornewill

~~ MINUTES ~~

Tuesday, September 7, 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 5:01 pm. and announcements by Mr. Pohl

Staff in attendance: Kadeem McCarthy, Interim HDC Compliance Coordinator; Holly Backus, Preservation Planner
Attending Members: Pohl, Camp, McLaughlin, Coombs, Oliver, Welch, Thornewill
Absent Members: Dutra
Late Arrivals: McLaughlin, 5:06 pm; Welch, 5:09 pm.
Early Departures: Pohl, 7:15 pm; Welch, 8:59 pm

Adoption of Agenda.

Motion **Motion to Approve as drafted. (Coombs)**

Roll-call vote Carried 5-0//Oliver, Camp, McLaughlin, Coombs, and Pohl-aye

I. PUBLIC COMMENT

None

II. CONSENT

Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1. Thomas Nelson 08-4468	129 Polpis Road	2 nd -floor addition	44/195	Norton Preservation
2. George Cosby	9 Darling Street	Roof change	42.3.2/117.1	James Lydon
Voting	Pohl, Camp, McLaughlin, Coombs, Oliver			
Alternates	Thornewill			
Recused	None			
Documentation	None			
Representing	None			
Public	None			
Concerns	No concerns.			
Motion	Motion to Approve. (Oliver)			
Roll-call Vote	Carried 5-0//Coombs, Camp, McLaughlin, Oliver, and Pohl-aye		Certificate #	HDC2021-(as noted)

III. CONSENT WITH CONDITIONS

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Lisa Moison	22 Ahab Drive	Pool and Hardscape	65/52	Phil Dobson
• Not to be visible at time of inspection and thereafter.				
2. Kristina Shadek	134C Main Street	Shed	41/37	Structures Unlimited
• Site plan, showing shed, to be submitted. Shed dimensions from two points of the nearest structure to be shown on plan.				
3. Housing Nantucket	17 Irving Street	Roof-top solar	79/120	ACK Smart
• Not to be visible at time of inspection and thereafter.				
Voting	Pohl, Camp, Coombs, Oliver, Welch			
Alternates	Thornewill			
Recused	(lost McLaughlin at 5:12)			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	None			
Public	None			
Concerns	Coombs – Asked to look at 17 Irving Street; that street doesn't have much vegetation. Welch – The recommendation is based upon review of the application and a site view; there is no location this would be visible.			
Motion	Motion to Approve through staff per noted conditions. (Coombs)			
Roll-call Vote	Carried 5-0//Oliver, Camp, Welch, Coombs, and Pohl-aye		Certificate #	HDC2021-09-(as noted)

6.	Kristine Amendolare 05-3625	8 Bank Street Sias	Additions	72.1.3/69	Angus Macleod
Voting	Coombs (acting chair), McLaughlin, Camp, Thornewill				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historic documentation, advisory comments, and topographical information				
Representing	Angus MacLeod				
Public	Margaret Van Deusen, 7 Front Street Joe Arvay, 11 Front Street Isabel Landzert – 7 Front Street John Shae, 'Sconset Civic Assn				
Concerns (7:15)	MacLeod – Reviewed changes made per previous concerns; the engineers and excavators have figured out how not to destabilize the bank. There are letters supporting this proposal but those aren't being read into the record. This was designed to be as low as possible and still function; we can't go any lower. Backus – No additional SAB comments. This is a proposed alteration to an 1923-1926 structure. We've received abutters' letters of concerns and have forwarded those to commissioners. If this is a proposed addition, questions what of the original structure is being maintained. Read into the record letters of concerns from the 'Sconset Civic Association (SCA) and the Gardeners of 9 Broadway & 9 Front Street. Van Deusen – This is the 1st building that would be right against and into the bank; the proposed height makes it more visually impactful at the entrance to Codfish Park. Referenced Mr. John Shae's letter describing the area's sense of place and history. If this is approved, it will "open a floodgate of change." Asked for a denial. Arvay – Questions what is remaining of the original structure. Concurs with comments about the strategic positioning of this building. Landzert – That SCA, which represents the village, objects to this should be carefully considered. Though this is aesthetically pleasing, it is not appropriate in this location. People come here to watch the sunrise, which is over rooftops, not the ocean. Shae – This vote could change 'Sconset forever. Camp – The problem is how perfectly the existing structure hugs the bank; there would be no better proposal for this location. She voted against 15 Beach Street. Likes Ms. Thornewill's suggestion to push it north. Thornewill – This building is appropriate and throws back to historic Codfish Park buildings. With a zoning variance, it might be shifted back onto the retaining wall; that moves it away from the corner and lower bank. McLaughlin – The design as proposed is appropriate to the neighborhood. Coombs – Concerns about digging into the bank affecting its stability is not within HDC purview. She has concerns about SCA's claim regarding 15 Beach Street; this is not taller than that. Asked if the ridge could be reduced to 19'.				
Motion	Motion to Approve. (McLaughlin) Not carried 2-2//Coombs and Camp abstain				
	Motion to Hold for revisions. (Thornewill)				
Roll-call Vote	Carried 4-0//Camp, McLaughlin, Thornewill, and Coombs-aye			Certificate #	
7.	Westmoor Club, LLC 07-4189	105 West Chester Street	Tennis/pickleball courts	41/805	JGG Architects
Voting	Camp (acting chair), McLaughlin, Coombs, Thornewill				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	Adam Davis, J. G. Goldsmith Architects				
Public	None				
Concerns (7:57)	Davis – Reviewed changes made per previous concerns; no proposing to put tennis in at southern-most point. Backus – They will have to do a separate application to change the internal tennis courts into the pickleball courts on the other lot. Thornewill – Appreciates moving the pickleball courts away from the street and extensive planting plan. McLaughlin – No concerns and he'd approve as submitted. Coombs – Pickleball makes more noise than tennis; she's glad it's moving inward. As much vegetation as possible would be appreciated. Camp – Double up the trees in front of the future barn is; the more the better.				
Motion	Motion to Approve as submitted. (McLaughlin)				
Roll-call Vote	Carried 4-0//Coombs, Thornewill, McLaughlin, and Camp-aye			Certificate #	HDC2021-07-4189

Nickesha Sheriff

From: Helen Strong <helenmstrong1@gmail.com>
Sent: Thursday, December 2, 2021 10:08 PM
To: Nickesha Sheriff
Cc: Holly Backus
Subject: Re: Kristina and Nicholas Amendolare, File No. 37-21

Dear Members of the Zoning Board of Appeals,

I am writing to dispute the claim that the HDC approved the application for construction at 8 Bank Street in Codfish Park, 'Sconset at its Sept. 7 meeting. I attended that meeting via Zoom and the vote was 2 in favor and 2 abstentions, as the Minutes of the meeting show. The application was then put on hold for revisions and has not been re-addressed, at least in a public forum. At that meeting, the designer of the proposed construction, Angus MacLeod, attempted to browbeat the commissioners who abstained into approving his plans for the house, but was not successful. Earlier in the summer, Mr. MacLeod had declined to meet conditions that the HDC stipulated for possible approval: to lower the roofline by several feet. On the subject of height, it has been noted that the land under 8 Bank St. is a higher grade than land further down on Beach St. so the building, if allowed, would be taller than existing buildings in Codfish Park.

It is incorrect to state that the proposed construction would be an addition. It would instead be a demolition. Mr. MacLeod's design shows an entirely different structure from what is now there. The current building dates from the 1920s and '30s, according to the town's Preservation Planner, Holly Backus.

A large group of neighbors in Siasconset strenuously object to the proposed construction at 8 Bank St. Numerous letters from homeowners residing throughout the village have been sent to the HDC regarding this project. The Siasconset Civic Association, which represents the village at large, is opposed to this ill-considered and incongruous construction. The proposed "addition" would loom like a mini-skyscraper over the cobblestoned Middle Gully pathway in one of the most historic and storied parts of the village – and in fact of the island. The building would look absurd, surmounting the height of the adjacent tall bank on the other side of the Middle Gully and creating a tunnel for pedestrians walking down the Gully to the beach. It would obstruct treasured public views from Front Street that are valued by villagers, visitors, and artists – and really belong to all. As filmmaker and actor John Shea, who set a scene from one of his films on Middle Gully, stated, "if allowed, this will change the history of 'Sconset forever."

Sincerely,
Helen Strong
18 Broadway
'Sconset

This email was scanned by Bitdefender

Please distribute this letter to the Zoning Board of Appeals.

Dear Members of the Board of Appeals,

We are writing to the referenced application submitted by the Amendoles, File No 37-21. At the HDC meeting on September 7, 2021, the Amendole's application for HDC approval did not carry and the board voted to hold it for further review. This application has not been on the HDC agenda again. We were shocked when we received the ZBA notice in the mail showing a HDC stamped approval.

How can an application get approved behind closed doors without the public being aware? We ask that the ZBA application be removed from the December 9, 2021 agenda until the matter can be reviewed by the Attorney General's Office pursuant to the Open Meeting Law.

Thank you for your attention to this matter.

Sincerely,
Joseph and Kathy Arvay
11 Front St
Siasconset

Sent from my iPhone

This email was scanned by Bitdefender

Re: Kristina and Nicholas Amendolare, File No. 37-21

Dear Members of the Board

For the past 34 summers, my family and I have spent time in the summer months in 'Sconset, renting and then, since 1999, owning a house on Front Street in the village. It is a very special place

The proposed construction at 8 Bank St / Middle Gully Rd- is altogether unsuitable to the space- rising as a veritable 'Sconset skyscraper to block the Front St vista and compromise the scale in that part - indeed most areas- of the village. Additionally, It will pose a threat to the stability of the bank there.

I have written a letter (email dated August 3, 2021)and attended in person two hearings of the HDC this past summer to add my voice to the significant number of villagers who strongly object to this construction.

Please do not approve this project.

Sincerely,

Janet Ballou

21 Front St.

Kindly distribute the comments below with attachments to the Board of Appeals.

Dear Members of the Board of Appeals,

Please accept these comments concerning the application for a special permit by Kristina & Nicholas Amendolare, File No. 37-21. The current structure at 8 Bank Street is a preexisting nonconforming structure. According to the applicant's Addendum to their filing, relief is sought to increase the height of the dwelling within the 5-foot rear yard setback. While the applicants characterize this as "a one-story addition" on the northerly side of the building and state that the second floor addition would be constructed over the existing footprint, this contradicts the north side plans that show this as a two-story addition. The project appears to be a demolition of this historic structure rather than an addition. Applicants are also planning to increase the groundcover ratio from 28% to 40% on this tiny lot.

We sent an email to the ZBA last week expressing our concerns about the applicants' assertion that a certificate of appropriateness was issued by the HDC on September 7, 2021. This did not comport with the actions of the HDC at that meeting and as reflected in the minutes of the meeting. Contrary to the applicants' statement, a motion to approve was not carried at the HDC meeting and there was a unanimous vote to hold for further revisions.

We attended the September 7th meeting and were quite surprised to learn for the first time when reviewing the ZBA application of the HDC stamp on the plans. Either this stamp was simply a clerical error, or it represents a serious violation of the Open Meeting Law. In either case, the validity of the certificate is in question. Under these irregular circumstances we believe the application should be withdrawn unless and until there is a proper certificate of appropriateness issued by the HDC.

8 Bank Street is a tiny lot at the base of Middle Gully, the cobblestoned path that connects Front Street with Codfish Park (CFP). It sits at the entrance to CFP at the bottom of and directly against the coastal bank. The project seeks to more than *double* the height of the house to 20 feet and to build a full basement with an 8 to 9 foot ceiling for living space.

This proposed structure is widely opposed by Front Street and Broadway owners and by the community, including by the Siasconset Civic Association. The Civic Association, which we understand rarely takes a position on house construction, felt compelled to do so here because of the unique location and the impacts the height would have on Middle Gully, CFP, and Front Street. The Civic Association's August 1 and September 2, 2021, letters to the HDC are attached to this email.

Due to its position against the bank much of the structure will be above the top of the bank and Front Street. It will be visible from three directions on iconic Front Street, block views there, and its impacts will completely change the look of CFP, Middle Gully and Front Street. It is appropriate for the Board in considering the "neighborhood" impact to include Front Street, Broadway and Middle Gully, as well as CFP. The structure's windows and large dormer on the west side immediately against Middle Gully will dominate the gully, closing it in and creating a

tunnel effect, and eliminating views from Front Street over CFP rooftops to the Atlantic admired by so many. This profoundly vertical house given its location will be substantially detrimental to the interests of the neighborhood and to the inhabitants of the village.

We agree with Jeff Gardner, the owner of 9 Broadway/9 Front Street, that the Blackwell & Associates diagram submitted to the HDC and the ZBA do not paint the true picture of these impacts—and even those depicted in the Blackwell diagrams are quite significant. The land at 11 Front Street selected for comparison in the Blackwell HDC and ZBA diagrams is higher than the land at 7 and 9 Front street and the finished ground elevation at 8 Bank used by Blackwell (17 feet 7 inches) is for the lowest part of that lot. According to the topographical map submitted by Angus MacLeod to the HDC, parts of the lot are several feet higher than this.

We saw the height poles that were ordered by the HDC last spring and we and our neighbors were shocked by the structure's proposed height above the bank. We visually estimated then that the roof line would overtop the bank by six feet, or about three feet over the existing fence at 9 Front Street. Two photographs showing the height poles are attached to this email as the 3rd and 4th attachments (in the 4th attachment the pole is to the right of our house). The height was subsequently dropped by only one foot, from 21 to 20 feet, despite the requests of many inhabitants and abutters for a lower structure. The Gardners' analysis of the Blackwell diagram submitted to the HDC several days after the September 7th meeting, puts the structure's height overtopping the bank by between 5 feet and 7.5 feet. We think a site visit would be beneficial to the Board.

While the applicants provided the heights of other houses in CFP, these are not really relevant since *none* of those houses is right up against the bank. The proposed structure's doubled height's impact is compounded by the elevated site grade at the base of the coastal bank and its near perspective in relation to the bank. If permitted, this will set a terrible precedent for building houses up against the bank and taller than it. There are no such houses today.

Because the structure is located directly against the coastal bank and Middle Gully this is an environmentally sensitive and difficult site on which to build. Increasing the ground cover ratio and eliminating most of the front yard with an 8x10 patio (built over the septic system in the front yard) will increase stormwater runoff from the site. Site runoff will discharge down Beach Street to the intersection with Codfish Park Road, where flooding during rain events is already routine and worsening. Codfish Park Road is the only car access to CFP and this flooding, which will increase further with climate change and its more intense precipitation, is a hazard causing both damage to the roadway and public safety concerns.

One challenge the community now faces is how town departments, boards and commissions will work together to create and maintain resiliency to climate change. Here, in the rezoning of CFP to Siasconset Old Historic (SOH), an unintended consequence is that houses in CFP are apparently able to increase their ground cover ratio and to decrease setbacks (*i.e.*, zero front yard setback) in the SOH. The resulting increase in impervious surfaces prevents infiltration and the deep basements now trending in CFP compound this. This is the very opposite of creating environmental resilience to climate change.

In sum, this structure's proposed height this close to the bank is inappropriate and will be substantially more detrimental than the existing nonconforming structure to the neighborhood. As the Civic Association said in its September 2nd letter to the HDC: "The preservation of the scale of the houses and streetscape are essential to keeping the character of Codfish Park intact. . a higher structure in this specific location would disturb the balance and rhythm of architecture in this historic neighborhood."

We ask that you deny the special permit. Thank you in advance for consideration of our comments.

Sincerely,
Margaret Van Deusen, Anne Reilly, and Isabel Landzert
7 Front Street





Siasconset Civic Association

P.O. Box 360
Siasconset, MA 02564

August 1, 2021

Via E-Mail

Nantucket Historic District Commission
2 Fairgrounds Road
Nantucket, MA 02554

Re: 8 Bank Street, Siasconset

Dear Commissioners,

On behalf of the Board of the Siasconset Civic Association, I am writing to express our concerns about the plans that have been submitted for **8 Bank Street** in 'Sconset, as revised July 22, 2021.

With all due respect to the property owner and the architect, we believe the proposed renovation -- even with the recent revision (lowering of the roofline by one foot) -- is inappropriate given the unique location of this home and its historical importance. In short, we believe allowing the current structure to be altered to a 20 ft height, while digging a new basement with a 9 foot ceiling height, would be wholly inconsistent with the HDC's mission to preserve and protect historic buildings and places of historic interest.

We ask the HDC to "consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity" as authorized in Chapter A301-4, Section 9(b), Code of Nantucket.

Historical Importance of 8 Bank Street

The house at 8 Bank Street is an historic building in 'Sconset worth of preserving as it is the only remaining structure in Codfish that used to be a fisherman's shack (built in the 1800s) and then later became a shop serving the community. Indeed, it is one of the few houses in that area of 'Sconset that is consistently featured in publications about its history and uniqueness (see the attached appendix). This historic cottage—appropriately described as "iconic" in a 2019 Cape Cod Times article—should not be allowed to be renovated as extensively as the current owners propose or we will lose yet another important part of 'Sconset's history.

Importance of Middle Gully Road

In addition to considering the historical importance of 8 Bank Street, we urge the HDC to consider the importance of preserving Middle Gully Road as is. Having a house looming over this road—which runs behind and beside this house—would change the character of this historic road, used by many pedestrians to get to Codfish Park and the beach. Moreover, Middle Gully Road is an emergency access route for Codfish Park. An engineer's report on how construction would affect the stability of the bank and the road is essential.

The Iconic View from Front Street

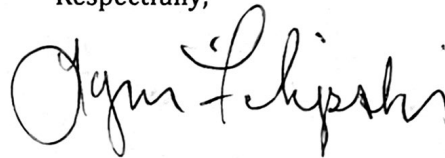
Residents and visitors alike pause on Front Street at the top of Middle Gully Road, or when approaching it, to take in the view of Codfish Park and the ocean. Allowing yet another house to block that view, even partially, would be a real loss. No other house in Codfish Park is located so close to the bank, making the added proposed height more visually impactful. The unique location of the cottage should be enough to warrant preserving its existing height and the iconic view from Front Street.

Preservation of Trees in Codfish Park

We are concerned that the large, unique tree that stands just behind the existing structure on 8 Bank Street would be damaged. If a second story is allowed to be added to this house, as proposed, it would endanger the health of the tree and possibly necessitate extensive pruning. There are very few trees in Codfish Park, making the preservation of this one particularly important. This tree may very well be helping to hold up the bank.

For all these reasons, the Board of the Seasoned Civic Association urges the HDC to deny the pending application for the proposed renovation at 8 Bank Street. While the historic structure at this location has obviously been renovated over time, we think the renovation being currently proposed is simply excessive and inappropriate.

Respectfully,

A handwritten signature in black ink, appearing to read "Lynn Filipski". The signature is fluid and cursive, with the first name "Lynn" being more prominent and the last name "Filipski" following in a similar style.

Lynn Filipski
President, Siasconset Civic Association

cc. Sconset Advisory Board (via e-mail)

APPENDIX

Letter to the Historic District Commission dated July 31, 2021

The book *Images of America: 'Sconset*, by Rob Benchley and Richard Trust (published in 2020 by Arcadia Publishing), features 8 Bank Street on p. 61 (top):

Many shacks built in the 1800s and before were repurposed in later years. These unidentified men appear to be offering something from this converted shack. Possibly fried "chitterlings, tongues, and breeches," which were savored fare in those days, being the leftover parts of the codfish that were not shipped off-island. This shack became an ice-cream and hot dog stand in the 1920s and is a private home today.



On the beach at Codfish Park, would-be swimmers took in the sought-after soothings that were promoted by advertisers of 'Sconset and its charms. There is no sandbar to speak of at 'Sconset Beach, as strong tidal currents wash the shore hourly in potentially dangerous regularity. Early accounts of swimming here mention safety ropes that were strung at right angles to the shore. (Photograph by Gertrude Darling Benchley, courtesy of Rob Benchley.)

61

The **Nantucket Preservation Trust** similarly thought 8 Bank Street was important enough to include a photo of it in a July 2020 article about Codfish Park, <https://www.nantucketpreservation.org/codfish-park-and-10-beach-street-7976>. The photo included (below, c.1920) shows the sign when it was one of the few shops in Codfish Park.



*8 Bank Street, today "Tour's End," started out as a hot dog stand. c. 1920
(NHA image.)*

On the **Nantucket Historical Association's** webpage about Codfish Park (<https://www.nha.org/digitalexhibits/sconset02564/timeline/codfishpark.html>), a photo of this home is the only one featuring a specific house (bottom photo) and its particular history is highlighted (last paragraph):



◆ SCONSET HOME ◆ BACK TO TIMELINE ◆
◆ TO 1820 ◆ 1820-1870 ◆ 1870-1900 ◆ 1900-WWI ◆ WWI-WWII ◆ WWII-PRESENT ◆

Codfish Park

One of the most interesting facts about Codfish Park is that it did not physically exist until the late nineteenth century. Prior to that time, the beach below the village was narrow; in fact, a devastating storm in 1841 undercut the bank and caused several houses to fall and others to be moved because of their precarious position. Over the succeeding decades the beach accreted naturally, becoming a site for fishing shacks and boat storage for the cod fishermen.

The land below the bank belonged to Henry Coffin, who deeded it to the Proprietors of Nantucket in 1886, when it was just a narrow strip. Coffin intended for the beach to be used by the inhabitants of the island; one of the stipulations of his deed was that "no building or other obstruction of any kind be erected or maintained on the premises, except bath houses, to be used as such." In less than three decades, however, the beach tripled in width and became the site of numerous buildings. It was during this period that the fisherman left their mark on Codfish Park, erecting ramshackle clusters of cottages and shacks often surrounded by fishing drays, drying racks, and whale-oil barrels to catch rainwater.

Toward the turn of the century, Codfish Park formed a picturesque backdrop for visiting tourists, and for the photographers and artists who captured images of its antiquated structures in their works. A report in the *Inquirer and Mirror* in 1921 described the evolution of the neighborhood from this "derelict" period of shacks and shanties into homes:

Gradually they have taken up locations, and all during the past thirty years, the widening of the beach having created building sites, 'which have been pre-empted, fish-house giving place to shanty, and shanty to more pretentious dwelling and bathing house, until the fish-house is almost a memory only.

In the early twentieth century, Codfish Park acquired a unique character as home to many of the working families of 'Sconset, who frequently served as domestic staff for families in the large houses "up bank," or offered other services such as laundry and baby-sitting help. Others operated businesses of their own in the village. This fascinating and exceptional community was racially and ethnically mixed, with families of African-American, Cape Verdean, Irish, and many other backgrounds living side-by-side. Some had stores in Codfish Park itself—many people, for example, fondly remember Mrs. Amos (Linda) Arey, who sold freshly baked pies, sweets, hot dogs, and candy from her small store by the gully. Other businesses included John Thomas's fish market, John Salvas's barber shop, Lily (Mauldin) Mackie's beauty parlor, and Venture-Inn selling bathing suits and other beach gear. Living Codfish Park residents recall a cordial, sometimes friendly, sometimes complex, relationship with the children from above bank. Codfish Park was a community unto itself, but one with strong ties to 'Sconset village, whether through the relationship of work; through gatherings, movies, and shows at the Casino; or through the regular bustle and interchange of village life.



Codfish Park, 1880s
F3259



Small shop in Codfish Park.
Sign on front: Mrs. Amos Arey Prop. Home
Cooking Hot Dogs Soft Drinks & Candy
c. 1920s
Scan gift of Grace Yates.
SC665-39

◆ NHA ◆ NHA DIGITAL EXHIBITS ◆

Siasconset Civic Association

P.O. Box 360
Siasconset, MA 02564

September 2, 2021

Via E-Mail

Nantucket Historic District Commission
2 Fairgrounds Road
Nantucket, MA 02554

Re: 8 Bank Street, Siasconset

Dear Commissioners

On behalf of the Board of the Siasconset Civic Association, I am writing again to express our concerns about the revised plans for 8 Bank Street.

Despite recommendations for a lower roofline at the HDC meeting on August 17, the proposed structure is still 20 ft high. This is roughly 2-3 feet higher than 15 Beach Street, the new house being built nearby that is much taller than the houses around it. Additionally, the structure would be five feet higher than Front Street – the first and only structure in Codfish Park that would be higher than that iconic street -- and loom over Middle Gully Road.

Historically, the structure at 8 Bank Street has always been one story. That scale is in keeping with the original fishing shacks that once predominated Codfish Park. Because of the property's location on a higher point of land than other houses in Codfish Park, the proposed two-story structure would be the highest roofline in the entire neighborhood.

The most outstanding feature of this part of 'Sconset is the continuity of architectural elements where no building diminishes another. The preservation of the scale of the houses and streetscape are essential to keeping the character of Codfish Park intact. We do not consider the proposed height in keeping with the physical location nor the neighborhood.

The Board of the Siasconset Civic Association continues to urge the HDC to deny the pending application for the proposed renovation at 8 Bank Street on the ground that a higher structure in this specific location would disturb the balance and rhythm of architecture in this historic neighborhood.

Respectfully,



Lynn Filipski
President, Siasconset Civic Association

cc. Sconset Advisory Board (via e-mail)

Dear Members of the Nantucket Zoning Board of Appeals,

Please see the attached comments and exhibits regarding the Special Permit request submitted by Kristina and Nicholas Amendolare (File No. 37-21) for making additions and renovations to the structure located at 8 Bank Street, 'Sconset. We respectfully request this application be withdrawn from the December 9, 2021 agenda and held for consideration until a detailed legal review of the circumstances related to the submission is completed.

At the 9/7/2021 Regular Meeting of the HDC, a motion to approve the plans as submitted did not carry; the vote resulted in a tie and failed. Another motion to hold for revisions of the plans followed; this vote passed unanimously. However, it doesn't appear that any further action was taken on the item. Apparently, revisions were not submitted after the 9/7 meeting and were not subsequently approved to move forward. This is contrary to what was submitted by the Amendolare's in their ZBA application. Is this intentional or an error?

The complete video recording of the 9/7/2021 HDC meeting can be viewed on YouTube.com at <https://www.youtube.com/watch?v=JcrD0j8PXdY>. Discussion on this item is featured at approximately 2:51:00. A digest transcription of the discussion related to a vote on this item appears below:

Abby Camp: I'm going to abstain.

Dian Coombs: O.K. And, Carrie?

Carrie Thornewill: Aye.

Diane Coombs: ...and Johnny is an 'Aye,' and, uh, I am an abstention, also. So, at the moment, it... it fails...

At approx. 2:51:55

Holly Backus: Madame Chair, it dies for it being a tie. You'd have to make another motion.

Diane Coombs: O.K. I'll make another motion. Uh, who would like to make another motion?

Carrie Thornewill: Motion to hold for revisions, I suppose.

Diane Coombs: Alright...

At approx. 2:55:08

Diane Coombs: ...we have a motion for revisions.

Holly Backus: Madame Chair, you have a motion on the Floor for revisions...

Diane Coombs: Carrie made the motion. Abby?

Abby Camp: Aye.

