ZBA MEETING PACKET

11/10/22

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, November 10, 2022, at 1:00 PM ***HYBRID***
Location / Address	4 Fairgrounds Road, Nantucket, MA 02554 **PSF COMMUNITY ROOM & REMOTE PARTICIPATION VIA ZOOM WEBINAR**
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

YOUTUBE LINK FOR VIEWING ONLY:
https://youtu.be/FdT_SLLjrr4

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_oJl3NWSBQPaqPnn3sxg9NA

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

I. CALL TO ORDER:
II. APPROVAL OF THE AGENDA:
III. APPROVAL OF THE MINUTES:
- October 13, 2022

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

09-22 Harris on Weweeder, LLC **50 Weweeder Avenue** **Brescher**
Applicant is seeking Variance Relief pursuant to Nantucket Zoning Bylaw Section 139-32 from the

intensity regulations in Section 139-16A to site a proposed pool cabana in the side yard setback as close as 2.7 feet from the side yard lot line in a zoning district that requires a minimum of a ten (10) foot side yard setback and to increase the allowable groundcover ratio to 7.9% in a zoning district with a maximum groundcover ratio of 7%. Locus is situated at 50 Weweeder Avenue, shown on Assessor's Map 79 as Parcel 15 and upon Land Court Plan 42927-A. Evidence of owner's title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Limited Use 1 (LUG-1).

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

37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams
Applicants are seeking a Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-30 and 139-33A in order 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).

10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos
Applicants are seeking Special Permit relief pursuant to Nantucket Zoning By-law Sections 139-30 and 139-2 in order to install an in-ground swimming pool. Locus is situated at 4 Washington Avenue, shown on Assessor's Map 60.2.4 as Parcel 65 and upon Land Court Plan 14672-A. Evidence of owner's title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

15-22 Christopher Quick 15 Delaney Road Gagalis
Applicant is appealing the Building Commissioner's September 21, 2022 determination pursuant to Zoning Code Section 139-31A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. The Building Commissioner determined that use of the Property for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaw. Locus subject to the appeal is situated at 15 Delaney Road, shown on Assessor's Map 30 as Parcel 635 and upon Land Court Plan 14695-C. Evidence of owner's title is registered on Certificate of Title No. 25803 with the Nantucket County District of the Land Court. The site is zoned Residential 1 (R1).

16-22 Dean & Alba Cestari 2 Nautilus Lane Williams
Applicants are seeking Special Permit relief pursuant to Nantucket Zoning By-law Section 139-16C(1) (Intensity regulations – setback) in order to reduce rear yard setback from 10 feet to 8 feet to construct a 10' x 19' in-ground pool. Locus is situated at 2 Nautilus Lane, shown on Assessor's Map 67 as Parcel 176.2 and lot 166 upon Land Court Plan 34507-26. Evidence of owner's title is registered on Certificate of Title No. 28810 with the Nantucket County District of the Land Court. The site is zoned Residential 10 (R-10).

VI. OTHER (VOTES MAY BE TAKEN)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

10/13/22

ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, October 13, 2022

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

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

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

Staff in attendance:	Leslie Snell, Deputy Director of Planning; Paul Murphy, Building Commissioner; Billy Saad, Land Use Specialist.
Attending Members:	McCarthy, Botticelli, O'Mara, Allen, Mondani, Poor
Absent:	Toole, Thayer
Late Arrivals:	Mondani, 12:14; Poor, 1:04
Early Departures:	Allen, 1:45

Agenda adopted by unanimous consent

Motion **Motion to Approve as revised.** (made by: Botticelli) (seconded)
Vote Carried 4-0

I. APPROVAL OF MINUTES

1. September 8, 2022

Motion **Motion to Approve.** (made by: Botticelli) (seconded)
Vote Carried 4-0

II. OLD BUSINESS

1. 37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams
Request for continuance

Voting McCarthy, Botticelli, O'Mara, Allen
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing None
Public None
Discussion (12:03) **Snell** – Talked to the applicant; this is continued to November 10th; need to ensure everyone is here. Not opened at this time.
Motion **Motion to Continue to 11/10/2022.** (made by: Botticelli) (seconded)
Vote Carried 4-0

2. 09-22 Harris on Weweeder, LLC 50 Weweeder Avenue Brescher
Request for continuance

Voting McCarthy, Botticelli, O'Mara, Allen
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing None
Public None
Discussion (12:13) Not opened at this time.
Motion **Motion to Continue to 11/10/2022.** (made by: Botticelli) (seconded)
Vote Carried 4sd-0

III. NEW BUSINESS

1. 10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos
Applicants are seeking Special Permit relief pursuant to Nantucket Zoning By-law Sections 139-30 and 139-2 in order to install an in-ground swimming pool. Locus is situated at 4 Washington Avenue, shown on Assessor's Map 60.2.4 as Parcel 65 and upon Land Court Plan 14672-A. Evidence of owner's title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Voting McCarthy, Botticelli, O'Mara, Allen
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation

PROPOSED

Representing None
Public None
Discussion (12:04) **Snell** – Had a last-minute request to continue this to November 10th as well.
Motion **Motion to Continue to 11/10/2022.** (made by: Botticelli) (seconded)
Vote Carried 4-0

*12-04 to 12:14 to allow more Board members to arrive

2. 12-22 John Esposito 14 Eat Fire Spring Road Pierce Atwood

Applicant is appealing the building permit within the time allowed by G.L.c. 40A, § 15 for appeals under G.L.c. 40A, § 8: (1) as persons aggrieved by the decision of the inspector of buildings to issue building permits despite a violation of the Code, and (2) as persons aggrieved by the inability to obtain a stop-work order from the Building Commissioner pursuant to G.L.c. 40A, § 7 despite an acknowledgement that the Property owners are not in compliance with the Code. The Locus subject to the appeal is situated at 12 Eat Fire Spring Road, shown on Assessor's Map 20 as Parcel 62, and as Lot 84 upon Land Court Plan 6283-8, 2 Sheet 2. Evidence of owner's title is registered on Certificate of Title No. 28818 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

Voting McCarthy, Botticelli, O'Mara, Allen, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing Kathleen Heyer, Pierce Attwood, LLP
Public Steven Cohen, Cohen & Cohen Law P.C
Discussion (12:14) **Heyer** – Reviewed objections/issues leading to this appeal. A fine of $1691 was levied on the owners of 12 Eat Fire Springs Road; feel the fine should have been $300 per day from the start of construction in June which is significantly more. Our hope is that the ZBA will require the owners to work with the Building Department to comply with the zoning bylaw.

O'Mara – Regarding the suspiciously close groundcover, the owner has until the time of submission of the as-built to decide the groundcover. To require an as built at this point is unusual. As far as meeting Planning Board approval for a 2nd dwelling, if the don't have it and plan on turning it into a dwelling, they need to apply to the Planning Board but don't need to apply when they build a garage with a studio above; it's early to have that discussion.

Botticelli – She sees the pool house and main house, but her plans don't have the garage.

Allen – The foundation is ½ inch from the property line; it seems they would want to know now before they build on the foundation.

O'Mara – There is something in the building bylaw that allows the builder to hand in an as built after the foundation; that protects against there being an issue; it would go from a variance to a special permit.

Botticelli – It is the surveyor's or architect's responsibility to verify groundcover, not the Building Department. Unfortunately, groundcover not verified until it's too late.

Heyer – We think it's a pushing of the envelope and goes to the attitude of asking forgiveness instead of permission.

McCarthy – The building was moved because of Massachusetts Endangered Species Act (MESA) requirements; that new location was submitted to the Historic District Commission (HDC). The question is if we overturn the Building Commissioner's handling of this or if we agree with him.

Heyer – The garage was moved because of MESA and the cabana moved for reasons.

Botticelli – Asked when they got HDC approval.

Heyer – They went through the HDC 11/15/2019 for all of them.

Murphy – There were 2 issues, 1st the owner put foundations in without the benefit of a permit; he told the property owner they had to stop and obtain proper permits. When he came in, he was charged 4X the application fee; they probably paid $24,000 over the initial $8,000 fee. He doesn't know why the attorney wants them fined after the fact. The 2nd dwelling approval was obtained in the 1st instance. Planning Board looks at access only; he felt it wasn't appropriate for him to stop the job for not going back to Planning Board for the new location. There were no access issues associated with the secondary dwelling.

Botticelli – Asked for clarity on the fines.

Discussion about how fines are determined and what the fines were.

Mondani – Asked when the foundations were put in and if they had HDC approval when they were put in.

Botticelli – There are photos dated July 13th showing the foundations and the permits were issued at the end of July; they were put in after receiving HDC approval.

Allen – Asked what has happened since July 21st.

Murphy – They are probably working on it.

McCarthy – The appellant wants the owner to comply with the zoning requirements. The permits were issued, so there are no red flags; it's been through HDC. As far as we know, everything is compliant.

Murphy – Engineers aren't going to locate buildings in the wrong location.

Botticelli – Confirmed that getting a Planning Board approval for the garage-apartment would have been a consent item.

Snell – Planning Board reviews a secondary dwelling or garage-apartment for access requirements and are not necessarily concerned about where it's sited. Both of these were approved.

Murphy – The 2nd issue was Planning Board approval for the secondary dwelling; they now have that.

PROPOSED

Heyer – We believe the pool house is masquerading as an inappropriate tertiary dwelling and still have concern about the building coverage ratio.
Snell – She's not aware they have approval for a tertiary dwelling. That can be flagged with the Building Inspector taking the appropriate enforcement action.
McCarthy – They are on notice that they don't have a permit for a tertiary dwelling. Asked if the pool house is a dwelling and it comes back to us, she wouldn't be very flexible about it.
Botticelli – She's curious about the Board of Health (BOH) since they count every room as a potential bedroom versus the septic capacity. These are all labeled as bedrooms on the plans.
Mondani – Asked if there's a process for the Commissioner to stop them should things go awry.
Murphy – At the final inspection, we would not issue the Certificate of Occupancy until alterations are made.
Allen – Asked why wait for the final when it could be done at the rough inspection; you would know at that time where the bathrooms are.
Murphy – A pool house is allowed to have plumbing.
Botticelli – The drawings depict the pool house obviously as a dwelling; they either need to get tertiary dwelling approval or submit revised drawings eliminating bedroom and living room walls. She'd be curious about the BOH review regarding number of bedrooms versus the septic.
McCarthy – Thinks every board would have called that out the pool house with the bedrooms.
Mondani – The concern about the grade change, asked how that would be verified.
McCarthy – There is a grade bylaw but the issue with that bylaw is that it's vague.
Botticelli – The question with the bylaw is at what time is the existing grade established.
Cohen – The determination on a prior property is that the existing grade is set at the time the building permit is applied for. If there are exiting structures, that sets the grade.
Heyer – She believes that the fill came in prior to the building permits when construction started.
Discussion about the retaining walls regarding the grading and the building permit.
Mondani – Confirmed that the owners of 12 Eat Fire Springs were notified of this hearing and chose not to attend. A lot of our questions could be answered by the owner.
Snell – We did not hear from the owner or their representative. Back to the tertiary dwelling, the stamped HDC-approved plans do not show bedrooms.
McCarthy – If after all of this they come back because they intruded into the setback, it will be the straw that broke the camels back as far as forgiveness.
O'Mara – Asked if the Esposito's are direct abutters (yes) and that loss view has nothing to do with this.
Heyer – It's a density issue with the encroachment into setback; her client doesn't intend to prevent the project, just that it's compliant.
O'Mara – It's unusual to presume the bylaw is being broken without proof. He doesn't recommend building within 6" of the setback; they usually end up coming to the ZBA and get no sympathy.
McCarthy – The starting work without permits has been addressed. We can't manage their project during construction to prevent a violation. They have to follow the bylaw and meeting zoning requirements.
Heyer – Pointed out that there is caselaw that states they have to appeal the building permit within a certain time frame, they are barred from moving forward with that and are thus protecting their rights.
Allen – Because of their track record, she thinks the neighbor is doing them a favor by bringing it to everyone's attention.
McCarthy – If there is another violation the neighbor sees, they can bring that to the Building Commissioner. If in the end they are not compliant with all their approvals, they have to deal with the consequences. At this point, we are aware and the Building Department has acted accordingly and the neighbor has protected their appeal rights. Asked for a motion.

Motion	Motion to Uphold the Building Commissioner. **(made by: Botticelli) (seconded)**
Vote	Carried 4-1//Mondani opposed

3. 13-22 Brian & Lorri Ryder 3.5 Mary Ann Drive Wilson

Applicants are seeking Variance relief pursuant to Nantucket Zoning By-law Section 139-16C (1) (Intensity regulations-setback) in order to construct a 704 SF one-bedroom apartment on second floor of an existing personal storage building with a 2-bay garage space on the first floor. Locus is situated at 3.5 Mary Ann Drive, shown on Assessor's Map 68 as Parcel 988 and as lot 786 upon Land Court Plan 16514-78. Evidence of owner's title is registered on Certificate of Title No. 27496 with the Nantucket County District of the Land Court. The site is zoned Commercial Trade Entrepreneurial Craft (CTEC).

Voting	McCarthy, O'Mara, Allen, Poor, Mondani
Alternates	None
Recused	Botticelli
Documentation	File with associated plans, photos and required documentation
Representing	Michael Wilson, esq Brian & Lorri Ryder, owners
Public	None
Discussion (1:04)	**Wilson** – Explained the request for the variance; had the egress stairs been built in 2010, it would be pre-existing, non-conforming. Ms. Bunting on Pine Tree would be the most impacted by the stairs. **O'Mara** – Asked if all the abutters are in support of this. He doesn't know where the writers of the letters in support live.

PROPOSED

McCarthy – Mr. Ryder said the direct abutters to the left, right, and rear are in support of this. This would require 4 positive votes to pass. We need to make a finding; read the finding. She could agree since the building is conforming and the zoning changed and the housing is for employees

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

Vote Carried unanimously

4. 14-22 Montana Heaven, LLC 13 Arkansas Avenue Cohen

Applicant is seeking Special Permit relief pursuant to Nantucket Zoning By-law Sections 139-30 and 139- 2 to install a residential swimming pool on a lot that is 20,180± SF with a single-family dwelling and a cottage with an attached garage. Locus is situated at 13 Arkansas Avenue, shown on Assessor's Map 59.4 as Parcel 158 and is Lot 639 on Land Court Plan 3092-64. Evidence of owner's title is registered on Certificate of Title No. I-992 at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Voting McCarthy, Botticelli, O'Mara, Poor, Mondani

Alternates Allen (depart 1:45)

Recused None

Documentation File with associated plans, photos and required documentation

Representing Steven Cohen, Cohen & Cohen Law P.C

Public Alicia Ruggiero, 51 Arkansas Avenue
Kerry McKenna, 22 Arkansas Avenue

Discussion (1:12) **Cohen** – The ZBA has seen a number of these, and his client is comfortable with the standard conditions. This has HDC approval. Regarding lighting, it has to be Dark-Skies compliant though safety lighting is required. This lot is surrounded by significant vegetation. Since no fence is shown on the plans, he assumes the pool has an auto-cover. This is a modest 4-bedroom lot.

Botticelli – It would have to be conditioned that lighting be shown on the plan; it is not in these plans.

McCarthy – Reviewed concerns indicated in the letters: lighting, noise, setback, filing complaints, vegetation.

Cohen – If the condition be through the driveway, that would be acceptable.

Ruggiero – Our area is densely populated with lots of townhouses; this pool would be the first on Arkansas Avenue. The construction of the house and ancillary structures has changed the look of the area. A big issue is where the water to fill the pool will come from; we are on wells here and feels it is pushing our resources. The design of the pool touches each corner so the sound from the filters will be audible. Also, there are no lighting structures in the area and this property is the only one with exterior lighting. The pool at Goose Pond has caused the neighbors much distress.

O'Mara – We could condition this that the pool be filled by from an off-site source.

Botticelli – If it meets requirements outlined in the bylaw, we have to approve it but we can condition it. We could condition repair top the road after construction. She doesn't see that it touches the property lines. Pool equipment is 20' off the property lines.

McCarthy – If there's a Tristram's Landing homeowners association, it could make rules banning pools. We can only deny a special permit if it doesn't meet setback or groundcover requirements; this does meet those requirements. Reviewed the typical conditions ZBA attaches to pools in the Madaket area. We can require they use low-level pumps and mitigate the noise of the equipment. The plan submitted shows only the safety lighting inside the pool; the condition would limit lighting to that and as required by code.

McKenna – Explained how they maintain Arkansas Avenue itself. The neighborhood is very stable with 18 year-round residents, 15 seasonal April to November, and 11 timeshares; that leaves 11 which are in flux. This lot is currently on the market as a 3-bedroom while the rental add indicates 4-bedroom with room to sleep 12. The main concern is the disruption this activity would cause to the neighborhood and how it would change the feeling and tone of a stable neighborhood. Asked the board to continue to get a lighting plan, have them put in a fence whether or not it has an auto-cover and explain if the pool to be alarmed.

Cohen – The current owner is selling this with a pool permit. Asked for an approval with the discussed conditions to include the road.

McCarthy – We can either ask for a lighting plan or we can approve this without any exterior, landscape lighting.

O'Mara – Confirmed that, if this property came back later with a lighting plan, the abutters would be notified.

Snell – You could add language that any modification of the permit for lighting would require a hearing; that prevents them from coming in with a minor modification.

Cohen – Explained that the pool permit would be issued to the current owner, filed against the land, and run with the deed; it would be sold with the permit, which is good for 3 years. It would be up to the buyer to decide to use the permit.

McCarthy – Read the conditions to be attached to the permit.

Motion **Motion to Approve with Conditions A through J.** (made by: O'Mara) (seconded)

Vote Carried unanimously

PROPOSED

IV. OTHER BUSINESS

1. Snell – She will draft a letter thanking Mr. Toole for his service to be signed by all members. The Select Board will vote on his resignation next week then follow the selection process for replacing him.

V. ADJOURNMENT

Motion	**Motion to Adjourn at 2:06 pm.** (made by: Botticelli) (seconded)
Vote	Carried unanimously

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

1. None

Submitted by:
Terry L. Norton

PROPOSED

OLD BUSINESS

Harris on Weweeder LLC

File No. 09-22

50 Weweeder Ave

VARIANCE

HDC
APPROVALS

CERTIFICATE NO: HDC 2020-06-1162 DATE ISSUED: 8/10/2020

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WENEEDER AVE

Owner of record: BRIAN & ELIZABETH HARRIS

Mailing Address: 2 BRAD ST

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail:

AGENT INFORMATION (if applicable)

Name: MCA +

Mailing Address: 50 WENEEDER AVE

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail: DOUG@MARKCUTLER.COM

FOR OFFICE USE ONLY ✓#4108

Date application received: 6/17/2020 Fee Paid: $ 130.20

Must be acted on by: ~~8/22/2020~~ 10/1/20

Extended

Approved: ✓ Disapproved:

Chairman: Douglas W Coombs (Acting)

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

Motion to Approve through staff w/ the horizontal board to be vertical.

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☐ Pool (Zoning District ____) ☐ Roof ☒ Other CABANA

Size of Structure or Addition: Length: 41' Sq. Footage 1st floor: 651SF Decks/Patio: Size: 10X6 ☒ 1st floor ☐ 2nd floor

Width: 19' Sq. footage 2nd floor: Size: ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North +/- 12" South " East " West "

Height of ridge above final finish grade: North 16'-7" South " East " West "

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

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

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" ☐ Block ☐ Block Parged ☐ Brick (type) ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 10 /12 Secondary Mass 10 /12 Dormer 5 /12 Other

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☒ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height: Type: Length:

Skylights (flat only): Manufacturer Rough Opening Size Location

Manufacturer Rough Opening Size Location

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

Leaders (material and size):

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

☐ Other

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

B. Treatment ☒ Paint ☐ Natural to weather ☐ Other

C. Dimensions: Fascia 8+3 Rake 8+3 Soffit (Overhang) 6" Corner boards — Frieze 4

Window Casing 4 Door Frame 4 Columns/Posts: Round Square

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

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

Doors* (type and material): ☐ TDL ☒ SDL Front (A) 4 LITE Rear 4 LITE Side —

Garage Door(s): Type Material

Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

COLORS

Sidewall NTW Clapboard (if applicable) — Roof NTW

Trim GRAY Sash CHARCOAL Doors CHARCOAL

Deck NTW Foundation NTW Fence — Shutters —

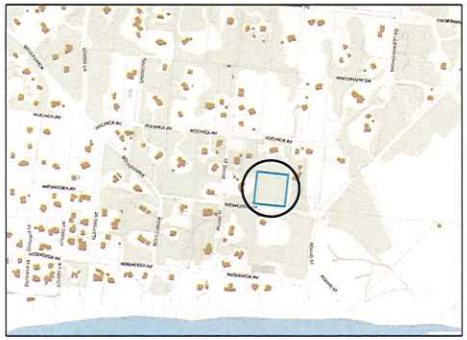
* Attach manufacturer's color samples if color is not from HDC approval list.

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

Date 6/16/20 Signature of owner of record

Signed under penalties of perjury

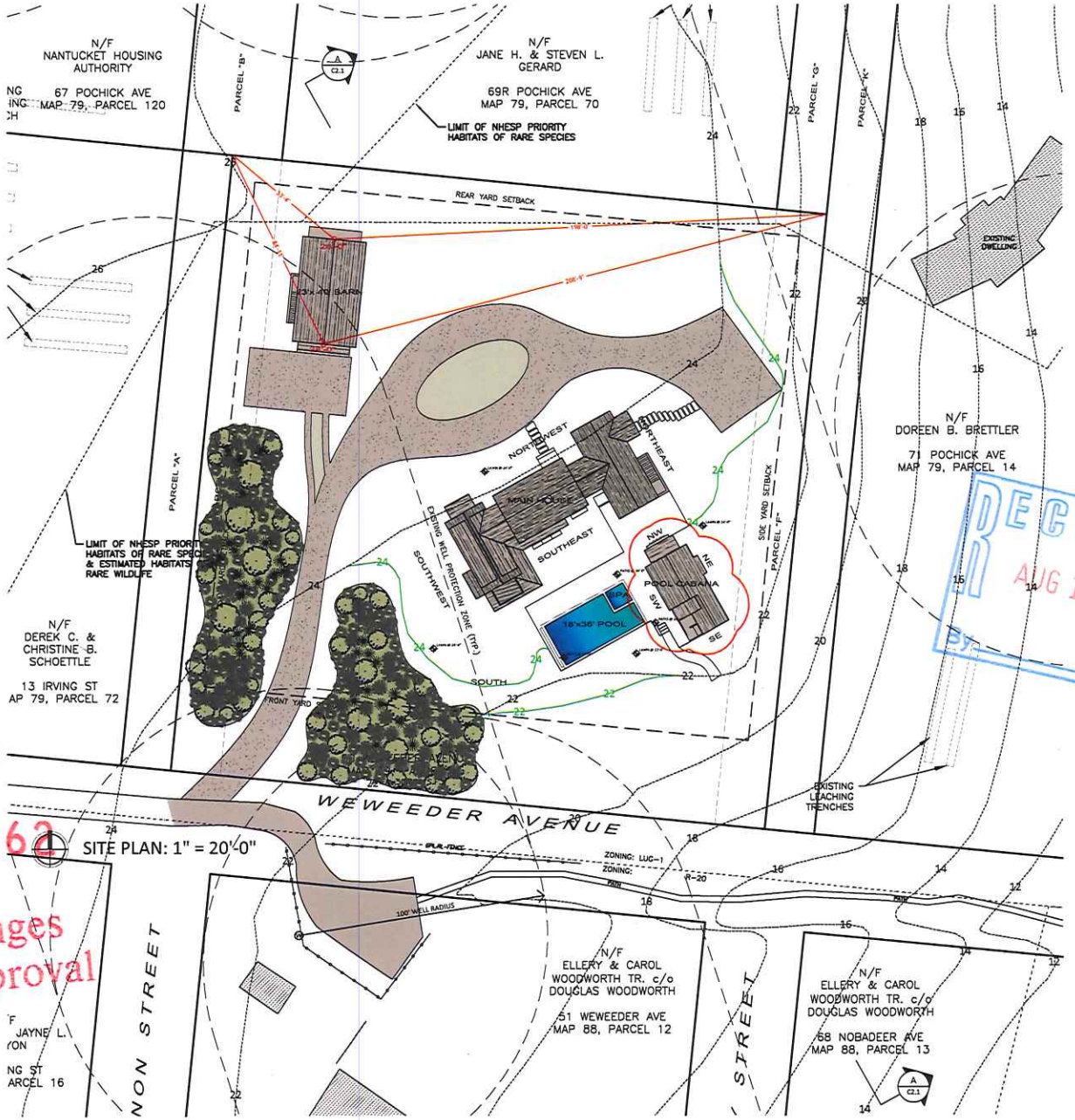
HARRIS - 50 WEWEEDER AVENUE



LOCUS PLAN: NTS



AERIAL VIEW: NTS



SITE PLAN: 1" = 20'-0"

RECEIVED
AUG 17 2020
BY

APPROVED
HDC 2020-06-1162

No Exterior Changes
Without HDC Approval

MARK CUTONE ARCHITECTURE
2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

CABANA HDC
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

COVER SHEET

C1.3

14 AUGUST 2020

#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
A	–	ANDERSEN AD3054	R.O.: 3'-0" x 5'-4"	2/2 DOUBLE HUNG WINDOW
B	–	ANDERSEN AD3454	R.O.: 3'-4" x 5'-4"	2/2 DOUBLE HUNG WINDOW
C	–	CUSTOM ANDERSEN	R.O.: 10'-2" x 3'-5"	(5) 4 LIGHT FOLDING WINDOW
D	–	ANDERSEN AA4024	R.O.: 2'-0" x 2'-4"	4 LIGHT FIXED WINDOW

WINDOW SCHEDULE

#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
1	1	ANDERSEN PWD3110611-4	R.O.: 11'-10" x 6'-11"	(4) 4 LIGHT SLIDING PATIO DOORS
2	1	ANDERSEN PWHD29611	R.O.: 2'-9" x 6'-11"	(2) 4 LIGHT SWING DOORS

DOOR SCHEDULE

*ALL DOORS AND WINDOWS TO HAVE DP RATING AND LOW E GLASS

CABANA HDC
STAFF APPROVAL

HARRIS
50 WEMBEDER AVENUE
HANTUCKET, MA 02554
MAP: 79 PARCEL: 15

FLOOR PLAN

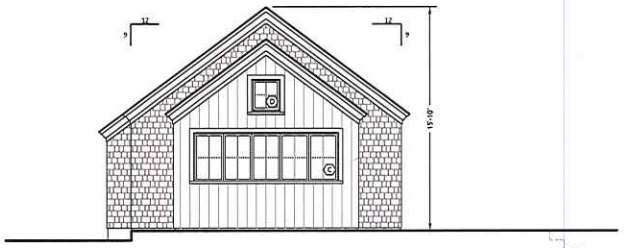
A5.1

14 AUGUST 2020

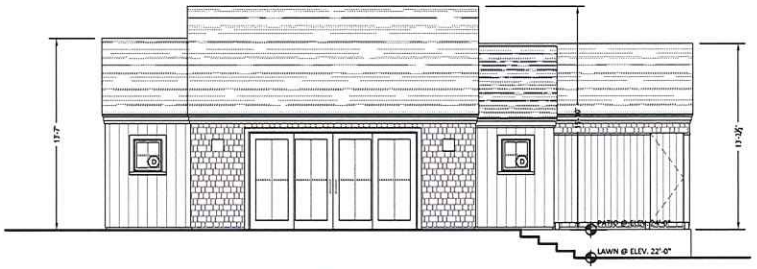
SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

MARK CUTONE
ARCHITECTURE
2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM



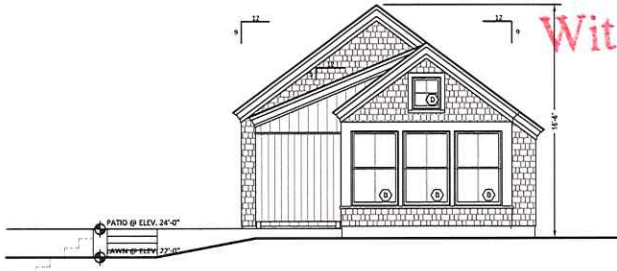
NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



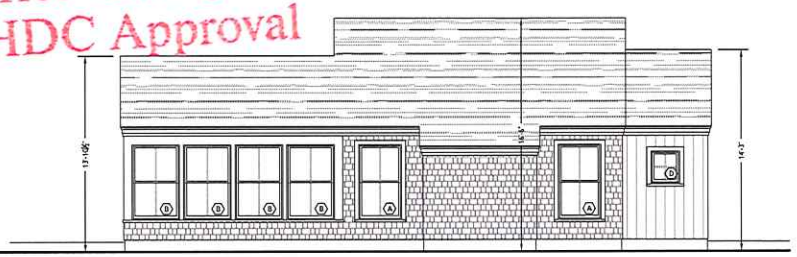
SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

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



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

MARK CUTONE
ARCHITECTURE +
2 BROAD STREET
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508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

CABANA HDC
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

ELEVATIONS

A6.1

14 AUGUST 2020

CERTIFICATE NO: HDC2020-06-1163 DATE ISSUED: 8/10/2020

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WEWEDDER AVE

Owner of record: BRIAN & ELIZABETH HARRIS

Mailing Address: 2 BROAD ST

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail:

AGENT INFORMATION (if applicable)

Name: MCA +

Mailing Address: 2 BROAD ST

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail: DOUG@MARKSTONE.com

FOR OFFICE USE ONLY ✓4104

Date application received: 6/17/2020 Fee Paid: $ 400.00

Must be acted on by: 10/1/20 ~~8/22/2020~~

Extended

Approved: ✓ Disapproved:

Chairman: Drew W Boomhs (Acting)

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

ATS w/ the south and northe elevation 2nd floor windows to be a 4-light configuration

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☐ Pool (Zoning District ____) ☐ Roof ☒ Other BARN

Size of Structure or Addition: Length: 25' Sq. Footage 1st floor: 1000 SF Decks/Patio: Size: ☐ 1st floor ☐ 2nd floor

Width: 40' Sq. footage 2nd floor: 1000 SF Size: ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North +/- 12" South " East " West "

Height of ridge above final finish grade: North 28'-0" South East West

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

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

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" ☐ Block ☐ Block Parged ☐ Brick (type) ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 10 /12 Secondary Mass 4 /12 Dormer /12 Other

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☒ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height:
Type:
Length:

Skylights (flat only): Manufacturer Rough Opening Size Location

Manufacturer Rough Opening Size Location

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

Leaders (material and size):

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

☒ Other BOARD & BATTEN

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

B. Treatment ☒ Paint ☐ Natural to weather ☐ Other

C. Dimensions: Fascia 8+3 Rake 8+3 Soffit (Overhang) 12" Corner boards — Frieze 4

Window Casing 4 Door Frame 4 Columns/Posts: Round Square

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

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

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

Garage Door(s): Type 4 LITE w/ PANEL Material

Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

COLORS

Sidewall NTW Clapboard (if applicable) — Roof NTW

Trim GRAY Sash CHARCOAL Doors CHARCOAL

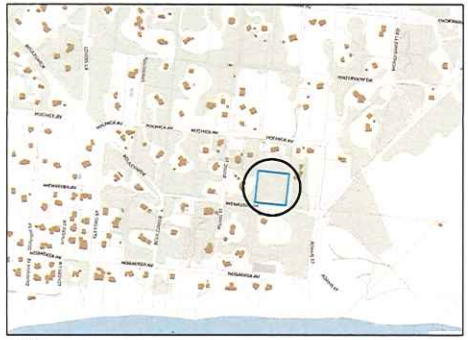
Deck — Foundation NTW Fence — Shutters —

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

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

Date 6/16/20 Signature of owner of record Signed under penalties of perjury

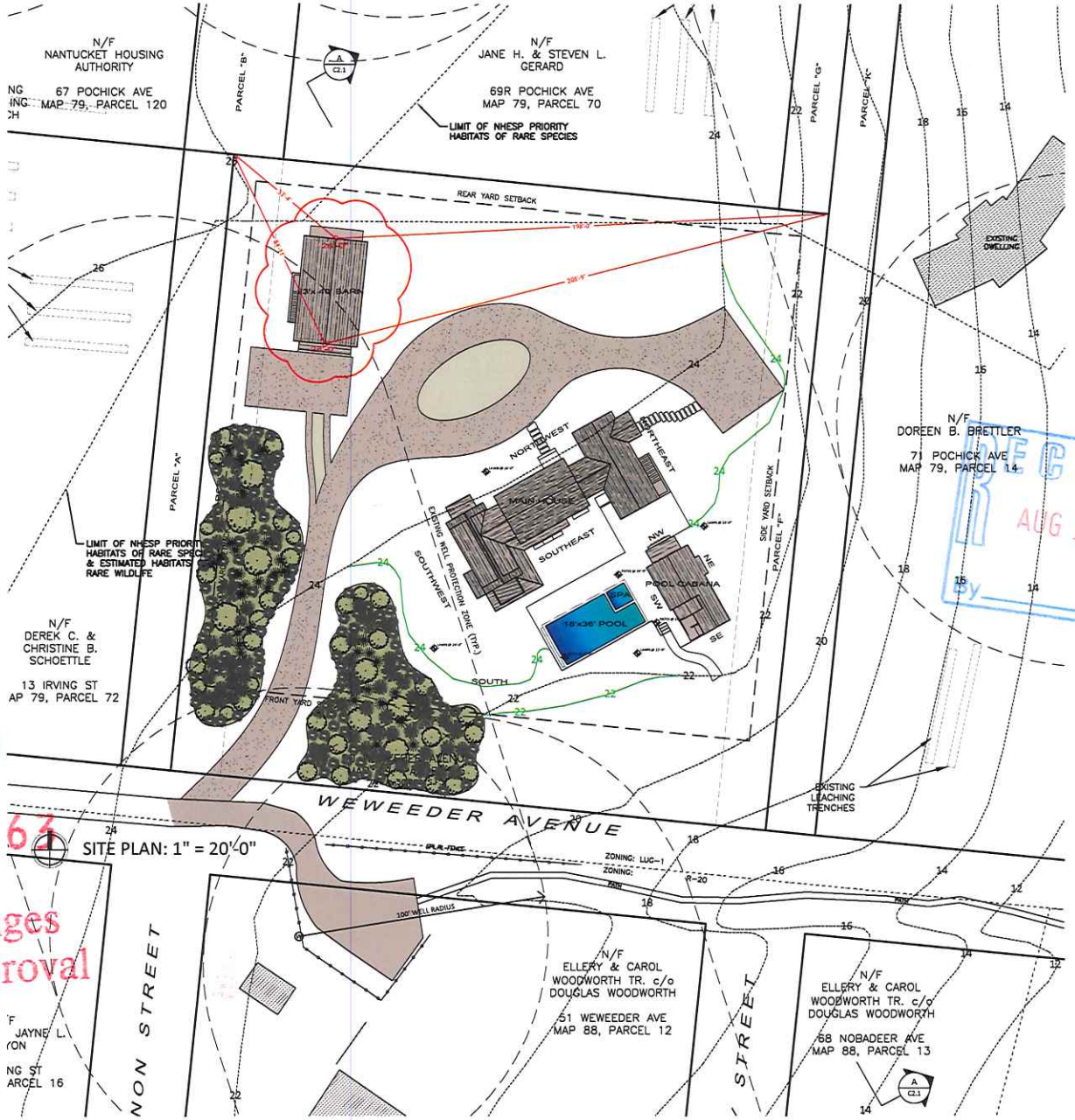
HARRIS - 50 WEWEEDER AVENUE



LOCUS PLAN: NTS



AERIAL VIEW: NTS



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HDC 2020-06-1163
No Exterior Changes
Without HDC Approval

BARN HDC
STAFF APPROVAL

MARK CUTONE
ARCHITECTURE
2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0673

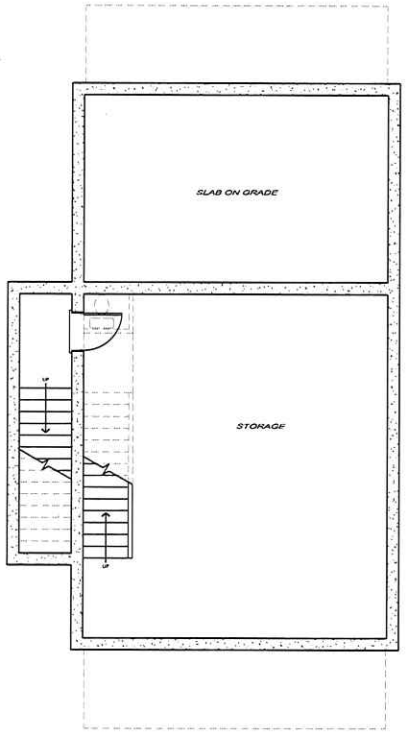
STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.0794

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

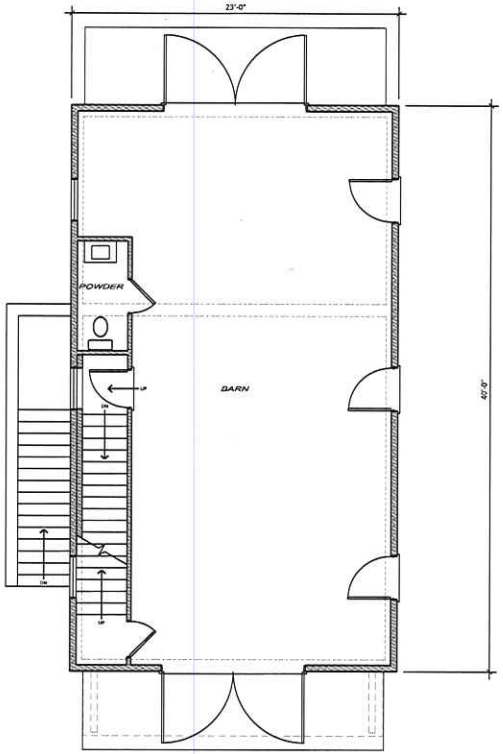
COVER SHEET

C1.2

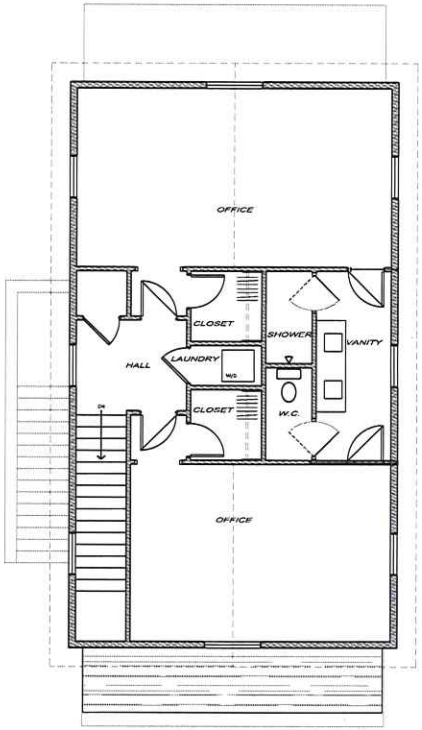
14 AUGUST 2020



BASEMENT PLAN - 1,000SF
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - 920SF
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN - 920SF
SCALE: 1/4" = 1'-0"

	WINDOW SCHEDULE			
#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
A	–	ANDERSEN ADH3054	R.O.: 3'-0" x 5'-4"	2/2 DOUBLE HUNG WINDOW
B	–	ANDERSEN ACW3040	R.O.: 3'-0" x 4'-0"	4 LIGHT CASEMENT WINDOW
C	–	ANDERSEN APW4050	R.O.: 4'-0" x 5'-0"	4 LIGHT PICTURE WINDOW
	DOOR SCHEDULE			
#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
1	2	ANDERSEN FWHID31611	R.O.: 3'-1" x 6'-11"	4 LIGHT PATIO DOOR
2	2	CUSTOM SWING DOORS	R.O.: 10'-3" x 9'-3"	(2) 4 LIGHT SWING DOORS

*ALL DOORS AND WINDOWS TO HAVE DP RATING AND LOW E GLASS

MARK CUTONE
ARCHITECTURE +

2 BROAD STREET
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508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
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508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

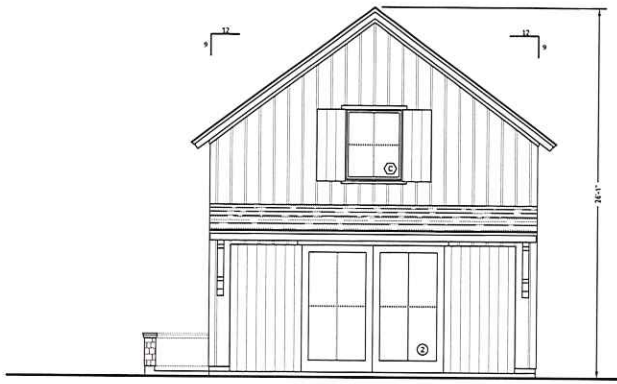
BARN HDC
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

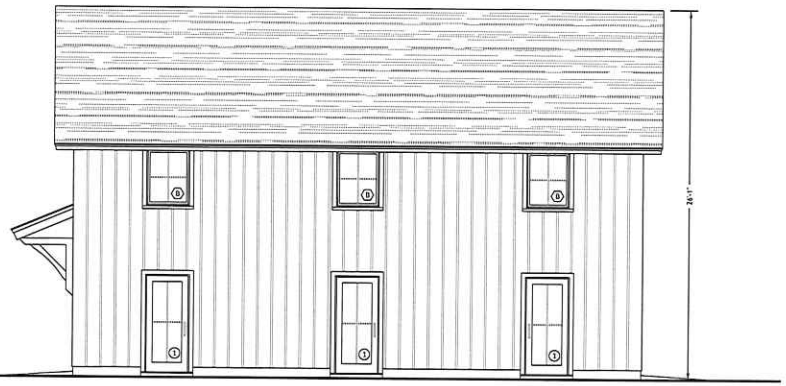
FLOOR PLANS

A3.1

14 AUGUST 2020



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



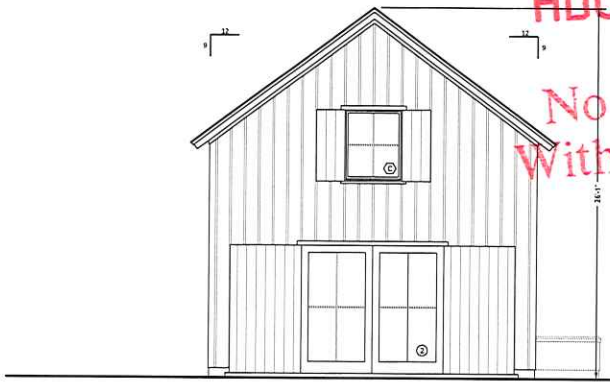
EAST ELEVATION
SCALE: 1/4" = 1'-0"

APPROVED

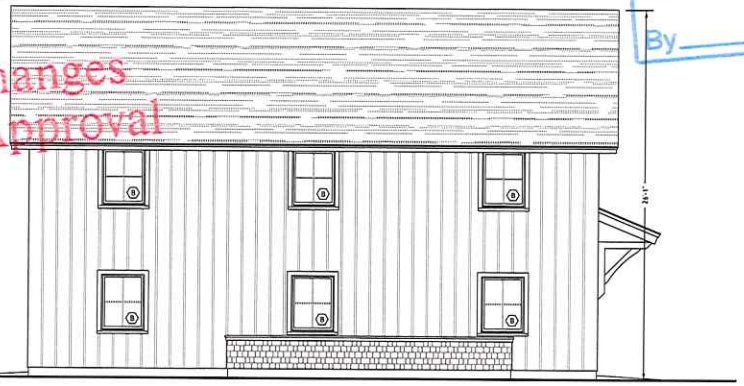
HDC 2020-06-1163

No Exterior Changes
Without HDC Approval

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



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

MARK CUTONE
ARCHITECTURE

2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0073

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

BARN HDC
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

ELEVATIONS

A4.1

14 AUGUST 2020

CERTIFICATE NO: HDC 2020-016-11ce 4 DATE ISSUED: 8/10/2020

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WEWEEDER AVE

Owner of record: BRIAN & ELIZABETA HARRIS

Mailing Address: 2 BROAD ST NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail: DOUG@MARKCUTONE.COM

AGENT INFORMATION (if applicable)

Name: MCA +

Mailing Address: 2 BROAD ST NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail: DOUG@MARKCUTONE.COM

FOR OFFICE USE ONLY ✓4109

Date application received: 6/17/2020 Fee Paid: $ 804.60

Must be acted on by: 8/22/2020 ~~10/1/20~~

Extended

Approved: ✓ Disapproved:

Chairman: [signature] (Acting)

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

ATS w/ making the shower enclosure boards vertical, the front door to be a five panel, and to carry the interim roof connecting the right mass to the main mass and eliminated the secondary mass roof system.

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

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

Size of Structure or Addition: Length: 84 Sq. Footage 1st floor: 2470SF Decks/Patio: Size: 8X21 ☒ 1st floor ☐ 2nd floor
Width: 53 Sq. footage 2nd floor: 1553SF Size: 7X10 ☐ 1st floor ☒ 2nd floor
Sq. footage 3rd floor: 4023 TOTAL

Difference between existing grade and proposed finish grade: North ± 12" South " East " West "

Height of ridge above final finish grade: North 29'-5" South 23'-9" East 23'-9" West 23'-9"

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 10 /12 Secondary Mass 10 /12 Dormer 4 /12 Other _____

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

Fence: Height: _____
Type: _____
Length: _____

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

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

Leaders (material and size): _____

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

Trim: A. Wood ☐ Pine ☐ Redwood ☒ Cedar ☐ Other _____
B. Treatment ☒ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia 8+3 Rake 8+3 Soffit (Overhang) ~~Matt~~ 6" Corner boards — Frieze 4
Window Casing 4 Door Frame 4 Columns/Posts: Round ____ Square X

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

Doors* (type and material): ☐ TDL ☒ SDL Front 6 PANEL Rear 4 LITE Side 4 LITE 4/PANEL
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways SHELLS Walkways BLUE STONE Walls _____

* Note: Complete door and window schedules are required.

COLORS

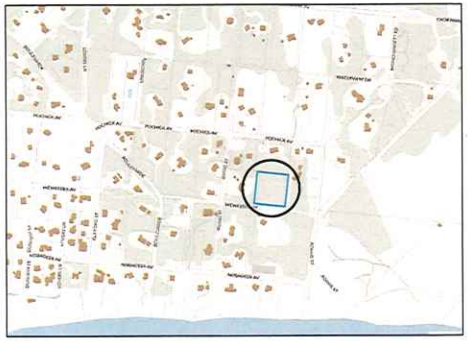
Sidewall NTW Clapboard (if applicable) — Roof NTW
Trim GRAY Sash CHARCOAL Doors CHARCOAL
Deck NTW Foundation NTW Fence — Shutters —

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

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

Date 6/16/20 Signature of owner of record [signature] Signed under penalties of perjury

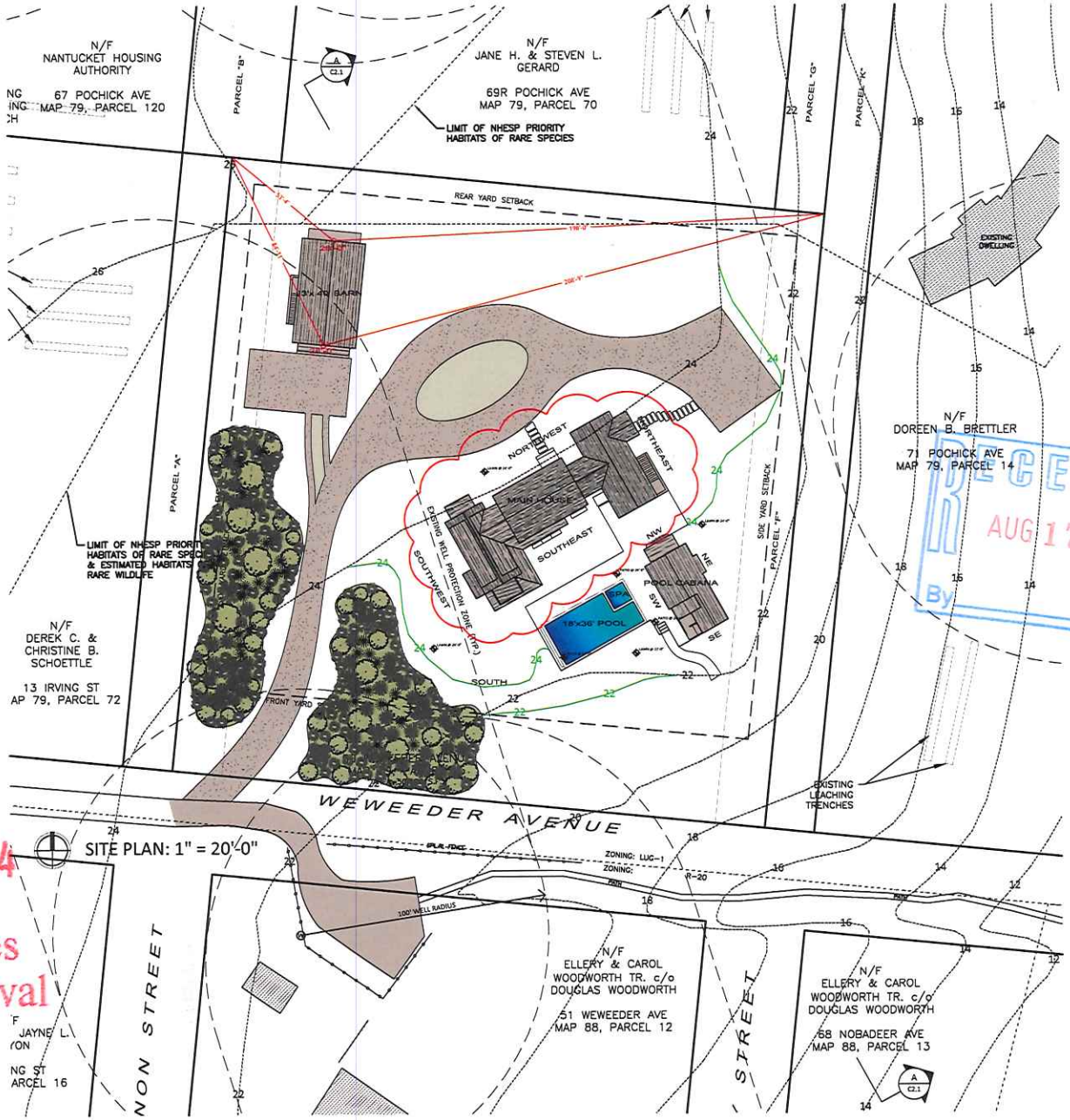
HARRIS - 50 WEWEEDER AVENUE



LOCUS PLAN: NTS



AERIAL VIEW: NTS



SITE PLAN: 1" = 20'-0"

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APPROVED
HDC 2020-06-1164
No Exterior Changes
Without HDC Approval

MAIN HOUSE
STAFF APPROVAL

MARK CUTONE
ARCHITECTURE
2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0673

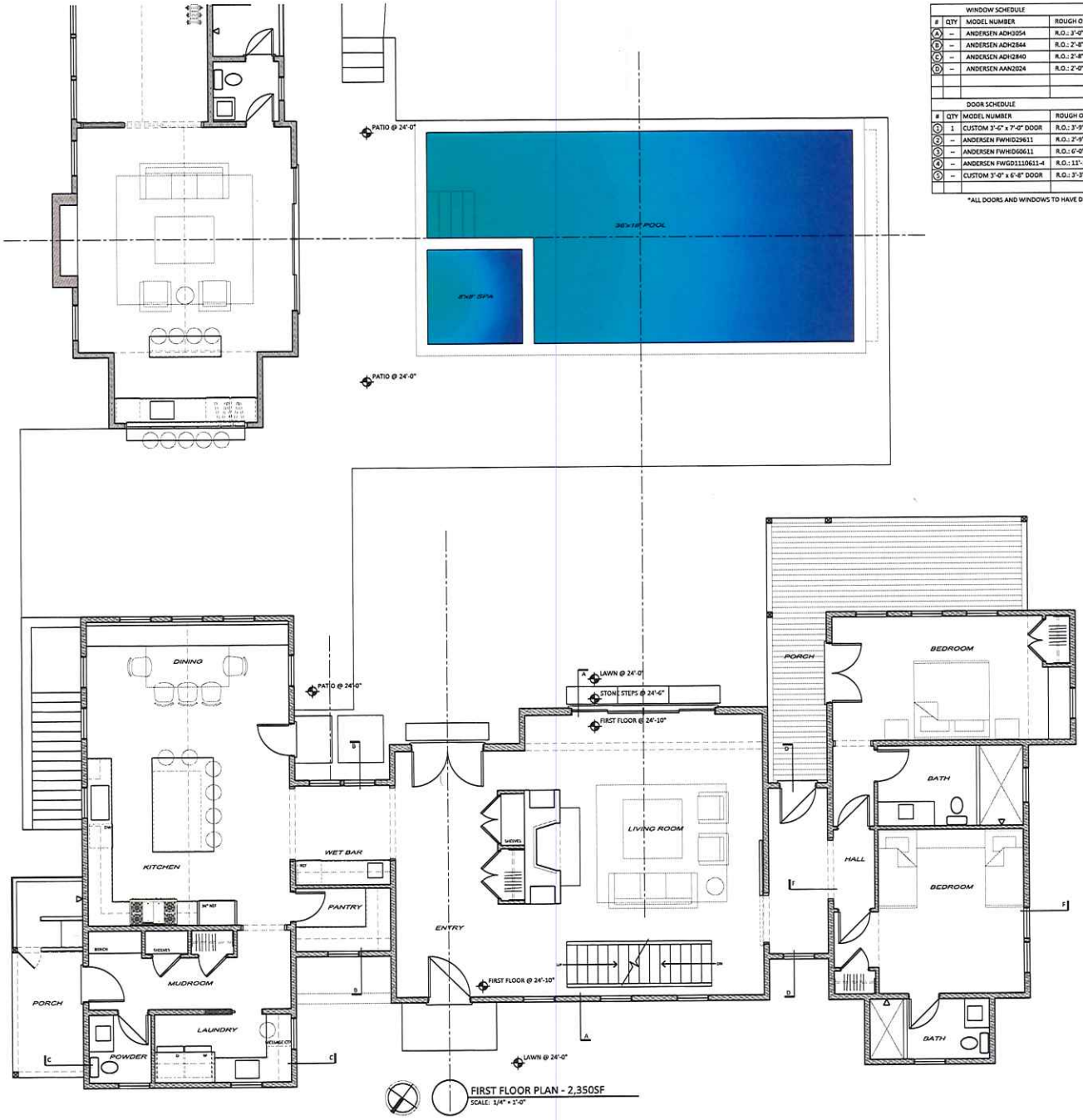
STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
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FALMOUTH, MA 02541
508.457.6794

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL 15

COVER SHEET

C1.1

14 AUGUST 2020



WINDOW SCHEDULE

#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
A	--	ANDERSEN ADH3054	R.O.: 3'-0" x 5'-4"	2/2 DOUBLE HUNG WINDOW
B	--	ANDERSEN ADH2844	R.O.: 2'-8" x 4'-4"	2/2 DOUBLE HUNG WINDOW
C	--	ANDERSEN ADH2840	R.O.: 2'-8" x 4'-0"	2/2 DOUBLE HUNG WINDOW
D	--	ANDERSEN AAN2024	R.O.: 2'-0" x 2'-4"	6 LIGHT AWNING WINDOW

DOOR SCHEDULE

#	QTY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
1	1	CUSTOM 3'-6" x 7'-0" DOOR	R.O.: 3'-9" x 7'-3"	6 PANEL DOOR w/ TRANSOM
2	--	ANDERSEN FWHID29611	R.O.: 2'-9" x 6'-11"	4 LIGHT PATIO DOOR
3	--	ANDERSEN FWHID60611	R.O.: 6'-0" x 6'-11"	(2) 4 LIGHT PATIO DOORS
4	--	ANDERSEN FWGD1110611-4	R.O.: 11'-10" x 6'-11"	(4) 4 LIGHT GLIDING PATIO DOORS
5	--	CUSTOM 3'-0" x 6'-8" DOOR	R.O.: 3'-3" x 6'-11"	4 LIGHT DOORS w/ PANEL

*ALL DOORS AND WINDOWS TO HAVE DP RATING AND LOW E GLASS

MARK CUTONE ARCHITECTURE

2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

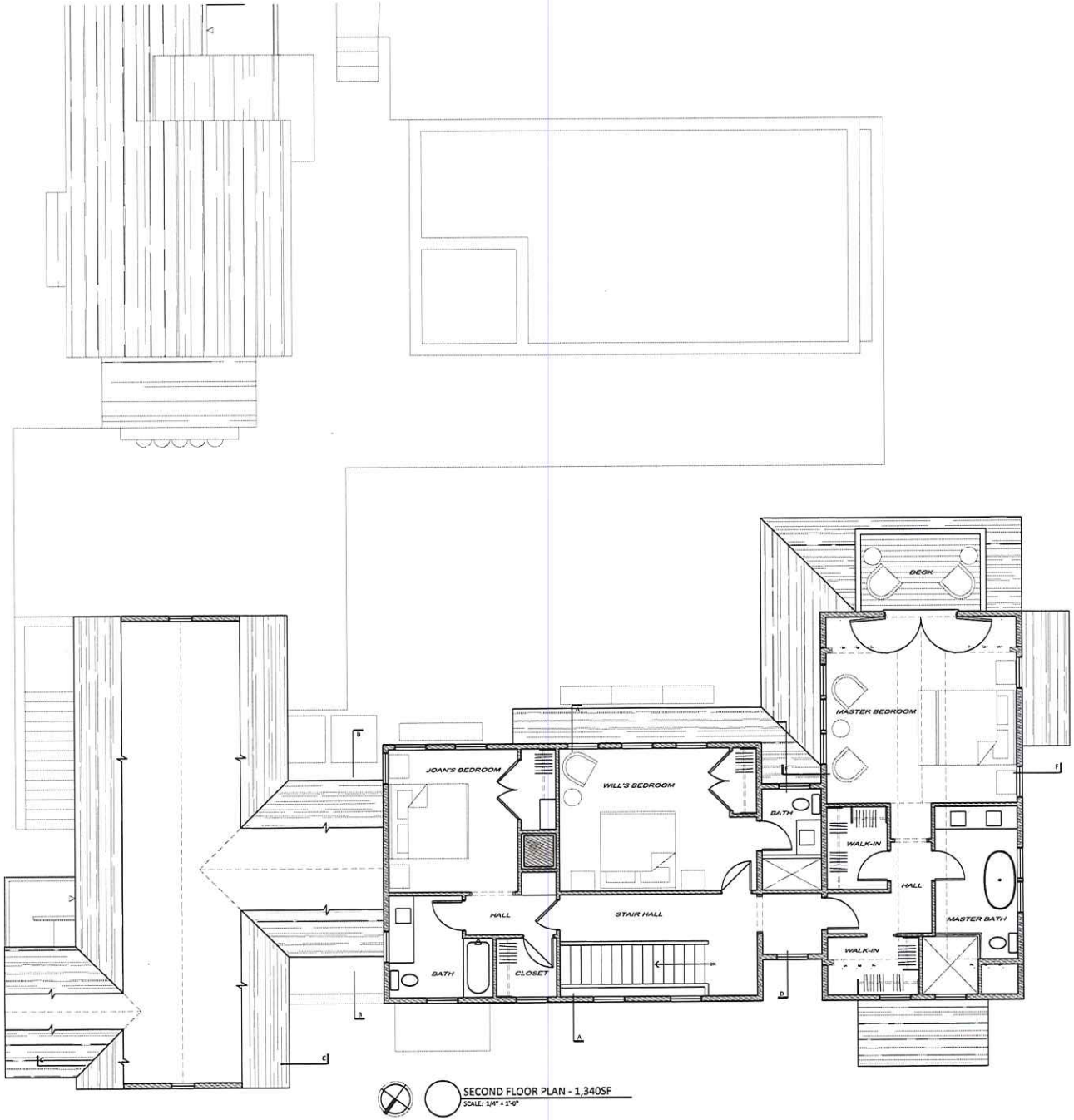
MAIN HOUSE
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

FIRST FLOOR PLAN

A1.1

14 AUGUST 2020



SECOND FLOOR PLAN - 1,340SF
SCALE: 1/4" = 1'-0"

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MAP: 79 · PARCEL: 15

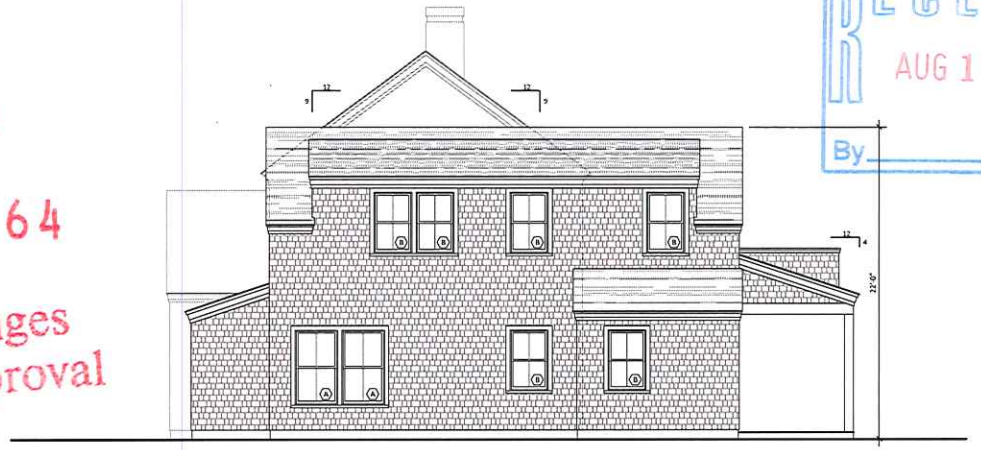
SECOND FLOOR PLAN

A1.2

14 AUGUST 2020



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



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

APPROVED
HDC 2020 - 06 - 1164
No Exterior Changes
Without HDC Approval

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STAFF APPROVAL

HARRIS
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NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

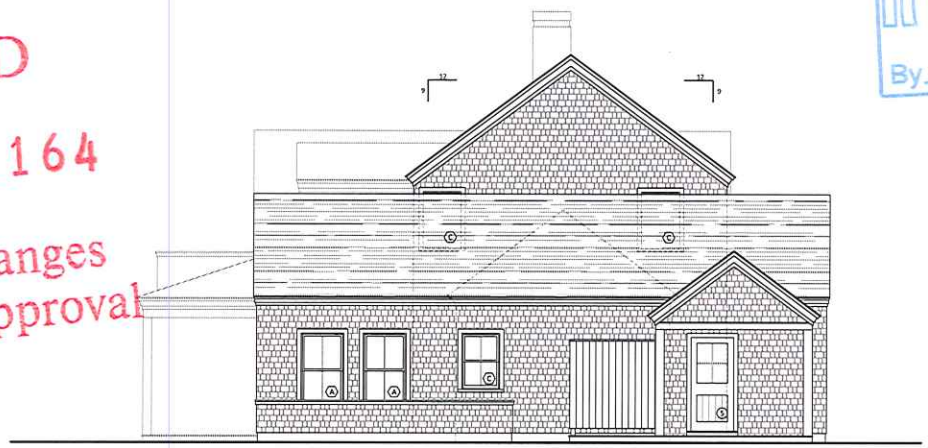
NW & SW
ELEVATIONS

A2.1

14 AUGUST 2020



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



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

APPROVED
HDC 2020-06-1164
No Exterior Changes
Without HDC Approval

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508.967.0673

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794

MAIN HOUSE
STAFF APPROVAL

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

SE & NE
ELEVATIONS

A2.2

14 AUGUST 2020

CERTIFICATE NO: HDC2020-08-1165 DATE ISSUED: 8/25/2020

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WEWEEDER AVE

Owner of record: BRIAN & ELIZABETH HARRIS

Mailing Address: 2 BROAD ST

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail:

AGENT INFORMATION (if applicable)

Name: MCA +

Mailing Address: 2 BROAD ST

NANTUCKET MA 02554

Contact Phone #: 508-228-2728 E-mail: DOUG@MARKCUTONE.com

FOR OFFICE USE ONLY ✓4107

Date application received: 6/17/2020 Fee Paid: $ 200

Must be acted on by: ~~8/22/2020~~ 10/1/20

Extended

Approved: Disapproved:

Chairman:

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

Motion to Approve w/ the pool not to be visible at time of inspection or thereafter

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☒ Pool (Zoning District LUG) ☐ Roof ☐ Other

Size of Structure or Addition: Length: 18 Sq. Footage 1st floor: 648 SF Decks/Patio: Size: 28 X 38 ☒ 1st floor ☐ 2nd floor

Width: 36 Sq. footage 2nd floor: Size: ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North ± 12" South ^ East " West "

Height of ridge above final finish grade: North 16'-0" South ^ East " West "

Additional Remarks RED CEDAR PERGOLA

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

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

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

Roof Pitch: Main Mass 10 /12 Secondary Mass /12 Dormer /12 Other

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height:
Type:
Length:

Skylights (flat only): Manufacturer Rough Opening Size Location

Manufacturer Rough Opening Size Location

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

Leaders (material and size):

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

☐ Other

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

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other

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

Window Casing Door Frame Columns/Posts: Round Square

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

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

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

Garage Door(s): Type Material

Hardscape materials: Driveways SHELLS Walkways BLUESTONE Walls

* Note: Complete door and window schedules are required.

COLORS

Sidewall Clapboard (if applicable) Roof

Trim NTW PERGOLA Sash Doors

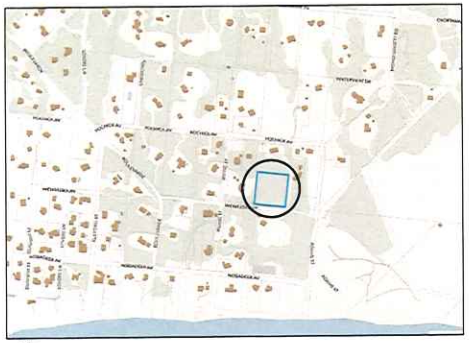
Deck Foundation Fence Shutters

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

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

Date 6/16/20 Signature of owner of record Signed under penalties of perjury

HARRIS - 50 WEWEEDER AVENUE



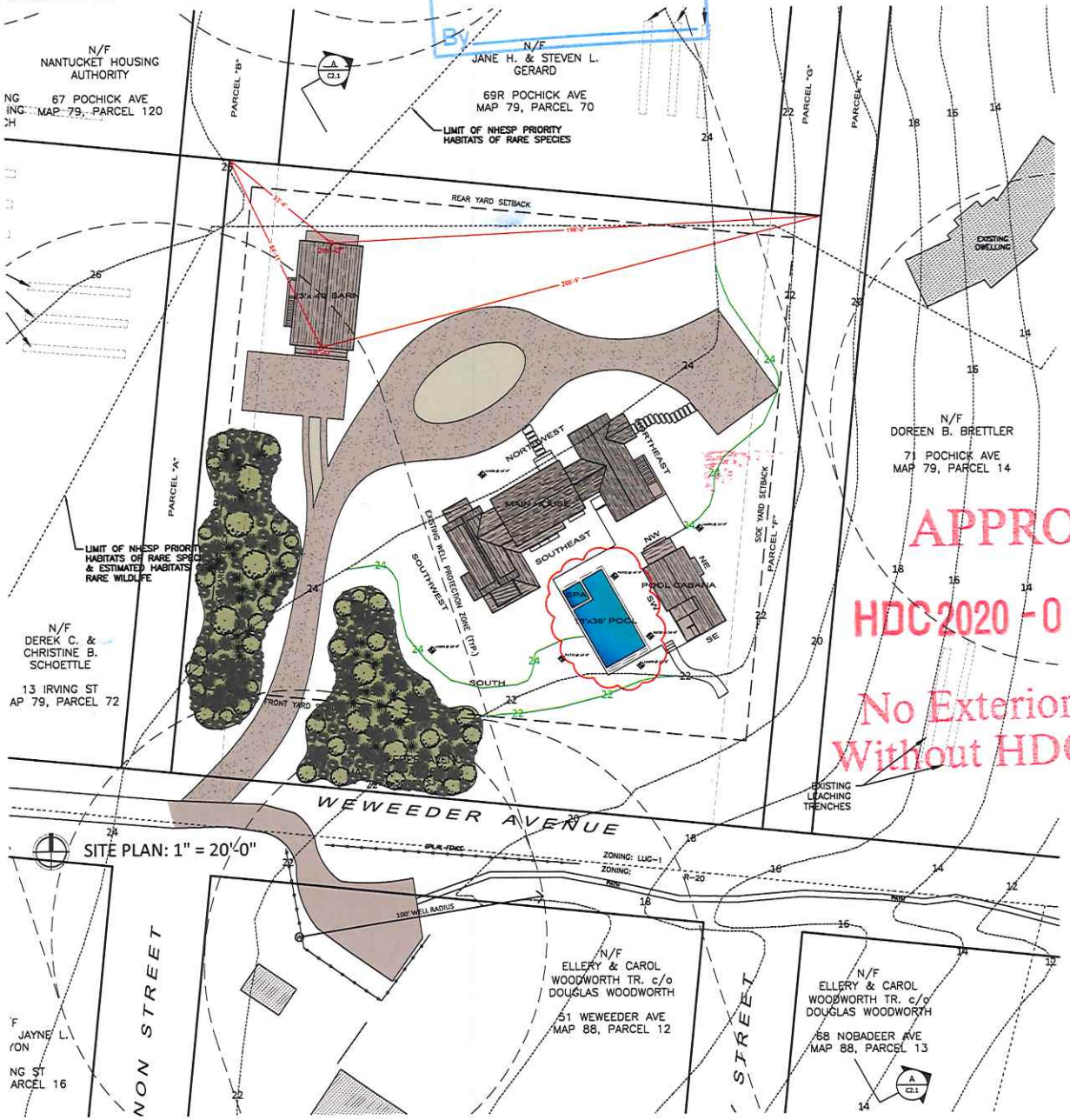
LOCUS PLAN: NTS



AERIAL VIEW: NTS



BLUESTONE PATIO MATERIAL



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28

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508.228.2728
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SURVEYOR
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STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
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508.457.6794

POOL & HARDSCAPE
HDC - 3

HARRIS
50 WEWEEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

COVER SHEET

C1.4

14 AUGUST 2020

14 AUGUST 2020

A7.0

POOL PLAN

HARRIS
50 WEWEDER AVENUE
NANTUCKET, MA 02554
MAP: 79 PARCEL: 15

POOL & HARDSCAPE
HDC - 3

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HDC2020-06-1165

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P.O. BOX 798
FALMOUTH, MA 02541
508.457.0794

STRUCTURAL DESIGN

SITE DESIGN ENGINEERING
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
508.947.0673

SURVEYOR

2 BROAD STREET
NANTUCKET, MA 02554
508.228.2738
MARKCUTONE.COM

MARK CUTONE
ARCHITECTURE

HISTORIC DISTRICT COMMISSION
REGULAR MEETING

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

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

~~ MINUTES ~~
Tuesday, December 22, 2020

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

Called to order at 4:30 p.m. and announcements by Mr. Pohl

Staff in attendance:	Cathy Flynn, Land Use Specialist; Holly Backus, Preservation Planner; Terry Norton, Town Minutes Taker
Attending Members:	Pohl, Coombs, McLaughlin, Camp, Oliver, Welch, Thornewill
Absent Members:	Dutra
Late Arrivals:	Camp, 4:32 P.M.; McLaughlin, 4:36 p.m.; Coombs and Welch, 4:38 p.m.
Early Departures:	Welch, 5:24 p.m.; McLaughlin, 8:56 p.m.

Agenda adopted by unanimous consent.
Motion **Motion to Approve. (Oliver)**
Roll-call Vote Carried 4-0//Thornewill, Camp, Oliver, and Pohl-aye

I. PUBLIC COMMENT
None

II. CONSENT

	Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1.	NIR **12-2560**	19 North Water Street	Renew COA 67522	42.4.2/3	Normand Residential
2.	Christopher Maroney **12-2543**	9 Swift Rock Road	Otdr shr/deck/fenestration	40/69	Peter Fernandez
3.	56 Monomoy NT **12-2568**	56 Monomoy Road	Rev. 32731: MH Fenestration	43/41	Workshop/APD
4.	56 Monomoy NT **12-2569**	56 Monomoy Road	Rev. 32732: GH Fenestration	43/41	Workshop/APD
5.	Grey Lady Ln, LLC **12-2564**	5 Grey Lady Lane	Rev. 69352: rmv 4' + chmn	66/712	Val Oliver Design
6.	Cynthia Houlihan **12-2563**	61 Boulevarde	Rev. 08-1489: shift windows	79/18	Val Oliver Design
7.	Brian Harris **12-2595**	50 Weeweeder Avenue	Rev. 06-1164: chmny + ovrhg	79/15	Val Oliver Design
8.	Vern Matson **12-2597**	30 Tashama Lane	Rev. 09-1700: add stairs	55/455	Val Oliver Design
9.	Nicholas Ray **12-2555**	37 Somerset Road	Fenestration replacement	56/108	Permits Plus
10.	Jonathan Ames **12-2554**	51 Fair Street	Replace fence/gate	42.3.2/40	Permits Plus
11.	3 Wingspread, LLC **12-2550**	3 Wingspread Lane	Rev.1899: 144sf addition	27/17.6	EMDA
12.	Randy Sharp **12-2559**	1 Wamasquid Place	Egress window + well	56/113.1	Thornewill Design
13.	High Tide Partners **12-2548**	8 Ackermuck Way	Fenestration + porch roof	41/618	BPC
14.	William Cowzer **12-2567**	32 Equator Drive	Renew 61148: bsmt walkout	56/340	Self
15.	Fred Kudish **12-2538**	13 Meadow Lane	Rev. 08-1548: drmr/omit deck	41/406.3	Self
16.	Maverick Trust **12-2527**	245 Hummock Pond Road	Rev. 11-2280: MH	82/32	Normand Residential
17.	22 Starbuck Rd, LLC **12-2570**	22 Starbuck Road	Rev. 10-1921: fenestration	60/118	Thornewill Design
18.	Mainsail, LLC **12-2572**	3 Pops Lane	Reduce decks/rmove railing	60.2.4/64.1	Normand Residential
19.	Stephanie Kurzina **12-2552**	26 New Street, Sias	Shed	73.4.2/24	Gryphon Architects
20.	Olwen Pongrace **12-2525**	16 Warren Street	Rev. 07-1367: roof change	55/43.3	EMDA

Voting Pohl, Camp, Welch
Alternates None
Recused Oliver Items 1-11, Thornewill Items 12-20
Documentation None
Representing None
Public None
Concerns (time) No concerns
Motion **Motion to Approve Items 1-11. (Camp)**
Roll-call Vote Carried 3-0//Thornewill, Camp, and Pohl-aye
Motion **Motion to Approve Items 12-20. (Camp)**
Roll-call Vote Carried 3-0//Oliver, Camp, and Pohl-aye

Certificate # **HDC2020-12-(as noted)**

CERTIFICATE NO: HDC2020-12-2595 DATE ISSUED: 12/22/2020

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WESTMINSTER AVE

Owner of record: BRIAN HARRIS

Mailing Address: 50 WESTMINSTER
NANTUCKET, MA 02554

Contact Phone #: 508-221-0312 E-mail: BRIANHARRIS.ACE@GMAIL.COM

AGENT INFORMATION (if applicable)

Name: BRIAN HARRIS

Mailing Address: 50 WESTMINSTER
NANTUCKET, MA 02554

Contact Phone #: 508-221-0312 E-mail: BRIANHARRIS.ACE@GMAIL.COM

FOR OFFICE USE ONLY V8014

Date application received: 12/15/20 Fee Paid: $ 50

Must be acted on by: 01/30/21

Extended to:

Approved: Disapproved:

Chairman:

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☒ Revisions to previous Cert. No. 06-1164

☐ Pool (Zoning District ____) ☐ Roof ☐ Other

Size of Structure or Addition: Length: N/C Sq. Footage 1st floor: Decks/Patio: Size: ☐ 1st floor ☐ 2nd floor
Width: Sq. footage 2nd floor: Size: ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor:

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

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

Additional Remarks

Historic Name:

Original Date:

Original Builder:

REVISIONS (describe)

~~1. East Elevation~~

2. ~~South Elevation~~ CHIMNEY - PARGED

3. ~~West Elevation~~ (NORTHWEST) - OVERHANG OVER DOOR CHANGE DOOR STYLE

4. ~~North Elevation~~

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height:
Type:
Length:

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

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

Leaders (material and size):

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

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

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

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

Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

COLORS

Sidewall NTW Clapboard (if applicable) — Roof NTW
Trim GREY Sash CARRIAGE Doors CARRIAGE
Deck NTW Foundation GREY Fence — Shutters —

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

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

Date 12/12/20 Signature of owner of record X [signature] Signed under penalties of perjury

Revised a-1164

Planning and Land Use Services
2 Fairgrounds Road, Nantucket, Massachusetts 02554
Telephone: 508.325.7587

THIS CHECKLIST IS TO BE SUMBITTED WITH ALL HDC APPLICATIONS Rev Jan 2020

REQUIRED WITH ALL APPLICATIONS:

X 1. **Completed Application Form**: Description of ALL work must be indicated on application form.

X 2. **Property Owner's Signature**: Current owner's signature preferred; if the agent is signing the application written authorization from the owner (letter, fax, email) must be provided.

X 3. **Application Fee:** See back of application for fee schedule or call the office.

X 4. **Locus Map (4 copies):** Location Map must include north arrow, parcel boundaries, primary and secondary streets. (Town GIS Map Site) https://www.nantucket-ma.gov/151/GIS-Maps

X 5. **Site Plan (4 Copies):** must include the following: lot dimensions, north arrow, all existing structures, proposed work (highlighted) with dimension to lot lines, scale, driveway, grade changes, and *placement of HVAC units, electrical boxes, fuel tanks, etc.*.

X 6. **8-1/2" x 11" Copies of ALL Application Materials**: Must include the following: application form (reduced 64%), locus map, plot plan, all elevations and floor plans, window schedule, photographs, other relevant supporting material. All material MUST BE LEGIBLE (font size no smaller than 12), collated and stapled.

X 7. **Photographs**: Required of ALL applications for alterations to an existing structure. Photographs must be clear and labeled with application address or contextual address.

X 8. **Electronic submission:** All documents submitted to the HDC office must be emailed to hdcsubmissions@nantucket-ma.gov.

REQUIRED WHERE APPLICABLE:

N/A 1. **Supplemental Information for Historic Buildings**: It is the applicant's responsibility to research the historical status of any and ALL buildings. Additional information may be obtained from the Nantucket Historical Association Library. If not historic, denote on application.

2. **Exterior Elevations and Floor Plans (4 copies):** Must be Y.-inch scale and include all affected sides of the building, cardinal points (N, S, E, W), dimensions, heights, floor and ceiling heights, elevations of finished grade, window details and placement of HVAC units, electrical boxes, fuel tanks, etc. *All changes from approved or existing design must be clouded on drawing*. All material MUST BE LEGIBLE, collated and stapled. Reduced sets should maintain a font size of 12.

3. **As-Built Plans (1copy):** of existing elevations

4. **Hardscaping Plans (4 copies):** To legible scale. This includes fences, decks, porches, arbors, retaining walls, tennis courts, swimming pool, driveways, gazebos etc. All material MUST BE LEGIBLE, collated and stapled.

5. **Topographic Map**: Must show existing and proposed grade for any change of more than one foot in height on grade . Retaining walls must be applied for separately (see hardscaping plan).

6. **Door and Window Schedule (4 copies):** Must include window type (true divided, simulated divided), number of lights, dimensions, materials, manufacturers type name and type number.

7. ***I UNDERSTAND THAT A TRUE DIVIDED LIGHT WINDOW/DOOR IS DEFINED AS MULTIPLE INDIVIDUAL SINGLE PANES OF GLASS (i.e., NOT DOUBLE-PANED OR INSULATED) ASSEMBLED IN THE SASH/DOOR USING MUNTINS.***

(initial to indicate read and understand)

V 8. **Abutter Notification Materials** – Abutters list from Assessors Office, certified mail stubs, and a copy of letter are required for all applications for changes of 1000 square feet or more except in the Nantucket Historic Core and 'Sconset Historic Core where the requirement for new construction is 100 square feet.

9. **Approvals from Planning Board, Zoning Board of Appeals, Conservation Commission etc.**

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587
Email: hdcsubmissions@nantucket-ma.gov

COMMISSIONERS

Ray Pohl
Chairman

Diane Coombs
Vice-Chairman

Val Oliver

Abigail Camp

John McLaughlin

ASSOCIATE COMMISSIONERS

Stephen Welch

TJ Watterson

Jesse Dutra

STAFF

Cathy Flynn
Land Use Specialist
cflynn@nantucket-ma.gov

Waiver of the HDC 10 Day Hearing Requirement

I BRIAN HARRIS

AS AGENT FOR MYSELF

STREET ADDRESS 50 WEST CHESTNUT

MAP/PARCEL 79-15

UNDERSTAND THAT THE ABOVE REFERENCED APPLICATION SUBMITTED ON

12/14/20

WILL NOT BE REVIEWED BY THE HISTORIC DISTRICT COMMISSION, DUE TO THE COVID-19 PANDEMIC, WITHIN THE 10 DAY PERIOD AS REQUIRED BY:

SECTION 8 of the HDC enabling legislation: ... The Commission shall meet within ten (10) days of the receipt of an application for a certificate of appropriateness or permit for removal...

AND I AGREE TO A WAIVER OF THE ABOVE MENTIONED REQUIREMENT.

X

Signature

Date 12/14/20

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 39 PARCEL N°. 15

Street & Number of Proposed Work: 50 WEST CHESTER AVE

Owner of record: BRIAN HAWKINS

Mailing Address: 50 WEST CHESTER
NANTUCKET, MA 02554

Contact Phone #: 508-221-0312 E-mail: BRIANHAWKINS@ACME.COMCAST.COM

AGENT INFORMATION (if applicable)

Name: BRIAN HAWKINS

Mailing Address: 50 WEST CHESTER
NANTUCKET, MA 02554

Contact Phone #: 508-221-0312 E-mail: BRIANHAWKINS@ACME.COMCAST.COM

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: $ _____

Must be acted on by: _____

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☒ Revisions to previous Cert. No. 06-1164

☐ Pool (Zoning District ____) ☐ Roof ☐ Other _____

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

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

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

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

Additional Remarks

Historic Name:

Original Date:

Original Builder:

REVISIONS (describe)

1. ~~East Elevation~~
2. ~~South Elevation~~ CHIMNEY - RAISED
3. ~~West Elevation~~ (NORTHWEST) - OVERHANG OVER DOOR CHANGE DOOR STYLE
4. ~~North Elevation~~

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height: _____
Type: _____
Length: _____

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

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

Leaders (material and size): _____

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

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

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

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

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

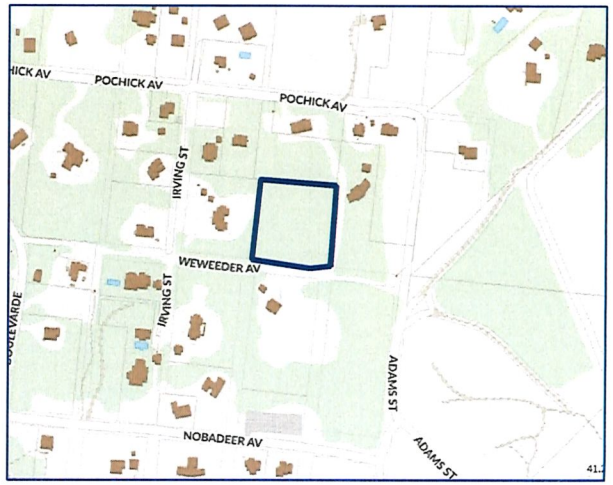
Sidewall NTW Clapboard (if applicable) — Roof NTW
Trim GREY Sash CHARCOAL Doors CHARCOAL
Deck NTW Foundation GREY Fence — Shutters —

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

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

34





MAP 79 PARCEL 15

HARRIS- 50 WEEWEEDER
REV TO COA 2020-06-1164

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

CHANGE CHIMNEY FROM BRICK TO PARGED

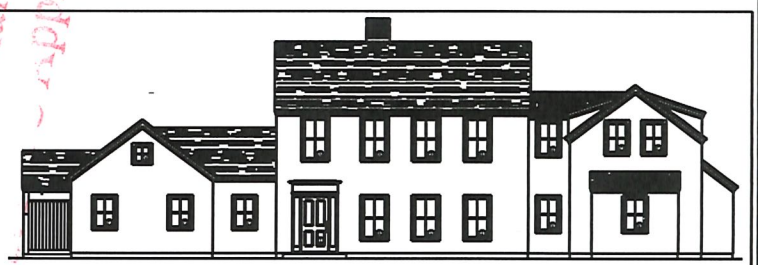
ADD OVERHANG OVER DOOR

RECEIVED
DEC 15 2020

APPROVED
2020-12-2[illegible]

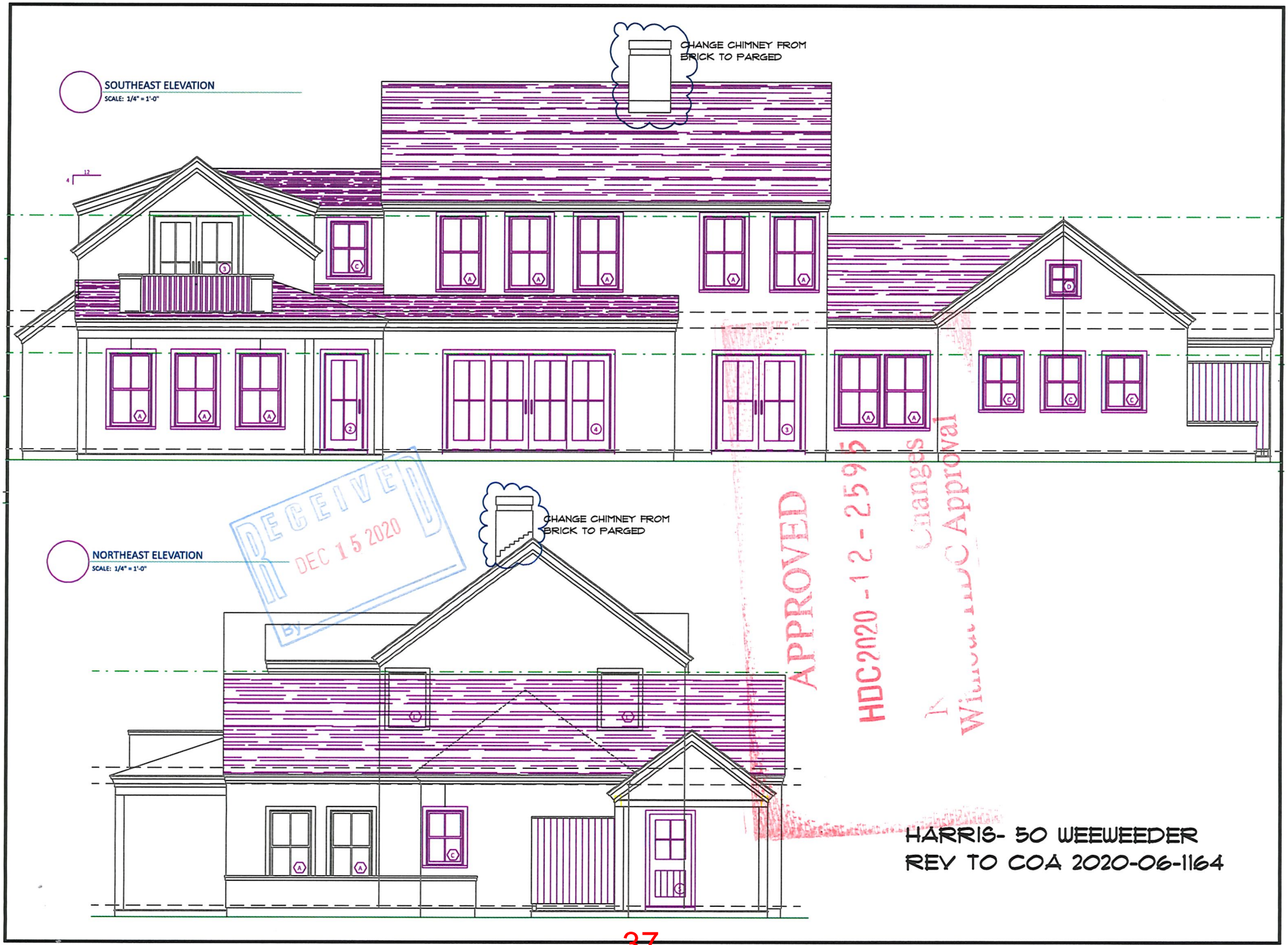
SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

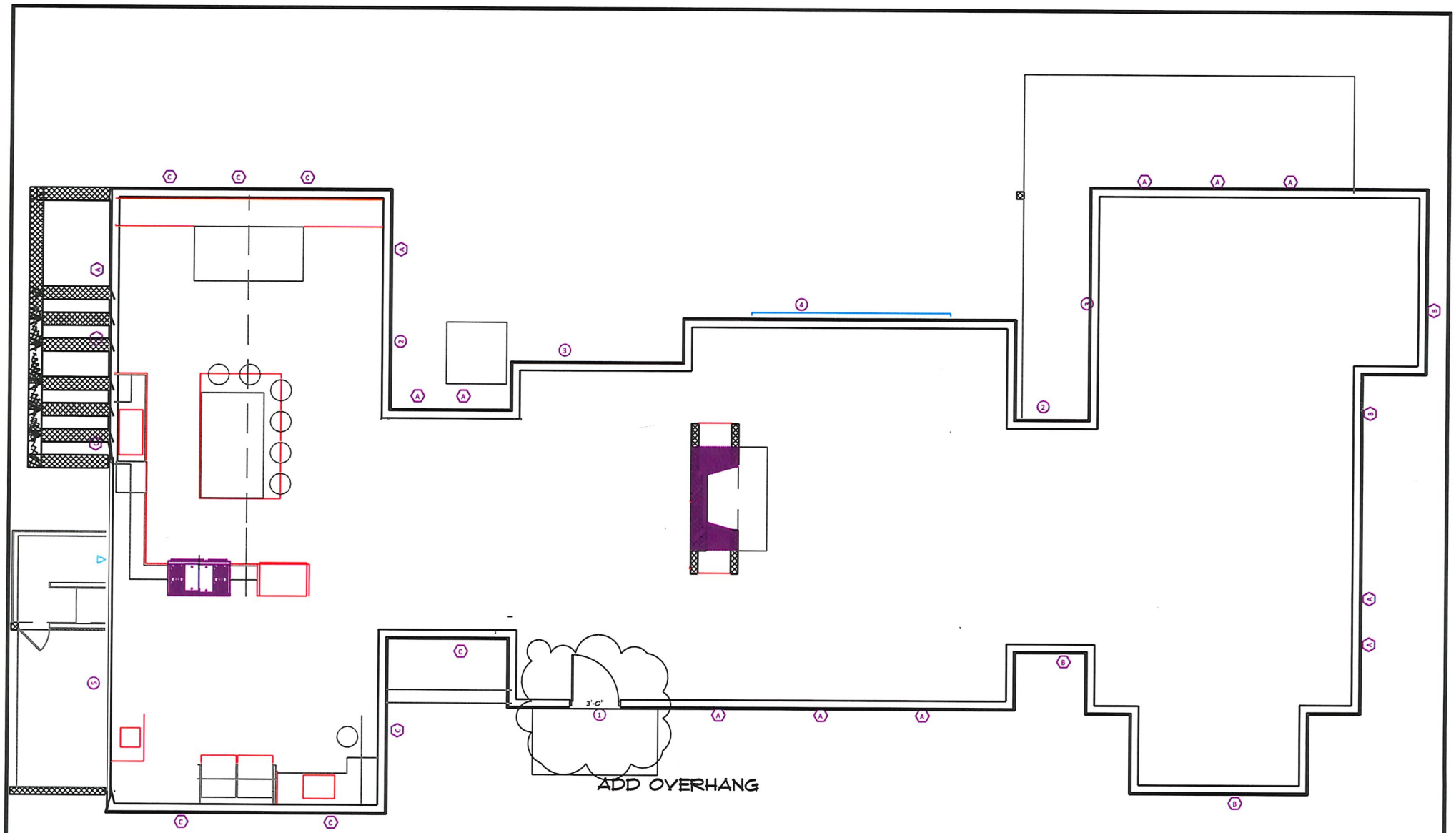
CHANGE CHIMNEY FROM BRICK TO PARGED



PREVIOUS APPROVED FRONT

HARRIS- 50 WEEWEEDER
REV TO COA 2020-06-1164


CHANGE CHIMNEY FROM BRICK TO PARGED
SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"
CHANGE CHIMNEY FROM BRICK TO PARGED
NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"
RECEIVED
DEC 15 2020
APPROVED
HDC2020-12-259
Changes
Wilmington HPC Approval
HARRIS- 50 WEEWEEDER
REV TO COA 2020-06-1164



FIRST FLOOR PLAN

HARRIS- 50 WEEWEEDER
REV TO COA 2020-06-1164

HISTORIC DISTRICT COMMISSION
REGULAR MEETING

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

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

~~ MINUTES ~~
Thursday, July 22, 2021
PLUS, 2 Fairgrounds Road, Conference Room – 1:00 p.m.

Called to order at 1:02 p.m. and announcements by Mr. Pohl

Staff in attendance: Cathy Flynn, HDC Compliance Coordinator; Holly Backus, Preservation Planner; Terry Norton, Town Minutes Taker
Attending Members: Pohl, Camp, McLaughlin, Coombs, Oliver, Welch, Thornewill
Remote Participation: Per 940 CMR 29.10, Diane Coombs and Stephen Welch are participating remotely via ZOOM
Absent Members: Dutra
Late Arrivals: None
Early Departures: None

Adoption of Agenda.
Motion **Motion to Approve as drafted. (Coombs)**
Roll-call vote Carried 5-0//Oliver, McLaughlin, Thornewill, Coombs, and Pohl-aye

I. PUBLIC COMMENT

None

II. CONSENT

	Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1.	Brian Harris **07-4190**	50 WeWeeder Avenue	Rev. 1164: change colors	79/15	self
2.	Anthony Valero **07-4179**	8 Goldstar Drive	Window/door replacement	55/187	V. Oliver Design
3.	Brett Fodiman **07-4220**	111 Surfside Road	GH Rev. 2765: omit dormer	80/70	Emeritus
4.	Alex Karis **07-4154**	22 Ellen's Way	MH Rev. 3097: doors & porch	81/179	B. Meerbergen
5.	Alex Karis **07-4153**	22 Ellen's Way	Grg Rev. 3098: doors	81/179	B. Meerbergen
6.	Alex Karis **07-4150**	22 Ellen's Way	Sports Court	81/179	B. Meerbergen
7.	Josh Lewis **07-4119**	1 Farmview Drive	Rev. 2850: shed color change	66/177	Frank Daily
8.	Gunner Wilmot **07-4197**	3 Summer Street	Re-site 64sf shed	42.3.3/115	Gryphon Arch.
9.	Frances Siegler **07-4202**	34 Polpis Road	56sf addition	54/253	Normand Resid.
10.	Gerald Hamelburg **07-4198**	9 Davis Lane	Rev. 3156: change railing	82/74	Linda Williams

Voting Pohl, Camp, McLaughlin, Coombs, Welch
Alternates Thornewill
Recused Oliver
Documentation None
Representing None
Public None
Concerns No concerns.
Motion **Motion to Approve. (Coombs)**
Roll-call vote Carried 5-0//Camp, McLaughlin, Welch, Coombs, and Pohl-aye Certificate # **HDC2021-07-(as noted)**

III. CONSENT WITH CONDITIONS

	Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1.	Brett Fodiman **07-4219**	111 Surfside Road	MH Rev. 2217: add porch	80/70	Emeritus
	• Due to lack of visibility				
2.	David Reilly Trust **07-4196**	13 Primrose Lane	Gate	40/65.3	Jeff Morash
	• Gate to be natural to weather.				

Voting Pohl, Camp, McLaughlin, Coombs, Oliver
Alternates Welch, Thornewill
Recused None
Documentation None
Representing None
Public None
Concerns No additional concerns.
Motion **Motion to Approve through staff per noted conditions. (Coombs)**
Roll-call vote Carried 5-0//McLaughlin, Camp, Oliver, Coombs, and Pohl-aye Certificate # **HDC2021-07-(as noted)**

CERTIFICATE NO: HDC2021-07-4190 DATE ISSUED: July 22, 202

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 79 PARCEL N°. 15

Street & Number of Proposed Work: 50 WEEWEEDER

Owner of record: BRIAN HARRIS

Mailing Address: 5 MONOHANSETT RD.
NANTUCKET, MA 02554

Contact Phone #: (508) 221-0512 E-mail: brianharrisaice @gmail.com

AGENT INFORMATION (if applicable)

Name:

Mailing Address: STAFF

Contact Phone #: E-mail:

FOR OFFICE USE ONLY V1439

Date application received: 7/12/21 Fee Paid: $ 50.00

Must be acted on by:

Extended to:

Approved: Disapproved:

Chairman: Roger Pado

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☒ Revisions to previous Cert. No. 06-1104
☐ Pool (Zoning District ____) ☐ Roof ☐ Other

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

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

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

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

Additional Remarks

Historic Name:

Original Date:

Original Builder:

REVISIONS* (describe)
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

CHANGES DOORS TO OVERHEAD FROM SWING W/GLASS

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

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

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

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

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

Fence: Height:
Type:
Length:

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

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

Leaders (material and size): ____

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

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

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

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

Hardscape materials: Driveways ____ Walkways ____ Walls ____

* Note: Complete door and window schedules are required.

COLORS

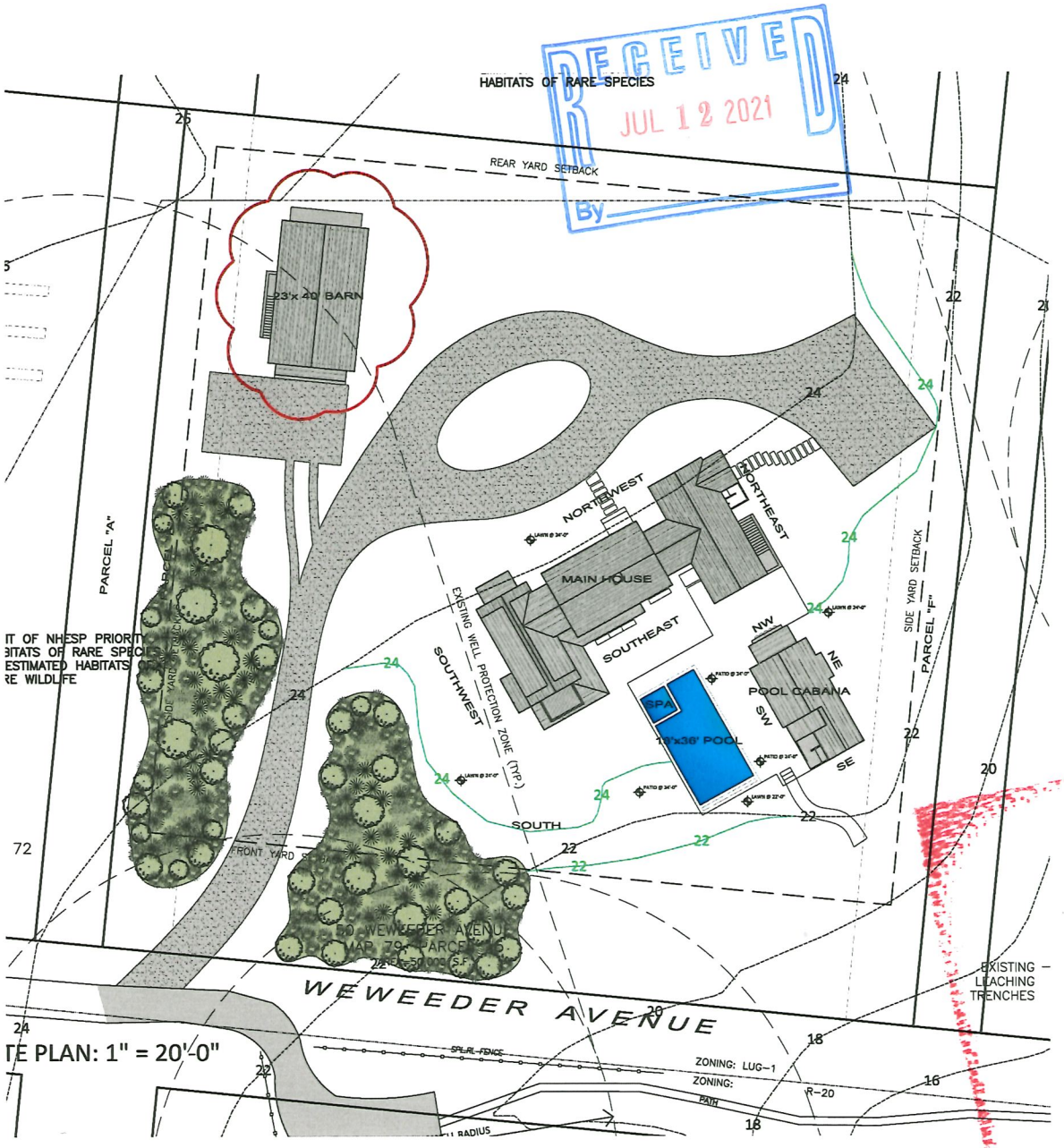
Sidewall AS Clapboard (if applicable) ____ Roof ____
Trim APPROVED Sash NO Doors CHange
Deck ____ Foundation ____ Fence ____ Shutters ____

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

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

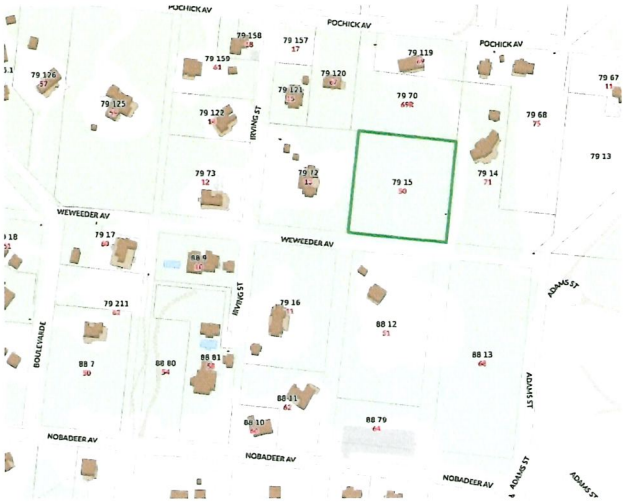
Date 7/1/21 Signature of owner of record Signed under penalties of perjury

40



RECEIVED
JUL 12 2021
By

TE PLAN: 1" = 20'-0"





APPROVED
HDC2021-07-4190

No Exterior Changes
Without HDC Approval

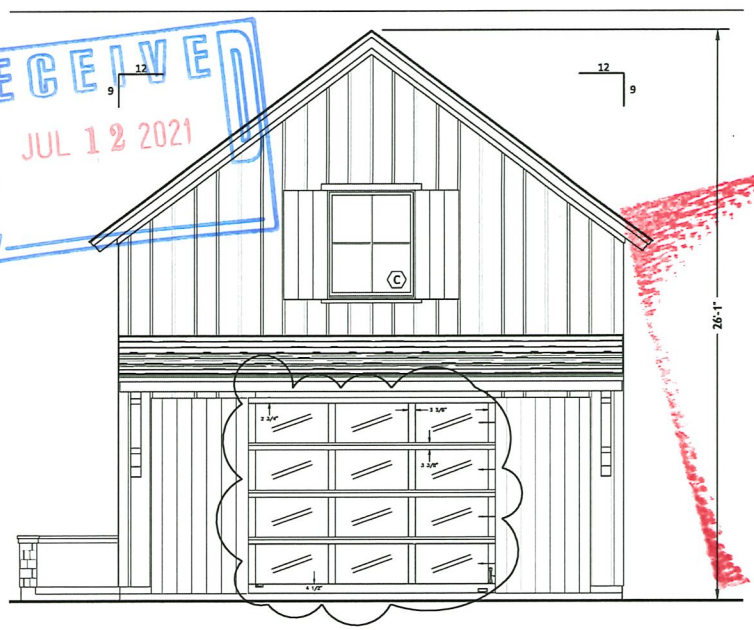
PREVIOUS APPROVAL

41

HARRIS- 50 WEEWEEDER
BARN DOOR CHANGE
REV TO HDC 06-1164

RECEIVED
JUL 12 2021
By

HDC 2021-07-4190
APPROVED
No Further Changes
Without HDC Approval

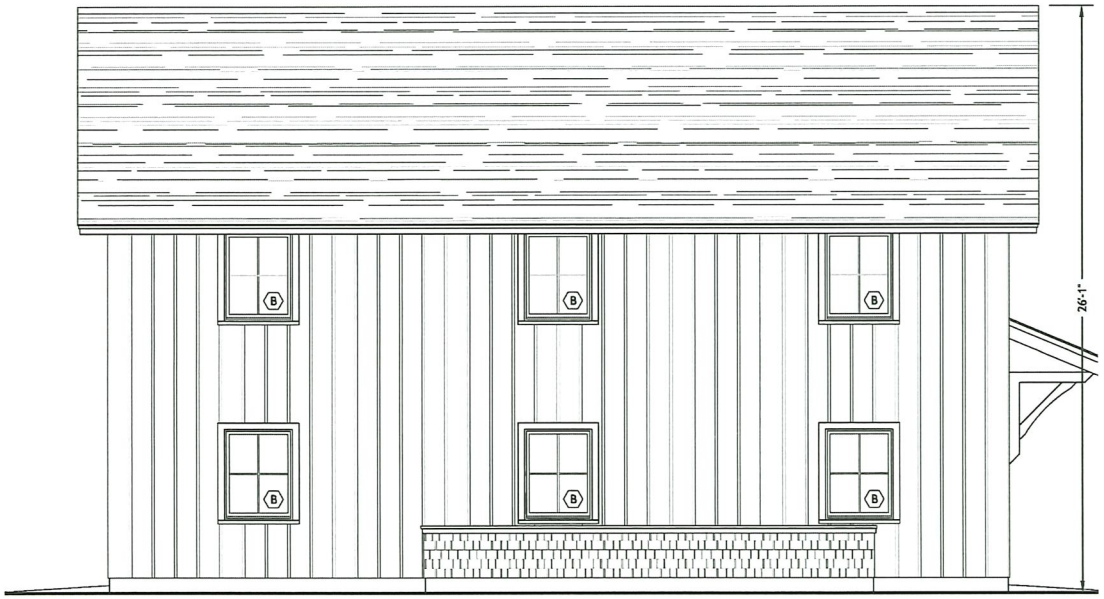


SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

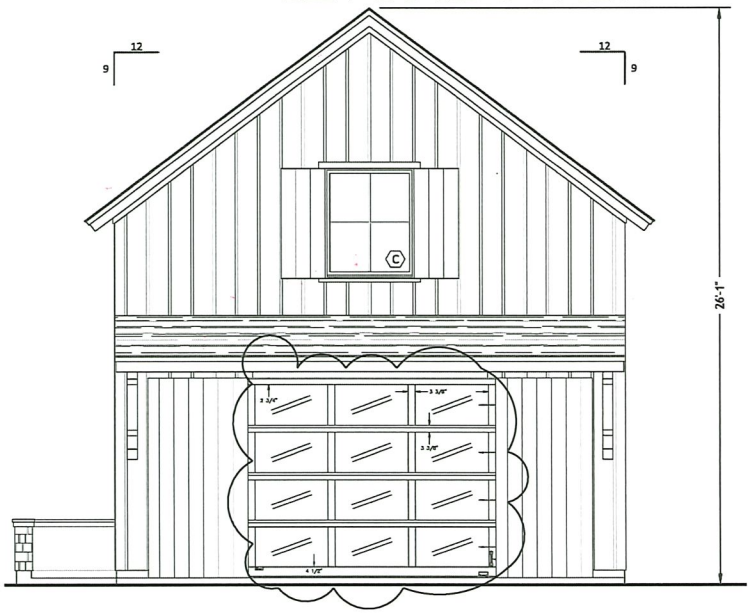


EAST ELEVATION
SCALE: 1/4" = 1'-0"

HARRIS- 50 WEEWEEDER
BARN DOOR CHANGE
REV TO ~~HDC 06-1164~~



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



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

BUILDING PERMITS ISSUED

PAID
BY: J254

RECEIVED
OCT 09 2020
By

BLDR-2020-10-0910
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

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

1. LOCATION OF BUILDING

OWNERS NAME (print): HARRIS BRIAN
Last First Middle Initial

50 WEWEEDER AVE
No. Street

Assessor's Map No. 79 Assessor's Parcel No. 15

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

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

NEW DWELLING

B. OWNERSHIP
- ☐ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$1.8 M

D. DIMENSIONS
Dimensions of Structure
First Floor Area: 2,350 SF
Second Floor Area: 1,340 SF
Third Floor Area:
Total Floor Area: 3690 SF
Full Cellar Area: 1,607 SF

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

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

- 5 BEDROOM NEW DWELLING
- 5½ BATHROOMS
- 3,690 SF TOTAL FLOOR AREA
- UNFINISHED BASEMENT

3. SELECTED CHARACTERISTICS OF BUILDING

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

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

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

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

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

J. SMOKE DETECTORS
No. of Detectors 11
See Plan for Location

K. ACCESSORY HEAT SOURCE
No. of fireplaces 1
No. of Wood Stoves
Other:

L. RESIDENTIAL BUILDINGS
Number of Bedrooms 5
Number of Bathrooms 5½
Full 5 Partial 1

PAID BY: √254

RECEIVED OCT 09 2020 By

BLDR-2020-10-0909
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

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

1. LOCATION OF BUILDING

OWNERS NAME (print): HARRIS BRIAN
Last First Middle Initial

50 WEWEEDER AVE
No. Street

Assessor's Map No. 79 Assessor's Parcel No. 15

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

A. TYPE OF IMPROVEMENT
- [x] New Building
- [ ] Addition
- [ ] Alteration
- [ ] Repair, replacement
- [ ] Demolition
- [ ] Moving

BARN

B. OWNERSHIP
- [x] Private
- [ ] Public

C. COST
TOTAL COST OF IMPROVEMENT
$900,000

D. DIMENSIONS
Dimensions of Structure
First Floor Area: 920SF
Second Floor Area: 920 SF
Third Floor Area:
Total Floor Area: 1840 SF
Full Cellar Area: 598SF

E. PROPOSED USE
Residential
- [ ] One Family
- [x] Studio
- [ ] Two or more family - Enter number of units
- [ ] Hotel, Motel, Dormitory enter number of units
- [ ] Second Dwelling
- [x] Garage
- [ ] Pool
- [ ] Other - Specify

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

1840SF GARAGE/STUDIO "BARN"

3. SELECTED CHARACTERISTICS OF BUILDING

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

F. PRINCIPLE TYPE OF FRAME
- [x] Wood frame
- [ ] Other - Specify

G. PRINCIPLE TYPE OF HEATING
- [x] Gas
- [ ] Electricity
- [ ] Oil
- [ ] Heat Pump
- [ ] Other - Specify

H. TYPE OF SEWAGE DISPOSAL
- [ ] Public
- [x] Private (septic tank, etc.)

I. TYPE OF WATER SUPPLY
- [ ] Public
- [x] Private (well)

J. SMOKE DETECTORS
No. of Detectors 6
See Plan for Location

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

L. RESIDENTIAL BUILDINGS
Number of Bedrooms —
Number of Bathrooms 1½
Full 1 Partial 1

PAID
BY: 1254

RECEIVED
OCT 09 2020
By

BLDR-2020-10-0908
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

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

1. LOCATION OF BUILDING

OWNERS NAME (print): HARRIS BRIAN
Last First Middle Initial

50 WEWEDER AVE
No. Street

Assessor's Map No. 79 Assessor's Parcel No. 15

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

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

B. OWNERSHIP
- ☒ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT
$200,000

D. DIMENSIONS
Dimensions of Structure
First Floor Area: 648 SF
Second Floor Area:
Third Floor Area:
Total Floor Area:
Full Cellar Area:

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

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

18'x36' POOL w/ 8x8 SPA

3. SELECTED CHARACTERISTICS OF BUILDING

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

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

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

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

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

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

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

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

ZBA

PAID JUL 18 2022 BY:

2022 JUL 19 AM 11:

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 File No. 09-22

Owner's name(s): **Harris on Weweeder, LLC**

Mailing address: **5 Monohansett Road, Nantucket, MA 02554**

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

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

Mailing Address: **Same**

Phone Number: E-Mail:

Locus Address: **50** ~~**Cliff Road**~~ Weweeder Ave Assessor's Map/Parcel: **79/15**

Land Court Plan/~~Plan Book & Page/Plan File No.~~: **LC Plan No. 42927-A**

~~Deed Reference~~/Certificate of Title: **Certificate of Title No. 27684**
Zoning District: **LUG-1**

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

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

Date of Structure(s):

Building Permit Numbers:

Previous Zoning Board Application Numbers:

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

See attached Addendum A

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

SIGNATURE:_____ Owner*

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

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

OFFICE USE ONLY

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

Addendum A

The Owner/Applicant, Harris on Weweeder, LLC (hereinafter referred to as "Harris") is the owner of 50 Weweeder Avenue ("the Premises") by virtue of Certificate of Title No. 27684 registered at the Nantucket County Registry District of the Land Court. The Applicant is requesting Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 (Variances) from the intensity regulations in Section 139-16A., in order to site a proposed pool cabana in the side yard setback as close as 2.7 feet from the side yard lot line in a zoning district that requires a ten (10) foot side yard setback and to increase the allowable ground cover ratio to 7.9% in a zoning district with a maximum ground cover ratio of 7% as shown on the plan entitled, "Proposed Site Plan", prepared by Site Design Engineering, dated May 11, 2022, attached hereto as Exhibit B.

