



Planning and Land Use Services

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

Date: 09/14/2023
To: Zoning Board of Appeals
From: Billy Saad
Land Use Specialist
RE: Staff Report for 09-14--23 ZBA Meeting

III. APPROVAL OF THE MINUTES:
5/23/23, 7/13/23, 8/10/23

Staff reviewed the minutes. We recommend approval.

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

37-21 Kristina & Nicholas Amendolare

8 Bank Street

Williams

Action Deadline: June 22, 2023

Sitting: SM, LB, MJO, 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 on Pages 24-29 in the Packet. The public hearing is closed. There will be no further testimony or comments taken by the Applicant, abutters, or the public.

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: November 17, 2023

Sitting: SM, EA, MJO, GT, MP

Continued to October 12, 2023

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

Cohen

Action Deadline: November 17, 2023

Sitting: SM, LB, EA, JB, JM

Continued to October 12, 2023

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

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

4 Washington Ave

Santos

Action Deadline: September 30, 2023

Requests to withdraw without prejudice.

11-23 13 Swain Nominee Trust

13 Swain Street

Swain

Action Deadline: December 13, 2023

Applicant is seeking a Special Permit and Variance relief pursuant to Zoning Bylaw Section 139-32 and 139-33, to alter a pre-existing structure, on a pre-existing lot and to allow the stairs to be one and seven-tenths (1.7) feet from the side yard lot line. Locus is situated at 13 Swain Street, shown on Assessor's Map 42.4.1 as Parcel 77.1. Evidence of owner's title is recorded in Book 1571 and Page 109 with the Nantucket County Registry of Deeds. The site is zoned Residential-1 (R-1).

It's noted that this request requires two decisions and while they may be discussed together, two separate votes must be taken.

Special Permit request

Pursuant to Section 139-33A.1(a), the Applicant proposes to elevate the preexisting nonconforming dwelling structure approximately five feet and relocate it within the lot. Relief is sought to achieve flood zone

compliance and remedy the existing setback encroachments as the structure is currently situated over the northerly abutting property line and encroaches into the westerly side yard setback.

The Locus is a pre-existing lot of record in the R-1 zoning district and has a lot size of 1,127 sf in a district that requires a minimum lot size of 5,000 sf. The lot has frontage of less than the required 50' on the lot line abutting Swain Street (20'). The Property is improved with a 423 SF dwelling. The circa 1950 dwelling is preexisting nonconforming as to Ground Cover Ratio, 37.5%, in a district that has a maximum of 30%; setbacks, being sited 0.3 feet over the rear yard northerly lot line in a zoning district that requires a 10' rear yard setback, as close as 0.9 feet from the westerly side yard setback in a zoning district that requires a 5' setback.

Applicant has stated that their goal is to construct a new foundation system compliant with the special flood zone requirements. Relocating the structure will eliminate the current intrusion into the neighboring yard and alleviate the existing intrusion into the westerly side yard lot line, as depicted on the proposed site plan (Page 41 of the Packet).

Applicant owns the abutting lot located at 11 Swain Street and states in their addendum that the lot can be used for access and storage of construction and excavation equipment and materials. The applicant has also stated that the raised structure is proposed to sit on pilings. Furthermore, they state that the equipment necessary for this specific house move will need to be brought onto the lot by hand and will cause minimal disruption to the neighborhood.

If the Board is inclined to approved this request, it must make the following FINDING,

Section 139-33.A1(a) – The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

STAFF ANALYSIS, The structure is validly preexisting nonconforming as to frontage, lot area, ground cover ratio, rear setback, and westerly side yard setback. The proposal is limited to lifting the structure out of the flood zone and relocating the structure on the lot. Granting the special permit will cure the lot line intrusion on the north and reduce the setback encroachment on the west. Staff notes, the proposed changes have been approved by the HDC by virtue of COA HDC2023-03-8020.

STAFF RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS

- The proposed alterations and expansion shall be done in substantial conformity with the plans approved by Nantucket Historic District Commission Certificate of Appropriateness No. HDC2023-03-8020;
- The project shall be completed in accordance with the “Proposed Site Plan to Accompany A Special Permit Application”, dated June 30, 2023, prepared by Bracken Engineering Inc.;
- There shall be no further construction involving exterior changes or expansion without further relief from the ZBA;
- There shall be no exterior construction between Memorial Day and Labor Day of any given year.

Variance request

Pursuant to Section 139-32A, Applicant proposes to elevate the preexisting nonconforming dwelling structure by approximately five feet, resulting in the first floor of the dwelling being situated at a 9' elevation. Relief is sought as the required access stairs will be sited as close as 1.7' from the southerly side yard lot line.

The dwelling structure is proposed to be raised to achieve flood zone compliance. While the dwelling structure complies with the 5' setback requirement, there is a 33 sf area of stairs proposed to be situated within the setback to provide access, and the need for relief has been triggered by 13 sf of the stair structure.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, stairs, access ramps, or platforms that provide the minimum Building Code compliant access to a structure and that extend into the required front, side, or rear yard setback less than a depth of three feet, and within a total area less than 20 square feet on a lot containing less than 40,000 square feet, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.

If the Board is inclined to approved this request, it must make the following FINDING, 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 proposed stairs are to provide access in accordance with building code, and the deck landing is minimal, as evidenced by the proposed site plan. Staff notes that there have been no letters from abutters expressing concerns. The shape of the lot, located in the FEMA flood zone, serves as justification for Variance approval.

STAFF RECOMMENDS APPROVAL

Conditions of Special Permit will carry over to the Variance.

PGS
47-56

12-23 Holly Coburn

5 N Beach Street

Normand

Action Deadline: December 13, 2023

Applicant is seeking Special Permit relief pursuant to the Zoning Bylaw Section 139-33.A.(1)(a) to remove the pre-existing nonconforming structure upon the premises and construct a new structure. Locus is situated at 5 North Beach Street and shown on Assessor's Map 42.4.1 as Parcel 92. Evidence of owner's title is recorded as Lot 34 in Book 1895 and Page 63 with the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

Pursuant to Section 139-33A.4, Applicant proposes to move the preexisting nonconforming dwelling structure off the lot and construct a new dwelling structure, thus extending the primary use as a residence in the CN district.

The Locus is a pre-existing lot of record in the CN zoning district and has a lot size of 3,150 sf in a district that requires a minimum lot size of 7,500 sf. The lot has frontage of less than the required 50' on the lot line abutting N. Beach Street (35'). The Property is improved with a 888 SF dwelling. The circa 1930 dwelling is

preexisting nonconforming as to setbacks, being sited as close as 0.9 feet from the rear yard northerly setback in a zoning district that requires a 10' rear yard setback, as close as 3.0 feet from the westerly side yard setback and 3.6 feet from the easterly side yard setback in a zoning district that requires a 5' setback.

If the Board is inclined to approve this request, it must make the following FINDING,

Section 139-33.A.1(a) – The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

There exists a three-part test for determining whether a current use of property is protected as a nonconforming use. Powers v. Building Inspector of Barnstable, 363 Mass. 648 (1973).

- a. Does the use reflect the nature and purpose of the use prevailing when the zoning bylaw took effect?
- b. Is there a difference in the quality of character as well as the degree of use?
- c. Is the current use different in kind in its effect on the neighborhood?

STAFF ANALYSIS, The primary use of the Locus has historically been residential, as indicated in the attached historical survey located at the end of the staff report. Applicant's addendum and accompanying site plan (PG 52 of the Packet) propose for the existing single-family dwelling to be moved to a property in Sconset, and the new single-family dwelling structure to be zoning compliant. Staff notes that the proposed single-family dwelling includes two additional bedrooms and two more bathrooms, resulting in a total of four bedrooms and four bathrooms. The structure's footprint increases from 888 sf to 1,150 sf but remains zoning compliant with respect to the proposed Ground Cover Ratio, which is 36.8% in a district that has a maximum of 40%. The proposed changes have been approved by the HDC by virtue of COA HDC2023-01-7695, and no letters expressing concern have been received.

STAFF RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS

- The proposed alterations and expansion shall be done in substantial conformity with the plans approved by Nantucket Historic District Commission Certificate of Appropriateness No. HDC2023-01-7695;
- The project shall be completed in accordance with the "Proposed Site Plan", dated February 22, 2023, prepared by Bracken Engineering Inc.;
- There shall be no exterior construction between Memorial Day and Labor Day of any given year.

13-23 Surfside Drive, LLC

5 Surfside Drive

Beaudette

Action Deadline: December 13, 2023

Applicant is seeking a modification of a Special Permit pursuant to Nantucket Zoning Bylaw Section 139-33 in order to alter and expand the pre-existing, nonconforming use by tearing down the existing commercial structure on the premises and replacing it. Locus is situated at 5 Surfside Drive, shown on Assessor's Map 67, Parcel 251 and shown as Lot 29 on Land Court Plan 26439-H. Evidence of owner's title is registered on Certificate Title No. 27168 with the Nantucket County District of the Land Court. The site is zoned Residential-10 (R10).