Diane Coombs: John?

John McLaughlin: Yes.

Diane Coombs: And, I'm a 'yes', too. So, you have four votes for revision. And that's it. Thank you.

The structure proposed for the site has resulted in a groundswell of negative response from owners of abutting properties and the surrounding neighborhood, including the Siasconset Civic Association. Numerous letters and emails, some of which are attached, have been sent to the HDC commissioners in opposition to the plans submitted by the project's architect, Angus MacLeod.

While Mr. MacLeod's design is visually pleasing from street level, it is the height (addition of a second floor) and depth (dugout basement) that is causing such outcry from 'Sconseters. I direct your attention to the attached document highlighting the inconsistencies and inaccuracies contained in the topographic section drawing submitted by Jeff Blackwell & Associates and Angus MacLeod. Additionally, please see the other attached comments and photos for a better explanation of our concerns.

Again, we respectfully request this application be withdrawn from the December 9, 2021 agenda and held for consideration until a detailed legal review of the circumstances related to the submission is completed.

Respectfully,

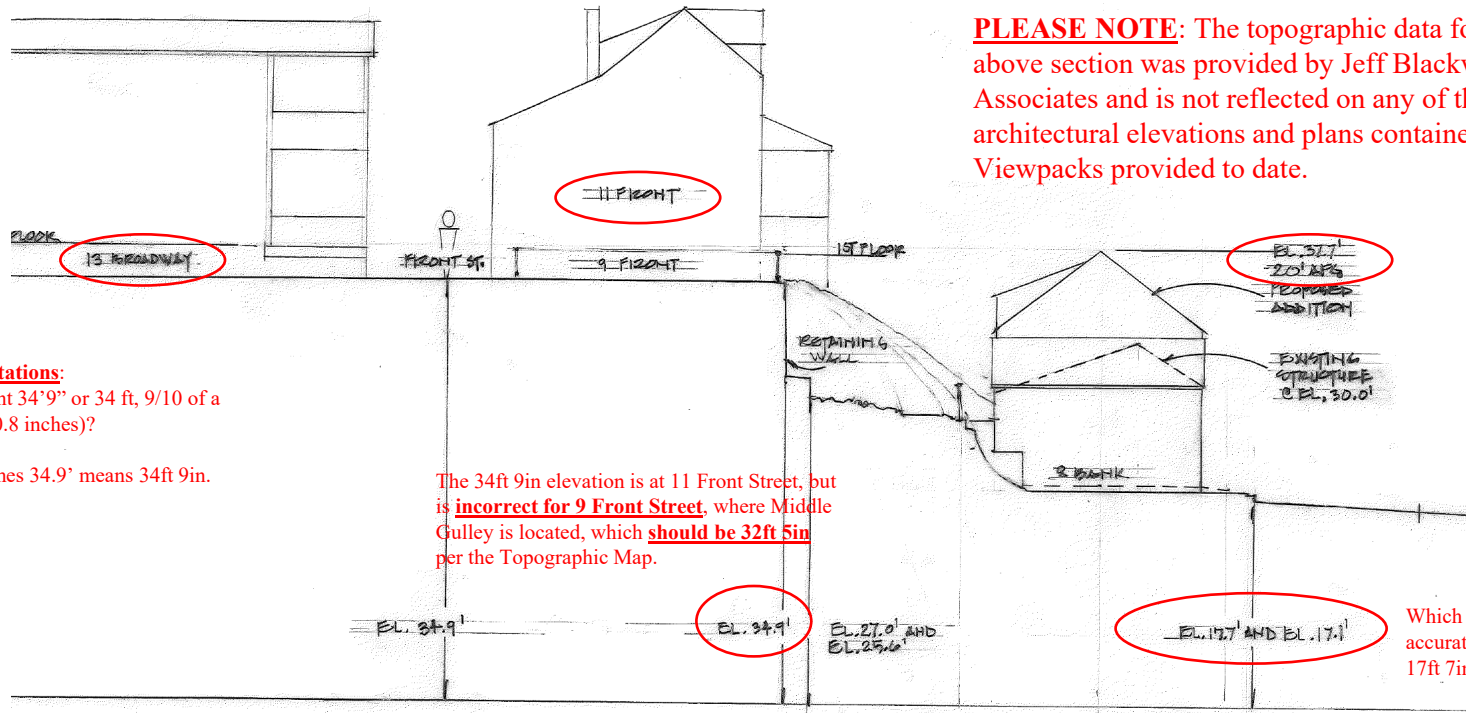
Jeff and Ann Gardner

9 Broadway/9 Front Street, 'Sconset.

Key Takeaways From the 9/7/21 HDC Meeting

- The Topographic Section provided by Jeff Blackwell & Associates as subcontractor for Angus MacLeod Designs uses the bank height at 11 Front Street & 13 Broadway, which is 2-3 ft higher than the bank at 9 Front Street and the Middle Gully.
- Jeff Blackwell & Associates shows the finished grade (i.e. the topographic elevation of 8 Bank Street after construction completion) of 8 Bank Street at 17 ft 7in, however, the Topographic Map provided by Angus MacLeod Designs in the 8/30/21 Viewpack shows a range of elevations shown within the footprint of 8 Bank Street, from 17-20 ft.
- **Best case roof height:** 5.2 ft above the bank at 9 Front Street/Middle Gulley.
- **Worst case roof height:** 7.5 ft above the bank at 9 Front Street/Middle Gulley.

Topographic Section – 9/7/21 Viewpack



Elevations do not align with Topographic Map provided in the 8/30/21 Viewpack shown in the following slide.

- What sources are used in each?
- Is 8 Bank at the 17ft 1in or 17ft 7in finished grade elevation? Finished grade: the topographic elevation after construction completion.
- Front Street elevation is 9in higher on the Topographic Section than the Topographic Map.
- The Topographic Section uses the bank height at 11 Front Street & 13 Broadway, which is 2 ft higher than the bank at 9 Front Street and the Middle Gully.

Topographic Map – 8/30/21 Viewpack



Circles reflect the different elevations contained within the footprint of 8 Bank Street and the bank edge at 9 Front Street

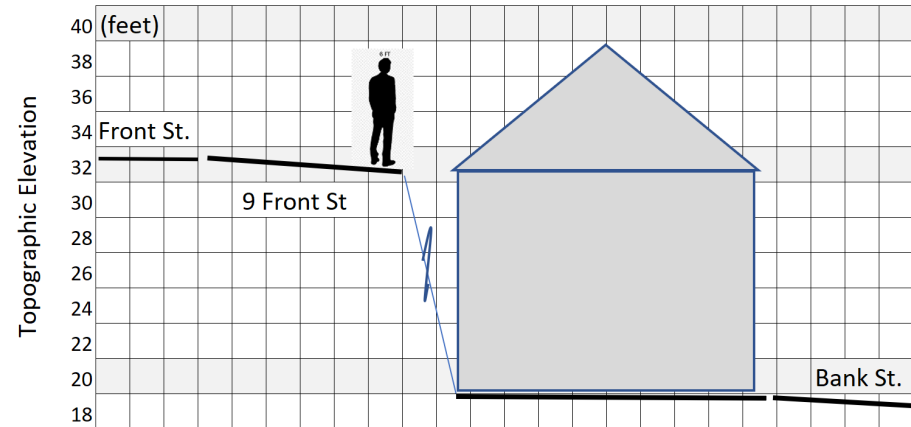
Topographic Section should be cut as shown above, instead of through 13 Broadway/11 Front Street:

- Bank elevation at 11 Front Street: 35 ft
- Bank elevation at 9 Front Street: 32.5 ft

Variances: Topographic Section v. Topographic Map

The **Topographic Section** on Slide 2 shows the 8 Bank Street finished grade elevation as either 17.1ft or 17.7ft. If 17.7ft is correct, then the roof height will be 37.7 ft, or 5.2 ft above the bank edge.

The **Topographic Map** on Slide 3 shows finished grade elevation as between 17ft - 20ft within the footprint of 8 Bank Street. If the 20ft roof height is used, then the roof height will be 40ft above finished grade, and thus 7.5ft above the bank edge height.



Comparison: Topographic Section v Map

Heights per Topographic Section (ft)		Heights per Topographic Map (ft)	
8 Bank finished grade elev.	17.7	8 Bank finished grade elev.	20.0
8 Bank roof height	20.0	8 Bank roof height	20.0
Total roof height/elevation	37.7	Total roof height/elevation	40.0
Cliff edge elevation @ Mid-Gully	32.5	Cliff edge elevation @ Mid-Gully	32.5
Roof height above cliff edge	5.2	Roof height above cliff edge	7.5



9/1/2021

Dear Members of the Historic District Commission,

I submit the attached comments as follow-up to my previous submissions regarding the proposed demolition and new construction of a building located at 8 Bank Street, Sconset.

A review of the drawings submitted by the architect in response to the HDC's requests for a reduction in height indicates that he did not fully understand the request, or he is ignoring it altogether. This issue has been discussed by the commission several times now; the height is little changed.

I join the growing list of Sconset residents and property owners in voicing our concerns regarding the height of the roofline and potential destabilization of the bank supporting Middle Gully and Front Street above. The proposed roofline is simply too tall and will have a very negative impact on the viewscape along Front Street; one of only two areas still open to the east. Additionally, the digging of a basement so close to the bank could compromise the stability of the building foundations above.

I repeat my previous request that the basement dig and removal of the large Maple tree be reviewed by a structural engineer, and the costs quantified by a general contractor with relevant experience BEFORE approval from the HDC is granted. The structural and financial risks impact the preservation of historic Front Street and Middle Gully. Shoring up a hillside involves setting anchors to a retaining wall deep into the hillside. There is additional risk in that. We request a guaranty from the owner before starting construction that if the bank is compromised, they will pay for ALL costs to stabilize it and rebuild the retaining wall(s) if necessary. Funds should be set aside for this purpose in a reserve account controlled by the Town of Nantucket, to be returned if unused.

Please see the diagram below for an explanation of how the height of the structure will impact the neighborhood along Front Street. The numbers along the y-axis represent the approximate height above sea-level as labeled on the GIS map included in the Viewpack. Additionally, I have included 'before and after' photographs illustrating the mass of the proposed structure when viewed from a standing position on Front Street.

The renderings included in the Viewpack provide us with images of how the structure will appear from street level below, on Bank Street. For some reason, the architect has not included a rendering of how the building will appear when viewed from ABOVE, on Front Street – a view of the structure that will certainly be seen by hundreds, if not thousands more visitors to the neighborhood. The architect should provide the Commission with a rendering of this view, as well.

I ask the HDC to require revisions of the previously submitted plans/design; revisions to include 1) a reduction in height, lowering the roofline of the proposed structure to no higher than street level at Front Street - 33 feet according to the GIS topographic map; 2) structural engineering design of the temporary and permanent retaining walls necessary for the basement addition and corresponding budget estimate; and 3) any other changes that would contribute to the protection and preservation of this historic district.

Sincerely,

Jeff & Ann Gardner
9 Broadway/9 Front Street, Sconset

September 9, 2021

Dear Members of the Historic District Commission,

As a follow-up to my comments submitted 9/1/21 regarding the proposed construction of a building located at 8 Bank Street, Sconset, please see the digest of comments previously submitted to the HDC by other concerned residents for your consideration.

As you see, the voices in opposition are no 'vocal minority' as was characterized by the architect during the meeting Tuesday, Sept. 7. They are in fact many.

Additionally, please see the attached height analysis which concludes that the roof height at Middle Gully/9 Front Street is between and 5'2" and 7'5" above the bank rather than the 3'2" presented in the topographic section provided by Jeff Blackwell and Assoc., subcontractor to Angus Macleod Designs. The Blackwell drawings are NOT accurate.

Thank you for your consideration and review of the attached information.

Jeff & Ann Gardner
9 Broadway/9 Front Street

=====

Comments in Opposition

Helen Strong - 18 Broadway

"Joining other neighbors, I also wanted to reiterate my strong opposition to this project... I am writing again to object to the proposed construction at 8 Bank St. in Codfish Park."

Robin Gorham - 9 King Street

"The proposed structure would be too high and would impact the houses around it and the historic district."

Emily Maletta - 15 Broadway

"I am writing as a concerned neighbor to object to the work that will be soon done to the historic building now found at 8 Bank Street in Codfish Park, Sconset..."

Rena Crisp – 10 Clifton St.

"I am strongly opposed to this transformation from a small "cottage" (a.k.a. one-room fishing shack/ice cream stand) to a two-story house which would impact the entire character of this treasured part of the village..."

Pamela Suan - 2 Broadway

"The proposed structure changes the character, blocks historic views, and is not in keeping with the character of the area. I hope the HDC will not allow this to be changed..."

Mary Williams - 7 Broadway, 10 Broadway, 3 Magnolia, 11 Pochick

"I feel if the Nantucket boards let a person show up on this historic scene and ignore the restraints we and so many others have upheld to maintain this historic area would be a shame... It appears to me as though this is a selfish wish of an applicant who just wants to be here in this little village and benefit from these historic settings enough to squat and expand both up and down, into and above this ground without any regard or respect for this fragile area."

Eric & Beatriz Olson - 7 Sconset Ave.

"We oppose the modifications to the 8 Bank Street home, both for how the elevated second floor will block views ... as well as how the basement installation may affect the stability of the bank."

Janet Ballou - 21 Front Street

"I would like to add my support to my neighbors in Sconset village who have voiced concern and opposition to the proposed construction at 8 Bank Street... The argument that it is in keeping with roof heights of other constructed buildings in Codfish Park is a nonsensical one; past mistakes should not justify future endeavors... I sincerely hope your commission will rule to reject such an inappropriately large piece of architecture at the base of Middle Gully Road."

Ann Riley - 7 Front Street

"We ask the HDC to limit the height of the building so that the roof line does not exceed the top of the bank."

Lynn Filipski - Sconset Civic Assoc.

"We do not consider the proposed height in keeping with the physical location nor the neighborhood... The Board of the Siasconset Civic Association continues to urge the HDC to deny the pending application for the proposed renovation at 8 Bank Street on the ground that a higher structure in this specific location would disturb the balance and rhythm of architecture in this historic neighborhood."

Peter and Kitty Goldsmith - 3 Broadway

"Middle Gully is a road... for emergency exit. Has everyone forgotten the storm that took some Codfish Park houses out to sea?! Could happen again!! As we mentioned in our earlier email, we are saddened by the loss of "old Sconset." This project is not in keeping with the historic district of core Sconset."

Carol Krogh - 16 Broadway

"I TOTALLY OPPOSE THIS PROJECT... Everything about this project is wrong. It will change Codfish Park/Bank Street and Sconset in ways that will destroy the beauty and integrity of this very special place on the eastern shore of Nantucket. PLEASE DO NOT LET THIS TRAGEDY HAPPEN TO OUR BEAUTIFUL AND VERY SPECIAL VILLAGE."

Annie Carter – 8 Mckinley Ave.

"My opinion of this project is that it is way beyond the scope of the property."

Tim Cashman - 7 Hawks Circle

"I write to you today to voice my support of the Siasconset Civic Association letter in opposition to the submitted renovations of 8 Bank Street... I strongly recommend that these currently submitted plans not be approved."

Samantha Freemont-Smith - 27 Main Street

"As a longtime Sconset summer resident, I would like to voice my opposition to the expansion of 8 Bank Street in Codfish Park... The "McMansioning" of this neighborhood, already in progress with a second story going up is exactly what we should prevent... The HDC's mission is to protect the Historic District. If Codfish Park is not historic, with its role in fishing history on island, then nothing in Nantucket is."

Lisa Camesano - 7 Meetinghouse Lane

"I respectfully oppose the plan to replace the existing one-story house at the foot of the Middle Gully Road with a two-story structure on a sliver of land... an exceptional aspect of 'Sconset will be lost forever if this plan is approved."

Sherry Rodts Kelly - 5 Broadway

"I have lived at #5 Broadway, 'Sconset for 63 years....The proposed house design is lovely, but way too big for the space. Nothing over a 1-story house should be built there, or it would block one of the iconic views of Codfish Park and the ocean from Front Street... If the HDC allows the new design to be built, there might as well not be any controls on building on Nantucket because it is so obviously wrong on so many levels."

George and Ann Hubbs - 20 Broadway

"We are opposed to the approval of this project because... plan is not in keeping with the historic size and massing of the buildings which have been on this lot... this application should be rejected and sent back for more considered thought..."

Kathy Anselmi - 23R Bank Street

"I am opposed to the renovation project cited for the cottage "Tours End" at 8 Bank Street that was in Gail Nickerson Johnson's family for eight generations... The disturbance of one part of the bank threatens the integrity of the entire bank along Bank Street... a two-story dwelling is not in conformity with the surroundings... Middle Gully Road is an access way in an emergency that we all rely upon."

Lisa Soeder - 13 Broadway

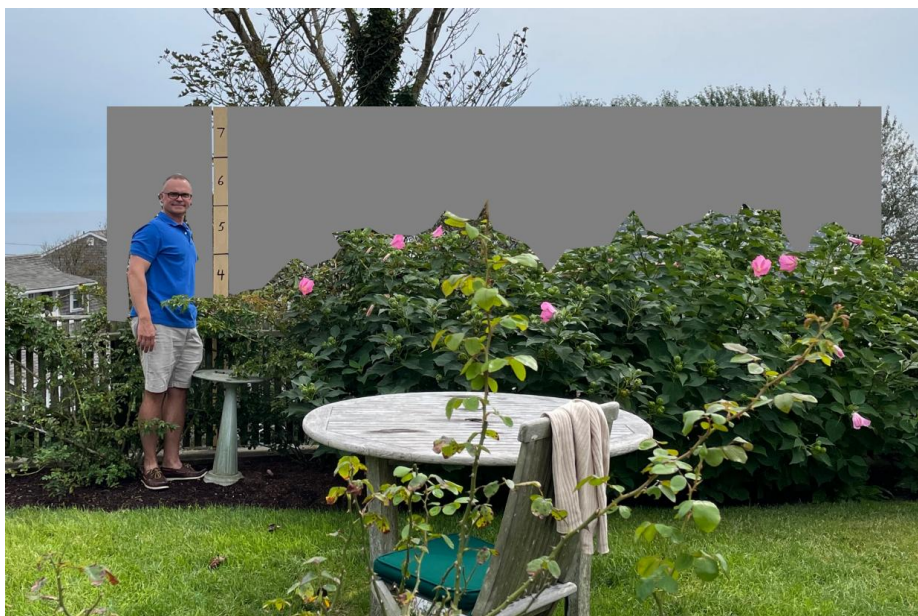
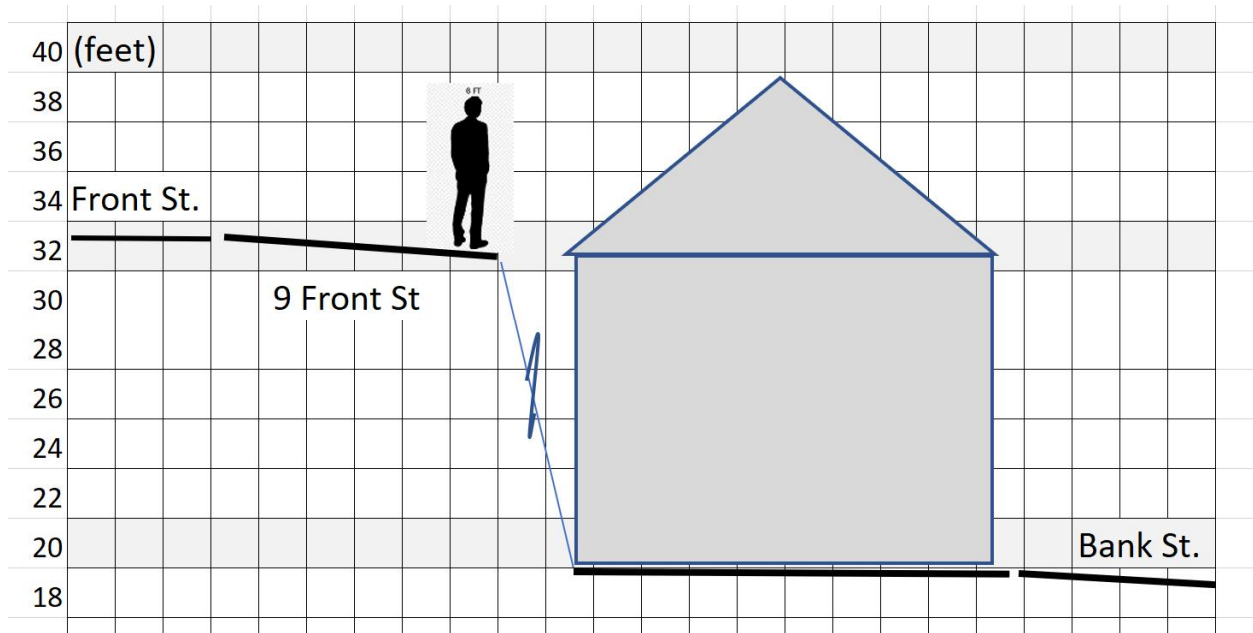
"Both sets of my previously submitted comments reflect my fervent opposition to any renovation that would i) increase the height of 8 Bank Street above the bank or ii) include a basement or foundation or the removal of the existing tree without a report from the appropriate environmental or zoning expert that such a change to the embankment will further endanger the embankment."

Jeff & Ann Gardner - 9 Broadway, 9 Front Street

"I join the growing list of Sconset residents and property owners in voicing our concerns regarding the height of the roofline and potential destabilization of the bank supporting Middle Gully and Front Street above... The proposed roofline is simply too tall and will have a very negative impact on the viewscape along Front Street; one of only two areas open to the east... the digging of a basement so close to the bank could compromise the stability of the building foundations above."

Sam Daniel - 6 Broadway

"8 Bank Street is a tiny cottage on a tiny lot that is right up against the bluff and the Middle Gully wall. I worry that an enlarged cottage with basement will compromise this setting... I like and approve of Angus's revisions, but, again, can't the 21 foot height be lowered a few feet?"



Re: Kristina and Nicholas Amendolare, File No. 37-21

Dear Members of the Board

For the past 34 summers, my family and I have spent time in the summer months in 'Sconset, renting and then, since 1999, owning a house on Front Street in the village. It is a very special place

The proposed construction at 8 Bank St / Middle Gully Rd- is altogether unsuitable to the space- rising as a veritable 'Sconset skyscraper to block the Front St vista and compromise the scale in that part - indeed most areas- of the village. Additionally, It will pose a threat to the stability of the bank there.

I have written a letter (email dated August 3, 2021)and attended in person two hearings of the HDC this past summer to add my voice to the significant number of villagers who strongly object to this construction.

Please do not approve this project.

Sincerely,

Janet Ballou

21 Front St.

Adam Delaney-Winn

Trustee of Warren's Landing Nominee Trust

File No. 22-21

40 Warren's Landing Rd

APPEAL



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

OFFICE USE ONLY

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

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:

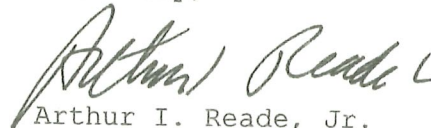
I have obtained from the Conservation Commission a copy of the letter sent to you by members of the Buttrick family, dated August 25, 2021, requesting action regarding the driveway access to 40 Warren's Landing Road from the right of way known as Blue Heron Way. I represent Warren's Landing Nominee Trust,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

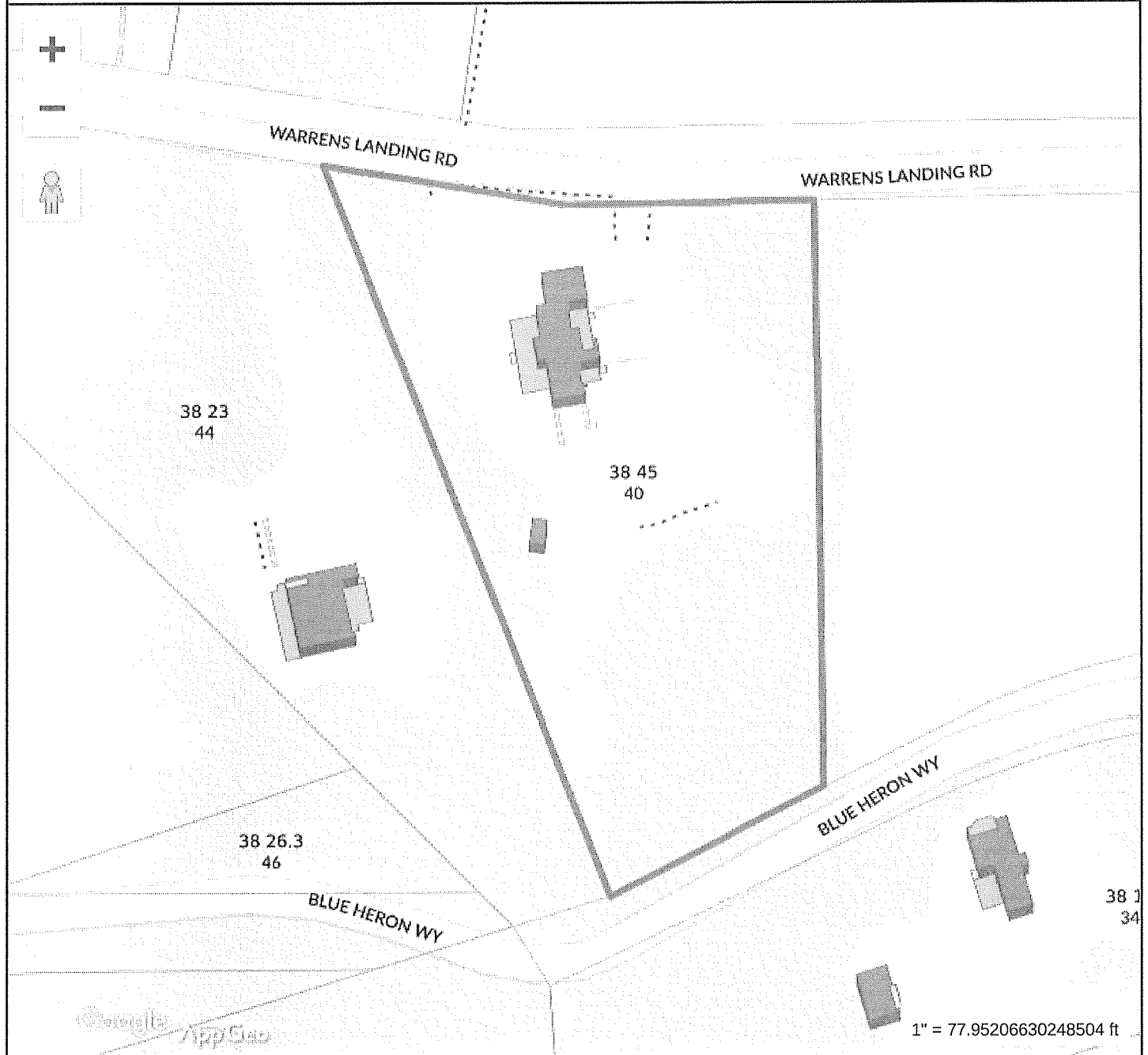
MALLOY JOHN M TR ETAL
MALLOY JOHN M TRUST AGREEMENT
PO BOX 176
NANTUCKET, MA 02554

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

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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.

