



Planning and Land Use Services

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

Date: 06/05/2023
To: Zoning Board of Appeals
From: Billy Saad
Land Use Specialist
RE: Staff Report for 06-08--23 ZBA Meeting

III. APPROVAL OF THE MINUTES:
5/11/23

Staff reviewed the minutes. We recommend approval.

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

Action Deadline: June 22, 2023

8 Bank Street

Williams

Sitting: SM, LB, MO, EA, JM

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).

Staff included the draft Decision at the end of the STAFF REPORT on Pages 10-14.

FINDINGS NECESSARY FOR SPECIAL PERMIT RELIEF:

Under Section 139-33.A1(a),

Preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that:

(a)

The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity

It's important to note the excerpt below, pulled from the Town of Nantucket Committee Handbook, page 8.

Understanding the role of a Committee is particularly important for regulatory Committees that have permitting authority. For example, a new construction project may need several permits to ensure the project will comply with state and local laws before construction can begin. The project may require: (1) a special permit from the Zoning Board of Appeals to ensure the project complies with zoning laws; (2) a permit from the Conservation Commission to ensure the project complies with state and local environmental protection laws; and (3) approval from the Historic District Commission to ensure any structures are in accordance with the Town's historic guidelines. In such a case, each regulatory committee makes decisions independently to fulfill its charge. The Conservation Commission does not consider the historic aspects of the project, as the Historic District Commission does not consider required environmental protection aspects of the project.

09-22 Harris on Weweeder, LLC

50 Weweeder Avenue

Brescher

Action Deadline: August 17, 2023

Sitting: SM, EA, MO, GT, MP

Continued to July 13, 2023

20-22 Steven L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust,

Cohen

Action Deadline: August 17, 2023

Sitting: SM, LB, EA, JB, JM

Continued to July 13, 2023

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

10-22 Paul P. Moran & Jean M. Moran

4 Washington Ave

Santos

Action Deadline: August 17, 2023

Continued to July 13, 2023

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).

Staff notes the applicant has resubmitted and is relisted as the last agenda item.

06-23 NOB ACK, LLC

2 Nobadeer Way

Cohen

Action Deadline: July 28, 2023

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.

The Applicant is seeking Variance relief for a temporary alteration definition of "Dwelling Unit" to allow for construction of a single family dwelling with attached tertiary dwelling structure not to be used until the elimination of the existing single family dwelling. The locus is currently zoned Residential 10 Limited (R-10L) and complies with lot size, frontage, and ground cover ratio. The cottage is preexisting nonconforming to the rear yard setback and four (4) perimeter sheds are all located within the setbacks. Applicant states in the addendum that the sheds will be relocated to comply with setback requirements.

Section 139-2 – DWELLING UNIT

A room or enclosed floor space **used, or to be used,** as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation.

The locus is subject to a use freeze based on the R-20 Zoning district

Use	Town Residential Districts					
	R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40
Primary dwelling	Y	Y	Y	Y	Y	Y
Secondary dwelling	Y	Y	Y SP R-5L	Y SP R-10L	Y	Y
Accessory dwelling	Y	Y	Y	Y	Y	Y
Tertiary dwelling	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y
Apartment	N	N	N	N	N	N

**FINDINGS NECESSARY FOR GRANTING A VARIANCE:
Section 139-32.A**

The Board of Appeals shall have the power to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of this chapter where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

STAFF ANALYSIS:

The request for Variance is based on a temporary waiver of the definition of dwelling unit, but this waiver of definition results in a variance request that exceeds the total number of dwellings “used, or to be used” on a lot in both the R-20 and R-10L zoning districts.

Staff does not recommend approval

Substantial hardship must be related to the land itself, specifically, soil conditions, shape or topography issues, and not solely personal to the landowner/occupants. Further, Section 139-32.B(2) of the Bylaw, states,

No variance may authorize a use or activity not otherwise permitted in the zoning district in which the land or structure is located.

07-23 CHARLES B. JOHNSON

4 Harbor Square

Alger

Action Deadline: July 22, 2023

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).

STAFF suggests the Board carefully examine the exhibit materials submitted by the Appellant found on Pages 48-55, and rebuttal materials submitted by the Appellee’s attorney found on Pages 62-64. Building Commissioner Paul Murphy will be present at the hearing.

Section 139-11

Major Commercial Developments

A.

The Planning Board shall be the special permit granting authority for any "major commercial development" (or "MCD").

B.

