



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket,
Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), John Brescher (Vice Chair), Elisa Allen (Clerk), Joe Marcklinger, Lisa Botticelli
Alternates: Mark Poor, Jim Mondani

~~ MINUTES ~~

Thursday, April 10, 2025

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

Technical Issues – The meeting experienced technical difficulties affecting audio until 1:08 PM.

I. CALL TO ORDER

Called to order at 1:04 pm and Announcements made by Chair McCarthy

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

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

Absent: -

Remote Members: -

Late Arrivals: Brescher (2:47 pm)

Early Departures: Marcklinger (3:00 pm) and Brescher (3:34 pm)

II. APPROVAL OF AGENDA

Motion: Motion to approve the agenda.

(Made by: Botticelli) (Seconded by: Allen)

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

III. APPROVAL OF THE MINUTES

- APRIL 19, 2023
- JUNE 26, 2023
- JUNE 28, 2023
- OCTOBER 22, 2024
- DECEMBER 18, 2024
- JANUARY 15, 2025
- JANUARY 24, 2025
- FEBRUARY 13, 2025

Discussion The Board

- Discussed concern regarding the October 22, 2024, meeting minutes.
- Reviewed and clarified the intent behind the discussion, specifically addressing the points on the necessity for special counsel and the related cost and scope of work.

Motion: Motion to approve the minutes listed with October 22nd amended as discussed.

(Made by: Botticelli) (Seconded by: Allen)

Vote: Carried 5-0, except for October 22nd, where motion passed 4-1 //McCarthy, Marcklinger, Botticelli, Allen Mondani (Aye) Mondani (Nay)

IV. OLD BUSINESS**1. 2025-0011 Whitney H. Matthews****43 Union St****Reade**

Applicant is requesting relief by Special Permit pursuant to Zoning Bylaw Sections 139-30 and 139-33A(1)(a) to alter the pre-existing, nonconforming single-family dwelling by constructing upward additions within the footprint of the existing dwelling, partially within the nonconforming setback areas and without increasing any nonconforming setback distance. Locus is situated at 43 Union Street and shown on Assessor's Map 42.3.2 as Parcel 29. Evidence of owner's title is recorded in Book 1343, Page 286 with the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting:	McCarthy, Mondani, Botticelli, Brescher, Allen
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Arthur Reade
Discussion:	Attorney Arthur Reade -Presented on behalf of the applicant, stating that the project aims to minimize impact on an elm tree on the adjacent property (43A Union Street). Dave Champoux (Tree Advisory Committee) -Expressed concern regarding the potential damage to the elm tree, particularly from removing the steps and the construction activity that may affect the root system. -Emphasized the need to avoid damage and highlighted that while the Board was not granting approval for the parking space, it was an important consideration. The Board -Discussed the potential impacts of removing the steps, suggesting that leaving the stairs as is would reduce the risk of damaging the tree. - Discussed whether the applicant should revise their plans based on the feedback provided, rather than closing the public hearing and proceeding with the use of conditions. Attorney Arthur Reade - Agreed to continue the hearing and indicated that his client would like to have time to discuss the matter further. Public Concern -Maryellen Peters expressed opposition to the project, highlighting concerns about the impact on the root system of the elm tree, drainage issues, and potential changes to the character of Union Street. -Liz Coffin voiced concerns about grading and drainage issues and stressed the importance of the maple tree in stabilizing the embankment. -Lisa Parker raised concerns about the visibility of the proposed addition from the street and the potential impact on the neighborhood's charm. -Emily Molden (Nantucket Land and Water Council) raised concerns about the undersized lot and its complications due to a prior subdivision. She advocated for including the tree advisory committee's conditions regarding construction practices. She also recommended incorporating a condition to protect the tree and the surrounding environment.
Motion:	Motion to continue to May 8, 2025. (Made by: Mondani) (Seconded by: Allen)
Vote:	Carried 5-0 McCarthy, Marcklinger, Mondani, Botticelli, Allen (Aye)

V. NEW BUSINESS

1. 46 West Miacomet LLC File No. 2025-0015

The Applicant is requesting relief by Special Permit pursuant to Zoning Bylaw Sections 139-13C(1), 139-30, and 139-33A of the Nantucket Zoning Bylaw to authorize the relocation of the existing structure and improvements now located upon Lot 26 to Lot 24, without any increase in the area of the dwelling and other improvements. To the extent applicable and necessary, the applicant further requests reissuance of the variance pursuant to Section 139-32 for validation of Lot 24 as a building lot as granted in File No. 070-94. Locus is situated at 46 West Miacomet Road and shown on Assessor's Map 86 Parcel 6, Lot 24 on Land Court Plan 17368-I. Evidence of Owner's title is registered as Certificate of Title 26208 on file with the Nantucket Registry District of Land Court. The site is zoned Moorlands Management District (MMD).

