



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, August 29, 2024

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

I. CALL TO ORDER

Called to order at 4:02 pm and Announcements made by Ms. McCarthy

Attending Members: McCarthy, Marcklinger, Poor, Allen, Botticelli, Brescher, O'Mara, Mondani

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

Remote Members: McCarthy, Marcklinger, Poor, Allen, Botticelli, Brescher, O'Mara, Mondani

Absent: -

Late Arrivals: -

Early Departures: -

II. APPROVAL OF AGENDA

Motion: Motion to Approve the agenda, as drafted. (made by: Brescher) (seconded by: O'Mara)

Vote: Carried 5-0 // McCarthy, Marcklinger, Brescher, Allen, O'Mara (aye)

III. PUBLIC COMMENT

-NONE

IV. APPROVAL OF THE MINUTES

-NONE

V. REMAND HEARINGS

1. 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).

Voting:	McCarthy, Marcklinger, Brescher, Allen, O'Mara
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	George Pucci- KP Law
Discussion:	The Board - Reviewed the revised draft decision - Requested revisions to paragraphs 30, 31, 32, and 33, as well as the inclusion of those adjustments in a third copy that will be reviewed at the following meeting.
Motion:	Moved to continue the public hearing to September 5th, 2024 (made by: Allen) (Seconded by: Brescher)

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Vote:	Carried 5-0// McCarthy, Marcklinger, Brescher, Allen, O'Mara (Aye)
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2. 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).

Voting:	McCarthy, Marcklinger, Brescher, Allen, O'Mara
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	George Pucci- KP Law
Discussion:	The Board -Agreed any revisions should align with the Ward's decision and be reviewed at the following meeting.
Motion:	Moved to continue the public hearing to September 5th, 2024 (made by: Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Marcklinger, Brescher, Allen, O'Mara (Aye)

VII. OTHER

- ZBA special meeting, Thursday, September 5, 2024, at 1 PM in person and via Zoom
- ZBA regular meeting, Thursday, September 12, 2024, at 1 PM in person and via Zoom
- ZBA regular meeting (carry over from 9/12 if necessary), Thursday, September 19, 2024, at 1 PM in person and via Zoom

VIII. ADJOURNMENT

Motion:	Motion to adjourn.
Vote:	Carried 5-0// McCarthy, Marcklinger, Brescher, Allen, O'Mara (Aye)

Submitted by: Rodlisha Dixon

YouTube Reference Link: <https://www.youtube.com/watch?v=tLqD5oaCtvE>