

# ZONING BOARD OF APPEALS

NOVEMBER 10,  
2016

# PACKET



# TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Agenda  
(Subject to Change)

Thursday, November 10, 2016

**12:30 PM**

4 Fairgrounds Road  
Public Safety Facility – 1<sup>st</sup> Floor Community Room

▪ **CALL TO ORDER:**

1 ▪ **APPROVAL OF THE AGENDA:**

▪ **APPROVAL OF THE MINUTES:**

**Pages 5 - 8** ▪ October 13, 2016

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▪ **OLD BUSINESS:**

**Pages 10 - 30**

014-99 & 021-22 Dennis E. Dias and Suzanne Gale 2 Tripp Drive Williams  
Applicant is seeking to rescind and vacate previous Variance decisions no longer required by virtue of a recent change in zoning from LUG-2 to LUG-1 resulting from passage of Article 15 at the 2016 Special Town Meeting which rendered the Locus conforming as to lot size. The Locus is situated at 2 Tripp Drive, is shown on Assessor's Map 80 as Parcel 51.3, as Lot 1 upon Land Court Plan 37096-B. Evidence of owner's title is registered on Certificate of Title No. 26171 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

**Pages 31 - 80**

32-16 Alan A. Shuch, Trustee of the Ann F. Shuch Qualified Personal Residence Trust  
Action deadline January 11, 2017 45 Quidnet Road Alger

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▪ **NEW BUSINESS:**

**Page 82**

24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale  
**CONTINUED TO JANUARY 12, 2017**

Posted with Town Clerk on November 4, 2016  
Posting # 922

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).

- 36-16 Loren H. Kroll and Norma J. Goldman 24 Coffin St. Beaudette  
Action deadline February 8, 2017

Pages 83 - 95

Applicant is requesting Special Permit relief pursuant Zoning By-law Sections 139-30.A and 139-16.C(2) to validate an unintentional side yard setback intrusion caused by the siting of a porch 9.5 feet from the side yard lot line abutting West Sankaty Street, where a ten (10) foot setback is required pursuant to Section 139-16.C(3). 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 24 Coffin Street, is shown on Assessor's Map 73.4.1 as Parcel 52, as Lot 2 upon Plan No. 2012-37. Evidence of owner's title is in Book 1456, Page 168 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Residential 1 (SR-1).

- 37-16 CHC Development, LLC 7 Primrose Avenue Cohen  
Action deadline February 8, 2017

2

Pages 96 - 107

Appellant brings an appeal pursuant to Nantucket Zoning Bylaw Sections 139-29 and 139-31 of the decisions of the Building Inspector to 1) deny a request to amend a building permit, and 2) revoke said permit. Specifically, Applicant requests that the Zoning Board of Appeals overturn the decisions of the Building Inspector by making a determination that the unenclosed roofed over area of a pool cabana is a porch or gazebo, and, therefore does not count towards ground cover. To the extent necessary, and in the alternative, Applicant seeks Variance relief pursuant to Section 139-32 from the definition of ground cover pursuant to 139-2.A and/or ground cover requirements pursuant to 139-16. The Locus is situated at 7 Primrose Avenue, is shown on Assessor's Map 40 as Parcel 65, as Lot 6 upon Land Court Plan 40657-A. Evidence of owner's title is registered on Certificate of Title No. 25497 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 2 (LUG-2).

- 38-16 Edmund M. Carpenter, Jr. and Patricia F. Carpenter Gifford  
Action deadline February 8, 2017 17 Columbus Avenue

Pages 108 - 124

Applicant is seeking relief by Special Permit pursuant to Zoning By-law Section 139-33.A in order to alter and expand the pre-existing nonconforming dwelling. Specifically, Applicant proposes to build an addition to the west and south of the dwelling. As so altered and expanded, the dwelling will be no closer to the northwesterly front yard lot line than the existing dwelling which encroaches into the minimum front yard setback of twenty (20) feet. The Locus is situated at 17 Columbus Avenue, is shown on Assessor's Map 59.3 as Parcel 108, as Lot 604 upon Land Court Plan 3092-48. Evidence of owner's title is registered on Certificate of Title No. 23848 at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

OTHER BUSINESS:

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

- APPROVAL OF 2017 ZBA MEETING SCHEDULE

Meeting Dates (Thursdays):

- January 12, 2017
- February 9, 2017
- March 9, 2017
- April 13, 2017
- May 11, 2017
- June 8, 2017
- July 13, 2017
- August 10, 2017
- September 14, 2017
- October 12, 2017
- November 9, 2017
- December 14, 2017

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- 
- ADJOURNMENT.



# ZONING BOARD OF APPEALS

2 Fairgrounds Road  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://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, October 13, 2016**

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

Called to order at 1:05 p.m.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker  
Attending Members: Toole, McCarthy, O'Mara, Koseatac, Poor, Thayer, Mondani  
Absent: Botticelli  
Late Arrivals: Koseatac, 1:07 p.m.  
Early Departures: None

Agenda adopted by unanimous consent

### I. APPROVAL OF MINUTES

1. September 20, 2016: **Motion to Approve.** (made by: McCarthy) (seconded by: O'Mara) Carried unanimously

### II. OLD BUSINESS

1. 51-03 Rugged Scott, LLC Release of Lots 2 & 3 from Covenant Hanley  
 Voting Toole, McCarthy, O'Mara, Poor, Thayer  
 Alternates None  
 Recused None  
 Documentation File with associated plans, photos and required documentation  
 Representing **Marianne Hanley**, Reade, Gullicksen, Hanley, & Gifford LLP – There are nine buildable lots remaining. They are still on track with the affordable housing requirements.  
 Public None  
 Discussion **Antonietti** – She is monitoring this closely.  
 Motion **Motion to Grant the relief as requested.** (made by: McCarthy) (seconded by: O'Mara)  
 Vote Carried unanimously
2. 20-16 Gerald T. Vento & Margaret Vento, Tr. of Ninety-One Low Beach Road Nominee Trust  
 91 Low Beach Road Cohen  
 Voting Toole, Koseatac, Poor, Thayer, Mondani  
 Alternates None  
 Recused O'Mara, McCarthy  
 Documentation File with associated plans, photos and required documentation  
 Representing **Steven Cohen**, Cohen & Cohen Law PC – This is a 3-acre, heavily-wooded lot abutting conservation land; the side where the tennis court is has a tennis court on the abutting property. Explains how the tennis court came to be an encroachment into the rear- and side-yard setback. In his opinion, this qualifies for a special permit and asks it be granted. The court itself has a 12-foot perimeter between the lines and the fence for safety. Moving the court and fence represents a substantial expense. Contended that there is minimal impact on the neighborhood from the encroachment.  
 Public None  
 Discussion (1:09) **Toole** – Read Zoning Bylaw Section 139-16.C(2); asked how it meets that criteria.  
**Cohen** – The intrusion came about when the contractor worked off a survey that was done for wetland work; he feels it was appropriate for the contractor to use that survey.  
**Toole** – He feels that the intent of the bylaw is for when the surveyor makes a mistake, not to compensate for the contractor doing what he wants.  
**Cohen** – He feels the bylaw can be applied more widely than intended. What he's asking is not outside the normal application of the bylaw.  
**Poor** – This meets the definition of a structure; he understands there was no building permit pulled for this.  
**Cohen** – The building permit has since been pulled and verified and has received Historic District Commission (HDC) approval. The fence for a game court and paving don't count as a structure when taken separately but together they qualify as a structure.

**Koseatac** – He is concerned there might be other such situations existing with work done by this contractor. He has a problem with Fair Play doing what he wants then asking for forgiveness.

**Toole** – They did not attempt to seek any permits and placed it using a tape measure instead of a licensed surveyor without providing for the shape of the lot. The fence could be moved and there would still be room to play tennis.

**Thayer** – Not just the fence is in the setback but the court itself is in the setback.

**Toole** – The bylaw might need to better define a playing court; the clay court itself is 25 feet from the property line. From the drawing, he can't determine the size of the court with perimeter. A licensed surveyor could have figured this out; but that was not sought.

**Koseatac** – He is willing to grant this relief but if he sees Fair Play show up with another one of these, he will vote it down.

Motion **Motion to Grant the relief as requested.** (made by: Koseatac) (seconded by: Thayer)  
Vote Carried 4-1//Poor opposed

**III. NEW BUSINESS**

1. 24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale

**CONTINUED TO NOVEMBER 10, 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).

Voting Toole, Koseatac, Poor, Thayer, Mondani  
Alternates None  
Recused None  
Documentation File with associated plans, photos and required documentation  
Representing None  
Public None  
Discussion (1:29) None

Motion **Motion to Continue to November 10, 2016.** (made by: Koseatac) (seconded by: Poor)  
Vote Carried unanimously

2. 32-16 Alan A. Shuch, Trustee of the Ann F. Shuch Qualified Personal Residence Trust 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).

Voting Toole, McCarthy, O'Mara, Koseatac, Thayer  
Alternates Poor, Mondani  
Recused None  
Documentation File with associated plans, photos and required documentation

Representing **Sarah Alger**, Sarah F. Alger P.C. – In 1996, a permit allowed reconstruction of a cabana/changing shack on the beach. They have HDC approval and this is pending with Conservation Commission (ConCom). Winter water is flooding up to the floor joists; considering the flood zone requirements, this should go to elevation 9; if it is raised the proposed 3 feet, it will be at elevation 10. This will keep the top below the coastal bank. The existing foundation is a combination of blocks and concrete piers and will be increased in height with all work by hand. At the table, submitted into the file an abutter's map. The abutters most seriously impacted have sent letters in favor of the application. At the table, submitted into the file photos of the cottage that was removed and other structures on the beach of the pond.

**Alan Shuch**, owner – There was another shed/cottage that was removed. Contends this structure is not and won't be visible above the bank. This studio predates many homes along Sesachacha Pond.  
Bob Emack, surveyor  
White Bourne, caretaker

Public **Kevin Dale**, Vaughan, Dale, Hunter and Beaudette, P.C., for William & Laura Paulsen – This is not just raising the cottage, it is looking at the relationship between what's proposed and the pond. The cottage on the beach is anomalous. His client is concerned what raising this will do to the neighborhood when it becomes prominent and how it will affect the pond. The Board policy has been that before coming in, the applicant should have HDC approval and, if required, a ConCom Order of Conditions. Feels the applicant should mitigate the impact; reviewed possible mitigation efforts. Asked the Board to wait for the ConCom decision.

Discussion (1:30) **O'Mara** – He thought there was a condition in the original reconstruction permit to remove the bathroom.

Proposed Minutes for October 13, 2016

**Alger** – Not the bathroom but the kitchen. The only other change is a set of stairs to the west to allow access once raised.

**Poor** – He would like to see what ConCom has to say about this.

**Thayer** – The septic pump chamber below the bathroom is at the beach level leaving it susceptible to flooding.

**Toole** – The porch is existing; the stairs are not. Asked the members their thoughts about waiting for a ConCom decision.

**Alger** – She believes this is not a substantial detriment to the neighborhood and is a reasonable request.

**Toole** – Asked how the final elevation was arrived at.

**Emack** – This structure is currently at elevation 7 and the building code requires two more feet but the flood zone is at elevation 10.

**Bourne** – In regards to the rise in water level, he has noted along Polpis Road stones were added because the road is being undermined. There has been a dramatic change in the water level.

**Thayer** – He concurs that it is getting wetter.

**O'Mara** – He's willing to support this but wants to see what ConCom has to say.

**Dale** – Noted that his client doesn't oppose this project; this is a delicate project in a very fragile, wetland resource area and should be done with the right conditions.

