



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 ~~

Monday, June 24, 2024

This meeting was held via remote participation using ZOOM and YouTube.

I. CALL TO ORDER

Called to order at 1:00 pm and Announcements made by Ms. McCarthy

Attending Members: McCarthy, Marcklinger, Poor, Allen, Botticelli

Staff in attendance: William Saad, Zoning Administrator & Land Use Specialist

Remote Members: McCarthy, Marcklinger, Poor, Allen, Botticelli

Absent: O'Mara, Brescher, Mondani

Late Arrivals: - NONE

Early Departures: - NONE

II. APPROVAL OF AGENDA

Motion: Motion to Approve the agenda, as drafted. (made by: Allen) (seconded by: Marcklinger)

Vote: Carried 5-0 // McCarthy, Marcklinger, Poor, Allen, Botticelli (aye)

III. PUBLIC COMMENT

NONE

IV. APPROVAL OF THE MINUTES

1. May 9, 2024

Continued to July 11, 2024

V. OLD BUSINESS

1. 11-24 Cathy Ward

9 West Dover Street

(Under remand from Commonwealth of Massachusetts Land Court No. 22 MISC 000064 MDV) Applicant is appealing a determination by the Building Commissioner that the use of 9 West Dover Street as a short-term rental ("STR") business is not a commercial use prohibited in the residential zone in which it is located. Applicant requests that the Zoning Board of Appeals overturn the Commissioner's determination with respect to the property and further that zoning enforcement action be taken by issuing an order to the owner to cease and desist using the property as an STR. The Locus is situated at 9 West Dover Street, is shown on Assessor's Map 55.1.4 as Parcel 189 and in Plan Book 7, Page 29. Evidence of title is recorded in Book 1581, Page 238 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

2. 18-24 43 W. Miacomet, LLC

43 West Miacomet Road

Cohen

Applicant is requesting a Special Permit pursuant to Sections 139-13, 139-30, and 139-33A of the Nantucket Zoning Bylaw to demo the existing house and construct a new dwelling, shed, and install a pool and related pool equipment. The file with a copy of the complete description of the proposal is available for review at Planning and Land Use Services. The property is located at 43 West Miacomet Road and shown as Nantucket Tax Assessor's Map 86 Parcel 13.2, Lot 31 on Land Court Plan 17368-K. Owner's Title is shown as Certificate #27184 on file with the Nantucket County District of Land Court. The Locus is zoned Moorlands Management District (MMD).

Continued to July 11, 2024

ZBA Minutes – June 24, 2024

Voting:	McCarthy, Marcklinger, Poor, Allen, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Moved to continue the public hearing to July 11, 2024 (made by: Botticelli) (Seconded by: Marcklinger)
Vote:	Carried 5-0// McCarthy, Marcklinger, Poor, Allen, Botticelli (Aye)

VII. NEW BUSINESS

1. 12-24 South Siasconset Neighborhood Association, LLC

**1 Magnolia
Cohen**

Avenue, 10 Grand Avenue, 7R, 10, 11, 16, 17, 19 Ocean Avenue, 2, 4, and 5 Cottage Avenue

The Applicant is appealing the Building Commissioner's April 17, 2024, determination pursuant to Zoning Bylaw Section 139-25 and 139-31. The locus is situated at 1 Magnolia Avenue, 10 Grand Avenue, 7R, 10, 11, 16, 17, 19 Ocean Avenue, 2, 4, and 5 Cottage Avenue. The appeal consists of numerous parcels as identified on the Zoning Board of Appeals application (known as "The Summer House"), a complete record of the application, supporting materials, and relevant documents are available for public review at the Office of Planning and Land Use Services. The site is zoned Siasconset Old Historic (SOH) and Village Neighborhood (VN).

2. 20-24 Christopher Quick

15 Delaney Road

(Under remand from Commonwealth of Massachusetts Land Court No. 23 MISC 000056 MDV) The Applicant is appealing the Building Commissioner's September 21, 2022, determination pursuant to Zoning Code Section 139-31A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. The Building Commissioner determined that the use of the Property for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaw. Locus subject to the appeal is situated at 15 Delaney Road, shown on Assessor's Map 30 as Parcel 635 and upon Land Court Plan 14695-C. Evidence of owner's title is registered on Certificate of Title No. 25803 with the Nantucket County District of the Land Court. The site is zoned Residential-1 (R1).

3. 19-24 Steven L. Cohen as Trustee of Area 51 Trust

51 West Miacomet Road

Cohen

The Applicant is requesting a Special Permit pursuant to Sections 139-13, 139-30, and 139-33A of the Nantucket Zoning Bylaw to demo the existing house and construct a new dwelling, shed, and install a pool and related pool equipment. The file with a copy of the complete description of the proposal is available for review at Planning and Land Use Services. The property is located at 51 West Miacomet Road and shown as Nantucket Tax Assessor's Map 81 Parcel 52, Lot 9 on Land Court Plan 17368-D. Owner's Title is shown as Certificate #29355 on file with the Nantucket County District of Land Court. The Locus is zoned Moorlands Management District (MMD).

Continued to July 11, 2024

Voting:	McCarthy, Marcklinger, Poor, Allen, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Moved to continue the public hearing to July 11, 2024 (made by: Botticelli) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Marcklinger, Poor, Allen, Botticelli (Aye)

VII. OTHER

ZBA regular meeting, Thursday, July 11, 2024, at 1 PM in person and via Zoom

VIII. ADJOURNMENT

Motion:	Motion to adjourn.
Vote:	Carried 5-0// McCarthy, Marcklinger, Poor, Allen, Botticelli (Aye)

Submitted by: Rodlisha Dixon

YouTube Reference Link: <https://www.youtube.com/watch?v=UMyVaVeQSjY>