Planning and Land Use Services

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

STAFF REPORT

Date: **April 11, 2016**

To: **Zoning Board of Appeals**

From: **Eleanor W. Antonietti**
Zoning Administrator

Re: **April 14, 2016**

1 **PLANNED ABSENCE:** *Susan McCarthy*

I. APPROVAL OF THE MINUTES:

Pages 5 - 7
Packet Part III

- March 10, 2016

II. OLD BUSINESS:

See **Packet Parts I & II**
&
Pages 11-15 of
STAFF REPORT

- 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)

Sitting Members: ET LB MJO KK SM absent/will read in for May hearing

FROM 1/14/16 STAFF REPORT:

The application requests numerous and wide-ranging waivers, from zoning standards, various permitting requirements, and financial obligations to the Town. The Board will need to get clarification on these waivers (i.e. Building Permit; Water Commission; Sewer Commission; DPW permits & fees; HDC approval …). Approval will require substantial modifications as to matters of density, massing, design, screening, layout, parking configuration, all of which relate to the public health and welfare and overall safety of the community. The ability to connect to the local sewer, which may not even be able to support the proposed density, is the lynchpin to any approval. Town Counsel and the applicant disagree as to whether or not Town Meeting approval is required. We expect further testimony and written opinions from Town Counsel on this subject.

There are **OPTIONS TO BE EXPLORED RELATIVE TO VARIOUS DESIGN CONCERNS.**

- HEIGHT The applicant could, for example, alter the design by creating garden-level apartments as opposed to full-basements. This would potentially minimize the mass of the building above 30-feet. They could also taper the roofline of dormers at a 30 foot height while allowing gable pitch above the 30-feet, or propose a mansard roof. In short, there are alternative designs to mitigate height that may be contemplated and suggested by the Board.

- DENSITY
  - The pool and fitness club, currently proposed as a separate building, could be incorporated in one of the apartment buildings at basement level. This would allow buildings to be more centrally located and increase buffers to surrounding properties.
  - Interior layout could be reduced by consolidating interior space (removing dens or 2nd full-bathrooms or walk-in closets). There could be more micro-units, or a different mix of units to accommodate smaller households.

- AESTHETICS
  - Balconies are a problematic design feature, although less so on the rear of the building where they are less visible. They are not found in any residential-style or multi-family buildings on island. An alternative could be a simple community outdoor space or perhaps roof decks.
  - The window and door arrangements are disorganized. There is a double gable facing Surfside Road. The rear façade of the 13-unit building seems to have more architectural continuity and should perhaps be replicated with the other buildings/elevations where possible.

- SCREENING Perimeter planting should be detailed with species comprised of a mixture of deciduous and coniferous plants to maximize a solid screen to abutting properties. Would solid board fencing on north and south perimeter be suitable screening, or would that involve too much maintenance ?

- PARKING Where possible, some of the parking could be located underground to move some of the surface-level parking from site.

- ON SITE TRAFFIC FLOW A one-way loop to keep incoming traffic separate from outgoing traffic could improve flow, site lines and visibility. Adding another access on west side of 13-unit building could be efficient.

- TRAFFIC MITIGATION
  - The community would benefit from a bike-path extension from Fairgrounds Rd. to front of this site to eventually connect to future bike path on northern side of Boulevard a bit further down Surfside Rd.
  - TRAFFIC STUDY (SEE Pages 51 – 73 of Packet Part II). Specifically, se Page 71 (or Page E-20 of the Traffic Study) regarding the deficient intersection. The Board could ask the applicant to pay for 3% (approximately $30,000) of the cost of installing a round-about at the Fairgrounds and Surfside Rd. intersection.

- MISCELLANEOUS
  - Storage units will need to be restricted to residents only.
  - There is only one Dumpster which may not be adequate for the proposed density.
  - Are there elevators?

The Board will need to make a motion to formally request (in a letter signed by Chairman Toole) WRITTEN COMMENTS AND RECOMMENDATIONS FROM OTHER TOWN BOARDS which should include:

- DPW
- Planning Board
- HDC
- Board of Water Commissioners
- Board of Health

Staff has obtained funds from the applicant and set up an Engineering Escrow account (53G) to cover costs of Peer Review. Therefore, the Board will need to officially request:
PEER REVIEW FROM:

- Traffic Study consultant to Town, Tetra Tech
- Engineering consultant, Ed Pesce
- 40B consultant, Edward Marchant

Staff has obtained Town approval of a Request for Legal Services from Town Counsel. Therefore, the Board will want to request:

WRITTEN OPINION FROM Town Counsel on various matters, most prominently that of the sewer connection process.

UPDATE:
This application has not been opened since January 14th and was continued to this hearing. A SITE VISIT took place on March 29th at which the applicant prepared the site with 'height balloons' and stakes and gave a detailed description of how the 5 buildings will be situated on the locus.

REVISED LIST OF WAIVER REQUEST:
An updated list was received from the Applicant on 4/6. (See Pages 28 - 32 for red-lined version and Pages 33 - 36 for clean version in Packet Part I.) Essentially, the revisions involve refinement and specification of waivers from Zoning By-law Sections:

- 139-16.A Intensity and dimensional requirements
- 139-17 Height limitation – proposed height is 55 feet
- 139-18 Parking – dimensional requirements as to parking space length
- 139-19 Screening requirements
- 139-26 WAIVER REQUEST eliminated

SEWER WAIVER:
There is a Memo (See Pages 144 - 147 in Packet PART II) received from the Applicant on 4/6 regarding the requested Waiver to allow applicant to connect to the existing sewer line *via* a new force main to be installed along Surfside Road & Fairgrounds Road. Applicant seeks to bypass the requirement to be able to do so by virtue of **both** approval at a Town Meeting and by the BOS acting as the Sewer Commission. Applicant asserts that, "Pursuant to Chapter 40B, the ZBA has the authority and exclusive jurisdiction to grant the Waiver" [….] "by issuing a comprehensive permit." Essentially, the applicant affirms that any denial of the applicant's right to connect to the sewer district by virtue of the granting of a Waiver of the above-referenced statutory requirement would undermine the purpose and intent of Chapter 40B "*to reduce regulatory barriers that impede the development of [affordable] housing*."

PEER REVIEW TRAFFIC REPORT:
The TRAFFIC ASSESSMENT prepared by Bristol Traffic & Transportation Consulting LLC may be found on Pages 57 - 79 in Packet Part I.
The traffic study peer review should be completed in time for the meeting in May. There is additional information being requested of the applicant's traffic consultant, and the peer review consultant (Tetra Tech) requires at least 2 weeks to complete their review following receipt of the requested information.

A traffic engineer from Tetra Tech did attend the Site Visit on 3/29, accompanied by Transportation Planner, Mike Burns who also gave her a tour as well as information regarding the primary traffic and safety concerns which exist in that area. There has been discussion of an option proposed by the Fire Dept for a 2nd driveway access that would also incorporate a one-way circulation pattern within the development. This was in response to the concern that Fire Dept vehicles would not be able to make turns within the development given the 2-way flow and narrow turning radii. There is also a concern regarding parallel parking within the circulation aisles if parking was ultimately inadequate for the site. Perhaps recommending "no parking" signage or pavement markings within the development could address this concern.

WRITTEN COMMENTS & RECOMMENDATIONS FROM OTHER TOWN DEPARTMENTS:

Some comments from Town Departments, Boards, and Commissions were received prior to or on the deadline of April 7th and are included in your packet (See Pages 130 - 142 in Packet PART II). The letter submitted and signed by the BOS recommends that a Comp. Permit for the project be granted with certain conditions and goes on to raise 7 salient points:

1. Sewer District Issues
2. Sewer Costs
3. Water Infrastructure
4. Wellhead Protection District Issues
5. Public Safety Issues
6. Design Issues
7. Other Important Issues

Staff has not yet received comments and recommendations from the Planning Board, HDC, ConCom, or the NP&EDC but has been informed that they will be forthcoming by the May hearing.

APPLICANT'S REPLY TO COMMENTS & RECOMMENDATIONS FROM TOWN DEPARTMENTS:

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Applicant emailed a Memo (See **Pages 11 - 15** included at end **of** this **Staff Report**) received today, 4/11. This Memo addresses the first 6 of the above-referenced points outlined in the BOS letter. Undoubtedly the Applicant will expand on the concise content of this Memo response during the upcoming hearing.

POWER POINT PRESENTATION:

Applicant will be making a Power Point presentation at the hearing. The specific 'slides' are included in your packet and may be found on Pages 148 - 171 in Packet PART II.

OTHER:

No additional Abutter comment has been received but Staff has assiduously sought to keep them apprised of all new submissions or relevant information as it becomes available. This takes place through email and by posting all relevant documents on a dedicated page of the Town website.

Town Engineering Consultant, Ed Pesce, 40B Consultant, Ed Marchant, and Town Counsel, Ilana Quirk will all be present at the upcoming hearing.

