



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, Robert Constable

~~ MINUTES ~~

Thursday, February 12, 2026 **Adopted April 09, 2026**

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

I. CALL TO ORDER

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

Attending Members: McCarthy, Brescher, Constable, Botticelli, Allen, Mondani

Staff in attendance: Nicky Sheriff; Land Use Specialist, Rodlisha Dixon; Administrative Specialist

Absent: Poor, Marcklinger

Remote Members: Constable, Allen, Mondani

Late Arrivals: -

Early Departures: -

II. APPROVAL OF AGENDA

Motion: Motion to approve the agenda.

(Made by: Brescher) (Seconded by: Botticelli)

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

III. PUBLIC COMMENT

IV. APPROVAL OF MINUTES

• January 08, 2026

Motion: Motion to approve the minutes as drafted. **(Made by: Brescher) (Seconded by: Allen)**

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

V. NEW BUSINESS

2025-0023 AckReit1865

9 Hinsdale Road

Alger

Action Deadline February 27, 2026

The Applicant is appealing the Building Commissioner's July 14, 2025 violation order pursuant to Nantucket Zoning Bylaw Section 139-31 and is requesting a stay of the order while the property owner works to bring the site into compliance with the Zoning Bylaw. The Building Commissioner determined that storage containers located on the site are in violation of the Zoning Bylaw and ordered their immediate removal. The locus is located at 9 Hinsdale Road, shown on Assessor's Map 68, Parcel 776. Evidence of the owner's title is recorded on Certificate of Title No. 28895 in the Nantucket County District of the Land Court. The property is zoned Residential Commercial-2 (RC-2).

Voting:	McCarthy, Brescher, Botticelli, Allen, Marcklinger
Documentation:	File with associated plans, photos, correspondence and required documentation

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Representing:	Attorney Sarah Alger
Discussion:	Chair McCarthy - Noted the Applicant requested a continuance.
Motion:	Motion to continue the application to the March 12, 2026, meeting. (Made by: Botticelli) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Brescher, Botticelli, Allen, Mondani (Aye)

2025-0030 Hampton S. Lynch, Jr., Trustee 2 Green Lane

Reade

Action Deadline April 08, 2026

The Applicant requests relief by Special Permit pursuant to Zoning Bylaw Sections 139-33.A(1) to alter the pre-existing, nonconforming single-family dwelling upon the locus by placing a new foundation under the structure, increasing its elevation above grade by approximately one foot, and realigning the floor level of the two portions of the structure to the same height. Locus is situated at 2 Green Lane, shown on Assessor's Map 42.3.3 Parcel 130. Evidence of owner's title is recorded in Book 977, Page 211 with the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting:	McCarthy, Botticelli, Allen, Mondani, Constable
Conflict:	John Brescher
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Arthur Reade
Discussion:	The Board discussed the Applicant's proposal to install a new foundation beneath the existing historic structure while maintaining its current footprint and location, including concerns related to the structure's close proximity to the lot line and potential impacts to the adjacent historically significant Maria Mitchell property. The Board also reviewed excavation and structural stabilization methods, as well as the need to protect the neighboring historically significant building, and considered comments from Jascin Finger, Deputy Director of the Maria Mitchell Association regarding vibration, drainage, and prior preservation work. There was also discussion regarding the condition and protection of the adjacent tree and reviewed proposed mitigation measures, including vibration monitoring and engineering oversight. The Board further discussed modifying the foundation design at the closest corner to the adjacent structure and supported the use of a pier in lieu of a full foundation in that area to reduce potential impacts.
Motion:	Motion to approve relief by Special Permit pursuant to Zoning Bylaw Sections 139-33.A(1) to alter the pre-existing, nonconforming single-family dwelling upon the locus by placing a new foundation under the structure, increasing its elevation above grade by approximately one foot, and realigning the floor level of the two portions of the structure to the same height. Subject to the following conditions: 1. The proposed alteration shall be in substantial compliance with the Proposed Conditions shown upon "Exhibit A". 2. The project shall be completed in substantial conformity with the plans approved in connection with Certificate of Appropriateness No. HDC2025-12-13945. 3. There shall be no expansion of the structure without further relief from this Board; 4. There shall be no exterior construction allowed between Memorial Day and Labor Day of any given year for the work contemplated herein 5. Appropriate shoring, bracing, and structural stabilization measures shall be utilized during all phases of construction, particularly during excavation and foundation work, to protect the abutting historically significant structure at 7 Milk Street (formerly 2 Vestal Street). 6. The Applicant shall provide written testimony from a licensed structural engineer confirming that the proposed method of foundation installation, including all shoring and stabilization. 7. Construction of the proposed work shall be in substantial accordance with the Technical Memorandum protocols submitted into the record and attached hereto as "Exhibit B". 8. The foundation work shall be limited to area "D" below the timber frame structure, and a pier shall be placed at location "C1," as referenced on the foundation plan. (Made by: Botticelli) (Seconded by: Mondani)
Vote:	Carried 5-0// McCarthy, Botticelli, Allen, Mondani, Constable (Aye)

2026-0034 Pamela Washburn Griffin Trust**54 Cliff Road****Link02554****Action Deadline April 14, 2026**

The Applicant seeks relief by Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-30 and 139-33A(1)(a) to alter a nonconforming garage structure by vertical expansion to the west and south, including dormers, resulting in an increase in height of approximately five (5) feet. The garage structure is nonconforming with respect to rear and westerly side yard setbacks, being located approximately 1.8' feet from the westerly lot line and 3.8' feet from the rear lot line. No expansion of the existing footprint is proposed, and no new nonconformities will be created. Locus is situated at 54 Cliff Road, shown on Assessor's Map 41 Parcel 26 and Lot 2 on Land Court Plan 15515-C. Evidence of owner's title is registered on Certificate of Title No. 24850 at the Nantucket County District of the Land Court. The site is zoned Residential Old Historic (ROH).

