



# Planning and Land Use Services

Building ▪ Health ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

## STAFF REPORT

Date: March 7, 2016

To: Zoning Board of Appeals

From: Eleanor W. Antonietti  
Zoning Administrator

Re: March 10, 2016

MEMBERS WHO PLAN TO LEAVE EARLY: Lisa Botticelli

1

### I. APPROVAL OF THE MINUTES:

- February 11, 2016

### II. OLD BUSINESS:

- 076-11 Sachems Path, LLC Sachems Path 40B Singer/Maguire  
*Sitting Members on most recent modification:* ET LB MJO KK MP

Pages 7 - 11

Request for determination that a change to a condition in the First Amended and Restated Comprehensive Permit, requested by the Nantucket Historic District Commission, is insubstantial and may therefore be approved as a minor amendment.

*This is a minor amendment requested by HDC Chairman Linda Williams. Staff recommends approval.*

- 04-16 Donald J. Mackinnon, Trustee of Nantucket 106 Surfside Realty Trust – *a/k/a* SURFSIDE COMMONS 40B 106 Surfside Road Mackinnon  
Extended Close of Public Hearing deadline September 30, 2016 (180 days from Initial Public Hearing with Extension)  
Decision Action deadline November 10, 2016 (40 days from close of Public Hearing)  
**CONTINUED TO APRIL 14, 2016** *Sitting Members:* ET LB MJO SM KK

Pages 13 - 41

- 06-16 1620 Capital, LLC 25 Broadway Brescher  
Action deadline May 11, 2016 *Sitting Members:* ET LB SM KK JM  
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 structure by lifting the structure to install a new foundation, adding new second floor dormers, and extending the existing one-story entry to two stories. While the height will increase from 20 feet to 21 feet, the footprint will not change. The property and pre-existing

**Staff Report as of 03/07/16**

nonconforming duplex thereon are nonconforming with respect to lot area, setbacks, ground cover ratio, and use. The proposed alterations will not increase the pre-existing nonconformities. The Locus, an undersized lot of record, is situated at 25 Broadway, and is shown on Assessor's Map 73.1.3 as Parcel 108. Evidence of owner's title is recorded at Book 1489, Page 190 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

**FROM 2/11 STAFF REPORT:**

Applicant is requesting Special Permit relief to alter a preexisting nonconforming structure on a preexisting nonconforming lot in the SOH zoning district. The locus, an undersized lot of record, contains 1,803± square feet where a minimum of 5,000 square feet is required. The pre-existing nonconforming duplex <sup>(not allowed in the SOH)</sup>, known historically as "The Hope Chest", has a foot print of 1,085± square feet for a GCR of 60.2± % where maximum allowable GCR is 50%. The structure is sited 0.5 feet from the northerly side yard lot line, 0.9 feet from the easterly rear yard lot line, and 0.6 from the southerly side yard lot line where minimum rear and side yard setbacks are 5 feet.

The proposed alterations, which have HDC approval, involve:

1. Lifting the structure to install a new foundation, leaving the footprint unchanged. However, the height of the structure will increase from 20 to 21 feet at its highest point;
2. Adding two 2<sup>nd</sup> floor dormers to the West elevation,
3. Adding a dormer to the 2<sup>nd</sup> floor and extending the existing one-story entry to two stories along the East elevation.

Bob Gardner, GM at Wannacomet Water Co., has expressed concerns about the impact of the proposed work on the existing water main, which is less than 2 feet off of the North end of the dwelling. He has asked that the ZBA require the applicant to meet with Wannacomet prior to any work being done at the site to ensure that the main does not undergo any damage. The sewer main, which required major repairs in 2014, will need similar protections.

In addition, 4 abutters sent in comments – all included in your packet. The consensus among them relates to the disruption of quality of enjoyment and infrastructure. They all ask that the work should not be allowed during the summer due to its location which entails quadruple frontage on Front Street to the North and East, Broadway to the West, and "Tucker Street" to the south. Due to lack of off-street parking in the vicinity, Broadway is frequently used for off-site parking by local residents. In addition, the street would not readily accommodate work trucks.

**While the proposed alterations will not increase the nonconforming nature of the lot, use, or structure – there is still the threshold of whether it could be considered substantially more detrimental to the neighborhood than the existing nonconforming structure/lot. The above concerns regarding negative impact on the immediate neighborhood and the 'fragile' infrastructure will inform your decision and conditions imposed therein, as will the following sections of the BY-LAW:**

**Pursuant to Section 139-30.A:**

- (1) The special permit granting authority may issue special permits for structures and uses which are in harmony with the general purpose and intent of this chapter subject to the provisions of such chapter.
- (2) Such permits may impose conditions, safeguards and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of this chapter.

Pursuant to Section 139-33.A:

- (1) Preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that:
  - (a) The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood. Where an existing structure violates a front, rear, or side yard setback distance, the special permit granting authority may issue a special permit to allow an extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming and based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity; or

UPDATE:

At the 2/11 meeting, the Board heard testimony from the architect, a Toscana representative, as well as various abutters or representatives thereof. The abutter consensus – as with written comments submitted prior to that hearing – centered around potential damage to surrounding structures and infrastructure as well as potential parking and traffic problems created by a project of this scope and nature. Abutters raised several concerns about methodology. They acknowledged that the applicant has taken significant steps to ensure that the project occurs in an appropriate and “least impactful” way. They want to make sure these things are enforceable. The Board, upon hearing from both abutters and representatives for the applicant, requested the following:

- Geotechnical report and a detailed construction methodology outlining the process before approval can be granted;
- A comprehensive explanation of why Toscana has determined that underpinning works for Kite Hill but not for this site;
- Surveying benchmarks before and after the project;
- Specific time-line for any road closings so neighbors understand how and when the circulation and parking will be impacted along Front and Broadway:
  - Notification to abutters of major milestones and street closings;
- Parking plan to address the limited available on-street parking;
- Hardscaping and exterior construction moratorium dates - Sconset is still active though September. There was some discussion back and forth about starting it on June 1<sup>st</sup> versus June 15<sup>th</sup>. Concerns about use of loud machinery outside and arrival of workers on-site prior to 7am ... and how this would fit in with the local Noise By-law;
- Pre-construction meeting;
- Examine conditions imposed in Kite Hill Ln. decision for comparative purposes, which are:
  - a. *The proposed alterations and expansion shall be done in substantial conformity with the plans approved in conjunction with Nantucket Historic District Commission Certificate of Appropriateness No. 64067, as the same may be amended from time to time;*
  - b. *The project shall be done in accordance with the Construction Methodology and Engineering Plans, attached herewith as “Exhibit B”;*
  - c. *There will be no more than one bedroom in the new finished basement as shown on basement floor plans, attached herewith as “Exhibit C”;*
  - d. *There shall be no further construction involving exterior changes or expansion without further relief from this Board;*
  - e. *The General Contractor, Site Manager, and/or Construction Supervisor will provide all contact information to the Zoning Administrator and any abutters who request it;*
  - f. *Kite Hill Lane will not be used for parking of construction vehicles or vehicles belonging to people working on the site.*
  - g. *There shall be no exterior construction between Memorial Day and Labor Day of any given year relative to construction contemplated under this decision.*

The applicant, as requested, has submitted a letter from the consulting engineer, Stephen Goan (who is equally familiar with the Kite Hill Lane project) which outlines the existing condition of the structure and gives an overview of the proposed work and construction methodology. The latter includes an existing conditions survey of adjacent buildings along with soil borings. The attorney for the applicant also submitted a letter with, among other information, a summary from Toscana as to the methodology behind the shoring method as opposed to the underpinning method which was proposed for Kite Hill Lane. The letter also points out that 1) a geotechnical engineer firm has been engaged, and 2) the applicant has no objection either to a pre-construction meeting with Wannacomet and the DPW nor to a summer month exterior construction moratorium. The applicant has responded to the Board's request for specific information relevant to ensuring, as much as is possible, that this project does not have an avoidable negative impact on the neighborhood.

III. NEW BUSINESS:

- 05-16 William J. Stone, II 8 Atlantic Avenue Jensen  
Action deadline June 8, 2016 CONFLICTS: SM

Sitting Members on 2011 VARIANCE: ETLB KK MP *opposed* Michael Angelastro

Applicant is requesting Special Permit relief pursuant Zoning Bylaw Section 139-16.C(2) to validate unintentional front and rear yard setback intrusions, both of which relate to the siting of stoops and stairs required by Building Code. In the alternative and to the extent necessary, the applicant seeks modification of prior Variance relief to validate the site of the dwelling. The Locus, an undersized lot of record created pursuant to M.G.L. Chapter 41 Section 81L, is situated at 8 Atlantic Avenue, is shown on Assessor's Map 55 Parcel 18, and as Lot 62 on Plan No. 2011-5. Evidence of owner's title is recorded at Book 1234, Page 237 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).

Pages 43 - 53  
of PACKET.  
See also additional  
materials at end of  
this Report.

This application was originally scheduled to be opened at the February 11<sup>th</sup> hearing but, due to the potential lack of quorum and the nature of the relief requested, the applicant opted to open it in March. Staff has added some materials relevant to the application at the end of this Staff Report. These include the 2011 Variance with highlighting as well as some additional Building Department and HDC documents and the original ANR submission plan. The applicant was granted approval in the aforementioned variance which states, in part:

*[...] the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) in order to alter the preexisting nonconforming structure on "Lot 2" in order to partially demolish, lift, construct a new foundation, and replace and renovate the existing single family dwelling on lot containing ± 3,131 square feet in a zoning district that requires a minimum lot size of 5,000 square feet. The Applicant has Historic District Commission approval for the proposed alteration. The dwelling will be conforming as to setbacks and ground cover.*

*[...] Through the issuance of a Variance, the Board has the authority to regulate the location and ground cover of any proposed structure. Specifically, the Board found that the present application meets the requirement for a Variance based upon the uniqueness of the lot due to its creation pursuant to M.G.L. Chapter 41-81L, which distinguishes it from other lots in the same zoning district. Based on this information, the Board found that the requested relief would not derogate from the purpose and intent of the Zoning Bylaw.*

*[...] Accordingly, by a vote of FOUR in favor and ONE opposed (Poor opposed) of the sitting members, the Board of Appeals made the finding that circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship to the applicant and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. Specifically, the lot was validly created pursuant to M.G.L. Chapter 41-81L and is significantly smaller than the minimum lot size required in the R-1 district. The conflict between the state law allowing the lot division and the intensity regulations of the local bylaw has created a unique situation specific to this lot.*

Staff Report as of 03/07/16

Staff notes that in both the decision, as noted above, and the Building Permit application, it is indicated that the renovated structure would be dimensionally compliant with the setbacks. (SEE PAGE 13 of supplemental materials.) What is the explanation for the overage caused by the siting of the stoops? Is this an oversight or an “inadvertent” error ?

