

ZONING BOARD OF APPEALS

JANUARY 14, 2016

PACKET

PART I

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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:**

➤ **APPROVAL OF THE AGENDA:**

➤ **APPROVAL OF THE MINUTES:**

Pages 4 - 8

- December 10, 2015

➤ **OLD BUSINESS:**

Pages 10 - 29

- 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

➤ **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.

Pages 33 - 44

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

Pages 45 - 59

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

Pages 60 - 79

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).

END OF PACKET
PART I

- 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)

SEE PACKET
PART II

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).

➤ ADJOURNMENT.



ZONING BOARD OF APPEALS

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

Commissioners: Ed Toole (Chair), Lisa Botticelli (Vice chair), Susan McCarthy (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Jeff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, December 10, 2015

Public Safety Facility, 4 Fairgrounds Road, Community Room –1:00 p.m.

Called to order at 1:06 p.m.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members: Toole, Botticelli, McCarthy, O'Mara, Koseatac, Poor, Mondani
Absent: Thayer
Late Arrivals: None
Early Departures: O'Mara,

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. November 12, 2015: **Motion to Approve.** (made by: Botticelli) (seconded by: O'Mara) Carried unanimously

II. OLD BUSINESS

1.	31-15	Anjonc Real Estate 13 Company, LLP <i>et al</i>	1 Kite Hill Lane	Brescher
	Sitting	Toole, Botticelli, McCarthy, O'Mara, Koseatac		
	Documentation	File with associated plans, photos and required documentation		
	Representing	John Brescher , Glidden & Glidden – Reviewed the request and discussion of the last hearing. Rather than lifting the structure to build a new foundation, his client has chosen to go with the underpinning method. There will be no change in height or ground cover. Frank Daily, Builder Steve Goan , Structural Engineer – Contends Mr. Stover is practicing outside his field. Underpinning in 3-foot sections does not cause negative effects on adjacent properties. Explained the procedure for doing underpinning. Stated that the lined area will be monitored and protected. The closest structure is 12 feet away though properties are closer. Luke Thornewill , Thornewill Design – The Building Department will determine the proper means of basement egress.		
Public		Arthur Reade , Reade, Gullicksen, Hanley, & Gifford LLP, Benjamin and Linda McGrath, 12 Cliff Road & David and Anna Dillard, 86 Centre Street – His clients are still strongly opposed to this project. The report from Mr. Stover, he points out that soil testing needs to be done to ensure it will provide adequate lateral support and there is no apparent input from a geo-technical engineer; one should be specifically devoted to this project. His clients consider this project to be an intensification that will have an adverse affect on the neighborhood. The reduction of bedrooms by one doesn't impact that intensification of use. The basement egress will be an exit staircase on the rear of the building though there was talk the egress would be a window well. His clients believe this is a dangerous and bad situation for the neighborhood and that the applicant has not met the statutory bylaws in regards to proving this work will not have a substantially detrimental effect on the neighborhood. Linda McGrath – Read into the record a letter of objection, which concurs with much Mr. Reade stated, also submitted visuals (photographs) into the record.		
Discussion (1:07)		Toole – Noted a letter received today from John Stover and suggested the board members take time to read it. The new methodology and engineer plan showing details of the underpinning method are included in the packet. O'Mara – Saw a letter from the builder stating they would not use public land for parking; that should be included in the decision. Koseatac – Asked under what situations would a geo-technical engineer be required. Goan – Commercial construction only. O'Mara – Asked if there is any reason not to do a soil test. Daily – Nothing more than time and money. Soil testing would create vibration; something to be avoided. Koseatac – Asked what if he is wrong. Goan – That is why they went to the underpinning; if issues arise, you stop and shore up. Reviewed the method of doing underpinning. The existing foundation is a concrete block wall. Brescher – He has been trying to take into account the concerns of the board and the neighbors. Noted it is not the ZBA's purview to regulate the number of bedrooms.		

Toole – A major objection was the egress window well and its being unsafe; he doesn't see that is an issue with the presence of the door.

Review of the site plan and location of existing and proposed window wells and the door egress.

Toole – We need to focus back on the project. Asked if there is any reason for not going up.

Brescher – That would be the same issue. If the structure were demolished and rebuilt conforming, there would be nothing preventing the addition of bedrooms.

O'Mara – He understands the concern of preventing damage to abutting properties; that is part of ZBA's job. He is comfortable with the details outlined for construction.

Toole – A vote would be made contingent on a set plans stamped "for construction." Reviewed highlights of the letter detailing the methodology of doing the underpinning work for a new foundation.

Botticelli – Should include that any expansion on the property would have to come back to the ZBA.

Discussion on the motion.

Motion **Motion to Grant the relief with the incorporation of the provided method of construction; general contractor to provide his cell phone; limited to one bedroom; no further expansion without consent of the board.** (made by: McCarthy) (seconded by: O'Mara)

Vote Carried 4-1//Koseatac opposed

2. 32-15 Paul S. Jensen, as Trustee of 23 Sankaty Road Realty Trust 23 Sankaty Road Jensen

CONTINUED to January 14, 2016

3. 34-15 NHA Properties, Inc., d/b/a Housing Nantucket School View Cottages 7 Surfside Road Kuszpa/Mervis

Sitting Toole, Botticelli, McCarthy, O'Mara, Koseatac

Documentation File with associated plans, photos and required documentation

Representing **Roger Mervis**, Attorney for Housing Nantucket – Reviewed the affordable housing project. Have been working to incorporate many suggestions from the board and abutters; these are noted in the packet and require additional financing. NHA is working on getting a commitment to borrow \$500,000 from Nantucket Bank. Looking for this board to allow Mr. Marchant and Ms Antonietti to work with NHA to put the Comprehensive Permit into final form.

Public **Anne Kuszpa**, Housing Nantucket Executive Director – The verbal agreement is for up to \$500,000; hoping to do less. Cliff Williams

Becky Ryder, 11 Surfside Road

Sally Ann Austin, 19 Surfside Rd

Discussion (2:03) **Mervis** – His intent is to get the *pro forma* shored up and complete before the next ZBA meeting.

O'Mara – Asked if all four building have been identified. Asked the new-construction cost estimate.

Ed Marchant, 40B Advisor to the ZBA phone in – It would be good to get a realistic *pro forma*; he questions whether or not the bank would make a loan under the \$440,000 ratio much less \$500,000. It makes sense but might not be realistic. We don't know if the full \$500,000 is necessary. There should be a contingency. There is a small margin in which to increase the rent and stay within the 80% & 100% window. We want to ensure the funding is sufficient so that the project can be sustained.

Kuszpa – The only two choices would be either to reduce expenses or to increase rent. We have a large landscaping plan in place.

Marchant – You might have to make a request for CPC funds. There are a lot of requirements for 40B projects; you have to get final approval at the DHCD part of which is explaining any changes made since the letter of eligibility was submitted. Will also have to submit an updated *pro forma* and a fair-market eligibility plan. The regulatory agreement is a critical control document spelling out the occupancy requirements.

Kuszpa – She has received and is reviewing the DHCD letter.

O'Mara – Clarified that it is incumbent upon the ZBA to ensure the project is economical.

Marchant – It has changed so that the ZBA doesn't get into the financial aspect of a project. However, with this and Sachem's Path, we understand the housing agency has final say but the Town is making a significant investment in these two projects, therefore the ZBA's involvement.

Toole – Originally asking for a waiver from the sewer fee; that's not in the draft. Making sure this project is realistic as possible, asked if that number has been plugged back into the *pro forma*.

Kuszpa – She doesn't think so.

Antonietti – The ZBA can grant that waiver.

Toole – The ZBA didn't do that for Sachem's Path and he's not sure it should be done here. The sewer fees should be added back into the *pro forma*. Suggested NHA lobby the Selectmen for that then bring a letter to the ZBA. Other items that jumped out include: in the \$37,000 operating budget \$7,000 for maintenance and additionally there is \$2,000 safety fund for emergency repairs.

Marchant – The cash flow generated should be allocated toward the reserve.

Toole – Noted the real estate taxes are not included in the *pro forma*.

Mervis – The intention is to talk to the assessor to establish that number then plug it in.

Discussion about what needs to be done to make the *pro forma* as accurate as possible.

Discussion continued

Kuszpa – No: explained the situation and out-standing permits for each structure. The estimate is in the *pro forma* though not a separate line item.

Toole - Ed Pesce had several comments but there hasn't been time to respond to them.

Kuszpa – Most of his comments were connected to the landscaping plan; explained how those concerns were addressed.

Mervis – Confirmed Mr. Pesce's concerns have been addressed.

Toole – We talked about site engineering.

Marchant – The trash barrel holders should be interior. The architectural plans should be fine. The out-lying vegetation, suggests that be pulled out. He will discuss a few more items with Mr. Toole.

Toole – Code requirements were included in Mr. Marchant's notes; he doesn't see a need to call those out.

Marchant – Nr. 7 is the waiver, the language will have to be more specific. No construction can occur until final approval; hopefully that will be granted before the need to move the house. Spoke to Mr. Vorce about monitoring; the DHCD will be monitoring the eligibility of the residents; he needs to check to see how they do that. He will then discuss that with Anne and Roger and report back to the board.

Toole – No occupancy of the units until they are all finished.

O'Mara – Asked who would be overseeing the construction of the project. Normally there would be an owner's agent.

Kuszpa – They have a general contractor who will oversee the work but not an owner's agent.

Marchant – The construction has to be monitored; if the general contractor has the expertise, that's okay. It's not uncommon for owners to have a 3rd party do the inspection. The architect can be the monitor.

Consensus is that having a qualified person as an owner's agent is wise and will pay for itself. Leaving it as a recommendation at this point.

Toole – He thought the board talked about no dogs on this tiny site.

Mervis – They have a pet policy in place. Made a point that if any tenant is disabled and requires a service pet; a no pets policy creates legal challenges.

Discussion about what the pet policy might be and whether or not it should be no pets or a limited number.

Consensus is for a no-pets policy with dispensation for service dogs.

Williams – He has seen the existing structure that was moved and has been more than 90%; asked if it is now considered new construction and does it have to meet the building code.

Toole – Building Code is not ZBA purview. Asked if Mr. Williams has any objections to what is going on with that building. This is not really a ZBA point.

Williams – He's trying to get clarity. He drove by and saw a 2X4 building.

McCarthy – If they had a "clerk of the works" that might not have happened.

Ryder – Clarified the no-pet policy, the fence, and the basements. Contends that the steel plates put into the ground for the basements severed the roots her Leyland Cyprus trees. Wants to know when the fence is going in so she knows when to take the dying trees down.

Discussion about the fence, its design and where it will run and whether or not there should be more or less.

Toole – The fence can be included in the final draft. Suggested Ms Kuszpa research mitigating the cost.

Austin – Stated that on Thanksgiving Day, a worker was pounding nails at 6:30 a.m.

Kuszpa – She did get a call; she called the GC, who contacted the person and he stopped working. There was mis-communication but the GC will ensure the workers don't work holidays and Sundays.

Ryder – Asked when the project is supposed to be complete. She received a notice it would be done in 2017.

O'Mara – That's not in the *pro forma* and it should be.

Austin – Noted that she has a daughter with a good job who couldn't afford the rent; so upping the rent to cover the loan makes no sense; people start subletting to pay the rent.

Toole – The way to meet expenses is either cut the expenses or raise the rent. Noted that every time a neighbor asks for additional landscaping, that ups the expense.

Austin – Still don't know what the end product will look like.

Toole – There are photos and drawings of the structures. This is starting to take shape. Ms Antonietti has all the information.

Austin – They were working Sunday morning November 29th.

Kuszpa – Will ensure the contractor knows no work is permitted on Sundays and holidays.

Motion to continued for January 14, 2016. (made by: O'Mara) (seconded by: McCarthy)

Carried unanimously

Motion
Vote

III. NEW BUSINESS

1. 41-15 42 Union Street, LLC 11 Fayette Street Alger
Applicant is seeking relief by Special Permit pursuant to Zoning By-law Sections 139-30 and 139-33(A) to alter and expand a pre-existing nonconforming structure upon a pre-existing nonconforming lot. Specifically, applicant proposes to relocate and renovate the pre-existing nonconforming structure, to convert it from a workshop to a conforming residential use, to construct an addition, and to create a conforming on-site parking space. The alterations will result in the dwelling becoming conforming as to northeast side and front yard setbacks, as well as being conforming as to use, ground cover, height, and parking. The structure will become less nonconforming as to southwest side and rear yard setbacks. The Locus is situated at 11 Fayette Street, is shown on Assessor's Map 42.3.2 Parcel 28.2, and as Lot D on Plan No. 2014-28. Evidence of owner's title is recorded at Book 1417, Page 7 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).
- Sitting Toole, Botticelli, O'Mara, Koseatac, Mondani
Documentation File with associated plans, photos and required documentation
Representing **Sarah Alger**, Sarah F. Alger P.C. – Presented the project, reuse of the historic garage per HDC approval.
Public NONE
Discussion (3:53) **Toole** – His question is why can't it all shift 1.5 feet.
Alger – Will not get the 5 feet on the west.
Botticelli – Has no issues.
Antonietti – There has been no abutter comment on this project.
Motion **Motion to Approve the relief as requested.** (made by: Botticelli) (seconded by: Koseatac)
Vote Carried unanimously
2. 42-15 Karen D. Ward 50 Appleton Road Swain
Applicant is seeking relief by Special Permit pursuant to Zoning By-law Sections 139-30 and 139-16.C (1) and (2) to reduce the ten (10) foot side yard setback requirement and to validate the unintentional northerly side yard setback intrusion of the primary dwelling. The Locus is situated at 50 Appleton Road, is shown on Assessor's Map 66 as Parcel 51, and as Lot B on Plan Book 21, Page 11. Evidence of owner's title is recorded at Book 594, Page 167 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20).
- Sitting Toole, McCarthy, Koseatac, Poor, Mondani
Documentation File with associated plans, photos and required documentation
Representing **Bryan Swain** – Reviewed the request and explained the situation.
Public
Discussion (4:02) **Toole** – Ms Antonietti did extensive research and found there was an application to cut back the building to make it compliant and that was never done. Read the application: to remove 1 foot of the house.
Swain – Cutting the house would be a financial burden and that is why we are seeking this relief.
Poor – Permit 559-11 never received a CO. The question is do we bless the encroachment or reduce the setback.
Toole – There were letters of neighbor opposition.
Motion **Motion to Grant as requested but no further intrusion into that setback.** (made by: Poor) (seconded by: McCarthy)
Vote Carried unanimously
3. 43-15 Robert J. Gendron, Trustee of 23 Federal Street Realty Trust 23 Federal Street Cohen
Applicant is requesting modification and clarification of prior relief and additional Special Permit relief pursuant to Zoning Bylaw Sections 139-33(A) and 139-17.C(5), in order to alter and extend a pre-existing non-conforming mixed-use structure. The proposed alterations consist of a small dimensionally compliant addition which will not change the footprint of the structure, the addition of dormers on the top level, and an increase in height to improve the upper floor apartment. Applicant is requesting approval to exceed the maximum allowable height of thirty (30) feet in order to allow a height of approximately thirty-four (34) feet pursuant to Section 139-17.C(5). The Locus is situated at 23 Federal Street, is shown on Assessor's Map 42.3.1 as Parcel 9.3, and as Lot 34 on Plan Book 21, Page 31. Evidence of owner's title is recorded at Book 1498, Page 271 on file.
- Sitting Toole, McCarthy, Koseatac, Poor, Mondani
Documentation File with associated plans, photos and required documentation
Representing **Stephen Cohen**, Cohen & Cohen LP – Reviewed the request. Clarified that the parking restrictions no longer apply. There would be no negative impact to the abutters as all the abutters are commercial entities. Stated he is actually asking for a waiver up to 35 feet.
Public None
Discussion (4:11) Review of the reasons for the height increase and height of surrounding structures.
Toole – 14 Easy Street was permitted 35 feet as they are in the flood plain.
Toole – Asked when the work is supposed to start.
Cohen – Okay with stating no exterior work related to raising the roof until the fall.
Discussion about permitting this with construction restrictions.
Motion **Motion to Grant the relief as requested contingent upon HDC COA referencing over all height of building; no work will commence on the roofing structure until October 2016.** (made by: Poor) (seconded by: McCarthy)
Vote Carried 4-1//Koseatac opposed

IV. OTHER BUSINESS

1. None

V. ADJOURNMENT

Motion to Adjourn: 4:32 p.m.

Submitted by:
Terry L. Norton

PROPOSED

OLD

BUSINESS

Paul S. Jensen, as Trustee
23 Sankaty Road Realty Tr.