Abutters Listing

MBLU	Lot	Lot Cnt	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 FOUND		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 FOUND		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 FOUND		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	MIN	55391	47 WARRENS LANDING RD
38	55		COHEN STEVEN L TR		PO BOX 786	NANTUCKET	MA	02554	49 WARRENS LANDING RD
Count:		15							



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COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

Letters

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

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

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

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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

Aerial Photo, 1998

PARCELS

Massachusetts DCR, Natural Heritage and Endangered Species Program

Materials Submitted by the Appellee



Planning and Land Use Services

October 1, 2021

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

Dear Board Members,

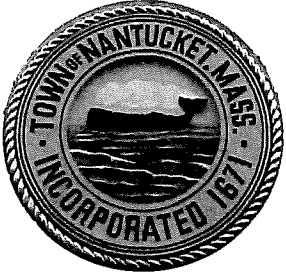
On October 16, 2019, a Violation Notice was issued to the owner(s) [Owner] of 40 Warren's Landing Rd. (Map# 38, Parcel# 45) pertaining to use of a secondary driveway access without the required Planning Board-issued special permit (Zoning Code §139-20.1B(1)). No appeal was filed within the statutorily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

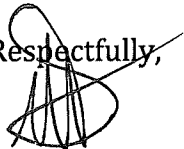
Dear Mr. Perry-Miller,

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



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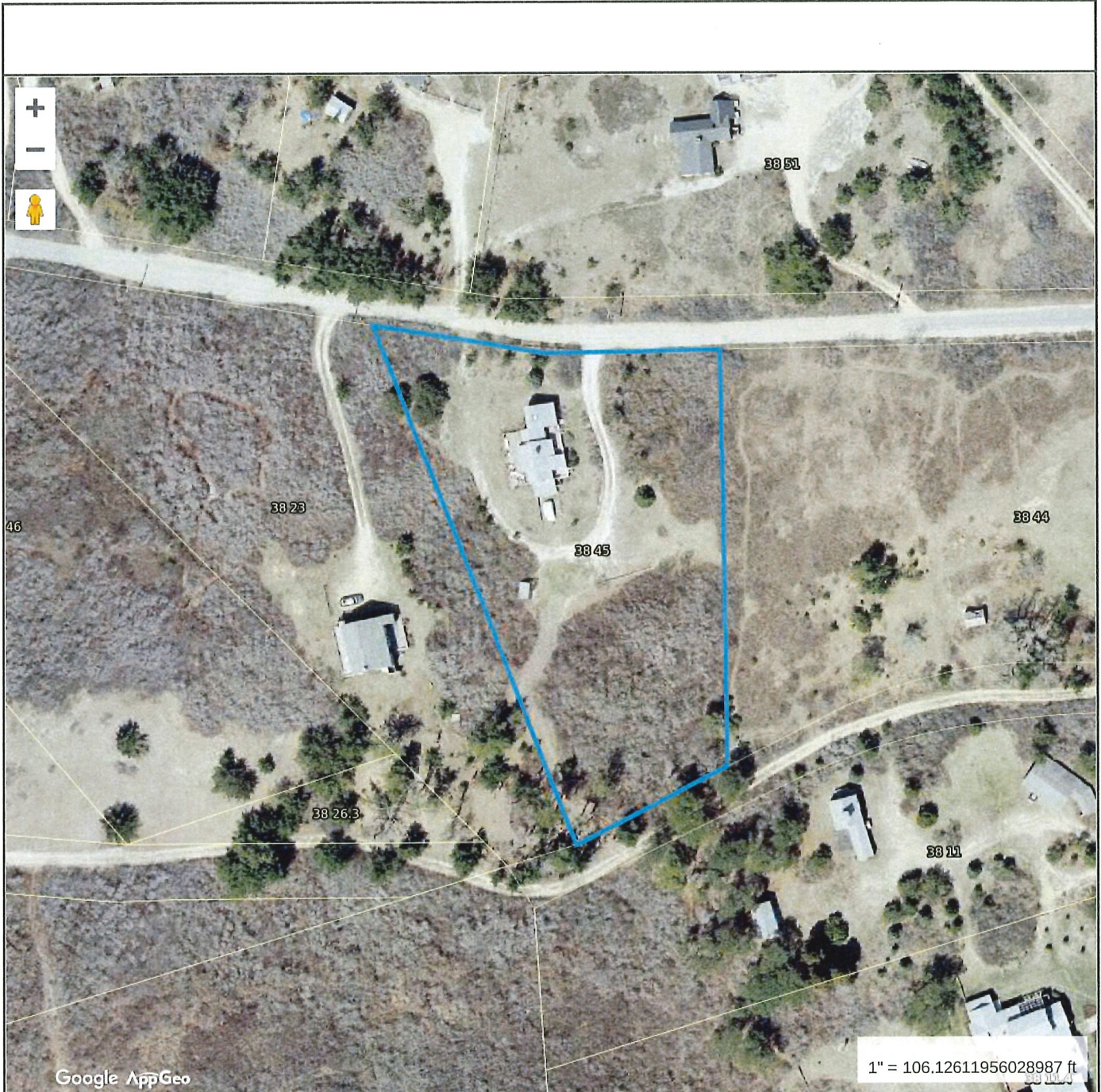
Geometry updated 07/29/2021
 Data updated Jan. 2021

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 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



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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-

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

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

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

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

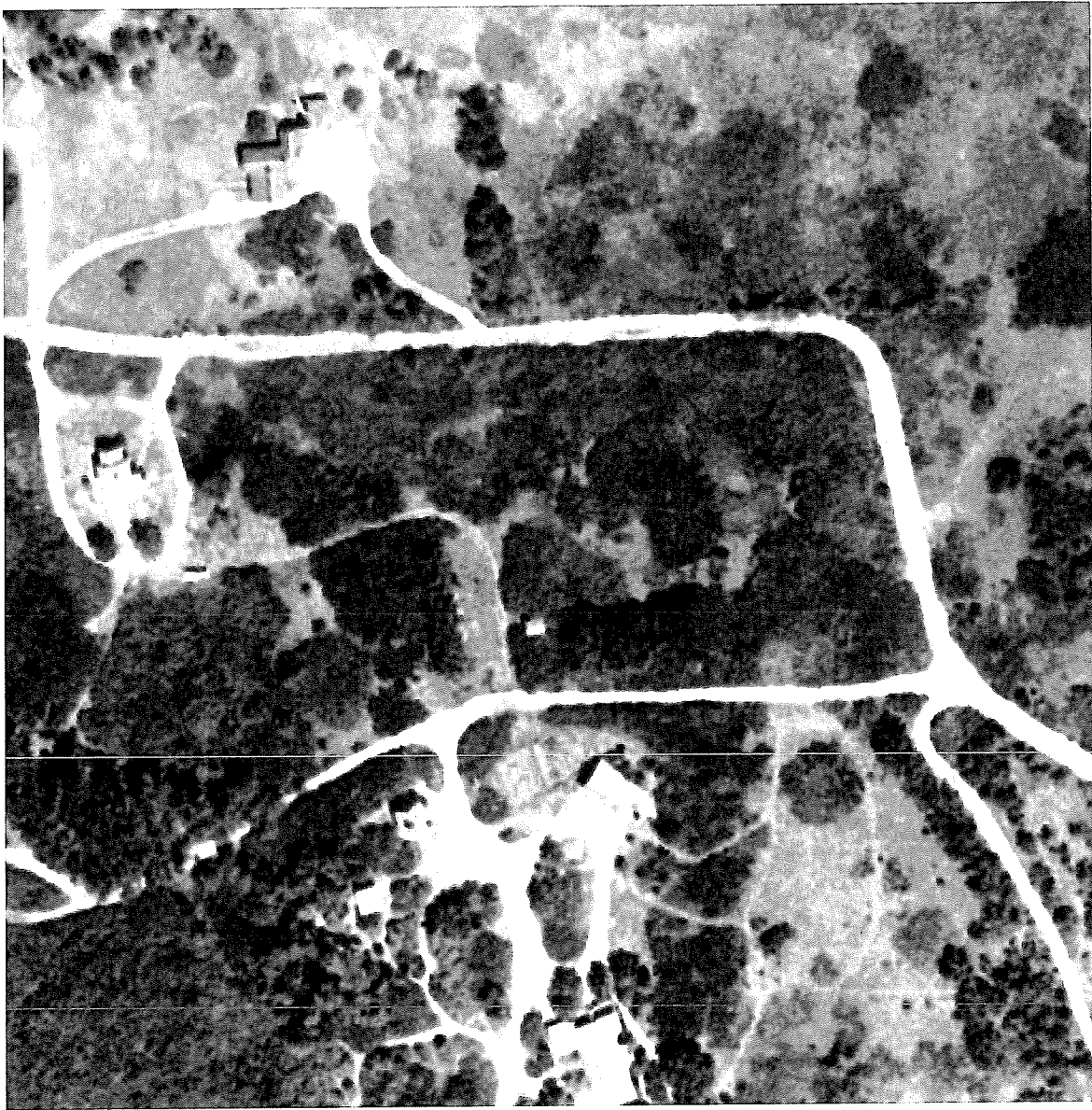
Let me know if you have any questions.

Thanks,

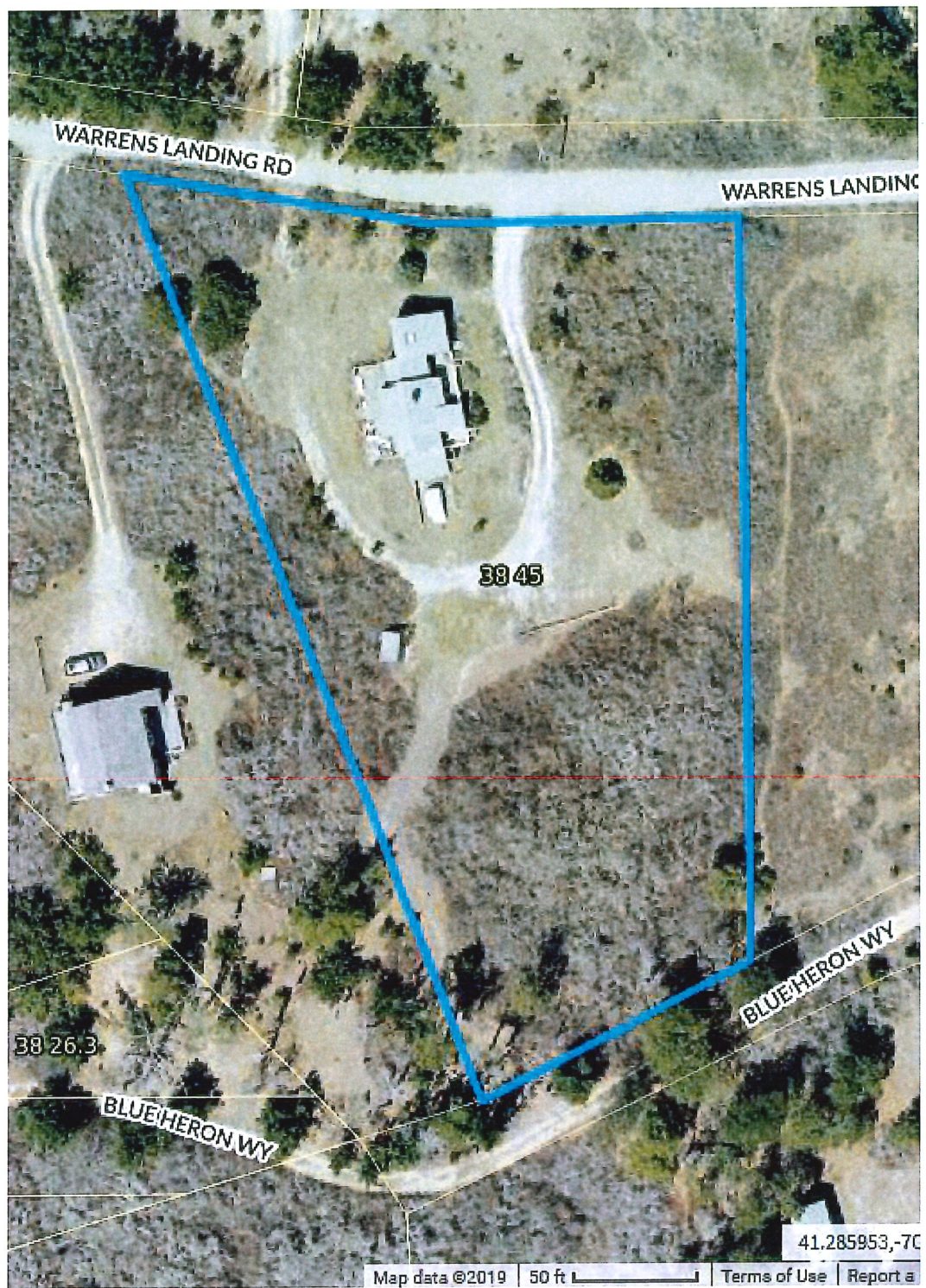
Brian Elworthy
40 Warren's Landing
Nantucket, MA
(978)204-8705

40 Warren's Landing Road – Historic Aerials

1971:



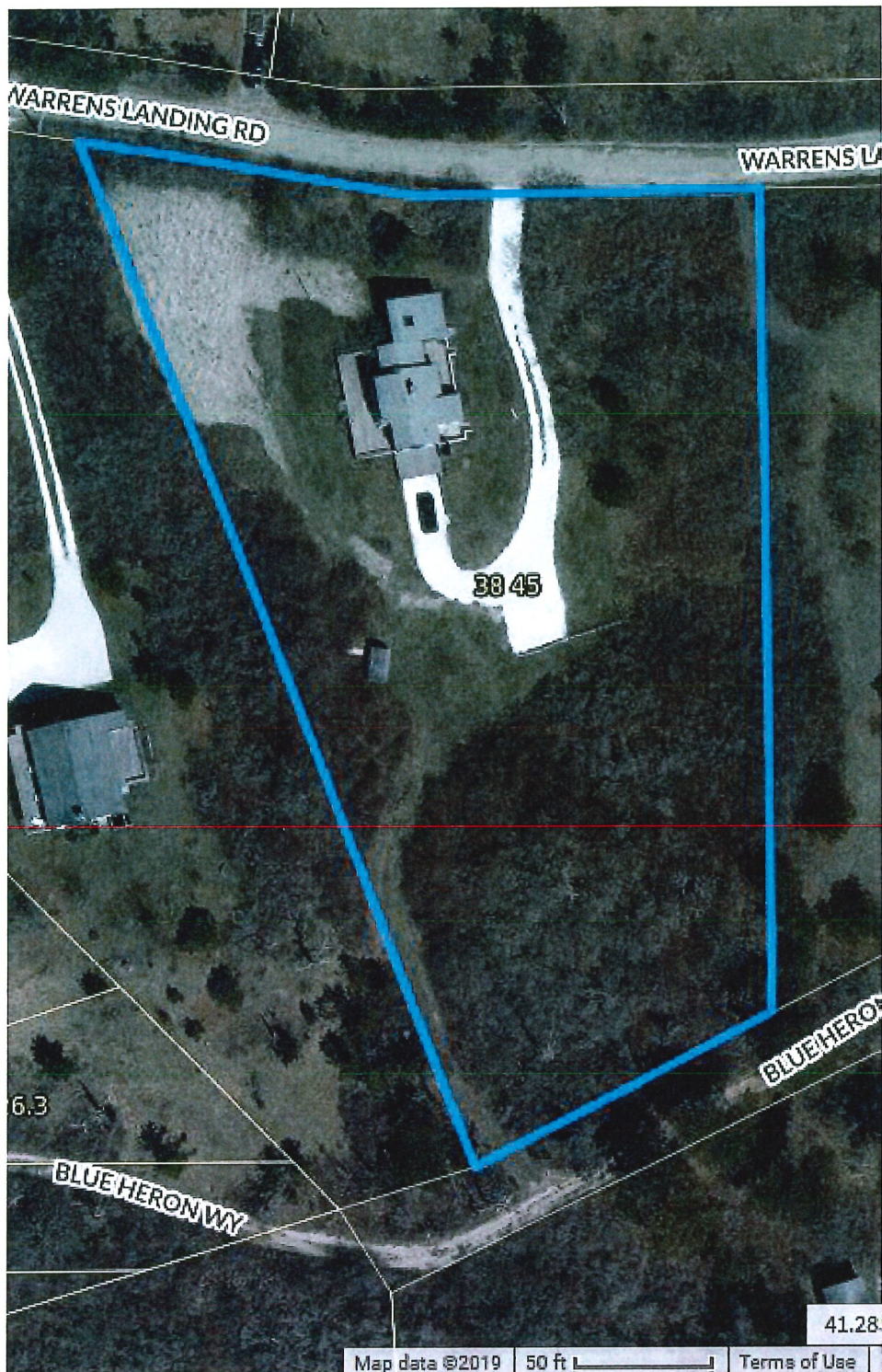
2003:



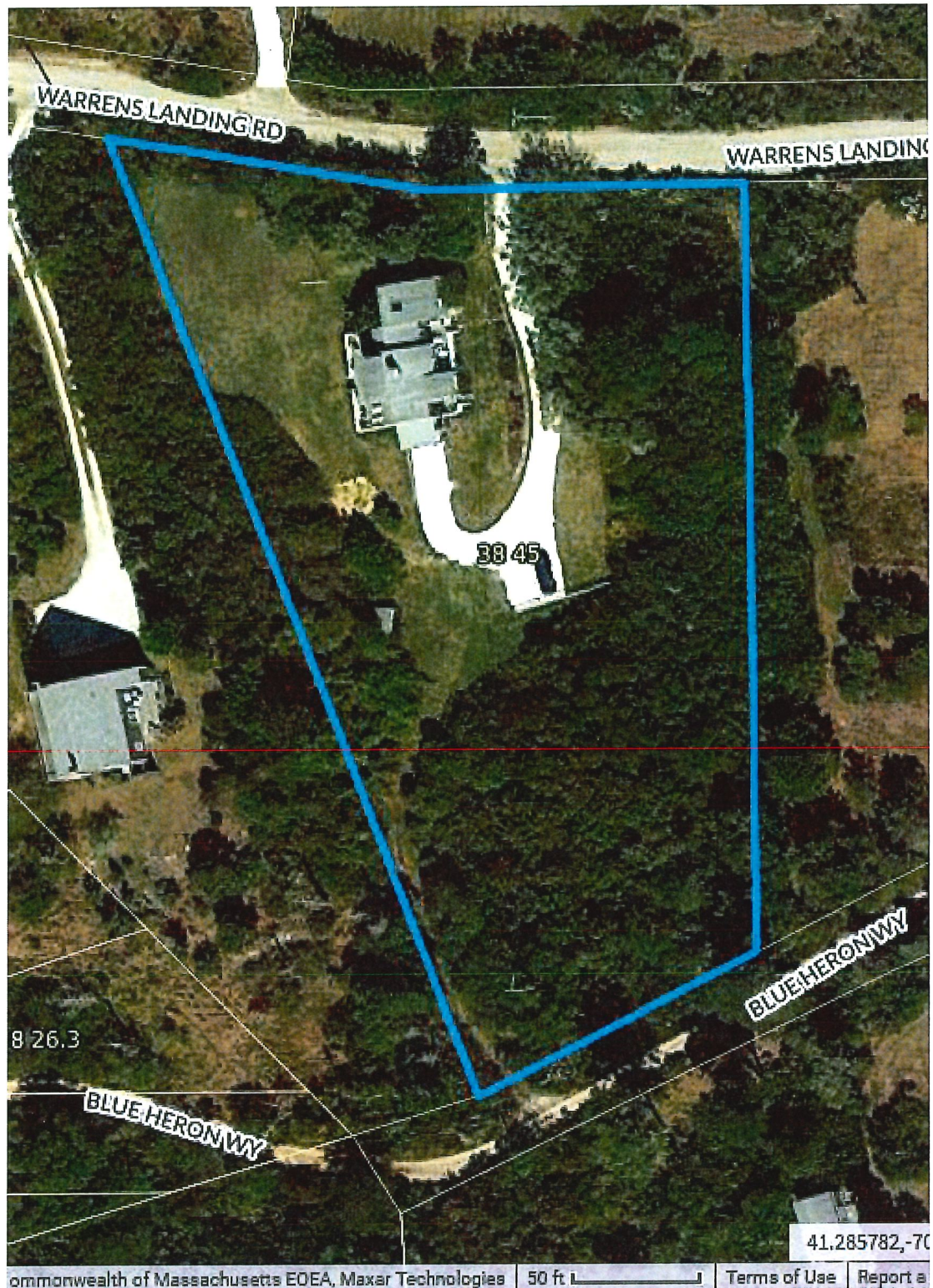
2011:

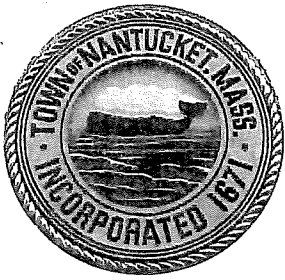


2014:



2018:





Planning and Land Use Services

March 3, 2020

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

File #20-2841

Dear Mr. Delaney-Winn,

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

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

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

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

Respectfully,


Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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	\$



Sent To Warren's Landing NJ
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 [Signature] ☐ Agent ☒ Addressee
B. Received by (Printed Name) VINCE C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

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



Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO.

20-2401

DATE NOTICE WRITTEN
3/1/00

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

A 27232

NAME (Last, First, Initial) William J. ...		OWNER (if different) or PARENT (if minor) ...	
ADDRESS 20 Nantucket St.		ADDRESS ...	
CITY/TOWN Nantucket	STATE MA	CITY/TOWN ...	STATE ...
DATE OF BIRTH ...	RACE/SEX ...	SOCIAL SECURITY NUMBER ...	ZIP ...
DATE OF VIOLATION 3/1/00	LOCATION OF VIOLATION ...	DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE ...	
OFFENSE A. ... B. ...		VIOLATION CODE ...	TIME ... AM ... PM
OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL		IF NON-CRIMINAL TOTAL AMOUNT DUE: \$100.00	
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR		ID NO. ...	BY HAND ☐ BY MAIL ☒
VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE			

WITNESSES:

Marcus Silverstein

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

Brian,

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

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

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

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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

Marcus-

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

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

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

Thanks,

Brian

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

Brian,

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

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

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

Respectfully,

Marcus Silverstein

Zoning Enforcement Officer

Town of Nantucket

From: Brian Elworthy <belworthy@gmail.com>

Sent: Wednesday, July 22, 2020 11:19 AM

To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>

Cc: nantucketproperties@gmail.com; Paul Murphy <pmurphy@nantucket-ma.gov>; Jeff Morash <jmorash@nantucket-ma.gov>;

Jim Barry <jbarry@nantucket-ma.gov>

Subject: Re: 40 Warren's Landing - Aerial Photos

Hi Marcus-

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

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

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

Let me know if you have time for a call.

Thanks,

Brian

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

Brian,

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

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

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

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

Respectfully,

Marcus Silverstein

Zoning Enforcement Officer

Town of Nantucket

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

Marcus-

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

Thanks,

Brian

Thanks,

On Tue, Nov 5, 2019 at 1:33 PM Brian Elworthy <belworthy@gmail.com> wrote:

Thanks for the prompt response, Marcus.

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

Thanks,

Brian Elworthy

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

Brian,

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

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

As such, you are required to either receive the necessary special permit to maintain the secondary access, close said access to

vehicular use, or successfully appeal the October 16, 2019 order.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

-----Original Message-----

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

Hi Marcus-

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

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

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

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

Let me know if you have any questions.

Thanks,

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

--

Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

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Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

This email was scanned by Bitdefender

--
Brian Elworthy

c: 978.204.8705

e: belworthy@gmail.com

This email was scanned by Bitdefender

Marcus Silverstein

From: Sarah Buttrick <sebuttrick@me.com>
Sent: Wednesday, August 25, 2021 3:35 PM
To: Marcus Silverstein
Cc: Jeff Carlson; Sarah Alger
Subject: 40 Warren's Landing Road, hearing on Notice of Intent before the Conservation Commission 8/26/21
Attachments: Marcus Silverstein re 40 Warren's Landing Road rev. 8.25.21.pdf; 40 Warrens Landing Road violation October 16, 2019.pdf; 40 Warrens Landing Road violation March 3, 2020.pdf; NOI_40WarrensLanding_8-5-21.pdf

Dear Mr. Silverstein,

We are advised that our neighbor at 40 Warren's Landing Road has submitted an application to the Nantucket Conservation Commission for consideration tomorrow, August 26, 2021. We would like to voice our concern about one aspect of the proposal.

In the Notice of Intent before the Conservation Commission, there is a reference to an "existing driveway" onto Blue Heron Way (see p. 2 of the Nantucket Engineering & Survey letter under "Work Description"). We are not aware of any Special Permit that was granted for this second driveway, and note that two Notice of Violation letters were issued in late 2019 and early 2020 to the current owner for making a curb cut onto Blue Heron Way. These citations were issued after our uncle and neighbor Daniel Drake reported the violations.

We have lived at 34 Warren's Landing Road for generations, and there was never an active driveway from 40 Warren's Landing Road onto Blue Heron Way. Prior to the current owner, the access to Blue Heron Way that was opened about 20 years ago was used rarely and only as a walkway.

Blue Heron Way is a sand/dirt rutted road that is used as access to the Haffenreffers' property and has been used historically by people walking, jogging and biking. Two years ago, the Planning Board denied the application of a second curb cut to Blue Heron Way by the owner of 44 Warren's Landing Road, in part on the finding of the importance of maintaining the historical character of the 'way'.

The current owner of 40 Warren's Landing Road has been using this access as an illegal driveway regularly this summer. I attach six photographs taken this week, illustrating two instances, showing fresh tire tracks. Multiple cars, and some trucks have been seen using this illegally as a driveway.

We also note that the so-called existing second driveway on the plan runs within the 25 foot buffer zone of a wetland area and might be detrimental to it. For that reason, by copy of this letter we are also asking Jeff Carlson, as the administrative officer for the Conservation Commission, whether barring the use of this driveway is possible and can be incorporated into any order approving the Notice of Intent.

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources

cc. Sarah Alger, Esq.

This email was scanned by Bitdefender

8/23/21 6:06PM

In addition to the photographs of the car tire tracks this week, copies of the two previous violations issued for using this as a driveway illegally, and the NOI that was submitted for review by the Conservation Commission tomorrow evening are attached.

We request that the current owners be required to close the access onto Blue Heron Way, to make it impassable by vehicles as they remain out of compliance. This could be achieved using landscaping, rock placement, or a split pole fence.

Thank you for your consideration

Please let us know if you have any questions.

