

ZBA MEETING PACKET

06/08/23

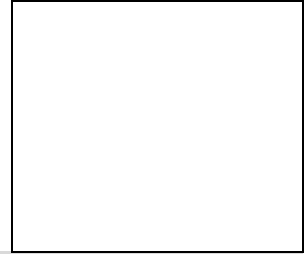


MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)



Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, June 08, 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.

ZOOM WEBINAR REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_CrHfEYZ6RHusNaq2O5yfTQ

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

<https://youtu.be/RjRdlx522H4>

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:**

May 11, 2023

- IV. Open Meeting Law complaint from Paul Haverty, dated May 18, 2023: acknowledgement of the Open Meeting Law complaint against the Zoning Board of Appeals, discussion and response to same.
(VOTES MAY BE TAKEN).
-

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

37-21 Kristina & Nicholas Amendolare 8 Bank Street Wilson

Draft decision review (PUBLIC HEARING CLOSED)

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 July 13, 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

Continued to July 13, 2023

Applicant is seeking Variance relief pursuant to Zoning Bylaw 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).

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

10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos

Continued to July 13, 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

Requests to withdraw without prejudice

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 three lots, none of which will meet the required frontage of 50 feet in the CN district. The 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).

06-23 NOB ACK, LLC 2 Nobadeer Way Cohen

Applicant is seeking Variance relief pursuant to Zoning Bylaw Section 139-32(A) allow for a temporary alteration definition of Dwelling Unit under Section 139-2 to allow for the construction of a structure *not yet used as a*

dwelling to be constructed before the elimination of an existing dwelling that it will replace to the dwelling on a lot while a new dwelling is being built. The property is located at 2 Nobadeer Way, shown as Assessor's Map 68, Parcel 113, which is shown as lot 12 on Land Court Plan 16514-F. Evidence of owner's title is registered on Certificate of Title No. 26263 at the Nantucket Registry District of the Land Court.

07-23 Charles B. Johnson

4 Harbor Square

Alger

Applicant is appealing the Building Commissioner's March 31, 2023, determination pursuant to Zoning Bylaw Section 139-25 and 139-31. The locus is situated at 4 Harbor Square, shown as Assessor's Map 42.2.4, Parcel 1, which is shown as lot 11 on Land Court Plan 10222-E. Evidence of owner's title is registered on Certificate of Title No. 17791 at the Nantucket Registry District of the Land Court. The site is zoned Commercial Downtown (CDT).

08-23 39 MONOMOY ROAD LLC

39 Monomoy Road

Reade

Applicant is seeking a Special Permit pursuant to Zoning Bylaw Section 139-33 A, to alter the preexisting, nonconforming single-family dwelling upon locus. The structure, which is nonconforming as to side yard setback, rear yard setback, and ground cover ratio. Locus is situated at 39 Monomoy Road, shown on Assessor's Map 54 as Parcel 79 and upon Land Court Plan No 16289-F, Lot 9, and 16289-G, Lot 12. Evidence of owner's title is registered on Certificate Title No. 28808 and 29060 with the Nantucket County District of the Land Court. The site is zoned Limited Use General-1 (LUG-1).

09-23 Edward V. Lahey, Jr. Trustee of Boathouse Realty Trust

Reade

Applicant is seeking Variance relief pursuant to the Zoning Bylaw Section 139-32 to move the existing dwelling on the property as far away from the coastal bank as reasonably necessary. Locus is situated at 52 Warren's Landing Road, and shown on Assessor's Map 38 as Parcel 29 and upon Land Court Plan No 15400-A2, lots B-1 and B-2. Evidence of owner's title is registered on Certificate Title No. 16450 with the Nantucket County District of the Land Court. The site is zoned Limited Use General-3 (LUG-3).

10-23 Nantucket Cottage Hospital

16 Vesper Lane

Beaudette

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 three lots, none of which will meet the required frontage of 50 feet in the CN district. The 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).

VII. OTHER (VOTES MAY BE TAKEN)

APPOINTMENT OF ZONING ADMINISTRATORS

- **WILLIAM SAAD**
- **MEGAN TRUDEL**

VIII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

05/11/23



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, John Brescher
Alternates: Mark Poor, Jim Mondani

~~ MINUTES ~~

Thursday, May 11, 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 1:02 pm and announcements made by Ms. McCarthy

Staff in attendance: William Saad, Land Use Specialist; Leslie Snell, Deputy Director of Planning; Paul Murphy, Building Commissioner, Nicky Sheriff, Admin Specialist

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

Absent:

Agenda adopted by unanimous consent

Motion **Motion to Amend.** (made by: Mondani) (seconded)

Vote Not Carried unanimously

I. APPROVAL OF AGENDA

1. April 13, 2023, **McCarthy**-Read hybrid meeting script.

Mondani-I would like to make a motion to amend the agenda for today.

Mondani- I'd like to make a motion to amend it to include a discussion of special counsel related to Surfside Crossing and I'd like to make that agenda item first on our agenda because of the pending hearing today.

McCarthy- It does need a second, but I want to ask staff if we can add that to the agenda if it's not been noticed.

Snell- Well to add an agenda item that's not been posted 48 hours in advance it would have to be something that the chairwoman didn't anticipate, and it would need to be something emergency in nature and can't wait until your next meeting.

McCarthy-Town Council do you have an opinion on that?

Pucci- George Pucci from KP law, I have nothing further to add about it other than what Leslie said if it wasn't noticed within 48 hours or you had to not reasonably anticipate it and there also has to be some type of emergency reason to add it to the agenda because you always want to air on the side of having things properly noticed on the agenda.

McCarthy- Why didn't you bring this up earlier?

Mondani I think looking how this all has been addressed we haven't had the chance to meet we're not allowed to meet we've been in the dark on this except for that meeting and all I'm asking for is to participate in the litigation in which technically we are still a party to that's occurring at two o'clock today. I think that meets the emergency order of this.

McCarthy-I think that it might meet the emergency, but I don't understand why this wasn't brought to staff's attention to notice it earlier.

Mondani-I'm not sure, I have the same question about the executive session that should have been noticed correctly two weeks ago so the other part of this to view things within the context of open meeting in general is good but if we violate it and we're deemed to violate it we can ratify it there needs to be a complaint about it so just of if it's determined that there was a violation it doesn't mean we can't proceed that combined with the fact that this is an emergency this is something that is occurring today, and I feel like we need to appoint counsel to represent us.

McCarthy- We are under the town of Nantucket, the town of Nantucket has decided to not pursue litigation, so I don't see how we are still a party.

Mondani- This merely carries out the vote of this board which was unanimous at the last meeting which was to ask them to not file with the withdrawal, I think we were clear about that.

McCarthy-But they didn't have to, they don't answer to us.

Mondani- And we don't answer to them is my opinion and I think it's not just me but I think other members of the board might feel that way and it's it is being done under some questionable circumstances authority of the select board, questionable vote of the select board it does not appear that there was a majority based on the agenda or based on the minutes.

Pucci- I must clear up the misconception that there was anything improper about the Select Board's vote or notice of Executive Session, they duly notice they're meeting an executive session and the vote was three to two and there was no

issue about the vote.

Botticelli-I know we're not discussing it, but can I make a public comment?

McCarthy- No

Mondani- There's a motion and it's been seconded.

McCarthy-it's up to me to decide or because there's a motion it's seconded, we go for it?

Mondani-I'd like to make the motion to approve Peter Finn as special counsel to represent this Board in connection with the hearing that's occurring today and going forward.

McCarthy- I do not believe that we have authority to directly hire Council, I don't know who is going to pay for that Council to go to that hearing and the select board is our appointing authority, they are the executive branch of government here in the Town of Nantucket and they have the authority to determine the process for the litigation.

Mondani- We will get an engagement letter from him; the attorney is willing to deal with payment at a later date and I don't think that should hold up anything. George is not our lawyer, he's a town attorney but he cannot serve two masters and right now that's what he's doing. George represented us up until a week ago and now he's going against us on the basis that we're all one, which we normally are but we're two boards now in conflict of how this proceeds and we don't even we don't even need to talk about our position on that we voted on that we asked George to not file things until we had it was conditioned upon getting a list of conditions that we found acceptable.

McCarthy-I don't see a path to how that is viable.

Mondani- it's a purely procedural matter we need an attorney to go to court to represent our view we're in a pickle.

McCarthy- It was not appropriate for you to file or attempt to file anything on behalf of the board and it was inappropriate to speak to the reporter on behalf of the board as a board member when you do not speak for the board the board speaks as one voice so that was a big overstep and then trying to post a meeting was also a big overstep so again we can have a motion to hire this special counsel and to have this attorney appear but I just don't see that we have the authority to do so.

Botticelli-George sat here and said you guys should definitely file this appeal, you have good reason to and that's the last time as a board we ever talked about this and then to get that email when I was on vacation about this executive session with all these conditions that were made it just doesn't seem right so I don't think we've been treated as a board or heard of the board. So maybe we don't have any power, but I do want to go publicly on record, I think it was terribly mishandled. We were not given the opportunity to discuss any of the conditions, some of which I did completely disagree with and so I do feel like we need counsel.

McCarthy- I just have a question about the conditions and not being able to discuss them are you talking about in the lawsuit that HAC came out with or the conditions in the press release.

Botticelli-In the press release.

McCarthy- My understanding of those conditions is and again I don't agree with this, but they're malleable it's in process.

Botticelli- Right, but who negotiated those conditions why aren't we negotiating those conditions it was our suit to fight.

Mondani- Let me just make this point on that matter this is no statement about anything it's not a statement about affordable housing, it's not a statement about the developer it's not really a statement on anything that will happen we just need representation at this hearing to withdraw that lawsuit on the basis that we no longer have counsel, he no longer represents us and he has a serious conflict if he's going to represent us as a Board. It's not my personal mission here; you have fellow board members who totally agree with me, and I don't think you can use this process to push out the majority of these board members that just want the appeal to remain on the docket with us as the main appellant until we have an agreement. We are independent boards there is no hierarchy of boards there's no in our town Charter I do not see anything with a select board where it's specifically enumerated where the select Port can decide to override all of the boards otherwise why are we volunteering for these boards when we let other boards make a decision on our behalf.

Pucci- I immediately conveyed the Zoning Board's vote to the Select Board, and they declined to reconsider their decision. I set this all out in an email to Mr. Mondani last week and I'm asking for that to become a public record and part of this proceeding. I was very clear and very respectful of the position that the Board was not consulted before the Select Board voted to dismiss that lawsuit. I don't have a conflict, I'm Town Council I'm directed by the Select Board who is the executive authority over litigation to which it's the town or a town board is a party and the select board has not authorized continued litigation by the Zoning Board in this case you can take the vote on any motion that you want to but I'm just advising you as has been already advised to Mr. Mondani that the zoning board does not have the ability to vote its own Council and continue litigation that is not authorized by the select board as the executive Authority there is one exception in the town Charter where the town is the plaintiff and the Board is the defendant in that case the board has the right to vote his own Council and have that Council paid for out of the Town Council budget.

Botticelli- George, I want to just say I wasn't voicing my displeasure against you in terms of not hearing about this, I was just making the statement that the last time we did talk about this case you were here representing that the HAC decision had come through and I don't know why that is and I'm not saying it was necessarily your prerogative to bring it to us that these other discussions were going on but that is actually the last time I believed we were brought any information about Surfside Crossing.

Pucci- That was authorized because it was a 30-day deadline to file it right we wanted to make sure we communicated with Plus in fact we get before you so that you could vote right and I want to be clear I'm not telling you don't have a leg to stand on in the lawsuit I filed the lawsuit and I had to sign off on it as an attorney there was a good faith basis of a lawsuit and so there's no debate over the merits of the lawsuit but there's also no debate over the Executive authority of the select board and so that that's the only thing I'm just trying to make clear to the awards respectfully and you know again you can make the motion, you can make the vote but you know the law is pretty clear about the executive authority of the of the select board and there's also case law in Massachusetts that a town needs to speak with one voice in litigation and that has to come from the executive Authority which is typically the select board in a town.

McCarthy- We haven't heard from the board of selectmen, but they are willing to speak with us and have some kind of joint meeting.

Mondani- I think we can talk about all these things. I just think we need to get representation in this hearing and to keep the lawsuit intact until we talk about all these issues. This all could have been done two weeks ago and you're telling me they're willing to do it now. I can't see where there's any question that this board doesn't have and shouldn't have the ability to do this.

McCarthy- George can you just clarify that yes, we voted to appeal but that was because you were authorized, or we were authorized by the Select Board rather to have the option to appeal?

Pucci- You made the vote in executive session, and you voted to hold off until the Select Board had a chance to meet and authorize the appeal. Recognizing as you did, and I presume you still do that the Select Board has to authorize litigation. The Select Board did authorize litigation and that's why we filed it.

McCarthy- This was a huge project for all of us and a huge undertaking it does not feel great the way it went down but again I don't see a path to have this new attorney; what I see our job as and why I will vote against this motion is that we have we have these conditions that HAC issued before us and we have the opportunity to go through all the conditions compare them with what we did and make the best out of this project that we can for the Town.

Botticelli- Why wouldn't the select board be open to keeping the lawsuit open just until we were able to have a meeting with them?

McCarthy- I don't know, you can ask them if we have a meeting with them.

Snell- I think this was said already, but the select board has to vote to allow you to have your own Council it's not just a matter of them approving the funding they have to vote to allow you to use someone different so there's no way that's going to happen for a hearing today at two.

Pucci- The hearing today is a motion by the Land Council and the Tipping Point to introduce additional evidence in the HAC proceeding so you weren't a moving party in that anyway.

Mondani- That's even more reason for you not to file our removal so soon.

Pucci- You made a vote to tell the Select Board that you wanted to be part of the negotiation on the settlement agreement and then the second part of the vote was to ask them not to withdraw the lawsuit until you had met with them or until there was a settlement agreement and they declined your request.

Mondani- Let me just say George has done a great job representing us this is not personal. I just don't agree with his approach within the past three weeks. **Pucci-** I just want to be clear, I don't do things on my own, I don't appear for hearings because I feel like it or because I want to represent the Board; I only can do something as the Town Council that's authorized by the Select Board There's been a passage of time since they've known about this and there hasn't been a reconsideration.

McCarthy- I don't think anyone thinks that you would act on your own and either not file or file without directive from the municipality.

O'mara- I had the great Fortune of joining this Board 30 years ago and the first time we had a suit that went from HAC or the courts to the Selectmen I think everyone on the Board was surprised and was there at the pleasure of the selectmen. The fact of the matter is that this Is not unusual for the selectman to decide on litigation.

Brescher- Can we vote to hire anyone, or do we have to ask the select board to hire them? I was under the impression that even if we make the motion we can't hire him, procedurally we have to ask the select board to allow us to engage in outside counsel.

Pucci- That's correct, I'm not trying to obstruct you from making a vote but I did agree with Leslie that it wasn't a proper motion because it wasn't noticed on the agenda but now that you're into the discussion that's exactly right that's my opinion that you don't have the jurisdiction to hire your own special counsel in the Surfside Crossing litigation without select board authorization and you're free to accept or reject that opinion.

Botticelli- I understand that, but I still think it makes sense to vote on the motion because I think it shows the character.

McCarthy- Do you want to amend the motion that then to change the language to ask to request the ability to hire separate Council from the select board?

Mondani- Subsequent to our appointment in this meeting we will request, if it's required select board approval

McCarthy- Jim has made the motion to hire attorney yes hire attorney Finn to represent the Zoning Board of Appeals and accept its approval right okay subsequent to his representation because it's just not we all know it's not a practice it's not going to practically.

Mondani- The circumstances are too unique here to follow the procedure we've been jammed up on this and I think we should proceed with this and deal with all these other questions after the fact.

Snell- Madam chair just to clarify you have five full members present none of them have identified a conflict you entertained a motion by alternate member Mondani, who are your voting members when you take this vote ?

Mondani- I would suggest you get the vote of the regular board members if that's your concern.

Brescher-Can we have a discussion on the motion? I'm not inclined to vote in favor of this motion for a very simple reason that I think procedurally we do have to ask for the select board I think what Jim had called for originally as sort of painful as this may have been for delaying this for an hour I think it was good I think we need to air these grievances, I think it's a wise idea to have the select board because at the end of the day I think this has been a poor process on their part and I don't think that we should continue with a poor process and so I would be in favor of voting to send to request the select board that we hire outside Counsel but not just hiring him.

McCarthy- Are you willing to amend the motion Jim?

Mondani- No

Motion	Motion to Approve as amended. (made by: Mondani) (seconded)
Vote	Not Carried unanimously

II. APPROVAL OF MINUTES

April 13, 2023

III. SURFSIDE CROSSING FINAL SITE PLAN/ENGINEERING REVIEW AND REVIEW OF CONDITIONS

1. 1 Surfside Crossing 40B

Discussion (56.13) **Chessia-** Obviously we know this is a complicated project and it was pretty complicated going through the HAC decision compiling all the information into one sort of document with comments and then as you know it's an extremely long document, so I did do a summary.

It is still a long document compared to a typical review project for me but many of the many of the conditions really don't require a lot of comment and I think the best way to do it is to sort of go through those I have my summary and I'm I have the full letter in the computer and I got all the decisions here but if that pleases the board would that make sense to sort of start with the summary and sort of list the condition numbers and if you can follow along and if they're quick didn't change was slight modification we go there I did try to highlight in the summary sheet that I did the ones that may require or the board may want to discuss or talk more about but does that make sense to the board? The first uh part is eligibility the HAC modified condition number one slightly and the other two had no change I don't think there's much to discuss there the next 12 conditions are the general conditions and the only changes from HAC there was a modification to allow the

permit to be transferred with they changed the condition slightly and I actually couldn't even see where they changed it but they claimed they did and it looked like it read the same to me but anyway and then condition 10 the reference would go to what was called exhibit three in the HAC case which was the uh plans that are dated February 28, 2020.

That's the plans that the HAC used in their decision subsequent to that what was submitted to me was a set of plans that are last revised March 30th 2023 and some of those changes are highlighted as I go through this letter if anybody has a question in the meanwhile just you know so the dates were the HAC reviewed plans that were revised February 28 2020 I'm looking I'm looking at them on my floor I've got stuff spread out all over here um so the permitting set was originally dated February 15 2018 and it was revised through February 28, 2020 that's what's called exhibit three in the HAC decision and that was the set of plans that they based their decision upon.

Botticelli- Can somebody tell me what the total bedroom count is? I didn't see that listed and what the total number of parking spaces are. If we can get that information that would be great because in here it does reference what we had approved the numbers and I can't remember what they were but I was there was no comparison to what actually the new plan and then the number of Max minimum Lots square footage of 38 139 square feet which one is that architectural design subject to final review and approval by the board priority issuance a building permit. So are we reviewing these buildings as the HDC.

McCarthy- yes

Botticelli- Do you know the pool size?

Chessia- 22 by 52 the pool did not change between the two, exhibit three and the current plan.

McCarthy- Jim, did you get a chance to look at the landscape plans?

Mondani- There's a list put out by Massachusetts that describes Native plants, It's easy to just reference that.

Chessia- Originally, I think there was a desire to make it so that it was sort of uniform for the single families and the Condominiums there's walkways that are adjacent to the roads which have a certain finish. There were originally brick there's no brick ones proposed now and then there's some other P stone with a chip seal that sort of go to the units and then where I believe this may be a doorway that would serve a single unit or possibly two then it's just P Stone and they're all on the Landscaping plans.

Botticelli- What are the ones around the roadways?

Chessia- It's the dark gray chip seal finish.

Botticelli I think we just let's just vote so I had 18 highlighted from the associated drainage calculations should be updated to reflect the proposed condition proposed conditions if this is an acceptable increase in impervious **Chessia** From the exhibit three plan to the current plan there is a bigger and more uniform non-disturbed buffer around the perimeter of the project in the exhibit three plan it was more of a wavering line roughly about 25 feet but not perfect everywhere because there were a couple of spots I think where there's some grading into there that they would re-establish and then along South Shore Road it's deeper so the perimeters changed that reduces the usable open space it increases the unusable open space and there is an increase in impervious area impervious semi-pervious of about 25 000 little over 25 000 square feet 25 683 according to the plans so that's the difference between the plan so this is something I think that you have to talk about and make decisions regarding that.

Brescher- With these, I mean clearly there's a difference of you know 25 000 square feet at least, what do we do? Say you go back to this number or that number or are we just reviewing to see if they're in compliance.

Pucci- I think that and Leslie can correct me the way you would normally do your plan review I think it would go to the building inspector if he's hearing from you if you've confirmed compliance with the final plans with the conditions then he's either going to base a building permit on that approval or not so that's why I'm saying to keep note of the issues that you find not in compliance notify the developer and then it will definitely come up at the building permit stage.

Snell- I think during your review you have the authority to grant approval for them to exceed what was shown on the HAC plans if you choose to do that and there may be a valid reason and that's when we'll hear from the developer like why did this change because the why may be really important and it may sway your decision or not to allow a deviation.

Poor- I think the implication is by virtue of the information here it's the drainage calculations, storm water runoff that's being handled at the early surface is increasing. The plans are so different I don't know how we compare them.

Mondani- I'm just going to clarify that's what the litigation was about, whether it has to come back for approval.

Poor- We're not going to be able to compare the plans and make that kind of calculation.

Snell- Madam chair we're talking about the HAC plans and the final plans that you have and those are fairly close.

Brescher- Are we going to anticipate revised drainage calculations, or do we say to them there's a discrepancy here you need to provide new drainage calculations?

Snell- Mr. Chessia has reviewed what they've submitted for the engineering plans, but the drainage calculations if you approve an increase in impervious surface from what the HAC plans showed would obviously have to accommodate that.

Botticelli- I just want to make sure in lieu of town meeting with the new dark skies regulations that all that should be designed with the new bylaw in mind.

Botticelli- I just don't understand why they struck not having a split rail fence.

Snell- It's my understanding and the applicants' representatives are here and can correct me if this is wrong, but I believe the fence that's up now, is part of their NHESP permit not anything to do with the comp permit per say.

Bracken - I can confirm we laid out the fence that's there which was based on Natural Heritage approved open Space Plan.

Allen- Is that shown on the plan?

Bracken- It is shown in the records with the NHESP approved plan that's recorded at the registry of deeds, and we will show it on the final landscape architectural plan.

Botticelli- 28 references the Nantucket Historic District Commission again so it says any future proposed changes to the exterior architectural feature shall be subject to the jurisdiction of the Nantucket historic district commission, so I assume that'll come to us?

Snell- I think this may be similar to the conditions in Beach Plum Village that you all served as the HDC, you approved plans then once the units were conveyed out any future changes actually went to the HDC they didn't continue coming back to you.

Brescher- Similar to planning, will zoning be reviewing legal documents such as homeowners' association declaration of trust? I think a lot of these conditions are applicable to that as well.

Snell- I'd have to look at the exact language but if this was not a 40B and it was a subdivision they would be submitted to staff review and board approval so that's to be determined.

Botticelli- How was trash being handled on the site?