23 Sankaty Rd.

FILE NO. 32-15



Zoning Board of Appeals
SEP 08 2015
RECEIVED

PAID PAID
SEP 08 2015
450-
BY: CK# 2608

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

RECEIVED
2015 SEP 28 PM 2 37
NANTUCKET TOWN CLERK

APPLICATION

Fee: \$450.00

File No. 32-15

Owner's name(s): Paul S. Jensen, Trustee of 23 Sankaty Road Realty Trust

Mailing address: c/o Cohen & Cohen, PO Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337 E-Mail: paul@cohenlegal.net

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 23 Sankaty Rd (Lot 2) Assessor's Map/Parcel: 7314/3 (portion)

Land Court Plan/Plan Book & Page/Plan File No.: Plan No 2015-10

Deed Reference/Certificate of Title: 1460/273 Zoning District SR-10

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

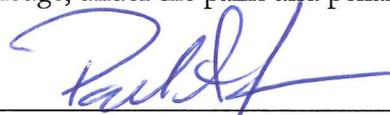
Date of Structure(s): all pre-date 7/72 yes or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: None

State below or attach a separate addendum of specific special permits or variance relief applying for:

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:  Paul J. Jensen Owner*

Trustee of 23 Sankaty Road Real Estate Trust

SIGNATURE: _____ Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: ___/___/___ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: ___/___/___ Planning Board: ___/___/___ Building Dept.: ___/___/___ By: _____
Fee deposited with Town Treasurer: ___/___/___ By: _____ Waiver requested: _____
Granted: / / Hearing notice posted with Town Clerk: ___/___/___ Mailed: / / ___
I&M / / & / / Hearing(s) held on: / / Opened on : / / ___
Continued to: / / Withdrawn: / / Decision Due By: / / ___
Made: / / Filed w/Town Clerk: / / Mailed: / / ___

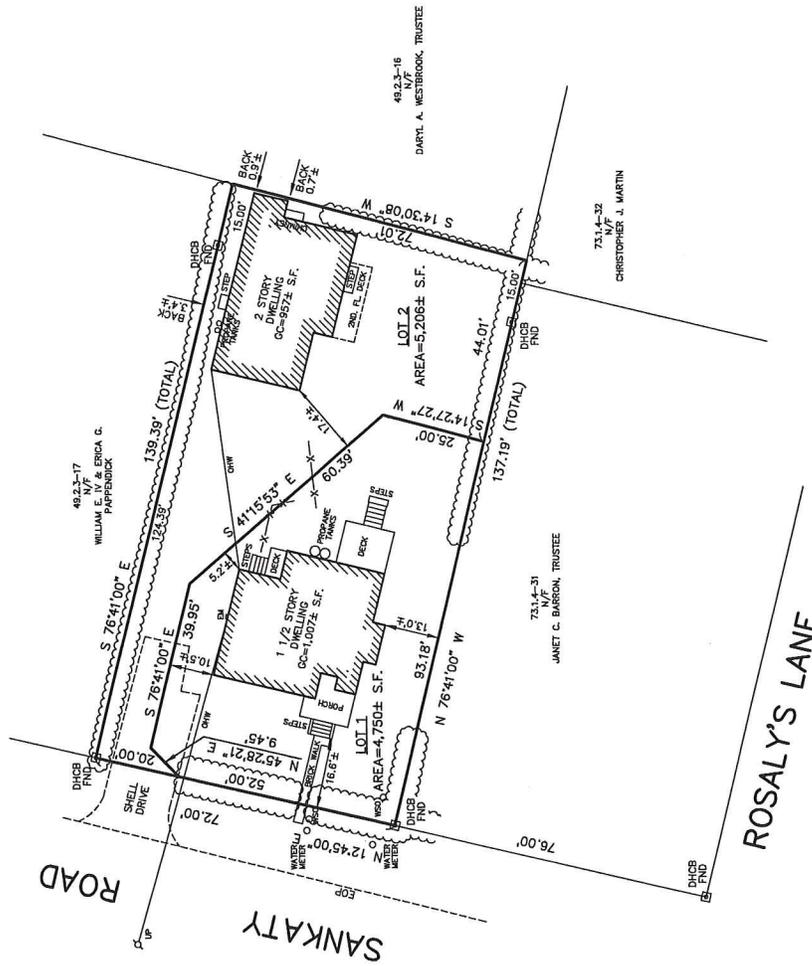
**Addendum to Special Permit/Variance Application of Paul S. Jensen, Trustee
To allow the demolition and rebuilding of house at 23 Sankaty Road (Lot 2)**

The Premises (Lot 2, Plan No. 2015-10) is one of two undersized non-conforming lots created pursuant to MGL c. 41 §81L and Zoning Bylaw §133-33(A)(3), which is improved with a dwelling that is non-conforming as to side/rear setback. The Applicant wants to demolish this existing non-conforming dwelling and construct a new dwelling that conforms to the setback requirements. The Applicant owns the adjacent undersized non-conforming lot (Lot 1, Plan No. 2015-10), and controls the adjacent undersized nonconforming property known as 1 Rosaly Lane (Lot 1, LCPL 13499-B). The Applicant is seeking Special Permit relief under Zoning Bylaw §139-33(A), Variance relief under Zoning Bylaw §133-34 and/or a determination that relief under the Zoning Bylaw is unnecessary to maintain the separate buildability of Premises after the demolition of existing dwelling and before the construction of the new dwelling.

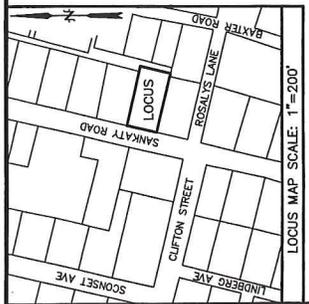
NANTUCKET REGISTRY OF DEEDS
 Date 3/16/2015
 Time 11:52 AM
 Plan Bk. PC
 Plan File 2015-10
 Atty: Erin Jensen
 Register
 Sheet 1 of 1
 RESERVED FOR REGISTRY USE ONLY

29 15 180636016
 Bk: 29 15 180636016
 Dec: PLAN 03/16/2015 11:55 AM

MERIDIAN: P.L. Bk. 2, Pg. 52



ROSALY'S LANE



LOCUS MAP SCALE: 1"=200'
 REFERENCES:
 OWNER: PAUL S. JENSEN, TRUSTEE
 23 SANKATY ROAD REALTY TRUST
 DEED REFERENCE: DEED BOOK 1460, PAGE 273
 SEE AGREEMENT: DEED BOOK 104, PAGE 228
 PLAN REFERENCE: PLAN BOOK 2, PAGE 52
 ASSESSORS REF.: MAP: 73.1.4 PARCEL: 3

ZONING CLASSIFICATION
 DISTRICT: SR-10
 MINIMUM LOT SIZE = 10,000 S.F.
 MINIMUM FRONTAGE = 75'
 FRONTYARD SETBACK = 15'
 SIDE AND REAR SETBACK = 5'
 MAXIMUM GROUND COVER RATIO = 25%
 PROPOSED GROUND COVER RATIO = 21.22% (LOT 1)
 PROPOSED GROUND COVER RATIO = 18.42% (LOT 2)

- LEGEND:
- CONC. CONCRETE
 - Dd. Bk. DEED BOOK
 - DHCB DRILL HOLE/CONCRETE BOUND
 - X- PICKET FENCE
 - GC GROUND COVER
 - N/F NOW OR FORMERLY
 - Pg. PAGE
 - Pl. Bk. PLAN BOOK
 - S.F. SQUARE FEET
 - WM WATER METER
 - WSO WATER SHUTOFF

PLAN OF LAND
 #23 SANKATY ROAD
 IN
 NANTUCKET, MASSACHUSETTS

SCALE: 1"=20' DATE: MARCH 2, 2015
 PREPARED FOR:
 PAUL S. JENSEN, TRUSTEE

NANTUCKET SURVEYORS, LLC
 5 WINDY WAY
 NANTUCKET, MA 02554
 (508) 228-0240

GRAPHIC SCALE
 1"=20'



- NOTES:
1. STRUCTURES PREDATE ZONING JULY 27, 1972. (BUILDINGS STANDING PRIOR TO 1955).
 2. LOT 1 AND LOT 2 CREATED PURSUANT TO CHAPTER 41 SECTION 81L.
 3. THE PREMISES SHOWN ON THIS PLAN ARE NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON THE "FIRM" MAP NO. 25019C0114G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 4. TOTAL AREA = 9,956± S.F.
 5. THE PLANNING BOARD DETERMINES THAT:
 - LOT(S) 1 AND 2 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND FEDERAL LAWS.
 - NO SPECIAL PERMITS OR APPLICATIONS TO THE CONSERVATION COMMISSION.

"I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."
Erin Jensen
 PROFESSIONAL LAND SURVEYOR
 DATE 3/16/15



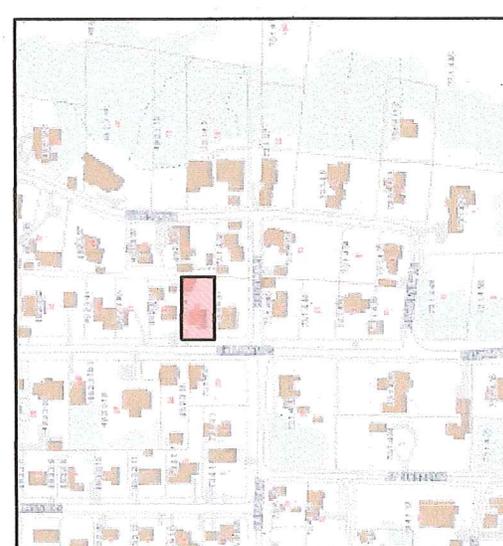
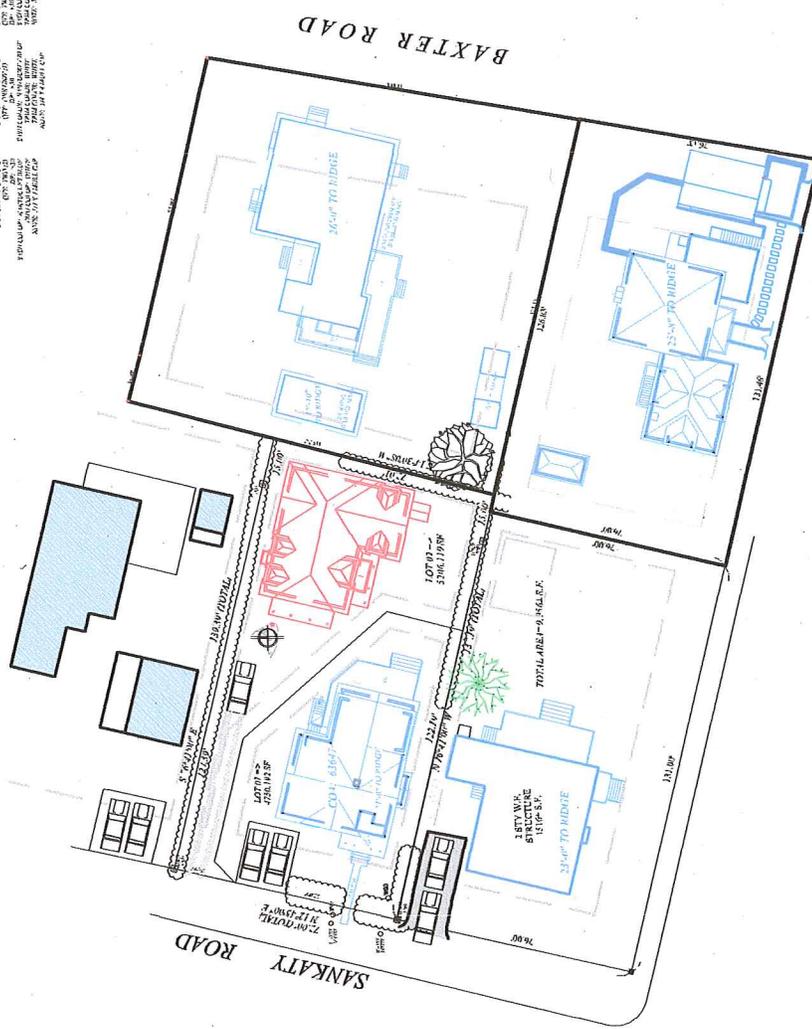
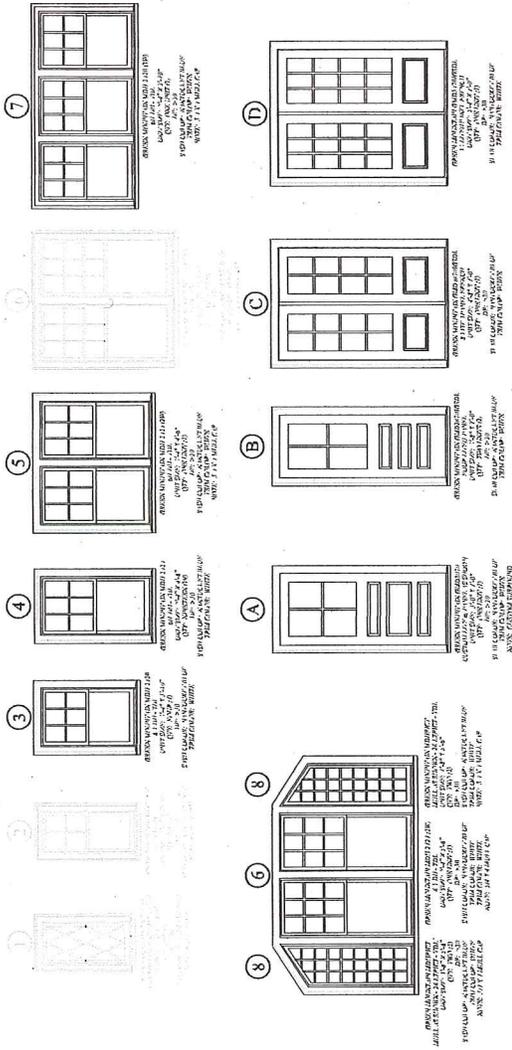
PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.
 NANTUCKET PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

BARRETT DIRECTOR
 LINDA WILLIAMS CHAIRMAN
 NATHANIEL LOWELL

JOHN McLAUGHLIN
 JOSEPH MARCOLINGER
 DATE APPROVED 03-09-15
 DATE SIGNED 03-09-15
 FILE NO. 7805

23 SANKATY ROAD R.T.
 23A SANKATY ROAD
 PROPOSED DWELLING

SCALE: 1" = 60'-0"

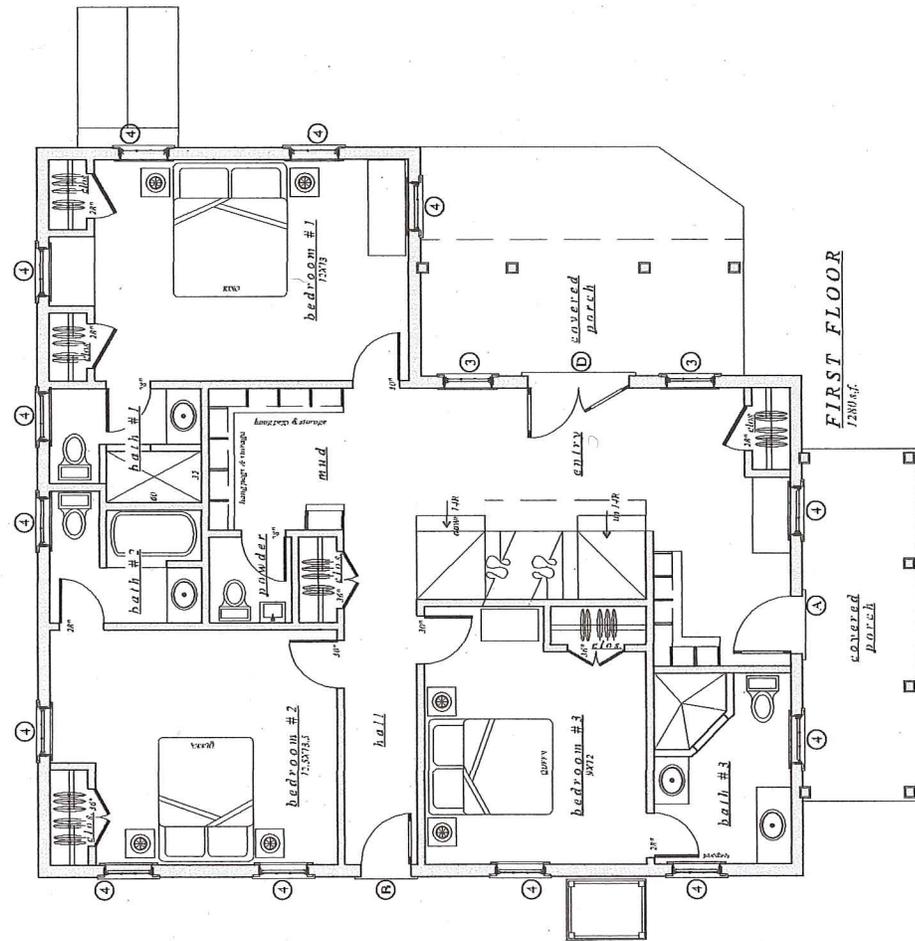
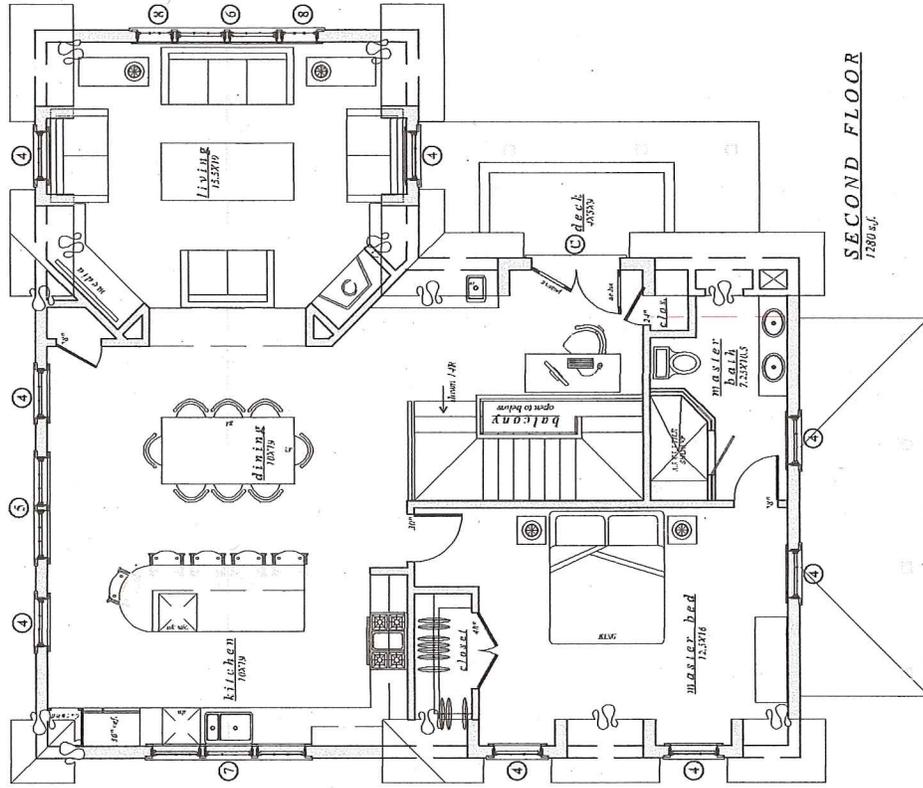


MEERBERGEN DESIGNS
 PO BOX 673
 NANTUCKET, MA 02554
 508.228.1388

3rd revision
 082815

23 SANKATY ROAD R.T.
23A SANKATY ROAD
PROPOSED DWELLING

SCALE: 1" = 10'-0"