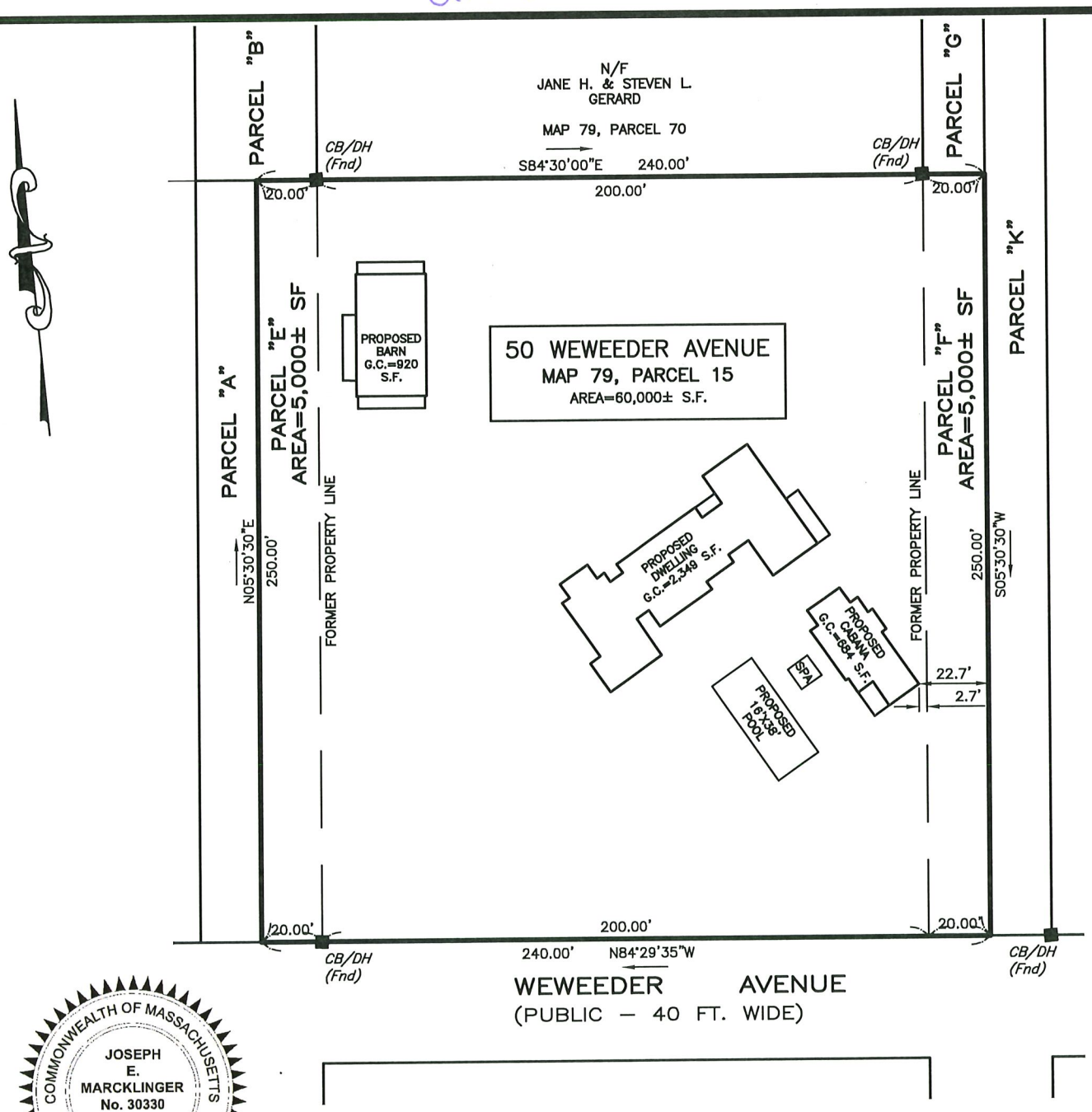
The Premises is subject to an Order of Taking by Eminent Domain of Portions of (Mount) Vernon Street, Waverly Street, and Adams Street as part of the Town of Nantucket "Yard Sale" program. A copy of the Order, which is registered as Document No. 131680 at the Nantucket County Registry District of the Land Court, is attached hereto as Exhibit C. The Town has taken the fee interest in these Paper Streets per this Order of Taking; however, the disposition of the Paper Streets has been stuck at the Land Court. The Premises will receive Parcels E and F, each being 5,000 sf, upon the issuance of a Certificate of Title from the Land Court. The Order of Taking was filed in October 2010, but there has not been any progress in the last 10 years.

The Applicant, who will be the contract purchaser of Parcels E & F on Plan No. 2010-51 (attached hereto as Exhibit D), has been relying on the acquisition of these Paper Streets in order to finish the construction of the single-family dwelling, barn, and pool cabana. Accordingly, the Applicant is requesting Variance relief in order to site the pool cabana on the attached Exhibit B as close as 2.7' from the current side yard lot line; however, upon the acquisition of Parcel F, the pool cabana will comply with the setbacks being as close as 22.7' from the easterly side yard lot line.

Furthermore, the Applicant is requesting Variance relief from the ground cover regulations per Section 139-16 of the Zoning Bylaw. In the event the structures are completed before the Certificate of Title is issued for the Paper Streets and Parcels E & F are conveyed to the Applicant, the Applicant's ground cover ratio will be 7.9% in a zoning district that allows for a maximum ground cover ratio of 7%. However, upon the acquisition of the Paper Streets, the ground cover ratio will be 6.5%.

Therefore, because the Applicant has been patiently waiting for over 10 years for the acquisition of these Parcels E & F, Variance relief is appropriate because of the uniqueness of the Premises in that it abuts two Paper Streets and a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, and desirable relief may be granted without substantial detriment to the public good and without nullifying the intent of the Zoning Bylaw.

Exhibit B



COMMONWEALTH OF MASSACHUSETTS
JOSEPH E. MARCKLINGER
No. 30330
REGISTERED PROFESSIONAL LAND SURVEYOR

Joseph Marcklinger

ZONING REQUIREMENTS:

THE SITE IS ZONED LIMITED USE 1 (LUG–1)

	REQUIRED
LOT AREA	40,000 S.F.
LOT FRONTAGE	100 FT.
FRONT YARD SETBACK	35 FT.
REAR YARD SETBACK	10 FT.
SIDE YARD SETBACK	10 FT.
MAX GROUND COVER RATIO	7%

50 0 25 50

SCALE: 1 INCH = 50 FEET

J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 896
NANTUCKET, MA. 02554
(310) 945-7054

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

DATE: MAY 11, 2022
PROJ. #: 20010
SCALE: 1"=50'
DRAWN BY: SKD
CHECK BY: DCM

REVISED:

ISSUED FOR: REVIEW

PROPOSED SITE PLAN

50 WEWEEDER AVENUE
ASSESSOR'S MAP 79 , PARCEL 15
NANTUCKET , MASSACHUSETTS
PREPARED FOR: HARRIS ON WEWEEDER LLC

Exhibit C

131680

2010 00131680
Cert: 22630 Doc: OOT
Registered: 10/12/2010 02:31 PM

2010 00002748
Bk: 1249 Pg: 141 Page: 1 of 12
Doc: OOT 10/12/2010 02:29 PM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN OF PORTIONS OF (MOUNT) VERNON STREET, WAVERLY STREET AND ADAMS STREET

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business of Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 76 adopted by the Town at its 2010 Annual Town Meeting (certified copy attached as Exhibit A), and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of (Mount) Vernon Street, Waverly Street and Adams Street as described below ("Parcels") is required for general municipal purposes and access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan containing one (1) sheet and entitled "Plan To Acquire Land For General Municipal Purposes, (Mount) Vernon Street, Waverly Street, and Adams Street in Nantucket, Massachusetts," prepared by Nantucket Surveyors, LLC, dated September 9, 2010 (the "Plan") and filed with the Nantucket County Registry of Deeds herewith as Plan No. 2010-51 and consisting of the following Parcels described on the Plan:

Parcel	Address/Location	Area (±)
Parcel A	13 Irving Street Lots 15-34, Block 168, Pl. Bk. 2, Pg. 60-61	5,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 72	William D. Strittimatter and Bonnie M Strittimatter	Book 589, Page 116

Parcel	Address/Location	Area (±)
Parcel B	67 Pochick Avenue Lots 5-14, Block 168, Pl. Bk. 2, Pg. 60-61	5,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 120	NHA Properties, Inc.	Book 928, Page 345

Parcel	Address/Location	Area (±)
Parcel C	69 Pochick Avenue Lots 1-8, Block 169, Pl. Bk. 2, Pg. 60-61	2,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 119	Jane Heller Gerard and Steven L. Gerard	Book 663, Page 113

Parcel	Address/Location	Area (±)
Parcel D	69R Pochick Avenue Lots 9-14, 35-40, Block 169, Pl. Bk. 2, Pg. 60-61	3,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 70	Rhoda H. Weinman, as Trustee of 138 Nominee Trust	Book 1001, Page 130

Parcel	Address/Location	Area (±)
Parcel E	50 Weweeder Avenue Lot shown on Land Court Plan 42927-A	5,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 15	Neil J. Ruther, as Trustee of The Ellery Woodworth Nantucket Trust	Certificate No. 22630

Parcel	Address/Location	Area (±)
Parcel F	50 Weweeder Avenue Lot shown on Land Court Plan 42927-A	5,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 15	Neil J. Ruther, as Trustee of The Ellery Woodworth Nantucket Trust	Certificate No. 22630

Parcel	Address/Location	Area (±)
Parcel G	69R Pochick Avenue Lots 9-14, 35-40, Block 169, Pl. Bk. 2, Pg. 60-61	3,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 70	Rhoda H. Weinman, as Trustee of 138 Nominee Trust	Book 1001, Page 130

Parcel	Address/Location	Area (±)
Parcel H	69 Pochick Avenue Lots 1-8, Block 169, Pl. Bk. 2, Pg. 60-61	2,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 119	Jane Heller Gerard and Steven L. Gerard	Book 663, Page 113

Parcel	Address/Location	Area (±)
Parcel J	75 Pochick Avenue Lot 23 on Land Court Plan 17445-A	2,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 68	Mark White and Barbara White	Certificate No. 17021

Parcel	Address/Location	Area (±)
Parcel K	54 Weweeder Avenue Lots 21-40, Block 170, Pl. Bk. 2, Pg. 60-61	8,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 14	Susan Mead, as Trustee of the Block 170 Trust	Book 375, Page 122 and Book 916, Page 175

Parcel	Address/Location	Area (±)
Parcel L	54 Weweeder Avenue Lots 21-40, Block 170, Pl. Bk. 2, Pg. 60-61	2,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 14	Susan Mead, as Trustee of the Block 170 Trust	Book 375, Page 122 and Book 916, Page 175

Parcel	Address/Location	Area (±)
Parcel M	75 Pochick Avenue Lot 23 on Land Court Plan 17445-A	8,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 68	Mark White and Barbara White	Certificate No. 17021

Parcel	Address/Location	Area (±)
Parcel N	11 Adams Street Lot 1 on Land Court Plan 39913-A	2,000 s.f.
Assessor ID	**Supposed Owner(s)**	**Title Reference**
Map 79, Parcel 67	Richard J. Diamond and Jeanne A. Diamond	Certificate No. 16968

Parcel	Address/Location	Area (±)
Parcel P	Weweeder Avenue	8,000 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 79, Parcel 13	Town of Nantucket, Frank Bailey, and their heirs, successors and assigns, and owners unknown	Book 81, Page 331

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Law Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

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

Adopted under seal this 22nd day of September, 2010.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Patricia Roggeveen

Brian Chadwick

Rick Atherton

Michael Kopko

Whiting Willauer

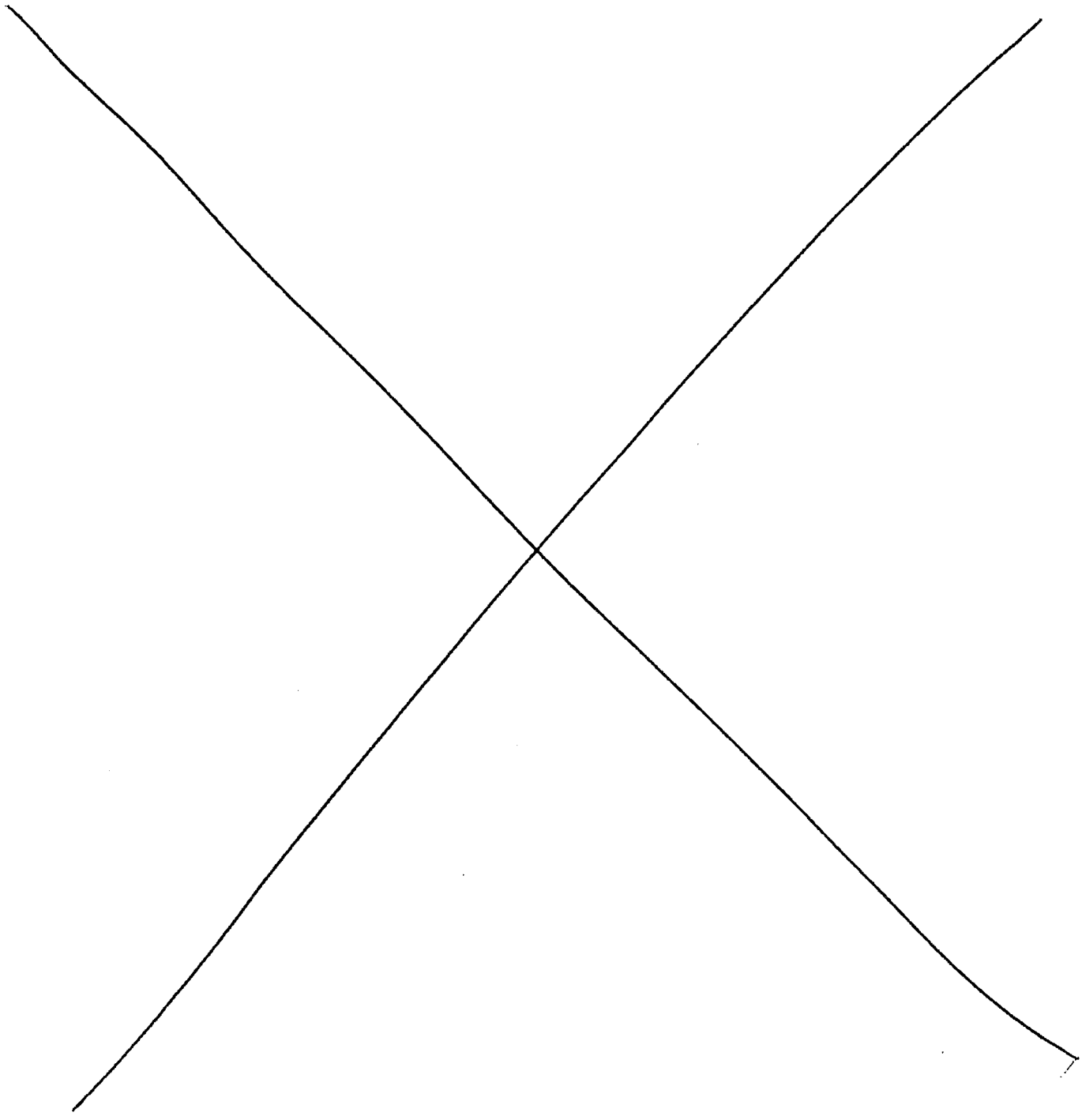
Commonwealth of Massachusetts
Nantucket County, ss.

On this 7th day of October, 2010, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Brian Chadwick, Rick Atherton, Michael Kopko and Whiting Willauer, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Notary Public
My commission expires: July 26, 2011

EXHIBIT A

Town Clerk Certified Copy of Town of Nantucket Vote on Article 76 of the 2010 Annual Town Meeting of the Town of Nantucket



Town of Nantucket

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

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

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

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

May 6, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 76: "Real Estate Acquisition: "Paper" Streets, Surfside"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 76 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 76

(Real Estate Acquisition: "Paper" Streets in Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of twenty (20) unconstructed rights of way in the Surfside area of Nantucket known as Surfside South and identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

- Waverly, Mount Vernon, Harriet (formerly known as Prospect) and Hawthorne Streets between the northerly sideline of Nobadeer Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Weweeder, Pochick and Pocomo Avenues and Boulevarde);
- Central Street between the northerly sideline of Boulevarde and the southerly sideline of Okorwaw Avenue (excluding any portion of Pochick and Pocomo Avenues);
- Clifford Street between the northerly sideline of Pochick Avenue to the southerly sideline of Pocomo Avenue;
- Irving Street between the northerly sideline of Pochick Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Pocomo Avenue);
- Myles Standish (formerly known as Shimmo) and Plum Streets between the northerly sideline of Weweeder Avenue and the southerly sideline of Pochick Avenue;
- Masquetuck Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Pochick Avenue (excluding any portion of Nobadeer and Weweeder Avenues);
- Holly Street between the northerly sideline of Weweeder Avenue and a line 200 feet south and parallel to the southerly sideline of Pochick Avenue;
- Woodbine Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue);
- Poplar Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Nobadeer Avenue;
- Laurel Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nonantum and Nobadeer Avenues and between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- School Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue) and between the northerly sideline of Pochick Avenue and the southerly sideline of Mequash Avenue (excluding any portion of Masaquet Avenue);
- Copeland Street between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- Nobadeer Avenue between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Dunham Street (excluding any portions of Naushon Way (formerly known as Cherry Street) Plum Street, Holly Street, Pequot Street (formerly known as Orange Street), Uncatena Street (formerly known as Wannacomet Street), and Myles Standish Street (formerly known as Shimmo Street);
- Mequash Avenue: Between the easterly sideline of Copeland Street and the westerly sideline of Surfside Road (formerly known as Myrtle Street) and between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Naushon Way (formerly known as Cherry Street);

- Pocomo Avenue between the easterly sideline of Assessor Map 79, Parcel 27 to the easterly sideline of Central Street and from the westerly sideline of Hawthorne Street to the easterly sideline of Adams Street;
- Adams Street between the northern sideline of Weweeder Avenue and the southerly sideline of Pocomo Avenue (excluding any portion of Pochick Avenue);

to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of twenty (20) unconstructed rights of way in the Surfside area of Nantucket known as Surfside South and identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

- Waverly, Mount Vernon, Harriet (formerly known as Prospect) and Hawthorne Streets between the northerly sideline of Nobadeer Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Weweeder, Pochick and Pocomo Avenues and Boulevarde);
- Central Street between the northerly sideline of Boulevarde and the southerly sideline of Okorwaw Avenue (excluding any portion of Pochick and Pocomo Avenues);
- Clifford Street between the northerly sideline of Pochick Avenue to the southerly sideline of Pocomo Avenue;
- Irving Street between the northerly sideline of Pochick Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Pocomo Avenue);
- Myles Standish (formerly known as Shimmo) and Plum Streets between the northerly sideline of Weweeder Avenue and the southerly sideline of Pochick Avenue;
- Masquetuck Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Pochick Avenue (excluding any portion of Nobadeer and Weweeder Avenues);
- Holly Street between the northerly sideline of Weweeder Avenue and a line 200 feet south and parallel to the southerly sideline of Pochick Avenue;
- Woodbine Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue);
- Poplar Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Nobadeer Avenue;
- Laurel Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nonantum and Nobadeer Avenues and between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- School Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue) and between the northerly sideline of Pochick Avenue and the southerly sideline of Mequash Avenue (excluding any portion of Masaquet Avenue);
- Copeland Street between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- Nobadeer Avenue between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Dunham Street (excluding any portions of

Naushon Way (formerly known as Cherry Street) Plum Street, Holly Street, Pequot Street (formerly known as Orange Street), Uncatena Street (formerly known as Wannacomet Street), and Myles Standish Street (formerly known as Shimmo Street);

- Mequash Avenue: Between the easterly sideline of Copeland Street and the westerly sideline of Surfside Road (formerly known as Myrtle Street) and between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Naushon Way (formerly known as Cherry Street);
- Pocomo Avenue between the easterly sideline of Assessor Map 79, Parcel 27 to the easterly sideline of Central Street and from the westerly sideline of Hawthorne Street to the easterly sideline of Adams Street; and
- Adams Street between the northern sideline of Weweeder Avenue and the southerly sideline of Pocomo Avenue (excluding any portion of Pochick Avenue).

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion.



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

DOC No: 00131680

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Oct 12,2010 at 02:31P

Document Fee: 225.00 Rec Total:$225.00

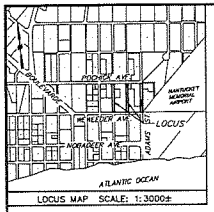
CERTIFICATE No: 22630

Also noted on

CERT 16963
CERT 17021

2010 00000051
Bk: Pg: 0 Page: 0
Doc: PLAN 10/12/2010 02:29 PM

NANTUCKET REGISTRY OF DEEDS
Date 10.12.2010
Time 2:29 PM
Plan Bk. ____ Pg. ____
Plan No. 2010-51
Attest ____ Register
Sheet 1 of 1
RESERVED FOR REGISTRY USE ONLY



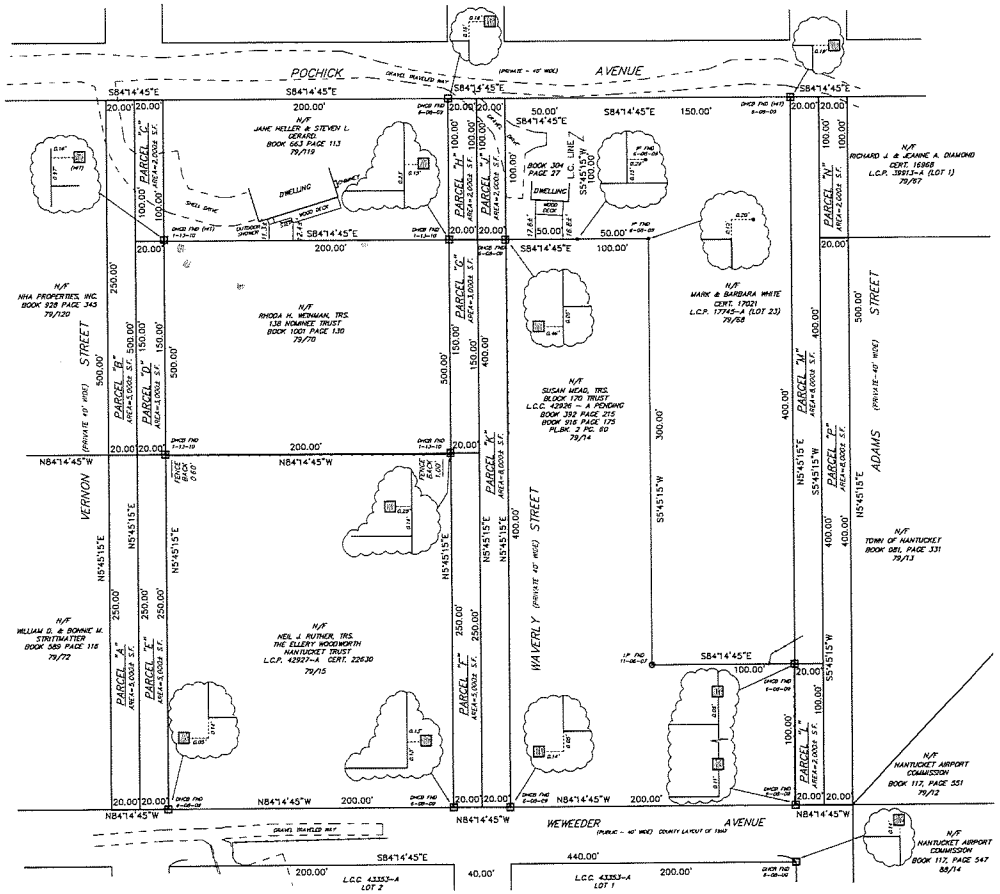
LOCUS MAP SCALE: 1:3000±

NOTES:

1. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "X" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230 0012 D; MAP REVISED:11/06/1996 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

2. THE PLANNING BOARD DETERMINES THAT:
LOT(S) PARCELS "A" THRU "P" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

PARCEL NO.	MAP & PLOT	AREA	OWNER N/F
A	79-72	5,000± S.F.	WILLIAM D. & BONNIE M. STRITTMATTER
B	79-120	5,000± S.F.	NHA PROPERTIES, INC.
C	79-119	2,000± S.F.	JANE HELLER & STEVEN L. GERARD
D	79-70	3,000± S.F.	RHODA H. WEINMAN, TRUSTEE
E	79-15	5,000± S.F.	NEIL J. RUTHER, TRUSTEE
F	79-15	5,000± S.F.	NEIL J. RUTHER, TRUSTEE
G	79-70	3,000± S.F.	RHODA H. WEINMAN, TRUSTEE
H	79-119	2,000± S.F.	JANE HELLER & STEVEN L. GERARD
J	79-68	2,000± S.F.	MARK & BARBARA WHITE
K	79-14	8,000± S.F.	SUSAN MEAD, TRUSTEE
L	79-14	2,000± S.F.	SUSAN MEAD, TRUSTEE
M	79-68	8,000± S.F.	MARK & BARBARA WHITE
N	79-67	2,000± S.F.	RICHARD J. & JEANNE A. DIAMOND
P	79-13	8,000± S.F.	TOWN OF NANTUCKET



MERIDIAN: L.C.P. 17745-A (MAGNETIC)

NANTUCKET BOARD OF SELECTMEN
APPROVED PURSUANT TO ARTICLES 76 & 77 ANNUAL TOWN MEETING APRIL 5, 2010.
PATRICIA ROGGEVEEN, CHAIRMAN
BRIAN CHADWICK
WESLEY WILLAUER
MICHAEL YORKE
RICK ATHERTON
DATE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
BARRY RECSOR, CHAIRMAN
SYLVIA HOWARD, VICE-CHAIRWOMAN
NATHANIEL LOWELL
JOHN MEJUCHON
LINDA WILLIAMS
DATE APPROVED 09-20-2010
DATE SIGNED 09-20-2010
FILE NO. 92-93

PLAN TO ACQUIRE LAND FOR GENERAL MUNICIPAL PURPOSES
VERNON STREET, WAVERLY STREET AND ADAMS STREET
IN
NANTUCKET, MASSACHUSETTS
PREPARED FOR:
TOWN OF NANTUCKET
SCALE: 1"=40' DATE: SEPTEMBER 9, 2010

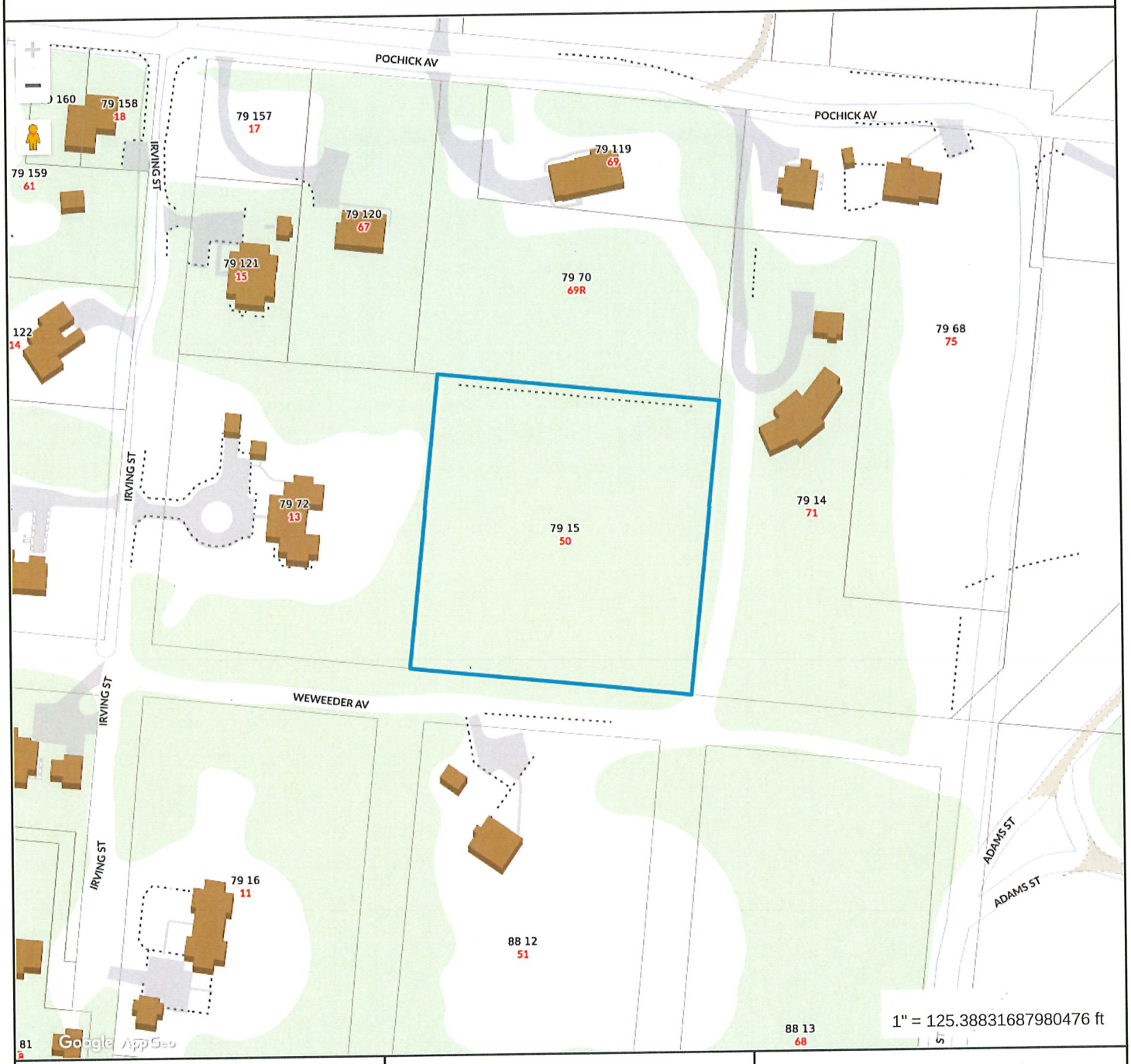
NANTUCKET SURVEYORS, LLC
5 WINDY WAY
NANTUCKET, MA 02554

SCALE: 1"=40'
0 40 80 120 160

LEGEND:
DHCB DRILL HOLE/CONCRETE BOUND
FND FOUND
IP IRON PIPE
N/F NOW OR FORMERLY
—o—o— POST & RAIL FENCE
L.C.C. LAND COURT CERTIFICATE
L.C.P. LAND COURT PLAN

" I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."
PAUL V. SACCO No. 36421
PROFESSIONAL LAND SURVEYOR
9/9/10
DATE

N-9919



Property Information

Property ID	79 15
Location	50 WEWEEDER AV
Owner	HARRIS ON WEEWEEDER 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 05/31/2022
Data updated Jan. 2021

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

John Brescher

From: Brian harris <brianharrisack@gmail.com>
Sent: Tuesday, July 5, 2022 3:51 PM
To: John Brescher
Subject: 50 Weweeder ZBA

Hi John, I would like you to represent me on the ZBA for 50 Weweeder. Pls let me know what you need from me?
Thanks, Brian Harris

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Hess on Weweeder, LLC .....

MAILING ADDRESS..... 5 Marchant Road, Nantucket, MA .....

PROPERTY LOCATION..... 50 Weweeder Ave .....

ASSESSOR MAP/PARCEL..... 79/15 .....

SUBMITTED BY..... Gibson & Brecher, PC .....

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2022.06.27 08:14:56 -04'00'

06-27-2022
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
79	12		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	NANTUCKET AP
79	13		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	WEWEEDER AV
79	14		BRETTLER DOREEN B		18 FRENCH DRIVE	BOYLSTON	MA	01505	71 POCHICK AV
79	15		HARRIS ON WEEWEEDER LLC		5 MONOHANSETT RD	NANTUCKET	MA	02554	50 WEWEEDER AV
79	16		KENYON E NILES & JAYNE L		4824 SAINT MARGARETS DR	VERO BEACH	FL	32967	11 IRVING ST
79	67		DIAMOND RICHARD J & JEANNE A TR	DIAMOND RICHARD J & JEANNE A REV TRUST	PO BOX 2644	NANTUCKET	MA	02584	11 ADAMS ST
79	68		WHITE MARK & BARBARA		PO BOX 1251	NANTUCKET	MA	02554	75 POCHICK AV
79	70		GERARD JANE H & STEVEN L		PO BOX 830	REDDING	CT	06896	69R POCHICK AV
79	72		SCHOETTLE DEREK C & CHRISTINE B		27 FOREST AVENUE	MILTON	MA	02186	13 IRVING ST
79	73		HEINTZ PAUL C & JANE D		1239 DENBIGH LANE	RADNOR	PA	19087-4646	12 IRVING ST
79	118		KEPPLE DOUGLAS J TR		67 BEDFORD STREET	NEW YORK	NY	10014	27 OKORWAW AV
79	119		GERARD JANE HELLER & STEVEN L		PO BOX 830	REDDING	CT	06896	69 POCHICK AV
79	120		NANTUCKET HOUSING AUTHORITY		PO BOX 3149	NANTUCKET	MA	02584	67 POCHICK AV
79	121		WORTH THE WAIT LLC		4 MORAY LANE	IPSWICH	MA	01938	15 IRVING ST
79	122		HAUSSLEIN ROBERT W	C/O NETS ELECTRONIC TAX SERVICE	MAC X2502-011	DES MOINES	IA	50328-0001	14 IRVING ST
79	154		FOX JOHN E IV & BRIAN TRS	72 POCHICK AVE REV TRUST	38 LINCOLN ST	HINGHAM	MA	02043	72 POCHICK AV
79	155		ROCKETT JAMES B & DANIEL F		PO BOX 1272	NANTUCKET	MA	02554	70 POCHICK AV
79	156		JACKS MARYELLEN WALKER		70 BEHARRELL ST APT 220	CONCORD	MA	01743	68 POCHICK AV
79	157		NHA PROPERTIES INC		3 MANTA DRIVE	NANTUCKET	MA	02554	17 IRVING ST
79	158		NHA PROPERTIES INC		3 MANTA DRIVE	NANTUCKET	MA	02554	18 IRVING ST
79	159		COYLE MARCIA J		61 POCHICK AVE	NANTUCKET	MA	02554	61 POCHICK AV
79	176		RENNER ERNST W		51 BUCKS CROSSING	TOLLAND	CT	06084	21 IRVING ST
88	9		RIZZIO & HAMILTON LLC		29 PHEASANT RUN	NEW HOPE	PA	18938	10 IRVING ST
88	12		ACK TOW LLC		50 WEWEEDER AVE	NANTUCKET	MA	02554	51 WEWEEDER AV
88	13		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	68 NOBADEER AV
88	14		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	NANTUCKET AP

Count: **26**

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

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16 BROAD ST
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Letters

James Conn Hurowitz, M.D., S.M.
Doreen Barbara Brettler, M.D.

29 July 2022

Andrew V. Vorce, Director of Planning
Town of Nantucket

Via email: avorce@nantucket-ma.gov

Dear Mr. Vorce:

I am writing you in regards to a public notice letter my wife, Doreen Brettler, received yesterday of an item on the August 11 Nantucket zoning board of appeals agenda. This item is "Harris on Weweeder, LLC", File number 09-22. The public notice says that we need to get written comments in by Thursday, August 4. This doesn't leave us much time and that is why I am emailing you right now. I also just called you and left a message, this Friday afternoon.

Mr. Harris' home is directly next to our home, at 71 Pochick Ave. As far as we can tell he has already built this pool cabana. This cabana is on our mutual property border directly abutting our home and back deck. If I am reading the Notice correctly I don't know how he can be applying for a variance now after he has already built it. Nonetheless, we are unconditionally opposed to this. We hope that this will be rejected by the board of appeals. I just planted a series of vegetation between his home and mine at considerable cost, to try to separate our homes even further and lessen the audio and visual negative impact of what has become a four-structure property and swimming pool.

I can be reached at 774-312-1933 if necessary.

Sincerely,

James C. Hurowitz, M.D., S.M.

Doreen B. Brettler, M.D.

18 French Drive
Boylston, Massachusetts 01505

FITCH

JONATHAN W. FITCH
jwf@fitchlp.com

August 31, 2022

FITCH LAW PARTNERS LLP
84 STATE STREET
BOSTON, MA 02109

BY EMAIL

Susan McCarthy, Chair
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Opposition to File No. 09-22 Submitted by Harris on Weweeder, LLC
50 Weweeder Avenue

Dear Ms. McCarthy and Members of the Zoning Board of Appeals:

I write on behalf of my clients, Dr. James C. Hurowitz and Dr. Doreen B. Brettler in response to the Application for Variance submitted by Harris on Weweeder, LLC, which is managed by Brian Harris ("Harris"). Harris himself is a licensed Home Improvement Contractor and a licensed Construction Supervisor.

On July 29, 2022, my clients submitted a letter in opposition of the Application for Variance ("Application"), which was included in the August 11, 2022 Zoning Board of Appeals ("ZBA") Meeting Packet. Today, I write to reiterate my clients' concerns, several of which were highlighted by the ZBA members during the August 11 ZBA Meeting ("August 11 Meeting"), and to state further opposition to the Application.

By way of background, the Application seeks a variance to build a "proposed pool cabana" located within the property's side yard setback and to increase the ground cover ratio of 50 Weweeder Avenue ("Premises"). As an initial matter, and as the ZBA is aware, the pool cabana has already been built (without a building permit),[1] and thus describing it as "proposed" is erroneous. As such and as detailed in the Application, the pool cabana is currently located 2.7 feet from the property line, where the permissible side yard setback is ten feet, and the erection of the pool cabana increased the Premises' ground cover ratio to 7.9%, where the permissible ratio is only 7%. My clients' property, which is located at 71 Pochick Avenue, is the closest property to the pool cabana.[2] In addition to the pool cabana, and despite being labeled as "proposed" on Harris' Proposed Site Plan, the Premises also already contains a dwelling, barn, and garage-like structure (the latter of which is not even depicted on the Site Plan), and Harris is using the dwelling as his primary residence.

[1] Construction on the pool cabana began in or around April or May 2022.
[2] As described further herein, my clients' property is separated from the Premises by a Paper Street shown as Parcel F on the Application's Proposed Site Plan.

PHONE 617-542-5542
FAX 617-542-1542
FITCHLP.COM

In support of his Application, Harris contends that the requested variance is appropriate because the Premises abuts two Paper Streets that Harris will eventually own "upon the issuance of a Certificate of Title from the Land Court" – Parcel E and Parcel F. The sale of the Paper Streets to abutting landowners is part of the Town's "Yard Sale" program. According to the Application, once the Yard Sale to Harris is complete and the Certificate of Title issues, the pool cabana will be located 22.7 feet from the property line and the ground cover ratio will be 6.5%, both of which are within permissible range pursuant to the Zoning Bylaw.[3] However, while the Application states that Harris "will be the contract purchaser of Parcels E & F on Plan 2010-51," it does not explain how that will come to be. Indeed, Harris' simple and vague description that he will acquire Parcels E and F "upon the issuance of a Certificate of Title from the Land Court" does not shed any light on the status or timing of the Yard Sale's completion. In fact, as Harris noted in the Application, and as Harris' attorney and the ZBA members acknowledged at the August 11 Meeting, there has been no movement in the Land Court in over 10 years. As such, Harris' attempt to present the Application as seeking temporary relief is misleading. There is absolutely no reason to believe that Harris will acquire Parcels E and F within even the next 10 years.

As noted in the ZBA Staff Report issued in advance of the August 11 Meeting ("Staff Report"), the ZBA may only grant a variance upon a finding "that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw." Nantucket Zoning Bylaw § 139-32(A).

Nevertheless, the Staff Report recommended approving the Application for two reasons: because the request contained therein is (1) "reasonable;" and (2) "consistent with prior actions of the Board." I address the inadequacy of each in turn.

First, reasonableness is not among the requirements outlined in § 139-32(A) of the Zoning Bylaw. Indeed, as quoted above, to issue the requested variance, the ZBA must find that due to the Premises' unique circumstances, literally enforcing the Zoning Bylaw would involve a substantial hardship to Harris and that the variance could be granted without substantial detriment to the public or without running contrary to the intent and purpose of the Zoning Bylaw. However, the Application does not mention the Premises' soil conditions or topography, nor does it describe how Harris' inability to erect a pool cabana (setting aside the fact that it has already been built) in that exact location would result in his substantial hardship, financial or otherwise. Accordingly, the only possible outcome is to deny the Application.

[3] As noted by many of the ZBA members at the August 11 Meeting, the Proposed Site Plan appended to the Application speciously described the current property line as the "Former Property Line." As a result, the pool cabana appeared to be located 22.7 feet from the property line, instead of just 2.7 feet from it. Moreover, the Application itself seemed to grapple with the possibility that the requisite Certificate of Title could issue *before* the structures were complete, even though the "proposed" dwelling, the "proposed" pool cabana, the "proposed" barn, and a fourth garage-like structure have already been constructed on the Premises.

Second, that the ZBA granted variance relief under seemingly similar circumstances in the past cannot be dispositive. In fact, granting a variance in the instant matter solely because the ZBA did so in a previous case and not because it actually meets the requirements set forth in § 139-32(A) would be arbitrary and capricious. *See generally Fafard v. Conservation Comm'n of Reading*, 41 Mass. App. Ct. 565, 567–68 (1996) ("If the agency has acted for reasons that are extraneous to the prescriptions of the regulatory scheme, but are related, rather, to an ad hoc agenda, then that agency has acted arbitrarily because the basis for action is not uniform, and, it follows, is not predictable"). This is especially true where the circumstances underlying the previously granted variances are readily distinguishable from the instant matter or where the decision to grant a previous variance was insufficiently supported.

For example, Application No. 04-19, which was appended to the Staff Report, sought a variance to construct the Applicant's dwelling within the side-yard setback area and contended that the encroachment thereon would be resolved as soon as the Yard Sale process was complete. In support of the application, materials demonstrated that "significant progress had been made in this particular case and that the Land Court process was likely to reach completion within the year, if not sooner." Moreover, the abutters to the north and to the south supported the requested relief. In granting the variance, the ZBA noted that the Applicant would make "desirable improvements and build upon this vacant lot." In contrast, Harris seeks a variance for a pool cabana (not a dwelling), which he constructed without a building permit, on a lot that is already improved by a sizable home, a barn, and a garage-like structure.[4] The abutters closest to the pool cabana, my clients, adamantly object to the requested relief and as discussed above, Harris has provided zero information about when the Yard Sale will be complete, never mind a demonstration that the resolution is imminent.

As to Application No. 08-14, the ZBA's decision was premised upon the relevant lot's topography, the proximity of an eroding coastal bank, lack of sufficient area outside of the 50-foot buffer required by the Conservation Commission, and its soil conditions. Further, the ZBA specifically recognized "that the collaboration between the Applicants and the Town of Nantucket…led to a creative solution to the otherwise intractable problem of severe coastal erosion." In contrast, the reasons for the Application's requested relief have nothing to do with the Premises' topography, erosion, wetlands, or its soil. The two situations cannot reasonably be analogized.[5]

In conclusion, there can be no doubt that the Application does not meet the requirements of § 139-32(A), and therefore, my clients respectfully request that the ZBA deny the Application and require Harris to raze the pool cabana. Moreover, Harris, a licensed contractor, flagrantly disregarded the law by building the pool cabana in the side yard setback without a building permit and while the Application was pending. Such a violation should not go unanswered.

---

[4] See a photograph of the pool cabana roof and the dwelling roof appended hereto as **Exhibit A**. The pool cabana roof is tan, and the dwelling roof is gray.

[5] As to Application No. 31-21, it appears that the ZBA erroneously granted the requested variance without making a sufficient determination that a literal enforcement of the Zoning Bylaw would result in substantial hardship to the Applicant. Looking at the ZBA decision, it is difficult to discern any explanation for granting the variance aside from a simple reiteration of the Zoning Bylaw. Regardless, each variance application requires an individual analysis and as stated throughout, Harris' Application does not meet the Zoning Bylaw's requirements for a variance.

Thank you for your consideration of the opposition of Dr. James C. Hurowitz and Dr. Doreen B. Brettler to the variance request of Harris.

Sincerely yours,



Jonathan W. Fitch

cc: Rebekah Glickman-Simon, Esq. (via email)

EXHIBIT A



NEW BUSINESS

Kristina & Nicholas

AMENDOLARE

File No. 37-21

8 Bank St

SPECIAL PERMIT

NEW MATERIALS SUBMITTED

8 BANK STREET

EAST ELEVATION



SOUTH ELEVATION






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IMMEDIATE AND CLOSE ABUTTERS



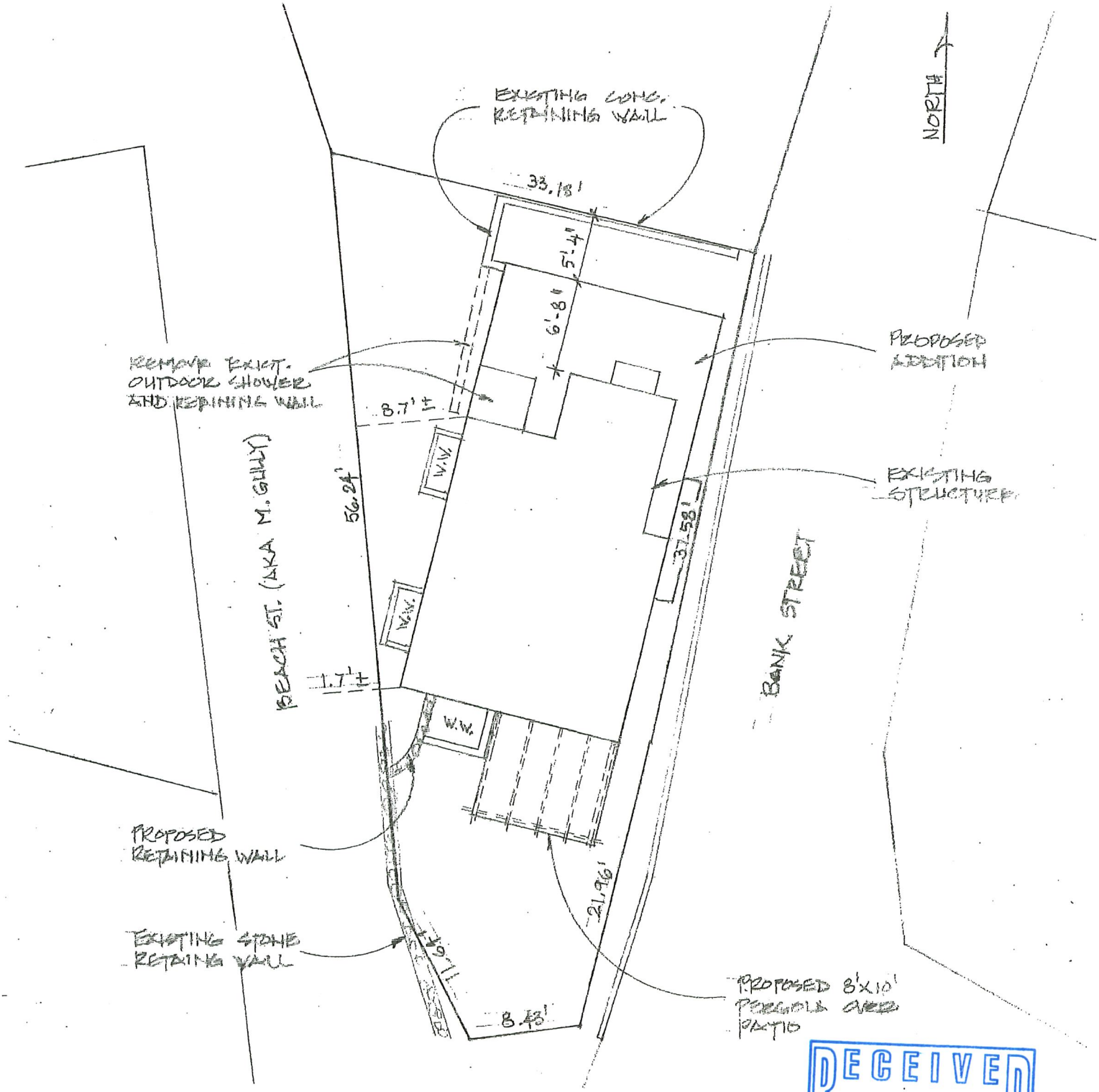







LOONEY DUNES



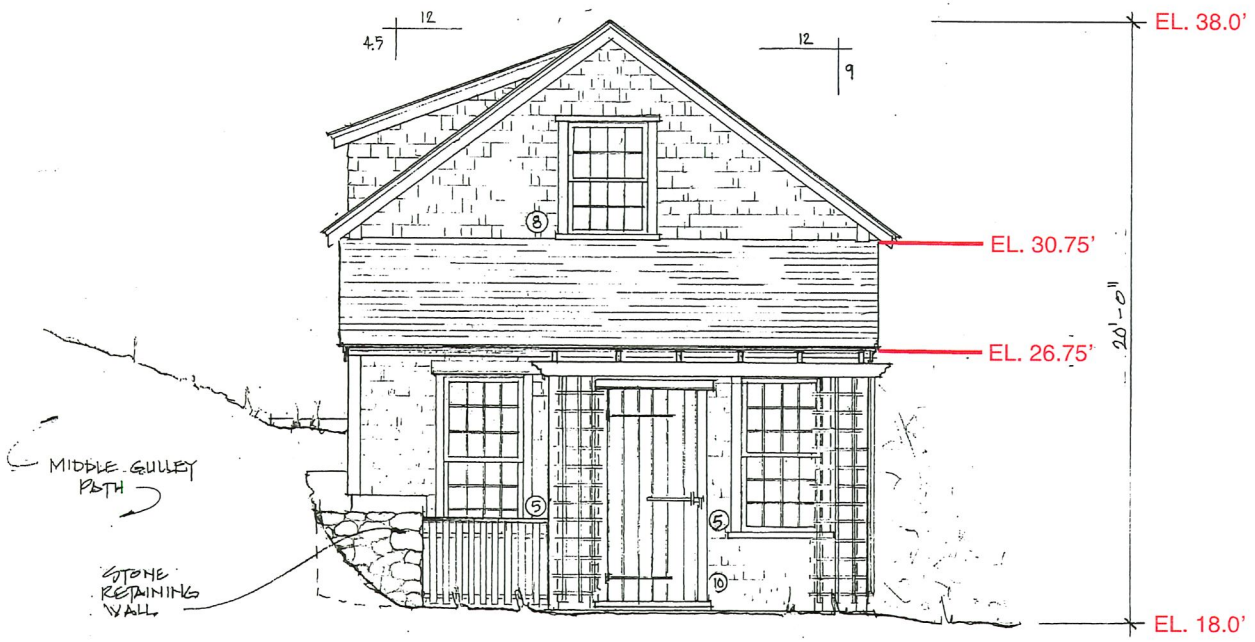


SITE PLAN
SCALE: 1" = 10'

RECEIVED
SEP 02 2022
By

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

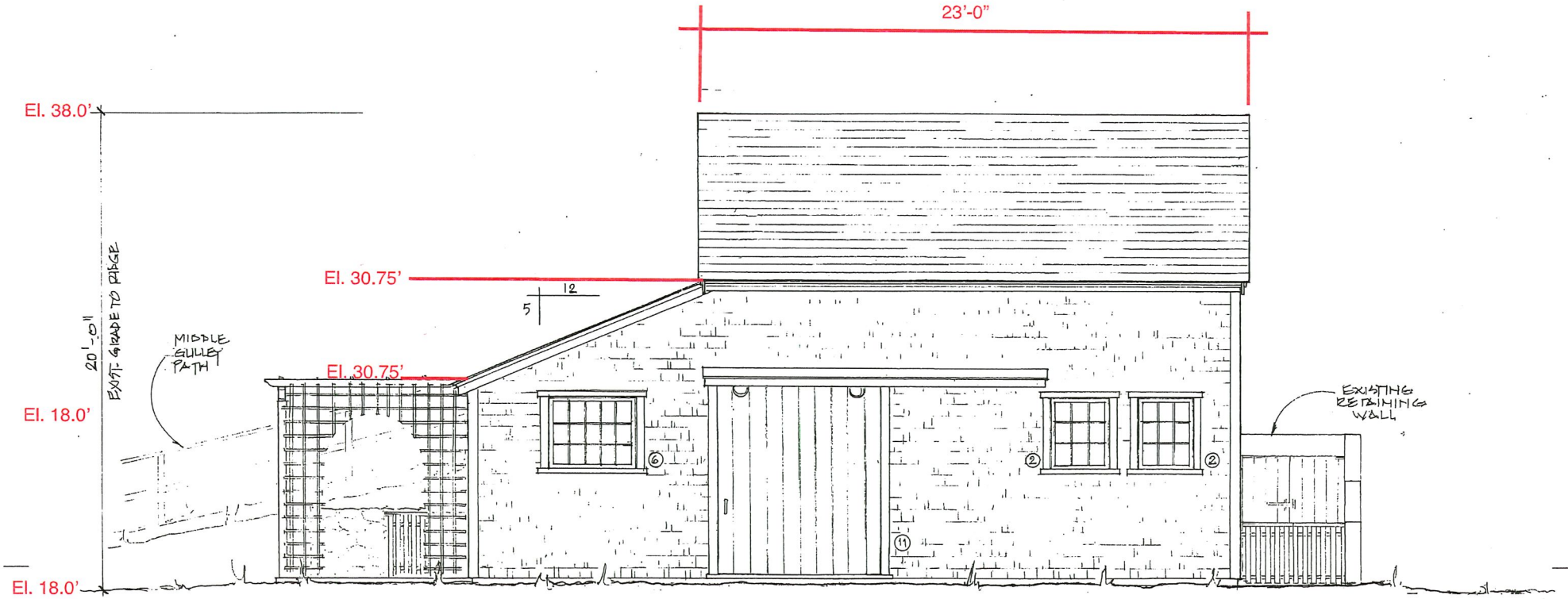
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
ECONSET, MA

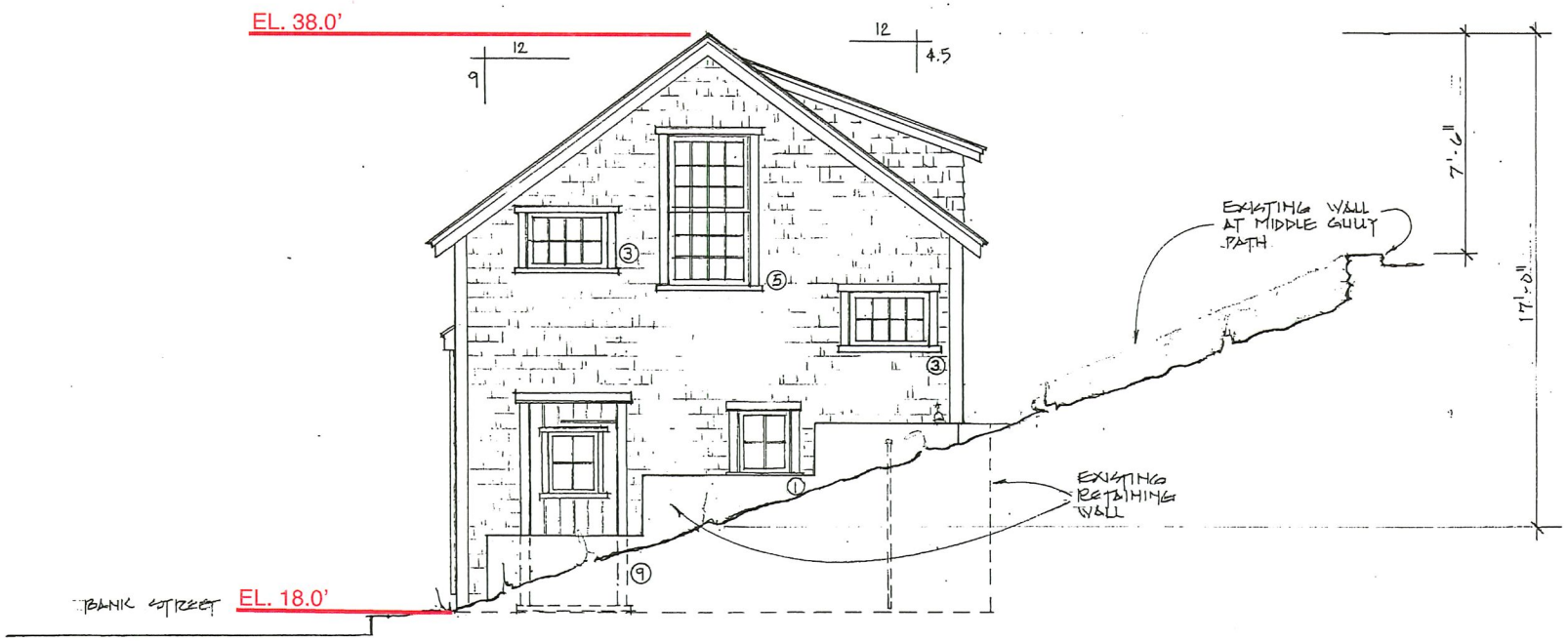
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
ECONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EGONSET, MA

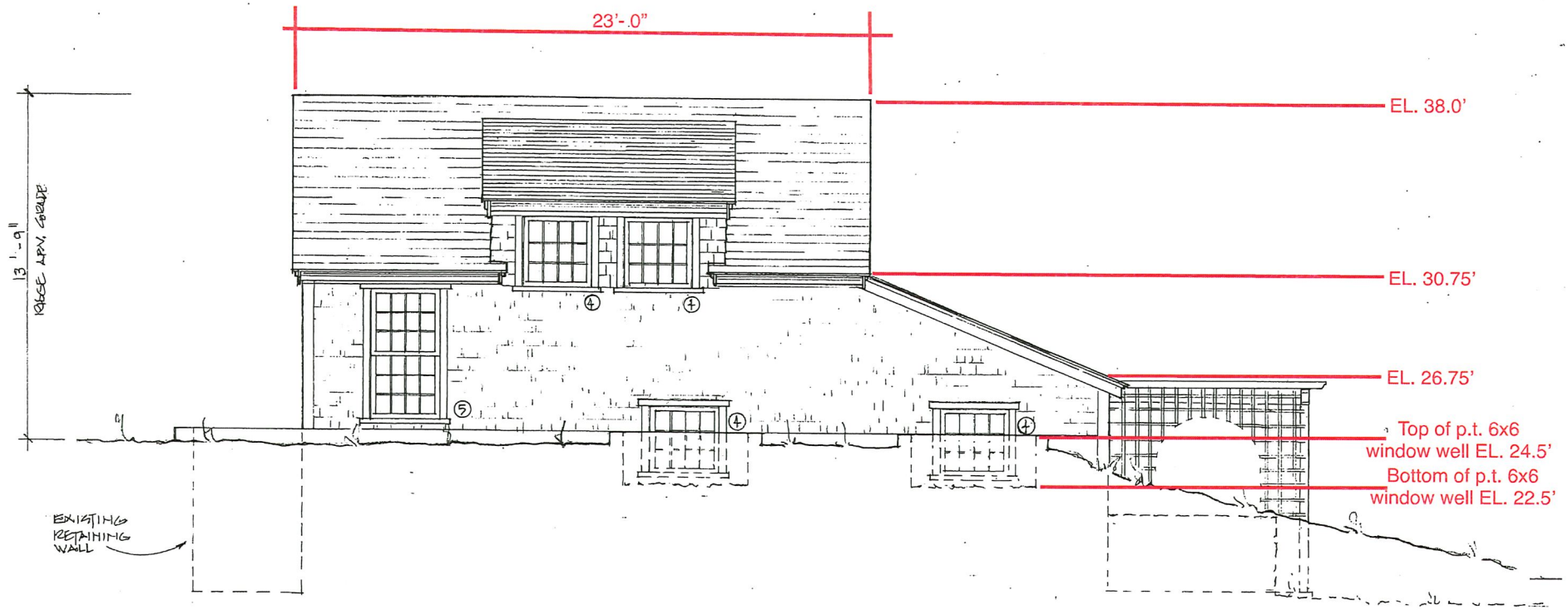
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EGONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

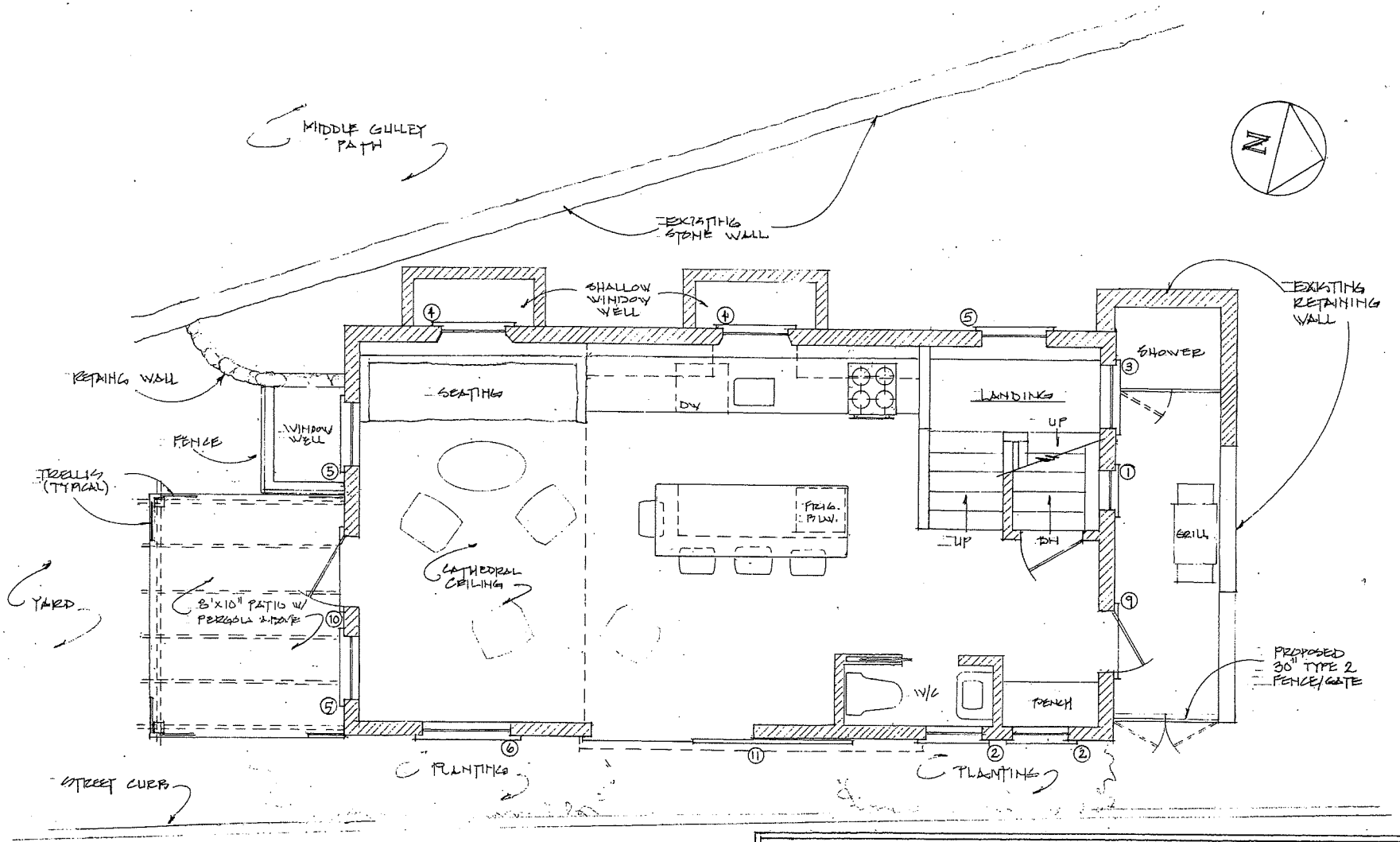
ANGUS MACLEOD DESIGNS
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(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
ECONSET, MA

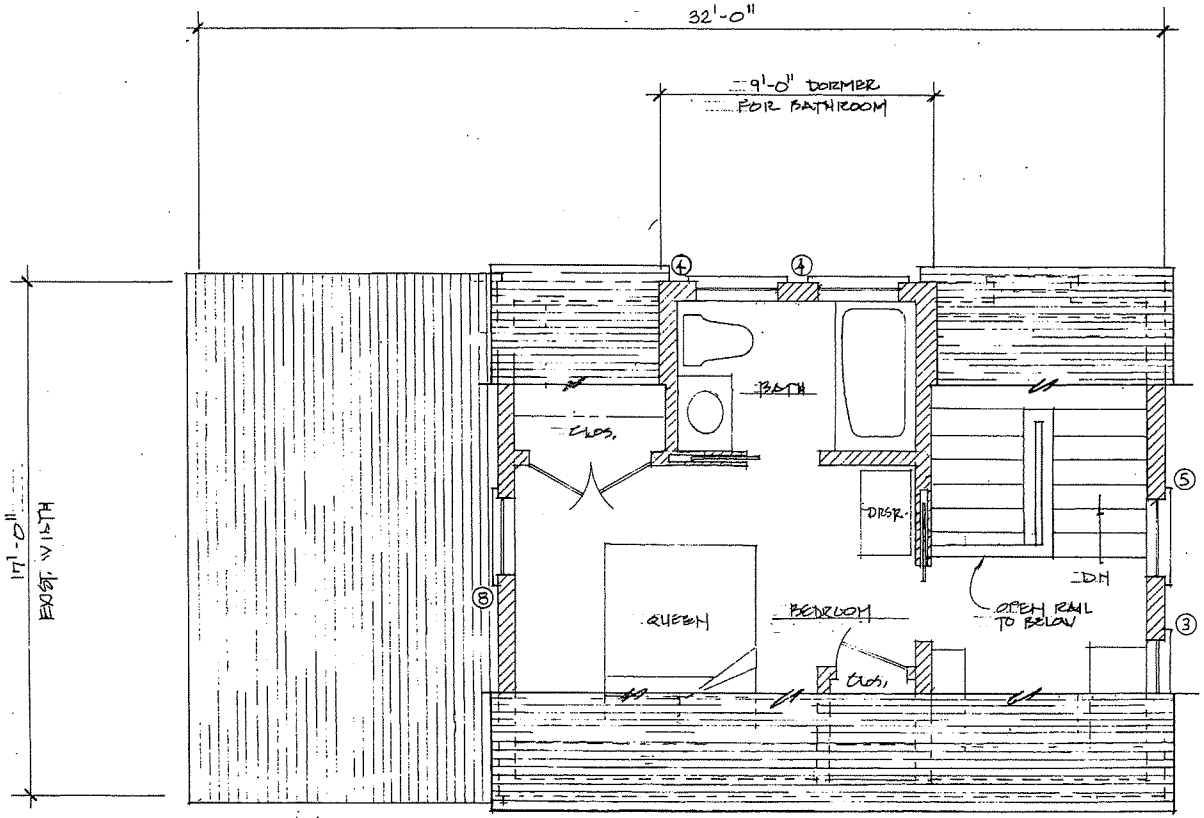
ANGUS MACLEOD DESIGNS
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(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EGONSET, MA

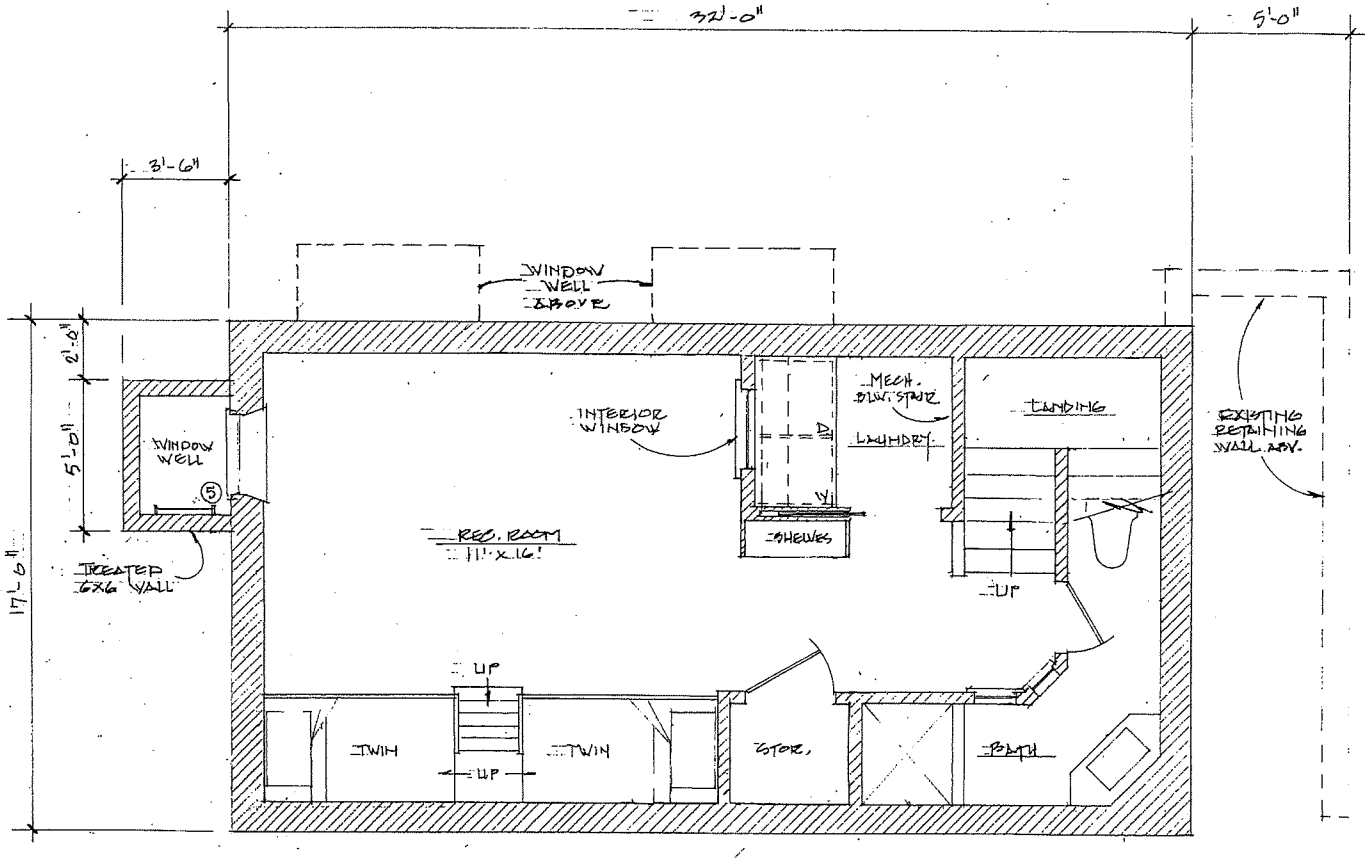
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EGONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
SCONSET, MA
(508) 257-6789

TOSCANA CORPORATION
Nantucket Island, MA

Excavation & Site Work
Ready Mix Concrete
Building Relocation

toscanacorp.com

Tel: 508-228-1418 Fax: 508-228-5402 Email: info@toscanacorp.com 19 Arrowhead Drive, Nantucket Island, MA 02554

Estimate

Submitted To:	AMENDOLARE, NICK	**Date:**	Friday, June 10, 2022
Address:		**Job Name:**	SHORING/RASIE HOUSE
City, State, Zip:	Nantucket, MA 02554	**Location:**	8 BANK STREET
Job Description:		**JOBNO:**	6820

THE COST TO:

1 - STRIP LOAM FROM AREAS TO BE DISTURBED AND REMOVE FROM SITE.

2 - MOVE HOUSE SIDEWAYS, LEAVING ROOM FOR SHORING AND EXCAVATION OF NEW FOUNDATION.

3 - MOBILIZE SHORING STOCK.

4 - INSTALL H-PILE AND WOOD LAGGING EARTH RETENTION SYSTEM PER MGA PLAN 05.05.22.

5 - REMOVE EXISTING FOUNDATION. EXCAVATE FOR NEW FOUNDATION. REMOVE FILL FROM SITE.

6 - BACKFILL FOUNDATION.

7 - MOVE HOUSE OVER AND LOWER ONTO NEW FOUNDATION.

8 - ALLOWANCE INCLUDED OF $7,200.00 TO RECONNECT SEWER AND WATER FROM STUBS ON SITE TO NEW FOUNDATION.

9 - SUBGRADE SITE.

NOT INCLUDED ITEMS:

10 - Toscana rubble disposal fees.

11 - Disposal of any underground oil tanks.

12 - Disconnecting or reconnecting telephone, gas, electric or plumbing.

13 - Permits.

14 - Removal or replacement of any landscaping.

15 - Any carpentry work involved.

16 - Any masonry work involved.

17 - Screening charge ($44.00/Yard) and delivery for loam returning to site.

18 - Police Detail.

19 - Disposal or replacement cost of unsuitable soil.

20 - Brush disposal fees.

REMARKS

21 - Toscana is not responsible for any damage to subject or adjacent properties as a result of any shoring, excavation or steel driving operations. A preconstruction survey is strongly recommended.

22 - Work cannot be scheduled until signed proposal is received by the office.

23 - We are not respons ble for weather effected changes to the site due to delays in schedule.

24 - This is an estimated price based on available information. Proposal will be provided with final plans.

We Estimate the Cost to furnish material and labor in accordance with the above specifications to be: [redacted]

Payment is to be made as follows:

Estimate

Submitted To:	AMENDOLARE, NICK	**Date:**	Friday, June 10, 2022
Address:		**Job Name:**	SHORING/RASIE HOUSE
City, State, Zip:	Nantucket, MA 02554	**Location:**	8 BANK STREET
Job Description:		**JOBNO:**	6820

TIME & MATERIALS BILLED WEEKLY. PAYMENT IS DUE WITHIN TEN DAYS.

Scope and Performance of Work: Toscana will perform all Work provided herein in a professional and workmanklike manner, consistent with the applicable standards of care and industry practices. Any additional work beyond the scope set forth herein shall be subject to additional costs and Toscana will perform such extra work only upon the execution of a written change order. The Parties acknowlege that the Work provided by Toscana constitutes furnishing of labor and/or materials in connection with the improvement to real property for all purposes.

Limitation of Liability: Toscana is not respons ble for any damages or claims caused by Acts of God (such as severe weather conditions), pre-existing conditions (such as cracks in plaster, tile, wallboard, masonry, weather damage, or pre-existing structural or cosmetic damage), acts of the Owner, or acts of any third-parties. Toscana's total potential liability is expressly limited to the Cost of the Work as defined herein. In no event shall Toscana have any liability for any enviornmental contamination or hazardous substance remediation or removal costs that may arise in connection with the Work. The Owner agrees to indemnify and hold Toscana harmless from any claims or damages in connection therewith. Toscana is not responsible for any consequential damages and the Parties hereby waive all such claims for damages as against one another.

Insurance: Although Toscana maintains liability insurance, Owner is soley responsible to provide its own insurance and shall carry sufficient, primary all-risk insurance to cover any damage to property that may result in connection with the Work. Toscana's insurance does not provide coverage for property damage to the benefit of any other party, including the Owner.

Payment: Owner shall pay for Toscana's services weekly and payment is due within ten (10) days upon receipt of Toscana's invoice. After ten (10) days, unpaid invoices accrue interest at a rate of 1 1/2% per month (18% per year). If Owner fails to make payment(s) as required under this Agreement or commits any other breach or default hereunder, Toscana shall have the right to immediately cease all Work and to recover from Owner all moneys owed for any Work performed as well as any costs and expenses incurred by Toscana, including without limitation reasonsable attorney's frees, as a result of any default or non-payment.

Authority: By signing below, the individuals hereby represent that they are duly authorized to bind their repsective Parties. In the event the parties do not sign the Agreement after receipt of same, but the Owner authorizes Toscana to proceed with the Work called for herein, the Parties represent that all terms and conditions of this Agrreement shall be binding as though fully exceuted by them unless expressly disclaimed in writing prior to commencement of the Work.

This proposal may be withdrawn by Toscana if not accepted within 30 days.

Authorized Signature: _____

Acceptance of Estimate: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ **Date of Acceptance:** _____

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

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

73.1.3–100
N/F
LISA P. SODER
Deed Bk./Pg.: 1410/21
NO PLAN FOUND
#13 BROADWAY

73.1.3–71
N/F
BROADWAY LLC
Deed Bk./Pg.: 1358/259
NO PLAN FOUND
#11 BROADWAY

73.1.3–99
N/F
JOSEPH M. ARVAY
KATHY L. ARVAY
Deed Bk./Pg.: 1311/30
Plan Bk./Pg.: 24/42
#11 FRONT STEET

73.1.3–72
N/F
9 BROADWAY LLC
Deed Bk./Pg.: 1810/57
NO PLAN FOUND
#9 BROADWAY

73.1.3–70
N/F
9 BROADWAY LLC
Deed Bk./Pg.: 1810/57
NO PLAN FOUND
#9 FRONT STREET

73.1.3–26
N/F
MARK G. BURLINGHAM, TRUSTEE
LEGA SEA NOMINEE TRUST
#15 BEACH STEET

73.1.3–28
N/F
ANNE HEINEMANN, TRUSTEE
ISABEL LANDZERT, TRUSTEE
MARGARET H. VAN DEUSEN, TRUSTEE
THE VAN DEUSEN REALTY TRUST
Cert. 14731
L.C.C. 10553–A2
#7 FRONT STEET

73.1.3–27
N/F
NICOLE ALEXANDRIA TIRAPELLI
#7 BANK STEET

FRONT STREET
(PUBLIC – VARIABLE WIDTH) (JULY 1976 – COUNTY TAKING)

BEACH STREET
(PUBLIC – VARIABLE WIDTH) (JULY 1976 – COUNTY TAKING)

BANK STREET
(PUBLIC – VARIABLE WIDTH) (JULY 1976 – COUNTY TAKING)

W/F STRUCTURE #11 BROADWAY
PORCH FLOOR ELEV.= 37.50±
EDGE OF SHELL
BEEHIVE CATCHBASIN
STONE WALL
CONCRETE RETAINING WALL TOW=34.9
TPF=37.70
WATER METER
PICKET FENCE
TPF=37.5
TOW=34.5
dhCB FD
SSM FD
CB FD
EXISTING CONCRETE RETAINING WALL TO REMAIN
PROPOSED STRUCTURE
PROPOSED RETAINING WALL
REMOVE RETAINING WALL
ODS
STEP
W.W.
EXISTING RIDGE ELEV.=29.98
LENGTH=23'
PROPOSED RIDGE ELEV.= 38.0
1 STRY. W/F STRUCTURE 390 S.F.± #8 BANK STREET THRESHOLD EL.=19.72
CHIMNEY
PROPOSED SHED ROOF ELEV.= 31.0
PROPOSED SHED ROOF ELEV.= 27.0
PROPOSED 4'x10' PERGOLA
PROPOSED RETAINING WALL
EXIST. 1,500 GAL. SEPTIC TANK
EXIST. LEACH TRENCHES
STONE RETAINING WALL
VGC
BOW
TOW
TPF

LEGEND

dhCB FD ■	*DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND*
SSM FD ○	*DENOTES STEEL SURVEY MARKER FOUND*
×22.6	*DENOTES EXIST. GRADE SPOT ELEVATION*
ODS	*DENOTES EXIST. OUTDOOR SHOWER*
VGC	*DENOTES EXIST. VERTICAL GRANITE CURB*
TPF	*DENOTES TOP OF PICKET FENCE*
TOW	*DENOTES TOP OF WALL*
BOW	*DENOTES BOTTOM OF WALL*

SITE BENCHMARK:
CORNER OF VERTICAL GRANITE CURB
EL.=18.00
REF. DATUM: PER BHPP (TOWN GIS)

OWNER INFORMATION

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

T:\LUCAS JOB 50

Site Plan of Land
in
Nantucket, Mass.
Prepared for
KRISTINA M. AMENDOLARE
NICHOLAS AMENDOLARE

Scale: 1"= 10' AUGUST 15, 2021

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

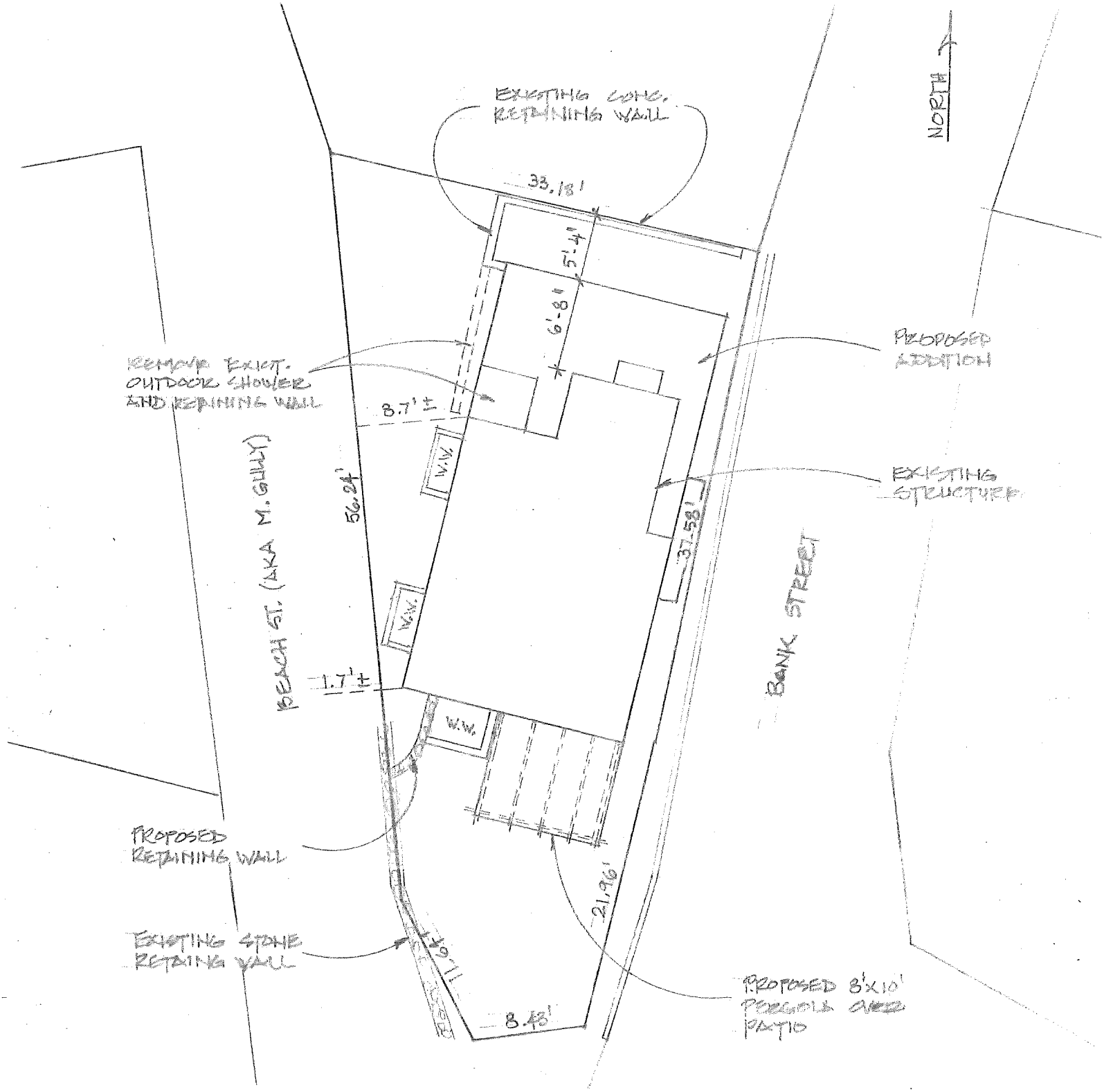
GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

B8867

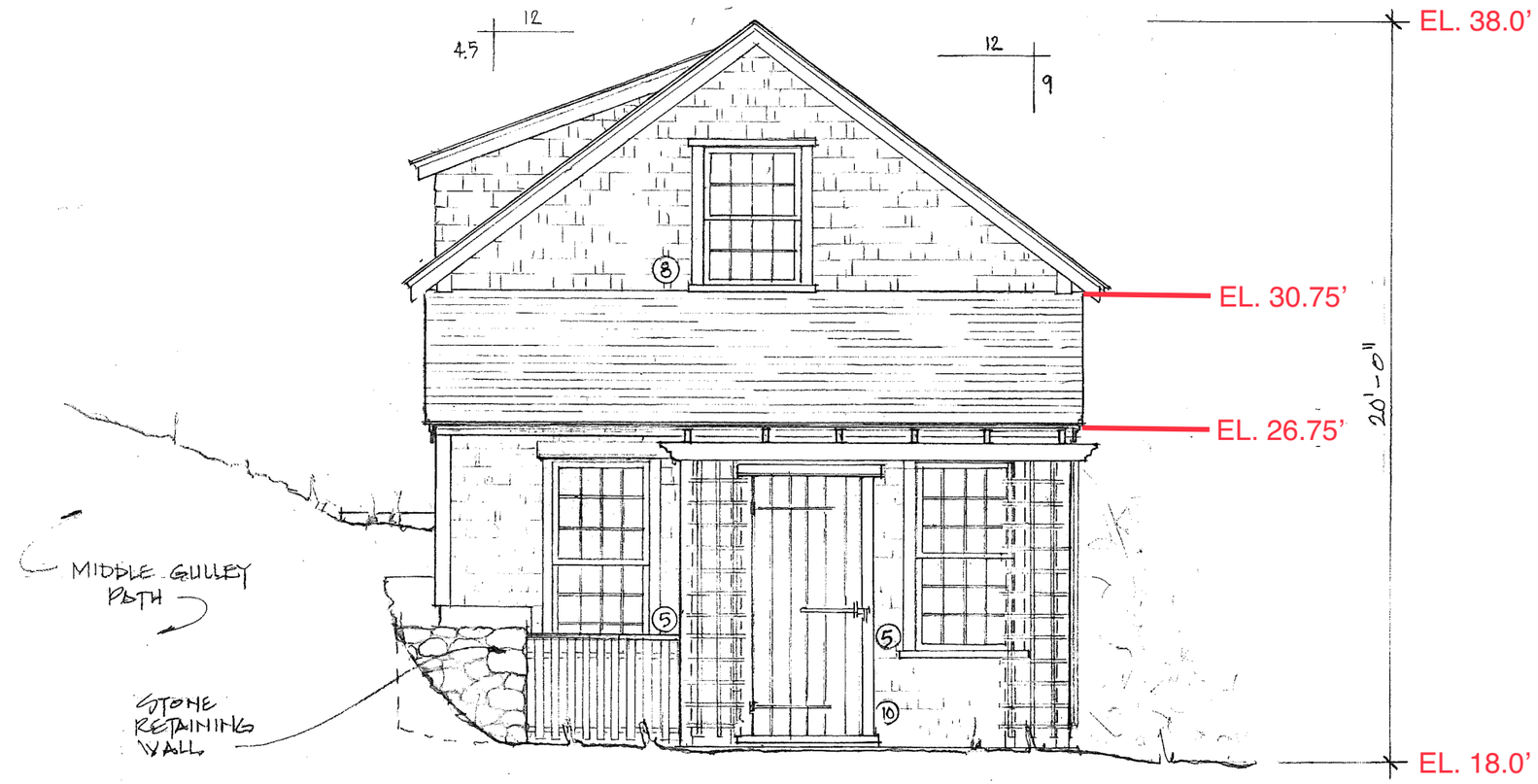
V:\DRAWFILES\B8867\carlson_SP 2021.dwg 11 BROADWAY 8/15/2022 14:38:54 1:1



SITE PLAN
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
8 BANK STREET
'GCONSET, MA

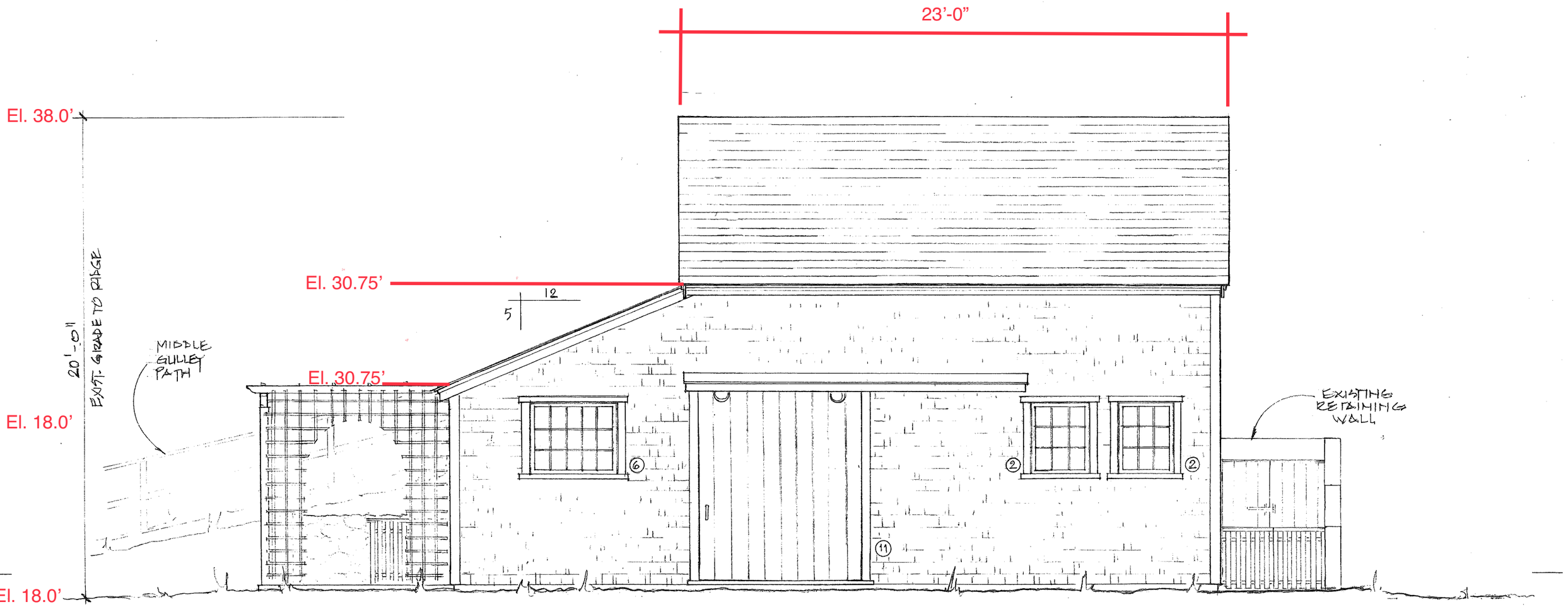
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
'GCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

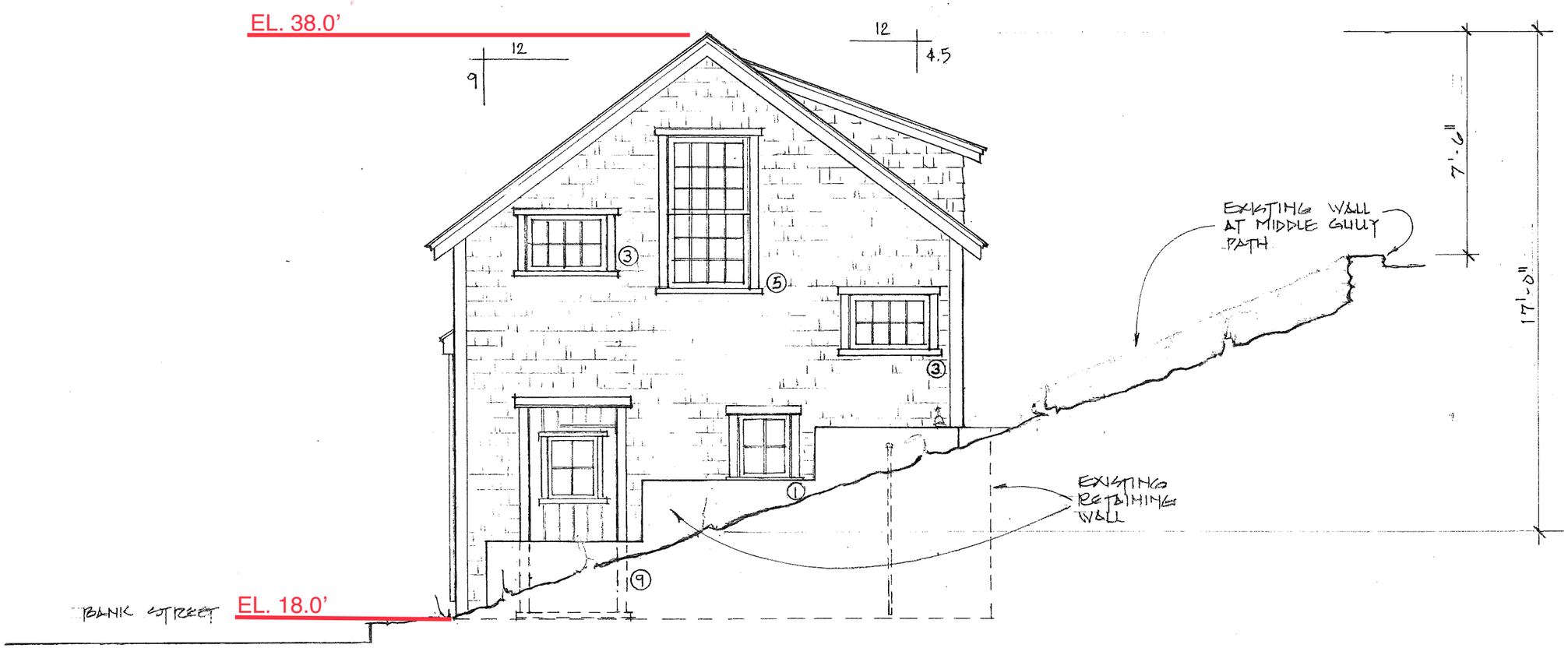
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
'GCONSET, MA

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'GCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

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

23'- 0"

EL. 38.0'

EL. 30.75'

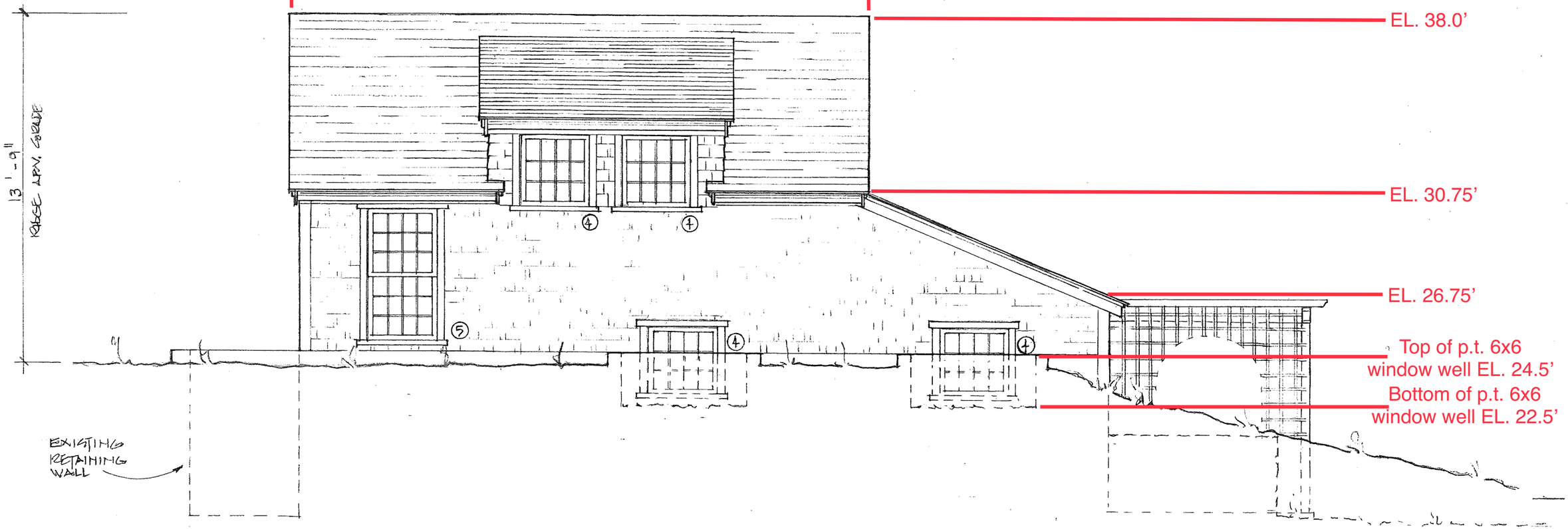
EL. 26.75'

Top of p.t. 6x6
window well EL. 24.5'

Bottom of p.t. 6x6
window well EL. 22.5'

13'-9" ROOF APEX ABOVE GRADE

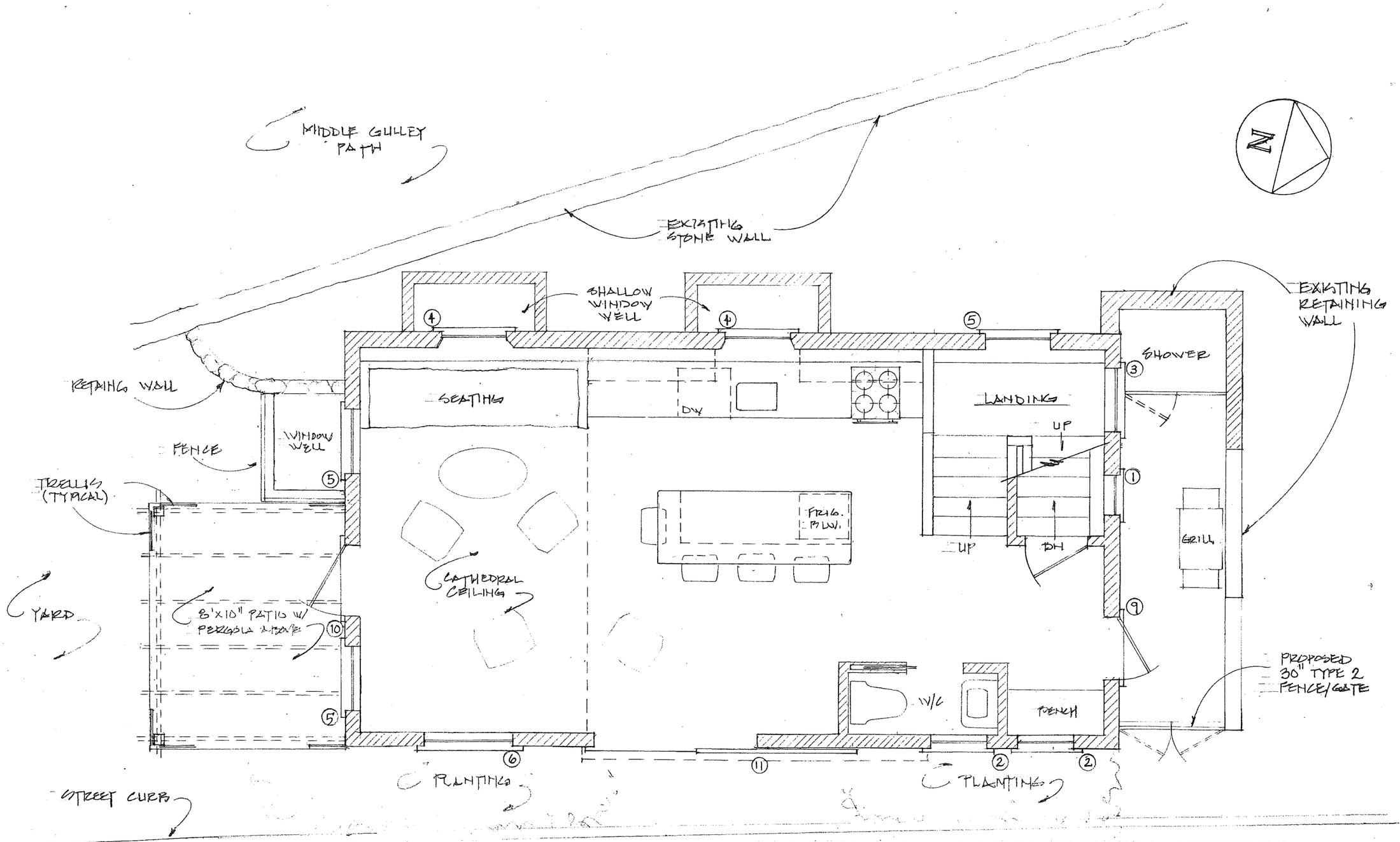
EXISTING
RETAINING
WALL



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

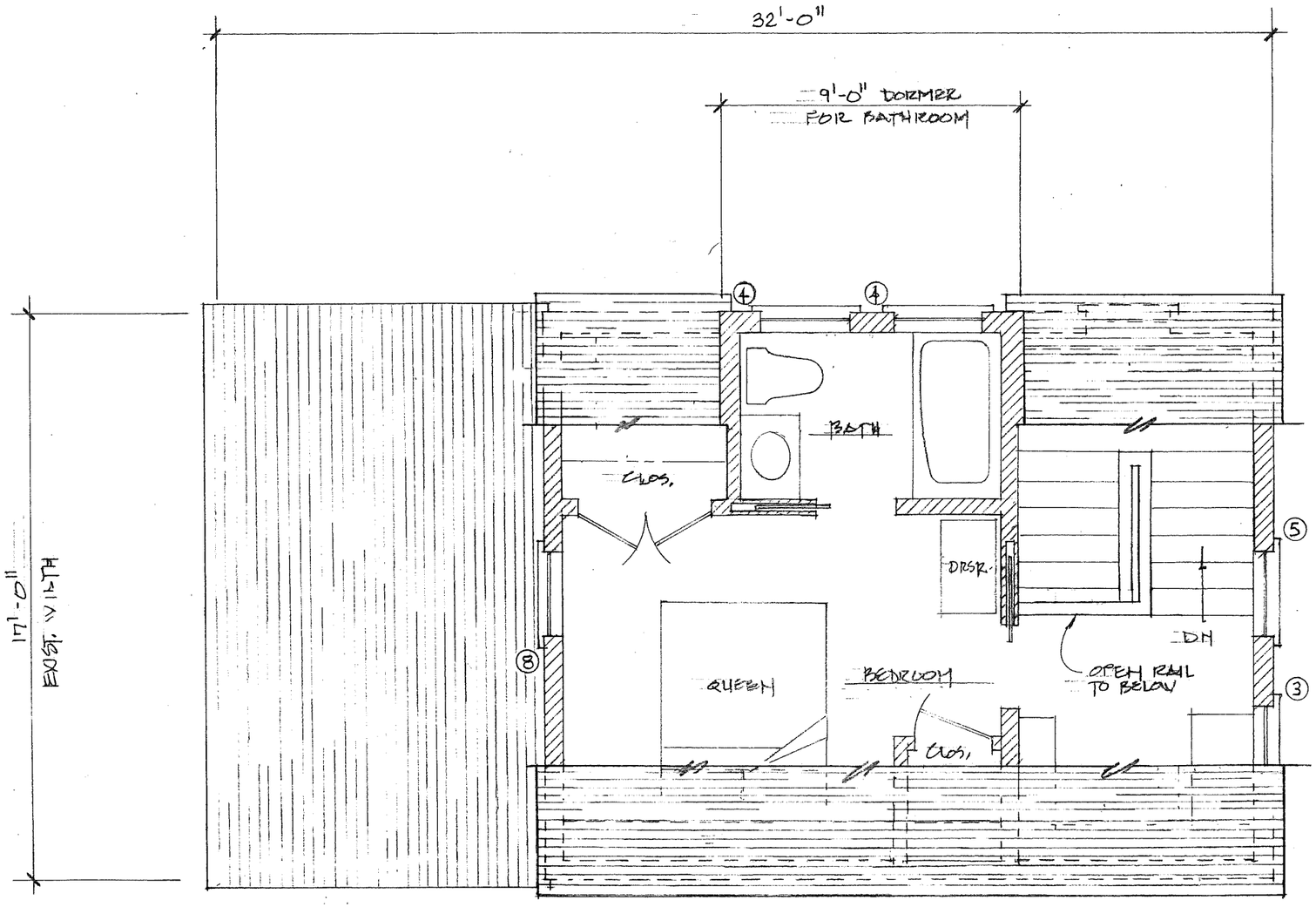
ANGUS MACLEOD DESIGN
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EXCONSET, MA

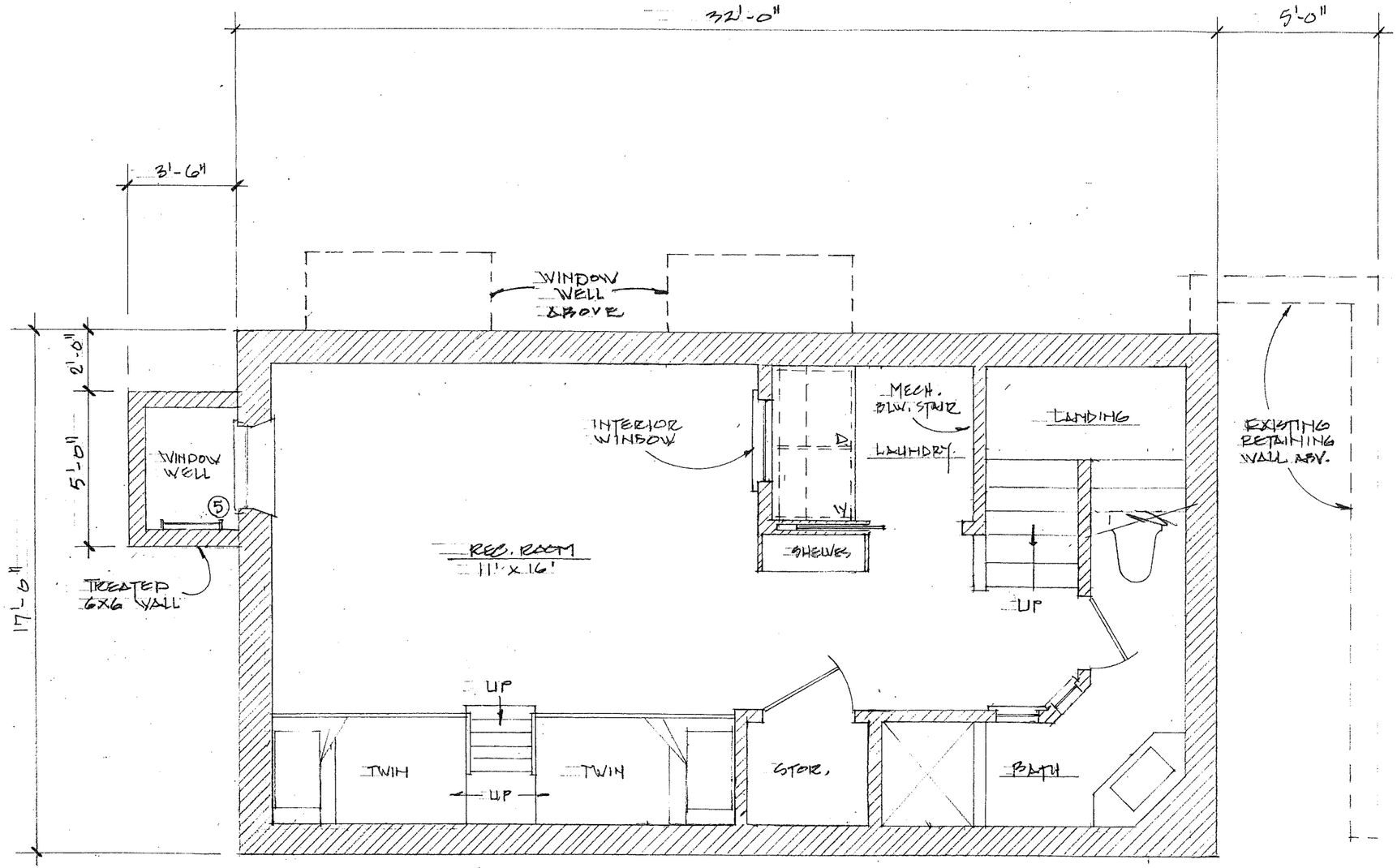
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EXCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA.