Pages 9-19 of **Packet Part III** & Pages 16-46 of STAFF REPORT

- 05-16 William J. Stone, II 8 Atlantic Avenue Jensen

Action deadline June 8, 2016 *CONFLICTS*: SM

Sitting Members at 3/10/16 hearing: ET MJO KK MP GT

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).

This application was originally scheduled to be opened at the February 11th 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 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***.

UPDATE:

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

This application was opened at the March 10th hearing. The Board heard testimony from the then Counsel, Steven Cohen, that Applicant had received prior relief to move the existing dwelling on the new lot. According to the applicant, the dwelling was sited exactly where the surveyor staked it, outside of the setback. Due to Building Code, the Bldg. Commissioner required applicant to install stoops and, as a result, they are now seeking relief due to siting of landings and stairs.
The Board posited that this problem was caused by contractor error and asked that the applicant attempt to find a structural solution to the problem which would not require Variance relief, such as removing and replacing the step with a set of friendship stairs, changing the grade or the directional swing of the doors, redoing the survey …
Staff received an email today, 4/11, from Applicant's representative, Paul Jensen, (included along with other supplemental materials provided by Staff on **Pages 16 - 46** at the end **of** this **Report**), explaining why there are no possible structural solutions to the problem.

Pages 20 - 48 of **Packet Part III**

- 06-16 1620 Capital, LLC 25 Broadway Brescher

Action deadline May 11, 2016 *Sitting Members*: ET LB ~~SM~~ MJO taking SM's seat 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 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 (not allowed in the SOH), 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 2nd floor dormers to the West elevation,
3. Adding a dormer to the 2nd 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 1st versus June 15th. 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.

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UPDATE:
This was not opened at the 3/10 meeting due to illness of applicant's counsel, John Brescher. No new information has been presented. Attorney John Brescher is off island on Thursday, 4/14, and will be calling in for this hearing. The project's architect, Steve Theroux, will be present at the hearing.

Pages 49 - 73 of
Packet Part III

- 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-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.*

UPDATE:

This application was opened at the 3/10 meeting by alternate counsel, Richard Glidden, due to illness of applicant's primary counsel, John Brescher. The Board asked that the applicant furnish a Topographical plan to clarify the siting of the proposed Move-On structure. Applicant has done so, accompanied by a letter answering several of the Board's expressed concerns, along with a letter from the surveyor (See Pages 70 – 73 of **Packet Part III**).

Staff visited the site on April 6th and took some photos of the now vacant and partially filled lot (See Pages 65 – 68 of **Packet Part III**).

Attorney John Brescher is off island on Thursday, 4/14, and will be calling in for this hearing. The applicant/owner will be present at the hearing.

III. NEW BUSINESS:

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Pages 75 - 100 of **Packet Part III**

- 11-16 John N. Sullivan and Marie T. Sullivan 5 Appleton Road Sullivan
  CONFLICTS: JM

WILL BE OPENED on MAY 12, 2016 to allow for Abutter Re-notification & revised Legal Ad *see below*

Applicant is seeking relief by Special Permit pursuant to Zoning By-law Section 139-16.C (1) to reduce the side yard setback from ten (10) to five (5) feet in order to site a proposed 400 square foot garage within the ten (10) foot northerly side yard setback. The Locus is situated at 5 Appleton Road, is shown on Assessor's Map 66 as Parcel 390, and as Lot 19 upon Land Court Plan 13554-D. Evidence of owner's title is registered on Certificate of Title No. 22449 at the Nantucket County District of the Land Court. The site is zoned Residential 10 (R-10).

The house was constructed in 1987 at which time the north elevation was sited 15± feet from the northerly side yard lot line. Applicants bought the property in 2006, prior to the 2012 zoning change (ATM; March 31, 2012; Article 44 changed the locus from RC-2 to R-10). This change reflects the primarily residential nature of the west side of Appleton Road. (The east side is zoned RC-2, R-5, and R-20.)

In the process of researching the property to prepare this Report, Staff conducted an examination of the Building Dept. file and found that on January 24, 2013, applicants filed a Building Permit (No. 319-13) to build a 270± SF addition with the "right" distance from the property line listed as 8 feet on the actual Building Permit application. ZEO signed off on the permit on January 31, 2013. The "right" or northwesterly corner of the house, as so altered, is shown on an As-Built dated December 19, 2014, to be 7.4 feet from the northerly side yard lot line as a result of this alteration. The Building Permit was granted a CO on December 22, 2014, although the zoning had changed in 2012. There appears to have been an oversight.

As a result of this discovery, Staff has spoken with the ZEO and the applicant and has determined that this application needs to be re-published and re-noticed to include the validation of the main dwelling's 2.6 foot intrusion into the 10 foot required side yard setback – as a separate matter from the relief sought for the proposed new construction of the garage.

IV. OTHER BUSINESS:

- Discussion of time limit established for Board members to review and comment on Zoning Administrator decisions issued pursuant to Section 139-29.C.
  - At the August 13, 2015 meeting, the Board discussed protocol and determined that 48 hours would be sufficient to allow ample time to read and review ZA decisions. The Board may want to extend/revise that time limit and discuss other issues that may arise with these decisions.
    - One recommendation was to extend it to 72 hours. Can this include weekend days if Staff sends the Draft Decision on a Friday, such that Monday afternoon would be end of time limit?
    - When Board members are off island and/or on vacation or away in places where they do not have ready email access, delays may result. Staff respectfully asks that Board members inform her of such planned departures.
    - When Staff has not heard from Board members within the established time frame, she will move forward with filing to avert further delay and inconvenience to applicants who rely upon the provisions of Section 139-33.A(1)(b) which establishes the ZA's powers to issue Decisions allowing certain alterations to preexisting nonconforming structures which reads:
      The Zoning Administrator or special permit granting authority finds that the alteration, extension, or change to a structure does not increase its nonconforming nature and does not create any new nonconformities. Where an existing structure violates a front, rear, or side yard setback distance, the Zoning Administrator may issue a permit allowing such extension, alteration, or change to the structure, provided that the nonconforming setback distance is not made more nonconforming.
      and of the provisions of Section 139-29.C(3) which reads:
      Any person aggrieved by a decision or order of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the Board of Appeals within 30 days after the decision of the Zoning Administrator has been filed with the office of the Town Clerk.
    - Staff also asks for elaboration of what would constitute a sufficient "approval". For example, if only 4 Board members reply with approval and a 5th does not approve, this is a majority. Should Staff move forward with filing? Sections 139-29.C(1 & 2) state:
      (1) The Board o Appeals may request that the Town Manager appoint a Zoning Administrator (not the Zoning Enforcement Officer).
      (2) The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties by a concurring vote of all except one of the five members of the Board of Appeals.

- Discussion of appropriate circumstances which could warrant scheduling of Special Meetings.
  This has come up recently. Staff and the Chair determined that a discussion to elaborate on the circumstances whereby a Special Meeting may be warranted (such as when a postponement or lack of quorum was caused by absent ZBA members).

- Regular monthly meeting time changed per request of two Board members
  - May 12, 2016 meeting will take place from 11am – 4pm.

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

Memorandum in response to

comments & recommendations contained in Town/ BOS letter presented on 4/7/2016

Sent on 4/11/2016 by Applicant

goulston&storrs
counsellors at law

TO: Nantucket Zoning Board of Appeals

FROM: Goulston & Storrs PC

DATE: April 11, 2016

SUBJECT: Surfside Commons (the "Project")

Members of the Zoning Board of Appeals:

On April 7, 2015, Surfside Commons LLC (the "Applicant") received a copy of the letter from the Town of Nantucket Board of Selectmen ("BOS") to the Nantucket Zoning Board of Appeals (the "ZBA"), dated April 6, 2016, regarding "Surfside Commons 40B Comments" (the "Letter").. As the Letter was filed on the very last day that the ZBA had requested that comments be submitted for its consideration at the upcoming hearing on April 14, the Applicant did not have an opportunity to review it and submit a detailed response prior to the ZBA's deadline for comments. However, the Letter raises a number of very important issues and takes certain positions with which the Applicant firmly disagrees. Therefore, on behalf of the Applicant, we are taking the opportunity to submit this supplemental memorandum for the ZBA's consideration. Our intention is not to respond in detail to all of the specific points made in the Letter, but merely to respond on a general level to some of the issues raised therein.

1) **Sewer Issues**. At the ZBA's first hearing on this matter, the ZBA requested that each of counsel for the Applicant and counsel for the ZBA submit its legal analysis as to whether the ZBA has the authority to permit (i) the extension of the Nantucket municipal sewer system (the "Sewer System") and (ii) the connection of the Project to the Sewer System. This firm responded by memorandum to the ZBA dated April 6, 2016. To date, we have not seen any submission made to the ZBA by its counsel.

