



# TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Agenda  
(Subject to Change)

Thursday, January 14, 2016

**1:00 PM**

4 Fairgrounds Road

Public Safety Facility – Community Room

➤ **CALL TO ORDER:**

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➤ **APPROVAL OF THE AGENDA:**

➤ **APPROVAL OF THE MINUTES:**

- December 10, 2015

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➤ **OLD BUSINESS:**

- 32-15 Paul S. Jensen, as Trustee of 23 Sankaty Road Realty Trust Jensen  
Action deadline February 12, 2016 23 Sankaty Road
- 34-15 NHA Properties, Inc., *d/b/a* Housing Nantucket School View Cottages  
WITHDRAWAL WITHOUT PREJUDICE 7 Surfside Road Kuszpa/Mervis

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➤ **NEW BUSINESS:**

- 01-16 Anne N. Apgar & Mahlon Apgar, Trustees of 22 Broadway Trust Jensen  
Action deadline April 13, 2016 22 Broadway  
Applicant is requesting Special Permit relief pursuant to Zoning Bylaw Section 139-33.A(1) to allow the alteration of the pre-existing nonconforming dwelling by adding a second story dormer and window within the setback area. The Locus, having double frontage on Center Street and Broadway, is nonconforming as to lot size and frontage and the dwelling is non-conforming with respect to all setbacks. The proposed alteration will result in an upward extension of the pre-existing nonconforming southerly side yard setback. The Locus, an undersized lot situated at 22 Broadway, is shown on Assessor's Map 73.1.3 Parcel 117.

**Posted with Town Clerk on January 8, 2016  
Posting # 17**

Evidence of owner's title is recorded at Book 1503, Page 116 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

- 02-16 Daniel G. Counihan 11 Swain Street Jensen  
Action deadline April 13, 2016  
Applicant is requesting Special Permit relief pursuant to Zoning By-law Section 139-33.A(1) to allow the alteration of a pre-existing nonconforming dwelling by relocating the building eleven (11) feet closer to the front yard lot line, placing the building on a new higher foundation, and building a small addition to the northwest corner of the dwelling. The dwelling, as so altered, will not increase the pre-existing nonconformities. In addition, a pre-existing nonconforming shed which is currently sited over the westerly lot line will be removed, thus eliminating said nonconformity. The Locus is nonconforming as to lot size and frontage and the dwelling is non-conforming with respect to side yard setbacks. The Locus, an undersized lot of record created pursuant to M.G.L. Chapter 41 Section 81L, is situated at 11 Swain Street (portion), is shown on Assessor's Map 42.4.1 as Parcel 77 (portion), and as Lot A on Plan No. 2015-90. Evidence of owner's title is recorded at Book 1186, Page 296 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).
  
- 03-16 Brandt C. Gould & Gabrielle M. Gould 15 Margaret's Way Cohen  
Action deadline April 13, 2016  
Applicant is requesting Special Permit relief pursuant Zoning Bylaw Section 139-16.C(2) to validate an unintentional westerly side yard setback intrusion. The siting of a pool and associated equipment, installed in 2015, was reasonably based on a licensed survey. The pool is sited as close as 18.4 feet from the side yard lot line and the pool equipment as close as 17.7 feet, where a twenty (20) foot setback is required. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusions. A thirty-four (34) square foot shed, currently sited within the southerly rear yard setback, will be moved out of the twenty (20) foot required setback. The Locus is situated at 15 Margaret's Way, is shown on Assessor's Map 20 as Parcel 64, and as Lot 86 upon Land Court Plan No. 6283-8. Evidence of owner's title is registered at Certificate of Title 21420 on file at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).
  
- 04-16 Donald J. Mackinnon, Trustee of Nantucket 106 Surfside Realty Trust – a/k/a SURFSIDE  
COMMONS 40B 106 Surfside Road Mackinnon  
Close of Public Hearing deadline July 6, 2016 (180 days from Initial Public Hearing)  
Decision Action deadline August 17, 2016 (40 days from close of Public Hearing)  
The Applicant is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B, as approved by Massachusetts Housing Partnership, in order to allow a multi-family project consisting of 56 rental apartments with fourteen (14) to be designated as affordable units. The apartments will be arranged in two 2 ½ story buildings with thirteen units each and two 3 ½ story buildings with fifteen (15) units each. There will be a total of two 1-bedroom units, forty two 2-bedroom units, and twelve 3-bedroom units. The project will also include a clubhouse and pool. If approved, the property will be permanently deed-restricted for the purpose of providing affordable year-round housing. The file with a copy of the complete list of requested waivers is available 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 or via link to posting on Town of Nantucket website below:  
<http://www.nantucket-ma.gov/DocumentCenter/Home/View/10990>  
The Locus, situated at 106 Surfside Road, is shown on Assessor's Map 67 as Parcel 80. Locus is also shown as Block 22 on Plan File 3-D and as Parcels 7 -11 (inclusive) on Plan No. 2014-52. Evidence of owner's title is recorded in Book 1410, Page 205 and Book 1488 Page 213, both on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 2 (LUG-2) and Limited Use General 3 (LUG-3).

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➤ **ADJOURNMENT.**