Sincerely,

Sarah Buttrick, for
John Buttrick, Jerome Buttrick, Mary Buttrick Burnham and Catherine Buttrick Leland

cc. Jeff Carlson, Town of Nantucket, Department of Natural Resources
Sarah Alger, Esq.







Buttrick Family
34 Warrens Landing Road, Nantucket, MA 02554

August 25, 2021

Mr. Marcus Silverstein
Planning and Land Use Services, Zoning Enforcement
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA. 02554

Dear Mr. Silverstein,

We are advised that our neighbor at 40 Warren's Landing Road has submitted an application to the Nantucket Conservation Commission for consideration tomorrow, August 26, 2021. We would like to voice our concern about one aspect of the proposal.

In the Notice of Intent before the Conservation Commission, there is a reference to an "existing driveway" onto Blue Heron Way (see p. 2 of the Nantucket Engineering & Survey letter under "Work Description"). We are not aware of any Special Permit that was granted for this second driveway, and note that two Notice of Violation letters were issued in late 2019 and early 2020 to the current owner for making a curb cut onto Blue Heron Way. These citations were issued after our uncle and neighbor Daniel Drake reported the violations.

We have lived at 34 Warren's Landing Road for generations, and there was never an active driveway from 40 Warren's Landing Road onto Blue Heron Way. Prior to the current owner, the access to Blue Heron Way that was opened about 20 years ago was used rarely and only as a walkway.

Blue Heron Way is a sand/dirt rutted road that is used as access to the Haffenreffer's property and has been used historically by people walking, jogging and biking. Two years ago, the Planning Board denied the application of a second curb cut to Blue Heron Way by the owner of 44 Warren's Landing Road, in part on the finding of the importance of maintaining the historical character of the 'way'.

The current owner of 40 Warren's Landing Road has been using this access as an illegal driveway regularly this summer. I attach six photographs taken this week, illustrating two instances, showing fresh tire tracks. Multiple cars, and some trucks have been seen using this illegally as a driveway.

We also note that the so-called existing second driveway on the plan runs within the 25 foot buffer zone of a wetland area and might be detrimental to it. For that reason, by copy of this letter we are also asking Jeff Carlson, as the administrative officer for the Conservation Commission, whether barring the use of this driveway is possible and can be incorporated into any order approving the Notice of Intent.

Marcus Silverstein

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

Arthur,

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

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

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

Marcus,

Please see attached letter.

Thank you.

Arthur
8/30/2021

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

Nantucket, Massachusetts 02554

Post Office address:
Post Office Box 2669
Nantucket, Massachusetts 02584

508-228-3128 (Tel.)
508-228-5630 (Fax)
air@readelaw.com

WIRE FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer. **We do not change wiring instructions**; should you receive a notification of change, via e-mail or otherwise, please notify this office immediately at 508-228-3128.

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In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.

STATEMENT OF CONFIDENTIALITY:

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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:

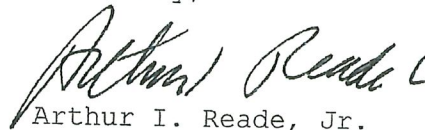
I have obtained from the Conservation Commission a copy of the letter sent to you by members of the Buttrick family, dated August 25, 2021, requesting action regarding the driveway access to 40 Warren's Landing Road from the right of way known as Blue Heron Way. I represent Warren's Landing Nominee Trust,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

CRH 46 Surfside LLC

File No. 29-21

46 Surfside Rd

APPEAL

WITHDRAWN

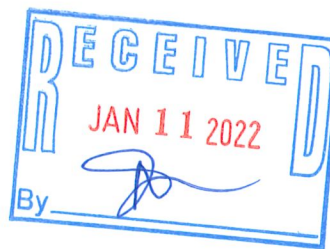
NEW BUSINESS

Cheryl Gilbert

File No. 01-22

16 D Street

SPECIAL PERMIT



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

APPLICATION

Fee: \$450.00

File No. 01-22

Owner's name(s): Cheryl Gilbert

Mailing address: 3620 W. El Prado Boulevard, Tampa, FL 33629

Phone Number: 317-903-0679 E-Mail: gilbertfamily42@gmail.com

Applicant's name(s): SAME

Mailing Address: _____

Phone Number: 317-903-0679 E-Mail: gilbertfamily42@gmail.com

Locus Address: 16 D Street Assessor's Map/Parcel: 60.2.1 / 2

Land Court Plan/Plan Book & Page/Plan File No.: LC Plan 3092-T (Lot 87B)

Deed Reference/Certificate of Title: 28235 Zoning District VR (V.H.O.D)

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

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

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:

Section 139-33 A. (1) (a) (b) (c)

Proposed to add second floor to main house that has an existing non-conforming setback of 8.7' where 10' is required. There will be no increase in the non-conformity.

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: Cheryl Gilbert Owner*

SIGNATURE: Donald F. Bracken, Jr. Applicant/Attorney/Agent*

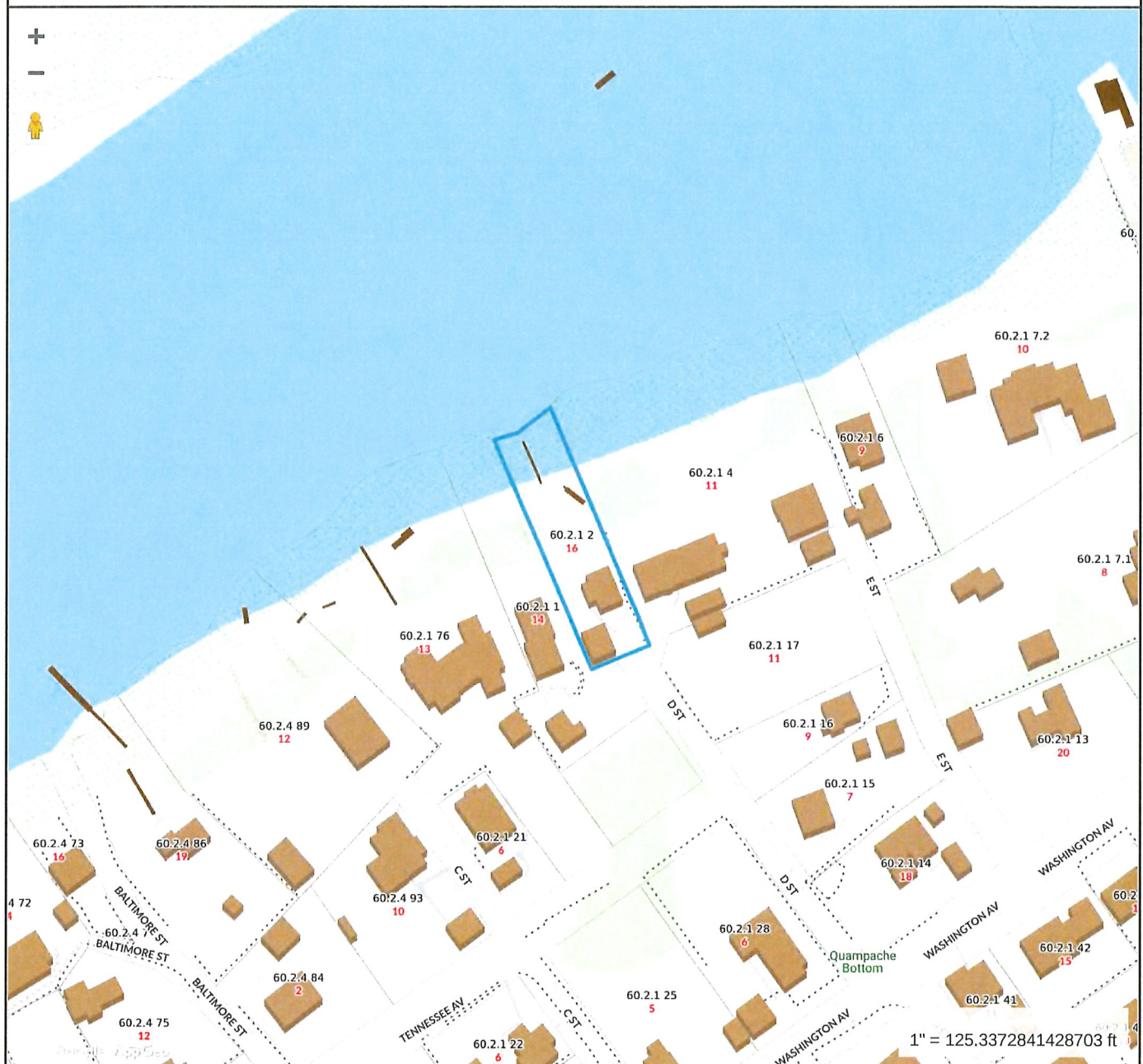
Donald F. Bracken, Jr., PE | Bracken Engineering, Inc.

*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: ___/___/___

16 D Street - GIS Parcel Map

**Property Information**

Property ID 60.2.1.2
Location 16 D ST
Owner GILBERT CHERYL

**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 01/07/2022
Data updated Jan. 2021

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

CERTIFICATE NO: _____

DATE ISSUED: _____

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 60.2.1 PARCEL N°: 2
 Street & Number of Proposed Work: 16 D STREET
 Owner of record: CHERYL GILBERT ETAL
 Mailing Address: 3620 W EL PRADO BLVD
TAMPA FL 33629
 Contact Phone #: 317 903 0679 E-mail: _____

AGENT INFORMATION (if applicable)

Name: EMDA ETHAN MORROW DESIGNS
 Mailing Address: 4 SOUTH MILL ST
NANTUCKET MA 02554
 Contact Phone #: 228 0456 E-mail: ethan676@gmail.net

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: \$ _____
 Must be acted on by: _____
 Extended to: _____
 Approved: _____ Disapproved: _____
 Chairman: _____
 Member: _____
 Member: _____
 Member: _____
 Member: _____
 Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☒ Revisions to previous Cert. No. 10-4881
☐ Pool (Zoning District _____) ☐ Roof ☐ Other FRONT DOOR CHANGE
 Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
 Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
 Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
 Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

REVISIONS: 1. East Elevation

Historic Name: _____ (describe) 2. South Elevation CHANGE FRONT DOOR TO MATCH EXISTING COTTAGE
 Original Date: _____ 3. West Elevation
 Original Builder: _____ 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 SIGNATURE

Doors* (type and material): ☐ TDL ☒ SDL Front 4 LT 2 PNL 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 BLACK
 Deck _____ Foundation _____ Fence _____ Shutters _____

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

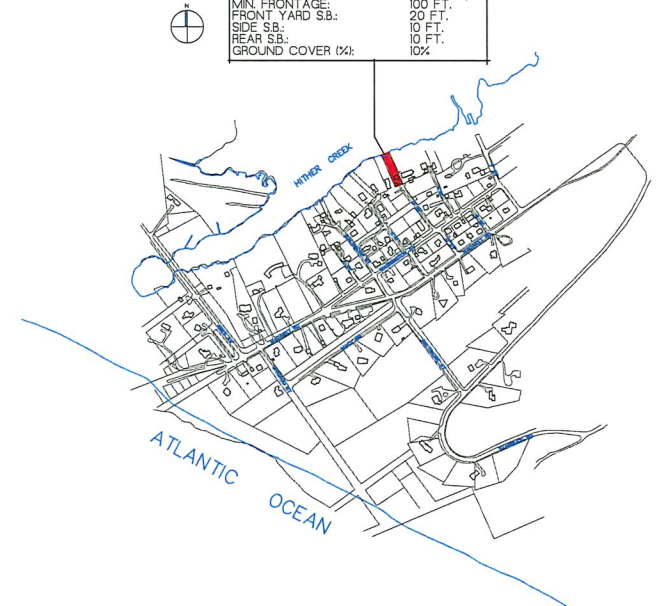
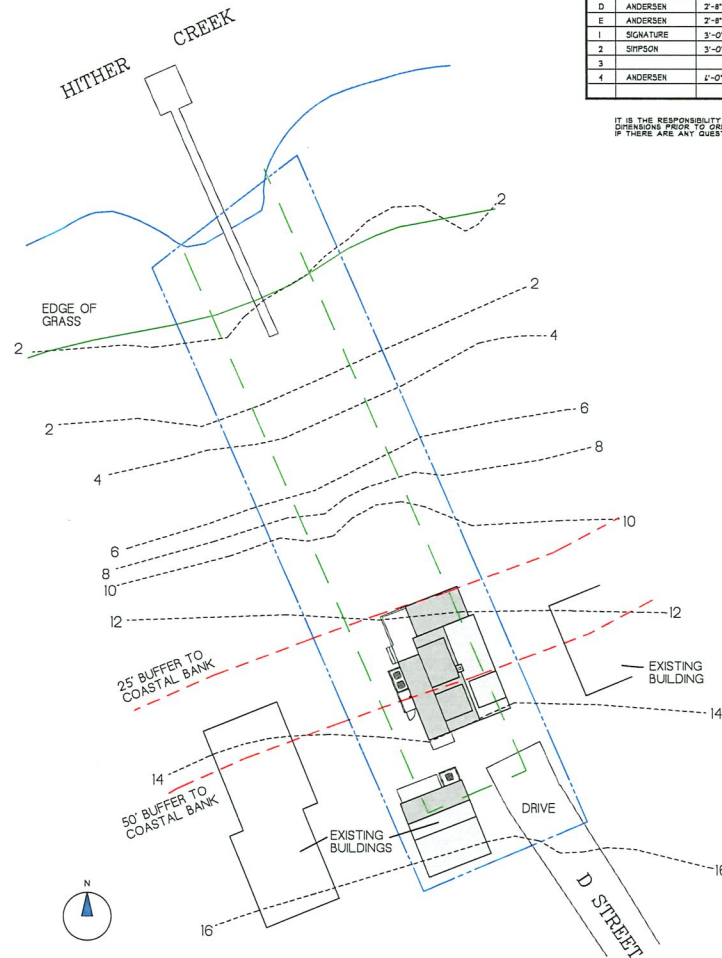
I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of my application.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

Date 4.2.2021 Signature of owner of record 146 Signed under penalties of perjury

DOOR & WINDOW SCHEDULE				
SYM	MANUFACTURER	WINDOW SIZE	QTY.	REMARKS
A	ANDERSEN	2'-4" X 4'-4"	3	2 1/2 D.H. (T.H.E.)
B	ANDERSEN	2'-3" X 3'-0"	3	2 1/2 D.H. (T.H.E.)
C	ANDERSEN	7'-4" X 3'-0"	1	4 LT. CASPENT
D	ANDERSEN	2'-8" X 5'-0"	3	2 1/2 D.H. (T.H.E.)
E	ANDERSEN	2'-8" X 4'-4"	3	2 1/2 D.H. (T.H.E.)
1	SIGNATURE	3'-0" X 4'-8"	1	4 LT. 3 PNL EXTERIOR DOOR
2	SIMPSON	3'-0" X 4'-8"	1	4 LT. 1 PNL EXTERIOR DOOR
3				
4	ANDERSEN	4'-0" X 4'-8"	1	4 LT. GLIDING DR. w/ FIXED UNIT

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY ALL UNIT DIMENSIONS PRIOR TO ORDERING. IF THERE ARE ANY QUESTIONS OR DISCREPANCIES PLEASE CONTACT THE DESIGNERS.

ZONING CLASSIFICATION: V.R.
MAP: 60.21 PARCEL: 2
MIN. AREA: 20,000 sq.ft.
MIN. FRONTAGE: 100 FT.
FRONT YARD S.B.: 20 FT.
SIDE S.B.: 10 FT.
REAR S.B.: 10 FT.
GROUND COVER (%): 10%



NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY & SETBACK LINES.

NOTE:
ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD. ANY DEVIATIONS FROM WHAT IS SHOWN SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

NOTE:
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL WORKING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER/ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INITIATED INCORRECTLY DUE TO MISUNDERSTANDING OR MISINTERPRETATION. IF THERE ARE ANY QUESTIONS AFTER THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED, PLEASE CALL THE ENGINEER OF RECORD BEFORE INITIATING ANY WORK.

NOTE:
INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM THE NANTUCKET GIS MAPS AND A SUPPLEMENTARY SURVEY FROM THE LAND REGISTRATION COMMISSION. THIS DRAWING DOES NOT CONSTITUTE A REGISTERED SURVEY AND IS FOR THE NANTUCKET HISTORIC DISTRICT COMMISSION USE ONLY. ALL SITE WORK SHALL BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION.

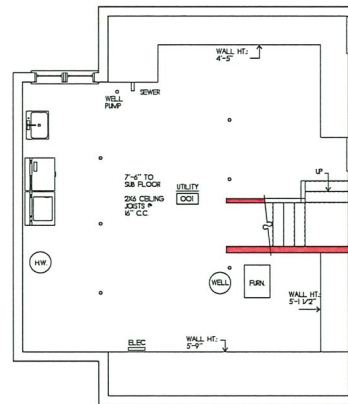
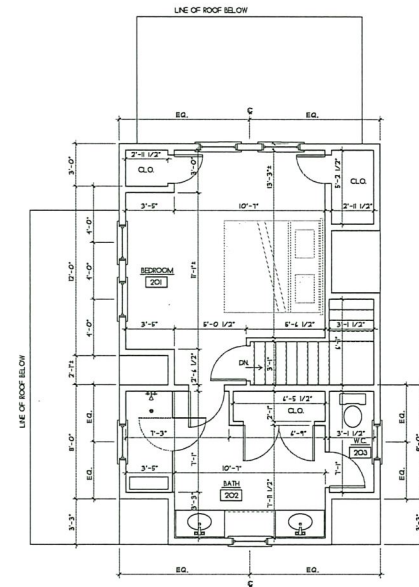
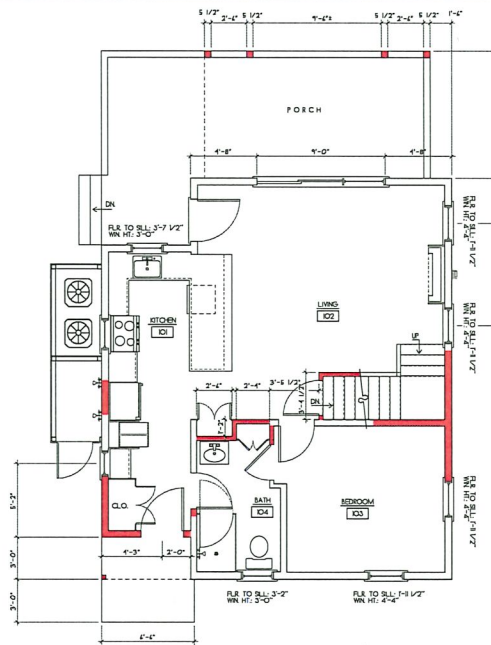
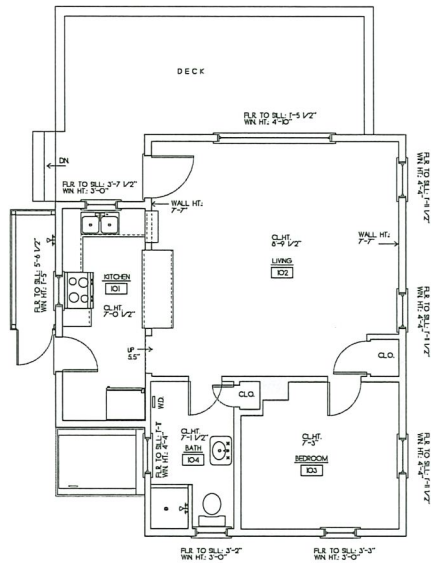
REVISIONS:
4/14/2021 AS-BUILT MEASURING
8/14/2021 AS-BUILT PLANS
4/27/2021 PROGRESS PRINT
4/28/2021 PROGRESS PRINT
4/30/2021 HDC PLANS
6/09/2021 HDC REVISION
9/25/2021 PROGRESS PRINT
10/14/2021 HDC REVISION
12/20/2021 HDC REVISION

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GILBERT RESIDENCE
DRAWN BY: ERIN MALCOLM
P.O. BOX 608
NANTUCKET, MA 02554
PHONE: 508-228-0438 www.erinm.com

HDC, SITE PLAN ONLY (HOUSE)
ADDRESS: 10 D STREET NANTUCKET, MA 02554
DATE: 12/20/2021
SCALE: 1/8" = 1'-0"

SHEET NO.
S 1



KEY:
NEW WALLS: [Red Line]
EXISTING WALLS: [Black Line]

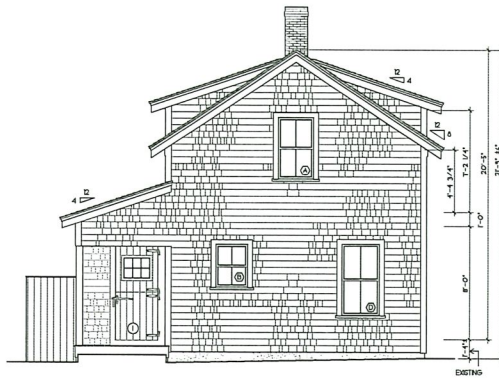
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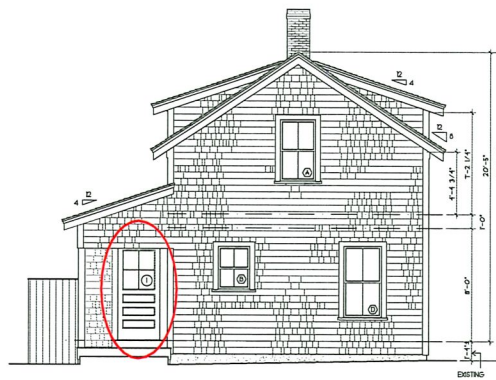
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4/14/2021 AS-BUILT MEASURING
1/14/2021 AS-BUILT PLANS
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4/28/2021 PROGRESS PRINT
4/30/2021 HDC PLANS
6/09/2021 HDC REVISION
9/25/2021 PROGRESS PRINT
10/4/2021 HDC REVISION
12/20/2021 HDC REVISION

COPYRIGHT NOTICE		GILBERT RESIDENCE		FLOOR PLANS		SHEET NO.	
DRAWN BY: ELLIOTT MACHOWSKI P.L.C. 2021 40 D STREET HARTFORD, CT 06104 PHONE: 860-264-0448		DATE: 12/20/2021		SCALE: 1/4" = 1'-0"		a 1	



APPROVED SOUTH ELEVATION (CERT. #10-4881)
SCALE 1/4"=1'-0"



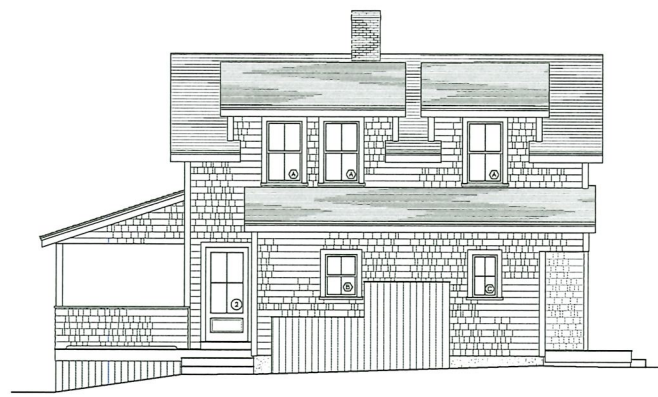
SOUTH ELEVATION
SCALE 1/4"=1'-0"



APPROVED EAST ELEVATION (CERT. #10-4881)
SCALE 1/4"=1'-0"



APPROVED NORTH ELEVATION (CERT. #10-4881)
SCALE 1/4"=1'-0"



APPROVED WEST ELEVATION (CERT. #10-4881)
SCALE 1/4"=1'-0"

REVISIONS:
4/14/2021 AS-BUILT MEASURING
1/14/2017 AS-BUILT PLANS
4/27/2021 PROGRESS PRINT
4/30/2021 HDC PRINT
9/25/2021 PROGRESS PRINT
10/4/2021 HDC REVISION
12/20/2021 HDC REVISION

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These drawings are the property of the Designer/Engineer of Record and shall not be used without the written consent of the Designer/Engineer of Record.

GILBERT RESIDENCE

DESIGN BY: ETHAN MARGROW
PROJECT NO.: 2021-001
DATE: 12/20/2021
PROJECT NO.: 2021-001

ELEVATIONS

ADDRESS: 10 STREET
NANTUCKET, MA 02554

DATE: 12/20/2021

SCALE: 1/4" = 1'-0"

SHEET NO.

a 2

CERTIFICATE NO: _____

DATE ISSUED: _____

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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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°: 60.2.1 PARCEL N°: 2
Street & Number of Proposed Work: 16 D STREET
Owner of record: CHERYL GILBERT ETAL
Mailing Address: 3620 W EL PRADO BLVD
TAMPA FL 33629
Contact Phone #: 317 903 0679 E-mail: _____

AGENT INFORMATION (if applicable)

Name: EMDA ETHAN MCMONROW DESIGN INC
Mailing Address: 4 SOUTH MILL STREET
NANTUCKET MA 02554
Contact Phone #: 228 0456 E-mail: ethan67@gmail.com

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: \$ _____
Must be acted on by: _____
Extended to: _____
Approved: _____ Disapproved: _____
Chairman: _____
Member: _____
Member: _____
Member: _____
Member: _____
Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☒ Revisions to previous Cert. No. 05-3770
☐ 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 _____

REVISIONS:

Historic Name: _____ (describe) 1. East Elevation
Original Date: _____ 2. South Elevation
Original Builder: _____ 3. West Elevation
4. North Elevation ADD WINDOW

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 TME 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 ANDERSEN

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 TME Sash _____ Doors _____

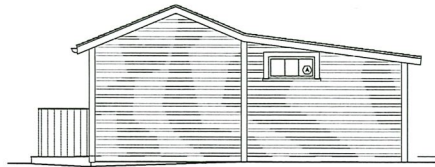
Deck _____ Foundation _____ Fence _____ Shutters _____

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

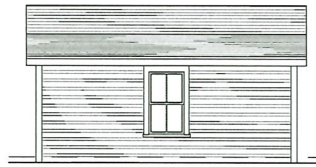
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Date 4-2-2021 Signature of owner of record [Signature] Signed under penalties of perjury

150



WEST ELEVATION (CERT. #05-3794)
SCALE 1/4"=1'-0"



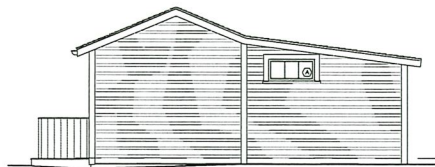
APPROVED SOUTH ELEVATION (CERT. #05-3794)
SCALE 1/4"=1'-0"



APPROVED EAST ELEVATION (CERT. #05-3794)
SCALE 1/4"=1'-0"



APPROVED NORTH ELEVATION (CERT. #3794)
SCALE 1/4"=1'-0"



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



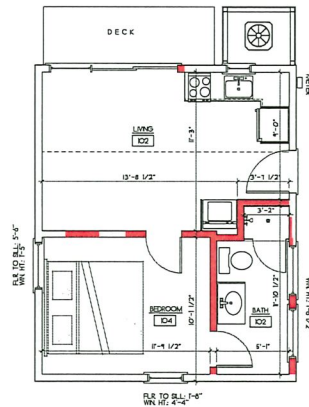
SOUTH ELEVATION
SCALE 1/4"=1'-0"



EAST ELEVATION
SCALE 1/4"=1'-0"



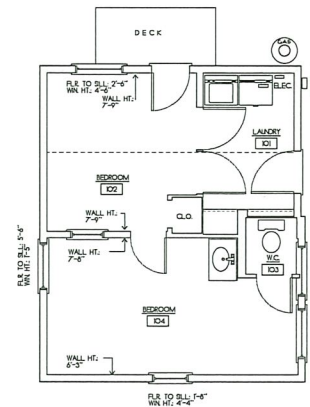
NORTH ELEVATION
SCALE 1/4"=1'-0"



FIRST FLOOR PLAN
SCALE 1/4"=1'-0"



KEY:
NEW WALLS: ———
EXISTING WALLS: ———



EXISTING FIRST FLOOR PLAN
SCALE 1/4"=1'-0"



REVISIONS:
4/19/2021 AS-BUILT MEASURING
4/20/2021 AS-BUILT PLANS
4/30/2021 PROGRESS PRINT
6/09/2021 HDC REVISION
12/20/2021 HDC REVISION

NOTE:
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GILBERT RESIDENCE

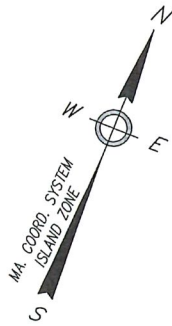
3000 E. 10TH STREET
TUCUMCARI, NM 88561
PHONE: 505-228-0450

GUEST HOUSE PLANS

ADDRESS: 812 STREET
TUCUMCARI, NM 88561
DATE: 12/20/2021
SCALE: 1/4" = 1'-0"

SHEET NO.