However, the BOS has set forth its legal analysis in the Letter, which reaches the conclusion that the ZBA does not have such authority and that the Applicant must seek "legislative action" (presumably meaning Town Meeting approval) to add the Project site to the Town's sewer district. In reaching this conclusion, the Letter does not analyze any aspect of the relevant statutes, ordinances or regulatory provisions, but cites only a single authority:

> "[T]he ZBA does not have jurisdiction to extend a municipal sewer district to the Property as the ZBA cannot take the Town Meeting action that is mandated by the General Court as required in order to extend a sewer district. Zoning Board of Appeals of Groton v. Housing Appeals Committee, 451 Mass. 35, 41 (2008) (G.L. c. 40B provides no authority for the Housing Appeals Committee to override the requirement for town meeting authorization as established by the Legislature)."

Goulston & Storrs PC • Boston • DC • New York • Beijing
400 Atlantic Avenue • Boston, Massachusetts 02110-3333 • 617.482.1776 Tel • 617.574.4112 Fax • www.goulstonstorrs.com

The Letter totally misstates the holding of the Groton case. The issue in that case was whether the comprehensive permit granting authority "may require, as a condition to the grant of a comprehensive permit for an affordable housing development project, that a municipality convey an easement on its land to the project's developer." 451 Mass. at 36. The Supreme Judicial Court found as follows:

> "[Chapter 40B] does not authorize the committee, directly or indirectly, to order the conveyance of an easement over land abutting the project site of a proposed affordable housing development. On review of a board's denial of an application for a comprehensive permit, the committee has "the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application." G. L. c. 40B, § 21. See Dennis Hous. Corp. v. Zoning Bd. of Appeals of Dennis, 439 Mass. 71 , 77 (2003). An order directing the conveyance of an easement, however, cannot logically or reasonably derive from, or be equated with, a local board's power to grant "permits or approvals." The phrase "permits or approvals," read in the context of the entire Act, refers to building permits and other approvals typically given on application to, and evaluation by, separate local agencies, boards, or commissions whose approval would otherwise be required for a housing development to go forward .... To obtain approval to develop a site (whether for affordable housing or another use), a developer would not usually be required to obtain easements from abutters, and a local board would have no authority to direct an abutter to grant an easement." 451 Mass. At 40.

In the case of the Project, the Applicant does not require any approval by Town Meeting for an easement or any other real property right. Instead, what the Applicant requires is clearly a permit or approval to connect to the Sewer System. As demonstrated in our April 6, 2016 memorandum, in this regard, Town Meeting is nothing other than a "local board", whose authority is subsumed within the ZBA's exclusive jurisdiction as the comprehensive permit granting authority. Therefore, the Letter reaches an incorrect conclusion as to the ZBA's authority as a matter of law.

The authority of the ZBA to approve the Project's connection to the Sewer System is not a minor legal skirmish. It is, rather, a threshold issue that is at the heart of the viability of the Project. The Letter requests to the ZBA that "any grant of a comprehensive permit ... be conditioned upon the requirement that the Applicant seek and obtain the necessary legislative action to add the Property to a municipal sewer district." In other words, the Letter requests that the ZBA determine that the Project be made subject to an approval to be granted by Town Meeting, a result that is precisely what G.L. c. 40B ("Chapter 40B") was intended to avoid. Any decision by the ZBA to condition the Project on the requirement to obtain Town Meeting approval will be an illegal condition under Chapter 40B and its implementing regulations, and will result in the appeal of such decision by the Applicant to the Housing Appeals Committee.

2) Sewer Costs. The Letter appears to urge the ZBA to reject the Applicant's request for a waiver of sewer fees that might be applicable to the Project and states that the "Applicant should be required to pay attendant sewer costs and fees." The Letter, however, does not specify what these costs and fees should be. According to information received from the Project's civil engineer, the sewer connection fee as shown under Section 200-26 of the Town's Wastewater Systems Regulations Governing the Use of Common Sewers is $2,000 per unit. Based on this, the connection fee would be $112,000 ($2,000/unit x 56 units = $112,000). The Project's engineer also reports that the Town in some cases also imposes sewer privilege fees and capacity

utilization fees. If applicable, it is our understanding that these fees can typically take the form of a betterment charge and be paid over 20 years. We note that 760 CMR 56.05(8)(d) prohibits the imposition of costs that "are not generally imposed by a Local Board on unsubsidized housing" or that are "disproportionate to the impacts reasonably attributable to the Project." Accordingly, any imposition of sewer fees on the Project needs to be done in a manner which is fully consistent with the manner in which other non-Chapter 40B projects have been treated. Further, to the extent proposed sewer fees are not reasonably related to the Project's potential impacts on the Sewer System, the Applicant's waiver request must be granted. Such a waiver would be especially warranted in this case, where Section 11 of Chapter 396 of the Acts of 2008 treats Chapter 40B projects in the Town as "public services uses".

3) Water Infrastructure. The Letter similarly states that the "Applicant should be required to pay all attendant water connection costs and fees". The Applicant will be extending the Town's municipal water main to serve the Project and is prepared to provide stubs for water service for all other properties that abut the new water main extension. This is a significant public benefit for the Town as a whole, and justifies a waiver of water fees for the Project.

4) Wellhead Protection District Issues. The Project engineers have provided for a stormwater design that will comply with all applicable state standards and requirements. Lot coverage is consistent with many other Mid-Island developments undertaken in recent years that have been permitted The Project will not have any adverse impact on the Town's aquifer. Stormwater calcuations have been provided. Additional details as may reasonably be requested by the ZBA to demonstrate this compliance can be provided as the hearing progresses.

The Project does not require a water compliance finding under ZBL §139-12B.3, as the Project does not exceed the thresholds set forth in ZBL §139-12B.2(s).

5) Public Safety Issues:

a. Police Issues. Public safety has been at the forefront of the Project's design and the Applicant intends that an on-site manager will be available to prevent and address any issues. As "crime prevention" is outside the scope of the ZBA's review under Chapter 40B, the Applicant respectfully declines the suggestion that any peer reviewer be hired in this regard.

b. Parking. The Applicant is proposing a ratio of parking of almost 1.8 spaces per unit for residents and visitors, which in the Applicant's experience, is more than sufficient parking for residents and visitors.

c. Recreation. The Project provides onsite recreational opportunities for children and is easily accessible from the bike path, which provides access to numerous recreational activities on Nantucket.

d. Fire Issues. The Project will comply with all applicable state and local requirements relative to life safety and emergency vehicle access, and will be fully equipped with sprinklers.

6) Design Issues. Much of the Letter is spent decrying the appropriateness of the location and design of the Project. While the Town has not been at all successful in addressing the dire

need for multifamily rental development and for affordable housing of any kind, it has approved projects with comparable density in other areas within the Town.

With regard to the appropriateness of the site, the Applicant rests on the finding in the Project Eligibility Letter ("PEL") from the Massachusetts Housing Partnership:

> "The site of the proposed Project is generally appropriate for multifamily residential development. The location provides access to the mid-island commercial and municipal services area with significant employment opportunities. There is a seasonal bus route with a stop within walking distance of the site."

With regard to the Project's design, we again cite to the PEL:

> "The proposed conceptual Project design is generally appropriate for the site. The site design incorporates clustering of the buildings to the rear and sides of the site to minimize their visual impact. Building side yard setbacks from adjacent properties are 15', the same as required in the underlying zoning district. The buildings have been situated to present the programmed activity spaces visibly to the main road so as to create a welcoming, residential entrance. The building exteriors have features to visually reduce the mass and scale. The design incorporates projected bays, trim accents at the windows, and material and textures to visually reduce the mass of the building."

The BOS' general approach to the Project is revealed by its approvingly citing the following from the provisions of the County Overly District:

> "[t]he purpose of the Country Overlay District is to discourage development…" (emphasis added)

This demonstrates that the Board's issue with the Project is not really with the Project's design, but rather its very existence as a proposal. This is precisely the attitude and approach that Chapter 40B is intended to counteract.

Materials

Provided by Staff

to Supplement

Application

No. 05-16

8 Atlantic

See Packet Part III ; Pages 9 - 19

2011 00001229
Bk: 1279 Pg: 14 Page: 1 of 7
Doc: SP 05/09/2011 08:56 AM

RECEIVED
'11 APR 15 A8:59
NANTUCKET TOWN CLERK

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 setbacls) 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 15th, 2011

Edward S. Tooze

Merim Koseratac

Lisa Botticelli

Mark Poor

Michael Angelastro

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. April 15, 2011

On this 15th 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.