**Poor** – He is certain ConCom will impose strict construction protocols.

**Koseatac** – He proposes continuing to November to see what ConCom says. Suggested the applicant explore options for the pump.

**Alger** – Asked if the board wants any additional information for the November hearing.

**O'Mara** – He has enough information but it is to the applicant's benefit to wait for the ConCom ruling.

**Poor** – He would like to see the Certificate of Appropriateness (COA) from HDC on this project.

**Thayer** – He would support this but the septic pump should be tested for water tightness on a yearly basis.

**Alger** – Mr. Dale provided her a copy of the COA; submitted that into the record at the table.

**Motion to Continue to November 10, 2016.** (made by: Koseatac) (seconded by: O'Mara)

Motion

Vote Carried unanimously

3. 35-16 Harvey C. Jones, Jr. Tr. Eight Old North Wharf Nominee Trust 8 Old North Wharf Gifford

Applicant is seeking Special Permit relief pursuant to Zoning By-law Section 139-33.A(2) to allow an increase in the pre-existing nonconforming ground cover ratio upon the pre-existing nonconforming locus. In the alternative and to the extent necessary, applicant requests Variance relief pursuant to Section 139-32 for a waiver of the ground cover ratio provisions in Section 139-16. Applicant is proposing to alter the pre-existing nonconforming dwelling by enclosing an existing porch such that there will be no change to the structure's footprint. The Locus is situated at 8 Old North Wharf, is shown on Assessor's Map 42.3.1 as Parcel 20, as Lot B-1 upon Land Court Plan 10169-B. Evidence of owner's title is registered on Certificate of Title No. 25811 at the Nantucket County District of the Land Court. The site is zoned Residential Commercial (RC).

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

Alternates Poor, Thayer

Recused None

Documentation File with associated plans, photos and required documentation

Representing **Whitney Gifford** – In 2005, relief was granted to lift and repair the underlying supports. This project would place wall behind an exterior lattice wall on the east side; there will be no change over the pier.  
**Mickey Rowland**, Rowland and Associates – Currently the lattice protects a porch.

Public None

Discussion (2:10) **Antonietti** – The Board recently granted relief for an increase to ground cover to enclose a generator under a new section of the bylaw.

**Toole** – This would no longer meet Section C of the bylaw as living space would go to the lot line.

**Rowland** – Noted the lattice is very tight with 3/4 inch spaces. At the table submitted into the file photos of the lattice.

**O'Mara** – The state recently changed the rules; if something has gone 10 years unpermitted, the owner can apply for other permits. The state also extended the life of a special permit.

**Rowland** – Explained that the lattice will remain so that the exterior façade will not change visually. There is no change to the waterside porch. The increase in ground cover from enclosing the east porch is about 40 square feet.

**Gifford** – Stated that he checked with ConCom and was told that this does not need relief since no change is being made to the underlying supports.

**Toole** – In his opinion, when you purchase a property with a certain ground cover, you should abide by that.

**Koseatac** – Stated he has no issues.

Motion **Motion to Approve as requested based upon the uniqueness of this property.** (made by: Koseatac) (seconded by: McCarthy)

Vote Not Carried 3-2//Toole & Mondani opposed

**IV. OTHER BUSINESS**

1. None

**V. ADJOURNMENT**

Motion to Adjourn at 2:32 p.m.

Submitted by:  
Terry L. Norton

PROPOSED

**OLD**

**BUSINESS**

**Dennis E. DIAS**

**Suzanne GALE**

**22 TRIPP DR.**

**RESCISSION**

**FILE NO. S**

**014-99 & 021-22**



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

**RESCISSION  
APPLICATION**

014-99

**Fee: \$450.00**

File No. 021-02

Owner's name(s): Dennis E. Dias and Suzanne Gale

Mailing address: 2 Greglen Avenue, PMB 87, Nantucket, MA 02554

Phone Number: 508-221-5404 E-Mail: \_\_\_\_\_

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail Same

Locus Address: 2 Tripp Drive Assessor's Map/Parcel: 80-51.3

Land Court Plan/Plan Book & Page/Plan File No.: Lot 1, 37096-B

Deed Reference/Certificate of Title: 26171 Zoning District LUG-1

Uses on Lot- Commercial: None  Yes (describe) \_\_\_\_\_

Residential: Number of dwellings 1 Duplex \_\_\_\_\_ Apartments \_\_\_\_\_

Date of Structure(s): all pre-date 7/72 \_\_\_\_\_ or 2003

Building Permit Numbers: \_\_\_\_\_

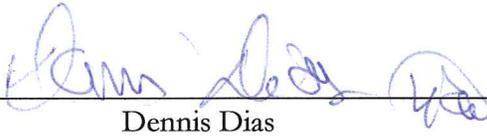
Previous Zoning Board Application Numbers 014-99, 021-02

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

(SEE ATTACHED 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: \_\_\_\_\_ Owner\*

SIGNATURE:  Applicant  
Dennis Dias

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

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### 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

Applicant is seeking to rescind and vacate the Zoning Board of Appeals Decisions granted in ZBA File No. 014-99 (that includes a subsequent extension) and File No. 021-02. At the Special Town Meeting on October 17, 2016 Article 15 passed. It read as follows:

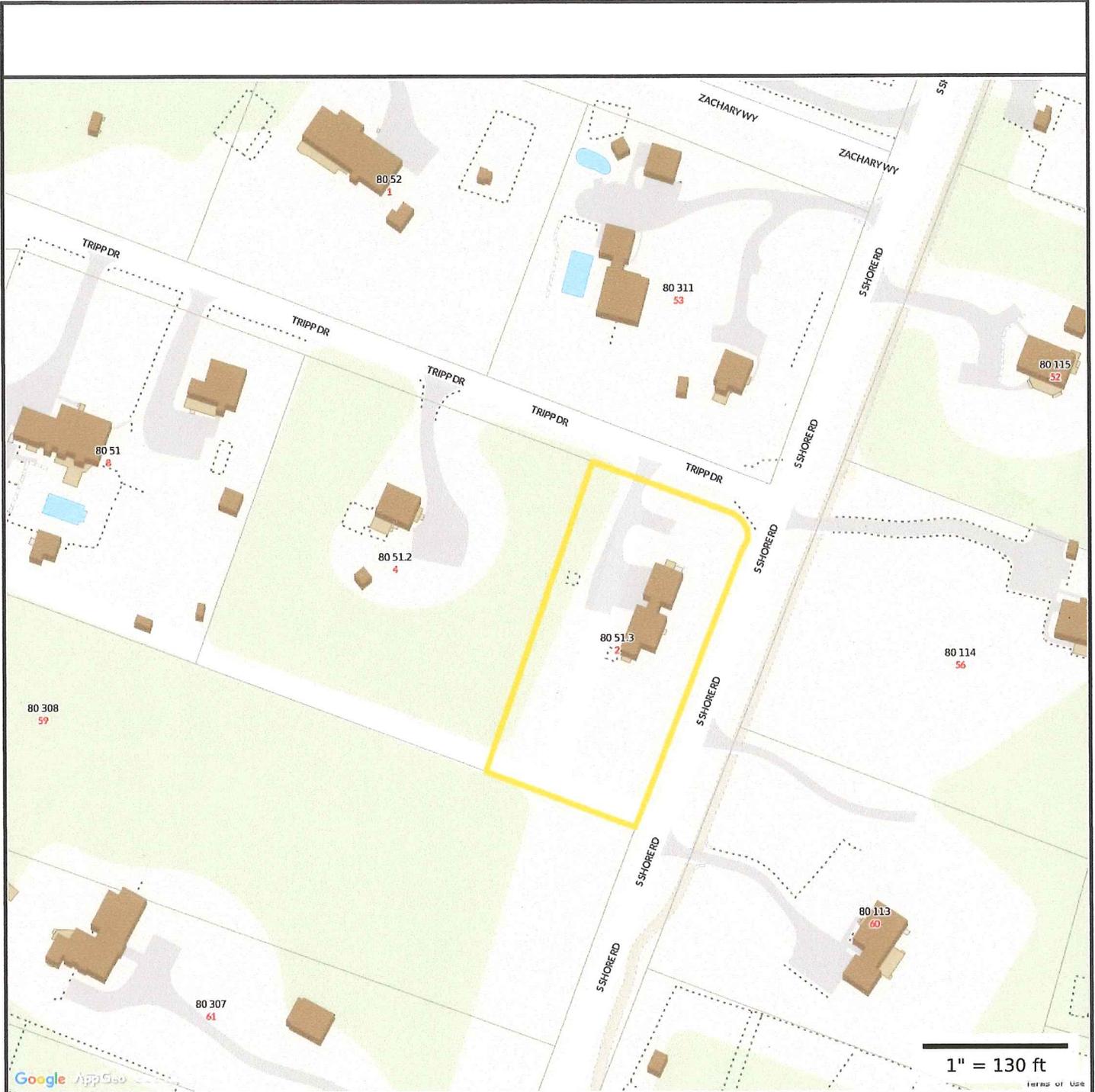
Article 15: Zoning Map Change: LUG-2 to LUG-1 Surfside West - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Drive and Marilyn Lane, Masaquet Avenue, Morgan Square (Called) Adopted as amended by Timmerman with Technical Amendment was by 2/3 Majority Hand count Vote YES – 225; NO – 107 (2/3 = 221.)

The property, among several others, was rezoned from Limited-Use-General-2 (“LUG”) with an 80,000 SF minimum lot size requirement to Limited-Use-General-1 (“LUG-1”) with a required 40,000 SF minimum lot size. The property contains about 44,476 SF and is thus now conforming as to the LUG-1 zoning requirements.

The Decision in File No. 014-99 granted relief by Variance pursuant to Nantucket Zoning By-law Section 139-16A that validated the lot as separately marketable and buildable from all adjacent property. The lot had been part of a multi-lot family owned development on Tripp Drive. The subject lot had been given to the Applicant by a family member, but held in common ownership after 1972 by that relative. As the subject lot was undersized and vacant it merged with the adjacent lot. All of the other lots contained in the subdivision were created so as to have a minimum lot size of 80,000 SF, conforming as to the LUG-2 zoning district. Applicant was also restricted to one (1) dwelling unit as part of the grant of relief. No curb cut on South Shore Road was allowed. The other lots in the subdivision as well as surrounding lots in the South Shore Area were not restricted to a single dwelling unit nor prevented from having a curb cut on South Shore Road.

The Decision in File No. 021-02 granted relief by Variance pursuant to Nantucket Zoning By-law Section 139-16A. The Decision in File No. 014-99 had expired due to the lack of a duly issued building permit having been obtained and despite the six-month extension granted in March 2000. This application sought to reinstate the same relief as previously granted. Said relief was granted with the same conditions as stated above.

Applicant is now seeking to have the previous relief and conditions rescinded and vacated by written decision that would be filed at the Town Clerk and Registry of Deeds, as the relief is no longer necessary with the aforementioned change in the zoning district and minimum lot size, thus rendering the lot as an oversized conforming lot.