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

AMENDOLARE RESIDENCE
8 BANK STREET
EXCONSET, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EXCONSET, MA
(508) 257-6789

August 26, 2022
MGA File No. W0903

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

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

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

As a follow up to our meeting with the ZBA on May 12, 2022, McArdle Gannon Associates, Inc. (MGA) is providing additional information, as requested by members of the ZBA, for their consideration in approval of this project. This additional information includes: a list of abutting neighbors who will be offered pre-construction surveys of their property; a proposed evaluation of the existing stone retaining wall that extends along the western property line/eastern edge of Middle Gully Road; and additional information regarding the installation of the soldier piles for the shoring system (vibrating as opposed to drilling them into position).

Pre-construction Surveys: will be offered to the eight (8) adjacent properties (7 and 11 Front Street; 9, 11, and 13 Broadway; 7 and 11 Bank Street; and 15 Beach Street). Pre-construction surveys will be performed to document the existing conditions (interior and/or exterior) of the accessible portions of nearby structures that may be impacted by installation of the temporary earth support system and basement excavation. Documentation resulting from the surveys will be retained for use in evaluating potential claims (if any) of damage to the identified properties.

Video surveys of the accessible portions of each house or building's interior and/or exterior as well as applicable site features will be conducted. Photographs of applicable property features will also be taken. Digital copies of each survey will be available for download via Dropbox. Property owners that request a copy will be given access to download the digital files for their individual property.

Existing Stone Retaining Wall: Given its location and condition, we propose to investigate the existing stone retaining wall that extends along the western property line and eastern edge of Middle Gully Road. We intend to perform several test pits to evaluate its condition, dimensions, and depth of support. Information gathered from this investigation will be used to develop adequate protection measures (if deemed necessary) before installation of the temporary shoring system.

Soldier Pile Installation Method: The current shoring plans include using a "zero moment" or "non-resonant" vibrating hammer to install the soldier piles from existing grade into their final positions. This type of vibratory hammer is specifically designed for driving piles that are in close distance to urban and historical built environments by eliminating resonance frequencies during start up and shut down.

MGA has been involved in no less than 20 different projects on the island of Nantucket where a "zero moment" hammer was used to install shoring (both soldier and sheet piles) within feet of existing structures without claims of damage. A few examples are listed below with pictures in the attached Photo Log:

- 21 Broad Street Inn
- 25 Broadway
- The Graydon House
- The White Heron Theater
- 11 Lily Street
- 14 North Road
- 41b Cliff Road
- 100 Main Street
- 1 Jefferson Lane
- 130A Main Street
- 40 Jefferson Avenue
- 34 Codfish Park Road
- 25 Broad Street (Book Store)
- 65 N Centre Street
- 1 Lyon Street

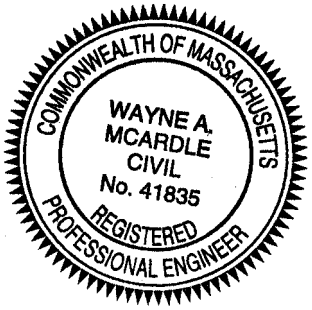
Additionally, there is precedence for this method of installation at a nearby site. 15 Beach Street installed a similar shoring system using a "zero moment" vibratory hammer for a new basement in the spring of 2021 (see photo 7 in the attached Photo Log).

We also believe the concerns raised by the Gardner's consultant (Mueser Rutledge Consulting Engineers) regarding the *"risk of settlement and cracking of the surrounding ground and retaining walls"* due to vibrations from the installation of the soldier piles are overstated.

Please contact me directly with any questions.

MCARDLE GANNON ASSOCIATES, INC.

Wayne A. McArdle, P.E.
Principal



Attachments: Photo Log



Photo #1: Soldier pile and wood lagging, 25 Broad Street Nantucket



Photo #2: Soldier pile installation, 17 Broad Street Nantucket



Photo #3: Soldier pile installation, 11 Lily Street Nantucket



Photo #4: Soldier pile installation, 25 Broadway Nantucket



Photo #5: Soldier pile installation, 100 Main Street Nantucket



Photo #6: Soldier pile installation, 130A Main Street Nantucket



Photo #7: Soldier pile and lagging installation, 15 Beach Street, Nantucket

GEOTECHNICAL ENGINEERING REPORT

PROPOSED RENOVATION
8 BANK STREET
NANTUCKET, MASSACHUSETTS

Prepared for:

Kristina & Nicholas Amendolare
8 Bank Street
Nantucket, Massachusetts

Prepared by:

McArdle Gannon Associates, Inc.
300 Oak Street, Suite 460
Pembroke, Massachusetts



Sherry L. Holmes, P.E.

Wayne A. McArdle, P.E.
Massachusetts Professional Engineer License No: 41835

May 5, 2022
MGA File No: W0903

May 4, 2022
MGA File No. W0903

Kristina & Nicholas Amendolare
8 Bank Street
Nantucket, Massachusetts 02554

RE: Geotechnical Engineering Report – Proposed Renovation – 8 Bank Street, Nantucket, Massachusetts

Kristina & Nicholas:

McArdle Gannon Associates, Inc. (MGA) is pleased to present the results of our geotechnical engineering studies performed for the referenced project. The purpose of our studies was to assess subsurface conditions within/near the footprint of the existing residence and new addition and provide recommendations for site development as they relate to new foundation and basement slab support, underdrainage, and related earthwork construction considerations.

Our geotechnical engineering studies have been performed in accordance with our proposal to you dated February 8, 2022 and are subject to the Statement of Limitations attached as Appendix A.

BACKGROUND

Our understanding of the current project design is based on our discussions with you, our site visits, and a review of the following documents:

- A plan entitled "Site Plan of Land," dated January 20, 2021, by Blackwell & Associates, Inc. (Blackwell),
- A plan entitled "Proposed Conditions Site Plan," dated November 15, 2021, by Blackwell,
- An AutoCAD file "EMAIL_carlson_SP 2021" provided by Balckwell,
- A plan entitled "As-Built Subsurface Sewage Treatment & Disposal System," dated August 14, 2020, by Site Design Engineering, LLC,
- An undated plan entitled "Topographic Section," by Angus Macleod Designs,
- A plan set "8 Bank St Revised 10-26.pdf" by Angus Macleod Designs,
- A soil evaluator test pit log dated January 3, 2018, and
- A plan entitled "Surficial Materials Map of the Siasconset Quadrangle, Massachusetts," by the United States Geological Survey (USGS), dated 2018.

The site is located at 8 Bank Street in the Siasconset area of Nantucket, Massachusetts. A Site Locus is attached as Figure 1. The site is bordered by Bank Street to the east, Beach Street to the south, Middle Gully Road to the west, and a residential property to the north.

The site is developed with an existing 390± square foot (s.f.) 1-story residence. Existing grades within most of the site range from about Elevation 18± to 20± feet, sloping up to the north and west to a high point at Elevation 31± feet at the northwestern corner of the property. An existing rubble retaining wall about 2± to 3± feet high borders the western property line and is the demarcation for the edge of Beach Street and Middle Gully Road.

We understand that the existing residence will razed and a new foundation with a full basement constructed in its place. In addition, a 170± s.f. addition (with basement) will be added to the northern side of the residence. The basement will have a finished floor at Elevation 9± feet, with the bottom of footings at about Elevation 7.7± feet.

The structure will be located about 1.2± to 11± feet from the existing property lines. Due to the proximity of the new basement to the property lines, temporary excavation support will be required for the excavation.

SUBSURFACE EXPLORATIONS

A subsurface exploration program consisting of 2 soil test borings was completed as part of our studies to assess subsurface soil and groundwater conditions at the site with particular emphasis on assessing the quality and thickness of existing fills, the density and drainage characteristics of the natural soils, and depth to groundwater.

Geosearch, Inc. of Sterling, Massachusetts performed two borings (MGA-1 and MGA-2) at the site on April 5, 2022 using an all-terrain vehicle mounted drill rig. The borings were advanced using 4-inch flush jointed casing and drilling mud to a depth of 31± feet below existing ground surface elevations terminating in natural granular soils.

Standard penetration testing (SPT) and split spoon samples were generally obtained continuously in the upper 11± feet and at 5-foot intervals thereafter during advancement of the borings. The testing was performed by driving a standard 2-inch outside diameter split spoon sampler up to 24 inches using a standard 140-pound automatic trip hammer falling 30 inches. The number of hammer blows required to drive the sampler in 6-inch increments (or to refusal) are recorded on the boring logs attached in Appendix B.

The soil samples retrieved in the split spoon sampler during each SPT were visually described in the field by MGA using Burmister soil descriptions. It should be recognized that the inside diameter of the split spoon sampler is 1.4± inches. Therefore, soil samples obtained via Standard Penetration Testing do not account for soil fractions in excess of about 1.4± inches in diameter, which may be present in any given strata.

A 2-inch diameter monitoring well was installed in the completed borehole at boring MGA-1 to measure stabilized groundwater levels.

MGA personnel observed the explorations, visually described the conditions encountered, prepared the logs, and located the explorations in the field by pacing and/or line of sight from the existing site features. Ground surface elevations were estimated from ground surface spot elevations shown on the referenced "Site Plan of Land" by Blackwell and should be considered approximate. The exploration locations are approximately shown on Figure 2.

LABORATORY SOIL TESTING

A laboratory soil testing program consisting of 3 wash sieves and 3 moisture content analyses was performed on selected samples of the existing fill and natural granular soils collected during the exploration phase from borings MGA-1 and MGA-2. The testing was performed to aid in classifying the soil and assess the grain size distribution of the soil which is useful in assessing engineering design parameters and predicting soil behavior. The results of these tests are provided in Appendix C.

SUBSURFACE CONDITIONS

Based on the subsurface conditions observed in the explorations, the vicinity of the proposed residence is underlain by the following geologic units, listed in order of occurrence below existing ground surface:

Topsoil Fill: An approximately 9± inch thick layer of topsoil fill was encountered at the ground surface in boring MGA-1. The topsoil fill generally consists of dark brown, fine to medium sand with about 20 to 35 percent silt and up to 10 percent roots.

Existing Fill: Granular fill was encountered below the topsoil fill in boring MGA-1 and at the ground surface at boring MGA-2. The granular fill was about 4± to 5.7± feet in thickness and generally consists of very loose to loose, brown to light brown, fine to medium/fine to coarse sand with about 5 to 15 percent silt, and 0 to 15 percent fine to coarse gravel.

Refer to Appendix C for a gradation curve of the 1-3/8 inch minus fraction of the existing fill soils collected from boring MGA-1.

Natural Outwash Deposits: Natural outwash deposits (sand) were encountered at depths of 4± to 6.5± feet below existing grades in borings MGA-1 and MGA-2, corresponding to about Elevation 11.5± to 14.5± feet. The outwash deposits generally consist of very loose to medium dense, beige to olive-brown, fine to medium/medium/fine to coarse sand with up to about 10 percent silt and about 0 to 15 percent fine gravel.

The borings terminated in the natural outwash soils at about 31± feet below existing grades.

Refer to Appendix C for gradation curves of the 1-3/8 inch minus fraction of the natural outwash soils collected from borings MGA-1 and MGA-2.

Groundwater: Groundwater levels for our study were recorded in the test borings at the times and under the conditions noted on the logs. A stabilized groundwater reading was obtained in the monitoring well installed in boring MGA-1 at approximately 14.6± feet below existing ground surface on April 5, 2022, corresponding to approximately Elevation 3.4± feet.

Groundwater was not measured in boring MGA-2 due to the addition of water and drilling mud during drilling.

It should be expected that groundwater levels will fluctuate due to variations in temperature, tides, rainfall and other factors. Therefore, groundwater levels during construction and thereafter may be different than those reported herein.

GEOTECHNICAL ENGINEERING CONSIDERATIONS AND RECOMMENDATIONS

Due to the elevation of stabilized groundwater measured at the site (Elevation 3.4± feet in the monitoring well in MGA-1) and the proposed basement slab elevation (Elevation 9± feet), a perimeter foundation underdrain system is recommended to transport groundwater from immediately below the residence and mitigate groundwater buildup beneath the basement slab.

Given the anticipated depth of excavation (about 10± to 15± feet below proposed grades) and the proximity of the property lines and adjacent roadways (Bank Street, Beach Street and Middle Gully Road), a temporary earth support system will be required along the perimeter of the proposed residence to protect adjacent structures against excessive movements caused by the excavation and to control the lateral extent of excavations and the volume of excavated soil.

Our recommendations addressing design and earthwork construction issues are made in the following sections as outlined below:

- Basement Excavation
- Foundations and Allowable Bearing Capacities
- Basement Slab Support
- Groundwater Control
- Buried Foundation/Basement Walls
- Excavation Slopes
- Temporary Excavation Support
- Pre-construction Surveys and Vibration Monitoring
- Geotechnical Instrumentation Monitoring

Basement Excavation

Based on the current design (basement finished floor at about Elevation 9± feet) and the subsurface conditions encountered at the boring locations, excavation for the basement of the proposed residence is anticipated to extend through the surficial existing fill soils and terminate in the natural outwash deposit.

If encountered below basement foundation or slab subgrade elevations, any existing fill soils, existing utilities, or structures should be removed from within the basement limits. Any over excavations associated with their removal (if any) should be backfilled with compacted structural fill as described below. Abandoned utilities located outside the basement footprint described above can be left in place provided the utility ends are capped and grouted in-place to prevent the migration of fines.

Basement excavation should be performed with a smooth edge bucket following installation of the soldier piles (see Temporary Excavation Support) and in concert with the installation of wood lagging as the excavation proceeds downward. Wood lagging should be installed as excavation proceeds with boards placed tightly against each other to mitigate the migration of soil between the boards. The exposed height should not exceed 2 feet unless ground conditions permit otherwise. Voids behind the lagging should be minimized, and backfilled (hand packed) with sand. Once complete, the excavation bottom should be cleaned of loose soil and the lightly compacted with a vibratory plate compactor capable of imparting a dynamic force of at least 6,000 pounds-force (lbf) (Wacker Neuson BPU3050 reversible vibratory plate compactor or equivalent). The basement subgrade should be assessed by MGA during construction.

In the event over-excavation is required, structural fill should be placed in controlled compacted lifts up to the proposed basemen subgrade elevations. Structural fill from on-site or off-site sources should be placed in 12-inch maximum thick lifts and each lift should be compacted to at least 95 percent of the material's maximum dry density as determined by ASTM D-1557 and to a firm and stable condition as assessed by the geotechnical engineer. Fill from off-site sources used within the proposed basement should meet the minimum gradation requirements for structural fill recommended in the attached Table 1.

On-site materials that are potentially reusable as structural fill include the natural outwash soils and other natural nonorganic granular soil deposits provided these soils are maintained at suitable moisture contents for proper compaction and that oversize particles, defined as those greater than 2/3 the loose lift thickness, are removed prior to reuse. Additional testing during construction may be necessary to assess conformance with gradation criteria.

The work described above should be observed by a geotechnical engineer from this office to verify that firm natural ground has been achieved and to verify that footing and slab subgrades are firm, dry and stable prior to the placement of concrete.

Foundations and Allowable Bearing Capacities

Spread footings are recommended for support of the proposed residence provided the preceding recommendations are followed under appropriate geotechnical engineering field observation.

As previously stated, excavation for the basement should be performed with a smooth edge bucket as installation of the wood lagging proceeds. Any existing fill, utilities, or structures (if any) should be removed from beyond the proposed basement limits and properly backfilled with compacted structural fill.

If winter construction is anticipated, attention should be paid to protecting foundation subgrade soils from freezing. This protection should not only be implemented before footings are poured but after as well. During cold weather, do not excavate to full indicated depth unless footings or slabs can be poured immediately after the excavation is finished. Protect footings and slabs from frost penetration into the soils upon which they rest. Insulating blankets should be spread upon the subgrade soils around poured footings until the forms are stripped and backfilling is set to proceed. Backfilling should commence as soon as allowable after forms are removed. The contractor should be made responsible to provide frost protection measures until the building is up and heated.

Footings should also be designed and coordinated with respect to new utilities that will be located within the building footprint. Footings should not be located above any underground utility unless they are designed so as not to overstress the pipes and will not be undermined if a pipe breaks and soil migrates from below the footings into the pipe. Continuous strip footings should be designed to "bridge" over below ground utilities or should be stepped down so pipes pass through the foundation walls. Isolated column footings should either be dropped below the invert of the pipes or be located well away from them.

Provided the recommendations presented herein are followed under appropriate geotechnical engineering observation, a maximum allowable bearing capacity of 1 ton per square foot is recommended for use in the design of new foundations.

Regardless of the recommended allowable bearing capacity, continuous footings should be at least 18 inches wide and column footings (rectangular and/or circular) should be no less than 36 inches wide in the least lateral dimension.

Exterior footings and those located in unheated areas should be located at least 3 feet below finish grade for frost protection. Following the above criteria, total building foundation settlements are not expected to exceed 1 inch with differential settlements expected to be about ½ inch or less.

Basement Slab Support

Slab-on-grade construction is recommended for the proposed basement slab provided the proposed building area is prepared as discussed above. The basement slab should bear on a 12-inch minimum thick layer of compacted ¾ inch "clean" crushed stone placed directly below the proposed slab. Three-quarter inch crushed stone should meet the recommended gradation requirements shown in Table 1.

Groundwater Control

Basement Foundation Drain

Due to the elevation of stabilized groundwater measured at the site (Elevation 3.4± feet in the monitoring well in MGA-1) and the proposed basement slab elevation (Elevation 9± feet), a basement foundation drain is recommended to transport groundwater from immediately below the residence and mitigate groundwater buildup beneath the basement slab (if any).

The basement foundation drain should consist of a four-inch minimum diameter perforated PVC pipe located on the interior side of the basement footing constructed as shown schematically in Figure 3. The perimeter drain should be surrounded in at least four inches of ¾ crushed stone, wrapped in a geotextile filter fabric and be laid flat at an invert elevation at least 8 inches below the underside of the basement floor slab.

The basement foundation drain should outlet to its own dedicated, independent structures (manholes/collection pits and drain lines) to transport groundwater away from the basement area and daylight to a reliable source that will not flood or back-up into the basement.

Manholes/collection pits located along the exterior/interior of the residence should be equipped with an electrical sump pump along with a backup pump connected to a generator and backup generator if deemed necessary by the owner. The sump pumps should incorporate a backflow preventer and sized to handle a peak flow of 20 gallons per minute.

As a further measure to control water, ground surfaces immediately around the building should be covered with loam, asphalt or concrete and should be sloping downward away from the structure. Downspouts and surface runoff should be diverted away from the building preferably toward storm drains.

Dewatering

We anticipate that the basement excavation will be above groundwater levels at the site. However, dewatering may be required to control perched groundwater or after precipitation events. If required, we recommend that groundwater be drawn down at least to the base of the excavation to provide dry working conditions and to help minimize instability of the excavation bottom.

We anticipate groundwater control (if required) may be accomplished using open pits and sumps. The Contractor should be solely responsible for the design, construction, and performance of dewatering systems.

Discharge of pumped water is subject to local, state and federal regulations. The contractor should conduct dewatering and discharge water in accordance with all applicable regulations. The contractor should implement temporary surface water runoff control measures during construction. Temporary measures should include, but are not necessarily limited to, the use of small earth berms or construction of a drainage ditch adjacent to the top of proposed excavations to divert and/or reduce the amount of surface water flowing over exposed slopes and into excavations during construction.

Buried Foundation/Basement Walls

Foundation walls with unbalanced loading should be designed to resist lateral earth pressures. For foundation walls (rigid walls, at-rest pressures) use an equivalent fluid pressure of 60 pounds per cubic foot (pcf) times the height of the walls. This value is conditioned upon the walls being provided with positive drainage to prevent hydrostatic pressures from acting on the walls.

The following coefficients of friction to resist sliding between mass concrete and various bearing materials are recommended:

Bearing Material	Recommended Sliding Coefficient
Crushed Stone	0.6
Natural Undisturbed Outwash Soils	0.35

The minimum factors of safety for sliding and overturning under static loads should be 1.5 and 2 respectively. Passive pressure at the toe of the walls should not be included as a resisting force when analyzing for overturning and sliding.

Excavation Slopes

The Owner and the Contractor should be aware of and become familiar with applicable local, state, and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards. Construction site safety generally is the sole responsibility of the Contractor, who shall also be solely responsible for the means, methods, and sequencing of construction operations. We are providing this information solely as a service to our client. Under no circumstances should the information provided below be interpreted to mean that MGA is assuming responsibility for construction site safety or the Contractor's activities; such responsibility is not being implied and should not be inferred.

The Contractor should be aware that slope height, slope inclination, or excavation depths (including utility trench excavations) should in no case exceed those specified in local, state, or federal safety regulations, e.g., OSHA Health and Safety Standards for Excavations, 29 CFR Part 1926, or successor regulations. Such regulations are strictly enforced and, if they are not

followed, the Owner, Contractor, and/or earthwork and utility subcontractors could be liable for substantial penalties.

For this Site, the existing fill and natural granular soils encountered in our exploratory investigation in the absence of groundwater are considered to be Type C soils when applying the OSHA regulations. OSHA recommends a maximum slope inclination of 1-½ horizontal to 1 vertical for Type C soils. Our preliminary soil classification is based solely on the materials encountered in widely spaced subsurface explorations. The Contractor should verify that similar conditions exist throughout the proposed areas of excavations. If different subsurface conditions are encountered at the time of construction, we recommend that we be contacted immediately to evaluate the conditions encountered.

Temporary Excavation Support

A temporary excavation support system will be required along the perimeter of the basement to protect adjacent structures/roadways against excessive movements caused by the excavation and to control the lateral extent of excavations and the volume of excavated soil.

In addition to consideration of the above factors, the types of excavation support system suitable for a particular project depends on the local subsurface soil conditions, the depth and width of the excavation, and the compatibility of the support system with the other construction requirements.

Given the depth of excavation (anticipated up to 10± to 13.3± feet below the cleared and regraded site) and the preference to install as few support members as necessary, we recommend soldier pile and lagging for temporary excavation support during construction. Based on information provided to us, the proposed basement is off-set about 1.2± to 11± feet from the property lines, which is generally sufficient to account for the depth of the soldier piles, installation tolerance, and potential deflection of the excavation support system for use with single-sided-forms. Waterproofing should be placed directly against the excavation support members and should consist of a self-adhering, continuous membrane type waterproofing, such as Pre-Prufe by Grace Companies. MGA is in the process of designing the support system and will provide design plans with additional details.

Driven soldier piles will generate ground vibrations and noise, which are anticipated to be distinctly perceptible to the adjacent properties. To mitigate the magnitude of vibrations generated by driven soldier piles, soldier piles should be installed using a resonance free vibratory hammer to limit vibrations induced during installation (start up and shut down) or installed in pre-drilled holes.

Wood lagging should consist of 3-inch minimum pressure treated construction grade timber. Lagging should be installed as excavation proceeds with boards placed tightly against each other to mitigate the migration of soil between the boards; the exposed height should not exceed 2 feet unless ground conditions permit otherwise. Voids behind the lagging should be minimized, and backfilled (hand packed) with sand.

The Contractor shall install and maintain the excavation support system in accordance with the design drawings, and in such a manner as to prevent movement, settlement, or loss of ground, removal of fines from the adjacent ground, and damage to or movement of adjacent structures and utilities. The Contractor shall make necessary provisions to prevent damage to roadways, utilities or other structures due to settlement caused by vibrations or movement of the excavation support system.

Pre-construction Surveys and Vibration Monitoring

In consideration of the urban environment of the project and the depth and lateral extent of excavation associated with the proposed construction, we feel it would be prudent to implement a geotechnical documentation and monitoring program prior to and during construction. The purpose of the program would be to monitor and document the following:

- The conditions of the adjacent buildings and appurtenant structures prior to construction to document existing conditions, and
- Vibrations caused by soldier pile installation and other construction activities.

Pre-construction surveys of the eight (8) adjacent properties (7 and 11 Front Street; 9, 11, and 13 Broadway; 7 and 11 Bank Street; and 15 Beach Street and any appurtenant structures) are recommended to document existing conditions prior to significant construction at the site. These surveys should be performed prior to demolition of the existing structures, installation of the soldier piles or significant earthwork at the site to document the existing conditions (interior and/or exterior) of the accessible portions of the structures that may be impacted by the construction activities (if any). Documentation resulting from the surveys would be retained for use in defending potential claims of damage to the identified properties.

Ground vibrations will be produced during demolition and soldier pile installation (if not pre-drilled). The magnitude of these vibrations typically decreases with increasing distance from the vibration source. Impacts from these vibrations are not anticipated to include damage to adjacent structures; however, the magnitude of vibrations is anticipated to be of sufficient magnitude to be noticed by abutters.

Vibrations should be monitored during the construction period. To limit impacts to adjacent structures, we recommend the following preliminary vibration threshold limits:

- A maximum peak particle velocity of two inches per second (2.0 ips) for vibrations with a frequency above 40 cycles per second (40 Hz),
- 1.5 ips for vibrations with a frequency between 30 Hz and 40 Hz,
- 1.0 ips for vibrations with a frequency between 20 Hz and 30 Hz, and
- 0.5 ips for vibrations with a frequency below 20 Hz.

MGA can provide additional detailed recommendations regarding the locations and the number of seismographs as the project moves forward.

Geotechnical Instrumentation Monitoring

Installation of the temporary excavation support, and subsequent excavation for the construction of foundations must be performed in a manner which protects all nearby facilities. We recommend a coordinated geotechnical instrumentation monitoring program be implemented prior to and during construction. The purpose of the instrumentation program would be to monitor and document the following:

- Effect of excavation support system installation, excavation and related activities on movements of existing adjacent structures (including the existing retaining wall at 9 Front Street) and the ground outside the excavation, and
- Performance of the excavation support systems

To monitor vertical and horizontal deformation of identified existing structures and the temporary excavation system, surface monitoring points (SMPs) should be installed at the top of the temporary excavation support system, on the existing retaining wall of 9 Front Street (if amenable to the owners) and at 15 Beach Street (if amenable to the owners). The SMPs should be located such that daily construction activities will not inhibit the contractor/surveyor from obtaining readings at any time during construction. Monitoring points may consist of PK nails or fixed points on the structures and should be established by a registered land surveyor. Readings should be provided to the geotechnical consultant (in real time) for review.

Monitoring points at existing structures (if any) should be installed prior to significant construction operations at the site so that pre-construction baseline data can be established for comparison with construction, and post-construction data. Monitoring points at the temporary excavation support system should be installed immediately after the system has been installed, but prior to excavation for the basement. Readings should be accurate to within ¼ of an inch (vertical or horizontal).

Survey measurements on the SMP's should be made at the following intervals:

- Baseline: Prior to significant construction,
- During Construction: Upon completion site demolition activities, completion of soldier pile installation then once weekly,
- Post Construction: Upon completion of construction.

MGA can develop additional recommendations regarding locations and types of instrumentation, as well as movement threshold values as the projects moves forward.

CONSTRUCTION OBSERVATION AND REVIEW

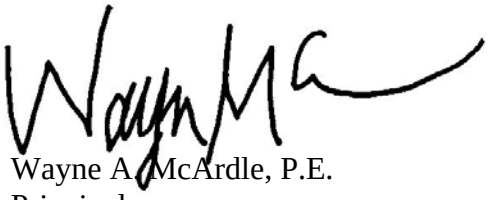
MGA should be retained to perform on-site construction observation services during foundation excavations. The purpose of our services is to assess the contractor's compliance with the project plans as well as our recommendations included in this report. Our on-site presence will allow us the opportunity to provide geotechnical engineering input on a timely basis if encountered subsurface conditions differ from those reported herein.

We also respectfully request the opportunity to review final site and foundation plans to see that our recommendations have been properly interpreted and included.

We appreciate the opportunity to assist you on this project and look forward to providing construction services as the project moves forward. Please feel free to contact us should you have any questions regarding this report or require additional information.

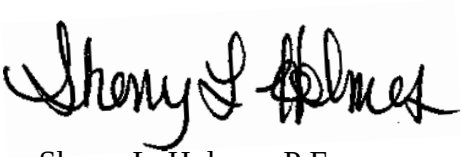
Very truly yours,

MCARDLE GANNON ASSOCIATES, INC.



Wayne A. McArdle, P.E.
Principal



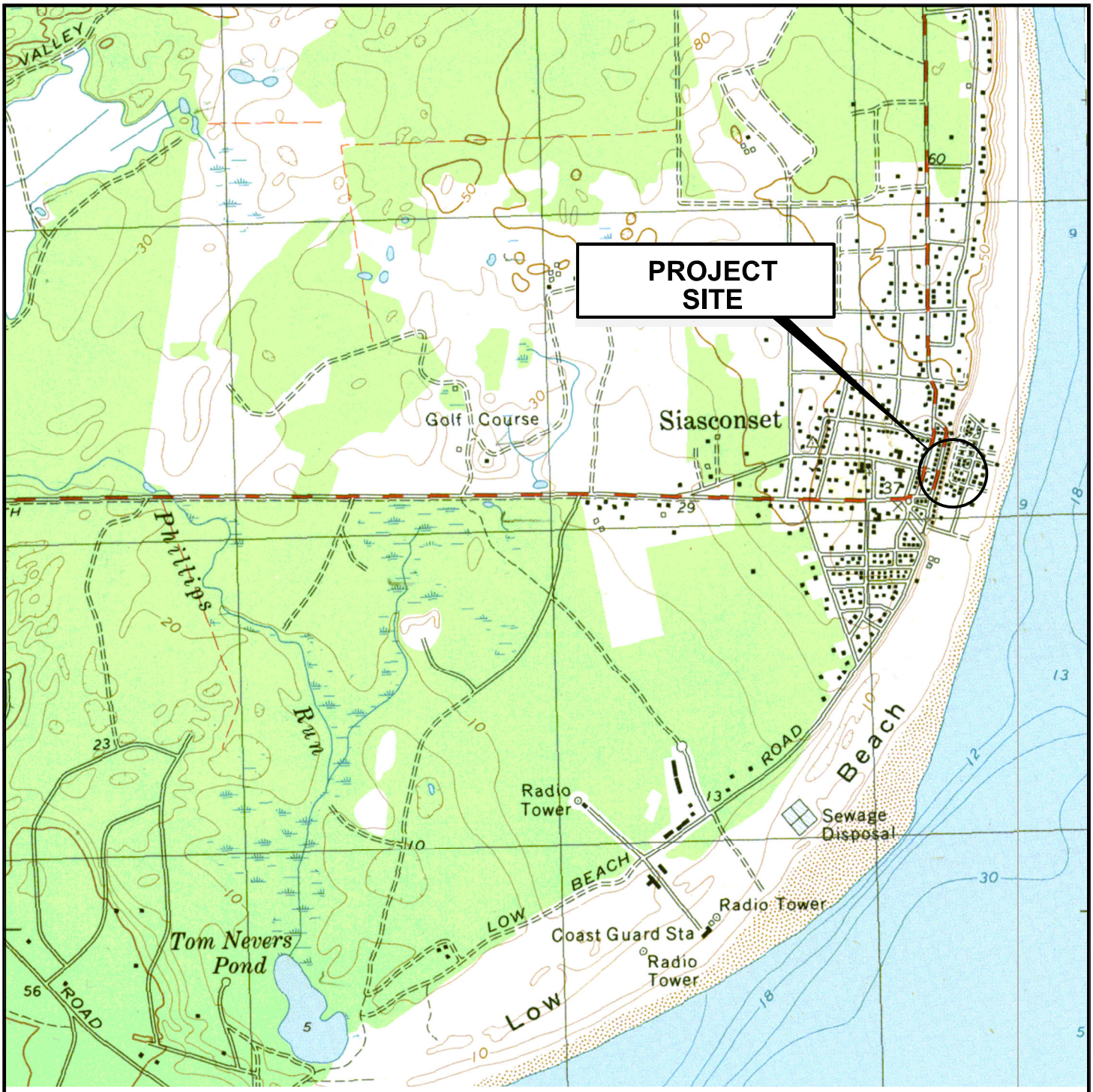


Sherry L. Holmes, P.E.
Geotechnical Engineer

WAM/slh

Attachments: Figure 1 – Site Locus
Figure 2 – Exploration Location Plan
Figure 3 – Basement Perimeter Foundation Drain
Table 1 – Recommend Use and Gradation Criteria for Fill Material
Appendix A – Statement of Limitations
Appendix B – Soil Test Boring Logs
Appendix C – Geotechnical Laboratory Test Results

FIGURES



SCALE: 1"=1500'

0 750 1500 3000 FEET

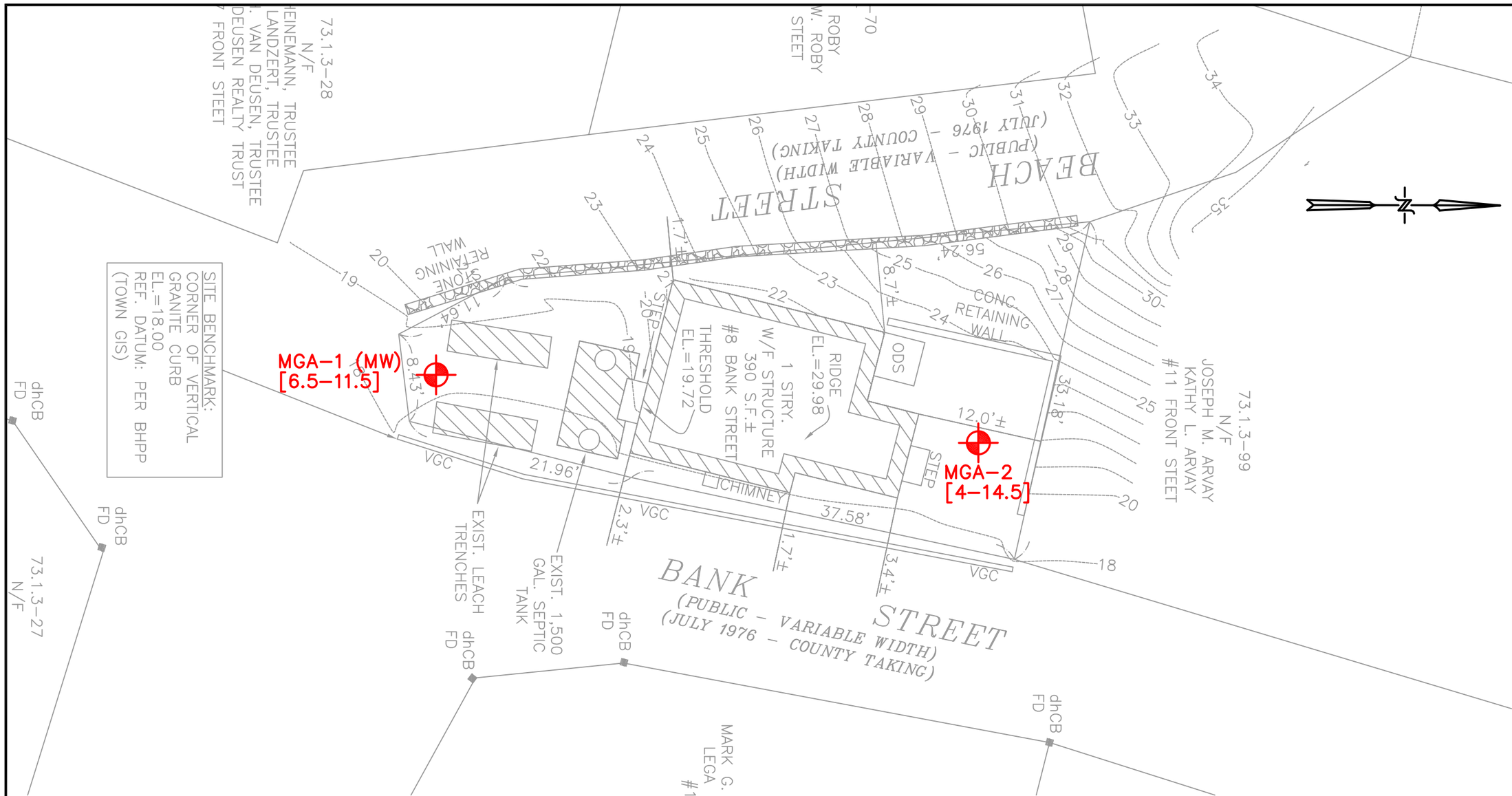
McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
781.735.0418 fax

LOCUS PLAN
PROPOSED RENOVATION
8 BANK STREET
NANTUCKET, MASSACHUSETTS

PROJECT: W0903 | DATE: 05/2022 | SCALE: AS NOTED

SKETCH NO.:
FIG. No. 1

DRAWN: SLH
CHECKED: WAM



LEGEND:

⊕	TEST BORINGS PERFORMED BY GEOSEARCH, INC. OF STERLING, MASSACHUSETTS ON APRIL 5, 2022.
[6.5–11.5]	INDICATES APPROXIMATE DEPTH–ELEVATION (IN FEET) OF BOTTOM OF EXISTING FILL AT BORING LOCATION.
(MW)	INDICATES GROUNDWATER MONITORING WELL INSTALLED AT BORING LOCATION.

SITE BENCHMARK:
CORNER OF VERTICAL GRANITE CURB
EL.=18.00
REF. DATUM: PER BHPP (TOWN GIS)

NOTES:

1. BASE PLAN DEVELOPED FROM AUTOCAD FILE "2013_EMAIL TOPO_2021" RECEIVED APRIL 25 2022, BY BLACKWELL & ASSOCIATES, INC.
2. TEST BORING LOCATIONS SHOWN WERE DETERMINED BY PACING AND LINE OF SIGHT FROM EXISTING SITE FEATURES. THEIR LOCATIONS ARE APPROXIMATE.
3. MGA OBSERVED AND LOGGED THE TEST BORINGS SHOWN.

SCALE: 1"=10'

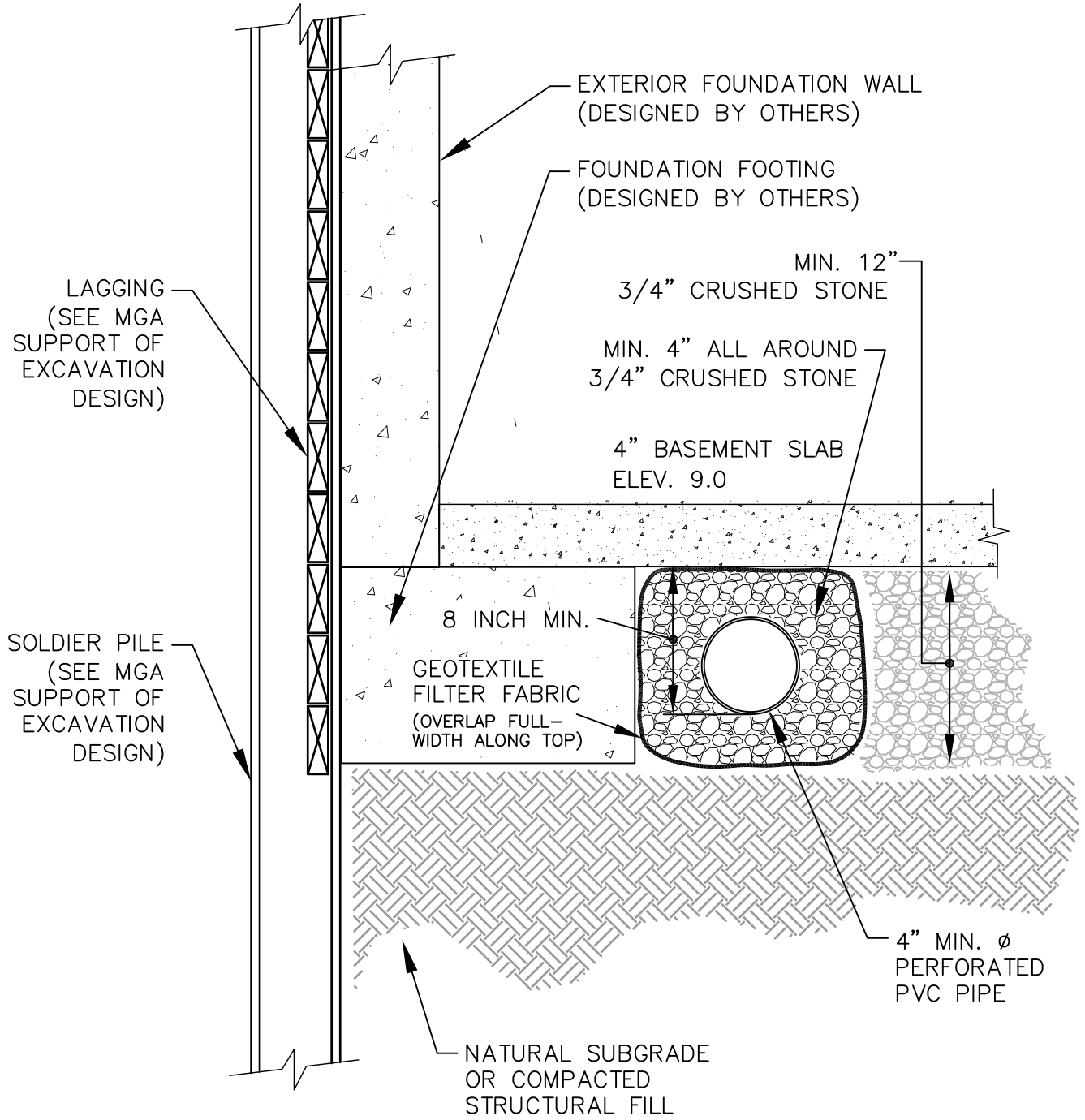
0 5 10 20

EXPLORATION LOCATION PLAN

PROPOSED RENOVATION
8 BANK STREET, NANTUCKET, MASSACHUSETTS

SKETCH NO.: FIG. No. 2
DRAWN: WAM
CHECKED: SLH
DATE: 05/2022
SCALE: AS NOTED
PROJECT: W0903

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PERIMETER DRAIN SCHEMATIC
PROPOSED RENOVATION

8 BANK STREET
NANTUCKET, MASSACHUSETTS

PROJECT: W0903 | DATE: 05/2022 | SCALE: N.T.S.

SKETCH NO.:
FIG. No. 3

DRAWN: WAM
CHECKED: SLH

TABLE

TABLE 1

RECOMMENDED USE AND GRADATION CRITERIA FOR FILL MATERIALS

USE OF MATERIALS

Off-site Structural Fill:	Backfill inside building area below base course and free draining backfill behind foundation walls and above underdrains
Crushed Stone:	Base course and as working mat in areas of sensitive subgrade

GRADATION REQUIREMENTS

OFF-SITE STRUCTURAL FILL – shall be free from ice and snow, roots, sod, rubbish and other deleterious or organic matter. Structural Fill shall conform to the following gradation requirements:

Sieve Size	Percent Passing by Weight
*	100
No. 10	30 – 95
No. 40	10 – 70
No. 200	0 – 12**

*Two thirds (2/3) of the loose lift thickness.
**0 – 8 for free-draining fill behind foundation/retaining walls and above underdrains.

CRUSHED STONE – shall consist of durable crushed rock or durable crushed gravel stone and shall be free from ice and snow, roots, sod, rubbish and other deleterious or organic matter. Crushed Stone shall conform to the following gradation requirements:

Sieve Size	Percent Passing by Weight
1 inch	100
¾ inch	90-100
½ inch	10-50
3/8 inch	0 – 20
No. 4	0 – 5

APPENDIX A: STATEMENT OF LIMITATIONS

STATEMENT OF LIMITATIONS

Explorations

The analysis and recommendations submitted in this report are based in part upon the data obtained from subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction. If variations then appear evident, it will be necessary to re-evaluate the recommendations of this report.

The stratification lines on the logs represent the approximate boundary between soil types and the transition may be gradual.

Water level readings have been made in the explorations at the time and under the conditions stated on the logs. This data has been reviewed and interpretations made in the text of this report. However, it must be noted that fluctuations in the level of the groundwater may occur due to variations in rainfall, temperature, and other factors that are different from the time the measurements were made.

Review

In the event that any change in the nature, design or location of the proposed structure are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report modified or verified in writing.

It is recommended that this firm be provided the opportunity for a general review of final design and specifications in order that earthwork recommendations may be properly interpreted and implemented in the design and specifications.

Construction

It is recommended that this firm be retained to provide soil engineering services during the construction phase of the work. This is to observe compliance with design concepts, specifications, and recommendations and to allow design changes in the event that subsurface conditions differ from those anticipated prior to start of construction.

Use of Report

This report has been prepared for the exclusive use of Kristina & Nicholas Amendolare for specific application to the Proposed Renovation at 8 Bank Street in Nantucket, Massachusetts, in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made.

APPENDIX B: TEST BORING LOGS

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-1 (MW)

PROJECT: Proposed Renovation - 8 Bank Street, Nantucket, MA
CLIENT: Kristina & Nicholas Amendolare
CONTRACTOR: Geosearch

MGA NO. : W0903
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 18'±
DATE START : 04/05/2022
END : 04/05/2022
DRILLER : Pat McClenahan
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	HW	Split Spoon	----
4/5/22	2:00pm	14.6	MW		Size I.D.	4"	1-3/8"	----
					Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS	Well Schematic
							18.0		
0		PUSH	1	S-1	0.0	15	0.0	Top 9": Dark brown, fine to medium SAND, some Silt, trace Roots.	
		PUSH	1 1 1		2.0		17.3	-TOPSOIL FILL-	
		PUSH	1	S-2	2.0	16	0.8	Bottom 6": Brown to light brown, fine to medium SAND, trace Silt.	
		PUSH	1/12" 1		4.0			Very loose, brown to light brown, fine to medium SAND, trace Silt.	
4		PUSH	2	S-3	4.0	12		Loose, brown, fine to medium SAND, trace Silt, trace (-) fine Gravel.	
		PUSH	2 3 5		6.0			-FILL-	
		PUSH	4	S-4	6.0	6	11.5	Brown, moist, fine to medium SAND, trace (+) Silt.	
			3	S-4A	6.5	16	6.5	Loose, beige, moist, medium SAND, trace (-) Silt.	
8		10	3 2		6.5				
		13			8.0				
		10	1	S-5	9.0	6		Very loose, beige, wet, fine to coarse SAND, trace (-) Silt.	
		14	2 1 2		11.0				
12		20						-SAND-	
		24							
		27							
		14	4	S-6	14.0	14		Medium dense, olive-brown, fine to coarse SAND, trace (+) Silt.	
		18	5 6 6		16.0				
16		29							
		33							
		32							
		13	3	S-7	19.0	8		Very loose to loose, beige, fine to coarse SAND, trace fine Gravel, trace (-) Silt.	
20		18	3 1		21.0				

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION
- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- W - Wash Sample

SUMMARY
Overburden:
Rock:
Samples:

BORING MGA-1 (MW)

300 Oak Street, Suite 460 Pembroke, MA 02359 | Telephone 781.826.0040 | Fax 781.735.0418 | mcardlegannon.com

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-1 (MW)

PROJECT: Proposed Renovation - 8 Bank Street, Nantucket, MA
CLIENT: Kristina & Nicholas Amendolare

MGA NO. : W0903
SHEET NO. : 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS	Well Schematic
			2						
		22							
		27							
		30							
24		20	3	S-8	24.0	12		Loose, beige, fine to coarse SAND, trace fine Gravel, trace Silt.	
		18	3 3 2		26.0				
		21							
		28						-SAND-	
28		35							
			4	S-9	29.0	12		Loose, beige, fine to coarse SAND, trace fine Gravel, trace Silt.	
			3 3 4		31.0		-13.0 31.0	BOTTOM OF BORING AT 31 FEET	
32									
36									
40									
44									
48									

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION

- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- W - Wash Sample

SUMMARY

Overburden:
Rock:
Samples:

BORING MGA-1 (MW)

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McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-2

PROJECT: Proposed Renovation - 8 Bank Street, Nantucket, MA
CLIENT: Kristina & Nicholas Amendolare
CONTRACTOR: Geosearch

MGA NO. : W0903
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 18.5'±
DATE START : 04/05/2022
END : 04/05/2022
DRILLER : Pat McClenahan
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	HW	Split Spoon	----
					Size I.D.	4"	1-3/8"	----
					Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
0		PUSH	1	S-1	0.0	12		Loose, brown, fine to coarse SAND, little (-) Silt.
		PUSH	3 3 3		2.0			-FILL-
		PUSH	1	S-2	2.0	9		Very loose, brown, fine to coarse SAND, little (-) fine to coarse Gravel, trace Silt.
4		PUSH	2 1 1		4.0		14.5	
		PUSH	3	S-3	4.0	12	4.0	Loose, beige, fine to coarse SAND, trace fine Gravel, trace (-) Silt.
		PUSH	2 4 4		6.0			
		10	3	S-4	6.0	14		Very loose to loose, beige, fine to coarse SAND, trace (-) fine Gravel, trace (-) Silt.
8		14	2 2 3		8.0			
		14						
		15	4	S-5	9.0	12		Loose to medium dense, beige to olive-brown, fine to medium SAND, trace (+) Silt.
		23	5 5 5		11.0			
12		32						-SAND-
		36						
		33						
		12	3	S-6	14.0	14		Loose, beige, fine to coarse SAND, little fine Gravel, trace (-) Silt.
		18	3 2 3		16.0			
16		31						
		31						
		27						
		16	2	S-7	19.0	9		Very loose to loose, beige, fine to coarse SAND, little (-) fine Gravel, trace Silt.
20		24	2 2 2		21.0			
		33						
		33						

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION
- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- B - Bulk/Grab Sample

SUMMARY
Station:
Rock:
Samples:

BORING MGA-2

300 Oak Street, Suite 460 Pembroke, MA 02359 | Telephone 781.826.0040 | Fax 781.735.0418 | mcardlegannon.com

McArdle Gannon Associates, Inc. Engineers & Consultants	TEST BORING LOG	BORING MGA-2
PROJECT: Proposed Renovation - 8 Bank Street, Nantucket, MA **CLIENT:** Kristina & Nicholas Amendolare		**MGA NO. :** W0903 **SHEET NO. :** 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
		39						
24		14	3 4	S-8	24.0 26.0	12		Loose, beige, fine to coarse SAND, trace (+) fine Gravel, trace (-) Silt.
		17	3 3					
		27						-SAND-
28		36						
		38						
			4 5	S-9	29.0 31.0	12		Medium dense, beige, fine to coarse SAND, trace (+) fine Gravel, trace Silt.
			6 6				-12.5 31.0	BOTTOM OF BORING AT 31 FEET
32								
36								
40								
44								
48								

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION

- S - Split Spoon
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SUMMARY

Station:
Rock:
Samples:

BORING MGA-2

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KEY TO SYMBOLS

Symbol	Description
Strata symbols	
	Topsoil Fill
	Fill
	Sand
Soil Samplers	
	Split Spoon
Monitor Well Details	
	pipe riser
	assorted cuttings
	bentonite pellets
	silica sand, blank PVC
	slotted pipe w/ sand
	end of well installation

Notes:

1. Geosearch of Sterling, Massachusetts performed the test borings on April 5, 2022 using an all-terrain vehicle (ATV) mounted drill rig equipped with a 140-pound automatic trip hammer. Borings were advanced using flush jointed casing and drilling mud.

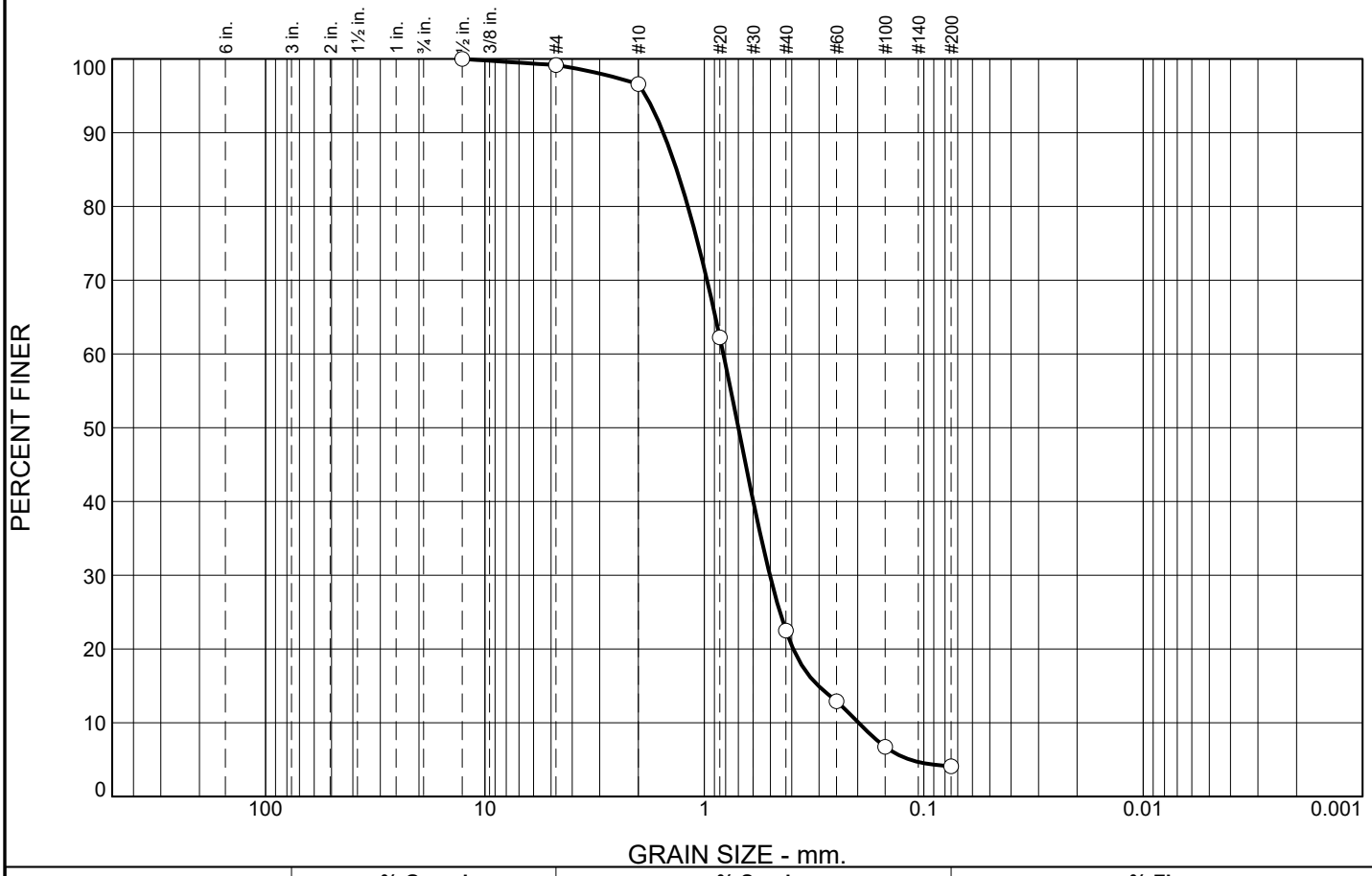
2. Test boring elevations were estimated from spot elevations shown on a plan entitled "Site Plan of Land," by Blackwell & Associates, Inc., dated January 20, 2021. Elevations are approximate.

3. MGA observed and logged the test borings.

4. Groundwater was not measured in boring MGA-2 due to the addition of water and drilling mud during advancement.

APPENDIX C: GEOTECHNICAL LABORATORY TEST RESULTS

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.8	2.6	74.1	18.4	4.1	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1/2	100.0		
#4	99.2		
#10	96.6		
#20	62.3		
#40	22.5		
#60	12.9		
#100	6.7		
#200	4.1		

* (no specification provided)

Soil Description

Brown, fine to medium SAND, trace Silt, trace (-) fine Gravel.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.5381 D_{85}= 1.3377 D_{60}= 0.8193
D_{50}= 0.7002 D_{30}= 0.5026 D_{15}= 0.3022
D_{10}= 0.1981 C_u= 4.14 C_c= 1.56

Classification

USCS= SP AASHTO=

Remarks

Existing Fill
Water Content: 5.7%

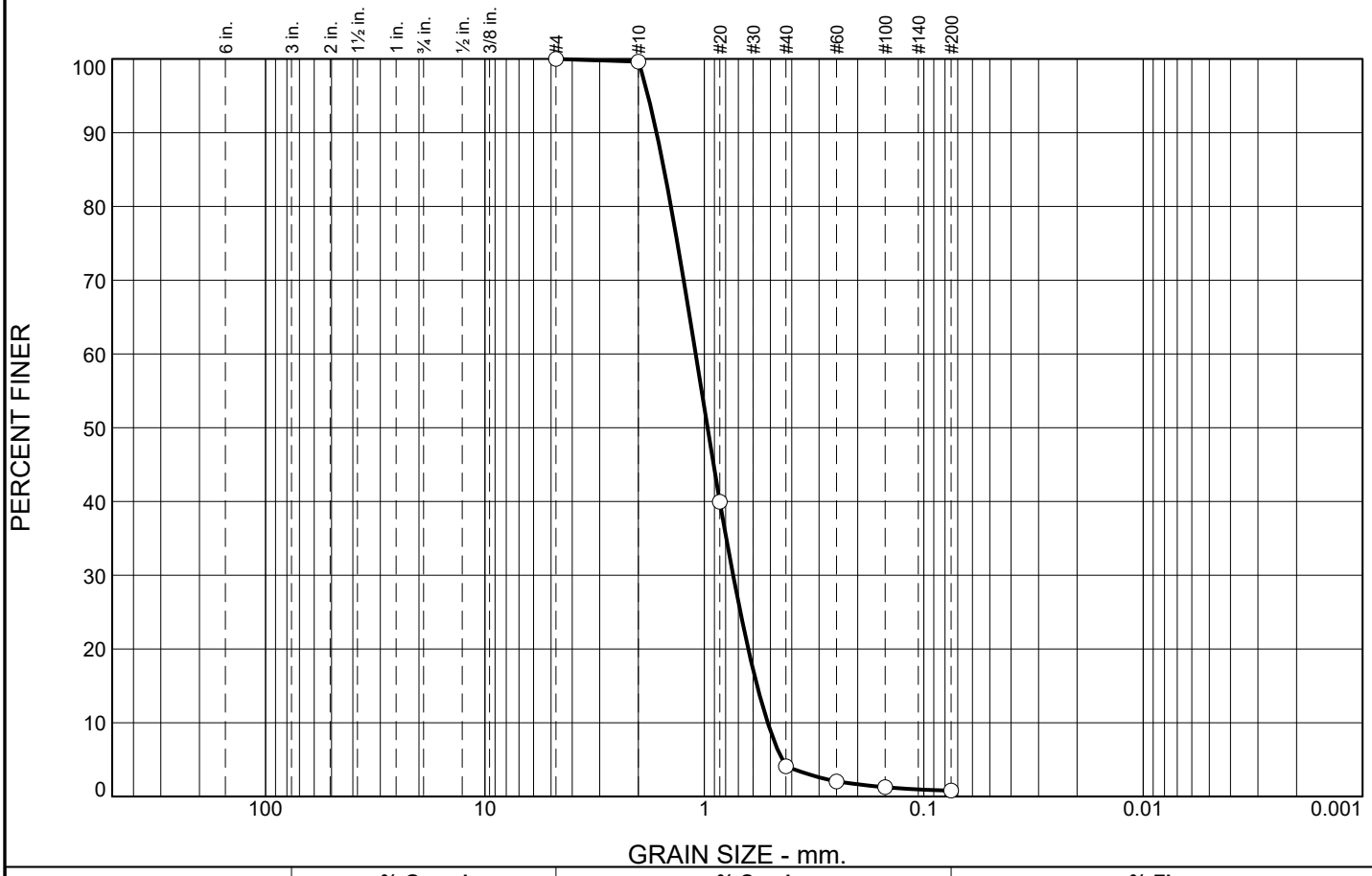
Source of Sample: MGA-1 **Depth:** 4-6'
Sample Number: S-3

Date: 04/09/2022

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Kristina & Nicholas Amendolare
Project: Proposed Renovation
8 Bank Street, Nantucket, Massachusetts
Project No: W0903 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.0	0.4	95.5	3.3	0.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.6		
#20	40.0		
#40	4.1		
#60	2.0		
#100	1.3		
#200	0.8		

* (no specification provided)

Soil Description

Beige, medium SAND, trace (-) Silt.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.6501 D_{85}= 1.5255 D_{60}= 1.0958
D_{50}= 0.9674 D_{30}= 0.7398 D_{15}= 0.5744
D_{10}= 0.5142 C_u= 2.13 C_c= 0.97

Classification

USCS= SP AASHTO=

Remarks

Natural Outwash Soils
Water Content: 4.4%

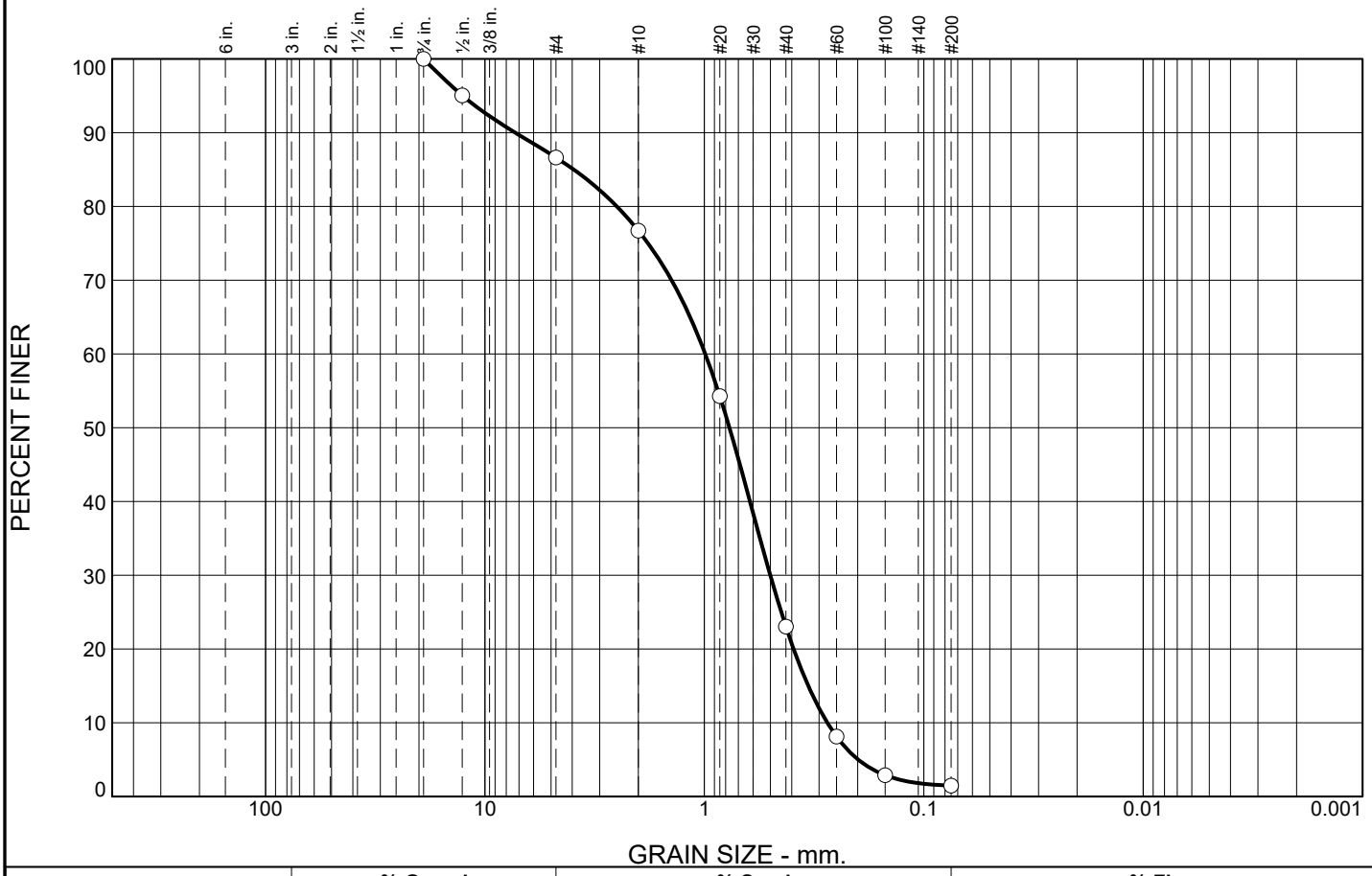
Source of Sample: MGA-1 **Depth:** 6.5-8'
Sample Number: S-4A

Date: 04/09/2022

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Kristina & Nicholas Amendolare
Project: Proposed Renovation
8 Bank Street, Nantucket, Massachusetts
Project No: W0903 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	13.4	9.9	53.7	21.5	1.5	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
3/4	100.0		
1/2	95.1		
#4	86.6		
#10	76.7		
#20	54.3		
#40	23.0		
#60	8.1		
#100	2.9		
#200	1.5		

* (no specification provided)

Soil Description

Beige, fine to coarse SAND, little fine Gravel, trace (-) Silt.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 7.2684 D_{85}= 3.9389 D_{60}= 0.9908
D_{50}= 0.7685 D_{30}= 0.5005 D_{15}= 0.3360
D_{10}= 0.2753 C_u= 3.60 C_c= 0.92

Classification

USCS= SP AASHTO=

Remarks

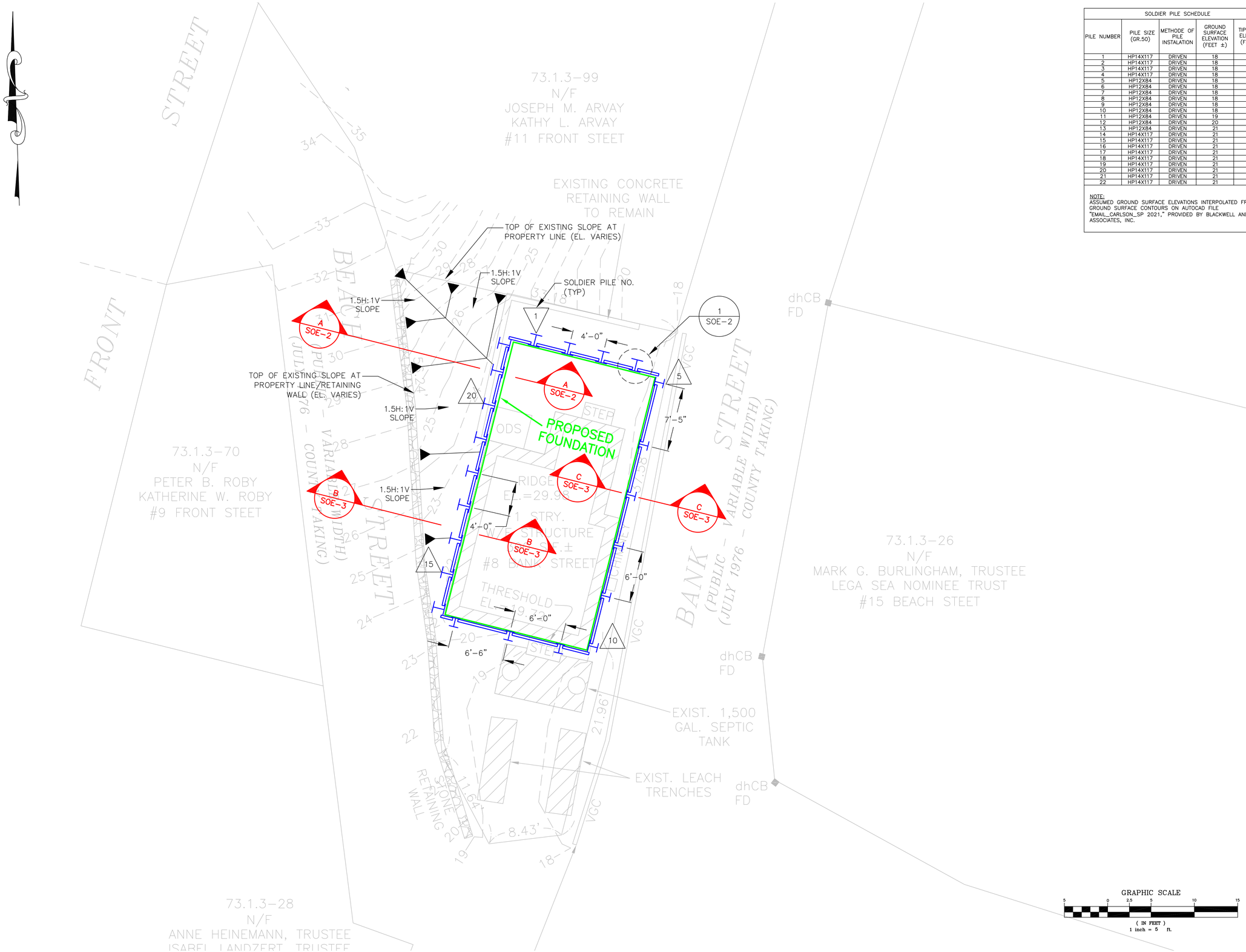
Natural Outwash Soils
Water Content: 14.8%

Source of Sample: MGA-2 **Depth:** 14-16'
Sample Number: S-6

Date: 04/09/2022

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Kristina & Nicholas Amendolare
Project: Proposed Renovation
8 Bank Street, Nantucket, Massachusetts
Project No: W0903 **Figure**



SOLDIER PILE SCHEDULE				
PILE NUMBER	PILE SIZE (GR:50)	METHODE OF PILE INSTALATION	GROUND SURFACE ELEVATION (FEET ±)	TIP OF PILE ELEVATION (FEET ±)
1	HP14X117	DRIVEN	18	-17
2	HP14X117	DRIVEN	18	-17
3	HP14X117	DRIVEN	18	-17
4	HP14X117	DRIVEN	18	-17
5	HP12X84	DRIVEN	18	-12
6	HP12X84	DRIVEN	18	-12
7	HP12X84	DRIVEN	18	-12
8	HP12X84	DRIVEN	18	-12
9	HP12X84	DRIVEN	18	-12
10	HP12X84	DRIVEN	18	-12
11	HP12X84	DRIVEN	19	-11
12	HP12X84	DRIVEN	20	-10
13	HP12X84	DRIVEN	21	-9
14	HP14X117	DRIVEN	21	-19
15	HP14X117	DRIVEN	21	-19
16	HP14X117	DRIVEN	21	-19
17	HP14X117	DRIVEN	21	-19
18	HP14X117	DRIVEN	21	-19
19	HP14X117	DRIVEN	21	-19
20	HP14X117	DRIVEN	21	-19
21	HP14X117	DRIVEN	21	-19
22	HP14X117	DRIVEN	21	-19

NOTE:
ASSUMED GROUND SURFACE ELEVATIONS INTERPOLATED FROM GROUND SURFACE CONTOURS ON AUTOCAD FILE "EMAIL_CARLSON_SP 2021," PROVIDED BY BLACKWELL AND ASSOCIATES, INC.

GRAPHIC SCALE
5 0 2.5 5 10 15
(IN FEET)
1 inch = 5 ft.

REVISIONS

#	DATE	NOTE

COMMONWEALTH OF MASSACHUSETTS
WAYNE A. MCARDLE
CIVIL
NO. 41835
REGISTERED PROFESSIONAL ENGINEER

DRAWN BY: WAM

DESIGNED BY: WAM

CHECKED BY: SLH

McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
781.735.0418 fax

TEMPORARY EXCAVATION SUPPORT
PLAN AND SCHEDULE
PROPOSED RESIDENCE
8 BANK STREET, NANTUCKET, MA

MAY 5, 2022

SCALE: 1" = 5'

JOB No.W0903

DWG No: SOE-1

SHEET 1 OF 3

GENERAL NOTES:

1. CONFORM TO THE GENERAL NOTES, CONSTRUCTION SEQUENCE & PROCEDURES AND ALL OTHER REQUIREMENTS OF THIS DESIGN UNLESS OTHERWISE APPROVED BY MCARDLE GANNON ASSOCIATES, INC.
2. REPORT FIELD LOCATIONS IN PLAN AND ELEVATION OF UTILITIES, UTILITY STRUCTURES, VAULTS, TANKS, ETC. WHICH MAY CONFLICT WITH OR OBSTRUCT THE DESIGN LOCATION OF THE PILES PRIOR TO WORK SO THAT THE DESIGN CAN BE MODIFIED ACCORDINGLY BY MCARDLE GANNON ASSOCIATES, INC.
3. REPORT CHANGES IN THE CONTRACT DOCUMENTS AND CHANGES IN THE SUBSURFACE CONDITIONS (BASED ON THE EXPLORATIONS) SO THAT THE EFFECTS ON THE TEMPORARY EXCAVATION SUPPORT SYSTEM CAN BE EVALUATED.
4. ALL SOLDIER PILES ARE TO BE INSTALLED BY THE SHORING CONTRACTOR. THE DESIGN OF THE TEMPORARY SHORING SYSTEM IS BASED UPON THE FOLLOWING AVAILABLE INFORMATION:
   - 4.1. THE GEOTECHNICAL ENGINEERING REPORT, DATED MAY 5, 2022, BY MCARDLE GANNON ASSOCIATES, INC.,
   - 4.2. AUTOCAD FILE "EMAIL_CARLSON_SP 2021" PROVIDED BY BLACKWELL AND ASSOCIATES, INC.
5. MCARDLE GANNON ASSOCIATES, INC. HAS MADE ASSUMPTIONS CONCERNING THE SOUNDNESS OF THE BUILDINGS ADJACENT TO THE SITE. THESE ASSUMPTIONS ARE THAT THESE BUILDINGS AND STRUCTURES WERE DESIGNED IN CONFORMITY WITH GOOD DESIGN PRACTICES. THE CONTRACTOR SHOULD TAKE EXTRAORDINARY PRECAUTIONS CONCERNING THE PRESERVATION OF THE ADJACENT PROPERTIES.
6. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE AND LIABLE FOR MINOR CRACKING OR SETTLEMENT OF UTILITIES, BUILDING, OR ANY OTHER STRUCTURES THAT MAY OCCUR DURING THE INSTALLATION OF THE WORK, OR THAT ARE CAUSED BY THE VIBRATION OF MACHINERY OR EQUIPMENT.
7. IF ANY HORIZONTAL OR VERTICAL MOVEMENT OF THE PILES REACHES 3 INCHES, MCARDLE GANNON ASSOCIATES, INC. SHALL EVALUATE SUCH MOVEMENT AND RECOMMEND CORRECTIVE MEASURES, IF NECESSARY, BEFORE EXCAVATION IS CONTINUED.
8. TIMBER LAGGING INSTALLED BELOW THE ORIGINAL GROUND SURFACE SHALL BE PLACED FROM THE TOP DOWN AS THE EXCAVATION PROCEEDS. DURING LAGGING INSTALLATION, LIMIT THE MAXIMUM HEIGHT OF UNLAGGED EXCAVATION TO TWO FEET, UNLESS GROUND CONDITIONS PERMIT OTHERWISE. OVER-EXCAVATION REQUIRED TO PLACE THE TIMBER LAGGING BEHIND THE FLANGES OF THE SOLDIER PILES SHALL BE THE MINIMUM NECESSARY TO INSTALL THE LAGGING. PLACE LAGGING BOARDS TIGHT TO EACH OTHER AND BACKFILL ALL VOIDS WITH GRANULAR SOIL.
9. IN ORDER TO MINIMIZE THE EFFECTS OF VIBRATION ON ADJACENT STRUCTURES, IT IS UNDERSTOOD THAT ALL PILING WILL BE INSTALLED USING A RESONANCE FREE VIBRATORY HAMMER.
10. NO HEAVY VEHICULAR TRAFFIC OR STORAGE OF MATERIAL WITHIN 10 FEET OF THE SHORING SYSTEM.
11. PILES ARE TO BE LEFT IN PLACE AND CUT OFF 4 FEET BELOW GRADE WHERE APPROPRIATE OR REMOVED BY THE GENERAL CONTRACTOR AS REQUIRED BY THE CONTRACT DOCUMENTS.
12. THE GENERAL CONTRACTOR TO PROVIDE BARRIERS/RESTRAINTS AS REQUIRED BASED ON LOCATIONS OF VEHICLES/PEDESTRIAN TRAFFIC. SAFETY RAILING AT THE TOP OF THE SHORING SHALL BE CONSTRUCTED AND MAINTAINED BY OTHERS.

MATERIALS:

1. ALL SOLDIER PILES SHALL BE UNSPLICED HP SECTIONS OF THE SIZES AND LENGTHS INDICATED, OR EQUIVALENT, AND CONFORMING TO ASTM A572, GRADE 50.
2. WELDING (IF ANY) SHALL MEET AWS SPECIFICATION D1.1 LATEST REVISION. E70XX LOW HYDROGEN ELECTRODES OR APPROVED EQUAL SHALL BE USED.

CONSTRUCTION SEQUENCE:

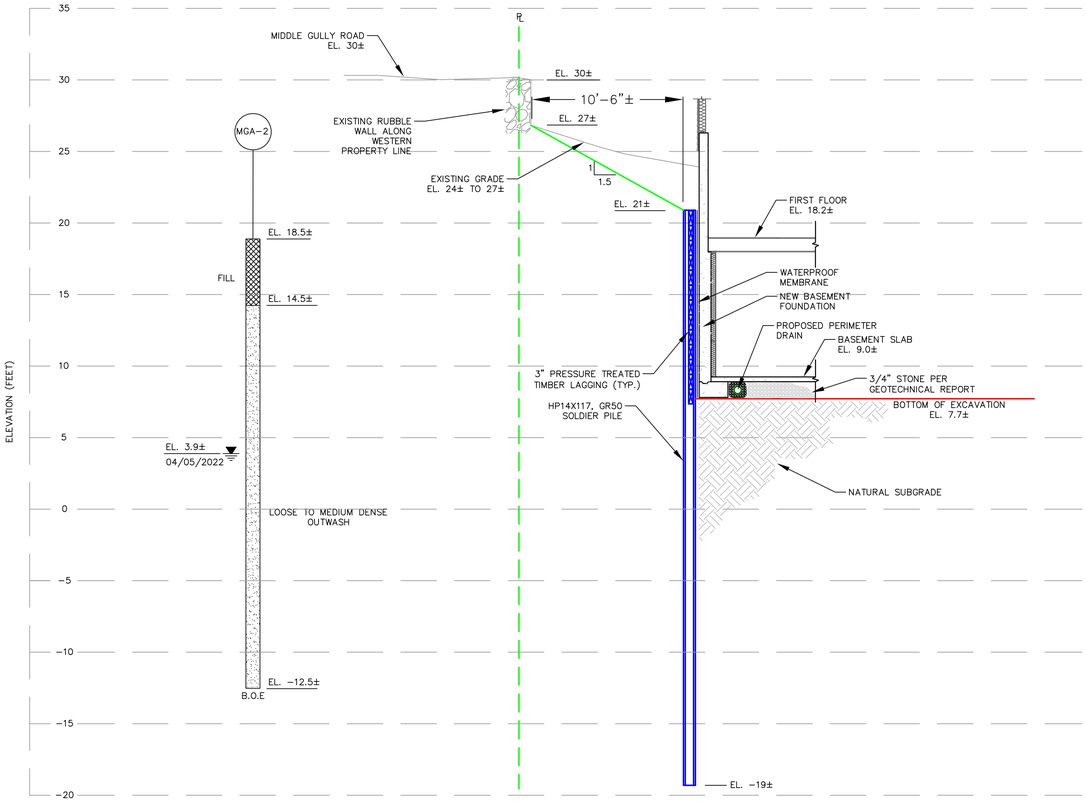
1. THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL EXISTING UNDERGROUND TANKS, PIPING, CONDUITS, AND UTILITIES PRIOR TO THE START OF WORK. ANY DISTURBANCE OR DAMAGE TO EXISTING STRUCTURES, UTILITIES, OR OTHER PROPERTY, CAUSED BY THE CONTRACTORS OPERATIONS, SHALL BE REPAIRED BY THE CONTRACTOR IN A MANNER SATISFACTORY TO THE ENGINEER AT NO ADDITIONAL COST TO THE OWNER.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE APPROPRIATE EQUIPMENT NECESSARY TO DRIVE THE PILING TO THE ELEVATION(S) SPECIFIED ON THE PLANS. THE PILES SHALL BE DRIVEN, AS A MINIMUM, TO ELEVATION(S) SPECIFIED PRIOR TO COMMENCING ANY RELATED EXCAVATION. IF UNABLE TO REACH THE MINIMUM ELEVATIONS, THE ADEQUACY OF THE SOLDIER PILE DESIGN WILL REQUIRE RE-EVALUATION BY THE ENGINEER PRIOR TO ALLOWING EXCAVATION ADJACENT TO THE PILE IN QUESTION. THE CONTRACTOR SHALL NOT EXCAVATE BELOW THE MAXIMUM EXCAVATION LINE SHOWN ON THE PLANS WITHOUT THE PRIOR PERMISSION OF THE ENGINEER.
3. THE CONTRACTOR SHALL EXCAVATE A SAFE TRENCH TO INSTALL THE SOLDIER PILES FIRST.
4. INSTALL THE SOLIDER PILES USING A RESONANCE FREE VIBRATORY HAMMER TO THE APPROXIMATE ELEVATIONS INDICATED.
5. SLOPE GROUND SURFACE FROM PROPERTY LINE TO TOP OF SOLDIER PILES AND EXCAVATE TO SUBGRADE ELEVATION OF BASEMENT. INSTALL WOOD LAGGING AS WORK PROGRESSES.
6. CONSTRUCT BASEMENT FOOTINGS, SLABS, FOUNDATION WALLS, AND WATERPROOF AS NECESSARY.
7. LEAVE SOLIDER PILES IN-PLACE AND CUT OFF AS REQUIRED.

INSTALLATION:

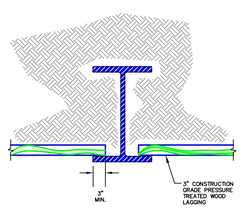
1. PILES SHALL BE DRIVEN AT THE LOCATIONS AND TO THE ELEVATION SHOWN ON THE PLANS OR AS DESIGNATED BY THE ENGINEER. PILING SHALL BE DRIVEN TO WITHIN 0.5 FEET OF THE FOUNDING ELEVATION SHOWN ON THE PLANS AND SHALL BE DRIVEN WITHIN 3 INCHES OF PLUMB. JETTING IS PROHIBITED. ANY PILING DAMAGED DURING THE COURSE OF CONSTRUCTION SHALL BE REPLACED AT NO ADDITIONAL COST TO THE OWNER.
2. THE CONTRACTOR SHALL PROVIDE A TEMPLATE FOR ALIGNING, SUPPORT, AND MAINTAINING PILES IN CORRECT POSITION DURING SETTING AND DRIVING. A SYSTEM OF STRUCTURAL FRAMING SUFFICIENTLY RIGID TO RESIST LATERAL AND DRIVING FORCES AND SUPPORT THE PILES UNTIL THE INDICATED TIP ELEVATION IS OBTAINED SHALL BE USED.
3. WHEN AN OBSTRUCTION IS ENCOUNTERED, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND UPON CONCURRENCE OF THE ENGINEER, THE CONTRACTOR SHALL BEGIN WORKING TO BREAK UP, PUSH ASIDE, OR REMOVE THE OBSTRUCTION. AN OBSTRUCTION SHALL BE DEFINED AS ANY OBJECT (SUCH AS, BUT NOT LIMITED TO, BOULDERS, LOGS, OLD FOUNDATIONS, ETC.) WHERE ITS PRESENCE WAS NOT OBVIOUS OR SPECIFICALLY NOTED ON THE PLANS PRIOR TO BIDDING, THAT CANNOT BE DRIVEN THROUGH OR AROUND WITH NORMAL DRIVING PROCEDURES, BUT REQUIRES ADDITIONAL EXCAVATION OR OTHER PROCEDURES TO REMOVE OR MISS THE OBSTRUCTION.
4. PILES SHALL BE CUT OFF AT THE ELEVATIONS INDICATED ON THE PLANS. CUT-OFFS BECOME THE PROPERTY OF THE CONTRACTOR. SPLICING OF PILES WILL NOT BE PERMITTED. PILING SHALL BE ORDERED TO PROVIDE THE REQUIRED LENGTHS AFTER INSTALLATION. SHOULD ANY PILE SECTION BECOME TOO SHORT TO REACH THE REQUIRED TIP ELEVATION(S) BECAUSE OF DRIVING DAMAGE, IT SHALL BE REMOVED AND REPLACED WITH A NEW SECTION AT NO COST TO THE OWNER.

MONITORING PROGRAM:

1. SURFACE MONITORING POINTS (SMPS) SHALL BE INSTALLED ON THE EXISTING RETAINING WALL OF 9 FRONT STREET AND AT 15 BEACH STREET (IF ACCEPTABLE TO THE OWNERS) AND ON THE TOP OF THE SOLDIER PILES ALONG THE WESTERN AND EASTERN BASEMENT EXCAVATION. THE SMPS SHALL BE LOCATED SUCH THAT DAILY CONSTRUCTION ACTIVITIES WILL NOT INHIBIT THE CONTRACTOR/SURVEYOR FROM OBTAINING READINGS AT ANY TIME DURING CONSTRUCTION.
2. MONITORING POINTS SHALL BE INSTALLED PRIOR TO SIGNIFICANT CONSTRUCTION OPERATIONS AT THE SITE SO THAT PRE-CONSTRUCTION BASELINE DATA CAN BE ESTABLISHED FOR COMPARISON WITH CONSTRUCTION AND POST-CONSTRUCTION DATA. MONITORING POINTS ON THE SOLDIER PILES SHALL BE INSTALLED IMMEDIATELY AFTER THE PILES HAVE BEEN INSTALLED, BUT PRIOR TO BASEMENT EXCAVATION. READINGS SHALL BE ACCURATE TO WITHIN ¼ OF AN INCH (VERTICAL OR HORIZONTAL).
3. MONITORING POINTS SHALL CONSIST OF PK NAILS OR FIXED POINTS ON THE SOLDIER PILES AND SHALL BE ESTABLISHED BY A REGISTERED LAND SURVEYOR. READINGS SHALL BE CUMULATIVE AND ACCURATE TO WITHIN ¼ OF AN INCH (VERTICAL OR HORIZONTAL) AND SHALL BE PROVIDED TO MCARDLE GANNON ASSOCIATES, INC. (IN REAL TIME) FOR REVIEW.
4. SURVEY MEASUREMENTS ON THE SMPS SHALL BE MADE AT THE FOLLOWING INTERVALS:
   - 4.1. BASELINE – PRIOR TO SIGNIFICANT CONSTRUCTION
   - 4.2. DURING CONSTRUCTION – UPON COMPLETION OF DEMOLITION ACTIVITIES, COMPLETION OF SOLDIER PILE INSTALLATION THEN ONCE WEEKLY
   - 4.3. POST CONSTRUCTION – UPON COMPLETION OF CONSTRUCTION
5. DURING SHORING AND NEW CONSTRUCTION, THE GENERAL CONTRACTOR SHALL VISUALLY MONITOR THE SHORING SYSTEM AND NEARBY IMPROVEMENTS ON A DAILY BASIS FOR INDICATIONS OF MOVEMENT. THE GENERAL CONTRACTOR SHALL STOP EXCAVATION OPERATIONS IF DEFLECTION OR DISTRESS IS OBSERVED AND SHALL IMMEDIATELY NOTIFY THE SHORING ENGINEER.
6. VIBRATION MONITORING SHALL BE PERFORMED BY MGA DURING DEMOLITION OF THE EXISTING STRUCTURE AND INSTALLATION OF THE SOLDIER PILES. TO LIMIT IMPACTS TO ADJACENT STRUCTURES, THE FOLLOWING VIBRATION THRESHOLD LIMITS ARE RECOMMENDED:
   - 6.1. MAXIMUM PEAK PARTICLE VELOCITY OF 2.0 INCHES PER SECOND (IPS) FOR VIBRATIONS WITH A FREQUENCY ABOVE 40 HZ,
   - 6.2. 1.5 IPS FOR VIBRATIONS WITH A FREQUENCY BETWEEN 30 HZ AND 40 HZ,
   - 6.3. 1.0 IPS FOR VIBRATIONS WITH A FREQUENCY BETWEEN 20 HZ AND 30 HZ, AND
   - 6.4. 0.5 IPS FOR VIBRATIONS WITH A FREQUENCY BELLOW 20 HZ.



SECTION A SOE-1
1"=5'-0"



1 SOE-1 LAGGING TO PILE CONNECTION
N.T.S.

REVISIONS

#	DATE	NOTE

COMMONWEALTH OF MASSACHUSETTS
WAYNE A. MCARDLE
CIVIL
NO. 41835
REGISTERED PROFESSIONAL ENGINEER

DRAWN BY: WAM

DESIGNED BY: WAM

CHECKED BY: SLH

McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460 781.826.0040 phone
Pembroke, MA 02359 781.735.0418 fax

TEMPORARY EXCAVATION SUPPORT
NOTES, DETAILS AND SECTIONS
PROPOSED RESIDENCE
8 BANK STREET, NANTUCKET, MA

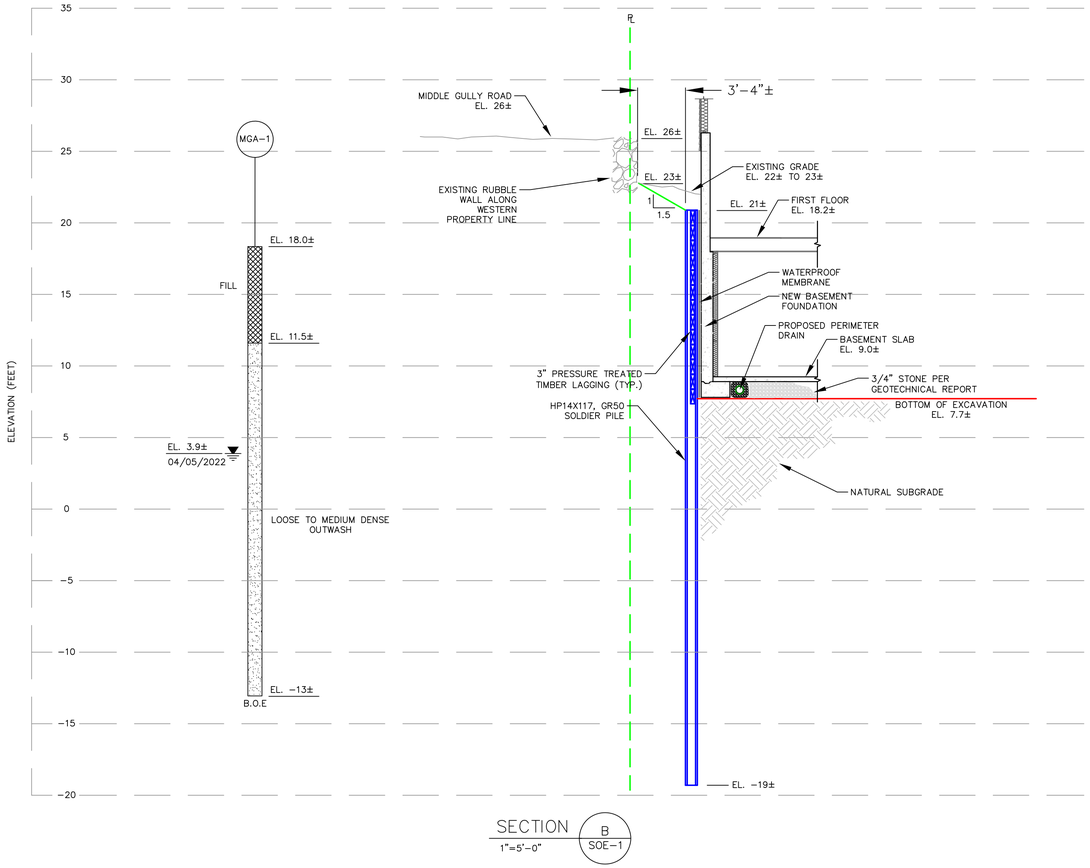
MAY 5, 2022

SCALE: AS NOTED

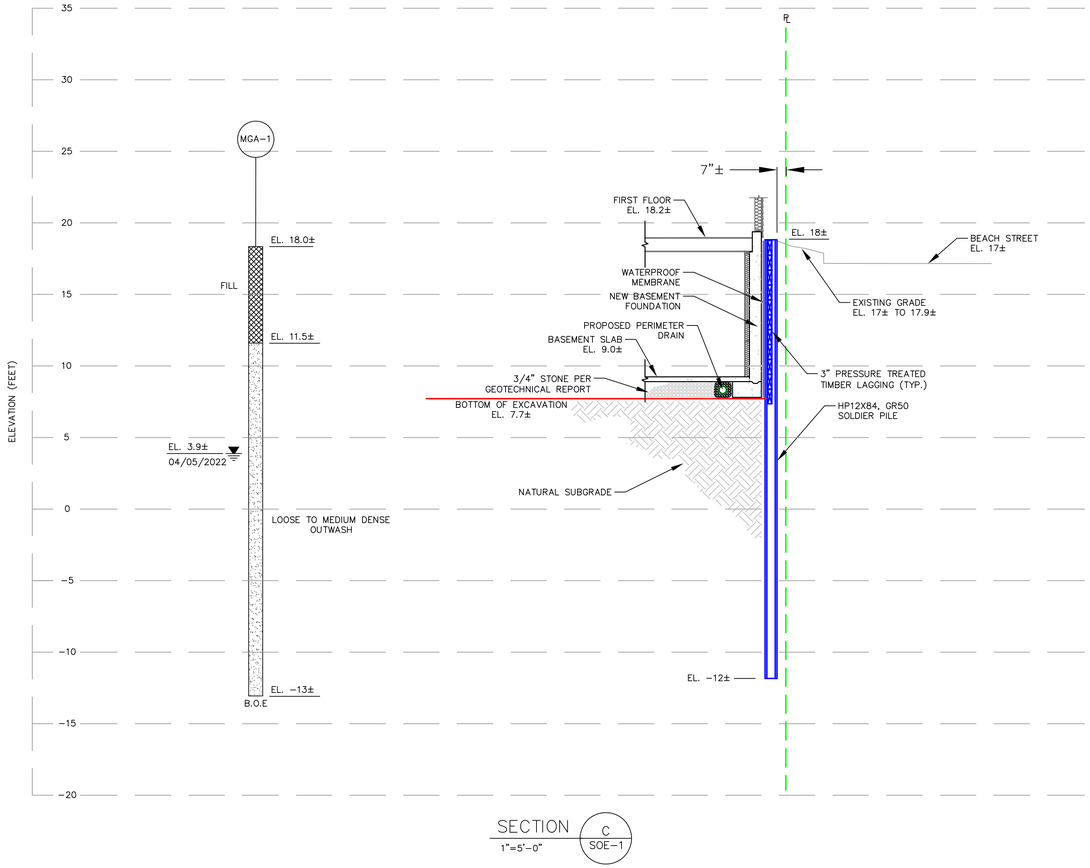
JOB No.W0903

DWG No: SOE-2

SHEET 2 OF 3



SECTION B
1"=5'−0"
SOE−1



SECTION C
1"=5'−0"
SOE−1

REVISIONS

#	DATE	NOTE

COMMONWEALTH OF MASSACHUSETTS
WAYNE A. MCARDLE
CIVIL
NO. 41835
REGISTERED PROFESSIONAL ENGINEER

DRAWN BY: WAM

DESIGNED BY: WAM

CHECKED BY: SLH

McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
781.735.0418 fax

TEMPORARY EXCAVATION SUPPORT
SECTIONS
PROPOSED RESIDENCE
8 BANK STREET, NANTUCKET, MA

MAY 5, 2022

SCALE: AS NOTED

JOB No.W0903

DWG No: SOE-3

SHEET 3 OF 3

Planning and Land Use Services
2 Fairgrounds Road, Nantucket, Massachusetts 02554
Telephone: 508.325.7587

THIS CHECKLIST IS TO BE SUMBITTED WITH ALL HDC APPLICATIONS Rev Jan 2020

REQUIRED WITH ALL APPLICATIONS:

1. **Completed Application Form**: Description of ALL work must be indicated on application form.
2. **Property Owner's Signature**: Current owner's signature preferred; if the agent is signing the application written authorization from the owner (letter, fax, email) must be provided.
3. **Application Fee**: See back of application for fee schedule or call the office.
4. **Locus Map (4 copies):** Location Map must include north arrow, parcel boundaries, primary and secondary streets. (Town GIS Map Site) https://www.nantucket-ma.gov/151/GIS-Maps
5. **Site Plan (4 Copies):** must include the following: lot dimensions, north arrow, all existing structures, proposed work (highlighted) with dimension to lot lines, scale, driveway, grade changes, and *placement of HVAC units, electrical boxes, fuel tanks, etc.*.
6. **8-1/2" x 11" Copies of ALL Application Materials**: Must include the following: application form (reduced 64%), locus map, plot plan, all elevations and floor plans, window schedule, photographs, other relevant supporting material. All material MUST BE LEGIBLE (font size no smaller than 12), collated and stapled.
7. **Photographs**: Required of ALL applications for alterations to an existing structure. Photographs must be clear and labeled with application address or contextual address.
8. **Electronic submission:** All documents submitted to the HDC office must be emailed to hdcsubmissions@nantucket-ma.gov.

REQUIRED WHERE APPLICABLE:

1. **Supplemental Information for Historic Buildings**: It is the applicant's responsibility to research the historical status of any and ALL buildings. Additional information may be obtained from the Nantucket Historical Association Library. If not historic, denote on application.
2. **Exterior Elevations and Floor Plans (4 copies):** Must be Y.-inch scale and include all affected sides of the building, cardinal points (N, S, E, W), dimensions, heights, floor and ceiling heights, elevations of finished grade, window details and placement of HVAC units, electrical boxes, fuel tanks, etc. *All changes from approved or existing design must be clouded on drawing*. All material MUST BE LEGIBLE, collated and stapled. Reduced sets should maintain a font size of 12.
3. **As-Built Plans (1copy):** of existing elevations
4. N/A **Hardscaping Plans (4 copies):** To legible scale. This includes fences, decks, porches, arbors, retaining walls, tennis courts, swimming pool, driveways, gazebos etc. All material MUST BE LEGIBLE, collated and stapled.
5. N/A **Topographic Map**: Must show existing and proposed grade for any change of more than one foot in height on grade . Retaining walls must be applied for separately (see hardscaping plan).
6. **Door and Window Schedule (4 copies):** Must include window type (true divided, simulated divided), number of lights, dimensions, materials, manufacturers type name and type number.
7. ASM (initial to indicate read and understand) *I UNDERSTAND THAT A TRUE DIVIDED LIGHT WINDOW/DOOR IS DEFINED AS MULTIPLE INDIVIDUAL SINGLE PANES OF GLASS (i.e., NOT DOUBLE-PANED OR INSULATED) ASSEMBLED IN THE SASH/DOOR USING MUNTINS.*
8. **Abutter Notification Materials** – Abutters list from Assessors Office, certified mail stubs, and a copy of letter are required for all applications for changes of 1000 square feet or more except in the Nantucket Historic Core and 'Sconset Historic Core where the requirement for new construction is 100 square feet.
9. N/A **Approvals from Planning Board, Zoning Board of Appeals, Conservation Commission etc.**

CERTIFICATE NO: _____ DATE ISSUED: _____

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

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

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

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

PROPERTY DESCRIPTION

TAX MAP N°: 17.3.1 PARCEL N°. 69

Street & Number of Proposed Work: 8 BANK ST., SCONSET

Owner of record: KRISTINA & NICHOLAS AMENDOLARE

Mailing Address: 538 LYNN FELLS PARKWAY

MELROSE, MA 02176

Contact Phone #: (617) 717-8339 E-mail: AMENDOLARE@GMAIL.COM

AGENT INFORMATION (if applicable)

Name: ANGUS MACLEOD

Mailing Address: P.O. BOX 7055

SCONSET, MA 02564

Contact Phone #: (508) 257-6789 E-mail: ANGUSONHACK@GMAIL.COM

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: $ _____

Must be acted on by: _____

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☑ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District _____) ☐ Roof ☐ Other _____

Size of Structure or Addition: Length: 6'-8" TO 17' Sq. Footage 1st floor: 160 SF

Width: 17'-0" Sq. footage 2nd floor: 346 SF

Sq. footage 3rd floor: _____

Decks/Patio: Size: 8' x 9' ☑ 1st floor ☐ 2nd floor

Size: _____ ☐ 1st floor ☐ 2nd floor

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

Height of ridge above final finish grade: North 18'-0" South 21'-0" East 21'-0" West 14'-9"

Additional Remarks

Historic Name: UNKNOWN

Original Date: 1910

Original Builder: UNKNOWN SEE MACKEY SURVEY

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

REVISIONS* (describe)

1. East Elevation RAISE EAVE 6', RAISE RIDGE 9', REMOVE CHIMNEY, FENESTRATION
2. South Elevation 6'-8" ADDITION, 2ND FLOOR ADDITION, MOVE SHOWER, 3 FEN.
3. West Elevation RAISE EAVE 6', RAISE RIDGE 9', ADD 9' DORMER, 4 FENESTRATION
4. North Elevation RAISE RIDGE 9', ADD 8'x9' COVERED PORCH, FEN., WINDOW WELL

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" ☐ Block ☑ Block Parged ☐ Brick (type) _____ ☑ Poured Concrete ☐ Piers

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

Roof Pitch: Main Mass 9 /12 Secondary Mass 4.5 /12 PORCH Dormer 4.5 /12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☑ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) RED CEDAR

Fence: Height: _____

Type: _____

Length: _____

Skylights (flat only): Manufacturer VELUX VS-M02 Rough Opening _____ Size 30" x 30" Location WEST ELEVATION

Manufacturer W/ CEDAR SL. COVER Rough Opening _____ Size _____ Location _____

Gutters: ☑ Wood ☐ Aluminum ☐ Copper ☑ Leaders (material) COPPER

Leaders (material and size): 2" COPPER

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

☐ Other _____

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

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

C. Dimensions: Fascia 1x6 Rake 1x6 Soffit (Overhang) 6" Corner boards 1x6 Frieze 1x6

Window Casing 2"x3" PLANK Door Frame 2"x3" PLANK Columns/Posts: Round _____ Square 4x4

Windows*: ☑ Double Hung ☐ Casement ☑ All Wood ☐ Other HOPPER AND SINGLE-HUNG

☑ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer BOSTON SASH

Doors* (type and material): ☑ TDL ☐ SDL Front WOOD PLANK Rear WOOD PLANK W/ 4LT Side WOOD PLANK

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways ORIGINAL BRICK Walls PARGE EXIST. CONC. BLOCK

* Note: Complete door and window schedules are required.