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

ATTEST: A TRUE COPY
NANTUCKET TOWN CLERK

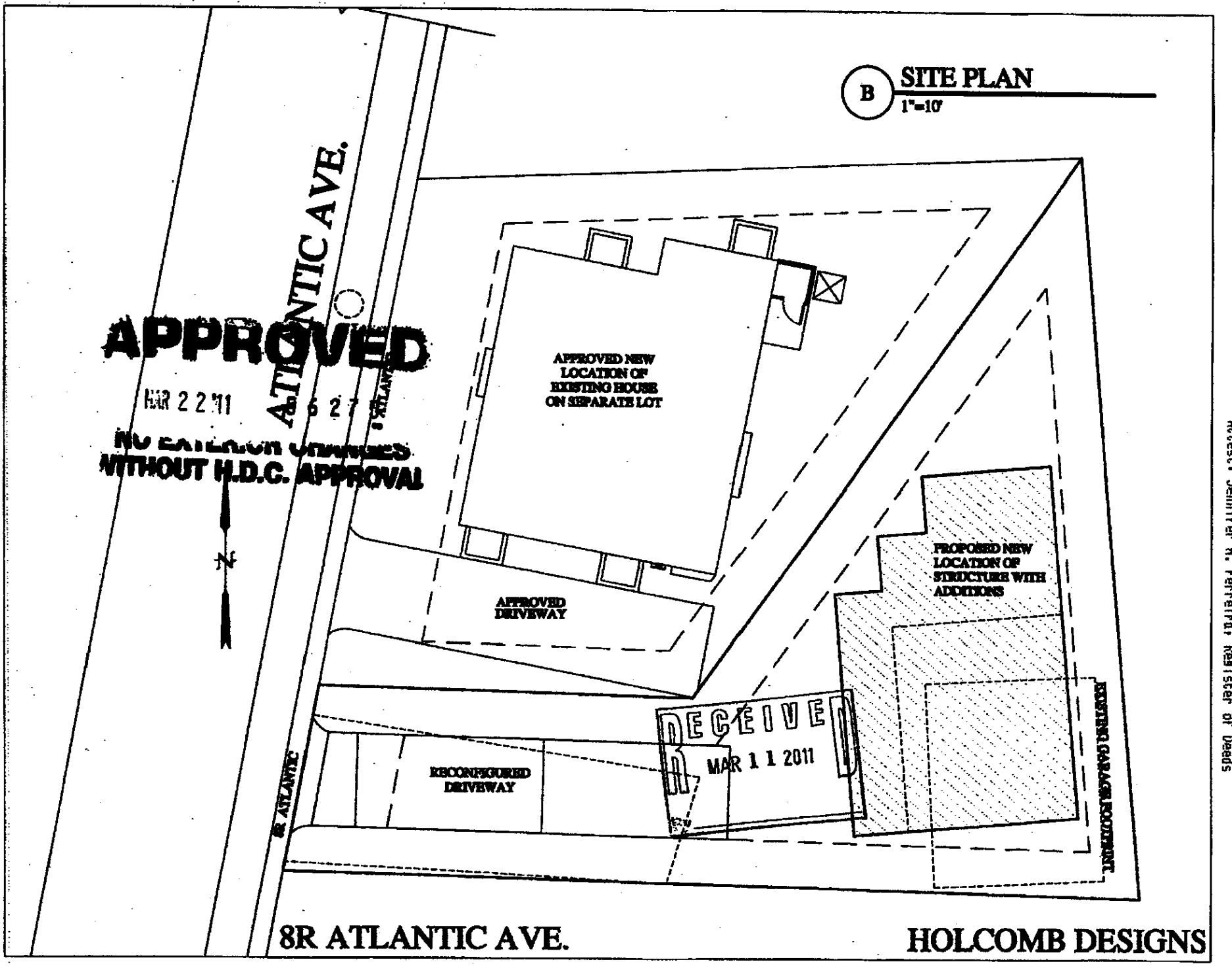
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

MAY 09 2011

Bk: 01279 Pg: 20

"Exhibit A"



NANTUCKET 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

September 11, 2014

William Stone
42 8th 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' 1ST, 806 SQ' 2ND

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 8th 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.

DUPLICATE

DEPARTMENT	PERMIT NUMBER	INSPECTOR		DATE
HEALTH		FINAL		
DPW/SEWER	4916	FINAL	D M Coll	1/17/14
PLANNING BOARD		FINAL		
PLUMBING	12-350	UG	(WC)	7/17/12
		ROUGH	(WC)	8/07/12
	13-143/12-292	FINAL	(WC)	11/08/13
WIRING	493-12	TEMPORARY		
	522-13	SERVICE		
		ROUGH	(WL)	7/31/12
		FINAL		12-11-13
GAS	12-397	ROUGH	(WC)	8/22/12
	13-104	FINAL	(WC)	11/08/13
1/9/14 55885	H.D.C	FINAL		2/6/14
		~~ROUGH~~	~~(WL)~~	~~7/31/12~~ WWL
FIRE DEPARTMENT	N.A.	FUEL & MECH/ALARM		
SHEET METAL PERMIT	733-12	ROUGH	(AN)	8/14/12
		FINAL		7/11/14
ZONING		FINAL		
BUILDING		FOOTINGS	(AN)	4/25/12
		FOUNDATION		
		ROUGH		
C R-38; W R-21; W U-.43; BW R-19; D U-.38		INSULATION		
		FIREPLACE		
1 Door		FINAL		11/6/14

RECEIVED
NOV 20 2014
BY: AB

ENG LETTER

5. IDENTIFICATION - To be completed by all applicants

	Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	BWilliam Stone II	42 8th st. #4304 Charlestown, MA. ~~02129~~	02129	232-319-8068
2. Contractor	Print Name: Frank Carney	13½ BEAR ST, NANTUCKET	Builder's License	CS 78851
	Signature: Frank Carney	MA 02554	Date	3/11/11 SCB 221820
3. Contact Person	Chris Grimes	33 Macy's Ln. Nantucket	Date 1/14/11	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 | Address | Telephone #

Print name Chris Grimes 33 Macy's Ln. Nantucket, 508-685-9100

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required				
HISTORIC DISTRICTS COMMISSION	ok	55885	1.24.11	
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 _____

Building Permit Fee 2022

Date of Issuance of Certificate of Occupancy _____

FOR DEPARTMENT USE ONLY

Use Group _____

Occupancy Load _____

Census No. 434

Approved by: _____ 11-22-11

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

A. TYPE OF IMPROVEMENT
- ☐ New Building
- ☐ Addition
- ☑ Alteration
- ☐ Repair, replacement
- ☑ Demolition
- ☐ Moving

B. OWNERSHIP
- ☑ Private
- ☐ Public

C. COST
TOTAL COST OF IMPROVEMENT $225,000

D. DIMENSIONS
Dimensions of Structure
First Floor Area: 903 SQ. FT.
Second Floor Area: 806 SQ. FT.
Third Floor Area: —
Total Floor Area: 1708 SQ. FT.
Full Cellar Area: 801 (FINISHED)
+ DECK: 37 SQ. FT.
TOTAL = [redacted] SQ. FT. 2,547

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

F. PRINCIPLE TYPE OF FRAME
- ☑ Wood frame
- ☐ Other - Specify _____

G. PRINCIPLE TYPE OF HEATING
- ☑ Gas
- ☐ Electricity
- ☐ Oil
- ☐ Heat Pump
- ☐ Other - Specify _____

H. TYPE OF SEWAGE DISPOSAL
- ☑ Public
- ☐ Private (septic tank, etc.)

I. TYPE OF WATER SUPPLY
- ☑ Public
- ☐ Private (well)

J. SMOKE DETECTORS
No. of Detectors per code
See Plan for Location

K. ACCESSORY HEAT SOURCE
No. of fireplaces 1
No. of Wood Stoves 0
Other GAS

L. RESIDENTIAL BUILDINGS
Number of Bedrooms 6
Number of Bathrooms 3
Full 3 Partial _____

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"x20" 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: — Crawl space: ☒ Full ☐ Partial

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

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

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)

11/23/2011 – Spoke w/ Chris –

FEE CALCULATIONS

903 + 903 + 806 + 84 x .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: 3,130.50 +/- 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 (488 - 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: 5/16/11 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: Christopher Carey Signature:	P.O. Box 3577 Nantucket MA 02584	Builder's License: CS 105656 Date: March 19 2013	785.633 8926
3. Contact Person			Date	

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 _____

Building Permit Fee _____

Date of Issuance of Certificate of Occupancy _____

FOR DEPARTMENT USE ONLY

Use Group _____

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

Changed in Computer File please

A. TYPE OF IMP
- ❑ New Building
- ❑ Addition
- ❑ Alteration
- ❑ Repair, replaceme
- ❑ Demolition
- ❑ Moving

B. OWNERSHIP
- Private
- Public

COST OF IMPROVEMENT

D. DIMENSIONS
Dimensions of Structure
First Floor Area: _____
Second Floor Area: _____
Third Floor Area: _____
Total Floor Area: _____
Full Cellar Area: _____

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.