**Property Information**

**Property ID** 80 51.3  
**Location** 2 TRIPP DR  
**Owner** DIAS DENNIS E



**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 11/02/2016



**Property Information**

**Property ID** 80 51.3  
**Location** 2 TRIPP DR  
**Owner** DIAS DENNIS E



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

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Parcels updated December, 2014  
Properties updated 11/02/2016

## 2 TRIPP DR

**Location** 2 TRIPP DR

**Assessment** \$961,500

**Mblu** 80/ / 51/3 /

**PID** 7512

**Acct#** 00007512

**Building Count** 1

**Owner** DIAS DENNIS E

### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2015	\$571,500	\$390,000	\$961,500

### Owner of Record

**Owner** DIAS DENNIS E

**Sale Price** \$0

**Co-Owner**

**Certificate**

**Address** 6 TRIPP DRIVE  
NANTUCKET, MA 02554

**Book & Page** C0019/ 011

**Sale Date** 07/02/1999

**Instrument** 99

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DIAS DENNIS E	\$0		C0019/ 011	99	07/02/1999
TRIPP CATHERINE E	\$0		C0007/ 709	99	03/24/1996
TRIPP ERNEST E & CATHERINE E	\$0		C0007/ 709		

### Building Information

#### Building 1 : Section 1

**Year Built:** 2003

**Living Area:** 2688

**Replacement Cost:** \$589,136

**Building Percent** 97

**Good:**

**Replacement Cost**

**Less Depreciation:** \$571,500

Building Attributes	
Field	Description
Style	Colonial
Model	Residential

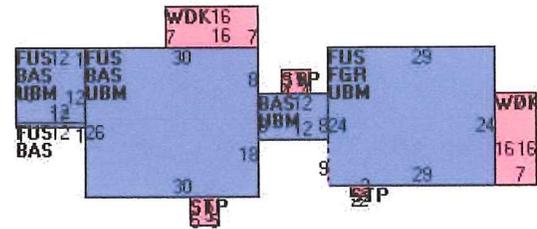
Grade:	Above Average
Stories:	2
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3
Total Bthrms:	4
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern

### Building Photo



(<http://images.vgsi.com/photos/NantucketMAPhotos//\00\01\0:>

### Building Layout



Building Sub-Areas			Legend	
Code	Description	Gross Area	Living Area	
FUS	Upper Story, Finished	1644	1644	
BAS	First Floor	1044	1044	
FGR	Garage, Finished	696	0	
STP	Stoop	51	0	
UBM	Basement, Unfinished	1728	0	
WDK	Deck, Wood	224	0	
		5387	2688	

### Extra Features

Extra Features		Legend
No Data for Extra Features		

**Land Use**

**Use Code** 1010  
**Description** Single Fam M01  
**Zone** LUG2  
**Neighborhood** 400  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 1.02  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$390,000

**Outbuildings**

<b>Outbuildings</b>	<b>Legend</b>
No Data for Outbuildings	

**Valuation History**

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2015	\$521,400	\$337,400	\$858,800
2014	\$521,400	\$295,300	\$816,700
2013	\$521,400	\$337,400	\$858,800
2012	\$537,500	\$320,600	\$858,100
2011	\$537,500	\$376,700	\$914,200

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

Date: April 30, 1999

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

Application No.: 014-99

Owner/Applicant: CATHERINE E. TRIPP, FOR HERSELF AS

OWNER AND FOR DENNIS AND STEPHANIE DIAS

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

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

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

Dale W. Waine, Chairman

cc: Town Clerk  
 Planning Board  
 Building Commissioner

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



TOWN OF NANTUCKET  
**ZONING BOARD OF APPEALS**

37 WASHINGTON STREET  
 NANTUCKET, MASSACHUSETTS 02554

PHONE 508-228-7215

FAX 508-228-7205

Assessor's Map 80  
 Parcel 51.3  
 LUG-2

2 Tripp Drive  
 Land Ct. Pl. 37096-B, Lot 1  
 Cert. of Title No. 7709

At a Public Hearing of the Nantucket Zoning Board of Appeals held at 1:00 P.M., Friday, March 12, 1999, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, on the Application of CATHERINE E. TRIPP, FOR HERSELF AS OWNER AND FOR DENNIS AND STEPHANIE DIAS, of P.O. Box 911, Nantucket, MA 02554 and 6 Tripp Drive, Nantucket, MA 02554, respectively, Board of Appeals File No. 014-99, the Board made the following Decision:

1. Applicants (Dias) are seeking relief by VARIANCE under Nantucket Zoning Bylaw §139-16A, to validate the 1.2 acre parcel as separately marketable and building from adjacent land. The Locus is an undersized vacant lot situated within a district that requires a minimum lot size of 80,000 square feet.

The Premises is located at 2 TRIPP DRIVE, Assessor's Map 80, Parcel 51.3, Land Court Plan 37096-B, Lot 1. The property is zoned Limited-Use-General-2.

2. The Decision is based upon the Application and the materials submitted with it and the evidence and testimony presented at the Hearing. There were six (6) letters in support, including two (2) from direct abutters, in the file. Several neighbors were present at the Hearing in support of the Application. One (1) Planning Board member was also present and spoke in favor of the grant of Variance relief. A local attorney, present at the Hearing on an unrelated case, also spoke in favor. There was no opposition expressed. The Planning Board made no recommendation but stated that they would not object if relief were granted. Submitted for this Board's review, however, was the Modification granted by the Planning Board in File No. #2310.

3. Applicants represented that this was the last vacant lot situated within a family owned subdivision. On January 25, 1982 the subdivision was created with the subject Lot having a prohibition against construction of a dwelling unit as part of the recorded covenant in "Tripp Drive Subdivision Planning Board File #2310". The other lots within said subdivision were all created so as to have a minimum of 80,000 square feet of lot area as required in the LUG-2 zoning district in which the lots are situated. However, Applicants' Lot contains only 44,476± square feet of lot area and is thus deficient as to the minimum required area. Applicants sought and received a Modification of said covenant which was granted on February 10, 1999 by the Planning Board

which eliminated, in its entirety, the condition that prohibited improvements on the Locus. Variance relief is still necessary from the Board of Appeals to enable Applicants to build a dwelling in this Lot. The Planning Board stated that they were unclear about the purpose of initially creating the unbuildable one-acre parcel at the entrance to the subdivision citing evidence in the file that indicated that there was confusion in 1982 about the impact of the easement that bisects the Lot on the buildability of the Lot and restricted the Lot accordingly. As shown at the Board of Appeals Hearing, the easement is only to allow access to the force main for repairs, it does not restrict the buildability of this Lot. The other subdivisions that front on South Shore Road do not have a similar buffer zone and the Planning Board concluded at the recent Hearing that this pattern was not useful at this location. There was no density bonus given in 1982 for setting aside this parcel and found that the escalating cost and lack of available land on Nantucket would likely preclude such a decision today. The Planning Board approved the Modification based upon the following conditions:

1. Variance relief would need to be received from the Board of Appeals and filed with their Decision;
2. Applicants would be restricted to one (1) single-family dwelling on the Lot; and
3. Vehicular access to the property would be restricted to Tripp Drive and no curb cuts would be allowed on South Shore Road to the subject Lot, identified as Lot 1.

4 Applicants stated that they would be willing to abide by the above stated conditions in the Board of Appeals Decision as well. They also represented that

There

was a mixture of lot sizes in the LUG-2 zoning area that was serviced solely by South Shore Road, with many lots having a lot area of less than two (2) acres and a few less than one (1) acre, most of which were already improved with one (1) to two (2) dwelling units and ancillary structures. The Lot was also situated proximate a 34-lot one-acre subdivision that was located within the LUG-2 zone. Many of those lots were benefited by grants of similar relief by Variance. Applicants stated that they were the last members of their part of the family that did not have a lot in the subdivision to build their home on. The subdivision could have been designed in such a manner as to have made this Lot buildable in 1982. They would suffer extreme financial hardship if they were not able to build on this Lot due to the high cost of purchasing land on the open market on the Island. They were not able to purchase land from another family member as the abutting lot was improved and the lot to the south was offered for sale to the Applicants for an amount in excess of what they were able to afford.

5. Therefore, the Board finds that, with the proposed one (1) single-family dwelling restriction, the density of the Applicants' lot would be consistent with that of the surrounding neighborhood. This finding is based upon the determination that surrounding lots have no

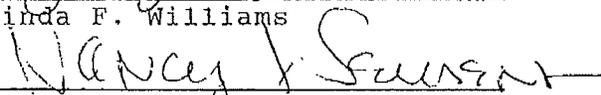
restrictions regarding second dwellings and, therefore, they have the potential to contain one (1) dwelling unit per 40,000 square feet, equivalent to the Applicants' proposal. The Board further finds that the lot is different in size and shape from other lots in the neighborhood, and had the unique feature of having the sewer easement bisecting the property and that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Zoning Bylaw would involve substantial hardship, financial or otherwise, to the Applicants, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw. The Board feels that there are unique characteristics only affecting this Lot and that there are sufficient restrictions placed on it that would mitigate a grant of Variance relief which would be consistent with other Decisions made in the immediate area.

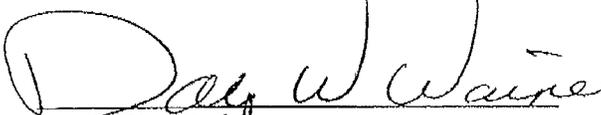
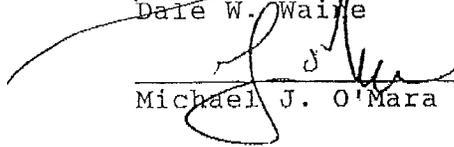
6. Accordingly, by a UNANIMOUS vote, the Board GRANTS the requested relief by VARIANCE under Nantucket Zoning Bylaw §139-16A to validate the lot as separately marketable and buildable from adjacent properties upon the following conditions:

1. There shall be only one (1) dwelling unit on the property;  
and

2. Access to the Locus shall be restricted to Tripp Drive with no curb cut onto South Shore Road.

Dated: April 30, 1999

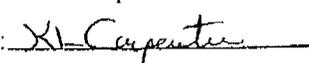
  
\_\_\_\_\_  
Linda F. Williams  
  
\_\_\_\_\_  
Nancy Sevrens

  
\_\_\_\_\_  
Dale W. Waite  
  
\_\_\_\_\_  
Michael J. O'Mara  
  
\_\_\_\_\_  
Edward Murphy

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TOWN CLERK'S OFFICE  
NANTUCKET, MA 02554

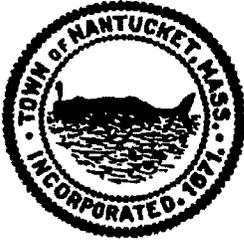
APR 30 1999

TIME: 3:38 pm

Ass't. CLERK: 

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

JUN 09 1999 TOWN CLERK  

TOWN OF NANTUCKET  
**ZONING BOARD OF APPEALS**

37 WASHINGTON STREET  
NANTUCKET, MASSACHUSETTS 02554

Date: March 15, 2000

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

APPLICATION NO.: 014-99

OWNER/APPLICANT: STEPHANIE AND DENNIS DIAS

Enclosed is the Decision of the Board of Appeals which has this day been filed with the Nantucket Town Clerk. This Decision provides a CLARIFICATION (not a Modification), an EXTENSION, or authorizes a TEMPORARY PERMIT under Nantucket Zoning By-Law §139-26H, with NO twenty (20) day appeal period required.

*W.P. Holden*

Chairman

cc: Town Clerk  
Planning Board  
Building Department

RECEIVED  
TOWN CLERK'S OFFICE  
NANTUCKET, MA 02554

MAR 15 2000  
TIME: 3:00 p.m.  
Asst. CLERK: R.L. Carpenter

ATTEST: A TRUE COPY  
*[Signature]*  
NANTUCKET TOWN CLERK

Owner: Dennis E. Dias



TOWN OF NANTUCKET

090464

# ZONING BOARD OF APPEALS

37 WASHINGTON STREET  
NANTUCKET, MASSACHUSETTS 02554

PHONE 508-228-7215

FAX 508-228-7205

Catherine Stover  
Town Clerk  
Town Building  
16 Broad Street  
Nantucket, MA 02554

March 10, 2000

RE: DECISION IN BOARD OF APPEALS FILE NO. 014-99

Dear Ms. Stover;

Please be advised that at a duly noticed Public Hearing held at 1:00 P.M., Friday, March 10, 2000, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board considered the attached request for a six (6) month extension on the Variance relief granted in the above noted Decision.

