

ZONING BOARD OF APPEALS

AUGUST 11, 2016

PACKET



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Agenda
(Subject to Change)

Thursday, August 11, 2016

1:00 PM

4 Fairgrounds Road

Public Safety Facility – 1st Floor Community Room

1 ■ CALL TO ORDER:

■ APPROVAL OF THE AGENDA:

■ APPROVAL OF THE MINUTES:

- June 9, 2016
- July 14, 2016

Pages 5 - 20

■ OLD BUSINESS:

-
- 051-03 Rugged Scott, LLC Release of Lot 41 from Covenant Hanley
- 04-16 Donald J. Mackinnon, Trustee of Nantucket 106 Surfside Realty Trust – *a/k/a* SURFSIDE COMMONS 40B 106 Surfside Road Mackinnon / Schwartz
Extended Close of Public Hearing deadline November 30, 2016 (180 days from Initial Public Hearing with Extension)
Decision Action deadline January 9, 2017 (40 days from close of Public Hearing)
CONTINUED TO SEPTEMBER 8, 2016

Pages 23 - 25

- 20-16 Gerald T. Vento & Margaret Vento, Tr. of Ninety-One Low Beach Road Nominee Trust
Action deadline September 7, 2016 91 Low Beach Road Cohen
Applicant is requesting Special Permit relief pursuant Zoning Bylaw Section 139-16.C(2) to validate unintentional side and rear yard setback intrusions. The siting of a tennis court, installed in 2012, was reasonably based on a licensed survey. The court is sited as close as 15.4 feet from the side yard lot line and 18 feet from the rear yard lot line, where a twenty (20) foot setback is required. In the alternative, and to the

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Posted with Town Clerk on August 5, 2016
Posting # 630

extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusions. The Locus is situated at 91 Low Beach Road, is shown on Assessor's Map 75 as Parcel 31, and as Lot 912 upon Land Court Plan 5004-65. Evidence of owner's title is registered on Certificate of Title No. 24350 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

- 28-16 Eric J. Rosenberg & Michele Kolb 7 Gardner Street Williams
Action deadline October 12, 2016

Pages 37 - 69

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. Specifically, applicant seeks permission to demolish an existing garage, sited as close as 1.3 feet from the northerly side yard lot line where the minimum side yard setback is five (5) feet, in order to construct a new single-family dwelling in its place. The new dwelling is proposed to be sited three (3) feet from the northerly lot line and to be conforming as to all other setbacks, ground cover, and parking requirements. The Locus, an undersized lot of record created pursuant to M.G.L. Chapter 41 Section 81L, is situated at 7 Gardner Street, and is shown on Assessor's Map 42.3.3 as Parcel 58 (portion). Evidence of owner's title is in Book 1282, Page 80 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

NEW BUSINESS:

- 24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale
Action deadline November 9, 2016

Pages 72 - 144

Applicant is requesting Special Permit relief pursuant Zoning By-law Section 139-33 to reduce the area of 6 Lily Street without creating any new non-conformities and to enlarge the area of 8 Lily Street to allow for a new dwelling with a reduced side yard setback nonconformity. To the extent necessary, applicant further requests Site Plan Review pursuant to Section 139-23. Both properties are improved undersized lots of record. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 from the provisions of Section 139-16. The properties are located at 6 and 8 Lily Street, are shown on Assessor's Map 73.3.1 as Parcels 109 and 110, and as Lot 5 and portion of Lot 7 upon Plan No. 2014-02. Evidence of owners' titles are in Book 1415, Page 296 and Book 1415, Page 287 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

2

- 30-16 Kaplan Family Nominee Trust 8 Harborview Way Poor
Action deadline November 9, 2016

Pages 146 - 179

Applicant is seeking relief by Special Permit pursuant to Zoning By-law Section 139-33.A in order to alter the pre-existing nonconforming dwelling in order to lift the structure to place it on a new foundation in conformance with FEMA regulations. The new foundation will result in an increase in structure height. In the alternative, applicant seeks Variance relief to exceed the height limitations pursuant to Zoning By-law Section 139-17. The Locus is situated at 8 Harborview Way, is shown on Assessor's Map 42.4.1 as Parcel 28, and as Lot 2 in Plan File 2014-41. Evidence of owner's title is registered in Book 756, Page 54 on file at the Registry of Deeds. The site is zoned Residential Old Historic (ROH).

- 31-16 Laura F. Hanson 55 Center Street Jensen
Action deadline November 9, 2016

Pages 181 - 191

Applicant is requesting Special Permit relief pursuant to Zoning By-law Section 139-33.A in order to alter the pre-existing nonconforming dwelling in order to lift the structure to place it on a new foundation and to install a new basement. Applicant also proposes to construct a conforming addition to the rear of the dwelling. The Locus is situated at 55 Center Street, is shown on Assessor's Map 42.4.4 as Parcel 72. Evidence of owner's title is registered in Book 856, Page 197 on file at the Registry of Deeds. The site is zoned Residential Old Historic (ROH).

- 32-16 Alan A. Shuch, Trustee of the Ann F. Shuch Qualified Personal Residence Trust
45 Quidnet Road Alger
CONTINUED TO OCTOBER 13, 2016
Applicant is seeking Special Permit relief under By-law Section 139-33.A(1)(a) to extend, alter, or change a pre-existing, non-conforming ancillary structure used as a studio and beach changing area by raising it up above the flood plain so that it no longer floods and adding stairs necessary for access. To the extent necessary, Applicant also seeks a modification of the Board's decision in File No. 007-96 to allow for such work. The Locus is situated at 45 Quidnet Road, is shown on Assessor's Map 21 as Parcel 21, and is Lot 23 on Land Court Plan 8853-L. Owner's title is evidenced by Certificate of Title No. 21927 at the Nantucket Registry District. The site is zoned Residential-20 (R20).

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- **OTHER BUSINESS:**
 - Election of officers (Chairman, Vice Chairman, Clerk)

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- **ADJOURNMENT.**



ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, June 9, 2016

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

Called to order at 1:09 p.m.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; Mike Burns; Traffic Planner; Marcus Silverstein, Zoning Enforcement Officer (ZEO); T. Norton, Town Minutes Taker

Attending Members: Toole, Botticelli, McCarthy, O'Mara, Koseatac, Poor, Thayer, Mondani

Absent: None

Late Arrivals: None

Early Departures: McCarthy, 4:59 p.m.; Botticelli, 5:51 p.m.; Thayer, 6:00 p.m.

Town Counsel: Ilana Quirk, Kopelman & Paige, P.C.

ZBA Consultants: Ed Marchant, 40B (call in); Nancy Doherty, Tetra Tech, Inc.; Ed Pesce, Pesce Engineering & Associates

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. May 11, 2016: **Motion to Approve.** O/B (made by:) (seconded by:) Carried unanimously

II. OLD BUSINESS

1. 04-16 Donald J. Mackinnon, Trustee of Nantucket 106 Surfside Realty Trust – *a/k/a* SURFSIDE COMMONS 40B
106 Surfside Road Mackinnon/Schwartz

The Applicant is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B, as approved by Massachusetts Housing Partnership, in order to allow a multi-family project consisting of 56 rental apartments with fourteen (14) to be designated as affordable units. The apartments will be arranged in two 2½-story buildings with thirteen units each and two 3½-story buildings with fifteen (15) units each. There will be a total of two 1-bedroom units, forty two 2-bedroom units, and twelve 3-bedroom units. The project will also include a clubhouse and pool. If approved, the property will be permanently deed-restricted for the purpose of providing affordable year-round housing. The file with a copy of the complete and updated list of requested waivers is available at the Zoning Board of Appeals office at 2 Fairgrounds Road between the hours of 7:30a.m. and 4:30p.m., Monday through Friday or via link to posting of all document related to this project found on Town of Nantucket website: <http://www.nantucket-ma.gov/708/Atlantic-Development---106-Surfside-Road>. The Locus, situated at 106 Surfside Road, is shown on Assessor's Map 67 as Parcel 80. Locus is also shown as Block 22 on Plan File 3-D and as Parcels 7-11 (inclusive) on Plan No. 2014-52. Evidence of owner's title is recorded in Book 1410, Page 205 and Book 1488 Page 213, both on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 2 (LUG-2) and Limited Use General 3 (LUG-3).

Voting Toole, Botticelli, O'Mara, McCarthy, Koseatac
Alternates Poor, Mondani
Recused Thayer
Documentation File with associated plans, photos and required documentation
Representing Donald J. MacKinnon, Atlantic Development

Steve Schwartz, Goulston and Storrs, counsel
Joshua Swerling, Bohler Engineering
Lloyd Bristol, Bristol Traffic Engineering
Margaret Murphy, Atlantic Development
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP

Public Mary Beth Ferro, 104 Surfside Road
Judy Zurheide, 1 Folger Avenue
Jack Benjamin, Gladlands Road
Jessica Davis, 108 Surfside Road
Jane Valero, 9 Gladlands Road

Discussion **MacKinnon** – Looking to cover traffic, wastewater systems, and concepts for alternative plans.
Bristol – This traffic analysis is based upon the original 56 unit plan; reviewed the ingress/egress point sight distances, generating 35 to 50 vehicles during peak hours, internal turning radii, inclusion of a fire access road.

Doherty – Reviewed her study of applicant traffic analysis: ingress/egress point is appropriate, they looked at other intersections of interest, comfortable with the level of analysis, hours and season of review were appropriate, utilized a standard 5-years planning horizon but best practices in Massachusetts is to look out seven years, used 1% growth rate, did not include traffic generated from Sachem's Path or new elementary school, daily trip generation was included, distribution based on existing traffic flow, indicates trips will increase volume at intersections by 3%, operations analysis shows south-bound approach would increase delay 3 second in the morning and 16 second evening. Single access driveway is appropriate. New north side crosswalk design is fine but not seen how it will connect to existing bike path. Important to see design of new east side bike path to analyze its impact; there would be a lot of clearing necessary and retaining walls would be necessary. Sight lines and stopping distance are good; not convinced the north sight line is good. Suggest supplying on-site secure bike storage and a bulletin board of bike paths.

Toole – Confirmed Ms Doherty feels the applicant's study is acceptable. In terms of sight-line issues, asked what is necessary to fix it.

Doherty – A concept plan of what Surfside will look like north of the driveway: signage, retaining wall, profile.

Toole – Asked if there is any thought of making this a 4-way intersection to make the crosswalk more efficient vis-à-vis the addition of the new bike path.

Doherty – Not necessary; doing that would add to congestion.

Koseatac – We need a legible plan of the fire-truck turning radii; the plans in the packet and on line are illegible.

Poor – Asked how viable is the Bartlett Road Rotary.

Burns – Explained the status of the projected Bartlett Road Rotary, programmed for FY2019.

Toole – The vegetation the applicant is talking about removing is not on their property. Asked if that is okay.

Burns – Cited the Town bylaw about clearing vegetation to maintain public safety.

Ferro – What was not addressed is that the Town has taken over the Boulevard which has already shown an increase in traffic and the Richmond Development project on Old South Road potentially cutting through to the Boulevard, which would further increase traffic. People drive Surfside Road very quickly. Behind this site is the Beach Plum 40B which is in Phase II; that was not included in the analysis. Being done in August, the analysis did not take school traffic in account.

Toole – With regard to future development, asked the method for taking that into account.

Doherty – The figures came from Planning; not sure if the question of any prospective project was asked. It was correct to do the study in the summer months. The Sachem Path entry is north of this site so probably won't affect this intersection. She is not familiar with the possibility of any new roadway connections south of the project.

Botticelli – Feels school traffic is also a valid point.

Discussion about whether or not school traffic would have an impact on the traffic flow.

Toole – Believes there are potential holes in the study that need to be tightened up. Would like to have school traffic added to the study.

Doherty – The applicant had offered to add Sachem's Path and school as well.

Zurheide – Cited Sherburne Commons expansion and moving of Our Island Home (OIH) to South Shore Road. There has also been an increase in commercial traffic for a development in the area and that was not mentioned in the study.

Doherty – Noted that any information about future projects comes from Planning.

Burns – There are counters out every year which are tracked; 1% growth is reliable based on past growth over the long term. OIH and the expansion of Sherburne Commons are pending right now and have to be looked at; the other projects were taken into account. He doesn't believe pattern changes will be very significant.

Benjamin – Questions the accuracy of the traffic study for Saturday in August. The queue on the road on Saturday and Sunday in August can extend about ½ mile. He would like to hear the police speak to traffic congestion on Saturday and Sunday afternoons in July and August.

Davis – The traffic Report did not take into consideration that Boulevard will be paved and thus increase traffic. The development on Old South Road will be massive and also needs to be taken into consideration.

Valero – The traffic study isn't measuring the pedestrians and bikes on the bike path.

Doherty – There were pedestrian and cyclist counts included in the study and are accounted for.

Bristol – Counts were taken Thursday, August 13, 6-9 a.m. and 11a.m.-1 p.m. and 3-6 p.m., and Saturday, August 15, 10 a.m. to 2 p.m. Pedestrians and cyclists were counted at each location.

Toole – Sounds like some important data is missing for the specific area: Saturday 10-2 most people are at the beach; need some additional work to catch people going to and from the beach. Should do a Saturday count as they would do a weekday count.

Botticelli – It would be interesting to know the increase of school traffic and new hospital; there is a lot happening in a very condensed area of the island.

Bristol – Volume at this intersection is very low; the Fairgrounds intersection is already stressed in the summer. In the fall, traffic counts drop, according to machine counts. Half the Fairground traffic doesn't turn south. The farther away from the project, the more options to turn off the road increase so they didn't include intersections beyond Bartlett Road.

Botticelli – Asked how 56 units would generate only 25 cars during peak time. Practically speaking, the traffic flow is different than what would be pulled out of a book; this will be occupied by families with children who can't afford to buy a home so could have multiple cars.

Bristol – Explained how data points are plotted for use in the analysis; noted that apartments everywhere generate less traffic than single-family houses.

Toole – Asked Ms Doherty if the data used is accepted and if there are ever studies done that are “outside the box”.

Doherty – Explained how a custom analysis would be done. Believes the manuals used for trip generation might be conservative. Noted that not everyone in a residence leaves at the same time.

MacKinnon – Explained the purpose of the traffic study. Based upon comments, there is some follow up that needs to be done with the study; can ensure entrances and exits and public safety are properly accommodated. Another part of the study is the level of impact and mitigation for that impact. Believes it is unreasonable to ask them to go back out to study traffic at school time and other things which requires seeking additional data; that is outside of the bounds of what is done on the Island. Need some direction on the bike path, whether or not they are going to do that.

O’Mara – Doesn’t argue the data of the study. There are a high percentage of houses out there that rent and Saturday is the turnover day. Sunday is a big beach day.

Doherty – Believes the impact of the apartments will still be higher on weekdays.

Burns – At the next meeting, offered to provide the actual traffic counts they gave the applicant.

Toole – Safety issues and impact study of the bike path need to be done before this board can make a decision.

MacKinnon – Wants Ms Doherty to rule on the safety. Believes the only safety issue is crossing Surfside road at this complex.

Doherty – She needs to see the concept plan for the path with sightlines impact, possible retaining walls, guardrails, etc. before she makes a safety ruling.

Toole – There is the question of safety in crossing the road at this site. The possibility of a 4-way stop at this intersection should be looked at.

MacKinnon – Reviewed what needs to be added to the traffic study.

Davis – Currently where the bike path ends at Fairgrounds Road, there is a crosswalk. At this site, there is no crosswalk.

MacKinnon – Moving on to the issue of wastewater, he still believes the best option is to connect to sewer and believes this board has the authority to allow them to connect. In the event they are required to go to Town Meeting, he will ask for a state permit for a treatment plant.

Swerling – Reviewed the Nantucket regulations for wastewater treatment in a well-head protection area and compared a conventional system to an Amphridrome® system, which can reduce the amount of nitrogen by about 90%. They don’t yet have a plan showing a soil-absorption system.

Pesce – He agrees with the methodology behind the documentation. The Amphridrome® system is an excellent system approved by the Department of Environmental Protection (DEP), which is the permitting authority rather than Title V. An on-site hydrologic study and design packet still need to be done for the DEP permit. He still needs to see how the leeching field will fit on the site and meet setback requirements. Because there is a private well in the neighborhood, he needs to see a nitrogen loading model that doesn’t exceed 10 parts per million (PPM) for nitrogen at the property boundary; he would also suggest installation of a monitoring well to ensure that PPM is not exceeded.

O’Mara – Asked about maintenance of the system.

Pesce – They would have to hire a licensed monitor to check the system daily.

Koseatac – Asked what about if the power went out for more than 24 hours.

Pesce – The system has to be protected by a back-up power supply; that energy plant is under the Department of public Works (DPW) to ensure it is in good operating order. DEP will technically review the plan for the treatment plant.

Toole – The science is out there to make this work with a DEP permit, assuming it fits and wells aren’t polluted.

MacKinnon – Some of the items Mr. Pesce is talking about are part of the DEP permit.

Toole – The wastewater would be approved contingent upon DEP permit. Sees no point in going further with this.

MacKinnon – They are still asking for permission to connect to sewer.

Toole – This board has three options: 1) the board agrees with Town Counsel they don’t have the authority to allow hook-up to sewer; 2) they disagree with Town Counsel and grant the relief to hook to sewer; 3) they continue the discussion about the project until they reach a point where they are comfortable enough about the project to support the notion to tie into sewer.

MacKinnon – Reviewed distances to homes on abutting properties. Changes include: reduction to 52 units, eliminate the pool and club house and on-site managers apartment, reduce grade manipulation, add a curb cut for fire trucks, increase the parking space size to 20’, increase parking ratio to two spaces per unit, add children’s recreational opportunities, and add the bike path to connect to the Fairgrounds Road bike path. Reviewed concept options of siting: Options 1 four apartment buildings at 45 feet tall, Option 2 one large apartment building at 50 feet tall and two 2-story 6-unit structures.

Toole – Asked which is more important, bedroom or unit count.

MacKinnon – You want a reasonable mix; the 52 units with 100 bedrooms is the lowest to make this economically feasible.

Toole – Asked if they had looked at the option of doing all duplexes and thus creating a small village; he would be more interested in looking at setback waivers rather waiving 45-foot or 50-foot buildings. These buildings are still very tall and very out of place for Nantucket. The Option 2 massive building in the back is a non-starter. The “village” concept would

break up the massive parking areas. Cited Nobadeer Meetinghouse as a good example of a lot of bedrooms in a small space.

Discussion about the possibility of combining Option 1 with a village concept and the advantages of a village concept for green space and parking.

Poor – He believes the buildings are still too tall as presented in the two options.

Toole – Mr. Marchant had suggested a work session to brainstorm ideas.

MacKinnon – A design work session makes sense and would be willing to do that with a member of the ZBA. In the past they have worked with Matt MacEachern; asked if he would be acceptable.

Marchant – The board is clear in defining the issues, the work session would be best if before the session the applicant comes up with an alternative that is closer to what the board would like to see. Other 40Bs have come in with Nantucket village plans; noted that this plan doesn't resemble Nantucket at all. Density is relevant to whether or not people like the plans; it's not density for density sake. Most work sessions are closed proceedings but the public does not have a right to speak.

Quirk – 1) A public hearing with the public attending but not permitting public comment. 2) If there is just one member of the board, that doesn't need to be a posted meeting. The second way is easier to put together and it is not binding.

Schwartz – The second way is better.

Marchant – No decision can be made at the work session.

Zurheide – Asked for the board to consider including a member of the public as part of the work session.

Schwartz – They would like the neighborhood input.

Quirk – Should choose who will be part of the work session. The board should authorize the chair to approach the consultant.

Discussion about date for the work session and appointing the ZBA member and who the consultant might be.

Motion **Motion to Authorize Mr. Toole to call Cliff Boehmer to be a design consultant.** (made by: McCarthy) (seconded by: Botticelli)

Vote Carried unanimously

Quirk – The ZBA should authorize Mr. Toole to take names of interested public and appoint a participant.

Botticelli – Asked about having an HDC member on the board.

Consensus thinks an HDC member is an excessive level of detail

Motion **Motion to Authorize Mr. Toole to appoint the neighborhood representative from a list of interested people.** (made by: McCarthy) (seconded by: Botticelli)

Vote Carried unanimously

Toole – Getting close but feels a need to ask for an extension. September is two meetings away.

MacKinnon – Wants to stay on the current schedule.

Quirk – That puts a strain on the board doing the work in two sessions.

Schwartz – Agree to an extension to October 31, 2016

The date for the work session June 29 at 2 p.m. subject to availability of the design consultant.

Motion **Motion to Appoint Ms Botticelli as the representative and Mr. Poor as the backup.** (made by: McCarthy) (seconded by: O'Mara)

Vote Carried unanimously

Motion **Motion to Accept the extension to October 31, 2016.** (made by: Botticelli) (seconded by: O'Mara)

Vote Carried unanimously

Motion **Motion to Continue to July 14 at noon pending availability of the room.** (made by: McCarthy) (seconded by: O'Mara)

Vote Carried unanimously

2. 10-16 MHD Partners Real Estate, LLC 4 Goose Cove Lane Brescher/Osgood
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). WITHDRAWAL WITHOUT PREJUDICE

Voting Toole, Botticelli, O'Mara, Koseatac, Thayer

Alternates Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing **John Brescher, Glidden & Glidden** – They are requesting withdrawal without prejudice for the request for relief for 25.5 feet; they found a way to do it and keep the height at 25 feet.

Public Steven Cohen, Cohen & Cohen Law PC

Discussion (3:56) **Toole** – Doesn't agree with the ZEO who is here to discuss this so he is disinclined to grant the withdrawal. Consensus agrees with Mr. Toole.
 Discussion about how long does a grade have to exist before it is considered the beginning grade.
Poor – Looking back over the map, all four lots were filled to this grade. There is no grade change referenced in the Historic District Commission application. They didn't do what they should and it has snowballed. Believes the developer filled the lot, not the owner. Still would like the grade averaged out.
Silverstein – He believes the existing grade is established at the time the permitting process begins. There is nothing in the bylaw that prevents moving dirt around.
Toole – He believes the existing grade is set at the time the bylaw went into effect. The height maximum of the building would have to include using the average mean grade.
 Discussion about the bylaw and its intent.
 Discussion about at what point was the grade on this site manipulated and thus establishing existing grade and the possibility of submitting a by-law amendment stating no manipulation of grade may be done without a ZBA permit.
Brescher – The applicant changed the grade, the house is moving next week and will be no more than 25 feet on a mudblock foundation; his client has a building permit for that.
Toole – The house will be in violation; the applicant proceeds at his own risk.
Botticelli – She has no problem with approving this; she just wants the right information before voting on it.
O'Mara – It doesn't matter what the board thinks, he's got to come back anyway unless he eliminates 6 feet of grade.
Brescher – His is willing to extend the action deadline.
Cohen – Suggested getting a ruling from Town Counsel on this issue.
Toole – Talked to Town Counsel: ZBA can make policy so that it becomes a matter of record.
Silverstein – If the board is going to make a policy, be as specific as possible.
 Discussion about at what point the existing grade for this site was established: the implementation of the bylaw or establishment of the Goose Cove subdivision. The bylaw revised in 1994 and again in 1999.
 Motion **Motion to Grant relief for height of 28.6 based upon the fact that the site was at elevation six in 1994 at implementation of the bylaw.** (made by: Botticelli) (seconded by: O'Mara)
 Vote Carried 4-1//Toole opposed

3. 15-16 Madaket Wheelhouse, LLC 13 Massachusetts Avenue Cohen
 Applicant is seeking relief by Special Permit and Variance pursuant to Zoning By-law Sections 139-33.A and 139-32 in order to alter the pre-existing nonconforming dwelling and garage. Applicant proposes to build two dimensionally compliant additions to the dwelling and to enclose an outdoor shower to be sited .5 feet from the westerly lot line, increasing that pre-existing nonconforming side yard setback encroachment. Applicant also proposes changes to the garage consisting of moving, expanding, and converting it into a secondary dwelling. The Locus is situated at 13 Massachusetts Avenue, is shown on Assessor's Map 60 as Parcel 75, and as Lots 12-15, Block 29 upon Land Court Plan 2408-Y and unregistered land lying north of said Lots. Evidence of owner's title is registered on Certificate of Title No. 25696 at the Nantucket County District of the Land Court and in Book 1494, Page 39 on file at the Registry of Deeds. The site is zoned Village Residential (VR).

Voting Toole, McCarthy, Koseatac, Thayer, Mondani
 Alternates None
 Recused None
 Documentation File with associated plans, photos and required documentation
 Representing **Steven Cohen**, Cohen & Cohen Law PC – Reviewed the alterations which require only a special permit relief, not a variance relief. Believes these changes also satisfy the concerns of the abutter; doesn't know if that person has seen the changes.
 Public None
 Discussion (4:46) Discussion about whether or not the notification of abutters is sufficient and whether or not to err on the side of caution and continue to allow for a renotification.
 Motion **Motion to Renote and re-open on July 14, 2016.** (made by: Thayer) (seconded by: Koseatac)
 Vote Carried unanimously

4. 16-16 Todd W. Winship & Elizabeth W. Winship and Bess W. Clarke, Tr., Sixteen Monohansett Road Trust
 CONTINUED TO JULY 14, 2016 16 Monohansett Road Wilson

III. NEW BUSINESS

1. 18-16 Janet Hanson 3 Pond Road Shalley
Applicant is seeking modification of prior Variance relief in order to remove the condition that the second dwelling be restricted to year-round occupancy. Prior relief validated the siting of the garage structure within the front yard setback and the conversion of a portion of the garage into a second dwelling. No change in footprint is proposed. The Locus is situated at 3 Pond Road, is shown on Assessor's Map 56 as Parcel 151.1, and as Lot 132 upon Land Court Plan 14830-7. Evidence of owner's title is registered on Certificate of Title No. 23280 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).
- Voting Toole, Botticelli, O'Mara, Koseatac, Thayer
Alternates Poor, Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing **Steven Cohen**, Cohen & Cohen Law PC – Explained the situation leading to the need for this request. Noted that the year-round restriction is very unusual and has nothing to do with the setback issue.
Janet Hanson, owner
Public Barbara Matteuci, 5 Pond Road
Discussion (4:59) **Botticelli** – Asked if the applicant wants to use the cottage as a rental.
Matteuci – The problem is having two seasonal renters in both the front and the back of the same lot. Prefers it remain year-round housing; you can talk to that person but not to someone who is there for only a week.
Hanson – This property is for sale; she needs some clarity on the structure for the prospective buyer.
Cohen – Most prospective buyers would be a summer person and would want to use that structure for themselves or as an investment property. Noted that the year-round occupancy requirement is vague, severe, unusual, and doesn't resolve the setback issue.
Toole – This is saying that it can't be rented on a short-term basis. The way it's written does not require that it be rented to a year-round resident; he sees no reason to lift the relief.
Thayer – Agrees with Mr. Toole.
Cohen – Asked if the board would clarify that the restriction does not preclude casual use by the owner.
Discussion about how to provide the clarification of that condition to allow casual use by the owner but if it is to be rented it must be to a year-round occupant.
Motion **Motion to Permit rental of the cottage may be for no less than 12 months.** (made by: O'Mara) (seconded by: Koseatac)
Vote Carried unanimously
2. 19-16 John Udelson 12 Pond View Drive Brescher
Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver of the ground cover ratio provisions in Section 139-16. Specifically, applicant seeks to validate the various structures upon the premises already granted Certificates of Occupancy but shown on most recent As-Built survey to have a total ground cover ratio of 4.1% where 4% is maximum allowed. The Locus is situated at 12 Pond View Drive, is shown on Assessor's Map 81 as Parcel 9, and as Lot 10 upon Land Court Plan 36550-C. Evidence of owner's title is registered on Certificate of Title No. 25177 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 2 (LUG-2).
- Voting Toole, Botticelli, O'Mara, Koseatac, Mondani
Alternates Thayer
Recused Poor
Documentation File with associated plans, photos and required documentation
Representing **John Brescher**, Glidden & Glidden – The issue is a ground cover survey discrepancy of 84 feet. All permits have been issued for at least six years. The pool doesn't add ground cover but the owner must close out the permit.
Public None
Discussion (5:24) **Botticelli** – Noted an air-conditioning unit might be in the setback on the north side of the garage; if it is, it needs to be moved.
Discussion about what caused the mistake.
Motion **Motion to Grant the relief as requested.** (made by: Botticelli) (seconded by: Koseatac)
Vote Carried unanimously
3. 20-16 Gerald T. Vento & Margaret Vento, Tr. of Ninety-One Low Beach Road Nominee Trust 91 Low Beach Road Cohen
Applicant is requesting Special Permit relief pursuant Zoning Bylaw Section 139-16.C(2) to validate unintentional side and rear yard setback intrusions. The siting of a tennis court, installed in 2012, was reasonably based on a licensed survey. The court is sited as close as 15.4 feet from the side yard lot line and 18 feet from the rear yard lot line, where a twenty (20) foot setback is required. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusions. The Locus is situated at 91 Low Beach Road, is shown on Assessor's Map 75 as Parcel 31, and as Lot 912 upon Land Court Plan 5004-65. Evidence

of owner's title is registered on Certificate of Title No. 24350 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

- Voting Toole, Botticelli, Koseatac, Thayer, Mondani
Alternates Poor
Recused O'Mara
Documentation File with associated plans, photos and required documentation
Representing **Steven Cohen**, Cohen & Cohen Law PC – Explained the situation leading to this request for special permit relief.
Jeff Blackwell, Blackwell & Assoc.
Public None
Discussion (5:32) **Koseatac** – The builder of the tennis court must be contacted about doing work without proper permits.
Toole – Asked Mr. Blackwell how much space the court takes up.
Blackwell – The court is 16X120 so not unusually large and intrudes 4.5 feet on the side setback.
Mondani – Feels the owner should move the court.
Thayer – He is willing to grant the relief but doesn't want to set a precedent.
Botticelli – She is disinclined to grant the relief; the court should be moved.
Poor – In the past this board has suggested renegotiating the property line.
Cohen – That request is a heavy burden on the owner just for a game court. Noted that the neighbor isn't complaining.
Asked that the request to be granted.
Discussion whether to grant or continue to see how much would have to be changed and what it would cost to make the court compliant.
Motion **Motion to Continue to July 14, 2016.** (made by: Botticelli) (seconded by: Koseatac)
Vote Carried unanimously
4. 21-16 William Pietragallo, II, Tr. of The 2013 Freedom Trust 9 Fulling Mill Road Beaudette
Applicant is requesting a finding that a proposed generator enclosure is substantially below grade and, therefore, does not contribute towards ground cover. In the alternative, applicant requests either Special Permit relief pursuant to Zoning Bylaw Section 139-33.A(2) or Variance relief pursuant to Section 139-32 for a waiver of the ground cover ratio provisions in Section 139-16. The Locus is situated at 9 Fulling Mill Road, is shown on Assessor's Map 27 as Parcel 25, and as Lot 3 upon Land Court Plan 14311-K. Evidence of owner's title is registered on Certificate of Title No. 24827 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).
- Voting Toole, O'Mara, Koseatac, Poor, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing **Rick Beaudette**, Vaughan, Dale, Hunter and Beaudette, P.C. – Presented the situation leading to this request. Noted that most structures on this side of the road are undersized lots and over ground cover. It would be a substantial financial hardship to build a new generator pit.
Jamie Feeley, Cottage and Castle Construction
Jeff Blackwell, Blackwell & Assoc.
Jim Gross, Nantucket Land and Sea
Public Steven Cohen, Cohen & Cohen Law PC, for direct abutter
Sarah Alger, Sarah F. Alger P.C.
Discussion (5:54) **Toole** – He doesn't understand why the generator has to be enclosed.
Gross – Explained the proposed generator needs to be in a water-tight enclosure.
Poor – Asked if the original enclosure constitutes ground cover and is it being made bigger.
Beaudette – Yes and it will increase groundcover to 7%.
Toole – He can't see granting a variance.
Cohen – His client supports this request as better for the neighborhood; it will have a much lower decibel noise level. Asked for a condition that this space not become habitable space in the future.
Beaudette – All the neighbors were notified in regards to this plan.
Alger – This is a bylaw issue; it clearly meets the 2015 bylaw requirements allowing granting of the special permit.
Feeley – The architect miscalculated the relationship between the generator and the house thus requiring a larger generator. Explained how the pit will be modified to additionally reduce the generator noise.
Toole – This situation is the result of "confused" planning; doesn't see it as punitive to restrict the size of future sheds.
Motion **Motion to Grant the relief for Special Permit conditioned that any future shed be limited to 131 square feet.**
(made by: O'Mara) (seconded by: Koseatac)
Vote Carried unanimously

IV. OTHER BUSINESS

1. 66-00 Abrem Quarry (40B)
Discussion of draft Monitoring Services Agreement between Nantucket Zoning Board of Appeals and Nantucket Housing Authority and NHA Properties *d/b/a* Housing Nantucket.
Sitting Toole, O'Mara, Koseatac, Poor, Mondani
Discussion (6:27) **Antonietti** – She will be drafting the Monitoring Services Agreement with the 2.5% fee.

V. ADJOURNMENT

Motion to Adjourn: 6:29 p.m.

Submitted by:
Terry L. Norton

PROPOSED



ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, July 14, 2016

Public Safety Facility, 4 Fairgrounds Road, Community Room –12:00 p.m.

Called to order at 12:05 p.m.

Staff in attendance: Leslie Snell, Deputy Director PLUS; Terry Norton, Town Minutes Taker
Attending Members: Toole, Botticelli, McCarthy, O'Mara, Koseatac, Poor, Thayer, Mondani
Absent: None
Late Arrivals: Toole, 12:13 p.m.; Koseatac, 12:33 p.m.; Poor, 12:37 p.m.
Early Departures: Botticelli, 2:26 p.m.
Town Counsel: Ilana Quirk, Kopelman & Paige, P.C.
ZBA Consultants: Ed Marchant, 40B (call in)

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. June 9, 2016: Held

II. OLD BUSINESS

1. 66-00 Abrem Quarry(40B) Kuszpa
Vote to approve and sign Monitoring Services Agreement between Nantucket Zoning Board of Appeals and Nantucket Housing Authority and NHA Properties *d/b/a* Housing Nantucket.

Voting Botticelli, McCarthy, O'Mara, Thayer, Mondani
Alternates None
Recused None
Documentation File with associated plans, photos and required documentation
Representing None
Public None
Discussion None

Motion **Motion to Approve.** (made by: McCarthy) (seconded by: O'Mara)

Vote Carried unanimously

2. 04-16 Donald J. Mackinnon, Trustee of Nantucket 106 Surfside Realty Trust – *a/k/a* SURFSIDE COMMONS 40B
106 Surfside Road Mackinnon / Schwartz

The Applicant is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B, as approved by Massachusetts Housing Partnership, in order to allow a multi-family project consisting of 56 rental apartments with fourteen (14) to be designated as affordable units. The apartments will be arranged in two 2½ story buildings with thirteen units each and two 3½ story buildings with fifteen (15) units each. There will be a total of two 1-bedroom units, forty two 2-bedroom units, and twelve 3-bedroom units. The project will also include a clubhouse and pool. If approved, the property will be permanently deed-restricted for the purpose of providing affordable year-round housing. The file with a copy of the complete and updated list of requested waivers is available at the Zoning Board of Appeals office at 2 Fairgrounds Road between the hours of 7:30 A.M. and 4:30 P.M., Monday through Friday or via link to posting of all document related to this project found on Town of Nantucket website below: <http://www.nantucket-ma.gov/708/Atlantic-Development--106-Surfside-Road> The Locus, situated at 106 Surfside Road, is shown on Assessor's Map 67 as Parcel 80. Locus is also shown as Block 22 on Plan File 3-D and as Parcels 7-11 (inclusive) on Plan No. 2014-52. Evidence of owner's title is recorded in Book 1410, Page 205 and Book 1488 Page 213, both on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 2 (LUG-2) and Limited Use General 3 (LUG-3).

Voting Toole, Botticelli, McCarthy, O'Mara, Koseatac
Alternates Poor, Mondani
Recused Thayer
Documentation File with associated plans, photos and required documentation

Representing Donald J. MacKinnon, Atlantic Development
Steve Schwartz, Goulston and Storrs, counsel
Matt Mrva, Bohler Engineering
Margaret Murphy, Atlantic Development
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP

Public Patrick Taaffe, 21 Okorwaw Avenue
Cormac Collier, Executive Director Nantucket Land Council (NLC)
Joseph Guay, Brian & Linda Davis at 108 Surfside Road and Mary Beth Ferro, 104 Surfside Road
Mary Beth Ferro, 104 Surfside Road
Judy Zurheide, 1 Folger Avenue
Jack Benjamin, Gladlands Road
Jessica Davis, 108 Surfside Road
Linda Davis at 108 Surfside Road
Jane Valero, 9 Gladlands Road

Discussion (1:02) **MacKinnon** – Reviewed the discussions from a work group meeting held on June 29, 2016 resulting in three plans: two for 32-duplex sale units and one concept for 52-rental units. Reviewed the distances to abutting homes from the rental-model plan. Reviewed the pros-and-con comments from the Town Consultant Cliff Boehmer on each of the three concept plans. He feels confident to move forward with the 52-rental units plan.
Botticelli – One thing missing; it was discussed to have profiles in terms of scale. The mansard roof form of the old Surfside Hotel is not appropriate in this area.
Mackinnon – Noted that comment. Stated that the apartment blocks would be three stories and the townhouses two stories. There was talk about incorporating third floor apartments in the roof with use of dormers.
Toole – We can provide guidance as to which site plan the board is most comfortable with.
Botticelli – The for-sale plan is less dense. To make the rental work, the applicant stated it would have to have 52 units.
Marchant – The neighborhood is welcome to comment on a site plan and massing plan; whether it is rental or owner is up to the applicant.
Taaffe – The neighbors haven’t seen any approvable plans; this project is 100% not appropriate for this area.
Toole – Asked if all neighbors agree with Mr. Taaffe’s assessment so that it doesn’t have to be repeated.
All the neighbors agree with Mr. Taaffe.
O’Mara – Asked if it is incumbent upon the board to ensure this is a positive economic event.
Marchant – No; that rests with the subsidizing agency. If the applicant presents a 32-unit plan, the applicant presumes it will be financially feasible.
Toole – The board has to look at what was presented and move forward. It boils down to the massing and which concept is preferred by this board. His opinion is the maximum height should be no more than 2.5 stories.
Marchant – The ZBA has to make its determination based upon what might happen subsequent to its decision. If the applicant is unhappy with the decision, they will appeal. Unless there is a health or safety issue, they are likely to win the appeal. The board needs to choose the least unattractive.
Botticelli – Concept B is the best scale for the area and has green space around the perimeter. Concept A puts single-family dwellings (SFD) along the road and that isn’t appropriate.
Poor – Suggested minimizing the bituminous area with the use of gravel or shell.
O’Mara – All the schemes are an improvement. Agrees with Ms Botticelli that Concept B is the best.
Koseatac – Agrees with Mr. Poor about shell surface but not sure how that works with run off. Agrees that Concept B is the most successful.
Mondani – Asked about the for-sale model.
MacKinnon – It would be 25%; that results in eight affordable units out of 32.
Toole – Agrees these are better. Likes Concept B in terms of green space. Would like to see some more group space and lessening of nitrogen loading in the neighborhood and reducing the amount of paving and number of units. The plan of 16 units per acre is denser than any 40B on the island.
MacKinnon – Noted that the density of Concept B is similar to Nobadeer Meeting House. Under the current application, the project can’t be modified to for sale; they have to proceed with the rental model. They would have to submit a new PEL application to go with the for sale option.
Toole – At the workgroup meeting, he asked the applicant if they would be willing to move forward with for sale concept and was told yes.
Schwartz – They aren’t proposing 32-rental units; they are proposing the 52-rental model. They aren’t interested in pursuing the for-sale model.
Marchant – Whether or not they to go from rental to for sale is up to the subsidizing agency.
Schwartz – Their subsidizing agency is Massachusetts Housing Partnership (MHP).
Marchant – If their subsidizing agency were Mass Housing, they provides project eligibility letters for both. Given his experience, if there is a change in tenure evolving from the hearing discussion, the subsidizing agency will be sensitive to that. He believes that applicant might have to go to Mass Housing, which will provide an expedited review and not be up

against the 10% or safe-harbor problem. He agrees with the applicant that it would be most productive if the board could give an indication as to which alternative is preferred.

Toole – The board prefers Concept B in regards to massing and siting.

Marchant – It seems to him that the driving issue is the site plan and the massing in a 40B concept as it relates to the neighborhood. The for-sale concept is feasible or it wouldn't have been presented.

Quirk – The question now is how to proceed next; that is up to the applicant. They are saying they would have to pursue a new Project Eligibility Letter (PEL). Recommends continuing for one month to allow the applicant to consider the issues raised and whether or not to go forth seeking a new PEL.

MacKinnon – Going to Mass Housing puts all the burden and risk on them, the applicant. The other route is to pursue a Local Initiative Project (LIP), which requires a letter of support from the Board of Selectmen (BOS) and then going to the Department of Housing and Community Development (DHCD). They would be interested in looking at that.

Quirk – Explained the LIP has to be endorsed by the chief executive officer, in this case the BOS, so involves an application to the BOS. She always advises the BOS in such cases to look at the application very carefully in the event that some kind of agreement is reached that requires their endorsement and that there be a LIP Memorandum of Agreement (MOA) before it goes off to the PEL process. That way when it comes back there is a binding conceptual agreement between the parties.

Schwartz – There is one step that was left out; they have to go to the State after the BOS endorses the project. DHCD issues the PEL. It becomes a 3-way agreement between the State, the Town, and the applicant.

MacKinnon – Would like to have a meeting with the selectmen to see if it is something they would consider before going forward with a new PEL application.

Schwartz – If they go through all of that, the ZBA will agree with the MOA and not try to reinvent the wheel.

Quirk – If the BOS is willing to enter into a LIP there would be a contractual agreement between the applicant and the BOS.

Schwartz – They did not pursue a LIP from the BOS. They are willing to explore whether or not there is a willingness on the town and BOS to explore that. Will grant an extension to the end of November.

Marchant – If the applicant thinks there is a better alternative, that is their decision.

Snell – It is reasonable to meet with the BOS before the September meeting. Current action deadline is October 30.

Poor – The applicant should look at all the waiver requests in place and ascertain which could be eliminated under Concept B; for example the waiver of the height restriction.

Toole – Asked the applicant to grant a one-month extension to the end of November in order for this to be continued to the September meeting.

Discussion about what might be discussed and occur when the applicant meets with the BOS.

Collier – At a previous hearing, the applicant had indicated they would ask for waivers for the septic system as it relates to Board of Health (BOH) regulations; if that would mean only the Department of Environmental Protection (DEP) would review the septic system, he asked that the ZBA not waive those regulations and at a minimum have a consultant review those plans and that the ZBA uphold the BOH regulations. Also asked the board to have the applicant submit plans that the public and NLC can review.

Quirk – If septic will proceed, focus on whatever waivers are necessary and requested and have a consultant review the plans for any waivers necessary to include environmental laws. The septic permit from DEP isn't something the board has jurisdiction over but there would be local environmental bylaws and regulations for which waivers would be necessary.

Mrva – The primary focus of the regulation is the amount of nitrogen loading that occurs; the goal with the system discussed at the May meeting is that nitrogen would meet the regulations.

Guay – Confirmed that the meeting with the BOS would be a public meeting. Asked that the applicant provide and circulate information on Concept B prior to the BOS meeting. The Historic District Commission (HDC) submitted a report on the original plan; requested the HDC be allowed to review these changes and noted their input would be helpful for the BOS. If this LIP arrangement is agreed upon, asked if that is appealable and takes it out of the hands of the public.

Quirk – A PEL is not appealable at the point of issuance; once the permit process is done, that would be the appropriate time. Explained the LIP process before the BOS. The MOA would be very fleshed out and is a public document.

Marchant – Explained why the LIP process is considered a “friendly 40B process.” The critical issue is that leverage remains with the Town.

Botticelli – Noted that she would like to see the information that would be presented by the applicant at the BOS meeting.

Quirk – Recommended the ZBA post a meeting for the BOS meeting in the event a quorum of members attends.

Motion to accept the extension to November 30. (made by: Botticelli) (seconded by: O'Mara)

Carried unanimously

Motion Continued to September 8 meeting at 1 p.m. (made by: McCarthy) (seconded by: Koseatac)

Carried unanimously

Motion
Vote
Motion
Vote

3. 16-16 Todd W. Winship & Elizabeth W. Winship and Bess W. Clarke, Tr., Sixteen Monohansett Road Trust
16 Monohansett Road Brescher

REQUESTED WITHDRAWAL WITHOUT PREJUDICE

- Voting Botticelli, McCarthy, O'Mara, Thayer, Mondani
 Alternates None
 Recused None
 Documentation File with associated plans, photos and required documentation
 Representing None
 Public None
 Discussion (12:09) None
 Motion **Motion to Approve the withdrawal without prejudice.** (made by: O'Mara) (seconded by: McCarthy)
 Vote Carried unanimously

4. 20-16 Gerald T. Vento & Margaret Vento, Tr. of Ninety-One Low Beach Road Nominee Trust
CONTINUED TO AUGUST 11, 2016 91 Low Beach Road Cohen

III. NEW BUSINESS

1. 15-16 Madaket Wheelhouse, LLC 13 Massachusetts Avenue Cohen
 Applicant is seeking relief by Special Permit pursuant to Zoning By-law Section 139-33.A in order to alter the pre-existing nonconforming dwelling and garage. Applicant proposes to build an addition to the southeast corner of the dwelling which will be no closer than the existing westerly side yard setback distance of 4.4 feet where minimum side yard setback is ten (10) feet. Other dimensionally compliant additions are also proposed to the dwelling. Applicant further proposes to convert the garage/cottage into a secondary dwelling. The expansion will not bring the structure any closer than the current easterly side yard setback distance of 2.9 feet or the southerly front yard setback distance of 5.7 feet where minimum front yard setback is twenty (20) feet. The Locus is situated at 13 Massachusetts Avenue, is shown on Assessor's Map 60 as Parcel 75, and as Lots 12-15, Block 29 upon Land Court Plan 2408-Y and unregistered land lying north of said Lots. Evidence of owner's title is registered on Certificate of Title No. 25696 at the Nantucket County District of the Land Court and in Book 1494, Page 39 on file at the Registry of Deeds. The site is zoned Village Residential (VR).

- Voting Toole, Botticelli, McCarthy, Thayer, Mondani
 Alternates None
 Recused O'Mara
 Documentation File with associated plans, photos and required documentation
 Representing Steven Cohen, Cohen & Cohen Law PC
 Public None
 Discussion (12:24) **Cohen** – This is a new application to re-notify the neighbors. Additions to the front and east don't need relief. Front west side is within the setback but not more non-conforming than existing. The garage is now being attached to house and the cottage will stand-alone and be one story. Submitted HDC approved plans at the table.
Toole – Confirmed that the work will not be more conforming than the existing.
Mondani – One neighbor had an issue with the outdoor shower, but it's been moved.
 No concerns.
 Motion **Motion to Grant the permit with the condition the garage remains a garage and the cottage is constructed in compliance with the HDC approved plans.** (made by: Botticelli) (seconded by: McCarthy)
 Vote Carried unanimously

2. 22-16 John N. Jordin & Julie M. Jordin 28 Lovers Lane Hanley
 Applicant is requesting Special Permit relief pursuant to Zoning By-law Section 139-16.C to either reduce or validate unintentional side yard setback intrusions caused by the siting of an existing garage as close as 9.3 feet from the northerly lot line and an above-ground Jacuzzi tub as close as 8.2 feet from the southerly lot line, where a ten (10) foot setback is required. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusions. The Locus is situated at 28 Lovers Lane, is shown on Assessor's Map 68 as Parcel 145, and as Lot 90 upon Land Court Plan 16514-R. Evidence of owner's title is registered on Certificate of Title No. 20283 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

- Voting Toole, McCarthy, O'Mara, Koseatac, Thayer
 Alternates Poor, Mondani
 Recused Botticelli
 Documentation File with associated plans, photos and required documentation
 Representing Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP
 Public None
 Discussion **Hanley** – Submitted two letters of support from neighbors at the table. Explained how the situation occurred. Her client is willing to accept a condition that nothing more could be built within the side-yard setbacks. Under the bylaw, there is an argument that due to the electricity the Jacuzzi is a structure; would like either a ruling it doesn't meet the definition of a structure or grant the relief.
O'Mara – Asked if there was a letter from the Remicks at 30 Lovers Lane.

Hanley – No.

Toole – He doesn't think the Jacuzzi is a structure and is not willing to rule on it.

Snell – The bylaw defines a structure as having a fixed location on the ground

Discussion about whether or not the Jacuzzi is a structure.

McCarthy – She is willing to put in the decision that this Jacuzzi is not a structure because it's moveable.

Snell – Noted that it would be important to say it is not a structure due to its size.

Koseatac – Suggested including a picture of the Jacuzzi to limit it to this case.

Motion

Motion to Grant the relief on the garage as requested and the board determines that the Jacuzzi is not a structure due to the structural components of the 350-gallon Jacuzzi and that it is moveable. made by: McCarthy)
(seconded by: Koseatac)

Vote

Carried unanimously

3. 23-16

Mark Bono & Elizabeth Gilbert Bono, as Owner, and EK Associates, LLC, as Applicant
15 Black Fish Lane

Hanley

Applicant is requesting Special Permit relief pursuant to Zoning By-law Section 139-16.C to either reduce or validate unintentional side yard setback intrusions caused by the siting of an existing garage as close as 9.5 feet from the easterly lot line, where a ten (10) foot setback is required. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusion. The Locus is situated at 15 Black Fish Lane, is shown on Assessor's Map 73 as Parcel 108, and as Lot 3 upon Plan No. 2007-55. Evidence of owner's title is in Book 1540, Page 9 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Residential 20 (SR-20).

Voting Toole, McCarthy, O'Mara, Koseatac, Mondani

Alternates Poor, Thayer

Recused None

Documentation File with associated plans, photos and required documentation

Representing Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP

Alan Grady, Bracken Engineering, Inc.