Change of Contractor

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.

F. PRINCIPLE TYPE OF FRAME
- ❑ Wood frame
- ❑ Other - Specify _____

G. PRINCIPLE TYPE OF HEATING
- ❑ Gas ❑ Electricity
- ❑ Oil ❑ Heat Pump
- ❑ Other - Specify _____

H. TYPE OF SEWAGE DISPOSAL
- ❑ Public
- ❑ Private (septic tank, etc.)

I. TYPE OF WATER SUPPLY
- ❑ Public
- ❑ Private (well)

J. SMOKE DETECTORS
No. of Detectors _____
See Plan for Location

K. ACCESSORY HEAT SOURCE
No. of fireplaces _____
No. of Wood Stoves _____
Other: _____

L. RESIDENTIAL BUILDINGS
Number of Bedrooms _____
Number of Bathrooms _____
Full _____ Partial _____

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 Main 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.

PROPERTY DESCRIPTION

MAP Nº: 55 PARCEL Nº. [redacted]-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: 7/30/10 Fee Paid: $ Paid

Must be acted on by: 9/28

Extended to:

Approved: 1/4/11 Disapproved:

Chairman:

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

Per 12/17/10 plans w/ Regular-Threshold Engineers - worked out w/ staff.

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: 1,195SF 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

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building attached? ☑ Yes ☐ N/A

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

*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

Gutters: ☐ 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

Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

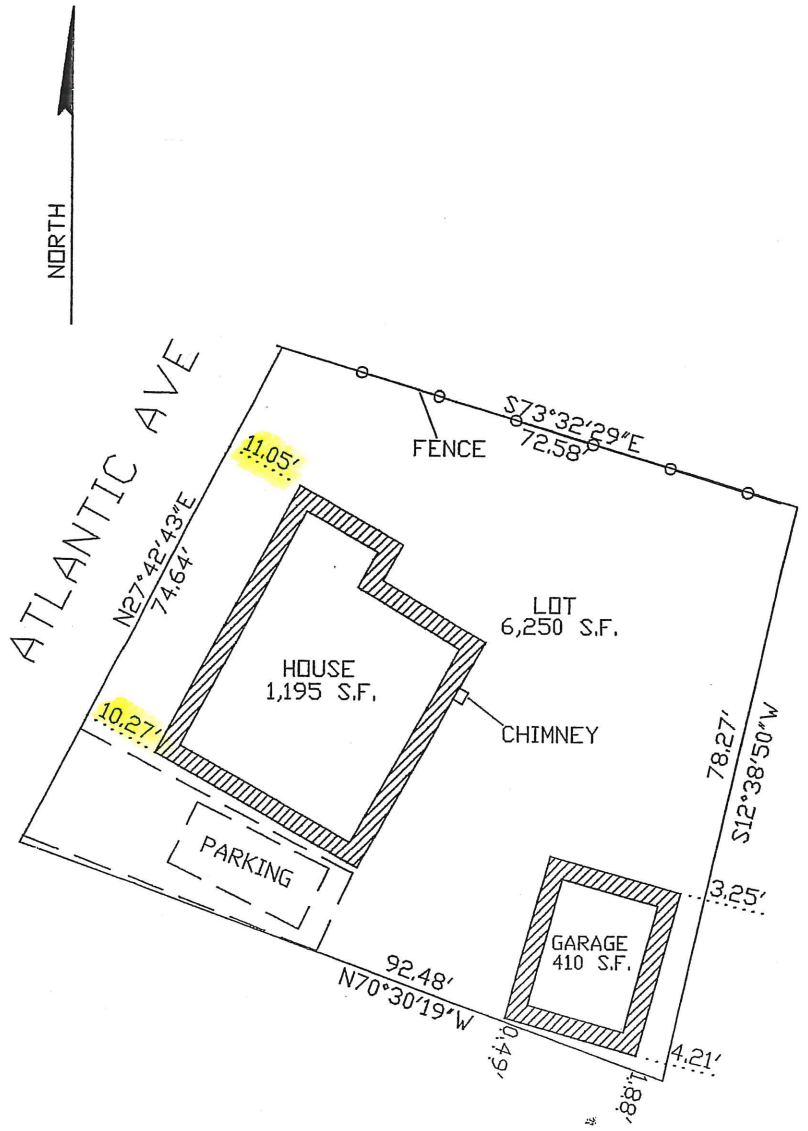
COLORS

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

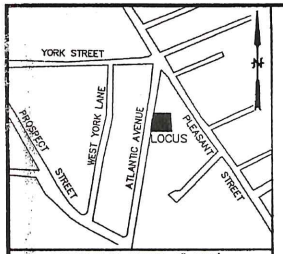
JOHN J. SHUGRUE, INC.
57 OLD SOUTH ROAD
NANTUCKET, MA 02554

FOR: STEPHANIE MONROE &
VINCENT PAYNE

THE STRUCTURES
ARE LOCATED AS SHOWN

JOHN J. SHUGRUE PLS
DATE: JUNE 27, 2005

CJ ASSESSORS MAP 55 PARCEL NO. 18 #7289ABS



LOCUS MAP SCALE: 1"=300'

MERIDIAN: PLAN FILE NO. 16-A

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

REFERENCES:
OWNER: WILLIAM J. STONE, II

DEED REF.: DEED BOOK 1234, PAGE 237

ASSESSORS REF.: MAP: 55 PARCEL: 18

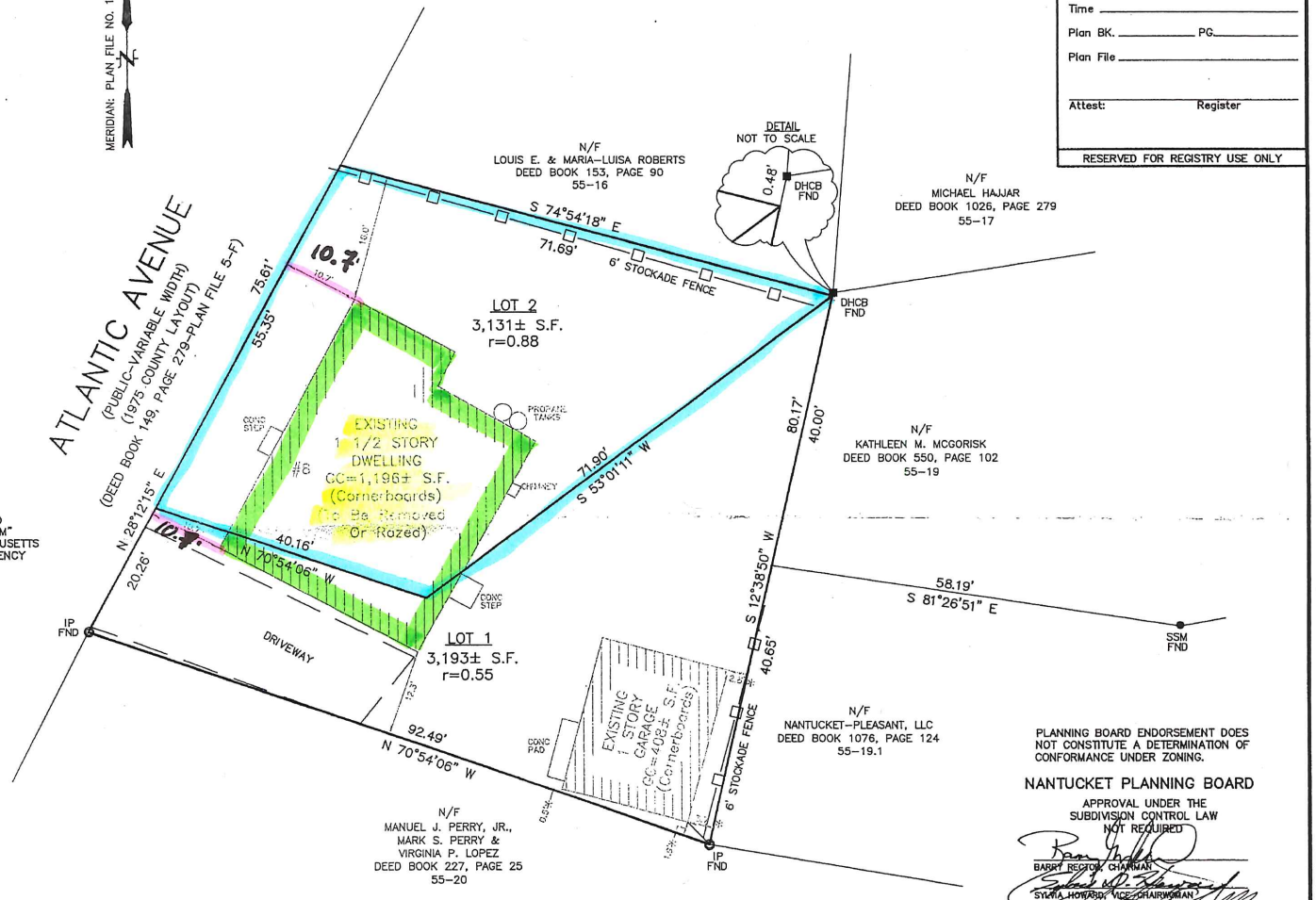
ZONING CLASSIFICATION
DISTRICT: R-1

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:
*1. STRUCTURES PREDATE ZONING JULY 27, 1972.
2. LOT 1 AND LOT 2 CREATED PURSUANT TO CHAPTER 41 SECTION 81L.
3. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "C" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230-0011D; 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



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

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

BARRY RECTOR, CHAIRMAN

SYLVIA HOWARD, VICE-CHAIRWOMAN

NATHANIEL LOWELL

JOHN MCLAUGHLIN

LINDA WILLIAMS

DATE APPROVED 09-20-2010

DATE SIGNED 12-06-2010

FILE NO. 7298

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

GRAPHIC SCALE
1"=10'
0 10 20 30 40

" 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."

