

ZBA MEETING PACKET

03/10/22

NANTUCKET
TOWN CLERK

2022 FEB 18 PM 2:40



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, March 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 March 10, 2022 meeting received by 3:00 PM on Thursday, March 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
- Kristina & Nicholas Amendolare File No. 37-21

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

Larry B. Whelden & Robert M. Burton, Jr.

File No. 03-22

Applicant is requesting a modification of the existing Special Permit in Decision No. 083-99. The decision allowed the conversion of an existing duplex dwelling to an employer dormitory and was subject to certain conditions. Specifically, applicant requests elimination of the condition set forth in "Exhibit A" paragraph 21 which provides: that the Special Permit is specific to the applicant. Locus is situated at 9 Thirty Acres Lane, shown on Assessor's Map 67 as Parcel 115.7 and as Lot 3 upon Plan File 48-G. Evidence of owner's title is recorded in Book 1876, Page 291 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

Anthony Noto

File No. 04-22

Applicant is seeking a Variance Relief pursuant to the Zoning Bylaw Section 139-33 for preexisting nonconforming structures. Specifically, applicant proposes to lift and add new foundation and move the existing building, which has an existing roof peak that exceeds 30' in addition to altering the existing dormers. Locus is situated at 10 Lincoln Avenue, shown on Assessor's Map 30 as Parcel 184 and upon Plan Book No. 15 Page 28. Evidence of owner's title is recorded in Book 516, Page 139 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).

Elizabeth Singer, as Trustee of 64 Sankaty Road Realty Trust

File No. 05-22

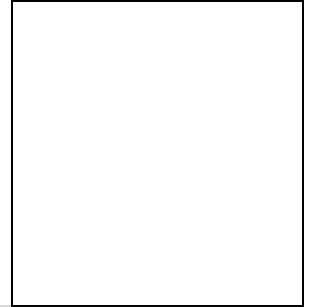
Applicant is seeking a Variance pursuant to the Zoning Bylaw Section 139-32 to move the existing main dwelling on the property away from the eroding bluff to a location no further than twenty (20) feet of Baxter Road, at least ten (10) feet into the required front setback of thirty (30) feet. Applicant also requests a Special Permit pursuant to section 139-18 (d) to reduce the off-street parking where necessary. Locus is situated at 63 Baxter Road, and shown on Assessor's Map 49 as Parcel 22 and upon Land Court Plan No 9173-A. Evidence of owner's title is registered on Certificate Title No. 19844 with the Nantucket County District of the Land Court. The site is zoned Sconset Residential 20 (SR-20).



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, March 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_k1zMYWiASfiw-nLpboFGrQ

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

<https://youtu.be/BGnCyZquAIE>

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:
 - February 10, 2022

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

37-21 Kristina & Nicholas Amendolare

8 Bank Street

Williams

Continued to April 14,2022

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).

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

Reade

Continued to April 14,2022

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

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

Pg 16-34

03-22 Larry B. Whelden & Robert M. Burton, Jr. Thirty Acres Lane

Reade

Applicant is requesting a modification of the existing Special Permit in Decision No. 083-99. The decision allowed the conversion of an existing duplex dwelling to an employer dormitory and was subject to certain conditions. Specifically, applicant requests elimination of the condition set forth in "Exhibit A" paragraph 21 which provides: that the Special Permit is specific to the applicant. Locus is situated at 9 Thirty Acres Lane, shown on Assessor's Map 67 as Parcel 115.7 and as Lot 3 upon Plan File 48-G. Evidence of owner's title is recorded in Book 1876, Page 291 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

Pg 35-62

04-22 Anthony Noto

10 Lincoln Avenue

MacEachern

Applicant is seeking a Variance Relief pursuant to the Zoning Bylaw Section 139-33 for preexisting nonconforming structures. Specifically, applicant proposes to lift and add new foundation and move the existing building, which has an existing roof peak that exceeds 30' in addition to altering the existing dormers. Locus is situated at 10 Lincoln Avenue, shown on Assessor's Map 30 as Parcel 184 and upon Plan Book No. 15 Page 28. Evidence of owner's title is recorded in Book 516, Page 139 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).

Pg 63-86

05-22 Elizabeth Singer, as Trustee of 64 Sankaty Road Realty Trust 63 Baxter Rd Alger

Applicant is seeking a Variance pursuant to the Zoning Bylaw Section 139-32 to move the existing main dwelling on the property away from the eroding bluff to a location no further than twenty (20) feet of Baxter Road, at least ten (10) feet into the required front setback of thirty (30) feet. Applicant also requests a Special Permit pursuant to section 139-18 (d) to reduce the off-street parking where necessary. Locus is situated at 63 Baxter Road, and shown on Assessor's Map 49 as Parcel 22 and upon Land Court Plan No 9173-A. Evidence of owner's title is registered on Certificate Title No. 19844 with the Nantucket County District of the Land Court. The site is zoned Sconset Residential 20 (SR-20).

VI. OTHER (VOTES MAY BE TAKEN)

- **DISCUSS RESUMING IN-PERSON MEETINGS**

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

02/10/22



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, February 10, 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; Adrian Rodriguez, Administrative Specialist; Terry Norton, Town Minutes Taker

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

Early Departures: O'Mara, 2:00 pm; Allen, 3:08 pm

Agenda adopted by unanimous consent

Motion **Motion to Approve.** (made by: O'Mara) (seconded)

Vote Carried 5-0//McCarthy, Botticelli, Toole, O'Mara, Allen-aye

I. APPROVAL OF MINUTES

1. January 13, 2022

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

Vote Carried 5-0//McCarthy, Toole, O'Mara, Allen, and Poor-aye

II. OLD BUSINESS

1. 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).
- Voting McCarthy, Botticelli, Toole, O'Mara, Allen
Alternates Thayer, Mondani
Recused None
Documentation File with associated plans, photos, correspondence and required documentation
Representing Linda Williams
Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP, for Jeff Gardner at 9 Front Street & Broadway
Margaret Van Deusen, 7 Front Street
Kathy Arvay, 11 Front Street
Lisa Soeder, 13 Broadway
Lynn Filipski, President Sconset Civic Association
- Discussion **Williams** – Submitted the engineer's basement plan and the letter from the Select Board upholding the Historic District Commission (HDC) approval. This is no taller than other structures in the immediate area. The abutters view is not before the ZBA. Would accept the condition of no further construction within the setback.
Botticelli – We didn't have a basement plan at the last hearing, but the elevation was showing a window well; now we have the basement floorplan.
Toole – Asked if the window well can be in the setback (yes).
Botticelli – Usually we have requested and gotten a construction protocol. Would like to see that.
Thayer – Doesn't think they've gotten to that point in planning.
Williams – That isn't legally required at this point; the foundation plan and engineer permit are required for the Building Permit and must be submitted at that time.
McCarthy – That is true for a property that doesn't come before the ZBA. However, since you are requesting relief from us, we require more detail and can request those. Asked Members if they want to see more detail.
O'Mara – He would like to see it and know how the bank will be protected that and be assured that none of the property line will disappear during construction. They will have to do it anyway. Considering the location and our reputation being at stake, he'd like to see it.
Williams – If we remove that section within the setback, the ZBA has no jurisdiction.
McCarthy – If you want to make that change so it conforms, and you don't have to be here, that is your choice.

Botticelli – It is a very small intrusion into the setback but given the proximity to the road and sensitivity of the sight, we want to see how the road will be protected.

Williams – Asked if they agree to not put a foundation under the section in the setback, would that make a difference regarding the engineer plan.

Toole – That would cut the basement through the basement egress.

McCarthy – We want to give this the same level of scrutiny we give other sites in similar situations.

Thayer – He'd be willing to move forward that Wayne McArdle is the design supervisor, and everything is built to his design and under his specifications.

McCarthy – There's no guarantee he will be the one to finish the project.

Toole – If the Building Department will approve those plans, questions why we can't see them and assure they are done.

Mondani – He visited the site and he's not as concerned about it. Unlike other lots, we don't have an adjoining structure that could be undermined. It's a Town road and he's okay with it.

Snell – If the Board wants to entertain it as a condition, you could include the scope of engineers that this specific engineer has to be involved; if he can't be involved, they must come back for a modification.

Allen – She'd be willing to approve this as drawn with the submission into the files of a sound engineering plan. Also likes Ms. Snell suggestion.

Reade – He's representing them with regard to the stability of the bank and that construction of the basement won't damage the bank. The letter from Mr. McArdle doesn't set for a plan regarding work to be done; he hasn't even inspected the site. We've engage a geo-technical engineer to peer review Mr. McArdle's recommendations. The letter states that the structural plans are based upon "assumed" soil conditions and that it's not intended for construction. It was clear in the last hearing that board members were asking for detailed plans on how the site would be handled; you don't have that. The applicant should be required to provide all that so that all parties have the best information available at the time you make a decision.

Toole – He agrees we should have plan; we've required it in the past. Asked if there's somewhere on the plan that shows the intrusion in the plan; it should be clearly on a plan where the shed roof starts and ends.

Van Deusen – We are directly across Middle Gully from 8 Bank Street. It looks like excavation will extend 10' below grade. Our house is about 100 years old and doesn't have a foundation; it's on pilings. The bank is fragile and eroding. This is a demolition. This isn't about neighbors' views; I'm addressing public views. We understand what a change like this so close to the bank will have to the bank, Middle Gully and Front Street. We believe this will be substantially detrimental to the neighborhood. Middle Gully is the emergency access road for Codfish park and the water main runs under the road.

McCarthy – She's hearing that the neighbors and voting board members are concerned about the process and want to see the engineering plans and more information on the process as we've required in the past. She hasn't heard anyone against the request, just a need for more information.

Williams – Mr. McArdle is out about 6 to 8 weeks; we're on his schedule. She takes issue with the statement that it will be substantially detrimental to the neighborhood; most changes are outside the setbacks.

Reade – Our position regarding the detriment to the neighborhood, we are speaking to the possible undermining of the stability to the bank and so to the houses and properties in the neighborhood.

Arvay – We own down to Bank Street and about this property. Our concern is the stability of the bank. Also, Bank Street is a very narrow road; we are hoping that there is no construction in the summer.

Soeder – My home is 270 years old and she too is very concerned about the stability of the bank and the height of the structure, which impacts the view scape. She too hopes we don't have to endure a long period of construction.

Filipski – The SCA has forwarded a letter of concern about stability of the bank, since it supports the emergency access. Also, any evacuation of Codfish Park would have to come up Middle Gully Road. We might be looking at a composite of soils that might not be very stable. The ZBA has to look at that very carefully; if the bank is damaged, there is no going back.

Allen – If we have a proper engineered plan in place, she doesn't see how anything being proposed would be a danger to Codfish Park.

Williams – There is no intent to do exterior construction in the summer and we can't block a road without a Town permit.

McCarthy – We would add the standard restriction of no construction in the summer. We are looking for a foundation plan, detailed scope of services, mitigation plan on how the bank will be supported during a substantial storm, construction protocol, whether or not the metal sheathing will remain. If the requested information won't get to us until the day before the meeting, it would be better to continue to April.

Motion to Continue to March 10th. (made by: Botticelli) (seconded)

Carried 5-0//McCarthy, Botticelli, Allen, O'Mara, and Toole-aye

Motion

Vote

2. 22-21

Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust 40 Warrens Landing Road 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).

Voting McCarthy, Botticelli, Toole, Allen, Mondani
Alternates Poor, Thayer
Recused None
Documentation File with associated plans, photos and required documentation
Representing Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public None
Discussion **Snell** – It was requested that this be continued.
Not opened at this time.

Motion **Motion to Continue to March 10th.** (made by: Toole) (seconded)
Vote Carried 5-0//McCarthy, Toole, Allen, Botticelli, and Mondani-aye

3. 29-21 CRH 46 Surfside, LLC

46 Surfside Road Halik

Request to Withdraw

Voting McCarthy, Botticelli, Toole, Allen, Mondani
Alternates Poor, Thayer
Motion **Motion to Accept the Withdrawal.** (made by: Botticelli) (seconded)
Vote Carried 5-0//McCarthy, Botticelli, Allen, Toole, and Mondani-aye

III. NEW BUSINESS

1. 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).

Voting McCarthy, Botticelli, Toole, Allen
Alternates Poor, Thayer, Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing Ryan Maxwell, Bracken Engineering
Public
Discussion **Maxwell** – Reviewed the request. The village overlay district limits height to 25'; this is 22'. There are no footprint changes; just getting taller. We have HDC and Conservation Commission approval.
Clarification of the plans regarding construction and the request.

Mondani – The 25' buffer is shown as a straight line and the porch encroaches; asked if that is an issue (no).

Motion **Motion to Approve relief as requested with the attachment of the Bracken site plan.** (made by: Botticelli) (seconded)

Vote Carried 5-0//Botticelli, Allen, Toole, McCarthy, and Mondani-aye

2. 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).

Voting McCarthy, Botticelli, Toole, Allen, Thayer
Alternates Poor, Mondani
Recused
Documentation File with associated plans, photos and required documentation
Representing Sarah Alger, Sarah F. Alger P.C

Matt MacEachern, Emeritus Development
Joshua Bancroft, Emeritus Development

Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP for D. Eric McKechnie Unit 1 (6 South Water Street)

Discussion **Alger** – Reviewed the request: add 96sf of 2nd- & 3rd-floor area over a setback intrusion. We will be removing the encroachment along the north side. This has a zero front and side setback and 5' rear setback. Groundcover is being reduced by a very small amount. There would be a prohibition against any work in the summer.

Bancroft – The new portion will be slab on grade construction. We will demolish the north half, removed the foundation, go down 4' for a cross wall, then slab on grade.

Toole – That is a pretty intense area even into October; work is going right to the lot line and there will be erosion and over dig; we as a board need to think about that.

Botticelli – They'll certainly be into the sidewalk. Mr. Toole's point is to push out the construction ban date to at least Columbus Day. We have an HDC approval; we're back before them for a reduction in the footprint.

MacEachern – We will have to have a sidewalk closing plan. We might create a storage loft in the 3rd floor; there's not enough head height for livable 3rd-floor space.

Bancroft – The highest point is 28'8". The McKechnie building is over 30'.

Botticelli – Because of the unusual shape, she can see why it's only 28'8"; it's tall and narrow.

McCarthy – Unit 1 had a prohibition on construction between May 15th and October 15th of any year. We can mirror that.

Reade – Mr. McKechnie is opposed to this project. In the past, the position of the Board when dealing with a condominium project, condominium association is required to amend the condominium documents. His client has not assented nor will be amenable to the amendment of the documents. His objections are related to the use as a restaurant; that would have a substantial detrimental effect on Unit 1 because of the exhaust fans and dumpster. The condominium documents can't be amended without his consent.

Snell – It is not premature to be here without approval of the amended condominium documents. They can file an application to be discussed. She will look into what has happened in the past.

Alger – None of Mr. McKechnie's concerns are relevant to the application before you; all uses of the property are permitted by right. The only question is whether or not the upward expansion over North Union Street will be substantially detrimental to the neighborhood. If we were to reduce this to be within compliance, everything we are doing would be a matter of right under the bylaw. She's not aware of any situation where the Board required approval or signoff of any other condominium owner or condominium association; those are private matters. She argues that just by being before the ZBA, this is more beneficial to the neighborhood due to the imposition of any number of restrictions.

McCarthy – The only place she's aware of that concern is with the HDC. Even if we approve this, a condominium association could further restrict the project. We would ask neighbors to get together and come to some solution; doesn't know if the condominium owners have done that.

Reade – Marianne Hanley had communication with Mr. MacEachern's office. Mr. McKechnie never got notice of this application; he doesn't plan to make an issue out of that. However, he is concerned about the whole process. Details could have been worked out through the condominium documents. Any change to a condominium has to be done through an amendment to the documents; still feels it's premature for the applicant to be here without that having been done. The applicant didn't get approval to change the condominium documents. We'd be willing to discuss what can be done to ameliorate the situation.

McCarthy – One condition would be "in conformity with HDC plans attached." If there were any changes, they'd have to back to the HDC and then back to the ZBA.

Alger – We're only here for the easterly 5' setback; it's unlikely that will change.

MacEachern – He's reached out to Mr. McKechnie and been very transparent about the plans and made preemptive changes at the neighbor's request.

Allen – The HDC reviewed and voted on the changes without participation from the other condominium owner; asked why ZBA can't.

McCarthy – In our process, when there are aggrieved abutters, we urge further conversations to come to an agreement. This is also an option within the Condominium Assn to address the physical changes.

Toole – Asked if there was any thought, after HDC asked to drop the height, about meeting the program at a lower height.

MacEachern – We wanted the 3rd-floor program, which will be used; losing that program is no small thing. We could further lower the building but in the core district, a number of buildings are over 30' and we're under. The reduced height is the result of the HDC process.

Allen – There seems to be discrepancy between Mr. MacEachern and Mr. Reade about the amount of conversation with the neighbor.

McCarthy – We do normally take the neighbor's objections to heart. There is the ability in this case for the owner to voice his objections in the amendment of the Condominium documents.

Alger – She hasn't heard any objections from the neighbor regarding why we are here before the ZBA.

Toole – Wants to know where the exhaust vents are going.

Alger – That's not part of our request to raise the height in the setback.