Public None

Discussion (3:28)

Hanley – Explained how the situation occurred. She has had a surveyor double check the distance and the garage deck encroaches into the setback .5 feet.

Grady – Original as-built site plan showed the garage at 10.1 feet from the setback; the survey at time of sale found it to be 9.5 feet from the setback.

Koseatac – Wants to ensure this decision doesn't set precedent.

Motion

Motion to Grant the relief as requested only for this situation. (made by: Koseatac) (seconded by: McCarthy)

Vote

Carried unanimously

4. 24-16

6 Lily Street LLC & Sconset Partners LLC

6 and 8 Lily Street

Dale

CONTINUED TO AUGUST 11, 2016.

5. 25-16

George Gray, LLC

55 Union Street

Alger

Applicant is requesting Special Permit relief pursuant Zoning By-law Section 139-16.C(2) to validate the unintentional side yard setback intrusion of a dwelling sited as close as 4.8 feet from the southerly lot line, where a five (5) foot setback is required. Applicant further seeks clarification and correction of rear yard setback distance referenced in prior Zoning Administrator decision from 2.4 to 2.3 feet. The Locus is situated at 55 Union Street, is shown on Assessor's Map 55.1.4 as Parcel 89, and upon Plan No. 2014-92. Evidence of owner's title is in Book 1459, Page 294 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting Toole, McCarthy, O'Mara, Koseatac, Poor

Alternates Thayer, Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing Sarah Alger, Sarah F. Alger P.C.

Public None

Discussion (3:36)

Alger – The decision should read the encroachment is 2.4 inches. Explained how the encroachment into the 5-foot setback occurred.

Koseatac – This is a really unique situation.

Motion

Motion to Grant as requested and changing the 2.4 feet to 2.3 inches. (made by: Koseatac) (seconded by: McCarthy)

Vote

Carried unanimously

6. 26-16

Paul Benk and Lauri LeJeune Benk

8 North Gully Road

Brescher

Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 from the provisions of Section 139-16 to validate the siting of an existing shed/studio within the five (5) foot side and rear yard setbacks. Applicant requests further relief to allow alteration of said structure with the ground cover expansion taking place outside of the setback areas and small portion of upward expansion occurring within the easterly setback area. The Locus is situated at 8 North Gully Road, is shown on Assessor's Map 73.1.3 as Parcel 48, and upon Land Court Plan 38853-A. Evidence of owner's title is registered on Certificate of Title No. 24677 at the Nantucket County District of the Land Court. The site is zoned Sconset Residential 1 (SR-1).

Voting Botticelli, McCarthy, O'Mara, Thayer, Mondani
 Alternates None
 Recused None
 Documentation File with associated plans, photos and required documentation
 Representing None
 Public None
 Discussion **Snell** – Received a request from Attorney John Brescher, Glidden & Glidden requesting this be withdrawn without prejudice.
 Motion **Motion to Approve the withdrawal without prejudice.** (made by: McCarthy) (seconded by: Thayer)
 Vote Carried unanimously

7. 27-16 Kite Hill, LLC 5 Kite Hill Lane Reade
 Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver of the provisions in Section 139-16. Specifically, applicant seeks to reconfigure Locus by conveying portions of existing lots which comprise locus to 3 Kite Hill Lane and 86 Center Street. The conveyances will result in creation of new nonconformity relative to the shed's siting from the easterly side yard lot line and will intensify the nonconforming regularity factor. The Locus is situated at 5 Kite Hill Lane, is shown on Nantucket Tax Assessor's Map 42.4.4 as Parcel 65, and as upon Land Court Plans 15206-C and 15206-D. Evidence of owners' title is on Certificate of Title No. 26033 at the Nantucket County District of the Land Court. The property is zoned Residential Old Historic (ROH).

Voting Toole, Botticelli, McCarthy, Koseatac, Mondani
 Alternates Thayer
 Recused O'Mara, Poor
 Documentation File with associated plans, photos and required documentation
 Representing **Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP
 Public None
 Discussion (12:35) **Reade** – Explained what led to the situation and the agreement among the three abutting property owners. This change has no affect on anyone except these neighbors involved in the agreement. Explained the new non-conformity resulting from this change.
Toole – Asked if this would allow for Lot C to be subdivided.
Reade – This lot cannot be subdivided based on the lack of frontage along a legal street.
 Discussion about who has the right to park in the three spaces.
Toole – It should be part of the decision that Dunphy Maureen Trust *et al* has no rights to park there. He would like evidence that they are in agreement with this.
Snell – It isn't the role of the ZBA to determine who has and doesn't have rights. Recommends making a decision today.
Reade – The Dunphy Trust is not part of this arrangement.
Quirk – ZBA does not have the ability to adjudicate a private dispute. If there is an issue with respect to control of the property, that relief would be exercised only by those who have the right to exercise it. Recommend that when relief is granted, a copy of the decision be sent to everyone on the abutters list and to anyone who might have an issue.
McCarthy – If they have an easement allowing them to park in that area, the ZBA decision would not take away that right.
Toole – His concern is removing that lot out of the communal Sunset Hill drive and attaching it to Dillard's property. There are some rights for the property in the back (6 Kite Hill Lane); it would be nice to have that document in the file.
Reade – This is not communal property; it is part of Lot C. The document provides for that back property to pass and repass.
McCarthy – Suggested making the decision and then have that document included in the file.
Snell – Noted that once the hearing is closed, the record is closed and cannot be added to.
Quirk – Noted that the hearing could be continued for that document to be included in the record. A plan can be amended in a decision but not adding a whole, new document.
 Motion **Motion to Grant the relief as requested.** (made by: Botticelli) (seconded by: McCarthy)
 Vote Carried 4-1//Toole opposed

8. 28-16 Eric J. Rosenberg & Michele Kolb 7 Gardner Street Williams
 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. Specifically, applicant seeks permission to demolish an existing garage, sited as close as 1.3 feet from the northerly side yard lot line where the minimum side yard setback is five (5) feet, in order to construct a new single-family dwelling in its place. The new dwelling is proposed to be sited three (3) feet from the northerly lot line and to be conforming as to all other setbacks, ground cover, and parking requirements. The Locus, an undersized lot of record created pursuant to M.G.L. Chapter 41 Section 81L, is situated at 7 Gardner Street, and is shown on Assessor's Map 42.3.3 as Parcel 58 (portion). Evidence of owner's title is in Book 1282, Page 80 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Old Historic (ROH).

Voting Toole, McCarthy, O'Mara, Koseatac, Poor
 Alternates Thayer, Mondani
 Recused None
 Documentation File with associated plans, photos and required documentation
 Representing Steven Cohen, Cohen & Cohen Law PC

Public Rhoda Weinman, for the abutters.
 Ron Winters, 1 Lowell Street
 Jordan Goodman, 11 Gardner Street

Discussion (2:30) **Cohen** – This is a 4181L subdivision, which allows subdividing irrespective of zoning. Proposal is to replace a corrugated garage with a SFD which will be less than 50% ground cover as allowed by zoning. The structure will be three feet from property line. There are letters of opposition in the file, but this is a commonly granted permit. A residence is a conforming use for this lot; the garage was a non-conforming use.
Poor – Wants to know if a curb cut will be added and where.
Cohen – No, the curb cut and driveway exist.
Toole – The proposed site plan doesn't seem to have the same lot line as the existing.
Cohen – The new plan was adopted Monday at the Planning Board meeting; the lot line changes only slightly. The location of the house and conformity don't change. If air conditioning is required, he will come back for relief or put it on the conforming side.
O'Mara – This will make it more non-conforming; confirmed that the owner created the non-conformity in that they created the 4181L.
Weinman – Doesn't believe the relief requested is appropriate; should be asking for a variance. By zoning bylaws, the change should not be substantially more detrimental for the neighborhood; a dwelling on an undersized lot is more detrimental than a garage. The board must consider the issues raised in the letters and the bylaws. Traffic on the street won't be able to pass with construction going on and the on-street parking will be lost. This lot is 2700 square foot with a multi-story dwelling. The relief from the five-foot setback should be met. The owners created this hardship; they could have divided it differently. Asked the board to deny the relief.
Winters – Once the garage is demolished, the lot is vacant. Construction of a new house on an empty lot should be required to conform and not be granted relief.
Goodman – Asked where parking for this lot will be.
Cohen – The lot in question has two parking spaces that are conforming, one for each house. Contends comments about construction were inappropriate. Rebutted comments about having created a hardship. The idea that this should be considered a vacant lot is inaccurate. The current code allows 50% ground cover. The only question is whether or not a modest house causes a substantially negative impact.
Koseatac – Asked what is the problem with conforming to the five-foot setback.
Cohen – Explained the HDC's reasons for their approval.
O'Mara – Regarding the one-year period, asked if there is a provision in the bylaw for that period to extend.
Snell – No.
Poor – This "modest, little" structure has four bedrooms. There will be increased intensity of use.
O'Mara – The only way to control that is not to grant the setback relief.
Toole – This is a residential use in a residential neighborhood. It seems the lot lines could have been drawn better and/or the house designed to be conforming.
Weinman – This board shouldn't make a decision based upon the HDC approval. In her opinion it is detrimental and asked for enforcement of the five-foot setback.
O'Mara – If this is granted, it should be conditioned with no exterior construction in the summer. Also, he could vote for it if it is conditioned that the structural encroachment within the setback does not exceed one story.
Toole – Polled the board.
Cohen – Asked this be continued.

Motion **Motion to Continue to August 11 at 1 p.m.** (made by: O'Mara) (seconded by: Poor)

Vote Carried unanimously

9. 29-16 Hans Dalgaard 65 Surfside Road Williams
 Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 from the provisions of Section 139-16.A. Specifically, applicant is seeking to reduce the required northwesterly rear yard setback from ten (10) feet to approximately 6.7 feet at its closest point in order to allow construction of a duplex at the rear of the property. The Locus is situated at 65 Surfside Road, is shown on Assessor's Map 67 as Parcel 222, and as Lot B upon Plan Book 24, Page 63. Evidence of owner's title is in Book 1054, Page 312 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

Voting Toole, McCarthy, O'Mara, Koseatac, Thayer
 Alternates Mondani
 Recused Poor
 Documentation File with associated plans, photos and required documentation
 Representing Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
 Hans Dalgaard, owner
 Public None

Discussion (3:46) **Reade** – Explained the reason for the encroachment and why the duplex can't be relocated on the lot. Stated this project received a favorable recommendation from the Planning Board urging ZBA approval.
Snell – Reviewed the history of zoning in the area and how it relates to this property leading up to this situation.
Reade – It was not realized while going through the application process; moving it would cause issues. This is a tight site. If this had been built when it was initially approved, there would have been no zoning issues. It was delayed due to the downturn in the economy. This is a de minimis intrusion situation; only a small portion protrudes. Noted his client can cut back the porch to maintain the 6.7.
Toole – It seems the building could be redesigned with slight modifications to conform.
Dalgaard – He can't move the building away from the rear lot line due to the need for space for trucks to maneuver. The neighbors have not expressed concern with this.
McCarthy – Doesn't have a problem granting the relief.
Koseatac – Agrees with Ms McCarthy.
O'Mara – Would like to support this but would like a surveyor to pin the corners once the footings are in.

Motion **Motion to Grant the relief for 6 feet 7.38 inches based upon Exhibit A.** (made by: McCarthy) (seconded by: Koseatac)

Vote Carried 4-1//Toole opposed

10. OTHER BUSINESS

1. 34-15NHA Properties, Inc., *d/b/a* Housing Nantucket, School View Cottages 7 Surfside Road Kuszpa

APPROVED FOR WITHDRAWAL WITHOUT PREJUDICE

Vote to release remaining funds in Escrow account subsequent to payment of all outstanding invoices.

Voting Botticelli, McCarthy, O'Mara, Thayer, Mondani

Alternates None

Recused None

Documentation File with associated plans, photos and required documentation

Representing None

Public None

Discussion **Snell** – Explained that there is money in escrow that can be returned to the applicant with the board's approval.

Motion **Approved the return of the money in escrow by unanimous consent.**

Vote N/A

2. Election of officers: Held

11. ADJOURNMENT

Motion to Adjourn: 4:08 p.m.

Submitted by:
Terry L. Norton

OLD

BUSINESS

RUGGED SCOTT

BEACH PLUM

40B

LOT RELEASE

FILE No.051-03

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554
(508) 228-3128
FAX: (508) 228-5630

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN
MARIANNE HANLEY
WHITNEY A. GIFFORD

MAILING ADDRESS
POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

July 26, 2016



BY HAND

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

Re: Rugged Scott

Dear Chairman Toole:

My client would like Lot 41 released from the Covenant, and a Form J Release is enclosed for execution. Please add this request for a Form J release on the agenda for the Board's August 11, 2016 meeting.

If you have any questions, or require any further information in order to process same, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Marianne Hanley", written in a cursive style.

Marianne Hanley

/mh

Enclosure

cc: Mr. Joshua Posner (via email)

Nantucket Board of Appeals

Form J
Certificate of Completion and Release of Municipal Interest in
Performance Security

Date: _____, 2016

Board of Appeals File # 051-03

Subdivision Name: Rugged Scott

Owner: Rugged Scott LLC

Owner's Address: 32 Arlington Street, Cambridge, Massachusetts 02140

Applicant, (if other than owner): _____

Applicant's Address: _____

Date of Subdivision Plan: January 25, 2006

Land Location: Off Rugged Road

Plan Recorded: Nantucket Registry of Deeds Plan 2006-19

Type of Performance Security:

Covenant dated: February 24, 2006

Covenant recorded: Nantucket Registry of Deeds, Book 1010 Page 46.

Bond, agreement dated: _____

Surety Company: _____

Address of Surety: _____

Deposit of money, agreement dated: _____

Bank (if bank passbook): _____

Address _____ of

Bank: _____

Other Security , agreement dated: _____

Letter of credit, agreement dated: _____

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Nantucket Board of Appeals, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been completed partially completed by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

Lot 41

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this _____ day of _____, 2016.

Signed by a Majority of the Board of Appeals
of the Town of Nantucket

Commonwealth of Massachusetts

Nantucket, SS

Date: _____, 2016

Then personally appeared _____ one of the above-named members of the Board of Appeals of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me,

Notary Public

My Commission Expires: _____

**ATLANTIC DEVELOPMENT
SURFSIDE COMMONS
40B
106 SURFSIDE RD.**

FILE No.04-16

CONTINUED TO 9/8/16

**GERALD & MARGARET VENTO,
TRUSTEES OF
91 LOW BEACH RD NOM. TR.**

91 LOW BEACH RD.

FILE NO. 20-16



Town Clerk
Town & County Building
16 Broad St
Nantucket, MA 02554 *Mato*

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

APPLICATION

MAY 13 2016 4:48:59

Fee: \$450.00

File No. 2016

Owner's name(s): Gerald T. Vento and Margaret Vento, as Trs., Ninety-One Low Beach Road
Nominee Trust.

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

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

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 91 Low Beach Road Assessor's Map/Parcel: 75 / 31

Land Court Plan: Lot 912, Land Court Plan 5004-65

Certificate of Title: 24350 Zoning District LUG 3

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 no or 2007

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: None

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

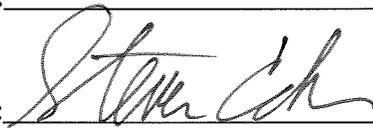
The Locus is an oversized lot of about 156,430+/- SF in the LUG-3 zoning district. It contains a 2-story dwelling of about 3,182+/- SF and a cottage of about 1,381+/- SF. There is an accessory structure about 98+/- SF. The premises has a ground cover ratio of about 2.97% in a zoning district where 3% is allowed.

In 2012 the Applicant hired a contractor, Arthur Dwyer of *Fair Play*, to install a clay tennis court and associated fence. The structure was sited based on a prior survey and was measured off multiple survey stakes, previously uses for selling the property and then for landscaping and land clearing. However, when the court was installed, the court was not correctly sited – the northwest corner is as close as 15.4 +/- feet from the side yard lot line and the northern side is as close as 18.0 +/- feet from the rear lot line, in a zoning district where 20' is required. The Applicant later discovered that the contractor had installed the tennis court with HDC approval but without a building/zoning permit, and is now trying to resolve the matter. The encroachment was discovered in the as-buit.

The contractor reasonably sited the structure base on a licensed survey, but unintentionally violated the side and rear yard setback. The intrusion is 4.6 +/- feet for the side yard and 2.0 +/- feet for the pool equipment (i.e., it is not more than 5' into the setback and not closer than 4' from a lot line). Therefore, the Applicant seeks Special Permit relief under Nantucket Zoning Bylaw Section 139-16.C.2 to validate the intrusion. The burden of correcting the intrusion, which would require entirely redoing the court and fence, substantially outweighs any benefit to an abutter of eliminating the intrusions. Applicant also seeks Variance relief, in the alternative, to the extent necessary, under Section 139-32.

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

SIGNATURE: _____ Owner*

SIGNATURE:  Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

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

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

Existing:
156,430 S.F.±
SEE PLAN
35 FT.
SEE PLAN
20 FT.
SEE PLAN
2.97% ±

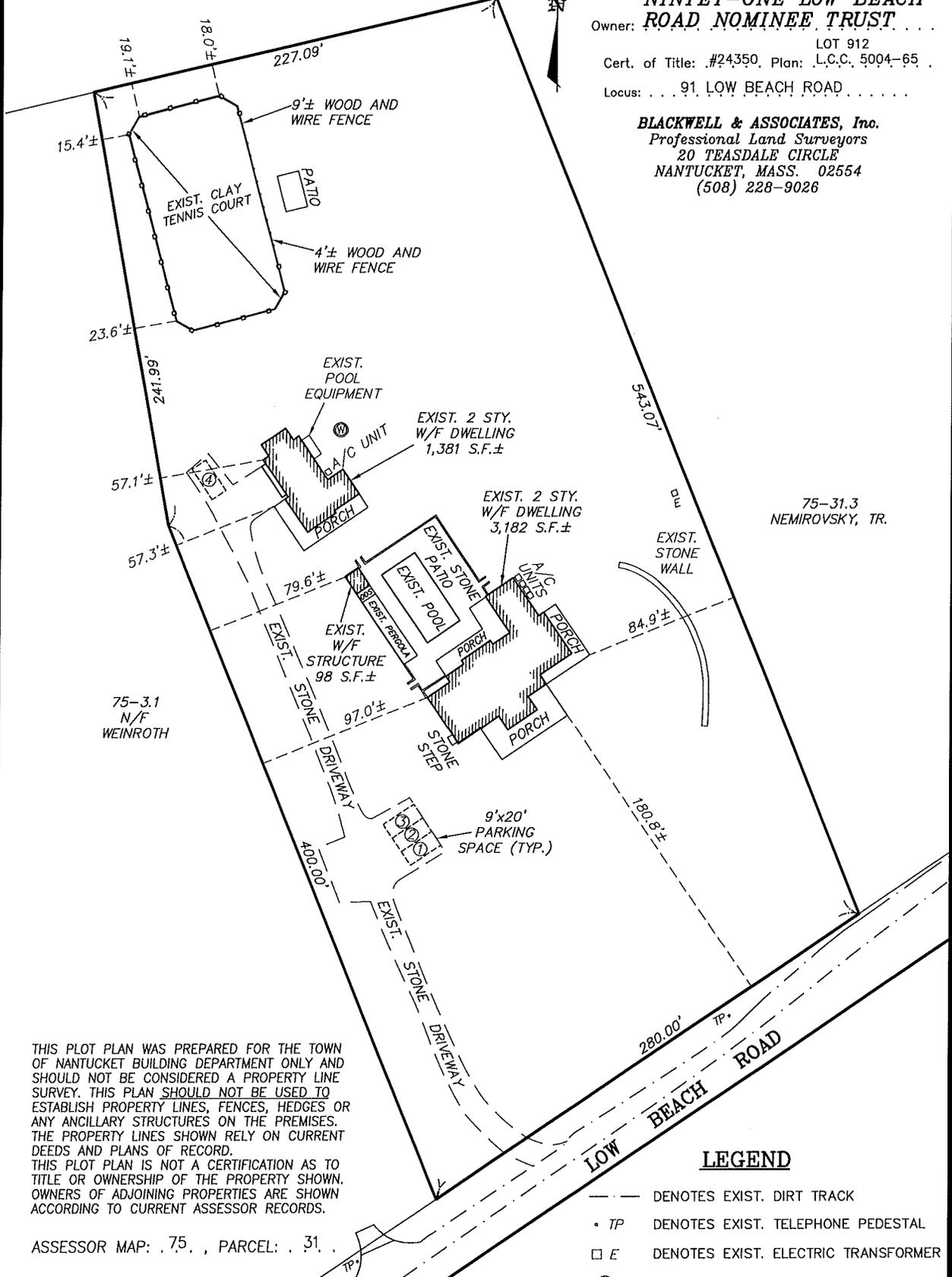
75-31.4
N/F
SCONSET TRUST, INC.

BUILDING LOCATION PLAN OF LAND IN NANTUCKET, MA

SCALE: 1" = 50' DATE: APRIL 15, 2016

Owner: **NINTEY-ONE LOW BEACH ROAD NOMINEE TRUST**
LOT 912
Cert. of Title: #24350, Plan: L.C.C. 5004-65
Locus: . . . 91, LOW BEACH ROAD

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



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

ASSESSOR MAP: . 75. , PARCEL: . 31. .

- LEGEND**
- — — DENOTES EXIST. DIRT TRACK
 - TP DENOTES EXIST. TELEPHONE PEDESTAL
 - E DENOTES EXIST. ELECTRIC TRANSFORMER
 - ⊗ DENOTES EXIST. WELL





Property Information

Property ID 75 31
Location 91 LOW BEACH RD
Owner VENTO GERALD T & MARGARET
 91 LOW BEACH RD NOM TRUST



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

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

Parcels updated December, 2014





Property Information

Property ID 75 31
Location 91 LOW BEACH RD
Owner VENTO GERALD T & MARGARET TRST



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

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

Parcels updated December, 2014
 Properties updated January, 2015

\$ 10.00

RECEIVED
BOARD OF ASSESSORS

MAY 09 2016

TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER Ninety-One Low Beach Road Nominee Trust
 MAILING ADDRESS c/o Cohen + Cohen, PO Box 786, Nantucket, MA 02554
 PROPERTY LOCATION 91 Low Beach Road
 ASSESSOR MAP/PARCEL 75, 31
 SUBMITTED BY Steven Cohen, Cohen + Cohen Law PC

SEE ATTACHED PAGES

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

May 10, 2016
DATE

Patricia Giles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABBUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
75		26		DOUGLAS KENNETH WHITE ETAL	C/O BARKER JAMES HUNT	300 FRONT STREET APT #	PAWTUCKET	RI 02860	90 LOW BEACH RD
75		27		ROCHAT ALICE		101 MOUNTAIN TOP RD	BERNARDSVILLE	NJ 07924	100 LOW BEACH RD
75		28		SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA 02564	LOW BEACH RD
75		30		81 LOW BEACH RD LLC		132 TURNPIKE RD # 100	SOUTHBOROUGH	MA 01772	81 LOW BEACH RD
75		31	2	DANNHEIM ERIC		182 WEST 82ND STREET APT	NEW YORK	NY 10024	97 LOW BEACH RD
75		31	3	NEMIROVSKY OFER & SHELLY TRST	C/O THE FUSION GROUP INC	132 TURNPIKE RD	SOUTHBOROUGH	MA 01772	85 LOW BEACH RD
75		31	.4	SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA 02564	LOW BEACH RD
75		32		HOROWITZ JEFFREY SAMUEL TR	CLARA R URBahn 2015 MAGMENT TRUST	PO BOX 109	SIASCONSET	MA 02564	101 LOW BEACH RD

**ERIC ROSENBERG
&
MICHELE KOLB**

7 GARDNER ST.

FILE NO.28-16



Town Clerk
Town & County Building
16 Broad St
Nantucket, MA 02554

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

JUN 16 2016

APPLICATION

Fee: \$450.00

File No. 28-16

Owner's name(s): Eric J. Rosenberg and Michele Kolb

Mailing address: 226 E 79th Street, New York, NY 10075

Phone Number: 917-676-4714 E-Mail: erosenberg@rosenbergkolb.com

Applicant's name(s): (same)

Mailing Address: (same)

Phone Number: (same) E-Mail: (same)

Locus Address: 7 Gardner Street (northerly portion) Assessor's Map/Parcel: 42.3.3-58
Containing the garage

Land Court Plan/Plan Book & Page/Plan File No.: Book 17, Page 56

Deed Reference/Certificate of Title: 1282/80 Zoning District ROH

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

Residential: Number of dwellings 0 (a garage is sited on the newly created lot)

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

ERIC J. ROSENBERG AND MICHELE KOLB

7 GARDNER STREET

Assessor's Map 42.3.3, Parcel 58, Lot 7A which is the northerly portion of Lot 7, with the entire lot currently shown as one lot at 7 Gardner Street

Applicants are seeking relief by Special Permit pursuant to Nantucket Zoning By-law Section 139-30 from the provisions of Nantucket Zoning By-law Section 139-33A (Pre-existing, nonconforming uses, structures, lots - yard setback). Applicants are seeking to demolish an existing metal/wood garage and construct a new single-family dwelling. The existing garage is sited as close as about 1.3 feet from the northerly side yard lot line in the Residential Old Historic ("ROH") zoning district which requires a minimum side yard setback of five (5) feet. The new dwelling would be sited at about three (3) feet from the northerly side yard lot line and be conforming as to easterly rear, southerly side and front yard setback requirements. The new dwelling would also conform as to groundcover requirements with about 35% groundcover ratio in the ROH which allows a maximum groundcover of 50% and as to parking with a space provided on site. The lot size of about 2,709 SF is grandfathered under the provisions of 139-33A(3) in a district that requires a minimum lot size of 5,000 SF.

In September 2012 the Applicants received endorsement of a 41-81L division of land from the Planning Board. This division of land was allowed based upon the existence of the single-family dwelling and the subject garage having a date of construction prior to the Town of Nantucket's adoption of the subdivision control law on February 16, 1955. Under the following Nantucket Zoning By-law provision the new lots are granted grandfathered status as to dimensional requirements (in part):

139-33A(3)

... Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.

[Amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]

Based upon the foregoing the garage, with the setback intrusion of being sited as close as about 1.3 feet from the northerly side yard lot line, and the lot, with the subminimum lot size of about 2,709 SF in a district that requires a minimum lot size of 5,000 SF, is grandfathered. The use of

the garage, an ancillary structure on a lot by itself, without a dwelling on the lot, is also nonconforming. The proposed demolition and construction of the single-family dwelling would eliminate the use nonconformity. In addition, the new structure would be sited at about three (3) feet from the northerly side yard lot line. The height of the new dwelling will exceed that of the existing garage but will be in harmony with the other similarly scaled structures in the immediate historic area.

The Historic District Commission (“HDC”) spent many months working with the Applicants on an appropriate design for the setting. It was approved after several revisions on October 6, 2015 in COA #64559, the demolition of the garage in COA #64560 and the hardscape in COA #64561. The HDC determined that the placement, design features and relationship to the street were appropriate given that it replaced a dilapidated garage structure. There was no negative public comment from abutters throughout the public hearing process.

A grant of Special Permit relief is supported. While there would be a vertical expansion of the new single-family dwelling within the northerly required 5-foot setback area, the existing greater nonconformity of the garage being sited as close as about 1.3 feet from that lot line would be eliminated. Space, light and air would be gained by the reduction in that setback intrusion, particularly as the remaining matching garage on the property to the north, held in separate ownership, would remain sited at about one (1) foot from the intervening lot line if not less. The noncomplying use of the garage being on a lot without a dwelling would be eliminated as well. In all other respects the setback, parking and groundcover requirements will be met. There would be no change in the now grandfathered subminimum lot size.

PROPOSED FINDINGS:

Section 139-33A specifically allows for pre-existing nonconforming structures to be “extended, altered or changed” based upon the appropriate findings. The ZBA can support a grant of Special Permit relief by finding that said demolition and construction of the new single-family dwelling as proposed would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. More specifically, the ZBA can find that where there is an existing structure that violates the side yard setback distance, the ZBA may issue a special permit to allow an extension, alteration or change to the garage, with the demolition and construction of the new single-family dwelling, provided that the nonconforming setback distance is not made more nonconforming and the extension, in this case a vertical extension to a higher ridge height than the garage within the 5-foot required setback area, would not be substantially more detrimental to the neighborhood than the existing nonconformity. In fact, no new nonconformities would be created with the demolition and construction of the new single-family dwelling. A grant of Special Permit relief is necessary prior to demolition of a pre-existing nonconforming structure and replacement of a new structure at the same setback distance or less of an intrusion inside the required 5-foot setback area. No Variance relief is required for such an alteration, extension or change.

PROPOSED CONDITIONS:

- There shall be no further expansion of the structure within the required 5-foot northerly side yard setback area without further relief from this Board; and
- The siting of the structure is substantially as shown on Exhibit A, a reduced copy of which is attached hereto.
-
-

EXHIBIT A

Site plan shown as "Proposed Site Plan", dated 06/08/16, done by Rosenberg Kolb, showing the outline of the existing garage intrusion and the proposed single-family dwelling footprint

EXHIBIT B

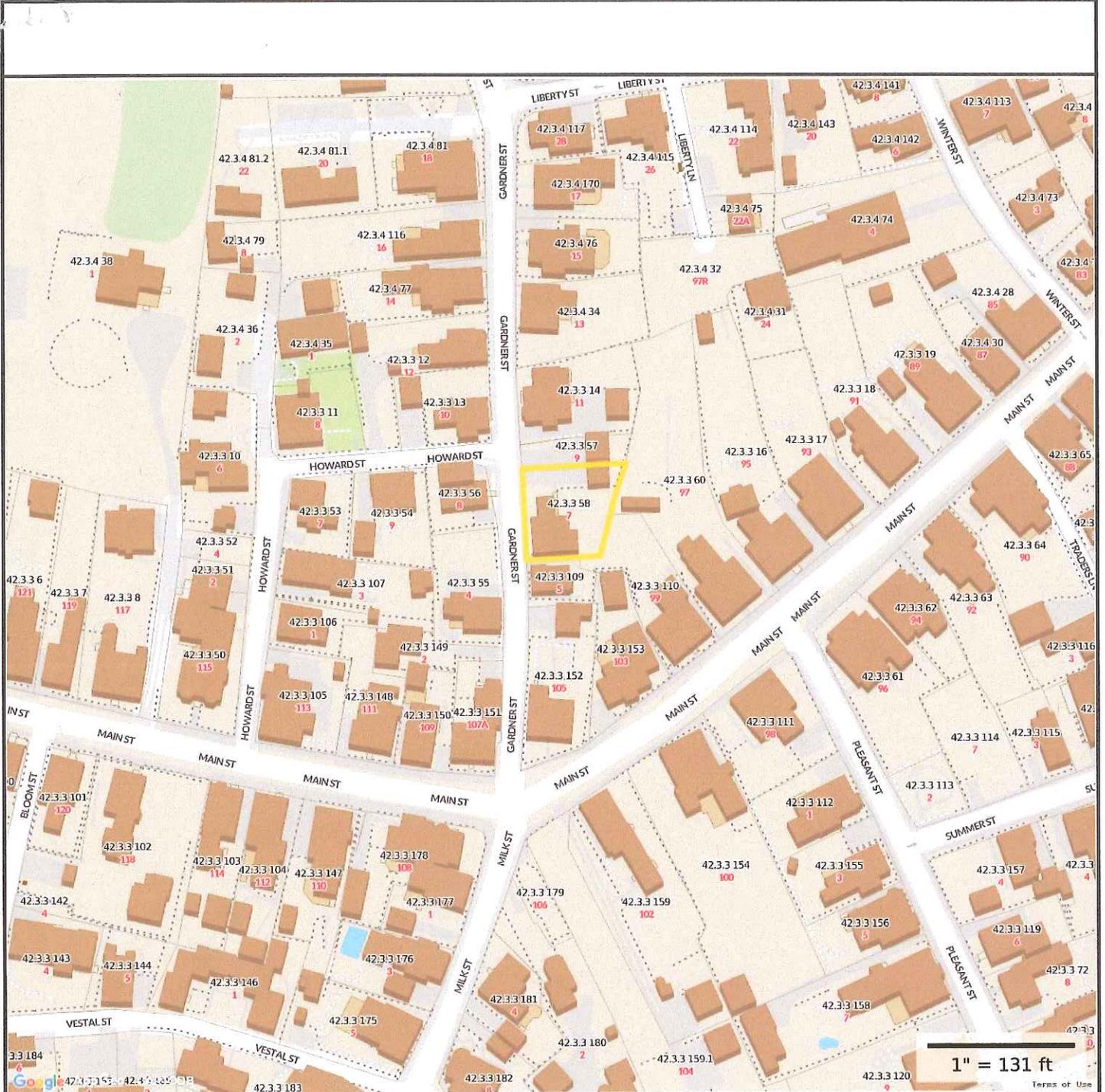
Photographs of the existing conditions

EXHIBIT C

Planning Board 41-81L application and site plan showing the division of land into Lot 7 and Lot 7A (the subject parcel)

EXHIBIT D

HDC approved plans



Property Information

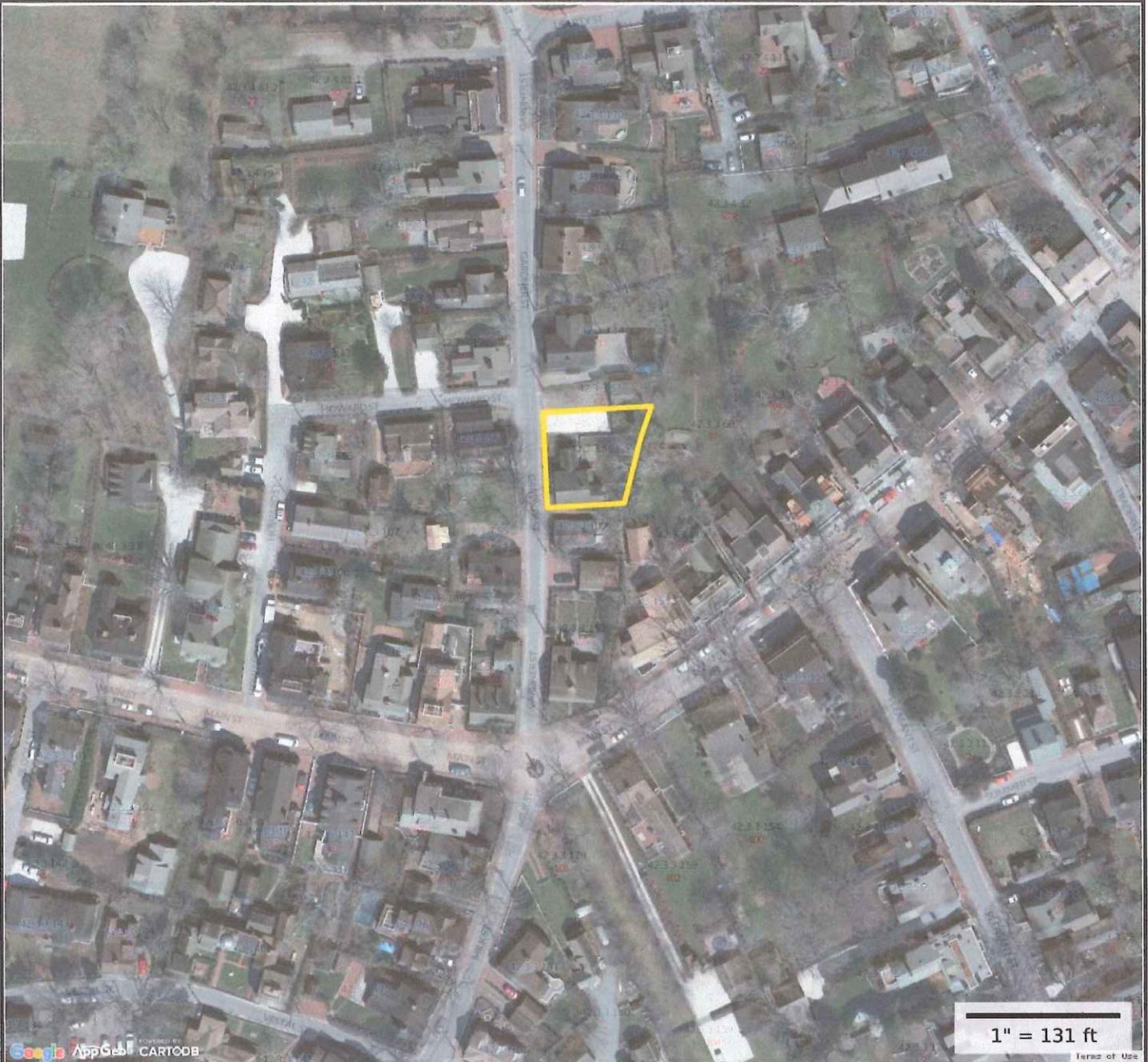
Property ID 42.3.3 58
Location 7 GARDNER ST
Owner ROSENBERG ERIC J & KOLB MICHELE



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

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

Parcels updated December, 2014
 Properties updated January, 2015



Property Information

Property ID 42.3.3 58
Location 7 GARDNER ST
Owner ROSENBERG ERIC J & KOLB MICHELE

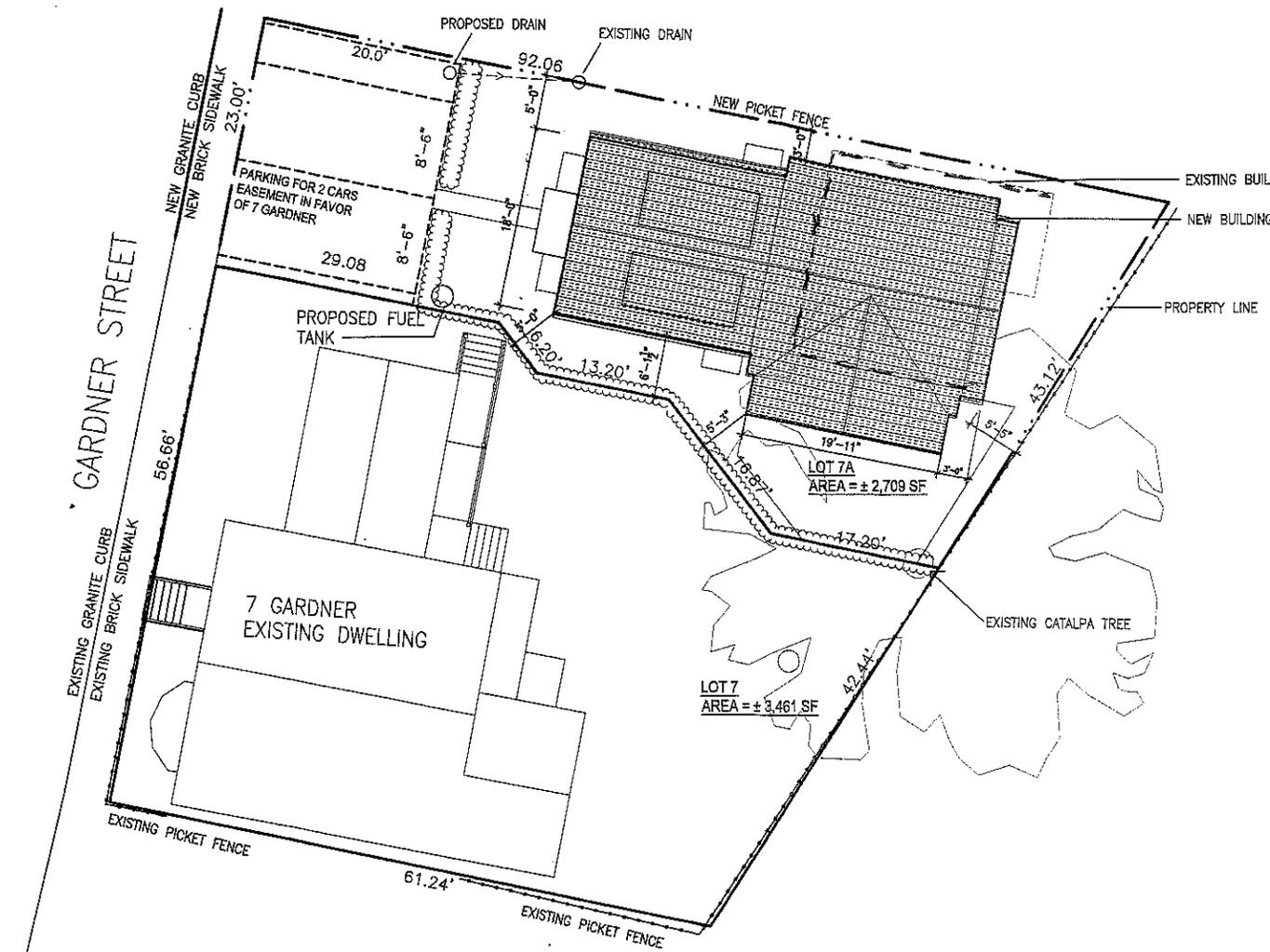


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

Parcels updated December, 2014
Properties updated January, 2015

EXHIBIT A



ZONING REQUIREMENTS
 ZONE: ROH
 LOT: 7A
 LOT AREA: 2,709 sf
 MIN FRONT YARD = 0 ft, PROPOSED=29 ft
 MIN SIDE YARD = 5 ft, PROPOSED= 5 ft, 3 ft
 MIN REAR YARD = 5 ft, PROPOSED=5.5
 MAX GROUND COVER = 50%, PROPOSED=35%

TAX MAP: 42.3.3
 PARCEL: 58

NOTE: EXISTING AC UNITS FOR LOT 7 LOCATED ON LOT 7A TO BE RELOCATED

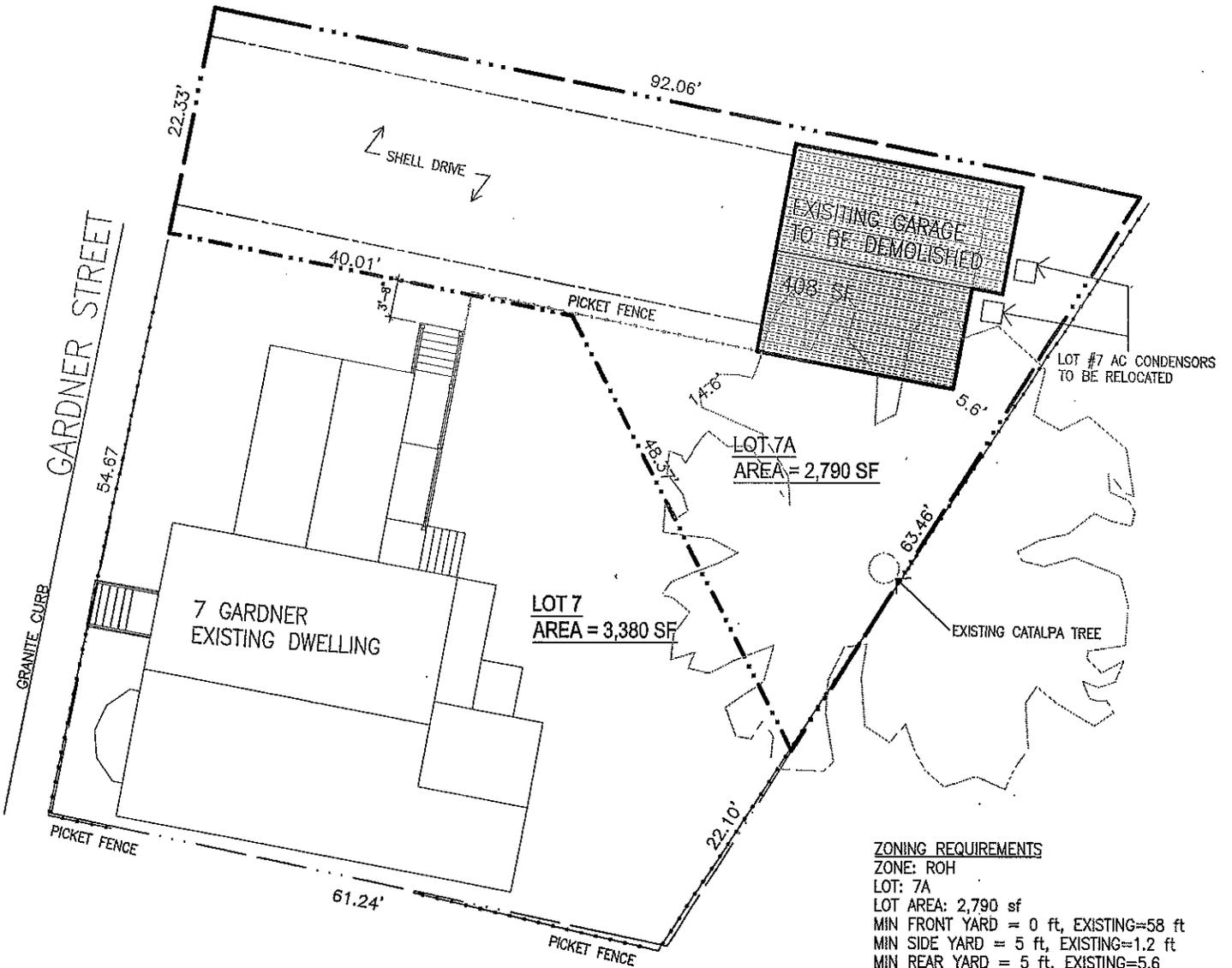


1 PROPOSED SITE PLAN
 SCALE 3/32" = 1'-0"

PROPOSED SITE PLAN 06/08/16
 3/32"=1'-0"

Rosenberg Kolb
 226 East 78 Street
 New York, NY 10075-1202
 212 996 3096
 Fax 212 996 3097

7 GARDNER STREET
 Nantucket, MA 02554



ZONING REQUIREMENTS

ZONE: ROH
 LOT: 7A
 LOT AREA: 2,790 sf
 MIN FRONT YARD = 0 ft, EXISTING=58 ft
 MIN SIDE YARD = 5 ft, EXISTING=1.2 ft
 MIN REAR YARD = 5 ft, EXISTING=5.6
 MAX GROUND COVER = 50%, EXISTING=15%

TAX MAP: 42.3.3
 PARCEL: 58

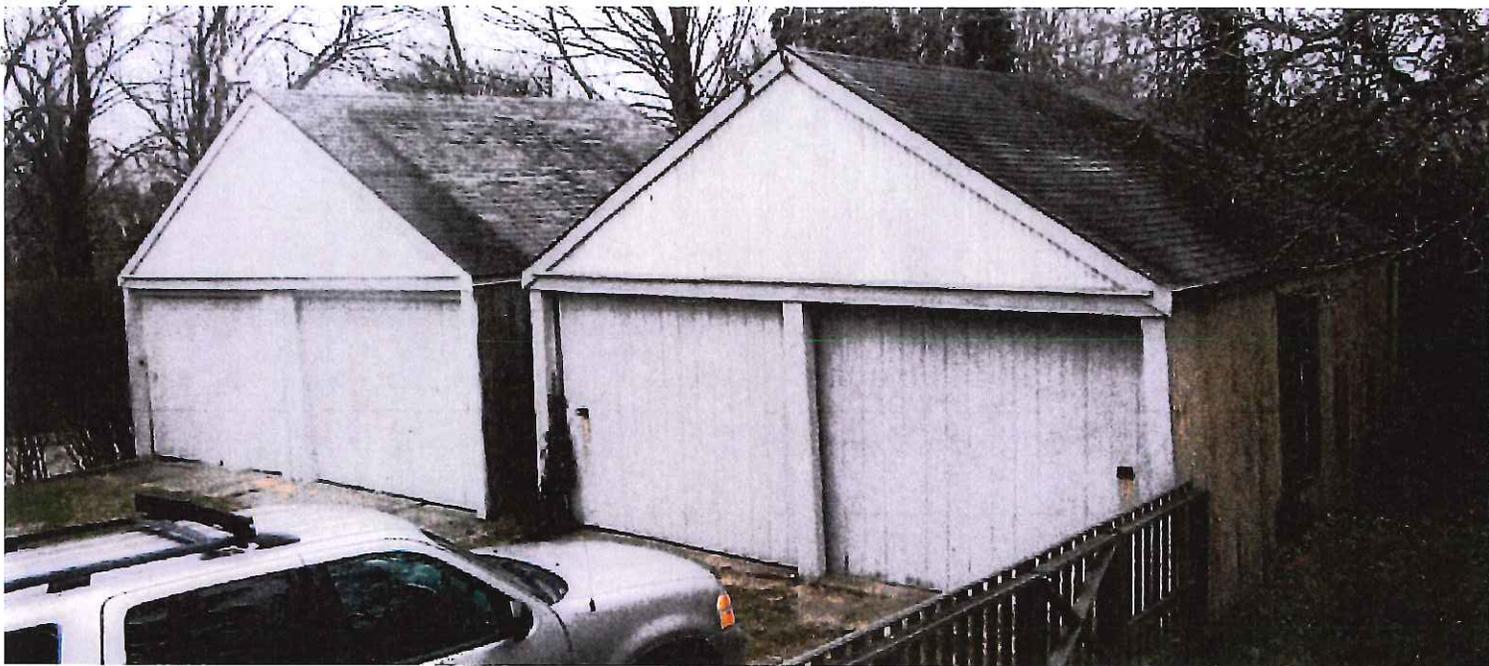


EXISTING SITE PLAN 12/19/14
 1/16"=1'-0"

Rosenberg Kolb
 226 East 79 Street
 New York, NY 10075-1202
 212 996 3099
 Fax 212 996 3097

