

ZBA MEETING PACKET

12/14/23



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

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

RECEIVED

2023 DEC 06 PM 02:14
NANTUCKET TOWN CLERK
Posting Number:T 1069

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, December 14, 2023, at 1:00 PM
Location / Address	4 Fairgrounds Road, Nantucket, MA 02554 PSF COMMUNITY ROOM & REMOTE PARTICIPATION VIA ZOOM WEBINAR
Signature of Chair or Authorized Person	William Saad, Zoning Administrator and Land Use Specialist

WARNING:

IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE-BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.

AGENDA

(Subject to Change)

The meeting will be recorded and archived at www.nantucket-ma.gov.

ZOOM WEBINAR REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_xhyfb44SSNqKnKYE6fuglw#/registration

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

[HTTPS://WWW.YOUTUBE.COM/LIVE/XZIQRCALAWK?si=HA_L41t2XK1FZRKI](https://www.youtube.com/live/XZIQRCALAWK?si=HA_L41t2XK1FZRKI)

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

- I. CALL TO ORDER:**
- II. APPROVAL OF THE AGENDA:**
- III. APPROVAL OF THE MINUTES:**

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

03-22 9 Thirty Acres LLC

9 Thirty Acres Lane

Alger

The Applicant is required to review with the Board all conditions set forth in the Decision in Zoning Board of Appeals File No. 03-22 at a Public Hearing pursuant to condition 19 of the Employee Dormitory Management Plan

attached to the Decision as “Exhibit I”. This review may result in additional conditions and or requirements being imposed by the Board. Locus is situated at 9 Thirty Acres Lane, shown on Assessor’s Map 67, Parcel 115.7, and as Lot 3 upon Plan File 48-G. Evidence of owner’s title is recorded in Book 1894, Page 54 on file at the Nantucket Country Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

09-22 Harris on Weweeder, LLC

50 Weweeder Avenue

Brescher

Continued to January 11, 2024

The Applicant is seeking Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 from the intensity regulations in Section 139-16A to site a proposed pool cabana in the side yard setback as close as 2.7 feet from the side yard lot line in a zoning district that requires a minimum of a ten (10) foot side yard setback and to increase the allowable groundcover ratio to 7.9% in a zoning district with a maximum groundcover ratio of 7%. Locus is situated at 50 Weweeder Avenue, shown on Assessor’s Map 79 as Parcel 15 and upon Land Court Plan 42927-A. Evidence of owner’s title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

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

Cohen

Pgs
61-81

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

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

18-23 7 I Street, LLC

7 I Street

Thornewill

Pgs
84-110

The Applicant is seeking a Modification to the previously issued Special Permit in ZBA File No. 077-12. Pursuant to Nantucket Zoning Bylaw Section 139-33.A.(1)(a) to change the use of the preexisting nonconforming garage to a secondary dwelling. Locus is situated at 7 I Street, shown on Assessor’s Map 59.4, Parcel 74, and shown as Lots 46, 57, and 68 on Land Court Plan 3092-S. Evidence of owner’s title is registered on Certificate Title No. 28515 with the Nantucket County District of the Land Court. The site is zoned Village-Residential (VR).

19-23 2 Easton Street LLC & Nantucket Boat House LLC

2 & 6 Easton Street

Hunton

Pgs
112-128

The Applicants are seeking Special Permit Relief pursuant to Nantucket Zoning Bylaw Sections 139-33A(1), 139-30, and 139-22(D) to reconfigure a preexisting nonconforming residential pier. Locus is situated at 2 & 6 Easton Street, shown on Assessor’s Map 42.1.4, Parcels 8 & 9, and as Lot 2, Plan Book 18 Page 160 and Lot 1, Plan Book 18 Page 160. Evidence of owner’s title is recorded in Book 1398, Page 329, and Book 1518, Page 251 on file at the Nantucket Country Registry of Deeds. The site is zoned Residential 1 (R-1).

20-23 5 Amelia Drive, LLC

5 Amelia Drive

Reade

Pgs
130-160

The Applicant is seeking a Modification to the previously issued Variance in ZBA File No. 025-06. Pursuant to Nantucket Zoning Bylaw Section 139-32 to allow the construction of a permanent roof over the patio area. Locus is situated at 5 Amelia Drive, shown on Assessor’s Map 67, Parcel 435, and shown as Lot 24 upon Plan File 30-D. Evidence of owner’s title is recorded in Book 1906, Page 49 on file at the Nantucket Country Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

VI. OTHER (VOTES MAY BE TAKEN)

051-03 Paul and Louise Laudano 10 Fox Grape Lane/Rugged Scott a/k/a Beach Plum 40B

Pgs 162-169

The Applicant seeks a determination that proposed changes to the architectural plans approved with the Comprehensive Permit, as amended, may be considered insubstantial pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized by the Zoning Board of Appeals. The proposed changes

consist of the installation of an inground swimming pool upon Market Rate Lot 6, also known as 10 Fox Grape Lane of the 40B development known as Beach Plum Village.

Pg 171 • **2024 Zoning Board of Appeals Meeting Schedule**

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

OLD BUSINESS

9 Thirty Acres LLC

File No. 03-22

9 Thirty Acres Lane

**Review of Previously
Granted Special Permit**



NAN
TOW
2023 NOV 14 PM 12:36

ZBA

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

Date: November 13, 2023
To: Nancy Holmes, Town Clerk
From: William Saad, Zoning Administrator
Re: Zoning Board of Appeals Decision 03-22; 9 Thirty Acres Lane LLC

Dear Nancy,

The attached application materials are for a Public Hearing of ZBA File No. 03-22, pursuant to Condition 19 of the Dormitory Management Plan attached to the Special Permit issued by the Nantucket Zoning Board of Appeals, dated May 12, 2022. This matter will be heard at the ~~January~~ **DECEMBER** 14, 2023, meeting of the Nantucket Zoning Board of Appeals.

Sincerely,

William Saad,
Zoning Administrator

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

FOUR NORTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

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

SARAH F. ALGER
sfa@sfapc.com

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

JOHN R. ALGER
1931-2007

November 7, 2023

BY HAND

William Saad, Land Use Specialist
Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: 9 Thirty Acres Lane
Nantucket, Massachusetts
Map 67, Parcel 115.7
ZBA File No. 03-22

Dear Mr. Saad:

Pursuant to Condition 19 of the Dormitory Management Plan attached to the Special Permit issued by the Nantucket Zoning Board of Appeals, dated May 12, 2022, recorded with Nantucket Deeds in Book 1898, Page 234 (the "Special Permit"), the Applicant is hereby requesting a review of all conditions set forth in the Special Permit, a copy of which is enclosed.

I am also enclosing a certified abutters list, together with its accompanying mailing labels, and a check for the filing fee in the amount of \$450.00.

Please call me if you need anything further.

Thank you for your attention to this matter.

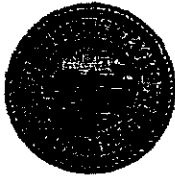
Sincerely,



SFA/hv

Enclosures

76



NANTUCKET
TOWN CLERK

2022 MAY 18 AM 11:19



2022 00001682

Bk: 1898 Pg: 234 Page: 1 of 7
Doc: MSP 06/08/2022 01:21 PM

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

Date: May 12, 2022

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

Application No: 03-22

Owner/Applicant: LARRY B. WHELDEN & ROBERT M. BURTON, JR

Address: 9 THIRTY ACRES LANE

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with 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 a
complaint in Land 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.

Leslie Woodson Snell, AICP

Deputy Director of Planning/Zoning Administrator

cc: Town Clerk

Planning Board

Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-325-7587.

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

Assessor's Map 67, Parcel 115.7
9 Thirty Acres Lane
Commercial Neighborhood (CN)

Plan File 48-G
Lot 3
Deed, Book 1876, Page 291

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, March 10, 2022, at 1:00 P.M., via Zoom Webinar, the Board made the following decision on the application of LARRY B. WHELDEN and ROBERT M. BURTON, JR., c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 03-22:

2. The applicants request that the Special Permit issued in Board of Appeals Case No. 083-99, which allowed the conversion of an existing duplex dwelling to an employer dormitory, be modified by removing the condition set forth in Paragraph 21 of the Dormitory Management Plan attached thereto as Exhibit A, which provided that the Special Permit was personal to the applicant therein and would expire upon sale out of the applicant's control unless further relief were obtained from the Board of Appeals. The subject property is situated at 9 THIRTY ACRES LANE, Assessor's parcel 67-115.7, and is now within the Commercial Neighborhood (CN) zoning district.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation. Except for the presentation by the applicants' representative, there was no support nor opposition presented at the public hearing.

4. The Special Permit in File No. 083-99 was granted to H & L Holdings, LLC, an entity of which the principals were the applicants herein, to which locus was recently conveyed in liquidation of the LLC. The applicants propose to sell locus to 9 Thirty Acres LLC, an entity which will be owned by 23 Broad Street Holdings LLC, and accordingly have requested modification of the existing Special Permit to authorize the employer dormitory use to continue in the ownership of the proposed new owner.

5. Subsequent to the issuance of the Special Permit in File No. 083-99, the Nantucket Zoning By-law has been amended, and

"employer dormitory" is now a use which can be permitted only in the Country Overlay District; locus is in the Town Overlay District, in which "neighborhood employee housing" is now a use allowed by special permit. The existing use pursuant to the Special Permit, as an employer dormitory for up to 25 persons, is now a pre-existing, nonconforming use, and is allowed to continue subject to the conditions of the Special Permit.

6. As a result of changes in management plans for employee housing under decisions of the Nantucket Planning Board and Board of Appeals, the Board herein determines that the existing Management Plan which was attached to the decision in File No. 083-99 is now partially obsolete, and that it should be replaced by a current Management Plan, which is attached to this decision as Exhibit I.

7. Subject to the replacement of the Management Plan with the version attached hereto, the Board of Appeals finds that the modification of the Special Permit in File No. 083-99 to allow the employer dormitory use to continue in accordance with that Special Permit, under the ownership of 9 Thirty Acres LLC, will be in harmony with the general purpose and intent of the By-law, and accordingly by unanimous vote of the five sitting members granted the requested modification.

Dated: May 16, 2022

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS 40A, SECTION 11

Nancy Z. Holmes TOWN CLERK

JUN - 8 2022

Susan McCarthy
Susan McCarthy

Lisa Botticelli
Lisa Botticelli

Elisa Allen
Elisa Allen

Michael O'Mara
Michael O'Mara

Jim Mondani
Jim Mondani

ATTEST: TRUE COPY

Nancy Z. Holmes

NANTUCKET TOWN & COUNTY CLERK

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the 16 day of May, 2022, before me, the undersigned notary public, personally appeared Elisa Allen, 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 he signed the foregoing instrument voluntarily for the purposes therein expressed.


Official Signature and Seal of Notary Public
My commission expires:

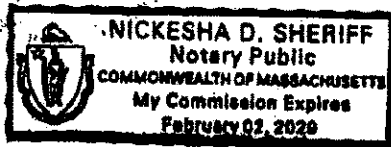


EXHIBIT I

NANTUCKET ZONING BOARD OF APPEALS DECISION 03-22

9 Thirty Acres, LLC

Employee Dormitory Management Plan

9 Thirty Acres Lane

Nantucket, Massachusetts, 02554

1. The Building shall be limited to twenty-five (25) occupants (hereafter "residents"), with a maximum of twenty-four (24) residents plus a "Resident Manager" without further relief from this Board. Applicant reserves the right to apply for an increase in the number of residents at a separate duly noticed Public Hearing.
2. The property owner shall be responsible for planting and permanently maintaining a compact hedge at least four (4) feet high along each side of any parking area that adjoins or fronts on any street and/or abutting property (except along any common driveway) to prevent damage to the vehicular activities and to provide screening from neighboring parcels.
3. The property owner shall be responsible for constructing and permanently maintaining on the premises a privacy fence of about six (6) feet in height along the westerly lot line as shown on the site plan.
4. All exterior lighting shall be directed generally downward and placed so as to not be directed at any neighboring parcels.
5. The premises and grounds of the premises shall be kept neat and clean at all times. The premises shall be serviced by a commercial trash removal service, with the trash to be removed at regular, frequent intervals year-round, as needed. Trash receptacles, including dumpsters and trash cans, shall be placed so as to be screened from view from Thirty Acres Lane
6. No exterior storage of furniture (except lawn furniture), refuse, mechanical components, debris, unregistered or inoperable vehicles, or other materials constituting a nuisance, shall be permitted on the premises.
7. Overnight guests in the dormitory shall be prohibited.

8. The total number of motor vehicles permitted upon the premises overnight by the owners or tenants of the lot or their employees shall not exceed the number of on-site parking spaces provided upon the lot, less one. No employee shall keep a motor vehicle upon the lot without the consent of his/her employer. Any vehicle not registered to an employee/resident shall be towed at the owner's expense.
9. The owner of the premises, or the tenant of the owner of the premises, shall provide their employees free Nantucket Regional Transit Authority shuttle passes for the entire period that such employee shall reside in the dormitory.
10. The property owner shall be required to install and maintain bike racks on the premises, in a location convenient for use by the employee residents of the dormitory.
11. The property owner shall periodically conduct orientation sessions, which each new resident shall be required to attend, in order to ensure that each employer and each employee fully understands all conditions, rules, and regulations applicable to the dormitory.
12. All non- residents shall be off the premises by 11:00 PM.
13. The two (2) doors located on the second-floor decks are to be used only in the event of an emergency and are not to be used for regular access. Said doors shall be locked from outside and the second-floor decks shall not be used for congregating.
14. No loud music, no exterior amplified music or other noise violating Chapter 101 Noise (the Nantucket noise by-law) or any other provision of law from time to time in effect shall be permitted upon the lot. After 10:00 PM, televisions/stereos and similar devices must be operated so that no noise can be heard from room to room in the dorm or as to be audible to the neighbors.
15. The dormitory building upon the premises shall not be used for the housing of any persons except employees of 9 Thirty Acres LLC, or employees of a tenant of an owner of the premises. No portion of any building upon the premises shall be rented to any person for occupancy by such person; all tenants shall be employees, and all occupants shall be employees of an owner or a tenant, who are licensed by their virtue of their employment and for only so long as their employment shall continue. No sub tenancies of the building shall be permitted.
16. Each lease to an employer shall set forth that the employer shall be responsible for compliance with all provisions of these conditions by the employees of such employer and within the area leased to such employer.

17. 9 Thirty Acres, LLC shall employ an individual resident manager, who shall reside in the dormitory building. The resident manager shall keep an open log of neighbor's complaints and of any action taken to abate each problem.
18. The name and telephone number of the resident manager; and the owner (s) of the dormitory, by virtue of ownership or lease, shall be delivered to direct abutters of the premises and the representative of the two (2) abutting homeowners associations. This information shall be updated at the time of any change. It shall further be filed with the Zoning Board of Appeals, Nantucket Police Department, the Nantucket Building Department, and the Nantucket Health Department. The resident manager shall be provided with a cellphone, with that telephone number provided to the Nantucket Police Department.
19. The Board of Appeals shall, at a public hearing to be held pursuant to legal notice as required for a Special Permit application, in November of, and at another Public Hearing to be held in November of 2023, review all conditions set forth in this Special Permit, and shall make such modifications and additions to these conditions as the Board of Appeals shall deem appropriate for the management and control of activities upon the subject lot and the best interests of the neighborhood and the Town in general.
20. The subject Special Permit issued in this case shall be personal to 9 Thirty Acres Lane LLC. If the property, or any part thereof, is sold out of the that owner's control, the Special Permit shall be deemed to have expired unless further relief from this Board is obtained.
21. The employer agreement entered into with the employees ("House Rules and Regulations") shall be filed with the Zoning Board of Appeals.

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira Registrar of Deeds

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER.....9 Thirty Acres Lane LLC
MAILING ADDRESS.....c/o of Sarah F. Alger, P.C. Four North Water Street, Nantucket, MA 02554
PROPERTY LOCATION.....9 Thirty Acres Lane
ASSESSOR MAP/PARCEL.....Map 67, Parcel 115.7
SUBMITTED BY.....Holly Fernandes

SEE ATTACHED PAGES

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

November 6, 2023

DATE

Mary L.
Haley

Digitally signed
by Mary L. Haley
Date: 2023.11.06
10:31:13 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	113	1	ACKED LLC		61 OLD SOUTH RD # 42	NANTUCKET	MA	02554	18- BARTLETT RD
67	114	1	PERRY JOSEPH F & ANASTASIA M	FIRST AMERICAN TAX SERVICE	8435 STEMMONS FREEWAY	DALLAS	TX	75847	16- BARTLETT RD
67	115		MACDONALD HECTOR		PO BOX 1824	NANTUCKET	MA	02554	2 THIRTY ACRES LN
67	115	1	BEAR VAULT LLC	C/O KEVIN F DALE ESQ	PO BOX 659	NANTUCKET	MA	02554	12R BARTLETT RD
67	115	2	PERRY JOSEPH F & ANASTACIA M		16 1/2 BARTLETT ROAD	NANTUCKET	MA	02554	3 THIRTY ACRES LN
67	115	4	THIRTY ACRES LANE LLC		11 RAMOS COURT	NANTUCKET	MA	02554	6 THIRTY ACRES LN
67	115	8	WINTERS RONALD W & ELLEN H TRS		7 THIRTY ACRES LN	NANTUCKET	MA	02554	7 THIRTY ACRES LN
67	115	9	CROSBY LOUISA H TRUSTEE	CHCF REALTY TRUST	BOX 76	E AURORA	NY	14052	5 THIRTY ACRES LN
67	118	7	RUSTAD BINTH		PO BOX 656	NANTUCKET	MA	02554	6 WINDY WY
67	118	8	US REIF MARINE NANTUCKET FEE LLC		1270 SOLDIERS FIELD RD	BOSTON	MA	02135	8 WINDY WY
67	218		KEEP ON TRUCKING LLC		PO BOX 113	NANTUCKET	MA	02554	57 SURSIDE RD
67	373		DICKINSON ROBERT D & JAMIE T		15 GREEN MEADOWS	NANTUCKET	MA	02554	15 GREEN MEADOWS
67	374		COFFIN DOROTHY M TR	COFFIN D M TRUST	PO BOX 2781	NANTUCKET	MA	02584	13 GREEN MEADOWS
67	375		HUNTER BRADFORD A & CRAIG D		43 SOMERSET LN	NANTUCKET	MA	02554	11 GREEN MEADOWS
67	375	1	MCKENZIE EION & SVETOSLAVA		11B GREEN MEADOWS	NANTUCKET	MA	02554	11B GREEN MEADOWS
67	376		MCLAUGHLIN JOHN		9 GREEN MEADOWS	NANTUCKET	MA	02554	9 GREEN MEADOWS
67	377		HARRIS BRIAN & ELIZABETH		5A GREEN MEADOWS	NANTUCKET	MA	02554	7 GREEN MEADOWS
67	377	1	ANDRESON MEGAN		PO BOX 3355	NANTUCKET	MA	02584	7A GREEN MEADOWS
67	377	2	RANK ROSALIND M & ROBERT P		7B GREEN MEADOWS	NANTUCKET	MA	02554	7B GREEN MEADOWS
67	378		STEELE PATRICK L		5 GREEN MEADOWS	NANTUCKET	MA	02554	5 GREEN MEADOWS
67	379		CONLON RAYMOND P		PO BOX 1057	NANTUCKET	MA	02554	3 GREEN MEADOWS
67	381		ROBERTS KYLE M & MICHELLE J		8 GREEN MEADOWS	NANTUCKET	MA	02554	8 GREEN MEADOWS
67	382		P & M REIS TRUCKING INC		PO BOX 113	NANTUCKET	MA	02554	10 GREEN MEADOWS
67	486		PERRY RICHARD K & JENNIFER A TRS	PERRY REALTY TRUST	1 THIRTY ACRES LN	NANTUCKET	MA	02554	1 THIRTY ACRES LN
67	594		DUFFY ROBERT & MARGARET		1171 SHOOTFLYING HILL RD	CENTERVILLE	MA	02632	20 BARTLETT RD
67	595		LOFTUS BROTHERS LLC		PO BOX 3243	NANTUCKET	MA	02584	2 ESSEX RD
67	596		LOFTUS BROTHERS LLC		PO BOX 3243	NANTUCKET	MA	02584	2- ESSEX RD
67	597		FOUR ESSEX ROAD LLC		266 EAST BERKELEY ST STE 836	BOSTON	MA	02118	4 ESSEX RD
67	598		DANIELS N CAROLINE		19 GUILD ROAD	DEDHAM	MA	02026	6 ESSEX RD

67	598	1	DELARGO ANNA A LEMUS & VINCENTE FRANCO		6 ESSEX RD UNIT 1	NANTUCKET	MA	02554	6 ESSEX RD UNIT 1
67	598	2	LUNDEEN LTTIA		195 BELMONT RD	WEST PALM BEACH	FL	33405	6A ESSEX RD
67	599		ROETHKE STEVEN M & JILL H		6 1/2 ESSEX ROAD	NANTUCKET	MA	02554	6- ESSEX RD
67	601		SILVA GEOFFREY T & DAVID C		P O BOX 3538	NANTUCKET	MA	02584	3 ESSEX RD
67	602		DAY NICOLA K & TIMOTHY R		108 ELIOT AVENUE	NEWTON	MA	02465	5 ESSEX RD
67	603		7 ESSEX LLC		8 WILLIAMS LANE	NANTUCKET	MA	02554	7 ESSEX RD
67	604		ULMER FREDERICK W III		P O BOX 848	SIACONSET	MA	02564	9 ESSEX RD
67	605		LOCHTEFELD PETER B TR		50 FORT HILL STREET	HINGHAM	MA	02043	11 ESSEX RD
67	606		BECKER JOHN C		13 ESSEX RD	NANTUCKET	MA	02554	13 ESSEX RD
67	607		GOMES TIAGO F & LOGAN S		15 ESSEX ROAD	NANTUCKET	MA	02554	15 ESSEX RD
67	608	1	TEJADA JOSE S & NORMA ALICIA		PO BOX 3715	NANTUCKET	MA	02584	17A ESSEX RD
67	609		OCONNOR JOHN & KATHERINE TRS		PO BOX 112	NANTUCKET	MA	02554	19 ESSEX RD
67	610		SCHWIEGER DAVID A		21 ESSEX ROAD	NANTUCKET	MA	02554	21 ESSEX RD
67	611		KING ROBERT W & CANDIDA TRS		PO BOX 337	SIACONSET	MA	02564	23 ESSEX RD
67	612		LIEBERMAN ERIC A & CHRISTINE M		7459 RIVERWALK CIR APT 324	WEST PALM BEACH	FL	33411-5740	25 ESSEX RD
67	612	1	LEVEILLE MOIRAR & WILLY		PO BOX 2895	NANTUCKET	MA	02554	25A ESSEX RD
67	612	2	PHILIP MARK & LEANN		PO BOX 2920	NANTUCKET	MA	02584	25B ESSEX RD
67	613		VAN DINGSTEE PETER C & BARBARA		27 ESSEX ROAD	NANTUCKET	MA	02554	27 ESSEX RD
67	613	1	27A ESSEX RD ACK LLC		1 LAGOON POND RD #2109	VINEYARD HAVEN	MA	02568	27A ESSEX RD
67	613	2	PARTIDA JESUS A & JO ALYS		27B ESSEX ROAD	NANTUCKET	MA	2554	27B ESSEX RD
67	614		MAZOTAS ANTHONY C & BARBARA A		29 ESSEX ROAD	NANTUCKET	MA	02554	29 ESSEX RD
67	629		PIERCE MICHAEL A & MCLAUGHLIN CAROL A		30 ESSEX RD	NANTUCKET	MA	02554	30 ESSEX RD
67	630		ESSEX ACK LLC		1636 3RD AVE SUITE 314	NEW YORK	NY	10128	28 ESSEX RD
67	631		SOLA DAVID ETAL		26 ESSEX ROAD	NANTUCKET	MA	02554	26 ESSEX RD
67	632		FRANCIS LEON & ODETTE		24 ESSEX RD	NANTUCKET	MA	02554	24 ESSEX RD
67	633		SMITH DEREK		PO BOX 2001	NANTUCKET	MA	02584	22 ESSEX RD
67	634		GODDARD ERIC W & PAMELA J		57 MEADOW VIEW DRIVE	NANTUCKET	MA	02554	20 ESSEX RD
67	635		GETTER LISA & MICHAEL		12 IPSWICH AVE	NANTUCKET	MA	02554	18 ESSEX RD
67	636		BOYCE SEAN M		16 ESSEX RD	NANTUCKET	MA	02554	16 ESSEX RD

67	637		NIGHTINGALE JOHN T TR	14 ESSEX DRIVE REALTY TRUST		PO BOX 644	NANTUCKET	MA	02554	14 ESSEX RD
67	638		GAULT DANIEL H & SARAH E			12 ESSEX RD	NANTUCKET	MA	02554	12 ESSEX RD
67	639		STERK AUDREY			PO BOX 3251	NANTUCKET	MA	02584	10 ESSEX RD
67	640		LAPIENE JOSHUA ROBERT			8 ESSEX RD	NANTUCKET	MA	02554	8 ESSEX RD
67	775		HUNTER FRANCIS C & ANN MARIE			10A THIRTYACRES LN	NANTUCKET	MA	02554	10A THIRTY ACRES LN
67	776		SANTAMARIA ROBERTO ET AL			10B THIRTY ACRES LN	NANTUCKET	MA	2554	10B THIRTY ACRES LN
67	777		BLOISE BRIDGETT			10C THIRTY ACRES LN	NANTUCKET	MA	2554	10C THIRTY ACRES LN
67	778		MC HOUSING LLC			POBOX 5241	NANTUCKET	MA	2554	10D THIRTY ACRES LN
67	863		AHERN MIROSLAVA			PO BOX 2213	NANTUCKET	MA	02554	6A WINDY WAY
67	864		AHERN MIROSLAVA			PO BOX 2213	NANTUCKET	MA	02554	6B WINDY WY #6.2
67	865		AHERN MIROSLAVA			PO BOX 2213	NANTUCKET	MA	02554	6C WINDY WY #6.3
67	886		KASSAN BISBEE ELIZABETH ET AL			3 W ARCHWYCK CIRCLE	SPRING	TX	77382	8A THIRTY ACRES LN
67	876		BOUQUE CHRISTOPHER D			18 BARTLETT RD	NANTUCKET	MA	02554	18 BARTLETT RD
67	887		MURRAY ADAM R			8B THIRTY ACRES LN	NANTUCKET	MA	02554	8B THIRTY ACRES LN
67	888		GRANT YOLANDA F			61 OLD SOUTH RD #169	NANTUCKET	MA	02554	8C THIRTY ACRES LN
67	889		MURRAY JOHN J & DENISE K			44 CLIPP RD	DELMAR	NY	12054	8D THIRTY ACRES LN
Count:		74								

