

Posted with Town Clerk on August 5, 2016

Posting # 630

Updated 8/9/2016



# 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 – 1<sup>st</sup> Floor Community Room

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▪ **CALL TO ORDER:**

▪ **APPROVAL OF THE AGENDA:**

▪ **APPROVAL OF THE MINUTES:**

- June 9, 2016
- July 14, 2016

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▪ **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**
- 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

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

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).

- 28-16 Eric J. Rosenberg & Michele Kolb 7 Gardner Street Cohen  
Action deadline October 12, 2016  
Applicant is requesting Special Permit relief pursuant to Zoning By-law Section 139-33.A(1) to allow the alteration of a pre-existing nonconforming 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).

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▪ **NEW BUSINESS:**

- 24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale  
**CONTINUED TO OCTOBER 13, 2016**  
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).
- 30-16 Kaplan Family Nominee Trust 8 Harborview Way Poor  
Action deadline November 9, 2016  
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  
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  
**CONTINUED TO OCTOBER 13, 2016** 45 Quidnet Road Alger  
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.**