EXHIBIT B

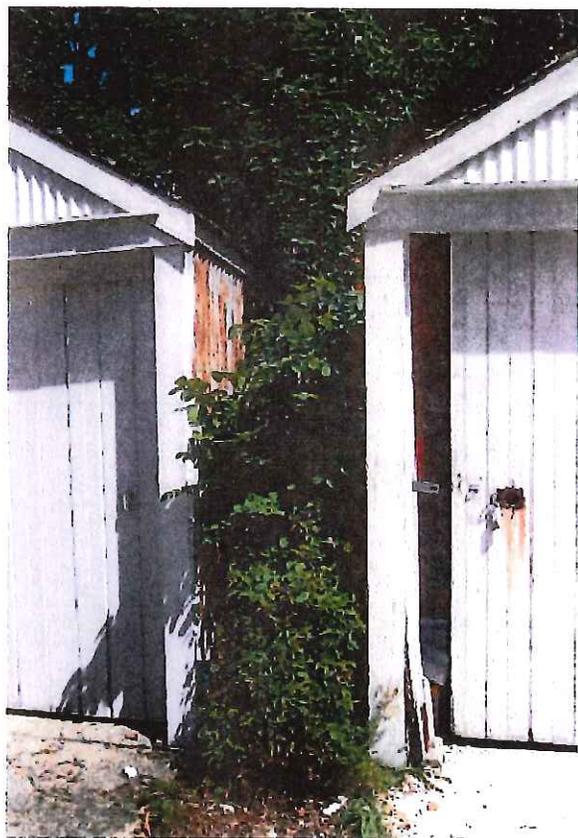




SOUTH WEST ELEVATION



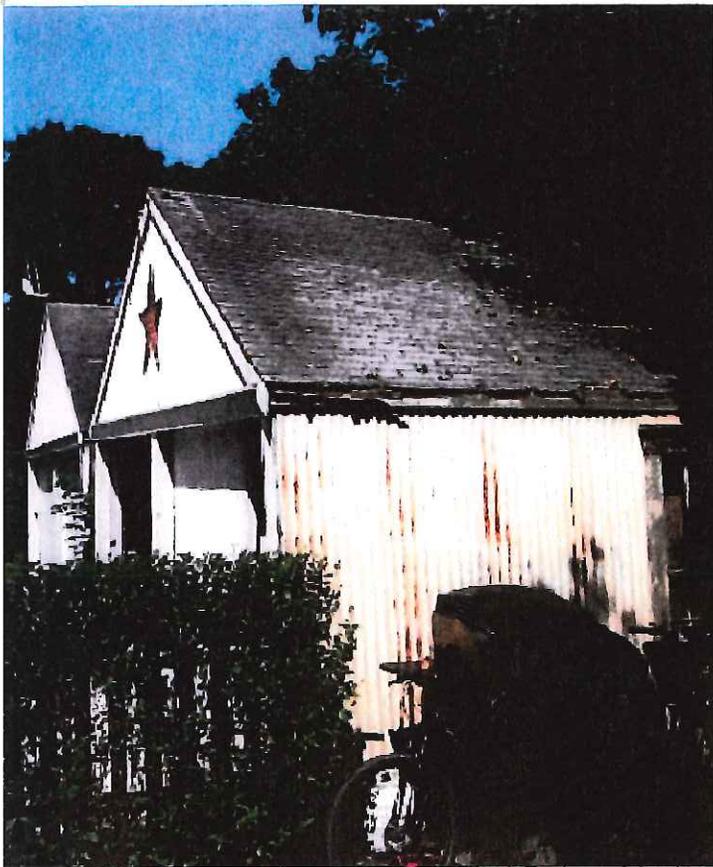
WEST ELEVATION



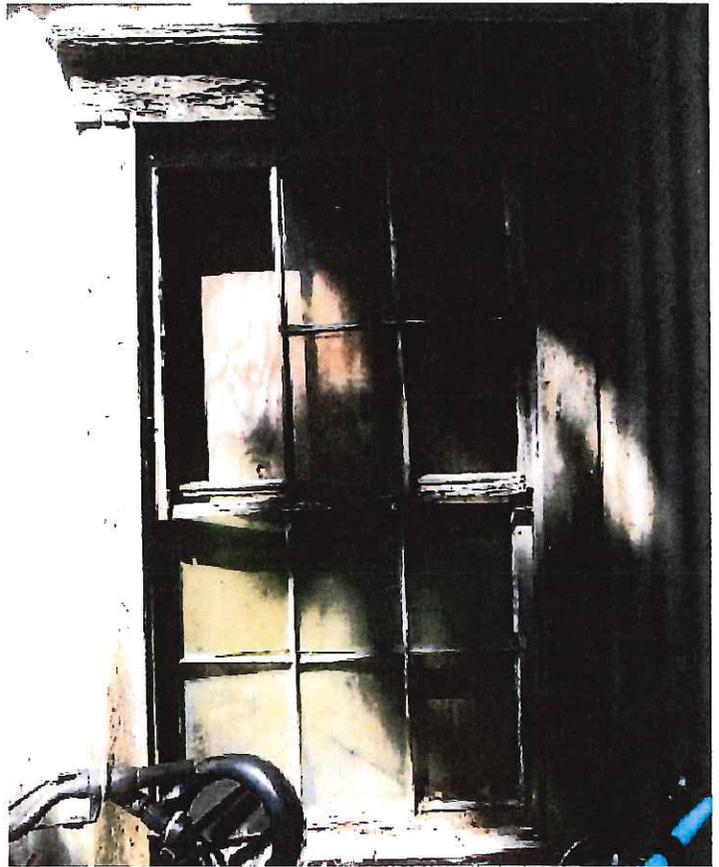
EXTERIOR DETAIL -WEST



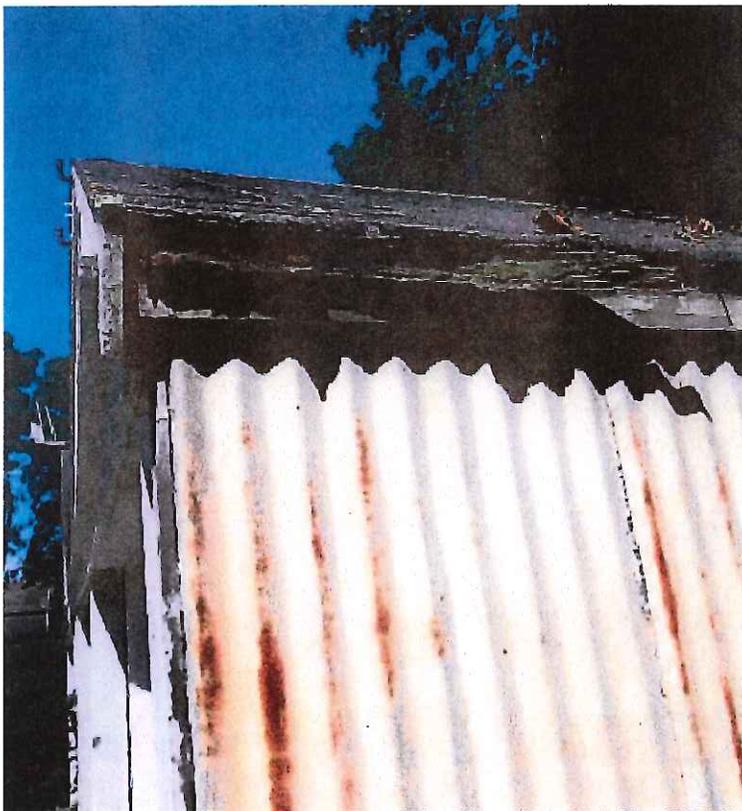
EXTERIOR DETAIL -NORTH WEST



SOUTH WEST ELEVATION



EXT DTL - WINDOW. SOUTH



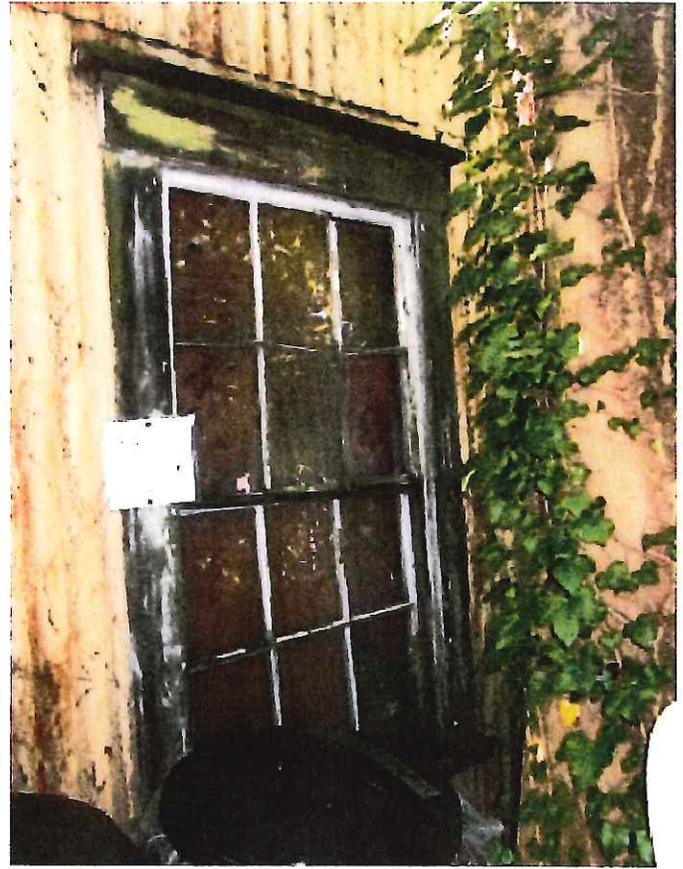
EXTERIOR DETAIL - SOUTH WEST



EXTERIOR DETAIL - SOUTH EAST



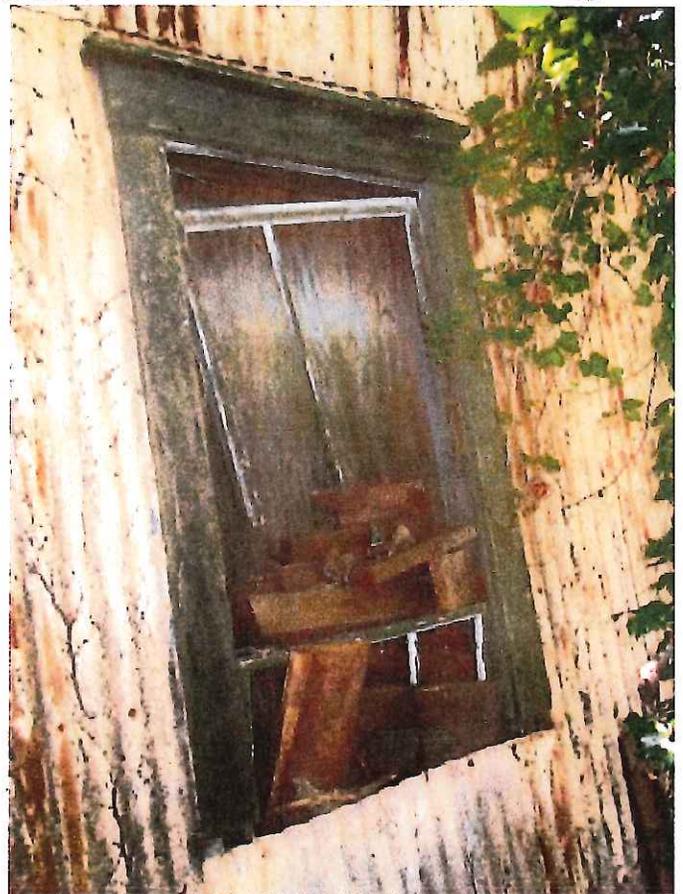
EAST ELEV. — LEANTO TYPE EXT.



EXT DTL — WINDOW. NORTH



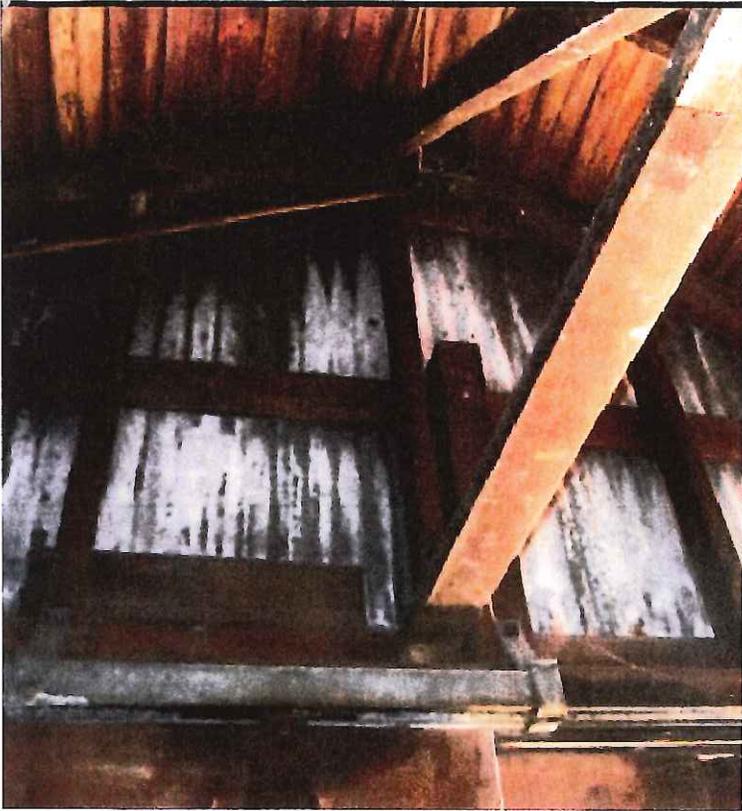
EXT DTL —SPACE BTWN GARAGES



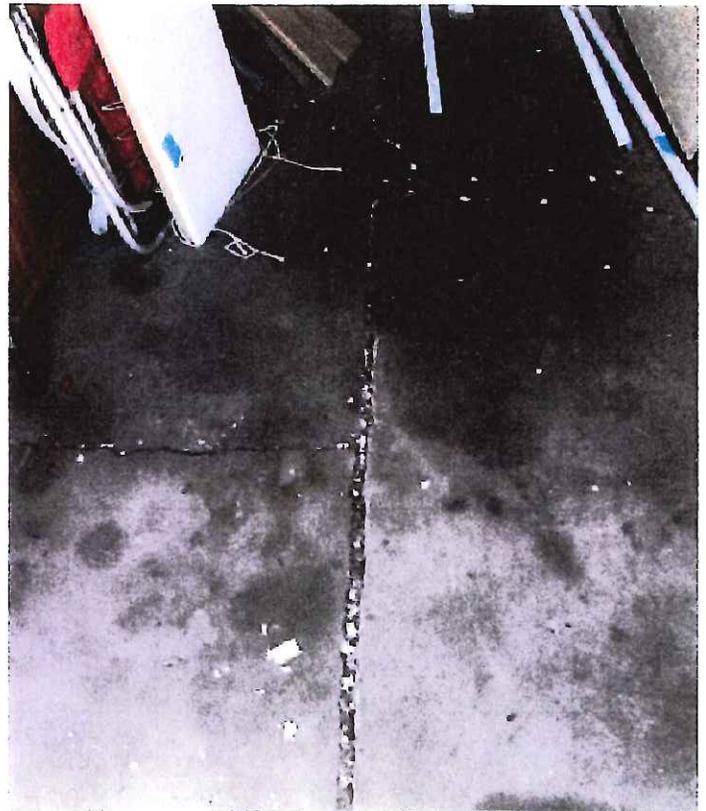
EXT DTL— WINDOW @ EXTENSION



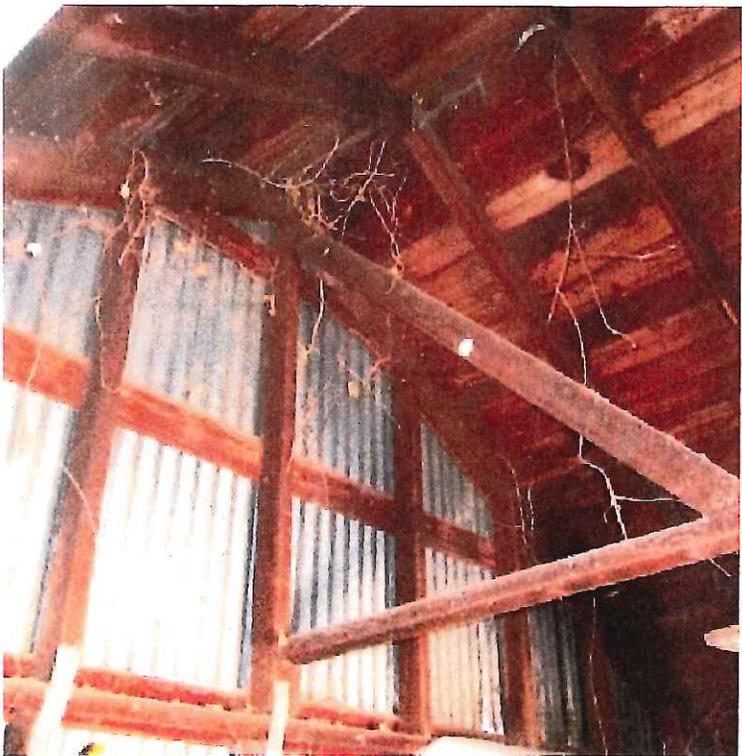
EXT DTL — NORTH EAST



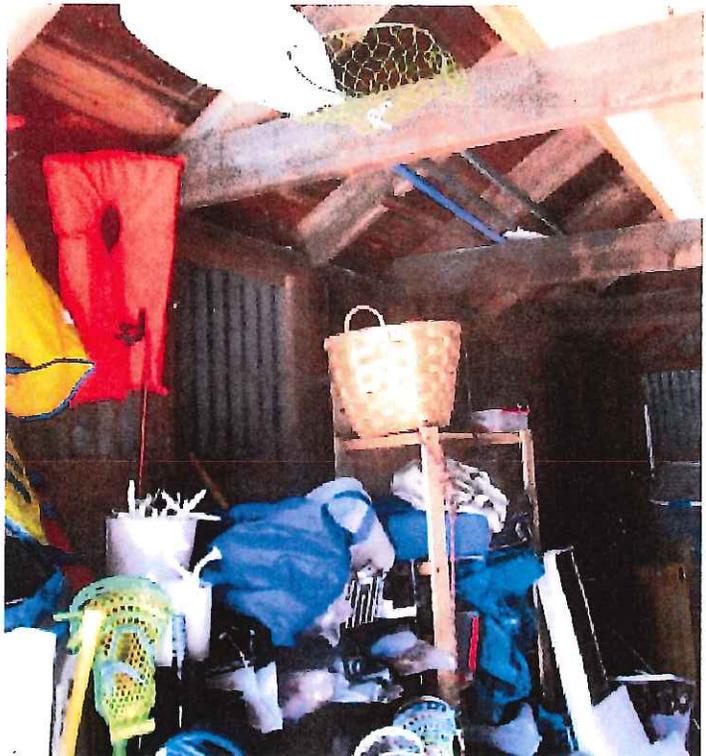
INTERIOR DTL - WEST



INTERIOR DTL - CONCRETE SLAB



INTERIOR DTL - EAST



INTERIOR



RECEIVED
2012 AUG 29 PM 1 09
NANTUCKET TOWN CLERK

NANTUCKET PLANNING BOARD

Form A

Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: 8/28/12 *Name of Owner(s)/Applicant(s): ERIC ROSENBERG and MICHELE KOLB - OWNERS; APPLICANT - FRANK AOLOGATE
*Owner's/Applicant's address: 226 EAST 79 STREET, NEW YORK
State: NY Zip Code: 10075

*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 7 GARROWER STREET

Name of Registered Land Surveyor: FRANK AOLOGATE
Surveyor's address: 95 WEST CHESTER, NANTUCKET, MA 02554

The owner's title to the land derived under deed from WOOD ESTATE, date JUNE 2011
And recorded in Nantucket Registry of Deed, Book 1282 Page 80 or Land Court Certificate of Title # _____, registered in Nantucket District Book 17, Page 56 and shown on Assessor's Map# 42.3.3, Parcel # 58
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely _____; OR
 - B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____ (date) and Subject to the following conditions _____; OR
 - C. a way in existence on _____ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely _____, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires _____ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically TWO (2) buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: SAN BORN MAPS

- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

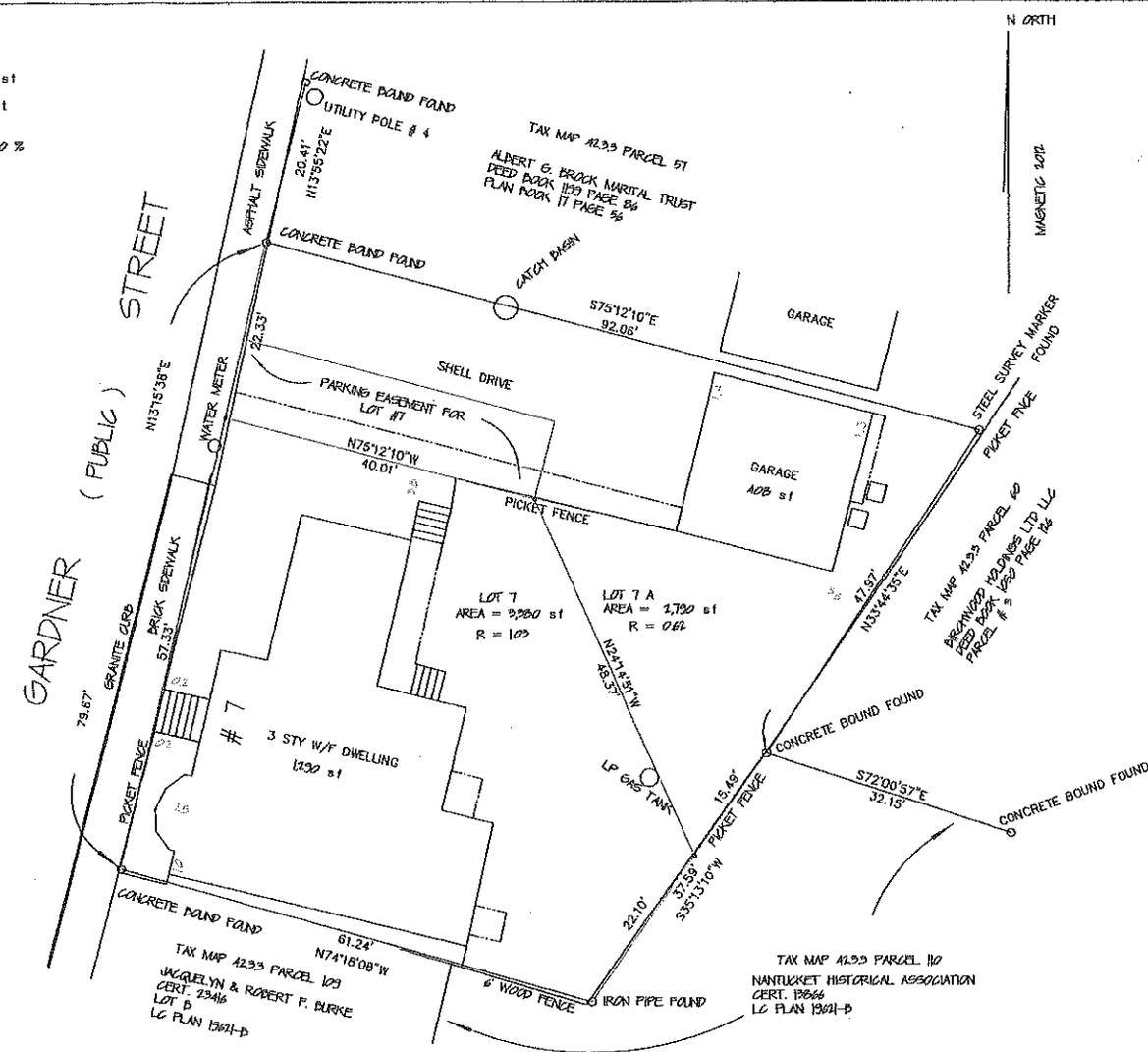
Kari J. Rosenberg
 Owner's Signature

Planning Board File # _____

Endorsement Date: _____

ZONE : R01

LOT AREA = 5,000 s1
 FRONTAGE = 50 ft
 FRONT YARD = 0 ft
 SIDE YARD = 5 ft
 REAR YARD = 5 ft
 GRASS COVER = 50 %



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

NANTUCKET PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED _____

DATE SIGNED _____

FILE # _____

NOTE:

STRUCTURES PREDATE THE TOWN OF NANTUCKET SUBDIVISION CONTROL LAW AS ADOPTED FEBRUARY 16, 1955

LOT 1 & 2 ARE CREATED PURSUANT TO CHAPTER 41 SECTION 28.

THE BUILDINGS SHOWN ON THIS PLAN ARE LOCATED WITHIN ZONE C AS DELINEATED ON THE FIRM MAP OF COMMUNITY # 250250-001-D MASSACHUSETTS EFFECTIVE : JUNE 21986 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY . REVISED JULY 21992

PREPARED FOR :

ERIC J ROSENBERG & MICHELE KOLB
 # 7 GARDNER STREET
 TAX MAP 42.33 PARCEL 53
 DEED BOOK 1182 PAGE 60

PLAN OF LAND
 # 7 GARDNER STREET
 NANTUCKET , NANTUCKET COUNTY , MASS.
 SCALE 1" = 10' 8-21-2012
 FRANK O. HOLDGATE
 95 WESTCHESTER STREET
 NANTUCKET , MASS.

THE PLANNING BOARD DETERMINES THAT: LOTS 1 & 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 WILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND REGULATIONS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE GOVERNMENT COORDINATOR.

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

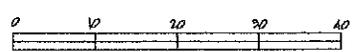
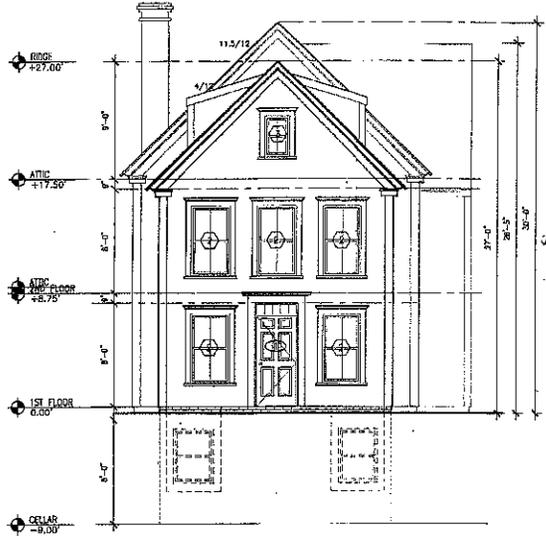


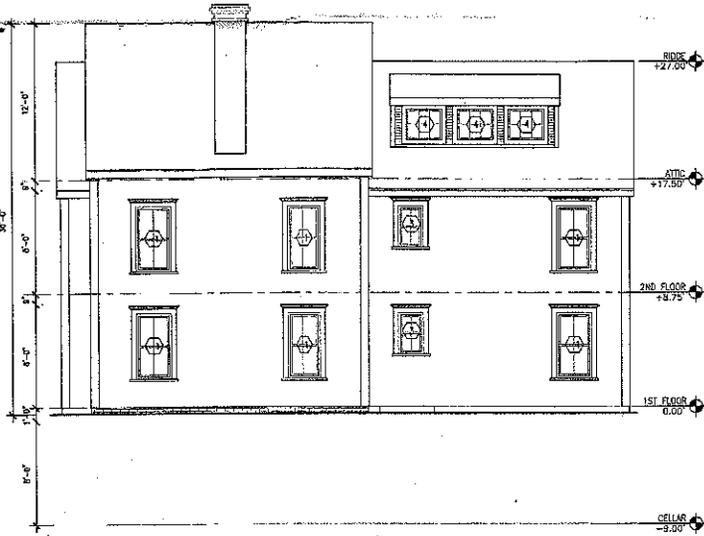
EXHIBIT D



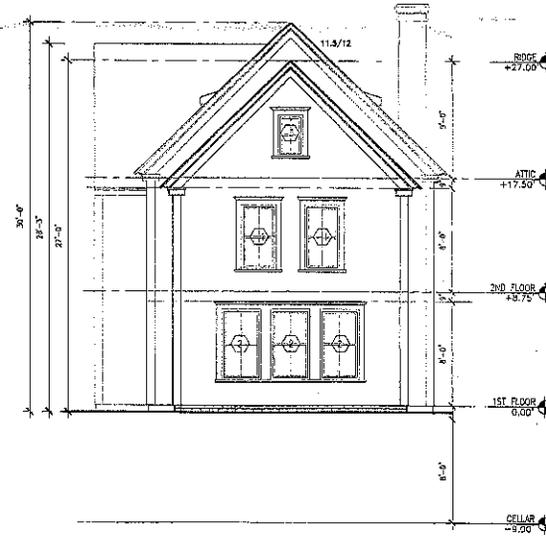
PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION



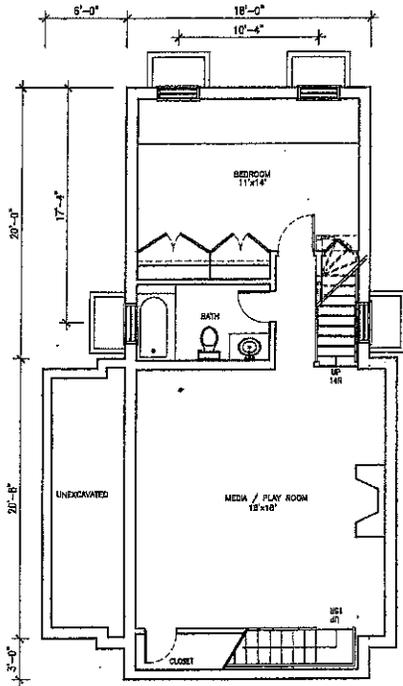
PROPOSED EAST ELEVATION

1 PROPOSED ELEVATIONS
SCALE 1/4" = 1'-0"

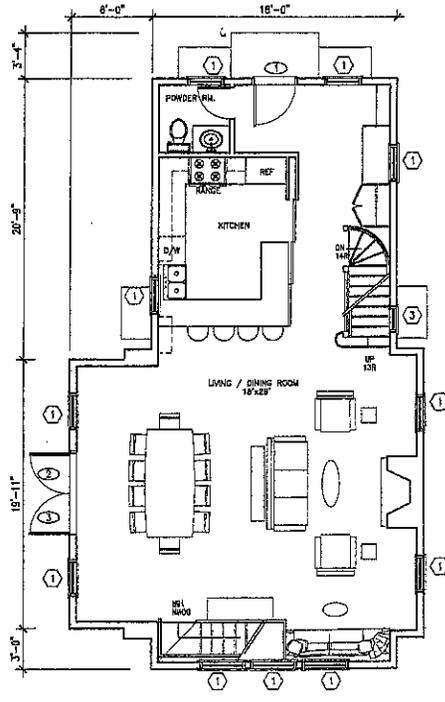
APPROVED
OCT 06 2015 #64 538
NO EXTERIOR CHANGES
WITHOUT HCC APPROVAL



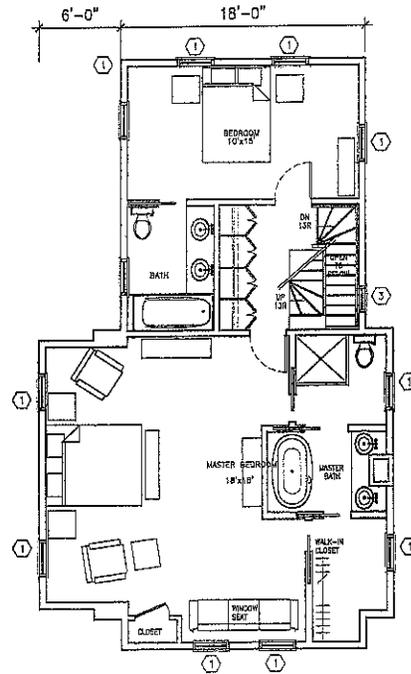
A-2.0. 11/11/11
1/4"=1'-0"
Rosenberg Kolb
220 East 79 Street
New York, NY 10075-1202
212 906 1000
Fax 212 906 9097
7 GARDNER STREET
Nantucket, MA 02554



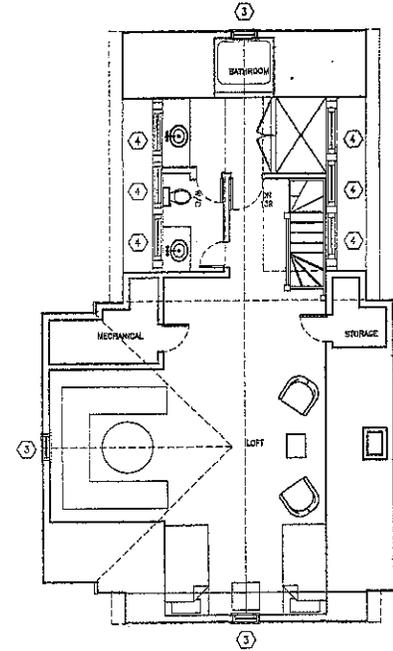
PROPOSED CELLAR



PROPOSED FIRST FLOOR



PROPOSED SECOND FLOOR



PROPOSED ATTIC

1 PROPOSED FLOOR PLANS
SCALE 1/4" = 1'-0"

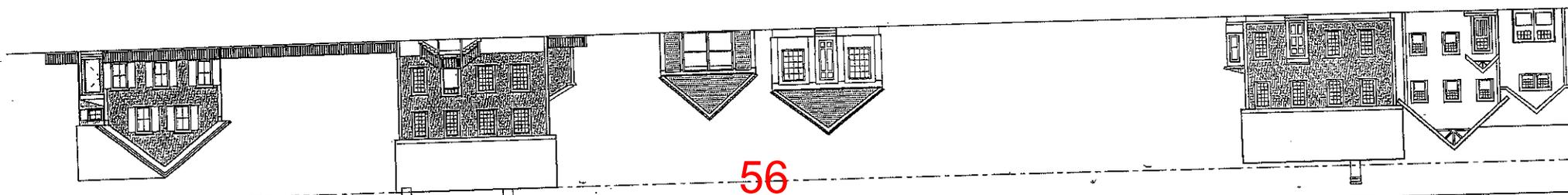
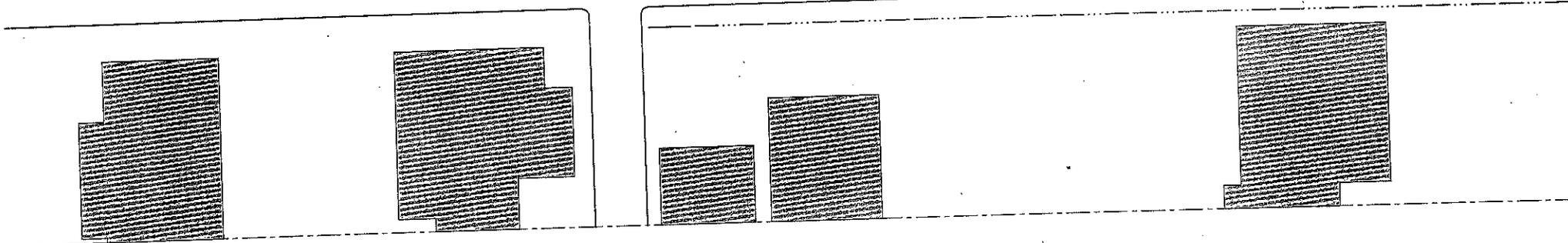
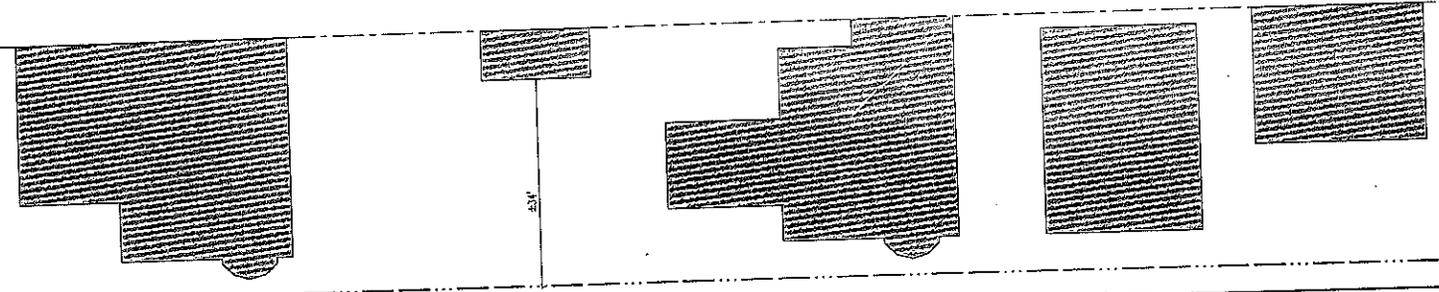
A-1.0 10/07/15
1/4"=1'-0"
Rosenberg Kolb
226 East 79 Street
New York, NY 10075-1202
212 305 3000
Fax 212 986 3087
7 GARDNER STREET
Nantucket, MA 02554

A-000.00

12/19/14
1/32"=1'-0"

Rosenberg Kolb
226 East 79 Street
New York, NY 10075-1202
212 996 3099
Fax 212 996 3097

7 GARDNER STREET
Nantucket, MA 02554



LETTERS

Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

July 1, 2016



Re: Application for Relief by Special Permit, 7 Gardner Street

Dear Sir/Madam

I am the owner of 4 and 4A (traditionally 8) Gardner Street, the property across the street from 7 Gardner Street.

I request that the board not grant special relief with respect to the purposed changes at 7 Gardner Street.

The purposed replacement of a single story two car garage with a large multi-storied dwelling would have a negative impact on the Gardner Street neighborhood by undesirably increasing congestion. The purposed changes would change the character of this historic neighborhood.

My specific objection lies in the applicants interpretation of Section 139-33A. Section 139-33A allows for pre-existing, non-conforming structures to be "extended, altered or changed". To claim that the replacement of a simple two car garage with a large multi-storied dwelling is the extension, alteration or change of a garage strains rationality. Would the replacement of a 50 square foot non-conforming tool shed with a full size multi-story dwelling be considered a "change" to a tool shed? For that matter, would the replacement of a non-conforming pergola with a multi-story house be a "change" to a pergola? No credible person, reasonably familiar with the English language, would consider the replacement of a garage with a full size dwelling a "change" to a garage. At the very least, the applicants should provide some justification for their unusual interpretation of Section 139-33A.

The said garage demolition and the construction of a new dwelling would be more detrimental than an existing non-conforming two car garage. The replacement of the simple two car garage with a large multi-storied dwelling would increase the congestion in the neighborhood and change its character.

A handwritten signature in blue ink, appearing to read "Paul B. Merrithew".

Paul B. Merrithew
PO Box 120
Amherst NH 03031-0120



Jordan Goodman. M.D.
11 Gardner Street
Nantucket, MA 02554

July 4, 2016

Town of Nantucket Zoning Board Appeals
Nantucket, MA 02554

In regards to an Application for Relief by Special Permit, 7 Gardner Street

To Whom It May Concern:

My wife, Zelda, and I as co-owners of 11 Gardner Street respectfully urge the board to deny special relief for construction as requested by the owners of 7 Gardner street, Rosenberg and Kolb, on Assessor's map 42.3.3, parcel 58, lot 7 [and proposed lot 7A].

Our reasons for making this request of the board are as follows.

1] As proposed, the changes to be made would result in the necessity for outside two car parking which would be unnecessarily congested, both in appearance and function.

2] The basis for "special relief" is the assumption that the replacement of a very long standing two car garage with a three story residential dwelling somehow complies with section 139-33A is an absurdity which, I believe, requires no additional explanation. Why not simply redo the garage as my wife and I have done?

3] The NHA sponsored Hose Cart House is directly across the street and draws many tourists to our street in the Historic District. Is it not our responsibility to assure tourists that "Historic District means just that?"

4] Filling an undersized lot with a new three story residential dwelling would not be in keeping with our neighborhood's general appearance.

5] We are very concerned about additional fire hazards which might be posed by

the abandonment of existing setback codes.

My wife and I can well understand the possible profit motive of such a request for special relief, but, please, not at the expense of Nantucket's Historic district or those of us already living on Gardner Street.

Very respectfully yours,

Zelda Goodman
John Goodman.

July 5, 2016

Zoning Board of Appeals

Town of Nantucket, Massachusetts

Re: Application for Relief by Special Permit: 7 Gardner Street

We, John and Ruth Sayer, are the owners of 10 Gardner Street, across the street from 7 Gardner Street. Although we have clear unobstructed views of the proposed project from two elevations of our house, we are NOT considered abutters and are not noticed about continued proposed changes to this property. Had we been aware of the public hearing on October 6, 2015, you would have heard “negative public comment”. The creation of two very nonconforming lots from one very functional lot sets a negative precedent, particularly in an Historic District.

We are opposed to granting relief by Special Permit to this project and to applicants interpretation of Section 139-33A of the Nantucket Zoning Bylaws. There is absolutely no reason why this application should not have to conform to all current rear, front and sideline setbacks. When we rebuilt our garage here at 10 Gardner which was crumbling into the ground, we were granted no relief although our architect and attorney petitioned for it.

As to a lot without a dwelling being nonconforming, the ZBA should have considered their creation when the subdivision was granted. According to this rationale, the ordinance was violated with the granting of the subdivision.

The existing garage is not being “extended, altered or changed”. It is being demolished, and permission is being requested to REPLACE it with a multi-story single family dwelling which does not conform to current setbacks.

I draw to the Boards attention that Gardner Street is an extremely busy arterial street with heavy traffic and no parking permitted on either side. No parking is permitted in the first block of Howard Street which is directly across from the proposed structure. There is no place for on street parking for this project. This application denies off street parking to the existing house at 7 Gardner and provides inadequate off street parking to the new dwelling.

If ZBA grants this project relief by Special Permit, it will negatively impact the quality of life for all residents of Gardner Street. Acknowledging and respecting the points raised in this letter, the ZBA must deny this cited application for relief by Special Permit.

Sincerely,

Ruth and John Sayer

10 Gardner Street

Nantucket, MA 02554

Rsayer9454@aol.com

July 5, 2016

Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Eric J. Rosenberg and Michele Klob File No. 28-16
7 Gardiner Street
Nantucket, MA

Dear Members of the Board of Appeals:

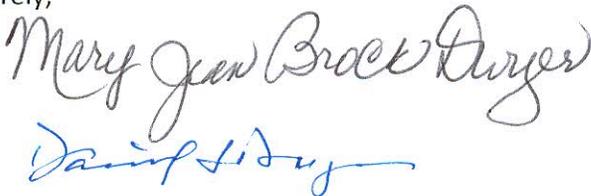
We are providing comment to the Nantucket Board of Appeals regarding application of Eric J. Rosenberg and Michele Klob to be discussed July 14, 2016 on behalf of Amy D. Brock, owner of 9 Gardiner Street, the abutting property of 7 Gardiner Street on its northerly boundary.

It is the position of Amy D. Brock, resident of 13 Gardiner Street, that the application be denied by the Board of Appeals due to the following:

- The replacement of an accessory structure with a single-family residence expands the use of nonconformity within what is already a densely developed neighborhood.
- The approval of the application will increase the ingress and egress of automobiles accessing 7 Gardiner Street from a single vehicle to two vehicles. Doubling the number of vehicles onto what is now a busy street creates additional congestion and risk of accidents. It should be noted that the use of Amy Brock's abutting property is also a 2-bay garage with parking lot where vehicle movement occurs via what is essentially a single-curb cut used by both property owners.
- Another concern directly impacting the Brock parcel includes additional runoff from the expanded impervious improvement onto the Brock property.
- The redevelopment of the lot with the doubling of vehicles at 7 Gardiner Street will visually impact the sight distance from the Brock property onto Gardiner Street.
- Allowing the replacement of an accessory structure, viewed as a passive use, with a single-family residence closer than the required 5 FT side setback increases the risk of fire and damage to the Brock property.

Clearly, it is not favorable to approve the application, and Amy D. Brock requests the denial of the same.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature is 'Mary Jean Brock Dwyer' and the second is 'Daniel J. Dwyer'.

Mary Jean Brock Dwyer
Daniel J. Dwyer
34 Welch's Point Road
East Winthrop, ME

Francis M. Weld, M.D.
16 Gardner Street
Nantucket, MA 02554-2149

July 4, 2016

Town of Nantucket Zoning Board of Appeals
Nantucket, MA 02554

Re: Application for Relief by Special Permit, 7 Gardner Street

Dear Madams/Sirs:

My wife and I jointly own 16 Gardner Street, within eyesight of the subject property.

We request that the Board not grant special relief for the construction proposed by Rosenberg and Kolb on Assessor's Map 42.3.3, Parcel 58, Lot 7 (includes 7A proposed by Rosenberg and Kolb). Our reasons for requesting your denial include:

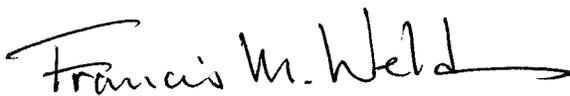
- (1) The proposed structure is not a modification of a garage. It is a full-scale brand new one-family home. This would completely change the character of the existing property. The proposal is a twisted and invalid distortion of the intent of Section 139-33A of the code. This degree of alteration of character should not be allowed.
- (2) The proposed setbacks make the adjacent dwellings look like sardines in a tin can. No special relief from specified setbacks

should be allowed. Setbacks as prescribed by law have both safety and comfort as driving motivations, to say nothing of architectural palatability. Cramming the proposed building into a mere 2709 square feet in an historically zoned district where the current minimum building lot size is a full 5,000 square feet would be completely out of proportion to the rest of our Gardner Street neighborhood.

- (3) The proposed proximity of the two dwellings is a fire hazard, in that the spread of a fire within either edifice could occur more rapidly and extensively, and thereby also spread more rapidly to adjacent neighborhood structures.
- (4) The proposed proximity of the two dwellings would amount to disturbing the peace in both directions because of the ease of transmission of sound across these short distances. Dwellings in this neighborhood are intended for privacy, not for involuntary eavesdropping on the private conversations next door.

We are firmly opposed to the Rosenberg-Kolb proposal, and shudder to think of its potential implications for our neighborhood.

Sincerely,



Francis M. Weld



Helene M. Weld

From: [Ron Winters](#)
To: [Eleanor Antonietti](#)
Cc: [Ron Winters](#); [Ellen Winters](#)
Subject: Nantucket Board of Appeals hearing July 14, 2016. Concerning 7 Gardner Street
Date: Thursday, July 07, 2016 2:36:27 PM

Town of Nantucket Zoning Board of Appeals,

In regard to the application for relief by special permit, for 7 Gardner Street. Rosenberg/Kolb

To whom it may concern:

My wife Ellen H, Winters and myself Ronald W. Winters, residing full time at 7 Gardner Street, are against giving relief to the owners of 7 Gardner Street. Here are my comments.

The lot was created taking advantage of the 41 – 81L provisions for oblivious financial gains as a developer. I have no issue with this as it is legal, but in the creation of the lot, the lines could have been placed to allow the footprint of this building to be in compliance. No special permit should be granted for set back issues for a New Dwelling, especially for a developer.

As a Builder on the island I know how hard it is to build a structure without infraction of the setback laws even with a building designed with an additional 6" to the setbacks. The supposed complying northerly part of the structure is at 5'0" to the property line. I am sure we will all be back for another special permit when the owners then are not compliant again. The lot is too irregular and small for the current design, HDC approved or not! They need a new design that is compliant. Shame on the HDC for approving a building that both does not alien with every other house on the road and allowing window wells on the front of the house. This is a new Precedent that will change Nantucket forever! Yet again missing the original intent of the HDC, to protect the OHD!!!!

The application states that the new design will cover 35% of the newly created lot yet I do not see this listed as a request for Special Permit, just stated that the ground cover is in compliance! The law allows 50% GC for **complying** building lots with 5000 square feet and 50' of road frontage. Neither of these conditions are in compliance therefore the allowable foot print is 30%. No special permit should be granted for ground cover, again especially for a developer!

I currently own a lot on Lowell Place that is non-conforming and the result of a 41-81L subdivision. It has an existing housing unit on the lot that is located within setbacks on two sides. When designing a larger dwelling unit for the lot I did not come to the board for special permit. I just hired

an architect to design a building that is compliant to both setbacks and ground cover. We designed a building 10 square feet smaller than the allowable 30% footprint and set the house with 5'6" setbacks. This applicant can do the same. Please do not grant this request for special permit!

Thank you for considering not only the neighbors that actually want to live on Gardner Street, but also for Nantucket's future and the precedent that granting this Special Permit would set here.

Best regards,

Ron and Ellen Winters
12 Gardner Street
Nantucket, MA

FYI we were not notified of this hearing with a letter to our home. We were told by our neighbors. Please contact us in the future by mail at 12 Gardner Street, 02554.

Ron Winters
Thirty Acre Wood, LLC
7 Thirty Acres Lane
Nantucket, MA 02554

Office: 508-228-7456
Cell: 508-325-1752
Fax: 508-228-7035

RHODA H. WEINMAN

Attorney at Law

36 Centre Street - P.O. Box 1365
Nantucket, MA 02554

weinman@nantucketislandlaw.net

Tel: (508) 228-9600

Fax: (508) 228-8926

July 7, 2016

Edward Toole, Chairman
Nantucket Zoning Board of Appeals
Nantucket, MA 02554

Re: Application of Rosenberg and Kolb
7 Gardner Street

Dear Members of the Board of Appeals,

I represent several abutters and neighbors to the above-named property who are in extreme opposition to this application for numerous reasons.

Chapter 139-33A (1) (a) sets out very clearly that pre-existing, non-conforming 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 NON-CONFORMING STRUCTURE AND/OR USE TO THE NEIGHBORHOOD".

Before proceeding ahead with all of the issues regarding the requested relief, I do not concur with the applicant that Variance relief is not required in this application. Once the garage is removed, applicant is left with a vacant lot, which loses the grandfather status if it remains vacant for more than six months. Thus, I do not agree with the applicant that Special Permit relief is adequate in this situation.

Demolishing the existing garage, and constructing a multi-story dwelling does not fall in the category of an extension, alteration or change of the garage that is currently in existence. An argument that this proposed dwelling falls under the definition outlined in 139-33A fails for lack of a common sense interpretation of the Bylaw.