ACKED LLC
 61 OLD SOUTH RD # 42
 NANTUCKET, MA 02554

PERRY JOSEPH F & ANASTASIA M
 FIRST AMERICAN TAX SERVICE
 8435 STEMMONS FREEWAY
 DALLAS, TX 75847

MACDONALD HECTOR
 PO BOX 1824
 NANTUCKET, MA 02554

BEAR VAULT LLC
 C/O KEVIN F DALE ESQ
 PO BOX 639
 NANTUCKET, MA 02554

PERRY JOSEPH F & ANASTACIA M
 16 1/2 BARTLETT ROAD
 NANTUCKET, MA 02554

THIRTY ACRES LANE LLC
 11 RAMOS COURT
 NANTUCKET, MA 02554

WINTERS RONALD W & ELLEN H TRS
 7 THIRTY ACRES LN
 NANTUCKET, MA 02554

CROSBY LOUISA H TRUSTEE
 CHCF REALTY TRUST
 BOX 76
 E AURORA, NY 14052

RUSTAD BINTH
 PO BOX 656
 NANTUCKET, MA 02554

US REIF MARINE NANTUCKET FEE LLC
 1270 SOLDIERS FIELD RD
 BOSTON, MA 02135

KEEP ON TRUCKING LLC
 PO BOX 113
 NANTUCKET, MA 02554

DICKINSON ROBERT D & JAMIE T
 15 GREEN MEADOWS
 NANTUCKET, MA 02554

COFFIN DOROTHY M TR
 COFFIN D M TRUST
 PO BOX 2781
 NANTUCKET, MA 02584

HUNTER BRADFORD A & CRAIG D
 43 SOMERSET LN
 NANTUCKET, MA 02554

MCKENZIE EION & SVETOSLAVA
 11B GREEN MEADOWS
 NANTUCKET, MA 02554

MCLAUGHLIN JOHN
 9 GREEN MEADOWS
 NANTUCKET, MA 02554

HARRIS BRIAN & ELIZABETH
 5A GREEN MEADOWS
 NANTUCKET, MA 02554

ANDRESON MEGAN
 PO BOX 3355
 NANTUCKET, MA 02584

RANK ROSALIND M & ROBERT P
 7B GREEN MEADOWS
 NANTUCKET, MA 02554

STEELE PATRICK L
 5 GREEN MEADOWS
 NANTUCKET, MA 02554

CONLON RAYMOND P
 PO BOX 1057
 NANTUCKET, MA 02554

ROBERTS KYLE M & MICHELLE J
 8 GREEN MEADOWS
 NANTUCKET, MA 02554

P & M REIS TRUCKING INC
 PO BOX 113
 NANTUCKET, MA 02554

PERRY RICHARD K & JENNIFER A TRS
 PERRY REALTY TRUST
 1 THIRTY ACRES LN
 NANTUCKET, MA 02554

DUFFY ROBERT & MARGARET
 1171 SHOOTFLYING HILL RD
 CENTERVILLE, MA 02632

LOFTUS BROTHERS LLC
 PO BOX 3243
 NANTUCKET, MA 02584

LOFTUS BROTHERS LLC
 PO BOX 3243
 NANTUCKET, MA 02584

FOUR ESSEX ROAD LLC
 266 EAST BERKELEY ST STE 836
 BOSTON, MA 02118

DANIELS N CAROLINE
 19 GUILD ROAD
 DEDHAM, MA 02026

DELARGO ANNA A LEMUS & VINCENTE
 FRANCO
 6 ESSEX RD UNIT 1
 NANTUCKET, MA 02554

LUNDEEN LTITIA
 195 BELMONT RD
 WEST PALM BEACH, FL 33405

ROETHKE STEVEN M & JILL H
 6 1/2 ESSEX ROAD
 NANTUCKET, MA 02554

SILVA GEOFFREY T & DAVID C
 P O BOX 3538
 NANTUCKET, MA 02584

DAY NICOLA K & TIMOTHY R
 108 ELIOT AVENUE
 NEWTON, MA 02465

7 ESSEX LLC
 8 WILLIAMS LANE
 NANTUCKET, MA 02554

ULMER FREDERICK W III
 P O BOX 848
 SIASCONSET, MA 02564

LOCHTEFELD PETER B TR
 ESSEX ELEVEN NOMINEE TRUST
 50 FORT HILL STREET
 HINGHAM, MA 02043

BECKER JOHN C
 13 ESSEX RD
 NANTUCKET, MA 02554

GOMES TIAGO F & LOGAN S
 15 ESSEX ROAD
 NANTUCKET, MA 02554

TEJADA JOSE S & NORMA ALICIA
 PO BOX 3715
 NANTUCKET, MA 02584

OCONNOR JOHN & KATHERINE TRS
 PO BOX 112
 NANTUCKET, MA 02554

SCHWIEGER DAVID A
 21 ESSEX ROAD
 NANTUCKET, MA 02554

KING ROBERT W & CANDIDA TRS
 PO BOX 337
 SIASCONSET, MA 02564

LIEBERMAN ERIC A & CHRISTINE M
 7459 RIVERWALK CIR APT 324
 WEST PALM BEACH, FL 33411-5740

LEVEILLE MOIRAR & WILLY
 PO BOX 2895
 NANTUCKET, MA 02554

PHILIP MARK & LEANN
 PO BOX 2920
 NANTUCKET, MA 02584

VAN DINGSTEE PETER C & BARBARA
 27 ESSEX ROAD
 NANTUCKET, MA 02554

27A ESSEX RD ACK LLC
 1 LAGOON POND RD #2109
 VINEYARD HAVEN, MA 02568

PARTIDA JESUS A & JO ALYS
 27B ESSEX ROAD
 NANTUCKET, MA 2554

MAZOTAS ANTHONY C & BARBARA A
 29 ESSEX ROAD
 NANTUCKET, MA 02554

PIERCE MICHAEL A & MCLAUGHLIN
 CAROL A
 30 ESSEX RD
 NANTUCKET, MA 02554

ESSEX ACK LLC
 1636 3RD AVE SUITE 314
 NEW YORK, NY 10128

SOLA DAVID ETAL
 26 ESSEX ROAD
 NANTUCKET, MA 02554

FRANCIS LEON & ODETTE
 24 ESSEX RD
 NANTUCKET, MA 02554

SMITH DEREK
 PO BOX 2001
 NANTUCKET, MA 02584

GODDARD ERIC W & PAMELA J
 57 MEADOW VIEW DRIVE
 NANTUCKET, MA 02554

GETTER LISA & MICHAEL
 12 IPSWICH AVE
 NANTUCKET, MA 02554

BOYCE SEAN M
 16 ESSEX RD
 NANTUCKET, MA 02554

NIGHTINGALE JOHN T TR
 14 ESSEX DRIVE REALTY TRUST
 PO BOX 644
 NANTUCKET, MA 02554

GAULT DANIEL H & SARAH E
 12 ESSEX RD
 NANTUCKET, MA 02554

STERK AUDREY
PO BOX 3251
NANTUCKET, MA 02584

LAPIENE JOSHUA ROBERT
8 ESSEX RD
NANTUCKET, MA 02554

HUNTER FRANCIS C & ANN MARIE
10A THIRTYACRES LN
NANTUCKET, MA 02554

SANTAMARIA ROBERTO ET AL
10B THIRTY ACRES LN
NANTUCKET, MA 2554

BLOISE BRIDGETT
10C THIRTY ACRES LN
NANTUCKET, MA 2554

MC HOUSING LLC
POBOX 5241
NANTUCKET, MA 2554

AHERN MIROSLAVA
PO BOX 2213
NANTUCKET, MA 02554

AHERN MIROSLAVA
PO BOX 2213
NANTUCKET, MA 02554

AHERN MIROSLAVA
PO BOX 2213
NANTUCKET, MA 02554

KASSAN BISBEE ELIZABETH ET AL
3 W ARCHWYCK CIRCLE
SPRING, TX 77382

BOUQUE CHRISTOPHER D
18 BARTLETT RD
NANTUCKET, MA 02554

MURRAY ADAM R
8B THIRTY ACRES LN
NANTUCKET, MA 02554

GRANT YOLANDA F
61 OLD SOUTH RD #169
NANTUCKET, MA 02554

MURRAY JOHN J & DENISE K
44 CLIPP RD
DELMAR, NY 12054

**Photos submitted
by staff
12/5/23**





Health Department Inspection Reports



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

06/20/2023

9 Thirty Acres Lane, LLC
28 State Street
Boston, MA 02109

RE: 9 Thirty Acres Lane

Dear Property Owner:

Due to a complaint received by the Nantucket Health Department about improper garbage storage, an inspection of the above-mentioned property was made on June 20th, 2023, at approximately 10:30 A.M., multiple violations of 105 CMR 410.000 were observed.

Enclosed please find a copy of an inspection report, and correction order with more detailed information. If you have any questions, please do not hesitate to contact us at your convenience.

Regards,

Jake Visco
Health Inspector
Nantucket Health & Human Services
jvisco@nantucket-ma.gov
508-228-7200 ext. 7063



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200
Email: Health@nantucket-ma.gov

CORRECTION ORDER

Issued under the provisions of 105 Code of Massachusetts Regulations (CMR) 410.000:
Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II

Date: 6/20/23

To: 9 Thirty Acres Lane, LLC
28 State Street, Boston, MA, 02109

An inspection was conducted at your property located at 9 Thirty Acres Lane, Nantucket, MA on 6/20/23. Be advised that an agent of the Local Health Authority has determined certain portions of this residential property to be in violation of the State Sanitary Code, 105 Code of Massachusetts Regulations (CMR) 410.000, *Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II*. The following violations of 105 CMR 410.000 were identified:

Regulatory Cite:	Description	Condition Deemed to Endanger or Materially Impair Health or Safety? Yes/No (105 CMR 410.630 (A))	Timeframe for Compliance
410.235: Owners Installation, Maintenance, and Repair Responsibilities.	We witnessed an exposed wiring box on the front deck of the lodging house; this must be repaired by a licensed electrician within 24 hours. *The owner shall ensure proper installation, in compliance with accepted standards, and shall maintain in operable condition free from leaks, obstructions or other defects, all facilities and equipment which the owner is required to provide, and all owner installed equipment: (12) Electrical light fixtures, switches, outlets and wiring;	Yes.	24 Hours.
410.320: Electrical Service.	We witnessed wires extending through the front door of the lodging house to the outside; these must be removed within 24 hours. *(A) Temporary Wiring: (3) No wiring shall extend through a doorway or other opening in a structural element.	Yes.	24 Hours.
410.540: Installation of Screens.	We witnessed a second-floor window missing a screen. *(A) The owner shall provide and install screens for exterior openable windows.	No.	5 Days.

Next Scheduled Inspection: Wednesday, June 21st, at 10:00 A.M.

You are hereby **ORDERED** to correct these violations within the noted timeframe, pursuant to 105 CMR 410.640. Failure to comply may result in court action.

You have a right to request a hearing before the Nantucket Board of Health. To request a hearing, you must submit a written request to the Local Health Authority within seven days after the day this order was served. If you request a hearing, all affected parties will be informed of the date, time, and place of the hearing, as well as their right to inspect and copy all records concerning the matter to be heard. You have the right to be represented at the hearing. Conditions may exist which will allow the occupant of the residence to exercise legal rights outlined in the *Notice of Occupant's Legal Rights and Responsibilities* issued by the Department of Public Health Community Sanitation Program (CSP).

This is an important legal document. It may affect your rights. You should have it translated.

Kel-li é un dokumentu legal inportanti. El pode afeta bus direitu. Bu debe tene-l traduzidu.

Ky është një dokument ligjor i rëndësishëm Përmbajtja e tij mund të ndikojë në të drejtat tuaja. Dokumenti duhet të përkthehet.

هذه وثيقة قانونية مهمة. وقد تؤثر على حقوقك. فينبغي عليك ترجمتها.

这是一份重要的法律文件。它可能会影响到您的权利。您应该将它翻译出来。

這是一份重要的法律文件。它可能會影響您的權利。您應該將其翻譯為個人首選的語言版本。

Це важливий юридичний документ. Він може вплинути на ваші права. Вам потрібна його перекладена версія.

Đây là một tài liệu pháp lý quan trọng. Tài liệu này có thể ảnh hưởng tới các quyền của bạn. Bạn cần được dịch tài liệu này.

Este é um documento legal importante. Ele pode afetar seus direitos. É aconselhável traduzi-lo.

Это важный юридический документ. Он может повлиять на Ваши права. Вам необходимо иметь его переведенную версию.

Kani waa dukumiinti sharci ah oo muhiim ah. Wuxuu saameyn kartaa xuquuqahaaga. Waa in lagu tarjuma.

Hii ni hati muhimu ya kisheria. Inaweza kuathiri haki zako. Inapaswa kutafsiriwa.

Sa a se yon dokiman legal enpòtan. Li ka gen enpak sou dwa w. Ou ta dwe bay tradui l.

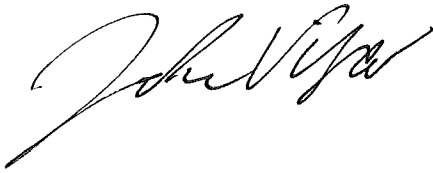
នេះគឺជាឯកសារច្បាប់សំខាន់មួយ។ វាអាចនឹងប៉ះពាល់ដល់សិទ្ធិរបស់អ្នក។
អ្នកគួរតែឱ្យគេបកប្រែឯកសារនេះ។

دا يو مهم حقوقي سند دی دا کېدای شي ستاسو پر حقونو اغېز وکړي. تاسو بايد د دې ژباړه ولرئ.

این یک سند حقوقی مهم است. ممکن است بالای حقوق شما تأثیر بگذارد. شما باید آن را ترجمه کنید.

Este es un documento legal importante. Es posible que afecte sus derechos. Debería traducirlo.

Il s'agit d'un document juridique important. Il peut affecter vos droits. Vous devriez le faire traduire.



Jake Visco
Health Inspector
Nantucket Health & Human Services
jvisco@nantucket-ma.gov
508-228-7200 ext. 7063

Attachment: Inspection Form
Certified Mail, return receipt # to Owner/regular mail to occupants.

INSPECTION WORKSHEET (IHLTH-025711-2023)

Town of Nantucket
508-228-7200

Case Number: HLLDG-2023-04-0530
Inspection Date: Tue Jun 20, 2023
Inspector: Visco, Jake

Case Module: Permit
Inspection Status: Fail
Inspection Type: HLTH - Housing Complaint

Job Address: 9 THIRTY ACRES LN
Nantucket, MA, 02554

Parcel Number: 67 115.7

Contact Type	Company Name	Name
Person in Charge		Grimes, Hector
Applicant		Grimes, Hector
Establishment	Servedwell Brotherhood LLC dba Brotherhood of Thieves	

Checklist Item	Status
HLTH - General Comments - General Comments	Failed
410.320: Electrical Service	
There are wires protruding through the front door to the outside deck that must be removed.	
There is exposed wiring on the outside deck wall that must be repaired or covered by a licensed electrician.	
After knocking on the door to no answer I left my card with a note to call. I will contact the listed contacts for the lodging permit we issue.	
HLTH - General Comments - General Comments	Failed
410.560: Refuse	
From the driveway we witnessed overflowing garbage on the ground in the garbage area. Garbage must be stored in water tight receptacles with tight fitting covers. The garbage must be removed in 24 hours.	
HLTH - General Comments - General Comments	Failed
410.540: Installation of Screens	

INSPECTION WORKSHEET (IHLTH-025711-2023)

Checklist Item

Status

There is a missing screen on a second floor window that must be replaced.



Visco, Jake

INSPECTION WORKSHEET (IHLTH-025762-2023)

Town of Nantucket
508-228-7200

Case Number:	HLLDG-2023-04-0530	Case Module:	Permit
Inspection Date:	Wed Jun 21, 2023	Inspection Status:	Fail
Inspector:	Visco, Jake	Inspection Type:	HLTH - Housing Complaint

Job Address:	9 THIRTY ACRES LN Nantucket, MA, 02554	Parcel Number:	67 115.7
---------------------	---	-----------------------	----------

Contact Type	Company Name	Name
Agent	The Brotherhood	Finnegan, A
Establishment	Servedwell Brotherhood LLC dba Brotherhood of Thieves	

Checklist Item	Status
HLTH - General Comments - General Comments	Failed
410.560: Refuse.	
The trash has not been removed or stored in watertight receptacles with tight fitting covers.	
There is new trash on the front porch.	
HLTH - General Comments - General Comments	Failed
410.540: Installation of Screens.	
The second floor window is still missing a screen.	
HLTH - General Comments - General Comments	Failed
No one was available to meet me at the house.	
No one came to the door when I knocked.	
My card is still posted on the front door with a note to call.	

Checklist Item**Status**

HLTH - General Comments - General Comments

Failed

410.320: Electrical Service.

There are still wires extending through the front door to the outdoors.

HLTH - General Comments - General Comments

Failed

410.235: Owners Installation, Maintenance, and Repair Responsibilities.

The exposed wiring on the front porch has not been addressed.



Visco, Jake

INSPECTION WORKSHEET (IHLTH-025799-2023)

Town of Nantucket
508-228-7200

Case Number:	HLLDG-2023-04-0530	Case Module:	Permit
Inspection Date:	Thu Jun 22, 2023	Inspection Status:	Re-Inspect Required
Inspector:	Visco, Jake	Inspection Type:	HLTH - Housing Complaint

Job Address:	9 THIRTY ACRES LN Nantucket, MA, 02554	Parcel Number:	67 115.7
---------------------	---	-----------------------	----------

Contact Type	Company Name	Name
Person in Charge		Grimes, Hector
Applicant		Grimes, Hector
Establishment	Servedwell Brotherhood LLC dba Brotherhood of Thieves	

Checklist Item	Status
HLTH - General Comments - General Comments	NA
410.235: Owners Installation, Maintenance and Repair Responsibilities.	
The outdoor light fixture is not fixed but the electrician I spoke with is in the process of repairing it.	
HLTH - General Comments - General Comments	Failed
410.560: Refuse.	
There is still trash on the front porch that must be disposed of.	
Trash has been removed from the right side of the house.	
Trash must be sealed in watertight receptacles with tight fitting covers. There is a bag of trash sticking out of a barrel that must be secured.	
HLTH - General Comments - General Comments	Failed
410.540: Installation of Screens.	
The second floor screen is still missing.	

Checklist Item

HLTH - General Comments - General Comments

Status

Failed

410.320: Electrical Service.

The front door still has an electrical cord running from the inside of the dorm to a electric car. This must be removed.



Visco, Jake

INSPECTION WORKSHEET (IHLTH-025838-2023)

Town of Nantucket
508-228-7200

Case Number: HLLDG-2023-04-0530
Inspection Date: Fri Jun 23, 2023
Inspector: Visco, Jake

Case Module: Permit
Inspection Status: Pass
Inspection Type: HLTH - Housing Complaint

Job Address: 9 THIRTY ACRES LN
Nantucket, MA, 02554

Parcel Number: 67 115.7

Contact Type	Company Name	Name
Person in Charge		Grimes, Hector
Applicant		Grimes, Hector
Establishment	Servedwell Brotherhood LLC dba Brotherhood of Thieves	
Agent		Strobino, James

Checklist Item	Status
HLTH - General Comments - General Comments	Passed
Discussed increasing the frequency of trash pick up and the possibility of getting a dumpster.	
Trash violations have been corrected.	
Electrical violations have been corrected.	
There are 2 missing screens that must be replaced on the second floor. (30 days from 6/20/23).	
Next scheduled inspection is set for 7/20/23 at 10:00 A.M.	



Jamie Strobino



Visco, Jake

Email Correspondence

From: [Francis Hunter](#)
To: [William Saad](#); [Roberto Santamaria](#)
Cc: [Marcus Silverstein](#); [Paul Murphy](#); [Sarah Alger](#); [Susan McCarthy \(sem@sgriffinlaw.com\)](#); [susanmccarthy9@gmail.com](#)
Subject: Re: 9 Thirty Acres Lane
Date: Friday, October 27, 2023 7:16:11 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Everyone

My name is Frank Hunter and I am Roberto Santa Maria's neighbor. I am also the president of the 10 Thirty Acres Condo Association.

I would like to have my say on this very unfortunate situation!

I would first like to add that I, as president of the Association, and an abutting neighbor was never actually officially made aware of all the conditions of the special permit or given any notice in writing about it! I had to be told by Mr. Santa Maria. To my knowledge neither have any of the other adjoining property owners

As Mr Santa Maria has stated, we as neighbors to 9 Thirty Acres, have been subject to countless cases of disruption and disturbances from its tenants. I have had everything from people blasting music from their cars whilst parked for long periods, blowing pot smoke through my hedge, and talking and shouting extremely loud in the early hours of the morning. Also, the littering situation is extremely frustrating, and I have had to pick up beer bottles and trash from between my hedge and the perimeter of 9 Thirty Acres Lane. I was once verbally abused by a tenant when they were politely asked to turn down the music from their car whilst smoking pot in the parking lot of 9 Thirty Acres! I had to call the police. My wife and Mr Santa Maria and his wife were also present at the time this happened. There is now a rat issue with the new trash can that is now abutting our property from 9 Thirty Acres and is presently still overflowing as we speak and has still not been emptied!

Like all property owners on Nantucket, we pay an extortionate amount of money to be homeowners here and have to make many financial sacrifices to do so! To live next door to a property that has a special permit to allow it to be of a dormitory type set up for employee housing and to have to deal with the vast amounts and high turnover of different employees and tenants that continuously have no regard for their neighbors and their property is getting beyond tiresome! We simply can't and won't live under these conditions any longer!

To my knowledge, the property was sold from the Lobster trap/Tavern owners to the owners of Cisco Brewers/Brotherhood to be used as employee housing. It has now come to my attention that there could be both sets of employees from both businesses now sharing this property as employee housing. Could someone please clarify this for me? If so, it would be just another thing we were not notified about and something we definitely don't want! It's difficult enough dealing with one company and its employees without making it more complicated!

As Mr Santa Maria has already said, we would like the requirements and conditions of the special permit to be met and fully cooperated on immediately! I personally would like an 8-foot fence installed along the perimeter of our adjoining properties. I would also like to see the trash hutch removed from the adjoining perimeter and placed in another location of 9 Thirty Acres, and away from our property perimeter! We would also like to have an on-site manager whom we can contact and deal with any future situations as promised. We would like all requirements of the special permit met immediately. We would just like to live in peace and harmony in our beautiful quiet neighborhood. That's all we ask! If that does not happen, we will fight this all the way to having this special permit revoked!

I would like to say that I am writing this to notify everyone that this is an official complaint! If I have to contact anyone in particular in writing to make it official, please let me know!

Thanks, everyone. We hope you understand our plight!

Regards

Frank Hunter
President of 10 Thirty Cres Condo Assoc
508 280 5802

On Thursday, October 26, 2023 at 02:50:46 PM EDT, Roberto Santamaria <rjsantama@gmail.com>

wrote:

Good Afternoon,

Thank you. I contacted Mr. Silverstein on May 17th (scroll to the bottom of this email). He mentioned that he forwarded my complaint to you at that time.

As all three enforcement officers are CC'd, this is my request that enforcement action be taken before the December 14th meeting. The tenants are loud, disruptive, and filthy.

Sincerely,
Roberto Santamaria

On Thu, Oct 26, 2023 at 2:34 PM Sarah Alger <sfa@sfapc.com> wrote:

Thank you. I am forwarding this email chain to the owners. I have not heard from them on this matter in a while and am not sure I am still involved.

Regards,

Sarah

Sarah F. Alger, PC

Four [North Water Street](#)
Nantucket, Massachusetts 02554
508-228-1118 telephone
508-228-8004 fax

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

Sent from my iPhone. Please excuse any egregious typographical errors.

On Oct 26, 2023, at 14:27, William Saad <wsaad@nantucket-ma.gov> wrote:

Hi Roberto,

As a newcomer to my position, I was unaware of Condition 19 in the Decision for ZBA File No. 03-22, and I appreciate your patience and understanding in this matter. Upon reviewing the condition, I understand that it requires us to lawfully notice for a public hearing in accordance with MGL 40A, Section 11. Unfortunately, it is too late to meet this requirement for the November meeting. To this end, the matter will be scheduled for the ZBA's regularly scheduled meeting on December 14, 2023. The meeting will be held in a hybrid format, in-person and via Zoom, and public comment will be taken.

In addition, I have cc'd the Building Commissioner and Zoning Enforcement Officer on

this email to keep them informed of the situation. Should you wish to pursue enforcement action prior to the December meeting, I kindly request that you contact them directly.

Best,

Billy Saad

Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket

Planning & Land Use Services

[2 Fairgrounds Road](#)

[Nantucket, MA 02554](#)

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov

<image001.png>

From: Roberto Santamaria <rjsantama@gmail.com>

Sent: Thursday, October 26, 2023 1:35 PM

To: Arthur Reade <air@readelaw.com>

Cc: Francis Hunter <hunterpaintingco@yahoo.com>; sfa@sfapc.com;
susanmccarthy9@gmail.com; William Saad <wsaad@nantucket-ma.gov>

Subject: Re: [9 Thirty Acres Lane](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Thank you, Arthur. I have added Attorney Alger to the thread. As a neighborhood, we are really frustrated with the continued lack of response from the new owners.

Regards,

Roberto

On Thu, Oct 26, 2023 at 1:15 PM Arthur Reade <air@readelaw.com> wrote:

Hi Roberto,

I represented the former owners of the property, Larry Whelden (now deceased) and Moby Burton, in connection with the Special Permit application before the ZBA. They then sold the property on May 6, 2022, to 9 Thirty Acres LLC, which I believe was to be using the dormitory as employee housing for the Brotherhood. A copy of the LLC materials on file at the Secretary of State Corporations Division is attached, which gives the names of the managers and an address in Boston. I believe that Sarah Alger was their local counsel.

I hope this is of some help to you.

Arthur

10/26/2023

Arthur I. Reade, Jr., P.C.

Reade, Gullicksen, Hanley & Gifford, LLP

6 Young's Way

Nantucket, Massachusetts 02554

Post Office address:

Post Office Box 2669

Nantucket, Massachusetts 02584

508-228-3128 (Tel.)

508-228-5630 (Fax)

air@readelaw.com

WIRE FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer.

IRS CIRCULAR 230 NOTICE

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify Reade, Gullicksen, Hanley & Gifford, LLP, immediately at either (508) 228-3128 or air@readelaw.com, and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

From: Roberto Santamaria <rjsantama@gmail.com>

Sent: Thursday, October 26, 2023 12:17 PM

To: Arthur Reade <air@readelaw.com>; wsaad@nantucket-ma.gov

Cc: Francis Hunter <hunterpaintingco@yahoo.com>; susanmccarthy9@gmail.com

Subject: Fwd: [9 Thirty Acres Lane](#)

Good Morning,

I live at [10b Thirty Acres Lane](#) and attended the ZBA meeting where this dormitory was given its special permit to operate. A series of conditions were set forth that they were required to adhere to. To this day, there are a series of requirements that are not met and, in fact, the situation has become untenable. The requirements they ignore are as follows:

Requirement 2: The property owners have not maintained the four-foot screening hedge as required by the management plan. Their current hedges do not provide screening and the tenants are often loud, rude, and obnoxious. They sit in their vehicles with their high beams pointed into our windows listening to extremely loud music and smoking marijuana. Police have been called to quell the noise and disruption, multiple times. We request that this requirement be enforced and that the fence required in requirement 3 also be constructed on our property line as well.