Bracken- There are some dumpsters I believe on the on the plan, but I don't have an exact answer for that we'll have to get that answer for you.

Botticelli- Do we have a plan that denotes where the other mechanical equipment is going to be located?

Bracken- We do have a landscape plan for each individual building I believe they're shown on that, but I would have to double check on that one.

McCarthy- Can you talk about condition 32 where it says no individual lots a proposed.

Chessia- Condition said ground coverage for each lot shall not change from that depicted on the comprehensive permit plans obviously we know that those plans had both multi-family units single-family Lots now it's all one condominium so there would not be any individual Lots per say there's no roadway right of way there's just one project.

Bracken- The 25 000 square feet is pretty much spread out throughout the whole site and the reason why that increase it was primarily the walkways that we had to add to go to each building when we first designed the plans we were told we only needed one handicap access entrance per building and then after the HAC decision and final landscape architectural plans were done it was determined we needed multiple handicap access points to each bedroom and so the increase in the impervious area is primarily the pathways that are required on the radiate compliance to get to each door that's now indicated on the site plans. The increase in the size of the community building that's the way it was submitted to HAC so that's what we've kept on the plan.

Botticelli- In addition to getting us the number of parking units and the number of bedrooms could you also give us a comparison of the ground coverage?

Bracken- The number of bedrooms and parking is shown on sheet four that you already have in the lower left-hand corner.

Chessia- Parking summary 283 bedrooms proposed, 299 spaces provided 10 of which are by the community building and then there's 20 total accessible spaces, six are van accessible.

Botticelli- So in terms of parking is there a waiver needed for this?

Snell- I'll have to get those numbers for you if I don't have those handy, they may be in the report somewhere.

McCarthy- Can you explain 33, why it wouldn't be applicable about the local requirements?

Chessia- It was originally a proposal to do subdivision roadways and now it's a condominium project so there isn't a subdivision roadway that could ultimately be submitted for acceptance to the town. I also did compare the cross section to the subdivision regulations, and it would meet or exceed subdivision regulations for the cross-section anyway okay so it didn't seem to be one it was questionable if it applied secondly if it did apply it would be okay anyway.

Botticelli- 36 needs follow-up too; it's about stormwater management.

Chessia- I did also provide a separate appendix that sort of listed all of the storm water standards under the DEP reference to the stormwater regulations.

Brescher- I have a question on what David Grace submitted that we have in our packet. David mentions that in the HAC decision that HAC established one section of a contribution of at least one million to the sanitary sewer and David is suggesting that perhaps something in the order of 1.5 million would be more appropriate. What are the mechanisms for that?

Pucci- It will have to be a matter of agreement, the HAC conceded in their decision that it made sense what the town's position was but hopefully it's not unfortunate because ultimately, they will connect to the gravity but it's left sort of up in the air.

Botticelli- Condition 75 reads no such disturbance shall be permitted pursuant to the decision into the medical land council's current administrative appeal to the NH ESP determination for the site is fully and finally resolved including exhaustion of court appeals so obviously that was just thrown out the window because they disturbed the site.

McCarthy- I think that's what they're fighting about with the Land Council.

Pucci- The developer's position was the tree cutting was under the final permit that they got from natural heritage and from a zoning perspective there wasn't any zoning bylaw that prevented them from doing that site work so from the town's perspective they didn't have the ability to go and issue a cease and desist it was under the state permit that they acted when they did that and I'm not making a comment on that one way or another but that's their position.

Allen- What percentage of the questions and the issues that we're talking about are out of our purview like this particular situation with the tree cutting.

Pucci- You're in the context of reviewing the final plans for conformance with what's approved and that is presumably going to be something that the Building Commissioner then relies on when he is asked to issue a building permit. If the ZBA has not confirmed compliance of the final plans the building inspector would presumably not issue a building permit until we get that result.

Allen- It says here in 97A that the applicant must secure Board approval prior to construction and allow the board 90 days to review. Is that this Board?

Botticelli- Yes, if we don't have final plans how come the 90 days has started?

Snell- These are the final plans subject to the revisions that you require.

Botticelli- When did the 90 days start?

Snell- March 21st.

Mondani- I don't know why we didn't discuss this in April, and it was on the agenda.

Snell- I talked it over with the Chairwoman and it is a complicated set of plans and you all needed time to review them.

Mondani- The Select Board was meeting, and you guys knew that they were meeting and decided if we need to get this information we will. Why wasn't this discussed in April?

McCarthy- I think because the engineers and everyone were still reviewing, and it was premature and would have been a complete waste of time for us to sit and try to do this prior to the engineer's review.

Mondani- I asked a specific question because there was confusion about that- are we pursuing a stay and Leslie said no comment. Why did you have no comment? Because people knew when we were sitting in this meeting about what was going on and that's why we did not discuss it.

Snell- I strongly object to the characterizations being made by Jim Mondani right now that I would work against this Board.

Mondani- I'm not suggesting that I am saying why wasn't this brought up in our April meeting and why this is important is we have 90 days to review it and now we're jammed up.

Snell- I did communicate with the Board through your chairwoman that's the proper channel, she sets the agenda. I don't set the agenda, the board doesn't set the agenda, the chairman sets the agenda. I made an announcement that we received the plans, and no one raised an objection and you're mischaracterizing it.

Pucci- Can I just make a suggestion because I agree but I don't think Lisa that you've lost the time I think you've met publicly on a noticed meeting; you started this review you've gotten the recommendations from the engineer working for the Board and the applicants engineer has specifically represented he intends to respond to Mr Chessia's comments and provide updated final plans. I would just make the suggestion immediately following this meeting that we just confirm with the developer when those final plans will be produced to the Board. If they don't comply, then schedule a meeting and issue a document that notes all the deficiencies and the unanswered questions and that will be your final review.

McCarthy- Chessia is saying he needs about two weeks and we're just trying to do the time I'm hoping that you guys would be open to a discussion of an extension of the 90 days for review to give us a chance to review what comes back from your submissions.

Haverty- You've got another meeting that's scheduled before the expiration of the 90-day period, I will consult with my clients to try to get brought up to date as to what has occurred so far and we can certainly provide you with a response at that meeting.

IV. OLD BUSINESS

1. 09-22 Harris on Weweeder, LLC 50 Weweeder Avenue Brescher
CONTINUED to June 08, 2023
2. 20-22 Steve L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust, 29 Monomoy Road Cohen
CONTINUED to June 08, 2023
3. 37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams
DRAFT DECISION REVIEW
Applicants are seeking a Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-30 and 139-33A in order to make renovations, including an addition, to a single-family dwelling that is pre-existing non-conforming to the setbacks. Locus is situated at 8 Bank Street, shown on Assessor's Map 73 and Parcel 69. Evidence of owner's title is recorded in Book 1770, Page 216 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).
Voting: McCarthy, Botticelli, O'Mara, Allen, Mondani
Alternates: None
Recused: None
Representing: Attorney Michael Wilson
Linda Williams

Public:
Discussion: **McCarthy**- Have you seen the latest one with the red line changes?
(3:51:31) **Wilson**- I received it yesterday and I reviewed it with my clients, and I'd ask you to adopt it.
Botticelli- I had one change, just in three the statement "the health department submitted an opinion that a second bedroom would not be possible due to the site restrictions and a full foundation within the purchase prescribed this into a septic tank would be a violation"- I think that should read basement. My recollection is that the information that was submitted was at the basement doing the finished basement was not possible given the location of the septic tank and I still concur that that will trip needing to upgrade the septic system which is not a viable alternative.
Wilson- You could make it very clear by just incorporating the letter verbatim and that way you're not rewriting the opinion of the Health Department and we're not trying to come up with language that the Health Department already came up with addressing the septic tank.
Mondani- We discussed where you're going to locate the house while you're lifting it. That needs to be addressed.
Wilson- That will be addressed in Zoning Compliance.
Wilson- Are there additional conditions that the Board would like to see?
Botticelli- My concern is solely the construction of the basement and I know you'll say that's not part of this board it's only the 11 square feet that you're voting on, but I think any time that you come to the Board it opens up the discussion about other aspects of it and I'm not comfortable with putting a basement under this building given the site conditions.
Wilson- If you're concerned, which seems to keep going back to a basement is it the construction methodology or is it which would be the conditions that we've spent a fair amount of time over the last month working on?
McCarthy-We have a hard stop now, we have to continue to next month.

Motion **Motion to continue draft Decision with conditions.** (made by: McCarthy) (seconded by Mondani)
Vote Carried unanimously

V. NEW BUSINESS

1. 10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos
CONTINUED to June 08, 2023
2. 17-22 Nantucket Cottage Hospital 16 Vesper Lane Erickson
CONTINUED to June 08, 2023

Voting McCarthy, Botticelli, O'Mara, Allen, Mondani
Discussion Not opened at this time.
Motion **Motion to continue 09-22, 20-22, 10-22, 17-22.** (made by: Mondani) (seconded by: O'mara)
Vote Carried unanimously

VI. OTHER BUSINESS

REMAND PUBLIC MEETING

Decision for Special Permit Application ZBA File No. 17-21 Guy & Diane Maddalone

Discussion (3:38:52)

Weisheit- This matter relates back to a special permit that the board had issued I believe it was back in 2020 or 2021 for an extension alteration of a pre-existing non-conforming single-family dwelling on the property owned by Mr Metz located at 14 Western Avenue. Following a land court trial before Judge may, the court ordered unlimited remand back to the board to consider a particular question and interpretation of certain terminology in the zoning bylaw in particular a question for us to discuss and consider today as the time that the applicant Mr Metz applied for a special permit for the renovations to the dwelling had the existing dwelling been in a condition for three or more years after November 2nd of 2016 such that it could not be used as a dwelling unit. The zoning bylaw defines a dwelling unit as a room or enclosed floor space used or to be used as a habitable unit for one family or household with facilities for sleeping, cooking and sanitation and I believe as we had discussed last time the Board's interpretation of the definition of dwelling unit does not necessarily require actual habitation of the structure in order for the structure to maintain its pre-existing non-conforming status but rather that the structure at least with regard to a single family dwelling. I think the question is with regard to the Metz property at the time that did the structure on the property have bedrooms, bathrooms and kitchen and were efforts being made such that the Board could determine that through permitting efforts which he was undertaking at the time that the dwelling could be used after permitting as a habitable unit.

McCarthy- I follow you and agree however, I'm concerned about use and add any language that says making efforts or through the permitting process because the Zoning District's residential use is allowed by right, whether it's a vacant lot or not.

Murphy- This is a conforming use in a Residential Zone it's a single-family dwelling and it doesn't matter that it's dimensionally non-conforming but it's an allowed use in a residential Zone it doesn't lose its use whether it's occupied or unoccupied because it's permitted and that's my position on this.

Weisheit- Judge May ordered that the Board issue a new Special Permit decision that includes this interpretation of a dwelling unit. I would recommend first that the Board reach an agreement on the interpretation that Mr. Murphy has provided, I'm happy to put that in a decision for the Board to sign off on.

Motion **Motion to issue a Special Permit for all the conditions and language in the initial Special Permit that was issued, including the interpretation of a dwelling unit and allow on Susan McCarthy will sign on behalf of entire Board.**
(made by: O'mara) (seconded by Mondani)

Vote Carried Unanimously

VII ADJOURNMENT

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

1. None

Submitted by: Nicky Sheriff

OLD BUSINESS

Harris on Weweeder LLC

File No. 09-22

50 Weweeder Ave

VARIANCE

Continued to July 13, 2023

STEVEN L. COHEN
&
CHRISTOPHER P. CHOMA
TRUST

File No. 20-22

29 MONOMOY ROAD

VARIANCE

Continued to July 13, 2023

Kristina & Nicholas
AMENDOLARE

File No. 37-21

8 Bank St

SPECIAL PERMIT

PUBLIC HEARING CLOSED

Draft Decision Review

NEW BUSINESS

PAUL P. & JEAN M.
MORAN

File No. 10-22

4 Washington Ave

SPECIAL PERMIT

Continued to July 13, 2023

NOB ACK, LLC

File No. 06-23

2 NOBADEER WAY

VARIANCE



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

APPLICATION

Fee: \$450.00

File No. _____

Owner's name(s): NOB ACK, LLC

Mailing address: c/o 34 Main Street 2nd Fl / PO Box 786, Nantucket MA 02554

Phone Number: 508-228-0337 E-Mail: steven@cohenlegal.net

Applicant's name(s): Same.

Mailing Address: Same.

Phone Number: Same. E-Mail: Same.

Locus Address: 2 Nobadeer Way Assessor's Map/Parcel: Map 68 / Parcel 113

Land Court Plan/Plan Book & Page/Plan File No.: LC Plan 16514-F - Lot 12

Deed Reference/Certificate of Title: Cert. No. 26263 Zoning District R-20 freeze, R-10 now

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 X 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: Steven Chen Owner*

SIGNATURE: Steven Chen 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: __/__/__

Town of Nantucket
Zoning Board of Appeals

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

PROPERTY OWNER NOB ACK LLC
MAILING ADDRESS 1636 3rd Ave, Suite 314, New York, NY 10128
PROPERTY LOCATION 2 Nobadeer Way
ASSESSOR MAP/PARCEL 68 / 113
SUBMITTED BY Cohen and Cohen Law PC

SEE ATTACHED PAGES

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

April 19, 2023

DATE

Mary L.
Haley

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by Mary
L. Haley
Date: 2023.04.19 13:56:04
-04'00'

Abutters Listing

MBLU	Lot	Lot	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
68	1	9	NANTUCKET TOWN OF	NANTUCKET AIRPORT	14 AIRPORT RD	NANTUCKET	MA	02554	12 AIRPORT RD
68	48		1 AIRPORT ROAD LLC		3 HASKELL ST	WESTBOROUGH	MA	01581	1 AIRPORT RD
68	49		7 AIRPORT ROAD LLC		2 WAYDALE RD	NANTUCKET	MA	02554	7 AIRPORT RD
68	50		ZADROGA GERALD J & REBECCA		12 NOBADEER WAY	NANTUCKET	MA	02554	1 NOBADEER WY
68	51		ZADROGA GERALD JR & REBECCA		12 NOBADEER WAY	NANTUCKET	MA	02554	12 NOBADEER WY
68	111		FAIR CITY LLC		61 OLD SOUTH RD STE128	NANTUCKET	MA	02554	117 OLD SOUTH RD
68	112		FAIR CITY LLC		61 OLD SOUTH RD STE 128	NANTUCKET	MA	02554	115 OLD SOUTH RD
68	114		BALLING DANIEL B		66 FAIRGROUNDS RD	NANTUCKET	MA	02554	11 NOBADEER WY
68	115		KNISKERN MELISSA A ETAL		10 NOBADEER WY	NANTUCKET	MA	02554	10 NOBADEER WY
68	116		ROCKETT JOHN F		9 NOBADEER WY	NANTUCKET	MA	02554	9 NOBADEER WY
68	117		ESCOBAR MAYRA E ETAL		8 NOBADEER WY	NANTUCKET	MA	02554	8 NOBADEER WY
68	167		BUNTING HEIDI		750 ETHAN ALLEN HGWY	RIDGEFIELD	CT	05877	111 OLD SOUTH RD
68	168		EGAN CYNTHIA ETAL		PO BOX 3012	NANTUCKET	MA	02584	113 OLD SOUTH RD
68	169		LEMUS RODIL		3 NOBADEER WAY	NANTUCKET	MA	02554	3 NOBADEER WY
68	170		MEDINA ANN M		4 NOBADEER WAY	NANTUCKET	MA	02554	4 NOBADEER WY
68	171		GULLEY LISA J & JOHN		5 NOBADEER WY	NANTUCKET	MA	02554	5 NOBADEER WY
68	172		DALY JOHN J		PO BOX 2076	NANTUCKET	MA	02584	6 NOBADEER WY
68	249		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	123 OLD SOUTH RD
68	310		NANTUCKET AIRPORT	C/O AIRPORT GAS STATION INC	PO BOX 1400	NANTUCKET	MA	02554	10 AIRPORT RD
68	800		VTT NANTUCKET INN LLC	C/O NANTUCKET INN	1 MILLER LN	NANTUCKET	MA	02554	100 NANTUCKET INN
78	1		NANTUCKET TOWN OF	NANTUCKET AIRPORT	16 BROAD ST	NANTUCKET	MA	02554	14 AIRPORT RD
Count:	21								

NANTUCKET TOWN OF
 NANTUCKET AIRPORT
 14 AIRPORT RD
 NANTUCKET, MA 02554

1 AIRPORT ROAD LLC
 3 HASKELL ST
 WESTBOROUGH, MA 01581

7 AIRPORT ROAD LLC
 2 WAYDALE RD
 NANTUCKET, MA 02554

ZADROGA GERALD J & REBECCA H
 12 NOBADEER WAY
 NANTUCKET, MA 02554

ZADROGA GERALD JR & REBECCA
 12 NOBADEER WAY
 NANTUCKET, MA 02554

FAIR CITY LLC
 61 OLD SOUTH RD STE128
 NANTUCKET, MA 02554

FAIR CITY LLC
 61 OLD SOUTH RD STE 128
 NANTUCKET, MA 02554

BALLING DANIEL B
 66 FAIRGROUNDS RD
 NANTUCKET, MA 02554

KNISKERN MELISSA A ETAL
 10 NOBADEER WY
 NANTUCKET, MA 02554

ROCKETT JOHN F
 9 NOBADEER WY
 NANTUCKET, MA 02554

ESCOBAR MAYRA E ETAL
 8 NOBADEER WY
 NANTUCKET, MA 02554

BUNTING HEIDI
 750 ETHAN ALLEN HGWY
 RIDGEFIELD, CT 05877

EGAN CYNTHIA ETAL
 PO BOX 3012
 NANTUCKET, MA 02584

LEMUS RODIL
 3 NOBADEER WAY
 NANTUCKET, MA 02554

MEDINA ANN M
 4 NOBADEER WAY
 NANTUCKET, MA 02554

GULLEY LISA J & JOHN
 5 NOBADEER WY
 NANTUCKET, MA 02554

DALY JOHN J
 PO BOX 2076
 NANTUCKET, MA 02584

NANTUCKET TOWN OF
 16 BROAD ST
 NANTUCKET, MA 02554

NANTUCKET AIRPORT
 C/O AIRPORT GAS STATION INC
 PO BOX 1400
 NANTUCKET, MA 02554

VTT NANTUCKET INN LLC
 C/O NANTUCKET INN
 1 MILLER LN
 NANTUCKET, MA 02554

NANTUCKET TOWN OF
 NANTUCKET AIRPORT
 16 BROAD ST
 NANTUCKET, MA 02554



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Nancy L. Holmes
Town & County Clerk
(508) 228-7216
FAX (508) 325-5313

townclerk@nantucket-ma.gov
nholmes@nantucket-ma.gov

May 2, 2022 ANNUAL TOWN MEETING – Nantucket High School

The following is a summary of the articles called and discussed, and the vote taken by the 2022 Annual Town Meeting held at Nantucket High School on Monday, May 2, 2022 and May 3, 2022.

Monday, May 2, 2022 - Meeting called to order at 5:00 p.m. Of 9,376 Registered Voters, 1050 were present for a 11 % voter turnout. Nantucket's Annual Town Meeting does not have a quorum requirement.

The Girl Scouts and Boy Scouts presented the colors and Bell Ringer, Bobby Planzer, led the Pledge of Allegiance and the National Anthem.

Channel 18 livestreamed the proceedings. Option Technology's electronic check-in services and hand-held voting devices were distributed and utilized throughout the course of this meeting.

After the reading of the Return of the Warrant, a voice vote was held to accept the utilization of "Town Meeting Traditions and Procedures", in addition to "Town Meeting Time". The vote was unanimous.

Next, a sample "practice" vote was held so that voters could familiarize themselves with the Option Technology devices.

The Moderator reviewed technical amendments for the following articles: 2, 4, 8, 21, 23, 54.

The following articles were called: 7, 10, 11, 13, 14, 15, 16, 20, 37, 39, 42, 43, 44, 45, 50, 54, 55, 57, 58, 62, 63, 69, 71, 76, 78, 79, 80, 81, 82, 91, 101.

The following "Pot of Uncalled Articles" was voted by 4/5ths Vote: Yes - 739; No - 39 in accordance with the motions recommended by the Finance Committee, or, in the absence of a Finance Committee Motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting:

1, 2, 3, 4, 5, 6, 8, 9, 12, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 46, 47, 48, 49, 51, 52, 53, 56, 59, 60, 61, 64, 65, 66, 67, 68, 70, 72, 73, 74, 75, 77, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107.

Unless otherwise specified, the motion adopted is the motion of the Finance Committee or the Planning Board as set forth in the Warrant Booklet and the Technical Amendments made.