It is clear that, although the existing two-car garage that currently exists on the subject property is not particularly attractive, the proposed multi-story dwelling is substantially more detrimental to this historic neighborhood. Driving down Gardner Street at any time is difficult, at best, if a vehicle is coming from the opposite direction. To contemplate a

construction site on this heavily trafficked street, with the ultimate goal of a multiple story additional dwelling on this already crowded street, is substantially more detrimental to the neighborhood.

From a review of the file regarding this Application, there are numerous long-term neighbors that reside on this street who clearly find this proposed dwelling extremely problematic for this neighborhood. The Board should be mindful of the size of this lot, which is 2,709 square feet, in a zoning district that now requires 5,000 square feet. Notwithstanding the fact that applicant argues that this lot is grandfathered, and can be built upon with Special Permit relief, the Board must look at the practicalities of granting any relief, and what hardships this will cause the neighbors and the neighborhood.

Requesting a new dwelling to be sited "about three (3) feet from the northerly side yard lot line" with the justification that this is an improvement over the 1.3 feet that currently exists with the garage is a weak justification for relief from the five (5) foot required setback. If the Board were even to consider allowing Applicant to construct a dwelling, it should definitely meet the setback requirements and must not be a multi-story dwelling.

After reviewing the submittal, testimony and all of the letters from Gardner Street residents objecting to the requested relief, I would respectfully request that the Board deny the relief that is being sought by the Applicant.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rhoda H. Weinman', written over a horizontal line.

Rhoda H. Weinman

NEW

BUSINESS

**6 LILY ST., LLC
&
SCONSET PARTNERS LLC**

6 & 8 LILY STREET

FILE NO. 24-16

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

LORI D'ELIA

BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

July 8, 2016

BY HAND DELIVERY

Edward S. Toole, Chairman
Nantucket Board of Appeals
Town Building Annex
2 Fairgrounds Road
Nantucket, MA 02554

RE: 6 Lily Street LLC and Sconset Partners LLC
Request for Continuance

Dear Chairman Toole:

This letter will serve to confirm that I represent 6 Lily Street LLC and Sconset Partners, LLC. My client have filed an application for zoning relief that is scheduled to be heard by the Nantucket Board of Appeals on July 14, 2016. My clients ask the Board to continue the hearing date from July 14, 2016 to August 11, 2016.

As grounds for this requested continuance, a number of Sconset neighbors have raised a concern about the size of the proposed cottage footprint on the 8 Lily Street Lot. My clients are sensitive to the concerns of their Sconset neighbors and intend to prepare and submit a new site plan that reduces the size of the 8 Lily Street cottage footprint. This requested continuance will also afford my clients time to

Letter to Board of Appeals
July 8, 2016
Page 2

discuss their project with their neighbors and address any other concerns they may raise.

Please continue the application for zoning relief from July 14, 2016 to August 11, 2016. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "K. F. Miller", with a long horizontal flourish extending to the right.

KFD/kw

Cc: Sarah F. Alger, Attorney
Eleanor Antoinette, Zoning Adm
Leslie Woodson Snell, Deputy Director of Planning
Mr. and Mrs. George Kelly

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

ZBA #24-16

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

LORI D'ELIA

BRYAN J. SWAIN

WILLIAM F. HUNTER

OF COUNSEL

June 10, 2016



HAND DELIVERY and EMAIL

Eleanor Antonietti, Administrator
Nantucket Board of Appeals, PLUS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

RE: 6 and 8 Lily Street
Siasconset, Massachusetts 02564

Dear Eleanor:

My clients, 6 Lily Street, LLC and Sconset Partners, LLC, own the abutting properties at 6 and 8 Lily Street, Siasconset, Massachusetts 02564. Both properties are pre-existing, non-conforming improved lots of record. My clients are applying for special permits to reduce the non-conforming area of 6 Lily Street by reconfiguring the lot to create a 6.51+⁺ by 59' westerly strip of land to convey to 8 Lily Street. 8 Lily Street will then remove the non-conforming garage from the lot and construct a new cottage. The setback, frontage and area non-conformities affecting the 8 Lily Street lot will be reduced significantly.

In support of this application, I enclosed the following:

1. Signed Application;
2. Addendum "A";

Eleanor Antonietti, Administrator
Nantucket Zoning Board of Appeals
June 10, 2016
Page 2 of 2



3. Locus Plans;
4. Existing Conditions Plan;
5. Proposed Conditions Plan;
6. Two (2) Certified Abutter's List;
7. HDC Certificate of Appropriateness No. 65416;
8. Two (2) sets of mailing labels; and
9. Check in the sum of \$450 made payable to "Town of Nantucket".

Please schedule the matter for hearing on Thursday, July 14, 2016 before the Nantucket Board of Appeals and call me with any questions or concerns at 508-228-4455. I will email you the Application as a single document in pdf format this afternoon. Thank you for your help.

Sincerely,

KFD/mep

Enc.

cc: George Kelly
Jeff Blackwell
Will Stephens
Matt MacEachern



PAID PAID PAID
JUN 13 2016
BY: _____

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Zoning Board of Appeals
JUN 13 2016
RECEIVED

APPLICATION

Fee: \$450.00

File No. 2416

Owner's name(s): 6 Lily Street, LLC and Sconset Partners, LLC

c/o George B. Kelley

Mailing address: 1001 Louisiana St; Suite 3200, Houston, TX 77002

Phone Number: 508-228-4455 E-Mail: kevin@vdhlaw.com

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail: Same

Locus Address: 6 and 8 Lily Street Assessor's Map/Parcel: 7331-109 & 110

Land Court Plan/Plan Book & Page/Plan File No.: Lot 5 and Easterly Half of Lot 7 on Plan No. 2014-02, Recorded at the Nantucket Registry of Deeds on 1/6/2014.

Deed Reference/Certificate of Title: 1415/296
1415/287 Zoning District SOH

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

Julia JUN 13 3:37:36

NANTUCKET *WAB*

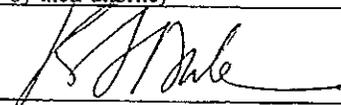
TOWN CLERK

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

Applicant seeks a Special Permit pursuant to Sections 139-33A(1)(a), 139-33A(1)(b) and to reduce the area of the 6 Lily Street lot without creating any new non-conformities and to enlarge the area of the 8 Lily Street lot to allow for a new dwelling with a reduced westerly side yard setback non-conformity and for Minor Site Plan Review approval. See Addendum "A" attached

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

Six Lily Street, LLC and Sconset Partners, LLC
SIGNATURE: by their attorney _____ Owner*


SIGNATURE: _____ Applicant/Attorney/Agent*
Kevin F. Dale, duly authorized

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

OFFICE USE ONLY

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

ADDENDUM "A"
Board of Appeals Application

Six Lily Street, LLC is the owner of the pre-existing and non-conforming improved residential lot located at 6 Lily Street, Siasconset, Massachusetts 02564 by virtue of a deed recorded in Book 1415, Page 296 at the Nantucket Registry of Deeds ("6 Lily Street"). The property is also shown as Lot 5 on Plan No. 2014-02, recorded at the Nantucket Registry of Deeds on January 6, 2014 and as Parcel 109 on Nantucket Assessor's Map 7331. 6 Lily Street is a pre-existing, non-conforming lot of record with an area of 3,245 square feet and is located in the Siasconset Old Historic Zoning District ("SOH District") which requires a minimum lot size of 5,000 square feet. The existing dwelling pre-dates 1955, the date of the enactment of the Massachusetts Subdivision Control Law on Nantucket, and has a ground cover of 726± square feet (22.4%). A maximum ground cover ratio of 50% is allowed in the SOH District. In all other respects, the 6 Lily Street lot complies with the intensity regulations of the Nantucket Zoning By Law.

Sconset Partners, LLC is the owner of the abutting lot located at 8 Lily Street, Siasconset, Massachusetts 02564, by virtue of a deed recorded in Book 1415, Page 287 at the Nantucket Registry of Deeds ("8 Lily Street"). 8 Lily Street is shown as the easterly half of Lot 7 on Plan No. 2014-02, recorded at the Nantucket Registry of Deeds on January 6, 2014 and as Parcel 110 on Nantucket Assessor's Map 7331. 8 Lily Street is a pre-existing, non-conforming lot of record with a non-conforming garage apartment.

8 Lily Street is located in the SOH District, has an area of 1,622 ± square feet and does not conform to the required 5,000 minimum lot size requirement. The pre-existing and nonconforming 445 square foot garage/apartment on 8 Lily Street is non-conforming as to the westerly five (5') foot side yard setback requirement and

encroaches minimally onto the neighboring lot. 8 Lily Street is also non-conforming as to minimum frontage requirements. It has 27.50 feet of frontage on Lily Street. Minimum frontage of 50 feet is required in the SOH District.

Sconset Partners, LLC intends to replace the pre-existing, non-conforming 445 square foot garage/apartment on 8 Lily Street with a new 799± square foot cottage. In addition, 6 Lily Street, LLC has agreed to convey a 6.51' x 59' strip of land on its westerly side to 8 Lily Street. The new area of the 8 Lily Street lot will be 2,002 square feet and the ground cover will be 39.9%, less than the maximum 50% ground cover allowed in the SOH District. In addition, the new cottage will greatly reduce the existing westerly side yard setback non-conformity, eliminate the existing westerly encroachment and reduce the frontage non-conformity.

6 Lily Street, LLC and Sconset Partners, LLC seek a Special Permit pursuant to Section 139-33A(3) of the By-Law to reduce the size of the 6 Lily Street lot from 3,245 square feet to 2,864± square feet in order to convey the 6.51' x 59' westerly strip of land to 8 Lily Street. After the conveyance, the ground cover of the cottage located on the 6 Lily Street lot will be 25.3%. Current ground cover is 22.37 %. After the reconfiguration of the 8 Lily Street lot, Sconset Partner, LLC intends to construct a new cottage on the lot with a ground cover of 799 +/- sq. ft. (39.9 %), less than the 50% maximum ground cover permitted in the SOH District.

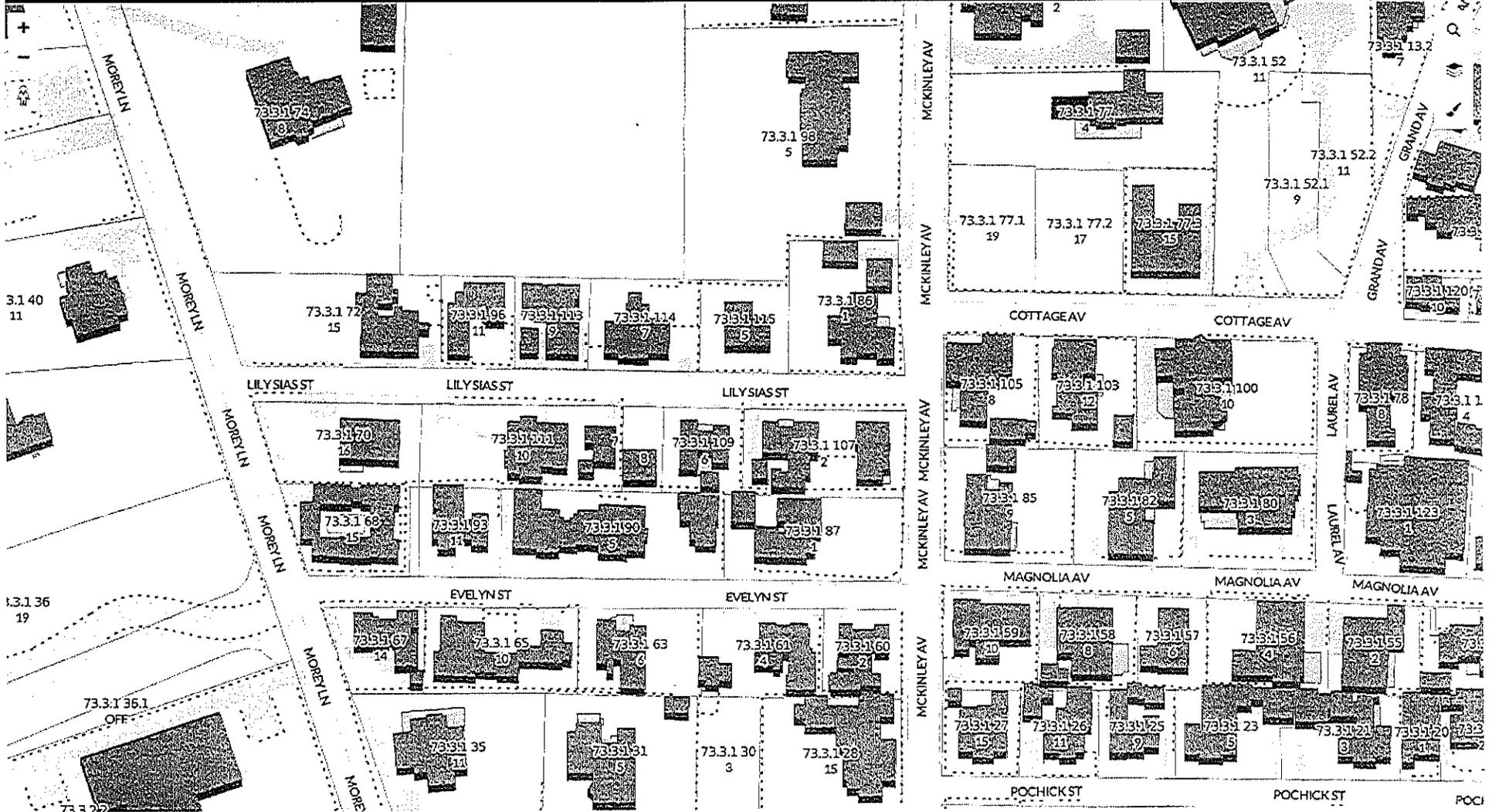
Both 6 Lily Street, LLC and Sconset Partners, LLC seek minor site plan review approval pursuant to Section 139-23 of the By Law.

The Special Permits requested to allow for the reconfiguration of the 6 Lily Street property and the enlargement of the 8 Lily Street property are appropriate because there will be a significant reduction of zoning non-conformities affecting the 8 Lily

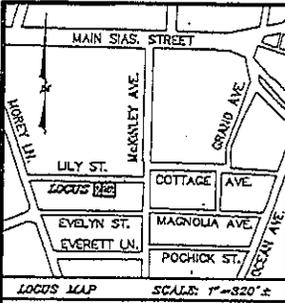
Street property and the construction and use of a new cottage on the 8 Lily Street property will enhance the Lily Street neighborhood, remove a dilapidated and encroaching garage/apartment from 8 Lily Street, and provide for a new cottage that has been approved by the Nantucket Historic District Commission. For these reasons, the requested special permit relief, if granted, will allow for a project that is not substantially more detrimental to the Lily Street neighborhood than the existing structures.

In the alternative, the Applicants request Variance Relief pursuant to Section 139-32 of the By-Law because the combination of the existing non-conforming garage/bunkhouse structure and the shape of the 8 Lily Street lot are unique and different from other land and structures in the SOH District, and literal enforcement of the By-Law will cause Sconset Partners, LLC a significant hardship by preventing it from replacing the dilapidated and unusable structure on the 8 Lily Street lot with a new cottage which will enhance the Lily Street neighborhood. This Variance Relief may be granted without substantial detriment to the public good and without nullifying the intent or purpose of the By-Law because the project will eliminate an encroachment by the existing 8 Lily Street structure onto the adjoining lot, will eliminate significant zoning non-conformities and will benefit the neighborhood.

For these reasons, 6 Lily Street, LLC and Sconset Partners, LLC ask the Board of Appeals to grant the requested zoning relief.



Bk: Pg: 0 Page: 0
 Deed PLAN 01/06/2014 03:17 PM



OWNER INFORMATION

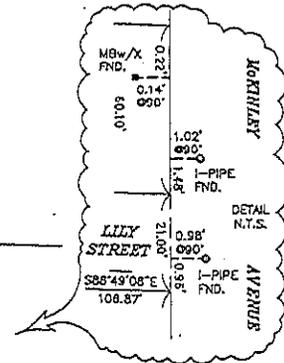
RICHARD H. KELLER SPECIAL NEEDS TRUST
 DEED BK. 1285, PG. 63
 PLAN BK. 3, PG. 52 - LOT 5 & EASTERLY 1/2 OF LOT 7
 ASSESSOR'S MAP 73.3.1, PARCELS 109 & 110
 #6 & #8 LILY STREET

LEGEND

- CB ■ DENOTES CONCRETE BOUND FOUND
- MBw/X ■ DENOTES MARBLE BOUND WITH X-CUT FOUND
- I-PIPE ○ DENOTES IRON PIPE FOUND
- R+C ● DENOTES REBAR & CAP FOUND

73.3.1-114
 N/F
 EDEN HUTCHINSON, JR.
 DEED BK. 1007, PG. 201
 PLAN BK. 15, PG. 54
 LOT E

73.3.1-115
 N/F
 FIVE LILY NOMINEE TRUST
 DEED BK. 949, PG. 61
 PLAN BK. 15, PG. 54
 LOT F



NANTUCKET REGISTRY OF DEEDS

Date: 01/06/2014
 Time: 3:17 PM
 Plan No.: 2014-02
 Attest: Christina S. Russell Register
 SHEET 1 OF 1
 RESERVED FOR REGISTRY USE

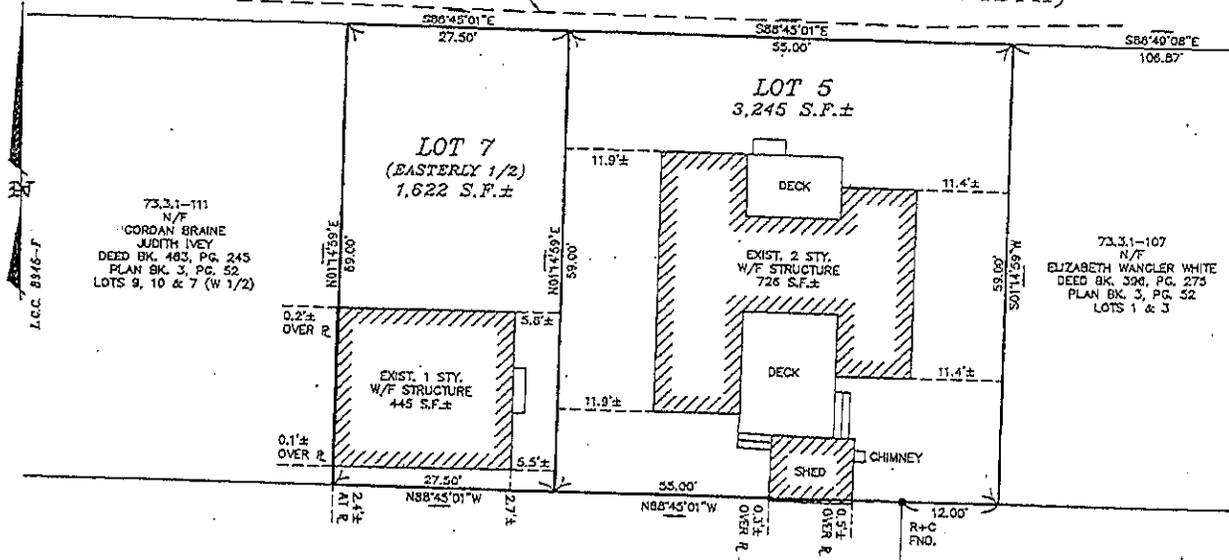
DEED REFERENCES

- DEED BK. 391, PG. 77
- DEED BK. 219, PG. 135
- DEED BK. 112, PG. 135
- DEED BK. 110, PG. 93
- DEED BK. 103, PG. 121
- DEED BK. 103, PG. 205

CURRENT ZONING CLASSIFICATION:
 Slesconest Old Historic (SOH)

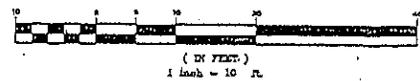
MINIMUM LOT SIZE: 5000 S.F.
 MINIMUM FRONTAGE: 50 FT.
 FRONT YARD SETBACK: none
 REAR/SIDE SETBACK: 5 FT.
 GROUND COVER % : 50%

LILY STREET
 (PRIVATE - VARIABLE WIDTH)



Perimeter Plan
 of Land
 in
 Nantucket, Mass.
 Prepared for
 RICHARD H. KELLER
 SPECIAL NEEDS TRUST

Scale: 1"=10' DECEMBER 2, 2013
 BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TRASDALE CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9026
 GRAPHIC SCALE



NOTE: PLANNING BOARD ENDORSEMENT IS NOT A
 CERTIFICATION OF ZONING COMPLIANCE.

Nantucket Planning Board
 APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW
 NOT REQUIRED

Richard H. Russell
Christina S. Russell
 DATE SIGNED: 12-09-13 FILE #: 3625

I CERTIFY THAT THIS PLAN CONFORMS WITH
 THE RULES AND REGULATIONS OF THE
 REGISTERS OF DEEDS.



Jeffrey L. Blackwell 12-2-13
 PROFESSIONAL LAND SURVEYOR DATE

T:\VEFF 26 JOB 102
 V:\DRAWFILES\B7B45\PERIM.dwg 12/2/2013 2:51:11 PM EST

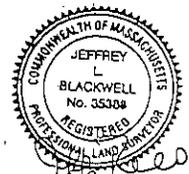
B7845

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%

EDGE OF SHELL SURFACE

LILY STREET (PRIVATE - VARIABLE WIDTH)



73.3.1-111
N/F
GORDAN BRAINE
JUDITH IVEY
DEED BK. 483, PG. 245
PLAN BK. 3, PG. 52
LOTS 9, 10 & 7 (W 1/2)

#8 LILY STREET
LOT 7
(EASTERLY 1/2)
1,622 S.F.±

#6 LILY STREET
LOT 5
3,245 S.F.±

73.3.1-107
N/F
ELIZABETH WANGLER WHITE
DEED BK. 396, PG. 275
PLAN BK. 3, PG. 52
LOTS 1 & 3

73.3.1-87
N/F
RICHARD H. RUSSELL
KRISTINA S. RUSSELL
DEED BK. 631, PG. 211
PLAN BK. 3, PG. 52
LOTS 2, 4 & 6 (PORTION)

73.3.1-90
N/F
FIVE EVELYN, LLC
DEED BK. 1246, PG. 284
PLAN No. 2011-4

OWNER INFORMATION

SCONSET PARTNERS, LLC
DEED BK. 1415, PG. 287
PLAN BK. 3, PG. 52 - EASTERLY 1/2 OF LOT 7
PLAN No. 2014-02
ASSESSOR'S MAP 73.3.1, PARCEL 110
#8 LILY STREET

OWNER INFORMATION

6 LILY STREET LLC
DEED BK. 1415, PG. 296
PLAN BK. 3, PG. 52 - LOT 5
PLAN No. 2014-02
ASSESSOR'S MAP 73.3.1, PARCEL 109
#6 LILY STREET

Existing Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application
in
Nantucket, MA

SCALE: 1" = 10' DATE: June 09, 2016

Owners: SCONSET PARTNERS, LLC
easterly half of LOT 7
Deed Bk./Pg.: 1415/287; Plan Bk./Pg.: 03/52
Tax Map-Parcel: . . . 73.3.1-110
Locus: . . . #8 LILY STREET

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

ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.

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

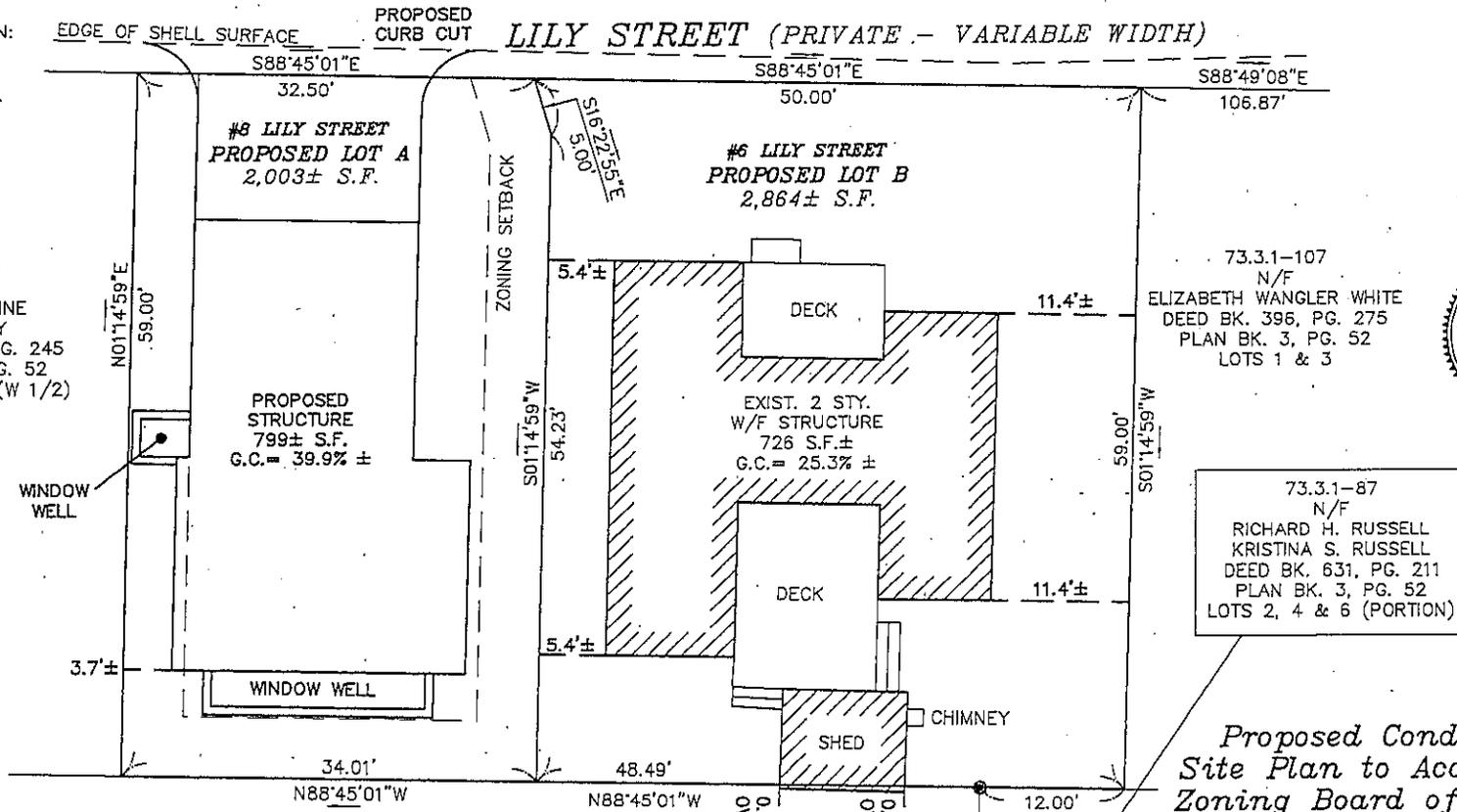
THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

© Blackwell & Associates Inc.

CURRENT ZONING CLASSIFICATION:
Siasconset Old Historic (SOH)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%

73.3.1-111
N/F
GORDAN BRAINE
JUDITH IVEY
DEED BK. 483, PG. 245
PLAN BK. 3, PG. 52
LOTS 9, 10 & 7 (W 1/2)



73.3.1-107
N/F
ELIZABETH WANGLER WHITE
DEED BK. 396, PG. 275
PLAN BK. 3, PG. 52
LOTS 1 & 3

73.3.1-87
N/F
RICHARD H. RUSSELL
KRISTINA S. RUSSELL
DEED BK. 631, PG. 211
PLAN BK. 3, PG. 52
LOTS 2, 4 & 6 (PORTION)

73.3.1-90
N/F
FIVE EVELYN, LLC
DEED BK. 1246, PG. 284
PLAN No. 2011-4

OWNER INFORMATION

SCONSET PARTNERS, LLC
DEED BK. 1415, PG. 287
PLAN BK. 3, PG. 52 - EASTERLY 1/2 OF LOT 7
PLAN No. 2014-02
ASSESSOR'S MAP 73.3.1, PARCEL 110
#8 LILY STREET

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DEED BK. 1415, PG. 296
PLAN BK. 3, PG. 52 - LOT 5
PLAN No. 2014-02
ASSESSOR'S MAP 73.3.1, PARCEL 109
#6 LILY STREET

*Proposed Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application*

*in
Nantucket, MA*

SCALE: 1" = 10' DATE: June 09, 2016

Owners: **SCONSET PARTNERS, LLC** easterly half of LOT 7
Deed Bk./Pg.: 1415/287. Plan Bk./Pg.: 03/52
Tax Map-Parcel: . . . 73.3.1-110
Locus: . . . #8 LILY STREET

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



\$ 40,00

RECEIVED
BOARD OF ASSESSORS

JUN 02 2016

TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Sconset Partners LLC
 c/o George B. Kelly

MAILING ADDRESS..... 1001 Louisiana Street, Suite 3200, Houston, TX 77002

PROPERTY LOCATION..... 8 Lily Street, Sconset

ASSESSOR MAP/PARCEL..... 7331-110

SUBMITTED BY..... Kevin F. Dale, Esquire

SEE ATTACHED PAGES

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

June 3, 2016
DATE

Patricia Miles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABBUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
73		80		NANTUCKET TOWN OF	SIASCONSET BOARD OF WATER COMM	16 BROAD ST	NANTUCKET	MA 02554	BLUEFISH LN
7331		26		WILLIAMS GEORGE D & MARY V		P O BOX 278	SIASCONSET	MA 02564	11 POCHICK ST
7331		27		JONES WILLIAM T & ROXANE S		36 MERCER ST	PRINCETON	NJ 08540	15 POCHICK ST
7331		28		MORAN DOUGLAS J & MARCIA H TRST		115 SCHOOL ST	CONCORD	NH 03301	15 MCKINLEY AV
7331		30		MCGLATHERY RUTH & ARMSTRONG		54 DAY ST	NEWTON	MA 02466	3 EVERETT LN
7331		31		CLARK JAMES W & MARGARET		700 HOLLINSHEAD SPRING RD	SKILLMAN	NJ 08558	5 EVERETT LN
7331		35		DARROW VIRGINIA & MALDONADO	ARMAND G	140 WEST 16TH STREET # 1R	NEW YORK	NY 10011	11 EVERETT LN
7331		36		SIMON DAVID A TRST	C/O LOCKHART H EUGENE	P O BOX 489	KESWICK	VA 22947	19 MOREY LN
7331	1	36		SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA 02564	OFF.MOREY LN
7331		38		HALE ADELAIDE M TRST	JOHN D MANERA PR TRUST #1 & # 2	716 REEF ROAD	VERO BEACH	FL 32963	15 MOREY LN
7331		40		FELCH MARIANNE H & ROBERT D		PO BOX 339	SIASCONSET	MA 02564	11 MOREY LN
7331		48		VEGHTE ROBERT I	VEGHTE NOMINEE TRUST	1013 CENTRE RD STE 106	WILMINGTON	DE 19805	26 MAIN SIAS ST
7331		58		POLACHI CHARLES A JR & MARTHA		P O BOX 403	SIASCONSET	MA 02564	8 MAGNOLIA AV
7331		59		MAYOPOULOS TIMOTHY J ETAL		7401 MORROCROFT FARM LN	CHARLOTTE	NC 28211	10 MAGNOLIA AV
7331		60		HUMPHREYS JANIE		RR #1 OHIO WEST	CANADA B2G2K8		2 EVELYN ST
7331		61		MCGLATHERY RUTH & ARMSTRONG		54 DAY ST	NEWTON	MA 02466	4 EVELYN ST
7331		63		STROME ALEXANDER MCNAIR LAMON		1520 SPRUCE ST APT 709	PHILADELPHIA	PA 19102	6 EVELYN ST
7331		65		TOLSDORF FRANK F JR TRUSTEE		305 SABLE OAK DR	VERO BEACH	FL 32963	10 EVELYN ST
7331		67		COLLINS PAUL H & MARY E		44 BRADFORD ROAD	WELLESLEY	MA 02481	14 EVELYN ST
7331		68		NOTLIH LLC	C/O HILTON JOHN	60 EDGEWATER DR #7A	CORAL CABLES	FL 33133	15 EVELYN ST
7331		70		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	16 LILY SIAS ST
7331		72		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	15 LILY SIAS ST
7331		74		MOORVIEW LLC ETAL	C/O SHAW ELIZABETH	122 BOWDOIN ST APT 47	BOSTON	MA 02108	8 MOREY LN
7331		75		HINDLE WINSTON JR & SARAH TRS	MCKINLEY AVENUE REALTY TRUST	17 MUSTERFIELD ROAD	CONCORD	MA 01742	1 MCKINLEY AV
7331		77		LOCKETT ROBBIN TRST ETAL	ROBBIN LOCKETT 2010 GIFT TRST	400 PARK BARRINGTON DRIVE	BARRINGTON	IL 60010	4 MCKINLEY AV
7331		77	1	LOCKETT MARGARET TR	M LOCKETT TRUST	400 PARK BARRINGTON DR	BARRINGTON	IL 60010	19 COTTAGE AV
7331		77	2	LOCKETT MARGARET TR	M LOCKETT TRUST	400 PARK BARRINGTON DR	BARRINGTON	IL 60010	17 COTTAGE AV
7331		82		OATES MICHAEL F & KAREN F TRST	OATES NANT NOM TRUST	96 DEAN ROAD	BROOKLINE	MA 02445	5 MAGNOLIA AV
7331		85		MCCARTHY JOHN M & DAPHNE B		PO BOX 204	SIASCONSET	MA 02564	9 MAGNOLIA AV
7331		86		MERRIMAN RICHARDSON T TRST ETAL	MERRIMAN FAMILY 2008 REAL EST TRUST	402 INVERARAY RD	VILLANOVA	PA 19085	1 LILY SIAS ST
7331		87		RUSSELL RICHARD H & KRISTINA S		PO BOX 312	FARMINGTON	CT 06034	1 EVELYN ST
7331		90		FIVE EVELYN LLC	C/O KELLY GEORGE B	1001 LOUISIANA ST #3200	HOUSTON	TX 77002	5 EVELYN ST
7331		93		MEBANE JOAN	C/O MEBANE WILLIAM B	333 ELMWOOD AV APT J202	MAPLEWOOD	NJ 07040	11 EVELYN ST
7331		94		MEBANE JOAN	C/O MEBANE WILLIAM B	323 ELMWOOD AV APT J202	MAPLEWOOD	NJ 07040	11 EVELYN ST
7331		96		HAYDEN LEE E		50 EASTBOURNE AVE	TORONTO ONTARIO	CANADA M5P 2G	11 LILY SIAS ST
7331		98		CANNON DOLORES N TRUSTEE	FIVE MCKINLEY AVE NOMINEE TR	200 EAST END AV APT 6B	NEW YORK	NY 10128	5 MCKINLEY AV
7331		103		GARDNER PHILIP C & BARBARA K		14 ATLANTIC STREET	CHARLESTON	SC 29401	12 COTTAGE AV
7331		105		CARTER ANNE S TRST	AS CARTER REVOC TRUST	7 RIDGEBROOK RD	GREENWICH	CT.06830	8 MCKINLEY AV
7331		107		WHITE MICHAEL H TRST	EWV REV TRUST AGRMNT	17509 SOPER STREET	POOLESVILLE	MD 20837	2 LILY SIAS ST
7331		109		SIX LILY STREET LLC	C/O KELLY GEORGE B	1001 LOUISIANA ST SUITE	HOUSTON	TX 77002	6 LILY SIAS ST
7331		111		BRAINE GORDAN & IVEY JUDITH		771 WEST END AVE APT 4B	NEW YORK	NY 10025	10 LILY SIAS ST
7331		113		LARSON AUGUST J & NANCY E		50 HIDDEN VALLEY RD	FAR HILLS	NJ 07931	9 LILY SIAS ST
7331		114		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	7 LILY SIAS ST
7331		115		COOK SUSAN K TRST	FIVE LILY NOMINEE TRUST	48 DON BOB ROAD	STAMFORD	CT 06903	5 LILY SIAS ST
7332		2		ALGER SARAH F TRST	23 MOREY LANE NOM TRUST	2 SOUTH WATER STREET	NANTUCKET	MA 02554	23 MOREY LN
7332		3		FINCH MADELINE F TRST		PO BOX 216	SIASCONSET	MA 02564	10 EVERETT LN

ABBUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
7332		6		PIERO DAVID E TRST ETAL	2005 CHARLES E FIERO RES TRUST	108 GREENWAY TERRACE	PRINCETON	NJ 08540	4 EVERETT LN
7332		7		DEWEY FRANCES D TRUSTEE	C/O DEWEY JOHN APT 20 F	400 CENTRAL PARK WEST	NEW YORK	NY 10025	17 MCKINLEY AV
7332		8		JOHNSON HARRIET E	C/O NOYES MARY K	53 BARTOL ISLAND RD	FREEPORT	ME 04032	14 POCHICK ST
7332		38		THE POWER HOUSE NANTUCKET LLC	C/O WILLIAM H HOBART	250 RIDGE AVENUE	TROY	OH 45373	25 MOREY LN

40.00

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BOARD OF ASSESSORS

JUN 02 2016

TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Six Lily Street LLC
 c/o George B. Kelly

MAILING ADDRESS..... 1001 Louisiana Street, Suite 3200, Houston, TX 77002

PROPERTY LOCATION..... 6 Lily Street, Sconset

ASSESSOR MAP/PARCEL..... 7331-109

SUBMITTED BY..... Kevin F. Dale, Esquire

SEE ATTACHED PAGES

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

June 3, 2016
DATE

Patricia Giles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
73		80		NANTUCKET TOWN OF	SIASCONSET BOARD OF WATER COMM	16 BROAD ST	NANTUCKET	MA 02554	BLUEFISH LN
7331		25		JOHNSON HARRIET ETAL TRS	C/O MCVICKER JULIET	1026 MT PHILLO RD	SHELBURNE	VT 05482	9 POCHICK ST
7331		26		WILLIAMS GEORGE D & MARY V		P O BOX 278	SIASCONSET	MA 02564	11 POCHICK ST
7331		27		JONES WILLIAM T & ROXANE S		36 MERCER ST	PRINCETON	NJ 08540	15 POCHICK ST
7331		28		MORAN DOUGLAS J & MARCIA H TRST		115 SCHOOL ST	CONCORD	NH 03301	15 MCKINLEY AV
7331		30		MCGLATHERY RUTH & ARMSTRONG		54 DAY ST	NEWTON	MA 02466	3 EVERETT LN
7331		31		CLARK JAMES W & MARGARET		700 HOLLINSHEAD SPRING RD	SKILLMAN	NJ 08558	5 EVERETT LN
7331		35		DARROW VIRGINIA & MALDONADO	ARMAND G	140 WEST 16TH STREET # 1R	NEW YORK	NY 10011	11 EVERETT LN
7331		36		SIMON DAVID A TRST	C/O LOCKHART H EUGENE	P O BOX 489	KESWICK	VA 22947	19 MOREY LN
7331		36	1	SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA 02564	OFF MOREY LN
7331		38		HALE ADELAIDE M TRST	JOHN D MANERA PR TRUST #1 & # 2	716 REEF ROAD	VERO BEACH	FL 32963	15 MOREY LN
7331		48		VEGHTE ROBERT I	VEGHTE NOMINEE TRUST	1013 CENTRE RD STE 106	WILMINGTON	DE 19805	26 MAIN SIAS ST
7331		57		GIBSON ELEANOR HALL ETAL TRS	C/O PHILIP BASH	72 CHERRY HILL RD	ACCORD	NY 12404	6 MAGNOLIA AV
7331		58		POLACHI CHARLES A JR & MARTHA		P O BOX 403	SIASCONSET	MA 02564	8 MAGNOLIA AV
7331		59		MAYOPOULOS TIMOTHY J ETAL		7401 MORROCROFT FARM LN	CHARLOTTE	NC 28211	10 MAGNOLIA AV
7331		60		HUMPHREYS JANIE		RR #1 OHIO WEST	CANADA B2G2K8		2 EVELYN ST
7331		61		MCGLATHERY RUTH & ARMSTRONG		54 DAY ST	NEWTON	MA 02466	4 EVELYN ST
7331		63		STROME ALEXANDER MCNAIR LAMON		1520 SPRUCE ST APT 709	PHILADELPHIA	PA 19102	6 EVELYN ST
7331		65		TOLSDORF FRANK F JR TRUSTEE		305 SABLE OAK DR	VERO BEACH	FL 32963	10 EVELYN ST
7331		67		COLLINS PAUL H & MARY E		44 BRADFORD ROAD	WELLESLEY	MA 02481	14 EVELYN ST
7331		68		NOTLIR LLC	C/O HILTON JOHN	60 EDGEWATER DR #7A	CORAL CABLES	FL 33133	15 EVELYN ST
7331		70		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	16 LILY SIAS ST
7331		72		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	15 LILY SIAS ST
7331		74		MOORVIEW LLC ETAL	C/O SHAW ELIZABETH	122 BOWDOIN ST APT 47	BOSTON	MA 02108	8 MOREY LN
7331		75		HINDLE WINSTON JR & SARAH TRS	MCKINLEY AVENUE REALTY TRUST	17 MUSTERFIELD ROAD	CONCORD	MA 01742	1 MCKINLEY AV
7331		76		WICKWEST LLC		PO BOX 56	SIASCONSET	MA 02564	2 MCKINLEY AV
7331		77		LOCKETT ROBBIN TRST ETAL	ROBBIN LOCKETT 2010 GIFT TRST	400 PARK BARRINGTON DRIVE	BARRINGTON	IL 60010	4 MCKINLEY AV
7331		77	1	LOCKETT MARGARET TR	M LOCKETT TRUST	400 PARK BARRINGTON DR	BARRINGTON	IL 60010	19 COTTAGE AV
7331		77	2	LOCKETT MARGARET TR	M LOCKETT TRUST	400 PARK BARRINGTON DR	BARRINGTON	IL 60010	17 COTTAGE AV
7331		77	3	BACHNER THOMAS J & KATHERINE W		42 HEMLOCK RIDGE	WESTON	CT 06883	15 COTTAGE AV
7331		82		OATES MICHAEL F & KAREN F TRST	OATES NANT NOM TRUST	96 DEAN ROAD	BROOKLINE	MA 02445	5 MAGNOLIA AV
7331		85		MCCARTHY JOHN M & DAPHNE B		PO BOX 204	SIASCONSET	MA 02564	9 MAGNOLIA AV
7331		86		MERRIMAN RICHARDSON T TRST ETAL	MERRIMAN FAMILY 2008 REAL EST TRUST	402 INVERARAY RD	VILLANOVA	PA 19085	1 LILY SIAS ST
7331		87		RUSSELL RICHARD H & KRISTINA S		PO BOX 312	FARMINGTON	CT 06034	1 EVELYN ST
7331		90		FIVE EVELYN LLC	C/O KELLY GEORGE B	1001 LOUISIANA ST #3200	HOUSTON	TX 77002	5 EVELYN ST
7331		93		MEBANE JOAN	C/O MEBANE WILLIAM B	333 ELMWOOD AV APT J202	MAPLEWOOD	NJ 07040	11 EVELYN ST
7331		94		MEBANE JOAN	C/O MEBANE WILLIAM B	323 ELMWOOD AV APT J202	MAPLEWOOD	NJ 07040	11 EVELYN ST
7331		96		HAYDEN LEE B		50 EASTBOURNE AVE	TORONTO ONTARIO	CANADA MSP 2G	11 LILY SIAS ST
7331		98		CANNON DOLORES N TRUSTEE	FIVE MCKINLEY AVE NOMINEE TR	200 EAST END AV APT 6B	NEW YORK	NY 10128	5 MCKINLEY AV
7331		100		DAGOSTINO NICOLYS A H TRST ETAL		45 TURKEY HILL RD SOUTH	WESTPORT	CT 06880	10 COTTAGE AV
7331		103		GARDNER PHILIP C & BARBARA K		14 ATLANTIC STREET	CHARLESTON	SC 29401	12 COTTAGE AV
7331		105		CARTER ANNE S TRST	AS CARTER REVOC TRUST	7 RIDGEBROOK RD	GREENWICH	CT 06830	8 MCKINLEY AV
7331		107		WHITE MICHAEL H TRST	EWV REV TRUST AGRMNT	17509 SOPER STREET	POOLESVILLE	MD 20837	2 LILY SIAS ST
7331		110		SCONSET PARTNERS LLC	C/O KELLY GEORGE B	1001 LOUISIANE ST SUITE 3	HOUSTON	TX 77002	8 LILY SIAS ST
7331		111		BRAINE GORDAN & IVEY JUDITH		771 WEST END AVE APT 4B	NEW YORK	NY 10025	10 LILY SIAS ST
7331		113		LARSON AUGUST J & NANCY E		50 HIDDEN VALLEY RD	FAR HILLS	NJ 07931	9 LILY SIAS ST

6/2/2016 10:28:05AM

ABBUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	St Zip	Parcel Location
7331		114		HUTCHINSON EBEN JR & LOIS M		1 FITZ TERRACE	CHELSEA	MA 02150	7 LILY SIAS ST
7331		115		COOK SUSAN K TRST	FIVE LILY NOMINEE TRUST	48 DON BOB ROAD	STAMFORD	CT 06903	5 LILY SIAS ST
7332		2		ALGER SARAH F TRST	23 MOREY LANE NOM TRUST	2 SOUTH WATER STREET	NANTUCKET	MA 02554	23 MOREY LN
7332		3		FINCH MADELINE F TRST		PO BOX 216	SIASCONSET	MA 02564	10 EVERETT LN
7332		6		FIERO DAVID E TRST ETAL	2005 CHARLES E FIERO RES TRUST	108 GREENWAY TERRACE	PRINCETON	NJ 08540	4 EVERETT LN
7332		7		DEWEY FRANCES D TRUSTEE	C/O DEWEY JOHN APT 20 F	400 CENTRAL PARK WEST	NEW YORK	NY 10025	17 MCKINLEY AV
7332		8		JOHNSON HARRIET E	C/O NOYES MARY K	53 BARTOL ISLAND RD	FREEPORT	ME 04032	14 POCHICK ST
7332		9		STOCKTON BARBARA B TR		518 WHITE PELICAN CIRCLE	VERO BEACH	FL 32963	12 POCHICK ST

CERTIFICATE NO: 65416

DATE ISSUED: 3/1/16

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

TAX MAP N°: 73.3.1 PARCEL N°: 110
Street & Number of Proposed Work: 8 Lily St
Owner of record: George Kelly
Mailing Address: 8 Lily St
Nantucket, MA 02559
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Emeritus Development
Mailing Address: 8 Williams Ln
Nantucket, MA 02554
Contact Phone #: 508 325 4995 E-mail: matt@emeritusdevelopment

CHK-2399 FOR OFFICE USE ONLY
Date application received: 11/25/15 Fee Paid: \$ 81.00
Must be acted on by: 1/28/16
Extended to: 6/22/16
Approved: _____ Disapproved: _____
Chairman: _____
Member: Drew Proulx
Member: _____
Member: _____
Member: _____
Notes - Comments - Restrictions - Conditions
See attached

DESCRIPTION OF WORK TO BE PERFORMED
See reverse for required documentation.

- New Dwelling Addition Garage Driveway/Apron Commercial Historical Renovation Deck/Patio Steps Shed
- Color Change Fence Gate Hardscaping Move Building Demolition Revisions to previous Cert. No. _____
- Pool (Zoning District _____) Roof Other _____

Size of Structure or Addition: Length: 38'0" Sq. Footage 1st floor: 809 Decks/Patio: Size: _____ 1st floor 2nd floor
Width: 24'0" Sq. footage 2nd floor: _____ Size: _____ 1st floor 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North ±6" South ±6" East ±6" West ±6"
Height of ridge above final finish grade: North ±15'10" South ±15'10" East ±15'10" West ±15'10"

Additional Remarks

- REVISIONS:**
1. East Elevation
 2. South Elevation
 3. West Elevation
 4. North Elevation

Historic Name: _____
Original Date: _____ (describe)
Original Builder: _____
Is there an HDC survey form for this building attached? Yes N/A

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed ±8" Block Block Parged Brick (type) _____ Poured Concrete Piers
Masonry Chimney: Block Parged Brick (type) _____ Other _____

Roof Pitch: Main Mass 7/12 Secondary Mass 7/12 Dormer 4/12 Other _____
Roofing material: Asphalt 3-Tab Architectural
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) RED CEDAR

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 1x8 Rake 1x8 Soffit (Overhang) 1x6 Corner boards 1x6 Frieze 1x4
Window Casing 1x4 Door Frame 1x4 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): TDL SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall NATURAL Clapboard (if applicable) _____ Roof NATURAL
Trim WHITE T&E gray Sash WHITE T&E gray Doors WHITE
Deck NATURAL Foundation NATURAL Fence N/A 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 11/24/15 Signature of owner of record _____ Signed under penalties of perjury _____

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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.

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PROPERTY DESCRIPTION

TAX MAP N°: F33.1 PARCEL N°: 110
Street & Number of Proposed Work: 8 Lily str
Owner of record: George Kelly
Mailing Address: 8 Lily str Nantucket, MA, 02554
Contact Phone #: 5 E-mail:

AGENT INFORMATION (if applicable)

Name: Emeritus Development
Mailing Address: 8 Lily str Nantucket, MA, 02554
Contact Phone #: 508 325 4995 E-mail: matt@emeritusdevelopment.com

FOR OFFICE USE ONLY
CHK-2402
Date application received: 11/24/15 Fee Paid: \$ 44.00
Must be acted on by: 1/28/16
Extended to: 6/22/16
Approved: [Signature] Disapproved:
Chairman: [Signature]
Member: [Signature]
Member: [Signature]
Member: [Signature]
Notes - Comments - Restrictions - Conditions: memo only

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

- Garage [checked]
New Dwelling [] Addition [] Driveway/Apron [] Commercial [] Historical Renovation [] Deck/Patio [] Steps [] Shed []
Color Change [] Fence [] Gate [] Hardscaping [] Move-Building [] Demolition [] Revisions to previous Cert. No. []
Pool [] Roof [] Other: DEMOLISH EXISTING GARAGE
Size of Structure or Addition: Length: Sq. Footage 1st floor: Decks/Patio: 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

REVISIONS: 1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation
Historic Name:
Original Date: (describe)
Original Builder:
Is there an HDC survey form for this building attached? [] Yes [] N/A
*Cloud on drawings and submit photographs of existing elevations.