Requirement 5: The property owner set up a trash bin on the property line that is always overflowing and is now littered with rats. I have attached pictures from yesterday afternoon. The trash is often strewn all over the property and I often clean their trash off my porch as it constantly blows into our property. This trash bin is less than 10 feet from my house. The rats we witness are now starting to burrow underneath the trash bin and we often see them running across the lawn. The trash situation is out of control. The Health Department has issued enforcement orders on this property for trash, multiple times. We request that this requirement be enforced. Furthermore, we also request that the property owner be required to increase trash collection and to require a dumpster that is closer to the cul-de-sac at thirty acres lane. The filth and potential of sickness that rats cause in the neighborhood is unacceptable.

Requirement 11: When asked, the tenants have not been subject to ANY orientations. We request records of these orientations.

Requirement 17: There is currently no resident manager at the building. When we have asked for contact information, they refer us to Jamie Strobino who lives off-island. We request that a resident manager be appointed immediately.

Requirement 18: The information for a resident manager, owner, or businesses that have tenants at this dormitory has not been provided to any abutters, myself included. We request immediate enforcement of this requirement.

Requirement 19: We request that we be informed of when this Board of Appeals meeting is to be held. The decision requires a meeting, next month, and we would like to opportunity to speak, on the record.

We look forward to hearing your response.

Sincerely,

Roberto Santamaria (Abutter)

----- Forwarded message -----

From: **Marcus Silverstein** <MSilverstein@nantucket-ma.gov>
Date: Thu, May 18, 2023 at 8:12 AM
Subject: RE: [9 Thirty Acres Lane](#)
To: Roberto Santamaria <rjsantama@gmail.com>

I forwarded that to William Saad, who is administering the ZBA now.

Respectfully,

Marcus Silverstein
Zoning Enforcement Officer
Town of Nantucket

From: Roberto Santamaria <rjsantama@gmail.com>
Sent: Wednesday, May 17, 2023 5:09 PM
To: Marcus Silverstein <MSilverstein@nantucket-ma.gov>
Subject: [9 Thirty Acres Lane](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

May I have the contact information for the resident manager for [9 Thirty Acres Lane](#) as required in #17 and 18 in the attached ZBA decision?

On 5/16/2023, the residents of the dormitory were so disruptive to the neighborhood with their music that the police became involved with a complaint filed by the neighbors. It was then that the neighbors and myself realized that we have not been informed as to who the resident manager is, as required.

Thank you for your help.

Regards,

Roberto S.

[10 Thirty Acres Lane.](#)

Roberto J. Santamaría, MPH, MBA, DrPH(c)

This email was scanned by Bitdefender



From: [William Saad](#)
To: [Marcus Silverstein](#)
Subject: FW: 9 Thirty Acres Lane
Date: Monday, June 26, 2023 10:53:00 AM
Attachments: [Cover letter, correction order, inspection report. 6-20-23.pdf](#)
[9 Thirty Acres Lane Inspection Report-6-22-23.pdf](#)
[Signed Inspection Report \(Fri Jun 23 2023 at 734 PM\).pdf](#)
[6-21-23.pdf](#)
[ZBA DEC 03-22 9 Thirty Acres Lane TC FILE.pdf](#)
[image001.png](#)

See attached and below. The Dormitory management plan attached to ZBA DEC 03-22, identifies trash removal/keeping the property neat and clean under #5.

Thanks,

Billy Saad
Land Use Specialist

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

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



From: Jake Visco <jvisco@nantucket-ma.gov>
Sent: Friday, June 23, 2023 4:07 PM
To: William Saad <wsaad@nantucket-ma.gov>
Cc: John D. Hedden <jdhedden@nantucket-ma.gov>; Kathy LaFavre <KLaFavre@nantucket-ma.gov>; Cathy Flynn <cmflynn@nantucket-ma.gov>; Sean Reid <sreid@nantucket-ma.gov>; Heather Nardone <hnardone@nantucket-ma.gov>
Subject: 9 Thirty Acres Lane

Hi Billy,

Roberto told me I should forward my correction order and inspection reports for 9 Thirty Acres Lane to you. I believe it's regarding their special permit, please let me know if you have any questions.

Regards,

Jake Visco

Health Inspector

Nantucket Health & Human Services

131 Pleasant Street

jvisco@nantucket-ma.gov

508 228 7200 ext. 7063

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: [William Saad](#)
To: [Sarah Alger](#); [Arthur Reade](#)
Cc: [Leslie Snell](#); [Nickesha Sheriff](#); [Holly Visco](#)
Subject: RE: 9 Thirty Acres Lane - ZBA file # 03-22
Date: Friday, May 19, 2023 12:06:00 PM
Attachments: [image001.png](#)

Thank you!

Billy Saad
Land Use Specialist

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

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



From: Sarah Alger <sfa@sfapc.com>
Sent: Friday, May 19, 2023 11:35 AM
To: Arthur Reade <air@readelaw.com>
Cc: William Saad <wsaad@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>; Nickesha Sheriff <nsheriff@nantucket-ma.gov>; Holly Visco <hvj@sfapc.com>
Subject: Re: 9 Thirty Acres Lane - ZBA file # 03-22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi. I thought we had done this. I will circle back to my clients and verify.

Sarah F. Alger, PC

Four North Water Street
[Nantucket, Massachusetts 02554](#)
[508-228-1118](tel:508-228-1118) telephone
[508-228-8004](tel:508-228-8004) fax

[Five Parker Road](#)
[Osterville, Massachusetts 02655](#)
[508-428-8594](#) telephone
[508-420-3162](#) fax

Sent from my iPhone. Please excuse any egregious typographical errors.

On May 19, 2023, at 10:31, Arthur Reade <air@readelaw.com> wrote:

Billy,

My clients sold the subject property shortly after obtaining this decision. The buyer was represented at closing by Sarah Alger, and I would hope that she would be able to give you the requested information.

All the best,

Arthur
5/19/2023

Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way
Nantucket, Massachusetts 02554

Post Office address:
Post Office Box 2669
Nantucket, Massachusetts 02584

508-228-3128 (Tel.)
508-228-5630 (Fax)
air@readelaw.com

WIRE FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer.

IRS CIRCULAR 230 NOTICE

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be

used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify Reade, Gullicksen, Hanley & Gifford, LLP, immediately at either (508) 228-3128 or air@readelaw.com, and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

From: William Saad <wsaad@nantucket-ma.gov>

Sent: Thursday, May 18, 2023 8:59 AM

To: Arthur Reade <air@readelaw.com>

Cc: Leslie Snell <LSnell@nantucket-ma.gov>; Nickesha Sheriff <nsheriff@nantucket-ma.gov>

Subject: 9 Thirty Acres Lane - ZBA file # 03-22

Hi Arthur,

Could you please provide the contact information for the resident manager of 9 Thirty Acres Lane as specified in items #17 and #18 of the attached ZBA Decision?

Best,

Billy Saad

Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

LETTERS



Essex Road Homeowners Association

5 December 2023

Comments To:

Nantucket Zoning Board of Appeals, Meeting Scheduled 14 December 2023

Re: Agenda Item: Review of 9 Thirty Acres LLC File No. 03-22

My Concerns, are Item 18 of Exhibit 1

On 5 July 2022, I Emailed to the Deputy Director of Planning, Leslie Snell

1st Email

The following:

Leslie Woodson Snell
Deputy Director of Planning/Zoning Administrator

It's almost been a month since the special permit has been recorded with the registry.

We (Essex HOA) have yet to be provided with the information required in paragraph 18 of Exhibit 1

Neither have the direct abutters that are part of the Essex Homeowners Association Trust, which are 12, 14, and 16 Essex Road.

I wonder, have the other required notifications happened or not happened?

18. The name and telephone number of the resident manager; and the owner (s) of the dormitory, by virtue of ownership or lease, shall be delivered to direct abutters of the premises and the representative of the two (2) abutting homeowners associations. This information shall be updated at the time of any change. It shall further be filed with the Zoning Board of Appeals, Nantucket Police Department, the Nantucket Building Department, and the Nantucket Health Department. The resident manager shall be provided with a cellphone, with that telephone number provided to the Nantucket Police Department.

Please advise when this should happen or should've happened?



Essex Road Homeowners Association

Thanks

Tony Mazotas
Essex Homeowners Association Trust
Trustee Treasurer
61 Old South Road Suite 463
Nantucket Ma 02554
508 394 8299

Her Rely

Hi Tony –

I will reach out to the attorney who represents the new owners. I don't think they have provided this information as required in the condition. Thanks for bringing it to my attention.

Leslie Snell

On 15 July 2022, I sent another Email

2nd Email

Leslie Woodson Snell
Deputy Director of Planning/Zoning Administrator
Leslie

We still have not received the information, per item 18 in Exhibit I.

Can you please provide an update on the status of information that is required? When will it be received?

Tony

A rely was not Received

Again, on 21 July 2022, I sent another Email

Third Email

Leslie

We still have not received the information, per item 18 in Exhibit I.

Can you please provide an update on the status of the information that is required? When will it be received?

Tony Mazotas
508 364 8299

Page 2 of 5



Essex Road Homeowners Association

HOA address

Essex Road HOA Trust

61 Old South Road Suite 463

Nantucket MA 02554 HOA Email: EssexRdHOA@gmail.com

Her Reply

Hi Tony –

I apologize for not following up with you about this matter. I contacted the owners attorney and heard back from her on July 5. She said that she would alert her client and tell them that they need to fulfill their obligation. I have a call scheduled with her on another matter today, I'll discuss this with her then. Again.

Leslie

Again, 2 August 2022, I sent another Email. Now 60 days non-compliant

Leslie Woodson Snell

Deputy Director of Planning/Zoning Administrator

4th Email

It has almost been 60 since the special permit has been recorded with the registry.

Still, Thirty Acres LLC has not complied with Item 18.

Numerous Emails from me to you and you contacting their lawyer have not been fruitful.

What is your next step? How can you get them to comply?

Thanks

Tony Mazotas

Essex Homeowners Association Trust

Trustee Treasurer

61 Old South Road Suite 463

Nantucket Ma 02554

508 394 8299

HOA Email: essexrdHOA@gmail.com

Finally, 2 August 2022, an answer for the New Attorney of 9 Thirty Acres via a cc Copy of the Email



Essex Road Homeowners Association

Sara F Alger

Leslie,

I am having trouble getting all of the information. My apologies.

The onsite manager is Stan Bonta and his cell phone is (703) 785-9510.

I have copied A. Mazotas here. I think he is the Essex Road HOA.

Can you confirm the other HOA that needs notice? I wasn't involved in this permitting so there is a bit of a learning curve, and it is not completely obvious who is intended.

I will send Stan's contact info to the police and health departments and the direct abutters. Can I assume that this email is sufficient for Building Department and Zoning Board?

I will follow up with the names and telephone numbers of the lessees. In the meantime, the property is owned by 9 Thirty Acres LLC. If you need a phone number, please use Stan's.

Thank you for your attention.

Sarah

End of all the Emails

Note: The other HOA is Thirty Acres Homeowners Association Trust recorded in the Nantucket Registry Book 500 Page 120, reference can be found in the deed for 9 Thirty Acres Lane LLC, Book 1894 Page 54, para (b). In case Sarah could not find who is the 2nd HOA.

Recap of the Emails

On 12 May 2022, the formal decision was made.

On 16 May 2022, it was signed by the board.

On 8 June 2022, it was recorded at the Nantucket Registry.

On 5 Jul 2200. I sent my First Email,

On 15 July 2022, I sent my 2nd Email,

On 21 July 22, I sent my 3rd Email.

On 2 August, I sent my 4th Email.

On 2 August 2022, I finally received an answer. YEA.



Essex Road Homeowners Association

It took 82 days since the decision was made by Nantucket Board of Appeals File Plan 03-22 to 9 Thirty Acres LLC to comply with Item 18 of the Employee Dormitory Management Plan.

For them to comply, I as the representative of the Essex Homeowner Association Trust asked via email on 5 July 2022 to Leslie Woodson Snell, Deputy Director of Planning/Zoning Administrator, when will 9 Thirty Acres LLC provide the information required in paragraph 18 of Exhibit 1. It took almost a month to finally get an answer. Come to find out, these entities also weren't provided with the information, The direct abutters, representatives of the two (2) abutting homeowners associations. Also, the information should be filed with the Zoning Board of Appeals, the Nantucket Police Department, the Nantucket Building Department, and the Nantucket Health Department.

My concerns are, will 9 Thirty Acres LLC comply with all the requirements of Exhibit 1?

I am also concerned that the direct abutters were not provided with the information. Note that the Essex Homeowners Association Trust has three direct abutters (12 Essex Road, 14 Essex Road, and 16 Essex Road), I believe none, were provided with the information from 9 Thirty Acres LLC. This information was gathered using the Nantucket GIS map surrounding 9 Thirty Acres.

For the future and my concerns:

1. There needs to be a check and balance of all requirements in Exhibit 1.
2. Someone should be formally identified to check compliance with all paragraphs in Exhibit 1, within a set time frame, say 30 days from when the special permit was awarded, and completed yearly.
3. Formal Professional Letters, maybe with Certified, Return Receipt, sent to those that notification is required for proof on notification of the information.


Anthony C Mazotas
Essex Homeowners Association Trust
Trustee/Treasure

61 Old South Road Suite 463
Nantucket Ma 02554
Email: essexrdhoa@gmail.com
Phone: 508 364 8299

Harris on Weweeder LLC

File No. 09-22

50 Weweeder Ave

VARIANCE

Continued to January 11, 2024

STEVEN L. COHEN
&
CHRISTOPHER P.
CHOMA TRUST

File No. 20-22

29 MONOMOY ROAD

VARIANCE

From: [Steven Cohen](#)
To: [William Saad](#)
Subject: RE: ZBA file # 20-22, 29 Monomoy Road
Date: Tuesday, November 28, 2023 9:19:57 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

sure

From: William Saad <wsaad@nantucket-ma.gov>
Sent: Monday, November 27, 2023 10:37 AM
To: Steven Cohen <steven@cohenlegal.net>
Subject: RE: ZBA file # 20-22, 29 Monomoy Road

Do you think it's worth updating the Board at the December meeting and requesting a further continuance?

From: Steven Cohen <steven@cohenlegal.net>
Sent: Monday, November 27, 2023 10:30 AM
To: William Saad <wsaad@nantucket-ma.gov>
Subject: RE: ZBA file # 20-22, 29 Monomoy Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have made some progress, but it involves buying land from the abutter that had to go through a land court process.

From: William Saad <wsaad@nantucket-ma.gov>
Sent: Monday, November 27, 2023 9:57 AM
To: Steven Cohen <steven@cohenlegal.net>
Subject: ZBA file # 20-22, 29 Monomoy Road

Hi Steven,

Has there been any progress with the application for 29 Monomoy Road? If not, I kindly request that you withdraw this application.

Best,

[Billy Saad](#)
Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov
Town of Nantucket

Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

PREVIOUS MATERIALS

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

Please see attached addendum.

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

SIGNATURE: Steve Chen Owner*

SIGNATURE: Steve Chen Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

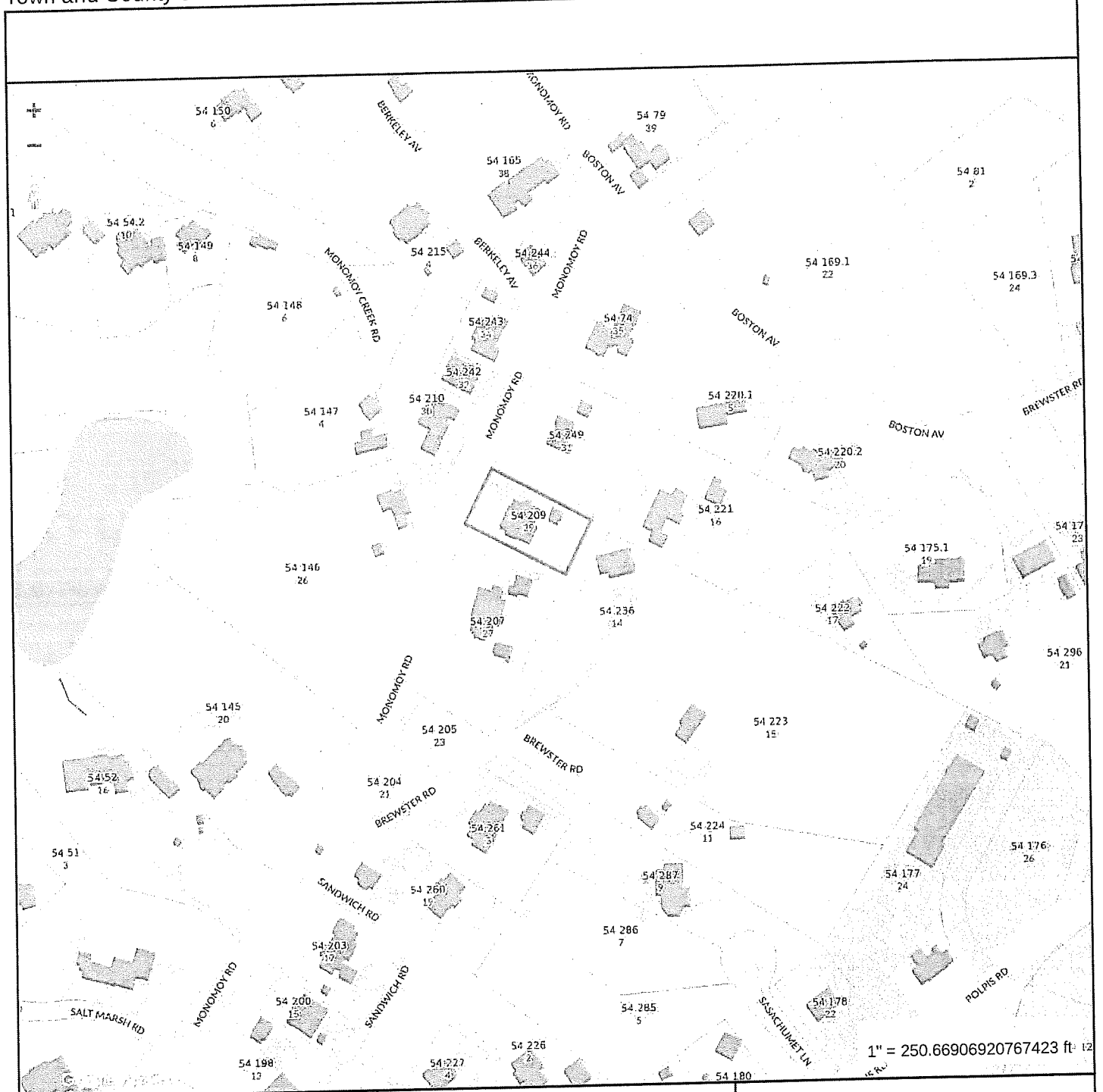
ADDENDUM:

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

The Applicant is a contract purchaser for 5,400 SF of land from the rear abutter to the south-east, 14 Brewster Road. However, 29 Monomoy Road and 14 Brewster Road are separated by a former paper road, the former Orleans Avenue, which was Taken by *Eminent Domain* by the Town in July of 2015, see Document No. 148654. The Yard Sale of this land to the Applicant has been stalled at the Land Court for seven years. As shown on Plan 2015-18, when the process is completed, the Applicant will be able to acquire 7,125 SF of land from the Town. When the private sale and the Yard sale acquisitions are completed, the Applicant will have a lot of 32,525 SF, with an allowed ground cover by right of 2,276.75 SF, a difference of 780.75 SF from the ground cover existing on the lot.

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

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



Property Information

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



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

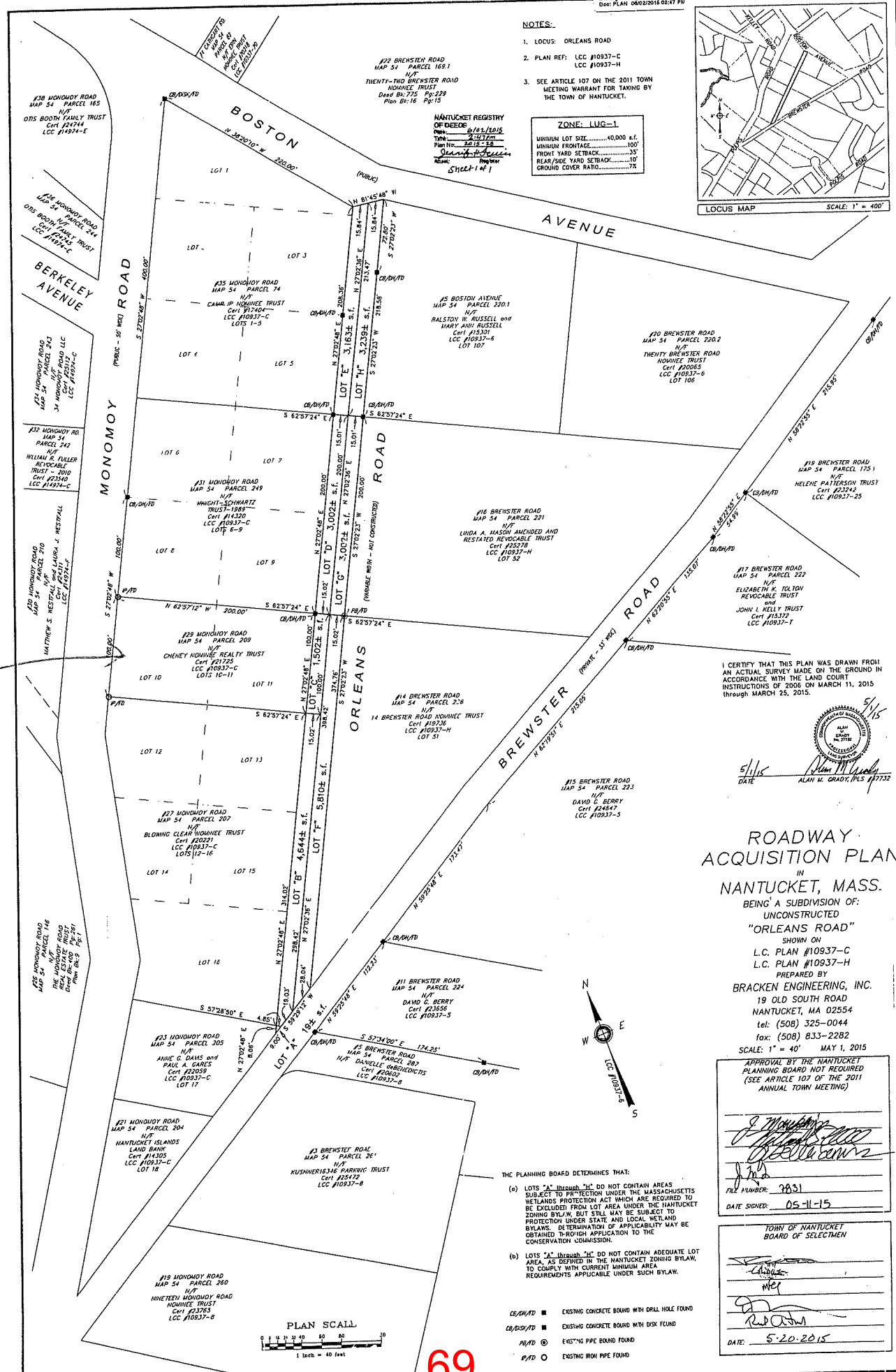
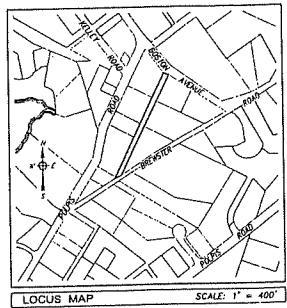
Geometry updated 11/14/2022
Data updated Jan. 2021

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

- NOTES:
1. LOCUS: ORLEANS ROAD
 2. PLAN REF: LCC #10937-C
LCC #10937-H
 3. SEE ARTICLE 107 ON THE 2011 TOWN MEETING WARRANT FOR TAKING BY THE TOWN OF NANTUCKET.

ZONE: LUG-1

MINIMUM LOT SIZE	40,000 s.f.
MINIMUM FRONTAGE	100'
FRONT YARD SETBACK	35'
REAR/SIDE YARD SETBACK	10'
GROUND COVER RATIO	7%



I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON MARCH 11, 2015 THROUGH MARCH 25, 2015.

5/1/15
DATE

ALAN H. GRADY, PLS #17732

ROADWAY ACQUISITION PLAN IN NANTUCKET, MASS.

BEING A SUBDIVISION OF:
UNCONSTRUCTED
"ORLEANS ROAD"
SHOWN ON
L.C. PLAN #10937-C
L.C. PLAN #10937-H
PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282
SCALE: 1" = 40' MAY 1, 2015

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED (SEE ARTICLE 107 OF THE 2011 ANNUAL TOWN MEETING)

[Signature]
PLN NUMBER: 7831
DATE SIGNED: 05-11-15

TOWN OF NANTUCKET BOARD OF SELECTMEN

[Signature]
DATE: 5-20-2015

- THE PLANNING BOARD DETERMINES THAT:
- (a) LOTS "A" THROUGH "C" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.
 - (b) LOTS "A" THROUGH "C" DO NOT CONTAIN ADEQUATE LOT AREA AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH CURRENT MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

- LEGEND:
- CR/DH/DT ■ EXISTING CONCRETE BOUND WITH DRILL HOLE FOUND
 - CR/BS/DT ■ EXISTING CONCRETE BOUND WITH DISK FOUND
 - PP/DT ○ EXISTING PPE BOUND FOUND
 - PP/DT ○ EXISTING IRON PIPE FOUND

THIS PLOT PLAN WAS PREPARED FOR DISCUSSION PURPOSES ONLY & MAY NOT BE APPROVED. IT SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.

THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. LAYOUT SHOWN HEREON DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS OR REGULATIONS.

SITE CONDITIONS SHOWN AS OF DECEMBER 11, 2019

CURRENT ZONING CLASSIFICATION:

Limited Use General 1 (LUG-1)

MINIMUM LOT SIZE: 40,000 S.F.