The Board, by a unanimous vote, GRANTED the six (6) month extension on said Variance relief, originally filed with the Town Clerk on April 30, 1999, and due to expire on April 30, 2000. The extension shall run from the date of expiration of the Decision until October 30, 2000. Should Stephanie and Dennis Dias, or their successors-in-title, not activate the Variance by October 30, 2000, relief will be deemed expired under that Decision. The property is situated at 2 Tripp Drive, Assessor's Map 80, Parcel 51.3, Land Court Plan 37096-B, Lot 1, Certificate of Title No. 7709.

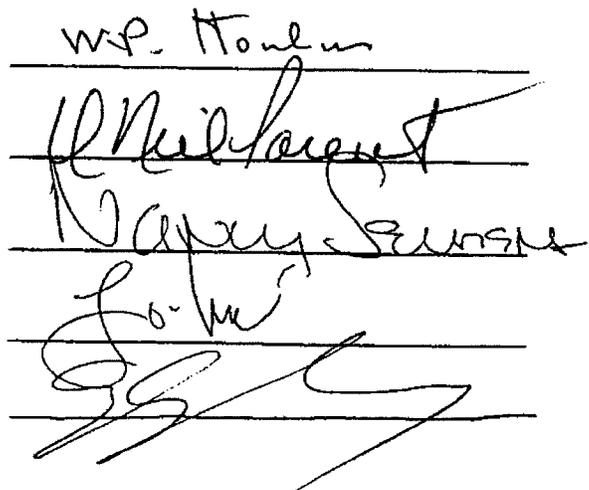
There is no new twenty-day appeal period engendered by this extension.

Dated: March 15, 2000

encl.

ATTEST: A TRUE COPY

  
NANTUCKET TOWN CLERK



090464

Stephanie and Dennis Dias  
6 Tripp Drive  
Nantucket, MA 02554

Nantucket Zoning Board of Appeals  
Town Annex Building  
37 Washington Street  
Nantucket, MA 02554

March 10, 2000

RE: DECISION IN BOARD OF APPEALS FILE NO. 014-99

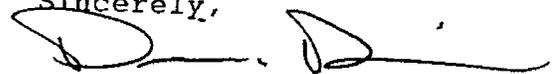
Dear Board Members;

We would respectfully like to request a six (6) month extension of the time limit on our Decision. Our Decision is due to expire on April 30, 2000, having been filed with the Town Clerk on April 30, 1999.

We were initially unaware that the Decision expired on the one (1) year anniversary date. We have been held up on starting construction as it took longer than we had thought to transfer title of the property to us as well as arrange for affordable financing. We are now in the design stage and should have the Building Permit in hand prior to the end of the extension on October 30, 2000 at the latest. We are now aware that should we not have pulled the Building Permit by that date, the Decision would expire and we would have to reapply to the Board for another Variance with no guarantee that we would receive the same relief.

We would appreciate the Board's consideration of this matter at the regularly scheduled meeting on March 10, 2000. We thank you for your help.

Sincerely,



Stephanie and Dennis Dias



TOWN OF NANTUCKET  
BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: June 18, 2002

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

Application No.: 021-02

Owner/Applicant: Dennis A. Dias

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

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

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

*Nancy Sevens*  
Nancy Sevens, Chairman

cc: Town Clerk  
Planning Board  
Building Commissioner

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

TOWN OF NANTUCKET  
ZONING BOARD OF APPEALS  
1 EAST CHESTNUT STREET  
NANTUCKET, MA 02554

Assessor's Map 80  
Parcel 51.3  
LUG-3

Land Court Plan 37096-B, Lot 1  
Certificate of Title No. ~~7709~~ 19011  
2 Tripp Drive

At a Public Hearing of the Nantucket Zoning Board of Appeals held at 1:00 P.M., Friday, March 8, 2002, in the Conference Room, Town Annex Building, 37 Washington Street, Nantucket, MA on the Application of DENNIS E. DIAS, with a mailing address of 2 Tripp Drive, Nantucket, MA 02554, Board of Appeals File No. 021-02, the Board made the following Decision:

1. Applicant is seeking relief by VARIANCE under Nantucket Zoning By-Law Section 139-16A (Intensity Regulations – minimum lot size) to validate the 1.2 acre parcel as separately marketable and buildable from adjacent land. The Locus is an undersized vacant Lot situated within a district that requires a minimum lot size of 80,000 square feet. The Locus was benefited by a grant of similar relief in BOA Decision 014-99, with one (1) six-month extension having been granted in March of 2000. The property was transferred to the Applicant in a timely manner. However, due to a change in personal circumstances, a building permit was not pulled within that time period in order to activate the Variance. Relief has therefore arguably expired. Applicant is seeking the same relief in order to construct a single-family dwelling and garage apartment that would meet all other dimensional zoning requirements.

The Premises is located at 2 TRIPP DRIVE, Assessor's Map 80, Parcel 51.3, Land Court Plan 37096-B, Lot 1. The property is zoned Limited-Use-General-2.

2. The Decision is based upon the Application and the materials submitted with it and the testimony and evidence presented at the Hearing. The Planning Board made a favorable recommendation on the Variance request. However, they were opposed to any allowance of a garage apartment. In 1999, the Planning Board had allowed this undersized lot, the remaining parcel in a family owned subdivision, to be built upon, subject to the clear condition that there be only one dwelling unit on the Locus. The Planning Board felt that the Zoning Board of Appeals should not try to supersede that decision as only the Planning Board had jurisdiction over conditions imposed on a subdivision plan. There were no letters received regarding this matter at this hearing. Though the record of the previous BOA File No. 014-99 was incorporated and referenced at this hearing.

There were several letters from abutters and abutters present at the original hearing held on March 12, 1999, that expressed their support for the Application. There was no opposition expressed then or now. Said original Decision was not acted upon in a timely manner by the Applicant due to a change in personal circumstances. Variance relief must be activated within one year from the date of filing with the Town Clerk. Applicant is now before this Board seeking the same relief as previously granted.

3. The Applicant represented that this was the last vacant lot situated on a private road within his family owned subdivision. On January 25, 1982 the subdivision was created with the subject Lot having a prohibition against construction of a dwelling unit as part of the recorded covenant in "Tripp Drive Subdivision Planning Board File #2310". The other lots within said subdivision were all created so as to have a minimum of 80,000 square feet of lot area as required in the LUG-2 zoning district within which the lots are situated. However, Applicant's Lot contains only 44,476 square feet of lot area and is thus deficient as to the minimum required lot area.

Applicant sought and received a Modification of said covenant from the Planning Board, granted on February 10, 1999, which released this Lot and allowed it to be built upon with the condition that there be only one dwelling unit on the Lot. However, Variance relief is still necessary from this Board to enable Applicant to build a dwelling on the subject Lot, and to validate the Lot as separately marketable and buildable, due to the Lot being undersized. The Planning Board stated at the time of release, that it was unclear about the purpose of initially creating the unbuildable one-acre parcel at the entrance to the subdivision. The Planning Board cited evidence in their file that indicated that there was confusion in 1982 about the impact of the easement that bisected the Lot, on the buildability of the Lot and restricted the use accordingly. Title was transferred to the Applicant in a timely manner, so the issue of marketability has been addressed, leaving the Applicant now with an unbuildable lot without relief from this Board.

It has since been learned that the easement that runs in favor of the Town of Nantucket, is *only* for the servicing of the main sewer force main that runs under the property, and several properties starting at Surfside Road to the north and running south to the Waste Water Treatment Plant. The property owners have the right to use their properties for all uses allowed in that district and can build right up to the easement boundary. It was not a road as previously thought. Based on the fact that there were several more recent subdivisions that were also accessed from South Shore Road, with no buffer zones, similar to the one placed on this subdivision, having been required for any of them, the Planning Board further concluded that this pattern was not useful at this location anymore. In conclusion, that Board stated that there was no density bonus given in 1982 for setting aside this parcel and found that the escalating cost and lack of available land on Nantucket would likely preclude such a Decision today.

The Planning Board approved the Modification in 1999 based upon the following conditions:

1. Variance relief would need to be received from the Board of Appeals and filed with their Decision.
2. Applicant would be restricted to one single-family dwelling on the Locus.
3. Vehicular access to the property would be restricted to Tripp Drive and no curb cuts would be allowed on South Shore Road to the subject Lot, identified as 'Lot 1' on the subdivision plan.
4. The Applicant stated at the original hearing that he would be willing to abide by those conditions. However, Applicant was married at the time and had two incomes to support a single-family dwelling. Applicant is now the sole owner of the property and in this new Application has asked to be allowed to construct an attached garage apartment to help support the property. After much discussion about the above stated Planning Board conditions and this Board's concerns, Applicant agreed to withdraw his request for the garage apartment, which the Board allowed by unanimous vote, and without prejudice.

Applicant represented that there was a mixture of lot sizes in the LUG-2 zoning district that were all serviced solely by South Shore Road. Many lots predated the 1972 enactment of the Zoning By-Law or were part of subdivisions that were under freeze periods. Many lots were less than two acres, with some less than one acre, and many improved with primary and secondary dwelling units. The Lot was also situated proximate a 34-lot one-acre subdivision that was also located within the LUG-2 zoning district. Therefore, Applicant stated that his Lot would not be out of character for the area. Many of those lots in said subdivision were also benefited by similar Variance relief from this Board to make them buildable. He would suffer extreme financial hardship should he not be allowed to build on the last parcel still owned by the family due to the high cost of purchasing land on the open market. He explored the option of purchasing an abutting piece of land from another family member but that would have adversely impacted that parcel and render it non-complying as to zoning. The Lot to the south was offered to the Applicant, but was at a price far in excess of what the Applicant could afford. That lot has since been sold to a new owner.

5. Therefore the Board finds that Variance relief can be granted to validate the Locus as a separately marketable and buildable lot containing one single-family dwelling and that the size of the Applicant's Lot would be consistent with the surrounding neighborhood. This finding is based upon the determination by the Board that the surrounding lots have no restrictions regarding secondary dwellings and, therefore, they have the potential to contain one dwelling unit per

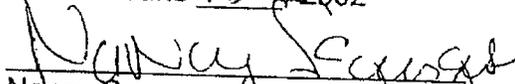
40,000 square feet, equivalent to the Applicant's proposal. The Board also finds that the Lot is unique in its relationship to the other lots in the same subdivision, and with the sewer easement bisecting it, which affects only this Lot. The Board further finds that the Lot has been treated as separate from the adjacent lots, with a separate title and tax history since the time of the 1982 subdivision. With the proper restrictions placed on the Lot, as outlined in the Planning Board release of the Lot, this Board finds that they would mitigate any grant of relief by Variance and would be consistent with several other grants of similar relief in the immediate area.

In conclusion, the Board finds that owing to circumstances relating to the soil conditions, shape or topography of such land and especially affecting such land but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the Applicant and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law. The Board notes that if relief were not granted, the Applicant would be left without an affordable place to live. The relief is appropriate in this instance and can be granted, providing a benefit to the Island by allowing a young person to be able to afford to own a home on the Island.

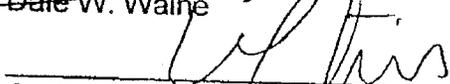
6. Accordingly, by UNANIMOUS vote, this Board GRANTS the VARIANCE RELIEF requested under Nantucket Zoning By-Law Section 139-16A (Intensity Regulations – minimum lot size) to validate the Locus, as separately marketable and buildable from all adjacent property. The grant of relief is conditioned upon the following:

- a. There shall be only one dwelling unit on the Locus; and
- b. Access to the Locus shall be restricted solely to Tripp Drive with no curb cut onto South Shore Road.