Voting:	McCarthy, Brescher, Allen, Constable, Mondani
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Victoria Ewing
Discussion:	The Board discussed the proposed vertical addition to the nonconforming garage structure. They reviewed the proposed height increase and noted that the structure remains within the existing nonconforming setbacks. Questions were raised regarding the intended use of the second floor, specifically whether it would be used for storage or as a studio, and the potential implications for a change of use. The Board expressed concerns about the vertical expansion within the setback and the possibility of future habitable use. Dormer placement was reviewed, with particular attention to the dormer facing the setback, and the Board discussed whether its removal would reduce impacts. The Applicant was asked to clarify the intended use, and the Board indicated that additional information may be required.
Motion 1:	Motion to continue the application to the March 12, 2026, meeting. (Made by: Mondani) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Brescher, Allen, Constable, Mondani (Aye)

VI. OLD BUSINESS

2025-0031 46 West Miacomet LLC**46 West Miacomet Road****Reade****Action Deadline March 11, 2026**

The Applicant requests relief by Special Permit pursuant to Zoning Bylaw Section 139-13.C(l), 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 relief previously granted for the validation of Lot 24 as a buildable lot in File No. 070-94. Locus is situated at 46 West Miacomet Road and shown on Assessor's Map 86 as Parcel 6, Lot 24 and 26 on Land Court Plan 17368-I. Evidence of Owner's title is registered as Certificate of Title 26208 and 26207 on file with the Nantucket Registry District of Land Court. The site is zoned Moorlands Management District (MMD).

Voting:	McCarthy, Brescher, Botticelli, Allen, Mondani
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Arthur Reade
Discussion:	The Board discussed the proposed relocation of the existing house within the Moorlands Management District from the south side of the roadway to the north side due to coastal erosion. The Board reviewed revisions to the submitted plans, including relocating the existing generator under the shed, shifting the driveway 14 feet closer to the house, reducing and eliminating certain deck areas, and narrowing the beach path to 2 feet 24 inches. Attorney Reade noted that moving the path to the easterly side of the lot would cause more disturbance, and overall, the plan reduced site disturbance and preserved natural vegetation. In deliberation, the Board found that the project meets performance standards under the Moorlands Management District by protecting habitat, scenic views, and minimizing environmental disruption. The relocation and site improvements were determined to be consistent with the bylaw and not substantially more detrimental than the pre-existing nonconforming structure. Conditions were established requiring submission of a revegetation plan for Lot 26, recording a covenant to keep Lot 26 vacant and unbuildable, adherence to approved site and HDC plans, work confined to the designated disturbance area, use of only

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	on-site fill with no grade change, installation of permeable decking and driveway surfaces, limiting the beach path to 2 feet, and ensuring revegetation complies with Natural Heritage & Endangered Species Program (NHESP) and MEPA-approved plans. The Board voted unanimously to approve the special permit with several conditions.
Motion:	Motion to approve relief by Special Permit pursuant to Zoning Bylaw Section 139-13.C(l), 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, subject to the following conditions: 1. The Applicant shall submit a revegetation plan for Lot 26, detailing the restoration of vegetation following any site disturbance. 2. A covenant will be recorded at the Nantucket Registry of Deeds stating that Lot 26 will remain vacant and unbuildable. 3. All work shall substantially conform to the plan entitled "Proposed ZBA Site Plan in Nantucket, 8 Massachusetts," prepared by Alan M. Grady, dated January 22, 2026. 4. The project shall be completed in substantial conformity with the plans approved in connection with Certificate of Appropriateness No. HDC 2024-09-11138. 5. The dwelling relocation and any associated site work shall be confined to the disturbance areas shown on the Proposed Site Plan. 6. During relocation, the Applicant shall maintain physical demarcation that identifies the limit of approved work. 7. All fill and grading materials shall originate from onsite excavation/disturbance activities. No imported fill or topsoil shall be used. 8. Any decking shall be installed and maintained with a gap sufficient to allow water to flow freely between the surface boards. 9. The driveway and parking area shall be shell, gravel or other pervious surface. 10. There shall be no change in existing grade. 11. Revegetation shall be in substantial compliance with the plans approved by Massachusetts Natural Heritage & Endangered Species Program (NHESP) and Conservation Commission. (Made by: Botticelli) (Seconded by: Mondani)
Vote:	Carried 5-0// McCarthy, Brescher, Botticelli, Allen, Mondani (Aye)

V I I . OTHER (VOTES MAY BE TAKEN)

- The next regular meeting is Thursday, March 12, 2026, at 1:00 pm.

V I I I . ADJOURNMENT

Motion:	Motion to adjourn. (Made by: Brescher) (Seconded by: Botticelli)
Vote:	Carried 5-0// McCarthy, Brescher, Botticelli, Allen, Mondani (Aye)

Submitted by: Nicky Sheriff

YouTube Link: [Nantucket Zoning Board of Appeals - February 12, 2026](#)