



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, November 14, 2024

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

I. CALL TO ORDER

Called to order at 1:02 am and Announcements made by Ms. McCarthy

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

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

Absent: Poor

Late Arrivals: -

Early Departures: -

II. APPROVAL OF AGENDA

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

Vote: Carried 5-0 // McCarthy, Marcklinger, Allen, Brescher, Botticelli (Aye)

III. PUBLIC COMMENT

Chair McCarthy called for public comment.

Comments: NONE

IV. APPROVAL OF THE MINUTES

• OCTOBER 17, 2024

CONTINUED TO NOVEMBER 20, 2024

• OCTOBER 22, 2024

CONTINUED TO DECEMBER 9, 2024

V. OLD BUSINESS

1. 25-24 Surfside Crossing, LLC

Surfside Crossing 40B

Haverty

CONTINUED TO NOVEMBER 20, 2024

Voting:	McCarthy, Allen, Brescher, Marcklinger, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Motion to continue the public hearing to November 20, 2024 (made by: Allen) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli

2. 18-24 43 W. Miacomet, LLC**43 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 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).

Voting:	McCarthy, Brescher, Allen (Mullen), Botticelli, Marcklinger
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Steven Cohen
Discussion:	Steven Cohen, Cohen & Cohen Law PC - Stated that the project was modified to reduce impervious surfaces, relocate the shed to avoid native vegetation, adjust the septic system area to an annually mowed meadow, and modify the driveway to preserve native plants, with all changes reflected in the updated plans and proposed conditions. Dan Mulloy, Site Design Engineering - Confirmed that the septic system can be moved up to the 300-foot pond setback line, but not beyond it. Brian Madden, LEC Environmental - Explained that the septic installation will cause minimal temporary disturbance, with efforts to preserve the native seed bank, restore the area naturally, and maintain a meadow over the leach field, all while leaving more than two acres of the property untouched. The Board - Agreed that the septic system should be positioned as close as possible to the 300-foot pond setback, minimizing disturbance to the surrounding natural area. - Requested the applicant to use only on-site topsoil and fill, submit an updated plan with all changes, ensure proper revegetation, and position the shed to minimize impact on the vegetated area. Public Concern - Emily Molden expressed concern about the public not having time to review new materials, emphasized the importance of adhering to MMD standards for dwelling size and impervious surfaces, advocated for a "no net increase" policy, confirmed the proposed annual mowing of the septic area, and reiterated her opposition to allowing off-site fill to prevent invasive species. - Thomas Barrett expressed concern that moving the house forward for a better view would negatively impact the views of neighboring properties.
Motion 1:	Motion to close the public hearing. (made by Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli
Motion 2:	Motion to approve with the conditions that the applicant use only on-site topsoil and fill, position the septic system up to the 300-foot pond setback, ensure proper revegetation, reconsider the shed's placement to minimize disturbance to the natural area, and submit an updated plan reflecting all changes. (made by Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli

VI. NEW BUSINESS

- 1. 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 DECEMBER 12, 2024

Voting:	McCarthy, Allen, Brescher, Marcklinger, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Motion to continue the public hearing to December 12th, 2024. (made by: Allen) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli

- 2. 17-24 Rugged Scott, LLC** **1 Blue Flag Path & 8 Blazing Star Road**

REQUEST TO WITHDRAW WITHOUT PREJUDICE

Voting:	McCarthy, Allen, Brescher, Marcklinger, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Motion to accept the withdrawal by agreement without prejudice. (made by: Allen) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli

- 3. 19-24 Steven L. Cohen as Trustee of Area 51 Trust** **51 West Miacomet Road** **Alger**

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).

Voting:	McCarthy, Allen, Brescher, Marcklinger, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Sarah Alger
Discussion:	Sarah F. Alger, PC -Provided an overview of the project, detailing the modifications made to minimize impervious surfaces and emphasizing key elements of the proposed design.

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	The Board -Discussed concerns regarding the alteration of the site's grade, the potential for light pollution from large windows and the subterranean patio, and the possible implications of such changes on future zoning precedents. Public Concern -Emily Molden expressed concerns about the increase in dwelling size, the potential precedent for manipulating landscape grades without accounting for square footage and suggested relocating the septic system to disturbed lawn areas while advocating for annual mowing and the use of on-site topsoil. - Thomas Barrett raised concerns about noise and light pollution from the proposed generator and large windows, requested the generator be placed under the shed to reduce noise, and concurred with Molden.
Motion 1:	Motion to close the public hearing. (made by Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Marcklinger, Botticelli (Aye)
Motion 2:	Motion to approve with the conditions that the generator be placed under the shed, on-site topsoil and fill be used, a 12 to 36-inch topsoil layer be maintained, disturbed areas be mowed annually, and exterior lighting comply with the Dark Skies bylaw. (made by: Allen) (Seconded by: Brescher)
Vote:	Carried 4-1// McCarthy, Allen, Brescher, Marcklinger (Aye) Botticelli (Nay)

4. 23-24 CBR ACK Holdings, LLC

6 W. Dover Street

Cohen

CONTINUED TO DECEMBER 12, 2024

Voting:	O'Mara, Allen, Mondani, Marcklinger, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	NONE
Discussion:	NONE
Motion:	Motion to continue the public hearing to December 12th, 2024. (made by: Mondani) (Seconded by: Marcklinger)
Vote:	Carried 5-0//O'Mara, Allen, Mondani, Marcklinger, Botticelli (Aye)

5. 28-24 Kristina & Nicholas Amendolare

8 Bank Street

Williams

Applicants are seeking a Special Permit pursuant to Zoning Bylaw Sections 139-30 and 139-33A to make renovations to a single-family dwelling, a portion of which is a vertical expansion within the required five-foot rear yard setback area, The dwelling is pre-existing non-conforming as to the westerly rear yard setback. Locus is situated at 8 Bank Street, shown on Assessor's Map 73 and Parcel 69. Evidence of owner's title is recorded in Book 1770, Page 216 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

Voting:	McCarthy, Allen, Mondani, Marcklinger, O'Mara
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Linda Williams
Discussion:	Linda Williams -Introduced the application to the Board. Public Concern - Margaret Van Deusen argued that the Board should not proceed with the case until the updated plans, currently under review in court, are presented and the procedural issues, including the fulfillment of conditions set by the Board of Health, are resolved. The Board -Discussed the possibility of continuing the application due to time constraints and the need to resolve outstanding issues.

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Motion:	Motion to continue the public hearing to December 12th, 2024. (made by: O'Mara) (Seconded by: Marcklinger)
Vote:	Carried 5-0// McCarthy, Allen, Mondani, Marcklinger, O'Mara

III. ADJOURNMENT

Motion:	Motion to adjourn.
Vote:	Carried 5-0// McCarthy, Allen, Mondani, Marcklinger, O'Mara

Submitted by: Rodlisha Dixon

YouTube Link: <https://www.youtube.com/watch?v=Pz80opo2vYc>