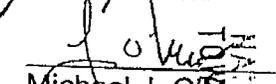
Dated: June 18, 2002

  
Nancy Sevens

  
Dale W. Waine

  
C. Richard Loftin

  
Edward Toole

  
Michael J. O'Mara

MA  
CLERK

02 JUN 18 P12:15

RECORDED

**Alan A. SHUCH, Tr.  
Ann F. Shuch QPRT**

**45 QUIDNET RD.**

**FILE NO. 32-16**



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

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.

#16.00

Town of Nantucket  
Zoning Board of Appeals

RECEIVED  
BOARD OF ASSESSORS

JUL 19 2016

TOWN OF  
NANTUCKET, MA

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

PROPERTY OWNER... Alan A. Shuch, as Trustee of the Ann F. Shuch QPRT  
c/o Sarah F. Alger, P.C.  
MAILING ADDRESS... Two South Water Street, Nantucket, MA  
PROPERTY LOCATION... 45 Quidnet Road, Nantucket  
ASSESSOR MAP/PARCEL... Map 21, Parcel 21  
SUBMITTED BY... Sarah F. Alger, P.C.

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)).

7-20-2016  
DATE

Elizabeth M. Hanagan  
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
21		15		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA	02554	25 SESACHACHA RD
21		16		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	23 SESACHACHA RD
21		17		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	21 SESACHACHA RD
21		18		DEBENEDICTIS DANIELLE		P O BOX 880	SIASCONSET	MA	02564	17 SESACHACHA RD
21		19		DEBENEDICTIS DANIELLE		P O BOX 880	SIASCONSET	MA	02564	17 SESACHACHA RD
21		20		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	SESACHACHA RD
21		21		SHUCH ALAN A TRUSTEE		15 CENTRAL PARK WEST #26D	NEW YORK	NY	10023	45 QUIDNET RD
21		23		GARDNER WILLIAM L TRUSTEE	AVANT GARDNER NOMINEE TRST	3900 WATSON PL NW APT B-5	WASHINGTON	DC	20016	3 SESACHACHA RD
21		24		ALBRIGHT RALPH N JR & SUSANNE TRST		5026 KLINGLE ST	WASHINGTON	DC	20016	1 SESACHACHA RD
21		26		KELLNER PETER L & MARIA T TRST		15 JUBILEE PLACE	LONDON ENGLAND		SW3 3TD	4 SAKEDAN LN
21		26	1	MCKEE WILLIAM J JR ETAL		355 DOVER STREET	WESTWOOD	MA	02090	41 QUIDNET RD
21		26	3	FLORENCE CHARLOTTE TRST	FOUR NAAUMA LANE NOM TRUST	99 LYMAN ROAD	CHESTNUT HILL	MA	02467	4 NAAUMA LN
21		26	4	DOYLE RICHARD A & KATE O TRST ETAL	C/O PETER KELLNER	15 JUBILEE PLACE	LONDON ENGLAND		SW3 3TD	5 SAKEDAN LN
21		26	5	MCKEE WILLIAM J JR ETAL		355 DOVER STREET	WESTWOOD	MA	02090	41 QUIDNET RD
21		26	6	POND HEDGES LLC ETAL	C/O PETER KELLNER	15 JUBILEE PLACE	LONDON		SWS 3TD	7 SAKEDAN LN
21		26	7	POND HEDGES LLC ETAL	C/O PETER KELLNER	15 JUBILEE PLACE	LONDON ENGLAND		SW3 3TD	6 SAKEDAN LN
21		26	8	DOYLE RICHARD A & KATE O TRST		71 HANCOCK STREET	BOSTON	MA	02114	5 BEACON LN
21		48		CLARK HERBERT T III TR ETAL		52 INGHAM HILL ROAD	ESSEX	CT	06426	2 SQUAM RD
21		49		LANDMANN ROBERT S & SUSAN S		6 SQUAM RD	NANTUCKET	MA	02554	6 SQUAM RD
21		50		BECK GARY W TRUSTEE	QUIDNET NOMINEE TRUST	8625 BLOME ROAD	CINCINNATI	OH	45243	40 QUIDNET RD
21		51		SEEMAN ISABELLE PETTIT		8323 SOUTHMEADOW CIRCLE	DALLAS	TX	75231	8 SQUAM RD
21		52		STEWARDSON FAMILY LLC	C/O CONNOLLY LIZA	31 WACHUSETT DR	LEXINGTON	MA	02421	36 QUIDNET RD
21		81	1	NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	18 SESACHACHA RD
21		81	3	HALL BROOKS CHAPMAN TR	LAKE VIEW VILLA II NOM TRUST	30 PEACHCROFT DR	BERNARDSVILLE	NJ	07924	61 QUIDNET RD
21		82		HALL PERRY EDWARDS III ETAL TR		30 PEACHCROFT DR	BERNARDSVILLE	NJ	07924	14 SESACHACHA RD
21		83		MILLER LEON L & ELIZABETH P		1 MILLAY CIRCLE	PITTSFORD	NY	14534-1722	12 SESACHACHA RD
21		85		JONES RICHARD M		3 HILLSIDE PLACE	TARRYTOWN	NY	10591	8 SESACHACHA RD
21		87		RICKARDS ASSOCIATES		2 CRAWFORD CI	WILMINGTON	DE	19805-2616	6 SESACHACHA RD
21		88		WENDY LIPP		27 SPRING HOUSE RD	POUND RIDGE	NJ	10516	2 SESACHACHA RD
21		140		SEIGER JOSEPH R TRUSTEE	SEIGER NANTUCKET NOMINEE TR	27087 OLD TRACE LN	LOS ALTOS HILLS	CA	94022	11 SESACHACHA RD
21		141		PAULSEN WILLIAM F TRST ETAL	WF PAULSEN 2012 TRUST	408 GREENWICH ST	UNIT NEW YORK	NY	10013	9 SESACHACHA RD
21		142		NEWHOUSE JUDITH W TRUSTEE	SESACHACHA FAMILY TRUST	600 COCONUT PALM RD	VERO BEACH	FL	32963-3713	7 SESACHACHA RD
21		143		BURBAGE STEPHEN W & SUSAN C		54 GLEZEN LANE	WAYLAND	MA	01778	47 QUIDNET RD

21  
MASSACHUSETTS AUDUBON SOCIETY  
153 HUMMOCK POND RD  
NANTUCKET, MA 02554

21  
NANTUCKET ISLANDS LAND BANK  
22 BROAD ST  
NANTUCKET, MA 02554

21  
NANTUCKET ISLANDS LAND BANK  
22 BROAD ST  
NANTUCKET, MA 02554

21  
DEBENEDICTIS DANIELLE  
P O BOX 880  
SIASCONSET, MA 02564

21  
DEBENEDICTIS DANIELLE  
P O BOX 880  
SIASCONSET, MA 02564

21  
NANTUCKET TOWN OF  
16 BROAD ST  
NANTUCKET, MA 02554

21  
SHUCH ALAN A TRUSTEE  
15 CENTRAL PARK WEST #26D  
NEW YORK, NY 10023

21  
GARDNER WILLIAM L TRUSTEE  
AVANT GARDNER NOMINEE TRST  
3900 WATSON PL NW APT B-5BC  
WASHINGTON, DC 20016

21  
ALBRIGHT RALPH N JR & SUSANNE TRST  
5026 KLINGLE ST  
WASHINGTON, DC 20016

21  
KELLNER PETER L & MARIA T TRST  
15 JUBILEE PLACE  
LONDON ENGLAND, . SW3 3TD

21  
MCKEE WILLIAM J JR ETAL  
355 DOVER STREET  
WESTWOOD, MA 02090

21  
FLORENCE CHARLOTTE TRST  
FOUR NAAUMA LANE NOM TRUST  
99 LYMAN ROAD  
CHESTNUT HILL, MA 02467

21  
DOYLE RICHARD A & KATE O TRST ETAI  
C/O PETER KELLNER  
15 JUBILEE PLACE  
LONDON ENGLAND, . SW3 3TD

21  
MCKEE WILLIAM J JR ETAL  
355 DOVER STREET  
WESTWOOD, MA 02090

21  
POND HEDGES LLC ETAL  
C/O PETER KELLNER  
15 JUBILEE PLACE  
LONDON, . SWS 3TD

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POND HEDGES LLC ETAL  
C/O PETER KELLNER  
15 JUBILEE PLACE  
LONDON ENGLAND, . SW3 3TD