McCarthy – We look at the project as a whole; we can request changes outside the request.

Botticelli – Regarding the equipment, this is a highly visible site.

MacEachern – The exhaust equipment isn't usually reviewed by HDC unless it's very visible. We are still developing the use of the 1st floor; still have a way to go as far as use is concerns.

Allen – Three sides of this structure are exposed to streets; if the exhaust doesn't go where it is now, we might not want it facing any of these streets.

Motion to Grant the relief as request with no work between May 15 and October 15 and built in conformity with the HDC plans and COA HDC2021-03-3268. (made by: Allen) (seconded)

Carried 4-1//Allen, Thayer, Botticelli, and McCarthy-aye; Toole-nay

Motion

Vote

IV. OTHER BUSINESS

1. Nantucket Coastal Resilience Workshop ZBA Representative
 - Prep Session – Wednesday, February 23, 2022 Via Zoom 9:30am - 10:30am
 - In Person Workshop – Monday-Tuesday, March 7- 8, 2022 8am - 3:30 pm

McCarthy – She won't be available to be the representative for this. You can think about this; if anyone is interested, reach out to Ms. Snell. She will forward the email to Mr. O'Mara to see if he's available.

V. ADJOURNMENT

Motion **Motion to Adjourn at 3:09 pm (made by: McCarthy) (seconded)**

Roll-call vote Carried unanimously

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

1. None

Submitted by:

Terry L. Norton

OLD BUSINESS

Kristina & Nicholas
AMENDOLARE

File No. 37-21

8 Bank St

SPECIAL PERMIT

Continued to April 14,2022

Adam Delaney-Winn

Trustee of Warren's Landing Nominee Trust

File No. 22-21

40 Warren's Landing Rd

APPEAL

Continued to April 14,2022

NEW BUSINESS

Larry B. Whelden &
Robert M. Burton, Jr

File No. 03-22

9 Thirty Acres Lane

MODIFICATION

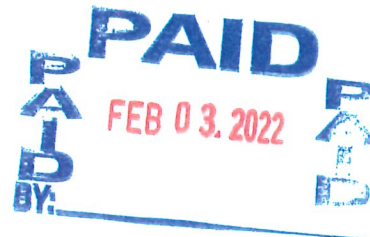
2BA



2022 FEB -8 AM 10: 20



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



APPLICATION

Fee: \$450.00

File No. 03-22

Owner's name(s): Larry B. Whelden and Robert M. Burton, Jr.

**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: 9 Thirty Acres Lane Assessor's Map/Parcel: 67-115.7

Plan File No. 48-G, Lot 3

Deed Reference Book 1876, Page 291

Zoning District Commercial Neighborhood (CN)

Uses on Lot- Employer dormitory

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

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 applicants request that the Special Permit issued in Board of Appeals Case No. 083-99, which allowed the conversion of an existing duplex dwelling to an employer dormitory, be modified by removing the condition set forth in Paragraph 21 of the Dormitory Management Plan attached thereto as Exhibit A, which provides:

The subject Special Permit issued in this case shall be personal to the Applicant. If the property, or any part thereof, is sold out of Applicant's control, the Special Permit shall be deemed to have expired unless further relief from this Board is obtained.

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: Larry B. Whelden and Robert M. Burton, Jr. Owner*
By: _____

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

OFFICE USE ONLY

Application received on:___/___/___ By:_____ Complete:_____ Need Copies:_____

Filed with Town Clerk:___/___/___ Planning Board:___/___/___ Building Dept.:___/___/___ By:_____

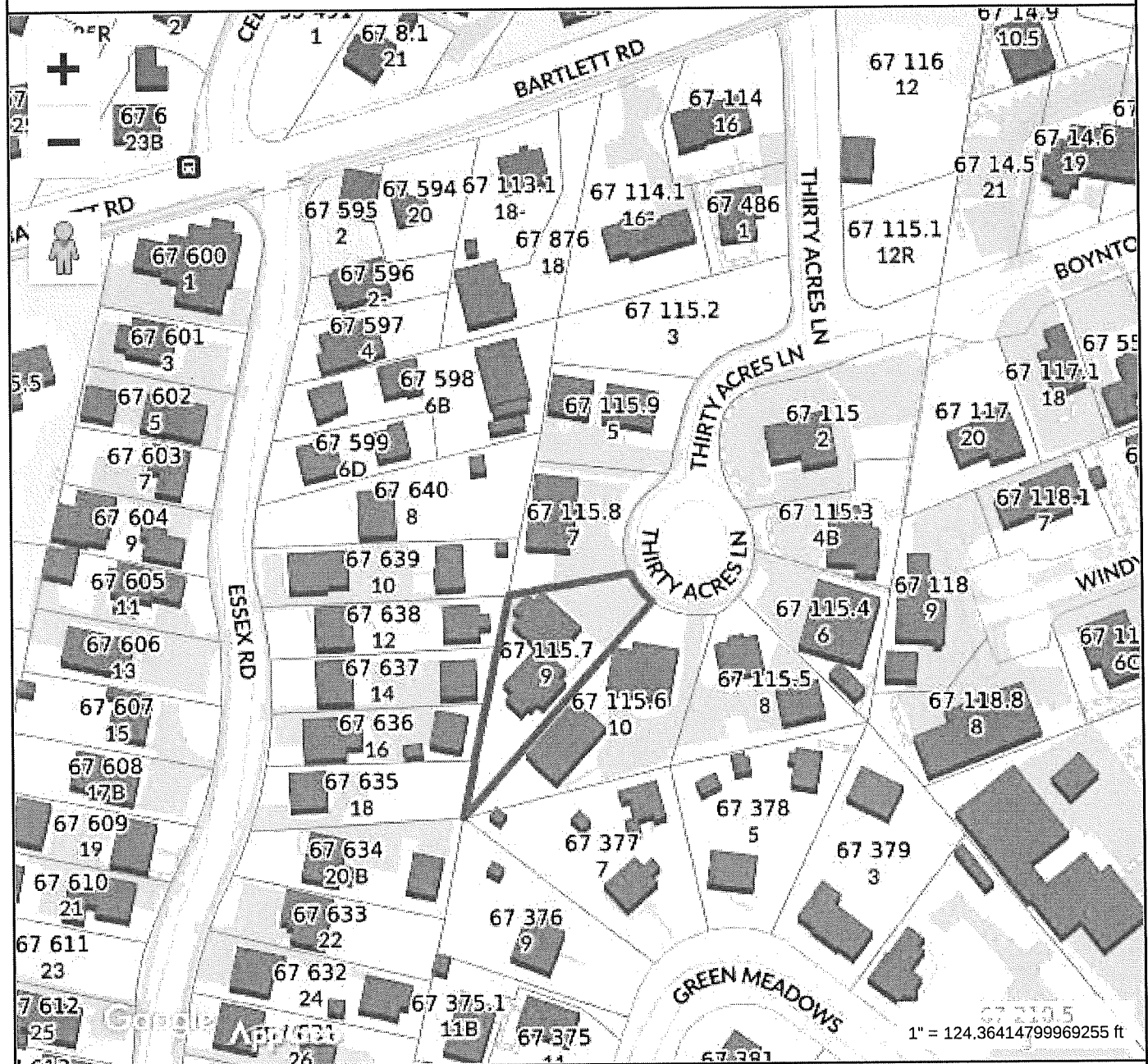
Fee deposited with Town Treasurer:___/___/___ By:_____ Waiver requested:_____

Granted:___/___/___ Hearing notice posted with Town Clerk:___/___/___ Mailed:___/___/___

I&M___/___/___ &___/___/___ Hearing(s) held on:___/___/___ Opened on :___/___/___

Continued to:___/___/___ Withdrawn:___/___/___ Decision Due By:___/___/___

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



Property Information

Property ID 67 115.7
 Location 9 THIRTY ACRES LN
 Owner H & L HOLDINGS 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 01/18/2022
 Data updated Jan. 2021

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

Town of Nantucket
Zoning Board of Appeals

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

PROPERTY OWNER..... Larry B. Whelden and Robert M. Burton, Jr.
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION... 9 Thirty Acres Lane
ASSESSOR MAP/PARCEL... Map 67, Parcel 115.7
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).

January 27, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2022.01.27
15:38:40 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	113	1	PERRY JOSEPH F & ANASTASIA M	ACKED LLC	61 OLD SOUTH RD # 42	NANTUCKET	MA	02554	18- BARTLETT RD
67	114	1	PERRY JOSEPH F & ANASTASIA M	MACDONALD HECTOR	8435 STEMMONS FREEWAY	DALLAS	TX	75847	16- BARTLETT RD
67	115	1	MACDONALD HECTOR	BEAR VAULT LLC	PO BOX 1824	NANTUCKET	MA	02554	2 THIRTY ACRES LN
67	115	1	MACDONALD HECTOR	BEAR VAULT LLC	PO BOX 659	NANTUCKET	MA	02554	12R BARTLETT RD
67	115	3	MGN PROPERTIES LLC		61 SURFSIDE RD	NANTUCKET	MA	02554	4 THIRTY ACRES LN
67	115	4	THIRTY ACRES LANE LLC		11 RAMOS COURT	NANTUCKET	MA	02554	6 THIRTY ACRES LN
67	115	5	RANNEY H FLINT & CHARRON P TRS	RANTUCKET REALTY TRUST	PO BOX 597	NANTUCKET	MA	02554	8 THIRTY ACRES LN
67	115	6	RANNEY H FLINT & CHARRON TRS	TIGERTAIL REALTY TRUST	PO BOX 597	NANTUCKET	MA	02554	10 THIRTY ACRES LN
67	117		RANNEY ROBERT F TRST	RANNEY PROFIT SHARING TR	PO BOX 851	NANTUCKET	MA	02554	20 BOYNTON LN
67	118		DINEEN KEVIN & MARY ELLEN		10 NEWTOWN RD	NANTUCKET	MA	02554	9 WINDY WY
67	118	1	7 WINDY WAY LLC		32 HOOPER FARM ROAD	NANTUCKET	MA	02554	7 WINDY WY
67	118	7	RUSTAD BINTH		PO BOX 656	NANTUCKET	MA	02554	6 WINDY WY
67	118	8	US REIF MARINE NANTUCKET FEE LLC		1270 SOLDIERS FIELD RD	BOSTON	MA	02135	8 WINDY WY
67	218		KEEP ON TRUCKING LLC		PO BOX 113	NANTUCKET	MA	02554	57 SURFSIDE RD
67	373		DICKINSON ROBERT D & JAMIE T		15 GREEN MEADOWS	NANTUCKET	MA	02554	15 GREEN MEADOWS
67	374		COFFIN DOROTHY M TR	COFFIN D M TRUST	PO BOX 2781	NANTUCKET	MA	02584	13 GREEN MEADOWS
67	375		HUNTER BRADFORD A & CRAIG D		43 SOMERSET LN	NANTUCKET	MA	02554	11 GREEN MEADOWS
67	375	1	MCKENZIE EION & SVETOSLAVA		11B GREEN MEADOWS	NANTUCKET	MA	02554	11B GREEN MEADOWS
67	376		MCLAUGHLIN JOHN		9 GREEN MEADOWS	NANTUCKET	MA	02554	9 GREEN MEADOWS
67	377		HARRIS BRIAN & ELIZABETH		5A GREEN MEADOWS	NANTUCKET	MA	02554	7 GREEN MEADOWS
67	377	1	ANDRESON MEGAN		PO BOX 3355	NANTUCKET	MA	02584	7A GREEN MEADOWS
67	377	2	RANK ROSALIND M & ROBERT P		7B GREEN MEADOWS	NANTUCKET	MA	02554	7B GREEN MEADOWS
67	378		STEELE PATRICK L		5 GREEN MEADOWS	NANTUCKET	MA	02554	5 GREEN MEADOWS
67	379		CONLON RAYMOND P		PO BOX 1057	NANTUCKET	MA	02554	3 GREEN MEADOWS
67	381		ROBERTS KYLE M & MICHELLE J		8 GREEN MEADOWS	NANTUCKET	MA	02554	8 GREEN MEADOWS
67	382		P & M REIS TRUCKING INC		PO BOX 113	NANTUCKET	MA	02554	10 GREEN MEADOWS
67	486		PERRY RICHARD K & JENNIFER A TRS	PERRY REALTY TRUST	1 THIRTY ACRES LN	NANTUCKET	MA	02554	1 THIRTY ACRES LN
67	594		DUFFY ROBERT & MARGARET		1171 SHOOTFLYING HILL RD	CENTERVILLE	MA	02632	20 BARTLETT RD
67	595		LOFTUS BROTHERS LLC		PO BOX 3243	NANTUCKET	MA	02584	2 ESSEX RD

67	596	LOFTUS BROTHERS LLC	PO BOX 3243	NANTUCKET	MA	02584	2- ESSEX RD
67	597	FOUR ESSEX ROAD LLC	266 EAST BERKELEY ST STE 836	BOSTON	MA	02118	4 ESSEX RD
67	598	DANIELS N CAROLINE	19 GUILD ROAD	DEDHAM	MA	02026	6 ESSEX RD
67	598	KOYL NANCY WYNN	6 ESSEX RD UNIT 1	NANTUCKET	MA	02554	6 ESSEX RD
67	598	LUNDEEN LITIA	195 BELMONT RD	WEST PALM BEACH	FL	33405	6A ESSEX RD
67	599	ROETHKE STEVEN M & JILL H	6 1/2 ESSEX ROAD	NANTUCKET	MA	02554	6- ESSEX RD
67	601	SILVA GEOFFREY T & DAVID C	P O BOX 3538	NANTUCKET	MA	02584	3 ESSEX RD
67	602	DAY NICOLA K & TIMOTHY R	108 ELIOT AVENUE	NEWTON	MA	02465	5 ESSEX RD
67	603	7 ESSEX LLC	8 WILLIAMS LANE	NANTUCKET	MA	02554	7 ESSEX RD
67	604	ULMER FREDERICK W III	P O BOX 848	SIASCONSET	MA	02564	9 ESSEX RD
67	605	LOCHTEFELD PETER B TR	50 FORT HILL STREET	HINGHAM	MA	02043	11 ESSEX RD
67	606	BECKER JOHN C	13 ESSEX RD	NANTUCKET	MA	02554	13 ESSEX RD
67	607	GOMES TIAGO F & LOGAN S	15 ESSEX ROAD	NANTUCKET	MA	02554	15 ESSEX RD
67	608	TEJADA JOSE S & NORMA ALICIA	PO BOX 3715	NANTUCKET	MA	02584	17A ESSEX RD
67	609	OCONNOR JOHN & KATHERINE TRS	PO BOX 112	NANTUCKET	MA	02554	19 ESSEX RD
67	610	SCHWIEGER DAVID A	21 ESSEX ROAD	NANTUCKET	MA	02554	21 ESSEX RD
67	611	KING ROBERT W & CANDIDA TRS	PO BOX 337	SIASCONSET	MA	02564	23 ESSEX RD
67	612	LIEBERMAN ERIC A & CHRISTINE M	7459 RIVERWALK CIR APT 324	WEST PALM BEACH	FL	33411-5740	25 ESSEX RD
67	612	LEVEILLE MOIRAR & WILLY	PO BOX 2895	NANTUCKET	MA	02554	25A ESSEX RD
67	612	PHILIP MARK & LEANN	PO BOX 2920	NANTUCKET	MA	02584	25B ESSEX RD
67	613	VAN DINGSTEE PETER C & BARBARA	27 ESSEX ROAD	NANTUCKET	MA	02554	27 ESSEX RD
67	613	27A ESSEX RD ACK LLC	1 LAGOON POND RD #2109	VINEYARD HAVEN	MA	02568	27A ESSEX RD
67	613	PARTIDA JESUS A & JO ALYS	27B ESSEX ROAD	NANTUCKET	MA	2554	27B ESSEX RD
67	614	MAZOTAS ANTHONY C & BARBARA A	29 ESSEX ROAD	NANTUCKET	MA	02554	29 ESSEX RD
67	629	PIERCE MICHAEL A & MCLAUGHLIN CAROL A	30 ESSEX RD	NANTUCKET	MA	02554	30 ESSEX RD
67	630	ESSEX ACK LLC	1636 3RD AVE SUITE 314	NEW YORK	NY	10128	28 ESSEX RD
67	631	SOLA DAVID ETAL	26 ESSEX ROAD	NANTUCKET	MA	02554	26 ESSEX RD
67	632	FRANCIS LEON & ODETTE	24 ESSEX RD	NANTUCKET	MA	02554	24 ESSEX RD
67	633	SMITH DEREK	PO BOX 2001	NANTUCKET	MA	02584	22 ESSEX RD
67	634	GODDARD ERIC W & PAMELA J	57 MEADOW VIEW DRIVE	NANTUCKET	MA	02554	20 ESSEX RD
67	635	GETTER LISA & MICHAEL	12 IPSWICH AVE	NANTUCKET	MA	02554	18 ESSEX RD