COLORS

Sidewall NATURAL Clapboard (if applicable) _____ Roof NATURAL

Trim NATURAL Sash ESSEX GREEN Doors ESSEX GREEN

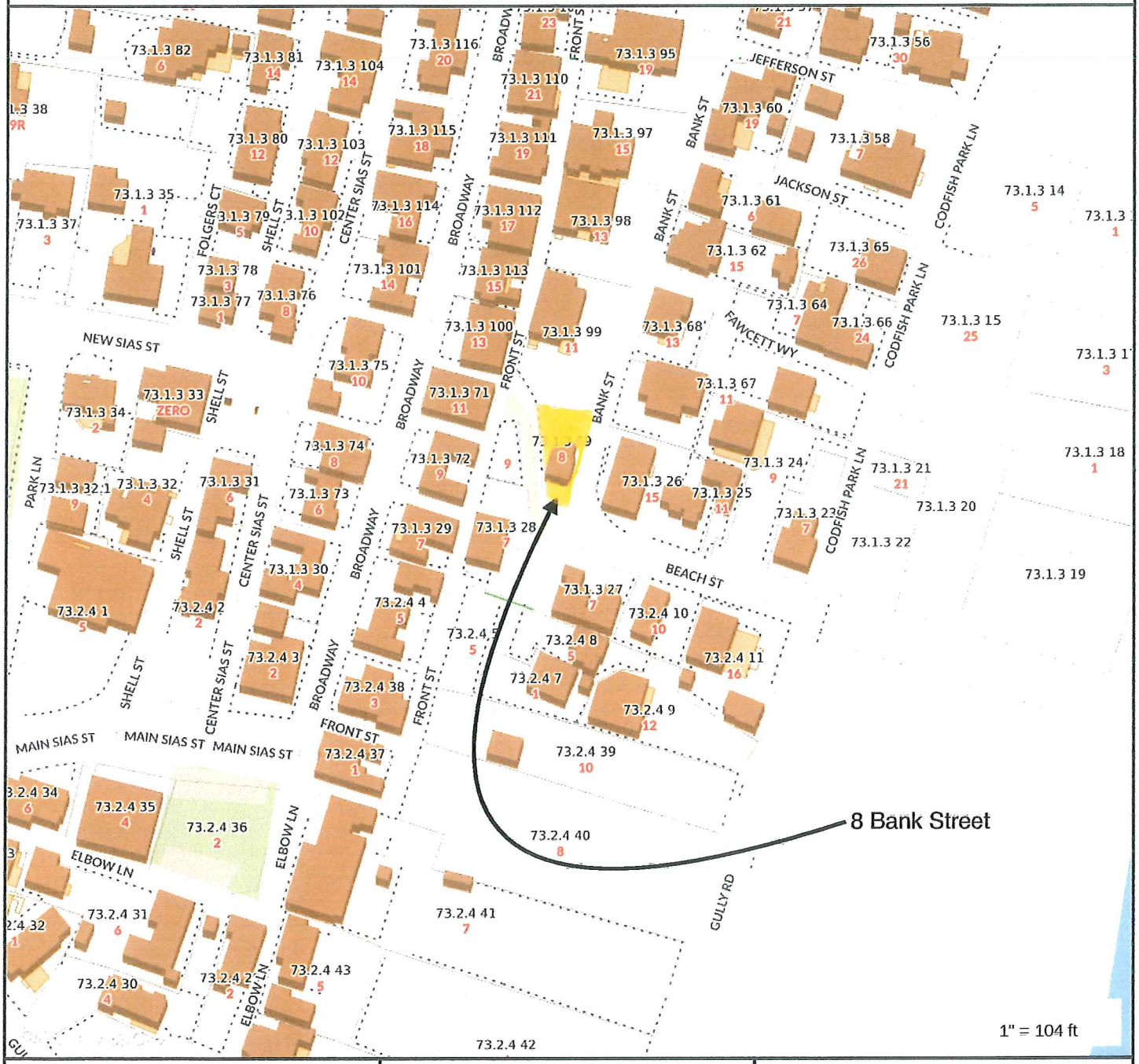
Deck NATURAL Foundation NATURAL Fence _____ Shutters _____

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

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

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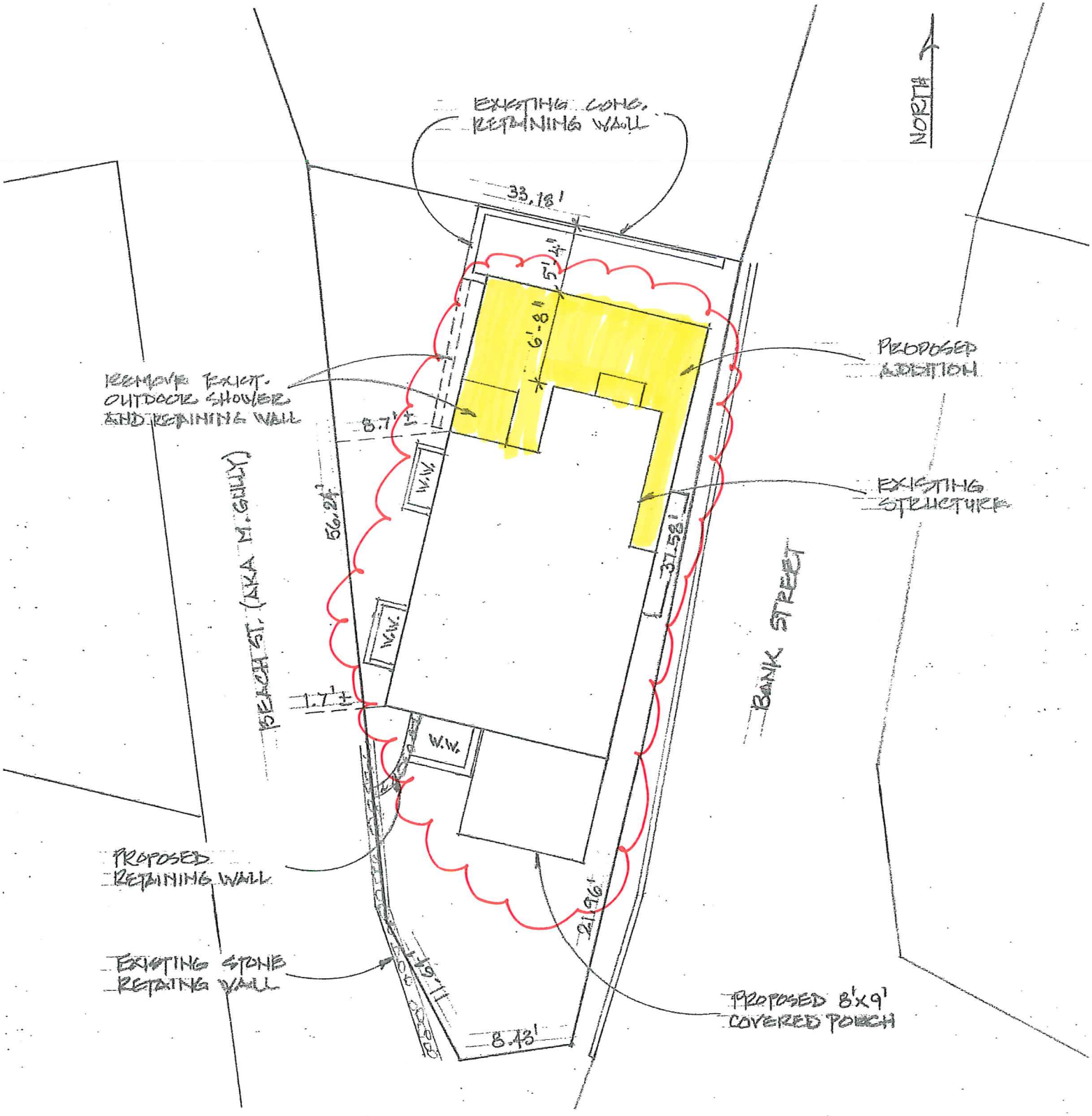
Amendolare: Locus Plan



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated Jan. 2021
Data updated Jan. 2021



SITE PLAN
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

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

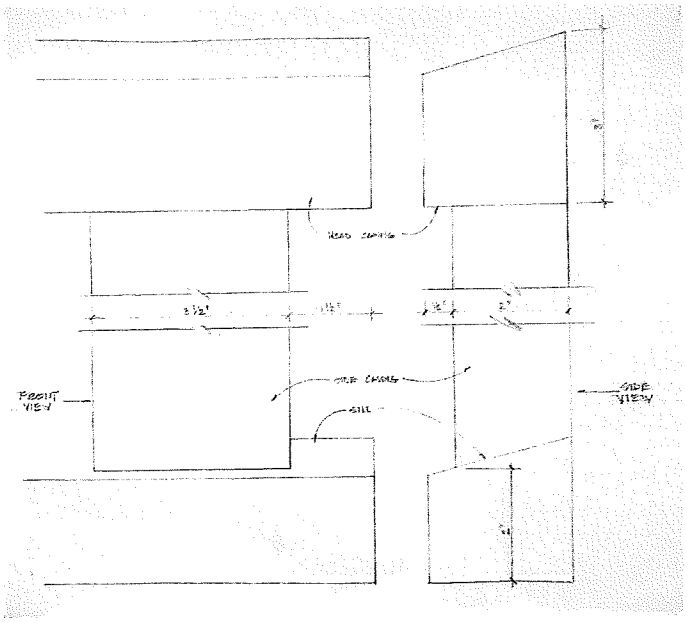
Angus MacLeod Designs
P.O.Box 7055
Sconset, MA
02564

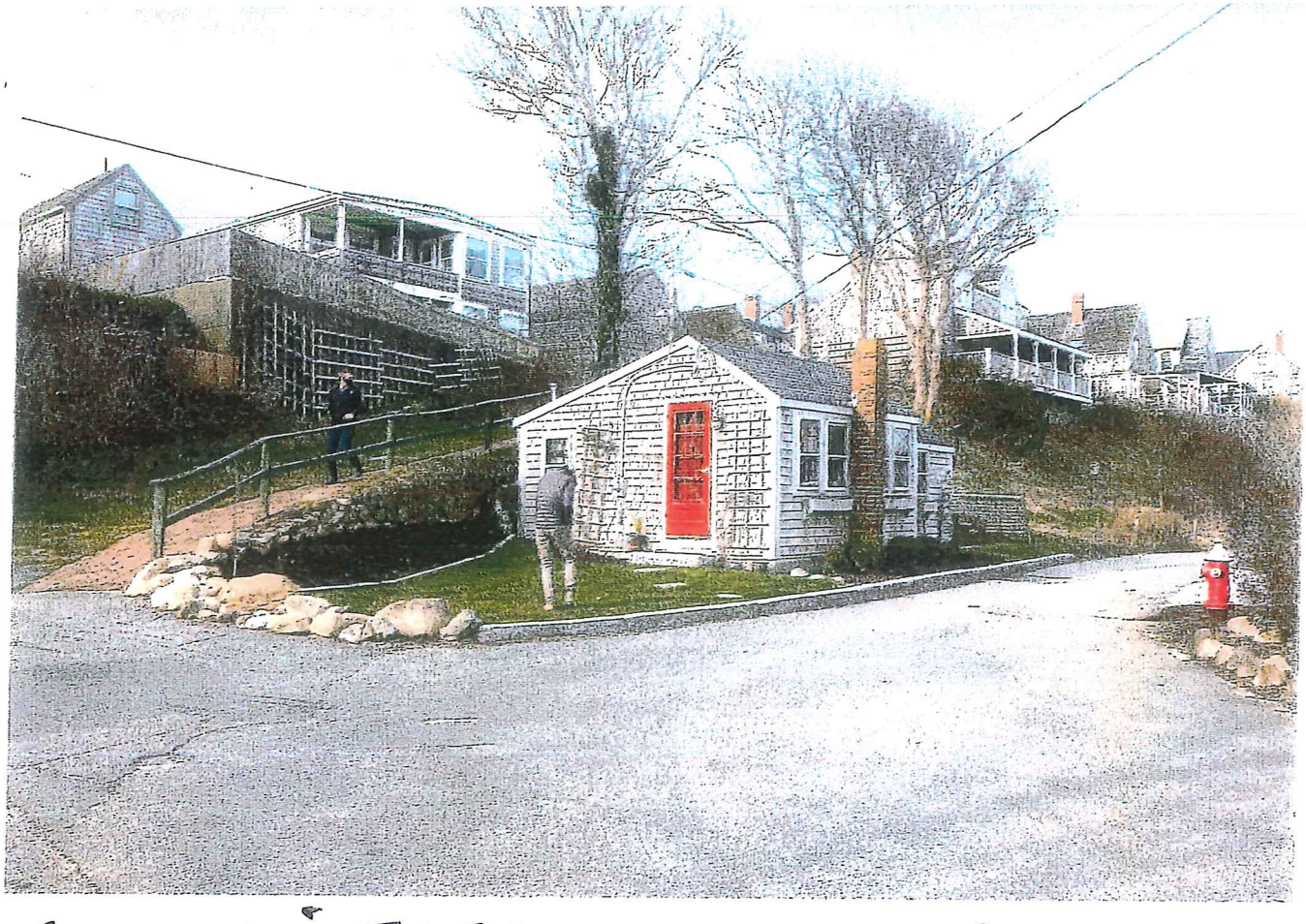
Amendalore: Window Schedule

No	Unit Size	Manu.	Glass size	Type	Notes	Quant.
1	1' - 8" x 2' - 1"	Boston Sash	8 x10	4 (2H2W) Light Hopper Window	Single	2
2	2' - 6" x 3' - 1"	Boston Sash	8 x10	9 (3H3W) Light Single-Hung Window	Single	2
3	2' - 8" x 1'-11"	Boston Sash	7 x 9	8 (2H4W) Light Hopper Window	Single	2
4	2' - 8" x 2' - 8"	Boston Sash	7 x 9	12 (3H4W) Light Hopper Window	Single	2
5	2' - 8" x 4'-11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	5
6	3' - 9" x 3' - 1"	Boston Sash	8 x10	15 (3H5W) Light Single-Hung Window	Single	1
7	2' - 8" x 4'-11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	1
8	2' - 6" x 2' - 6"	Velux	VS-M02	3 Light Skylight w/ Cedar Cover	Single	1
9	3' - 0" x 7' - 0"	Custom	8 x10	4 Light Plank Door	Single	1
10	3' - 0" x 7' - 0"	Custom		Plank Door	Single	1
9	4' - 0" x 8' - 0"	Custom		Plank Door	Double	1

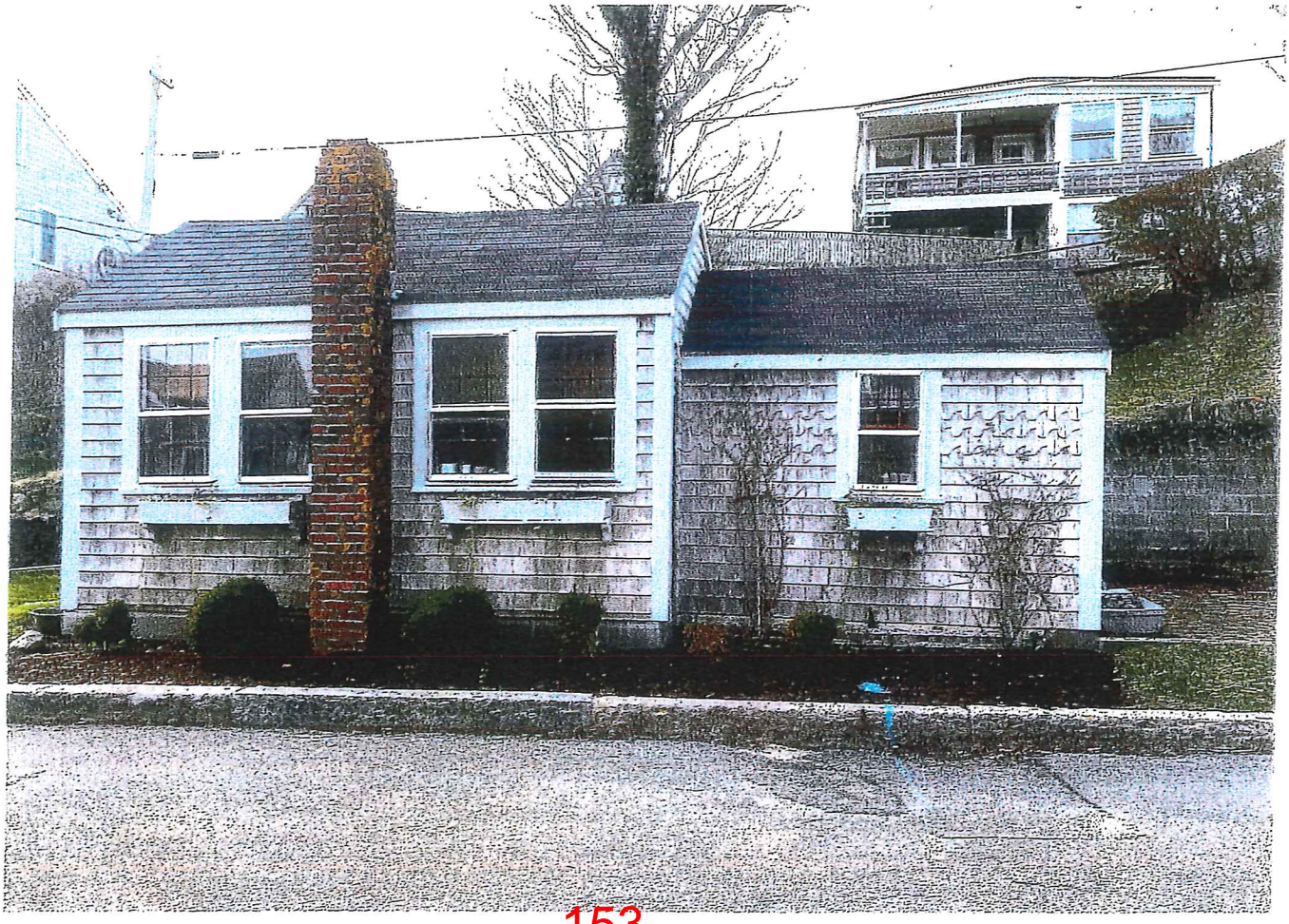
Window Notes:

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





SOUTH & EAST 8 BANK ST.



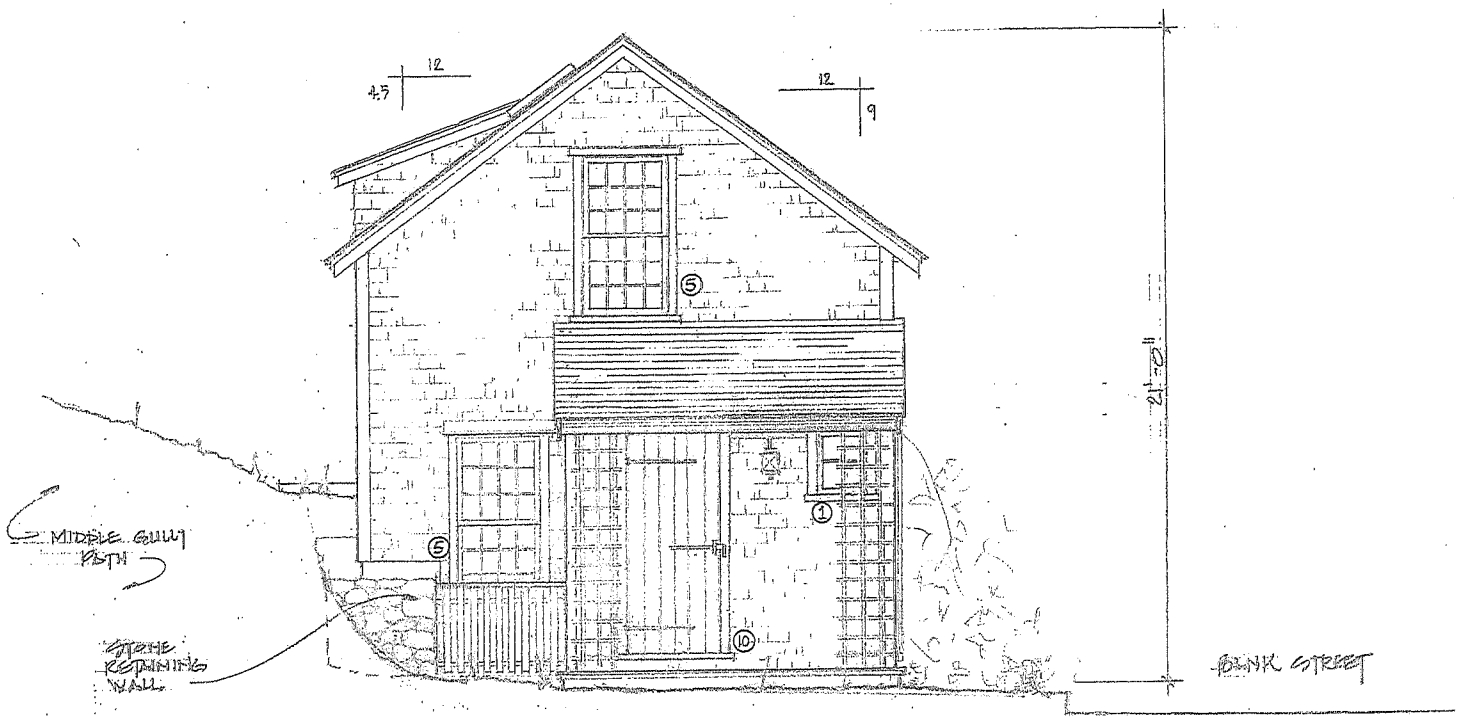
EAST 8 BANK ST.



EAST & NORTH 8 BANK ST.



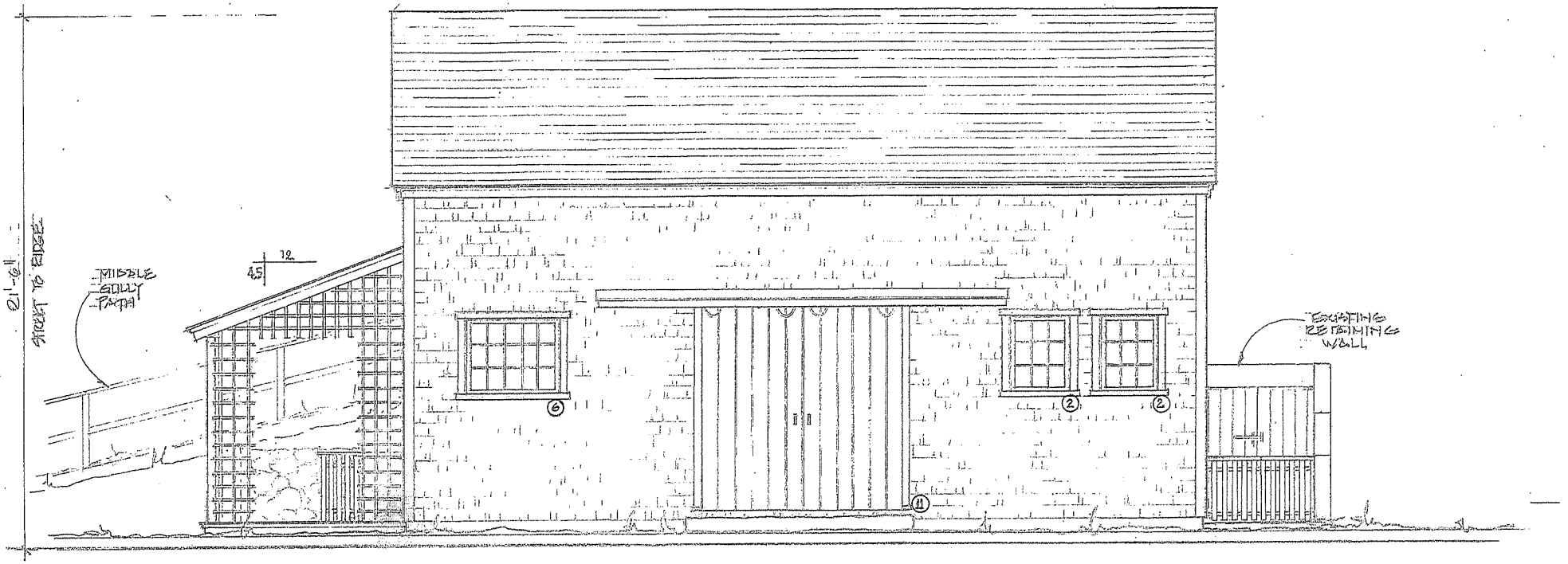
NORTH & WEST 8 BANK ST.



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

AMENDOLARE RESIDENCE
8 BUNK STREET
GOONSET, MA

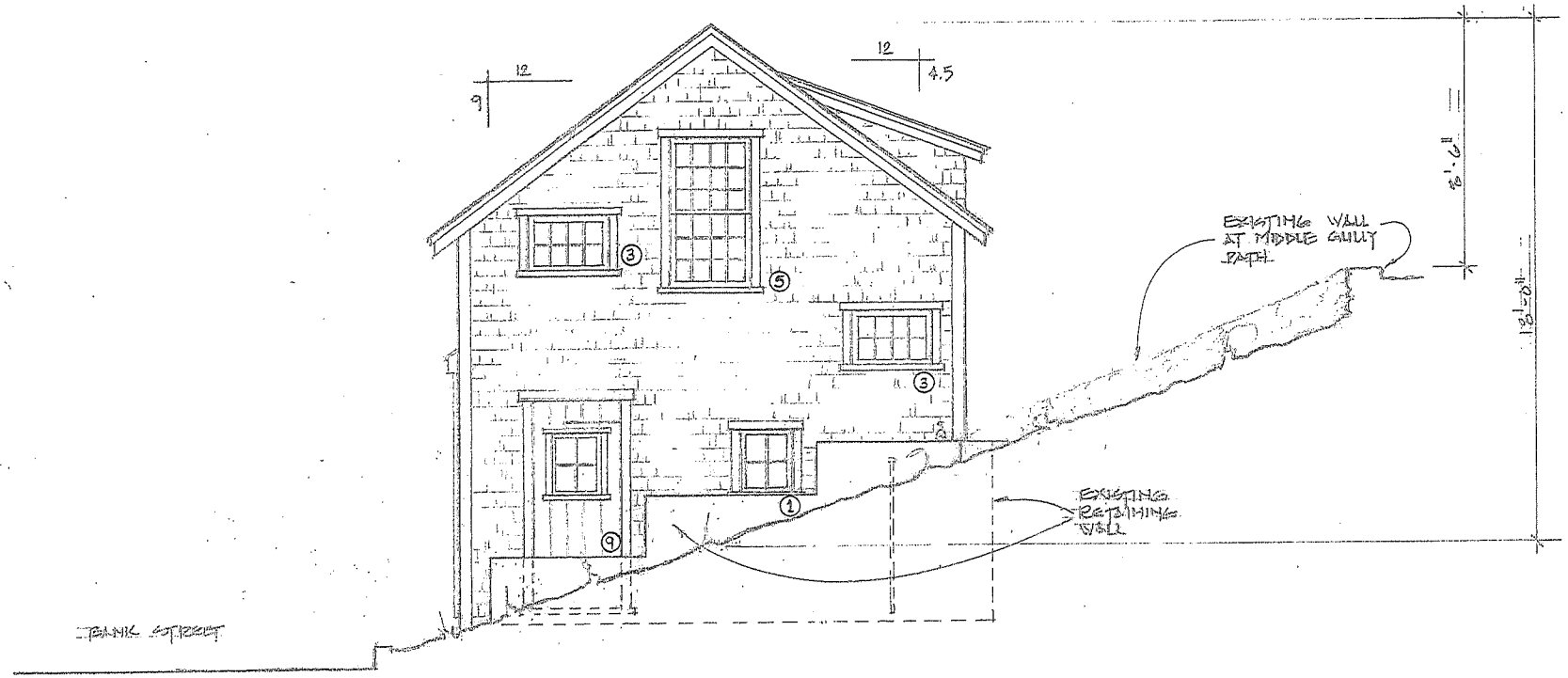
ANGUS MACLEOD DESIGN
P.O. BOX 7055
GOONSET, MA
(508) 257-6789



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

AMENDOLARA RESIDENCE
8 BANK STREET
GLOUCESTER, MA

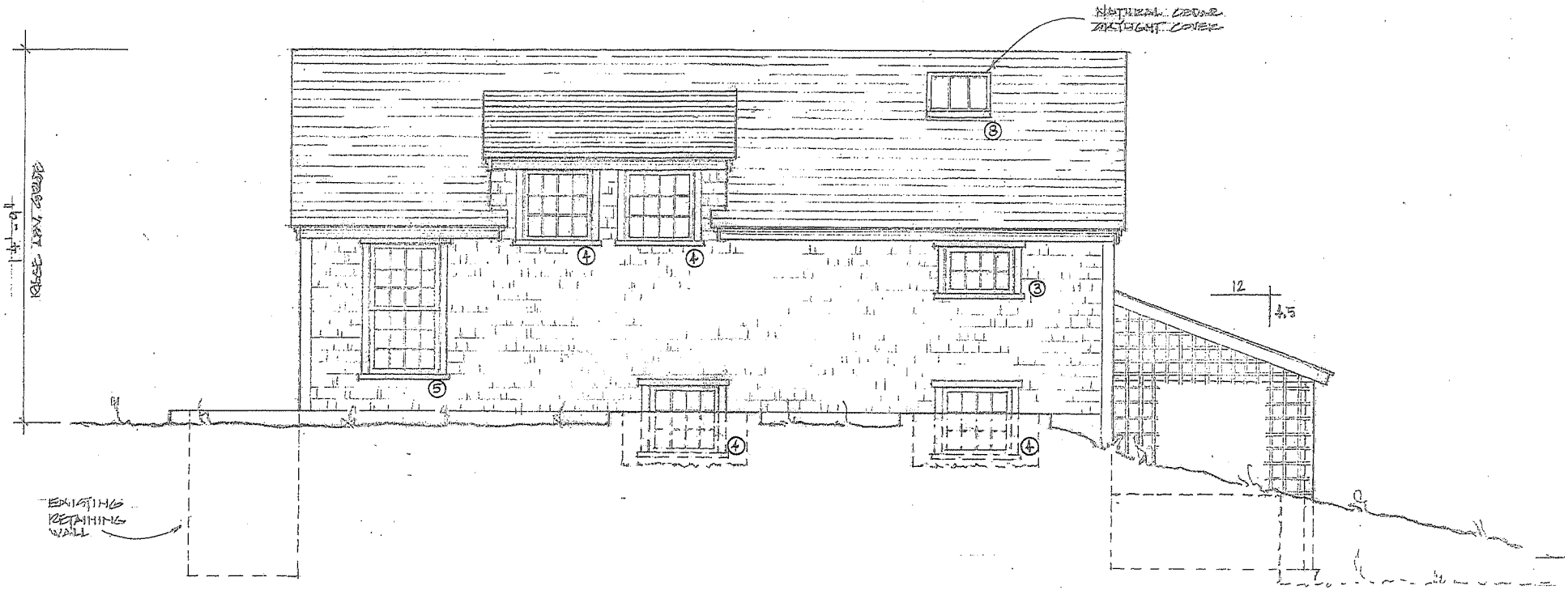
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
SUNSET, MA

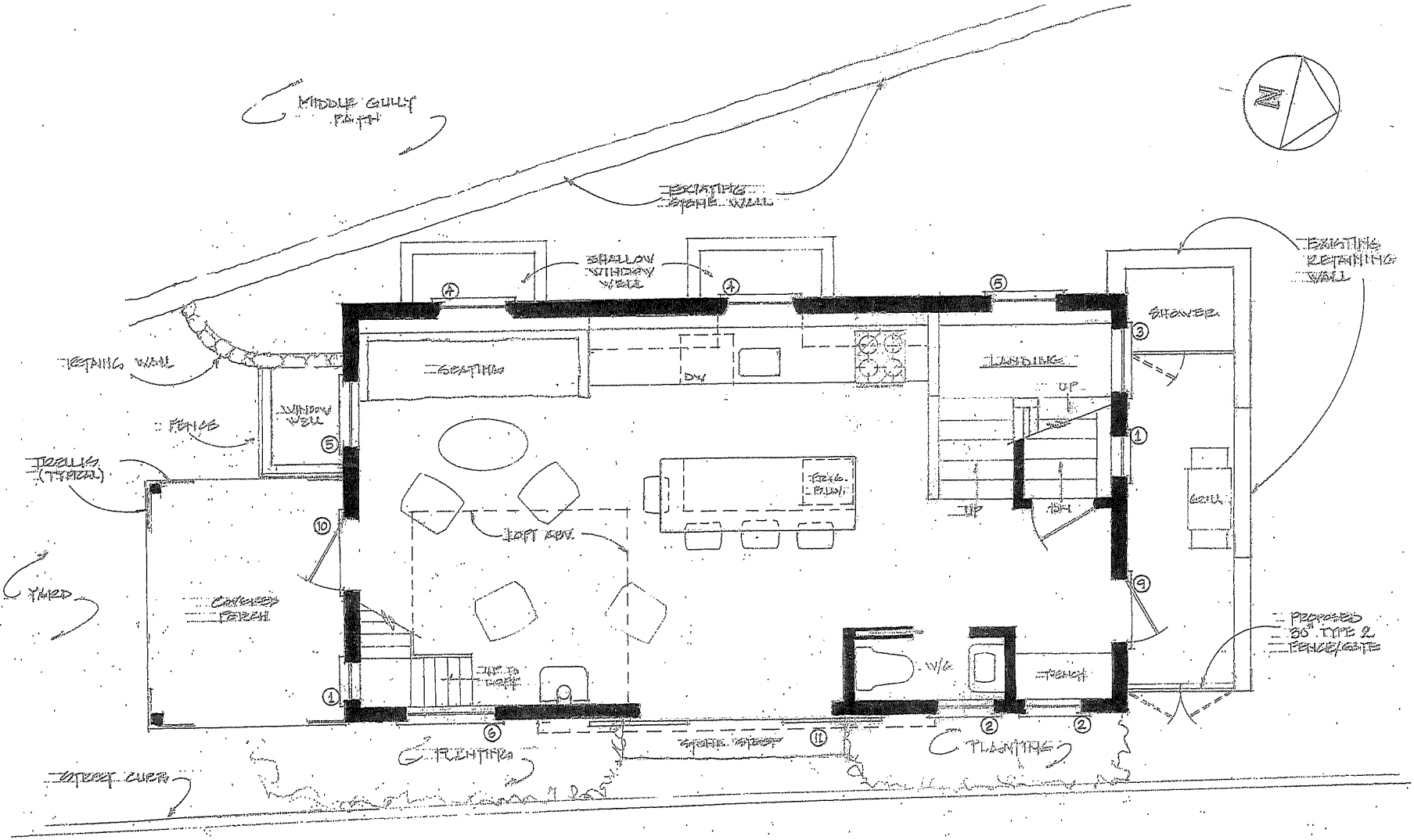
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
SUNSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GOOSNECK, MA.

ANGUS MACLEOD DESIGNS
P.O. BOX 11055
GOOSNECK, MA.
(508) 257-6789

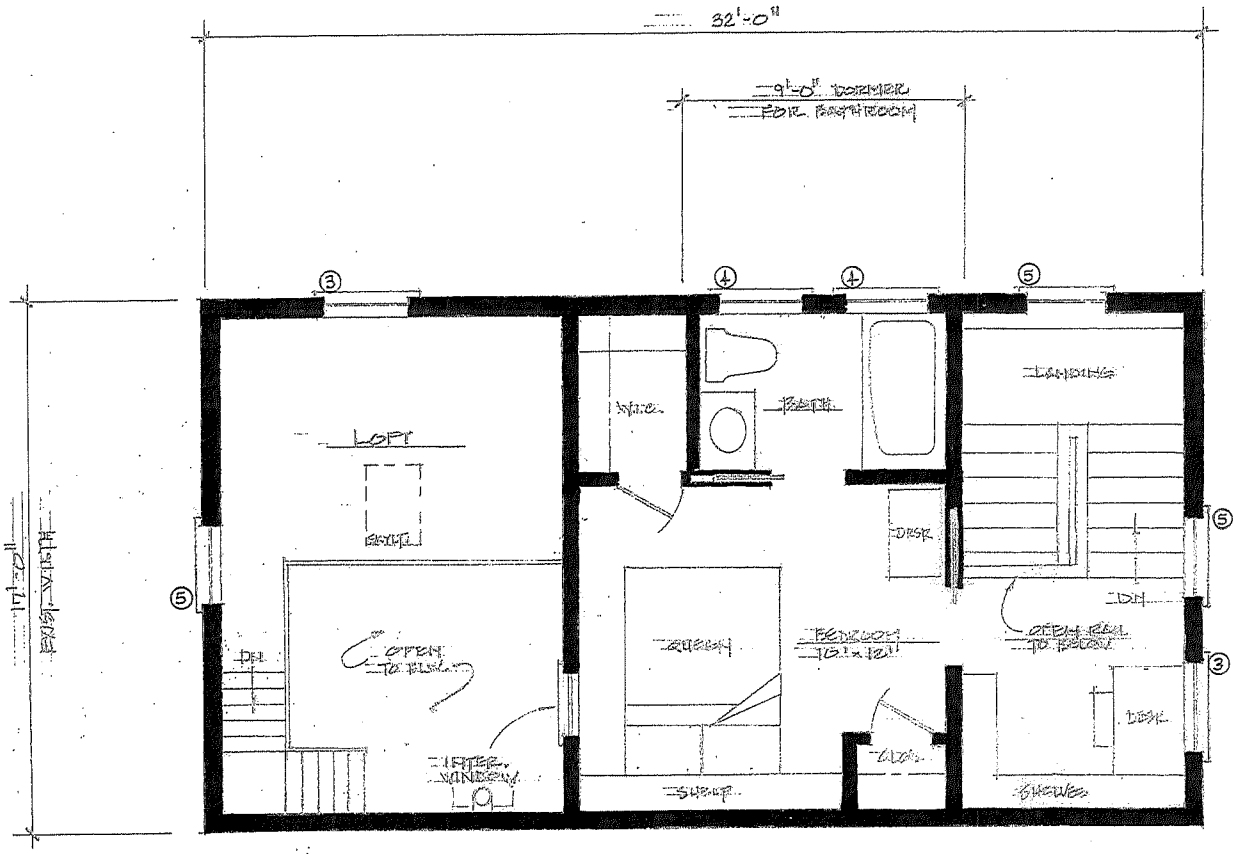


FIRST FLOOR PLAN

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

AMENDOLARA RESIDENCE
8 HENK STREET
FALMOUTH, MA

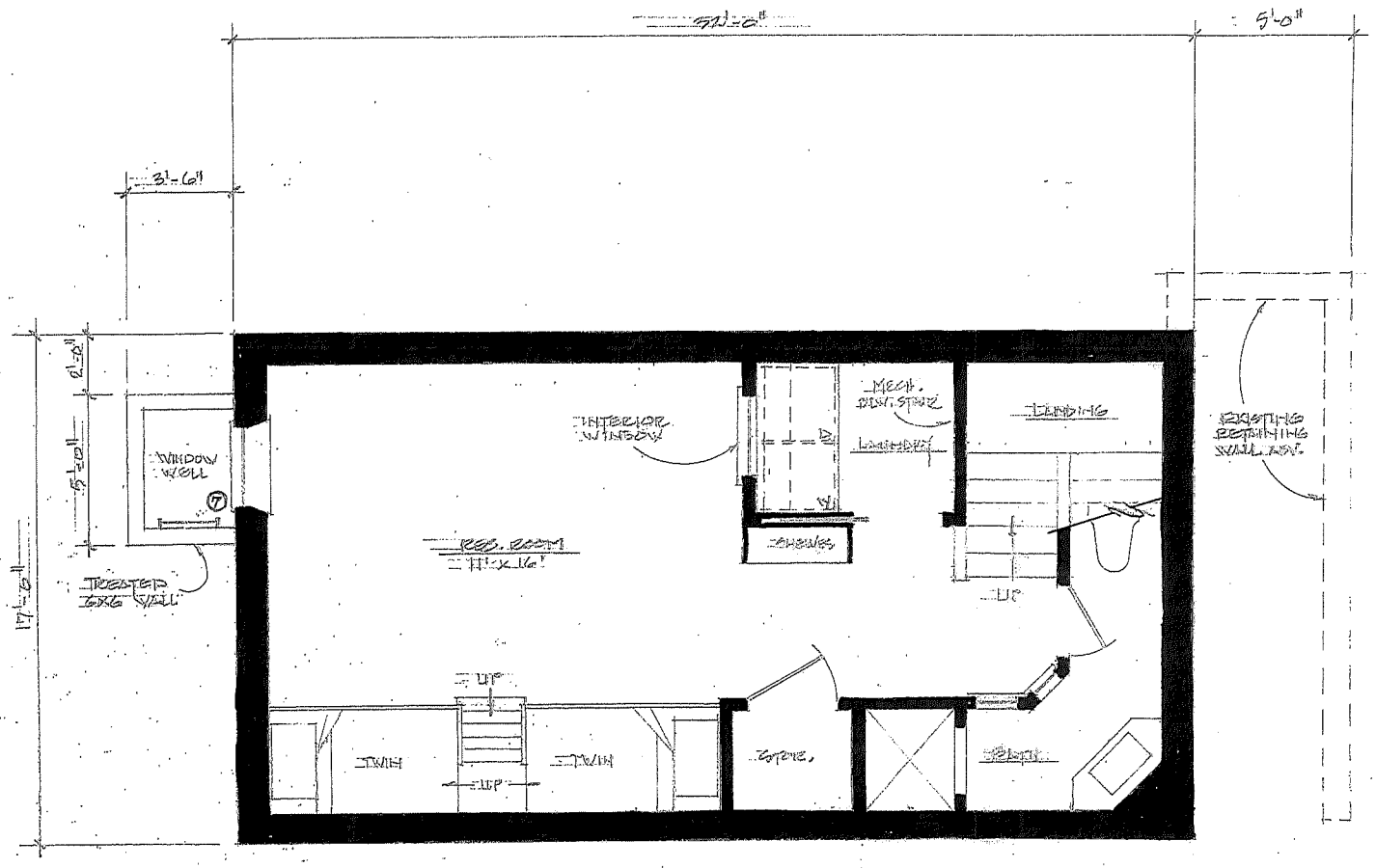
ANGUS MACLEOD DESIGNS
P.O. BOX 71255
FALMOUTH, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 HANK STREET
WESTPORT, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7095
WESTPORT, MA
(508) 257-6789

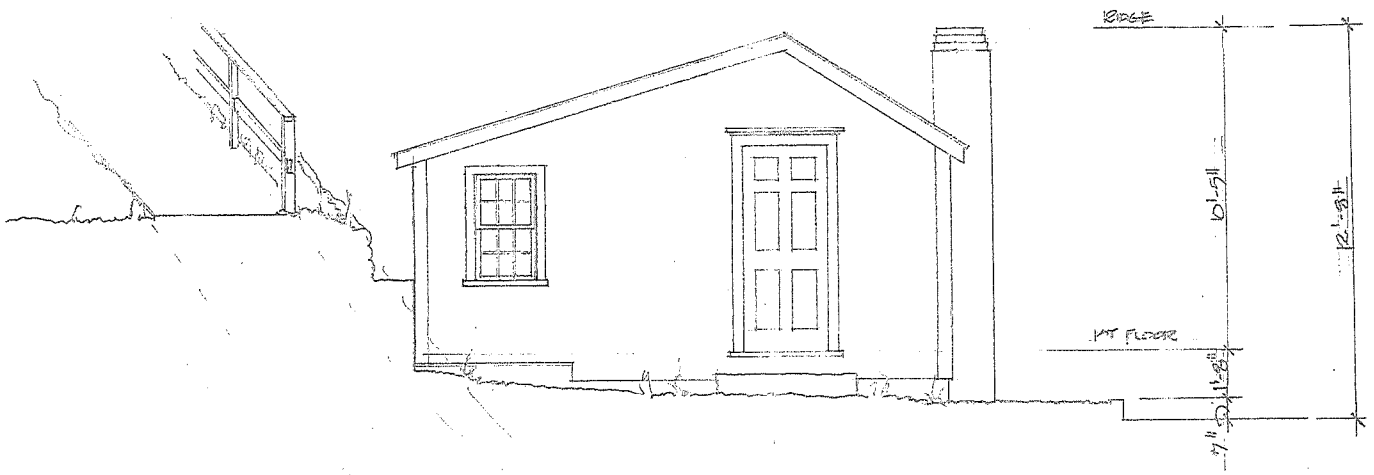


BASEMENT PLAN

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

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
VICONSET, MA

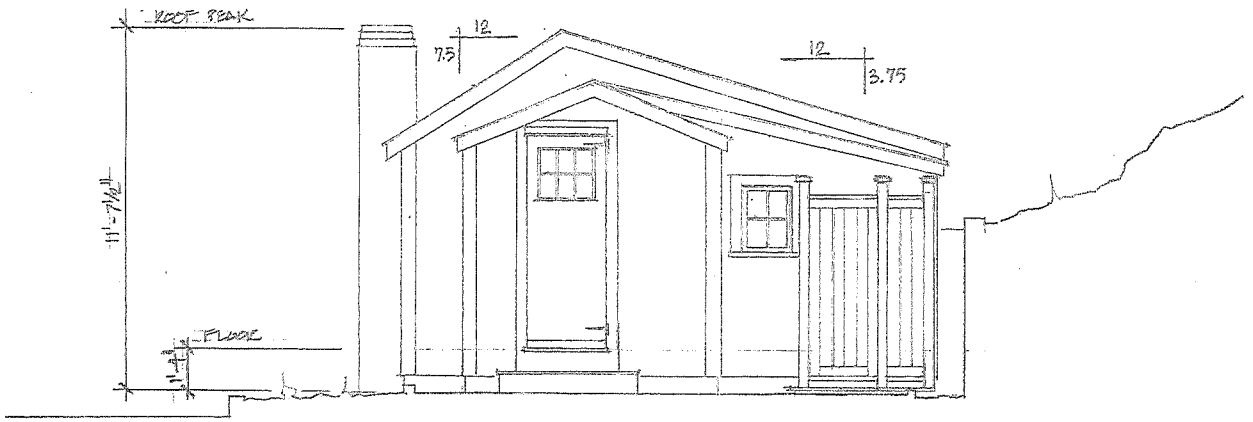
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
VICONSET, MA
(508) 257-6789



EAST ELEVATION
SCALE: 1/4" = 1'-0" AS-BUILT

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

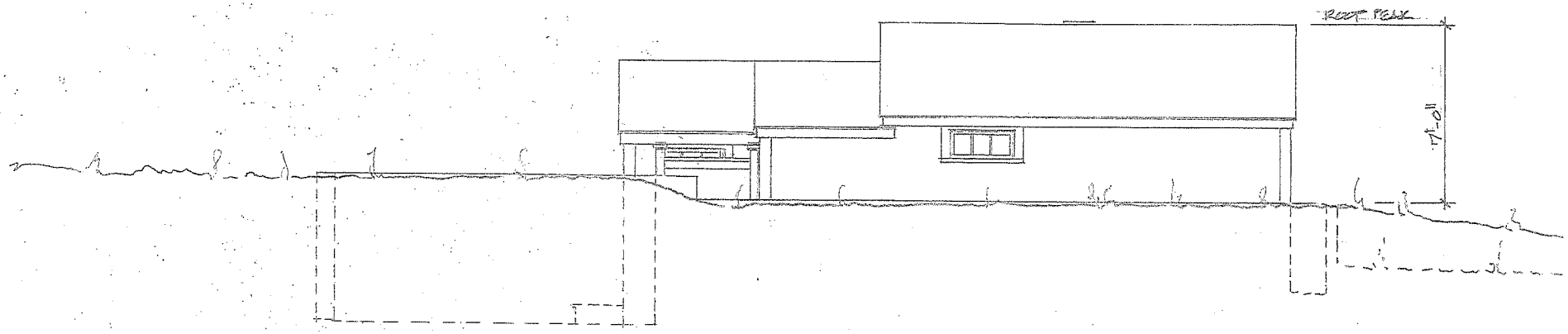
ANGUS MACLEOD DESIGN
P.O. BOX 7055
SCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EGONSET, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EGONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EXCONSET, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EXCONSET, MA
(508) 257-6789

AMENDOLARE RESIDENCE
8 BANK STREET
WATCH HILL, RI

ANGELO MACLEOD DESIGNS
P.O. BOX 7095
WATCH HILL, RI
(508) 257-6789

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

BANK STREET

8" MASONRY RETAINING WALL
TOP OF WALL @ 51.8 AFG

PLANTING BED

PAVER PATIO

REFRIGERATOR

DISHWASHER

KITCHEN

KW @ 51-7"

RANGE

KW @ 51-10"

MIDDLE BUILT UP ROOF RAMP
RETAINING WALL

KW @ 48-3"

DROPPED CEILING

POWDER RM

FLAT CEILING @ 81-10

KW @ 48-6"

KW @ 42-4"

CLOSET

LIVING ROOM

PLUMBING

KW @ 42-6"

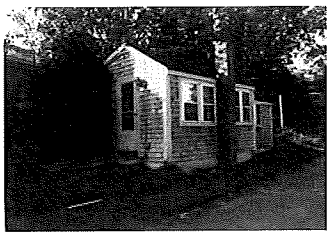
BATH

LIN

STAIR UP

Massachusetts Cultural Resource Information System

Scanned Record Cover Page



Inventory No:	NAN.2329
Historic Name:	
Common Name:	
Address:	8 Bank St
City/Town:	Nantucket
Village/Neighborhood:	Sankaty Head; Siasconset
Local No:	7313-9, SC9-16
Year Constructed:	c 1930
Architect(s):	
Architectural Style(s):	No style
Use(s):	Secondary Dwelling House; Single Family Dwelling House
Significance:	Architecture; Recreation
Area(s):	NAN.C: Nantucket Historic District NAN.D: Nantucket Historic District
Designation(s):	Nat'l Register District (11/13/1966); Nat'l Historic Landmark (11/13/1966); Local Historic District (06/04/1970)
Building Materials(s):	Roof: Asphalt Shingle Wall: Wood; Wood Shingle

The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

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Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Monday, April 12, 2021 at 8:49: AM

NAN.2329

BUILDING/STRUCTURE INVENTORY FORM
NANTUCKET ISLAND ARCHITECTURAL AND CULTURAL RESOURCES SURVEY
NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/ SC9-16
FILM ROLL #: 7313-9
MAP/PARCEL#:

Recorded by: AH Date: 09/22/89 Organization: AGS

IDENTIFICATION

1. Street Name & No.: 8 BANK STREET

2. Building Name: N/A

3. Ownership: Private

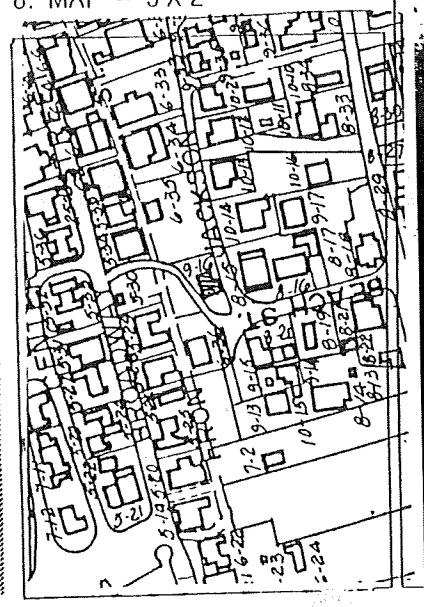
4. Present Owner: NICKERSON, CAROL

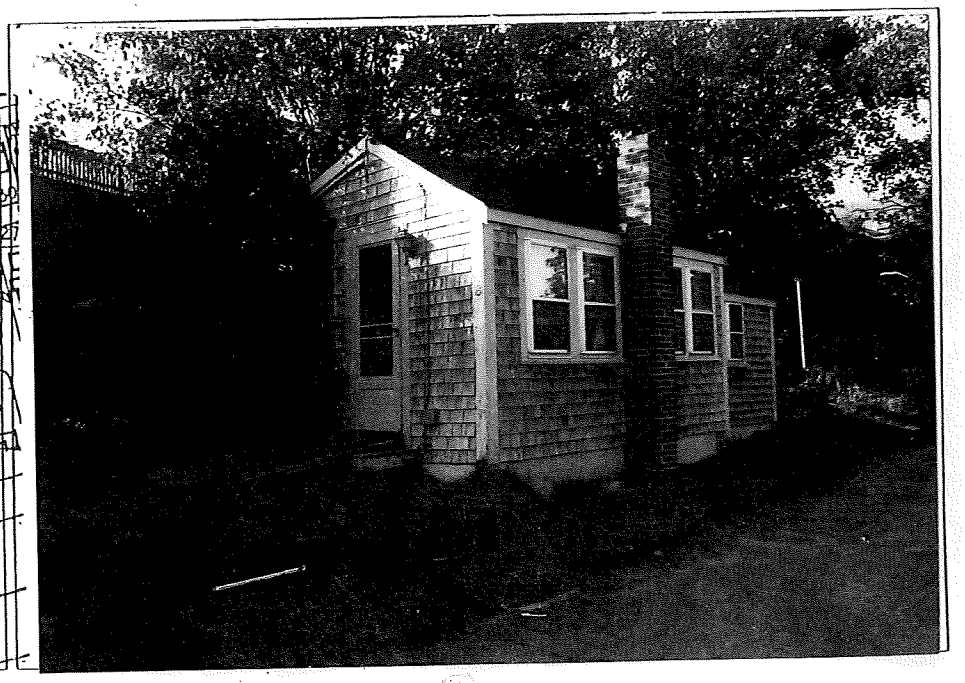
5. Ownership History:
Unknown

6. Use: Original: Dwelling Present: Dwelling
Seasonal/Year-Round: Seasonal

7. Accessibility to Public: Visible from Public Road? Yes
Interior: N/A

8. MAP -- 3 X 2"





GENERAL SETTING AND ORIENTATION OF BUILDING

10. Lot Size:N/A
11. Approximate Frontage (ft.): N/A
12. Setback from Street (ft.): At Sidewalk
13. Orientation to Street Address: Ridge Parallel
14. Surroundings: Densely Built,Residential
15. Related Outbuildings and Property: N/A
16. Other Notable Features:
N/A

DESCRIPTION

17. Foundation: Piers
18. Structural System: Woodframe
19. Exterior Wall Material, Front Facade: Shingles-Weathered
20. Exterior Wall Material, Side Elevations: Shingles-Weathered
21. Exterior Wall Material, Rear Elevation: Shingles-Weathered
22. Number of Stories: 1
23. Roof Shape: Gable
24. Roofing Material: Composition Shingle
25. Roof Features: N/A
26. Dormer Roof(s): N/A
27. Chimney Material: Brick-unpainted
28. Chimney Position: End Wall
29. Number of Chimneys: 1
30. Chimney Features: Corbelling
31. Front/Primary Door Location: Off Center
32. Front/Primary Door Frame Features: Flush Frame
33. Number of Bays: N/A
34. Window Frame Type: Flush
35. Window Sash Type(s) - Front Facade: 6/6

36. Porch: N/A
37. Signage: N/A
38. Details: Corner boards-plain
39. Condition: Good
40. Integrity: N/A
41. Alterations:
N/A

SIGNIFICANCE

42. Role the Building Plays: National Register: Contributing
43. Date of Initial Construction: Circa 1930
Source: Sanborn Maps,Aerial Photo 1938
Architect: Unknown Builder: Unknown
44. Building Type: Additive,Gable Front
45. Architectural Style: N/A
46. Historical and Architectural Importance:
Unknown

47. Sources: Sanborn Maps 1923, 1923/49,
Aerial Photo 1938

TOWN OF NANTUCKET

HISTORIC DISTRICT COMMISSION

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

PROPERTY OWNER.....Amendolare Kristina M & Nicholas.....

MAILING ADDRESS....538 Lynn Fells Parkway, Melrose, MA 02176....

PROPERTY LOCATION.....8 Bank Street.....

ASSESSORS MAP/PARCEL.....73.1.3 / 69.....

SUBMITTED BY:.....Angus MacLeod.....

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.04.05 09:39:08 -04'00'

4-5-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
7313	26		BURLINGHAM MARK G TRST	LEGA SEA NOM TRUST	P O BOX 1633	NANTUCKET	MA	02554	15 BEACH ST
7313	27		TIRAPELLI NICOLE ALEXANDRIA		1641 NORTH DAYTON ST UNIT 3	CHICAGO	IL	60614	7 BANK ST
7313	28		HEINEMANN ANN & LANDZERT	ISABEL & VANDEUSEN MARGARET TR	391 ESSEX ST	SALEM	MA	01970	7 FRONT ST
7313	67		TORABY DARIUS TRST	JUSO REALTY TRUST	31 STRICKLAND RD	COS COB	CT	06807	11 BANK ST
7313	70		ROBY PETER B & KATHERINE W		2 LITTLE CUB RD	GULFSTREAM	FL	33483	9 FRONT ST
7313	71		BROADWAY LLC	C/O F PETER CONATY JR	PO BOX 8080	WILMINGTON	DE	19803	11 BROADWAY
7313	99		ARVAY JOSEPH M & KATHY L		5 BLACHLEY COURT	MENDHAM	NJ	07945	11 FRONT ST
7324	5		RODTS FORREST A TR	OLD GARDNER HOUSE TRUST	17 GLOVER SQUARE	MARBLEHEAD	MA	01945	5 FRONT ST
7324	7		LAMOTT FRED G & SARAH F TRST		PO BOX 462	SIASCONSET	MA	02564	1 BANK ST
7324	8		HEGARTY WILLIAM T & WILLIAM T JR TRS		41 TAYLOR ST	SAUGUS	MA	01906	5 BANK ST
Count:	**10**								

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554
Telephone: 508.325.7587 Fax: 508.228.7298

NOTICE OF HDC APPLICATION

ABUTTERS AND INTERESTED PARTIES

Please be informed that the Nantucket Historic District Commission will be considering the following proposal:

Address of Proposed Work: 8 Bank Street, 'Sconset

Tax Map Number: 73.1.3 Parcel Number: 69

Owner of Record: Kristina and Nicholas Amendalore

Description of Proposal: Addition and renovation:

Addition to existing footprint to the North, raise eaves 6,'

raise total height 9' (to 21'above existing grade) and add full foudation

Anticipated HDC Submission Date: April 20, 2021

You have been identified either as an abutter or interested party to the above property and are being notified in accordance with the Town Bylaw. Please note that the above submission date is an estimate only; the actual meeting date will be determined once the HDC staff has established that a complete application has been submitted. Please contact the HDC office to verify the date. Please note that notification is only required at the time of initial submission of an application, not for each time an application goes before the Commission. Abutters are responsible for monitoring the status of applications.

If you wish to comment on the above proposal, you are encouraged to submit your comments in writing to the HDC office. If yo[illegible] to testify at a Commission meeting please be aware that your testimony may be limited by the Comi[illegible] in accordance with Commission policies, which are included on the back of this form. Due to the larg[illegible]s of most applications, the HDC office may not be able to send faxed copies of the plans. Off-island abutters wishing more detailed information may enlist an on-island representative to view the plans in the HDC office.

If you have any questions, please contact the HDC office at 508.325.7587.

CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at *www.usps.com®*.

Siasconset, MA 02564

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Certified Mail Fee	$3.60
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☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$0.00
Postage	$0.55
Total Postage and Fees	$4.15

0055 1

Postmark Here

04/17/2021

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LAMOTT FRED G & SARAH F TRST
PO BOX 462
SIASCONSET, MA 02564

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7020 1810 0001 5990 6535

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ROBY PETER B & KATHERINE W
2 LITTLE CUB RD
GULFSTREAM, FL 33483

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RODTS FORREST A TR
OLD GARDNER HOUSE TRUST
17 GLOVER SQUARE
MARBLEHEAD, MA 01945

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6559

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HEGARTY WILLIAM T & WILLIAM T JR TRS
41 TAYLOR ST
SAUGUS, MA 01906

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BROADWAY LLC
C/O F PETER CONATY JR
PO BOX 8080
WILMINGTON, DE 19803

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6573

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Chicago, IL 60614

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Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$0.00
Postage	$0.55
Total Postage and Fees	$4.15

0055 1

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04/17/2021

Sent To

TIRAPELLI NICOLE ALEXANDRIA
1641 NORTH DAYTON ST UNIT 3
CHICAGO, IL 60614

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6542

Postmark Here

04/17/2021

ARVAY JOSEPH M & KATHY L
5 BLACHLEY COURT
MENDHAM, NJ 07945

See Reverse for Instructions

7020 1810 0001 5990 6559

Postmark Here

04/17/2021

TORABY DARIUS TRST
JUSO REALTY TRUST
31 STRICKLAND RD
COS COB, CT 06807

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6566

Postmark Here

04/17/2021

BURLINGHAM MARK G TRST
LEGA SEA NOM TRUST
P O BOX 1633
NANTUCKET, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6573

Postmark Here

04/17/2021

HEINEMANN ANN & LANDZERT
ISABEL & VANDEUSEN MARGARET TR
391 ESSEX ST
SALEM, MA 01970

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587
Email: hdcsubmissions@nantucket-ma.gov

COMMISSIONERS

Ray Pohl
Chairman

Diane Coombs
Vice-Chairman

Val Oliver

Abigail Camp

John McLaughlin

ASSOCIATE COMMISSIONERS

Stephen Welch

TJ Watterson

Jesse Dutra

STAFF

Cathy Flynn
Land Use Specialist
cflynn@nantucket-ma.gov

Waiver of the HDC 10 Day Hearing Requirement

I Angus MacLeod

AS AGENT FOR Kristina and Nicholas Amendalore

STREET ADDRESS 8 Bank Street, 'Sconset

MAP/PARCEL 73.1.3 / 69

UNDERSTAND THAT THE ABOVE REFERENCED APPLICATION SUBMITTED ON

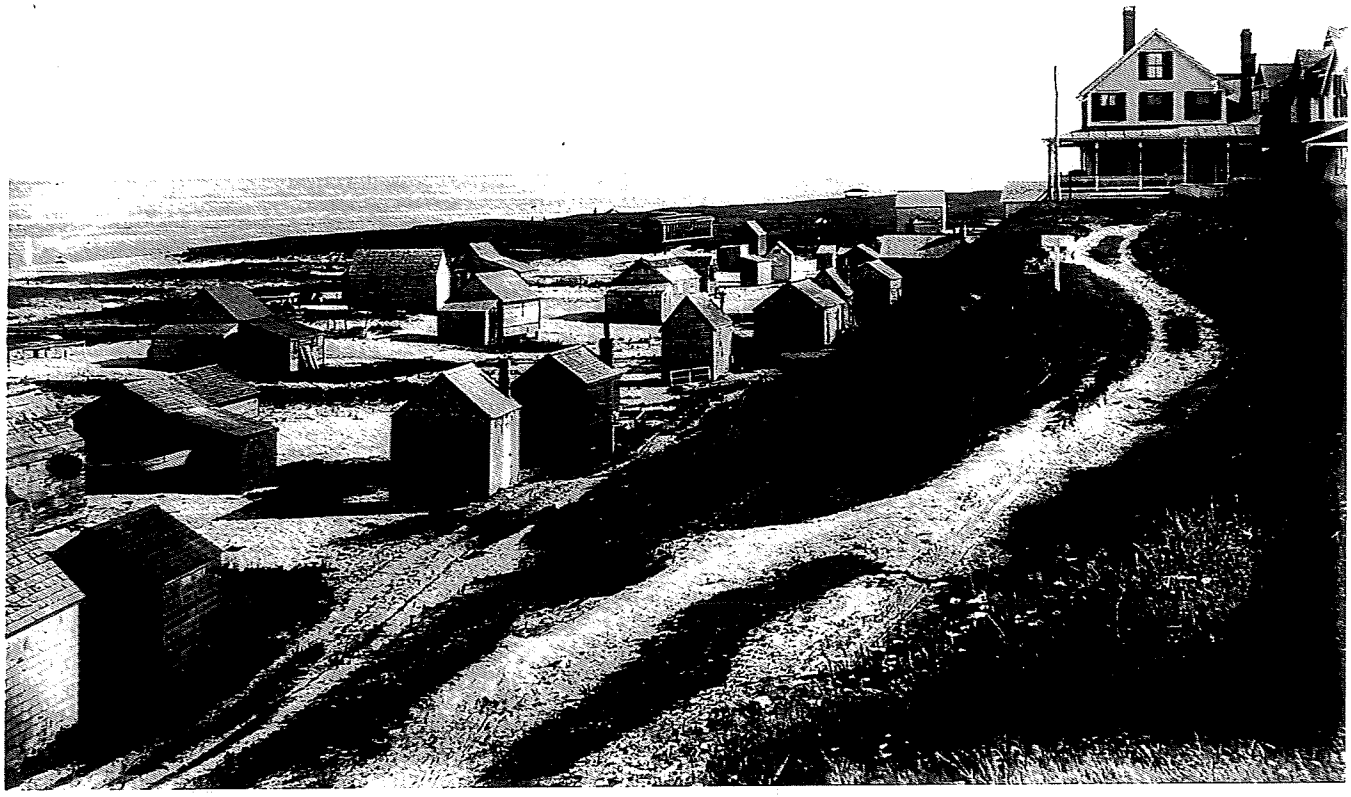
April 17, 2021

WILL NOT BE REVIEWED BY THE HISTORIC DISTRICT COMMISSION, DUE TO THE COVID-19 PANDEMIC, WITHIN THE 10 DAY PERIOD AS REQUIRED BY:

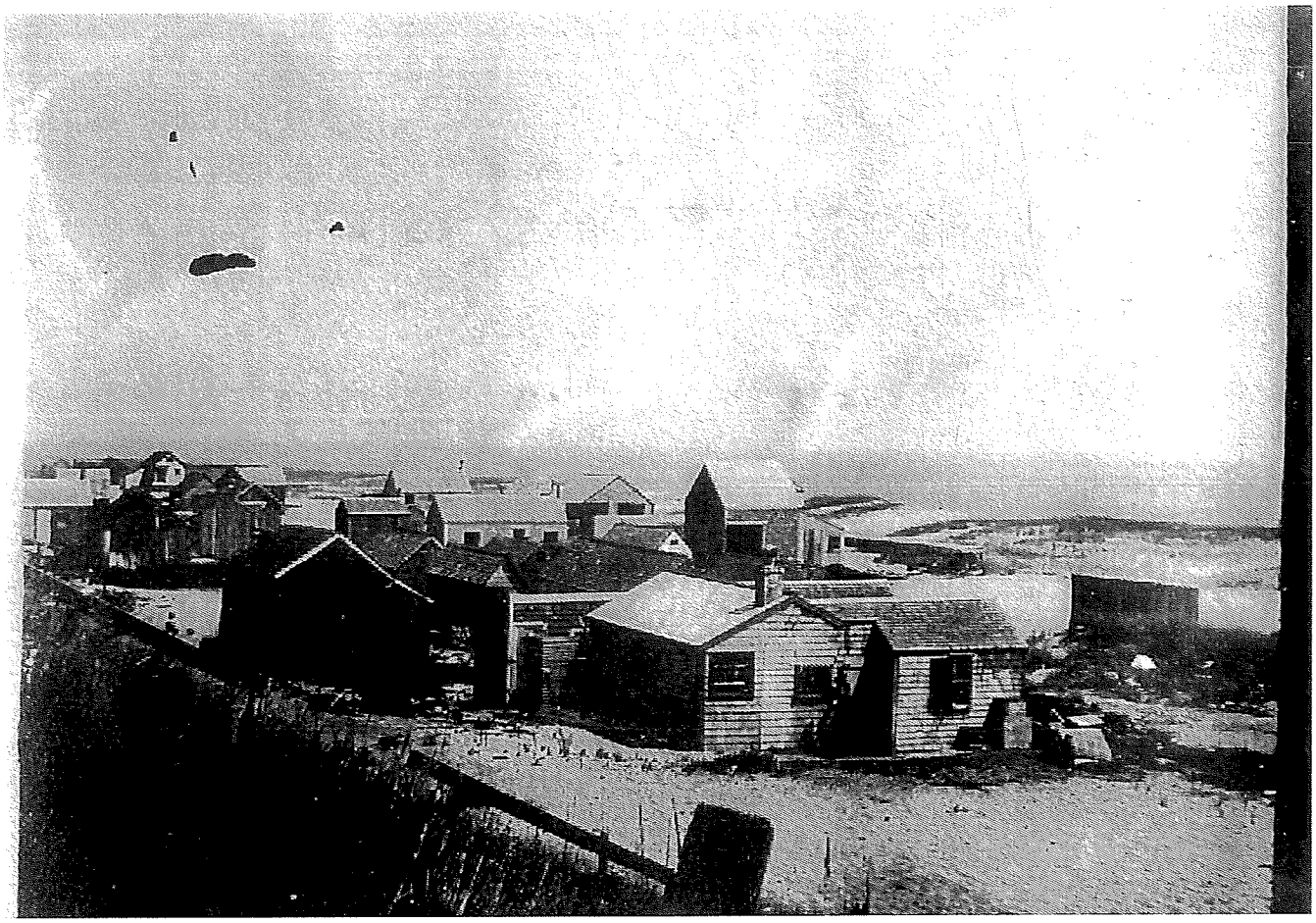
SECTION 8 of the HDC enabling legislation: ... The Commission shall meet within ten (10) days of the receipt of an application for a certificate of appropriateness or permit for removal...

AND I AGREE TO A WAIVER OF THE ABOVE MENTIONED REQUIREMENT.

Signature — Date: April 17, 2021









This is on the way to the edge of the water. You can see the board walk down to the beach. We spend most of our time there. We are having a perfectly delightful time or that is 9 am. The sea air has done wonders for me. Love to Charlie Cameron & yourself E.M.S



TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2021 NOV 15 PM 3:21
NANTUCKET TOWN CLERK

APPLICATION

Fee: $450.00 **File No._____**

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

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

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

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

Mailing Address: _____

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

Locus Address: **8 Bank Street, Siasconset**

Assessor's Map/Parcel: **73.1.3/69**

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

Deed Reference & Certificate of Title: **1770/216**

Zoning District **SOH**

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

Residential: Number of dwelling: 1 Duplex_____ Apartments _____

Date of Structure(s): all pre-date 7/72: **1935** or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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

SIGNATURE:_____Owner*

SIGNATURE: Linda Williams Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

ADDENDUM

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

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

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

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

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

The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity; ...

Exhibits attached

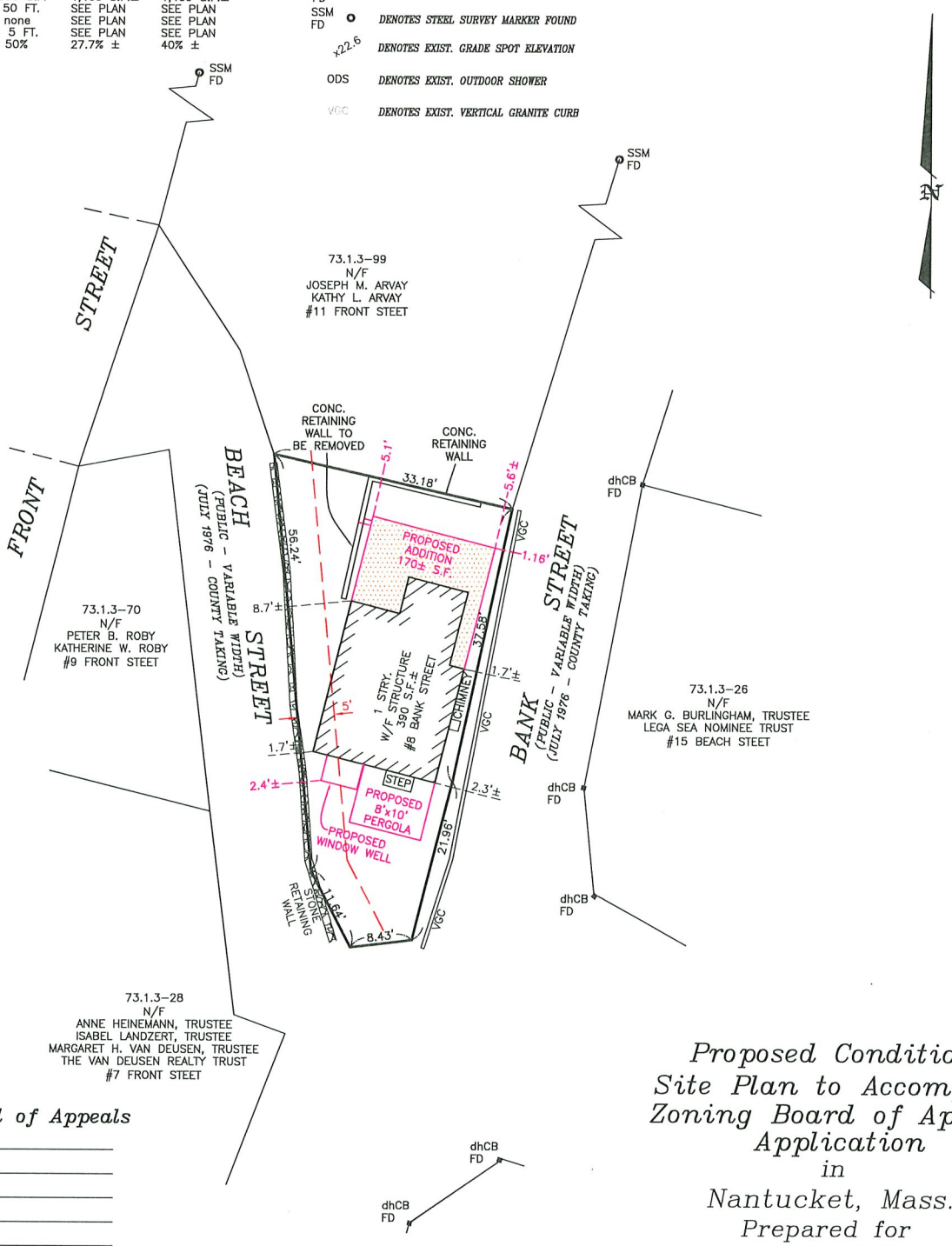
- HDC COA, minutes
- Site plans by Blackwell & Associates, Inc. of existing and proposed
- Town of Nantucket GIS data sheet
- Section showing elevation of existing structure and proposed expansion
- Sconset Advisory Committee notes
- Cod Fish area photographic examples of other dwellings

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

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

LEGEND

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



Zoning Board of Appeals

_____
_____
_____
_____
_____

FILE NO._____DATE:_____

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

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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T:\LUCAS JOB 50
V:\DRAWFILES\B8867\ZBA.dwg 11/15/2021 10:42:31 AM EST

OWNER INFORMATION

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

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

KRISTINA M. AMENDOLARE
NICHOLAS AMENDOLARE

Scale: 1"= 10' NOVEMBER 15, 2021

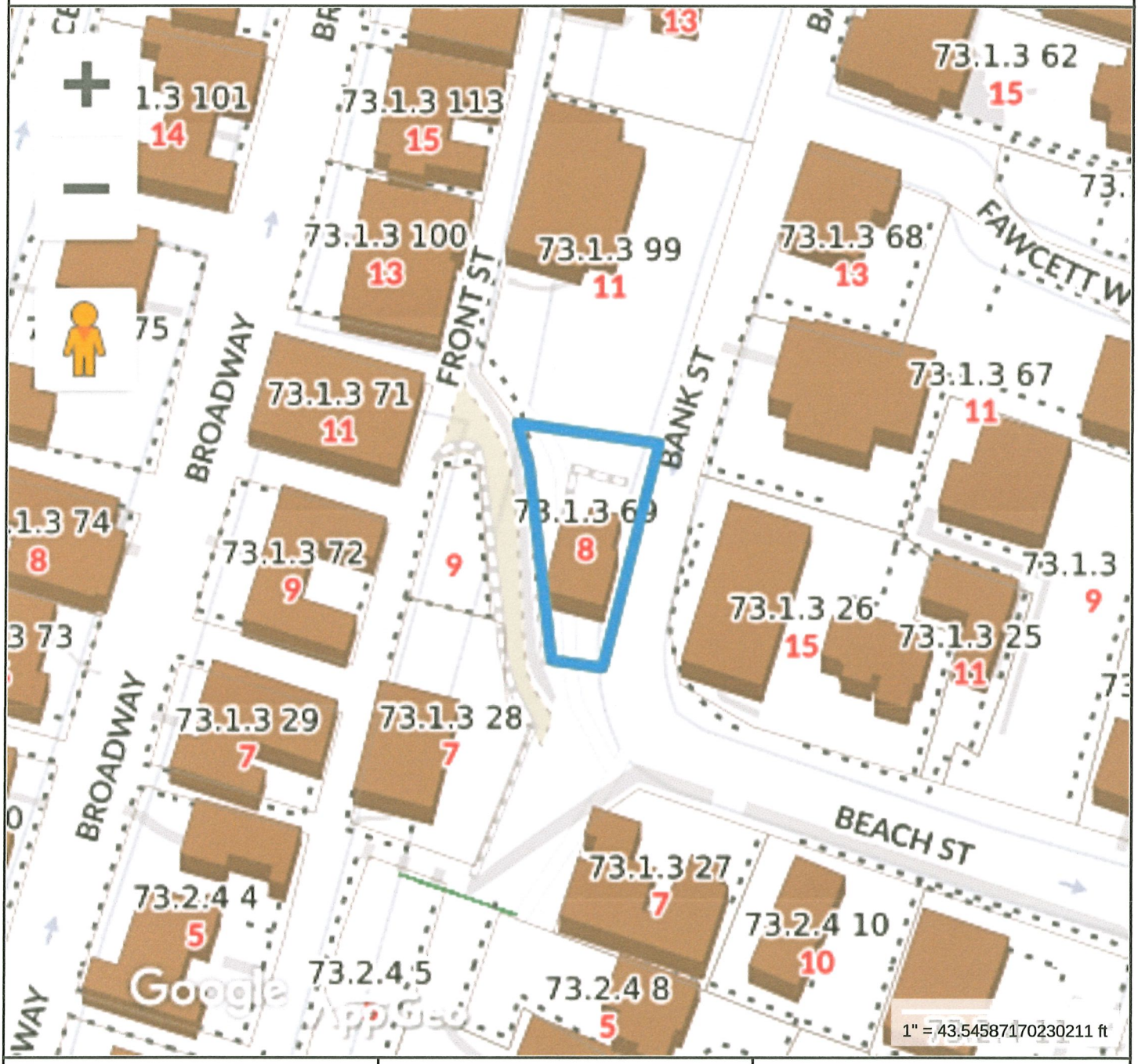
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

B8867



Property Information

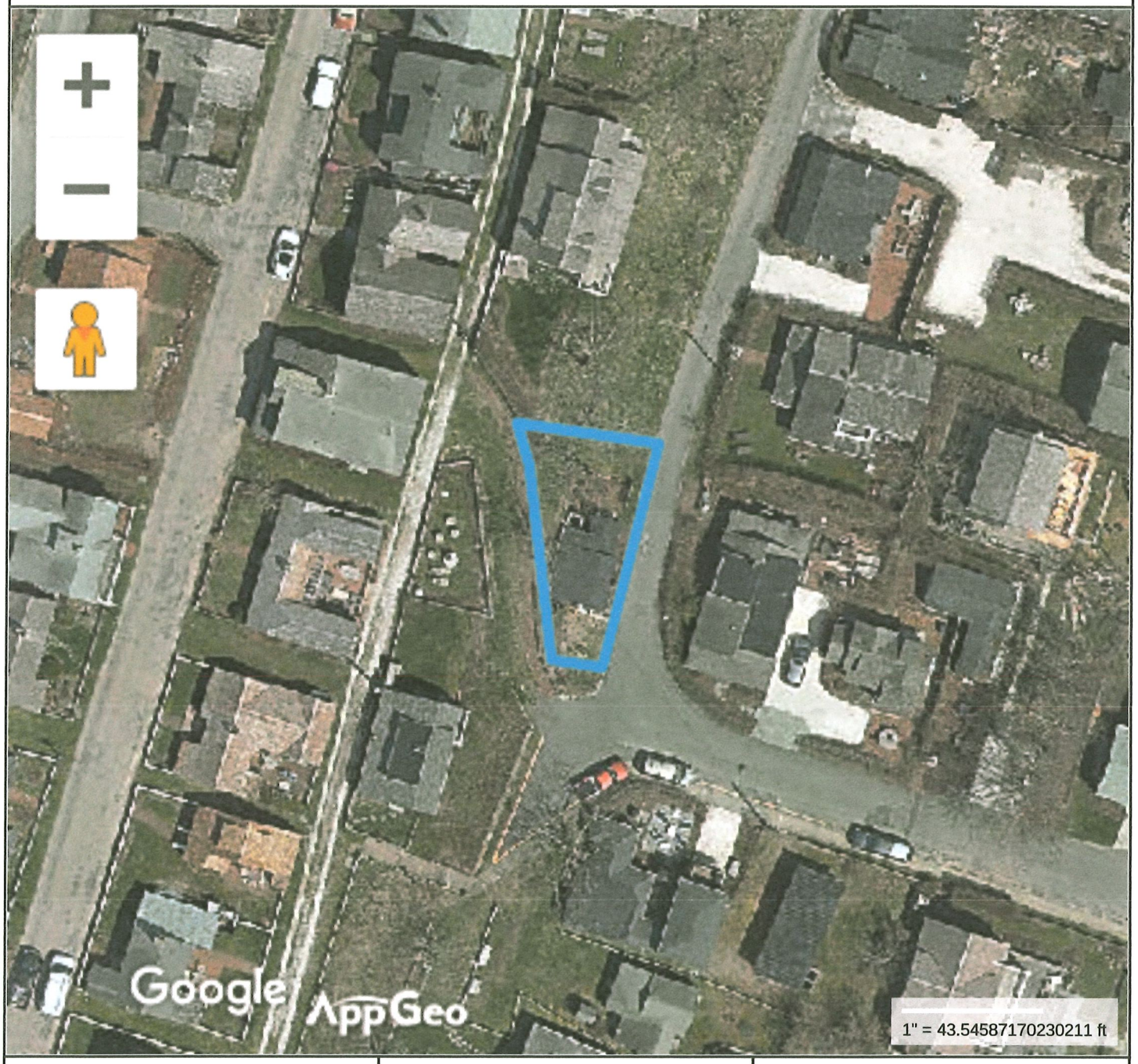
Property ID	73.1.3 69
Location	8 BANK ST
Owner	AMENDOLARE KRISTINA M & NICHOLAS

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NOT A LEGAL DOCUMENT

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Geometry updated 11/04/2021
Data updated Jan. 2021

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



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Location	8 BANK ST
Owner	AMENDOLARE KRISTINA M & NICHOLAS

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8 BANK STREET

EAST ELEVATION



SOUTH ELEVATION






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Google
Image capture: Nov 2016 © 2021 Google United States Terms Privacy

6. Kristine Amendolare **05-3625** 8 Bank Street Sias Additions 72.1.3/69 Angus Macleod

Voting	Coombs (acting chair), McLaughlin, Camp, Thornewill
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, correspondence, historic documentation, advisory comments, and topographical information
Representing	Angus MacLeod
Public	Margaret Van Deusen, 7 Front Street Joe Arvay, 11 Front Street Isabel Landzert – 7 Front Street John Shae, 'Sconset Civic Assn
Concerns (7:15)	**MacLeod** – Reviewed changes made per previous concerns; the engineers and excavators have figured out how not to destabilize the bank. There are letters supporting this proposal but those aren't being read into the record. This was designed to be as low as possible and still function; we can't go any lower. **Backus** – No additional SAB comments. This is a proposed alteration to an 1923-1926 structure. We've received abutters' letters of concerns and have forwarded those to commissioners. If this is a proposed addition, questions what of the original structure is being maintained. Read into the record letters of concerns from the 'Sconset Civic Association (SCA) and the Gardeners of 9 Broadway & 9 Front Street. **Van Deusen** – This is the 1st building that would be right against and into the bank; the proposed height makes it more visually impactful at the entrance to Codfish Park. Referenced Mr. John Shae's letter describing the area's sense of place and history. If this is approved, it will "open a floodgate of change." Asked for a denial. **Arvay** – Questions what is remaining of the original structure. Concurs with comments about the strategic positioning of this building. **Landzert** – That SCA, which represents the village, objects to this should be carefully considered. Though this is aesthetically pleasing, it is not appropriate in this location. People come here to watch the sunrise, which is over rooftops, not the ocean. **Shae** – This vote could change 'Sconset forever. **Camp** – The problem is how perfectly the existing structure hugs the bank; there would be no better proposal for this location. She voted against 15 Beach Street. Likes Ms. Thornewill's suggestion to push it north. **Thornewill** – This building is appropriate and throws back to historic Codfish Park buildings. With a zoning variance, it might be shifted back onto the retaining wall; that moves it away from the corner and lower bank. **McLaughlin** – The design as proposed is appropriate to the neighborhood. **Coombs** – Concerns about digging into the bank affecting its stability is not within HDC purview. She has concerns about SCA's claim regarding 15 Beach Street; this is not taller than that. Asked if the ridge could be reduced to 19'.
Motion	Motion to Approve. (McLaughlin) Not carried 2-2//Coombs and Camp abstain **Motion to Hold for revisions. (Thornewill)**
Roll-call Vote	Carried 4-0//Camp, McLaughlin, Thornewill, and Coombs-aye Certificate #

7. Westmoor Club, LLC **07-4189** 105 West Chester Street Tennis/pickleball courts 41/805 JGG Architects

Voting	Camp (acting chair), McLaughlin, Coombs, Thornewill
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	Adam Davis, J. G. Goldsmith Architects
Public	None
Concerns (7:57)	**Davis** – Reviewed changes made per previous concerns; no proposing to put tennis in at southern-most point. **Backus** – They will have to do a separate application to change the internal tennis courts into the pickleball courts on the other lot. **Thornewill** – Appreciates moving the pickleball courts away from the street and extensive planting plan. **McLaughlin** – No concerns and he'd approve as submitted. **Coombs** – Pickleball makes more noise than tennis; she's glad it's moving inward. As much vegetation as possible would be appreciated. **Camp** – Double up the trees in front of the future barn is; the more the better.
Motion	**Motion to Approve as submitted. (McLaughlin)**
Roll-call Vote	Carried 4-0//Coombs, Thornewill, McLaughlin, and Camp-aye Certificate # **HDC2021-07-4189**

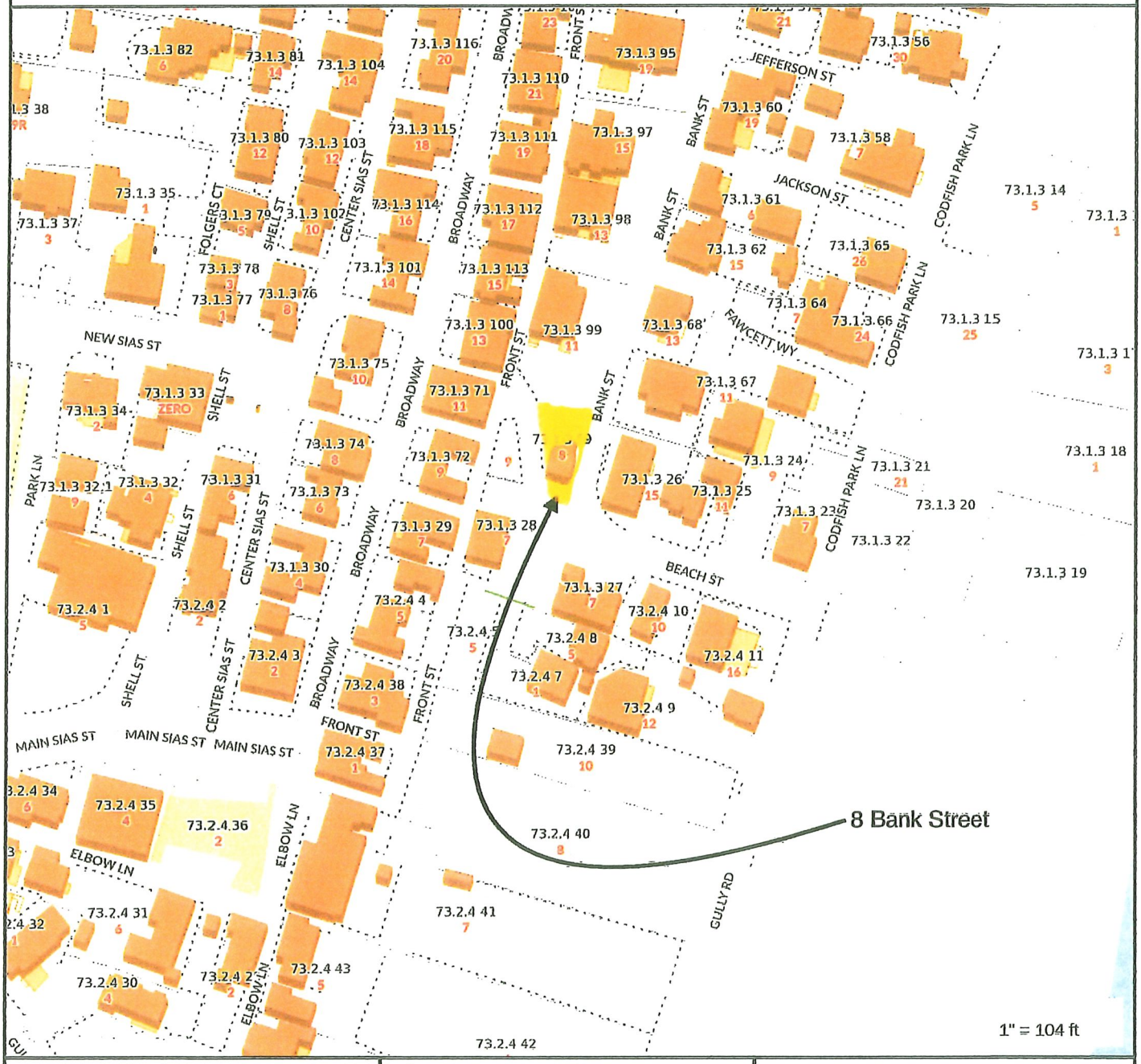
From: Angus Macleod angusonack@gmail.com
Subject: 8 Bank Street ~ Codfish Park House Alterations
Date: Aug 17, 2021 at 4:25:28 PM
To: Angus angusonack@gmail.com

16 Codfish Park Houses that have been altered with HDC approval

Copies of Documentation have been filed with PLUS for HDC meeting

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

Amendolare: Locus Plan



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Geometry updated Jan. 2021
Data updated Jan. 2021

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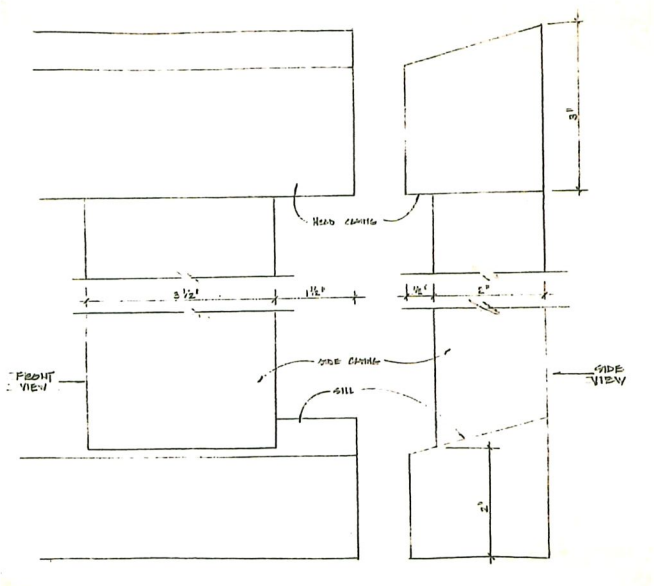
Angus MacLeod Designs
P.O.Box 7055
Sconset, MA
02564

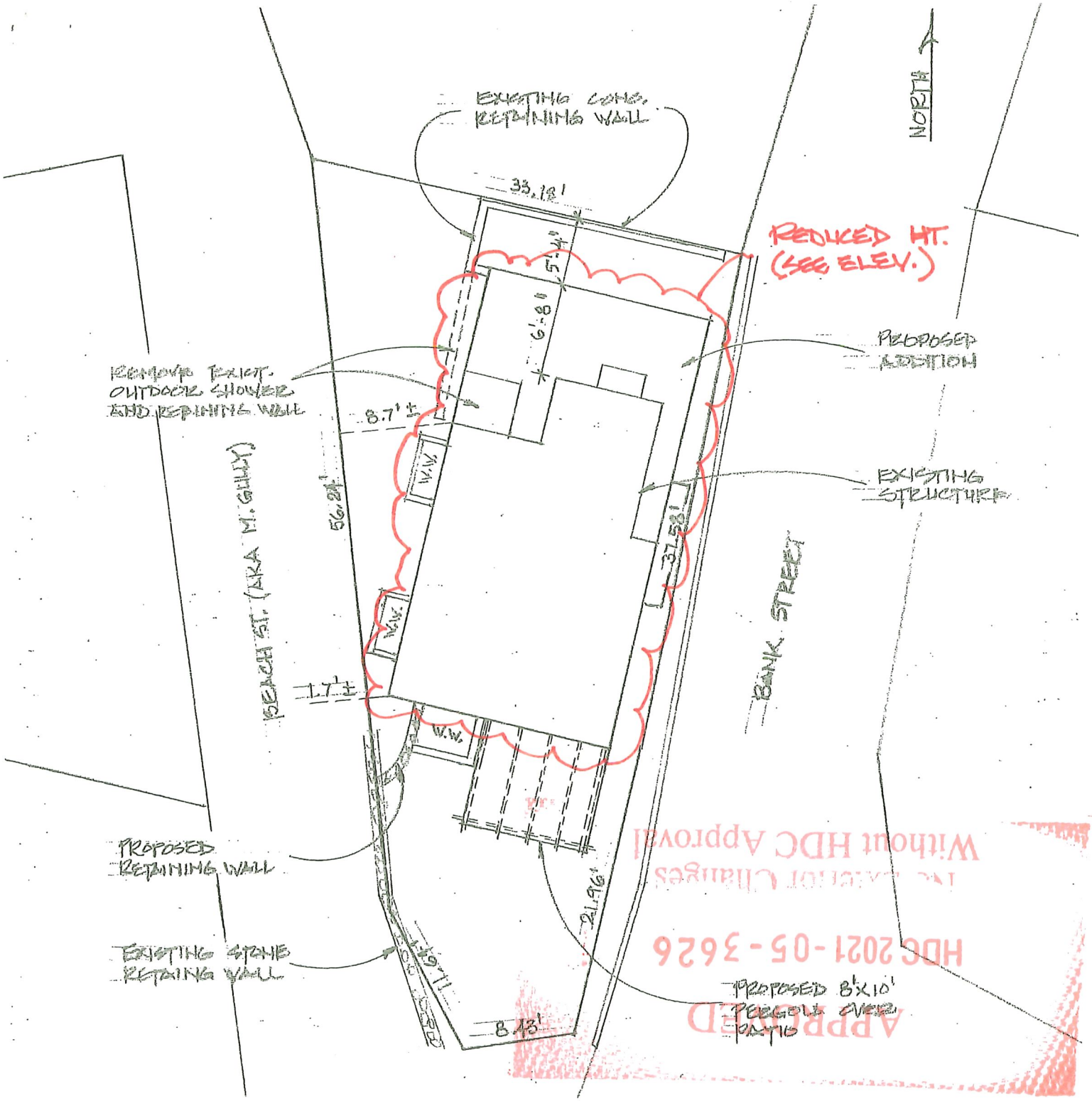
Amendalore: Window Schedule

No	Unit Size	Manu.	Glass size	Type	Notes	Quant.
1	1' - 8" x 2' - 1"	Boston Sash	8 x10	4 (2H2W) Light Hopper Window	Single	2
2	2' - 6" x 3' - 1"	Boston Sash	8 x10	9 (3H3W) Light Single-Hung Window	Single	2
3	2' - 8" x 1'-11"	Boston Sash	7 x 9	8 (2H4W) Light Hopper Window	Single	2
4	2' - 8" x 2' - 8"	Boston Sash	7 x 9	12 (3H4W) Light Hopper Window	Single	2
5	2' - 8" x 4'-11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	5
6	3' - 9" x 3' - 1"	Boston Sash	8 x10	15 (3H5W) Light Single-Hung Window	Single	1
7	2' - 8" x 4'-11"	Boston Sash	7 x 9	12/12 Double-Hung Window	Single	1
8	2' - 8" x 3' -	Boston Sash	7 x 9	8/8 Double-Hung Window	Single	1
9	3' - 0" x 7' - 0"	Custom	8 x10	4 Light Plank Door	Single	1
10	3' - 0" x 7' - 0"	Custom		Plank Door	Single	1
11	6' - 9" x 8' - 0"	Custom		Plank Door	Single	1

Window Notes:

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

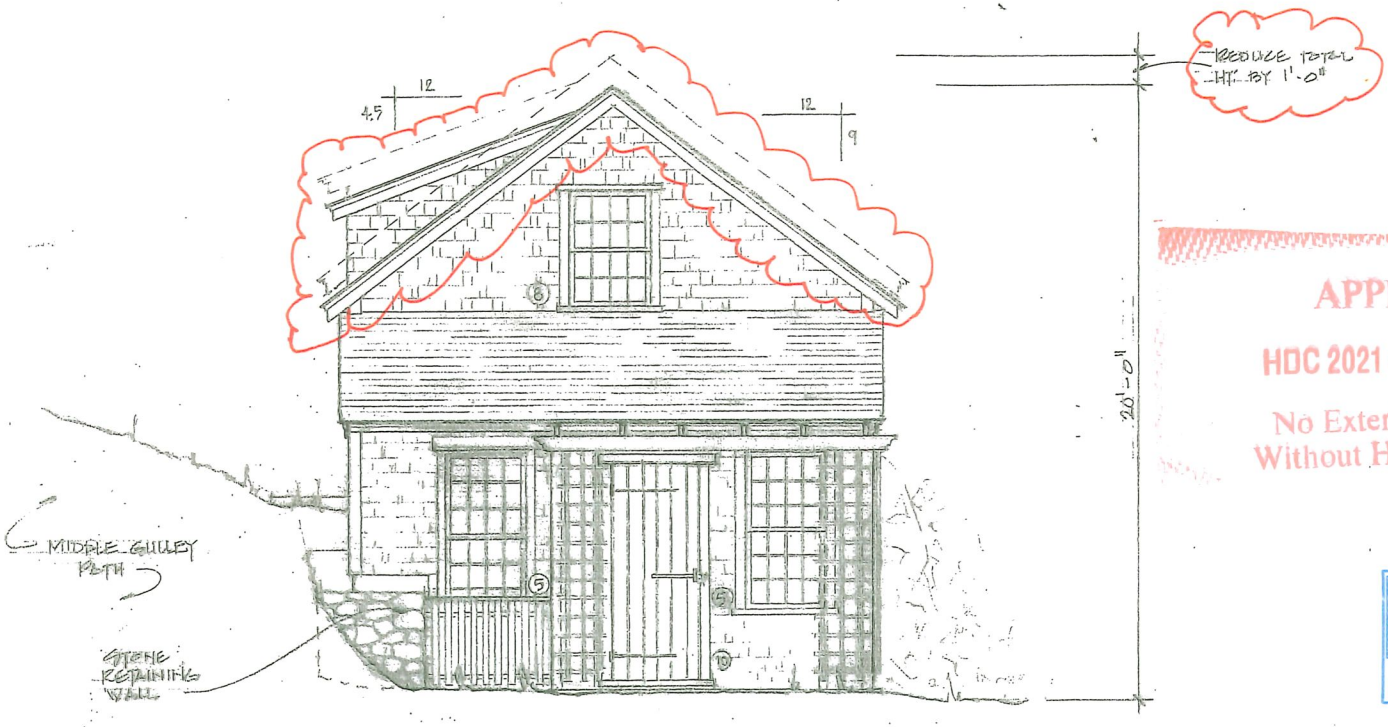




SITE PLAN
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
8 BANK STREET
WESTPORT, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
WESTPORT, MA.
(508) 257-6789



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

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

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AMENDOLARE RESIDENCE
8 HANK STREET
FALMOUTH, MA

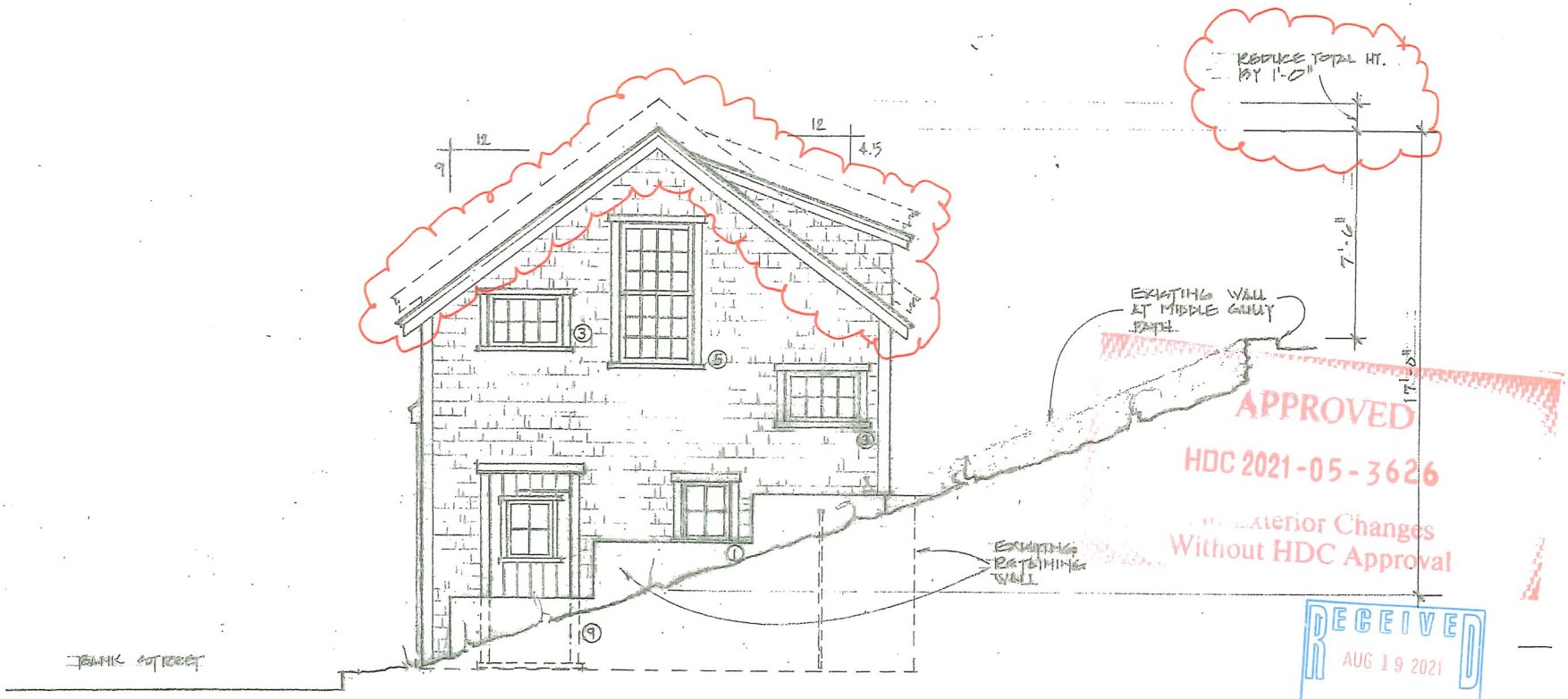
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
FALMOUTH, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
BOONSET, MA

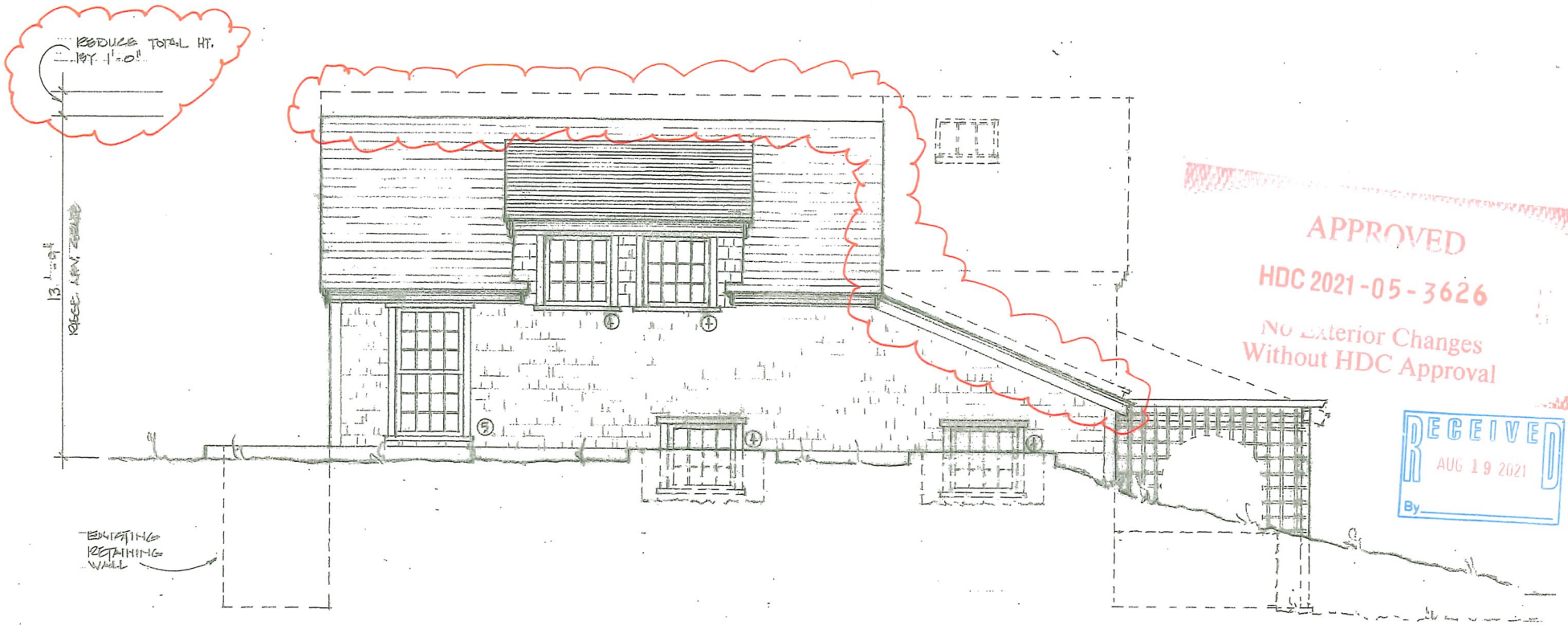
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
BOONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
FALMOUTH, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7095
FALMOUTH, MA
(508) 257-6789



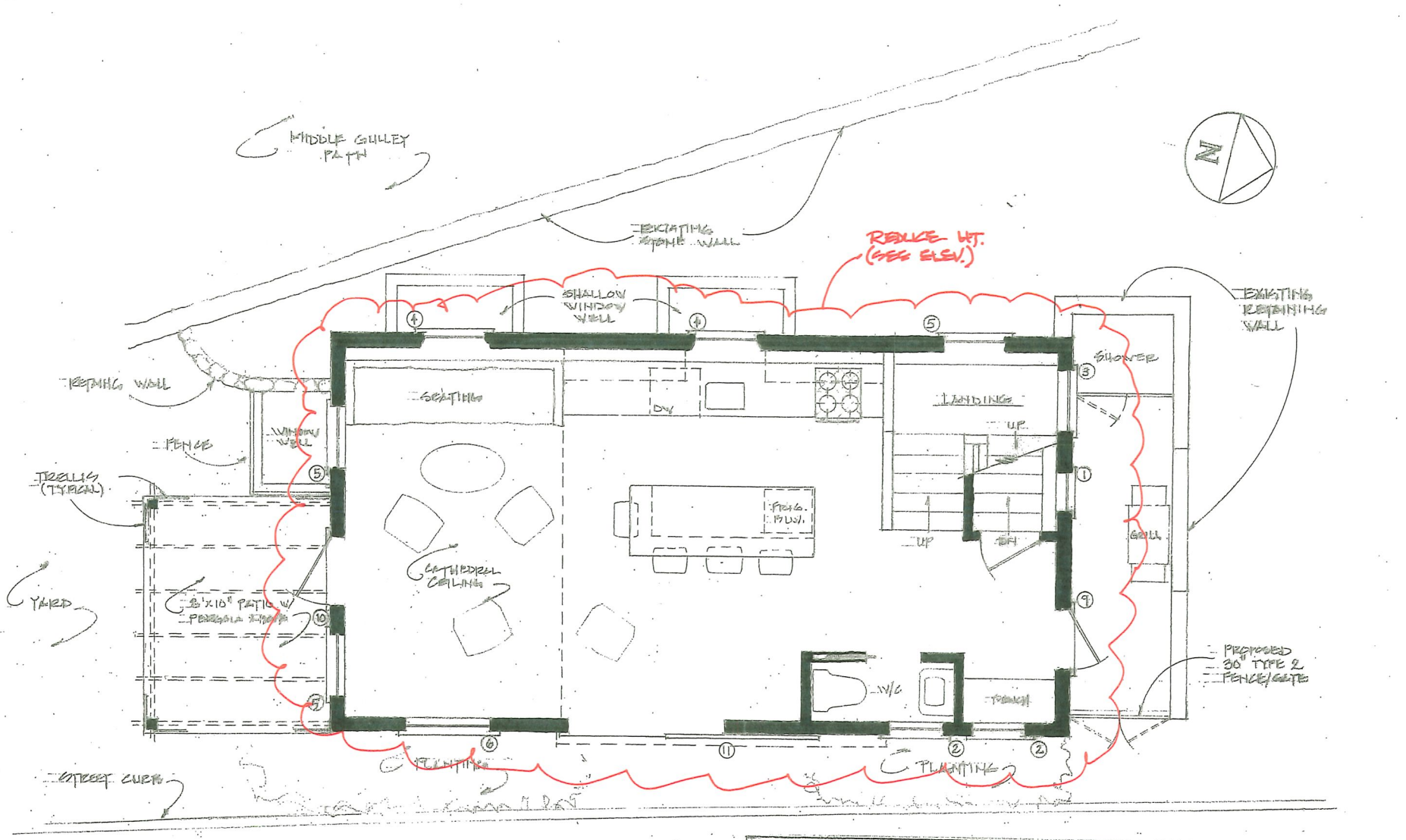
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HDC 2021-05-3626
No Exterior Changes Without HDC Approval

RECEIVED
AUG 19 2021
By

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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

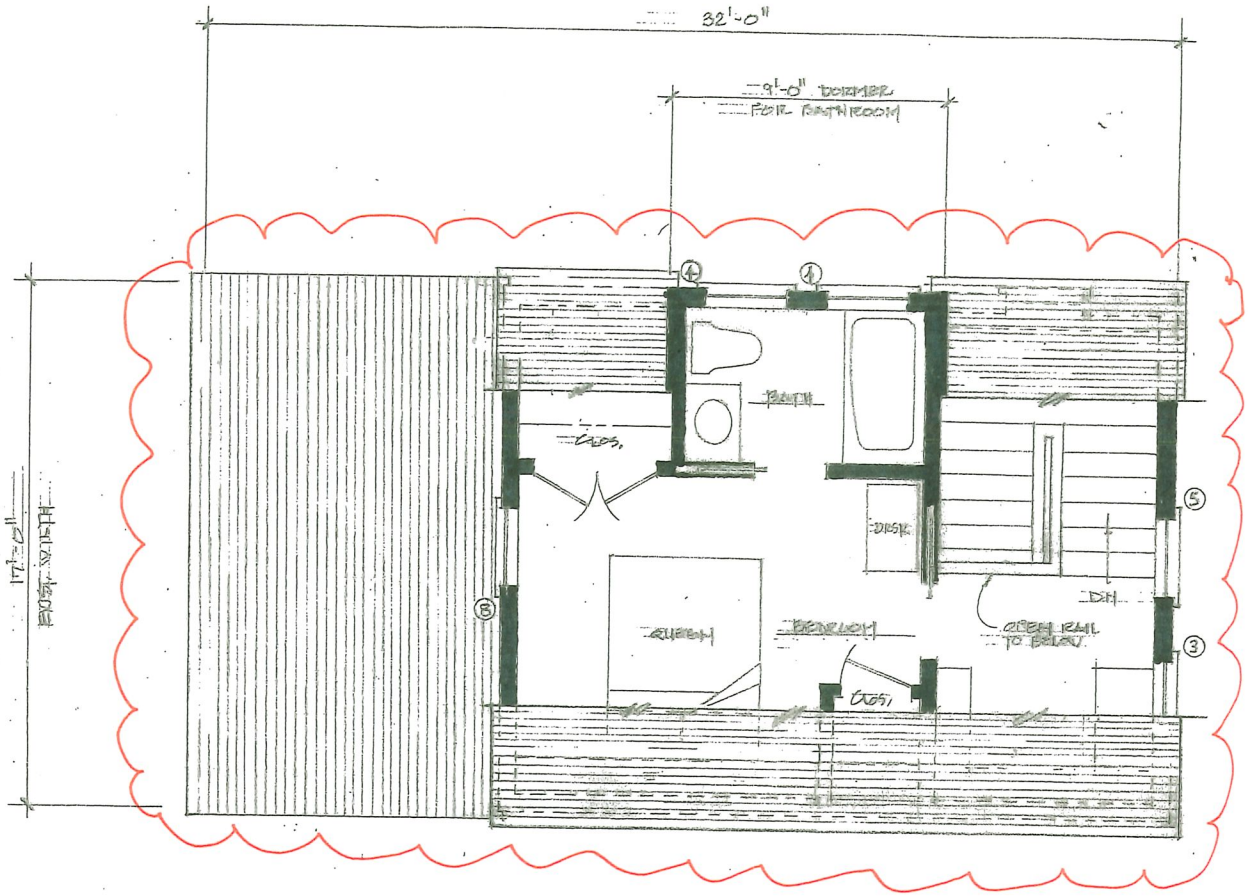
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 HANK STREET
FALMOUTH, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 17055
FALMOUTH, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

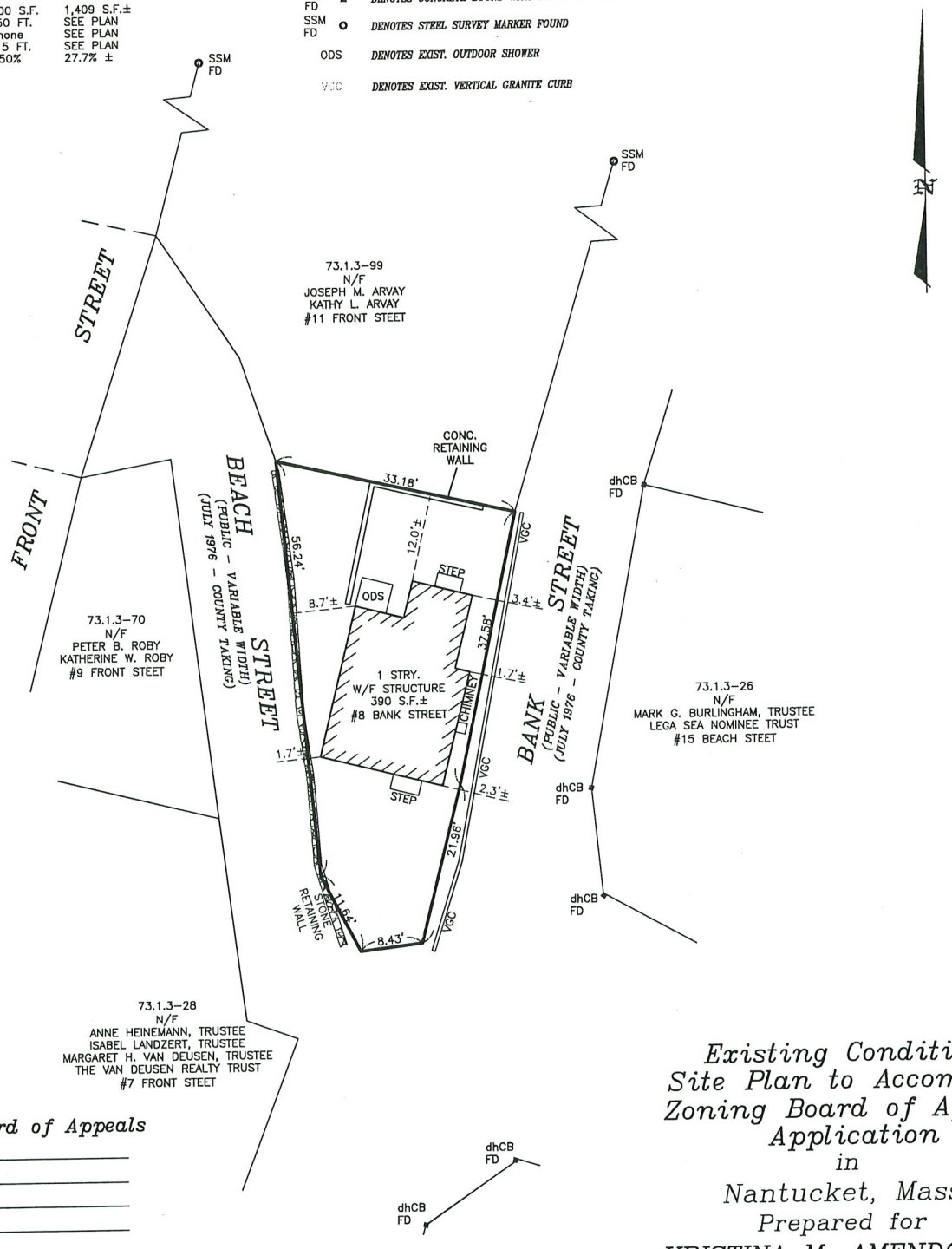
ANGUS MACLEOD DESIGN
P.O. BOX 7055
SCONSET, MA
(508) 257-6789

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

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

LEGEND

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



Zoning Board of Appeals

_____
_____
_____
_____
_____

FILE NO._____DATE:_____

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

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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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in

Nantucket, Mass.