Voting:	McCarthy, Mondani, Botticelli, Brescher, Allen
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Arthur Reade
Discussion:	Attorney Arthur Reade -Presented the application to The Board. Brian Madden (Environmental Consultant) - Clarified that the proposed deck overlaps the existing footprint, and the disturbed area will be revegetated with Nantucket native species. The Board -Discussed the covenant from 1994, which required Lot 26 to remain vacant and unbuildable. - Expressed concerns about the impact of adding a deck on the vacant lot and agreed that it should be revegetated. - Suggested revising the driveway plan to minimize land disturbance, especially in light of the additional disturbance from the proposed driveway. Attorney Arthur Reade - Agreed to continue the hearing and indicated that his client would like to have time to discuss the matter further. Public Concern -Emily Molden (Nantucket Land and Water Council) supported the relocation of the house but emphasized the importance of revegetating the existing site. Molden also suggested providing a revegetation plan with native species and recommended reviewing alternatives for the driveway to reduce vegetation disturbance.
Motion:	Motion to continue to May 8, 2025 for more information to be provided by applicant. (Made by: Mondani) (Seconded by: Allen)
Vote:	Carried 5-0 McCarthy, Marcklinger, Mondani, Botticelli, Allen (Aye)

2. 25-24 Surfside Crossing, LLC

Surfside Crossing 40B

Haverty

PUBLIC HEARING CLOSED: March 4, 2025

Decision action deadline April 13, 2025 (40 days from close of Public Hearing)

This matter is on remand pursuant to the order of the Housing Appeals Committee in Surfside Crossing, LLC v. Nantucket Zoning Board of Appeals, No. 2019-07, and the order of Nantucket Superior Court in Meredith v. Housing Appeals Committee, C.A. 2275-00025. The Applicant is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B and ZBA File No. 20-18, in order to allow a multi-family project consisting of 156 condominium dwelling units in 18 multi-family buildings. The application and supporting materials are available for public review at the Zoning Board of Appeals office at 2 Fairgrounds Road between the hours of 7:30 A.M. and 4:30 P.M., Monday through Friday. The Locus is situated at 3, 5, 7, and 9 South Shore Road and is shown on Assessor's Map 67 as Parcels 336, 336.9, 336.8, and 336.7 and is shown as Lots 4, 3, 2, and 1 on Plan Book 25, Page 50 as recorded at the Nantucket Registry of Deeds. The total lot area of the combined parcels is approximately 13.6 acres. Evidence of owner's title is recorded in Book 1612, Page 62 at the Nantucket Registry of Deeds. The property is located in a Limited Use General 2 (LUG-2) and within the Public Wellhead Recharge District.

ZBA Minutes – April 10, 2025

Voting:	McCarthy, Mondani, Botticelli, Brescher, Allen
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	-
Discussion:	Chair Susan McCarthy - Acknowledged the time constraints and noted that the decision on Surfside Crossing must be filed by April 13, 2025. Attorney George Pucci (Town Counsel) - Provided an overview of the final draft of the denial decision based on comments from board members. The three primary issues emphasized in the draft were stormwater management, water quality, and lack of cooperation from the applicant in considering revisions. - Advised the Board to focus on the most compelling issues, as litigation is likely, and less relevant points should be minimized to strengthen the case before HAC. The Board - Discussed the importance of referencing significant concerns like Dr. LePore's letter, traffic impacts, and the expedited permitting process in a way that highlights key issues without overloading the decision with too many minor points.
Motion:	Motion to continue the discussion of the decision until Monday April 10, 2025, for final approval. (Made by: Allen) (Seconded by: Botticelli)
Vote:	Carried 4-0 McCarthy, Mondani, Botticelli, Allen (Aye)

VI. ADJOURNMENT

Motion:	Motion to adjourn. (Made by: Botticelli) (Seconded by: McCarthy)
Vote:	Carried 4-0 McCarthy, Mondani, Botticelli, Allen (Aye)

Submitted by: Rodlisha Dixon

YouTube Link: [ZBA Meeting-April 10, 2025](#)