ZBA MEETING PACKET

02/09/22

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)

RECEIVED
2023 FEB 03 PM 12:31
NANTUCKET TOWN CLERK
Posting Number:T 109

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, February 09, 2023, at 1:00 PM
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/ojC7MTAf1KI

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_oiNcu67TR-6cbz2B1ijLHA

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

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- January 12, 2023

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

37-21 Kristina & Nicholas Amendolare **8 Bank Street** **Williams**

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

09-22 Harris on Weweeder, LLC 50 Weweeder Avenue Brescher
Continued to March 09, 2023
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 General 1 (LUG-1).

20-22 Steven L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust, Cohen
Applicant is seeking Variance relief pursuant to Zoning By-law Section 139-32 for a waiver from the ground cover provision in Section 139-16 in order to construct an accessory structure of up to 780.25 SF. Locus is situated at 29 Monomoy Road, shown on Assessor's Map 54 as Parcel 209 and as Lots 10 and 11 on Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22883 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

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

10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos
Continued to March 09, 2023
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).

17-22 Nantucket Cottage Hospital 16 Vesper Lane Erickson
Applicant is seeking Variance relief pursuant to Nantucket Zoning ByLaw Section 139-16 in order to divide an existing lot, which is nonconforming as to frontage, into two lots, both of which will not meet the required frontage of 50 feet in the CN district. Both lots will be accessed via an easement from Vesper Lane. Locus is situated at 16 Vesper Lane, shown on Assessor's Map 34 as Parcel 72 and shown as Lot 1 with the Nantucket County Registry of Deeds. Evidence of owner's title is recorded in Book 184 and Page 112 with the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

19-22 Pacaso, Inc 11A Meadow Lane Panebianco
Requests to Withdraw without Prejudice
Applicant is appealing the Zoning Enforcement Officer's determination regarding transient residential facilities. Locus subject to the appeal is situated at 11A Meadow Lane, shown on Assessor's Map 41 as Parcel 448.1 Evidence of owner's title is recorded in Book 1911 and Page 44 with the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20).

01-23 & 03-23 Cueto, Francis E., Trustee of FAO Nominee Trust 23&29 Orange St Beaudette
Applicant is seeking a Modification to previously issued Special Permits to remove a condition related to ground cover expansion. The applicant also requests that the Board grant the alteration of the preexisting nonconforming pool use on 23 Orange Street by allowing the applicant to site it on 29 Orange Street. The requested relief is the result of a lot line adjustment between the two properties and no physical changes

are proposed to the existing structures. Locus is situated at 23 Orange Street and 29 Orange Street, shown on Assessor's Map 42.3.2 as Parcel 9 and 42.3.2 as Parcel 69, respectively. Evidence of the owner's title is recorded in Book 2 and Page 91 and as "A" in Book 7 and Page 23 with the Nantucket County Registry of Deeds. The sites are zoned Residential Old Historic (ROH).

04-23 David Stanley-Brown Trustee of Windmoor NT 37 Chuck Hollow Road Williams
Applicant is seeking relief by Variance pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). The applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 39 Chuck Hollow Road. Locus is situated at 37 Chuck Hollow Road, shown on Assessor's Map 75, Parcel 108 and as Lot 602 on Land Court Plan 54004-25. Evidence of owner's title is registered on Certificate of Title No. 19732 at the Nantucket County District of the Land Court. The site is zoned Limited Use General-3 (LUG-3).

05-23 David Stanley-Brown Trustee of Windmoor NT 39 Chuck Hollow Road Williams
Applicant is seeking relief by Variance pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). The applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 37 Chuck Hollow Road. Locus is situated at 39 Chuck Hollow Road, shown on Assessor's Map 75, Parcel 109 and as Lot 603 on Land Court Plan 54004-25. Evidence of owner's title is registered on Certificate of Title No. 19732 at the Nantucket County District of the Land Court. The site is zoned Limited Use General-3 (LUG-3).

VI. OTHER (VOTES MAY BE TAKEN)
VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

01/12/22

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
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, January 12, 2023

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

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

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

Staff in attendance:	Leslie Snell, Deputy Director of Planning; Nicky Sheriff, Administrative Specialist; Paul Murphy, Building Commissioner
Attending Members:	McCarthy, Botticelli, O'Mara, Allen, Poor, Mondani
Remote attendance:	O'Mara
Absent:	Thayer

Agenda adopted by unanimous consent

Motion	**Motion to Approve the agenda.** (made by: Allen) (seconded)
Vote	Carried unanimously

I. APPROVAL OF MINUTES

1. December 8, 2022

Motion	**Motion to Approve as drafted.** (made by: Brescher) (seconded)
Vote	Carried unanimously

II. OLD BUSINESS

1.	37-21	Kristina & Nicholas Amendolare	8 Bank Street	Williams
	Continued to February 09, 2023			
2.	09-22	Harris on Weweeder, LLC	50 Weweeder Avenue	Brescher
	Continued to February 09, 2023			

III. NEW BUSINESS

1.	10-22	Paul P. Moran & Jean M. Moran	4 Washington Avenue	Santos
	Continued to February 09, 2023			
2.	19-22	Pacaso, Inc	11A Meadow Lane	Panebianco
	Continued to February 09, 2023			
3.	17-22	Nantucket Cottage Hospital	16 Vesper Lane	Erickson
	Continued to February 09, 2023			

Voting	McCarthy, Botticelli, O'Mara, Allen, Brescher
Alternates	Poor, Mondani
Motion	**Motion to Continue 37-21, 09-22, 10-22, 19-22, and 17-22.** (made by: Botticelli) (seconded)
Vote	Carried 4-1//Brescher abstain

4. 18-22 Jeff McDermott, Et Al — 32 Monomoy Road — Anderson & Kreiger

Applicants are appealing the Building Commissioner's October 31, 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 32 Monomoy Road, shown on Assessor's Map 54 as Parcel 242 and upon Land Court Plan 14974-C. Evidence of owner's title is registered on Certificate of Title No. 25823 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

Voting	McCarthy, Allen, Brescher, Poor, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos and required documentation
Appellants	Nina Pickering-Cook, Anderson & Kreiger, for the appellants Matthew Westfall, 30 Monomoy Road Robert Landreth, 4 Berkeley Avenue Mark Wilmot, 33 Monomoy Road Hale Everets, 46 Monomoy Road

PROPOSED

Frnaci Neely, 5 Saltmarsh Road
Stephen Ketchem, 34 Monomoy Road

Copley Reps — John Hofmann, Gilman, McLaughlin & Hanrahan, LLP.

Discussion (00:02:59) **Pickering-Cook** – 32 Monomoy Road is a 6-bedroom family home used exclusively as a STR. A past decision was that this property doesn't violate zoning bylaws given it is residential; however, the only use of this property is as a business investment through the Copley Group, LLC. Her clients have suffered are at the hands of the STR. No one lives at the property or rents it for more than 30 days at a time. She will address the legalities.

Two appellate courts have decided that properties that charge weekly rental rates by contract through a 3rd party are commercial transactions and not permitted in a residential area. This is part of a business portfolio with no personal use. There is no primary use by the owner as a residence. This board believes use as a STR would be decided at Town Meeting; however, this board is charged with enforcing the current bylaw and binding State law determines that STR is commercial. Article 39 from last Town Meeting, Copley Group indicated it legalized STR use in residential zones; that is not true. She would like the Board to hear from her clients.

Westfall – He's a voting resident of Nantucket and 30 Monomoy is their primary residence. His observations of the impacts are based on off-season residence and rents it during the summer season. The Copley rental is different; in 2016, they began renting this property. Since then, we have experienced criminal trespass, illegal cutting of our trees, excessive noise, inebriation, and a party with over 200 underaged drinkers to which the Police responded. We've experienced these in the off-season. Detailed the trespass-illegal cutting incident and the cost of damages; he will share our demand letter to Copley Group President Norman Levinson dated 20 October 2016. Detailed an incident from 26-28 May 2018 that resulted in neighbors calling the police; he will share his letter to the Copley Group dated 31 May 2018. There is ample evidence of recurring irresponsible behavior of the renters and apathy of the Copley Group. Last Spring 2022 he cleaned up debris such as pumpkins that dated to October 2021. We have found children running through our yard; we've had unattended children entering through our gate into the pool area. Explained how this corporate-owned property is an anomaly within a close-knit residential neighborhood. My family and I are aggrieved parties and offer compelling factual evidence of that harm. We ask that the ZBA order cessation or operations.

Landreth – Our son and daughter-in-law live in our house year round. Supports Mr. Westfall's comments. It seems the Town Bylaw is not ambiguous regarding commercial use in a residential neighborhood. If this type of commercial ownership is allowed to continue, he wonders how long until 1-out-of-4 or -5 homes is an STR and what that will do to residential neighborhoods.

Wilmot – All things mentioned are our issues.

Murphy – The use as an STR doesn't violate code; it's still a residential use and he won't take action against the property owner.

Hofmann – We submitted a memo that reiterates points we've made before. We think the ZBA should deny the appeal and affirm Mr. Murphy's decision. The operation of the private home as an STR is for private, residential use and is consistent with the long-standing tradition of STRs on Nantucket. Explained how STRs play an important part in Nantucket's tourism industry, which would suffer without STRs. Regarding the case Pickering-Cook referenced, the State Appeals Court (SAC) made its ruling with the caveat that other towns are different with different bylaws regarding STRs. We feel the articles, both rejected and adopted by Nantucket in prior ATMs, are relevant; and prior decisions of this board are consistent with the Bylaw and recognize the importance of the Bylaw. Mr. Westfall admitted that he rents his house out as an STR showing how common it practice is. The ZBA should be mindful of the rejection of Article 90 and adoption of Article 39, which set up registration of STRs and set up the workgroup to devise regulations. Asked the ZBA to deny the appeal.

Mondani – Asked for an explanation of the standing argument and aggrieved party issue.

Hofmann – We noted that standing is a requirement, which neighbors have to prove; we've included that argument because we feel it's still relevant. The Board needs to show aggrievement; we laid out those requirements. Mr. Westfall might have standing for this purpose of this Board; it seems to be the practice of this Board to skip past standing and decide on other points.

Everets – It seems this is not an owner occupied home and a business is being run out of the home. Asked why that is not considered an accessory use; it seems it's run as a for-profit business.

Murphy – It's still considered residential use in that the activity is the same as for an occupied home. He doesn't believe this is a commercial use.

Neely – She bought into the neighborhood because it was solely residential. This matter is not identical to the ZBA's prior decisions; in the past, the ZBA has not considered a property that is solely for STR purposes. To argue that it's residential, one could build a hotel and call it residential. The Monomoy neighborhood has spoken *en masse* against purely commercial STRs in its neighborhood. STRs like this erode the fabric of the neighborhood. Cited problems she's encountered with the property. Feels it's inequitable to place a burden to the neighborhood to become "vigilantes" and have to call the aid of the understaffed NPD to rein in the behavior renters. Harm has been caused to Mr. Westfall's property; harm that the Copley Group ignored. AS for limiting STRs damaging Island tourism, our service providers are already overburdened. Asked the ZBA to not let Copley Group override the neighborhood.

PROPOSED

Ketchum – We spend the better part of August on Nantucket. During the rental season, he has had to respond to renters regarding noise, trash, vehicles parked on his property, and call the police. It's an unyielding issue for me and my neighbors; I agree with what other residents have said.

McCarthy – We've had this type of appeal before us and been consistent in our decision.

Motion **Motion to Deny the appeal and affirm the BC's decision.** (made by: Allen) (seconded)

Vote Carried 5-0//Poor, Allen, McCarthy, Brescher, and Mondani-aye

5. 20-22 Steven L. Cohen & Christopher P. Choma, Trust 29 Monomoy Road Cohen

Applicant is seeking Variance relief pursuant to Zoning By-law Section 139-32 for a waiver from the ground cover provision in Section 139-16 in order to construct an accessory structure of up to 780.25 SF. Locus is situated at 29 Monomoy Road, shown on Assessor's Map 54 as Parcel 209 and as Lots 10 and 11 on Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22883 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

Voting McCarthy, Botticelli, Allen, Brescher, Mondani

Alternates Poor, O'Mara

Recused None

Documentation File with associated plans, photos and required documentation

Representing Steven Cohen, Cohen & Cohen Law P.C

Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP for Joann Bennett at 27 Monomoy Road

Discussion (00:55:30) **Cohen** – His clients have an agreement to purchase 5400 square feet (sf) of land from 14 Brewster Road with Orleans Road (Lot F) separating the two making it impossible to have contiguous land. The Chomas have been waiting 7 years for the Yard Sale of the road to take place. The Variance request is temporary until such time as the of 14-Brewster land is purchased and the approximately 6600 sf of land from the Yard Sale takes place.

Botticelli – It would be helpful to have a surveyed site plan showing the proposed final lot.

McCarthy – Asked why there are here now when there appears to be several steps before this can happen.

Cohen – Two steps that need to happen. His client's contract to purchase the land from 14 Brewster is contingent upon acquiring relief from the ZBA. Once they have that relief, they will purchase the land; once they acquire the section of Orleans Road, they will become 50% more compliant.

McCarthy – Asked why the land purchase is contingent upon the relief; you don't need the variance relief to buy that land.

Cohen – The land will be useful once they purchase the 5400sf and the yard sale. Been waiting since 2014 for the Yard Sale to take place. The proposed structure is a garage not intended for residential use and to go on Monomoy Road.

McCarthy – This would create a very irregular lot just for a garage.

Botticelli – The hard part is that the perceived density will be very noticeable; no one will make the connection they own additional land. It's hard to grant relief at this time.

O'Mara – Asked if there is a good "to-date" for the contract. At this rate you could be dealing with successors to the 14 Brewster property.

Cohen – The contract is not open ended, but everyone would like to close; that's why they are asking for relief. Explained that once the land is purchased, the successor could not opt into the Yard Sale.

Brescher – His big concern is the lack of a binding agreement between the Chomas and the Russells as it relates to 5400sf. We also haven't seen an agreement between the Russells and Town saying they don't want Lot F; they need to actively disclaim any interest they have. Also, regarding Lot F, once it's value exceeds $30,000 it becomes eligible for an Request for Proposal (RFP) and any abutter would have the right to bid. He feels this application is very premature; there are a lot of steps that have to happen to make this possible

Cohen – He could provide confirmation from the Russells that a contract is in place and that they disclaim any interest in Lot F. He'd like to take this feedback to his client and talk to the Town about the Yard Sale in hopes of working out a conditioned approval.

Reade – The Yard Sale situation is highly speculative and been pending for a long time. The process once it comes out of the land court will go through the Real Estate Assessment Committee, which makes a recommendation and then it goes before the SB. Not every case brought to the Select Board has resulted in approval of the Yard Sale. You're being asked for a variance, which requires a hardship related to the property; it's hard to see the hardship to the owner at this time. They have 204 sf upon which they could build a garage as a matter of right. If the Russells don't elect to purchase the portion adjacent to their property, 1st preference goes to the abutter directly across the road, which is his client's property; she would want to acquire it. Asked the ZBA to deny this.

Botticelli – When they come back, we need a proposed plan, so we know what we're voting on.

Mondani – He's doesn't think any amount of information can be convince him on this.

Cohen – Asked for a continuance to the next meeting.

Motion **Motion to Continue to February 9th.** (made by: Botticelli) (seconded)

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

PROPOSED

6. 21-22 Jennifer Bowman 14 Starbuck Road Williams

Applicant is seeking relief by Special Permit pursuant to Nantucket Zoning By-law Section 139-2 (Definitions and word usage – swimming pools) and Section 139-7A (Use Chart) in order to construct a small residential spa. Locus is situated at 14 Starbuck Road, shown on Assessor's Map 60 as Parcel 114 and as Lots 296 and 850 on Land Court Plan 3092-19 and 3092-103. Evidence of owner's title is registered on Certificate of Title No. 27039 at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

Voting	McCarthy, Botticelli, O'Mara, Allen, Brescher
Alternates	Poor, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Linda Williams
Public	Susanna & Emmett Sheehan, 54 Starbuck

Discussion (01:25:35)

Williams – This spa is 8X12X3.5. Spas were exempt from a special permit until last year. The Historic District Commission (HDC) approved this due to lack of visibility; it's in the back of the lot.
McCarthy – We can approve this conditioned upon the HDC approval.
O'Mara – Asked if the Town added the maximum gallonage to the Article.
Snell – There is no maximum gallonage. She's working on an article that would change how pools and spas are treated.
Williams -A spa doesn't require a fence or a pool cover; this is simply a spa.
S. Sheehan – Confirmed this is an above-ground hot tub.
Poor – On the HDC Certificate of Appropriateness (COA), there is nothing about the deck or its height; it seems the deck isn't approved.
Williams – The deck was approved as part of the house.
S. Sheehan – The exterior lighting will be visible; wants the record to reflect that the exterior lighting will be down-lit and turned off at 10:00 pm.
Williams – There is no additional lighting related to the spa.
McCarthy – We can say the only lighting will be that required for safety. Asked if everyone read the email from Bruce Mandel.
Allen – Asked if the spa will be a cover (yes).
Botticelli – Mr. Mandel is asking that any mechanical equipment be enclosed in a sound-proof enclosure with a roof.
Williams – You can't put a roof over pool equipment.
McCarthy – We had an application where we discussed noise cancelling.
O'Mara – We discussed that for the pumps. Noise reduction is available for a spa as well; the heater will be on a lot. They will need an insulated cover; the best one for child protection would be an auto cover with insulation. Equipment used for a spa is typically louder than that for a pool.
McCarthy – You can put a roof over the pool equipment.
Williams – This spa has less intense equipment than a pool on a large lot. She has used sound-dampening boards on a smaller lot; this lot and the neighbors are 23,000 square feet. This will have a solid, vertical-board fence; we are willing to add sound dampening to the fence. The neighbor closest to the equipment has not commented.
O'Mara –The equipment for a spa is typically louder than for a pool; he's sure they make blowers for spas.
McCarthy – One condition is no chemical treatment between Sept and May; however, Condition C doesn't apply since spas are used during the cooler months.
O'Mara – There's a blower and a pump on a spa; they make sound dampeners for both.
McCarthy – Condition C will cover sound dampening and Condition D will state no external lighting related to the spa other than safety and any outdoor lighting will comply with Chapter 102.
E. Sheehan – This is a "mini" gunite pool with an auto cover. We're okay with this with the Conditions.
S. Sheehan – This is a very open and quite area; noise is a concern.
McCarthy – Reviewed the conditions. To be 8X12 flush with the deck.
Mondani – Mr. Mandel asked that ZBA address removal of mature vegetation.
McCarthy – ZBA can require a landscaping plan; it would be helpful to understand what that plan is. We can say that existing vegetation as shown on HDC approved plan will remain.
Mondani – Another issue is regrading the access to the road.
McCarthy – We did that for an application where there was another access that was used for construction access; that isn't happening here.

Motion	**Motion to Grant per noted conditions.** (made by: Botticelli) (seconded)
Vote	Carried 5-0//O'Mara, Allen, Botticelli, McCarthy, and Brescher-aye

PROPOSED

IV. OTHER BUSINESS

1. Discussion of Citizen Warrant Zoning Articles for ATM 2023
    a. Article 8: Zoning Bylaw Amendment – Swimming Pool – Residential, Campbell Sutton
    Snell – This would change the requirements for pools by changing the side and rear setbacks to 20'. If that were to be approved, someone would have to come to ZBA for a variance. This would include some of the smaller districts.
    Botticelli – She'd support increase setbacks for pools.
    Mondani – If it were passed, we'd have more variance requests.
    b. Article 16: Zoning Bylaw Amendment – Swimming Pool – Residential, Linda Williams
    Snell – This would change the special permit granting authority to the Planning Board.
    Mondani – He supports this. To him it feels like pools are outside ZBA's authority. Wonders the reasoning behind this change: is Planning Board more lenient?
    McCarthy – To her Planning Board deals with large scopes while we deal with neighborhoods. We ask for more detailed information.
    Snell – The Special Permit for pools in the VR districts was a compromise since residents were looking for a total ban.
    Mondani – He wonders if it's worth having a sub-group looking at pools since we struggle.
    Allen – We could create a boilerplate set of conditions. We should also connect with HDC regarding the covers.
    McCarthy - The recommendation would be to oppose this change.
    c. Article 22: Zoning Map Change – Intensity Regulations – Exception for frontage, Linda Williams
    Snell – This would reduce the special permit frontage in commercial districts to 20' and change the granting authority to the Planning Board. In this case, the Planning Board would make more sense.
    d. Article 23: Zoning Map Change – Intensity Regulations – Setbacks, Linda Williams
    Snell – This would change the special permit granting authority to the Planning Board for the setback reduction. Recommends this stay with the ZBA.
    McCarthy – This is a more local issue.
    e. Article 25: Zoning Bylaw Amendment – Pre-Existing Non-Conforming Status of Lots, Emily Molden
    f. Article 26: Zoning Bylaw Amendment – Lots Created Under MGL 41-81L, Emily Molden
    Snell – There have been developments on these so would like to hold them for a later meeting.
2. O'Mara – Commended the Select Board for their appointment of John Brescher to the ZBA.

V. ADJOURNMENT

Motion	**Motion to Adjourn at 3:22 pm.** (made by: Mondani) (seconded)
Roll-call vote	Carried unanimously

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

1. None

Submitted by:
Terry L. Norton

PROPOSED

are proposed to the existing structures. Locus is situated at 23 Orange Street and 29 Orange Street, shown on Assessor's Map 42.3.2 as Parcel 9 and 42.3.2 as Parcel 69, respectively. Evidence of the owner's title is recorded in Book 2 and Page 91 and as "A" in Book 7 and Page 23 with the Nantucket County Registry of Deeds. The sites are zoned Residential Old Historic (ROH).

04-23 David Stanley-Brown Trustee of Windmoor NT 37 Chuck Hollow Road Williams
Applicant is seeking relief by Variance pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). The applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 39 Chuck Hollow Road. Locus is situated at 37 Chuck Hollow Road, shown on Assessor's Map 75, Parcel 108 and as Lot 602 on Land Court Plan 54004-25. Evidence of owner's title is registered on Certificate of Title No. 19732 at the Nantucket County District of the Land Court. The site is zoned Limited Use General-3 (LUG-3).

05-23 David Stanley-Brown Trustee of Windmoor NT 39 Chuck Hollow Road Williams
Applicant is seeking relief by Variance pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). The applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 37 Chuck Hollow Road. Locus is situated at 39 Chuck Hollow Road, shown on Assessor's Map 75, Parcel 109 and as Lot 603 on Land Court Plan 54004-25. Evidence of owner's title is registered on Certificate of Title No. 19732 at the Nantucket County District of the Land Court. The site is zoned Limited Use General-3 (LUG-3).

VI. OTHER (VOTES MAY BE TAKEN)
VII. ADJOURNMENT (VOTE WILL BE TAKEN)

OLD BUSINESS

Harris on Weweeder LLC

File No. 09-22

50 Weweeder Ave

VARIANCE

Continued to March 09, 2022

Kristina & Nicholas

AMENDOLARE

File No. 37-21

8 Bank St

SPECIAL PERMIT

NEW MATERIALS SUBMITTED

Pg 16-27

February 1, 2023
MGA File No. W0903

Kristina & Nicholas Amendolare
8 Bank Street
Nantucket, Massachusetts 02554

RE: Test Pit Explorations – Proposed Renovation – 8 Bank Street, Nantucket, Massachusetts

Kristina & Nicholas:

At your request, McArdle Gannon Associates, Inc. (MGA) observed two shallow test pits (TP-1 and TP-2) on January 28, 2023 at the above referenced property to assess the depth, dimensions and bearing conditions of the existing rubble retaining wall along the western property line (adjacent to Middle Gully Road).

Toscana Corporation of Nantucket, Massachusetts excavated the test pits using a Caterpillar 305E mini excavator (TP-1) and a hand shovel (TP-2) to depths between about 1.5± to 4± feet below ground surface. The test pits extended through 6± to 7± inches of surficial topsoil/topsoil fill, 2.7± feet of existing fill (TP-2 only) and terminated in natural outwash deposits (sand) between 1.5± to 4± feet below existing grades. The subsurface conditions encountered are shown on the test pit logs attached. Pictures from the test pits are also attached.

MGA personnel observed the test pits, visually described the conditions encountered, prepared the logs, and located the test pits in the field by line of sight from the existing site features. Depths referenced in this letter are in feet relative to the existing ground surface at the site. Ground surface elevations were estimated from a drawing entitled “Site Plan of Land” dated January 20, 2021 by Blackwell & Associates, Inc. The test pit locations are approximately shown on Figure 1.

FINDINGS

Based on the conditions observed at the two test pit locations, the base of the existing rubble retaining wall, along the 8 Bank Street side of the wall, appears to be founded between 3± to 10± inches below existing grade on natural outwash deposits (TP-1) or existing fill (TP-2). No foundation element or footing was observed to the depths explored. The wall itself is comprised of varying sized stones joined with mortar.

We appreciate the opportunity to provide continued assistance on this project. Please feel free to contact us should you have any questions regarding this letter or require additional information.

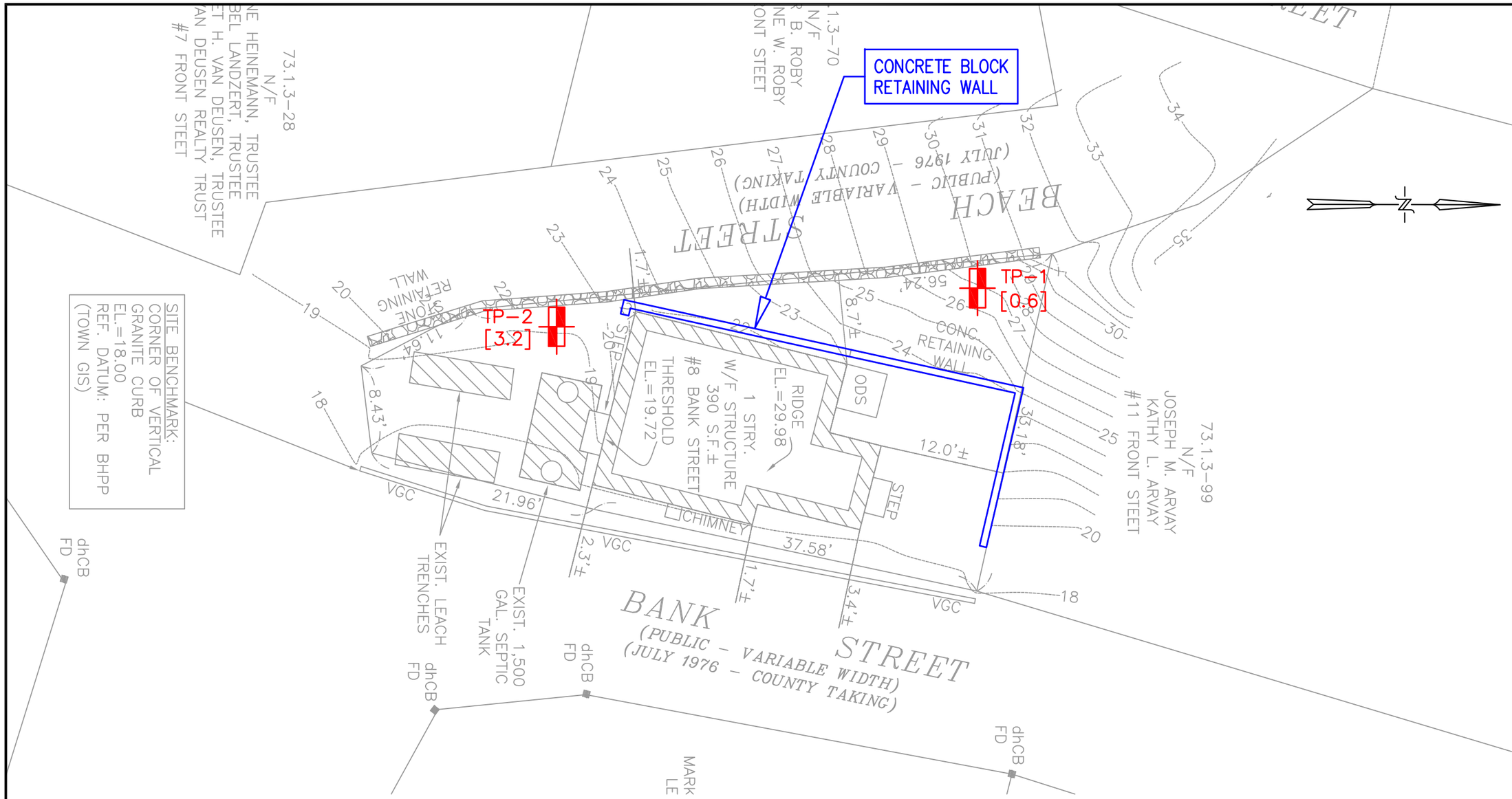
MCARDLE GANNON ASSOCIATES, INC.

Wayne A. McArdle, P.E.
Principal

COMMONWEALTH OF MASSACHUSETTS
WAYNE A. MCARDLE
CIVIL
No. 41835
REGISTERED
PROFESSIONAL ENGINEER

WAM/wam

Attachments: Figure 1 – Test Pit Location Plan
Test Pit Logs
Test Pit Photo Log



LEGEND:

TEST PITS PERFORMED BY TOSCANA CORPORATION OF NANTUCKET, MA ON JANUARY 28, 2023

[1.5] INDICATES APPROXIMATE DEPTH (IN FEET) TO BOTTOM OF TOPSOIL/EXISTING FILL AT TEST PIT LOCATION.

NOTES:

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

SCALE: 1"=10'

0 5 10 20

TEST PIT LOCATION PLAN

PROPOSED RENOVATION
8 BANK STREET, NANTUCKET, MASSACHUSETTS

SKETCH NO.: FIG. No. 1
DRAWN: WAM
CHECKED: SLH
DATE: 02/2023
SCALE: AS NOTED
PROJECT: W0903

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

McArdle Gannon Associates, Inc. Engineers & Consultants	TEST PIT LOG	TEST PIT NO. TP-1

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

EQUIPMENT: Caterpillar 305E Mini-Excavator

OPERATOR: Franklin Acosda

GROUNDWATER

Date	Time	Depth (ft.)	Notes
1/28/23	8:15am	---	Not Encountered

MGA NO. : W0903
SHEET NO. : 1 of 1
LOCATION N : See Plan
E :
ELEVATION : 27.5'±
DATE START : 1/28/2023
END : 1/28/2023
ENGINEER : W. McArdle, P.E.

Depth in Feet	Strata Change	Sample Number/ Type	Sample Depth Range (ft)	Elev-ation/ Depth (ft)	SOIL DESCRIPTION (BURMISTER)	REMARKS
0				26.9	-TOPSOIL-	
				0.6	Beige, fine to medium SAND, trace (+) Silt.	
1					-OUTWASH DEPOSITS-	
				26.0		
				1.5	BOTTOM OF TEST PIT AT 1.5 FEET	
2					[Bottom of existing retaining wall encountered at 3± inches below existing grade. Wall about 2.5± feet high at test pit location]	
3						
4						
5						

TEST PIT DIMENSIONS	BOULDERS	SAMPLE IDENTIFICATION	SUMMARY
Width: 2± Feet	6" to 18" Diameter= 0	- B - Bag	Overburden:
Length: 3.5± Feet	18" to 36" Diameter= 0	- J - Jar	Rock:
	Over 36" Diameter= 0 (number)	- P - Percolation Test	Samples:
			TEST PIT NO. TP-1

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST PIT LOG

TEST PIT NO. TP-2

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

EQUIPMENT: Hand Shovel

OPERATOR: Franklin Acosda

GROUNDWATER

Date	Time	Depth (ft.)	Notes
1/28/23	9:30am	---	Not Encountered

MGA NO. : W0903
SHEET NO. : 1 of 1
LOCATION N : See Plan
E :
ELEVATION : 19.5'±
DATE START : 1/28/2023
END : 1/28/2023
ENGINEER : W. McArdle, P.E.

Depth in Feet	Strata Change	Sample Number/ Type	Sample Depth Range (ft)	Elev-ation/ Depth (ft)	SOIL DESCRIPTION (BURMISTER)	REMARKS
0				19.0	-TOPSOIL FILL-	
				0.5	Beige-brown, fine to medium SAND, little fine to coarse Gravel, little (-) Silt. -FILL-	
1						
2						
3				16.3		
				3.2	Beige, fine to medium SAND, trace fine to coarse Gravel, trace (+) Silt. -OUTWASH DEPOSITS-	
4				15.5		
				4.0	BOTTOM OF TEST PIT AT 4 FEET [Bottom of existing retaining wall encountered at 10± inches below existing grade. Wall about 2± feet high at test pit location]	
5						

TEST PIT DIMENSIONS

Width: 1± Feet

Length: 2± Feet

BOULDERS

6" to 18" Diameter= 0
18" to 36" Diameter= 0
Over 36" Diameter= 0
(number)

SAMPLE IDENTIFICATION

- B - Bag
- J - Jar
- P - Percolation Test

SUMMARY

Overburden:
Rock:
Samples:

TEST PIT NO. TP-2

KEY TO SYMBOLS

Symbol Description

Strata symbols

 **Topsoil/Topsoil Fill**

 **Outwash Deposits**

 **Fill**

Notes:

1. **Toscana Corporation of Nantucket, Massachusetts performed the test pits on January 28, 2023 with a Caterpillar 305E mini-excavator (TP-1) or hand shovel (TP-2).**

2. **Test pit 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 pits.**



Photo #1: Test pit TP-1



Photo #2: Test pit TP-1



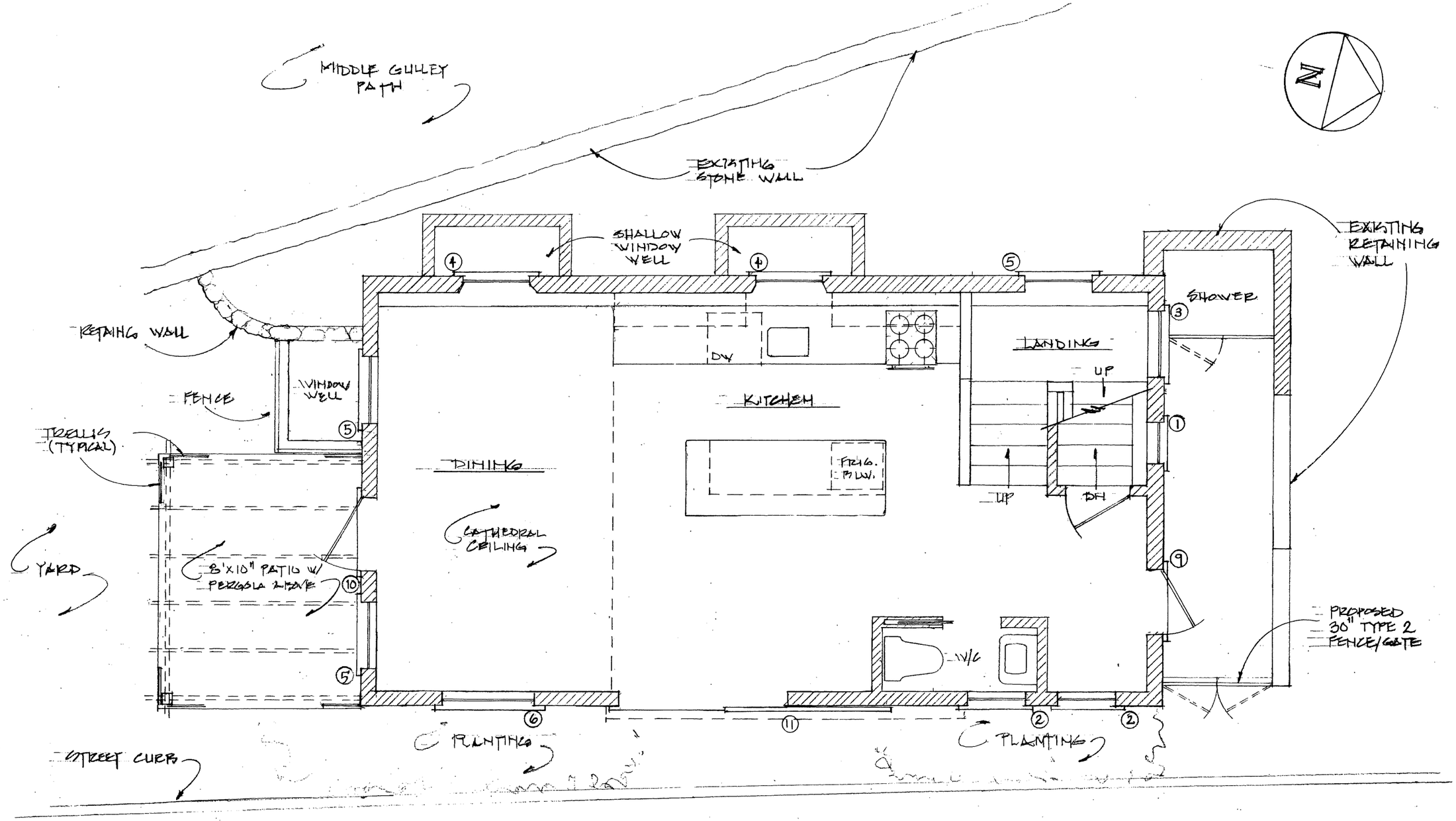
Photo #3: Test pit TP-2



Photo #4: Test pit TP-2



Photo #5: Concrete block retaining wall return at southwestern corner of existing structure

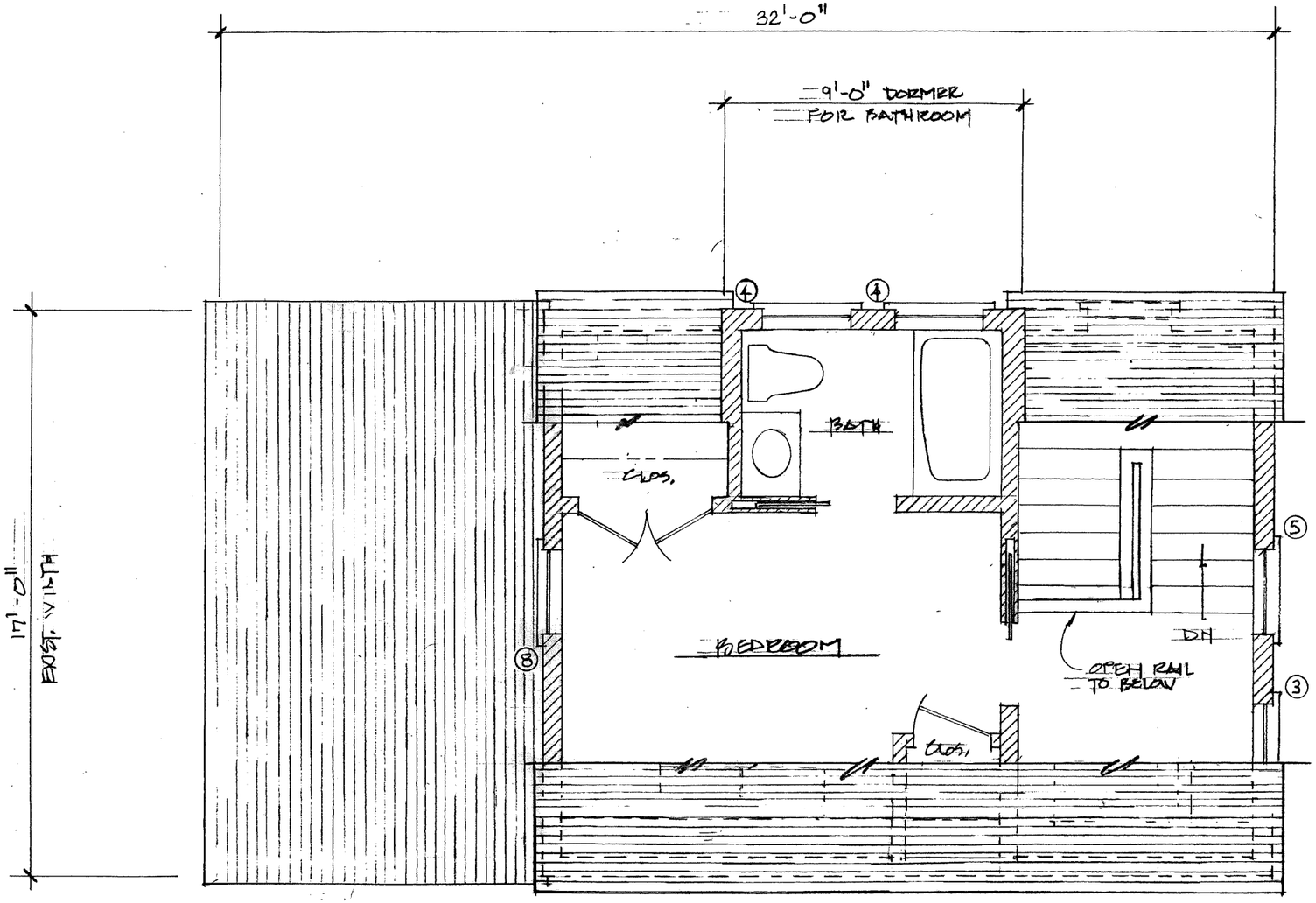


FIRST FLOOR PLAN

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

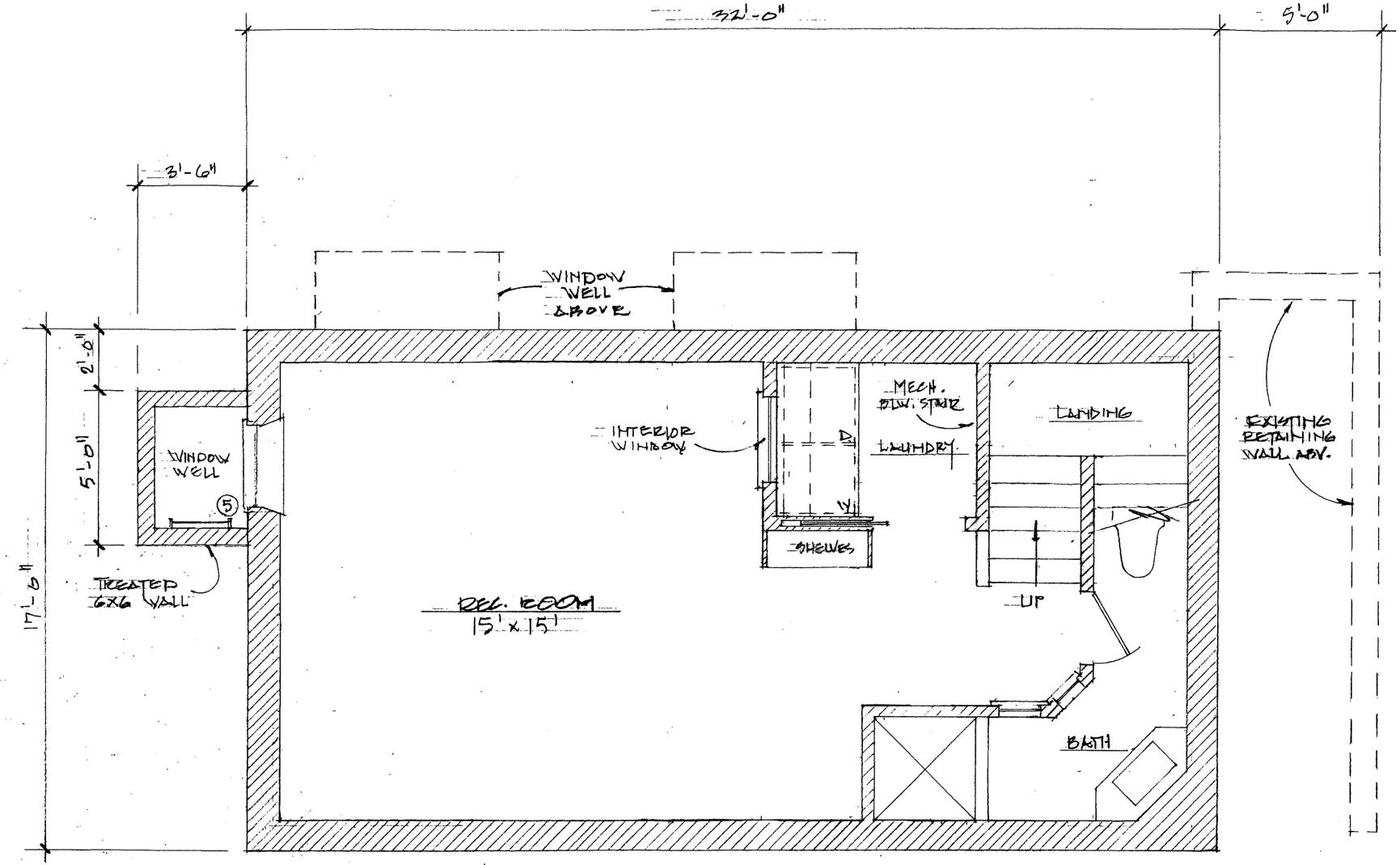
AMENDOLARE RESIDENCE
8 BANK STREET
OCONSET, MA

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



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

AMENDOLARE RESIDENCE 8 BANK STREET GLOUCESTER, MA	ANGUS MACLEOD DESIGNS P.O. BOX 7055 GLOUCESTER, MA (508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

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

8 BANK STREET

EAST ELEVATION



SOUTH ELEVATION






LINKNantucket.com




LINKNantucket.com



IMMEDIATE AND CLOSE ABUTTERS



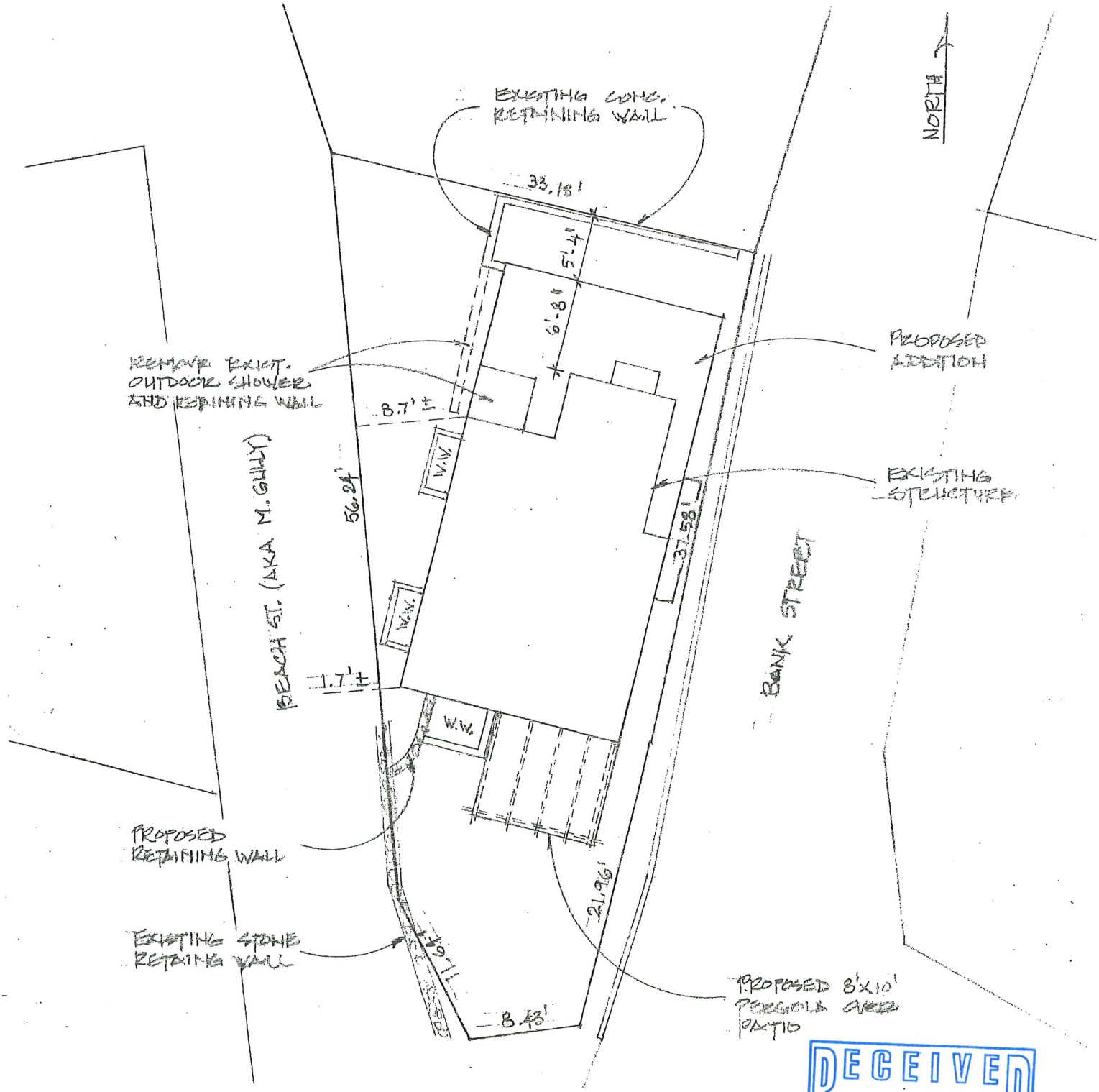







LOONEY DUNES



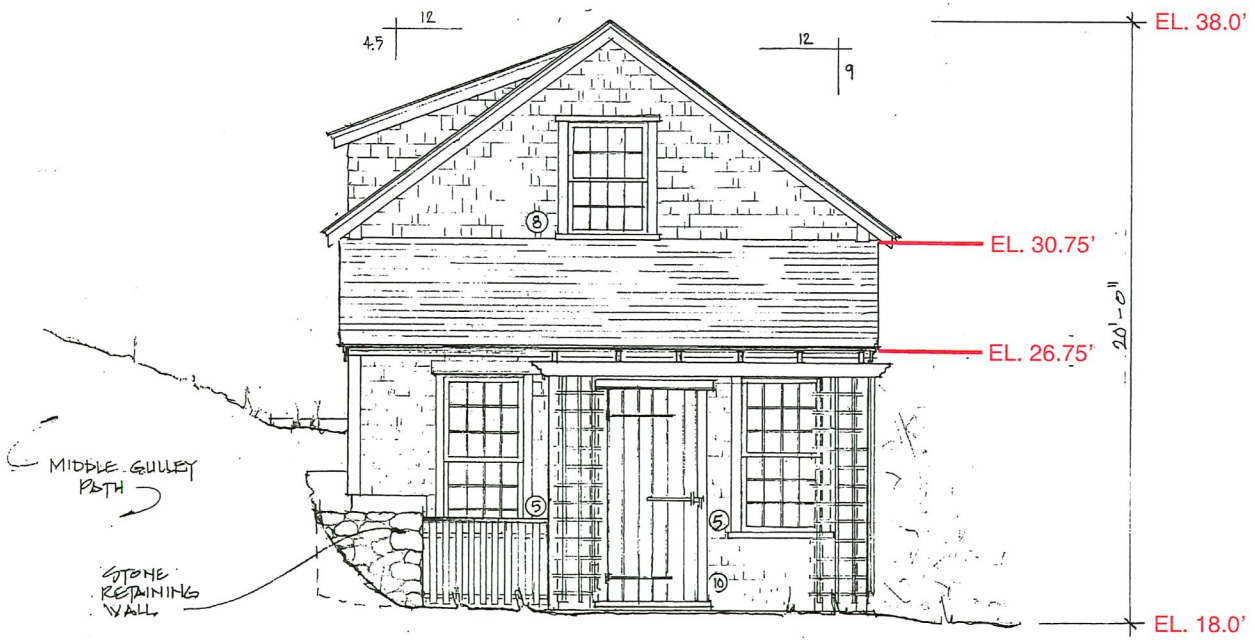


SITE PLAN
SCALE: 1" = 10'

RECEIVED
SEP 02 2022
By

AMENDOLARE RESIDENCE
8 BANK STREET
WOONSET, MA

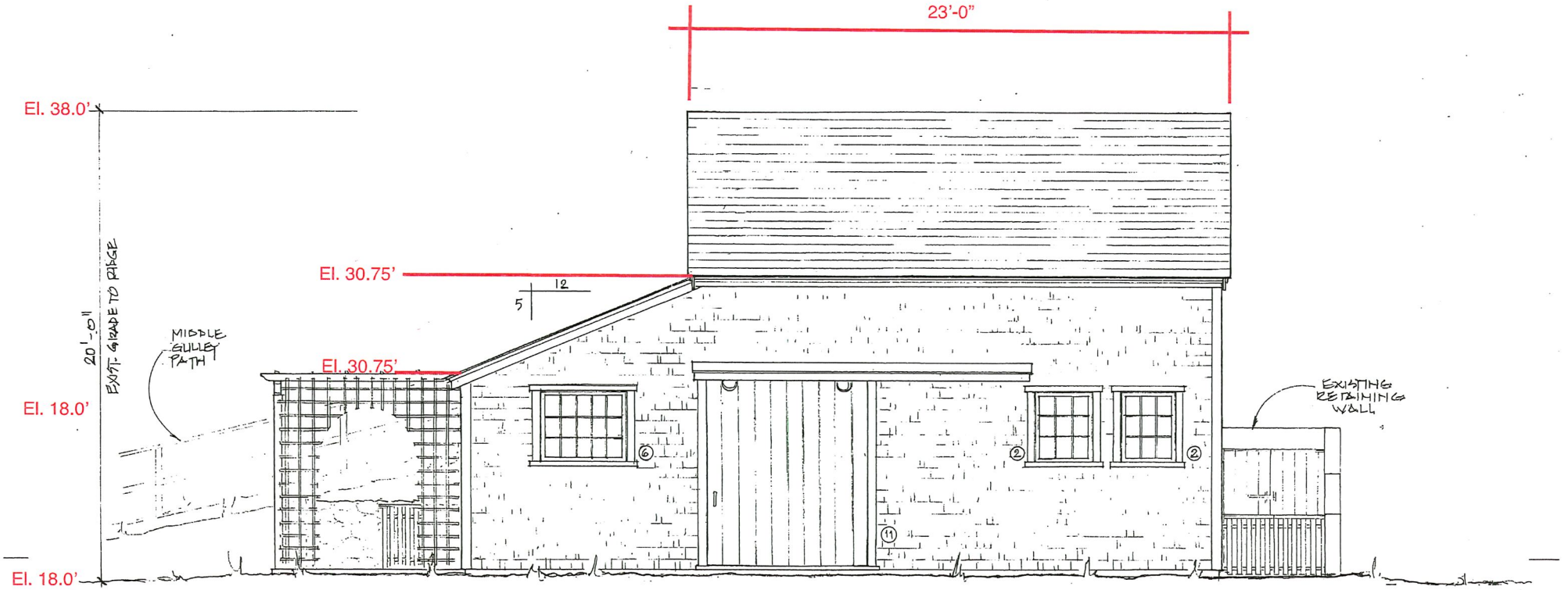
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
WOONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EGONSET, MA

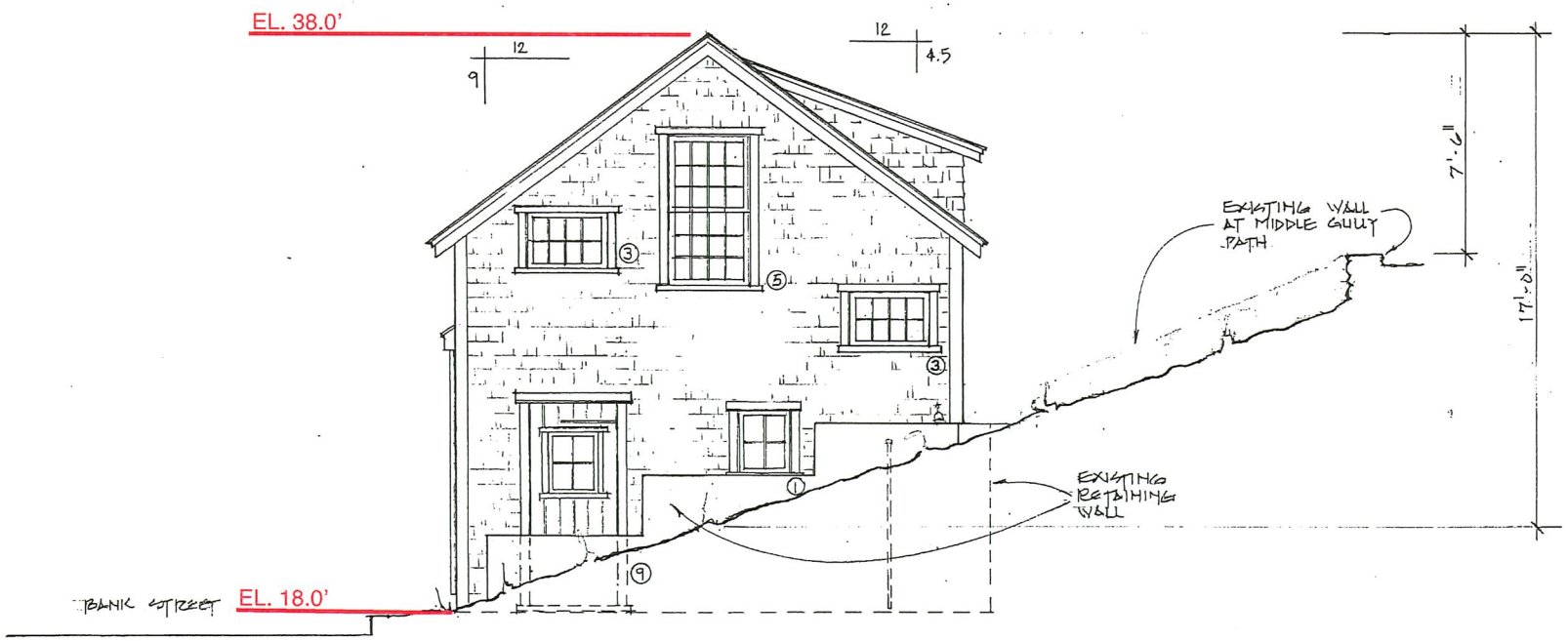
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EGONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
EDGARTOWN, MA

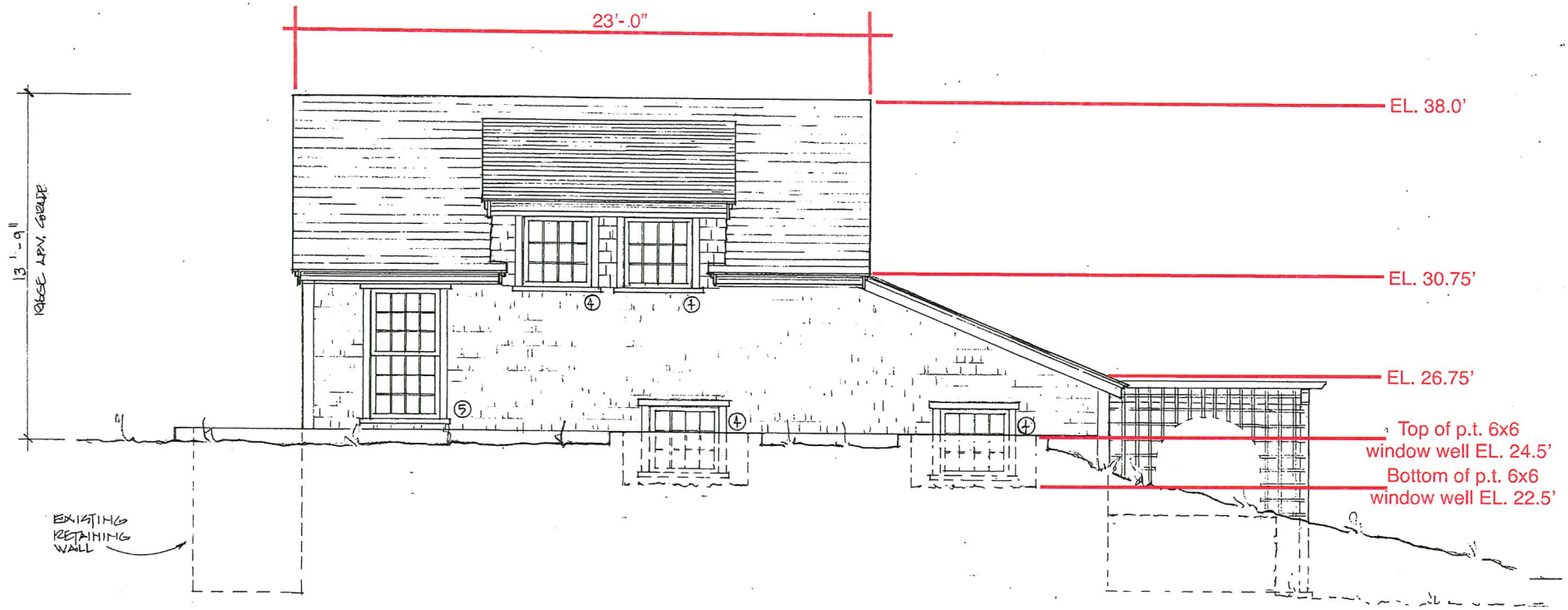
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
EDGARTOWN, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

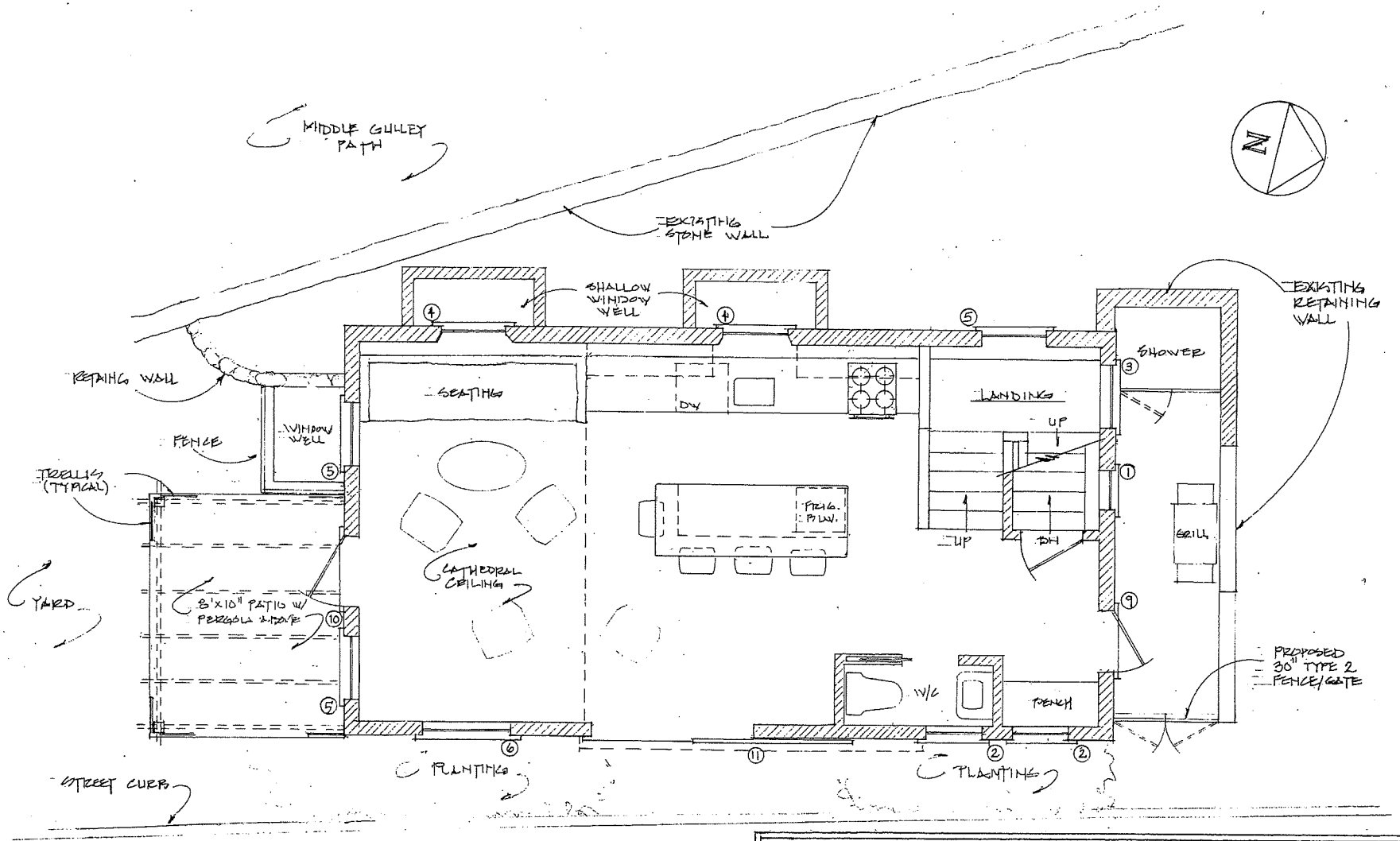
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
ECONSET, MA

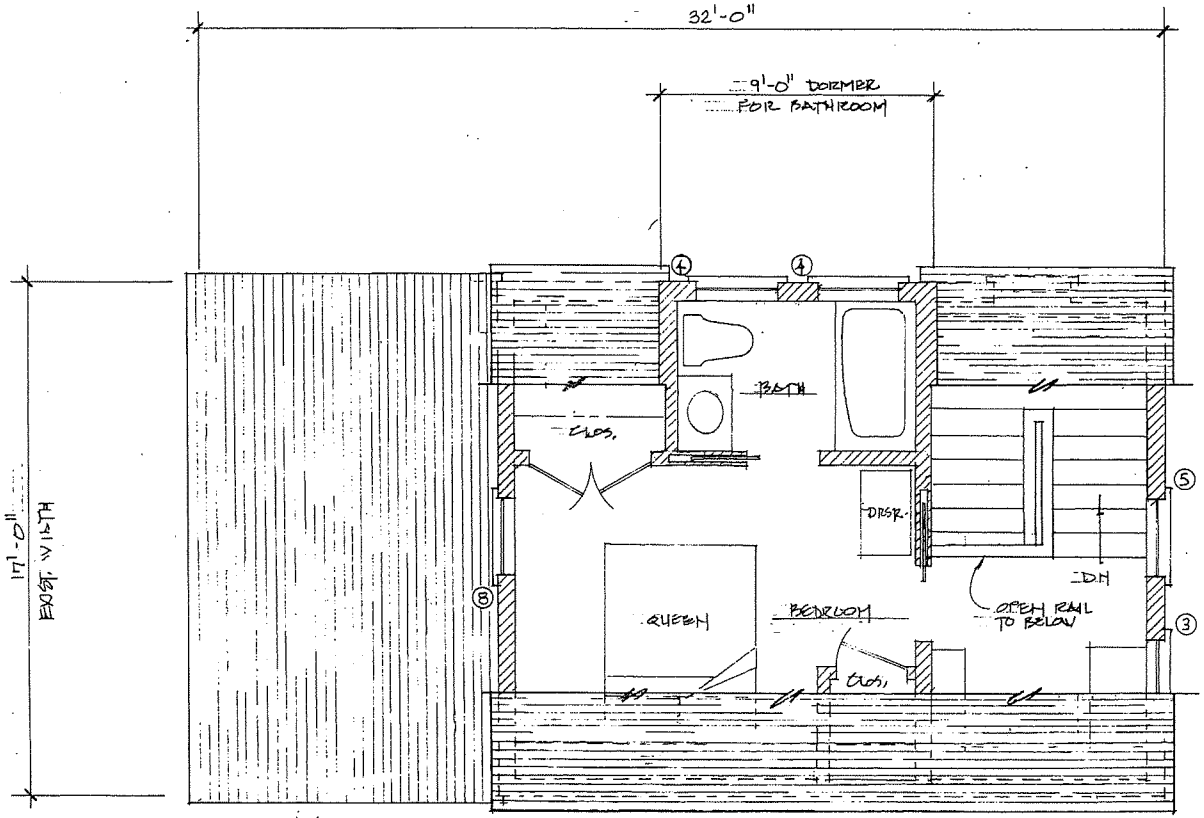
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
ECONSET, MA
(508) 257-6789



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

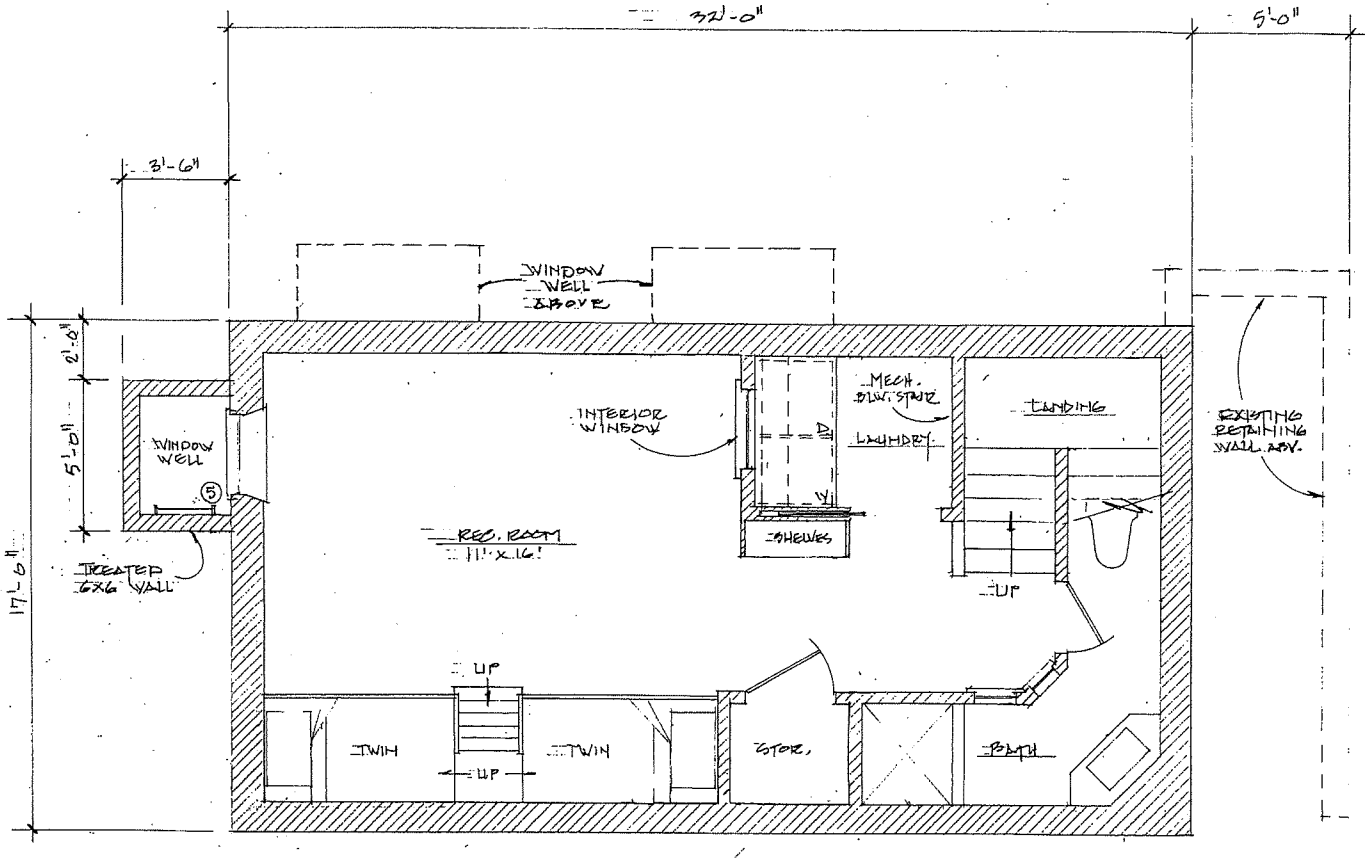


SECOND FLOOR PLAN

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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, 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
TOW=34.5
TPF=37.5
PICKET FENCE
WATER METER
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

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

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*

N

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.

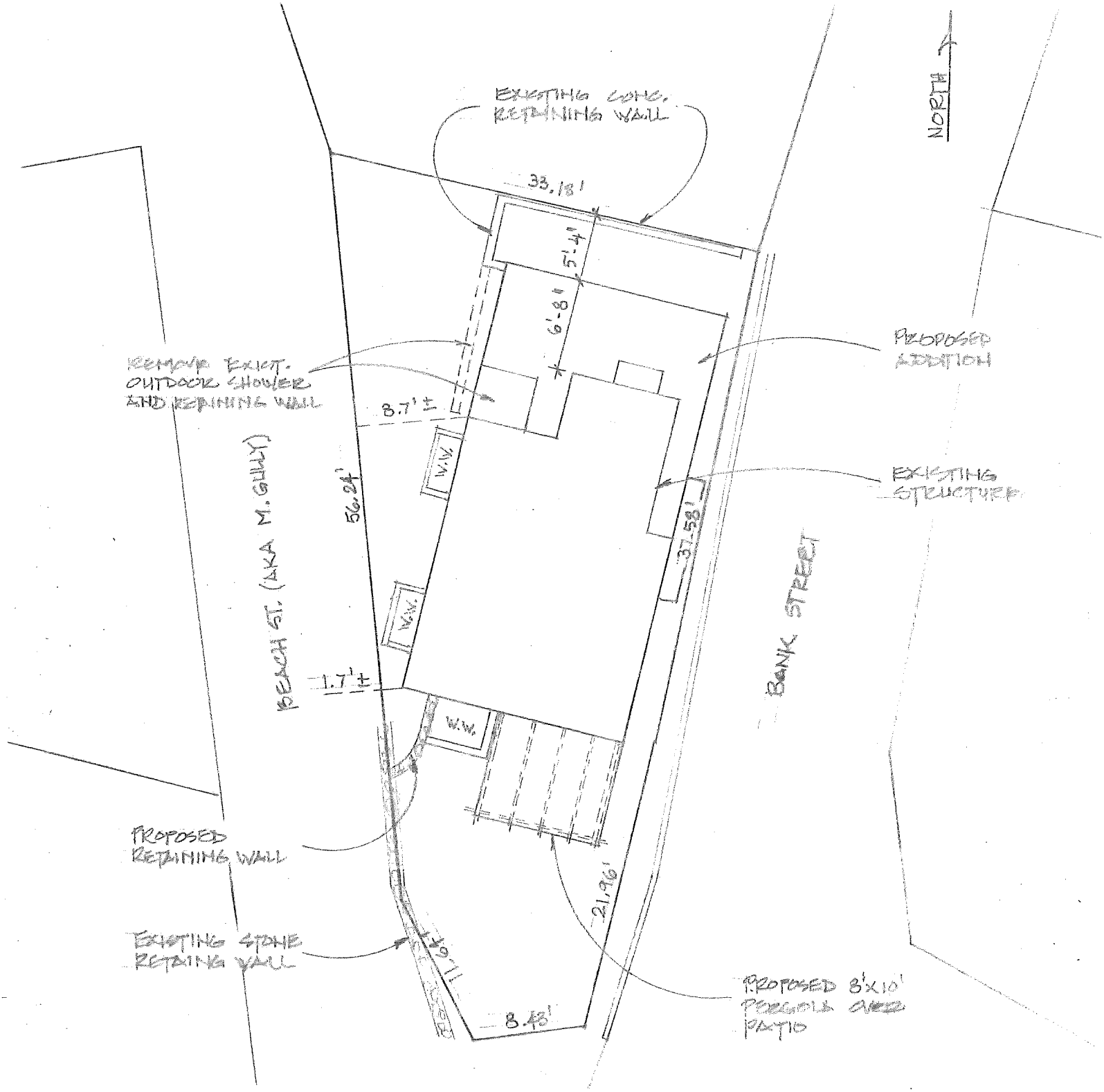
OWNER INFORMATION

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

B8867

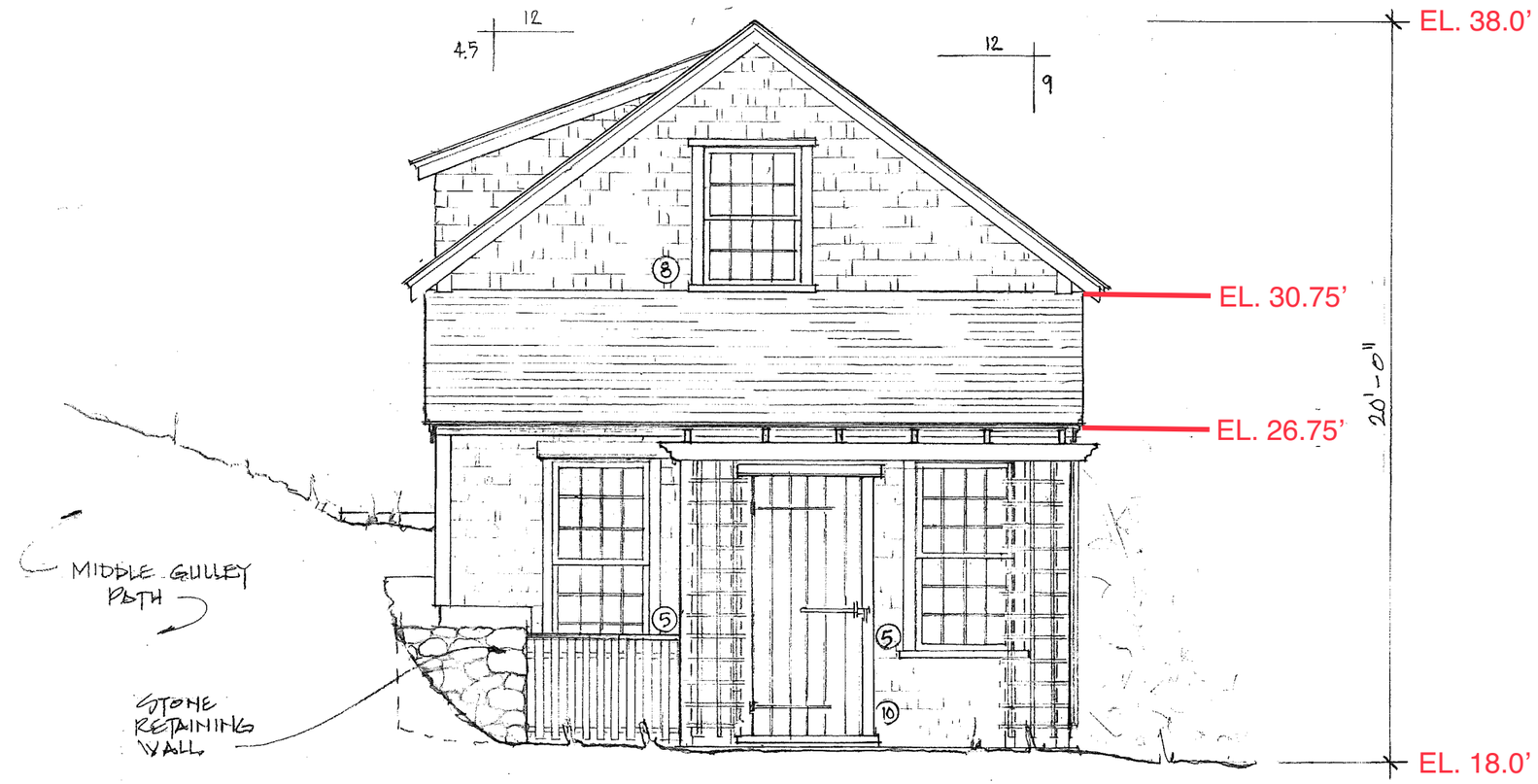
V:\DRAWFILES\B8867\carlson_SP 2021.dwg 11 BROADWAY 8/15/2022 14:38:54 1:1



SITE PLAN
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
8 BANK STREET
WOONSET, MA

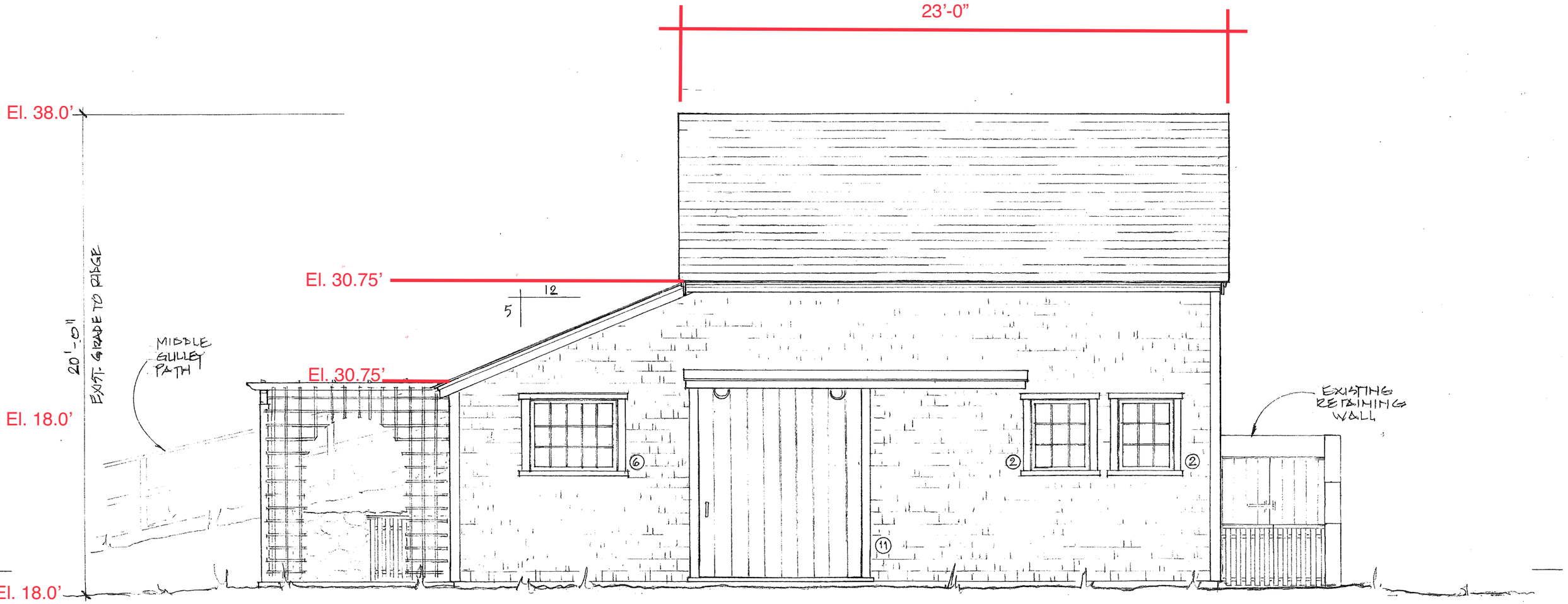
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
WOONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

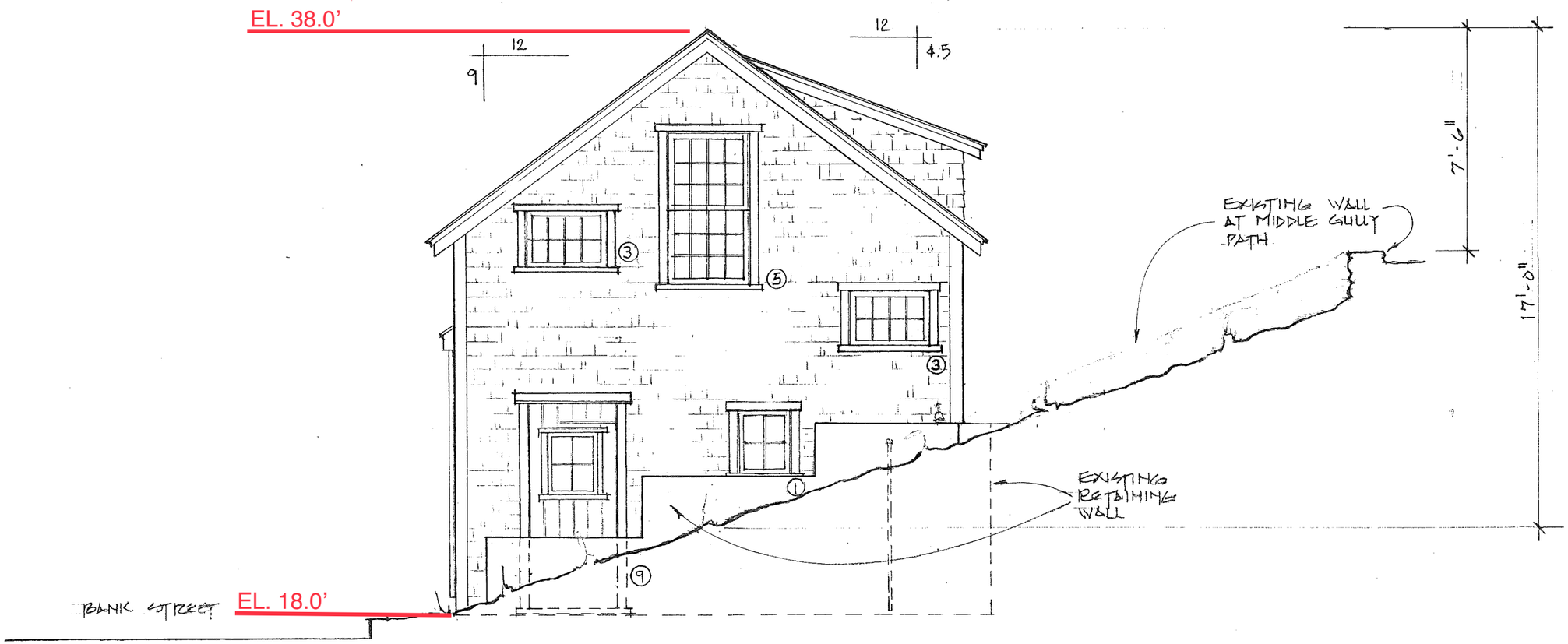
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
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
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789

23'- 0"

EL. 38.0'

EL. 30.75'