Prepared for

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10 0 5 10 20 40
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Sheet 1 of 2

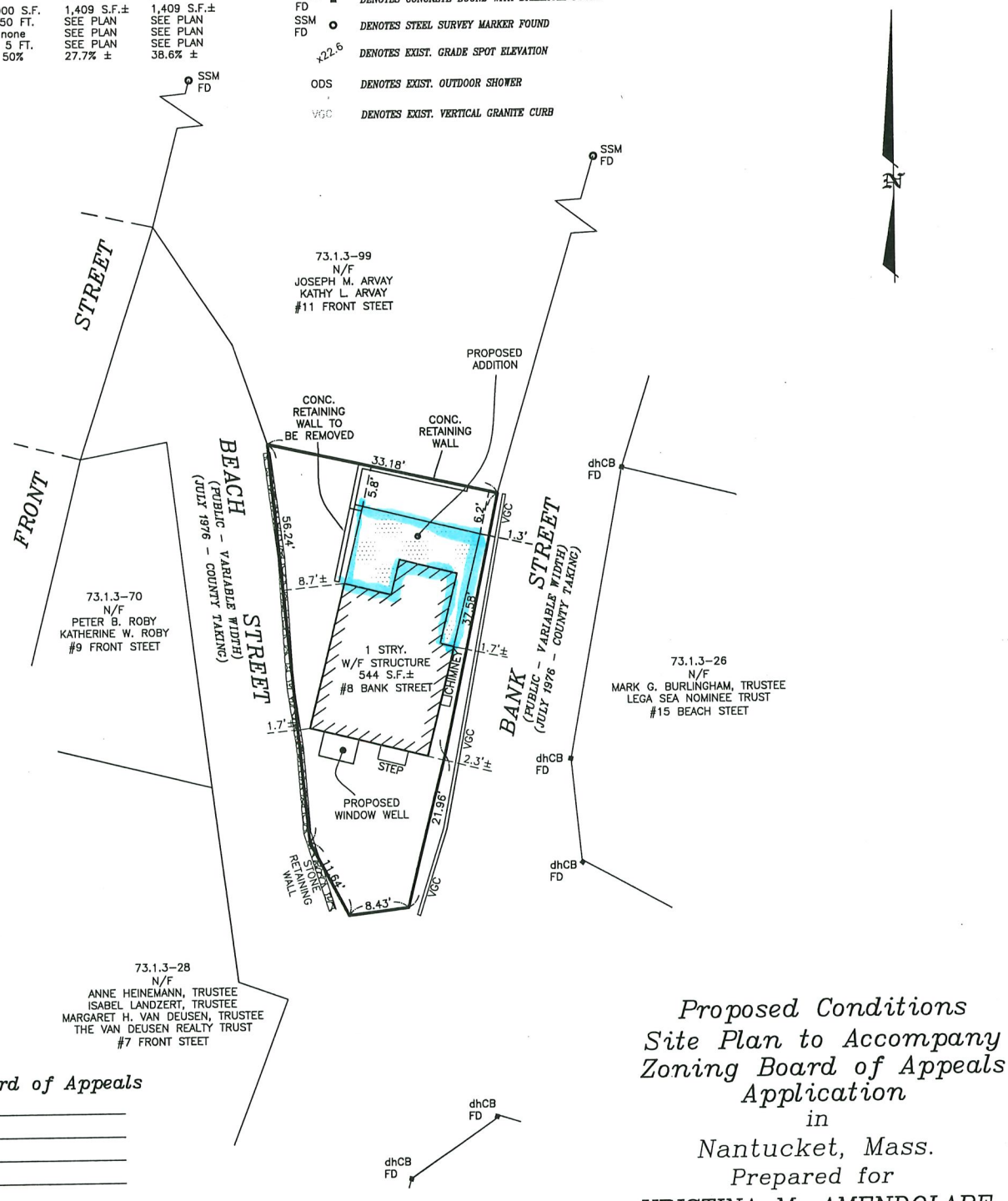
B8867

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- SSM FD ○ — DENOTES STEEL SURVEY MARKER FOUND
- +22.6 — DENOTES EXIST. GRADE SPOT ELEVATION
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Zoning Board of Appeals

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GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

Sheet 2 of 2

B8867

8 BANK ST

Location	8 BANK ST	**Mblu**	7313/ / 69/ /
Acct#	00011862	**Owner**	AMENDOLARE KRISTINA M & NICHOLAS
Assessment	$748,000	**PID**	11862
Building Count	1		

Current Value

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

Owner of Record

Owner	AMENDOLARE KRISTINA M & NICHOLAS	**Sale Price**	$683,000
Co-Owner		**Certificate**	
Address	538 LYNN FELLS PRKWY MELROSE , MA 02176	**Book & Page**	1770/216
		Sale Date	10/05/2020
		Instrument	00

Ownership History

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

Building Information

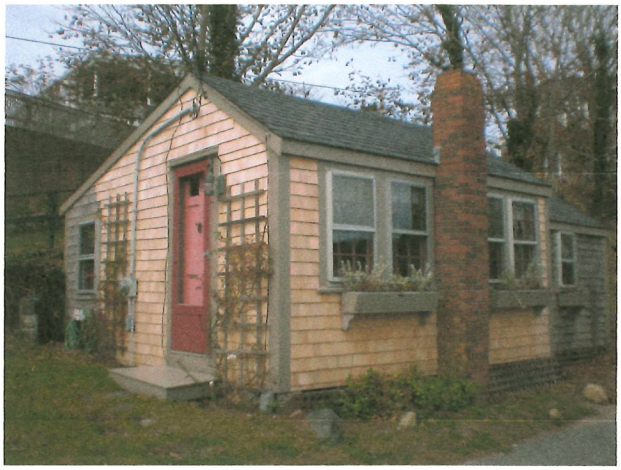
Building 1 : Section 1

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

Building Attributes

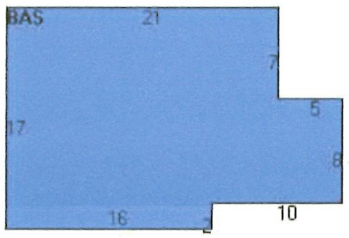
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Below Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel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

Building Photo



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

Building Layout



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

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

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

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

Outbuildings

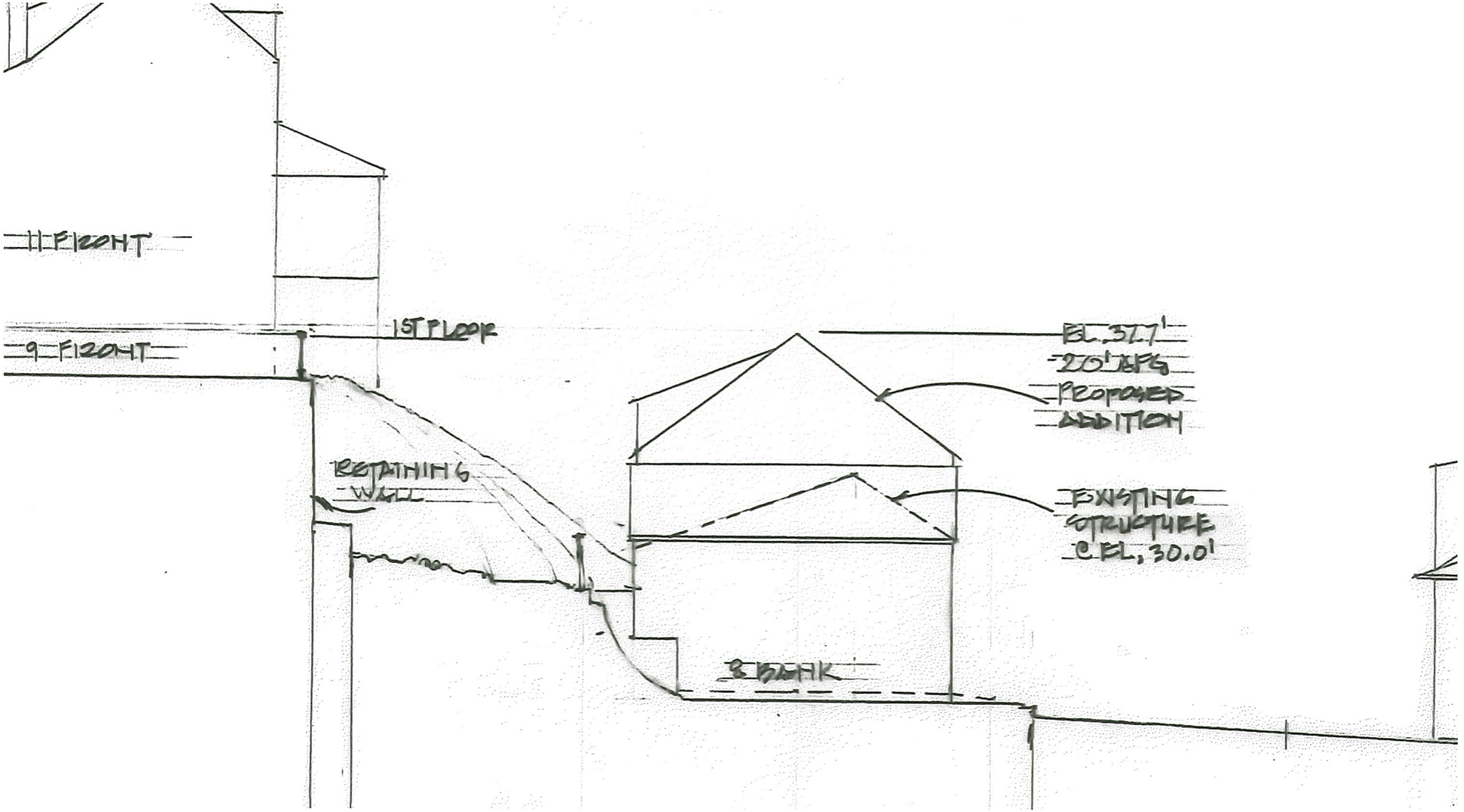
Outbuildings	Legend
No Data for Outbuildings	

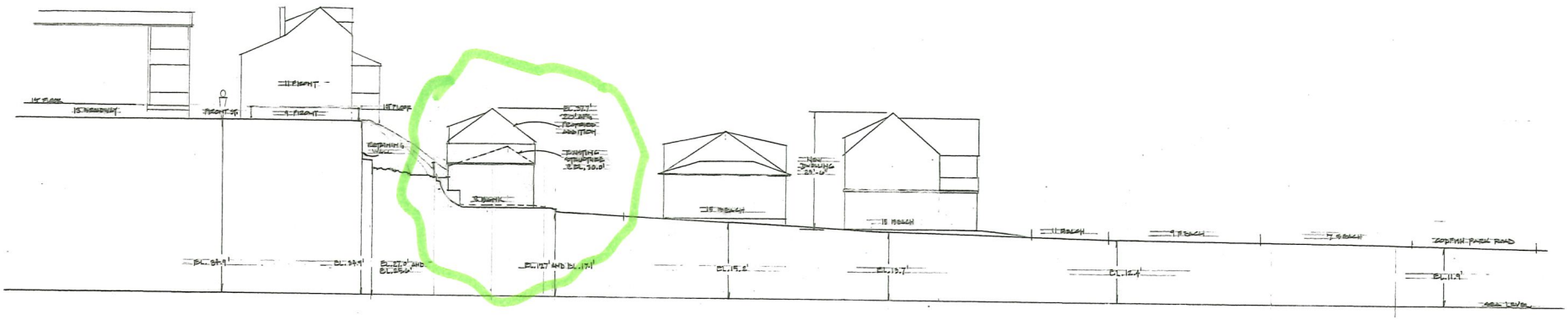
Valuation History

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

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





GRADE ELEVATIONS PROVIDED BY:
JEFF BLAGDEN & ASSOC. 8/27/21

TOPOGRAPHIC SECTION
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
6 HANK STREET
YARMOUTH, MA

ANNE MULLEN DESIGNS
P.O. BOX 1099
YARMOUTH, MA
(508) 257-6181

'Scosnet Advisory Board (SAB) recommendations for HDC

7/19/21 via Zoom

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

***

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

***

1) 6A Morey Lane—Earret LLC

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

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

2) 8 Bank Street-- Kristina Amendalore REVISIONS

Recused: Angus MacLeod

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

SAB Comments:

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

Recommendations: None

***

Respectfully submitted: Rob Benchley, SAB Chair

Angus MacLeod, Architect for applicant:

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

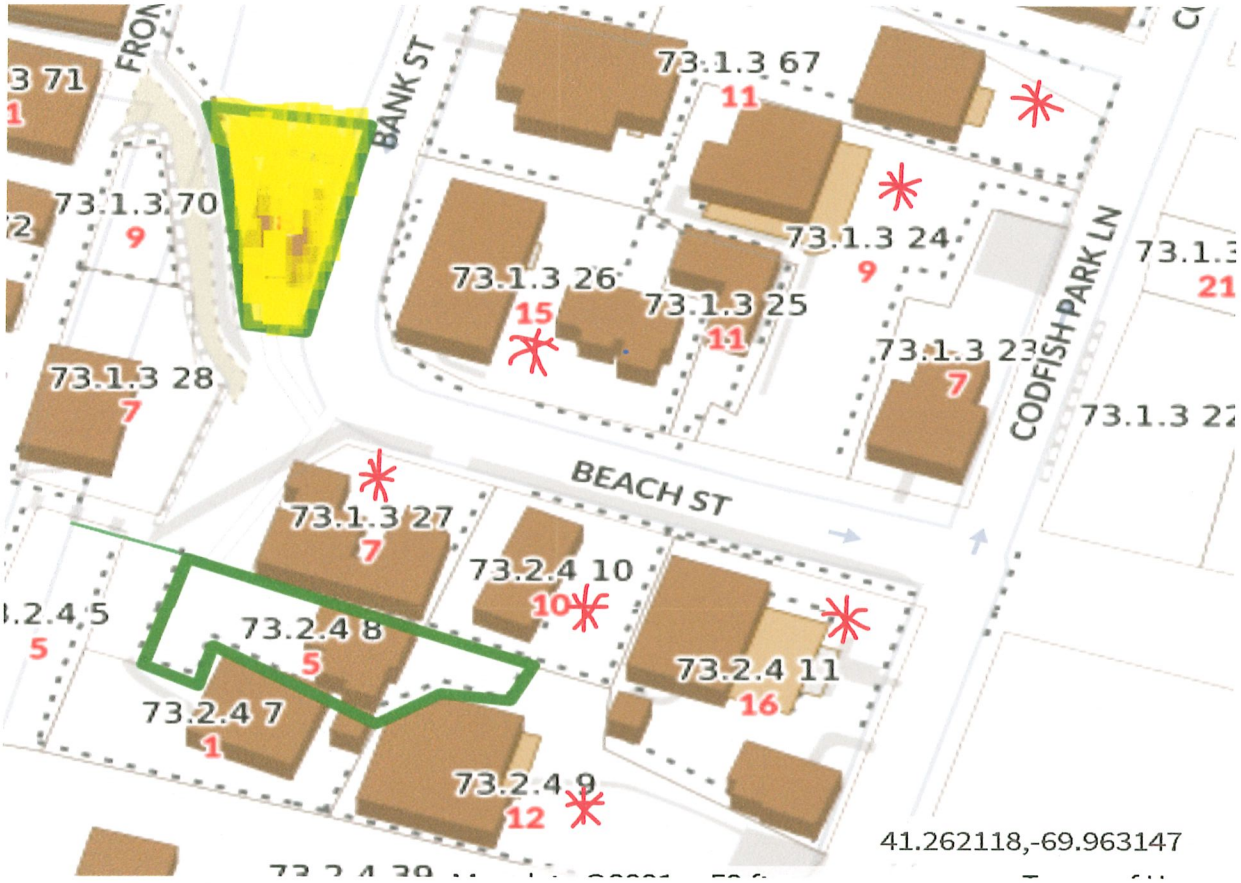
SAB Comments:

Ellis: Understands that this is a change; this is a lovely change
Durkes: Charming and in keeping with Codfish Park
Benchley: So unlike a lot of the more modern things that have been allowed to be built down there. If possible to bring it down even more, that would be great.

***

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

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





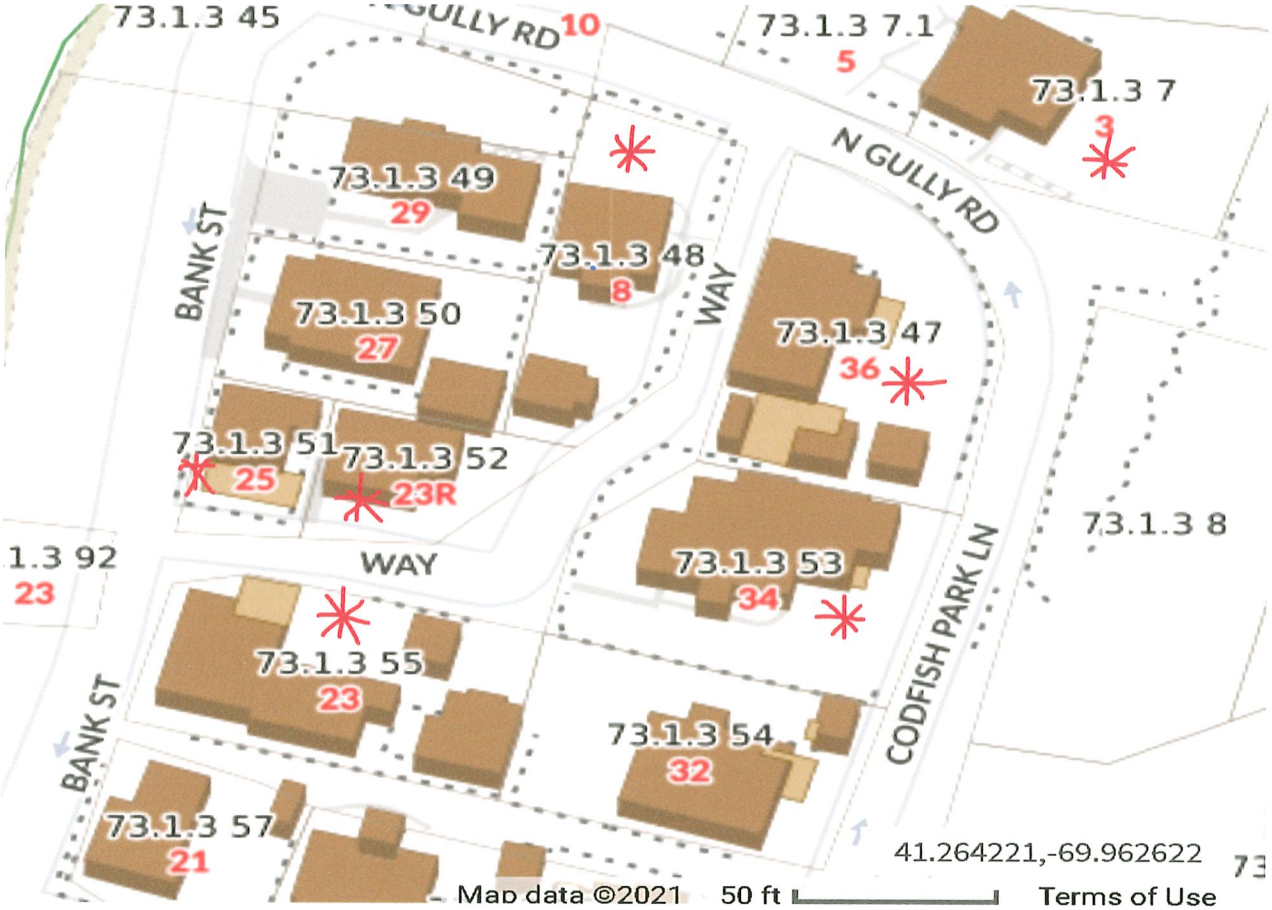
MIDDLE SECTION OF COD FISH PARK – A MAJORITY OF STRUCTRURES HAVE BEEN ALTERED – 1-STORY STRUCTURES ALSO ADDED ONTO





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

1-STORY STRUCTURES ALSO ADDED ONTO





12 COD FISH PARK RD – 73.2.4-9 – 2002



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



10 BEACH ST – 73.2.4-10 SECOND FL ADDED



7 BANK STREET – 73.1.3-27- 1910- ADDITION



15 BEACH ST – 73.1.3-26 PRIMARY-1935



DEMOLISHED 2004-NEW 1 ½ APPROVED 2020



11 BANK ST – 73.1.3-67 – 1987



19 BANK ST – 73.1.3-60 – 1885 - ADDITION



23 BANK ST-73.1.3-55- 1900- ADDITION



SECONDARY - 2003



25 BANK ST- 73.1.3-51 – 1920- ADDITION



23R BANK ST-73.1.3-52 -2007



8 N GULLY RD – 73.1.3-48 – 1976



3 N GULLY RD – 73.1.3-7 – 1910 - RENO



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



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



7 FAWCETT WAY-73.1.3-64 – 1960



9 BEACH ST-73.1.3-24 - 1986



TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

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

PROPERTY OWNER AMENDOLARE KRISTINA M & NICHOLAS

MAILING ADDRESS 538 LYNN FELLS PRKWY, MELROSE , MA 02176

PROPERTY LOCATION 8 BANK STREET

ASSESSORS MAP/PARCEL 73.1.3-69

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

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

DATE:
November 10, 2021

Mary Haley, Senior Clerk, Assessor's Office

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

ASSESSORS OFFICE:

Abutters Listing

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

7313	94	BALLOU FREDERICK D & JANET D		LINCOLN ROAD	SUDBURY	MA	01776	21 FRONT ST
7313	95	READE ARTHUR I JR TRST	C/O JOAN BINGHAM	39 EAST 79TH STREET APT 14B	NEW YORK	NY	10075	19 FRONT ST
7313	97	GULLS WING LLC		PO BOX 401	SIASCONSET	MA	02564	15 FRONT ST
7313	98	OCONNELL MARY G		1 LONGFELLOW PL #3807	BOSTON	MA	02114	13 FRONT ST
7313	99	ARVAY JOSEPH M & KATHY L		5 BLACHLEY COURT	MENDHAM	NJ	07945	11 FRONT ST
7313	100	SOEDER LISA P		PO BOX 878	SIASCONSET	MA	02564	13 BROADWAY
7313	101	MAYER LESLIE PLANT		46 SOUTH PLEASANT ST	HINGHAM	MA	O2043	14 BROADWAY
7313	102	PETTY DIANE I DE LOES	15, CH. LOUIS-DEGALLIER	15, CH. LOUIS-DEGALLIER	1290 VERSOIX			10 CENTER SIAS ST
7313	103	ROOFTREE LLC		PO BOX 302	SIASCONSET	MA	02564	12 CENTER SIAS ST
7313	104	KROHN JEFFREY & MICHELE A		129 ORCHARD WAY	BERWYN	PA	19312	14 CENTER SIAS ST
7313	105	TIRAPELLI NICOLE ALEXANDRIA		PO BOX 155	SCONSET	MA	O2564	18 CENTER SIAS ST
7313	109	MOYER CAROL		23 PILFERSHIRE LN	SIMSBURY	CT	06092	23 BROADWAY
7313	110	LICHTMAN JEFFREY A & HORN SHARON		1600 PARKER AVE	FORT LEE	NJ	07024	21 BROADWAY
7313	111	BREEN FAITH F & GEORGE E JR		4002 TENYSON ST	HOUSTON	TX	77005	19 BROADWAY
7313	112	KUMPF RICHARD STUART TR		3806 STRATFORD AVE	DALLAS	TX	75205	17 BROADWAY
7313	113	MALETTA ANNE		PO BOX 82	SIASCONSET	MA	02564	15 BROADWAY
7313	114	KROGH PETER F	MARTIN BOX TRUST	PO BOX 351	SIASCONSET	MA	02564	16 BROADWAY
7313	115	STRONG HELEN M & CARTER		5 CHALFONT CT	BETHESDA	MD	20816	18 BROADWAY
7313	116	HUBBS GEORGE J TRUSTEE	AFH NANTUCKET QPRT FAMILY TR	95 SKIDAWAY ISLAND PARK RD APT 407	SAVANNAH	GA	31411	20 BROADWAY
7313	117	APGAR ANNE N TRST ETAL		PO BOX 4	SIACONSET	MA	02564	22 BROADWAY
7324	1	FORTUNE COOKIE LLC	C/O RGHG	6 YOUNGS WAY	NANTUCKET	MA	02554	5 MAIN SIAS ST
7324	3	CYGNET 2 PROPERTIES LLC		117 ST ALBANS WY	BALTIMORE	MD	21233	2 BROADWAY
7324	4	RODTS FORREST A TR	OLD GARDNER HOUSE TRUST	17 GLOVER SQUARE	MARBLEHEAD	MA	01945	5 BROADWAY
7324	5	RODTS FORREST A TR	OLD GARDNER HOUSE TRUST	17 GLOVER SQUARE	MARBLEHEAD	MA	01945	5 FRONT ST
7324	7	LAMOTT FRED G & SARAH F TRST		PO BOX 462	SIASCONSET	MA	02564	1 BANK ST
7324	8	HEGARTY WILLIAM T & WILLIAM T JR TRS		41 TAYLOR ST	SAUGUS	MA	01906	5 BANK ST
7324	9	COHEN STEVEN L TR	12 CODFISH PARK RD TR	PO BOX 786	NANTUCKET	MA	2554	12 CODFISH PARK RD
7324	10	WILNER SHELIA & ROBERT TR		787 KING STREET	RYE BROOK	NY	10573	10 BEACH ST
7324	11	WILNER SHEILA TRST ETAL		EDGAR ROAD	GREENWICH	CT	06830	16 CODFISH PARK RD
7324	36	NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	2 MAIN SIAS ST
7324	37	MCNAMARA JULIANNE S &	MANN MARY ELIZABETH	584 N SCHOOL LANE	LANCASTER	PA	17603	1 BROADWAY
7324	38	REGAN AMY H & GOLDSMITH		P O BOX 1678	NEW LONDON	NH	03257	3 BROADWAY
7324	39	REGAN AMY HARPER &	GOLDSMITH CATHERINE	P O BOX 1678	NEW LONDON	NH	03257	10 CODFISH PARK RD
7324	40	WALKER JULIA M ETAL		C/O JULIANNE MCNAMARA	LANCASTER	PA	17603	8 CODFISH PARK RD
7324	41	ELBOW LANE GROUP LLC		29 MURRAY HILL CIRCLE	BALTIMORE	MD	21212	7 ELBOW LN
7324	51	NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD	NANTUCKET	MA	02554	5 CODFISH PARK RD
Count:	**74**							

Letters

Nickesha Sheriff

From: Sam Daniel <svdiii@comcast.net>
Sent: Friday, November 4, 2022 9:24 AM
To: Nickesha Sheriff
Subject: 8 BANK STREET, 'SCONSET

Nickesha,

I share the many 8 Bank Street concerns that Margaret Van Deusen has so thoroughly covered in her lengthy messages to the ZBA.

Whatever the ZBA decides, I want to re-emphasize my earlier concern about the use of any pilings. Pounding them causes property damage. Alternative methods, such as drilling, must be used.

Sam Daniel
6 Broadway

PS: There's an error in my ZBA "Public Notice" that I received in the mail: November 6 is Sunday, not Thursday.

This email was scanned by Bitdefender



Leslie Snell
Deputy Director of Planning & Zoning Adminis
trator
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554
lsnell@nantucket-ma.gov



Thursday, October 6th,2022

Dear Deputy Director Snell and members of the ZBA:

First, I apologize for being tardy in this letter.

Second, I appreciate the time and effort. You are taking in reviewing my appeal.

That said, I would like to applaud the Amendolare's application to attend to a contributing historic structure. The historic fabric of Sconset is quickly eroding like the beach in front of us. However, there is a difference in the action to attend the building and effect a change which impacts which adversely impacts the historic homes abutting the property as well as those affected by the construction process.

The compliance with the "look" of the cottage by the architect, Angus McCleod, are within the parameters of compliance certainly. However, what is not within the realm of acceptable is the height and the disruption of the hydrology- basically sand with a clay sub-strata. I will address each.

The height of the building exceeds the bounds of propriety for the district. It is putting up a high rise in the middle of the village of Sconset. Less visible because it is partially hidden by being at the base of the Middle Gulley road. To address the obvious first, the new house across the street is over-sized on a small lot that accommodating both an old colloquial shack turned lovely home and the new giant. What is the FAR here?!! This is a house that should never have been permitted to be built. Letters from the SAB were never received by neighbors advising of the impending plans to build. This is a similar situation where affected neighbors such as myself at 15 Broadway, House of Lords(Front Street access) or the Sconset Civic Association were never advised of the intention to build. The issue here of one of streetscape and continued usage of Middle Gulley. Construction something higher than the roadway is outrageous. If Sconset is the quintessential picturesque village, why then are the Amendolare's permitted to compromise this idyllic scene without impunity? Does the Nantucket Tourism office with it's plans to make Nantucket a destination venue realize the act of putting in an oversized building, impeding views from Front Street and Middle Gully walkway, will compromise their efforts? People use Middle Gully as a passage way to the beach, the playground, or just walking their dogs. As the permanent population of Sconset grows, the usage is increasingly becoming year-round.

The beauty of the vista is a major reason we take this particular route.

Second, the compelling hydrology of the cliff. I am not an engineer but can tell you that disrutptions caused by the building process around Sconset impact neighbors three street away.
Putting of pilings was stopped in the neighborhood when neighbors were alarmed at the impact to their homes. We are in such close quarters that a neighbor's landscaper leaving on a faucet flooded an adjacent homes basement (which in fact was mine) and caused flooding down Broadway as far as the market. This is to say any invasion of the already fragile cliff will be felt by ALL. Many of us still have no cement foundations. When the sand shift, or the clay is interrupted to be filled by sand, the terrain fluctuates. That impacts MY house. And herein lines my primary concern and I would request that these people be required to do an impact statement based alteration and where the soil may be altered. We need to be advised of what the building of the impending structure means to the integrity of our own homes. And I will most certainly NOT accept an answer based of the "word" of an expert. I deserve and require that your Appeals Board that my needs into consideration and tell me how I will be compensated when my own home, currently stable is listing a little too much and imperiled!

It is time for me to speak up and tell you that more is definitely not better than less in this instance.

Thank you for your consideration in this matter.

Anne Maletta
House of Lords
15 Broadway
Sconset, MA 02564
(508)257-6646
Mal7669@gmail.com

Nickesha Sheriff

From: Peter Krogh <pfkrogh@gmail.com>
Sent: Thursday, October 6, 2022 10:28 AM
To: Nickesha Sheriff; William Saad
Subject: 8 Bank Street

Codfish Park has historically been a cozy neighborhood of low-lying cottages. Currently, 8 Bank Street fits that description perfectly. The proposed structure does not. It seems to us that the case against it is that simple.

Peter and Carol Krogh, 16 Broadway, Siasconset

This email was scanned by Bitdefender



Nickesha Sheriff

From: sherryboo57@aol.com
Sent: Thursday, October 6, 2022 7:30 AM
To: Nickesha Sheriff
Subject: 8 Bank Street 'Sconset

Dear Nicki,

I am writing with a heartfelt plea to save our middle gully. I am a nearby neighbor that has had a house in the family for almost 300 years. Not only am I worried about the damage to surrounding structures, but there is no need for a tall new structure blocking one of the only views left of the ocean on Front Street.

I cannot believe that 8 Bank Street is even being considered in the first place. It's a historic area, and should have a million restrictions upon it. People cannot even change a window or a porch and this whole huge reconstruction is still on the table?

I think most importantly, the actual construction of the structure will have huge consequences to the surrounding buildings. Our house, as well as many nearby, are hundreds of years old - built without solid foundations and patched together with whatever extra windows and pieces of wood that were lying around. I fear greatly for our little cottage surviving the pounding of creating the Bank Street basement.

These people who bought this house clearly don't care about the consequences - they just want to do what they want to do. From what I've heard, they are going to just flip it and not even live there themselves. Once they've ruined the integrity of the bank and surrounding homes, it will be too late - they will be ruined. This is a tiny, antique neighborhood. Precious to us, but to the island's history as well. We cannot give into the greed and self-centered kinds of people that have taken over the island without a care for who or what they hurt to have what they want.

Please really think about this project, and whether it is necessary to jam a 2 story with basement house into a tiny little lot cutting into the bank, amidst a tiny historic village. There will be damage, I can assure you.

Thank you,
Sherry Rodts Kelley
5 and 5 1/2 Broadway 'Sconset

This email was scanned by Bitdefender

RECEIVED
OCT 06 2022
By

FITCH

MALGORZATA A. MRÓZEK
mam@fitchlp.com

October 5, 2022

FITCH LAW PARTNERS LLP
84 STATE STREET
BOSTON, MA 02109

VIA E-MAIL

Leslie Snell
Deputy Director of Planning & Zoning Adminitrator
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554
lsnell@nantucket-ma.gov

RE: 37-21 Kristina and Nicholas Amendolare Application for Special Permit for 8 Bank Street

Dear Leslie:

As the respresentatives of the owners of 9 Broadway and 9 Front Street ("Owners"), we respectfully request your attention to the information attached, which consists of the Owners' response to the information provided in the Viewpack dated September 8, 2022 for the 8 Bank Street construction.

As the construction contracts are currently structured, there is no recourse for repairing damages after they have occurred to Middle Gulley or the abutters' properties. The 9 Broadway and 9 Front Street Owners request that as a condition of permitting, the ZBA require the 8 Bank Street Owners establish a construction escrow account for the benefit of the Town and the abutters. The funds should be available to rectify any damage caused by the construction of 8 Bank Street, both during construction and for a period of several years after construction completion to allow for the settlement of the soil. The escrow amount should equal the cost to restore Middle Gulley and the abutters' properties.

Would you be so kind as to place color copies of this letter and the attached Response to Report and accompanying exhibits in the ZBA packet for next Thursday, October 13, 2022?

Thank you.

Sincerely yours,

Malgorzata A. Mrózek

MAM:cb

PHONE 617-542-5542
FAX 617-542-1542
FITCHLP.COM

Attachment

cc: Jonathan W. Fitch, Esq.
Arthur Reade, Esq.
Jeff Gardner
Ann Ramsey Gardner
Margaret Van Deusen
Joseph Arvay
Kathy Arvay
Lisa Soeder

8 Bank Street
Construction Risk Management
Response Report to the 09.08.22 Viewpack

October 5, 2022

Issues of Concern

- Depth of excavation is expected to be as low as 17'0" below existing grade on the hill, a deep excavation adjacent to existing slopes and retaining walls supporting Middle Gully Road and 9 Front Street.
- Excavation has potential to impact ground with in a 1:1 (horizontal to vertical) zone of influence where soil could shift or move from the bottom of excavation, which would reach as far as Front Street. The retaining walls supporting Middle Gully Road and 9 Front Street are within the zone of influence of the planned excavation, meaning the excavation has the potential to cause movement of the soils around and below these retaining walls.
- The retaining walls are likely brittle and fragile and susceptible to damage or settlement from vibrations even with the use of a variable moment vibratory hammer. Furthermore, the retaining walls and soil around the retaining walls have not been investigated. Soldier piles in this area should be installed in drilled holes to protect these structures.
- The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic retaining wall will be replaced.
- An existing tree is in line with the proposed SOE system. The SOE drawings do not address how this tree will be removed and the stability of the ground maintained during and after tree removal.
- The support of excavation plans provide insufficient detail.
- Foundation and structural drawings were not provided.
- There is no monitoring plan in place during construction or after for a period of at least a year or plan for contingency measures if excess movements occur and the conceptual monitoring plan is insufficient.
- The Owners request that drawings of the protection measures for the Middle Gulley and 9 Front Street retaining walls during and after construction be provided prior to ZBA approval.
- Excluded from the proposal of Toscana was responsibility for damage to abutters. They maintain general liability insurance only, no professional liability insurance. The Amendolares are to provide all-risk insurance to cover any damage to property that may result in connection with construction.
- Finished Grade on the architectural drawings is shown at street level, not finished grade. The MGA Geotechnical Report indicates that existing grades for the site vary from 18' to 20' yet does not confirm a finish grade of 18'0". The Owners request that a finish grade of 18'0" be added to all drawings to be approved by the Building Department.
- Confirmation was not received from DPW of whether the storm sewer is beneath Middle Gulley, if removal of the tree would cause structural damage, and whether they are responsible for the Middle Gulley retaining wall.
- 8 Bank Street is one of the 5,027 remaining Contributing Buildings for Nantucket Island's National Historical Landmark designation.
- Peter and Katherine Roby were listed as abutters for 9 Front Street, which should be revised to 9 Broadway, LLC.

Missing Documentation

- "As-Built Subsurface Sewage Treatment & Disposal System," dated August 14, 2020, by Site Design Engineering;
- Foundation design and structural drawings;
- Detailed SOE Design Plans including means and methods for SOE installation;
- Plan for removal of the existing tree on the slope;
- Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road;
- Monitoring and protection plans for adjacent structures, utilities and roadways; including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded;
- Escrow account documentation with funds adequate to cover the cost of repairs to abutters;
- Surface Water and Groundwater Control Plan;
- Erosion Control Plan;
- Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

1. Middle Gulley Support Issues

Utilities provided under Middle Gulley were confirmed to include water and potentially the storm sewer services to Codfish Park, the latter to be confirmed by Nantucket DPW.

Per the Wannacomet Water Company ("WWC"), the water service pipes favor the Westerly side of Middle Gulley. The 8 Bank property already has existing domestic service from Bank Street. WWC is not responsible for maintaining Middle Gulley.

The Owners of 9 Broadway and 9 Front Street ("Owners") requested, but did not receive, a response from the Nantucket DPW to confirm if:

- Storm sewer service runs under Middle Gulley, how close the pipes are to the east side, and whether excavation of Middle Gulley would be necessary to connect the sump pump.
- Nantucket DPW is responsible for maintaining Middle Gulley.
- Removal of the Maple tree in the side of Middle Gulley would cause structural damage.

The Nantucket Fire Department confirmed that Middle Gulley would not be used for emergency vehicle access, however, as one of only three access points to Codfish Park, would be used by residents to evacuate. The SOE design should address this requirement and be designed to support potential emergency evacuation loads.

2. Excavation & Site Work

An estimate was provided in the Viewpack by Toscana Corporation, dated June 10, 2022, to the Amendolares. The estimate was based on the McArdle Gannon Associates, Inc. ("MGA") drawings dated May 5, 2022. The scope of work includes excavation, the earth retention system, construction of the foundation, utilities, and subgrade work.

Excluded from their proposal was responsibility for damage to abutters. They maintain liability insurance only, no professional liability insurance, and no bond or escrow account to cover the potential repairs to adjacent structures and properties if damages occur. They did not include measurement of earth movement during or after construction.

3. Geotechnical Engineering Report

The Viewpack included a Geotechnical Engineering Report by MGA, dated May 5, 2022 ("Geotechnical Report").

The Owners refer the ZBA to our previous responses, which included two letters from Mueser Rutledge Consulting Engineers PLLC ("MRCE"), the first dated February 23, 2022 (Incorporated as an exhibit to the May 10, 2022 MRCE Letter in "Exhibit "A"), noted risks that included:

- The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
- Installation of soldier piles by driving (even with a variable moment vibratory hammer) can cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope, particularly considering that the soil conditions upslope are not explored and the fragile/brittle rubble retaining walls supporting Middle Gully Road are within feet of the proposed installation.
- Furthermore, beyond vibration induced movement, excavation has the potential to cause lateral or vertical movement of ground with in a 1:1 (horizontal to vertical) zone of influence from the bottom of excavation, which would reach as far as 9 Front Street and would be compounded by any movement or damage to the Middle Gulley and 9 Front Street retaining walls;
- The deep unrestrained excavation risks excess lateral movement of the support of excavation system. Excess lateral movement will destabilize or damage existing retaining walls for Middle Gulley and 9 Front Street due to the adjacent deep cantilevered excavation.
- The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic retaining wall will be replaced.
- The support of excavation plans provide insufficient detail.
- Monitoring and protection plans were missing.

The 2nd MRCE letter, dated May 10, 2022 (Exhibit "A"), reviewed the Geotechnical Report and further responded. In summary, the concerns indicated in the MRCE letter include the following:

- Soil types are fine to medium fine sand above granular fill of very loose to loose coarse gravel, containing little silt or clay binder, so the loose sands are "relatively weak and sensitive to disturbance and ground loss during SOE installation."
- Test pits were not done to investigate the Middle Gulley or 9 Front Street retaining walls, and the current plan only mentions only investigating the rubble retaining walls supporting Middle Gully Road and not also the walls supporting 9 Front Street.
- The vibratory hammer used to install soldier piles introduces the risk of soil settlement and cracking existing fragile and brittle retaining walls to Middle Gulley and supporting 9 Front Street.
- SOE drawings do not describe how the existing stone retaining wall to Middle Gulley will be protected. The Owners request that drawings of the protection measures for the Middle Gulley retaining wall be provided prior to ZBA approval.
- Monitoring plans for the retaining walls and abutters' structures were not provided.
- An existing tree is in line with the proposed SOE system. The SOE drawings do not address how this tree will be removed and the stability of the ground maintained during and after tree removal.

With finished grade on the architectural drawings stated as 18'0", MGA indicates foundation footings to be located at Elevation 7.7 ± feet, which would be approximately 10' 3-1/2 " below finished grade. Depth of excavation is expected to be as low as 17'0" below finished grade, which would temporarily increase the height of the Front Street bank from 16'5" to 33'6".

4. Survey

Blackwell & Associates, Inc. provided a revised survey, dated August 15, 2022. The survey indicated the range of ground level elevations within the site boundaries to range from 17.7' to 18.3'. The height of the 9 Front Street retaining wall was confirmed at 34.5' and to the top of its fence was 37.5'.

5. Nantucket Island Architectural & Cultural Resources Survey

Per the Cultural Resources Survey record for 8 Bank Street, dated September 22, 1989, 8 Bank Street was built circa 1930 and is one of the 5,027 remaining Contributing Buildings for Nantucket Island's National Historical Landmark designation. (Exhibit "B")

6. Protection for Abutters: Bond / Escrow / Insurance

As mentioned previously, the excavation/site contractor agreed only to provide general liability insurance. The Amendolares were to provide all-risk insurance sufficient to cover any damage to property that may result in connection with construction. As a protection for abutters, insurance is the least favorable option to the abutters, given that it solely protects the insured.

Escrow is a preferred option. The 9 Broadway and 9 Front Street Owners request that the ZBA require the 8 Bank Owners to deposit funds into a construction escrow account managed by a third party for the benefit of the Town and abutters, typically through a title company, escrow agency, or attorney. The funds should be available to rectify any damage caused by the construction of 8 Bank Street, both during construction and for a period of several years after to allow for the settlement of the soil.

Exhibit A

MRCE
built on firm foundations

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May 10, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Review of Plans for Adjacent Construction at 8 Bank St
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

As requested, Mueser Rutledge Consulting Engineers (MRCE) reviewed the proposed plans for support of excavation (SOE) during below grade construction at the adjacent 8 Bank Street property. Our review focused on the potential impacts of the proposed construction on your property (9 Broadway and 9 Front Street) and the adjacent public roadway (Middle Gully Road) along the west side of the excavation. We summarize herein the results of our review.

We note that we previously performed an evaluation of the potential impacts of construction at 8 Bank Street based on conceptual plans of the proposed construction. Our prior evaluation is summarized in our February 2022 letter, attached for reference in the Appendix.

DOCUMENTS REVIEWED

You provided us with the following documents received from the #8 Bank Street property owner:

1. Geotechnical Engineering Report for Proposed Renovation at 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (31 pages).
2. Temporary Support of Excavation Drawings for 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (3 sheets).

MRCE REVIEW COMMENTS

In general, our review indicates that the proposed SOE design does not sufficiently protect the adjacent properties. The Building Department should require a number of alterations to the proposed construction plans in order to protect the adjacent properties. More specific comments follow.

Geotechnical Engineering Report

1. The soil borings made as part of the site geotechnical investigation indicate that the natural and manmade soils underlying the 8 Bank Street property and comprising the adjacent hillside consist of very loose to loose sands with little fine grained (silt and clay) binder. These loose sands are relatively weak and sensitive to disturbance and ground loss during SOE installation.

2. The geotechnical investigation did not include any test pits or other exploratory probes to establish the depth, condition, or dimensions of the existing rubble retaining wall supporting Middle Gully Road or the concrete retaining wall supporting 9 Front Street.

Support of Excavation (SOE) Design

3. The proposed SOE system consists of cantilevered soldier pile and timber lagging that does not appear to adequately account for the loose sand beneath and behind the SOE wall and rising slope of the retained ground that significantly increases the lateral earth pressures applied to the SOE system along the west side of the excavation. We estimate that the soldier pile and lagging system may displace 6-inches or more horizontally. This magnitude of movement could damage or destabilize the existing retaining walls supporting Middle Gully Road and 9 Front Street. Lateral bracing such as inclined rakers should be designed and installed to stiffen the SOE system and minimize displacements of the adjacent ground during basement excavation.
4. The planned use of a vibratory hammer to install the soldier piles introduces the risks of settlement and cracking of the surrounding ground and retaining walls supported on the loose sands encountered in borings. Loose soils tend to densify when vibrated. Soldier piles should be installed in drilled, cased holes to minimize disturbance and vibrations of the surrounding ground.
5. The SOE Drawings do not describe the existing retaining walls or detail how the existing retaining walls will be protected during construction. The drawings indicate that "MGA has made assumptions concerning the soundness of the buildings adjacent to the site. These assumptions are that these buildings and structures were designed in conformity with good design practice. The Contractor should take extraordinary precautions concerning the preservation of the adjacent properties."
    a. The existing retaining walls supporting Middle Gully Road and 9 Front Street are old and may not have been constructed to an engineered design. On that basis, the assumption that these retaining walls are constructed in conformity with good design practices is overly optimistic and may not be accurate. As the proposed construction could potentially destabilize these retaining walls, the SOE designer is responsible to investigate the condition and depth of support of these structures and develop adequate protection measures before installing SOE and performing adjacent excavation.
    b. The SOE Drawings should be updated to detail the 'extraordinary precautions' planned to protect the existing retaining walls such that the Contractor (as well as effected parties) is aware of these requirements and so that the Contractor implements these measures prior to excavation.
    c. The proposed regrading of the ground surface behind the SOE, as shown on Design Section A, removes passive support from the existing rubble retaining walls supporting Middle Gully Road without any clear stabilizing measures. The designer should investigate the foundations of these retaining walls and design measures to stabilize the walls as needed.
6. The SOE Drawings should not permit excavation of more than two-feet prior to installing timber lagging as excavation proceeds since the loose sands have limited standup time and are inherently unstable. Unsupported excavation faces will lead to ground loss and increase impacts to the adjacent structures.

Monitoring Plan

7. The monitoring plan does not include installation of monitoring points on the existing rubble retaining walls supporting Middle Gully Road. The plan should be updated to include monitoring points to measure vertical and lateral deformations of this nearby retaining wall.
8. The monitoring plan does not indicate the location or number of monitoring points to be installed on the existing retaining walls. An appropriate plan would include monitoring points every 10 to 20 ft horizontally and at least two levels (vertically) on the 9 Front Street Retaining Wall.
9. The monitoring plan does not set threshold or limiting (stop work) levels for movements of the existing retaining walls supporting Middle Gully Road or 9 Front Street. An appropriate threshold level of 0.25-inches and a limiting movement of 0.5-inches (horizontal or vertical) is appropriate for structures of

these types.

10. The proposed weekly frequency of surveying is not adequate during active excavation and could allow movements to accumulate before being captured in monitoring. Surveys should be every other day (at a minimum) during excavation.
11. The monitoring plan does not indicate if (and how frequently) the results of monitoring will be transmitted to the affected neighboring properties. All monitoring data should be provided to the adjacent property owners. An appropriate transmission cycle would be to provide monitoring data to adjacent property owners within 24-hrs of collecting the data.
12. The SOE Drawings do not provide contingency plans if limiting movement values are exceeded. The drawings should include contingency plans for stabilizing and/or replacing the existing retaining walls if damaged.

Additional Issues

13. An existing tree is in line with the proposed SOE system. The SOE drawings do not address how this tree will be removed and the stability of the ground maintained during and after tree removal.
14. The proposed SOE system is aligned with an existing 4- to 6 -ft tall retaining wall that currently stabilizes the west side of 8 Bank Street and Middle Gully Road. The SOE Drawings need to address how the wall will be demolished to facilitate SOE installation and how stability will be maintained during and after wall demolition.
15. The SOE Drawings indicate that the hillside slope along the west side of the excavation will be stripped and regraded to a steeper slope. The drawings should address how the cut slope will be protected against erosion.
16. The SOE Drawings do not indicate if traffic (pedestrian or vehicular) is permitted along Middle Gully Road during excavation. The plans should be updated to indicate whether pedestrian traffic or vehicular traffic is permitted on Middle Gully Road and the traffic surcharge pressures accounted for in SOE design, if traffic is permitted.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. All of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. Therefore, we request that the Department of Buildings require the SOE designer to update the SOE design to address the issues outlined above.

Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Consequently, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages occur to these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC

Jesse L. Richins

Walter E. Kaeck, Principal

APPENDIX

MRCE
built on firm foundations

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February 23, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Evaluation of Potential Impacts of Adjacent Construction
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

In accordance with our contract dated February 8, 2022, Mueser Rutledge Consulting Engineers (MRCE) has completed a site visit and geotechnical review of potential impacts to your property (9 Broadway and 9 Front Street) and the adjacent public roadway due to the proposed construction at the neighboring 8 Bank Street property. Our evaluation relies on visual observations of existing conditions made during our site visit and information provided to the local Zoning Board describing the proposed construction.

EXECUTIVE SUMMARY

Key findings and conclusions regarding the potential impacts of the proposed construction on adjacent property are presented below based on our site visit and review of available documents describing the proposed work at 8 Bank Street. Subsequent sections of this report provide the supporting data upon which our findings are based.

1. The proposed construction at 8 Bank Street requires excavation to a depth of more than 17 feet immediately adjacent to retaining walls supporting adjacent roadways and properties.
2. The existing retaining walls are non-engineered structures that are relied on to support the hillside slope and adjacent structures above 8 Bank Street. The retaining walls consist of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor) that are vulnerable to damage caused by the adjacent deep excavation at 8 Bank Street.
3. As a result, the proposed excavation at 8 Bank Street poses the risk of destabilization or collapse of the retaining walls with consequent impact to Middle Gully Road and adjacent properties such as 9 Front Street.
4. The conceptual plans submitted to the Zoning Board for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether 8 Bank Street and their engineers have adequately considered the risks to adjacent structures due to the proposed construction.
5. In order to protect the public and adjacent property owners, we recommend that the Zoning Board require that 8 Bank Street submit more detailed design

and construction documents (as listed herein) that includes monitoring and protection plans for adjacent structures, utilities and roadways.

6. Furthermore, in order to protect the adjacent roads and properties, we recommend that the reviewing agency require that 8 Bank Street provide a construction escrow account to cover the costs of potential repairs to adjacent structures and properties if damages occur.

SITE DESCRIPTION

The site is on the east side of Nantucket Island, in the historic town of Siasconset. The town of Siasconset is primarily located on a bluff between Elevation +50 and +30 overlooking the Atlantic Ocean. However, on the westernmost end of Siasconset, the small historic community of Codfish Park exists near the base of the bluff with ground surface sloping downward from Elevation +17 at the base of the bluffs down to +10 near the beach. Elevations in this report are based on data presented on the City and County of Nantucket GIS site, and are assumed to refer to the North American Vertical Datum of 1988 (NAVD 88).

Our engineering review is related to the potential impacts to two properties on the western edge of the bluff (9 Broadway and 9 Front Street) and the roadway connecting the bluff to Codfish Park (Middle Gully Road) due to proposed building construction at the adjacent property near the bottom of the bluff (8 Bank Street). The relative arrangement of the adjacent properties and roadway is shown in Figure 1.



Source: Town and County of Nantucket, MA Online GIS Maps

Figure 1 – Site Location Plan

Residential development along the bluff has resulted in installation of a series of retaining walls to create terraces (level ground) in the slope for construction of roadways and private homes as Illustrated graphically in Figure 2 and further described below. These non-engineered retaining walls consist largely of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor).

9 Broadway

9 Broadway is occupied by a two-story U-shaped residence with a basement on relatively flat ground. The site is bounded by Broadway to the west, a residence at 11 Broadway to the North, the historic sea shell

covered Front Street to the East and a residence at 7 Broadway to the south. Ground surface is at about Elevation +35.

9 Front Street
9 Front Street is a roughly triangular-shaped landscaped garden lot across Front Street from the structure at 9 Broadway. The site is bounded to the west by Front Street, to the south by a yard for 7 Front Street, and to the east by Middle Gully Road. The site is ringed by a wooden fence. An existing concrete retaining wall forms the east property line and retains the garden elevated above Middle Gully Road. The retaining wall is 10-inches thick at the top and ranges from 1- to 8-feet in height. Review of historic photos indicates that the retaining wall was constructed at some point after 1940. The garden is approximately flat at around Elevation +34.

Middle Gully Road
Middle Gully Road is a public roadway connecting Bank Street and Beach Street in the lower Codfish Park area to Front Street at a higher elevation. Middle Gully Road traverses the bluff in a narrow corridor between 9 Front Street to the west and 8 Bank Street to the east. The roadway is brick, cobble, and grass lined and slopes downward from about Elevation +34 at Front Street to Elevation +17 at the intersection with Bank Street. The west side of Middle Gully Road includes a low mortared stone rubble retaining wall that steps out from the toe of the larger concrete retaining wall supporting 9 Front Street. The east side of Middle Gully Road includes a wooden hand rail and a 2- to 3-ft tall rubble and boulder retaining wall supporting the roadway above 8 Bank Street. We understand that a water main runs beneath Middle Gully Road and that Middle Gully Road provides emergency egress for the Codifsh Park area (as the only other roadway in and out of Codfish park is Gully Road).

8 Bank Street
8 Bank Street is bounded to the south and west by Middle Gully Road, to the North by 11 Front Street, to the east by Bank Street. The site is sloped down from the west. The site is currently occupied by a single story residence. Review of historic photos indicates that the structure served as a hot dog stand in the 1930's. Ground surface at the structure is at about Elev. +17.

DOCUMENTS REVIEWED

You provided us with a document package that #8 Bank Street submitted for review to the zoning board authority and historical district commission. The documents include:

- Conceptual Floor Plans and Section for 8 Bank Street by Angus Macleod Designs (4 sheets).
- A Conceptual Excavation Support Plan drawing prepared by McArdle Gannon Associates (MGA) and dated January 28, 2022 (SOE-1) (1 sheet).
- A statement of work scope dated January 28, 2022 for geotechnical engineering services to be performed by MGA. Proposed services include design of temporary support of excavation, performance of geotechnical investigations and pre-construction surveys, and construction observation (2 pages).
- Historic District Commission Submission dated August 19, 2021 including architectural elevations and plans by Angus Macleod Designs (20 pages).

PROPOSED CONSTRUCTION

Based on our review of the zoning board submittal documents, we understand that the Owner of 8 Bank Street is currently requesting zoning board approval to permit construction of a 2 level building addition with a single level basement below the addition and the footprint of the existing structure. Basement construction will require excavation to a depth of about 10.5 feet along Bank Street and more than 17 feet below Middle Gully Road. The conceptual support of excavation (SOE) plan included in the submission indicates that a

soldier pile and timber lagging system will provide temporary shoring of the excavation sidewalls during basement construction. The SOE is shown setback 3 to 4 feet from the new building footprint. The conceptual SOE plans do not provide details on the size of the soldier piles, methods of installation, or lateral bracing.

SITE OBSERVATIONS

MRCE Engineer and Senior Associate Mr. Jesse Richins visited the site on February 10, 2022 to observe site features and the condition of existing structures in the area of proposed construction.

9 Front Street Retaining Wall

An existing concrete retaining wall wraps around the south, east, and north sides of 9 Front Street. The retaining wall ranges from about 8-ft tall at the south end of the property to about 1-ft tall at the north end. The wall is 10-inches thick at the top of the wall. The front face of the wall includes vertical slots spaced 3- to 5-feet apart and approximately the size of 2x4 lumber. Remnant timber is present in some of the slots. Within the slots, welded wire fabric was observed at 18-inch spacing. The geometry of the concrete wall (thickness of stem below the top of the wall, base dimensions, depth to footing, etc.) are not known. A horizontal step exists at the toe (base) of the wall that extends 2- to 3-ft horizontally out from the wall into Middle Gully Road (from the front face of the concrete retaining wall) and 1- to 2-feet vertically downward. The step is retained by a mortared stone rubble wall.

The front face of the wall is approximately vertical. Several shallow horizontal cracks and minor spalling are evident. The cracks appear to indicate separation of aggregate when the concrete for the wall was poured. Horizontal crack depth is generally less than 1-inch. Several full depth vertical cracks are present in the south return wall and along the vertical slots in the wall. The concrete wall appears generally stable and in fair condition. At several locations, the mortared stone rubble retaining wall has loose stones and missing mortar.

Photographs illustrating the existing condition of the retaining wall are presented in the Appendix.

8 Bank Street Slope and Retaining Walls

Middle Gully Road is separated from 8 Bank Street by a mortared stone rubble wall. The wall is approximately 2- to 3.5-ft tall. At one location, roughly 1/3 of the way up the road, a tree has grown on the downslope side of the wall with tree roots penetrating into the wall. On the north end of 8 Bank Street, the slope down from the retaining wall is vegetated with grass. A 6-ft tall CMU retaining wall separates the slope from a small patio courtyard on the north end of 8 Bank Street.

Photographs of the slope and retaining wall are presented in the Appendix.

POTENTIAL IMPACTS OF PROPOSED CONSTRUCTION

The proposed construction requires a deep excavation to a depth of more than 17 feet immediately below Middle Gully Road and the nearby retaining wall supporting 9 Front Street. Furthermore, the retained ground slopes up to a higher elevation, resulting in increased lateral earth pressures on the SOE system as shown in cross-sections A-A' and B-B' in Figure 2.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. As illustrated in plan and section on Figure 2, all of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. The structure at 9 Broadway is generally beyond the potential zone of direct influence. As a result, the proposed deep excavation could cause ground loss and instability of the retained ground in a number of ways including but not limited to:

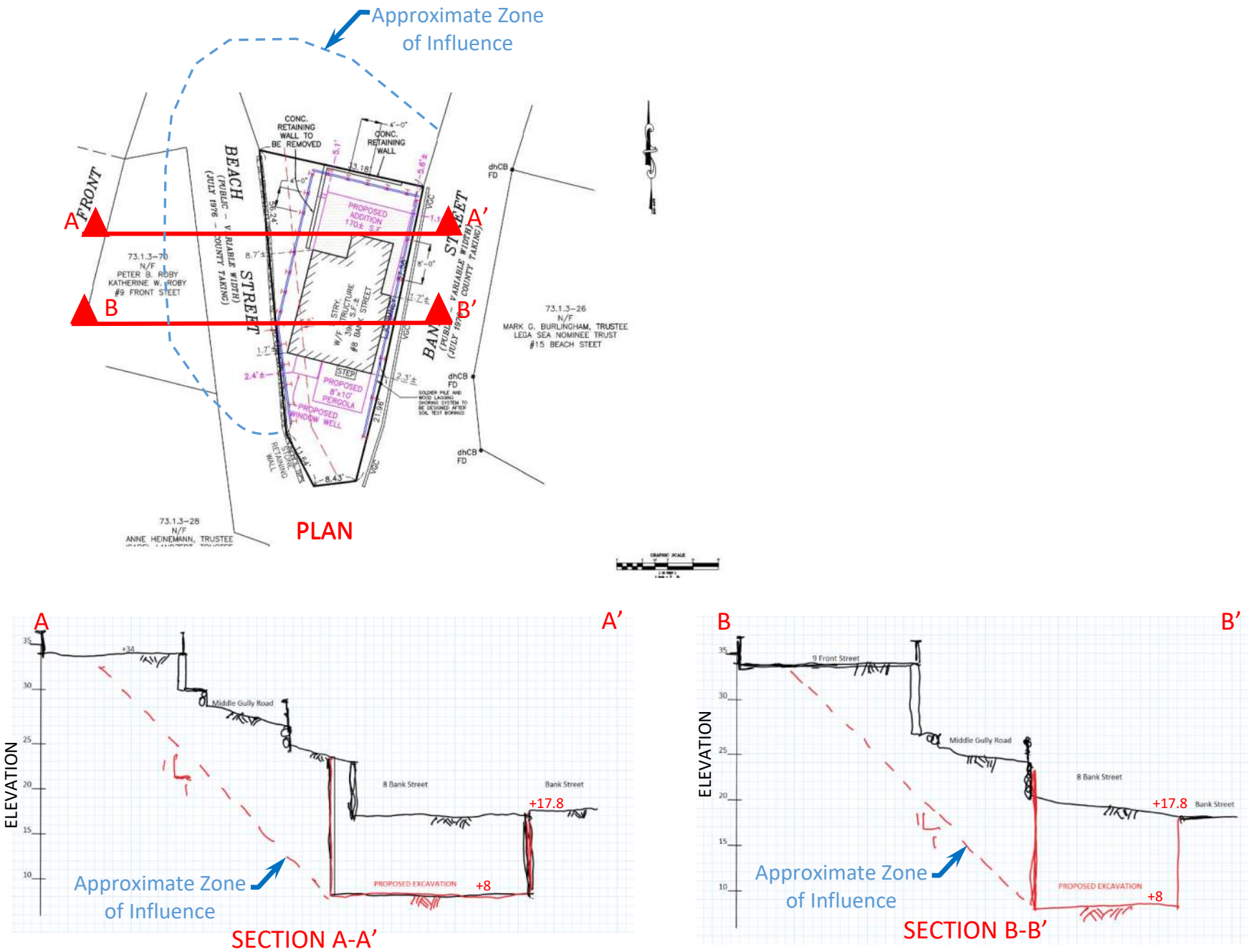


FIGURE 2 – PROPOSED CONSTRUCTION

FIGURE 2 – PROPOSED CONSTRUCTION

1. Insufficient lateral bracing of the SOE system, resulting in horizontal movement of the retained ground and possible collapse of the adjacent retaining walls
2. Installation of soldier piles by driving or other methods could cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope.
3. Improper removal of the existing tree that is embedded in the existing retaining wall resulting in collapse of the existing retaining wall or future settlement as the remnant tree decomposes,
4. Insufficient control of groundwater and surface water resulting in softening of the excavation bottom and horizontal movement of the SOE and the retained ground,
5. Improperly installed and filtered timber shoring boards resulting in loss of retained soil and settlement of the adjacent ground,
6. Insufficient erosion protection resulting in erosion of the slope.
7. Not accounting for potential traffic loads on Middle Gully Road, resulting in excessive movement in an emergency situation requiring vehicular access.

If the proposed excavation destabilizes the retained ground, the potential hazards include:

1. Loss of access for vehicles or pedestrians on Middle Gully Road, an emergency egress path for Codfish Park.
2. Damage to utilities buried below Middle Gully Road providing services to the area.
3. Damage to the historic roadway down to Codfish Park.
4. Damage to the retaining walls and retained property of 9 Front Street.

DESIGN CONSIDERATIONS

Our evaluation indicates that the proposed deep excavation at 8 Bank Street poses significant risk of damage to the adjacent roadway, utilities, and properties if not carefully designed and constructed due to the proximity of adjacent structures and old and fragile retaining walls supporting the slope. Among the complications that the Designer needs to consider:

1. The retained ground on the west side of the site is sloped and includes old, non-engineered retaining walls of fragile construction that are vulnerable to damage due to vibration or ground settlement. The terraced and upward sloping ground will impose greater horizontal loads on the SOE (compared with level ground) that will need to be accounted for in design.
2. We understand that Middle Gully Road provides emergency access and egress to Codfish Park. Therefore, the road may support traffic live loads in an emergency, potentially even emergency vehicle traffic, such as fire trucks. This requirement should be considered in design and reviewed by the municipality and reviewing board.
3. The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
4. The clean natural sands will tend to ravel and require tight installation of lagging boards and filtering to avoid mining retained soils.
5. The foundations of the retaining walls at 9 Front Street and the eastern edge of Middle Gully Road are not known and should be investigated to understand the potential impacts of the SOE.
6. The slope above 8 Bank Street includes a large tree that is partially grown into the existing retaining wall. Removal of the tree could impact the stability of the existing slope. Removal should be performed in a manner that does not destabilize the slope and maintains long-term stability.
7. The conceptual SOE system is shown with three- to four-feet offset from the proposed structure (in plan). The need for this larger excavation is not clear. The size of the excavation should be limited to necessity for the permanent structure in order to limit the area impacted by the excavation.
8. The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic

retaining wall will be replaced.

9. Pre- and post-construction condition surveys of adjacent structures should be performed to establish baseline conditions prior to construction and determine if construction is impacting surrounding grounds and structures,
10. Construction documents should include provisions for monitoring adjacent retaining walls, utilities and structures for vertical and lateral movement during construction. Instrumentation should include installation of crack gauges and optical movement monitoring so that any impacts are realized in real time and mitigation measures to avoid damage are quickly implemented.

RECOMMENDATIONS FOR THE REVIEWING AGENCY

The conceptual plans for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether the Developers and Designers have adequately considered the risks to adjacent structures due to the proposed construction. We recommend that the Board and reviewing agency reviewing the proposed application require the Applicant to provide a full and detailed package before approval of the proposed deep excavation, such that all parties have confidence that the proposed construction will sufficiently protect the public. Before granting approval, we recommend requiring the applicant provide:

1. Geotechnical report and results of the geotechnical investigation at 8 Bank Street,
2. Detailed SOE Design Plans including means and methods for SOE installation
3. Surface Water and Groundwater Control Plan,
4. Monitoring and Protection Plan, including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded,
5. Erosion Control Plan,
6. Plan for removal of the existing tree on the slope,
7. Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road,
8. Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

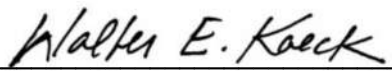
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Therefore, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC



Jesse L. Richins, PE



Walter E. Kaeck, Principal

JLR:WEK
F:\142\14294\Letter - 2022-02-16.docx

APPENDIX



Retaining Wall – South End – Facing West



South Return Retaining Wall – Facing North

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 1



Retaining Wall – Midway Along Retaining Wall – Facing West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 2



Retaining Wall – North End – Facing West

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 3



Loose Portions of Toe Retaining Wall on Middle Gully Road



Loose Portions of Toe Retaining Wall on Middle Gully Road

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 4



Middle Gully Road, looking North
9 Front Street to Left, 8 Bank Street to Right

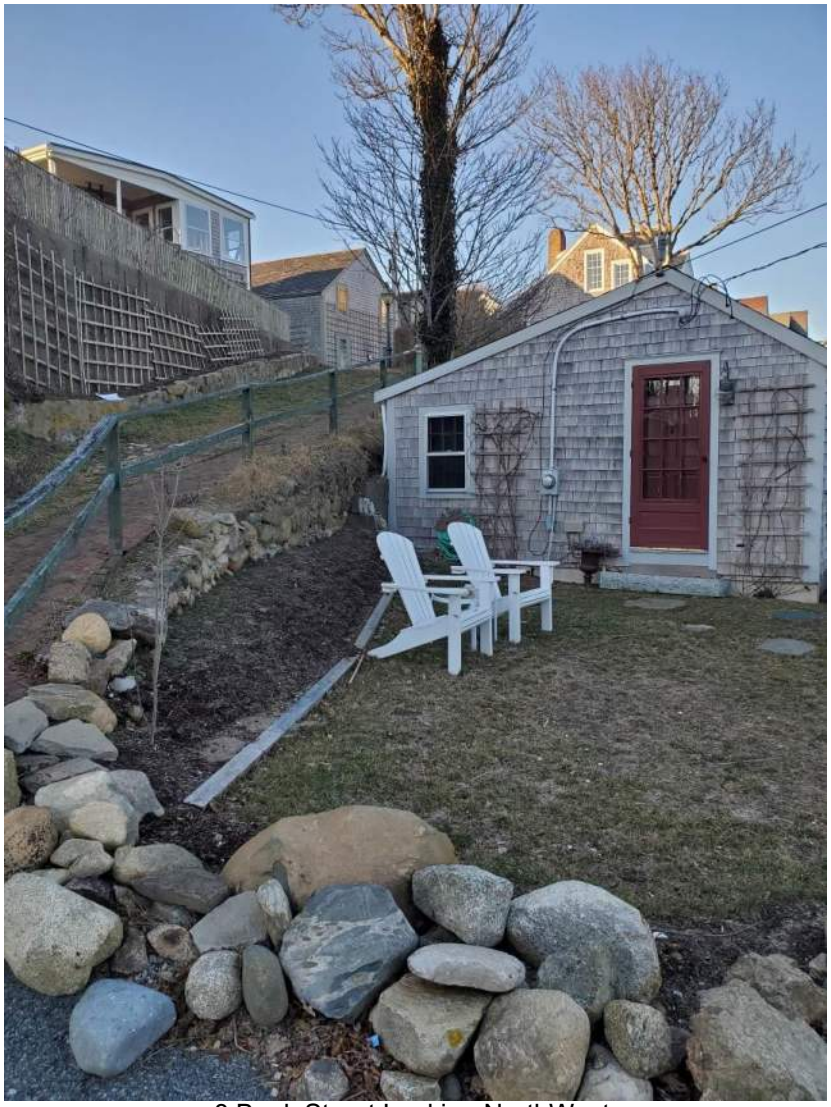
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR DATE: 02-15-2022	FILE No.
N/A		14294
MIDDLE GULLY ROAD		PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

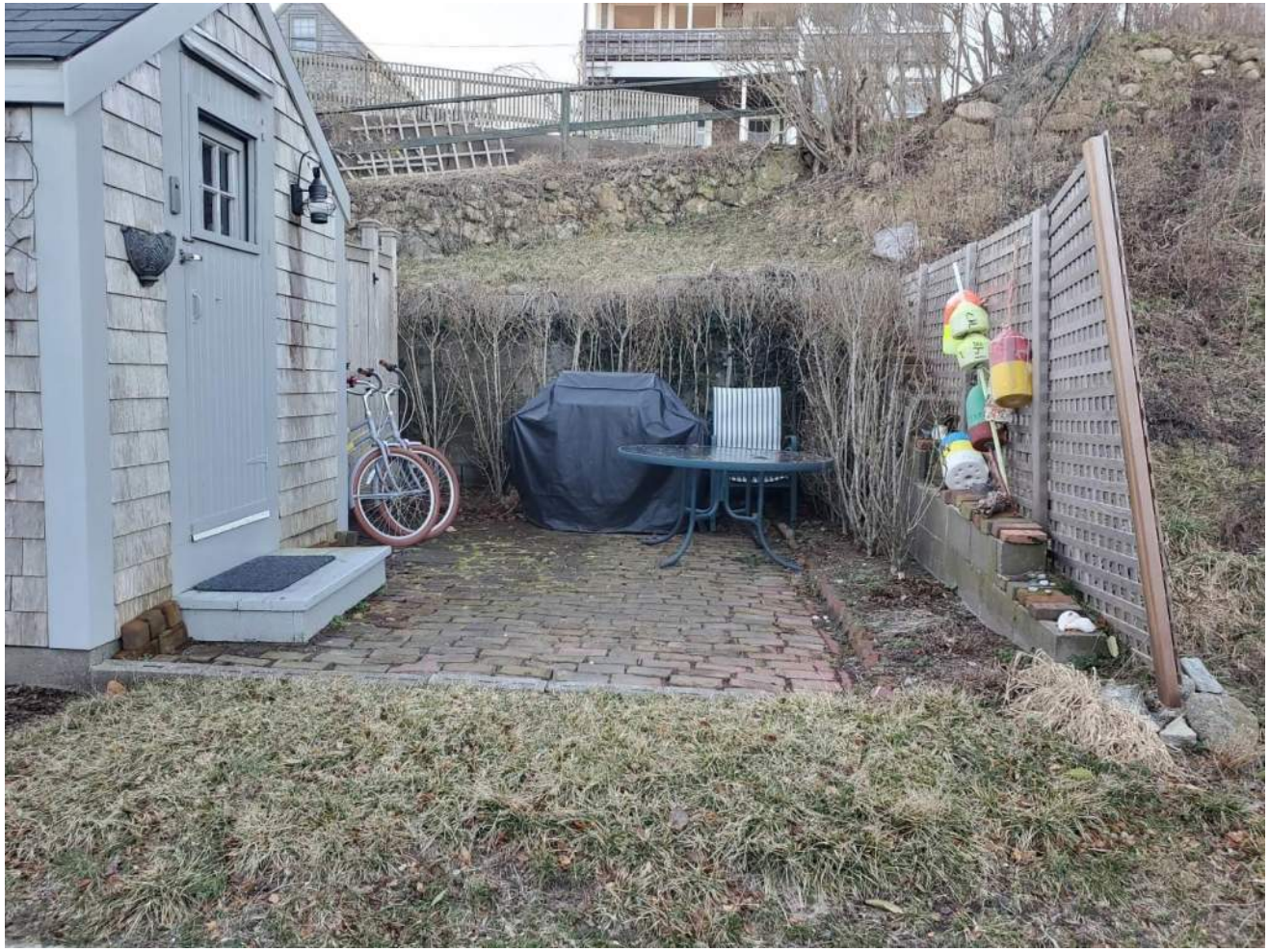
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 6



8 Bank Street – Existing Courtyard Looking West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

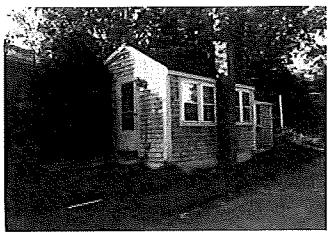
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 7

Exhibit B

Massachusetts Cultural Resource Information System

Scanned Record Cover Page



Inventory No:	NAN.2329
Historic Name:	
Common Name:	
Address:	8 Bank St
City/Town:	Nantucket
Village/Neighborhood:	Sankaty Head; Siasconset
Local No:	7313-9, SC9-16
Year Constructed:	c 1930
Architect(s):	
Architectural Style(s):	No style
Use(s):	Secondary Dwelling House; Single Family Dwelling House
Significance:	Architecture; Recreation
Area(s):	NAN.C: Nantucket Historic District NAN.D: Nantucket Historic District
Designation(s):	Nat'l Register District (11/13/1966); Nat'l Historic Landmark (11/13/1966); Local Historic District (06/04/1970)
Building Materials(s):	Roof: Asphalt Shingle Wall: Wood; Wood Shingle

The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (http://mhc-macris.net/macrisdisclaimer.htm)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Monday, April 12, 2021 at 8:49: AM

NAN.2329

BUILDING/STRUCTURE INVENTORY FORM
NANTUCKET ISLAND ARCHITECTURAL AND CULTURAL RESOURCES SURVEY
NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/ SC9-16
FILM ROLL #: 7313-9
MAP/PARCEL#:

Recorded by: AH Date: 09/22/89 Organization: AGS

IDENTIFICATION

1. Street Name & No.: 8 BANK STREET

2. Building Name: N/A

3. Ownership: Private

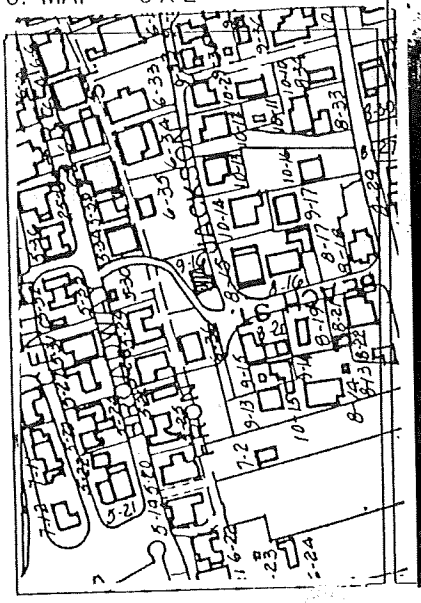
4. Present Owner: NICKERSON, CAROL

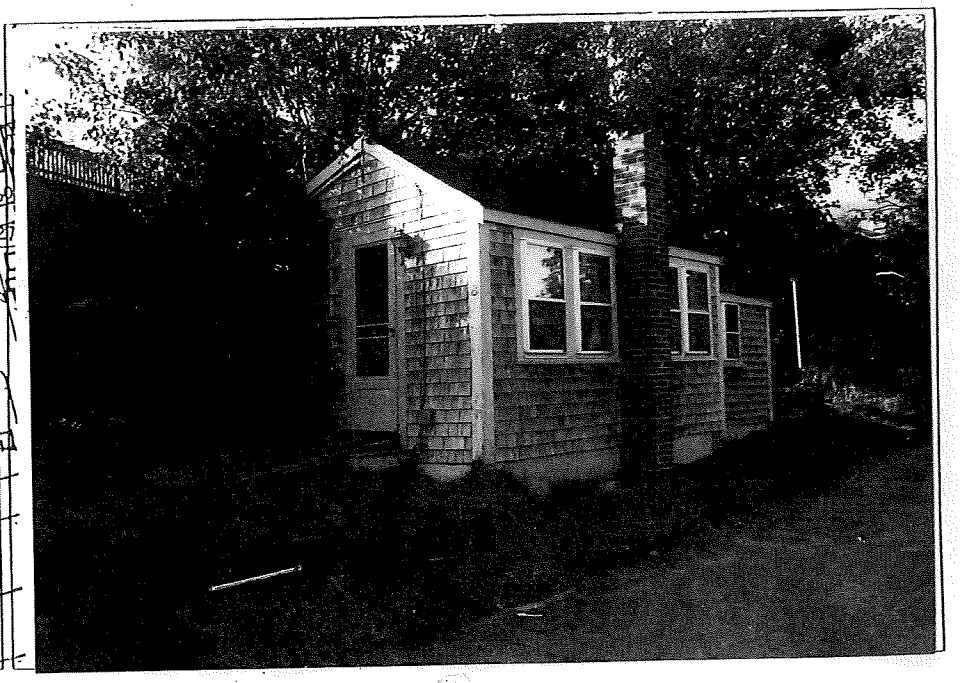
5. Ownership History:
Unknown

6. Use: Original: Dwelling Present: Dwelling
Seasonal/Year-Round: Seasonal

7. Accessibility to Public: Visible from Public Road? Yes
Interior: N/A

8. MAP -- 3 X 2"





NAN.2329

Survey/Film Roll #: SC9-16

GENERAL SETTING AND ORIENTATION OF BUILDING

10. Lot Size:N/A
11. Approximate Frontage (ft.): N/A
12. Setback from Street (ft.): At Sidewalk
13. Orientation to Street Address: Ridge Parallel
14. Surroundings: Densely Built,Residential
15. Related Outbuildings and Property: N/A
16. Other Notable Features:
N/A

DESCRIPTION

17. Foundation: Piers
18. Structural System: Woodframe
19. Exterior Wall Material, Front Facade: Shingles-Weathered
20. Exterior Wall Material, Side Elevations: Shingles-Weathered
21. Exterior Wall Material, Rear Elevation: Shingles-Weathered
22. Number of Stories: 1
23. Roof Shape: Gable
24. Roofing Material: Composition Shingle
25. Roof Features: N/A
26. Dormer Roof(s): N/A
27. Chimney Material: Brick-unpainted
28. Chimney Position: End Wall
29. Number of Chimneys: 1
30. Chimney Features: Corbelling
31. Front/Primary Door Location: Off Center
32. Front/Primary Door Frame Features: Flush Frame
33. Number of Bays: N/A
34. Window Frame Type: Flush
35. Window Sash Type(s) - Front Facade: 6/6

36. Porch: N/A
37. Signage: N/A
38. Details: Corner boards-plain
39. Condition: Good
40. Integrity: N/A
41. Alterations:
N/A

NAN.2329

2329

SIGNIFICANCE

42. Role the Building Plays: National Register: Contributing
43. Date of Initial Construction: Circa 1930
  Source: Sanborn Maps,Aerial Photo 1938
  Architect: Unknown Builder: Unknown
44. Building Type: Additive,Gable Front
45. Architectural Style: N/A
46. Historical and Architectural Importance:
  Unknown

47. Sources: Sanborn Maps 1923, 1923/49,
  Aerial Photo 1938

Nickesha Sheriff

From: janet ballou <janetcdballou@gmail.com>
Sent: Wednesday, October 5, 2022 11:40 AM
To: Nickesha Sheriff
Subject: 8 bank street



ms. sheriff

my husband and i are are deeply concerned

about the damage the proposed construction

at 8 bank st will affect on the bank as well as to middle gully road.

it is a project of outsized proportions for that space and is inappropriate-

not only aesthetically but environmentally.

please do not allow this construction to weaken an already fragile

location

please vote to reject this arrogant, risky project.

thankyou

janet and fred ballou

21 front street

This email was scanned by Bitdefender

William Saad

From: Michele Krohn <mkrohn227@gmail.com>
Sent: Wednesday, October 5, 2022 9:18 AM
To: Nickesha Sheriff; William Saad
Subject: 8 Bank Street



Dear Ms. Sheriff & Mr. Saad -

As a resident in the historic village of 'Sconset (14 Center Street), I wish to voice my concerns over the proposed project at 8 Bank Street.

I am not an engineer, but I have read the engineering report and it is concerning that the engineers have pointed out several areas that must be monitored during construction but offered absolutely no solutions or opinions as to the possible efficacy of any proposed solution. I am truly horrified that ANYONE would even consider digging to such depths at the edge of a precarious bluff, with homes perched just above, to say nothing of the potential water and flooding issues described in the engineering report. I urge you to be extremely careful and mindful in reviewing the potential environmental impacts as the consequences could be truly devastating.

While the possible environmental impacts alone should stop this project in its tracks, I am equally dismayed that anyone would consider turning such a sweet cottage, with historic significance to the community, into a looming "highrise" in Codfish Park. It just seems so unnecessary and excessive during a time when excess seems to reign supreme -- I urge you to consider the appropriateness of such a structure in the fabric of the village and Codfish Park. And while there may be precedent for structures of this height in Codfish Park, some of which I question having been allowed in the first place, precedent should not always dictate new projects moving forward. Again, I urge you to be extremely mindful of the new precedent for allowing such a structure to be built in 'Sconset.

Thank you for your thoughtful consideration.

Warm regards,
Michele Krohn

This email was scanned by Bitdefender

RECEIVED
OCT 04 2022
By

13 Broadway
Siasconset, Massachusetts
(860) 685-0678
lsoeder@soeder-associates.com

October 4, 2022

Zoning Board of Appeals
Nantucket, Massachusetts

Re: 8 Bank Street

Dear Members of the Zoning Board of Appeals,

I have owned Mizzentop, the 270 year old whaling cottage structure sited at the very top of Middle Gully Road, between Front Street and Broadway, for the past 30 years and am a year-round resident of Sconset. During that time, my neighbors and I have reveled in the pristine and timeless beauty of our village with the same awe and gratitude expressed by artists, brides and other visitors. And during that time, I have been impressed by the ways in which the HDC, the ZBA, the Siasconset Civic Association and the 'Sconset Trust have protected the architectural and visual authenticity and charm of historic Sconset, including the constantly photographed Front Street and its view scape. It is my sincerest hope that you will continue to preserve and protect our treasured historic village.

Please see my comments from May 8, 2022 regarding my opposition to the proposed demolition and reconstruction at 8 Bank Street (the "Bank Street Project"). And as you consider now whether the proposed Bank Street Project will be "substantially more detrimental to the interests of the neighborhood and to the inhabitants of the village than the existing nonconforming structure" is, I urge you to revisit the Codfish Park site and also to review:

- the Geotechnical Engineering report prepared by McArdle Gannon Associates Inc., dated May 5, 2022 (the "Engineering Report"), which fails to address potential environmental and infrastructure damage posed by the Bank Street Project, including the undermining of the stability of the coastal bank and Middle Gully Road and the water main to Codfish Park and the disposal of groundwater from the site,
- the concerns of abutters regarding the impact of the intense drilling required by the Bank Street Project on the structural integrity of their homes,
- the concerns of abutters, artists, photographers, visitors and advisory boards alike that the Bank Street Project will forever change the streetscapes and character of Codfish Park, Bank Street, Front Street and the widely treasured public viewsheds,
- the Architectural Plans and the Engineering Report[1] that depict the 8 Bank Street Project as a demolition (but provide for no notice of or permit for demolition),
- the beginning ground elevation of 8 Bank Street itself (compared to the lower beginning ground elevations of other recent construction sites between 8 Bank Street and the ocean) when considering the request to more than double the height of the existing structure based on approved heights of other structures,

[1] See page 2 of Engineering Report: "We understand that the existing residence will be razed and a new foundation with a full basement will be constructed in its place."

- the reality that the Bank Street Project proposes to convert an historic 9 foot tall structure commensurate with the scale of historic Codfish Park structures into a three level structure at the base of and towering over an endangered coastal bank and in the process also to encroach into existing setbacks,
- and finally, the fact that Middle Gully Road is legally an emergency access road[2] *that needs to be safeguarded to protect all of the other residents of Codfish Park and historic Sconset* in the event of a washout of Codfish Park Road (especially given the recent challenges facing Nantucket's emergency services) and that any expansion of footprint or compromise of the stability of the embankment resulting from the Bank Street Project would jeopardize this already tenuous emergency access route.

Clearly, the 8 Bank Street Project would be more detrimental to the neighborhood than the existing structure is, and we respectfully ask you to deny the special permit.

Lastly, I reiterate the requests of my neighbors that the Oct. 13 meeting be made available on Zoom, as is the case with other town meetings in this time of COVID, to allow wider participation of neighbors and other interested parties for whom it is a hardship to be physically present at an October meeting.

Sincerely,

Lisa P Soeder

Lisa P Soeder

[2] On June 5, 1996 the Nantucket County Commissioners decreed an Order of Layout and Taking to make a public way connecting Broadway to Beach Street, a/k/a Middle Gully Road (the "Taking Order"). The Taking Order was recorded in the Nantucket Registry of Deeds on June 6, 1996 and was intended to provide emergency access to Codfish Park (from Broadway via a passage between 11 and 13 Broadway, across Front Street, through a gully and down a cliff to a sharp left onto Beach Street) in the event of a washout of Codfish Park Road. The corner of 8 Bank Street and Beach Street is where the sharp left would occur.

Nickesha Sheriff

From: William Saad
Sent: Tuesday, October 4, 2022 8:41 AM
To: Nickesha Sheriff
Subject: FW: 8 Bank Street



-----Original Message-----
From: Mary Williams <maryvwilliams@me.com>
Sent: Monday, October 3, 2022 4:40 PM
To: William Saad <wsaad@nantucket-ma.gov>
Cc: maryvwilliams@icloud.com
Subject: 8 Bank Street

Please do not permit this ridiculous over use of this tiny piece of land.

It is quite obvious to me that this whole issue is a contest of wills and persistence vs common sense.

It is also obvious to me and others that this has turned into a legalistic dance of the owners wishes against the reasonable requests by abutters to deny this request. If allowed it will be be not only an eye sore but I feel a detriment to the stable land that now exists in that area. The tree itself is probably holding that piece of dirt together.

Let's not let their legal soldiers overrun the common folk who already honor the surrounding properties by respecting the peaceful balance of our village. We are trying very hard to maintain this sweet piece of our island for all, from near and far to see. And for we the owners in which to find peace.

This is obviously a very selfish and unworthy request. Please deny it.

MaryV Williams
Dexioma
7 Broadway.

This email was scanned by Bitdefender

Nickesha Sheriff

From: Leslie Snell
Sent: Tuesday, August 30, 2022 10:02 AM
To: Nickesha Sheriff
Subject: Fwd: Comments on 8 Bank St.
Attachments: ZBA 8 Bank St..docx



Sent from my iPad

Begin forwarded message:

From: Helen Strong <helenmstrong1@gmail.com>
Date: August 29, 2022 at 1:29:05 PM EDT
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Comments on 8 Bank St.

Dear Ms. Snell,

Please forward the attached comments on the proposed construction at 8 Bank St. to members of the Zoning Board of Appeals in advance of the hearing on Sept. 8, 2022.

thank you,

Helen Strong
18 Broadway
'Sconset

This email was scanned by Bitdefender

RECEIVED
AUG 30 2022
By

August 29, 2022

Dear Members of the Zoning Board of Appeals,

In considering whether the proposed construction at 8 Bank St. would be more detrimental to the neighborhood than the existing structure, the answer is a resounding YES for multiple reasons.

The engineering report submitted by the owners of 8 Bank St. in Codfish Park is alarming for the impact the proposed construction would have on the integrity of the adjacent, bank, nearby homes, and the environmental quality of the surrounding area. The proposal to dig 10 to 12 feet below grade to establish a basement, accompanied by reverberations from drilling, would threaten the foundations of homes located above the bank on Front St. and beyond in the 'Sconset Old Historic District. Another area of concern is the disposal of groundwater from the site as there is no mechanism provided for this function other than that it should be transported to a vague "reliable source," without specifying where or how this will occur other than to suggest that it be graded toward the street. During rainstorms the area at the intersection of Codfish Park Rd. and Beach St., down the street from 8 Bank St., floods on a regular basis.

When I listened to the December ZBA meeting at which 8 Bank St. was first considered, I was perplexed that the neighbors were being asked to approve construction on a small non-conforming southern corner of the new house, which in this case, is somewhat like the tip of the iceberg; it is the extreme height and volume of this building on a very small lot smack up against the 'Sconset bank and Middle Gully that is the real issue. This too tall building would loom over historic Middle Gully, an entrance point to Codfish Park, in a very ungainly way and overtop the adjacent bank where Front St. is located by some six feet. In doing this, it would eliminate public viewsheds that are greatly valued by 'Sconset villagers and visitors alike and should be considered by the town as treasured historic and scenic assets.

From a zoning perspective, it is puzzling to me that, since Codfish Park is now zoned as part of the 'Sconset Old Historic District, construction is being considered and allowed in Codfish Park that would not be permitted above the bank. The 'Sconset Advisory Board of the HDC noted this discrepancy at a recent meeting.

Last summer, the Siasconset Civic Association, and more recently the 'Sconset Trust, along with numerous neighbors in the village, abutters and non-abutters alike, have declared their opposition to this project. *I hope that ZBA members will have visited the 8 Bank St. site prior to making a judgement to envision the impact of this proposed construction on the neighborhood.*

Additionally, I saw in the ZBA meeting packet that 8 Bank St. is still being referred to as an "addition" and "renovations," but this is misleading as nothing of the original historic cottage will remain. This is a tear-down and completely new construction.

I wish that the Sept. 8 meeting would also be a hybrid meeting, available on Zoom, as is the case with other town meetings in this time of Covid, to allow wider participation for interested parties.

I urge the members of the Zoning Board of Appeals to deny this special permit.

Sincerely,

Helen Strong,
fourth generation owner of 18 Broadway, 'Sconset

Nickesha Sheriff

From: Leslie Snell
Sent: Friday, May 13, 2022 8:39 AM
To: Nickesha Sheriff
Subject: FW: 8 BANK STREET, SIASCONSET

For June packet.

Leslie Woodson Snell, AICP, LEED AP BD+C
Deputy Director of Planning

Nantucket Planning & Economic Development Commission
Planning & Land Use Services (PLUS) Department
2 Fairgrounds Road
Nantucket, MA 02554

Telephone: 508-325-5385

From: Sam Daniel <svdiii@comcast.net>
Sent: Friday, May 13, 2022 8:31 AM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: Fwd: 8 BANK STREET, SIASCONSET

Please, forward to Chair Susan McCarthy and other ZBA Members.
Sam Daniel
6 Broadway

Begin forwarded message:

From: Holly Backus <hbackus@nantucket-ma.gov>
Subject: RE: 8 BANK STREET, SIASCONSET
Date: May 13, 2022 at 8:21:40 AM EDT
To: Sam Daniel <svdiii@comcast.net>
Cc: Nickesha Sheriff <nsheriff@nantucket-ma.gov>

Good Morning,

I am not ZBA staff.... As you know, I'm with the HDC.
Please provide your comments to ZBA staff for forwarding.

Thank you for your understanding.
Take care,

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

HDC Advisory Board meetings can be accessed here:
SCONSET ADVISORY (SAB)
HISTORIC STRUCTURES (HSAB)
Staff liaison to the Nantucket Historic District Commission (HDC) & Nantucket Historical Commission (NHC)

From: Sam Daniel <svdiii@comcast.net>
Sent: Friday, May 13, 2022 8:06 AM
To: Holly Backus <hbackus@nantucket-ma.gov>
Subject: Re: 8 BANK STREET, SIASCONSET

And, Holly, if I heard/saw correctly, watching the May 12 hearing, the ZBA Chair had not even read Margaret Van Deusen's most-important comments (enclosed, below), which were in her packet. This is not good. Please forward this to Ms. McCarthy. Sam
From: **Margaret Van Deusen** <margaretvandeusen@gmail.com>
Date: Sun, May 8, 2022 at 7:39 PM
Subject: 8 BankStreet
To: <lsnell@nantucket-ma.gov>
Cc: annyvan <annyvan@aol.com>, Isabel Landzert <blandzert@aol.com>

Kindly forward the comments below to members of the Zoning Board of Appeals in advance of the hearing on May 12. 2022.

Dear Members of the Zoning Board of Appeals,

Please consider these comments as my sisters and I, trustees of the Van Deusen Realty Trust, 7 Front Street, Siasconset, are unable to attend the ZBA's in person May 12, 2022 hearing on this matter. In view of the widespread community opposition to this project, we ask that you make this meeting accessible on zoom so interested persons can participate.

Our house, Eastward Look, is a small house that is perched on Front Street between the steps leading to Codfish Park and Middle Gully. It was built in the mid 1920s -–around the same time as 8 Bank Street. Our property is directly across Middle Gully from 8 Bank Street. Our simple house, now almost 100 years old, does not have a foundation and the eastern side of the house

is supported on the bank by concrete pilings of indeterminate age covered with a thin veneer of material that we do not believe provides support for the building. The bank in this area is fragile and eroding.

After reviewing the Geotechnical Engineering report prepared by McArdle Gannon Associates Inc., dated May 5, 2022 (the Report), we are concerned with potential damage to our house and to the surrounding historic houses on Front Street, Broadway and Codfish Park (CFP), to Middle Gully, which is the emergency access road to CFP and under which the water main for CFP is located, the coastal bank, and the intersection of Bank Street and CFP Road, which already floods during rain events.

While 8 Bank is characterized as an "addition" and "renovation," the engineering report makes clear that this is a demolition. According to the report: "We understand that the existing residence will be razed and a new foundation with a full basement will be constructed in its place." Engineering Report at p. 2. Thus, the report confirms what neighbors have opined from the beginning of the permitting process—that this is a tear down. Despite this, no demolition permit has been sought by the owners.

The Engineering Report

The Report makes it clear that this is a very challenging site on which to build a house with a basement. The Report also fails to address potential environmental and infrastructure damage, including undermining of the coastal bank and the integrity of Middle Gully and the water main. It seems obvious that during construction, emergency access to CFP would be cut off. As people said at the last ZBA meeting if this project is allowed to go forward, construction should not be allowed during the fall (before November) and halted in early May.

Groundwater was encountered at 14 feet below ground at MGA-1; no groundwater reading was capable of being made at MGA-2. According to the report at p. 4, groundwater levels will fluctuate due to temperature, tides, precipitation and other factors. Excavation will be necessary 10 to 15 feet below the proposed surface grade for the nine-foot tall basement. (An unanswered question is what the proposed site grade would be). An underdrain will be necessary to carry water away from the foundation. Report at 7. Exterior footings would need to extend three feet below basement finish grade. The bottom of the basement would need to be compacted with a vibratory plate compactor using at least 6000 lbs. of force. Report at p. 5. Additionally, driven piles will generate ground vibrations that are "distinctly perceptible to adjacent properties." Report at 9. **We think this is likely a gross understatement. Pounding of piles is likely to jeopardize the structural integrity of our house given its close proximity to the site and position right on the bank.** Of course, the engineer punts responsibility for vibration damage to the contractor in his report.

Due to groundwater below the structure at the basement foundation, groundwater will need to be transported away from the site. The engineer proposes no method for this except that it should drain to manholes to transport groundwater to a "reliable source." Report at p. 7. However, to the best of our knowledge, there is little stormwater infrastructure in CFP, and even the storm drain at the low lying intersection of Beach Street and CFP Road cannot handle the current stormwater runoff. Increasingly, even in minor storms, this area floods and the flooding is worsening over time.

Generally, stormwater should be kept on site and infiltrated to the greatest extent. The south facing small lawn contains the subsurface septic system and the owners also plan to build a patio there. Most of the rest of the site is impermeable. Significantly, the engineer recommends grading the entire site toward the street to carry water off the site. We note that the flooding at the CFP intersection is already causing the pavement to deteriorate. Additionally, pumping groundwater from the site to the surrounding area is the very opposite of efforts to create resiliency to climate change.

Detriment to the Interests of the Neighborhood

The impacts from this project on the neighborhood would be significant. If allowed, this very tall vertical building right up against the Sconset Bank and Middle Gully will forever change the streetscapes and character of Codfish Park, Bank Street, and Front Street and the public viewsheds admired and enjoyed by all. These are treasured public resources.

We do wonder how it is possible that owners who buy a one-story house that is a contributing element in the Sconset Old Historic District at the entrance to CFP can be permitted to tear it down (without a permit) and to build a structure that would be as much as 6 feet above the bank with a 9-foot wide bathroom dormer looming over iconic Front Street and historic cobblestoned Middle Gully. This profoundly vertical house in this location will be substantially more detrimental to the interests of the neighborhood and to the inhabitants of the village than the existing nonconforming structure.

While the owners maintain that the ZBA should only concern itself with a small southwest corner of the building, we believe this is erroneous. The ZBA is not required to wear blinders and to segregate this small section from the rest of the building.

We submitted comments to the ZBA on December 6, 2021, accompanied by photos showing the height poles at 8 Bank in relation to Front Street and Middle Gully. Both we and the Siasconset Civic Association (SCA) submitted the SCA's two comment letters to the HDC opposing this project b/c of its detrimental impacts on the interests of the neighborhood. It bears repeating here what the SCA wrote: "The preservation of the scale of the houses and streetscape are essential to keeping the character of Codfish Park intact. . . a higher structure in this specific location would disturb the balance and rhythm of architecture in this historic neighborhood."

Lastly, we note that no on-site parking is proposed despite the fact that there is almost no on-street parking allowed in CFP. Currently, cars park illegally on the Beach Street sidewalk so that pedestrians are forced to walk in the street.

We respectfully ask you to deny the special permit.

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

On May 12, 2022, at 2:47 PM, Sam Daniel <svdiii@comcast.net> wrote:

Holly, can anyone verify that the ZBA members actually got and read this drill-and-not-drive e-mail of mine? I listened to today's 8 Bank St. hearing, and after an hour and ten minutes, FINALLY, the suggestion to drill rather than drive was mentioned and briefly discussed. Please, forward this to Susan McCarthy. Sam

On May 9, 2022, at 9:10 AM, Holly Backus <hbackus@nantucket-ma.gov> wrote:

Your welcome!

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

HDC Advisory Board meetings can be accessed here:
SCONSET ADVISORY (SAB)
HISTORIC STRUCTURES (HSAB)
Staff liaison to the Nantucket Historic District Commission (HDC) & Nantucket Historical Commission (NHC)

-----Original Message-----
From: Sam Daniel <svdiii@comcast.net>
Sent: Monday, May 9, 2022 9:05 AM
To: Holly Backus <hbackus@nantucket-ma.gov>
Subject: Re: 8 BANK STREET, SIASCONSET

As always, thanks for your help, Holly. Sam

On May 9, 2022, at 8:34 AM, Holly Backus <hbackus@nantucket-ma.gov> wrote:

Good Morning Sam,

I have forwarded your email onto the Deputy Director of Planning, Leslie Snell.

Thanks,

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator Town of Nantucket
hbackus@nantucket-ma.gov

HDC Advisory Board meetings can be accessed here:
SCONSET ADVISORY (SAB)
HISTORIC STRUCTURES (HSAB)
**Staff liaison to the Nantucket Historic District Commission (HDC) &
Nantucket Historical Commission (NHC)**

-----Original Message-----
From: Sam Daniel <svdiii@comcast.net>
Sent: Saturday, May 7, 2022 2:55 PM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Cc: Holly Backus <hbackus@nantucket-ma.gov>
Subject: 8 BANK STREET, SIASCONSET

Marcus,

I'm hoping that you are the correct contact for my concerns about 8 Bank's rebuild with basement. Please, forward this to all of the ZBA members.

My primary concern is 8 Bank's basement installation. If approved, the piles MUST be PRE-DRILLED, and NOT DRIVEN, so as to avoid vibrations doing harm and damage to neighboring properties, structures, houses, and house-contents. For 20 years, I have lived year-round in "Auld Lang Syne" at 6 Broadway, and when piles have been driven, often far away, there have been major, threatening vibrations. When pre-drilled, no such problems have occurred with the piles. It's my opinion that ONLY pre-drilling should EVER be allowed in 'Sconset's historic district.

Thank you,
Sam Daniel

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May 10, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Review of Plans for Adjacent Construction at 8 Bank St
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

As requested, Mueser Rutledge Consulting Engineers (MRCE) reviewed the proposed plans for support of excavation (SOE) during below grade construction at the adjacent 8 Bank Street property. Our review focused on the potential impacts of the proposed construction on your property (9 Broadway and 9 Front Street) and the adjacent public roadway (Middle Gully Road) along the west side of the excavation. We summarize herein the results of our review.

We note that we previously performed an evaluation of the potential impacts of construction at 8 Bank Street based on conceptual plans of the proposed construction. Our prior evaluation is summarized in our February 2022 letter, attached for reference in the Appendix.

DOCUMENTS REVIEWED

You provided us with the following documents received from the #8 Bank Street property owner:

1. Geotechnical Engineering Report for Proposed Renovation at 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (31 pages).
2. Temporary Support of Excavation Drawings for 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (3 sheets).

MRCE REVIEW COMMENTS

In general, our review indicates that the proposed SOE design does not sufficiently protect the adjacent properties. The Building Department should require a number of alterations to the proposed construction plans in order to protect the adjacent properties. More specific comments follow.

Geotechnical Engineering Report

1. The soil borings made as part of the site geotechnical investigation indicate that the natural and manmade soils underlying the 8 Bank Street property and comprising the adjacent hillside consist of very loose to loose sands with little fine grained (silt and clay) binder. These loose sands are relatively weak and sensitive to disturbance and ground loss during SOE installation.

2. The geotechnical investigation did not include any test pits or other exploratory probes to establish the depth, condition, or dimensions of the existing rubble retaining wall supporting Middle Gully Road or the concrete retaining wall supporting 9 Front Street.