The previous relief was granted by Variance with the finding that the altered dwelling would conform “as to setbacks and ground cover”. The Board will need to determine which type of relief they want to grant – either the Special Permit if the criteria of Section 139-16.C(2) are met or a modification of the Variance relief as to the setback encroachment which, in effect, has created a new nonconformity.

The Applicant seeks Special Permit relief pursuant to Bylaw Section 139-16.C(2) which reads:

*The Board of Appeals may grant a special permit to validate unintentional setback intrusions not greater than five feet into a required yard and not closer than four feet from a lot line, provided that it shall first find that the burden of correcting the intrusion substantially outweighs any benefit to an abutter of eliminating the intrusion and, if the intruding structure was so sited after 1990, the siting of the structure was reasonably based upon a licensed survey.*

The previous structure was sited approximately 10.7 feet from the front yard lot line, per Paul Santos’ ANR plan found on PAGE 18 of the supplemental materials. The structure was partially demolished and renovated. The corner-boards of the altered dwelling are shown to be 10.5’ (northwest) and 10.9’ (southwest) from the front yard lot lines and therefore more or less in line with the previous siting. The front stoop is shown to be as close as 6 feet from Atlantic Avenue, thereby encroaching 4 feet ( ≤ 5 feet) into the required 10 foot front yard setback. The stoop on the southeast corner of the dwelling is as close as 4.1 feet from the rear yard lot line where the required rear yard setback distance is 5 feet, therefore **not closer than 4 feet from the lot line.**

- 09-16 Jennifer Regan 36 York Street Hanley  
 Action deadline June 8, 2016 CONFLICTS: NONE KNOWN  
 Applicant is requesting modification of prior Special Permit relief granted pursuant to Zoning By-law Section 139-33.A to allow the alteration of a pre-existing nonconforming structure by lifting the structure to install a new foundation and basement. The structure, subsequent to the approved repositioning on the new foundation, is sited 1.5 inches closer in two corners abutting the westerly side and northerly front yard lot lines, but no closer to the side and front yard setbacks than said structure at its closest points. In the alternative, Applicant is requesting Variance relief pursuant to Section 139-32 from the intensity regulations in Section 139-16 to validate the unintentional change in setback distances as they pertain to the subject portions of the structure. The Locus, an undersized lot of record situated at 36 York Street, is shown on Assessor’s Map 55.4.1 as Parcel 103 and upon Plan Book 22, Page 120. Evidence of owner’s title is recorded at Book 1254, Page 178 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 1 (R-1).

See above description for relief requested. This is another case of an unintended and *de minimis* change that shows up on the final As-Built. The structure in question was raised and re-positioned as approved in prior relief. The structure, as so altered and repositioned, is shown to have two corners approximately 1.5 inches closer to the setbacks than was proposed in the 2001 application. The 2016 As-Built shows the proposed (in black) versus actual (in red) offset measurements. You will note that the structure is in fact slightly further from the westerly lot line than proposed along the western elevation. The northwest corner of the dwelling ended up 3.6 feet (instead of the proposed 3.7) from the westerly lot line and the northeast corner ended up 4.9 feet (instead of the proposed 5.0). These corners are not sited closer than the closest points of the dwelling which are shown to be .5 feet from the westerly side yard lot line (5 foot setback) and 4.1 from the northerly front yard lot line (10 foot setback). Staff recommends approval.

- 10-16 MHD Parnters Real Estate, LLC 4 Goose Cove Lane Brescher  
 Action deadline June 8, 2016 CONFLICTS: NONE KNOWN  
 Applicant is requesting Variance relief pursuant to Zoning By-law Section 139-32 from the intensity regulations in the Village Height Overlay District (VHOD). Specifically, applicant intends to relocate an existing cottage from another property onto the subject premises, a vacant oversized lot. In 2009, the VHOD was adopted and the structure, which is 25.5 feet above average mean grade, was rendered pre-

Pages 54 - 81

Pages 82 - 98

**Staff Report as of 03/07/16**

existing nonconforming. The maximum allowable height in the VHOD is 25 feet pursuant to Section 139-12.K(1). The structure, upon being relocated, will continue to be nonconforming with respect to height but will conform to all other intensity regulations of the Village Residential zoning district. The Locus is situated at 4 Goose Cove Lane, is shown on Assessor's Map 59.4 as Parcel 30, and as Lot 894 upon Land Court Plan No. 3092-119. Evidence of owner's title is registered at Certificate of Title 25954 on file at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR) and is sited within the Village Height Overlay District (VHOD).

This is similar to the application submitted in 2013 and again in 2015 for 47 Monomoy Road, with the important exception that this applicant is requesting relief before the relocation, whereas that applicant requested relief to validate the excess height after moving the dwelling from Baxter Road. No changes to the structure are proposed as part of this application. Once a structure is relocated – and this one will be moved from 43 Tennessee Avenue to one of the vacant lots in a 4-lot subdivision called Goose Cove located off of South Cambridge Street – it loses any pre-existing nonconforming status. If the Board is inclined to grant any relief, variance relief is the only option. Staff notes that the height of the structure is 25.5 feet and as such a *de minimis* difference as to the 25 feet allowed. Furthermore, this lot has a challenging shape and topography (it used to contain 2 tennis courts from the defunct Island Racquet Club) and has wetlands to the rear.

**VARIANCE CRITERIA**

The decision would have to meet the threshold (established by MGL 40.A § 10 and locally per Section 139-32.A) which requires that the Board:

*[...] specifically finds that owing to circumstances relating to soil conditions, shape or topography of such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.*

**MATERIALS**

**PROVIDED BY STAFF**

**TO SUPPLEMENT**

**APPLICATION**

**No. 05-16**

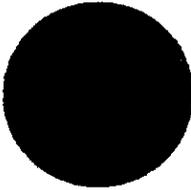
**8 ATLANTIC AVE.**

*See pages 43 – 53 of Packet*



2011 00001229

Bk: 1279 Pg: 14 Page: 1 of 7  
Doc: SP 05/09/2011 08:56 AM



MASSACHUSETTS  
TOWN OF NANTUCKET

11 APR 15 08:59

RECEIVED

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

Date: April 11, 2011

To: Parties in Interest and Others concerned with the Decision of  
The BOARD OF APPEALS in the Application of the following:

Application No: 011-11

Owner/Applicant: WILLIAM J. STONE, II

Enclosed is the Decision of the BOARD OF APPEALS which has this  
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17  
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a  
complaint in Land Court within TWENTY (20) days after this day's  
date. Notice of the action with a copy of the complaint and  
certified copy of the Decision must be given to the Town Clerk so  
as to be received within such TWENTY (20) days.

Edward S. Toole, Chairman

cc: Town Clerk  
Planning Board  
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT  
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING  
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32  
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD  
OF APPEALS OFFICE AT 508-228-7215.

**NANTUCKET ZONING BOARD OF APPEALS  
2 Fairgrounds Road  
Nantucket, Massachusetts 02554**

Assessor's Map 55, Parcel 18  
8 Atlantic Avenue  
Residential-1

Deed, Book 1234, Page 237

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, March 10, 2011, at 1:00 P.M., at 2 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of WILLIAM J. STONE, II, of 42 Eighth Street, Unit 4304, Charlestown, Massachusetts 02129, File No. 011-11:

2. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) (alteration of preexisting nonconforming structures) in order to alter the structure on "Lot 1" by relocating and altering the existing one story garage into a single family dwelling on a lot containing less than the required 5000 square feet in the R-1 zoning district. The proposed relocation will be conforming as to setbacks and ground cover. In the alternative, the Applicant is requesting Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 (Variances) from the intensity regulations in Section 139-16 (intensity regulations - lot size). The Applicant is also requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) in order to alter the structure on "Lot 2" by partially demolishing, lifting, constructing a new foundation, replacing and renovating the existing single family dwelling on a lot containing less than the required 5000 square feet in the R-1 zoning district. The proposed relocation will eliminate all side yard setback intrusions. In the alternative, the Applicant is requesting Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 (Variances) from the intensity regulations in Section 139-16 (intensity regulations - lot size

and setbacks). The Locus is situated at 8 Atlantic Avenue, is shown on Nantucket Tax Assessor's Map 55 as Parcel 18, and title is recorded at the Nantucket County Registry of Deeds in Book 1234, Page 237. The property is zoned Residential - 1.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There were no letters of support or opposition to the application.

4. Attorney Stephen Griffin represented the Applicant at the hearing. Attorney Griffin informed the Board that the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) for the alteration of a preexisting nonconforming structure in order to alter the structure on "Lot 1" on the attached site plan. In the alternative, the Applicant is also requesting Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 from the intensity regulations in Nantucket Zoning Bylaw Section 139-16 in order to perform the work requested.

The existing structure on "Lot 1" was previously used as a garage and the Applicant is proposing to relocate and alter the existing structure into a single family dwelling on a lot containing less than the required 5,000 square feet (the lot contains + 3,193 square feet) in the R-1 zoning district.

Additionally, Attorney Griffin explained to the Board that the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) in order to alter the preexisting nonconforming structure on "Lot 2" in order to partially demolish, lift, construct a new foundation, and replace and renovate the existing single family dwelling on lot containing + 3,131 square feet in a zoning district that requires a minimum lot size of 5,000 square feet. The Applicant has Historic District Commission approval for the proposed alteration. The dwelling will be conforming as to setbacks and ground cover.

In the alternative, the Applicant is requesting Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 (variances) from the intensity regulations in Section 139-16 (intensity regulations) for the proposed work.

The Applicant has received endorsement of the Approval Not Required ("ANR") plan by Planning Board, thereby creating two separate and buildable lots. During the course of the public hearing, it was the opinion of the Zoning Enforcement Officer that the proposed construction and validation of the undersized

lots warranted Variance relief as the applicant was proposing to create two undersized, buildable lots.

At the hearing, it was explained that the Applicant had created two lots pursuant to M.G.L. Chapter 41-81L, which allows the division of a lot into two (2) or more lots if each contain one (1) or more structures that predate the adoption of the Subdivision Control Law (1955).

Through the issuance of a Variance, the Board has the authority to regulate the location and ground cover of any proposed structure. Specifically, the Board found that the present application meets the requirement for a Variance based upon the uniqueness of the lot due to its creation pursuant to M.G.L. Chapter 41-81L, which distinguishes it from other lots in the same zoning district. Based on this information, the Board found that the requested relief would not derogate from the purpose and intent of the Zoning Bylaw.