67	636	BOYCE SEAN M	14 ESSEX DRIVE REALTY TRUST	16 ESSEX RD	NANTUCKET	MA	02554	16 ESSEX RD
67	637	NIGHTINGALE JOHN T TR		PO BOX 644	NANTUCKET	MA	02554	14 ESSEX RD
67	638	GAULT DANIEL H & SARAH E		12 ESSEX RD	NANTUCKET	MA	02554	12 ESSEX RD
67	639	STERK AUDREY		PO BOX 3251	NANTUCKET	MA	02584	10 ESSEX RD
67	640	LAPIENE JOSHUA ROBERT		8 ESSEX RD	NANTUCKET	MA	02554	8 ESSEX RD
67	775	HUNTER FRANCIS C & ANN MARIE		10A THIRTYACRES LN	NANTUCKET	MA	02554	10A THIRTY ACRES LN
67	776	SANTAMARIA ROBERTO ET AL		10B THIRTY ACRES LN	NANTUCKET	MA	2554	10B THIRTY ACRES LN
67	777	BLOISE BRIDGETT		10C THIRTY ACRES LN	NANTUCKET	MA	2554	10C THIRTY ACRES LN
67	778	MC HOUSING LLC		PO BOX 5241	NANTUCKET	MA	2554	10D THIRTY ACRES LN
67	863	AHERN MIROSLAVA		PO BOX 2213	NANTUCKET	MA	02554	6A WINDY WAY
67	886	KASSAN BISBEE ELIZABETH ET AL		3 W ARCHWYCK CIRCLE	SPRING	TX	77382	8A THIRTY ACRES LN
67	876	BOUQUE CHRISTOPHER D		18 BARTLETT RD	NANTUCKET	MA	02554	18 BARTLETT RD
67	887	MURRAY ADAM R		8B THIRTY ACRES LN	NANTUCKET	MA	02554	8B THIRTY ACRES LN
67	888	GRANT YOLANDA F		61 OLD SOUTH RD #169	NANTUCKET	MA	02554	8C THIRTY ACRES LN
67	889	MURRAY JOHN J & DENISE K		44 CLIPP RD	DELMAR	NY	12054	8D THIRTY ACRES LN
Count:		75						

ACKED LLC
61 OLD SOUTH RD #42
NANTUCKET, MA 02554

PERRY JOSEPH F & ANASTASIA M
FIRST AMERICAN TAX SERVICE
8435 STEMMONS FREEWAY
DALLAS, TX 75847

MACDONALD HECTOR
PO BOX 1824
NANTUCKET, MA 02554

BEAR VAULT LLC
C/O KEVIN F DALE ESQ
PO BOX 659
NANTUCKET, MA 02554

MGN PROPERTIES LLC
61 SURFSIDE RD
NANTUCKET, MA 02554

THIRTY ACRES LANE LLC
11 RAMOS COURT
NANTUCKET, MA 02554

RANNEY H FLINT & CHARRON P TRS
RANTUCKET REALTY TRUST
PO BOX 597
NANTUCKET, MA 02554

RANNEY H FLINT & CHARRON TRS
TIGERTAIL REALTY TRUST
PO BOX 597
NANTUCKET, MA 02554

RANNEY ROBERT F TRST
RANNEY PROFIT SHARING TR
PO BOX 851
NANTUCKET, MA 02554

DINEEN KEVIN & MARY ELLEN
10 NEWTOWN RD
NANTUCKET, MA 02554

7 WINDY WAY LLC
32 HOOPER FARM ROAD
NANTUCKET, MA 02554

RUSTAD BINTH
PO BOX 656
NANTUCKET, MA 02554

US REIF MARINE NANTUCKET FEE LLC
1270 SOLDIERS FIELD RD
BOSTON, MA 02135

KEEP ON TRUCKING LLC
PO BOX 113
NANTUCKET, MA 02554

DICKINSON ROBERT D & JAMIE T
15 GREEN MEADOWS
NANTUCKET, MA 02554

COFFIN DOROTHY M TR
COFFIN D M TRUST
PO BOX 2781
NANTUCKET, MA 02584

HUNTER BRADFORD A & CRAIG D
43 SOMERSET LN
NANTUCKET, MA 02554

MCKENZIE EION & SVETOSLAVA
11B GREEN MEADOWS
NANTUCKET, MA 02554

MCLAUGHLIN JOHN
9 GREEN MEADOWS
NANTUCKET, MA 02554

HARRIS BRIAN & ELIZABETH
5A GREEN MEADOWS
NANTUCKET, MA 02554

ANDRESON MEGAN
PO BOX 3355
NANTUCKET, MA 02584

RANK ROSALIND M & ROBERT P
7B GREEN MEADOWS
NANTUCKET, MA 02554

STEELE PATRICK L
5 GREEN MEADOWS
NANTUCKET, MA 02554

CONLON RAYMOND P
PO BOX 1057
NANTUCKET, MA 02554

ROBERTS KYLE M & MICHELLE J
8 GREEN MEADOWS
NANTUCKET, MA 02554

P & M REIS TRUCKING INC
PO BOX 113
NANTUCKET, MA 02554

PERRY RICHARD K & JENNIFER A TRS
PERRY REALTY TRUST
1 THIRTY ACRES LN
NANTUCKET, MA 02554

DUFFY ROBERT & MARGARET
1171 SHOOTFLYING HILL RD
CENTERVILLE, MA 02632

LOFTUS BROTHERS LLC
PO BOX 3243
NANTUCKET, MA 02584

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PO BOX 3243
NANTUCKET, MA 02584

FOUR ESSEX ROAD LLC
266 EAST BERKELEY ST STE 836
BOSTON, MA 02118

DANIELS N CAROLINE
19 GUILD ROAD
DEDHAM, MA 02026

KOYL NANCY WYNN
6 ESSEX RD UNIT 1
NANTUCKET, MA 02554

LUNDEEN LTITIA
195 BELMONT RD
WEST PALM BEACH, FL 33405

ROETHKE STEVEN M & JILL H
6 1/2 ESSEX ROAD
NANTUCKET, MA 02554

SILVA GEOFFREY T & DAVID C
P O BOX 3538
NANTUCKET, MA 02584

DAY NICOLA K & TIMOTHY R
108 ELIOT AVENUE
NEWTON, MA 02465

7 ESSEX LLC
8 WILLIAMS LANE
NANTUCKET, MA 02554

ULMER FREDERICK W III
P O BOX 848
SIASCONSET, MA 02564

LOCHTEFELD PETER B TR
ESSEX ELEVEN NOMINEE TRUST
50 FORT HILL STREET
HINGHAM, MA 02043

BECKER JOHN C
13 ESSEX RD
NANTUCKET, MA 02554

GOMES TIAGO F & LOGAN S
15 ESSEX ROAD
NANTUCKET, MA 02554

TEJADA JOSE S & NORMA ALICIA
PO BOX 3715
NANTUCKET, MA 02584

OCONNOR JOHN & KATHERINE TRS
PO BOX 112
NANTUCKET, MA 02554

SCHWIEGER DAVID A
21 ESSEX ROAD
NANTUCKET, MA 02554

KING ROBERT W & CANDIDA TRS
PO BOX 337
SIASCONSET, MA 02564

LIEBERMAN ERIC A & CHRISTINE M
7459 RIVERWALK CIR APT 324
WEST PALM BEACH, FL 33411-5740

LEVEILLE MOIRAR & WILLY
PO BOX 2895
NANTUCKET, MA 02554

PHILIP MARK & LEANN
PO BOX 2920
NANTUCKET, MA 02584

VAN DINGSTEE PETER C & BARBARA
27 ESSEX ROAD
NANTUCKET, MA 02554

27A ESSEX RD ACK LLC
1 LAGOON POND RD #2109
VINEYARD HAVEN, MA 02568

PARTIDA JESUS A & JO ALYS
27B ESSEX ROAD
NANTUCKET, MA 2554

MAZOTAS ANTHONY C & BARBARA A
29 ESSEX ROAD
NANTUCKET, MA 02554

PIERCE MICHAEL A & MCLAUGHLIN
CAROL A
30 ESSEX RD
NANTUCKET, MA 02554

ESSEX ACK LLC
1636 3RD AVE SUITE 314
NEW YORK, NY 10128

SOLA DAVID ETAL
26 ESSEX ROAD
NANTUCKET, MA 02554

FRANCIS LEON & ODETTE
24 ESSEX RD
NANTUCKET, MA 02554

SMITH DEREK
PO BOX 2001
NANTUCKET, MA 02584

GODDARD ERIC W & PAMELA J
57 MEADOW VIEW DRIVE
NANTUCKET, MA 02554

GETTER LISA & MICHAEL
12 IPSWICH AVE
NANTUCKET, MA 02554

BOYCE SEAN M
16 ESSEX RD
NANTUCKET, MA 02554

NIGHTINGALE JOHN T TR
14 ESSEX DRIVE REALTY TRUST
PO BOX 644
NANTUCKET, MA 02554

GAULT DANIEL H & SARAH E
12 ESSEX RD
NANTUCKET, MA 02554

STERK AUDREY
PO BOX 3251
NANTUCKET, MA 02584

LAPIENE JOSHUA ROBERT
8 ESSEX RD
NANTUCKET, MA 02554

HUNTER FRANCIS C & ANN MARIE
10A THIRTYACRES LN
NANTUCKET, MA 02554

SANTAMARIA ROBERTO ET AL
10B THIRTY ACRES LN
NANTUCKET, MA 2554

BLOISE BRIDGETT
10C THIRTY ACRES LN
NANTUCKET, MA 2554

MC HOUSING LLC
POBOX 5241
NANTUCKET, MA 2554

AHERN MIROSLAVA
PO BOX 2213
NANTUCKET, MA 02554

KASSAN BISBEE ELIZABETH ET AL
3 W ARCHWYCK CIRCLE
SPRING, TX 77382

BOUQUE CHRISTOPHER D
18 BARTLETT RD
NANTUCKET, MA 02554

MURRAY ADAM R
8B THIRTY ACRES LN
NANTUCKET, MA 02554

GRANT YOLANDA F
61 OLD SOUTH RD #169
NANTUCKET, MA 02554

MURRAY JOHN J & DENISE K
44 CLIPP RD
DELMAR, NY 12054

Previous Decisions Affecting Locus



BOOK 0639 PAGE 293

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: March 23, 2000

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

Application No.: 083-99

Owner/Applicant: H & L HOLDINGS, LLC, LARRY WHELDEN AND
ROBERT BURTON, TRUSTEES

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

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

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


Nancy Sevrepe, Acting-Chairman

cc: Town Clerk
Planning Board
Building Commissioner

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW §139-301 (SPECIAL PERMITS); §139-321 (VARIANCES) ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS.



TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

37 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS 02554

PHONE 508-228-7215

FAX 508-228-7205

Assessor's Map 67
Parcel 115.7
RC-29 Thirty Acres Lane
Plan File 48-G, Lot 3
Deed Ref. 540/314

At a Public Hearing of the Nantucket Zoning Board of Appeals held at 12:00 P.M., Friday, October 22, 1999, continued to 12:00 P.M., Friday, November 12, 1999 without opening, to 1:00 P.M., Friday, December 10, 1999, and then continued to 10:00 A.M., Monday, January 24, 2000 whereupon a Decision was rendered. The meetings were held in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, on the Application of H & L HOLDINGS, LLC, LARRY WHELDEN AND ROBERT BURTON, TRUSTEES, of P.O. Box 454, Nantucket, MA 02554, Board of Appeals File No. 083-99. The Board made the following Decision:

1. Applicant is seeking relief by SPECIAL PERMIT under Nantucket Zoning Bylaw §139-7D in order to convert an existing duplex structure to use as an employer dormitory. There will be fourteen (14) employees per side for a total of twenty-eight plus a resident manager. SPECIAL PERMIT relief is also sought under Zoning Bylaw §139-18 waiving seven (7) of the sixteen (16) parking spaces. All other zoning requirements will be met.

The Premises is located at 9 THIRTY ACRES LANE, Assessor's Map 67, Parcel 115.7, Plan File 48-G, Lot 3. The property is zoned Residential-Commercial-2.

2. The Decision is based upon the Application and materials submitted with it and the testimony and evidence presented at the hearing. The Planning Board recommended that an extensive management plan be provided and that certain parking-related conditions be applied. There were five (5) letters on file, with four (4) being opposed and one (1) raising several concerns and offering a detailed list of conditions should the dorm be approved. Several neighbors were represented by counsel who presented their opposition and concerns and there were several neighbors present at each hearing, in which testimony was taken, that expressed their opposition and concerns as well. Concerns expressed by the neighbors related to issues of privacy, traffic, noise, lighting, screening, density of use of the structure, control, accountability, trash, parking, and review authority by the Board of Appeals. There was extensive discussion at said hearings that primarily addressed neighborhood concerns, arriving at a consensus which resulted in the "9 Thirty Acres Dormitory Management Plan", marked as Exhibit A and attached hereto.

3. Applicants represented that there was a severe housing shortage for their summer employees and that this problem was shared by most of the Island's businesses. They proposed to provide safe and affordable housing for 28 of their own employees and a resident manager that would be responsible for enforcing the house rules and regulations. The manager would also be able to address any complaints that neighbors might have. Applicants characterized the immediate neighborhood as one with mixed uses as there were several commercial businesses operating nearby. Applicants further stated that they felt that there would be little impact upon the area as they would maintain strict control over their employees, most of whom do not bring vehicles to the Island for the summer. An existing duplex building, allowed as a matter of right without relief from this Board, would be converted into the dormitory use. Applicants submitted a draft of the house rules and regulations, a final draft of which would be kept on file at the Board of Appeals but not included as a part of this Decision.

Applicants proposed to control the employees housed on the Premises by such methods as prohibiting parties, with all non-resident guests to be off the property by 12:00 A.M. The owner(s) phone number and resident manager's number would be posted with the Nantucket Police Department, immediate abutters and other relevant parties. No parking would be allowed in the roadway layout and only vehicles belonging to residents would be allowed on site after 12:00 A.M. Bike racks and NRTA shuttle passes would be provided for the residents. There would also be a noise limitation after 10:00 P.M. that would require all noise emitted by stereos and other appliances to be minimized so as to be heard only within the residents' own rooms. There would be commercial trash pickup to ensure that the property remained neat and tidy. In response to the concerns expressed by members of the Board of Appeals as well as neighbors, Applicants agreed to the conditions listed in the attached Exhibit A, which also incorporated many of the items listed above. Any tenant housing employees on the Premises would also be required to abide by the agreement entered into by the Applicants and this Board. Applicants further agreed that any relief granted in this Application would be personal to the Applicants and a one (1) and then two (2) year review, as specified in #20 of Exhibit A, would be acceptable.

4. Therefore, the Board finds that the grant of a Special Permit to use the existing duplex structure as an employer dormitory with up to 24 employee residents and one (1) resident manager, reducing the number of residents from a total of 29 in response to concerns about the density of use of the dorm, would be in harmony with the general purpose and intent of the Zoning Bylaw. The Board finds that the property is centrally located and use of the structure as a dormitory would be appropriate due to its proximity to established NRTA shuttle routes, grocery stores, post office, bike paths and the downtown area. The neighborhood can be characterized as mixed use and with the conditions contained in Exhibit A, the Board further finds that with the approximately one (1) and two (2) year review periods specified, the matter can be refined and the public good protected sufficiently to warrant the grant of relief. The Board also finds that the dormitory would provide a public benefit in that much needed housing would be provided for employees.

In addition, the Board finds that the grant of a Special Permit to

vaive seven (7) of the 16 required parking spaces on the Lot, would be in harmony with the general purpose and intent of the Zoning Bylaw and would not be contrary to the sound traffic and safety concerns relying on Applicants' assertion that many of their summer employees did not bring cars and would travel on the Shuttle or by bike to get around. In any case, with the prohibition that there be no nonresident cars overnight on site and no cars parked in the roadway layout, all parking related to the Locus would remain within the on-site parking area which has nine (9) complying spaces. Keeping the parking area properly screened and sited in front of the structure would also minimize the traffic and noise impact of the vehicles using the Lot on the abutting residential neighborhood to the rear. Due to the siting of the structure, which meets all dimensional zoning requirements, and keeping the issues in mind as stated above, the provision of the required 16 parking spaces on site would be physically impossible.

5. Accordingly, by a unanimous vote, the Board GRANTS the requested SPECIAL PERMIT under Nantucket Zoning Bylaw §139-7D to allow the conversion of an existing duplex structure into use as a dormitory; and a SPECIAL PERMIT under Zoning Bylaw §139-18 waiving seven (7) of the required 16 parking spaces upon the following condition:

a. The use of the duplex as a dormitory shall be allowed upon compliance with the conditions contained in the document described as "9 Thirty Acres Dormitory Management Plan", marked as Exhibit A and attached hereto.