1



#14 D STREET
MAP 60.2.1 PARCEL 1
(WELL WATER)

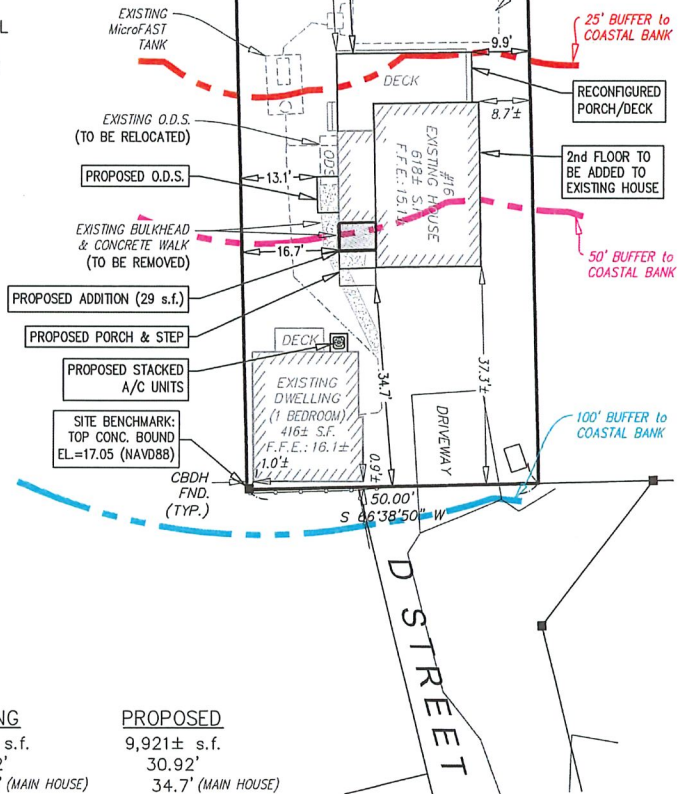
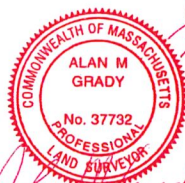
EDGE OF WATER
LOCATED JULY 2, 2020.

#11 E STREET
MAP 60.2.1 PARCEL 4
(TOWN WATER)

MAP 60.2.1
PARCEL 2
9,921± s.f.

NOTES:

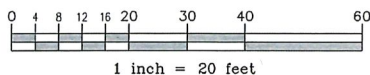
- LOCUS: #16 D STREET
MAP 60.2.1 PARCEL 2
- OWNER: CHERYL GILBERT
3620 W. EL PRADO BLVD
TAMPA BAY, FL 33629
- DEED REF: Cert. #28235
- PLAN REF: L.C. Plan 3092-T (Lot 87B)
- LOCUS DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AE (EL.8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0064-G dated 06/09/2014.
- LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.



ZONE: VR (V.H.O.D.)

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	20,000 s.f.	9,921± s.f.	9,921± s.f.
FRONTAGE:	100'	30.92'	30.92'
FRONT YARD:	20'	37.3' (MAIN HOUSE)	34.7' (MAIN HOUSE)
SIDE/REAR YARD:	10'	8.7' / 110.3' (MAIN HOUSE)	8.7' / 110.9' (MAIN HOUSE)
GROUND COVER:	10% (MAX)	10.4% (1,034± S.F.)	10.4% (1,063± S.F.)
BLDG. HEIGHT:	25' (MAX)	<25'	22.4'±

PLAN SCALE



Date: JANUARY 11, 2022 Drawn: RMM/ERC/BEI Checked: DFB/AMG



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

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

PROPOSED SITE PLAN IN NANTUCKET, MA

Prepared for:

CHERYL GILBERT
#16 D STREET
MAP 60.2.1 PARCEL 2

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Cheryl Gilbert
MAILING ADDRESS..... 3620 W. El Prado Boulevard, Tampa, FL 33629
PROPERTY LOCATION..... 16 D Street
ASSESSOR MAP/PARCEL..... Map 60.2.1, Parcel 2
SUBMITTED BY..... Penni Pomeroy
Bracken Engineering
49 Herring Pond Road
Buzzards Bay, MA 02532

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: 2021.12.15 11:37:29 -05'00'

12-15-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET



Cert: 28235 Doc: OOC
Registered: 12/15/2021 03:20 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48-3467
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Cheryl Gilbert
a. First Name b. Last Name

c. Organization
3620 W. El Prado Boulevard

d. Mailing Address
Tampa FL 33629
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same as applicant
a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

16 D Street Nantucket
a. Street Address b. City/Town

60.2.1 2
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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MassDEP File #

eDEP Transaction #

Nantucket

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Nantucket
a. County
28235
b. Certificate Number (if registered land)
- c. Book
d. Page
7. Dates: 8/19/2021 11/18/2021 11/19/2021
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Conservation Site Plan
a. Plan Title
Bracken Engineering Inc. Alan M. Grady, P.L.S. & Donald F. Bracken, Jr. P.E.
b. Prepared By c. Signed and Stamped by
11/12/2021 1" = 20'
d. Final Revision Date e. Scale
- f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☒ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control
j. ☒ Wetland Scenic Views (bylaw) k. ☒ Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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Provided by MassDEP:
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 City/Town

B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 20
 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE48-3467

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City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	0 cu yd c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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Provided by MassDEP:
SE48-3467
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Nantucket
City/Town

B. Findings (cont.)

22. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **11/19/2024** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE48-3467 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.)* the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.)* the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
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Nantucket

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE48-3467

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Nantucket

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Nantucket hereby finds (check one that applies):
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Please view additional findings and conditions page(s)



Town of Nantucket, Massachusetts
WPA Form 5 – Order of Conditions
 The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-3467

Provided by DEP

B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- ☒ 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- ☒ 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- ☒ 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- ☒ 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- ☒ 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- ☒ 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- ☒ 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-3467

Provided by DEP

B1. Additional Conditions (cont.)

- ☒ 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- ☒ 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- ☒ 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- ☒ 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- ☒ 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- ☒ 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- ☒ 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- ☒ 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- ☒ 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- ☒ 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)

Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 16 D Street
 Assessor's Map and Parcel: 60.2.1-2
 Property Owner: Cheryl Gilbert
 Applicant: Cheryl Gilbert
 DEP File Number: SE48-3467
 Filing Date: August 19, 2021
 Date Hearing Closed: November 18, 2021
 Date Orders Issued: November 19, 2021
 Plan of Record Information: Conservation Site Plan, August 18, 2021, final revision 11/12/21, stamped by Donald F. Bracken, Jr. P.E.

Permit Overview:

This order permits the renovation including additions of an existing structure, porches, and decks with associated grading, landscaping and utilities within the buffer zone to Coastal Bank.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.
2. The lot in question contains Salt Marsh, Coastal Beach, and Land Subject to Coastal Storm Flowage.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The applicant shall provide a yearly soil test and written fertilizer program to gain the ability to utilize fertilizers on the locus. All fertilizers, pesticides and herbicides shall be applied by a licensed applicator and those licenses shall be provided to the Commission. In addition, a yearly report listing the timing, amounts and types of all three of these substances shall be provided to the Commission by December 1st of each year.
20. All exterior lighting be directed away from any resource area excluding Land Subject to Coastal Storm Flowage.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.05(B)(5) that all projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be at least 50 feet from a coastal bank for the project as proposed. Given the historic nature of the existing structure the Commission finds that the renovation of the structure will not have an adverse impact to the resource area and that there are no reasonable alternatives that allow the project to go forward in compliance with the regulations. Therefore, the Commission grants a waiver under Section 1.03(F)(3)(a) of the Town of Nantucket Wetland Protection Regulations.

Gilbert, SE48-3467, 16 D Street, 60.2.1-2



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
 SE48-3467
 MassDEP File #

eDEP Transaction #
 Nantucket
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

See Vote Recorded in Book 1743 Page 48 Doc #COV

11/19/2021
~~11/03/2021~~

1. Date of Issuance

4
 2. Number of Signers

Signatures:

Ashley Erisman (C)

Linda Williams

 Seth Engelbourg

Jan Golding (VC)

Maureen Philips

David La Fleur

C Marshall Beale
 C. Marshall Beale

☒ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

citrix | RightSignature

SIGNATURE CERTIFICATE



REFERENCE NUMBER

BA8DC8E7-7DC0-4413-AA33-07CE4DBE43DA

TRANSACTION DETAILS

Reference Number

BA8DC8E7-7DC0-4413-AA33-07CE4DBE43DA

Transaction Type

Signature Request

Sent At

11/19/2021 08:33 EST

Executed At

11/19/2021 11:39 EST

Identity Method

email

Distribution Method

email

Signed Checksum

8132fceb35682711e44f897adc3049f0cce4bb7af7173c0c04578ac14a743734

Signer Sequencing

Disabled

Document Passcode

Disabled

DOCUMENT DETAILS

Document Name

11-18 Signatures Complete

Filename

11-18_signatures_complete.pdf

Pages

25 pages

Content Type

application/pdf

File Size

372 KB

Original Checksum

5995bc187818c96ef8f42c0eac51b4f489b377b26cdda5111b6d6263d9cafe8

SIGNERS

SIGNER

Name

Mark Beale

Email

mbeale297@gmail.com

Components

23

E-SIGNATURE

Status

signed

Multi-factor Digital Fingerprint Checksum

948da10778e1d37638155c5a946452680b66cdddebb2cd103f4063798301b49d

IP Address

24.218.9.65

Device

Chrome via Mac

Typed Signature

C Marshall Beale

Signature Reference ID

937A7775

EVENTS

Viewed At

11/19/2021 11:37 EST

Identity Authenticated At

11/19/2021 11:39 EST

Signed At

11/19/2021 11:39 EST

Name

Seth Engelbourg

Email

sengelbourg@lfnf.org

Components

23

Status

signed

Multi-factor Digital Fingerprint Checksum

40ddf271bce009d4410344d42be0c44e0bb4eac4c9ae8e727932c6d1e77891f1

IP Address

75.144.135.30

Device

Chrome via Windows

Typed Signature

Seth Engelbourg

Signature Reference ID

4C73FEDC

Viewed At

11/19/2021 09:48 EST

Identity Authenticated At

11/19/2021 09:49 EST

Signed At

11/19/2021 09:49 EST

AUDITS

TIMESTAMP**AUDIT**

11/19/2021 08:33 EST	Jeff Carlson (jcarlson@nantucket-ma.gov) created document '11-18_signatures_complete.pdf' on Chrome via Windows from 208.87.236.201.
11/19/2021 08:33 EST	Mark Beale (mbeale297@gmail.com) was emailed a link to sign.
11/19/2021 08:33 EST	Seth Engelbourg (sengelbourg@lnf.org) was emailed a link to sign.
11/19/2021 09:48 EST	Seth Engelbourg (sengelbourg@lnf.org) viewed the document on Chrome via Windows from 75.144.135.30.
11/19/2021 09:49 EST	Seth Engelbourg (sengelbourg@lnf.org) authenticated via email on Chrome via Windows from 75.144.135.30.
11/19/2021 09:49 EST	Seth Engelbourg (sengelbourg@lnf.org) signed the document on Chrome via Windows from 75.144.135.30.
11/19/2021 11:37 EST	Mark Beale (mbeale297@gmail.com) viewed the document on Chrome via Mac from 24.218.9.65.
11/19/2021 11:39 EST	Mark Beale (mbeale297@gmail.com) authenticated via email on Chrome via Mac from 24.218.9.65.
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE48-3467

MassDEP File #

eDEP Transaction #

Nantucket

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

172304

DOC No: 00172304

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Dec 15, 2021 at 03:20P

Document Fee: 105.00 Rec Total: \$735.00

CERTIFICATE No: 28235

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
6021	1		WHITE SUSAN S & LINDSAY		12 BLANCHARD RD	CAMBRIDGE	MA	02138	14 D ST
6021	2		GILBERT CHERYL		3620 W ELPRADO BLVD	TAMPA	FL	33629	16 D ST
6021	4		BRODY PAUL J		673 WEED STREET	NEW CANAAN	CT	06840	11 E ST
6021	6		9 E STREET LLC	C/O VOGEL & CO	685 POST ROAD	DARIEN	CT	06820	9 E ST
6021	7	1	4 AMIGOS LLC		3 KENILWORTH LANE	RYE	NY	10580	8 F ST
6021	7	2	GRIEDER WILLIAM E JR TR	MADDEQUET NOMINEE TRUST	10 F STREET	NANTUCKET	MA	02554	10 F ST
6021	13		HITHER CREEK LLC		14 WITHE PASS	BURLINGTON	CT	06013-1546	20 WASHINGTON AV
6021	14		BLATE JENNIFER TR	ALITA A BROOKS IRRV TRUST	111 CAMERON GLEN DRIVE	CHAPEL HILL	NC	27516	18 WASHINGTON AV
6021	15		CHALKE MARY E		7 D ST	NANTUCKET	MA	02554	7 D ST
6021	16		PETREL LLC		PO BOX 120	AMHERST	NH	03031	9 D ST
6021	17		CATINO DIANE		265 GRANGE PARK	BRIDGEWATER	MA	02324	11 D ST
6021	21		OBRIEN ANDREW TR & SONJA TR		2121 POISSANT	SUTTON	QC	J0E 2K0	6 TENNESSEE AV
6021	22		SULLIVAN PETER & CYNTHIA TRST	6C STREET REALTY TRUST	155 MONTGOMERY ST STE 1600	SAN FRANCISCO	CA	94104	6 C ST
6021	25		JEMISON SUSAN C ETAL		5 C ST	NANTUCKET	MA	02554	5 C ST
6021	28		ROGERS STEPHEN H	C/O ARTHUR PAGE-HEMENWAY & BARNES	75 STATE ST 16TH FLOOR	BOSTON	MA	02109-1466	6 D ST
6021	76		HEATHERS HEAVEN LLC		518 SEVENTEENTH ST STE 1700	DENVER	CO	80202	13 C ST
6024	84		WHELDEN NEAL B & CHRISTINE GEORGE		8551 BELLAGIO DRIVE	NAPLES	FL	34114	2 TENNESSEE AV
6024	89		LYMAN THEODORE P TRST ETAL	CHOATE HALL/SILVENA GINER	2 INTERNATIONAL PLACE	BOSTON	MA	02110	12 C ST
6024	93		RAY BONNIE S TR	RAY FAMILY TRUST	10 C STREET	NANTUCKET	MA	02554	10 C ST

Count: 19

WHITE SUSAN S & LINDSAY
12 BLANCHARD RD
CAMBRIDGE, MA 02138

GILBERT CHERYL
3620 W ELPRADO BLVD
TAMPA, FL 33629

BRODY PAUL J
673 WEED STREET
NEW CANAAN, CT 06840

9 E STREET LLC
C/O VOGEL & CO
685 POST ROAD
DARIEN, CT 06820

4 AMIGOS LLC
3 KENILWORTH LANE
RYE, NY 10580

GRIEDER WILLIAM E JR TR
MADDEQUET NOMINEE TRUST
10 F STREET
NANTUCKET, MA 02554

HITHER CREEK LLC
14 WITHE PASS
BURLINGTON, CT 06013-1546

BLATE JENNIFER TR
ALITA A BROOKS IRRV TRUST
111 CAMERON GLEN DRIVE
CHAPEL HILL, NC 27516

CHALKE MARY E
7 D ST
NANTUCKET, MA 02554

PETREL LLC
PO BOX 120
AMHERST, NH 03031

CATINO DIANE
265 GRANGE PARK
BRIDGEWATER, MA 02324

OBRIEN ANDREW TR & SONJA TR
2121 POISSANT
SUTTON, QC J0E 2K0

SULLIVAN PETER & CYNTHIA TRST
6C STREET REALTY TRUST
155 MONTGOMERY ST STE 1600
SAN FRANCISCO, CA 94104

JEMISON SUSAN C ETAL
5 C ST
NANTUCKET, MA 02554

ROGERS STEPHEN H
C/O ARTHUR PAGE-HEMENWAY &
BARNES
75 STATE ST 16TH FLOOR
BOSTON, MA 02109-1466

HEATHERS HEAVEN LLC
518 SEVENTEENTH ST STE 1700
DENVER, CO 80202

WHELDEN NEAL B & CHRISTINE GEORGE
8551 BELLAGIO DRIVE
NAPLES, FL 34114

LYMAN THEODORE P TRST ETAL
CHOATE HALL/SILVENA GINER
2 INTERNATIONAL PLACE
BOSTON, MA 02110

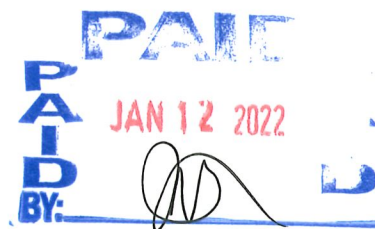
RAY BONNIE S TR
RAY FAMILY TRUST
10 C STREET
NANTUCKET, MA 02554

Zero India St, LLC

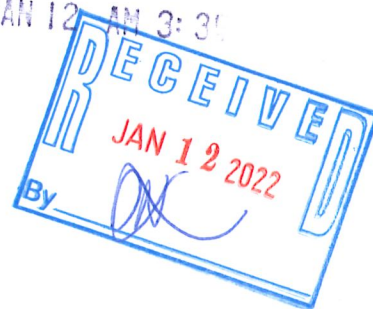
File No. 02-22

1 Cambridge St, Unit 2

SPECIAL PERMIT



NANTUCKET
TOWN CLERK
2022 JAN 12 AM 3:31



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

APPLICATION

Fee: \$450.00

File No. 02-22

Owner's name(s): Zero India Street, LLC

Mailing address: c/o Sarah F. Alger, P.C., 4 North Water Street, Nantucket, MA 02554

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

Applicant's name(s): Same as above.

Mailing Address: Same as above.

Phone Number: _____ E-Mail: _____

Locus Address: Unit 2, 1 Cambridge Street Assessor's Map/Parcel: 42.3.1-130.2

Land Court Plan/Plan Book & Page/Plan File No.: Plan 2020-55

Deed Reference/Certificate of Title: Book 1779, Zoning District CDT
Page 136

Uses on Lot- Commercial: None _____ Yes (describe) Retail existing; retail/restaurant proposed

Residential: Number of dwellings 1 existing Duplex _____ Apartments 1 proposed

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

Building Permit Numbers: 5364-87 and 834-08

Previous Zoning Board Application Numbers: 031-11

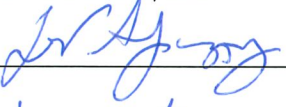
State below or attach a separate addendum of specific special permits or variance relief applying for:

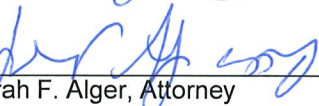
See attached Addendum.

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.

Zero India Street, LLC

By:

SIGNATURE:  Owner*

SIGNATURE:  Applicant/Attorney/Agent*

Sarah F. Alger, 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

ZERO INDIA STREET, LLC, Applicant
Unit 2, One Cambridge Condominium
One Cambridge Street, Nantucket, Massachusetts

The Applicant is seeking a Special Permit under Nantucket Zoning By-law (the "By-law") §§139-30 (Special permits) and 33.A(1)(a) (Preexisting nonconforming uses, structure and lots) to alter, extend, and a preexisting, nonconforming structure on a preexisting, nonconforming lot.

The locus is Unit 2 of the One Cambridge Condominium (the "Locus"). The lot on which the locus is sited (the "Lot") is located in the Commercial Downtown ("CDT") zoning district and is preexisting, nonconforming as to lot area, having lot area of 3,332 square feet where a minimum lot area of 3,750 square feet is required. The Lot as currently improved has ground cover of about 73% where maximum ground cover of 75% is allowed.

Unit 1 of the One Cambridge Condominium, known as 6 South Water Street ("Unit 1"), was the subject of prior special permit relief in 2011 in Case No. 031-11, which established the preexisting, nonconforming nature of the Lot and the structures on it and established South Water Street as the street from which front yard setback is taken. Unit 1 has front yard setback of 0.32 feet from South Water Street at its closest point, where a zero front yard setback is required. The lot has frontage of about 40.05 feet, where a minimum front yard setback of 35 feet is required.

The Locus is preexisting, nonconforming as to rear yard setback, having a rear yard setback of about 0.34 feet from North Union Street at its closest point, where a 5-foot rear yard setback is required. Based upon a current survey, holding the 1846 record marble bounds, the Locus encroaches on to the sidewalk along India Street about 1.69 feet at most and has a side yard setback on the south, Cambridge Street, of about 0.02 feet at its closest point, where a zero side yard setback is required. The encroachment does not appear on the record plan of the Lot recorded with Nantucket Deeds as Plan File 39-A. The Locus otherwise conforms to the dimensional requirements of the By-law.

The Applicant proposes to demolish the northerly one and one-half story portion of the Locus along India Street and to rebuild a new two and one-half story addition to the remaining structure within the property boundaries as established by the 1846 record marble bounds.

As a result of the proposed construction, the rear yard setback will remain about 0.34 feet. The ground cover of the Lot will decrease from about 2,431 square feet or 73% to about 2,417 square feet or 72.5%, a net decrease of about 14 square feet or 0.5%. The area of the Locus, first, second, and now third floor, that is within the rear yard setback will increase from about 200 square feet (178 square feet first floor plus 22 square feet second floor) to about 296 square feet (180 square feet first floor plus 94 square feet second floor plus 22 square feet third floor), a net increase of about 96 square feet. It is this 96 square foot increase that requires Special Permit relief; the balance of the proposed work is as of right under the By-law.

Pursuant to By-law §139-33.A(1)(a):

"[w]here 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 this case, the existing structure violates the rear yard setback distance of five feet, having a rear yard setback of about 0.34 feet from North Union Street at its closest point. As proposed, the nonconforming setback distance will not be made more nonconforming. The Applicant requests that the Board find that the extension of the structure of about 96 square foot within the five-foot rear setback will not be substantially more detrimental to the neighborhood than the existing nonconformity.

The Locus is located at One Cambridge Street, Nantucket, Nantucket County, Massachusetts, is known as Unit 2 of the One Cambridge Condominium, is shown on Nantucket Tax Assessor's Map 42.3.1 as Parcel 130.2, is shown on Plan File 39-A at Nantucket Deeds, and is located in the Commercial Downtown ("CDT") Zoning District.

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER. Zero India Street LLC.....
MAILING ADDRESS. c/o Sarah F. Alger, P.C., Four North Water Street, Nantucket, MA 02554
PROPERTY LOCATION. One Cambridge Street.....
ASSESSOR MAP/PARCEL. Map 42.3.1, Parcel 130.2.....
SUBMITTED BY. Holly Fernandes.....