In ascertaining the uniqueness of the situation and the proposed structure on the locus, the Board examined the neighborhood in which the locus is located. The Board considered the neighboring parcels and the commercial aspect of the neighborhood. The Board determined that by limiting the subject lot to one dwelling unit, the proposal would be in harmony and conjunction with the aesthetic of the neighborhood.

5. Accordingly, by a vote of FOUR in favor and ONE opposed (Poor opposed) of the sitting members, the Board of Appeals made the finding that circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship to the applicant and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. Specifically, the lot was validly created pursuant to M.G.L. Chapter 41-81L and is significantly smaller than the minimum lot size required in the R-1 district. The conflict between the state law allowing the lot division and the intensity regulations of the local bylaw has created a unique situation specific to this lot.

6. Based upon the application and accompanying materials, and representations and testimony received at our public hearing, the applicant is granted Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 (variances) from the intensity regulations in Section 139-16 (intensity regulations - lot size and setbacks) to validate both lots as buildable and to construct

a single family dwelling on "Lot 1." The lot dimensions and configuration as well as the location and size of the proposed structure shall be in substantial conformance with Exhibit A attached to this decision.

SIGNATURE PAGE TO FOLLOW

Dated: April 15<sup>th</sup>, 2011

[Signature]  
Edward S. Toole

[Signature]  
Merim Kosevic

[Signature]  
Lisa Botticelli

[Signature]  
Mark Poor

[Signature]  
Michael Angelastro

COMMONWEALTH OF MASSACHUSETTS

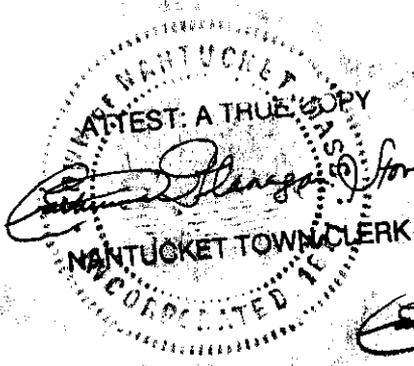
Nantucket, ss.

April 15, 2011

On this 15<sup>th</sup> day of April, 2011, before me, the undersigned Notary Public, personally appeared

Mark Poor, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

[Signature]  
Notary Public: John B. Breslin  
My commission expires: 9/19/2014



I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

[Signature]

TOWN CLERK

MAY 09 2011



"Exhibit A"

**APPROVED**

MAR 22 2011

MAR 27 2011

**NO EXISTING STRUCTURES WITHOUT H.D.C. APPROVAL**



**ATLANTIC AVE.**

**8R ATLANTIC**

**8R ATLANTIC AVE.**

APPROVED NEW LOCATION OR EXISTING HOUSE ON SEPARATE LOT

APPROVED DRIVEWAY

RECONSTRUCTED DRIVEWAY

**RECEIVED**  
MAR 11 2011

PROPOSED NEW LOCATION OR STRUCTURE WITH ADDRESS

EXISTING GARAGE FOOTPRINT

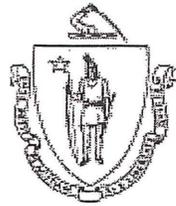
**B** SITE PLAN  
1"=10'

**HOLCOMB DESIGNS**

MARTUCKET COUNTY RECEIVED & ENTERED  
Attest: Jennifer H. Ferreira, Register of Deeds



BUILDING AND CODE ENFORCEMENT DIV.  
TOWN BUILDING ANNEX  
2 Fairgrounds Rd  
NANTUCKET, MASSACHUSETTS 02554  
Telephone 508.325.7587  
[sbutler@nantucket-ma.gov](mailto:sbutler@nantucket-ma.gov)



September 11, 2014

William Stone  
42 8<sup>th</sup> Street #4304  
Charlestown, MA 02129

Dear Sir,

Your request for a Certificate of Occupancy for building permit 247-12 for the dwelling located at 8 Atlantic Ave has been reviewed and is for the following reasons DENIED:

The as-built survey plan shows the front stoop within the 10' the front yard setback and the side stoop within the 5' side yard setback required in the R-1 zoning district. (see §139-16A of the Code of Nantucket )

Please be advised that if you are aggrieved by this decision you may appeal pursuant to §139-31.

Stephen Butler  
Building Commissioner  
Town of Nantucket  
2 Fairgrounds Rd  
Nantucket, MA 02554  
508.325.7587 ex 7012

DUPLICATE

1/7/2014

COMMONWEALTH OF MASSACHUSETTS

MAP 55 PARCEL 18

# TOWN OF NANTUCKET

## BUILDING DEPARTMENT

Fee \$2022.00

No. 247-12

Office of the Building Inspector

MARCH 8

~~2011~~ 2012

# BUILDING PERMIT

THIS PERMIT CERTIFIES THAT WILLIAM STONE HAS

PERMISSION TO DEMO IN PART, RENO & ADD TO 1DU; NEW BASEMENT 903 SQ', 903 SQ' 1<sup>ST</sup>, 806 SQ' 2<sup>ND</sup>

6 BEDROOMS, 3 BATHS LOCATED ON 8 ATLANTIC AVE PROVIDED

THAT THE PERSON ACCEPTING THIS PERMIT SHALL CONFORM TO THE TERMS OF THE APPLICATION ON FILE IN THE BUILDING DEPARTMENT AND TO THE PROVISIONS OF THE STATUTES AND THE ORDINANCES RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE TOWN OF NANTUCKET, AND THE MASSACHUSETTS STATE BUILDING CODE 780 CMR 8<sup>th</sup> EDITION.

A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON RETURN OF THIS PERMIT ONLY AFTER ALL THE REQUIRED INSPECTIONS HAVE BEEN SIGNED AND DATED BY THE APPROPRIATE INSPECTOR.

THIS PERMIT SHALL BECOME INVALID SIX MONTHS FROM THE DATE OF ISSUE IF THE WORK PERMITTED HAS NOT COMMENCED OR IS NOT PROGRESSING CONTINUOUSLY TO COMPLETION AS FAR AS REASONABLY PRACTICABLE.

PERSONS CONTRACTING WITH UNREGISTERED CONTRACTORS DO NOT HAVE ACCESS TO THE GUARANTY FUND 780 CMR/MGL c142A

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.

W. Red

DUPLICATE

DEPARTMENT	PERMIT NUMBER	INSPECTOR	DATE
HEALTH		FINAL	
DPW/SEWER	4916	FINAL <u>DM Coll</u>	<u>1/17/14</u>
PLANNING BOARD		FINAL	
PLUMBING	12-350	UG <u>W. J. [unclear]</u> (WC)	<u>7/17/12</u>
	13-143/12-292	ROUGH <u>W. J. [unclear]</u> (WC)	<u>8/07/12</u>
		FINAL <u>W. J. [unclear]</u> (WC)	<u>11/08/13</u>
WIRING	493-12	TEMPORARY	
	522-13	SERVICE	
		ROUGH <u>William W. Jacobs</u> (WL)	<u>7/31/12</u>
		FINAL <u>William W. Jacobs</u>	<u>12-11-13</u>
		ROUGH <u>W. J. [unclear]</u> (WC)	<u>8/22/12</u>
		FINAL <u>W. J. [unclear]</u> (WC)	<u>11/08/13</u>
		FINAL <u>Dennis Strong</u>	<u>2/6/14</u>
		<del>ROUGH <u>William W. Jacobs</u> (WL)</del>	<del><u>7/31/12</u></del> WWL
FIRE DEPARTMENT	N.A.	FUEL & MECH/ALARM	
SHEET METAL PERMIT	733-12	ROUGH <u>A. [unclear]</u> (AN)	<u>8/14/12</u>
		FINAL <u>A. [unclear]</u>	<u>7/11/14</u>
ZONING		FINAL	
BUILDING		FOOTINGS <u>A. [unclear]</u> (AN)	<u>4/25/12</u>
		FOUNDATION	
		ROUGH	
		INSULATION	
		FIREPLACE	
		FINAL <u>A. [unclear]</u> 11	<u>11/6/14</u>

RECEIVED  
NOV 20 2014

BY: GAS 13 12-397  
13-104

1/9/14 55885 H.D.C.

ENG  
Lester

C R-38; W R-21; W U-.43; BW R-19; D U-.38

[Signature] 1 Don

**5. IDENTIFICATION - To be completed by all applicants**

Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee William Stone	42 8th st #4304 Charlestown, MA 02129	02129	732-319-8068
2. Contractor Print Name Frank Carley	13 1/2 BEAR ST, NANTUCKET	Builder's License CS 78851	
Signature Frank Carley	MA 02554	Date 3/11/11	508-221-1820
3. Contact Person Chris Grimes	33 Mary's Ln. Nantucket	Date 1/11/11	508-685-9100

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant: *Chris Grimes* Address: 33 Mary's Ln. Nantucket Telephone #: 508-685-9100

DO NOT WRITE BELOW THIS LINE

**6. PLAN REVIEW RECORD - For Office Use**

Plans Review Required				
HISTORIC DISTRICTS COMMISSION	ok	55885	1-2-11	
SEPTIC				
SEWER	ok	4916	11-14-11	
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

**7. VALIDATION**

Building Permit Issued _____	FOR DEPARTMENT USE ONLY
Building Permit Fee 2022	Use Group _____
	Occupancy Load _____
	Census No. 434
Date of Issuance of Certificate of Occupancy _____	Approved by: <i>11th Feb 11-22-11</i> Building Commissioner

**RECEIVED** MAY 16 2011 NANTUCKET BUILDING DEPT.

**RECEIVED** MAR 14 2011 MAY 10 2011 NANTUCKET ZONING DEPT.

247-12  
3/8/2012  
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

**IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5**

**1. LOCATION OF BUILDING**

OWNERS NAME (print): Stone, Bill  
Last First Middle Initial  
8 Atlantic Ave. Nantucket, MA. 02554  
No. Street  
Assessor's Map No. \_\_\_\_\_ Assessor's Parcel No. 55-18

**2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E**

<b>A. TYPE OF IMPROVEMENT</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair, replacement <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Moving	<b>B. OWNERSHIP</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public	<b>D. DIMENSIONS</b> Dimensions of Structure First Floor Area: 903 SQ. FT. Second Floor Area: 805 SQ. FT. Third Floor Area: _____ Total Floor Area: 1708 SQ. FT. Full Cellar Area: 801 (FINISHED) + DECK: 37 SQ. FT. TOTAL = 2547 SQ. FT.
<b>C. COST</b> TOTAL COST OF IMPROVEMENT \$225,000		

**E. PROPOSED USE**  
Residential  
 One Family  
 Studio  
 Two or more family - Enter number of units \_\_\_\_\_  
 Hotel, Motel, Dormitory enter number of units \_\_\_\_\_  
 Second Dwelling  
 Garage  
 Pool  
 Other - Specify \_\_\_\_\_