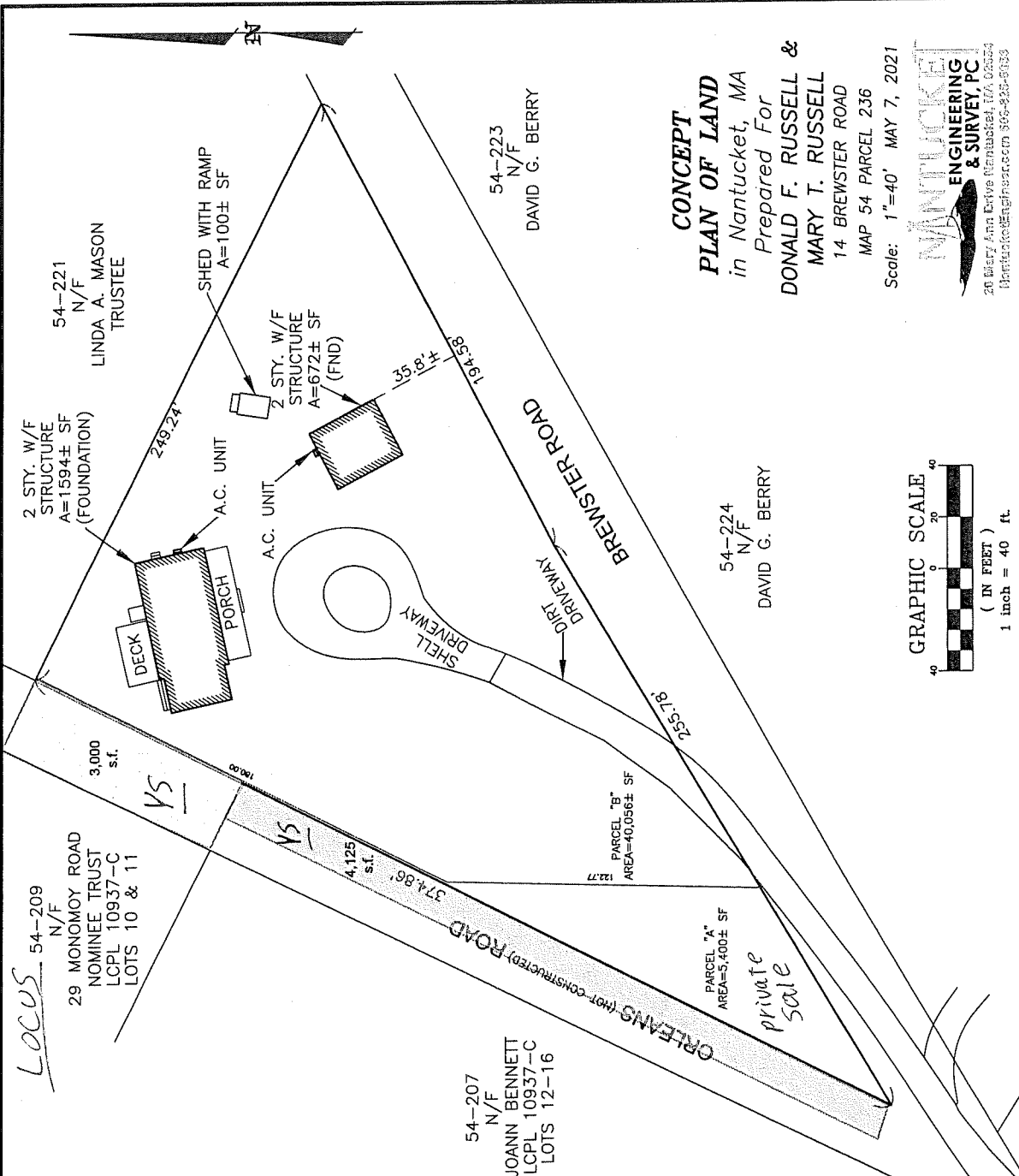
MINIMUM FRONTAGE: 100 FT.

FRONT YARD SETBACK: 35 FT.

REAR/SIDE SETBACK: 10 FT.

GROUND COVER % : 7%

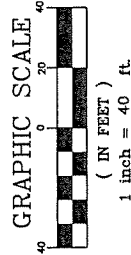
LOT AREA = 45,456± SF



**CONCEPT
PLAN OF LAND**
in Nantucket, MA
Prepared For
**DONALD F. RUSSELL &
MARY T. RUSSELL**
14 BREWSTER ROAD
MAP 54 PARCEL 236

Scale: 1"=40' MAY 7, 2021

**NANTUCKET
ENGINEERING
& SURVEY, PC**
20 Biery Ann Drive Nantucket, MA 02554
NantucketEngineering.com 508-225-5133



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



2015 00148654

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

COMMONWEALTH OF MASSACHUSETTS
 TOWN OF NANTUCKET
 BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN
 OF PORTIONS OF ORLEANS ROAD

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote adopted by the Town on Article 107 at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Orleans Road described below ("Parcels") is required for general municipal purposes and/or public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass., Being a Subdivision of Unconstructed "Orleans Road," prepared by Bracken engineering, Inc., dated May 1, 2015 recorded with Nantucket county Registry of Deeds as Plan No. 2015-28(the "Plan") and consisting of the following Parcels described on the Plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

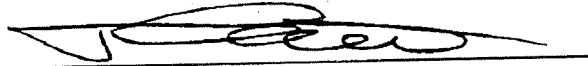
The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 22 day July, 2015

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN



Robert DeCosta



Matthew G. Fee



Rick Atherton



Tobias B. Glidden

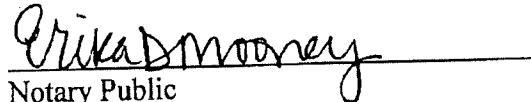


Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

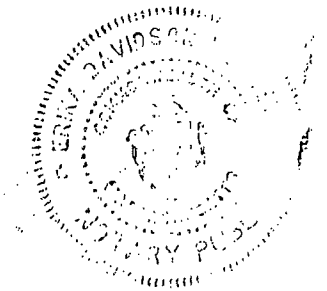
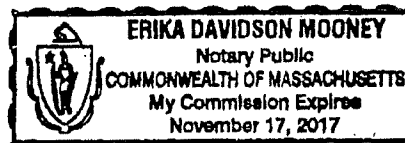
On this 22 day of July, 2015, before me, the undersigned notary public, personally appeared Robert DeCosta, Matthew G. Fee, Rick Atherton, Tobias B. Glidden and Dawn E. Hill Holdgate as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.



Notary Public

My commission expires:

526544/NANTYDSALE/0001





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841

Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

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

♦♦♦♦♦

April 19, 2011

TO WHOM IT MAY CONCERN:

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

VOTE: The vote on the motion pursuant to Article 107 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 107

(Real Estate Acquisition: Various "Paper" Streets)

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

- Proprietors Road in the Shimmo area known as Gardner Road bounded by the northeastern lot line of Parcels 131, 132, 133, the northeastern sideline of South Valley Road, the northeastern lot line of Parcels 134 and 135, the southeastern sideline of North Road, the southwestern lot line of Parcels 85, 86, and 92, and the northwestern lot line of Parcel 96; all as shown on Assessor Map 43;
- Vestal Street bounded by the southern sideline of Dukes Road, the northern lot line of Parcels 244, 267 and 268, a line extending across Vestal Street from the northeastern corner of Parcel 268 to the southeastern corner of Parcel 246, and the southern sideline of Parcels 246 and 245; all as shown on Assessor Map 56;
- Pollock (a.k.a. Pollack) Avenue and High Street between the southern sideline of Morgan Square and the northern sideline of Western Avenue; Morgan Square bounded by a line extending the southern sideline of Brooks Avenue across Morgan Square, the western and southern lot lines of Parcel 3.4, the southern lot line of Parcel 3.3, a line extending the eastern lot line of Parcel 3.3 across Morgan Square; a northern lot line of Parcel 4, the northern sideline of High Street, the northern lot line of Parcel 91, the northern sideline of Pollock (aka) Pollack) Avenue and the western and a northern lot lines of Parcel 86; and Western Avenue bounded by the southern lot lines of Parcel 93, 4, and 91 and the southern sidelines of Pollock Avenue, Washington Street and High Street, northern and western lot lines of Parcel 36, and eastern by a line extending across Western Avenue extending from the western lot line of Parcel 84; all as shown on Assessor Map 87;
- Orleans Road between the southwestern sideline of Boston Avenue and the northern sideline of Brewster Road; all as shown on Assessor Map 54;
- Hulbert Avenue Extension between a line perpendicular to the western sideline at a point where the northeast corner of Assessor Map 30 Parcel 49 intersects Hulbert Avenue Extension to Nantucket Sound;
- Sherburne Turnpike-Lot P-5 as shown on a plan entitled "Proposed Modification of Sherburne Turnpike (a.k.a. Sherburne Avenue) dated February 2007, by Blackwell and Associates, Inc." and on file at the Nantucket Registry of Deeds at Plan No. 2008-62;

And, to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

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

Or to take any other action related thereto.

(Board of Selectmen)

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

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

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

Abutters Listing

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

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

BENNETT JOANN
27 MONOMOY ROAD
NANTUCKET, MA 02554

WYNNEMER LLC
65 SPRING DELL ROAD
LANCASTER, PA 17601

BERRY DAVID G
PO BOX 1288
NANTUCKET, MA 02554

COPLEY MONOMOY LLC
896 BEACON STREET
BOSTON, MA 02215

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

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

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

BERRY DAVID G
P O BOX 1288
NANTUCKET, MA 02554

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

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

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

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

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

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

NEW BUSINESS

7 I Street, LLC

File No. 18-23

7 I Street

Modification



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



PAID

2023 NOV 15 11:52
NANTUCKET
TOWN CLERK

APPLICATION

Fee: \$450.00

File No. 18-23

Owner's name(s): **7 I Street, LLC**

Mailing address: **37 Centre Street, Nantucket, MA 02554**

Phone Number: **508-228-9161** E-Mail: **office@thornewilldesign.com**

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: E-Mail:

Locus Address: **7 I Street** Assessor's Map/Parcel: **59.4/74**

Land Court Plan/~~Plan Book & Page~~/Plan File No.: **Lot 46, Land Court Plan No. 3092-S; Lots 57-58 on Land court Plan No. 3092-S**

~~Deed Reference~~/Certificate of Title: **Certificate of Title No. 28515**

Zoning District: **VR**

Uses on Lot- Commercial: **No** Yes (describe)

Residential: Number of dwellings: **1** Duplex _____ Apartments _____

Date of Structure(s): **1960**

Building Permit Numbers:

Previous Zoning Board Application Numbers: **007-11; 077-12**

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

See attached Addendum A

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

SIGNATURE: _____ Owner*

SIGNATURE: Luke Thornehill
Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

From: Maureen J. Dunphy mjdatnyc@aol.com
Subject: Re: 7 I Street ZBA submission
Date: November 9, 2023 at 3:22 PM
To: Thornewill Design office@thornewilldesign.com



To whom this may concern,

Luke Thornewill is authorized as my agent regarding any and all matters with 7 I street and the ZBA.

Please contact me if further information is required.

Sincerely,

Maureen Dunphy

On Thursday, November 9, 2023 at 03:13:01 PM EST, Thornewill Design
<office@thornewilldesign.com> wrote:

Hi Maureen

Please send me an email authorizing me to be your agent regarding your ZBA submission.

thank s
Luke

Addendum A

The Owner/Applicant, 7 I Street, LLC (hereinafter referred to as "7 I Street, LLC") is the owner of 7 I Street ("the Premises") by virtue Certificate of Title No. 28515 registered at the Nantucket County Registry District of the Land Court. The Applicant is requesting a modification to Zoning Board of Appeals Decision No. 077-12 and Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A(1)(a). in order to alter the use of a pre-existing nonconforming structure as shown on the plan entitled, "Sketch of LAND 11/06/23", prepared by Bracken Engineering, Inc., attached hereto as Exhibit B.

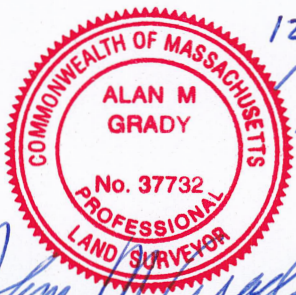
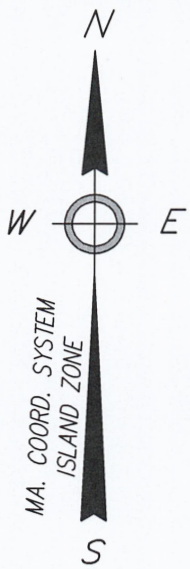
The Premises is a pre-existing lot of record in the Village Residential ("VR") zoning district and contains a lot size of 12,000 square feet in a district that requires a minimum lot size of 20,000 square feet. The structures, which include a single-family dwelling and a garage, on the Premises are also nonconforming with respect to setbacks being as close as 6.3 feet from the front yard setback in a zoning district that requires a twenty (20) foot setback and being as close as 7.4 feet from the easterly side yard setback in a zoning district that requires a ten (10) foot side yard setback. The Premises has frontage on both Tennessee Avenue and I Street, but only has the requisite amount of frontage for the VR district on I Street. The structures are also nonconforming with respect to Ground Cover Ratio having approximately 13.5% ground cover ratio in a zoning district with an allowable maximum ground cover ratio of 10%. The structures predate the adoption of the Zoning Bylaw and have the benefit of Special Permit Nos. 007-11 and 077-12.

In Special Permit No. 077-12, the Owner/Applicant was granted Special Permit relief from the Nantucket Zoning Board of Appeals to alter the pre-existing nonconforming garage structure by adding 2nd floor dormers and a 2nd floor deck. The structure remained a garage with a studio above and said studio was deemed not to be used for human habitation.

The Owner/Applicant intends to change the use from garage/studio to a second dwelling. This garage structure is as close as 6.3 feet from the front yard lot line as shown on the attached plan. As a result, there will be no exterior change to the structure and there will be no increase in ground cover. The Owner/Applicant has a three-bedroom IA Septic System and only two (2) bedrooms in the main house.

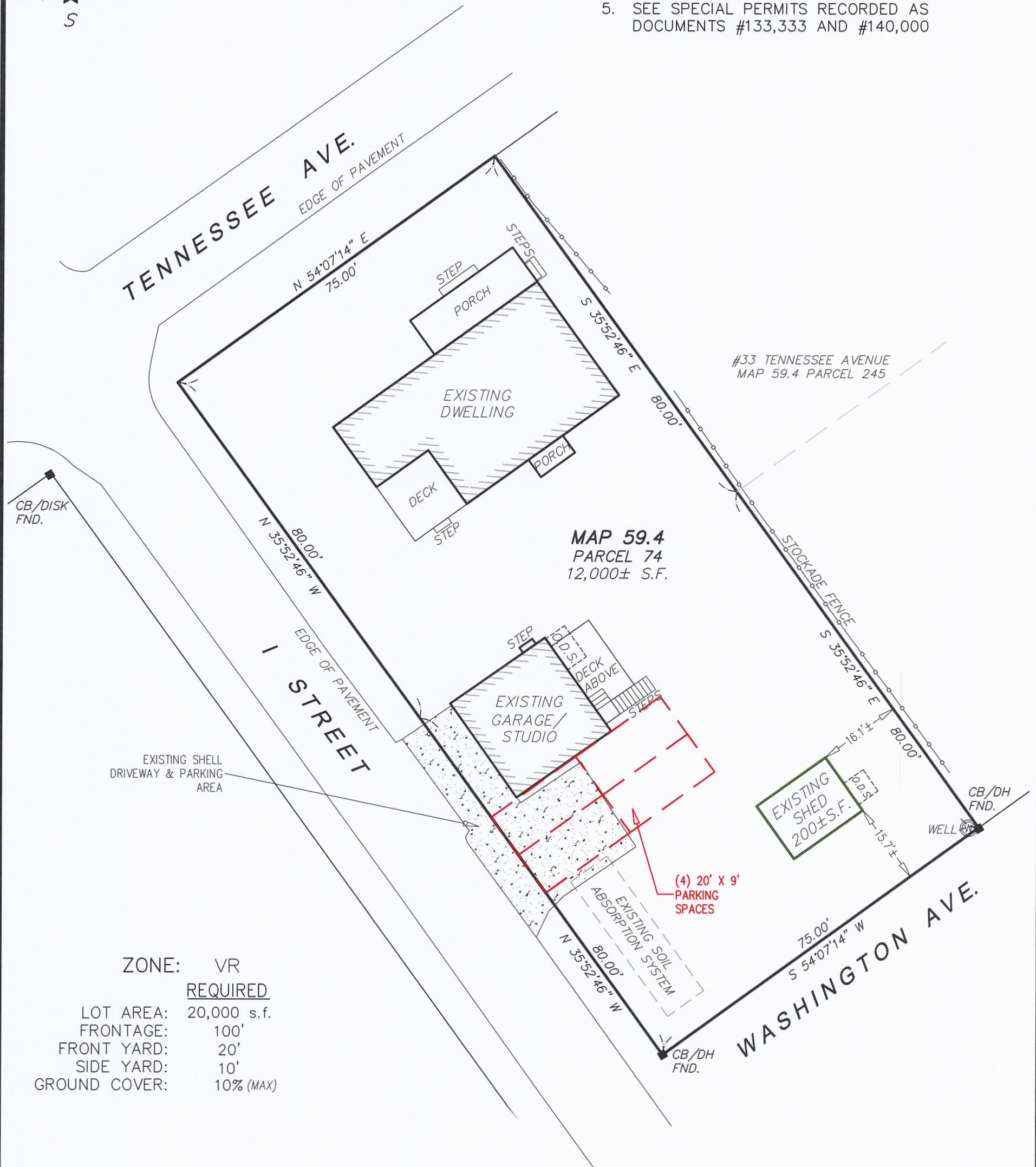
Therefore, the Applicant is requesting a modification to Special Permit No. 077-12 and Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(1)(a) in order to convert the garage as shown on the attached Exhibit B to a secondary dwelling. In this instance, because the pre-existing structure will be changing from one allowed use (garage) to another allowed use (secondary dwelling) and here will be no change in ground cover, nor any change in setbacks, the requested relief is in harmony with the general purpose and intent of the Zoning Bylaw and the change in use

is not substantially more detrimental to the neighborhood than the existing nonconformity.



NOTES:

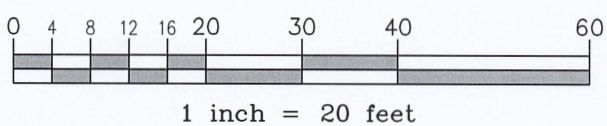
1. OWNER: 7 I STREET LLC
37 CENTER ST.
NANTUCKET, MA 02554
2. CERT.# 28515
3. LAND COURT PLAN: 3082-S (LOTS 57 & 68)
4. A PORTION OF THE LOCUS DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE "AE" (el-8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0064-G dated 06/09/2014.
5. SEE SPECIAL PERMITS RECORDED AS DOCUMENTS #133,333 AND #140,000



ZONE: VR
REQUIRED

LOT AREA: 20,000 s.f.
FRONTAGE: 100'
FRONT YARD: 20'
SIDE YARD: 10'
GROUND COVER: 10% (MAX)

PLAN SCALE



Date: DECEMBER 4, 2023 Drawn: JMC DAF/BEI Checked: DFB/AMG



49 HERRING POND ROAD
BUZZARDS BAY, MA 02532

(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.325.0044
www.brackeneng.com

PROPOSED PARKING PLAN IN NANTUCKET, MA

Prepared for:

7 I STREET LLC
#7 I STREET
MAP 59.4 PARCEL 74



Property Information

Property ID 59.4 74
Location 71 ST
Owner 71 STREET LLC



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

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

Geometry updated 10/03/2023
Data updated Jan. 2021

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



2011 00133333
Cert: 23741 Doc: SP
Registered: 04/01/2011 09:13 AM

NANTUCKET
TOWN CLERK

11 MAR 11 A938

RECEIVED

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

Date: February 18, 2011

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

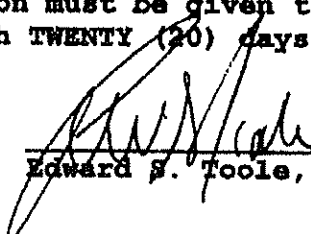
Application No: 007-11

Owner/Applicant: Anthony Colella & Maureen J. Dunphy

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with 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 a
complaint in Land 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.


Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-228-7215.

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

Assessor's Map 59.4, Parcel 74
7 I Street
Village Residential

Lot 57 & 68
Land Court Plan 3092-S
Certificate of Title No. 23741

DECISION:

1. The Nantucket Zoning Board of Appeals held a public hearing on February 10, 2011, in the Garage Area at 2 Fairgrounds Road, Nantucket, Massachusetts, regarding the application of **Anthony Colella & Maureen J. Dunphy**, 330 East 43rd Street, New York NY 10017, Board of Appeals File No. 007-11. The Board made the following Decision:

2. Applicants are requesting SPECIAL PERMIT relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(4) and (5) (alteration of preexisting nonconforming structure) in order to construct two new decks on the Locus. The first deck would be sited on the northerly side of the property; would measure 8' x 24' and would extend the sideline setback encroachment a distance of 8 feet. The porch addition would extend the northerly line of the existing dwelling so that the line of the dwelling and the line of the porch would be 7.5 feet from the sideline in a district that requires a 15 foot setback. The other deck is being sited in the southwest corner of the existing dwelling. The existing dwelling is sited approximately 19.3 feet from the front yard lot line in a zoning district that requires a 30 foot front yard setback. This proposed addition will not intrude any further into the front yard setback than the existing dwelling. The lot is also nonconforming as to minimum lot size, having approximately 12,000 square feet in a zoning district that requires a minimum lot size of 20,000 square feet; but, the proposed additions will not increase the ground cover. The Locus is situated at 7 I Street, is shown on Nantucket Tax Assessor's Map 59.4 as Parcel 74, is shown as Lots 57 & 68 on Land Court Plan 3092-S, and is registered as Certificate of Title No. 23741 in the Nantucket County Registry District of the Land Court. The property is zoned Village Residential.

3. Our Decision is based upon the application and accompanying materials and representations and testimony received at the public hearing. There was no Planning Board recommendation on the basis that no matters of planning

concern were presented. No abutter comment was received either in favor or in opposition to the application.

4. Attorney Richard J. Glidden represented the Applicant. Attorney Glidden explained to the Board that Applicants purchased this home in Madaket which was built in the 1950's and wished to add a front porch and construct a rear deck to replace an existing stone patio. The existing house violates both the sideline setback on the easterly side of the house and violates the front yard setback on the westerly side of the house. The proposed additions would not increase the ground cover of the structure but would extend the easterly line 8 feet towards Tennessee Avenue, and changing the patio to a deck with an outdoor shower would extend the westerly sideline of the house a distance of 12 feet. Neither of these changes would alter the residential character of the structure and the changes would be an improvement to the use and enjoyment of the house for residential purposes. Further, this proposed addition will not intrude any further into the front yard setback than the existing dwelling

5. Therefore, the Board finds that the proposed alterations will not be substantially more detrimental to the neighborhood than the existing nonconformity and will be in keeping with the residential character of the neighborhood, and that the nonconforming distances of the setback intrusions are not being made more nonconforming.

6. Accordingly, by a UNANIMOUS vote of the sitting Board, the Board GRANTS the requested relief by SPECIAL PERMIT, allowing the construction of the front porch additional (8' x 24') and the deck addition (12'9" x 12') on the southwest corner of the existing dwelling to be done in substantial conformity with the plan entitled "Board of Appeals Plan, Nantucket, MA," prepared by On-Island Survey, Inc., dated January 5, 2011, attached hereto as "Exhibit A."

SIGNATURE PAGE TO FOLLOW

Dated: March 10, 2011

[Signature]
Edward Toole, Chair

[Signature]
Mark Poor

[Signature]
Kerim Koseatac

APR 01 2011

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

[Signature] TOWN CLERK

[Signature]
Michael O'Mara

[Signature]
Susan McCarthy

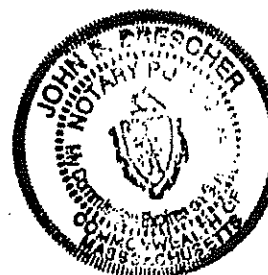
COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 10 day of March, 2011, before me, the undersigned notary public, personally appeared Edward S. Toole (a) ☒ personally known to me, or (b) proved to me through satisfactory evidence of identification, which was (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

[Signature]
Official Signature and Seal of Notary Public
My commission expires: 9/17/2014

John B. Brecher



TENNESSEE AVENUE

WASHINGTON AVENUE

I STREET

GARAGE

SHED

PROPOSED PORCH WITH ROOF 24' x 6'

PROPOSED DECK 19.3'

PROPOSED OUTDOOR SHOWER

MAP 59.4 PARCEL 74 AREA = 12,000 SQ.FT.

STEPS TO BE MADE ON EXISTING AS SHOWN HEREON.

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN HEREON.

DATE:

NANTUCKET, MA. 02854

(508) 228-8031

ON-ISLAND SURVEY INC. PROFESSIONAL LAND SURVEYOR P.O. BOX 896 NANTUCKET, MA. 02854 (508) 228-8031

N/T 32 TENNESSEE AVE JANE E. MARRINO MAP 60.1.2 LOT 41

N/T 37 TENNESSEE AVE PAMELA W. & SHANE D. RICHOLLS MAP 59.4 LOT 245

N/T 25 TENNESSEE AVE INTERVIEW ASSOCIATION LIMITED PARTNERSHIP MAP 60.1.2 LOT 60

ZONING CLASSIFICATION: R-2

MINIMUM LOT SIZE = 20,000 SQ. FT.

MINIMUM FRONTAGE = 75 FT.

FRONT YARD SETBACK = 30'

REAR YARD SETBACK = 10 FT.

SIDE YARD SETBACK = 10 FT.

GROUND COVER RATIO 12.5%

EXISTING GROUND COVER RATIO 13.7%

PROPOSED GROUND COVER RATIO 15.3%

BOARD OF APPEALS PLAN NANTUCKET, MA.

#7 I STREET (NANTUCKET COUNTY)

SCALE 1 IN. = 20 FT

JANUARY 5, 2011

ASSESSORS MAP 59.4., PARCEL 74



DOC No: 00133333

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 01, 2011 at 09:13A

Document Fee: 75.00 Rec Total: 1475.00

CERTIFICATE No: 22741

TOWN CLERK
FILED PURSUANT TO GENERAL LWS 307 SECTION 11
TOWN CLERK, AND THAT NO APPEAL HAS BEEN
THE DECISION WAS FILED IN THE OFFICE OF THE
1 CERTIDY THAT 30 DAYS HAVE ELAPSED AFTER



2013 00140000

Cert: 23741 Doc: SP
Registered: 02/01/2013 09:37 AM

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

RECEIVED
2013 JUN 11 PM 10 55
NANTUCKET TOWN CLERK

Date: January 11, 2013

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

Application No: 077-12

Owner/Applicant: Anthony Colella and Maureen J. Dunphy

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with 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 a
complaint in Land 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.

Ed S Toole (JAB)

Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-228-7215.

3. Our decision is based upon the application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There were no letters in favor of, or in opposition to, the application.

4. Attorney Richard Glidden represented the Applicant the hearing. Attorney Glidden explained to the Board that the Applicants are requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(4) and (5) (alteration of preexisting nonconforming structures) in order to alter and extend the preexisting nonconforming structure without increasing the nonconforming nature of said structure.

The Applicants intend to add 2nd floor dormers, a 2nd floor deck, and an outdoor shower at grade to the garage structure on the Locus. None of the proposed alterations will increase the ground cover ratio on the Locus, nor will they be any closer to the lot lines than the existing structure.

The garage structure is sited approximately 6.3 feet from the front yard lot line in a zoning district that requires a thirty (30) foot front yard setback. The structures on the Locus are also nonconforming as to rear yard setback and ground cover, being sited as close as 3.9 feet from the rear yard lot line in a zoning district that requires a fifteen (15) foot side and rear yard setback and having a ground cover ratio of about 13.5% in a zoning district that allows for a maximum ground cover ratio of 10%.