Dated: March 23, 2000

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554

MAR 23 2000
TIME: 3:20 pm
Asst. CLERK: XL Carpenter

I CERTIFY THAT 30 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 60A, SECTION 11

MAY 03 2000 TOWN CLERK
William J. Flanagan

Nancy Sevens
Nancy Sevens

D. Neil Parent
D. Neil Parent

Edward Murphy
Edward Murphy

Edward Sanford
Edward Sanford

Edward Toole
Edward Toole

1. The building shall, in its first year of use, be limited to twenty-five (25) occupants (hereafter "residents"), with a maximum of twenty four (24) residents plus a "Resident Manager" without further relief from this Board. Applicant reserves the right to apply for an increase in the number of residents at a separate duly noticed public hearing.
2. The property owner shall be responsible for planting and permanently maintaining a compact hedge at least four (4) feet high along each side of any parking area that adjoins or fronts on any street and/or abutting property (except along any common driveway) to prevent damage to the landscaping and general appearance of the premises from vehicular activities and to provide screening from neighboring parcels.
3. The property owner shall be responsible for constructing and permanently maintaining on the premises a privacy fence of about six (6) feet in height along the westerly lot line as shown on the site plan.
4. All exterior lighting shall be directed generally downward and placed so as to not be directed at any neighboring parcels.
5. The premises and grounds of the premises shall be kept neat and clean at all times. The premises shall be serviced by a commercial trash removal service, with trash to be removed at regular, frequent intervals year-round, as needed. Trash receptacles, including dumpsters and trash cans, shall be placed so as to be screened from view from Thirty Acres Lane.
6. No exterior storage of furniture (except lawn furniture), refuse, mechanical components, debris, unregistered or inoperable vehicles, or other materials constituting a nuisance, shall be permitted on the premises.
7. Overnight guests in the dormitory shall be prohibited.
8. The total number of motor vehicles permitted upon the premises overnight by the owners or tenants of the lot or their employees shall not exceed the number of on-site parking spaces provided upon the lot, less one. No employee shall keep a motor vehicle upon the lot without the consent of his/her employer. Any vehicle not registered to an employee/resident shall be towed at the owner's expense.

9. There shall be no parking of cars or any other vehicles including bicycles, scooters, mopeds or motorcycles, allowed on Thirty Acres Lane, the Thirty Acres Lane bicycle/pedestrian path or cul-de-sac. Vehicles will be towed at the owner's expense.
10. The owner of the premises, or the tenant of the owner of the premises, shall provide their employees free Nantucket Regional Transit Authority shuttle passes for the entire period that such employees shall reside in the dormitory.
11. The property owner shall be required to install and maintain bike racks on the premises, in a location convenient for use by the employee residents of the dormitory.
12. The property owner shall periodically conduct orientation sessions, which each new employer and its resident employees shall be required to attend, in order to ensure that each employer and each employee fully understands all conditions, rules, and regulations applicable to the dormitory.
13. All non-residents shall be off the premises by 11:00 P.M.
14. The two (2) doors located on the second floor decks are to be used only in the event of an emergency and are not to be used for regular access. Said doors shall be locked from the outside and the second floor decks shall not be used for congregating.
15. No loud music or other noise violating the Nantucket noise by-law or any other provisions of law from time to time in effect shall be permitted upon the lot. After 10:00 P.M., televisions/stereos and the like must be operated so that no noise can be heard from room-to-room in the dorm or so as to be audible to the neighbors.
16. The dormitory building upon the premises shall not be used for the housing of any persons except for employees of an owner of the premises, or employees of a tenant of an owner of the premises. No portion of any building upon the premises shall be rented to any person for occupancy by such person; all tenants shall be employers, and all occupants shall be employees of an owner or a tenant, who are licensed by their respective employers to occupy a space in the dormitory by virtue of their employment and for only so long as their employment shall continue. No subtenancies of the building upon the premises or any portion thereof shall be permitted.
17. Each lease to an employer shall set forth that the employer shall be responsible for compliance with all provisions of

these conditions by the employees of such employer and within the area leased to such employer.

18. The property owner shall employ an individual resident manager, who shall reside in the dormitory building. The resident manager shall keep an open log of neighbor's complaints and of any action taken to abate each problem.
19. The name and telephone number of the resident manager, and the owner(s) of the dormitory, by virtue of ownership or lease, shall be delivered to each direct abutter of the premises and the representative of the two (2) abutting homeowners associations. This information shall be updated at the time of any change. It shall further be filed with the Nantucket Police Department, the Nantucket Building Department, and the Nantucket Health Department. The resident manager shall be provided with a paging devise, with the telephone number of such paging devise provided to the Nantucket Police Department.
20. The Board of Appeals shall, at a public hearing to be held pursuant to legal notice as required for a Special Permit application, in November of the first year after the issuance of Certificate of Occupancy for the subject dormitory, and at another public hearing to be held in November of the following year, review all conditions set forth in this Special Permit, and shall make such modifications and additions to these conditions as the Board of Appeals shall deem appropriate for the management and control of activities upon the subject lot and the best interests of the neighborhood and the Town generally.
21. The subject Special Permit issued in this case shall be personal to the Applicant. If the property, or any part thereof, is sold out of Applicant's control, the Special Permit shall be deemed to have expired unless further relief from this Board is obtained.
22. The employer agreement entered into with the employees ("House Rules and Regulations") shall be filed with the Zoning Board of Appeals.

Nantucket County Received & Entered
 Date: MAY 03 2000 Time: 3:50 PM
 Attest: *James F. Kelly* Register of Deeds

End of
 Instrument

Anthony Noto

File No. 04-22

10 Lincoln Avenue

VARIANCE



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

APPLICATION

2022 FEB -8 AM 10:20
TOWN CLERK

Fee: \$450.00

File No. 04-22

Owner's name(s): Anthony Noto

Mailing address: 10 Lincoln Ave, Nantucket, MA 02554

Phone Number: _____ E-Mail: anthony.noto@gmail.com

Applicant's name(s): Matt MacEachern - Emeritus Ltd

Mailing Address: 8 Williams Lane

Phone Number: 508-325-4995 E-Mail: admin@emeritus development.com

Locus Address: 10 Lincoln Ave Assessor's Map/Parcel: 30 / 184

Land Court Plan/Plan Book & Page/Plan File No.: PLBK 15 PG 28

Deed Reference/Certificate of Title: 516 / 139 Zoning District R-1
Book 2 Page

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

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 1902 or _____

Building Permit Numbers: 7782-91, 14708-97, 14630-97, 1109-99

Previous Zoning Board Application Numbers: N/A

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

The applicant seeks variance relief from section 139-33 Preexisting nonconforming uses, structures and lots, because the proposal requires lifting and adding a new foundation and moving the existing building in addition to altering the existing dormers. Because the existing roof peak exceeds 30', it constitutes a preexisting nonconforming use. The proposal to move the structure is minimal with respect to the available property frontage, maintaining a considerable distance from Lincoln Ave, while preserving the character of the structure and neighborhood.

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

SIGNATURE: _____ Owner*

SIGNATURE: _____ Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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



8 Williams Lane
Nantucket, MA 02554
Phone: 508.325.4995
emeritusltd.com

Authorization Letter

Address, Nantucket, MA 02554

Nantucket Historic District Commission

February 2, 2022

Name: Anthony Noto

Address: 10 Lincoln Ave

A u t h o r i z a t i o n L e t t e r

Nantucket Zoning Board of Appeals

I, Anthony Noto, the property owner of a parcel of land located at 10 Lincoln Ave, Nantucket Assessor's Map 30, Parcel 184, am filing an application with the Nantucket Zoning Board of Appeals.

I hereby authorize Matt R MacEachern of Emeritus Ltd., to act as Agent on my behalf and to represent me before the board.

Thank you for your understanding.

A handwritten signature in black ink, appearing to be 'Matt R MacEachern', written over a horizontal line.

Signature

Date

8 Williams Lane.Nantucket.MA.02554
508.325.4995

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER.....Anthony Noto
MAILING ADDRESS.....10 Lincoln Ave
PROPERTY LOCATION.....10 Lincoln Ave
ASSESSOR MAP/PARCEL.....30 / 184
SUBMITTED BY.....Emeritus Ltd

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).

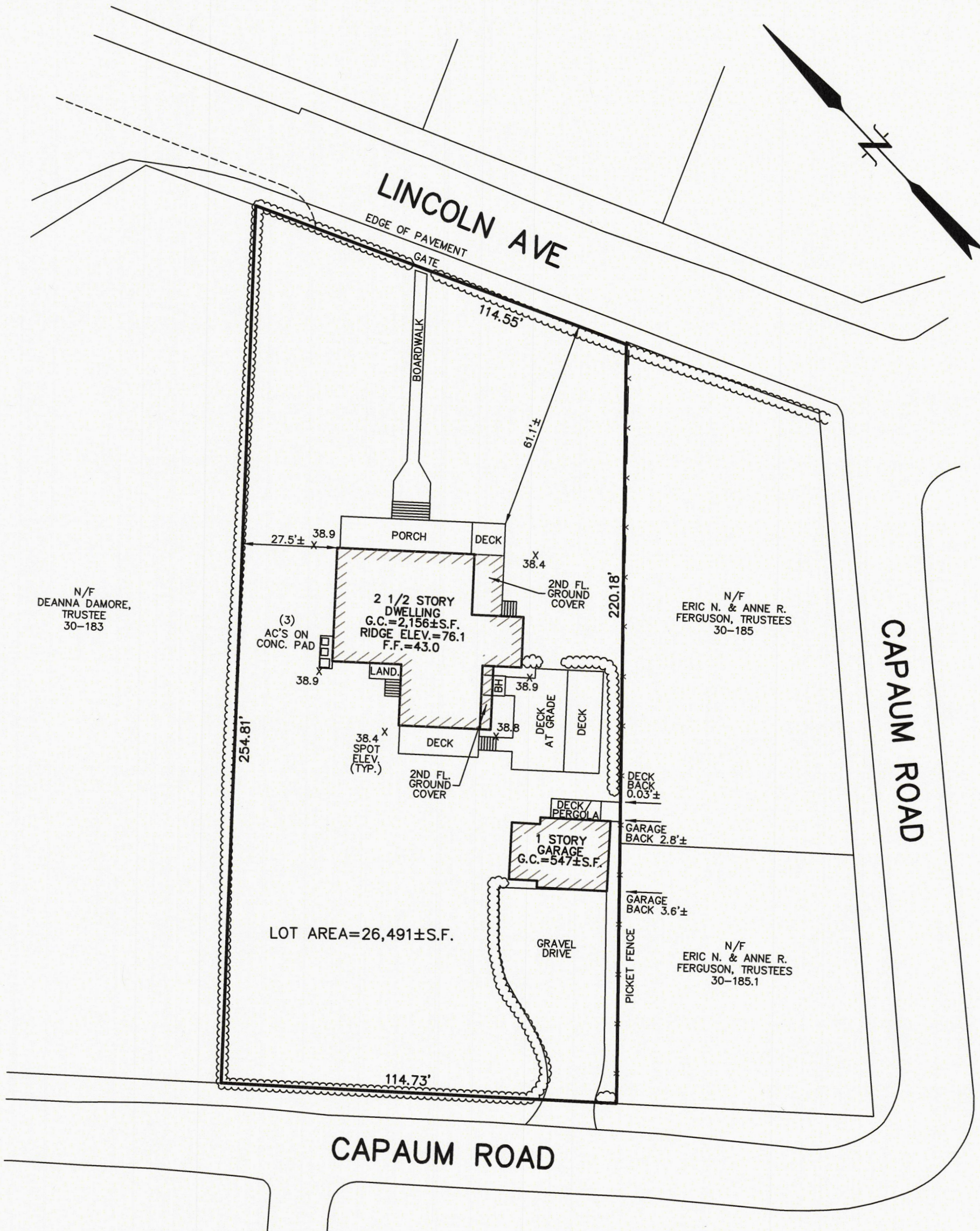
January 28, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's
Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's
Office
Date: 2022.01.28
15:41:35 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET



VERTICAL DATUM NAVD88

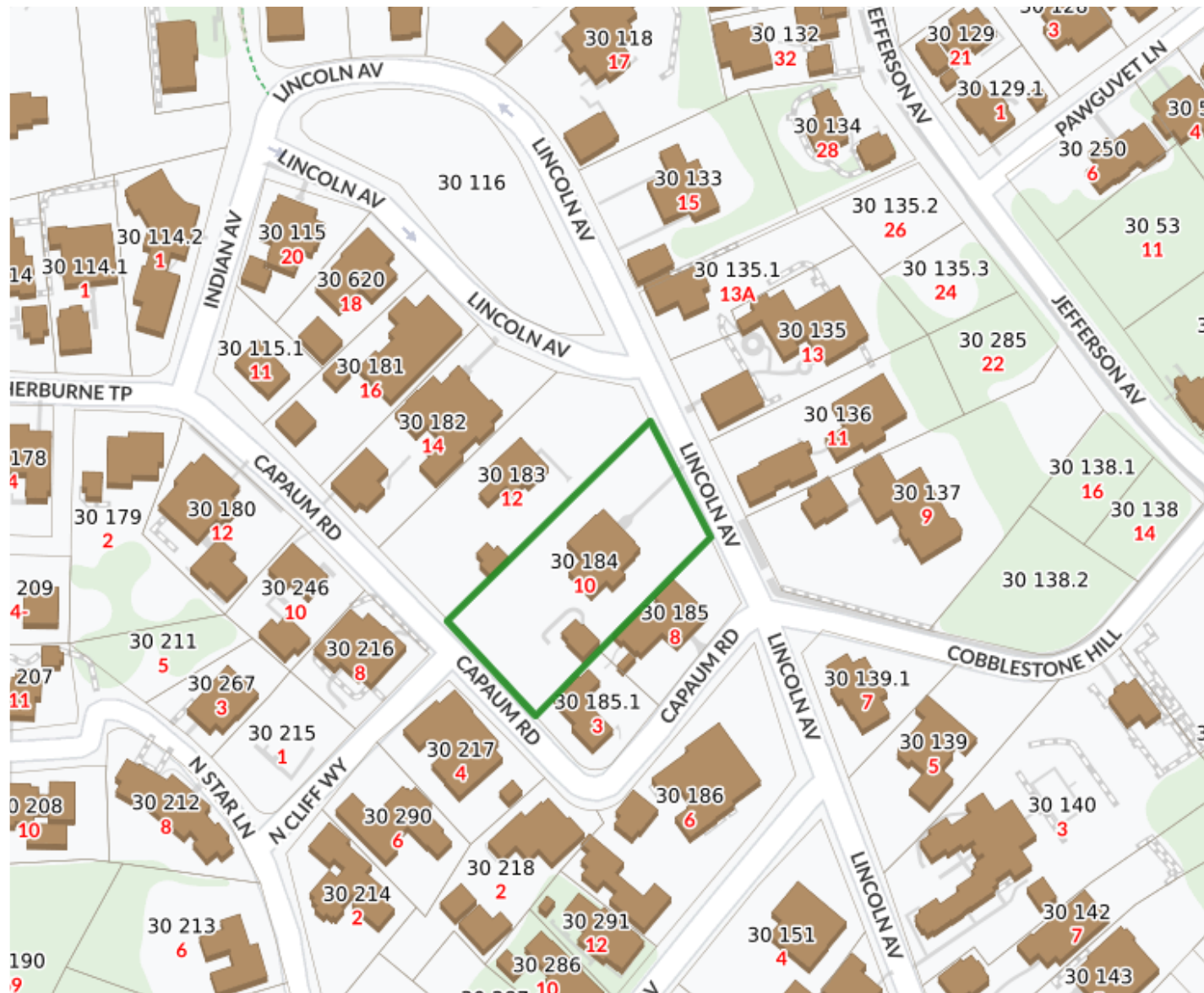
PLAN REFERENCES
PL. BK. 15 Pg. 28
PL. No. 2018-72
PL. No. 2019-28

CURRENT ZONING: R-1
MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 50'
FRONTYARD SETBACK: 10'
SIDE AND REAR SETBACK: 5'
ALLOWABLE G.C.R.: 30%
EXISTING G.C.R.: 10.2%±(CORNERBOARDS)

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN
RELIES ON CURRENT DEEDS AND PLANS OF RECORD,
VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON.
THIS PLAN IS NOT REPRESENTED TO BE A TITLE
EXAMINATION OR A RECORDABLE SURVEY.
N.B. 442/126 - 450/142



AS-BUILT PLOT PLAN
#10 LINCOLN AVENUE
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=30' DATE: 1/25/2022
DEED REFERENCE: Dd. Bk. 1852 Pg. 165
PLAN REFERENCE: SEE NOTE
ASSESSOR'S REFERENCE:
MAP: 30 PARCEL: 184
PREPARED FOR:
1010WINS LLC
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