Detail scope of work by floor & provide the square footage.  
1st floor Replacement; some new walls  
2nd floor Replacement; some new walls  
will add Basement (finished)  
All new windows  
(PARTIAL DEMO / RENOVATION)

**3. SELECTED CHARACTERISTICS OF BUILDING**

<b>F. PRINCIPLE TYPE OF FRAME</b> <input checked="" type="checkbox"/> Wood frame <input type="checkbox"/> Other - Specify _____	<b>H. TYPE OF SEWAGE DISPOSAL</b> <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private (septic tank, etc.)	<b>K. ACCESSORY HEAT SOURCE</b> No. of fireplaces 0 No. of Wood Stoves 0 Other GAS
<b>G. PRINCIPLE TYPE OF HEATING</b> <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Oil <input type="checkbox"/> Heat Pump <input type="checkbox"/> Other - Specify _____	<b>I. TYPE OF WATER SUPPLY</b> <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private (well)	<b>L. RESIDENTIAL BUILDINGS</b> Number of Bedrooms 6 Number of Bathrooms 3 Full 3 Partial _____
<b>J. SMOKE DETECTORS</b> No. of Detectors per code _____ See Plan for Location		

SEE RES CHECK

**3. Continued**

**M. ENERGY CONSERVATION**

Type	Thickness	R Value
Foundation or Floor insulation		
Wall Insulation		
Ceiling or Roof Insulation		
Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____		
Doors: Insulated Yes _____ No _____ Weatherstripped: Yes _____ No _____		
Percentage of Window Area to Wall Area: _____		

**N. STRUCTURAL CHARACTERISTICS OF BUILDING**

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

**Foundation**

Footing size: 10" x 20" Footing reinforcing: (3) #5 CONT.  
 Wall material: 3500 PSI CONC. Wall thickness: 10"  
 Wall height: 8'-10" Wall reinforcing: #4 @ 3'-0" O.C. EACH WAY  
 Pier or column size: PER PLAN Pier or column spacing: PER PLAN  
 Pier or column footing size: PER PLAN Pier or column reinforcing: #5 @ 6" O.C. EACH WAY  
 No. of crawl space vents: 1 Crawl space:  Full  Partial

**FRAMING: Main Carrying members: Size: (3) 1 3/4" x 11 7/8" MICROLAM Support Spacing: PER PLAN**

Member	Joist size	Maximum Span	Maximum Spacing
First Floor Framing	<u>2x10</u>	<u>14'-10"</u>	<u>16" O.C.</u>
Second Floor Framing	<u>2x10</u>	<u>15'-1"</u>	<u>16" O.C.</u>
Ceiling Framing	<u>2x6</u>	<u>5'-8"</u>	<u>16" O.C.</u>
Roof Framing	<u>2x8</u>	<u>10'-0"</u>	<u>16" O.C.</u>

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

**SKETCH OF PROPOSED WORK (minor projects)**

NOTES AND DATE (For Department Use)	FEE CALCULATIONS
11/23/2011 - Spoke w/ Chris -	903 + 903 + 806 + 84 K. 75

**4. ZONING COMPLIANCE To be completed by all applicants**

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: R-1 Total Land Area: 3,30.50 +/- SQFT  
 Frontage on Street: \_\_\_\_\_ Lot No.: \_\_\_\_\_  
 Plan Book No. and Page: \_\_\_\_\_ Land Court Plan No.: \_\_\_\_\_  
 Date Lot Purchased: \_\_\_\_\_ Certificate No.: \_\_\_\_\_  
 Name of Previous Owner: \_\_\_\_\_

**SUBDIVISION INFORMATION**

Name of Owner: Bill Stone  
 Date of Plan Approval: \_\_\_\_\_  
 Type of Approval: ANR \_\_\_\_\_ AR \_\_\_\_\_  
 Planning Board File No.: \_\_\_\_\_  
 Is the Subdivision subject to a Covenant: YES \_\_\_\_\_ NO \_\_\_\_\_  
 Is a Release required: YES \_\_\_\_\_ NO \_\_\_\_\_  
 Has Plan been filed with the Registry of Deeds? YES \_\_\_\_\_ NO \_\_\_\_\_  
 If YES: Plan Book and Page No.: \_\_\_\_\_ Date \_\_\_\_\_

**TIME SHARING INFORMATION**  
 Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

**DIMENSIONS**

Distance from Property Lines: FRONT 18'-0" REAR 5'-10" LEFT 7'-6" RIGHT 17'-10"  
 Distance between Principal and Secondary Dwelling: \_\_\_\_\_ (12ft. minimum)  
 Height of structure above finish grade: N 21'-7" E 21'-7" S 21'-7" W 21'-7"  
 Number of off-street parking spaces: Enclosed \_\_\_\_\_ On-site 2

**GROUND COVER**

Principal Dwelling: 903 (486-EXISTING) + (415 NEW)  
 Secondary Dwelling: \_\_\_\_\_  
 Addition: \_\_\_\_\_  
 Garage: \_\_\_\_\_  
 Accessory Building: \_\_\_\_\_  
 Swimming Pool: \_\_\_\_\_  
 Other: \_\_\_\_\_

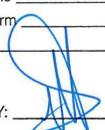
Total: 903 SF.  
 Allowable: 939.15 SF.

**MISCELLANEOUS**

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES \_\_\_\_\_ NO   
 If answered YES, include "Order of Conditions" with application. NA  
 What date was the "Order of Conditions" with application. NA  
 What date was the "Order of Conditions" filed with the Registry of Deeds? NA  
 Is the property located within a Flood Hazard district? YES \_\_\_\_\_ NO   
 Was a Variance or Special Permit granted by the Board of Appeals? YES \_\_\_\_\_ NO   
 If answered YES, what date was the decision filed with the Town Clerk? NA

**FOR ZONING OFFICER**

Minimum Lot Size: \_\_\_\_\_ Ground Cover Ratio: \_\_\_\_\_  
 Frontage on Street: \_\_\_\_\_ Side and Rear Setback: \_\_\_\_\_  
 Front Yard: \_\_\_\_\_ Secondary Dwelling approval \_\_\_\_\_  
 Additional Comments: \_\_\_\_\_ Board of Appeals \_\_\_\_\_  
 Lot Release Form \_\_\_\_\_

Date: 5/14/11 APPROVED BY:  Zoning Officer

**5. IDENTIFICATION - To be completed by all applicants**

Name	Mailing-address* - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee			
2. Contractor	Print Name <u>Christopher Carvey</u> Signature <u>[Signature]</u>	D.O. Box 3577 Newbedford MA 02584	Builder's License <u>CS1051656</u> Date <u>March 19 2013</u>
3. Contact Person			785-633 8926

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant \_\_\_\_\_ Address \_\_\_\_\_ Telephone # \_\_\_\_\_  
Print name \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

**6. PLAN REVIEW RECORD - For Office Use**

Plans Review Required				
HISTORIC DISTRICTS COMMISSION				
SEPTIC				
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

**7. VALIDATION**

Building Permit Issued _____	FOR DEPARTMENT USE ONLY
Building Permit Fee _____	Use Group _____
Date of Issuance of Certificate of Occupancy _____	Occupancy Load _____
	Census No. _____
	Approved by: _____
	Building Commissioner

**RECEIVED**  
MAR 19 2013

BY: \_\_\_\_\_

247-12  
BUILDING PERMIT NUMBER

**APPLICATION FOR BUILDING PERMIT**

**IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 Please Print**

**1. LOCATION OF BUILDING**

OWNERS NAME (print): Stone, William  
Last First Middle Initial  
8 Atlantic Avenue  
No. Street  
Assessor's Map No. 55 Assessor's Parcel No. 18

**2. TYPE AND COST** - All applicants complete Parts A-E

<p><b>A. TYPE OF IMPROVEMENT</b></p> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair, replacement <input type="checkbox"/> Demolition <input type="checkbox"/> Moving	<p><b>B. OWNERSHIP</b></p> <input type="checkbox"/> Private <input type="checkbox"/> Public	<p><b>D. DIMENSIONS</b></p> <p>Dimensions of Structure</p> <p>First Floor Area: _____</p> <p>Second Floor Area: _____</p> <p>Third Floor Area: _____</p> <p>Total Floor Area: _____</p> <p>Full Cellar Area: _____</p>
--	--	--

*Changed in Computer File please*

**E. PROPOSED USE**

Residential

Detail scope of work by floor & provide the square footage.

Change of Contractor

One Family  
 Studio  
 Two or more family - Enter number of units \_\_\_\_\_  
 Hotel, Motel, Dormitory enter number of units \_\_\_\_\_  
 Second Dwelling  
 Garage  
 Pool  
 Other - Specify \_\_\_\_\_

**3. SELECTED CHARACTERISTICS OF BUILDING** For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.

<p><b>F. PRINCIPLE TYPE OF FRAME</b></p> <input type="checkbox"/> Wood frame <input type="checkbox"/> Other - Specify _____	<p><b>H. TYPE OF SEWAGE DISPOSAL</b></p> <input type="checkbox"/> Public <input type="checkbox"/> Private (septic tank, etc.)	<p><b>K. ACCESSORY HEAT SOURCE</b></p> <p>No. of fireplaces _____</p> <p>No. of Wood Stoves _____</p> <p>Other: _____</p>
<p><b>G. PRINCIPLE TYPE OF HEATING</b></p> <input type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Oil <input type="checkbox"/> Heat Pump <input type="checkbox"/> Other - Specify _____	<p><b>I. TYPE OF WATER SUPPLY</b></p> <input type="checkbox"/> Public <input type="checkbox"/> Private (well)	<p><b>L. RESIDENTIAL BUILDINGS</b></p> <p>Number of Bedrooms _____</p> <p>Number of Bathrooms _____</p> <p>Full _____ Partial _____</p>
<p><b>J. SMOKE DETECTORS</b></p> <p>No. of Detectors _____</p> <p>See Plan for Location</p>		

**3. Continued**

**M. ENERGY CONSERVATION**

Type	Thickness	R Value
Foundation or Floor insulation	_____	_____
Wall Insulation	_____	_____
Ceiling or Roof Insulation	_____	_____
Window Glazing: Insulated Glass _____ Double Glass _____ Storm _____		
Doors: Insulated Yes _____ No _____ Weatherstripped: Yes _____ No _____		
Percentage of Window Area to Wall Area: _____		