PROFESSIONAL LAND SURVEYOR — 9/13/10 DATE

COMMONWEALTH OF MASSACHUSETTS — PAUL J. SANTOS No. 36124 — PROFESSIONAL LAND SURVEYOR

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.

N-9926

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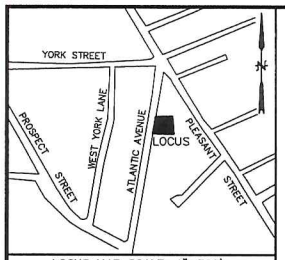
Doc: PLAN 02/08/2011 01:04 PM

NANTUCKET REGISTRY OF DEEDS
Date 02.08.2011
Time 1:04 PM
Plan BK. ——— PG. ———
Plan File No. 2011-5
Attest: Jean M. A. Ferreira Register

SHEET 1 OF 1

RESERVED FOR REGISTRY USE ONLY



LOCUS MAP SCALE: 1"=300'

MERIDIAN: PLAN FILE NO. 16-A

REFERENCES:
OWNER: WILLIAM J. STONE, II

DEED REF.: DEED BOOK 1234, PAGE 237

ASSESSORS REF.: MAP: 55 PARCEL: 18

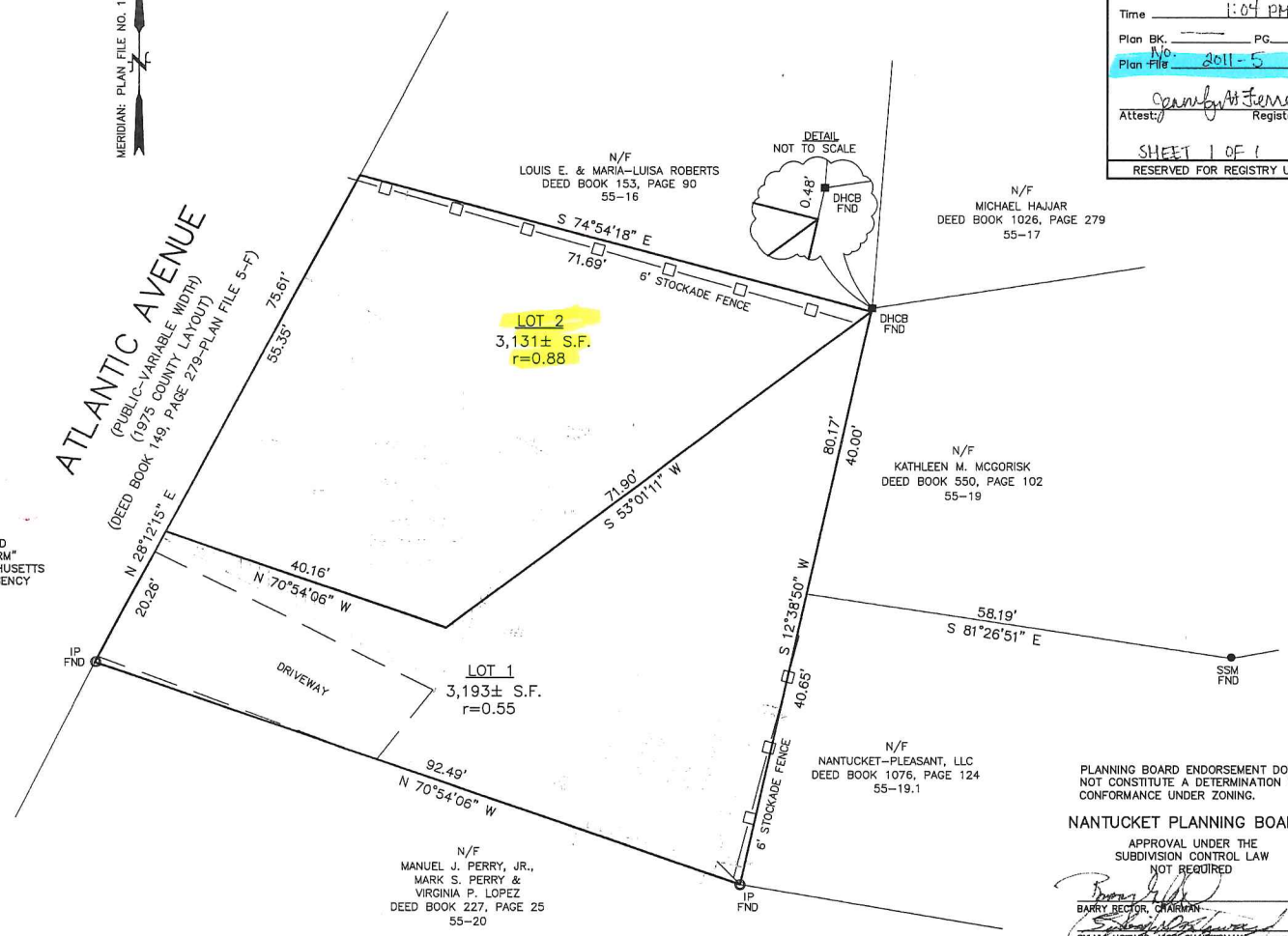
ZONING CLASSIFICATION
DISTRICT: R-1

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:
* 1. STRUCTURES PREDATE ZONING JULY 27, 1972.
2. LOT 1 AND LOT 2 CREATED PURSUANT TO CHAPTER 41 SECTION 81L.
3. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "C" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230-0011D; 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



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

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

BARRY RECTOR, CHAIRMAN

SYLVIA HOWARD, VICE-CHAIRWOMAN

NATHANIEL LOWELL

JOHN MCLAUGHLIN

LINDA WILLIAMS

DATE APPROVED 09.20.2010

DATE SIGNED 12-016-2010

FILE NO. 7298

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

GRAPHIC SCALE
1"=10'
0 10 20 30 40

" 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."

PROFESSIONAL LAND SURVEYOR 9/13/10 DATE

THE PLANNING BOARD DETERMINES THAT:

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N-9926

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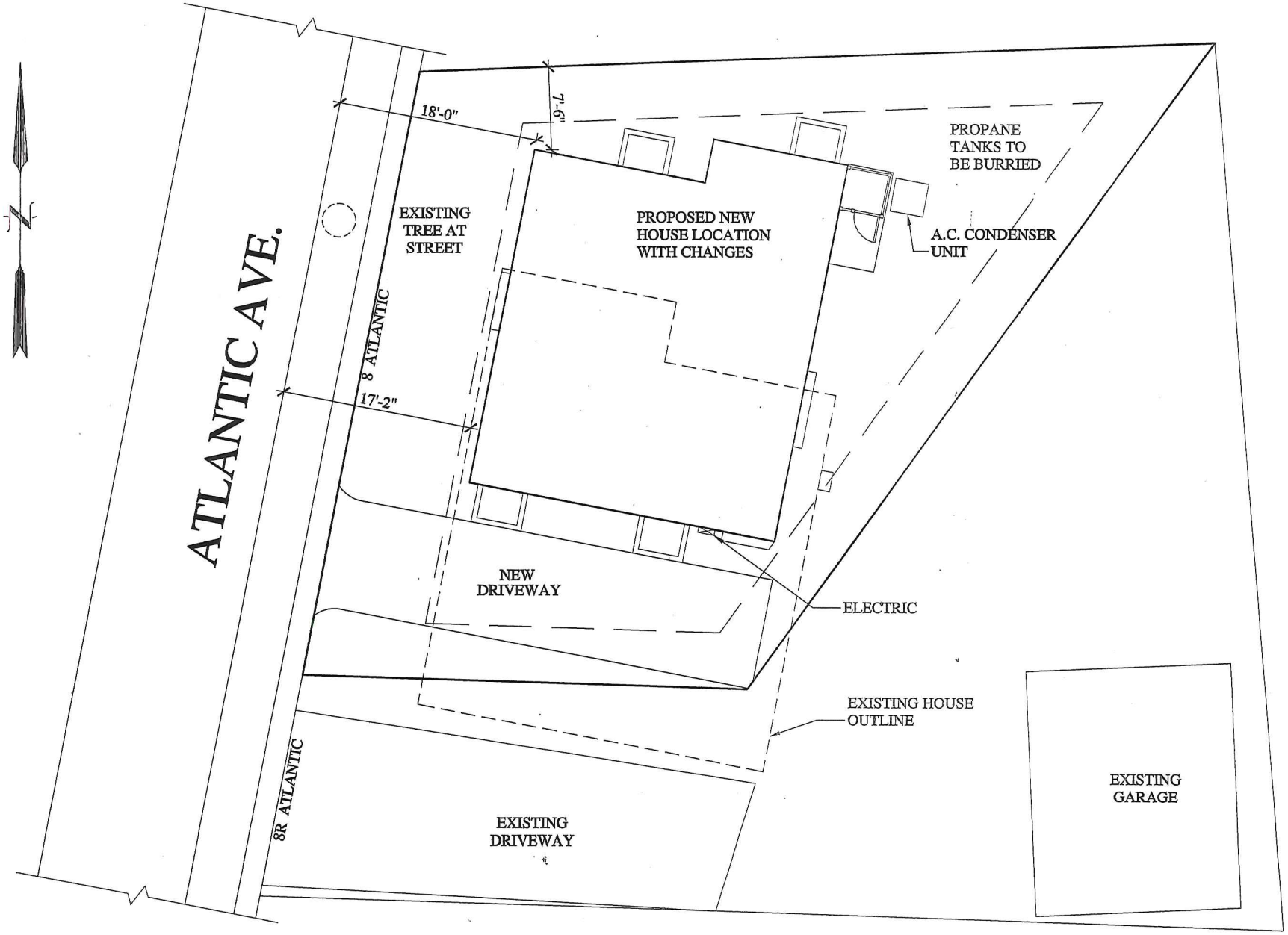
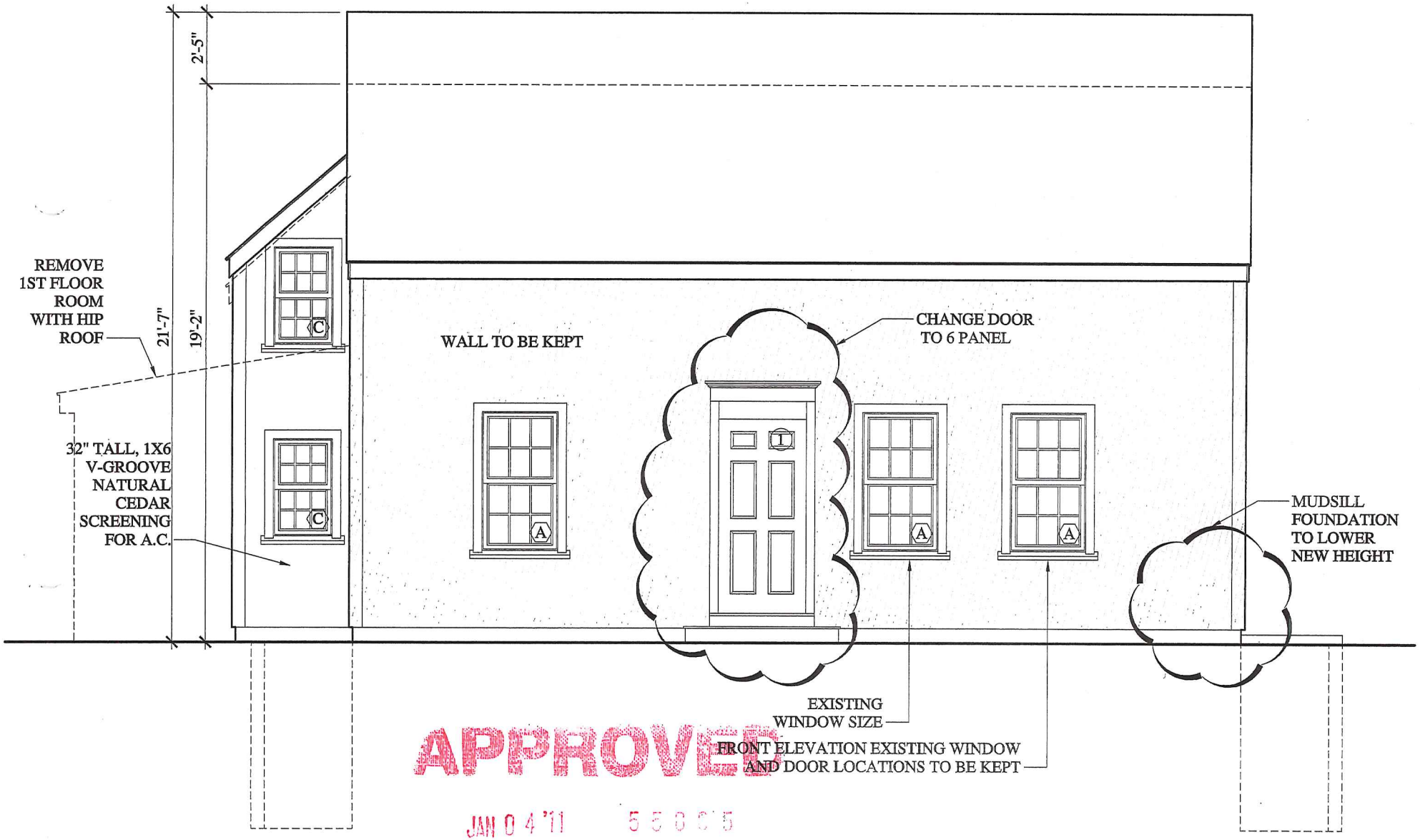
SITE PLAN