5. Therefore, after a discussion with the Applicant, the Board finds that such Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(4) and (5) in order to construct 2nd floor dormers, a 2nd floor deck, and an outdoor shower to the garage structure on the Locus would be in harmony with the general purposes and intent of the Bylaw and would not be substantially more detrimental to the neighborhood than the existing nonconformity.

6. Accordingly, by a UNANIMOUS vote of the sitting Board, the Board of Appeals made the finding that such Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(4) and (5) to allow 2nd floor dormers, a 2nd floor deck, and an outdoor shower to the garage structure on the Locus would not be substantially more detrimental to the neighborhood than the

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

Assessor's Map 59.4, Parcel 74
7 I Street

Certificate of Title No. 23741
L.C. Plan 3092-S, Lots 57 & 68
Village Residential

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, December 13, 2012, at 1:00 P.M., 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **ANTHONY COLELLA AND MAUREEN J. DUNPHY**, c/o Glidden & Glidden, P.C., 37 Centre Street, Nantucket, Massachusetts 02554, File No. 077-12:

2. Applicants are requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(4) and (5) (alteration of preexisting nonconforming structures) in order to alter and extend the preexisting nonconforming structure by adding 2nd floor dormers, a 2nd floor deck, and an outdoor shower at grade to the garage structure on the Locus. The garage structure is presently sited approximately 6.3 feet from the front yard lot line in a zoning district that requires a thirty (30) foot front yard setback. None of the proposed alterations will be closer to front yard lot line than the existing structure. The structures on the Locus are also nonconforming as to rear yard setback and ground cover, being sited as close as 3.9 feet from the rear yard lot line in a zoning district that requires a fifteen (15) foot side and rear yard setback and having a ground cover ratio of about 13.5% in a zoning district that allows for a maximum ground cover ratio of 10%. The proposed alterations to the structure will not increase the ground cover on the Locus. The Locus is situated at 7 I Street, is shown on Nantucket Tax Assessor's Map 59.4 as Parcel 74, is shown as Lots 57 & 68 on Land Court Plan 3092-S, and title is registered in Certificate of Title No. 23741 in the Nantucket County Registry District of the Land Court. The site is zoned Village Residential.

existing nonconformity and would be in harmony with the purpose and intent of the Zoning Bylaw with the following conditions:

- a. That all work shall be done in substantial compliance with Historic District Commission Certificate of Appropriateness Nos. 58,765 and 58,766, as may be amended from time to time; and,
- b. That there shall be no exterior construction between Memorial Day and Labor Day of any year.

SIGNATURE PAGE TO FOLLOW

Dated: May 10, 2013

[Signature]
Edward Poole

[Signature]
Susan McCarthy

[Signature]
Michael O'Mara

[Signature]
Kerim Koseatac

[Signature]
Mark Poor

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

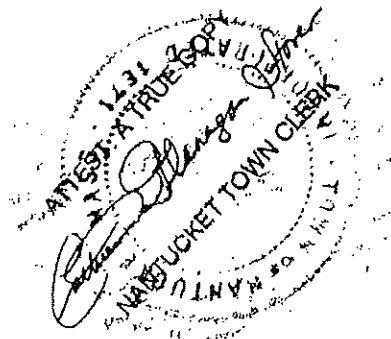
May 10, 2013

On this May day of 10, 2013, before me, the undersigned Notary Public, personally appeared Mark Poor, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

[Signature]
Notary Public: Sarah B. Beach
My commission expires: 7/19/2014

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

[Signature] TOWN CLERK



FEB 01 2013

DOC No: 00140000

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Feb-01-2013 at 09:37A

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 23741

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... 7 I Street, LLC
MAILING ADDRESS..... 37 Centre St, Nantucket, MA 02554
PROPERTY LOCATION..... 7 I Street
ASSESSOR MAP/PARCEL..... 59.4 / 74
SUBMITTED BY..... Thornwell Design

SEE ATTACHED PAGES

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

November 8, 2023

DATE

Mary L.
Haley

Digitally signed
by Mary L. Haley
Date: 2023.11.08
09:04:22 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Allez à avery.ca/gabants
Allez à avery.ca/gabants
Allez à avery.ca/gabants

TRISTRAMS GROUP
C/O MAINSTAY INC
2 STANDFORD RD #5
NANTUCKET, MA 02554

Etiquettes d'adresse Easy Peel
Kopieer de la hachure afin de révéler le rebord Pop-up

SMITH JANE L
206 WEST 3RD AVE
JOHNSTOWN, NY 12095

Pat. avery.com/patents

ANDERSEN SCOTT W & HILARY S
282 MADAKET RD
NANTUCKET, MA 02554

KILLEN PATIENCE E
PO BOX 606
NANTUCKET, MA 02554

POLLAK CHRISTOPHER W &
HARTWELL PAMELA POLLAK TRS
235 OLD BOSTON RD
WILTON, CT 06879

OKUN ANDREW A & BLANCHARD JULIA P
TRST
A & J OKUN REVOCABLE TRUST
11911 WESTMINSTER PL
LOS ANGELES, CA 90066

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

JOHNSON LESLIE B
PO BOX 1412
NANTUCKET, MA 02554

37 TENNESSEE ACK LLC
PO BOX 70205
DARTMOUTH, MA 02747

35 TENNESSEE ACK LLC
PO BOX 70205
DARTMOUTH, MA 02747

BRIAND ANN
P O BOX 182
SAGAMORE BEACH, MA 02562-0182

BRIAND ANN
P O BOX 182
SAGAMORE BEACH, MA 02562

JOHNSON LESLIE B
PO BOX 1412
NANTUCKET, MA 02554

CHALLENGE REALTY LLC
192 COONAMESSETT CIR
EAST FALMOUTH, MA 02536

MUABESSAC LLC
C/O MARY C MEYERS
126 MARION HEIGHTS
GALAX, VA 24333

MUABESSAC LLC
C/O MARY C MEYERS
126 MARION HEIGHTS
GALAX, VA 24333

WILLIAMS GLEN K & GILLIS MARGARET J
397 MILLER ROAD
REXFORD, NY 12148

MADAKET MARINE LLC
20 NORTH CAMBRIDGE ST
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NO VACANCY LLC
55 STATION ST
SOUTHPORT, CT 06890

MUSHNICK CAROL KERWIN
9 BOGASTOW CIR
MILLIS, MA 02054

MCGRATH WILLIAM F JR
KATBIRD REALTY TRUST
P O BOX 2639
NANTUCKET, MA 02584

35 TENNESSEE ACK LLC
PO BOX 70205
DARTMOUTH, MA 02747

HARVEY JESSIE P TRST
C/O ANN HARVEY HOWELL ET AL
700 PAPER MILL RD
WYNDMOOR, PA 19038

7 I STREET LLC
C/O 37 CENTER ST
PO BOX 786
NANTUCKET, MA 02554

GREENE FELIMY P & SUSAN K TR
EAGLE BAY TRUST
30 RIDOUT ROAD
SINGAPORE, 248427

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

HITHERVIEW ASSOC LLC
C/O ANNESE JAMES
18 CHETWOOD TERRACE
FANWOOD, NJ 07023

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160

CALNEN ROBERT W JR & PATRICE M
8 RIGGS AVE
WEST HARTFORD, CT 06107

Étiquettes d'adresse Easy Peel
Répalez à la machine afin de révéler le rebord Pop-Up

[Pat. avery.com/patents](http://Pat.avery.com/patents)

Go to avery.com/templates
Use Avery template 3110

Easy Peel Address Labels
Bend along line to separate Pop-Up Edge

105

5160

AVERY

LETTERS

COMMONWEALTH OF MASSACHUSETTS

MAP/PARCEL 59.4-74

TOWN OF NANTUCKET
BUILDING DEPARTMENT

No. **1130-14**

Office of the Building Inspector

Fee **\$410.00**

August 12, 2014

BUILDING PERMIT

THIS PERMIT CERTIFIES THAT MAUREEN DUNPHY HAS

PERMISSION TO BUILD A 2ND FLOOR STUDIO OVER EXISTING GARAGE 418 SQ' WITH BATH

NOT FOR HUMAN HABITATION

LOCATED ON 71 STREET PROVIDED

THAT THE PERSON ACCEPTING THIS PERMIT SHALL CONFORM TO THE TERMS OF THE APPLICATION ON FILE IN THE BUILDING DEPARTMENT AND TO THE PROVISIONS OF THE STATUTES AND THE ORDINANCES RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE TOWN OF NANTUCKET, AND THE MASSACHUSETTS STATE BUILDING CODE 780 CMR 8TH EDITION.

A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON RETURN OF THIS PERMIT ONLY AFTER ALL THE REQUIRED INSPECTIONS HAVE BEEN SIGNED AND DATED BY THE APPROPRIATE INSPECTOR.

THIS PERMIT SHALL BECOME INVALID SIX MONTHS FROM THE DATE OF ISSUE IF THE WORK PERMITTED HAS NOT COMMENCED OR IS NOT PROGRESSING CONTINUOUSLY TO COMPLETION AS FAR AS REASONABLY PRACTICABLE.

PERSONS CONTRACTING WITH UNREGISTERED CONTRACTORS DO NOT HAVE ACCESS TO THE GUARANTY FUND
M.G.L. c142A

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

[Signature]

Sent from my iPhone

From: [Leslie](#)
To: [William Saad](#)
Date: Thursday, December 7, 2023 1:32:14 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Zoning Board of Appeals
Regarding : 7 I Street

I received a letter notification
from the ZBA
The owner of

7 I Street is requesting a special permit from the ZBA to authorize a garage with an existing studio to become a secondary dwelling.

This garage “studio” has been utilized

As an overnight living space during the summers when it was expanded in 2014.

In spite of the fact the original building permit authorized
a studio over the garage

“not for human habitation”

I am opposed to this expanded use.

Presently there are

3 buildings -3 parking spaces-

& 2 storage trailers on the property

This is already an overcrowded use on

A 12,000 sq foot lot in the nitrogen sensitive area of Madaket.

Respectfully,

Leslie Johnson

From: [Carol Kerwin-Mushnick](#)
To: [William Saad](#)
Subject: Re: 7 I street
Date: Thursday, December 7, 2023 11:53:05 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may,

I own property on 28 Tennessee Ave., I am third generation at this property.
My mother is Shirley Rowley and his second generation to this property

We are opposed to the garage permitted as second dwelling on a small lot.

Carol Kerwin-Mushnick
Shirley Murray Rowley

Sent from my iPhone

2 Easton Street
LLC & Nantucket
Boat House LLC

File No. 19-23

2 & 6 Easton Street

Special Permit

Michele A. Hunton
Direct Dial: 617-330-7024
E-mail: mhunton@rubinrudman.com
Return Address: Boston

November 9, 2023

By Email and Overnight Mail

Town of Nantucket Board of Appeals
2 Fairgrounds Road
Nantucket, 02554

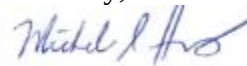
RE: **Application for Special Permit**
2 Easton Street, LLC and Nantucket Boathouse
2 and 6 Easton Street, Nantucket, MA

Dear Sir/Madam:

Enclosed please find an Application for Special Permit regarding the above properties along with the filing fee of \$450.00.

Please contact me if you have any questions or concerns.

Sincerely,



Michele A. Hunton

Enclosures

cc: Glenn Wood, Esq.
Nicholas Bateman, Coastal Engineering Company, Inc.



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

APPLICATION

Fee: \$450.00

File No. 19-23

Owner's name(s): 2 EASTON STREET LLC & NANTUCKET BOAT HOUSE LLC

Mailing address: 7701 FORSYTH BLVD. STE 1100, ST LOUIS, MO 63105

Phone Number: 847-345-6400 E-Mail: SMBARTRAM1@GMAIL.COM

Applicant's name(s): same as above

Mailing Address: same as above

Phone Number: same as above E-Mail: same as above

Locus Address: 2 & 6 Easton Street Assessor's Map/Parcel: 4214/9 & 4214/9

Land Court Plan/Plan Book & Page/Plan File No.: Plan Book 18, Page 160 Lots 2 & 1
Book 1398 Page 329 & Book 1518 Page 251

Deed Reference/Certificate of Title: _____ Zoning District R1

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

2019 NOV 15 PM 12:21
NANTUCKET
TOWN CLERK

PAID

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

139-22 Island Perimeter Regulations (section D)

Please see the attached addendum for more information on the special permit request

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

SIGNATURE: _____ Owner*

SIGNATURE: Michelle Hunton, Atty. for Owner.
Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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



REQUEST FOR A SPECIAL PERMIT
PURSUANT TO SECTION 139-22(D)
OF THE ZONING BYLAW
NANTUCKET ZONING BOARD OF APPEALS
2 & 6 EASTON STREET, NANTUCKET
2 Easton Street LLC & Nantucket Boat House LLC

Maintenance to Existing Residential Pier
Replacing of an existing pier for increased public access and resilience

Prepared By: Coastal Engineering Company, Inc.
November 13, 2023

Dear Board Members:

On behalf of the applicant Steve Bartram, Coastal Engineering Company, Inc. (CEC) is requesting consideration for the granting of a special permit to reconfigure a preexisting nonconforming residential pier at the subject property pursuant to Section D of the Island Perimeter Restrictions (139-22) of the Code of the Town of Nantucket.

Project Description

The proposed project consists of maintaining by means of replacement an existing timber pier, gangway, and float within the same footprint. Critical components of these structures are deteriorating, and while in constant and upkept use, have reached the end of their service lives. Additionally, the current low height of the existing pier makes lateral public passage along the beach difficult at high tide and puts the pier at risk of damage by coastal storms. The pier's height is proposed to be raised three (3) feet to mitigate against these concerns. More specifically, the following work is proposed:

- Raise the existing pier by approximately three (3) feet to create a 5'x5' access way beneath the pier at mean high water according to DEP Waterways regulations
- Reconfigure the pile layout to reduce the amount of total piles by two (2) and allow for a more conventional construction layout to decrease the impact to the marine environment
- Replace the existing gangway with a longer gangway within the same footprint to accommodate safe access and to compensate for the increased height of the pier

Additionally, this project consists of repairs to an existing bulkhead structure.

The proposed work has been approved by the Nantucket Conservation Commission and the Nantucket Historic District Commission.

Special Permit Request to Section 139-22(D)

Section 139-22(D) of the Code of the Town of Nantucket states the following:

Any proposed extension or reconfiguration of or addition of new appurtenant structures to a preexisting nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with § 139-33A(1). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure. Such applications shall be referred by the special permit granting authority to the Harbor Master and the Natural Resources Department, or its successor agency, for comment and recommendation in accordance with the procedures of § 139-30.

In short, the proposed pier should be granted a special permit because the reconfiguration does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure.

It is our understanding that the intentions of the Island Perimeter Restrictions (139-22) are generally consistent with the Private Dock Prohibition outlined within the 2009 Nantucket & Madaket Harbors Action Plan by The Nantucket and Madaket Harbors Plan Review Committee & the Department of Marine and Coastal Resources (the Plan). The Plan references 310 CMR 9.00, the Massachusetts Waterways Regulations (Chapter 91) frequently, the standard for regulations regarding public use of tidelands.

Section III-B, Private Dock Prohibition of the Plan states "This prohibition serves to protect and enhance the ability of the public to access shellfishing areas along the shoreline, to navigate along the shoreline, to protect water-quality and natural resources, and to preserve the traditional community character."

By raising the pier to create a 5'x5' accessway, the ability of the public to navigate the shoreline and access resource areas will be significantly improved along the historic and picturesque Brant Point portion of Nantucket Harbor. The replacement pier would not result in an increase in footprint. The proposed pier would be less detrimental to the marine

environment and the intentions of the Island Perimeter Restrictions than the current conditions. Therefore, it is our opinion that the proposed alterations meet and exceed the requirements for granting of a special permit under section 139-22(D).

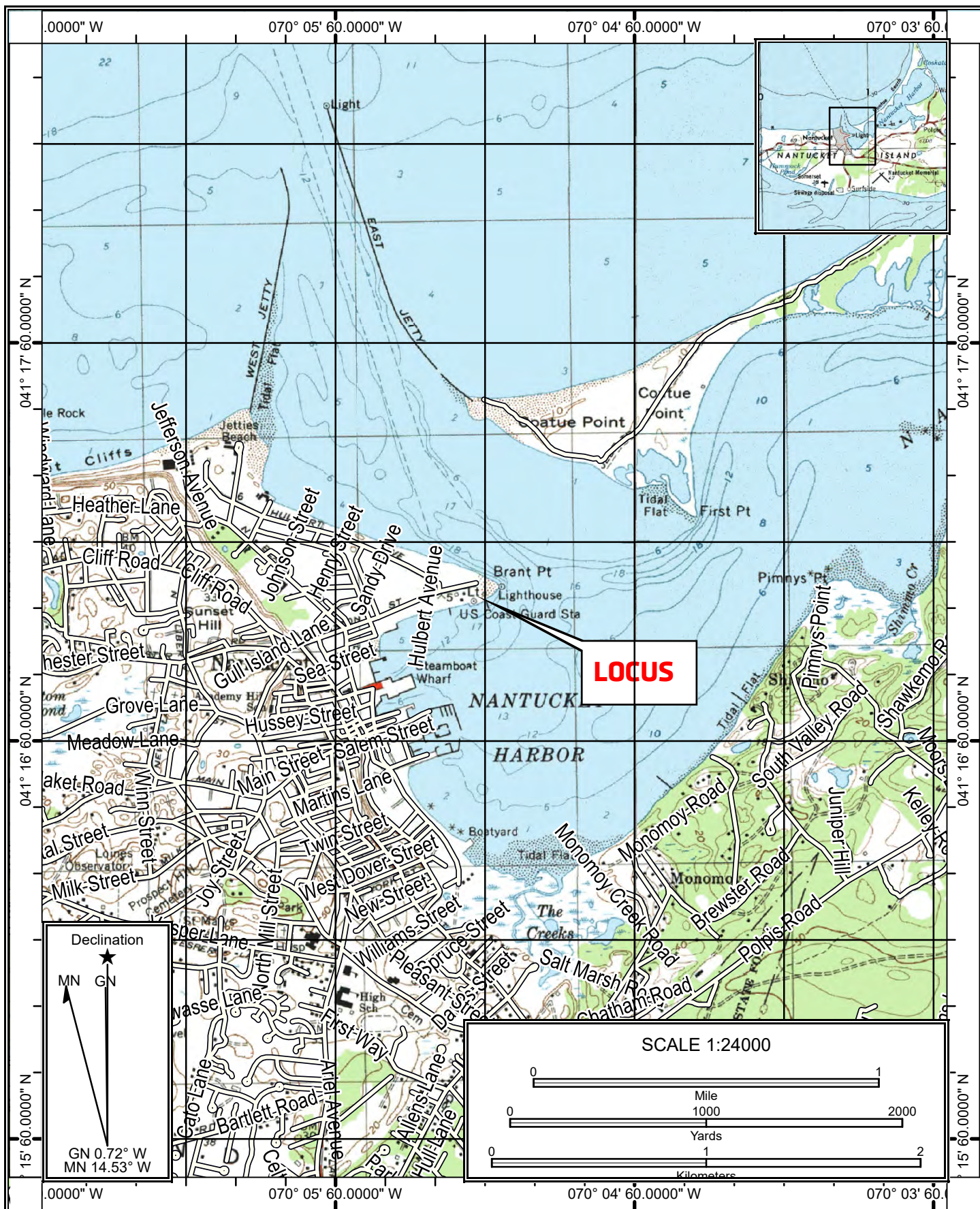
The proposed alterations have been approved by the Nantucket Historic District Commission and the Nantucket Conservation Commission.

Your consideration of approval for this project is appreciated.

A handwritten signature in blue ink, appearing to read "Cole Bateman".

Sincerely,

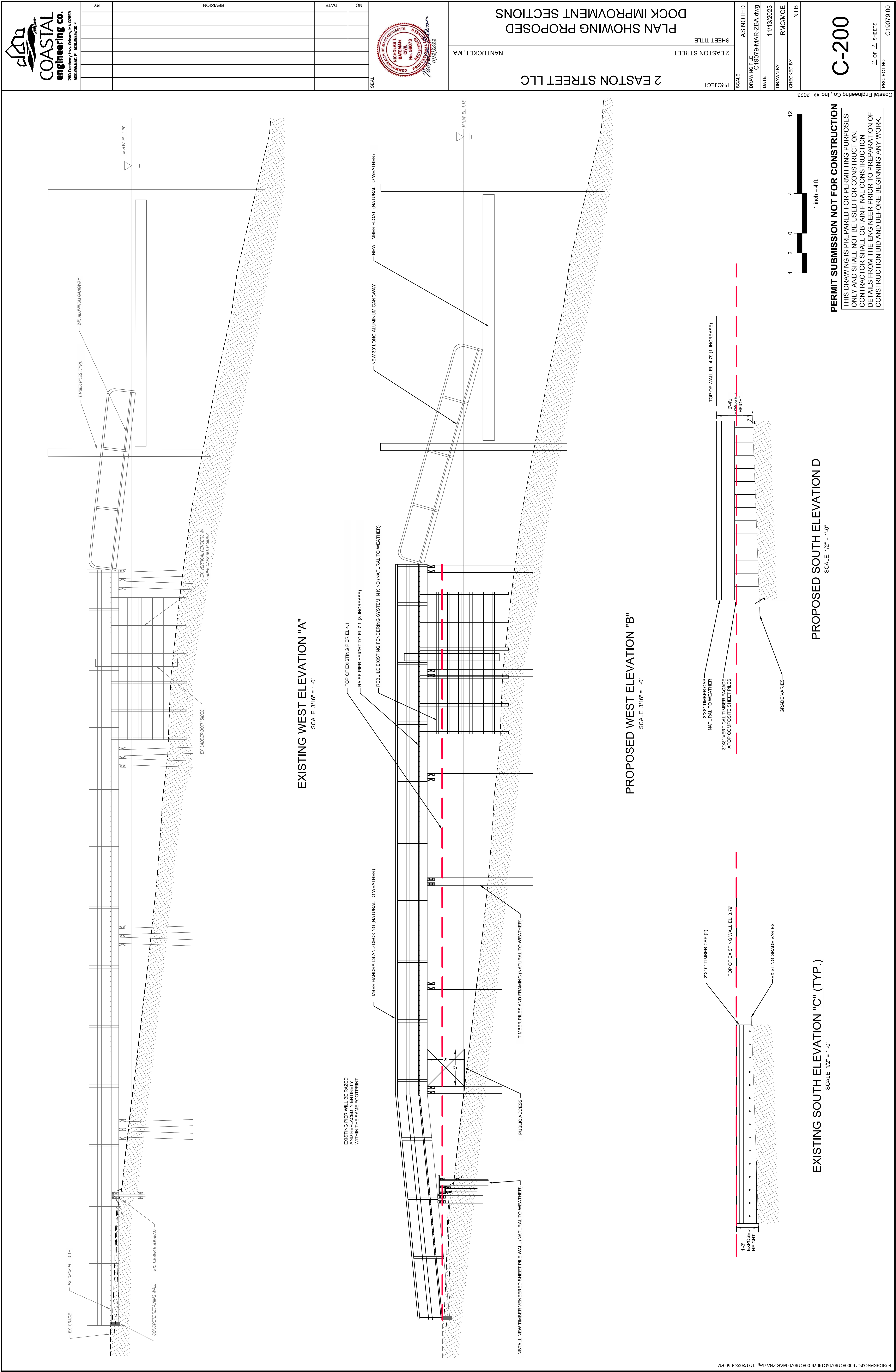
Nicholas (Cole) Bateman, P.E.
Project Manager
Coastal Engineering Company, Inc.



Map Name: NANTUCKET
 Print Date: 12/14/22
 Scale: 1 inch = 2,000 ft.
 Map Center: 041° 17' 19.6932" N, 070° 05' 28.1205" W
 Horizontal Datum: NAD27

C19079.00/Bartram/2 & 6 Easton
 Street/Nantucket





2 EASTON STREET LLC

2 EASTON STREET

PROJECT

PLAN SHOWING PROPOSED DOCK IMPROVEMENT SECTIONS

NANTUCKET, MA

2 EASTON STREET

SCALE

DRAWING FILE

DATE

DRAWN BY

CHECKED BY

AS NOTED

11/13/2023

RMC/MGE

NTB

NO.

DATE

REVISION

BY

SEAL

COMMONWEALTH OF MASSACHUSETTS

REGISTERED PROFESSIONAL ENGINEER

NICHOLAS J. BATEMAN

00001

NO. 24673

EXPIRATION DATE

11/13/2025

COASTAL engineering co.

280 Cranberry Hwy, Cranston, RI 02906

2024-03-01

C-200

2 OF 2 SHEETS

PROJECT NO.

C19079.00

Coastal Engineering Co., Inc. © 2023

PERMIT SUBMISSION NOT FOR CONSTRUCTION

THIS DRAWING IS PREPARED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DETAILS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.

PROPOSED SOUTH ELEVATION D

SCALE: 1/2" = 1'-0"

EXISTING SOUTH ELEVATION "C" (TYP.)

SCALE: 1/2" = 1'-0"

120

Town of Nantucket
Zoning Board of Appeals

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

PROPERTY OWNER..... 2 Easton Street LLC & Nantucket Boathouse LLC
MAILING ADDRESS..... The St. Louis Trust Co., 7701 Forsyth Blvd., Ste. 1100, St. Louis, MO 63015
PROPERTY LOCATION..... 2 & 6 Easton Street
ASSESSOR MAP/PARCEL..... 4214/8 and 4214/9
APPLICANT..... Coastal Engineering Company, Inc.

SEE ATTACHED PAGES

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

November 3, 2023

DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
4214	4		BOLLING ROBERT JR & JOAN LIFE EST	C/O LIGHTKEEPERS LODGE LLC	PO BOX 4300	WILMINGTON	DE	19807	11 EASTON ST
4214	4	1	PENA MIGUEL D ETAL TRST	NINE EASTON STREET REALTY TRUST	PO BOX 4300	WILMINGTON	DE	19807	9 EASTON ST
4214	5		RAINWATER KAREN W TRST	EASTON ST NOMINEE TRUST	3309 AVONDALE AVE	FORT WORTH	TX	76109	7 EASTON ST
4214	6		BERRY HEIDI L TR	SAMSON NOMINEE TRUST	4800 NORTH 68TH ST #388	SCOTTSDALE	AZ	85251	1 EASTON ST
4214	6	1	BERRY MAX N TR	MUFFET REALTY TRUST	4800 NORTH 68TH ST #388	SCOTTSDALE	AZ	85251	3 EASTON ST
4214	7		U S COAST GUARD		2A EASTON STREET	NANTUCKET	MA	02554	2A EASTON ST
4214	10		U S COAST GUARD		10 EASTON ST	NANTUCKET	MA	02554	10 EASTON ST
4214	11		STARK POINT LLC		1023 LAKE AV	GREENWICH	CT	06831	16 EASTON ST
4214	28		BOLLING ROBERT JR & JOAN LIFE EST	C/O LIGHTKEEPERS LODGE LLC	PO BOX 4300	WILMINGTON	DE	19807	11- EASTON ST
Count:	9								

Email Correspondence

From: [William Saad](#)
To: [Jeff Carlson](#)
Subject: 2 & 6 Easton Street - ZBA application for pier reconstruction
Date: Thursday, November 16, 2023 3:36:00 PM
Attachments: [ZBA APP 2&6 Easton Street.pdf](#)
[image001.png](#)

Hi Jeff,

See attached ZBA application for 2 & 6 Easton Street. Please let me know if have any comments or concerns that should be shared with the Board. If possible, please have your comments to me by 12/7/23 to be included in the meeting packet.