Article 1: Receipt of Reports (Not Called) - Adopted by four-fifths Vote. Yes: 739 No: 39

Article 2: Appropriation: Unpaid Bills (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 3: Appropriation: Prior Year Articles (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 4: Revolving Accounts: Spending Limits for FY 2023 (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 5: Appropriation: Reserve Fund (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 6: Fiscal Year 2022 General Fund Budget Transfers (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 7: Personnel Compensation Plans for Fiscal Year 2023 (Called) – The motion as amended was Adopted. Yes: 779 No: 36

Article 8: Appropriation: Fiscal Year 2023 General Fund Operating Budget (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 9: Appropriation: Health and Human Services (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 10: Appropriation: General Fund Capital Expenditures (Called) – Adopted by two-thirds Vote (required votes = 583). Yes: 757 No: 118

Article 11: Appropriation: Design of New Our Island Home Facility (Called) – Adopted by two-thirds Vote (required votes = 591). Yes: 757 No: 130

Article 12: Supplemental Appropriation: Replacement Harbormaster Building (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 13: Appropriation: Pleasant Street and Sidewalk Repaving/Reconstruction (Called) – Adopted by two-thirds vote (required votes= 583). Yes: 722 No: 153

Article 14: Appropriation: LORAN Barracks Repairs (Called) – Adopted by two-thirds vote (required votes= 578). Yes: 714 No: 153

Article 15: Appropriation: School Department – Athletic Facilities (Called) – Adopted by two-thirds vote (required votes = 585). Yes: 681 No: 197

Article 16: Appropriation: Design of Central Municipal Facility (Called; Call Withdrawn) – NOT Adopted by required two-thirds vote (required votes = 562). Yes: 535 No: 309

Article 17: Appropriation: Construction of Town Employee Housing (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 18: Appropriation: PFAS Soil Investigation (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 19: Real Estate Acquisition/Appropriation: 10-12 Washington Street (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 20: Appropriation: Affordable Housing Capital Expenditures (Called) - Adopted by two-thirds vote (required votes = 575). Yes: 663 No: 200

Article 21: Appropriation: Fiscal Year 2023 Enterprise Funds Operations (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 22: Appropriation: Enterprise Funds Capital Expenditures (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 23: Enterprise Funds: Fiscal Year 2022 Budget Transfers (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 24: Appropriation: Waterways Improvement Fund (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 25: Appropriation: Ambulance Reserve Fund (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 26: Appropriation: Ferry Embarkation Fee (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 27: Appropriation: County Assessment (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 28: Appropriation: Finalizing Fiscal Year 2023 County Budget (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 29: Rescind Unused Borrowing Authority (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 30: Appropriation: Other Post-Employment Benefits Trust Fund (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 31: Appropriation: Fiscal Year 2023 Senior Work-off Program (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 32: Marijuana Cultivation Host Community Payments – Special Purpose Stabilization Fund for Substance Abuse Efforts (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 33: Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 34: Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 35: Appropriation: Fiscal Year 2023 Community Preservation Committee (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 36: Community Preservation Committee: Fiscal Year 2022 Budget Transfers (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 37: Appropriation: Community Preservation Trust for Affordable Housing Trust Fund (Called) - Adopted by two-thirds vote (required votes= 613). Yes: 768 No: 152

Article 38: Appropriation: Shredder for Solid Waste (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 39: Bylaw: Short-term Rental Regulations (Called) – Adopted by majority vote. Yes: 610 No: 302

Article 40: Bylaw Amendment: Finances/Creation of New Revolving Account – Short-Term Rental Registration Program (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 41: Short-term Rental Revolving Account: Spending Limits for FY 2023 (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 42: Zoning Bylaw Amendment: Short-Term Rentals (Called) Planning Board motion to refer the Article to the Select Board to constitute a work group for further study. Delano motion to amend the Planning Board motion to add Article 43 to the motion. Holdgate motion to refer Article 42 to the Select Board, Finance Committee and Planning Board to constitute a work group for further study. Holdgate motion adopted Yes: 546, No: 219. Delano motion adopted Yes: 527 No: 301. Main motion to refer Articles Motion to refer Articles 42 and 43 to the Select Board, Finance Committee and Planning Board to constitute a work group for further study adopted Yes: 422 No: 414

Article 43: Zoning Bylaw Amendment: Protective Rights to Short-Term Rentals. (Called)_Motion to refer Articles 42 and 43 to the Select Board, Finance Committee and Planning Board to constitute a work group for further study; Adopted Yes: 422 No: 414

Article 44: Zoning Map Change: R-1 to R-5L – Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane (Called; call withdrawn) - Adopted by two-thirds vote (required votes= 260). Yes: 371 No: 19

Article 45: Zoning Map Change: RC to CN – Washington Street (Called; call withdrawn) - Adopted by two-thirds vote (required votes= 260). Yes: 371 No: 19

Article 46: Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L – Bartlett Farm Road and Mioxes Way (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 47: Zoning Map Change: RC-2 to R-5L, R-10 or CTEC – Clara Drive and Raceway Drive (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 48: Zoning Map Change: RC-2 to CTEC – 26 Bartlett Road and 1 Perry Lane (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 49: Zoning Map Change: RC-2 to CN – Nobadeer and Sun Island Roads (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 50: Zoning Bylaw Amendment: Tertiary Dwelling (Called) – Sutton motion to amend the Article Section 2A, 2B, 2C to 650 sq ft. in R5 and R10 zoning districts. Two-thirds vote required. Amendment NOT Adopted. Yes: 147 No: 343. Motion as printed in warrant, two-thirds vote required. Motion as printed Adopted by two-thirds vote. Yes: 400 No: 108

Article 51: Zoning Bylaw Amendment: Tertiary Lot (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 52: Zoning Bylaw Amendment: Workforce Homeownership Housing (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 53: Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 54: Zoning Bylaw Amendment: Swimming Pool Use Chart – Residential and Hot Tub/Spa (Called) Lepore positive motion. Adopted by two-thirds vote (required votes - 375). Yes: 376 No: 186

Article 55: Zoning Bylaw Amendment: Swimming Pool Definition – Residential and Hot Tub/Spa (Called; call withdrawn) – Adopted motion as printed in warrant by majority vote. Yes: 520 No: 24

Article 56: Zoning Bylaw Amendment: Swimming Pool – Residential (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 57: Zoning Bylaw Amendment: Swimming Pool – Residential (Called; call withdrawn) – Adopted motion as printed in the warrant by majority vote. Yes: 525 No: 14

Article 58: Zoning Bylaw Amendment: Definitions and Word Usage (Called) – Adopted by majority vote under Housing Choice Act. Yes: 325 No: 222

Article 59: Zoning Bylaw Amendment: Storage Container by Special Permit in CMI (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 60: Zoning Map Change: R-20 to R-10L – Nobadeer Way (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 61: Zoning Map Change: R-20 to CTEC and/or CN – Old South Road (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 62: Zoning Map Change: R-20 to CTEC and/or CN – Old South Road (Called; call withdrawn). Adopted by two-thirds vote (required votes = 260). Yes: 371 No: 19

Article 63: Zoning Map Change: LUG-2 to R-5 or CN – 44 Skyline Drive (Called; call withdrawn). Adopted by two-thirds vote (required votes = 260). Yes: 371 No: 19

Article 64: Bylaw Amendment: Animals (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 65: Bylaw Amendment: Committees/Agricultural Commission (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 66: Nantucket Historical Commission: Membership (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 67: Bylaw Amendment: Streets and Sidewalks (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 68: Cemetery Regulations (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 69: Bylaw Amendment: Single-Use Plastics - Alcoholic Beverages of Less Than or Equal to 100 Milliliters. (Called) Molden positive motion. Bob DeCosta amended Molden positive motion. DeCosta amendment Adopted. Yes: 490 No: 67. Vote on main motion as amended by Molden and DeCosta. Adopted by majority. Yes: 496 No: 73

Article 70: Bylaw Amendment: Single-Use Plastics – Single-Use Plastic Fiber Tobacco Filter Products (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 71: Bylaw Amendment: Gender Equality on Beaches (Called) Adopted by majority. Yes: 327 No: 242

Article 72: Amend Town Wharf and Waterways Prohibited Activities (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 73: Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 74: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change: 44 Skyline Drive (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 75: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change – 15 Milestone Crossing (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 76: Home Rule Petition: Community Housing Bank Real Estate Transfer Fee (Called) Adopted by majority. Yes: 405 No: 99

Article 77: Home Rule Petition: An Act Amending the Nantucket Sewer Act (Chapter 396 of the Acts of 2008) (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 78: Home Rule Petition: An Act Amending the Charter of the Town of Nantucket to Implement Certain Recommendations of the Town Government Study Committee (Called) Sutton motion to amend (25 signatures for citizen articles). Amendment NOT ADOPTED. Yes: 202 No: 252. Vote on main motion Adopted. Yes: 360 No: 91

Article 79: Home Rule Petition: An Act Prohibiting the Application of Fertilizer in the Town of Nantucket (Called) DeCosta motion to amend. Dutra motion to amend. Vote on Dutra amendment not adopted. Yes: 194 No: 274. DeCosta amendment Adopted. Yes: 337 No: 132. Vote on main motion with DeCosta amendment Adopted. Yes: 374 No: 105

Article 80: Home Rule Petition: Historic District Commission – Solar (Called) Welch motion to refer to committee. Vote on Welch motion to refer Adopted. Yes: 328 No: 81.

Article 81: Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act (Called) Rayport positive motion with amendments. Joanna Roche motion to refer to the NPEDC for further study. Vote on Roche motion Adopted. Yes: 188 No: 172

Article 82: Ombudsman Establishment – Complaints (Called) Positive motion by T. Williams. Vote on T. Williams motion Adopted. Yes: 206 No: 126

Article 83: Scheduling of Annual Town Meeting and Annual Town Election (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 84: Rescind Article 77 of the 2018 Annual Town Meeting (Not Called) - Adopted by 4/5ths Vote.
Yes: 739 No: 39

Article 85: Real Estate Acquisition: Coastal Access - Eel Point Ways (Not Called) - Adopted by 4/5ths
Vote. Yes: 739 No: 39

Article 86: Real Estate Conveyance: Coastal Access - Eel Point Ways (Not Called) - Adopted by 4/5ths
Vote. Yes: 739 No: 39

Article 87: Real Estate Acquisition: Paper Streets – Red Barn and Sheep Pond Roads Area (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 88: Real Estate Conveyance: Paper Streets – Red Barn and Sheep Pond Roads Area (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 89: Real Estate Acquisition: Parcel of Land off Surfside Road (Not Called) - Adopted by 4/5ths
Vote. Yes: 739 No: 39

Article 90: Real Estate Conveyance: Parcel of Land off Surfside Road (Not Called) - Adopted by 4/5ths
Vote. Yes: 739 No: 39

Article 91: Real Estate Acquisition: 31 Easy Street (Called). Motion NOT ADOPTED by two-thirds vote
(required votes= 223). Yes: 106 No: 229

Article 92: Real Estate Conveyance: 31 Easy Street (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No:
39

Article 93: Real Estate Conveyance: 50 Altar Rock Road (Not Called) - Adopted by 4/5ths Vote. Yes: 739
No: 39

Article 94: Home Rule Petition: Real Estate Conveyance – 50 Altar Rock Road to Nantucket Conservation
Foundation, Inc. (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 95: Home Rule Petition: Real Estate Conveyance – A Portion of Ames Avenue (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 96: Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road (Not Called) - Adopted by
4/5ths Vote. Yes: 739 No: 39

Article 97: Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road (Not Called) - Adopted by
4/5ths Vote. Yes: 739 No: 39

Article 98: Real Estate Acquisition: West Chester Street (Not Called) - Adopted by 4/5ths Vote. Yes: 739
No: 39

Article 99: Real Estate Conveyance: West Chester Street and Weweeder Avenue (Not Called) - Adopted
by 4/5ths Vote. Yes: 739 No: 39

Article 100: Real Estate Disposition: Utility Easement/Shadbush Road (Not Called) - Adopted by 4/5ths
Vote. Yes: 739 No: 39

Article 101: Real Estate Disposition: Long-term Lease Authorization/Shooting Range Facility (Called)
Kohler motion to amend (indoor only). Vote on Kohler Amendment NOT ADOPTED. Yes: 40 No: 299.
Vote on main motion as made by Finance Committee ADOPTED. Yes: 307 No: 32

Article 102: Real Estate Acquisition: Proprietors Road – Off Tripp Drive/South Shore Road (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 103: Real Estate Conveyance: Proprietors Road – Off Tripp Drive/South Shore Road (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 104: Real Estate Acquisition: Two (2) 12-foot Wide Ways – Nobadeer Way (Not Called) - Adopted
by 4/5ths Vote. Yes: 739 No: 39

Article 105: Real Estate Conveyance: Two (2) 12-foot Wide Ways – Nobadeer Way (Not Called) -
Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 106: Appropriation: Stabilization Fund (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

Article 107: Appropriation: Free Cash (Not Called) - Adopted by 4/5ths Vote. Yes: 739 No: 39

At 10:53 p.m. at the May 3, 2022 adjourned session Moderator Alger recognized Jason Bridges, Chair of the Select Board, who moved to dissolve the 2022 Annual Town Meeting. The motion was seconded and Adopted by Unanimous Voice Vote.

2 Nobadeer Way, FILE NO. 23-_____

Applicant seeks Variance relief pursuant to Zoning Bylaw Section 139-32(A) allow for a *temporary* alteration definition of Dwelling Unit under Section 139-2 to allow for the construction of a structure *not yet used as a dwelling* to be constructed before the elimination of an existing dwelling that it will replace to the dwelling on a lot while a new dwelling is being built. The property is located at 2 Nobadeer Way, shown as Assessor's Map 68, Parcel 113, which is shown as lot 12 on Land Court Plan 16514-F. Evidence of owner's title is registered on Certificate of Title No. 26263 at the Nantucket Registry District of the Land Court.

Addendum

The locus, 2 Nobadeer Way, is in the Residential10 Limited (R-10L) Zoning District and is an oversized lot of 15,000 square feet, containing 100 feet of frontage, where 10,000 square feet of lot area and 75 feet of frontage is required. The property is improved with a 3-bedroom single family dwelling of about 1,120 SF of ground cover and a 1-bedroom cottage of about 768 SF, and which together total about 1,888.00 square feet of ground cover. This a ground cover ratio of about 12.59% where 25% is allowed. The cottage has a preexisting nonconforming setback encroachment, as it is as close as 0.1 feet of the rear lot line where a 10 foot rear setback is required. These improvements predate the adoption of the Nantucket Zoning Bylaw, both of which were built in 1960, and each of which has its own pre-existing non-conforming driveway and parking, on opposite ends of the property, as shown in the Town's 1998 GIS photos. There are several small sheds on the property that are in the setback that will be relocated outside of the setback. The property is otherwise dimensionally conforming.

Of note, the lot is subject to a use freeze based on the R-20 zoning district, pursuant to a perimeter plan by Paul Santos of Nantucket Surveyors LLC, dated March 28, 2022, endorsed by the Planning Board on April 11, 2022, as shown in File PLSUB-2022-04-02263. Even without calculating for any statutory extensions, this zoning freeze is valid for three years, through April 11, 2025. Tertiary dwellings are not allowed in the R-10L district, but are allowed by right in the R-20 district. Therefore, under the use freeze, the Applicant can have a tertiary dwelling without relief.

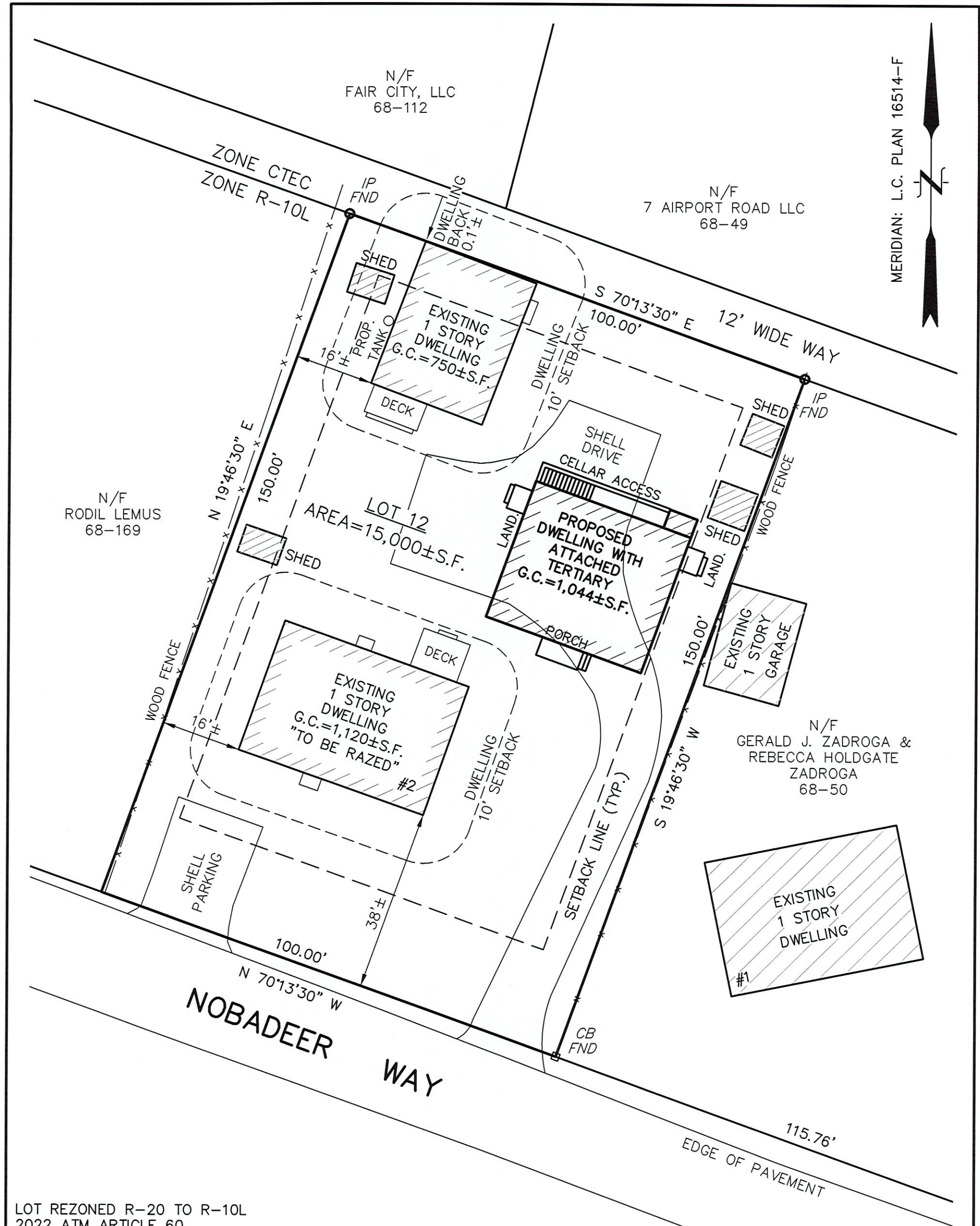
The Applicant intends to construct a new 5-bedroom structure that would be a 3-bedroom single family dwelling with an attached 2-bedroom tertiary dwelling. While this is a single structure with two dwellings, it is not a duplex under the bylaw. The tertiary dwelling portion of the structure will conform to the requirements of the definition in Section 139-2 that require a recorded year-round residency restriction, that limit the ground cover of the tertiary section to 900 SF of ground cover and that limit the gross living area of the tertiary section to 900 SF of GLA, as defined in the bylaw. Applicant intends to demolish the existing 3-bedroom single-family dwelling and to retain the existing 1-bedroom cottage. If the Planning Board allows for additional bedrooms in its tertiary permit (either 7 or 8 bedrooms total on the lot, instead of 6 total on the lot), the cottage will get an addition and renovation to accommodate this additional living space. Some of the renovation may be onto the portion of the cottage now in the setback, but will not be closer to the lot line than now exists.

Both of the existing single-family dwelling and the cottage are currently leased to year-round tenants. Technically, the Bylaw require that one of these dwellings be demolished or altered to a non-habitation use before a building permit could be issued for a two-dwelling structure, since that permit would provide for four dwellings on the lot. Therefore, the Applicant requests a variance under § 139-32(A) to temporarily alter the definition of Dwelling Unit under § 139-2 to allow for the construction of a structure *not yet used as a dwelling* to be constructed before the elimination of an existing dwelling that it will replace.

The Applicant seeks this temporary waiver to permit and build the structure that will be used as a dwelling and attached tertiary dwelling before demolishing the existing 3-bedroom dwelling. The purpose of this relief is to allow the year-round tenants to remain in their home during construction

of the new structure. At no time would more than three structures be occupied, and as soon as the new structure is habitable, the tenant would be relocated to it and the designated structure would be demolished or removed from the lot. Given the housing crisis on Nantucket, the displacement of this family for a year should be avoided.

Under § 139-32(A) the Board of Appeals has the power to grant a variance upon a finding that the literal enforcement of Chapter 139 would involve substantial hardship, 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. Here, literal enforcement of the dwelling limitation would require the Applicant to demolish a housing unit that is occupied by a year-round tenant in order to proceed with the planned development. This would deprive them of a year or more of secure housing. The relief would allow the tenant to retain their housing during construction of the replacement unit. The requested relief does not pose a substantial detriment to the public good or nullify or substantially derogate the intent or purpose of the bylaw.



MERIDIAN: L.C. PLAN 16514-F



LOT REZONED R-20 TO R-10L
2022 ATM ARTICLE 60

CURRENT ZONING: R-10L
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 75'
FRONTYARD SETBACK: 20'
SIDE AND REAR SETBACK: 10'
ALLOWABLE G.C.R.: 25%

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE
THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED
WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON "FIRM"
MAP NO. 25019C0086G; EFFECTIVE DATE: JUNE 9, 2014
BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

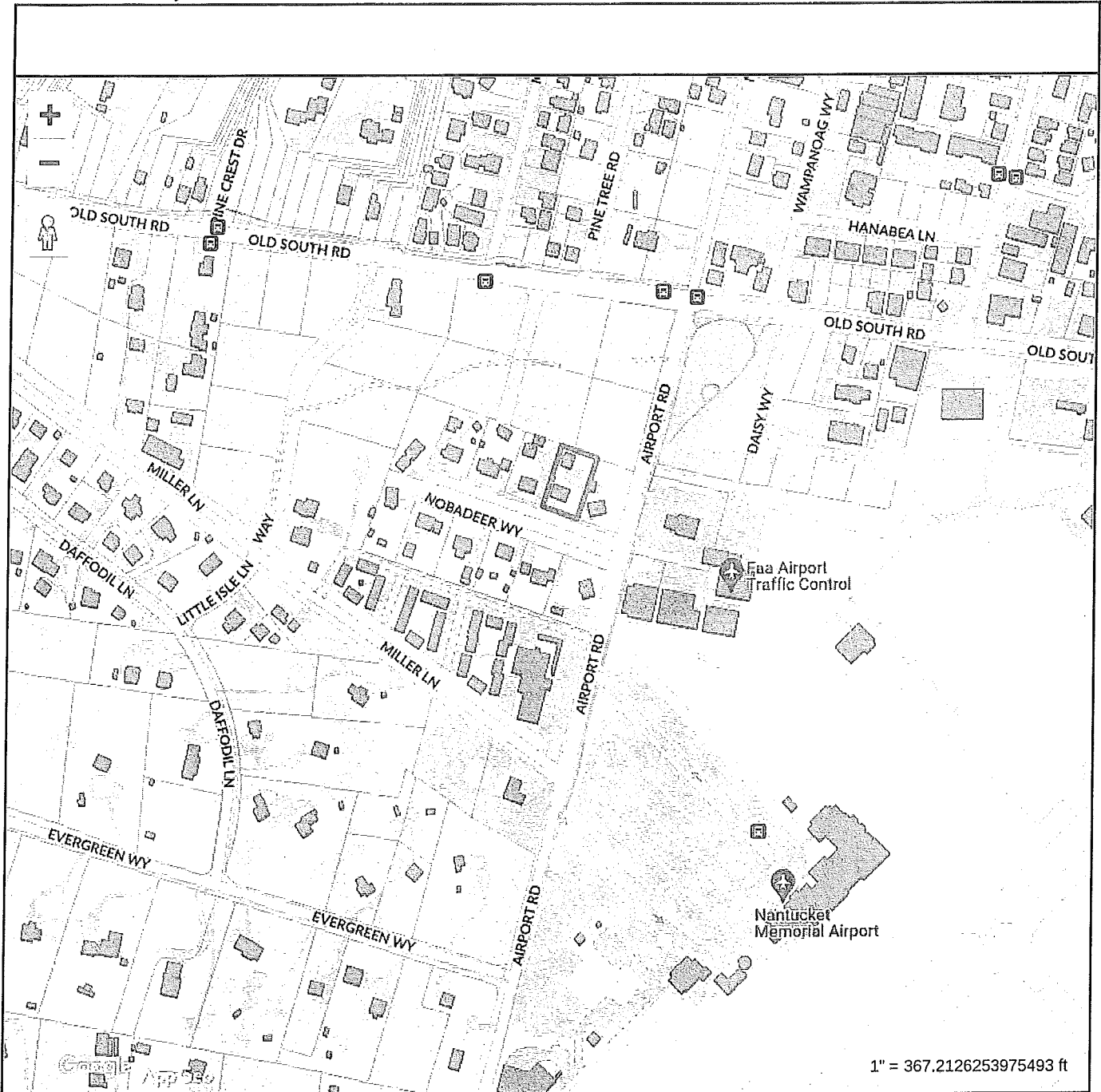
N.B. 141/103



PROPOSED ZBA SITE PLAN
#2 NOBADEER WAY
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 5/11/23
DEED REFERENCE: L.C.C. #26263
PLAN REFERENCE: L.C. PLAN 16514-F
ASSESSOR'S REFERENCE:
MAP: 68 PARCEL: 113
PREPARED FOR:
NOB ACK, LLC
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

N-11444



1" = 367.2126253975493 ft

Property Information

Property ID 68 113
Location 2 NOBADEER WY
Owner NOB ACK LLC

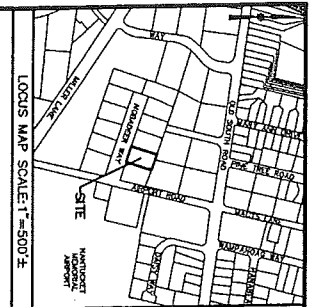


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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.