**N. STRUCTURAL CHARACTERISTICS OF BUILDING**

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

**Foundation**

Footing size: \_\_\_\_\_ Footing reinforcing: \_\_\_\_\_

Wall material: \_\_\_\_\_ Wall thickness: \_\_\_\_\_

Wall height: \_\_\_\_\_ Wall reinforcing: \_\_\_\_\_

Pier or column size: \_\_\_\_\_ Pier or column spacing: \_\_\_\_\_

Pier or column footing size: \_\_\_\_\_ Pier or column reinforcing: \_\_\_\_\_

No. of crawl space vents: \_\_\_\_\_ Crawl space:  Full  Partial

**FRAMING: Main Carrying members: Size: \_\_\_\_\_ Support Spacing: \_\_\_\_\_**

First Floor Framing Joist size: \_\_\_\_\_ Maximum Span: \_\_\_\_\_ Maximum Spacing: \_\_\_\_\_

Second Floor Framing Joist size: \_\_\_\_\_ Maximum Span: \_\_\_\_\_ Maximum Spacing: \_\_\_\_\_

Ceiling Framing Joist size: \_\_\_\_\_ Maximum Span: \_\_\_\_\_ Maximum Spacing: \_\_\_\_\_

Roof Framing Joist size: \_\_\_\_\_ Maximum Span: \_\_\_\_\_ Maximum Spacing: \_\_\_\_\_

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

**SKETCH OF PROPOSED WORK (minor projects)**

NOTES AND DATE (For Department Use)	FEE CALCULATIONS

**4. ZONING COMPLIANCE To be completed by all applicants**

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: \_\_\_\_\_ Total Land Area: \_\_\_\_\_

Frontage on Street: \_\_\_\_\_ Lot No.: \_\_\_\_\_

Plan Book No. and Page: \_\_\_\_\_ Land Court Plan No.: \_\_\_\_\_

Date Lot Purchased: \_\_\_\_\_ Certificate No.: \_\_\_\_\_

Name of Previous Owner: \_\_\_\_\_

**SUBDIVISION INFORMATION**

Name of Owner: \_\_\_\_\_

Date of Plan Approval: \_\_\_\_\_

Type of Approval: ANR \_\_\_\_\_ AR \_\_\_\_\_

Planning Board File No.: \_\_\_\_\_

Is the Subdivision subject to a Covenant: YES \_\_\_\_\_ NO \_\_\_\_\_

Is a Release required: YES \_\_\_\_\_ NO \_\_\_\_\_

Has Plan been filed with the Registry of Deeds? YES \_\_\_\_\_ NO \_\_\_\_\_

If YES: Plan Book and Page No.: \_\_\_\_\_ Date \_\_\_\_\_

**TIME SHARING INFORMATION**

Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?

Yes \_\_\_\_\_ No \_\_\_\_\_

**DIMENSIONS**

Distance from Property Lines: FRONT \_\_\_\_\_ REAR \_\_\_\_\_ LEFT \_\_\_\_\_ RIGHT \_\_\_\_\_

Distance between Principal and Secondary Dwelling: \_\_\_\_\_ (12ft. minimum)

Height of structure above finish grade: N \_\_\_\_\_ E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_

Number of off-street parking spaces: Enclosed \_\_\_\_\_ On-site \_\_\_\_\_

**GROUND COVER**

Principal Dwelling: \_\_\_\_\_

Secondary Dwelling: \_\_\_\_\_

Addition: \_\_\_\_\_ Total: \_\_\_\_\_ SF.

Garage: \_\_\_\_\_ Allowable: \_\_\_\_\_ SF.

Accessory Building: \_\_\_\_\_

Swimming Pool: \_\_\_\_\_

Other: \_\_\_\_\_

**MISCELLANEOUS**

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES \_\_\_\_\_ NO \_\_\_\_\_

If answered YES, include "Order of Conditions" with application.

What date was the "Order of Conditions" with application. \_\_\_\_\_

What date was the "Order of Conditions" filed with the Registry of Deeds? \_\_\_\_\_

Is the property located within a Flood Hazard district? YES \_\_\_\_\_ NO \_\_\_\_\_

Was a Variance or Special Permit granted by the Board of Appeals? YES \_\_\_\_\_ NO \_\_\_\_\_

If answered YES, what date was the decision filed with the Town Clerk? \_\_\_\_\_

**FOR ZONING OFFICER**

Minimum Lot Size: \_\_\_\_\_ Ground Cover Ratio: \_\_\_\_\_

Frontage on Street: \_\_\_\_\_ Side and Rear Setback: \_\_\_\_\_

Front Yard: \_\_\_\_\_ Secondary Dwelling approval \_\_\_\_\_

Additional Comments: \_\_\_\_\_ Board of Appeals \_\_\_\_\_

\_\_\_\_\_ Lot Release Form \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_

Zoning Officer

CERTIFICATE NO: 55885

*Mlain House*

DATE ISSUED: 1/4/11

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

### CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

**NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.**

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference. The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

*H*

#### PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°: 18-18  
Street & Number of Proposed Work: 8 Atlantic Ave  
Owner of record: Bill Stone  
Mailing Address: \_\_\_\_\_  
Contact Phone #: 732-3198068 E-mail: \_\_\_\_\_

#### AGENT INFORMATION (if applicable)

Name: Chris Grimes  
Mailing Address: 33 Macy's Lane  
Nantucket MA 02554  
Contact Phone #: 508 6859100 E-mail: \_\_\_\_\_

FOR OFFICE USE ONLY	
Date application received: <u>7/30/10</u>	Fee Paid: \$ <u>paid</u>
Must be acted on by: <u>9/28</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Notes - Comments - Restrictions - Conditions	
<u>w/ regular - threshold</u> <u>inspections - worked out w/</u> <u>staff.</u>	

#### DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

- New Dwelling
- Addition
- Garage
- Garage/Apartment
- Commercial
- Historical Renovation
- Deck
- Steps
- Shed
- Color Change
- Fence
- Gate
- Paving
- Move Building
- Demolition HOUSE
- Revisions to previous Cert. No. \_\_\_\_\_
- Roof
- Other \_\_\_\_\_

Size of Structure or Addition: Length: \_\_\_\_\_ Sq. Footage 1st floor: 1,195 SF Decks: Size: \_\_\_\_\_ 1st floor  2nd floor   
Width: \_\_\_\_\_ Sq. footage 2nd floor: \_\_\_\_\_ Size: \_\_\_\_\_ 1st floor  2nd floor   
Sq. footage 3rd floor: \_\_\_\_\_

Difference between existing grade and proposed finish grade: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_  
Height of ridge above final finish grade: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Additional Remarks Contributing

- REVISIONS\* (describe)
1. East Elevation
  2. South Elevation
  3. West Elevation
  4. North Elevation

Historic Name: \_\_\_\_\_  
Original Date: \_\_\_\_\_  
Original Builder: \_\_\_\_\_

Is there an HDC survey form for this building attached?  Yes  N/A \*Cloud on drawings and submit photographs of existing elevations.

#### DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed \_\_\_\_\_  Block  Block Parged  Brick (type) \_\_\_\_\_  Poured Concrete  Piers  
Masonry Chimney:  Block Parged  Brick (type) \_\_\_\_\_  Other \_\_\_\_\_  
Roof Pitch: Main Mass /12 Secondary Mass /12 Dormer /12 Other \_\_\_\_\_  
Roofing material:  Asphalt:  3-Tab  Architectural  
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) \_\_\_\_\_

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer \_\_\_\_\_ Rough Opening \_\_\_\_\_ Size \_\_\_\_\_ Location \_\_\_\_\_  
Manufacturer \_\_\_\_\_ Rough Opening \_\_\_\_\_ Size \_\_\_\_\_ Location \_\_\_\_\_

Shutters:  Wood  Aluminum  Copper  Leaders (material) \_\_\_\_\_

Leaders (material and size): \_\_\_\_\_

Sidewall:  White cedar shingles \_\_\_\_\_  Clapboard (exposure: \_\_\_\_\_ inches) Front  Side   
 Other \_\_\_\_\_

Trim: A. Wood  Pine  Redwood  Cedar  Other \_\_\_\_\_  
B. Treatment  Paint  Natural to weather  Other \_\_\_\_\_

C. Dimensions: Fascia \_\_\_\_\_ Rake \_\_\_\_\_ Soffit (Overhang) \_\_\_\_\_ Corner boards \_\_\_\_\_ Frieze \_\_\_\_\_  
Window Casing \_\_\_\_\_ Door Frame \_\_\_\_\_ Columns/Posts: Round \_\_\_\_\_ Square \_\_\_\_\_

Windows\*:  Double Hung  Casement  All Wood  Other \_\_\_\_\_  
 True Divided Lights (muntins), single pane  SDL's (Simulated Divided Lights) Manufacturer \_\_\_\_\_

Doors\* (type and material): Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_  
Garage Door(s): Type \_\_\_\_\_ Material \_\_\_\_\_

Landscape materials: Driveways \_\_\_\_\_ Walkways \_\_\_\_\_ Walls \_\_\_\_\_

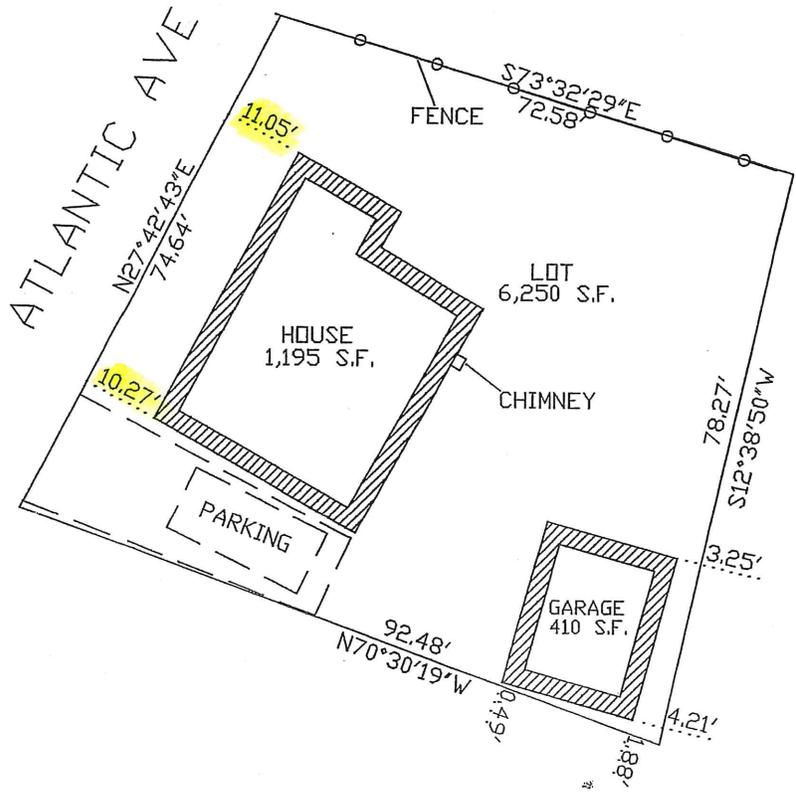
\* Note: Complete door and window schedules are required.