Support of Excavation (SOE) Design

3. The proposed SOE system consists of cantilevered soldier pile and timber lagging that does not appear to adequately account for the loose sand beneath and behind the SOE wall and rising slope of the retained ground that significantly increases the lateral earth pressures applied to the SOE system along the west side of the excavation. We estimate that the soldier pile and lagging system may displace 6-inches or more horizontally. This magnitude of movement could damage or destabilize the existing retaining walls supporting Middle Gully Road and 9 Front Street. Lateral bracing such as inclined rakers should be designed and installed to stiffen the SOE system and minimize displacements of the adjacent ground during basement excavation.
4. The planned use of a vibratory hammer to install the soldier piles introduces the risks of settlement and cracking of the surrounding ground and retaining walls supported on the loose sands encountered in borings. Loose soils tend to densify when vibrated. Soldier piles should be installed in drilled, cased holes to minimize disturbance and vibrations of the surrounding ground.
5. The SOE Drawings do not describe the existing retaining walls or detail how the existing retaining walls will be protected during construction. The drawings indicate that "MGA has made assumptions concerning the soundness of the buildings adjacent to the site. These assumptions are that these buildings and structures were designed in conformity with good design practice. The Contractor should take extraordinary precautions concerning the preservation of the adjacent properties."
    a. The existing retaining walls supporting Middle Gully Road and 9 Front Street are old and may not have been constructed to an engineered design. On that basis, the assumption that these retaining walls are constructed in conformity with good design practices is overly optimistic and may not be accurate. As the proposed construction could potentially destabilize these retaining walls, the SOE designer is responsible to investigate the condition and depth of support of these structures and develop adequate protection measures before installing SOE and performing adjacent excavation.
    b. The SOE Drawings should be updated to detail the 'extraordinary precautions' planned to protect the existing retaining walls such that the Contractor (as well as effected parties) is aware of these requirements and so that the Contractor implements these measures prior to excavation.
    c. The proposed regrading of the ground surface behind the SOE, as shown on Design Section A, removes passive support from the existing rubble retaining walls supporting Middle Gully Road without any clear stabilizing measures. The designer should investigate the foundations of these retaining walls and design measures to stabilize the walls as needed.
6. The SOE Drawings should not permit excavation of more than two-feet prior to installing timber lagging as excavation proceeds since the loose sands have limited standup time and are inherently unstable. Unsupported excavation faces will lead to ground loss and increase impacts to the adjacent structures.

Monitoring Plan

7. The monitoring plan does not include installation of monitoring points on the existing rubble retaining walls supporting Middle Gully Road. The plan should be updated to include monitoring points to measure vertical and lateral deformations of this nearby retaining wall.
8. The monitoring plan does not indicate the location or number of monitoring points to be installed on the existing retaining walls. An appropriate plan would include monitoring points every 10 to 20 ft horizontally and at least two levels (vertically) on the 9 Front Street Retaining Wall.
9. The monitoring plan does not set threshold or limiting (stop work) levels for movements of the existing retaining walls supporting Middle Gully Road or 9 Front Street. An appropriate threshold level of 0.25-inches and a limiting movement of 0.5-inches (horizontal or vertical) is appropriate for structures of

these types.

10. The proposed weekly frequency of surveying is not adequate during active excavation and could allow movements to accumulate before being captured in monitoring. Surveys should be every other day (at a minimum) during excavation.
11. The monitoring plan does not indicate if (and how frequently) the results of monitoring will be transmitted to the affected neighboring properties. All monitoring data should be provided to the adjacent property owners. An appropriate transmission cycle would be to provide monitoring data to adjacent property owners within 24-hrs of collecting the data.
12. The SOE Drawings do not provide contingency plans if limiting movement values are exceeded. The drawings should include contingency plans for stabilizing and/or replacing the existing retaining walls if damaged.

Additional Issues

13. An existing tree is in line with the proposed SOE system. The SOE drawings do not address how this tree will be removed and the stability of the ground maintained during and after tree removal.
14. The proposed SOE system is aligned with an existing 4- to 6 -ft tall retaining wall that currently stabilizes the west side of 8 Bank Street and Middle Gully Road. The SOE Drawings need to address how the wall will be demolished to facilitate SOE installation and how stability will be maintained during and after wall demolition.
15. The SOE Drawings indicate that the hillside slope along the west side of the excavation will be stripped and regraded to a steeper slope. The drawings should address how the cut slope will be protected against erosion.
16. The SOE Drawings do not indicate if traffic (pedestrian or vehicular) is permitted along Middle Gully Road during excavation. The plans should be updated to indicate whether pedestrian traffic or vehicular traffic is permitted on Middle Gully Road and the traffic surcharge pressures accounted for in SOE design, if traffic is permitted.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. All of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. Therefore, we request that the Department of Buildings require the SOE designer to update the SOE design to address the issues outlined above.

Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Consequently, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages occur to these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC

Jesse L. Richins

Walter E. Kaeck, Principal

APPENDIX

built on firm foundations

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February 23, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Evaluation of Potential Impacts of Adjacent Construction
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

In accordance with our contract dated February 8, 2022, Mueser Rutledge Consulting Engineers (MRCE) has completed a site visit and geotechnical review of potential impacts to your property (9 Broadway and 9 Front Street) and the adjacent public roadway due to the proposed construction at the neighboring 8 Bank Street property. Our evaluation relies on visual observations of existing conditions made during our site visit and information provided to the local Zoning Board describing the proposed construction.

EXECUTIVE SUMMARY

Key findings and conclusions regarding the potential impacts of the proposed construction on adjacent property are presented below based on our site visit and review of available documents describing the proposed work at 8 Bank Street. Subsequent sections of this report provide the supporting data upon which our findings are based.

1. The proposed construction at 8 Bank Street requires excavation to a depth of more than 17 feet immediately adjacent to retaining walls supporting adjacent roadways and properties.
2. The existing retaining walls are non-engineered structures that are relied on to support the hillside slope and adjacent structures above 8 Bank Street. The retaining walls consist of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor) that are vulnerable to damage caused by the adjacent deep excavation at 8 Bank Street.
3. As a result, the proposed excavation at 8 Bank Street poses the risk of destabilization or collapse of the retaining walls with consequent impact to Middle Gully Road and adjacent properties such as 9 Front Street.
4. The conceptual plans submitted to the Zoning Board for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether 8 Bank Street and their engineers have adequately considered the risks to adjacent structures due to the proposed construction.
5. In order to protect the public and adjacent property owners, we recommend that the Zoning Board require that 8 Bank Street submit more detailed design

and construction documents (as listed herein) that includes monitoring and protection plans for adjacent structures, utilities and roadways.

6. Furthermore, in order to protect the adjacent roads and properties, we recommend that the reviewing agency require that 8 Bank Street provide a construction escrow account to cover the costs of potential repairs to adjacent structures and properties if damages occur.

SITE DESCRIPTION

The site is on the east side of Nantucket Island, in the historic town of Siasconset. The town of Siasconset is primarily located on a bluff between Elevation +50 and +30 overlooking the Atlantic Ocean. However, on the westernmost end of Siasconset, the small historic community of Codfish Park exists near the base of the bluff with ground surface sloping downward from Elevation +17 at the base of the bluffs down to +10 near the beach. Elevations in this report are based on data presented on the City and County of Nantucket GIS site, and are assumed to refer to the North American Vertical Datum of 1988 (NAVD 88).

Our engineering review is related to the potential impacts to two properties on the western edge of the bluff (9 Broadway and 9 Front Street) and the roadway connecting the bluff to Codfish Park (Middle Gully Road) due to proposed building construction at the adjacent property near the bottom of the bluff (8 Bank Street). The relative arrangement of the adjacent properties and roadway is shown in Figure 1.



Source: Town and County of Nantucket, MA Online GIS Maps

Figure 1 – Site Location Plan

Residential development along the bluff has resulted in installation of a series of retaining walls to create terraces (level ground) in the slope for construction of roadways and private homes as Illustrated graphically in Figure 2 and further described below. These non-engineered retaining walls consist largely of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor).

9 Broadway

9 Broadway is occupied by a two-story U-shaped residence with a basement on relatively flat ground. The site is bounded by Broadway to the west, a residence at 11 Broadway to the North, the historic sea shell

covered Front Street to the East and a residence at 7 Broadway to the south. Ground surface is at about Elevation +35.

9 Front Street
9 Front Street is a roughly triangular-shaped landscaped garden lot across Front Street from the structure at 9 Broadway. The site is bounded to the west by Front Street, to the south by a yard for 7 Front Street, and to the east by Middle Gully Road. The site is ringed by a wooden fence. An existing concrete retaining wall forms the east property line and retains the garden elevated above Middle Gully Road. The retaining wall is 10-inches thick at the top and ranges from 1- to 8-feet in height. Review of historic photos indicates that the retaining wall was constructed at some point after 1940. The garden is approximately flat at around Elevation +34.

Middle Gully Road
Middle Gully Road is a public roadway connecting Bank Street and Beach Street in the lower Codfish Park area to Front Street at a higher elevation. Middle Gully Road traverses the bluff in a narrow corridor between 9 Front Street to the west and 8 Bank Street to the east. The roadway is brick, cobble, and grass lined and slopes downward from about Elevation +34 at Front Street to Elevation +17 at the intersection with Bank Street. The west side of Middle Gully Road includes a low mortared stone rubble retaining wall that steps out from the toe of the larger concrete retaining wall supporting 9 Front Street. The east side of Middle Gully Road includes a wooden hand rail and a 2- to 3-ft tall rubble and boulder retaining wall supporting the roadway above 8 Bank Street. We understand that a water main runs beneath Middle Gully Road and that Middle Gully Road provides emergency egress for the Codifsh Park area (as the only other roadway in and out of Codfish park is Gully Road).

8 Bank Street
8 Bank Street is bounded to the south and west by Middle Gully Road, to the North by 11 Front Street, to the east by Bank Street. The site is sloped down from the west. The site is currently occupied by a single story residence. Review of historic photos indicates that the structure served as a hot dog stand in the 1930's. Ground surface at the structure is at about Elev. +17.

DOCUMENTS REVIEWED

You provided us with a document package that #8 Bank Street submitted for review to the zoning board authority and historical district commission. The documents include:

- Conceptual Floor Plans and Section for 8 Bank Street by Angus Macleod Designs (4 sheets).
- A Conceptual Excavation Support Plan drawing prepared by McArdle Gannon Associates (MGA) and dated January 28, 2022 (SOE-1) (1 sheet).
- A statement of work scope dated January 28, 2022 for geotechnical engineering services to be performed by MGA. Proposed services include design of temporary support of excavation, performance of geotechnical investigations and pre-construction surveys, and construction observation (2 pages).
- Historic District Commission Submission dated August 19, 2021 including architectural elevations and plans by Angus Macleod Designs (20 pages).

PROPOSED CONSTRUCTION

Based on our review of the zoning board submittal documents, we understand that the Owner of 8 Bank Street is currently requesting zoning board approval to permit construction of a 2 level building addition with a single level basement below the addition and the footprint of the existing structure. Basement construction will require excavation to a depth of about 10.5 feet along Bank Street and more than 17 feet below Middle Gully Road. The conceptual support of excavation (SOE) plan included in the submission indicates that a

soldier pile and timber lagging system will provide temporary shoring of the excavation sidewalls during basement construction. The SOE is shown setback 3 to 4 feet from the new building footprint. The conceptual SOE plans do not provide details on the size of the soldier piles, methods of installation, or lateral bracing.

SITE OBSERVATIONS

MRCE Engineer and Senior Associate Mr. Jesse Richins visited the site on February 10, 2022 to observe site features and the condition of existing structures in the area of proposed construction.

9 Front Street Retaining Wall

An existing concrete retaining wall wraps around the south, east, and north sides of 9 Front Street. The retaining wall ranges from about 8-ft tall at the south end of the property to about 1-ft tall at the north end. The wall is 10-inches thick at the top of the wall. The front face of the wall includes vertical slots spaced 3- to 5-feet apart and approximately the size of 2x4 lumber. Remnant timber is present in some of the slots. Within the slots, welded wire fabric was observed at 18-inch spacing. The geometry of the concrete wall (thickness of stem below the top of the wall, base dimensions, depth to footing, etc.) are not known. A horizontal step exists at the toe (base) of the wall that extends 2- to 3-ft horizontally out from the wall into Middle Gully Road (from the front face of the concrete retaining wall) and 1- to 2-feet vertically downward. The step is retained by a mortared stone rubble wall.

The front face of the wall is approximately vertical. Several shallow horizontal cracks and minor spalling are evident. The cracks appear to indicate separation of aggregate when the concrete for the wall was poured. Horizontal crack depth is generally less than 1-inch. Several full depth vertical cracks are present in the south return wall and along the vertical slots in the wall. The concrete wall appears generally stable and in fair condition. At several locations, the mortared stone rubble retaining wall has loose stones and missing mortar.

Photographs illustrating the existing condition of the retaining wall are presented in the Appendix.

8 Bank Street Slope and Retaining Walls

Middle Gully Road is separated from 8 Bank Street by a mortared stone rubble wall. The wall is approximately 2- to 3.5-ft tall. At one location, roughly 1/3 of the way up the road, a tree has grown on the downslope side of the wall with tree roots penetrating into the wall. On the north end of 8 Bank Street, the slope down from the retaining wall is vegetated with grass. A 6-ft tall CMU retaining wall separates the slope from a small patio courtyard on the north end of 8 Bank Street.

Photographs of the slope and retaining wall are presented in the Appendix.

POTENTIAL IMPACTS OF PROPOSED CONSTRUCTION

The proposed construction requires a deep excavation to a depth of more than 17 feet immediately below Middle Gully Road and the nearby retaining wall supporting 9 Front Street. Furthermore, the retained ground slopes up to a higher elevation, resulting in increased lateral earth pressures on the SOE system as shown in cross-sections A-A' and B-B' in Figure 2.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. As illustrated in plan and section on Figure 2, all of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. The structure at 9 Broadway is generally beyond the potential zone of direct influence. As a result, the proposed deep excavation could cause ground loss and instability of the retained ground in a number of ways including but not limited to:

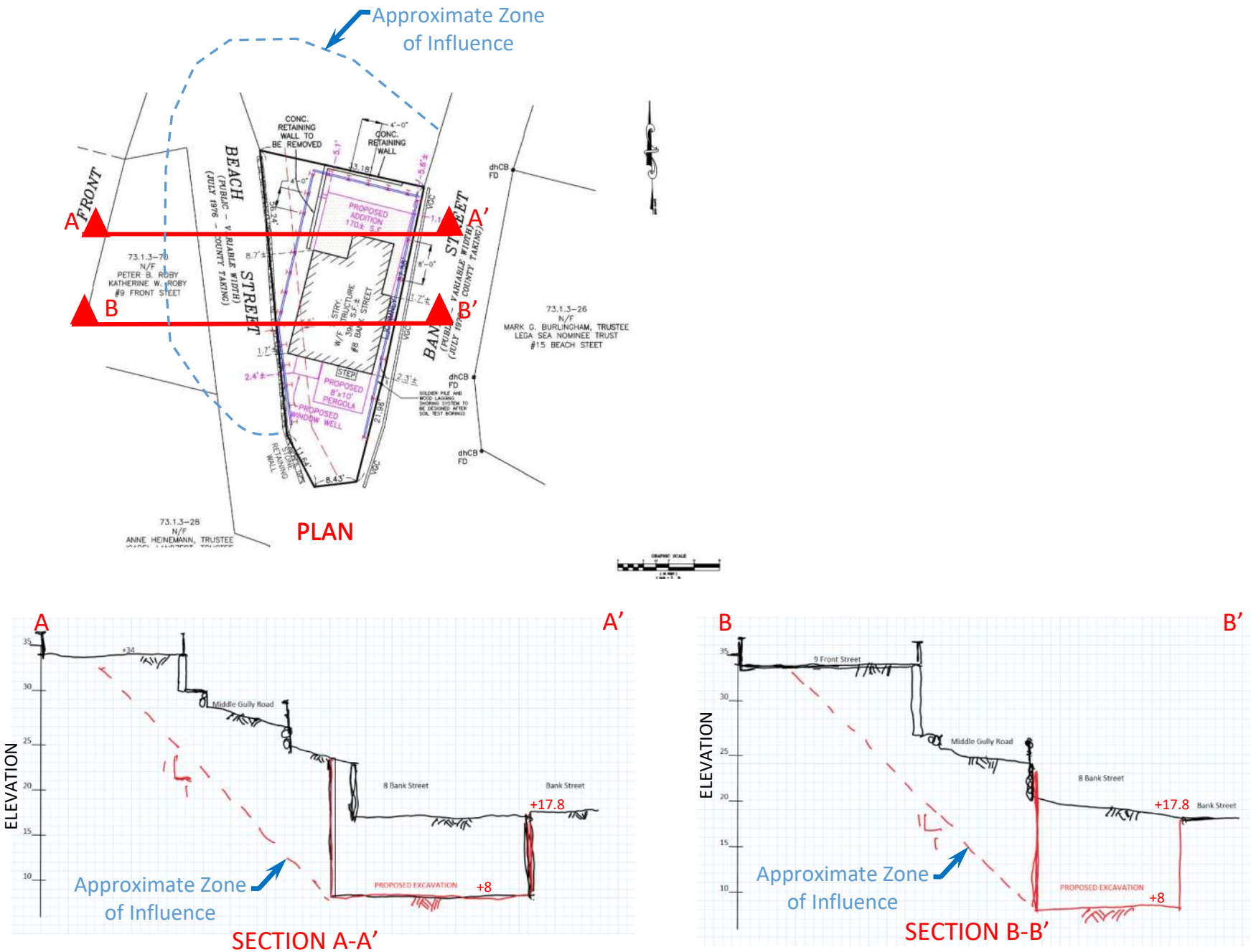


FIGURE 2 – PROPOSED CONSTRUCTION

FIGURE 2 – PROPOSED CONSTRUCTION

1. Insufficient lateral bracing of the SOE system, resulting in horizontal movement of the retained ground and possible collapse of the adjacent retaining walls
2. Installation of soldier piles by driving or other methods could cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope.
3. Improper removal of the existing tree that is embedded in the existing retaining wall resulting in collapse of the existing retaining wall or future settlement as the remnant tree decomposes,
4. Insufficient control of groundwater and surface water resulting in softening of the excavation bottom and horizontal movement of the SOE and the retained ground,
5. Improperly installed and filtered timber shoring boards resulting in loss of retained soil and settlement of the adjacent ground,
6. Insufficient erosion protection resulting in erosion of the slope.
7. Not accounting for potential traffic loads on Middle Gully Road, resulting in excessive movement in an emergency situation requiring vehicular access.

If the proposed excavation destabilizes the retained ground, the potential hazards include:

1. Loss of access for vehicles or pedestrians on Middle Gully Road, an emergency egress path for Codfish Park.
2. Damage to utilities buried below Middle Gully Road providing services to the area.
3. Damage to the historic roadway down to Codfish Park.
4. Damage to the retaining walls and retained property of 9 Front Street.

DESIGN CONSIDERATIONS

Our evaluation indicates that the proposed deep excavation at 8 Bank Street poses significant risk of damage to the adjacent roadway, utilities, and properties if not carefully designed and constructed due to the proximity of adjacent structures and old and fragile retaining walls supporting the slope. Among the complications that the Designer needs to consider:

1. The retained ground on the west side of the site is sloped and includes old, non-engineered retaining walls of fragile construction that are vulnerable to damage due to vibration or ground settlement. The terraced and upward sloping ground will impose greater horizontal loads on the SOE (compared with level ground) that will need to be accounted for in design.
2. We understand that Middle Gully Road provides emergency access and egress to Codfish Park. Therefore, the road may support traffic live loads in an emergency, potentially even emergency vehicle traffic, such as fire trucks. This requirement should be considered in design and reviewed by the municipality and reviewing board.
3. The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
4. The clean natural sands will tend to ravel and require tight installation of lagging boards and filtering to avoid mining retained soils.
5. The foundations of the retaining walls at 9 Front Street and the eastern edge of Middle Gully Road are not known and should be investigated to understand the potential impacts of the SOE.
6. The slope above 8 Bank Street includes a large tree that is partially grown into the existing retaining wall. Removal of the tree could impact the stability of the existing slope. Removal should be performed in a manner that does not destabilize the slope and maintains long-term stability.
7. The conceptual SOE system is shown with three- to four-feet offset from the proposed structure (in plan). The need for this larger excavation is not clear. The size of the excavation should be limited to necessity for the permanent structure in order to limit the area impacted by the excavation.
8. The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic

retaining wall will be replaced.

9. Pre- and post-construction condition surveys of adjacent structures should be performed to establish baseline conditions prior to construction and determine if construction is impacting surrounding grounds and structures,
10. Construction documents should include provisions for monitoring adjacent retaining walls, utilities and structures for vertical and lateral movement during construction. Instrumentation should include installation of crack gauges and optical movement monitoring so that any impacts are realized in real time and mitigation measures to avoid damage are quickly implemented.

RECOMMENDATIONS FOR THE REVIEWING AGENCY

The conceptual plans for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether the Developers and Designers have adequately considered the risks to adjacent structures due to the proposed construction. We recommend that the Board and reviewing agency reviewing the proposed application require the Applicant to provide a full and detailed package before approval of the proposed deep excavation, such that all parties have confidence that the proposed construction will sufficiently protect the public. Before granting approval, we recommend requiring the applicant provide:

1. Geotechnical report and results of the geotechnical investigation at 8 Bank Street,
2. Detailed SOE Design Plans including means and methods for SOE installation
3. Surface Water and Groundwater Control Plan,
4. Monitoring and Protection Plan, including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded,
5. Erosion Control Plan,
6. Plan for removal of the existing tree on the slope,
7. Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road,
8. Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

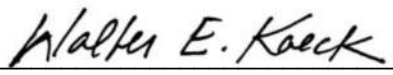
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Therefore, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC



Jesse L. Richins, PE



Walter E. Kaeck, Principal

JLR:WEK
F:\142\14294\Letter - 2022-02-16.docx

APPENDIX



Retaining Wall – South End – Facing West



South Return Retaining Wall – Facing North

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 1



Retaining Wall – Midway Along Retaining Wall – Facing West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 2



Retaining Wall – North End – Facing West

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 3



Loose Portions of Toe Retaining Wall on Middle Gully Road



Loose Portions of Toe Retaining Wall on Middle Gully Road

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 4



Middle Gully Road, looking North
9 Front Street to Left, 8 Bank Street to Right

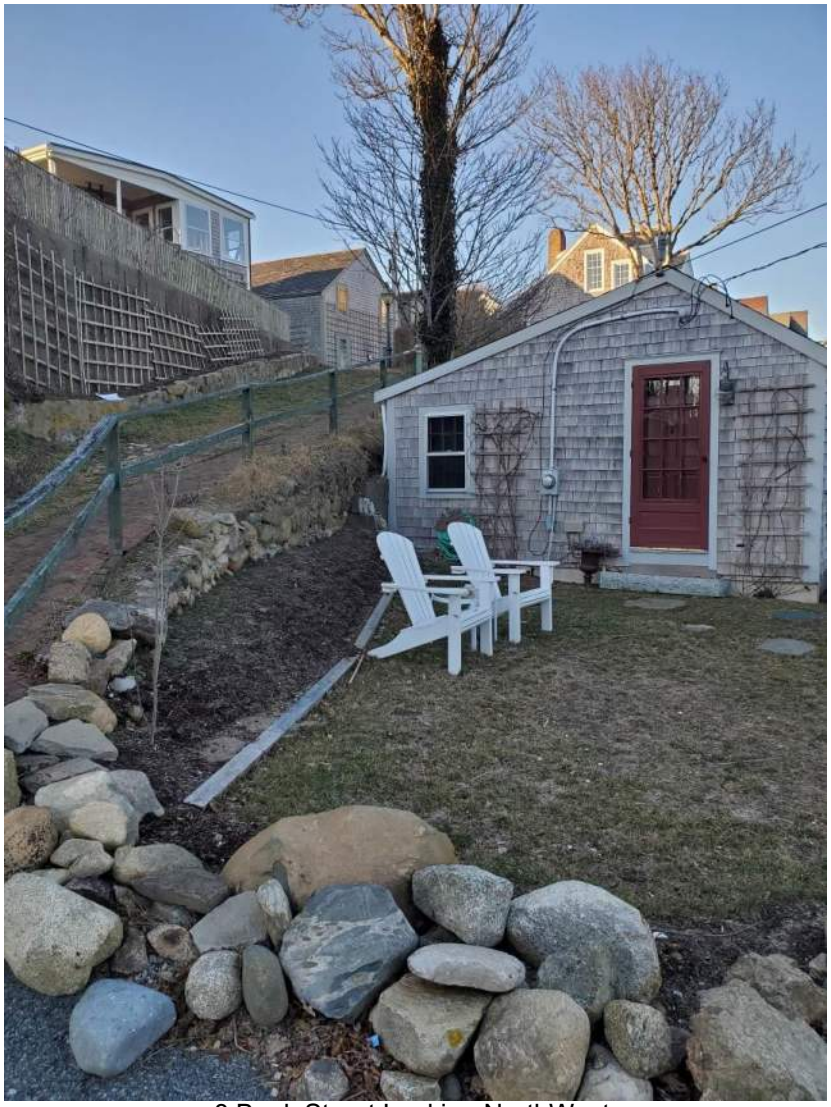
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
MIDDLE GULLY ROAD			PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

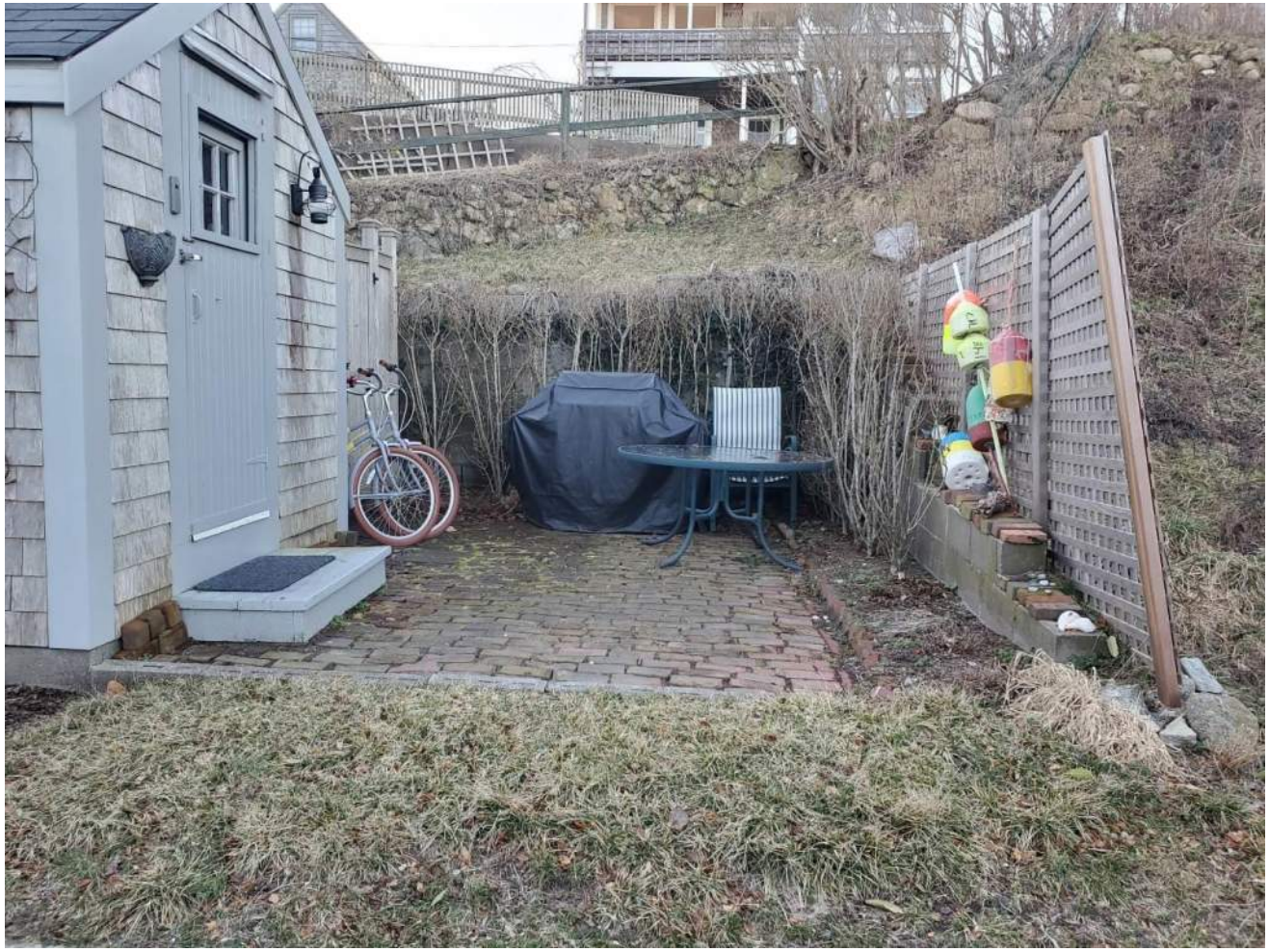
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 6



8 Bank Street – Existing Courtyard Looking West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 7

FITCH



MALGORZATA A. MRÓZEK
mam@fitchlp.com

FITCH LAW PARTNERS LLP
84 STATE STREET
BOSTON, MA 02109

March 4, 2022

VIA E-MAIL

Nicky Sheriff
(nsheriff@nantucket-ma.gov)

Leslie Snell
(lsnell@nantucket-ma.gov)

RE: 37-21 Kristina and Nicholas Amendolare Application for Special Permit for 8 Bank Street

Dear Nicky and Leslie:

Attached regarding the above matter is a copy of Jesse Richins and Walter Kaeck's engineering report of their site visit and geotechnical review of potential impacts due to the proposed construction at the 8 Bank Street property.

Would you be so kind as to place color copies of the report in the ZBA packet for next Thursday, March 17th, 2022?

Thank you.

Sincerely yours,

Malgorzata A. Mrózek

MAM:cb
Attachment
cc: Jonathan W. Fitch, Esq.
Arthur Reade, Esq.
Jeff Gardner
Ann Ramsey Gardner
Margaret Van Deusen
Joseph Arvay
Kathy Arvay
Lisa Soeder

PHONE 617-542-5542
FAX 617-542-1542
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FINANCE DIRECTOR
Eric A. Hoffman

MARKETING DIRECTOR
Martha J. Huguet

February 23, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Evaluation of Potential Impacts of Adjacent Construction
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

In accordance with our contract dated February 8, 2022, Mueser Rutledge Consulting Engineers (MRCE) has completed a site visit and geotechnical review of potential impacts to your property (9 Broadway and 9 Front Street) and the adjacent public roadway due to the proposed construction at the neighboring 8 Bank Street property. Our evaluation relies on visual observations of existing conditions made during our site visit and information provided to the local Zoning Board describing the proposed construction.

EXECUTIVE SUMMARY

Key findings and conclusions regarding the potential impacts of the proposed construction on adjacent property are presented below based on our site visit and review of available documents describing the proposed work at 8 Bank Street. Subsequent sections of this report provide the supporting data upon which our findings are based.

1. The proposed construction at 8 Bank Street requires excavation to a depth of more than 17 feet immediately adjacent to retaining walls supporting adjacent roadways and properties.
2. The existing retaining walls are non-engineered structures that are relied on to support the hillside slope and adjacent structures above 8 Bank Street. The retaining walls consist of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor) that are vulnerable to damage caused by the adjacent deep excavation at 8 Bank Street.
3. As a result, the proposed excavation at 8 Bank Street poses the risk of destabilization or collapse of the retaining walls with consequent impact to Middle Gully Road and adjacent properties such as 9 Front Street.
4. The conceptual plans submitted to the Zoning Board for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether 8 Bank Street and their engineers have adequately considered the risks to adjacent structures due to the proposed construction.
5. In order to protect the public and adjacent property owners, we recommend that the Zoning Board require that 8 Bank Street submit more detailed design

and construction documents (as listed herein) that includes monitoring and protection plans for adjacent structures, utilities and roadways.

6. Furthermore, in order to protect the adjacent roads and properties, we recommend that the reviewing agency require that 8 Bank Street provide a construction escrow account to cover the costs of potential repairs to adjacent structures and properties if damages occur.

SITE DESCRIPTION

The site is on the east side of Nantucket Island, in the historic village of Siasconset. The village of Siasconset is primarily located on a bluff between Elevation +50 and +30 overlooking the Atlantic Ocean. However, on the westernmost end of Siasconset, the small historic community of Codfish Park exists near the base of the bluff with ground surface sloping downward from Elevation +17 at the base of the bluffs down to +10 near the beach. Elevations in this report are based on data presented on the Town and County of Nantucket GIS site, and are assumed to refer to the North American Vertical Datum of 1988 (NAVD 88).

Our engineering review is related to the potential impacts to two properties on the western edge of the bluff (9 Broadway and 9 Front Street) and the roadway connecting the bluff to Codfish Park (Middle Gully Road) due to proposed building construction at the adjacent property near the bottom of the bluff (8 Bank Street). The relative arrangement of the adjacent properties and roadway is shown in Figure 1.



Source: Town and County of Nantucket, MA Online GIS Maps

Figure 1 – Site Location Plan

Residential development along the bluff has resulted in installation of a series of retaining walls to create terraces (level ground) in the slope for construction of roadways and private homes as Illustrated graphically in Figure 2 and further described below. These non-engineered retaining walls consist largely of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor).

9 Broadway

9 Broadway is occupied by a two-story U-shaped residence with a basement on relatively flat ground. The site is bounded by Broadway to the west, a residence at 11 Broadway to the North, the historic sea shell

covered Front Street to the East and a residence at 7 Broadway to the south. Ground surface is at about Elevation +35.

9 Front Street
9 Front Street is a roughly triangular-shaped landscaped garden lot across Front Street from the structure at 9 Broadway. The site is bounded to the west by Front Street, to the south by a yard for 7 Front Street, and to the east by Middle Gully Road. The site is ringed by a wooden fence. An existing concrete retaining wall forms the east property line and retains the garden elevated above Middle Gully Road. The retaining wall is 10-inches thick at the top and ranges from 1- to 8-feet in height. Review of historic photos indicates that the retaining wall was constructed at some point after 1940. The garden is approximately flat at around Elevation +34.

Middle Gully Road
Middle Gully Road is a public roadway connecting Bank Street and Beach Street in the lower Codfish Park area to Front Street at a higher elevation. Middle Gully Road traverses the bluff in a narrow corridor between 9 Front Street to the west and 8 Bank Street to the east. The roadway is brick, cobble, and grass lined and slopes downward from about Elevation +34 at Front Street to Elevation +17 at the intersection with Bank Street. The west side of Middle Gully Road includes a low mortared stone rubble retaining wall that steps out from the toe of the larger concrete retaining wall supporting 9 Front Street. The east side of Middle Gully Road includes a wooden hand rail and a 2- to 3-ft tall rubble and boulder retaining wall supporting the roadway above 8 Bank Street. We understand that a water main runs beneath Middle Gully Road and that Middle Gully Road provides emergency egress for the Codifsh Park area (as the only other roadway in and out of Codfish park is Gully Road).

8 Bank Street
8 Bank Street is bounded to the south and west by Middle Gully Road, to the North by 11 Front Street, to the east by Bank Street. The site is sloped down from the west. The site is currently occupied by a single story residence. Review of historic photos indicates that the structure served as a hot dog stand in the 1930's. Ground surface at the structure is at about Elev. +17.

DOCUMENTS REVIEWED

You provided us with a document package that #8 Bank Street submitted for review to the zoning board authority and historical district commission. The documents include:

- Conceptual Floor Plans and Section for 8 Bank Street by Angus Macleod Designs (4 sheets).
- A Conceptual Excavation Support Plan drawing prepared by McArdle Gannon Associates (MGA) and dated January 28, 2022 (SOE-1) (1 sheet).
- A statement of work scope dated January 28, 2022 for geotechnical engineering services to be performed by MGA. Proposed services include design of temporary support of excavation, performance of geotechnical investigations and pre-construction surveys, and construction observation (2 pages).
- Historic District Commission Submission dated August 19, 2021 including architectural elevations and plans by Angus Macleod Designs (20 pages).

PROPOSED CONSTRUCTION

Based on our review of the zoning board submittal documents, we understand that the Owner of 8 Bank Street is currently requesting zoning board approval to permit construction of a 2 level building addition with a single level basement below the addition and the footprint of the existing structure. Basement construction will require excavation to a depth of about 10.5 feet along Bank Street and more than 17 feet below Middle Gully Road. The conceptual support of excavation (SOE) plan included in the submission indicates that a

soldier pile and timber lagging system will provide temporary shoring of the excavation sidewalls during basement construction. The SOE is shown setback 3 to 4 feet from the new building footprint. The conceptual SOE plans do not provide details on the size of the soldier piles, methods of installation, or lateral bracing.

SITE OBSERVATIONS

MRCE Engineer and Senior Associate Mr. Jesse Richins visited the site on February 10, 2022 to observe site features and the condition of existing structures in the area of proposed construction.

9 Front Street Retaining Wall

An existing concrete retaining wall wraps around the south, east, and north sides of 9 Front Street. The retaining wall ranges from about 8-ft tall at the south end of the property to about 1-ft tall at the north end. The wall is 10-inches thick at the top of the wall. The front face of the wall includes vertical slots spaced 3- to 5-feet apart and approximately the size of 2x4 lumber. Remnant timber is present in some of the slots. Within the slots, welded wire fabric was observed at 18-inch spacing. The geometry of the concrete wall (thickness of stem below the top of the wall, base dimensions, depth to footing, etc.) are not known. A horizontal step exists at the toe (base) of the wall that extends 2- to 3-ft horizontally out from the wall into Middle Gully Road (from the front face of the concrete retaining wall) and 1- to 2-feet vertically downward. The step is retained by a mortared stone rubble wall.

The front face of the wall is approximately vertical. Several shallow horizontal cracks and minor spalling are evident. The cracks appear to indicate separation of aggregate when the concrete for the wall was poured. Horizontal crack depth is generally less than 1-inch. Several full depth vertical cracks are present in the south return wall and along the vertical slots in the wall. The concrete wall appears generally stable and in fair condition. At several locations, the mortared stone rubble retaining wall has loose stones and missing mortar.

Photographs illustrating the existing condition of the retaining wall are presented in the Appendix.

8 Bank Street Slope and Retaining Walls

Middle Gully Road is separated from 8 Bank Street by a mortared stone rubble wall. The wall is approximately 2- to 3.5-ft tall. At one location, roughly 1/3 of the way up the road, a tree has grown on the downslope side of the wall with tree roots penetrating into the wall. On the north end of 8 Bank Street, the slope down from the retaining wall is vegetated with grass. A 6-ft tall CMU retaining wall separates the slope from a small patio courtyard on the north end of 8 Bank Street.

Photographs of the slope and retaining wall are presented in the Appendix.

POTENTIAL IMPACTS OF PROPOSED CONSTRUCTION

The proposed construction requires a deep excavation to a depth of more than 17 feet immediately below Middle Gully Road and the nearby retaining wall supporting 9 Front Street. Furthermore, the retained ground slopes up to a higher elevation, resulting in increased lateral earth pressures on the SOE system as shown in cross-sections A-A' and B-B' in Figure 2.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. As illustrated in plan and section on Figure 2, all of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. The structure at 9 Broadway is generally beyond the potential zone of direct influence. As a result, the proposed deep excavation could cause ground loss and instability of the retained ground in a number of ways including but not limited to:

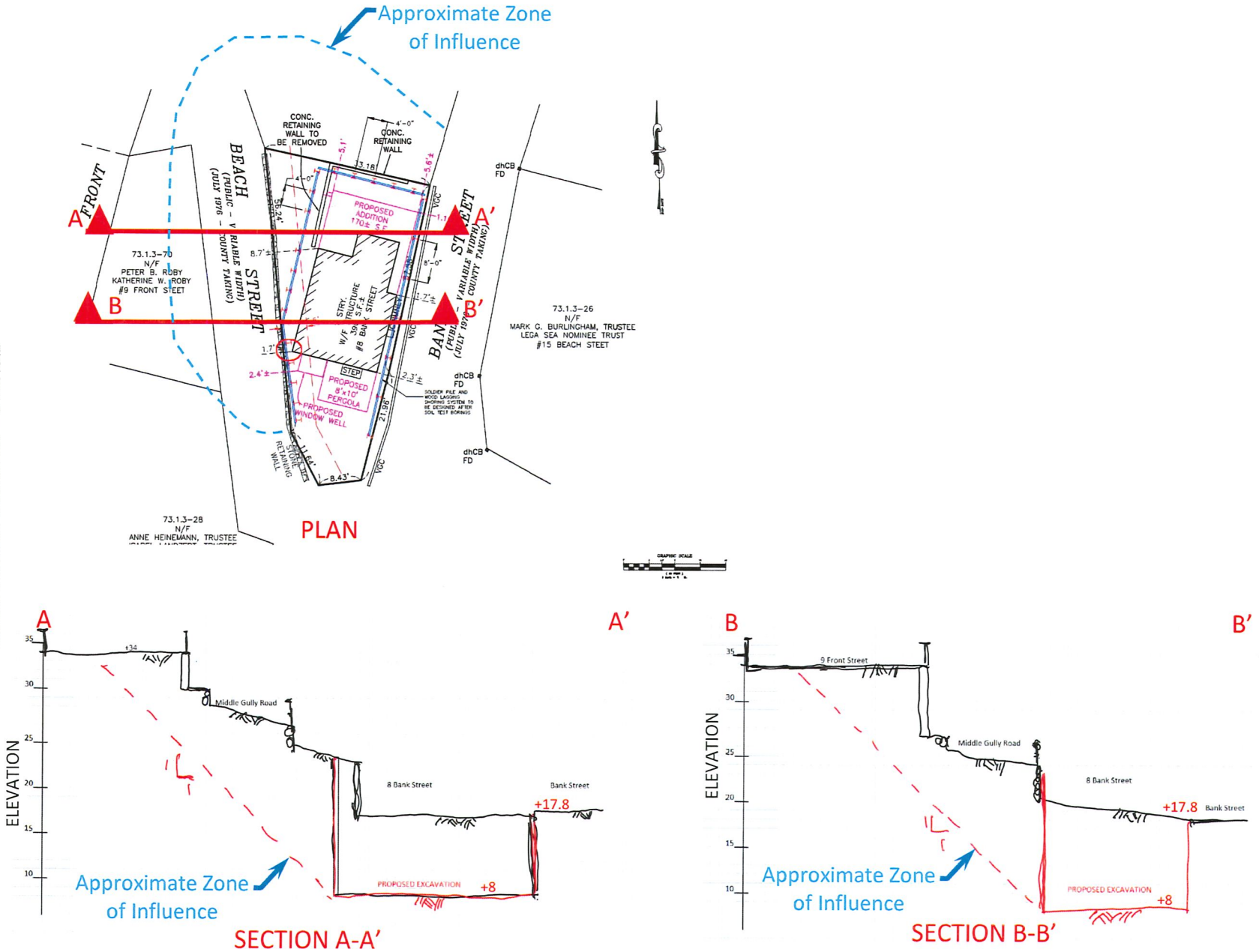


FIGURE 2 – PROPOSED CONSTRUCTION

1. Insufficient lateral bracing of the SOE system, resulting in horizontal movement of the retained ground and possible collapse of the adjacent retaining walls
2. Installation of soldier piles by driving or other methods could cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope.
3. Improper removal of the existing tree that is embedded in the existing retaining wall resulting in collapse of the existing retaining wall or future settlement as the remnant tree decomposes,
4. Insufficient control of groundwater and surface water resulting in softening of the excavation bottom and horizontal movement of the SOE and the retained ground,
5. Improperly installed and filtered timber shoring boards resulting in loss of retained soil and settlement of the adjacent ground,
6. Insufficient erosion protection resulting in erosion of the slope.
7. Not accounting for potential traffic loads on Middle Gully Road, resulting in excessive movement in an emergency situation requiring vehicular access.

If the proposed excavation destabilizes the retained ground, the potential hazards include:

1. Loss of access for vehicles or pedestrians on Middle Gully Road, an emergency egress path for Codfish Park.
2. Damage to utilities buried below Middle Gully Road providing services to the area.
3. Damage to the historic roadway down to Codfish Park.
4. Damage to the retaining walls and retained property of 9 Front Street.

DESIGN CONSIDERATIONS

Our evaluation indicates that the proposed deep excavation at 8 Bank Street poses significant risk of damage to the adjacent roadway, utilities, and properties if not carefully designed and constructed due to the proximity of adjacent structures and old and fragile retaining walls supporting the slope. Among the complications that the Designer needs to consider:

1. The retained ground on the west side of the site is sloped and includes old, non-engineered retaining walls of fragile construction that are vulnerable to damage due to vibration or ground settlement. The terraced and upward sloping ground will impose greater horizontal loads on the SOE (compared with level ground) that will need to be accounted for in design.
2. We understand that Middle Gully Road provides emergency access and egress to Codfish Park. Therefore, the road may support traffic live loads in an emergency, potentially even emergency vehicle traffic, such as fire trucks. This requirement should be considered in design and reviewed by the municipality and reviewing board.
3. The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
4. The clean natural sands will tend to ravel and require tight installation of lagging boards and filtering to avoid mining retained soils.
5. The foundations of the retaining walls at 9 Front Street and the eastern edge of Middle Gully Road are not known and should be investigated to understand the potential impacts of the SOE.
6. The slope above 8 Bank Street includes a large tree that is partially grown into the existing retaining wall. Removal of the tree could impact the stability of the existing slope. Removal should be performed in a manner that does not destabilize the slope and maintains long-term stability.
7. The conceptual SOE system is shown with three- to four-feet offset from the proposed structure (in plan). The need for this larger excavation is not clear. The size of the excavation should be limited to necessity for the permanent structure in order to limit the area impacted by the excavation.
8. The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic

retaining wall will be replaced.

9. Pre- and post-construction condition surveys of adjacent structures should be performed to establish baseline conditions prior to construction and determine if construction is impacting surrounding grounds and structures,
10. Construction documents should include provisions for monitoring adjacent retaining walls, utilities and structures for vertical and lateral movement during construction. Instrumentation should include installation of crack gauges and optical movement monitoring so that any impacts are realized in real time and mitigation measures to avoid damage are quickly implemented.

RECOMMENDATIONS FOR THE REVIEWING AGENCY

The conceptual plans for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether the Developers and Designers have adequately considered the risks to adjacent structures due to the proposed construction. We recommend that the Board and reviewing agency reviewing the proposed application require the Applicant to provide a full and detailed package before approval of the proposed deep excavation, such that all parties have confidence that the proposed construction will sufficiently protect the public. Before granting approval, we recommend requiring the applicant provide:

1. Geotechnical report and results of the geotechnical investigation at 8 Bank Street,
2. Detailed SOE Design Plans including means and methods for SOE installation
3. Surface Water and Groundwater Control Plan,
4. Monitoring and Protection Plan, including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded,
5. Erosion Control Plan,
6. Plan for removal of the existing tree on the slope,
7. Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road,
8. Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Therefore, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC

Jesse L. Richins, PE

Walter E. Kaeck, Principal

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

Begin forwarded message:

From: Sam Daniel <svdiii@comcast.net>
Subject: 8 BANK STREET, 'SCONSET
Date: November 27, 2021 at 11:06:54 AM EST
To: nsheriff@nantucket-ma.gov
Cc: kmccarthy@nantucket-ma.gov, Holly Backus <hbackus@nantucket-ma.gov>, Daniel Sam <svdiii@comcast.net>

ZBA Board Members,

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

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

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

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

Sam Daniel
6 Broadway

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

Dear Members of the Board of Appeals,

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

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

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

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

HISTORIC DISTRICT COMMISSION
REGULAR MEETING

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

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

~~ MINUTES ~~
Tuesday, September 7, 2021

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

Called to order at 5:01 pm. and announcements by Mr. Pohl

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

Adoption of Agenda.
Motion **Motion to Approve as drafted. (Coombs)**
Roll-call vote Carried 5-0//Oliver, Camp, McLaughlin, Coombs, and Pohl-aye

I. PUBLIC COMMENT

None

II. CONSENT

Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1. Thomas Nelson **08-4468**	129 Polpis Road	2nd-floor addition	44/195	Norton Preservation
2. George Cosby	9 Darling Street	Roof change	42.3.2/117.1	James Lydon

Voting	Pohl, Camp, McLaughlin, Coombs, Oliver
Alternates	Thornewill
Recused	None
Documentation	None
Representing	None
Public	None
Concerns	No concerns.
Motion	**Motion to Approve. (Oliver)**
Roll-call Vote	Carried 5-0//Coombs, Camp, McLaughlin, Oliver, and Pohl-aye
Certificate #	**HDC2021-(as noted)**

III. CONSENT WITH CONDITIONS

	Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1.	Lisa Moison	22 Ahab Drive	Pool and Hardscape	65/52	Phil Dobson
	• Not to be visible at time of inspection and thereafter.				
2.	Kristina Shadek	134C Main Street	Shed	41/37	Structures Unlimited
	• Site plan, showing shed, to be submitted. Shed dimensions from two points of the nearest structure to be shown on plan.				
3.	Housing Nantucket	17 Irving Street	Rooftop solar	79/120	ACK Smart
	• Not to be visible at time of inspection and thereafter.				

Voting	Pohl, Camp, Coombs, Oliver, Welch
Alternates	Thornewill
Recused	(lost McLaughlin at 5:12)
Documentation	Architectural elevation plans, site plan, and photos.
Representing	None
Public	None
Concerns	**Coombs** – Asked to look at 17 Irving Street; that street doesn't have much vegetation. **Welch** – The recommendation is based upon review of the application and a site view; there is no location this would be visible.
Motion	**Motion to Approve through staff per noted conditions. (Coombs)**
Roll-call Vote	Carried 5-0//Oliver, Camp, Welch, Coombs, and Pohl-aye
Certificate #	**HDC2021-09-(as noted)**

6. Kristine Amendolare **05-3625** 8 Bank Street Sias Additions 72.1.3/69 Angus Macleod

Voting: Coombs (acting chair), McLaughlin, Camp, Thornewill
Alternates: None
Recused: None
Documentation: Architectural elevation plans, site plan, photos, correspondence, historic documentation, advisory comments, and topographical information
Representing: Angus MacLeod
Public: Margaret Van Deusen, 7 Front Street
Joe Arvay, 11 Front Street
Isabel Landzert – 7 Front Street
John Shae, 'Sconset Civic Assn

Concerns (7:15) **MacLeod** – Reviewed changes made per previous concerns; the engineers and excavators have figured out how not to destabilize the bank. There are letters supporting this proposal but those aren't being read into the record. This was designed to be as low as possible and still function; we can't go any lower.
Backus – No additional SAB comments. This is a proposed alteration to an 1923-1926 structure. We've received abutters' letters of concerns and have forwarded those to commissioners. If this is a proposed addition, questions what of the original structure is being maintained. Read into the record letters of concerns from the 'Sconset Civic Association (SCA) and the Gardeners of 9 Broadway & 9 Front Street.
Van Deusen – This is the 1st building that would be right against and into the bank; the proposed height makes it more visually impactful at the entrance to Codfish Park. Referenced Mr. John Shae's letter describing the area's sense of place and history. If this is approved, it will "open a floodgate of change." Asked for a denial.
Arvay – Questions what is remaining of the original structure. Concurs with comments about the strategic positioning of this building.
Landzert – That SCA, which represents the village, objects to this should be carefully considered. Though this is aesthetically pleasing, it is not appropriate in this location. People come here to watch the sunrise, which is over rooftops, not the ocean.
Shae – This vote could change 'Sconset forever.
Camp – The problem is how perfectly the existing structure hugs the bank; there would be no better proposal for this location. She voted against 15 Beach Street. Likes Ms. Thornewill's suggestion to push it north.
Thornewill – This building is appropriate and throws back to historic Codfish Park buildings. With a zoning variance, it might be shifted back onto the retaining wall; that moves it away from the corner and lower bank.
McLaughlin – The design as proposed is appropriate to the neighborhood.
Coombs – Concerns about digging into the bank affecting its stability is not within HDC purview. She has concerns about SCA's claim regarding 15 Beach Street; this is not taller than that. Asked if the ridge could be reduced to 19'.

Motion: Motion to Approve. (McLaughlin) Not carried 2-2//Coombs and Camp abstain
Motion to Hold for revisions. (Thornewill)
Roll-call Vote: Carried 4-0//Camp, McLaughlin, Thornewill, and Coombs-aye Certificate #

7. Westmoor Club, LLC **07-4189** 105 West Chester Street Tennis/pickleball courts 41/805 JGG Architects

Voting: Camp (acting chair), McLaughlin, Coombs, Thornewill
Alternates: None
Recused: None
Documentation: Architectural elevation plans, site plan, and photos.
Representing: Adam Davis, J. G. Goldsmith Architects
Public: None

Concerns (7:57) **Davis** – Reviewed changes made per previous concerns; no proposing to put tennis in at southern-most point.
Backus – They will have to do a separate application to change the internal tennis courts into the pickleball courts on the other lot.
Thornewill – Appreciates moving the pickleball courts away from the street and extensive planting plan.
McLaughlin – No concerns and he'd approve as submitted.
Coombs – Pickleball makes more noise than tennis; she's glad it's moving inward. As much vegetation as possible would be appreciated.
Camp – Double up the trees in front of the future barn is; the more the better.

Motion: **Motion to Approve as submitted. (McLaughlin)**
Roll-call Vote: Carried 4-0//Coombs, Thornewill, McLaughlin, and Camp-aye Certificate # **HDC2021-07-4189**

Nickesha Sheriff

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

Dear Members of the Zoning Board of Appeals,

I am writing to dispute the claim that the HDC approved the application for construction at 8 Bank Street in Codfish Park, 'Sconset at its Sept. 7 meeting. I attended that meeting via Zoom and the vote was 2 in favor and 2 abstentions, as the Minutes of the meeting show. The application was then put on hold for revisions and has not been re-addressed, at least in a public forum. At that meeting, the designer of the proposed construction, Angus MacLeod, attempted to browbeat the commissioners who abstained into approving his plans for the house, but was not successful. Earlier in the summer, Mr. MacLeod had declined to meet conditions that the HDC stipulated for possible approval: to lower the roofline by several feet. On the subject of height, it has been noted that the land under 8 Bank St. is a higher grade than land further down on Beach St. so the building, if allowed, would be taller than existing buildings in Codfish Park.
It is incorrect to state that the proposed construction would be an addition. It would instead be a demolition. Mr. MacLeod's design shows an entirely different structure from what is now there. The current building dates from the 1920s and '30s, according to the town's Preservation Planner, Holly Backus.
A large group of neighbors in Siasconset strenuously object to the proposed construction at 8 Bank St. Numerous letters from homeowners residing throughout the village have been sent to the HDC regarding this project. The Siasconset Civic Association, which represents the village at large, is opposed to this ill-considered and incongruous construction. The proposed "addition" would loom like a mini-skyscraper over the cobblestoned Middle Gully pathway in one of the most historic and storied parts of the village – and in fact of the island. The building would look absurd, surmounting the height of the adjacent tall bank on the other side of the Middle Gully and creating a tunnel for pedestrians walking down the Gully to the beach. It would obstruct treasured public viewscapes from Front Street that are valued by villagers, visitors, and artists – and really belong to all. As filmmaker and actor John Shea, who set a scene from one of his films on Middle Gully, stated, "if allowed, this will change the history of 'Sconset forever."

Sincerely,
Helen Strong
18 Broadway
'Sconset

This email was scanned by Bitdefender

Please distribute this letter to the Zoning Board of Appeals.

Dear Members of the Board of Appeals,

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

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

Thank you for your attention to this matter.

Sincerely,
Joseph and Kathy Arvay
11 Front St
Siasconset

Sent from my iPhone

_____
This email was scanned by Bitdefender

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

Dear Members of the Board

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

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

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

Please do not approve this project.

Sincerely,

Janet Ballou

21 Front St.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


311


EASTWARD LOOK

Siasconset Civic Association

P.O. Box 360
Siasconset, MA 02564

August 1, 2021

Via E-Mail
Nantucket Historic District Commission
2 Fairgrounds Road
Nantucket, MA 02554

Re: 8 Bank Street, Siasconset

Dear Commissioners,

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

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

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

Historical Importance of 8 Bank Street

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

Importance of Middle Gully Road

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

The Iconic View from Front Street

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

Preservation of Trees in Codfish Park

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

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

Respectfully,

Lynn Filipski
President, Siasconset Civic Association

cc. Sconset Advisory Board (via e-mail)

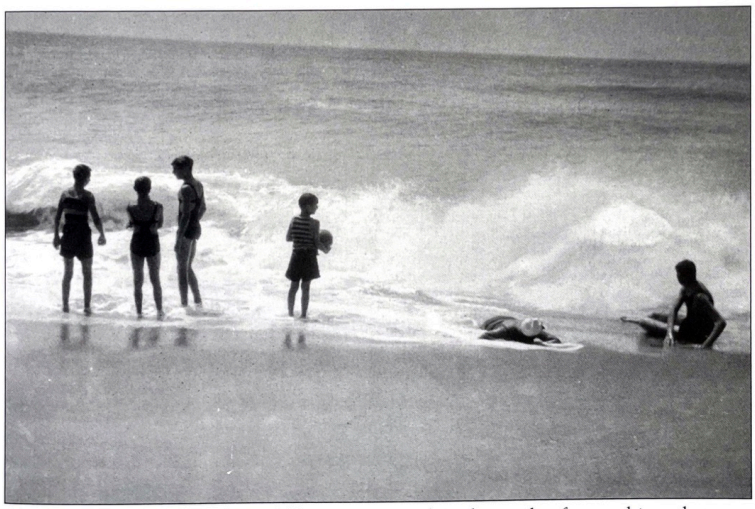
APPENDIX

Letter to the Historic District Commission dated July 31, 2021

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

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





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

61

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



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

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



Codfish Park

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

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

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

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

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

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



Codfish Park,1880s
F3259



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

NHA ◆ NHA DIGITAL EXHIBITS

Siasconset Civic Association

P.O. Box 360
Siasconset, MA 02564

September 2, 2021

Via E-Mail
Nantucket Historic District Commission
2 Fairgrounds Road
Nantucket, MA 02554

Re: 8 Bank Street, Siasconset

Dear Commissioners

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

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

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

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

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

Respectfully,

Lynn Filipski
President, Siasconset Civic Association

cc. Sconset Advisory Board (via e-mail)

Dear Members of the Nantucket Zoning Board of Appeals,

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

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

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

Abby Camp: I'm going to abstain.
Dian Coombs: O.K. And, Carrie?
Carrie Thornewill: Aye.
Diane Coombs: ...and Johnny is an 'Aye," and, uh, I am an abstention, also. So, at the moment, it... it fails...

At approx. 2:51:55

Holly Backus: Madame Chair, it dies for it being a tie. You'd have to make another motion.
Diane Coombs: O.K. I'll make another motion. Uh, who would like to make another motion?
Carrie Thornewill: Motion to hold for revisions, I suppose.
Diane Coombs: Alright…

At approx. 2:55:08

Diane Coombs: ...we have a motion for revisions.
Holly Backus: Madame Chair, you have a motion on the Floor for revisions...
Diane Coombs: Carrie made the motion. Abby?
Abby Camp: Aye.
Diane Coombs: John?
John McLaughlin: Yes.
Diane Coombs: And, I'm a 'yes', too. So, you have four votes for revision. And that's it. Thank you.

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

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

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

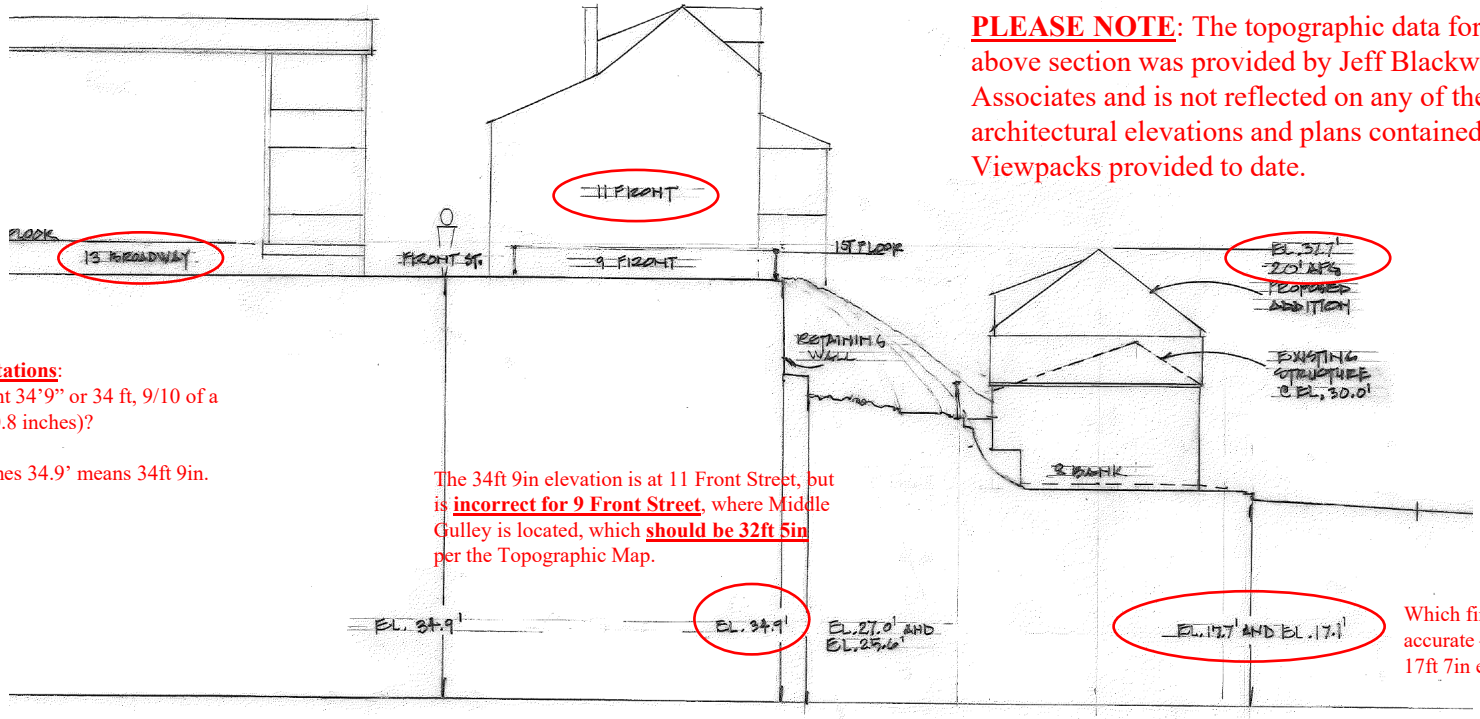
Respectfully,

Jeff and Ann Gardner
9 Broadway/9 Front Street, 'Sconset.

Key Takeaways From the 9/7/21 HDC Meeting

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

Topographic Section – 9/7/21 Viewpack



PLEASE NOTE: The topographic data for the above section was provided by Jeff Blackwell & Associates and is not reflected on any of the architectural elevations and plans contained in the Viewpacks provided to date.

Please confirm notations:
Does 34.9' represent 34'9" or 34 ft, 9/10 of a foot (or 34 ft i.e. 10.8 inches)?

This analysis assumes 34.9' means 34ft 9in.

The 34ft 9in elevation is at 11 Front Street, but is **incorrect for 9 Front Street**, where Middle Gulley is located, which **should be 32ft 5in** per the Topographic Map.

Which finished grade is accurate – the 17ft 1in or 17ft 7in elevation?

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

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

Topographic Map – 8/30/21 Viewpack



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

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

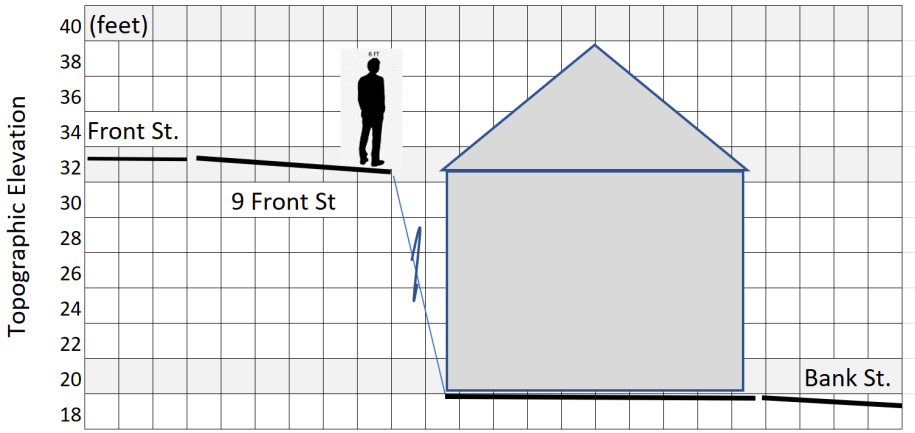
- Bank elevation at 11 Front Street: 35 ft
- Bank elevation at 9 Front Street: 32.5 ft

Variances:

Topographic Section v. Topographic Map

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

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



Comparison: Topographic Section v Map

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



9/1/2021

Dear Members of the Historic District Commission,

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

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

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

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

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

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

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

Sincerely,

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

September 9, 2021

Dear Members of the Historic District Commission,

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

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

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

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

Jeff & Ann Gardner
9 Broadway/9 Front Street

==========

Comments in Opposition

Helen Strong - 18 Broadway
"Joining other neighbors, I also wanted to reiterate my strong opposition to this project... I am writing again to object to the proposed construction at 8 Bank St. in Codfish Park."

Robin Gorham - 9 King Street
"The proposed structure would be too high and would impact the houses around it and the historic district."

Emily Maletta - 15 Broadway
"I am writing as a concerned neighbor to object to the work that will be soon done to the historic building now found at 8 Bank Street in Codfish Park, Sconset..."

Rena Crisp – 10 Clifton St.
"I am strongly opposed to this transformation from a small "cottage" (a.k.a. one-room fishing shack/ice cream stand) to a two-story house which would impact the entire character of this treasured part of the village..."

Pamela Suan - 2 Broadway
"The proposed structure changes the character, blocks historic views, and is not in keeping with the character of the area. I hope the HDC will not allow this to be changed..."

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

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

Eric & Beatriz Olson - 7 Sconset Ave.
"We oppose the modifications to the 8 Bank Street home, both for how the elevated second floor will block views ... as well as how the basement installation may affect the stability of the bank."

Janet Ballou - 21 Front Street
"I would like to add my support to my neighbors in Sconset village who have voiced concern and opposition to the proposed construction at 8 Bank Street... The argument that it is in keeping with roof heights of other constructed buildings in Codfish Park is a nonsensical one; past mistakes should not justify future endeavors... I sincerely hope your commission will rule to reject such an inappropriately large piece of architecture at the base of Middle Gully Road."

Ann Riley - 7 Front Street
"We ask the HDC to limit the height of the building so that the roof line does not exceed the top of the bank."

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

Peter and Kitty Goldsmith - 3 Broadway
"Middle Gully is a road... for emergency exit. Has everyone forgotten the storm that took some Codfish Park houses out to sea?! Could happen again!! As we mentioned in our earlier email, we are saddened by the loss of "old Sconset." This project is not in keeping with the historic district of core Sconset."

Carol Krogh - 16 Broadway
"I TOTALLY OPPOSE THIS PROJECT... Everything about this project is wrong. It will change Codfish Park/Bank Street and Sconset in ways that will destroy the beauty and integrity of this very special place on the eastern shore of Nantucket. PLEASE DO NOT LET THIS TRAGEDY HAPPEN TO OUR BEAUTIFUL AND VERY SPECIAL VILLAGE."

Annie Carter – 8 Mckinley Ave.
"My opinion of this project is that it is way beyond the scope of the property."

Tim Cashman - 7 Hawks Circle
"I write to you today to voice my support of the Siasconset Civic Association letter in opposition to the submitted renovations of 8 Bank Street... I strongly recommend that these currently submitted plans not be approved."

Samantha Freemont-Smith - 27 Main Street
"As a longtime Sconset summer resident, I would like to voice my opposition to the expansion of 8 Bank Street in Codfish Park... The "McMansioning" of this neighborhood, already in progress with a second story going up is exactly what we should prevent... The HDC's mission is to protect the Historic District. If Codfish Park is not historic, with its role in fishing history on island, then nothing in Nantucket is."

Lisa Camesano - 7 Meetinghouse Lane
"I respectfully oppose the plan to replace the existing one-story house at the foot of the Middle Gully Road with a two-story structure on a sliver of land... an exceptional aspect of 'Sconset will be lost forever if this plan is approved."

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

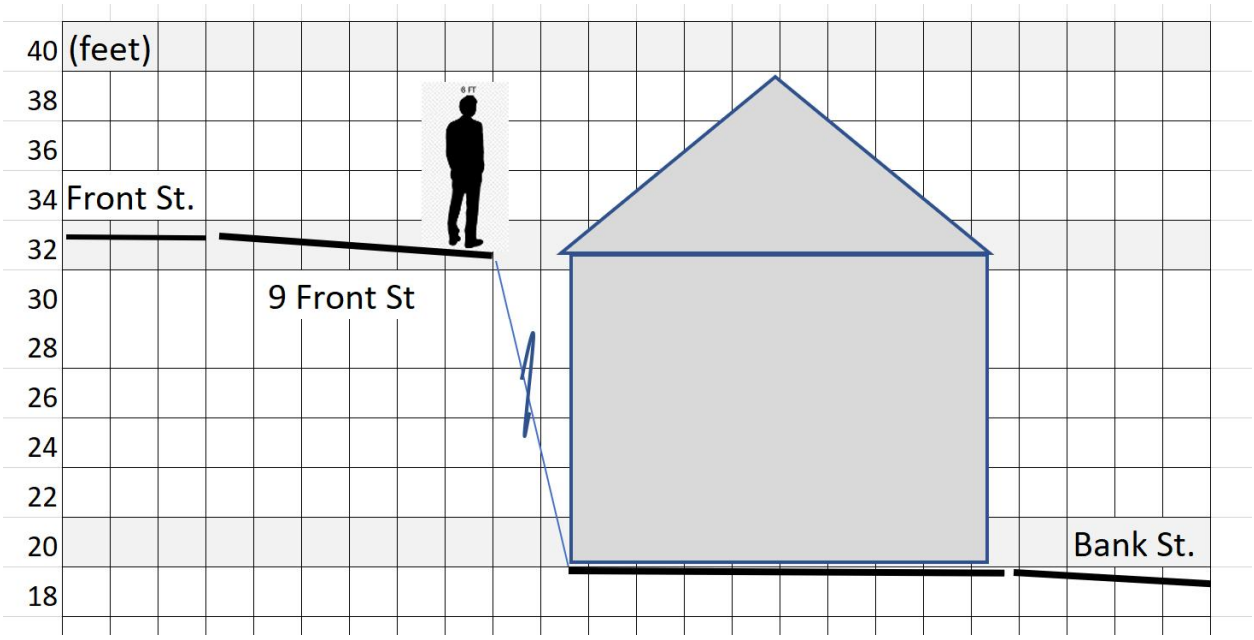
George and Ann Hubbs - 20 Broadway
"We are opposed to the approval of this project because... plan is not in keeping with the historic size and massing of the buildings which have been on this lot... this application should be rejected and sent back for more considered thought..."

Kathy Anselmi - 23R Bank Street
"I am opposed to the renovation project cited for the cottage "Tours End" at 8 Bank Street that was in Gail Nickerson Johnson's family for eight generations... The disturbance of one part of the bank threatens the integrity of the entire bank along Bank Street... a two-story dwelling is not in conformity with the surroundings... Middle Gully Road is an access way in an emergency that we all rely upon."

Lisa Soeder - 13 Broadway
"Both sets of my previously submitted comments reflect my fervent opposition to any renovation that would i) increase the height of 8 Bank Street above the bank or ii) include a basement or foundation or the removal of the existing tree without a report from the appropriate environmental or zoning expert that such a change to the embankment will further endanger the embankment."

Jeff & Ann Gardner - 9 Broadway, 9 Front Street
"I join the growing list of Sconset residents and property owners in voicing our concerns regarding the height of the roofline and potential destabilization of the bank supporting Middle Gully and Front Street above... The proposed roofline is simply too tall and will have a very negative impact on the viewscape along Front Street; one of only two areas open to the east... the digging of a basement so close to the bank could compromise the stability of the building foundations above."

Sam Daniel - 6 Broadway
"8 Bank Street is a tiny cottage on a tiny lot that is right up against the bluff and the Middle Gully wall. I worry that an enlarged cottage with basement will compromise this setting... I like and approve of Angus's revisions, but, again, can't the 21 foot height be lowered a few feet?"


40 (feet)
38
36
34 Front St.
32
30
9 Front St
28
26
24
22
20
Bank St.
18





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

Dear Members of the Board

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

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

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

Please do not approve this project.

Sincerely,

Janet Ballou

21 Front St.

37-21 Kristina and Nicholas Amendolare

Application for Special Permit for 8 Bank Street

May 12, 2022 Hearing

Jeff and Ann Gardner, et al. Submissions

1. Mueser Rutledge Consulting Engineers PLLC report dated 5-10-22.
2. Rob West, Wannacomet Water Company email dated 5-10-22; and
3. Margaret Van Deusen, Anne Reilly and Isabel Landzert email dated 5-8-2022;
4. Mueser Rutledge Consulting Engineers PLLC report dated 2-23-22;

TAB 1

MRCE
built on firm foundations

PRINCIPALS
Peter W. Deming
Roderic A. Ellman, Jr.
Francis J. Arland
David R. Good
Walter E. Kaeck
Sitotaw Y. Fantaye
Jan Cermak

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Hiren J. Shah
Alice Arana
Joel L. Volterra
Steven R. Lowe
Andrew R. Tognon
James M. Tantalla
T. C. Michael Law
Andrew Pontecorvo
Renzo D. Verastegui
Srinivas Yenamandra
Jesse L. Richins

ASSOCIATES
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Farid Vastani
Jong W. Choi
Raj S. Chinthamani
Andrew R. Klaetsch
Peter L. Madarasz
Aaron L. Sacks
Sung H. Kong
Fathey N. Elsaid
Colleen Liddy
Adam M. Dyer
Alessandro Ciamei
David Z. Chen
Matthew T. Ruehle

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Alfred H. Brand
George J. Tamaro
Hugh S. Lacy
Joel Moskowitz
James L. Kaufman
Robert K. Radske

FINANCE DIRECTOR
Eric A. Hoffman

MARKETING DIRECTOR
Martha J. Huguet

May 10, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Review of Plans for Adjacent Construction at 8 Bank St
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

As requested, Mueser Rutledge Consulting Engineers (MRCE) reviewed the proposed plans for support of excavation (SOE) during below grade construction at the adjacent 8 Bank Street property. Our review focused on the potential impacts of the proposed construction on your property (9 Broadway and 9 Front Street) and the adjacent public roadway (Middle Gully Road) along the west side of the excavation. We summarize herein the results of our review.

We note that we previously performed an evaluation of the potential impacts of construction at 8 Bank Street based on conceptual plans of the proposed construction. Our prior evaluation is summarized in our February 2022 letter, attached for reference in the Appendix.

DOCUMENTS REVIEWED

You provided us with the following documents received from the #8 Bank Street property owner:

1. Geotechnical Engineering Report for Proposed Renovation at 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (31 pages).
2. Temporary Support of Excavation Drawings for 8 Bank Street by McGardle Gannon Associates, Inc. dated May 5, 2022 (3 sheets).

MRCE REVIEW COMMENTS

In general, our review indicates that the proposed SOE design does not sufficiently protect the adjacent properties. The Building Department should require a number of alterations to the proposed construction plans in order to protect the adjacent properties. More specific comments follow.

Geotechnical Engineering Report

1. The soil borings made as part of the site geotechnical investigation indicate that the natural and manmade soils underlying the 8 Bank Street property and comprising the adjacent hillside consist of very loose to loose sands with little fine grained (silt and clay) binder. These loose sands are relatively weak and sensitive to disturbance and ground loss during SOE installation.

2. The geotechnical investigation did not include any test pits or other exploratory probes to establish the depth, condition, or dimensions of the existing rubble retaining wall supporting Middle Gully Road or the concrete retaining wall supporting 9 Front Street.

Support of Excavation (SOE) Design

3. The proposed SOE system consists of cantilevered soldier pile and timber lagging that does not appear to adequately account for the loose sand beneath and behind the SOE wall and rising slope of the retained ground that significantly increases the lateral earth pressures applied to the SOE system along the west side of the excavation. We estimate that the soldier pile and lagging system may displace 6-inches or more horizontally. This magnitude of movement could damage or destabilize the existing retaining walls supporting Middle Gully Road and 9 Front Street. Lateral bracing such as inclined rakers should be designed and installed to stiffen the SOE system and minimize displacements of the adjacent ground during basement excavation.
4. The planned use of a vibratory hammer to install the soldier piles introduces the risks of settlement and cracking of the surrounding ground and retaining walls supported on the loose sands encountered in borings. Loose soils tend to densify when vibrated. Soldier piles should be installed in drilled, cased holes to minimize disturbance and vibrations of the surrounding ground.
5. The SOE Drawings do not describe the existing retaining walls or detail how the existing retaining walls will be protected during construction. The drawings indicate that "MGA has made assumptions concerning the soundness of the buildings adjacent to the site. These assumptions are that these buildings and structures were designed in conformity with good design practice. The Contractor should take extraordinary precautions concerning the preservation of the adjacent properties."
    a. The existing retaining walls supporting Middle Gully Road and 9 Front Street are old and may not have been constructed to an engineered design. On that basis, the assumption that these retaining walls are constructed in conformity with good design practices is overly optimistic and may not be accurate. As the proposed construction could potentially destabilize these retaining walls, the SOE designer is responsible to investigate the condition and depth of support of these structures and develop adequate protection measures before installing SOE and performing adjacent excavation.
    b. The SOE Drawings should be updated to detail the 'extraordinary precautions' planned to protect the existing retaining walls such that the Contractor (as well as effected parties) is aware of these requirements and so that the Contractor implements these measures prior to excavation.
    c. The proposed regrading of the ground surface behind the SOE, as shown on Design Section A, removes passive support from the existing rubble retaining walls supporting Middle Gully Road without any clear stabilizing measures. The designer should investigate the foundations of these retaining walls and design measures to stabilize the walls as needed.
6. The SOE Drawings should not permit excavation of more than two-feet prior to installing timber lagging as excavation proceeds since the loose sands have limited standup time and are inherently unstable. Unsupported excavation faces will lead to ground loss and increase impacts to the adjacent structures.

Monitoring Plan

7. The monitoring plan does not include installation of monitoring points on the existing rubble retaining walls supporting Middle Gully Road. The plan should be updated to include monitoring points to measure vertical and lateral deformations of this nearby retaining wall.
8. The monitoring plan does not indicate the location or number of monitoring points to be installed on the existing retaining walls. An appropriate plan would include monitoring points every 10 to 20 ft horizontally and at least two levels (vertically) on the 9 Front Street Retaining Wall.
9. The monitoring plan does not set threshold or limiting (stop work) levels for movements of the existing retaining walls supporting Middle Gully Road or 9 Front Street. An appropriate threshold level of 0.25-inches and a limiting movement of 0.5-inches (horizontal or vertical) is appropriate for structures of

these types.

10. The proposed weekly frequency of surveying is not adequate during active excavation and could allow movements to accumulate before being captured in monitoring. Surveys should be every other day (at a minimum) during excavation.
11. The monitoring plan does not indicate if (and how frequently) the results of monitoring will be transmitted to the affected neighboring properties. All monitoring data should be provided to the adjacent property owners. An appropriate transmission cycle would be to provide monitoring data to adjacent property owners within 24-hrs of collecting the data.
12. The SOE Drawings do not provide contingency plans if limiting movement values are exceeded. The drawings should include contingency plans for stabilizing and/or replacing the existing retaining walls if damaged.

Additional Issues

13. An existing tree is in line with the proposed SOE system. The SOE drawings do not address how this tree will be removed and the stability of the ground maintained during and after tree removal.
14. The proposed SOE system is aligned with an existing 4- to 6 -ft tall retaining wall that currently stabilizes the west side of 8 Bank Street and Middle Gully Road. The SOE Drawings need to address how the wall will be demolished to facilitate SOE installation and how stability will be maintained during and after wall demolition.
15. The SOE Drawings indicate that the hillside slope along the west side of the excavation will be stripped and regraded to a steeper slope. The drawings should address how the cut slope will be protected against erosion.
16. The SOE Drawings do not indicate if traffic (pedestrian or vehicular) is permitted along Middle Gully Road during excavation. The plans should be updated to indicate whether pedestrian traffic or vehicular traffic is permitted on Middle Gully Road and the traffic surcharge pressures accounted for in SOE design, if traffic is permitted.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. All of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. Therefore, we request that the Department of Buildings require the SOE designer to update the SOE design to address the issues outlined above.

Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Consequently, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages occur to these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC

Jesse L. Richins

Walter E. Kaeck, Principal

APPENDIX

MRCE
built on firm foundations

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Robert K. Radske

FINANCE DIRECTOR
Eric A. Hoffman

MARKETING DIRECTOR
Martha J. Huguet

February 23, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Evaluation of Potential Impacts of Adjacent Construction
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

In accordance with our contract dated February 8, 2022, Mueser Rutledge Consulting Engineers (MRCE) has completed a site visit and geotechnical review of potential impacts to your property (9 Broadway and 9 Front Street) and the adjacent public roadway due to the proposed construction at the neighboring 8 Bank Street property. Our evaluation relies on visual observations of existing conditions made during our site visit and information provided to the local Zoning Board describing the proposed construction.

EXECUTIVE SUMMARY

Key findings and conclusions regarding the potential impacts of the proposed construction on adjacent property are presented below based on our site visit and review of available documents describing the proposed work at 8 Bank Street. Subsequent sections of this report provide the supporting data upon which our findings are based.

1. The proposed construction at 8 Bank Street requires excavation to a depth of more than 17 feet immediately adjacent to retaining walls supporting adjacent roadways and properties.
2. The existing retaining walls are non-engineered structures that are relied on to support the hillside slope and adjacent structures above 8 Bank Street. The retaining walls consist of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor) that are vulnerable to damage caused by the adjacent deep excavation at 8 Bank Street.
3. As a result, the proposed excavation at 8 Bank Street poses the risk of destabilization or collapse of the retaining walls with consequent impact to Middle Gully Road and adjacent properties such as 9 Front Street.
4. The conceptual plans submitted to the Zoning Board for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether 8 Bank Street and their engineers have adequately considered the risks to adjacent structures due to the proposed construction.
5. In order to protect the public and adjacent property owners, we recommend that the Zoning Board require that 8 Bank Street submit more detailed design

and construction documents (as listed herein) that includes monitoring and protection plans for adjacent structures, utilities and roadways.

6. Furthermore, in order to protect the adjacent roads and properties, we recommend that the reviewing agency require that 8 Bank Street provide a construction escrow account to cover the costs of potential repairs to adjacent structures and properties if damages occur.

SITE DESCRIPTION

The site is on the east side of Nantucket Island, in the historic town of Siasconset. The town of Siasconset is primarily located on a bluff between Elevation +50 and +30 overlooking the Atlantic Ocean. However, on the westernmost end of Siasconset, the small historic community of Codfish Park exists near the base of the bluff with ground surface sloping downward from Elevation +17 at the base of the bluffs down to +10 near the beach. Elevations in this report are based on data presented on the City and County of Nantucket GIS site, and are assumed to refer to the North American Vertical Datum of 1988 (NAVD 88).

Our engineering review is related to the potential impacts to two properties on the western edge of the bluff (9 Broadway and 9 Front Street) and the roadway connecting the bluff to Codfish Park (Middle Gully Road) due to proposed building construction at the adjacent property near the bottom of the bluff (8 Bank Street). The relative arrangement of the adjacent properties and roadway is shown in Figure 1.



Source: Town and County of Nantucket, MA Online GIS Maps

Figure 1 – Site Location Plan

Residential development along the bluff has resulted in installation of a series of retaining walls to create terraces (level ground) in the slope for construction of roadways and private homes as Illustrated graphically in Figure 2 and further described below. These non-engineered retaining walls consist largely of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor).

9 Broadway

9 Broadway is occupied by a two-story U-shaped residence with a basement on relatively flat ground. The site is bounded by Broadway to the west, a residence at 11 Broadway to the North, the historic sea shell

covered Front Street to the East and a residence at 7 Broadway to the south. Ground surface is at about Elevation +35.

9 Front Street
9 Front Street is a roughly triangular-shaped landscaped garden lot across Front Street from the structure at 9 Broadway. The site is bounded to the west by Front Street, to the south by a yard for 7 Front Street, and to the east by Middle Gully Road. The site is ringed by a wooden fence. An existing concrete retaining wall forms the east property line and retains the garden elevated above Middle Gully Road. The retaining wall is 10-inches thick at the top and ranges from 1- to 8-feet in height. Review of historic photos indicates that the retaining wall was constructed at some point after 1940. The garden is approximately flat at around Elevation +34.

Middle Gully Road
Middle Gully Road is a public roadway connecting Bank Street and Beach Street in the lower Codfish Park area to Front Street at a higher elevation. Middle Gully Road traverses the bluff in a narrow corridor between 9 Front Street to the west and 8 Bank Street to the east. The roadway is brick, cobble, and grass lined and slopes downward from about Elevation +34 at Front Street to Elevation +17 at the intersection with Bank Street. The west side of Middle Gully Road includes a low mortared stone rubble retaining wall that steps out from the toe of the larger concrete retaining wall supporting 9 Front Street. The east side of Middle Gully Road includes a wooden hand rail and a 2- to 3-ft tall rubble and boulder retaining wall supporting the roadway above 8 Bank Street. We understand that a water main runs beneath Middle Gully Road and that Middle Gully Road provides emergency egress for the Codifsh Park area (as the only other roadway in and out of Codfish park is Gully Road).

8 Bank Street
8 Bank Street is bounded to the south and west by Middle Gully Road, to the North by 11 Front Street, to the east by Bank Street. The site is sloped down from the west. The site is currently occupied by a single story residence. Review of historic photos indicates that the structure served as a hot dog stand in the 1930's. Ground surface at the structure is at about Elev. +17.

DOCUMENTS REVIEWED

You provided us with a document package that #8 Bank Street submitted for review to the zoning board authority and historical district commission. The documents include:

- Conceptual Floor Plans and Section for 8 Bank Street by Angus Macleod Designs (4 sheets).
- A Conceptual Excavation Support Plan drawing prepared by McArdle Gannon Associates (MGA) and dated January 28, 2022 (SOE-1) (1 sheet).
- A statement of work scope dated January 28, 2022 for geotechnical engineering services to be performed by MGA. Proposed services include design of temporary support of excavation, performance of geotechnical investigations and pre-construction surveys, and construction observation (2 pages).
- Historic District Commission Submission dated August 19, 2021 including architectural elevations and plans by Angus Macleod Designs (20 pages).

PROPOSED CONSTRUCTION

Based on our review of the zoning board submittal documents, we understand that the Owner of 8 Bank Street is currently requesting zoning board approval to permit construction of a 2 level building addition with a single level basement below the addition and the footprint of the existing structure. Basement construction will require excavation to a depth of about 10.5 feet along Bank Street and more than 17 feet below Middle Gully Road. The conceptual support of excavation (SOE) plan included in the submission indicates that a

soldier pile and timber lagging system will provide temporary shoring of the excavation sidewalls during basement construction. The SOE is shown setback 3 to 4 feet from the new building footprint. The conceptual SOE plans do not provide details on the size of the soldier piles, methods of installation, or lateral bracing.

SITE OBSERVATIONS

MRCE Engineer and Senior Associate Mr. Jesse Richins visited the site on February 10, 2022 to observe site features and the condition of existing structures in the area of proposed construction.

9 Front Street Retaining Wall

An existing concrete retaining wall wraps around the south, east, and north sides of 9 Front Street. The retaining wall ranges from about 8-ft tall at the south end of the property to about 1-ft tall at the north end. The wall is 10-inches thick at the top of the wall. The front face of the wall includes vertical slots spaced 3- to 5-feet apart and approximately the size of 2x4 lumber. Remnant timber is present in some of the slots. Within the slots, welded wire fabric was observed at 18-inch spacing. The geometry of the concrete wall (thickness of stem below the top of the wall, base dimensions, depth to footing, etc.) are not known. A horizontal step exists at the toe (base) of the wall that extends 2- to 3-ft horizontally out from the wall into Middle Gully Road (from the front face of the concrete retaining wall) and 1- to 2-feet vertically downward. The step is retained by a mortared stone rubble wall.

The front face of the wall is approximately vertical. Several shallow horizontal cracks and minor spalling are evident. The cracks appear to indicate separation of aggregate when the concrete for the wall was poured. Horizontal crack depth is generally less than 1-inch. Several full depth vertical cracks are present in the south return wall and along the vertical slots in the wall. The concrete wall appears generally stable and in fair condition. At several locations, the mortared stone rubble retaining wall has loose stones and missing mortar.

Photographs illustrating the existing condition of the retaining wall are presented in the Appendix.

8 Bank Street Slope and Retaining Walls

Middle Gully Road is separated from 8 Bank Street by a mortared stone rubble wall. The wall is approximately 2- to 3.5-ft tall. At one location, roughly 1/3 of the way up the road, a tree has grown on the downslope side of the wall with tree roots penetrating into the wall. On the north end of 8 Bank Street, the slope down from the retaining wall is vegetated with grass. A 6-ft tall CMU retaining wall separates the slope from a small patio courtyard on the north end of 8 Bank Street.

Photographs of the slope and retaining wall are presented in the Appendix.

POTENTIAL IMPACTS OF PROPOSED CONSTRUCTION

The proposed construction requires a deep excavation to a depth of more than 17 feet immediately below Middle Gully Road and the nearby retaining wall supporting 9 Front Street. Furthermore, the retained ground slopes up to a higher elevation, resulting in increased lateral earth pressures on the SOE system as shown in cross-sections A-A' and B-B' in Figure 2.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. As illustrated in plan and section on Figure 2, all of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. The structure at 9 Broadway is generally beyond the potential zone of direct influence. As a result, the proposed deep excavation could cause ground loss and instability of the retained ground in a number of ways including but not limited to:

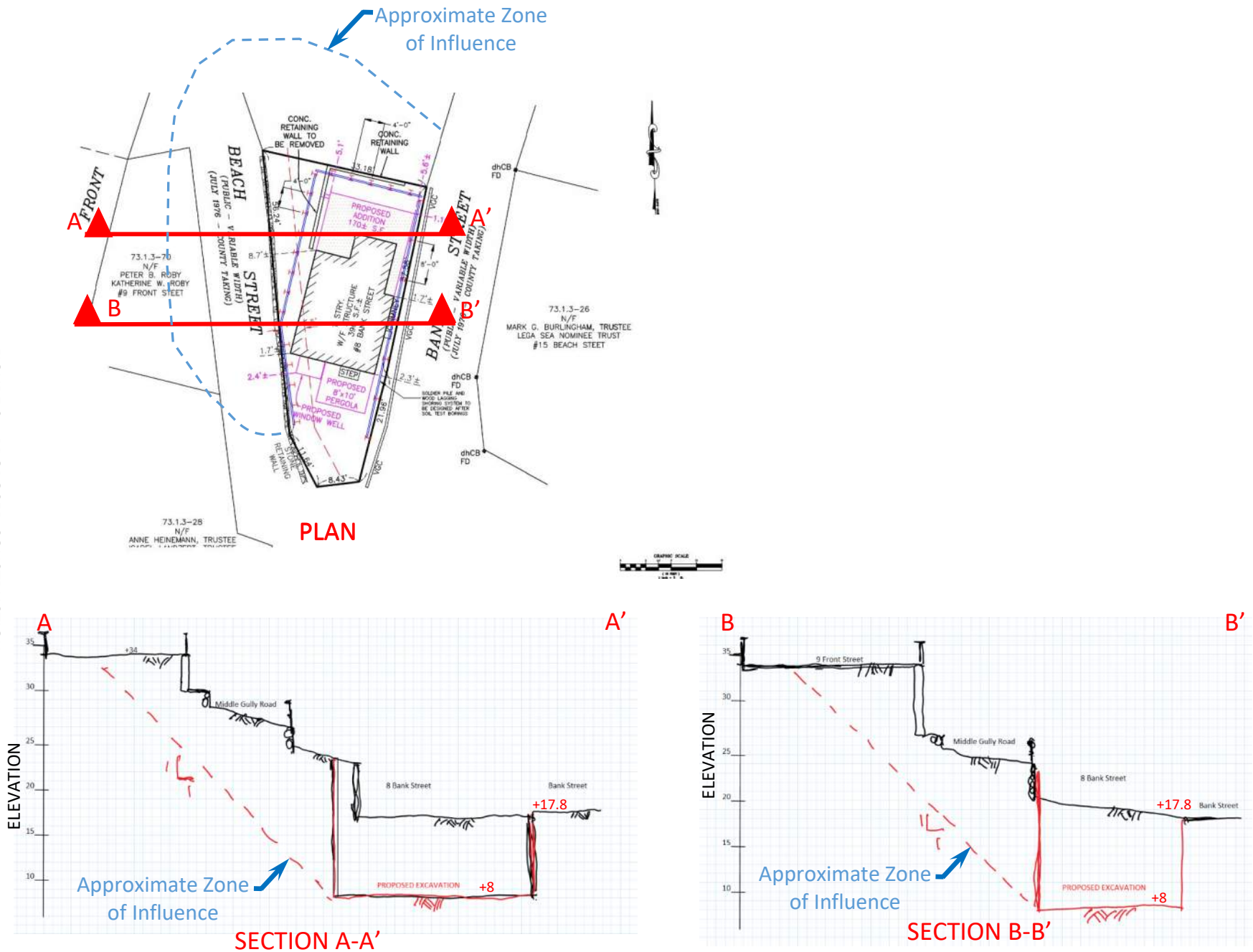


FIGURE 2 – PROPOSED CONSTRUCTION

FIGURE 2 – PROPOSED CONSTRUCTION

1. Insufficient lateral bracing of the SOE system, resulting in horizontal movement of the retained ground and possible collapse of the adjacent retaining walls
2. Installation of soldier piles by driving or other methods could cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope.
3. Improper removal of the existing tree that is embedded in the existing retaining wall resulting in collapse of the existing retaining wall or future settlement as the remnant tree decomposes,
4. Insufficient control of groundwater and surface water resulting in softening of the excavation bottom and horizontal movement of the SOE and the retained ground,
5. Improperly installed and filtered timber shoring boards resulting in loss of retained soil and settlement of the adjacent ground,
6. Insufficient erosion protection resulting in erosion of the slope.
7. Not accounting for potential traffic loads on Middle Gully Road, resulting in excessive movement in an emergency situation requiring vehicular access.

If the proposed excavation destabilizes the retained ground, the potential hazards include:

1. Loss of access for vehicles or pedestrians on Middle Gully Road, an emergency egress path for Codfish Park.
2. Damage to utilities buried below Middle Gully Road providing services to the area.
3. Damage to the historic roadway down to Codfish Park.
4. Damage to the retaining walls and retained property of 9 Front Street.

DESIGN CONSIDERATIONS

Our evaluation indicates that the proposed deep excavation at 8 Bank Street poses significant risk of damage to the adjacent roadway, utilities, and properties if not carefully designed and constructed due to the proximity of adjacent structures and old and fragile retaining walls supporting the slope. Among the complications that the Designer needs to consider:

1. The retained ground on the west side of the site is sloped and includes old, non-engineered retaining walls of fragile construction that are vulnerable to damage due to vibration or ground settlement. The terraced and upward sloping ground will impose greater horizontal loads on the SOE (compared with level ground) that will need to be accounted for in design.
2. We understand that Middle Gully Road provides emergency access and egress to Codfish Park. Therefore, the road may support traffic live loads in an emergency, potentially even emergency vehicle traffic, such as fire trucks. This requirement should be considered in design and reviewed by the municipality and reviewing board.
3. The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
4. The clean natural sands will tend to ravel and require tight installation of lagging boards and filtering to avoid mining retained soils.
5. The foundations of the retaining walls at 9 Front Street and the eastern edge of Middle Gully Road are not known and should be investigated to understand the potential impacts of the SOE.
6. The slope above 8 Bank Street includes a large tree that is partially grown into the existing retaining wall. Removal of the tree could impact the stability of the existing slope. Removal should be performed in a manner that does not destabilize the slope and maintains long-term stability.
7. The conceptual SOE system is shown with three- to four-feet offset from the proposed structure (in plan). The need for this larger excavation is not clear. The size of the excavation should be limited to necessity for the permanent structure in order to limit the area impacted by the excavation.
8. The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic

retaining wall will be replaced.

9. Pre- and post-construction condition surveys of adjacent structures should be performed to establish baseline conditions prior to construction and determine if construction is impacting surrounding grounds and structures,
10. Construction documents should include provisions for monitoring adjacent retaining walls, utilities and structures for vertical and lateral movement during construction. Instrumentation should include installation of crack gauges and optical movement monitoring so that any impacts are realized in real time and mitigation measures to avoid damage are quickly implemented.

RECOMMENDATIONS FOR THE REVIEWING AGENCY

The conceptual plans for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether the Developers and Designers have adequately considered the risks to adjacent structures due to the proposed construction. We recommend that the Board and reviewing agency reviewing the proposed application require the Applicant to provide a full and detailed package before approval of the proposed deep excavation, such that all parties have confidence that the proposed construction will sufficiently protect the public. Before granting approval, we recommend requiring the applicant provide:

1. Geotechnical report and results of the geotechnical investigation at 8 Bank Street,
2. Detailed SOE Design Plans including means and methods for SOE installation
3. Surface Water and Groundwater Control Plan,
4. Monitoring and Protection Plan, including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded,
5. Erosion Control Plan,
6. Plan for removal of the existing tree on the slope,
7. Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road,
8. Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

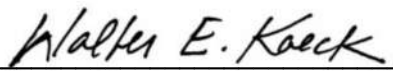
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Therefore, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC



Jesse L. Richins, PE



Walter E. Kaeck, Principal

JLR:WEK
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APPENDIX



Retaining Wall – South End – Facing West



South Return Retaining Wall – Facing North

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 1



Retaining Wall – Midway Along Retaining Wall – Facing West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 2



Retaining Wall – North End – Facing West

PROPOSED CONSTRUCTION IMPACTS ON 9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD		
NANTUCKET		MA
MUESER RUTLEDGE CONSULTING ENGINEERS		
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122		
SCALE N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
9 FRONT STREET RETAINING WALL		PLATE 3



Loose Portions of Toe Retaining Wall on Middle Gully Road



Loose Portions of Toe Retaining Wall on Middle Gully Road

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 4



Middle Gully Road, looking North
9 Front Street to Left, 8 Bank Street to Right

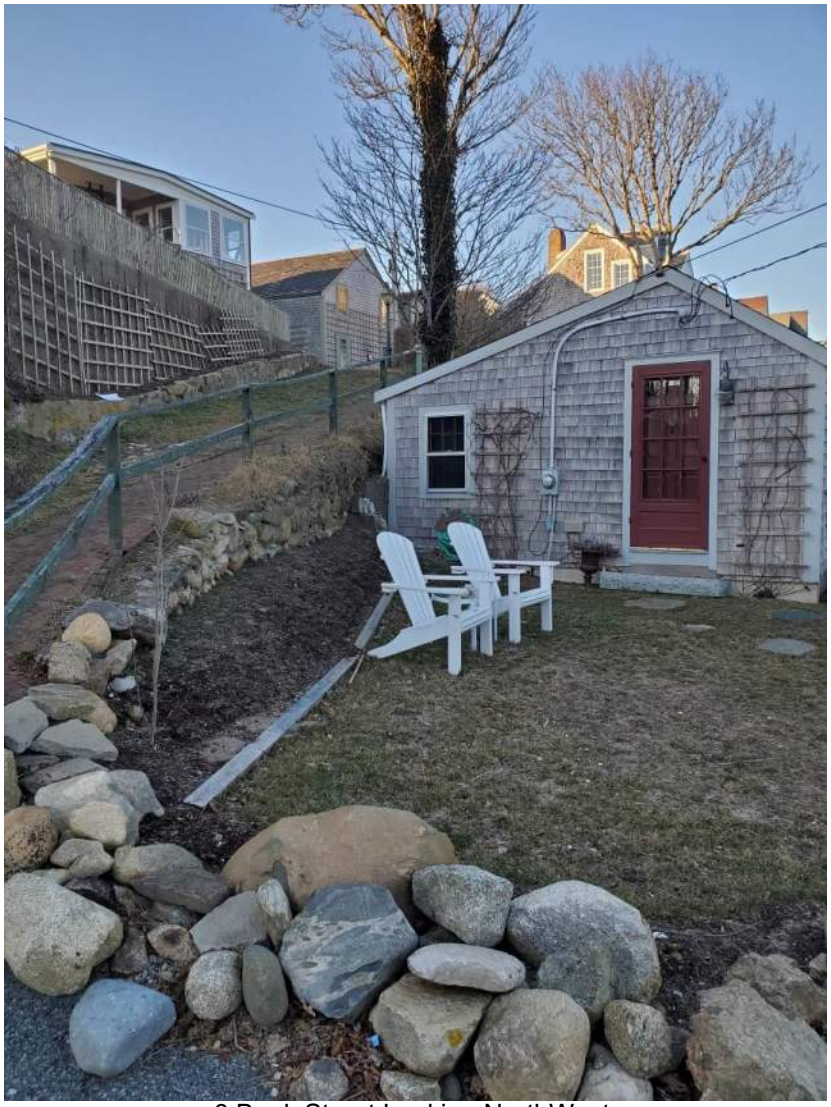
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
MIDDLE GULLY ROAD			PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

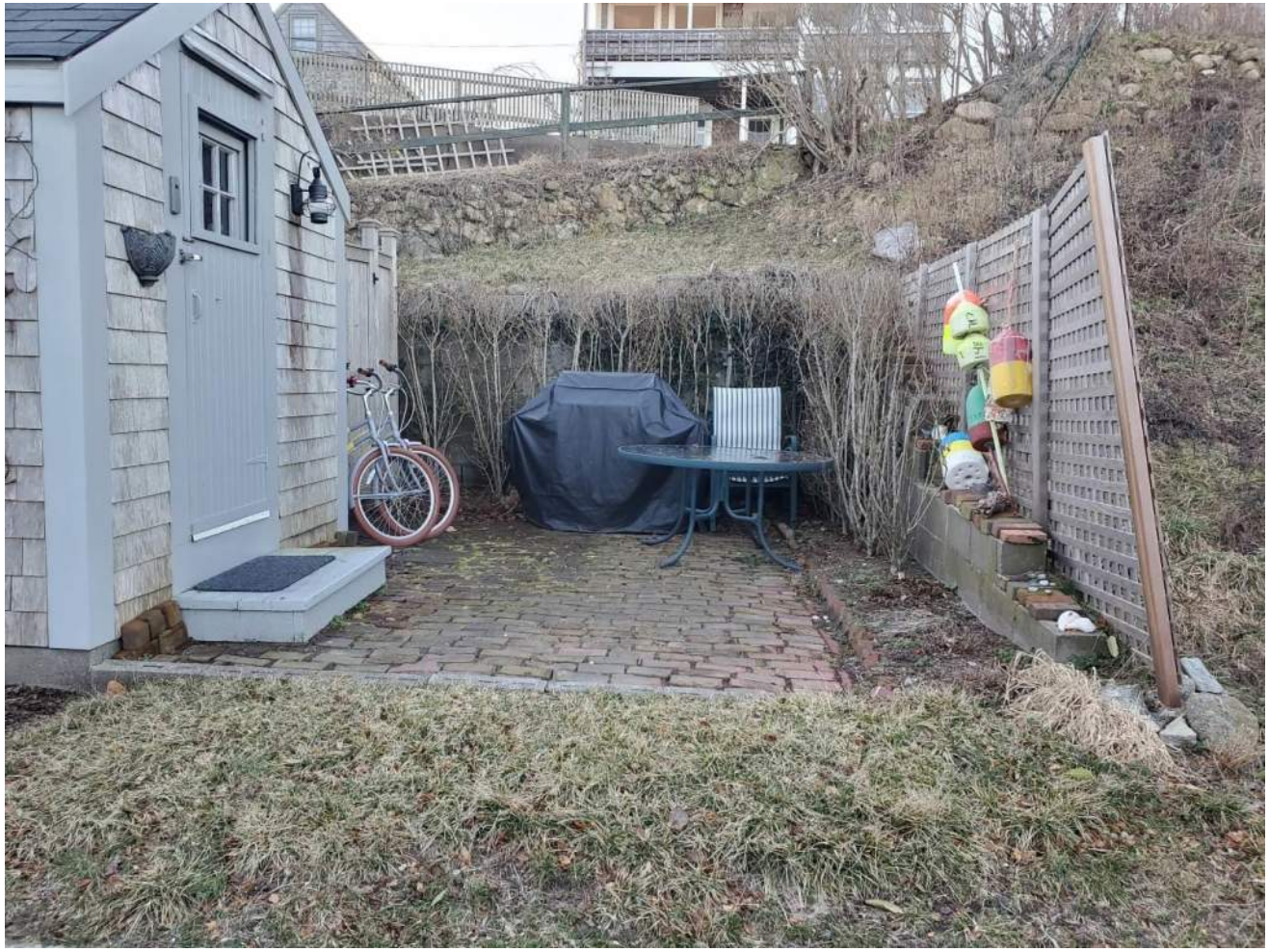
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 6



8 Bank Street – Existing Courtyard Looking West

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

MUESER RUTLEDGE CONSULTING ENGINEERS

14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
	8 BANK STREET		PLATE 7

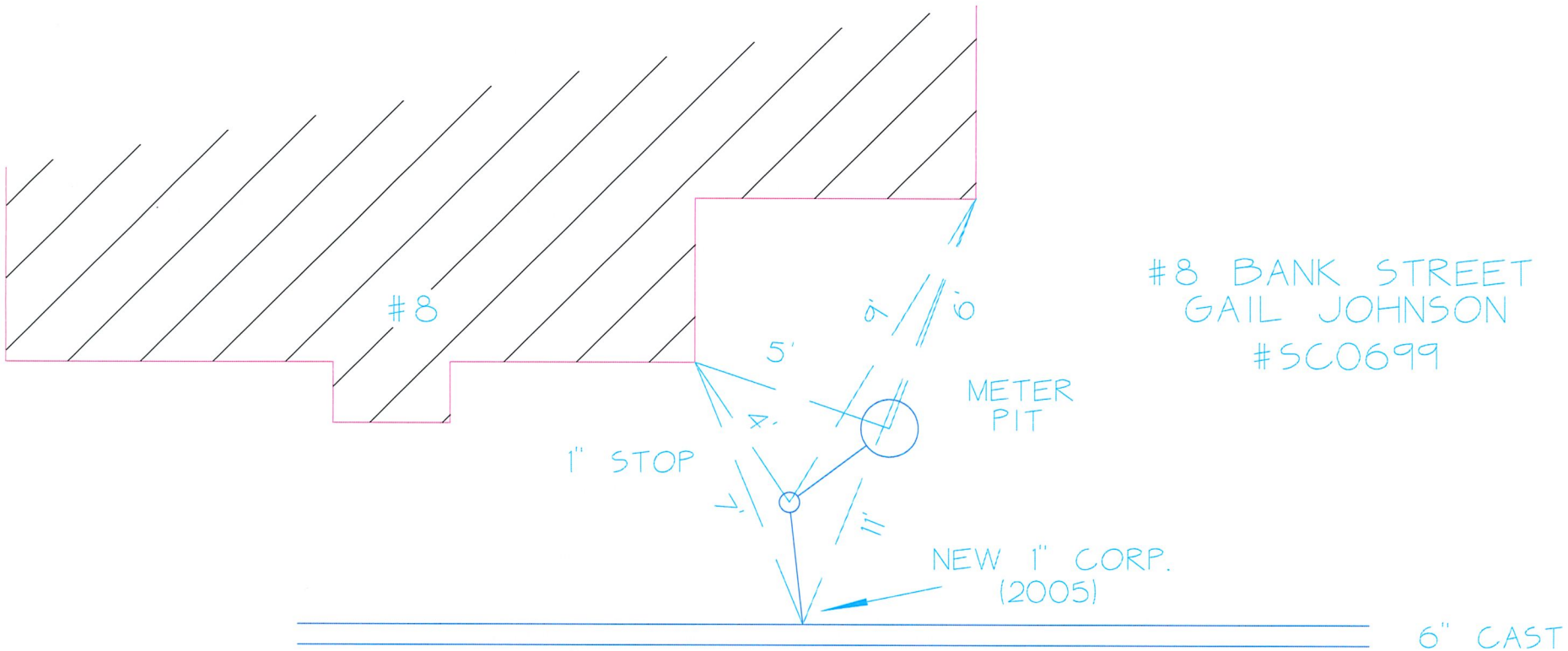
TAB 2

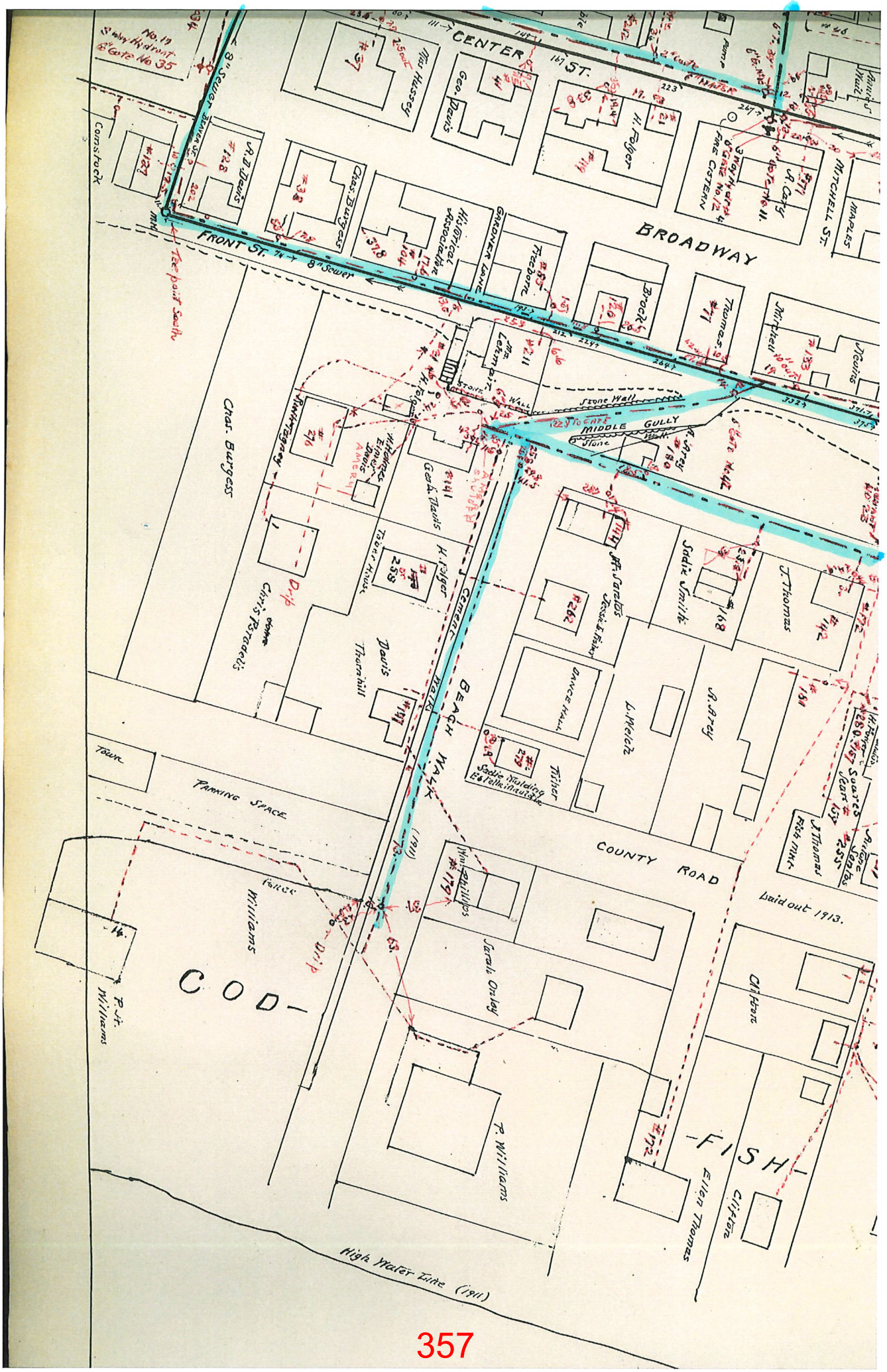
From: Rob West <rwest@nantucket-ma.gov>
Date: May 10, 2022 at 11:46:16 AM EDT
To: lsoeder@soeder-associates.com
Subject: MIDDLE GULLY

Lisa,
We don't have a whole lot of information in Sconset, but here is a plan showing water mains on Front Street,
Middle Gully and Bank Street, also a service sketch for #8 Bank Street. If you need anything else let me know.
Rob

ROB WEST
Wannacomet Water Company
1 Milestone Road
Nantucket, MA 02554

Phone: 508-228-0022
Fax: 508-325-5344


#8
5'
6'
4'
METER
PIT
1" STOP
7'
11'
NEW 1" CORP.
(2005)
6" CAST
#8 BANK STREET
GAIL JOHNSON
#SC0699
BANK STREET


CENTER ST.
BROADWAY
FRONT ST.
MIDDLE GULLY
BEACH WALK
COUNTY ROAD
Laid out 1913.
Char. Burgess
Geo. Davis
H. Felger
Jessie Fraser
Sadie Smith
J. Thomas
J. Weiss
R. Gray
Davis Thornhill
Parking Space
Town
Williams
COD-
FISH
P. Williams
Jarvis Oxley
Eliza Thomas
High Water Line (1911)
Stone Wall
Fire Cistern
Gardner Lane
Mitchell St.
Maples
Comstock
Tee point South
8" Sewer
No. 19 Sunday Hydrant 6" Gate No 35

TAB 3

From: **Margaret Van Deusen** <margaretvandeusen@gmail.com>
Date: Sun, May 8, 2022 at 7:39 PM
Subject: 8 BankStreet
To: <lsnell@nantucket-ma.gov>
Cc: annyvan <annyvan@aol.com>, Isabel Landzert <blandzert@aol.com>

Kindly forward the comments below to members of the Zoning Board of Appeals in advance of the hearing on May 12. 2022.