A MCD shall be 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 the following criteria:

(1)

Five thousand square feet of commercial use, including, but not limited to, the total of the following:

(a)

Gross floor area of commercial use, including roofed-over storage areas;

(b)

Outdoor commercial use, including but not limited to sand, gravel or topsoil borrow operations and asphalt plants; land used commercially for recreation; and land used for the exterior storage or display of merchandise, equipment or material.

(2)

Four thousand square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(3)

A commercial use requiring 20 or more off-street parking spaces pursuant to § **139-18**. A motor vehicle parking lot as defined in § **139-2** which contains 20 or more parking spaces shall not be considered an MCD.

(4)

Auditorium, theater or place of public assembly use with a rated legal occupancy of 100 or more persons.

(5)

Restaurant, club and/or bar use with a combined rated legal occupancy of 100 or more.

(6)

Developments which generate an estimated 10,000 gallons per day of wastewater.

(7)

Marinas, wharfs and piers containing 250 lineal feet or more of tie-up space for vessels.

(8)

Transient residential facilities with 10 or more guest rooms or units.

C.

Preexisting 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 MCD.

STAFF ANALYSIS:

The proposed use of the locus is conforming and is currently zoned Commercial Downtown (CDT). Section 139-11.B defines an MCD 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”. Staff notes that the building permit authorized an alteration to an existing structure.

The relevant sections of the By-law are:

Section 139-29.E(1)

(1) The Board of Appeals shall have the following powers:

[...]

(d) To hear and decide appeals from decisions of the Zoning Enforcement Officer.

Section 139-31.A(1)AN APPEAL TO THE BOARD OF APPEALS (OR TO THE ZONING ADMINISTRATOR IF AUTHORIZED TO HEAR SUCH APPEAL) MAY BE TAKEN:

By any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Building Commissioner [see § 139-25B(1) above], the Zoning Enforcement Officer, or from any other administrative officer under the provisions of this chapter; or

139-31.E (3)

The **concurring vote of at least four members** of the Board of Appeals shall be necessary to reverse any order or decision of any administrative official under this chapter.

08-23 39 MONOMOY ROAD LLC

39 Monomoy Road

Reade

Action Deadline: September 6, 2023

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).

Applicant is seeking Special Permit relief to alter the preexisting nonconforming dwelling structure upon locus, which is nonconforming as to front yard setback, being sited as close at 9.6 feet in a district that requires 35 feet, as to side-yard setback, being sited as close as 5.7 feet in a district that requires 10 feet, and as to ground cover ratio of 9.5% in a district that allows a max ground cover ratio of 7%.

FINDINGS NECESSARY FOR SPECIAL PERMIT RELIEF:

Under Section 139-33.A1(a),

Preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that:

(a)

The special permit granting authority **finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity**

STAFF ANALYSIS:

Existing and proposed conditions are shown on the plan titled "PROPOSED SITE PLAN TO ACCOMPANY A SPECIAL PERMIT APPLICATION", prepared by Bracken Engineering, dated May 8, 2023.

Staff recommends approval

The proposed alterations will bring the dwelling structure closer to compliance with respect to front yard setback, the nonconforming side-yard setback will be eliminated, and the ground cover ratio will be unchanged. These alterations will not be substantially more detrimental to the neighborhood than the existing nonconformity.

09-23 Edward V. Lahey, Jr. Trustee of Boathouse Realty Trust 52 Warrens Landing Road Reade

Action Deadline: August 14, 2023

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).

Applicant is seeking Variance relief for a waiver from the setback provisions of Section 139-16.A, in order to relocate the existing dwelling upon the locus, as far away from the coastal bank as reasonably possible. Locus is an undersized lot of record and predates the 1972 adoption of the Nantucket zoning by-law, which has a 10 foot minimum side-yard setback requirement in the LUG-3 zoning district, per the provision listed under Section 139-33E(2)a. As evidenced by the plan titled "Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application", prepared by Blackwell & Associates, Inc. and dated May 10, 2023, the proposed location is within the 35' front setback, being site as close as 24 feet from Warren's Landing Road.

FINDINGS NECESSARY FOR GRANTING A VARIANCE:

Section 139-32.A

The Board of Appeals shall have the power to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of this chapter where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

Staff recommends approval.

As with previous applications of this nature, an eroding coastal bank has placed the existing dwelling in danger. In order to protect it, the Applicant is proposing to relocate it to the easterly side of the lot as far from the eroding bluff as possible. The proposed site plan is on Page 78 of the packet. GIS Aerials from 1998 and 2021, showing the progression of erosion are attached to the end of the STAFF REPORT on pages 15 - 16.