SEE ATTACHED PAGES

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

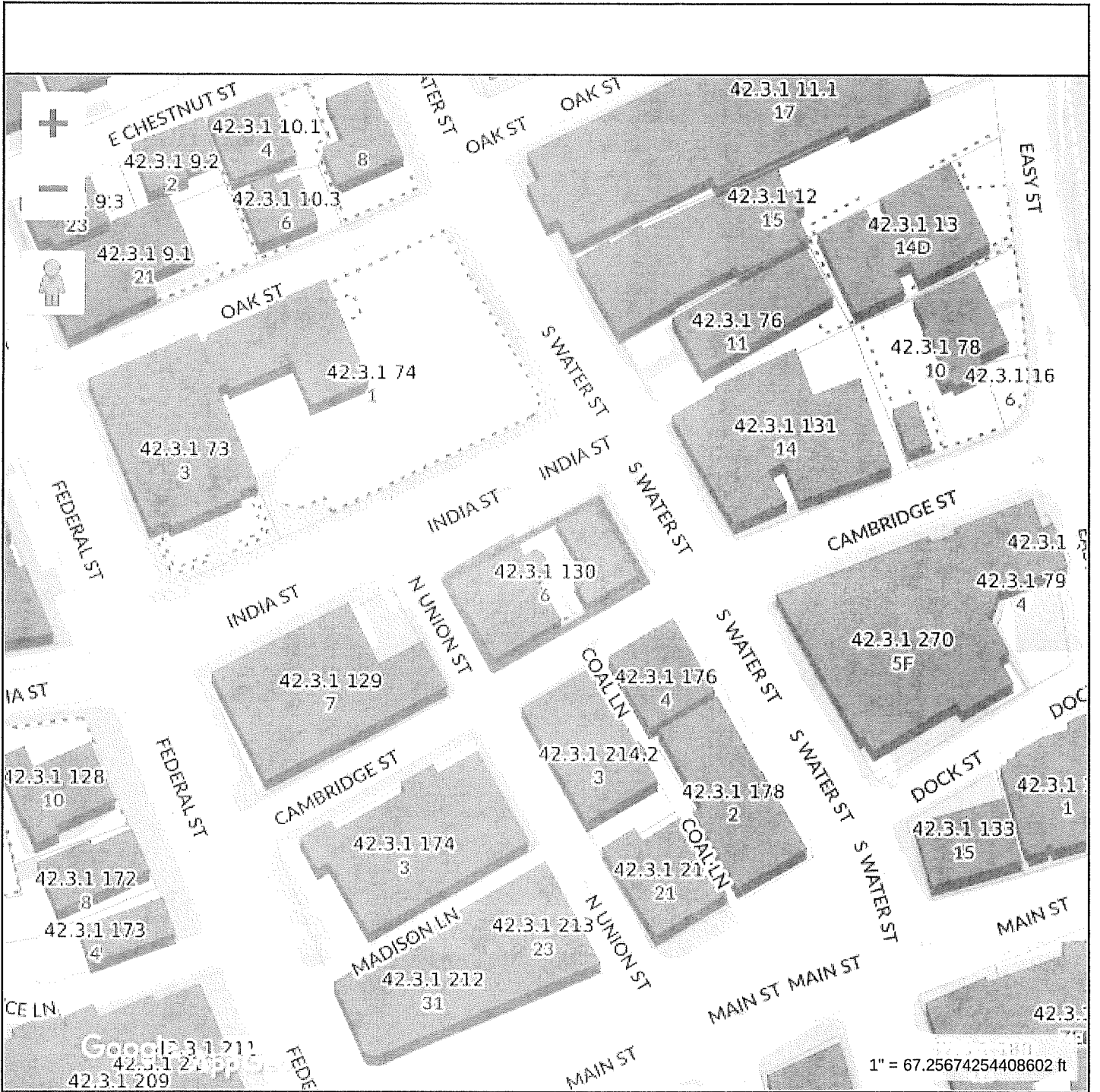
November 8, 2021

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2021.11.08
11:44:13 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET



Property Information Property ID 42.3.1 130.2 Location 1 CAMBRIDGE ST Owner ZERO INDIA STREET 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 11/04/2021 Data updated Jan. 2021	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.
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Bk: 1291 Pg: 126 Page: 1 of 4
Doc: SP 09/02/2011 10:54 AM



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

11 AUG 12 P1:48

Date: August 12, 2011

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

Application No: 031-11

Owner/Applicant: D. ERIC MCKECHNIE

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

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

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

Ed S. Toole (583)

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 4231, Parcel 130.1
Book 602, Page 22
Commercial Downtown (CDT)

Plan 39-A
6 South Water Street

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, July 14, 2011, at 1:00 P.M., in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **D. ERIC McKECHNIE, C/O READE, GULLICKSEN, HANLEY & GIFFORD, LLP**, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 031-11:

2. Applicant requests Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-18 (parking) and Section 139-17.C.(5) (height limitations) in order to waive parking required to construct an apartment above an existing first floor commercial structure, being one of two condominium units located upon a lot non-conforming as to lot area and ground cover and to allow the height of said structure to exceed the thirty (30) foot height limitation in the Commercial Downtown zoning district. Said lot has approximately 3,319 square feet in a zoning district that requires a minimum lot size of 3,750 square feet. To the extent necessary, the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33 (alteration of preexisting nonconforming structures) to complete such construction. The Locus is situated at 6 South Water Street, is shown on Nantucket Tax Assessor's Map 42.3.1 as Parcel 130.1, is shown on Plan File No. 39-A, and title is recorded at the Nantucket County Registry of Deeds in Book 602, Page 22. The property is zoned Commercial Downtown.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing from Applicant's attorney and architect. The Planning Board found the matter not to be of planning concern. There was no written opposition to Applicant's request, nor was any opposition presented at the public hearing.

4. Applicant wishes to add a two bedroom apartment above his existing single-story commercial retail shop. In the course of construction, a crawl space will be placed beneath the existing building. Since the Locus is within the busy downtown area, Applicant has agreed to limit exterior work on the project to the off-season. The structure is one of two condominium units existing upon a pre-existing lot bounded by four streets, which is nonconforming as to lot area, and contains structures non-conforming as to ground cover. Similar to most lots in the downtown area, there is no parking on site, and none can be provided. There is on-street parking immediately adjacent to the Locus. The existing structure has been in its current location and configuration since at least the late 1800's. As is common with other structures in this historic area, a small portion of the front of the structure and a step in front of each of the front doors encroach onto a portion of the sidewalk. The structure is narrow in depth. Applicant's architect explained to the Board that in order to meet building code requirements for residential ceiling heights, yet still maintain the narrow depth of the building in order to satisfy Historic District Commission ("HDC") concerns, the height of the structure as renovated will exceed 30 feet, but will not exceed 32 feet. There are several other buildings in the immediate area where building heights are well in excess of 32 feet.

5. The Board notes that Applicant's request meets one of the goals of the town's master plan, in that it provides additional residential housing in the Commercial Downtown District. The Board finds that parking is physically impossible to provide upon the Locus, and that the granting of a special permit for parking relief is in harmony with the general purpose and intent of the zoning by-law. The Board further finds that the proposed height of the renovated structure is necessary and desirable in that it preserves the existing depth of this older structure, is complementary and appropriate to the scale of the adjoining streetscape, and is not substantially more detrimental to any adjoining properties, as the proposed structure will not substantially cast shadows, nor result in loss of privacy, air circulation, sunlight, access, nor cause crowding. The Board also finds that the proposed alteration of the nonconforming structure in accordance with the HDC approved plans will not be substantially more detrimental to the neighborhood than the existing nonconformities upon the lot.

6. By UNANIMOUS vote, the Board votes to grant the Special Permit relief as requested, pursuant to §139-17.C(5) to exceed height limitation, §139-18 to waive any additional parking requirements, and §139-33 to the extent necessary to alter a pre-existing nonconforming structure on a nonconforming lot, to allow the proposed work.

7. The relief granted is subject to the following conditions:

- a. The work shall be completed substantially in accordance with HDC approved plans.
- b. The height of the structure as renovated shall not exceed 32 feet.
- c. There shall be no exterior construction during May 15th and October 15th of any calendar year.

SIGNATURE PAGE TO FOLLOW

Dated: Aug 11, 2011.Edward ToonMichael AngelastroMark PoorSusan McCarthyKerim Koseatac

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 11 day of August, 2011, before me, the undersigned notary public, personally appeared Mark Poor, proved to me through satisfactory evidence of identification, which were _____, or personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



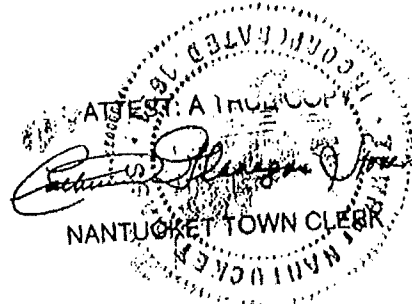
Notary Public John B. Brescher
My Commission Expires: 9/19/2014

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

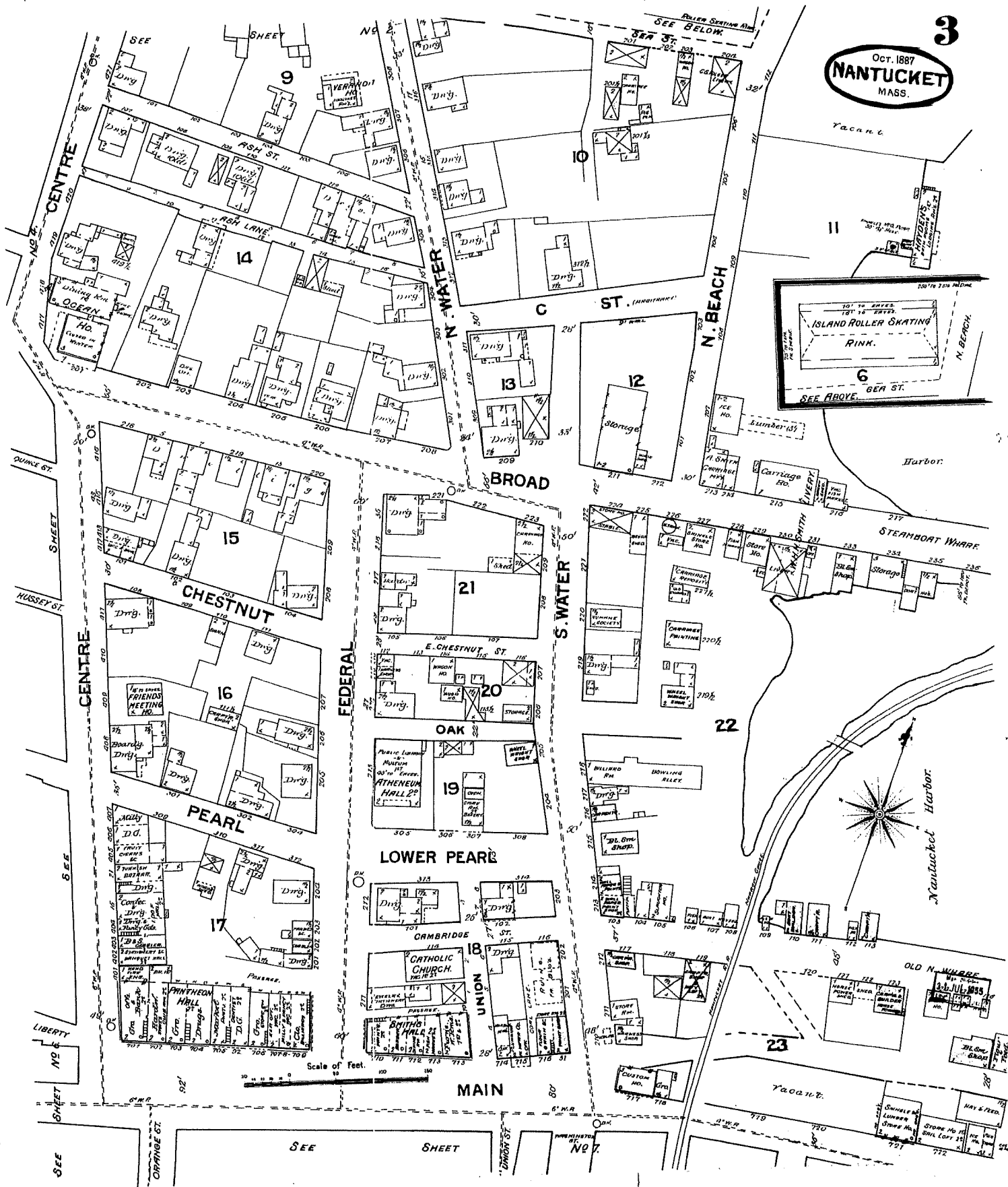
Christine M. Blanton

TOWN CLERK

SEP 02 2011



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





BENCHMARK
SPIKE SET IN BRICK WALKWAY
ELEVATION=8.32 (NAD88)

- LEGEND**
- AC AIR CONDITIONING UNIT
 - CB CONCRETE BOUND
 - CB/WH CONCRETE BOUND W/DRILL HOLE
 - CB/HP CONCRETE BOUND W/IRON PIN
 - E ELECTRIC MANHOLE
 - EH ELECTRIC METER
 - EH/H HAND HOLE - ELECTRIC
 - FA HAND HOLE - FIRE ALARM
 - LP LAMP POST
 - PT PROPANE TANK
 - SC SEWER CLEAN OUT
 - SE SPOT ELEVATION
 - 7.5 TREE
 - 8 TOPOGRAPHIC CONTOUR
 - WG WATER GATE
 - WG WATER METER PIT

NOTES:

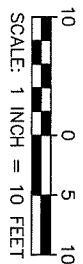
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY SITE DESIGN ENGINEERING, LLC. ON MAY 21, 2021 AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
- ELEVATIONS ARE REFERENCED TO NAVD88.
- THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 9) AS DETERMINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 260230 0086 G. (MAP EFFECTIVE DATE JUNE 9, 2014).
- THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
- EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

ZONING REQUIREMENTS:

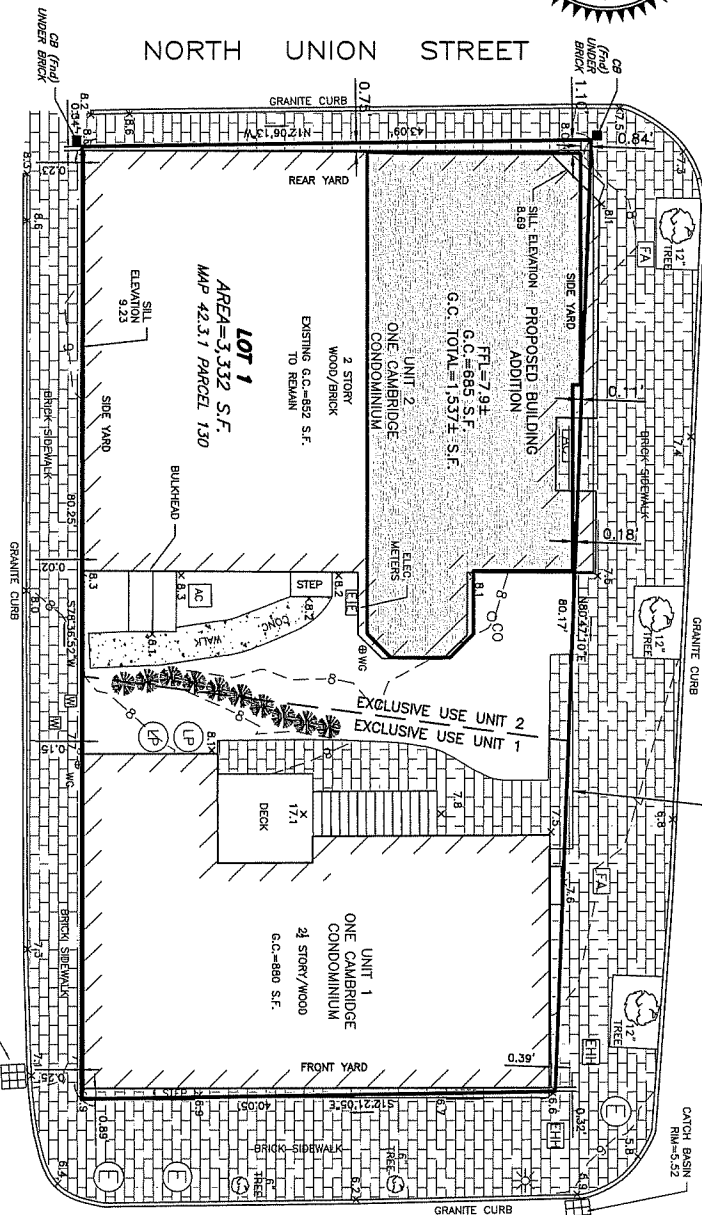
THE SITE IS ZONED COMMERCIAL DOWNTOWN (CDT)	REQUIRED	PROPOSED
LOT AREA	3,750 S.F.	3,332 S.F.
LOT FRONTAGE	35 FT.	40.06 FT.
FRONT YARD SETBACK	0 FT.	0.32 FT.
REAR YARD SETBACK	5 FT.	0.34 FT.
SIDE YARD SETBACK	0 FT.	0.02 FT.
MAX. GROUND COVER RATIO	75%	72.5%

OVERLAY DISTRICT APPLICABILITY

FORMULA BUSINESS EXCLUSION	HOC OLD HISTORIC	HARBOR WATERSHED PROTECTION ZONE 'A'	TOWN



CAMBRIDGE STREET



INDIA STREET

SOUTH WATER STREET

PROPOSED SITE PLAN

1 CAMBRIDGE STREET, UNIT #2
ASSESSOR'S MAP 42.3.1, PARCEL 130.2
NANTUCKET, MASSACHUSETTS

DATE: JANUARY 10, 2022	REV. DATE:
PROJ.#: 21012	SCALE: 1" = 10'
DRAWN BY: RLM/SKD	CHECK BY: DCM
ISSUED FOR: APPROVAL	
PREPARED FOR: ZERO INDIA STREET, LLC.	

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



BENCHMARK
SPIKE SET IN BRICK WALKWAY
ELEVATION=8.32 (NAVD88)

- LEGEND**
- AC AIR CONDITIONING UNIT
 - CB CONCRETE BOUND
 - CB/WH CONCRETE BOUND W/DRILL HOLE
 - CB/HP CONCRETE BOUND W/IRON PIN
 - E ELECTRIC MANHOLE
 - EM ELECTRIC METER
 - EH HAND HOLE - ELECTRIC
 - FA HAND HOLE - FIRE ALARM
 - LP LAMP POST
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 - SC SEWER CLEAN OUT
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 - 7.5 TREE
 - 8 TOPOGRAPHIC CONTOUR
 - WG WATER GATE
 - WM WATER METER PIT

NOTES:

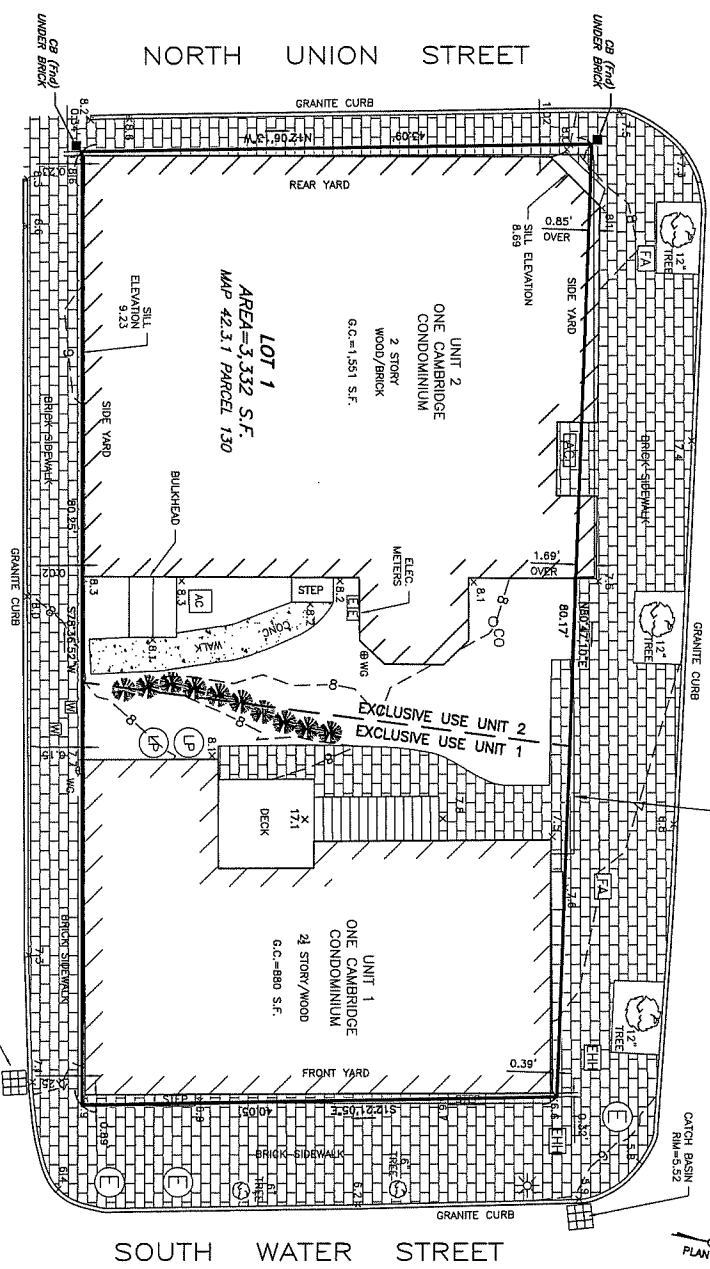
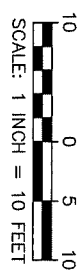
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- ELEVATIONS ARE REFERENCED TO NAVD88.
- THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL. 9) AS DETERMINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250250 0086 G, (MAP EFFECTIVE DATE JUNE 9, 2014).
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ZONING REQUIREMENTS:

THE SITE IS ZONED COMMERCIAL DOWNTOWN (CDT)	REQUIRED	EXISTING
LOT AREA	3,750 S.F.	3,332 S.F.
LOT FRONTAGE	35 FT.	40.05 FT.
FRONT YARD SETBACK	0 FT.	0.32 FT.
REAR YARD SETBACK	5 FT.	0.34 FT.
SIDE YARD SETBACK	0 FT.	-1.69 FT.
MAX. GROUND COVER RATIO	75%	73.0%

OVERLAY DISTRICT APPLICABILITY

FORMULA BUSINESS EXCLUSION	HDC OLD HISTORIC
HARBOR WATERSHED PROTECTION ZONE 'V'	TOWN SEWER



EXISTING CONDITIONS SITE PLAN

1 CAMBRIDGE STREET, UNIT #2
ASSESSOR'S MAP 42.3.1, PARCEL 130.2
NANTUCKET, MASSACHUSETTS

DATE: NOVEMBER 8, 2021	REV. DATE:
REV: JANUARY 10, 2022	
PROJ.#: 21012	SCALE: 1" = 10'
DRAWN BY: RLM/SKD	CHECK BY: DCM
ISSUED FOR: -	
PREPARED FOR: ZERO INDIA STREET, LLC.	

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



Scale: 1" = 10'-0"

Date: 01.10.22

Map & Parcel: 42.3.1 / 130.2

Map & Parcel:

Map & Parcel:
Current Zoning:

Current Zoning: Minimum Frontage:

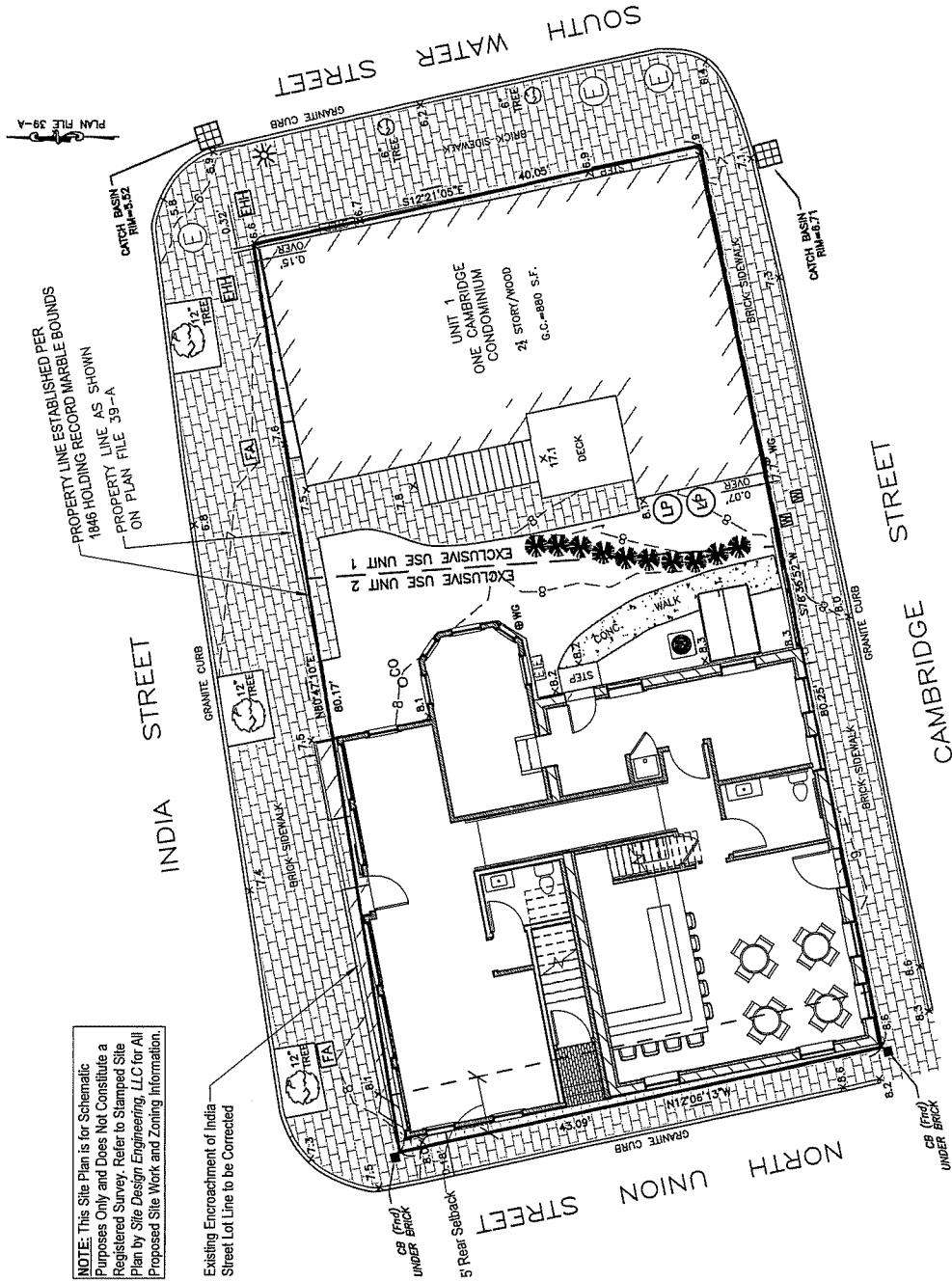
Minimum Frontage: 35 ft
Front Setback: 0 ft

1 Cambridge Street

Nantucket, MA 02554

NOTE: This Site Plan is for Schematic Purposes Only and Does Not Constitute a Registered Survey. Refer to Stamped Site Plan by Site Design Engineering, LLC for All Proposed Site Work and Zoning Information.