NO CHANGE

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.)
Skylights (flat only): Manufacturer Rough Opening Size Location
Gutters: [] Wood [] Aluminum [] Copper [] Leaders (material)
Leaders (material and size):
Sidewall: [] White cedar shingles [] Clapboard (exposure: inches) Front [] Side []
Trim: A. Wood [] Pine [] Redwood [] Cedar [] Other
B. Treatment [] Paint [] Natural to weather [] Other
C. Dimensions: Fascia Rake Soffit (Overhang) Corner boards Frieze
Windows*: [] Double Hung [] Casement [] All Wood [] Other
True Divided Lights (muntlins), single pane [] SDL's (Simulated Divided Lights) Manufacturer
Doors* (type and material): [] TDL [] SDL Front Rear Side
Garage Door(s): Type Material
Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

NO CHANGE

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 11/24/15 Signature of owner of record [Signature] Signed under penalties of perjury

MATERIALS

PROVIDED BY

APPLICANT

TO SUPPLEMENT

APPLICATION

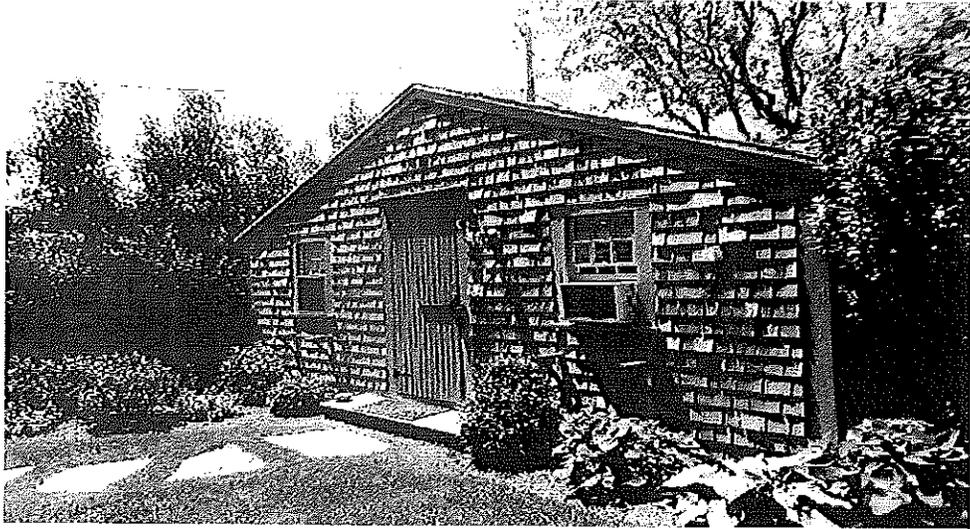
6/8 LILY STREET, SIASCONSET
ASSESSOR'S MAP 73.2.4, PARCEL 33



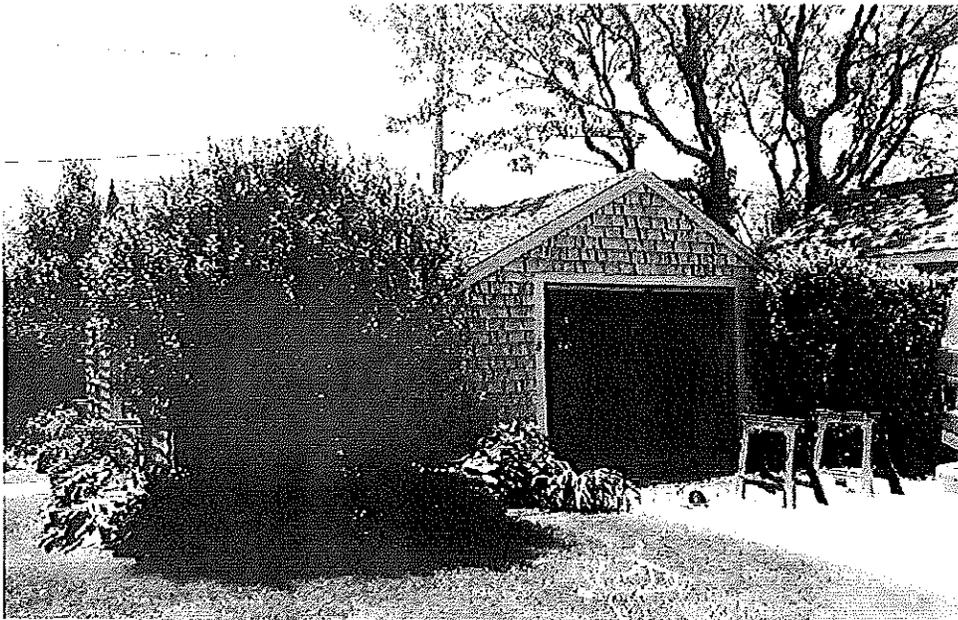
- The objective is to validate the existence of both the dwelling and garage on the combined lots.
- The historically significant dwelling, part of the Underhill Cottages, dates from about 1880.
- Up until 1948 it was the only structure on the combined 6 and 8 Lily Street (Lots 5 and east half of Lot 7, respectively), with 8 Lily being vacant.
- The 1938 photographic aerial in the Town of Nantucket records clearly shows the dwelling, which had a second floor loft area added to it sometime after 1880. It does not show the garage structure on Lot 8.
- Sanborn Maps dated 1887, 1892, 1898, 1904, 1909, 1923 clearly indicate that only the cottage known as “The Observatory” is visible on the plans.
- The 1957 photographic aerial clearly shows the dwelling and the garage in existence.
- A review of the Assessor’s Tax Records for “1947 Valuation List – Real Estate” for the listing for Ruth T. Velissaratos only the dwelling is shown on 6 Lily Street (Lot 5) and no structure listed for 8 Lily Street (east half of Lot 7).

- The property was transferred to Esther Anne Keller on September 17, 1948 and appears on the “1949 Real Estate Valuation List” with the garage having been constructed shortly after the sale and is listed as “Garage & Bldg.”. Said designation appears to indicate that the acknowledgement that there was the area to the left of the garage door that currently contains the bunkhouse bedroom, predating the 1972 enactment of the Nantucket Zoning By-law.
- The 1948 title clearly states that the property transferred contained only a dwelling house thereon”.
- A subsequent transfer of title to the heirs of Esther Anne Keller in 1984 clearly states that the property contains “a dwelling house and other structures thereon”.
- The Real Estate Valuation Lists for the years reviewed for the period from 1950 to 1958 continued to show the “Garage & Bldg.” and Gar. & Bldg.”.
- A review of the Valuation Lists through 1958 is important as the 1957 aerial shows a particular design of the garage structure, with a cross gable forward, with the other gable facing east towards the dwelling at 6 Lily Street (Lot 5). This same composition is clearly visible on the current 2014 aerial in the Town of Nantucket GIS records. This same garage design is further validated by the June 10, 2016 photographs.
- Based on the foregoing, both the garage and the garage can be validated as pre-dating February 16, 1955 and would be eligible for a 41-81L division of land.

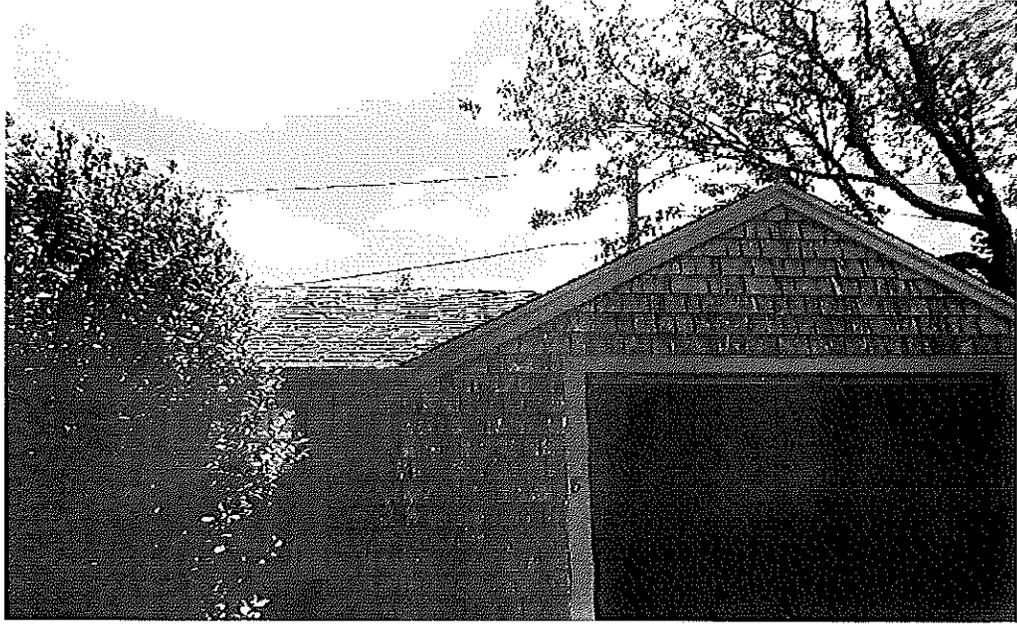
- Easterly facing gable of the “Bldg.” portion of the garage.



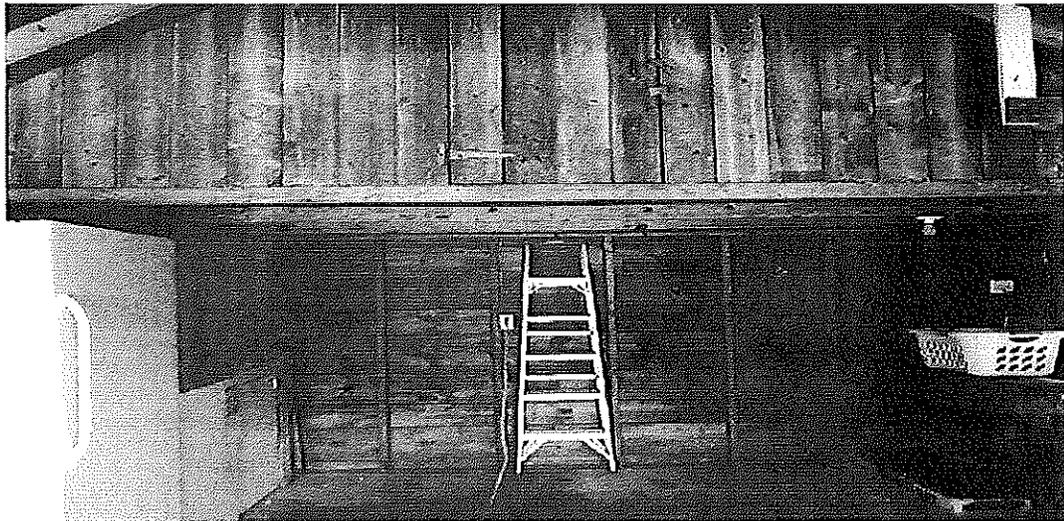
•Northerly facing garage portion of the structure.

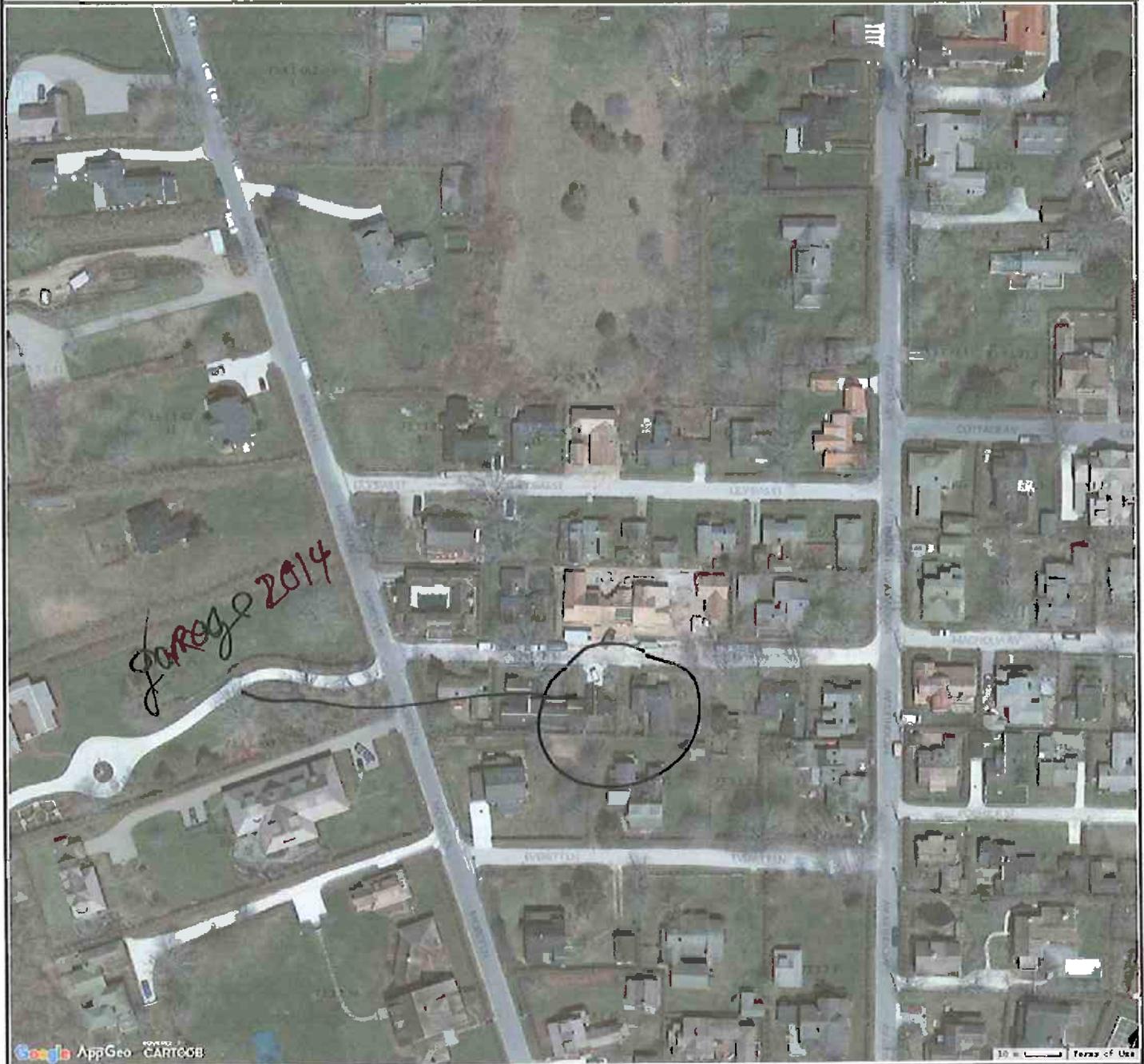


•Northerly facing garage portion of the roof and the easterly facing cross gable sections, clearly indicating this is the same structural configuration as the 1957 aerial shows.



●A review of the interior of the garage indicates a post WWII construction with sawn wood.





Property Information

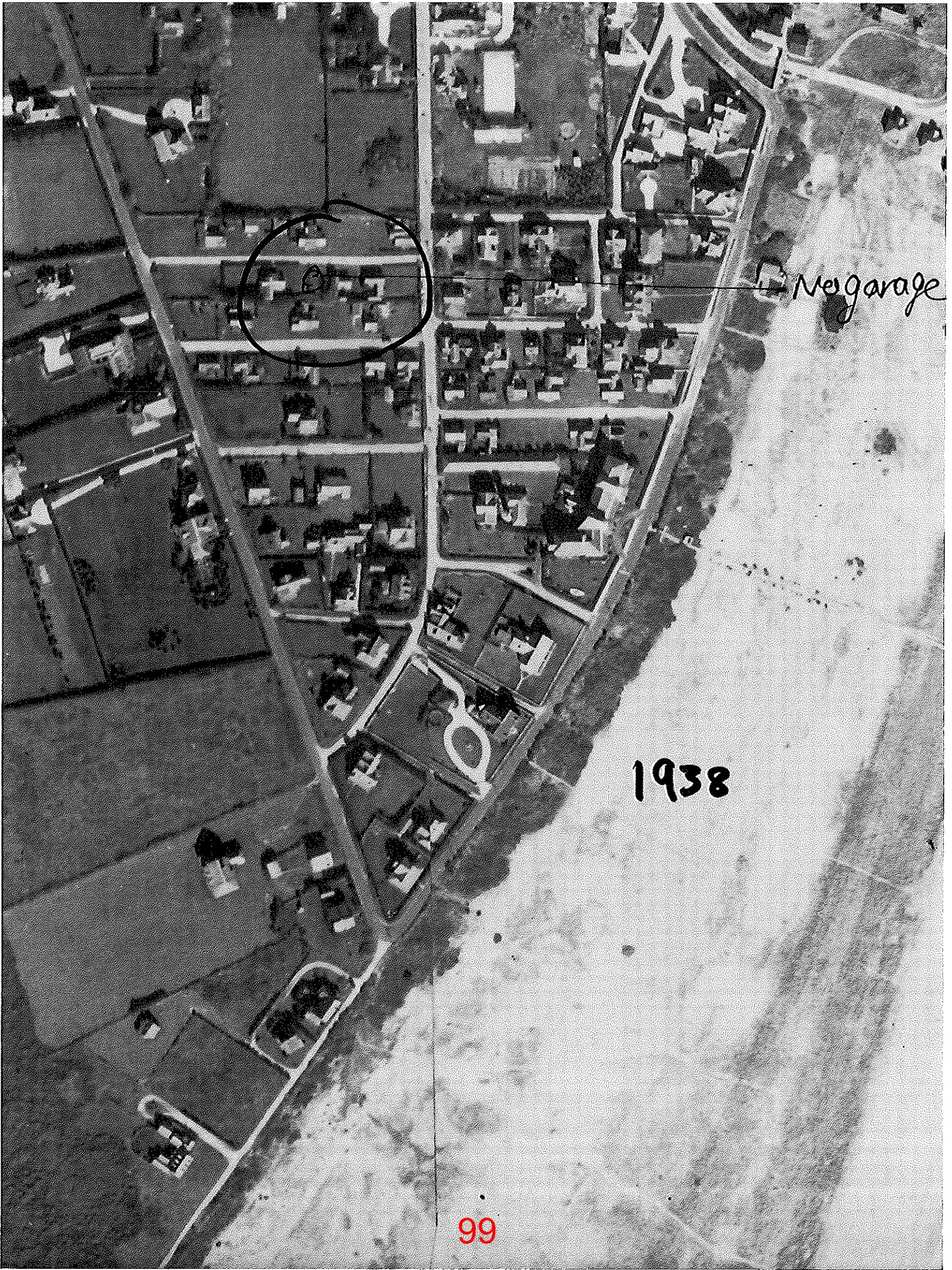
Property ID 73.2.4 33
Location 8 MAIN SIAS ST
Owner BIXBY JACQUELYN DANIELS



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

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

Parcels updated December, 2014
Properties updated January, 2015



No garage

1938

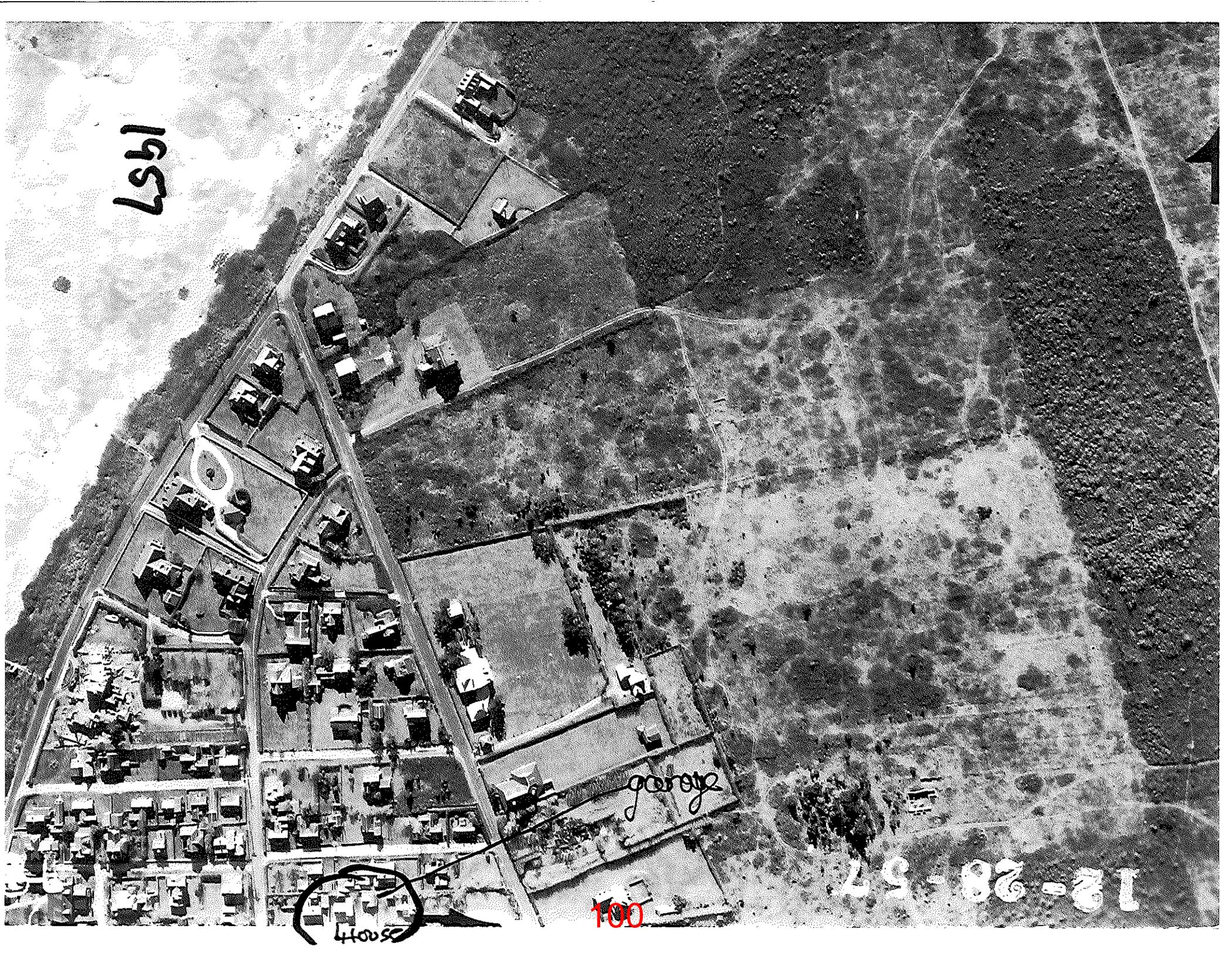
1957

House

100

garage

12-28-57







THE COMMONWEALTH OF MASSACHUSETTS

NANTUCKET

NAME OF CITY OR TOWN

1945 VALUATION LIST - REAL ESTATE

FORM 28

LINE NO.	NAME AND ADDRESS OF PERSON ASSESSED GIVE STREET AND NUMBER	TAX	LAND, EXCLUSIVE OF BUILDINGS			BUILDINGS, EXCLUSIVE OF LAND, AND OTHER THINGS ERECTED ON LAND OR AFFIXED THERETO		TOTAL VALUE OF EACH PARCEL OF REAL ESTATE		
			DESCRIPTION OF EACH PARCEL OF LAND OWNED BY EACH PERSON BY NAME, LOCATION, OR LOT NUMBER-BLOCK-PLAN	AREA OF EACH PARCEL ACRES	SO. FEET	VALUE OF LAND	DESCRIPTION OF EACH BY ITS USE As to Dwellings, specify Number of Stories, Single, Double, or Number of Apartments		VALUE OF BUILDINGS	
1	Verney, Gilbert & Virginia R. 100 New Berry St. Boston, 16, Mass.	1504 00	Dionis Pl. 12703B Lot N	16		500	Dwelling	42000	47000	
		2 56	Lot N		36252	80			80	
		80 00	Capaum Pond Pl. 12877A	25			2500			2500
2	Vaughan, James N 70 Pine Street New York, N.Y.	54 40	Lot No. 3 Aurora Heights		9036	700	Dwelling	1000	1700	
4	Velissaratos, Ruth T. 153 East 33rd St. New York 16, N.Y.	48 00	Lot 5 Lily St. Seonset		3245	300	Dwelling	1200	150.	
		4 80	E. half Lot 7 Lily St.		1642	150			150	
		32 00	Sankaty Rd.		10000	1000			1000	
		19 20	Sankaty Rd.		9800	600			600	
5	Veo, Lenore Y 54 Kirkcattall Rd. Newtonville, Mass.	200 00	N. Water St.		7238	1750	Dwelling	4500	6250	
7	Veo, Louise	17 60	Main St. Lot 7A1 Pl. 11461D		21780	350	Barn	200	550	
		16 00			10000	500			500	
8	Veo, Louise and Frances S. Arkin Scarsdale, New York	22 40	Shimmo Lot 10 Pl. 11461B		14100	500	House Boat	200	700	
9	Vogt, Lisa A. 111 South Fullerton Ave. Montclair, New Jersey	113 60	Pine Street		3600	550	Dwelling	3000	3550	
10	Von Pagenhardt, Marie D. c/o Ed. L. Stock 3402 Conn. Ave. N.W. Washington, D.C.	6 40	Lot 36 to 38 Sec A. T.N.H		15000	200			200	
11	Vroom, Charlotte P. Wallingford, Conn. (23 Beaumont Ave.)	118 40	Lot E, F, G Hinckley Lane		4000	800	Dwelling	2900	3700	
		9 60	Hinckley Lane		25800	300			300	
12	Wade, Margaret S. 129 Dewitt St. Syracuse, New York	4 80	Plan 18073		12000	150			150	
		1 60			1200	50			50	
		107 84	Front St.		2064	370			3000	3370
		87 68	Broadway		4936	790			1300	2740
13		25 60	Center St.				Dwelling			
			Broadway		2500	800	Bldg.	50	800	

19 49 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	
		AREA	VALUE	DESCRIPTION	VALUE	of each Parcel	TAX
1	KEENAN, Joseph H. & Isabel M., Belmont, Mass.- Lot B, Pl. 10999B	3 ac 21,000	150	Dwelling	3000	3,150.	94 50 94.50
2	KEITH, William Scott Deerfield, Mass.- L. C. Pl. 12771A, Madaket	11 ac	1000	Dwelling	2000	3,000.	90 00 90.00
3	KEITH, M. Worthington 13 Vestal Street Nantucket, Mass.- Vestal Street	14,000 2,800	850 950	Dwelling Dwelling	3800 2500	4,650. 3,050.	139 50 139.50 91 50 91.50
4	KELLAR, William 49 Border Street West Newton, Mass.- 19-20, Blk. 19, Sec. 2, M. T.	4,000	150			150.	4 50 4.50
5	KELLER, Esther Anne Harrisburg, Penn.- Lot 5, Lily St., 'Sconset	3,245	300	Dwelling	1200	1,800.	54 00 54.00
6	East Half Lot 7, Lily St., 'Sconset	1,642	150	Garage & Bldg.	300	150.	4 50 4.50
7	KELLERHOUSE, Beatrice L., 294 New Scotland Ave., Albany, 3, N. Y.- Federal Street	3,650	1100	Dwelling	4000	5,100.	153 00 153.00
8	KELLOGG, Elena S., 210 East Foothill Blvd., Altadena, Calif.- Cliff Road, #5	2,600	750	Dwelling	3000	3,750.	112 50 112.50
9	KELLY, Charles N., 24-30 Pleasant Street Haverhill, Mass.- Lots 33 to 36, Blk. 24, Sec. 5, T.N.H.	8,000	200			200.	6 00 6.00

THE COMMONWEALTH OF MASSACHUSETTS
Nantucket, Mass.
NAME OF CITY OR TOWN

1950 REAL ESTATE VALUATION LIST

FORM 28

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	
		AREA	VALUE	DESCRIPTION	VALUE	of each Parcel	TAX
1	KELLAR, William 49 Border Street West Newton 65, Mass. Lot 19, 20, Blk. 19 Sec. 2 M.T.	4,000	150			150	4 50 4.50
2	KELLER, Esther Anne 2225 North Front Street Harrisburg, Penn. Lot 5, Lily Street Siasconset E. half of Lot 7 Lily Street, Sconset	3,245 1,642	300 150	Dwelling Gar. & Bldg.	1,200 300	1,800 150	34 00 54.00 4 50 4.50
3	KELLERHOUSE, Beatrice L. 294 New Scotland Avenue Albany 3, N.Y. Federal Street	3,650	1,100	Dwelling	4,000	5,100	153 00 153.00
4							
5	KELLOGG, Elena S. 210 East Foothill Boulevard Altadena, Calif. 5 Cliff Road	2,600	750	Dwelling	3,000	3,750	112 50 112.50
6	KELLY, Charles N. 24-30 Pleasant Street Haverhill, Mass. Lots 33 to 36, Blk. 24 Sec. 5. T.N.H.	3,000	200			200	6 00 6.00
7	KENNEDY, Grafton S. Harmony Hills Havre de Grace, Maryland Lincoln Avenue " " L.C. Plan 15978 A Lincoln Avenue	14,000 16,000 72,098	4,900 650 8,000	Dwelling Garage Dwelling 2-car garage	7,000 250 9,700 300	12,800 18,000	384 00 384.00 540 00 540.00
8							
9	KENYON, Elizabeth Esther 41 Norbal Avenue Stoneham, Mass. W. Chester Street	5,250	200	Dwelling	1,800	2,000	60 00 60.00
	KENYON, Rowland A. 41 Norbal Avenue						

Form 28

1950 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	
		AREA	VALUE	DESCRIPTION	VALUE	of each Parcel	TAX
1	KELLAR, William 49 Border Street West Newton 65, Mass. Lot 19, 20, Blk. 19 Sec. 2 M.T.	4,000	150			150	4 50 4.50
2	KELLER, Esther Anne 2225 North Front Street Harrisburg, Penn. Lot 5, Lily Street Siasconset E. half of Lot 7 Lily Street, Sconset	3,245 1,642	300 150	Dwelling Gar. & Bldg.	1,200 300	1,800 150	34 00 54.00 4 50 4.50
3	KELLERHOUSE, Beatrice L. 294 New Scotland Avenue Albany 3, N.Y. Federal Street	3,650	1,100	Dwelling	4,000	5,100	153 00 153.00
4							
6	KELLOGG, Elena S. 210 East Foothill Boulevard Altadena, Calif. 5 Cliff Road	2,600	750	Dwelling	3,000	3,750	112 50 112.50
6	KELLY, Charles N. 24-30 Pleasant Street Haverhill, Mass. Lots 33 to 36, Blk. 24 Sec. 5. T.N.H.	3,000	200			200	6 00 6.00
7	KENNEDY, Grafton S. Harmony Hills Havre de Grace, Maryland Lincoln Avenue " " L.C. Plan 15978 A Lincoln Avenue	14,000 16,000 72,098	4,900 650 8,000	Dwelling Garage Dwelling 2-car garage	7,000 250 9,700 300	12,800 18,000	384 00 384.00 540 00 540.00
8							
9	KENYON, Elizabeth Esther 41 Norbal Avenue Stoneham, Mass. W. Chester Street	5,250	200	Dwelling	1,800	2,000	60 00 60.00
	KENYON, Rowland A.						

THE COMMONWEALTH OF MASSACHUSETTS

Nantucket, Mass.

NAME OF CITY OR TOWN

Form 28

1951 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	KELLAR, William 49 Border St., West Newton 65, Mass. Lot 19,20 Blk.19, Sec.2 M.T.	4,000	150			150	5 70 5.70
2	KELLER, Esther Anne 2225 N. Front St. Harrisburg, Penn. Lot 5 Lily St., Siasconset E. Half lot 7 Lily St., Sconset.	3,245 1,642	300 150	Dwelling garage & Bldg.	1,200 300	1,800 150	68 40 68.40 5 70 5.70
3	KELLERHOUSE, Beatrice L. 294 New Scotland Ave. Albany 3, N. Y. Federal St.	3,650	1,100	Dwelling	4,000	5,100	193 80 193.80
4	KELLOGG, Elena S. 210 East Foothill Blvd. Altadena, Calif. Cliff Road #5	2,600	750	Dwelling	3,000	3,750	142 50 142.50
5	KELLY, Charles N. 24-30 Pleasant St. Haverhill, Mass. Lots 33, to 36 Blk.24, Sec,5 T.N.H.	8,000	200			200	7 60 7.60
6	KENNEDY, Grafton S. Harmony Hills Havre de Grace, Maryland Lincoln Ave. " " L.G. Pl.15978A Lincoln Ave.	14,000 16,000 72,098	4,900 650 8,000	Dwelling Garage Dwelling 2 car garage	7,000 250 9,700 300	12,800 18,000	486 40 486.40 684 00 684.00
7	KENYON, Elizabeth Esther 41 Norbal Ave. Stoneham, Mass.						
8	W. Chester St.	5,250	200	Dwelling	1,800	2,000	76 00 76.00
9	KENYON, Rowland A. 41 Norbal Ave. Stoneham, Mass.						

1952 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	Kaller, Philip 275 Hawthorne St. New Bedford, Mass. Lot 9, 12, 13, 99, Derrymore Rd.	7,800	300			300	11.40 11.40
2	Kaplan, Donald 19 Woodedge Ave. Waterbury, Conn. E. Lincoln Ave.	5,000	200			200	7.60 7.60
3	Kaufman, Elizabeth A. 57 Garden Rd. Scarsdale, N. Y. Easton St.	12,400	3,720	Dwelling	6,100	9,820	373.16 373.16
4	Kazanjan, Varastad H. 475 Commonwealth Ave. Boston, Mass. Lots 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41. Blk 69, Sec. 3 M.T.	20,400	350			350	13.30 13.30
5	Kearney, M. Louis 351 Main St. Malden, Mass. Lots 36, 39, Dec A M.P.	6,000	150			150	5.70 5.70
6	Keenan, Joseph W. & Isabel M. 11 Howells Rd. Belmont, Mass. Poverty Pt. Pl. 16207A	22,000	700	Dwelling Bldg. Garage	2,800 400 200	4,100	155.80 155.80
7	Poverty Pt. Lot B. Pl. 10999B	33,830 31,486 21,000	700 450 150	Dwelling	3,000	700 450 3,150	26.60 17.10 119.70 26.60 17.10 119.70
8	Keith, William Scott Deerfield, Mass. L.C. Pl. 12771A Madaket	11 ac.	1,000	Dwelling	2,000	3,000	114.00 114.00
9	Kellar, William 49 Border St. West Newton 65, Mass. 19, 20. Blk 19, Sec. 2 M. T.	4,000	150			150	5.70 5.70
10	Keller, Esther Anne 2225 N. Front St. Harrisburg, Penna. Lot 5 Lily St. 3con. E. Half Lot 7	3,245 1,642	300 150	Dwelling Gar & Bldg.	1,200 300	1,800 150	68.40 5.70 68.40 5.70
		148 16802	8320	108	16000	24320	924.16 924.16

19 53 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	
		AREA	VALUE	DESCRIPTION	VALUE	Each Parcel	TAX
1	KAUFMAN, Elizabeth A. 83 Gardne Road Scarsdale, N. Y. Easton St.	12,400	3,720	Dwelling	6,100	9,820	373.16
2	KAZANJIAN, Varastad H. 475 Commonwealth Ave. Boston, Mass. Lots 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, Blk 69 Sec. 3 M.T.	20,400	350			350	13.30
3	KEARNEY, M. Louis 351 Main St. Malden, Mass. Lots 36, 39, Sec. A M.P.	6,000	150			150	5.70
4	KEENAN, Joseph H. & Isabel M. 11 Howells Rd. Belmont, Mass. Poverty Point Pl. 16207-A Lot B Pl. 10999-B	22,000 3 ac 21,000	700 150	Dwelling Bldg. Gar. Dwelling	2,800 400 200 3,000	4,100 3,150	155.80 119.70
5	KEITH, William Scott Deerfield, Mass. L.C. Pl. 12771-A Mad.	11 ac.	1,000	Dwelling	2,000	3,000	114.00
6	KELLER, Esther Anne 2225 N. Front St. Harrisburg, Penna. Lot 5 Lily St. Seon. E. Half Lot 7 Lily St.	3,245 1,642	300 150	Dwelling Gar. & Bldg.	1,200 300	1,800 150	68.40 5.70
7	KELLERHOUSE, Beatrice L. 234 New Scotland Ave. Albany 3, N. Y. Federal St.	3,650	1,100	Dwelling	4,000	5,100	193.80
8	KELLOGG, Elena S. 210 E. Foothill Blvd. Altadena Calif. Cliff Rd. #5	2,600	750	Dwelling	3,000	3,750	142.50
9	KENNEDY, Grafton S. Harmony Hills Havre de Grace, Md. Lincoln Ave. " " Pl. 15978A Lincoln Ave.	14,000 16,000 72,098	4,900 650 8,000	Dwelling Gar. Dwelling 2 car Gar.	7,000 300 9,700 400	12,850 16,100	488.30 687.80

1954 REAL ESTATE VALUATION LIST

FORM 28

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	Kazanjian, Varaztad H. 475 Commonwealth Ave. Boston, Mass. Lots 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, Blk C2, S.ac. 3 M.T.	20,400	350			350	13.30 13 ³⁰
2	Kearney, M. Louis 351 Main St. Malden, Mass. Lots 36, 39, Sec. A M. P.	6,000	150			150	5.70 ✓ 70
3	Keenan, Joseph H. & Isabel W. 11 Howells Road Belmont, Mass. Poverty Point Pl. 16207A Lot B. Pl. 10999B Poverty Point unregist- ered Bk 110 Pg. 161	22,000	700	Dwelling	2800	4100	155.80 155 ⁸⁰
4		3 ac. 21,000	150	Bullding Gar.	400 200	3150	119.70 119 ⁷⁰
5		31,486	450	Dwelling	3000	450	17.10 17 ¹⁰
5	Kehlenbeck, Henry G. c/o Randolph Swain Madaket, Mass. Lot 6, 7, Blk 29 Pl. 2408-V Cert. 3554, Mada.	5000	50			50	1.90 1 ⁹⁰
6	Keith, William Scott Deerfield, Mass. Pl. 12771-A Mada.	11 ac.	1000	Dwelling	2000	3000	114.00 114 ⁰⁰
7	Keller, Esther Anne 2225 N. Front St. Harrisburg, Penna. Lot 5 Lily St. Sconset E. half Lot 7 Lily St., Sconset	3245	300	Dwelling	1200	1800	68.40 68 ⁴⁰
8		1642	150	Gar. & Bldg.	300	150	5.70 ✓ 70
8	Kelley, Margaret P. 30 Richardson Rd. Belmont, Mass. Quaise, Part of Lot 7 & 6	23,125	600	Dwelling	1400	2000	76.00 76 ⁰⁰
9	Kellerhouse, Beatrice L. 294 New Scotland Ave. Albany, 3, N.Y. Federal St.	3650	1100	Dwelling	4000	5100	193.80/93 ⁸⁰
	Kellogg, Elena S.						

1924 REAL ESTATE VALUATION LIST

Form 20

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	Kazanjian, Vazartad H. 475 Commonwealth Ave. Boston, Mass. Lots 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, Blk C2, Sec. 3 W.T.	20,400	350			350	13.30 13 ⁷⁰
2	Kearney, M. Louis 351 Main St. Malden, Mass. Lots 36, 39, Sec. A M. P.	6,000	150			150	5.70 7 ⁰⁰
3	Keenan, Joseph H. & Isabel M. 11 Howells Road Belmont, Mass. Poverty Point Pl. 16207A	22,000	700	Dwelling Building Gar.	2800 400 200	4100	155.80 155 ⁸⁰
4	Lot B. Pl. 10999B Poverty Point unregist- ered Bk 110 Pg. 161	3 ac. 21,000 31,486	150 450	Dwelling	3000	3150 450	119.70 119 ⁷⁰ 17.10 17 ¹⁰
5	Kehlenbeck, Henry G. c/o Randolph Swain Madaket, Mass. Lot 6, 7, Blk 29 Pl. 2408-V Cert. 3554, Mada.	5000	50			50	1.90 1 ⁹⁰
6	Keith, William Scott Deerfield, Mass. Pl. 12771-A Mada.	11 ac.	1000	Dwelling	2000	3000	114.00 114 ⁰⁰
7	Keller, Esther Anne 2225 N. Front St. Harrisburg, Penna. Lot 5 Lily St. Scoonset E. half Lot 7 Lily St., Scoonset	3245 1642	300 150	Dwelling Gar. & Bldg.	1200 300	1800 150	68.40 68 ⁴⁰ 5.70 5 ⁷⁰
8	Kelley, Margaret P. 30 Richardson Rd. Belmont, Mass. Quaise, Part of Lot 7 & 6	23,125	600	Dwelling	1400	2000	76.00 76 ⁰⁰
9	Kellerhouse, Beatrice L. 294 New Scotland Ave. Albany, 3, N.Y. Federal St.	3650	1100	Dwelling	4000	5100	193.80/93 ⁸⁰
	Kellogg, Elena B.						

FORM 251

19 ⁵⁵ REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	Keith, William Scott Deerfield, Mass. Pl. 12771-A Madaket	11 ac.	1,000	Dwelling	2,000	3,000	120.00 ^{120⁰⁰}
2	Keller, Elizabeth Reed; Anne Reed Witherby; Rosamund Reed Veit; & Felecia Reed Clerk. Tuckernuck	16,335	100	Dwelling	800	900	36.00 ^{36⁰⁰}
3	Keller, Esth r Anne 2225 North Front St. Harrisburg, Pa. Lot 5 Lily St., Scon. E. half lot 7 Lily St. Scon.	3,245	300	Dwelling	1,700	2,300	92.00 ^{92⁰⁰}
		1,642	150	Gar. & Bldg.	300	150	6.00 ^{6⁰⁰}
4	Kellerhouse, Beatrice L. 294 New Scotland Ave. Albany 3, N.Y. Federal St.	3,650	1,100	Dwelling	4,000	5,100	204.00 ^{204⁰⁰}
5	Kelley, Margaret P. 30 Richardson Rd. Belmont, Mass Quaise, Part of Lot 7 & 6	23,125	600	Dwelling	1,400	2,000	80.00 ^{80⁰⁰}
6	Kellogg, Elena S. 210 E. Foothill Blvd. Altadena, Calif. Cliff Rd. #5	2,600	750	Dwelling	3,000	3,750	150.00 ^{150⁰⁰}
7	Kemmerer, Mary E. 20 Steward Rd. Short Hills, N.J. Hulbert St.	6,500	700	Dwelling	6,000	6,700	268.00 ^{268⁰⁰}
8	Kennedy, Grafton S. Harmony Hills, Havre de Grace, Md. Lincoln Ave. " " Pl. 15978A Lincoln Ave. Lot H. Pl. 8751F	14,000 26,000 30,000 42,098	4,900 1,040 10,500 1,650	Dwelling Garage Dwelling 2 car Gar.	7,000 300 9,700 400	13,240 22,280	529.60 ^{529⁶⁰} 891.20 ^{891²⁰}
9	Kenyon, Rowland A. 41 Norvel Ave. Stoneham, Mass. W. Chester Place	17,800	130			130	5.20 ^{5²⁰}
	Kern, Edward H.H.; Kern, David M.H. Kern, John P.H. 45 Tudor City Pl. New York 17 N.Y. Sunset Hts.	9,000	1,900	Dwelling	2,000	3,700	148.00 ^{148⁰⁰}

1956 REAL ESTATE VALUATION LIST

Line No.	NAME AND ADDRESS OF PERSON ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDING- Exclusive of Land		TOTAL VALUE of each Parcel	TAX
		AREA	VALUE	DESCRIPTION	VALUE		
1	KEENAN, Joseph H. & Isabel M., 11 Howells Road Belmont, Mass.	3 ac. 21,000					
	Lot B, Pl. 1099B Monomoy, Lot #7 Pl. 14732B, Cer. 3845	2 ac. 600	150	Dwelling	3,000	3,150.	126.00
2	KAHLENBECK, Henry G., University Housing Syracuse, N. Y.	5,000	50			50.	2.00
	Lot 6,7, Blk. 29, Pl. 2408V, Cer. 3554, Madaket						
3	KEITH, William Scott Deerfield, Mass.	11 ac. 1,000		Dwelling	2,000	3,000.	120.00/
	L. C. Pl. 12771A, Madaket						
4	KELLER, Elizabeth Reed, Anne Reed 7 W. Cedar St.- Witherby, Rosamund Reed Boston 8, Mass.- Veit, & Felecia Reed Clark Tuckernuck	16,335	100	Dwelling	800	900.	36.00
5	KELLER, Esther Anne 2225 North Front St., Harrisburg, Penn.	3,245	300	Dwelling Gar. & Bldg.	1,700 300	2,300.	92.00
	Lot 5, Lily St. Siasconset						
	East Half Lot 7, Lily St., Sconset	1,642	150			150.	6.00
6	KELLERHOUSE, Beatrice L., 294 New Scotland Ave., Albany 3, N. Y.	3,650	1,100	Dwelling	4,000	5,100.	204.00
	Federal Street						
7	KELLEY, Margaret P., 30 Richardson Road Belmont, Mass.	23,125	600	Dwelling	1,400	2,000.	80.00
	Quaise, Part of Lots 7 & 6						
8	KELLOGG, Elena S. 210 East Fogthill Blvd. Altadena, Calif.	2,600	750	Dwelling	3,000	3,750.	150.00
	Cliff Road, #5						
9	KEMMERER, Mary E., 30 Steward Road Short Hills, N. J.	6,500	700	Dwelling	6,000	6,700.	268.00
	Halbert Street						
	KENNEDY, Ernest A.						

19 57 REAL ESTATE VALUATION LIST

Use No.	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	TAX
		AREA	VALUE	DESCRIPTION	VALUE	of each Parcel	
1	KELLER, Esther Anne 2225 North Front St., Harrisburg, Penn. Lot 5, Lily St., 'Sconset	3,245	300	Dwelling	1,900	2,500	105.00
	East Half, Lot 7, Lily St., 'Sconset	1,642	150	Gar. & Bldg.	300	150	6.30
2	KELLEY, Margaret P., 30 Richardson Road Belmont, Mass. Quaise, Part of Lot 7 & 6	23,125	600	Dwelling	1,600	2,200	92.40
3	KELLOGG, Elena S., 210 East Foothill Blvd., Altadena, Calif. 5 Cliff Road	2,600	750	Dwelling	3,000	3,750	157.50
4	KELMEREK, Gary E., 30 Steward Road Short Hills, N. J. Hulbert Street	6,500	700	Dwelling	6,000	6,700	281.40
5	KENNEDY, Grafton S., Harmony Hills Lincoln Ave. Havre de Grace, Md. " L. C. Pl. 1597SA	14,000	4,900	Dwelling	7,000	13,240	556.08
	Lincoln Ave. L. C. Pl. 8751F, Lot H	26,000	1,040	Garage	300		
		30,000	10,500	Dwelling	9,700	22,280	935.76
6	KENYON, Rowland A., 41 Norvel Ave., Stoneham, Mass. West Chester Pl.	17,800	130			130	5.46
7	KERN, Edward H. H., David M. H., John 45 Tudor City Pl., P. H. Kern New York 17, N. Y. Sunset Hgts., Miner Street	9,488	1,500	Dwelling	2,000	3,700	155.40
	KERN, David M.H. Lot 1, Pl. 13364-D, Cer. Address same as above 4111	76,000	100	Garage	200	100	4.20
8	KERR, Dorothy B., 1744 N Street Washington, D. C. Lot A, Pl. 10710B, Cer. 1681, Washington St.	23,080	600	Dwelling	3,000	5,250	220.50
				Garage	400		
9	KERR, Gerta 360 East 50th St., New York 22, N. Y. Back Street	1,750	50	Dwellings 5	1,250	750	31.50
				Dwelling	700	750	31.50

STATE TAX
FORM 28L

19 58 REAL ESTATE VALUATION LIST

Line No	NAME AND ADDRESS OF PERSONS ASSESSED AND DESCRIPTION OF PARCEL	LAND Exclusive of Buildings		BUILDINGS Exclusive of Land		TOTAL VALUE	TAX
		AREA	VALUE	DESCRIPTION	VALUE	of each Parcel	
1	KEARNEY, E. Louis 351 Main Street Malden, Mass. Lots 36-39, Sec. A, Miacomet Park	6,000	150			150	7 50
2	KEATOR, Ray E. & Mary F., 1172 Park Ave., New York, N. Y. Lot B-1, Pl. 14189-C, McKinley Ave.	19,825	1,500	Dwelling " "	1,700 900 600	4,700	235 00
3	KEENAN, Joseph H., 11 Howells Road Belmont, Mass. Monomoy, Lot 4, Pl. 14732-B, Cer. #3845 Shimmo, Lot 10, Pl. 14732-C, Cer. #5995	2 ac. 1 ac. 5,280	1,200 600	Dwelling (Unfin.)	500	1,200 1,100	60 00 55 00
4	KEENAN, Joseph H. & Isabel M., 11 Howells Road Lot B, Pl. 1099-B Belmont, Mass.	3 ac. 21,000	150	Dwelling	3,000	3,150	157 50
5	KEHLENBECK, Henry G., 1015 S. Ackerman Ave., Lots 6,7, Blk. 37, Syracuse, N. Y. Pl. 2408-V, Cer. 3554	5,000	50	Garage	200	250	12 50
6	KEHLENBECK, Henry G. & Mary S., 1015 S. Ackerman Ave., Syracuse, N. Y. Pl. 2408-I, Lot 1A, Cer. #4182	3,750	50	Dwelling Garage	950 200	1,200	60 00
7	KEITH, William Scott Madaket L. C. Pl. 12771A, Madaket	11 ac.	1,000	Dwelling	2,000	3,000	150 00
8	KELLER, Elizabeth Reed, Anne Reed Witherby, Rosalind Reed Veit and Felecia Reed Clark c/o F. R. H. Witherby Tuckernuck 60 Chestnut Street Lot 1, Pl. 13215-B, Boston 8, Mass. Cer. 3633, Tuckernuck	110 ac.	1,500	Dwelling Building	800 500	900 2,000	45 00 100 00
9	KELLER, Esther Anne 2225 North Front St., Lot 5, Lily St. Harrisburg, Penn. 'Sconset	3,245	300	Dwelling Gar. & Bldg.	1,900 300	2,500	125 00
10	East Half Lot 7, Lily St. 'Sconset	1,642	150			150	7 50
	KELLEY, Margaret P.,						



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LETTERS

July 6, 2016



Nantucket Zoning Board of Appeals
Nantucket

Re: 6+8 Lily St., Siasconset, File No. 24-16
Map: 73.3.1 Parcels 109+110, Lot 5+7 on Plan No. 2014-02

Dear Zoning Board members,

Please be advised that many concerned Sconseters, abutters, and Underhill cottage residents are not in favor of this project, as proposed. We hope that changes can be made to the plans to help us preserve the look and feel of the Underhill Streets: Pochick, Evelyn, and Lily Streets.