NOSCALE



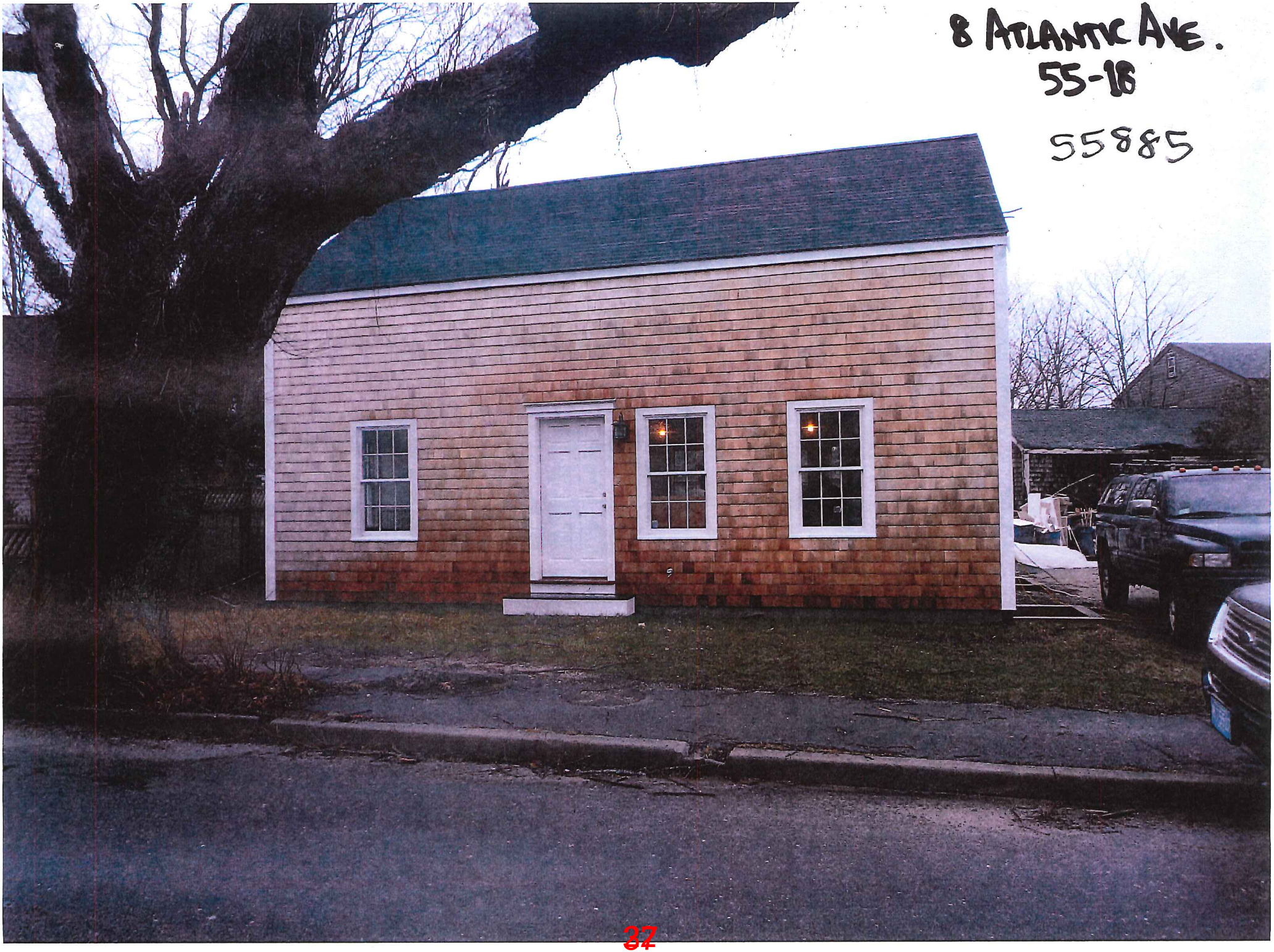
WEST



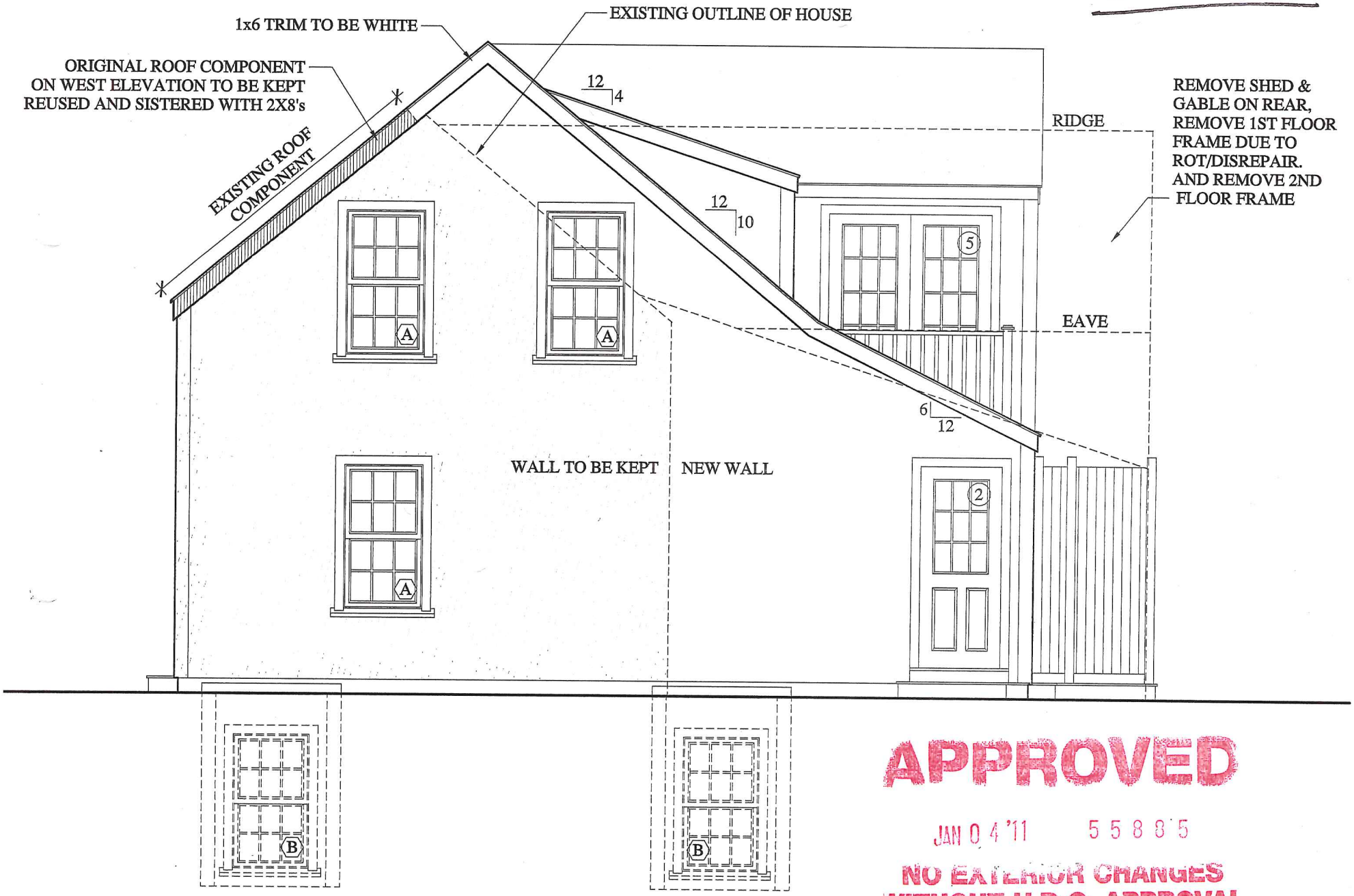
APPROVED

JAN 04 '11 55065

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 06/16/2010 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. Driver's 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
☑ Paid $ 5,920.00
☐ Exempt
☐ Non-applicable
30807 6/16/10
No. Date
Authorization

TAMMY A. BAPTISTE
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires May 20, 2016

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: $296,000.00

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 Walsh Perrino
REGISTER

"Exhibit A"

2009 00000600
Bk: 1173 Pg: 239 Page: 1 of 1
Doc: DD 03/06/2009 03:20 PM

QUITCLAIM DEED

Property Address: 8 Atlantic Avenue
Nantucket, MA

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 17th day of February 2009.

Stephanie Monroe

STATE OF CONNECTICUT

Hartford County

On this 17th day of February, 2009, before me, the undersigned notary public, personally appeared STEPHANIE MONROE proved to me through satisfactory evidence of identification, which were CT License and Visa (Sworn to) 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.

Notary Public
My Commission Expires:

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

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $
☑ Exempt E
☐ Non-applicable
No. 29740 Date 3/6/09
Authorization

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

Applicant email

Received

4/11/2016

No. 05-16

8 Atlantic

See Packet Part III ; Pages 9 - 19

From: Paul Jensen
To: Eleanor Antonietti
Cc: Steve Butler; Steven Cohen; Billstone2@yahoo.com
Subject: ZBA File 05-16 Stone 8 Atlantic Ave
Date: Sunday, April 10, 2016 11:08:43 PM

Eleanor
Please accept this email on behalf of Applicant to address the concerns raised by the Board at the March 2016 Hearing.

The Board requested that Applicant explore other solutions for the front door stoop and step that encroach into the 10 ft front set back and side door stoop and step that encroach into the 5 ft side set back, i.e. change the door swing, and grade land up to door thresholds and change the lot line for side door. The applicant has done this (see below), and would rather not be before the Board asking for relief, but must do so get a CO for house that has been built pursuant to the Variance relief granted by the Board.

Door Swing
According to Steve Butler, the Building Code requires that every landing from an exterior egress door shall have minimum dimension of 36 inches in direction of travel and shall not be more than 1 1/2 inches below the threshold. The direction the a egress door swings does negate these requirements for a landing. Please feel free to confirm this Steve Butler, who is copied on this email.

Grading
The Applicant has explored the grading option for side door and front door, but there is just not enough room and raised grade along the foundation would quickly rot the shingles and sill. At both doors grading would have to create a 3-4 ft wide flat landing that is no more that 1 1/2 inches below threshold. Landscaping timbers cannot be used, even on sides of these landings, because that would be a supporting structure attached to the house in the set back just like the stoops and stairs. Thus on the front and the sides of each of these flat landings, the land would slope away. On front, there is 6-7 ft from front landing to front lot line and from the side landing there would be at most 4 ft to side lot line and about 2 ft window well. Grading on front would be about 20-25% or 2-3 / 12 in. and the grade back would 25-30% or 3-4 / 12 in. This grading would unsafe for egress, especially at night and by the elderly, would impact the driveway, patio and shower, and would be artificial, unsightly and not in keeping the surround properties and the neighborhood.

Lot Line Change
As you know these lots were created by Variance and to change the lot line, the Variance would have be modified. That relief would require the same finding, i.e where compliance with zoning due to unique land or structure, a literal enforcement 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, that is being requested for stoops and stairs.

Looking at the most recent GIS, most of the houses in this block of Atlantic Ave are located within the 10 front set back and many houses or their appurtenant structures are in the 5 foot side set back.

The Board granted a Variance to allow the subdivision and moving of the house. That Variance can be modified using the same findings (for nothing has changed), to allow the required front and side stoops and stairs unique land and structure, where literal enforcement would cause substantial financial hardship, and would not nullify zoning. This house and attached stoop fit into historical development of this neighborhood.

Thanks
Paul

Paul Jensen
Of Counsel
Cohen & Cohen LAW PC
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Nantucket, MA 02554
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Fx 508-228-0970
paul@cohenlegal.net