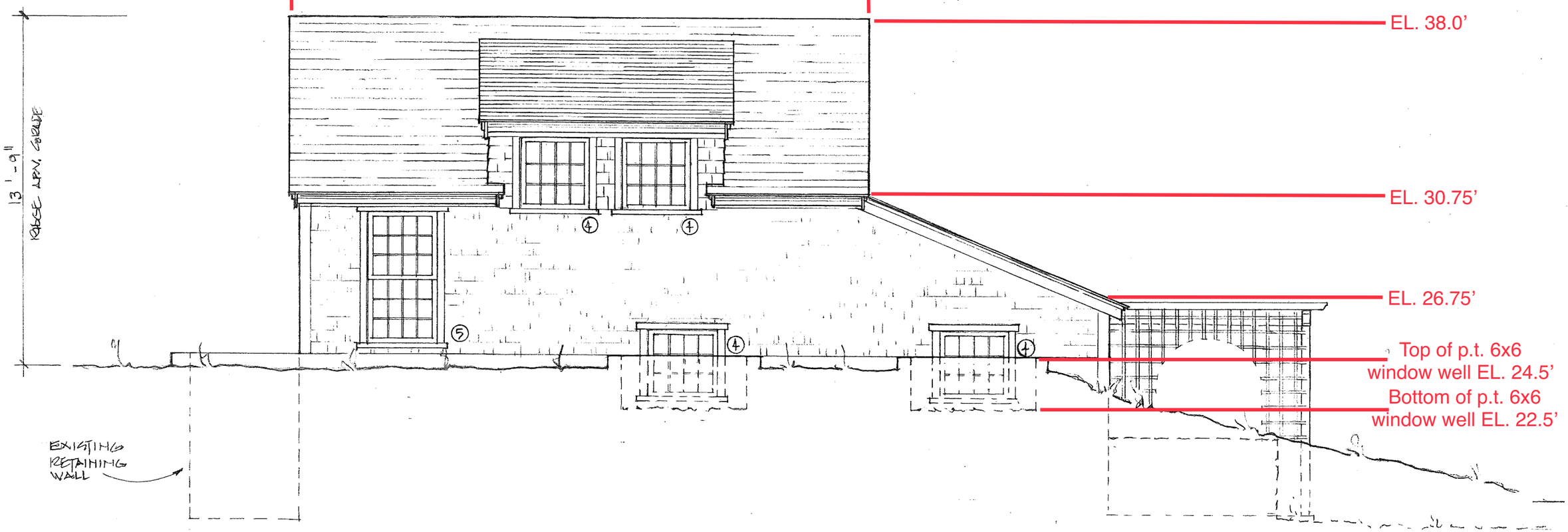
EL. 26.75'

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

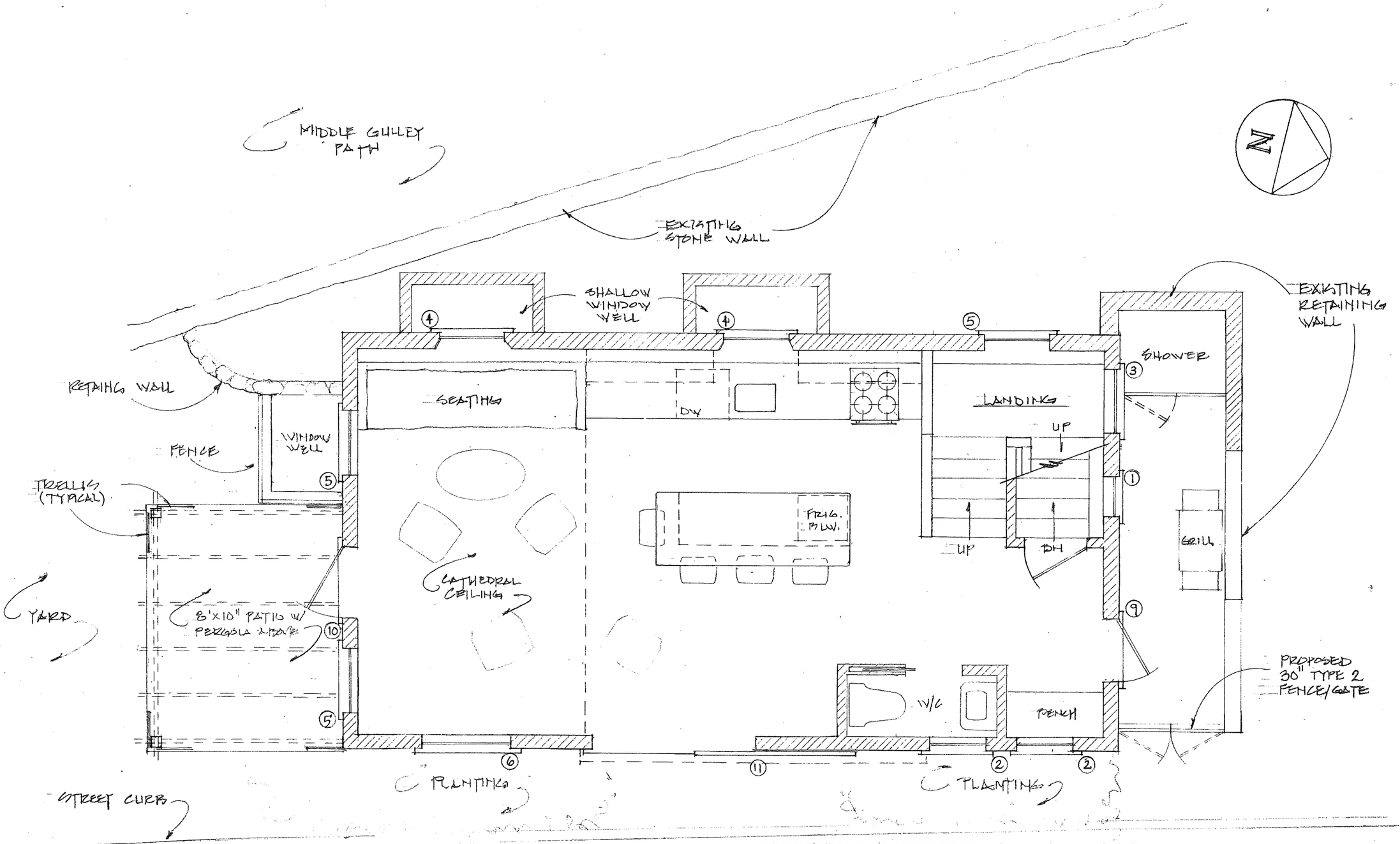


WEST ELEVATION

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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

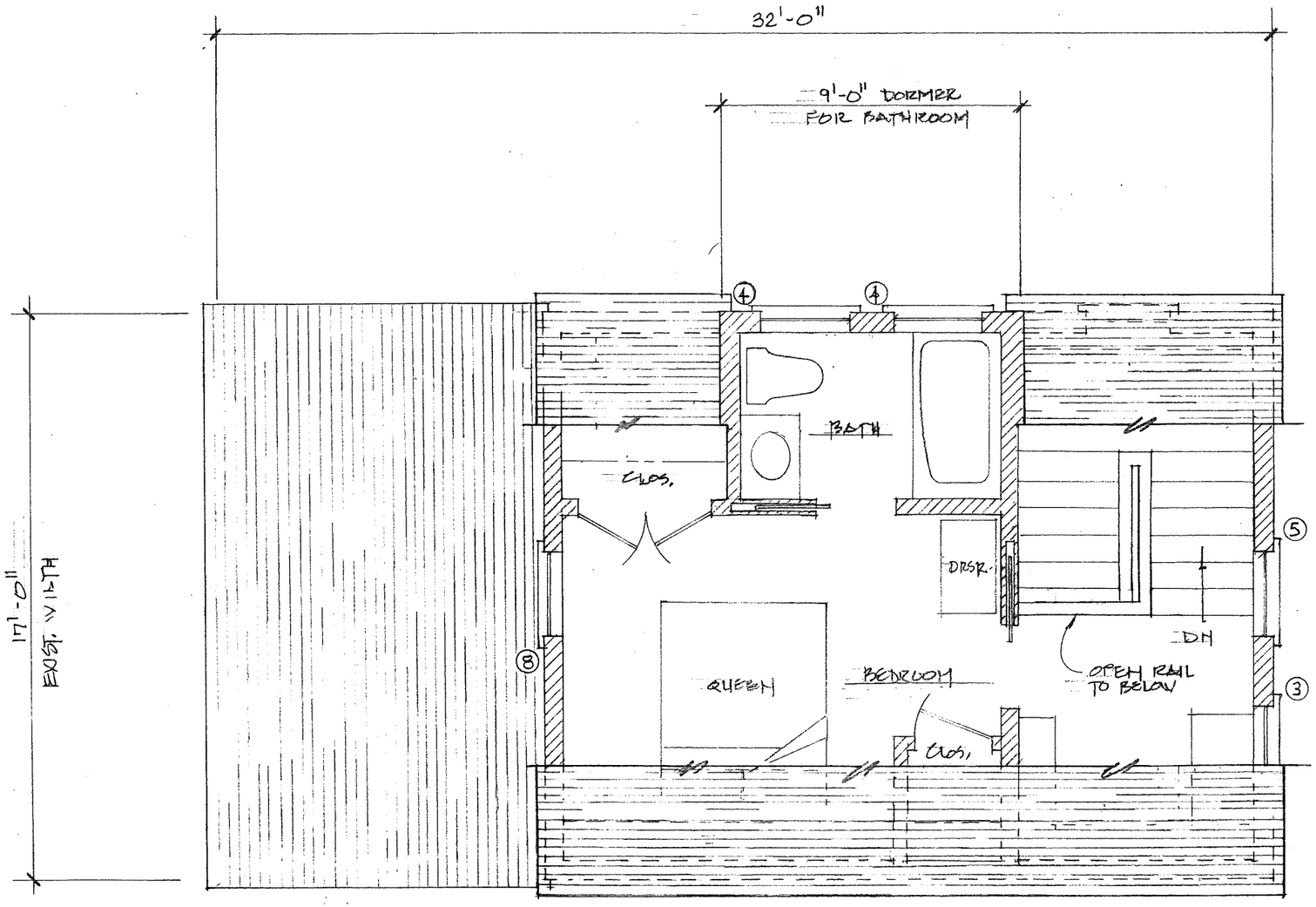
ANGUS MACLEOD DESIGN
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
WESCONSET, MA

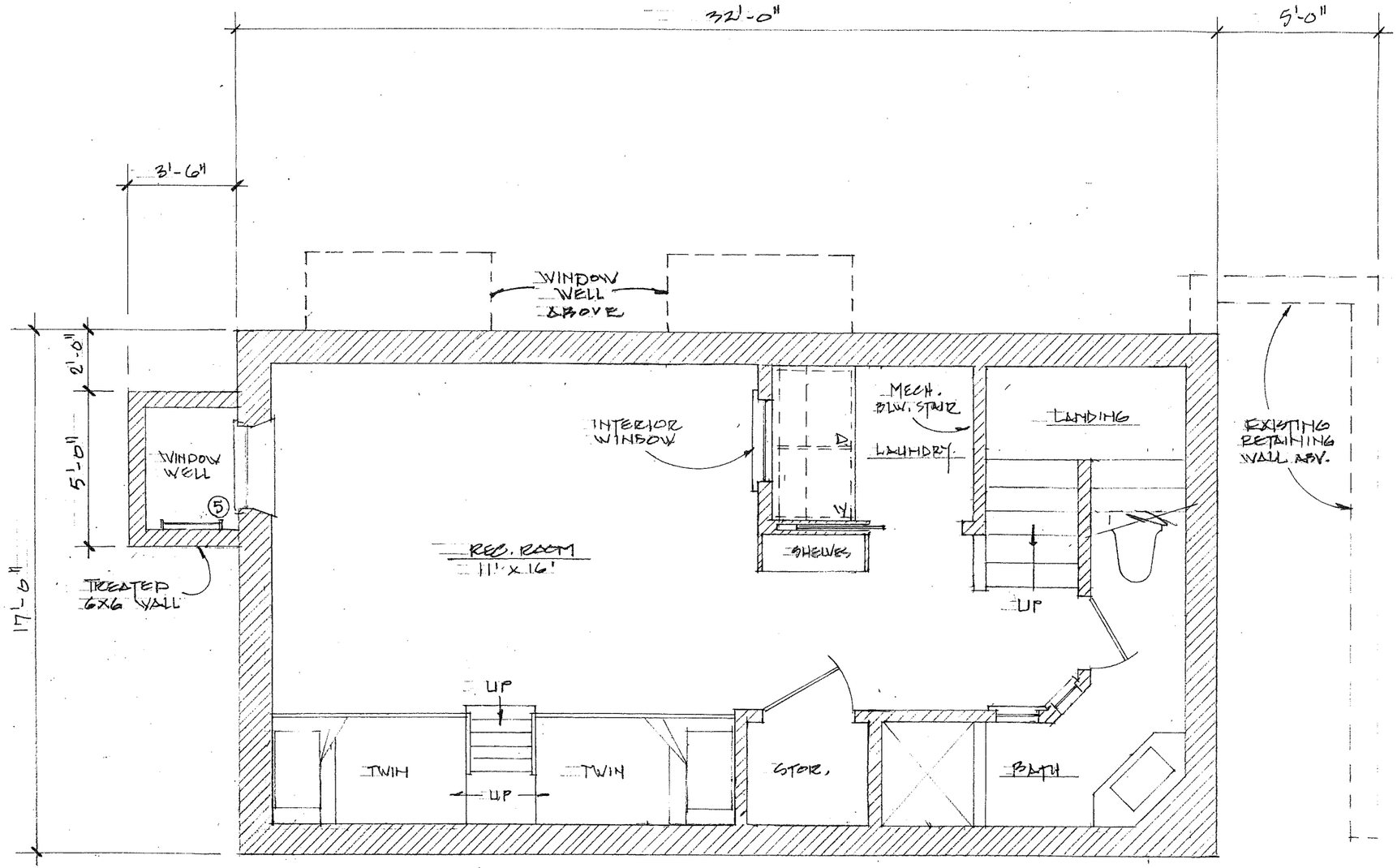
ANGUS MACLEOD DESIGN
P.O. BOX 7055
WESCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA.

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



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

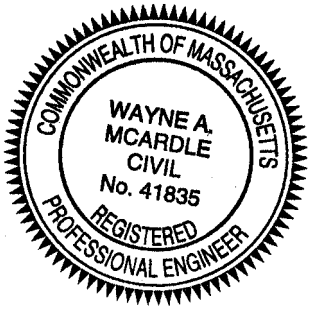
Additionally, there is precedence for this method of installation at a nearby site. 15 Beach Street installed a similar shoring system using a "zero moment" vibratory hammer for a new basement in the spring of 2021 (see photo 7 in the attached Photo Log).

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

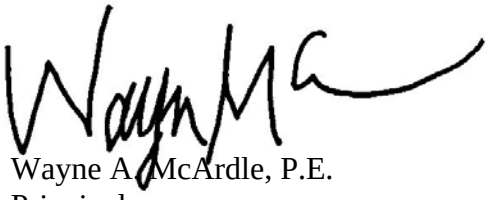
MGA should be retained to perform on-site construction observation services during foundation excavations. The purpose of our services is to assess the contractor's compliance with the project plans as well as our recommendations included in this report. Our on-site presence will allow us the opportunity 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.

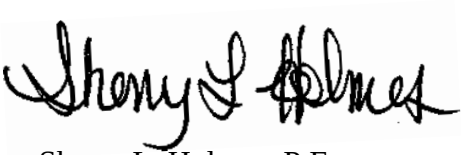
Very truly yours,

MCARDLE GANNON ASSOCIATES, INC.



Wayne A. McArdle, P.E.
Principal



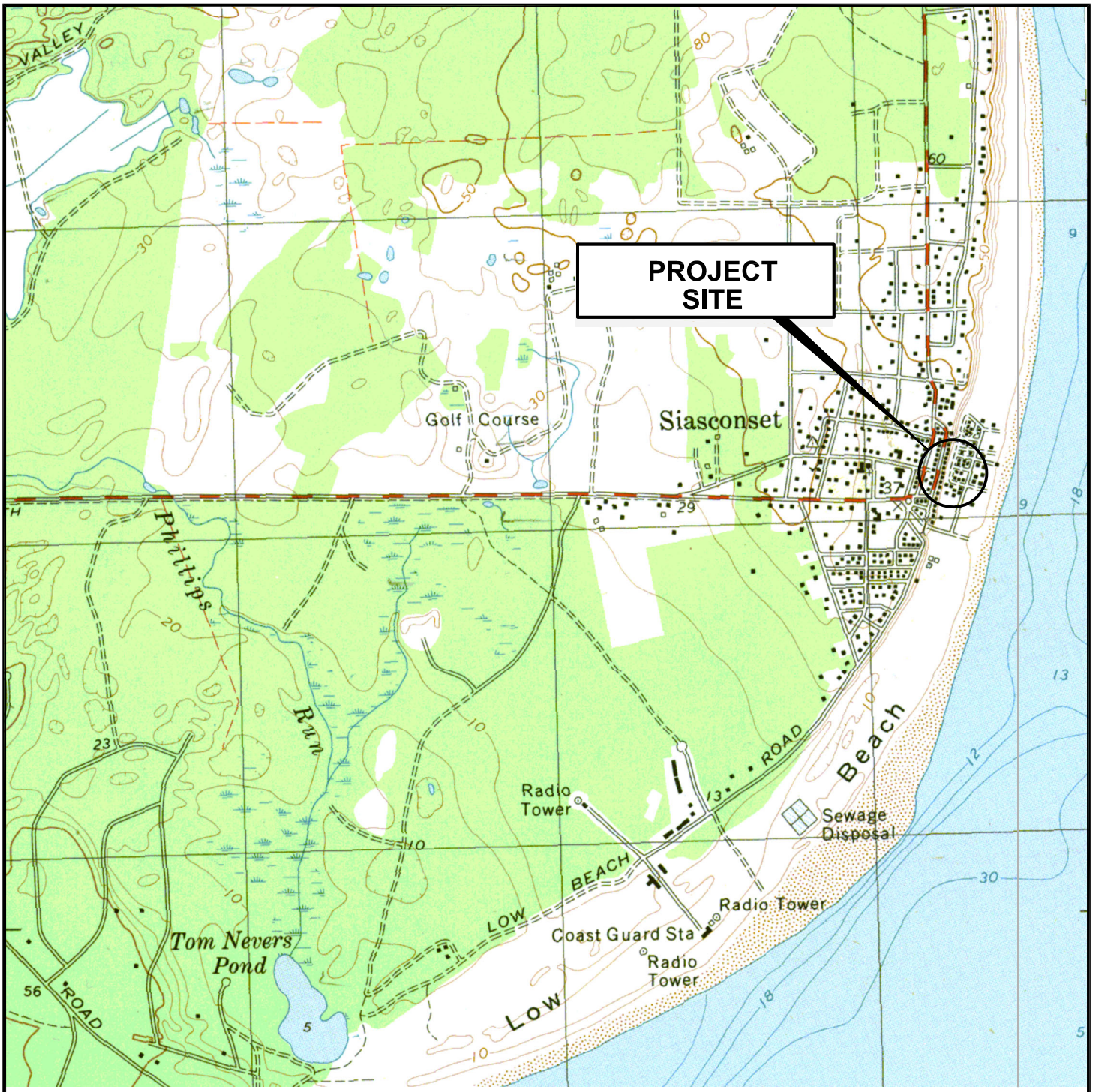


Sherry L. Holmes, P.E.
Geotechnical Engineer

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

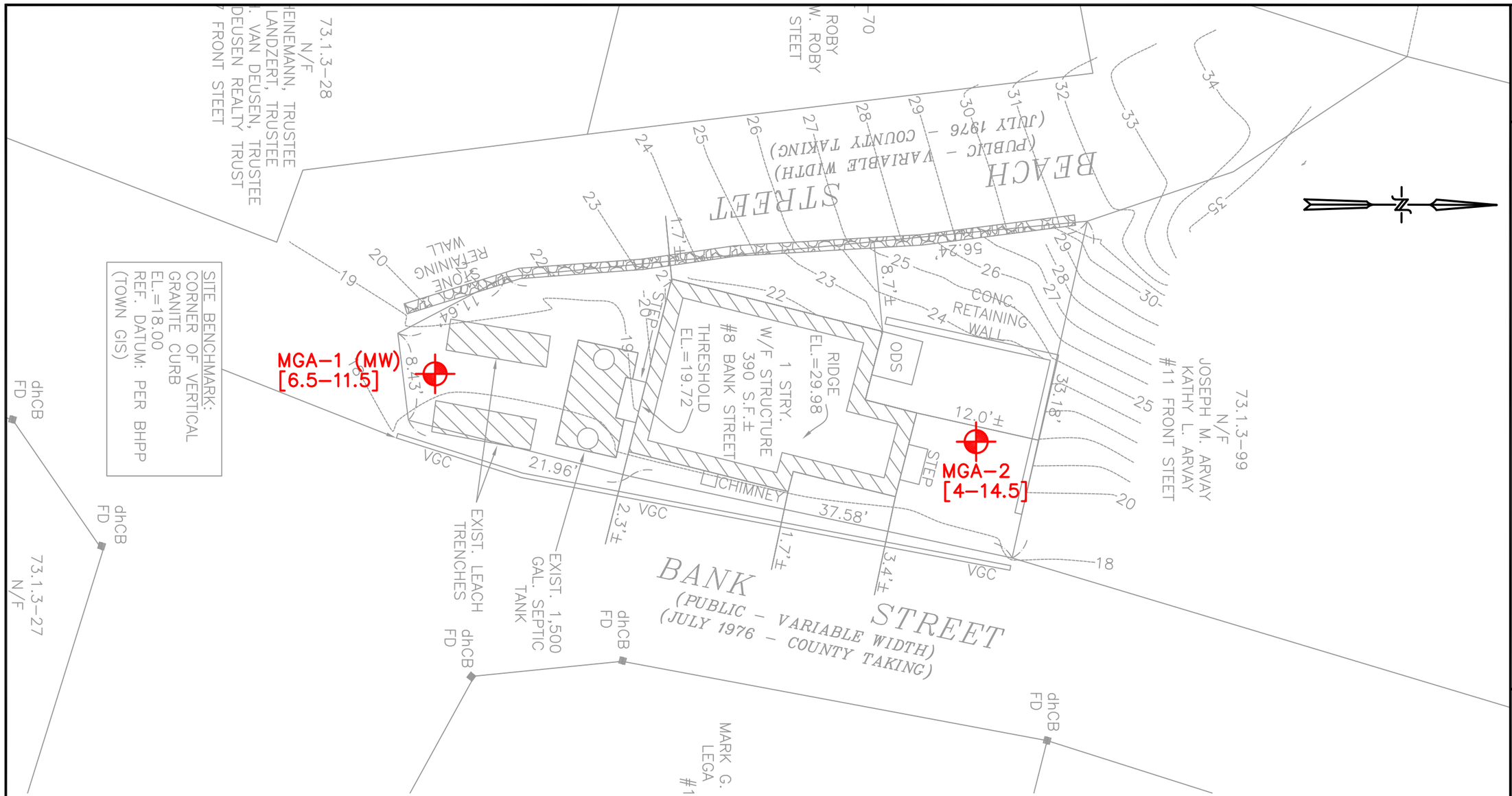
McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
781.735.0418 fax

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.

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

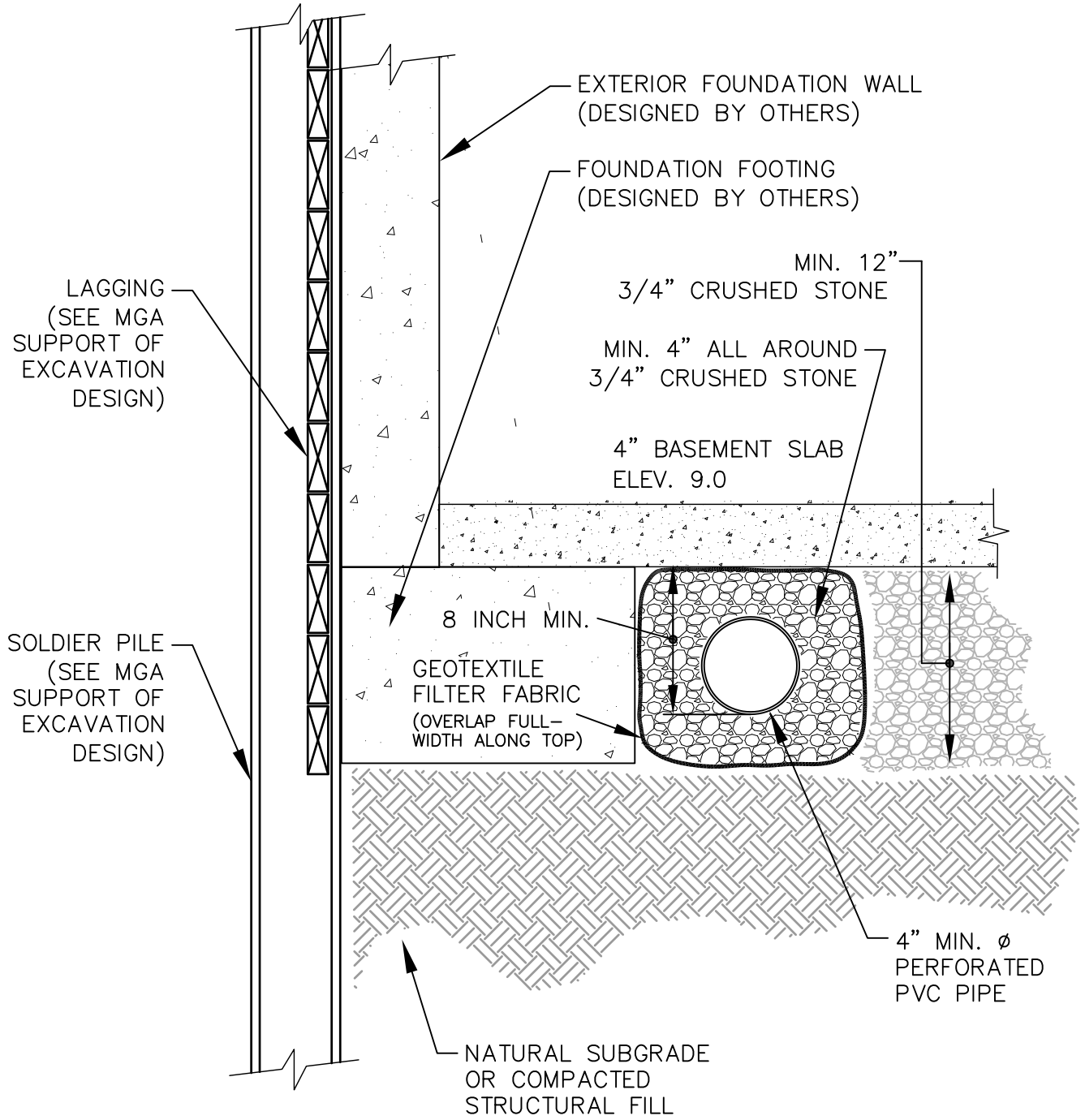
PROPOSED RENOVATION
8 BANK STREET, NANTUCKET, MASSACHUSETTS

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

SKETCH NO.: FIG. No. 2

DRAWN: WAM
CHECKED: SLH

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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.	
		10	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)

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.	
			3		26.0				
		18	3						
			2						
		21							
		28						-SAND-	
28		35							
			4	S-9	29.0	12		Loose, beige, fine to coarse SAND, trace fine Gravel, trace Silt.	
			3		31.0				
			3						
			4				-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
24		39						
		14	3	S-8	24.0	12		Loose, beige, fine to coarse SAND, trace (+) fine Gravel, trace (-) Silt.
		17	4 3 3		26.0			
		27						-SAND-
28		36						
		38						
			4	S-9	29.0	12		Medium dense, beige, fine to coarse SAND, trace (+) fine Gravel, trace Silt.
			5 6 6		31.0		-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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- U - Undisturbed Piston
- C - Diamond Core
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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.

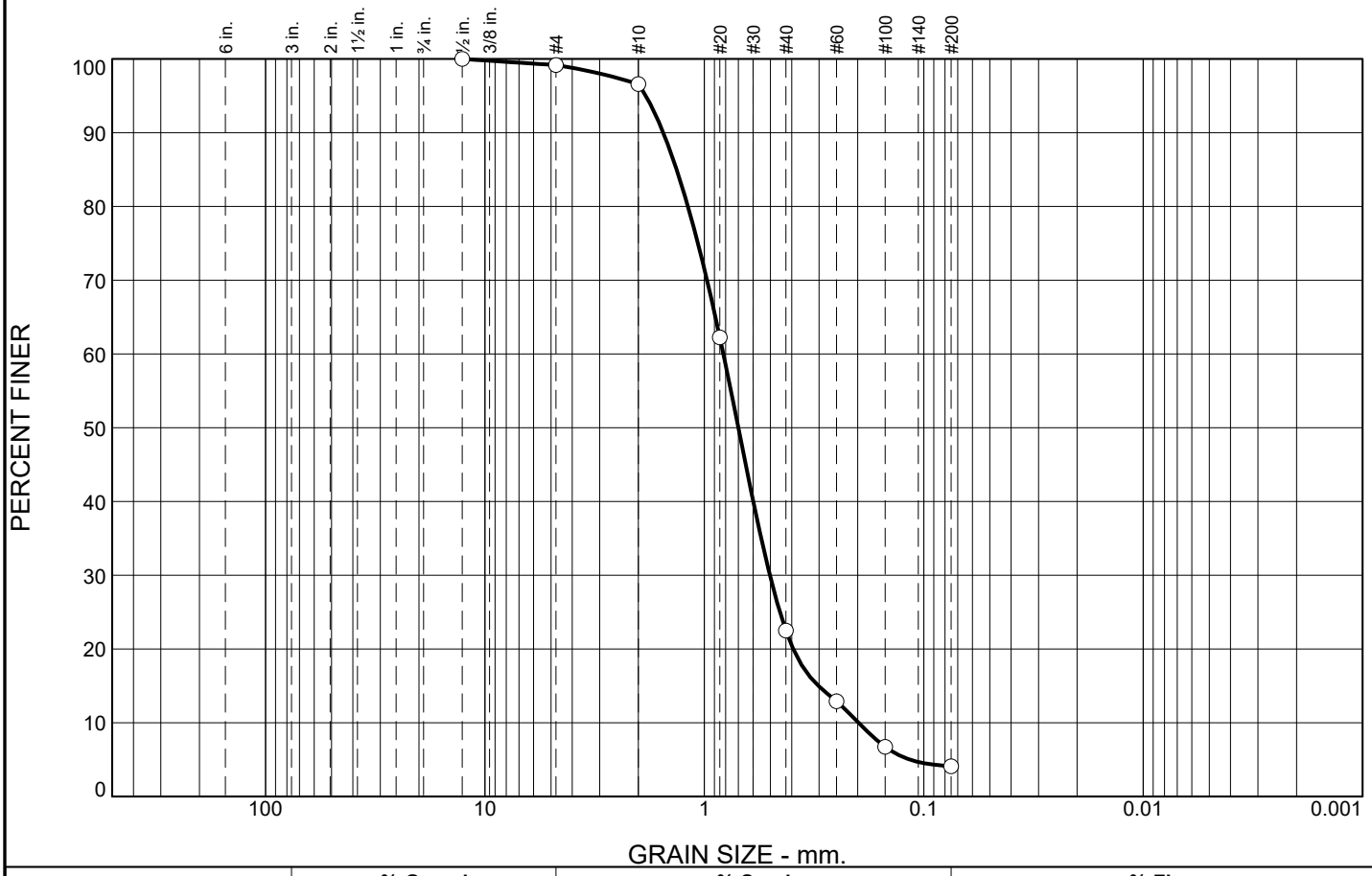
2. Test boring elevations were estimated from spot elevations shown on a plan entitled "Site Plan of Land," by Blackwell & Associates, Inc., dated January 20, 2021. Elevations are approximate.

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%

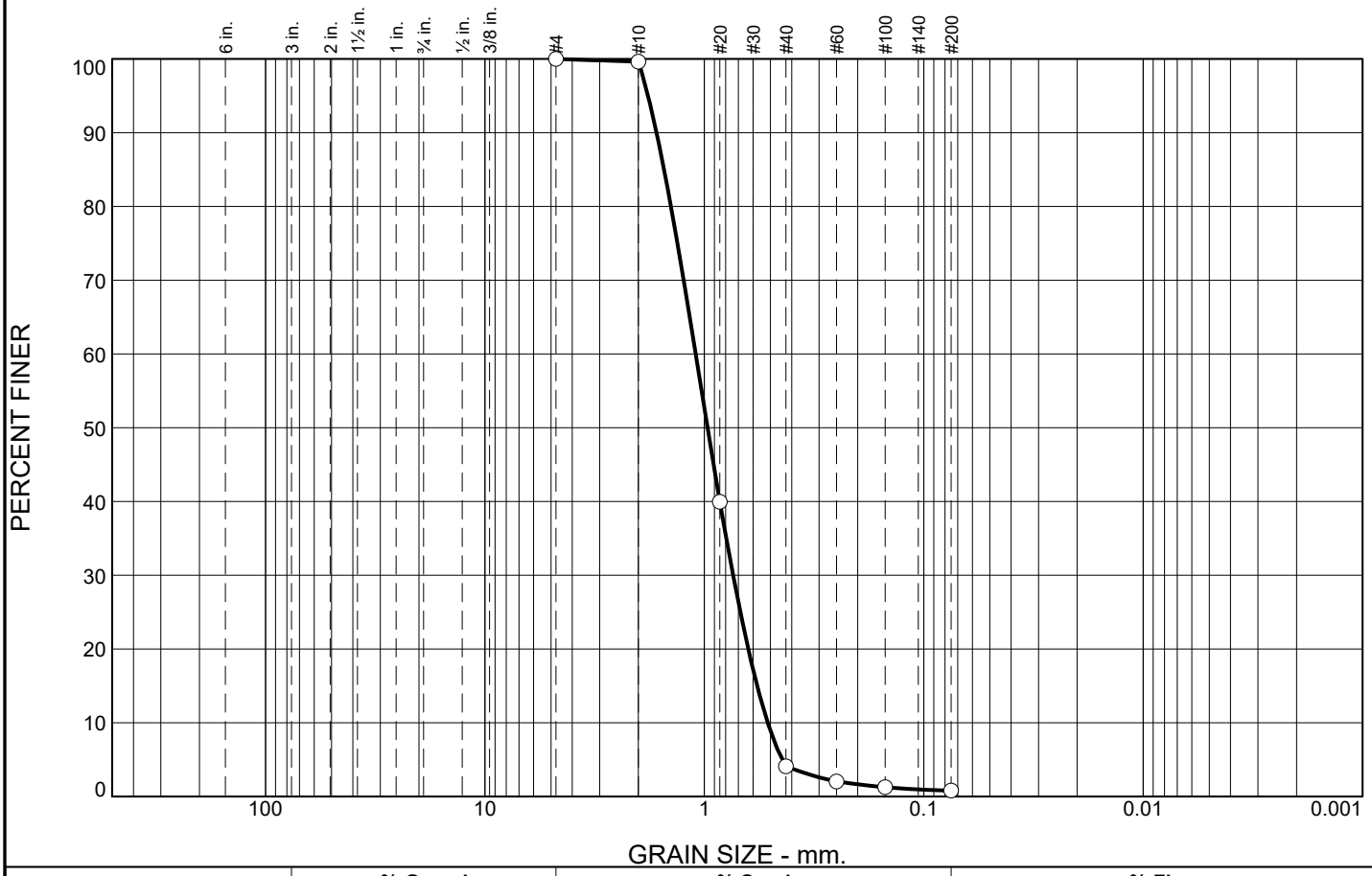
Source of Sample: MGA-1 **Depth:** 4-6'
Sample Number: S-3

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%

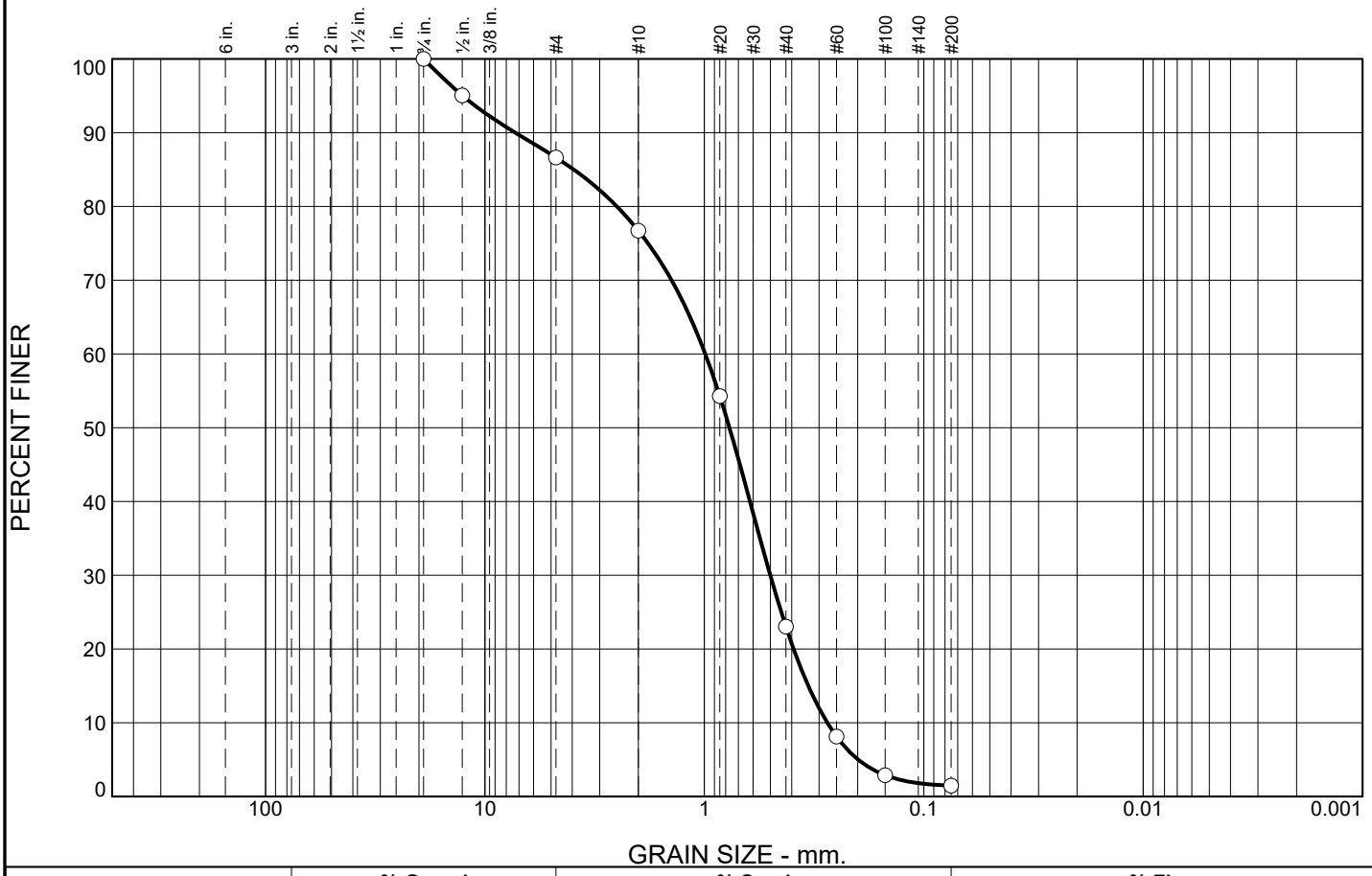
Source of Sample: MGA-1 **Depth:** 6.5-8'
Sample Number: S-4A

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

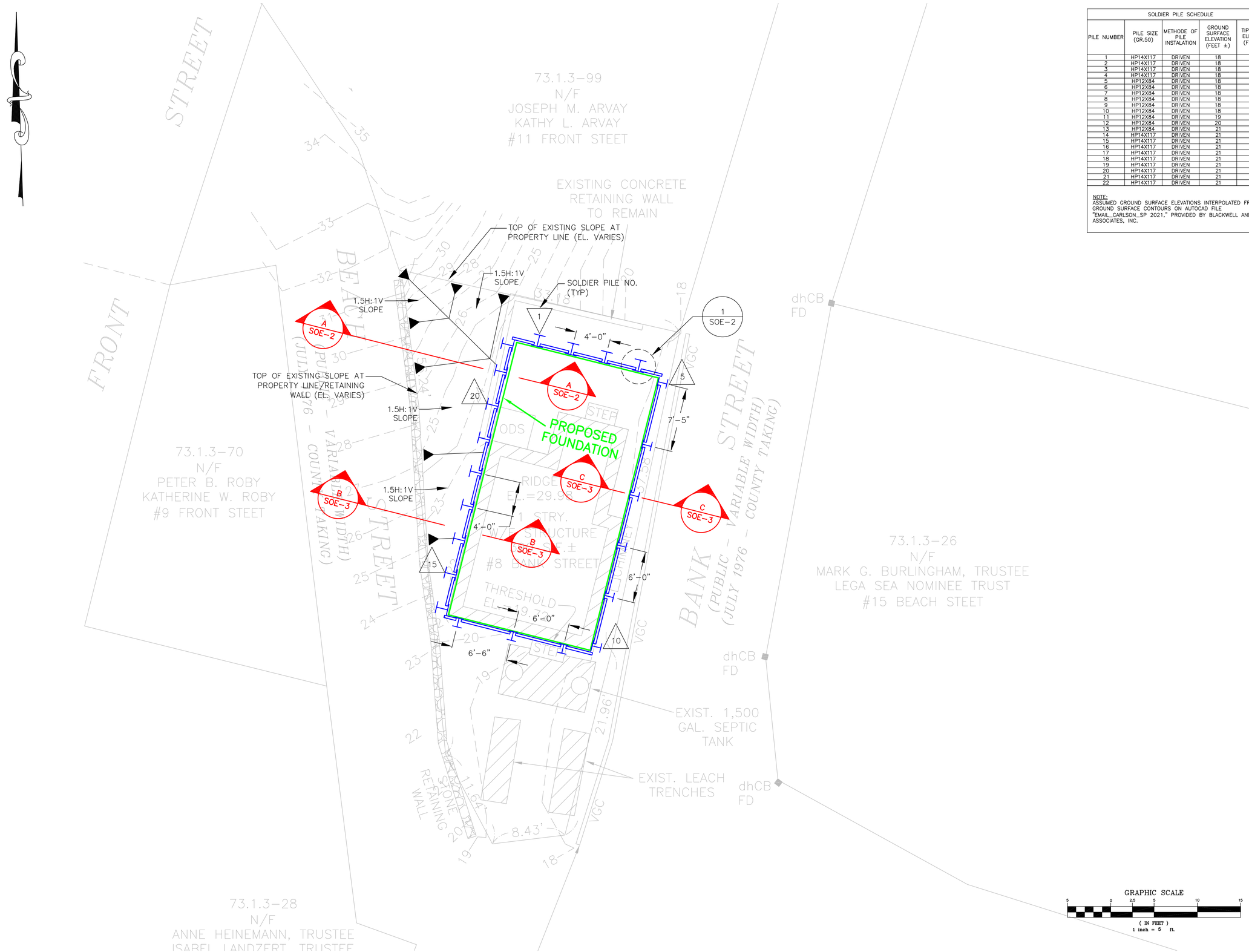
Natural Outwash Soils
Water Content: 14.8%

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.

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:

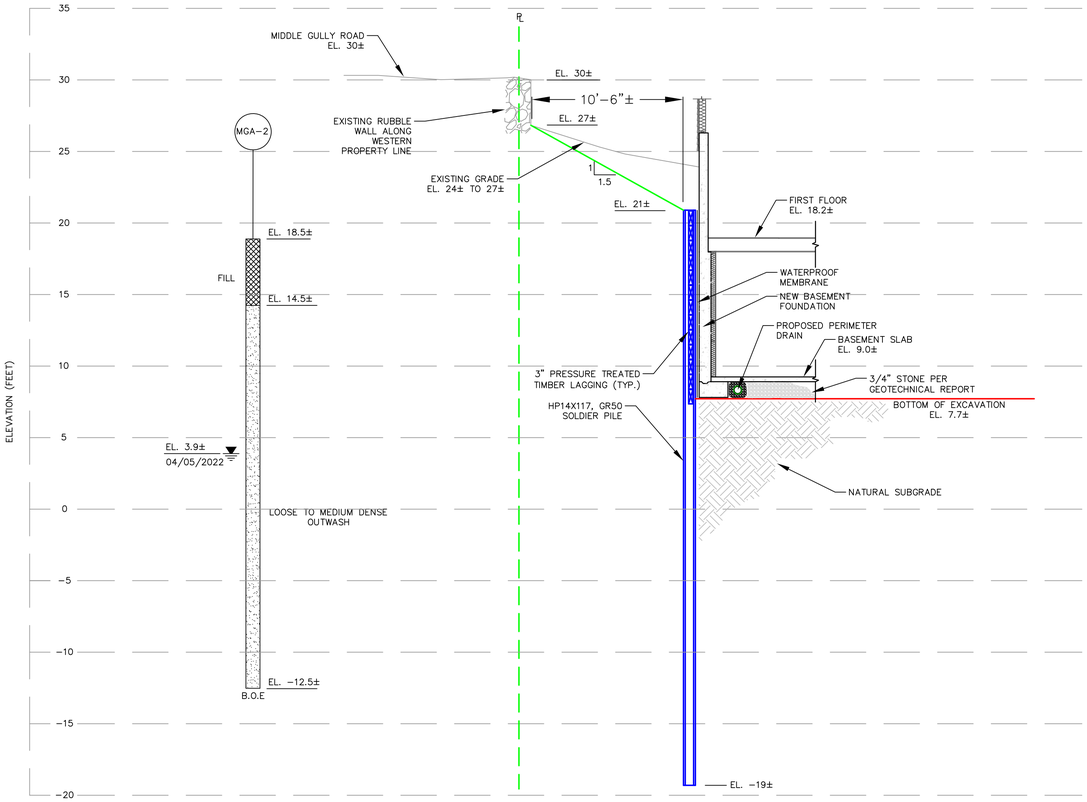
1. THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL EXISTING UNDERGROUND TANKS, PIPING, CONDUITS, AND UTILITIES PRIOR TO THE START OF WORK. ANY DISTURBANCE OR DAMAGE TO EXISTING STRUCTURES, UTILITIES, OR OTHER PROPERTY, CAUSED BY THE CONTRACTORS OPERATIONS, SHALL BE REPAIRED BY THE CONTRACTOR IN A MANNER 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:

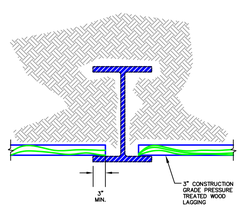
1. PILES SHALL BE DRIVEN AT THE LOCATIONS AND TO THE ELEVATION SHOWN ON THE PLANS OR AS DESIGNATED BY THE ENGINEER. PILING SHALL BE DRIVEN TO WITHIN 0.5 FEET OF THE FOUNDING ELEVATION SHOWN ON THE PLANS AND SHALL BE DRIVEN WITHIN 3 INCHES OF PLUMB. JETTING IS PROHIBITED. ANY PILING DAMAGED DURING THE 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

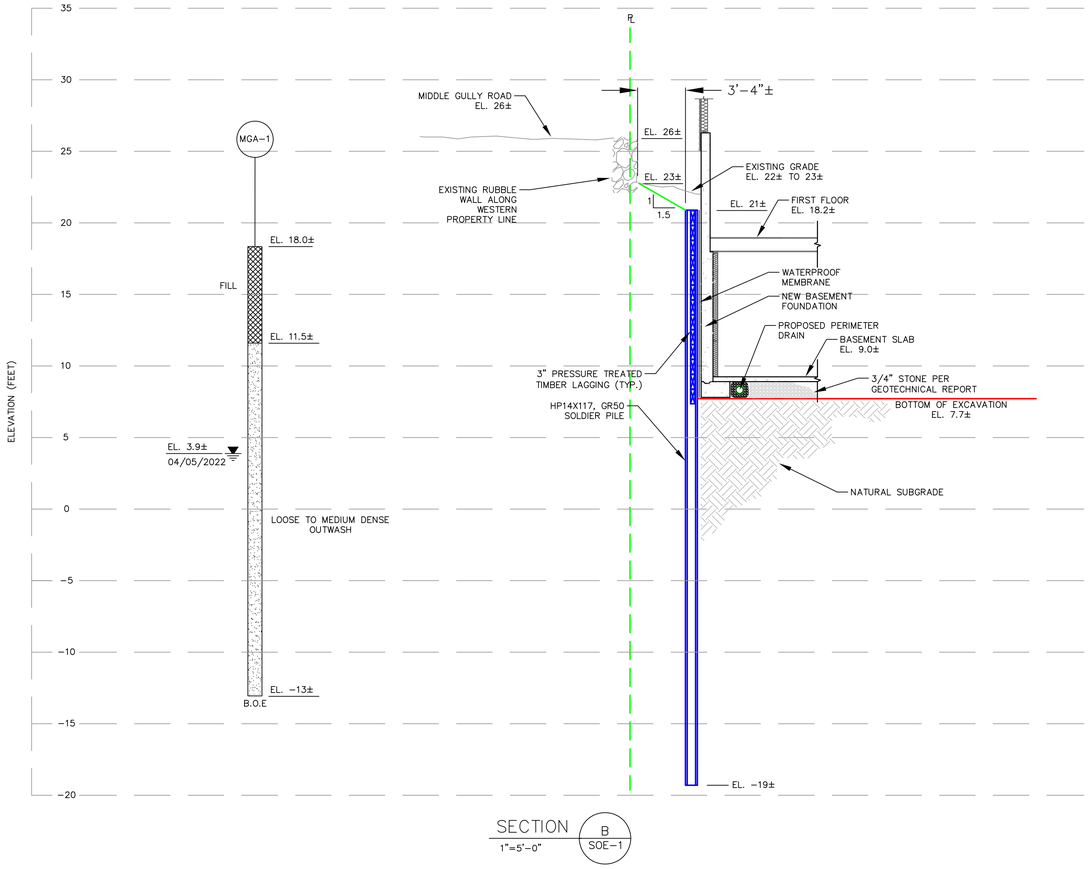
MAY 5, 2022

SCALE: AS NOTED

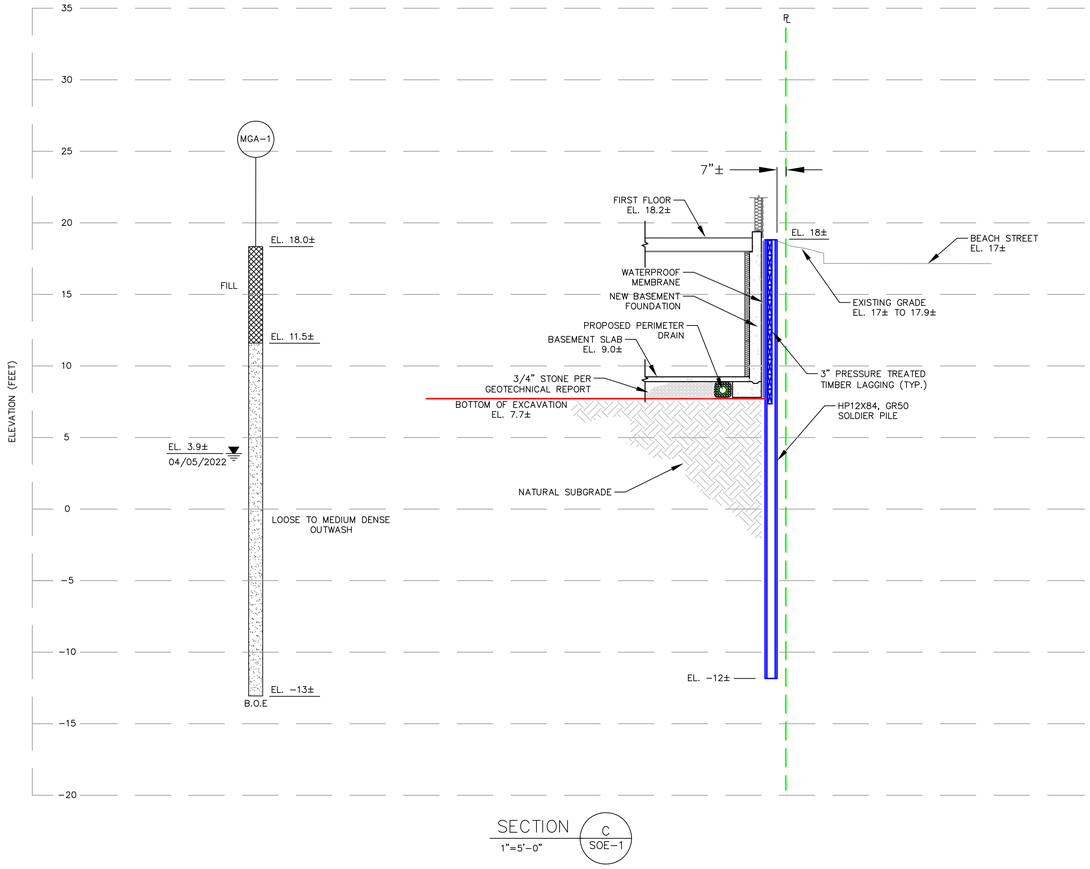
JOB No.W0903

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

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CHECKED BY: SLH

McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
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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 ¼-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 MACKAY 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

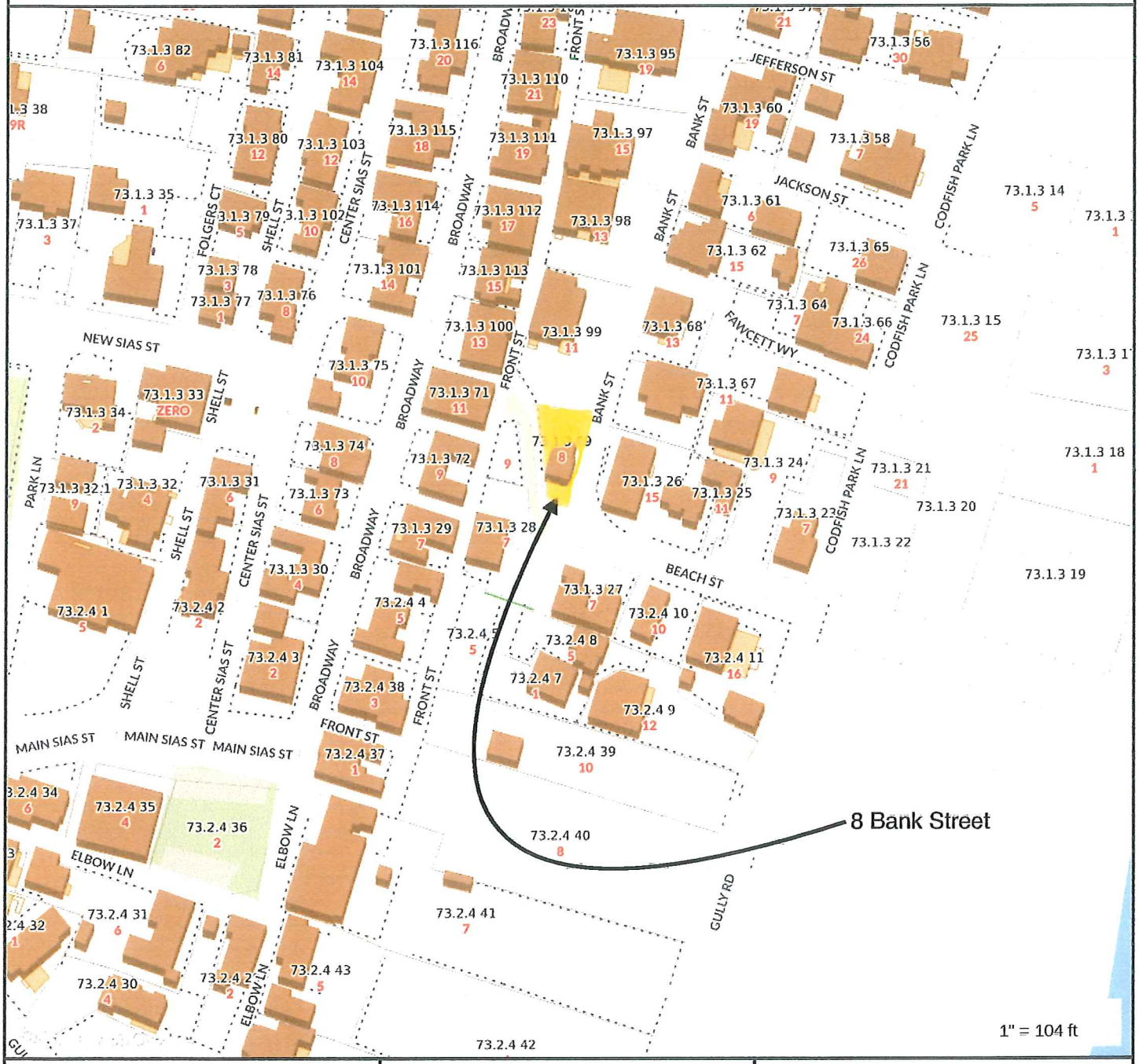
Deck NATURAL Foundation NATURAL Fence _____ Shutters _____

* 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 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.

95

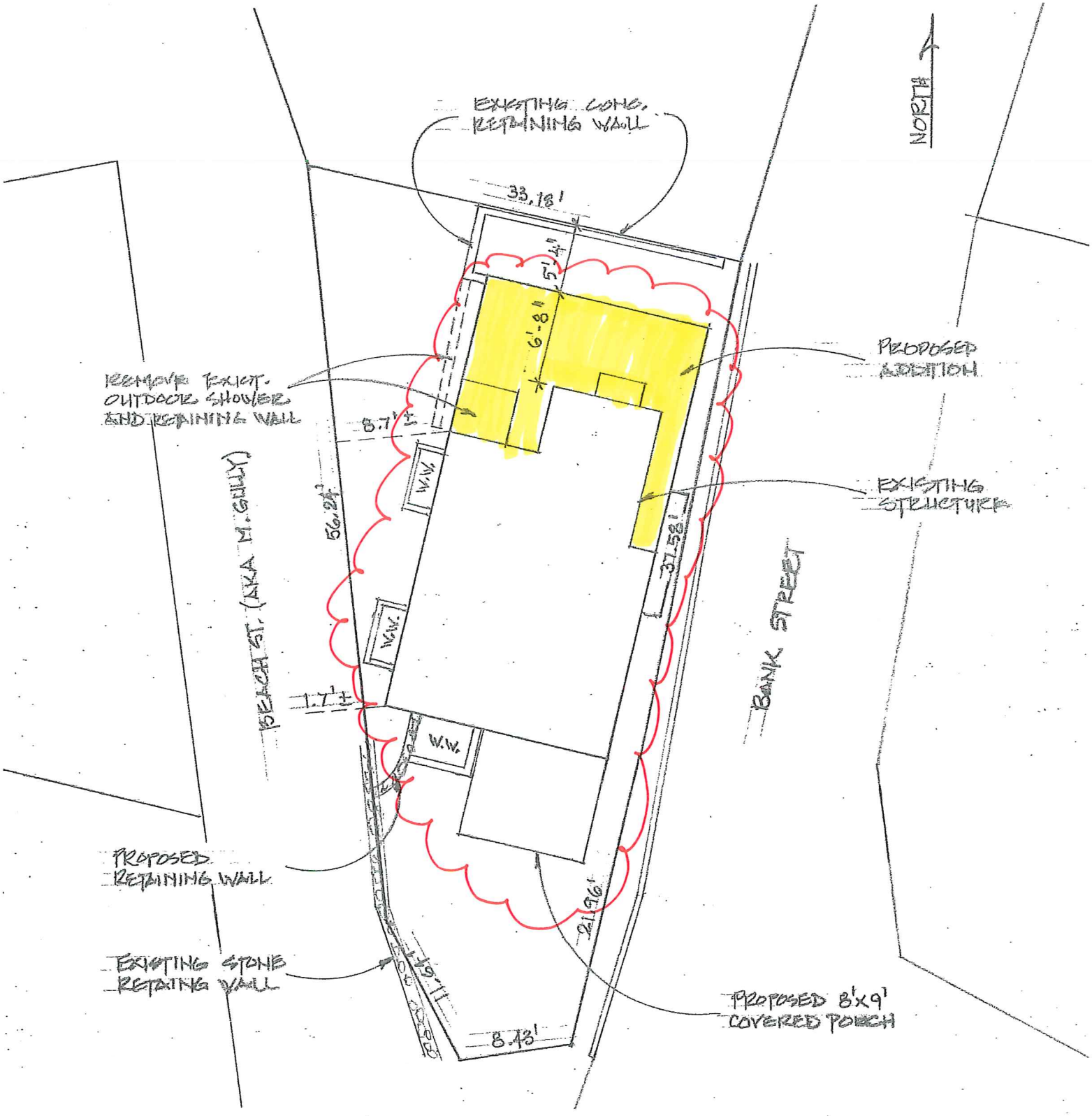
Amendolare: Locus Plan



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

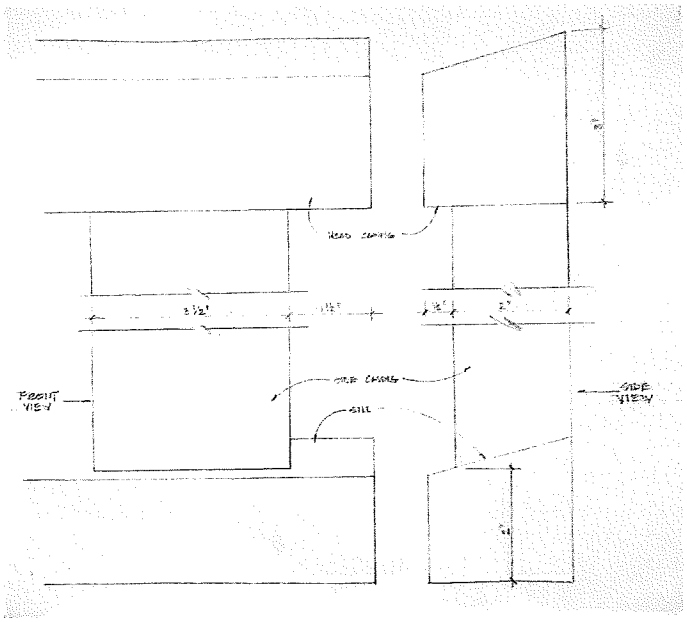
Angus MacLeod Designs
P.O.Box 7055
Sconset, MA
02564

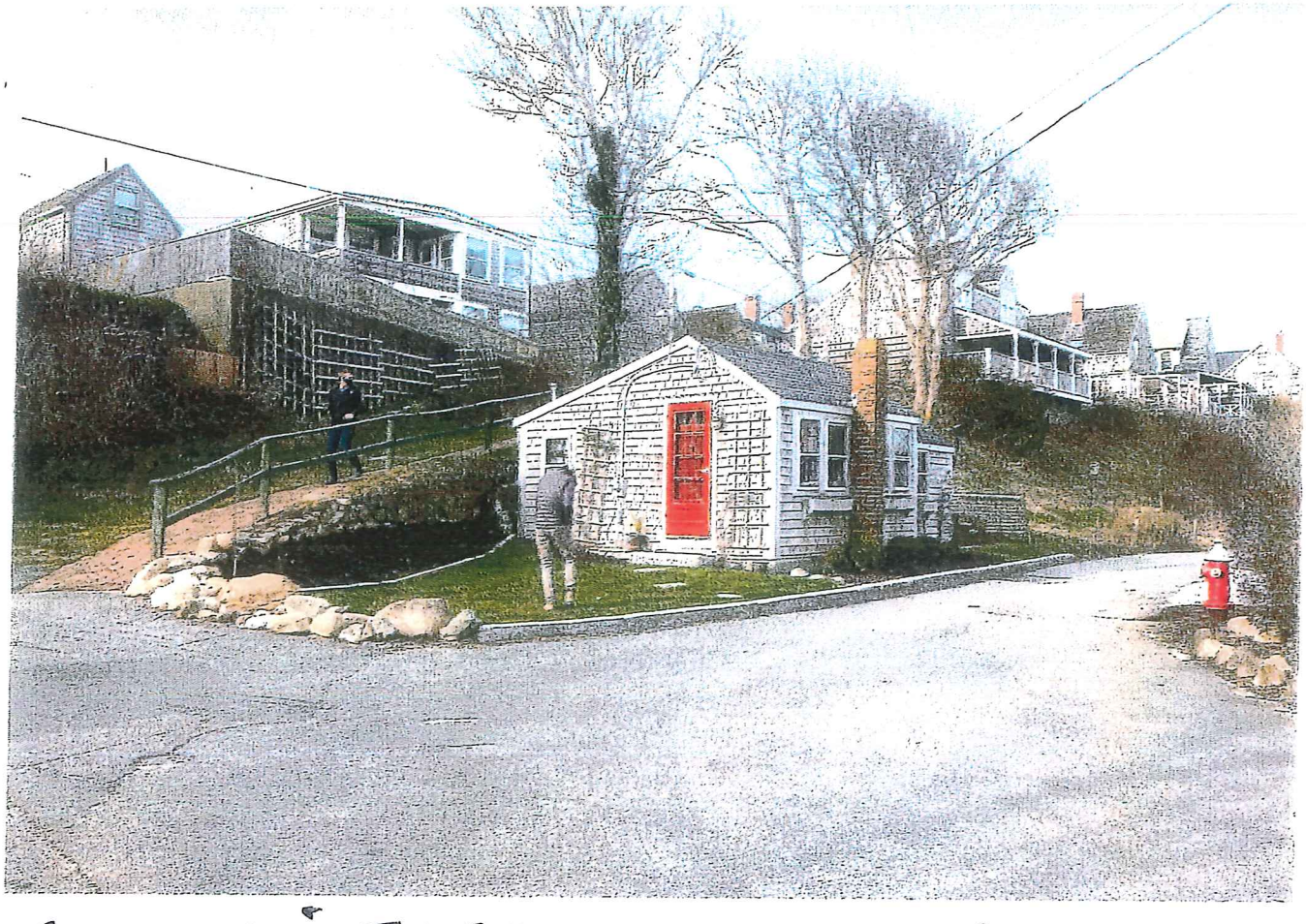
Amendalore: Window Schedule

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

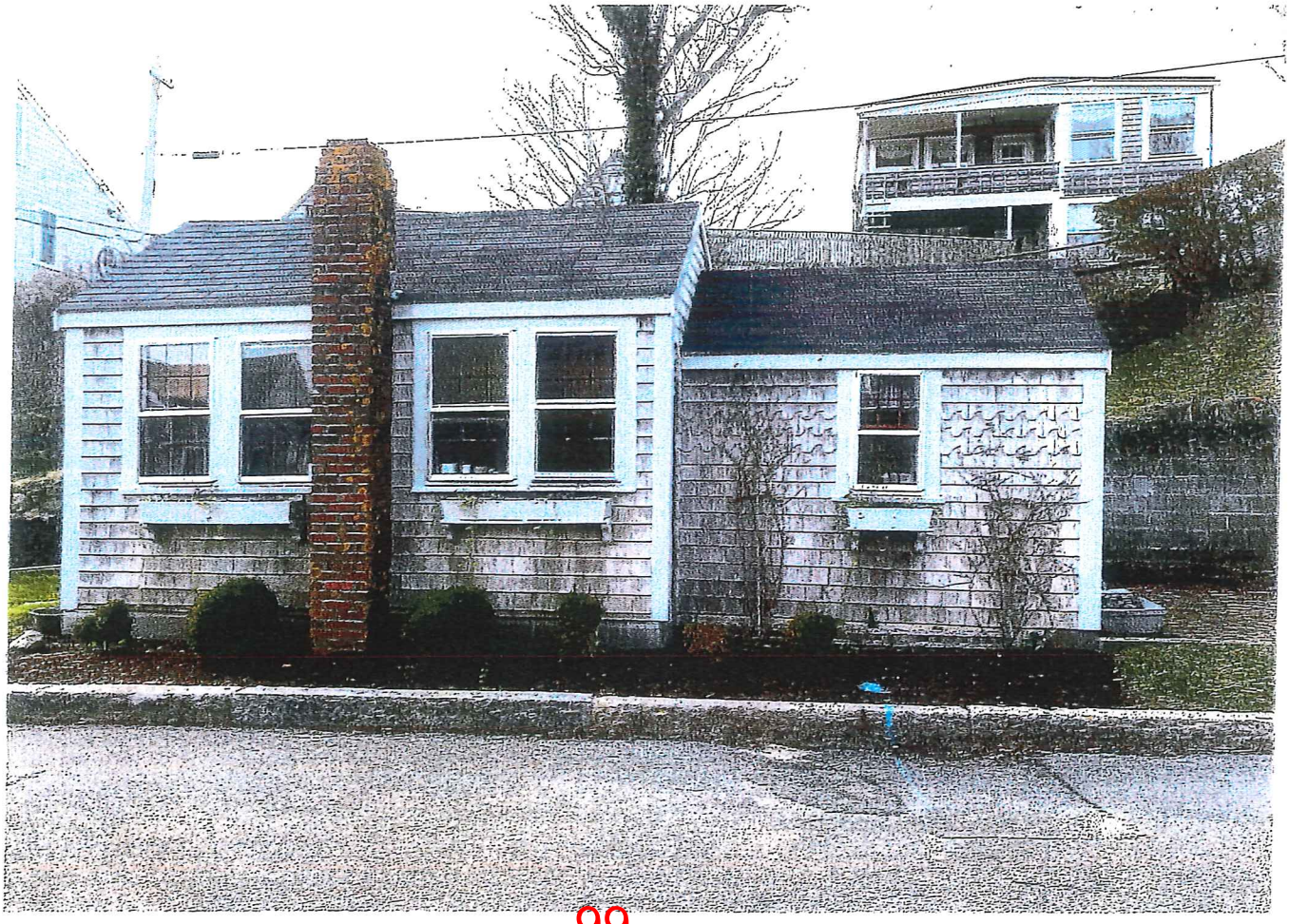
Window Notes:

* 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.



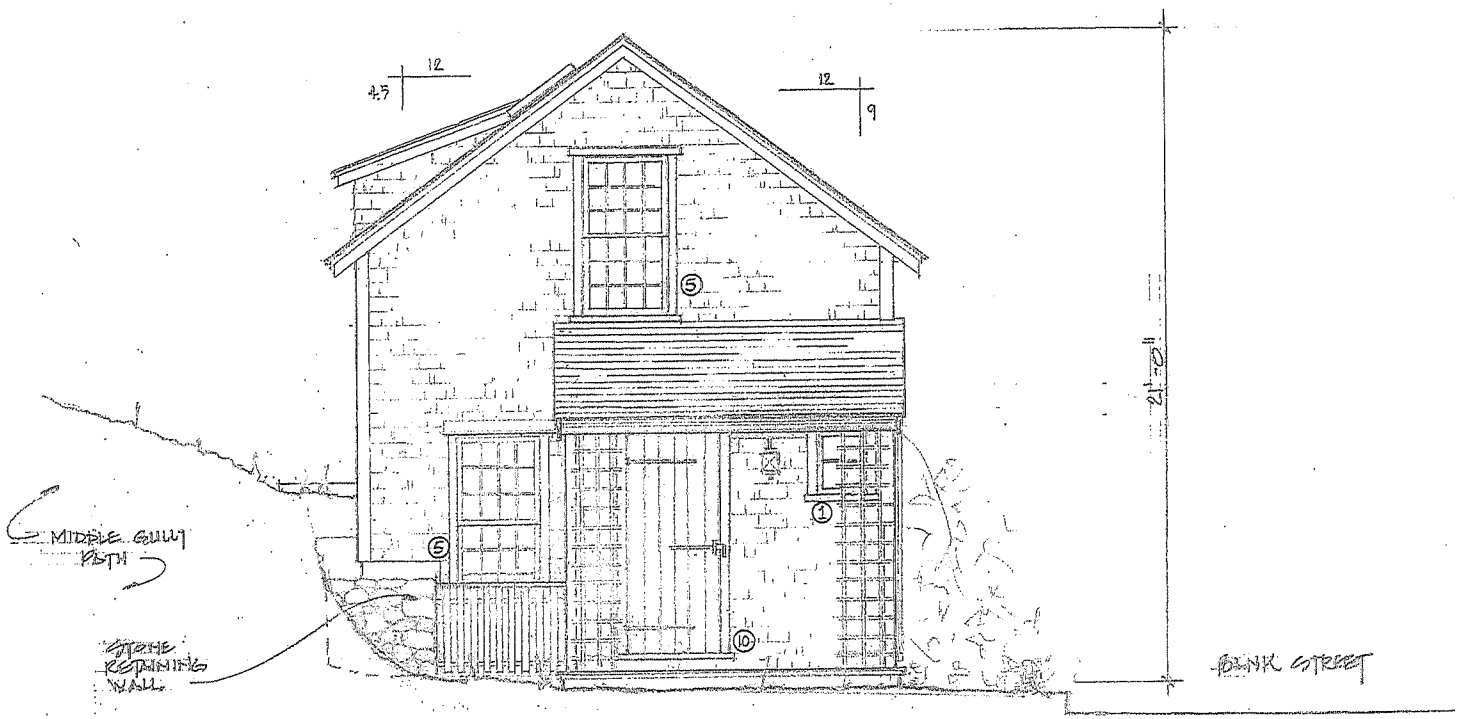
EAST 8 BANK ST.



EAST & NORTH 8 BANK ST.



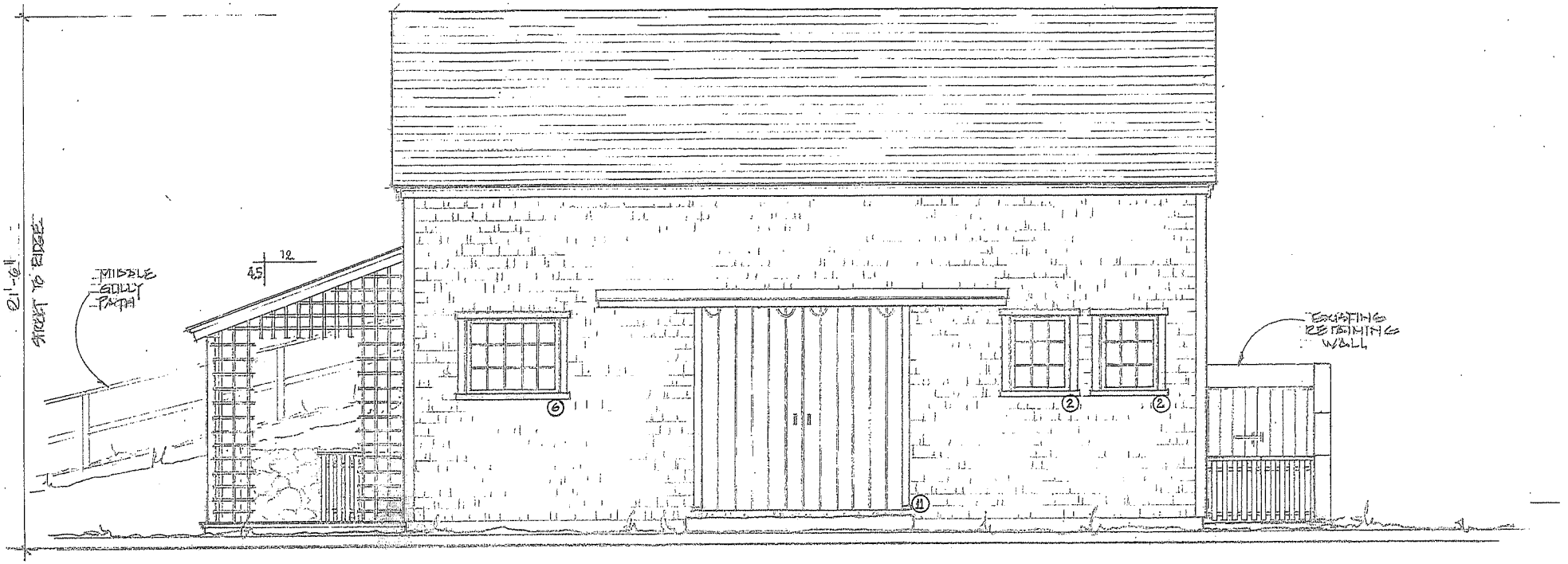
NORTH & WEST 8 BANK ST.



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

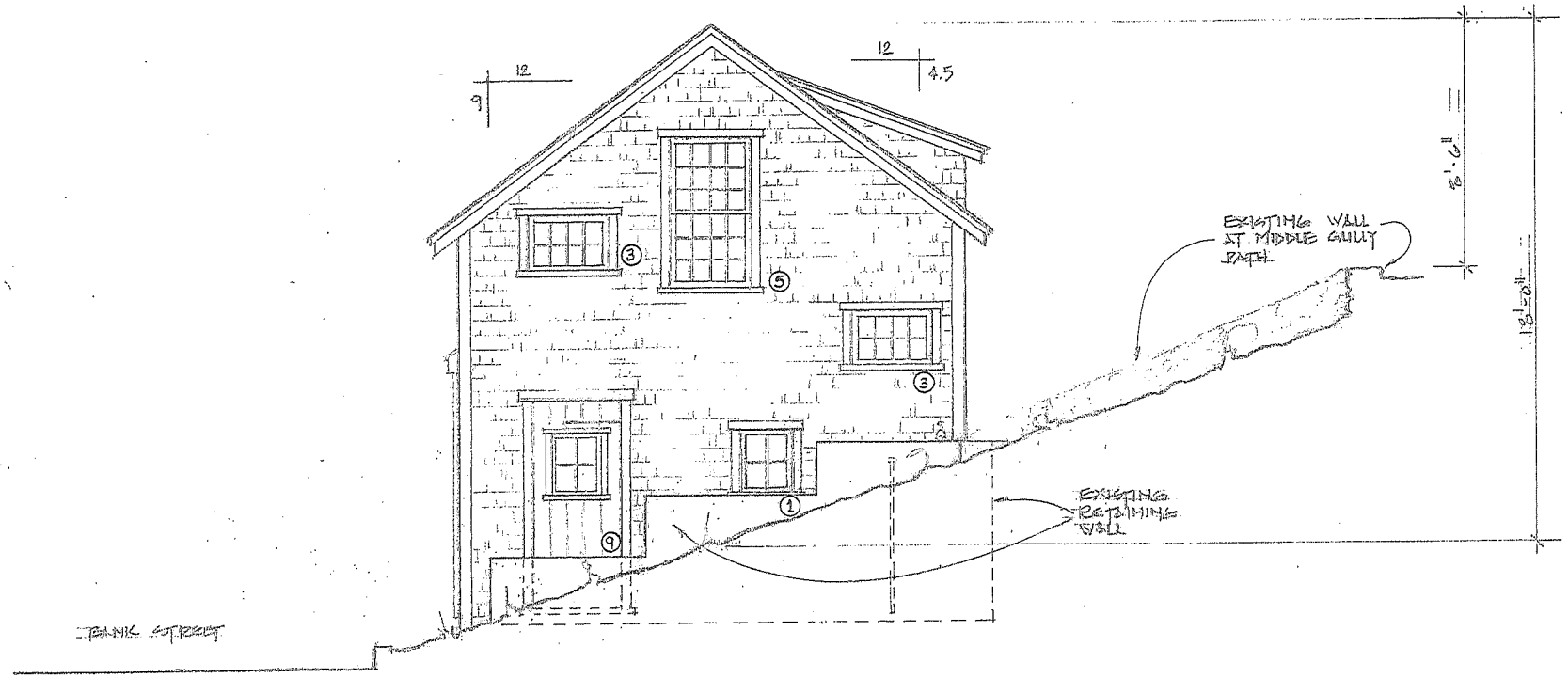
AMENDOLARE RESIDENCE
8 BUNK STREET
GOONSET, MA

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



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

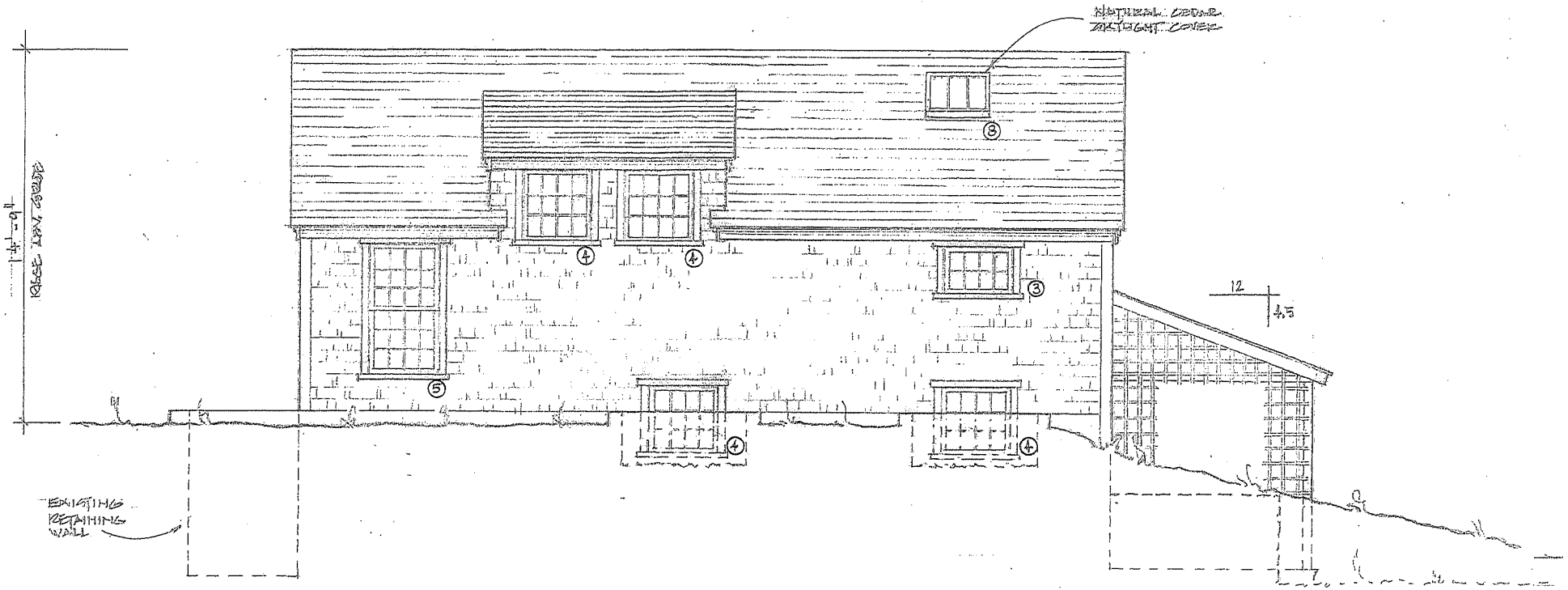
AMENDOLARE RESIDENCE 8 BANK STREET GLOUCESTER, MA	ANGUS MACLEOD DESIGNS P.O. BOX 7055 GLOUCESTER, MA (508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
SUNSET, MA

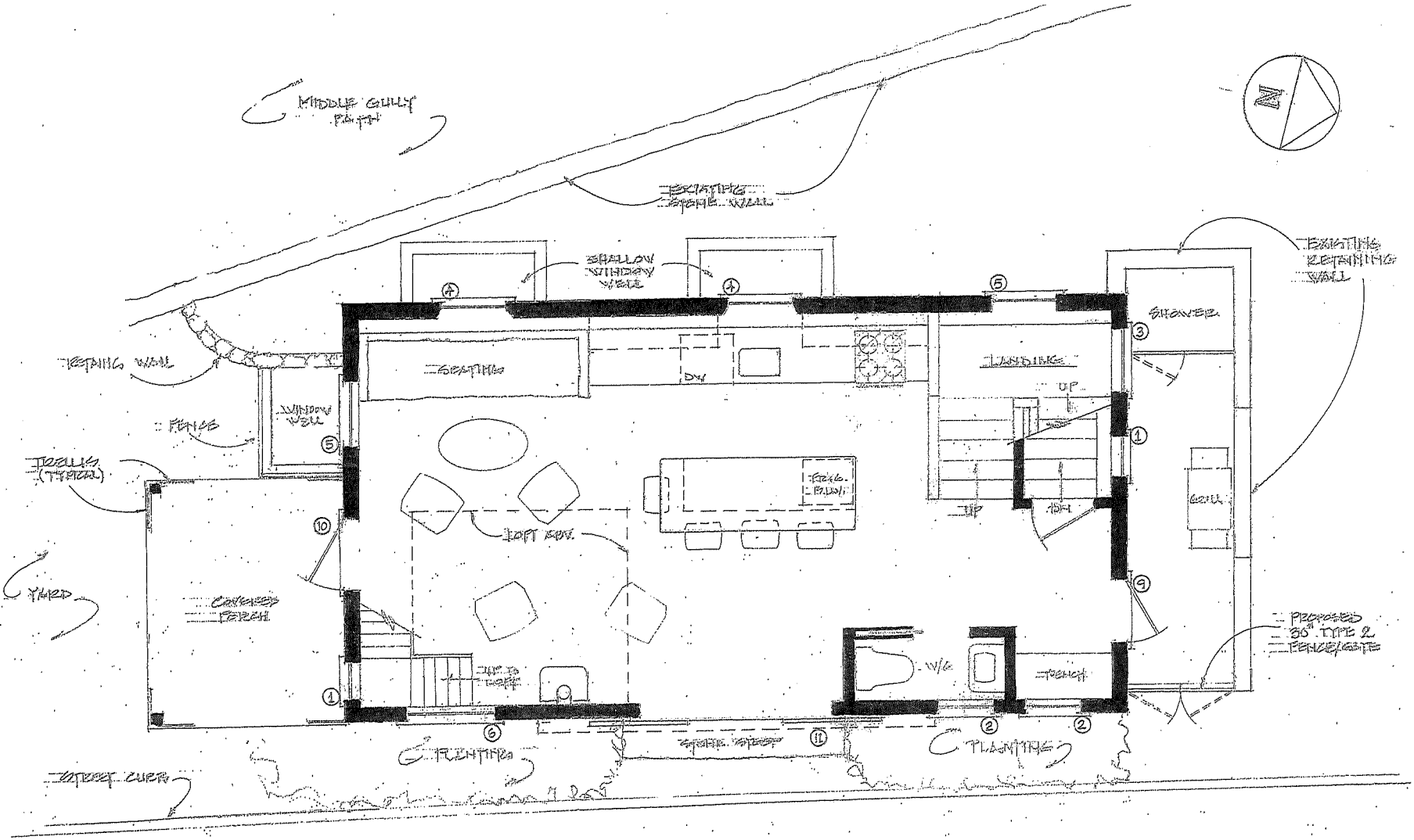
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
SUNSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA.