10-23 Nantucket Cottage Hospital

16 Vesper Lane

Erickson

Action Deadline: August 20, 2023

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).

The Applicant is seeking Variance relief to waive the required 50' of frontage within the Commercial Neighborhood (CN) zoning district. The locus is an oversized rear lot with no existing frontage. It is

accessed by an easement through Gouin Village. Applicant is proposing to convey its property at 18 Vesper Lane in exchange for the Affordable Housing Trust Fund property at 16 Vesper Lane. The hospital will convey a portion of 16 Vesper Lane back to the AHTF in order to divide the lot into 3 separate lots for the development of affordable housing. An access easement for the AHTF lots will be provided through Gouin Village and over the NCH site.

FINDINGS NECESSARY FOR GRANTING A VARIANCE:

Section 139-32.A

The Board of Appeals shall have the power to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of this chapter where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.

STAFF ANALYSIS:

If the Board is inclined to grant a Variance, all statutory factors must be considered and met. As evidenced by the plan titled “Subdivision Plan Option 2”, prepared by RJ O’Connell & Associates, Inc. and dated May 4, 2023, the newly created lots are conforming to all zoning requirements in the CN district apart from frontage. The applicant has provided a compelling argument in their addendum as to why relief may be granted (Pages 91-92 of the packet).

Staff recommends approval.

A waiver from frontage does not nullify or substantially derogate from the intent or purpose of the Bylaw. For example, the Flex Development provision of the zoning bylaw allows for the reduction, and in some cases, elimination of frontage requirements. The ZBA’s mission states, in part, that “The By-law’s purpose is to “promote the health, safety, convenience, morals and general welfare of Nantucket’s inhabitants, to lessen the danger from fire and congestion and to improve the town...” The need for affordable housing for vital community staff on Nantucket is significant. A denial would involve a substantial hardship to the Hospital, AHTF, and the general welfare of Nantucket’s inhabitants.

V. OTHER (VOTES MAY BE TAKEN)

APPOINTMENT OF ZONING ADMINISTRATORS

- WILLIAM SAAD
- MEGAN TRUDEL

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

DRAFT DECISION – 8 BANK

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

Assessor's Map 73.1.3, Parcel 69
8 Bank Street
Sconset Old Historic (SOH)

Book 1770, Page 216
No Plan of Record

1. At a public hearing of the Nantucket Zoning Board of Appeals ("ZBA"), opened at 1:00 P.M. on Thursday, December 9, 2021, and continued to Thursday, February 10, 2022, Thursday, May 12, 2022, Thursday, November 10, 2022, Thursday, February 9, 2023, and closed on Thursday, April 13, 2023, in order for a Decision to be submitted and voted on Thursday, May 11, 2023, in the Conference Room, at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following Decision on Thursday, May 11, 2023, on the Application of **Kristina & Nicholas Amendolare**, c/o Michael Wilson, Esq., 1 Hooper Farm Road, Nantucket MA. 02554, **File No. 37-21**.

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

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

The Locus, an undersized lot of record, is situated at 8 Bank Street and is shown on Nantucket Tax Assessor's Map 73.1.3 as Parcel 69. Evidence of owner's title is in Book 1770, Page 216 on file at the Nantucket County Registry of Deeds. The property is zoned Sconset Old Historic (SOH).

3. Our Decision is based upon the Application and accompanying materials, and representations and testimony received at our public hearings. There was no Planning Board recommendation, on the basis that no matters of planning concern were presented. Neighborhood opposition, both written and oral, was presented at the public hearings.

Over the course of the six (6) hearings, the ZBA heard neighborhood opposition to the project from Abutters, Abutter's Counsel, Abutter's Engineering Professionals, residents of Sconset, and the Siasconset Civic Association. Several letters expressing similar concerns were also submitted into the file. These concerns related to: the impact of the new foundation construction on houses above the locus sited on the bluff; the size and architectural design of the additions; the impact site constraints would have on the construction

methodology of the foundation; and construction potentially jeopardizing the integrity of Middle Gulley Road, a sloped public right of way abutting the property and homes in the surrounding area. Opposition ultimately rested on the contention that the proposed alterations would be substantially more detrimental to the neighborhood than the existing nonconforming setback distance of the southwesterly portion of the structure sited within the required five-foot rear yard setback for the following reasons: the excavation and process of putting in a basement foundation poses a danger to the integrity of Middle Gulley Road and could potentially cause damage to adjacent lots and the structures thereon; the intensification of use of a very small house on a very small lot will overburden the property and surrounding areas; and, construction of the new full foundation would violate septic requirements.