#### COLORS

Sidewall \_\_\_\_\_ Clapboard (if applicable) \_\_\_\_\_ Roof \_\_\_\_\_  
Trim \_\_\_\_\_ Sash \_\_\_\_\_ Doors \_\_\_\_\_  
Deck \_\_\_\_\_ Foundation \_\_\_\_\_ Fence \_\_\_\_\_ Shutters \_\_\_\_\_

\* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.  
Date 8/10/2010 Signature of owner of record Chris Grimes Signed under penalties of perjury



NOTE: GARAGE PREDATES ZONING

ZONING: R1  
 MINIMUM LOT SIZE: 5,000 S.F.  
 MINIMUM FRONTAGE: 50 FT  
 FRONT YARD SETBACK: 10 FT  
 REAR & SIDE SETBACK: 5 FT  
 GROUND COVER RATIO: 30%

PLOT PLAN OF LAND IN  
 NANTUCKET, MA

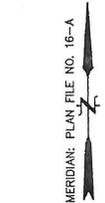
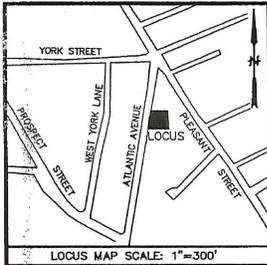
SCALE: 1"=20'

DATE: JUNE 27, 2005

JOHN J. SHUGRUE, INC.  
 57 OLD SOUTH ROAD  
 NANTUCKET, MA 02554  
 FOR: STEPHANIE MONROE &  
 VINCENT PAYNE

THE STRUCTURES  
 ARE LOCATED AS SHOWN

  
 JOHN J. SHUGRUE PLS  
 DATE: JUNE 27, 2005



**NANTUCKET REGISTRY OF DEEDS**  
 Date \_\_\_\_\_  
 Time \_\_\_\_\_  
 Plan BK. \_\_\_\_\_ PG. \_\_\_\_\_  
 Plan File \_\_\_\_\_  
 Attest: \_\_\_\_\_ Register  
 RESERVED FOR REGISTRY USE ONLY

**REFERENCES:**  
 DOWNER: WILLIAM J. STONE, II  
 DEED REF.: DEED BOOK 1234, PAGE 237  
 ASSESSORS REF.: MAP: 55 PARCEL: 18

**ZONING CLASSIFICATION**  
 DISTRICT: R-1

MINIMUM LOT SIZE = 5,000 S.F.  
 MINIMUM FRONTAGE = 50'  
 FRONT YARD SETBACK = 10'  
 REAR & SIDE LINE SETBACK = 5'  
 ALLOWABLE GROUND COVER RATIO = 30%

**NOTES:**

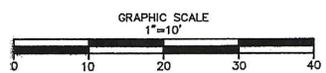
- STRUCTURES PREDATE ZONING JULY 27, 1972.
- LOT 1 AND LOT 2 CREATED PURSUANT TO CHAPTER 41 SECTION 81L.
- THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "C" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230-0010; MASSACHUSETTS EFFECTIVE: JUNE 3, 1986 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, REVISED JULY 2, 1992.

**LEGEND:**

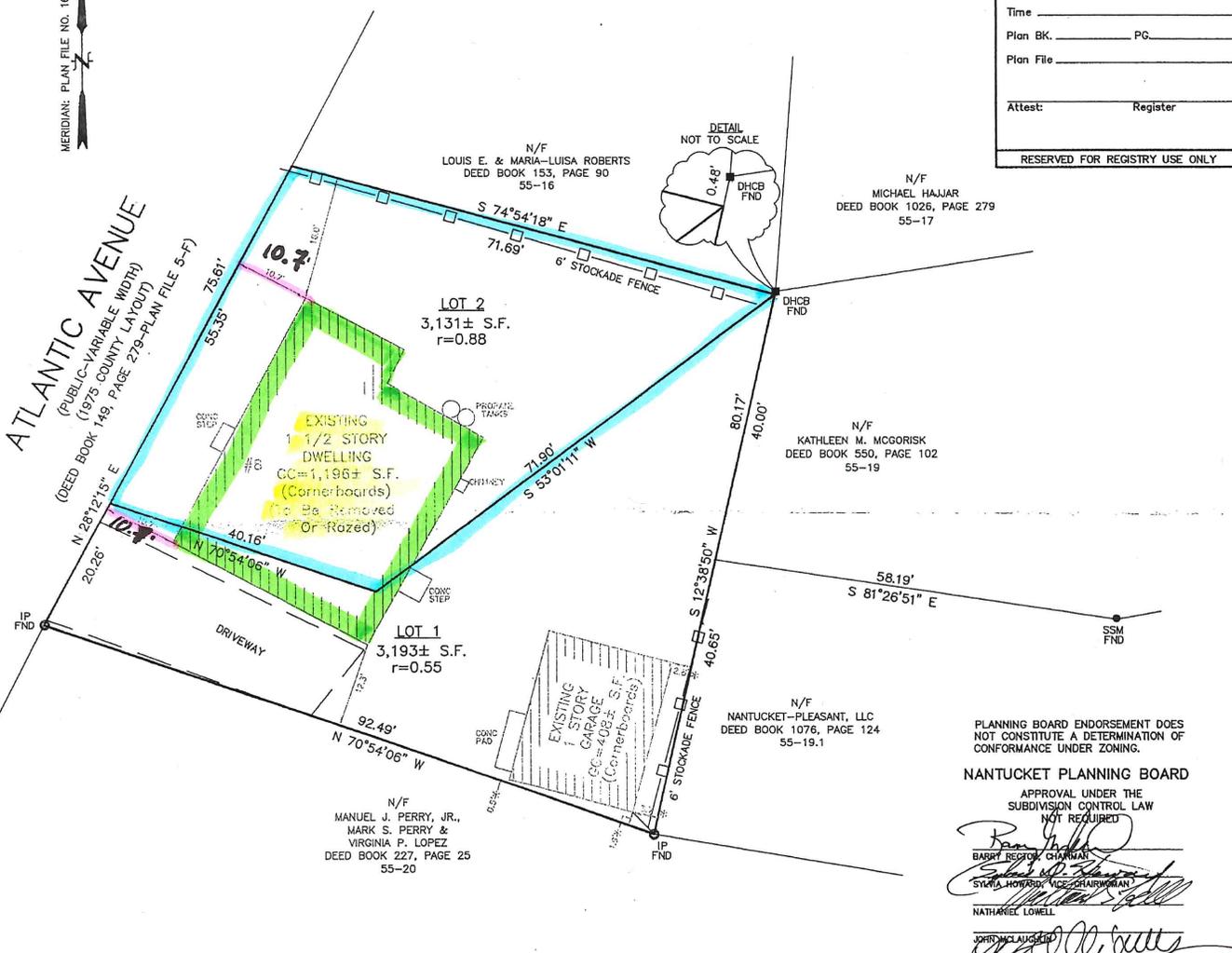
CONC	CONCRETE
DHCB	DRILL HOLE/CONCRETE BOUND
FND	FOUND
GC	GROUND COVER
IP	IRON PIPE
N/F	NOW OR FORMERLY
S.F.	SQUARE FEET
SSM	STEEL SURVEYORS MARKER

**PLAN OF LAND**  
 #8 ATLANTIC AVENUE  
 IN  
 NANTUCKET, MASSACHUSETTS

SCALE: 1"=10' DATE: SEPTEMBER 13, 2010  
 REVISED: SEPTEMBER 24, 2010  
 PREPARED FOR:  
 WILLIAM J. STONE II  
 NANTUCKET SURVEYORS, LLC  
 5 WINDY WAY  
 NANTUCKET, MA 02554  
 (508) 228-0240



**ATLANTIC AVENUE**  
 (PUBLIC-VARIABLE WIDTH)  
 (1975 COUNTY LAYOUT)  
 (DEED BOOK 149, PAGE 279-PLAN FILE 5-F)



" 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."

*Paul J. Santos* 9/13/10  
 PROFESSIONAL LAND SURVEYOR DATE

THE PLANNING BOARD DETERMINES THAT:  
 LOT(S) LOT 1 AND LOT 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 LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