Pursuant to Section 139-33A, Applicant seeks to amend the Special Permit and to alter and expand the preexisting, nonconforming use by tearing down the existing commercial structure on the lot and replacing it with a new 2-story, 4-garage bay, wood frame structure, containing approximately 3,840 $\pm$ sf of storage and warehousing allocated between the basement and first floor of the proposed structure, that will continue to be used in the same nature and purpose of the existing commercial tent rental use. Applicant also proposes to construct a 4-bedroom

garage apartment on the second floor of the structure.

The Locus has a lot size of 8,687 sf in a district that requires a minimum lot size of 10,000 sf. The Property is currently improved with a 1,810 sf single-story, commercial structure, which the Applicant uses for storage and warehousing associated with its commercial tent rental company, a use currently allowed by Special Permit in the R-10 zoning district.

The Locus is benefited by 2 Nantucket Zoning Board of Appeals Decisions, ZBA File Nos. 61-01, and 35-02, in which the Board issued a variance to validate the Property as a separately marketable undersized lot, and a Special Permit to permit the Applicant to operate its preexisting, nonconforming tent rental storage on the Property and to store and warehouse the trade equipment related thereto. Both Decisions are attached at the end of the Staff Report.

There exists a three-part test for determining whether a current use of property is protected as a nonconforming use. *Powers v. Building Inspector of Barnstable*, 363 Mass. 648 (1973).

- Does the use reflect the nature and purpose of the use prevailing when the zoning bylaw took effect?
- Is there a difference in the quality of character as well as the degree of use?
- Is the current use different in kind in its effect on the neighborhood?

STAFF ANALYSIS, The structure has been used in a commercial warehousing capacity since 1968 and predates the adoption of Nantucket Zoning Bylaw in 1972. The Decision for ZBA File No. 035-02 permitted the use of a commercial tent rental business with storage and equipment of related equipment. Applicant states that the use is intended to remain the same with the addition of a 4-bedroom apartment (allowed by right in R-10 zoning district). The proposed mixed-use structure footprint is 2,160 sf $\pm$ (350 sf $\pm$ more than existing), and the relocation of the structure will make it zoning compliant as shown in the proposed conditions site plan on **Page 70 of the Packet**. It's noted that equipment related to the tent rental business is currently stored on the exterior of the structure.

	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
Residential	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
	Apartment building	N	N	N	N	N	N
	Tiny house unit	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y
	Garage apartment	Y	Y	Y	Y	Y	Y
	Duplex	Y R-1 N SR-1	N	Y N R-5L	Y R-10 N R-10L N SR-10	N	N

STAFF RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS

- No exterior storage of commercial equipment, refuse, debris, unregistered or inoperable vehicles, or other materials constituting a nuisance, shall be permitted on the premises.
 - The proposed alterations and expansion shall be done in substantial conformity with the plans approved by Nantucket Historic District Commission Certificate of Appropriateness No. HDC2023-01-7695;
 - The project shall be completed in accordance with the “Proposed Site Plan”, dated February 22, 2023, prepared by Bracken Engineering Inc.
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VI. OTHER (VOTES MAY BE TAKEN)

- **ELECTION OF OFFICERS** – (Chairman, Vice Chairman, and Clerk Positions)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

13 SWAIN STREET
HDC COA # HDC2023-03-8020

Proposed HDC Minutes for March 7, 2023

19. Julius Pasys	6 Bayberry Ln	Rooftop Solar	67/73	Stegra Corp
20. Joseph Benotti Tr	8 Gladlands Ave	Rooftop Solar	80/180	Ack Smart
21. James and Laura Bessey	12 Correia Ln	Retained Entry Berm	80/59.1	B. Meerbergen
22. Amy K. and John H. Tr	76 Union St	Color Change	55.1.4/73	Amy and John
23. Nantucket Island Land Bank	32 Western Ave	Revisions to 01-7731	87/81	NILB
24. Ed and Beth Schmidt	4 Seven Mile Ln	New Shed	72/53	Leon Francis
25. William Fuhs	12 Somerset Ln	Fence	56/55	Linda Williams
26. Lisa Block	15 Autopscot Ci	Remove Patio / Deck Over	55/517	Patrick Taaffe
27. Sankaty Head Golf Club	100 Sankaty Rd	Move structure on site	49/163	NAG
28. Carol Manville	5 Parker Ln	Windows and Door Change	67/319	Linda Williams
29. 29 Center St LLC	4 Chestnut St	Fence and Gate	42.3.1/68.1	Miroslava Ahern
30. Silver Fox Partners RE LLC	2 Hornbeam Rd	Pool Shed	21/118.5	Frank Hicks
31. 14 North Rd LLC	14 North Rd	Beach Stair	43/83	Workshop APD
32. Dan Covnihan	13 Swain St	Lift Cottage Above Flood Lvl.	42.4.1/77.1	Val Oliver
33. Scott Handelsman	9 Golfview Dr	New Shed	66/168	Val Oliver
34. Jeff Morash	8 Bayberry Ln	Revs. to 05-3881 and 02-5686	67/72	Val Oliver
35. Douglas Massey	18 Bayberry Ln	New Shed	67/67.1	Reid Yenor
36. Jim and Cindy Helfrich	37 Fair St	Revisions to 06-6481	42.3.2/212	Emeritus
37. Town of Nantucket	17 and 21 Airport Rd	New Pump Station and Control Valve Cabinet	68/888.49 – 68/54	Hazen & Sawyer
38. Town of Nantucket	17 and 21 Airport Rd	Demo	68/888.49 – 68/54	Hazen & Sawyer
39. Town of Nantucket	17 and 21 Airport Rd	New Pump Station Electrical Control Building	68/888.49 – 68/54	Hazen & Sawyer
40. Town of Nantucket	17 and 21 Airport Rd	Fence and Gate	68/888.49 – 68/54	Hazen & Sawyer
41. Garfield and Gillian Bloise	42 Monohansett Rd	Over Head Cover of Patio	79/55	G and G Bloise
42. Brook Meerbergen	9 Lewis Ct	Move Shed on Site	67/35	B. Meerbergen
43. Jacqueline Welch	38 Union St	Color Change	42.3.2/88	Jacqueline W.
44. Paul Blanco	8 Ackermuck	New pavilion	41/618	Olson Twombly
45. Gregory Malanoski	44 Hummock Pond Rd	Roof replacement	56/289	Greg Malanoski
46. Michelle David	5 Huckleberry Lane	New shed	32/61	SCI
47. Carl Webster	24 Cliff Rd	New fence	42.4.4/49	SCI
48. Devon and Melissa Murphy	3 Alexandria Dr	Rooftop Solar	67/418	Ack Smart
49. Leslie Getto	39 Wigwam Rd	Window, fenestration Rev11-5059	77/7.2	Brook Meerbergen
50. Geoffrey J. Smith	98 Old South Rd	Add Egress Windows	68/429	LINK
51. Peter H. Kaizer	43 Millbrook Rd	New Garage	56/233	Peter H. Kaizer
52. Joseph Minella	9 Giny Ln	Rooftop Solar	41/851	Ack Smart
53. Jeremy Morgado	5 Cachalot Ln	Fence and Gate	67/860	Waterscapes
54. Ack 15 CHR LLC	8 Chuck Hollow Rd	Alterations to Existing Garage	72/31	Val Oliver
55. Drake Real Estate	5 Davis Lane	Alterations	82/72	Val Oliver
56. Stephen Welch	13 Waydale Rd	Renew COA - 66340	67/32	Stephen Welch
57. Stephen Welch	13 Waydale Rd	Renew COA – 69935	67/32	Stephen Welch
58. Stephen Welch	13 Waydale Rd	Renew COA – 70914	67/32	Stephen Welch
59. Stephen Welch	13 Waydale Rd	Renew COA – 71110	67/32	Stephen Welch
60. Stephen Welch	13 Waydale Rd	Renew COA – 71584	67/32	Stephen Welch
61. Stephen Welch	13 Waydale Rd	Renew COA – 71585	67/32	Stephen Welch
62. Stephen Welch	13 Waydale Rd	Renew COA - 72932	67/32	Stephen Welch
Voting	Pohl, Camp, Coombs, Thornewill, Patten			
Alternates	None			
Recused	Oliver			
Documentation	None			
Representing	None			
Public	None			
Concerns	No concerns.			
Motion	Motion to Approve all items except for item 54. (Coombs)			
Vote	Carried unanimously			
Motion	Motion to Approve item 54 through Staff with window style to match the existing house at 6 over 6. (Camp)			
Vote	Carried unanimously			
			Certificate #	HDC2023-03-(as noted)
			Certificate #	HDC2023-02-7899