LOCUS MAP SCALE: 1"=500'±
MERIDIAN: L.C. PLAN 16514-F

REFERENCES:
OWNER: NOB ACK, LLC
DEED REFERENCE: L.C. #26263
PLAN REFERENCE: L.C. PLAN 16514-F (LOT 12)
ASSESSORS REFERENCE: MAP: 68 PARCEL: 113

ZONING CLASSIFICATION
DISTRICT: R-20
MINIMUM LOT SIZE= 20,000 S.F.
MINIMUM FRONTAGE= 75'
FRONT YARD SETBACK= 30'
SIDE & REAR LINE SETBACK= 10'
ALLOWABLE GROUND COVER RATIO= 12.5%

FLOOD NOTE:
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE
THAT THE PROPOSED SUBDIVISION IS NOT LOCATED
WITHIN A FLOOD HAZARD ZONE AS SHOWN ON THE
MAP NO. 25019C00086C EFFECTIVE DATE: JUNE 9, 2014
BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

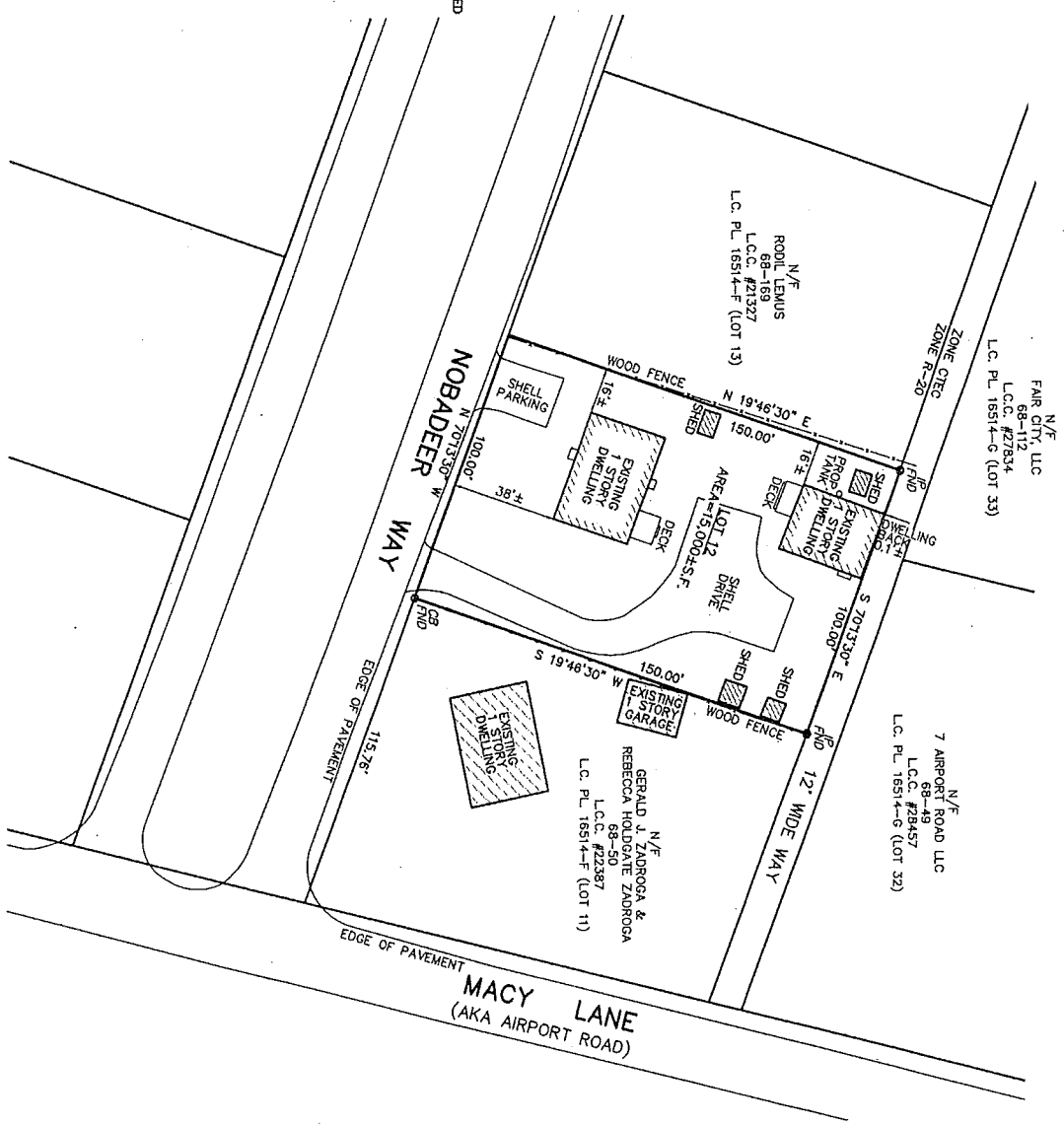
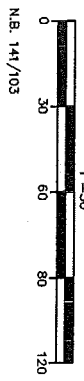
LEGEND
N/F NOW OR FORMERLY
IP IRON PIPE
CB CONCRETE BOUND
FND FOUND
L.C. LAND COURT
L.C. LAND COURT CERTIFICATE

PERIMETER PLAN OF LAND
#2 NOBADER WAY
NANTUCKET, MASSACHUSETTS
SCALE: 1"=30' DATE: MARCH 28, 2022

PREPARED BY:
NANTUCKET SURVEYORS, LLC
5 WINDY WAY
NANTUCKET, MA 02554
(508) 228-0240

PREPARED FOR:
NOB ACK, LLC

GRAPHIC SCALE
1"=30'



NOTE:
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTER OF
THE COMMONWEALTH OF MASSACHUSETTS.
Professional Land Surveyor
DATE: 3/28/22



NANTUCKET REGISTRY OF DEEDS	
Date	_____
Time	_____
Plan BK	_____ PG _____
Plan No.	_____
Attest	Register
RESERVED FOR REGISTRY USE ONLY	

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

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

JACK TRUBEL, ESQ. BAR
DAVID WILSON, ESQ. BAR
NATHANIEL LOWELL
FREDERICK TRITT WOODLUM
BARRY G. RECTOR
DATE APPROVED 04-11-2022
DATE SIGNED 04-11-2022
FILE NO. P23318-20-02-04-00263

**CHARLES B. JOHNSON
AS TRUSTEE OF
SHADOW NOMINEE
TRUST**

File No. 07-23

4 HARBOR SQUARE

APPEAL

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

FOUR NORTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004



SARAH F. ALGER
sfa@sfapc.com

FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931-2007

April 14, 2023

BY HAND

Paul Murphy, Building Commissioner
Town of Nantucket
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: Straight Wharf Fish Market

Dear Paul:

Enclosed please find a copy of the appeal.

Thank you for your attention to this matter.

Sincerely,


Holly Fernandes, Legal Assistant
to Sarah F. Alger, P.C.

Enclosures

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER...NIR Retail LLC.....

MAILING ADDRESS...c/o Sarah F. Alger, P.C., 4 North Water Street, Nantucket, MA 02554

PROPERTY LOCATION...4 Harbor Square, Nantucket, Massachusetts.....

ASSESSOR MAP/PARCEL...Map 42.2.4, Parcel 1.....

SUBMITTED BY...Sarah F. Alger, P.C.....

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)).

March 16, 2023

DATE

Mary L.
Haley

Digitally signed by
Mary L. Haley
Date: 2023.03.16
08:04:28 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET



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

2023 APR 14 PM 3:56
TOWN OFFICE

APPLICATION

Fee: \$450.00

File No. _____

Owner's name(s): NIR Retail LLC
New England Development Accounting Department, 75 Park Plaza #3
Mailing address: Boston, MA 02116

Phone Number: _____ E-Mail: _____

Applicant's name(s): Charles B. Johnson, as Trustee of Shadow Nominee Trust*
c/o Sarah F. Alger, P.C., 4 North Water Street
Mailing Address: Nantucket, Massachusetts 02554

Phone Number: 508-228-1118 E-Mail: sfa@fapc.com

Locus Address: 4 Harbor Square Assessor's Map/Parcel: Map 42.2.4, Parcel 1

Land Court Plan/Plan Book & Page/Plan File No.: Lot 11, LCP 10222-E
Doc. 156595

Deed Reference/Certificate of Title: COT 17791 Zoning District Commercial Downtown
("CDT")

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

Residential: Number of dwellings _____ Duplex _____ Apartments _____

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

Building Permit Numbers: 2021-03-0121; 2021-10-0184; 2021-12-0196; and
2023-01-3868

Previous Zoning Board Application Numbers: _____

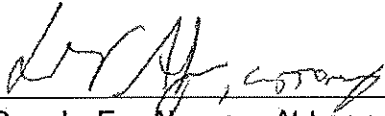
* and Old North Wharf Cooperative, Inc.

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*
Sarah F. Alger, Attorney

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

OFFICE USE ONLY

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

ADDENDUM

Appeal by Charles B. Johnson, as Trustee of Shadow Nominee Trust, and Old North Wharf Cooperative, Inc.

Pursuant to Mass. Gen. Laws c. 40A, §§8 and 15 and Nantucket Zoning By-law (the "By-law") §§139-25 (Enforcement, remedies, penalties) and 139-31 (Appeals), the Appellants, Charles B. Johnson, as Trustee of Shadow Nominee Trust, and Old North Wharf Cooperative, Inc., hereby appeal (a) the issuance of Building Permit #BLDC-2023-01-3868 (the "Building Permit") for the property on Straight Wharf, known as 4 Harbor Square, Nantucket (the "Project"); and (b) the determination of the Building Commissioner dated March 31, 2023, a copy of which is attached hereto, not to take enforcement action and rescind the Building Permit and require the Project to apply for and obtain a Major Commercial Development ("MCD") Special Permit under By-law §139-11. The Project is located on the property on Straight Wharf shown as Parcel 1 on Nantucket Tax Assessor's Map 42.2.4 and being Lot 11 on Land Court Plan No. 10222-E, now owned by NIR Retail LLC, a Delaware limited liability company ("NIR Retail") by virtue of Certificate of Title No. 21819 at the Nantucket Registry District of the Land Court (the "Property").

A formal request for zoning enforcement pursuant to By-law §139-25 was made to the Building Commissioner on March 21, 2023, copy attached, asking that the Building Permit be revoked, because the Project does not have the required MCD Special Permit under By-law §139-11 in violation of the By-law. By letter dated March 31, 2023, the Building Commissioner declined to take enforcement action and revoke the Building Permit.

By way of background, the existence of the Building Permit was only brought to light on March 15, 2023, in connection with the Select Board's public hearings on the applications for liquor and entertainment licenses for the Project. The file was apparently mis-filed and could not be located. A copy of the Building Permit was provided by the PLUS Department on March 15, 2023, and the file was subsequently found.

The Building Permit states that it is to "RENOVATE EXISTING DWELLING AS PER HCD APPROVED PLANS SEE ATTACHED ARCHITECTURAL PLANS SEE ATTACHED HDC PLANS." Section 2.E of the Building Permit recites that the "Proposed Use" is "Retail/Restaurant."

Presumably, the reference to the renovation of an existing dwelling in the Building Permit is an inadvertent error by the applicant. There is no dwelling at the Project site. The Project site is the former location of the Straight Wharf Fish Market and Stars Ice Cream and has been used as a retail fish market and take-out food establishment. The businesses at the Project site have not historically had a liquor license or provided restaurant service.

The change in use of the Project site to a sixty-two (62) seat restaurant triggers the threshold for issuance by the Nantucket Planning Board of an MCD Special Permit pursuant to By-law §139-11.

Under By-law §139-11.B, an MCD is:

"defined as a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control, meeting, in the aggregate, any one or more of [a defined set of criteria]."

One of those criteria, as set forth in By-law §139-11.B(5), is "[r]estaurant, club and/or bar use with a combined rated legal occupancy of 100 or more." Although the uses on the Property and on contiguous properties held in common ownership and control may also meet or exceed other criteria set forth in By-law §139-11.B, it is not necessary to go beyond By-law §139-11.B(5) to determine that the Project, together with the other uses on the Property, comprises an MCD within the meaning of the By-law.

By-law §139-11.C provides that "[p]reexisting nonconforming uses shall be subject to this subsection when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as amended), meets or exceeds the criteria of Subsection B above, which defines a [sic] MCD." As a result, although some of the uses on the Property may qualify as preexisting, nonconforming uses, the alterations and extensions of those commercial uses that have occurred since 1979, when taken together, cause the Property to become an MCD, requiring the issuance by the Planning Board of an MCD Special Permit under By-law §139-11.

The other commercial uses on the Property on which this sixty-two (62) seat restaurant is proposed to be located include, but are not limited to, Provisions, The Tavern, the Gazebo, Cru, and Straight Wharf restaurants, as well as several retail shops. The Property is owned by NIR Retail. NIR Retail also owns, among other parcels, the contiguous parcels shown as Parcel 15 (Straight Wharf), Parcel 35 (One New Whale Street), Parcel 2 (Old North Wharf), and Parcel 11 (11 New Whale Street). The commercial uses on these contiguous parcels include, but are not limited to, Hy-Line Cruises, Oath Pizza, Slip 14, Bar Yoshi, the Anglers Club, numerous retail shops, and the entire Boat Basin.

The "combined rated legal occupancy" of the proposed new sixty-two (62) seat restaurant at the Project is not set forth in the building permit materials, but if it is one hundred (100) or more (and it must be close), then the MCD threshold is exceeded. And, even if this restaurant on its own does not trigger the need for an MCD Special Permit, then certainly the "extended or altered portion of the commercial use(s) [on the Property and the contiguous parcels in common ownership], added together starting

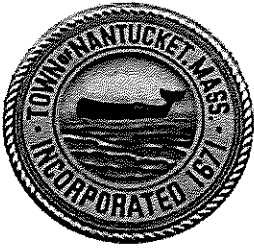
from the effective date [of By-law \$139-11] (April 4, 1979, as amended), meets or exceeds the criteria of Subsection B" of By-law \$139-11, as provided in By-law \$139-11.C, and an MCD special permit is required for the proposed restaurant use.

The COI Tracking spreadsheet created by the PLUS Department in March 2019 (copy attached), shows, among other things, the changes in occupancy for licensed restaurants from 2015 to 2019. Extracting the data for four (4) of the restaurants that are on the same parcel or contiguous parcel as the proposed Straight Wharf Fish Market, being Cru, Slip 14, Straight Wharf Restaurant, and the Tavern and adding the information for Bar Yoshi, which is a new restaurant since 2019, contained in the application for amendments to its liquor license that was part of the Select Board package for its March 15, 2023, meeting, reveals that the total change in occupancy for these five (5) restaurants since just 2015 is 341, and that number is before the proposed addition of a sixty-two (62) seat restaurant at the new Straight Wharf Fish Market. The resulting spreadsheet is attached. Although the proposed occupancy for the new restaurant at the Project does not appear to be available, it is safe to say that it will be well in excess of sixty-two (62).

Given that the threshold for an MCD under By-law \$139-11.B "on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control" includes "[r]estaurant, club and/or bar use with a combined rated legal occupancy of 100 or more," and that under By-law \$139-11.C, "[p]reexisting nonconforming uses shall be subject to this subsection when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as amended), meets or exceeds the criteria of [By-law \$139-11.]B," it is not necessary to go further back than 2015 to easily recognize that this Property has already well surpassed the MCD threshold and requires an MCD Special Permit from the Planning Board. In fact, one needs not look beyond the Gazebo at the Tavern that is on the same lot as the Straight Wharf Fish Market and that in 1979 was used as a band stand for community band concerts and not as the bar it is today to conclude that this Property requires as MCD Special Permit.

Due to the lack of the required MCD Special Permit, the Project is in violation of the By-law, enforcement action is appropriate, and the Building Permit must be revoked. The Appellants request that the Zoning Board of Appeals reverse the determination of the Building Commissioner, revoke the Building Permit, order that the Project apply for and obtain an MCD Special Permit, and take such other and further action as the Board shall deem necessary or appropriate.

The Locus is located at 4 Harbor Square, Nantucket, Nantucket County, Massachusetts, shown on Nantucket Tax Assessor's Map 42.2.4, as Parcel 1, and is in the Commercial Downtown ("CDT") Zoning District.



Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

BUILDING DIVISION

March 31, 2023

Sarah F. Alger, PC
4 North Water Street
Nantucket, MA 02554

Reference: Straight Wharf Fish Market, Straight Wharf, Map 42.2.4, Parcel 1

Dear Attorney Alger,

I am in receipt of your zoning enforcement request dated March 21, 2023, with regard to the property referenced above. I will not pursue zoning enforcement at this time because, in my opinion, the building permit was properly issued.

If you are aggrieved by this determination, you may appeal to the Nantucket Zoning Board of Appeals pursuant to G.L. c. 40A Sections 8 and 15.

Very truly yours,


Paul Murphy
Building Commissioner
Town of Nantucket

Cc: Andrew Vorce, Director of Planning, Leslie Snell, Deputy Director of Planning

Sarah Alger

From: Sarah Alger
Sent: Tuesday, March 21, 2023 21:20
To: Paul Murphy
Cc: Andrew Vorce (avorce@nantucket-ma.gov); Leslie Woodson Snell (lwsnell@nantucket-ma.gov); C. Elizabeth Gibson (lgibson@nantucket-ma.gov); DANIELLE DEBENEDICTIS; Arthur D. Gasbarro (art@nantucketengineer.com); Megan Trudel; Amy Baxter; Marcus Silverstein; David, Pat (patdavid0126@gmail.com); Erika Mooney (EMooney@nantucket-ma.gov); jmbridges@nantucket-ma.gov; STRAIGHT WHARF - Gabriel Frasca (gabrielfrasca@gmail.com); kevin burleson; Holly Visco; John Twohig (jtwohig@neddevelopment.com)
Subject: RE: Straight Wharf Fish Market, Straight Wharf, Map 42.2.4, Parcel 1
Attachments: Murphy ltr 03.09.2023.pdf; COI Increases 2015-2021.pdf; COI Tracking 030619.xlsx

Dear Commissioner Murphy,

I represent the Old North Wharf Cooperative, Inc., owner of the properties on Old North Wharf directly abutting the above property on Straight Wharf, sometimes referred to as 4 Harbor Square.

Please consider this email as a formal request for zoning enforcement pursuant to Nantucket Zoning By-law (the "By-law") §139-25. Specifically, I am requesting that Building Permit BLDC-2023-01-3868 be revoked, because the project does not have the required Major Commercial Development ("MCD") Special Permit under §139-11 in violation of the By-law.

As you are aware, the existence of this building permit was only brought to light last week in connection with the Select Board's public hearings on the applications for liquor and entertainment licenses at the above property. The file was apparently mis-filed and could not be located. We were able to get a copy of the permit on March 15, 2023, and I understand that the file has since been found.

The building permit at issue, Building Permit BLDC-2023-01-3868, states that it is to "RENOVATE EXISTING DWELLING AS PER HCD APPROVED PLANS SEE ATTACHED ARCHITECTURAL PLANS SEE ATTACHED HDC PLANS." Section 2.E of that permit recites that the "Proposed Use" is "Retail/Restaurant."

Presumably, the reference to the renovation of an existing dwelling is an inadvertent error by the applicant. I do not believe that there is a dwelling at this property. My understanding is that the property, the former site of the Straight Wharf Fish Market and Stars Ice Cream, has been used as a retail fish market and take-out food establishment and has not historically had a liquor license.

As set forth in my March 9, 2023, letter, copy attached, the change in use of this property to a sixty-two (62) seat restaurant triggers the threshold for issuance by the Nantucket Planning Board of an MCD Special Permit pursuant to By-law §139-11. As you know, under By-law §139-11.B, an MCD is:

"defined as a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control, meeting, in the aggregate, any one or more of [a defined set of criteria]."

One of those criteria, as set forth in By-law §139-11.B(5), is "[r]estaurant, club and/or bar use with a combined rated legal occupancy of 100 or more." Although the uses on this particular property and on contiguous properties held in common ownership and control may also meet or exceed other criteria set forth in By-law §139-11.B, it is not necessary to go beyond By-law §139-11.B(5) to see that this property comprises an MCD within the meaning of the By-law.

By-law §139-11.C provides that “[p]reexisting nonconforming uses shall be subject to this subsection when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as amended), meets or exceeds the criteria of Subsection B above, which defines a [sic] MCD.” As a result, although some of the uses on this property may qualify as preexisting, nonconforming uses, the alterations and extensions of those commercial uses that have occurred since 1979, when taken together, cause the property to become an MCD, requiring the issuance by the Planning Board of an MCD Special Permit.

The other commercial uses on the parcel on which this sixty-two (62) seat restaurant is proposed to be located include, but are not limited to, Provisions, The Tavern, the Gazebo, Cru, and Straight Wharf restaurants, as well as several retail shops. The parcel is owned by NIR Retail LLC. NIR Retail LLC also owns, among other parcels, the contiguous parcels shown as Parcel 15 (Straight Wharf), Parcel 35 (One New Whale Street), Parcel 2 (Old North Wharf), and Parcel 11 (11 New Whale Street). The commercial uses on these contiguous parcels include, but are not limited to, Hy-Line Cruises, Oath Pizza, Slip 14, Bar Yoshi, the Anglers Club, numerous retail shops, and the entire Boat Basin.

As stated in my March 9, 2023, letter, the “combined rated legal occupancy” of this proposed new sixty-two (62) seat restaurant is not set forth in any of the materials that I have seen thus far, but if it is one hundred (100) or more (and it must be close), then the MCD threshold is exceeded. And, even if this restaurant on its own does not trigger the need for an MCD Special Permit, then certainly the “extended or altered portion of the commercial use(s) [on this parcel and the contiguous parcels in common ownership], added together starting from the effective date [of By-law §11] (April 4, 1979, as amended), meets or exceeds the criteria of Subsection B” of By-law §139-11, as provided in By-law §139-11.C, and an MCD special permit is required for the proposed restaurant use.

