



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

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

~~ MINUTES ~~

Thursday, May 9, 2024

Public Safety Facility, 4 Fairgrounds Road, Community Room
This meeting was held via remote participation using ZOOM and YouTube.

I. CALL TO ORDER

Called to order at 1:14pm and Announcements made by Ms. McCarthy

Staff in attendance: William Saad, Land Use Specialist
Attending Members: McCarthy, Allen, Brescher, Marcklinger, O'Mara
Remote attendance: Poor
Absent: Mondani, Botticelli
Late Arrivals: -
Early Departures: -
Town Counsel: -

II. APPROVAL OF AGENDA

Motion: Motion to Approve the agenda, as drafted. (made by: O'Mara) (seconded by: Allen)
Vote: Carried 5-0 // McCarthy, Allen, Brescher, Marcklinger, O'Mara (aye)

III. PUBLIC COMMENT

Chair McCarthy called for public comment. The following members of the public spoke:

Jocelyn Irvin

- Addressed concerns about the ZBA notification process for abutters regarding neighborhood projects, specifically application 21-23 for Carl and Sharon Nielsen at 2 Cabot Lane.
- Noted that she and at least 23 neighbors did not receive the December 19, 2023, letter about the January 11, 2024, ZBA meeting discussing the application.
- Mentioned that there would have been opposition due to the non-conforming nature of the building regarding setbacks and the extensive and intrusive renovations proposed.
- Respectfully requested that the ZBA consider a special meeting for application 21-23 to hear the input that would have been provided if proper notification had occurred.

Peter Leventi

- Emphasized that notification of the conversion of the property from a single-family home into a condominium should have been provided to abutters and neighbors.

Anne Knutson

- Reiterated support for Peter and Joselyn's statements.
- Urged the ZBA to listen to their voices before making a final decision.

IV. APPROVAL OF MINUTES

Motion:	Motion to approve the minutes of April 11, 2024, and April 25, 2024, as amended. (made by: Brescher) (seconded by: Allen)
Vote:	Carried 5-0 // McCarthy, Allen, Brescher, Marcklinger, O'Mara (aye)

V. NEW BUSINESS**10-24 Sea Daze, LLC****27 Baxter Road**

The Applicant is requesting a Modification of the previously granted Special Permit in File No. 33-21. Specifically, the Applicant is seeking to alter the preexisting nonconforming single-family dwelling by constructing stairs to the basement within the side yard setback area no closer to the lot line than the existing structure, elevating the front portion of the dwelling partially within the front yard setback area, and constructing a zoning compliant deck. Locus is situated at 27 Baxter Road and shown on Assessor's Map 49.2.3 as Parcel 10. Evidence of owner's title is recorded in Book 1269, Page 202, and shown as Lot 29 in Plan Book 2, Page 52 with the Nantucket County Registry of Deeds. The site is zoned Siasconset Residential-20 (SR-20).

Voting:	McCarthy, Allen, Brescher, Marcklinger O'Mara
Alternates:	Botticelli, Mondani
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Arthur Reade
Public:	There were no public comments.
Discussion: (00:15:45)	Mr. Reade responded to Board Members questions.
Motion:	Moved to close the public hearing. (made by: Brescher) (seconded by: Allen) (00:19:09)
Vote:	Carried 5-0 / / McCarthy, Brescher, Allen, O'Mara, Marcklinger (nay)
Motion:	Moved to approve the requested relief under bylaw section 139, section 33a 1A, finding that the proposed alterations are not significantly more detrimental to the neighborhood than the existing non-conforming structure and align with the bylaw's spirit and intent. The alterations must comply with the conditions shown on Exhibit A and adhere to the plans approved with certificate of appropriateness number HDC2 23-11 9439. No exterior construction is permitted between Memorial Day and Labor Day, and any further alterations or expansions require additional board approval. (made by: Allen) (seconded by: Brescher) (00:20:27)
Vote:	Carried 5-0 / / McCarthy, Brescher, Allen, O'Mara, Marcklinger (nay)

VI. OTHER

ZBA FILE NO. 23-23, William M. Murphy, Trustee of 89 Easton Street Nominee Trust, 89 Easton Street.
Construction progress update.

Paul Santos, Nantucket Surveyors

- Provided an update on the construction status at 89 Easton Street, located at the intersection of Cliff Road and Easton, adjacent to the Nantucket Hotel.
- Mentioned that the site is protected by construction fencing, which will be repositioned before Memorial Day to restore sidewalk access around the property.
- Indicated that the foundation work will not be completed before Memorial Day.
- Requested consideration for the possibility of performing a limited amount of foundation work after Memorial Day, extending potentially into June on weekdays only, with no exterior work as per the original permit.

Carl Clarke, Clark Brothers Construction (Contractor)

- Emphasized efforts to fence the site and ensure security, achieving this to a large extent.
- Estimated that the foundation work could be completed by June 15th.
- Indicated that an additional week to 10 days would be needed to restore the sidewalk and properly backfill the area, aiming for completion by July 1st.

Discussion ensued during which Board Members and Mr. Saad discussed procedures regarding placing this item for consideration on a future agenda.

Proposed ZBA Minutes – May 9, 2024

Joe Paul, Studio BPC (Architect)

- Described the coordination and education process, including discussions on scheduling and time requirements.
- Indicated that early to mid-June is a feasible target for completing the work, but additional time would be a conservative approach.

ZBA FILE NO. 03-22, 9 Thirty Acres. Dormitory update.

McCarthy

- Noted that the applicant submitted an update as required from the December ZBA meeting discussion.
- Stated that the applicant has complied with all requests.

Saad

- Reiterated that there was communication with the abutters, who seemed pleased with the changes.

ZBA special meeting, Monday, June 3, 2024, at 1 PM in person and via Zoom

ZBA regular meeting, Thursday, June 13, 2024, at 1 PM in person and via Zoom

VII. ADJOURNMENT

Motion:	Motion to adjourn. (00:53:40)
Vote:	Motion carried unanimously.

Submitted by: Elaina Cano