ANGUS MACLEOD DESIGN
P.O. BOX 1055
GLOUCESTER, MA.
(508) 257-6789

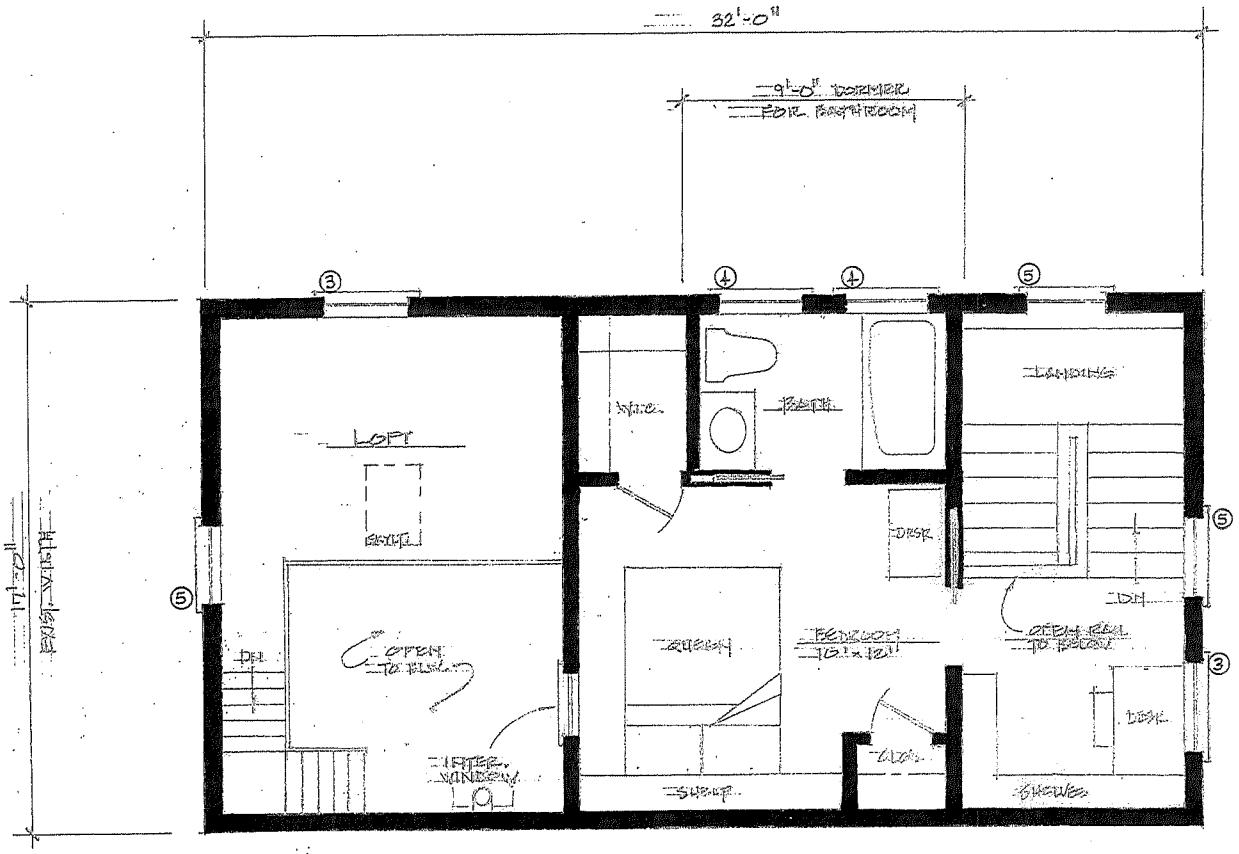


FIRST FLOOR PLAN

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

AMENDOLARE RESIDENCE
8 HENK STREET
FALMOUTH, MA

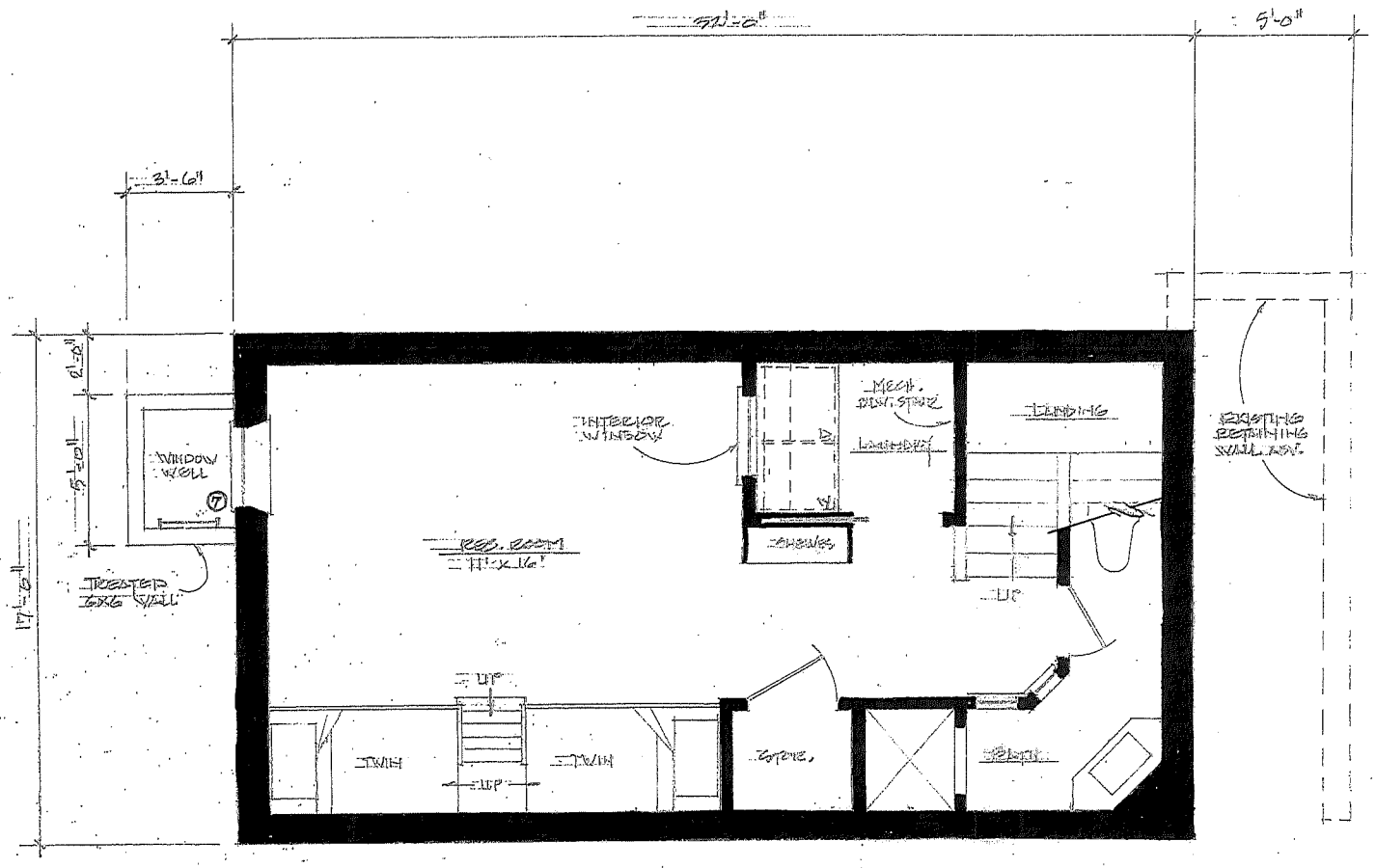
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
FALMOUTH, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 HANK STREET
BOONSET, MA

ANGUS MACLEOD DESIGNS
P.O. BOX 7095
BOONSET, MA
(508) 257-6789

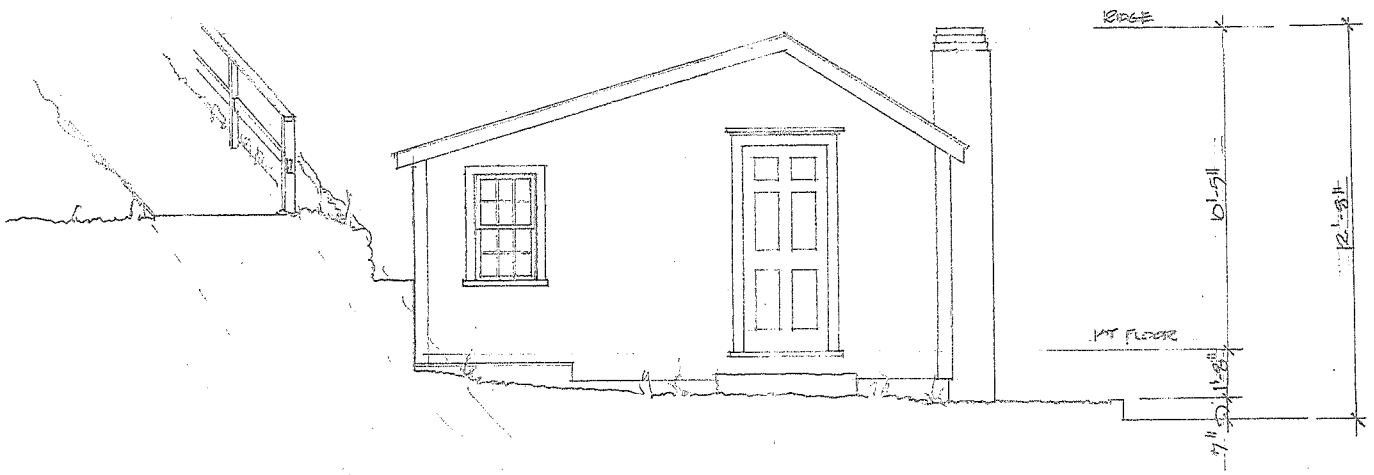


BASEMENT PLAN

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

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
VISCONSET, MA

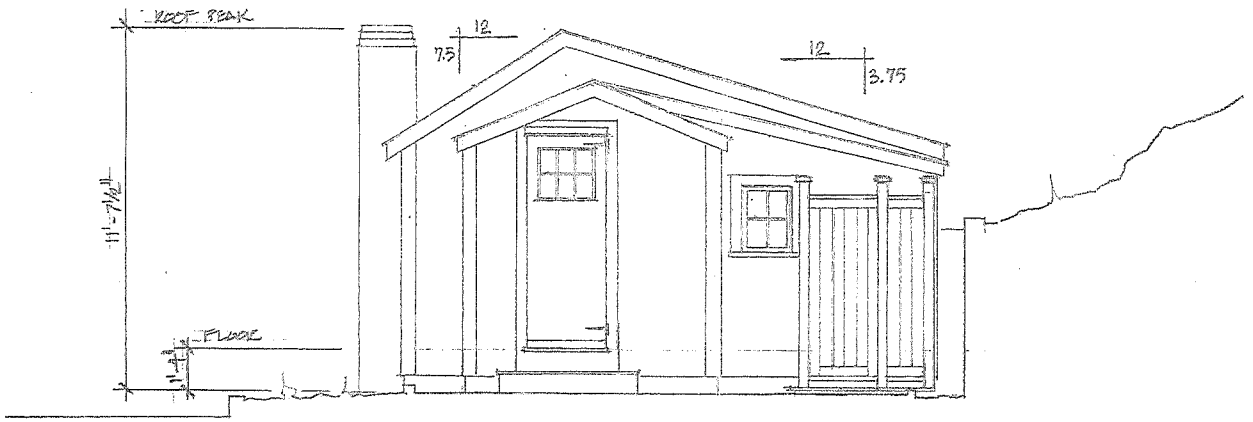
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
VISCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
SCONSET, MA

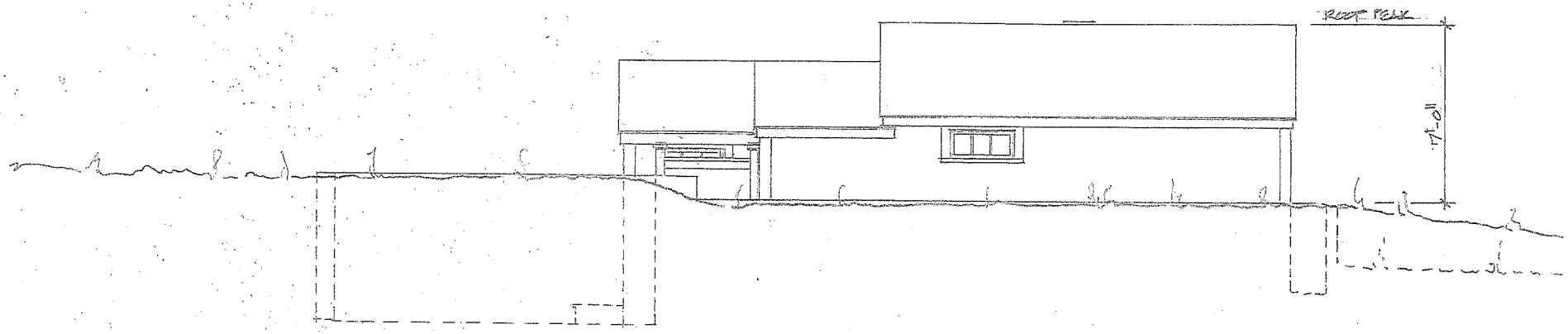
ANGUS MACLEOD DESIGN
P.O. BOX 7055
SCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
ESSONSET, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
WOONSET, MA

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

AMENDOLARE RESIDENCE
8 BANK STREET
WATCH HILL, MA

ANGELO MARCELLO DESIGNS
P.O. BOX 7095
WATCH HILL, MA
(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

KITCHEN

KW @ 51-7"

DW

KW @ 51-10"

MIDDLE SHELF
ROAD RAMP
RETAINING WALL

KW @ 8'-3"

RANGE

DROPPED CEILING

PANTRY

KW @ 6'-8"

KW @ 6'-4"

CLOSET

CEILING HEIGHT 8'-10"

LIVING AREA

KW @ 6'-6"

PLUMBING

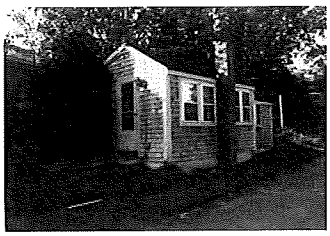
BATH

LAUNDRY

STAIR TO BASEMENT

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

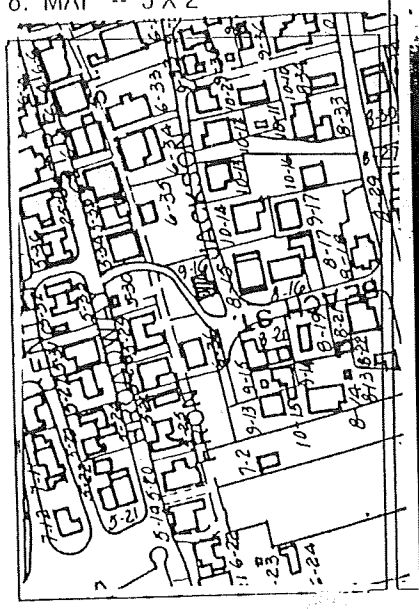
4. Present Owner: NICKERSON, CAROL

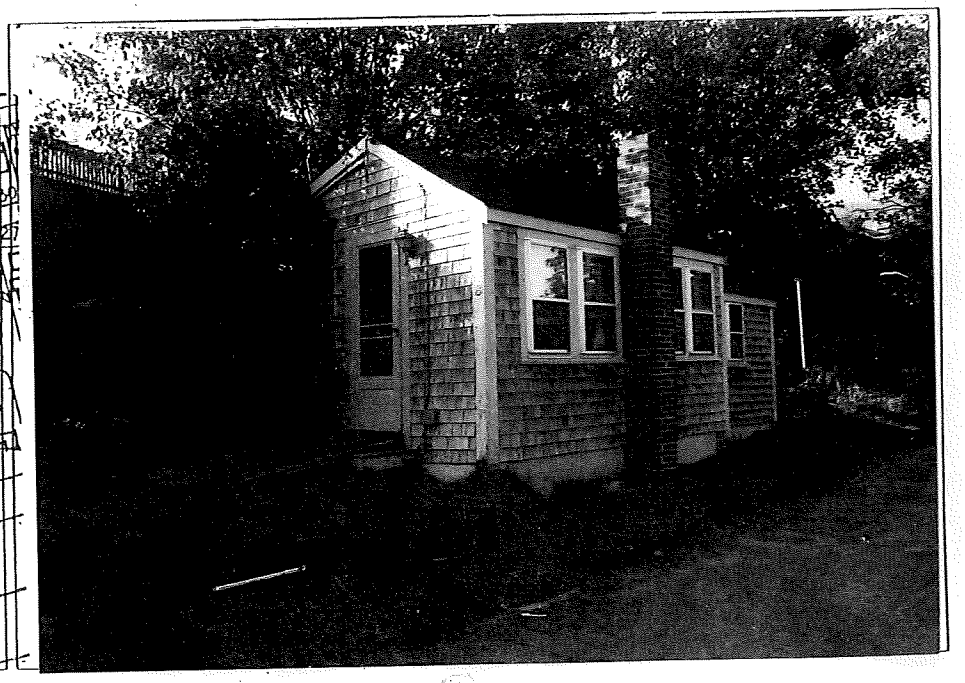
5. Ownership History:
Unknown

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"





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.

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Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Siasconset, MA 02564

OFFICIAL USE

Certified Mail Fee	$3.60
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

Postmark Here

04/17/2021

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LAMOTT FRED G & SARAH F TRST
PO BOX 462
SIASCONSET, MA 02564

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1810 0001 5990 6535

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☐ 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

Sent To

ROBY PETER B & KATHERINE W
2 LITTLE CUB RD
GULFSTREAM, FL 33483

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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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

Sent To

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

CERTIFIED MAIL® RECEIPT
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Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
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☐ Adult Signature Restricted Delivery	$0.00
Postage	$0.55
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41 TAYLOR ST
SAUGUS, MA 01906

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Total Postage and Fees	$4.15

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BROADWAY LLC
C/O F PETER CONATY JR
PO BOX 8080
WILMINGTON, DE 19803

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☐ 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

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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

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Adult Signature Required $0.00
Adult Signature Restricted Delivery $

Postage $0.55

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ARVAY JOSEPH M & KATHY L
5 BLACHLEY COURT
MENDHAM, NJ 07945

See Reverse for Instructions

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Postage $0.55

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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 6603

Extra Services & Fees (check box, add fee as appropriate)
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☐ Certified Mail Restricted Delivery $0.00
☐ Adult Signature Required $0.00
☐ Adult Signature Restricted Delivery $

Postage $0.55

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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 6610

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 $

Postage $0.55

Total Postage and Fees $4.15

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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

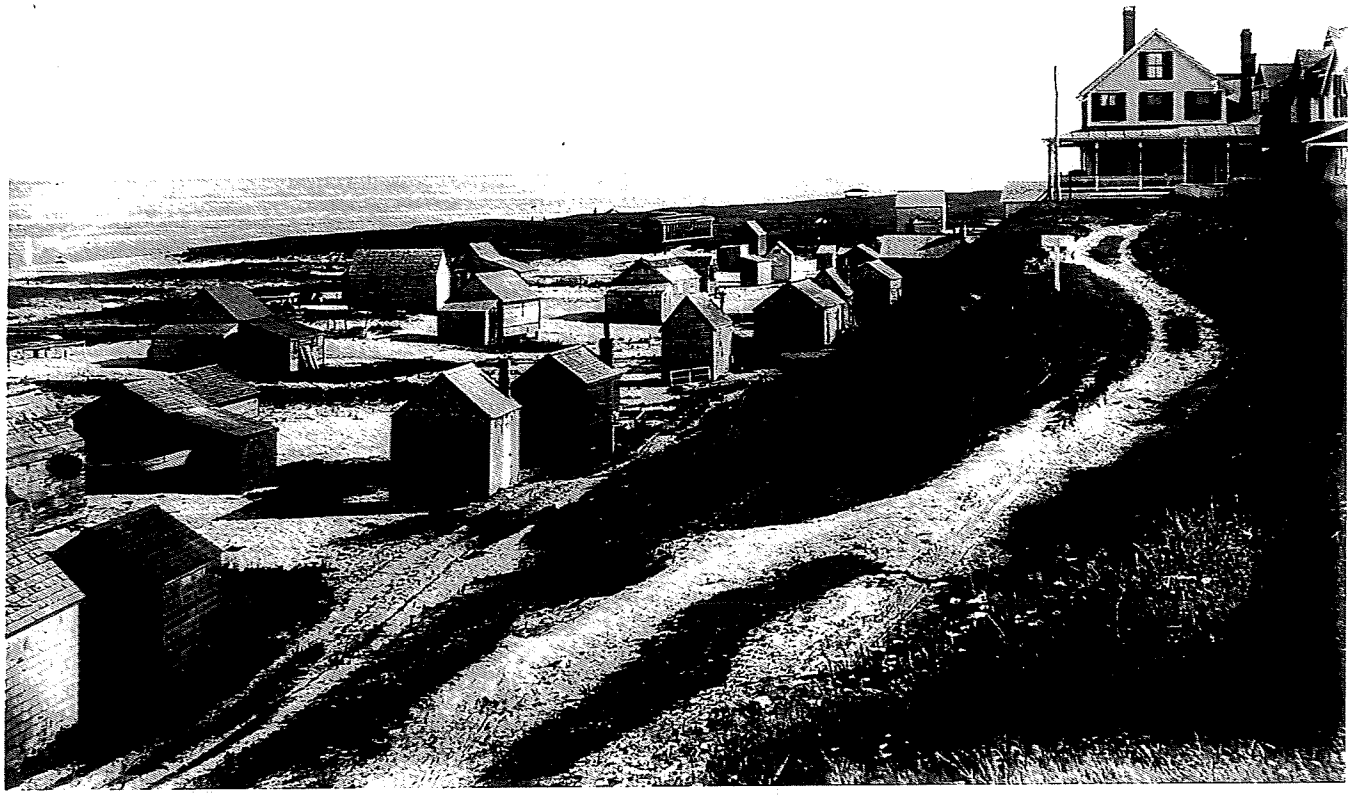
April 17, 2021

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

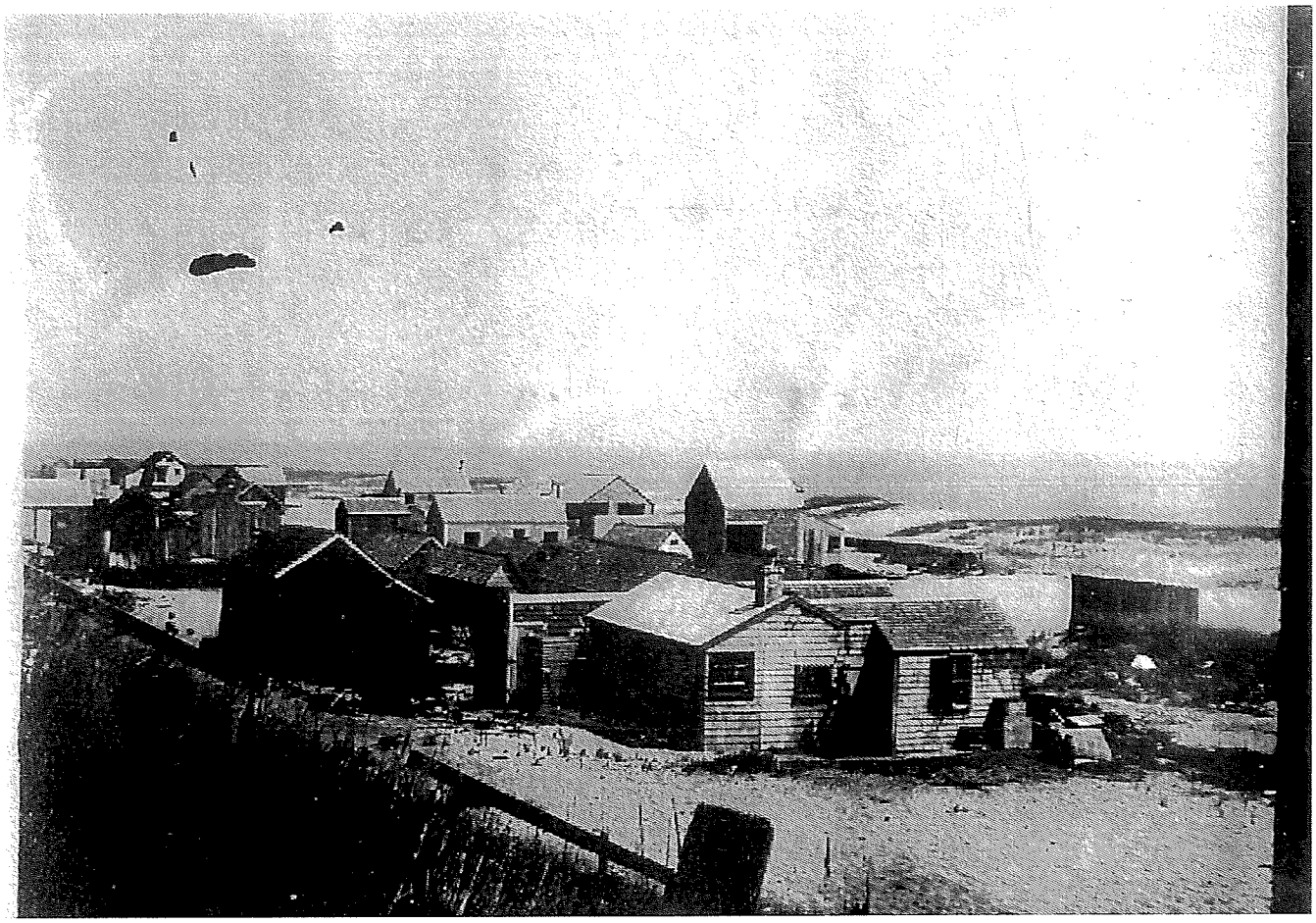
SECTION 8 of the HDC enabling legislation: ... The Commission shall meet within ten (10) days of the receipt of an application for a certificate of appropriateness or permit for removal...

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 made wonders for the. 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

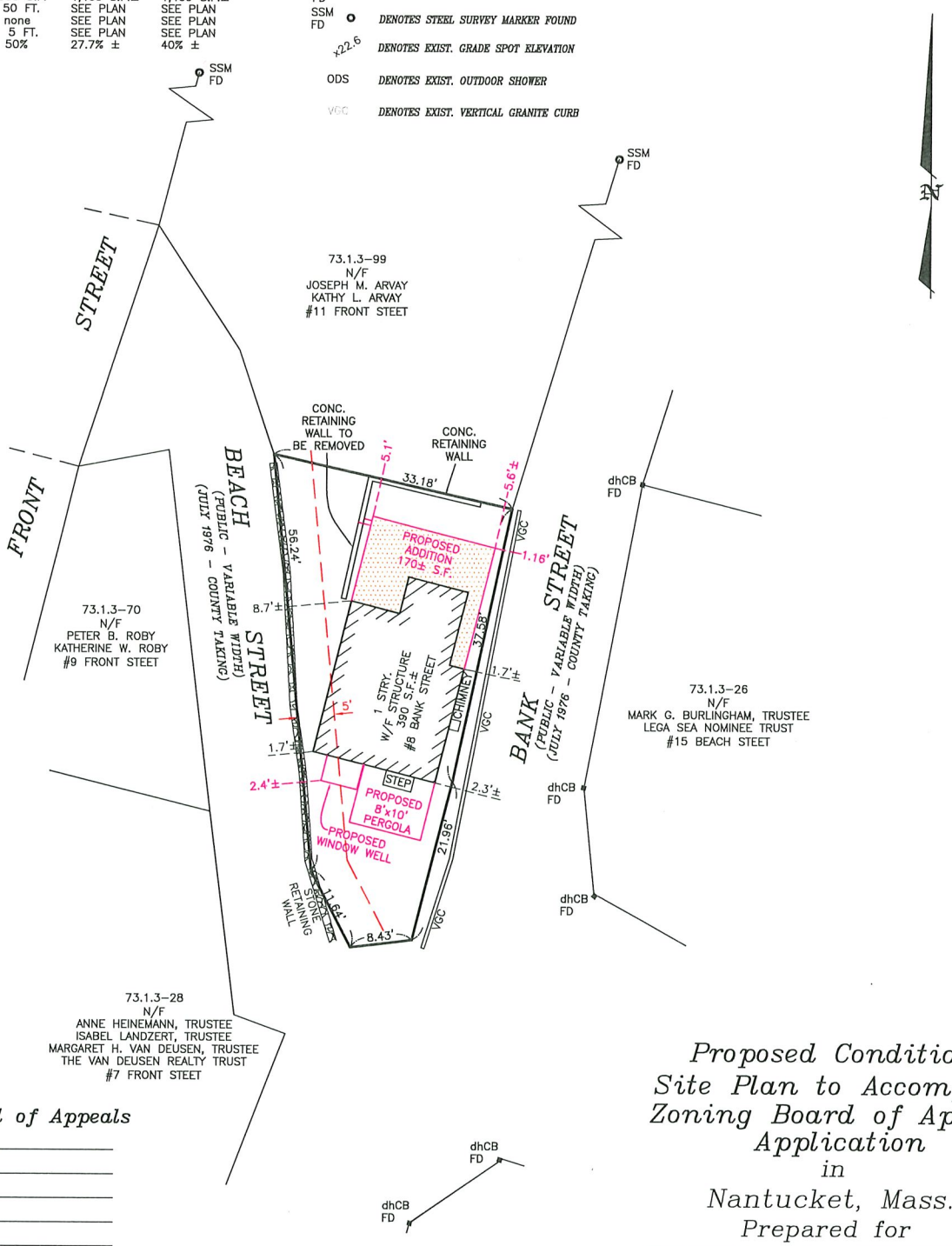
- HDC COA, minutes
- Site plans by Blackwell & Associates, Inc. of existing and proposed
- Town of Nantucket GIS data sheet
- Section showing elevation of existing structure and proposed expansion
- Sconset Advisory Committee notes
- Cod Fish area photographic examples of other dwellings

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.

© Blackwell & Associates Inc.

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

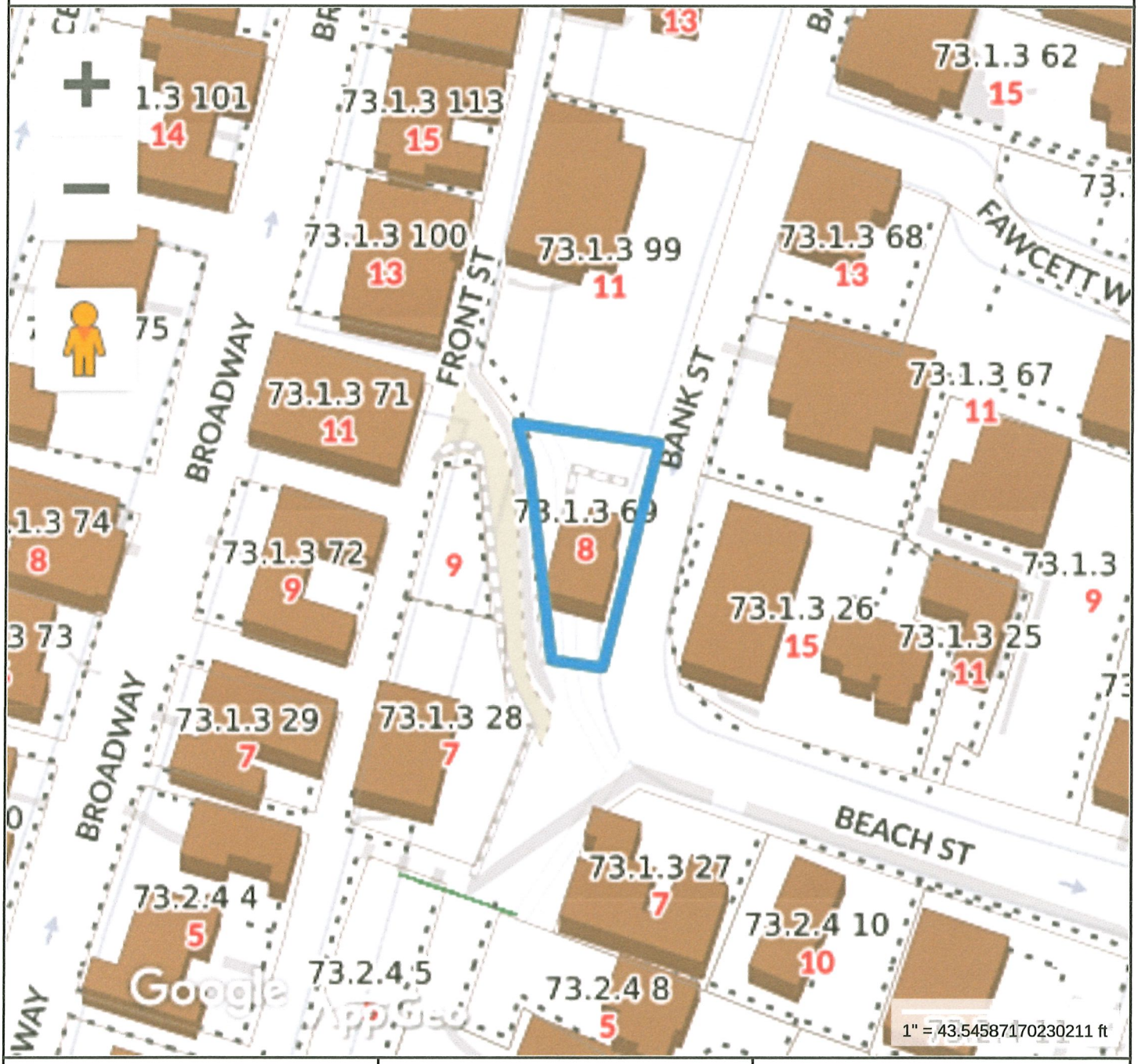
Scale: 1"= 10' NOVEMBER 15, 2021

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.



Property Information

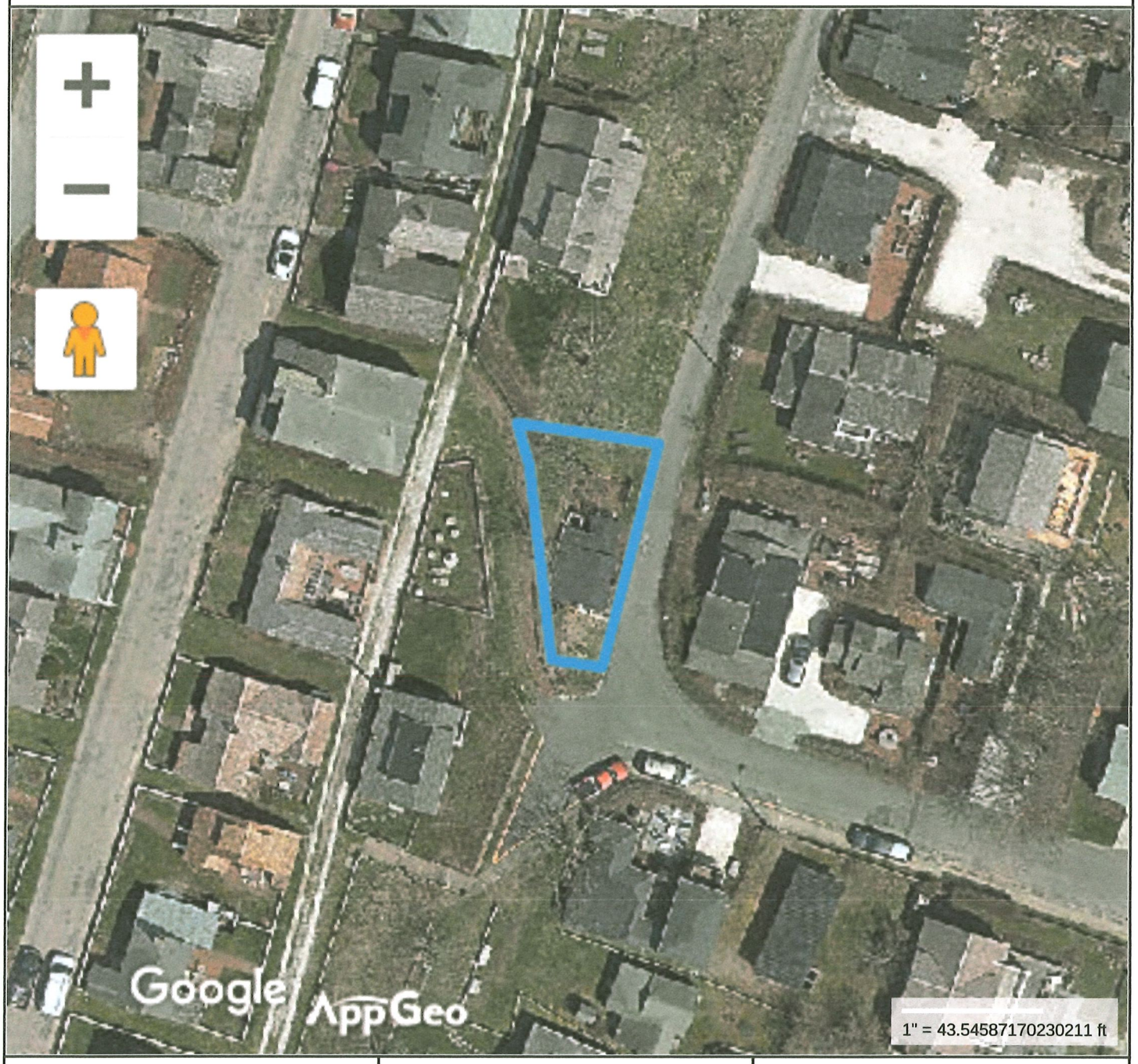
Property ID	73.1.3 69
Location	8 BANK ST
Owner	AMENDOLARE KRISTINA M & NICHOLAS

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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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.



Property Information

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

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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.

8 BANK STREET

EAST ELEVATION



SOUTH ELEVATION






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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**

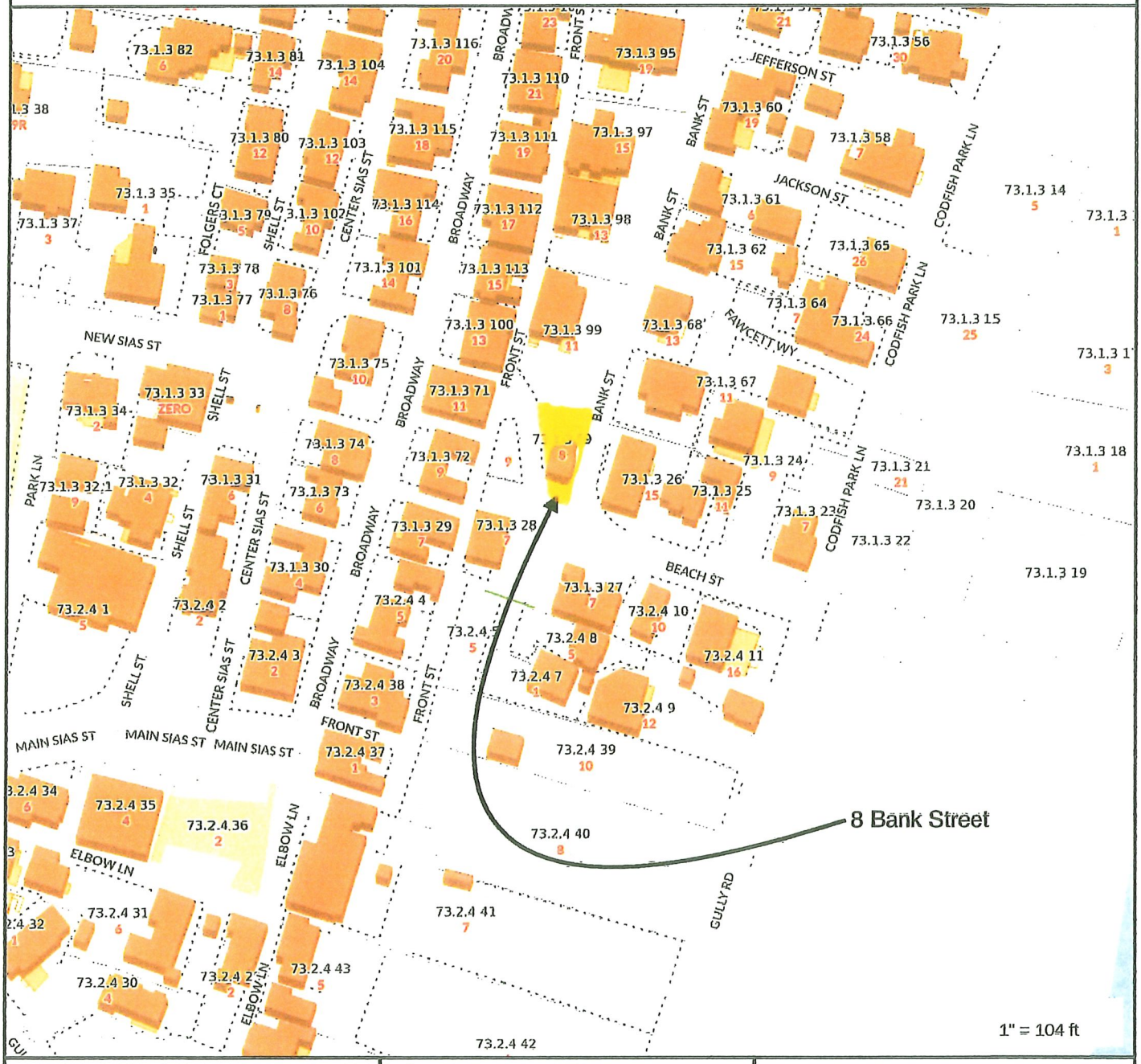
From: Angus Macleod angusonack@gmail.com
Subject: 8 Bank Street ~ Codfish Park House Alterations
Date: Aug 17, 2021 at 4:25:28 PM
To: Angus angusonack@gmail.com

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



MAP FOR REFERENCE ONLY
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Geometry updated Jan. 2021
Data updated Jan. 2021

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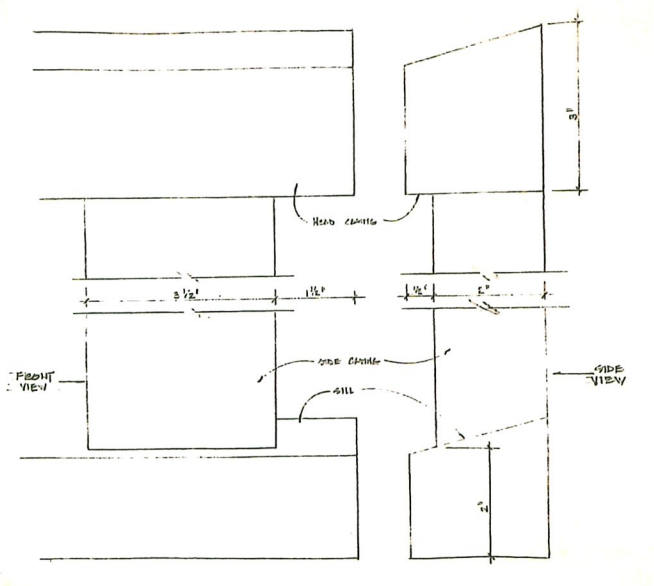
Angus MacLeod Designs
P.O.Box 7055
Sconset, MA
02564

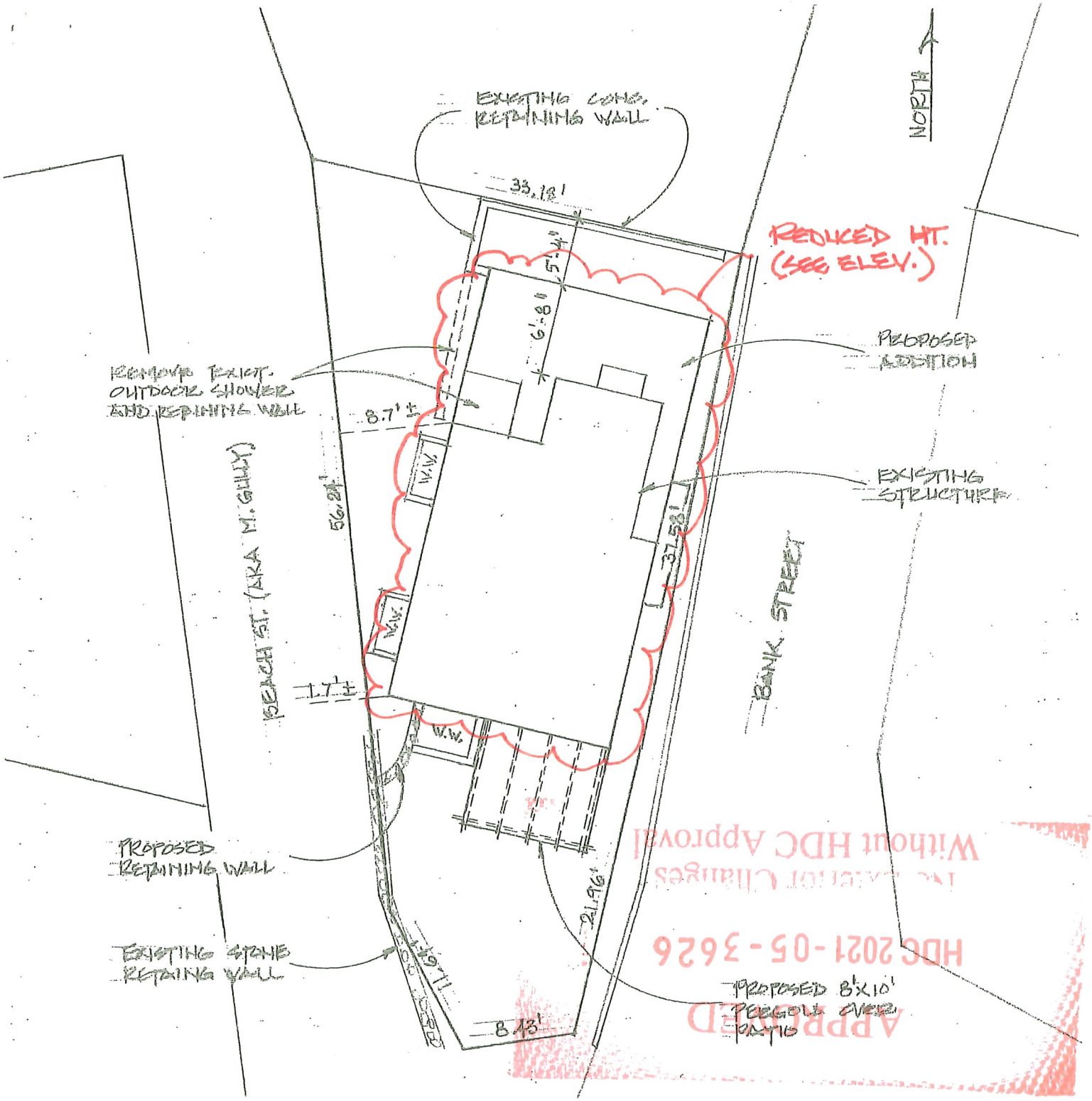
Amendalore: Window Schedule

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

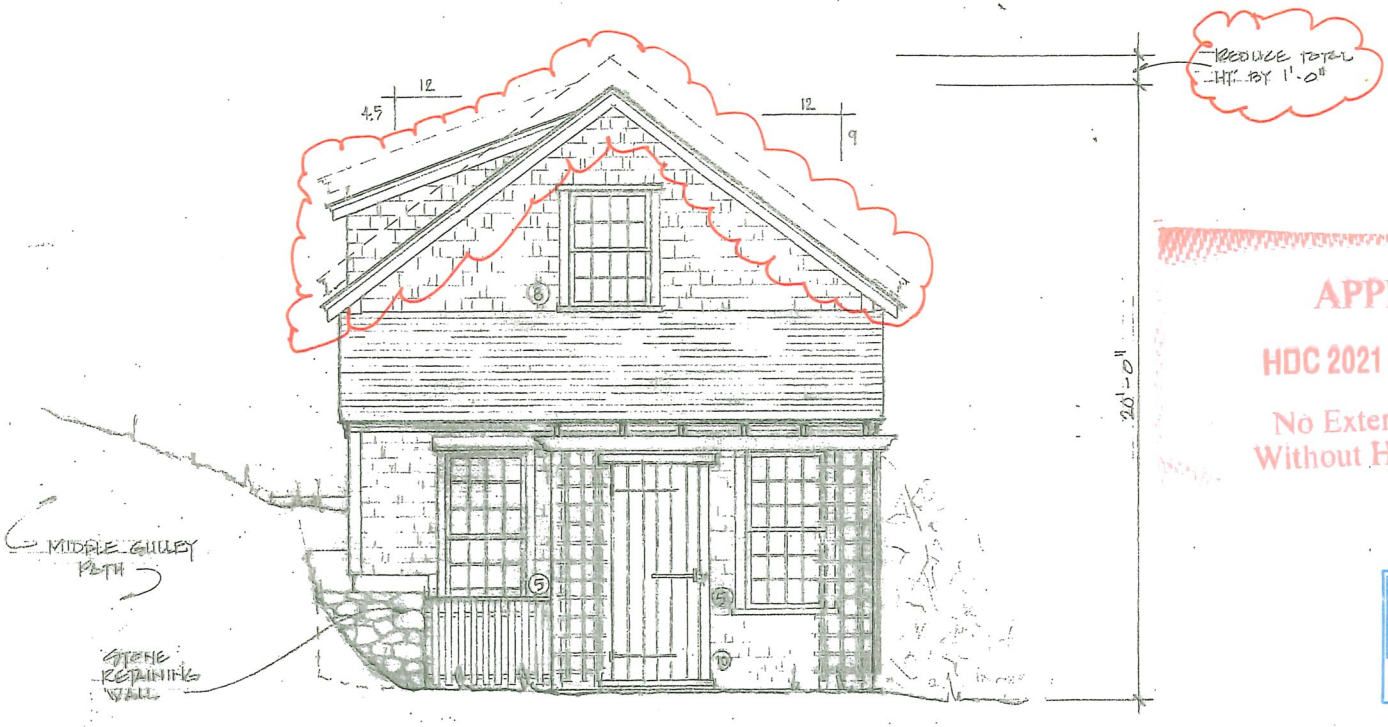




SITE PLAN
SCALE: 1" = 10'

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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By

AMENDOLARE RESIDENCE
8 HANK STREET
FALMOUTH, MA.

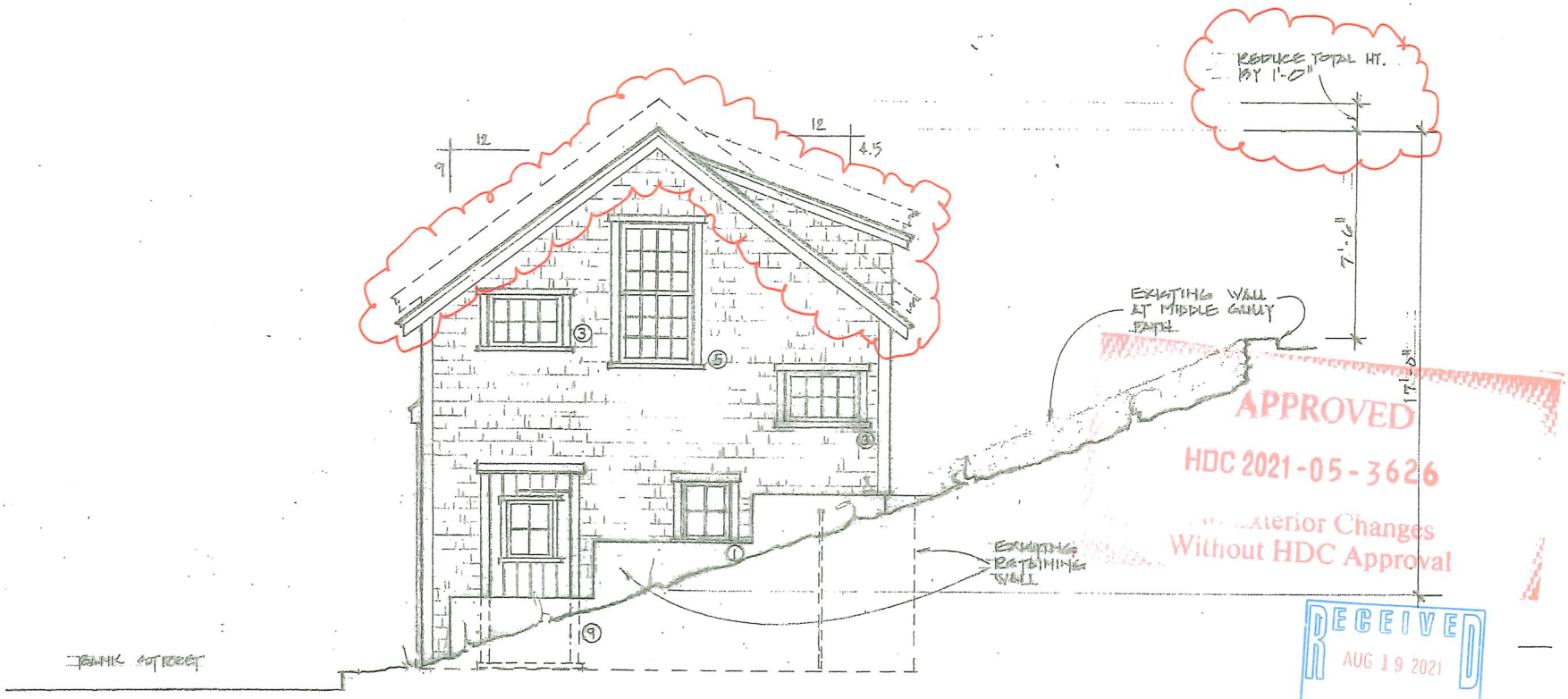
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
FALMOUTH, MA.
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BANK STREET
BOONSET, MA

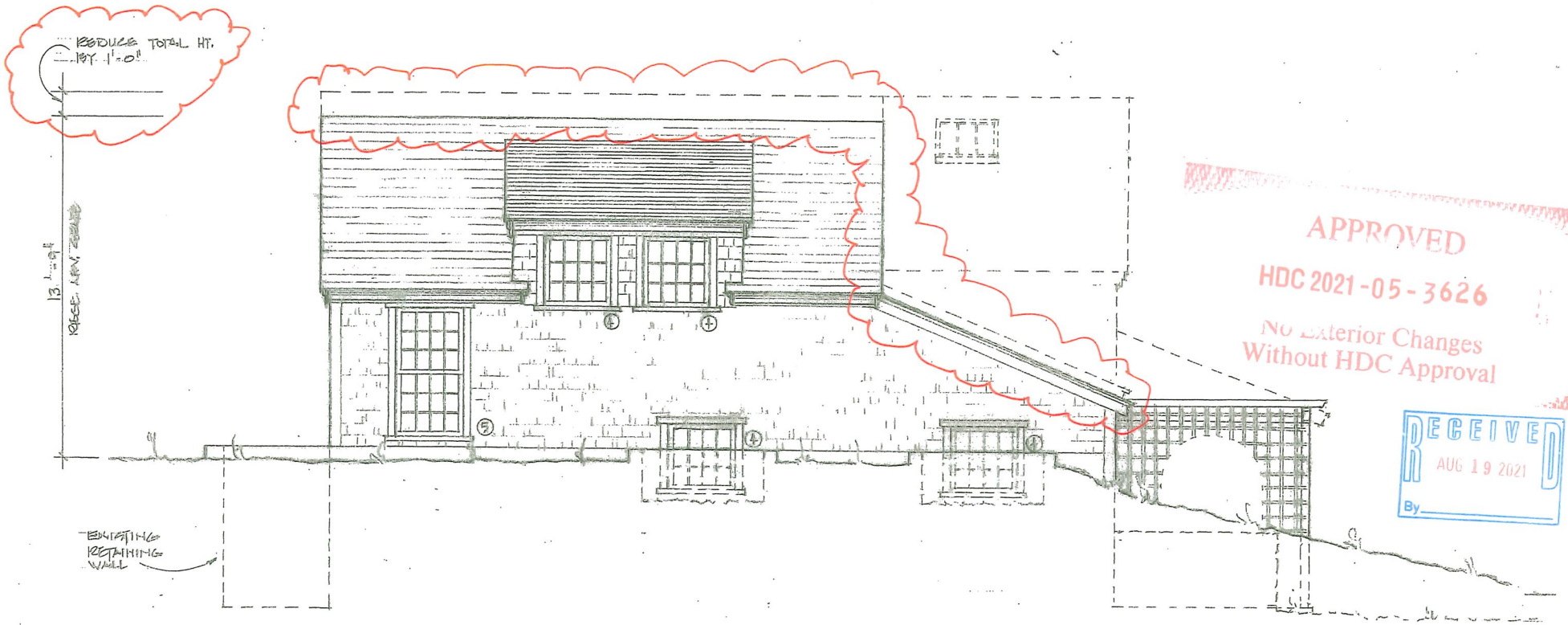
ANGUS MACLEOD DESIGNS
P.O. BOX 71055
BOONSET, MA
(508) 257-6789



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



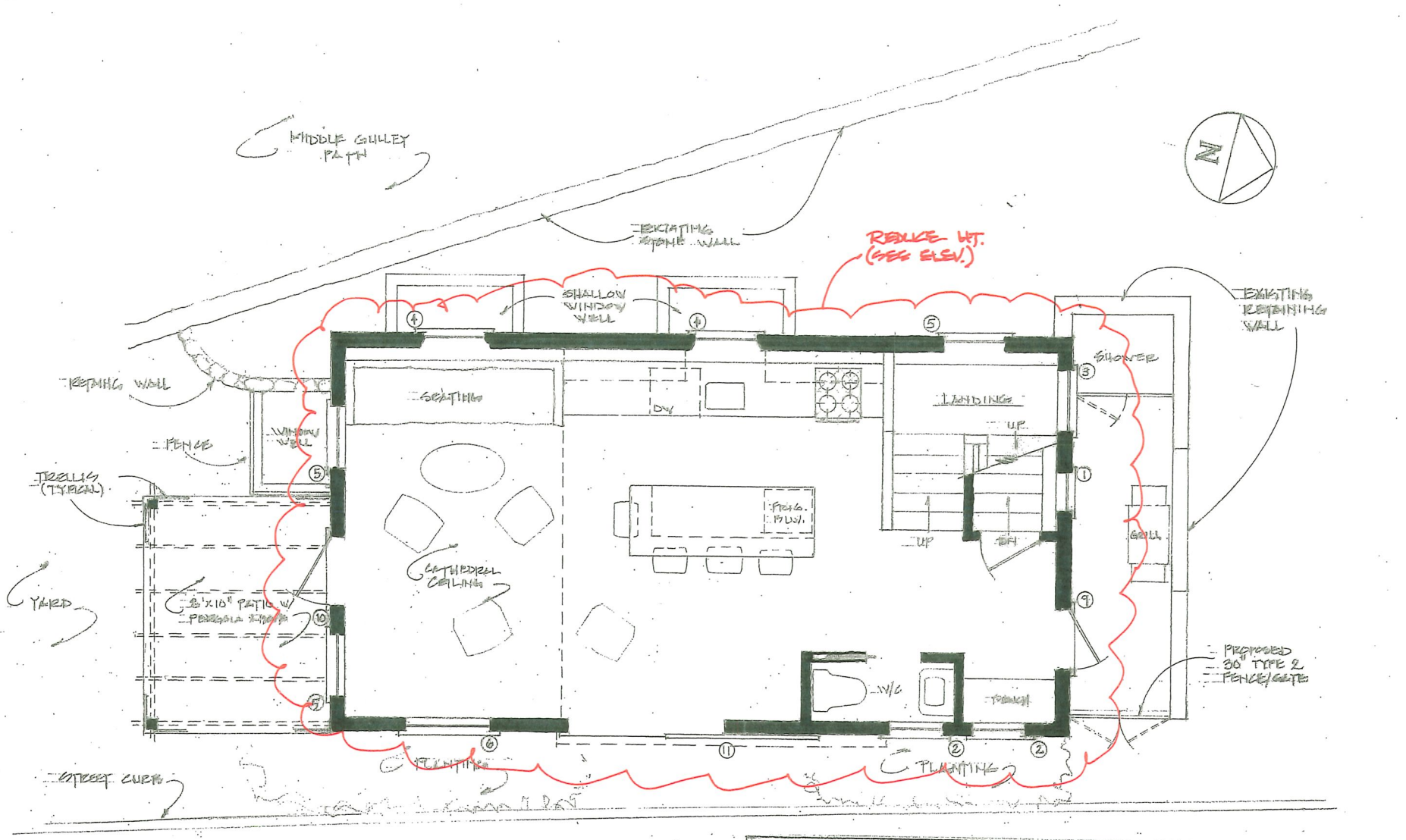
APPROVED
HDC 2021-05-3626
No Exterior Changes Without HDC Approval

RECEIVED
AUG 19 2021
By

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

AMENDOLARE RESIDENCE
8 HANK STREET
GLOUCESTER, MA

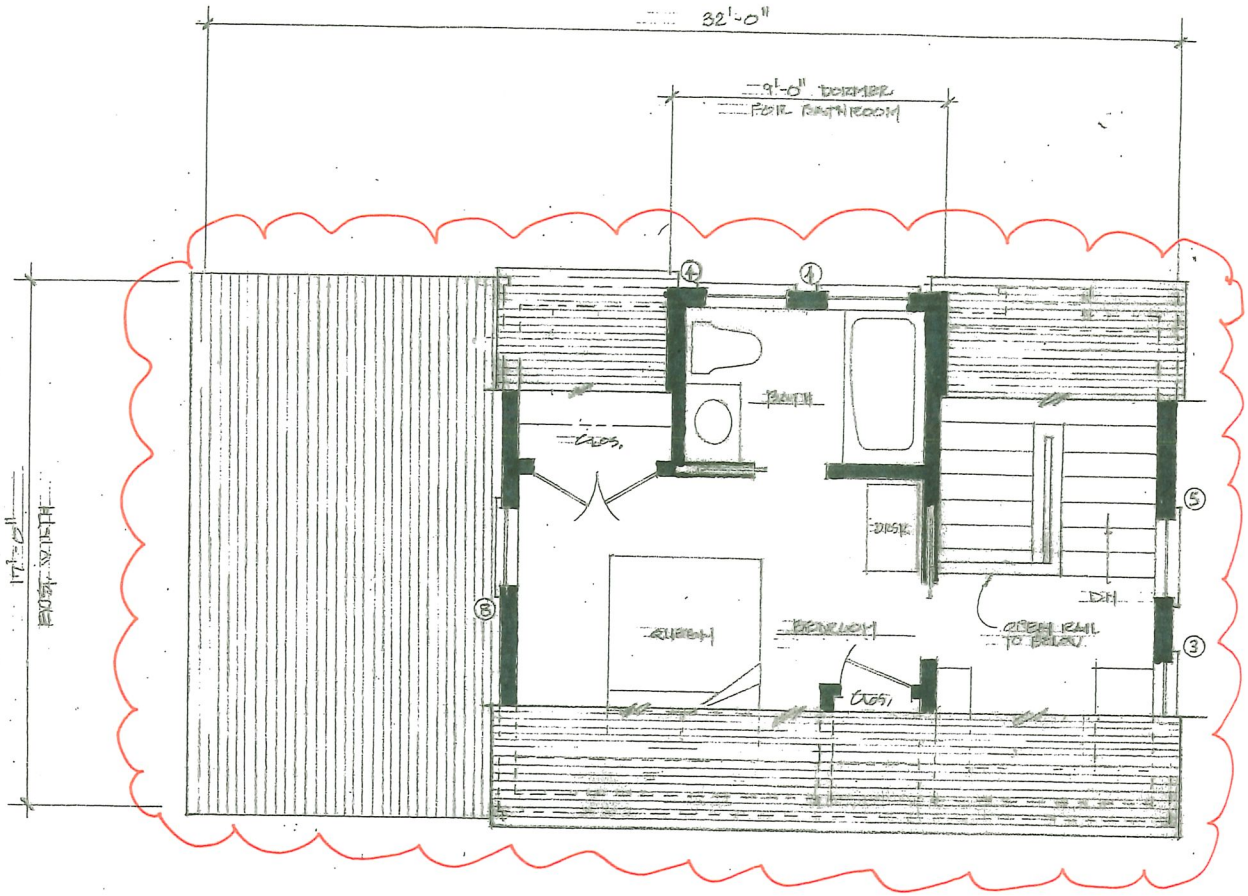
ANGUS MACLEOD DESIGN
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 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

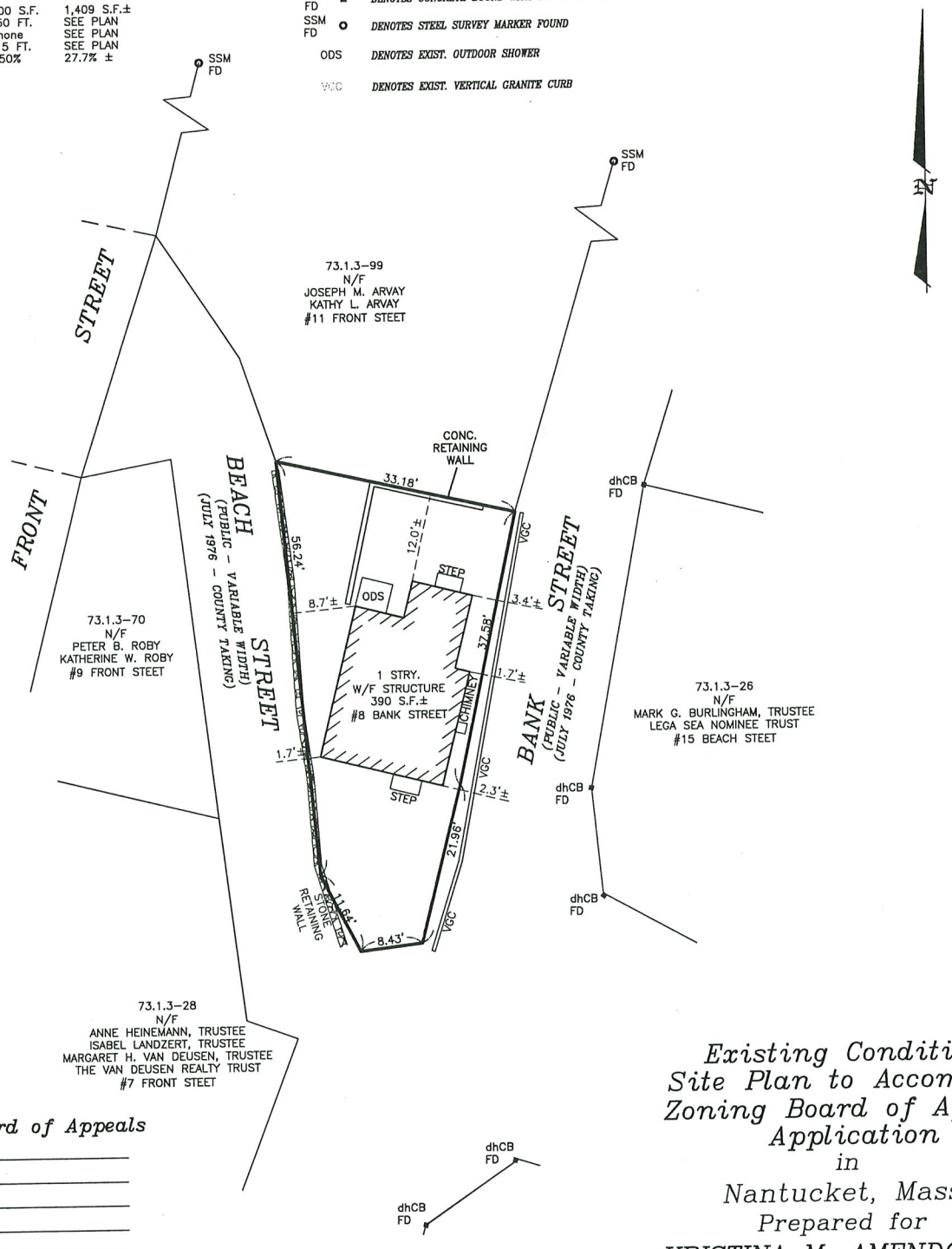
ANGUS MACLEOD DESIGN
P.O. BOX 7055
SCONSET, MA
(508) 257-6789

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.

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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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

Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

in

Nantucket, Mass.

Prepared for

KRISTINA M. AMENDOLARE
NICHOLAS AMENDOLARE

Scale: 1"= 10' NOVEMBER 09, 2021

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

GRAPHIC SCALE

10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

Sheet 1 of 2

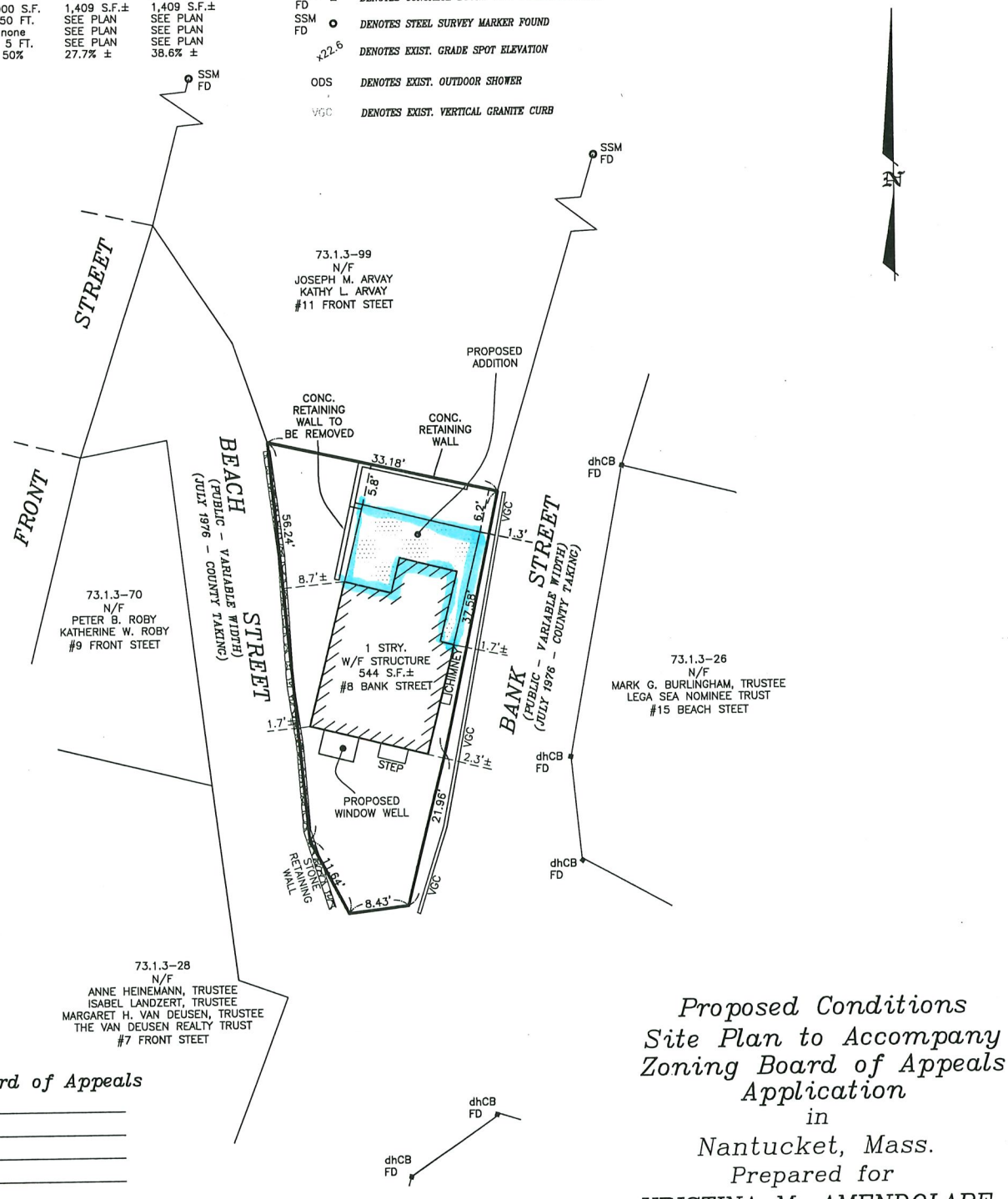
B8867

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% ±	38.6% ±

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



Zoning Board of Appeals

_____
_____
_____
_____
_____

FILE NO._____DATE:_____

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V:\DRAWFILES\B8867\ZBA.dwg 11/9/2021 3:04:17 PM 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 09, 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.

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

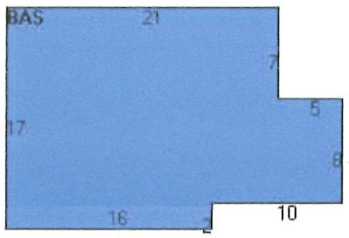
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Below Average
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	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

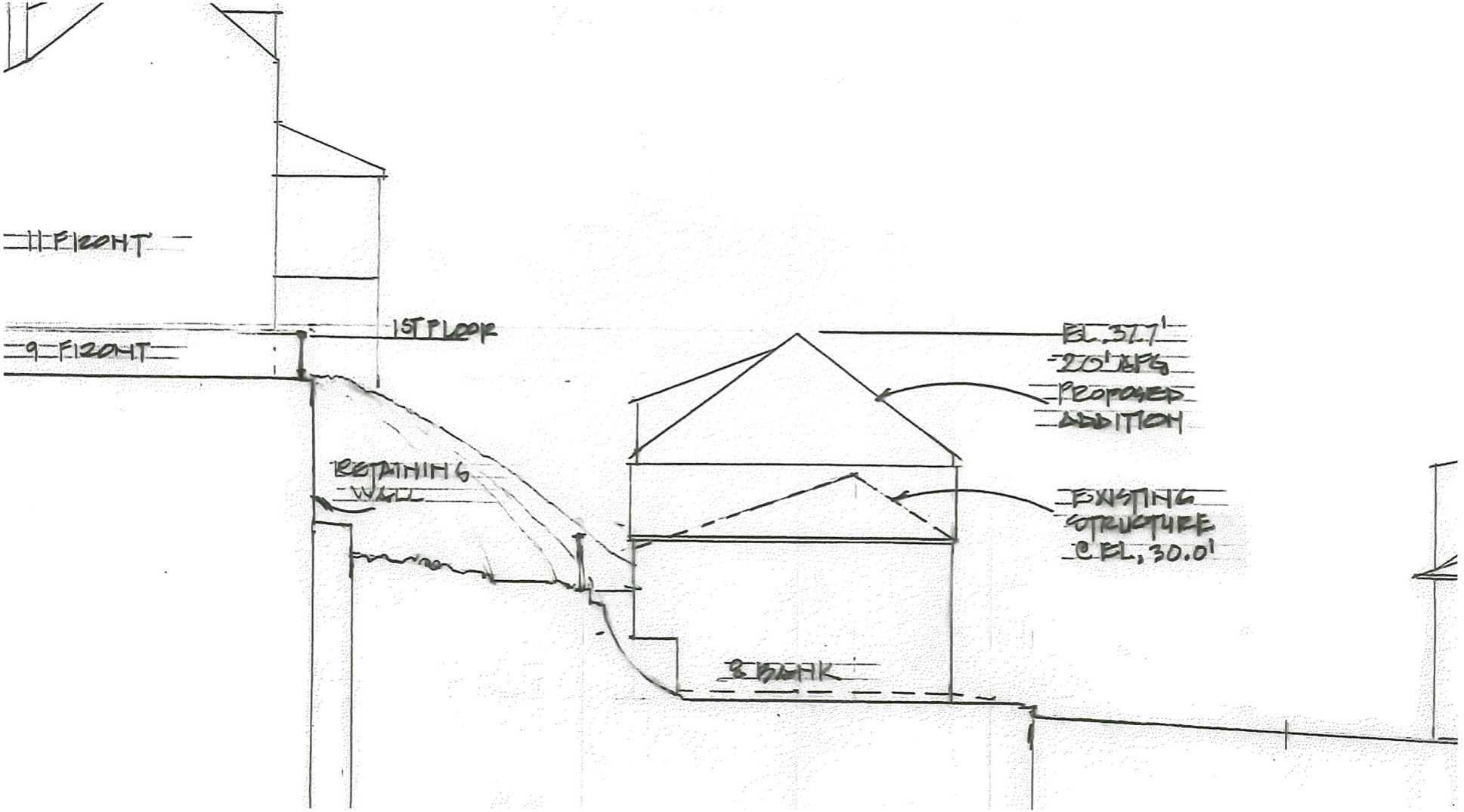
Outbuildings	Legend
No Data for Outbuildings	

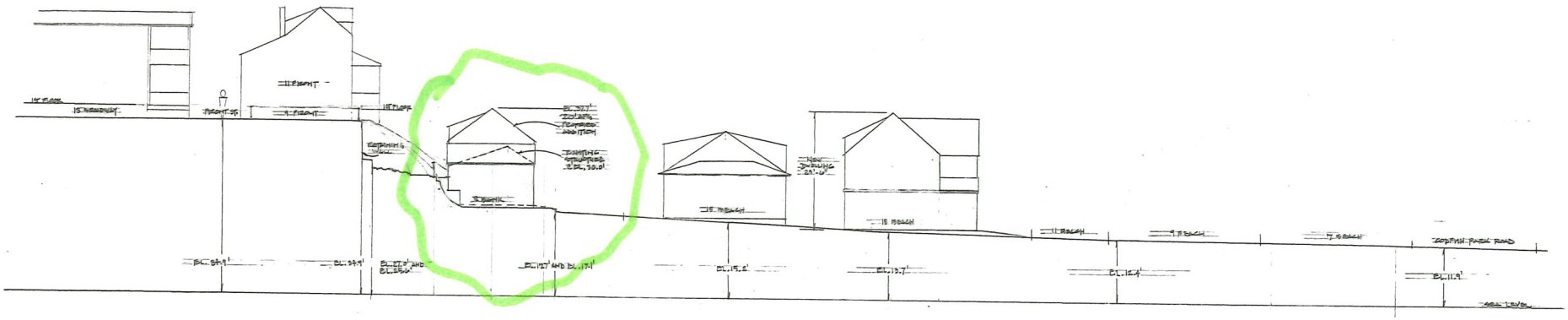
Valuation History

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 BUCKWELL & ASSOC. 8/27/21

TOPOGRAPHIC SECTION
SCALE: 1" = 10'

AMENDOLARE RESIDENCE
15 HANK STREET
WINTHROP, MA

ANNE MARIE DESIGNS
P.O. BOX 1099
WINTHROP, MA
(978) 257-6781

'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.

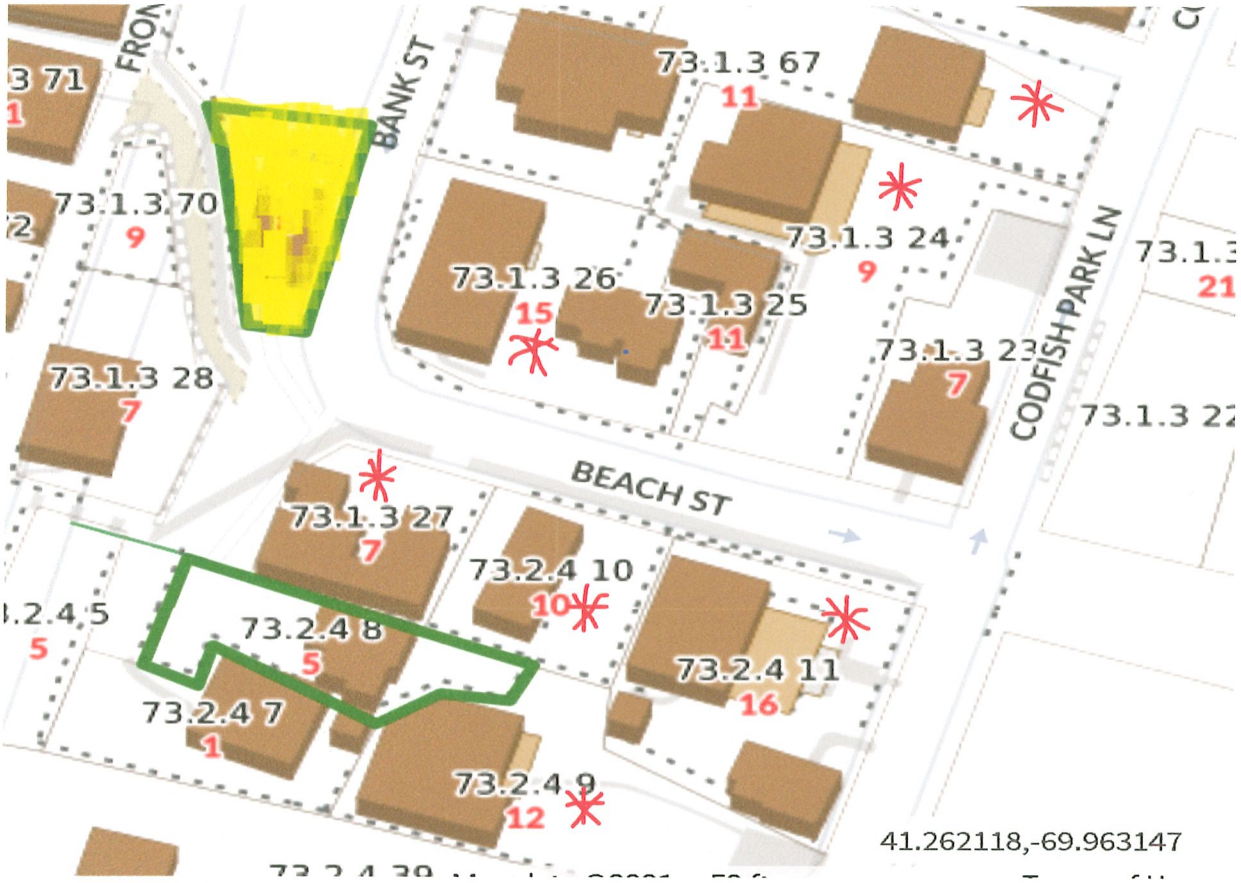
SAB Comments:

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





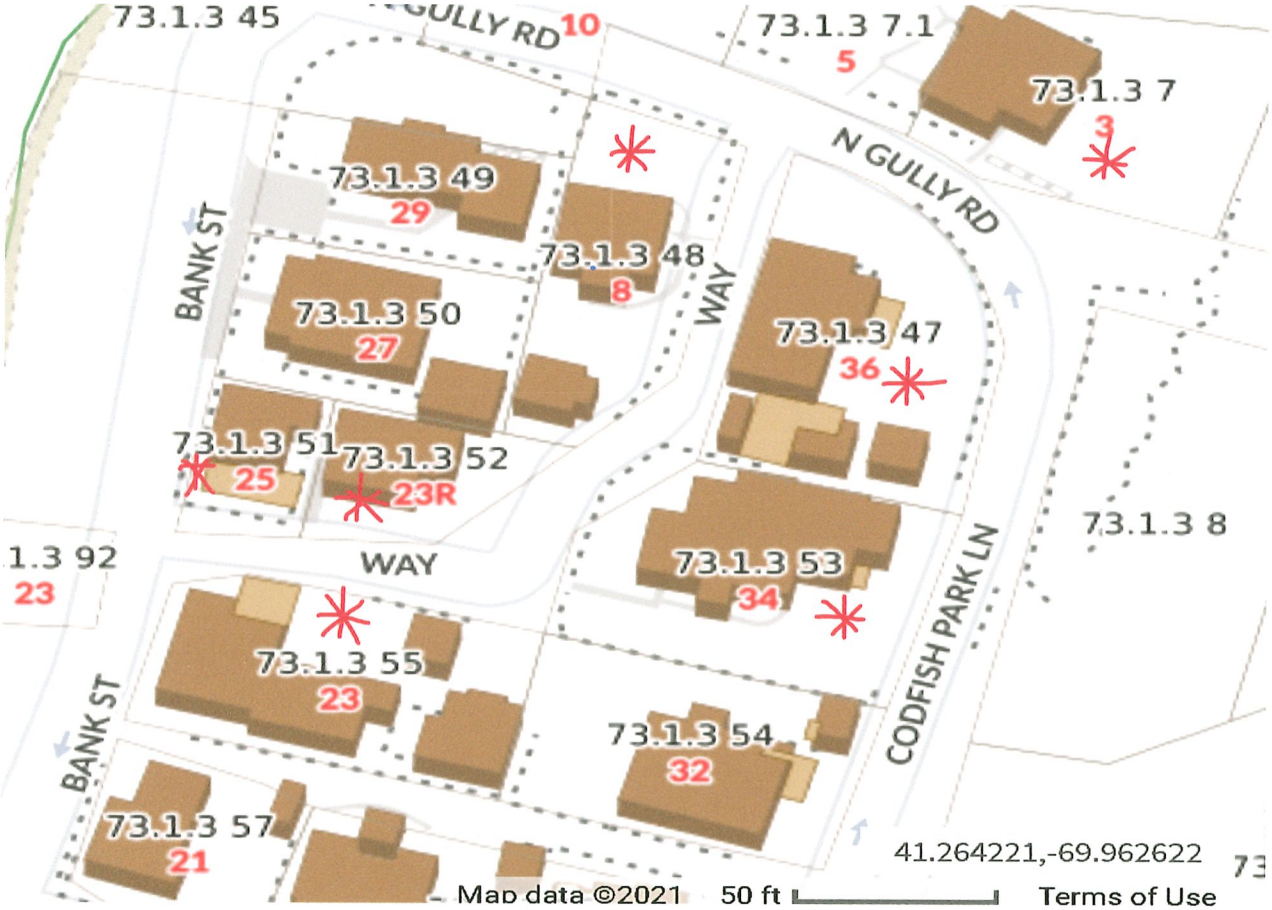
MIDDLE SECTION OF COD FISH PARK – A MAJORITY OF STRUCTRURES HAVE BEEN ALTERED – 1-STORY STRUCTURES ALSO ADDED ONTO





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: Kathy Arvay <klarvay@gmail.com>
Sent: Saturday, November 5, 2022 11:17 AM
To: Nickesha Sheriff
Subject: 8 Bank Street application



Dear ZBA Committee,
Please include this letter in the agenda for the November 10, 2022 meeting addressing the Amendolare's application for ZBA approval of their project at 8 Bank Street, Siasconset.

With regard to the proposed knock down and construction on the property at 8 Bank Street in Codfish Park, Sconset; we have strong feelings about the project. It seems to me that even a casual visit to the site would be enough to conclude that the proposed structure would be significantly out of place, and out of scale to the very specific location against the bank.

This proposed two-story house -- more than double the height of the existing structure -- right up against Middle Gully will be higher than Front St., will close in the gully, and fundamentally alter the historic streetscape, while eliminating a cherished public view shed. No project has been allowed this close to and overtopping the coastal bank. The owners also want to excavate 10-15 feet below ground for a full basement of living space. The project is opposed by the Siasconset Civic Association.