As I mentioned in my March 15, 2023, email, I looked at the COI Tracking spreadsheet that Leslie Snell put together in March 2019 (copy attached). This spreadsheet shows, among other things, the changes in occupancy for licensed restaurants from 2015 to 2019. I extracted the data for four (4) of the restaurants that are on the same parcel or contiguous parcel as the proposed Straight Wharf Fish Market, being Cru, Slip 14, Straight Wharf Restaurant, and the Tavern. I then added the information for Bar Yoshi, which is a new restaurant since 2019, using the information contained in the application for amendments to its liquor license that was part of the Select Board package for its March 15, 2023, meeting. The resulting spreadsheet is attached.

As you will see, the total change in occupancy for these five (5) restaurants since just 2015 is 341, and that number is before the proposed addition of a sixty-two (62) seat restaurant at the new Straight Wharf Fish Market. I do not know what the proposed occupancy for this new restaurant is, but it is safe to say that it will be well in excess of sixty-two (62). Given that the threshold for an MCD §139-11.B “on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control” includes “[r]estaurant, club and/or bar use with a combined rated legal occupancy of 100 or more,” and that under By-law §139-11.C, “[p]reexisting nonconforming uses shall be subject to this subsection when any extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as amended), meets or exceeds the criteria of [By-law §139-11.]B,” you do not have to go back behind 2015 to easily recognize that this property has already well surpassed the MCD threshold and requires an MCD Special Permit from the Planning Board. In fact, you need not look beyond the Gazebo at the Tavern that is on the same lot as the Straight Wharf Fish Market and that in 1979 was used as a band stand for community band concerts and not as the bar it is today to conclude that this property requires as MCD Special Permit.

Due to the lack of the required MCD Special Permit, the project is in violation of the By-law, and I request that you take enforcement action and revoke Building Permit BLDC-2023-01-3868.

Thank you for your consideration and attention to this matter.

Regards,

Sarah Alger

Sarah F. Alger, PC

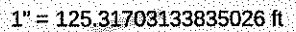
Four North Water Street
Nantucket, Massachusetts 02554
508-228-1118 telephone
508-228-8004 fax

Five Parker Road
Osterville, Massachusetts 02655
508-428-8594 telephone
508-420-3162 fax

WIRE FRAUD ALERT: *Email hacking to fraudulently misdirect funds is on the rise. ALWAYS CONFIRM WIRE INSTRUCTIONS. If you receive an e-mail or other communication from this office requesting that you wire or otherwise transfer funds, please call a known contact person at this firm using a telephone number found through an independent source to verify the request and any corresponding instructions before you initiate any transfer. Please do not rely on an email that appears to originate from this office. We are not responsible for any wires sent by you to an incorrect bank account. Our wiring instructions never change.*

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Business Name	Expiration 2015	Expiration 2019	2021	Occupancy Increase
Bar Yoshi			56	56
Cru	First Floor A3 42, Patio 60, On-Premise License, 5/31/15	First Floor A2 80 Patrons, Patio A2 22 Patrons, Employees 15, On-Premise License, 5/31/19		15
Slip 14	First Floor B 25, Third Floor R3 5, Patio A3 45, On-Premise License, 5/31/15	First Floor Inside: A2 30 seats 30 standing, Second Floor 7 staff, Third Floor R3 5, Patio A2 54 seats 113 standing, Take-Out Area 26 standing Other: Max Occ 1st floor 135, On-Premise License, 5/31/19		85
Straight Wharf Restaurant	COI not in file	First Floor A2 120, Patio A2 40 Other: Occ includes deck seating and bar, On-Premise License, 5/31/19		0
Tavern Restaurant	First Floor A3 89, Second Floor A3 91, On-Premise License, 5/31/15	First Floor A2 44, Second Floor A2 91, Patio 101, Gazebo 49, On-Premise License, 5/31/19		185
				341



Property ID	42.2,4 1
Location	STRAIGHT WF
Owner	NIR RETAIL 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.

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

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

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

PUNNETT NICHOLAS TRST
ENTERPRISE TRUST
49 MILK STREET
NANTUCKET, MA 02554

FARRELL ACK LLC
2100 INLET DR
FORT LAUDERDALE, FL 33316

NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

RYAN MATTHEW E TR ET AL
C/O GW & WADE LLC
93 WORCESER RD
WELLESLEY, MA 02481

MITCHELL JAMES H & NANCY B
6 FERNWOOD RD
CHESTNUT HILL, MA 02467

SAMPER HECTOR MILKO & NANCY
LEATHER
3271 MYRTLE OAK CT
BONITA SPRINGS, FL 34134

ACK18SD LLC
52 HUMMOCK POND RD
NANTUCKET, MA 02554

NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

BRANT POINT PARTNERS LLC
251 MAIN STREET
HUNTINGTON, NY 11743

GOLDENEYE LLC
C/O DAVID MALM
220 BOYLSTON ST # 9009
BOSTON, MA 02116

MALONEY ROSALIE T FKA GRENNAN
2430 TRACY PLACE NW
WASHINGTON, DC 20008

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

SANFORD CHRISTINE C TR
FOUR STARBUCK COURT NOM TRUST
3 MILL STREET
NANTUCKET, MA 02554

GIFFORD JOHN F TR
15 THOMAS PL
NORWALK, CT 06853

MACANINCH ANDREW S ETAL
838 PARK AVENUE APT 4
HOBOKEN, NJ 07030

LAGARCE SUSAN M
29 CROSSTREE HOLLOW
NORTH CHATHAM, MA 02650

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

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

ANDREWS VIRGINIA F
P O BOX 1182
NANTUCKET, MA 02554

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

HAYES JOHN J III TRUSTEE
COBB-HAYES REALTY TRUST
PO BOX 1364
NANTUCKET, MA 02554

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

KILLEN PATIENCE E
PO BOX 606
NANTUCKET, MA 02554

SIMBLARIS LAMPE LEAH TRST
OLDNAN REALTY TRUST
17 SMITHS POINT RD
MANCHESTER, MA 01944

McGLINN THOMAS B
C/O ROCKLAND TRUST CO
22 WIANNO AV
OSTERVILLE, MA 02655

HAYES JOHN
PO BOX 1364
NANTUCKET, MA 02554

NIR NEW WHALE ST LLC
C/O NIR SALEM ST LLC
75 PARK PLAZA #3
BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

ISLAND HARBOR FARM LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

GTKT LLC
11568 KLING ST
NORTH HOLLYWOOD, CA 91602

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

OLD NORTH WHARF COOPERATIVE INC
PO BOX 187
NANTUCKET, MA 02554

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

OLD NORTH WHARF COOPERATIVE INC
13 PLEASANT ST
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O SANFORD COTTAGE TRUST
1 N BEACH ST
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O HARVEY C JONES TRST
300 RIDGEVIEW DR
PALM BEACH, FL 33480

OLD NORTH WHARF COOPERATIVE INC
C/O COLEMAN BURKE, NORTH RIVER
COMPANY LLC
610 W 26TH ST SUITE 910
NEW YORK, NY 10001

OLD NORTH WHARF COOPERATIVE INC
WHARF RAT CLUB
P O BOX 664
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O QUICK CHRISTOPHER C
10 EDGEWOOD DR #3A
GREENWICH, CT 06831

OLD NORTH WHARF COOPERATIVE INC
HOS MBS NANTUCKET LLC
410 W OHIO AVE
MIDLAND, TX 79701-4331

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410 W OHIO AVE
MIDLAND, TX 79701-4331

OLD NORTH WHARF COOPERATIVE INC
C/O C BREEZE LLC
322 SOUTH ASAPH ST
ALEXANDRIA, VA 23314

OLD NORTH WHARF COOPERATIVE INC
C/O ROSE JOE
555 BRYANT ST # 347
PALO ALTO, CA 94301

OLD NORTH WHARF COOPERATIVE INC
C/O AUDAX GROUP - FIX
101 HUNTINGTON AV
BOSTON, MA 02199

OLD NORTH WHARF COOPERATIVE INC
C/O JOHNSON CHARLES B TR
1220 SOUTH OCEAN BLVD
PALM BEACH, FL 33480

WOODS HOLE MARTHAS VINEYARD &
NANTUCKET STEAMSHIP AUTH
NANTUCKET STEAMSHIP AUTH
1 STEAMBOAT WHARF
NANTUCKET, MA 02554

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 C/O DAVID MALM
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 PO BOX 1364
 NANTUCKET, MA 02554

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 FORT LAUDERDALE, FL 33316

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 BOSTON, MA 02116

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 C/O GW & WADE LLC
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 WELLESLEY, MA 02481

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 15 THOMAS PL
 NORWALK, CT 06853

SIMBLARIS LAMPE LEAH TRST
 OLDNAN REALTY TRUST
 17 SMITHS POINT RD
 MANCHESTER, MA 01944

MITCHELL JAMES H & NANCY B
 6 FERNWOOD RD
 CHESTNUT HILL, MA 02467

MACANINCH ANDREW S ETAL
 838 PARK AVENUE APT 4
 HOBOKEN, NJ 07030

McGLINN THOMAS B
 C/O ROCKLAND TRUST CO
 22 WIANNO AV
 OSTERVILLE, MA 02655

SAMPER HECTOR MILKO & NANCY
 LEATHER
 3271 MYRTLE OAK CT
 BONITA SPRINGS, FL 34134

LAGARCE SUSAN M
 29 CROSSTREE HOLLOW
 NORTH CHATHAM, MA 02650

HAYES JOHN
 PO BOX 1364
 NANTUCKET, MA 02554

ACK18SD LLC
 52 HUMMOCK POND RD
 NANTUCKET, MA 02554

NIR SALEM ST LLC
 C/O NEW ENGLAND DEVELOPMENT
 75 PARK PLAZA #3
 BOSTON, MA 02116

NIR NEW WHALE ST LLC
 C/O NIR SALEM ST LLC
 75 PARK PLAZA #3
 BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

ISLAND HARBOR FARM LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

GTKT LLC
11568 KLING ST
NORTH HOLLYWOOD, CA 91602

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

OLD NORTH WHARF COOPERATIVE INC
PO BOX 187
NANTUCKET, MA 02554

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

NIR SALEM ST LLC
C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

OLD NORTH WHARF COOPERATIVE INC
13 PLEASANT ST
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O SANFORD COTTAGE TRUST
1 N BEACH ST
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O HARVEY C JONES TRST
300 RIDGEVIEW DR
PALM BEACH, FL 33480

OLD NORTH WHARF COOPERATIVE INC
C/O COLEMAN BURKE, NORTH RIVER
COMPANY LLC
610 W 26TH ST SUITE 910
NEW YORK, NY 10001

OLD NORTH WHARF COOPERATIVE INC
WHARF RAT CLUB
P O BOX 664
NANTUCKET, MA 02554

OLD NORTH WHARF COOPERATIVE INC
C/O QUICK CHRISTOPHER C
10 EDGEWOOD DR #3A
GREENWICH, CT 06831

OLD NORTH WHARF COOPERATIVE INC
HOS MBS NANTUCKET LLC
410 W OHIO AVE
MIDLAND, TX 79701-4331

OLD NORTH WHARF COOPERATIVE INC
HOS MBS NANTUCKET LLC
410 W OHIO AVE
MIDLAND, TX 79701-4331

OLD NORTH WHARF COOPERATIVE INC
C/O C BREEZE LLC
322 SOUTH ASAPH ST
ALEXANDRIA, VA 23314

OLD NORTH WHARF COOPERATIVE INC
C/O ROSE JOE
555 BRYANT ST # 347
PALO ALTO, CA 94301

OLD NORTH WHARF COOPERATIVE INC
C/O AUDAX GROUP - FIX
101 HUNTINGTON AV
BOSTON, MA 02199

OLD NORTH WHARF COOPERATIVE INC
C/O JOHNSON CHARLES B TR
1220 SOUTH OCEAN BLVD
PALM BEACH, FL 33480

WOODS HOLE MARTHAS VINEYARD &
NANTUCKET STEAMSHIP AUTH
NANTUCKET STEAMSHIP AUTH
1 STEAMBOAT WHARF
NANTUCKET, MA 02554

LETTERS

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, April 11, 2023

VIA HAND DELIVERY

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: *NIR Retail LLC, Straight Wharf Fish Store*

Dear Leslie:

As you are aware, our clients NIR Retail, LLC are the owners of the building located on Straight Wharf (the "Wharf") known as 4 Harbor Square ("Premises"). The renovation of the Premises has been the subject of recent allegations by neighbors that the renovation is not permitted properly due to the purported need for a Major Commercial Development (MCD) Special Permit. These allegations are incorrect.

As we have discussed, a review of the occupancy numbers for finished space indicates that an MCD Special Permit is not required for this renovation because the Premises will have a rated legal occupancy of fewer than 100. In addition, our analysis of the Nantucket Zoning Bylaw § 139-11 also indicates that no other MCD Special Permit thresholds are triggered. I attach the occupancy analysis and the MCD analysis to this letter. Based on these analyses and the existence of duly issued building permits for the renovation, it is our opinion that an MCD Special Permit is not required in order to continue renovating the existing structure.

Sincerely,

Richard P. Beaudette

Straight Wharf / Commercial Wharf/ Old South Wharf

Special Permit Analysis

Nantucket Zoning – Why wharf uses do not trigger Special Permit Requirements

- There is a two-pronged test of whether commercial structures or uses (the “**Commercial Property**”) constitute a “major commercial development” (“**MCD**”) under Section 139-11 of the Nantucket Zoning By-Law:
 - The Commercial Property must be “a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed *[emphasis added]* on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control . . .”
 - The Commercial Property must be of one of the sizes and uses specified in 139-11(B)(1)-(8), which include, e.g., restaurants of a “rated legal occupancy of 100 or more.”
- Both the Walters Fish Market Building at 4 Harbor Square on Straight Wharf and the other restaurants on Straight Wharf and Old South Wharf are existing and no new structure is “proposed to be constructed”. Therefore, neither the Walters Fish Market nor the other restaurants qualify as an MCD.
- A supplementary set of criteria for being an MCD is given at 139-11(C):
 - “Pre-existing nonconforming uses shall be subject to this subsection when any extended or altered portion of the commercial uses(s), added together starting from the effective date *[of the MCD requirement]* (April 4, 1979), as amended) meets or exceeds the criteria of Subsection B above, which defines a MCD.”
 - The proposed restaurant use at 4 Harbor Square is allowed as-of-right and is, therefore, not a pre-existing nonconforming use subject to 139-11(C).
 - The uses at the Nantucket Boat Basin, on Straight Wharf and Old South Wharf are not pre-existing nonconforming uses so extensions or alterations of those uses are not subject to the supplementary criteria quoted above.
- Therefore, nothing about the Walters Fish Market project triggers any MCD requirements.
- Restaurants of over 70 seats require a Special Permit.
 - Walters Fish Market will have fewer than 70 seats, so no special permit is required.

Straight Wharf Fish Restaurant Occupancy Count

Per code calculations, the total occupancy of the building is 74 occupants. It should be noted that this also includes outdoor dining (see below), which is generally not included in Building Occupancy calculations for egress purposes.

The restaurant has a maximum occupancy count of 63.

Outdoor seating: 12

Fixed Banquette seating: 18

Restaurant: 30 (15 net sf/occupant)

The other areas of the building has an occupancy of 14.

Commercial Kitchen: 3 (200 gross sf/occupant)

Fish Market (Mercantile): 8 (60 gross sf/occupant)

Office (Business): 1 (100 gross sf/occupant)

Storage (Mercantile Storage): 2 (300 gross sf/occupant)

Total Restaurant Occupancy with outdoor seating: 63

Total Restaurant Occupancy without outdoor seating: 51

39 MONOMOY ROAD LLC

File No. 08-23

39 MONOMOY ROAD

SPECIAL PERMIT



2023 MAY -6 PM 2:43

**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. 08-23

Owner's name(s): 39 Monomoy Road LLC

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

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

Applicant's name(s): Same

Mailing Address: Same

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

Locus Address: 39 Monomoy Road **Assessor's Map/Parcel:** 54-79

Land Court Plan. 16289-F, Lot 9, and 16289-G, Lot 12

Certificate of Title: 28808; 29060 **Zoning District** Limited Use General-1 (LUG-1)

Uses on Lot- Commercial: None

Residential: Number of dwellings One **Duplex** No **Apartments** No

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

Building Permit Numbers:

Previous Zoning Board Application Numbers:

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

The applicant proposes to construct alterations to the pre-existing, nonconforming single-family dwelling upon locus, which is nonconforming as to front yard setback (9.6± feet, with 35 feet required in this LUG-1 district), as to side yard setback 5.7 feet, with 10 feet required in this district) and as to ground cover ratio (9.5%, with 7% being the maximum in this district). No new nonconformities will be created, and no existing nonconformities will be increased. Front yard setback will be increased from 9.6± feet to 9.9± feet; the portion of the dwelling now situated within the front yard setback is being relocated and reconstructed. The nonconformity in side yard setback will be eliminated. The nonconforming ground cover ratio will be unchanged. Accordingly, the applicant requests a Special Permit under Nantucket Zoning By-law §139-33.A for the alteration of the pre-existing, nonconforming dwelling upon locus, without increasing any nonconformity or creating any new nonconformity, and specifically also a Special Permit under §139-33.A(4) for the removal and reconstruction of a portion of the nonconforming structure situated within the front yard setback.

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: 39 Monomoy Road LLC Owner*

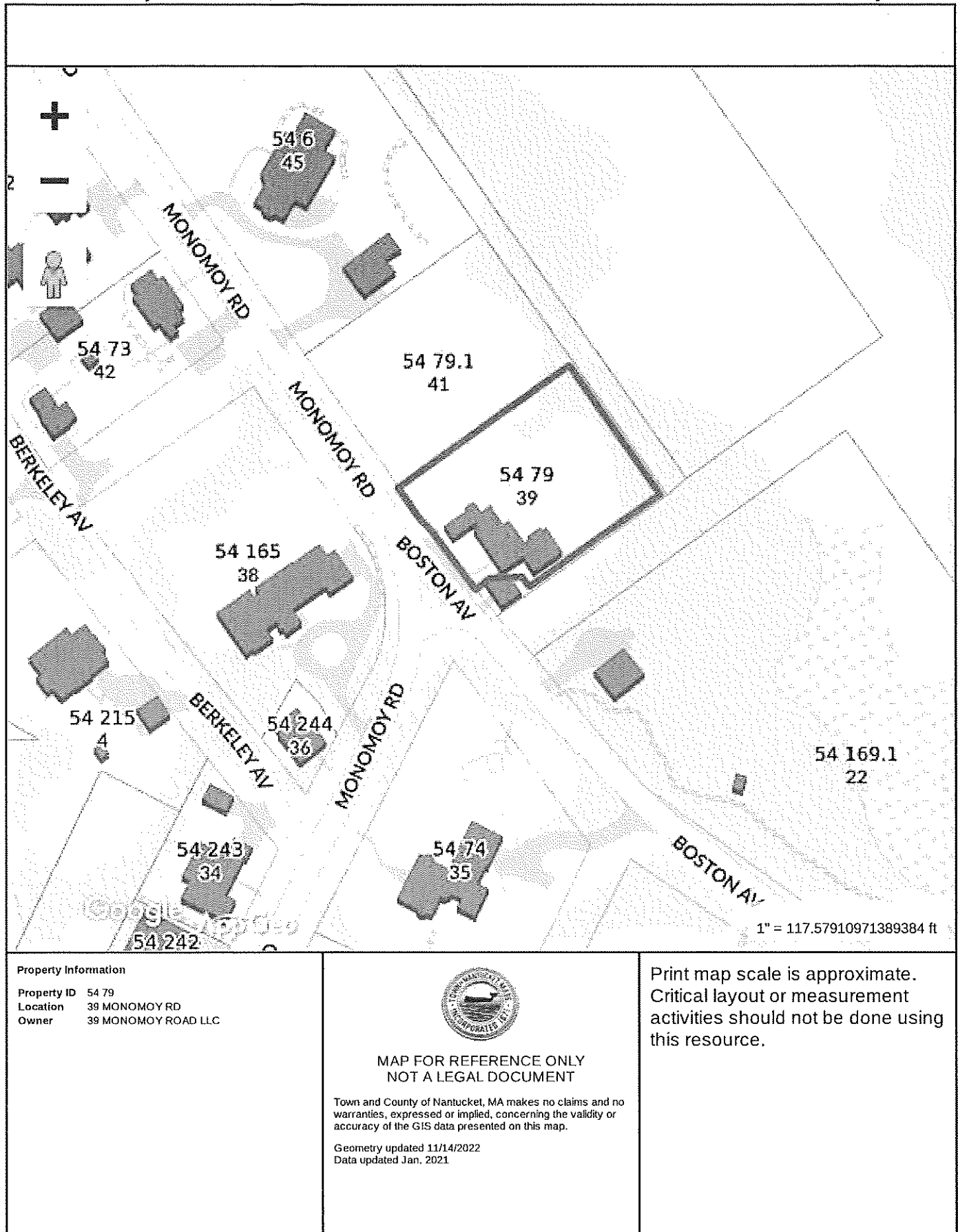
By:

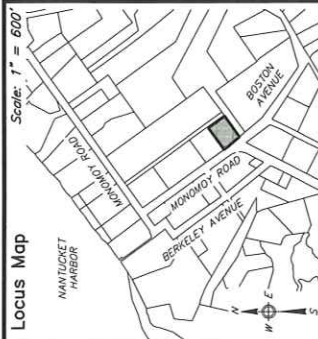
SIGNATURE: Arthur I. Reade, Jr. Applicant/Attorney/Agent

Arthur I. Reade, Jr.

OFFICE USE ONLY

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





- ### Notes
- LOCUS: 39 MONOMOY ROAD, MAP 54, PARCEL 79
 - OWNERS: 39 MONOMOY ROAD LLC, 18 COREY LANE, READING, MA 01867
 - DEED REF: Cert. #28808 & #28660
 - PLAN REF: L.C. PLAN 16289-F (LOT 9) AND L.C. PLAN 16289-G (LOT 12)
 - SEE PLAN OF LAND OWNED BY 39 MONOMOY ROAD LLC AND 41 MONOMOY ROAD LLC DATED MAY 26, 2022.
 - LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 08/09/2014.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS PRIORITIZED FOR PROTECTION AND PRESERVATION OF RARE SPECIES.