CERTIFICATE OF APPROPRIATENESS

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

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

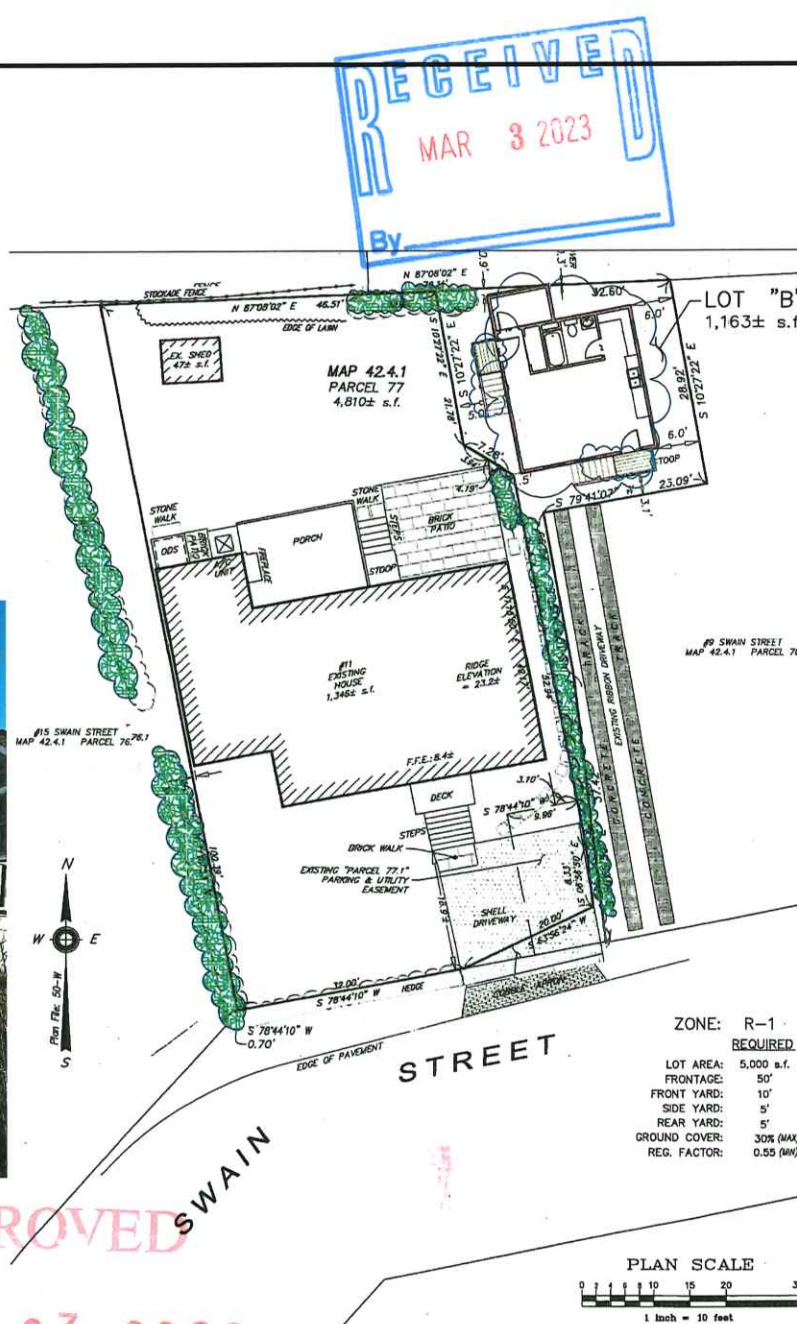
Contact Phone #: 508-325-4319 E-mail: adval@legmail.com

Motion to approve

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

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

Date 7/16/27 Signature of owner of record [Signature] Signed under penalties of perjury



HDC 2023 -03-8020

What are the stages of withdrawal?

SCALE: 1/4"=1'

DRAWN BY: VO

DATE: 1-8-23

DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

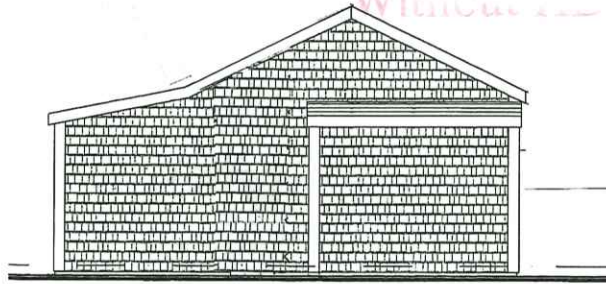
VAL OLIVER DESIGN inc
PO BOX 3057
NANTUCKET, MA 02584



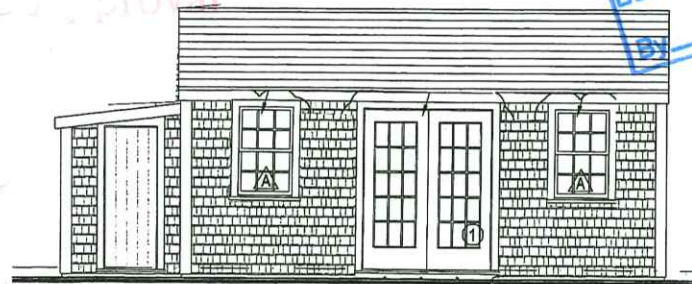
APPROVED

HDC 2023 - 03 - 8020

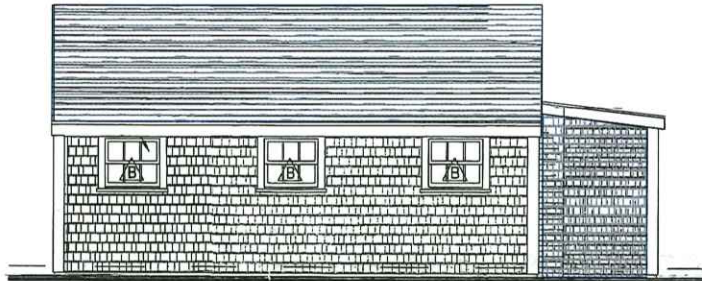
1
238
Without
approval



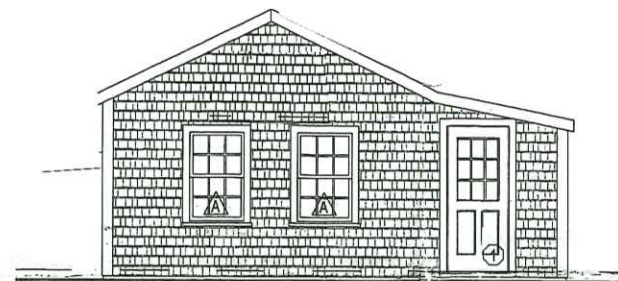
2 North Elevation
1/4" = 1'-0"



3 West Elevation
1/4" = 1'-0"



4 East Elevation
1/4" = 1'-0"



5 South Elevation
1/4" = 1'-0"

SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 1-8-23

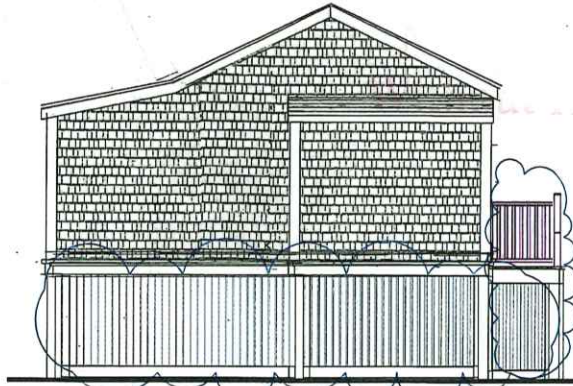
DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