The owners have now submitted a contract with Toscana Corp. for the earth moving/basement excavation and a letter from the engineer proposing pre- and post- construction surveys for directly abutting homeowners only. The engineer now proposes to use non-resonant vibrating hammer to drive the basement pilings and to "evaluate" the retaining wall on the property adjacent to the eastern side of the gully. The engineer does not address whether the project (including the removal of a large tree on the property) could 1) undermine Middle Gully -- the emergency access road for Codfish Park—and the water main underneath it, 2) damage the coastal bank, or 3) increase Codfish Park Rd. flooding (the site will be graded toward the street and it appears that sump pump water will be discharged to the street). In May, ZBA members requested additional information because of the risks to Middle Gully, a public way; they also wanted review by the Department of Public Works and to hear from the architect and the contractor.

I would like to add the anecdotal, but accurate observation that the majority of the projects that have significantly altered these sweet little Sconset cottages over the last 20 years, and were strongly opposed by the residents of the village, were approved and the property owners were gone within 2-3 years. For a variety of reasons, the owners were no longer residents.

I mention this because I am tired of seeing the same thing happen time after time. I suspect the same outcome here as well. The cottage at 8 Bank street was rented out for the entire summer. I question whether the current owners really have the well being of the village in their hearts.

Sincerely,
Dr. Joseph and Kathy Arvay
11 Front Street

Sent from my iPhone

This email was scanned by Bitdefender

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

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

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

PRINCIPALS
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Roderic A. Ellman, Jr.
Francis J. Arland
David R. Good
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TECHNICAL SPECIALISTS
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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:

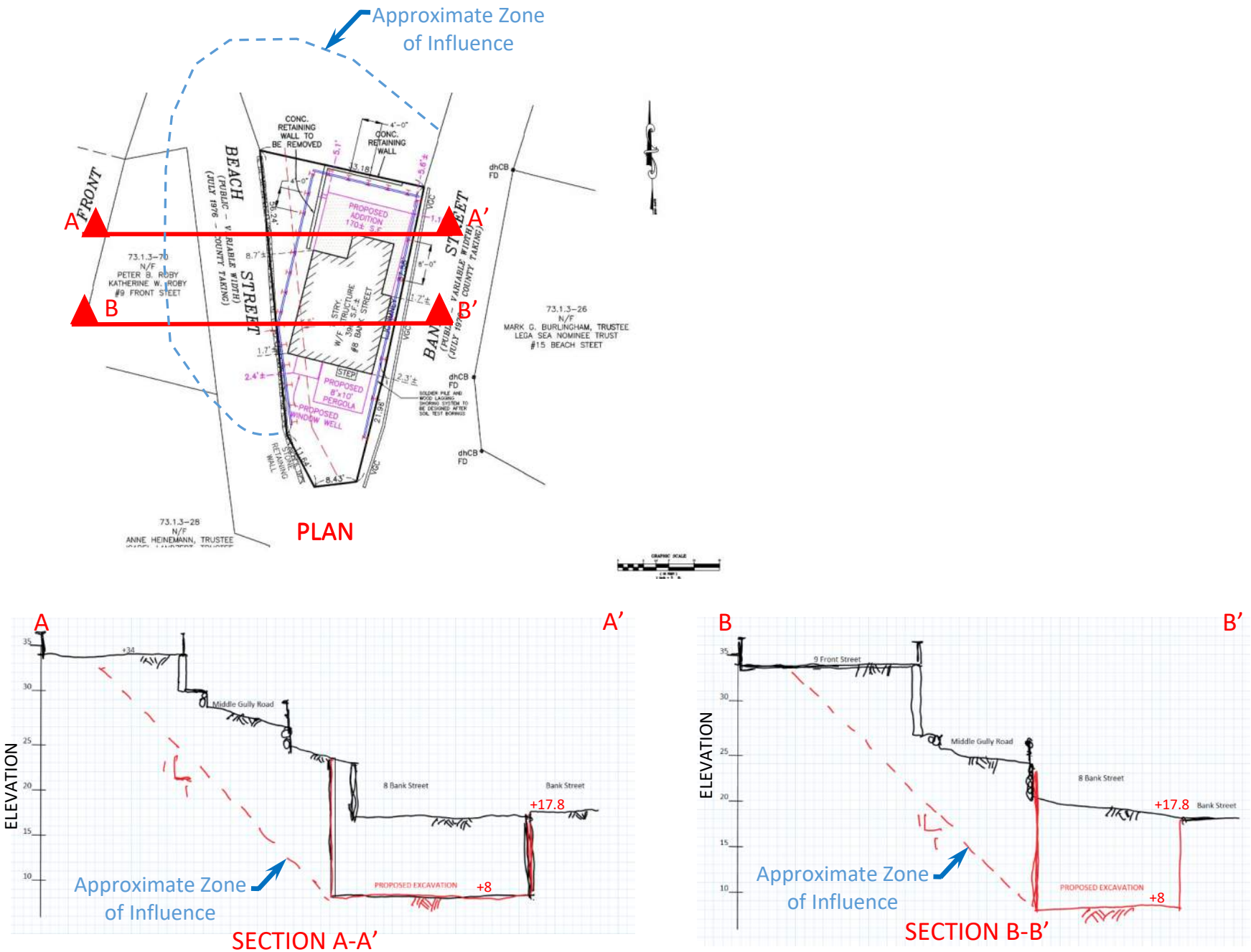


FIGURE 2 – PROPOSED CONSTRUCTION

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.

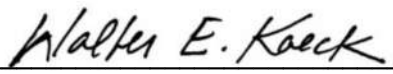
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this 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

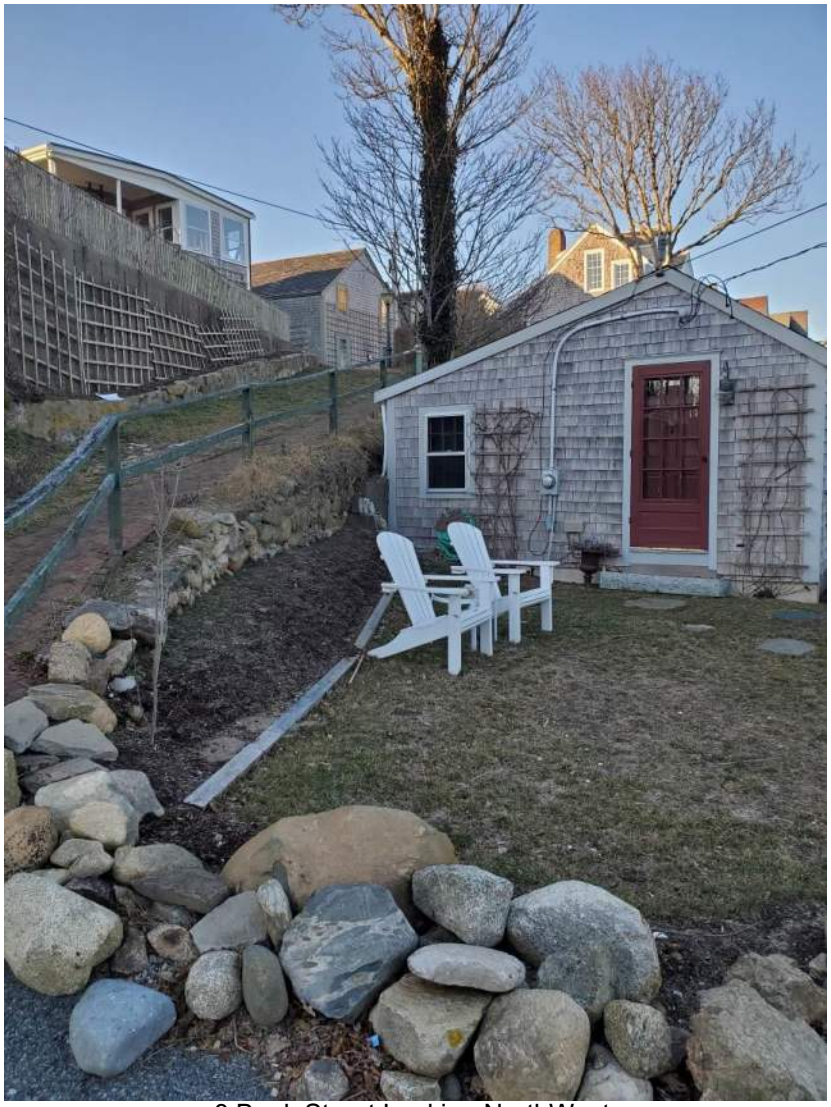
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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.
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MIDDLE GULLY ROAD			PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

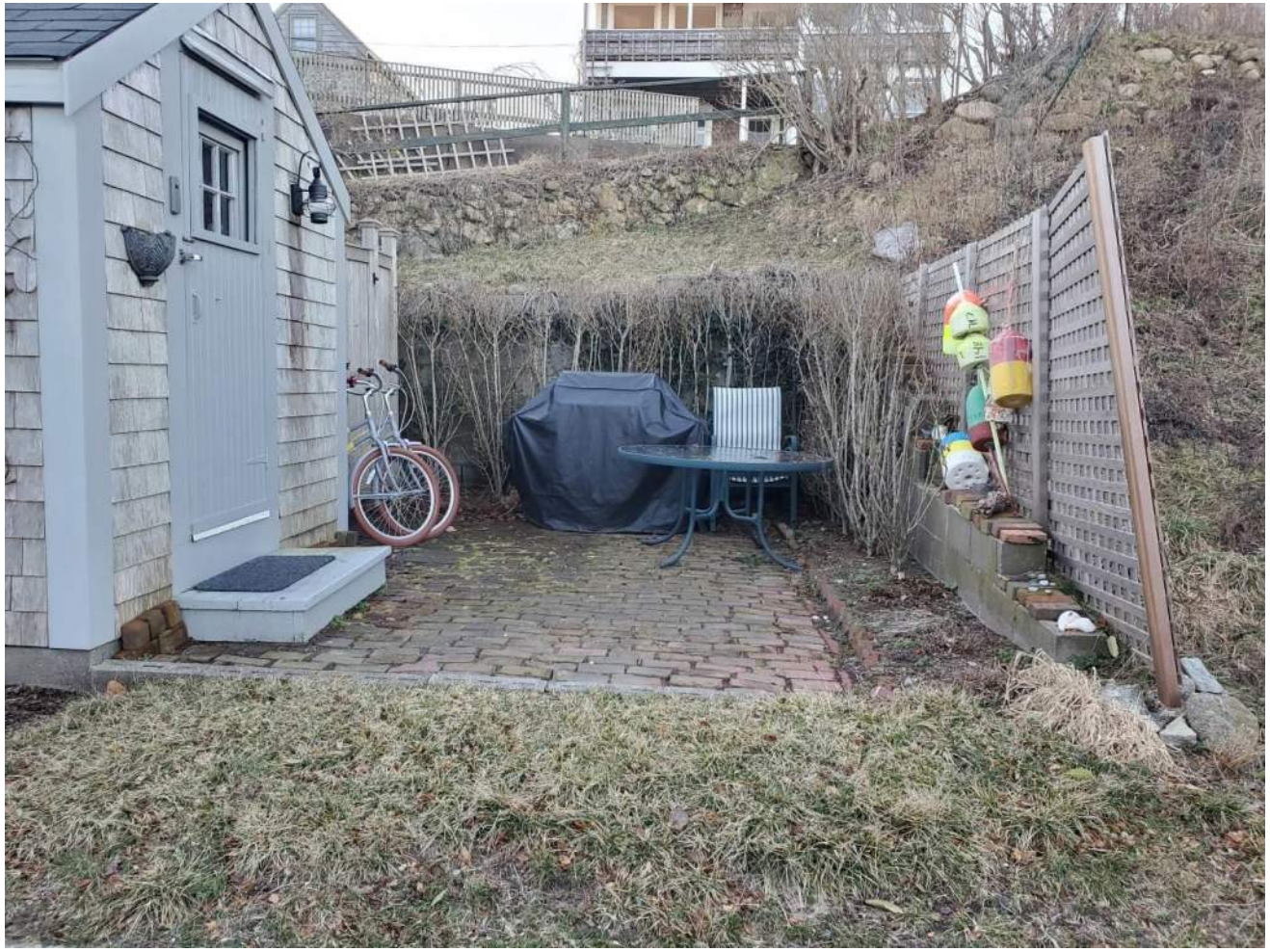
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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

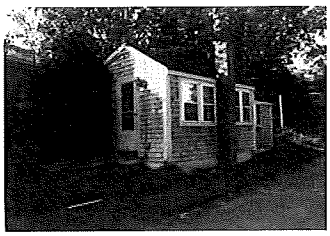
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

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.

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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

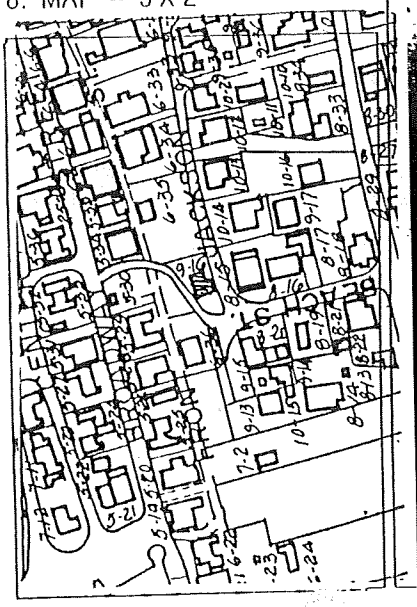
4. Present Owner: NICKERSON, CAROL

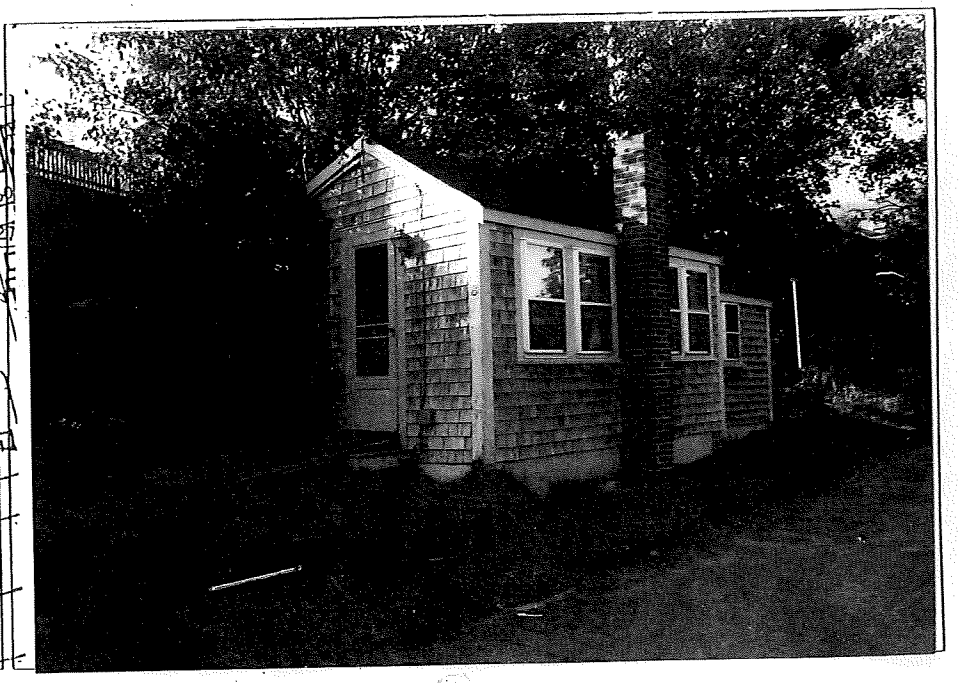
5. Ownership History:
Unknown

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

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 22
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

This email was scanned by Bitdefender

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

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.

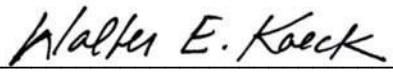
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this 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

PRINCIPALS
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Roderic A. Ellman, Jr.
Francis J. Arland
David R. Good
Walter E. Kaeck
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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 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:

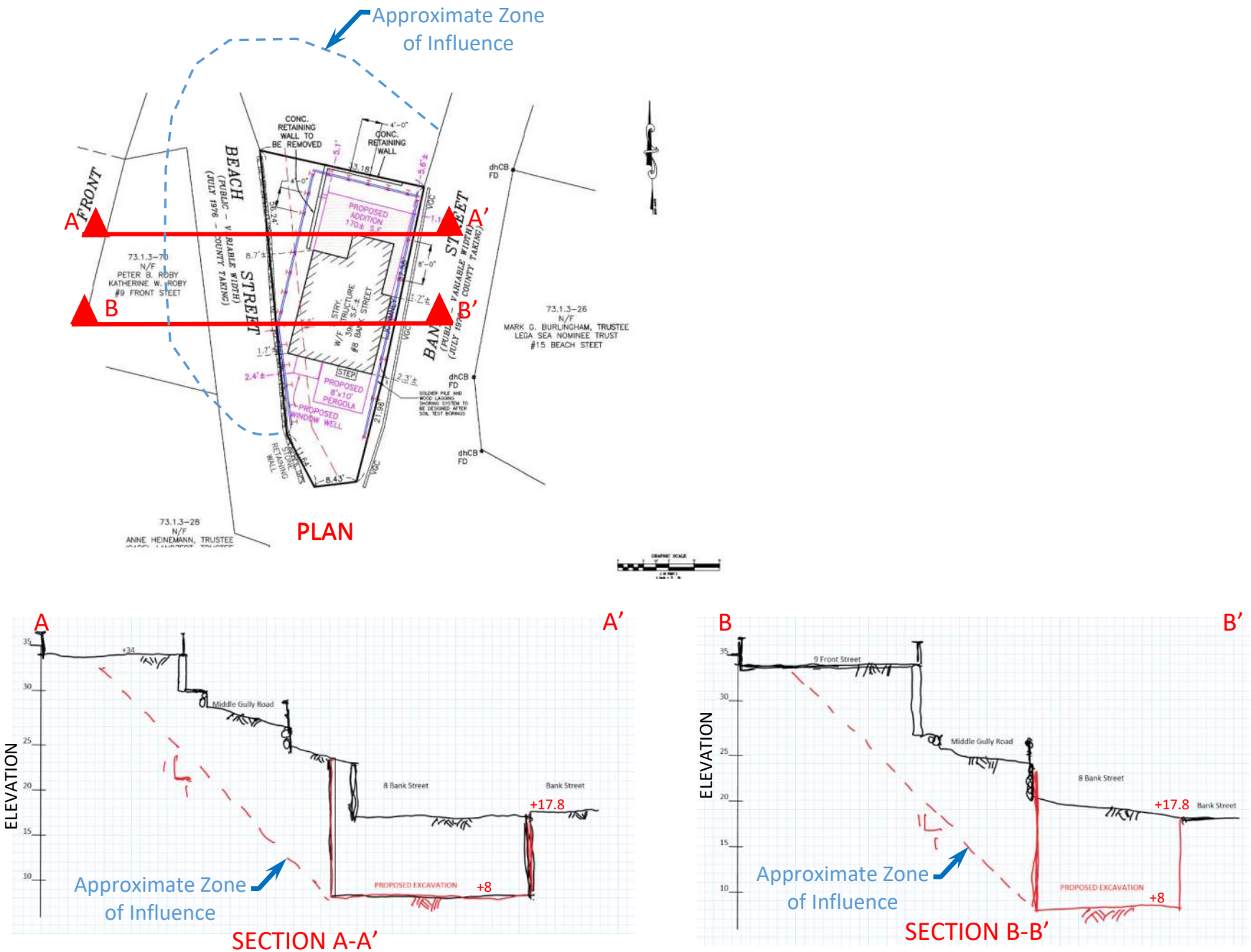


FIGURE 2 – PROPOSED CONSTRUCTION

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.

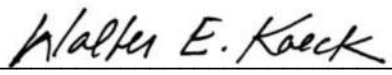
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this 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

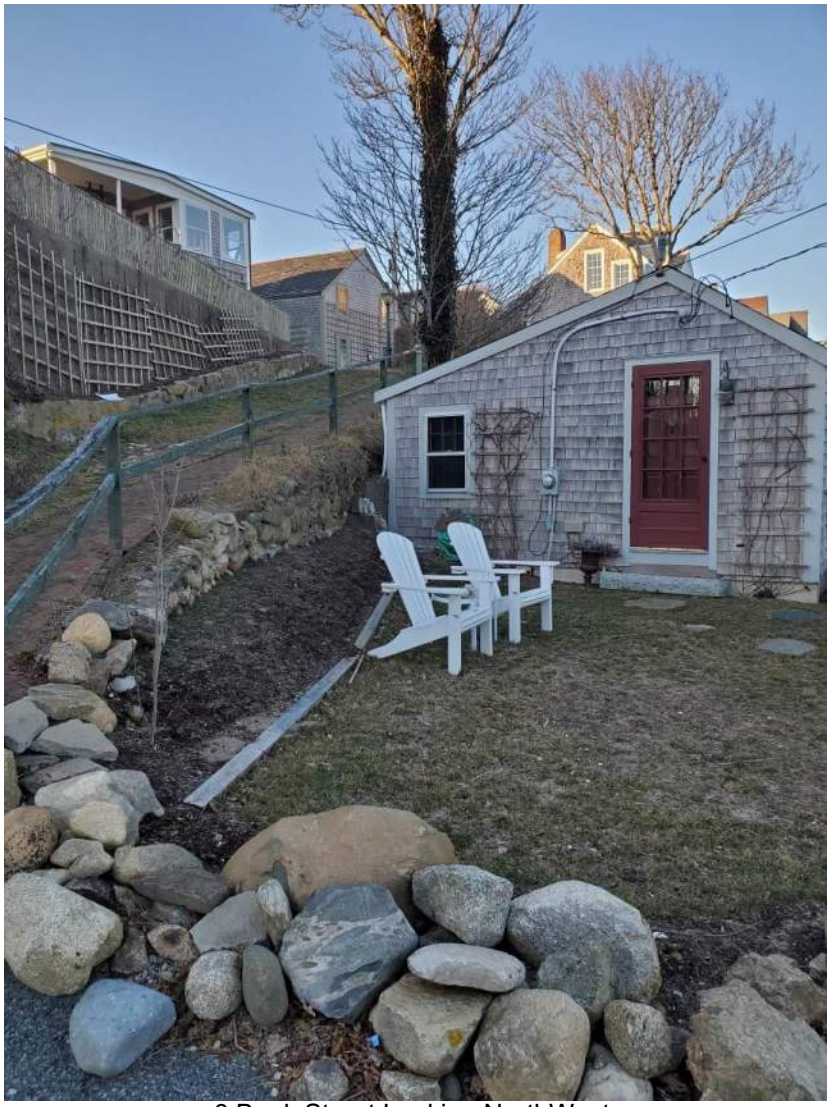
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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.
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MIDDLE GULLY ROAD			PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

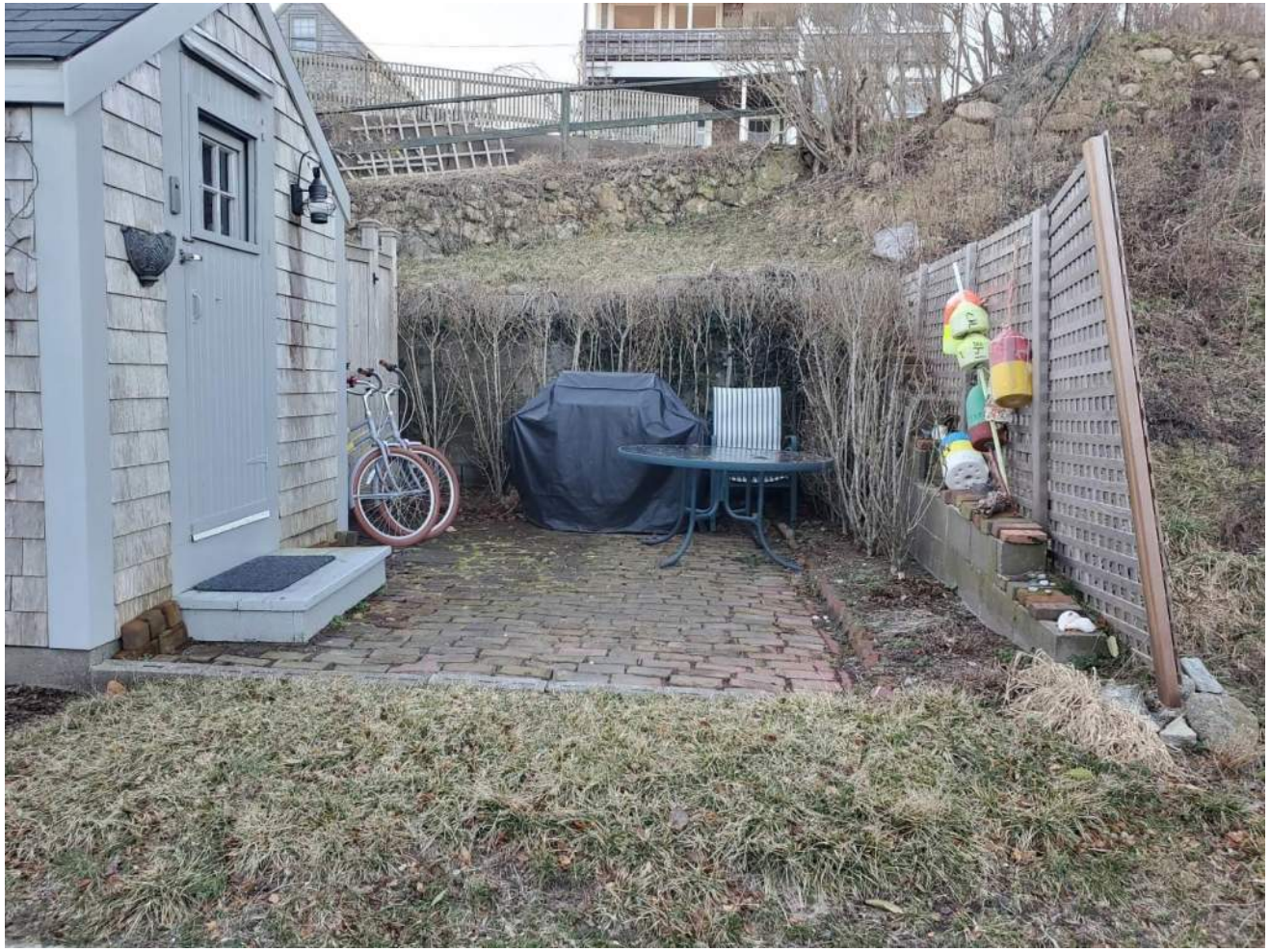
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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
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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 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:

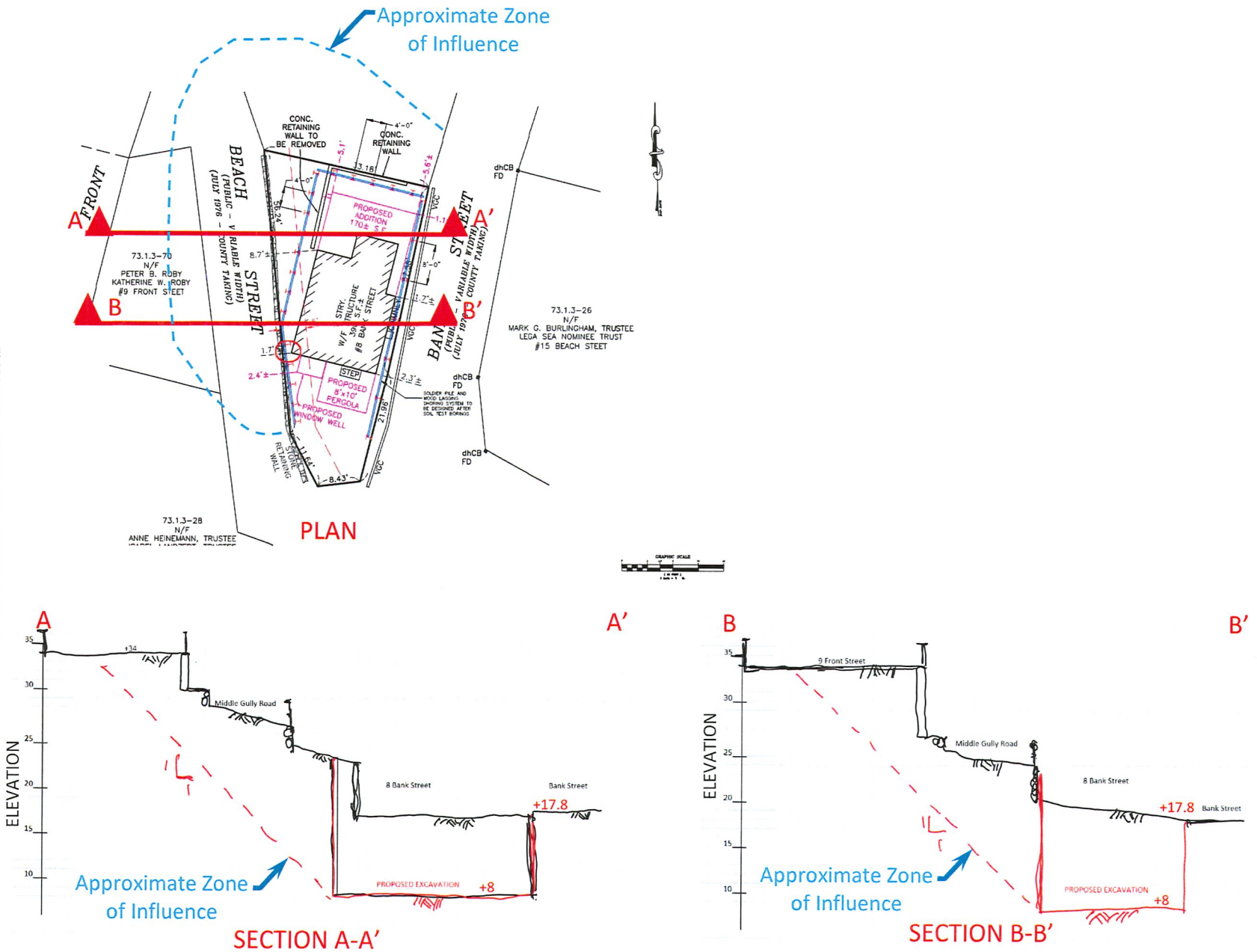


FIGURE 2 – PROPOSED CONSTRUCTION

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

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




EASTWARD LOOK
260

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)

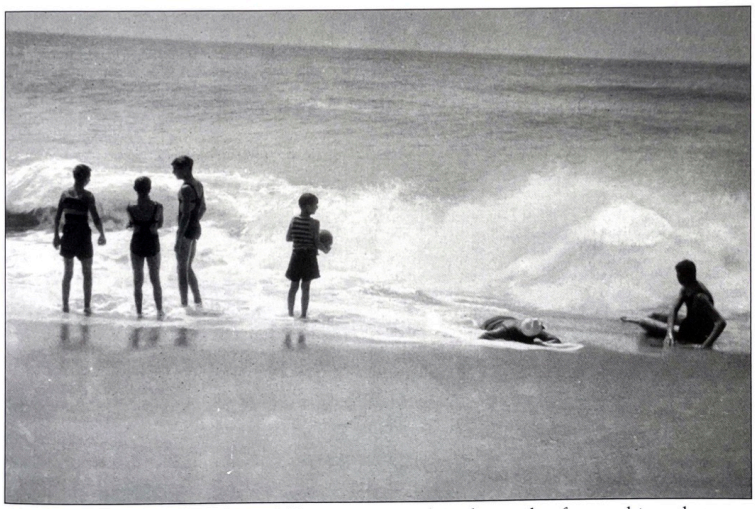
APPENDIX

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

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

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.

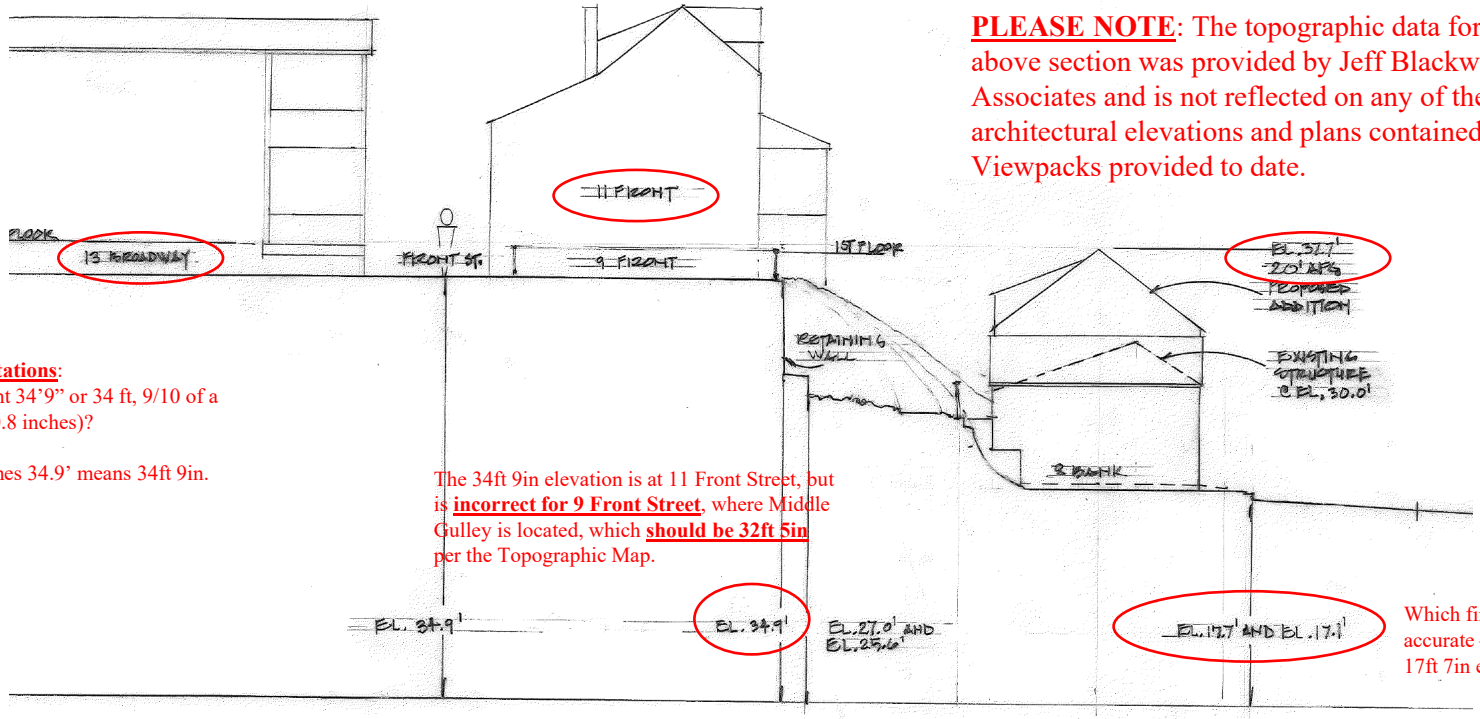
Respectfully,

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:

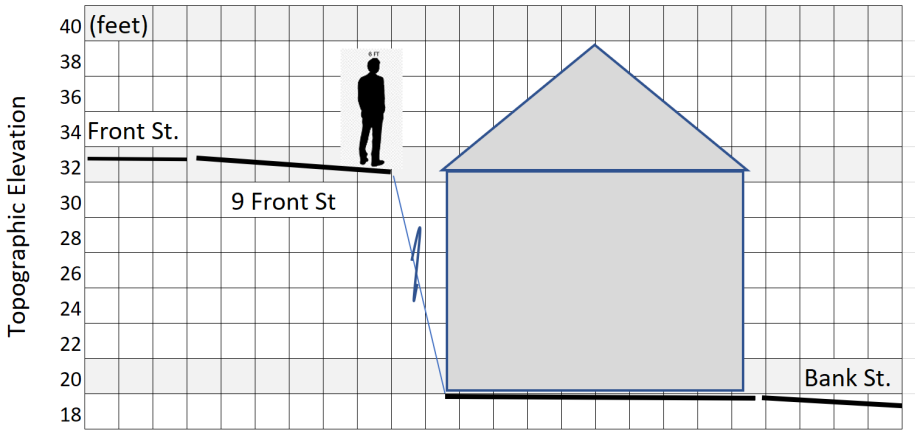
- Bank elevation at 11 Front Street: 35 ft
- Bank elevation at 9 Front Street: 32.5 ft

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

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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."

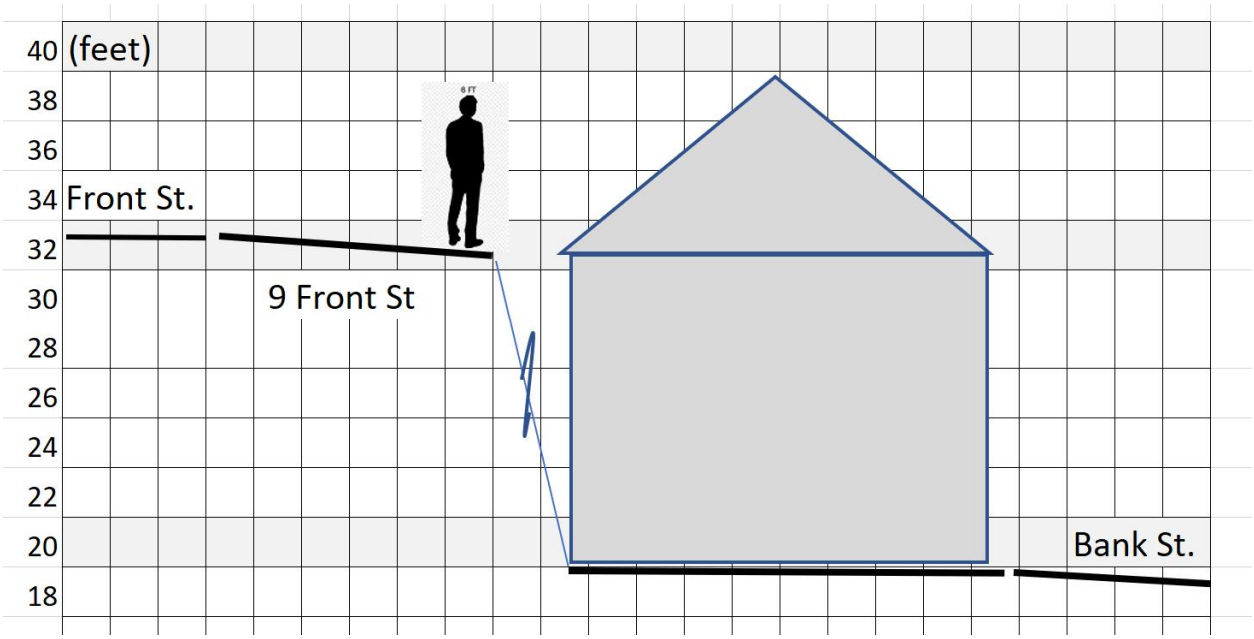
George and Ann Hubbs - 20 Broadway
"We are opposed to the approval of this project because... plan is not in keeping with the historic size and massing of the buildings which have been on this lot... this application should be rejected and sent back for more considered thought..."

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
18
Bank St.





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

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Francis J. Arland
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FINANCE DIRECTOR
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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:

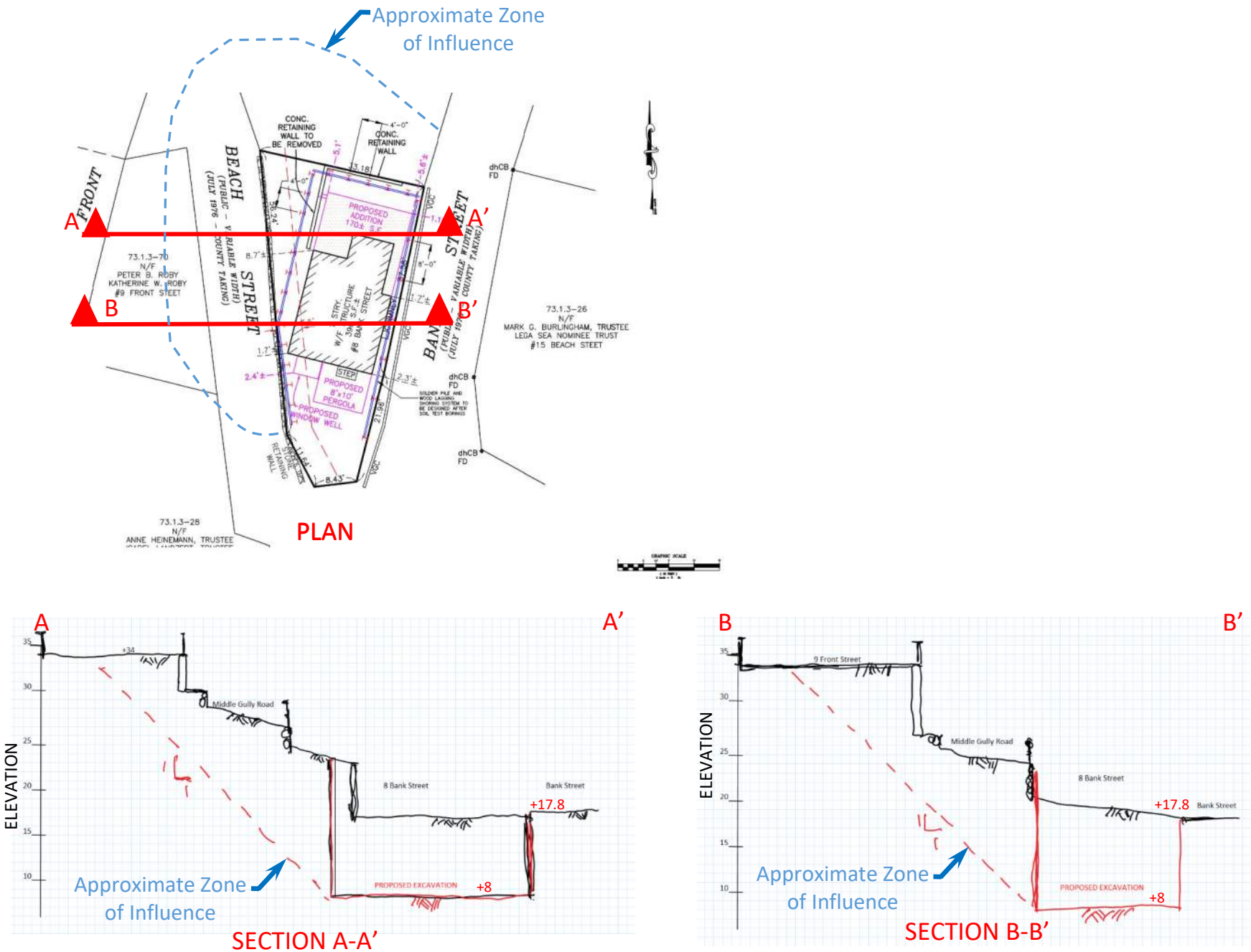


FIGURE 2 – PROPOSED CONSTRUCTION

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.

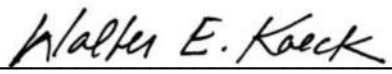
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this 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

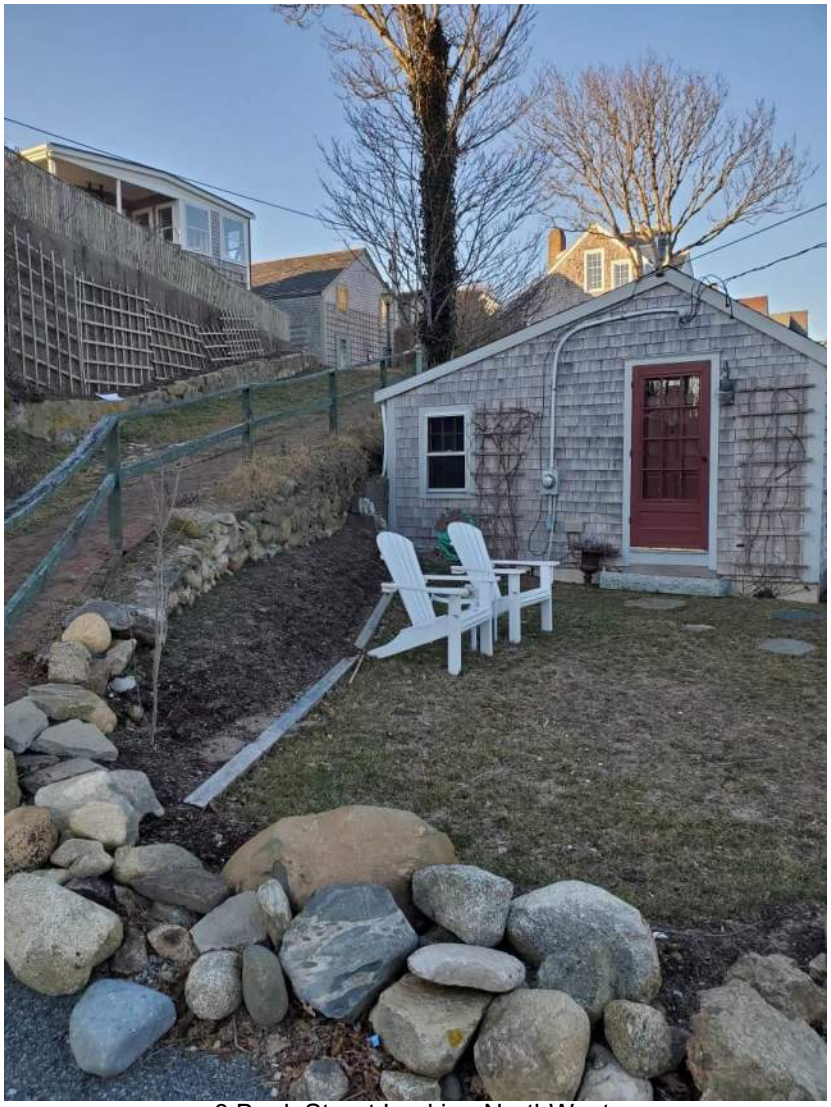
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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

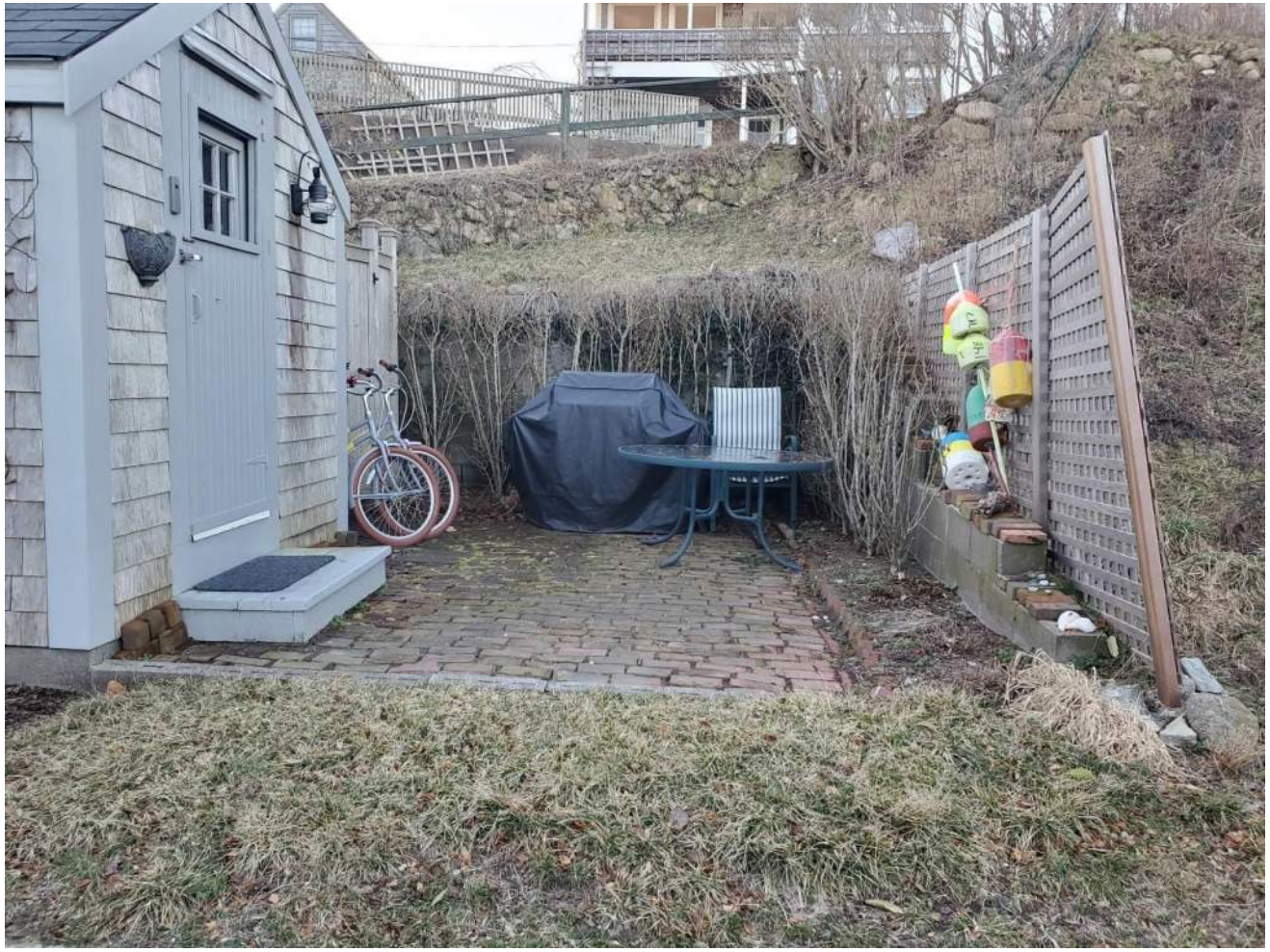
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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

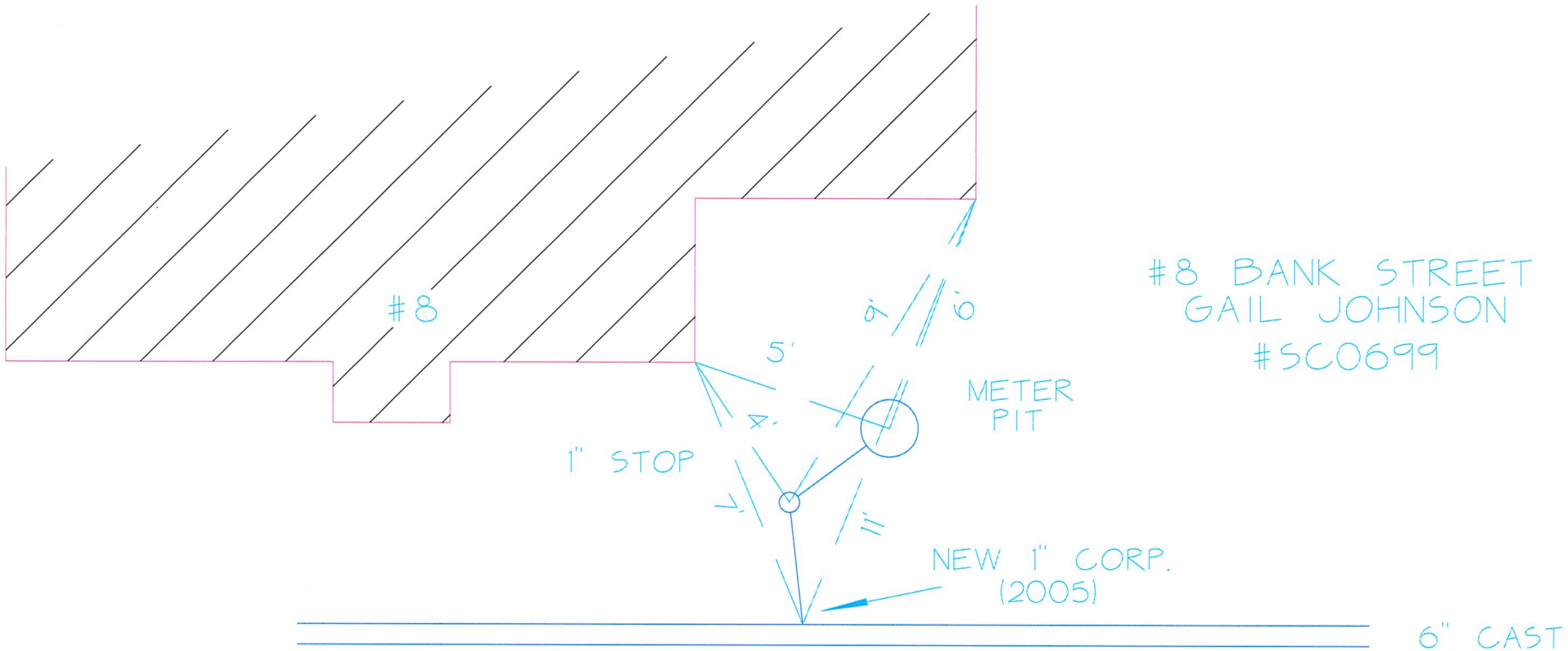
TAB 2

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

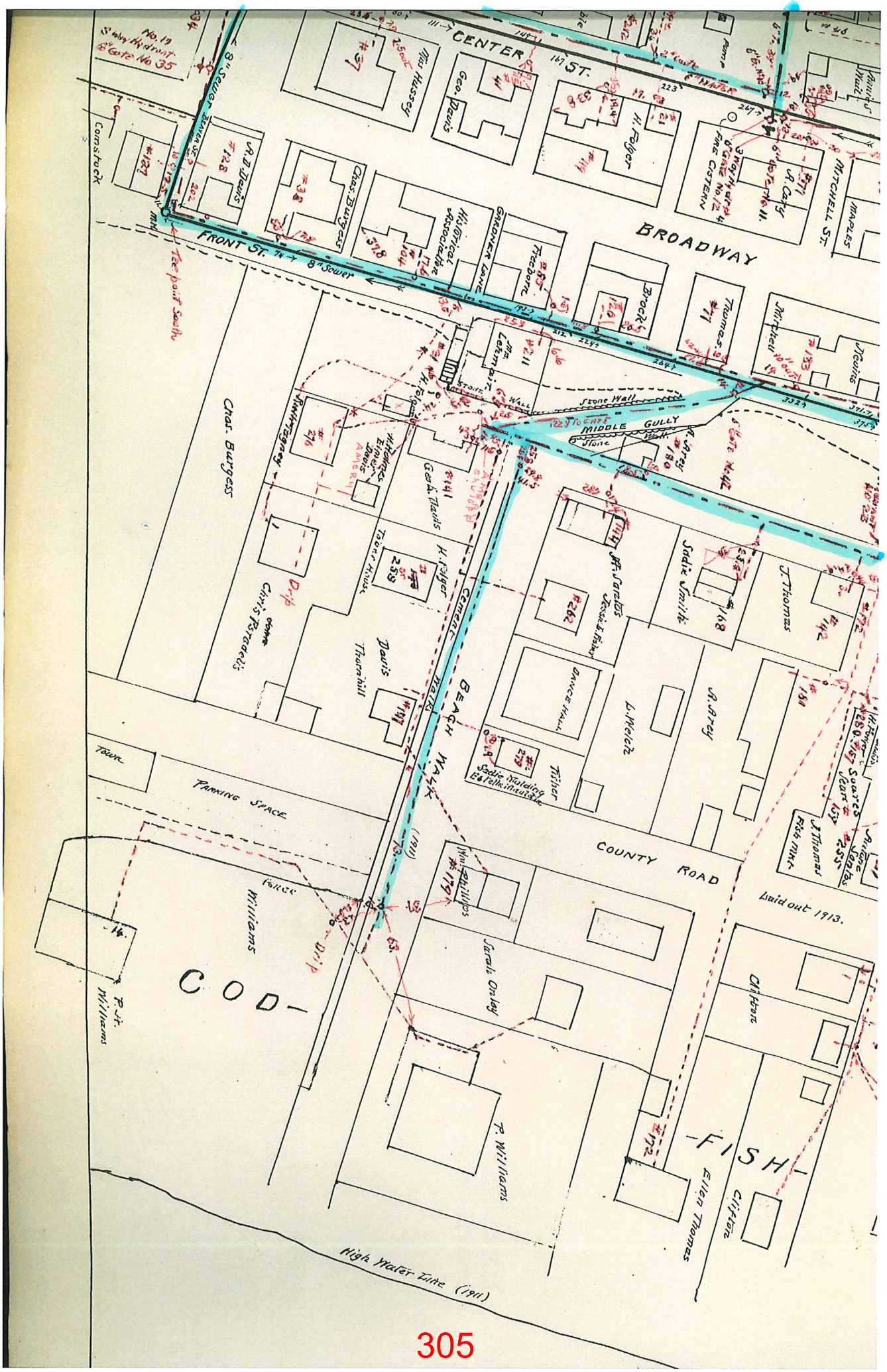
Phone: 508-228-0022
Fax: 508-325-5344



#8 BANK STREET
GAIL JOHNSON
#SC0699

304

BANK STREET


CENTER ST.
BROADWAY
FRONT ST.
8" Sewer
Constuck
Geo. Davis
H. Felger
Fire Cistern
Mitchell St.
Maples
Freeborn
Brooks
Thomas
Mitchell
Peoples
Stone Wall
To Cape
MIDDLE GULLY
Fish Wk.
Char. Burgess
Chas. Edwards
Davis Thornhill
Beach Walk
Sadie Smith
J. Thomas
Jessie Fish
Dance Hall
L. Weiss
R. Gray
Sadie Spencer
Estelle Maulding
Town
Parking Space
COUNTY ROAD
Laid out 1913.
Police
Williams
C O D -
F I S H -
Jarvis Oxley
P. Williams
Elijah Thomas
Clifton
High Water Line (1911)

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:

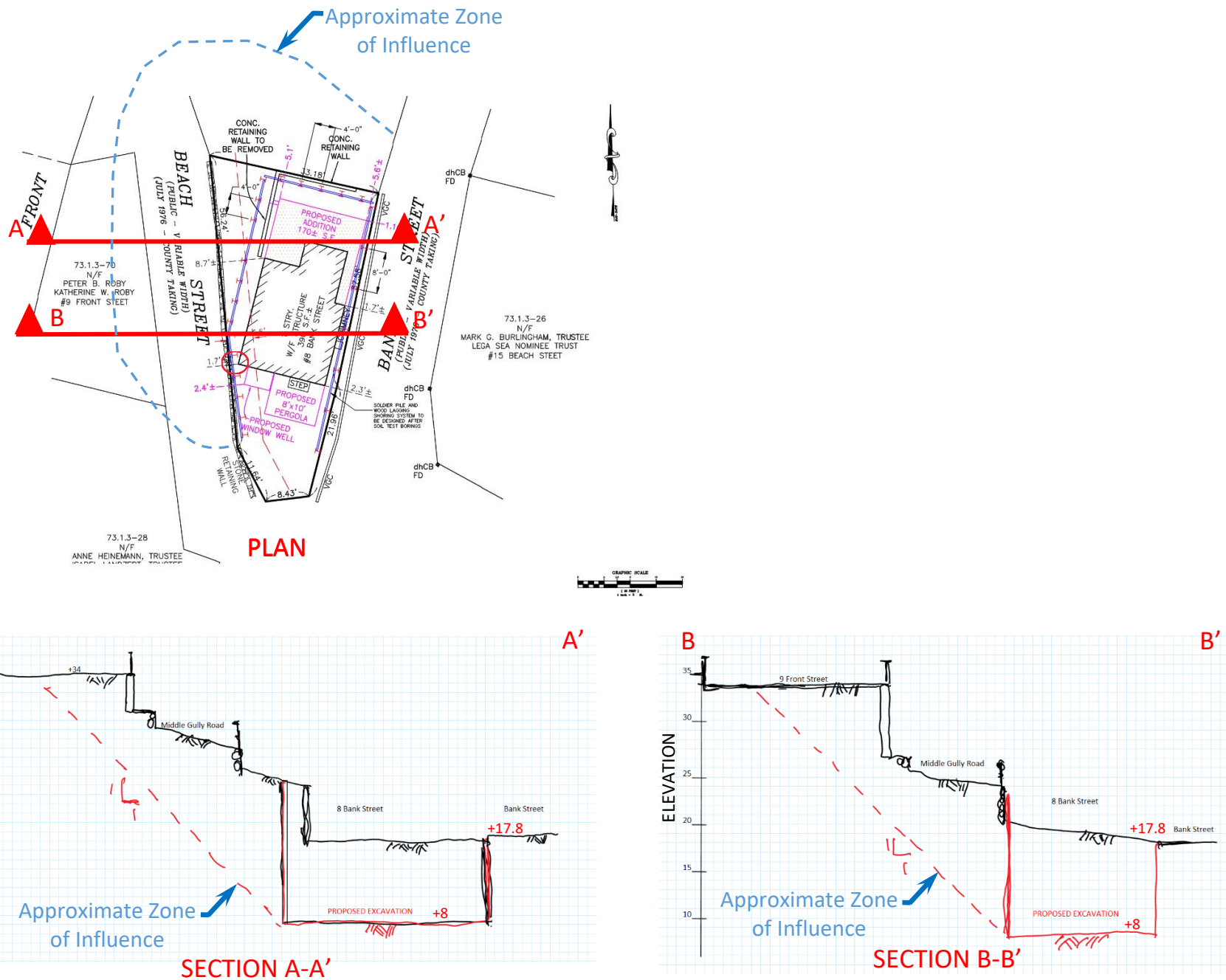


FIGURE 2 – PROPOSED CONSTRUCTION

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.

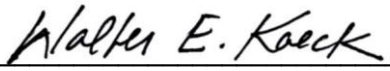
Furthermore, the proposed deep excavation at 8 Bank Street results in a potential risk to the Town and County of Nantucket (owners of Middle Gully Road), the general public (users and beneficiaries of access to Middle Gully Road), and the Owners of 9 Front Street. The risk assumed by permitting this 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.

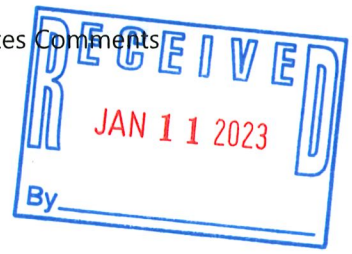
Sent from my iPad

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

William Saad

From: Ann Ramsey Gardner <ann@mppllc.us>
Sent: Wednesday, January 11, 2023 9:49 AM
To: William Saad
Cc: Jeff Gardner
Subject: FW: 8 Bank Street Hearing - Nov. 10, 2022 Meeting Minutes Comments
Attachments: ZBA Introduction_Nov 10th Mtg_Final.docx



Hi Billy,

A clarification for the Meeting Minutes from the November 10, 2022:

- We met with Richard Moor from DPW and provided him with the September Viewpack. He indicated that there is not a water pipe under Middle Gulley. We had him inspect the large grate at the top of Middle Gulley, and he indicated that it is likely a storm drain that, with the Front Street storm drainage pipe, runs into a leach field under Middle Gulley. He was to discuss the drawings internally and reply back but did not prior to the ZBA meeting. According to the geotechnical report, groundwater depth is at 14'6" below finished grade, and the excavation is 15'0" below. Insurance protects the owners of 8 Bank, not the Abutters. Questioned why Abutters should insure against catastrophic damage when there should be an escrow.
- Please see opening comments attached for our initial comments.

I'm moving our conversation to this email address, apologies for any confusion.

Thank you,
Ann

From: Ann Ramsey <ars75219@gmail.com>
Sent: Wednesday, January 11, 2023 8:27 AM
To: Ann Ramsey Gardner <ann@mppllc.us>
Subject: Re: 8 Bank Street Hearing

On Fri, Jan 6, 2023 at 2:41 PM William Saad <wsaad@nantucket-ma.gov> wrote:

> Hi Ann,
> The applicant requested a continuance and it's been the practice of the board to grant a continuance when requested.
>
> Best,
>
> Billy Saad
> Land Use Specialist
>
> wsaad@nantucket-ma.gov
> Town of Nantucket
> Planning & Land Use Services
> 2 Fairgrounds Road
> Nantucket, MA 02554
>
> Tel: 508-325-7587 X 7071
> Fax: 508-325-5346
> www.nantucket-ma.gov

RECEIVED
JAN 11 2023
By

ZBA Introduction

Presenters:
Jeff & Ann Gardner, 9 Broadway, Siasconset
And on our behalf:
Jonathan Fitch, Attorney
Walter Kaeck and Jesse Richins, Mueser Rutledge Consulting Engineers (MRCE)

Ann Gardner:
We appreciate the ZBA's willingness to hold the last public forum available to concerned Abutters, especially your previously stated interest in addressing the geotechnical aspects and their potential harm to the neighborhood.

There has been significant contribution by neighbors, the 'Sconset Civic Association and 'Sconset Trust to help clarify the issues since July 2021. They all care deeply about 'Sconset as a historic district and our end of 'Sconset Bluff, which shares soil characteristics with the crumbling bluff to the north, especially concerning, given the storm water pipe running along Front Street appears to drain into a leach field under Middle Gulley, according to our meeting with the DPW. McArdle's examples were not at the base of a bank, as Board Member Allen mentioned. The saturation of Middle Gulley under the right conditions when the proposed basement of 8 Bank Street has been excavated poses additional risks in storm conditions.

Our concern is that insufficient information has been provided by the 8 Bank Street team to quantify and mitigate the risks, despite the amount of time provided to do so. Our geotechnical engineers have gone to considerable effort to define the risks and provide suggestions, as provided in our Response Report of 10.05.22, submitted in the Viewpack and provided in hard copy here. The Report outlines the many missing documents and unresolved risks in the design as currently presented, which were never incorporated into revised drawings. This risk assessment should have been done by the 8 Bank Street team.

We like the Amendalores, and tried collaborating with them on the safety of the design. We went to considerable expense to define the risks, but no drawing revisions have been submitted and they've not responded since after the May ZBA meeting.

Jeff Gardner:
The potential risks are too great for a "trust us" attitude, which can indicate a lack of adequate experience and no clear solution to the problem. Little information has been made available, lest design flaws be criticized and not approved. It appears the intent is to not provide it, as it would create discussion in a public forum, bypass the ZBA and go straight to a non-public Building Department review, depriving concerned parties the opportunity to provide additional input. Either way, the risks as currently presented are not defined well enough to be addressed.

As we all are aware, the 'Sconset Old Historic District is one of the two main historic districts on the island. According to the 1971 National Landmark Historic Nomination revision, the structure located at 8 Bank Street is listed as one of only 5,027 remaining contributing buildings (less than half the number in the original 1955 Nomination). In addition, the foundations of multiple historic homes owned by Abutters are fragile (they don't have footings or a below grade

foundation) and could be damaged by vibrations caused by construction activity, requiring extensive repairs.

So, we ask you, are the risks worth losing another contributing building and potentially damaging the foundations of other historic homes around it? **Without adequate information, we and the Abutters request that this application not be approved.**

Ann Gardner:
We'd like to introduce our geotechnical engineers, Mueser Rutledge Consulting Engineers (MRCE), to outline the risks as presented and to answer any questions you may have.

MRCE has been both a leader and innovator in geotechnical engineering and structural foundation design for over 110 years. Headquartered in New York City, MRCE is internationally renowned as a specialty engineering consultant, offering expertise in geotechnical engineering and a full range of structural foundation design services, particularly for complicated sites. One of MRCE's areas of expertise is in the design of support of excavation and temporary structures, including having assisted in well over 10,000 support of excavation designs for projects ranging from high profile nuclear power plants and skyscrapers to residential basement excavations near sensitive structures. We have Walter Kaeck and Jesse Richins, Principal and Senior Associate with MRCE assisting us on reviewing this work and they are joining us on Zoom.

William Saad

From: Ann Ramsey Gardner <ann@mppllc.us>
Sent: Saturday, January 14, 2023 3:20 PM
To: William Saad
Cc: Jeff Gardner
Subject: FW: 8 Bank Street Hearing
Attachments: _SECTION A - 8 BANK.pdf; _Supporting Drawings.pdf



Thank you, Billy,

I appreciate your helpful communications.

Please forward the following comments to the Zoning Board for review. We sincerely appreciate the ZBA's thoughtful consideration of this case.

We have so much appreciation for Nantucket, and as many of our neighbors do, consider ourselves stewards of the history of our home and Siasconset.

For the February 9th hearing, attached is a Section A drawing, showing the basement. Please see the circled numbers on Section A relative to the numbers below.

1. **Depth of Excavation (per Geotechnical Report)**
   - Basement finished floor = EL 9.0' (Pg. 5)
   - Excavation depth = up to 15.0' below finished grade (translates to EL 3.0') (Pg. 4)
   - Groundwater depth = EL 3.4' (14'6" below finished grade) (Pg. 4)
   - Comments:
     - Note: The depth of excavation may be below the level of groundwater.
     - The 15'0" excavation would be a pool of water during storms, at the base of Middle Gulley, which could impact the stability of the site and Middle Gulley above.
     - Given the labor shortage on Nantucket, construction schedules are extended, so the "pool" could be open over a year, as has happened in other Sconset construction projects.

2. **The tree is located in a tight 5'0" space between Middle Gulley and the 8 Bank Street house,** putting both the tree and the stability of Middle Gulley in jeopardy if the tree is damaged or removed during construction.

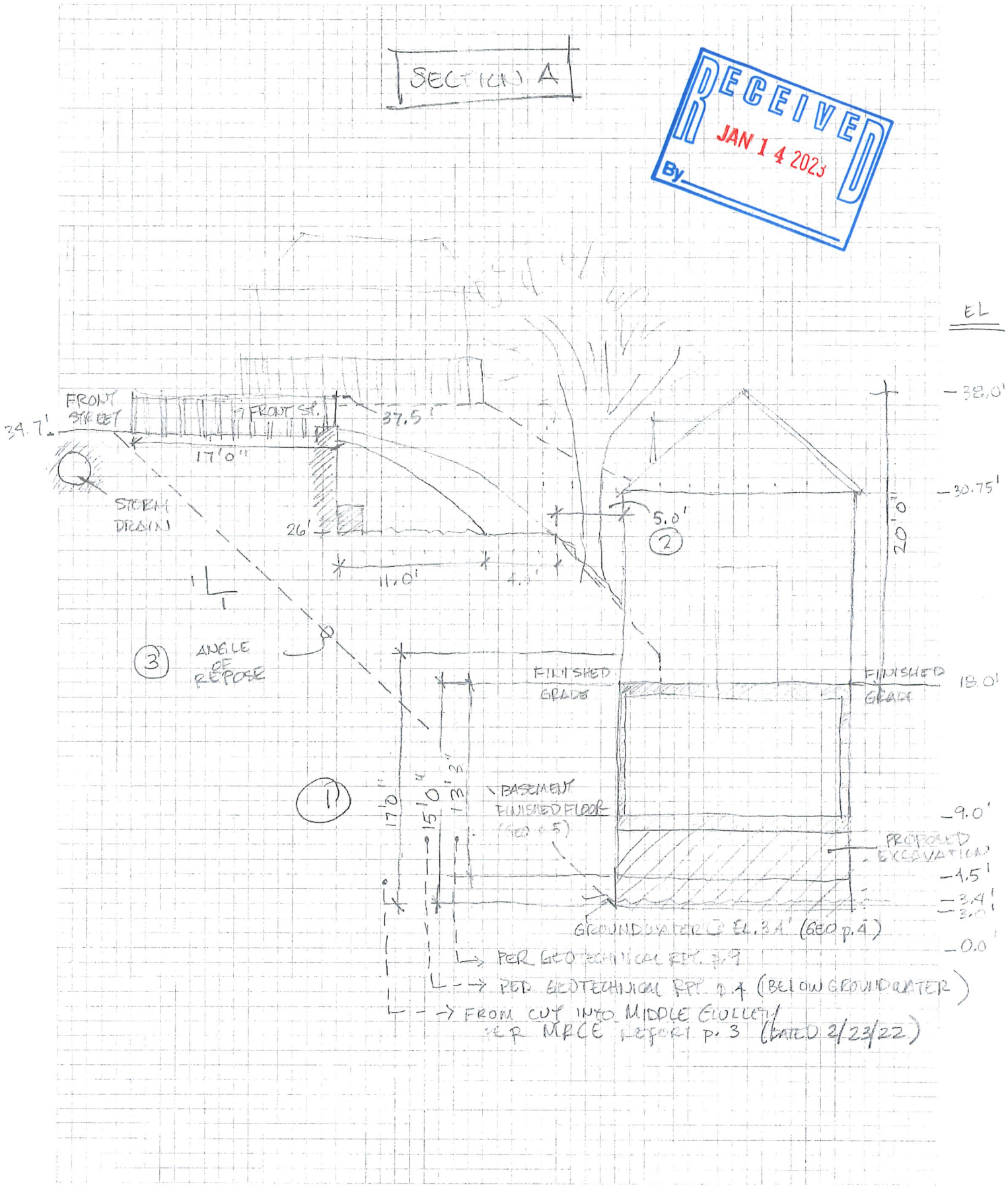
3. **Due to the Depth of Excavation, the Angle of Repose extends to Front Street** in the westerly direction and could have a similar impact to the north and south of the site. The soil above that 45 degree angle line is prone to sliding and caving into the 8 Bank site.

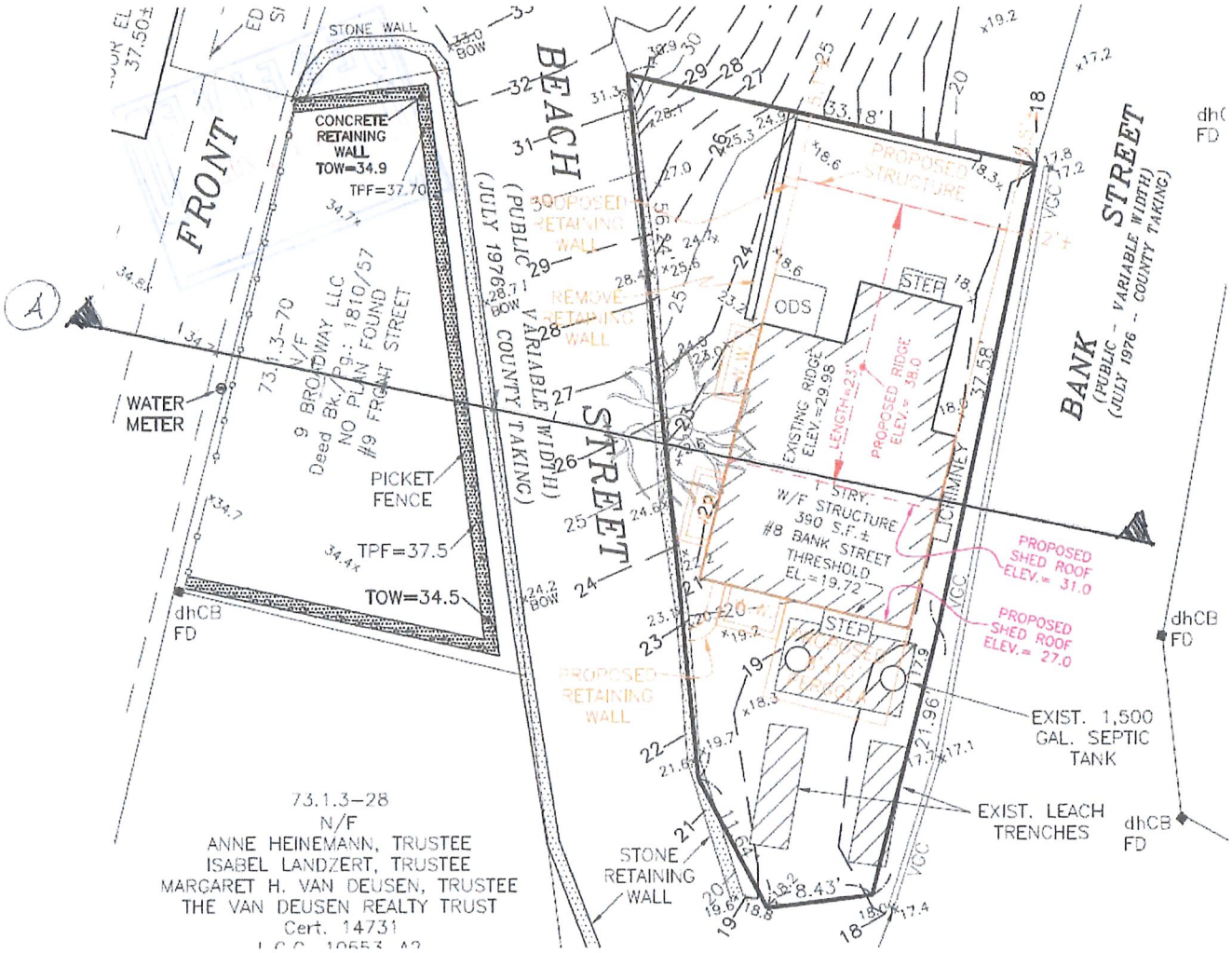
The Zoning Board asked if the Abutters, rather than the 8 Bank Owners, might increase our insurance for the construction.

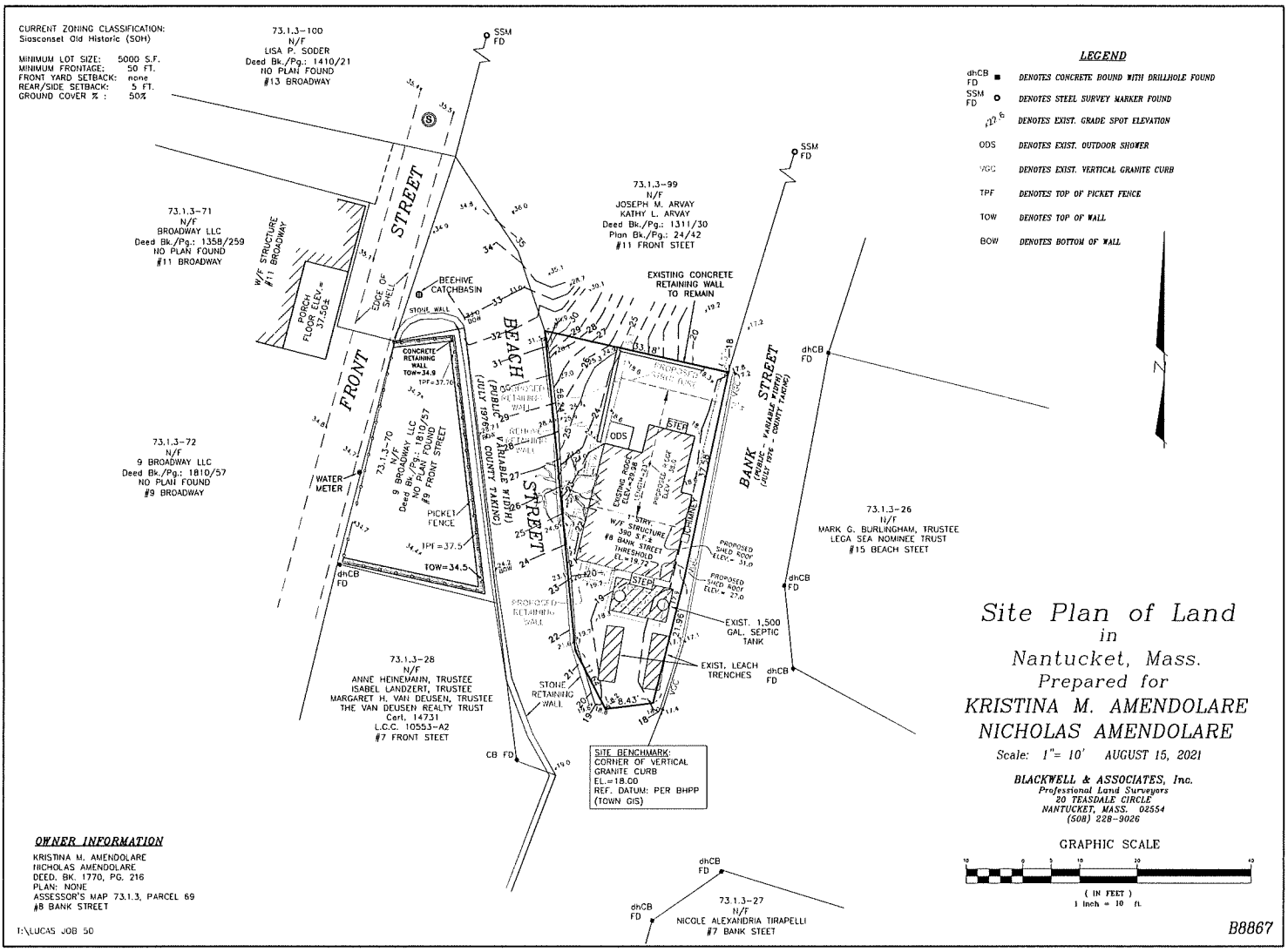
- Per our insurance company, our insurance would increase after the damage occurred, but it is not possible to estimate how much beforehand.
- Vibrations that cause a house to move off of its foundation, or losing a retaining wall and a garden on a cliff, would be considered a total catastrophic loss.
- Using total catastrophic loss as the basis for quantifying the risk, and using our property value as a proxy, the value of the insurance risk for the neighborhood/Abutters would total ~$8-10M conservatively. Middle Gulley would be in addition to that amount.

Each of these points evidence for the ZBA that the 8 Bank Street construction will be substantially more detrimental than the existing structure to the neighborhood, and we request that the ZBA not approve the 8 Bank Street project.