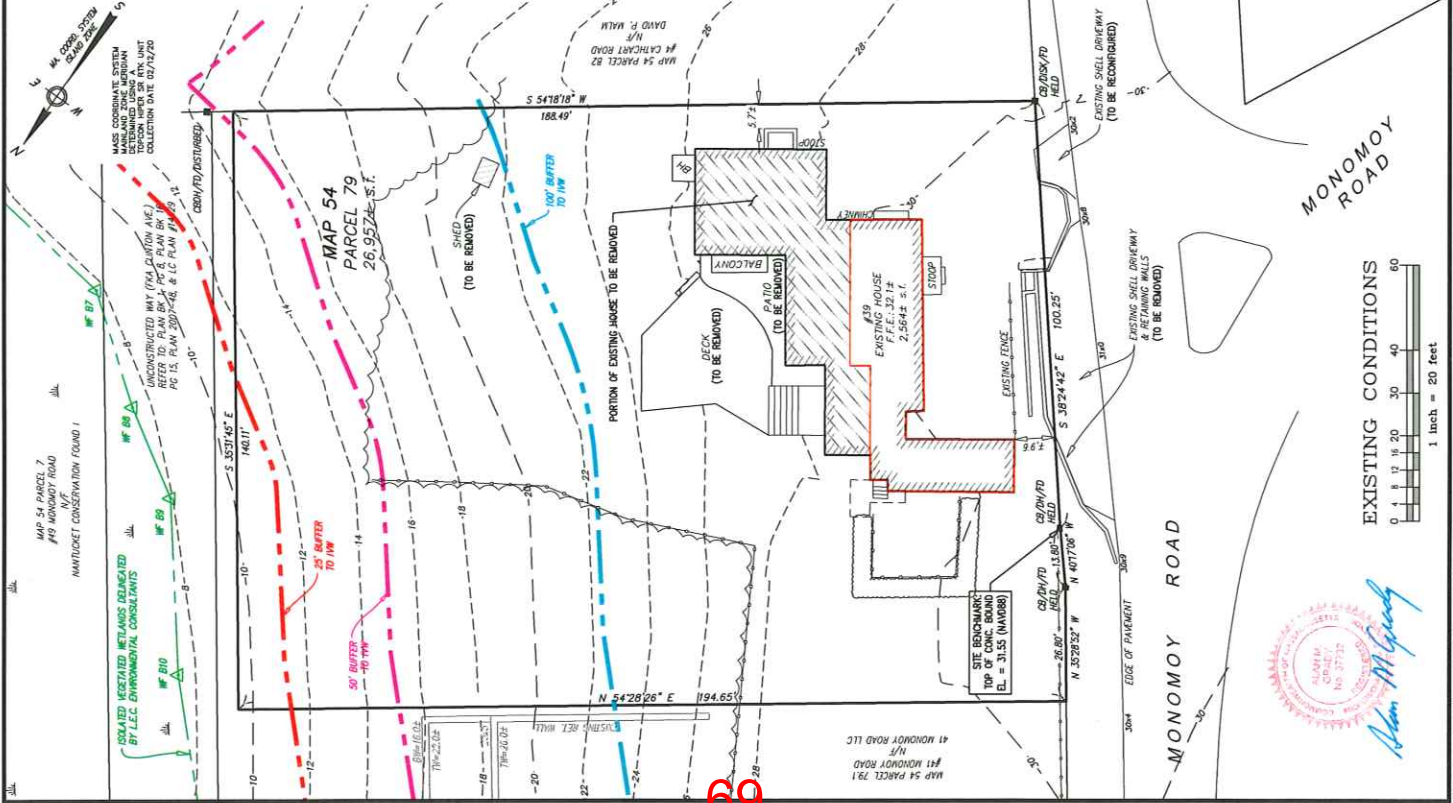
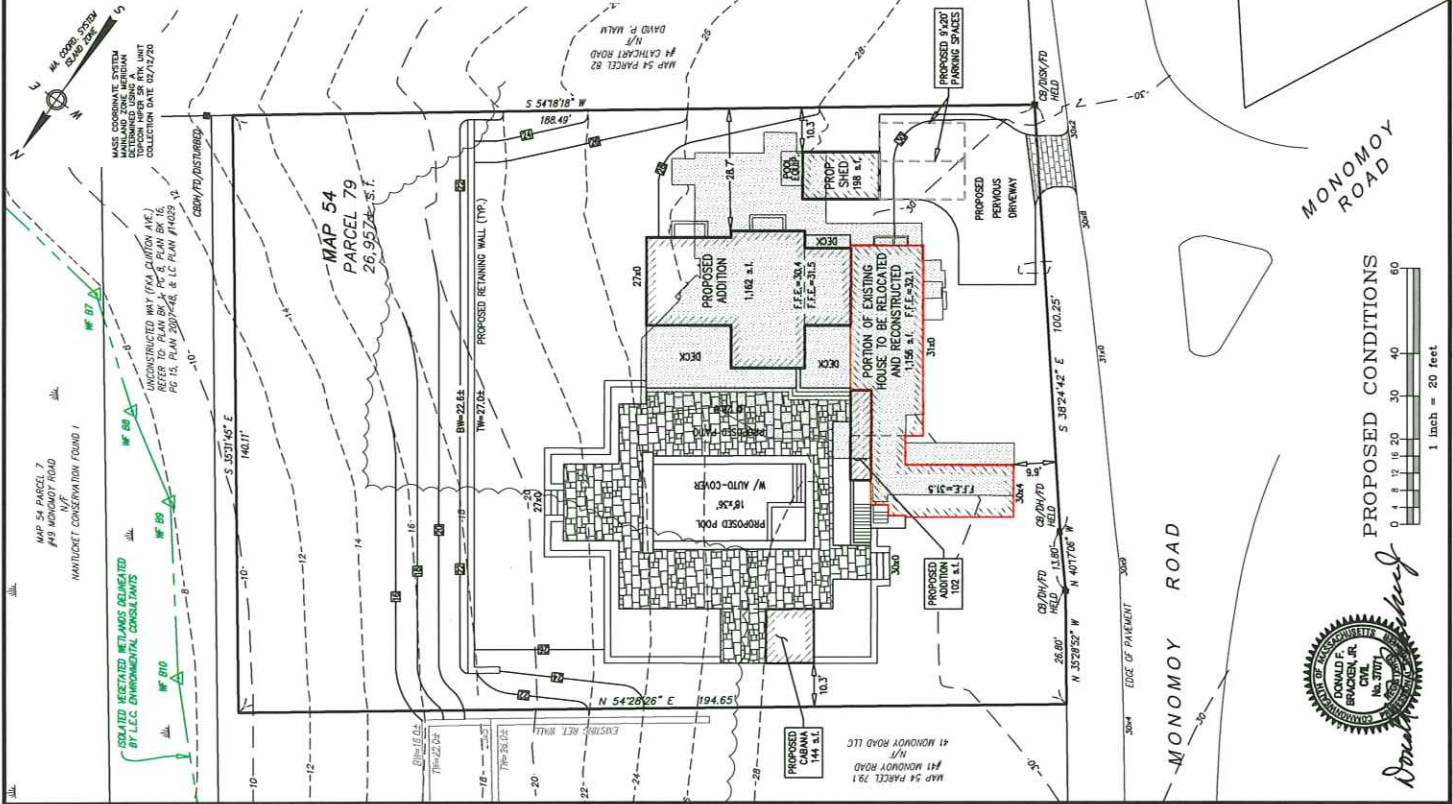
ZONE: LUG-1

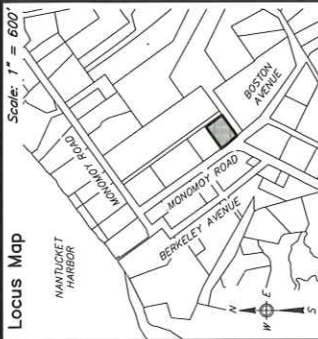
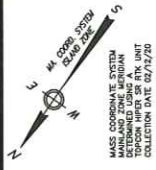
REQUIRED	EXISTING	PROPOSED
LOT AREA	40,000 s.f.	26,878 s.f.
FRONTAGE	100'	140.85'
DEPTHS	30'	9.71'
SEE REAR YARD	78'	9.55'
GROUND COVER	-	(2.56% ±)
PARKING SPACES	2	2

Prepared By:
BRACKEN
 ENGINEERING INC.
 49 HERRING POND ROAD
 BUZZARDS BAY, MA 02532
 (Tel) 508.833.0079
 (Fax) 508.833.2232
 www.brackeneng.com

PROPOSED SITE PLAN TO ACCOMPANY A SPECIAL PERMIT APPLICATION IN NANTUCKET, MASSACHUSETTS
 Prepared For:
39 MONOMOY ROAD LLC
 #39 MONOMOY ROAD
 MAP 54, PARCEL 79

No.	Date	Revision Description	Drawn	Checked	Sheet
1	MAY 8, 2023	RAW/REI	DBS/AMC	1 of 1	





- Notes**
- LOCUS: #39 MONOMOY ROAD, MAP 54, PARCEL 79
 - OWNERS: 39 MONOMOY ROAD LLC, 18 COREY LANE, READING, MA 01867
 - DEED REF: Cert. #28808 & #29060
 - PLAN REF: L.C. PLAN 16289-F (LOT 9) AND L.C. PLAN 16289-G (LOT 12)
 - SEE PLAN OF LAND OWNED BY 39 MONOMOY ROAD LLC AND 41 MONOMOY ROAD LLC DATED MAY 26, 2022, ENFORCED ON JUNE 13, 2022.
 - LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 25078C-0889-C dated 08/09/2014.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AREA AS SHOWN ON THE SPECIAL MANAGEMENT AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.

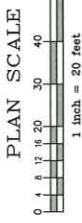
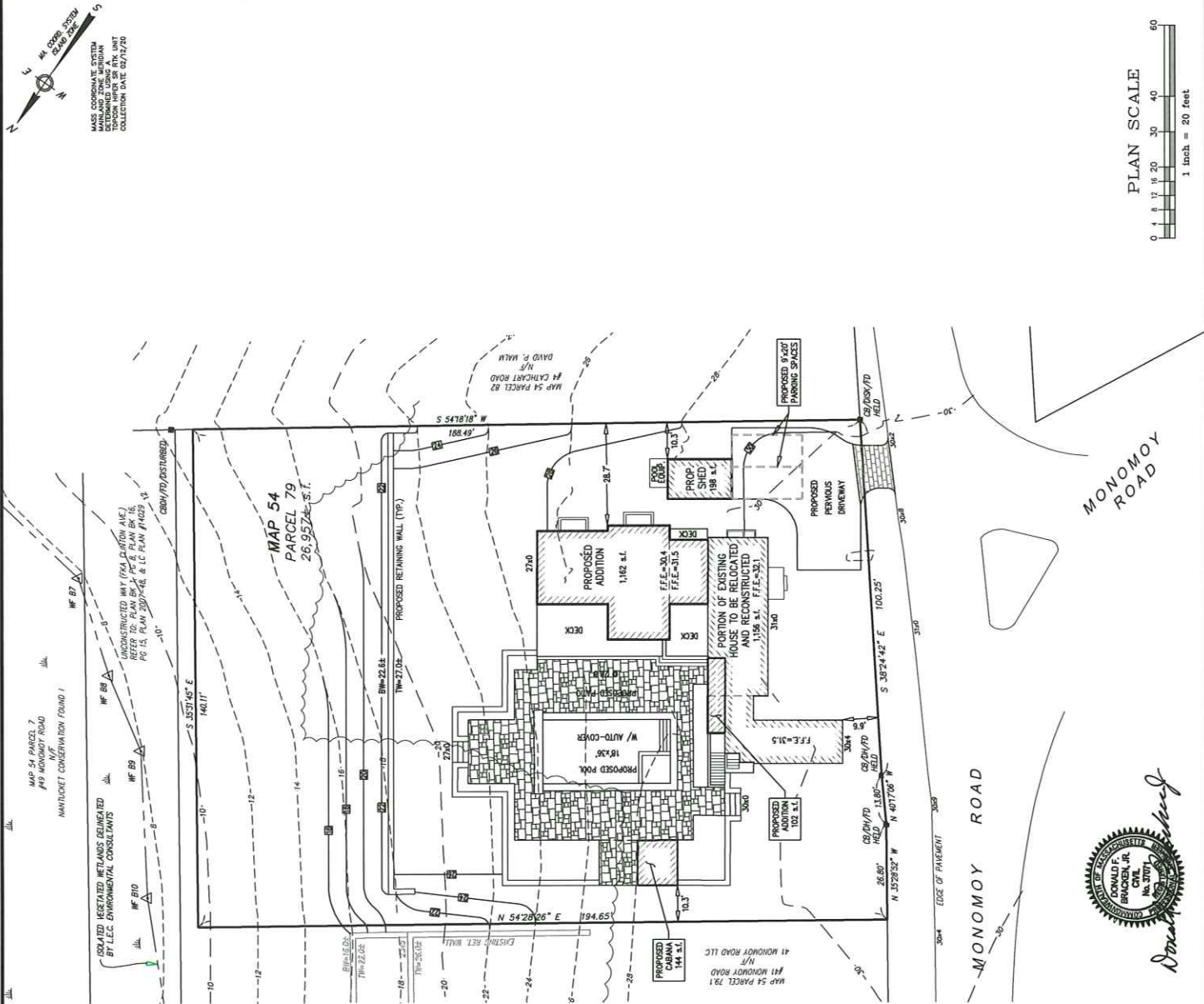
ZONE: LUG-1

	REQUIRED	EXISTING	PROPOSED
LOT AREA	40,000 s.f.	28,870 s.f.	28,870 s.f.
FRONTAGE	100'	140.85'	140.85'
FRONT YARD	35'	5.6'±	9.9'±
SIDE/REAR YARD	10'	5.7'±	10.3'±
GROUND COVER	7%	5.5'±	5.5'±
		(2,564 s.f.)	(2,564 s.f.)
PARKING SPACES	2	-	2

Prepared By:
BRACKEN ENGINEERING INC.
48 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
www.brackeneng.com

PROPOSED SITE PLAN TO ACCOMPANY A SPECIAL PERMIT APPLICATION IN NANTUCKET, MASSACHUSETTS
Prepared For:
39 MONOMOY ROAD LLC
#39 MONOMOY ROAD
MAP 54, PARCEL 79

No.	Date	Revision Description	Checked	Sheet	By
	MAY 8, 2023	RAW/REI DTB/ANG		1	1 of 1



Donald F. Bracken, Jr.

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... 39 Monomoy Road, LLC c/o Brian Fogarty
MAILING ADDRESS..... 18 Cory Lane, Reading, MA 01867
PROPERTY LOCATION..... 39 Monomoy Road
ASSESSOR MAP/PARCEL..... Map 54, Parcel 79
SUBMITTED BY..... Penni Pomeroy
Bracken Engineering, Inc.
49 Herring Pond Road
Buzzards Bay, MA 02532

SEE ATTACHED PAGES

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

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2023.01.18 15:48:20 -05'00'

01-18-2023

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Out	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
54	6		WECKER DAVID TRST ETAL		190 HAWTHORN AVE	GLENCOE	IL	60022	45 MONOMOY RD
54	7		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	49 MONOMOY RD
54	8		MALM DAVID P		220 BOYLSTON ST #9008	BOSTON	MA	02116	4 CATHCART RD
54	73		42 MONOMOY LLC	C/O MINTZ LEVIN	ONE FINANCIAL CENTER	BOSTON	MA	02111	42 MONOMOY RD
54	74		WILMOT MARK S		33-35 MONOMOY RD	NANTUCKET	MA	02554	35 MONOMOY RD
54	79		ARCHER YVONNE S ETAL TRUSTEES		18 CORY LN	READING	MA	01867	39 MONOMOY RD
54	79	1	ARCHER YVONNE S ETAL TRST		18 CORY LN	READING	MA	01867	41 MONOMOY RD
54	165		JP MORGAN TRUST CO TRST ETAL	OTIS BOOTH FAMILY TRUST	500 STANTON CHRISTIANA RD C/O MEGHAN EBEID	NEWARK	DE	19713	38 MONOMOY RD
54	169	1	NICHOLSON SAMUEL M TR		PO BOX 373	NANTUCKET	MA	02554	22 BREWSTER RD
54	215		LANDRETH ROBERT E		1600 COUNTRY CLUB RD	MIDLAND	TX	79701	4 BERKELEY AV
54	220	1	WYNNEMER LLC		259 LITTLE CREEK RD	LANCASTER	PA	17601	5 BOSTON AV
54	243		REDAN MONOMOY HOLDINGS LLC		1111 CAROLINE ST #2306	HOUSTON	TX	77010	34 MONOMOY RD
54	244		JP MORGAN TRUST CO TRST ETAL	OTIS BOOTH FAMILY TRUST	500 STANTON CHRISTIANA RD	NEWARK	DE	19713	36 MONOMOY RD

Count: 13

WECKER DAVID TRST ETAL
190 HAWTHORN AVE
GLENCOE, IL 60022

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

MALM DAVID P
220 BOYLSTON ST #9009
BOSTON, MA 02116

42 MONOMOY LLC
C/O MINTZ LEVIN
ONE FINANCIAL CENTER
BOSTON, MA 02111

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

~~ARCHER YVONNE S ETAL TRUSTEES
C/O BRIAN FOGARTY Applicant
18 CORY LN
READING, MA 01867~~

~~ARCHER YVONNE S ETAL TRST
C/O BRIAN FOGARTY
18 CORY LN Applicant
READING, MA 01867~~

JP MORGAN TRUST CO TRST ETAL
OTIS BOOTH FAMILY TRUST
500 STANTON CHRISTIANA RD C/O
MEGHAN EBEID
NEWARK, DE 19713

NICHOLSON SAMUEL M TR
PO BOX 373
NANTUCKET, MA 02554

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

WYNNEMER LLC
259 LITTLE CREEK RD
LANCASTER, PA 17601

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

JP MORGAN TRUST CO TRST ETAL
OTIS BOOTH FAMILY TRUST
500 STANTON CHRISTIANA RD
NEWARK, DE 19713

Edward V. Lahey, Jr,
Trustee of Boathouse Realty
Trust

File No. 09-23

52 Warren's Landing Road

VARIANCE



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

2023 MAY -6 PM 2:45



APPLICATION

Fee: \$450.00

File No. 09-23

Owner's name(s): Edward V. Lahey, Jr., Trustee of Boathouse Realty Trust

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

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

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail: Same

Yes

Locus Address: 52 Warren's Landing Road Assessor's Map/Parcel: 38-29

Land Court Plan 15400-A2, Lots B-1 and B-2

Certificate of Title: 16450 Zoning District Limited Use General-3 (LUG-3)

Uses on Lot- Commercial: None

Residential: Number of dwellings One Duplex No Apartments No

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

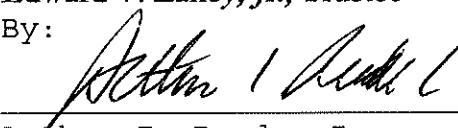
Building Permit Numbers:

Previous Zoning Board Application Numbers:

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

The applicant wishes to relocate the existing single-family dwelling upon the locus, now situated in close proximity to the coastal bank, to a location as far away from the coastal bank as reasonably possible. Locus, which is a lot of record having been in separate ownership from all adjacent land since a time prior to the 1972 adoption of the Nantucket zoning by-law, contains 10,961± square feet in area; minimum lot area in this LUG-3 zoning district is 120,000 square feet. It is severely constrained by wetland resource areas. Based upon plans which have been submitted to and approved by the Nantucket Conservation Commission, the relocated dwelling will be sited about 24 feet from Warren's Landing Road at its closest point (minimum front yard setback in this district is 35 feet. The dwelling is technically now in compliance as to front yard setback, which can be measured from an unnamed, unconstructed "private way" along the easterly boundary of locus; however, the relocated structure will be sited about 14 feet from the private way, and the wetlands constraints do not allow for the structure to be any further from Warren's Landing Road. The relocated structure will comply with minimum side and rear yard setback (10 feet for this lot of record in LUG-3 zoning) and with the maximum ground cover requirement (1,500 square feet for this lot of record containing over 5,000 square feet). Accordingly, and because of the unique soil conditions and topography affecting locus but not generally affecting the LUG-3 zoning district, the applicant requests the granting of a Variance from the front yard setback requirement of 35 feet in the LUG-3 district to enable the siting of the relocated house as close as 24 feet from Warren's Landing Road.

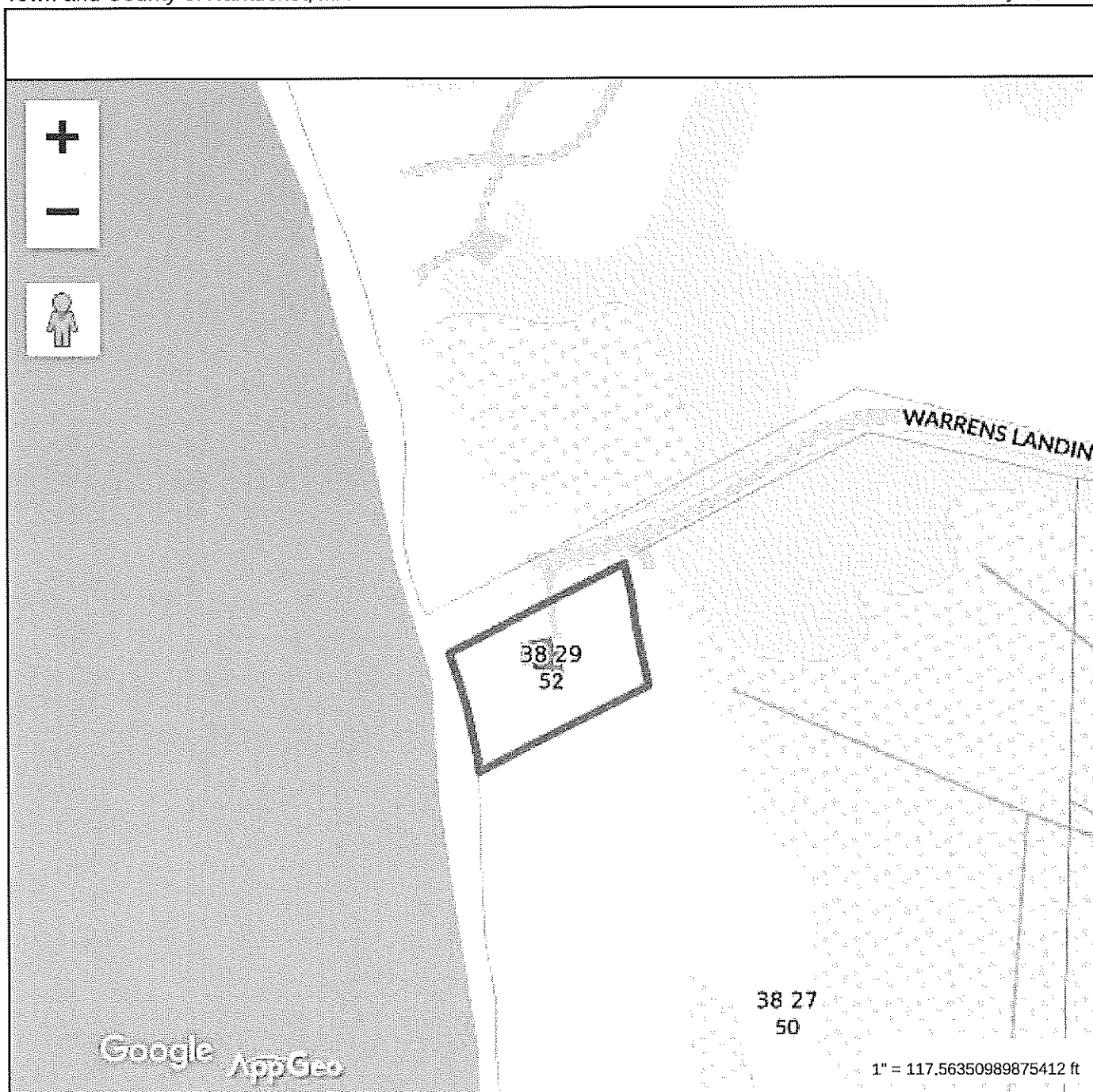
I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Edward V. Lahey, Jr., Trustee Owner*
By: 

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

OFFICE USE ONLY

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



Property Information

Property ID 38 29
Location 52 WARRENS LANDING RD
Owner LAHEY EDWARD V JR 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.