21  
DOYLE RICHARD A & KATE O TRST  
71 HANCOCK STREET  
BOSTON, MA 02114

21  
CLARK HERBERT T III TR ETAL  
52 INGHAM HILL ROAD  
ESSEX, CT 06426

21  
LANDMANN ROBERT S & SUSAN S  
6 SQUAM RD  
NANTUCKET, MA 02554

21  
BECK GARY W TRUSTEE  
QUIDNET NOMINEE TRUST  
8625 BLOME ROAD  
CINCINNATI, OH 45243

21  
SEEMAN ISABELLE PETTIT  
8323 SOUTHMEADOW CIRCLE  
DALLAS, TX 75231

21  
STEWARDSON FAMILY LLC  
C/O CONNOLLY LIZA  
31 WACHUSETT DR  
LEXINGTON, MA 02421

21  
NANTUCKET TOWN OF  
16 BROAD ST  
NANTUCKET, MA 02554

21  
HALL BROOKS CHAPMAN TR  
LAKE VIEW VILLA II NOM TRUST  
30 PEACHCROFT DR  
BERNARDSVILLE, NJ 07924

21  
HALL PERRY EDWARDS III ETAL TR  
30 PEACHCROFT DR  
BERNARDSVILLE, NJ 07924

21  
MILLER LEON L & ELIZABETH P  
1 MILLAY CIRCLE  
PITTSFORD, NY 14534-1722

21  
JONES RICHARD M  
3 HILLSIDE PLACE  
TARRYTOWN, NY 10591

21  
RICKARDS ASSOCIATES  
2 CRAWFORD CI  
WILMINGTON, DE 19805-2616

21  
WENDY LIPP  
27 SPRING HOUSE RD  
POUND RIDGE, NJ 10516

21  
SEIGER JOSEPH R TRUSTEE  
SEIGER NANTUCKET NOMINEE TR  
27087 OLD TRACE LN  
LOS ALTOS HILLS, CA 94022

21

PAULSEN WILLIAM F TRST ETAL  
WF PAULSEN 2012 TRUST  
408 GREENWICH ST UNIT PH  
NEW YORK, NY 10013

21

NEWHOUSE JUDITH W TRUSTEE  
SESACHACHA FAMILY TRUST  
600 COCONUT PALM RD  
VERO BEACH, FL 32963-3713

21

BURBAGE STEPHEN W & SUSAN C  
54 GLEZEN LANE  
WAYLAND, MA 01778



**Property Information**

**Property ID** 21 21  
**Location** 45 QUIDNET RD  
**Owner** SHUCH ALAN A TRUSTEE

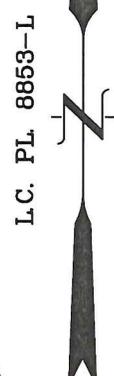
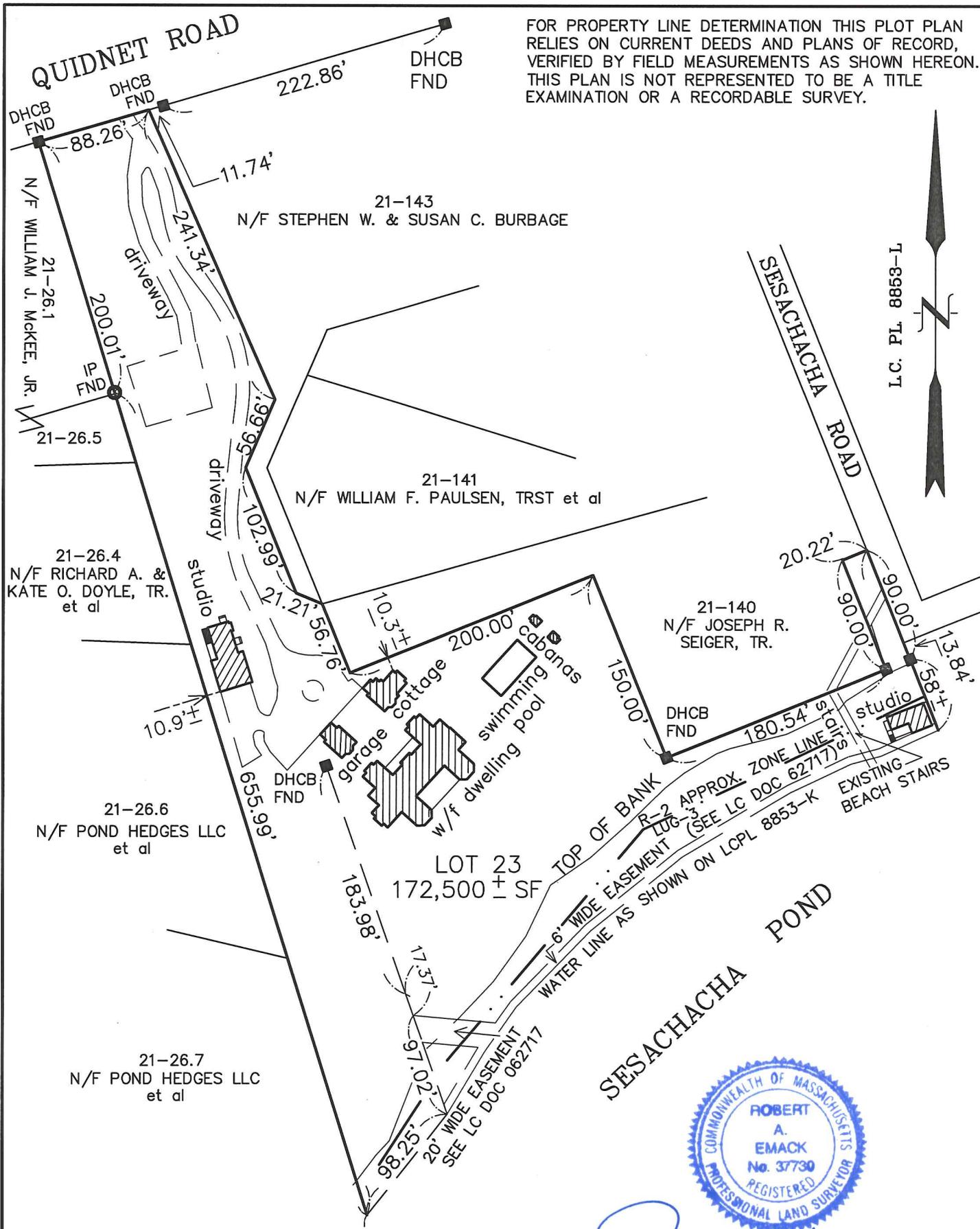


MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

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

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.



*R.A. Emack*

CURRENT ZONING: MIXED: R-20 / LUG-3  
 MINIMUM LOT SIZE: 20,000 SF / 120,000 SF  
 MINIMUM FRONTAGE: 75 FT / 200 FT  
 FRONTYARD SETBACK: 30 FT / 35 FT  
 SIDE AND REAR SETBACK: 10 FT / 20 FT  
 ALLOWABLE G.C.R.: 12.5% / 3%  
 EXISTING G.C.R.: 3.4% ±  
 DWELLING G.C.: 3320 SF ±  
 COTTAGE G.C.: 550 SF ±  
 GARAGE G.C.: 390 SF ±  
 CABANAS G.C.: 2X50 SF=100 SF ±  
 STUDIO G.C.: 1040 SF ±  
 STUDIO ON BEACH G.C.: 440 SF ±

NOTE: ALL STRUCTURES EXCEPTING STUDIO ON THE BEACH ARE LOCATED IN R-20 ZONE. STUDIO ON THE BEACH ACCOUNTS FOR 0.3% GCR.

NB 15 / PG 89

PLOT PLAN TO ACCOMPANY APPLICATION TO THE ZONING BOARD OF APPEALS IN NANTUCKET, MASSACHUSETTS

SCALE: 1"=100' DATE: JULY 28, 2016 REVISED SEPT. 30, 2016

DEED REFERENCE: LC CERT.# 21927

PLAN REFERENCE: LC PL 8853-L

ASSESSOR'S REFERENCE:

MAP: 21 PARCEL: 21

PREPARED FOR:

ALAN A. SHUCH, TRUSTEE

EMACK SURVEYING, LLC  
 2 WASHAMAN AVENUE  
 NANTUCKET, MA. 02554  
 (508) 325-0940

J-685

SH 1 OF 2



**MATERIALS**

**PROVIDED BY**

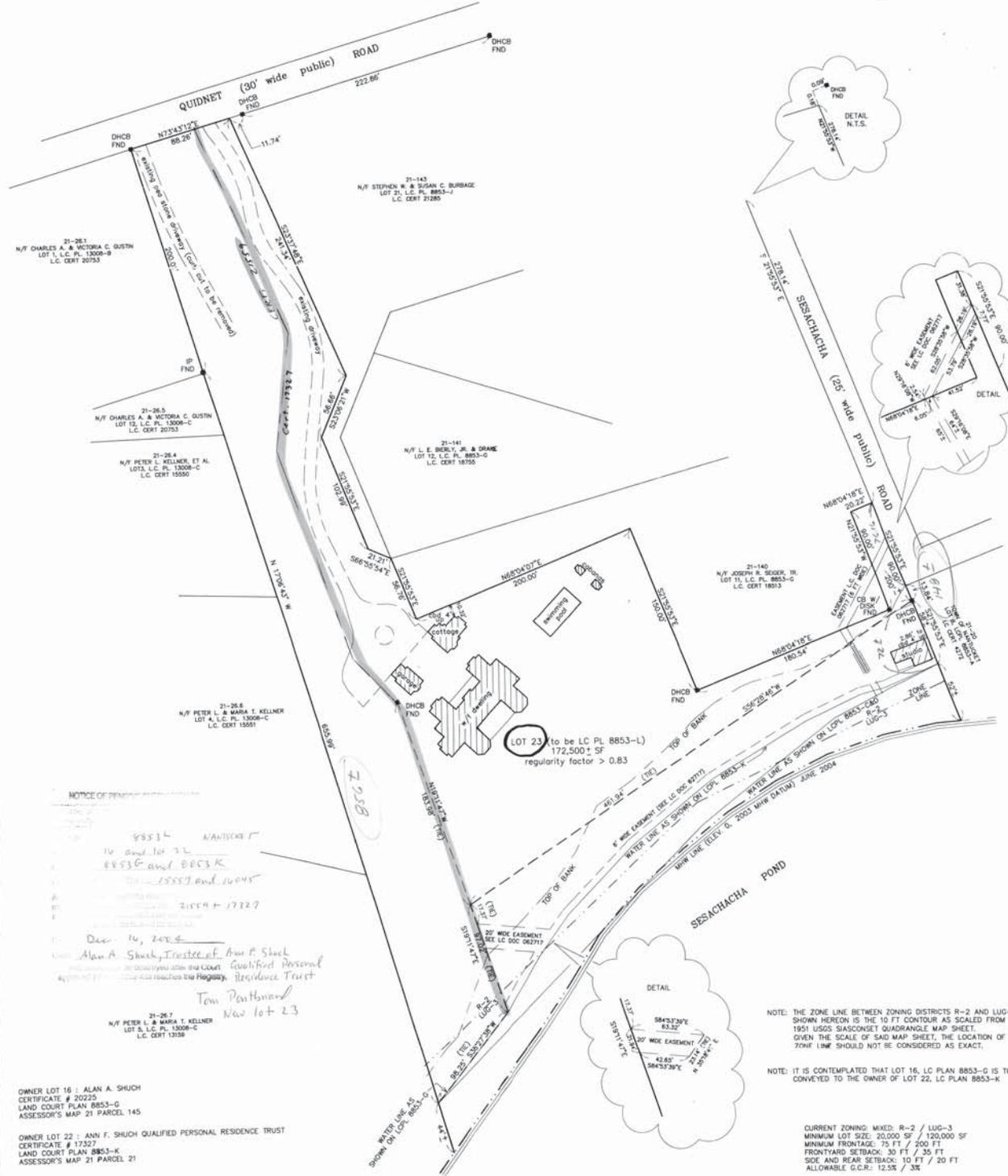
**APPLICANT**

**TO SUPPLEMENT**

**APPLICATION**



THE PLANNING BOARD DETERMINES THAT: WHILE LOT 23 MAY 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, THE LOT AS CONFIGURED CONTAINS MORE THAN THE REQUIRED UPLAND AREA. THE LOT MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND LAWS AND BY-LAWS. DETERMINATION OF APPLICABILITY FOR WETLANDS MAY BE OBTAINED THROUGH APPLICATION TO THE NANTUCKET CONSERVATION COMMISSION.



PROFESSIONAL LAND SURVEYOR  
 DATE: Oct 15 2004

8853-L  
 LAND COURT  
 FILED  
 OBE 16 2004  
 FILED

NANTUCKET PLANNING BOARD  
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

October 25, 2004 10:19:22  
 DATE FILE #



Structure shown  
and in existence  
per this 1971 aerial



TOWN OF NANTUCKET

088241

007-96

# BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: February 14, 1996

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

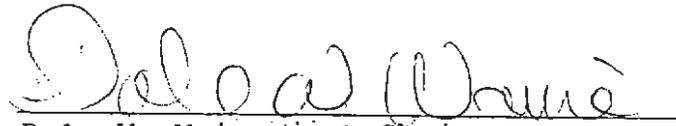
Application No.: 007-96

Owner/Applicant: ANN F. SHUCH

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

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

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

  
Dale W. Waine, Vice-Chairman

cc: Town Clerk  
Planning Board  
Building Commissioner

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

NANTUCKET ZONING BOARD OF APPEALS  
37 Washington Street  
Nantucket, Massachusetts 02554

Assessor's Map 21, Parcel 21                      Land Court Plan 8853-K  
45 Quidnet Road                                      Lot 22  
Residential-2    Certificate of Title No. 16045

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, February 2, 1996, at 1:00 P.M., in the Selectmen's Meeting Room, in the Town and County Building, Broad Street, Nantucket, Massachusetts, the Board made the following decision on the application of ANN F. SHUCH, c/o Reade & Alger Professional Corporation, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 007-96:

2. The applicant is requesting a FINDING under Massachusetts General Laws, c. 40A, §6, and Nantucket Zoning By-law §139-33.A(4)(a), that a proposed alteration of a structure upon the Locus, said to be pre-existing of zoning requirements with which it is nonconforming, from use as a dwelling to use as an ancillary structure to the two dwelling units (a principal single-family dwelling and a cottage) upon the Locus, will not be substantially more detrimental to the neighborhood than the existing nonconformities. The structure is nonconforming as to setback, being sited 2.8± feet at its closest point from the easterly side yard lot line in a district that requires a minimum side yard setback of 10 feet. The applicant proposes to use the structure as a studio and beach changing area, eliminating the existing dwelling unit in the cottage, with any upward expansion of the structure to be done within the existing footprint, coming no closer to the side yard lot line. See also Board of Appeals File No. 001-96 that was withdrawn without prejudice. The subject property (the "Locus") is located at 45 QUIDNET ROAD, Assessor's Map 21, Parcel 21, and is shown on Land Court Plan 8853-K as Lot 22. The locus is zoned RESIDENTIAL-2.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation. Two neighbors spoke in opposition, and several others also sent letters in opposition.