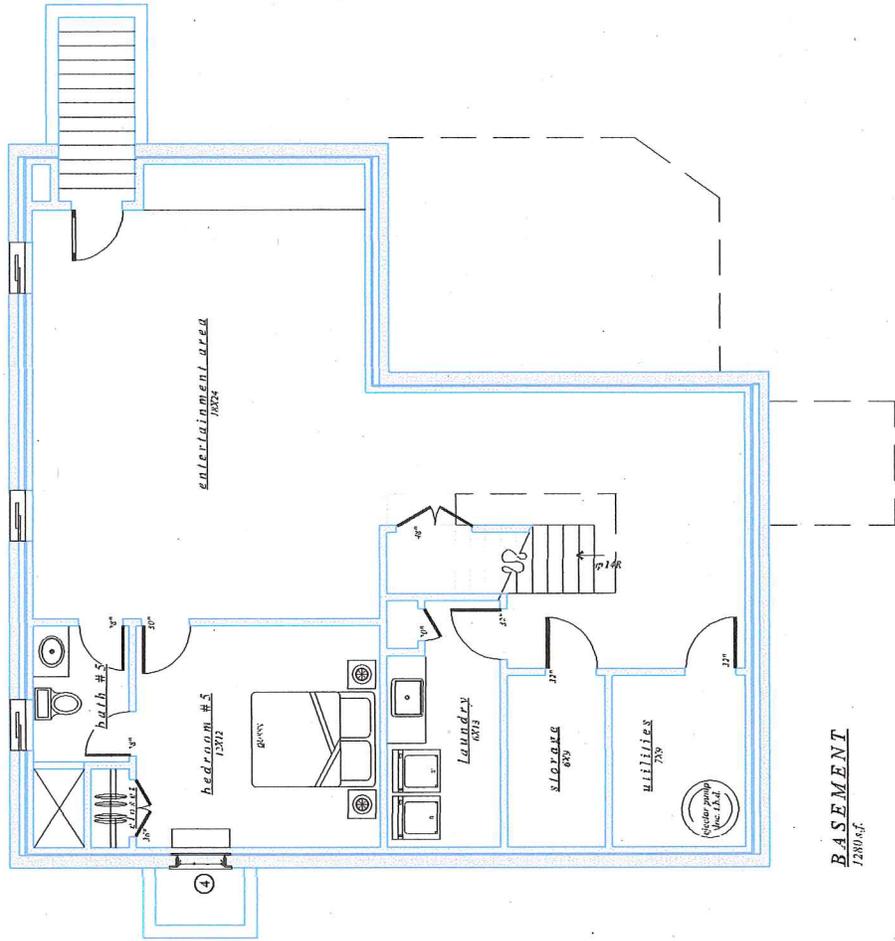


MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

23 SANKATY ROAD R.T.
23A SANKATY ROAD
PROPOSED DWELLING

SCALE: 1" = 10'-0"

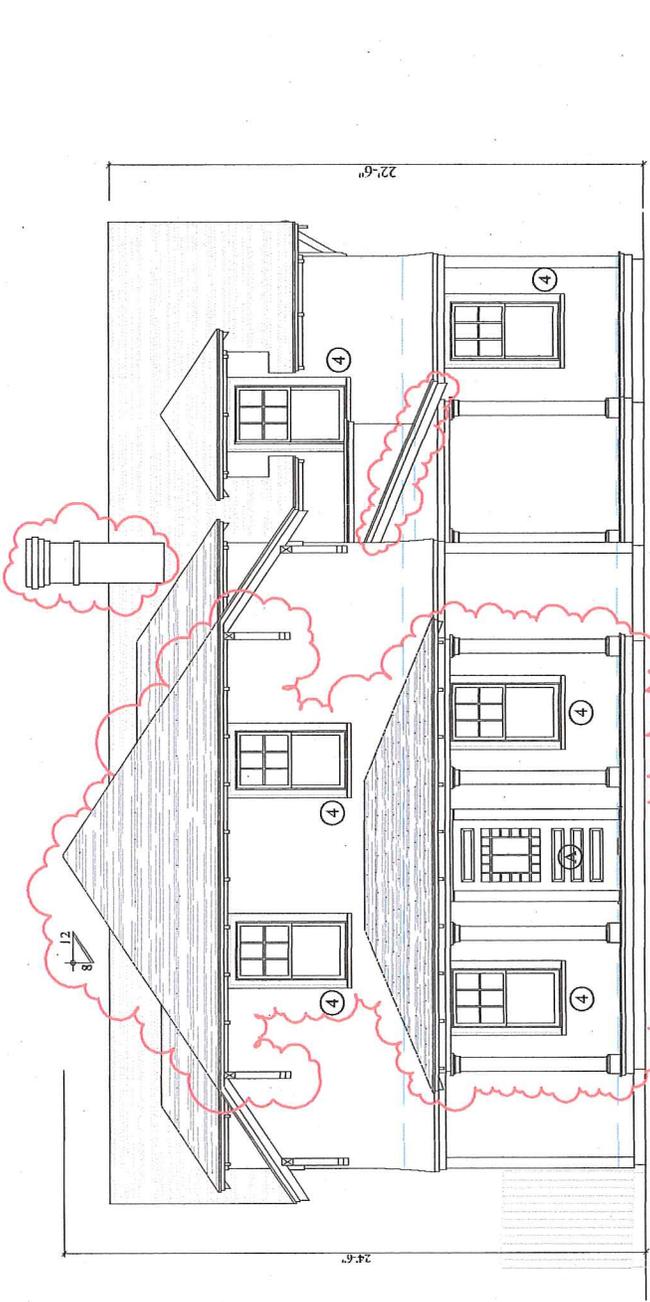
3rd revision
082815



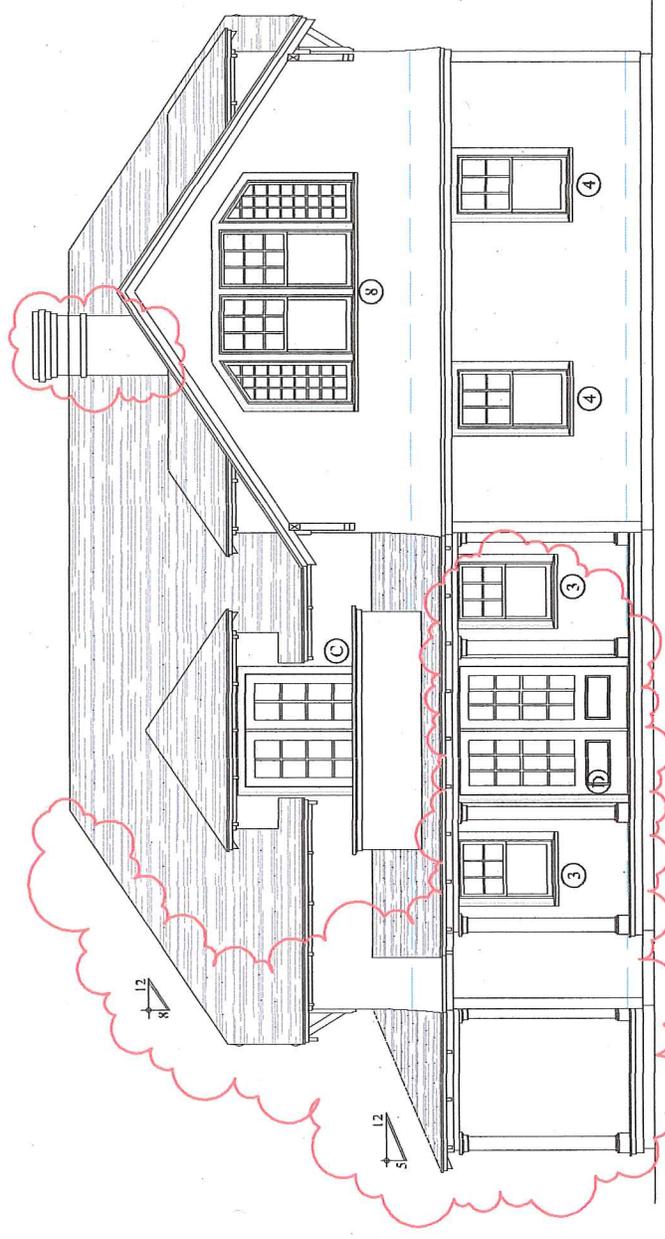
MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

23 SANKATY ROAD R.T.
23A SANKATY ROAD
PROPOSED DWELLING

SCALE: 1/8" = 1'-0"



WEST ELEVATION
facing sankaty road

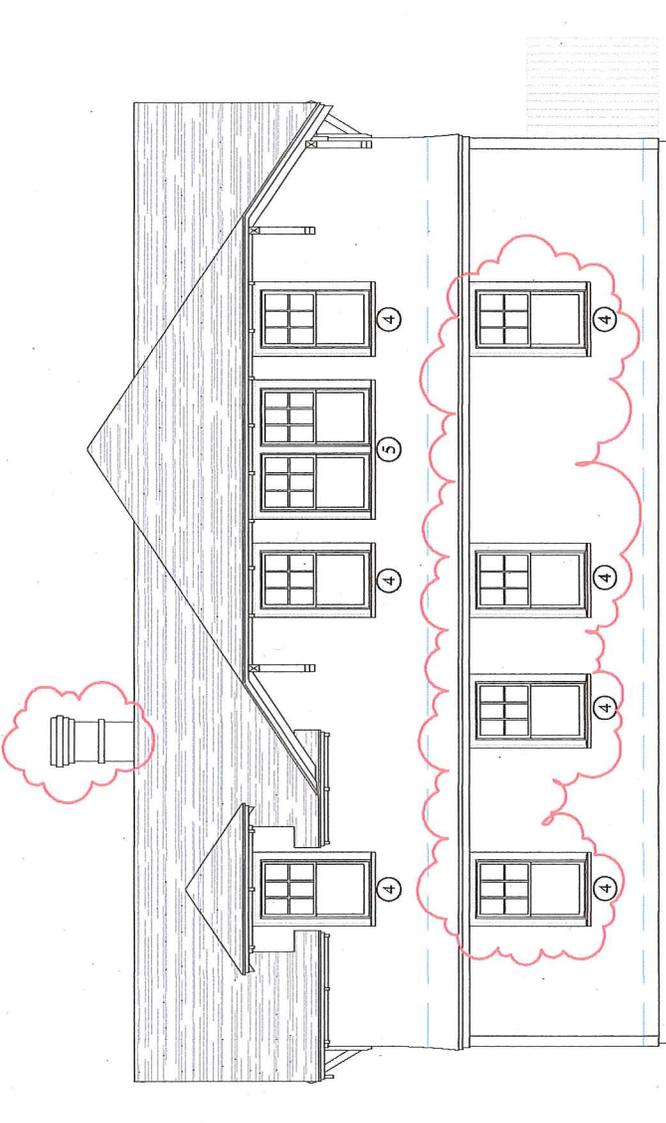


SOUTH ELEVATION

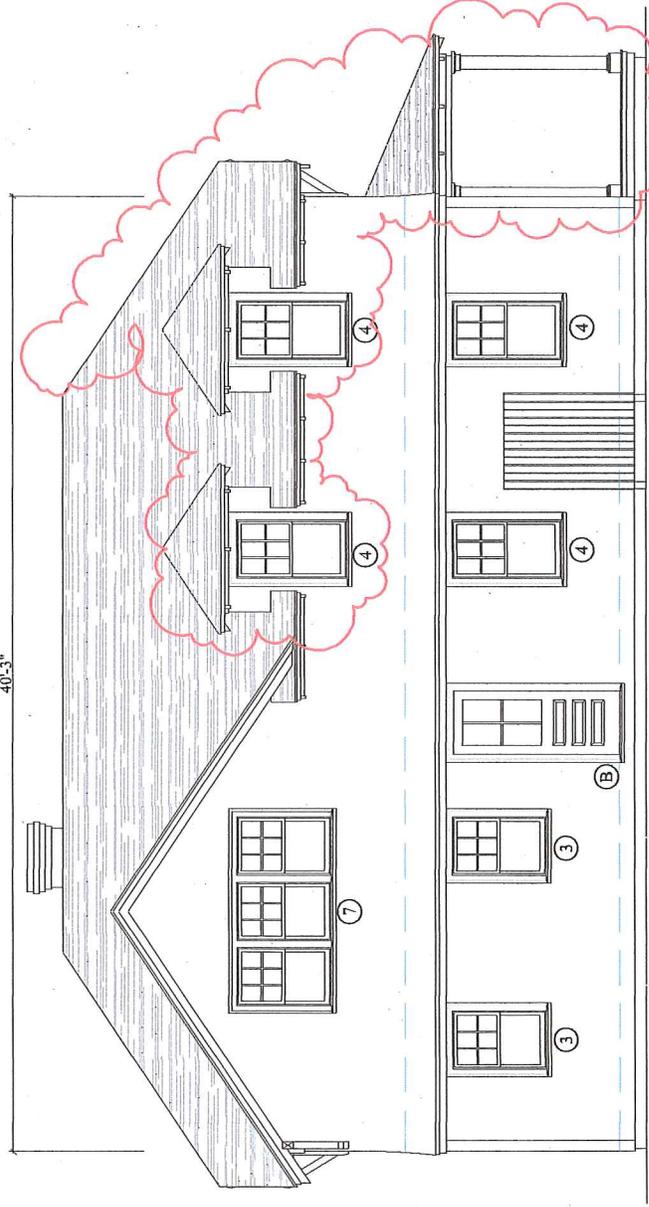
MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

23 SANKATY ROAD R.T.
23A SANKATY ROAD
PROPOSED DWELLING

SCALE: 1/8" = 1'-0"



EAST ELEVATION

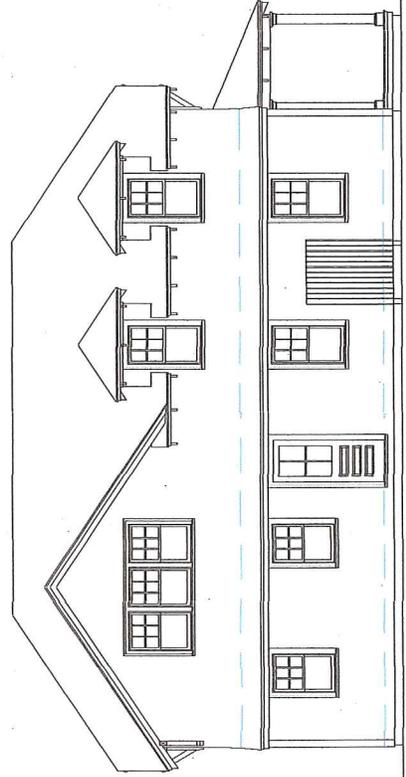


NORTH ELEVATION

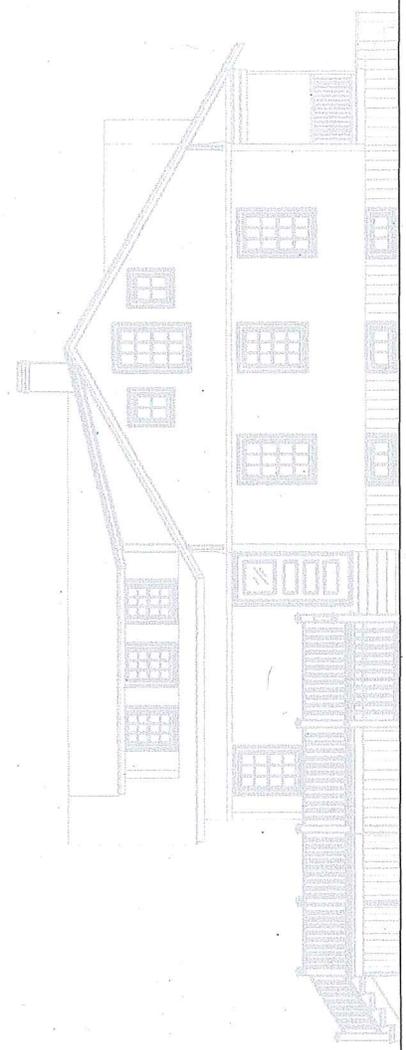
MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

23 SANKATY ROAD R.T.
23A SANKATY ROAD
PROPOSED DWELLING
SCALE: 1" = 12'-0"



NORTH ELEVATION



MATERIALS

PROVIDED BY

STAFF TO

SUPPLEMENT

APPLICATION



2014 00003359

Bk: 1460 Pg: 273 Page: 1 of 2
Doc: DD 11/18/2014 02:17 PM

QUITCLAIM DEED

SIDNEY NELSON SWEET, TRUSTEE of the PADDY-GO-WACK NOMINEE TRUST, u/d/t dated November 20, 1990 and recorded with the Nantucket Registry of Deeds in Book 356. Page 253, of Lago Vista, Texas, for and in consideration paid in the amount of TWO MILLION ONE HUNDRED FIFTY-SIX THOUSAND DOLLARS AND NO CENTS (\$2,156,000.00), does hereby grant to **PAUL S. JENSEN, TRUSTEE** of the **23 SANKATY ROAD REALTY TRUST**, u/d/t dated October 10, 2014 and recorded herewith, of PO Box 292, Siasconset, Massachusetts 02564, with QUITCLAIM COVENANTS, that certain parcel land, with all improvements thereon, situated in the Town and County of Nantucket, Commonwealth of Massachusetts, known as **23 Sankaty Road**, and being bounded and described as follows:

- NORTHERLY: by land now or formerly of Edward F. Vaughan, formerly of James Vaughan, one hundred thirty-nine and 40/100 (139.40) feet;
- EASTERLY: by a land now or formerly of Ann W. Collins, seventy-two and 00/100 (72.00) feet;
- SOUTHERLY: by land now or formerly of Janet C. MacDougal and shown as Lot 1 on Land Court Plan No, 13499-B and land now or formerly of S. Jamison Martin and shown as Lot 2 on said Land Court Plan, one hundred thirty-seven and 20/100 (137.20) feet;
- EASTERLY: by Sankaty Avenue, now known as Sankaty Road, seventy-two and 00/100 (72.00) feet, and

For title, see Deed dated December 8, 1990 and recorded in Book 356, Page 258.

Quitclaim Deed
Sweet, Trustee. to Jensen, Trustee
23 Sankaty Rd
Page 2

Sidney Nelson Sweet, does hereby certify that he is the sole trustee of the Paddy-Go-Wack Nominee Trust, as described above; that said Trust is in full force and effect and has not been altered, amended, or revoked; that all of the beneficiaries of said Trust are of full age, and not under any disability; and that he has been duly authorized by all of the beneficiaries of said Trust to execute, acknowledge, and deliver this deed and any other documents deemed necessary or convenient to accomplish this sale.

Witness my hand and seal this the 13th day of November 2014.