**NANTUCKET PLANNING BOARD**  
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

*Barry Reardon*  
 BARRY REARDON, CHAIRMAN

*Sylvia Howarth*  
 SYLVIA HOWARTH, VICE-CHAIRMAN

*Nathaniel Lowell*  
 NATHANIEL LOWELL

*John Williams*  
 JOHN WILLIAMS

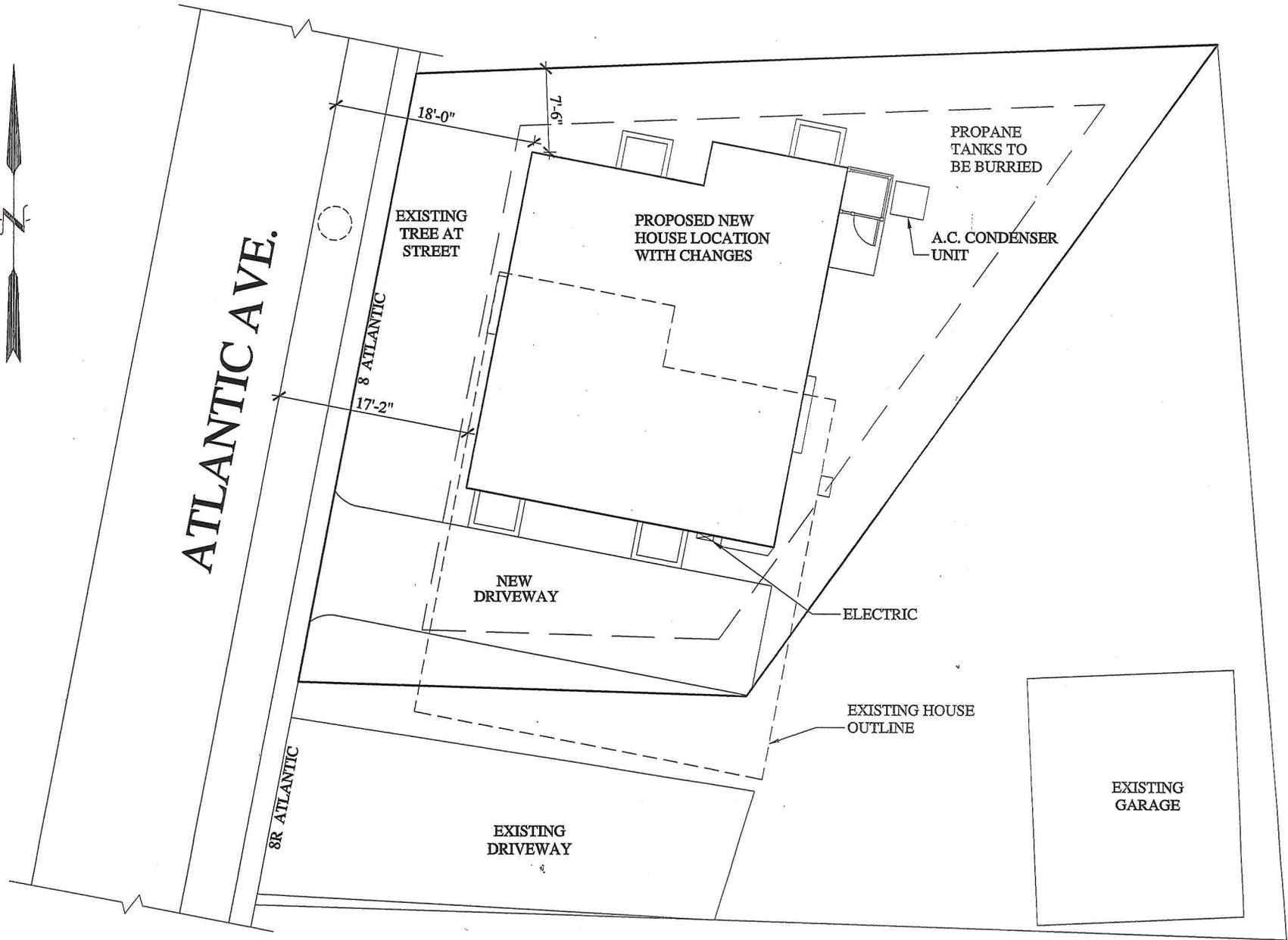
*Linda Williams*  
 LINDA WILLIAMS

DATE APPROVED 09-20-2010  
 DATE SIGNED 12-06-2010  
 FILE NO. 7298

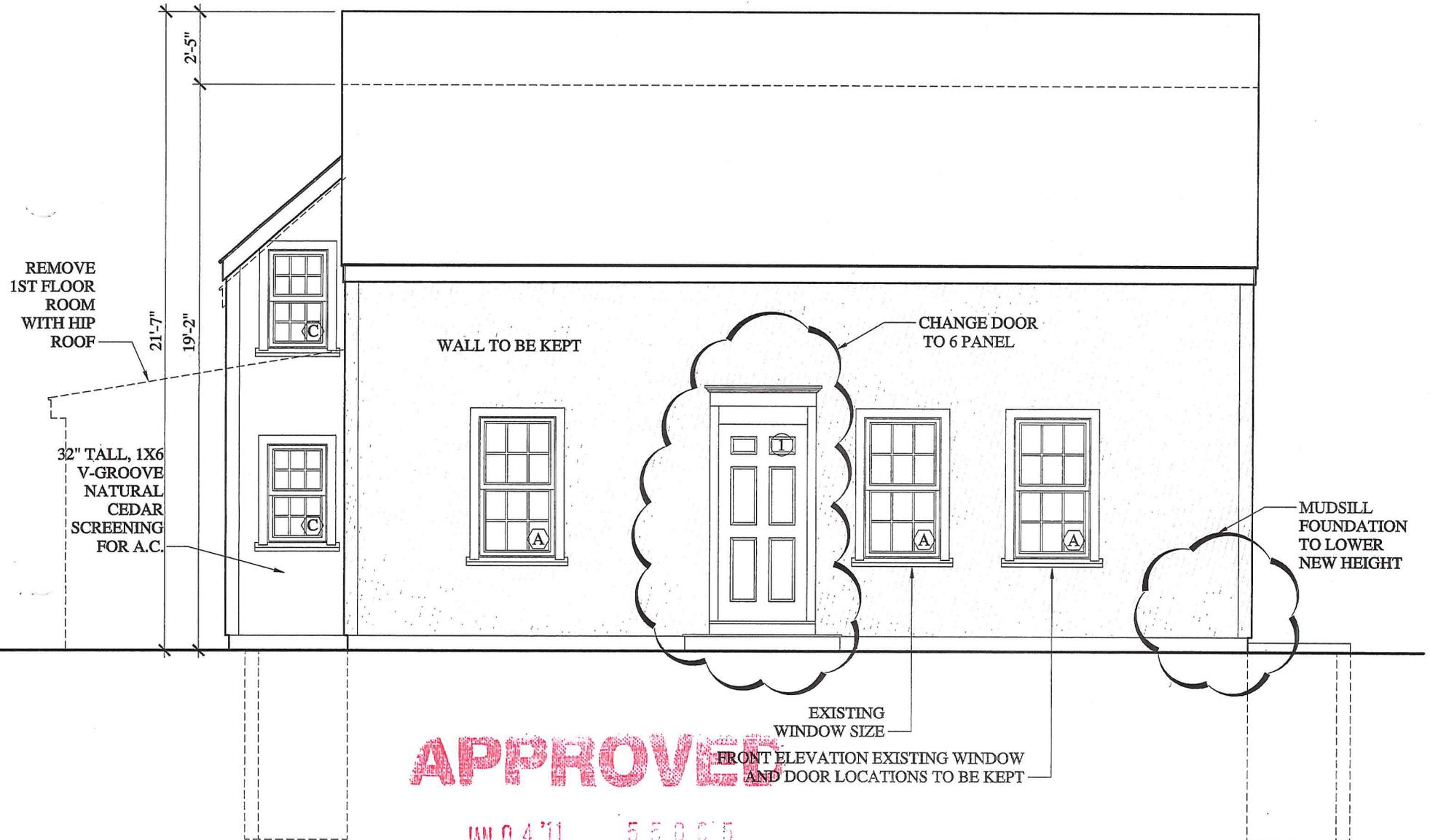
N-9926



**B** **SITE PLAN**  
NOSCALE



WEST

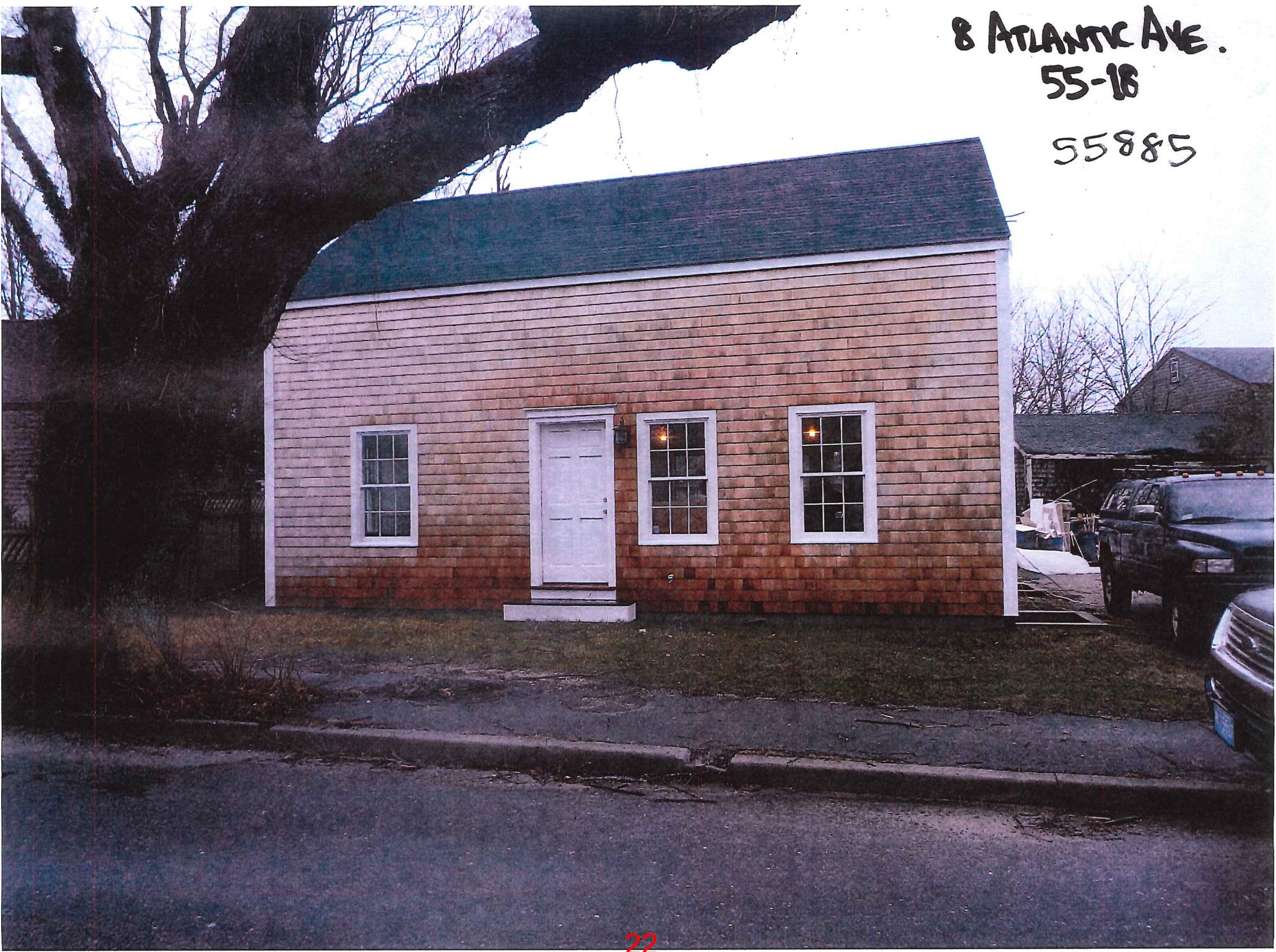


**APPROVED**

JAN 04 '11 55885

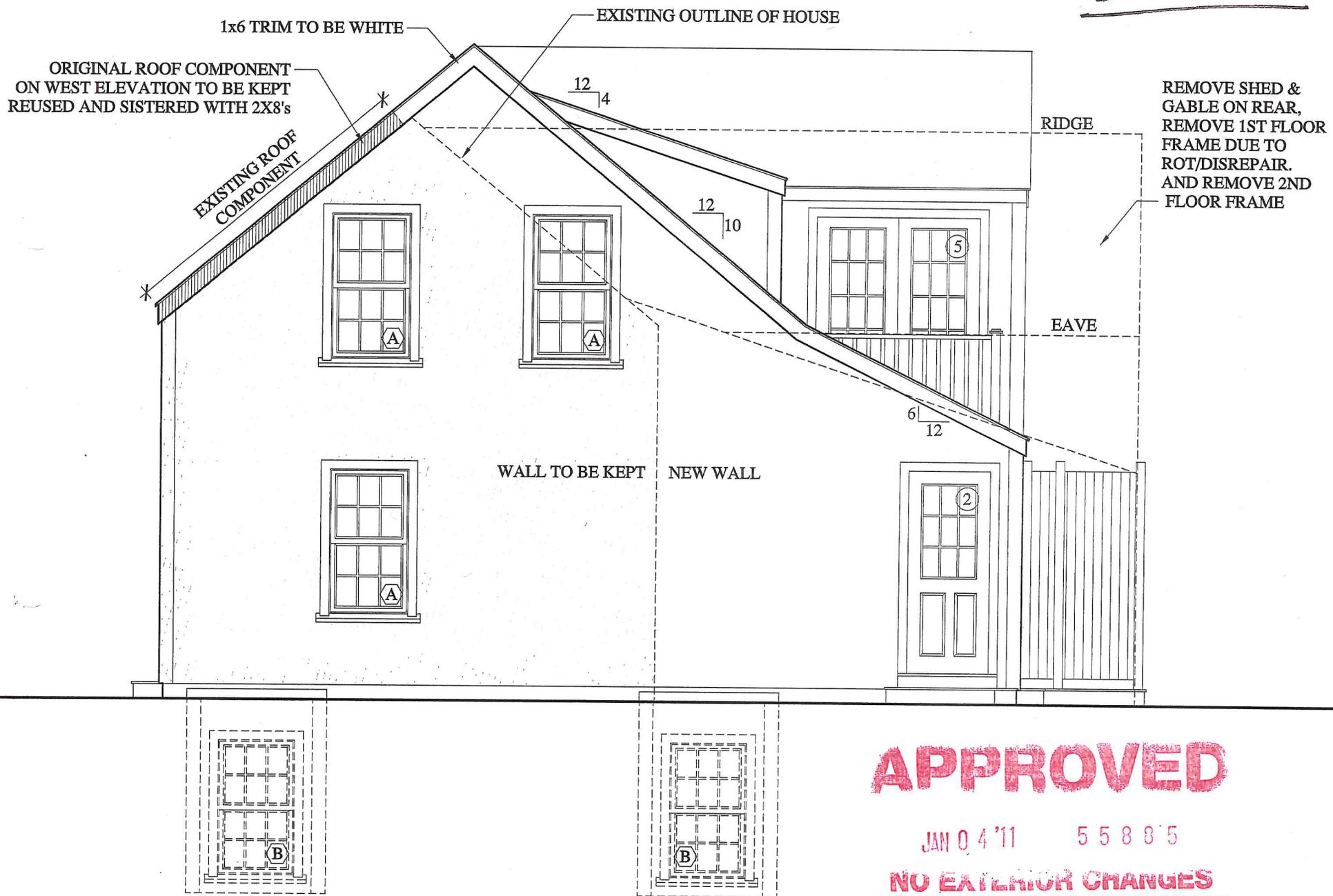
**NO EXTERIOR CHANGES  
WITHOUT H.D.C. APPROVAL**

8 ATLANTIC AVE.  
55-18  
55885





SOUTH



**APPROVED**

JAN 04 '11 55885

**NO EXTERIOR CHANGES  
WITHOUT H.D.C. APPROVAL**



2010 00001540

Bk: 1234 Pg: 237 Page: 1 of 4  
Doc: DD 08/16/2010 11:47 AM**DEED**

I, ROBERT A. BROWN, Administrator of The Estate of Vincent H. Payne, Jr., with a mailing address of 683 Main Street, Falmouth, Massachusetts 02540, pursuant to a License to Sell from the Barnstable County Probate Court (Docket No. BA06P-0834-AD1) attached hereto, for consideration paid, in the amount of Two Hundred Ninety-Six Thousand (\$296,000.00) Dollars grant to WILLIAM J. STONE, II, with a mailing address of 42 Eighth Street, Unit 4304, Charlestown, Massachusetts, with QUITCLAIM COVENANTS

That certain parcel of land, together with the buildings thereon, now known and numbered as 8 Atlantic Avenue, Nantucket, Nantucket County, bounded and described as follows:

WESTERLY	by Atlantic Avenue, seventy-four (74) feet, five (5) inches;
NORTHERLY	by land now or formerly of Joseph J. Sylvia, seventy-two (72) feet, seven (7) inches;
EASTERLY	by land formerly of Sarah A. Crocker and by land now or formerly of Sarah R. Viera, eighty (80) feet, two (2) inches, and
SOUTHERLY	by land now or formerly of John L. McDonald, ninety-one (91) feet, ten (10) inches.

For title, see Deeds recorded with Nantucket Deeds in Book 950, Page 212, Book 1173, Page 239 and Barnstable Probate Family Court, Docket No. 06P-0834-EP1.

Executed and sealed on June 15, 2010.

Estate of Vincent H. Payne

By:

Robert A. Brown  
Robert A. Brown, Administrator

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

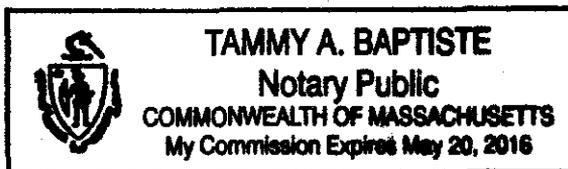
June 15, 2010

On this \_\_\_ day of June, 2010, before me, the undersigned notary public, personally appeared Robert A. Brown, (a) X personally known to me, or (b) X proved to me through satisfactory evidence of identification, which was Mass. Drivers License (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily on behalf of the Estate of Vincent H. Payne, Jr., for its stated purpose.

Tammy A. Baptiste

Official signature and seal of Notary Public  
Printed name:

NANTUCKET LAND BANK	
CERTIFICATE	
<input checked="" type="checkbox"/> Paid \$	<u>5,920.00</u>
<input type="checkbox"/> Exempt	
<input type="checkbox"/> Non-applicable	
<u>30807</u>	<u>6/16/10</u>
No.	Date
Authorization	<u>[Signature]</u>



MASSACHUSETTS EXCISE TAX KAC  
Nantucket County ROD #16 001  
Date: 06/16/2010 11:47 AM  
Ctrl# 459155 09534 Doc# 00001540  
Fee: \$1,349.76 Cons: \$298,000.00

Commonwealth of Massachusetts  
The Trial Court

Barnstable Division

Probate and Family Court Department

Docket No. BA06P-0834-AD1

At a Probate and Family Court held at Barnstable, in and for said County of Barnstable,  
on the eighth day of June in the year of our Lord two thousand  
ten

On the petition of Robert A. Brown - as amended  
administrator of the estate - with the will annexed of Vincent H. Payne, Jr.  
late of 339 Gifford Street, Falmouth, MA 02540  
in the County of Barnstable