Dear Members of the Zoning Board of Appeals,

Please consider these comments as my sisters and I, trustees of the Van Deusen Realty Trust, 7 Front Street, Siasconset, are unable to attend the ZBA's in person May 12, 2022 hearing on this matter. In view of the widespread community opposition to this project, we ask that you make this meeting accessible on zoom so interested persons can participate.

Our house, Eastward Look, is a small house that is perched on Front Street between the steps leading to Codfish Park and Middle Gully. It was built in the mid 1920s -–around the same time as 8 Bank Street. Our property is directly across Middle Gully from 8 Bank Street. Our simple house, now almost 100 years old, does not have a foundation and the eastern side of the house is supported on the bank by concrete pilings of indeterminate age covered with a thin veneer of material that we do not believe provides support for the building. The bank in this area is fragile and eroding.

After reviewing the Geotechnical Engineering report prepared by McArdle Gannon Associates Inc., dated May 5, 2022 (the Report), we are concerned with potential damage to our house and to the surrounding historic houses on Front Street, Broadway and Codfish Park (CFP), to Middle Gully, which is the emergency access road to CFP and under which the water main for CFP is located, the coastal bank, and the intersection of Bank Street and CFP Road, which already floods during rain events.

While 8 Bank is characterized as an "addition" and "renovation," the engineering report makes clear that this is a demolition. According to the report: "We understand that the existing residence will be razed and a new foundation with a full basement will be constructed in its place." Engineering Report at p. 2. Thus, the report confirms what neighbors have opined from the beginning of the permitting process—that this is a tear down. Despite this, no demolition permit has been sought by the owners.

The Engineering Report
The Report makes it clear that this is a very challenging site on which to build a house with a basement. The Report also fails to address potential environmental and infrastructure damage, including undermining of the coastal bank and the integrity of Middle Gully and the water main. It seems obvious that during construction, emergency access to CFP would be cut off. As

people said at the last ZBA meeting if this project is allowed to go forward, construction should not be allowed during the fall (before November) and halted in early May.

Groundwater was encountered at 14 feet below ground at MGA-1; no groundwater reading was capable of being made at MGA-2. According to the report at p. 4, groundwater levels will fluctuate due to temperature, tides, precipitation and other factors. Excavation will be necessary 10 to 15 feet below the proposed surface grade for the nine-foot tall basement. (An unanswered question is what the proposed site grade would be). An underdrain will be necessary to carry water away from the foundation. Report at 7. Exterior footings would need to extend three feet below basement finish grade. The bottom of the basement would need to be compacted with a vibratory plate compactor using at least 6000 lbs. of force. Report at p. 5. Additionally, driven piles will generate ground vibrations that are "distinctly perceptible to adjacent properties." Report at 9. **We think this is likely a gross understatement. Pounding of piles is likely to jeopardize the structural integrity of our house given its close proximity to the site and position right on the bank.** Of course, the engineer punts responsibility for vibration damage to the contractor in his report.

Due to groundwater below the structure at the basement foundation, groundwater will need to be transported away from the site. The engineer proposes no method for this except that it should drain to manholes to transport groundwater to a "reliable source." Report at p. 7. However, to the best of our knowledge, there is little stormwater infrastructure in CFP, and even the storm drain at the low lying intersection of Beach Street and CFP Road cannot handle the current stormwater runoff. Increasingly, even in minor storms, this area floods and the flooding is worsening over time.

Generally, stormwater should be kept on site and infiltrated to the greatest extent. The south facing small lawn contains the subsurface septic system and the owners also plan to build a patio there. Most of the rest of the site is impermeable. Significantly, the engineer recommends grading the entire site toward the street to carry water off the site. We note that the flooding at the CFP intersection is already causing the pavement to deteriorate. Additionally, pumping groundwater from the site to the surrounding area is the very opposite of efforts to create resiliency to climate change.

Detriment to the Interests of the Neighborhood

The impacts from this project on the neighborhood would be significant. If allowed, this very tall vertical building right up against the Sconset Bank and Middle Gully will forever change the streetscapes and character of Codfish Park, Bank Street, and Front Street and the public viewsheds admired and enjoyed by all. These are treasured public resources.

We do wonder how it is possible that owners who buy a one-story house that is a contributing element in the Sconset Old Historic District at the entrance to CFP can be permitted to tear it down (without a permit) and to build a structure that would be as much as 6 feet above the bank with a 9-foot wide bathroom dormer looming over iconic Front Street and historic cobblestoned Middle Gully. This profoundly vertical house in this location will be substantially

more detrimental to the interests of the neighborhood and to the inhabitants of the village than the existing nonconforming structure.

While the owners maintain that the ZBA should only concern itself with a small southwest corner of the building, we believe this is erroneous. The ZBA is not required to wear blinders and to segregate this small section from the rest of the building.

We submitted comments to the ZBA on December 6, 2021, accompanied by photos showing the height poles at 8 Bank in relation to Front Street and Middle Gully. Both we and the Siasconset Civic Association (SCA) submitted the SCA's two comment letters to the HDC opposing this project b/c of its detrimental impacts on the interests of the neighborhood. It bears repeating here what the SCA wrote: "The preservation of the scale of the houses and streetscape are essential to keeping the character of Codfish Park intact. . . a higher structure in this specific location would disturb the balance and rhythm of architecture in this historic neighborhood."

Lastly, we note that no on-site parking is proposed despite the fact that there is almost no on-street parking allowed in CFP. Currently, cars park illegally on the Beach Street sidewalk so that pedestrians are forced to walk in the street.

We respectfully ask you to deny the special permit.

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

TAB 4

MRCE
built on firm foundations

PRINCIPALS
Peter W. Deming
Roderic A. Ellman, Jr.
Francis J. Arland
David R. Good
Walter E. Kaeck
Sitotaw Y. Fantaye
Jan Cermak

ASSOCIATE PRINCIPALS
Tony D. Canale
Anthony DeVito

SENIOR ASSOCIATES
Domenic D'Argenzio
Ketan H. Trivedi
Hiren J. Shah
Alice Arana
Joel L. Volterra
Steven R. Lowe
Andrew R. Tognon
James M. Tantalla
T. C. Michael Law
Andrew Pontecorvo
Renzo D. Verastegui
Srinivas Yenamandra
Jesse L. Richins

ASSOCIATES
Douglas W. Christie
Farid Vastani
Jong W. Choi
Raj S. Chinthamani
Andrew R. Klaetsch
Peter L. Madarasz
Aaron L. Sacks
Sung H. Kong
Fathey N. Elsaid
Colleen Liddy
Adam M. Dyer
Alessandro Ciamei
David Z. Chen
Matthew T. Ruehle

TECHNICAL SPECIALISTS
David M. Cacoilo
Alfred H. Brand
George J. Tamaro
Hugh S. Lacy
Joel Moskowitz
James L. Kaufman
Robert K. Radske

FINANCE DIRECTOR
Eric A. Hoffman

MARKETING DIRECTOR
Martha J. Huguet

February 23, 2022

Ann and Jeff Gardner
9 Broadway
Nantucket Island
Siasconset, MA 02554

Re: Evaluation of Potential Impacts of Adjacent Construction
9 Broadway & 9 Front Street
Nantucket Island, Siasconset, MA
MRCE File No. 14294

Dear Mr. and Mrs. Gardner

In accordance with our contract dated February 8, 2022, Mueser Rutledge Consulting Engineers (MRCE) has completed a site visit and geotechnical review of potential impacts to your property (9 Broadway and 9 Front Street) and the adjacent public roadway due to the proposed construction at the neighboring 8 Bank Street property. Our evaluation relies on visual observations of existing conditions made during our site visit and information provided to the local Zoning Board describing the proposed construction.

EXECUTIVE SUMMARY

Key findings and conclusions regarding the potential impacts of the proposed construction on adjacent property are presented below based on our site visit and review of available documents describing the proposed work at 8 Bank Street. Subsequent sections of this report provide the supporting data upon which our findings are based.

1. The proposed construction at 8 Bank Street requires excavation to a depth of more than 17 feet immediately adjacent to retaining walls supporting adjacent roadways and properties.
2. The existing retaining walls are non-engineered structures that are relied on to support the hillside slope and adjacent structures above 8 Bank Street. The retaining walls consist of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor) that are vulnerable to damage caused by the adjacent deep excavation at 8 Bank Street.
3. As a result, the proposed excavation at 8 Bank Street poses the risk of destabilization or collapse of the retaining walls with consequent impact to Middle Gully Road and adjacent properties such as 9 Front Street.
4. The conceptual plans submitted to the Zoning Board for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether 8 Bank Street and their engineers have adequately considered the risks to adjacent structures due to the proposed construction.
5. In order to protect the public and adjacent property owners, we recommend that the Zoning Board require that 8 Bank Street submit more detailed design

and construction documents (as listed herein) that includes monitoring and protection plans for adjacent structures, utilities and roadways.

6. Furthermore, in order to protect the adjacent roads and properties, we recommend that the reviewing agency require that 8 Bank Street provide a construction escrow account to cover the costs of potential repairs to adjacent structures and properties if damages occur.

SITE DESCRIPTION

The site is on the east side of Nantucket Island, in the historic village of Siasconset. The village of Siasconset is primarily located on a bluff between Elevation +50 and +30 overlooking the Atlantic Ocean. However, on the westernmost end of Siasconset, the small historic community of Codfish Park exists near the base of the bluff with ground surface sloping downward from Elevation +17 at the base of the bluffs down to +10 near the beach. Elevations in this report are based on data presented on the Town and County of Nantucket GIS site, and are assumed to refer to the North American Vertical Datum of 1988 (NAVD 88).

Our engineering review is related to the potential impacts to two properties on the western edge of the bluff (9 Broadway and 9 Front Street) and the roadway connecting the bluff to Codfish Park (Middle Gully Road) due to proposed building construction at the adjacent property near the bottom of the bluff (8 Bank Street). The relative arrangement of the adjacent properties and roadway is shown in Figure 1.



Source: Town and County of Nantucket, MA Online GIS Maps

Figure 1 – Site Location Plan

Residential development along the bluff has resulted in installation of a series of retaining walls to create terraces (level ground) in the slope for construction of roadways and private homes as Illustrated graphically in Figure 2 and further described below. These non-engineered retaining walls consist largely of old stone rubble walls and lightly reinforced concrete walls of unknown dimension, depth and stability (safety factor).

9 Broadway

9 Broadway is occupied by a two-story U-shaped residence with a basement on relatively flat ground. The site is bounded by Broadway to the west, a residence at 11 Broadway to the North, the historic sea shell

covered Front Street to the East and a residence at 7 Broadway to the south. Ground surface is at about Elevation +35.

9 Front Street
9 Front Street is a roughly triangular-shaped landscaped garden lot across Front Street from the structure at 9 Broadway. The site is bounded to the west by Front Street, to the south by a yard for 7 Front Street, and to the east by Middle Gully Road. The site is ringed by a wooden fence. An existing concrete retaining wall forms the east property line and retains the garden elevated above Middle Gully Road. The retaining wall is 10-inches thick at the top and ranges from 1- to 8-feet in height. Review of historic photos indicates that the retaining wall was constructed at some point after 1940. The garden is approximately flat at around Elevation +34.

Middle Gully Road
Middle Gully Road is a public roadway connecting Bank Street and Beach Street in the lower Codfish Park area to Front Street at a higher elevation. Middle Gully Road traverses the bluff in a narrow corridor between 9 Front Street to the west and 8 Bank Street to the east. The roadway is brick, cobble, and grass lined and slopes downward from about Elevation +34 at Front Street to Elevation +17 at the intersection with Bank Street. The west side of Middle Gully Road includes a low mortared stone rubble retaining wall that steps out from the toe of the larger concrete retaining wall supporting 9 Front Street. The east side of Middle Gully Road includes a wooden hand rail and a 2- to 3-ft tall rubble and boulder retaining wall supporting the roadway above 8 Bank Street. We understand that a water main runs beneath Middle Gully Road and that Middle Gully Road provides emergency egress for the Codifsh Park area (as the only other roadway in and out of Codfish park is Gully Road).

8 Bank Street
8 Bank Street is bounded to the south and west by Middle Gully Road, to the North by 11 Front Street, to the east by Bank Street. The site is sloped down from the west. The site is currently occupied by a single story residence. Review of historic photos indicates that the structure served as a hot dog stand in the 1930's. Ground surface at the structure is at about Elev. +17.

DOCUMENTS REVIEWED

You provided us with a document package that #8 Bank Street submitted for review to the zoning board authority and historical district commission. The documents include:

- Conceptual Floor Plans and Section for 8 Bank Street by Angus Macleod Designs (4 sheets).
- A Conceptual Excavation Support Plan drawing prepared by McArdle Gannon Associates (MGA) and dated January 28, 2022 (SOE-1) (1 sheet).
- A statement of work scope dated January 28, 2022 for geotechnical engineering services to be performed by MGA. Proposed services include design of temporary support of excavation, performance of geotechnical investigations and pre-construction surveys, and construction observation (2 pages).
- Historic District Commission Submission dated August 19, 2021 including architectural elevations and plans by Angus Macleod Designs (20 pages).

PROPOSED CONSTRUCTION

Based on our review of the zoning board submittal documents, we understand that the Owner of 8 Bank Street is currently requesting zoning board approval to permit construction of a 2 level building addition with a single level basement below the addition and the footprint of the existing structure. Basement construction will require excavation to a depth of about 10.5 feet along Bank Street and more than 17 feet below Middle Gully Road. The conceptual support of excavation (SOE) plan included in the submission indicates that a

soldier pile and timber lagging system will provide temporary shoring of the excavation sidewalls during basement construction. The SOE is shown setback 3 to 4 feet from the new building footprint. The conceptual SOE plans do not provide details on the size of the soldier piles, methods of installation, or lateral bracing.

SITE OBSERVATIONS

MRCE Engineer and Senior Associate Mr. Jesse Richins visited the site on February 10, 2022 to observe site features and the condition of existing structures in the area of proposed construction.

9 Front Street Retaining Wall

An existing concrete retaining wall wraps around the south, east, and north sides of 9 Front Street. The retaining wall ranges from about 8-ft tall at the south end of the property to about 1-ft tall at the north end. The wall is 10-inches thick at the top of the wall. The front face of the wall includes vertical slots spaced 3- to 5-feet apart and approximately the size of 2x4 lumber. Remnant timber is present in some of the slots. Within the slots, welded wire fabric was observed at 18-inch spacing. The geometry of the concrete wall (thickness of stem below the top of the wall, base dimensions, depth to footing, etc.) are not known. A horizontal step exists at the toe (base) of the wall that extends 2- to 3-ft horizontally out from the wall into Middle Gully Road (from the front face of the concrete retaining wall) and 1- to 2-feet vertically downward. The step is retained by a mortared stone rubble wall.

The front face of the wall is approximately vertical. Several shallow horizontal cracks and minor spalling are evident. The cracks appear to indicate separation of aggregate when the concrete for the wall was poured. Horizontal crack depth is generally less than 1-inch. Several full depth vertical cracks are present in the south return wall and along the vertical slots in the wall. The concrete wall appears generally stable and in fair condition. At several locations, the mortared stone rubble retaining wall has loose stones and missing mortar.

Photographs illustrating the existing condition of the retaining wall are presented in the Appendix.

8 Bank Street Slope and Retaining Walls

Middle Gully Road is separated from 8 Bank Street by a mortared stone rubble wall. The wall is approximately 2- to 3.5-ft tall. At one location, roughly 1/3 of the way up the road, a tree has grown on the downslope side of the wall with tree roots penetrating into the wall. On the north end of 8 Bank Street, the slope down from the retaining wall is vegetated with grass. A 6-ft tall CMU retaining wall separates the slope from a small patio courtyard on the north end of 8 Bank Street.

Photographs of the slope and retaining wall are presented in the Appendix.

POTENTIAL IMPACTS OF PROPOSED CONSTRUCTION

The proposed construction requires a deep excavation to a depth of more than 17 feet immediately below Middle Gully Road and the nearby retaining wall supporting 9 Front Street. Furthermore, the retained ground slopes up to a higher elevation, resulting in increased lateral earth pressures on the SOE system as shown in cross-sections A-A' and B-B' in Figure 2.

In general, even a well-designed and supported excavation has potential to impact ground within a 1:1 (horizontal to vertical) zone of influence from the bottom of the excavation. As illustrated in plan and section on Figure 2, all of Middle Gully Road and most of 9 Front Street are within the potential 1:1 zone of influence of the deep excavation required for basement construction at 8 Bank Street. The structure at 9 Broadway is generally beyond the potential zone of direct influence. As a result, the proposed deep excavation could cause ground loss and instability of the retained ground in a number of ways including but not limited to:

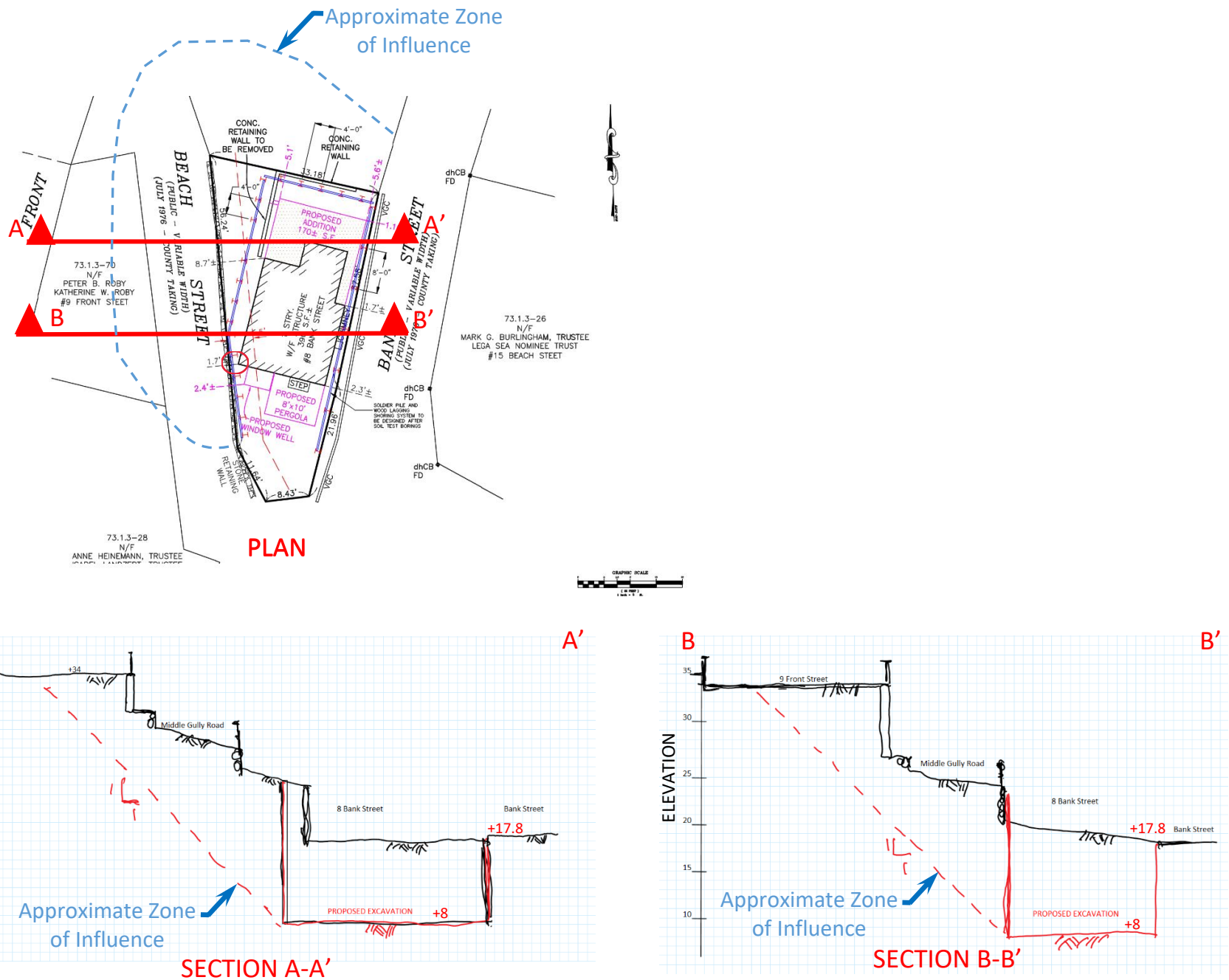


FIGURE 2 – PROPOSED CONSTRUCTION

FIGURE 2 – PROPOSED CONSTRUCTION

1. Insufficient lateral bracing of the SOE system, resulting in horizontal movement of the retained ground and possible collapse of the adjacent retaining walls
2. Installation of soldier piles by driving or other methods could cause vibrations and ground loss with consequent ground settlement and damage to the fragile retaining walls in the upland slope.
3. Improper removal of the existing tree that is embedded in the existing retaining wall resulting in collapse of the existing retaining wall or future settlement as the remnant tree decomposes,
4. Insufficient control of groundwater and surface water resulting in softening of the excavation bottom and horizontal movement of the SOE and the retained ground,
5. Improperly installed and filtered timber shoring boards resulting in loss of retained soil and settlement of the adjacent ground,
6. Insufficient erosion protection resulting in erosion of the slope.
7. Not accounting for potential traffic loads on Middle Gully Road, resulting in excessive movement in an emergency situation requiring vehicular access.

If the proposed excavation destabilizes the retained ground, the potential hazards include:

1. Loss of access for vehicles or pedestrians on Middle Gully Road, an emergency egress path for Codfish Park.
2. Damage to utilities buried below Middle Gully Road providing services to the area.
3. Damage to the historic roadway down to Codfish Park.
4. Damage to the retaining walls and retained property of 9 Front Street.

DESIGN CONSIDERATIONS

Our evaluation indicates that the proposed deep excavation at 8 Bank Street poses significant risk of damage to the adjacent roadway, utilities, and properties if not carefully designed and constructed due to the proximity of adjacent structures and old and fragile retaining walls supporting the slope. Among the complications that the Designer needs to consider:

1. The retained ground on the west side of the site is sloped and includes old, non-engineered retaining walls of fragile construction that are vulnerable to damage due to vibration or ground settlement. The terraced and upward sloping ground will impose greater horizontal loads on the SOE (compared with level ground) that will need to be accounted for in design.
2. We understand that Middle Gully Road provides emergency access and egress to Codfish Park. Therefore, the road may support traffic live loads in an emergency, potentially even emergency vehicle traffic, such as fire trucks. This requirement should be considered in design and reviewed by the municipality and reviewing board.
3. The proposed excavation along Middle Gully Road is too deep for cantilever support of the hillside and will require one to two levels of bracing to restrain lateral movement.
4. The clean natural sands will tend to ravel and require tight installation of lagging boards and filtering to avoid mining retained soils.
5. The foundations of the retaining walls at 9 Front Street and the eastern edge of Middle Gully Road are not known and should be investigated to understand the potential impacts of the SOE.
6. The slope above 8 Bank Street includes a large tree that is partially grown into the existing retaining wall. Removal of the tree could impact the stability of the existing slope. Removal should be performed in a manner that does not destabilize the slope and maintains long-term stability.
7. The conceptual SOE system is shown with three- to four-feet offset from the proposed structure (in plan). The need for this larger excavation is not clear. The size of the excavation should be limited to necessity for the permanent structure in order to limit the area impacted by the excavation.
8. The layout of the conceptual SOE system requires removal of a part of the existing stone rubble retaining wall supporting Middle Gully Road. The design should address how this wall will be removed, how Middle Gully Road will be supported during construction, and how this historic

retaining wall will be replaced.

9. Pre- and post-construction condition surveys of adjacent structures should be performed to establish baseline conditions prior to construction and determine if construction is impacting surrounding grounds and structures,
10. Construction documents should include provisions for monitoring adjacent retaining walls, utilities and structures for vertical and lateral movement during construction. Instrumentation should include installation of crack gauges and optical movement monitoring so that any impacts are realized in real time and mitigation measures to avoid damage are quickly implemented.

RECOMMENDATIONS FOR THE REVIEWING AGENCY

The conceptual plans for building construction and support of excavation during basement construction at 8 Bank Street provide insufficient detail to ascertain whether the Developers and Designers have adequately considered the risks to adjacent structures due to the proposed construction. We recommend that the Board and reviewing agency reviewing the proposed application require the Applicant to provide a full and detailed package before approval of the proposed deep excavation, such that all parties have confidence that the proposed construction will sufficiently protect the public. Before granting approval, we recommend requiring the applicant provide:

1. Geotechnical report and results of the geotechnical investigation at 8 Bank Street,
2. Detailed SOE Design Plans including means and methods for SOE installation
3. Surface Water and Groundwater Control Plan,
4. Monitoring and Protection Plan, including limiting movement criteria and contingency stabilization measures if movement thresholds are exceeded,
5. Erosion Control Plan,
6. Plan for removal of the existing tree on the slope,
7. Plan for removal and replacement or protection-in-place of the old stone rubble retaining wall supporting Middle Gully Road,
8. Schedule of construction and plans to mitigate impacts due to construction traffic and noise.

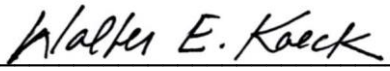
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this construction is that the construction results in damage to Middle Gully Road or the property at 9 Front Street, which are both clearly within the zone of influence of the proposed excavation. If 8 Bank Street is not prepared or is unable to support repairs, there is little recourse for repairing the damages after the fact. Therefore, we recommend that, as a condition of permitting, the reviewing agency require that 8 Bank Street establish a construction escrow account to cover the costs of potential repairs to Middle Gully Road or 9 Front Street in the event that the construction damages these properties. In this way, the Town and County of Nantucket, the general public, and the owners of 9 Front Street are protected from any potential impacts of the construction. The escrow amount should be a portion of the total construction cost and maintain in place for one year after the completion of the basement construction if there are no damages to the surrounding properties.

Please contact the undersigned if you have any questions.

Very truly yours,
MUESER RUTLEDGE CONSULTING ENGINEERS PLLC



Jesse L. Richins, PE



Walter E. Kaeck, Principal

JLR:WEK
F:\142\14294\Letter - 2022-02-16.docx

William Saad

From: Leslie Snell
Sent: Monday, September 5, 2022 6:28 PM
To: William Saad; Adrian Rodriguez; Nickesha Sheriff
Subject: Fwd: 8 Bank Street ZBA

Sent from my iPad

Begin forwarded message:

From: Charles Mappin <cmappin@gmail.com>
Date: September 5, 2022 at 8:08:38 AM EDT
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: 8 Bank Street ZBA

Dear Ms. Snell:

Please pass this along to the Zoning Board of Appeals.

I strongly urge the ZBA to reject the special permit application for the proposed new house at 8 Bank Street in Siasconset. The current proposal is totally inappropriate for that site so close to Middle Gully and the bank/bluff there, and would be detrimental to the neighborhood. The existing house on the site is within the building envelope that has been on that lot for decades and remains appropriate.

Thank you.
Regards,
Charles Mappin
36B Burnell St

This email was scanned by Bitdefender

William Saad

From: Leslie Snell
Sent: Tuesday, September 6, 2022 1:06 PM
To: William Saad; Adrian Rodriguez; Nickesha Sheriff
Subject: FW: From a neighbor re 8 Bank Street, Siasconset

Another one.

Leslie Woodson Snell, AICP, LEED AP BD+C Deputy Director of Planning

Nantucket Planning & Economic Development Commission Planning & Land Use Services (PLUS) Department
2 Fairgrounds Road
Nantucket, MA 02554

Telephone: 508-325-5385

-----Original Message-----
From: WILHEMINA MARVEL <dvilliers@aol.com>
Sent: Tuesday, September 6, 2022 12:28 PM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Subject: From a neighbor re 8 Bank Street, Siasconset

Dear Leslie,

I have owned Liberty Hall, 11 Broadway, since 1998, and will be right above this project if you allow it.
My neighbors have spoken in detail as to the disregard of the streetscape, the overtopping of the coastal bank, and disregard of the public view shed, which is also my view shed. It will be a big cut to its value to stare down and into this.
But the excavation planned: please ! I look at that bank daily every walk I've taken down to Codfish Park and back: sand with a little dirt and the one remaining maple that digs in with its roots.
The bank is not going to stay stable, and Liberty Hall won't either.

Sincerely,

Wilhemina Austin

Sent from my iPhone

This email was scanned by Bitdefender

William Saad

From: Leslie Snell
Sent: Tuesday, September 6, 2022 9:05 AM
To: William Saad; Adrian Rodriguez; Nickesha Sheriff
Subject: FW: Proposed dwelling at 8 Bank

Another one to forward.

Leslie Woodson Snell, AICP, LEED AP BD+C Deputy Director of Planning

Nantucket Planning & Economic Development Commission Planning & Land Use Services (PLUS) Department
2 Fairgrounds Road
Nantucket, MA 02554

Telephone: 508-325-5385

-----Original Message-----
From: Nicola Graham <nogemail@aol.com>
Sent: Tuesday, September 6, 2022 6:03 AM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Kenneth Graham <kgraham@invernessgraham.com>
Subject: Proposed dwelling at 8 Bank

Dear Lisa.

I am writing as a concerned resident of Codfish Park. My family and I own two dwellings, two single story dwellings, on Jackson St. We agree with the SCA that the proposed dwelling at 8 Bank St would be detrimental to our neighborhood.

We cannot be on island to attend the upcoming ZBA appeals hearing on Thursday, but want to express our vehement disapproval for the proposed structure to replace The dwelling that we still refer to as Tour's End.

In our estimation the proposed dwelling would be completely out of character and scale with Codfish Park's Historic character and zoning.

In addition to being an out of character eyesore, I cannot begin to imagine the structural implications to the integrity of Middle Gully, a public way, the Sconset Bank and neighborhood area that such a construction would impose.

Respectfully,
Nicola & Ken Graham & family

Sent from my iPhone

This email was scanned by Bitdefender

William Saad

From: Leslie Snell
Sent: Monday, September 5, 2022 6:27 PM
To: William Saad; Adrian Rodriguez; Nickesha Sheriff
Subject: Fwd: 8 Bank Street

For packet. There are a bunch of these in my inbox, I think. Just wait for them all to send together.

Sent from my iPad

Begin forwarded message:

> **From:** Pamela Suan <pamelasuan@gmail.com>
> **Date:** September 5, 2022 at 11:13:37 AM EDT
> **To:** Leslie Snell <LSnell@nantucket-ma.gov>
> **Subject: 8 Bank Street**
>
> Ms.Snell,
>
> I am writing, just in case I can not attend the meeting on Tuesday regarding the proposed home at 8 Bank Street. I will admit that having owned a property in the Village of Sconset since 2005, I was shocked to see CodFish park with roof lines being lifted and homes dwarfing those around them.
>
> The debate surrounding this property is particularly upsetting. I did watch the meeting where the HDC clearly felt that they had not approved it and asked for more modifications and information. The architect refused to do anything else at the request of the owners. The fact that the architect and lawyer went behind closed doors with the town attorney and said the abstentions don't count was using legal jargon, and that the HDC apparently was accused of not knowing how to even conduct voting at their meeting is frightening.
>
> The reality is that our beloved Sconset is being overrun with construction, traffic, trash, and noise. The serenity that once was is continually being compromised so people can make money. The small house that is there now charges an outrageous price for a nightly rental (VRBO). It is a charming little home that a couple would enjoy renting for a summer get away. Making it a four bedroom residence that takes up the majority of the ground cover and abuts an access road looks more like a plan to make more money than to make the home functional and enjoyable for the owners. Perhaps they were told it could be an amazing rental property for them, but not with the insight of the impact on the bank, Middle Gully, and the historic views and charm that will be lost.
>
> As someone who once tried to replace a "historically correct" widows walk on my home and was turned down, I find it strange that so many things are approved that have no historic basis. I truly hope the town does not use the excuse that they already approved one structure that increased dramatically in size. One mistake does not open the door for continued destruction of the community.
>
> It is sad to see what is happening to this Island house by house. We need some real guidelines for historic preservation, and we need the decision makers to visit the sites in person and review the proposals.

Thank you for listening to my opposition of this project. I walked that route daily for the past 18 years and am saddened to think of it changing.

Sincerely,

Pamela Suan
2 Broadway
Siasconset, MA

This email was scanned by Bitdefender

William Saad

From: Leslie Snell
Sent: Monday, September 5, 2022 6:26 PM
To: William Saad; Adrian Rodriguez; Nickesha Sheriff
Subject: Fwd: 8 Bank St.

For packet. Or to send to ZBA members.

Sent from my iPad

Begin forwarded message:

> **From:** Robin Gorham <robingorham@gmail.com>
> **Date:** September 5, 2022 at 4:39:57 PM EDT
> **To:** Leslie Snell <LSnell@nantucket-ma.gov>
> **Subject: 8 Bank St.**
>
> Hello Leslie, I am emailing you about my concern about 8 Bank St. I believe the building would be too tall and it would take away from the historic Front St. I am concerned about the surrounding buildings and perhaps damage to Middle Gully. I believe the emergency access to Codfish Park is very important and should not be changed or undermined. I am a Sconset Resident and I am have seen many changes in Sconset that should have not been approved. Thank you, Robin Gorham, 9 King ST.
>
> ---
> This email was scanned by Bitdefender

PAUL P. & JEAN M.

MORAN

File No. 10-22

4 Washington Ave

SPECIAL PERMIT

ZBA

PAID

2022 AUG 12 AM 11:11

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No. 10-22**

Owner's name(s): Paul P. Moran and Jean M. Moran, Trustees

Mailing address: 460 Ocean Road, Narragansett, RI 02882

Phone Number: 401-714-7617 E-Mail: pmoran@mclaughlinmoran.com

Applicant's name(s): Paul Moran

Mailing Address: 460 Ocean Road, Narragansett, RI 02882

Phone Number: 401-714-7617 E-Mail: pmoran@mclaughlinmoran.com

Locus Address: 4 Washington Avenue Assessor's Map/Parcel: 60.2.4/65

Land Court Plan/Plan Book & Page/Plan File No.: Land Court Plan - 14672-H

Deed Reference/Certificate of Title: 28661 Zoning District V-R Village Residential

Uses on Lot- Commercial: None____ Yes (describe) _____
Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 2012

Building Permit Numbers: BP-2012-0281

Previous Zoning Board Application Numbers: N/A

2 Fairgrounds Road Nantucket Massachusetts 02554
508 325-7587 telephone 508-228-7298 facsimile

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

Applicant is seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-2 in order to install an in-ground residential swimming pool. Locus is located on the north side of Washington Avenue, contains an Area of 24,311+/- S.F. where 20,000 S.F is required and is dimensionally conforming as to Frontage, Setbacks and Ground Cover. Locus is serviced by municipal water and a on-site subsurface sewage disposal system. The proposed pool and mechanical equipment will be setback a minimum of 20 feet from both the side and rear yards. In addition the pool will be setback 20 feet from the subsurface sewage disposal system in accordance with the State Environmental Code, Title 5.

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.

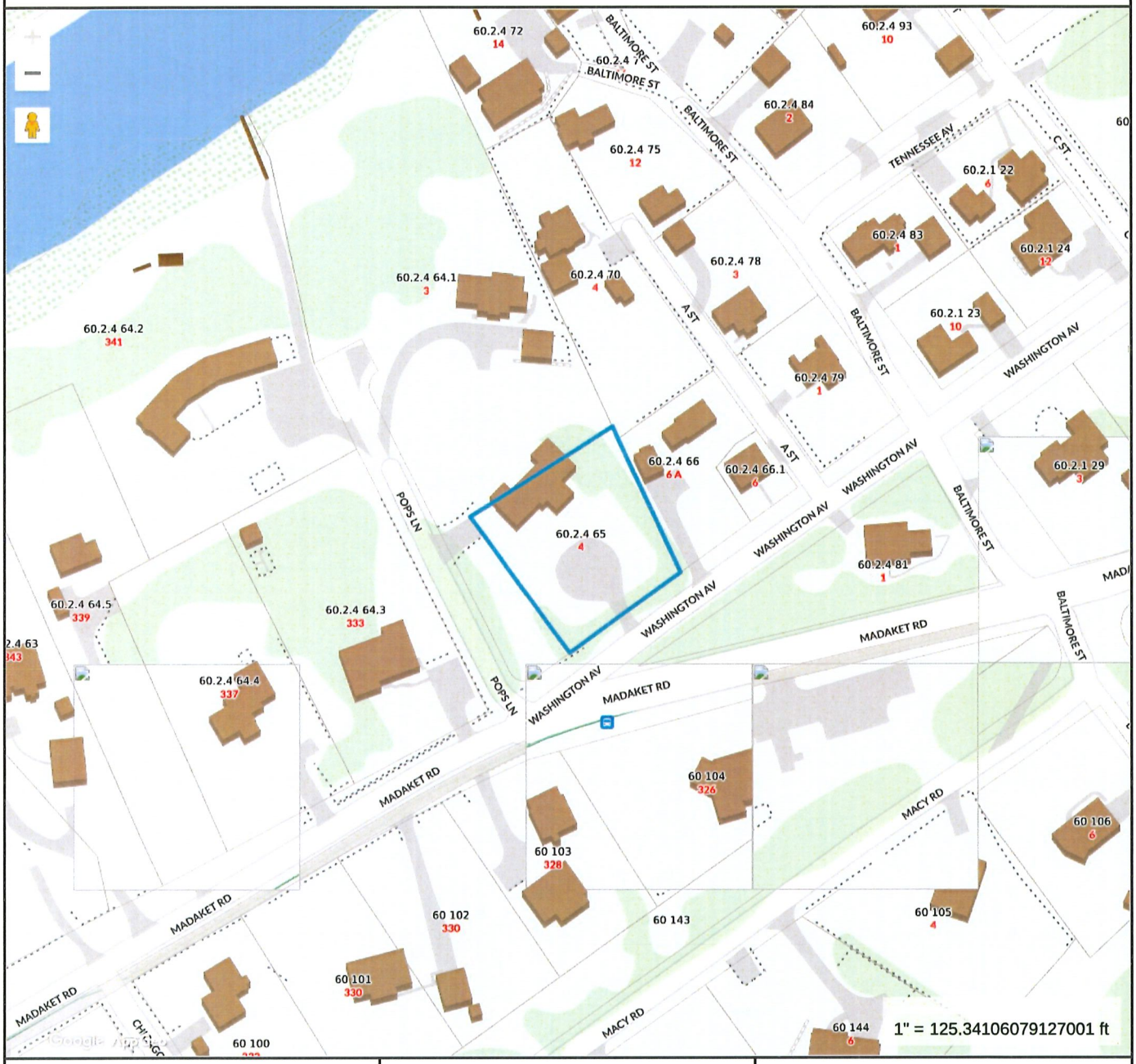
SIGNATURE:_____ Owner*

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:__/__/__



Property Information

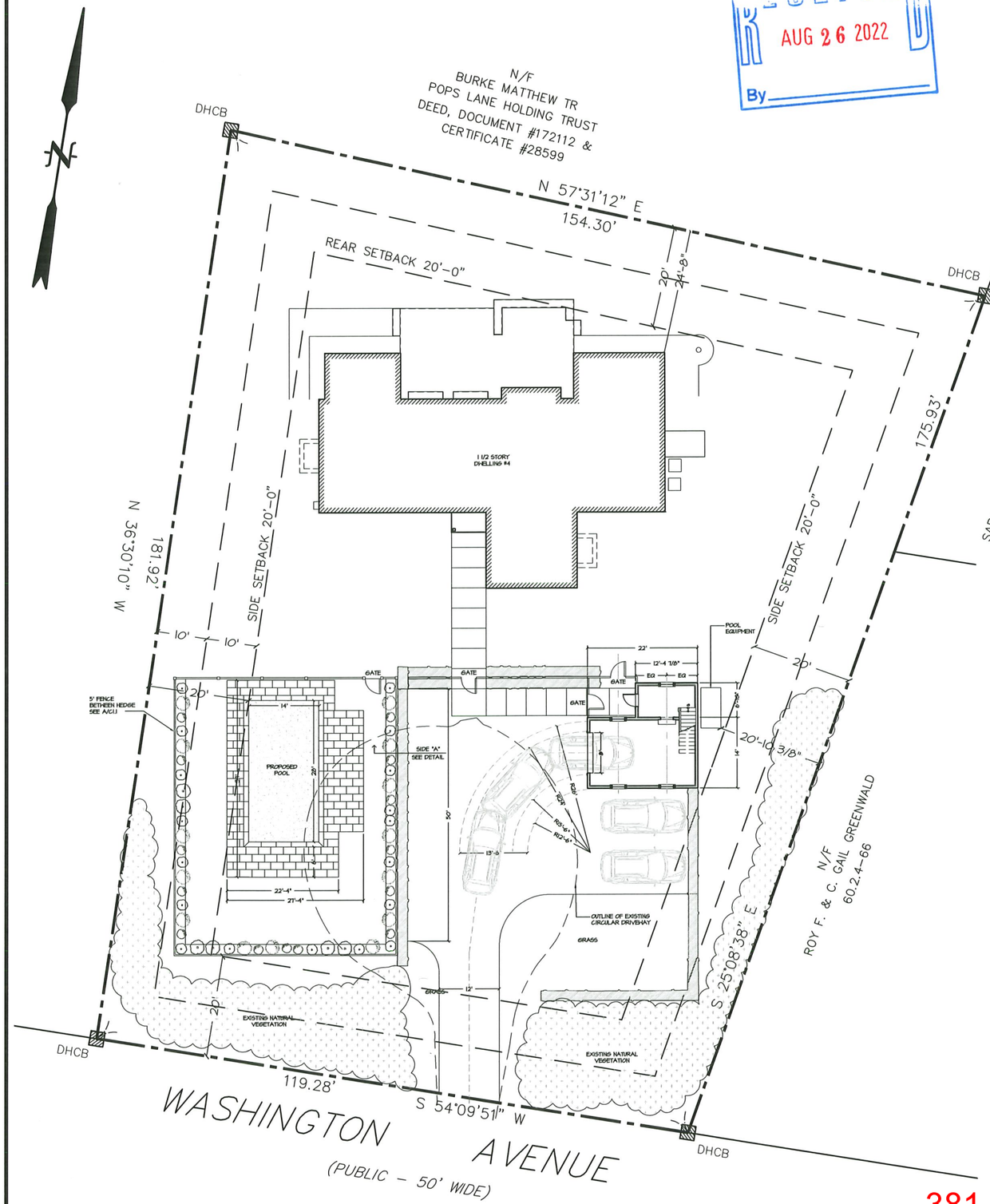
Property ID	60.2.4 65
Location	4 WASHINGTON AV
Owner	MORAN PAUL P TR

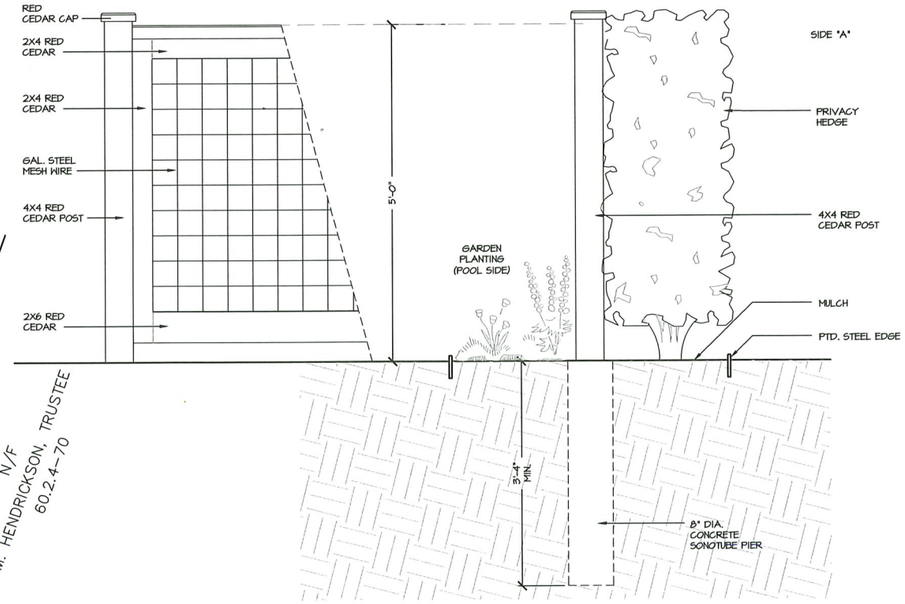
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

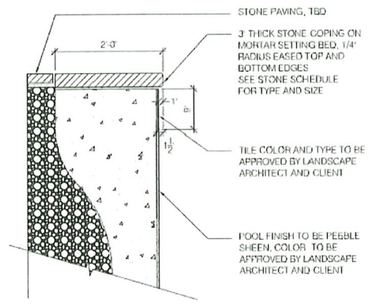
Geometry updated 05/31/2022
Data updated Jan. 2021

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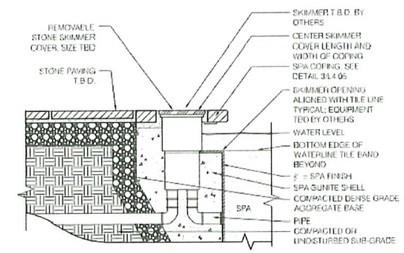




A FENCE DETAIL AROUND POOL
SCALE: 1"=1'-0"



B POOL COPING DETAIL
SCALE: N.T.S.



C POOL SKIMMER DETAIL
SCALE: N.T.S.

RECEIVED
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By

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS.
2. VERIFY ALL DIMENSIONS IN FIELD.
3. REPORT ANY DISCREPANCIES TO JP COUTURE.

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RESTORATION

JP COUTURE, ARCHITECT ©

12 Arnold Street
Providence, RI 02906
Tel. 401.621.1861

JP@coutureddesignassociates.com

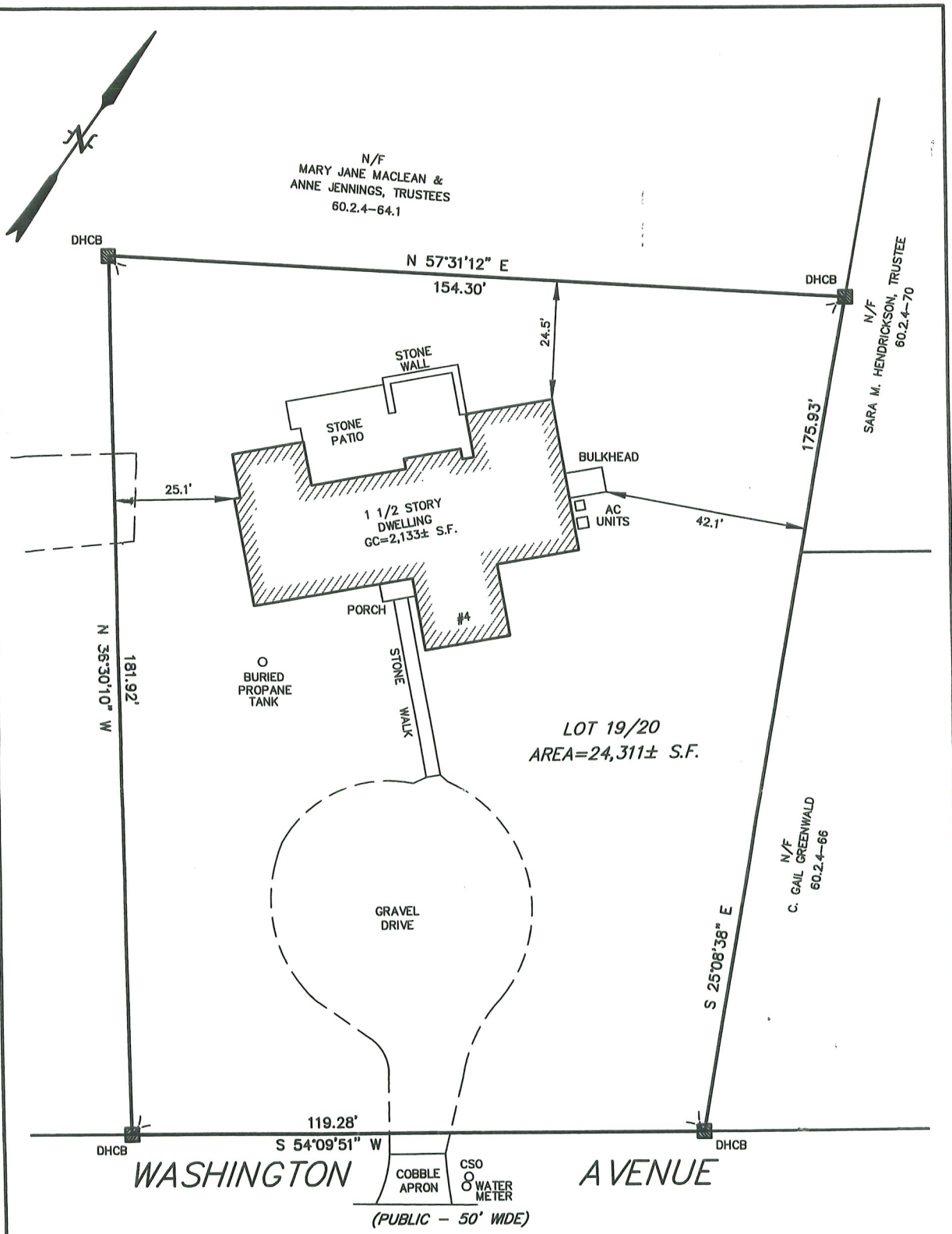
No.	Date	Revisions

MORAN RESIDENCE
4 WASHINGTON AVE
NANTUCKET, MA 02554

Date: AUG. 15, 2022

C1.1

Project Number:



AS–BUILT PLOT PLAN
#4 WASHINGTON AVENUE
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 10/03/13

CURRENT ZONING: V–R (VILLAGE RESIDENTIAL)
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 100'
FRONT YARD SETBACK: 20'
SIDE AND REAR SETBACK: 10'
ALLOWABLE G.C.R.: 10%
EXISTING G.C.R.: 8.8%

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR
10/3/13

DEED REFERENCE: L.C. CERT. #24544
PLAN REFERENCE: L.C. PLAN #14672–H
ASSESSOR'S REFERENCE:
MAP: 60.2.4 PARCEL: 65
PREPARED FOR:
PAUL P. & JEAN M. MORAN
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

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.

NB: 376/75 & 381/21

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N–10076

4 Washington Avenue, Nantucket, MA
Applicant: Paul Moran



View from Washington Avenue



View from Pops Lane



View from gravel drive off of Pops Lane

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Paul P. Moran Trustee

MAILING ADDRESS..... 460 Ocean Road, Narragansett, RI 02882

PROPERTY LOCATION..... 4 Washington Avenue

ASSESSOR MAP/PARCEL..... 60.2.4/65

SUBMITTED BY..... Nantucket Surveyors, LLC

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).

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.07.11 13:45:09 -04'00'

July 11, 2022
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
60	101		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	102		ALFORD EDWARD L & PATRICIA		PO BOX 537	SOUTH HADLEY	MA	01075-0537	330 MADAKET RD
60	103		HERNANDEZ JOHN PATRICK ET AL		25 NORTHERN AV APT 1910	BOSTON	MA	O2212	328 MADAKET RD
60	104		ANDERSON GRENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	326 MADAKET RD
60	105		NICHOLSON LAURA TR	4 MACY RD REALTY TRUST	88 STRAWBERRY HILL ROAD	ACTON	MA	01720	4 MACY RD
60	143		TOWN OF NANTUCKET		16 BROAD ST	NANTUCKET	MA	02554	MACY RD
60	144		GREENE TIMOTHY		19 EAST BATTERY	CHARLESTON	SC	29401	6 MACY RD
60	146		GALLAGHER PHILIP N JR		PO BOX 1071	NANTUCKET	MA	O2554	8 MACY RD
6021	23		RANKIN SCOTT M & JESSICA L		66 MOHAWK PATH	HOLLISTON	MA	01746	10 WASHINGTON AV
6021	29		ODELL ROBIN S & DEREK C		32 BRETTON RIDGE RD	MOUNT KISCO	NY	10549	3 WASHINGTON AV
6024	52		PEARSON JOHN R JR ETAL		5417 BARTLETT STREET	PITTSBURG	PA	15217	MASSACHUSETTS AV
6024	64	1	BURKE MATTHEW TR	POPS LANE HOLDINGS TRUST	POPS LANE HOLDINGS TRUST	ENCINO	CA	91316	3 POPS LN
6024	64	2	OVERCREEK LLC		1248 ZIMMER DR	ATLANTA	GA	30306	341 MADAKET RD
6024	64	3	333 MADAKET LLC		33 TAYLOR CROSS WY	BROOKLINE	MA	02445	333 MADAKET RD
6024	64	4	STARRY NIGHT LLC		C/O RUTH HODGES	LINCOLN	MA	01773	337 MADAKET RD
6024	64	5	LECLAIRE JOHN R & HODGES RUTH A		150 TRAPELO ROAD	LINCOLN	MA	01773	339 MADAKET RD
6024	66		GREENWALD C GAIL		21 FOLLEN ST	CAMBRIDGE	MA	02138	6 A WASHINGTON AV
6024	70		MANNING TODD D & KATHLEEN A		OLD MILL HOUSE	MILL LANE ASCOT		5L57RU	4 A ST
6024	72		WHELDEN HAROLD R & COLLEEN S TR	WHELDEN REALTY TRUST	14 BALTIMORE ST	NANTUCKET	MA	02554	14 BALTIMORE ST
6024	73		TAYLOR R SCOTT TRST ETAL		1333 WEST 11TH AVE	ANCHORAGE	AK	99501	16 BALTIMORE ST
6024	75		CARROLL JOHN T		566 HANCOCK STREET	WRENTHEM	MA	20293	12 BALTIMORE ST
6024	78		SCHMIDT GEORGE L TRUSTEE	3 A STREET REALTY TRUST	510 SOUTHSHIRE DR	BENNINGTON	VT	05201	3 A ST
6024	79		KOZAR RICHARD F & HEIDI TODD		235 QUARRY RD	LATROBE	PA	15650	1 A ST
6024	81		TURNER GEORGE M III TR	TURNER MICHELLE J TRUST	5 HIDEAWAY LANE	DUXBURY	MA	02332	1 WASHINGTON AV
6024	82		ANDERSON GRENNAN TRUSTEE	ANDERSON NOMINEE TRUST	P O BOX 5244	NANTUCKET	MA	02554	324 MADAKET RD
6024	83		1 TENNESSEE STREET LLC	C/O FRANCIS DISCALA	10 WALL ST	NORWALK	CT	06850	1 TENNESSEE AV
6024	84		2 TENN ZEN LLC		C/O PATRICIA M STOLTE	NANTUCKET	MA	02584	2 TENNESSEE AV
6024	86		STOLTE ROGER F & PATRICIA TRS	C/O STOLTE ROGER	PO BOX 2858	NANTUCKET	MA	02584	19 BALTIMORE ST
6024	89		LYMAN THEODORE P TRST ETAL	CHOATE HALL/SILVENA GINER	2 INTERNATIONAL PLACE	BOSTON	MA	02110	12 C ST
6024	93		RAY BONNIE S TR	RAY FAMILY TRUST	10 C STREET	NANTUCKET	MA	02554	10 C ST
Count:	**30**								

ALFORD EDWARD L & PATRICIA
PO BOX 537
SOUTH HADLEY, MA 01075-0537

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PO BOX 537
SOUTH HADLEY, MA 01075-0537

HERNANDEZ JOHN PATRICK ET AL
25 NORTHERN AV APT 1910
BOSTON, MA O2212

ANDERSON GRENNAN TRUSTEE
ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

NICHOLSON LAURA TR
4 MACY RD REALTY TRUST
88 STRAWBERRY HILL ROAD
ACTON, MA 01720

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

GREENE TIMOTHY
19 EAST BATTERY
CHARLESTON, SC 29401

GALLAGHER PHILIP N JR
PO BOX 1071
NANTUCKET, MA O2554

RANKIN SCOTT M & JESSICA L
66 MOHAWK PATH
HOLLISTON, MA 01746

ODELL ROBIN S & DEREK C
32 BRETTON RIDGE RD
MOUNT KISCO, NY 10549

PEARSON JOHN R JR ETAL
5417 BARTLETT STREET
PITTSBURG, PA 15217

BURKE MATTHEW TR
POPS LANE HOLDINGS TRUST
POPS LANE HOLDINGS TRUST
ENCINO, CA 91316

OVERCREEK LLC
1248 ZIMMER DR
ATLANTA, GA 30306

333 MADAKET LLC
33 TAYLOR CROSS WY
BROOKLINE, MA 02445

STARRY NIGHT LLC
C/O RUTH HODGES
LINCOLN, MA 01773

LECLAIRE JOHN R & HODGES RUTH A
150 TRAPELO ROAD
LINCOLN, MA 01773

GREENWALD C GAIL
21 FOLLEN ST
CAMBRIDGE, MA 02138

MANNING TODD D & KATHLEEN A
OLD MILL HOUSE
MILL LANE ASCOT, 5L57RU

WHELDEN HAROLD R & COLLEEN S TR
WHELDEN REALTY TRUST
14 BALTIMORE ST
NANTUCKET, MA 02554

TAYLOR R SCOTT TRST ETAL
1333 WEST 11TH AVE
ANCHORAGE, AK 99501

CARROLL JOHN T
566 HANCOCK STREET
WRENTHEM, MA 20293

SCHMIDT GEORGE L TRUSTEE
3 A STREET REALTY TRUST
510 SOUTHSHIRE DR
BENNINGTON, VT 05201

KOZAR RICHARD F & HEIDI TODD
235 QUARRY RD
LATROBE, PA 15650

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TURNER MICHELLE J TRUST
5 HIDEAWAY LANE
DUXBURY, MA 02332

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ANDERSON NOMINEE TRUST
P O BOX 5244
NANTUCKET, MA 02554

1 TENNESSEE STREET LLC
C/O FRANCIS DISCALA
10 WALL ST
NORWALK, CT 06850

2 TENN ZEN LLC
C/O PATRICIA M STOLTE
NANTUCKET, MA 02584

STOLTE ROGER F & PATRICIA TRS
C/O STOLTE ROGER
PO BOX 2858
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CHOATE HALL/SILVENA GINER
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BOSTON, MA 02110

RAY BONNIE S TR
RAY FAMILY TRUST
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NANTUCKET, MA 02554

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Bend along line to expose Pop-up Edge®

AVERY® 5160®

594	159	TRISTRAMS GROUP	C/O TRISTRAMS MNGMENT CO	2 SANFORD RD #5	NANTUCKET	MA	02554	15 ARKANSAS AV
594	216	ZUMBACH ELLEN M & DOUGLAS A TRST	FIVE ARKANSAS NOM TRUST	49 BROOKS ROAD	NEW CANAAN	CT	06840	5 ARKANSAS AV
594	217	HARRIS NANCY M & BRIAN P		152 MT VERNON ST	BOSTON	MA	02108	7 ARKANSAS AV
594	218	TRISTRAMS GROUP	C/O TRISTRAMS MNGMENT CO	2 SANFORD RD #5	NANTUCKET	MA	02554	9 ARKANSAS AV
594	219	TRISTRAMS GROUP	C/O TRISTRAMS MNGMENT CO	2 SANFORD RD #5	NANTUCKET	MA	02554	11 ARKANSAS AV
594	220	TRISTRAMS GROUP	C/O TRISTRAMS MNGMENT CO	2 SANFORD RD #5	NANTUCKET	MA	02554	17 ARKANSAS AV
594	229	DWYER MATTHEW J & ELIZABETH		14 WOODLAND DR	DARIEN	CT	06820	MISSISSIPPI AV
594	230	DWYER MATTHEW J & ELIZABETH		14 WOODLAND	DARIEN	CT	06820	MISSISSIPPI AV
594	233	11 MISSISSIPPI LLC		1775 LAKE ROAD	CHARLOTTESVILLE	VA	22901	11 MISSISSIPPI AV
594	269	LEGGETT DAVID J TRST ETAL		2408 NORTH QUANTICO ST	ARLINGTON	VA	22207	262 MADAKET RD
594	271	MCMAHON STACEY & JAMES M		557 LAUREL STREET	LONGMEADOW	MA	01106	264 MADAKET RD
594	273	TRUE & COMPANY LLC		58 SUMMER ST	MARSHFIELD	MA	02050	266 MADAKET RD
594	281	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	282	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	283	DUJARDIN TRUDY ETAL TRST		275 POST ROAD EAST UNIT 5202	WESTPORT	CT	06881-5202	10 MISSISSIPPI AV
594	285	DUJARDIN TRUDY ETAL TRST		275 POST ROAD EAST UNIT 5202	WESTPORT	CT	06881-5202	10 MISSISSIPPI AV
594	296	MUABESSAC LLC		126 MARION HEIGHTS	GALAX	VA	24333	275 MADAKET RD
594	319	265 MADAKET ROAD LLC		100 TOWER OFFICE PARK STE I	WOBURN	MA	01801	265 MADAKET RD
594	322	GREY SEAGULL ENTERPRISES LLC		1005 BOYLSTON ST #323	NEWTON	MA	02461	270 MADAKET RD
594	323	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	324	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	325	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	326	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	MISSISSIPPI AV
594	327	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	272 MADAKET RD
594	328	MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	272 MADAKET RD
594	329	GOLD POODLE LLC		2457 KENSINGTON DR	COLUMBUS	OH	43221	274 MADAKET RD
594	330	GOLD POODLE LLC		2457 KENSINGTON DR	COLUMBUS	OH	43221	274 MADAKET RD
594	331	GOLD POODLE LLC		2457 KENSINGTON DR	COLUMBUS	OH	43221	274 MADAKET RD
594	341	DOENCH LAWRENCE G & NANCY M		20 STONEY BROOK RD	MONTVILLE	NJ	07045	273 MADAKET RD
594	354	3 OAKLAND STREET LLC		5 SESAPANA RD	NANTUCKET	MA	02554	3 OAKLAND ST
594	356	BORNEMAN PAUL R JR & CYNTHIA N TRS	BORNEMAN LIVING TRUST	271 MADAKET RD	NANTUCKET	MA	02554	271 MADAKET RD
Count:	**63**							

CHRISTOPHER QUICK

File No. 15-22

15 Delaney Road

APPEAL

ANDERSON
KREIGER

KRISTEN GAGALIS
kgagalis@andersonkreiger.com
T: 617.621.6594
F: 617.621.6636

October 14, 2022

Re: Appeal of Building Commissioner's Zoning Enforcement Decision of September 21, 2022 at 15 Delaney Road

Dear Chair McCarthy and Members of the Board:

I represent Christopher Quick of 62R Cliff Road. By letter dated September 21, 2022, Nantucket Building Commissioner Paul Murphy declined my client's request to find that the use of the property located at 15 Delaney Road (the "Property") exclusively as a short-term rental ("STR") business was a "commercial use" prohibited in the residential zone in which it is located. My client hereby appeals the Building Commissioner's refusal to enforce a zoning violation at the Property.

For the reasons set forth in our Statement of Facts and Law and Requested Relief (**Addendum B**) and supported by our addenda, my clients request that the Nantucket Zoning Board of Appeals overturn Commissioner Murphy's determination with respect to the Property, and order the Property's owners to cease and desist using the Property as an STR.

I have enclosed the following in support of my client's application:

1. ZBA application form for appeal of Building Commissioner's determination;
2. Locus plan from the Nantucket Tax Assessor;
3. Certified abutters list and accompanying mailing labels;
4. Written Statement of Agency;
5. Check in the amount of $450
6. Copy of Commissioner Murphy's September 21, 2022 Enforcement Denial (Addendum A);
7. Requested Relief and Statement of Facts and Law (Addendum B);
8. Copy of September 8, 2022 Enforcement Request (Addendum C);

9. Copies of relevant sections of the Nantucket Zoning Code (Addendum D);

10. Copy of Use Table from Nantucket Zoning Code (Addendum E);

11. 15 Delaney Road Appellant – Abutters Map (Addendum F)

Best regards,

Kristen Gagalis

Kristen Gagalis

ecc: Clients

Attachment 1

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s):__Ralph W. and Bonnie A. Keith, Delaney Keith Trust_____

Mailing address:__9 Carriage Lane, Yarmouth, ME 04096_____

Phone Number:_____Unavailable_____ E-Mail:___Unavailable_____

Applicant's name(s):___Christopher Quick_____

Mailing Address: _____.P O BOX 610, PURCHASE, NY 10577_____

Phone Number:_____ E-Mail:_____ccq522@gmail.com_____

Locus Address: ____15 Delaney Road_____ Assessor's Map/Parcel:__30/ 635_____

Land Court Plan/Plan Book & Page/Plan File No.:____C0025803/0_____

Deed Reference/Certificate of Title:___25803_____ Zoning District____R1_____

Uses on Lot- Commercial: Yes (describe) ___transient residential_____
Residential: Number of dwellings_____1___ Duplex _____ Apartments _____

Date of Structure(s): Built in 2015

Building Permit Numbers: _____N/A_____

Previous Zoning Board Application Numbers:_____N/A_____

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

See Addendum B

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: Kristen Gagalis Applicant/Attorney/Agent*

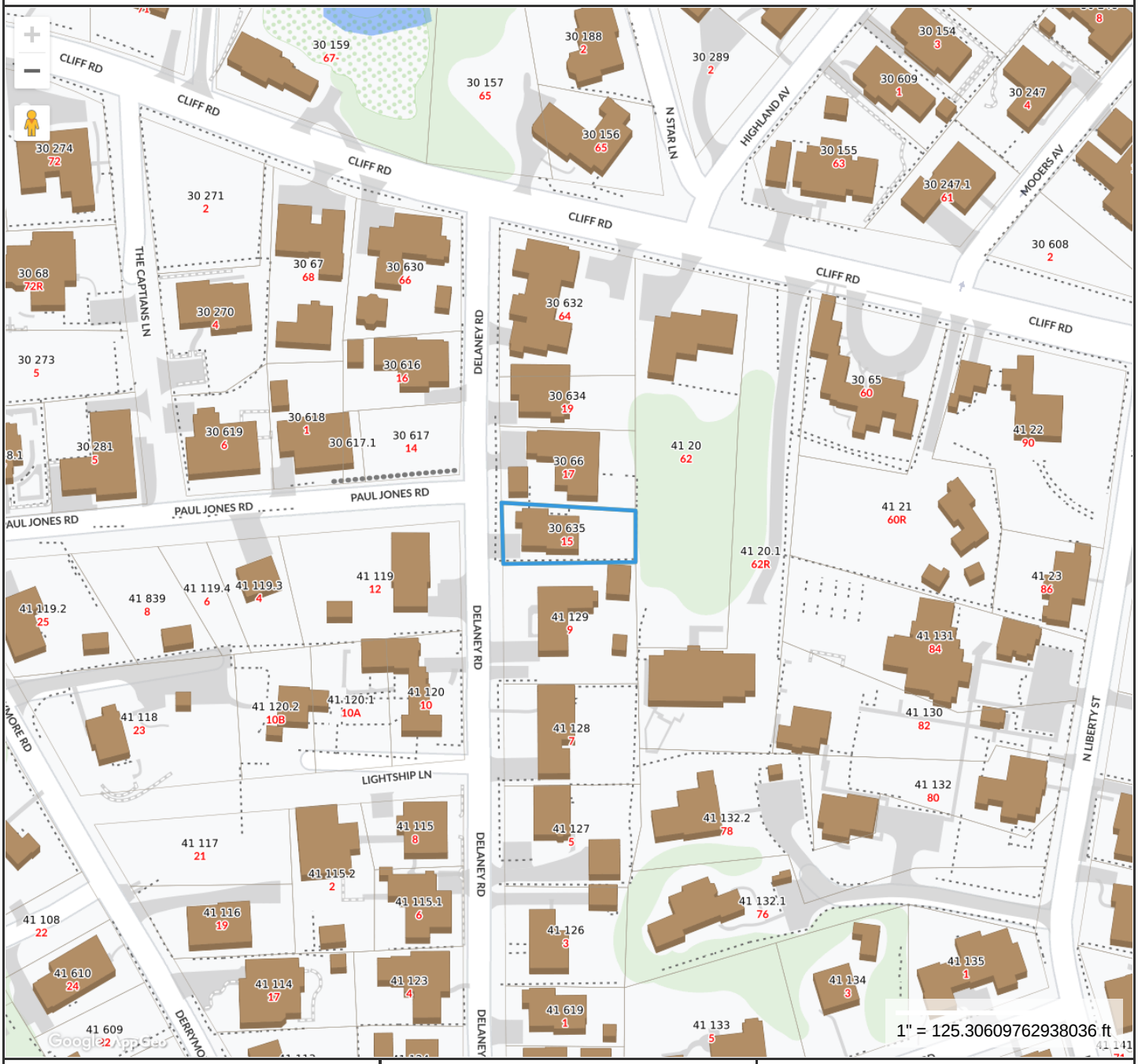
*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

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:__/__/__

Attachment 2

15 Delaney Rd Assessor Map



Property Information

Property ID	30 635
Location	15 DELANEY RD
Owner	KEITH RALPH W TR & BONNIE A TR

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 07/28/2022
Data updated Jan. 2021

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

Attachment 3

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER. Keith Ralph W TR + Bonne A TR + Delaney Keith Trust

MAILING ADDRESS. 9 Carriage Lane, Yarmouth ME 04096

PROPERTY LOCATION. 15 Delaney Rd

ASSESSOR MAP/PARCEL. 30 | 635

APPLICANT. Anderson Krueger

SEE ATTACHED PAGES

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

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.10.13 14:01:15 -04'00'

October 13, 2022

DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
30	65		MALONEY ROSALIE THOMPSON		2430 TRACY PLACE NW	WASHINGTON	DC	20008	60 CLIFF RD
30	66		DEMENOCAL GEORGE W & SARAH L		108 LOGAN ROAD	NEW CANAAN	CT	06840	17 DELANEY RD
30	67		SLOAN DAVID SCOTT TR	C/O HOLLAND & KNIGHT	10 ST JAMES AVENUE	BOSTON	MA	02116	68 CLIFF RD
30	155		HARBERT NANCY		2091 RIVOLI CT	NAPLES	FL	34105	63 CLIFF RD
30	156		SHAW JOHN B & ALLISON S TRST		129 DORADO BEACH	E DORADO	PR	00646	65 CLIFF RD
30	157		SHAW JOHN B & ALLISON S TRST		129 DORADO BEACH	E DORADO	PR	00646	65 CLIFF RD
30	159		FOGGY MANOR LLC		39 HEMLOCK HILL RD	ORCHARD PARK	NY	14127	67- CLIFF RD
30	270		4 TCL LLC		1165 PARK AVENUE APT 4D	NEW YORK	NY	10128	4 THE CAPTAINS LN
30	271		HARDEL REAL ESTATE LLC		23 OLD KINGS HWY SOUTH, STE 200	DARIEN	CT	06820	2 THE CAPTAINS LN
30	281		HARDEL REAL ESTATE LLC		23 OLD KINGS HWY SOUTH, STE 200	DARIEN	CT	06820	5 PAUL JONES RD
30	289		2 HIGHLAND AVENUE LLC		12 AMELIA DRIVE	NANTUCKET	MA	02554	2 HIGHLAND AV
30	616		MITCHELLS NANT PROPERTIES LLC	C/O SARAH & ANDREW MITCHELL	37 STUDDRIDGE ST	LONDON		SW6 3SL	16 DELANEY RD
30	617		NANTUCKET BOB LLC		8473 BAY COLONY DR APT 1602	NAPLES	FL	34108	14 DELANEY RD
30	618		OUR HAPPY PLACE LLC		43 WEST 64TH ST APT 7A	NEW YORK	NY	10023	1 PAUL JONES RD
30	619		TAKE IT EASH LLC		627 HARRIS ROAD	BEDFORD HILLS	NY	10507	6 THE CAPTAINS LN
30	630		237 MARLBOROUGH ST LLC		91 THORNDIKE STREET	BROOKLINE	MA	02446	66 CLIFF RD
30	632		SANDY LIGHT LLC		9 CARRIAGE LN	YARMOUTH	ME	04096	64 CLIFF RD
30	634		WOLFE RICHARD C TRST ETAL		PO BOX 107	NEWFIELDS	NH	03856	19 DELANEY RD
41	20		TEGAN JOHN J JR & LORRAINE A TRST	62 CLIFF RD REALTY TRUST	62 CLIFF RD	NANTUCKET	MA	02554	62 CLIFF RD
41	20	1	QUICK CHRISTOPHER & ANN B		P O BOX 610	PURCHASE	NY	10577	62R CLIFF RD
41	21		NOYES HARRIET TUTTLE & ROBERT		27 SHERATON PARK	ARLINGTON	MA	02474	60R CLIFF RD
41	22		READE ARTHUR I JR TR	90 NORTH LIBERTY PRESV TRUST	90 NORTH LIBERTY PRESV TRUST	NANTUCKET	MA	02584	90 N LIBERTY ST
41	23		WAGNER AUDREY K		86 N LIBERTY ST	NANTUCKET	MA	02554	86 N LIBERTY ST
41	115		XVII YEARS LLC		18 WAGON WHEEL RD	MAMONARECK	NY	10543	8 DELANEY RD
41	115	1	MIDLAND BEACH LLC		6 MIDLAND RD	WELLESLEY	MA	O2462	6 DELANEY RD
41	115	2	SWAIN BRYAN J TR	SEAGRASS NOMINEE TRUST	SEAGRASS NOMINEE TRUST	NANTUCKET	MA	02554	2 LIGHTSHIP LN
41	117		YATES LINDA A		21 DERRYMORE RD	NANTUCKET	MA	02554	21 DERRYMORE RD

41	118		YATES LINDA & WELLS SARA A TR	YATES FAMILY 2015 TRUST	21 DERRYMORE RD	NANTUCKET	MA	02554	23 DERRYMORE RD
41	119		BRESCHER JESSIE M TRST ETAL	CRANSTON FAMILY NOM TRUST	37 CEENTER STREET	NANTUCKET	MA	02554	12 DELANEY RD
41	119	3	BRESCHER JESSIE M TRST ETAL	CRANSTON FAMILY NOM TRUST	37 CENTER STREET	NANTUCKET	MA	02554	4 PAUL JONES RD
41	119	4	BRESCHER JESSIE M TRST ETAL	CRANSTON FAMILY NOM TRUST	37 CENTER STREET	NANTUCKET	MA	02554	6 PAUL JONES RD
41	120		SGB PILGRIM LLC		350 FIFTH AVE STE 5319	NEW YORK	NY	10118	10 DELANEY RD
41	120	1	ARI REAL ESTATE LLC		10 DELANEY RD	NANTUCKET	MA	02554	10A DELANEY RD
41	120	2	ARI REAL ESTATE LLC		10 DELANEY RD	NANTUCKET	MA	02554	10B DELANEY RD
41	126		HENDRICKS KATHERINE & STEPHANIE		28 EXETER STREET APT 801	BOSTON	MA	02116	3 DELANEY RD
41	127		BEDELL JOSEPH P & KATIE		53 CATO LANE	NANTUCKET	MA	02554	5 DELANEY RD
41	128		KINNEY DOUGLAS M JR. & KIMBERLY		57 FRANKLIN PLACE	LAKE FORREST	IL	60045	7 DELANEY
41	129		QUICK CHRISTOPHER C & ANN B		PO BOX 610	PURCHASE	NY	10577	9 DELANEY RD
41	130		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	82 N LIBERTY ST
41	131		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	84 N LIBERTY ST
41	132		S NANTUCKET LLC		111 CENTER STREET	LITTLE ROCK	AK	72201	80 N LIBERTY ST
41	132	1	SHEELER TIMOTHY D & ELIZABETH Q		1080 WEST HILL DR	GATES MILLS	OH	44040	76 N LIBERTY ST
41	132	2	HENDERSON SCHUYLER ETAL		78 N LIBERTY ST	NANTUCKET	MA	02554	78 N LIBERTY ST
41	839		BRESCHER JESSIE M ETAL TRST		37 CENTER STREET	NANTUCKET	MA	02554	8 PAUL JONES RD
Count:	**44**								

Attachment 4

ANDERSON
KREIGER

MEMORANDUM

To: Nantucket Zoning Board of Appeals

From: Nina Pickering-Cook and Kristen Gagalis
ANDERSON & KREIGER LLP

Re: Statement of Agency

Date: October 14, 2022

This office represents Christopher Quick of 62R Cliff Road (the "Appellant"). Christopher Quick is an abutter to an abutter within 300 feet of 15 Delaney Road (the "Property") as shown by the Assessors' abutters' list attached to this appeal. *See* **Addendum F**. Therefore, he is a "party in interest" pursuant to G.L. c. 40A with respect to any zoning decision concerning the Property.

The Appellant requested zoning enforcement for a violation at the Property. The Building Commissioner denied the Appellant's requested enforcement. As such, he is aggrieved by the Building Commissioner's Decision and appeals it to this Board.

Kristen Gagalis

Kristen R. Gagalis

Addendum A

Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

BUILDING DIVISION

CERTIFIED MAIL # 7019 2970 0001 3015 7507

September 21, 2022

Kristen Gagalis
Anderson & Kreiger LLP
50 Milk Street 21st Floor
Boston MA 02109

Re: Request for Zoning Enforcement at 15 Delaney Road, Nantucket

Dear Ms. Gagalis,

I am in receipt of your zoning enforcement request dated September 8, 2022, with regard to the property located at 15 Delaney Road, Nantucket (the "property"). I will not pursue zoning enforcement at this time because, in my opinion, the use of the property for short term rentals does not violate the Town's Zoning Bylaw.

If you are aggrieved by this determination, you may appeal to the Nantucket Zoning Board of Appeals pursuant to G.L. c. 40A Sections 8 and 15.

Very truly yours,

Paul Murphy
Building Commissioner
Town of Nantucket

Cc: Andrew Vorce, Director of Planning, Leslie Snell, Deputy Director of Planning

Addendum B

ANDERSON
KREIGER

MEMORANDUM

To: Nantucket Zoning Board of Appeals

From: Nina Pickering-Cook and Kristen Gagalis
ANDERSON & KREIGER LLP

Re: Statement of Facts and Law; Requested Relief

Date: October 14, 2022

This office represents Christopher Quick of 62R Cliff Road, Nantucket (the "Appellant").

The Appellant appeals the Building Commissioner's September 21, 2022 decision (the "Decision") pursuant to Zoning Code Section 139-31-A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. In the Decision, the Commissioner determined that use of the Property exclusively for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaws despite its location in a residential zone. This finding is inconsistent with the Town's Zoning Bylaws ("Bylaw") and the R1 zoning district in which the Property is located. Where no one resides at the Property and it is being used solely as a pay-per-night or week rental operation, it is more properly defined as a Transient Residential Facility and, therefore, not allowed in the R1 residential district.

BACKGROUND

The Property is a 4 bedroom, 4 bath single-family home located in the R1 District, which permits only residential uses except in very limited circumstances (that do not apply here).

The owners of the Property are Ralph W. and Bonnie A. Keith, trustees of the Delaney Keith Trust, who have owned the Property since 2016. **Exhibit A**. The Property is advertised on multiple luxury vacation websites, and prices range from $15,000 to $19,000 per week. **Exhibit B.** Based on information and belief, no resident of Nantucket (or anywhere else) has lived in the Property as its residence since at least 2016 when the current owners took ownership.

The Appellant has experienced harm as a result of the use of the Property exclusively as a STR. Specifically, the Appellant has had increased noise and traffic from the Property, which he and other neighbors can describe further during the ZBA's hearing.

As demonstrated by the manner in which Property's owners advertise the Property and the Appellant's experience with customers at the Property, the Property's exclusive use as an STR is antithetical to the surrounding residential uses within the R1 District. The Owners are operating a

business through the Property for commercial purposes in direct contravention of the Zoning Bylaw. The Board should therefore order Ralph W. and Bonnie A. Keith, and the Delaney Keith Trust, to cease and desist all such uses at the Property.

On September 8, 2022, pursuant to G.L. 40A, § 7 and Town Zoning Bylaw § 139-25, the Appellant filed a request with Nantucket's Building Commissioner requesting that he issue a cease and desist order to the Owners for using the Property as an STR in a residential district. **Addendum C.** The Commissioner denied the appellant's request on September 21, 2022, refusing to find the use of the Property as an STR violates the Town Zoning Bylaw. **Addendum A.** Where his Decision is not supported by either the Nantucket Zoning Bylaw or binding Massachusetts case law, this Board should take the unusual step of overturning the Building Commissioner's determination.

LEGAL ARGUMENT

A. The Owner's Use of the Property is a Commercial Use Not Permitted in the Residential Zoning District.

The Bylaw defines "commercial" as "a trade, occupation, or business, including transient residential facility, but excluding governmental, religious or private residential uses." Bylaw §139-2. On Nantucket, no commercial uses are allowed in the "Town Residential" districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-20 and R-40) or in the Country Residential districts (V-R, LUG-1, LUG-2, LUG-3 and MMD), with very limited exceptions.

By its nature as an exclusively STR property, the Property exists exclusively to serve commercial business purposes. The Owners are conducting numerous arms-length transactions for fixed rates over brief periods of time with unrelated third parties. Massachusetts courts have held that these type of commercial enterprises that charge weekly rental rates via contractual agreement are indeed commercial in nature and have no business in residential districts. *See, e.g., Stevens v. Zoning Bd. of Appeals of Bourne*, 97 Mass. App. Ct. 713 (2020) (finding an STR property that was solely rented pursuant to rental contracts with unrelated third parties was a commercial use prohibited in a residential district); *Styller v. Zoning Bd. of Appeals of Lynnfield*, 487 Mass. 588 (2021) (finding the same because "[h]omes are expected to be used as residences, not for profit."); *Lytle v. Swiec*, 2017 WL 2257702 (Mass. Land Ct. May 23, 2017) (holding a homeowner's use of one dwelling in his two-dwelling single-family home for weekly summer rentals was a commercial use prohibited in a residential district).

Although the Bylaw excludes "private residential uses" from the definition of "commercial," the Owners' use of the Property has nothing to do with "private residential uses." Exclusively renting an investment house to strangers is not even remotely akin to the "private uses" envisioned by the Bylaw, like offering one's residence to family or friends for the week, or inviting guests to stay at a property while the primary resident is there. There is no "resident" to use the home for private purposes; no one lives in the house full time. In fact, where the

Property is available to rent in short term stints year round, it is not possible to have the Property serve as anyone's residence. Taken together, these attributes of the Property place it squarely within the definition of "commercial".

B. <u>The Property is a Transient Residential Facility</u>

Rather, the Property is more properly characterized as a "Transient Residential Facility." Transient Residential Facilities are defined as "hotels; rooming, lodging or guest houses; and time-sharing or time-interval-ownership dwelling unit(s)." Bylaw § 139-2. Like commercial uses, no transient residential facilities are allowed in the R1 District. Bylaw § 139-7A. [1]

The Property is continually available for short-term rentals in weekly increments. Therefore, the Property, as an exclusively short-term rental, is more closely aligned with the purposes and uses defined as transient residential uses than those uses defined as residential. For example, hotels offer rooms at both nightly and weekly rates, just as the Property does. Hotels also conduct arms-length transactions with third parties for financial gain, just as the Property does. The definition of "transient residential facilities" also includes "time-sharing" and "time-interval-ownership dwelling units," both of which cater to longer periods of use, but additionally require actual equity ownership in the property. By comparison, this Property actually has a *more* transient customer base than time-sharing or interval ownership, with shorter booking periods and renters who lack any ownership interest in the Property.

To find that the Property is a traditional residence and not a transient residential facility would render the definitional group of "transient residential facilities" an illogical combination of uses ill-suited to uniform application required under the Town's Zoning Bylaw. All types of lodging included within the Bylaw's definition of transient residential facilities cater to the same customer base as the Property and other STRs – individuals or small groups, who live elsewhere and who are looking to rent for a short, defined period of time.[2] Most transient residential facilities also presumably have similar impacts on surrounding areas, which is why the Bylaw is incredibly explicit about where these uses can legally take place (commercial districts) versus where they can only take place with permission or not at all (residential districts).

Excluding this Property (and all exclusively short-term rentals) from the definition of transient residential facilities is contrary to the State's characterization of STRs. In December 2018, the Massachusetts Legislature passed "An Act Regulating and Insuring Short Term Rentals." G.L. 64G, *et seq*. All of the lodging types listed as "transient residential facilities" in the Zoning Bylaw are subject to the room occupancy tax under G.L. 64G, §3, a list that now includes STRs. The Legislature's decision to include STRs renting more than 14-days a year in the room

[1] Rooming, lodging, and guest houses all share a common feature that is absent in the present case: residents who live on the property while guests come and go. No residents live at the Property.
[2] Both "hotel" and "rooming, lodging, and guest houses" are defined by the By-laws as "primarily temporary abode of persons who have a permanent residence elsewhere." By-laws, § 139-2. Time-shares are characterized by "the use being inherently transient." *Id*.

occupancy tax list is evidence that the state considers STRs such at this Property to be "commercial" not personal residential use, and therefore akin to a "transient residential facilities" on the island.

C. The Use of the Property as a STR is Not Accessory to Residential Use

A common refrain by owners of STRs is that using a property as an STR is an accessory use to the primary residential use. That argument fails here. Although "accessory dwelling" units are allowed in all residential districts on Nantucket, this Property cannot be considered an "accessory use" because there are simply no residents at the Property to create a residential use to which the use as a short term rental could be "accessory."

The Bylaw defines "accessory uses" as "separate structures, buildings or uses which are *subordinate* and *customarily incidental* to a principal structure, building or use located on the same lot." Bylaw § 139-2 (emphasis added). The principal structure located on the lot is a single family residence. **Exhibit C**. A "residence" is defined as "the act or fact of dwelling in a place *for some time*," or "the place where one actually lives as distinguished from one's domicile or a place of temporary sojourn." Miriam–Webster's Dictionary, (11th ed. 2020) (emphasis added). Therefore, to qualify as an "accessory dwelling," the rental of the Property would have to be subordinate to the Property's use as a single family residence. Based on advertising and Appellant testimonials, the Property is very plainly not a single family residence; it is a rental property 365 days a year. **Exhibit D**. Thus, the rental use predominates any other use and cannot be "accessory."

Whether STRs can be accessory uses under zoning is an issue that has been decided by the courts. Just as Massachusetts courts have held that STRs are commercial uses, courts have also consistently found that STRs are not an accessory use to a residential use. *See Stevens*, *supra*, 97 Mass. App. Ct. 713; *Styller*, *supra*, 487 Mass. 588 (2021); *Lytle*, *supra*, 2017 WL 2257702. In *Styller*, the court reasoned that a single homeowner renting his property on Airbnb was not "clearly incidental to the use of the principal building" as a single family residence. 2018 WL 4502015, at *7. As the Land Court explained:

> In zoning bylaws or ordinance, 'incidental' incorporates two concepts: It means that the use must not be the primary use of the property but rather *one which is subordinate and minor in significance* . . .[and] incidental, when used to define an accessory use, must also incorporate the concept of reasonable relationship with the primary use. It is not enough that the use be subordinate; *it must also be attendant or concomitant.* To ignore this latter aspect of 'incidental' would be to permit any use which is not primary, no matter how unrelated it is to the primary use.

Id. (internal citations and quotation marks omitted) (emphasis added). Using single family homes, such as the Property, as STRs is not "customary in connection with the principal building." Putting it bluntly, the court stated: "Most people do not rent out their homes on a continuing basis. They live in them." *Id.* at *8.

Likewise, in *Stevens*, the court refused to find that a house owned by an investment trust was an accessory use due in part to the fact that neither the Trustee nor any beneficiary of the trust resided at the property and use of the property was conducted pursuant to rental contracts with unrelated third parties, for financial gain by the investors. 97 Mass. App. Ct. at 718. In *Lytle*, the Land Court upheld the Hull ZBA's determination that short-term renting of a unit alongside a lived-in residence was an unlawful commercial use and not a permitted accessory use. 2017 WL 2257702 at *7. The court reasoned that even though the owner was still occupying one-dwelling in the two-dwelling single family home, the separate commercial use of the other dwelling unit was not an accessory use due to the commercial nature of the rental. *Id.*

The bylaws of Lynnfield (*Styller*), Hull (*Lytle*) and Bourne (*Stevens*) all have similar definitions of "accessory use" to Nantucket's, and all forbid the use of STRs as accessory uses to residential uses in residential districts. Applying Nantucket Bylaws to the Property should yield the same results as in *Styller*, *Lytle*, and *Stevens*: using a residence primarily as a rental property is not an accessory use to a residential use. Such an arrangement is commercial in nature and should not be tolerated in residential districts.

Courts are also clear that STRs cannot be considered "incidental" or "customary" to residential uses because they necessarily disrupt the character and use of single family homes, as is the case at the Property. There is nothing "customary" to single-family home ownership about the fairly new concept of investors buying up homes to rent to unaffiliated members of the public for profit. Indeed, when these houses are continually rented out to different parties, they preclude the customary use of the home as a "single family residence." Additionally, as the court pointed to in *Styller*, the non-stop coming-and-going of different individuals destroys the concepts of continuity and supervision, which are bedrock principles of residential zoning districts. *Styller*, 2018 WL 4502015, at *7.

CONCLUSION

Allowing the Commissioner's Decision to stand risks exacerbating a near-impossible situation for Nantucket's already over-priced and under-supplied year-round housing stock. If it refuses to define the Property as a "commercial use" or "transient residential facility", this Board would be giving investor groups the green light to continue buying up single family homes in residential districts and turning them into high-turnover rental properties. This would further blur the lines of commercial versus residential, and come at a high cost to actual residents of Nantucket's many residential neighborhoods.

For these reasons and the many listed above, we urge the Board to overturn the Commissioner's Decision and find that the Property is a commercial use that is not allowed in the R1 district, and to require the Owners to immediately cease and desist such commercial operation at the Property.

Exhibit A

15 DELANEY RD

Location	15 DELANEY RD	**Mblu**	30/ / 635/ /
Acct#	0030-635	**Owner**	KEITH RALPH W TR & BONNIE A TR
Assessment	$2,231,600	**PID**	188608
Building Count	1		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$977,700	$1,253,900	$2,231,600

Owner of Record

Owner	KEITH RALPH W TR & BONNIE A TR	**Sale Price**	$0
Co-Owner	DELANEY KEITH TRUST	**Certificate**	
Address	9 CARRIAGE LANE YARMOUTH, ME 04096	**Book & Page**	C0025803/0
		Sale Date	03/09/2016
		Instrument	99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
KEITH RALPH W TR & BONNIE A TR	$0		C0025803/0	99	03/09/2016
BULLOCK MARK A TRST	$1,500,000		C0025803/0	1O	10/02/2015
DESERT ISLAND LLC	$1,000,000		C0024968/0	1U	10/13/2013
FINNEY JOHN R TRST	$0		C0024968/0	99	01/25/2013

Building Information

Building 1 : Section 1

Year Built:	2015
Living Area:	2,617
Replacement Cost:	$987,529
Building Percent Good:	99
Replacement Cost Less Depreciation:	$977,700

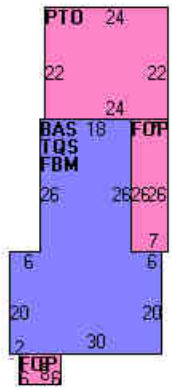
Building Attributes	
Field	**Description**
Style	Colonial
Model	Residential
Grade:	Very Good
Stories:	1.75
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	4
Total Bthrms:	4
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Luxurious
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	

Building Photo



(https://images.vgsi.com/photos/NantucketMAPhotos//\00\03\53\07.jpg)

Building Layout



(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/188608_1

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	1,068	1,068
TQS	Three Quarter Story	1,068	801
FBM	Basement, Finished	1,068	748
FOP	Porch, Open, Finished	230	0
PTO	Patio	528	0
		3,962	2,617

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1010
Description	Single Fam M01
Zone	R1
Neighborhood	850
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.12
Frontage	
Depth	
Assessed Value	$1,253,900

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$977,700	$1,253,900	$2,231,600
2021	$977,700	$1,154,900	$2,132,600
2020	$1,028,200	$1,154,900	$2,183,100
2018	$936,500	$1,154,900	$2,091,400
2017	$911,000	$1,154,900	$2,065,900

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Exhibit B

15 Delaney Road, Nantucket MA



17 Photos of 15 Delaney Road, Nantucket MA

Privacy - Terms

418

RENTAL

4	4	1	8	CLIFF
BEDROOMS	BATHROOMS	HALF BATHS	SLEEPS	AREA

Stunning four bedroom, four en-suite and one half bath Cliff area home with beautiful finishes. Gourmet kitchen and beautiful open living/dining area with gas fireplace overlooking back patio and fire pit. Side deck with grill. Media room with 65" Curved Smart TV and Sonos Surround Sound. iPad controlled Sonos sound system for deck, living/dining area, media room and master bedroom. Perfect for that special Nantucket getaway for yourselves or to entertain guests with separate bedroom spaces. Make those special memories and have a WHALE OF A TIME on Nantucket!

Show More

Rates and Availability

*Published rates do not include local & state taxes. Current state tax is 5.7% and current local tax is 6%. These taxes are both subject to change.
**Availability & rates are subject to change. Please contact Maury People Sotheby's International Realty to confirm.

15 = Available ~~15~~ = Unavailable

June 2023

Su	Mo	Tu	We	Th	Fr	Sa
~~28~~	~~29~~	~~30~~	~~31~~	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	~~24~~
~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~1~~

Week	Rate
May, 27, 2023 to June, 3, 2023	$15000
June, 3, 2023 to June, 10, 2023	$16500
June, 10, 2023 to June, 17, 2023	$18500
June, 17, 2023 to June, 24, 2023	$17000
June, 24, 2023 to July, 1, 2023	$17000

July 2023

Privacy - Terms

419

Su	Mo	Tu	We	Th	Fr	Sa
~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~1~~
~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Week	Rate
June, 24, 2023 to July, 1, 2023	$17000
July, 1, 2023 to July, 8, 2023	$19000
July, 8, 2023 to July, 15, 2023	$19000
July, 15, 2023 to July, 22, 2023	$19000
July, 22, 2023 to July, 29, 2023	$19000
July, 29, 2023 to August, 5, 2023	$19000

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
~~6~~	~~7~~	~~8~~	~~9~~	~~10~~	~~11~~	~~12~~
~~13~~	~~14~~	~~15~~	~~16~~	~~17~~	~~18~~	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Week	Rate
July, 29, 2023 to August, 5, 2023	$19000
August, 5, 2023 to August, 12, 2023	$19000
August, 12, 2023 to August, 19, 2023	$19000
August, 19, 2023 to August, 26, 2023	$19000
August, 26, 2023 to September, 2, 2023	$19000

Today

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420

15 Delaney Road, Nantucket MA

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Week	Rate
September, 30, 2023 to October, 7, 2023	$10000
October, 7, 2023 to October, 14, 2023	$10000
October, 14, 2023 to October, 21, 2023	$10000
October, 21, 2023 to October, 28, 2023	$10000
October, 28, 2023 to November, 4, 2023	$10000

November 2023

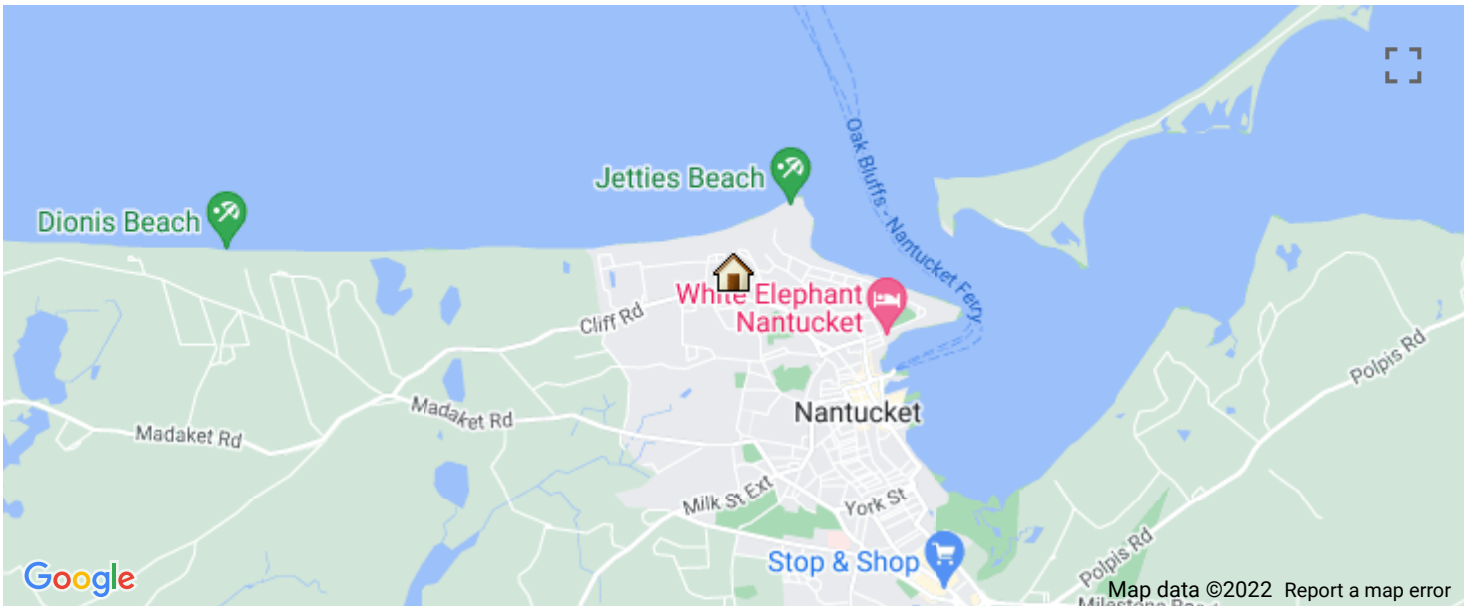
Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Week	Rate
October, 28, 2023 to November, 4, 2023	$10000
November, 4, 2023 to November, 11, 2023	$8000
November, 11, 2023 to November, 18, 2023	$8000
November, 18, 2023 to November, 25, 2023	$8000
November, 25, 2023 to December, 2, 2023	$8000

Today

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Map



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Inquire About 15 Delaney Road

Fill out the form below to request more information.

Your Name (required)

Your Email (required)

Contact Preference

Either

Special Requests or Comments (required)

Sign up for email alerts?

Phone

Evening Phone

Contact Time

Morning

Send a copy of this request to my email

Send Inquiry

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Share and Save 15 Delaney Road





Maury People Sotheby's International Realty

37 Main Street, Nantucket, MA 02554 | (508) 228-1881 info@maurypeople.com



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Covid 19 - Please review the Travel Order issued for Massachusetts

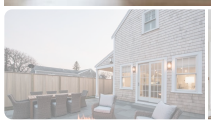
Need Help? Please call from 9am to 5pm at 508.228.9117 (Nantucket)

15 Delaney Road, Nantucket - Cliff

Tweet Like 0

Photos Map









Overview

Property ID	146368
Per week	$16,000 - $19,000
Property Type	House
Bedrooms	4
Sleeps	8
Occupancy Limit	8
Full Baths	4
Half Baths	1
Pets Allowed	No
Smoking	No

Availability | Rates | Request Quote | Favorite

Description

Stunning recently re-done four bedroom, four and one half bath Cliff area home with beautiful finishes. Custom interior decor by Sophie Metz Design. Gourmet kitchen with SubZero, Wolf stove, and Cook & Cook Exquisite Custom Cabinetry. Beautiful open living/dining area wit fireplace overlooking back patio and fire pit. Side deck with grill. Media room with 65" Curved Smart TV and Sonos Surround

$16,000 - $19,000 week

REQUEST QUOTE

Customer Reviews (0)

+ Write a Review



Need Help?

Please call from 9am to 5pm at

508.228.9117

Contact Us

Name

Sound. iPad controlled Sonos sound system for deck, living/dining area, media room and master bedroom. First floor: Gracious entry with powder room and window seat for relaxing. Open dining and living room with gas fireplace beyond. Fully equipped gourmet kitchen to right. Lower Level: Bright walkout basement media room. Additional King Bedroom with sitting area and en-suite tub/shower bathroom. Laundry equipped with XL capacity washer and steam dryer. Second floor: Master King Bedroom with sitting area, sound system, 50" HD TV, his and hers closets, private en-suite bath overlooking rear patio with RainHead shower. Queen Bedroom with his and hers closets, private en-suite bath with RainHead shower. Twin Bedroom with private bath. Outdoors: Patio with Paloform gas fire pit, dining table for 8. South facing private side deck with chairs for enjoying a morning cup of coffee. Outdoor shower with RainHead.

Amenities

GENERAL

- 1 Queen Bed(s)
- 2 King Bed(s)
- 2 Single Bed(s)
- Smoke Free

TECHNICAL

- Cable TV
- Television
- Wireless Lan (Wi-Fi)

KITCHEN

- Blender
- Coffee Maker
- Dishwasher
- Disposal
- Full Size Refrigerator
- Lobster Pot
- Microwave
- Oven
- Stove
- Toaster

OTHER

- Beach Equipment
- Central AC
- Deck
- Dryer
- Iron
- Parking
- Patio
- Washer

Contact Us

Email Address

Phone Number

Message

SUBMIT

Telephone: 508.228.9117

Fax: 508.228.9227

Name Email Address

Phone Number

Message

SUBMIT

Telephone: 508.255.4949
Fax: 508.255.1222

HELPFUL LINKS

- Found a rental - what's next?
- Tenant guide
- List your rental property
- Buy a home
- Local housing data
- Mortgage rate watch
- Company information

Download Raveis Cape Cod App ›

ABOUT WILLIAM RAVEIS

Whether you are a homeowner thinking of renting your property or a guest coming to Cape Cod & Nantucket, rest assured that you will be taken care of by the best in the business when you work with William Raveis - The Rental Company.

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Contact us to start building your own Cape Cod & Nantucket Memories!