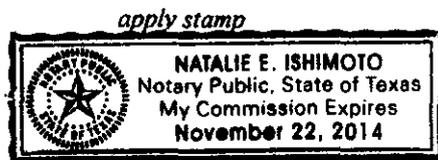
NANTUCKET LAND BANK CERTIFICATE	
<input checked="" type="checkbox"/>	Paid \$ <u>43120.00</u>
<input type="checkbox"/>	Exempt
<input type="checkbox"/>	Non-applicable
<u>35804</u>	<u>11/18/14</u>
No.	Date
Authorization	<u>SN</u>



Sidney Nelson Sweet, Trustee
Paddy-Go-Wack Nominee Trust

STATE OF Texas
COUNTY OF Travis

On this 13th day of November ~~2007~~ 2014, before me, the undersigned notary public, personally appeared Sidney Nelson Sweet, as Trustee of Paddy-Go-Wack Nominee Trust proved to me through satisfactory evidence of identification, which was ___ photographic identification with signature issued by a federal or state government agency, ___ oath or affirmation of a credible witness, or personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.





Notary Public
My commission expires: 11/22/2014

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

MASSACHUSETTS EXCISE TAX KAC
Nantucket County FOD #16 001
Date: 11/18/2014 02:17 PM
Ctrl# 461513 29486 Doc# 00003359
Fee: \$9,831.36 Cons: \$2,156,000.00



2015 00147417

Cert: 25565 Doc: DD
Registered: 03/18/2015 10:30 AM

QUITCLAIM DEED

DAVID M. MACDOUGALL, PETER B. MACDOUGALL and LORNA E. DENHAM (aka LORNA MACDOUGALL), as Trustees SANKATY AVE REALTY TRUST, established under declaration of trust dated on July 29, 1986 and registered as Document No. 36529, as duly amended, for and as a distribution to the holders of the beneficial interest in said Trust, do hereby grant to **LORNA MACDOUGALL**, a one third (1/3) fee interest, **DAVID M. MACDOUGALL**, a one third (1/3) fee interest, and **PETER B. MACDOUGALL**, a one third (1/3) fee interest, of C/O Lorna MacDougall, 357 Kensington Ave, Westmount, Quebec, Canada H3Z 1L3 with QUITCLAIM COVENANTS, that certain parcel of land, together with improvements located thereon, located in the Village of Siasconset, Town and County of Nantucket, Commonwealth of Massachusetts, having an address of **3 Rosaly Lane**, and being bounded and described as follows:

Lot 1 on Land Court Plan No. **13499-B**, drawn by Josiah S. Barrett, Surveyor, dated December 28, 1966 and filed with Certificate of Title No. 5451 at the Nantucket Registry District

For title see Trust Amendment dated July 27, 2004 and registered as Doc.108766.

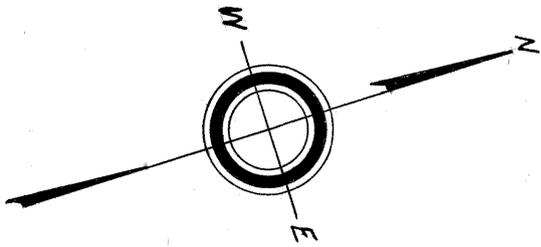
The undersigned Trustees do hereby certify that said Trust, as amended, has not been otherwise altered, amended, revoked, or terminated; that all beneficiaries of said Trust are of full age and competent; that pursuant to said Trust and upon the specific direction of the beneficiary shareholders, the Trustees have the power and authority to sell or otherwise dispose of all or any part of the Trust's property; and that pursuant to said Trust, the Trustees have been authorized and directed by the beneficiary shareholders to transfer the above trust property to the undersigned as beneficiary shareholders by executing this deed and any other documents deemed necessary for this transfer.

SUBDIVISION PLAN OF LAND IN NANTUCKET

13499B

Josiah S. Barrett, Surveyor

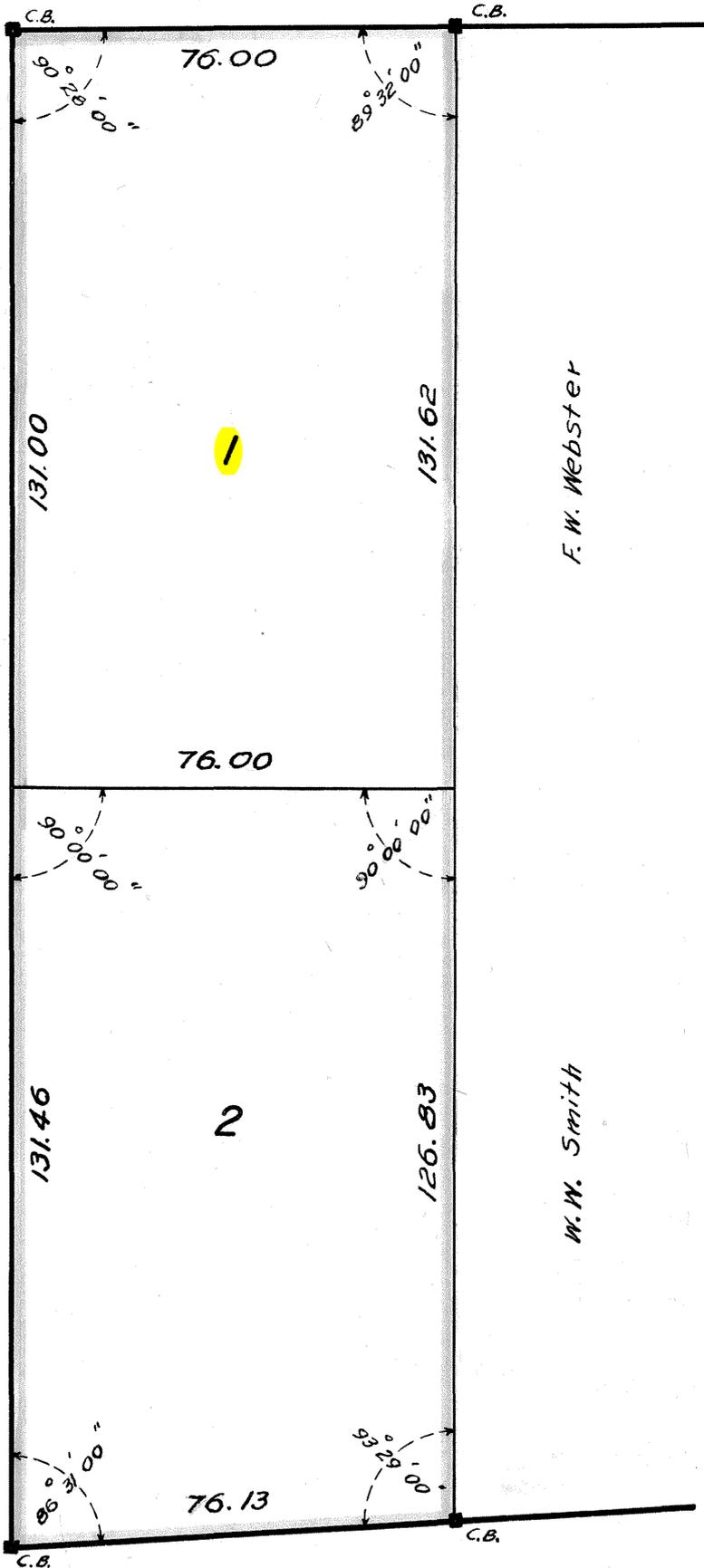
December 28, 1966



SANKATY AVE.

LANE

ROSALYS



L.C. 13062A

F. W. Webster

W. W. Smith

ATLANTIC ST.

Subdivision of Land
Shown on Plan 13499A
Filed with Cert. of Title No. 2369
Registry District of Nantucket County

Separate certificates of title may be issued for land
shown hereon as Lots 1 & 2
By the Court.

Oct 3, 1967

Margaret M. Daly
Recorder.

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
Oct 3, 1967
Scale of this plan 30 feet to an inch
C.M. Anderson, Engineer for Court

This plan filed with Certificate No. 5451

SUPPLEMENTAL

MATERIALS

PROVIDED

BY APPLICANT

November 6, 2015

By email to antonietti@nantucket-ma.gov

Edward Toole, Chairman
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Owner/Applicant - Paul S. Jensen, Trustee of 23 Sankaty Avenue Trust
Property - Lots 1 and 2, 23 Sankaty Ave, Nantucket

Dear Chairman Toole

Please accept this letter in support of the application of the Special Permit and/or Variance relief to preserve the separate buildability of Lots 1 and 2, 23 Sankaty Avenue, when the non-conforming structure on said Lot 2 is demolished.

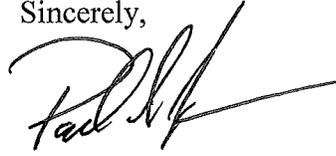
Said Lots 1 and 2 are shown on a plan dated March 2, 2015 and recorded with the Nantucket Registry of Deed as Plan No. 2015-10 (attached). Said Lots 1 and 2 are undersized lots, containing 4,750± S.F. and 5,206± S.F., respectively, in the SR-10 Zoning District, where minimum buildable lot size is 10,000. Said Lots 1 and 2 are new lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town. Under Bylaw §139-33(A)(3), said Lots 1 and 2 have the same status as preexisting, nonconforming lots, and any structures thereon have the status of preexisting nonconforming structures.

The Applicant is seeking to preserve the separate buildability of said Lots 1 and 2, when Lot 2 is vacant after the demolition, notwithstanding the “common ownership” of said Lots 1 and 2. Presently said Lots 1 and 2 are owned by the Applicant and for various reasons outside of zoning, there are no immediate plans to transfer said Lots 1 and 2 in separate record ownership. However, even if said Lots 1 and 2 were transferred to separate entities prior to the demolition, there still is a risk that a Court will find that said Lots 1 and 2 merged into single buildable as said Lots 1 and 2 were under common control. See Planning Board of Norwell vs Serena, 27 Mass. App. Ct. 689, 690 (1989) common ownership is “not the form of ownership, but control” Id. 645. See also DiStefano v. Town of Stoughton, 36 Mass App. Ct. 642 (1994) and Preston v. Board of

Appeals of Hull, 51 Mass App. Ct. 236 (2001). Because of this merger risk, the Applicant is seeking Special Permit/Variance relief from the Board.

Thank you for your consideration, if you have any questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul S. Jensen", with a long horizontal flourish extending to the right.

Paul S. Jensen, Esq.

Enclosures

NHA/ D/B/A HOUSING AUTHORITY

SCHOOLVIEW COTTAGES

40B/LIP - 7 SURFSIDE ROAD

FILE No. 34-15

WITHDRAWN W/O PREJUDICE

ROGER MERVIS

Attorney-At-Law

246 Walnut Street
Newton, MA 02460

Tel 617-558-9654
Fax 617-641-9606
Email: rmervis@aol.com

By Hand Delivery and First-Class Mail

December 16, 2015

Ed Toole, Chairman
Nantucket Zoning Board of Appeals
2 Fairgrounds road
Nantucket, MA 02554



Re: Housing Nantucket
Application of Comprehensive Permit
File No. 34 - 15

Dear Mr. Toole:

On behalf of NHA Properties, Inc., doing business as Housing Nantucket ("HN"), I hereby notify the Nantucket Zoning Board of Appeals ("ZBA") that HN has decided to withdraw its application for a Comprehensive Permit for the development of two additional affordable housing units at 7 Surfside Road, Nantucket, Massachusetts (the "Property"). Although HN greatly appreciates the support and assistance of the ZBA and its staff throughout the hearing process, HN has regretfully concluded that this project poses a variety of potentially insurmountable practical and financial challenges that are incompatible with HN's existing policies, programmatic philosophy, and goals.

HN does intend to complete the siting and renovation of the two affordable housing units that are currently located on the Property, which were the subject of a Special Permit granted by the ZBA earlier this year. In this regard, HN hopes to have both units occupied by income-eligible households by the Summer, 2016.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roger Mervis".

Roger Mervis

cc: Alana Murphy, DHCD
Anne Kuszpa, HN

NEW

BUSINESS

ANNE & MAHLON APGAR, TR.

22 BROADWAY REALTY TRUST

22 BROADWAY

FILE No. 01-16



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

PAID PAID PAID
DEC 11 2015
BY: _____

TOWN CLERK
NANTUCKET

APPLICATION

Fee: \$450.00

File No. 01-16

Owner's name(s): Anne N. Apgar and Mahlon Apgar, IV, Trustee of 22 Broadway Trust

Mailing address: C/O Cohen & Cohen Law PC, PO Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337

E-Mail: paul@cohenlegal.net

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same

E-Mail: Same

Locus Address: 22 Broadway, Siasconset Assessor's Map/Parcel: 7313 / 117

Land Court Plan/Plan Book & Page/Plan File No.: None

Deed Reference/Certificate of Title: Book 1503, Page 116 Zoning District: ROH

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile

Jan 4 2016

Jan 4 2016

State below or attach a separate addendum of specific special permits or variance relief applying for:

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Paul J. [Signature] Owner*

SIGNATURE: Paul J. [Signature] Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: __/__/__ Hearing notice posted with Town Clerk: __/__/__ Mailed: __/__/__
I&M __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on : __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

Addendum
(Special Permit Application – 22 Broadway, Siasconset)

Owner/Applicant is seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law Section 139-33A (1) to allow the addition of second story dormer in a portion of the pre-existing non-conforming dwelling on the property that lies as close as 0.5 feet from unconstructed way.

The Locus is nonconforming as to lot area with the Lot containing about 1900 square feet of area in a district that requires a minimum lot size of 5,000 square feet; as to setbacks with the dwelling lie as close as 0.5 feet from an unconstructed way, 2.0 feet from Center Street, 1.7 feet from side lot line, in a district that requires a minimum set back of five (5) feet. The Premises is located at **22 BROADWAY**, Assessor's Map 73.1.3, Parcel 117. The property is zoned ROH.

22 Broadway Siasconset



Property Information	
Property ID	73.1.3%20117
Location	22 BROADWAY
Owner	LILJEGREN BRUCE W



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

**AS BUILT PLAN
OF
#22 BROADWAY
IN
SIASCONSET
NANTUCKET, MA.**

Scale : 1"=10' Dec. 14, 2015

Prepared For : Anne N. Appgar & Mahlon Appgar, IV
Trustees of 22 Broadway Trust

Deed Ref : Bk. 1503 Pg. 116

Plan Ref : None

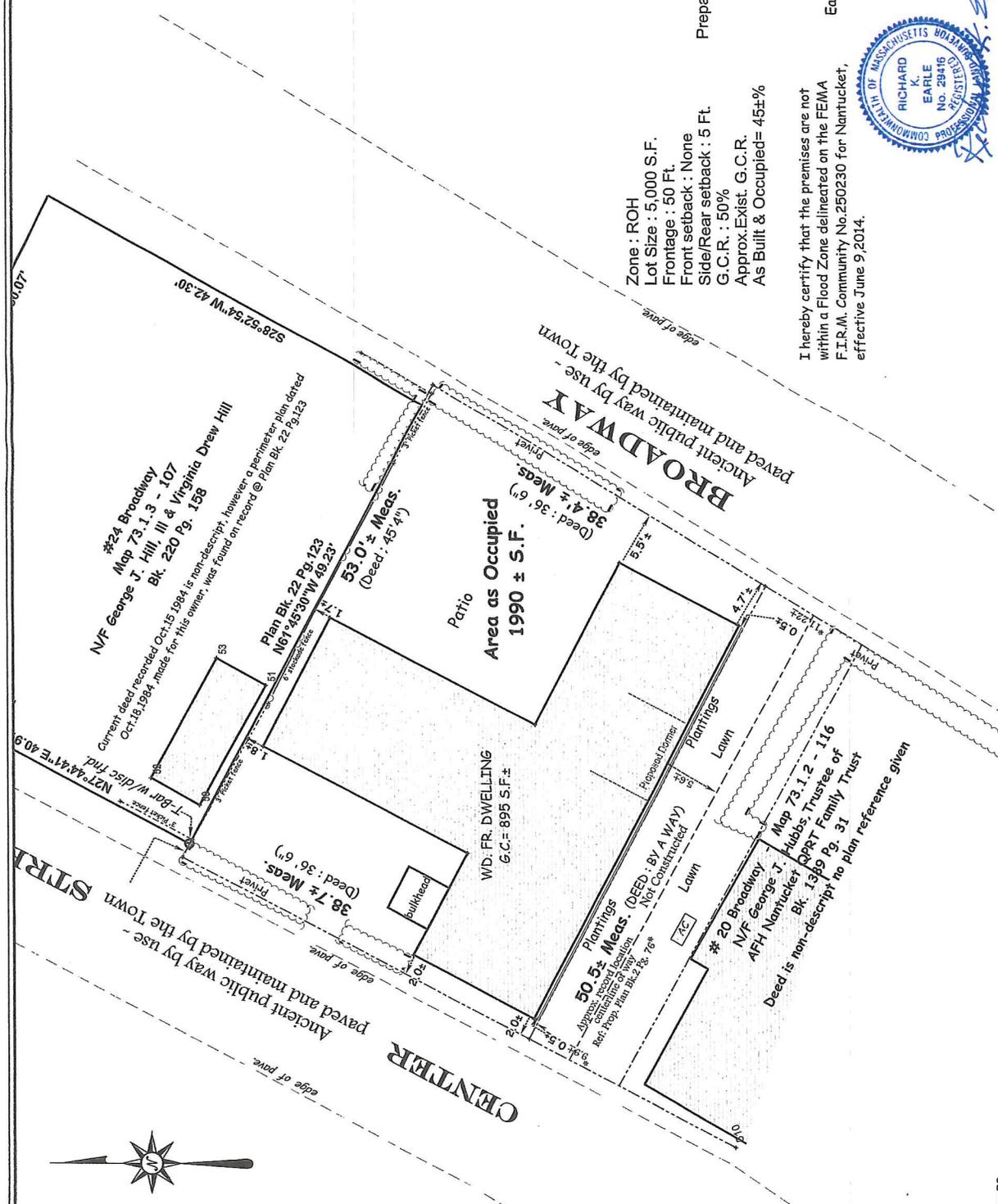
Assessors Map : 73.1.3 - 11

Earle & Sullivan, Inc. - Professional Land Surveyors
6 Youngs Way, Nantucket, Ma. 02554
508-332-4808



I hereby certify that the premises are not within a Flood Zone delineated on the FEMA F.I.R.M. Community No. 250230 for Nantucket, effective June 9, 2014.