The proposed new cottage will have a bigger footprint than the original, 1880's historic Underhill cottage and, as such, overpowers the original cottage associated with the property.

The Sconset Advisory Board's recommendation to reduce the size of the new cottage, to be secondary to the main house should be taken into consideration, taking into account the guidelines of "Building with Nantucket in Mind".

The request for zoning relief for the larger footprint structure is not needed. They should simply reduce the size of the new cottage to conform to zoning. There is no hardship here. They can simply redesign to fit regulations.

Sincerely,

Lee B. Hayden
11 Lily St., Sconset

Korane & Bill Jones
15 Pochick St.

John & Debra Midastley
9 Magnolia

Mary & Paul Collins
14 Evelyn St., Sconset

Sally L. Bub / Howard White
2 Lily St. Sconset

Kristina + David Russell
1 Evelyn Street
Sconset 01954

Brigid & Strome Loman
6 Evelyn Street

Jamie Humphreys
2 Evelyn St.

Pam & Richardson Merriman
1 Lily
Tel. 610.416.9594

From: [Pam Merriman](#)
To: [Eleanor Antonietti](#)
Cc: [Pam](#)
Subject: FW: Nantucket Zoning Board of Appeals Matter
Date: Thursday, July 07, 2016 3:12:21 PM

Please add this email to the list of people voicing opinions on the matter of 6 Lily Street.
Thank you.

Pam Merriman
1 Lily Street
Sconset

610-688-3460 (Home)
610-416-9594 (Mobile)
610-688-2588 (Fax)

From: Pam Merriman [mailto:pam@merriman1.com]
Sent: Thursday, July 07, 2016 3:06 PM
To: 'maryellencollins@comcast.net'
Cc: Pam
Subject: Nantucket Zoning Board of Appeals Matter

6 Lily Street LLC & Sconset Partners LLC, File No. 24-16

Hi Mary,

Please accept this email as my indication to oppose the decision of the zoning board regarding the above captioned property.

It is my hope that the zoning board will limit the projects' size and position on the site.

Thank you,
Pam
Residing at 1 Lily St, Sconset, MA

Pam Merriman

610-688-3460 (Home)
610-416-9594 (Mobile)
610-688-2588 (Fax)

From: [Sarah F. Alger](#)
To: [Eleanor Antonietti](#)
Subject: 8 Lily Street, Sconset
Date: Friday, July 08, 2016 12:12:45 AM
Attachments: [image001.png](#)

Eleanor,

Here are some thoughts on this project, not comprehensive but at least a start.

No parking appears to be provided or proposed for either lot. At least one 9x20 space should be provided on each lot.

The building on the smaller lot is being demolished. Setbacks should be met. There is no justification for re-building in the setbacks. They have the ability, and in fact are, reconfiguring the lots. The smaller lot should be enlarged to accommodate the structure.

No floor plans appear to have been submitted but the site plan leads to the conclusion that there will be living space in the basement. This is an intensification that would be detrimental to the neighborhood.

I don't believe that any mechanicals are shown. Will the properties be geothermal? If not, where will the mechanicals go? No mechanicals should be allowed in the setbacks.

What is the construction methodology? How will the road and neighboring properties be protected. Conditions such as those imposed on Kite Hill should be imposed.

There should be a prohibition against exterior work between Memorial Day and September 15 at a minimum.

That's it for now. I may have more at the meeting after I have had a chance to read and really understand the proposal.

Sarah

Sarah F. Alger, PC
Two South Water Street
[Nantucket, Massachusetts 02554](#)
[508-228-1118](#) telephone
[508-228-8004](#) fax
[Five Parker Road](#)
[Osterville, Massachusetts 02655](#)
[508-428-8594](#) telephone
[508-420-3162](#) fax

Sent from my iPhone. Please excuse any egregious typographical errors.

Augustus and Nancy Larson
9 Lily Street
Siasconset, MA 02564
(508) 257-0448

August 2, 2016

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

Re: 6 Lily Street, LLC and
Sconset Trust Partners LLC Application

Chairman Toole and Members of the Zoning Board of Appeals,

My wife and I own 9 Lily Street in Siasconset. We are opposed to the reference application seeking zoning relief pursuant to sections of the By-Law 139-33 (A) (3), 139-23 and 139-32.

Six Lily Street, LLC and Sconset Partners, LLC respective owners of 6 Lily Street and 8 Lily Street (Note: The filed Certificates of Organization for both LLC's share the same manager, business address and general character of business) have always and continue to rent 6 Lily and 8 Lily as "6 Lily Street – a cottage with detached garage/apartment".

Because of the commonality of ownership and their general character of business, it's reasonable to conclude that the proposed structure would be utilized as an income producing property separately from 6 Lily Street. Lily Street is a narrow one-way shell street with limited on and off street parking. A dwelling in scope and size as the proposed would increase vehicular traffic on Lily Street and increase the demand for parking. There would also be safety issues to consider. With additional vehicles including maintenance vehicles, fire and emergency vehicles would have a difficult time navigating Lily Street when owners and tenants are in residence.

Because of the change in use, the continuation of non-conforming issues, increased vehicular traffic, increased vehicle parking demand and significant safety concerns, the proposed development of 8 Lily Street would be substantially more detrimental than the existing non-conforming structure and use to the neighborhood.

Therefore we respectfully request that the Zoning Board of Appeals deny the zoning relief that is being sought by the applicants.

Sincerely,



Augustus J. Larson



Nancy E. Larson



Corporations Division

Business Entity Summary

ID Number: 001121412

[Request certificate](#)

[New search](#)

Summary for: SIX LILY STREET, LLC

The exact name of the Domestic Limited Liability Company (LLC): SIX LILY STREET, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 001121412		
Date of Organization in Massachusetts: 11-20-2013		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address): Address: 5 EVELYN STREET City or town, State, Zip code, SIASCONSET, MA 02564 USA Country:		
The name and address of the Resident Agent: Name: KEVIN F. DALE, ESQUIRE Address: 2 WHALER'S LANE City or town, State, Zip code, NANTUCKET, MA 02554 USA Country:		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	GEORGE B. KELLY	5 EVELYN STREET SIASCONSET, MA 02564 USA
MANAGER	GEORGE B. KELLY	1001 LOUISIANA ST STE 3200 HOUSTON, TX 77002 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address

SOC SIGNATORY | KEVIN F. DALE ESQUIRE | 2 WHALER'S LANE NANTUCKET, MA 02554 USA

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

Title	Individual name	Address
REAL PROPERTY	GEORGE B. KELLY	1001 LOUISIANA ST STE 3200 HOUSTON, TX 77002 USA

Consent Confidential Data Merger Allowed Manufacturing

View filings for this business entity:

- ALL FILINGS
- Annual Report
- Annual Report - Professional
- Articles of Entity Conversion
- Certificate of Amendment

[View filings](#)

Comments or notes associated with this business entity:

[Empty text box for comments or notes]

[New search](#)



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Federal Employer Identification Number: 001121412 (must be 9 digits)

1. The exact name of the limited liability company is: SIX LILY STREET, LLC

2a. Location of its principal office:

No. and Street: 5 EVELYN STREET
City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 5 EVELYN STREET
City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO ACQUIRE, OWN, DEVELOP, CONSTRUCT, REHABILITATE, RENOVATE, IMPROVE, MAINTAIN, FINANCE, MANAGE, OPERATE, LEASE, SELL, CONVEY, ASSIGN, MORTGAGE OR OTHERWISE DEAL WITH REAL ESTATE, DIRECTLY OR INDIRECTLY, INCLUDING THROUGH OTHER LIMITED LIABILITY COMPANIES, CORPORATIONS, AND GENERAL AND/OR LIMITED PARTNERSHIPS, AND TO CARRY ON ANY RELATED OR UNRELATED LAWFUL BUSINESS, TRADE, PURPOSE OR ACTIVITY.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: KEVIN F. DALE, ESQUIRE
No. and Street: 2 WHALER'S LANE
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

I, KEVIN F. DALE, ESQUIRE resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Table with 3 columns: Title, Individual Name, Address (no PO Box). Row 1: MANAGER, GEORGE B. KELLY, 5 EVELYN STREET SIASCONSET, MA 02564 USA

managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	KEVIN F. DALE ESQUIRE	2 WHALER'S LANE NANTUCKET, MA 02554 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	GEORGE B. KELLEY	5 EVELYN STREET SIASCONSET, MA 02564 USA

9. Additional matters:

**SIGNED UNDER THE PENALTIES OF PERJURY, this 20 Day of November, 2013,
KEVIN F. DALE, ESQUIRE**

(The certificate must be signed by the person forming the LLC.)

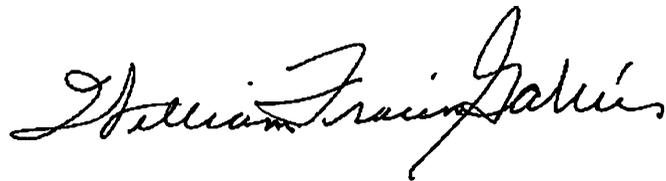
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THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

November 20, 2013 11:58 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Amendment

(General Laws, Chapter)

Federal Employer Identification Number: 001121412 (must be 9 digits)

The date of filing of the original certificate of organization: 11/20/2013

1.a. Exact name of the limited liability company: SIX LILY STREET, LLC

1.b. The exact name of the limited liability company *as amended*, is: SIX LILY STREET, LLC

2a. Location of its principal office:

No. and Street: 5 EVELYN STREET
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

3. *As amended*, the general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: KEVIN F. DALE, ESQUIRE
 No. and Street: 2 WHALER'S LANE
 City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	GEORGE B. KELLY	5 EVELYN STREET SIASCONSET, MA 02564 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	KEVIN F. DALE ESQUIRE	2 WHALER'S LANE NANTUCKET, MA 02554 USA

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	GEORGE B. KELLY	5 EVELYN STREET SIASCONSET, MA 02564 USA

9. Additional matters:

10. State the amendments to the certificate:

IN SECTION 8, THE PERSON AUTHORIZED TO EXECUTE RECORDABLE INSTRUMENTS HAS BEEN CHANGED TO CORRECT THE TYPOGRAPHICAL ERROR. THE CORRECT SPELLING IS GEORGE B. KELLY.

11. The amendment certificate shall be effective when filed unless a later effective date is specified:

**SIGNED UNDER THE PENALTIES OF PERJURY, this 26 Day of November, 2013,
KEVIN F. DALE, ESQUIRE , Signature of Authorized Signatory.**

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

November 26, 2013 10:56 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report

(General Laws, Chapter)

Identification Number: 001121412

Annual Report Filing Year: 2016

1.a. Exact name of the limited liability company: SIX LILY STREET, LLC

1.b. The exact name of the limited liability company *as amended*, is: SIX LILY STREET, LLC

2a. Location of its principal office:

No. and Street: 5 EVELYN STREET
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 5 EVELYN STREET
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
PROPERTY MANAGEMENT SERVICES

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: KEVIN F. DALE, ESQUIRE
 No. and Street: 2 WHALER'S LANE
 City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	GEORGE B. KELLY	5 EVELYN STREET SIASCONSET, MA 02564 USA
MANAGER	GEORGE B. KELLY	1001 LOUISIANA ST STE 3200 HOUSTON, TX 77002 USA

	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
SOC SIGNATORY	KEVIN F. DALE ESQUIRE	2 WHALER'S LANE NANTUCKET, MA 02554 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	GEORGE B. KELLY	1001 LOUISIANA ST STE 3200 HOUSTON, TX 77002 USA

9. Additional matters:

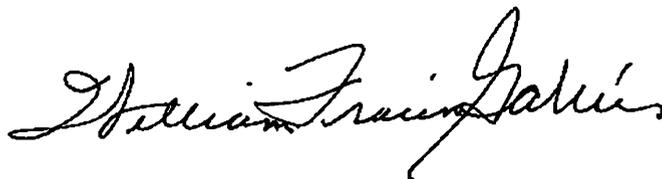
**SIGNED UNDER THE PENALTIES OF PERJURY, this 9 Day of June, 2016,
GEORGE B. KELLY , Signature of Authorized Signatory.**

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THE COMMONWEALTH OF MASSACHUSETTS

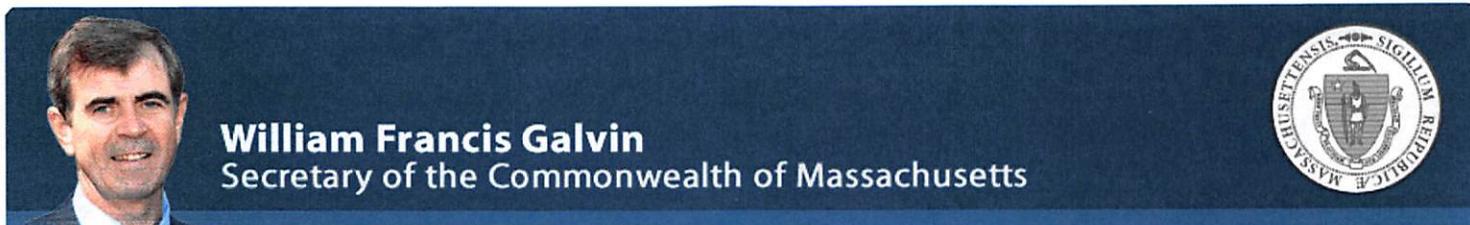
I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

June 09, 2016 05:00 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Corporations Division

Business Entity Summary

ID Number: 057423379

[Request certificate](#)

[New search](#)

Summary for: SCONSET PARTNERS, LLC

The exact name of the Domestic Limited Liability Company (LLC): SCONSET PARTNERS, LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 057423379		Old ID Number:
Date of Organization in Massachusetts: 05-05-2005		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address): Address: 5 EVELYN STREET City or town, State, Zip code, SIASCONSET, MA 02564 USA Country:		
The name and address of the Resident Agent: Name: EDWARD F. VAUGHAN, ESQ. Address: 2 WHALER'S LN. City or town, State, Zip code, NANTUCKET, MA 02554 USA Country:		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	GEORGE B KELLY	1001 LOUISIANA ST, STE 3200 HOUSTON, TX 77002 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
SOC SIGNATORY	GEORGE B KELLY	1001 LOUISIANA ST, STE 3200 HOUSTON, TX

		77002 USA
--	--	-----------

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

Title	Individual name	Address
REAL PROPERTY	GEORGE B KELLY	1001 LOUISIANA ST, STE 3200 HOUSTON, TX 77002 USA

Consent Confidential Data Merger Allowed Manufacturing

View filings for this business entity:

- ALL FILINGS
- Annual Report
- Annual Report - Professional
- Articles of Entity Conversion
- Certificate of Amendment

[View filings](#)

Comments or notes associated with this business entity:

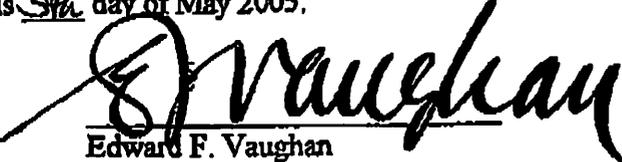
[New search](#)

SCONSET PARTNERS, LLC
CERTIFICATE OF ORGANIZATION

Pursuant to the provisions of the Massachusetts Limited Liability Company Act (the "Act"), the undersigned hereby certifies as follows:

1. Name of the Limited Liability Company. The name of the limited liability company formed hereby (the "LLC") is SCONSET PARTNERS, LLC
2. Office of the Limited Liability Company. The address of the office of the LLC for purposes of Section 5 of the Act is 23 Morey Lane, Nantucket, Massachusetts 02554.
3. Agent for Services of Process. The name and address of the resident agent for service of process for the LLC is Edward F. Vaughan, Esq., 2 Whaler's Lane, Nantucket, Massachusetts 02554.
4. Date of Dissolution. The LLC is to have no specific date of dissolution.
5. Manager. At the time of formation of the LLC, its manager is George B. Kelly, having a business address of 23 Morey Lane, Nantucket, Massachusetts 02554.
6. Execution of Documents. Any manager of the LLC is authorized to execute any documents to be filed with the Secretary of State of the Commonwealth of Massachusetts.
7. Business of the LLC. The general character of the business of the LLC is to acquire, own, develop, construct, rehabilitate, renovate, improve, maintain, finance, manage, operate, lease, sell, convey, assign, mortgage or otherwise deal with real estate, directly or indirectly, including through other limited liability companies, corporations, and general and/or limited partnerships, and to carry on any related or unrelated lawful business, trade, purpose or activity.
8. Execution of Documents Relating to Real Property. Any manager of the LLC is authorized to execute, acknowledge, deliver and record any recordable instrument on behalf of the LLC purporting to affect an interest in real property of the LLC under Section 66 of the Act, whether to be recorded with a registry of deeds or a district office of the Land Court.

IN WITNESS WHEREOF, the undersigned hereby affirms under the penalties of perjury that the facts stated herein are true, this 5th day of May 2005.

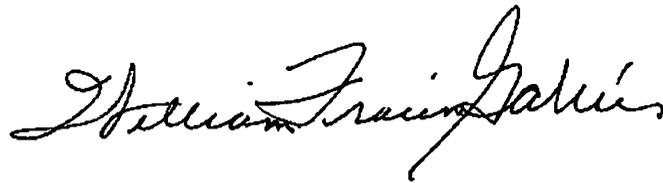

Edward F. Vaughan
Authorized Agent

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

May 05, 2005 12:19 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large initial "W" and "G".

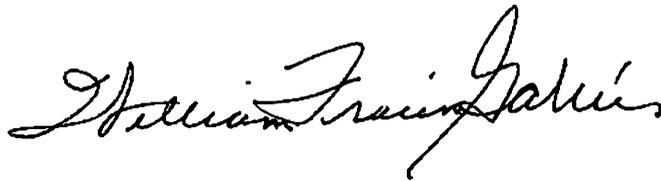
WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

June 09, 2016 04:33 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report

(General Laws, Chapter)

Identification Number: 057423379

Annual Report Filing Year: 2016

1.a. Exact name of the limited liability company: SCONSET PARTNERS, LLC

1.b. The exact name of the limited liability company *as amended*, is: SCONSET PARTNERS, LLC

2a. Location of its principal office:

No. and Street: 8 LILY STREET
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 5 EVELYN STREET
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
PROPERTY MANAGEMENT SERVICES

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: EDWARD F. VAUGHAN, ESQ.
 No. and Street: 2 WHALER'S LN.
 City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	GEORGE B KELLY	1001 LOUISIANA ST, STE 3200 HOUSTON, TX 77002 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name	Address (no PO Box)
REAL PROPERTY	First, Middle, Last, Suffix GEORGE B KELLY	Address, City or Town, State, Zip Code 1001 LOUISIANA ST, STE 3200 HOUSTON, TX 77002 USA

9. Additional matters:

**SIGNED UNDER THE PENALTIES OF PERJURY, this 9 Day of June, 2016,
GEORGE B. KELLY , Signature of Authorized Signatory.**

PROPERTIES FOR RENT

6 Lily Street, Siasconset

SCONSET

One of our charming Nantucket summer rentals.

\$3,500 - \$2,500/wk

RENTAL #2704

[REQUEST A RENTAL](#)

Bedrooms:	5	Bathrooms:	2
Air Conditioning	Yes	Deck	Yes
Microwave	Yes	Patio/Deck Furniture	Yes
Porch	Yes		



[PROPERTY PHOTOS](#)

This Nantucket summer cottage is a quintessential rose covered cottage located on a quiet shelled street in the picturesque village of Sconset. Newly refurbished and furnished. Private back patio and a convenient 3 block walk to the village and beach. Siasconset (Sconset to the locals!) is a fairytale village located on the eastern most part of the island. Accessed from either Milestone Road or bikepath or Polpis Road or bikepath, visitors are captivated by its charm the minute they round the rotary in the center of the village. Stop at Claudette's Sandwich Shop for one of the best sandwiches on the island or schedule lunch with friends Oceanside at the Summer House Pool (one of very few places you can dine oceanside on Nantucket!) For other dining delights in Sconset, try the Summer House, the Chanticleer or the Sconset Café...all absolutely delicious and unique. Don't forget to stop at the Sconset Market for provisions and an ice cream! Visitors love to amble up and down the quiet tree lined streets and gaze at the rose covered cottages or take a stroll on the Sconset Bluff Path will being mesmerized by the mansions on one side and the Atlantic Ocean on the other. Come spend your Nantucket vacation being swept away by the charm of Sconset.

First Floor Description

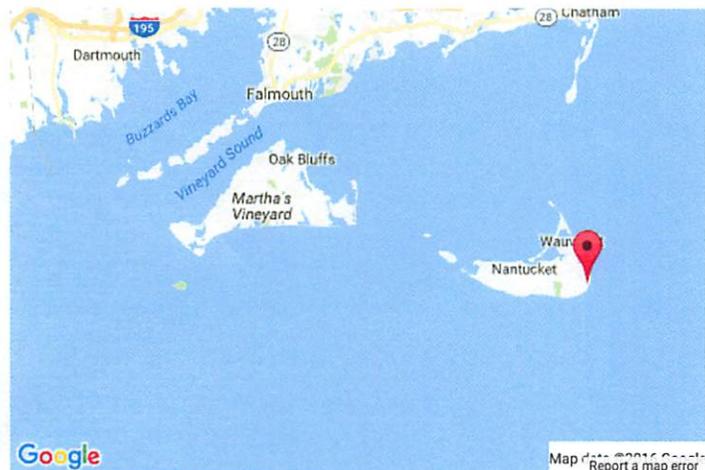
Living room-dining room combination, two queen bedrooms, full bath with tub and shower, fully equipped kitchen. Rear patio and garden.

Second Floor Description

One bedroom with two twin beds and bedroom with twin bed. Half bath.

Other Description

Bunk room attached to the garage has a queen bed and bath with shower stall.



Property Rates

June 2016	Rate	July 2016	Rate	August 2016	Rate	September 2016	Rate
06/04 - 06/11	Call for Rates	07/02 - 07/09	\$4,000	08/06 - 08/13	Call for Rates	09/03 - 09/10	Call for Rates
06/11 - 06/18	Call for Rates	07/09 - 07/16	\$4,000	08/13 - 08/20	Call for Rates	09/10 - 09/17	Call for Rates
06/18 - 06/25	Call for Rates	07/16 - 07/23	\$4,000	08/20 - 08/27	Call for Rates	09/17 - 09/24	Call for Rates
06/25 - 07/02	Call for Rates	07/23 - 07/30	\$4,000	08/27 - 09/03	Call for Rates	09/24 - 10/01	Call for Rates
		07/30 - 08/06	Call for Rates				

10 South Beach Street Nantucket, MA 02554 [Get Directions](#)

508.325.5800 office@leerealestate.com

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Website Design by Jackrabbit

From: [Ted Merriman](#)
To: [Eleanor Antonietti](#)
Subject: 6 and 8 Lily st in Sconset
Date: Wednesday, August 03, 2016 10:15:21 AM

I live at 1 Lily street in Sconset and am very strongly opposed the zoning relief being sought by the owners of 6 and 8 Lily street

Additional occupied dwellings on Lily st will led to more people, cars, and traffic. It is a very narrow street with very limited parking opportunities. In the years, I've lived here, it has gotten noticeably worse, and is already at unacceptable levels. More cars on the street will inhibit the passage of residents, couriers, and most importantly emergency vehicles. The street is already often overcrowded with large vehicles and will make a bad situation worse. My mother has a heart condition an there is an elderly couple who lives at 11 Lily street. The ability of an ambulance to reach them in case of a medical emergency would be placed into an unacceptable level of jeopardy.

Since this appears to primarily be a rental property, it will lead to a larger number of non-residents. There has been little regard for the speed limit laws, one-way streets, and common sense parking etiquette by many drivers in the area, and I have observed it being done more often than not being done by people driving cars with out of state license pates. It has gotten so bad, residents on my block are now putting up yard signs telling people to slow down.

My family chose Sconset as a place to live for the quiet character of the place, and in recent years the increased traffic on our block has become a big problem, not just because of the noise but for the safety of many children in the neighborhood.

Please forward my concerns to the ZBA members.

Thank you, Ted Merriman

Please consider the environment before printing this email

Join the campaign at <http://thinkBeforePrinting.org>

**BRUCE KAPLAN, AS
TR. OF
KAPLAN FAMILY
NOMINEE TRUST**

8 HARBORVIEW WY.

FILE NO. 30-16



NANTUCKET
TOWN CLERK

2016 AUG -1 PM 3: 49

PAID
PAID JUL 11 2013
BY: ✓1135 (25)

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 30-16

Owner's name(s): KAPLAN FAMILY NOMINEE TRUST c/o BRUCE M. KAPLAN

Mailing address: 750 HOPMEADOW ST., SIMSBURY, CT. 06070

Phone Number: 860 658-4945 E-Mail: brukap@comcast.net

Applicant's name(s): MARK W. POOR dba PERMITS PLUS, INC

Mailing Address: box 3363 NANTUCKET, MA. 02584

Phone Number: 508-228-6913 E-Mail: permits@comcast.net

Locus Address: 8 HARBORVIEW WAY Assessor's Map/Parcel: 42.4.1 - 28

Land Court Plan/Plan Book & Page/Plan File No.: PL FILE # 7584 PLAN FILE 2014-41 PL BK 19 PG 91

Deed Reference/Certificate of Title: 754, 54 Zoning District LC ROH ↳ Lot 2

Uses on Lot Commercial: None Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 1920 or GARAGE APT. CIRCA 2005 - 2006

Building Permit Numbers: 1199-79, 632-03 (house) & 1268-05 (garage-studio)

Previous Zoning Board Application Numbers: NONE FOUND

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

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

SIGNATURE: Bruce M Kaplan Owner*

SIGNATURE: Mark A. Pa Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

ADDENDUM FOR ZBA RELIEF FILING BY VARIANCE OR BY SPECIAL PERMIT AS NEEDED

LOCUS: 8 HARBORVIEW WAY MAP 42.4.1 PARCEL 28 FLOOD HAZARD ZONE AE-7
OWNER: KAPLAN FAMILY NOMINEE TRUST c/o Bruce M. Kaplan BORDERING ON ZONE AE-8
ORIGINAL CONSTRUCTION: CIRCA 1920: BUILDING STRUCTURE INVENTORY FORM ATTACHED TO FILING
HISTORIC DISTRICT COMMISSION CERTIFICATE OF APPROPRIATENESS # 65644 ISSUED APRIL 5, 2016
NOTE: CURRENT RIDGE HEIGHT EXCEEDS LIMITATIONS IMPOSED BY ZONING AT 30 FEET ABOVE AVG. MEAN GRADE AND IS CURRENTLY A PRE-EXISTING NONCONFORMING STRUCTURE.

RELIEF REQUESTED: SPECIAL PERMIT RELIEF UNDER 139-33 (4) (a),(b) PREEXISTING NONCONFORMING STRUCTURES, OR IN THE ALTERNATIVE, VARIANCE RELIEF TO EXCEED THE HEIGHT LIMITATIONS PER 139-17 (3) AS AMENDED AT ATM 2016 (ARTICLE 60) AS FOLLOWS:

"The height of a structure which is situated with the "Areas of one-hundred-year Flood" and/or Areas of 100-Year Coastal Flood with Velocity" as established by the Federal Management Agency "FEMA" and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed 30 feet above the minimum height at which the first floor of the structure will conform with all applicable Building Codes and FEMA requirements.

Map Reference: FEMA 25019C0086 G, ZONE AE-7 (BORDERING ON AE-8 CHILDRENS' BEACH)

Existing Conditions: (Elevations in Feet)	Proposed Conditions: (Elevations in Feet)
Existing Grade: (varies) 4.25 EL	Existing grade (unchanged): 4.25 EL (varies)
Top of Foundation: 4.80 EL	Top of Foundation: 8.33 EL (Addition of 5 CMU Courses)
Top of First Floor: 6.00 EL	Top of First Floor: 9.455EL (1.125' of untreated material)
Top of Ridge above Foundation: 30.25 EL	Top of Ridge above FND: 30.25 EL
Top of Ridge above First Floor: 29.00 EL	Top of Ridge above First FL: 29.00 EL
Top of Ridge above AMG 30.80 EL	Top of Ridge above AMG: 34.58 EL

- [] If Base Flood Elevation (BFE) is equal to Finished Floor Elevation (FFE): 7.00 EL (Per ZEO and BLDG COMM)
- [] Top of foundation (TOF) 7.00 EL - 1.25 (min. plus sill plate) (TOF): 5.75 EL (or +- 1 foot higher than exist.)
- [] If Ridge height above Foundation is unchanged by work @ 30.20 EL: 30.20 EL (unchanged)
- [] Conclusion: Top of Ridge above Average Mean Grade (4.25 Feet EL): 31.75 EL (OVER HGT. LIMITATION)

2009 IBC BUILDING CODE REQUIREMENTS: SEE ATTACHED EXCERPTS

[] R332.1.8 FLOOD RESISTANT MATERIALS: ALL WOOD INCLUDING FLOOR SHEATHING, SHALL BE PRESSURE-PRESERVATIVE TREATED. CURRENT FLOOR FRAMING (13 1/2" THICK) IS NOT IN COMPLIANCE WITH THE CODE

[] R332.1.9 FLOOD-RESISTANT MATERIALS: BUILDING AND STRUCTURES IN FLOOD HAZARD AREAS DESIGNATED AS COASTAL A ZONES (OUR IS AE-7 BORDERING ON AE-8) SHALL HAVE THE LOWERST FLOOR ELEVATED TO OR ABOVE THE BASE FLOOD ELEVATION: "PLUS ONE FOOT" PER 2009 INTERNATIONAL BUILDING CODE

CONCLUSION: THE BASE FLOOD ELEVATION (BFE) PLUS ONE FOOT = ELEVATION 8

[] IF BFE PLUS ONE FOOT EQUALS ELEVATION 8, AND

[] TOP OF RIDGE ABOVE FINISHED FLOOR REMAINS AT ELEVATION 29,

[] CONCLUSION: ELEV 8 (FFE) MINUS 4.25 (AMG) = 3.75 INCREASE IN RELATIVE HEIGHT PLUS 29 FEET = 32.75 FEET EXCEEDS HEIGHT LIMITATION. STRUCTURE IS PRE-EXISTING NON CONFORMING AS TO EXISTING RIDGE HEIGHT.

RECOMMENDATIONS BY ENGINEER:

[] SET TOP OF FOUNDATION NO LOWER THAT ELEVATION 8.00 FEET AND KEEP ALL NON PRESSURE-PRESERVATIVE FRAMING MATERIAL ABOVE THIS BASE FLOOD ELEVATION FOR ADDED PROTECTION AND INSURANCE PURPOSES.

The locus borders on Flood Hazard Zone AE-8. It is prudent to honor this higher standard as flood waters will make no distinction during a flood event.

- [] The current foundation consists of multiple CMU block courses fabricated by using nominal 8"x8" x 16" modules
- [] The current Top of Foundation is Elevation 4.80 feet
- [] Adding (5) modular block courses changes the Top of Foundation by 40" or 3.33' for a new TOF @ 8.13 feet (cutting a block course to a smaller height is not recommended)
- [] Adding one sill plate and sill sealer for anchoring the existing framing will add 0.1666' for a TOF @ 8.33'+_ (This allows for basic shimming to level the structure over its raised foundations.)
- [] Adding the 1.125' of non-pressure-preservative material sets the new finished floor (FFE) @ Elevation 9.455'

Conclusion: We seek the necessary relief from the Height limitations in the LC Zone in the form of a Special Permit, or in the alternative, Variance Relief to construct our project to a higher ridge height based, minimally on adherence to the 2009 International Building Code and recommended FEMA standards for insurance purposes as well as fact that we border on a more restrictive Flood Hazard Zone of AE-8 that carries a Base Flood Elevation of Elevation 8 and on the recommendation and general practice by Engineering companies and Surveyors carried through the Brant Point Area where setting the Top of the Foundation at a base BFE of Elevation 8 has been the normal practice. Flooding events in Brant Point have become much more prevalent of the last few years with major flood events doing historic damage to the general neighborhood.

In all other respects the locus—property and placement of the structures in in conformance with current Zoning Standards.

The non-conforming component of the main dwelling is attributed to an existing ridge height that exceeds the maximum ridge height of thirty feet from average mean grade allowed by current zoning standards.

PREPARED BY PERMITS PLUS, INC. MARK W. POOR, APPLICANT FOR KAPLAN FAMILY NOMINEE TRUST
P. O. BOX 3363 NANTUCKET, MA 02584

RECOMMENDATIONS BY ENGINEER:

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Conclusion: We seek the necessary relief from the Height limitations in the LC Zone in the form of a Special Permit, or in the alternative, Variance Relief to construct our project to a higher ridge height based, minimally on adherence to the 2009 International Building Code and recommended FEMA standards for insurance purposes as well as fact that we border on a more restrictive Flood Hazard Zone of AE-8 that carries a Base Flood Elevation of Elevation 8 and on the recommendation and general practice by Engineering companies and Surveyors carried through the Brant Point Area where setting the Top of the Foundation at a base BFE of Elevation 8 has been the normal practice. Flooding events in Brant Point have become much more prevalent of the last few years with major flood events doing historic damage to the general neighborhood.

In all other respects the locus—property and its structures in in conformance with current Zoning Standards.

PREPARED BY PERMITS PLUS, INC. MARK W. POOR, APPLICANT FOR KAPLAN FAMILY NOMINEE TRUST
P. O. BOX 3363 NANTUCKET, MA 02584



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslinfo@nantucketsurveyors.com

July 27, 2016

Mr. Mark W. Poor
Permits Plus
P.O. Box 3363
Nantucket, MA 02584

Re: Harbor View Way
Nantucket, MA
NSL Client Code: NS10285

Dear Mark:

Pursuant to your request below are the elevations obtained on the existing dwelling located at 8 Harbor View Way on February 11, 2016.

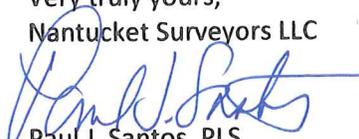
	<u>Elevation Datum NAVD 88</u>
Top of Foundation	4.8
Finished Floor Elevation	6.0
Ridge Height Elevation	35.0

Ridge Height to First Floor is 29.0'

Building Height as determined from average mean grade is 30.7' (non-conforming as to section 139-17.)

Please note the existing property is located within Flood Zone AE (EL 7 feet) adjacent to AE (EL 8 feet).

Very truly yours,
Nantucket Surveyors LLC



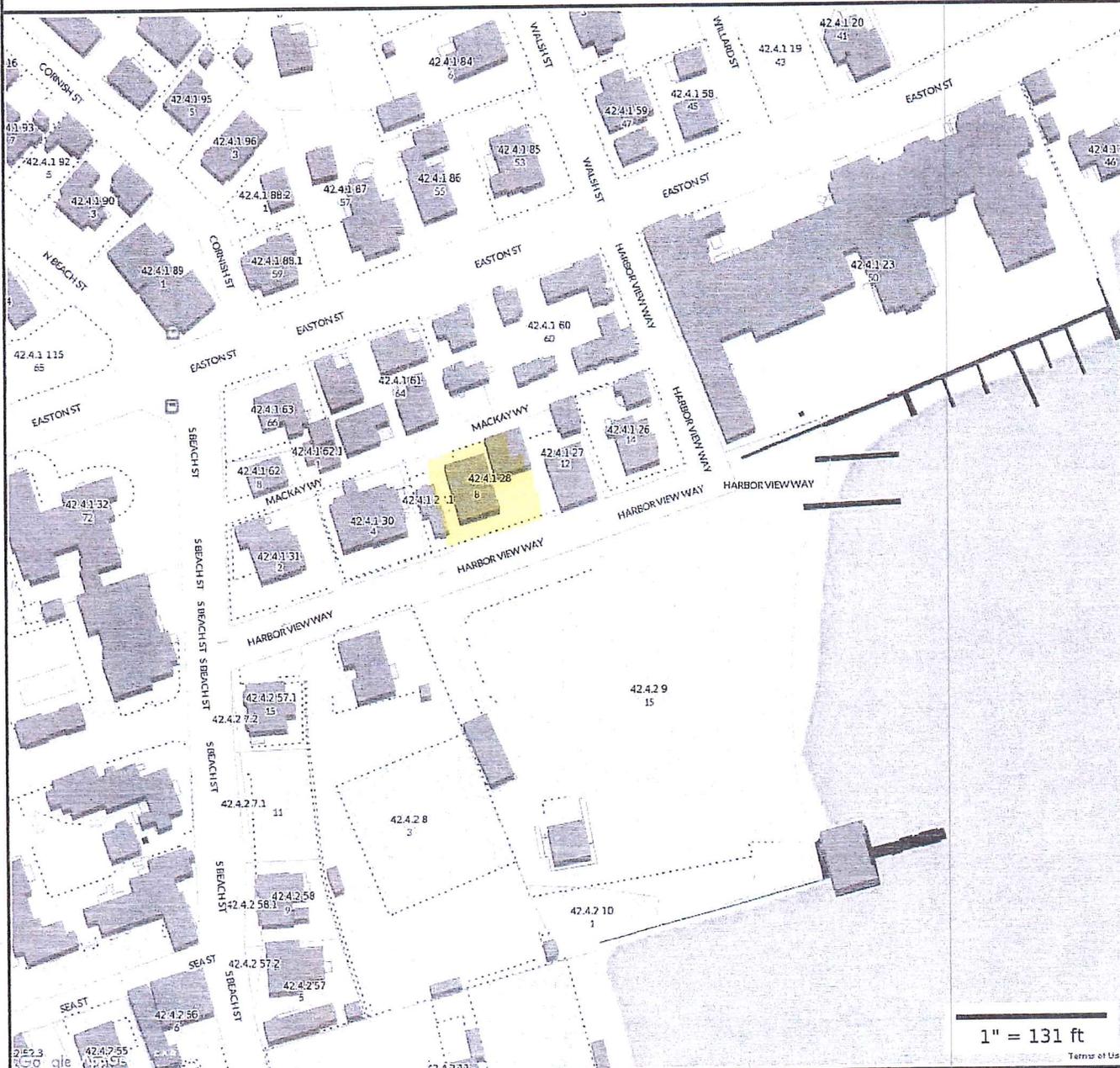
Paul J. Santos, PLS



Cc: Nantucket Zoning Board of Appeals

Office located at 5 Windy Way • Nantucket, MA 02554

KAPLAN RESIDENCE 8 HARBOR VIEW WAY M



Property Information

Property ID 42.4.1 28
Location 8 HARBOR VIEW WY
Owner KAPLAN BRUCE M & MADELINE S TRS

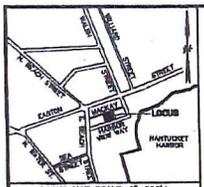


MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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

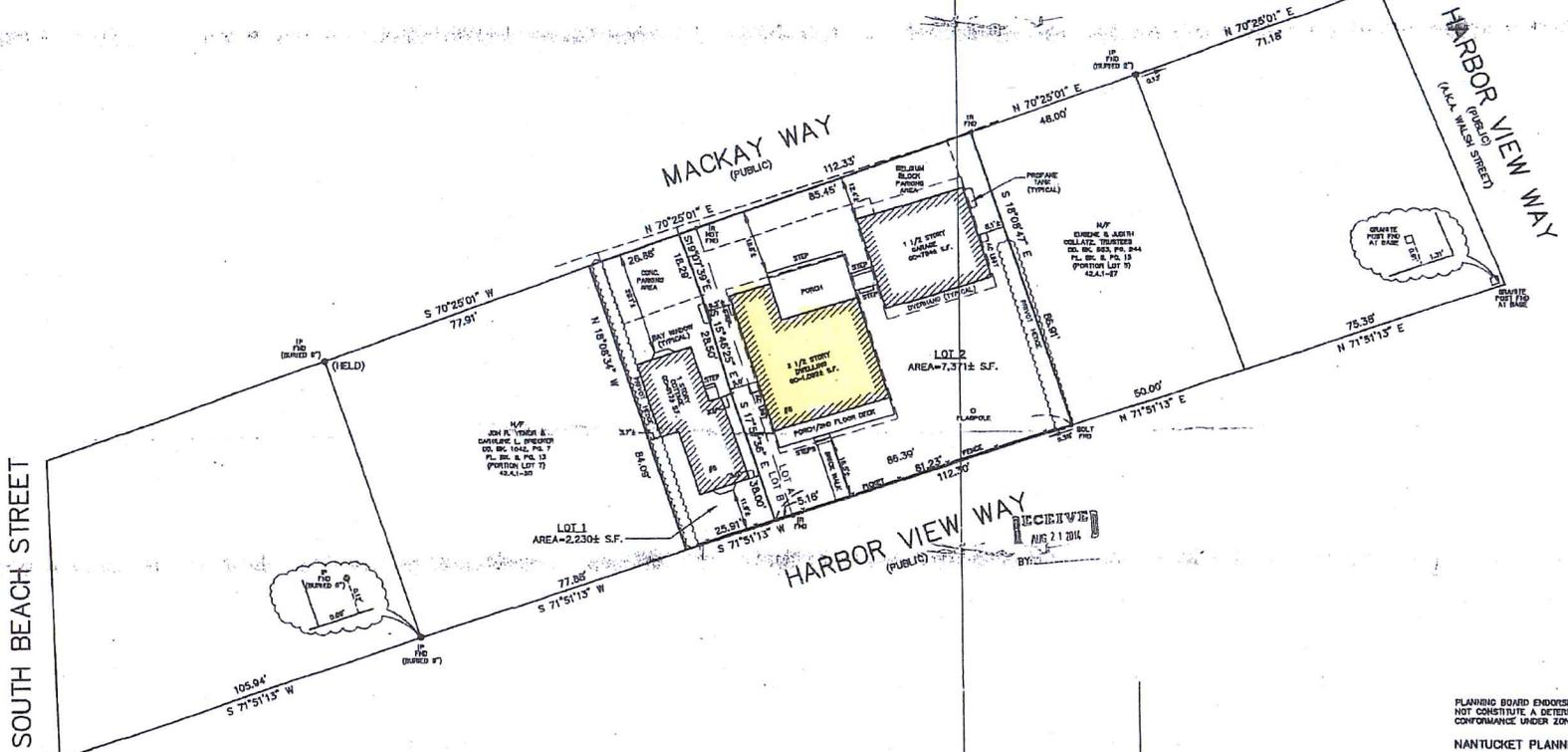
Parcels updated December, 2014
 Properties updated January, 2015

NANTUCKET REGISTRY OF DEEDS
 Date: 5-2-14
 Time: 12:00
 Plan No.: PG
 Plan File: 2014-41
 Registered: *Christy H. Johnson*
 Register
 RESERVED FOR REGISTRY USE ONLY



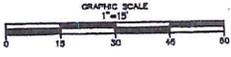
REFERENCES:
 DEED REF: DEED BOOK 759, PAGE 54
 PLAN REF: PLAN BOOK 19, PAGE 91
 ASSESSORS REF: MAP 42.4.1 PARCEL 28
 CURRENT ZONING: LC (LIMITED COMMERCIAL)
 MINIMUM LOT SIZE: 5,000 S.F.
 MINIMUM FRONT YARD SETBACK: 40'
 FRONT YARD SETBACK NONE
 SIDE AND REAR LINE SETBACK: 0'
 MAXIMUM G.C.R.: 0.05
 PROPOSED G.C.R.: 27.75% (LOT 1)
 PROPOSED G.C.R.: 25.05% (LOT 2)

LEGEND:
 CONC. CONCRETE
 DD, BK. DEED BOOK
 DIH DRIEL HOLE
 DHO9 DRIEL HOLE/CONCRETE BOUND
 EM ELECTRIC METER
 FND FOUND
 GC GRASS COVER
 H/F NOW OR FORMERLY
 PG. PLAN BOOK
 PL. BK. PLANNING BOARD
 S.F. SQUARE FEET
 SSM STEEL SURVEYORS MARKER
 STY STORY



PLAN OF LAND
 BEING A SUBDIVISION OF LOTS "A" & "B"
 PLAN BOOK 19, PAGE 91
 86 & 88 HARBOR VIEW WAY
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=15' DATE: AUGUST 6, 2013
 PREPARED FOR:
 BRUCE M. & MADEIRA S. KAPLAN, TRUSTEES
 NANTUCKET SURVEYORS, LLC
 5 WINDY WAY
 NANTUCKET, MA 02554
 (508) 228-0260

- NOTES:**
1. DWELLING AND COTTAGE PREDATE ZONING JULY 27, 1972; (BUILDINGS STANDING ON LAND PRIOR TO 1955).
 2. LOT 1 AND LOT 2 CREATED PURSUANT TO CHAPTER 41 SECTION 81L.
 3. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "A7" ZONE AS DELINEATED ON THE "TRM" MAP OF COMMUNITY NO. 220220-2011 D) MAP REVISED: JULY 2, 1992 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 4. TOTAL AREA=9,601± S.F.
 5. THE PLANNING BOARD DETERMINES THAT:
 LOTS 1 & 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 BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.



NO. 379/1

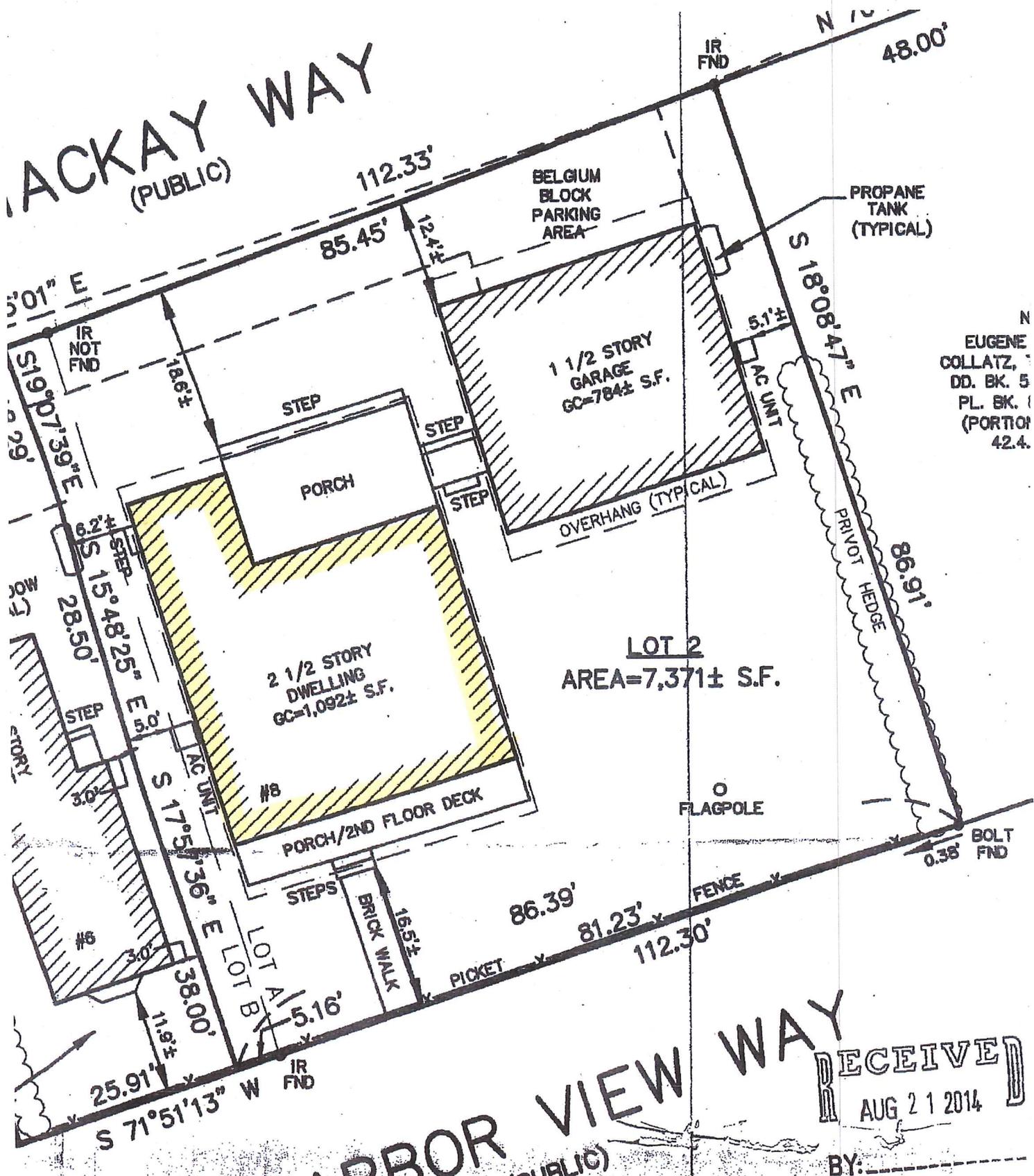


"I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."
Ron L. Bantz 8/5/13
 PROFESSIONAL LAND SURVEYOR / DATE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.
NANTUCKET PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW (NOT REQUIRED)
 BOARD MEMBER: *[Signature]*
 LARA BELLING
 DATE APPROVED: 08/13/13
 DATE SIGNED: 08/13/13
 FILE NO.: 3581

N-10285

ACKAY WAY
(PUBLIC)



N
EUGENE
COLLATZ,
D.D. BK. 5
P.L. BK. 1
(PORTION
42.4.