- Office Locations
- Contact Us by Email
- Call Us - 508.255.4949 (Cape Cod) or 508.228.9117 (Nantucket)

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ADA.gov
United States Department of Justice
Civil Rights Division

(https://www.jpfco.com)

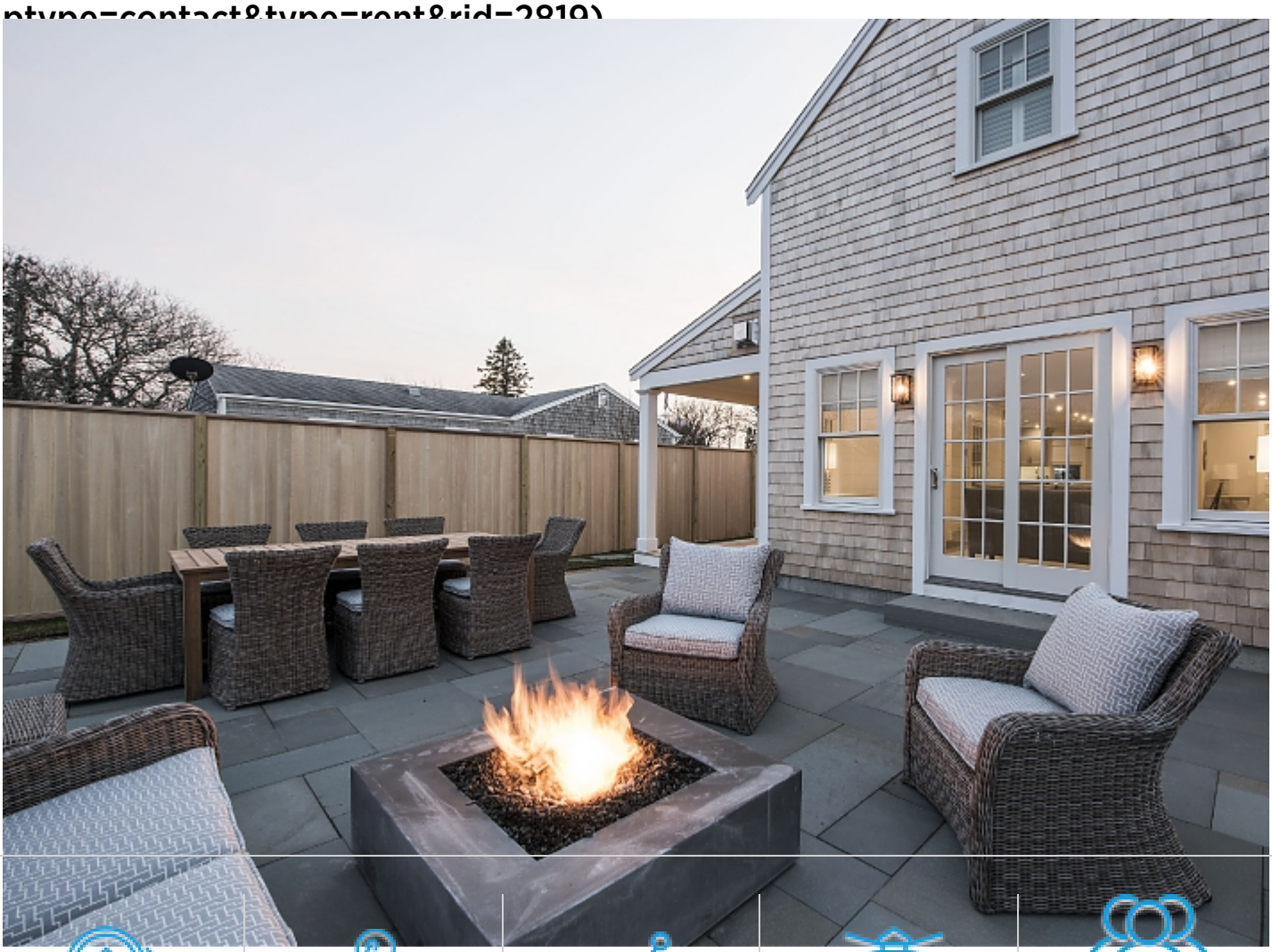
Home (https://www.jpfco.com/) >
Nantucket Rentals
(https://www.jpfco.com/nantucket-rentals)

Search by Rental ID or Address GO

15 Delaney Road

$16,000 - $19,000 • Cliff

Overview Map Availability
Rent Now (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819)



Nantucket Rentals

SALES	RENTALS	MARKET	AREA	ABOUT
Bedrooms:		4 beds		
Bathrooms:		4 bath and 1 half		
(https://www.jpfco.com/real-estate)	(https://www.jpfco.com/rentals)	(https://www.jpfco.com/sold-listings)	(https://www.jpfco.com/island)	(https://www.jpfco.com/j-pepper-frazier-real-estate)

Capacity:	8

Beds Type / Floor

King	2
Queen	2
Twins	2
King	LL

Rental ID: #2819

15 Delaney Road, Nantucket, MA

STUNNING four bedroom, four en-suite and one half bath Cliff area home with beautiful finishes. Custom interior decor by Sophie Metz Design. GOURMET KITCHEN with SubZero, Wolf stove, and Cook & Cook Exquisite Custom Cabinetry. Beautiful open living/dining area with gas fireplace overlooking back patio and fire pit. Side deck with grill. Media room with 65" Curved Smart TV and Sonos Surround Sound. iPad controlled Sonos sound system for deck, living/dining area, media room and primary bedroom. Perfect for that special Nantucket getaway for yourselves or to entertain guests with separate bedroom spaces. Be one of the first to ENJOY this NEW home. Make those special memories and have a WHALE OF A TIME on Nantucket!

First Floor Description

Gracious entry with powder room and window seat for relaxing. Open dining and living room with gas fireplace beyond. Fully equipped gourmet kitchen to right. LOWER LEVEL: Bright walkout basement media room. Additional KING Bedroom with sitting area and attached tub/shower bathroom. Bathroom may be kept private to the bedroom or opened to the hall and accessible to the media room. Laundry equipped with XL capacity washer and steam dryer. OUTDOOR: Patio with Paloform gas fire pit, dining table for 8. South facing private side deck with chairs for enjoying a morning cup of coffee. Outdoor shower with Rainhead.

SALES (https://www.jpfco.com/nantucket-real-estate) RENTALS (https://www.jpfco.com/nantucket-rentals) MARKET (https://www.jpfco.com/nantucket-sold-listings) AREA (https://www.jpfco.com/nantucket-island) ABOUT (https://www.jpfco.com/j-pepper-frazier-real-estate)

(https://www.jpfco.com)

Second Floor Description

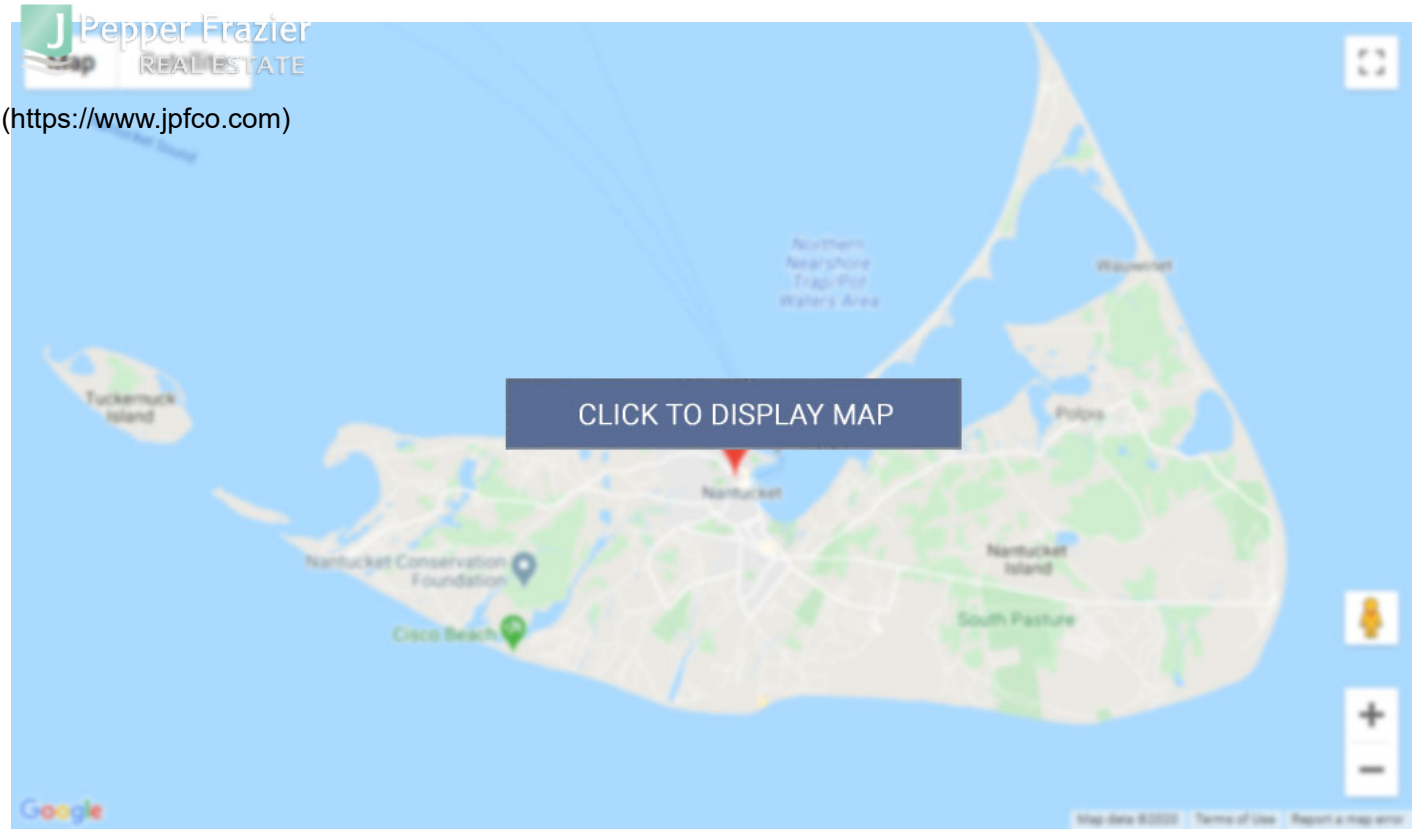
Primary KING Bedroom with sitting area, sound system, 50" HD TV, his and hers closets, private bath overlooking rear patio with RainHead shower. South facing QUEEN Bedroom with his and hers closets, private bath with RainHead shower. North facing 2 TWIN Bedroom with his and hers closets, private bath with tub/shower.

Distance to Town: 1/2 mile

Distance to Beach: 1/3 mile

Amenities

AirConditioning	IroningBoard
BeachChairs	LobsterPot
BeachTowels	Microwave
Blender	Mixer
CableTV	Parking
CoffeeMaker	Patio
Cooler	PatioDeckFurniture
Deck	Porch
Dishwasher	Stereo
Disposal	Stove
FoodProcessor	Toaster
Grill	TV
Heat	Vacuum
InternetAccess	Walk to Water
Iron	Yard



(https://www.jpfco.com)

2023 Availability Sat-Sat

(Information contained herein is believed to be reliable but is not guaranteed.)

June				
06/03 - 06/10	$16,500	RENT NOW (https://www.jpfco.com/index.php?ptype=contract&type=rent&rid=2819&sdate=06/03/23)		
06/10 - 06/17	$18,500	RENT NOW (https://www.jpfco.com/index.php?ptype=contract&type=rent&rid=2819&sdate=06/10/23)		

SALES (https://www.jpfco.com/real-estate) RENTALS (https://www.jpfco.com/rentals) MARKET (https://www.jpfco.com/index.php?ptype=sold-listings) AREA (https://www.jpfco.com/island) ABOUT (https://www.jpfco.com/j-real-estate)

Pepper Frazier REAL ESTATE
(https://www.jpfco.com)

06/17 - 06/24	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=06/17/23)
06/24 - 07/01	$19,000	

July

07/01 - 07/08	$19,000	RENT NOW
07/08 - 07/15	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=07/08/23)
07/15 - 07/22	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=07/15/23)
07/22 - 07/29	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=07/22/23)
07/29 - 08/05	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=07/29/23)

August

08/05 - 08/12	$19,000	RENT NOW
08/12 - 08/19	$19,000	RENT NOW
08/19 - 08/26	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=08/19/23)
08/26 - 09/02	$19,000	RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=08/26/23)

SALES (https://www.jpfco.com/real-estate)
RENTALS (https://www.jpfco.com/rentals)
MARKET (https://www.jpfco.com/sold-listings)
AREA (https://www.jpfco.com/island)
ABOUT (https://www.jpfco.com/j-pepper-frazier-real-estate)

(https://www.jpfco.com)

September

09/02 - 09/09	**$19,000**	**RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=09/02/23)**
09/09 - 09/16	**$18,000**	**RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=09/09/23)**
09/16 - 09/23	**$16,000**	**RENT NOW (https://www.jpfco.com/index.php?ptype=contact&type=rent&rid=2819&sdate=09/16/23)**
09/23 - 09/30	**$0**	**RENT NOW**
09/30 - 10/07	**$0**	**RENT NOW**

*Rates must be confirmed prior to booking and do not include 11.7% state and local taxes.

Similar Nantucket Rentals

5 Wannacomet Road... (http://www.jpfco.com/nantucket-rentals/Cliff/5-Wannacomet-Road-House-1101.html)



(http://www.jpfco.com/nantucket-rentals/Cliff/5-Wannacomet-Road-House-1101.html)

Cliff | $4,000 - $7,000 | 4 | 3 and 0 half

65 Cliff Road (http://www.jpfco.com/nantucket-rentals/Cliff/65-Cliff-Road-1586.html)



(http://www.jpfco.com/nantucket-rentals/Cliff/65-Cliff-Road-1586.html)

Cliff | $10,000 - $20,000 | 4 | 4 and 0 half

SALES (https://www.jpfco.com/real-estate)

RENTALS (https://www.jpfco.com/rentals)

MARKET (https://www.jpfco.com/sold-listings)

AREA (https://www.jpfco.com/nantucket-island)

ABOUT (https://www.jpfco.com/j-pepper-frazier-real-estate)

(https://www.jpfco.com)

Addendum C

ANDERSON
KREIGER

Kristen Gagalis
kgagalis@andersonkreiger.com
t: 617.621.6594

September 8, 2022

VIA EMAIL
Marcus Silverstein, Zoning Compliance Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554
msilverstein@nantucket-ma.gov

Re: ***Request for Zoning Enforcement at 15 Delaney Road, Nantucket***

Dear Mr. Silverstein:

I am writing on behalf of Christopher and Ann Quick of 62R Cliff Road (the "Requestors"),[1] to request zoning enforcement against their neighboring property located at 15 Delaney Road and owned by Ralph W. and Bonne A. Keith Trust (the "STR Property"). Based on public advertising (attached as Exhibit 1 and available at https://www.themaurypeople.com/nantucket-rentals/property/53049-15-delaney-road-nantucket) and personal experience as its neighbor, the STR Property is being used primarily, if not exclusively, as a short-term rental ("STR").[2]

15 Delaney Road's use as a short-term rental is a commercial use. It is therefore prohibited in the R-1 District in which it is located, as the R-1 District only permits residential uses. Although it appears a single family home from the outside, the STR Property is not being used for a legitimate residential use under the Nantucket Zoning Bylaw.

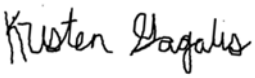
As a result, my clients are requesting, pursuant to G.L. c. 40A, § 7 and Nantucket Zoning Bylaw § 139-25, that the Town, acting through your office, issue a cease and desist of commercial use of the STR Property. My clients look forward to seeing their neighboring property return to single family residential use and to the permanent housing stock for the Island.

[1] I represent the Requestors solely for the purpose of this zoning enforcement action, and any related appeal.

[2] Although there is no definition for this use in the Nantucket Zoning Bylaw, G.L. c. 64G, §1 defines it as "an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Please respond as required under Nantucket Zoning Bylaw § 139-25(B)(1). If needed, I would be happy to provide more information specific to the STR Property (at least to the extent it is publicly available) and how it qualifies as a commercial use. I can be reached at the phone and email listed above. Thank you for your consideration of this important issue.

Sincerely,



Kristen Gagalis

cc (via email): Clients
Nantucket Building Commissioner

EXHIBIT 1

15 Delaney Road, Nantucket MA



17 Photos of 15 Delaney Road, Nantucket MA

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RENTAL

4	4	1	8	CLIFF
BEDROOMS	BATHROOMS	HALF BATHS	SLEEPS	AREA

Stunning four bedroom, four en-suite and one half bath Cliff area home with beautiful finishes. Gourmet kitchen and beautiful open living/dining area with gas fireplace overlooking back patio and fire pit. Side deck with grill. Media room with 65" Curved Smart TV and Sonos Surround Sound. iPad controlled Sonos sound system for deck, living/dining area, media room and master bedroom. Perfect for that special Nantucket getaway for yourselves or to entertain guests with separate bedroom spaces. Make those special memories and have a WHALE OF A TIME on Nantucket!

Show More

Rates and Availability

*Published rates do not include local & state taxes. Current state tax is 5.7% and current local tax is 6%. These taxes are both subject to change.
**Availability & rates are subject to change. Please contact Maury People Sotheby's International Realty to confirm.

15 = Available ~~15~~ = Unavailable

June 2023

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

Week	Rate
May, 27, 2023 to June, 3, 2023	$15000
June, 3, 2023 to June, 10, 2023	$15000
June, 10, 2023 to June, 17, 2023	$17000
June, 17, 2023 to June, 24, 2023	$17000
June, 24, 2023 to July, 1, 2023	$17000

July 2023

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442

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Week	Rate
June, 24, 2023 to July, 1, 2023	$17000
July, 1, 2023 to July, 8, 2023	$18000
July, 8, 2023 to July, 15, 2023	$18000
July, 15, 2023 to July, 22, 2023	$18000
July, 22, 2023 to July, 29, 2023	$18000
July, 29, 2023 to August, 5, 2023	$18000

August 2023

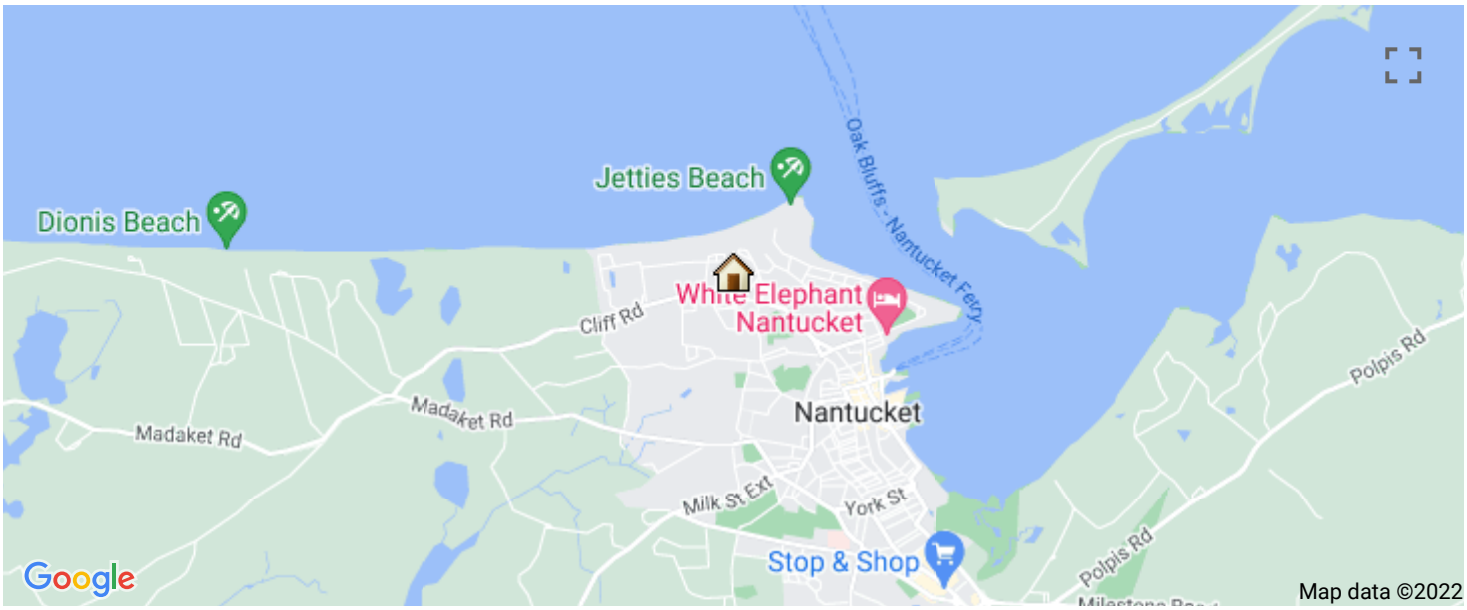
Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Week	Rate
July, 29, 2023 to August, 5, 2023	$18000
August, 5, 2023 to August, 12, 2023	$18000
August, 12, 2023 to August, 19, 2023	$18000
August, 19, 2023 to August, 26, 2023	$18000
August, 26, 2023 to September, 2, 2023	$18000

Today

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Map



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Inquire About 15 Delaney Road

Fill out the form below to request more information.

Your Name (required)

Your Email (required)

Contact Preference

Either

Special Requests or Comments (required)

Sign up for email alerts?

Phone

Evening Phone

Contact Time

Morning

Send a copy of this request to my email

Send Inquiry

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Share and Save 15 Delaney Road



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Maury People Sotheby's International Realty

37 Main Street, Nantucket, MA 02554 | (508) 228-1881 info@maurypeople.com



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Addendums D&E

Addendum D

ARTICLE I
Purpose; Definitions

§ 139-1. Purpose.

To promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the danger from fire and congestion and to improve the Town under the provisions of the State Zoning Act, MGL c. 40A, the use, construction, repair, alteration and height of buildings and structures and the use of land and the size and shape of lots in the Town of Nantucket are hereby restricted and regulated as hereinafter provided.

§ 139-2. Definitions and word usage.

A. Definitions. In this Zoning Bylaw, Chapter 139 of the Nantucket Code, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

ACCESSORY DWELLING — A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than 550 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2015 ATM by Art. 61, AG approval 8-5-2015]**

ACCESSORY USES — Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. [1] **[Amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

ADULT ON-SITE MARIJUANA SOCIAL CONSUMPTION OPERATOR — A marijuana retailer where consumers are permitted to consume marijuana and marijuana products on its

1. **Editor's Note: The former definition of "affordable unit" which immediately followed this definition, was replaced by the definition of "inclusionary unit," which is included in its proper alphabetical sequence.**

premises**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

ADULT USES — All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:**[Added 4-10-2002 ATM by Art. 41, AG approval 7-31-2002; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 4-2-2016 ATM by Art. 58, AG approval 7-12-2016]**

(1) Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

(2) A minimum separation of 300 feet, measured between lot lines, is required between adult uses and state-certified public or private schools or state-licensed day-care centers.

AFFORDABLE HOUSING — Dwelling units restricted to occupancy by families with annual incomes less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.**[Added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994; amended 4-8-2008 ATM by Art. 57, AG approval 8-18-2008; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

AGRICULTURE — The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary uses for packing, treating and storing the produce.

ALCOHOLIC BEVERAGE SALES — A facility for the retail sale of beer, wine, or other alcoholic beverages for off-premises consumption.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

ALTERATION — Any change in size, shape or use of a building or structure.

ANIMAL FEEDLOT — Land on which 25 or more livestock per acre are kept for the purpose of feeding.

APARTMENT — A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 66, AG approval 5-7-2014; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 20, AG approval 2-26-2018]**

(1) CDT — one dwelling unit is permitted for each 1,000 square feet of lot area.

(2) CMI — one dwelling unit is permitted for each 2,000 square feet of lot area.

(3) CN — one dwelling unit is permitted for each 3,000 square feet of lot area.

(4) CTEC — one dwelling unit is permitted for each 4,000 square feet of lot area.

(5) CI — one dwelling unit is permitted for each 5,000 square feet of lot area.

APARTMENT BUILDING(S) — A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot , or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the bylaw and consistent with the

Rules and Regulations Governing the Subdivision of Land, as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses, shall be allowed in the following districts:**[Added 4-5-2014 ATM by Art. 68, AG approval 5-7-2014; amended 4-2-2016 ATM by Arts. 36, 60, AG approval 7-12-2016; 11-6-2017 STM by Art. 20, AG approval 2-26-2018]**

(1) CN/VN — one dwelling unit is permitted for each 2,500 square feet of lot area.

(2) CMI — One dwelling unit is permitted for each 1,250 square feet of lot area.

The Planning Board shall be the special permit granting authority.

AQUIFER — A geological formation that stores and transmits significant quantities of recoverable water.

ARCADE — A place or facility where any electric or electronic machine, such as pinball or other similar electronic games, is played for amusement only. Shall not be construed so as to include bingo games, juke boxes, children's mechanical rides (e.g., horses, rocket ships), or machines that sell merchandise nor shall it be construed so as to include gambling devices or any other devices prohibited by law.[2]**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

AUTOMOBILE SERVICE STATION — Any building, structure or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement or rebuilding, body and fender repair, or painting.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

AVERAGE MEAN GRADE — **[Added 4-12-1994 ATM by Art. 55, AG approval 4-29-1994]**

(1) Average mean grade shall be the average of the mean grades established along the median grade line. There shall be only

2. Editor's Note: The former definition of "assisted-independent-living community," added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000, which immediately followed this definition, was repealed 9-21-2009 STM by Art. 16, AG approval 12-11-2009.

one average mean grade for each continuous median grade line.

(2) Where a side does not have continuous existing and/or finish grade lines, caused by retaining walls or horizontal breaks created by setbacks or protrusions, the average mean grade shall be the average of separately calculated average mean grades for each separate continuous median grade line and shall be proportional to the horizontal length of each continuous median grade line.

BAKERY — An establishment primarily engaged in the retail sale of baked goods for off-site consumption. A bakery may include, as an accessory use, wholesale distribution of goods prepared on the site.[3] **[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

BUILDING — A structure forming a shelter for persons, animals or property and having a roof. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof."

BUILDING AND STRUCTURE HEIGHT — **[Added 4-12-1994 ATM by Art. 55, AG approval 4-29-1994; amended 4-12-1999 ATM by Art. 30, AG approval 8-10-1999; 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

(1) The height of the building or structure shall be established for each side.

(2) There shall only be one highest point for each building or structure.

(3) No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI Districts, or as otherwise permitted.

(4) Where a side does not have continuous existing and/or finish grade lines, the average mean grade shall be the average of separately calculated average mean grades of each separate continuous median grade line.

BUILDING, DETACHED — A building surrounded by an open space on the same lot.

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3. Editor's Note: The definition of "breezeway," as amended, which immediately followed this definition, was repealed 11-6-2017 STM by Art. 18, AG approval 2-26-2018.

BUILDING ENVELOPE — The sole area on a lot, less than allowed by applicable setback requirements, for the placement of a building or other structures. **[Added 11-13-1990 STM by Art. 19, AG approval 3-19-1991]**

BUILDING COMMISSIONER — The chief official of the Town of Nantucket who is responsible for the administration and enforcement of Code of Massachusetts Regulations 780, State Board Building Regulations and Standards.**[Added 4-10-2000 ATM by Art. 36, AG approval 8-2-2000; amended 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

BUILDING INSPECTOR — The Building Commissioner, or his/her designee, otherwise referred to in this chapter as the "Inspector of Buildings." **[Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**

BUILDING, PRINCIPAL — A nonaccessory building on a lot in which a principal use is conducted.

BULK MERCHANDISE RETAIL — The sale of goods that require a large amount of floor space and which involves goods both warehoused and retailed at the same location. Items for sale include large, categorized products such as household appliances, furniture, construction and lawn equipment, electrical and heating fixtures and supplies, plumbing fixtures and supplies.[4]**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

CATERING SERVICE — An establishment in which food, meals, and incidental services are prepared and then delivered to another location for consumption.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CLINIC, MEDICAL OR DENTAL — Offices organized as a unified facility by one or more physicians, dentists, chiropractors or other licensed practitioners to provide medical or dental treatment and examination, but not including bed-patient care.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CLUB — Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a

4. **Editor's Note: The definition of "capital improvements," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.**

business.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

COMMERCIAL — As in a trade, occupation, or business, including a transient residential facility, but excluding governmental, religious or private residential uses.

COMMERCIAL WECS — A WECS designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a residential WECS.

CONSTRUCT — To build, erect or assemble. [5]

CONTRACTORS SHOP — An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office but which does not use any exterior storage area.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CONVENIENCE STORE — A retail store offering for sale groceries and household items intended for the convenience of the neighborhood with a floor area of less than 2,500 square feet; does not include automotive service stations or vehicle repair shops.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

COUNTRY OVERLAY DISTRICT — The overlay district described in § 139-12F.[6]**[Added 4-9-2002 ATM by Art. 37, AG approval 7-31-2002]**

DAY-CARE CENTER — Any institution or place which receives for temporary custody, separate and apart from their parents, five or more children not of common parentage, under seven years of age, during part or all of the day, with or without stated educational purposes.

DISPOSAL — Any discharge, deposit, injection, dumping, spilling, leaking or placing so that waste may enter ground or surface water.

DOCK or PIER or WHARF — Each such word shall mean the same for purposes of this chapter, and shall be used interchangeably, either singularly or in the plural, in the conjunctive or in the

5. **Editor's Note: The definition of "construction," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011.**

6. **Editor's Note: The definition of "CPI," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011, and the definition of "customary home occupation," which immediately followed was repealed 1-8-2001 STM by Art. 5, AG approval 4-10-2001. See now the definition of "home occupation."**

disjunctive, and shall mean any structure, floating or fixed, attached or adjacent to land, and placed in or and extending into coastal inland waters (in the case of tidal waters, seaward of the mean high tide line) which is designed, or is suitable for use, for access to vessels, or for swimming or any other similar recreational, commercial, or educational purpose.[7] **[Added 4-10-2000 ATM by Art. 30, AG approval 8-2-2000]**

DRIVEWAY ACCESS — A vehicular access point onto any public way, private way or any way customarily used by the public for purposes for which a public way is generally used in the Town or County of Nantucket.[8] **[Added 4-9-2001 ATM by Art. 27, AG approval 8-2-2001]**

DUPLEX — A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 District only, both dwelling units shall be in the same ownership. A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this chapter.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

DWELLING UNIT — A room or enclosed floor space used, or to be used, as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation.

ELDER HOUSING FACILITIES — One or more structures used for independent living, assisted living, skilled nursing care, hospice care, and other long-term residential care for persons 55 or older or the disabled. Such structures may be detached dwelling units, attached dwelling units, integrated dwelling units, and/or multiple-bedroom long-term care facilities, as well as associated and ancillary facilities and services.**[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000; amended 9-21-2009 STM by Art. 16, AG approval 12-11-2009]**

ELIGIBLE HOUSEHOLD — A household whose total annual income is less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.**[Amended 11-13-1990 STM by Art. 18, AG**

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7. Editor's Note: The definition of "dormitory housing," added 4-9-2001 ATM by Art. 38, AG approval 8-2-2001, which immediately followed this definition, was repealed 4-8-2008 ATM by Art. 55, AG approval 8-18-2008.

8. Editor's Note: The definition of “dwelling,” which immediately followed this definition, was repealed 4-6-2009 ATM by Art. 27, AG approval 8-10-2009.

approval 3-19-1991; 4-8-2008 ATM by Art. 57, AG approval 8-18-2008]

EMPLOYER DORMITORY — A dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the TOD in which sleeping accommodations for more than five persons are provided by one or more employers, with occupancy limited solely to their employees.**[Amended 4-10-2000 ATM by Art. 31, AG approval 8-2-2000; 4-9-2001 ATM by Art. 37, AG approval 8-2-2001; 4-9-2001 ATM by Art. 38, AG approval 8-2-2001; 4-8-2008 ATM by Art. 55, AG approval 8-18-2008; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

ERECT — To construct or reconstruct or excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction; or to move a building or structure upon a lot.

FAMILY — One or more persons occupying a dwelling unit and living as a single household.**[Amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

FLOOD HAZARD DISTRICT — An overlay district to all other districts. The district includes all special flood hazard zones designated as Zone A, AH, AO, A5-8, V5-8, and the FEMA Flood Boundary and Floodway Map, all of which indicate the one-hundred-year regulatory floodplain on Nantucket's Flood Insurance Rate Map (FIRM), dated July 2, 1992, and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). Exact boundaries are further defined by the Flood Insurance study booklet dated June 3, 1986. The FIRM, and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission. **[Added 5-4-1993 ATM by Art. 44, AG approval 5-24-1993]**

FLOOR AREA, GROSS — The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding basement and cellar areas devoted exclusively to uses accessory to the operation of the structure; and areas devoted to housing mechanical equipment customarily located in the basement or cellar, such

as heating and air-conditioning equipment, plumbing, electrical equipment, and residential laundry facilities.

FOOD PROCESSING ESTABLISHMENT — Manufacturing establishments that produce or process foods for consumption. Includes: (1) bakery products, sugar and confectionery products primarily for wholesale distribution, but not including a "bakery" as herein defined; (2) dairy products processing; (3) fats and oil products (including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing; and (7) distilleries.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008; amended 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

FORMULA BUSINESS — A type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which is under common ownership or control or is a franchise, and is one of 10 or more other businesses or establishments worldwide maintaining two or more of the following features:**[Added 4-4-2006 ATM by Art. 42, AG approval 10-26-2006; amended 4-2-2013 ATM by Art. 31, AG approval 7-26-2013]**

(1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs, that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(3) Standardized color scheme used throughout the interior or exterior of the establishment, including, but not limited to, graphics, awnings, signage, and the like visible from the exterior of the structure.

(4) Standardized interior decor, including, but not limited to, style of furniture, wall coverings, permanent fixtures, displays, window treatments.

(5) Standardized uniform, including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

FRONTAGE — The lineal extent of the boundary between a lot and an abutting street measured along a single street line affording legal and practical access to the lot. For a lot abutting two or more streets, frontage is measured along any single street line of the lot. Frontage shall not include jogs in street width, backup strips and other irregularities in street line, such as at a turning "T" or hammerhead turnaround or street-width change.

GARAGE — A building for covered shelter of one or more motor vehicles. A garage shall be for vehicle parking at grade, or for commercial storage, repair, washing, painting or other servicing of motor vehicles. The Planning Board shall be the special permit granting authority for residential garages serving as a primary use on a lot.**[Amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

GARAGE APARTMENT — A dwelling unit located within a residential or commercial garage. The dwelling unit shall not exceed 150% of the gross floor area of the garage. If located on the same lot as a primary dwelling unit, the following requirements shall be applicable:**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2011 ATM by Art. 64, AG approval 9-15-2011]**

(1) Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the primary dwelling and garage apartment on the lot shall not be deemed to constitute "the same legal and beneficial ownership."

(2) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

GROUND COVER — The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-

ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and detached sheds not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation.**[Added 4-15-2003 ATM by Art. 48, AG approval 8-27-2003; amended 4-5-2014 ATM by Art. 68, AG approval 5-7-2014; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019; 4-1-2019 ATM by Art. 56, AG approval 8-6-2019]**

GROUND COVER RATIO — The ground cover upon a lot divided by the area of the lot, expressed as a percentage.**[Amended 4-12-1999 ATM by Art. 29, AG approval 8-10-1999; 4-15-2003 ATM by Art. 48, AG approval 8-27-2003]**

HAZARDOUS OR TOXIC MATERIALS — Liquid hydrocarbon products, including but not limited to residual oil, gasoline, fuel oil, diesel oil and any other toxic, caustic or corrosive chemicals, radioactive materials and other substances defined as being hazardous or toxic by the Massachusetts Division of Hazardous Waste under the provisions of MGL c. 21C and c. 21E. **[Amended 5-4-1993 ATM by Art. 42, AG approval 5-24-1993]**

HEALTH SPA — A place or building where massage, beauty treatment, cosmetic procedures, and related activities take place.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

HISTORICAL HIGH WATER TABLE — The highest groundwater elevation that is likely to occur at a given location, based on calculations made in accordance with the high groundwater methodology specified in the U.S.G.S. Water Resource Investigations Circular #83-4112 by Frimpter et al., and any subsequent revisions. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

HOME OCCUPATION — An occupation, trade, profession, or business activity conducted as an accessory use wholly or partly within a dwelling unit or in one or more accessory structures.**[Added 1-8-2001 STM by Art. 5, AG approval 4-10-2001; amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

(1) Home occupations shall be subject to the following requirements:

(a) The home occupation shall be conducted by occupants of a dwelling upon the lot, and not more than one additional worker who is not an occupant of a dwelling upon the lot.

(b) There shall be no exterior storage of material or equipment, unless effectively screened by a wall, fence or densely planted vegetative buffer.

(c) The gross floor area used in connection with the home occupation shall not exceed 800 square feet, not more than 200 square feet of which shall be used for retail sales.

(d) The home occupation, as projected, shall not generate an average daily traffic generation during the months of June through September that exceeds 14 vehicle trips per day.

(e) A use permit shall be obtained from the Building Commissioner for the home occupation.

(f) There shall be no retail sales except of commodities prepared, crafted or otherwise produced upon the lot.

(2) Special permit relief. A special permit may be granted by the special permit granting authority for a home occupation (including multiple home occupations upon the same lot, collectively) which employs more than one nonresident of the lot, or which conducts retail sales in a gross floor area exceeding 200 square feet, provided that all of the other requirements are met and the criteria for the granting of a special permit under § 139-30 are met, and a home occupation for which a special permit is granted hereunder shall be subject to the provisions for minor site plan review under § 139-23.[9]

HOSPITAL — A health care facility providing patient treatment with specialized staff and equipment, including, but not limited to, bed-patient care, medical testing facilities, wellness center, rehabilitation facilities, medical offices (i.e., medical clinic), and ancillary facilities customarily associated with a hospital such as a helicopter landing pad, employee housing, maintenance facilities, retail sale of convenience and gift related items, and

9. **Editor's Note: The former definition of "household," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.**

cafeteria and food services. A hospital shall be exempt from § 139-11.**[Added 4-6-2015 ATM by Art. 70, AG approval 8-5-2015]**

HOT TUB/SPA — A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.**[Added 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

HOTEL — A building or buildings on a lot containing a commercial kitchen and rental sleeping units without respective kitchens, primarily the temporary abode of persons who have a permanent residence elsewhere.**[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

IMPERVIOUS — For the purpose of enforcing the provisions of the Public Wellhead Recharge District, the term "impervious" shall mean those surfaces which will result in little or no infiltration of stormwater through underlying soil layers. Surfaces such as concrete, bituminous concrete, brick, or similar interlocking surfaces which have no interstitial gaps or openings shall be considered impervious. The designated review authority shall determine whether alternative paving surfaces which have interstitial openings can be deemed to reduce the impervious coverage of a lot. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

INCLUSIONARY UNIT — Any rental dwelling unit required pursuant to § 139-11J restricted to employee occupancy.[10]**[Amended 11-13-1990 STM by Art. 18, AG approval 3-19-1991; 4-14-1997 ATM by Art. 48, AG approval 8-18-1997; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

JUNK YARD — A structure or lot used in connection with a business for collection, storage, or sale of waste or scrap materials.**[Added 4-5-2014 ATM by Art. 68, AG approval 5-7-2014]**

KENNEL — A building for the boarding for pay or hire of four or more dogs.

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10. Editor's Note: The former definition of "independent living cottages," added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000, which immediately followed this definition, was repealed 9-21-2009 STM by Art. 16, AG approval 12-11-2009.

LANDSCAPE CONTRACTOR — A business engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250 kW DC.**[Added 4-1-2019 ATM by Art. 62, AG approval 8-6-2019]**

LIGHT MANUFACTURING — An establishment engaged in the indoor manufacturing, processing, or fabrication of materials or products.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

LODGING, ROOMING OR GUEST HOUSE — A building or buildings on a lot containing rental sleeping units without respective kitchens, and not having a commercial kitchen, primarily the temporary abode of persons who have a permanent residence elsewhere.**[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

LOT — A tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership to the extent necessary to eliminate or minimize zoning nonconformities. However, two or more adjacent parcels in common ownership, each of which complies with all applicable zoning requirements, or each of which has been lawfully improved with one or more dwellings conforming to all applicable zoning requirements, if any, at the time of construction thereof, and each of which parcels was in compliance with area and frontage requirements applicable thereto at the time of such construction, shall be considered to be separate lots for all purposes under this chapter, notwithstanding any subsequently effective amendment to this chapter. **[Amended 4-12-1994 ATM by Art. 50, AG approval 4-29-1994]**

LOT AREA — The horizontal area of the lot exclusive of any area in a street or private way open to the public use or land seaward of the mean high tide line of any harbor, sound, ocean or estuary. For any lot created after November 14, 1990, 90% of

the minimum lot area required for the zoning district in which such lot is situated must be exclusive of areas subject to the protection under the Wetlands Protection Act, MGL c. 131, § 40, not including areas defined as land subject to coastal storm flowage, coastal flooding or inundation, or any area defined as a buffer zone under such statute. In addition, for any lot created after April 5, 2011, the wetlands defined in the local Wetlands Bylaw, Chapter 136 of the Code of the Town of Nantucket, shall also apply, not including areas defined as land subject to coastal storm flowage, coastal flooding or inundation, or any area defined as a buffer zone under such statute.**[Amended 11-13-1990 STM by Art. 16, AG approval 3-19-1991; 5-5-1992 ATM by Art. 36, AG approval 8-3-1992; 4-4-2011 ATM by Art. 60, AG approval 9-15-2011]**

LOT LINE — A line bounding a lot, including a street line or an interior line which divides the lot from another lot, or a natural boundary line for a lot.

LUMBERYARD — A facility where building materials such as lumber, plywood, drywall, cement blocks, roofing materials, insulation, and the like, including related products such as wallpaper, plumbing and electrical supplies, paint, glass, and hardware, are stored and sold.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

MAJOR COMMERCIAL DEVELOPMENT — See § 139-11.

MARIJUANA ESTABLISHMENT, RECREATIONAL — A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL c. 94G, § 1, and 935 CMR 500.00, unless otherwise defined in this section. Recreational marijuana establishments are subject to the following standards:**[Added 11-6-2017 STM by Art. 2, AG approval 2-26-2018; amended 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

(1) Recreational marijuana establishments shall be located in standalone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for colocation with a licensed medical marijuana treatment center.

(2) A minimum separation of 500 feet, measured between lot lines, is required between recreational marijuana establishments and state-certified public or private schools or state-licensed day-care centers.

(3) Except where co-located, a minimum separation of 2,000 feet, measured between lot lines, is required between recreational marijuana establishments.

(4) No building permit for a recreational marijuana establishment shall issue until the applicant has executed a host community agreement with the Town pursuant to MGL c. 94G, § 3(d).

(5) A recreational marijuana establishment shall be required to obtain an annual certificate of inspection issued by the Inspector of Buildings.

(6) A recreational marijuana retailer must operate and provide all storage within a permanent structure.

(7) A recreational marijuana establishment shall not be eligible for qualification as a home occupation.

(8) On-site consumption of marijuana products is prohibited.

(9) Delivery of cannabis products to consumers is prohibited.

(10) A special permit for a recreational marijuana establishment shall be limited to the applicant at the time of special permit issuance. Any changes to the owner/operator/licensee shall require a new special permit.

(11) A recreational marijuana establishment shall not generate outside odors from the processing or manufacturing of marijuana or marijuana products.

(12) An applicant for a special permit for a recreational marijuana establishment shall obtain a provisional license from the Cannabis Control Commission prior to submitting an application to the Planning Board for a special permit.

MARIJUANA MEMBERSHIP CLUB — An organization, club, lodge, other private grounds allowing on-site consumption of cannabis or marijuana products, but not operating as a licensed marijuana social consumption operator and where no sales occur.**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

MARIJUANA PRODUCTS — Cannabis or marijuana and its products unless otherwise indicated and as defined in MGL c. 94G, § 1, as may be amended. These include products that have been manufactured and contain cannabis or an extract from cannabis or marijuana, including concentrated forms of

marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

MARIJUANA TREATMENT CENTER, MEDICAL — A premises approved under a medical use marijuana license pursuant to MGL c.94I that acquires, cultivates, processes, transports, sells, distributes, dispenses or administers marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof. Medical marijuana treatment centers are subject to the following standards:**[Added 11-6-2017 STM by Art. 2, AG approval 2-26-2018]**

(1) Medical marijuana treatment centers shall be located in standalone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed recreational marijuana establishment.

(2) A minimum separation of 500 feet, measured between lot lines, is required between medical marijuana treatment centers and state-certified public or private schools or state-licensed day-care centers.

(3) No building permit for a medical marijuana treatment center shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to MGL c.94G, § 3(d).

MARITIME SERVICE STATION — A marine establishment which may include, but not be limited to, boat fuel sales, boat sales, boat rental, boat construction, boat maintenance, repair, and incidental painting, and marine equipment sales or rental.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

MEAN GRADE — The median grade line established between existing grade and finish grade measured along a line four feet from the perimeter of the building or structure, extended four feet beyond the building or structure at each end. **[Amended 4-12-1994 ATM by Art. 55, AG approval 4-29-1994]**

MEANS OF ACCESS — A way affording vehicular access to a lot and across the line of the way [or lot line, for lots within the scope of § 139-33E(1)(b) below] and having sufficient width, suitable grades and adequate construction to provide for the year-round needs of vehicular traffic in relation to the way's prospective use

and for the installation of utility services.[11]**[Amended 5-5-1992 ATM by Art. 44, AG approval 8-3-1992]**

MINING — The removal of any geologic material, including but not limited to topsoil, sand, gravel and clay, not to include removal associated with on-site road and building construction.[12]

MOTOR VEHICLE PARKING LOTS OR STRUCTURES — A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this chapter shall not be considered a separate use from the use requiring the off-street parking.**[Added 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

MUNICIPAL — Of or by the Town of Nantucket, the County of Nantucket, or any agency, board or department thereof; and specifically including the Nantucket Islands Land Bank.**[Added 4-6-2015 ATM by Art. 66, AG approval 8-5-2015]**

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM — Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

NEIGHBORHOOD EMPLOYEE HOUSING — Housing for the exclusive use of employers who own or lease space on a lot, for the purpose of housing their employees, their spouses, domestic partners and dependents. A maximum of two dwelling units shall be permitted per lot with occupancy limited to a total of 18 persons. In the R-1, ROH, R-5, R-10, R-20, and R-40 Districts only, there shall be no more than two lots containing neighborhood employee housing or employer dormitory units (conforming or preexisting nonconforming), within a 1,000 foot radius. The Planning Board shall be the special permit granting authority.

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11. Editor's Note: The former definition of "medical marijuana treatment center," which immediately followed this definition, was amended 4-5-2014 ATM by Art. 68 to become "registered marijuana dispensary," which was repealed 11-6-2017 STM by Art. 2, AG approval 2-26-2018.

12. Editor's Note: The former definition of "motel," which immediately followed this definition, was repealed 4-6-2009 ATM by Art. 27, AG approval 8-10-2009. The former definition of "multi-family dwelling," added 4-10-2000 ATM by Art. 33, AG approval 8-2-2000, as amended, which also followed this definition, was repealed 4-2-2013 ATM by Art. 30, AG approval 7-26-2013. The former definition of "moderately priced housing," which also followed this definition, added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994, and amended 4-8-2008 ATM by Art. 29, AG approval 8-18-2008, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.

Site plan review in accordance with § 139-23 and the submission of a dormitory management plan shall be required.**[Added 4-9-2001 ATM by Art. 37, AG approval 8-2-2001; amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

NONCONFORMING STRUCTURE, USE OR LOT — A structure or a use or lot that does not conform to a zoning restriction of this chapter for the zoning district in which it is located, provided that the nonconformity was lawfully in existence on the July 27, 1972, effective date of this chapter, or in the case of a structure, use or lot made nonconforming by an amendment of this chapter, on the effective date of such amendment.[13]

OFFICE — The building, room or building space where the clerical work of a business, trade or occupation, or profession is conducted or where the work of administration is conducted. Commercial office space shall not include any trading in merchandise or manufacturing or fabricating.

OPEN AIR MARKET — An occasional or periodic market held in an open area or in a structure where groups of individual sellers licensed by the Board of Selectmen offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

OPEN LAND — A parcel or parcels of land or an area of water or wetlands or a combination of land and water or wetlands, not including streets, set aside in an undeveloped state.

ORIGINAL LOT — An existing lot, dividable into two lots pursuant to § 139-8C.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2016 ATM by Art. 54, AG approval 7-12-2016]**

OUTBUILDING(S) — Detached accessory residential structure(s) such as a cabana, barn, hoop barn, shanty, greenhouse, gazebo, playhouse, fitness studio, home office, but not including dwelling units or structures used for habitation, studios, or sheds.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

OWNER OCCUPIED — The primary residence, or temporary (seasonal) residence, of a person(s) or the individual beneficiaries of a legal entity that holds title to the property, where such

13. **Editor's Note: The definition of "occupied," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.**

persons are physically present and living within dwelling units on said property for at least three months each calendar year. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as owner occupied.**[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015]**

OWNERSHIP — Record title to land, as shown upon deeds or other documents of title on file at the Nantucket Registry of Deeds, the Nantucket Registry District of the Land Court, the Registries of Probate, or other applicable public offices.**[Added 4-6-2015 ATM by Art. 65, AG approval 8-5-2015]**

PARKING SPACE — An area dedicated to the parking of a motor vehicle meeting the requirements of § 139-18.**[Added 4-9-2001 ATM by Art. 27, AG approval 9-2-2001; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

PARKING SPACE: TANDEM/STACKED — A group of two or more parking spaces arranged one behind the other where one space blocks access to the other space.**[Added 4-15-2003 ATM by Art. 30, AG approval 8-27-2003]**

PERSONAL SERVICES — Establishments providing services generally related to personal non-medical needs, including, but not limited to: beauty and barber, clothing rental, garment repair, and shoe repair shops, tanning salons, photography studios, psychic reading, tattoo or body piercing studio, upholster shop, personal training. These uses may also include accessory retail sales of products related to the services provided. No personal service establishment shall exceed 3,000 square feet of floor area, and the aggregation of such service establishments on a lot (or on contiguous lots in one ownership) shall not exceed 4,000 square feet of floor area.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008; amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

PERSONAL WATERCRAFT — A small vessel of less than 16 feet in length which uses an inboard motor powering a waterjet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel. This term includes jet skis, wet bikes and surf jets.**[Added 4-8-2008 ATM by Art. 49, AG approval 8-18-2008]**

PHARMACY — An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, home and personal care products, and related supplies.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

PRIMARY DWELLING — A detached single-family dwelling unit or the portion of a structure that contains a single dwelling unit. A primary dwelling may contain an attached garage.[14]**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2011 ATM by Art. 64, AG approval 9-15-2011]**

PRINT SHOP — A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

QUALIFIED FAMILY MEMBER DEED RESTRICTION — A deed restriction accepted and enforceable by the town of Nantucket, which limits owner-occupancy of a subject lot to the owner of the lot at the time the lot was subdivided into secondary lots, or the owner's spouse, and/or their parent(s), grandparent(s), children, brother(s) and/or sister(s). This deed restriction shall only be released by the Town in the event that an NHNC Ownership Form replaces this restriction.**[Added 4-1-2019 ATM by Art. 48, AG approval 8-6-2019]**

RECHARGE — The addition of water to the saturated zone of an aquifer. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

RECREATIONAL FACILITY — Golf courses, tennis, paddle, and racquet courts, bowling alleys, fitness centers, or the like, including any uses ancillary to the recreational facility. In the R-10 District only, the recreational facility may include accessory uses such as a restaurant, catering facility, snack bar, or pro shop that operate independently from the recreational facility.[15]**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

RESIDENTIAL WECS — A WECS designed or operated to provide energy principally to the residence and accessory structures

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14. Editor’s Note: The former definition of “primary lot,” added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009, which immediately followed this definition, was repealed 4-2-2016 ATM by Art. 54, AG approval 7-12-2016.

15. Editor’s Note: The former definition of "registered marijuana dispensary," added 4-2-2013 ATM by Art. 30, as amended, which immediately followed this definition, was repealed 11-6-2017 STM by Art. 2, AG approval 2-26-2018. See now the definitions of "marijuana establishment, recreational" and "marijuana treatment center, medical."

located on the lot, or on contiguous lots held in common ownership. A WECS designed or operated to provide more than 50% of its rated energy production for off-site consumption shall not be considered residential except in cases where such power is consumed by residences of adjacent property or within 1,000 feet, whichever is greater.**[Amended 4-6-2009 ATM by Art. 47, AG approval 8-10-2009]**

SECONDARY DWELLING — A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling. The secondary dwelling may contain an attached garage. The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; excluding retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences. Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter. A secondary dwelling may only be attached to the primary dwelling by a breezeway.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-5-2010 ATM by Art. 56, AG approval 8-5-2010; 4-6-2011 ATM by Art. 64, AG approval 9-15-2011; 4-2-2013 ATM by Art. 40, AG approval 7-26-2013; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-3-2018 ATM by Art. 45; AG approval 7-18-2018]**

Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership."

The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

The principal purpose of secondary dwellings is to create housing opportunities through the provision of affordable rental housing for year round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income. The intent of this provision is also that one of the two dwellings be designated and constructed at such scale and bulk so as to be clearly subordinate in both use and appearance.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.[16]

SECONDARY LOTS — Lots created by the division of the original lot into two lots pursuant to § 139-8C. One of the two lots shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2016 ATM by Arts. 54, 55, AG approval 7-12-2016; 4-1-2019 ATM by Art. 48, AG approval 8-6-2019]**

SHED — An accessory structure for storage purposes, not designed to be served by heat or plumbing and not to be used for habitation.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

SHOREFRONT LAND — A parcel or parcels of land, a portion of which is located within or abutting the mean high water line of the Atlantic Ocean, Nantucket Sound, Nantucket Harbor, Polpis Harbor, or Madaket Harbor.[17]**[Added 4-13-1998 ATM by Art. 35, AG approval 7-31-1998]**

SOLAR ENERGY FACILITIES — All of the equipment, machinery, and structures used for either the primary or accessory purpose of converting, storing or transmitting electricity generated from solar energy.**[Added 4-1-2019 ATM by Art. 62, AG approval 8-6-2019]**

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16. Editor's Note: See Ch. 100, Nantucket Housing Needs Covenant Program.

17. Editor's Note: The former definition of "sign," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011.

SOLID WASTE — Discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, scrap material, junk, refuse and inert fill material.

SPECIAL PERMIT GRANTING AUTHORITY — The Board of Appeals except in those matters for which the Planning Board is specified as having jurisdiction under this chapter.

STABLE, PRIVATE — An accessory building in which horses are kept for private use, not for a fee, hire or sale.

STABLE, PUBLIC — An accessory building in which any horses are kept for a fee, hire or sale.

STORAGE CONTAINER — An outdoor container, such as fully enclosed semi-trailers, steel shipping containers, cargo containers, and the like, used for commercial storage of goods and materials that are not registered vehicles themselves or situated on a registered trailer or attached to a registered vehicle. This definition does not apply to registered or unregistered boat trailers, registered vehicles or sheds.**[Added 11-6-2017 STM by Art. 21, AG approval 2-26-2018]**

STREET —

(1) A public way or a way which the Town Clerk certifies is maintained and used as a public way; or

(2) A way shown on a plan approved and endorsed by the Nantucket Planning Board in accordance with the Massachusetts Subdivision Control Law[18] and which has been improved and constructed in accordance with the requirements of such approval; or

(3) A way in legal and physical existence when the Subdivision Control Law[19] became effective on Nantucket on February 1, 1955, which has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. **[Amended 5-5-1992 ATM by Art. 44, AG approval 8-3-1992; 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

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18. Editor's Note: See MGL c. 41, § 81K et seq.

19. Editor's Note: See MGL c. 41 § 81K et seq.

STREET LINE — The line separating a street from a lot as duly determined by matters of record.

STRUCTURE — Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, stairs, access ramps, or platforms that provide the minimum Building Code compliant access to a structure and that extend into the required front, side, or rear yard setback less than a depth of three feet, and within a total area less than 20 square feet on a lot containing less than 40,000 square feet, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.**[Amended 4-8-2008 ATM by Art. 63, AG approval 8-18-2008; 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-1-2019 ATM by Art. 57, AG approval 8-6-2019]**

STUDIO — A building or a room or rooms where an artist, artisan, photographer or the like does his or her work.

SUPERMARKET — Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores or pharmacies.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

SWIMMING POOL - COMMERCIAL — A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool may be a primary use or accessory use to a club, recreational facility, transient residential facility, yacht/sailing club, or other commercial use as identified in § 139-7A.**[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011]**

SWIMMING POOL - RESIDENTIAL — A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.**[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; amended 4-1-2017 ATM by Art. 69, AG approval 5-31-2017]**

TAKE-OUT FOOD ESTABLISHMENT — A commercial establishment, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is: **[Amended 4-12-1999 ATM by Art. 31, AG approval 8-10-1999]**

(1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;

(2) Available upon a short waiting time; and

(3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TAKE-OUT STATION — A designated area within a take-out food establishment where a cash register or other means of taking and processing orders is located.**[Added 3-31-2012 ATM by Art. 56, AG approval 7-12-2012]**

TAXICAB BUSINESS — A service that offers transportation utilizing three or more motor vehicles to persons, including those who are handicapped, in return for remuneration.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

TENT — A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for

periods exceeding 30 days per calendar year; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

TERTIARY DWELLING**[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015; amended 4-2-2016 ATM by Art. 51, AG approval 7-12-2016]** —

(1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

(2) A third dwelling unit located on a lot, including the following options:

(a) A garage apartment not exceeding 650 square feet of gross floor area.

(b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. **[Amended 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]**

(c) A detached building containing not more than 650 square feet of ground cover and not more than 650 square feet of gross floor area.

(3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:

(a) R-5: 1 bedroom per each 1,000 square feet of lot area;

(b) R-10: 1 bedroom per each 1,400 square feet of lot area;

(c) R-20: 1 bedroom per each 2,500 square feet of lot area;

(4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.

(5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

TIME-SHARING OR TIME-INTERVAL-OWNERSHIP DWELLING UNIT OR DWELLING — A dwelling unit or dwelling in which the exclusive right of use, possession or ownership circulates among various owners or lessees thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either: a time-share estate, in which the ownership or leasehold estate in property is devoted to a time-share fee (tenants in common, time-share ownership, interval ownership) and a time-share lease; or time-share use, including any contractual right of exclusive occupancy which does not fall within the definition of "time-share estate," including, but not limited to, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond, the use being inherently transient.

TINY HOUSE UNIT — A detached structure containing a dwelling unit with less than a total of 500 square feet constructed on a moveable trailer to be attached to a foundation pursuant to a building permit issued in accordance with Zoning Bylaw § 139-26. Only one tiny house unit shall be allowed per lot. The tiny house unit shall not be a recreational vehicle (commonly known as an RV), auto home, shipping container, motor vehicle, semi-trailer, camper, or boat, and shall not be located upon a lot with a commercial or other nonresidential use. The tiny house unit shall be owned by a not-for-profit, religious, or educational entity or shall be the primary residence of a person(s), or the individual beneficiary(ies) of a legal entity, that holds title, common title, or land lease to the property, or any direct family member of that person(s) (their child, parent, grandparent, or brother or sister, or their spouse's child, parent, grandparent, brother or sister). A tiny house unit may be a primary dwelling unit or may be located on a lot in lieu of an otherwise permitted secondary dwelling, garage apartment, or tertiary dwelling. If located on a lot with a primary dwelling, secondary dwelling, or garage apartment, the Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance

of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.**[Added 4-2-2016 ATM by Art. 52, AG approval 7-12-2016]**

TOWN OVERLAY DISTRICT — The overlay district described in § 139-12E. **[Added 4-9-2002 ATM by Art. 37, AG approval 7-31-2002]**

TRANSFER STATION — A handling facility where solid waste is brought, stored and transferred from one vehicle or container to another vehicle or container for transport off-site to a solid waste treatment, processing or disposal facility.**[Added 4-8-2008 ATM by Art. 62, AG approval 8-18-2008]**

TRANSIENT RESIDENTIAL FACILITIES — Hotels; rooming, lodging or guest houses; and time-sharing or time-interval-ownership dwelling unit(s). In the ROH District only, rooming, lodging, and guest houses may be allowed by special permit for lots located entirely within a quarter-mile radius of the CDT District.**[Amended 4-6-2009 ATM by Art. 47, AG approval 8-10-2009; 4-6-2015 ATM by Art. 44, AG approval 8-5-2015]**

TRUCK/BUS TERMINAL — A facility for the receipt, transfer, short-term storage, or dispatching of goods transported by truck or the storage, service, or maintenance of buses not in active transport of passengers. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.[20]**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

UNENCLOSED PORCH — An unenclosed appendage, whether roof covered or not, projecting from an exterior wall(s) of a structure. An unenclosed porch may connect portions of a single building, roof, or two or more buildings.**[Added 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

USE, PRINCIPAL — A use which is expressly permitted by this chapter (other than as an accessory use), either with a special permit or without need of one.

WATER-DEPENDENT USE — Uses and facilities that require direct access to or location in coastal waters and which therefore cannot be located inland, including uses that provide general public access to those waters.**[Added 4-8-2008 ATM by Art. 49, AG approval 8-18-2008]**

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20. Editor's Note: The former definition of "used," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.

WIND ENERGY CONVERSION SYSTEMS (WECS) — Mechanisms, including all appurtenances thereto, designed or operated for the purpose of converting wind energy to electrical or mechanical power.

WINDMILL — A mill operated by the wind's rotation of large, oblique sails or vanes radiating from a shaft, used as a source of power.

WORKFORCE HOMEOWNERSHIP HOUSING — Ownership or rental of single-family dwelling units, pursuant to § 139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below the percentages of area median income set forth herein. An increment of 75% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 80% of area median income. The remaining increment of 25% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 175% of area median income.**[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]**

WORKFORCE RENTAL HOUSING — Rental of multifamily dwelling units, pursuant to § 139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below 80% of area median income.**[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]**

YARD — The area of a lot to be kept free of buildings and other structures (except fences, fence gates, landscape retaining walls, mail and lamp posts, utility service poles, and pedestals, lot accessways, and docks, bulkheads, groins and other coastal engineering structures). The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point (excluding the eaves and any exterior insulation) between the structure and the lot line.**[Amended 4-2-2016 ATM by Art. 60, AG approval 7-12-2016; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]**

YARD, FRONT — The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not. For lots abutting one street or way, whether constructed or

not, on more than one side or portion thereof, the Planning Board may grant a waiver by special permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.**[Amended 11-13-1990 STM by Art. 22, AG approval 3-19-1991; 5-5-1992 ATM by Art. 45, AG approval 8-3-1992; 4-1-2019 ATM by Art. 59, AG approval 8-6-2019]**

YARD, REAR or SIDE — The portion of any lot lying between the buildings upon such lot and each lot line other than a line adjoining a street.

ZONE II — The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated. For the purposes of this chapter, the Zone II is coterminous with the Public Wellhead Recharge District established under § 139-12B of this chapter. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

ZONING ENFORCEMENT OFFICER — An official of the Town of Nantucket who is responsible for the administration and enforcement of the Nantucket Zoning Bylaw in accordance with the provisions of MGL c. 40A, § 7. **[Added 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**

B. Word usage. "Shall" is considered mandatory and not discretionary.

Addendum E

139 Attachment 2

Town of Nantucket
Use Chart
(See § 139-7A.)
[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-4-2011 ATM by Arts. 58 and 61, AG approval 9-15-2011; 3-31-2012 ATM by Art. 47, AG approval 7-12-2012; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 67, AG approval 5-7-2014; 4-6-2015 ATM by Arts. 44, 47, 61, 62, 64, AG approval 8-5-2015; 11-9-2015 STM by Art. 2, AG approval 12-29-2015; 4-2-2016 ATM by Art. 36, 52, AG approval 7-12-2016; 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 11-6-2017 STM by Arts. 2, 19, 21, AG approval 2-26-2018; 10-10-2018 STM by Art. 2, AG approval 5-8-2019; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]

A = Accessory Use as defined in § 139-15
FBED = Formula Business Exclusion District
N = No
SP = Special Permit issued by Zoning Board of Appeals, unless the Planning Board is designated as the special permit granting authority pursuant to another section of this chapter.
Y = Yes

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Residential	Primary dwelling	Y	Y	Y	Y	Y	Y	A	A	A	Y	N	Y	Y	Y	Y	Y	Y	Y	A	A
	Secondary dwelling	Y	Y	Y SP R-5L	Y SP R-10L	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
	Accessory dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tertiary dwelling	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
	Apartment	N	N	N	N	N	N	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N	N
	Apartment building	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	SP	N
	Tiny house unit	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
	Garage apartment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Duplex	Y R-1 N SR-1	N	Y N R-5L	Y R-10 N R-10L N SR-10	N	N	Y	Y	A	Y	N	Y	Y	N	N	N	N	N	N	N
	Workforce rental community	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	N	N
	Elder housing facilities	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	SP	SP	SP	SP	SP	SP	N	N	N
	Studio	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	A	A	Y	Y
	Garage – residential	A/SP	A/SP	A/ SP	A/SP	A/SP	A/SP	N	N	A	A	N	A	A	A/ SP	A	A	A/SP	A	A	A
	Shed	A	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
	Outbuildings – other	A	A	Y	Y	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
	Swimming pool - residential	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP	A	A
	Home occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
	Keeping of pets for personal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	N	N	N	N	N	N	Y	Y	Y	A	A	Y	Y	N	N	N	N	N	Y	A
	Convenience store	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	SP	A
	Alcohol sales	N	N	N	N	N	N	Y	Y	SP/A	N	N	Y	Y	N	N	N	N	N	A	A
	Bakery	N	N	N	N	N	N	Y	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	Y	A/SP
	Open-air market	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	Y	Y
	Pharmacy	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurants																				
	Small (up to 70 seats)	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	SP	N
	Large (71-200 seats)	N	N	N	N	N	N	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	N
	Drive-through take-out food	N	N	N	N	N	N	N	N	SP	N	N	SP	SP	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	A
	Formula businesses																				
	Retail (includes: bakery, convenience store and pharmacy)	N	N	N	N	N	N	N	Y	Y	N	SP	SP/N in FBED	SP	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurant																				
	Small (up to 70 seats)	N	N	N	N	N	N	N	SP	SP	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N	N	SP	N	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Offices	N	N	N	N	N	N	Y	Y	Y	A	Y	Y	Y	N	N	N	N	N	Y	A
	Theatres, auditoriums, or other places of public assembly	N	N	N	N	N	N	Y	SP	SP	N	N	Y	Y	N	N	N	N	N	A	A/SP
	Personal services	SP	SP	SP N R-5L	SP N R-10L	SP	SP	Y	Y	Y	A	N	Y	Y	N	N	N	N	N	Y	SP
	Print shop	N	N	N	N	N	N	Y	Y	Y	Y	Y	SP	SP	N	N	N	N	N	N	N
	Laundromat or dry-cleaning establishment	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	SP	N
	Bank	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Automated teller machine	N	N	N	N	N	N	Y/A	Y/A	Y/A	N	N	Y	Y	N	N	N	N	N	A	A
	Arcade	N	N	N	N	N	N	N	SP/A	SP/A	N	N	A	A	N	N	N	N	N	N	N
	Art gallery	N	N	N	N	N	N	Y	Y	Y	N	N	SP	SP	N	N	N	N	N	Y	Y
	Museum	N	N	N	N	N	N	Y	N	SP	N	N	Y	Y	N	N	N	SP	N	SP	N
	Catering	N	N	N	N	N	N	N	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	A	A
	Crematorium	N	N	N	N	N	N	N	N	N	N	Y	A	A	N	N	N	SP	N	N	N
	Funeral home	SP	SP	SP N R-5L	SP N R-10L	N	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N
	Health spa	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Medical clinic	N	N	N	N	N	N	N	SP	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Adult on-site marijuana social consumption operator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana membership club	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana establishment, recreational and marijuana treatment center, medical	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N	N	N

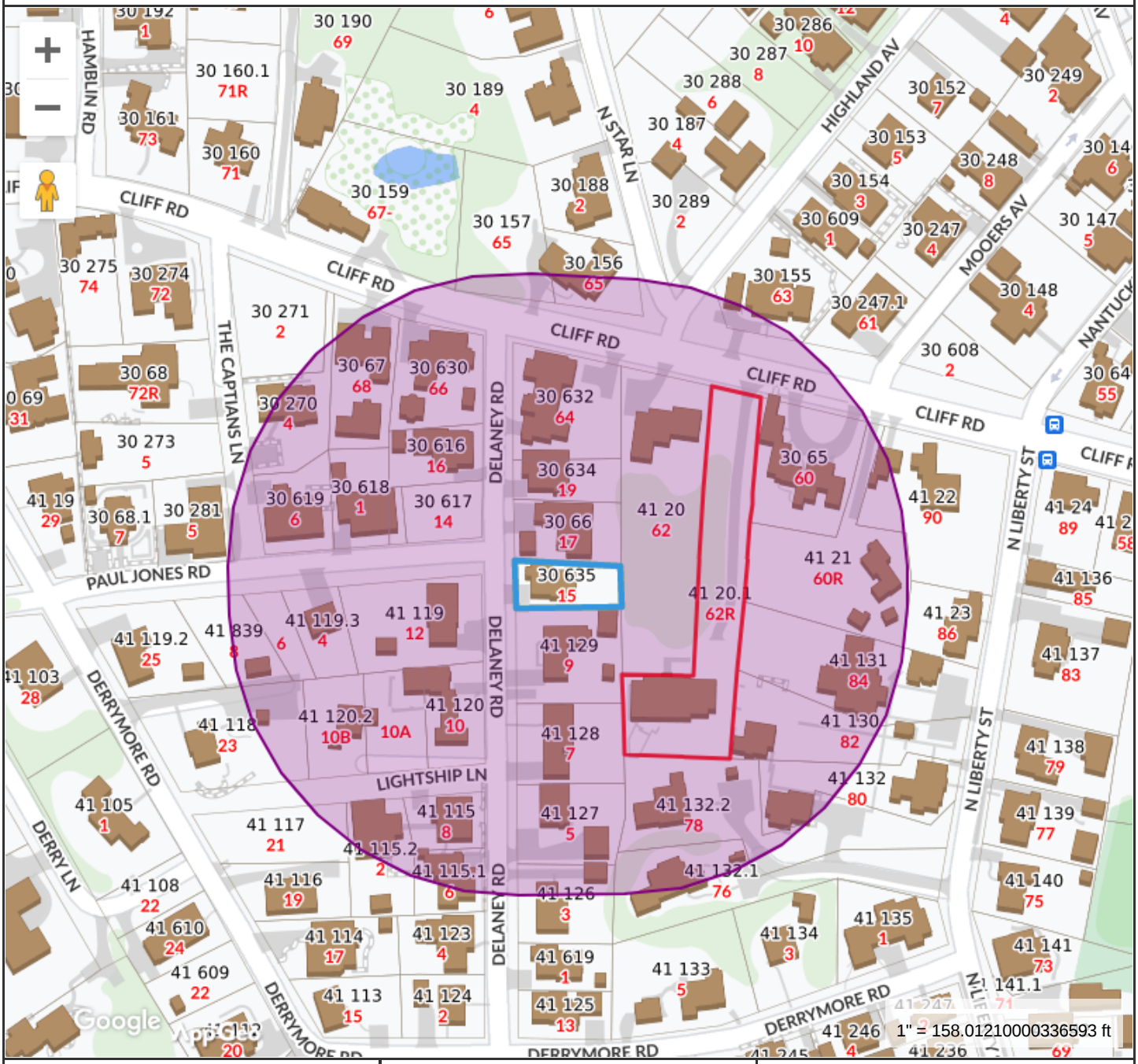
	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
	Hospital	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
	Transient residential facilities																				
	Hotel or inn	N	N	N	N	N	N	SP	SP	SP	N	N	Y	N	N	N	N	N	N	N	N
	Rooming, lodging, or guest house	N	SP[1]	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	SP	N
	Time-sharing/Interval dwelling units	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	Y	N
Commercial Industrial	Contractor shop	N	N	N	N	N	N	N	SP	SP	Y	Y	SP	SP	N	N	N	N	N	N	A
	Lumberyard	N	N	N	N	N	N	N	N	SP	SP	Y	N	N	N	N	N	N	N	N	SP
	Bulk merchandise retail	N	N	N	N	N	N	Y	Y	Y	SP	Y	N	N	N	N	N	N	N	SP	SP
	Landscape contractor	N	N	N	N	N	N	N	N	SP	Y	Y	SP	SP	N	N	N	N	N	N	SP
	Light manufacturing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	SP/A	SP/A
	Food processing	N	N	N	N	N	N	N	N	SP	SP	Y	SP	SP	N	N	N	N	N	N	SP
	Shed - commercial	N	N	N	N	N	N	A	A	A	A	A	N	N	N	N	N	N	N	A	A
	Storage container	N	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	N	N	N	N	N	N
	Interior or exterior storage or warehousing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	A	SP/A
	Motor vehicle sales	N	N	N	N	N	N	N	SP	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle rental	N	N	N	N	N	N	Y	N	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle repair or painting	N	N	N	N	N	N	N	SP	SP	SP	Y	SP	SP	N	N	N	N	N	N	N
	Motor vehicle service station	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle parking lots or structures	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	N	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N	N	SP	N	N	SP	SP	SP	N	N	N	N	N	N	N
	Taxicab business	N	N	N	N	N	N	N	Y	Y	Y	N	SP	SP	N	N	N	N	N	N	N
	Bicycle rental or sale	N	N	N	N	N	N	Y	N	SP	SP	N	SP	SP	N	N	N	N	N	SP	A
	Maritime service station	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	SP
	Yacht/Sailing clubs and marinas	N	N	N	N	N	N	Y	N	N	N	SP	Y	Y	N	N	N	N	N	N	SP
Industrial	Adult uses	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N
	Asphalt/Batching plant	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Licensed junkyard	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Transfer station	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Utility production/distribution (does not include WECS)	N	N	N	N	N	N	SP	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
	Mining	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Truck/Bus terminal	N	N	N	N	N	N	N	N	N	SP	Y	N	N	N	N	N	N	N	N	N
	Boat-related storage	N	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	N	N	N	N	SP

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Other	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (including keeping of farm animals, greenhouses, truck gardens, farms, orchards and nurseries)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Municipal uses (any)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Kennel	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Public stable	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Employer dormitory	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N	SP	SP
	Neighborhood employee housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Swimming pool - commercial	N	N	N	N	N	N	N	SP/A	SP/A	A	N	SP/A	SP/A	A	A	A	A	N	A	A
	Recreational facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Club	N	N	N	SP	SP	SP	Y	Y	Y	Y	N	Y	Y	N	SP	SP	SP	N	SP	SP

NOTES:
[1]See the definition of "transient residential facility" in § 139-2A.

Addendum F

Abutter's Map



Property Information

Property ID	30 635
Location	15 DELANEY RD
Owner	KEITH RALPH W TR & BONNIE A TR

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 07/28/2022
Data updated Jan. 2021

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

DEAN & ALBA

CESTARI

File No. 16-22

2 Nautilus Lane

SPECIAL PERMIT

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

NANTUCKET TOWN CLERK
2022 OCT 19 PM 3:01

APPLICATION

Fee: $450.00 **File No.** 16-22

Owner's name(s): DEAN AND ALBA CESTARI

Mailing address: 9-17 Harcourt Street, Unit 506, Boston, MA 02116

Phone Number: 917-572-3533 E-Mail: dean_cestari@meei.harvard.edu

Applicant's name(s): (same)

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 2 NAUTILUS LANE

Assessor's Map/Parcel 67-176.2

Land Court Plan/Plan Book & Page/Plan File No.: LOT 166, LC PLAN 34507-26

Deed Reference/Certificate of Title: 28810 Zoning District R-10

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

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 2018

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

(SEE ATTACHED ADDENDUM)

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

SIGNATURE:_____Owner*

SIGNATURE:_____Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

ADDENDUM

Applicants are seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-16C(1) (Intensity regulations – setback). Applicants propose to construct a 10' x 19' in-ground pool. Applicants purchased the property on May 3, 2022 with the single-family dwelling and attached garage already constructed on the property. Applicants received approval from the Historic District Commission ("HDC") for the pool in Certificate of Appropriateness No. 2022-05-6333 with a 10-foot rear yard setback. Coping is allowed in the setback areas.

Applicants are proposing to move the pool to a location as close as eight (8) feet from the rear yard lot line. There is a 6-foot natural to weather board fence along the rear property line. The pool was approved due to lack of visibility from either Nautilus Lane or Fairgrounds Road. A new HDC application will be submitted to relocated the pool about two (2) feet to the east after the ZBA allows the relocation.

Granting Special Permit relief to allow the relocation of the pool further from the house by two feet would not have a negative impact on the neighborhood, most specifically the immediate abutter to the southwest as there is a 6-foot fence and improvements are at grade. There will be an auto-cover and vegetative screening. The proposal would be in harmony with the general purpose and intent of the Zoning By-law and would be consistent with many such waivers in the R-10 and R-20 zoning districts since those districts were imposed. Many properties have structures that are sited within the required 10-foot side and rear yard setback areas and this prompted that change to the By-law decades ago.

C.

Additional requirements and exceptions for yards. [See § 139-33E(3) below.]

[Amended 5-5-1992 ATM by Art. 36, AG approval 8-3-1992; 4-12-2004 ATM by Art. 40, AG approval 9-3-2004; 4-8-2008 ATM by Art. 29, AG approval 8-18-2008; 4-5-2010 ATM by Art. 54, AG approval 8-5-2010]

(1)

Notwithstanding the provisions of § **139-16C(4)**, the Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, R-20 and SR-20 to five feet.

[Amended 4-3-2018 ATM by Art. 45; AG approval 7-18-2018; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]

Linda Williams

From: Cestari, Dean M.,MD <Dean_Cestari@MEEI.HARVARD.EDU>
Sent: Wednesday, October 19, 2022 1:09 PM
To: Linda Williams
Subject: Re: AUTHORIZATION

Linda I authorize you to represent us in front of the ZBA for all issues.

Dean M. Cestari, MD
Neuro-Ophthalmology and Adult Strabismus
Associate Professor of Ophthalmology
Harvard Medical School
Director, Adult Strabismus, Mass Eye & Ear
Fellowship Director, Neuro-Ophthalmology
Co-Director, Center for Thyroid Eye Disease and Orbital Surgery, Mass Eye & Ear

On Oct 19, 2022, at 12:56 PM, Linda Williams <czarinalinda@comcast.net> wrote:

External Email - Use Caution

Add for the ZBA

From: Cestari, Dean M.,MD <Dean_Cestari@MEEI.HARVARD.EDU>
Sent: Wednesday, October 19, 2022 12:46 PM
To: Linda Williams <czarinalinda@comcast.net>
Subject: Re: AUTHORIZATION

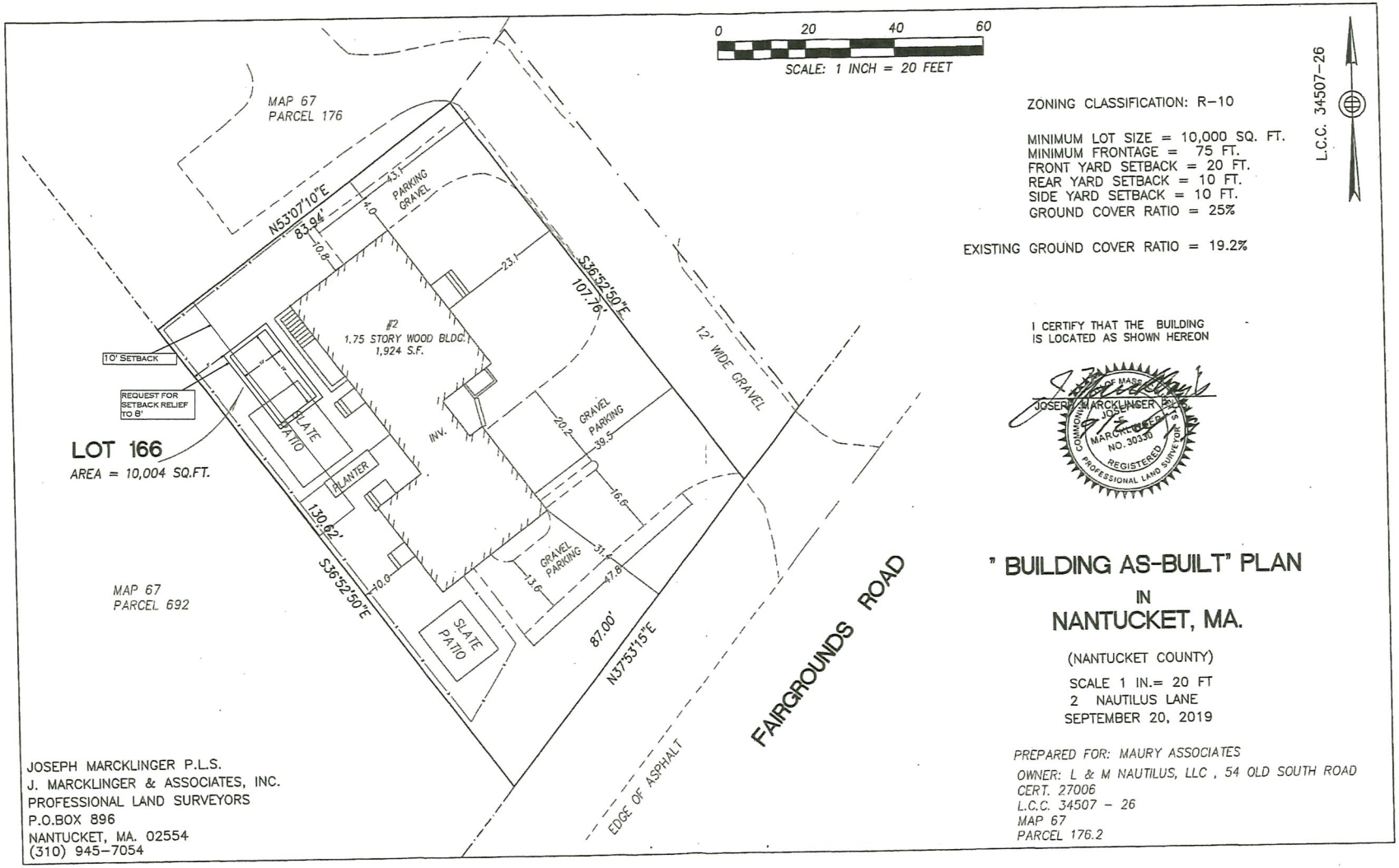
Linda I authorize you to be our agent and act on our behalf.

Dean M. Cestari, MD
Neuro-Ophthalmology and Adult Strabismus
Associate Professor of Ophthalmology
Harvard Medical School
Director, Adult Strabismus, Mass Eye & Ear
Fellowship Director, Neuro-Ophthalmology
Co-Director, Center for Thyroid Eye Disease and Orbital Surgery, Mass Eye & Ear

On Oct 19, 2022, at 11:45 AM, Linda Williams <czarinalinda@comcast.net> wrote:

External Email - Use Caution

I REALLY NEED that email authorizing me to sign the application. I have to file it right now.



ZONING CLASSIFICATION: R-10

MINIMUM LOT SIZE = 10,000 SQ. FT.
MINIMUM FRONTAGE = 75 FT.
FRONT YARD SETBACK = 20 FT.
REAR YARD SETBACK = 10 FT.
SIDE YARD SETBACK = 10 FT.
GROUND COVER RATIO = 25%

EXISTING GROUND COVER RATIO = 19.2%

I CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN HEREON

JOSEPH MARCKLINGER
MARCKLINGER NO. 30330 REGISTERED PROFESSIONAL LAND SURVEYOR
COMMONWEALTH OF MASS.

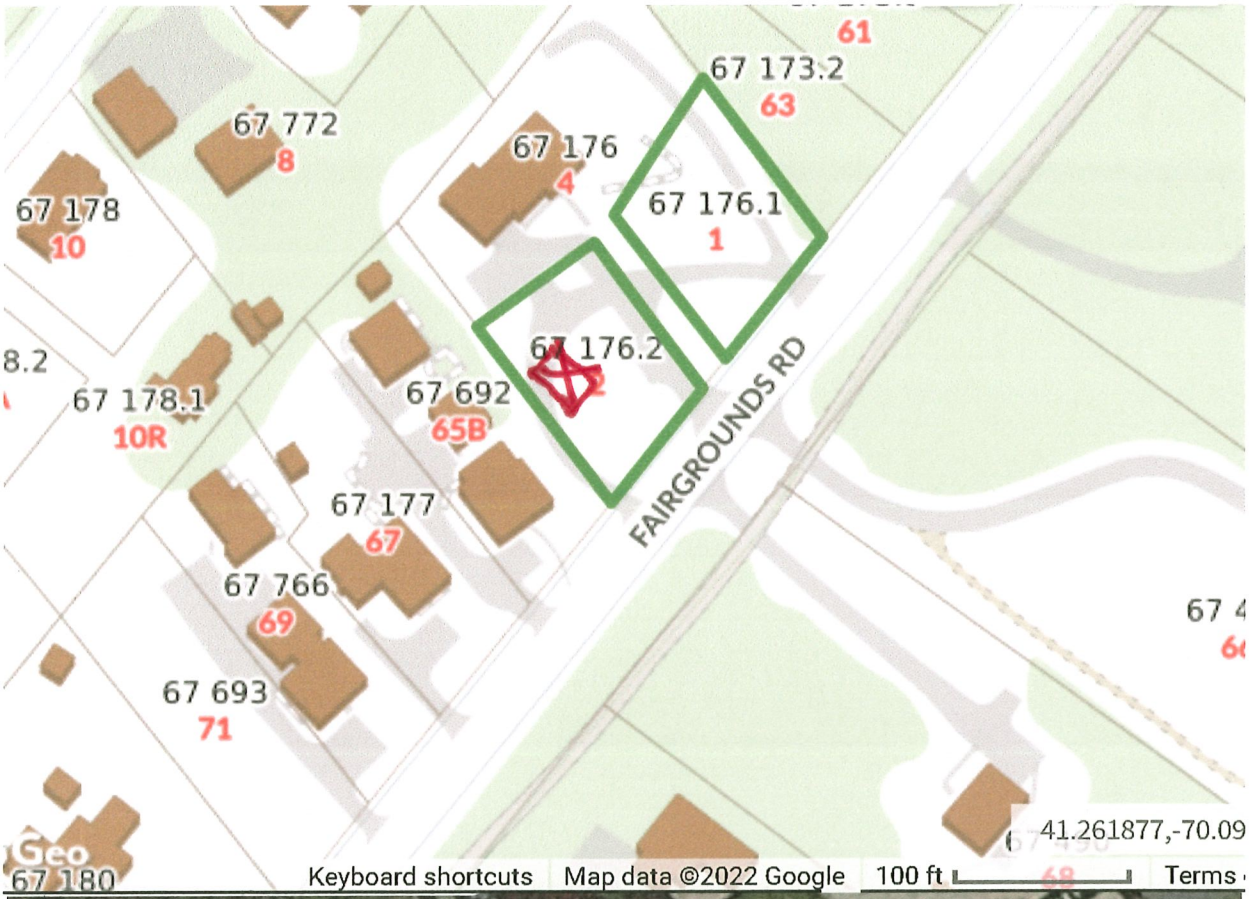
" BUILDING AS-BUILT" PLAN
IN
NANTUCKET, MA.

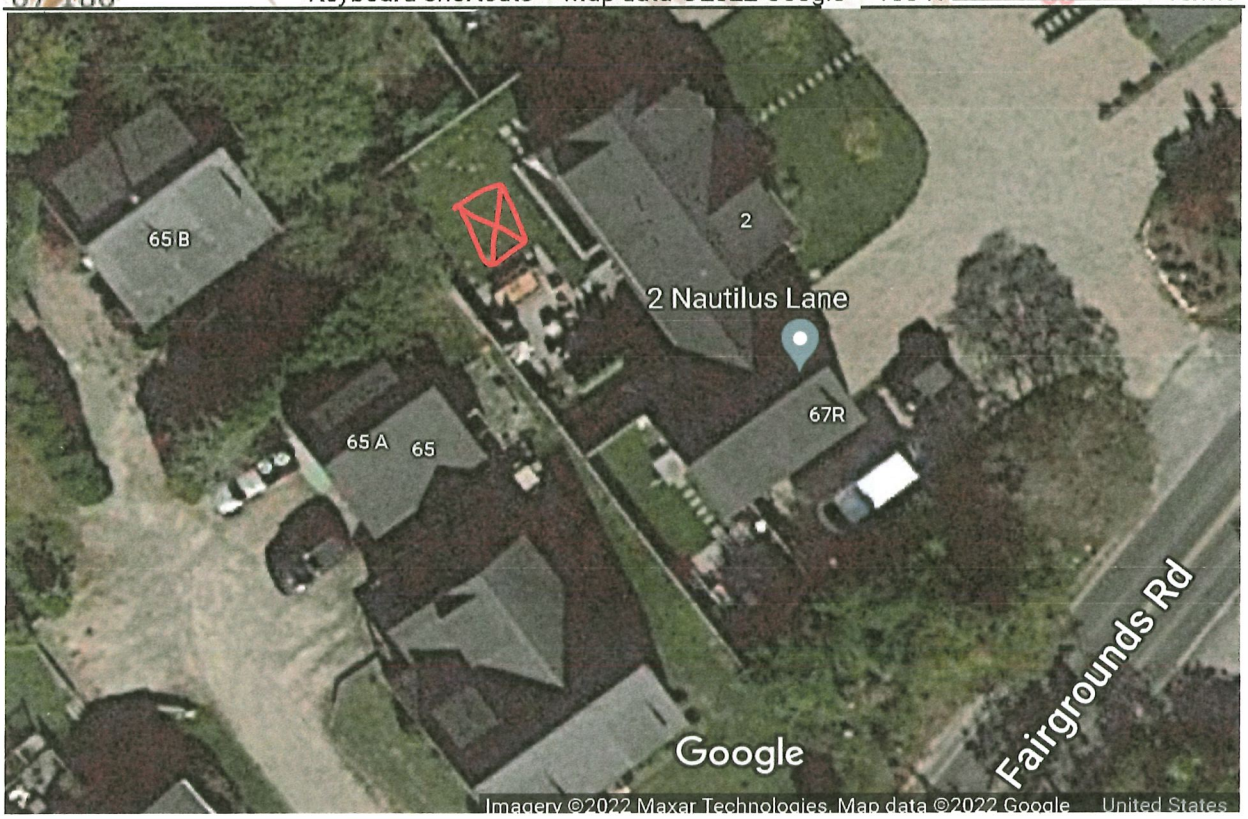
(NANTUCKET COUNTY)

SCALE 1 IN.= 20 FT
2 NAUTILUS LANE
SEPTEMBER 20, 2019

PREPARED FOR: MAURY ASSOCIATES
OWNER: L & M NAUTILUS, LLC , 54 OLD SOUTH ROAD
CERT. 27006
L.C.C. 34507 - 26
MAP 67
PARCEL 176.2

JOSEPH MARCKLINGER P.L.S.
J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O.BOX 896
NANTUCKET, MA. 02554
(310) 945-7054


61
67 173.2
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67 176.1
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67 692
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FAIRGROUNDS RD
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67 766
69
67 693
71
67 4
6
41.261877,-70.09
Keyboard shortcuts
Map data ©2022 Google
100 ft
Terms


65 B
2
2 Nautilus Lane
67R
65 A
65
Google
Fairgrounds Rd
Imagery ©2022 Maxar Technologies, Map data ©2022 Google
United States








(c) Maury People Sotheby's International Realty

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER O HENRY LLC

MAILING ADDRESS 4000 BRUSH CREEK ROAD #5, ASPEN, CO 81615

PROPERTY LOCATION 2 NAUTILUS LANE

ASSESSOR MAP/PARCEL 67-176.2

SUBMITTED BY LINDA WILLIAMS

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 1 1 and Zoning Code Chapter 40A, Section 139-29B (2).

September 14, 2022

DATE

Mary Haley, Senior Clerk, Assessor's Office

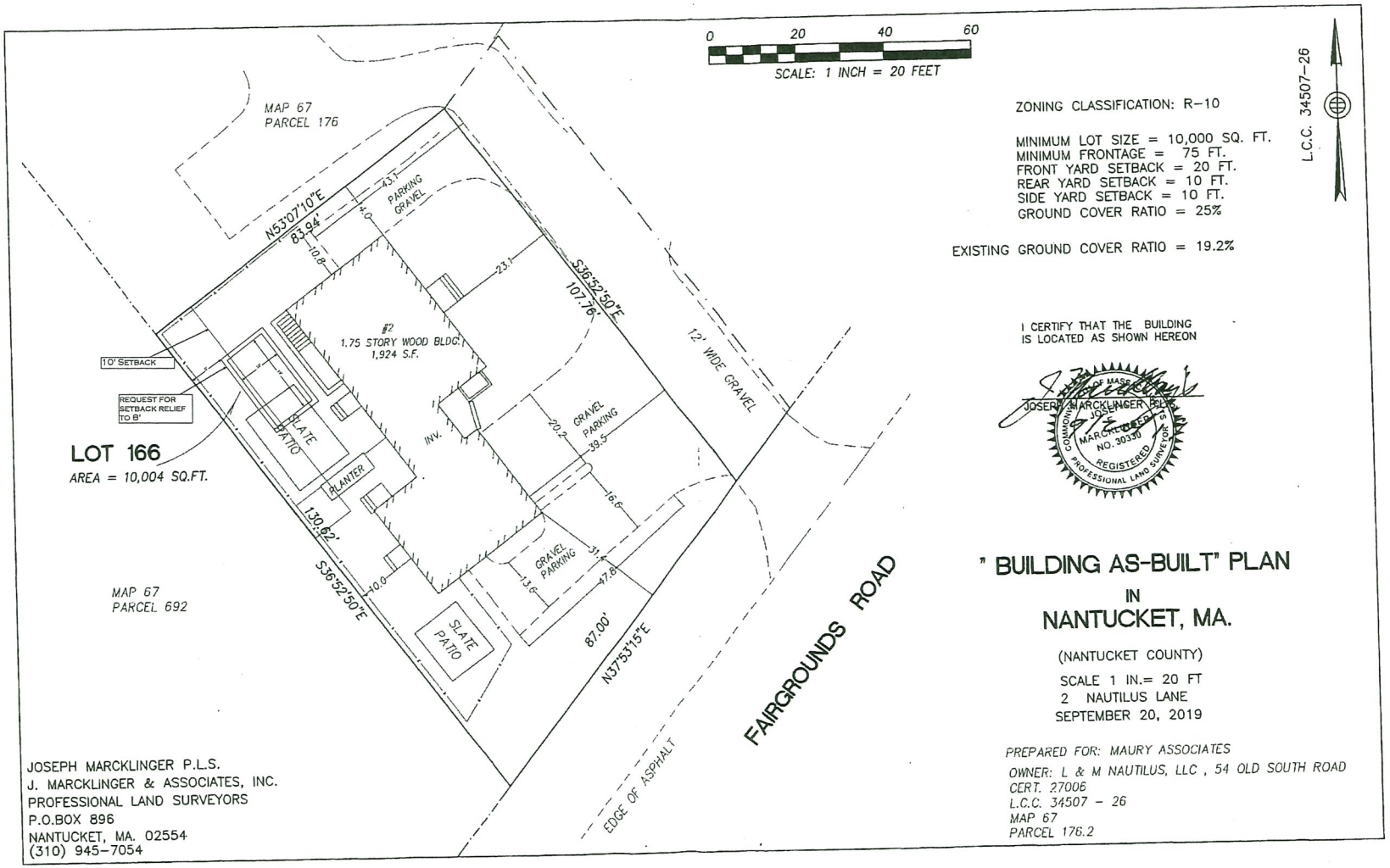
Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.09.14 09:30:38 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	173		61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	15 PARKER LN
67	173	1	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	61 FAIRGROUNDS RD
67	173	2	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	63 FAIRGROUNDS RD
67	173	3	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	O1531	13 PARKER LN
67	174		HERMAN RICHARD S & MAUREEN F		4 GRAY AVE	NANTUCKET	MA	02554	4 GRAY AV
67	175		WALSH BRIAN & DALTON KATHRYN		35 LODGE ST	MILTON	MA	O2186	6 GRAY AV
67	176		MACKEY LIAM & TERRY CLINTON ETAL		12 CAMBRIDGE ST	NANTUCKET	MA	02554	4 NAUTILUS LN
67	176	1	ALBERTAZZI KENNETH E TR	ALBERTAZZI KENNETH E 2014 FAMILY TRUST	55 FARRINGTON AVENUE	GLOUCESTER	MA	01930	1 NAUTILUS LN
67	177		LACOURSIERE MICHAEL Y & MARY E		P O BOX 2293	NANTUCKET	MA	02584	67 FAIRGROUNDS RD
67	178		KMM GROUP LLC		PO BOX 5206	NANTUCKET	MA	02554	10 GRAY AV
67	178	1	BOTTICELLI POHL CAMILLE TRS	IMMODEST AXE REALTY TRUST	24 PINE ST	NANTUCKET	MA	02554	10R GRAY AV
67	178	2	HUMPHRIES BRADLEY		10A GRAY AV	NANTUCKET	MA	02554	10A GRAY AV
67	179		GARRABRNT LLC		12R GRAY AVE	NANTUCKET	MA	02554	12R GRAY AV
67	180		MURRAY JOHN P		73 FAIRGROUNDS RD	NANTUCKET	MA	02554	73 FAIRGROUNDS RD
67	490		AGUIAR JOSEPH J & MARCIA J		PO BOX 2835	NANTUCKET	MA	02584	68 FAIRGROUNDS RD
67	492		HANLON FRANCIS M		64 FAIRGROUNDS RD	NANTUCKET	MA	02554	64 FAIRGROUNDS RD
67	497		BALLING DANIEL & SUSAN		66 FAIRGROUNDS RD	NANTUCKET	MA	O2554	66 FAIRGROUNDS RD
67	670		HERMAN RICHARD S & MAUREEN F		4 GRAY AV	NANTUCKET	MA	02554	9 PARKER LN
67	671		HERMAN RICHARD S & MAUREEN F		4 GRAY AVE	NANTUCKET	MA	02554	11 PARKER LN
67	692		ANGELASTRO MICHAEL F & JOANNE D TRS		PO BOX 1124	NANTUCKET	MA	02554	65 FAIRGROUNDS RD
67	692	1	DAGASTINO STEVEN ET AL		65A FAIRGROUNDS RD	NANTUCKET	MA	O2554	65A FAIRGROUNDS RD #1
67	692	2			65B FAIRGROUNDS RD	NANTUCKET	MA	O2584	65B FAIRGROUNDS RD #2
67	693		FAIRGROUNDS PROPERTIES LLC		14 PLUM ST	NANTUCKET	MA	02554	71 FAIRGROUNDS RD
67	766		IRONIE NOMINEE TRUST		PO BOX 2324	NANTUCKET	MA	02584	69 FAIRGROUNDS RD
67	772		SHUBIN YAUHENI Y		8 GRAY AV	NANTUCKET	MA	02554	8 GRAY AV
Count:	25								

CESTARI / WATERSCAPES DESIGN GROUP / 2 NAAUTILUS LANE / SETBACK RELIEF TO 8' FOR POOL / 10 17 22



ZONING CLASSIFICATION: R-10

MINIMUM LOT SIZE = 10,000 SQ. FT.
MINIMUM FRONTAGE = 75 FT.
FRONT YARD SETBACK = 20 FT.
REAR YARD SETBACK = 10 FT.
SIDE YARD SETBACK = 10 FT.
GROUND COVER RATIO = 25%

EXISTING GROUND COVER RATIO = 19.2%

L.C.C. 34507-26

I CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN HEREON

COMMONWEALTH OF MASSACHUSETTS
JOSEPH MARCKLINGER P.L.S.
NO. 30330
REGISTERED PROFESSIONAL LAND SURVEYOR

" BUILDING AS-BUILT" PLAN
IN
NANTUCKET, MA.

(NANTUCKET COUNTY)

SCALE 1 IN.= 20 FT
2 NAUTILUS LANE
SEPTEMBER 20, 2019

PREPARED FOR: MAURY ASSOCIATES
OWNER: L & M NAUTILUS, LLC , 54 OLD SOUTH ROAD
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MAP 67
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500

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NORTHBOROUGH, MA 01532

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NORTHBOROUGH, MA O1531

HERMAN RICHARD S & MAUREEN F
4 GRAY AVE
NANTUCKET, MA 02554

WALSH BRIAN & DALTON KATHRYN
35 LODGE ST
MILTON, MA O2186

MACKEY LIAM & TERRY CLINTON ETAL
12 CAMBRIDGE ST
NANTUCKET, MA 02554

ALBERTAZZI KENNETH E TR
ALBERTAZZI KENNETH E 2014 FAMILY TRUST
55 FARRINGTON AVENUE
GLOUCESTER, MA 01930

LACOURSIERE MICHAEL Y & MARY E
P O BOX 2293
NANTUCKET, MA 02584

KMM GROUP LLC
PO BOX 5206
NANTUCKET, MA 02554

BOTTICELLI POHL CAMILLE TRS ETAL
IMMODEST AXE REALTY TRUST
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Letters

DIRECT ABUTTER LETTER OF SUPPORT AT 65A FAIRGROUNDS ROAD

Hey guys! Welcome to the neighborhood! I think we met real quickly back in the spring. Look forward to officially meeting sometime soon. We have no problem with your request about the pool setback just that you let us crash the pool party every once in a while. Ha ha I'll send another email saying we're on board with you. Anything in particular you would like me to included in the email? We have a 6-ft fence between us that completely blocks view and noise that runs the entire length between the two properties.

Also I'm an electrician and if you guys need anything in that department let me know!

Thanks, Shawn (Keyshawn) Thompson, 65A Fairgrounds Road, 508-364-3190

Keyshawn,

My wife Alba and I want to introduce ourselves. We live in Boston and purchased 2 Nautilus Lane in May and we absolutely love it. We are your neighbor behind 65 Fairgrounds Road.

Ty Costa and Rachel your tenant who is a bartender at Nautilus gave us your contact information. Alba and I have a 2 year old and a 14 year old and we are hoping to install a pool in the backyard to better enjoy our family vacations. This would hopefully take place between October 2023 and April 2024. We are working with Waterscapes Designs by Jesse and we have preliminary approval from the planning board for a small pool within the setback limits. The setback rules say we have to be at least 10 feet from the property line which allows us to build an 8 foot wide pool. We are hoping to go in front of the board to ask for a waiver to allow us to build the pool 8 feet from the setback which is your property at 65 Fairgrounds Road so that the pool can be 10 feet wide. We were hoping to get your permission because we want to be good neighbors and make sure it does not cause any issues for you. We are told an email from you stating you have no objections would go a long way in helping us to get approval. Please let us know your thoughts and Alba and I look forward being good neighbors.

Also, if you ever need any eye related help, please reach out to me. I work at Mass Eye & Ear and am always happy to help in any way I can.

My cell is 917 572-3533, Thanks in advance for considering our request! Dean and Alba,

Dean M. Cestari, MD, Neuro-ophthalmology and Adult Strabismus

Associate Professor of Ophthalmology, Harvard Medical School

Director, Adult Strabismus, Massachusetts Eye & Ear Infirmary

Fellowship Director, Neuro-ophthalmology, Harvard Medical School

Co-Director, Center for Thyroid Eye Disease and Orbital Surgery, Massachusetts Eye & Ear Infirmary

Nickesha Sheriff

From: JILL EVARTS <jillevarts@icloud.com>
Sent: Friday, November 4, 2022 2:24 PM
To: Nickesha Sheriff
Subject: New letter to ZBA
Attachments: ACDC HOLDINGS.pdf; Untitled attachment 00061.htm

Hi Nicky,
Here you go. Please confirm receipt of this letter and disposal of first.

Thanks,
Jill

This appears to be application to develop a residential property for commercial, short term rental use. Please see the attached documents.

The applicants own and operate a real estate development Limited Liability Company, known as ACDC Holdings LLC, registered with the Secretary of State for the Commonwealth and whose Resident Agents are Glidden and Brescher PC, local attorneys on Nantucket. My thought is that zoning variances should only be granted with the upmost scrutiny and necessity. Is the purpose of the application for the direct benefit of the applicants or is it an application to increase the desirability for short term renters? Is this a vacation rental property, and a business, or is it a home?

The property is in a very high-density residential area where local people live, with more than one abutter. Number Two Nautilus Lane fronts directly onto Fairgrounds Road. To the best of my knowledge, no other swimming pools have been permitted on Fairgrounds Road.

Provision of a swimming pool leads to increased profit for hoteliers /AirBnB owners, but only add to the misery of the year-round residents who are living back to back with the property.

In addition to the pool, and well-documented noises associated with it, pool equipment will be required which will add to the noise level night and day.

The pool would back directly onto homes owned at 65 Fairgrounds Road, thereby limiting and diminishing the use and enjoyment of those homes by the occupants.

Will this property be used as a short term rental property? If this is not the case, how will we know it will not become one in the future? These are our concerns, which I hope will be addressed by the Board.

Thank you,

Jill Evarts and Douglas Hawkes

The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: $500.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Certificate of Organization
(General Laws, Chapter)

Identification Number: 001568197

1. The exact name of the limited liability company is: ACDC HOLDINGS LLC

2a. Location of its principal office:

No. and Street: 15 HARCOURT STREET
APT. 506
City or Town: BOSTON State: MA Zip: 02116 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 15 HARCOURT STREET
APT. 506
City or Town: BOSTON State: MA Zip: 02116 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO TAKE, BUY, PURCHASE, EXCHANGE, HIRE, LEASE OR OTHERWISE ACQUIRE REAL ESTATE AND PROPERTY, EITHER IMPROVED OR UNIMPROVED, AND ANY INTEREST OR RIGHT THEREIN, AND TO OWN, HOLD, CONTROL, MAINTAIN, MANAGE AND DEVELOP THE SAME IN ANY STATE IN THE UNITED STATES. TO PURCHASE, EXCHANGE, HIRE OR OTHERWISE ACQUIRE SUCH PERSONAL PROPERTY, CHATTELS, RIGHTS, EASEMENTS, PERMITS, PRIVILEGES AND FRANCHISES AS MAY LAWFULLY BE PURCHASED, EXCHANGED, HIRED OR ACQUIRED UNDER THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS. TO ERECT, CONSTRUCT, MAINTAIN, IMPROVE, REBUILD, ENLARGE, ALTER, MANAGE AND CONTROL, DIRECTLY OR THROUGH OWNERSHIP OF STOCK IN ANY CORPORATION, ANY AND ALL KINDS OF BUILDINGS, HOUSES, OFFICES, AND ANY AND ALL OTHER STRUCTURES AND ERECTIONS WHICH MAY AT ANY TIME BE NECESSARY, USEFUL OR ADVANTAGEOUS IN THE JUDGMENT OF THE MEMBERS FOR THE PURPOSES OF THE COMPANY AND WHICH CAN BE LAWFULLY DONE UNDER SAID GENERAL LAWS. TO SELL, MANAGE, IMPROVE, DEVELOP, ASSIGN, TRANSFER, CONVEY, LEASE, SUBLEASE, PLEDGE OR OTHERWISE ALIENATE OR DISPOSE OF, AND TO MORTGAGE OR OTHERWISE ENCUMBER THE LANDS, BUILDINGS, REAL PROPERTY, CHATTELS REAL, AND OTHER PROPERTY OF THE COMPANY, REAL AND PERSONAL, AND WHERESOEVER SITUATE, AND ANY AND ALL LEGAL AND EQUITABLE RIGHTS THEREIN. TO TRANSACT THE BUSINESS OF BUYING AND SELLING, DEALING IN, LEASING, RENTAL AND MANAGING REAL ESTATE AND ANY INTEREST THEREIN FOR ITS OWN ACCOUNT AS AGENT OR BROKER, OR UPON COMMISSION. TO DO ALL SUCH ACTS AND THINGS AS ARE CONDUCIVE TO THE PREMISES. AND THIS COMPANY SHALL HAVE THE POWER TO CONDUCT ITS BUSINESS IN ALL ITS BRANCHES IN THE COMMONWEALTH OF MASSACHUSETTS AND ANY OTHER STATE OR STATES OF THE UNITED STATES AND ULTIMATELY TO HOLD, PURCHASE, MORTGAGE, LEASE, CONVEY, MANAGE AND CONTROL, REAL AND PERSONAL PROPERTY THEREIN AS ABOVE PROVIDED AND GENERALLY TO DO ALL ACTS AND THINGS AND

O CARRY ON THE BUSINESS OF THE SAID COMPANY, OR TO PROMOTE ANY OF THE OBJEC TS FOR WHICH THE COMPANY IS FORMED. THE OBJECTS AND PURPOSES SPECIFIED IN TH E FOREGOING CLAUSES SHALL, EXCEPT WHERE OTHERWISE EXPRESSED, BE IN NO WAY LI MITED OR RESTRICTED BY REFERENCE TO, OR INFERENCE FROM, THE TERMS OF ANY OTH ER CLAUSE IN THIS CERTIFICATE OF ORGANIZATION, BUT THE OBJECTS AND PURPOSES SP ECIFIED IN EACH OF THE FOREGOING CLAUSES OF THIS ARTICLE SHALL BE REGARDED AS INDEPENDENT OBJECTS AND PURPOSES. TO ENGAGE IN ANY OTHER BUSINESS FOR PROFI T PERMITTED BY THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AS THEY MAY BE AMENDED FROM TIME TO TIME.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: RICHARD J. GLIDDEN
No. and Street: GLIDDEN & BRESCHER, P.C.
37 CENTRE STREET
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

I, RICHARD J. GLIDDEN resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	ALBA CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA
MANAGER	DEAN CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	DEAN CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA
REAL PROPERTY	ALBA CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 10 Day of March, 2022,
DEAN CESTARI

Corporations Division

Business Entity Summary

ID Number: 001568197 Request certificate New search

Summary for: ACDC HOLDINGS LLC

The exact name of the Domestic Limited Liability Company (LLC): ACDC HOLDINGS LLC

Entity type: Domestic Limited Liability Company (LLC)

Identification Number: 001568197

Date of Organization in Massachusetts: 03-10-2022

Last date certain:

The location or address where the records are maintained (A PO box is not a valid location or address):

Address: 15 HARCOURT STREET APT. 506

City or town, State, Zip code, Country: BOSTON, MA 02116 USA

The name and address of the Resident Agent:

Name: RICHARD J. GLIDDEN

Address: GLIDDEN & BRESCHER, P.C. 37 CENTRE STREET

City or town, State, Zip code, Country: NANTUCKET, MA 02554 USA

The name and business address of each Manager:

Title	Individual name	Address
MANAGER	ALBA CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA
MANAGER	DEAN CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

Title	Individual name	Address

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

Title	Individual name	Address
REAL PROPERTY	DEAN CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA
REAL PROPERTY	ALBA CESTARI	15 HARCOURT STREET BOSTON, MA 02116 USA

(The certificate must be signed by the person forming the LLC.)

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