



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), Lisa Botticelli
Alternates: Jim Mondani, Robert Constable

~~ MINUTES ~~

Thursday June 11, 2026 **(ADOPTED ON 07/09/26)**

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

I. CALL TO ORDER

Called to order at 1:09 pm and Announcements made by Chair McCarthy

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

Staff in attendance: Nicky Sheriff; Land Use Specialist, William Saad; Land Use Specialist, Triston Brown; Administrative Specialist
Absent:

Remote Members: -

Late Arrivals: -

Early Departures: - John Brescher left at 1:18PM

II. APPROVAL OF AGENDA

Motion: Motion to approve the agenda.

(Made by:) (Seconded by: Mondani)

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

III. PUBLIC COMMENT

IV. APPROVAL OF MINUTES

V. REQUEST FOR DETERMINATION OF INSUBSTANTIAL CHANGE(VOTES MAY BE TAKEN)

25-24 Surfside Crossing, LLC 3, 5, 7, and 9 South Shore Road **WITHDRAWN**

This matter has been removed at the Applicant's request

VI. NEW BUSINESS

2026-0038 Amos B. Hostetter, Jr., Stephen W. Kidder and Michael J. Puzo, as Trustees of A & B Realty Trust 55 Baxter Road Reade

Action Deadline September 19, 2026

The Applicant requests relief by Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-33A(1)(b) to alter the pre-existing, nonconforming single-family dwelling upon locus by constructing additions which will not lie within the setback areas. The applicant also proposes to place a new foundation under the dwelling, which will not increase the height of the structure above grade. Locus is situated at 55 Baxter Road and shown on Assessor's Map 49 as Parcel 18. Evidence of owner's title is recorded in Book 1148, Page 288 with the Nantucket County Registry of Deeds. The site is zoned Sconset Residential 20 (SR-20).

Voting:	McCarthy, Brescher, Botticelli, Allen, Constable
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Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Whitney Gifford
Discussion:	The property is located on the erosion-prone side of Baxter Road and is a pre-existing nonconforming structure because it does not meet the required 30-foot front setback. A 1998 variance permits the reduced setback, with the closest points being 17 feet 11 inches at the stoop and 20 feet at the front porch. The proposal would raise the house without increasing its height above grade and enclose existing side porches to create additional living space. The enclosed areas would remain within the existing building footprint, would not encroach further into any setbacks or increase the existing nonconformity, and would result in only a minor increase in ground cover that remains compliant with zoning requirements. The applicant contends that the project is substantially the same as the existing condition and will not create additional impacts on the neighborhood, and the related application has already been approved by the HDC. Board member Botticelli asked why, if the house was already being lifted to install a new foundation, the applicant was not proposing to move it farther from the bluff. Attorney Gifford responded that the bluff is currently stable, the bluff walk lies beyond it, and the property is already a pre-existing nonconforming structure. He noted that any erosion risk would come from the bluff side, but the applicant was comfortable with the house's current location and may have had design reasons for not relocating it. Board member Brescher commented that if the applicant later decides to move the house slightly closer to the road and farther from the bluff during construction, the board would likely be receptive to a modification request.
Motion:	- Motion to approve the relief by Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-30 and 139 33A(1)(b) to alter the pre-existing, nonconforming single family dwelling upon the locus. Subject to the following conditions: 1) The proposed alteration shall be in substantial compliance with the Proposed Conditions Plan shown upon "Exhibit A". 2) The project shall be completed in substantial conformity with the plans approved in connection with Certificate of Appropriateness No. HDC2026-04-14433. 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. (Made by: Botticelli) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Brescher, Botticelli, Allen, Constable (Aye)

2026-0039 Stanley Fawn LLC 13 Fawn Lane Gasbarro

John Brescher- Recused

Action Deadline August 19, 2026

The Applicant requests relief by Variance pursuant to Nantucket Zoning Bylaw Section 139-32. A to install a Residential Recreational Outdoor Water Feature (Large swimming pool) with a surface area of approximately 160 square feet. Locus is situated at 13 Fawn Lane and shown on Assessor's Map 68 as Parcel 976 and as Lot 30 on Land Court Plan 32880-G. Evidence of Owner's title is registered as Certificate of Title No. 30187 at the Nantucket Registry District of Land Court. The site is zoned Residential 5 (R-5).

Voting:	McCarthy, Botticelli, Allen, Constable, Mondani; Brescher Recused
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Arthur Gasbarro/ Whitney Gifford
Discussion:	Gasbarro on behalf of Stanley Fawn LLC for 13 Fawn Lane is seeking a variance to install a 10' × 16' (160 sq. ft.) swimming pool on a 6,500 sq. ft. R-5 lot, which is smaller than the 7,500 sq. ft. minimum lot size normally required for a pool. The applicant argued that the pool would be consistent with the neighborhood, noting that nearby properties have larger pools occupying a greater percentage of their lots, and emphasized the financial hardship created by relying on a prior HDC approval before purchasing and shipping a custom fiberglass pool shell. While several Board members agreed the pool would not harm neighborhood character, many questioned whether the request met the legal variance standard, expressing concern that the hardship resulted from planning and professional errors rather than unique physical conditions of the property. Members also discussed the precedent that approval could set for other undersized lots in the district. Others found the financial hardship and unusual circumstances compelling. Rather than approving or denying the request, the Board voted to continue the hearing to July 9, 2026, so

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	the applicant could provide additional information and legal support regarding hardship and precedent.
Motion:	Motion to continue through July 09, 2026 (Made by: Botticelli) (Seconded by: Constable)
Vote:	Carried 5-0// McCarthy, Botticelli, Allen, Constable, Mondani (Aye); Brescher Recused

2026-0040 11 Jonathan Way LLC & Barry J. Ang and Nicholas David Setterberg 11 & 12 Jonathan Way Reade

Continued to July 09, 2026

Action Deadline September 19, 2026

The Applicant requests relief by Special Permit pursuant to Nantucket Zoning Bylaw Sections 139-33A(3) to make a net-zero change to the lot lines of two pre-existing, non-conforming lots in order to install a septic system. In the alternative, to the extent where applicable and necessary, the applicant seeks relief by Variance from the regulatory factor pursuant to Nantucket Zoning Bylaw Sections 139-32 and 139-16D(1). The locus is situated at 11 & 12 Jonathan Way and is shown on Assessor's Map 75 as Parcel 42 & 43 and on Land Court Plan 5004-24.

Evidence of owner's title is registered as Certificate of Title No. 29841 & 29688. The site is zoned Limited Use General-3 (LUG-3).

Voting:	McCarthy, Botticelli, Allen, Constable, Mondani
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Arthur Reade
Discussion:	Madam Chair McCarthy accepted the request to continue to July 09, 2026
Motion:	Motion to continue through July 09, 2026 (Made by: Elisa) (Seconded by: Mondani)
Vote:	Carried 5-0// McCarthy, Botticelli, Allen, Constable, Mondani (Aye)

VII. OTHER (VOTES MAY BE TAKEN)

- The next regular meeting is Thursday, July 09, 2026, at 1:00 pm.
- Madam Chair made a reminder to use professional office emails in regard to fraudulent emails that have been circulating.

VIII. ADJOURNMENT

Motion:	Motion to adjourn at 2:03 PM (Made by: Mondani) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Botticelli, Allen, Mondani, Constable (Aye)

Submitted by: Triston Brown

YouTube Link: [Nantucket Zoning Board of Appeals - June 11, 2026](#)