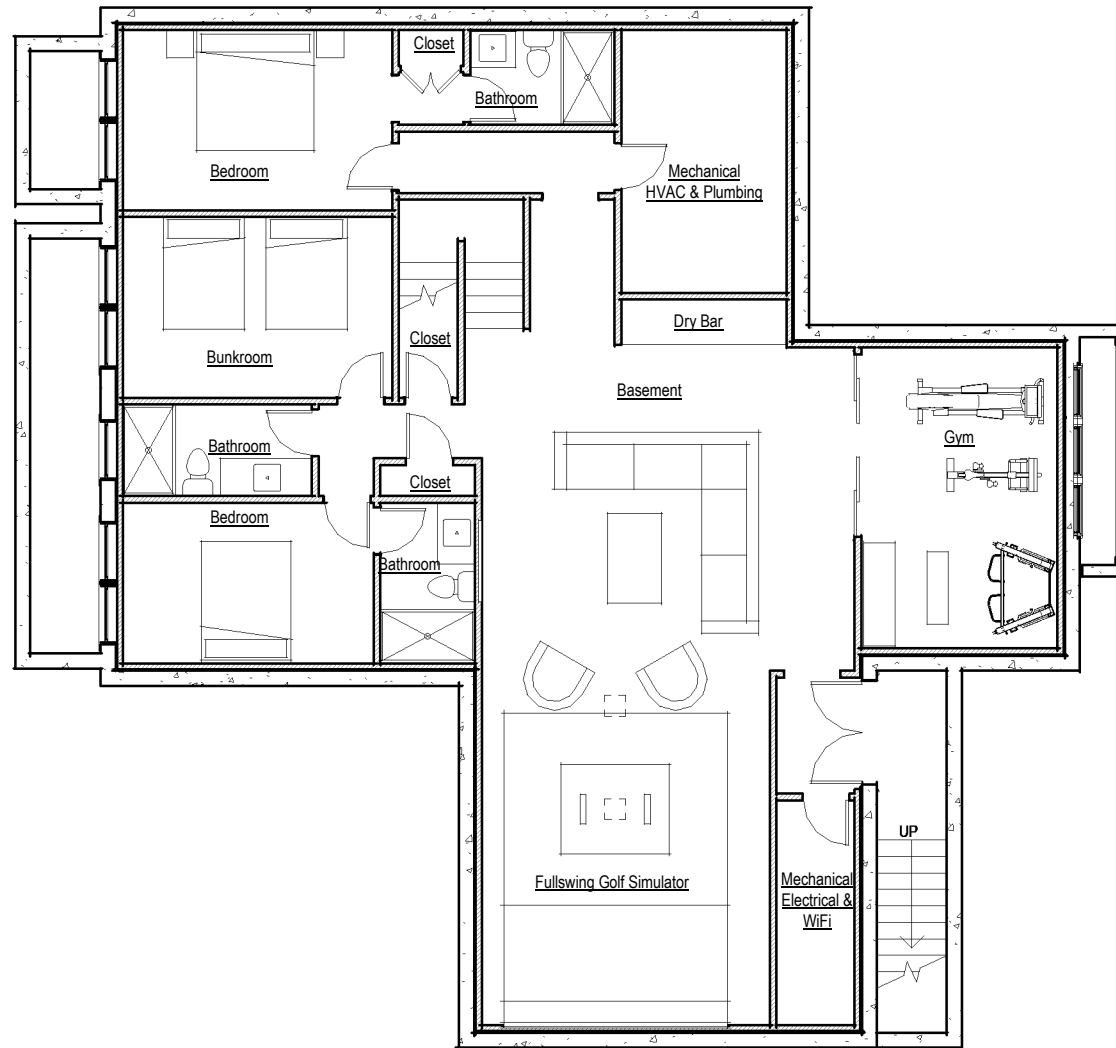
Noto Residence
 10 Lincoln Ave
 Nantucket, MA 02554

Locus Map

41



8 Williams Lane Nantucket, MA
 02554
 P. 508.325.4995
 F. 508.325.6980
www.emeritusdevelopment.com



Noto Residence
 10 Lincoln Ave
 Nantucket, MA 02554

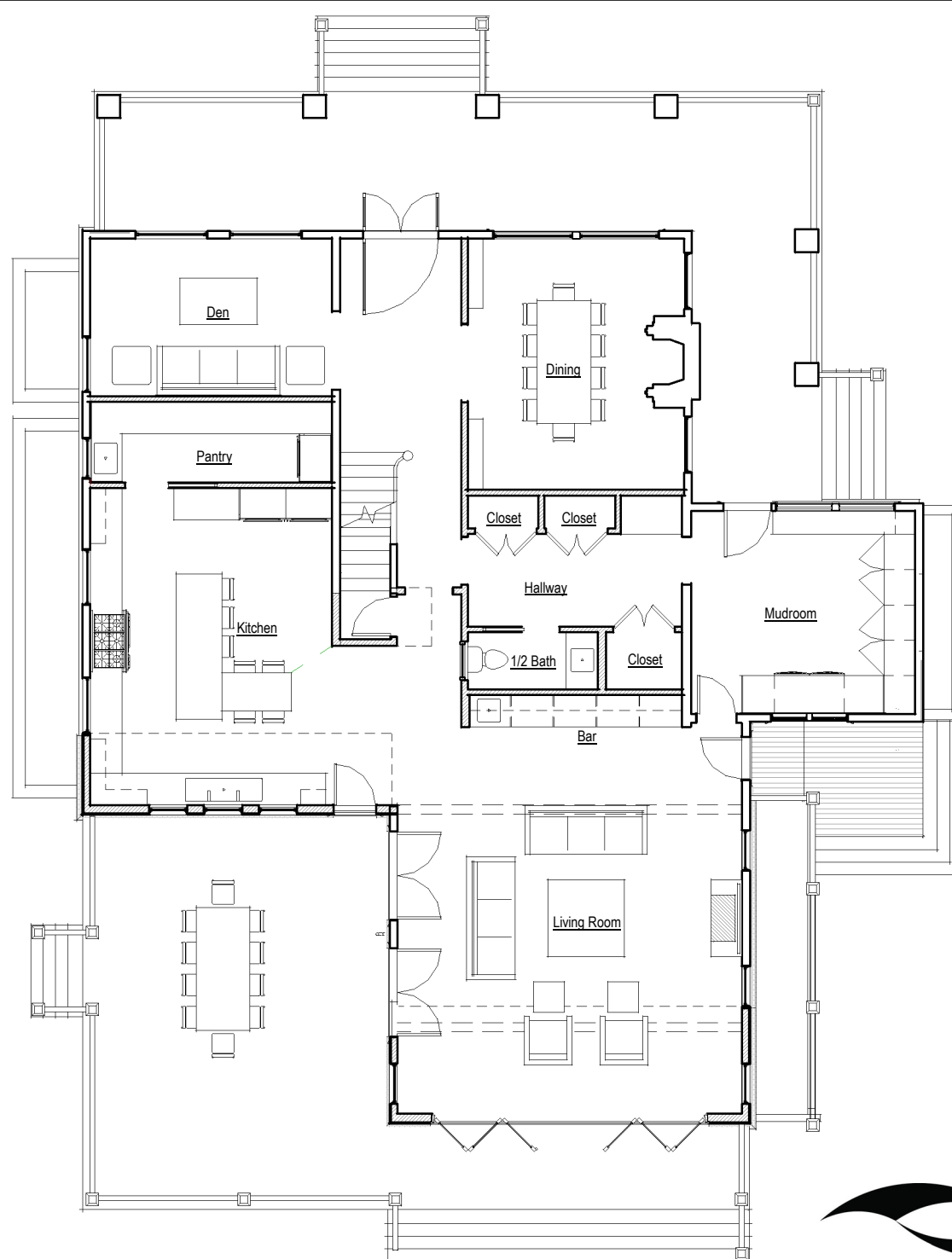
Proposed Basement

3/32" = 1'-0"

43



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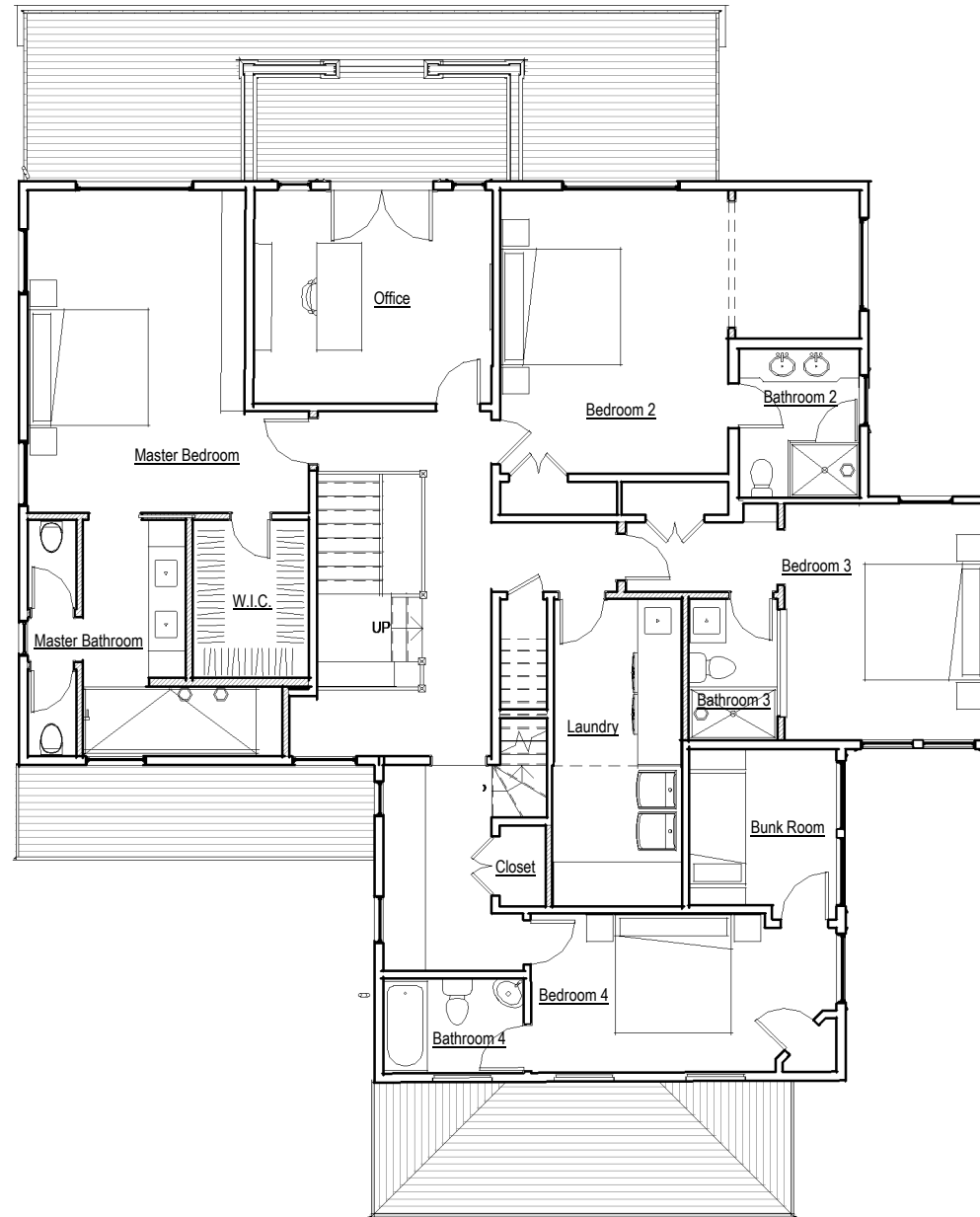
Proposed First Floor

3/32" = 1'-0"

44



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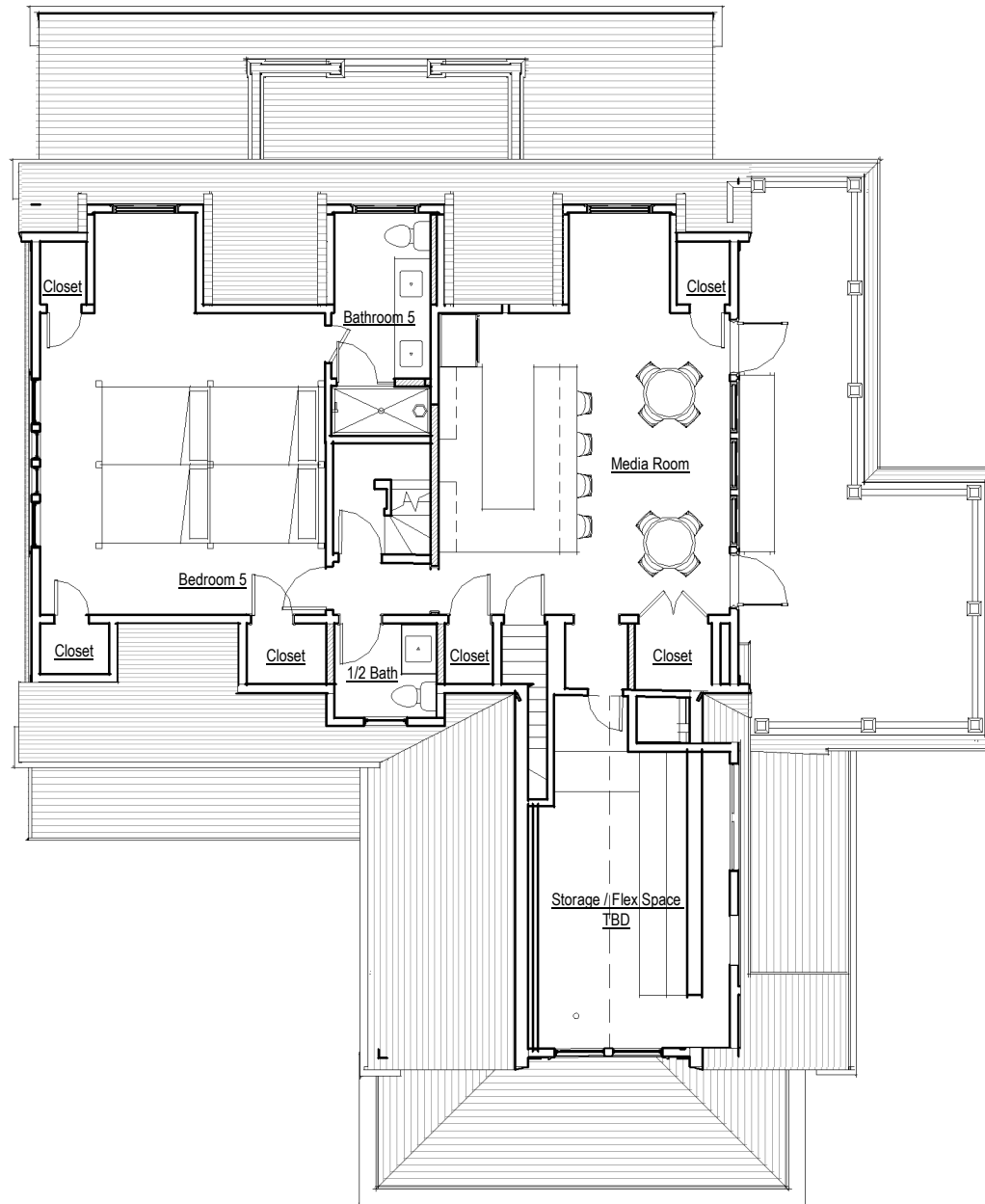
Proposed Second Floor

3/32" = 1'-0"

45



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Proposed Third Floor

3/32" = 1'-0"

46



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Noto Residence
 10 Lincoln Ave
 Nantucket, MA 02554

Proposed North Elevation

1/8" = 1'-0"

47



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Noto Residence
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Proposed East Elevation

1/8" = 1'-0"

48



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Noto Residence
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 Nantucket, MA 02554

Proposed South Elevation

1/8" = 1'-0"

49



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Noto Residence
 10 Lincoln Ave
 Nantucket, MA 02554

Proposed West Elevation

1/8" = 1'-0"

50



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Noto Residence
10 Lincoln Ave
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Existing North Elevation

1/8" = 1'-0"

51



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Noto Residence
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Existing East Elevation

1/8" = 1'-0"

52



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Noto Residence
 10 Lincoln Ave
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Existing South Elevation
 1/8" = 1'-0"

53



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Noto Residence
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Existing West Elevation
 1/8" = 1'-0"
 54