Regards,
Ann & Jeff Gardner


SECTION A
RECEIVED
JAN 14 2023
By
EL
FRONT STREET
FRONT ST.
34.7'
17'0"
37.5'
STORM DRAIN
26'
11.0'
5.0'
2
38.0'
30.75'
20'-0"
3
ANGLE OF REPOSE
FINISHED GRADE
FINISHED GRADE
18.0'
1
17'-0"
15'-0"
3'-0"
BASEMENT FINISHED FLOOR (GEO p. 5)
9.0'
PROPOSED EXCAVATION
1.5'
3.4'
3.0'
GROUNDWATER @ EL. 3.4' (GEO p. 4)
0.0'
→ PER GEOTECHNICAL REPT. p. 9
→ PER GEOTECHNICAL RPT. p. 4 (BELOW GROUNDWATER)
→ FROM CUT INTO MIDDLE FLOWLETT
PER MACE REPORT p. 3 (DATED 2/23/22)


FRONT
BEACH
STREET
(PUBLIC - VARIABLE WIDTH)
(JULY 1976 - COUNTY TAKING)
BANK
STREET
(PUBLIC - VARIABLE WIDTH)
(JULY 1976 - COUNTY TAKING)
STONE WALL
CONCRETE RETAINING WALL TOW=34.9
TPF=37.70
PROPOSED RETAINING WALL
REMOVE RETAINING WALL
PROPOSED STRUCTURE
ODS
STEP
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
EXIST. 1,500 GAL. SEPTIC TANK
EXIST. LEACH TRENCHES
8.43'
33.18'
37.58'
21.96'
WATER METER
PICKET FENCE
TPF=37.5
TOW=34.5
dhCB
FD
VGC
73.1.3-70
N/F
BROADWAY LLC
Deed Bk.: Pg.: 1810/57
NO PLAN FOUND
#9 FRONT STREET
73.1.3-28
N/F
ANNE HEINEMANN, TRUSTEE
ISABEL LANDZERT, TRUSTEE
MARGARET H. VAN DEUSEN, TRUSTEE
THE VAN DEUSEN REALTY TRUST
Cert. 14731
STONE RETAINING WALL



V:\DRAWFILES\B8867\cnkm_SP 2021.dwg 11 BROADWAY 8/15/2022 14:35:54

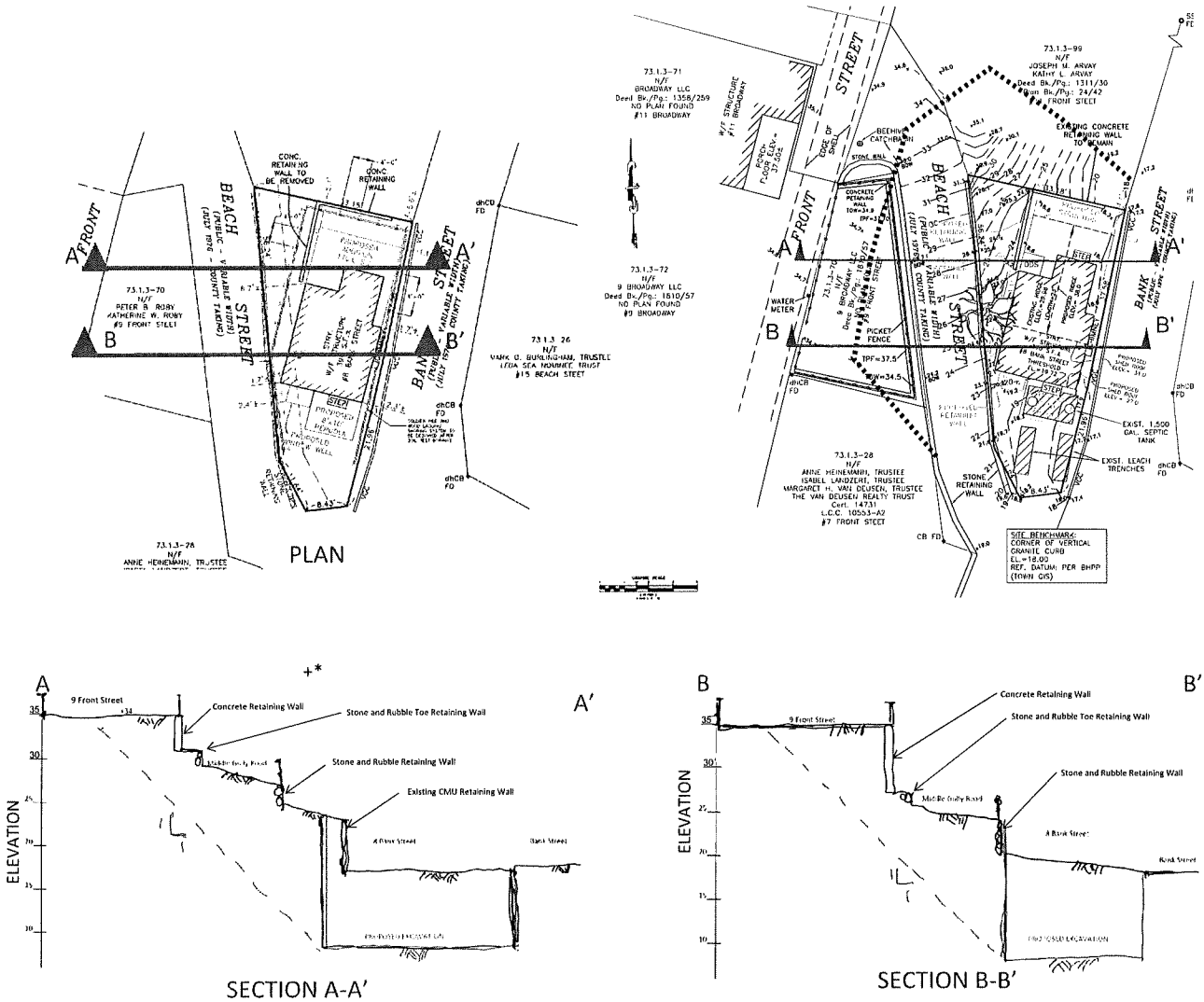
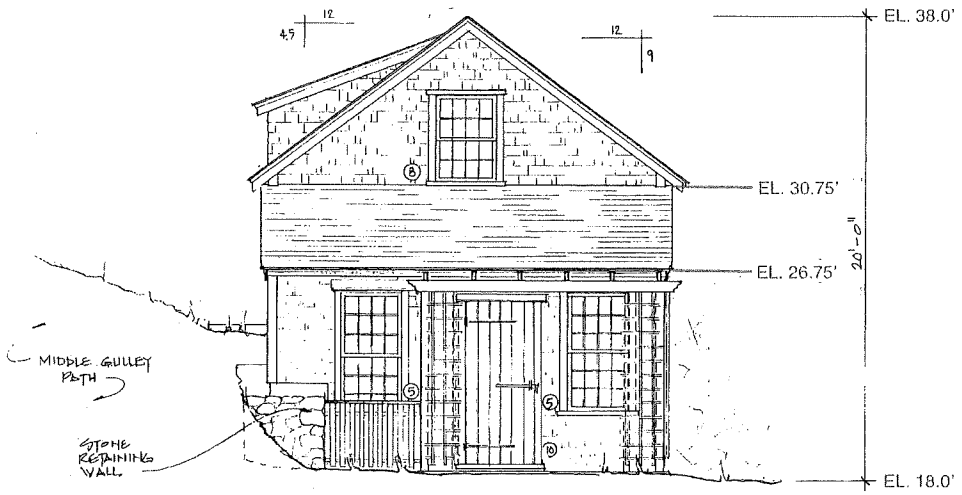


FIGURE 2 – PROPOSED CONSTRUCTION

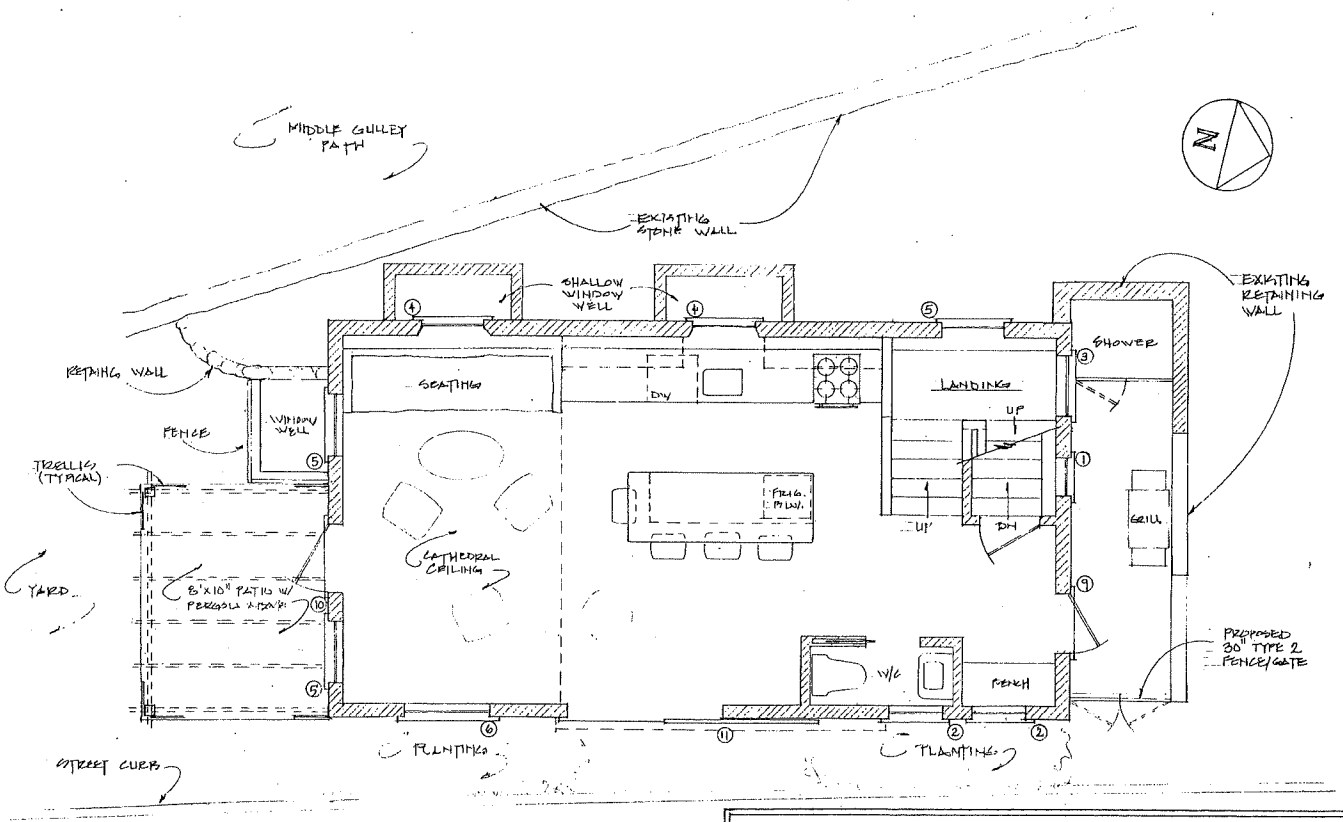
FIGURE 2 – PROPOSED CONSTRUCTION



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA

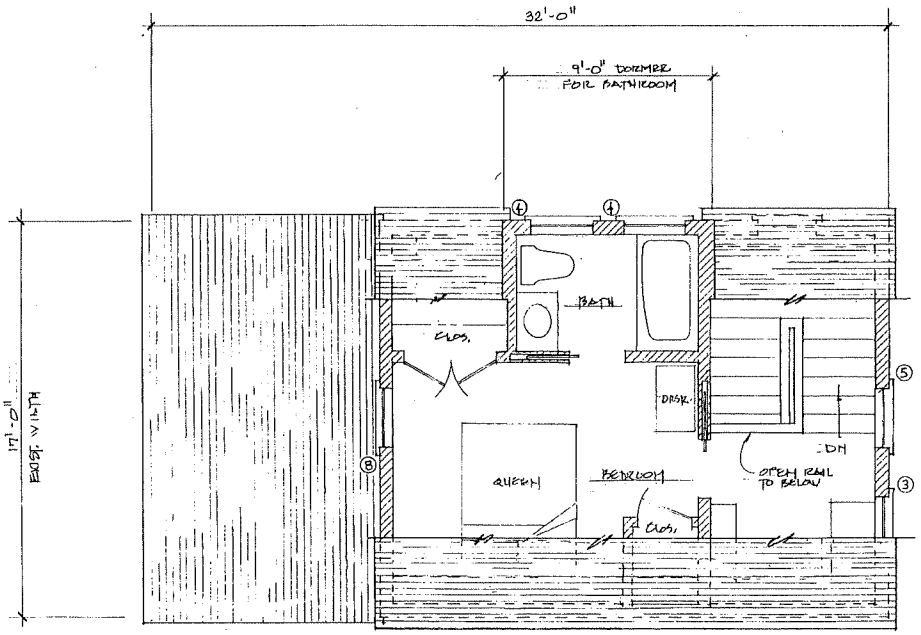
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
GLOUCESTER, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 HONK STREET
'SCONSET, MA.

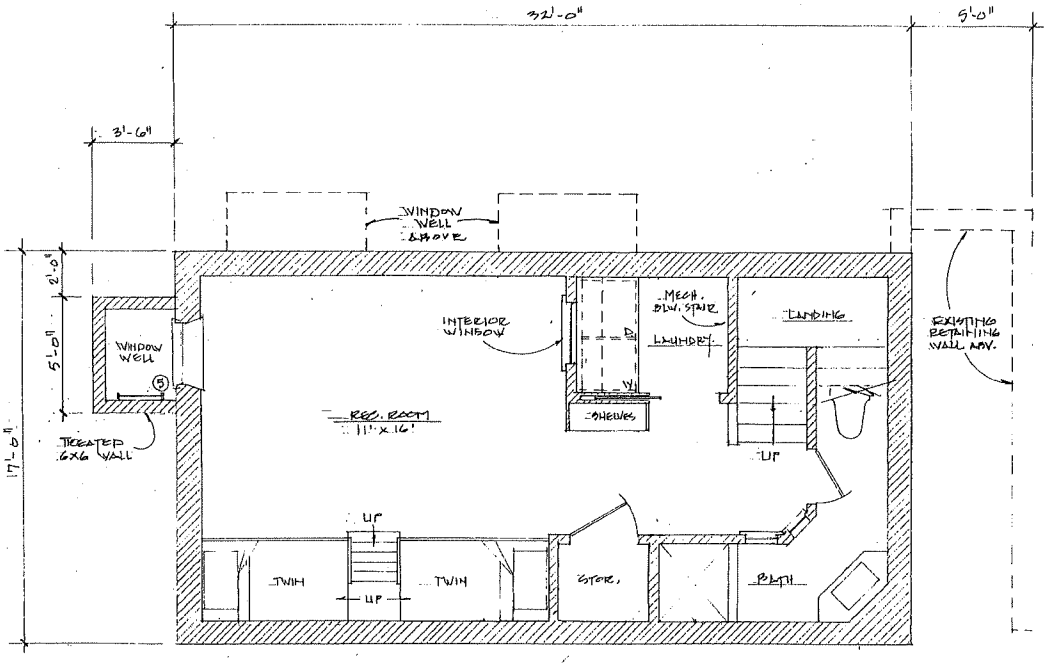
ANGUS MACLEOD DESIGNS
P.O. BOX 7055
'SCONSET, MA
(508) 257-6789



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

AMENDOLARE RESIDENCE
8 BENK STREET
'GCONSET, MA

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



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

AMENDOLARE RESIDENCE
8 BANK STREET
GLOUCESTER, MA.

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

71

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.

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.

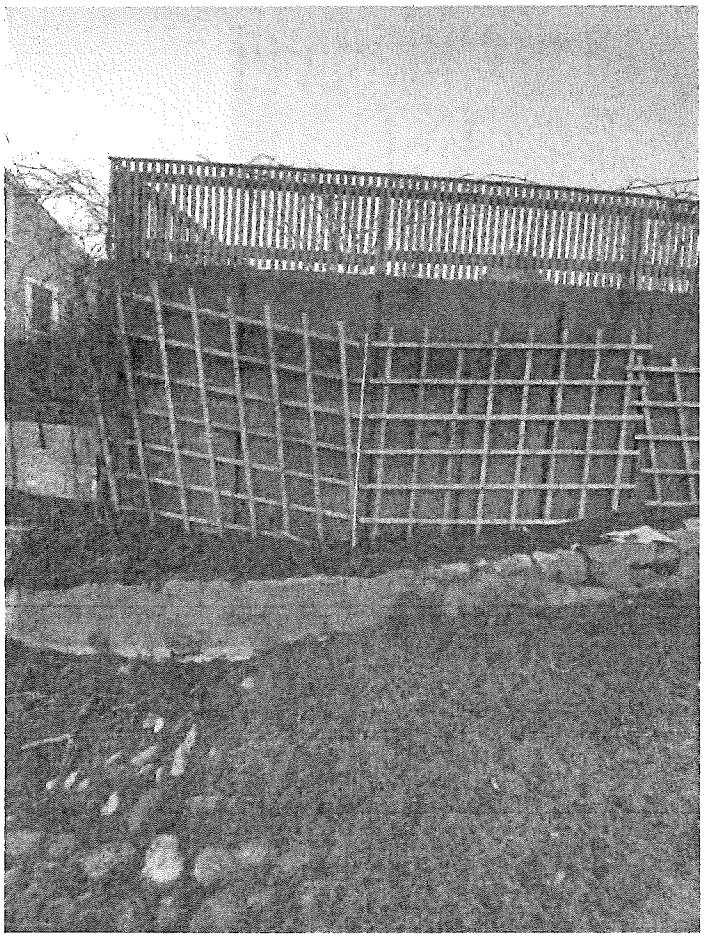
In addition to consideration of the above factors, the types of excavation support system suitable for a particular project depends on the local subsurface soil conditions, the depth and width of the excavation, and the compatibility of the support system with the other construction requirements.

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.

MGA-1 (MW)
[6.5-11.5]
MGA-2
[4-14.5]
BANK STREET
(PUBLIC - VARIABLE WIDTH)
(JULY 1918 - COUNTY TAKING)
BEACH STREET
(PUBLIC - VARIABLE WIDTH)
(JULY 1918 - COUNTY TAKING)
CONC. RETAINING WALL
#8 BANK STREET
#11 FRONT STREET
SITE BENCHMARK
CORNER OF VERTICAL GRANITE CURB
ELEV. = 8.90
(NAVD 88)
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.
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
PROJECT: W0903 DATE: 05/2022 SCALE: AS NOTED
DRAWN: WAM CHECKED: SJH
McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
781.826.0040 phone
781.735.0418 fax

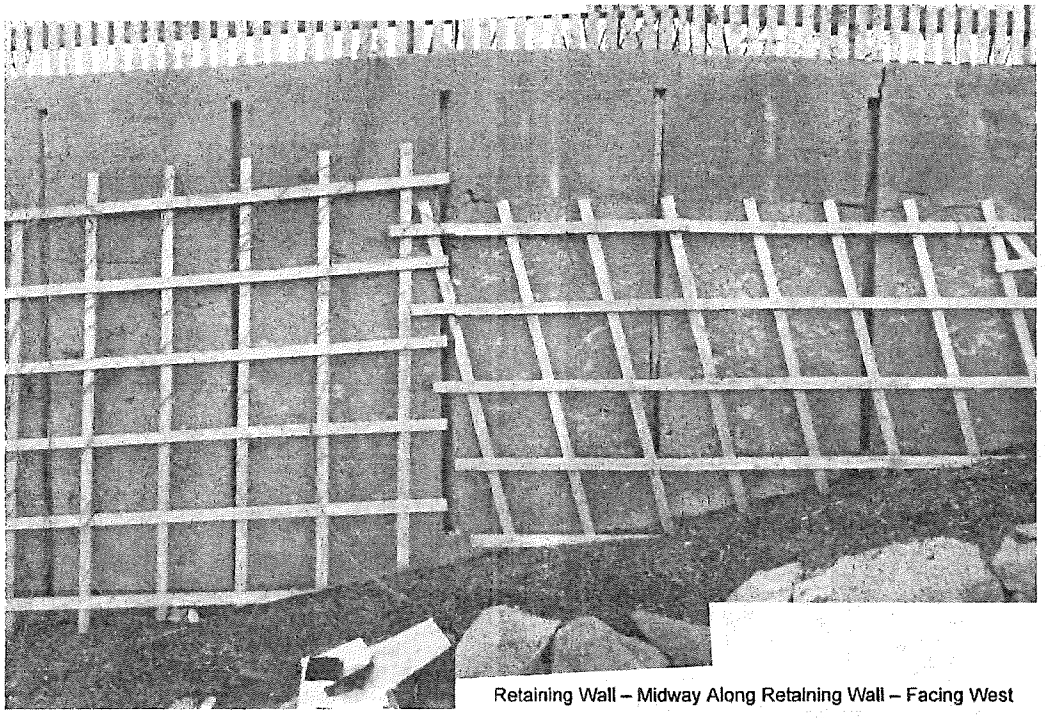


Retaining Wall – South End – Facing West



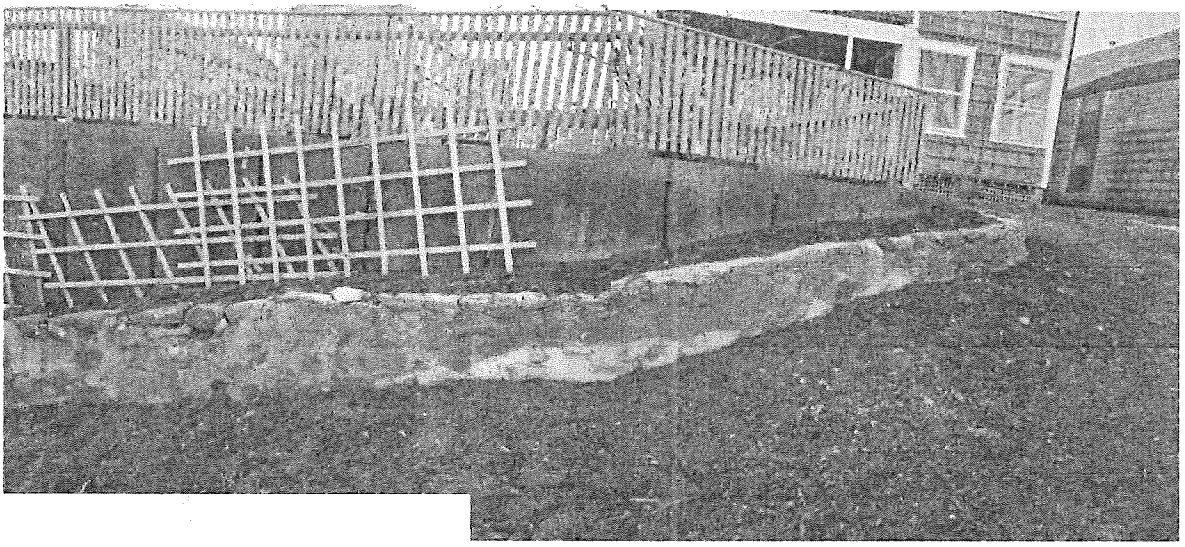
South Return Retaining Wall – Facing North

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



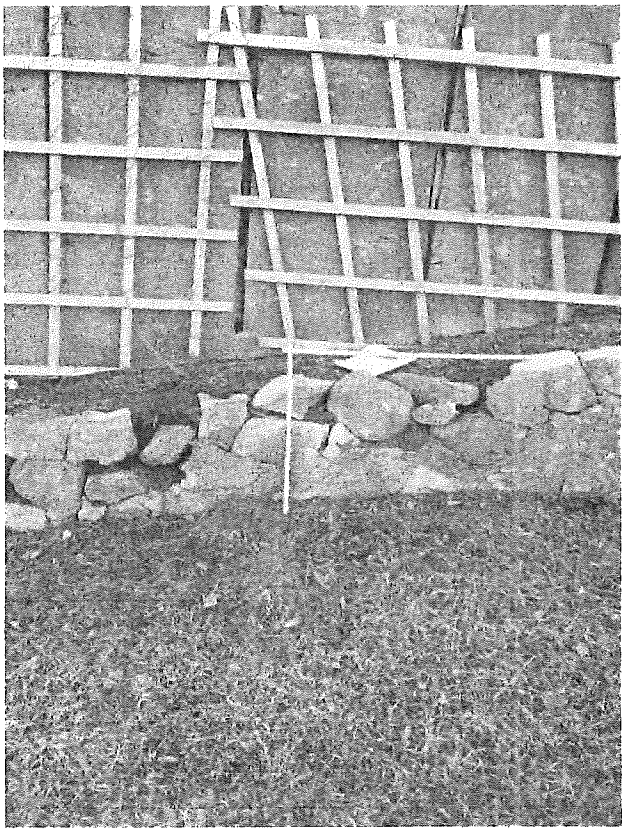
Retaining Wall – Midway Along Retaining Wall – Facing West

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 N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 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



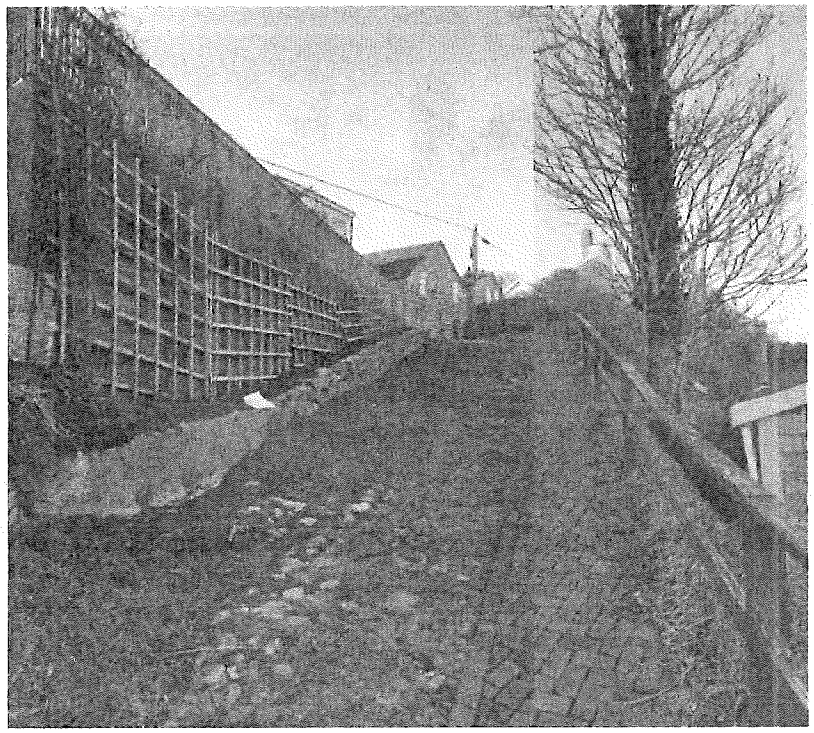
Loose Portions of Toe Retaining Wall on Middle Gully Road

PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

NANTUCKET MA

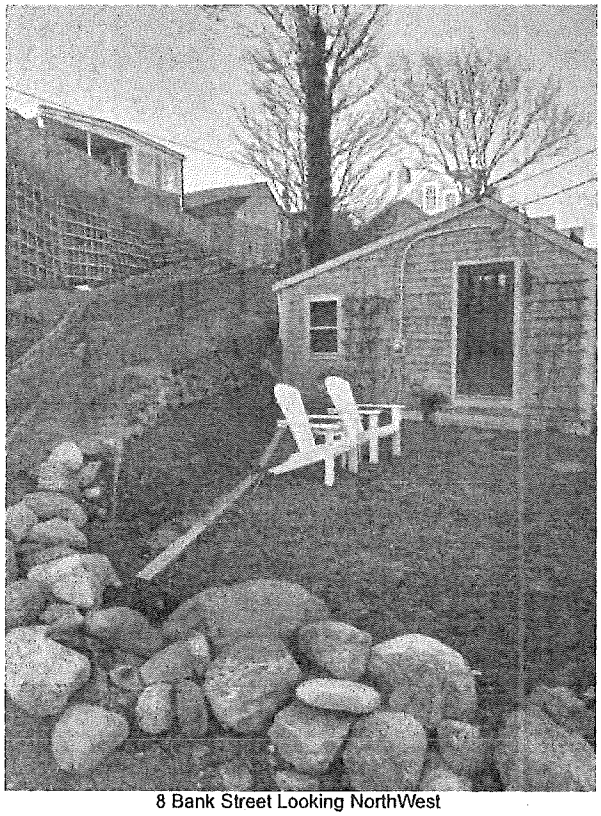
MUESER RUTLEDGE CONSULTING ENGINEERS
14 PENN PLAZA – 225 W 34TH STREET, NEW YORK NY 10122

SCALE	MADE BY: JR	DATE: 02-15-2022	FILE No.
N/A			14294
9 FRONT STREET RETAINING WALL			PLATE 4

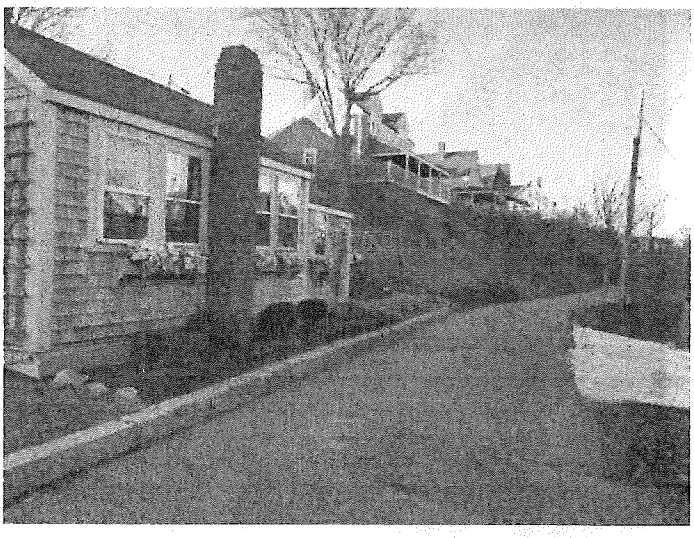


Middle Gully Road, looking North
9 Front Street to Left, 8 Bank Street to Right

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 N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
MIDDLE GULLY ROAD		PLATE 5



8 Bank Street Looking NorthWest



8 Bank Street – Looking North along Bank Street

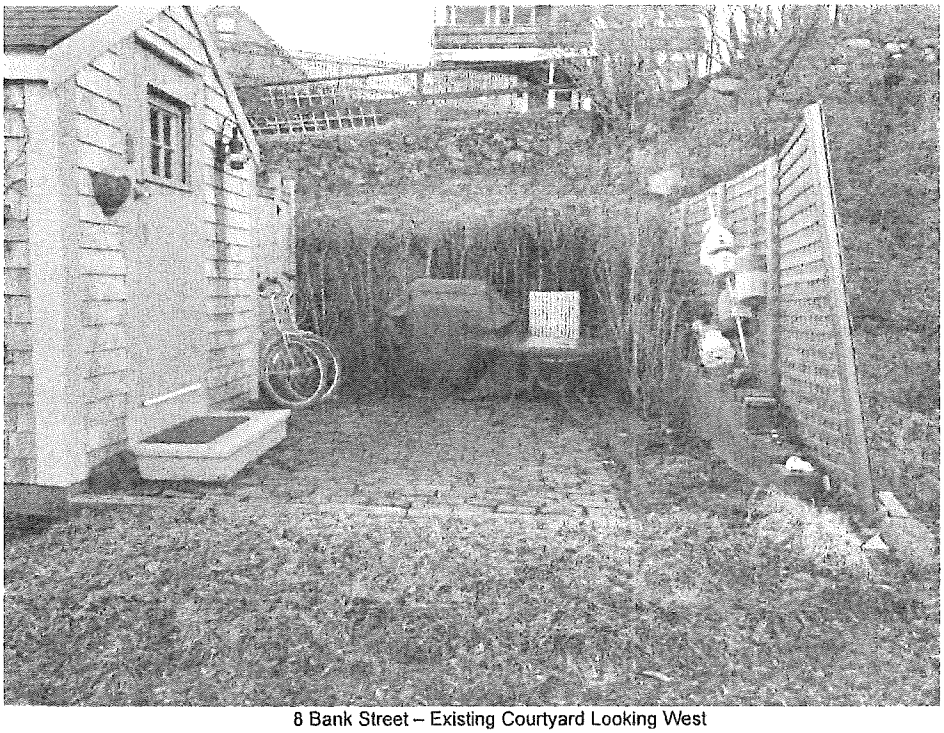
PROPOSED CONSTRUCTION IMPACTS ON
9 BROADWAY, 9 FRONT STREET, & MIDDLE GULLY RD

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 N/A	MADE BY: JR DATE: 02-15-2022	FILE No. 14294
8 BANK STREET		PLATE 7

William Saad

From: Ann Ramsey Gardner <ann@mppllc.us>
Sent: Monday, January 30, 2023 12:10 PM
To: William Saad
Subject: RE: 8 Bank Street Hearing



Thank you, Billy.

I hope you had a good weekend.

Our Front Street cliff in Sconset is the southern edge of the Baxter Road cliff.

I'd also like to request that the ZBA report on the similarities or differences between them and confirm that there is *no risk* in allowing the 8 Bank Street excavation from going forward.

Kind Regards,
Ann Ramsey Gardner
CEO, Madison Park Partners, LLC
Council Member, CDC NORA's Immune, Infectious and Dermal Disease (IID) Cross Sector Council
214.557.7977 c | ann@mppllc.us

From: William Saad <wsaad@nantucket-ma.gov>
Sent: Tuesday, January 17, 2023 7:57 AM
To: Ann Ramsey Gardner <ann@mppllc.us>
Cc: Jeff Gardner <jeffgardnertx@gmail.com>
Subject: RE: 8 Bank Street Hearing

Good morning Ann,
I will send your comments to the board and include them in the packet for the 2/9 meeting.

Best,

Billy Saad
Land Use Specialist

wsaad@nantucket-ma.gov
Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071
Fax: 508-325-5346
www.nantucket-ma.gov

Town & County of
NANTUCKET, MA

STEVEN L. COHEN
&
CHRISTOPHER P. CHOMA
TRUST

File No. 20-22

29 MONOMOY ROAD

VARIANCE

ZBA

PAID
DEC 20 22
By

NANTUCKET
TOWN CLERK
2022 DEC 20 AM 11:04

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00

File No. 20-22

Owner's name(s): Steven L. Cohen and Christopher P. Choma, Trs. of the 29 Monomoy Road Nominee Trust, U/D/T dated November 30, 2015

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, P.O. Box 786

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Applicant's name(s): Same

Mailing Address: 34 Main Street, P.O. Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Locus Address: 29 Monomoy Road Assessor's Map/Parcel: 54/209

Plan: Lots 10 + 11 on LC Plan 10937-C Certificate of Title: 22883

Zoning District: LUG-1

Uses on Lot- Commercial: None

Residential: Number of dwellings One Duplex _____ Apartments _____

Date of Structure(s): all pre-date 1972 No or 2016

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

Please see attached addendum.

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

SIGNATURE:_____ Owner*

SIGNATURE:_____Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

ADDENDUM:

The locus, 29 Monomoy Road, is an undersized lot of 20,000 SF in the Limited Use General - 1 (LUG-1) Zoning District. It is shown on Assessor's Map 54 as Parcel 209 and as Lots 10 and 11 on Land Court Plan No. 10937-C at the Nantucket Registry District of the Land Court. Evidence of Applicant's ownership is at Certificate of Title No. 22883. The premises contains a single-family dwelling with 1,496 SF of ground cover, where 1,500 SF is allowed by Zoning Bylaw Section 139-33.E.1.B, as an alternative to the 7% allowed under Section 139-16. The lot is preexisting nonconforming as to lot area, where 40,000 SF of lot area is required, but is otherwise dimensionally conforming.

The Applicant is a contract purchaser for 5,400 SF of land from the rear abutter to the south-east, 14 Brewster Road. However, 29 Monomoy Road and 14 Brewster Road are separated by a former paper road, the former Orleans Avenue, which was Taken by *Eminent Domain* by the Town in July of 2015, see Document No. 148654. The Yard Sale of this land to the Applicant has been stalled at the Land Court for seven years. As shown on Plan 2015-18, when the process is completed, the Applicant will be able to acquire 7,125 SF of land from the Town. When the private sale and the Yard sale acquisitions are completed, the Applicant will have a lot of 32,525 SF, with an allowed ground cover by right of 2,276,75 SF, a difference of 780.75 SF from the ground cover existing on the lot.

The Applicant is a certain acquirer of the Yard Sale land, as the *only* abutter. Applicant has delayed building an accessory structure on this lot for 7 years, waiting for the Yard Sale process to be completed. Due to the shape of the lot and the temporary non-contiguity of the abutting lots, Applicant seeks relief by Variance pursuant Zoning By-law Section 139-32 from the provisions of Section 139-16 to allow for the use of the ground cover that will be available by right when the Yard Sale is completed.

This Variance would allow the Applicant to move forward with long-delayed plans for a garage and storage structure, which has been a significant burden on the Applicant, and would be a benefit to the neighborhood by encouraging a significant reduction of the lot size nonconformity. Literal application of the ground cover ratio to the pre-Yard Sale lot line does not serve the intent of the bylaw, as the Applicant is attempting to substantially cure a nonconformity and is being delayed at the Land Court. Relief may therefore be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw.



Property Information

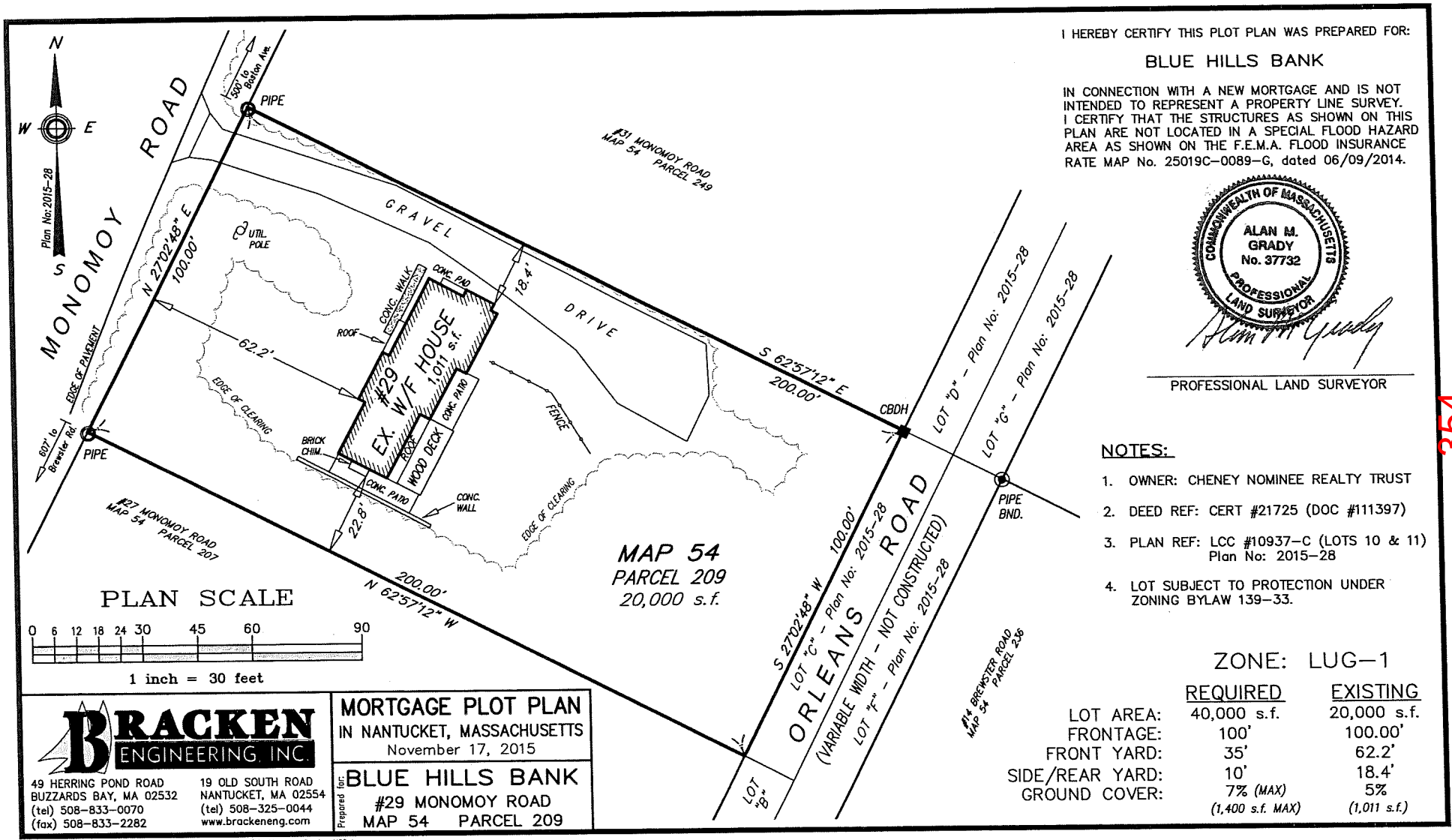
Property ID	54 209
Location	29 MONOMOY RD
Owner	COHEN STEVEN L TR

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 11/14/2022
Data updated Jan. 2021

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



I HEREBY CERTIFY THIS PLOT PLAN WAS PREPARED FOR:

BLUE HILLS BANK

IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED TO REPRESENT A PROPERTY LINE SURVEY. I CERTIFY THAT THE STRUCTURES AS SHOWN ON THIS PLAN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP No. 25019C-0089-G, dated 06/09/2014.

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

PROFESSIONAL LAND SURVEYOR

NOTES:

1. OWNER: CHENEY NOMINEE REALTY TRUST
2. DEED REF: CERT #21725 (DOC #111397)
3. PLAN REF: LCC #10937-C (LOTS 10 & 11) Plan No: 2015-28
4. LOT SUBJECT TO PROTECTION UNDER ZONING BYLAW 139-33.

ZONE: LUG-1

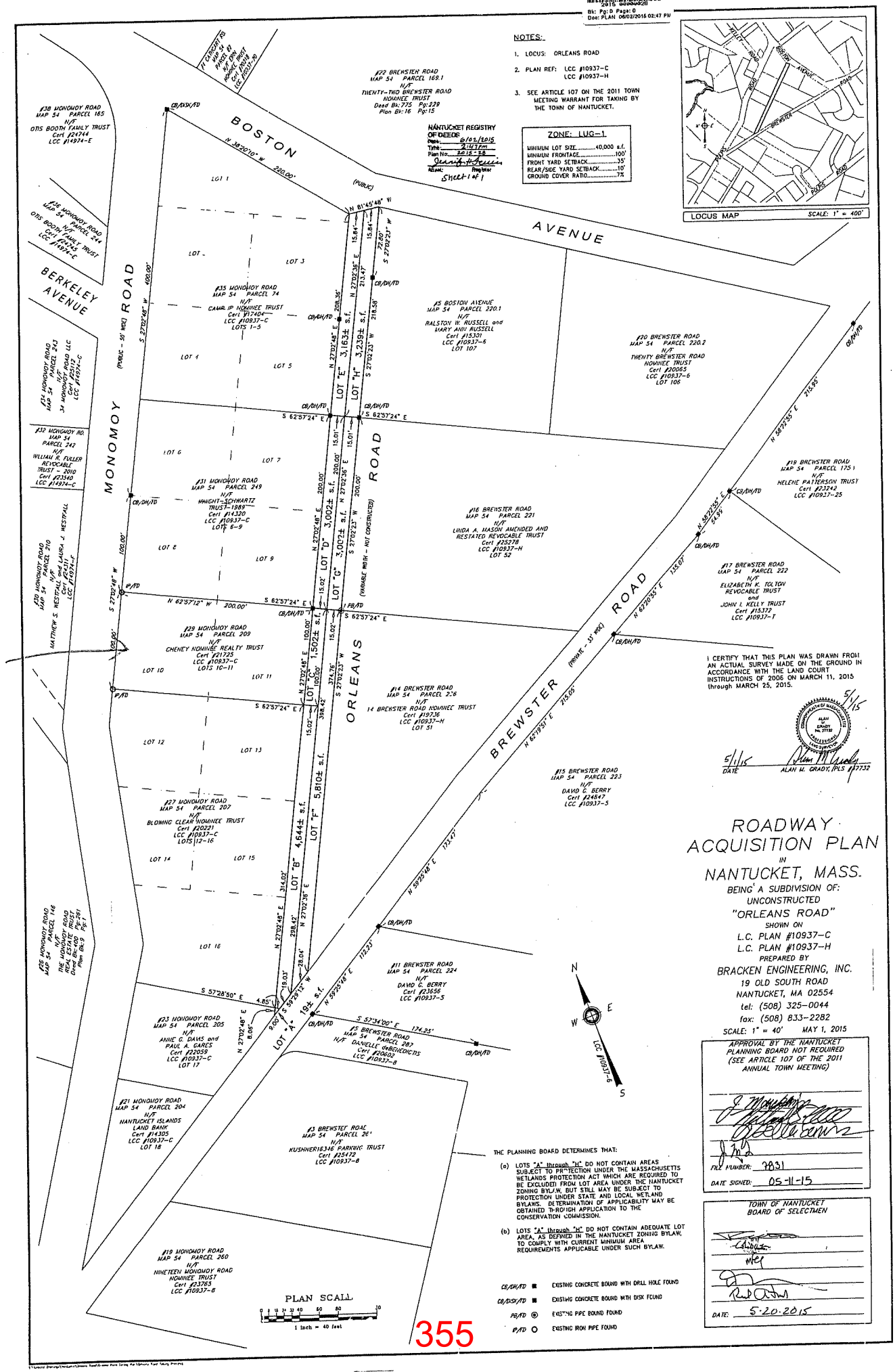
	REQUIRED	EXISTING
LOT AREA:	40,000 s.f.	20,000 s.f.
FRONTAGE:	100'	100.00'
FRONT YARD:	35'	62.2'
SIDE/REAR YARD:	10'	18.4'
GROUND COVER:	7% (MAX) (1,400 s.f. MAX)	5% (1,011 s.f.)

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508-833-0070
(fax) 508-833-2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508-325-0044
www.brackeneng.com

MORTGAGE PLOT PLAN
IN NANTUCKET, MASSACHUSETTS
November 17, 2015

Prepared for: BLUE HILLS BANK
#29 MONOMOY ROAD
MAP 54 PARCEL 209

S:\Autocad Drawings\Nantucket\Monomoy Road\29 Monomoy Road\29 Monomoy Road - MPP.dwg


2015 00006028
Bk: Pg: D Page: 0
Doc: PLAN 06/02/2015 02:47 PM
NOTES:
1. LOCUS: ORLEANS ROAD
2. PLAN REF: LCC #10937-C
LCC #10937-H
3. SEE ARTICLE 107 ON THE 2011 TOWN MEETING WARRANT FOR TAKING BY THE TOWN OF NANTUCKET.
NANTUCKET REGISTRY OF DEEDS
Date: 6/03/2015
Time: 2:14:17pm
Plan No: 2015-28
Attest: Register
Sheet 1 of 1
ZONE: LUG-1
MINIMUM LOT SIZE.....40,000 s.f.
MINIMUM FRONTAGE.....100'
FRONT YARD SETBACK.....35'
REAR/SIDE YARD SETBACK.....10'
GROUND COVER RATIO.....7%
LOCUS MAP
SCALE: 1" = 400'
BOSTON AVENUE
MONOMOY ROAD (PUBLIC - 50' WIDE)
BERKELEY AVENUE
ORLEANS ROAD
BREWSTER ROAD (PRIVATE - 33' WIDE)
LOCUS
#38 MONOMOY ROAD MAP 54 PARCEL 165 N/F OTIS BOOTH FAMILY TRUST Cert #24744 LCC #14974-E
#36 MONOMOY ROAD MAP 54 PARCEL 244 N/F OTIS BOOTH FAMILY TRUST Cert #24745 LCC #14974-E
#35 MONOMOY ROAD MAP 54 PARCEL 74 N/F CAMP IP NOMINEE TRUST Cert #17404 LCC #10937-C LOTS 1-5
#34 MONOMOY ROAD MAP 54 PARCEL 243 N/F 34 MONOMOY ROAD LLC Cert #19711 LCC #14971-C
#32 MONOMOY RD. MAP 54 PARCEL 242 N/F WILLIAM R. FULLER REVOCABLE TRUST - 2010 Cert #23540 LCC #14974-C
#31 MONOMOY ROAD MAP 54 PARCEL 749 N/F HAIGHT-SCHWARTZ TRUST-1988 Cert #14320 LCC #10937-C LOTS 8-9
#30 MONOMOY ROAD MAP 54 PARCEL 210 N/F MATTHEW S. WESTFALL and LAURA J. WESTFALL Cert #24311 LCC #10937-J
#29 MONOMOY ROAD MAP 54 PARCEL 209 N/F CHENEY NOMINEE REALTY TRUST Cert #21725 LCC #10937-C LOTS 10-11
#27 MONOMOY ROAD MAP 54 PARCEL 207 N/F BLOMING CLEAR NOMINEE TRUST Cert #20221 LCC #10937-C LOTS 12-16
#26 MONOMOY ROAD MAP 54 PARCEL 146 N/F THE MONOMOY ROAD REAL ESTATE TRUST Cert #24291 Bk: 400 Pg: 291 Dated: 08/9
#23 MONOMOY ROAD MAP 54 PARCEL 205 N/F ANNE C. DAVIS and PAUL A. CARES Cert #22059 LCC #10937-C LOT 17
#21 MONOMOY ROAD MAP 54 PARCEL 204 N/F NANTUCKET ISLANDS LAND BANK Cert #14305 LCC #10937-C LOT 18
#19 MONOMOY ROAD MAP 54 PARCEL 260 N/F NINETEEN MONOMOY ROAD NOMINEE TRUST Cert #23763 LCC #10937-B
#22 BREWSTER ROAD MAP 54 PARCEL 169.1 N/F TWENTY-TWO BREWSTER ROAD NOMINEE TRUST Deed Bk: 775 Pg: 229 Plan Bk: 16 Pg: 15
#5 BOSTON AVENUE MAP 54 PARCEL 220.1 N/F RALSTON W. RUSSELL and MARY ANN RUSSELL Cert #15301 LCC #10937-B LOT 107
#20 BREWSTER ROAD MAP 54 PARCEL 220.2 N/F TWENTY BREWSTER ROAD NOMINEE TRUST Cert #20065 LCC #10937-B LOT 106
#18 BREWSTER ROAD MAP 54 PARCEL 175 N/F HELEHE PATTERSON TRUST Cert #23242 LCC #10937-B
#16 BREWSTER ROAD MAP 54 PARCEL 221 N/F LINDA A. MASON AMENDED AND RESTATED REVOCABLE TRUST Cert #25278 LCC #10937-H LOT 52
#17 BREWSTER ROAD MAP 54 PARCEL 222 N/F ELIZABETH K. TOLTON REVOCABLE TRUST and JOHN L. KELLY TRUST Cert #15372 LCC #10937-T
#14 BREWSTER ROAD MAP 54 PARCEL 226 N/F 14 BREWSTER ROAD NOMINEE TRUST Cert #19736 LCC #10937-H LOT 51
#15 BREWSTER ROAD MAP 54 PARCEL 223 N/F DAVID G. BERRY Cert #24847 LCC #10937-S
#11 BREWSTER ROAD MAP 54 PARCEL 224 N/F DAVID G. BERRY Cert #23656 LCC #10937-S
#3 BREWSTER ROAD MAP 54 PARCEL 287 N/F DANIELLE ORBEKHEDICHS Cert #20602 LCC #10937-B
#3 BREWSTER ROAD MAP 54 PARCEL 26' N/F KUSHNER1&3&6 PARKING TRUST Cert #25412 LCC #10937-B
LOT "A" 19± s.f.
LOT "B" 4,644± s.f.
LOT "C" 1,502± s.f.
LOT "D" 3,002± s.f.
LOT "E" 3,163± s.f.
LOT "F" 5,810± s.f.
LOT "G" 3,002± s.f.
LOT "H" 3,239± s.f.
(VARIABLE WIDTH - NOT CONSTRUCTED)
I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON MARCH 11, 2015 through MARCH 25, 2015.
5/1/15
5/11/15 DATE
ALAN W. GRADY, PLS #27732
ROADWAY ACQUISITION PLAN
IN
NANTUCKET, MASS.
BEING A SUBDIVISION OF:
UNCONSTRUCTED
"ORLEANS ROAD"
SHOWN ON
L.C. PLAN #10937-C
L.C. PLAN #10937-H
PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282
SCALE: 1" = 40' MAY 1, 2015
APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED (SEE ARTICLE 107 OF THE 2011 ANNUAL TOWN MEETING)
FILE NUMBER: 2831
DATE SIGNED: 05-11-15
TOWN OF NANTUCKET
BOARD OF SELECTMEN
DATE: 5.20.2015
THE PLANNING BOARD DETERMINES THAT:
(a) LOTS "A" through "H" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.
(b) LOTS "A" through "H" DO NOT CONTAIN ADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH CURRENT MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.
CB/DH/AD ■ EXISTING CONCRETE BOUND WITH DRILL HOLE FOUND
CB/DISK/AD ■ EXISTING CONCRETE BOUND WITH DISK FOUND
PB/AD ◉ EXISTING PIPE BOUND FOUND
P/AD ○ EXISTING IRON PIPE FOUND
PLAN SCALE
1 inch = 40 feet
355

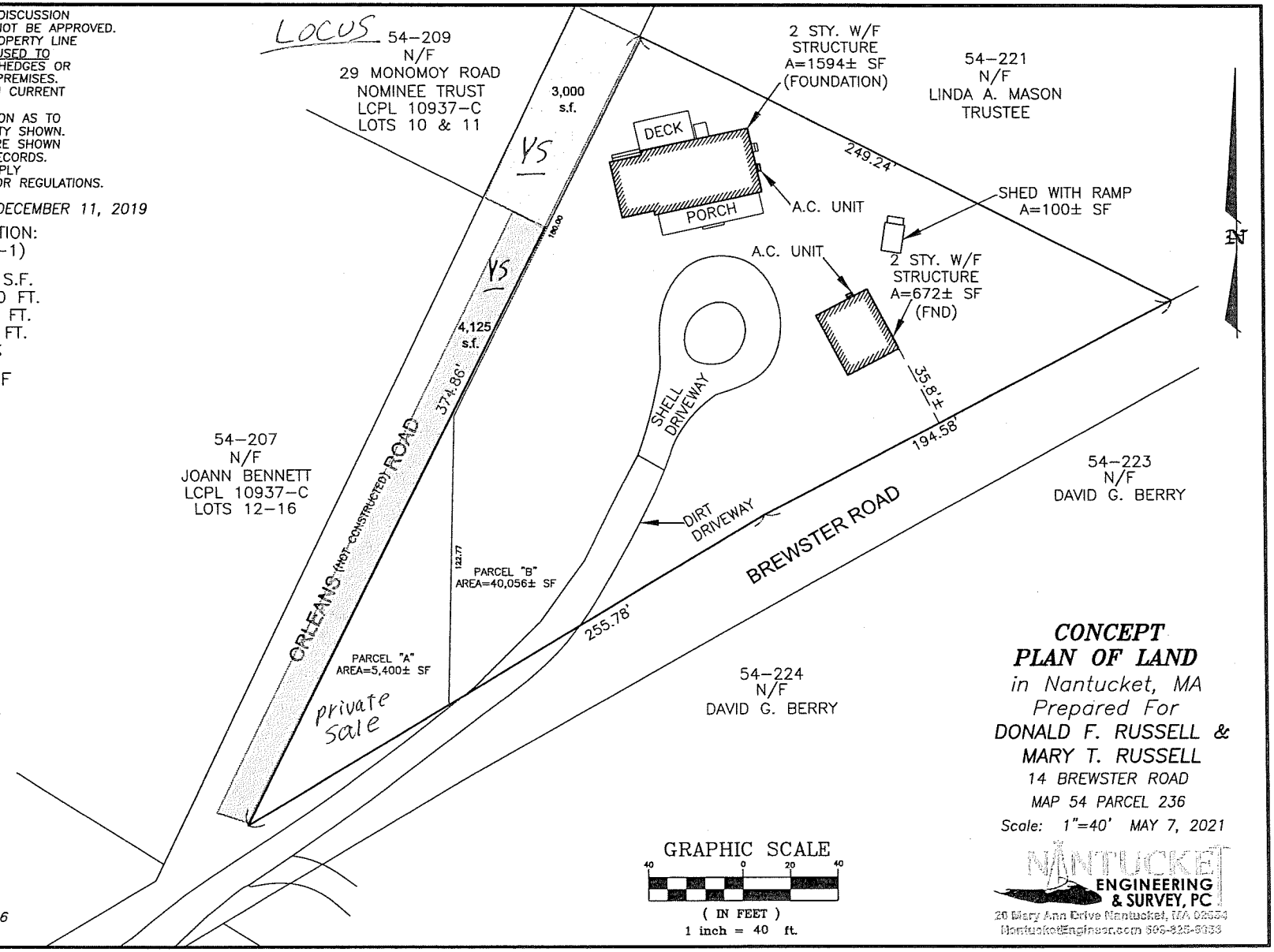
THIS PLOT PLAN WAS PREPARED FOR DISCUSSION DISCUSSION PURPOSES ONLY & MAY NOT BE APPROVED. IT SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. LAYOUT SHOWN HEREON DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS OR REGULATIONS.

SITE CONDITIONS SHOWN AS OF DECEMBER 11, 2019

CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (LUG-1)

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

LOT AREA = 45,456± SF



OWNER INFORMATION
DONALD F. RUSSELL &
MARY T. RUSSELL
CERT. 26,062
LC PLAN 10937-H, LOT 51
ASSESSOR'S MAP 54 PARCEL 236
14 BREWSTER ROAD

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

CONCEPT PLAN OF LAND
in Nantucket, MA
Prepared For
DONALD F. RUSSELL & MARY T. RUSSELL
14 BREWSTER ROAD
MAP 54 PARCEL 236
Scale: 1"=40' MAY 7, 2021

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5033

356

2015 00148654
Cert: 22059 Doc: OOT
Registered: 07/23/2015 03:24 PM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN OF PORTIONS OF ORLEANS ROAD

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 at 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 adopted by the Town on Article 107 at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, 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 Orleans Road described below ("Parcels") is required for general municipal purposes and/or public 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 of land entitled "Roadway Acquisition Plan in Nantucket, Mass., Being a Subdivision of Unconstructed "Orleans Road," prepared by Bracken engineering, Inc., dated May 1, 2015 recorded with Nantucket county Registry of Deeds as Plan No. 2015-28(the "Plan") and consisting of the following Parcels described on the Plan:

Parcel	Address/Location	Area ±
Lot A	Orleans Road	19 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 205	Anne G. Davis and Paul A. Gares	Certificate of Title No. 22059

Parcel	Address/Location	Area ±
Lot B	Orleans Road	4,644 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54 Parcel 207	Whitney A. Gifford, Trustee of Blowing Clear Nominee Trust u/d/t dated February 20, 2002 filed with Nantucket Registry District of the Land Court as Document No. 96048	Certificate of Title No.20221

Parcel	Address/Location	Area ±
Lot C	Orleans Road	1,502 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 209	Wendy R. Cheney and Mack L. Cheney, Trustees of Cheney Nominee Realty Trust u/d/t dated February 4, 2005 evidenced by Trustee's Certificate Under G.L. c. 184, s. 35 filed with said Registry District as Document No. 111398	Certificate of Title No. 21725

Parcel	Address/Location	Area ±
Lot D	Orleans Road	3,002 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 249	C. Ethelind Knight-Schwartz, Trustee of Knight-Schwartz Trust-1989 u/d/t dated November 20, 1989, filed as Document No. 49258 with said Registry District of the Land court, as amended by by trust agreement filed as Document No. 91598 filed with said Registry District	Certificate of Title No.14320

Parcel	Address/Location	Area ±
Lot E	Orleans Road	3,163 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 74	Suzanne Rinfret Moore, Trustee of Camp IP Nominee Trust u/d/t dated June 26, 1996 evidenced by Trustee's	Certificate of Title No. 17404

Certificate Under M.G.L. c. 184, s.35 filed with
Said Registry district as Document No. 118352

Parcel	Address/Location	Area±
Lot F	Orleans Road	5,810 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 236	Christopher Rich and John F. Rich, Trustees of the 14 Brewer Road Nominee Trust u/d/t dated October 16, 2000 filed as Document No. 91174 with said Registry District	Certificate of Title No. 19736

Parcel	Address/Location	Area±
Lot G	Orleans Road	3,002 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 221	Linda A. Mason, Trustee Linda A. Mason Amended and Restated Revocable Trust Agreement u/d/t Dated May 15, 2014 evidenced by a Trustee's Certificate Pursuant to M.G.L. c. 184, s. 35 filed as Document No. 145255 with said Registry District	Certificate of Title No. 25278

Parcel	Address/Location	Area±
Lot H	Orleans Road	3,239 s.f.
Assessor ID	Supposed Owner (s)	Title Reference
Map 54, Parcel 220.1	Wynnemer, LLC	Certificate of Title No. 25622

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 Laws 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 22 day July, 2015

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Robert DeCosta

Matthew G. Fee

Rick Atherton

Tobias B. Glidden

Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this 22 day of July, 2015, before me, the undersigned notary public, personally appeared Robert DeCosta, Matthew G. Fee, Rick Atherton, Tobias B. Glidden and Dawn E. Hill Holdgate 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.

Erika D Mooney
Notary Public
My commission expires:

526544/NANTYDSALE/0001

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

Town of Nantucket

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

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

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

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

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 107: "Real Estate Acquisition: Various "Paper" Streets"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 107 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 107
(Real Estate Acquisition: Various "Paper" Streets)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways:

- Proprietors Road in the Shimmo area known as Gardner Road bounded by the northeastern lot line of Parcels 131, 132, 133, the northeastern sideline of South Valley Road, the northeastern lot line of Parcels 134 and 135, the southeastern sideline of North Road, the southwestern lot line of Parcels 85, 86, and 92, and the northwestern lot line of Parcel 96; all as shown on Assessor Map 43;

- Vestal Street bounded by the southern sideline of Dukes Road, the northern lot line of Parcels 244, 267 and 268, a line extending across Vestal Street from the northeastern corner of Parcel 268 to the southeastern corner of Parcel 246, and the southern sideline of Parcels 246 and 245; all as shown on Assessor Map 56;

- Pollock (a.k.a. Pollack) Avenue and High Street between the southern sideline of Morgan Square and the northern sideline of Western Avenue; Morgan Square bounded by a line extending the southern sideline of Brooks Avenue across Morgan Square, the western and southern lot lines of Parcel 3.4, the southern lot line of Parcel 3.3, a line extending the eastern lot line of Parcel 3.3 across Morgan Square; a northern lot line of Parcel 4, the northern sideline of High Street, the northern lot line of Parcel 91, the northern sideline of Pollock (aka) Pollack) Avenue and the western and a northern lot lines of Parcel 86; and Western Avenue bounded by the southern lot lines of Parcel 93, 4, and 91 and the southern sidelines of Pollock Avenue, Washington Street and High Street, northern and western lot lines of Parcel 36, and eastern by a line extending across Western Avenue extending from the western lot line of Parcel 84; all as shown on Assessor Map 87;

- Orleans Road between the southwestern sideline of Boston Avenue and the northern sideline of Brewster Road; all as shown on Assessor Map 54;

- Hulbert Avenue Extension between a line perpendicular to the western sideline at a point where the northeast corner of Assessor Map 30 Parcel 49 intersects Hulbert Avenue Extension to Nantucket Sound;

- Sherburne Turnpike-Lot P-5 as shown on a plan entitled "Proposed Modification of Sherburne Turnpike (a.k.a. Sherburne Avenue) dated February 2007, by Blackwell and Associates, Inc." and on file at the Nantucket Registry of Deeds at Plan No. 2008-62;

And, 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.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be authorized to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways identified in Article 107 of this Warrant, all as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011.

Steven L. Cohen and Christopher P. Choma, Trs. 29 Monomoy Road Nominee Trust, FILE NO. 22-xx

Applicant is requesting relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver from the ground cover provision in Section 139-16 in order to construct an accessory structure of up to 780.25 SF. The property is located at 29 Monomoy Road, shown on Assessor's Map 54 as Parcel 209 and as Lots 10 + 11 on Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22883 at the Nantucket County District of the Land Court. The site is zoned Limited Use General -1 (LUG-1).

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
54	74		WILMOT MARK S		33-35 MONOMOY RD	NANTUCKET	MA	02554	35 MONOMOY RD
54	147		WILLET E CROSBY & WILLET AUGUSTA W TR		2400 INDIAN CREEK BLVD WEST	VERO BEACH	FL	32966	4 MONOMOY CREEK RD
54	205		CHEEVER CONSTANCE K & DAVID TR	CHEEVER CONSTANCE K REV TRUST	23 MONOMOY RD	NANTUCKET	MA	02554	23 MONOMOY RD
54	207		BENNETT JOANN		27 MONOMOY ROAD	NANTUCKET	MA	02554	27 MONOMOY RD
54	210		WESTFALL MATTHEW S & LAURA J		1342 LACHMAN LANE	PACIFIC PALISADES	CA	90272	30 MONOMOY RD
54	215		LANDRETH ROBERT E		1600 COUNTRY CLUB RD	MIDLAND	TX	79701	4 BERKELEY AV
54	220	1	WYNNEMER LLC		65 SPRING DELL ROAD	LANCASTER	PA	17601	5 BOSTON AV
54	220	2	STAPLES GARY S TRUSTEE	TWENTY BREWSTER RD NOM TRUST	305 MARYLAND AVENUE NE	WASHINGTON	DC	20002	20 BREWSTER RD
54	221		MASON LINDA A TRUSTEE		227 GARDEN ROAD	PALM BEACH	FL	33480	16 BREWSTER RD
54	223		BERRY DAVID G		PO BOX 1288	NANTUCKET	MA	02554	15 BREWSTER RD
54	224		BERRY DAVID G		P O BOX 1288	NANTUCKET	MA	02554	11 BREWSTER RD
54	236		RUSSELL DONALD & MARY T		6391 CAICOS CT	VERO BEACH	FL	32967	14 BREWSTER RD
54	242		COPLEY MONOMOY LLC		896 BEACON STREET	BOSTON	MA	02215	32 MONOMOY RD
54	243		REDAN MONOMOY HOLDINGS LLC		1111 CAROLINE ST #2306	HOUSTON	TX	77010	34 MONOMOY RD
54	249		KNIGHT-SCHWARTZ C ETHELIND TR &	SCHWARTZ DAVID A TR	104 TIFFANY LANE	SUMMERVILLE	SC	29485	31 MONOMOY RD
Count:	15								

WILMOT MARK S
33-35 MONOMOY RD
NANTUCKET, MA 02554

WILLET E CROSBY & WILLET AUGUSTA W TR
2400 INDIAN CREEK BLVD WEST
VERO BEACH, FL 32966

CHEEVER CONSTANCE K & DAVID TR
CHEEVER CONSTANCE K REV TRUST
23 MONOMOY RD
NANTUCKET, MA 02554

BENNETT JOANN
27 MONOMOY ROAD
NANTUCKET, MA 02554

WESTFALL MATTHEW S & LAURA J
1342 LACHMAN LANE
PACIFIC PALISADES, CA 90272

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

WYNNEMER LLC
65 SPRING DELL ROAD
LANCASTER, PA 17601

STAPLES GARY S TRUSTEE
TWENTY BREWSTER RD NOM TRUST
305 MARYLAND AVENUE NE
WASHINGTON, DC 20002

MASON LINDA A TRUSTEE
227 GARDEN ROAD
PALM BEACH, FL 33480

BERRY DAVID G
PO BOX 1288
NANTUCKET, MA 02554

BERRY DAVID G
P O BOX 1288
NANTUCKET, MA 02554

RUSSELL DONALD & MARY T
6391 CAICOS CT
VERO BEACH, FL 32967

COPLEY MONOMOY LLC
896 BEACON STREET
BOSTON, MA 02215

REDAN MONOMOY HOLDINGS LLC
1111 CAROLINE ST #2306
HOUSTON, TX 77010

KNIGHT-SCHWARTZ C ETHELIND TR &
SCHWARTZ DAVID A TR
104 TIFFANY LANE
SUMMERVILLE, SC 29485

Abutt

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name
54	74		WILMOT MARK S	
54	147		WILLET E CROSBY & WILLET AUGUSTA W TR	
54	205		CHEEVER CONSTANCE K & DAVID TR	CHEEVER CONSTANCE K I TR
54	207		BENNETT JOANN	
54	210		WESTFALL MATTHEW S & LAURA J	
54	215		LANDRETH ROBERT E	
54	220	1	WYNNEMER LLC	
54	220	2	STAPLES GARY S TRUSTEE	TWENTY BREWSTER RD N TRI
54	221		MASON LINDA A TRUSTEE	
54	223		BERRY DAVID G	
54	224		BERRY DAVID G	
54	236		RUSSELL DONALD & MARY T	
54	242		COPLEY MONOMOY LLC	
54	243		REDAN MONOMOY HOLDINGS LLC	
54	249		KNIGHT-SCHWARTZ C ETHELIND TR &	SCHWARTZ DAVID A

Count: 15

NEW BUSINESS

PAUL P. & JEAN M.

MORAN

File No. 10-22

4 Washington Ave

SPECIAL PERMIT

Continued to March 09,2023

Cueto Francis E. Trustee of
FAO Nominee Trust

File No. 01-23

23 Orange Street

MODIFICATION

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 228-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Tuesday, January 17, 2023

VIA HAND DELIVERY & EMAIL

Leslie Woodson Snell, AICP, LEED ® AP
Deputy Director of Planning and Zoning Administrator
Planning and Land Use Services (PLUS)
2 Fairgrounds Road
Nantucket, MA 02554

Re: Amendment to Previously Issued Board of Appeals Decisions
23 Orange Street, Nantucket, MA 02554
Owner/Applicant: Francis E. Cueto, Trustee

Dear Leslie:

My client, Owner/Applicant, Francis E. Cueto, Trustee of the FAO Nominee Trust, u/d/t dated February 1, 2010, the owner of 23 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 9 on Nantucket Tax Accessor's Map 42.3.2 (the "Premises"), seeks to Amend Previously Granted Special Permits encumbering the Premises. To that end, enclosed, please find the following:

1. Two (2) separate paper applications;
2. The completed application form;
3. Addendum;
4. Locus plan from the Nantucket Tax Assessor's map book;
5. Existing conditions Plan;

6. Proposed Conditions Plan;
7. Completed Abutters Package, containing the certified abutters list, spreadsheet and four (4) sets of mailing labels, and
8. A check for $450 made payable to the Town of Nantucket.

Please note that the Applicant reserves the right to supplement this Application with any additional materials and information at a later time. Please mark this matter for hearing by the Board of Appeals at its meeting scheduled for February 9, 2023.

Please feel free to call me should you or any of the Staff or Board members have questions or concerns.

Sincerely,

Richard P. Beaudette, Esq.

Encl.

CC: Francis E. Cueto, Trustee

TOWN CLERK
2023 JAN 17 PM 2:58

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
JAN 17 2023
By

APPLICATION

Fee: $450.00 **File No.** 01-23

Owner's name(s): CUETO, FRANCIS, E., Trustee of FAO NOMINEE TRUST
C/O Beaudette and Swain, LLC
Mailing address: 35 (D) Old South Road, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@nantucketlawfirm.com

Applicant's name(s): CUETO, FRANCIS, E., Trustee of FAO NOMINEE TRUST
C/O Beaudette and Swain, LLC
Mailing Address: 35 (d) Old South Road, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@nantucketlawfirm.com

Locus Address: 23 Orange Street
Nantucket, MA 02554 Assessor's Map/Parcel: 42.3.2 / 9

Land Court Plan/Plan Book & Page/Plan File No.: Land in PlanBook 2, Page 91 & Plan Book 5, Page 23

Deed Reference/Certificate of Title: 1924/146 Zoning District ROH

Uses on Lot- Commercial: None X Yes (describe) _____
Residential: Number of dwellings 1 Duplex 0 Apartments 0

Date of Structure(s): all pre-date 7/72 [1] or _____

Building Permit Numbers: _____

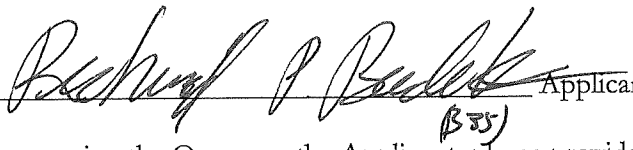
Previous Zoning Board Application Numbers: 038-06 & 031-06

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

See addendum attached hereto.

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

SIGNATURE:_____ Owner*

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

I. INTRODUCTION

The Applicant, Francis E. Cueto, Trustee, of the FAO Nominee Trust, u/d/t dated February 1, 2010, is the owner of 23 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 9 on Nantucket Tax Accessor's Map 42.3.2, and further identified as land shown in Plan Book 2, Page 91, and land in Plan Book 5, Page 23, at the Nantucket Registry of Deeds (the "Premises", or "23 Orange Street"), and 29 Orange Street Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 69 on Nantucket Tax Assessor's Map 42.3.2, and further identified as land marked "A", on plan of Land recorded in Plan Book 7, Page 23, at the Nantucket Registry of Deeds ("29 Orange Street").

Both 23 Orange Street and 29 Orange Street are located in the Residential Old Historic ("ROH") Zoning District. Pursuant to Ch. 139 § 16 of the Nantucket Zoning Bylaw, lots in the ROH Zoning District are required to have five thousand (5,000) s.f. of Lot Area, fifty feet (50') of Frontage, can be improved with up to forty percent (40%) Ground Cover, and structures thereon are required to be sited five feet (5') from the side and rear lot lines.

23 Orange Street is improved with a single-family dwelling, containing approximately 1,690 ± s.f. of Ground Cover, on a lot that contains approximately 4,775 ± s.f. of Lot Area, and therefore, has a Ground Cover Ratio of 35.4%[1] and has 24.25 feet of frontage on Orange Street.

[1] The most recent survey of the property, performed by Bracken Engineering, dated September 29, 2021, referred to as the Existing Conditions Plan, attached hereto as Exhibit "A", provides there is 4,775 s.f. of lot area and there is 1,690 s.f. of ground cover, or a 35.4% Ground Cover Ratio. However, an older survey, performed by Charles Hart, dated October 14, 2005, provides that 23 Orange has 4,679 s.f. of Lot Area and contains 1,590 s.f. of ground cover, or has a Ground Cover ratio of 34%. It appears that there is a discrepancy between the Lot Area and Ground Cover Ratio between the Bracken Plan and the Hart Plan, which is most likely attributed to the advancement in surveying

The structure and its appurtenant uses on 23 Orange Street are sited zero (0') feet from the front and side yard setbacks, and 6.4 feet from the rear lot line setback.

Currently, 23 Orange Street is preexisting nonconforming as to Lot Ara, Frontage, and the side yard setback distances, but conforms to the Ground Cover Ratio requirements and rear lot line setback requirements of the ROH Zoning District (see the Existing Conditions Plan, attached hereto as Exhibit "A".)

29 Orange Street is an oversized lot containing approximately 7,337 s.f. of Lot Area, has 53.5 feet of Frontage, and contains an approximate 37.1 % Ground Cover Ratio. The structures on this property were constructed prior to the adoption of the Nantucket Zoning Bylaw and its' 2.9 foot southerly side yard setback distance is preexisting nonconforming and the height of the primary dwelling on this property is preexisting nonconforming as it is over 30 feet tall.

II. PERMITTING HISTORY

a. 23 ORANGE STREET

23 Orange Street is encumbered by two (2) Board of Appeals Decisions, the first of which is Board of Appeals File No. 031-06, recorded at the Nantucket Registry of Deeds in Book 1025, Page 339 ("BOA Decision No. 1"), and the second is Board of Appeals File No. 038-06, recorded in Book 1025, Page 345 at said Registry ("BOA Decision No. 2").

equipment between the time in which the respective surveys were performed, or a mistake was made in the Hart Plan. A review of both plans show that there is no difference in the structure located at 23 Orange Street.

i. ***Original Special Permit to Alter Preexisting Nonconforming Structure***

BOA Decision No. 1 permitted the previous property owner to alter and extend the structure on 23 Orange Street by raising a portion of the roof height by two feet four inches (2'4") in the side yard setback. At the time of BOA Decision No. 1, the Premises was non-confirming as to Frontage, Lot Area, Ground Cover, and side yard setbacks and therefore required a Special Permit to alter a preexisting nonconforming structure. BOA Decision No. 1 allowed for the proposed alterations to the nonconforming structure subject to the following three conditions:

(a) There shall be no expansion of the ground cover ratio without further relief from the Board of Appeals;
(b) The alteration/expansion of the structure shall be completed in accordance with the HDC Certificate of Appropriateness, and
(c) No exterior construction between June 15 and September 15 of any given year.

ii. ***Modification of Original Special Permit to Make Additional Alterations to Preexisting Nonconforming Structure.***

BOA Decision No. 2 permitted the Applicant to amended the above-referenced decision and permitted the Applicant to demolish and replace the one hundred six (106) s.f. portion of the Premises which the Applicant originally desired to alter and expand (the "Demolition and Reconstruction Work"). The previous owner of the property permitted the Demolition and Reconstruction Work with the Nantucket Building Department. During the permitting and construction process, it was informed that it would need to modify BOA Decision No. 1 because the nonconforming ground cover ratio of the structure on 23 Orange Street would temporarily decrease by .02%, in between the time the subject area was demolished and reconstructed. BOA Decision No. 2 contained the same three conditions as BOA Decision No. 1, as provided herein above.

b. 29 ORANGE STREET

29 Orange Street is encumbered by two (2) Specials Permits, the first of which is recorded in Book 1416, Page 16, at the Nantucket Registry of Deeds, the second is recorded in Book 1593, Page 132, at said Registry of Deeds. Both Special Permits allowed the property owner to alter and expand a portion of the preexisting nonconforming structure by adding shed dormers windows and, thereafter, adding two (2) small additions in the buildable area of that property ("29 Orange Street's Special Permits").

III. CHANGES TO THE ROH ZONING DISTRICT

After the issuances of BOA Decision No. 1 and BOA Decision No. 2, the Ground Cover Ratio of the ROH Zoning District was increased from 30% to 40%. As of this date, 23 Orange Street does comply with the ground cover ratio requirements of the ROH Zoning District, as it currently has a ground cover ratio of 35.4%.

IV. PREEXISTING NONCONFORMING POOL USE

The Applicant purchased 29 Orange Street on June 28, 2013, which, as stated herein, directly abuts the southern portion of 23 Orange Street. In 2010, the owner of 23 Orange Street permitted and installed a pool on the southern portion of that property. Since that date, pools are no longer permitted in the ROH Zoning District and the pool use on 23 Orange Street is now preexisting nonconforming. The previous owner of 23 Orange Street used that property as a short term rental. While it was being intermittently rented, the short-term tenant's use of the pool was

not respectful to the Applicant, or the neighborhood. Therefore, the Applicant purchased 23 Orange Street on October 1, 2021, to control the use of the pool, among other reasons.

V. M.G.L. CH. 41 § 81(L) DIVISION AT THE NANTUCKET PLANNING BOARD

The Planning Board, at its December 12, 2022 meeting, approved an "81L" Approval Not Required Subdivision, to create a lot line adjustment between 23 Orange Street and 29 Orange Street, that moved a portion of 29 Orange Street's Norther Lot Line 47.87 feet further north into the southern portion of 23 Orange Street's lot.

A copy of the approved Ch. 41 § 81(L) plan is attached hereto as Exhibit "B" (the "Proposed Conditions Plan"), which shows the new configurations of 23 Orange Street (shown as Lot 1 on the Plan), and 29 Orange Street (shown as Lot 2 on the Plan).

The purpose of the M.G.L. Ch. 41 § 81(L) lot line adjustment was to ensure that the portion of land surrounding the pool, as shown on the Proposed Condition's Plan, was owned and controlled by the owner of 29 Orange Street, who uses 29 Orange Street as secondary home, and not as a short-term rental.

VI. EFFECT OF MOVING THE POOL AREA FROM 23 ORANGE TO 29 ORANGE

Reconfiguring a portion of the common lot line between 23 Orange Street and 29 Orange Street, to allow for the pool area to become part of 29 Orange Street, will decrease the Lot Area of 23 Orange Street, and therefore, increase the ground cover ratio of 23 Orange Street from 35.4% to 49%.

Decreasing the Lot Area and increasing the Ground Cover Ratio of 23 Orange Street is permitted under Ch. 139 § 33(a)(2) of the zoning bylaw, which states that:

> Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.

Therefore, as the minor lot line adjustment was duly made under M.G.L. Ch. 41 §81(L), the decreased Lot Area and the increased Ground Cover Ratio is preexisting nonconforming pursuant to Ch. 139 § 33(a)(3) and such increased nonconformities do not require variance relief.

VII. REQUESTED RELIEF

The Applicant does not intend to alter the single-family dwelling on 23 Orange Street, nor would it be able to do such as the proposed lot line adjustment would result in 23 Orange Street's Ground Cover Ratio being increased from a conforming 35.4 % to a preexisting nonconforming 49% and exceed what is now permitted in the underlying ROH Zoning District.

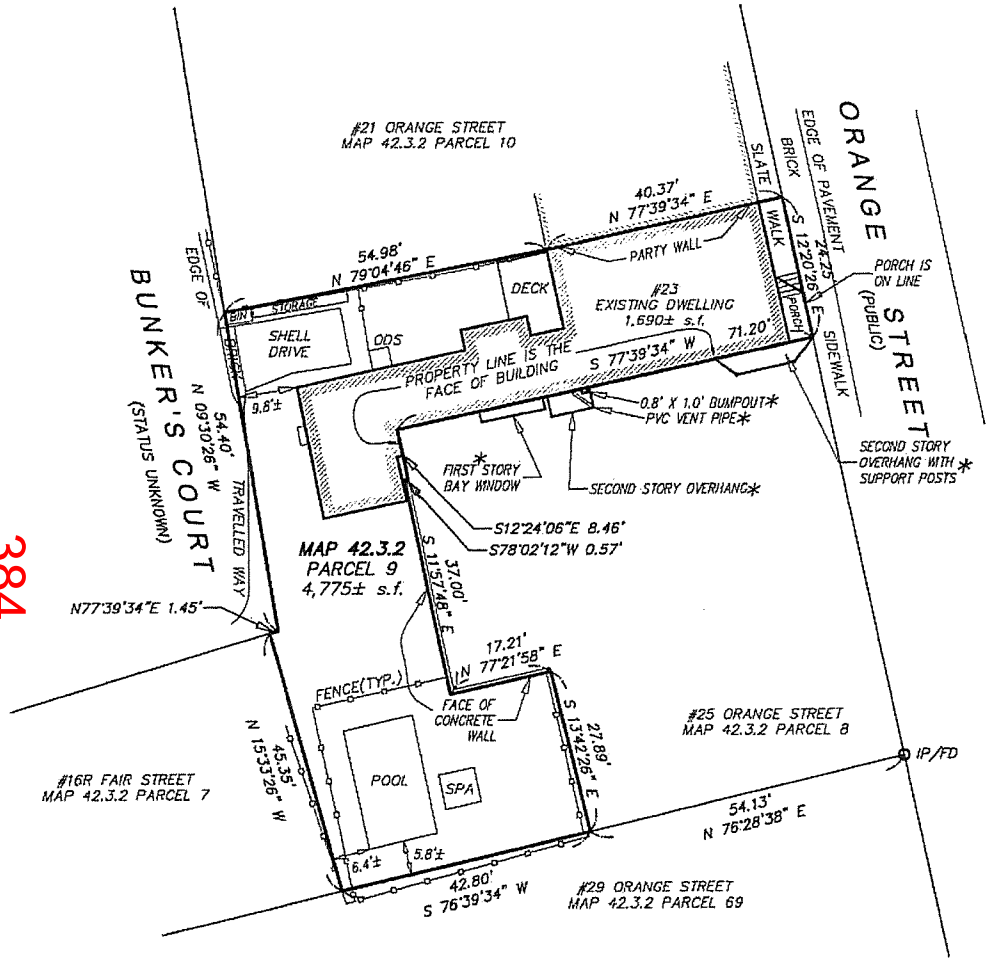
As stated above, BOA Decision No. 1 and BOA Decision No. 2., have a condition which provides that there shall be no expansion of the Ground Cover Ratio without further relief from the Board of Appeals.

Moving the portion of the southerly lot line of 23 Orange Street, surrounding the pool, further north, in accordance with the Proposed Conditions Plan, will not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood as there will be no alterations of the pool, or the primary dwelling on 23 Orange Street and both will remain in their current existing state and condition.

Therefore, the Applicant hereby requests that the Board of Appeals:

1. Revise the first condition from BOA Decision No. 1 and BOA Decision No. 2 to state that the ground cover ratio cannot exceed 49% without relief from the Board, which will therefore allow the Applicant to record the M.G.L. Ch. 41 § 81(L) Plan and perfect the lot line adjustment;
2. Allow the Applicant to alter and change the Preexisting Nonconforming Pool Use on 23 Orange Street by allowing the Applicant to site it on 29 Orange Street, in accordance with the M.G.L. Ch. 41 § 81(L) Lot Line Adjustment, as shown on the Proposed Conditions Plan, and
3. Amend Both 29 Orange Street's Special Permits and 23 Orange Street's Special permits, accordingly.

EXHIBIT "A"



I HEREBY CERTIFY THIS PLOT PLAN WAS PREPARED FOR:

ROCKLAND TRUST COMPANY

IN CONNECTION WITH A MORTGAGE AND IS NOT INTENDED TO REPRESENT A PROPERTY LINE SURVEY.
I CERTIFY THAT THE STRUCTURE AS SHOWN ON THIS PLAN IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP No. 25019C-0089-G, dated 06/09/2014.

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

9/29/21

PROFESSIONAL LAND SURVEYOR

NOTES:

1. OWNER: TODD E. RAPP and AMANDA D. RAPP
2. DEED REF: Bk: 1081 Pg: 244
3. PLAN REF: Bk: 2 Pg: 91
   Bk: 5 Pg: 23

* SEE BOOK 96 PAGES 9 & 10 FOR AN AGREEMENT REGARDING OVERHANGING ADDITIONS & PROJECTIONS AND THE RIGHT TO USE AND MAINTAIN A SOIL PIPE.

ZONE: ROH**

	REQUIRED	EXISTING
LOT AREA:	5,000 s.f.	4,775± s.f.
FRONTAGE:	50'	24.25'
FRONT YARD:	0'	0.0'
SIDE YARD:	5'	0.0'
REAR YARD:	5'	6.4'±
GROUND COVER:	40% (MAX)	35.4% (1,690± s.f.)

** EXISTING DWELLING WAS BUILT IN APPROX. 1832 ACCORDING TO ASSESSORS RECORDS AND IS SUBJECT TO THE PROVISIONS OF CHAPTER 139-33 OF THE CODE OF THE TOWN OF NANTUCKET. (PRE-EXISTING NON-CONFORMING USES, STRUCTURES & LOTS)

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

Date:	Drawn:	Checked:
SEPTEMBER 29, 2021	RMM/ERC/BEI	DFB/AMG

BRACKEN ENGINEERING, INC

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

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

MORTGAGE INSPECTION PLAN
IN NANTUCKET, MA

Prepared for:

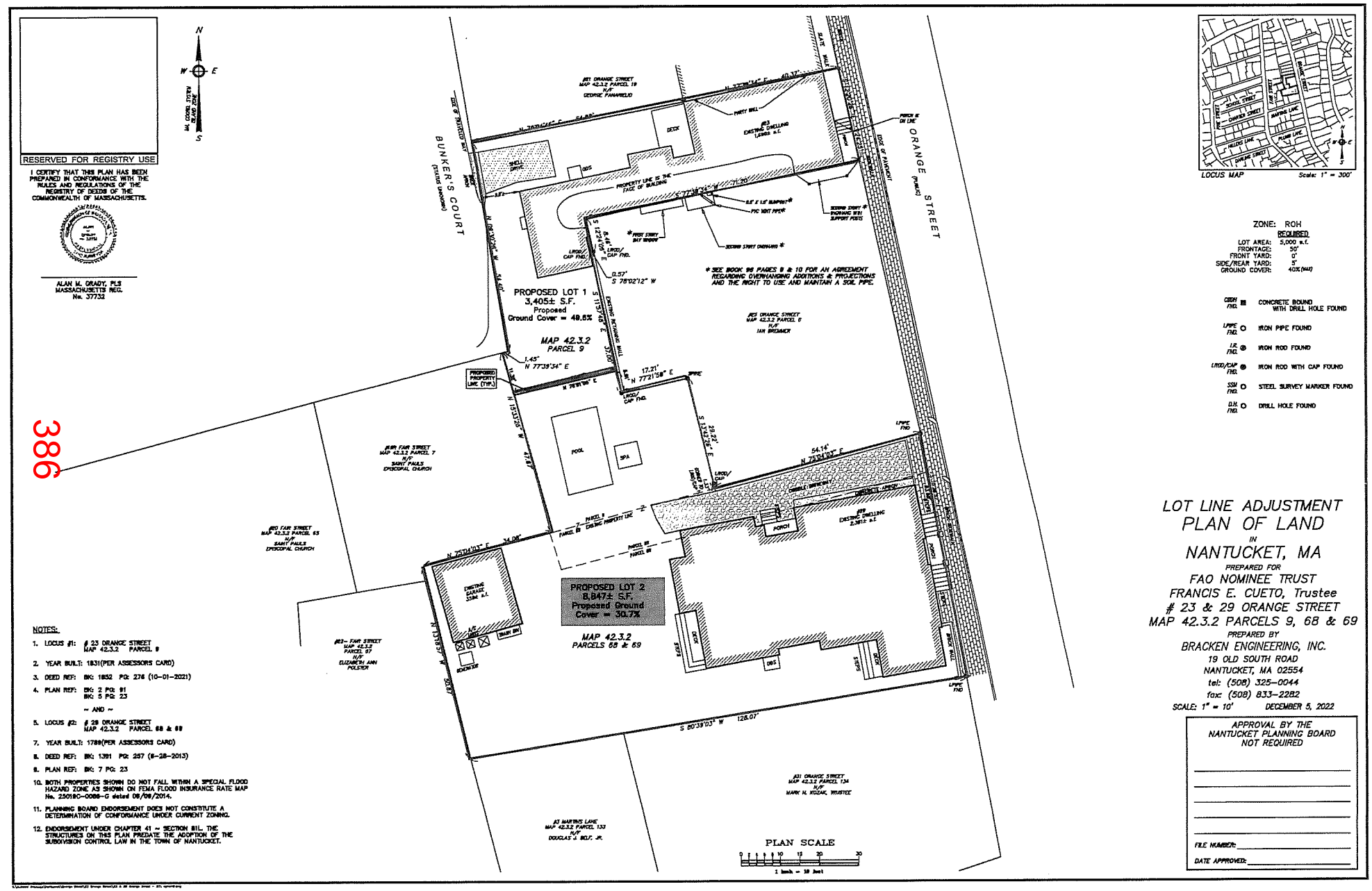
ROCKLAND TRUST COMPANY

23 ORANGE STREET
MAP 42.3.2 PARCEL 9

384

S:\Autocad Drawings\Nantucket\Orange Street\23 Orange Street\23 Orange Street.dwg

EXHIBIT "B"



386

ZONE: ROH

	REQUIRED
LOT AREA:	5,000 s.f.
FRONTAGE:	50'
FRONT YARD:	0'
SIDE/REAR YARD:	5'
GROUND COVER:	40% (MAX)

CBDH FND.	CONCRETE BOUND WITH DRILL HOLE FOUND
I.PIPE FND.	IRON PIPE FOUND
I.R. FND.	IRON ROD FOUND
I.ROD/CAP FND.	IRON ROD WITH CAP FOUND
SSM FND.	STEEL SURVEY MARKER FOUND
D.H. FND.	DRILL HOLE FOUND

NOTES:

1. LOCUS #1: # 23 ORANGE STREET MAP 42.3.2 PARCEL 9
2. YEAR BUILT: 1831(PER ASSESSORS CARD)
3. DEED REF: BK: 1852 PG: 276 (10-01-2021)
4. PLAN REF: BK: 2 PG: 91
   BK: 5 PG: 23
   ~ AND ~
5. LOCUS #2: # 29 ORANGE STREET MAP 42.3.2 PARCEL 68 & 69
7. YEAR BUILT: 1788(PER ASSESSORS CARD)
8. DEED REF: BK: 1391 PG: 257 (8-28-2013)
9. PLAN REF: BK: 7 PG: 23
10. BOTH PROPERTIES SHOWN DO NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0088-G dated 08/08/2014.
11. PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER CURRENT ZONING.
12. ENDORSEMENT UNDER CHAPTER 41 ~ SECTION 81L THE STRUCTURES ON THIS PLAN PREDATE THE ADOPTION OF THE SUBDIVISION CONTROL LAW IN THE TOWN OF NANTUCKET.