Thank you,

[Billy Saad](#)

Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

From: [William Saad](#)
To: [Lucey, Sheila](#)
Subject: RE: 2 & 6 Easton Street - ZBA application for pier reconstruction
Date: Friday, December 1, 2023 3:15:00 PM
Attachments: [image001.png](#)

Thank you!

[Billy Saad](#)
Zoning Administrator/Land Use Specialist

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

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



From: Lucey, Sheila <slucey@police.nantucket-ma.gov>
Sent: Friday, December 1, 2023 1:10 PM
To: William Saad <wsaad@nantucket-ma.gov>
Subject: RE: 2 & 6 Easton Street - ZBA application for pier reconstruction

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,
It looks to me like they are extending it but if it doesn't bother the Coast Guard boats its fine with me. You should run it by them!
Thank you,
Sheila

From: William Saad <wsaad@nantucket-ma.gov>
Sent: Friday, December 1, 2023 12:47 PM
To: Lucey, Sheila <slucey@police.nantucket-ma.gov>
Subject: FW: 2 & 6 Easton Street - ZBA application for pier reconstruction

Hi Sheila,
See below and attached.

Thanks!

Billy Saad

Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket

Planning & Land Use Services

2 Fairgrounds Road

Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

From: William Saad

Sent: Thursday, November 16, 2023 3:39 PM

To: Sheila Lucey <slucey@police.nantucket-ma.gov>

Subject: 2 & 6 Easton Street - ZBA application for pier reconstruction

Hi Sheila,

A ZBA application for 2 & 6 Easton Street is attached. Please let me know if have any comments or concerns that should be shared with the Board. If possible, please have your comments to me by 12/7/23 to be included in the meeting packet.

Thank you,

Billy Saad

Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket

Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

This email was scanned by Bitdefender

5 Amelia Drive,
LLC

File No. 20-23

5 Amelia Drive

Modification



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

A P P L I C A T I O N

Fee: \$450.00

File No. 20-23

Owner's name(s): 5 Amelia Drive, LLC

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

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

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail: Same

Locus Address: 5 Amelia Drive Assessor's Map/Parcel: 67-435

Plan File No. 30-D, Lot 24

Deed Reference Book 1906, Page 49 Zoning District Commercial Neighborhood (CN)

Uses on Lot- Commercial: Yes; see description below.

Residential: Apartments Two

Date of Structure(s): all pre-date 7/72 No

Building Permit Numbers:

Previous Zoning Board Application Numbers: 025-06

Planning Board Application Numbers: 04-06; PLSP-2022-02-0276; PLSP-2022-11-0209

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

The building upon locus, formerly the Cinco restaurant and later the Keepers restaurant, has the benefit of a 2022 amendment by the Planning Board to the Major Commercial Development special permit to which locus is subject, converting the use to multiple commercial kitchens and a take-out station. As part of that special permit, the Planning Board authorized placing a permanent roof over a patio area at the front of the building, the patio area, covered by a cloth awning, having been authorized by variance relief granted by the Board of Appeals in File No. 025-06. The variance provided, in subparagraph 5.c, that if the then-applicant proposes to convert the cloth awning and framework into a more permanent overhanging structure, further relief from the Board of Appeals would be required in order to permit such conversion.

The Planning Board, which has jurisdiction over all special permit relief relating to this commercial structure, has authorized the permanent roof as noted above. Accordingly, the present owner requests that the Board of Appeals modify the decision in File No. 025-06 to remove subparagraph 5.c therefrom.

In the alternative, the applicant requests a modification of the variance granted in File No. 025-06 to grant relief allowing construction of the roof over the patio area, in accordance with the provisions of the Planning Board decision in its File No. PLSP-2022-11-0209.

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

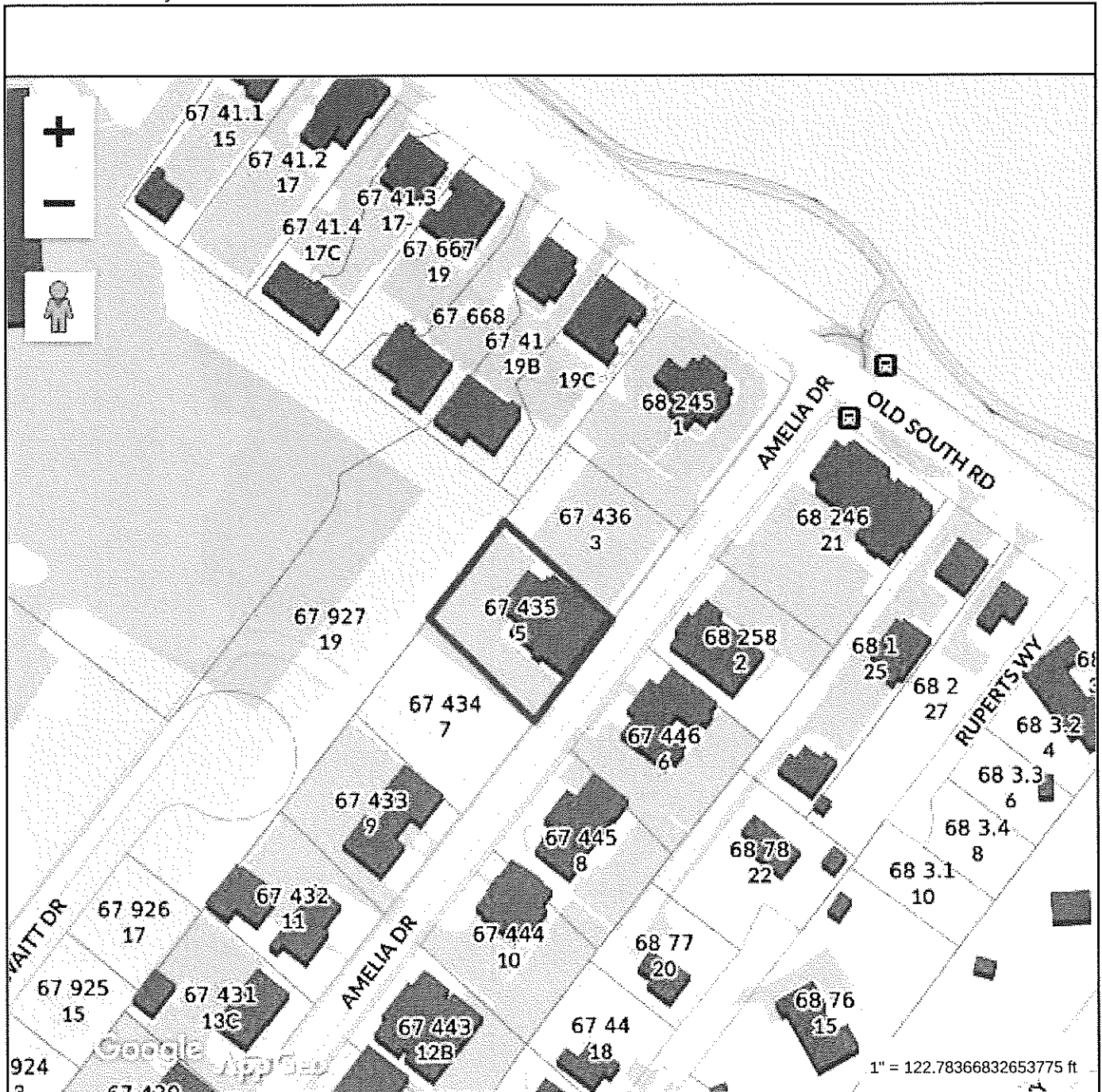
SIGNATURE: *5 Amelia Drive, LLC* Owner*

By:

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

OFFICE USE ONLY

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



Property Information

Property ID 67 435
 Location 5 AMELIA DR
 Owner 5 AMELIA DRIVE LLC

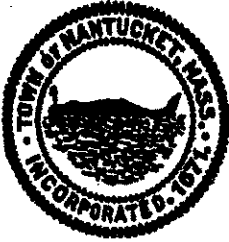


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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

Geometry updated 10/03/2023
 Data updated Jan. 2021

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



TOWN OF NANTUCKET BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

mr
1896-73



2006 00001294

Bk: 1017 Pg: 1 Page: 1 of 4 ✓
Doc: 8P 04/13/2006 11:39 AM

Date: March 23, 2006

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

Application No.: 025-06

Owner/Applicant: Scotsam LLC

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.

[Signature]
Date Waive

Chairman
TOWN CLERK

RECEIVED
MAR 23 P2 54

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 435
Book 888, Page 307
Residential-Commercial 2

Lot 24
Plan File 30-D
5 Amelia Drive

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, March 10, 2006, at 12:00 P.M., in the Selectmen's Meeting Room, in the Conference Room of the Town Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the application of **SCOOTSAM, LLC**, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. **025-06**:

2. Applicant is seeking relief by **VARIANCE** pursuant to Nantucket Zoning By-law Section 139-16A (Intensity regulations - front yard setback) to allow placement of a seasonal awning over an outdoor dining area associated with the operation of the restaurant currently known as "Cinco", which would be located in the front of the structure and as close as two feet from the front yard lot line. Required front yard setback is a minimum of 20 feet. In the alternative, Applicant requests that the Board deny relief and make a finding that no such relief is necessary in that the awning is a temporary structure. The lot is conforming in all respects and the Applicant is before the Planning Board for a Major Commercial Development Special Permit due to the seating capacity sought.

The Premises is located at **5 AMELIA DRIVE**, Assessor's Map 67, Parcel 435, Plan File 30-D, Lot 24. The property is zoned Residential-Commercial-2.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. The Planning Board made no recommendation as there were no issues of planning concern, and the Applicant has also received favorable recommendations for the project from the Nantucket Historic District Commission and the Nantucket Board of Selectmen. There were several letters from immediate abutters and other neighbors in favor of the project on file. There was no opposition to the project, however the Zoning Enforcement Officer did state at the hearing that he felt that the awning should not be considered a temporary structure, and that variance relief, if granted, would be the appropriate form of relief.

4. Applicant, through counsel, stated that he proposes to install a cloth awning which would be attached to the front of the building along Amelia Drive, and be supported by a metal framework bolted to concrete footings. The awning would have

mesh sides, which can be lowered or raised, depending upon the weather conditions. Required awning lighting and fire safety equipment would also be included in the installation. The existing building, which is approximately eight years old, is sited about 21 feet from the front yard lot line, and the proposed awning would be sited as close as two feet from the front yard lot line. A large portion of the patio area lies unprotected within the path of the summertime prevailing southwesterly winds, and when the wind turns direction, the entire patio area is exposed and buffeted by cold northeasterly winds. Amelia Drive is a long, wide, straight roadway, with little buffering vegetation, and unlike most of the roadways outside of the downtown area, it has ample, open sidewalks on either side of it. The road is also substantially developed with commercial businesses. The Premises is currently surrounded by vacant dirt lots on either side, and another vacant dirt lot lies across the street, northeasterly from the Premises. Because of the placement of the structure in this extremely open, unprotected area, Applicant informs us that previous attempts to shelter patio seating with umbrellas and portable heating units have been unsuccessful, since the wind caused the units to topple over onto the ground or tables, causing a potential safety hazard. Given the current configuration of the structure and the parking layout to the westerly side of the structure, including handicapped parking immediately adjacent to the patio area, Applicant has no other area upon the Premises in which to reasonably accommodate the outdoor seating except in the front of the restaurant. Because of the wind conditions, Applicant's only alternative to provide a safe and convenient weather shelter for the patio area is an awning.

5. Given the somewhat permanent nature of the proposed awning, the Board was in agreement with the Zoning Enforcement Officer's position that the awning in questions did not truly constitute a "temporary structure". The Board did note that awnings by their very nature are a type of structure to provide convenient shelter from the elements, especially wind and moisture, and are structures that one would normally expect to intrude into the front yard setback and/or possibly overhang a sidewalk as is common in the downtown area. The Board also noted that there is currently pending a Town Meeting warrant article which would reduce required front yard setback in this R-C-2 zoning district from 20 feet to ten feet. The Board further notes that outdoor dining has become quite popular in the past few years, and that several restaurants scattered throughout the Island have similar awnings, in order to make outdoor dining more pleasurable for their patrons. Such structures comply with the purposes and intent of the By-law, in that they promote safety and convenience for the public, and to prohibit the Applicant from having such an awning would effectively act to prohibit Applicant's right to use its outdoor area on most evenings, causing substantial financial hardship to the Applicant. The Board therefore finds, that owing to the shape and topography of

the Premises and the structures thereon, especially affecting the Premises but not affecting generally the zoning district in which the Premises is located, a literal enforcement of the provisions of the Zoning By-law would involve substantial hardship to the Applicant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the By-law.

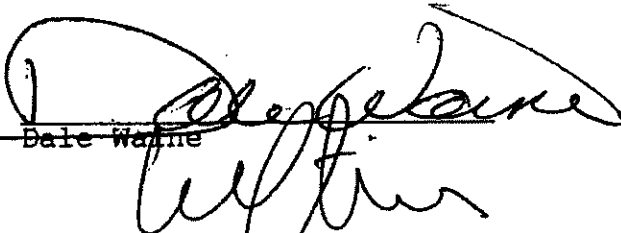
5. Accordingly, by UNANIMOUS vote, the Board GRANTS the requested relief by VARIANCE from the provisions of Zoning By-law Section 139-16A to allow the front yard setback reduction with the placement of the awning as proposed, based upon the following conditions:

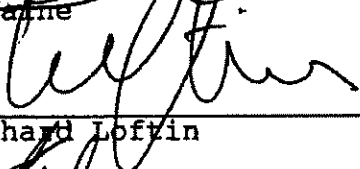
a. The awning shall be located no closer than two feet from the front yard lot line along Amelia Drive;

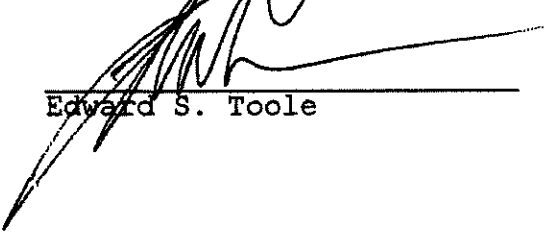
b. The awning shall be constructed in accordance with Certificate of Appropriateness No.47,634 as approved by the Nantucket Historic District Commission, and may be amended from time to time; and

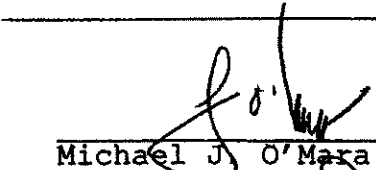
c. If at any point in the future the Applicant proposes to convert the cloth awning and framework into a more permanent overhanging structure, such as a porch or deck, further relief from this Board shall be required to permit such conversion.

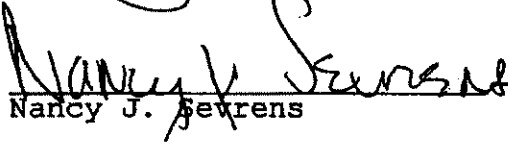
Dated: March 23 2006


Dale Wainne


C. Richard Loffin

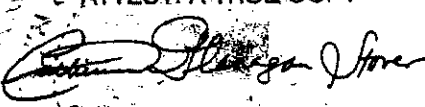

Edward S. Toole


Michael J. O'Mara


Nancy J. Sevens

NANTUCKET COUNTY Received & Entered
Attest: Joanne L. Kelleys, Register of Deeds

ATTEST: A TRUE COPY


NANTUCKET TOWN CLERK

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11


TOWN CLERK

APR 13 2006



Bk: 1017 Pg: 5 Page: 1 of 4
Doc: SP 04/13/2006 11:39 AM



4329 SCOOTSAM, LLC
(CINCO)
5 AMELIA DRIVE
3/22/2006 DECISION / SPECIAL
PERMIT

Nantucket Planning Board

APPROVAL OF A SPECIAL PERMIT FOR A MAJOR COMMERCIAL DEVELOPMENT

CINCO

Special Permit #04-06

Owner/Applicant: Scootsam, LLC
Nantucket Registry of Deeds Plan File 30D, Lot 24
Tax Assessors Map 67 Parcel 435

March 13, 2006

NANTUCKET
TOWN CLERK

06 MAR 22 P3:14

RECEIVED

PROPOSAL

The Nantucket Planning Board at its February 27, 2006 meeting considered the application of Scootsam, LLC for a Major Commercial Development (MCD) Special Permit pursuant to section 139-11 of the Nantucket Zoning Bylaw. The plans were also considered pursuant to the following sections of the Nantucket Zoning Bylaw:

- 139-9 Residential Commercial-2 (RC-2) zoning district;
- 139-18 Off-Street Parking Requirements;
- 139-19 Screening of Parking Areas; Driveways; Lighting;
- 139-20 Off-Street Loading Facilities;
- 139-23 Major Site Plan Review;

The site is located in the RC-2 zoning district, as are all of the abutting properties. These properties are generally commercial in character.

DESCRIPTION OF THE PROPOSED PROJECT

The existing building is approximately 2,741 square feet with a restaurant on the first floor and an employee apartment on the second floor. The applicant is proposing to increase the occupancy of the existing facility, expand the existing patio and to construct a seasonal awning over the patio. The total amount of seats for the restaurant will be one hundred and four (104). No additional parking or infrastructure is proposed.

Parking

The parking requirement for the existing and proposed uses are thirty (30) spaces as follows:

- 1 space per 4 seats for the restaurant (26)
- 1 space per dwelling unit (1)
- 1 space for each 3 peak shift employees (3)

The applicant is seeking a special permit to waive eleven (11) of the required spaces. Only nineteen (19) spaces exist on the site and even without the proposed expansion, no additional parking spaces could be constructed. Although there is no on-street parking on Amelia Drive, this is an area where existing businesses have opposite hours of operation and parking areas are commonly shared.

1 East Chestnut Street Nantucket Massachusetts 02554
508.228.7233 telephone 508.228.7298 facsimile

Landscaping and Open Space

An existing privet hedge exists along the northeast and southeast sides of the property. The applicant is proposing to increase the existing landscaping along the front of the site as indicated on a plan prepared by D.T.E. and dated January 25, 2006. Additional landscaping will need to be provided along the rear of the site to ensure that the parking area is adequately screening from the abutting property.

The MCD requirement for open space is 30%. The applicant is providing 10.2% open space and is requesting a waiver for the remaining 19.8%.

Traffic

Due to the location of the site, the intensity of the use, and the number of recent traffic studies along the Old South Road corridor, the Board waived the requirement for a traffic study.

Engineering

The site is a portion of an Approval Required (AR) subdivision which was approved in 1987. The drainage system approved for that subdivision was designed to handle the stormwater runoff for all of the lots within the subdivision after build-out. Therefore, the applicant is not required to install additional drainage structures to mitigate stormwater runoff.

BASIS OF THE FINDINGS

The Board's findings and decision refer to the following plans and reports submitted by the applicant:

- Plan entitled "Planning Board Site Plan of Land in Nantucket, Massachusetts" pages 1 of 1, prepared for Scootsam LLC, prepared by Charles W. Hart & Associates, Inc, dated February 17, 2006;
- An untitled landscape plan prepared by D.T.E. dated January 25, 2006;

Findings were also based upon:

- An application to the Planning Board for a Special Permit dated January 26, 2006;
- A staff memorandum dated February 27, 2006;
- Representation, and testimony received in connection with the public hearing held on February 27, 2006;
- Other letters and assorted documents that are on file with the Planning Board.

FINDINGS

Based on review of this application in accordance with the Nantucket Zoning Bylaw, plans and other materials submitted by the applicant, and testimony received at the public hearings, the Planning Board finds that:

- The proposal complies with the local bylaws of the Town of Nantucket and/or applicable provisions of the Massachusetts General Laws;
- Public amenities and abutting properties have been adequately protected by:
 - The creation of buffers between the site and surrounding properties;
 - The increased landscaping along the frontage of the site minimize the impact to surrounding properties and enhance the streetscape of Amelia Drive;
- Safety and convenience of pedestrian and vehicular movement within the site and in relation to rights-of-way and properties in proximity will not be significantly impacted:
 - The driveway and the parking area for the proposed MCD currently exist, therefore there will be no additional impacts.
- Sewage and refuse disposal, drainage of surface and subsurface water is adequate;
- Off-street parking and loading are adequate:
 - The site plan indicates a loading zone which meets the standards of Zoning Bylaws section 139-20B(2);
 - Although the applicant is requesting a waiver for eleven (11) parking spaces, this is an area where businesses have varying hours of operation and the parking areas are shared;
- Traffic and safety upon public and private public rights-of-way have been minimized by the following measures:
 - On-site employee housing reduces vehicle trips to the site;

- The applicant has agreed to provide Nantucket Regional Transit Authority (NRTA) passes to his employees;
- The water supply system is adequate:
 - The existing water connection to the site will not need to be altered as a result of this MCD;
- The project will not place excessive demands on Town services or infrastructure:
 - The site is located on a private road which is maintained by a Homeowners/Business Owners Association;
 - This MCD is an expansion of business and based on the representations made by the applicant, should have no significant impact on Town services

DECISION

The Planning Board is required to render a decision on the application based on Zoning Bylaw section 139-11 and the following:

- 139-9 Residential Commercial 2 (RC-2) zoning district;
- 139-18 Off-Street Parking Requirements;
- 139-19 Screening of Parking Areas; Driveways; Lighting;
- 139-20 Off-Street Loading Facilities;
- 139-23 Major Site Plan Review;

Based on the foregoing description, findings, and the above referenced documents, the Nantucket Planning Board hereby **APPROVES** this application based on a 5-0 vote in favor of approval.

The Board's approval is conditioned upon compliance with the "Description of Proposed Project" and "Findings" as set forth in this decision, and as shown on the plans referenced herein. The Planning Board also sets forth the following conditions:

1. That the applicant be granted special permits from the following sections of the Zoning Bylaw:

139-11G(3)	Open Area for Major Commercial Developments Waiver GRANTED – the applicant is proposing a substantial amount of landscaping along the frontage of the site. The streetscape of Amelia Drive will be enhanced by the proposal;
139-18B(2)	Parking Requirements Waiver GRANTED – the site is located in an area where parking areas are shared and hours of operation vary;
139-19.1.1	Screening Waiver PARTIALLY GRANTED – the applicant is proposing sufficient screening along the front of the site and it would be impossible for the applicant to screen the parking spaces adjacent to the shared driveway. However, no screening is proposed along the rear of the site where approximately eleven (11) parking spaces are located. The applicant shall provide screening which meets the requirements of the Zoning Bylaw;
139-23	Major Site Plan Review Waiver GRANTED – the site is already developed and the proposal will have a minimal impact to the existing infrastructure.
2. That one (1) bike rack shall be permitted to the rear of the building for the use of the employees;
3. That all employees be issued Nantucket Regional Transit Authority (NRTA) passes annually;
4. That the employee housing unit be subject to use restrictions limiting occupancy to a maximum of five (5) employees of the restaurant operator. This shall be secured by a covenant filed with the Registry of Deeds, a copy of which shall be presented to the Planning Board within ninety (90) days from issuance of a Building Permit;

5. That the Board reserves the right to reopen the public hearing at any time and impose additional conditions, such as a reduction of seating either interior or exterior, if the Board finds that the use of the site is more intense than the parking can accommodate; and
6. That a final as-built of all site improvements be submitted by the applicant prior to the issuance of a Certificate of Occupancy.

RECORD OF VOTE

On February 27, 2006 the Planning Board voted 5-0 to **APPROVE** this Major Commercial Development Special Permit. On March 13, 2006 the Planning Board voted 4-0 to **ENDORSE** this decision and the plan entitled "Planning Board Site Plan of Land in Nantucket, Massachusetts" prepared for Scootsam LLC, prepared by Charles W. Hart & Associates., dated February 17, 2006.

Francis T. Spriggs
Francis T. Spriggs APPROVED

Sylvia Howard
Sylvia Howard APPROVED

John McLaughlin 3/14/06
John McLaughlin APPROVED

Barry G. Bector
Barry G. Bector APPROVED

Charity Benz 3/14/06
Charity Benz APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

March 14, 2006

On the 14 day of March, 2006, before me, the undersigned notary public,
personally appeared Francis Spriggs, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Leslie Erin Woodson
Notary Public



LESLIE ERIN WOODSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 22, 2011

My Commission Expires

ATTEST: A TRUE COPY

Christine Blumgren Stone
NANTUCKET TOWN CLERK

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

Christine Blumgren Stone
TOWN CLERK

NANTUCKET COUNTY Received & Entered
Attest: Joanne L. Kelley, Register of Deeds

4 of 5

APR 13 2006

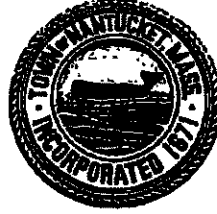


2022 00001503

Bk: 1896 Pg: 73 Page: 1 of 3
Doc: SP 05/20/2022 01:43 PM

NANTUCKET
TOWN CLERK

2022 MAR 30 PM 2:45



Nantucket Planning Board

**APPROVAL OF A SPECIAL PERMIT FOR A
MODIFICATION (#1) TO AN EXISTING
MAJOR COMMERCIAL DEVELOPMENT "MCD"
Planning Board File #PLSP-2022-02-0176**

Applicants:

Sabrina Dawson and Gaven Norton, owners of "Keepers Restaurant"

Owner:

Amelia Drive, LLC

5 Amelia Drive

Nantucket Tax Assessors Map 67, Parcel 435
Commercial Neighborhood ("CN") zoning district

Deed Book 1281, Page 331

Lot 24, Plan File 30-D

Nantucket Registry of Deeds

Previously Granted Special Permits Shown As:

Planning Board File #04-06, Book 1017, Page 5

Zoning Board of Appeals File #025-06, Book 1017, Page 1

Nantucket Registry of Deeds

March 14, 2022

Proposal and Description of Project

The Nantucket Planning Board held a public hearing on March 14, 2022, to consider the application of Sabrina Dawson and Gaven Norton (the "Applicants") to modify an existing Major Commercial Development ("MCD") Special Permit pursuant to Sections 139-11 ("Major Commercial Development"), 139-30 ("Special Permits"), and 139-33A ("Pre-Existing Non-Conforming") of the Zoning Bylaw. The Applicant proposes to eliminate an existing interior take out space and increase the existing allowable seating capacity by 31 interior seats, from 104 total seats to 135 total seats. It is noted that the use of a "Large Restaurant" is pre-existing non-conforming, as the site used to be located within the Residential-Commercial-2 ("RC-2") district.