LOT 2
AREA=7,371± S.F.

DROR VIEW WAY
(PUBLIC)

RECEIVED
AUG 21 2014

BY: _____

FEMA's National Flood Hazard Layer (Official)

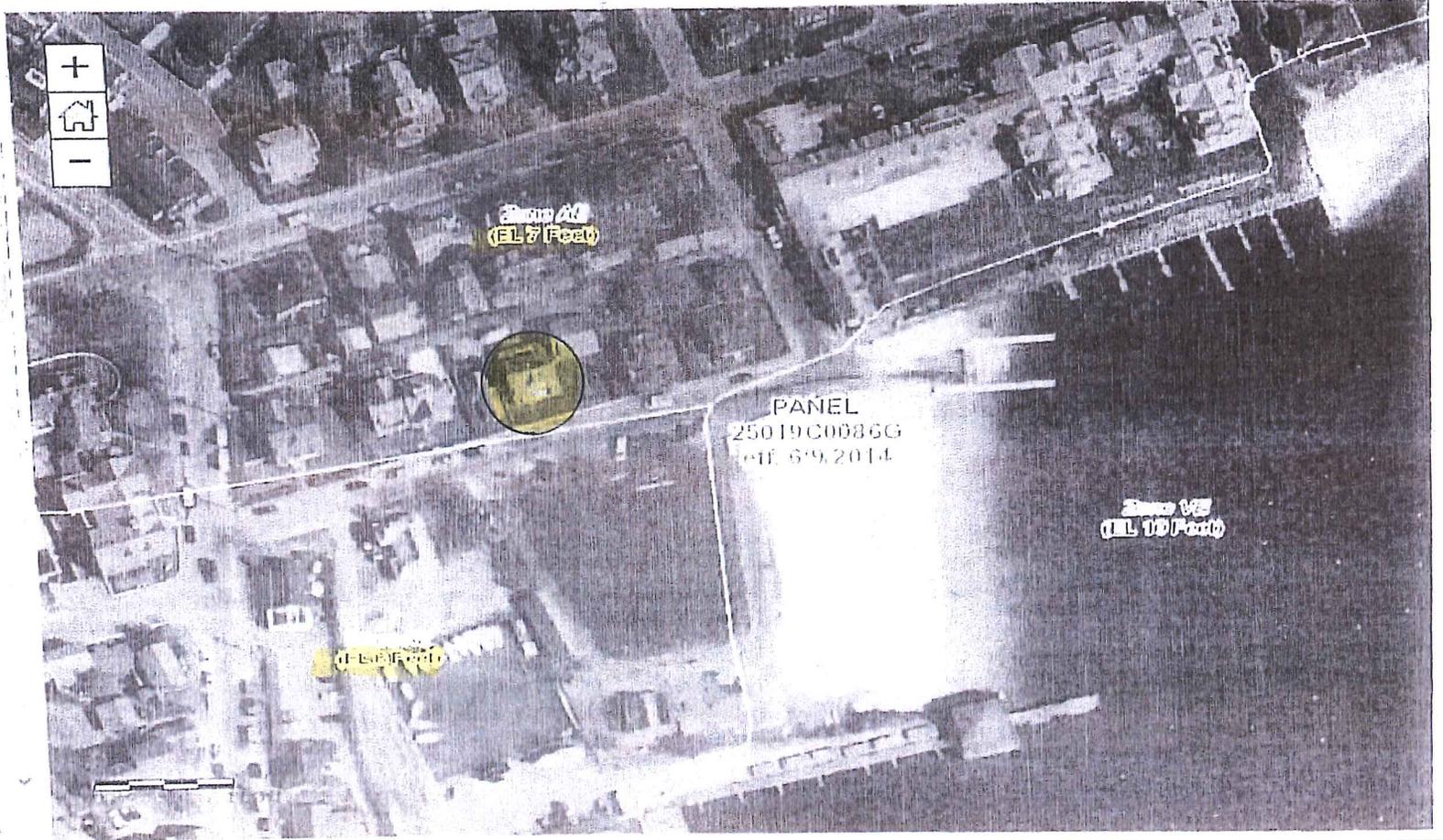
Modify Map

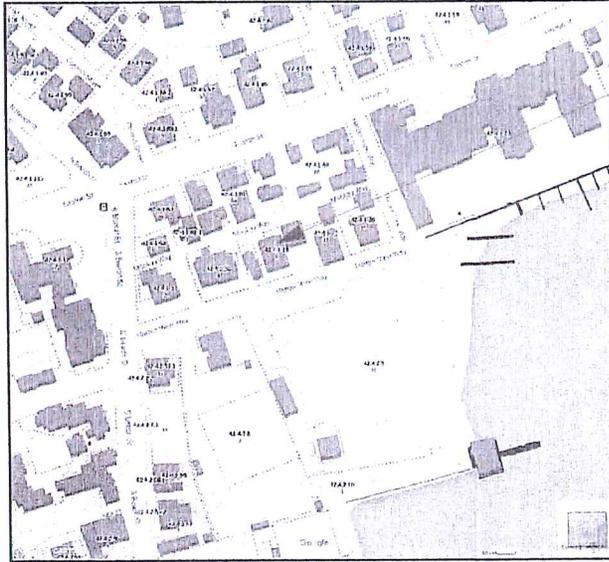
Basemap

Share | Print | Measure

8 Harbor View Way, Nantucket, Town of, Massa

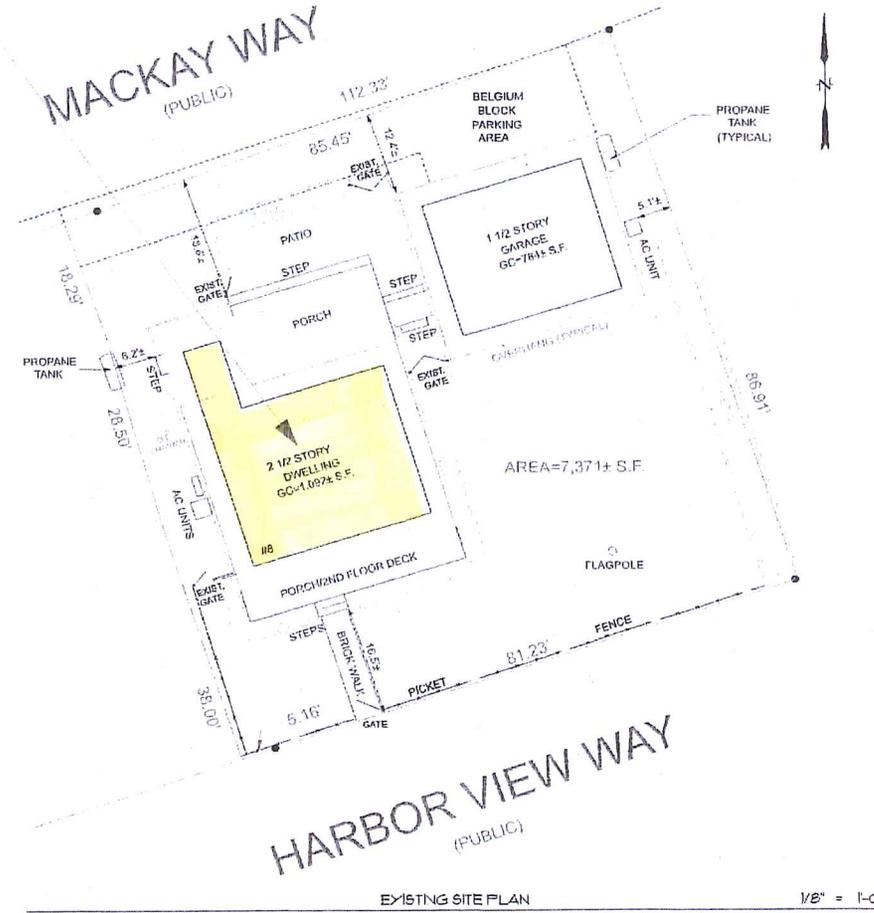
- Basemap
- Map
- Layers
- Legend
- Scale
- Print
- Share
- Measure
- Home
- Full Screen
- Help
- Terms of Use
- Feedback
- Report a Problem





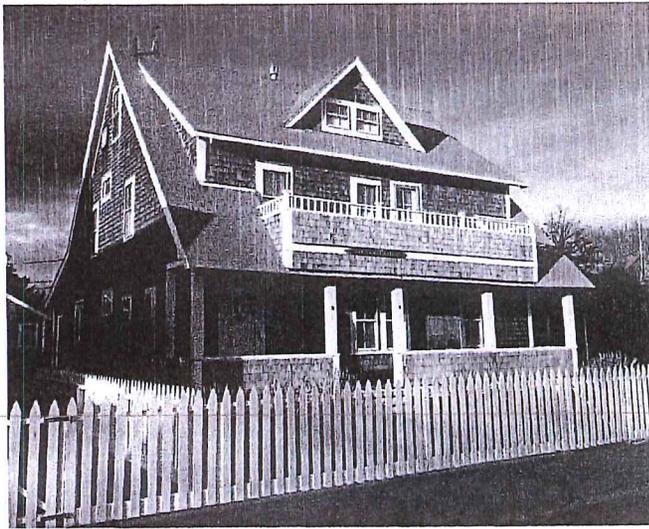
TONGIS MAP

LOCUS



EXISTING SITE PLAN

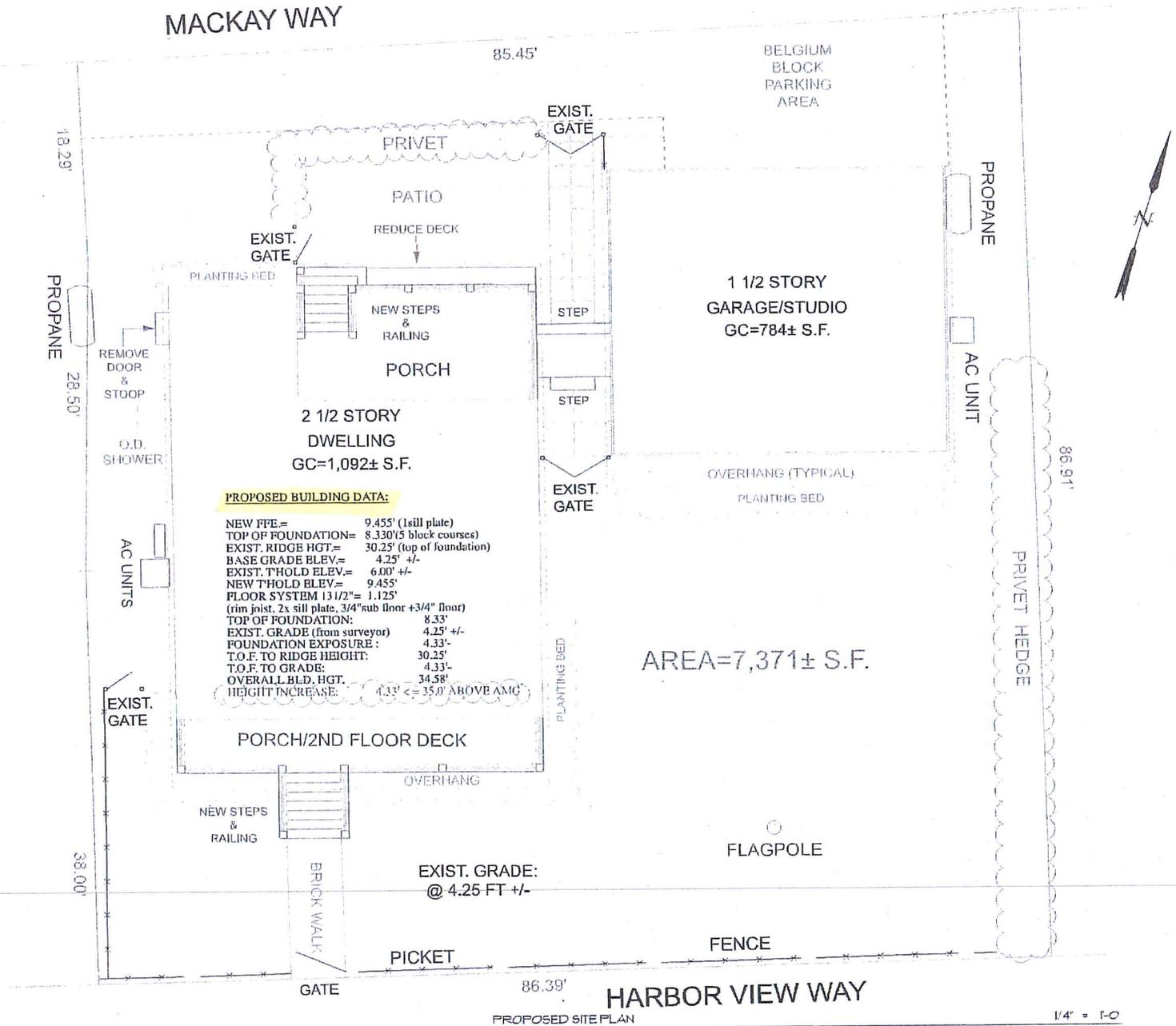
1/8" = 1'-0"



EXISTING HARBOR VIEW WAY

CURRENT ZONING: LC (LIMITED COMMERCIAL)
 MIN. LOT SIZE: 5,000 S.F.
 MIN. FRONTAGE: 40
 SIDE & REAR SETBACKS: 5'
 MAX. G.C.R.: 50%
 EXIST. G.C.R.: 25.5% +/-

2/13/16	
PROJECT DESCRIPTION ELEVATING BUILDING 121 Harbor View Way, Northport, MA, 02856-4 SCALE: 3/4" = 1'-0"	SITE PLAN & LOCUS MAP



PROPOSED SITE PLAN

1/4" = 1'-0"

MWRP
RESIDENTIAL
DESIGN

2/13/16

KAPLAN RESIDENCE
8 Harbor View Way,
Nantucket, MA, 02554
PROPOSED SITE PLAN

10

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 8 Harbor View Way
Assessor's Map and Parcel: 42.4.1-28
Property Owner: Kaplan Family Nominee Trust
Applicant: Kaplan Family Nominee Trust
DEP File Number: SE48-2873
Filing Date: March 18, 2016
Date Hearing Closed: April 6, 2016
Date Orders Issued: April 6, 2016
Plan of Record Information: HDC Submission, dated 2/25/2016, and prepared by
MWP Residential Design

Permit Overview:

This order permits the raising in elevation of an existing house with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage. Waivers are not required for this project.

Additional Findings:

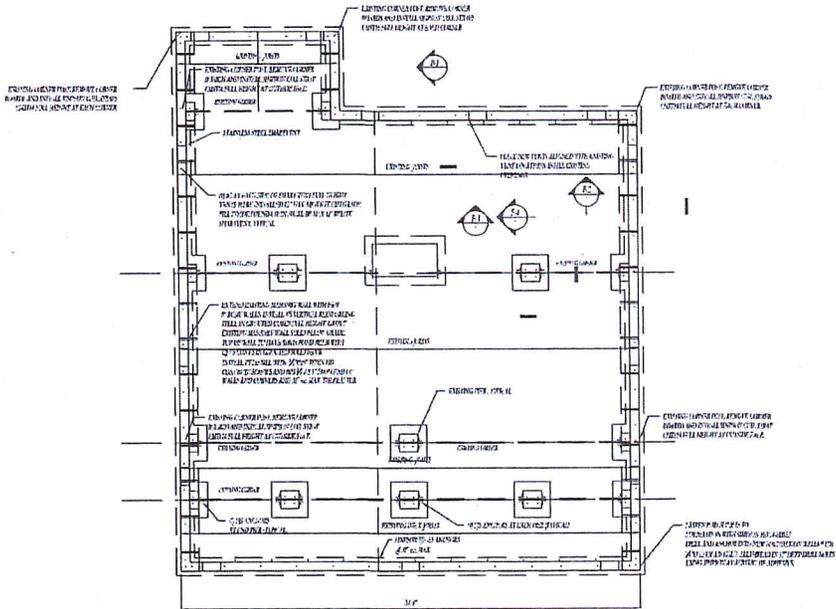
1. The area falls outside mapped habitat areas and required NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

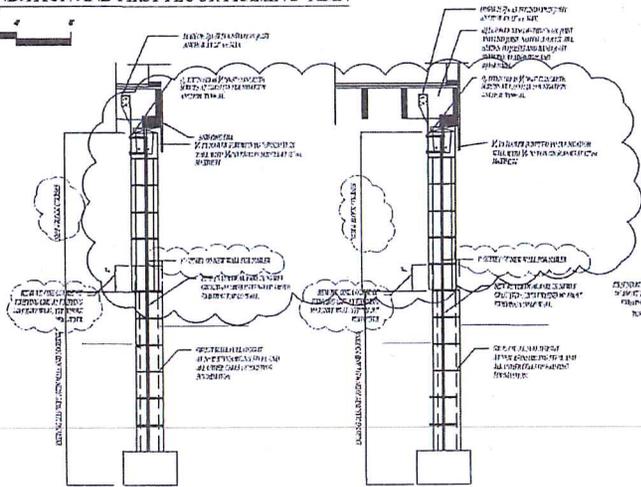
18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for the project as proposed.

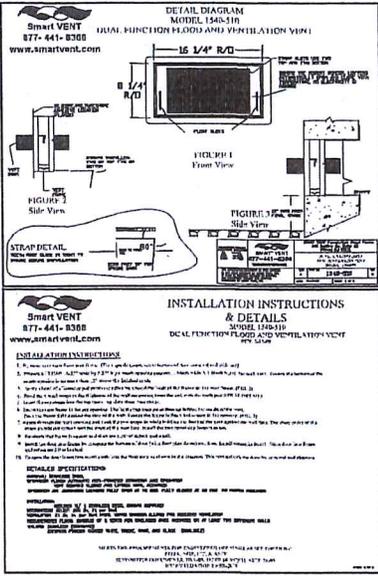


FOUNDATION AND FIRST FLOOR FRAMING PLAN



SECTION E1

SECTION E2



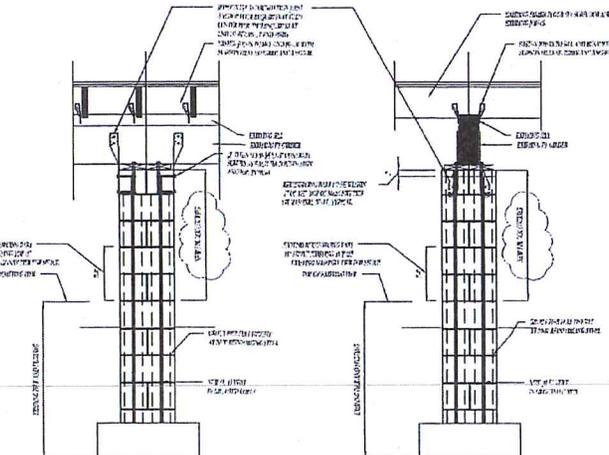
Smart VENT
877-441-8388
www.smartvent.com

INSTALLATION INSTRUCTIONS

1. Read and understand the instructions. Do not begin installation until you have read and understood these instructions.
2. Prepare 1/2" x 1/2" x 1/2" wood blocking. The blocking should be installed in the wall cavity behind the vent. The blocking should be installed in the wall cavity behind the vent. The blocking should be installed in the wall cavity behind the vent.
3. The vent should be installed in the wall cavity behind the vent. The vent should be installed in the wall cavity behind the vent. The vent should be installed in the wall cavity behind the vent.
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10. The vent should be installed in the wall cavity behind the vent. The vent should be installed in the wall cavity behind the vent. The vent should be installed in the wall cavity behind the vent.

MATERIAL SPECIFICATIONS

Material	Specification
Blocking	1/2" x 1/2" x 1/2" wood blocking
Vent	Smart VENT Model 1545-110
Strap	Smart VENT Strap



SECTION E3

SECTION E4



S.J.G. Engineering
6 Golden Gate Drive
Hooksett, NH 03106
C: 1-603-232-8142
C: 1-207-752-3274
S.J.G.Eng@comcast.net

DATE:	02/29/16	PERMIT	REVISION	DATE	DESCRIPTION
SCALE:	NOTED		1	4/28/16	NEW FINISH OFFSET
DR. BY:	S.J.G. Eng				
CK. BY:	S.J.G.				

KAPLAN RESIDENCE
8 HARBOR VIEW WAY
NANTUCKET, MA 02554
PROJECT NUMBER 2013-158

CERTIFICATE NO: 15644

DATE ISSUED: 4/5/10

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

TAX MAP N^o: 22-11 PARCEL N^o: 88
Street & Number of Proposed Work: 2 Hudson View Way
Owner of record: Hughes, Paul & Marlene
Mailing Address: 255 Commercial Street
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____
Mailing Address: _____
Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY	
Date application received: <u>3-26-10</u>	Fee Paid: \$ <u>75</u>
Must be acted on by: <u>5-13-10</u>	
Extended to: _____	
Approved: <input checked="" type="checkbox"/>	Disapproved: _____
Chairman: _____	
Member: _____	
Member: _____	
Member: _____	
Notes - Comments - Restrictions - Conditions <u>Shedding on July 13th - 10/17/10</u> <u>Plot 1 no. 1 off of A/roads latter</u> <u>at 150, 160, 170 - off road of building</u>	

DESCRIPTION OF WORK TO BE PERFORMED
See reverse for required documentation.

New Dwelling Addition Garage Driveway/Apron Commercial Historical Renovation Deck/Patio Steps Shed
 Color Change Fence Gate Hardscaping Move Building Demolition Revisions to previous Cert. No.
 Pool (Zoning District _____) Roof Other SHED

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: 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 32.8' South _____ East 36.5' West 32.5'

Additional Remarks

Historic Name: NA
Original Date: 1920
Original Builder: W. J. ...
Is there an HDC survey form for this building attached? Yes N/A
*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 4.3' Block Block Parged Brick (type) _____ Poured Concrete Piers _____
Masonry Chimney: Block Parged Brick (type) _____ Other _____
Roof Pitch: Main Mass 1/12 Secondary Mass 1/12 Dormer 1/12 Other _____
Roofing material: Asphalt: 3-Tab Architectural _____
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____
Skylights (flat only) 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 White
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): TDL SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____
Hardscape materials: Driveways Asphalt Walkways Asphalt Walls Asphalt

* Note: Complete door and window schedules are required.

COLORS

Sidewall White Clapboard (if applicable) _____ Roof _____
Trim White 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: 4-5-10 Signature of owner of record: _____ Signed under penalties of perjury

BUILDING/STRUCTURE INVENTORY FORM
NANTUCKET ISLAND ARCHITECTURAL
AND CULTURAL RESOURCES SURVEY
NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/
FILM ROLL #: BP13-5
MAP/PARCEL#: 4241-28

Recorded by: WAS

Date: 08/15/89

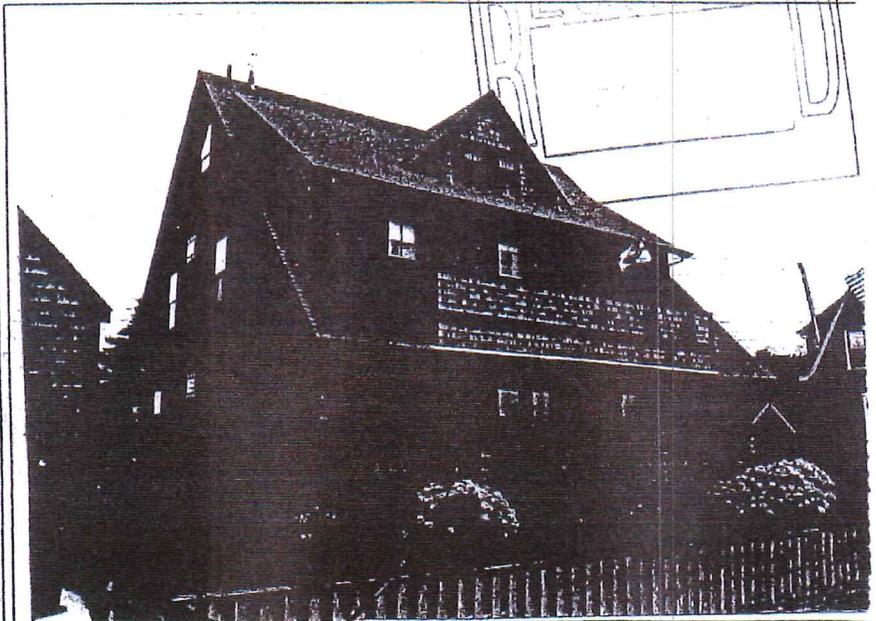
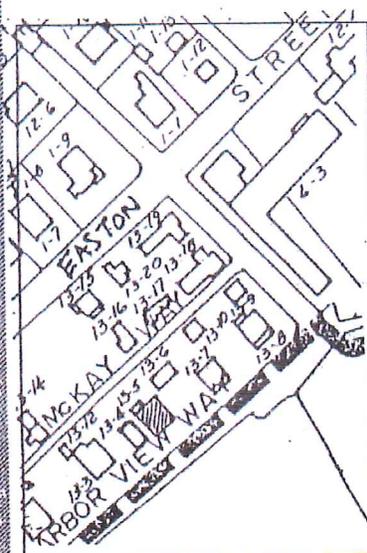
Organization: AGS

IDENTIFICATION

1. Street Name & No.: B HARBOR VIEW WAY
2. Building Name: N/A
3. Ownership: Private
4. Present Owner: MABBETT, HARTHAWAY & ANITA
5. Ownership History:
Unknown

6. Use: Original: Dwelling Present: Dwelling
Seasonal/Year-Round: Seasonal
7. Accessibility to Public: Visible from Public Road? Yes
Interior: N/A

8. MAP -- 3X2"



Revised 5/89

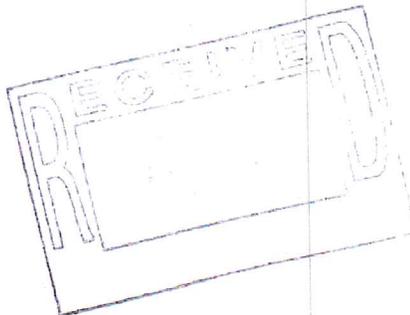
GENERAL SETTING AND ORIENTATION OF BUILDING

10. Lot Size: N/A
11. Approximate Frontage (ft.): 40
12. Setback from Street (ft.): 20 feet or less
13. Orientation to Street Address: Ridge Parallel
14. Surroundings: Scattered Buildings, Residential
15. Related Outbuildings and Property: GUESTHOUSE Shop,
Fence, BP13-4, BP13-6
16. Other Notable Features:
N/A

DESCRIPTION

17. Foundation: Concrete
18. Structural System: Woodframe
19. Exterior Wall Material, Front Facade: Shingles-Weathered
20. Exterior Wall Material, Side Elevations: Shingles-Weathered
21. Exterior Wall Material, Rear Elevation: Shingles-Weathered
22. Number of Stories: 2 1/2
23. Roof Shape: Gable
24. Roofing Material: Composition Shingle
25. Roof Features: Dormers/Front Facade, Extended eaves
26. Dormer Roof(s): Gable, Shed
27. Chimney Material: N/A
28. Chimney Position: N/A
29. Number of Chimneys: N/A
30. Chimney Features: N/A
31. Front/Primary Door Location: Off Center
32. Front/Primary Door Frame Features: Flush Frame
33. Number of Bays: 3
34. Window Frame Type: Flush
35. Window Sash Type(s) - Front Facade: 2/2

36. Porch: Front
37. Signage: N/A
38. Details: Corner boards-plain, Trellis
39. Condition: Good
40. Integrity: Original Site
41. Alterations:
N/A



SIGNIFICANCE

42. Role the Building Plays: National Register: Contributing
43. Date of Initial Construction: C 1920

Source: OWNER

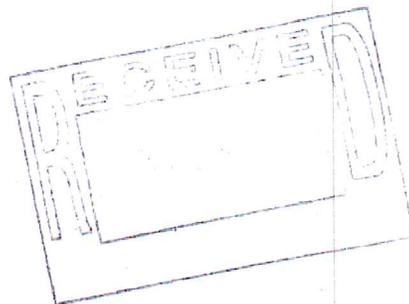
Architect: Unknown Builder: Unknown

44. Building Type: Box, Shed E11

45. Architectural Style: N/A

46. Historical and Architectural Importance:
Unknown

47. Sources: N/A



\$ 20.00

RECEIVED
BOARD OF ASSESSORS

JUN 28 2016

TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

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

KAPLAN FAMILY NT
 PROPERTY OWNER *BRUCE R. & MADELINE S. KAPLAN*
 MAILING ADDRESS *750 HOPMEADOW ST., SIMSBURY, CT 06070*
 PROPERTY LOCATION *S. HARBORVIEW WAY*
 ASSESSOR MAP/PARCEL *42.4.1-2B*
 SUBMITTED BY *PERMITS PLUS, INC PERMITS@COMCAST.NET*

SEE ATTACHED PAGES

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

June 29, 2016
DATE

Patricia Giles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABBUTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
4241	23			WHITE ELEPHANT HOTEL LLC	C/O NEW ENGLAND DEVELOPMENT-ACCTING	75 PARK PLAZA STE 3	BOSTON	MA 02116	50 EASTON ST
4241	26			STILLER CERALDO & ANNE NEARA TR	HARBOR VIEW REALTY TRUST	118 RIVERSIDE DR APT 5A 4	NEW YORK	NY 10024	14 HARBOR VIEW WY
4241	27			COLLATEZ EUGENE L JUDITH TRS		12 HARBOR VIEW WY	NANTUCKET	MA 02554	12 HARBOR VIEW WY
4241	28	1		6 HARBOR LLC		2870 PEACHTREE RD #303	ATLANTA	GA 30305	6 HARBOR VIEW WY
4241	30			4 HARBOR LLC		2870 PEACHTREE RD # 303	ATLANTA	GA 30305	4 HARBOR VIEW WY
4241	31			GRIGGS SYLVIA R TRUSTEE	C/O SAFE HARBOR GUEST HOUSE	2 HARBOR VIEW WY	NANTUCKET	MA 02554	2 HARBOR VIEW WY
4241	32			NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	72 EASTON ST
4241	58			BRANT POINT LLC		170 ISLAND CREEK ROAD	DUXBURY	MA 02332	45 EASTON ST
4241	59			49 EASTON STREET LLC		15 BASSIN LN	SCITUATE	MA 02066	47 EASTON ST
4241	60			WHITE ELEPHANT HOTEL LLC	C/O NEW ENGLAND DEVELOPMENT-ACCTING	75 PARK PLAZA STE 3	BOSTON	MA 02116	50 EASTON ST
4241	61			WHITE ELEPHANT HOTEL LLC	C/O NEW ENGLAND DEVELOPMENT-ACCTING	75 PARK PLAZA STE 3	BOSTON	MA 02116	54 EASTON ST
4241	62	1		WAZAN PATRICIA L TRST	WAZAN PATRICIA L TRST AGRM 2014	4 DELANSON CIRCLE	WELLESLEY	MA 02482	1 MACKAY WY
4241	62	2		VALENTIS MARY		5 LOWER SAGE HILL LN	NEHAMS	NY 12204	9 S BEACH ST
4241	63			GOULET JOHN E & KAREN D TRST		32 STURBRIDGE RD	WELLESLEY	MA 02481	66 EASTON ST
4241	62	3		PHILLIPS ELISABETH HUGHES & CHARLES		2 SURREY RD	SUMMIT	NJ 07901	4 SWAIN ST
4241	64			REGENBART JOSEPH J III & MARIANNE		103 EAST 86TH STREET AP	NEW YORK	NY 10028	6 WALSH ST
4241	65			GREENSFON ROBERT A & CLAIRE S		49 OLD FARM ROAD	DARLEN	CT 06828	53 EASTON ST
4241	66			BURTON ROBERT M TR	BURTON FAMILY REALTY TRUST	PO BOX 3105	NANTUCKET	MA 02584	55 EASTON ST
4241	67			FRANCIS KATHLEEN W		1170 PUGH RD	WAYNE	PA 19087	57 EASTON ST
4241	68	1		NANTUCKET YACHT CLUB		PO BOX 667	NANTUCKET	MA 02554	59 EASTON ST
4241	68	2		SPICER WILLIAM B & CHRISTINA J		10 E ROBIN RD	HOLLAND	PA 18966	1 CORNHIS ST
4241	69			ONE NORTH BEACH ST LLC		1 N BEACH ST	NANTUCKET	MA 02554	1 N BEACH ST
4241	76			BLOOM MARTIN V TRST	MVB LIVING TRUST	3471 MAIN HWY #823	MIAMI	FL 33133	3 CORNHIS ST
4241	62	74		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	19 N WATER ST
4242	7			HTR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	11 S BEACH ST
4242	7	1		NANTUCKET COUNTY OF		16 BROAD ST	NANTUCKET	MA 02554	8 BEACH ST
4242	7	2		NANTUCKET COUNTY OF	SHERBURNE ASSOCIATES R T	16 BROAD ST	NANTUCKET	MA 02554	8 BEACH ST
4242	8			NANTUCKET YACHT CLUB		PO BOX 667	NANTUCKET	MA 02554	3 HARBOR VIEW WY
4242	9			NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD	NANTUCKET	MA 02554	15 HARBOR VIEW WY
4242	10			NANTUCKET YACHT CLUB		PO BOX 667	NANTUCKET	MA 02554	1 S BEACH ST
4242	57	1		HTR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	15 S BEACH ST
4242	58			HTR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	9 S BEACH ST

MATERIALS

PROVIDED BY

APPLICANT

TO SUPPLEMENT

APPLICATION

SJG Engineering LLC
6 Golden Gate Drive
Hooksett, NH 03106
(o) 603-232-6142
(c) 207-752-3274
SJGEng@Comcast.net

Mr. Bruce Kaplan
8 Harborview Way
Nantucket, MA 02554

July 27, 2016

Re: Kaplan Residence
Foundation Design Flood Elevation
8 Harborview Way.
Nantucket, MA 02554.

Dear Bruce,

Following up on my conversations with Mark Poor regarding raising your house to conform to FEMA requirements, the following procedure was followed:
We reviewed the relevant code sections regarding the top of wall elevation and Base Flood Elevation and have the following comments:

Code: Massachusetts State Residential Building Code 8th Edition amendments to IRC2009, FEMA flood insurance rate maps, ASCE 24-14. Flood resistant design.

Code sections applicable to design in flood plains:

MBC 8th Edition sections R.322.2 and R322.2.1 define the use of FIRM and requires lowest floor to be elevated above design flood elevation.

FEMA Firm map notes BFE elevation 7'. Refer to FIRMETTE and close in print out of FEMA FIRM Map BFE Elevations.

ASCE 24 design application illustration of design flood flow chart.

ASCE 24 definitions of design flood elevation and dry floodproofing

ASCE 24 notes design flood elevation = BFE plus 1 foot.

Summary:

As the registered design professional, we advise an Owner by using the referenced Codes and accepted practice. The subject building is an existing wood framed structure that has a first floor frame that is not flood proof.

The design codes, accepted practice and National Flood Insurance Program all indicate that the proper way to design a building in an A zone is to establish the design flood elevation for the non-flood proof floor at BFE plus 1'. It must be noted that the proximity of the dividing line between BFE 7' and BFE 8' is within 100' of the subject building.

We have followed the referenced Code standards in establishing the Design Flood Elevation. We understand that the Building Commissioner may be holding up the permit process due to other Nantucket regulatory agencies. He is advocating that the foundation be constructed so that the top of masonry wall be at the BFE elevation. We respectfully submit that the duty of the Building Official is to make sure that the building meets the minimum Code requirements, which we have at BFE +1'. The Building Official does not have the duty to override the Registered Design Professional where they are meeting Code and have documented back up reasons for design decisions made on a project.

Please feel free to contact me if you have any comments or questions.

Thank You.

Sincerely,

Stephen J. Goan

Stephen J. Goan, PE, SE
Principal.

CC: Mark Poor, Permits Plus



R322.1.1 Base flood elevation, flood maps, delineations and definitions. For base flood elevation and mapping resources see the following:

1. Flood hazard areas and base flood elevations are identified on a community's current effective Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), whichever is applicable, and further defined in the current effective Flood Insurance Study (FIS) where applicable.
2. Floodways are delineated on a community's current effective FIRM or Flood Boundary & Floodway Map, whichever is applicable, and further defined in the current effective FIS.
3. If a community has received a preliminary FIRM and FIS from FEMA, and has been issued a Letter of Final Determination (LFD) from FEMA, the community shall use the preliminary FIRM and FIS to determine applicable flood zones, base flood elevations and floodways as of the date of the LFD.
4. Coastal A zones are delineated on the Massachusetts Coastal A Zone Map.
5. *Coastal wetlands resource areas* are defined on the "Map of Coastal Wetland Resources for Building Officials."

R322.1.4 Revise the subsection as follows:

R322.1.4 Establishing the design flood elevation. The design flood elevation in Massachusetts shall be as follows:

1. For AO Zones the design flood elevation shall be the elevation of the highest adjacent grade plus the flood depth specified on the FIRM plus one (1) foot or the elevation of the highest adjacent grade plus three (3) feet if no flood depth is specified. See Section R322.2 for requirements.
2. For A Zones the design flood elevation shall be the base flood elevation plus one (1) foot. See Section R322.2 for requirements.
3. For Coastal A Zones and V Zones the design flood elevation shall be the base flood elevation plus two (2) feet. See Section R322.3 for requirements.
4. For coastal dunes see Section R322.4 for requirements.

R322.1.4.2 Delete the subsection and replace with "reserved".

R322.1.5 Revise the subsection as follows:

R322.1.5 Lowest floor and basement. The lowest floor shall be the lowest floor of the lowest enclosed area, including basement, and excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section. A basement is the portion of a building, including crawl spaces, having its floor below exterior grade on all sides. This definition of "basement" is limited in application to the provisions of Section R322.

R322.1.6 Revise the subsection as follows:

51.00: continued

R322.1.4 Replace as follows:

R322.1.4 Establishing the Design Flood Elevation. The design flood elevation shall be used to define areas prone to flooding. The design flood elevation is the base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1% (100-year flood) or greater chance of being equaled or exceeded in any given year, and as obtained from the community's Flood Insurance Study (FIS) with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM).

R322.1.4.2 Delete subsection.

R322.1.5 Replace "is useable" with "is not a basement and is useable".

R322.1.7 Delete.

R322.1.11 Add subsection:

R322.1.11 Basement. The portion of a building having its floor subgrade (below ground level) on all sides, but is not a crawlspace. This definition of "Basement" is limited in application to the provisions of Section R322.

R322.1.12 Add subsection:

R322.1.12 Construction documents. The *construction documents* shall include documentation that is prepared and sealed by a *registered design professional* that the design and methods of construction to be used meet the applicable criteria of this section.

R322.2 Replace as follows:

R322.2 Flood Hazard Areas (A Zones). All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. Flood Hazard areas shall include all areas shown as A zones on the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with subsections R322.2.1 through R322.2.3.

R322.2.1 Revise as follows and delete the exception:

R322.2.1 Elevation Requirements.

1. Buildings and structures in flood hazard areas shall have the lowest floors elevated to or above the design flood elevation.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least 2 feet (610 mm) if a depth number is not specified.
3. Basement floors shall be elevated to or above the design flood elevation.
4. For lateral additions that are a substantial improvement, only the addition shall be elevated so that the lowest floor, including basement/cellars, is located at or above design flood elevation.

R322.2.2 In the first sentence, after "design flood elevation" insert "and are not basements".

R322.3 Add a second sentence as follows:

"Coastal high-hazard areas shall include all areas shown as V zones on the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map."

R322.3.1 Delete item 2.

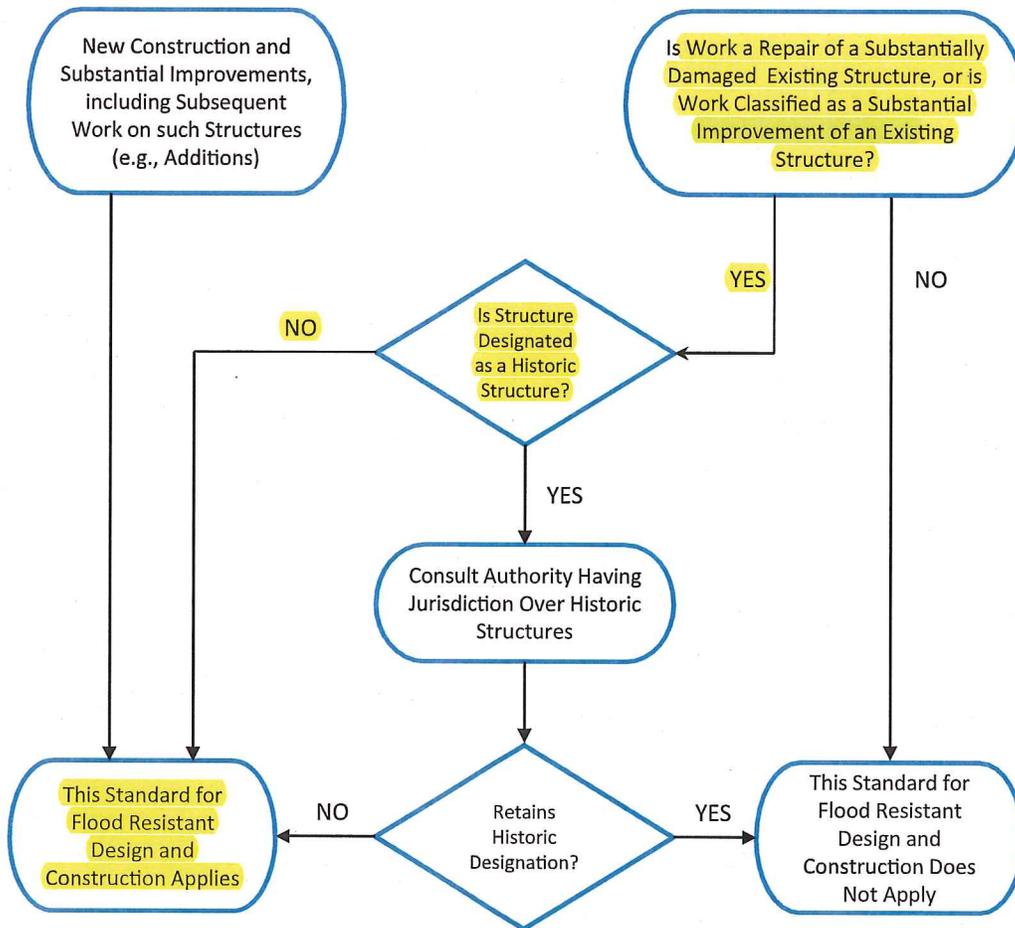


Fig. 1-1. Illustration of application of this standard.

Debris Impact Loads—Loads on a structure caused by flood-borne debris striking the structure, or a portion thereof; often it is sudden in nature and large in magnitude.

Design Flood—The flood associated with the greater of the following two areas: (1) area within a floodplain subject to a 1% or greater chance of flooding in any year, or (2) area designated as a flood hazard area on a community's flood hazard map or otherwise legally designated.

Design Flood Elevation (DFE)—Elevation of the design flood, including wave height, relative to the datum specified on the community's flood hazard map.

Dry Floodproofing—A combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

Enclosed Area or Enclosure—Confined area below the DFE, formed by walls on all sides of the enclosed space.

Eroded Ground Elevation—Elevation of ground following erosion.

Erodible Soil—Soil subject to wearing away, shifting, and movement due to the effects of wind, water, or other geological processes during a flood or storm or over a period of years.

Erosion—Wearing away of the land surface by detachment and movement of soil and rock fragments during a flood or storm or over a period of years, through the action of wind, water, or other geologic processes.

Erosion Analysis—Analysis of the erosion potential of soil or strata to include the effects of flooding or storm surge, moving water, wave action, and the interaction of water and structural components.

Essential Facility—Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow, or earthquakes.

Existing Structure—Any structure for which the start of construction commenced before the effective date of the first floodplain management code, ordinance, or standard adopted by the authority having jurisdiction.

Fill—Material such as soil, gravel, or crushed stone that is placed in an area to increase ground elevations (see *Structural Fill*).

Flash Flood—Flood that crests in a short length of time and is often characterized by high velocity flow; it often results from heavy rainfall over a localized area, which overflows a confined water course. A flood whose waters rise from within banks to 3 ft or more above banks in less than 2 hours shall be considered a flash flood.

Flood or Flooding—General and temporary condition of partial or complete inundation of normally dry land from (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Control Structure—Barrier designed and constructed to keep water away from or out of a specified area (see *Flood Protective Works*).

located at or above the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones). If replaced as part of a substantial improvement, electrical systems, *equipment* and components; heating, ventilating, air conditioning and plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall meet the requirements of this section. Systems, fixtures, and *equipment* and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* is permitted below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones) provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided they conform to the provisions of the electrical part of this code for wet locations.

R322.1.7 Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the *International Private Sewage Disposal Code*.

R322.1.8 Flood-resistant materials. Building materials used below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones) shall comply with the following:

1. All wood, including floor sheathing, shall be pressure-preservative-treated in accordance with AWP A U1 for the species, product, preservative and end use or be the decay-resistant heartwood of redwood, black locust or cedars. Preservatives shall be listed in Section 4 of AWP A U1.
2. Materials and installation methods used for flooring and interior and *exterior walls* and wall coverings shall conform to the provisions of FEMA/FIA-TB-2.

R322.1.9 Manufactured homes. New or replacement *manufactured homes* shall be elevated in accordance with Section R322.2 or Section R322.3 in coastal high-hazard areas (V Zones). The anchor and tie-down requirements of Sections AE604 and AE605 of Appendix E shall apply. The foundation and anchorage of *manufactured homes* to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

R322.1.10 As-built elevation documentation. A registered *design professional* shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

R322.2 Flood hazard areas (including A Zones). All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) shall be designated as Coastal A Zones. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the design flood elevation.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including *basement*) elevated at least as high above the highest adjacent *grade* as the depth number specified in feet on the FIRM, or at least 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below *grade* on all sides shall be elevated to or above the design flood elevation.

Exception: Enclosed areas below the design flood elevation, including *basements* whose floors are not below *grade* on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria:
 - 2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
 - 2.2. The total net area of all openings shall be at least 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the openings shall be designed and the *construction documents* shall include a statement by a registered *design professional* that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of

storage) as being suitable for wet floodproofing. The NFIP will allow these types of agricultural structures to be wet floodproofed upon issuance of a variance from the community. FEMA Technical Bulletin 7, *Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas* (FEMA 1993c) provides more information on this subject.

C1.5 BASIC DESIGN AND CONSTRUCTION REQUIREMENTS

C1.5.1 General It is essential that the designer understand the nature and magnitude of loads that will act on buildings and structures during design flood conditions. See ASCE 7 Chapter 5 and commentary (Standard Reference ASCE/SEI 2010). Furthermore, it is essential that appropriate load combinations be applied, especially for coastal areas (Coastal High Hazard Areas and Coastal A Zones). Design wind loads may act simultaneously with design flood loads in such areas. This is usually not the case in riverine areas; however, in riverine and lake floods of long duration where flood water depths and wide areas of water or low geography create long fetches, wind-driven waves may develop. In these areas, wave action may be important and the requirements of Chapter 4 should be considered reasonable for design and construction.

Although this standard is primarily intended for the design and construction of buildings, many of its provisions are also applicable to structures, such as gazebos, pavilions, bleachers, grandstands, towers, and similar structures that are not buildings. Such structures, if located in a flood hazard area, should be designed to resist flood loads associated with the design flood and should meet the applicable requirements of this standard.

Proper identification or calculation of design flood conditions is required before foundation type and other aspects of design can be considered. Design flood depths and velocities must be specified with a reasonable degree of accuracy; otherwise, flood forces computed during the design process will be unreliable. If flood hazard maps and studies do not specify flood elevations (e.g., as in the case of unnumbered A Zones) or flood discharge/velocity information, other sources of floodplain information should be consulted. Agencies listed in Section C1.3 should be contacted. In the absence of flood elevation and other data from FEMA or other agencies, professionals having the required expertise should be consulted.

Siting of buildings and structures in flood hazard areas involves land use and regulatory issues. The designer should consult the local jurisdiction and other agencies with zoning, land use, and regulatory authority to ascertain local and state siting restrictions or conditions. Many jurisdictions or state governing authorities may prohibit construction or other development activities in certain portions of the floodplain; many will impose specific requirements on siting, design, and construction. For example, some jurisdictions may require that new construction not cause any of the following to occur: (1) alter the flood path, (2) increase the flood discharge, (3) increase the flood velocity, (4) increase the flood elevation, (5) increase the area of flood inundation, (6) reduce flood storage, or (7) reduce available wetlands.

C1.5.2 Elevation Requirements The minimum required elevation of buildings and structures (lowest floor, dry floodproofing measures, flood damage-resistant materials, and location of utility equipment) is a function of two factors: the type of flood hazard area, and the Flood Design Class of the building or structure. Tables that specify the minimum elevations are found in Chapter 2 (flood hazard areas other than Coastal High Hazard

Areas and Coastal A Zones), Chapter 4 (Coastal High Hazard Areas and Coastal A Zones), Chapter 5 (flood damage-resistant materials), Chapter 6 (floodproofing), and Chapter 7 (attendant utilities and equipment).

In general, elevations are higher in Coastal High Hazard Areas and Coastal A Zones, where the reference point on the building is the bottom of the lowest horizontal structural member of the lowest floor. In other flood hazard areas, the reference point is the top of the lowest floor system.

Flood Design Class 4 buildings and structures are essential facilities and warrant a higher level of protection than other structures. The minimum elevation tables specify that Class 4 structures are to be elevated to the BFE plus 2 or 3 ft, or to the DFE, or the 500-year flood elevation, whichever is higher.

Flood Design Class 3 buildings and structures that pose a high risk to the public or disruption to the community also warrant a high level of protection, and the elevation tables specify the minimum elevation to be BFE plus 1 or 2 ft, or the DFE, whichever is higher.