Existing Encroachment of India Street Lot Line to be Corrected



Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

Site Plan - Proposed

Scale: 1" = 10'-0"

Date: 01.10.22

V1.2



8 Williams Lane
Nantucket, MA 02554
508.222.4995
www.emeritusllc.com

Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

Foundation Plan - Existing

Scale: 3/16" = 1'-0"

Date: 01.10.22

Existing 1.5-Story "North"
 Portion of Building to be
 Demolished and Rebuilt with
 2.5 Stories and Reduced
 Ground Cover

5'-0" Rear
 Setback

Existing Slab-on-Grade
 Foundation to be Demolished

Existing 1.5-Story "South"
 Portion of Building to Remain

Existing Slab-on-Grade Foundation to Remain
 (Verify in Field)

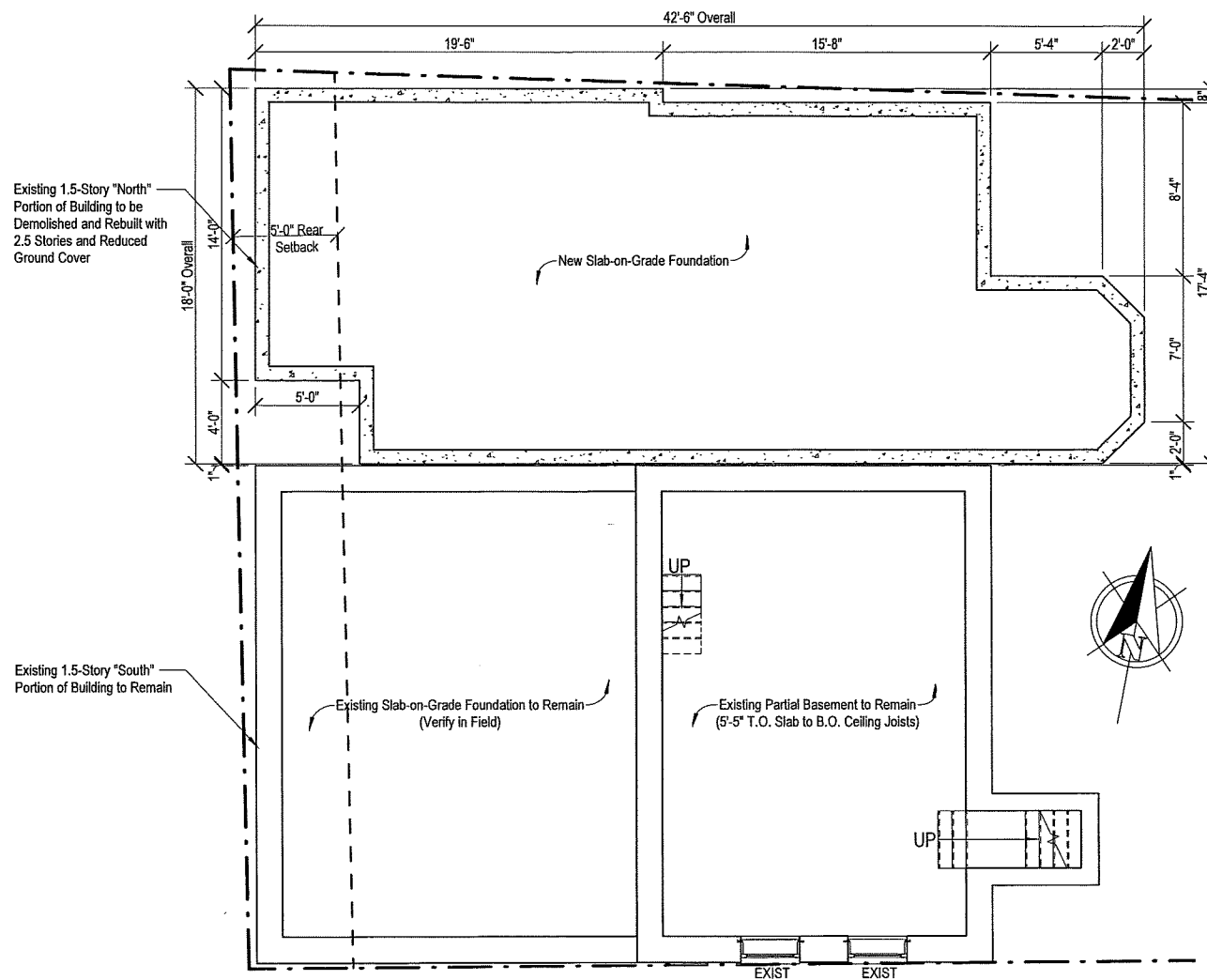
Existing Partial Basement to Remain
 (5'-5" T.O. Slab to B.O. Ceiling Joists)

UP

UP



8 Williams Lane
 Nantucket, MA 02554
 508.325.4955
 www.emeritusd.com



Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

First Floor Plan - Existing

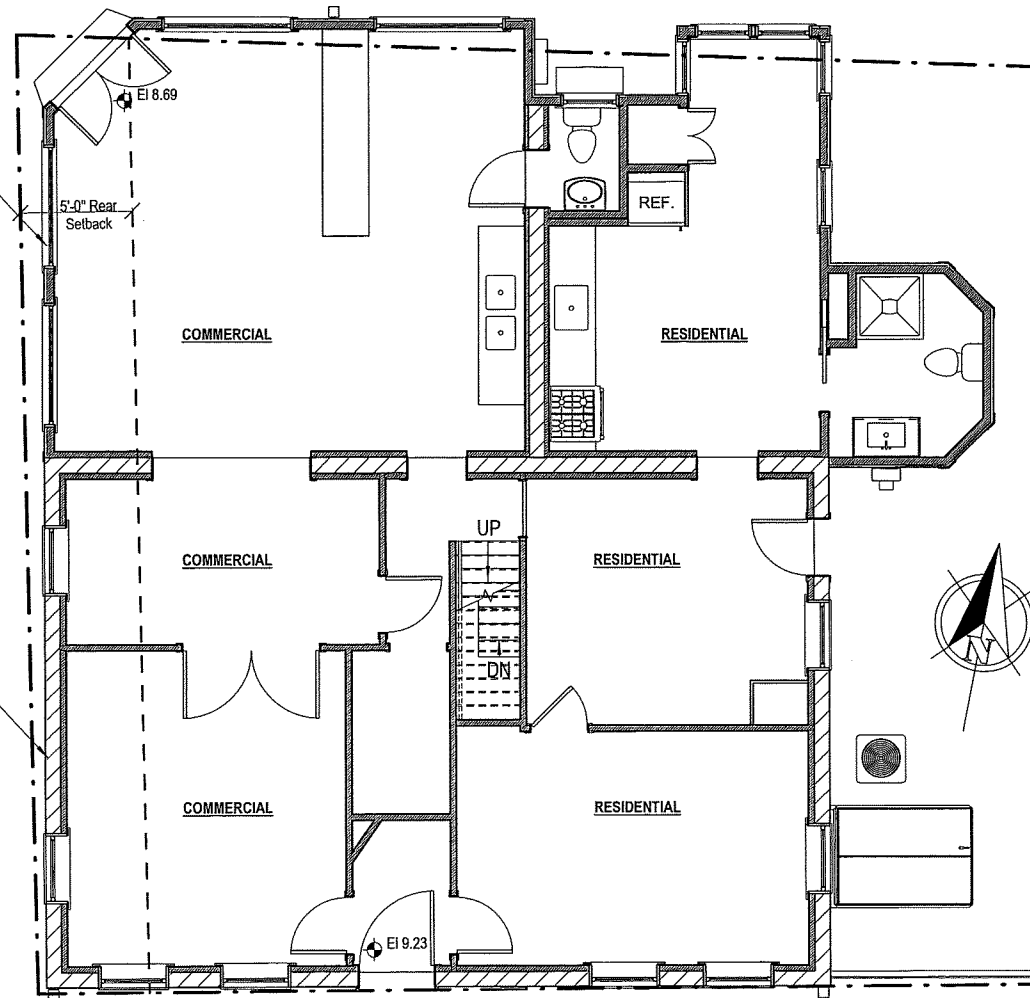
Scale: 3/16" = 1'-0"

Date: 01.10.22

Existing 1.5-Story "North"
 Portion of Building to be
 Demolished and Rebuilt with
 2.5 Stories and Reduced
 Ground Cover

5'-0" Rear
 Setback

Existing 1.5-Story "South"
 Portion of Building to Remain



EXISTING CONDITIONS

1F (Total Area): 1,551 SF
 2F (Total Area): 635 SF
 All Floors (Total Area): 2,186 SF

1F (Within Rear Yard Setback): 178 SF
 2F (Within Rear Yard Setback): 22 SF
 All Floors (Within Rear Yard Setback): 200 SF

POST-ALTERATION CONDITIONS

1F (Total Area): 1,537 SF
 2F (Total Area): 926 SF
 3F (Total Area): 375 SF
 All Floors (Total Area): 2,838 SF

1F (Within Rear Yard Setback): 180 SF
 2F (Within Rear Yard Setback): 94 SF
 3F (Within Rear Yard Setback): 22 SF
 All Floors (Within Rear Yard Setback): 296 SF

NOTE: Floor Areas Having Less Than 5'-0" Ceiling
 Height are Excluded from Floor Area Computation
 Per 780 CMR 1208.2 Exception 2.



8 Williams Lane
 Nantucket, MA 02554
 508.325.4955
 www.emeritusold.com

Addition & Alteration 1 Cambridge Street Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

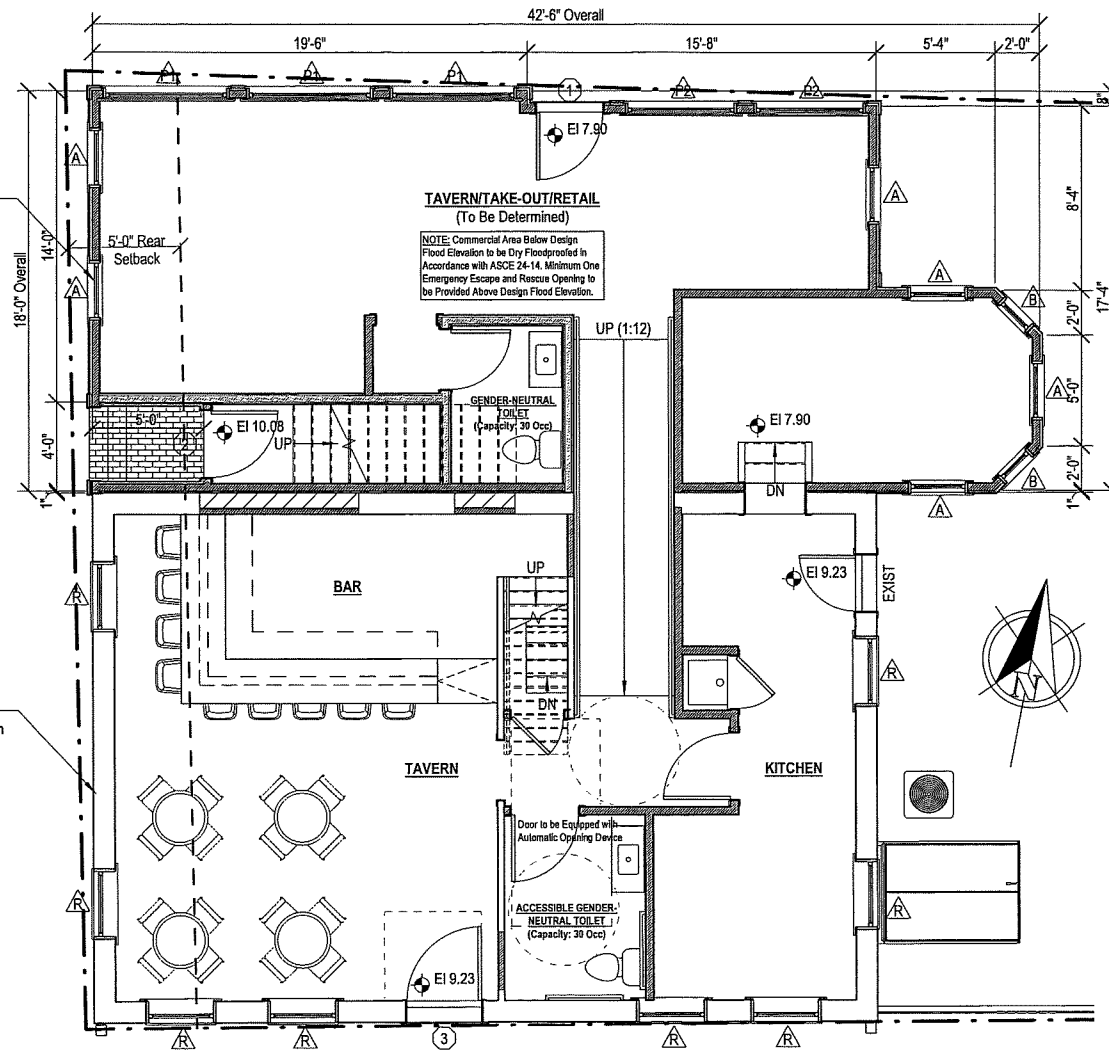
First Floor Plan - Proposed

Scale: 3/16" = 1'-0"

Date: 01.10.22

Existing 1.5-Story "North"
 Portion of Building to be
 Demolished and Rebuilt with
 2.5 Stories and Reduced
 Ground Cover

Existing 1.5-Story "South"
 Portion of Building to Remain



EXISTING CONDITIONS

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 2F (Total Area): 635 SF
 All Floors (Total Area): 2,186 SF

1F (Within Rear Yard Setback): 178 SF
 2F (Within Rear Yard Setback): 22 SF
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 3F (Within Rear Yard Setback): 22 SF
 All Floors (Within Rear Yard Setback): 296 SF

NOTE: Floor Areas Having Less Than 5'-0" Ceiling Height are Excluded from Floor Area Computation Per 780 CMR 1208.2 Exception 2.



8 Williams Lane
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Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

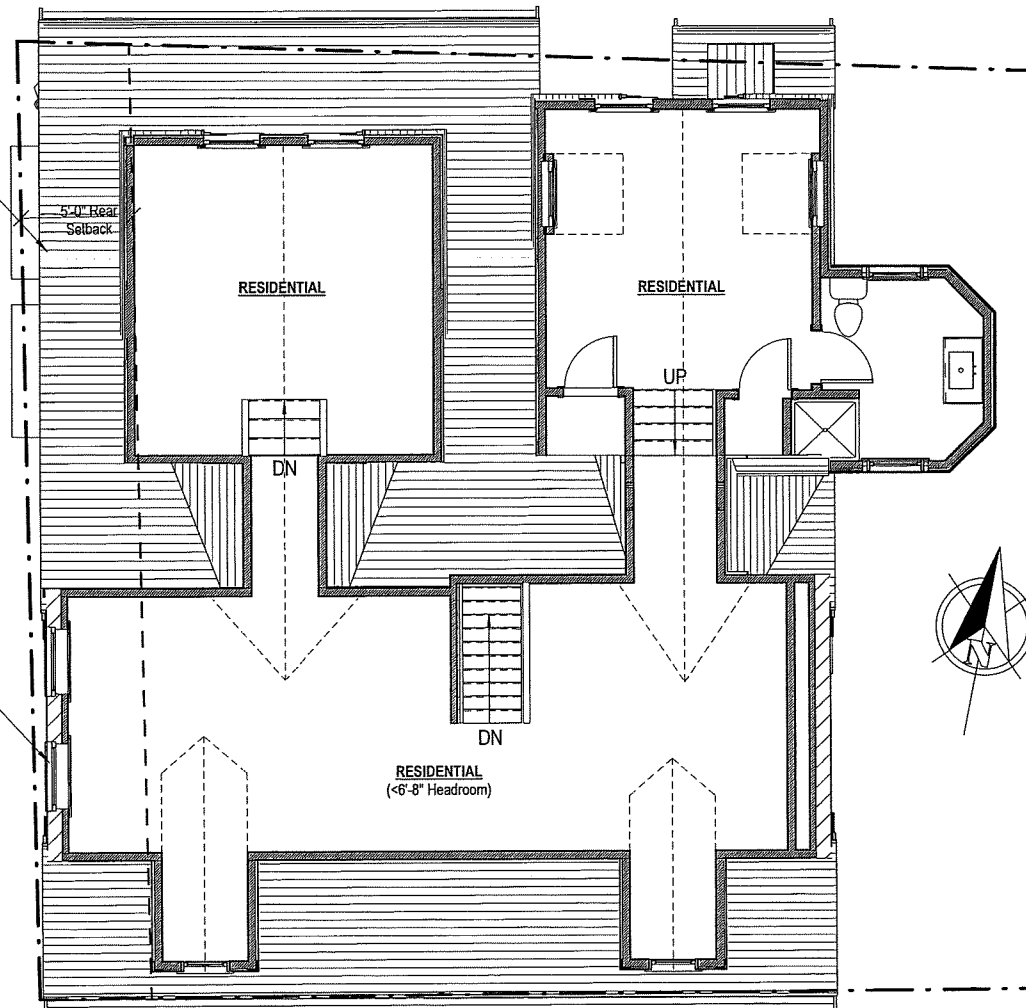
Second Floor Plan - Existing

Scale: 3/16" = 1'-0"

Date: 01.10.22

Existing 1.5-Story "North"
 Portion of Building to be
 Demolished and Rebuilt with
 2.5 Stories and Reduced
 Ground Cover

Existing 1.5-Story "South"
 Portion of Building to Remain



EXISTING CONDITIONS

1F (Total Area): 1,551 SF
 2F (Total Area): 635 SF
 All Floors (Total Area): 2,186 SF

1F (Within Rear Yard Setback): 178 SF
 2F (Within Rear Yard Setback): 22 SF
 All Floors (Within Rear Yard Setback): 200 SF

POST-ALTERATION CONDITIONS

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 2F (Total Area): 926 SF
 3F (Total Area): 375 SF
 All Floors (Total Area): 2,838 SF

1F (Within Rear Yard Setback): 180 SF
 2F (Within Rear Yard Setback): 94 SF
 3F (Within Rear Yard Setback): 22 SF
 All Floors (Within Rear Yard Setback): 296 SF

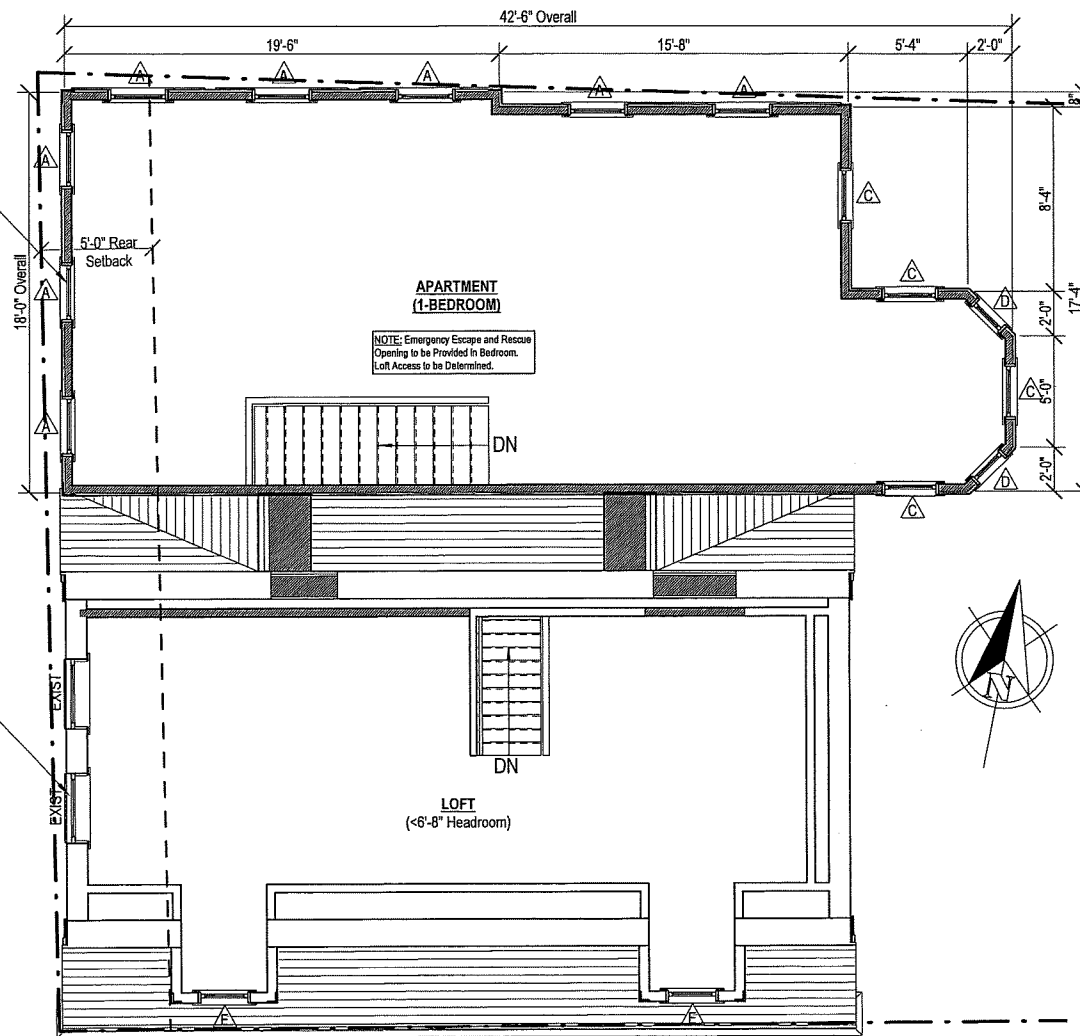
NOTE: Floor Areas Having Less Than 5'-0" Ceiling Height are Excluded from Floor Area Computation Per 780 CMR 1208.2 Exception 2.



8 Williams Lane
 Nantucket, MA 02554
 508.325.4995
www.emeritusllc.com

Existing 1.5-Story "North"
Portion of Building to be
Demolished and Rebuilt with
2.5 Stories and Reduced
Ground Cover

Existing 1.5-Story "South"
Portion of Building to Remain



EXISTING CONDITIONS

1F (Total Area):	1,551 SF
2F (Total Area):	635 SF
All Floors (Total Area):	2,186 SF

1F (Within Rear Yard Setback):	178 SF
2F (Within Rear Yard Setback):	22 SF
All Floors (Within Rear Yard Setback):	200 SF

POST-ALTERATION CONDITIONS

1F (Total Area):	1,537 SF
2F (Total Area):	926 SF
3F (Total Area):	375 SF
All Floors (Total Area):	2,838 SF

1F (Within Rear Yard Setback):	180 SF
2F (Within Rear Yard Setback):	94 SF
3F (Within Rear Yard Setback):	22 SF
All Floors (Within Rear Yard Setback):	296 SF

NOTE: Floor Areas Having Less Than 5'-0" Ceiling Height are Excluded from Floor Area Computation Per 780 CMR 1208.2 Exception 2.

V4.2

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel:	42.3.1 / 130.2
Current Zoning:	CDT
Minimum Frontage:	35 ft
Front Setback:	0 ft
Side/Rear Setback:	0 / 5 ft

Second Floor Plan - Proposed

Scale: 3/16" = 1'-0"

Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4995
www.emeritusld.com

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

Roof Plan - Existing

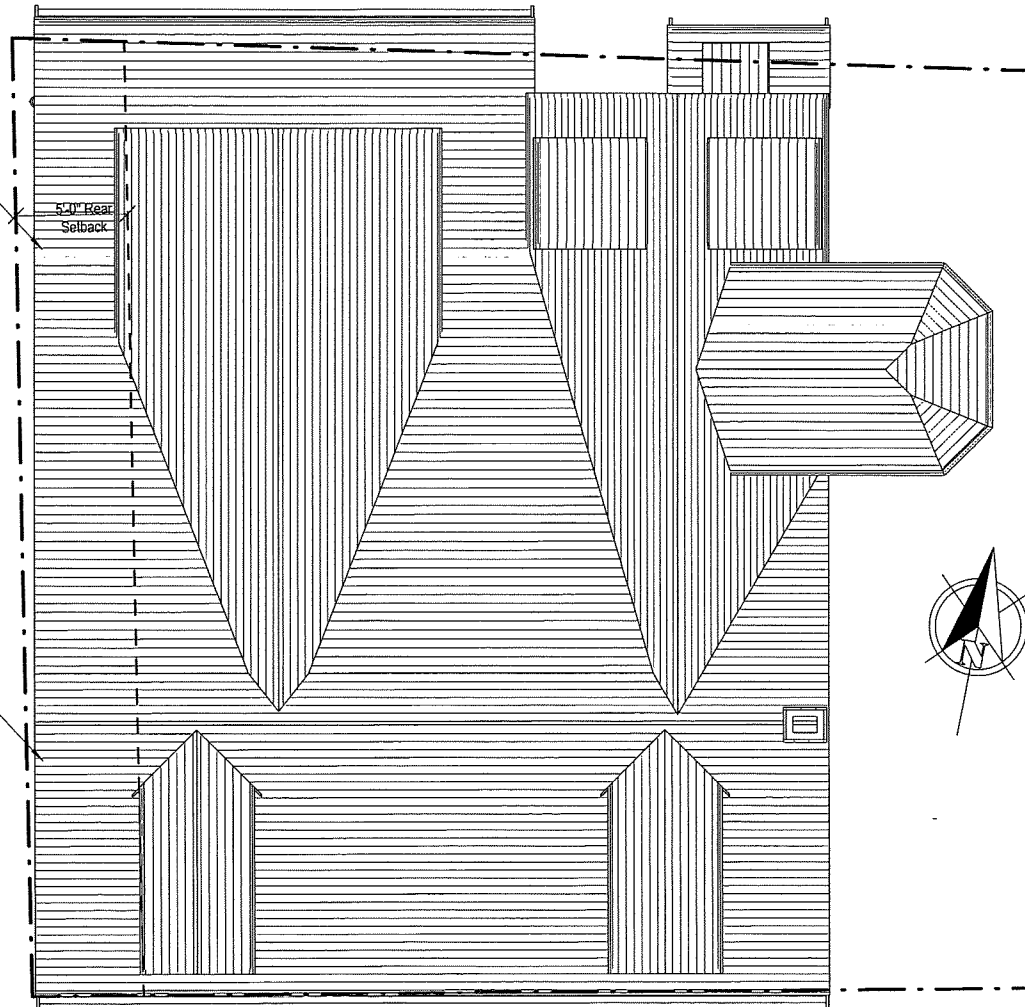
Scale: 3/16" = 1'-0"

Date: 01.10.22

Existing 1.5-Story "North"
Portion of Building to be
Demolished and Rebuilt with
2.5 Stories and Reduced
Ground Cover

5'-0" Rear
Setback

Existing 1.5-Story "South"
Portion of Building to Remain



EXISTING CONDITIONS

1F (Total Area): 1,551 SF
2F (Total Area): 635 SF
All Floors (Total Area): 2,186 SF

1F (Within Rear Yard Setback): 178 SF
2F (Within Rear Yard Setback): 22 SF
All Floors (Within Rear Yard Setback): 200 SF

POST-ALTERATION CONDITIONS

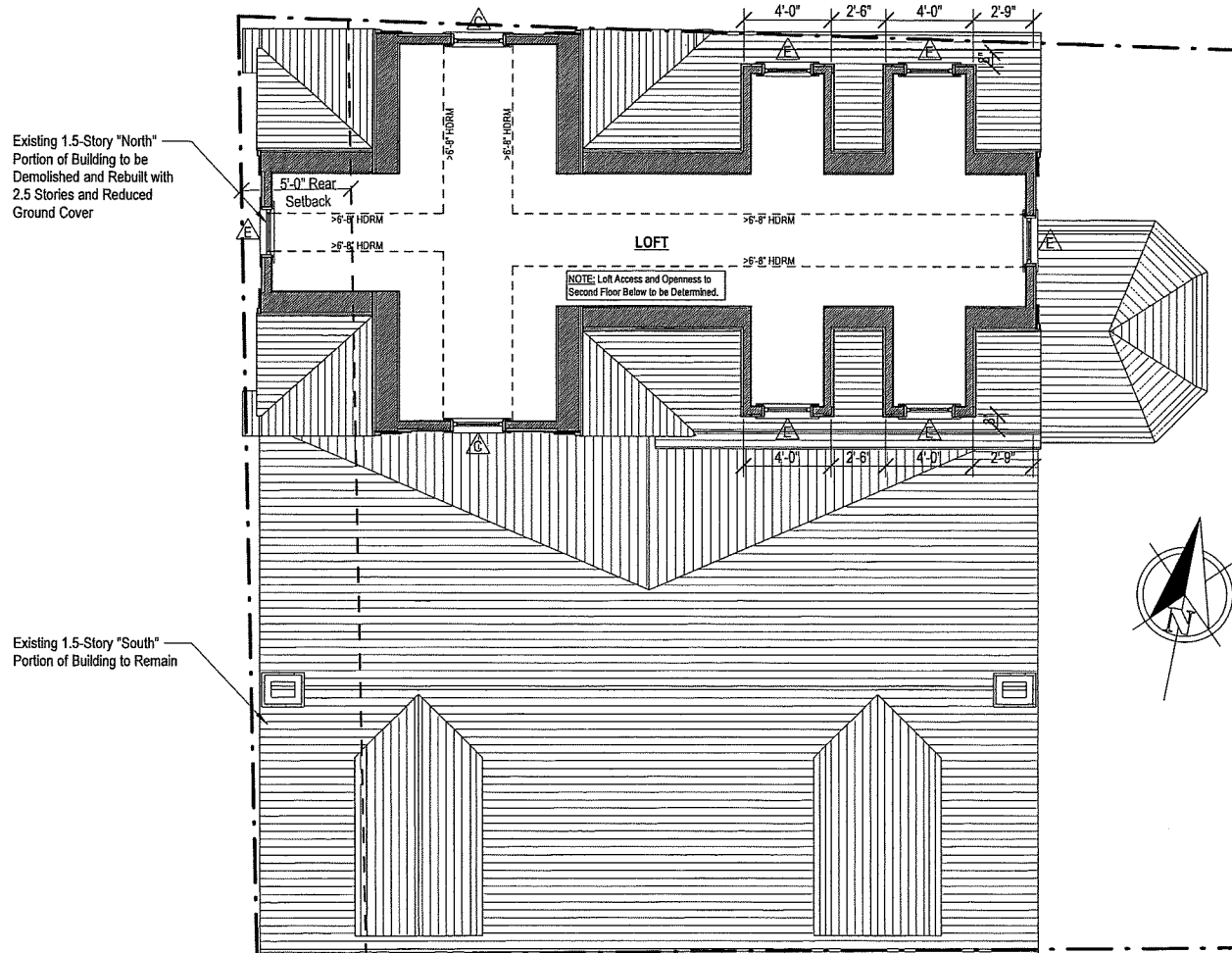
1F (Total Area): 1,537 SF
2F (Total Area): 926 SF
3F (Total Area): 375 SF
All Floors (Total Area): 2,838 SF

1F (Within Rear Yard Setback): 180 SF
2F (Within Rear Yard Setback): 94 SF
3F (Within Rear Yard Setback): 22 SF
All Floors (Within Rear Yard Setback): 296 SF

NOTE: Floor Areas Having Less Than 5'-0" Ceiling Height are Excluded from Floor Area Computation Per 780 CMR 1208.2 Exception 2.