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 F. 508.325.6980
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Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
30	115		18 LINCOLN AVE NANT LLC		18 DOLMA ROAD	SCARSDALE	NY	10583	20 LINCOLN AV
30	115	1	CAPAUM HOUSE LLC		2117 DERBY STREET	BERKELEY	CA	94705	11 CAPAUM RD
30	118		WOLFF CLIFFORD A TR		201 TRIPLE DIAMOND BLVD	NORTH VENICE	FL	34275	17 LINCOLN AV
30	132		SALATA ELIZABETH J ETAL TRS	ELEVEN LINCOLN AVENUE TRUST	PO BOX 274	LAFAYETTE HILL	PA	19444	32 JEFFERSON AV
30	133		AMBRECHT KENNETH C & SUSAN B		2601 N OCEAN BLVD	GULF STREAM	FL	33483	15 LINCOLN AV
30	134		AMBRECHT KENNETH C & SUSAN B	JUSTINE MULLIN GST EXEMPT 2011 TR	2601 N OCEAN BLVD	GULF STREAM	FL	33483	28 JEFFERSON
30	135		MCCAUSLAND PETER TRST ETAL	SEVEN DOORS NOM TRUST	PO BOX 274	LAFAYETTE HILL	PA	19444	13 LINCOLN AV
30	135	1	MCCAUSLAND PETER TRST ETAL	PUG COTTAGE NOM TRUST	PO BOX 274	LAFAYETTE HILL	PA	19444	13A LINCOLN AV
30	135	2	MCCAUSLAND PETER TRST ETAL	PUG COTTAGE NOM TRUST	PO BOX 274	LAFAYETTE HILL	PA	19444	26 JEFFERSON AV
30	135	3	MCCAUSLAND PETER TRST ETAL	PUG COTTAGE NOM TRUST	PO BOX 274	LAFAYETTE	PA	19444	24 JEFFERSON AV
30	136		MCCAUSLAND CHRISTOPHER F TRST ETAL		PO OX 274	LAFAYETTE HILL	PA	19444	11 LINCOLN AV
30	137		NANTUCKET POINT OF VIEW LLC	C/O JOHN D FLAVIN	PO BOX 860	SARATOGA SPRINGS	NY	12866	9 LINCOLN AV
30	138	1	NANTUCKET POINT OF VIEW LLC	C/O JOHN D FLAVIN	PO BOX 860	SARATOGA SPRINGS	NY	12866	16 JEFFERSON AV
30	138	2	NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	COBBLESTONE HILL
30	139		LEVINGER FREDERICK N & CAROL J TRST	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS	FL	33410	5 LINCOLN AV
30	139	1	LEVINGER FREDERICK N TR	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS	FL	33410	7 LINCOLN AV
30	151		EBWC LLC		100 WOODBRIDGE CENTER DR	WOODBIDGE	NJ	07095	4 LINCOLN AV
30	152		WEILLE JEAN WALKER TR		166 E 96TH STREET # 1A	NEW YORK	NY	10128	7 HIGHLAND AV
30	179		OWEN FRANK S & JUNE L TRSTS	TOLLHOUSE TRUST	107 TALL TIMBERS LN	GLASTONBURY	CT	06033	2 SHERBURNE TP
30	180		MEAD MARK C TRST	12 CAPAUM NOM TRUST	33930 MEADOW LANE	HUNTING VALLEY	OH	44022	12 CAPAUM RD
30	182		KF LINCOLN LLC	C/O NORMANDY REAL ESTATE PTR	53 MAPLE AVE	MORRISTOWN	NJ	07960	14 LINCOLN AV
30	185		FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY	CT	06033	8 LINCOLN AV
30	185	1	FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY	CT	06033	3 CAPAUM RD
30	186		GRAVES ANNE M & JAMES P TRST		321 SEA OAK DR	VERO BEACH	FL	32963	6 LINCOLN AV
30	211		MACDONALD KATHLEEN L TRST	K L MACDONALD QUALIFIED TRUST	C/O MEGAN MACDONALD HODGSON	W KINGSTON	RI	02892	5 N STAR LN
30	212		8 NORTH STAR LN NOM TRUST	C/O SPEARS ANDRE & ROSEN ANNE	59 W NINTH ST APT 1	NEW YORK	NY	10011	8 N STAR LN
30	213		HUNTER WILLIAM H TR	6 NORTH STAR LANE NOM TRUST	59 W 9TH ST #1	NEW YORK	NY	10011	6 N STAR LN
30	214		IRWIN WILLIAM C & CLARK VIRGINIA		2 N CLIFF WY	NANTUCKET	MA	02554	2 N CLIFF WY
30	215		1 NORTH STAR LANE LLC NANTUCKET	C/O 1 NORTH STAR LN LLC	523 HARBOR RD	SOUTHPORT	CT	06890	1 N STAR LN
30	216		MARTIN ELIZABETH		523 HARBOR RD	SOUTHPORT	CT	06890	8 CAPAUM RD
30	217		MCDONALD JOHN T		5406 MARYANNA DRIVE	AUSTIN	TX	78746	4 CAPAUM RD
30	218		KEITH ROBERT M & KATE L		2 CAPAUM RD	NANTUCKET	MA	02554	2 CAPAUM RD
30	246		BOSEE JOHN KENNARD III		160 E 84 ST	NEW YORK	NY	10028	10 CAPAUM RD
30	267		MACDONALD KATHLEEN L	K L MACDONALD QUALIFIED TRUST	C/O MEGAN MACDONALD HODGSON	W KINGSTON	RI	02872	3 N STAR LN
30	285		MCCAUSLAND CHRISTOPHER F TRST ETAL		PO BOX 274	LAFAYETTE HILL	PA	19444	22 JEFFERSON AV
30	286		MILLER JOSEPH AUSTIN TR		937 BELLVIEW RD	MCLEAN	VA	22102	10 HIGHLAND AV
30	287		KEAY JEFFREY & HEATHER		364 JERUSALEM RD	COHASSET	MA	02025	8 HIGHLAND AV

30	288		2 HIGHLAND AVE LLC		2 NORTH CLIFF WY	NANTUCKET	MA	02554	6 HIGHLAND AV
30	290		LUCKY STARFISH 17 LLC		3656 MAPLEWOOD AVE	DALLAS	TX	75205	6 N CLIFF WY
30	291		CROWLEY DENNIS & KELLY		33 MOUNCE FARM WAY	MARSHFIELD	MA	02050	12 HIGHLAND AV
30	620		MANKIW DEBORAH R & NICHOLAS G TRS		1 DALTON ST UNIT 4501	BOSTON	MA	02115	18 LINCOLN AV
Count:	41								

18 LINCOLN AVE NANT LLC
18 DOLMA ROAD
SCARSDALE, NY 10583

CAPAUM HOUSE LLC
2117 DERBY STREET
BERKELEY, CA 94705

WOLFF CLIFFORD A TR
201 TRIPLE DIAMOND BLVD
NORTH VENICE, FL 34275

SALATA ELIZABETH J ETAL TRS
ELEVEN LINCOLN AVENUE TRUST
PO BOX 274
LAFAYETTE HILL, PA 19444

AMBRECHT KENNETH C & SUSAN B
2601 N OCEAN BLVD
GULF STREAM, FL 33483

AMBRECHT KENNETH C & SUSAN B
JUSTINE MULLIN GST EXEMPT 2011 TR
2601 N OCEAN BLVD
GULF STREAM, FL 33483

MCCAUSLAND PETER TRST ETAL
SEVEN DOORS NOM TRUST
PO BOX 274
LAFAYETTE HILL, PA 19444

MCCAUSLAND PETER TRST ETAL
PUG COTTAGE NOM TRUST
PO BOX 274
LAFAYETTE HILL, PA 19444

MCCAUSLAND PETER TRST ETAL
PUG COTTAGE NOM TRUST
PO BOX 274
LAFAYETTE HILL, PA 19444

MCCAUSLAND PETER TRST ETAL
PUG COTTAGE NOM TRUST
PO BOX 274
LAFAYETTE, PA 19444

MCCAUSLAND CHRISTOPHER F TRST
ETAL
PO OX 274
LAFAYETTE HILL, PA 19444

NANTUCKET POINT OF VIEW LLC
C/O JOHN D FLAVIN
PO BOX 860
SARATOGA SPRINGS, NY 12866

NANTUCKET POINT OF VIEW LLC
C/O JOHN D FLAVIN
PO BOX 860
SARATOGA SPRINGS, NY 12866

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

LEVINGER FREDERICK N & CAROL J
TRST
LEVINGER NOMINEE TRUST
13360 PROVENCE DR
PALM BEACH GARDENS, FL 33410

LEVINGER FREDERICK N TR
LEVINGER NOMINEE TRUST
13360 PROVENCE DR
PALM BEACH GARDENS, FL 33410

EBWC LLC
100 WOODBRIDGE CENTER DR
WOODBIDGE, NJ 07095

WEILLE JEAN WALKER TR
166 E 96TH STREET # 1A
NEW YORK, NY 10128

OWEN FRANK S & JUNE L TRSTS
TOLLHOUSE TRUST
107 TALL TIMBERS LN
GLASTONBURY, CT 06033

MEAD MARK C TRST
12 CAPAUM NOM TRUST
33930 MEADOW LANE
HUNTING VALLEY, OH 44022

KF LINCOLN LLC
C/O NORMANDY REAL ESTATE PTR
53 MAPLE AVE
MORRISTOWN, NJ 07960

FERGUSON ERIC N & ANNE R TRS
C/O FERGUSON NEIL
120 RIDGE RD
GLASTONBURY, CT 06033

FERGUSON ERIC N & ANNE R TRS
C/O FERGUSON NEIL
120 RIDGE RD
GLASTONBURY, CT 06033

GRAVES ANNE M & JAMES P TRST
321 SEA OAK DR
VERO BEACH, FL 32963

MACDONALD KATHLEEN L TRST
K L MACDONALD QUALIFIED TRUST
C/O MEGAN MACDONALD HODGSON
W KINGSTON, RI 02892

8 NORTH STAR LN NOM TRUST
C/O SPEARS ANDRE & ROSEN ANNE
59 W NINTH ST APT 1
NEW YORK, NY 10011

HUNTER WILLIAM H TR
6 NORTH STAR LANE NOM TRUST
59 W 9TH ST #1
NEW YORK, NY 10011

IRWIN WILLIAM C & CLARK VIRGINIA
2 N CLIFF WY
NANTUCKET, MA 02554

1 NORTH STAR LANE LLC NANTUCKET
C/O 1 NORTH STAR LN LLC
523 HARBOR RD
SOUTHPORT, CT 06890

MARTIN ELIZABETH
523 HARBOR RD
SOUTHPORT, CT 06890

MCDONALD JOHN T
5406 MARYANNA DRIVE
AUSTIN, TX 78746

KEITH ROBERT M & KATE L
2 CAPAUM RD
NANTUCKET, MA 02554

BOSEE JOHN KENNARD III
160 E 84 ST
NEW YORK, NY 10028

MACDONALD KATHLEEN L
K L MACDONALD QUALIFIED TRUST
C/O MEGAN MACDONALD HODGSON
W KINGSTON, RI 02872

MCCAUSLAND CHRISTOPHER F TRST
ETAL
PO BOX 274
LAFAYETTE HILL, PA 19444

MILLER JOSEPH AUSTIN TR
937 BELLVIEW RD
MCLEAN, VA 22102

KEAY JEFFREY & HEATHER
364 JERUSALEM RD
COHASSET, MA 02025

2 HIGHLAND AVE LLC
2 NORTH CLIFF WY
NANTUCKET, MA 02554

LUCKY STARFISH 17 LLC
3656 MAPLEWOOD AVE
DALLAS, TX 75205

CROWLEY DENNIS & KELLY
33 MOUNCE FARM WAY
MARSHFIELD, MA 02050

MANKIW DEBORAH R & NICHOLAS G TRS
1 DALTON ST UNIT 4501
BOSTON, MA 02115

Letters

NINA PICKERING-COOK
npickeringcook@andersonkreiger.com
T: 617.621.6536
F: 617.621.6636

March 3, 2022

VIA EMAIL

Susan McCarthy, Chair
Nantucket Zoning Board of Appeals
nsheriff@nantucket-ma.gov
hbackus@nantucket-ma.gov

Re: File No. 04-22, 10 Lincoln Avenue

Dear Ms. McCarthy and Zoning Board of Appeals Members,

I write to you on behalf of my client, Chris McCausland, the owner of 11 Lincoln Avenue. Mr. McCausland is a direct abutter to 10 Lincoln Avenue. Mr. McCausland opposes the plans to renovate 10 Lincoln Avenue submitted to the ZBA, in advance of its March 10, 2022 meeting, by Anthony Noto (the “Proposed Project”). According to the application, Mr. Noto is seeking relief pursuant to the Zoning Bylaw Section 139-33 for preexisting nonconforming structures. Specifically, Mr. Noto proposes to pick-up and move the existing main residence, with a height that exceeds the maximum 30’ allowed under the Zoning Bylaw, approximately 15’ closer to Lincoln Avenue. My client requests that this Board deny Mr. Noto’s application for the reasons set forth below.

As you well know, Nantucket Zoning Bylaw § 139-33(1) only allows preexisting non-conforming structures or uses to be extended, altered or changed provided that:

- (a) 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; or
- (b) The Zoning Administrator or the special permit granting authority finds that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities; or
- (c) A Zoning Enforcement Officer determines through a review of the building permit application that the extension, alteration, or change to any nonconforming structure is compliant with all dimensional requirements of this chapter and does not increase the nonconformity.

Given that the height of the home being moved on 10 Lincoln Ave. exceeds 30,' subsection 1(c) is inapplicable to this application. Therefore, the Proposed Project must qualify under subsection 1(a) or 1(b) in order to be permitted by this Board. Thus, the applicant must show either that his proposed changes will “not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood,” or that “the alteration, extension, or change... does not increase [the property’s current] nonconforming nature...”

The Proposed Project cannot meet either of these requirements. First, under § 139-33(1)(a), moving the large residence closer to Lincoln Avenue will be substantially more detrimental than the existing structure to the neighborhood. In *Eburn v. Zoning Bd. of Appeals of Dennis*, 83 Mass. App. Ct. 1116 (2013), where “the increased height of the home increased the intensity of a nonconforming structure,” the Court found that a “proposed alteration would be substantially more detrimental to the neighborhood” where the lower court “judge [found] that due to its increased height, the home tower[ed] over adjacent properties and [was] not in keeping with the surrounding neighborhood.” *Id.* at 1116. In Mr. Noto’s case, moving the already over-height structure forward on the lot towards its abutters will have a similar affect: it will tower over nearby homes and alter the view of homes across the street.

Further, in making a determination under G.L. c. 40A, § 6 that a proposed change is not “substantially more detrimental” than an existing non-conformity, local zoning boards may consider the future impact of their decisions on development in the area. *Gulf Oil Corp. v. Board of Appeals of Framingham*, 355 Mass 275, 278. Here, this particular Lincoln Avenue neighborhood has already experienced a steady creeping forward of homes, including 12 Lincoln Avenue which, in our understanding, was only permitted to be moved forward in line with 10 Lincoln Avenue. Approving Mr. Noto’s request to move 10 Lincoln Avenue forward, especially where it is for a non-hardship purpose like installing a swimming pool, would add to this incremental altering of the streetscape to the detriment of the neighborhood.

Second, under § 139-33(1)(b), picking up and moving the large structure forward on the Lot does increase the impact of its nonconforming nature (height). Massachusetts courts have expressly allowed Boards to take into consideration the impact of the nonconforming structure *from the perspective of abutters* (“[T]he defendants' proposed structure here is quite close to the plaintiffs' property, and *from the plaintiffs' perspective*, of considerable height” *Resca v. Duca*, Mass. Land Ct., No. 15 MISC 000143 (June 7, 2017). Thus, although the actual height of the structure remains the same, the *impact* of that nonconformity has increased for the abutters. For all intents and purposes, moving the structure at 10 Lincoln Ave forward results in an apparent increase in the building’s height for all around it and those passing by.

Where the applicant cannot meet the requirements required for zoning relief under Nantucket Zoning Bylaw § 139-33(1) for the proposed alteration of a preexisting nonconforming structure, the application should be denied.

I am happy to provide the Board with any additional information needed in order to render this decision.

Sincerely,

A handwritten signature in blue ink that reads "Nina Pickering Cook". The signature is written in a cursive style with a light blue background.

Nina Pickering-Cook

ecc: Client

Elizabeth Singer

Trustee of 64 Sankaty Road Realty Trust

File No. 05-22

63 Baxter Road

VARIANCE



TOWN CLERK
2022 FEB -8 AM 9:00

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



APPLICATION

Fee: \$450.00

File No. 05-22

Owner's name(s): Elizabeth Singer, as Trustee of 64 Sankaty Road Realty Trust

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: _____

Phone Number: _____ E-Mail: _____

Locus Address: 63 Baxter Road Assessor's Map/Parcel: 49-22

Land Court Plan/Plan Book & Page/Plan File No.: Land Court Plan No. 9173-A

Deed Reference/Certificate of Title: 19844 Zoning District SR-20

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

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

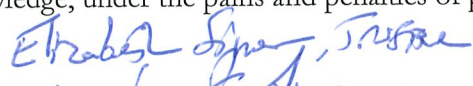
Building Permit Numbers: 113-02; 10223-04; 1205-04; 9-05; 57-05; 757-05; 151-06;
151-04

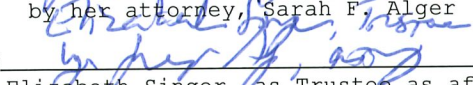
Previous Zoning Board Application Numbers: 049-04 and 021-07

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

See addendum attached hereto.

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


SIGNATURE: _____ Owner*
Elizabeth Singer, as Trustee as aforesaid
by her attorney, Sarah F. Alger


SIGNATURE: _____ Applicant/Attorney/Agent*
Elizabeth Singer, as Trustee as aforesaid
by her attorney, Sarah F. Alger

*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

Elizabeth Singer, as Trustee of
64 Baxter Road Realty Trust, Applicant
63 Baxter Road, Nantucket, Massachusetts

The Applicant is seeking a Variance under Nantucket Zoning By-law (the "By-law") §139-32 to move the existing main dwelling on the property away from the eroding bluff to a location no further than 20 feet of Baxter Road, at least 10 feet into the required front setback of thirty (30) feet, and to the extent necessary, a special permit under By-law §§139-18.D and 30 from the parking requirements of the By-law.

The locus is nonconforming as to ground cover, having ground cover of about 13.5%, where a maximum ground cover of 12.5% is allowed, and as to front and side yard setbacks, having a front yard setback of about 6.4 feet at its closest point, where a minimum front yard setback of 30 feet is required, and having a side yard setback of about 9 feet at its closest point, where a minimum side yard setback of 10 feet is required. Prior relief by Special Permit and Variance was granted the Zoning Board of Appeals with respect to these nonconformities in Files Nos. 009-04 and 021-07.

