



UPDATED MEETING POSTING
Original Posting T 708
8/2/24 at 2:36 pm

RECEIVED

2024 AUG 15 AM 10:07
NANTUCKET TOWN CLERK
Posting Number:T 744

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)

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, August 15, 2024, at 12:00 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_WzBeOUePSFiQfKDQRVH9SA#/registration

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

<https://www.youtube.com/watch?v=CiPnwJ335pI>

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. APPROVAL OF THE MINUTES:**
 - JUNE 3, 2024

V. 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)
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).

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

18-24 43 W. Miacomet, LLC **43 West Miacomet Road** **Cohen**
CONTINUED TO SEPTEMBER 12, 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).

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

19-24 Steven L. Cohen as Trustee of Area 51 Trust **51 West Miacomet Road** **Cohen**
CONTINUED TO SEPTEMBER 12, 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).

12-24 South Siasconset Neighborhood Association, LLC **1 Magnolia Avenue, 10 Grand Avenue, 7R, 10, 11, 16, 17, 19 Ocean Avenue, 2, 4, and 5 Cottage Avenue** **Cohen**
CONTINUED TO SEPTEMBER 12, 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).

21-24 K22S, LLC

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 two (2) feet at its closest point. The use will remain a garage with an added interior studio. 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).

23-24 Nancy Thornton, Successor Trustee of the SE Catcher Trust

6 W. Dover Street

Cohen

CONTINUED TO SEPTEMBER 12, 2024

The Applicant is seeking Variance relief pursuant to the Zoning Bylaw Section 139-32 to validate the location of the studio/accessory structure. The structure is currently sited as close as 3.6 feet from the side yard lot line in a zoning district that requires a minimum of five (5) feet and was constructed without the necessary permits. Locus is situated at 6 West Dover Street and shown on Assessor's Map 55.4.1 as Parcel 191. Evidence of owner's title is recorded in Book 1926, Page 183 with the Nantucket Country Registry of Deeds. The site is zoned Residential Old Historic (ROH).

24-24 Elizabeth Cohn Stuntz, as Trustee of Ocean Avenue Nominee Trust

20 Ocean Avenue

Reade

The Applicant is requesting relief by Special Permit pursuant to Zoning Bylaw Section 139-33.A(1)(a). Specifically, the Applicant seeks to remove and reconstruct the existing bicycle shelter currently sited in the westerly front yard setback, increasing the setback distance from the front yard lot line from three (3) feet to approximately eleven (11) feet in a zoning district that requires a minimum of 35 feet. Additionally, the Applicant proposes to alter the principal dwelling which will result in the closest point of the structure being sited as close as 28.5 feet where 35 feet is required. Locus is situated at 20 Ocean Avenue and shown on Assessor's Map 73.2.4 as Parcel 20 and as Lot 12 upon Land Court Plan No. 9595-H. Evidence of Owner's title is registered on Certificate Title No. 19945 with the Nantucket County District of Land Court, and recorded in Book 703, Page 115 with the Nantucket Registry of Deeds. The site is zoned Limited Use General-3 (LUG-3).

VIII. OTHER (VOTES MAY BE TAKEN)

• **076-11 Naomi Harnishfeger 5 Nanina Drive, Sachem's Path 40B**

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 moving on a gazebo structure upon Lot 35, also known as 5 Nanina Drive of the 40B development known as Sachem's Path.

- ZBA regular meeting, Thursday, September 12, 2024, at 1 PM in person and via Zoom

IX. ADJOURNMENT (VOTE WILL BE TAKEN)