Zone : ROH
Lot Size : 5,000 S.F.
Frontage : 50 Ft.
Front setback : None
Side/Rear setback : 5 Ft.
G.C.R. : 50%
Approx. Exist. G.C.R.
As Built & Occupied = 45±%



#24 Broadway
Map 73.1.3 - 107
N/F George J. Hill, III & Virginia Drew Hill
Bk. 220 Pg. 158
Current deed recorded Oct. 15, 1984 is non-descript, however a perimeter plan dated Oct. 18, 1984, made for this owner, was found on record @ Plan Bk. 22 Pg. 123

Plan Bk. 22 Pg. 123
N61°45'30"W 49.23'
53.0' ± Meas.
(Deed : 49.74')

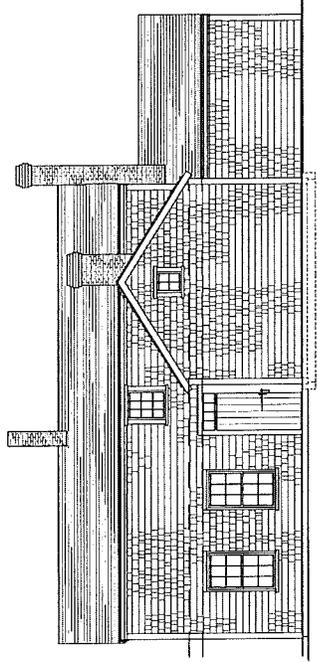
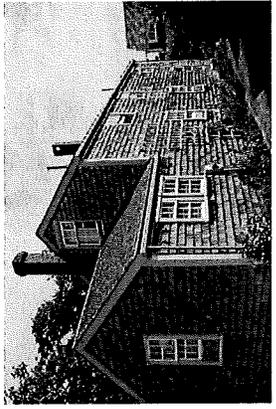
WD: FR. DWELLING
G.C. = 895 S.F.±

BROADWAY
Ancient public way by use - paved and maintained by the Town

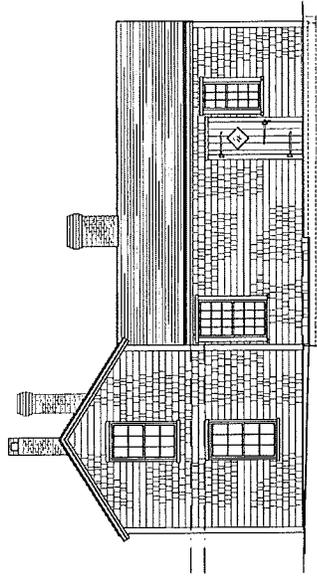
CENTER STREET
Ancient public way by use - paved and maintained by the Town

20 Broadway
N/F George J. Hubbs, Trustee of AFH Nantucket PART Family Trust
Map 73.1.2 - 116
Bk. 131 Pg. 31
Deed is non-descript no plan reference given

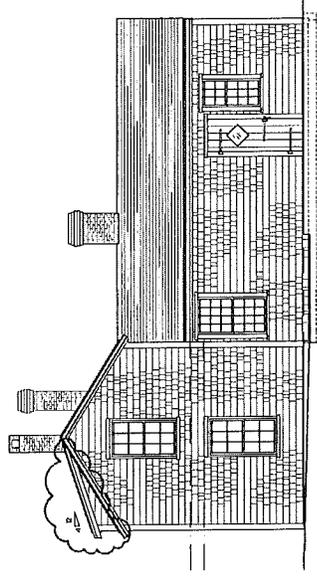
REVISIONS:
9/22/2015 AS-BUILT
11/09/2015 PROGRESS PRINT



EXISTING NORTH ELEVATION
SCALE 1/4" = 1'-0"

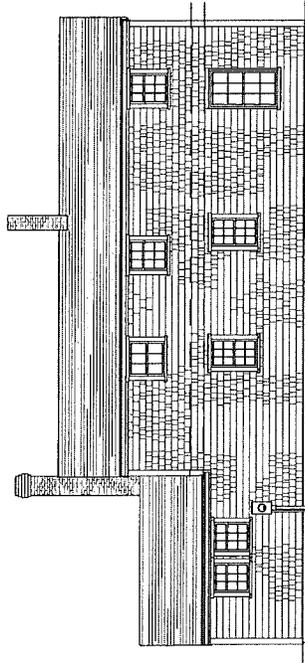


EXISTING EAST ELEVATION
SCALE 1/4" = 1'-0"

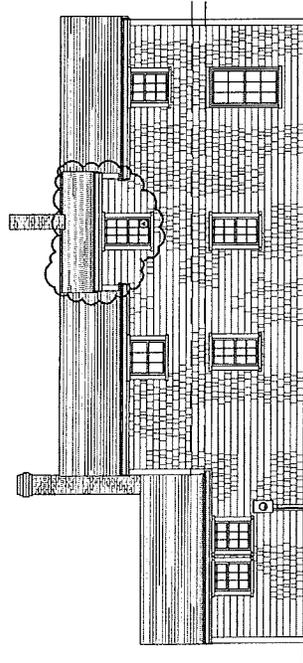


PROPOSED EAST ELEVATION
SCALE 1/4" = 1'-0"

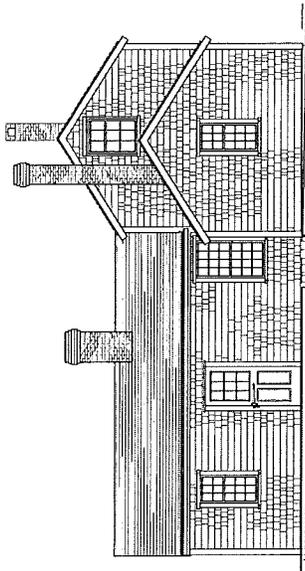
NOTE:
1. CONSULT THE MASS REGISTERED LAND SURVEYOR PRIOR TO ANY CONSTRUCTION TO VERIFY THE LOCATION OF PROPERTY LINES AND SETBACKS.



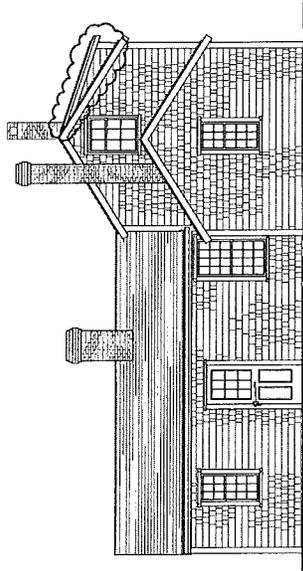
EXISTING SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EXISTING SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"



EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"

REVISIONS:
9/22/2015 AS-BUILT
1/09/2016 PROGRESS PRINT

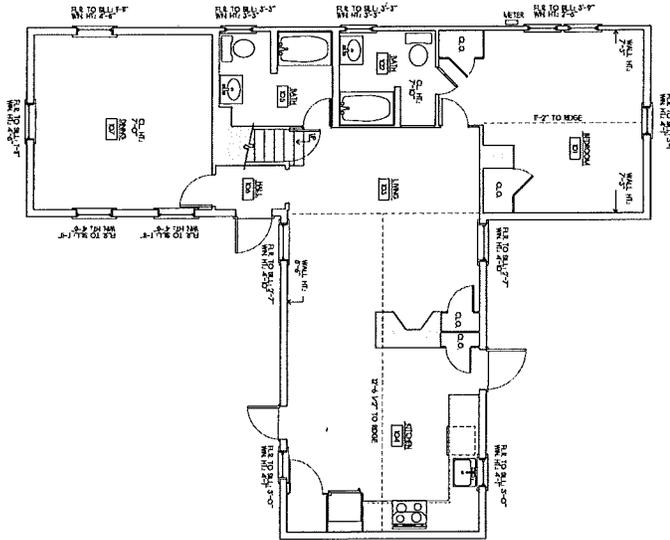
NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A
REGISTERED PROFESSIONAL ENGINEER
AND DURING CONSTRUCTION FOR PROPER
LOCATION OF PROPERTY SETBACK LINES.

NOTE:
ALL MEASUREMENTS WERE TAKEN
FROM THE EXISTING HOUSE
AND CONSTRUCTION DATED 5/04/2008

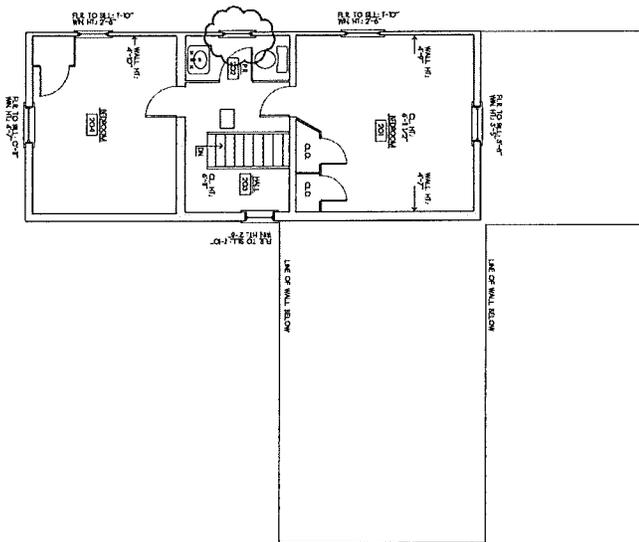
NOTE:
 DIMENSIONS ARE GIVEN
 FROM THE CENTERLINE
 OF THE PROPERTY'S
 BOUNDARY LINES.

NOTE:
 ALL SITE WORK SHOULD BE VIEWED BY A
 REGISTERED LAND SURVEYOR PRIOR TO
 LOCATION OF PROPERTY'S BOUNDARY LINES.

EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN



9/22/2015 AS-BUILT
 1/09/2015 PROGRESS PRINT

FLOOR PLANS

A-2

DATE: 11/09/2015
 SCALE: 1/4" = 1'-0"

Twig Perkins Inc.
 3 VALLEY VIEW DRIVE, BOX 432, NANTUCKET, MA 02554 508-228-3050 FAX 228-3059

APGAR RESIDENCE
 22 BROADWAY
 SIASCONSET, MA

LETTERS

Eleanor Antonietti

From: George Hubbs [ghubbs@comcast.net]
Sent: Tuesday, January 05, 2016 2:42 PM
To: Eleanor Antonietti
Cc: JENNIFER WHITLOCK
Subject: FILE NUMBER 01-16

Dear Ms. Antonietti:

Reference: Zoning Board of Appeals File Number 01-16
for work to be done at 22 Broadway, Siasconset.

I am the Trustee for the AFH Nantucket QPRT Family Trust, which owns the residential property at 20 Broadway, Siasconset, the immediate abutter on the south to the above referenced location.

We have no objection at all to the 22 Broadway owner's plan for a south side dormer as shown in this file.

Please approve it.

Thank you,

Sincerely,

George J. Hubbs, Trustee

-0-

DANIEL G. COUNIHAN

11 SWAIN ST.

FILE No. 02-16



PAID PAID PAID
DEC 14 2015
\$450-
BY: CK #2766 ds

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

TOWN CLERK

NANTUCKET

APPLICATION

JAN 04 2016

Fee: \$450.00

File No. 02-16

Owner's name(s): **Daniel G. Counihan**

Mailing address: **C/O Cohen & Cohen Law PC , PO Box 786, Nantucket, MA 02554**

Phone Number: **508-228-0337**

E-Mail: **paul@cohenlegal.net**

Applicant's name(s): **Same**

Mailing Address: **Same**

Phone Number: **Same**

E-Mail: **Same**

Locus Address: **11 Swain Street** Assessor's Map/Parcel: **Portion of 42.4.1 / 77**

Land Court Plan/Plan Book & Page/Plan File No.: **Lot A on Plan No. 2015-90**

Deed Reference/Certificate of Title: **Book 1186, Page 296** Zoning District: **R-1**

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings _____ Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

State below or attach a separate addendum of specific special permits or variance relief applying for:

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:  Owner*

SIGNATURE:  Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

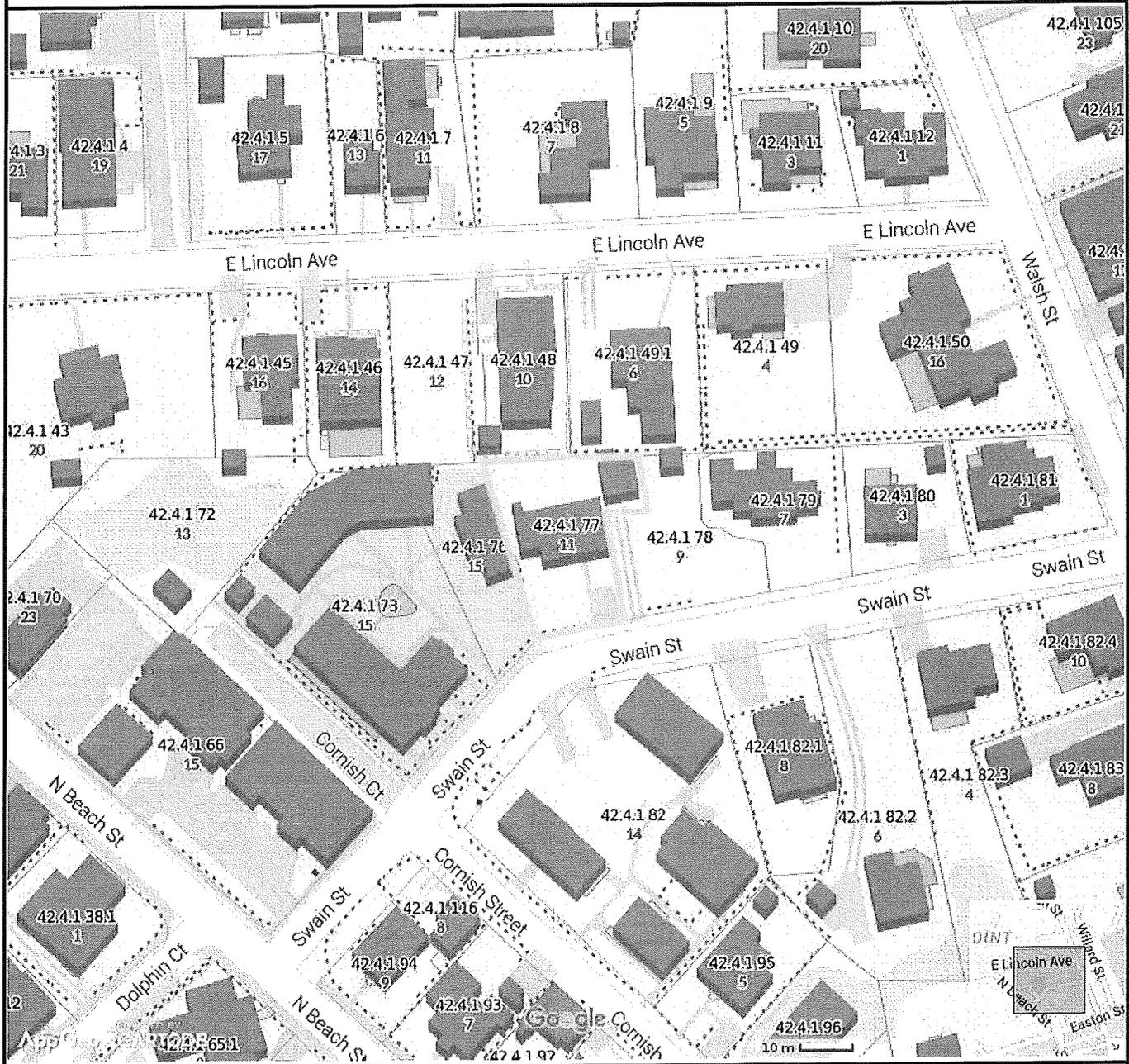
Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: __/__/__ Hearing notice posted with Town Clerk: __/__/__ Mailed: __/__/__
I&M __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on: __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

Addendum
(Special Permit Application 11 Swain Street)

Owner/Applicant is seeking relief by SPECIAL PERMIT under Nantucket Zoning By-law Section 139-33A (1) to allow the dwelling on the Premises to be relocated onto a new foundation with an elevation of 7.4 feet and to allow addition to the dwelling. The relocated dwelling and addition thereto will be located no closer to side lot lines than the existing dwelling and maximum ridge elevation of 23.3 feet.

The Locus is nonconforming as to minimum lot size containing 4774 square feet, in a district where a minimum lots size of 5000 square feet is required, as to side setbacks with the dwelling being as close as 0.5 feet westerly side lot line and as close as 2.5 feet from easterly side lot line, in a district where the required side setback is 5.0 feet. The Premises is located at 11 Swain Street, Assessor's Map 42.4.1, Parcel 77 (portion). The property is zoned R-1

11 Swain St



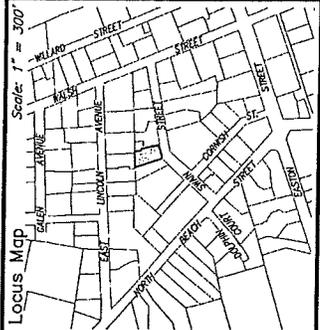
Property Information

Property ID 42.4.1%2077
Location 11 SWAIN ST
Owner COUNIHAN DANIEL G



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



- Notes**
1. LOCUS: #11 SWAIN STREET MAP 42.4.1 PARCEL 77
 2. OWNER: DANIEL G. COUNIHAN 223 AVALON DRIVE HULL, MA 02045
 3. DEED REF: Bk:1186 Pg:296
 4. PLAN REF: Plan No: 2015-90 (LOT A)
 5. LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE (SPECIAL FLOOD HAZARD) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 08/09/2014.
 6. LOCUS DOES NOT FALL WITHIN THE NATURAL HAZARD AND ENDANGERED SPECIES PROGRAM (NHESP) AND CRITICAL HABITATS OF RARE SPECIES. RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.
 7. ALL OFFSET MEASUREMENTS ARE TO CORNER BOARDS.