8 Williams Lane
Nantucket, MA 02554
508.325.4995
www.emerituslid.com



EXISTING CONDITIONS	
1F (Total Area):	1,551 SF
2F (Total Area):	635 SF
All Floors (Total Area):	2,186 SF
1F (Within Rear Yard Setback):	178 SF
2F (Within Rear Yard Setback):	22 SF
All Floors (Within Rear Yard Setback):	200 SF
POST-ALTERATION CONDITIONS	
1F (Total Area):	1,537 SF
2F (Total Area):	926 SF
3F (Total Area):	375 SF
All Floors (Total Area):	2,838 SF
1F (Within Rear Yard Setback):	180 SF
2F (Within Rear Yard Setback):	94 SF
3F (Within Rear Yard Setback):	22 SF
All Floors (Within Rear Yard Setback):	296 SF
NOTE: Floor Areas Having Less Than 5'-0" Ceiling Height are Excluded from Floor Area Computation Per 780 CMR 120B.2 Exception 2.	

V5.2

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

Loft/Roof Plan - Proposed

Scale: 3/16" = 1'-0"
Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4955
www.emerituslid.com



V6.1

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

North Elevation - Existing

Scale: 1/4" = 1'-0"
Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4995
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V6.2

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

North Elevation - Proposed

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4995
www.emeritusllc.com



V7.1

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

West Elevation - Existing

Scale: 1/4" = 1'-0"
Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4955
www.emeritustid.com

Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

West Elevation - Proposed

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
 Nantucket, MA 02554
 508.325.4955
www.emeritusd.com

V8.1

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

South Elevation - Existing

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4995
www.emeritusltd.com



Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

South Elevation - Proposed

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
 Nantucket, MA 02554
 508.325.4995
 www.emeritusltd.com



V9.1

Addition & Alteration
1 Cambridge Street
Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
Current Zoning: CDT
Minimum Frontage: 35 ft
Front Setback: 0 ft
Side/Rear Setback: 0 / 5 ft

East Elevation - Existing

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
Nantucket, MA 02554
508.325.4395
www.emeritusllc.com

Addition & Alteration
 1 Cambridge Street
 Nantucket, MA 02554

Zoning Information

Map & Parcel: 42.3.1 / 130.2
 Current Zoning: CDT
 Minimum Frontage: 35 ft
 Front Setback: 0 ft
 Side/Rear Setback: 0 / 5 ft

East Elevation - Proposed

Scale: 1/4" = 1'-0"

Date: 01.10.22



8 Williams Lane
 Nantucket, MA 02554
 508.335.4935
 www.emeritusid.com

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4231	9	1	NIR RETAIL II LLC	C/O NEW ENGLAND DEVOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	21 FEDERAL ST
4231	9	2	NIR RETAIL II LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	2 E CHESTNUT ST
4231	9	3	23 FED LLC		PO BOX 58	ASSONET	MA	02702	23 FEDERAL ST
4231	10	1	FOUR EAST CHESTNUT RE LLC		4 WEST CREEK RD	NANTUCKET	MA	02554	4 E CHESTNUT ST
4231	10	2	KATSAPETSES THOMAS N TR	THOMAS N TRUST	PO BOX 585	NEWBURYPORT	MA	01950	8 OAK ST
4231	10	3	KEANE JOHN A & MONTGOMERY CAROLINE		4 W CREEK RD	NANTUCKET	MA	02554	6 OAK ST
4231	11	1	NANTUCKET DREAMLAND FOUNDATION		P O BOX 989	NANTUCKET	MA	02554	17 S WATER ST
4231	12		NIR RETAIL III LLC	C/O NEW ENGLAND DEVELOPMENT-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	15 S WATER ST
4231	13		14 EASY STREET LLC		PO BOX 1173	NANTUCKET	MA	02554	14 EASY ST
4231	13	1	SPILT MILK LLCC		99 FRANKLIN ST	WESTPORT	CT	06880	14B EASY ST
4231	13	2	14 EASY STREET LLC		PO B OX 1173	NANTUCKET	MA	02554	14A EASY ST
4231	13	3	BGG HOLDINGS NOM TR	VAUGHN DALE HUNTER & BEAUDETTE LLC	PO BOX 659	NANTUCKET	MA	02554	14C EASY ST
4231	13	4	BGG HOLDINGS NOM TR	VAUGHN DALE HUNTER & BEAUDETTE LLC	PO BOX 659	NANTUCKET	MA	02554	14D EASY ST
4231	16		TEN EASY STREET NOMINEE TR		PO BOX 877	NANTUCKET	MA	2554	6 EASY ST
4231	17		BRANT POINT PARTNERS LLC		251 MAIN STREET	HUNTINGTON	NY	11743	7 EASY ST
4231	18		ANDREWS VIRGINIA F		P O BOX 1182	NANTUCKET	MA	02554	4 OLD NORTH WF
4231	19		AEDCONW LLC		6500 ROCK SPRING DRIVE STE 5	BETHESDA	MD	20817	6 OLD NORTH WF
4231	20		JONES HARVEY C JR TRST		300 RIDGEVIEW DRIVE	PALM BEACH	FL	33480	8 OLD NORTH WF
4231	23		SEASCENE LLC		6500 ROCK SPRING DR SUITE 5	BETHESDA	MD	20817	10 OLD NORTH WF
4231	70		29 CENTER ST LLC		105 NEWBURY ST 4TH FL	BOSTON	MA	02116	16- FEDERAL ST
4231	71		DUNN LEE H & THARON SAPP		PO BOX 1846	NANTUCKET	MA	02554	16 FEDERAL ST
4231	72		NIR RETAIL II LLC	C/O NEW ENGLAND DEVOP- ACCTING DEPT	75 PARK PLAZA SUITE 3	BOSTON	MA	02116	18 FEDERAL ST
4231	74		NANTUCKET ATHENEUM LIBRARY		PO BOX 808	NANTUCKET	MA	02554	1 INDIA ST
4231	76		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA SUITE 3	BOSTON	MA	2116	11 S WATER ST
4231	78		LOTHIAN DEBORAH K & WILLIAM TRS	TEN EASY STREET NOMINEE TRUST	PO BOX 877	NANTUCKET	MA	02554	10 EASY ST
4231	79		GIFFORD JOHN F TR	FAWN GROVE REALTY TRUST	86 COLBOURNE CR	BROOKLINE	MA	02445	4 EASY ST
4231	80		3S INVESTMENTS LLC		200 EAST 66TH ST APT A-706	NEW YORK	NY	10065	1R OLD NORTH WF
4231	80	1	KILLEN PATIENCE E		PO BOX 606	NANTUCKET	MA	02554	1 OLD NORTH WF
4231	81	1	GLOR MICHAEL H TR ET AL		93 WORCESTER RD	WELLESLEY	MA	02481	1 OLD NORTH WF
4231	81	2	GIFFORD JOHN F TR		86 COLBOURNE CRESANT	BROOKLINE	MA	02445	3 OLD NORTH WF
4231	124		MASTERS DAVID JR & CIELO		7 INDIA ST	NANTUCKET	MA	02554	7 INDIA ST
4231	126		NIR RETAIL II LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	14 FEDERAL ST
4231	127		12 FEDERAL STREET LLC		105 NEWBURY ST 4TH FL	BOSTON	MA	02116	12 FEDERAL ST
4231	128		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	10 FEDERAL ST
4241	129		US POST OFFICE		7 FEDERAL ST	NANTUCKET	MA	02554	7 FEDERAL ST
4231	131		F C MAC CORPORATION ETAL		P O BOX 662	BELLVUE	ID	83313	7 S WATER ST

4231	133		PACIFIC CLUB INC	C/O SHALLO GALLUSCIO BIANHI	21 NORTH SEVENTH ST	HUDSON	NY	12534	15 MAIN ST
4231	134		NIR RTAIL INC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	1 MAIN ST
4231	135		NIR RETAIL LLC	NEW ENGLAND DEVELOPMENT	75 PARK PLAZA #3	BOSTON	MA	02116	2 STRAIGHT WF
4231	140		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	15 CANDLE ST
4231	166		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	25 CENTER ST
4231	167		PEARL STREET REALTY LLC	C/O WAINE	PO BOX 236	NANTUCKET	MA	02554	4 INDIA ST
4231	168		WILLAUER ANDREW M ETUX		2 INDIA ST	NANTUCKET	MA	02554	2 INDIA ST
4231	172		JORDAN LUCILLE A		PO BOX 776	NANTUCKET	MA	02554	8 FEDERAL ST
4231	173		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	4 FEDERAL ST
4231	174		ST MARYS ROMAN CATHOLIC CHURCH		6 ORANGE ST	NANTUCKET	MA	02554	3 FEDERAL ST
4231	176		NIR RETAIL II LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	4 S WATER ST
4231	178		MICHAEL SCOTT REALTY CORP		BOX 538	NANTUCKET	MA	02554	17 MAIN ST
4231	178	1	17 MAIN ACK LLC	C/O DAVID J MURPHY	160 FEDERAL ST 15TH FL	BOSTON	MA	02110	17 MAIN ST #1
4231	178	2	MICHAEL SCOTT REALTY CORP		8 BEAR STUMP CIRCLE	RAYNHAM	MA	02767	2A S WATER ST
423	178	3	MICHAEL SCOTT REALTY CORP		8 BEAR STUMP CIRCLE	RAYNHAM	MA	02767	2B S WATER ST
4231	179		RALPH LAUREN RETAIL INC	ATT: LEASE ACCOUNTING	201 N PENDLETON ST	HIGH POINT	NC	27260	16 MAIN ST
4231	180		ISLANDER REALTY TRUST		PO BOX 40064	ST PETERSBURG	FL	33743	12 MAIN ST
4231	181		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	ZERO MAIN ST
4231	182		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	2 WASHINGTON ST
4231	186		VTT MOBY DICK LLC		100 CONCORD ST #3E	FRAMINGHAM	MA	1702	2 UNION ST
4231	187		BELL ATLANTIC/NE TELEPHONE	C/O VERIZON NEW ENGLAND INC	C/O DUFF & PHELPS BOX 2749	ADDISON	TX	75001	3 UNION ST
4231	189		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	38 MAIN ST
4231	203	7	7 PETTICOAT RW		19 CENTER ST	NANTUCKET	MA	02554	7 CENTER ST
4231	205		HODGE EDWIN N TRST ETAL	ONE NEW STREET REALTY TRUST	575 GREENWAY DRIVE	LAKE FOREST	IL	60045	47R MAIN ST
4231	206		THE ONE 2744 LLC	C/O TRIANON	16 WEST 46TH ST	NEW YORK	NY	10036	47 MAIN ST
4231	207		BELL ALLAN D & BONITA L		PO BOX 1056	NANTUCKET	MA	02554	45 MAIN ST
4231	208		ARNO JOSEPH V TRST ETAL	C/O KEN GULLICKSEN	PO BOX 2669	NANTUCKET	MA	02584-2669	41 MAIN ST
4231	209		MARLIN CAPITAL CORP TRUSTEE	C/O THE MAURY PEOPLE	35 MAIN STREET	NANTUCKET	MA	02554	37 MAIN ST
4231	210		HINGHAM INSTITUTION FOR SAVINGS		55 MAIN STREET	HINGHAM	MA	02043	35 MAIN ST
4231	211		CLACK LLC		161 EAST 35TH ST #2F	NEW YORK	NY	10016	33 MAIN ST
4231	212		VALENTINE HUSSEY BLOCK LLC		PO BOX 1135	NANTUCKET	MA	02554	31 MAIN ST
4231	213		MURRAY BRUCE L ETAL		PO BOX 1882	NANTUCKET	MA	02554	23 MAIN ST
4231	214	1	CATCH FISH LLC		21 MAIN ST	NANTUCKET	MA	02554	19 MAIN ST
4231	214	2	NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	3 N UNION ST
4231	214	3	NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	3A N UNION ST
4231	214	4	NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	21 MAIN STREET
4231	215		UNION LODGE F & A MASONS		PO BOX 697	NANTUCKET	MA	02554	30 MAIN ST

4231	217		NIR RETAIL II LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	32 MAIN ST
4231	218		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	34 MAIN ST
4231	221		CONGDON & COLEMAN INSURANCE AG		PO BOX 1199	NANTUCKET	MA	02554	57 MAIN ST
4231	223		VTT ON MAIN LLC		100 CONCORD ST STE 3E	FRAMINGHAM	MA	01702	53 MAIN ST
4231	224		HODGE EDWIN N TR		575 GREENWAY DRIVE	LAKE FOREST	IL	60045	51 MAIN ST
4231	226		FARRELL FRANCIS X ETAL		4 WESTMOOR LANE	NANTUCKET	MA	02554	5 INDIA ST
4231	270		ISLACK CORP TRUSTEE	SO WATER ASSOC REALTY TR	180 WELLS AVE STE 100	NEWTON	MA	02459	5A S WATER ST
4242	23		DALE KEVIN F TRUSTEE	C/O YOUNG ROBERT	PO BOX 779	NANTUCKET	MA	02554	26 EASY ST
4242	27		4ACK LLC		100 CONCORD ST STE 3E	FRAMINGHAM	MA	01702	12 OAK ST
4242	28		TEASDALE ANN R		PO BOX 157	NANTUCKET	MA	02554	19 S WATER ST
4242	29		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	20 S WATER ST
4242	73		OSLEY PHILIP A & RUTH E		12 BROAD ST	NANTUCKET	MA	02554	23 S WATER ST
Count:	85								

NIR RETAIL II LLC
C/O NEW ENGLAND DEVOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

23 FED LLC
PO BOX 58
ASSONET, MA 02702

FOUR EAST CHESTNUT RE LLC
4 WEST CREEK RD
NANTUCKET, MA 02554

KATSAPETSES THOMAS N TR
THOMAS N TRUST
PO BOX 585
NEWBURYPORT, MA 01950

KEANE JOHN A & MONTGOMERY
CAROLINE
4 W CREEK RD
NANTUCKET, MA 02554

NANTUCKET DREAMLAND FOUNDATION
P O BOX 989
NANTUCKET, MA 02554

NIR RETAIL III LLC
C/O NEW ENGLAND DEVELOPMENT-
ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

14 EASY STREET LLC
PO BOX 1173
NANTUCKET, MA 02554

SPILT MILK LLCC
99 FRANKLIN ST
WESTPORT, CT 06880

14 EASY STREET LLC
PO B OX 1173
NANTUCKET, MA 02554

BGG HOLDINGS NOM TR
VAUGHN DALE HUNTER & BEAUDETTE
LLC
PO BOX 659
NANTUCKET, MA 02554

BGG HOLDINGS NOM TR
VAUGHN DALE HUNTER & BEAUDETTE LLC
PO BOX 659
NANTUCKET, MA 02554

TEN EASY STREET NOMINEE TR
PO BOX 877
NANTUCKET, MA 2554

BRANT POINT PARTNERS LLC
251 MAIN STREET
HUNTINGTON, NY 11743

ANDREWS VIRGINIA F
P O BOX 1182
NANTUCKET, MA 02554

AEDCONW LLC
6500 ROCK SPRING DRIVE STE 5
BETHESDA, MD 20817

JONES HARVEY C JR TRST
300 RIDGEVIEW DRIVE
PALM BEACH, FL 33480

SEASCENE LLC
6500 ROCK SPRING DR SUITE 5
BETHESDA, MD 20817

29 CENTER ST LLC
105 NEWBURY ST 4TH FL
BOSTON, MA 02116

DUNN LEE H & THARON SAPP
PO BOX 1846
NANTUCKET, MA 02554

NIR RETAIL II LLC
C/O NEW ENGLAND DEVOP-ACCTING DEPT
75 PARK PLAZA SUITE 3
BOSTON, MA 02116

NANTUCKET ATHENEUM LIBRARY
PO BOX 808
NANTUCKET, MA 02554

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA SUITE 3
BOSTON, MA 2116

LOTHIAN DEBORAH K & WILLIAM TRS
TEN EASY STREET NOMINEE TRUST
PO BOX 877
NANTUCKET, MA 02554

GIFFORD JOHN F TR
FAWN GROVE REALTY TRUST
86 COLBOURNE CR
BROOKLINE, MA 02445

3S INVESTMENTS LLC
200 EAST 66TH ST APT A-706
NEW YORK, NY 10065

KILLEN PATIENCE E
PO BOX 606
NANTUCKET, MA 02554

GLOR MICHAEL H TR ET AL
93 WORCESTER RD
WELLESLEY, MA 02481

GIFFORD JOHN F TR
86 COLBOURNE CRESANT
BROOKLINE, MA 02445

MASTERS DAVID JR & CIELO
7 INDIA ST
NANTUCKET, MA 02554

NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

12 FEDERAL STREET LLC
105 NEWBURY ST 4TH FL
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

US POST OFFICE
7 FEDERAL ST
NANTUCKET, MA 02554

F C MAC CORPORATION ETAL
P O BOX 662
BELLVUE, ID 83313

PACIFIC CLUB INC
C/O SHALLO GALLUSCIO BIANHI
21 NORTH SEVENTH ST
HUDSON, NY 12534

NIR RTAIL INC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

PEARL STREET REALTY LLC
C/O WAINE
PO BOX 236
NANTUCKET, MA 02554

WILLAUER ANDREW M ETUX
2 INDIA ST
NANTUCKET, MA 02554

JORDAN LUCILLE A
PO BOX 776
NANTUCKET, MA 02554

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

ST MARYS ROMAN CATHOLIC CHURCH
6 ORANGE ST
NANTUCKET, MA 02554

NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

MICHAEL SCOTT REALTY CORP
BOX 538
NANTUCKET, MA 02554

17 MAIN ACK LLC
C/O DAVID J MURPHY
160 FEDERAL ST 15TH FL
BOSTON, MA 02110

MICHAEL SCOTT REALTY CORP
8 BEAR STUMP CIRCLE
RAYNHAM, MA 02767

MICHAEL SCOTT REALTY CORP
8 BEAR STUMP CIRCLE
RAYNHAM, MA 02767

RALPH LAUREN RETAIL INC
ATT: LEASE ACCOUNTING
201 N PENDLETON ST
HIGH POINT, NC 27260

ISLANDER REALTY TRUST
PO BOX 40064
ST PETERSBURG, FL 33743

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

VTT MOBY DICK LLC
100 CONCORD ST #3E
FRAMINGHAM, MA 1702

BELL ATLANTIC/NE TELEPHONE
C/O VERIZON NEW ENGLAND INC
C/O DUFF & PHELPS BOX 2749
ADDISON, TX 75001

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

7 PETTICOAT RW
19 CENTER ST
NANTUCKET, MA 02554

HODGE EDWIN N TRST ETAL
ONE NEW STREET REALTY TRUST
575 GREENWAY DRIVE
LAKE FOREST, IL 60045

THE ONE 2744 LLC
C/O TRIANON
16 WEST 46TH ST
NEW YORK, NY 10036

BELL ALLAN D & BONITA L
PO BOX 1056
NANTUCKET, MA 02554

ARNO JOSEPH V TRST ETAL
C/O KEN GULLICKSEN
PO BOX 2669
NANTUCKET, MA 02584-2669

MARLIN CAPITAL CORP TRUSTEE
C/O THE MAURY PEOPLE
35 MAIN STREET
NANTUCKET, MA 02554

HINGHAM INSTITUTION FOR SAVINGS
55 MAIN STREET
HINGHAM, MA 02043

CLACK LLC
161 EAST 35TH ST #2F
NEW YORK, NY 10016

VALENTINE HUSSEY BLOCK LLC
PO BOX 1135
NANTUCKET, MA 02554

MURRAY BRUCE L ETAL
PO BOX 1882
NANTUCKET, MA 02554

CATCH FISH LLC
21 MAIN ST
NANTUCKET, MA 02554

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

UNION LODGE F & A MASONS
PO BOX 697
NANTUCKET, MA 02554

NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

CONGDON & COLEMAN INSURANCE AG
PO BOX 1199
NANTUCKET, MA 02554

VTT ON MAIN LLC
100 CONCORD ST STE 3E
FRAMINGHAM, MA 01702

HODGE EDWIN N TR
575 GREENWAY DRIVE
LAKE FOREST, IL 60045

FARRELL FRANCIS X ETAL
4 WESTMOOR LANE
NANTUCKET, MA 02554

ISLACK CORP TRUSTEE
SO WATER ASSOC REALTY TR
180 WELLS AVE STE 100
NEWTON, MA 02459

DALE KEVIN F TRUSTEE
C/O YOUNG ROBERT
PO BOX 779
NANTUCKET, MA 02554

4ACK LLC
100 CONCORD ST STE 3E
FRAMINGHAM, MA 01702

TEASDALE ANN R
PO BOX 157
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

OSLEY PHILIP A & RUTH E
12 BROAD ST
NANTUCKET, MA 02554

Previous Decisions Affecting Locus

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

Assessor's Map 4231, Parcel 130.1
Book 602, Page 22
Commercial Downtown (CDT)

Plan 39-A
6 South Water Street

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, July 14, 2011, at 1:00 P.M., in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **D. ERIC McKECHNIE, C/O READE, GULLICKSEN, HANLEY & GIFFORD, LLP**, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 031-11:

2. Applicant requests Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-18 (parking) and Section 139-17.C.(5) (height limitations) in order to waive parking required to construct an apartment above an existing first floor commercial structure, being one of two condominium units located upon a lot non-conforming as to lot area and ground cover and to allow the height of said structure to exceed the thirty (30) foot height limitation in the Commercial Downtown zoning district. Said lot has approximately 3,319 square feet in a zoning district that requires a minimum lot size of 3,750 square feet. To the extent necessary, the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33 (alteration of preexisting nonconforming structures) to complete such construction. The Locus is situated at 6 South Water Street, is shown on Nantucket Tax Assessor's Map 42.3.1 as Parcel 130.1, is shown on Plan File No. 39-A, and title is recorded at the Nantucket County Registry of Deeds in Book 602, Page 22. The property is zoned Commercial Downtown.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing from Applicant's attorney and architect. The Planning Board found the matter not to be of planning concern. There was no written opposition to Applicant's request, nor was any opposition presented at the public hearing.

4. Applicant wishes to add a two bedroom apartment above his existing single-story commercial retail shop. In the course of construction, a crawl space will be placed beneath the existing building. Since the Locus is within the busy downtown area, Applicant has agreed to limit exterior work on the project to the off-season. The structure is one of two condominium units existing upon a pre-existing lot bounded by four streets, which is nonconforming as to lot area, and contains structures non-conforming as to ground cover. Similar to most lots in the downtown area, there is no parking on site, and none can be provided. There is on-street parking immediately adjacent to the Locus. The existing structure has been in its current location and configuration since at least the late 1800's. As is common with other structures in this historic area, a small portion of the front of the structure and a step in front of each of the front doors encroach onto a portion of the sidewalk. The structure is narrow in depth. Applicant's architect explained to the Board that in order to meet building code requirements for residential ceiling heights, yet still maintain the narrow depth of the building in order to satisfy Historic District Commission ("HDC") concerns, the height of the structure as renovated will exceed 30 feet, but will not exceed 32 feet. There are several other buildings in the immediate area where building heights are well in excess of 32 feet.

5. The Board notes that Applicant's request meets one of the goals of the town's master plan, in that it provides additional residential housing in the Commercial Downtown District. The Board finds that parking is physically impossible to provide upon the Locus, and that the granting of a special permit for parking relief is in harmony with the general purpose and intent of the zoning by-law. The Board further finds that the proposed height of the renovated structure is necessary and desirable in that it preserves the existing depth of this older structure, is complementary and appropriate to the scale of the adjoining streetscape, and is not substantially more detrimental to any adjoining properties, as the proposed structure will not substantially cast shadows, nor result in loss of privacy, air circulation, sunlight, access, nor cause crowding. The Board also finds that the proposed alteration of the nonconforming structure in accordance with the HDC approved plans will not be substantially more detrimental to the neighborhood than the existing nonconformities upon the lot.

6. By UNANIMOUS vote, the Board votes to grant the Special Permit relief as requested, pursuant to §139-17.C(5) to exceed height limitation, §139-18 to waive any additional parking requirements, and §139-33 to the extent necessary to alter a pre-existing nonconforming structure on a nonconforming lot, to allow the proposed work.

7. The relief granted is subject to the following conditions:

- a. The work shall be completed substantially in accordance with HDC approved plans.
- b. The height of the structure as renovated shall not exceed 32 feet.
- c. There shall be no exterior construction during May 15th and October 15th of any calendar year.

SIGNATURE PAGE TO FOLLOW

Dated: _____, 2011.

Edward Toole

Susan McCarthy

Michael Angelastro

Kerim Koseatac

Mark Poor

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2011, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, / or personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that **he/she** signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

End of Packet