VAL OLIVER DESIGN inc
PO BOX 3057
NANTUCKET, MA 02584

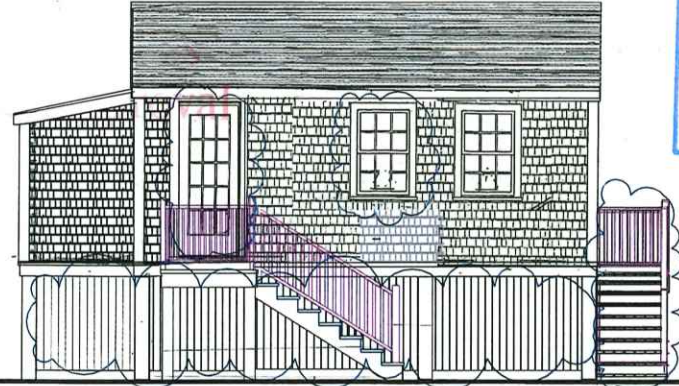


APPROVED

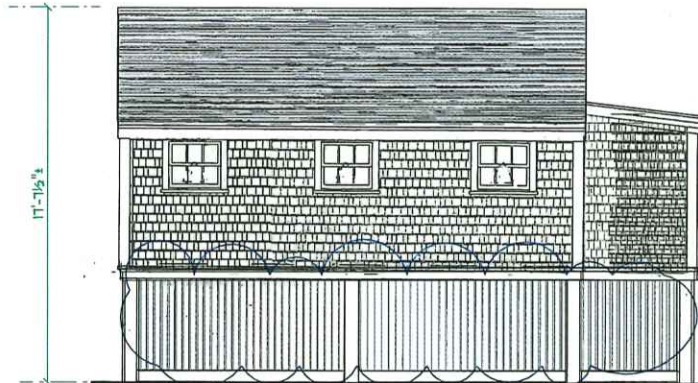
HDC 2023 - 03 - 8020



REAR-NORTH



LEFT-WEST



RIGHT-EAST



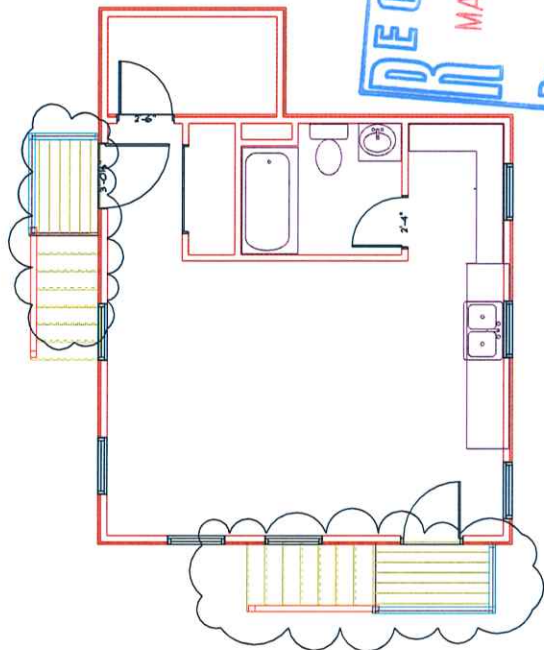
FRONT-SOUTH

SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 1-8-23

DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

VAL OLIVER DESIGN inc
PO BOX 3057
NANTUCKET, MA 02584



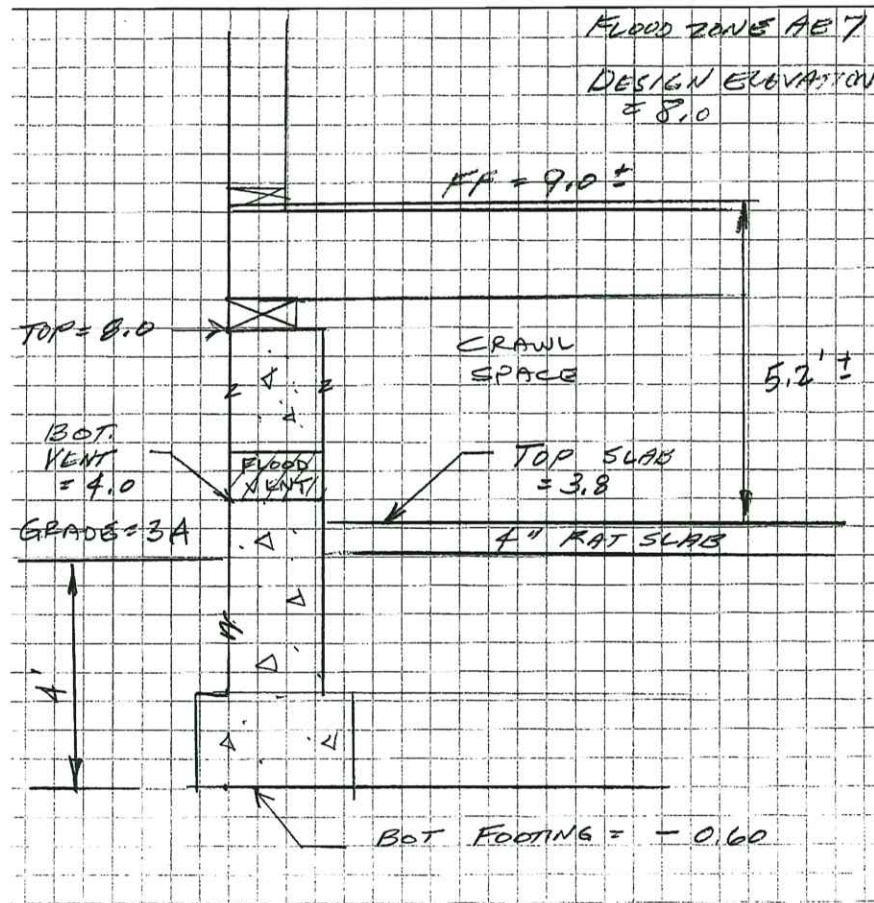


EXISTING COTTAGE



BRACKEN ENGINEERING, INC.
Bourne, MA 508-833-0070
Nantucket, MA 508-325-0044

JOB 13 SWAIN ST
SHEET NO. _____ OF _____