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE:	120,000 S.F.	Proposed:	10,912± S.F.
MINIMUM FRONTAGE:	200 FT.		SEE PLAN
FRONT YARD SETBACK:	35 FT.		SEE PLAN
REAR/SIDE SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		5.4% ±

WARREN'S LANDING ROAD

MADAKET

SHORELINE PER
LAND COURT
PLAN 15400 A2
(SCALED)

HARBOR

TOP OF
COASTAL BANK

PROPOSED
PARKING

EDGE OF DIRT ROAD

120'± TO LAND COURT SHORELINE
86.13'

PROPOSED
RELOCATED
STRUCTURE
591± S.F.

LOT B1
LOT B2

WAY
UNCONSTRUCTED

MASS ISLAND ZONE SPCS

BVW-23

BORDERING
VEGETATED WETLAND
& SALT MARSH

dhCB FOUND
09/01/2022

BVW-22

BVW-21

38-27
N/F

NANTUCKET CONSERVATION FOUNDATION, INC.
CERT. #15916
L.C.C. 15400-A2, LOT B3
#50 WARREN'S LANDING ROAD

BVW-20

dhCB FOUND
09/01/2022

COASTAL DUNE

107'± TO LAND COURT SHORELINE



LEGEND

dhCB FOUND
09/01/2022 ■ DENOTES CONCRETE MONUMENT
WITH DRILL HOLE FOUND

○ DENOTES RESOURCE AREA DELINEATION
BY HAINES HYDROGEOLOGIC CONSULTANTS

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.

Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application

in
Nantucket, Mass.

SCALE: 1"= 10' DATE: MAY 10, 2023

EDWARD V. LAHEY, JR., TRUSTEE
BOATHOUSE REALTY TRUST

Owners: . . .

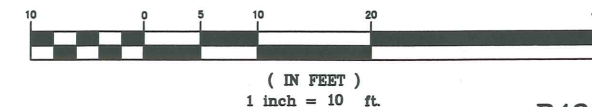
Cert.: 16450 . . . Plan: 15400-A2, LOTS B1 & B2.

Tax Map-Parcel: . . . 38-29 . . .

Locus: . . . #52, WARREN'S LANDING ROAD . . .

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

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

B4204

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

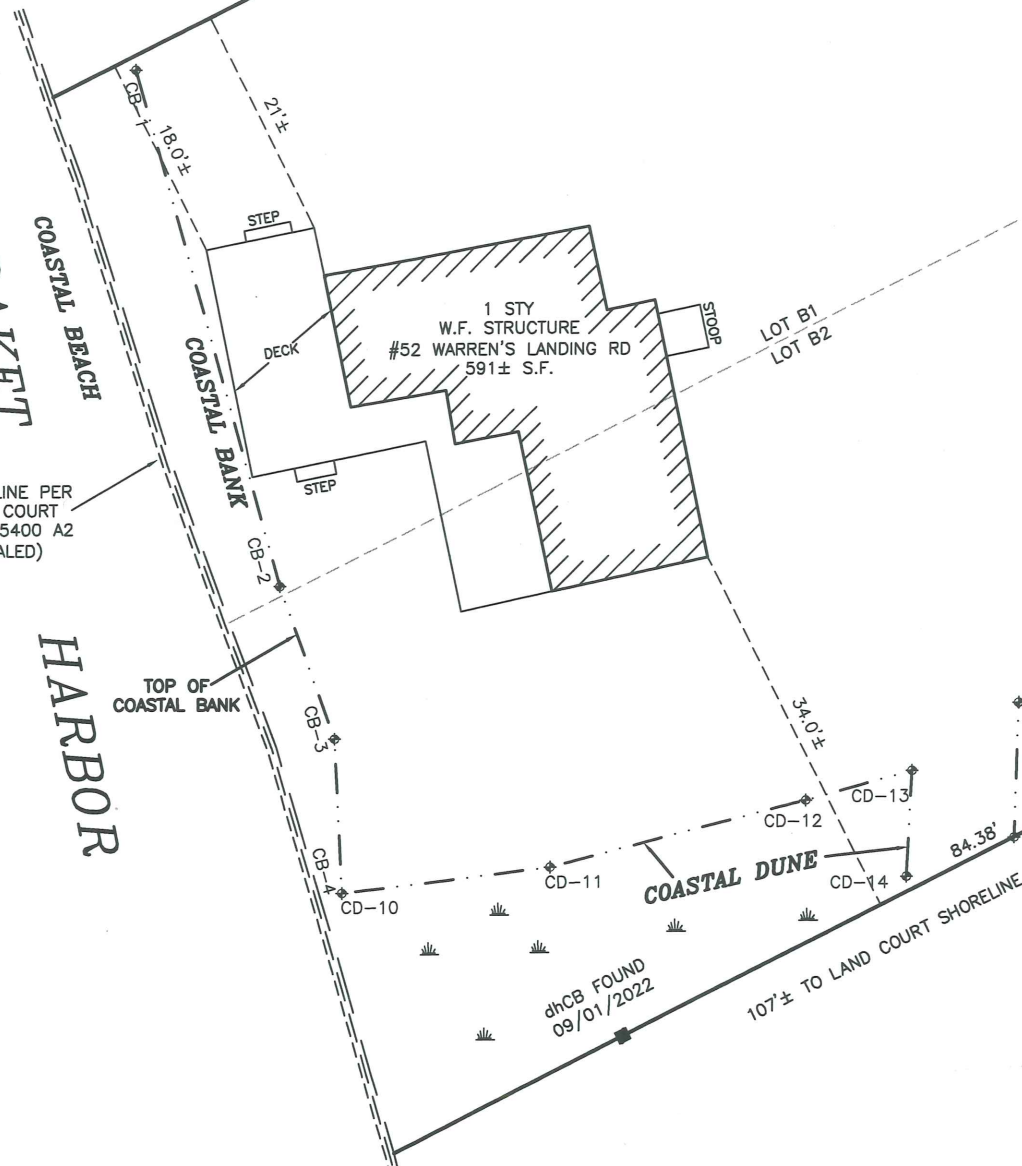
MINIMUM LOT SIZE:	120,000 S.F.	Existing:	10,912± S.F.
MINIMUM FRONTAGE:	200 FT.		SEE PLAN
FRONT YARD SETBACK:	35 FT.		SEE PLAN
REAR/SIDE SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		5.4% ±

WARREN'S LANDING ROAD

MADAKET

SHORELINE PER
LAND COURT
PLAN 15400 A2
(SCALED)

HARBOR



EDGE OF DIRT ROAD

120'± TO LAND COURT SHORELINE
86.13'

WAY
UNCONSTRUCTED
50.00'

MASS ISLAND ZONE SPCS

BVW-23

BORDERING
VEGETATED WETLAND
& SALT MARSH

BVW-22

dhCB FOUND
09/01/2022

38-27
N/F

NANTUCKET CONSERVATION FOUNDATION, INC.

CERT. #15916

L.C.C. 15400-A2, LOT B3

#50 WARREN'S LANDING ROAD

BVW-20

BVW-21

107'± TO LAND COURT SHORELINE
84.38'

dhCB FOUND
09/01/2022

COASTAL DUNE

TOP OF
COASTAL BANK

COASTAL BANK

DECK

STEP

STEP

dhCB FOUND
09/01/2022

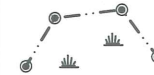
1 STY
W.F. STRUCTURE
#52 WARREN'S LANDING RD
591± S.F.

LOT B1
LOT B2

LEGEND

dhCB FOUND
09/01/2022

DENOTES CONCRETE MONUMENT
WITH DRILL HOLE FOUND



DENOTES RESOURCE AREA DELINEATION
BY HAINES HYDROGEOLOGIC CONSULTANTS

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

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© Blackwell & Associates Inc.

Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

in
Nantucket, Mass.

SCALE: 1"= 10' DATE: MAY 10, 2023

EDWARD V. LAHEY, JR., TRUSTEE
BOATHOUSE REALTY TRUST

Owners: . . .

Cert.: 16450 . . . Plan: 15400-A2, LOTS B1 & B2.

Tax Map-Parcel: . . . 38-29 . . .

Locus: . . . #52, WARREN'S LANDING ROAD . . .

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

GRAPHIC SCALE

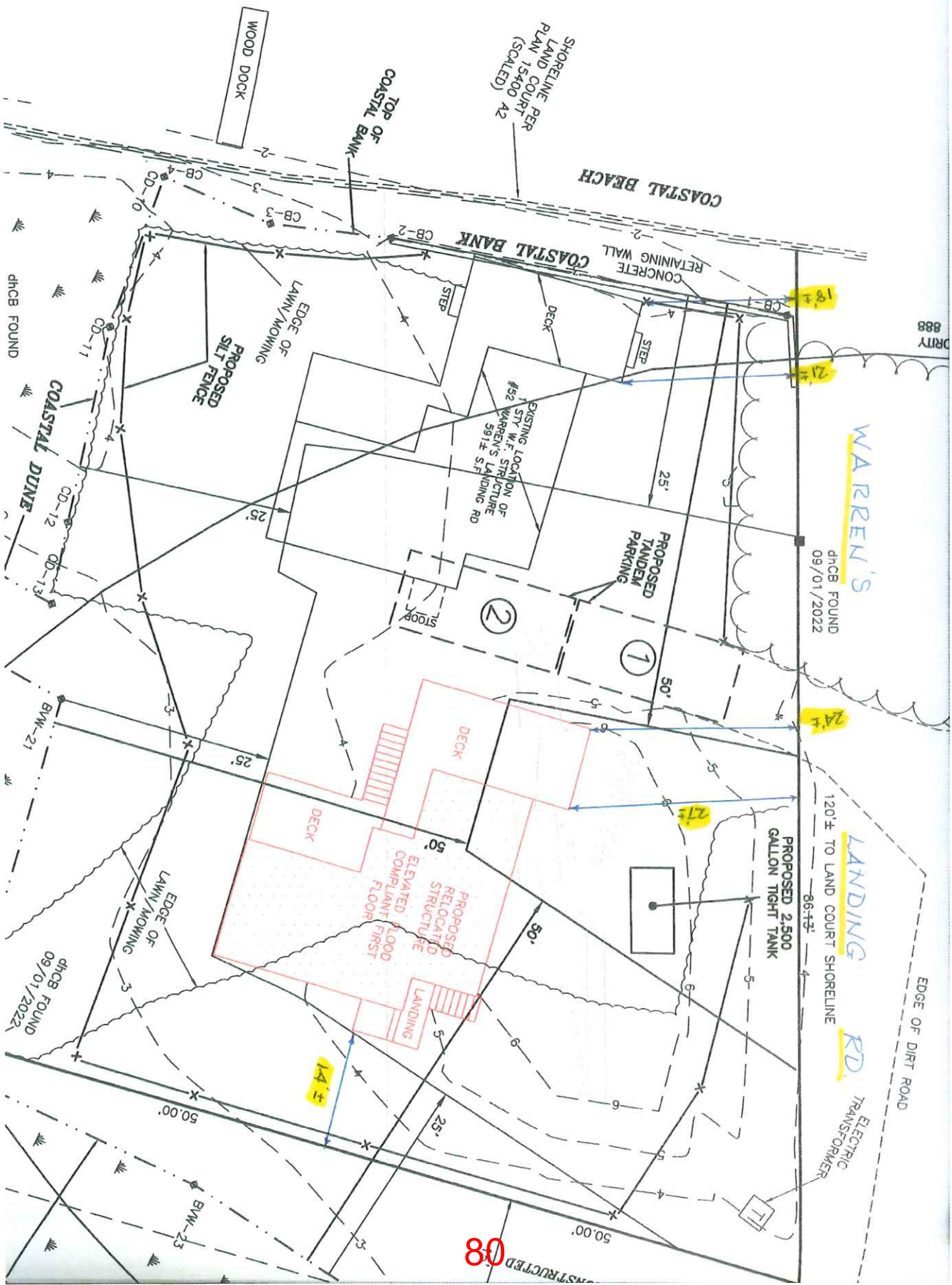


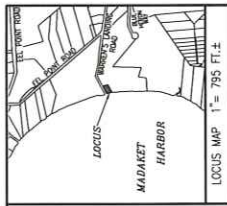
(IN FEET)
1 inch = 10 ft.

T:\LEO 25 JOB 154

B4204

MADAVAT





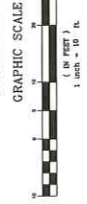
LEGEND

- EXISTING CONCRETE MONUMENT WITH DRILL HOLE FOUND 09/01/2022
- EXISTING RESISTANCE AREA DEMONSTRATION BY HANDS HYDROLOGIC CONSULTANTS
- EXISTING PROPOSED SUE FENCE
- EXISTING SEPTIC TANK
- EXISTING PUMP CHAMBER
- EXISTING PARKING SPACE

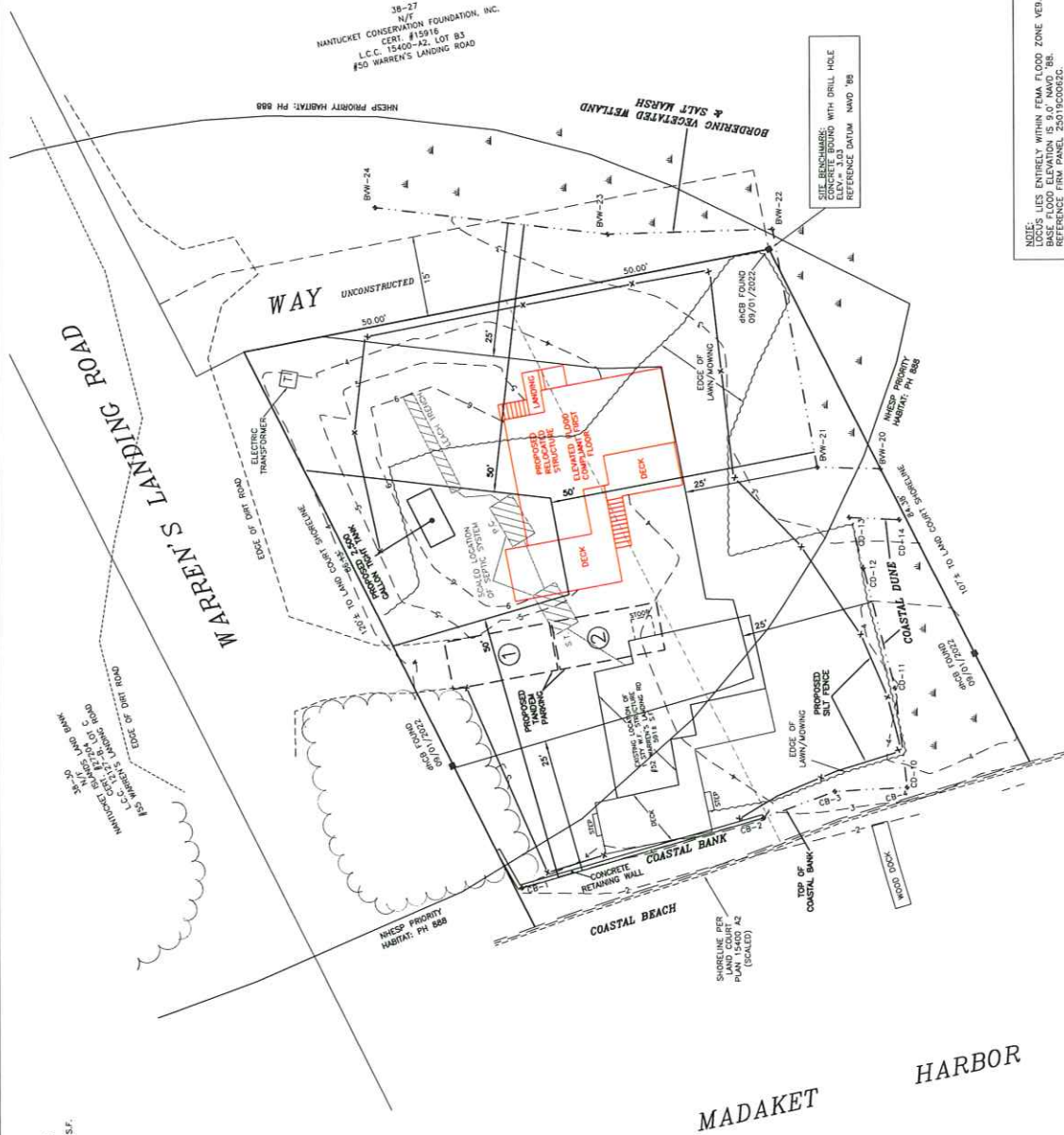
MASS ISLAND ZONE SPCS

Site Plan of Land To Accompany a Notice of Intent in Nantucket, Mass. Prepared for **EDWARD V. LAHEY, JR.** Scale: 1" = 10' February 23, 2023

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
NANTUCKET, MASS. 02554
(508) 228-3026



B4204



NOTE:
LOCUS LIES ENTIRELY WITHIN FEMA FLOOD ZONE VEB.
BASE FLOOD ELEVATION IS 9.0' NAVD '88.
REFERENCE FIRM PANEL 25019C000320.

NOTE:
LOCUS LIES ENTIRELY WITHIN A BARRIER BEACH
RESISTANCE AREA.

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG-3)
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
MINIMUM DEPTH: 100 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER %: 35

OWNER INFORMATION
EDWARD V. LAHEY, JR., TRUSTEE
EDWARD V. LAHEY, JR., TRUSTEE
L.C.C. 15400-A2, LOT B-1 & B-2
850 WARREN'S LANDING ROAD
P52 WARREN'S LANDING ROAD

T/LED 25 JOB 154

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Edward V. Lahey, Jr., Trustee of Boathouse Realty Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 52 Warren's Landing Road
ASSESSOR MAP/PARCEL..... Map 38, Parcel 29
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

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

May 8, 2023

DATE

Mary L.
Haley

Digitally signed
by Mary L. Haley
Date: 2023.05.08
11:25:29 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
38	27		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	50 WARRENS LANDING RD
38	30		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	55 WARRENS LANDING RD
Count:		2							

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

NANTUCKET
COTTAGE
HOSPITAL

File No. 10-23

16 VESPER LANE

VARIANCE

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

RECEIVED
TOWN CLERK
2023 MAY 12 PM 12:58

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

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Friday, May 12, 2023

HAND DELIVERY

Nancy Holmes, Nantucket Town and County Clerk
16 Broad Street
Nantucket, MA 02554

Re: Zoning Board of Appeals Application
16 Vesper Lane, Nantucket, MA 02554

Dear Nancy:

I represent the Applicant in the above-captioned matter. You are hereby notified that my client has submitted the enclosed Application to the Nantucket Zoning Board of Appeals related to the real property it owns at 16 Vesper Lane, Nantucket Town and County, Commonwealth of Massachusetts.

Please let me know if you have any questions or need any additional information.

Sincerely



Richard P. Beaudette, Esq.

Enc.

cc: Nantucket Cottage Hospital

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

Friday, May 12, 2023

EMAIL AND HAND DELIVERY

Leslie Woodson Snell
Deputy Director of Planning
Zoning Administrator
2 Fairgrounds Road
Nantucket, MA 02554

Re: Zoning Board of Appeals Application
16 Vesper Lane, Nantucket, MA 02554

Dear Leslie:

My office represents Nantucket Cottage Hospital in the above-referenced matter.

Enclosed, please find a Zoning Board of Appeals application, including the following:

1. Completed application page, with an addendum;
2. The locus plan from the Nantucket Tax Assessor's map book;
3. Surveyed proposed conditions plan;
4. Historical plans of the site;
5. A certified abutters list (including the original stamped assessor's copy);
6. Two (2) separate sets of addressed mailing labels based on the abutter's list provided by the Tax Assessor's office.
7. A check for \$450 made payable to the Town of Nantucket.

Please place this matter on the Zoning Board of Appeals June 8, 2023 agenda. Please let me know if you have any questions. I am available by phone at 508-228-4455 or by email at: rick@nantucketlawfirm.com.

Sincerely,



Richard P. Beaudette, Esq.

Enc.

cc: Nantucket Cottage Hospital



**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. 10-23

Owner's name(s): Nantucket Cottage Hospital

Mailing address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: Alee109@MGB.org

Applicant's name(s): Amy Lee

Mailing Address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: Alee109@MGB.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

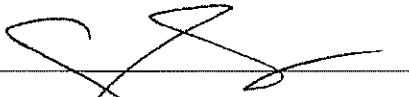
Date of Structure(s): all pre-date 7/72 _____ or N/A

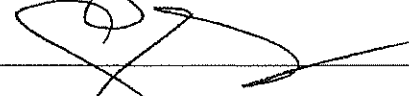
Building Permit Numbers: _____

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: X  Owner*

SIGNATURE: X  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 “Trust Parcel” on the Subdivision 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 Subdivision Plan Option 2, prepared by RJO’Connell & Associates, Inc. and dated May 4, 2023 (the “Subdivision 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 four lots, one lot for the existing building owned by the Hospital and three lots 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 Lot 3A,” “Proposed Lot 3B,” and “Proposed Lot 3C” as shown on the Subdivision Plan (the “Proposed Lots”).

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 Proposed Lots are rear lots 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 Proposed Lots 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 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 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 Proposed Lots to have 50 feet of frontage.