deceased - ~~testate~~ ~~intestate~~ - praying for authority to sell the real estate of said deceased, described in said petition, for the payment of debts - legacies - and charges of administration, - at public auction - at private sale, in accordance with the offer named in said petition or for a larger sum, if he/she/they shall think best so to do; all persons interested having - assented - been duly notified - and no person objecting thereto, it appearing that said offer is an advantageous one and that the interest of all parties concerned will be best promoted by an acceptance of said offer.

It appearing that it is necessary to sell ~~some part~~ - all - of the real estate of said deceased, for the payment of his/her debts, legacies and charges of administration, the personal estate being insufficient therefor - and that by a partial sale thereof, the residue of said parcel would be greatly injured -

**AFTER HEARING, IT IS DECREED,** that the petitioner(s) be authorized to sell and convey  
- at public auction -  
- at private sale, upon the following terms: two hundred fifty-five thousand (\$255,000.00) dollars

in accordance with said offer or for a larger sum, if he/she/they shall think best so to do, the real estate of said deceased described in said petition.

~~The Commissioner of the Department of Revenue has released - discharged - the lien on said real estate and it is further decreed that said petitioner(s) may become the purchaser(s) of said real estate.~~

  
Justice of the Probate and Family Court

A TRUE COPY  
ATTEST:

*Anastasia Nihil Perina*

REGISTER

"Exhibit A"



Bk: 1173 Pg: 239 Page: 1 of 1  
Doc: DD 03/06/2009 03:20 PM

### QUITCLAIM DEED

I, STEPHANIE MONROE of 15 High Hill Road, Bloomfield, Connecticut, as a tenant in common with the deceased VINCENT H. PAYNE, JR., of 8 Atlantic Avenue, Nantucket, Massachusetts in consideration and pursuant to Barnstable Probate and Family Court, Docket No. 06P-0834-AD1, 06E-0077-GC1 and 06P-0834-EP1 Agreement and Judgment, grant to the ESTATE OF VINCENT H. PAYNE, JR. of 8 Atlantic Avenue, Nantucket, Massachusetts, all my rights, title and interest with quitclaim covenants the land and buildings erected thereon located at 8 Atlantic Avenue, Nantucket, MA, bounded and described as follows:

- WESTERLY: by Atlantic Avenue, seventy-four (74) feet, five (5) inches;
- NORTHERLY: by land now or formerly of Joseph J. Sylvia, seventy-two (72) feet, seven (7) inches;
- EASTERLY: by land formerly of Sarah A. Crocker and by land now or formerly of Sarah R. Viera, eighty, (80) feet, two (2) inches; and
- SOUTHERLY: by land now or formerly of John L. McDonald, ninety-one, (91) feet, ten (10) inches.

For my title see deed recorded at Nantucket County Registry of Deeds, Book 950, Page 0212 and previous title, Book 121 and Page 475.

Witness our hands and seals this 17<sup>th</sup> day of February 2009.

[Signature]  
Stephanie Monroe

### STATE OF CONNECTICUT

Hartford County

On this 17<sup>th</sup> day of February, 2009, before me, the undersigned notary public, personally appeared STEPHANIE MONROE proved to me through satisfactory evidence of identification, which were license and visa (Soviet Union) to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose.

NANTUCKET LAND BANK CERTIFICATE	
<input type="checkbox"/> Paid \$	
<input checked="" type="checkbox"/> Exempt <u>E</u>	
<input type="checkbox"/> Non-applicable	
No. <u>29740</u>	<u>3/6/09</u>
Authorization <u>[Signature]</u>	

[Signature]  
Notary Public

My Commission Expires:

**LOIS CAROLYN DOGANS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAY 31, 2010

Property Address: 8 Atlantic Avenue  
Nantucket, MA

NANTUCKET COUNTY Received & Entered  
Attest: Jennifer H. Ferrer Registrar of Deeds