



## ZONING BOARD OF APPEALS

2 Fairgrounds Road  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Susan McCarthy (Chair), Elisa Allen (Clerk), Michael J. O'Mara, John Brescher, Joe Marcklinger  
**Alternates:** Lisa Botticelli, Mark Poor, Jim Mondani

### ~~ MINUTES ~~

**Thursday, September 14, 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 1:04 pm and announcements made by Ms. McCarthy

Staff in attendance: Nicky Sheriff, Administrative Specialist; William Saad, Land Use Specialist

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

Absent: Mondani

Agenda adopted by unanimous consent

Motion **Motion to Approve.** (made by: Brescher) (seconded by: Marcklinger)

Vote Carried unanimously

Early Departures Michael O'Mara at 1:14 PM

Lisa Botticelli at 1:23 PM

### I. APPROVAL OF MINUTES

5/23/23, 7/13/23, 8/10/23 – **CONTINUED to October 12, 2023**

### II. OLD BUSINESS

1. **37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams**  
**WITHDRAWN WITHOUT PREJUDICE**  
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  
Absent Mondani  
Discussion  
**McCarthy-** Stated the applicant has made a request to withdraw without prejudice.  
**Saad-** Stated the applicant has submitted a request to withdraw and submitted a written statement to change the scope of the work.  
**McCarthy-** Understands the applicant will resubmit an application eliminating proposed work to the foundation and creation of a basement.  
  
Motion **Motion to Allow Withdrawal without prejudice.** (made by: Botticelli) (seconded by: Allen)  
Vote Carried unanimously (SM, LB, MJO, EA)
2. **09-22 Harris on Weweeder, LLC 50 Weweeder Avenue Brescher**  
**CONTINUED to October 12, 2023**  
Voting McCarthy, Allen, Brescher, Marcklinger, Botticelli  
Discussion Not opened at this time.  
Motion **Motion to Allow Continuance.** (made by: Allen) (seconded by: McCarthy)  
Vote Carried unanimously
3. **20-22 Steven L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust Cohen**  
**CONTINUED to October 12, 2023**  
Voting McCarthy, Allen, Brescher, Marcklinger, Botticelli  
Discussion Not opened at this time.

## ZBA Minutes for September 14, 2023

Motion **Motion to Allow Continuance.** (made by: Allen) (seconded by: McCarthy)  
Vote Carried unanimously

### III. NEW BUSINESS

1. 10-22 Paul P. Moran & Jean M. Moran 4 Washington Avenue Santos

#### **WITHDRAWN WITHOUT PREJUDICE**

Voting McCarthy, Brescher, Marcklinger, Botticelli, Allen  
Discussion Not opened at this time.  
Motion **Motion to Allow Withdrawal without prejudice.** (made by: Brescher) (seconded by: Marcklinger)  
Vote Carried unanimously

2. 11-23 13 Swain Nominee Trust 13 Swain Street Swain

Voting McCarthy, Allen, Brescher, Marcklinger, Poor  
Discussion  
**Swain-** Presented application, seeking two forms of relief: 1. Special Permit to alter the preexisting nonconforming structure to raise the dwelling out of the flood zone, and reposition the structure to alleviate the existing easterly and westerly setback intrusions. 2. Related to the move, the applicant is seeking Variance relief in order to construct stairs for egress and this relief is necessary due to the shape of the lot.  
**Marcklinger-** Confirmed this is a preexisting lot. As the owner owns the abutting lot, can they move a lot line to achieve the same result?  
**Swain-** Stated client cannot move the southerly side yard lot line.  
**Brescher-** Questioned how long the project will take.  
**Swain-** Stated the contractor is ready and believes the project will be completed by next spring.  
**McCarthy-** Questioned if any abutters concerns were received.  
**Saad-** Confirmed no abutters concerns were received.

Motion **Motion to approve the Special Permit, the extension alteration or change is not more substantially detrimental than the existing nonconformity with conditions suggested by staff in the staff report.** (made by: Brescher) (seconded by: Marcklinger)  
Vote Carried unanimously

Motion **Motion to approve the Variance owing to circumstances related 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.** (made by: Brescher) (seconded by: Marcklinger)  
Vote Carried unanimously

3. 12-23 Holly Coburn 5 North Beach Street Normand

Voting McCarthy, Allen, Marcklinger, Poor  
Discussion  
**Normand-** Presented application, seeking Special Permit relief to remove the pre-existing nonconforming structure upon the premises and construct a new structure. The existing cottage is a 1930's cottage with an addition from 2007. This use of the property is nonconforming in the CN district. This section of N Beach Street is primarily residential and the abutting properties are residential. This cottage has been a residential dwelling since the 1930's. The existing cottage currently intrudes on the side and rear yard setbacks, and the proposed new dwelling will be zoning-compliant with respect to setbacks. Relief is sought to protect the primary residential use of the lot and proposed residential dwelling.  
**Allen-** Confirmed that the new dwelling will be compliant with setback requirements.  
**McCarthy-** Confirmed no additional concerns received from abutters

Motion **Motion to approve the Special Permit, the extension alteration or change is not more substantially detrimental than the existing nonconformity with conditions suggested by staff in the staff report.** (made by: Allen) (seconded by: Marcklinger)  
Vote Carried unanimously

**3. 13-23 Surfside Drive, LLC**

**5 Surfside Drive**

**Beaudette**

**CONTINUED to October 12, 2023**

|            |                                                                                    |
|------------|------------------------------------------------------------------------------------|
| Voting     | McCarthy, Allen, Brescher, Marcklinger, Poor                                       |
| Discussion | Not opened at this time.                                                           |
| Motion     | <b>Motion to Allow Continuance.</b> (made by: Brescher) (seconded by: Marcklinger) |
| Vote       | Carried unanimously                                                                |

**IV. OTHER BUSINESS**

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

**CONTINUED to October 12, 2023**

**V. ADJOURNMENT**

|        |                                                                                     |
|--------|-------------------------------------------------------------------------------------|
| Motion | <b>Motion to Adjourn at 1:38 pm.</b> (made by: Brescher) (seconded by: Marcklinger) |
| Vote   | Carried unanimously                                                                 |

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

1. None

Submitted by:  
William Saad