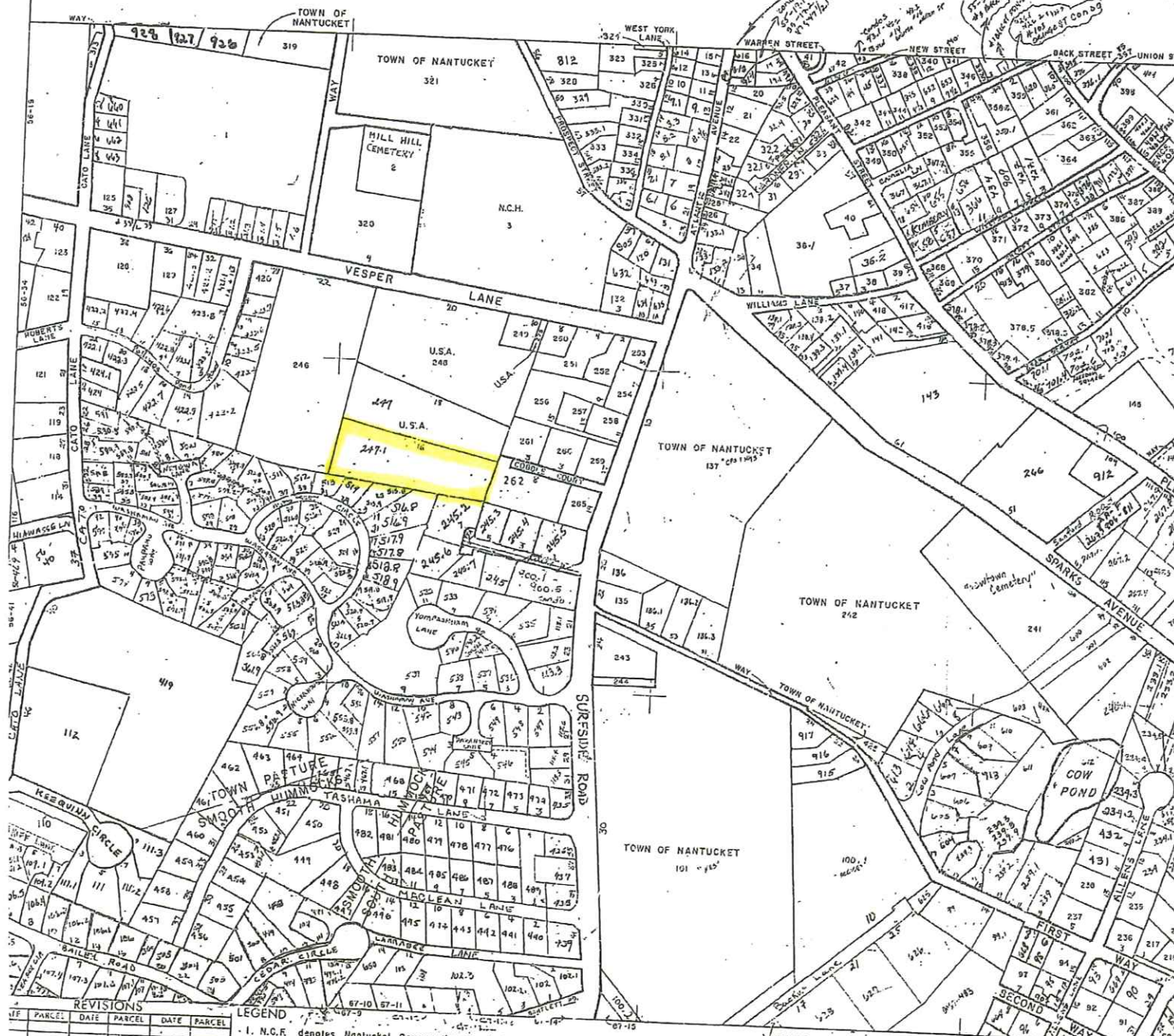
C) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

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 Proposed Lots 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.



The Town and County of
NANTUCKET
Massachusetts

REPORTED BY
**RJO'CONNELL
 & ASSOCIATES, INC.**
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 90 MONTWALL AVENUE, SUITE 201 S EIGHTH AVE, VA 97145
 PHOENIX, AZ 85016 FAX 602/955-0911
 REPORTED FOR

**NEW ENGLAND
DEVELOPMENT**

**75 PARK PLAZA
BOSTON, MA 02116
617-865-8700**

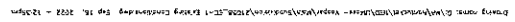
16, 18, & 20 VESPER
LANE
NANTUCKET, MA

DESIGNED BY	SPG
RWNN BY	HAA
REVIEWED BY	SPG
DATE	1" x 30"
DATE	08/16/2002
REVIEWED NAME	

EXISTING
CONDITIONS PLAN

STATE NUMBER
EC-1

REQUEST NUMBER: 21058



DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION

PREPARED BY:
**RJO'CONNELL
& ASSOCIATES, INC.**
CIVIL ENGINEER, SURVEYOR & LAND PLANNERS
101 BOWEN ROAD, SUITE 210 BIRMINGHAM, AL 35204
PHONE: (205) 944-1400 FAX: (205) 944-1405

#PREPARED FOR:
**NANTUCKET
COTTAGE HOSPITAL**
57 SOUTH PROSPECT STREET
NANTUCKET, MA 02554
(508) 824-8100

PROJECT NAME
GUIN VILLAGE AT 16,
18, & 20 VESPER LANE
NANTUCKET, MA

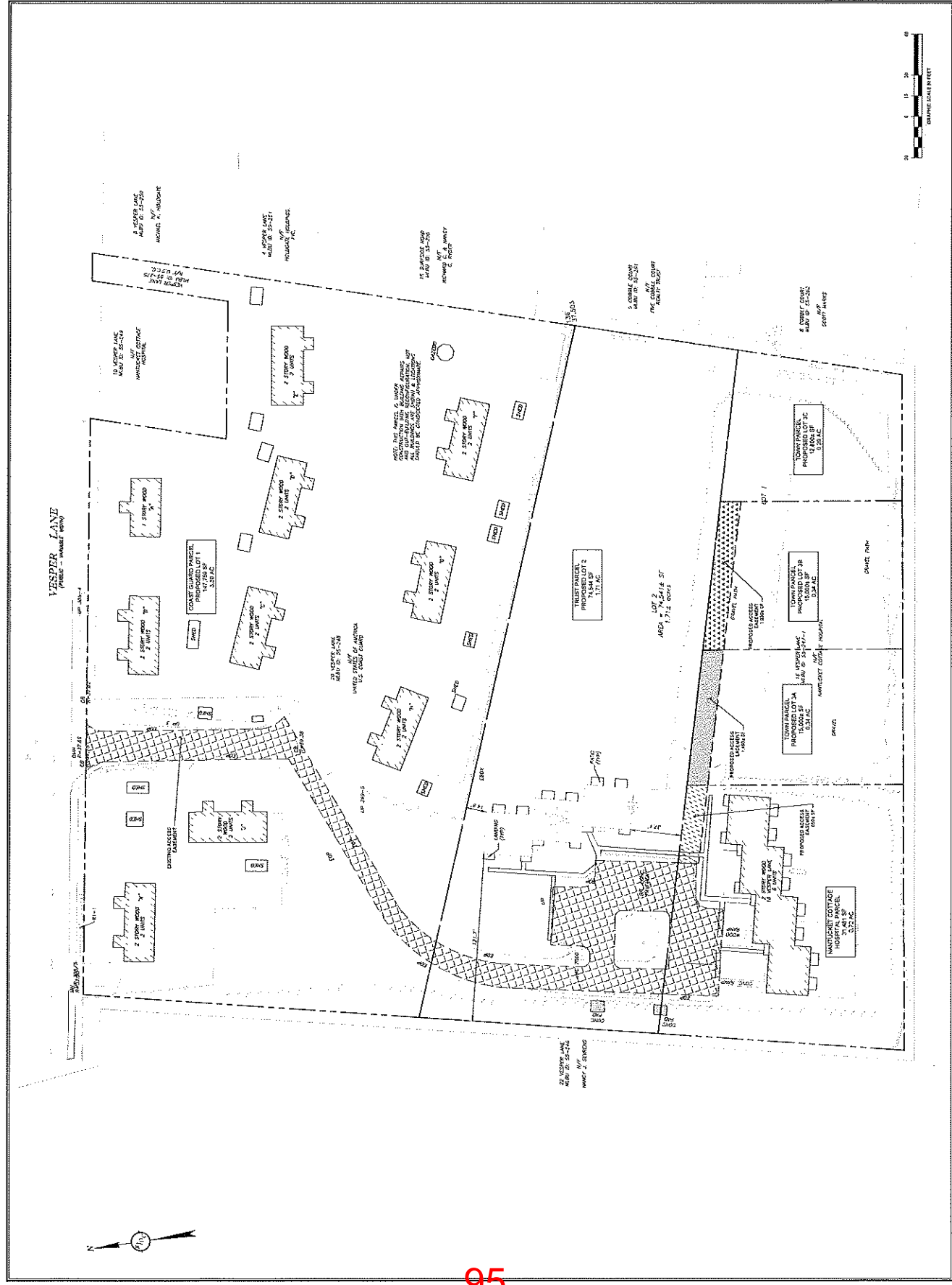
564

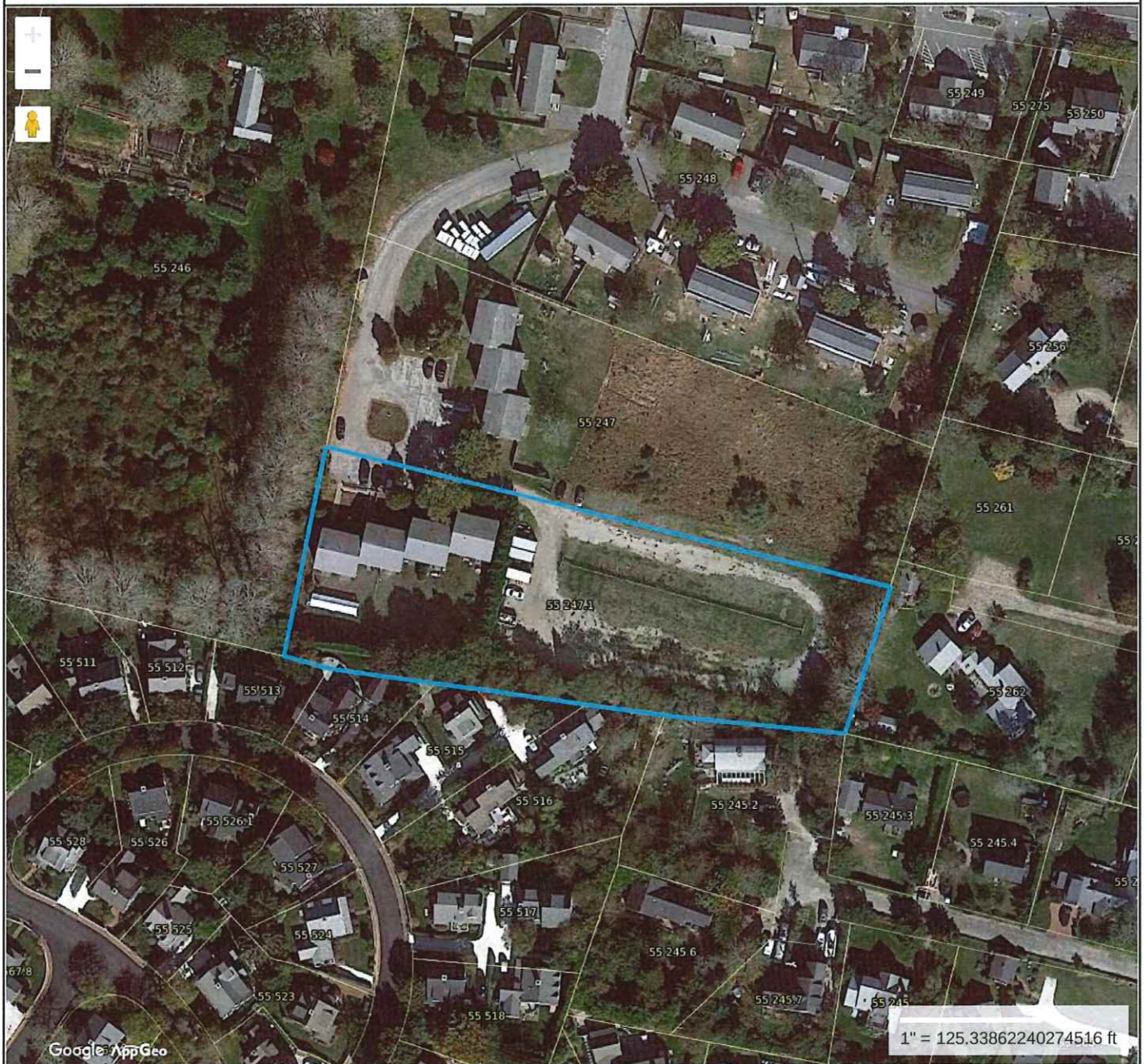
DESIGNED BY	SPG	FED	
DRAWN BY	SPG		
REVIEWED BY	SPG		
SCALE	1" = 30'		
DATE	05/06/2023		
DRAWING NAME			

SUBDIVISION PLAN
OPTION 2

DRAWING NUMBER: **OP-2**

PROJECT NUMBER: 21058





Property Information

Property ID 55 247.1
 Location 16 VESPER LN
 Owner NANTUCKET COTTAGE HOSPITAL



**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.....NANTUCKET COTTAGE HOSPITAL
C/O Beaudette and Swain, LLC
MAILING ADDRESS.....35 Old South Road, STE D, Nantucket, MA 02554
PROPERTY LOCATION.....16 VESPER LANE
ASSESSOR MAP/PARCEL.....55 / 247.1
SUBMITTED BY.....Bryan J. Swain, Esq.

SEE ATTACHED PAGES

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

May 11, 2023

DATE

Mary L.
Haley

Digitally signed
by Mary L. Haley
Date: 2023.05.11
14:53:24 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot/Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
55	245		4 ANNA DRIVE LLC	C/O BEAUDETTE AND SWAIN LLC	PO BOX 2049	NANTUCKET	MA	02584	4 ANNA DR
55	245	2	SOUTHEY DANIEL O & CURRIE MICHELE L		PO BOX 825	NANTUCKET	MA	02554	7 ANNA DR
55	245	3	MURRAY ROBERT DEAN		PO BOX 167	BOKEELIA	FL	33922	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	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	509		NASHAKUISSET COOPERATIVE INC	FINN ROBERT A JR & EIDENT JENNIFER	25 FITCH WAY	PRINCETON	NJ	08540	45 AUTOPSCOT CI
55	510	8	NASHAKUISSET COOPERATIVE INC	C/O SEEMAN WILLIAM H & ELLEN V	8 DARROWS RIDGE RD	EAST LYME	CT	06333	43 AUTOPSCOT CI
55	511		NASHAKUISSET COOPERATIVE INC	MCDONOUGH THOMAS & KATHLEEN FUREY	2000 FERNDALE DR	WILMINGTON	DE	19810	37 AUTOPSCOT CI
55	512		NASHAKUISSET COOPERATIVE INC	C/O ALBERTSON KIMBERLY F ETAL	33 AUTOPSCOT CIR	NANTUCKET	MA	02554	33 AUTOPSCOT CI
55	513		NASHAKUISSET COOPERATIVE INC	C/O PICINICH JAMES K & ELENA F	800 WEST END AVE APT 7B	NEW YORK	NY	10025	31 AUTOPSCOT CI
55	514		NASHAKUISSET COOPERATIVE INC	C/O WARMS MARK E	100 S POINTE DR APT 1005	MIAMI BEACH	FL	33139	29 AUTOPSCOT CI
55	515	8	NASHAKUISSET COOPERATIVE INC	C/O UNDERWOOD SARA M TRST	21 DEERWOOD RD	WELLESLEY	MA	02481	25 AUTOPSCOT CI
55	516	8	NASHAKUISSET COOPERATIVE INC	C/O 19 AUTOPSCOT CIR LLC	7 LORENZO DR	SOUTHBOROUGH	MA	01772	19 AUTOPSCOT CI
55	517	8	NASHAKUISSET COOPERATIVE INC	BLOCK ELIZABETH W	4100 CATHEDRAL AVE NW #815	WASHINGTON	DC	20016	15 AUTOPSCOT CI
55	518	8	NASHAKUISSET COOPERATIVE INC	C/O LAFONTAINE PAMELA S	135 IMPERIAL AVE	WESTPORT	CT	06880	11 AUTOPSCOT CI
55	519	8	NASHAKUISSET COOPERATIVE INC	C/O ALLEN CRAIG M & NICOLE P	140 CULLODEN DRIVE	CANTON	MA	02021	7 AUTOPSCOT CI
55	520	8	NASHAKUISSET COOPERATIVE INC	C/O NADEL BENJAMIN & MCCORMICK M K	11 STANDFORD COURT	RHINEBECK	NY	12572	3 AUTOPSCOT CI
55	521	8	NASHAKUISSET COOPERATIVE INC	SILENT SEA LLC	76 YALE STREET	WINCHESTER	MA	01890	1 AUTOPSCOT CI
55	522		NASHAKUISSET COOPERATIVE INC	C/O LOHRMAN JOHN & NATALIE TRS	3401 TUTTLE RD SUITE 290 SHAKER HEIGHTS	OH	44122	15 WASHAMAN AV	
55	523	8	NASHAKUISSET COOPERATIVE INC	C/O MORAN MARC R & YUELING G	15 VALENTINE STREET UNIT 3	CAMBRIDGE	MA	02139	8 AUTOPSCOT CI
55	524		NASHAKUISSET COOPERATIVE INC	C/O REYES PROTACIO A & PHYLLIS	177 SOUTH AVE #1	NEW CANAAN	CT	06840	16 AUTOPSCOT CI
55	525		NASHAKUISSET COOPERATIVE INC	C/O MARASCO WILLIAM J	21 AARONS WAY	S YARMOUTH	MA	02673	19 WASHAMAN AV
55	526	1	NASHAKUISSET COOPERATIVE INC	GALLUP SAMANTHA & BARRY JR	235 TOKENEKE RD	DARIEN	CT	06820	32 AUTOPSCOT CI
55	526	8	NASHAKUISSET COOPERATIVE INC	C/O MACDONALD LESLIE W JR	PO BOX 2538	MERCER ISLAND	WA	98040	40 AUTOPSCOT CI
55	527		NASHAKUISSET COOPERATIVE INC	C/O TUCKER F MICHAEL TRST	115 HUNTERFIELD RD	NANTUCKET	MA	02584	24 AUTOPSCOT CI
55	528		NASHAKUISSET COOPERATIVE INC		82 CRESCENT AV	DELMAR	NY	12054	23 WASHAMAN AV
55	532		STRAZZULA KATHLEEN J		9 YOMPASHAM LANE	SCITUATE	MA	02066	11 YOMPASHAM LN
55	533		LAWS WHITNEY E & SCHMITT MAKENZIE A TRS	SCHMITT FAMILY IRREVOCABLE FAMILY TRUST		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	128 BLEDDYN ROAD	ARDMORE	PA	19003	29 WASHAMAN AV
55	579	NASHAQUISSET COOPERATIVE INC	7 S E MARLIN AVENUE	KEY LARGO	FL	33037	2 NETOWA LN
55	579	NASHAQUISSET COOPERATIVE INC	7900 ARLINGTON CR #403	NAPLES	FL	34113	4 NETOWA LN
55	900	RYAN KEITH E TRST ET AL	30 WESTOVER RD	SLINGERLANDS	NY	12159	2B ANNA DR
55	900	RYAN DENIS C JR TRST ET AL	12 STONEHENGE LN	ALBANY	NY	12203	2C ANNA DR
55	900	MILLER BRADY & SUZANNE	8 RELAY CT	COS COB	CT	6807	2D ANNA DR
55	900	ROBINSON JULIAN JADE ET AL	61 OLD SOUTH RD #103	NANTUCKET	MA	02554	2E ANNA DR
55	900	MEACHAM JOHN E & HEATHER M TRUST	43 SAYLES ST	ALFRED	NY	14802	2A ANNA DR
Count:		49					

4 ANNA DRIVE LLC
C/O BEAUDETTE AND SWAIN LLC
PO BOX 2049
NANTUCKET, MA 02584

SOUTHEY DANIEL O & CURRIE MICHELE
L
PO BOX 825
NANTUCKET, MA 02554

MURRAY ROBERT DEAN
PO BOX 167
BOKEELIA, FL 33922

BEAUDETTE RICHARD P & RICHELLE L
3 ANNA DR
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SEO REAL ESTATE LLC
302 BROADWAY RT 138 STE 6
RAYNHAM, MA 02767

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TOWN OF NANTUCKET
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RYDER JANET R TRUSTEE
J RYDER NOMINEE TRUST
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CRIB LLC
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OTTISON KARL & SUSAN TRST
RANDOM WINDS REALTY TRUST
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25 FITCH WAY
PRINCETON, NJ 08540

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C/O SEEMAN WILLIAM H & ELLEN V
8 DARROWS RIDGE RD
EAST LYME, CT 06333

NASHAQUISSET COOPERATIVE INC
MCDONOUGH THOMAS & KATHLEEN
FUREY
2000 FERNDAL DR
WILMINGTON, DE 19810

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C/O ALBERTSON KIMBERLY F ETAL
33 AUTOPSCOT CIR
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C/O PICINICH JAMES K & ELENA F
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NEW YORK, NY 10025

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C/O WARMS MARK E
100 S POINTE DR APT 1005
MIAMI BEACH, FL 33139

NASHAQUISSET COOPERATIVE INC
C/O UNDERWOOD SARA M TRST
21 DEERWOOD RD
WELLESLEY, MA 02481

NASHAQUISSET COOPERATIVE INC
C/O 19 AUTOPSCOT CIR LLC
7 LORENZO DR
SOUTHBOROUGH, MA 01772

NASHAQUISSET COOPERATIVE INC
BLOCK ELIZABETH W
4100 CATHEDRAL AVE NW #815
WASHINGTON, DC 20016

NASHAQUISSET COOPERATIVE INC
C/O LAFONTAINE PAMELA S
135 IMPERIAL AVE
WESTPORT, CT 06880

NASHAQUISSET COOPERATIVE INC
C/O ALLEN CRAIG M & NICOLE P
140 CULLODEN DRIVE
CANTON, MA 02021

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C/O NADEL BENJAMIN & MCCORMICK M K
11 STANDFORD COURT
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NASHAQUISSET COOPERATIVE INC
SILENT SEA LLC
76 YALE STREET
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C/O LOHRMAN JOHN & NATALIE TRS
3401 TUTTLE RD SUITE 290
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C/O MORAN MARC R & YUELING G
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C/O REYES PROTACIO A & PHYLLIS
177 SOUTH AVE #1
NEW CANAAN, CT 06840

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21 AARONS WAY
S YARMOUTH, MA 02673

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235 TOKENEKE RD
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PO BOX 2538
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115 HUNTERFIELD RD
DELMAR, NY 12054

STRAZZULA KATHLEEN J
82 CRESCENT AV
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LAWS WHITNEY E & SCHMITT MAKENZIE A
TRS
SCHMITT FAMILY IRREVOCABLE FAMILY
TRUST
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128 BLEDDYN ROAD
ARDMORE, PA 19003

NASHAQUISSET COOPERATIVE INC
GLEASON SUZANNE MARIE
7 S E MARLIN AVENUE
KEY LARGO, FL 33037

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RYAN KEITH E TRST ETAL
C/O RYAN GAIL
30 WESTOVER RD
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12 STONEHENGE LN
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End of Packet