Flood Design Class 2, which includes most buildings and structures (including one- and two-family homes and townhouses), is specified to have the lowest floor located at a minimum elevation of BFE plus 1 ft, or the DFE, whichever is higher.

Flood Design Class 1 buildings and structures have the DFE as the minimum elevation requirement (or DFE plus 1 ft if dry floodproofed).

This standard requires buildings and structures to be elevated higher than the minimum requirements of the NFIP. The more stringent elevation requirement is based on post-disaster observations and insurance claims data that indicate buildings elevated to only the BFE are often subject to some degree of flood damage. The conclusion is that a relatively small increase in elevation not only reduces damage, thus facilitating more rapid recovery, but also reduces the cost of federal flood insurance.

C1.5.3 Foundation Requirements

C1.5.3.1 Geotechnical Considerations Foundation design should be based on an accurate identification of underlying soil and rock properties at the site of a proposed structure. Although not required by many floodplain management ordinances or other applicable construction standards, geotechnical investigations should be conducted at any construction site in a flood hazard area where available geotechnical data are insufficient for design purposes. Foundation design should take into account all potential impacts of soil saturation (especially during conditions of long duration flooding), consolidation, movement, expansion, and erosion, including the effects of long-term erosion that may occur at a site.

C1.5.3.2 Foundation Depth In addition to the requirements contained in Chapters 2 and 4 of this standard, the designer can refer to the body of literature dealing with flooding, flood-induced erosion, and local scour, for example, USACE (2006), Fowler (1993), and FHA (2012). The designer should consult professionals experienced in hydraulic and sediment transport analyses in the geographic area of interest.

C1.5.3.3 Foundation Walls and Wall Footings Use of foundation walls below the minimum elevations specified by Table 2-1 is permitted only where the walls and wall footings are designed and constructed to resist flood-related forces acting on those walls so as not to jeopardize the stability or integrity of the building or structure. In most instances, use of load bearing walls in flood hazard areas susceptible to high velocity flow, high velocity wave action, or other destructive flood forces will likely

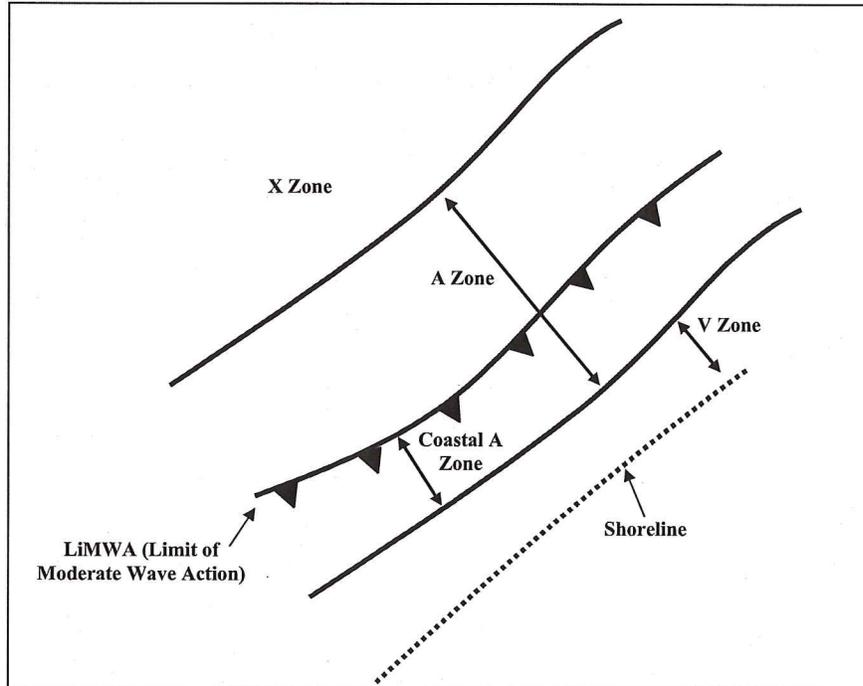


Fig. C1-1. Schematic of the Coastal A Zone

Flash Flood—Flood hazard areas subject to conditions that meet this definition are not separately identified on FIRMs or identified in Flood Insurance Studies. These conditions generally occur in areas where there is considerable topographic relief, such as steeply sloping waterways in mountainous or hilly areas. Flash flooding can also occur in waterways when intense rains fall on headwater areas, particularly in arid regions. Designers may need to consult with local authorities or water resources professionals to determine if historical events or anticipated flooding conditions meet this definition. See commentary for Section 3.3.

Flood Design Class—This standard requires all buildings and structures within its scope to be assigned a Flood Design Class (see Section C1.4.3). This is a significant change from previous editions of this standard, which used the occupancy category from earlier editions of ASCE 7.

Flood Hazard Boundary Map (FHBM)—First flood risk map prepared by FEMA for a community, which identifies flood hazard areas based on the approximation of land areas in the community having a 1% or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM)—Official map on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to a community. Many communities have multiple panels comprising the FIRM, and panels may have different effective dates. Users should verify that the most current effective map is used in determining flood hazard areas, floodway areas, and BFEs. FEMA's online Map Service Center is accessible at <http://www.msc.fema.gov>. Many states and communities also provide online access to FIRMs.

Flood Insurance Study (FIS)—A report prepared by FEMA to document the examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of

mudslide (mudflow) or flood-related erosion hazards. The FIS typically includes a section on discharges of streams studied, water surface elevation profiles for floods of different frequencies, and floodway data tables, which also include some velocity information. For coastal communities, the FIS typically includes water surface elevations for floods of different frequencies at identified locations (transects) along the shoreline.

Floodplain Management Ordinance—Ordinance adopted by the authority having jurisdiction to regulate development in flood hazard areas. The ordinance addresses all development, including development activities that are outside the scope of this standard.

Floodproofing—Measures outlined in this standard may apply to new construction or improvement or retrofit of existing structures. Floodproofing is intended to protect areas within a structure that are below specific elevations. The standard specifies limitations on the use of dry floodproofing and wet floodproofing.

Freeboard—Additional height used as a factor of safety in setting the minimum elevation of a structure, or floodproofing measures applied to a structure, to provide a higher level of protection for certain structures based on importance (Flood Design Class). Freeboard also is used to compensate for factors that may increase flood heights and for uncertainties inherent in determining flood frequencies and flood elevations. States and communities may adopt freeboard requirements that exceed the elevation requirements of this standard.

Functionally Dependent—Defined in the standard and used in Section 6.3.1 where certain structures in close proximity to water may be wet floodproofed. Designers should note that many other structures that are typically located near water (such as marina offices, chandlers, and bait and tackle shops) are not specified in the definition. The definition in the standard is the same as defined by the NFIP (44 CFR Part 59.1).

CHAPTER 5 MATERIALS

5.1 GENERAL

New construction and substantial improvements in flood hazard areas shall be constructed with flood damage-resistant materials below the elevations specified in Table 5-1. Flood damage-resistant materials shall have sufficient strength, rigidity, and durability to adequately resist all flood-related and other loads unless designed to break away or as permitted elsewhere in this standard.

Exposed structural and nonstructural construction materials, including connections, shall be capable of resisting damage, deterioration, corrosion, or decay because of precipitation, wind-driven water, salt spray, or other corrosive agents known to be present.

Structural and nonstructural construction materials, including connectors and fasteners, below the elevations specified in Table 5-1 shall be capable of resisting damage, deterioration, corrosion, or decay because of direct and prolonged contact with floodwaters associated with design flood conditions.

5.2 SPECIFIC MATERIALS REQUIREMENTS FOR FLOOD HAZARD AREAS

5.2.1 Metal Connectors and Fasteners Metal plates, connectors, screws, bolts, nails, and other fasteners exposed to direct contact by floodwater, precipitation, or wind-driven water shall be stainless steel or equivalent corrosion resistant material, or hot-dip galvanized in accordance with ASTM A123/A123M *Standard Specification for Zinc (Hot-Dip Galvanized) Coatings on Iron and Steel Products* (ASTM 2012d), ASTM A153/A153M *Standard Specification for Zinc Coating (Hot-Dip) on Iron and*

Steel Hardware (ASTM 2009), ASTM A653/A653M *Standard Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process* (ASTM 2011a), or ASTM A924/A924M *Standard Specification for General Requirements for Steel Sheet, Metallic-Coated by the Hot-Dip Process* (ASTM 2010a).

5.2.2 Structural Steel Steel pipe piles shall conform to ASTM A252/252M *Standard Specification for Welded and Seamless Steel Pipe Piles* (ASTM 2010b).

Steel H piles and steel sheet piling shall conform to ASTM A572/A572M *Standard Specification for High-Strength Low-Alloy Columbium-Vanadium Structural Steel* (ASTM 2012a) or ASTM A690/A690M *Standard Specification for High-Strength Low-Alloy Nickel, Copper, Phosphorus Steel H-Piles and Sheet Piling with Atmospheric Corrosion Resistance for Use in Marine Environments* (ASTM 2012b).

Rolled steel shapes other than H piles shall conform to ASTM A36/A36M *Standard Specification for Carbon Structural Steel* (ASTM 2008a), ASTM A572/A572M *Standard Specification for High-Strength Low-Alloy Columbium-Vanadium Structural Steel* (ASTM 2012a), and ASTM A992/A992M *Standard Specification for Structural Steel Shapes* (ASTM 2011b).

Cast steel shoes, where provided, shall conform to ASTM A148/A148M *Standard Specification for Steel Castings, High Strength, for Structural Purposes* (ASTM 2008b).

5.2.2.1 Corrosive Environments Structural steel exposed to direct contact with saltwater, salt spray, or other corrosive agents known to be present shall be hot-dipped galvanized after fabrication. Secondary components such as angles, bars, straps, and anchoring devices shall be stainless steel or hot-dipped galvanized after fabrication in accordance with Section 5.2.1.

5.2.2.2 Noncorrosive Environments In areas where salt spray and other corrosive agents are known not to be present, exposed structural steel either shall meet the requirements of Section 5.2.2.1 or shall be primed, coated, plated, or otherwise protected against corrosion due to direct contact with floodwaters, precipitation, or wind-driven water.

Secondary components such as angles, bars, straps, and anchoring devices shall be stainless steel or hot-dipped galvanized after fabrication in accordance with Section 5.2.1.

Damage to protective finishes and coatings caused by handling or installation shall be repaired using procedures that result in protection equivalent to the stated requirement.

5.2.3 Concrete Ingredients of concrete, including admixtures and reinforcing steel, quality of concrete, and the design and construction thereof shall comply with ACI 318 *Building Code Requirements for Structural Concrete and Commentary* (ACI

Table 5-1 Minimum Elevation below Which Flood Damage-Resistant Materials Shall Be Used

Flood Design Class ^a	Minimum Elevation in Flood Hazard Areas, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE)	Minimum Elevation in Coastal High Hazard Areas and Coastal A Zones, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE)
1	DFE	DFE
2	BFE + 1 ft or DFE, whichever is higher	BFE + 1 ft or DFE, whichever is higher
3	BFE + 1 ft or DFE, whichever is higher	BFE + 2 ft or DFE, whichever is higher
4	BFE + 2 ft or DFE, or 500-year flood elevation, whichever is higher	BFE + 2 ft or DFE, or 500-year flood elevation, whichever is higher

^aSee Table 1-1 for Flood Design Class descriptions.

Table 1-1 Flood Design Class of Buildings and Structures

Use or Occupancy of Buildings and Structures	Flood Design Class
Buildings and structures that normally are unoccupied and pose minimal risk to the public or minimal disruption to the community should they be damaged or fail due to flooding. Flood Design Class 1 includes (1) temporary structures that are in place for less than 180 days, (2) accessory storage buildings and minor storage facilities (does not include commercial storage facilities), (3) small structures used for parking of vehicles, and (4) certain agricultural structures. ^a	1
Buildings and structures that pose a moderate risk to the public or moderate disruption to the community should they be damaged or fail due to flooding, except those listed as Flood Design Classes 1, 3, and 4. Flood Design Class 2 includes the vast majority of buildings and structures that are not specifically assigned another Flood Design Class, including most residential, commercial, and industrial buildings.	2
Buildings and structures that pose a high risk to the public or significant disruption to the community should they be damaged, be unable to perform their intended functions after flooding, or fail due to flooding. Flood Design Class 3 includes (1) buildings and structures in which a large number of persons may assemble in one place, such as theaters, lecture halls, concert halls, and religious institutions with large areas used for worship; (2) museums; (3) community centers and other recreational facilities; (4) athletic facilities with seating for spectators; (5) elementary schools, secondary schools, and buildings with college or adult education classrooms; (6) jails, correctional facilities, and detention facilities; (7) healthcare facilities not having surgery or emergency treatment capabilities; (8) care facilities where residents have limited mobility or ability, including nursing homes but not including care facilities for five or fewer persons; (9) preschool and child care facilities not located in one- and two-family dwellings; (10) buildings and structures associated with power generating stations, water and sewage treatment plants, telecommunication facilities, and other utilities which, if their operations were interrupted by a flood, would cause significant disruption in day-to-day life or significant economic losses in a community; and (11) buildings and other structures not included in Flood Design Class 4 (including but not limited to facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, hazardous waste, or explosives) containing toxic or explosive substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. ^b	3
Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure, disruption of function, or damage by flooding. Flood Design Class 4 includes (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response; (5) power generating stations and other public utility facilities required in emergencies; (6) critical aviation facilities such as control towers, air traffic control centers, and hangars for aircraft used in emergency response; (7) ancillary structures such as communication towers, electrical substations, fuel or water storage tanks, or other structures necessary to allow continued functioning of a Flood Design Class 4 facility during and after an emergency; and (8) buildings and other structures (including, but not limited to, facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, or hazardous waste) containing sufficient quantities of highly toxic substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. ^b	4

^a Certain agricultural structures may be exempt from some of the provisions of this standard; see Section C1.4.3.

^b Buildings and other structures containing toxic, highly toxic, or explosive substances shall be eligible for assignment to a lower Flood Design Class if it can be demonstrated to the satisfaction of the authority having jurisdiction by a hazard assessment as described in Section 1.5.3 of *Minimum Design Loads for Buildings and Other Structures* that a release of the substances is commensurate with the risk associated with that Flood Design Class.

vertical loads, including uplift and lateral loads in accordance with the load combinations specified in Section 1.6.2.

Stringers or beams shall be attached to the substructure or directly to piles, columns, piers, and walls with bolted or welded connections such that a continuous load path is maintained.

Washers shall be used under all nuts and bolt heads bearing directly on wood. All nuts, bolts, and washers shall be corrosion resistant. Notches at the tops of timber posts and piles shall not exceed 50% of the cross section of the post or pile.

Adequate anchorage shall be provided for storage tanks, sealed conduits and pipes, lined pits, sumps, and all other similar structures that are subject to flotation or lateral movement during the design flood.

1.6 LOADS IN FLOOD HAZARD AREAS

1.6.1 General Design of structures within flood hazard areas shall be governed by the loading provisions of ASCE 7 *Minimum Design Loads for Buildings and Other Structures* (ASCE/SEI 2010).

Design and construction of structures located in flood hazard areas shall consider all flood-related loads and conditions, including the following: hydrostatic loads, hydrodynamic loads, wave action; debris impact; rapid rise and rapid drawdown of floodwaters; prolonged inundation; alluvial fan flooding; wave-induced and flood-related erosion and local scour; deposition of sediments; ice flows and ice jams; and mudslides in accordance with requirements of this standard if specified, or if not specified in this standard then in accordance with requirements approved by the authority having jurisdiction. Design considerations shall be documented and shall take into account the applicable flood-related loads and conditions, and load combinations that will act on the foundation and the structure.

1.6.2 Combination of Loads Flood loads shall be combined with other loads as specified in ASCE 7 *Minimum Design Loads for Buildings and Other Structures* (ASCE/SEI 2010), either by using the allowable stress design method load combinations or by using the strength design method load combinations.

Table 2-1 Minimum Elevation of the Top of Lowest Floor—Flood Hazard Areas Other Than Coastal High Hazard Areas,^a Coastal A Zones,^a and High Risk Flood Hazard Areas^a

Flood Design Class ^b	Minimum Elevation, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE)
1 ^c	DFE
2 ^d	BFE + 1 ft or DFE, whichever is higher
3 ^d	BFE + 1 ft or DFE, whichever is higher
4 ^d	BFE + 2 ft or DFE, or 500-year flood elevation, whichever is higher

^aMinimum elevations shown in Table 2-1 do not apply to Coastal High Hazard Areas and Coastal A Zones (see Table 4-1). Minimum elevations shown in Table 2-1 apply to other high risk flood hazard areas unless specific elevation requirements are given in Chapter 3 of this standard.

^bSee Table 1-1 for Flood Design Class descriptions.

^cFlood Design Class 1 structures shall be allowed below the minimum elevation if the structure meets the wet floodproofing requirements of Section 6.3.

^dFor nonresidential buildings and nonresidential portions of mixed-use buildings, the lowest floor shall be allowed below the minimum elevation if the structure meets the dry floodproofing requirements of Section 6.2.

2.7 ENCLOSURES BELOW THE DESIGN FLOOD ELEVATION

Enclosed areas that are used solely for parking of vehicles, building access, or storage shall be permitted below the DFE, provided the enclosed areas meet the requirements of this section.

2.7.1 Required Openings in Foundation Walls and Walls of Enclosures Foundation walls and exterior walls that form enclosures below the DFE that do not meet the dry-floodproofing requirements of Section 6.2 shall contain openings to allow for automatic entry and exit of floodwaters during design flood conditions. Openings shall meet the requirements of Section 2.7.2 and Section 2.7.3.

2.7.1.1 Openings in Breakaway Walls Openings to allow for the automatic entry and exit of floodwaters during design flood conditions shall be installed in breakaway walls in all flood hazard areas. Openings shall meet the requirements of Section 2.7.2 and be installed in accordance with Section 2.7.3.

2.7.2 Design of Openings Openings shall meet the non-engineered opening requirements of Section 2.7.2.1 or the engineered opening requirements of Section 2.7.2.2. Installation of all openings shall meet the requirements of Section 2.7.3.

2.7.2.1 Non-Engineered Openings Non-engineered openings shall meet the following criteria: (1) The total net open area of all openings shall be at least 1 sq in. for each sq ft of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls; (2) openings shall not be less than 3 in. in any direction in the plane of the wall; and (3) the presence of louvers, blades, screens, and faceplates or other covers and devices shall not block or impede the automatic flow of floodwaters into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

2.7.2.2 Engineered Openings Engineered openings shall meet the following criteria:

1. Each individual opening shall be designed to allow automatic entry and exit of floodwaters during design flood or lesser flood conditions;
2. The performance of engineering openings shall account for the presence of louvers, blades, screens, grilles, faceplates, or other covers and devices;

Table 2-2 Flood Opening Coefficient of Discharge^a

Opening Shape and Condition	c
All shapes, partially obstructed during design flood ^b	0.20
Circular, unobstructed during design flood	0.60
Rectangular, long axis horizontal, short axis vertical, unobstructed during design flood	0.40 ^c
Square, unobstructed during design flood	0.35
Rectangular, short axis horizontal, long axis vertical, unobstructed during design flood	0.25 ^d
Other shapes, unobstructed during design flood	0.30

^aDifferent coefficients of discharge shall be permitted: (1) where a designer has performed detailed, opening-specific calculations, a coefficient of discharge up to 10% different than given in Table 2-2 shall be permitted; or (2) where laboratory testing or numerical modeling of flow through the opening has been conducted, the resulting coefficient of discharge shall be permitted. In no case shall a coefficient of discharge >0.60 be permitted.

^bOpenings shall be classified as partially obstructed if louvers, blades, screens, grilles, faceplates, or other covers or devices are present during the design flood.

^cWhen the horizontal dimension is twice or more the vertical dimension, use 0.4; as the dimensions approach a square, interpolate from 0.4 to 0.35.

^dWhen the horizontal dimension is half or less the vertical dimension, use 0.25; as the dimensions approach a square, interpolate from 0.25 to 0.35.

3. Openings shall not be less than 3 in. in any direction in the plane of the wall;
4. The performance of engineered openings shall ensure that the difference between the exterior and interior floodwater levels shall not exceed 1 ft;
5. In the absence of reliable data on the rates of rise and fall, assume a minimum rate of rise and fall of 5 ft/h; where an analysis indicates the rates of rise and fall are greater than 5 ft/h, the total net area of the required openings shall be increased to account for the higher rates of rise and fall; where an analysis indicates the rates of rise and fall are less than 5 ft/h, the total net area of the required openings shall remain the same or shall be decreased to account for the lower rates of rise and fall; and
6. The minimum total net area of the required openings in enclosure walls shall be calculated using the equation

$$A_o = 0.033 (1/c)(R)(A_e)$$

where

A_o = the total net area of openings required (in.²)

0.033 = coefficient (in.² · h/ft³) corresponding to a factor of safety of 5.0

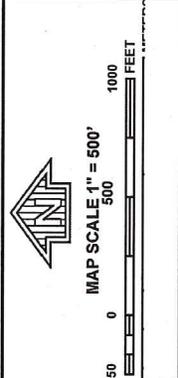
c = opening coefficient of discharge given in Table 2-2

R = worst case rate of rise and fall (ft/h)

A_e = the total enclosed area (ft²).

2.7.3 Installation of Openings Installation of openings shall meet the following criteria:

1. Each enclosed area shall have a minimum of two openings,
2. Openings shall be in at least two walls of each enclosed area,
3. The bottom of each opening shall be no more than 1 ft above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening, and
4. Openings meeting requirements of Section 2.7.2.1 or Section 2.7.2.2 that are installed in doors and windows are permitted.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0086G

FIRM
FLOOD INSURANCE RATE MAP
NANTUCKET COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 86 OF 177
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COORDINATES: NUMBER 250230 PANEL NUMBER 0086G
 MUNICIPALITY: NANTUCKET STATE: MASSACHUSETTS

NOTE:
 THIS MAP INCLUDES DRAWINGS OF THE COASTAL BARRIER
 SYSTEM REQUIRED BY THE FEDERAL EMERGENCY
 MANAGEMENT AGENCY (FEMA) UNDER THE
 NATIONAL FLOOD INSURANCE PROGRAM.
 Notices to Users: The Map Number shown below
 should be used when placing map orders; the
 Community Number shown above should be
 used for insurance applications for the subject
 community.

MAP NUMBER
2501900086G
 EFFECTIVE DATE
JUNE 9, 2014

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using FIRM On-Line. This map does not reflect changes to the map data since the last update. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

FEMA's National Flood Hazard Layer (Official)

Data from Flood Insurance Rate Maps (FIRMs) where available digitally. New NFHL FIRMette Print app available: <http://tinyurl.com/j4xwp5e>



National Geospatial-Intelligence Agency (NGA); Delta State University; Esri | scott.mcafee@fema.dhs.gov

LAURA F. HANSON

55 CENTER ST.

FILE NO. 31-16



NANTUCKET
TOWN CLERK

2016 AUG -1 PM 3:48

PAID PAID PAID
JUL 14 2016
BY: 13096 KH

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 31-16

Owner's name(s): Laura F. Hanson

Mailing address: c/o Cohen & Cohen Law, PC

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

Applicant's name(s): Same

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 55 Center St Assessor's Map/Parcel: 42.4.4 /72

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

Deed Reference/Certificate of Title: 856/197 Zoning District ROH

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

Residential: Number of dwellings 1 Duplex _____ Apartments _____

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

See attached separate addendum

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

SIGNATURE: *Paul A. [Signature]* *attorney for*
Owner*

SIGNATURE: *Paul A. [Signature]* Applicant/Attorney/Agent*
attorney for the Applicant / Owner

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

OFFICE USE ONLY

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

Addendum

ZBA Application
55 Center Street/ Laura Hanson

Applicant/Owner is seeking a Special Permit relief under Zoning By-Law 139-33A. to allow the alteration of pre-existing nonconforming house by lifting the house to install a new foundation and basement. In addition, the Applicant/Owner will be constructing a conforming addition to back of the house. The construction of basement will not create any new nonconformities and will not make the nonconforming setback distance more nonconforming.

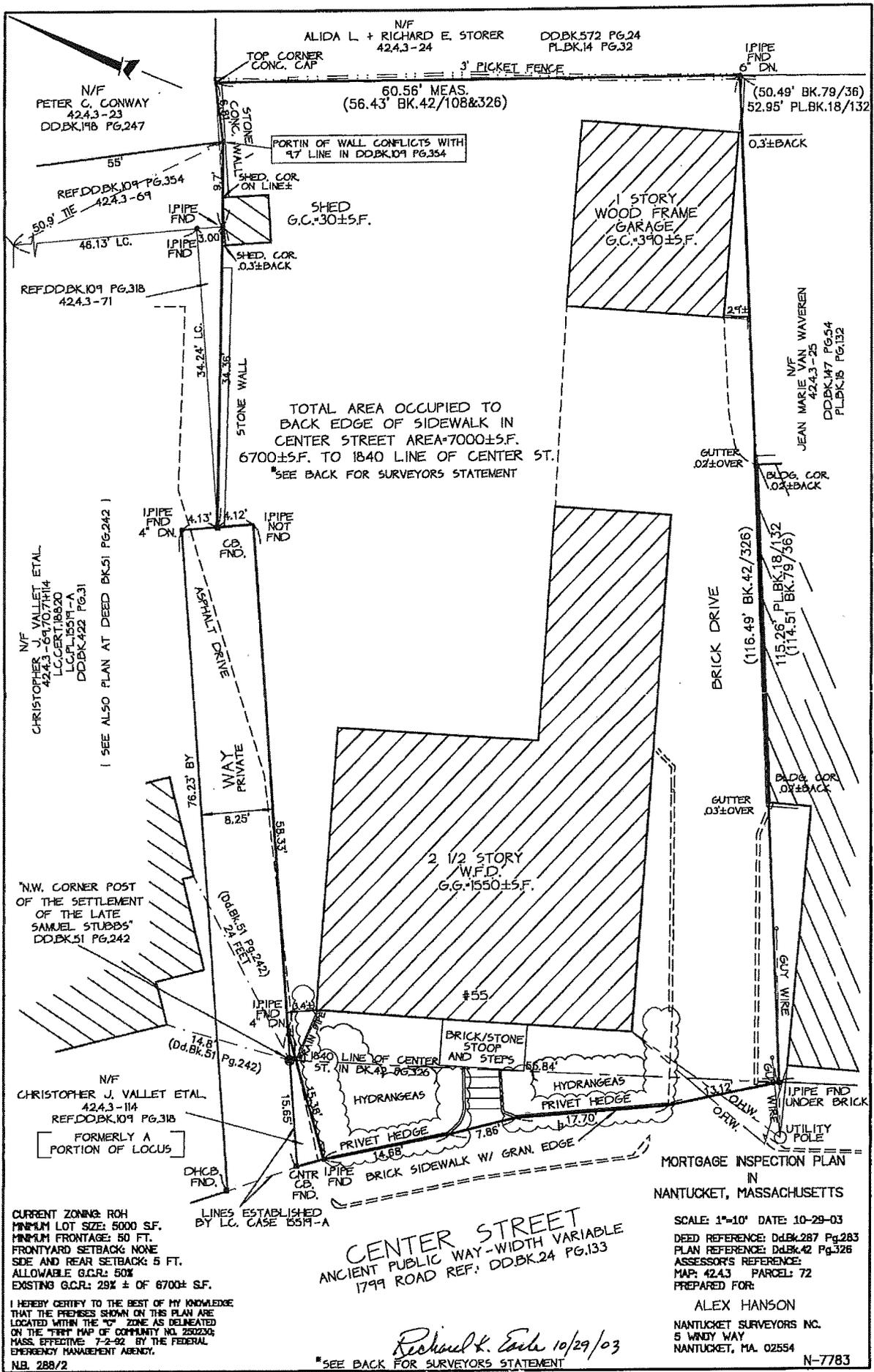
The house is sited as close as ± 3.4 feet from the northerly side lot line and has a height of 30 feet 8 inches. There is also a pre-existing nonconforming garage sited as close as 0.3 feet from southerly side lot line, and pre-existing nonconforming shed sited on the northerly side lot line. The Locus is a conforming lot sited at 55 Center Street and is shown on Assessors Map 42.4.3 as Parcel 72. Evidence of the Owner's title is recorded with Nantucket Registry of Deed in Book 856, Page 197. Locus is zoned Residential Old Historic (ROH)



Property Information	
Property ID	42.4.3.72
Location	55 CENTER ST
Owner	HANSON LAURA F


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

1" = 107 ft
Map data © 2015 Google, Imagery © 2015 Google, Terms of Use



N/F ALIDA L + RICHARD E. STORER DDBK.572 PG.24
424.3-24 PLBK.14 PG.32

N/F PETER C. CONWAY DD.BK.198 PG.247
424.3-23

60.56' MEAS. (56.43' BK.42/108&326)

PIPE FND 6" DN (50.49' BK.79/36)
52.95' PLBK.18/132

55'
REF.DDBK.109 PG.354 424.3-69
50.9' IE
46.13' LC.
REF.DDBK.109 PG.318 424.3-71

PORTIN OF WALL CONFLICTS WITH 4.7' LINE IN DDBK.109 PG.354

SHED G.C. 30±5.F.

1 STORY WOOD FRAME GARAGE G.C. 390±5.F.

TOTAL AREA OCCUPIED TO BACK EDGE OF SIDEWALK IN CENTER STREET AREA=7000±5.F. 6700±5.F. TO 1840 LINE OF CENTER ST.
SEE BACK FOR SURVEYORS STATEMENT

N/F CHRISTOPHER J. VALLET ETAL 424.3-84/70/7H14 LC.CERT.18620 LC.P.15519-A DDBK.422 PG.31
SEE ALSO PLAN AT DEED BK.51 PG.242 I

N/F JEAN MARIE VAN WAVEREN DD.BK.147 PG.54 424.3-25 PLBK.18 PG.132

PIPE FND 4" DN 4.13'

PIPE NOT FND 4.12'

76.23' BY WAY PRIVATE
8.25'
58.33'
"N.W. CORNER POST OF THE SETTLEMENT OF THE LATE SAMUEL STUBBS" DD.BK.51 PG.242

2 1/2 STORY W.F.D. G.C. 1550±5.F.

BRICK DRIVE (116.49' BK.42/326)

115.26' PLBK.18/132 (114.51' BK.79/56)

GUTTER .03±OVER

BASE COR. 0.2±BACK

N/F CHRISTOPHER J. VALLET ETAL 424.3-114 REF.DDBK.109 PG.318 FORMERLY A PORTION OF LOCUS

BRICK/STONE STOOP AND STEPS

HYDRANGEAS PRIVET HEDGE

MORTGAGE INSPECTION PLAN IN NANTUCKET, MASSACHUSETTS

CURRENT ZONING: ROH
MINIMUM LOT SIZE: 5000 SF.
MINIMUM FRONTAGE: 50 FT.
FRONTYARD SETBACK: NONE
SIDE AND REAR SETBACK: 5 FT.
ALLOWABLE G.C.R.: 50%
EXISTING G.C.R.: 29% ± OF 6700± SF.

CENTER STREET
ANCIENT PUBLIC WAY - WIDTH VARIABLE
1799 ROAD REF: DD.BK.24 PG.133

SCALE: 1"=10' DATE: 10-29-03
DEED REFERENCE: DdBK.287 PG.283
PLAN REFERENCE: DdBK.42 PG.326
ASSESSOR'S REFERENCE:
MAP: 42.43 PARCEL: 72
PREPARED FOR:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "C" ZONE AS DELINEATED ON THE "FERT" MAP OF COMMUNITY NO. 2502230; MASS. EFFECTIVE 7-2-92 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Richard K. Eick 10/29/03

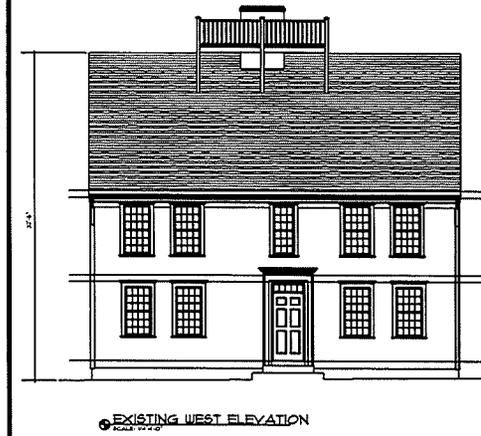
ALEX HANSON
NANTUCKET SURVEYORS INC.
5 WINDY WAY
NANTUCKET, MA. 02554

SEE BACK FOR SURVEYORS STATEMENT

N-7783



PROPOSED WEST ELEVATION -(NO CHANGE)



EXISTING WEST ELEVATION

SCALE: 1/4"=1'
 DRAWN BY: YO
 DATE: 2-1-16

HANSON-55 CENTRE STREET

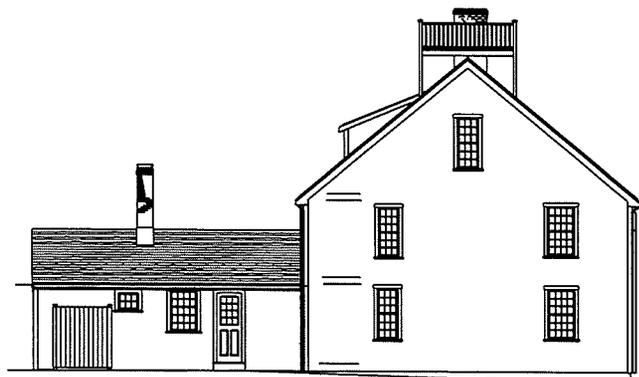
VAL OLIVER DESIGN
 PO BOX 3057
 NANTUCKET, MA 02584



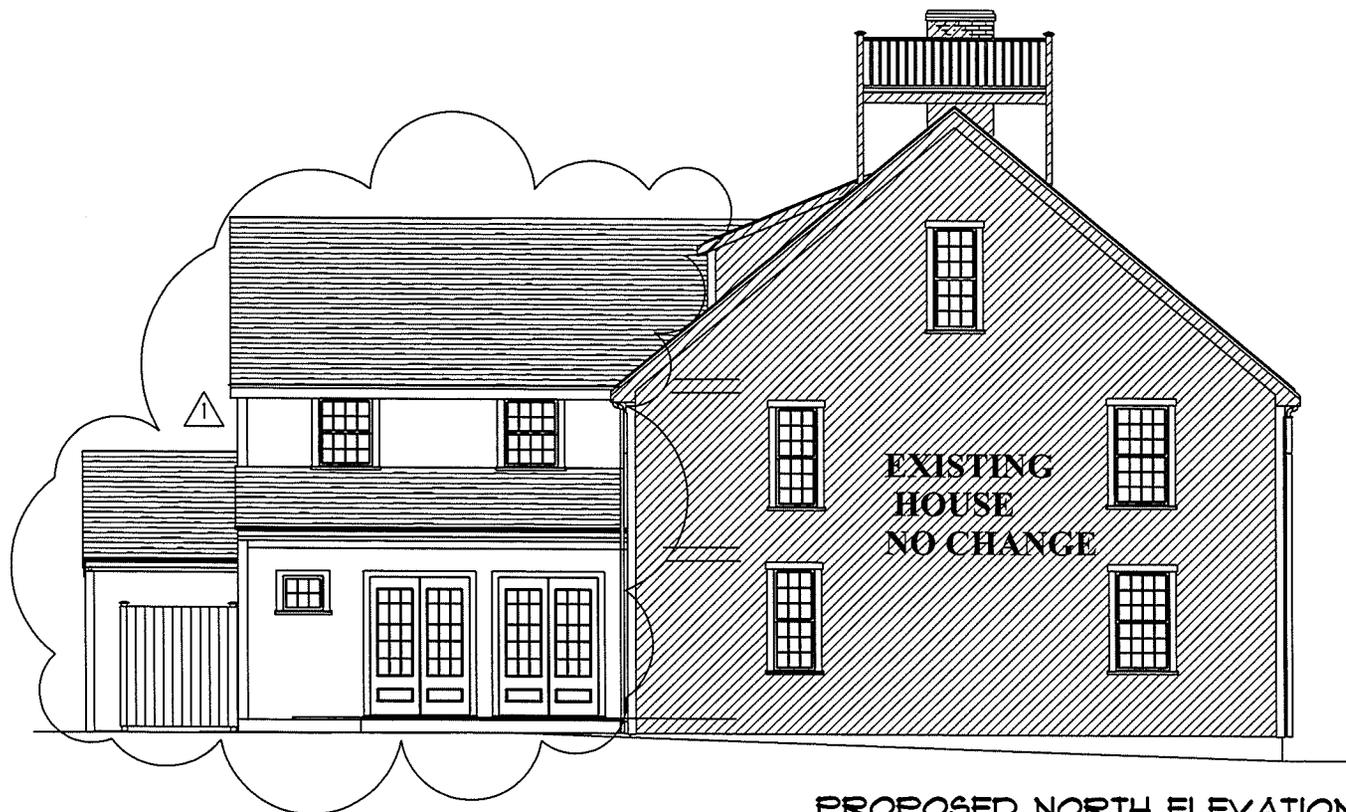
SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 5-12-16

HANSON - 55 CENTRE STREET

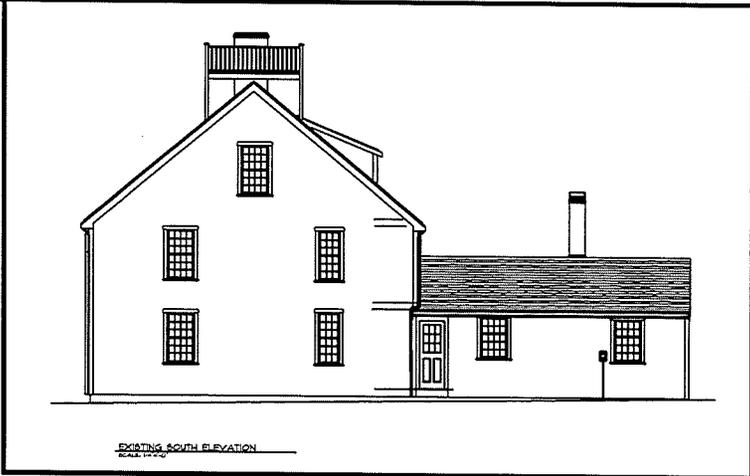
VAL OLIVER DESIGN
PO BOX 3057
NANTUCKET, MA 02584



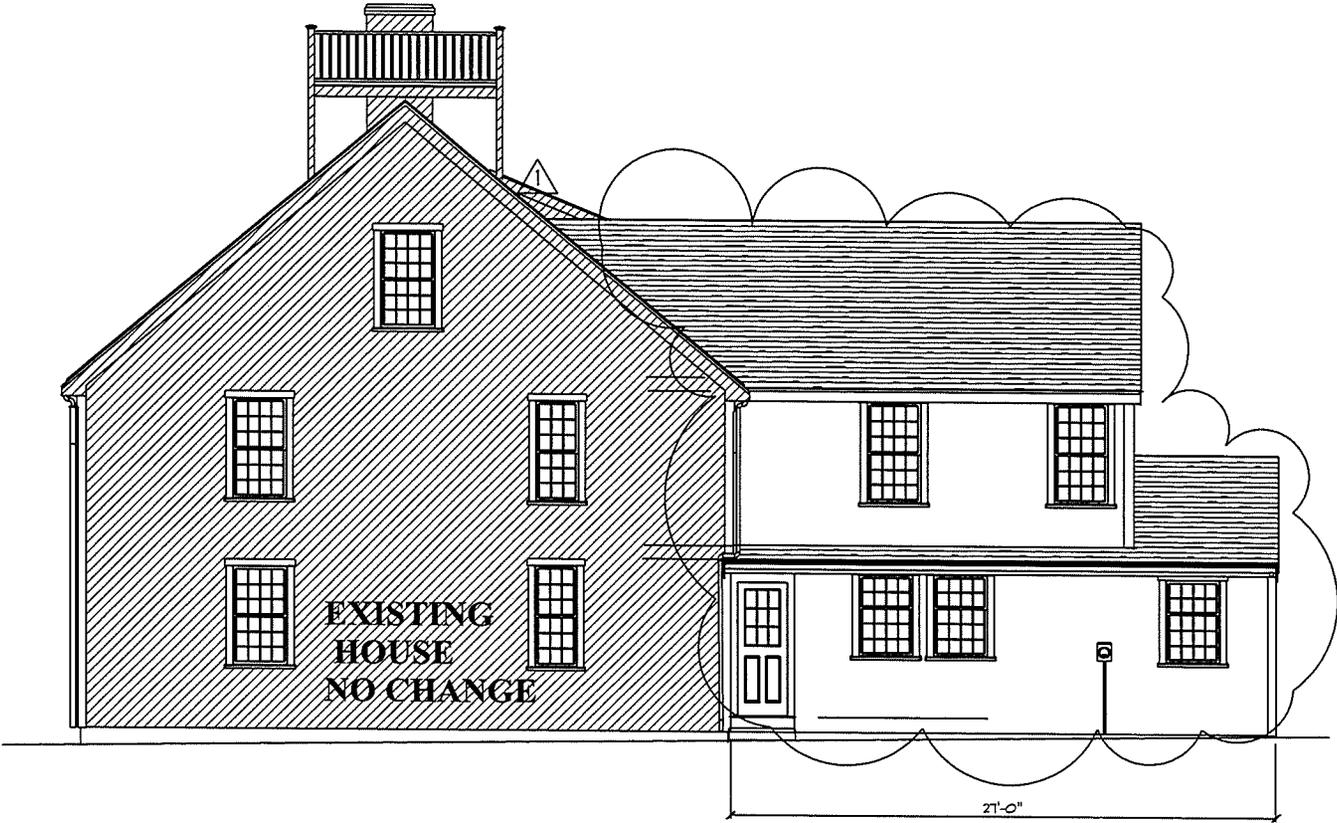
EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION



EXISTING SOUTH ELEVATION
SCALE: 1/4"=1'



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

SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 6-11-16

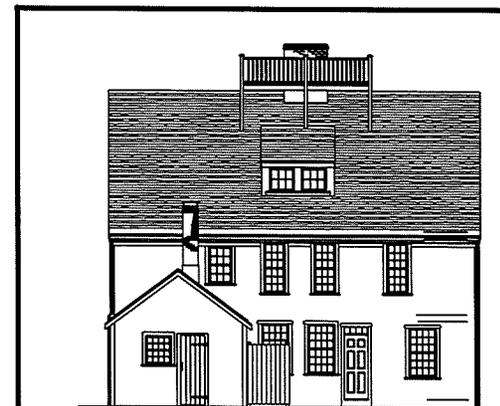
HANSON-55 CENTRE STREET

VAL OLIVER DESIGN
PO BOX 3057
NANTUCKET, MA 02584





PROPOSED EAST ELEVATION



EXISTING EAST ELEVATION

SCALE: 1/4"=1'
 DRAWN BY: VO
 DATE: 5-11-16

HANSON-55 CENTRE STREET

VAL OLIVER DESIGN
 PO BOX 3057
 NANTUCKET, MA 02584



LETTERS

MR. & Mrs. EDWARD Wight
68 Centre Street
Nantucket, Ma. 02554

To: Eleanor Antonietti

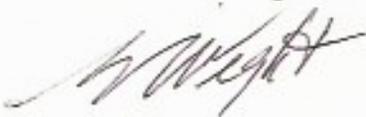
eantonietti@nantucket-ma.gov

Re: LAURA F. HANSON, FILE NO. 31-16

Mrs. Wight and I are long time friends as well as neighbors across the street from the Hanson's home at 55 Centre Street. They have been kind enough to spend the time to explain the improvements that they plan to accomplish on their home.. We feel that the plans they have to maintain the integrity of their historic home goes a long way in keeping our Historical District a viable, wonderful residential area..

We would hope that the ZBA feels the same way and would therefore approve their application.

Sincerely,



August 1 2016

**ALAN A. SHUCH, TRUSTEE
ANN. F. SHUCH QPRT**

FILE NO. 32-16

45 QUIDNET RD.

CONTINUED TO 10/13/16

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

TWO SOUTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

SARAH F. ALGER
sfa@sfapc.com

CHRISTINE A. JENNESS
caj@sfapc.com

FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931-2007

August 4, 2016

BY HAND

Eleanor Antonietti, Zoning Administrator
Planning and Land Use Services
Two Fairgrounds
Nantucket, Massachusetts 02554

Re: Shuch, Trustee
45 Quidnet Road
Nantucket, Massachusetts

Dear Eleanor:

As discussed, we would like to continue the above matter, without opening the public hearing, from August 11, 2016, to the October 13, 2016 meeting. Given the amount of interest that this application has generated, we would like to have a full set of plans available for review at the hearing. After consulting with our engineers and architects, it appears that we will not have those plans and other materials in hand until the end of the month at the earliest, and I am currently scheduled to be off island September 8th, the date of the Board's next meeting.

Thank you for your attention to this matter.

Sincerely,



SFA/

cc: Alan A. Shuch, Trustee



2016 JUL 20 AM 9: 24

RECEIVED
JUL 20 2016
By: *CH# 9325*

2016 AUG - 1 PM 3: 49

NANTUCKET
TOWN CLERK

TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 32-16

Owner's name(s): Alan A. Shuch, as Trustee of the Ann F. Shuch Qualified Personal Residence Trust

Mailing address: c/o Sarah F. Alger, Attorney, 2 South Water Street, Nantucket, MA 02554

Phone Number: 508-228-1118 E-Mail: sfa@sfapc.com

Applicant's name(s): Same as above

Mailing Address: Same as above

Phone Number: Same as above E-Mail: _____

Locus Address: 45 Quidnet Road Assessor's Map/Parcel: Map 21, Parcel 21

Land Court Plan/Plan Book & Page/Plan File No.: Lot 23, Land Court Plan 8853-L

Deed Reference/Certificate of Title: 21927 Zoning District R-20

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

Residential: Number of dwellings 2 Duplex _____ Apartments _____

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

Building Permit Numbers: 10574-94, 11168-94, 11169-94, 11627-94, 11793-95, 12781-95, 286-00, & 287-00

Previous Zoning Board Application Numbers: 007-96

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

TWO SOUTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

SARAH F. ALGER
sfa@sfapc.com

CHRISTINE A. JENNESS
caj@sfapc.com

FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
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Two Fairgrounds
Nantucket, Massachusetts 02554

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Nantucket, Massachusetts

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Thank you for your attention to this matter.

Sincerely,



SFA/

cc: Alan A. Shuch, Trustee

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

See addendum attached hereto.

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

SIGNATURE: [Signature] Owner*

SIGNATURE: [Signature] Applicant/Attorney/Agent*
Sarah F. Alger, Attorney for Alan A. Shuch, as Trustee as aforesaid

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

OFFICE USE ONLY

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

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

Addendum

(Alan A. Shuch, Trustee, 45 Quidnet Road,
Nantucket, Massachusetts)

Applicant seeks a special permit under By-law §139-33(A)(1)(a) to extend, alter, or change a pre-existing, non-conforming ancillary structure used as a studio and beach changing area by raising it up above the flood plain so that it no longer floods and adding stairs necessary for access. To the extent necessary, Applicant also seeks a modification of the Board's decision in File No. 007-96 to allow for such work.

The locus is located at 45 Quidnet Road, is shown on Nantucket Tax Assessor's Map 21 as Parcel 21, is shown as Lot 23 on Land Court Plan 8853-L, and is located in the Residential-Twenty zoning district.

Amended Addendum

**(Alan A. Shuch, Trustee, 45 Quidnet Road,
Nantucket, Massachusetts)**

Applicant seeks a special permit under By-law §139-33(A)(1)(a) to extend, alter, or change a pre-existing, non-conforming ancillary structure used as a studio and beach changing area by raising it up above the flood plain so that it no longer floods and adding stairs necessary for access. To the extent necessary, Applicant also seeks a modification of the Board's decision in File No. 007-96 to allow for such work.

The plan submitted as part of the application is using a benchmark for purposes of measuring elevation. The floor elevation of the beach cabana is currently seven (7) feet above the reference point, but the ground is between five (5) and six (6) feet above the reference point. As a result, the first floor is currently only between one (1) and two (2) feet above the ground. Accordingly, the highest ridge is between fourteen and one-half (14.5) and fifteen and one-half (15.5) feet above the ground.

When the structure was renovated pursuant to the relief granted in File No. 007-96, the level of the pond was not an issue. In recent years, however, the level of the pond as well the severity of the storms, particularly in the winter, have increased, making the raising of the structure necessary.

The Applicant is currently working with his engineer to determine the amount that the cabana needs to be raised. The Applicant wants to go high enough to get the structure out of harm's way and to avoid having to raise the cabana again (at least for a good number of years). At the same time, the Applicant wants to keep the cabana low enough that the impact on surrounding properties is limited as much as possible.

At the moment (subject to change as discussions with the Applicant's engineers and architects progress), the Applicant believes that that raising the building up to three (3) feet is all that will be required. With a three (3) foot lift, the building would be about eighteen and one-half (18.5) feet above the ground at its tallest, a low, one story building by any standards.

In addition to obtaining Zoning Board of Appeals approval, the Applicant will be filing applications with and seeking the approval of the Nantucket Historic District Commission and the Nantucket Conservation Commission.

The locus is located at 45 Quidnet Road, is shown on Nantucket Tax Assessor's Map 21 as Parcel 21, is shown as Lot 23 on Land Court Plan 8853-L, and is located in the Residential-Twenty (R-20) and Limited Use General 3 (LUG-3) zoning districts.

OTHER

BUSINESS

ELECTION OF OFFICERS 2016-2017

Current Slate is:

Members

- Edward S. Toole, Chairman
Term Expires: 2019
- Lisa Botticelli, Vice Chairman
Term Expires: 2018
- Susan McCarthy, Clerk
Term Expires: 2017
- Michael J. O'Mara
Term Expires: 2020
- Kerim Koseatac
Term Expires: 2021

Alternate Members

- Geoffrey Thayer
Term Expires: 2018
- James Mondani
Term Expires: 2019
- Mark Poor
Term Expires: 2017

**END OF
PACKET**