The locus otherwise complies with the dimensional requirements of the By-law, including area, having total area of about 25,014 square feet, where a minimum of 20,000 square feet is required; frontage, having frontage of about 118.6 feet where minimum frontage of 75 feet is required; and parking.

The Locus is located at 63 Baxter Road, Nantucket, Nantucket County, Massachusetts, is shown on Nantucket Tax Assessor's Map 49 as Parcel 22, is shown on Land Court Plan No. 9173-A filed with Certificate of Title No. 1323 at Nantucket Registry District and is located in the Sconset Residential 20 ("SR-20") Zoning District.

CURRENT ZONING CLASSIFICATION:
Siasconset Residential 20 (SR-20)

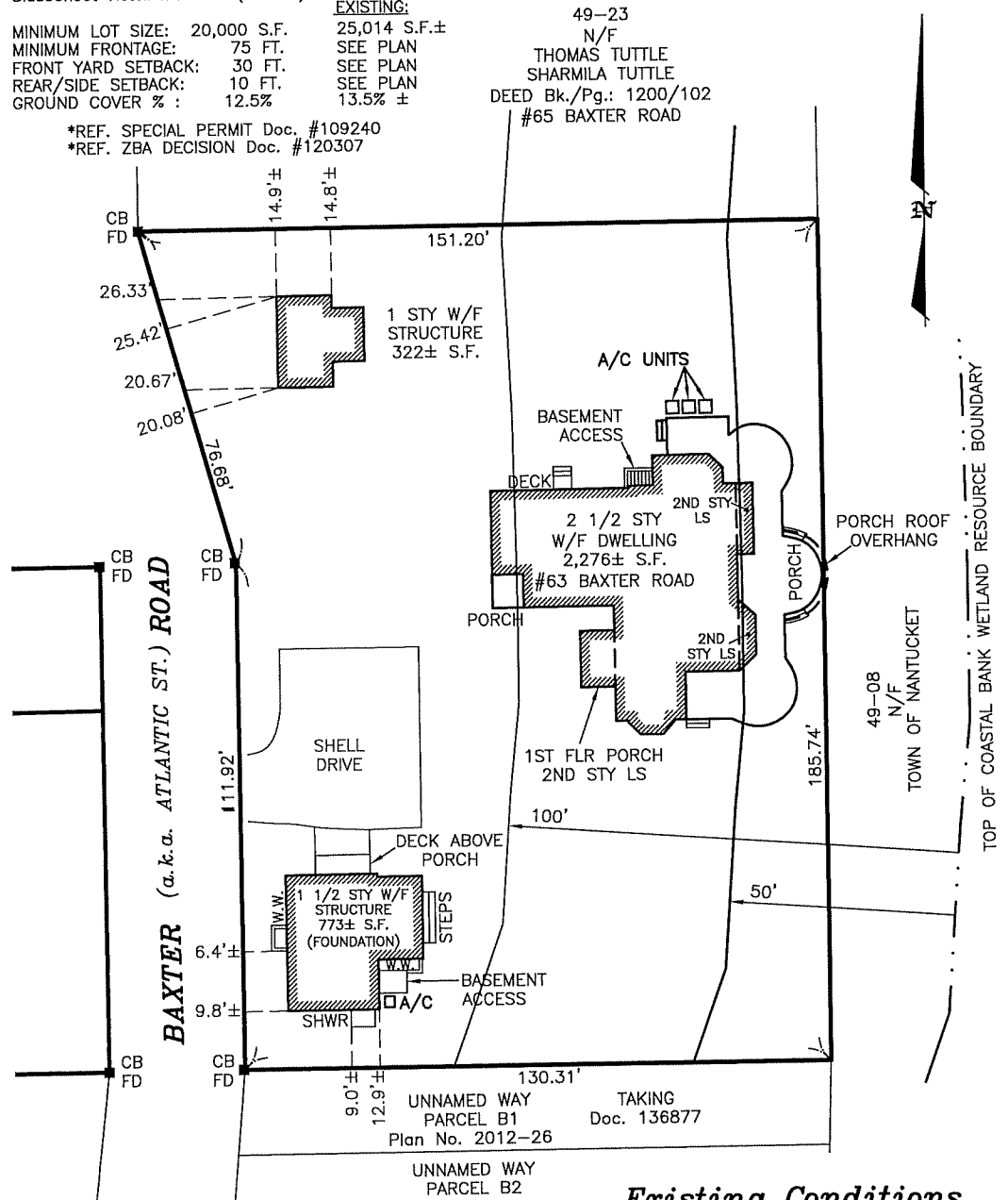
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

EXISTING:
25,014 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
13.5% ±

*REF. SPECIAL PERMIT Doc. #109240
*REF. ZBA DECISION Doc. #120307

LEGEND

■ DENOTES CONCRETE BOUND FOUND



Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 30' DATE: JANUARY 07, 2022

Owner: **64 BAXTER ROAD REALTY TRUST**

Cert. of Title: #19844. L.C.C.: 9173-A.

Locus: . . . #63, BAXTER ROAD

TAX MAP-PARCEL: . 49-22

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

B5622

ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS. THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

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LEGEND

■ DENOTES CONCRETE BOUND FOUND

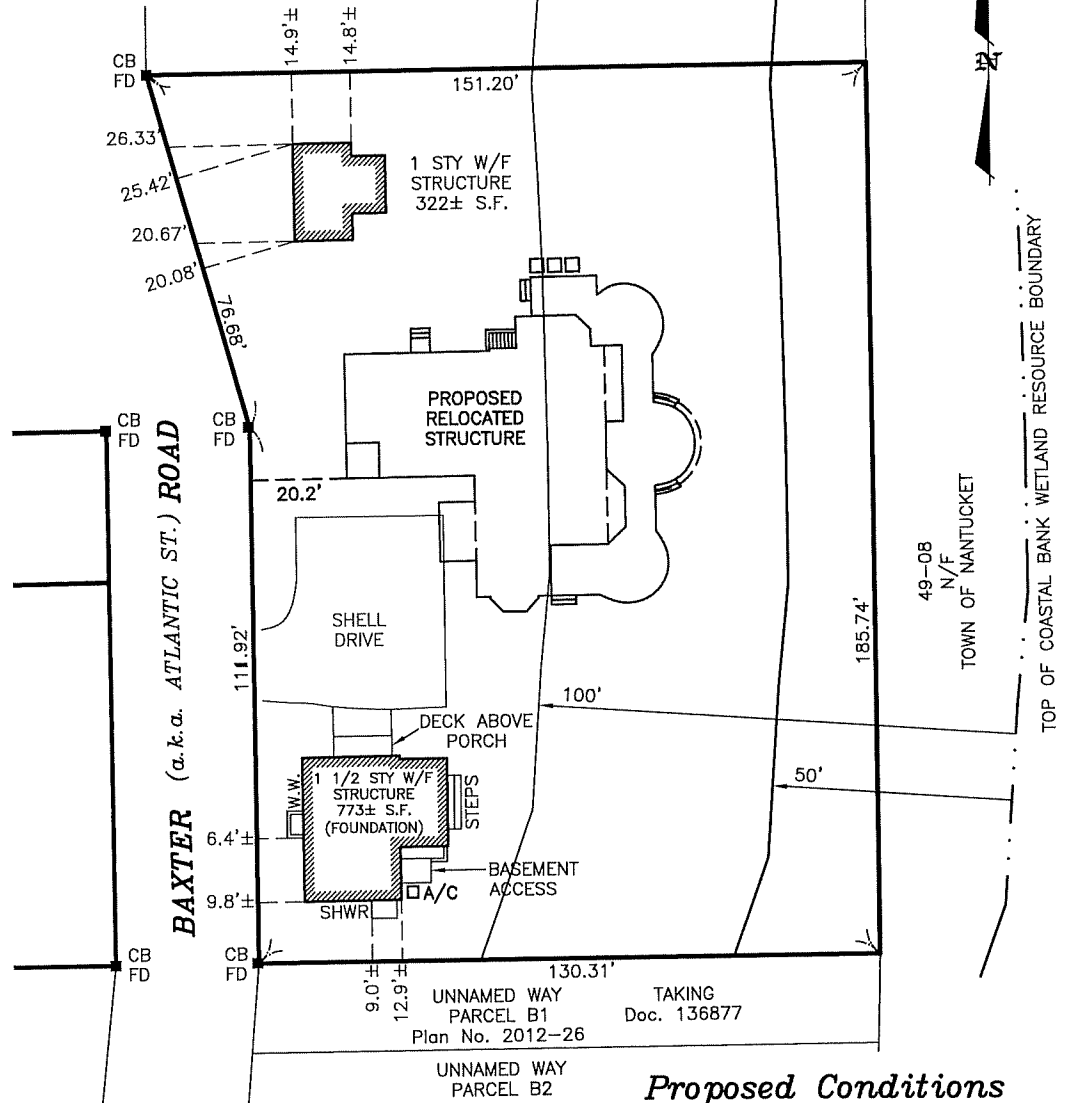
CURRENT ZONING CLASSIFICATION:
Siasconset Residential 20 (SR-20)

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

PROPOSED:
25,014 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
13.5% ±

*REF. SPECIAL PERMIT Doc. #109240
*REF. ZBA DECISION Doc. #120307

49-23
N/F
THOMAS TUTTLE
SHARMILA TUTTLE
DEED Bk./Pg.: 1200/102
#65 BAXTER ROAD



Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application

OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 30' DATE: JANUARY 07, 2022

Owner: **64 BAXTER ROAD REALTY TRUST**

Cert. of Title: #19844. L.C.C.: 9173-A. . . .

Locus: . . . #63. BAXTER ROAD

TAX MAP-PARCEL: 49-22

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

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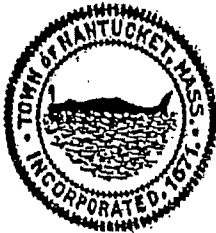
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Previous Decisions Affecting Locus



TOWN OF NANTUCKET BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554



Cert: 18844 Doc: MOD
Registered: 06/11/2007 09:33 AM

Date: April 13, 2007

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

Application No.: 021-07

Owner/Applicant: Elizabeth Singer, Trustee of
64 Baxter Road Realty Trust

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

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

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

Nancy J. Sedons
Nancy J. Sedons, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

APR 13 2007

Witnessed placement in
Clerk's box at 3:32pm.

4/13/07
P.M. P.

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

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

63 Baxter Road, Siasconset
Certificate of Title No. 19,844
Residential-2

Assessor's Map 49, Parcel 22
Land on Land Court Plan No. 9173-A

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, March 16, 2007, at 12:00 PM, in the Conference Room in the Town Offices at 2 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the Application in Board of Appeals File No. 021-07, of **ELIZABETH SINGER, TRUSTEE of 64 BAXTER ROAD REALTY TRUST**, u/d/t dated February 22, 2001, registered as Document No. 92079 at the Nantucket Registry District, with a mailing address of 674 Ad Hoc Road, Great Falls, VA 22066, in connection with property known as 63 Baxter Road, Siasconset Village, Nantucket, Massachusetts.

2. Applicant is seeking a MODIFICATION of the Decision in BOA File No. 049-04 to the extent necessary, which, in part, granted relief by Variance to demolish an existing garage/guest house and reconstruct a separate garage in a conforming location and a separate cottage to be sited within the required 30-foot front yard setback area due to the severe erosion along the Sconset Bluff. Due to continuing erosion, Applicant now proposes to re-site the garage to a location within the required 30-foot front yard setback area and as close as about 20 feet from the front yard lot line along Baxter Road. In addition, the Applicant is seeking a finding that the previously approved Special Permit and Variance relief has not expired based on the Applicant having obtained building permits and commenced work under said permits. The Zoning Enforcement Officer denied issuance of a building permit specifically for the garage structure, as approved and sited in the Decision, on the basis that two years had passed without commencement of the work related to the garage, despite the fact that building permits had been obtained for other work permitted in the same Decision. The project had begun and proceeded, with the garage/guest house having been demolished, on reliance on the building permits already issued and in anticipation of a building permit for the new garage being issued. No Certificates of Occupancy have been issued for the new secondary

dwelling and Applicant argues that the Special Permit and Variance relief are still active in order to complete the project. Should the Board find that the relief has expired, then the Applicant is seeking a re-issuance of the previous Variance relief under Nantucket Zoning By-law Section 139-16A (Intensity regulations - front yard setback, ground cover ratio) in order to complete the project as proposed with the reallocation of ground cover to the secondary dwelling and separate garage. The previously existing nonconforming ground cover ratio of about 14% (a maximum of 12.5% is allowed) would not be exceeded. See also BOA File No. 009-04.

The Premises is located at **63 BAXTER ROAD, SIASCONSET**, Assessor's Map 49, Parcel 22, Land Court Plan 9173-A. The property is zoned Residential-2.

3. Our decision is based upon the application and accompanying materials, plans, photographs, representations and testimony received at our public hearing. The Planning Board made no recommendation as the application did not present any issues of planning concern. There were four letters on file from abutters in favor. There was no public comment at the hearing for or against the proposal.

4. Applicant, through counsel, represented that since the notice publication of the Application for this meeting, the Zoning Enforcement Officer ("ZEO") had found that the relief granted in 2004 for the project as a whole had not expired and a building permit had been issued for the garage in the conforming location originally approved by this Board in the Decision in BOA File No. 009-04 (the "Decision"), and shown on Exhibit A attached to the Decision, which is registered as Document No. 109240 at the Nantucket Registry District for the Land Court. The Board concurs with the ZEO's ruling and therefore finds that it is unnecessary for the previous relief to be reissued. As a result, the Applicant withdrew that portion of the relief seeking a re-issuance of variance relief pursuant to Nantucket Zoning By-law Section 139-16A. Therefore, Applicant is seeking solely a modification of previously issued variance relief in order to permit the proposed garage to be relocated from the conforming site outside of the required 30-foot front yard setback area on the northerly portion of the lot to a site within the required front yard setback area farther to the west. The garage would be sited so that the southerly corner of the building would be no closer than 20 feet from Baxter Road and the northerly corner of the building would be no closer than 26 feet from Baxter Road.

5. Applicant, through counsel, represented that the Premises is located on the 'Sconset Bluff, which has been experiencing ongoing documented severe erosion. The purpose of the Applicant's original project, as approved in 2004, was to remove an existing structure, which contained the secondary dwelling and garage, and a separate shed, which were sited directly in front of the main dwelling within the required front yard setback area. The dwelling/garage was site as close as about 6.4 feet from the lot line along Baxter Road. The Decision allowed construction of a new secondary dwelling to be sited as close as 5.6 feet from the front yard lot line in the

southwesterly corner of the Premises and a separate garage on the northerly side of the Premises in a conforming location, in order to make space for the primary dwelling to be moved away from the Bluff and closer to Baxter Road when it became necessary due to further erosion. Applicant represented that erosion had continued to impact the lot and the new garage would have to be moved again when the house was moved closer to Baxter Road if constructed in the previously approved location. In anticipation of the move, the Applicant was asking permission to also place the new garage within the required setback area to avoid moving it once constructed.

6. Applicant, through counsel, represented that the proposed project would result in structures that would be smaller in scale and height, farther from Baxter Road, and similar in design and siting to other accessory structures in the neighborhood similarly sited close to Baxter Road and submitted photographic evidence to support that argument. The Applicant also provided photographs to show the recent impacts of the continued erosion on the Applicant's property. In addition, Applicant pointed out that the Board had granted several such waivers to relocate buildings to sites within the required 30-foot front yard setback area to properties on the east side of Baxter Road due to severe erosion of the Bluff area.

7. Applicant represented that the proposed new garage would be the same one-story, approximately 325 square-foot structure approved in the Decision, except as to siting on the lot. The standards for a grant of variance relief are required to be met in order to construct the new building within the front yard setback. The maximum of 14% ground cover allowed in the Decision would still be in full force and effect. By moving the garage approximately 11 feet closer to the street, the Applicant would be able to access the garage doors (which face south and not towards the street to the west) even after the main house is moved away from the eroding bank.

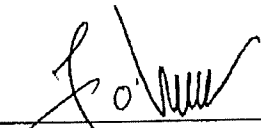
8. Therefore, based upon the foregoing, the Board reaffirms the findings made in the previous Decision and finds that the continued erosion of Sconset Bluff is a unique soil condition affecting the shape and topography of Applicant's land and not affecting generally the Residential-2 zoning district within which the Premises is situated. In addition, the Board finds that a literal enforcement of the provisions of this chapter would involve substantial hardship to the Applicant with the possible loss of Applicant's dwellings and accessory structures. Construction of the new garage in the former proposed location so as to hamper the moving of the primary dwelling necessitated by the continued erosion would have a possible negative impact on the lot in requiring the garage to be relocated again and cause possible financial hardship to the Applicant. The Board also finds that allowing a front yard setback intrusion for this lot has been established with the new secondary dwelling being sited as close as about 5.6 feet from the lot line along Baxter Road, and the proposed siting of the garage would be consistent with the siting of other ancillary structures along Baxter Road. Therefore, the relief may be granted without substantial detriment to the public good and without nullifying or substantially

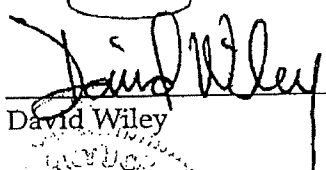
derogating from the intent or purpose of the Zoning By-law. Some members expressed concern that the existing hedge would be removed from that area of the front yard west of the proposed garage location and asked that a hedge be re-established and maintained in the same area west of where the garage was being moved to.