LOT LINE ADJUSTMENT
PLAN OF LAND
IN
NANTUCKET, MA

PREPARED FOR
FAO NOMINEE TRUST
FRANCIS E. CUETO, Trustee
23 & 29 ORANGE STREET
MAP 42.3.2 PARCELS 9, 68 & 69

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

SCALE: 1" = 10' DECEMBER 5, 2022

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED

FILE NUMBER: _____

DATE APPROVED: _____



Property Information

Property ID	42.3.2 9
Location	23 ORANGE ST
Owner	TRES SORELLA 2 LLC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 11/14/2022
Data updated Jan. 2021

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

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... **FAO NOMINEE TRUST, CUETO, FRANCIS, E., TR**

MAILING ADDRESS..**C/O Beaudette and Swain, LLC, PO BOX 2049 35(D) Old South Road, Nantucket, MA 02554**.....

PROPERTY LOCATION..**23 Orange Street**.....

ASSESSOR MAP/PARCEL..**Map 42.3.2, Parcel 9**.....

SUBMITTED BY....**Richard P. Beaudette, Esq.**.....

SEE ATTACHED PAGES

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

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2023.01.06 11:14:08 -05'00'

January 6, 2023

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
4231	43		OKAY OKAY HOUSE LLC		15332 ANTIOCH ST UNIT 525	LOS ANGELES	CA	90272	10 UNION ST
4231	44		SANFORD ON UNION LLC	C/O ROBERT S THOMAS	60 CLARK HILL ROAD	EAST HADDAM	CT	06423	11 UNION ST
4231	44	1	DAGG1 LLC		670 HOLLOW TREE RIDGE RD	DARIEN	CT	06820	11R UNION ST
4231	45		HAMATHA REALTY TRUST	KING DAVID G & NINA TRS	C/O KING DAVID G JR	GREENWICH	CT	06831	14R ORANGE ST
4231	46		MMS INVESTMENT TRUST LLC		245 LITTLE HARBOUR LN	NAPLES	FL	34102	14 ORANGE ST
4231	47		EHINGER JOHN A & MARIANNE E		5 HARTLEY FARMS RD	MORRISTOWN	NJ	07960	12 ORANGE ST
4231	48		PALANDJIAN PETER	C/O INTERCONTIENTAL	1270 SOLDIERS FIELD RD	BOSTON	MA	02135	13 ORANGE ST
4231	49		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	14 FAIR ST
4231	50		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	7 FAIR ST
4231	51		JONES HARVEY & BARBARA TRSTS	RAYS COURT REALTY TRUST	300 RIDGEVIEW DRIVE	PALM BEACH	FL	33480	1 RAYS CT
4231	101		MHY ENTERPRISES LLC		162 ATLANTIC AVE	PALM BEACH	FL	33480	9 UNION ST
4231	102		450 GREEN PARK LLC		5 HARTLEY FARMS RD	MORRISTOWN	NJ	07960	2 STONE AL
4231	103		PETERSEN KAREN M TRSTEE	10 ORANGE ST REALTY TRUST	44 MAYFAIR LANE	GREENWICH	CT	06831	10 ORANGE ST
4231	104		ANDREWS GEORGE E & BARBARA P		PO BOX 1182	NANTUCKET	MA	02554	8 ORANGE ST
4231	105		UNITARIAN CHURCH		BOX 1023	NANTUCKET	MA	02554	11 ORANGE ST
4231	106		UNITARIAN CHURCH		PO BOX 1023	NANTUCKET	MA	02554	10 FAIR ST
4231	107		WEPLER PROPERTIES LLC		185 HUDSON ST	HUDSON	OH	44236	8 FAIR ST
4231	108		GIOVINE THOMAS TRST	5 FAIR STREET NOM TRUST	14984 CORONA DEL MAR	PACIFIC PALISADES	CA	90272	5 FAIR ST
4231	147		ANDREWS VIRGINIA		PO BOX 1182	NANTUCKET	MA	02554	1 STONE AL
4231	148	1	ST MARYS RECTORY		6 ORANGE ST	NANTUCKET	MA	02554	6 ORANGE ST
4231	149		5 ORANGE STREET LLC		13309 MANOR STONE DR	GERMANTOWN	MD	20874	5 ORANGE ST
4231	150		KULIN ROBERT C & LAURA E TR ETAL	DOYLE CHARLES D & SANDRA J	22 GRAPEVINE AVENUE	LEXINGTON	MA	02421	9 ORANGE ST
4231	151		CHARDER ARA		P O BOX 734	NANTUCKET	MA	02554	6 FAIR ST
4231	152	2	FAIR AND MAIN LLC		C/O SUZANNE NORRIS	COHASSET	MA	02025	3 FAIR ST
4232	3		4 RAYS COURT NOM TRUST		8508 COUNTRY CLUB DRIVE	BETHESDA	MD	20817	4 RAYS CT
4232	4		MAYBERRY NOMINEE TRUST	GIFFORD WHITNEY A	122 GRAYS LN	HAVERFORD	PA	19041	9 FAIR ST
4232	4	1	JACOBS AMANDA B & KEVIN J TRST		8508 COUNTRY CLUB DR	BETHESDA	MD	20817	1 JUDITH CHASE LN
4232	5		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	16 FAIR ST
4232	6		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	18 FAIR ST
4232	7		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	16R FAIR ST
4232	8		BREMMER IAN		149 FIFTH AVE 15TH FL	NEW YORK	NY	10010	25 ORANGE ST
4232	10		ROBERTS ROBIN D & ELIZABETH B TR		2101 CONNECTICT AV NW, APT 2	WASHINGTON	DC	20008	21 ORANGE ST
4232	12		HEMPEL KERIN & JASON		225 5TH AVE #11BC	NEW YORK	NY	10010	17 ORANGE ST
4232	11		HANES ELDRIDGE C & JANE G		1020 KENT MEWS CT	WINSTON-SALEM	NC	27104	19 ORANGE ST
4232	13		GODFORD LLC		1818 LAGOON VIEW DR	TIBURON	CA	94920	15 ORANGE ST
4232	14		16 ORANGE STREET LLC	C/O ALEXANDER KLABIN	C/O ALEXANDER KLABIN	NEW YORK	NY	10028	16 ORANGE ST

4232	15		18 ORANGE ST LLC	C/O KLABIN ALEX	1010 FIFTH AVENUE 10A	NEW YORK	NY	10028	18 ORANGE ST
4232	16		SCHOUDEL JON J & CAROLINE H		29 PLYMOUTH RD	DARIEN	CT	06820	13 UNION ST
4232	17		TACCAT LLC		10 MARSHALL AVE	MARSHFIELD	MA	02048	14 UNION ST
4232	63		THE BARNACLE INN LLC		11 FAIR STREET	NANTUCKET	MA	02554	11 FAIR ST
4232	64		THE SHIPS INN NANTUCKET	LIMITED PARTNERSHIP	13 FAIR ST	NANTUCKET	MA	02554	13 FAIR ST
4232	65		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	20 FAIR ST
4232	66		ROCHE DAVID M		313 W CYPRESS STREET	PHOENIX	AZ	85003	20- FAIR ST
4232	67		POLSTER ELIZABETH ANN		22 1/2 FAIR ST	NANTUCKET	MA	02554	22- FAIR ST
4232	68		CUETO FRANCIS TRST	FAO NOMINEE TRUST	24 NORTH MOORE ST 3A/4A	NEW YORK	NY	10013	29 ORANGE ST
4232	70		PFOX NANTUCKET LLC		64 CHARLES RD	BERNARDSVILLE	NJ	07924	20 ORANGE ST
4232	71		MANDELL SEYMOUR G & MIRIAM G		1818 MARKET ST SUITE 3220	PHILADELPHIA	PA	19103	17 UNION ST
4232	72		BEEHIVE UNION LLC		15 UNION STREET	NANTUCKET	MA	02554	15 UNION ST
4232	73		ACK ISLAND LLC ETAL		89101 OLD HIGHWAY	TAVERNIER	FL	33070	16 UNION ST
4232	74		AMARA JENNA TR	TALLANT HOUSE REALTY TRUST	500 ATLANTIC AVENUE UNIT 19E	BOSTON	MA	02110	18 UNION ST
4232	75		RUTTENBERG MARGARET B & JOHN C	C/O TINICUM ENTERPRISES	990 STEWART AVE	GARDEN CITY	NY	11530	20 UNION ST
4232	125		RUSSELL GORDON C		PO BOX 643451	VERO BEACH	FL	32964	3 SCHOOL ST
4232	125	1	HEARD EDWARD S	C/O RICE HEARD & BIGELOW	C/O RICE HEARD & BIGELOW INC	BOSTON	MA	02110	4 LUCRETIA MOTT LN
4232	127		HENSHALL RONALD S & ALICE D TRST	SCHOOL STREET TRUST	929 LORIEN DR	GWYNEDD VALLEY	PA	19002	4 SCHOOL ST
4232	128		PIEMONTE THOMAS C	& CATHERINE A	194 CENTRE ST	DOVER	MA	02030	1 SCHOOL ST
4232	129		VAUGHAN EDWARD F & PAMELA R		PO BOX 659	NANTUCKET	MA	02554	15 FAIR ST
4232	130		ROSE DOUGLAS & LISA V TR	ROSE DOUGLAS & LISA V LIVING TRUST	12 SEVEN SPRINGS ROAD	RADNOR	PA	19087	22 FAIR ST
4232	131		MAY JAMES B		440 15TH AVE SOUTH	NAPLES	FL	34102	24 FAIR ST
4232	132		5 MARTINS LLC		300 HARBOUR DR # 103B	VERO BEACH	FL	32963	5 MARTINS LN
4232	133		SELF J DOUGLAS JR		2575 PEACHTREE RD # 23C	ATLANTA	GA	30305	3 MARTINS LN
4232	134		KOZAK MARK N TRST	KOZAK NOMINEE TRUST	260 CLARKE AVE	PALM BEACH	FL	33480	31 ORANGE ST
4232	135		ERICKSEN MICHAEL & ANA		26 ORANGE ST	NANTUCKET	MA	02554	26 ORANGE ST
4232	136		CARACCIOLO ACK LLC		160 GOULD ST STE 230	NEEDHAM	MA	02494	19 UNION ST
4232	137		ANASTOS PETER C & JULIE TRST	21 UNION NOMINEE TRUST	958 LEXINGTON RD	CONCORD	MA	01742	21 UNION ST
4232	169		LOVEOFFAIR LLC		406 GATCOMBE LN	BRYN MAWR	PA	19010	19 FAIR ST
4232	170		PETERS SHIRLEY M TRUSTEE	THE PETERS NOMINEE TRUST	1900 BALLYCOR DR	VIENNA	VA	22182	17 FAIR ST
4232	171		26 FAIR LLC		769 CHERRY VALLEY RD	PRINCETON	NJ	08540	26 FAIR ST
4232	172		JENNINGS KENNETH L ETAL		10 MARTINS LANE	NANTUCKET	MA	02554	10 MARTINS LN
4232	173		TURNER 6 MARTINS LLC		MEIELSGRUNDGASSLI 29	3783 GRUND B GSTAAD		SWITZERLAND	6 MARTINS LN
4232	174		RED BRICK ROAD LLC	C/O LASHELLE SCOTT J	1116 WEED ST	NEW CANAAN	CT	06840	2 MARTINS LN
4232	175		ORANGE SWORDFISH LLC	C/O MCYIO WEALTH PARTNERS INC	2929 WALNUT ST STE 1200	PHILADELPHIA	PA	19104	28 ORANGE ST
4232	176		GREENBERG JEFFREY W & KIMBERLY E		950 PARK AVE APT 11B	NEW YORK	NY	10028	30 ORANGE ST
4232	176	1	V & L STROLL LLC		416 S 96TH STREET	OMAHA	NE	68114	23B UNION ST
4232	194		CARPENTER PHILIP A		469 WHITNEY RD	SPRINGFIELD	VT	05156	23 FAIR ST

4232	195		BOLOGNA KATHY M & THOMAS A TRS		284 EAST SHORE RD	JAMESTOWN	RI	02835	30 FAIR ST
4232	195	1	MOSS EVA & JAMIE LISA TRST	SEVEN PLUMB LN NOM TRUST	20 S MURRAY AVE	RIDGEWOOD	NJ	07450	7 PLUMB LN
4232	196		SPEAKMAN STEPHANIE B		1205 NORTH ORANGE ST	WILMINGTON	DE	19801	5 PLUMB LN
4232	197		ROWE JENNIFER G EXECUTOR	C/O JASON G HEARST	4 UNION STREET	CAMDEN	ME	04843	3 PLUMB LN
4232	198		TURNER LOUISE EVANS		MEIELSGRUNDGASSLE 29	3783 GRUND B GSTAAD		SWITZERLAND	1 PLUMB LN
4232	199		PATON SCOTT B & KRISTIN S	LIFE ESTATE	LIFE ESTATE	BOSTON	MA	02108	33 ORANGE ST
4232	200		GREENBERG JEFFREY W & KIMBERLY E		950 PARK AVE APT 11B	NEW YORK	NY	10028	30A ORANGE ST
4232	215		SILKENAT KATHERINE ANNE TRST	KA SILKENAT LIVING TRUST	4800 N 68TH ST BUNGALOW 274	SCOTTSDALE	AZ	85251	37 ORANGE ST
4232	225		ERICKSEN MICHAEL & ANA		26 ORANGE ST	NANTUCKET	MA	02554	22 ORANGE ST

Count: 83

OKAY OKAY HOUSE LLC
15332 ANTIOCH ST UNIT 529
LOS ANGELES, CA 90272

SANFORD ON UNION LLC
C/O ROBERT S THOMAS
60 CLARK HILL ROAD
EAST HADDAM, CT 06423

DAGG1 LLC
670 HOLLOW TREE RIDGE RD
DARIEN, CT 06820

HAMATHA REALTY TRUST
KING DAVID G & NINA TRS
C/O KING DAVID G JR
GREENWICH, CT 06831

MMS INVESTMENT TRUST LLC
245 LITTLE HARBOUR LN
NAPLES, FL 34102

EHINGER JOHN A & MARIANNE E
5 HARTLEY FARMS RD
MORRISTOWN, NJ 07960

PALANDJIAN PETER
C/O INTERCONTIENTAL
1270 SOLDIERS FIELD RD
BOSTON, MA 02135

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

JONES HARVEY & BARBARA TRSTS
RAYS COURT REALTY TRUST
300 RIDGEVIEW DRIVE
PALM BEACH, FL 33480

MHY ENTERPRISES LLC
162 ATLANTIC AVE
PALM BEACH, FL 33480

450 GREEN PARK LLC
5 HARTLEY FARMS RD
MORRISTOWN, NJ 07960

PETERSEN KAREN M TRSTEE
10 ORANGE ST REALTY TRUST
44 MAYFAIR LANE
GREENWICH, CT 06831

ANDREWS GEORGE E & BARBARA P
PO BOX 1182
NANTUCKET, MA O2554

UNITARIAN CHURCH
BOX 1023
NANTUCKET, MA 02554

UNITARIAN CHURCH
PO BOX 1023
NANTUCKET, MA 02554

WEPLER PROPERTIES LLC
185 HUDSON ST
HUDSON, OH 44236

GIOVINE THOMAS TRST
5 FAIR STREET NOM TRUST
14984 CORONA DEL MAR
PACIFIC PALISADES, CA 90272

ANDREWS VIRGINIA
PO BOX 1182
NANTUCKET, MA 02554

ST MARYS RECTORY
6 ORANGE ST
NANTUCKET, MA 02554

5 ORANGE STREET LLC
13309 MANOR STONE DR
GERMANTOWN, MD 20874

KULIN ROBERT C & LAURA E TR ETAL
DOYLE CHARLES D & SANDRA J
22 GRAPEVINE AVENUE
LEXINGTON, MA 02421

CHARDER ARA
P O BOX 734
NANTUCKET, MA 02554

FAIR AND MAIN LLC
C/O SUZANNE NORRIS
COHASSET, MA 02025

4 RAYS COURT NOM TRUST
8508 COUNTRY CLUB DRIVE
BETHESDA, MD 20817

MAYBERRY NOMINEE TRUST
GIFFORD WHITNEY A
122 GRAYS LN
HAVERFORD, PA 19041

JACOBS AMANDA B & KEVIN J TRST
8508 COUNTRY CLUB DR
BETHESDA, MD 20817

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

BREMMER IAN
149 FIFTH AVE 15TH FL
NEW YORK, NY 10010

ROBERTS ROBIN D & ELIZABETH B TR
2101 CONNECTICT AV NW, APT 2
WASHINGTON, DC 20008

HEMPEL KERIN & JASON
225 5TH AVE #11BC
NEW YORK, NY 10010

HANES ELDRIDGE C & JANE G
1020 KENT MEWS CT
WINSTON-SALEM, NC 27104

GODFORD LLC
1818 LAGOON VIEW DR
TIBURON, CA 94920

16 ORANGE STREET LLC
C/O ALEXANDER KLABIN
C/O ALEXANDER KLABIN
NEW YORK, NY 10028

18 ORANGE ST LLC
C/O KLABIN ALEX
1010 FIFTH AVENUE 10A
NEW YORK, NY 10028

SCHOUDEL JON J & CAROLINE H
29 PLYMOUTH RD
DARIEN, CT 06820

TACCAT LLC
10 MARSHALL AVE
MARSHFIELD, MA 02048

THE BARNACLE INN LLC
11 FAIR STREET
NANTUCKET, MA 02554

THE SHIPS INN NANTUCKET
LIMITED PARTNERSHIP
13 FAIR ST
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ROCHE DAVID M
313 W CYPRESS STREET
PHOENIX, AZ 85003

POLSTER ELIZABETH ANN
22 1/2 FAIR ST
NANTUCKET, MA 02554

CUETO FRANCIS TRST
FAO NOMINEE TRUST
24 NORTH MOORE ST 3A/4A
NEW YORK, NY 10013

PFOX NANTUCKET LLC
64 CHARLES RD
BERNARDSVILLE, NJ 07924

MANDELL SEYMOUR G & MIRIAM G
1818 MARKET ST SUITE 3220
PHILADELPHIA, PA 19103

BEEHIVE UNION LLC
15 UNION STREET
NANTUCKET, MA 02554

ACK ISLAND LLC ETAL
89101 OLD HIGHWAY
TAVERNIER, FL 33070

AMARA JENNA TR
TALLANT HOUSE REALTY TRUST
500 ATLANTIC AVENUE UNIT 19B
BOSTON, MA 02110

RUTTENBERG MARGARET B & JOHN C
C/O TINICUM ENTERPRISES
990 STEWART AVE
GARDEN CITY, NY 11530

RUSSELL GORDON C
PO BOX 643451
VERO BEACH, FL 32964

HEARD EDWARD S
C/O RICE HEARD & BIGELOW
C/O RICE HEARD & BIGELOW INC
BOSTON, MA 02110

HENSHALL RONALD S & ALICE D TRST
SCHOOL STREET TRUST
929 LORIEN DR
GWYNEDD VALLEY, PA 19002

PIEMONTE THOMAS C
& CATHERINE A
194 CENTRE ST
DOVER, MA 02030

VAUGHAN EDWARD F & PAMELA R
PO BOX 659
NANTUCKET, MA 02554

ROSE DOUGLAS & LISA V TR
ROSE DOUGLAS & LISA V LIVING TRUST
12 SEVEN SPRINGS ROAD
RADNOR, PA 19087

MAY JAMES B
440 15TH AVE SOUTH
NAPLES, FL 34102

5 MARTINS LLC
300 HARBOUR DR # 103B
VERO BEACH, FL 32963

SELF J DOUGLAS JR
2575 PEACHTREE RD # 23C
ATLANTA, GA 30305

KOZAK MARK N TRST
KOZAK NOMINEE TRUST
260 CLARKE AVE
PALM BEACH, FL 33480

ERICKSEN MICHAEL & ANA
26 ORANGE ST
NANTUCKET, MA 02554

CARACCIOLO ACK LLC
160 GOULD ST STE 230
NEEDHAM, MA 02494

ANASTOS PETER C & JULIE TRST
21 UNION NOMINEE TRUST
958 LEXINGTON RD
CONCORD, MA 01742

LOVEOFFAIR LLC
406 GATCOMBE LN
BRYN MAWR, PA 19010

PETERS SHIRLEY M TRUSTEE
THE PETERS NOMINEE TRUST
1900 BALLYCOR DR
VIENNA, VA 22182

26 FAIR LLC
769 CHERRY VALLEY RD
PRINCETON, NJ 08540

JENNINGS KENNETH L ETAL
10 MARTINS LANE
NANTUCKET, MA 02554

TURNER 6 MARTINS LLC
MEIELSGRUNDGASSLI 29
3783 GRUND B GSTAAD, SWITZERLAND

RED BRICK ROAD LLC
C/O LASHELLE SCOTT J
1116 WEED ST
NEW CANAAN, CT 06840

ORANGE SWORDFISH LLC
C/O MCYIO WEALTH PARTNERS INC
2929 WALNUT ST STE 1200
PHILADELPHIA, PA 19104

GREENBERG JEFFREY W & KIMBERLY E
950 PARK AVE APT 11B
NEW YORK, NY 10028

V & L STROLL LLC
416 S 96TH STREET
OMAHA, NE 68114

CARPENTER PHILIP A
469 WHITNEY RD
SPRINGFIELD, VT 05156

BOLOGNA KATHY M & THOMAS A TRS
284 EAST SHORE RD
JAMESTOWN, RI 02835

MOSS EVA & JAMIE LISA TRST
SEVEN PLUMB LN NOM TRUST
20 S MURRAY AVE
RIDGEWOOD, NJ 07450

SPEAKMAN STEPHANIE B
1205 NORTH ORANGE ST
WILMINGTON, DE 19801

ROWE JENNIFER G EXECUTOR
C/O JASON G HEARST
4 UNION STREET
CAMDEN, ME 04843

TURNER LOUISE EVANS
MEIELSGRUNDGASSLE 29
3783 GRUND B GSTAAD, SWITZERLAND

PATON SCOTT B & KRISTIN S
LIFE ESTATE
LIFE ESTATE
BOSTON, MA 02108

GREENBERG JEFFREY W & KIMBERLY E
950 PARK AVE APT 11B
NEW YORK, NY 10028

SILKENAT KATHERINE ANNE TRST
KA SILKENAT LIVING TRUST
4800 N 68TH ST BUNGALOW 274
SCOTTSDALE, AZ 85251

ERICKSEN MICHAEL & ANA
26 ORANGE ST
NANTUCKET, MA 02554

Cueto Francis E. Trustee of
FAO Nominee Trust

File No. 03-23

29 Orange Street

MODIFICATION

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 228-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

NANTUCKET
TOWN CLERK
2023 JAN 13 PM 2:56

Friday, January 13, 2023

VIA HAND DELIVERY & EMAIL

Leslie Woodson Snell, AICP, LEED ® AP
Deputy Director of Planning and Zoning Administrator
2 Fairgrounds Road
Nantucket, MA 02554

SUPPLEMENTAL MATERIALS

Re: Amendment to Previously Issued Board of Appeals Decisions
23 & 29 Orang Street, Nantucket, MA 02554
Owner/Applicant: Francis E. Cueto, Trustee

Dear Leslie:

My client, Owner/Applicant, Francis E. Cueto, Trustee of the FAO Nominee Trust, u/d/t dated February 1, 2010, the owner of 23 and 29 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcels 9 and 69 on Nantucket Tax Accessor's Map 42.3.2 (the "Premises"), filed an application with the Board of Appeals to Amend Previously issued Special Permits. In connection therewith, enclosed please find a complete abutters list and mailing labels for 29 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts.

Please feel free to call me should you or any of the Staff or Board members have questions or concerns.

Sincerely,

Richard P. Beaudette, Esq.

Encl.

CC: Francis E. Cueto, Trustee

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 228-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Tuesday, January 17, 2023

VIA HAND DELIVERY & EMAIL

Leslie Woodson Snell, AICP, LEED ® AP
Deputy Director of Planning and Zoning Administrator
Planning and Land Use Services (PLUS)
2 Fairgrounds Road
Nantucket, MA 02554

Re: Amendment to Previously Issued Board of Appeals Decisions
29 Orange Street, Nantucket, MA 02554
Owner/Applicant: Francis E. Cueto, Trustee

Dear Leslie:

My client, Owner/Applicant, Francis E. Cueto, Trustee of the FAO Nominee Trust, u/d/t dated February 1, 2010, the owner of 29 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcels 69 on Nantucket Tax Accessor's Map 42.3.2 (the "Premises"), seeks to Amend Previously Granted Special Permits, specific to that property. To that end, enclosed, please find the following:

1. Two (2) separate paper applications;
2. The completed application form;
3. Addendum;
4. Locus plan from the Nantucket Tax Assessor's map book;
5. Existing conditions Plan;

6. Proposed Conditions Plan;
7. Completed Abutters Package, containing the certified abutters list, spreadsheet and four (4) sets of mailing labels, and
8. A check for $450.00, made payable to the Town of Nantucket.

Please note that the Applicant reserves the right to supplement this Application with any additional materials and information at a later time. Please mark this matter for hearing by the Board of Appeals at its meeting scheduled for February 9, 2023.

Please feel free to call me should you or any of the Staff or Board members have questions or concerns.

Sincerely,

Richard P. Beaudette, Esq.

Encl.

CC: Francis E. Cueto, Trustee

2023 JAN 17 PM 2:58

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
JAN 17 2023
By

APPLICATION

Fee: $450.00 **File No.** 03-23

Owner's name(s): CUETO, FRANCIS, E., Trustee of FAO NOMINEE TRUST
C/O Beaudette and Swain, LLC
Mailing address: 35 (d) Old South Road, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@nantucketlawfirm.com

Applicant's name(s): CUETO, FRANCIS, E., Trustee of FAO NOMINEE TRUST
C/O Beaudette and Swain, LLC
Mailing Address: 35 (d) Old South Road, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@nantucketlawfirm.com

Locus Address: 29 Orange Street
Nantucket, MA 02554 Assessor's Map/Parcel: 42.3.2 / 69

Land Court Plan/Plan Book & Page/Plan File No.: "A" on Plan record in Plan Book 7, Page 23

Deed Reference/Certificate of Title: 1391 / 257 Zoning District ROH

Uses on Lot- Commercial: None X Yes (describe) _____
Residential: Number of dwellings 1 Duplex 0 Apartments 0

Date of Structure(s): all pre-date 7/72 1 or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: 72-13 & 02-17

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

See addendum attached hereto.

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

SIGNATURE:_____ Owner*

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

I. INTRODUCTION

The Applicant, Francis E. Cueto, Trustee, of the FAO Nominee Trust, u/d/t dated February 1, 2010, is the owner of 23 Orange Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 9 on Nantucket Tax Accessor's Map 42.3.2, and further identified as land shown in Plan Book 2, Page 91, and land in Plan Book 5, Page 23, at the Nantucket Registry of Deeds (the "Premises", or "23 Orange Street"), and 29 Orange Street Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 69 on Nantucket Tax Assessor's Map 42.3.2, and further identified as land marked "A", on plan of Land recorded in Plan Book 7, Page 23, at the Nantucket Registry of Deeds ("29 Orange Street").

Both 23 Orange Street and 29 Orange Street are located in the Residential Old Historic ("ROH") Zoning District. Pursuant to Ch. 139 § 16 of the Nantucket Zoning Bylaw, lots in the ROH Zoning District are required to have five thousand (5,000) s.f. of Lot Area, fifty feet (50') of Frontage, can be improved with up to forty percent (40%) Ground Cover, and structures thereon are required to be sited five feet (5') from the side and rear lot lines.

23 Orange Street is improved with a single-family dwelling, containing approximately 1,690 ± s.f. of Ground Cover, on a lot that contains approximately 4,775 ± s.f. of Lot Area, and therefore, has a Ground Cover Ratio of 35.4%[1] and has 24.25 feet of frontage on Orange Street.

[1] The most recent survey of the property, performed by Bracken Engineering, dated September 29, 2021, referred to as the Existing Conditions Plan, attached hereto as Exhibit "A", provides there is 4,775 s.f. of lot area and there is 1,690 s.f. of ground cover, or a 35.4% Ground Cover Ratio. However, an older survey, performed by Charles Hart, dated October 14, 2005, provides that 23 Orange has 4,679 s.f. of Lot Area and contains 1,590 s.f. of ground cover, or has a Ground Cover ratio of 34%. It appears that there is a discrepancy between the Lot Area and Ground Cover Ratio between the Bracken Plan and the Hart Plan, which is most likely attributed to the advancement in surveying

The structure and its appurtenant uses on 23 Orange Street are sited zero (0') feet from the front and side yard setbacks, and 6.4 feet from the rear lot line setback.

Currently, 23 Orange Street is preexisting nonconforming as to Lot Ara, Frontage, and the side yard setback distances, but conforms to the Ground Cover Ratio requirements and rear lot line setback requirements of the ROH Zoning District (see the Existing Conditions Plan, attached hereto as Exhibit "A".)

29 Orange Street is an oversized lot containing approximately 7,337 s.f. of Lot Area, has 53.5 feet of Frontage, and contains an approximate 37.1 % Ground Cover Ratio. The structures on this property were constructed prior to the adoption of the Nantucket Zoning Bylaw and its' 2.9 foot southerly side yard setback distance is preexisting nonconforming and the height of the primary dwelling on this property is preexisting nonconforming as it is over 30 feet tall.

II. PERMITTING HISTORY

a. 23 ORANGE STREET

23 Orange Street is encumbered by two (2) Board of Appeals Decisions, the first of which is Board of Appeals File No. 031-06, recorded at the Nantucket Registry of Deeds in Book 1025, Page 339 ("BOA Decision No. 1"), and the second is Board of Appeals File No. 038-06, recorded in Book 1025, Page 345 at said Registry ("BOA Decision No. 2").

equipment between the time in which the respective surveys were performed, or a mistake was made in the Hart Plan. A review of both plans show that there is no difference in the structure located at 23 Orange Street.

i. Original Special Permit to Alter Preexisting Nonconforming Structure

BOA Decision No. 1 permitted the previous property owner to alter and extend the structure on 23 Orange Street by raising a portion of the roof height by two feet four inches (2'4") in the side yard setback. At the time of BOA Decision No. 1, the Premises was non-confirming as to Frontage, Lot Area, Ground Cover, and side yard setbacks and therefore required a Special Permit to alter a preexisting nonconforming structure. BOA Decision No. 1 allowed for the proposed alterations to the nonconforming structure subject to the following three conditions:

(a) There shall be no expansion of the ground cover ratio without further relief from the Board of Appeals;
(b) The alteration/expansion of the structure shall be completed in accordance with the HDC Certificate of Appropriateness, and
(c) No exterior construction between June 15 and September 15 of any given year.

ii. Modification of Original Special Permit to Make Additional Alterations to Preexisting Nonconforming Structure.

BOA Decision No. 2 permitted the Applicant to amended the above-referenced decision and permitted the Applicant to demolish and replace the one hundred six (106) s.f. portion of the Premises which the Applicant originally desired to alter and expand (the "Demolition and Reconstruction Work"). The previous owner of the property permitted the Demolition and Reconstruction Work with the Nantucket Building Department. During the permitting and construction process, it was informed that it would need to modify BOA Decision No. 1 because the nonconforming ground cover ratio of the structure on 23 Orange Street would temporarily decrease by .02%, in between the time the subject area was demolished and reconstructed. BOA Decision No. 2 contained the same three conditions as BOA Decision No. 1, as provided herein above.

b. 29 ORANGE STREET

29 Orange Street is encumbered by two (2) Specials Permits, the first of which is recorded in Book 1416, Page 16, at the Nantucket Registry of Deeds, the second is recorded in Book 1593, Page 132, at said Registry of Deeds. Both Special Permits allowed the property owner to alter and expand a portion of the preexisting nonconforming structure by adding shed dormers windows and, thereafter, adding two (2) small additions in the buildable area of that property ("29 Orange Street's Special Permits").

III. CHANGES TO THE ROH ZONING DISTRICT

After the issuances of BOA Decision No. 1 and BOA Decision No. 2, the Ground Cover Ratio of the ROH Zoning District was increased from 30% to 40%. As of this date, 23 Orange Street does comply with the ground cover ratio requirements of the ROH Zoning District, as it currently has a ground cover ratio of 35.4%.

IV. PREEXISTING NONCONFORMING POOL USE

The Applicant purchased 29 Orange Street on June 28, 2013, which, as stated herein, directly abuts the southern portion of 23 Orange Street. In 2010, the owner of 23 Orange Street permitted and installed a pool on the southern portion of that property. Since that date, pools are no longer permitted in the ROH Zoning District and the pool use on 23 Orange Street is now preexisting nonconforming. The previous owner of 23 Orange Street used that property as a short term rental. While it was being intermittently rented, the short-term tenant's use of the pool was

not respectful to the Applicant, or the neighborhood. Therefore, the Applicant purchased 23 Orange Street on October 1, 2021, to control the use of the pool, among other reasons.

V. M.G.L. CH. 41 § 81(L) DIVISION AT THE NANTUCKET PLANNING BOARD

The Planning Board, at its December 12, 2022 meeting, approved an "81L" Approval Not Required Subdivision, to create a lot line adjustment between 23 Orange Street and 29 Orange Street, that moved a portion of 29 Orange Street's Norther Lot Line 47.87 feet further north into the southern portion of 23 Orange Street's lot.

A copy of the approved Ch. 41 § 81(L) plan is attached hereto as Exhibit "B" (the "Proposed Conditions Plan"), which shows the new configurations of 23 Orange Street (shown as Lot 1 on the Plan), and 29 Orange Street (shown as Lot 2 on the Plan).

The purpose of the M.G.L. Ch. 41 § 81(L) lot line adjustment was to ensure that the portion of land surrounding the pool, as shown on the Proposed Condition's Plan, was owned and controlled by the owner of 29 Orange Street, who uses 29 Orange Street as secondary home, and not as a short-term rental.

VI. EFFECT OF MOVING THE POOL AREA FROM 23 ORANGE TO 29 ORANGE

Reconfiguring a portion of the common lot line between 23 Orange Street and 29 Orange Street, to allow for the pool area to become part of 29 Orange Street, will decrease the Lot Area of 23 Orange Street, and therefore, increase the ground cover ratio of 23 Orange Street from 35.4% to 49%.

Decreasing the Lot Area and increasing the Ground Cover Ratio of 23 Orange Street is permitted under Ch. 139 § 33(a)(2) of the zoning bylaw, which states that:

> Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.

Therefore, as the minor lot line adjustment was duly made under M.G.L. Ch. 41 §81(L), the decreased Lot Area and the increased Ground Cover Ratio is preexisting nonconforming pursuant to Ch. 139 § 33(a)(3) and such increased nonconformities do not require variance relief.

VII. REQUESTED RELIEF

The Applicant does not intend to alter the single-family dwelling on 23 Orange Street, nor would it be able to do such as the proposed lot line adjustment would result in 23 Orange Street's Ground Cover Ratio being increased from a conforming 35.4 % to a preexisting nonconforming 49% and exceed what is now permitted in the underlying ROH Zoning District.

As stated above, BOA Decision No. 1 and BOA Decision No. 2., have a condition which provides that there shall be no expansion of the Ground Cover Ratio without further relief from the Board of Appeals.

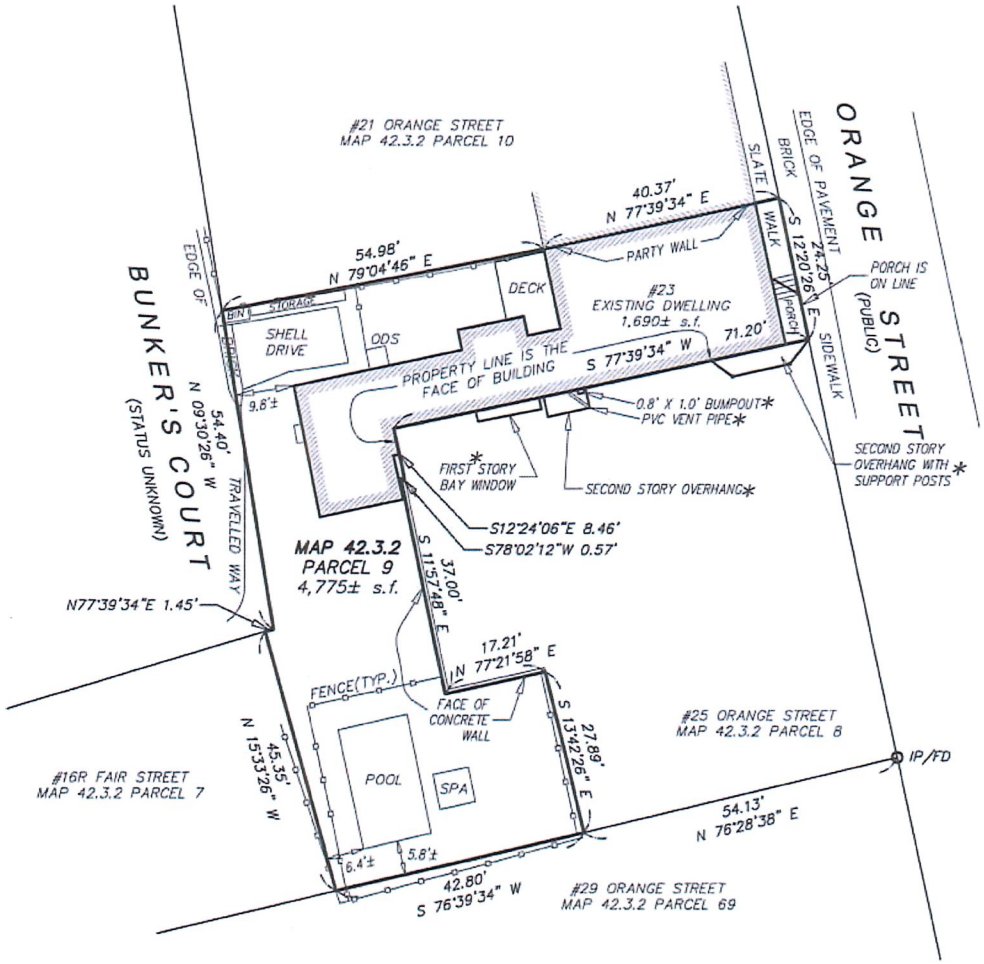
Moving the portion of the southerly lot line of 23 Orange Street, surrounding the pool, further north, in accordance with the Proposed Conditions Plan, will not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood as there will be no alterations of the pool, or the primary dwelling on 23 Orange Street and both will remain in their current existing state and condition.

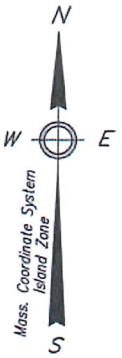
Therefore, the Applicant hereby requests that the Board of Appeals:

1. Revise the first condition from BOA Decision No. 1 and BOA Decision No. 2 to state that the ground cover ratio cannot exceed 49% without relief from the Board, which will therefore allow the Applicant to record the M.G.L. Ch. 41 § 81(L) Plan and perfect the lot line adjustment;
2. Allow the Applicant to alter and change the Preexisting Nonconforming Pool Use on 23 Orange Street by allowing the Applicant to site it on 29 Orange Street, in accordance with the M.G.L. Ch. 41 § 81(L) Lot Line Adjustment, as shown on the Proposed Conditions Plan, and
3. Amend Both 29 Orange Street's Special Permits and 23 Orange Street's Special permits, accordingly.

EXHIBIT "A"

409





I HEREBY CERTIFY THIS PLOT PLAN WAS PREPARED FOR:

ROCKLAND TRUST COMPANY

IN CONNECTION WITH A MORTGAGE AND IS NOT INTENDED TO REPRESENT A PROPERTY LINE SURVEY. I CERTIFY THAT THE STRUCTURE AS SHOWN ON THIS PLAN IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP No. 25019C-0089-G, dated 06/09/2014.



PROFESSIONAL LAND SURVEYOR

NOTES:

1. OWNER: TODD E. RAPP and AMANDA D. RAPP
2. DEED REF: Bk: 1081 Pg: 244
3. PLAN REF: Bk: 2 Pg: 91
   Bk: 5 Pg: 23

* SEE BOOK 96 PAGES 9 & 10 FOR AN AGREEMENT REGARDING OVERHANGING ADDITIONS & PROJECTIONS AND THE RIGHT TO USE AND MAINTAIN A SOIL PIPE.

ZONE: ROH**

	REQUIRED	EXISTING
LOT AREA:	5,000 s.f.	4,775± s.f.
FRONTAGE:	50'	24.25'
FRONT YARD:	0'	0.0'
SIDE YARD:	5'	0.0'
REAR YARD:	5'	6.4'±
GROUND COVER:	40% (MAX)	35.4% (1,690± s.f.)

** EXISTING DWELLING WAS BUILT IN APPROX. 1832 ACCORDING TO ASSESSORS RECORDS AND IS SUBJECT TO THE PROVISIONS OF CHAPTER 139-33 OF THE CODE OF THE TOWN OF NANTUCKET. (PRE-EXISTING NON-CONFORMING USES, STRUCTURES & LOTS)

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

Date:	Drawn:	Checked:
SEPTEMBER 29, 2021	RMM/ERC/BEI	DFB/AMG

BRACKEN ENGINEERING, INC.

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

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

MORTGAGE INSPECTION PLAN
IN NANTUCKET, MA

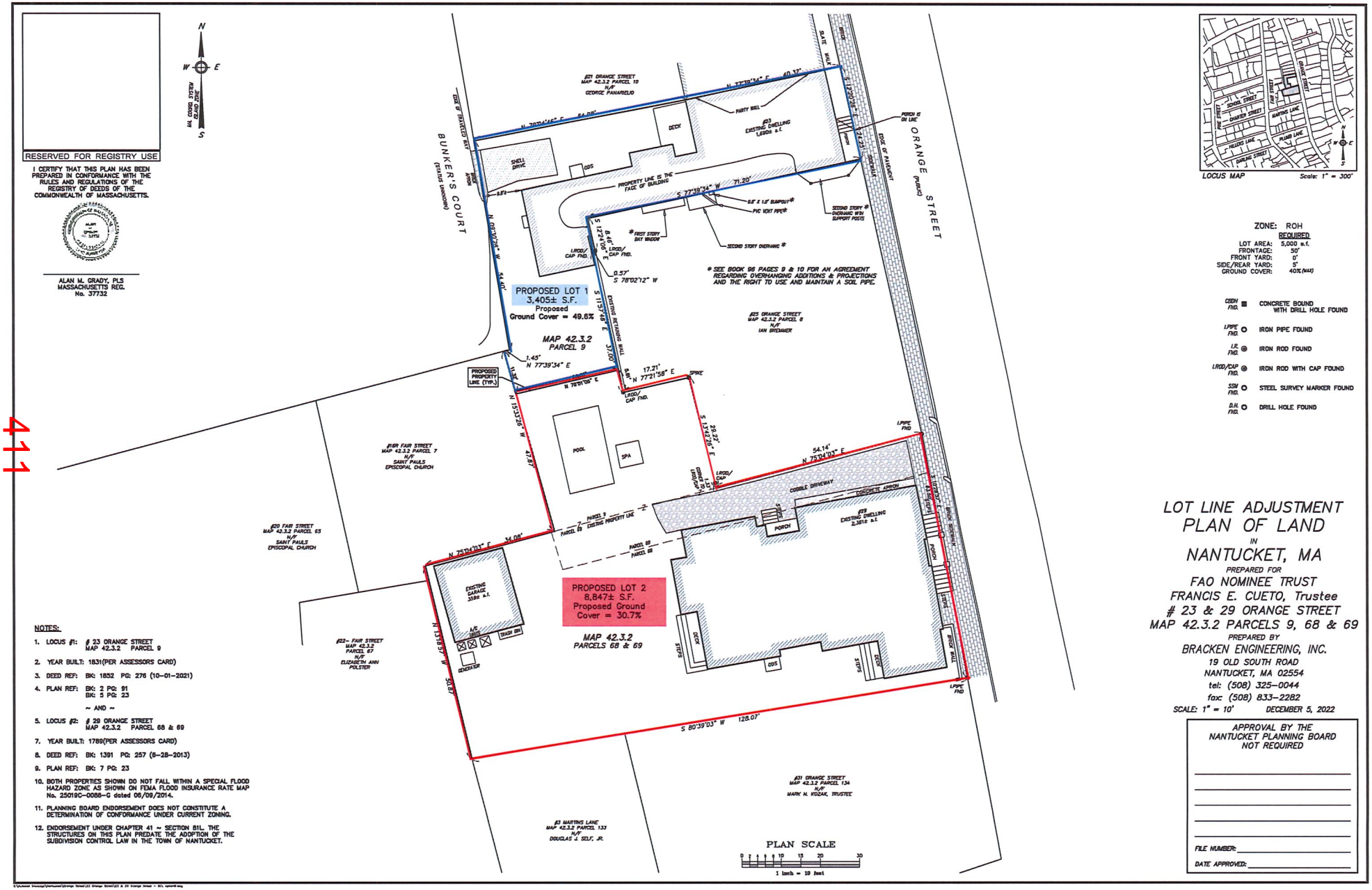
Prepared for:

ROCKLAND TRUST COMPANY

23 ORANGE STREET
MAP 42.3.2 PARCEL 9

S:\Autocad Drawings\Nantucket\Orange Street\23 Orange Street\23 Orange Street.dwg

EXHIBIT "B"



ZONE: ROH

	REQUIRED
LOT AREA:	5,000 s.f.
FRONTAGE:	50'
FRONT YARD:	0'
SIDE/REAR YARD:	5'
GROUND COVER:	40% (MAX)

CBDH FND.	CONCRETE BOUND WITH DRILL HOLE FOUND
LPIPE FND	IRON PIPE FOUND
LR. FND.	IRON ROD FOUND
LRCD/CAP FND.	IRON ROD WITH CAP FOUND
SSM FND.	STEEL SURVEY MARKER FOUND
D.H. FND.	DRILL HOLE FOUND

NOTES:

1. LOCUS #1: # 23 ORANGE STREET MAP 42.3.2 PARCEL 9
2. YEAR BUILT: 1831(PER ASSESSORS CARD)
3. DEED REF: BK: 1852 PG: 276 (10-01-2021)
4. PLAN REF: BK: 2 PG: 81
   BK: 5 PG: 23
   ~ AND ~
5. LOCUS #2: # 29 ORANGE STREET MAP 42.3.2 PARCEL 68 & 69
7. YEAR BUILT: 1789(PER ASSESSORS CARD)
8. DEED REF: BK: 1391 PG: 257 (6-28-2013)
9. PLAN REF: BK: 7 PG: 23
10. BOTH PROPERTIES SHOWN DO NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0068-G dated 06/09/2014.
11. PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER CURRENT ZONING.
12. ENDORSEMENT UNDER CHAPTER 41 ~ SECTION 81L. THE STRUCTURES ON THIS PLAN PREDATE THE ADOPTION OF THE SUBDIVISION CONTROL LAW IN THE TOWN OF NANTUCKET.

LOT LINE ADJUSTMENT
PLAN OF LAND
IN
NANTUCKET, MA

PREPARED FOR
FAO NOMINEE TRUST
FRANCIS E. CUETO, Trustee
23 & 29 ORANGE STREET
MAP 42.3.2 PARCELS 9, 68 & 69

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

SCALE: 1" = 10' DECEMBER 5, 2022

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED

FILE NUMBER: _____

DATE APPROVED: _____

411



Property Information

Property ID	42.3.2 69
Location	29 ORANGE ST
Owner	CUETO FRANCIS E TRST

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 11/14/2022
Data updated Jan. 2021

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

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER. CUETO, FRANCIS, E. TRUSTEE, FAO NOMINEE TRUST
C/O Beaudette and Swain, LLC, 35 Old South Road, STE D,
MAILING ADDRESS. PO BOX 2049, Nantucket, MA 02554

PROPERTY LOCATION. 29 Orange Street, Nantucket, MA 02554

ASSESSOR MAP/PARCEL 42.3.2 / 69

SUBMITTED BY. Richard P. Beaudette, Esq.

SEE ATTACHED PAGES

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

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2023.01.12 15:17:10 -05'00'

January 12, 2023

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
4231	44		SANFORD ON UNION LLC	C/O ROBERT S THOMAS	60 CLARK HILL ROAD	EAST HADDAM	CT	06423	11 UNION ST
4231	44	1	DAGG1 LLC		670 HOLLOW TREE RIDGE RD	DARIEN	CT	06820	11R UNION ST
4231	45		HAMATHA REALTY TRUST	KING DAVID G & NINA TRS	C/O KING DAVID G JR	GREENWICH	CT	06831	14R ORANGE ST
4231	46		MMS INVESTMENT TRUST LLC		245 LITTLE HARBOUR LN	NAPLES	FL	34102	14 ORANGE ST
4231	47		EHINGER JOHN A & MARIANNE E		5 HARTLEY FARMS RD	MORRISTOWN	NJ	07960	12 ORANGE ST
4231	48		PALANDJIAN PETER	C/O INTERCONTIENTAL	1270 SOLDIERS FIELD RD	BOSTON	MA	02135	13 ORANGE ST
4231	49		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	14 FAIR ST
4231	50		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA	02554	7 FAIR ST
4231	102		450 GREEN PARK LLC		5 HARTLEY FARMS RD	MORRISTOWN	NJ	07960	2 STONE AL
4231	103		PETERSEN KAREN M TRSTEE	10 ORANGE ST REALTY TRUST	44 MAYFAIR LANE	GREENWICH	CT	06831	10 ORANGE ST
4231	105		UNITARIAN CHURCH		BOX 1023	NANTUCKET	MA	02554	11 ORANGE ST
4231	106		UNITARIAN CHURCH		PO BOX 1023	NANTUCKET	MA	02554	10 FAIR ST
4232	3		4 RAYS COURT NOM TRUST		8508 COUNTRY CLUB DRIVE	BETHESDA	MD	20817	4 RAYS CT
4232	4		MAYBERRY NOMINEE TRUST	GIFFORD WHITNEY A	122 GRAYS LN	HAVERFORD	PA	19041	9 FAIR ST
4232	4	1	JACOBS AMANDA B & KEVIN J TRST		8508 COUNTRY CLUB DR	BETHESDA	MD	20817	1 JUDITH CHASE LN
4232	5		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	16 FAIR ST
4232	6		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	18 FAIR ST
4232	7		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	16R FAIR ST
4232	8		BREMMER IAN		149 FIFTH AVE 15TH FL	NEW YORK	NY	10010	25 ORANGE ST
4232	9		TRES SORELLA 2 LLC		29 ORANGE ST	NANTUCKET	MA	02554	23 ORANGE ST
4232	10		ROBERTS ROBIN D & ELIZABETH B TRST		2101 CONNECTICUT AVE NW APT #2	WASHINGTON	DC	20008	21 ORANGE ST
4232	11		HANES ELDRIDGE C & JANE G		1020 KENT MEWS CT	WINSTON-SALEM	NC	27104	19 ORANGE ST
4232	12		HEMPEL KERIN & JASON		225 5TH AVE #11BC	NEW YORK	NY	10010	17 ORANGE ST
4232	13		GODFORD LLC		1818 LAGOON VIEW DR	TIBURON	CA	94920	15 ORANGE ST
4232	14		16 ORANGE STREET LLC	C/O ALEXANDER KLABIN	C/O ALEXANDER KLABIN	NEW YORK	NY	10028	16 ORANGE ST
4232	15		18 ORANGE ST LLC	C/O KLABIN ALEX	1010 FIFTH AVENUE 10A	NEW YORK	NY	10028	18 ORANGE ST
4232	16		SCHOUDEL JON J & CAROLINE H		29 PLYMOUTH RD	DARIEN	CT	06820	13 UNION ST
4232	17		TACCAT LLC		10 MARSHALL AVE	MARSHFIELD	MA	02048	14 UNION ST

4232	63		THE BARNACLE INN LLC		11 FAIR STREET	NANTUCKET	MA	02554	11 FAIR ST
4232	64		THE SHIPS INN NANTUCKET	LIMITED PARTNERSHIP	13 FAIR ST	NANTUCKET	MA	02554	13 FAIR ST
4232	65		ST PAULS EPISCOPAL CHURCH		20 FAIR STREET	NANTUCKET	MA	02554	20 FAIR ST
4232	66		ROCHE DAVID M		313 W CYPRESS STREET	PHOENIX	AZ	85003	20- FAIR ST
4232	67		POLSTER ELIZABETH ANN		22 1/2 FAIR ST	NANTUCKET	MA	02554	22- FAIR ST
4232	70		PFOX NANTUCKET LLC		64 CHARLES RD	BERNARDSVILLE	NJ	07924	20 ORANGE ST
4232	71		MANDELL SEYMOUR G & MIRIAM G		1818 MARKET ST SUITE 3220	PHILADELPHIA	PA	19103	17 UNION ST
4232	72		BEEHIVE UNION LLC		15 UNION STREET	NANTUCKET	MA	02554	15 UNION ST
4232	73		ACK ISLAND LLC ETAL		89101 OLD HIGHWAY	TAVERNIER	FL	33070	16 UNION ST
4232	74		AMARA JENNA TR	TALLANT HOUSE REALTY TRUST	500 ATLANTIC AVENUE UNIT 19B	BOSTON	MA	02110	18 UNION ST
4232	75		RUTTENBERG MARGARET B & JOHN C	C/O TINICUM ENTERPRISES	990 STEWART AVE	GARDEN CITY	NY	11530	20 UNION ST
4232	120		ABRAMSON LEIGH J & CARRIE C TRST	THREE CHARTER STREET NOM TRUST	941 PARK AVE APT 11/12A	NEW YORK	NY	10028	3 CHARTER ST
4232	125		RUSSELL GORDON C		PO BOX 643451	VERO BEACH	FL	32964	3 SCHOOL ST
4232	125	1	HEARD EDWARD S	C/O RICE HEARD & BIGELOW	C/O RICE HEARD & BIGELOW INC	BOSTON	MA	02110	4 LUCRETIA MOTT LN
4232	126		SYLVIA JULIE B		6 SCHOOL ST	NANTUCKET	MA	02554	6 SCHOOL ST
4232	127		HENSHALL RONALD S & ALICE D TRST	SCHOOL STREET TRUST	929 LORIEN DR	GWYNEDD VALLEY	PA	19002	4 SCHOOL ST
4232	128		PIEMONTE THOMAS C	& CATHERINE A	194 CENTRE ST	DOVER	MA	02030	1 SCHOOL ST
4232	129		VAUGHAN EDWARD F & PAMELA R		PO BOX 659	NANTUCKET	MA	02554	15 FAIR ST
4232	130		ROSE DOUGLAS & LISA V TR	ROSE DOUGLAS & LISA V LIVING TRUST	12 SEVEN SPRINGS ROAD	RADNOR	PA	19087	22 FAIR ST
4232	131		MAY JAMES B		440 15TH AVE SOUTH	NAPLES	FL	34102	24 FAIR ST
4232	132		5 MARTINS LLC		300 HARBOUR DR # 103B	VERO BEACH	FL	32963	5 MARTINS LN
4232	133		SELF J DOUGLAS JR		2575 PEACHTREE RD # 23C	ATLANTA	GA	30305	3 MARTINS LN
4232	134		KOZAK MARK N TRST	KOZAK NOMINEE TRUST	260 CLARKE AVE	PALM BEACH	FL	33480	31 ORANGE ST
4232	135		ERICKSEN MICHAEL & ANA		26 ORANGE ST	NANTUCKET	MA	02554	26 ORANGE ST
4232	136		CARACCIOLO ACK LLC		160 GOULD ST STE 230	NEEDHAM	MA	02494	19 UNION ST
4232	137		ANASTOS PETER C & JULIE TRST	21 UNION NOMINEE TRUST	958 LEXINGTON RD	CONCORD	MA	01742	21 UNION ST
4232	138		GLIDDEN RICHARD J TR	CLARA R URBAHN 2015 MANGMNT TRUST	BOX 109	SIASCONSET	MA	02564	22 UNION ST
4232	167		BASKETT FRANCES ELIZABETH		2 CHARTER STREET	NANTUCKET	MA	02554	2 CHARTER ST
4232	169		LOVEOFFAIR LLC		406 GATCOMBE LN	BRYN MAWR	PA	19010	19 FAIR ST

4232	170		PETERS SHIRLEY M TRUSTEE	THE PETERS NOMINEE TRUST	1900 BALLYCOR DR	VIENNA	VA	22182	17 FAIR ST
4232	171		26 FAIR LLC		769 CHERRY VALLEY RD	PRINCETON	NJ	08540	26 FAIR ST
4232	172		JENNINGS KENNETH L ETAL		10 MARTINS LANE	NANTUCKET	MA	02554	10 MARTINS LN
4232	173		TURNER 6 MARTINS LLC		MEIELSGRUNDGASSLI 29	3783 GRUND B GSTAAD		SWITZERLAND	6 MARTINS LN
4232	174		RED BRICK ROAD LLC	C/O LASHELLE SCOTT J	1116 WEED ST	NEW CANAAN	CT	06840	2 MARTINS LN
4232	176		GREENBERG JEFFREY W & KIMBERLY E		950 PARK AVE APT 11B	NEW YORK	NY	10028	30 ORANGE ST
4232	176	1	V & L STROLL LLC		416 S 96TH STREET	OMAHA	NE	68114	23B UNION ST
4232	176	2	GIFFORD WHITNEY A TR	CLP PROPERTY NOMINEE TRUST	240 WEST CHESTNUT HILL AVE	PHILADELPHIA	PA	19118	23A UNION ST
4232	193	1	27 FAIR STREET LLC		867 BOYLSTON ST 4TH FL	BOSTON	MA	02116	27 FAIR ST
4232	194		CARPENTER PHILIP A		469 WHITNEY RD	SPRINGFIELD	VT	05156	23 FAIR ST
4232	195		BOLOGNA KATHY M & THOMAS A TRS		284 EAST SHORE RD	JAMESTOWN	RI	02835	30 FAIR ST
4232	195	1	MOSS EVA & JAMIE LISA TRST	SEVEN PLUMB LN NOM TRUST	20 S MURRAY AVE	RIDGEWOOD	NJ	07450	7 PLUMB LN
4232	196		SPEAKMAN STEPHANIE B		1205 NORTH ORANGE ST	WILMINGTON	DE	19801	5 PLUMB LN
4232	197		ROWE JENNIFER G EXECUTOR	C/O JASON G HEARST	4 UNION STREET	CAMDEN	ME	04843	3 PLUMB LN
4232	198		TURNER LOUISE EVANS		MEIELSGRUNDGASSLE 29	3783 GRUND B GSTAAD		SWITZERLAND	1 PLUMB LN
4232	199		PATON SCOTT B & KRISTIN S	LIFE ESTATE	LIFE ESTATE	BOSTON	MA	02108	33 ORANGE ST
4232	200		GREENBERG JEFFREY W & KIMBERLY E		950 PARK AVE APT 11B	NEW YORK	NY	10028	30A ORANGE ST
4232	200	1	LITTLE WILLIAM E JR		1107 FIFTH AVE - APT 3N	NEW YORK	NY	10128	32 ORANGE ST
4232	201		FROHLING JOAN PENNEY ETAL		62 HOLLAND PARK	LONDON		W11 3SJ	23 UNION ST
4232	213	1	GUTMAN HENRY B & KAROLY S		90 FURMAN ST APT N-508	BROOKLYN	NY	11201	32 FAIR ST
4232	214		LANG ROBERT B TR	LANG FAMILY NOM TRUST	PO BOX 614	NANTUCKET	MA	02554	4 PLUMB LN
4232	215		SILKENAT KATHERINE ANNE TRST	KA SILKENAT LIVING TRUST	4800 N 68TH ST BUNGALOW 274	SCOTTSDALE	AZ	85251	37 ORANGE ST
4232	216		ACK REALTY TRUST		438 CHESTERFIELD JACONSTOWN RD	CHESTERFIELD	NJ	08515	39 ORANGE ST
4232	225	2	ERICKSEN MICHAEL & ANA		26 ORANGE ST	NANTUCKET	MA	02554	22 ORANGE ST
Count:	**81**								

SANFORD ON UNION LLC
C/O ROBERT S THOMAS
60 CLARK HILL ROAD
EAST HADDAM, CT 06423

DAGG1 LLC
670 HOLLOW TREE RIDGE RD
DARIEN, CT 06820

HAMATHA REALTY TRUST
KING DAVID G & NINA TRS
C/O KING DAVID G JR
GREENWICH, CT 06831

MMS INVESTMENT TRUST LLC
245 LITTLE HARBOUR LN
NAPLES, FL 34102

EHINGER JOHN A & MARIANNE E
5 HARTLEY FARMS RD
MORRISTOWN, NJ 07960

PALANDJIAN PETER
C/O INTERCONTIENTAL
1270 SOLDIERS FIELD RD
BOSTON, MA 02135

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

450 GREEN PARK LLC
5 HARTLEY FARMS RD
MORRISTOWN, NJ 07960

PETERSEN KAREN M TRSTEE
10 ORANGE ST REALTY TRUST
44 MAYFAIR LANE
GREENWICH, CT 06831

UNITARIAN CHURCH
BOX 1023
NANTUCKET, MA 02554

UNITARIAN CHURCH
PO BOX 1023
NANTUCKET, MA 02554

4 RAYS COURT NOM TRUST
8508 COUNTRY CLUB DRIVE
BETHESDA, MD 20817

MAYBERRY NOMINEE TRUST
GIFFORD WHITNEY A
122 GRAYS LN
HAVERFORD, PA 19041

JACOBS AMANDA B & KEVIN J TRST
8508 COUNTRY CLUB DR
BETHESDA, MD 20817

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

BREMMER IAN
149 FIFTH AVE 15TH FL
NEW YORK, NY 10010

TRES SORELLA 2 LLC
29 ORANGE ST
NANTUCKET, MA 02554

ROBERTS ROBIN D & ELIZABETH B TRST
2101 CONNECTICUT AVE NW APT #2
WASHINGTON, DC 20008

HANES ELDRIDGE C & JANE G
1020 KENT MEWS CT
WINSTON-SALEM, NC 27104

HEMPEL KERIN & JASON
225 5TH AVE #11BC
NEW YORK, NY 10010

GODFORD LLC
1818 LAGOON VIEW DR
TIBURON, CA 94920

16 ORANGE STREET LLC
C/O ALEXANDER KLABIN
C/O ALEXANDER KLABIN
NEW YORK, NY 10028

18 ORANGE ST LLC
C/O KLABIN ALEX
1010 FIFTH AVENUE 10A
NEW YORK, NY 10028

SCHOUDEL JON J & CAROLINE H
29 PLYMOUTH RD
DARIEN, CT 06820

TACCAT LLC
10 MARSHALL AVE
MARSHFIELD, MA 02048

THE BARNACLE INN LLC
11 FAIR STREET
NANTUCKET, MA 02554

THE SHIPS INN NANTUCKET
LIMITED PARTNERSHIP
13 FAIR ST
NANTUCKET, MA 02554

ST PAULS EPISCOPAL CHURCH
20 FAIR STREET
NANTUCKET, MA 02554

ROCHE DAVID M
313 W CYPRESS STREET
PHOENIX, AZ 85003

POLSTER ELIZABETH ANN
22 1/2 FAIR ST
NANTUCKET, MA 02554

PFOX NANTUCKET LLC
64 CHARLES RD
BERNARDSVILLE, NJ 07924

MANDELL SEYMOUR G & MIRIAM G
1818 MARKET ST SUITE 3220
PHILADELPHIA, PA 19103

BEEHIVE UNION LLC
15 UNION STREET
NANTUCKET, MA 02554

ACK ISLAND LLC ETAL
89101 OLD HIGHWAY
TAVERNIER, FL 33070

AMARA JENNA TR
TALLANT HOUSE REALTY TRUST
500 ATLANTIC AVENUE UNIT 19B
BOSTON, MA 02110

RUTTENBERG MARGARET B & JOHN C
C/O TINICUM ENTERPRISES
990 STEWART AVE
GARDEN CITY, NY 11530

ABRAMSON LEIGH J & CARRIE C TRST
THREE CHARTER STREET NOM TRUST
941 PARK AVE APT 11/12A
NEW YORK, NY 10028

RUSSELL GORDON C
PO BOX 643451
VERO BEACH, FL 32964

HEARD EDWARD S
C/O RICE HEARD & BIGELOW
C/O RICE HEARD & BIGELOW INC
BOSTON, MA 02110

SYLVIA JULIE B
6 SCHOOL ST
NANTUCKET, MA 02554

HENSHALL RONALD S & ALICE D TRST
SCHOOL STREET TRUST
929 LORIEN DR
GWYNEDD VALLEY, PA 19002

PIEMONTE THOMAS C
& CATHERINE A
194 CENTRE ST
DOVER, MA 02030

VAUGHAN EDWARD F & PAMELA R
PO BOX 659
NANTUCKET, MA 02554

ROSE DOUGLAS & LISA V TR
ROSE DOUGLAS & LISA V LIVING TRUST
12 SEVEN SPRINGS ROAD
RADNOR, PA 19087

MAY JAMES B
440 15TH AVE SOUTH
NAPLES, FL 34102

5 MARTINS LLC
300 HARBOUR DR # 103B
VERO BEACH, FL 32963

SELF J DOUGLAS JR
2575 PEACHTREE RD # 23C
ATLANTA, GA 30305

KOZAK MARK N TRST
KOZAK NOMINEE TRUST
260 CLARKE AVE
PALM BEACH, FL 33480

ERICKSEN MICHAEL & ANA
26 ORANGE ST
NANTUCKET, MA 02554

CARACCIOLO ACK LLC
160 GOULD ST STE 230
NEEDHAM, MA 02494

ANASTOS PETER C & JULIE TRST
21 UNION NOMINEE TRUST
958 LEXINGTON RD
CONCORD, MA 01742

GLIDDEN RICHARD J TR
CLARA R URBAHN 2015 MANGMNT TRUST
BOX 109
SIASCONSET, MA 02564

BASKETT FRANCES ELIZABETH
2 CHARTER STREET
NANTUCKET, MA 02554

LOVEOFFAIR LLC
406 GATCOMBE LN
BRYN MAWR, PA 19010

PETERS SHIRLEY M TRUSTEE
THE PETERS NOMINEE TRUST
1900 BALLYCOR DR
VIENNA, VA 22182

26 FAIR LLC
769 CHERRY VALLEY RD
PRINCETON, NJ 08540

JENNINGS KENNETH L ETAL
10 MARTINS LANE
NANTUCKET, MA 02554

TURNER 6 MARTINS LLC
MEIELSGRUNDGASSLI 29
3783 GRUND B GSTAAD, SWITZERLAND

RED BRICK ROAD LLC
C/O LASHELLE SCOTT J
1116 WEED ST
NEW CANAAN, CT 06840

GREENBERG JEFFREY W & KIMBERLY E
950 PARK AVE APT 11B
NEW YORK, NY 10028

V & L STROLL LLC
416 S 96TH STREET
OMAHA, NE 68114

GIFFORD WHITNEY A TR
CLP PROPERTY NOMINEE TRUST
240 WEST CHESTNUT HILL AVE
PHILADELPHIA, PA 19118

27 FAIR STREET LLC
867 BOYLSTON ST 4TH FL
BOSTON, MA 02116

CARPENTER PHILIP A
469 WHITNEY RD
SPRINGFIELD, VT 05156

BOLOGNA KATHY M & THOMAS A TRS
284 EAST SHORE RD
JAMESTOWN, RI 02835

MOSS EVA & JAMIE LISA TRST
SEVEN PLUMB LN NOM TRUST
20 S MURRAY AVE
RIDGEWOOD, NJ 07450

SPEAKMAN STEPHANIE B
1205 NORTH ORANGE ST
WILMINGTON, DE 19801

ROWE JENNIFER G EXECUTOR
C/O JASON G HEARST
4 UNION STREET
CAMDEN, ME 04843

TURNER LOUISE EVANS
MEIELSGRUNDGASSLE 29
3783 GRUND B GSTAAD, SWITZERLAND

PATON SCOTT B & KRISTIN S
LIFE ESTATE
LIFE ESTATE
BOSTON, MA 02108

GREENBERG JEFFREY W & KIMBERLY E
950 PARK AVE APT 11B
NEW YORK, NY 10028

LITTLE WILLIAM E JR
1107 FIFTH AVE - APT 3N
NEW YORK, NY 10128

FROHLING JOAN PENNEY ETAL
62 HOLLAND PARK
LONDON, W11 3SJ

GUTMAN HENRY B & KAROLY S
90 FURMAN ST APT N-508
BROOKLYN, NY 11201

LANG ROBERT B TR
LANG FAMILY NOM TRUST
PO BOX 614
NANTUCKET, MA 02554

SILKENAT KATHERINE ANNE TRST
KA SILKENAT LIVING TRUST
4800 N 68TH ST BUNGALOW 274
SCOTTSDALE, AZ 85251

ACK REALTY TRUST
438 CHESTERFIELD JACONSTOWN RD
CHESTERFIELD, NJ 08515

ERICKSEN MICHAEL & ANA
26 ORANGE ST
NANTUCKET, MA 02554

7 LAURETTA LANE LLC

File No. 02-23

7 Lauretta Lane

VARIANCE

NANTUCKET
TOWN CLERK

2023 JAN 17 PM 12:22

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No.** 02-23

Owner's name(s): 7 Lauretta Lane LLC

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, P.O. Box 786

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Applicant's name(s): Same

Mailing Address: 34 Main Street, P.O. Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Locus Address: 7 Lauretta Lane Assessor's Map/Parcel: 14/53

Plan: Lots 67 on LC Plan 16220-Z Certificate of Title: 28835
Zoning District: LUG-3

Uses on Lot- Commercial: None
Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 1972 No or _____

Building Permit Numbers: _____

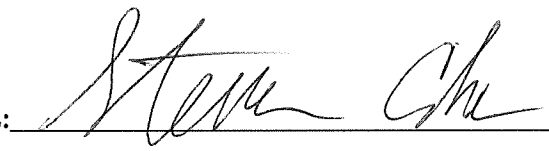
Previous Zoning Board Application Numbers: _____

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

Please see attached addendum.

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

SIGNATURE:_____ Owner*

SIGNATURE:  Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

ADDENDUM:

The locus, 7 Lauretta Lane, is a lot of 130,462,108 SF where 120,00 SF is required, containing a single-family dwelling in the north each corner, with a 1.13% ground cover ratio (1,476 SF) where 3% is allowed. The locus is in the Limited Use General - 3 (LUG-3) Zoning District. It is shown on Assessor's Map 14 as Parcel 53, and as Lot 67 on Land Court Plan No. 16220-Z at the Nantucket Registry District of the Land Court. Evidence of Applicant's ownership is at Certificate of Title No. 28835. The locus has a long tail at the southwest corner that contains a current and proposed below grade septic system and a ground based solar array that is as close as 19.8' from the western lot line and 1.8' from the eastern lot line, where a 20' side year setback is required. The lot is otherwise dimensionally conforming to the Nantucket Zoning Bylaw.

The Applicant is the recent purchaser of the locus, which was recently reconfigured by the prior owner to create the lots now know and numbered as 7 Lauretta Lane and 21 Pocomo Road. 7 Lauretta Lane is more than 3 acres, but due to the presence of substantial wetlands and wetland buffer zones, a substantial portion of the property is unbuildable, except for the northeast corner and the area in the south west corner. The tail in the southwest corner of the lot was designed to contain septic systems, and to have a solar array that services the abutting lot to the south, 21 Pocomo Road, pursuant to an easement. The solar array sits in two side yard setbacks of the thin tail. It was installed in that location pursuant to a validly issued building permit, that was pre-cleared with Zoning Enforcement Officer in 2019 (see email of July 7 2019 and response of July 9, 2019, attached) and closed out upon inspection in 2020 (See BLDR-2019-11-0095). Specifically, the prior owner's legal counsel was advised in preclearance by the Zoning Enforcement Officer that under MGL Ch 40A Section 3, the location of a solar array within a zoning setback was NOT considered to be a zoning violation.

Later, in 2022, the current owner/applicant entered into a contract to buy the locus. As part of the due diligence for this purchase, the Buyer was advised that the Building Commissioner may no longer subscribe to the prior interpretation of MGL chapter 40A Section 3 to exempt solar arrays from zoning setbacks. The Town has not brought a violation or enforcement action, but the property owner seeks to resolve any question on the matter.

The Applicant seeks an interpretation from the Zoning Board of Appeals that solar arrays are not subject to zoning setbacks under MGL Chapter 40A Section 3. This state law provides that "*No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.*" This, the Board is requested to determine that the setback requirement in 139-16 is inapplicable, in whole or in application here.

In the alternative, due to the shape of the lot and soil conditions thereon, Applicant seeks relief from the setback provisions of Section 139-16A, by Variance pursuant to Zoning By-law Section 139-32, to validate the solar array as it now sits. The Array is located between a road and the lot that benefits from it, and is not visible from the heavily vegetated road. Relocating it would be highly burdensome to the Applicant, financially and otherwise. It has no impact on public health, safety or welfare, and relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw.



Property Information

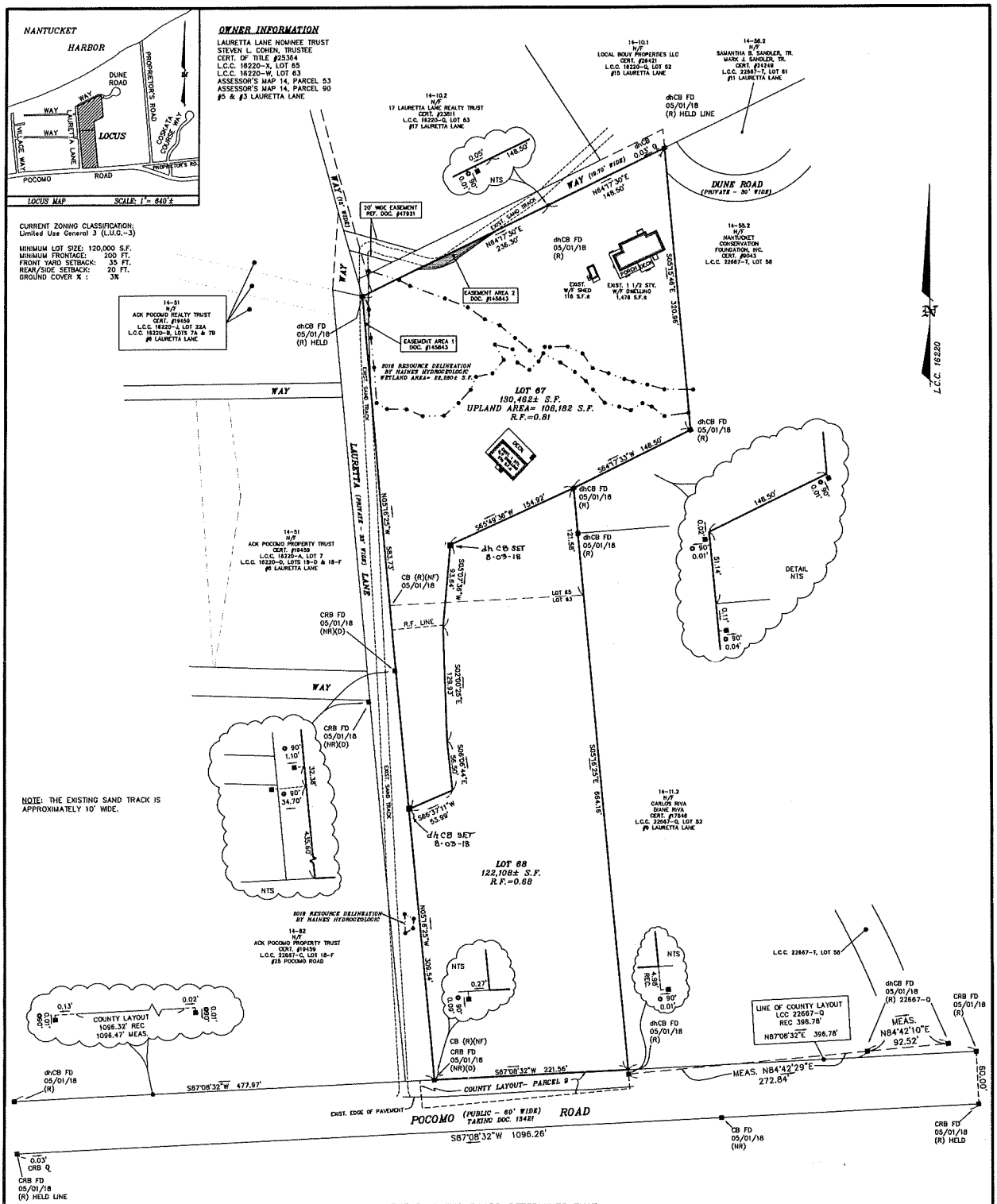
Property ID	14 53
Location	7 LAURETTA LN
Owner	COHEN STEVEN L TR

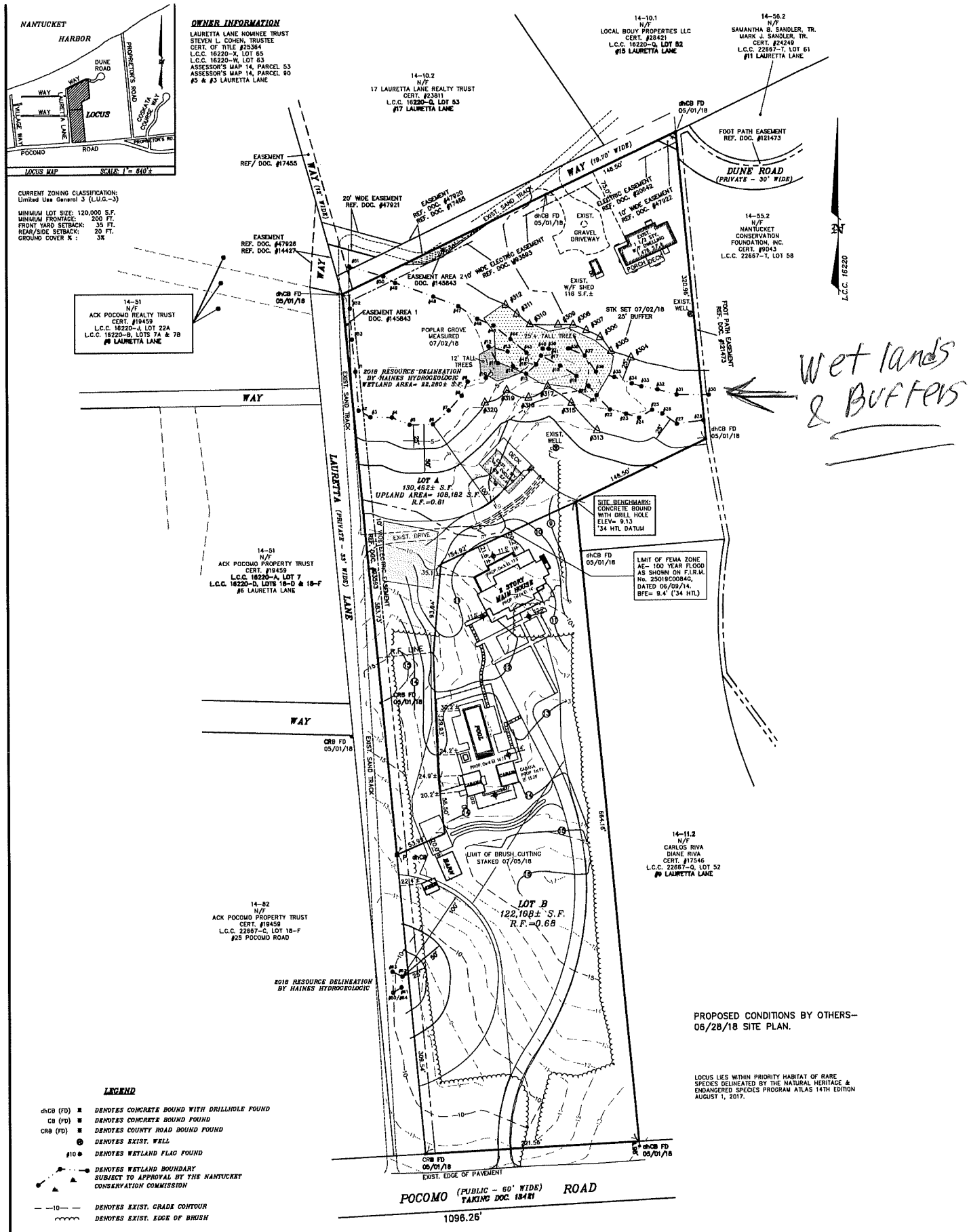
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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 11/14/2022
Data updated Jan. 2021

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


NANTUCKET HARBOR
DUNE ROAD
PROPRIETOR'S ROAD
CODDINGTON COURT WAY
WAY
LAURETTA LANE
VILLAGE WAY
LOCUS
POCOMO ROAD
LOCUS MAP SCALE: 1" = 640'±
OWNER INFORMATION
LAURETTA LANE NOMINEE TRUST
STEVEN L. COHEN, TRUSTEE
CERT. OF TITLE #25364
L.C.C. 16220-X, LOT 65
L.C.C. 16220-W, LOT 63
ASSESSOR'S MAP 14, PARCEL 53
ASSESSOR'S MAP 14, PARCEL 90
#5 & #3 LAURETTA LANE
CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3%
14-10.1 N/F LOCAL BOUY PROPERTIES LLC CERT. #26421 L.C.C. 16220-Q, LOT 52 #15 LAURETTA LANE
14-56.2 N/F SAMANTHA B. SANDLER, TR. MARK J. SANDLER, TR. CERT. #12249 L.C.C. 22667-T, LOT 61 #11 LAURETTA LANE
14-10.2 N/F 17 LAURETTA LANE REALTY TRUST CERT. #23811 L.C.C. 16220-Q, LOT 53 #17 LAURETTA LANE
dhCB FD 05/01/18 (R) HELD LINE
DUNE ROAD (PRIVATE - 30' WIDE)
WAY (19'± WIDE)
N84°17'30"E 148.50'
20' WIDE EASEMENT REF. DOC. #47931
EXIST. SAND TRACK
N84°17'30"E 236.30'
dhCB FD 05/01/18 (R)
14-55.2 N/F NANTUCKET CONSERVATION FOUNDATION, INC. CERT. #8043 L.C.C. 22667-T, LOT 58
EXIST. W/F SHED 116 S.F.±
EXIST. 1 1/2 STY. W/F DWELLING 1,478 S.F.±
S05°42'43"E 308.85'
EASEMENT AREA 2 DOC. #145843
EASEMENT AREA 1 DOC. #145843
14-51 N/F ACK POCOMO REALTY TRUST CERT. #19458 L.C.C. 16220-A, LOT 22A L.C.C. 16220-B, LOTS 7A & 7B #8 LAURETTA LANE
dhCB FD 05/01/18 (R) HELD
2018 RESOURCE DELINEATION BY HAINES HYDROECOLOGIC WETLAND AREA= 22,280± S.F.
LOT 67
130,462± S.F.
UPLAND AREA= 108,182 S.F.
R.F.=0.81
N.F. LOCUS
L.C.C. 16220
WAY
LAURETTA (PRIVATE - 30' WIDE) LANE
EXIST. SAND TRACK
S64°33'30"W 148.50'
S65°49'36"W 154.92'
dhCB FD 05/01/18 (R)
dh CB SET 8-09-18
S05°42'43"E 308.85'
CB (R)(NF) 05/01/18
LOT 65
LOT 63
R.F. LINE
CRB FD 05/01/18 (NR)(D)
S05°42'43"E 308.85'
S05°35'44"E 96.50'
S86°37'11"W 53.99'
dh CB SET 8-09-18
S05°16'25"E 864.18'
14-11.3 N/F CARLOS RIVA DIANE RIVA CERT. #17546 L.C.C. 22667-Q, LOT 53 #6 LAURETTA LANE
LOT 68
122,108± S.F.
R.F.=0.68
DETAIL NTS
148.50'
S64°33'30"W
NOTE: THE EXISTING SAND TRACK IS APPROXIMATELY 10' WIDE.
2018 RESOURCE DELINEATION BY HAINES HYDROECOLOGIC
14-82 N/F ACK POCOMO PROPERTY TRUST CERT. #19459 L.C.C. 22667-Q, LOT 18-F #25 POCOMO ROAD
N05°16'25"W 308.24'
COUNTY LAYOUT 1096.32' REC 1096.47' MEAS.
LINE OF COUNTY LAYOUT LCC 22667-Q REC 396.78' N87°08'32"E
MEAS. N84°42'10"E 92.52'
MEAS. N84°42'29"E 272.84'
S87°08'32"W 221.56'
S87°08'32"W 477.97'
COUNTY LAYOUT- PARCEL 9
EXIST. EDGE OF PAVEMENT
POCOMO (PUBLIC - 60' WIDE) TAKING DOC. 13421 ROAD
S87°08'32"W 1096.26'
60.00'
L.C.C. 22667-T, LOT 58
dhCB FD 05/01/18 (R) 22667-Q
CRB FD 05/01/18 (R)
CB FD 05/01/18 (NR)
CRB FD 05/01/18 (R) HELD
CRB FD 05/01/18 (R) HELD LINE
THE PLANNING BOARD DETERMINES THAT:
(a) LOT(S) 67 & 68 IS/ARE SUBJECT IN PART TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, BUT CONTAIN SUFFICIENT LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH THE APPLICABLE ZONING REQUIREMENTS. A NOTICE OF INTENT MAY BE REQUIRED TO BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO PROPOSED CONSTRUCTION ON SUCH LOT(S).
PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.
Nantucket Planning Board
APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED
DATE SIGNED
FILE #
UNBALANCED TRAVERSE CLOSURE
SURVEY PRECISION : 1: 436,918
LINEAR ERROR OF CLOSURE : 0.0032'
DIRECTIONAL ERROR OF SURVEY : N32°04'07.4"E
EDM ACCURACY LEICA TS 16 : ±(2mm+2ppm)
"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 05/01/18 AND 8/6/18."
DATE: 8-06-2018
REGISTERED PROFESSIONAL LAND SURVEYOR
COMMONWEALTH OF MASSACHUSETTS JEFFREY L. BLACKWELL No.35289 REGISTERED LAND SURVEYOR
LEGEND
dhCB (FD) ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
CB (FD) ■ DENOTES CONCRETE BOUND FOUND
CRB (FD) ■ DENOTES COUNTY ROAD BOUND FOUND
(R) DENOTES RECORD MONUMENT
(R)(NF) DENOTES RECORD MONUMENT NOT FOUND
(D) DENOTES DISTURBED MONUMENT
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
T:\CHRIS 1 JOB 154
V:\DRAWFILES\B7937\ANR.dwg 8/1/2018 9:15:29 AM EDT
BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com
BEING A DIVISION OF LCC 16220-W, LOT 63 & LCC 16220-X, LOT 65
DIVISION PLAN OF LAND
In Nantucket, MA
Prepared for
LAURETTA LANE NOMINEE TRUST
Drawn by: CJA
Approved by: JLB
Date: July 25, 2018
Scale: 1"=50'
SHEET 1 OF 1
B7937



Wet lands & Buffers

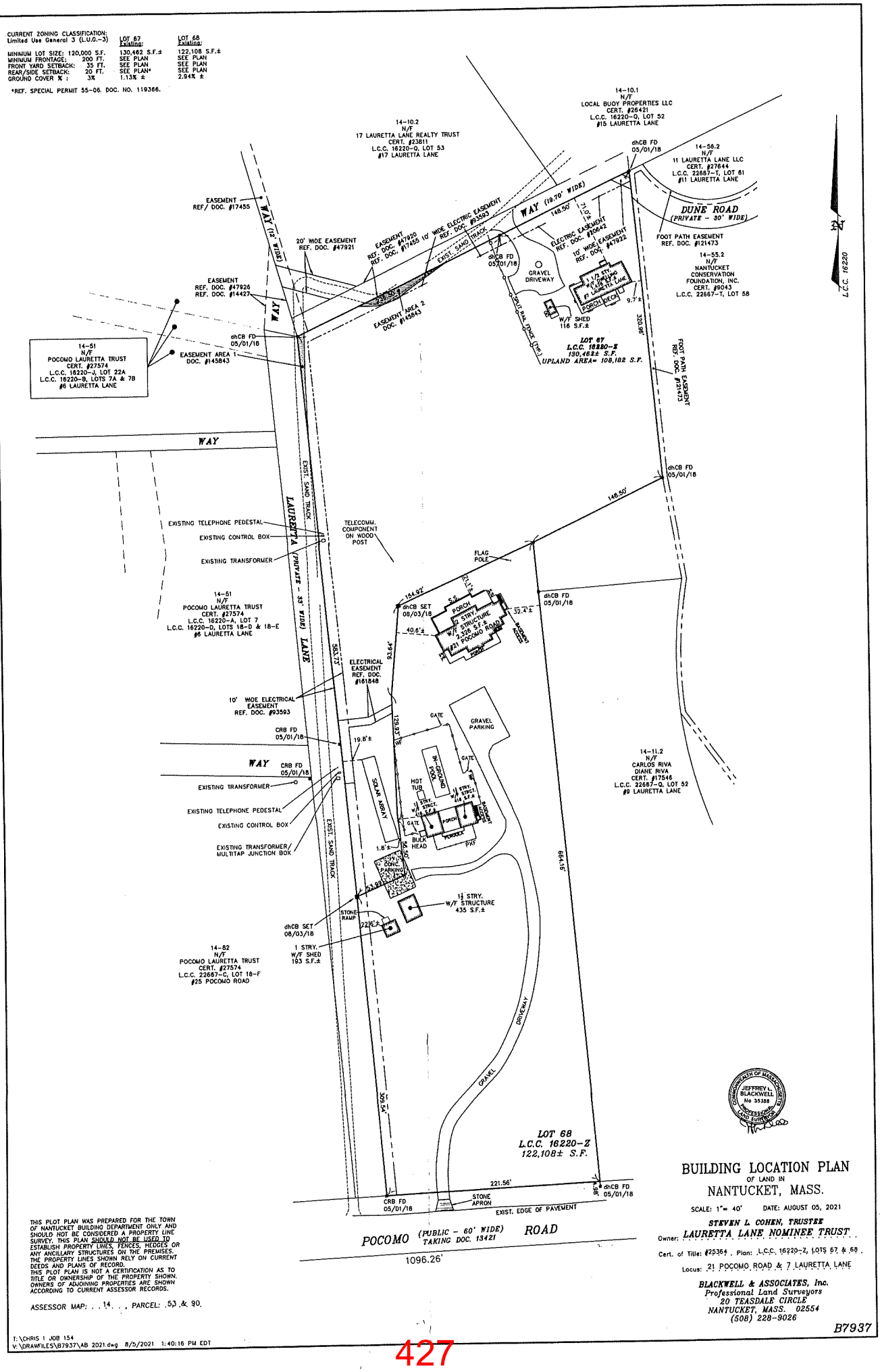
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

T:\CHRIS 1 JOB 154
V:\DRAWFILES\B7937\2018 SP.dwg 7/5/2018 3:59:44 PM EDT

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

SITE PLAN OF LAND
In Nantucket, MA
Prepared for
LAURETTA LANE NOMINEE TRUST

Drawn by: CJA | Date: July 06, 2018
Approved by: | Scale: 1"=40'
SHEET 1 OF 1 B7937



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

ASSESSOR MAP: . . 14 . . , PARCEL: 53 & 90.