CALCULATED BY DFB DATE 2/9/23
CHECKED BY _____ DATE _____
SCALE _____

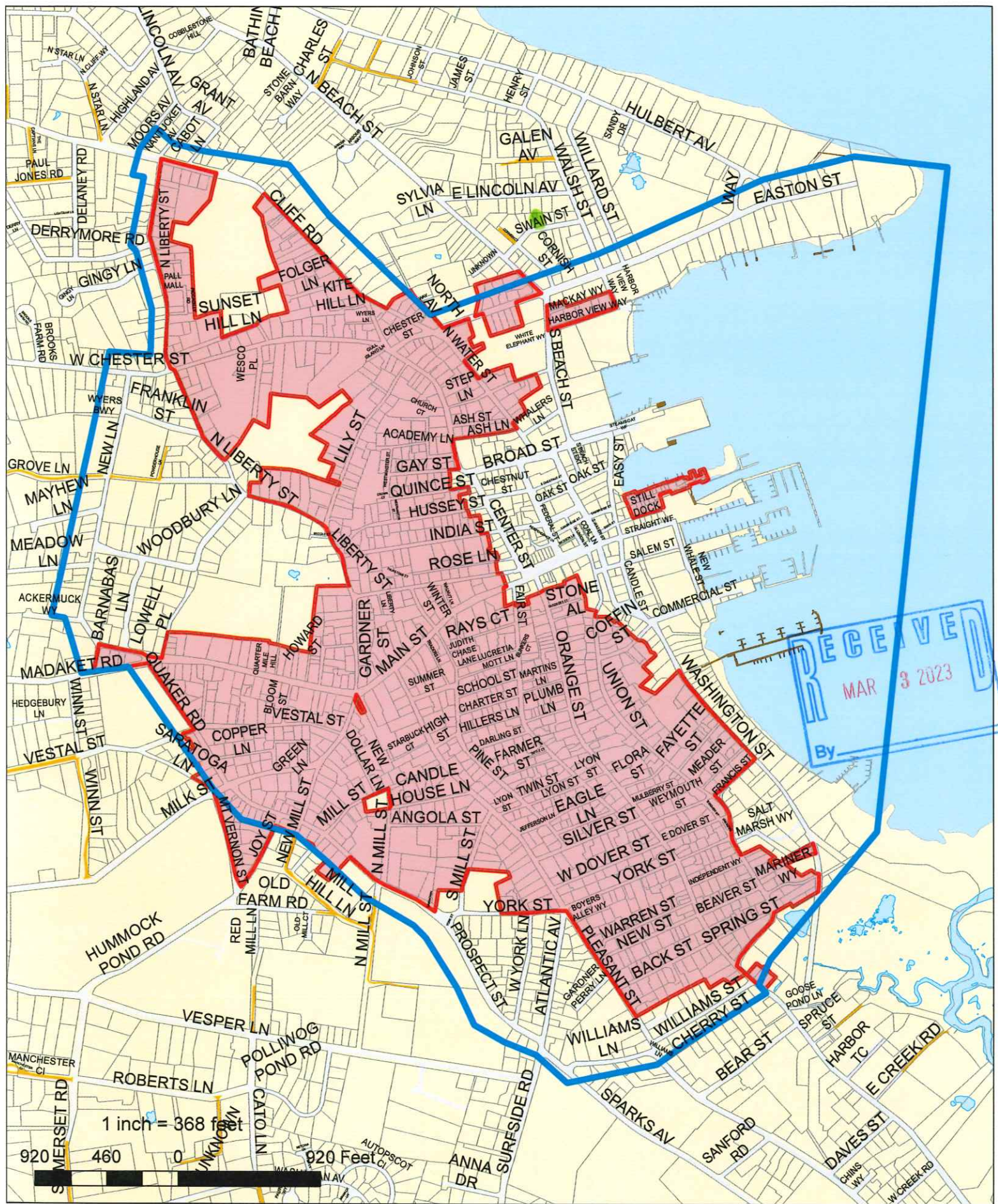


SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 1-9-23

DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

VAL OLIVER DESIGN inc
PO BOX 3057
NANTUCKET, MA 02584





RECEIVED
MAR 3 2023
By

1 inch = 368 feet

920 460 0 920 Feet

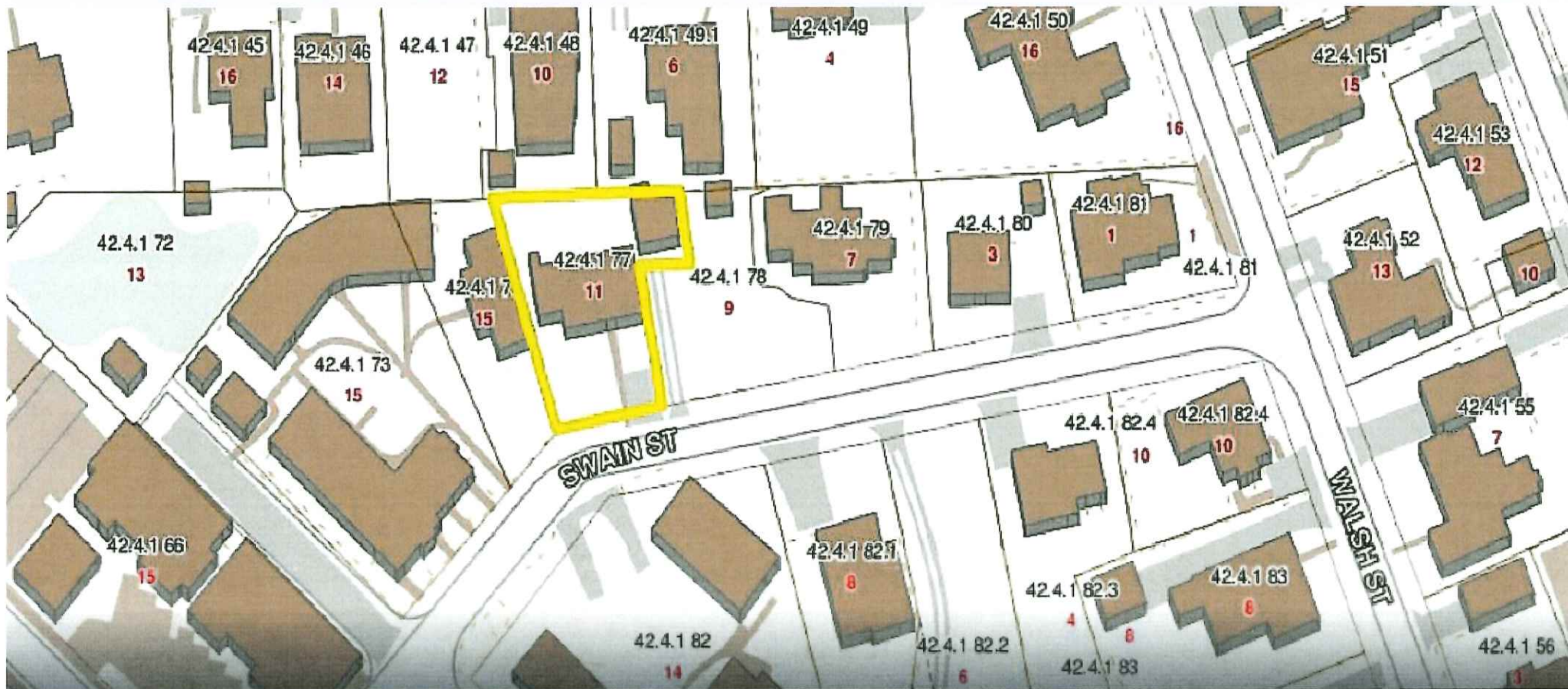
APPROVED

HDC 2023 - 03 - 8020

Without Flood Approval

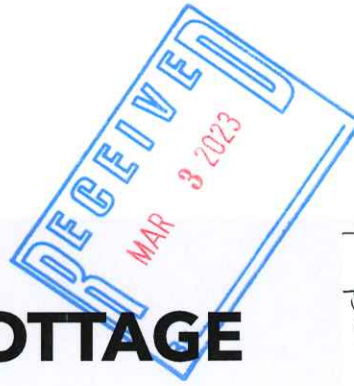


COUNIHAN- 13 SWAIN ST LIFT COTTAGE ABOVE FLOOD LEVEL

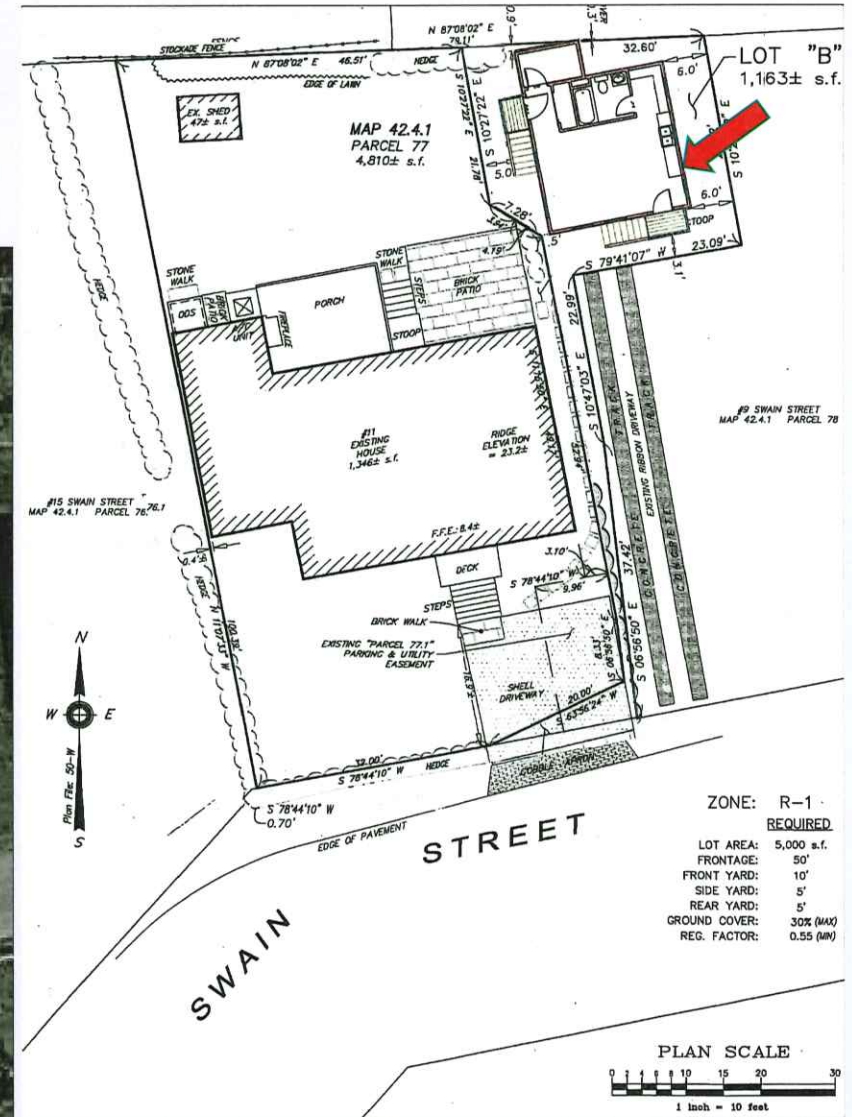
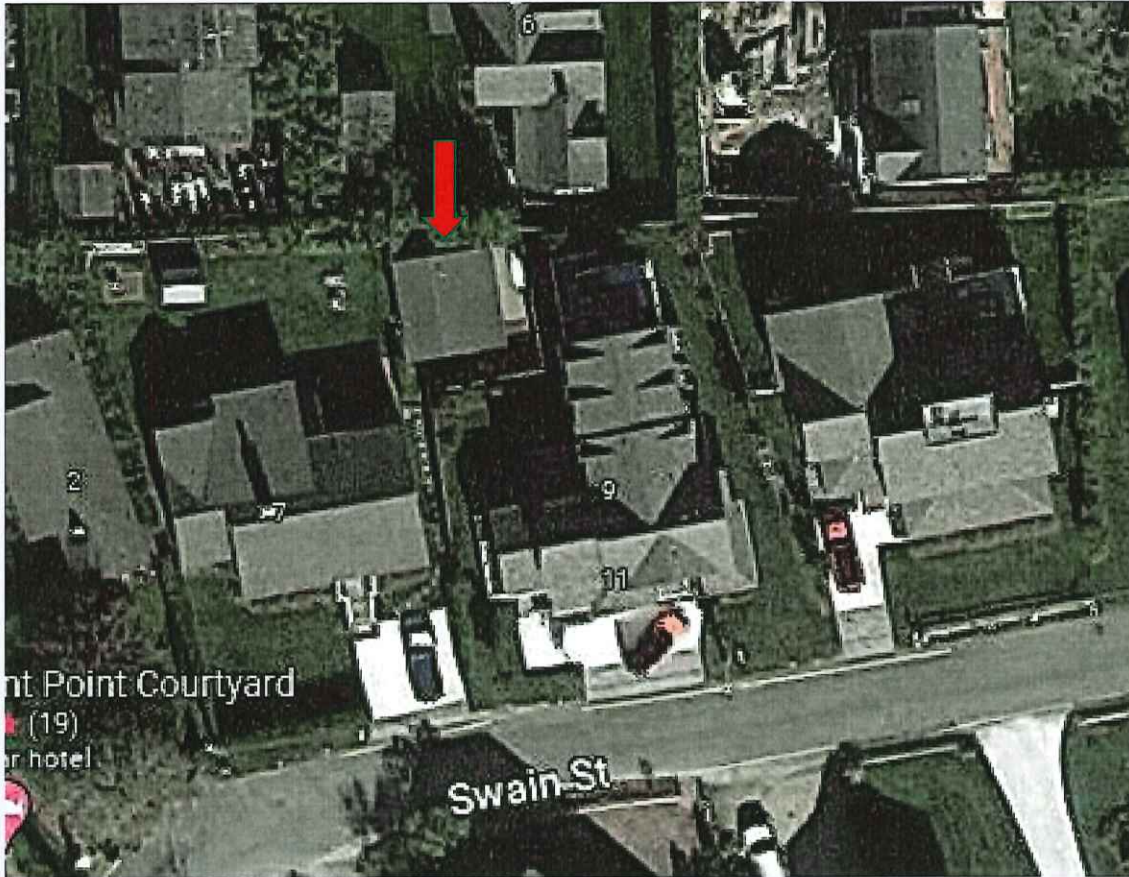