Sabrina Dawson and Gaven Norton "Keepers Restaurant" – Special Permit "MCD" Modification #1 – 5 Amelia Drive

Pursuant to section 139-18, one (1) on-site parking space per three (3) seats is required. This would require an increase of ten (10) additional parking spaces. The Applicant is requesting that the Board grant a waiver of the on-site parking requirements due to the close proximity of a public, Town-owned, parking lot.

Basis of the Findings

A public hearing was held on March 14, 2022, at which time the Planning Board heard testimony from the Applicant. The Planning Board based their decision on the following documents:

- An Application for an Amendment to a Previously Granted Special Permit, received by the Planning Office on February 17, 2022;
- An interior seating plan prepared by Chip Webster;
- Staff Report dated March 11, 2022;
- Representation and testimony received in connection with the public hearing held March 14, 2022; and
- Other assorted documents and plans on file with the Planning Board.

The Planning Board closed the public hearing on March 14, 2022. Minutes from the March 14, 2022 Planning Board meeting are on file with Planning and Land Use Services.

Findings

At the March 14, 2022 public hearing, the Board found that the proposed MCD modification is in harmony with the purposes and intent of the Zoning Bylaw and meets the intent of the MCD Guidelines as amended through July 29, 2002 and adopted by the Planning Board. Additionally, the Board found that granting relief of the parking requirement is not contrary to sound traffic and safety considerations due to the site abutting a public parking lot.

Decision

Based on the foregoing proposal, findings, and the above referenced documents, the Nantucket Planning Board hereby APPROVES this application as proposed and GRANTS the above Special Permit Modification. The Planning Board's approval is conditioned upon compliance with the "Proposal and Description of Project" and "Findings" as set forth in this Decision, and as shown in the Site Plan referenced herein. The Board sets forth the following condition:

- 1) That with the elimination of the indoor take-out space, the seating capacity shall be increased to a total of 135 seats.

SIGNATURE PAGE TO FOLLOW

Record of Vote:

On March 14, 2022, the Planning Board voted 5-0 to **APPROVE** the request for a Modification to an existing Major Commercial Development "MCD" Special Permit and voted 5-0 to **ENDORSE** this decision.

John Trudel, III APPROVE

David Iverson APPROVE

Fredrick McClure APPROVE

Nathaniel Lowell APPROVE

Barry Rector APPROVE

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

MAY 20 2022

Nancy Z. Holmes

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

March 24, 2022

On the 24th day of March, 2022, before me, the undersigned notary public,

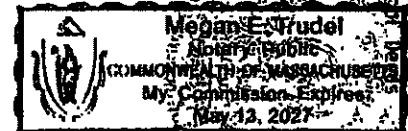
personally appeared Nathaniel Lowell, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Megan Trudel

Notary Public

May 13, 2027

My Commission Expires



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar

Sabrina Dawson and Gavin Norton "Keepers Restaurant" - 5 Amelia Drive - Modification to an Existing "MCD" (Mod #1) Special Permit

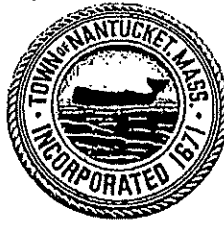


2023 00000372

Bk: 1930 Pg: 339 Page: 1 of 3
Doc: MSP 03/08/2023 10:17 AM

72
NANTUCKET
TOWN CLERK

2023 FEB 10 AM 10:32



Nantucket Planning Board

APPROVAL OF A SPECIAL PERMIT FOR A MODIFICATION (#2) TO AN EXISTING MAJOR COMMERCIAL DEVELOPMENT "MCD" Planning Board File #PLSP-2022-11-0209

Owner/Applicant:
5 Amelia Drive, LLC

5 Amelia Drive
Nantucket Tax Assessors Map 67, Parcel 435
Commercial Neighborhood ("CN") zoning district

Deed Book 1906, Page 49
Lot 24, Plan File 30-D
Nantucket Registry of Deeds

Previously Granted Special Permits Shown As:
Mod #1, Planning Board File PLSP-2022-02-0176, Book 1896, Page 73
Planning Board File #04-06, Book 1017, Page 5
Zoning Board of Appeals File #025-06, Book 1017, Page 1
Nantucket Registry of Deeds

November 14, 2022

Proposal and Description of Project

The Nantucket Planning Board held a public hearing on November 14, 2022, to consider the application of 5 Amelia Drive, LLC (the "Applicant") to modify an existing Major Commercial Development ("MCD") Special Permit pursuant to Sections 139-11 ("Major Commercial Development"), to the extent necessary 139-18 ("Parking Requirements"), 139-30 ("Special Permits"), and 139-33A ("Pre-Existing Non-Conforming") of the Zoning Bylaw. The Applicant proposes to convert the building from 135-seat restaurant to a facility containing five commercial kitchens, preparing food not to be consumed on the premises, together with one take-out food station, ancillary office space and storage, and two apartments on the second floor containing a total of five bedrooms.

"Food processing" is allowed by Special Permit in the "CN" zoning district and Apartments are allowed at one unit per 3,000 square ft of lot area in the "CN" zoning district; the property contains 12,979± square feet of lot area. Fifteen total parking spaces are required and sixteen parking spaces are provided.

5 Amelia Drive, LLC – Special Permit "MCD" Modification #2 – 5 Amelia Drive

Additionally, the Applicant proposed to screen and place a permanent roof over the patio area, which was permitted to be constructed within the front yard setback area by Zoning Board of Appeals Decision #0025-06, with the steps extending toward Amelia Drive.

It is noted that the prior use of a "Large Restaurant" is pre-existing non-conforming, as the site used to be located within the Residential-Commercial-2 ("RC-2") district, and the Applicant requests the right to revert back to the previously permitted uses.

Basis of the Findings

A public hearing was held on November 14, 2022, at which time the Planning Board heard testimony from the Applicant. The Planning Board based their decision on the following documents:

- An Application for an Amendment to a Previously Granted Special Permit, received by the Planning Office on October 17, 2022;
- A site plan entitled "Proposed Site Plan in Nantucket, MA", prepared for 5 AMELIA Drive, LLC by Bracken Engineering, Inc. on October 14, 2022;
- Staff Report dated November 10, 2022;
- Representation and testimony received in connection with the public hearing held November 14, 2022; and
- Other assorted documents and plans on file with the Planning Board.

The Planning Board closed the public hearing on November 14, 2022. Minutes from the November 14, 2022 Planning Board meeting are on file with Planning and Land Use Services.

Findings

At the November 14, 2022 public hearing, the Board found that the proposed MCD modification is in harmony with the purposes and intent of the Zoning Bylaw and meets the intent of the MCD Guidelines as amended through July 29, 2002 and adopted by the Planning Board.

Decision

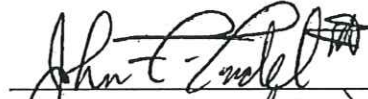
Based on the foregoing proposal, findings, and the above referenced documents, the Nantucket Planning Board hereby APPROVES this application as proposed and GRANTS the above Special Permit Modification. The Planning Board's approval is conditioned upon compliance with the "Proposal and Description of Project" and "Findings" as set forth in this Decision, and as shown in the Site Plan referenced herein. The Board sets forth the following conditions:

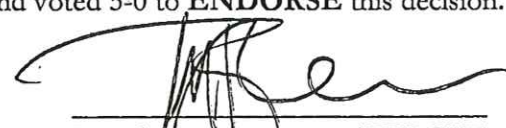
- 1) That the Applicant may revert to the previously approved uses without further relief from the Planning Board; and
- 2) That a building manager with the proper certifications shall be on site during operational hours.

SIGNATURE PAGE TO FOLLOW

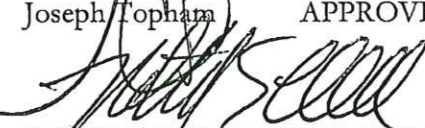
Record of Vote:

On November 14, 2022, the Planning Board voted 5-0 to **APPROVE** the request for a Modification to an Existing "MCD" Special Permit and voted 5-0 to **ENDORSE** this decision.


John Trudel, III APPROVE


Joseph Topham APPROVE


Barry Rector APPROVE


Nathaniel Lowell APPROVE


David Iverson APPROVE

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

Dec 27, 2022

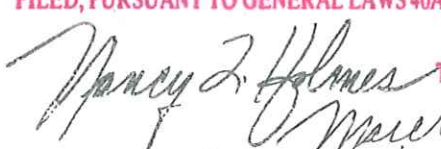
On the 27th day of December, 2022, before me, the undersigned notary public,

personally appeared Nathaniel Lowell, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public

May 13, 2027

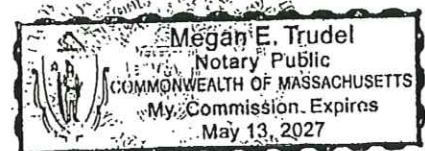
My Commission Expires
**I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER
THE DECISION WAS FILED IN THE OFFICE OF THE
TOWN CLERK, AND THAT NO APPEAL HAS BEEN
FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11**

 TOWN CLERK
March 3, 2023

ATTEST: TRUE COPY



NANTUCKET TOWN & COUNTY CLERK





Nantucket Planning Board

Application for an Amendment to a Previously Granted Special Permit

Date: October 17, 2022

Previous Planning Board File No.: PLSP-2022-02-0176

04-06

025-06 (ZBA)

2022 OCT 17 PM 2:11

NANTUCKET
TOWN CLERK

Name of Development: 5 Amelia Drive (formerly Cinco; Keepers)

Owner(s)' Name(s): 5 Amelia Drive LLC

Mailing Address: c/o Reade, Gullicksen, Hanley & Gifford, LLP, 6 Young's Way, Nantucket, MA 02554

Phone number: 508-228-3128 E-mail: air@readelaw.com

Applicant's Name: Same

Mailing Address: _____

Phone number: _____ E-mail: _____

Engineer/Surveyor: Bracken Engineering, Inc.

Mailing Address: 19 Old South Road, Nantucket, MA 02554

Phone number: 508-325-0044 E-mail: _____

Location of Lots:

Street Address: 5 Amelia Drive

Tax Assessor's Map: 67 Parcel: 435

Nantucket County Registry of Deeds:

~~Certificate of Title:~~ _____ ~~Land Court Plan #:~~ _____ or

Book: 1906, Page: 49 ~~Plan Book~~ _____ ~~Page:~~ _____ or Plan File#: 30-D, Lot 24

Size of Parcel 12,979 +/- square feet

Zoning District Commerical Neighborhood (CN)

Describe proposed modification in detail:

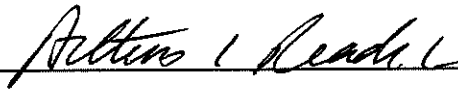
See attached addendum

I/we hereby certify that the applicant cited above have been authorized by me/us to file a Special Permit application with the Nantucket Planning Board on property that I/we own.

Owner(s)' Signature(s):

5 AMELIA DRIVE, LLC

By its attorney:



Applicant's Signature:

I/we _____, the undersigned, hereby authorize _____ to act as agent(s) on my/our behalf and to make any necessary revision on this filed application as may be requested by the Board to meet its governing rules and guidelines.

Owner(s)' Signature(s):

All applications and supporting materials must be submitted "in-person" at Planning and Land Use Services and via email to mtrudel@nantucket-ma.gov

Applications must be submitted with a Town Clerk stamp.

Refer to the Fee Schedule and Meeting Schedule on the Planning Board website for fees and deadlines.

Only complete and timely applications will be accepted

ADDENDUM TO APPLICATION
OF
5 AMELIA DRIVE LLC

5 Amelia Drive LLC, as the owner of the property at 5 Amelia Drive, hereby applies for a Modification of the Major Commercial Development Special Permit granted to a predecessor in title in Planning Board File 04-06, as affected by a Variance issued by the Nantucket Zoning Board of Appeals in their File 025-06, and as amended by Modification in Planning Board File PLSP 2022-02-0176.

The applicant proposes to convert the building upon the property from a 135-seat restaurant to a facility containing five commercial kitchens, preparing food not to be consumed on the premises, together with one take-out food station, ancillary office space and storage, and two apartments on the second floor containing a total of five bedrooms.

Food processing constitutes a commercial/industrial use allowed by special permit in the CN zoning district, and accordingly the applicant requests a special permit for this use.

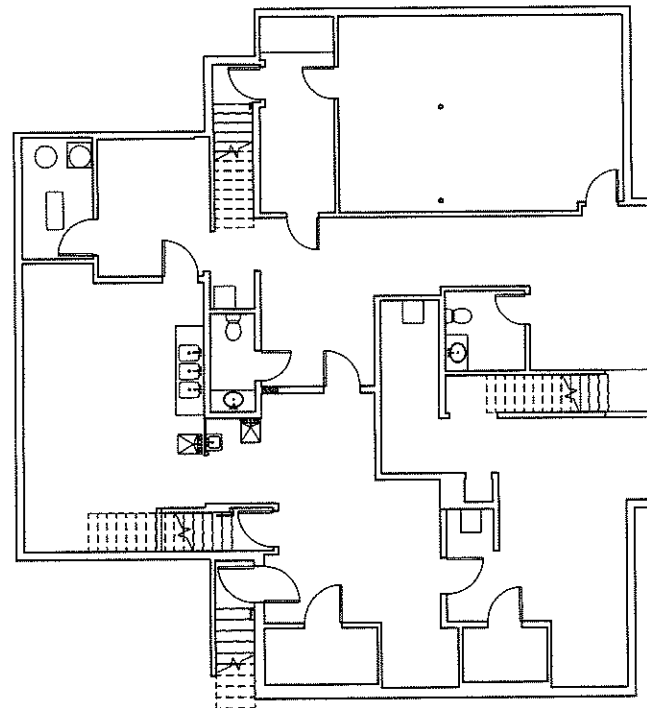
Apartments are a permitted use in the CN district, at the rate of one for each 3,000 square feet of lot area; the property contains about 12,979 square feet.

To the extent necessary, the applicant requests relief from the off-street parking requirements under Nantucket Zoning By-law §139-18. The proposed kitchens, takeout area, patio and meeting area, as shown upon the plans submitted herewith, contain 3,268 square feet. This being a commercial/industrial use not otherwise listed in the parking requirements specified in §139-18, one space is required for each 900 square feet, for a total of four spaces. Five spaces are required for the takeout station, plus one for up to three employees. The apartments require one space for each bedroom, for a total of five. The office and storage space ancillary to the principal uses does not require provision of parking spaces. Thus, a total of 15 spaces are required, as follows:

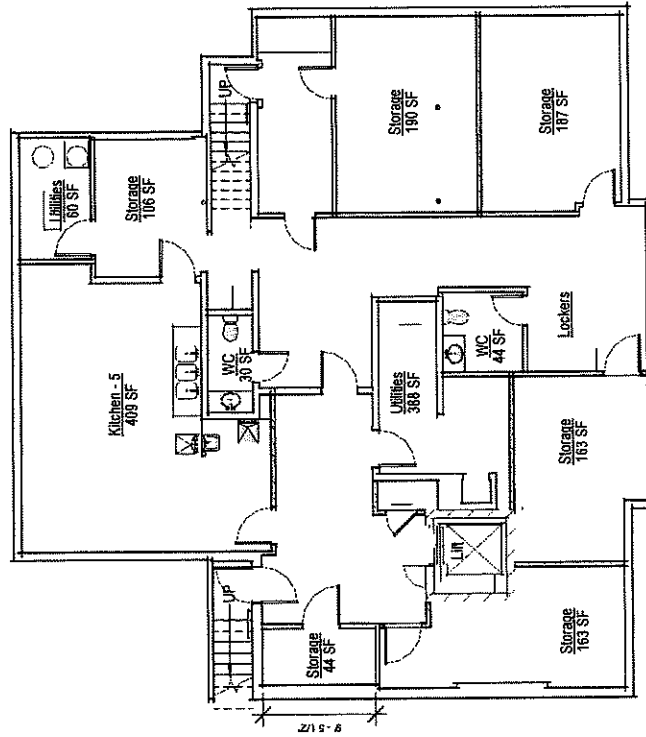
Commercial/industrial use	4
Take-out station	5
Up to 3 employees at take-out station	1
Five bedrooms in apartments	5
Total	15

The site plan prepared by Bracken Engineering, Inc., submitted herewith shows that sixteen spaces, together with a loading area (not required under present zoning provisions) are provided.

The applicant also proposes to screen and place a permanent roof over the patio area which was permitted to be constructed within the front yard setback area by Board of Appeals Decision 025-06, with steps extending toward Amelia Drive (as is the case at present).



Basement Plan - Existing
1" = 10'-0"



Basement Plan - Proposed
1" = 10'-0"

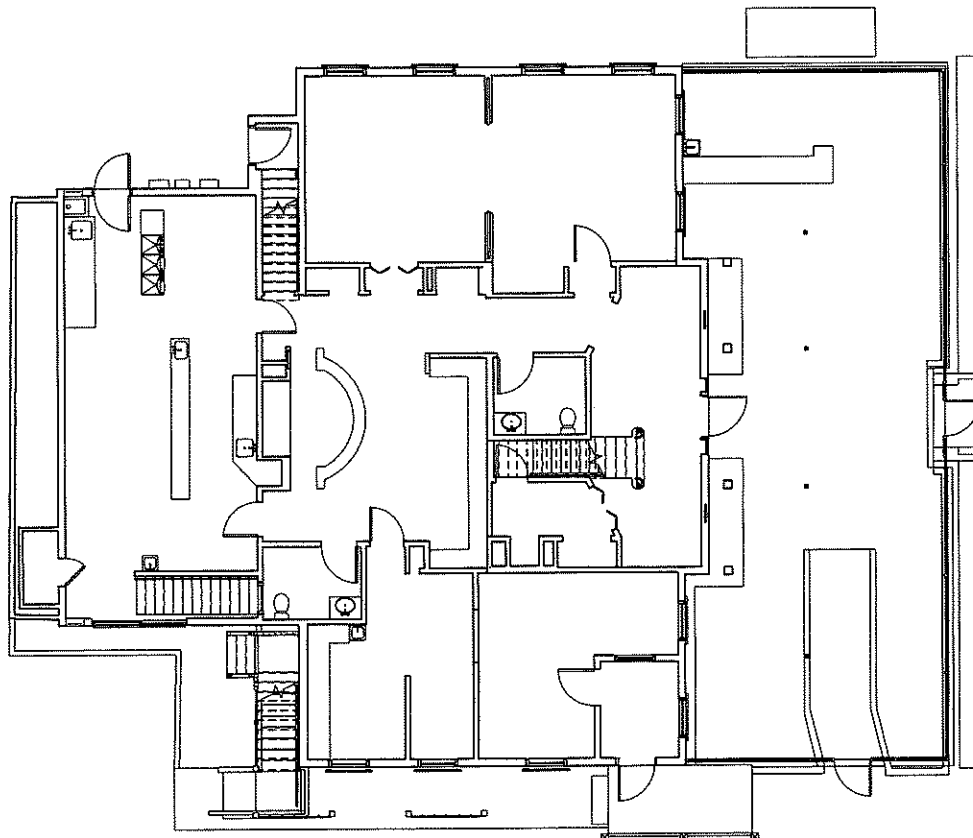
Zoning Information
Map & Parcel: 67 / 435
Current Zoning: CN
Minimum Frontage: 50 ft
Front Setback: 10 ft
Side/Rear Setback: 5 ft / 10 ft

5 Amelia Drive
Nantucket, MA 02554

Preliminary Design
10.11.2022



8 William Lane
Nantucket, MA 02554
508.325.4895
www.emeritusa.com



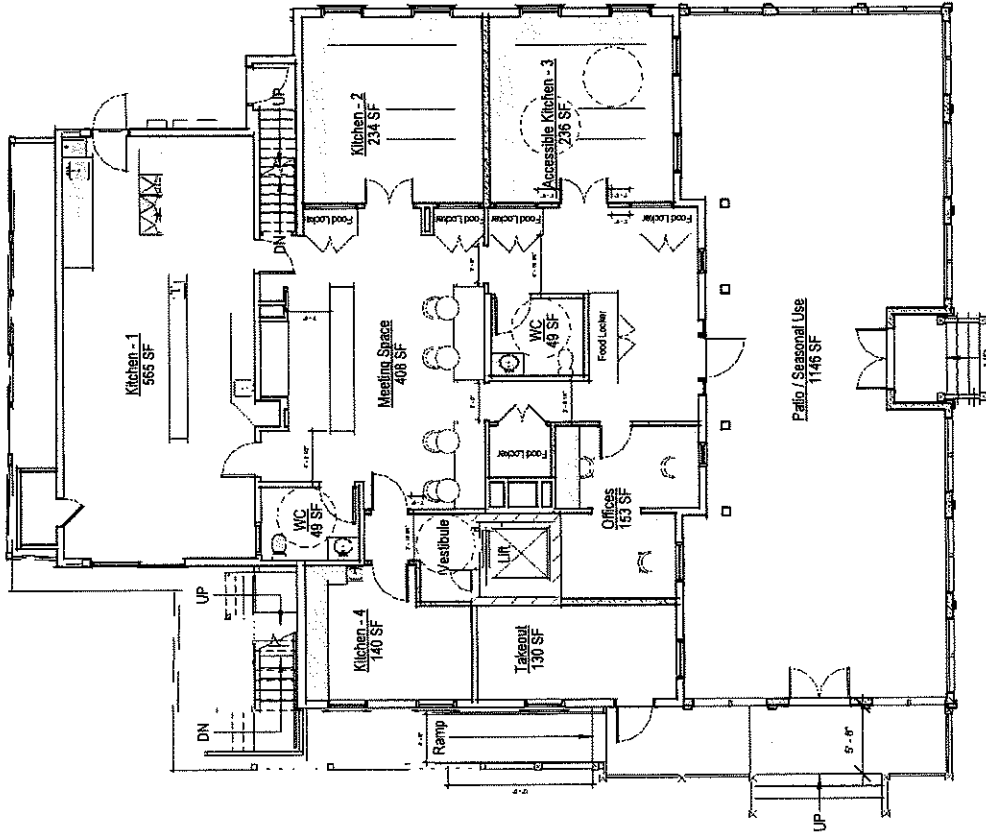
First Floor Plan - Existing

1" = 10'-0"

5 Amelia Drive
Nantucket, MA 02554

Zoning Information

Map & Parcel: 67 / 435
Current Zoning: CN
Minimum Frontage: 50 ft
Front Setback: 10 ft
Side/Rear Setback: 5 ft / 10 ft



First Floor Plan - Proposed

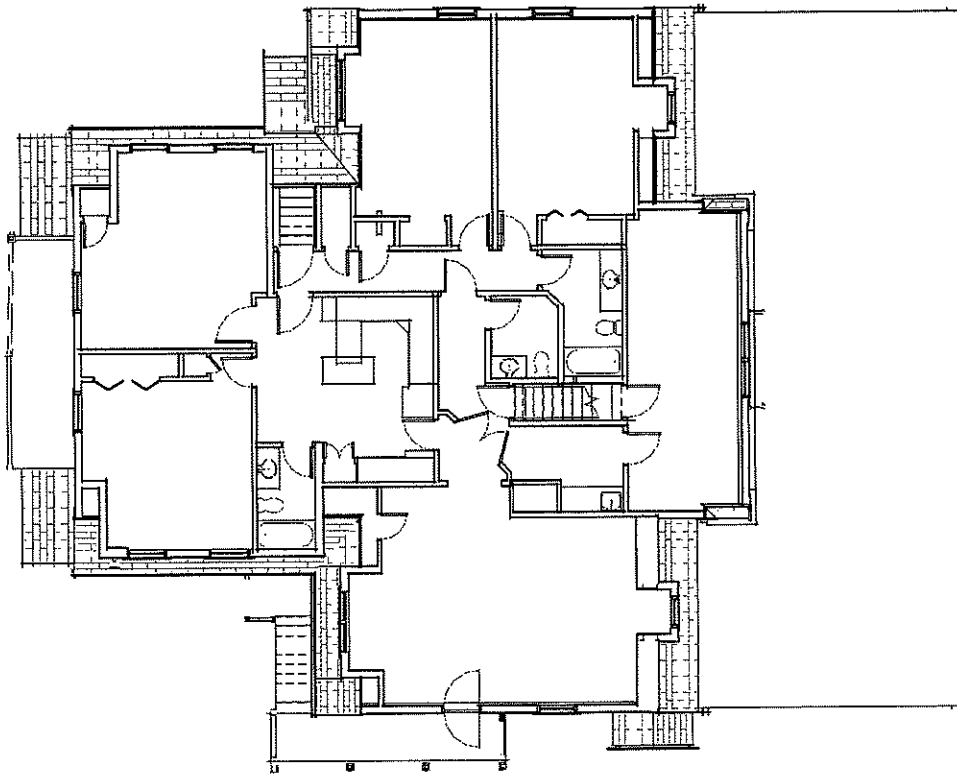
1" = 10'-0"

Preliminary Design

10.11.2022



© William Larr
Nantucket, MA 02554
508.325.4865
www.emeritus.com



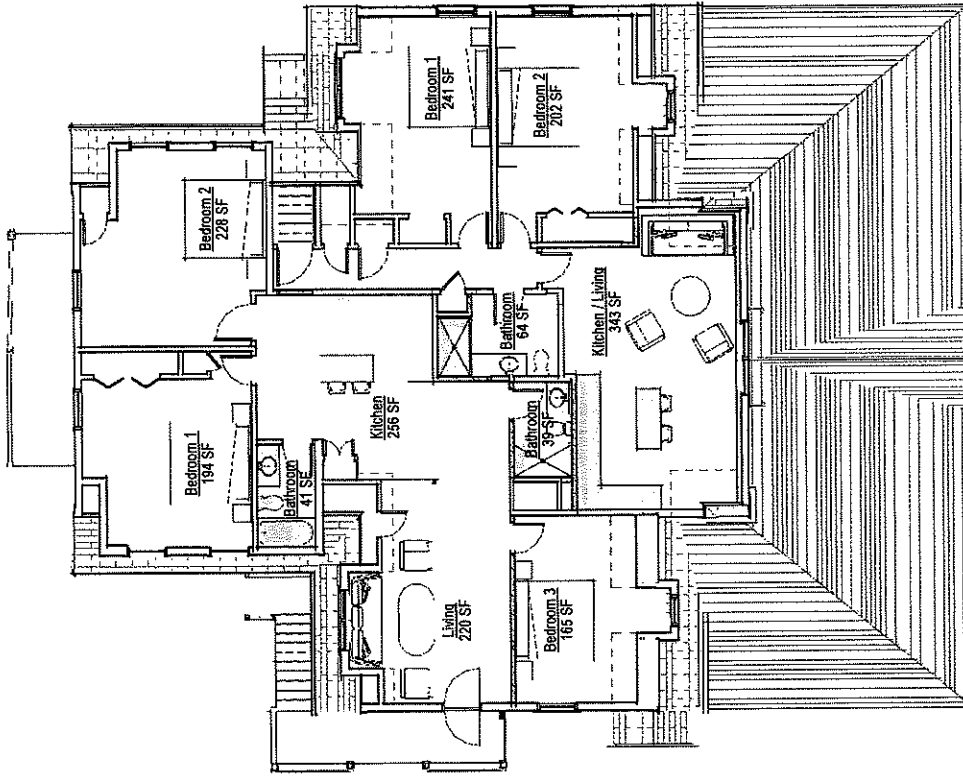
Second Floor Plan - Existing

1" = 10'-0"