T:\CHRIS 1 JOB 154
V:\DRAWFILES\B7937\AB 2021.dwg 8/5/2021 1:40:16 PM EDT

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

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 40' DATE: AUGUST 05, 2021

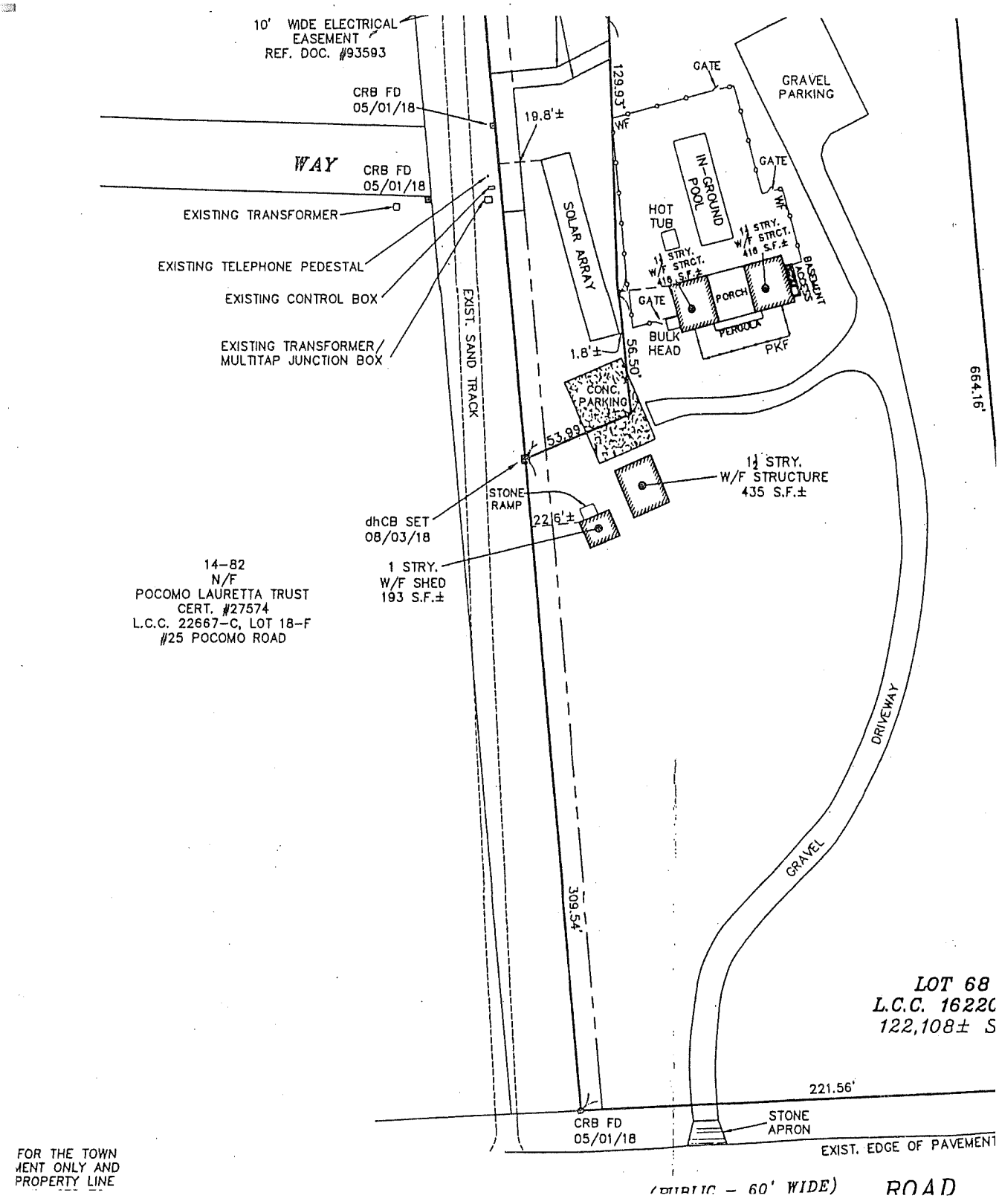
STEVEN L. COHEN, TRUSTEE
Owner: LAURETTA LANE NOMINEE TRUST

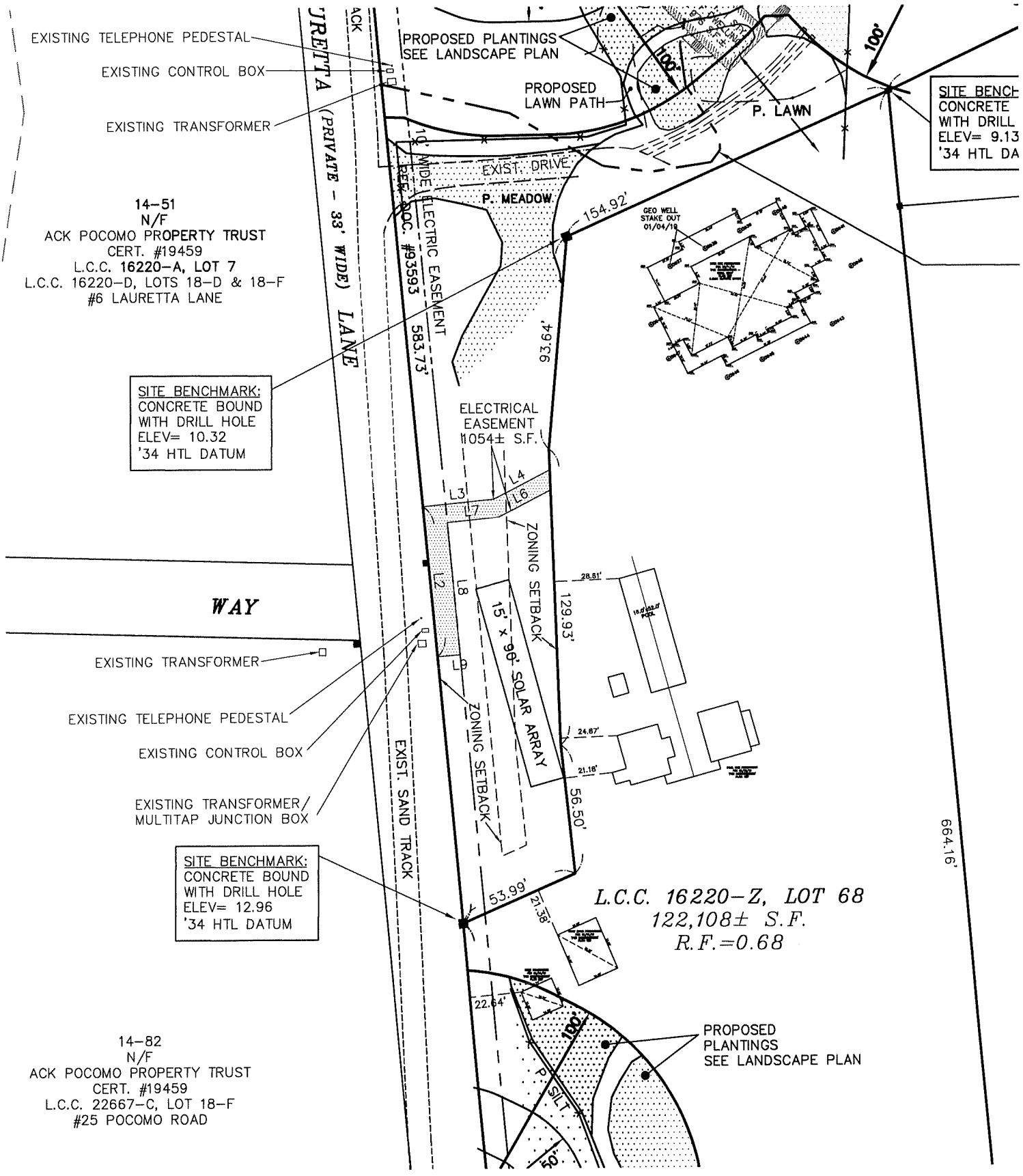
Cert. of Title: #25364 , Plan: L.C.C. 16220-Z, LOTS 67 & 68 .

Locus: 21 POCOMO ROAD & 7 LAURETTA LANE

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

B7937


10' WIDE ELECTRICAL EASEMENT REF. DOC. #93593
CRB FD 05/01/18
WAY
CRB FD 05/01/18
EXISTING TRANSFORMER
EXISTING TELEPHONE PEDESTAL
EXISTING CONTROL BOX
EXISTING TRANSFORMER/ MULTITAP JUNCTION BOX
EXIST. SAND TRACK
19.8'±
129.93'
WF
GATE
GRAVEL PARKING
GATE
SOLAR ARRAY
IN-GROUND POOL
HOT TUB
1½ STRY. W/F STRCT. 416 S.F.±
1½ STRY. W/F STRCT. 416 S.F.±
BASEMENT ACCESS
GATE
PORCH
PERGOLA
BULK HEAD
PKF
1.8'±
56.50'
CONC. PARKING
53.89'
664.16'
1½ STRY. W/F STRUCTURE 435 S.F.±
STONE RAMP
22.6'±
dhCB SET 08/03/18
1 STRY. W/F SHED 193 S.F.±
14-82
N/F
POCOMO LAURETTA TRUST
CERT. #27574
L.C.C. 22667-C, LOT 18-F
#25 POCOMO ROAD
DRIVEWAY
GRAVEL
309.54'
LOT 68
L.C.C. 16220
122,108± S
221.56'
CRB FD 05/01/18
STONE APRON
EXIST. EDGE OF PAVEMENT
FOR THE TOWN
MENT ONLY AND
PROPERTY LINE
(PUBLIC - 60' WIDE) ROAD


EXISTING TELEPHONE PEDESTAL
EXISTING CONTROL BOX
EXISTING TRANSFORMER
PROPOSED PLANTINGS SEE LANDSCAPE PLAN
PROPOSED LAWN PATH
P. LAWN
SITE BENCH CONCRETE WITH DRILL ELEV= 9.13 '34 HTL DA
EXIST. DRIVE
P. MEADOW
10' WIDE ELECTRIC EASEMENT REF. DOC. #93593
583.73'
154.92'
GEO WELL STAKE OUT 01/04/19
93.64'
14-51
N/F
ACK POCOMO PROPERTY TRUST
CERT. #19459
L.C.C. 16220-A, LOT 7
L.C.C. 16220-D, LOTS 18-D & 18-F
#6 LAURETTA LANE
SITE BENCHMARK:
CONCRETE BOUND
WITH DRILL HOLE
ELEV= 10.32
'34 HTL DATUM
ELECTRICAL EASEMENT 1054± S.F.
L1
L2
L3
L4
L5
L6
L7
L8
L9
ZONING SETBACK
15' x 96' SOLAR ARRAY
129.93'
28.61'
24.67'
21.18'
56.50'
53.99'
21.38'
22.64'
664.16'
EXIST. SAND TRACK
WAY
EXISTING TRANSFORMER
EXISTING TELEPHONE PEDESTAL
EXISTING CONTROL BOX
EXISTING TRANSFORMER/ MULTITAP JUNCTION BOX
SITE BENCHMARK:
CONCRETE BOUND
WITH DRILL HOLE
ELEV= 12.96
'34 HTL DATUM
L.C.C. 16220-Z, LOT 68
122,108± S.F.
R.F.=0.68
14-82
N/F
ACK POCOMO PROPERTY TRUST
CERT. #19459
L.C.C. 22667-C, LOT 18-F
#25 POCOMO ROAD
PROPOSED PLANTINGS SEE LANDSCAPE PLAN
SILT
50'
100'

From: Marcus Silverstein
To: Steven Cohen
Cc: Paul Murphy; Jim Barry; Jeff Morash
Subject: RE: solar array question
Date: Tuesday, July 09, 2019 8:00:59 AM

Steven,

The question as to whether setback requirements constitute an "unreasonable regulation" has not been addressed. However, Ch. 40A, §3, as it pertains to solar arrays, is being read as you described in your email below. All care should be taken to locate a solar array within the buildable area of the property, but an array located within a setback area is not currently considered a zoning violation.

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

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Steven Cohen <steven@cohenlegal.net>
Sent: Sunday, July 07, 2019 11:45 PM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Subject: solar array question

Marcus,

I would like to confirm – do you agree that MGL Chapter 40A section 3 exempts solar arrays from zoning setbacks? It provides that:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

Steven Cohen

COMMONWEALTH OF MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO. **BLDR-2019-11-0095**
Permit Type: **Building (Residential)**
Work Classification: **Solar Panels**
Permit Status: **In Review**

Issue Date: **Expiration:**

Location Address
7 LAURETTA LN, Nantucket, MA 02554

Parcel Number
14 53

Contacts

Parcel Owner	Contractor
Stuart Scott 55 Rail Rd, Greenwich, CT 06830	ZACHARY DUSSEAU (508)332-8614

Description: Install 68 Solar PV Modules on a Ground Based Fixed Tilt Racking System
HDC 73039 HEALTH OK ABC 10/12/19 47-97

Valuation: $0.00
Total Sq Feet: 0.00

Inspection Requests:
(508) 325-7587

Fees	Amount
Miscellaneous	$100.00
Total:	$100.00

Payments	Amt Paid
Total Fees	12/4/19
Amount Due:	100.00/pd

6/22 HDC PG 124 OK

Available Inspections:	
Inspection Type	
Foundation	
Framing	
Insulation	
Steel	
Final	7/7/20 SC
HDC	
Planning Board	

COMPLETED
PM 10.26.2020

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required inspections have been signed and dated by the appropriate inspector.

This Permit shall become invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

James B Barry
Issued By: Jim Barry

11 12 19
Date

Date

Date

November 12, 2019

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES

Certificate of Completion

Please use the reporting text bank to edit this text: Certificate_Of_Completion_Note

Building Electrical Mechanical Permits

Permit No.: BLDR-2019-11-0095

Property Address: 7 LAURETTA LN
Nantucket, MA 02554

GROUND BASED SOLAR PANELS

Owner: Stuart Scott

Contractor: THE ELECTRIC ISLAND LLC ACK SMART

Owner Address: 55 Rail Rd
Greenwich, CT 06830

Issued Date: December 04, 2019

Zoning: LUG-3 - Limited Use General 3

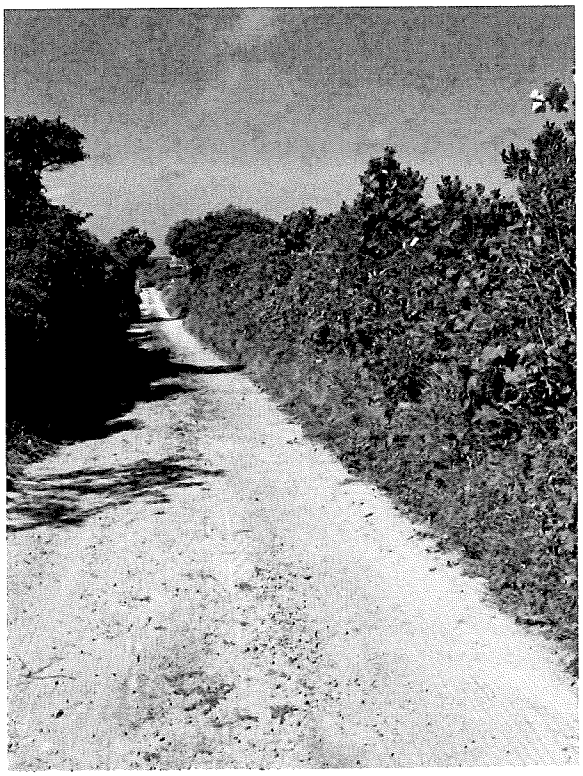
Paul Murphy — 10.26.2020

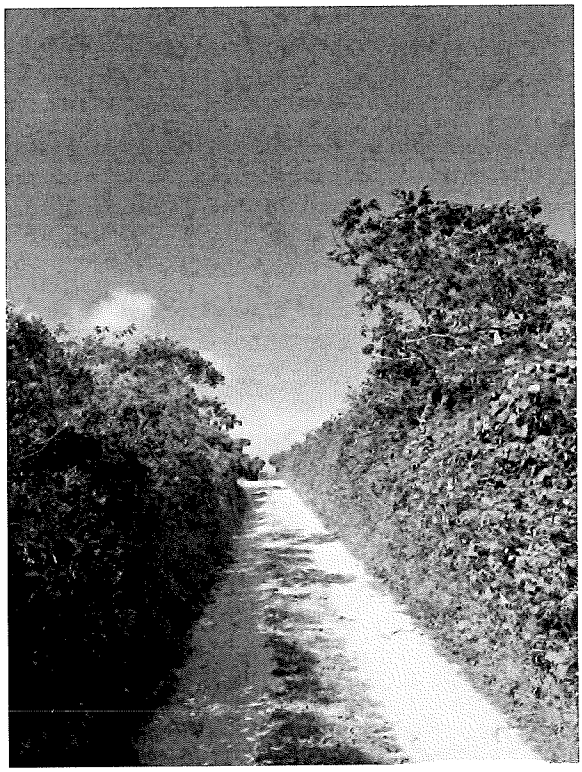
Building Commissioner, Paul Murphy — Date

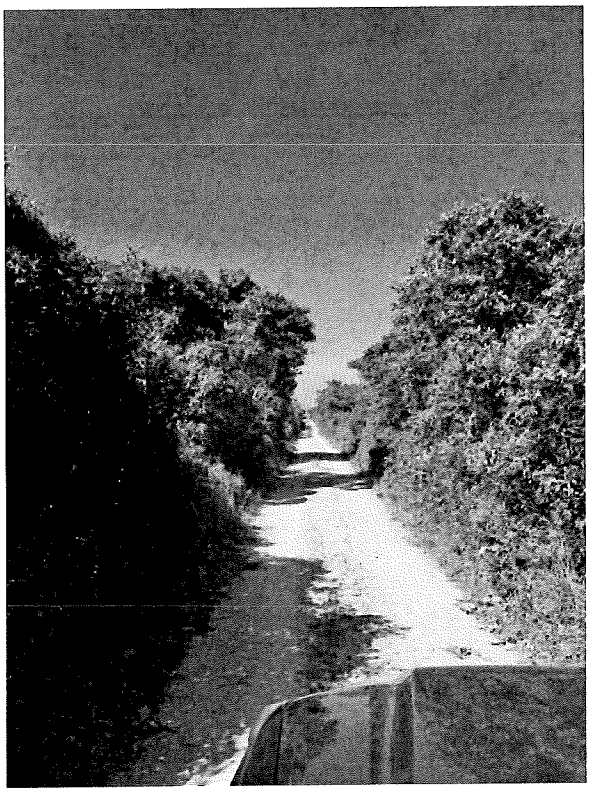
Date

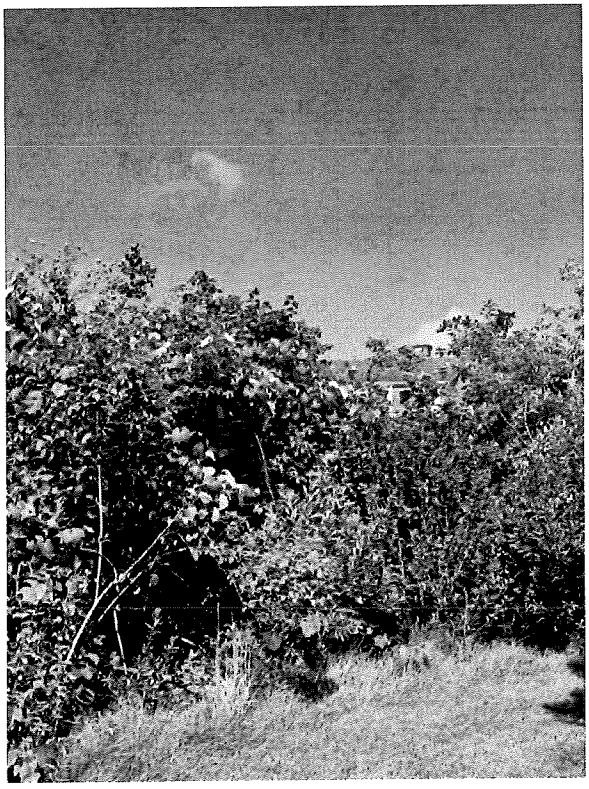
POST IN A CONSPICUOUS PLACE

12/22 Photos of Lauretta Lane showing heavy natural vegetation screening the solar array (on right).









Nickesha Sheriff

From: Steven Cohen <steven@cohenlegal.net>
Sent: Tuesday, January 17, 2023 2:18 PM
To: Nickesha Sheriff
Subject: FW: 21 Pocomo solar field move

Nicky,
For the ZBA variance request, please find an estimate for relocation of the Solar Array that states that it would cost over $100k.
Please add this to the file.
Steven

From: Ron Winters <RonWinters@thirtyacrewood.com>
Sent: Tuesday, January 17, 2023 1:34 PM
To: Steven Cohen <steven@cohenlegal.net>
Subject: Fwd: 21 Pocomo solar field move

Steve we would need to add $45-50,000 to this for site prep, trenching and repair to the landscape. So over 100K.

Best Ron

Begin forwarded message:

> **From:** Tim Carruthers <tim@acksmart.com>
> **Date:** January 17, 2023 at 12:39:35 PM EST
> **To:** Ron Winters <RonWinters@thirtyacrewood.com>
> **Cc:** Mark Avery <mark@thirtyacrewood.com>, Steve Ninteau <steve@thirtyacrewood.com>
> **Subject: Re: 21 Pocomo solar field move**
>
> Ron,
>
> I just ran the numbers with our latest pricing. Its coming in at around $58K. Note this assumes that your team will prepare the site (clearing and any grading), do the trenching and any additional work like that nice cedar box that was built for the inverters.
>
> Best,
>
> Tim.
>
> Tim Carruthers
> Director of Operations
> ACK Smart Energy
> 781-325-6128

This email was scanned by Bitdefender

Abutters Listing

Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
6		BROCK ALBERT G ETAL TRUSTEES	POCOMO SANDUNE REALTY TRUST	P O BOX 293	GERMANTOWN	NY	12526	29 POCOMO RD
10	1	HANLEY HIDEOUT LLC		12 AMELIA DR	NANTUCKET	MA	2554	15 LAURETTA LN
10	2	WATERFRONT POCOMO LLC		280 LAS ENTRADAS DR	MONTECITO	CA	93108	17 LAURETTA LN
11	2	RIVA CARLOS & DIANA		PO BOX 137	HAMILTON	MA	01936	19 POCOMO RD
50		BROCK ALBERT G ETAL TRUSTEES	POCOMO SANDUNE REALTY TRUST	P O BOX 293	GERMANTOWN	NY	12526	29 POCOMO RD
51		COHEN STEVEN L TR		PO BOX 786	NANTUCKET	MA	02554	6 LAURETTA LN
55	1	NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	POCOMO
55	2	NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	POCOMO
56	1	NANTUCKET CONSERVATION FOUNDI		PO BOX 13	NANTUCKET	MA	02554	POCOMO
56	2	11 LAURETTA LANE LLC		9 QUENTIN COURT	MAPLEWOOD	NJ	07040	11 LAURETTA LN
82		COHEN STEVEN L TR		PO BOX 786	NANTUCKET	MA	02554	25 POCOMO RD
90		COHEN STEVEN L TR	LAURETTA LANE NOM TRUST	PO BOX 786	NANTUCKET	MA	02554	21 POCOMO RD
12								

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160
Étiquettes d'adresse Easy Peel
Repliez à la hachure afin de révéler le rebord Pop-up
Pat: avery.com/patents

BROCK ALBERT G ETAL TRUSTEES
POCOMO SANDUNE REALTY TRUST
P O BOX 293
GERMANTOWN, NY 12526

HANLEY HIDEOUT LLC
12 AMELIA DR
NANTUCKET, MA 2554

WATERFRONT POCOMO LLC
280 LAS ENTRADAS DR
MONTECITO, CA 93108

RIVA CARLOS & DIANA
PO BOX 137
HAMILTON, MA 01936

BROCK ALBERT G ETAL TRUSTEES
POCOMO SANDUNE REALTY TRUST
P O BOX 293
GERMANTOWN, NY 12526

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

11 LAURETTA LANE LLC
9 QUENTIN COURT
MAPLEWOOD, NJ 07040

COHEN STEVEN L TR
PO BOX 786
NANTUCKET, MA 02554

COHEN STEVEN L TR
LAURETTA LANE NOM TRUST
PO BOX 786
NANTUCKET, MA 02554

Go to avery.com/templates
Use Avery Template 5160
Easy Peel Address Labels
Bend along line to expose Pop-up Edge
AVERY 5160

David Stanley-Brown Trustee of Windmoor NT

File No. 04-23

37 Chuck Hollow Road

VARIANCE

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2023 JAN 18 PM 12:33

APPLICATION

Fee: $450.00 **File No.** 0423

Owner's name(s): **David Stanley-Brown Trustee of Windmoor NT**

Mailing address **372 Holly Drive, ~~Wickoff, NJ~~ 07481**

Phone Number: **c/o 617-504-6957** E-Mail: **sem@sgriffinlaw.com**

Applicant's Representative: **Michael J. Wilson, Esquire**

Mailing Address: **1 Hooper Farm Road, Nantucket, MA 02554**

Phone Number: **617-504-6957** E-Mail: **mjw@mjwilsonlaw.com**

Locus Address: **37 Chuck Hollow Road**

Assessor's Map/Parcel: **75-108**

Land Court Plan/Plan Book & Page/Plan File No.: **LOT 602, LC PLAN 5004-25**

Deed Reference/Certificate of Title: **19732** Zoning District **LUG-3**

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 **VACANT**

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

Applicant is seeking relief by VARIANCE pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). Applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 39 Chuck Hollow Road, Assessor's Map 75, Parcel 109, Lot 603 on Land Court Plan 54004-25. The two (2) lots are part of a 1971 subdivision of land in "Tom Nevers East". The lots were erroneously transferred together on one deed as early as 1973 though considered separate lots for tax purposes and addresses. The same family has had title to both lots since 1980. In 2000, the title was again transferred to the family trust – Windmoor Nominee Trust. On advice of counsel the lots were transferred on the same title once again for "estate purposes" not realizing that the subject lot was vacant and a dwelling had been constructed on abutting Lot 6023 at 39 Chuck Hollow Road. The family had always intended to either build on 37 Chuck Hollow Road or sell it separately from 39 Chuck Hollow Road.

Each lot is undersized at 1.51 acres in a zoning district that requires a minimum lot size of three (3) acres. The lots on the west side of Chuck Hollow Road have a common scheme as Land Courted lots of record and contain the following: 33 Chuck Hollow Road – 1.53 acre; 35 Chuck Hollow Road – 1.53 acre; 41 Chuck Hollow Road – 1.49 acre; and, 43 Chuck Hollow Road – 1.51 acre. A super majority of the lots in Tom Nevers East are between 1 – 1.53 acres in lot size. The sizes of the subject lots are consistent, and in many cases are larger, with the sizes of the other lots in the Nantucket Beach Properties, Inc. subdivision.

The lots have been historically considered separate lots by the Town of Nantucket since created in 1971. Though they were transferred on the same deed in 1973, having been separate before that, the Town has listed the lots with separate addresses and assessor's map and parcel numbers to the present. In addition, the lots have been taxed separately from the beginning. Thus, the two lots have been considered separately marketable and buildable for 50 years by the Town.

Unfortunately, under the provisions of the Zoning By-law, when lots are abutting and held in common ownership, and one or both is vacant, the lots are considered merged for zoning purposes only. The fact that they are Land Courted and have separate identities for 50 years is immaterial. Relief is necessary to validate them as separately marketable and buildable from each other. A denial of relief would create a significant financial impact on the family and their not being able to sell or develop 37 Chuck Hollow Road separately from their home at 39 Chuck Hollow Road. In addition. Denial of relief would create a lot that was twice the size of the others on that block of six (6) and would not be consistent with the common scheme. 37 Chuck Hollow Road is the only remaining vacant lot of the six in that section.

The ZBA has historically granted these requests without any denials, particularly when the identity of the lots has been maintained as separate from inception, in this case, 50 years. This situation does not occur very often anymore as the legal community is aware of the issue and abutting lots are generally not taken in the same name. There are still some similar situations in existence but seldom from decades in the past that maintained separate identities.

Variance relief could be granted due to the precedent of previous grants of similar relief under similar circumstance, and due to the topography of the lots as so stated in the Zoning By-law. This situation affects these two lots and not generally the zoning district within which the lots are located. There are less than 10 undeveloped lots in Tom Nevers East area of over 120 lots. A literal enforcement of the provisions of this chapter would involve substantial financial hardship to the family as noted above. 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 by-law.

§ 139-32 **Variances.**

A.

The Board of Appeals shall have the power to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of this chapter where the Board of Appeals specifically finds 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.

Susan McCarthy <sem@sgriffinlaw.com> 1/9/2023 1:03 PM

37 and 39 Chuck Hollow Road.

To Linda Williams <czarinalinda@comcast.net> Copy Michael Wilson <mjw@mjwilsonlaw.com>

Linda,
I spoke with David Stanley-Brown, Trustee of the Windmoor Nominee Trust this morning and he agreed with you submitting applications for both 37 Chuck Hollow Road and 39 Chuck Hollow Road to the Board of Appeals. Please let me know if you have any questions or need further information from the owners.
Susan

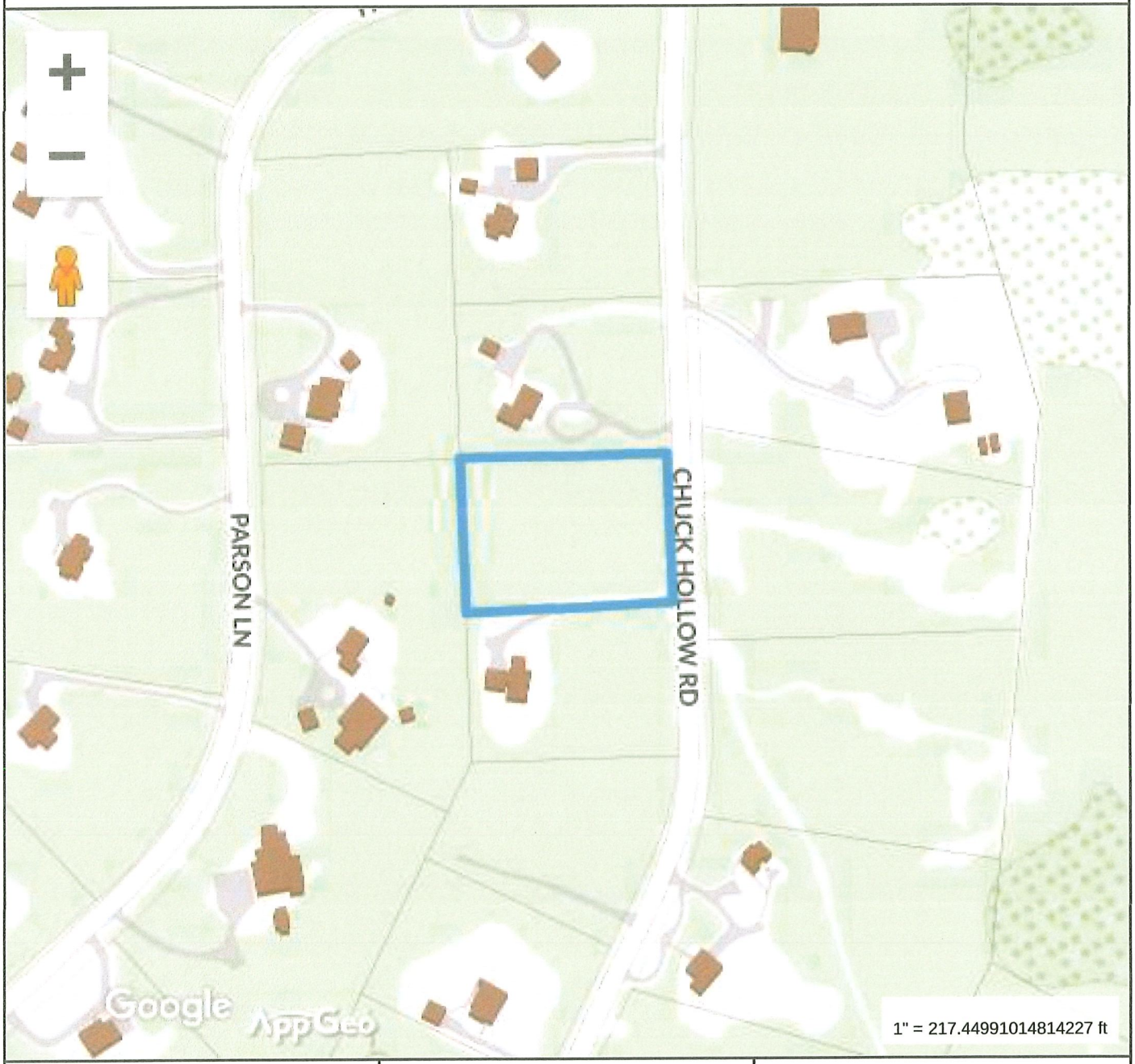
Susan E. McCarthy, *of counsel*
Griffin Law LLC
12 Oak Street, Suite D
Nantucket, MA 02554
(508) 228-2281
(617) 266-9610 (fax)
Click here to securely upload files to me.
www.sgriffinlaw.com

Boston Office
224 Clarendon Street, Suite 32
Boston, MA 02116
(617) 266-9600
(617) 266-9610 (fax)

Griffin Law LLC provides professional legal services to businesses and individuals in Massachusetts, New Hampshire and Rhode Island.

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Due to an alarming amount of wire fraud, we will only send wire instructions via secure email. Please call our office's main number at (617) 266-9600 to verbally confirm wire instructions before initiating any wires.



Property Information

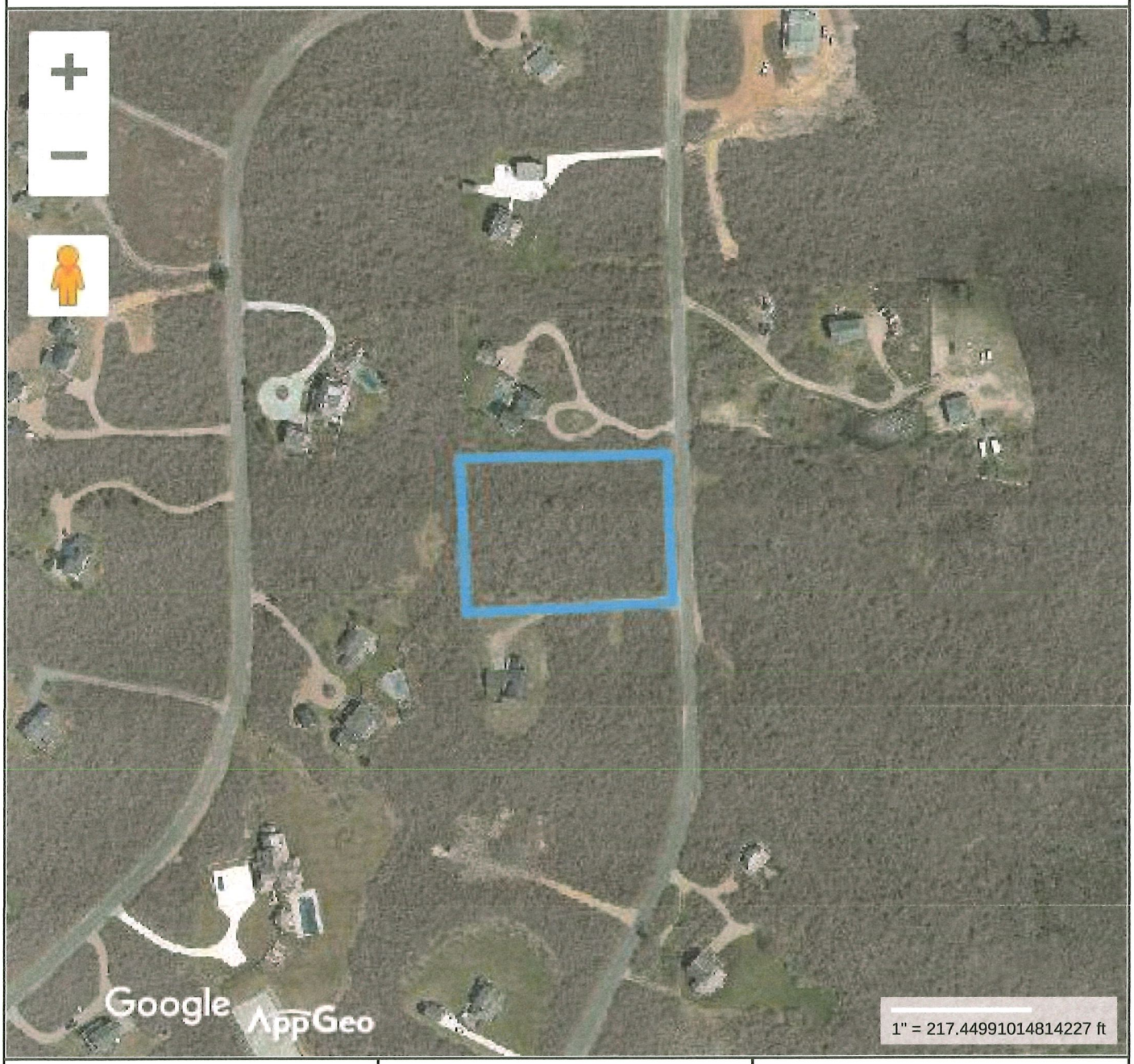
Property ID	75 108
Location	37 CHUCK HOLLOW RD
Owner	STANLEY-BROWN DAVID G TRUSTEE

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 11/14/2022
Data updated Jan. 2021

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



Property Information

Property ID	75 108
Location	37 CHUCK HOLLOW RD
Owner	STANLEY-BROWN DAVID G TRUSTEE

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 11/14/2022
Data updated Jan. 2021

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

37 & 39 CHUCK HOLLOW ROAD

EXHIBIT A

NANTUCKET BEACH PROPERTIES INC.

AREA PLAN

The area plan clearly shows that a super-majority of the lots in "Tom Nevers East" are of similar or smaller lot size than 37/39 Chuck Hollow Road. In addition, a super-majority of the lots are already developed for residential purposes. Merging 37/39 Chuck Hollow Road would create an anomaly. The land of Tom Nevers East area had been owned by the cranberry bog proprietors up until it was purchased in the late 1960s by Nantucket Beach Properties Inc. It was prior to zoning which was adopted at the 1972 Annual Town Meeting. Thus, most of the lots are subminimum in size, in a 3-acre zoning district, making the lots grandfathered. The larger 3-acre lots were created at a much later date outside of the original subdivision. The owners in 1973 when the lots came into common ownership had a 5-year protection from merger. It was not generally known that the lots would merge in 1977 if held in the same ownership.

NANTUCKET BEACH PROPERTIES INC – TOM NEVERS EAST DEVELOPMENTD

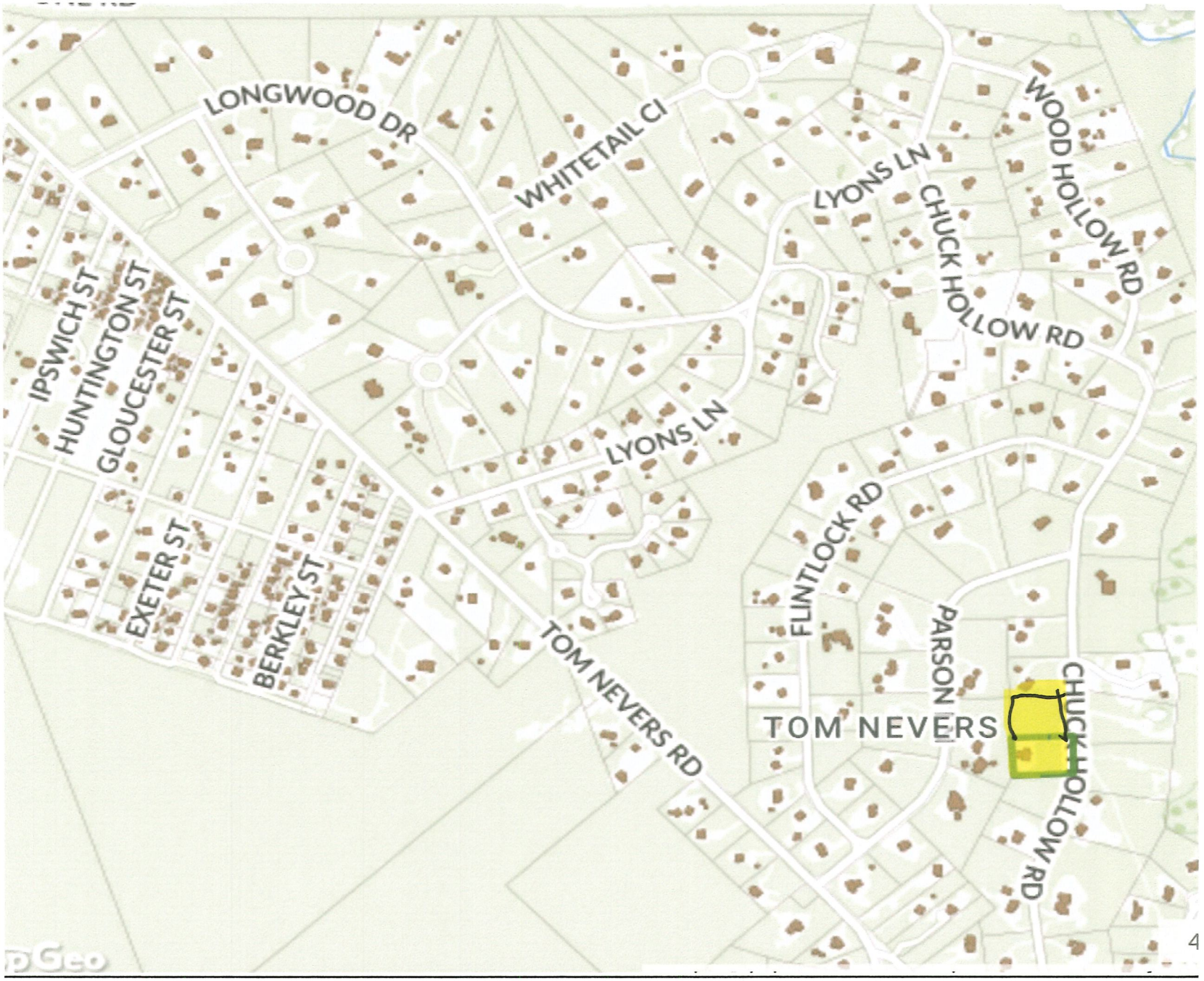


EXHIBIT B

TOWN OF NANTUCKET GIS TAX DATA

The GIS data sheets clearly show that the 37 and 39 Chuck Hollow Road are considered separate lots with separate identities. They each have their own addresses, Map and Parcel numbers and descriptions. 39 Chuck Hollow Road shows that the lot was purchased in 1973. The data sheet also indicates that the dwelling was built in 1973 after purchase. 37 Chuck Hollow Road shows it came into common ownership under the newly created Windmoor Nominee Trust on December 7, 2000, further compounding the problem, on the advice of counsel for estate purposes. He was evidently unaware of the merger issue.

37 CHUCK HOLLOW RD

Location 37 CHUCK HOLLOW RD

Mblu 75/ / 108/ /

Acct# 00007107

Owner STANLEY-BROWN DAVID G TRUSTEE

Assessment $1,268,500

PID 7107

Building Count 1

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$0	$1,268,500	$1,268,500

Owner of Record

Owner STANLEY-BROWN DAVID G TRUSTEE
Co-Owner WINDMOOR NOMINEE TRUST
Address 372 HOLLY DRIVE
WICKOFF, NJ 07481

Sale Price $0
Certificate
Book & Page C0019732/0
Sale Date 12/07/2000
Instrument 99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
STANLEY-BROWN DAVID G TRUSTEE	$0		C0019732/0	99	12/07/2000
STANLEY-BROWN JEANNE	$0		C0009/0216		

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: $0
Building Percent Good:
Replacement Cost Less Depreciation: $0

Building Attributes	
Field	**Description**
Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo

Building Photo
(https://images.vgsi.com/photos/NantucketMAPhotos//default.jpg)

Building Layout

(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/7107_819

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend

No Data for Extra Features

Land

Land Use

Use Code	1300
Description	RES ACLNDV M00
Zone	LUG3
Neighborhood	525
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	1.51
Frontage	0
Depth	0
Assessed Value	$1,268,500

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$0	$1,268,500	$1,268,500
2022	$0	$1,109,900	$1,109,900
2021	$0	$1,109,900	$1,109,900
2020	$0	$898,500	$898,500
2018	$0	$898,500	$898,500

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39 CHUCK HOLLOW RD

Location 39 CHUCK HOLLOW RD

Mblu 75/ / 109/ /

Acct# 00007108

Owner STANLEY-BROWN DAVID G TRUSTEE

Assessment $1,817,800

PID 7108

Building Count 1

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$549,300	$1,268,500	$1,817,800

Owner of Record

Owner STANLEY-BROWN DAVID G TRUSTEE
Co-Owner WINDMOOR NOMINEE TRUST
Address 372 HOLLY DRIVE
WICKOFF, NJ 07481

Sale Price $0
Certificate
Book & Page C0019732/0
Sale Date 12/07/2000
Instrument 99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
STANLEY-BROWN DAVID G TRUSTEE	$0		C0019732/0	99	12/07/2000
STANLEY-BROWN JEANNE	$0		C0009/0216		07/01/1973

Building Information

Building 1 : Section 1

Year Built: 1973
Living Area: 1,607
Replacement Cost: $620,965
Building Percent Good: 88
Replacement Cost Less Depreciation: $546,400

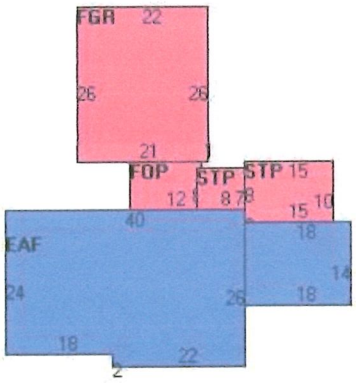
Building Attributes	
Field	**Description**

Building Photo

Building Photo
(https://images.vgsi.com/photos/NantucketMAPhotos//default.jpg)

Style:	Cape Cod
Model	Residential
Grade:	Avg to Good
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	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Electric
Heat Type:	Electr Basebrd
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
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 Layout



(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/7108_819

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,256	1,256
EAF	Attic, Expansion, Finished	1,004	351
FGR	Garage, Finished	572	0
FOP	Porch, Open, Finished	96	0
STP	Stoop	206	0
		3,134	1,607

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1.00 UNITS	$2,900	1

Land

Land Use

Use Code 1010

Land Line Valuation

Size (Acres) 1.51

Description	Single Fam M01	**Frontage**	0
Zone	LUG3	**Depth**	0
Neighborhood	525	**Assessed Value**	$1,268,500
Alt Land Appr	No		
Category			

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$549,300	$1,268,500	$1,817,800
2022	$459,400	$1,109,900	$1,569,300
2021	$448,100	$1,109,900	$1,558,000
2020	$448,100	$898,500	$1,346,600
2018	$335,700	$898,500	$1,234,200

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EXHIBIT C

NANTUCKET LAND COURT PLAN 5004-25

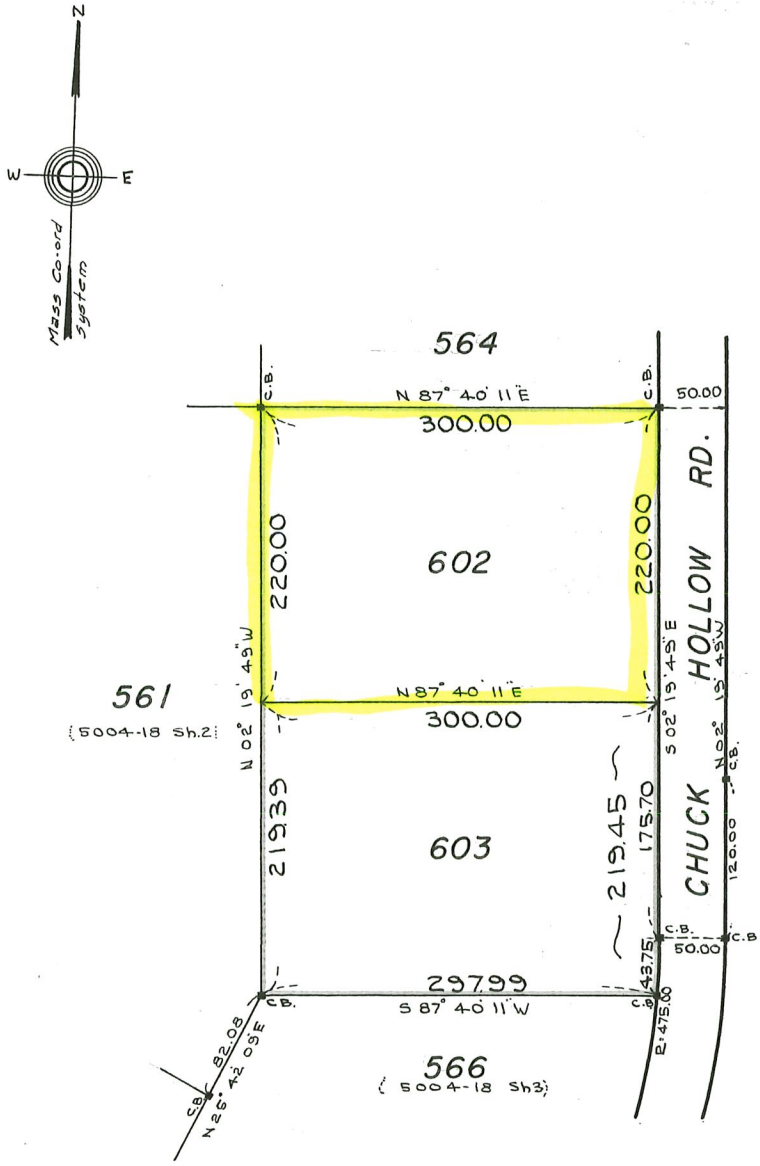
This Land Court Plan created Lot 602, 37 Chuck Hollow Road, and Lot 603, 39 Chuck Hollow Road. These lots have almost the exact same dimensions, size and frontage. The six (6) lots in this particular block are all of similar dimensions, size and frontage as well. Should variance relief not be granted, these lots would merge and create a lot that would be much larger than a super majority of the roughly 120 lots in this subdivision. A merger of the these lots would create an anomaly within the subdivision's common scheme of smaller lots (less than 3 acres). A common scheme development means a plan or process of development which takes place on contiguous or non-contiguous parcels or lots in the same immediate vicinity. The lots would be subject to the same easements, uses, and restrictions as the other lots in the same subdivision, which these two lots always have separately.

SUBDIVISION PLAN OF LAND IN NANTUCKET

Hayes Engineering Inc., Surveyors

February 3, 1971

5004-25



Subdivision of Lot 565
Shown on Plan 5004- 18 Sheet 4
Filed with Cert. of Title No. 5858
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon as Lots 602 & 603 By the Court.

MARCH 4, 1971 Jeanne M. Maloney Deputy Recorder

Copy of part of plan filed in LAND REGISTRATION OFFICE MARCH 1, 1971
Scale of this plan 100 feet to an inch
R.L. Woodbury, Engineer for Court

This plan filed with Certificate No. 6210

Form LCE-S-3. 2500-1-71

EXHIBIT D

NANTUCKET TAX CARDS FROM THE ASSESSOR'S OFFICE

Upon research at the Assessor's office and verification by the Assessor Rob Ranney, 37 and 39 Chuck Hollow Road have been considered separate lots and taxed separately accordingly. Thus, the tax cards clearly indicate that these lots have a separate and distinct identity as far as the Town of Nantucket is concerned. The Land Court and the Town of Nantucket consider these lots to be separately marketable and buildable. However, the only entity that considers the lots merged is the Zoning By-law. The Land Court and separate tax records do not protect the lots from merger under zoning. In the past, the ZBA has granted a variance provided that the lots had a separate identity, which these do, and there is no other avenue to correct the situation, which these do not. There have been multiple such grants in the Tom Nevers East area, for similar reasons. Development in this area did not really take place until the mid-1980s. The house on 39 Chuck Hollow Road was one of the first. There was no intention to merge the lots over the past over 40 years the family has owned the lots. It was an investment and need to sell 37 Chuck Hollow Road to keep their house at 39 Chuck Hollow Road.

Property Location 37 CHUCK HOLLOW RD | Map ID 75/ / 108/ / | Bldg Name | State Use 1300
Vision ID 7107 | Account # 00007107 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:35:21 AM

CURRENT OWNER

STANLEY-BROWN DAVID G TRUSTE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF NJ 07481

TOPO	UTILITIES	STRT / ROAD	LOCATION

SUPPLEMENTAL DATA

Alt Prcl ID	0075-108
DESC	LOT-602 LCPL 5004-25
AS RATIO	
OLD GIS	F_1779602_91909
GIS ID	F_1070356_2555797
Assoc Pid#	7107: 7107

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RES LAND	1300	1,268,500	1,268,500
Total		1,268,500	1,268,500

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
STANLEY-BROWN DAVID G TRUSTEE	C001	0	12-07-2000	U	V	0	99
STANLEY-BROWN JEANNE	C000	0216				0	

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2023	1300	1,268,500	2022	1300	1,109,900	2021	1300	1,109,900
Total		1,268,500	Total		1,109,900	Total		1,109,900

EXEMPTIONS

Year	Code	Description	Amount
Total			0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	0
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	1,268,500
Special Land Value	0
Total Appraised Parcel Value	1,268,500
Valuation Method	C
Total Appraised Parcel Value	1,268,500

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
350				

458

NOTES

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpost/Result
04-25-2018	DM			10	Revaluation Visit
04-23-2015	DM			10	Revaluation Visit
05-22-2012	DM			10	Revaluation Visit
06-09-2009	DM			10	Revaluation Visit
08-06-1987	PD			00	Exterior Only

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value
1	1300	RES ACLNDV M	LUG		65,776	SF	19.29	1.00000	4	1.25	525	0.800		1.0000	19.29	1,268,500
Total Card Land Units					65,776	SF	Parcel Total Land Area			2				Total Land Value		1,268,500

Property Location 37 CHUCK HOLLOW RD | Map ID 75/ / 108/ / | Bldg Name | State Use 1300
Vision ID 7107 | Account # 00007107 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:35:21 AM

CONSTRUCTION DETAIL

Element		Description
Style:	99	Vacant Land
Model	00	Vacant
Grade:		
Stories:		
Occupancy		
Exterior Wall 1		
Exterior Wall 2		
Roof Structure:		
Roof Cover		
Interior Wall 1		
Interior Wall 2		
Interior Flr 1		
Interior Flr 2		
Heat Fuel		
Heat Type:		
AC Type:		
Total Bedrooms		
Total Bthrms:		
Total Half Baths		
Total Xtra Fixtrs		
Total Rooms:		
Bath Style:		
Kitchen Style:		
Modern		
Luxurious		
Modern Bath		
Luxurious Bath		

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

CONDO DATA

Parcel Id		C		Owne	0.0
		B		S	

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	0
Year Built	0
Effective Year Built	
Depreciation Code	
Remodel Rating	
Year Remodeled	
Depreciation %	
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	0
Percent Good	
Cns Sect Rcnld	
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

No Sketch

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
	Ttl Gross Liv / Lease Area	0	0	0		0

459

Property Location 39 CHUCK HOLLOW RD | Map ID 75/ / 109/ / | Bldg Name | State Use 1010
Vision ID 7108 | Account # 00007108 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:34:55 AM

CURRENT OWNER

STANLEY-BROWN DAVID G TRUSTE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF NJ 07481

TOPO / UTILITIES / STRT / ROAD / LOCATION

SUPPLEMENTAL DATA

Alt Prcl ID 0075-109
DESC
AS RATIO
OLD GIS F_1779612_91692
7108: 7108
GIS ID F_1070369_2555579
Assoc Pid#

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RES BDG	1010	549,300	549,300
RES LAND	1010	1,268,500	1,268,500
		Total 1,817,800	1,817,800

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
STANLEY-BROWN DAVID G TRUSTEE	C001	0	12-07-2000	U	I	0	99
STANLEY-BROWN JEANNE	C000	0216	07-01-1973			0	

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2023	1010	549,300	2022	1010	459,400	2021	1010	448,100
	1010	1,268,500		1010	1,109,900		1010	1,109,900
	Total	1,817,800		Total	1,569,300		Total	1,558,000

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	546,400
Appraised Xf (B) Value (Bldg)	2,900
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	1,268,500
Special Land Value	0
Total Appraised Parcel Value	1,817,800
Valuation Method	C
Total Appraised Parcel Value	1,817,800

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
350				

460

NOTES

LOT 603

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpost/Result
04-25-2018	DM			10	Revaluation Visit
04-23-2015	DM			10	Revaluation Visit
05-22-2012	DM			10	Revaluation Visit
06-09-2009	DM			10	Revaluation Visit
05-05-1994	JD			01	Interior & Exterior Review
08-05-1987	PD			00	Exterior Only

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
1	1010	Single Fam M01	LUG		65,776	SF	19.29	1.00000	4	1.25	525	0.800			1.0000	19.29	1,268,500
				Total Card Land Units	65,776	SF	Parcel Total Land Area	2							Total Land Value		1,268,500

Property Location 39 CHUCK HOLLOW RD | Map ID 75/ / 109/ / | Bldg Name | State Use 1010
Vision ID 7108 | Account # 00007108 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:34:55 AM

CONSTRUCTION DETAIL

Element		Description
Style:	04	Cape Cod
Model	01	Residential
Grade:	05	Avg to Good
Stories:	1	1 Story
Occupancy	1	
Exterior Wall 1	14	Wood Shingle
Exterior Wall 2		
Roof Structure:	03	Gable/Hip
Roof Cover	03	Asph/F Gls/Cmp
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	12	Hardwood
Interior Flr 2	14	Carpet
Heat Fuel	04	Electric
Heat Type:	07	Electr Basebrd
AC Type:	01	None
Total Bedrooms	4	4 Bedrooms
Total Bthrms:	2	
Total Half Baths	0	
Total Xtra Fixtrs		
Total Rooms:		
Bath Style:	02	Average
Kitchen Style:	02	Modern
Modern		
Luxurious		
Modern Bath		
Luxurious Bath		

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

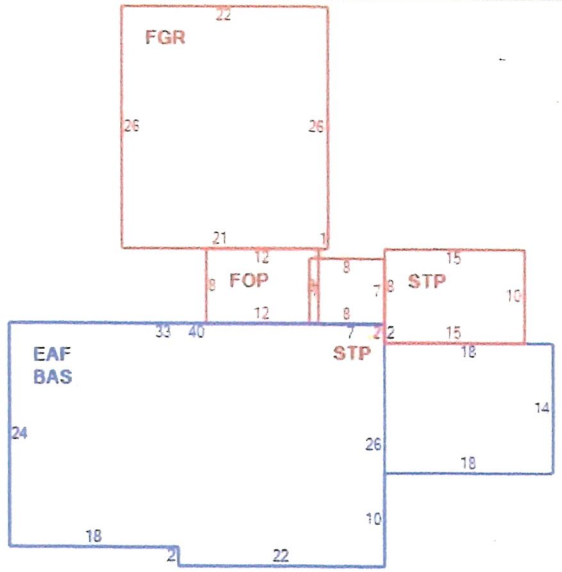
CONDO DATA

Parcel Id		C		Owne	0.0
		B		S	

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	620,965
Year Built	1973
Effective Year Built	
Depreciation Code	G
Remodel Rating	
Year Remodeled	
Depreciation %	12
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	88
Cns Sect Rcnld	546,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FPL1	FIREPLACE 1	B	1	3300.00	2005	00	88	00	0.00	2,900

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,256	1,256	1,256	326.14	409,629
EAF	Attic, Expansion, Finished	351	1,004	351	114.02	114,474
FGR	Garage, Finished	0	572	229	130.57	74,685
FOP	Porch, Open, Finished	0	96	24	81.53	7,827
STP	Stoop	0	206	21	33.25	6,849
	Ttl Gross Liv / Lease Area	1,607	3,134	1,881		613,464

EXHIBIT E

DEEDS

1. Mary Hodges to Joan Tenney – transfer of title on March 16, 1971 of only Lot 603, 39 Chuck Hollow Road. It also indicates that separate lot 602, 37 Chuck Hollow Road was abutting to the north. Thus, the lots were in separate ownership at that time.
2. Mary Hodges to Mary Hodges and George Hodges – transfer of title on July 13, 1973 of both lots on same deed, which was not unusual when a person was buying two (2) contiguous lots even if they were land courted and taxed separately and considered by the family as separate lots.
3. George Hodges to Jeanne Stanley-Brown – transfer of title on June 25, 1980 of both lots on the same deed. The Stanley-Brown family still owns both lots.
4. Jeanne Stanley-Brown to The Windmoor Nominee Trust, David Stanley-Brown, Trustee – transfer of title on November 14, 2000. This non-monetary transfer was made on advice of counsel for estate purposes with both lots on the same deed, not realizing that they were merged.

All deeds maintain the common scheme throughout with the following language that also refers to them in the plural and not as one lot:

"Said lots 602 and 603 are subject to all rights, easements, restrictions, agreements and all other provisions as set out...and incorporated herein by reference thereto".

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 881

I, MARY B. HODGES (married to George H. Hodges) ----------

of 110 Via Vizcaya, Palm Beach, Florida ~~County of Massachusetts~~

~~being unmarried~~, for consideration paid, and in full consideration of $7,000.00

grants to JOAN L. TENNEY (married to Charles H. Tenney)

of 770 Park Avenue, New York, New York 10021 with ~~quitclaim covenants~~

the land in that part of Nantucket, Massachusetts, known as Tom Nevers and situate on Chuck Hollow Road, and bounded and described as follows:

[Description and encumbrances, if any]

NORTHERLY by Lot 602 as shown on L. C. Plan 5004-25, 300.00 feet;

EASTERLY by Chuck Hollow Road, 219.45 feet;

SOUTHERLY by Lot 566 on said plan, 297.99 feet; and

WESTERLY by Lot 561 on said plan, 219.39 feet.

Being shown as Lot 603 on L. C. Subdivision Plan No. 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lot 603 has appurtenant to and is subject to all rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 6060, filed at said Registry District for the Land Court.

NANTUCKET COMMONWEALTH OF MASSACHUSETTS DEEDS EXCISE MAR 31 71 1595

~~husband wife~~ ~~of said grantor.~~

~~release all rights of tenancy by the curtesy dower and homestead and other interests therein.~~

~~Witness~~ my hand and seal this 16th day of March 1971

Mary B. Hodges

~~The Commonwealth of Massachusetts~~

ss. March 16 1971

Then personally appeared the above named Mary B. Hodges

and acknowledged the foregoing instrument to be her free act and deed, before me

Martha LeCorp

Notary Public — ~~Justice of the Peace~~

My commission expires Notary Public, State of Florida My Commission Expires [illegible], 1974 Bonded by Transamerica Insurance Co. 19

(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

MARTHA TELEP c/o First National Bank of Palm Beach, Fla 33480

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

(THE FOLLOWING IS NOT A PART OF THE DEED, AND IS NOT TO BE RECORDED)

CHAPTER 183, SECTION 11, GENERAL LAWS

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.

DOCUMENT No. 12674

Nantucket Registry District

MAY 21 1971

RECEIVED FOR REGISTRATION

1 O'CLOCK 40 m P M

NOTED ON CERTIFICATE NO. 6060

IN REGISTRATION BOOK 30 PAGE 60

TRANSFER CERTIFICATE OF TITLE ISSUED AND TRANSCRIBED INTO

REGISTRATION BOOK 32 PAGE 10

BEING CERTIFICATE NO. 6210

NANTUCKET COUNTY REGISTRY DISTRICT

Attest Joan L. Bonny

Assistant Recorder

LAND COURT, BOSTON. The land herein described will be shown on our approved plan to follow as

MAR 1 1971

Plan 5004-25 Lot 603

(Examined as to description only)

R. L. Woodbury, Engineer RLW

DOCUMENT No. 12674

MASSACHUSETTS

Statute Form of

Quitclaim Deed

(INDIVIDUAL)

Mary B. Hodges

TO

Joan L. Tenney

Nantucket Registry District

MAY 21 1971

RECEIVED FOR REGISTRATION

_____ O'CLOCK _____ m _____ M

....., 19.....

at.....o'clock and.....minutes.....m.

Received and entered with.....

.....Deeds

Book.....Page.....

Attest:

.....

Register

FROM THE OFFICE OF

James K. Glidden, Esq.

Nantucket, Mass.

RETURN TO →

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON - MASS.
Form 881
REVISED CHAPTER 497 - 1968

(Please print or type)

464

I, MARY B. HODGES (married to George H. Hodges)

of 110 Via Vizcaya, Palm Beach, Florida, ~~County, Massachusetts,~~

~~being married~~, for consideration paid, and in full consideration of $1.00

grants to MARY B. HODGES and GEORGE H. HODGES, husband and wife, as tenants by the * entirety,

of 110 Via Vizcaya, Palm Beach, Florida, with ~~quitclaim covenants~~

the land in Nantucket Town and County, Massachusetts, together with the dwelling house and all other buildings thereon, situate on Chuck Hollow Road, and bounded and described as follows: [Description and encumbrances, if any]

NORTHERLY by Lot 564 as shown on Land Court Plan No. 5004-18, Sheet 4, 300.00 feet;

EASTERLY by Chuck Hollow Road, 395.70 feet;

SOUTHERLY by Lot 566 as shown on the aforesaid plan, Sheet 3, 297.99 feet; and

WESTERLY by Lot 561 as shown on the aforesaid plan, Sheet 2, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 have appurtenant to and are subject to all rights, easements, restrictions, agreements and all other provisions as set out in Document No. 11571, filed with Certificate of Title No. 5041 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

Said Lots 602 and 603 are subject to mortgages to Nantucket Beach Properties, Inc., which the Grantees agree to assume and pay.

~~Witness~~ my hand and seal this 13th day of July, 19 73

Mary B. Hodges

The Commonwealth of Massachusetts

Nantucket ss. July 13, 19 73

Then personally appeared the above named Mary B. Hodges

and acknowledged the foregoing instrument to be her free act and deed, before me

Barbara M. Holdgate

Notary Public ~~Justice of the Peace~~

My commission expires November 12 1977

(*Individual—Joint Tenants—Tenants in Common—Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

(THE FOLLOWING IS NOT A PART OF THE DEED, AND IS NOT TO BE RECORDED)

CHAPTER 183, SECTION 11, GENERAL LAWS

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.

DOCUMENT No. 14649

Nantucket Registry District
JUL 13 1973

RECEIVED FOR REGISTRATION
2 O'CLOCK 50 m PM M

NOTED ON CERTIFICATE NO. 6060
IN REGISTRATION BOOK 31 PAGE 60

NOTED ON CERTIFICATE NO. 6342
IN REGISTRATION BOOK 32 PAGE 142

TRANSFER CERTIFICATE OF TITLE ISSUED
AND TRANSCRIBED INTO
REGISTRATION BOOK 35 PAGE 106
BEING CERTIFICATE NO. 6906
NANTUCKET COUNTY REGISTRY DISTRICT

Attest Janice L. Bonnett
Assistant Recorder

DOCUMENT No. 14649

MASSACHUSETTS

Statute Form of

Quitclaim Deed

(INDIVIDUAL)

Mary B. Hodges

TO

George H. Hodges et ux

Nantucket Registry District
JUL 13 1973

RECEIVED FOR REGISTRATION

.....O'CLOCK.....m.....M, 19.....

at.....o'clock and.....minutes.....m.

Received and entered with .....

..... Deeds

Book.....Page.....

Attest:

.....
Register

FROM THE OFFICE OF

James K. Glidden, Esq.
Nantucket, Mass.

RETURN TO →

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON - MASS.
Form 881
REVISED CHAPTER 497 - 1969

(Please print or type)

I, GEORGE H. HODGES, surviving joint owner,

of Box 2661, Palm Beach, Florida 33480, ~~County, Massachusetts~~

~~being married~~, for consideration paid, and in full consideration of $137,500.00

grants to JEANNE STANLEY-BROWN *

of 860 Roslyn Road, Ridgewood, New Jersey 07456,---------- with ~~quitclaim covenants~~

the land in Nantucket Town and County, Massachusetts, together with the dwelling house and all other buildings thereon, situate on Chuck Hollow Road, Tom Nevers, and bounded and described as [Description and encumbrances, if any] follows:

NORTHERLY by Lot 564 as shown on plan hereinafter referred to, 300.00 feet;

EASTERLY by Chuck Hollow Road, on two courses, 439.45 feet;

SOUTHERLY by Lot 466 as shown on said plan, 297.99 feet; and

WESTERLY by Lot 561 as shown on said plan, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 are subject to and have appurtenant to them all the rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 6906 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

COMMONWEALTH OF MASSACHUSETTS
DEEDS EXCISE
JUN24'80
313.50

Witness my hand and seal this 25th day of June, 1980

George H. Hodges
George H. Hodges

The Commonwealth of Massachusetts

Nantucket ss. June 25, 1980

Then personally appeared the above named George H. Hodges

and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public — [illegible]

My commission expires 16 Oct 1987

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

091148

QUITCLAIM DEED

I, JEANNE STANLEY-BROWN of 8445 Abbington Drive, Unit 712, Naples, Florida 34108, for non-monetary consideration and in exchange for a beneficial interest received by Seller in such trust, grants to THE WINDMOOR NOMINEE TRUST, David G. Stanley-Brown, Trustee of 372 Holly Drive, Wickoff, New Jersey 07481, with QUITCLAIM COVENANTS,

The land together with the buildings and improvements thereon situated on 37 and 39 Chuck Hollow Road, Nantucket Town and County, Commonwealth of Massachusetts 02554, bounded and described as follows:

NORTHERLY by Lot 564 as shown on plan hereinafter referred to, 300.00 feet;

EASTERLY by Chuck Hollow Road, on two courses, 439.45 feet;

SOUTHERLY by Lot 466 as shown on said plan, 297.99 feet; and

WESTERLY by Lot 561 as shown on said plan, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 are subject to and have appurtenant to them all the rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 9216 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

For title reference see, Certificate of Title No. 9216.

091148

WITNESS my hand and seal this 14th day of November, 2000.

Jeanne Stanley-Brown

Jeanne Stanley-Brown

FLORIDA
STATE OF ~~NEW JERSEY~~

COUNTY OF COLLIER
_____, ss.

November 14, 2000

Then personally appeared the above-named Jeanne Stanley-Brown and acknowledged the foregoing instrument to be her free act and deed, before me,

Mary Beth Forrester

Notary Public
My Commission Expires:

Mary Beth Forrester
My Commission CC799174
Expires December 23 2002

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $_____
☒ Exempt D
☐ Non-applicable
20306 12/7/00
No. Date
Authorization CHunter

TRANSFER CERTIFICATE OF TITLE

Cert. No. 19732
Docu. No. 91148

From TRANSFER Certificate No. 9216 Originally Registered

June 25, 1980 in Registration Book 48 Page 56

for the Registry District of Nantucket County.

THIS IS TO CERTIFY that DAVID G. STANLEY-BROWN, TRUSTEE of the WINDMOOR NOMINEE TRUST u/d/t dated 05/24/2000 and registered as document # 91147 at the Registry District of Nantucket County of 372 HOLLY DRIVE, WICKOFF, IN THE STATE OF NEW JERSEY 07481

is the owner in fee simple

of that land situated in NANTUCKET

In the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY	by Lot 654 as shown on plan hereinafter mentioned, three hundred (300.00) feet;
EASTERLY	by Chuck Hollow Road, on two courses, four hundred thirty-nine and 45/100 (439.45) feet;
SOUTHERLY	by Lot 466 as shown on said plan, two hundred ninety-seven and 99/100 (297.99) feet ; and
WESTERLY	by Lot 561 as shown on said plan, four hundred thirty-nine and 39/100 (439.39) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 5004-25, drawn by Hayes Engineering Inc., Surveyors, dated February 3, 1971, and filed with Certificate of Title No. 6210 at the Registry District of Nantucket County. Said land is shown thereon as Lots 602 and 603.

Said Lots 602 and 603 have appurtenant to and are subject to the rights, easements, restrictions, agreements and all other provisions as set out in Document No. 11571, filed with Certificate of Title No. 5041 at said Registry District, and are incorporated herein by reference thereto.

There is appurtenant to said Lots 602 and 603 the right to use the ways as shown on said plan.

Also appurtenant to said Lots 602 and 603 is the right to use the Beach abutting the Naval Facility on the West and consisting of five hundred (500) feet beach frontage with access thereto.

The above described land is subject to easements set forth in a stipulation filed in the Land Registration Office in case numbered 5004 on March 2, 1915, and registered as Document No. 787 in the Registry District of Nantucket County, and modified by a stipulation between Franklin E. Smith et al, Trustees of the Nantucket Land Trust and the Town of Nantucket filed and registered as Document No. 852 in said District.

There is appurtenant to the above described land a right of way to the village of Siasconset over Lot 15-A as shown on Plan No. 5004-C filed with Certificate of Title No. 778 at the Registry District of Nantucket County in common with others entitled thereto as set forth in a deed given by Charles F. Carlock to Franklin E. Smith et al, Trustees of the Nantucket Land Trust filed and registered as Document No. 833 at said Registry.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said DAVID G. STANLEY-BROWN, TRUSTEE of the WINDMOOR NOMINEE TRUST

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate, and subject as aforesaid; and to any lien of said Commonwealth for enforcing collection of any legacy and succession taxes due it from the estate of Mary B. Hodges, if claimed and enforced within the time allowed by law.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said County of Nantucket.

The seventh day of December in the year two thousand at 9 o'clock and 55 minutes in the forenoon.

Attest, with the seal of said court,

Joanne L. Kelley

Joanne L. Kelley, Assistant Recorder

Case # 5004

Purported Address of Property:
37 & 39 CHUCK HOLLOW ROAD
CERTIFICATE 19732

EXHIBIT F

PURCHASE & SALE LETTER

Letter from Griffin Law LLC Attorney Susan McCarthy, representing the owners, to Attorney Michael Wilson, representing the buyers. The letter formalizes an agreement to extend the time for performance of the Purchase and Sale to April 1, 2023 for 37 Chuck Hollow Road. The buyers are a long-time year-round local couple who are waiting for a resolution from the ZBA.

Griffin Law LLC

12 Oak Street, Suite D | Nantucket, MA 02554
(508) 228-2281 | (617) 266-9610 (fax)

December 20, 2022

VIA EMAIL ONLY: mjw@mjwilsonlaw.com and admin@mjwilsonlaw.com
Michael J. Wilson, Esq.
Attorney Michael J. Wilson, P.C.
One Hooper Farm Road
Nantucket, MA 02554

RE: 37 Chuck Hollow Road Nantucket MA 02554

Dear Attorney Wilson,

This letter shall confirm the agreement of the parties to extend the Time for Perfomance and Delivery of the Deed, pursuant to Section 8 of the Purchase and Sale Agreement dated November 18, 2022 to **April 1, 2023** or earlier if mutally agreed to in writing once Provision 9(b) of the Purchase and Sale agreement is satisfied and a decision from the Zoning Board of Appeals is registered with the Nantucket Registry District.

Except as amended above, all terms and conditions of said Purchase and Sale Agreement remain in full force and effect with time continuing to be of the essence.

Please confirm your client's agreement to this extension by signing this letter where indicated below and providing me a copy.

Very truly yours,
Susan McCarthy
Susan McCarthy

Extension confirmed this 20 day of December 2022.

Michael J. Wilson, Attorney for the Seller

EXHIBIT G

ABUTTERS' LIST

The Abutters' List lists 37 and 39 Chuck Hollow Road as separate lots for notice purposes.

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER DAVID STANLEY-BROWN

MAILING ADDRESS 372 HOLLY DRIVE, WICKOFF, NJ 07481

PROPERTY LOCATION 37 CHUCK HOLLOW ROAD

ASSESSOR MAP/PARCEL 75-108

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).

January 9, 2023

DATE

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2023.01.09 13:59:39 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
75	65	2	40 CHR LLC		54 EAST 92ND STREET	NEW YORK	NY	10128	40 CHUCK HOLLOW RD
75	66		PORTILLO VALLES CARLOS D ETAL		36 CHUCK HOLLOW RD	NANTUCKET	MA	02554	36 CHUCK HOLLOW RD
75	67		BELL LEANNE M TR		PO BOX 712	SIASCONSET	MA	02564	34 CHUCK HOLLOW RD
75	104		HOLBRIDGE LLC		P O BOX 604	OLD GREENWICH	CT	06870-0604	33 CHUCK HOLLOW RD
75	105		CUTONE MARK J & LYNDA A		PO BOX 508	SIASCONSET	MA	02564	35 CHUCK HOLLOW RD
75	106		HAGEDORN HAPPY HACIENDA LLC		662 MAIN STREET	NEW ROCHELLE	NY	10810	9 PARSON LN
75	107		HALE JOHN JOSEPH JR TR		1919 GULF SHORE BLVD N #701	NAPLES	FL	34102	7 PARSON LN
75	108		NOTLIH LLC	C/O JOHN A HILTON JR	95 EAST LAKE RD	KEY LARGE	FL	33037-3608	37 CHUCK HOLLOW RD
75	109		STANLEY-BROWN DAVID G TRUSTEE	WINDMOOR NOMINEE TRUST	372 HOLLY DRIVE	WICKOFF	NJ	07481	39 CHUCK HOLLOW RD
75	110		HALSTEAD PATRICIA A TR ETAL		PO BOX 356	SIASCONSET	MA	02564	41 CHUCK HOLLOW RD
75	111		ICE BEAR LLC	C/O ALGER SARAH F	4 NORTH WATER STREET	NANTUCKET	MA	02554	5 PARSON LN
Count:	11								

40 CHR LLC
54 EAST 92ND STREET
NEW YORK, NY 10128

PORTILLO VALLES CARLOS D ETAL
36 CHUCK HOLLOW RD
NANTUCKET, MA 02554

BELL LEANNE M TR
PO BOX 712
SIASCONSET, MA 02564

HOLBRIDGE LLC
P O BOX 604
OLD GREENWICH, CT 06870-0604

CUTONE MARK J & LYNDA A
PO BOX 508
SIASCONSET, MA 02564

HAGEDORN HAPPY HACIENDA LLC
662 MAIN STREET
NEW ROCHELLE, NY 10810

HALE JOHN JOSEPH JR TR
1919 GULF SHORE BLVD N #701
NAPLES, FL 34102

NOTLIH LLC
C/O JOHN A HILTON JR
95 EAST LAKE RD
KEY LARGE, FL 33037-3608

STANLEY-BROWN DAVID G TRUSTEE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF, NJ 07481

HALSTEAD PATRICIA A TR ETAL
PO BOX 356
SIASCONSET, MA 02564

ICE BEAR LLC
C/O ALGER SARAH F
4 NORTH WATER STREET
NANTUCKET, MA 02554

Pat: avery.com/patents
Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up
Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160

40 CHR LLC
54 EAST 92ND STREET
NEW YORK, NY 10128

PORTILLO VALLES CARLOS D ETAL
36 CHUCK HOLLOW RD
NANTUCKET, MA 02554

BELL LEANNE M TR
PO BOX 712
SIASCONSET, MA 02564

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P O BOX 604
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PO BOX 356
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C/O ALGER SARAH F
4 NORTH WATER STREET
NANTUCKET, MA 02554

Go to avery.com/templates
Use Avery Template 5160
Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®
AVERY® 5160®

David Stanley-Brown Trustee of Windmoor NT

File No. 05-23

39 Chuck Hollow Road

VARIANCE

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2023 JAN 18 PM 12:34

APPLICATION

Fee: $450.00 **File No.** 05-23

Owner's name(s): **David Stanley-Brown Trustee of Windmoor NT**

Mailing address **372 Holly Drive, ~~Wickoff, NJ~~ 07481**

Phone Number: **c/o 617-504-6957** E-Mail: **sem@sgriffinlaw.com**

Applicant's Representative: **Susana McCarthy, Esquire**

Mailing Address: **12 Oak Street, Nantucket, MA 02554**

Phone Number: **617-504-6957** E-Mail: **sem@sgriffinlaw.com**

Locus Address: **39 Chuck Hollow Road**

Assessor's Map/Parcel: **75-109**

Land Court Plan/Plan Book & Page/Plan File No.: **LOT 603, LC PLAN 5004-25**

Deed Reference/Certificate of Title: **19732** Zoning District **LUG-3**

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 **1973**

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

Applicant is seeking relief by VARIANCE pursuant to Nantucket Zoning By-law Section 139-16 (Intensity regulations). Applicant is seeking validation of an existing lot as separately marketable and buildable from abutting 37 Chuck Hollow Road, Assessor's Map 75, Parcel 108, Lot 602 on Land Court Plan 54004-25. The two (2) lots are part of a 1971 subdivision of land in "Tom Nevers East". The lots were erroneously transferred together on one deed as early as 1973 though considered separate lots for tax purposes and addresses. The same family has had title to both lots since 1980. In 2000, the title was again transferred to the family trust – Windmoor Nominee Trust. On advice of counsel the lots were transferred on the same title once again for "estate purposes" not realizing that the subject lot had a dwelling constructed on it and abutting Lot 602 at 37 Chuck Hollow Road had remained vacant. The family had always intended to either build on 37 Chuck Hollow Road or sell it separately from 39 Chuck Hollow Road.