4. Attorney Michael Wilson represented the Applicants at the public hearings. Additional testimony regarding this project in favor of the Application was received from Kristina Amendolare (owner), Linda Williams (Consultant), Angus Macleod (Designer), Wayne McArdle (Site Engineer), and Jeff Blackwell (Registered Land Surveyor). The Locus is shown on the Plan entitled, “Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application”, (“Plan”) dated November 15, 2021, prepared by Blackwell & Associates, Inc., a reduced copy of which is attached herewith as “Exhibit A”. The project is benefited from approval by the Nantucket Historic District Commission (“HDC”) in Certificate of Appropriateness No. HDC2021-05-3625. The structure was present on the lot by 1935 and had various uses in it. A later addition was made several years ago, and it was converted to a single-family dwelling. The structure, as modified during a period prior to the 1972 enactment of the Nantucket Zoning By-law, has remained unchanged and unaltered.

5. Applicants’ representatives stated that best practices would be consistently and reliably applied to this renovation project, particularly the during construction of the new foundation, the matter of most concern to the neighbors. To mitigate any potential damage to surrounding abutting properties, the Applicants’ engineer proposed to install the piles with a drilling method rather than the driving method to reduce the vibratory impact on Middle Gulley Road and the surrounding structures. It was further explained that the work will be done according to all applicable building code regulations, and all applicable Town agencies will review the proposed project prior to the issuance of a building permit. Pre-construction surveys will be offered to adjacent properties. Documentation resulting from the surveys will be retained for use in evaluating potential claims (if any) of damage to the identified properties. As a portion of the support wall for Middle Gulley Road lies on the locus it will be supported and shored up, not removed. A thorough inspection of the road has been done by the site engineer and the project will be monitored during the construction of the new foundation. Only one bedroom is proposed.

6. Based upon the testimony received at the Public Hearings, the site plan, the construction methodology, and the related engineering plan, the ZBA determined that the requested special permit relief for the vertical increase in the ridge portion of the structure sited within the southwesterly setback area may be granted based upon the findings the proposed project will not make the existing nonconforming 1.7-foot setback distance more nonconforming and will not be substantially more detrimental to the neighborhood than the existing nonconformities. The Board made this determination after substantial discussion with the applicants’ representatives provided that the construction methodology is strictly adhered to in order to avoid damage to neighboring properties. The methodology of construction is detailed in the “Geotechnical Engineering Report”, prepared by Wayne McArdle, P.E, and on file with the Town of Nantucket.

7. On April 13, 2023, the Zoning Board of Appeals voted unanimously to close the public hearing.

8. On May 11, 2023, based by a [REDACTED] vote, the Zoning Board of Appeals [REDACTED] the requested relief by **SPECIAL PERMIT** pursuant to Zoning Bylaw Section 139-33.A(1) in order to alter the pre-existing nonconforming single-family dwelling as proposed. The relief is conditioned upon the following:

- a. The proposed alterations and expansion shall be done in substantial conformity with the plans approved by Nantucket Historic District Commission Certificate of Appropriateness No. HDC2021-05-3625, as the same may be amended from time to time;
- b. The project shall be completed in accordance with the “Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application”, dated November 15, 2021, prepared by Blackwell & Associates, Inc., a reduced copy of which is attached herewith as “Exhibit A”;
- c. There shall be no further construction involving exterior changes or expansion without further relief from the ZBA;
- d. Prior to the issuance of a building permit, the General Contractor, Site Manager, and/or Construction Supervisor will provide all contact information to the Zoning Administrator and to any neighbors upon request;
- e. Middle Gulley Road shall not be used for parking for construction vehicles or any vehicles related to the project; and,
- f. There shall be no exterior construction between Memorial Day and Labor Day of any given year relative to construction contemplated under this decision.

SIGNATURE PAGE TO FOLLOW

Assessor's Map 73.1.3, Parcel 69
8 Bank Street
Sconset Old Historic (SOH)

Book 1770, Page 216
No Plan of Record

Dated: May, 2023

Susan McCarthy

Lisa Botticelli

Elisa Allen

Michael O'Mara

James Mondani

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that they signed the foregoing instrument as their free act and deed and voluntarily for the purposes therein expressed.

Official Signature and Seal of Notary Public
My commission expires:

GIS AERIALS – 52 WARRENS LANDING ROAD

1998



2021