5 Amelia Drive
Nantucket, MA 02554

Zoning Information

Map & Parcel: 67 / 435
Current Zoning: CN
Minimum Frontage: 50 ft
Front Setback: 10 ft
Side/Rear Setback: 5 ft / 10 ft



Second Floor Plan - Proposed

1" = 10'-0"

Preliminary Design
10.11.2022



8 Wilburys Lane
Nantucket, MA 02554
508.325.4895
www.emeritusid.com

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... 5 Amelia Drive, LLC
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 5 Amelia Drive
ASSESSOR MAP/PARCEL..... Map 67, Parcel 435
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

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

November 6, 2023

DATE

Mary L.
Haley

Digitally signed by
Mary L. Haley
Date: 2023.11.06
14:49:58 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
54	46		NANTUCKET TOWN OF	WATER COMMISSION	1 MILESTONE RD	NANTUCKET	MA	02554	1 MILESTONE RD
67	40		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	2 FAIRGROUNDS RD
67	41		NINETEEN B OLD SOUTH RD LLC	C/O SHAPIRO ROBERT & LOIS	PO BOX 2329	NANTUCKET	MA	02584	19B OLD SOUTH RD
67	41	2	17 OSR LLC		PO BOX 396	NANTUCKET	MA	02554	17 OLD SOUTH RD
67	41	3	RISEBOROUGH KENNETH S ETAL		P O BOX 3631	NANTUCKET	MA	02584	17- OLD SOUTH RD
67	41	4	TOUCH CHANN SOPHAS & PRINTZ RENEE		17 B OLD SOUTH RD UNIT#1	NANTUCKET	MA	02554	17A OLD SOUTH RD
67	44		RULEY MARGARET A TR	MARGARET A RULEY REVOCABLE TRUST	14 CROTON PLACE	IRVINGTON	NY	10533	18 TOMS WY
67	45		RULEY CATHERINE		100 SARATOGA AVE	BURLINGTON	VT	05408	16 TOMS WY
67	432		COMFORT STORAGE II LLC		320 MT HOLLY RD	KATONAH	NY	10536	11 AMELIA DR
67	433		VTT NANTUCKET LLC	C/O VTT MANAGEMENT INC	1 CLARKS HILL RD #102	FRAMINGHAM	MA	01702	9 AMELIA DR
67	434		TOWN OF NANTUCKET		16 BROAD ST	NANTUCKET	MA	02554	7 AMELIA DR
67	436		BLUE HILLS BANK	C/O RTC-FACILITIES DEPT	288 UNION ST	ROCKLAND	MA	02370	3 AMELIA DR
67	444		10 AMELIA DRIVE LLC	C/O NEW ENGLAND DEVELOP-ACCOUNTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	10 AMELIA DR
67	445		AMELIA PROPERTIES LTD		266 BEACON ST	BOSTON	MA	02116	8 AMELIA DR
67	446		AMELIA PROPERTIES LTD		266 BEACON ST 2ND FLR	BOSTON	MA	02116	6 AMELIA DR
67	667		NINETEEN OLD SOUTH RD LLC	C/O SHAPIRO ROBERT & LOIS	PO BOX 2329	NANTUCKET	MA	02584	19 OLD SOUTH RD
67	668		NINETEEN A OLD SOUTH RD LLC	C/O SHAPIRO ROBERT LOIS	PO BOX 2329	NANTUCKET	MA	02584	19A OLD SOUTH RD
67	669		NINETEEN C OLD SOUTH RD LLC	C/O SHAPIRO ROBERT & LOIS	PO BOX 2329	NANTUCKET	MA	02584	19C OLD SOUTH RD
67	752		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	4 FAIRGROUNDS RD
68	1		REINEMO JULIE E TR	JULIE E REINMO TRUSTS	PO BOX 1444	NANTUCKET	MA	02554	25 OLD SOUTH RD
68	3	1	STACKPOLE JOHN J TR	LYNVIC REALTY TRUST	15 TOMS WAY	NANTUCKET	MA	02554	10 RUPERTS WY
68	76		STACKPOLE JOHN J TR	LSTACKY REALTY TRUST	15 TOMS WAY	NANTUCKET	MA	02554	15 TOMS WY
68	77		SKOKAN JOANNE		PO BOX 2210	NANTUCKET	MA	02584	20 TOMS WY
68	78		SWIETLIK ALBERT & ANNA		23 OLD SOUTH RD	NANTUCKET	MA	02554	22 TOMS WY
68	245		BLUE HILLS BANK	C/O RTC-FACILITIES DEPT	288 UNION ST	ROCKLAND	MA	02370	1 AMELIA DR
68	246		READY JOHN D TR	READY JOHN D TRUST	PO BOX 2165	EDGARTOWN	MA	02536	21 OLD SOUTH RD
68	258		ROBERTS PAUL M DDS LLC		44 LOVERS LANE	NANTUCKET	MA	02554	2 AMELIA DR

[illegible]

NANTUCKET TOWN OF
WATER COMMISSION
1 MILESTONE RD
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

NINETEEN B OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

17 OSR LLC
PO BOX 396
NANTUCKET, MA 02554

RISEBOROUGH KENNETH S ETAL
P O BOX 3631
NANTUCKET, MA 02584

TOUCH CHANN SOPHAS & PRINTZ
RENEE
17 B OLD SOUTH RD UNIT#1
NANTUCKET, MA 02554

RULEY MARGARET A TR
MARGARET A RULEY REVOCABLE TRUST
14 CROTON PLACE
IRVINGTON, NY 10533

RULEY CATHERINE
100 SARATOGA AVE
BURLINGTON, VT 05408

COMFORT STORAGE II LLC
320 MT HOLLY RD
KATONAH, NY 10536

VTT NANTUCKET LLC
C/O VTT MANAGEMENT INC
1 CLARKS HILL RD #102
FRAMINGHAM, MA 01702

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

BLUE HILLS BANK
C/O RTC-FACILITIES DEPT
288 UNION ST
ROCKLAND, MA 02370

10 AMELIA DRIVE LLC
C/O NEW ENGLAND DEVELOP-
ACCOUNTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

AMELIA PROPERTIES LTD
266 BEACON ST
BOSTON, MA 02116

AMELIA PROPERTIES LTD
266 BEACON ST 2ND FLR
BOSTON, MA 02116

NINETEEN OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

NINETEEN A OLD SOUTH RD LLC
C/O SHAPIRO ROBERT LOIS
PO BOX 2329
NANTUCKET, MA 02584

NINETEEN C OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

REINEMO JULIE E TR
JULIE E REINMO TRUSTS
PO BOX 1444
NANTUCKET, MA 02554

STACKPOLE JOHN J TR
LYNVIC REALTY TRUST
15 TOMS WAY
NANTUCKET, MA 02554

STACKPOLE JOHN J TR
LSTACKY REALTY TRUST
15 TOMS WAY
NANTUCKET, MA 02554

SKOKAN JOANNE
PO BOX 2210
NANTUCKET, MA 02584

SWIETLIK ALBERT & ANNA
23 OLD SOUTH RD
NANTUCKET, MA 02554

BLUE HILLS BANK
C/O RTC-FACILITIES DEPT
288 UNION ST
ROCKLAND, MA 02370

READY JOHN D TR
READY JOHN D TRUST
PO BOX 2165
EDGARTOWN, MA 02536

ROBERTS PAUL M DDS LLC
44 LOVERS LANE
NANTUCKET, MA 02554

NANTUCKET TOWN OF
WATER COMMISSION
1 MILESTONE RD
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

NINETEEN B OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

17 OSR LLC
PO BOX 396
NANTUCKET, MA 02554

RISEBOROUGH KENNETH S ETAL
P O BOX 3631
NANTUCKET, MA 02584

TOUCH CHANN SOPHAS & PRINTZ
RENEE
17 B OLD SOUTH RD UNIT#1
NANTUCKET, MA 02554

RULEY MARGARET A TR
MARGARET A RULEY REVOCABLE TRUST
14 CROTON PLACE
IRVINGTON, NY 10533

RULEY CATHERINE
100 SARATOGA AVE
BURLINGTON, VT 05408

COMFORT STORAGE II LLC
320 MT HOLLY RD
KATONAH, NY 10536

VTT NANTUCKET LLC
C/O VTT MANAGEMENT INC
1 CLARKS HILL RD #102
FRAMINGHAM, MA 01702

TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

BLUE HILLS BANK
C/O RTC-FACILITIES DEPT
288 UNION ST
ROCKLAND, MA 02370

10 AMELIA DRIVE LLC
C/O NEW ENGLAND DEVELOP-
ACCOUNTING DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

AMELIA PROPERTIES LTD
266 BEACON ST
BOSTON, MA 02116

AMELIA PROPERTIES LTD
266 BEACON ST 2ND FLR
BOSTON, MA 02116

NINETEEN OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

NINETEEN A OLD SOUTH RD LLC
C/O SHAPIRO ROBERT LOIS
PO BOX 2329
NANTUCKET, MA 02584

NINETEEN C OLD SOUTH RD LLC
C/O SHAPIRO ROBERT & LOIS
PO BOX 2329
NANTUCKET, MA 02584

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

REINEMO JULIE E TR
JULIE E REINMO TRUSTS
PO BOX 1444
NANTUCKET, MA 02554

STACKPOLE JOHN J TR
LYNVIC REALTY TRUST
15 TOMS WAY
NANTUCKET, MA 02554

STACKPOLE JOHN J TR
LSTACKY REALTY TRUST
15 TOMS WAY
NANTUCKET, MA 02554

SKOKAN JOANNE
PO BOX 2210
NANTUCKET, MA 02584

SWIETLIK ALBERT & ANNA
23 OLD SOUTH RD
NANTUCKET, MA 02554

BLUE HILLS BANK
C/O RTC-FACILITIES DEPT
288 UNION ST
ROCKLAND, MA 02370

READY JOHN D TR
READY JOHN D TRUST
PO BOX 2165
EDGARTOWN, MA 02536

ROBERTS PAUL M DDS LLC
44 LOVERS LANE
NANTUCKET, MA 02554

Paul and Louise
Laudano

File No. 051-03

10 Fox Grape Lane

**Request for
Determination**



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

2023 NOV 14 PM 1:56

NANTUCKET
TOWN CLERK

Date: November 14, 2023
To: Nancy Holmes, Town Clerk
From: William Saad, Zoning Administrator
Re: Zoning Board of Appeals File No. 051-03; 10 Fox Grape Lane

Dear Nancy,

The following application is a Request for Determination of Insubstantial Modification of Comprehensive Permit File No. 051-03 and will go before the Zoning Board of Appeals.

Sincerely,

William Saad,
Zoning Administrator

November 13, 2023



Via Hand delivery & Electronic Mail

Zoning Administrator
Planning and Land Use Building
2 Fairgrounds Rd.
Nantucket, MA 02554



RE: 10 Fox Grape Lane, Nantucket
Lot 6 on Plan No. 2006-61
Map 67, Parcel 805
(Beach Plum Village 40B Subdivision)
Request for Determination of Insubstantial Modification of Comprehensive Permit
File No. 051-03

Dear Zoning Administrator,

Attached please find the following materials in support of our request for a determination that a proposed modification of the original construction program for the above-referenced Subdivision be considered an insubstantial modification to the Comprehensive Permit, as amended:

1. \$450 filing fee;
2. Highlighted Subdivision Map (Plan 2006-61);
3. Locus Map;
4. HDC Certificate of Appropriateness; and
5. Copy of Layout Plan for 10 Fox Grape Lane.

As referenced in the attached Addendum, the applicant has received HDC approval on May 11, 2023 and approval of the Rugged Scott Homeowner's Association on May 22, 2023.

The attached Addendum has been requested by the Zoning Administrator. Please contact us at anytime should you have any questions.

Thank you so much for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Paul and Louise Laudano".

Paul and Louise Laudano
617-388-5775 (Paul)
617-365-1822 (Louise)

Addendum A

The Owner/ Applicant, Paul C. Laudano and Louise A. Laudano (hereinafter "Laudano"), hereby requests a modification to Comprehensive Permit No. 051-03 in order to site a private, residential in-ground 23' x 9.6' swimming pool and customary and appurtenant hardscaping in an area located on house Lot 6 as shown on the Layout Plan for 10 Fox Grape Lane prepared by Jardins Intl, Inc. and dated 11/10/2023. Lot 6 is not subject to the Stormwater/Habitat Management Area Easement shown on the Subdivision Plan. The pool and all related equipment will be located entirely outside of, and in compliance with, the applicable structure setbacks, as shown on the Layout Plan.

The proposed pool design has no design elements above grade, will not be visible from any road, and will be shielded from abutting parcels with landscape screening, fencing and sound buffering. The Applicant has received approval from the Nantucket Historic District Commission on May 11, 2023 and from the Rugged Scott Homeowners's Association on May 22, 2023. Please see COA #HDC2023-05-8467 dated May 11, 2023.

For these reasons, the applicant respectfully suggests that the proposed change, which is similar to multiple other recent modifications within the subdivision that have been approved, is insubstantial and will have no detrimental impact on the subdivision or any abutting properties.

CERTIFICATE NO: _____

DATE ISSUED: 5/11/23

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

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

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

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

PROPERTY DESCRIPTION

TAX MAP N°: 67 PARCEL N°: 805

Street & Number of Proposed Work: 10 Fox Grape Lane

Owner of record: Fox Grape LLC

Mailing Address: 14 Emerson Road

Wellesley MA 02481

Contact Phone #: 508 325 9911 E-mail: _____

AGENT INFORMATION (if applicable)

Name: Jardins Int'l. Inc.

Mailing Address: 53 Pleasant St

Nantucket MA 02554

Contact Phone #: 508 325 9911 E-mail: eop@jardinsintl.com

FOR OFFICE USE ONLY

Date application received: 5/10/23 Fee Paid: \$200

Must be acted on by: 5/17/23

Extended to: _____

Approved: [Signature] Disapproved: _____

Chairman: [Signature] (acting)

Member: _____

Member: [Signature]

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

Material to approve w/ pool not to be visible at time of inspection and in perpetuity and the pool is to have no grade changes from existing or as noted on the original application.

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed☐ Color Change ☒ Fence ☒ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____☐ Pool (Zoning District _____) ☐ Roof ☒ Other Inground pool 23'x10'8"Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floorWidth: _____ Sq. Footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. Footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks: REVISIONS* 1. East Elevation

Historic Name: (describe) 2. South Elevation

Original Date: 3. West Elevation

Original Builder: 4. North Elevation

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.**DETAIL OF WORK TO BE PERFORMED**Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ PiersMasonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt ☐ 3-Tab ☐ Architectural☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: 4'

Type: Solid board (unpainted)

Length: +/- 196'

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles ☐ Clapboard (exposure: _____ inches) Front ☐ Side☐ _____☐ Other _____Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____☐ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways Shell To MATCH EXISTING Walkways Blue stone To MATCH ex. Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

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

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 4-25-23

Signature of owner of record E. C. [Signature]

Signed under penalties of perjury



1" = 377.0679451321014 ft

Property Information

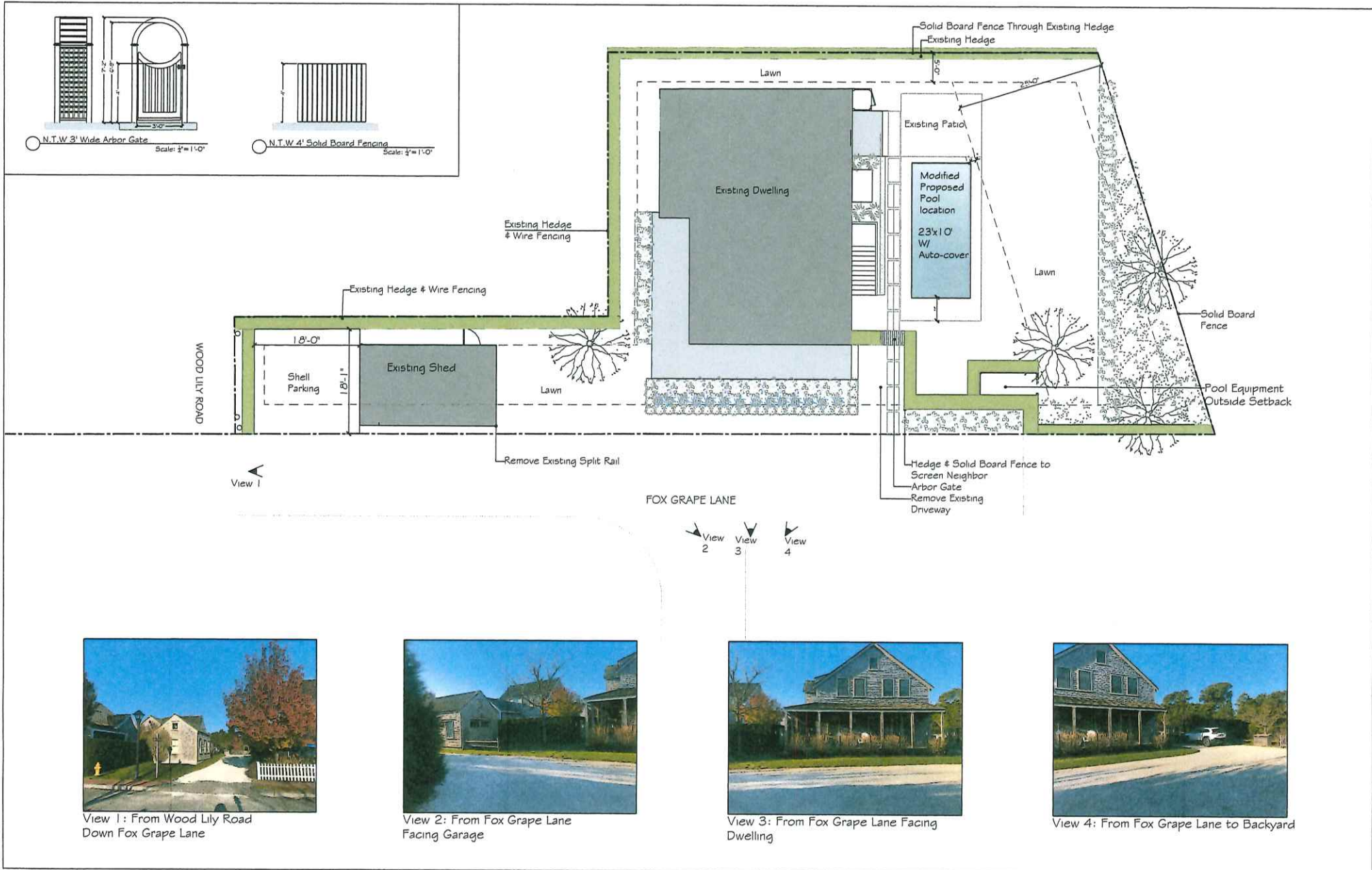
Property ID 67 805
Location 10 FOX GRAPE LN
Owner FOX GRAPE LLC

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

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

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

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



FOX GRAPE LLC RESIDENCE
 10 FOX GRAPE LANE
 NANTUCKET
 MA

Layout Plan
 Scale: 1"=10'-0"
 Detail Scale: 1/4"=1'-0"
 11.10.2023
 Page L1



JARDINS INTL., INC.
 53 Pleasant Street
 Nantucket MA-02554
 www.jardinsintl.com

11 CUSHMAN STREET
MIDDLEBORO, MA 02346


**CULLINAN
ENGINEERING**

CIVIL ENGINEERING - BRIDGEVIEW - TRANSPORTATION DESIGN
200 ALABAMA ST. ALABAMA, WA. 99001 509/532-5401 FAX 509/532-8709
400 COMMERCIAL AVE. BOSTON, WA. 98224 617/336-8270 FAX 617/336-8045
50 RHODESD DRIVE, LAKEVILLE, MA 02347 508/944-8971 FAX 508/944-8988

[illegible]

PLAN REVISIONS	
NO.	REVISION
1	1.00
2	2.00
3	3.00
4	4.00
5	5.00
6	6.00
7	7.00
8	8.00
9	9.00
10	10.00
11	11.00
12	12.00
13	13.00
14	14.00
15	15.00
16	16.00
17	17.00
18	18.00
19	19.00
20	20.00
21	21.00
22	22.00
23	23.00
24	24.00
25	25.00
26	26.00
27	27.00
28	28.00
29	29.00
30	30.00
31	31.00
32	32.00
33	33.00
34	34.00
35	35.00
36	36.00
37	37.00
38	38.00
39	39.00
40	40.00
41	41.00
42	42.00
43	43.00
44	44.00
45	45.00
46	46.00
47	47.00
48	48.00
49	49.00
50	50.00
51	51.00
52	52.00
53	53.00
54	54.00
55	55.00
56	56.00
57	57.00
58	58.00
59	59.00
60	60.00
61	61.00
62	62.00
63	63.00
64	64.00
65	65.00
66	66.00
67	67.00
68	68.00
69	69.00
70	70.00
71	71.00
72	72.00
73	73.00
74	74.00
75	75.00
76	76.00
77	77.00
78	78.00
79	79.00
80	80.00
81	81.00
82	82.00
83	83.00
84	84.00
85	85.00
86	86.00
87	87.00
88	88.00
89	89.00
90	90.00
91	91.00
92	92.00
93	93.00
94	94.00
95	95.00
96	96.00
97	97.00
98	98.00
99	99.00
100	100.00

DATE: AUGUST 23, 2007

DRAWN BY: LMG	CALCS. BY: RLM	CHECK BY: DJM
------------------	-------------------	------------------

PROJECT NO. 6013/20230127-10/102

ISSUED FOR:	RECORD INFORMATION
----------------	-----------------------

10 FOX GRAPE LANE
BEACH PLUM VILLAGE
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

TAX MAP 67, PARCELS 805
PREPARED FOR RISING TIDE DEVELOPMENT, LLC

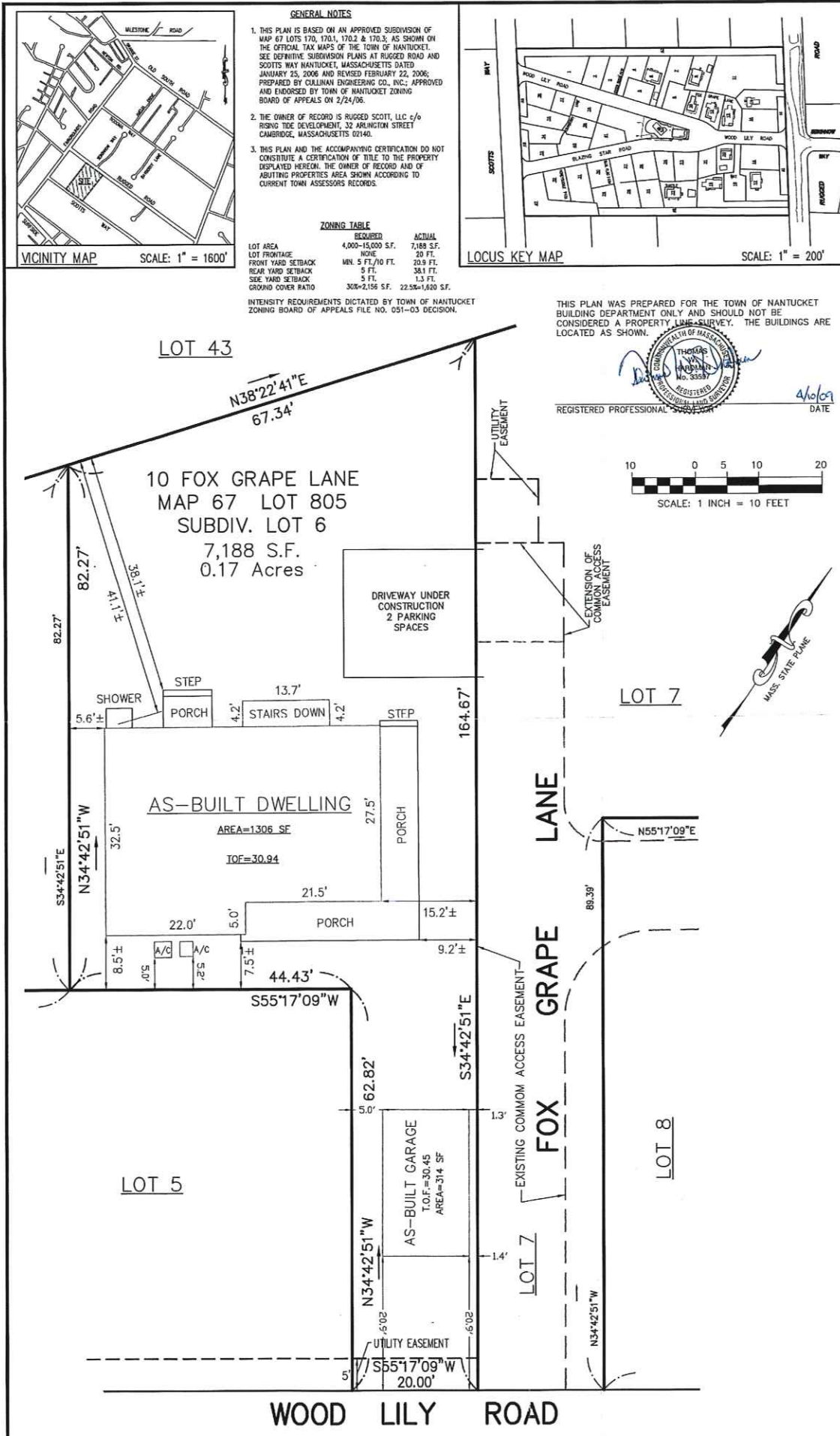
DRAWING TITLE:

BUILDING
AS-BUILT PLAN
10 FOX GRAPE LANE

SCALE: 1" = 10'

SHEET NO.

1 OF 1



2024
Zoning Board of Appeals
Meeting Schedule



TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
NANTUCKET, MA 02554

2024 Meeting Schedule

1:00 PM *

*4 Fairgrounds Road in the Public Safety Facility Community Room & Remote Participation Via Zoom
Webinar*

Meeting Dates: Thursdays

January 11, 2024

February 8, 2024

March 14, 2024

April 11, 2024

May 9, 2024

June 13, 2024

July 11, 2024

August 8, 2024

September 12, 2024

October 17, 2024

November 14, 2024

December 12, 2024

Filing Deadline: Mondays

December 11, 2023

January 8, 2024

February 5, 2024

March 11, 2024

April 8, 2024

May 6, 2024

June 10, 2024

July 8, 2024

August 5, 2024

September 16, 2024

October 7, 2024

November 12, 2024 (TUESDAY)

Meeting times and dates are subject to change, if you have any questions please contact the ZBA office at 508-325-7587 Extension 7071.

End of Packet