Current owner: Alan A. Shuch Trustee of Ann F. Shuch Qualified Personal Residence Trust

4. The applicant represented that the subject structure, shown as "exist. w/f cottage" upon the plot plan by Nantucket Surveyors, Inc., dated August 30, 1995, a reduced copy of which is attached hereto as Exhibit A, pre-exists the effective date of the Nantucket Zoning By-law in July, 1972, and that this structure was used as a dwelling in the past, but not for several years. Since acquiring the Locus in 1993, the applicant has erected two dwellings upon the Locus, and has taken steps to ensure that the subject structure (and the other cottage near Sesachacha Pond to the west of the subject structure, shown as "exist. w/f bldg." on Exhibit A, which was also formerly used as a dwelling) cannot be used as a dwelling. The applicant now seeks approval to convert the subject structure into an ancillary structure to be used as a studio and beach changing area, not to be used as a dwelling. In connection therewith, there will be some upward alteration within the footprint of the structure, including the portion thereof within the side yard setback area of ten feet from the easterly boundary of the Locus (which will, however, continue to be a single-story structure), and addition of a deck not encroaching upon any setback. The applicant argued that the renovation of the subject structure, together with demolition of the cottage to its west, will benefit the neighborhood by improving the appearance of the structure and providing a presence which may reduce incidences of dumping of trash and other materials. The applicant further represented that relocating the structure so that it will conform to dimensional requirements of the by-law would be difficult or impossible because of wetlands considerations, and that the structure has an existing poured foundation. Approval for the proposed alterations has been secured from the Nantucket Historic District Commission and the Nantucket Conservation Commission.

5. The proposed use of the structure for recreational purposes and as a studio will be a permitted use, as subordinate and customarily incident to the principal use of the use of the Locus as a residential lot with two dwellings thereon, pursuant to By-law §139-15. The subject structure, pre-existing of the By-law, is entitled to remain in existence, and may be used only as an ancillary structure to the two dwellings (the maximum now permitted) recently constructed upon the Locus, for which Certificates of Occupancy have been issued by the Building Department. The project's opponents argued at the public hearing that By-law §139-33.C prohibits continued use of the subject structure, on the basis that its nonuse for more than three years constitutes an abandonment; however, that provision, as it relates to a

structure which continues to be in existence, merely prevents re-establishment of a discontinued nonconforming use, and the applicant proposes to use the structure for a conforming use.

6. The issues presented to the Board of Appeals, in this request for a finding under M.G.L. c. 40A, §6, and By-law §139-33.A(4), are whether the proposed alterations to the subject structure, as described herein, will intensify the nonconformities of the structure, and, if so, whether the alterations will be substantially more detrimental to the neighborhood than the pre-existing nonconformities.

7. By a unanimous vote, the Board determined that the proposed alteration will intensify the nonconformities of the subject structure, in that there will be some upward extension of the structure within the side yard setback area.

8. As to the request for a finding under M.G.L. c. 40A, §6, and By-law §139-33.A(4), the Board of Appeals made the finding that the alterations will not be substantially more detrimental to the neighborhood than the pre-existing nonconformities, provided that the conditions set forth in Paragraph 9 are met, by a vote of four members (Waine, Williams, Hourihan and Angelastro) in favor, and one (Sevrens) against.

9. The Board's finding is made subject to the following conditions:

(a) The proposed alterations shall be made in substantial conformity with the plans approved by the Nantucket Historic District Commission in Certificate of Appropriateness No. 26,898, and with the Order of Conditions issued by the Nantucket Conservation Commission under Department of Environmental Protection File No. SE48-935.

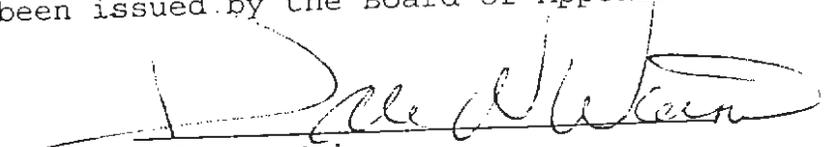
(b) The structure shown upon Exhibit A as "exist. w/f bldg.", to the west of the subject structure, shall be demolished or removed from the Locus prior to the issuance of a Certificate of Occupancy for the proposed alterations.

(c) All kitchen facilities shall be completely removed from the subject structure prior to the issuance of a Certificate of Occupancy for the proposed alterations.

(d) The subject structure shall not be used at any time for human habitation.

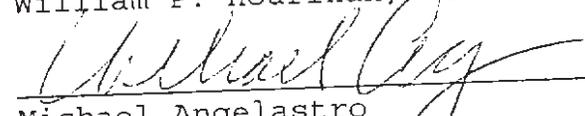
(e) No further changes in use, nor structural changes, to the subject structure shall be made without further relief approving such changes having been issued by the Board of Appeals.

Dated: February 14, 1996

  
Dale W. Waine

  
Linda F. Williams

  
William P. Hourihan, Jr.

  
Michael Angelastro

\_\_\_\_\_  
Nancy J. Sevrens

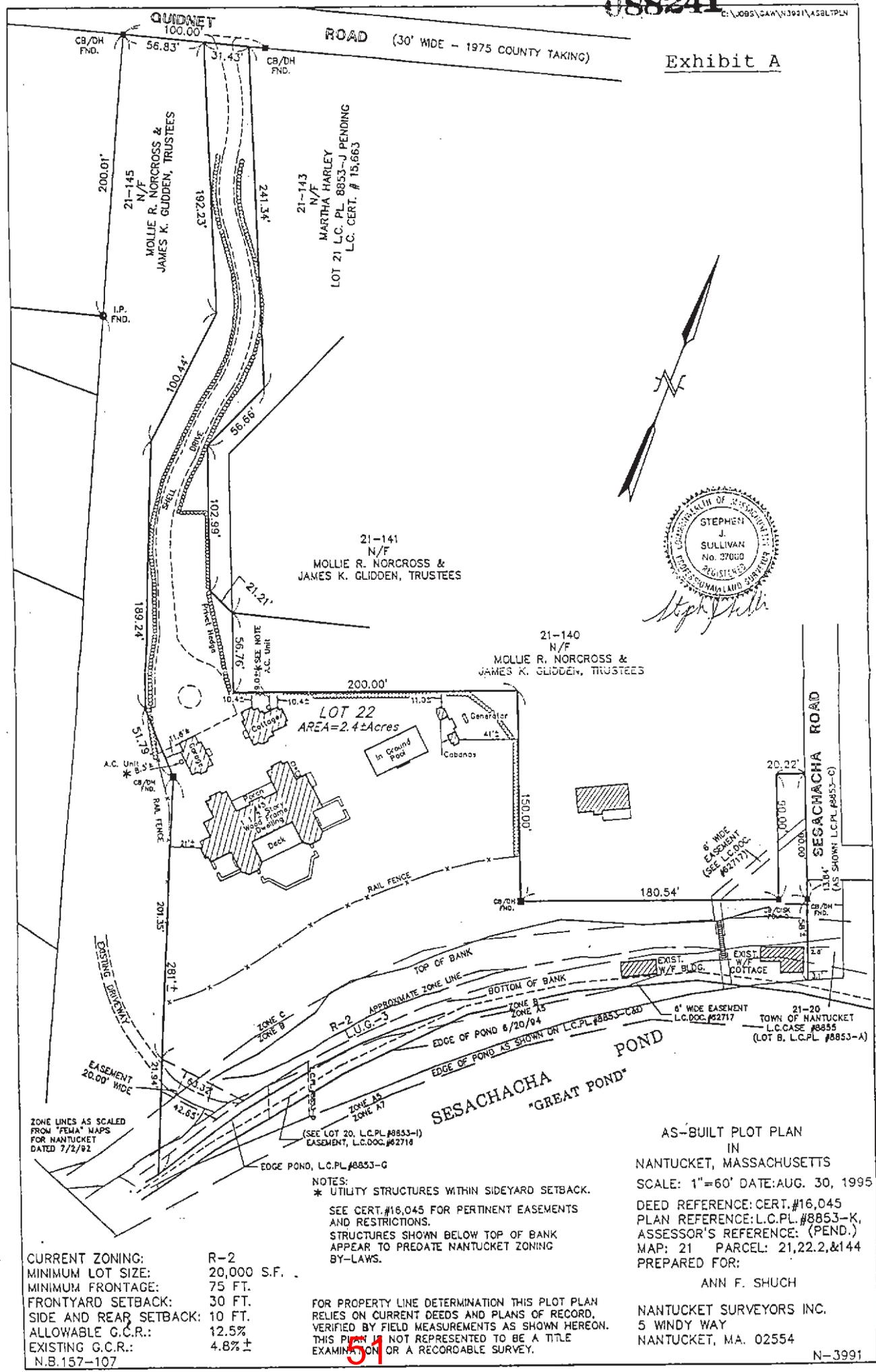
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**RECEIVED**  
TOWN CLERK'S OFFICE  
NANTUCKET, MA 02554

FEB 14 1996  
TIME: 11:15 AM

CLERK: Alvan J. Con

Exhibit A



ZONE LINES AS SCALED FROM "FEMA" MAPS FOR NANTUCKET DATED 7/2/92

CURRENT ZONING: R-2  
 MINIMUM LOT SIZE: 20,000 S.F.  
 MINIMUM FRONTAGE: 75 FT.  
 FRONTYARD SETBACK: 30 FT.  
 SIDE AND REAR SETBACK: 10 FT.  
 ALLOWABLE G.C.R.: 12.5%  
 EXISTING G.C.R.: 4.8% ±  
 N.B.157-107

NOTES:  
 \* UTILITY STRUCTURES WITHIN SIDYARD SETBACK.  
 SEE CERT.#16,045 FOR PERTINENT EASEMENTS AND RESTRICTIONS.  
 STRUCTURES SHOWN BELOW TOP OF BANK APPEAR TO PREDATE NANTUCKET ZONING BY-LAWS.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

AS-BUILT PLOT PLAN IN NANTUCKET, MASSACHUSETTS  
 SCALE: 1"=60' DATE:AUG. 30, 1995  
 DEED REFERENCE: CERT.#16,045  
 PLAN REFERENCE: L.C.PL.#8853-K,  
 ASSESSOR'S REFERENCE: (PEND.)  
 MAP: 21 PARCEL: 21,22.2,&144  
 PREPARED FOR:

ANN F. SHUCH  
 NANTUCKET SURVEYORS INC.  
 5 WINDY WAY  
 NANTUCKET, MA. 02554



# Town of Nantucket

88241

OFFICE OF THE  
**TOWN CLERK**

16 Broad Street  
NANTUCKET, MASSACHUSETTS 02554

Catherine Flanagan Stover  
Town Clerk  
(508) 228-7217

I, Catherine Flanagan Stover, duly elected Clerk of the Town of Nantucket, hereby certify that a court appeal was filed in this case. It has been acted upon finally and favorably to the applicant.

