



## **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)

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|------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Committee/Board/s</b>                       | Zoning Board of Appeals                                                                                          |
| <b>Day, Date, and Time</b>                     | Thursday, July 11, 2024, at 1:00 PM                                                                              |
| <b>Location / Address</b>                      | 4 Fairgrounds Road, Nantucket, MA 02554<br><b>PSF COMMUNITY ROOM &amp; REMOTE PARTICIPATION VIA ZOOM WEBINAR</b> |
| <b>Signature of Chair or Authorized Person</b> | 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](http://www.nantucket-ma.gov).

#### **ZOOM WEBINAR REGISTRATION LINK:**

[https://us06web.zoom.us/webinar/register/WN\\_sw-TwENQSC29VpGOU43Drw#/registration](https://us06web.zoom.us/webinar/register/WN_sw-TwENQSC29VpGOU43Drw#/registration)

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

[HTTPS://WWW.YOUTUBE.COM/WATCH?V=8TdfOPR3EFM](https://www.youtube.com/watch?v=8TdfOPR3EFM)

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

- I. CALL TO ORDER:**
- II. APPROVAL OF THE AGENDA:**
- III. PUBLIC COMMENT** *for items not listed on the agenda :*
- IV. ELECTION OF OFFICERS:**
  - **Chair** (currently Susan McCarthy)
  - **Vice Chair** (currently John Brescher)
  - **Secretary** (currently Elisa Allen)

## V. APPROVAL OF THE MINUTES:

- MAY 9, 2024
- MAY 30, 2024

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## VI. REMAND HEARINGS: (CONTINUED PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

### 11-24 Cathy Ward

9 West Dover Street

Pickering-Cook

(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).

### 20-24 Christopher Quick

15 Delaney Road

Pickering-Cook

(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).

## VII. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

### 14-24 John P. Pearl & Lynn C. Pearl, as Trustees of the John P. Pearl Trust – 2018 & the Lynn C. Pearl Trust – 2018, and David A. Jackson & Cynthia M. Jackson 10 Main Street & 1 Gully Road Alger

The Applicants are seeking relief by Variance pursuant to Zoning By-law Section 139-32 in order to allow the property, currently a two-unit condominium, to be removed from the provisions of MGL Chapter 183.A(Condominiums), and subdivided into two nonconforming lots. The Locus is situated at 10 Main Street, and 1 Gully Road, shown on Tax Assessor's Map 73.2.4 as Parcels 32.1 & 32.2, and shown in Plan Book 20, Page 123. Evidence of the Owner's title is recorded in Book 1629, Page 202, and Book 1618, Page 135 on file at the Nantucket Registry of Deeds. The site is zoned Limited Use One (LUG-1).

### 18-24 43 W. Miacomet, LLC

43 West Miacomet Road

Cohen

*Continued to July 17, 2024*

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 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).

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

**12-24 South Siasconset Neighborhood Association                      1 Magnolia Avenue, 10 Grand Avenue,  
7R, 10, 11, 16, 17, 19 Ocean Avenue, 2, 4, and 5 Cottage Avenue                      Cohen**  
*Continued to July 17, 2024*

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).

**19-24 Steven L. Cohen as Trustee of Area 51 Trust                      51 West Miacomet Road                      Cohen**  
*Continued to July 17, 2024*

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).

**21-24                                              126R Main Street                                              Williams**

The Applicant is requesting relief by Special Permit pursuant to Zoning Bylaw Section 139-33.A(1)(a). Specifically, the Applicant is seeking to renovate and relocate the garage structure within the nonconforming easterly side yard setback area, reducing the setback encroachment from its current position of .0 feet from the easterly side yard lot line to approximately 2 (two) feet at its closest point. Locus is situated at 126R Main Street and shown on Assessor's Map 42.3.3 as Parcel 98.1. Evidence of the Owner's title is recorded in Book 1942, Page 74, and shown as Lot 2C in Plan No. 2023-29 with the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

**22-24                                              51 Washington Avenue & 281 Madaket Road                                              Williams**

The Applicant is seeking a modification of the Special Permit granted in ZBA File No. 09-24 pursuant to Nantucket Zoning By-law Sections 139-30 and 139-2 to validate an updated site plan, which will reduce the size of the previously approved residential swimming pool and relocate it on the site. The property is located at 51 Washington Avenue and 281 Madaket Road and shown on Assessor's Map 59.4 as Parcels 243 and 292 and as Lots 73, 74, 75, 86, 87, and 88 upon Land Court Plan 3092-S. Evidence of the Owner's Titles are registered as Certificates of Title Nos. 16,490 and 29,300 at the Nantucket County District of Land Court. The site is zoned Village Residential (VR).

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**IX. OTHER (VOTES MAY BE TAKEN)**

- ZBA special meeting, Wednesday, July 17, 2024, at 1 PM in person and via Zoom
- ZBA regular meeting, Thursday, August 15, 2024, at 1 PM in person and via Zoom

**X. ADJOURNMENT (VOTE WILL BE TAKEN)**