APPROVED

HDC 2023 - 03 - 8020



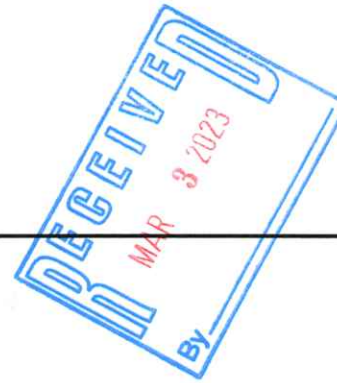
13 SWAIN ST- LIFT COTTAGE



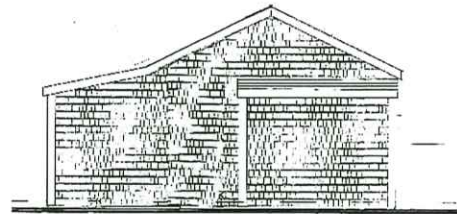
APPROVED

HDC 2023 - 03 - 8020

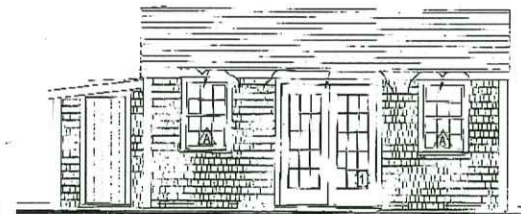
Without approval



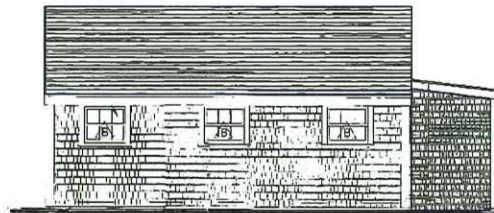
EXISTING COTTAGE ELEVATIONS



2 North Elevation
1/4" = 1' - 0"



3 West Elevation
1/4" = 1' - 0"



4 East Elevation
1/4" = 1' - 0"



5 South Elevation
1/4" = 1' - 0"

SCALE: 1/8"=1'
DRAWN BY: VO
DATE: 1-4-23

DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

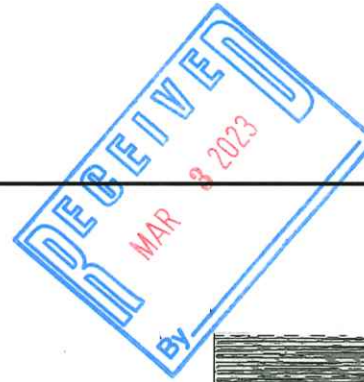
VAL OLIVER DESIGN Inc
PO BOX 3057
NANTUCKET, MA 02584



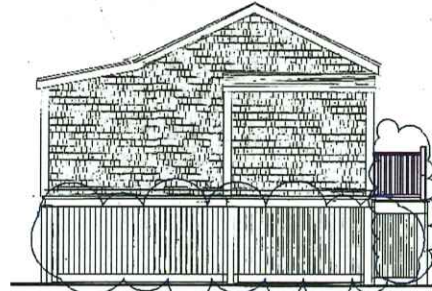
APPROVED

HDC 2023 - 03 - 0020

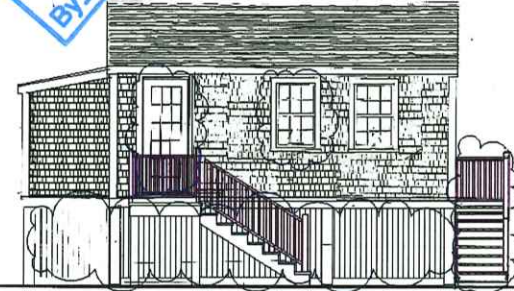
With due regard to approval



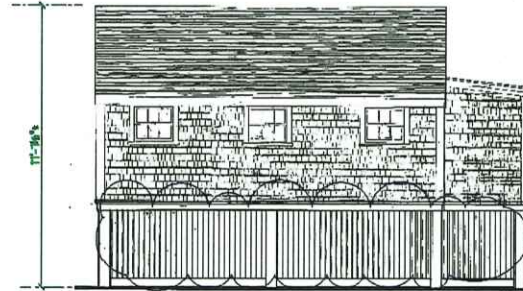
PROPOSED COTTAGE ELEVATIONS



REAR-NORTH



LEFT-WEST



RIGHT-EAST



FRONT-SOUTH

SCALE: 1/8"=1'
DRAWN BY: VO
DATE: 1-9-23

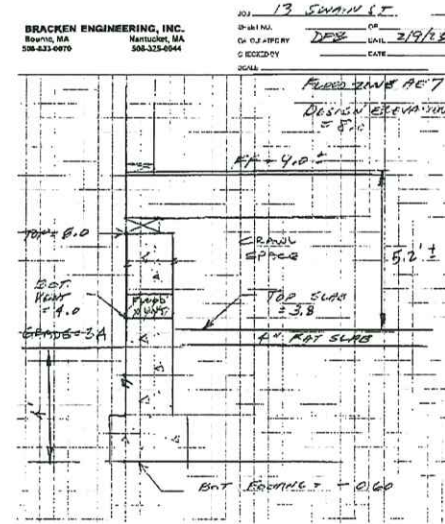
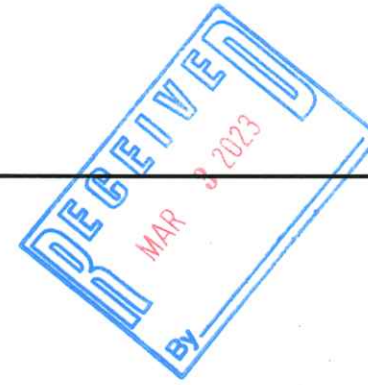
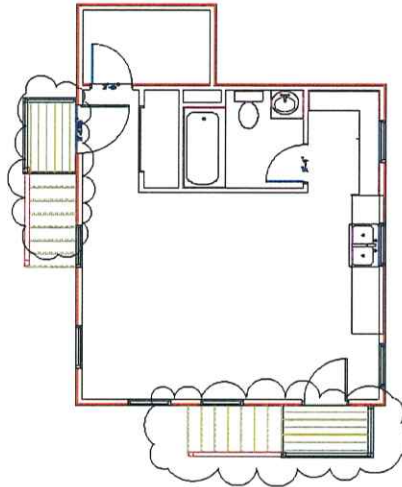
DAN COUNIHAN- 13 SWAN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

VAL OLIVER DESIGN Inc
PO BOX 3057
NANTUCKET, MA 02584



FLOOR PLAN

AND LIFT INFORMATION FROM DON BRACKEN



SCALE: 1/8"=1'
DRAWN BY: VO
DATE: 4-23

DAN COUNIHAN- 13 SWAIN STREET
RAISE COTTAGE UP ABOVE FLOOD LEVEL

VAL OLIVER DESIGN Inc
PO BOX 3057
NANTUCKET, MA 02584



**5 N. BEACH STREET
HISTORICAL SURVEY**

Massachusetts Cultural Resource Information System

Scanned Record Cover Page

Inventory No:	NAN.347	
Historic Name:		
Common Name:		
Address:	5 North Beach St	
City/Town:	Nantucket	
Village/Neighborhood:	Brant Point;	
Local No:	4241-092; BP11-21;	
Year Constructed:	1930	
Architectural Style(s):	No style;	
Use(s):	Secondary Dwelling House; Single Family Dwelling House;	
Significance:	Architecture; Recreation;	
Area(s):	NAN.C, NAN.D	
Designation(s):	Nat'l Historic Landmark (11/13/1966); Nat'l Register District (11/13/1966); Local Historic District (06/04/1970);	
Building Materials:	Roof: Asphalt Shingle; Wall: Wood; Wood Shingle; Foundation: Concrete Unspecified;	
Demolished	No	

The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (<http://mhc-macris.net/macrisdisclaimer.htm>)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site (www.sec.state.ma.us/mhc) under the subject heading "MHC Forms."