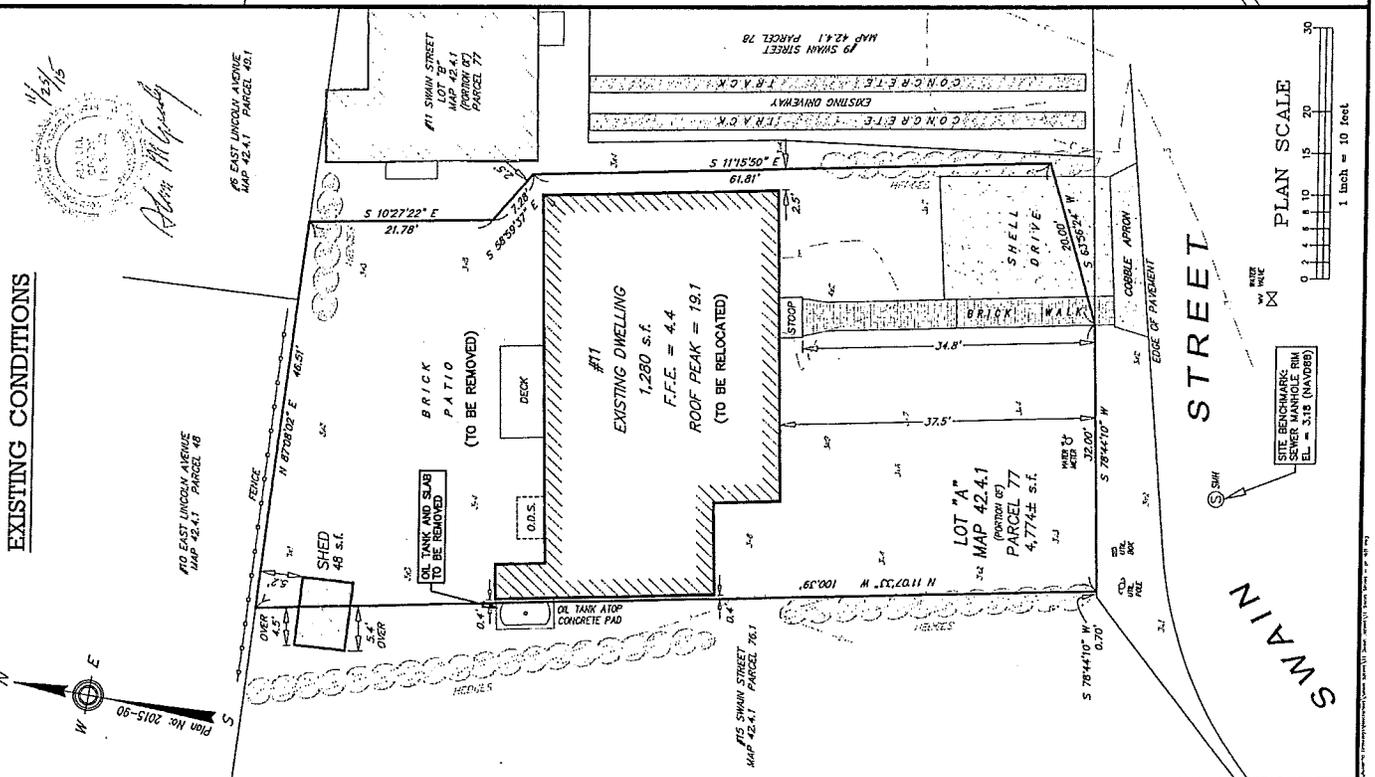
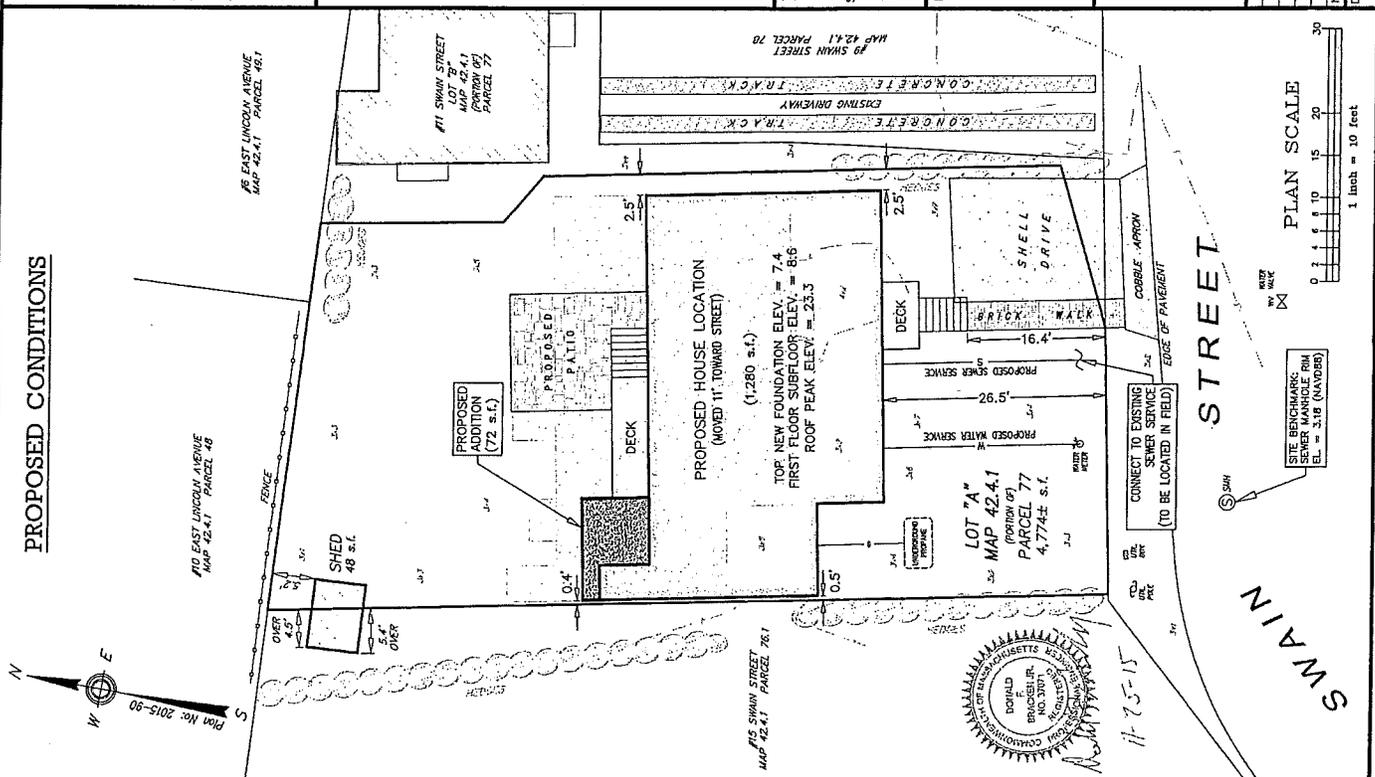
ZONE: R-1

REQUIRED	EXISTING	PROPOSED
LOT AREA: 5,000 s.f.	4,774 s.f.	4,774 s.f.
FRONTAGE: 10'	34.8'	16.4'
FRONT YARD: 10'	34.8'	16.4'
SIDE/REAR YARD: 5'	5.4'(069')	5.4'(069')
GROUND COVER: (40% max)	(28.3%)	(28.3%)
BUILDING HEIGHT: 30'	15.5 s.f.	19.7 s.f.

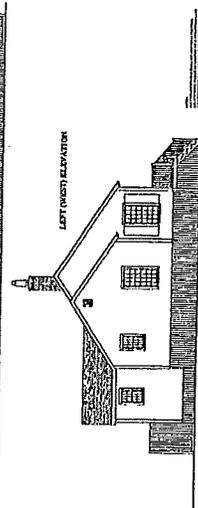
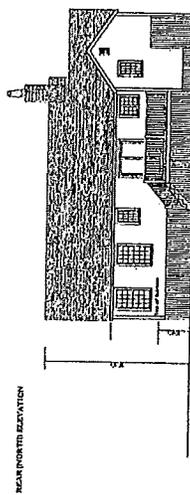
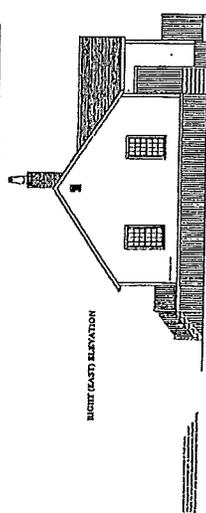
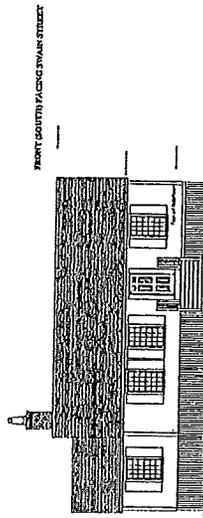
NOTE: SEE B.L. PLAN 2015-90 DIVING PARCEL 77 INTO 2 LOTS FOR PRE-EXISTING STRUCTURES.

Prepared By: **BRACKEN ENGINEERING, INC.**
 48 HERRING POND ROAD
 BUZZARDS BAY, MA 02532
 (413) 504.833.0070
 (413) 504.833.2232
 www.brackeng.com

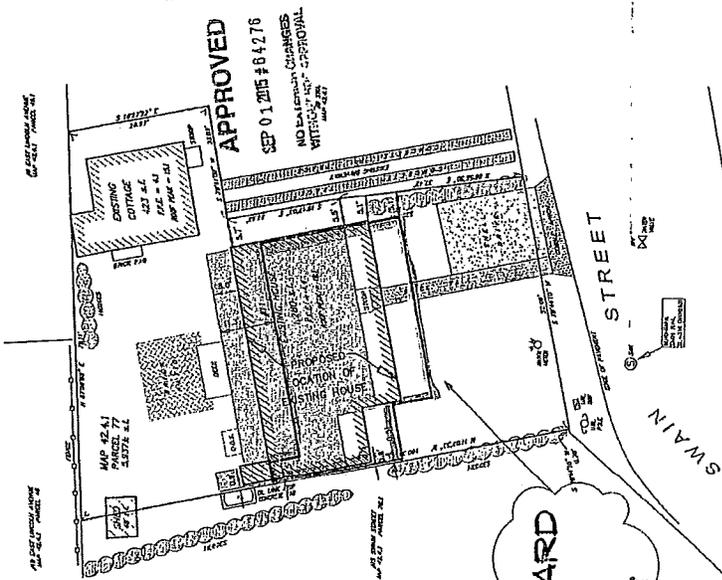
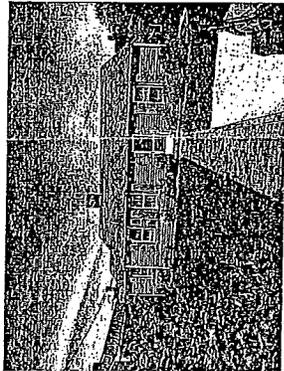
PROPOSED SITE PLAN
 IN NANTUCKET, MASSACHUSETTS
 Prepared For:
DANIEL G. COUNIHAN
 #11 SWAIN STREET
 MAP 42.4.1 (PORTION OF) PARCEL 77



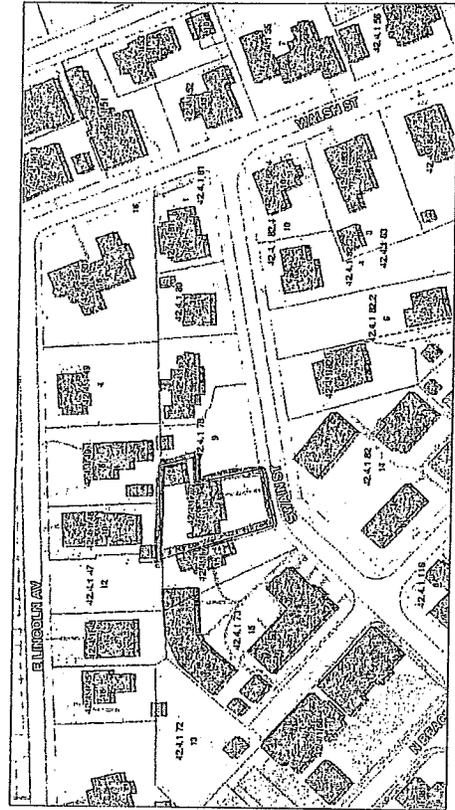
HDC APPROVAL (COA# 64121)



NOTES:
 ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
 ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY AND SETBACK LINES.



**MOVE HOUSE FORWARD
 ON SITE !!**



SCALE: 1/4"=1'
 DRAWN BY: VO
 DATE: 8-12-15

DAN COUNIHAN-11 SWAIN STREET
 REV TO COA 64121

VAL OLIVER DESIGN
 PO BOX 3051
 NANTUCKET, MA 02584



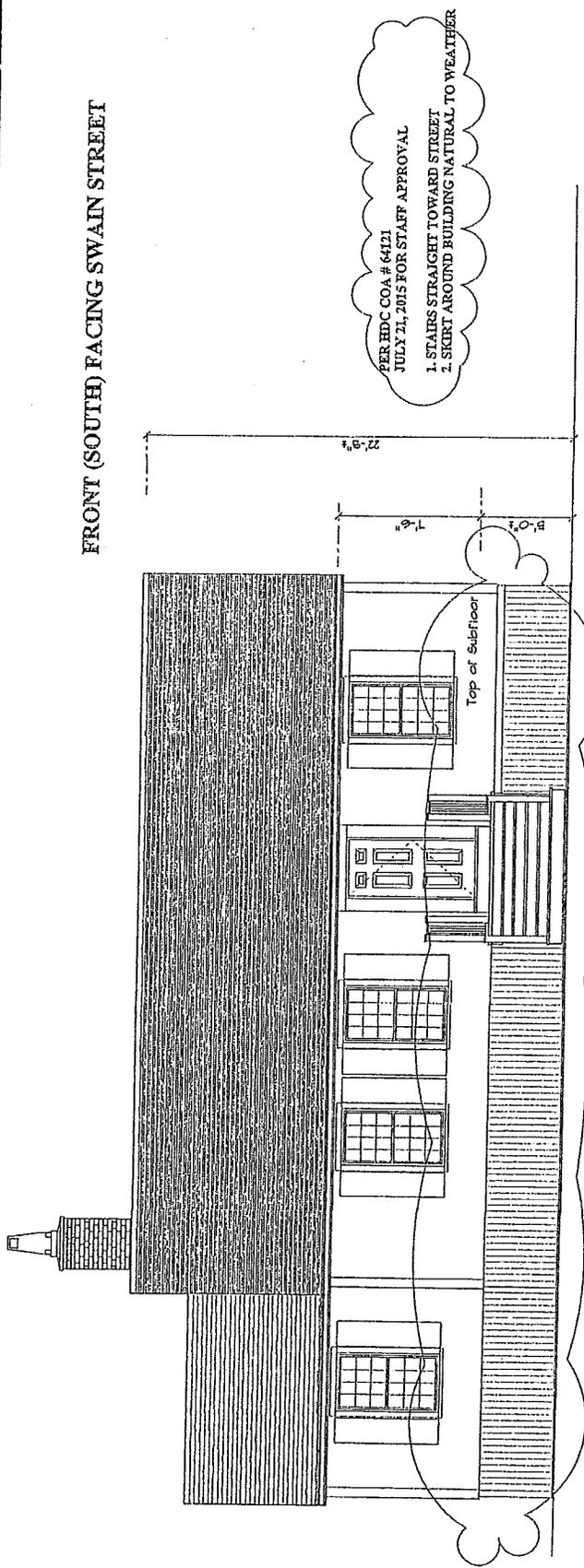


VAL OLIVER DESIGN
PO BOX 3061
NANTUCKET, MA 02584

DAN COUNIHAN - 11 SWAIN STREET
LIFT HOUSE (FLOOD ZONE)

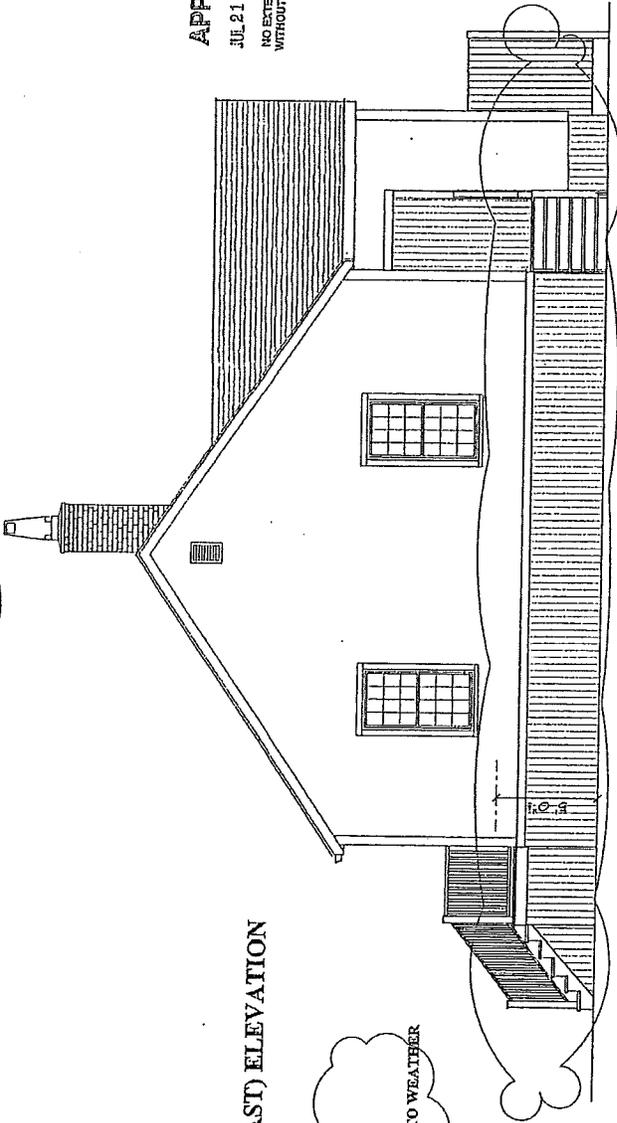
SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 8/1/15

FRONT (SOUTH) FACING SWAIN STREET

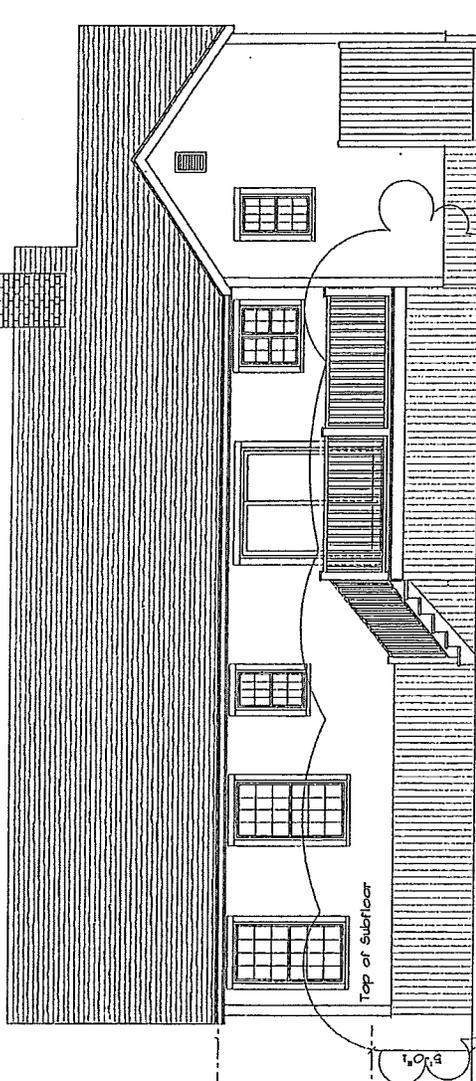


APPROVED
JUL 21 2015 #64 12 1
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL

RIGHT (EAST) ELEVATION



REAR (NORTH) ELEVATION

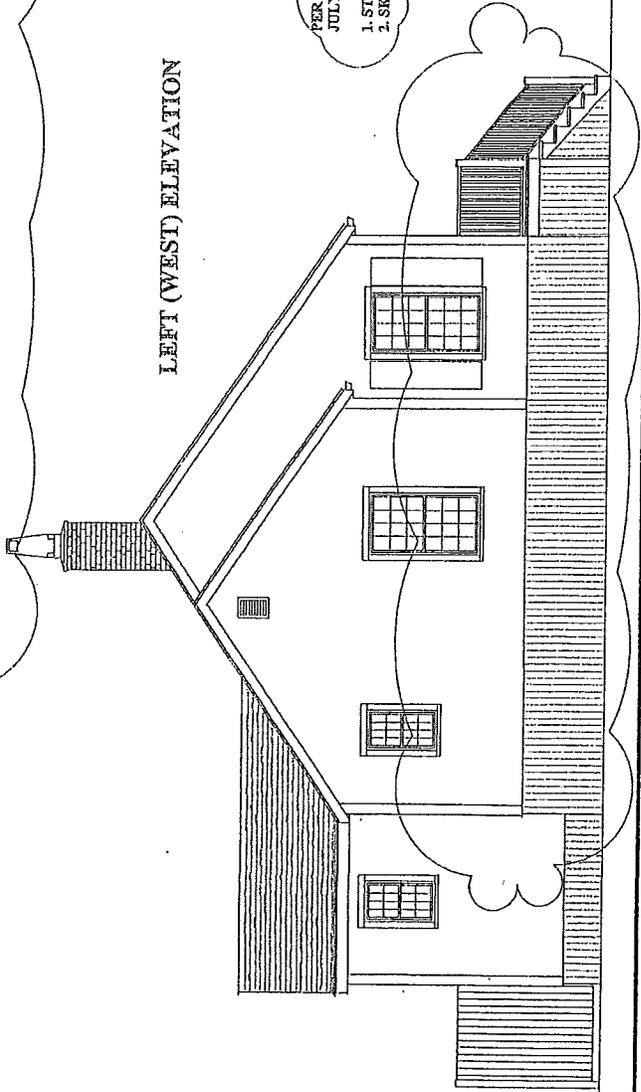


PER HDC COA # 64121
 JULY 21, 2015 FOR STAFF APPROVAL
 1. STAIRS STRAIGHT TOWARD STREET
 2. SKIRT AROUND BUILDING NATURAL TO WEATHER

Top of subfloor

22'-9"

LEFT (WEST) ELEVATION



PER HDC COA # 64121
 JULY 21, 2015 FOR STAFF APPROVAL
 1. STAIRS STRAIGHT TOWARD STREET
 2. SKIRT AROUND BUILDING NATURAL TO WEATHER

APPROVED
 JUL 21 2015 154 12.1
 NO EXTERIOR CHANGES
 WITHOUT HDC APPROVAL

NOTES:
 ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
 ALL SITE CONDITIONS SHALL BE VERIFIED BY A REGISTERED LAND SURVEYOR.
 LOCATION OF FOOTPRINT AND SETBACK LINES AND FENCE ELEVATIONS.

SCALE: 1/4"=1'
 DRAWN BY: VO
 DATE: 8/1/15

DAN COUNIHAN- 11 SWAIN STREET
 LIFT HOUSE (FLOOD ZONE)

VAL OLIVER DESIGN
 PO BOX 3087
 NANTUCKET, MA 02584

LETTERS

Eleanor Antonietti

From: Maureen Dunphy [mjdatnyc@aol.com]
Sent: Thursday, January 07, 2016 4:17 PM
To: Eleanor Antonietti
Subject: 11 Swain Street

Dear Eleanor,

i am writing in reference to the hearing scheduled on January 14, 2016 for 11 Swain Street.

Daniel G. Counihan stated in a recent email to me - He would not do any work from Memorial Day thru Labor Day at 11 Swain Street.

I am hoping at the hearing he will agree to this and the Zoning Board Board of Appeals will put this in the record.

I speak for several neighbors in Brant Point who are still traumatized by a neighbor who broke the golden rule - no work in the summer.

I realize I may have missed the deadline for submission, please let me know.

Very truly yours,

Maureen J. Dunphy

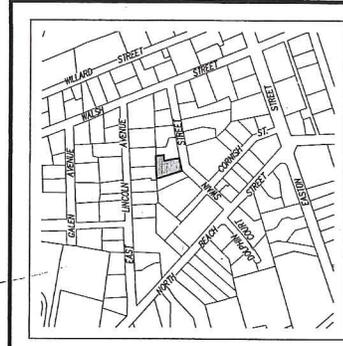
MATERIALS

PROVIDED BY

STAFF TO

SUPPLEMENT

APPLICATION



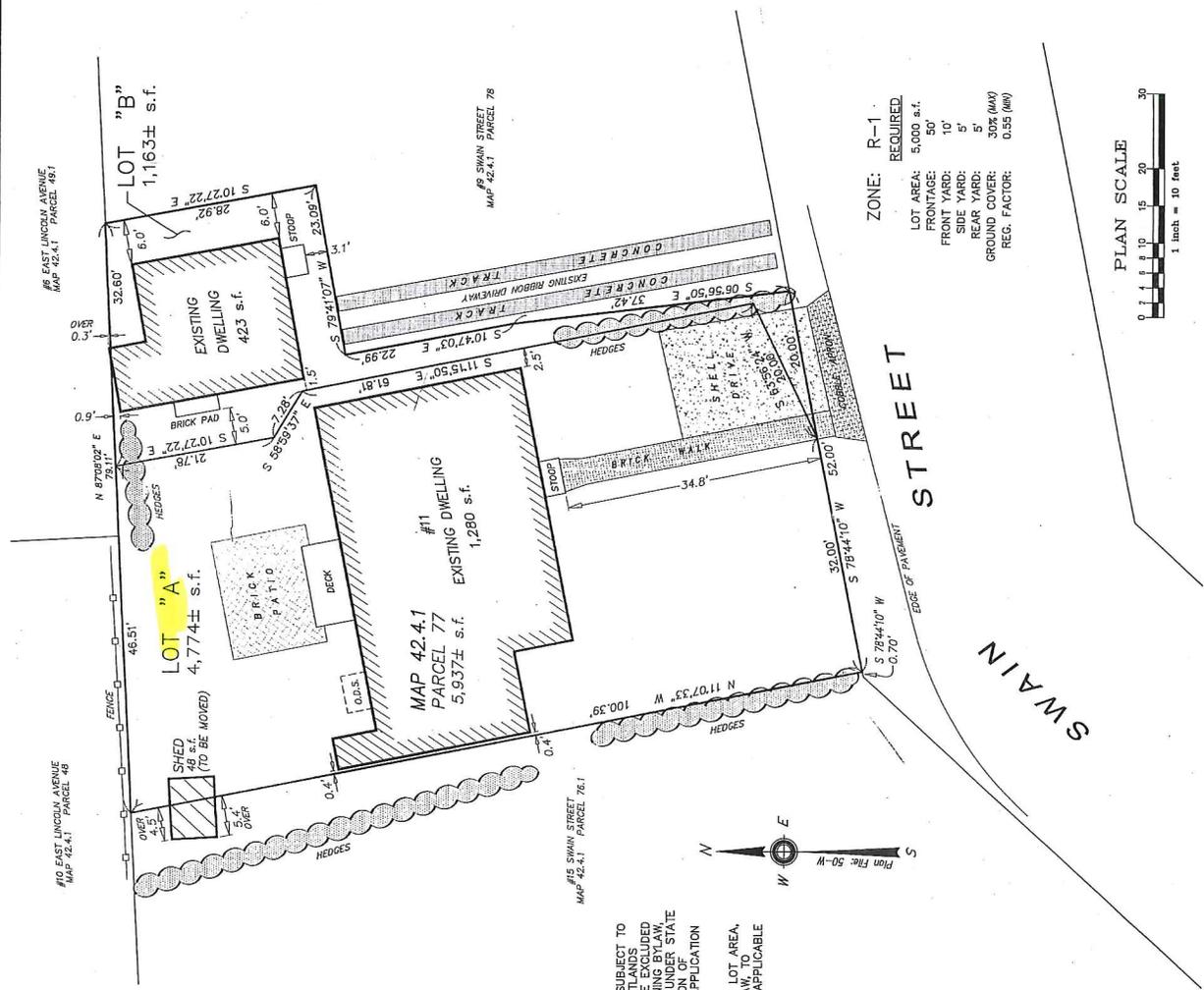
LOCUS MAP SCALE: 1" = 300'

PLAN OF LAND
 IN
NANTUCKET, MASS.
 PREPARED FOR
DANIEL G. COUNIHAN
 #11 SWAIN STREET
 MAP 42.4.1 PARCEL 77
 PREPARED BY
BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02584
 tel: (508) 325-0044
 fax: (508) 833-2282
 SCALE: 1" = 10' SEPTEMBER 3, 2015

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED
 NANTUCKET PLANNING BOARD

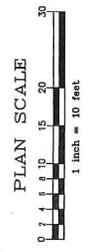
[Signatures]

FILE NUMBER: **9807**
 DATE ENDORSED: **9.14.15**



ZONE: R-1

REQUIRED	LOT AREA
5,000 s.f.	5,000 s.f.
50'	FRONTAGE
10'	FRONT YARD
5'	SIDE YARD
5'	REAR YARD
30% (MAX)	GROUND COVER
0.55 (MIN)	REG. FACTOR



2015 06000623
 BK PLAN 11032015 1034 AV
 Doc PLAN 11032015 1034 AV

NANTUCKET REGISTRY COPY
 OF DEEDS
 Date: 09/15/15
 Time: 2:02:40 PM
 9/15/15
 Street 1 of 1

RESERVED FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

[Seal of the Commonwealth of Massachusetts]

ALAN M. GRADY, PLS
 MASSACHUSETTS REG.
 No. 37732

THE PLANNING BOARD DETERMINES THAT:

(b) PARCELS "A" and "B" DO CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED BUT SUCH AREAS ARE NOT SUBJECT TO THE NANTUCKET ZONING BYLAW, BUT SUCH AREAS ARE SUBJECT TO THE NANTUCKET STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

(c) PARCELS "A" and "B" CONTAIN INADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

- NOTES:**
- LOCUS: #11 SWAIN STREET MAP 42.4.1 PARCEL 77
 - OWNER: DANIEL G. COUNIHAN 11 SWAIN STREET NANTUCKET, MA 02584
 - DEED REF: Bk:1186 Pg:286
 - PLAN REF: Plan File: 50-W (LOT 18A)
 - LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE "AE(L-7)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 05/09/2014.
 - THE PLANNING BOARD'S ENDORSEMENT UNDER THE SUBDIVISION CONTROL LAW IS NOT A DETERMINATION THAT THE LOTS COMPLY WITH ZONING REGULATIONS AND SHOULD NOT BE CONSIDERED TO BE SUBJECT TO THE LOTS DEPICTED ON THIS PLAN ARE ENTITLED TO A BUILDING PERMIT.
 - ENDORSEMENT UNDER CHAPTER 41A, SECTION 15B OF THE SUBDIVISION CONTROL LAW IS NOT A DETERMINATION THAT THE LOTS DEPICTED ON THIS PLAN ARE ENTITLED TO A BUILDING PERMIT.



2009 00001636

Bk: 1186 Pg: 296 Page: 1 of 2
Doc: DD 06/05/2009 01:43 PM

QUITCLAIM DEED

I, GERRI L. GOODMAN, of Cohasset, County of Norfolk, Massachusetts for consideration of one dollar (\$1.00) and other valuable consideration paid, grant to **DANIEL G. COUNIHAN**, of 11 Swain Street, Nantucket, County of Nantucket, Massachusetts,

with QUITCLAIM COVENANTS, the parcel of land together with all improvements thereon, in the Town and County of Nantucket, Commonwealth of Massachusetts, known and numbered as **11 Swain Street (fka 7 and 7 1/2 Swain Street)**, bounded and described as follows:

- SOUTHERLY by Swain Street, fifty-two (52.00) feet;
- WESTERLY by land now or formerly of Brant Point Courtyard, one hundred and 39/100 (100.39) feet;
- NORTHERLY by land now or formerly of Donald J. and Robert A. Hart and now or formerly of Martha A. Carr, Trustee, seventy-nine and 11/100 (79.11) feet; and
- EASTERLY twenty-eight and 92/100 (28.92) feet;
- SOUTHERLY twenty-three and 09/100 (23.09) feet; and
- EASTERLY on two courses, sixty and 41/100 (60.41) feet by Lot 19A on a plan hereinafter mentioned.

Said land is shown as **Lot 18A** on a plan by Emack Surveying dated June 1, 1997, recorded with Nantucket Deeds in Plan File 50-W.

For my title see deed recorded with Nantucket Deeds in Book 0635, Page 186.

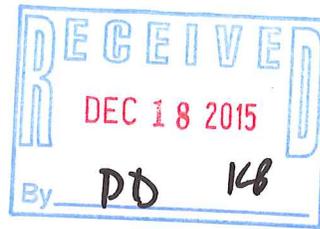
WITNESS my hand and seal this 1 day of June, 2009.


Gerri L. Goodman

BRANDT & GABRIELLE GOULD

15 MARGARETS WAY

FILE No. 03-16



TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

TOWN CLERK

NANTUCKET

APPLICATION

JAN 04 2016

Fee: \$450.00

File No. 03-16

Owner's name(s): Brandt C. Gould and Gabrielle M. Gould

Mailing Address: c/o Cohen & Cohen, PO Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@cohenlegal.net

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 15 Margaret's Way Assessor's Map/Parcel: 20 / 64

Land Court Plan: Lot 86, Land Court Plan 6283-8, Sheet 2

Certificate of Title: 21420 Zoning District LUG 3

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 no or house in 1982 and cottage in 2004

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: None

State below or attach a separate addendum of specific special permits or variance relief applying for:

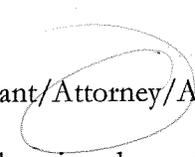
The Locus is a 3.33 acre lot (about 145,261 SF) in the LUG-3 zoning district. It contains a 2-story dwelling of about 1716 SF and a cottage of about 761 SF. There is a shed of about 34 SF, a second shed of about 335 SF, and a third shed of 309 SF. The premises has a ground cover ratio of about 2.1% in a zoning district where 3% is allowed. The 34 SF shed is not attached to the ground; it is within the rear yard setback, being as close as 4.5' where 20' is required (it is on skids and will be moved out of the setback).

In 2015 the Applicant installed a 16' x 32' pool and associated equipment. The Applicant, who has worked construction for many years, based the siting of the pool on a 2007 survey by Blackwell and Associates, Inc. However, when the pool company installed the pool, it ended up about 18.4' from the western side yard setback and the pool equipment is as close as 17.7', in a zoning district where 20' is required.

The Applicant reasonably sited the structure base on a licensed survey, but somehow inadvertently and unintentionally violated the side yard setback. The intrusion is only 1.6' for the pool and 2.3' for the pool equipment (i.e., it is not more than 5' into the setback and not closer than 4' from a lot line). Therefore, the Applicant seeks Special Permit relief under Nantucket Zoning Bylaw Section 139-16.C.2 to validate the intrusion. The burden of correcting the intrusion, which would require entirely removing the pool and equipment and reinstalling each, substantially outweighs any benefit to an abutter of eliminating the intrusions. In this case, the abutter on that side submitted a letter in support of the relief, and their house is more than 350' away from the pool, which is at grade and behind a hedge/fence. There are two other pools to the north and west that are closer or about as close to the western abutter as this pool is to the east. Applicant also seeks Variance relief, in the alternative, to the extent necessary.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: _____ Owner*

SIGNATURE:  Applicant/Attorney/Agent* 

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: / / & / / Hearing notice posted with Town Clerk: __/__/__ Mailed: / / __
I&M / / & / / Hearing(s) held on: / / Opened on: / / __
Continued to: / / Withdrawn: / / Decision Due By: / / __

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile



Property Information	
Property ID	20%2064
Location	15 MARGARETS WY
Owner	GOULD BRANDT C & GABRIELLE M

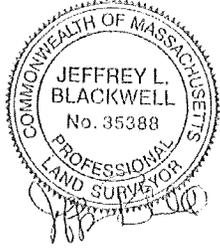

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT
 Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Parcels updated December, 2014
 Properties updated January, 2015

CURRENT ZONING CLASSIFICATION:
 Limited Use General 3 (L.U.G.-3)

ONLY ORIGINALLY STAMPED AND
 ENDORSED COPIES OF THIS PLAN
 SHALL BE ACKNOWLEDGED BY
 THE CERTIFYING LAND SURVEYOR.