Each lot is undersized at 1.51 acres in a zoning district that requires a minimum lot size of three (3) acres. The lots on the west side of Chuck Hollow Road have a common scheme as Land Courted lots of record and contain the following: 33 Chuck Hollow Road – 1.53 acre; 35 Chuck Hollow Road – 1.53 acre; 41 Chuck Hollow Road – 1.49 acre; and, 43 Chuck Hollow Road – 1.51 acre. A super majority of the lots in Tom Nevers East are between 1 – 1.53 acres in lot size. The sizes of the subject lots are consistent, and in many cases are larger, with the sizes of the other lots in the Nantucket Beach Properties, Inc. subdivision.

The lots have been historically considered separate lots by the Town of Nantucket since created in 1971. Though they were transferred on the same deed in 1973, having been separate before that, the Town has listed the lots with separate addresses and assessor's map and parcel numbers to the present. In addition, the lots have been taxed separately from the beginning. Thus, the two lots have been considered separately marketable and buildable for 50 years by the Town.

Unfortunately, under the provisions of the Zoning By-law, when two (in this case) lots are abutting and held in common ownership, and one or both is vacant, the lots are considered merged for zoning purposes only. The fact that they are Land Courted and have separate identities for 50 years is immaterial. Relief is necessary to validate them as separately marketable and buildable from each other. A denial of relief would create a significant financial impact on the family and their not being able to sell or develop 37 Chuck Hollow Road separately from their home at 39 Chuck Hollow Road. In addition, creating a lot that was twice the size of the others on that block of six (6) would not be consistent with the common scheme. 37 Chuck Hollow Road is the only remaining vacant lot of the six in that section.

The ZBA has historically granted these requests without any denials, particularly when the identity of the lots has been maintained as separate from inception, in this case, 50 years. This situation does not occur very often anymore as the legal community is aware of the issue and abutting lots are generally not taken in the same name. There are still some similar situations in existence but seldom from decades in the past that maintained separate identities.

Variance relief could be granted due to the precedent of previous grants of similar relief under similar circumstance, and due to the topography of the lots as so stated in the Zoning By-law. This situation affects these two lots and not generally the zoning district within which the lots are located. There are less than 10 undeveloped lots in Tom Nevers East area of over 120 lots. A literal enforcement of the provisions of this chapter would involve substantial financial hardship to the family as noted above. 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 by-law.

§ 139-32 Variances.

A.

The Board of Appeals shall have the power to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of this chapter where the Board of Appeals specifically finds 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.

Susan McCarthy <sem@sgriffinlaw.com> 1/9/2023 1:03 PM

37 and 39 Chuck Hollow Road.

To Linda Williams <czarinalinda@comcast.net> Copy Michael Wilson <mjw@mjwilsonlaw.com>

Linda,
I spoke with David Stanley-Brown, Trustee of the Windmoor Nominee Trust this morning and he agreed with you submitting applications for both 37 Chuck Hollow Road and 39 Chuck Hollow Road to the Board of Appeals. Please let me know if you have any questions or need further information from the owners.
Susan

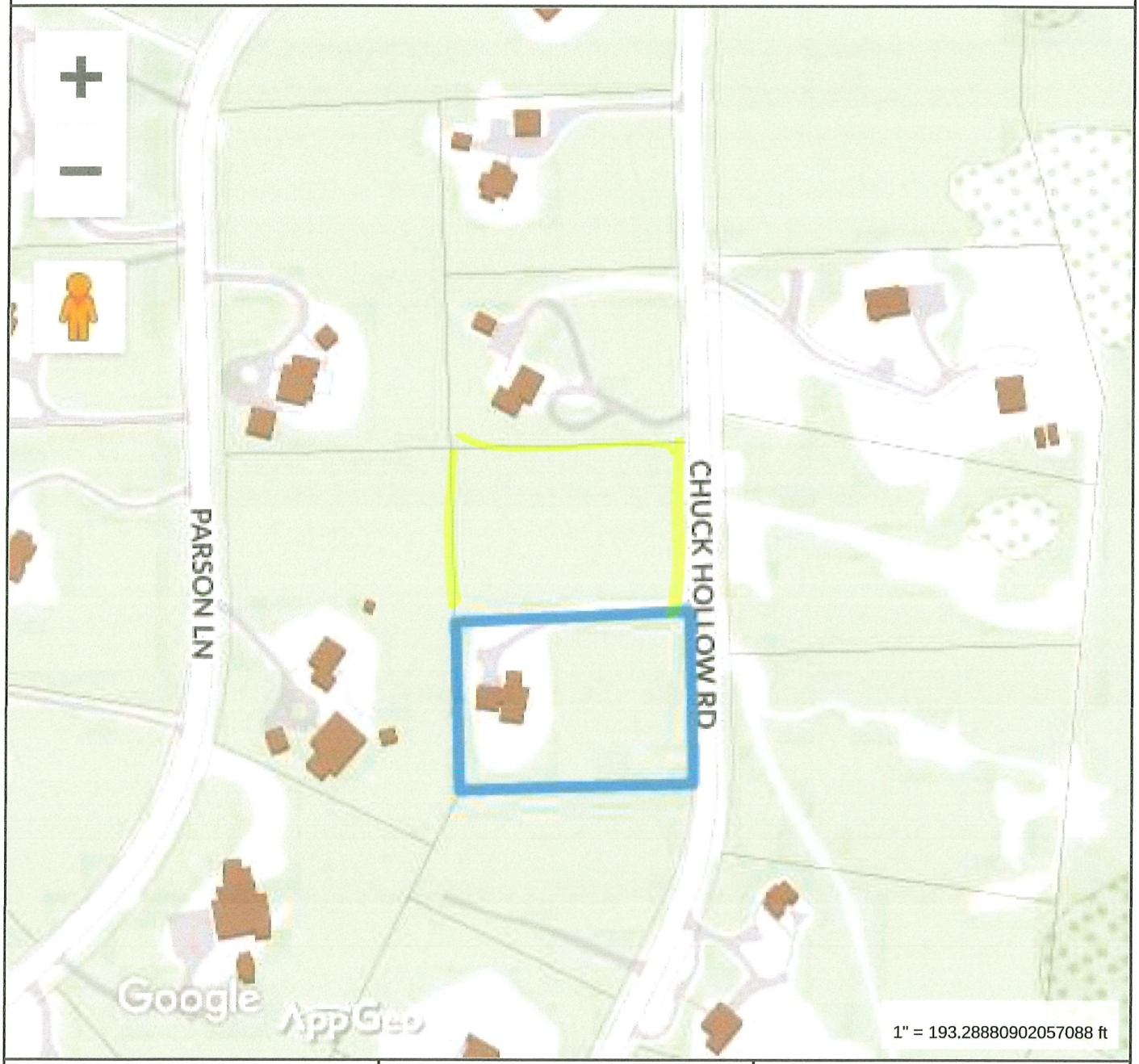
SUSAN E. MCCARTHY, *OF COUNSEL*
GRIFFIN LAW LLC
12 OAK STREET, SUITE D
NANTUCKET, MA 02554
(508) 228-2281
(617) 266-9610 (FAX)
Click here TO SECURELY UPLOAD FILES TO ME.
www.sgriffinlaw.com

BOSTON OFFICE
224 CLARENDON STREET, SUITE 32
BOSTON, MA 02116
(617) 266-9600
(617) 266-9610 (FAX)

GRIFFIN LAW LLC PROVIDES PROFESSIONAL LEGAL SERVICES TO BUSINESSES AND INDIVIDUALS IN MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND.

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****Due to an alarming amount of wire fraud, we will only send wire instructions via secure email. Please call our office's main number at (617) 266-9600 to verbally confirm wire instructions before initiating any wires.****



Property Information

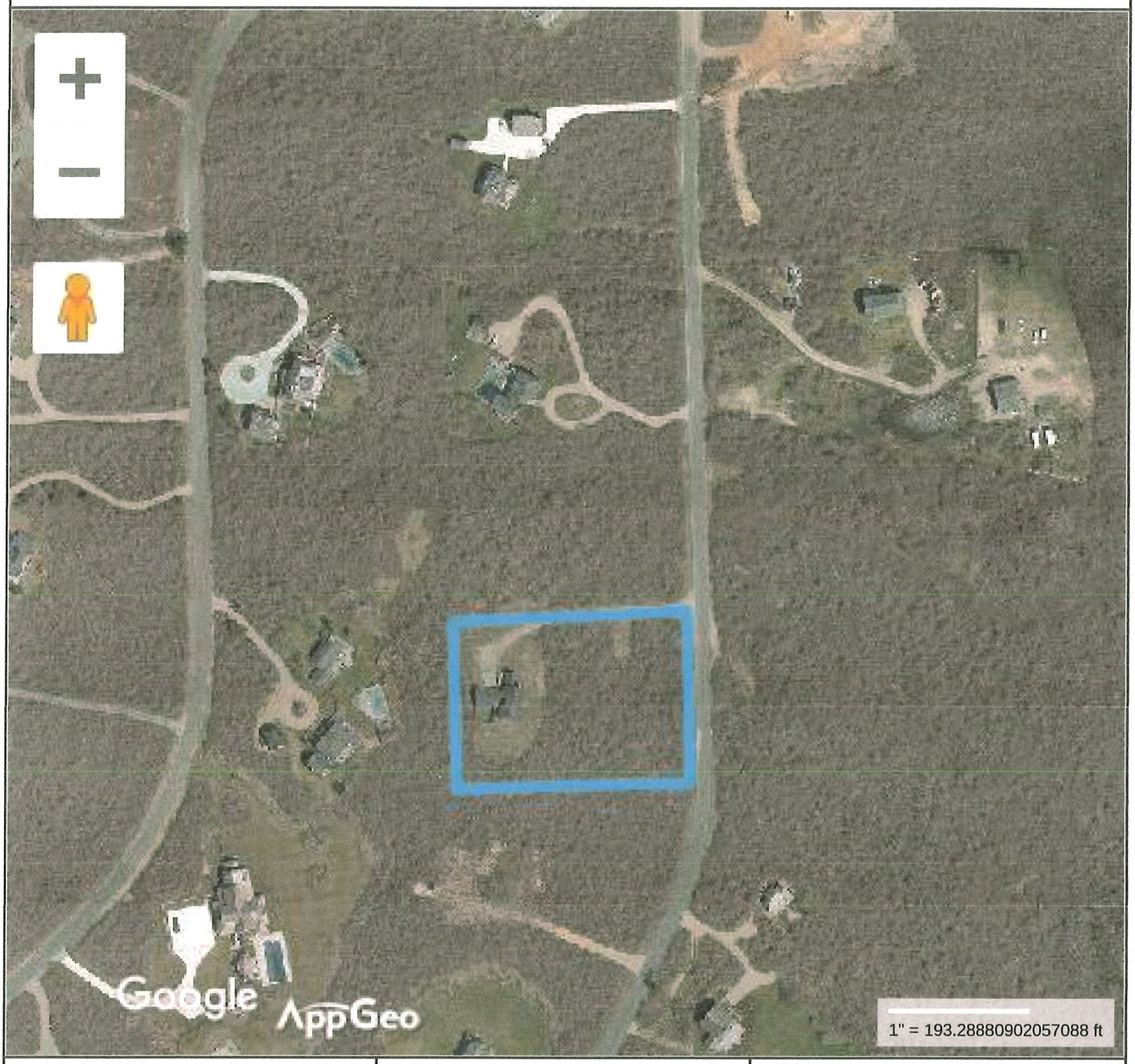
Property ID	75 109
Location	39 CHUCK HOLLOW RD
Owner	STANLEY-BROWN DAVID G TRUSTEE

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 11/14/2022
Data updated Jan. 2021

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



Property Information

Property ID	75 109
Location	39 CHUCK HOLLOW RD
Owner	STANLEY-BROWN DAVID G TRUSTEE

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Geometry updated 11/14/2022
Data updated Jan. 2021

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

37 & 39 CHUCK HOLLOW ROAD

EXHIBIT A

NANTUCKET BEACH PROPERTIES INC.

AREA PLAN

The area plan clearly shows that a super-majority of the lots in "Tom Nevers East" are of similar or smaller lot size than 37/39 Chuck Hollow Road. In addition, a super-majority of the lots are already developed for residential purposes. Merging 37/39 Chuck Hollow Road would create an anomaly. The land of Tom Nevers East area had been owned by the cranberry bog proprietors up until it was purchased in the late 1960s by Nantucket Beach Properties Inc. It was prior to zoning which was adopted at the 1972 Annual Town Meeting. Thus, most of the lots are subminimum in size, in a 3-acre zoning district, making the lots grandfathered. The larger 3-acre lots were created at a much later date outside of the original subdivision. The owners in 1973 when the lots came into common ownership had a 5-year protection from merger. It was not generally known that the lots would merge in 1977 if held in the same ownership.

NANTUCKET BEACH PROPERTIES INC – TOM NEVERS EAST DEVELOPMENTD

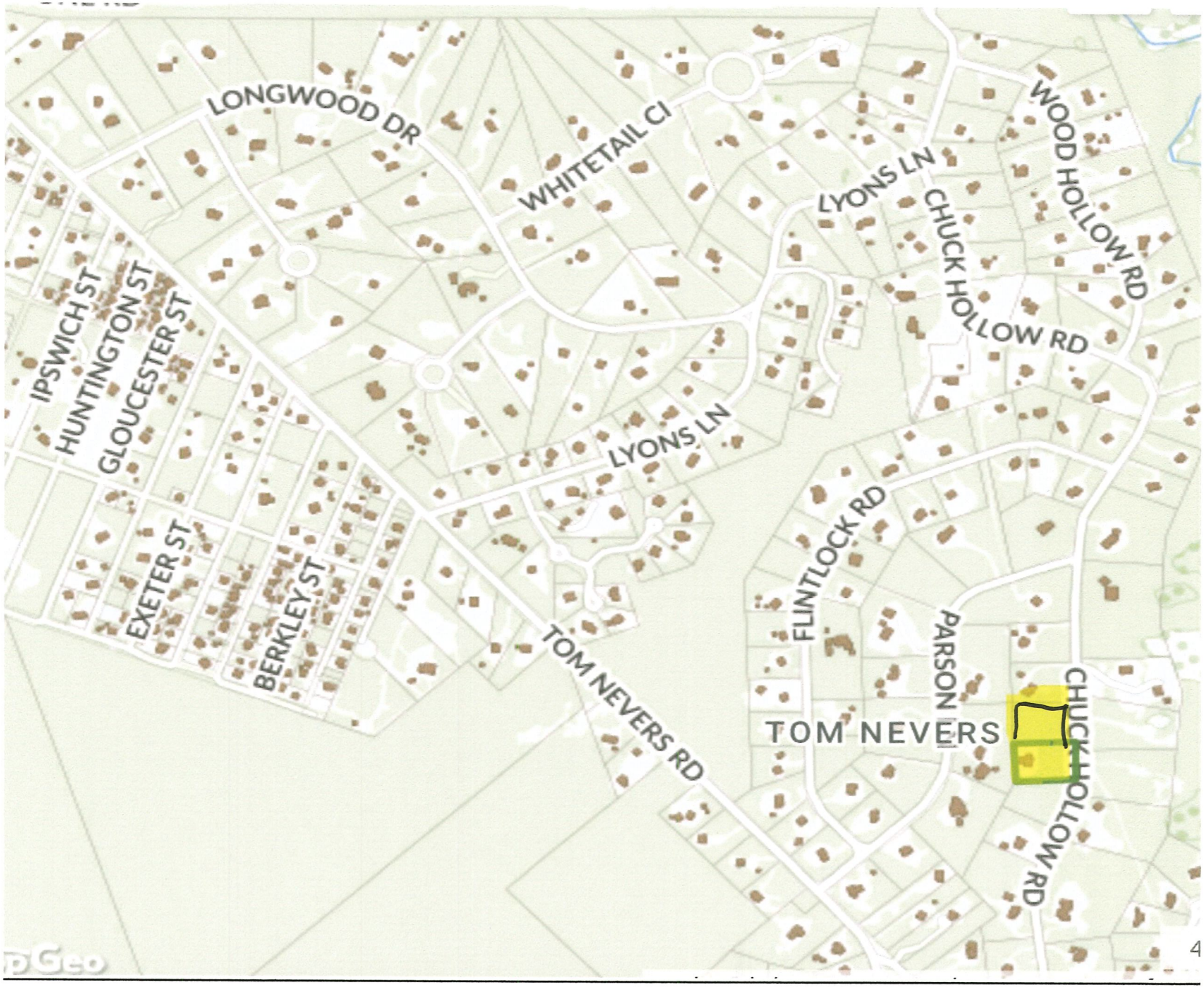


EXHIBIT B

TOWN OF NANTUCKET GIS TAX DATA

The GIS data sheets clearly show that the 37 and 39 Chuck Hollow Road are considered separate lots with separate identities. They each have their own addresses, Map and Parcel numbers and descriptions. 39 Chuck Hollow Road shows that the lot was purchased in 1973. The data sheet also indicates that the dwelling was built in 1973 after purchase. 37 Chuck Hollow Road shows it came into common ownership under the newly created Windmoor Nominee Trust on December 7, 2000, further compounding the problem, on the advice of counsel for estate purposes. He was evidently unaware of the merger issue.

39 CHUCK HOLLOW RD

Location	39 CHUCK HOLLOW RD	**Mblu**	75/ / 109/ /
Acct#	00007108	**Owner**	STANLEY-BROWN DAVID G TRUSTEE
Assessment	$1,817,800	**PID**	7108
Building Count	1		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$549,300	$1,268,500	$1,817,800

Owner of Record

Owner	STANLEY-BROWN DAVID G TRUSTEE
Co-Owner	WINDMOOR NOMINEE TRUST
Address	372 HOLLY DRIVE WICKOFF, NJ 07481

Sale Price	$0
Certificate	
Book & Page	C0019732/0
Sale Date	12/07/2000
Instrument	99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
STANLEY-BROWN DAVID G TRUSTEE	$0		C0019732/0	99	12/07/2000
STANLEY-BROWN JEANNE	$0		C0009/0216		07/01/1973

Building Information

Building 1 : Section 1

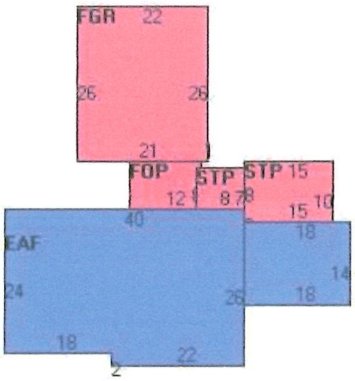
Year Built:	1973
Living Area:	1,607
Replacement Cost:	$620,965
Building Percent Good:	88
Replacement Cost Less Depreciation:	$546,400

Building Attributes	
Field	**Description**
Style:	Cape Cod
Model	Residential
Grade:	Avg to Good
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	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Electric
Heat Type:	Electr Basebrd
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
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


Building Photo
(https://images.vgsi.com/photos/NantucketMAPhotos//default.jpg)

Building Layout



(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/7108_819

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	1,256	1,256
EAF	Attic, Expansion, Finished	1,004	351
FGR	Garage, Finished	572	0
FOP	Porch, Open, Finished	96	0
STP	Stoop	206	0
		3,134	1,607

Extra Features

Extra Features	Legend

Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1.00 UNITS	$2,900	1

Land

Land Use

Use Code	1010
Description	Single Fam M01
Zone	LUG3
Neighborhood	525
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	1.51
Frontage	0
Depth	0
Assessed Value	$1,268,500

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$549,300	$1,268,500	$1,817,800
2022	$459,400	$1,109,900	$1,569,300
2021	$448,100	$1,109,900	$1,558,000
2020	$448,100	$898,500	$1,346,600
2018	$335,700	$898,500	$1,234,200

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37 CHUCK HOLLOW RD

Location	37 CHUCK HOLLOW RD	**Mblu**	75/ / 108/ /
Acct#	00007107	**Owner**	STANLEY-BROWN DAVID G TRUSTEE
Assessment	$1,268,500	**PID**	7107
Building Count	1		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$0	$1,268,500	$1,268,500

Owner of Record

Owner	STANLEY-BROWN DAVID G TRUSTEE	**Sale Price**	$0
Co-Owner	WINDMOOR NOMINEE TRUST	**Certificate**	
Address	372 HOLLY DRIVE WICKOFF, NJ 07481	**Book & Page**	C0019732/0
		Sale Date	12/07/2000
		Instrument	99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
STANLEY-BROWN DAVID G TRUSTEE	$0		C0019732/0	99	12/07/2000
STANLEY-BROWN JEANNE	$0		C0009/0216		

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: $0
Building Percent Good:
Replacement Cost Less Depreciation: $0

Building Attributes	
Field	**Description**

Building Photo

Building Photo
(https://images.vgsi.com/photos/NantucketMAPhotos//default.jpg)

Building Layout

(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/7107_819

Building Sub-Areas (sq ft)	Legend

Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

No Data for Building Sub-Areas

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1300

Land Line Valuation

Size (Acres) 1.51

Description	RES ACLNDV M00	**Frontage**	0
Zone	LUG3	**Depth**	0
Neighborhood	525	**Assessed Value**	$1,268,500
Alt Land Appr	No		
Category			

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2023	$0	$1,268,500	$1,268,500
2022	$0	$1,109,900	$1,109,900
2021	$0	$1,109,900	$1,109,900
2020	$0	$898,500	$898,500
2018	$0	$898,500	$898,500

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EXHIBIT C

NANTUCKET LAND COURT PLAN 5004-25

This Land Court Plan created Lot 602, 37 Chuck Hollow Road, and Lot 603, 39 Chuck Hollow Road. These lots have almost the exact same dimensions, size and frontage. The six (6) lots in this particular block are all of similar dimensions, size and frontage as well. Should variance relief not be granted, these lots would merge and create a lot that would be much larger than a super majority of the roughly 120 lots in this subdivision. A merger of the these lots would create an anomaly within the subdivision's common scheme of smaller lots (less than 3 acres). A common scheme development means a plan or process of development which takes place on contiguous or non-contiguous parcels or lots in the same immediate vicinity. The lots would be subject to the same easements, uses, and restrictions as the other lots in the same subdivision, which these two lots always have separately.

SUBDIVISION PLAN OF LAND IN NANTUCKET

Hayes Engineering Inc., Surveyors

February 3, 1971

5004-25



Subdivision of Lot 565
Shown on Plan 5004- 18 Sheet 4
Filed with Cert. of Title No. 5858
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon as Lots 602 & 603 *By the Court.*

MARCH 4, 1971 Jeanne M. Maloney
Deputy Recorder

Copy of part of plan filed in LAND REGISTRATION OFFICE
MARCH 1, 1971
Scale of this plan 100 feet to an inch
R.L. Woodbury, Engineer for Court V.I.

This plan filed with Certificate No. 6210

Form LCE-S-3. 2500-1-71

EXHIBIT D

NANTUCKET TAX CARDS FROM THE ASSESSOR'S OFFICE

Upon research at the Assessor's office and verification by the Assessor Rob Ranney, 37 and 39 Chuck Hollow Road have been considered separate lots and taxed separately accordingly. Thus, the tax cards clearly indicate that these lots have a separate and distinct identity as far as the Town of Nantucket is concerned. The Land Court and the Town of Nantucket consider these lots to be separately marketable and buildable. However, the only entity that considers the lots merged is the Zoning By-law. The Land Court and separate tax records do not protect the lots from merger under zoning. In the past, the ZBA has granted a variance provided that the lots had a separate identity, which these do, and there is no other avenue to correct the situation, which these do not. There have been multiple such grants in the Tom Nevers East area, for similar reasons. Development in this area did not really take place until the mid-1980s. The house on 39 Chuck Hollow Road was one of the first. There was no intention to merge the lots over the past over 40 years the family has owned the lots. It was an investment and need to sell 37 Chuck Hollow Road to keep their house at 39 Chuck Hollow Road.

Property Location 39 CHUCK HOLLOW RD | Map ID 75/ / 109/ / | Bldg Name | State Use 1010
Vision ID 7108 | Account # 00007108 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:34:55 AM

CURRENT OWNER

STANLEY-BROWN DAVID G TRUSTE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF NJ 07481

TOPO	UTILITIES	STRT / ROAD	LOCATION

SUPPLEMENTAL DATA

Alt Prcl ID 0075-109
DESC
AS RATIO
OLD GIS F_1779612_91692
7108: 7108
GIS ID F_1070369_2555579
Assoc Pid#

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RES BDG	1010	549,300	549,300
RES LAND	1010	1,268,500	1,268,500
Total		1,817,800	1,817,800

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
STANLEY-BROWN DAVID G TRUSTEE	C001	0	12-07-2000	U	I	0	99
STANLEY-BROWN JEANNE	C000	0216	07-01-1973			0	

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2023	1010	549,300	2022	1010	459,400	2021	1010	448,100
	1010	1,268,500		1010	1,109,900		1010	1,109,900
	Total	1,817,800		Total	1,569,300		Total	1,558,000

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
350				

505

NOTES

LOT 603

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	546,400
Appraised Xf (B) Value (Bldg)	2,900
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	1,268,500
Special Land Value	0
Total Appraised Parcel Value	1,817,800
Valuation Method	C
Total Appraised Parcel Value	1,817,800

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpost/Result
04-25-2018	DM			10	Revaluation Visit
04-23-2015	DM			10	Revaluation Visit
05-22-2012	DM			10	Revaluation Visit
06-09-2009	DM			10	Revaluation Visit
05-05-1994	JD			01	Interior & Exterior Review
08-05-1987	PD			00	Exterior Only

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
1	1010	Single Fam M01	LUG		65,776	SF	19.29	1.00000	4	1.25	525	0.800			1.0000	19.29	1,268,500
		Total Card Land Units			65,776	SF	Parcel Total Land Area		2							Total Land Value	1,268,500

Property Location 39 CHUCK HOLLOW RD | Map ID 75/ / 109/ / | Bldg Name | State Use 1010
Vision ID 7108 | Account # 00007108 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:34:55 AM

CONSTRUCTION DETAIL

Element		Description
Style:	04	Cape Cod
Model	01	Residential
Grade:	05	Avg to Good
Stories:	1	1 Story
Occupancy	1	
Exterior Wall 1	14	Wood Shingle
Exterior Wall 2		
Roof Structure:	03	Gable/Hip
Roof Cover	03	Asph/F Gls/Cmp
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	12	Hardwood
Interior Flr 2	14	Carpet
Heat Fuel	04	Electric
Heat Type:	07	Electr Basebrd
AC Type:	01	None
Total Bedrooms	4	4 Bedrooms
Total Bthrms:	2	
Total Half Baths	0	
Total Xtra Fixtrs		
Total Rooms:		
Bath Style:		Average
Kitchen Style:	02	Modern
Modern	02	
Luxurious		
Modern Bath		
Luxurious Bath		

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

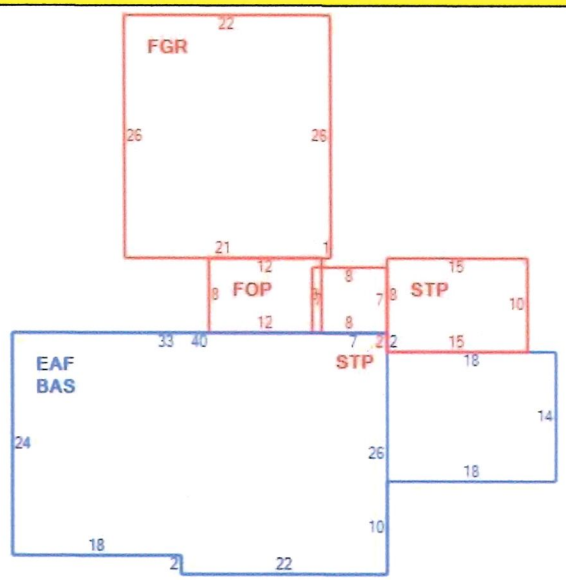
CONDO DATA

Parcel Id		C		Owne	0.0
		B		S	

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	620,965
Year Built	1973
Effective Year Built	
Depreciation Code	G
Remodel Rating	
Year Remodeled	
Depreciation %	12
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	88
Cns Sect Rcnld	546,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FPL1	FIREPLACE 1	B	1	3300.00	2005	00	88	00	0.00	2,900

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,256	1,256	1,256	326.14	409,629
EAF	Attic, Expansion, Finished	351	1,004	351	114.02	114,474
FGR	Garage, Finished	0	572	229	130.57	74,685
FOP	Porch, Open, Finished	0	96	24	81.53	7,827
STP	Stoop	0	206	21	33.25	6,849
	Ttl Gross Liv / Lease Area	1,607	3,134	1,881		613,464

901

Property Location 37 CHUCK HOLLOW RD | Map ID 75/ / 108/ / | Bldg Name | State Use 1300
Vision ID 7107 | Account # 00007107 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:35:21 AM

CURRENT OWNER

STANLEY-BROWN DAVID G TRUSTE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF NJ 07481

TOPO	UTILITIES	STRT / ROAD	LOCATION

SUPPLEMENTAL DATA

Alt Prcl ID	0075-108		
DESC	LOT-602 LCPL 5004-25		
AS RATIO			
OLD GIS	F_1779602_91909	7107: 7107	
GIS ID	F_1070356_2555797	Assoc Pid#	

CURRENT ASSESSMENT

Description	Code	Assessed	Assessed
RES LAND	1300	1,268,500	1,268,500
		Total	1,268,500	1,268,500

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
STANLEY-BROWN DAVID G TRUSTEE	C001	0	12-07-2000	U	V	0	99
STANLEY-BROWN JEANNE	C000	0216				0	

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2023	1300	1,268,500	2022	1300	1,109,900	2021	1300	1,109,900
	Total	1,268,500		Total	1,109,900		Total	1,109,900

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
350				

502

NOTES

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	0
Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	1,268,500
Special Land Value	0
Total Appraised Parcel Value	1,268,500
Valuation Method	C
Total Appraised Parcel Value	1,268,500

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments

VISIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpost/Result
04-25-2018	DM			10	Revaluation Visit
04-23-2015	DM			10	Revaluation Visit
05-22-2012	DM			10	Revaluation Visit
06-09-2009	DM			10	Revaluation Visit
08-06-1987	PD			00	Exterior Only

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
1	1300	RES ACLNDV M	LUG		65,776	SF	19.29	1.00000	4	1.25	525	0.800			1.0000	19.29	1,268,500
		Total Card Land Units			65,776	SF	Parcel Total Land Area		2						Total Land Value		1,268,500

Property Location 37 CHUCK HOLLOW RD | Map ID 75/ / 108/ / | Bldg Name | State Use 1300
Vision ID 7107 | Account # 00007107 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 1/9/2023 11:35:21 AM

CONSTRUCTION DETAIL

Element		Description
Style:	99	Vacant Land
Model	00	Vacant
Grade:		
Stories:		
Occupancy		
Exterior Wall 1		
Exterior Wall 2		
Roof Structure:		
Roof Cover		
Interior Wall 1		
Interior Wall 2		
Interior Flr 1		
Interior Flr 2		
Heat Fuel		
Heat Type:		
AC Type:		
Total Bedrooms		
Total Bthrms:		
Total Half Baths		
Total Xtra Fixtrs		
Total Rooms:		
Bath Style:		
Kitchen Style:		
Modern		
Luxurious		
Modern Bath		
Luxurious Bath		

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description

CONDO DATA

Parcel Id		C		Owne	0.0
		B		S	

Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION

Building Value New	0
Year Built	0
Effective Year Built	
Depreciation Code	
Remodel Rating	
Year Remodeled	
Depreciation %	
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	0
Percent Good	
Cns Sect Rcnld	
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

No Sketch

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
	Ttl Gross Liv / Lease Area	0	0	0		0

503

EXHIBIT E

DEEDS

1. Mary Hodges to Joan Tenney – transfer of title on March 16, 1971 of only Lot 603, 39 Chuck Hollow Road. It also indicates that separate lot 602, 37 Chuck Hollow Road was abutting to the north. Thus, the lots were in separate ownership at that time.
2. Mary Hodges to Mary Hodges and George Hodges – transfer of title on July 13, 1973 of both lots on same deed, which was not unusual when a person was buying two (2) contiguous lots even if they were land courted and taxed separately and considered by the family as separate lots.
3. George Hodges to Jeanne Stanley-Brown – transfer of title on June 25, 1980 of both lots on the same deed. The Stanley-Brown family still owns both lots.
4. Jeanne Stanley-Brown to The Windmoor Nominee Trust, David Stanley-Brown, Trustee – transfer of title on November 14, 2000. This non-monetary transfer was made on advice of counsel for estate purposes with both lots on the same deed, not realizing that they were merged.

All deeds maintain the common scheme throughout with the following language that also refers to them in the plural and not as one lot:

"Said lots 602 and 603 are subject to all rights, easements, restrictions, agreements and all other provisions as set out...and incorporated herein by reference thereto".

I, MARY B. HODGES (married to George H. Hodges) ----------

of 110 Via Vizcaya, Palm Beach, Florida ~~County, Massachusetts~~

~~being unmarried~~, for consideration paid, and in full consideration of $7,000.00

grants to JOAN L. TENNEY (married to Charles H. Tenney)

of 770 Park Avenue, New York, New York 10021 with ~~quitclaim covenants~~

the land in that part of Nantucket, Massachusetts, known as Tom Nevers and situate on Chuck Hollow Road, and bounded and described as follows:

[Description and encumbrances, if any]

NORTHERLY by Lot 602 as shown on L. C. Plan 5004-25, 300.00 feet;

EASTERLY by Chuck Hollow Road, 219.45 feet;

SOUTHERLY by Lot 566 on said plan, 297.99 feet; and

WESTERLY by Lot 561 on said plan, 219.39 feet.

Being shown as Lot 603 on L. C. Subdivision Plan No. 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lot 603 has appurtenant to and is subject to all rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 6060, filed at said Registry District for the Land Court.

NANTUCKET COMMONWEALTH OF MASSACHUSETTS DEEDS EXCISE 1595

~~husband~~ ~~wife~~ of said grantor.

~~release~~ to said grantee all rights ~~by the courtesy~~ ~~and homestead~~ and other interests therein.

Witness my hand and seal this 16th day of March 1971

Mary B. Hodges

~~The Commonwealth of Massachusetts~~

ss. March 16 1971

Then personally appeared the above named Mary B. Hodges

and acknowledged the foregoing instrument to be her free act and deed, before me

Martha Telep

Notary Public — ~~Justice of the Peace~~

My commission expires Notary Public, State of [illegible] My Commission Expires [illegible], 1974 Bonded by Transamerica Insurance Co.

(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

(MARTHA TELEP c/o First National Bank of Palm Beach, Fla 33480

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

(THE FOLLOWING IS NOT A PART OF THE DEED, AND IS NOT TO BE RECORDED)

CHAPTER 183, SECTION 11, GENERAL LAWS

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.

DOCUMENT No. 12674

Nantucket Registry District

MAY 21 1971

RECEIVED FOR REGISTRATION

1 O'CLOCK 40 m P M

NOTED ON CERTIFICATE NO. 6060

IN REGISTRATION BOOK 32 PAGE 60

TRANSFER CERTIFICATE OF TITLE ISSUED AND TRANSCRIBED INTO REGISTRATION BOOK 32 PAGE 10 BEING CERTIFICATE NO. 6210 NANTUCKET COUNTY REGISTRY DISTRICT

Attest Joanne L. Bonnett
Assistant Recorder

LAND COURT, BOSTON. The land herein described will be shown on our approved plan to follow as

MAR 1 1971

Plan 5004-25 Lot 603

(Examined as to description only)

R. L. Woodbury, Engineer GAP

DOCUMENT No. 12674

MASSACHUSETTS

Statute Form of

Quitclaim Deed

(INDIVIDUAL)

Mary B. Hodges

TO

Joan L. Tenney

Nantucket Registry District

MAY 21 1971

RECEIVED FOR REGISTRATION

_____ O'CLOCK _____ m _____ M

....., 19.....

at.....o'clock and.....minutes.....m.

Received and entered with.....

.....Deeds

Book.....Page.....

Attest:

.....

Register

FROM THE OFFICE OF

James K. Glidden, Esq.
Nantucket, Mass.

RETURN TO →

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON - MASS.
Form 881
REVISED CHAPTER 497 - 1968

(Please print or type)

506

I, MARY B. HODGES (married to George H. Hodges)

of 110 Via Vizcaya, Palm Beach, Florida, ~~County, Massachusetts,~~

~~being unmarried~~, for consideration paid, and in full consideration of $1.00

grants to MARY B. HODGES and GEORGE H. HODGES, husband and wife, as tenants by the * entirety,

of 110 Via Vizcaya, Palm Beach, Florida, with ~~quitclaim covenants~~

the land in Nantucket Town and County, Massachusetts, together with the dwelling house and all other buildings thereon, situate on Chuck Hollow Road, and bounded and described as follows: [Description and encumbrances, if any]

NORTHERLY by Lot 564 as shown on Land Court Plan No. 5004-18, Sheet 4, 300.00 feet;

EASTERLY by Chuck Hollow Road, 395.70 feet;

SOUTHERLY by Lot 566 as shown on the aforesaid plan, Sheet 3, 297.99 feet; and

WESTERLY by Lot 561 as shown on the aforesaid plan, Sheet 2, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 have appurtenant to and are subject to all rights, easements, restrictions, agreements and all other provisions as set out in Document No. 11571, filed with Certificate of Title No. 5041 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

Said Lots 602 and 603 are subject to mortgages to Nantucket Beach Properties, Inc., which the Grantees agree to assume and pay.

~~Witness~~ my hand and seal this 13th day of July, 19 73

Mary B. Hodges

~~The Commonwealth of Massachusetts~~

Nantucket ss. July 13, 19 73

Then personally appeared the above named Mary B. Hodges

and acknowledged the foregoing instrument to be her free act and deed, before me

Barbara M. Holdgate

Notary Public ~~Justice of the Peace~~

My commission expires November 12 1977

(*Individual—Joint Tenants—Tenants in Common—Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

(THE FOLLOWING IS NOT A PART OF THE DEED, AND IS NOT TO BE RECORDED)

CHAPTER 183, SECTION 11, GENERAL LAWS

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.

DOCUMENT No. 14649

Nantucket Registry District
JUL 13 1973

RECEIVED FOR REGISTRATION
2 O'CLOCK 50 m PM M

NOTED ON CERTIFICATE NO. 6060
IN REGISTRATION BOOK 31 PAGE 60

NOTED ON CERTIFICATE NO. 6342
IN REGISTRATION BOOK 32 PAGE 142

TRANSFER CERTIFICATE OF TITLE ISSUED
AND TRANSCRIBED INTO
REGISTRATION BOOK 35 PAGE 106
BEING CERTIFICATE NO. 6906
NANTUCKET COUNTY REGISTRY DISTRICT

Attest Jessie L. Barrett
Assistant Recorder

DOCUMENT No. 14649

MASSACHUSETTS

Statute Form of

Quitclaim Deed

(INDIVIDUAL)

Mary B. Hodges

TO

George H. Hodges et ux

Nantucket Registry District
JUL 13 1973

RECEIVED FOR REGISTRATION

.....O'CLOCK.....m.....M 19.....

at.....o'clock and.....minutes.....m.

Received and entered with .....

..... Deeds

Book.....Page.....

Attest:

.....
Register

FROM THE OFFICE OF

James K. Glidden, Esq.
Nantucket, Mass.

RETURN TO →

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON - MASS.
Form 881
REVISED CHAPTER 497 - 1969

(Please print or type)

508

I, GEORGE H. HODGES, surviving joint owner,

of Box 2661, Palm Beach, Florida 33480, ~~County, Massachusetts~~

~~being unmarried~~, for consideration paid, and in full consideration of $137,500.00

grants to JEANNE STANLEY-BROWN *

of 860 Roslyn Road, Ridgewood, New Jersey 07456,---------- with ~~quitclaim covenants~~

the land in Nantucket Town and County, Massachusetts, together with the dwelling house and all other buildings thereon, situate on Chuck Hollow Road, Tom Nevers, and bounded and described as [Description and encumbrances, if any] follows:

NORTHERLY by Lot 564 as shown on plan hereinafter referred to, 300.00 feet;

EASTERLY by Chuck Hollow Road, on two courses, 439.45 feet;

SOUTHERLY by Lot 466 as shown on said plan, 297.99 feet; and

WESTERLY by Lot 561 as shown on said plan, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 are subject to and have appurtenant to them all the rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 6906 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

COMMONWEALTH OF MASSACHUSETTS
DEEDS & EXCISE
JUN24'80
313.50

Witness my hand and seal this 25th day of June, 19 80

George H. Hodges

George H. Hodges

The Commonwealth of Massachusetts

Nantucket ss. June 25, 19 80

Then personally appeared the above named George H. Hodges

and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public — ~~Justice of the Peace~~

My commission expires 16 oct 19

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

091148

QUITCLAIM DEED

I, JEANNE STANLEY-BROWN of 8445 Abbington Drive, Unit 712, Naples, Florida 34108, for non-monetary consideration and in exchange for a beneficial interest received by Seller in such trust, grants to THE WINDMOOR NOMINEE TRUST, David G. Stanley-Brown, Trustee of 372 Holly Drive, Wickoff, New Jersey 07481, with QUITCLAIM COVENANTS,

The land together with the buildings and improvements thereon situated on 37 and 39 Chuck Hollow Road, Nantucket Town and County, Commonwealth of Massachusetts 02554, bounded and described as follows:

NORTHERLY	by Lot 564 as shown on plan hereinafter referred to, 300.00 feet;
EASTERLY	by Chuck Hollow Road, on two courses, 439.45 feet;
SOUTHERLY	by Lot 466 as shown on said plan, 297.99 feet; and
WESTERLY	by Lot 561 as shown on said plan, 439.39 feet.

Being shown as Lots 602 and 603 on Plan numbered 5004-25, filed with Certificate of Title No. 6210 at the Nantucket Registry District for the Land Court.

Said Lots 602 and 603 are subject to and have appurtenant to them all the rights, easements, restrictions, agreements and all other provisions as set out in Certificate of Title No. 9216 at the Nantucket Registry District for the Land Court and are incorporated herein by reference thereto.

For title reference see, Certificate of Title No. 9216.

091148

WITNESS my hand and seal this 14th day of November, 2000.

Jeanne Stanley-Brown

Jeanne Stanley-Brown

STATE OF ~~NEW JERSEY~~ FLORIDA

COUNTY OF COLLIER, ss.

November 14, 2000

Then personally appeared the above-named Jeanne Stanley-Brown and acknowledged the foregoing instrument to be her free act and deed, before me,

Mary Beth Forrester

Notary Public
My Commission Expires:

Mary Beth Forrester
My Commission CC799174
Expires December 23 2002

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $
☒ Exempt D
☐ Non-applicable
No. 20308 Date 12/7/00
Authorization CHunter

TRANSFER CERTIFICATE OF TITLE

Cert. No. 19732
Docu. No. 91148

From TRANSFER Certificate No. 9216 Originally Registered

June 25, 1980 in Registration Book 48 Page 56

for the Registry District of Nantucket County.

THIS IS TO CERTIFY that DAVID G. STANLEY-BROWN, TRUSTEE of the WINDMOOR NOMINEE TRUST u/d/t dated 05/24/2000 and registered as document # 91147 at the Registry District of Nantucket County of 372 HOLLY DRIVE, WICKOFF, IN THE STATE OF NEW JERSEY 07481

is the owner in fee simple

of that land situated in NANTUCKET

In the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY	by Lot 654 as shown on plan hereinafter mentioned, three hundred (300.00) feet;
EASTERLY	by Chuck Hollow Road, on two courses, four hundred thirty-nine and 45/100 (439.45) feet;
SOUTHERLY	by Lot 466 as shown on said plan, two hundred ninety-seven and 99/100 (297.99) feet ; and
WESTERLY	by Lot 561 as shown on said plan, four hundred thirty-nine and 39/100 (439.39) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 5004-25, drawn by Hayes Engineering Inc., Surveyors, dated February 3, 1971, and filed with Certificate of Title No. 6210 at the Registry District of Nantucket County. Said land is shown thereon as Lots 602 and 603.

Said Lots 602 and 603 have appurtenant to and are subject to the rights, easements, restrictions, agreements and all other provisions as set out in Document No. 11571, filed with Certificate of Title No. 5041 at said Registry District, and are incorporated herein by reference thereto.

There is appurtenant to said Lots 602 and 603 the right to use the ways as shown on said plan.

Also appurtenant to said Lots 602 and 603 is the right to use the Beach abutting the Naval Facility on the West and consisting of five hundred (500) feet beach frontage with access thereto.

The above described land is subject to easements set forth in a stipulation filed in the Land Registration Office in case numbered 5004 on March 2, 1915, and registered as Document No. 787 in the Registry District of Nantucket County, and modified by a stipulation between Franklin E. Smith et al, Trustees of the Nantucket Land Trust and the Town of Nantucket filed and registered as Document No. 852 in said District.

There is appurtenant to the above described land a right of way to the village of Siasconset over Lot 15-A as shown on Plan No. 5004-C filed with Certificate of Title No. 778 at the Registry District of Nantucket County in common with others entitled thereto as set forth in a deed given by Charles F. Carlock to Franklin E. Smith et al, Trustees of the Nantucket Land Trust filed and registered as Document No. 833 at said Registry.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said DAVID G. STANLEY-BROWN, TRUSTEE of the WINDMOOR NOMINEE TRUST

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate, and subject as aforesaid; and to any lien of said Commonwealth for enforcing collection of any legacy and succession taxes due it from the estate of Mary B. Hodges, if claimed and enforced within the time allowed by law.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said County of Nantucket.

The seventh day of December in the year two thousand at 9 o'clock and 55 minutes in the forenoon.

Attest, with the seal of said court,

Joanne L. Kelley

Joanne L. Kelley, Assistant Recorder

Case # 5004

Purported Address of Property:
37 & 39 CHUCK HOLLOW ROAD
CERTIFICATE 19732

EXHIBIT F

PURCHASE & SALE LETTER

Letter from Griffin Law LLC Attorney Susan McCarthy, representing the owners, to Attorney Michael Wilson, representing the buyers. The letter formalizes an agreement to extend the time for performance of the Purchase and Sale to April 1, 2023 for 37 Chuck Hollow Road. The buyers are a long-time year-round local couple who are waiting for a resolution from the ZBA.

Griffin Law LLC

12 Oak Street, Suite D | Nantucket, MA 02554
(508) 228-2281 | (617) 266-9610 (fax)

December 20, 2022

VIA EMAIL ONLY: mjw@mjwilsonlaw.com and admin@mjwilsonlaw.com
Michael J. Wilson, Esq.
Attorney Michael J. Wilson, P.C.
One Hooper Farm Road
Nantucket, MA 02554

RE: 37 Chuck Hollow Road Nantucket MA 02554

Dear Attorney Wilson,

This letter shall confirm the agreement of the parties to extend the Time for Perfomance and Delivery of the Deed, pursuant to Section 8 of the Purchase and Sale Agreement dated November 18, 2022 to **April 1, 2023** or earlier if mutally agreed to in writing once Provision 9(b) of the Purchase and Sale agreement is satisfied and a decision from the Zoning Board of Appeals is registered with the Nantucket Registry District.

Except as amended above, all terms and conditions of said Purchase and Sale Agreement remain in full force and effect with time continuing to be of the essence.

Please confirm your client's agreement to this extension by signing this letter where indicated below and providing me a copy.

Very truly yours,
Susan McCarthy
Susan McCarthy

Extension confirmed this 20 day of December 2022.

Michael J. Wilson, Attorney for the Seller

EXHIBIT G

ABUTTERS' LIST

The Abutters' List lists 37 and 39 Chuck Hollow Road as separate lots for notice purposes.

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER DAVID STANLEY-BROWN

MAILING ADDRESS 372 HOLLY DRIVE, WICKOFF, NJ 07481

PROPERTY LOCATION 39 CHUCK HOLLOW ROAD

ASSESSOR MAP/PARCEL 75-109

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).

January 9, 2023

Mary Haley, Senior Clerk, Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2023.01.09 14:28:11 -05'00'

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
75	65	1	NEVERS HOLLOW LLC		17 OLD KINGS HWY S SUITE 240	DARIEN	CT	06820	42 CHUCK HOLLOW RD
75	65	2	40 CHR LLC		54 EAST 92ND STREET	NEW YORK	NY	10128	40 CHUCK HOLLOW RD
75	66		PORTILLO VALLES CARLOS D ETAL		36 CHUCK HOLLOW RD	NANTUCKET	MA	02554	36 CHUCK HOLLOW RD
75	66	1	NOTLIH LLC	C/O JOHN A HILTON JR	95 EAST LAKE RD	KEY LARGO	FL	33037-3608	38 CHUCK HOLLOW RD
75	105		CUTONE MARK J & LYNDA A		PO BOX 508	SIASCONSET	MA	02564	35 CHUCK HOLLOW RD
75	106		HAGEDORN HAPPY HACIENDA LLC		662 MAIN STREET	NEW ROCHELLE	NY	10810	9 PARSON LN
75	107		HALE JOHN JOSEPH JR TR		1919 GULF SHORE BLVD N #701	NAPLES	FL	34102	7 PARSON LN
75	108		STANLEY-BROWN DAVID G TRUSTEE	WINDMOOR NOMINEE TRUST	372 HOLLY DRIVE	WICKOFF	NJ	07481	37 CHUCK HOLLOW RD
75	110		HALSTEAD PATRICIA A TR ETAL		PO BOX 356	SIASCONSET	MA	02564	41 CHUCK HOLLOW RD
75	111		ICE BEAR LLC	C/O ALGER SARAH F	4 NORTH WATER STREET	NANTUCKET	MA	02554	5 PARSON LN
75	112		TIBBETTS RICHARD B & BARBARA S		PO BOX 3124	NANTUCKET	MA	02584	43 CHUCK HOLLOW RD
Count:	11								

NEVERS HOLLOW LLC
17 OLD KINGS HWY S SUITE 240
DARIEN, CT 06820

40 CHR LLC
54 EAST 92ND STREET
NEW YORK, NY 10128

PORTILLO VALLES CARLOS D ETAL
36 CHUCK HOLLOW RD
NANTUCKET, MA 02554

NOTLIH LLC
C/O JOHN A HILTON JR
95 EAST LAKE RD
KEY LARGO, FL 33037-3608

CUTONE MARK J & LYNDA A
PO BOX 508
SIASCONSET, MA 02564

HAGEDORN HAPPY HACIENDA LLC
662 MAIN STREET
NEW ROCHELLE, NY 10810

HALE JOHN JOSEPH JR TR
1919 GULF SHORE BLVD N #701
NAPLES, FL 34102

STANLEY-BROWN DAVID G TRUSTEE
WINDMOOR NOMINEE TRUST
372 HOLLY DRIVE
WICKOFF, NJ 07481

HALSTEAD PATRICIA A TR ETAL
PO BOX 356
SIASCONSET, MA 02564

ICE BEAR LLC
C/O ALGER SARAH F
4 NORTH WATER STREET
NANTUCKET, MA 02554

TIBBETTS RICHARD B & BARBARA S
PO BOX 3124
NANTUCKET, MA 02584

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Pat: avery.com/patents

NEVERS HOLLOW LLC
17 OLD KINGS HWY S SUITE 240
DARIEN, CT 06820

40 CHR LLC
54 EAST 92ND STREET
NEW YORK, NY 10128

PORTILLO VALLES CARLOS D ETAL
36 CHUCK HOLLOW RD
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4 NORTH WATER STREET
NANTUCKET, MA 02554

TIBBETTS RICHARD B & BARBARA S
PO BOX 3124
NANTUCKET, MA 02584

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AVERY 5160®

NANTUCKET COTTAGE HOSPITAL

File No. 17-22

16 VESPER LANE

VARIANCE

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

A P P L I C A T I O N

Fee: $450.00 **File No._____**

Owner's name(s): Nantucket Cottage Hospital

Mailing address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: jiveserickson@partners.org

Applicant's name(s): Jeanette Ives Erickson

Mailing Address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: jiveserickson@partners.org

Locus Address: 16 Vesper Lane Assessor's Map/Parcel: 3472

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

Deed Reference/Certificate of Title: 184/112 Zoning District CN

Uses on Lot- Commercial: None x Yes (describe) _____
Residential: Number of dwellings 0 Duplex 0 Apartments 0

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

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

SIGNATURE: Jeanette Lee Erickson Owner*

SIGNATURE: Jeanette Lee Erickson 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:__/__/__

APPENDIX A

Variance Narrative

Nantucket Cottage Hospital (the "Hospital" or the "Petitioner") has been working with the Town of Nantucket Affordable Housing Trust Fund (the "Trust") to cooperatively address the housing needs on Nantucket.

As a result of these efforts, the parties have entered into a Memorandum of Understanding whereby they will exchange parcels of land to address their respective housing needs. Specifically, the Trust has agreed to convey its property at 18 Vesper Lane, shown as "UMass Parcel" on the Lotting Plan (defined herein), that formerly provided housing for those working at the UMass Field Station (the "Trust Property") to the Hospital, which can be repurposed by the Hospital to provide critical housing for employees. In exchange for the Trust Property, the Hospital has agreed to convey a portion of its lot at 16 Vesper Lane (the "Property") to the Trust so that the Trust can ultimately develop affordable housing. This is an opportunity for the Hospital to create employee housing units relatively quickly that will help address their housing needs in the short-term and for the Trust to acquire a development parcel for long-term development.

The Property is located within the Commercial-Neighborhood zoning district and the Nantucket Cottage Hospital Overlay district. As shown on the enclosed plan titled Lotting Exhibit, prepared by RJO'Connell & Associates, Inc. and dated September 16, 2022 (the "Lotting Plan"), the Property is a rear lot with access provided via an easement from Vesper Lane and it is large enough to be divided into two lots, one lot for the existing building owned by the Hospital and one lot that can be conveyed to the Trust. The portion of the Property that would be conveyed to the Trust from the Hospital meets the lot area requirements of the Nantucket Zoning Bylaw (the "Zoning Bylaw") and has access via an easement from Vesper Lane. However, as an old rear lot, the Property does not have legal frontage. Accordingly, the Petitioner is submitting this application requesting a variance from Section 139-16 of the Zoning Bylaw to allow for the creation of "Proposed Parcel B" as shown on the Lotting Plan.

For the reasons set forth below, the Petitioner respectfully requests that the Zoning Board of Appeals grant the requested relief.

A) A literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the Petitioner. The Property is a rear lot and will obtain pedestrian and vehicular access to Vesper Lane through an easement granted over private property and onto an existing private way known as Gouin Village. There is no way for the Property to independently acquire frontage because of the private ownership of the properties located between the Property and Vesper Lane. Absent relief granted from this Board, the Property will be undevelopable. As a result, the Hospital would not have the opportunity to acquire the Trust Property because it could not offer a portion of the Property to the Trust to provide crucially-needed affordable housing for

the residents of Nantucket through the development of affordable housing. Accordingly, literal enforcement of this Ordinance would involve a substantial hardship to the Petitioner. The Property is undevelopable without relief from the requirement that the Property have 50 feet of frontage.

B) The hardship is owing to the following 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 for the following reasons:

The Property is uniquely situated as a land-locked parcel surrounded by several privately-owned parcels. As a result, the Property must be located along a private way causing lack of frontage unique to the land. The existing lack of frontage due to the location of the Property is a hardship particular to Petitioner, which can be ameliorated by precluding the need for the Property to have 50 feet of frontage.

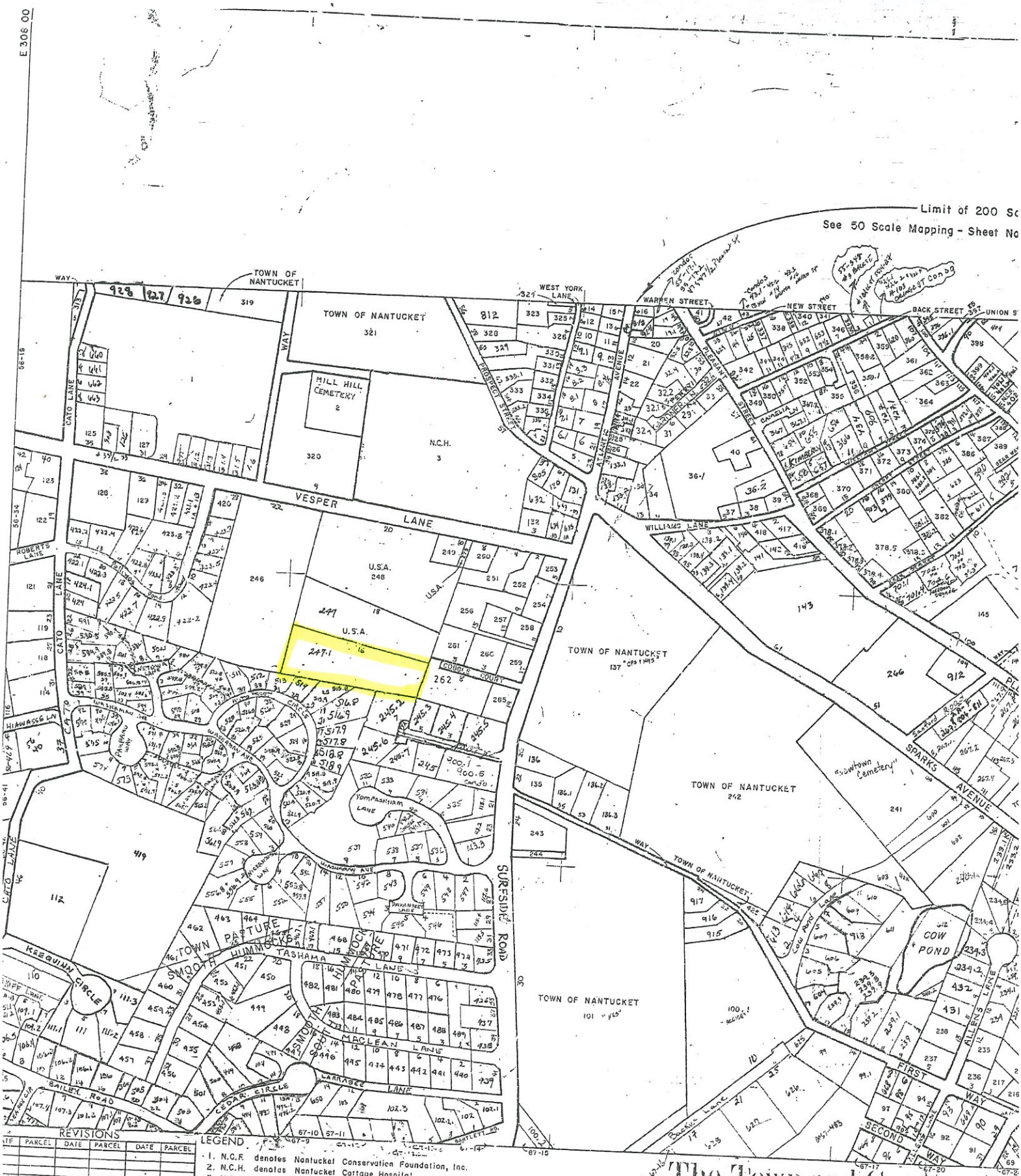
C) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The requested relief can be granted without detriment to the public good. As detailed above, the Trusts intend to provide crucially-needed affordable housing for the residents of Nantucket through the development of affordable housing. Additionally, the Hospital is able to provide critical housing employee housing by exchanging a portion of the Property for the Trust Property. The Property has been identified as a promising location to provide these public benefits and the requested relief will allow the Property to be developed for this important purpose. Therefore, granting relief from the requirement for the Property to have frontage along a public way will not be a detriment to the public good. In fact, granting the relief benefits the residents of Nantucket by creating affordable housing opportunities and much needed employee housing for Nantucket's only hospital.

D) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw for the following reasons:

The relief requested can be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. According to Section 139-1, the Zoning Bylaw is intended to "promote the health, safety, convenience, morals and general welfare of its inhabitants…." The relief requested herein allows for the provision of employee and affordable housing, which is consistent with the Town's morals and interest in providing housing for the Hospital's employees and affordable housing for the residents will enhance the general welfare of its inhabitants. Because of the Property's access to Vesper Lane over private property and a private way, its lack of frontage will not impair the health, safety, or convenience of residents or other members of the public. Accordingly, the relief requested can be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

For the reasons set forth above, the Petitioner respectfully requests that the Zoning Board of Appeals grant the above-described variance and such other relief as the Board deems proper.


E 308 00
Limit of 200 Sc
See 50 Scale Mapping - Sheet No
TOWN OF NANTUCKET
WEST YORK LANE
WARREN STREET
NEW STREET
BACK STREET
MILL HILL CEMETERY
N.C.H.
VESPER LANE
CATO LANE
ROBERTS LANE
HIAWASSE LN
U.S.A.
COBBLE COURT
WILLIAMS LANE
SPARKS AVENUE
"Newtown Cemetery"
COW POND
SURFSIDE ROAD
YOMPASHAM LANE
KEEQUINN CIRCLE
SMOOTH HUMMOCK PASTURE
TASHAMA LANE
MACLEAN LANE
LARRABEE LANE
CEDAR CIRCLE
BAILEY ROAD
ALLENS LANE
FIRST WAY
SECOND WAY
REVISIONS
PARCEL | DATE | PARCEL | DATE | PARCEL
LEGEND
1. N.C.F. denotes Nantucket Conservation Foundation, Inc.
2. N.C.H. denotes Nantucket Cottage Hospital
3. U.S.A. denotes United States of America
4. (N.C.) denotes not constructed
INFORMATION SHOWN HEREON WAS
MPILED FROM AERIAL PHOTOGRAPHS, DEEDS,
D PLANS OF RECORD AND IS NOT TO BE
NSTRUED AS HAVING SUFFICIENT ACCUR
Y FOR CONVEYANCE
Photogrammetry By
ROCKWOOD MAPPING, INC.
ROCHESTER, N.Y.
The Town and County of
NANTUCKET
Massachusetts

N

RJOC

ZONE R-40
ZONE CN

ZONE R-10
ZONE CN

BIT. CONC.

VESPER LANE
(PUBLIC – VARIABLE WIDTH)

BIT. CONC.

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

COMMERCIAL

GUY

GUY

GUY

GUY

GATE

8" WATER

CB R=39.48

DMH R=37.79

CB R=37.85

CB R=37.92

CB R=38.93

DMH R=39.54

MH R=37.60

MH R=38.91

SMH R=37.49

SMH R=36.78

WATER

EXIST. W/F STRUCTURE

EXIST. W/F STRUCTURE

EXIST. PAVEMENT

EXIST. PAVEMENT

EXIST. PLANK FENCE

APPROX.. SEWER LINE

APPROX.. SEWER LINE

18"

14"

(30' WIDE)

30'

EXIST. EDGE OF VEGETATION (TYP.)

39.53

39.41

38.98

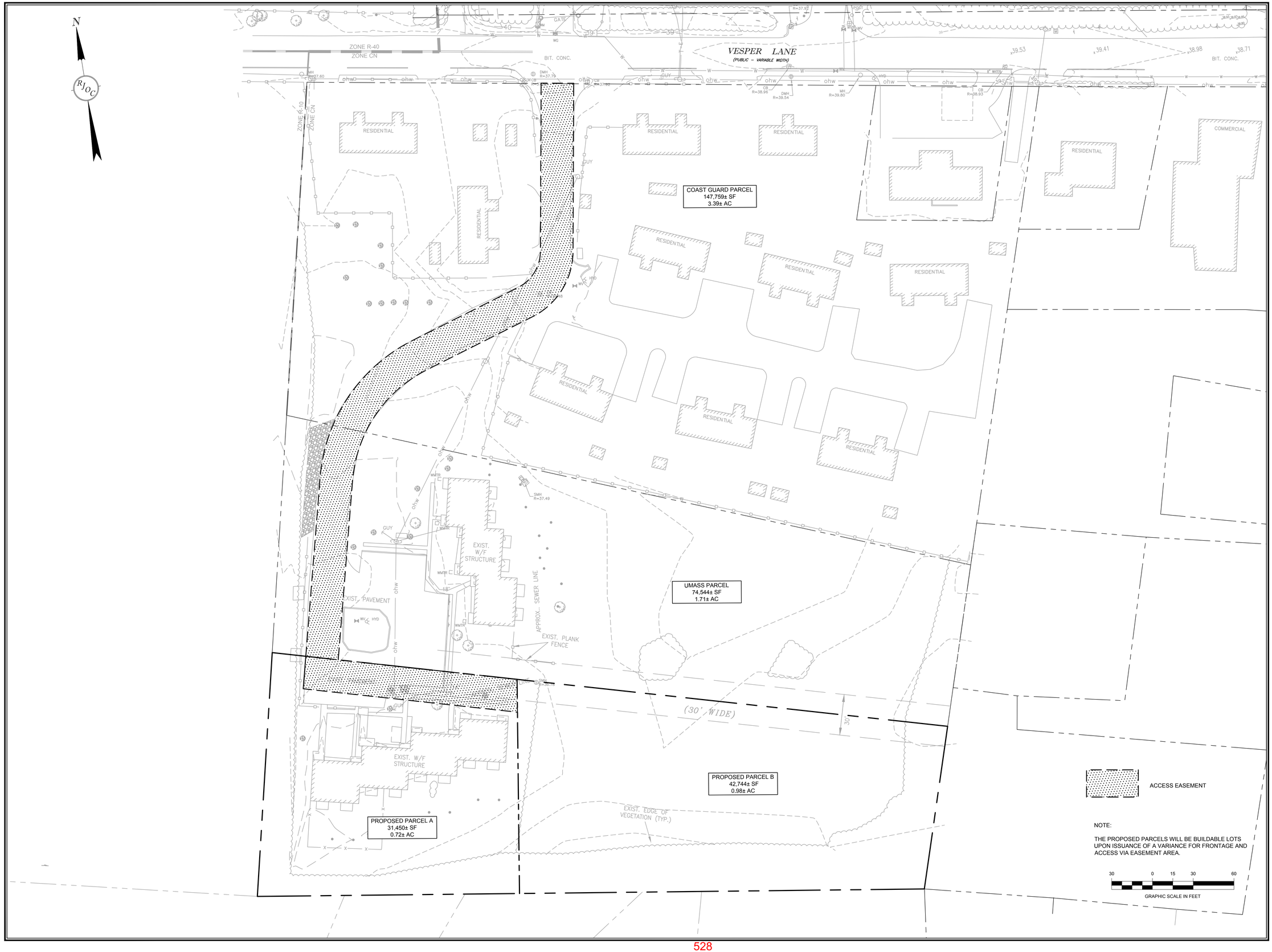
38.71

30 0 15 30 60

GRAPHIC SCALE IN FEET

Drawing name: G:\MA\Nantucket\NIED\UMass– Vesper\Main\Subdivision\21058_EC-1 Existing Conditions.dwg Sep 16, 2022 – 12:36pm

NO.	REVISION	DATE



RJOC

NO.	REVISION	DATE
.	ISSUED FOR ZBA APPROVAL	09/16/2022

PREPARED BY:

RJO'CONNELL & ASSOCIATES, INC.

CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
80 MONTVALE AVENUE, SUITE 201 STONEHAM, MA 02180
PHONE: 781.279.0180 RJOCONNELL.COM

PREPARED FOR:

NEW ENGLAND DEVELOPMENT

75 PARK PLAZA
BOSTON, MA 02116
617-965-8700

PROJECT NAME:

16, 18, & 20 VESPER LANE
NANTUCKET, MA

SEAL:

DESIGNED BY:	SPG
DRAWN BY:	HAA
REVIEWED BY:	SPG
SCALE:	1" = 30'
DATE:	09/16/2022

DRAWING NAME:

LOTTING EXHIBIT

DRAWING NUMBER:

LE-1

PROJECT NUMBER:

21058

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Drawing name: G:\MA\Nantucket\NED\UMass- Vesper\Main\Subdivision\21058_LE-1 Lotting Exhibit.dwg Sep 16, 2022 - 15:17pm

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Nantucket Cottage Hospital

MAILING ADDRESS..... 57 Prospect St. Nantucket, MA 02554

PROPERTY LOCATION..... 16 Vesper Ln

ASSESSOR MAP/PARCEL..... 55/247.1

APPLICANT..... Christopher Clements

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: 2022.09.02 11:39:21 -04'00'

September 2, 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
55	245		4 ANNA DRIVE LLC		PO BOX 659	NANTUCKET	MA	02554	4 ANNA DR
55	245	2	SOUTHEY DANIEL O & CURRIE MICHELE L		PO BOX 824	NANTUCKET	MA	02554	7 ANNA DR
55	245	3	MURRAY ROBERT DEAN		5 ANNA DR	NANTUCKET	MA	O2554	5 ANNA DR
55	245	4	BEAUDETTE RICHARD P & RICHELLE L		3 ANNA DR	NANTUCKET	MA	02554	3 ANNA DR
55	245	5	SEO REAL ESTATE LLC		302 BROADWAY RT 138 STE 6	RAYNHAM	MA	02767	19- SURFSIDE RD
55	245	6	8 ANNA DRIVE LLC		307 POLPIS RD	NANTUCKET	MA	02554	8 ANNA DR
55	245	7	ALBERTSON PHILIP K JR		6 ANNA DR	NANTUCKET	MA	02554	6 ANNA DR
55	246		SEVRENS NANCY J TRST		PO BOX 428	NANTUCKET	MA	02554	22 VESPER LN
55	247		TOWN OF NANTUCKET		16 BROAD STREET	NANTUCKET	MA	02554	18 VESPER LN
55	248		U S OF AMERICA	C/O U S COAST GUARD	2 EASTON ST	NANTUCKET	MA	02554	20 VESPER LN
55	256		RYDER RICHARD C & NANCY G TRS	RYDER FAMILY NOMINEE TRUST	15 SURFSIDE RD	NANTUCKET	MA	02554	15 SURFSIDE RD
55	257		RYDER RICHARD C & KIMBERLEY A TRST		15 SURFSIDE RD	NANTUCKET	MA	02554	13 SURFSIDE RD
55	258		RYDER JANET R TRUSTEE	J RYDER NOMINEE TRUST	11 SURFSIDE ROAD	NANTUCKET	MA	02554	11 SURFSIDE RD
55	259		CRIB LLC		19 ARROWHEAD DRIVE	NANTUCKET	MA	02554	17 SURFSIDE RD
55	260		OTTISON KARL & SUSAN TRST	RANDOM WINDS REALTY TRUST	170 ORANGE ST	NANTUCKET	MA	02554	3 COBBLE CT
55	261		BRESCHER JESSIE M TR	FIVE COBBLE CT REALTY TRUST	37 CENTER STREET	NANTUCKET	MA	02554	5 COBBLE CT
55	262		MARKS SCOTT		PO BOX 853	NANTUCKET	MA	02554	8 COBBLE CT
55	265		AUSTIN SALLYANNE		19 SURFSIDE RD	NANTUCKET	MA	02554	19 SURFSIDE RD
55	508		NASHAQUISSET COOPERATIVE INC	AMORY NATHANIEL & SARA	9 CABOT ST	WINCHESTER	MA	01890	27 WASHAMAN AV
55	509		NASHAQUISSET COOPERATIVE INC	FINN ROBERT A JR & EIDENT JENNIFER	193 CHERRY VALLEY RD	PRINCETON	NJ	08540	45 AUTOPSCOT CI
55	510	8	NASHAQUISSET COOPERATIVE INC	C/O SEEMAN WILLIAM H & ELLEN V	8 DARROWS RIDGE RD	EAST LYME	CT	06333	43 AUTOPSCOT CI
55	510	9	NASHAQUISSET COOPERATIVE INC	C/O LOOMAS PATRICK N TR	16 SALEM RD	WELLESLEY	MA	O2481	41 AUTOPSCOT CI
55	511		NASHAQUISSET COOPERATIVE INC	MCDONOUGH THOMAS & KATHLEEN FUREY	2000 FERNDALE DR	WILMINGTON	DE	19810	37 AUTOPSCOT CI
55	512		NASHAQUISSET COOPERATIVE INC	C/O ALBERTSON KIMBERLY F ETAL	33 AUTOPSCOT CIR	NANTUCKET	MA	02554	33 AUTOPSCOT CI
55	513		NASHAQUISSET COOPERATIVE INC	C/O PICINICH JAMES K & ELENA F	800 WEST END AVE APT 7B	NEW YORK	NY	10025	31 AUTOPSCOT CI
55	514		NASHAQUISSET COOPERATIVE INC	C/O WARMS MARK E	BOX 540817	HOUSTON	TX	77254-0817	29 AUTOPSCOT CI

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	515	8	NASHAQUISSET COOPERATIVE INC	C/O UNDERWOOD SARA M TRST	21 DEERWOOD RD	WELLESLEY	MA	02481	25 AUTOPSCOT CI
55	515	9	NASHAQUISSET COOPERATIVE INC	C/O PEAC FAMILY PARTNERSHIPLLC	23 AUTOPSCOT CIRCLE	NANTUCKET	MA	O2554	23 AUTOPSCOT CI
55	516	8	NASHAQUISSET COOPERATIVE INC	C/O 19 AUTOPSCOT CIR LLC	1 WILLIAM COLLEARY LANE	SOUTHBOROUGH	MA	01772	19 AUTOPSCOT CI
55	516	9	NASHAQUISSET COOPERATIVE INC	C/O HOLLISTER THOMAS J & DIANE	101 CHESTNUTST APT H	BOSTON	MA	O2108	21 AUTOPSCOT CI
55	517	8	NASHAQUISSET COOPERATIVE INC	BLOCK ELIZABETH W	4100 CATHEDRAL AVE NW #815	WAASHINGTON	DC	20016	15 AUTOPSCOT CI
55	518	8	NASHAQUISSET COOPERATIVE INC	C/O LAFONTAINE PAMELA S	135 IMPERIAL AVE	WESTPORT	CT	06880	11 AUTOPSCOT CI
55	522		NASHAQUISSET COOPERATIVE INC	C/O LOHRMAN JOHN & NATALIE TRS	3401 TUTTLE RD SUITE 290	SHAKER HEIGHTS	OH	44122	15 WASHAMAN AV
55	523	8	NASHAQUISSET COOPERATIVE INC	C/O MORAN MARC R & YUELING G	15 VALENTINE STREET UNIT 3	CAMBRIDGE	MA	02139	8 AUTOPSCOT CI
55	523	9	NASHAQUISSET COOPERATIVE INC		280 ABRAHAMS LANE	VILLANOVA	PA	19085	17 WASHAMAN AV
55	524		NASHAQUISSET COOPERATIVE INC	C/O REYES PROTACIO A & PHYLLIS	177 SOUTH AVE #1	NEW CANAAN	CT	06840	16 AUTOPSCOT CI
55	525		NASHAQUISSET COOPERATIVE INC	C/O MARASCO WILLIAM J	21 AARONS WAY	S YARMOUTH	MA	02673	19 WASHAMAN AV
55	526	1	NASHAQUISSET COOPERATIVE INC	GALLUP SAMANTHA & BARRY JR	235 TOKENEKE RD	DARIEN	CT	06820	32 AUTOPSCOT CI
55	526	8	NASHAQUISSET COOPERATIVE INC		3630 84TH AVE SE	MERCER ISLAND	WA	98040	40 AUTOPSCOT CI
55	526	9	NASHAQUISSET COOPERATIVE INC	C/O SUNG A KIM PARK TR	41 PHILLIPS ST APT 13	BOSTON	MA	O2114	21 WASHAMAN AV
55	527		NASHAQUISSET COOPERATIVE INC	C/O MACDONALD LESLIE W JR	PO BOX 2538	NANTUCKET	MA	02584	24 AUTOPSCOT CI
55	528		NASHAQUISSET COOPERATIVE INC	C/O TUCKER F MICHAEL TRST	115 HUNTERFIELD RD	DELMAR	NY	12054	23 WASHAMAN AV
55	532		STRAZZULA KATHLEEN J		82 CRESCENT AV	SCITUATE	MA	02066	11 YOMPASHAM LN
55	533		LAWS WHITNEY E & SCHMITT MAKENZIE A TRS	SCHMITT FAMILY IRREVOCABLE FAMILY TRUST	9 YOMPASHAM LANE	NANTUCKET	MA	02554	9 YOMPASHAM LN
55	534		CHADWICK HOWARD B JR		7 YOMPASHAM LN	NANTUCKET	MA	02554	7 YOMPASHAM LN
55	539		NASHAQUISSET COOPERATIVE INC		PO BOX 3067	NANTUCKET	MA	02584	9 WASHAMAN AV
55	578		NASHAQUISSET COOPERATIVE INC	C/O BRADLOW ERIC T & LAURA W	128 BLEDDYN ROAD	ARDMORE	PA	19003	29 WASHAMAN AV
55	579	1	NASHAQUISSET COOPERATIVE INC	C/O GLEASON SUZANNE MARIE	7 S E MARLIN AVENUE	KEY LARGO	FL	33037	2 NETOWA LN
55	579	2	NASHAQUISSET COOPERATIVE INC	C/O NORTON ROBERT L & KATHRYN K	47 AUTOPSCOT CI	NANTUCKET	MA	O2554	47 AUTOPSCOT CI
55	579	9	NASHAQUISSET COOPERATIVE INC	C/O FALCONE KATHERINE B	7900 ARLINGTON CR #403	NAPLES	FL	34113	4 NETOWA LN
55	900	1	RYAN KEITH E TRST ETAL	C/O RYAN GAIL	30 WESTOVER RD	SLINGERLANDS	NY	12159	2B ANNA DR
55	900	2	RYAN DENIS C. JR TRUST ET AL	C/O RYAN PATRICIA M	12 STONEHENGE LN	ALBANY	NY	11203	3C ANNA DR

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	900	3	MILLER BRADY & SUZANNE		8 RELAY CT	COS COB	CT	O6807	2D ANNA DR
55	900	4	ROBINSON JULIAN JADE ET AL		61 OLD SOUTH RD #103	NANTUCKET	MA	O2554	2E ANNA DR
Count:	**54**								

Letters

Nickesha Sheriff

From: Ives Erickson, Jeanette,R.N.,D.N.P. <JIVESERICKSON@PARTNERS.ORG>
Sent: Thursday, December 1, 2022 4:18 PM
To: Spinella, Peter C CIV USCG SILC (USA); Nickesha Sheriff; Lee, Amy E.; Glowacki, Christopher A.; Gerard Keneally; Melissa Philbrick; Craig Mulhauser
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

Thank you for copying me on this message. I am including the board and hospital leadership in this message so that they are aware of this request.

Jeanette Ives Erickson RN, DNP, NEA-BC, FAAN
Chief Nurse Emerita
The Distinguished Paul M. Erickson Chair in Nursing
Massachusetts General Hospital

From: Spinella, Peter C CIV USCG SILC (USA) <Peter.C.Spinella@uscg.mil>
Date: Thursday, December 1, 2022 at 2:39 PM
To: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Cc: Ives Erickson, Jeanette,R.N.,D.N.P. <JIVESERICKSON@PARTNERS.ORG>
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

External Email - Use Caution

I would like to request a postponement of the meeting. The Proposal could have substantial impacts to our federal property and our families living there. I would like the opportunity to review an alternative solution with the hospital. There are also some questions about the deed granted to the town from government and the restrictions in the deed.

Peter C. Spinella
Lead Realty Specialist
United States Coast Guard
Shore Infrastructure Logistics Center
Civil Engineering Unit Providence
475 KILVERT ST STE 100
Warwick, RI 02886-1379
Peter.C.Spinella@uscg.mil
Office 401-736-1754

From: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Sent: Thursday, December 1, 2022 2:14 PM
To: Spinella, Peter C CIV USCG SILC (USA) <Peter.C.Spinella@uscg.mil>
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

Peter,

FYI ONLY

LYNCH, DESIMONE & NYLEN, LLP
ATTORNEYS AT LAW
10 POST OFFICE SQUARE, SUITE 970N
BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500
Facsimile: (617) 348-4545

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

Email: RNylen@ldnllp.com

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

January 17, 2023

Via Email & 1st Class Mail

Leslie Snell, Acting Administrator
Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Surfside Crossing, LLC; Site Work

Dear Ms. Snell:

As a follow up to our prior correspondence (attached), and the December 19, 2022 meeting, please be advised that the allowed preliminary site work will be taking place starting the week of January 17, 2023 in accordance with the conditions of the Housing Appeals Committee Final Decision and the Fisheries and Wildlife Conservation Management Permit, starting with the placement of the split rail fence required by Condition 110 of the Housing Appeal Committee Final Decision dated September 2022 and markings of the limit of work for the Natural Heritage Program. We understand that you are familiar with the Project and its conditions.

Please contact this office or Jamie Feeley, if you have any questions.

Thank you for your courtesies.

Sincerely,

Richard A. Nylen, Jr.

RAN/kad
Enclosures

cc: Mr. Jamie Feeley
Mr. Josh Posner
Paul J. Haverty, Esq.
Building Department

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LYNCH, DESIMONE & NYLEN, LLP
ATTORNEYS AT LAW
10 POST OFFICE SQUARE, SUITE 970N
BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500
Facsimile: (617) 348-4545

December 8, 2022

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

Via Email PLUS@Nantucket-ma.gov
& 1st Class Mail

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

Re: Surfside Crossing, LLC; Pre-Construction Meeting, December 19, 2022; 37 Old South Road, Unit 5, Nantucket, MA

Dear Chair McCarthy,

This office is working with Surfside Crossing, LLC and the purpose of this letter is to set the time for the pre-construction meeting for the Surfside Residential Housing project for Monday, December 19, 2022 at 10:00 a.m. at the Cottage and Castle offices at 37 Old South Road, Unit 5.

As you recall, the Zoning Board of Appeals (ZBA) inserted a provision in its decision on the 40B permit that requires a pre-construction meeting before any initial site work with representatives of boards having a "review interest" in construction. That condition was carried through the Housing Appeals Committee Final Decision dated September 2022. Condition 113 reads as follows:

> "At least forty-eight (48) hours prior to any initial site work, a pre-construction meeting shall be held with the Applicant, Applicant's contractor, a representative of the Board, its consulting engineer, and representatives of Town departments having a review interest in the plan. Said meeting shall be for the purpose of familiarization with the Project, the conditions of approval, and the Project's construction sequence and timetable."

As you know, there is preliminary site work which will need to proceed in advance of construction including, but not limited to soils testing and placement of the limit of work fence that must take place before final plans can be completed and submitted and before construction work can go forward. Our reading of the Board's Condition is that a meeting should take place prior to this site work. It is important to have this meeting prior to the holiday weeks due to work schedules, so we have set the meeting for Monday, December 19, 2022 at the offices of Cottage and Castle. At the meeting, we will discuss the sequence for construction of the housing project.

LYNCH, DESIMONE & NYLEN, LLP
ATTORNEYS AT LAW
10 POST OFFICE SQUARE, SUITE 970N
BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500
Facsimile: (617) 348-4545

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

Email: RNylen@ldnllp.com

OF COUNSEL
JAMES W. MURPHY
WAYNE H. SCOTT

December 21, 2022

Via Email & Certified Mail

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

Re: Surfside Crossing, LLC; Pre-Construction Meeting, December 19, 2022; 37 Old South Road, Unit 5, Nantucket, MA

Dear Chair McCarthy:

We are sorry that you were unable to join Jamie Feeley and me at the pre-construction meeting that was convened on December 19, 2022 at 10:00 a.m. at Jamie's offices pursuant to my letter dated December 8, 2022 for the Surfside Crossing project at Old South Road in compliance with Condition 113 of the Housing Appeals Committee approval. As you may be aware, according to the approvals, the meeting was required at least 48 hours prior to the initial site work. We understand that you are familiar with the Project and its conditions.

Please contact this office or Jamie Feeley if you have any questions regarding the Project or its conditions.

Thank you for your courtesies.

Sincerely,

Richard A. Nylen, Jr.

RAN/kad

cc: Mr. Jamie Feeley
Mr. Josh Posner
Paul J. Haverty, Esq.

Building Department
Chief of Police
Fire Chief
Board of Health
DPW Director
Nantucket Water Department Director
Nantucket Sewer Department Director

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I have copied the Town Departments with a "review interest" in the Project inviting them to send a representative to the meeting. Please let us know what representative(s) will attend on behalf of the local boards identified below.

We look forward to seeing you on December 19, 2022 and please call me if you have any questions at (617) 348-4500, ext. 231; or Jamie Feeley at (508) 633-5500.

Thank you.

Sincerely,

Richard A. Nylen, Jr.

RAN/kad

cc: Nantucket Building Department (via email)
Nantucket Fire Department (via email)
Nantucket Police Department (via email)
Town Engineer (vacant)
Nantucket Board of Health (via email)
Nantucket DPW Department (via email)
Nantucket Water and Sewer Department (via email)
Mr. Jamie Feeley
Mr. Josh Posner

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End of Packet