Commonwealth of Massachusetts
Massachusetts Historical Commission
220 Morrissey Boulevard, Boston, Massachusetts 02125
www.sec.state.ma.us/mhc

This file was accessed on: Tuesday, August 29, 2023 at 2:33 PM

BUILDING/STRUCTURE INVENTORY FORM
NANTUCKET ISLAND ARCHITECTURAL
AND CULTURAL RESOURCES SURVEY
NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/
FILM ROLL #: BP11-21
MAP/PARCEL#: 4241-092

347

Recorded by: BW

Date: 03/28/89

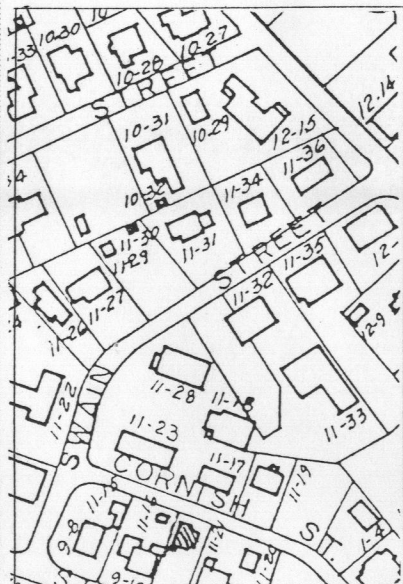
Organization: AGS

IDENTIFICATION

1. Street Name & No.: 5 NORTH BEACH ST
2. Building Name: N/A
3. Ownership: Private
4. Present Owner: BEGLEY, WILLIAM E. & PATRICIA K.
5. Ownership History:
Unknown
6. Use: Original: Dwelling Present: Dwelling
Seasonal/Year-Round: Seasonal
7. Accessibility to Public: Visible from Public Road? Yes
Interior: N/A

ED
P1-Brown
11-2-89

8. MAP -- 3 X 2"



GENERAL SETTING AND ORIENTATION OF BUILDING

10. Lot Size: 1/2-L
11. Approximate Frontage (ft.): 30
12. Setback from Street (ft.): 50 or less feet
13. Orientation to Street Address: Ridge Parallel
14. Surroundings: Scattered Buildings, Residential
15. Related Outbuildings and Property: N/A
16. Other Notable Features:
N/A

DESCRIPTION

17. Foundation: Concrete
18. Structural System: Woodframe
19. Exterior Wall Material, Front Facade: Shingles-Weathered
20. Exterior Wall Material, Side Elevations: Shingles-Weathered
21. Exterior Wall Material, Rear Elevation: Shingles-Weathered
22. Number of Stories: 1 1/2
23. Roof Shape: Gable
24. Roofing Material: Composition Shingle
25. Roof Features: N/A
26. Dormer Roof(s): N/A
27. Chimney Material: Brick-painted
28. Chimney Position: End Wall
29. Number of Chimneys: 1
30. Chimney Features: N/A
31. Front/Primary Door Location: Off Center
32. Front/Primary Door Frame Features: Flush Frame
33. Number of Bays: 3
34. Window Frame Type: Flush
35. Window Sash Type(s) - Front Facade: 6/1
36. Porch: N/A
37. Signage: N/A
38. Details: Corner boards-plain, Trellis
39. Condition: Good
40. Integrity: Original Site
41. Alterations:
N/A

SIGNIFICANCE

42. Role the Building Plays: National Register: Contributing

43. Date of Initial Construction: 1930

Source: Assessors Records, Sanborn Maps

Architect: Unknown Builder: Unknown

44. Building Type: Additive

45. Architectural Style: N/A

46. Historical and Architectural Importance:

Unknown

47. Sources: Assessors Records, Sanborn Maps

**5 N. BEACH STREET
ZBA FILE 061-01
DECISION**

000286

096673



TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

37 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS 02554

Date: *March 29, 2002*

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

APPLICATION NO.: *061-01*

OWNER/APPLICANT: *William E. Grieder*

Enclosed is the Decision of the Board of Appeals which has this
day been filed with the Nantucket Town Clerk. This Decision
provides a CLARIFICATION (not a Modification), an EXTENSION, or
authorizes a TEMPORARY PERMIT under Nantucket Zoning By-Law
§139-26H, with NO twenty (20) day appeal period required.

Nancy Levens
Chairman

cc: Town Clerk
Planning Board
Building Department

NANTUCKET
TOWN CLERK

02 MAR 29 P2:04

RECEIVED

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
37 WASHINGTON STREET
NANTUCKET, MA 02554

Assessor's Map 67

Land Court Plan 26439-E, Lot 19,
Certificate of Title No. 5495

Parcels 251 and 249

Land Court Plan 26439-H, Lot 29
Certificate of Title No. 5639

5 and 7 Surfside Drive

At a Public Hearing of the Nantucket Zoning Board of Appeals held at 1:00 P.M., Friday, September 14, 2001, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, MA on the Application of William E. Grieder with a mailing address of 4 Chapel Way, Nantucket, MA 02554, Board of Appeals File No. 061-01, the Board made the following Decision:

1. Applicant is seeking relief by VARIANCE under Nantucket Zoning Bylaw Section 139-16A (Intensity Regulations-minimum lot size), or in the alternative, relief by SPECIAL PERMIT under Nantucket Zoning Bylaw Section 139-33A (8) to validate two (2) lots as separately marketable and buildable, shown as 5 Surfside Drive (Lot 29 on Land Court Plan 26439-H), and 7 Surfside Drive (Lot 19 on Land Court Plan 26439-E). Lot 19 is a conforming 10,000 square foot vacant lot adjacent to Lot 29, which contains about 8,688 square feet. Lot 29 is improved with a commercial building approximately 30' by 60'. The commercial building was constructed in 1968 and has been operated continuously in conjunction with Applicant's wholesale distributing business for paper goods and/or beverages since then. No change in the commercial use of Lot 29 is proposed in this Application. Applicant seeks relief to be able to maintain the separate status of the two (2) lots should the Lots be considered merged for zoning purposes. Relief would result in one (1) conforming residential lot and one (1) pre-existing nonconforming commercial lot.

The Premises are located at 5 Surfside Drive (Land Court Plan 26439-H, Lot 29), and 7 Surfside Drive (Land Court Plan 26439-E, Lot 19), Assessor's Map 67, Parcels 251 and 249, respectively. The property is zoned Residential-10.

2. The Decision is based upon the Application and the materials submitted with it and the testimony and evidence presented at the Hearing. The Planning Board made no recommendation as the matter was not of planning concern. There were no letters received regarding this matter. There were two (2) area residents

Current owner of Lot 5 is Anderson Grennan

present who spoke in favor of the Application and there was no opposition expressed at the hearing. Applicant represented that he had contacted as many neighbors as he could and none expressed any concern to him.

3. The Applicant, through counsel, represented that he purchased the two (2) lots at different times in 1968 prior to the 1972 enactment of the Nantucket Zoning Bylaw by the Town of Nantucket. The Applicant acquired Lot 19 on January 29, 1968. Applicant has continued to own Lot 19 in his name since the date of purchase. Lot 19 has a lot area of 10,000 square feet which conforms to the current dimensional zoning requirements and has not been built upon or used for the commercial activity which takes place at 5 Surfside Drive (Lot 29). The Applicant receives a separate real estate tax bill for Lot 19. Lot 19 may be tainted by the nonconformities of the abutting Lot 29 and is undersized under current zoning.

4. The Applicant acquired Lot 29 on October 3, 1968. Lot 29 has approximately 8,688 square feet. Lot 29 does not meet current zoning requirements for minimum lot size. The lot is an unusual size and configuration from other lots in the Dias subdivision in area, most of which appear to contain at least 10,000 square feet of area. When the lot was carved out of the subdivision the easterly lot line was angled to allow the creation of a way for possible future subdivision by the developer behind Lot 29 as shown on Land Court Plan 26439-H and 26439-L. This created a reduction in the lot area.

The Applicant built the existing about 30' x 60' commercial warehouse facility in 1968 on Lot 29 and has continuously operated it for his wholesale distributing business for paper goods and/or beverages since then. This commercial activity has not encroached onto Lot 19. The warehousing and commercial activities on Lot 29 are a validly pre-existing nonconforming commercial use in what is now a residential zone. No change in the commercial use activity and building are requested in this Application and the Applicant proposes that the lot will retain its original pre-zoning square footage.

Each Lot receives a separate real estate tax bill from the Town of Nantucket. Lot 19 may be tainted by nonconformities of the abutting Lot 29 because of its nonconforming use and lot size. The Applicant believed that the two Lots were grandfathered under Zoning as two separately buildable and marketable lots. If Lot 19 had been built upon and held in different ownership prior to zoning Lot 29 would not taint it.

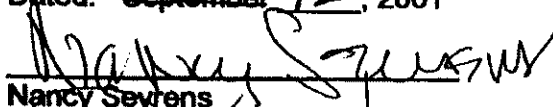
5. Therefore the Board finds that Variance relief can be granted to validate Lot 29 as a separately marketable lot containing a pre-existing nonconforming commercial use and to cure any tainting of Lot 19 that could prevent Lot 19 from being a separately marketable and buildable lot for uses permitted under current zoning. The Board also finds that the Lots have been treated as separate lots with separate title and tax histories, and the Applicant acted in good faith. The

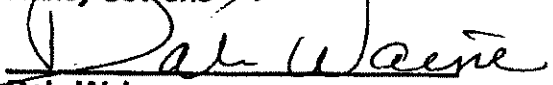
Board further finds that Lot 29 is an unusual size, shape and configuration. Most of the other lots created in the Dias subdivision in this area appear to contain at least 10,000 square feet of land. When Lot 29 was carved out of the subdivision, the easterly lot line was angled to allow for the creation of a way for possible future subdivision, by the developer, behind Lot 29, as shown on Land Court Plan 26439-H and 26439-L. This angling of the lot line created the reduction in the lot area. The size, shape and configuration of Lot 29, does not generally affect other lots in this zoning district. Lot 19, although tainted by the conditions on Lot 29, cannot be used for commercial activity since it is in a residential zone. Therefore, the Board finds that a literal enforcement of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the Applicant and desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Bylaw. The Board further finds that if relief is not granted, the Applicant would be left with one lot, with the two lots merged, having square footage approximately twice the size of other lots in the area. This would result in a 10,000 square foot residential lot tied to a commercial lot and a situation where the commercial use could not expand onto the residential lot. This would involve a substantial hardship to the Applicant requiring him to keep both or sell both lots if they were merged.