MINIMUM LOT SIZE: 120,000 S.F. 145,261±S.F.
 MINIMUM FRONTAGE: 200 FT. SEE PLAN
 FRONT YARD SETBACK: 35 FT. SEE PLAN
 REAR/SIDE SETBACK: 20 FT. SEE PLAN
 GROUND COVER % : 3% 2.1±%

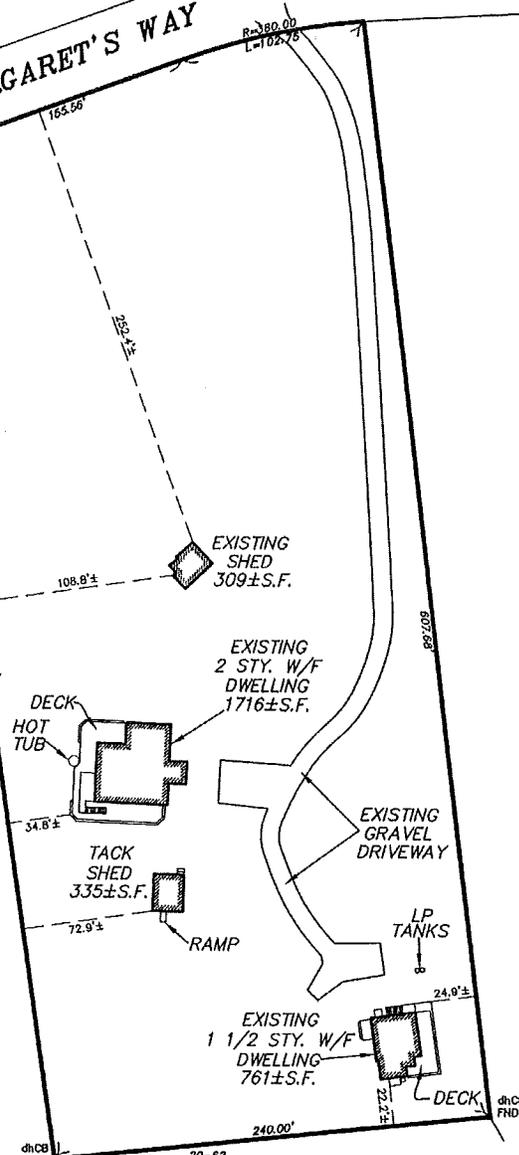
(PRIVATE - 40' WIDE)



20-63
 N/F
 LABONTE, ROSANNA
 & WALTER O., JR.
 L.C.C. 6283-B
 CERT. #21818
 LOT 65

20-65
 N/F
 FISH, ROBERT V. III
 L.C.C. 6283-B
 CERT. #10650
 LOT 67

MARGARET'S WAY



LEGEND

dhCB
 FND. DENOTES EXISTING CONCRETE
 BOUND FOUND

20-62
 N/F
 WINGER, DENNIS L.
 & WALDMAN, BARBARA L.
 L.C.C. 6283-B
 CERT. #10793
 LOT 64

TO: BANK OF AMERICA
 AND NO OTHERS.

**MORTGAGE
 INSPECTION PLAN**
 in
NANTUCKET, MASS.

I CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THE
 PREMISES SHOWN ARE LOCATED IN FLOOD HAZARD ZONE:
 DELINEATED ON F.I.R.M. / COMMUNITY PANEL
 NUMBER: 250230-0006D, BY THE FEDERAL
 EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE OF
 MAPS: JUNE 3, 1986 AND AS PERIODICALLY REVISED.

SCALE: 1"=80' DATE: JANUARY 13, 2007

Owner: BRANDT C. GOULD

. GABRIELLE M. GOULD

Deed/Cert.: .C. 2142Q Plan: .LCPL. 6283-B.

Tax Map: . 020-064. Locus: . #15 MARGARET'S WAY.

THIS INSPECTION PLAN WAS PREPARED FOR MORTGAGE PURPOSES
 ONLY AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY.
 THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES,
 FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES.
 THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS
 OF RECORD.

THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR
 OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES
 ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR
 RECORDS.

THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN
 ITS INTENDED USE STATED ABOVE.

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TEASDALE CIRCLE
 Nantucket, Massachusetts 02554
 (508) 228-9026

©Blackwell & Associates Inc.

NOT TO BE RECORDED

FBK:B183/151

B6572

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3 %

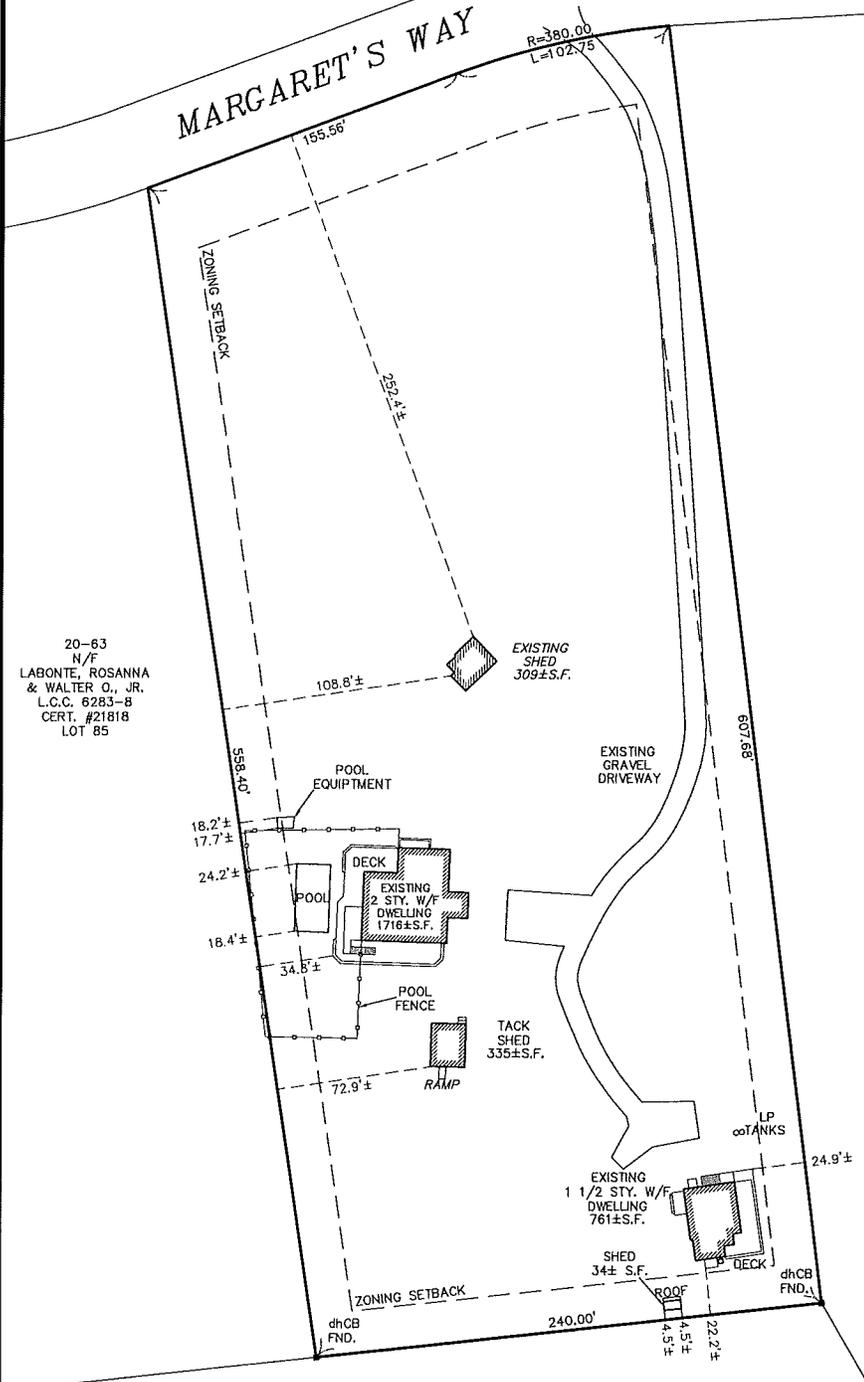
Existing:

145,261 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
2.1%

LEGEND

dhCB DENOTES EXISTING CONCRETE
FND. ■ BOUND FOUND

(PRIVATE - 40' WIDE)



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: . 20 . . . , PARCEL: . 64 . . .

T:\PAJE JOB 36
V:\DRAWFILES\B6572\MPP COPY.dwg 7/31/2015 5:20:04 PM EDT

20-65
N/F
SIG HELLER
JAN SHAW
L.C.C. 6283-8
CERT. #22168
LOT 87

20-62
N/F
WINGER, DENNIS L.
& WALDMAN, BARBARA L.
L.C.C. 6283-8
CERT. #10793
LOT 84

BUILDING LOCATION PLAN
OF LAND IN
NANTUCKET, MA

SCALE: 1" = 40' DATE: JULY 31, 2015

BRANT C. GOULD
GABRIELLE M. GOULD
Owner:
Cert.: . 21420 L.C.C.: 6283-8, LOT 86 .
Locus: . . . #15 MARGARET'S WAY

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

B6572

Steven Cohen

From: Gabrielle Gould <gouldgb@comcast.net>
Sent: Wednesday, December 09, 2015 10:24 AM
To: Steven Cohen
Subject: Fwd: 10 Eat Fire

Sent from my iPhone and perhaps using Siri- please excuse typos and grammar!

Begin forwarded message:

From: rosscorp <rosscorp@comcast.net>
Date: December 9, 2015 at 10:13:39 AM EST
To: Gouldgb@comcast.net
Subject: 10 Eat Fire

To Mr and Mrs Gould

As the owner of you neighboring property at 10 Eat Fire Spring road, netzero llc give you permission to go ahead with the land swap or variance to solve the set back issue with the pool.

Your sincerely

Adam Ross owner of Net zero llc

Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone

DYNASTY GUNITEPOOLS LLC

2 Clemenceau Street
East Providence, RI 02914
(401) 438-7665
Fax: (401) 438-7664
www.dynastygunitepools.com

December 11, 2015

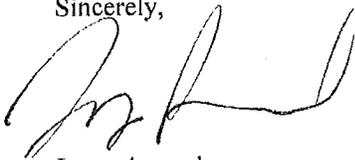
To Whom It May Concern:

The Gould's pool was placed in what we truly believed was the set back based on plans and the current fence line between the properties.

To move the pool the 18" would be the equivalent of building the Gould's a brand new pool - all of their landscape would have to be removed, which I can only assume from the privates and the beds surrounding the pool would be \$10,000 on Nantucket. The Blue Stone would need to be removed and the recut and re-laid - again \$10,000 and we would need to demo the pool wall, dig out a new space and rebuild the pool - approx. \$100,000 of labor and materials.

The Equipment was very specifically places where the Gould's home nor any of the neighbors would have to see it, the conduits are trenched under mature landscape and tress to ensure safety and again attractiveness to the abutting neighbors. To move this would mean that we would have to relocate and re trench the entire system and the Gould's would have to have trees and privet removed and replaced. I cannot speak to what the landscape would cast but to do my part I am looking at around \$10,000 - \$12,000 to move 2 feet - also it should be noted from where I placed the equipment if it is indeed moved it will then be visible from the abutting lots and the main house. As it is now it can not be seen at all.

Sincerely,



Jason Amaral
General Manger of Operations

20-64

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET

20-64

TOWN OF NANTUCKET, MASS.

Certificate of Occupancy No. 3516-94

STRUCTURE

15 MARGARET'S

located at No.

~~XXXX~~ WAY, NANTUCKET. Zone.....LUG-3..... conforms substantially to the approved

lot plan and detailed statements for which Building Permit No. 3516-84 was issued

JUNE 27,, 19 84 Nantucket

This certificate therefore is issued to ...THEODORE BROWN..... to occupy or

use said premises or building or part thereof for the following purpose.....

CONSTRUCT SINGLE FAMILY DWELLING.

subject to and in accordance with all the provisions of the Zoning By-Law of the Town of Nantucket.

Dated..... JANUARY 6, 1994

Ronald J. Santos
Building Inspector.

1500
27 19 84

PERMISSION TO
WAV
AS OF THE APPELLATES AND THE
F BUILDINGS IN

AFTER ALL RE-
WORK PERMITTED
FOR AS REASON-

PREMISES

Ronald J. Santos
BUILDING INSPECTOR

3516-94

CERTIFICATE OF OCCUPANCY NO.

TOWN OF NANTUCKET, MASS.

Certificate of Occupancy No. 992-00

Structure....., located at No..... 15

This certifies that the..... conforms substantially to the approved

Street..... Margaret's Way..... Zone LUG-3..... 992-98 was issued

lot plan and detailed statements for which Building Permit No..... was issued

..... October 1....., 19⁹⁸. Nantucket

This certificate therefore is issued to Brandt & Elizabeth Gould..... to occupy or

use said premises or building or part thereof for the following purpose.....

..... build a 439 sf. addition to 1 du. 1 story family room and entry.....

..... Provide new full cellar.....

..... C.O. is for work performed under the above permit.....

..... subject to and in accordance with all the provisions of the Zoning By-Law of the Town of Nantucket.

Dated..... November 22, 2000.....

..... Building Inspector.

J. Anthony Duran

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Certificate No: OP-2007-0047

Building Permit No.: BP-2007-0087

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the

SHED
Dwelling Type

located at

15 MARGARETS WY

in the

TOWN OF NANTUCKET

Address

Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

**BUILD A 334 SF STORAGE SHED
CO FOR 10552-93 M/P 20-64**

This permit is granted in conformity with the Statutes and ordinances relating thereto, and expires unless sooner suspended or revoked.

Expiration Date

Issued On: Mon Jan 22, 2007

GeoTMS© 2007 Des Lauriers Municipal Solutions, Inc.

Certificate No: OP-2007-0046

Building Permit No.: BP-2007-0086

Commonwealth of Massachusetts
Town of Nantucket
Building Electrical Mechanical Permits

This is to Certify that the

BARN
Dwelling Type

located at

15 MARGARETS WY

Address

in the

TOWN OF NANTUCKET

Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

BUILD A 200 SF BARN
CO FOR PERMIT 10553-93 M/P 20-64

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires unless sooner suspended or revoked.

Expiration Date

Issued On: Mon Jan 22, 2007

GeoTMS© 2007 Des Lauriers Municipal Solutions, Inc.



Certificate No: OP-2007-0048

Building Permit No.: BP-2007-0089

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the

STUDIO
Dwelling Typ.

located at

15 MARGARETS WY
Address

in the

TOWN OF NANTUCKET
Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

ADD 102 SF TO SHED & CONVERT TO OPEN-STUD STUDIO
NEW FLOOR CO FOR 12636-95 M/P 20-64

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires unless sooner suspended or revoked.

Expiration Date

Issued On: Mon Jan 22, 2007



Certificate No: OP-2007-0049

Building Permit No.: BP-2004-1404

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the **SINGLE FAMILY DWELLING** located at
Dwelling Type

15 MARGARETS WY in the **TOWN OF NANTUCKET**
Address Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

**NEW DWELLING FULL CELLAR 1st FL 734 SF 2nd FL LOFT 174 SF
ONE BEDROOM TWO BATHROOMS CO FOR 1439-04 M/P 20-64**

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires unless sooner suspended or revoked.
Expiration Date

Issued On: Mon Jan 22, 2007



GeoTMS® 2007 Des Lauriers Municipal Solutions, Inc.

20.00



COPY

RECEIVED
BOARD OF ASSESSORS

DEC 01 2015

TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER.....*Gabrielle + Brandt Gould*.....

MAILING ADDRESS.....*15 Margarets Way*.....

PROPERTY LOCATION.....*15 Margarets Way*.....

ASSESSOR MAP/PARCEL.....*20 - 64*.....

SUBMITTED BY.....*Cohen + Cohen Law PC - Venessa*.....

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2)).

Dec. 2, 2015
DATE

Patricia Giles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABBUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
20	8	2		ANDERSON KENNETH J TRST		27 TUDORBECK DRIVE	DOVER	MA 02030	8 EAST FIRE SPRING RD
20	8	3		GROSS JAMES V & SIMON LAURA J	C/O HENTZ KATHERYN	BOX 1411	NANTUCKET	MA 02554	16 MARGARETS WY
20	9			KOCH ALBIN C & HARRIET W		1506 E CALIFORNIA BLVD	PASADENA	CA 91106	12 MARGARETS WY
20	49			NANTUCKET CONSERVATION FUND INC		PO BOX 13	NANTUCKET	MA 02554	SQUAM
20	50	2		NANTUCKET CONSERVATION FUND INC		PO BOX 13	NANTUCKET	MA 02554	SQUAM
20	61			ESPOSITO JOHN		313 LYNNWOOD BLVD	NASHVILLE	TN 37205-2907	14 EAST FIRE SPRING RD
20	62			WINGER DENNIS J &		53 ST GERMAIN AV	SAN FRANCISCO	CA 94114	12 EAST FIRE SPRING RD
20	63			LABONTE WALTER O JR & ROSANNA	C/O NET ZERO LLC	2 GREGGIAN AVE # 248	NANTUCKET	MA 02554	10 EAST FIRE SPRING RD
20	65			HELLER STIG & SHAW JAN		341 WEST 20TH ST	NEW YORK	NY 10011	17 MARGARETS WY
20	72			NANTUCKET CONSERVATION FOUNDD I		PO BOX 13	NANTUCKET	MA 02554	14 MARGARETS WY

MATERIALS

PROVIDED BY

STAFF TO

SUPPLEMENT

APPLICATION

DEED

I, BRANDT C. GOULD of Nantucket, Massachusetts, for consideration paid, grant to BRANDT C. GOULD and GABRIELLE M. GOULD, husband and wife as tenants by the entirety, of 15 Margaret's Way, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

That certain parcel of land, together with the buildings thereon) located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 15 Margaret's Way, bounded and described as follows:

NORTHERLY by Margaret's Way, on two courses, two hundred fifty-eight and 31/100 (258.31) feet;

EASTERLY by Lot 87 on plan hereinafter mentioned, six hundred seven and 68/100 (607.68) feet;

SOUTHERLY by Lot 84 on said plan, two hundred forty (240.00) feet; and

WESTERLY BY Lot 85 on said plan, five hundred fifty-eight and 40/100 (558.40) feet.

Said land is shown as Lot 86 on Land Court Plan 6283-8, Sheet 3 filed with Certificate of Title No. 9207 at Nantucket Registry District.

Said land is conveyed subject to the following matters:

(a) Provisions of an Easement to New England Telephone and Telegraph Company and Nantucket Electric Company, dated August 30, 1974, registered with Nantucket Registry District as Document No. 21666.

(b) Provisions of Declaration of Protective Covenants and Restrictions of Boat Meadow Creek Corporation, dated November 7, 1980, registered with Nantucket Registry District as Document No. 23169, as affected by release of Restriction 9 as set forth in deed dated September 13, 1982, registered as Document No. 25906.

(c) Matters set forth on the face of Certificate of Title No. 16126.

(d) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2002.

For title, see Certificate of Title No. ~~16126~~ at Nantucket Registry District. 19972

This conveyance is made without monetary consideration, as a gift from the grantor to the grantees.

Executed and sealed on September 21, 2004.

[Signature]
Brandt C. Gould

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

September 21, 2004

On this day before me, the undersigned notary public, personally appeared Brandt C. Gould, proved to me through satisfactory evidence of identification, which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose.

[Signature]
Notary Public

My commission expires:

 MARIANNE HANLEY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 23, 2009

NANTUCKET LAND BANK CERTIFICATE	
<input type="checkbox"/> Paid \$	
<input checked="" type="checkbox"/> Exempt <u>C</u>	
<input type="checkbox"/> Non-applicable	
<u>24,822</u>	<u>9/23/04</u>
No.	Date
Authorization <u>[Signature]</u>	

ZONING BOARD OF APPEALS

JANUARY 14, 2016

END OF PACKET

PART I

.....