9. Accordingly, the Board of Appeals, by a vote of four in favor, (O'Mara, Waine, Koseatac, Wiley) and one opposed, (Tupper), GRANTS the requested MODIFICATION of the VARIANCE relief granted in the Decision in BOA File No. 009-04 pursuant to Nantucket Zoning By-law Section 139-16A to permit the relocation of the new garage to a site within the required 30-foot front yard setback area as proposed. Relief is hereby conditioned upon the following:

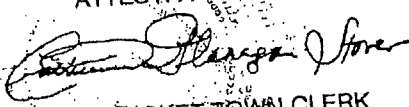
- (a) The garage shall be sited so that the southerly corner of the building would be no closer than 20 feet from the front yard lot line along Baxter Road and the northerly corner of the building would be no closer than 26 feet from the front yard lot line along Baxter Road;
- (b) A hedge shall be planted and maintained in the location of the hedge shown as existing between the previously proposed garage location and Baxter Road on the site plan that is attached as Exhibit A to the Board's Decision in BOA File No. 009-04; and
- (c) The conditions from the Board's Decision in BOA File No. 009-04, including, without limitation, the condition that no plumbing may be installed in the garage, shall remain in full force and effect, except as herein modified to allow the relocation of the new garage structure as proposed.

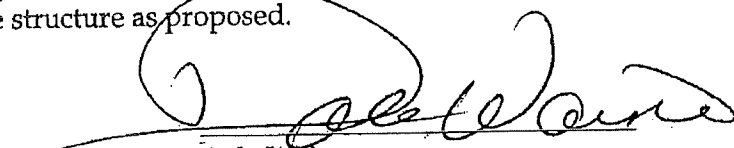
Dated: April 13, 2007


Michael J. O'Mara

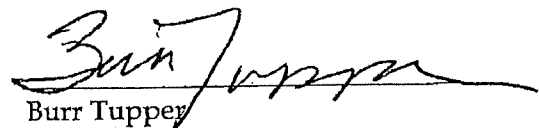

David Wiley

ATTEST: A TRUE COPY

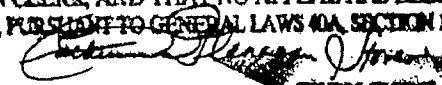

NANTUCKET TOWN CLERK


Dale Waine


Kerim Koseatac


Burr Tupper

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


TOWN CLERK

MAY 10 2007

120307

DDC No: 00120307

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: May 11, 2007 at 09:33A

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 19844

000026

Amended Trustee's name is okay by zoning Board of Appeals - Linda Z. Williams, zoning Administrator 10/6/04



TOWN OF NANTUCKET

109240

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: September 13, 2004

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

Application No.: 049-04

Owner/Applicant: Elizabeth Singer, Trustee
of 64 Barker Road Realty Trust

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

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

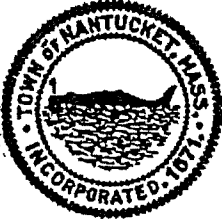
Any action appealing the Decision must be brought by filing an complaint in court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Nancy J. Levens
Nancy J. Levens, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

000027



TOWN OF NANTUCKET

109240

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: September 13, 2004

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

Application No.: 049-04

Owner/Applicant: Richard J. Giddon, Trustee
of 64 Barker Road Realty Trust

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

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

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

Nancy J. Stevens
Nancy J. Stevens, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

NANTUCKET ZONING BOARD OF APPEALS

1 East Chestnut Street
Nantucket, Massachusetts 02554

63 Baxter Road, Siasconset
Certificate of Title No. 19,844
Residential-2 Zoning District

Assessor's Map 49, Parcel 22
Land on Land Court Plan No. 9173-A

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, August 13, 2004, at 1:00 P.M., in the Conference Room in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following Decision on the Application (049-04) of RICHARD J. GLIDDEN, TRUSTEE of 64 BAXTER ROAD REALTY TRUST, u/d/t dated February 22, 2001, registered as Document No. 92079 at the Nantucket Registry District, with a mailing address of 674 Ad Hoc Road, Great Falls, VA 22066, in connection with property known as 63 Baxter Road, Siasconset Village, Nantucket, Massachusetts.

2. Applicant is seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law, Section 139-33A(9) (alteration of a pre-existing nonconforming structure/use). Applicant proposes to demolish an existing nonconforming secondary dwelling/garage structure and a separate shed and construct a new cottage in the southerly corner of the Lot and a new separate garage structure in the northerly corner of the Lot, with neither new structure being closer to the front yard lot line than the existing structure, which is currently sited as close as about one foot from the front yard lot line along Baxter Road. A 30-foot front yard setback is required in this zoning district. The new cottage would be sited as close as about 9 feet and the new garage would be conforming as to all setback requirements. The existing ground cover ratio of about 14% (a maximum of 12.5% is allowed) would not be exceeded. In addition, and to the extent necessary, Applicant is seeking relief by VARIANCE under Nantucket Zoning By-law Section 139-16A to allow the new cottage to be placed back in the required 30-foot front yard setback area and allow reallocation of ground cover to construct a new separate garage, while maintaining the existing maximum ground cover of about 14%. See also BOA File No. 009-04. The Premises is located at 63 Baxter Road, Siasconset, Assessor's Map 49, Parcel 22, Land Court Plan 9173-A. The property is zoned Residential-2.

3. Our Decision is based upon the Application and accompanying materials, plans, photographs, representations and testimony received at our public hearing. The Planning Board made no recommendation, as the matter was not of planning concern. Letters of support from both immediate abutters were received prior to the hearing and the abutter to the south spoke at the public hearing in support of the Application.

4. The Locus is situated on the 'Sconset Bluff, which has a long documented history of experiencing ongoing severe erosion. The purpose of the Applicant's proposed project is to remove the existing secondary dwelling/garage structure and shed, which are sited directly in front of the principal dwelling within the required 30-foot front yard setback area, and construct a new secondary dwelling in the southwesterly corner of the Premises and a separate new garage on the north side of the Premises, making space for the main dwelling to be moved further away from the Bluff and closer to Baxter Road, to a location outside of the required front yard setback area, which move does not require relief from this Board as currently proposed. The existing secondary dwelling/garage structure was built in the 1960's and thus grandfathered, is incongruous in scale and design from the principal house on the Premises and other structures along Baxter Road. The Applicant's proposed project would result in two separate structures that would be smaller in scale and height, further from Baxter Road, and similar in design and siting to other accessory structures in the neighborhood along Baxter Road. Applicant represented that at preliminary hearings before the 'Sconset Advisory Committee to the Historic District Commission (HDC) in 2001, the Applicant was strongly urged to design two smaller buildings to replace the existing secondary dwelling/garage building so as to be more consistent with the neighborhood.

5. Applicant represented that the existing secondary dwelling/garage structure is pre-existing, nonconforming as to front yard setback, being located about 3.2 feet from Baxter Road where a 30-foot minimum front yard setback is required, as shown the "Site Plan" prepared by Blackwell & Associates, Inc., dated August 9, 2004, a reduced copy of which is attached hereto as Exhibit A. The structures on the Premises are pre-existing, nonconforming as to ground cover, with approximately 14% total ground cover where 12.5% is the maximum allowed in the R-2 zoning district. The proposed new garage would be conforming as to setback requirements in all respects. The proposed new secondary dwelling would be set back further back from Baxter Road than the existing secondary dwelling, with the exterior finish wall of the building sited no closer than about 8.8 feet from the front yard lot line along Baxter Road. The "areaway" shown on Exhibit A, to the extent considered a part of the structure for setback purposes, would be no closer than 5.6 feet from Baxter Road; no balcony was permitted on the façade of the guesthouse facing Baxter Road by the HDC, though currently still shown on Exhibit A. An existing shed (159± sq. ft. of ground cover) would be removed from the property as well as the existing guest house/garage (945± sq. ft. of ground cover) for a total of 1104± sq. ft. of existing ground cover being affected as part of this project. The new garage would have 322± sq. ft. of ground cover and the new guesthouse would have 773± sq. ft. of ground cover for a total of 1095± sq. ft. of ground cover for the proposed new buildings. Variance relief is requested to site the new guesthouse back in the front yard setback, and to re-allocate the ground cover between the two new separate buildings. There would be no increase in ground cover beyond what exists, and Special Permit relief is requested to alter these pre-existing nonconforming

structures in accordance with the attached plan and to maintain the existing maximum ground cover of 14%. Applicant represented that they did not want to move the new cottage further back out of the front yard setback area with the main house being moved back towards Baxter Road at the same time. Applicant stated that eventually they would have had to be back before the Board to move the house and cottage back to a site approximately where currently proposed due to continued erosion along the Bluff.

6. Based upon the foregoing, the Board finds that the erosion of 'Sconset Bluff is a unique soil condition and topography affecting Applicant's land and not affecting the Residential-2 zoning district generally and the possible loss of Applicant's dwellings and accessory structures due to erosion would result in substantial hardship. The Board further finds that demolishing the incongruous existing secondary dwelling/garage structure that is sited only a few feet from the road and replacing it with a new secondary dwelling sited further from the front yard lot line and a separate conforming new garage, with the ground cover re-allocated so that the buildings' scale and design would be appropriate for the neighborhood, is desirable and a public benefit; and in addition, Variance relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. The Board also finds that maintaining the nonconforming existing maximum ground cover ratio of approximately 14% for this project would not be substantially more detrimental to the neighborhood than the existing nonconformity and would be in harmony with the general purpose and intent of the Zoning By-law. The Board notes that a grant of relief in this case would be consistent with similar relief granted in other Applications related to other properties along the Bluff.

7. Accordingly, the Board of Appeals, by a vote of four in favor (Waine Toole, Sanford, and Loftin) and one opposed (Murphy), GRANTS the requested relief by SPECIAL PERMIT under Section 139-33A(9) to permit the demolition of the existing secondary dwelling/garage structure and reconstruction of a new secondary dwelling and separate conforming garage not to exceed the existing overall maximum ground cover ratio for the Premises of approximately 14%, and GRANTS the requested VARIANCE relief under Section 139-16A to permit the new secondary dwelling to be sited within the front yard setback and to re-allocate the ground cover separately between the garage and the guesthouse, based upon the following conditions:

- (a) No plumbing shall be installed in the garage and it shall not be used for human habitation;
- (b) The guest house shall not be expanded without further relief from this Board;

- (c) The exterior finish wall for the new guest house shall be no closer to Baxter Road than about 8.8 feet (recognizing that the "areaway" shown on the site plan may be as close as about 5.6 feet from Baxter Road); and
- (d) The project shall be constructed in substantial conformity with the site plan attached hereto as Exhibit A, without the balcony that is included on the plan.

Dated: September 13, 2004

Dale W. Waine
Dale Waine

Edward S. Toole
Edward S. Toole

C. Richard Loftin
C. Richard Loftin

Edward J. Sanford
Edward J. Sanford

Edward Murphy
Edward Murphy

ATTEST: A TRUE COPY

Christina Blangafore
NANTUCKET TOWN CLERK

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

Christina Blangafore
TOWN CLERK

OCT 05 2004

Document No. 109240
SPECIAL PERMIT

Document No. 109240

000025

Northwest Registry District

OCT 06 2004

RECEIVED FOR REGISTRATION

10 O'CLOCK 40 m A M

NOTED ON CERTIFICATE NO. 19844

IN REGISTRATION BOOK PAGE

ATTEST *James D. Kelley* ASST RECORDER

109240

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER. Elizabeth Singer.....
MAILING ADDRESS. c/o Sarah F. Alger, P.C., Four North Water Street, Nantucket, MA 02554.....
PROPERTY LOCATION. 63 Baxter Road.....
ASSESSOR MAP/PARCEL. Map 49, Parcel 22.....
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)).

January 21, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2022.01.21
14:56:56 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

KIDDER STEPHEN W TRST ETAL
THE PILOT HOUSE
LEWIS WHARF
BOSTON, MA 02110

DALE KEVIN F TRUSTEE
SUITE 120
1 FRANKLIN PKWY BLDG 910
SAN MATEO, CA 94403

HEALEY ANN R TRST ETAL
C/O VAUGHTER ELINOR G
3612 CHESAPEAKE ST NW
WASHINGTON, DC 20008-2915

TUTTLE THOMAS & SHARMILA
337 WEST 22ND STREET
NEW YORK, NY 10011

MORNING LIGHT LLC
3100 PACIFIC AVE
SAN FRANCISCO, CA 94115

MOSCICKI RICHARD & MARIANNE L
105 HUNTINGTON RD
NEWTON, MA 02458

HONEY WILLIAM F & MICHELLE D ETAL
115 4TH STREET SE
WASHINGTON, DC 20003

MCAULIFFE MARY E
310 CHARLES ALEXANDER CT
ALEXANDRIA, VA 22301

WILNER SUSAN & GOLDEN DAVID TRS
GOLDEN/WILNER LIVING TRUST
3673 JACKSON STREET
SAN FRANCISCO, CA 94118

ROSEMOOR LLC
171 ALVARADO RD
BERKELEY, CA 94075

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

SINGER ELIZABETH
674 AD HOC RD
GREAT FALLS, VA 22066

HEALEY ANN R TRST ETAL
C/O VAUGHTER ELINOR G
3612 CHESAPEAKE ST NW
WASHINGTON, DC 20008-2915

ABCET LLC
C/O HOSTETTER AMOS B
THE PILOT HOUSE LEWIS WF
BOSTON, MA 02110

SCONSET TRUST INC
PO BOX 821
SIASCONSET, MA 02564

SCONSET TRUST INC
P O BOX 821
SIASCONSET, MA 02564

OKST DAVID & DAWN
103 OAKES ST
PORT JEFFERSON, NY 11777

BAILEY DOROTHY O & DAVID S
250 1ST AV, UNIT 805
CHARLESTOWN, MA 02129

RUDDICK GIRARD B TR ETAL
GABLES REALTY TRUST
PO BOX 207
SIASCONSET, MA 02564

SINGER ELIZABETH
674 AD HOC RD
GREAT FALLS, VA 22066

Abutters Listing

MELU	Lot	Lot Cnt	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
48	8		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	SCONSET BLUFF
49	9		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	SCONSET BLUFF
49	18		KIDDER STEPHEN W TRST ETAL		LEWIS WHARF	BOSTON	MA	02110	55 BAXTER RD
49	20		DALE KEVIN F TRUSTEE		1 FRANKLIN PKWY BLDG 910	SAN MATEO	CA	94403	59 BAXTER RD
49	21		HEALEY ANN R TRST ETAL	C/O VAUGHTER ELINOR G	3612 CHESAPEAKE ST NW	WASHINGTON	DC	20008-2915	61 BAXTER RD
49	23		TUTTLE THOMAS & SHARMILA		337 WEST 22ND STREET	NEW YORK	NY	10011	65 BAXTER RD
49	24		MORNING LIGHT LLC		3100 PACIFIC AVE	SAN FRANCISCO	CA	94115	67 BAXTER RD
49	25		MOSCICKI RICHARD & MARIANNE L		105 HUNTINGTON RD	NEWTON	MA	02458	69 BAXTER RD
49	26	1	HONEY WILLIAM F & MICHELLE D ETAL		115 4TH STREET SE	WASHINGTON	DC	20003	71 BAXTER RD
49	44		MCAULIFFE MARY E		310 CHARLES ALEXANDER CT	ALEXANDRIA	VA	22301	72 BAXTER RD
49	45		WILNER SUSAN & GOLDEN DAVID TRS	GOLDEN/WILNER LIVING TRUST	3673 JACKSON STREET	SAN FRANCISCO	CA	94118	70 BAXTER RD
49	47		ROSEMOOR LLC		171 ALVARADO RD	BERKELEY	CA	94075	68 BAXTER RD
49	50		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	BAXTER RD
49	51		SINGER ELIZABETH		674 AD HOC RD	GREAT FALLS	VA	22066	64 BAXTER RD
49	52		HEALEY ANN R TRST ETAL	C/O VAUGHTER ELINOR G	3612 CHESAPEAKE ST NW	WASHINGTON	DC	20008-2915	62 BAXTER RD
49	54		ABCET LLC	C/O HOSTETTER AMOS B	THE PILOT HOUSE LEWIS WF	BOSTON	MA	02110	58 BAXTER RD
49	83		SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA	02564	79 SANKATY RD
49	90		SCONSET TRUST INC		P O BOX 821	SIASCONSET	MA	02564	81 SANKATY RD
49	91		OKST DAVID & DAWN		103 OAKES ST	PORT JEFFERSON	NY	11777	85 SANKATY RD
49	91	1	BAILEY DOROTHY O & DAVID S		250 1ST AV, UNIT 805	CHARLESTOWN	MA	02129	83 SANKATY RD
49	92		RUDDICK GIRARD B TR ETAL	GABLES REALTY TRUST	PO BOX 207	SIASCONSET	MA	02564	6 BAYBERRY SIAS LN
49	188		SINGER ELIZABETH		674 AD HOC RD	GREAT FALLS	VA	22066	64R BAXTER RD
Count:		22							

End of Packet