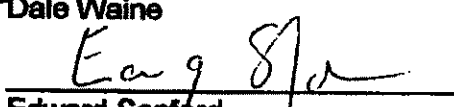
6. Accordingly, by UNANIMOUS vote, this Board GRANTS the VARIANCE RELIEF requested under Nantucket Zoning Bylaw Section 139-16A (Intensity Regulations) to validate Lot 29 as an about 8,688 square-foot lot, containing a validly pre-existing nonconforming commercial use, as separately marketable and buildable from Lot 19 and to validate Lot 19 as a separately marketable and buildable lot with all rights associated with a conforming lot in this Residential-10 zoning district. The grant of relief is conditioned upon the following:

a. There shall be no expansion or change in the commercial use on Lot 29 without further relief from the Board of Appeals.

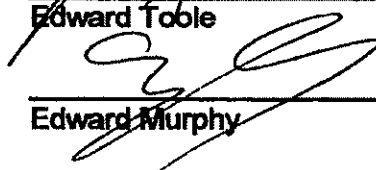
Dated: ~~September~~ ^{October} 12, 2001


Nancy Sevrens


Dale Waine


Edward Sanford


Edward Toole


Edward Murphy

Document No. 096673

CLARIFICATION

Nantucket Registry District

APR 12 2002

RECEIVED FOR REGISTRATION

3 O'CLOCK 00 m P M

NOTED ON CERTIFICATE NO. 20264 + 5495

IN REGISTRATION BOOK PAGE

ATTEST Joanna D. Kelley ASST RECORDER

MAR 29 2002

ATTEST: A TRUE COPY
William D. Hanger, Jr.
NANTUCKET TOWN CLERK

Document No. 096673

000285

4-12-02

**5 N. BEACH STREET
ZBA FILE 035-02
DECISION**



TOWN OF NANTUCKET
BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: June 4, 2002

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

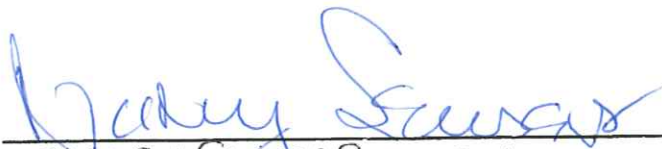
Application No.: 035-02

Owner/Applicant: Anderson Grennan

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

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

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


Nancy Sevens Chairman

cc: Town Clerk
Planning Board
Building Commissioner

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

NANTUCKET ZONING BOARD OF APPEALS
1 East Chestnut Street
Nantucket, Massachusetts 02554

Assessor's Map 67, Parcel 251
5 Surfside Drive
Residential-10

Land Court Plan 26439-H
Lot 29
Certificate of Title No. 20264

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, May 10, 2002, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the Application of ANDERSON GRENNAN, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 035-02:

2. The Applicant is seeking a MODIFICATION of the Decision in Board of Appeals File No. 061-01, which granted a Variance to validate the Locus as a separately marketable and buildable lot from an adjacent vacant conforming lot. (The present Application was filed in the name of the former owner, William F. Grieder; subsequent to filing, the Applicant herein consummated his acquisition of the Locus.) The Applicant proposes to continue to use the existing nonconforming commercial structure for the present use of warehousing and storage, with addition of the storage of tents and related equipment and supplies to the previous use for wholesale distribution of paper goods and beverages. To accomplish this change, and to the extent necessary, the Applicant is also seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law S139-33.A, for the alteration or expansion of a pre-existing, nonconforming use or structure. The Decision in BOA File No. 061-01 specifically stated that there could be no expansion or change in the pre-existing, nonconforming commercial use without further relief from the Board of Appeals. The Applicant also proposes to convert a portion of the interior space to a small dwelling unit. This would result in an increase in on-site parking requirements from two to three spaces, but all three required spaces would be provided on-site. No expansion of the existing footprint of the existing structure is proposed.

The Locus is situated at 5 SURFSIDE DRIVE, is shown upon Assessor's Map 67 as Parcel 251, is shown on Land Court Plan 26439-H as Lot 29, and is situated in a Residential-10 zoning district.

3. Our Decision is based upon the Application and accompanying materials, and representations and testimony

received at our public hearing. No recommendation was received from the Planning Board. There was opposition presented at the public hearing and in correspondence by counsel for the owner of the abutting parcel which was formerly in common ownership with the Locus and benefited by relief from this Board. No other support nor opposition was received.

4. As set forth in the Decision in Board of Appeals File No. 061-01, the Locus is improved with a building which has been used by the former owner of the Locus, continuously from 1968 until the Locus was sold to the Applicant on April 12, 2002, as a facility for storage and warehousing, in connection with a business of distribution of paper products and beverages. Relief was granted in that case to validate the Locus as a lot in separate ownership from the adjacent conforming vacant residential lot. In the Decision, the Board granted relief subject to the condition that there be no expansion or change in the commercial use of the Locus without further relief from the Board of Appeals. Although the storage activity proposed by the Applicant, for the storage of tents and related supplies in connection with his business of the rental of tents for social occasions, which he and his employees install at renters' sites, together with continuation of the distribution of paper products and beverages stored in the building upon the Locus, continues the use of storage and warehousing and the area so used would not be expanded, the Board of Appeals considered the inclusion of tent storage within the building to be an expansion of the commercial use. The proposed inclusion of a dwelling unit in the building is a permitted use in the Residential-10 zoning district in which the Locus is situated.

5. Concern was expressed by the neighbor's attorney that the tent storage activities would increase vehicle trips and periods of usage of the commercial building upon the Locus. The Applicant contended that the portion of the building used for tent storage would diminish the area used for storage of other materials, and that the overall impact of the proposed activities would be the same or less than the prior use. In addition, with the addition of the dwelling unit without expansion of the footprint of the structure would reduce the commercial space. Furthermore, customers would not be coming to the property, as delivery would continue to be made to off-site locations.

6. Based upon the discussion at the public hearing, by a UNANIMOUS vote, the Board of Appeals made the finding that the expansion of the commercial storage activities upon the Locus to include storage of tents and related items would not be substantially more detrimental to the neighborhood than the pre-existing, nonconforming use of storage and warehousing of paper products and beverages, subject to the conditions set forth in

Paragraph 8 of this Decision. In fact, there would be a reduction in impact with the reduction of commercial space, and little to no additional impact with the addition of tents, as there would continue to be no customers coming to the site, which is consistent with the previous business.

7. Accordingly, by a UNANIMOUS vote, the Board GRANTED the requested SPECIAL PERMIT relief under Nantucket Zoning By-Law §139-33.A, to allow the expansion of the pre-existing, nonconforming use of storage and warehousing (which also includes an office space ancillary to the business) to include storage of tents and related items, and construction of an interior single-family dwelling unit, without expanding the footprint subject to the conditions set forth in Paragraph 8.

8. The relief granted hereby is subject to the following conditions:

(a) There shall be no outdoor storage of goods or materials upon the Locus, and the two 16-foot trailers used for transportation of tents may be parked outside between May 1 and October 31 in any given year.

(b) There shall be one business on site and all commercial activities upon the Locus shall be conducted by the Applicant, personally or through a single business entity operated or controlled by him.

(c) No active commercial activities shall be conducted upon the Locus on Sundays except between the hours of 9:00 A.M. and 5:00 P.M.

(d) The single dwelling unit within the existing structure shall contain not more than 600 square feet in floor area.

9. The condition set forth in the Decision in File No. 061-01, that there be no expansion or change in the commercial use of the Locus without further relief from the Board of Appeals, shall remain in full force and effect.

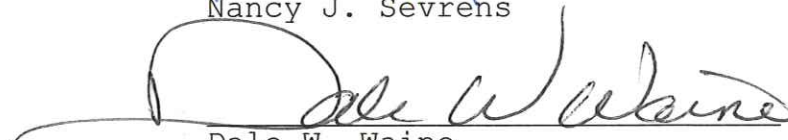
10. The Board waived site plan review for this project under Nantucket Zoning By-Law §139-23.

(035-02)

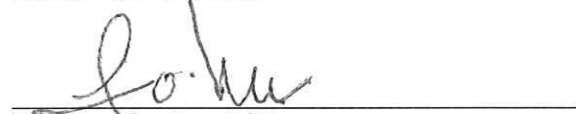
Dated: June 4, 2002



Nancy J. Sevens



Dale W. Waine



Michael J. O'Mara



Edward S. Toole

Edward C. Murphy