Signed and certified this 3rd day of February, 2000  
Catherine Flanagan Stover  
Town Clerk













58



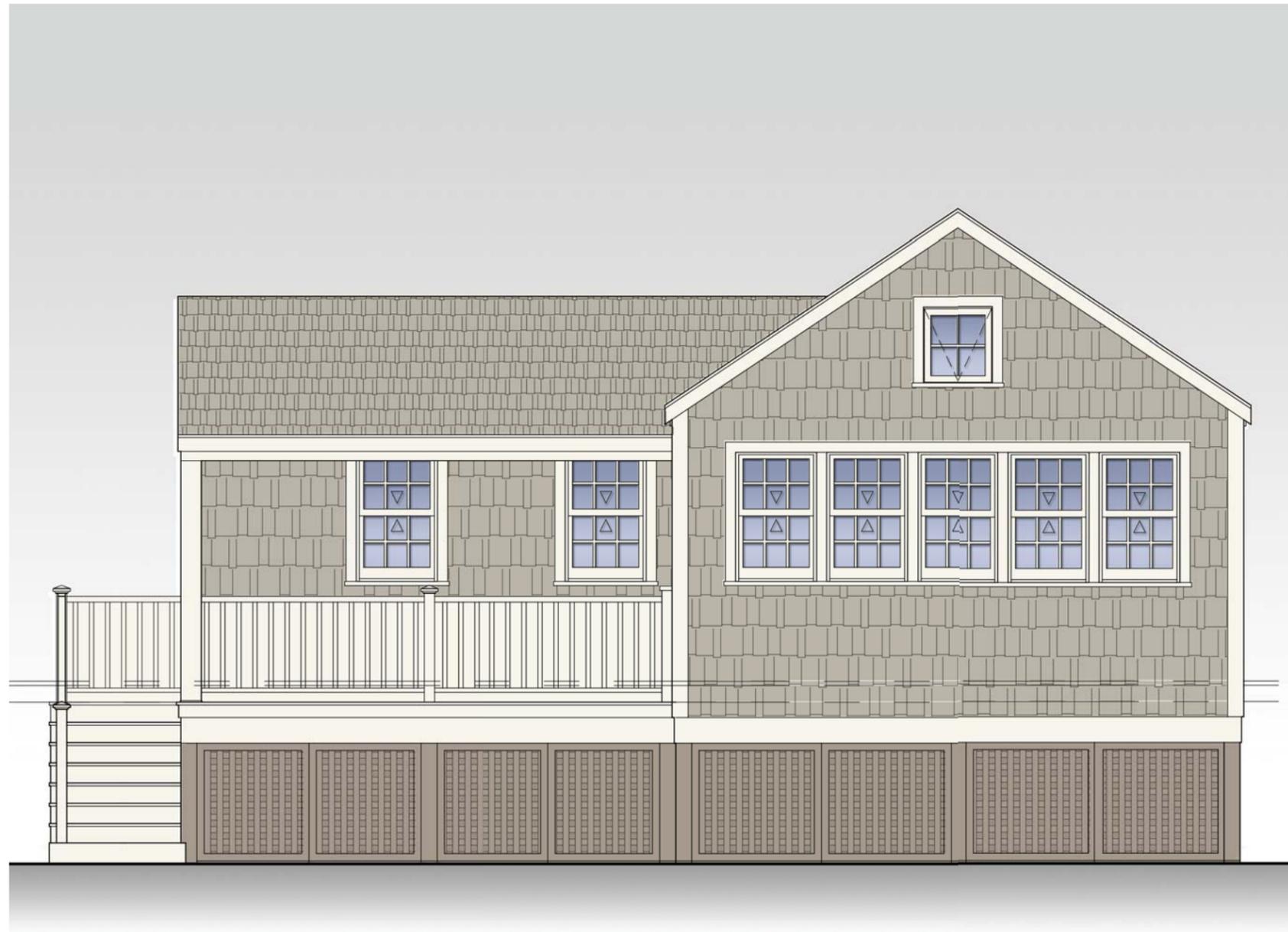




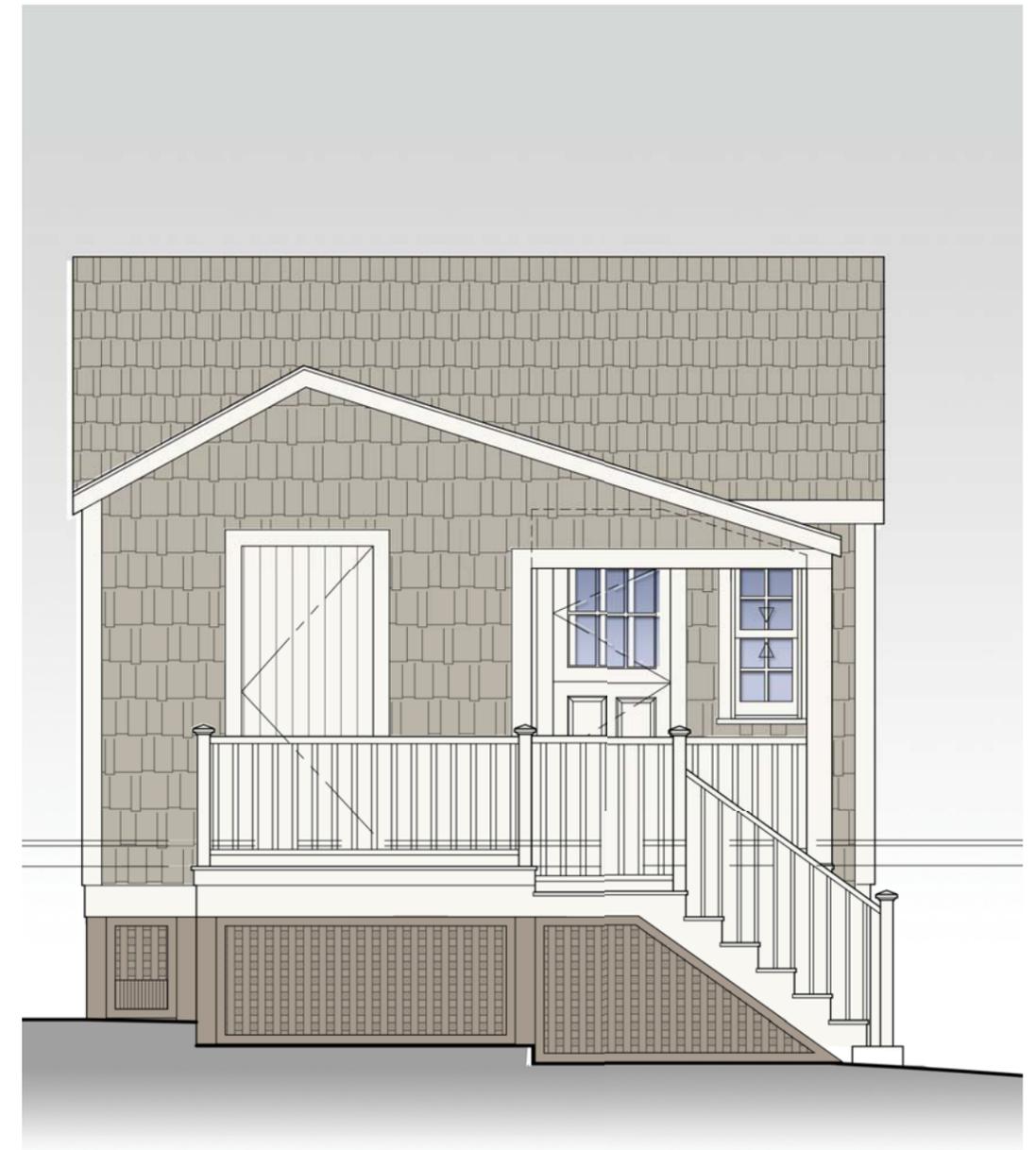








South Elevation



West Elevation



North Elevation



East Elevation





# LETTERS

**From:** [Isabelle Seeman](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Shuck hearing  
**Date:** Saturday, July 30, 2016 9:51:50 AM

---

I'm not in favor of anything which will compromise the water quality of the pond  
Isabelle Seeman

Sent from my iPad Isabelle

**From:** [Robert Landmann](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Re: Alan A. Shuch as Trustee of the Ann F. Shuch Qualified Personal Residence Trust, File No. 32-16.  
**Date:** Sunday, July 31, 2016 4:24:20 PM

---

Dear Ms. Antonietti,

The referenced residence is situated at 45 Quidnet Road and is shown on Assessor's Map 21 as Parcel 21, and is Lot 23 on Land Court Plan 8853-L. Owners title is evidenced by Certificate of Title No. 21927 at the Nantucket Registry District. The Site is zoned Residential-20 (R20).

We object to the proposed changes in the residence. There is no indication of how much higher the owner proposes to raise the structure which already sits on cement pilings. There is an assumed risk of flooding when building close to the water. The community should not have to have its character and scale compromised every time water encroaches on a such a structure. We urge the Board to reject the request.

Thank you,

Susan and Robert Landmann  
6 Squam Rd.  
Nantucket

**From:** [Virginia Birch](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Alan Shuch plan for 45 Quidnet Road  
**Date:** Tuesday, August 02, 2016 4:19:35 PM  
**Attachments:** [ATT00003.txt](#)  
[ATT00004.txt](#)

---

Dear Ms. Antonietti,

Here are 2 photos of the Shuch beach studio. Mr Shuch is requesting that the studio be lifted from the present 7 feet to new pier foundations of 10 feet. It surely doesn't appear to be presently 7 ft off the ground, so what will 10 feet look like? To be fair to the abutting landowners, we need a drawing of what that will look like. What will the new height of the roof be compared to where it is now?

Therefore, what Mr. Shuch is requesting should be denied until his request is made more clear.

Thank you,

Ginny Birch

14 Sesachacha Road and  
61 Quidnet Road



73



74



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

Re: File No: 32-16 Alan A Shuch as Trustee of the Ann F. Shuch Qualified Personal Residence Trust

Dear Sir or Madam:

We are writing in opposition of the application to extend, alter or change the pond cottage associated with the home at 45 Quidnet Road (Assessor's Map 21, Parcel 21 or Lot 23 on Land Court Plan 8853-L.

The reasons for our opposition to further amendments include;

- To further elevate the cottage by any amount is not in keeping with the village of Quidnet and will be an unsightly intrusion above the one other pond cottage.
- This elevation would set a precedent for elevating other non-conforming structures at the pond which would further the negative impact to the community.
- As it sits now, the cottage is only 5 feet from the property line with the town property, if elevated, the steps required would likely encroach the property line.
- Sesachacha Pond is a pristine and historic part of the Nantucket community. Increasing the human living spaces at the pond site could have detrimental impact on the water quality and flora surrounding the pond.

We have been members of the Quidnet community since 2004 and regularly use and enjoy Sesachacha Pond. We swim, kayak, paddle board and enjoy this open space with both locals and visitors, new comers and old timers.

We appreciate being given notice and respectfully request that you protect our pond by denying the request to increase the elevation of the subject pond cottage.

William F. Paulsen and Laura Taft Paulsen  
9 Sesachacha Road, Nantucket, MA 02554

**From:** [crrickards@aol.com](mailto:crrickards@aol.com)  
**To:** [eantonietti@nantucket-ma.gov](mailto:eantonietti@nantucket-ma.gov)  
**Subject:** Alan Shuch Special Permit relief File No.007-96  
**Date:** Wednesday, August 03, 2016 8:21:51 PM

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8-03-16

Charles Rickards and Susan Rickards

6 Sesachacha Rd. Quidnet  
Nantucket. Mass. 02554

Oppose the request for modification of File No.007-96

This request has been denied by the board previously and should be denied at this time.

**From:** [Virginia Birch](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Alan Shuch property at 45 Quidnet Road  
**Date:** Thursday, August 04, 2016 12:03:24 PM

---

Thank you for sending me a copy of the application for the above property.

As I reread the editorial to the I. M. that our esteemed neighbor, Derek Till wrote a few weeks ago, he believes that we owe a debt to Arthur Dean who is credited with buying many years ago, most of the shoreline property around the Sesachacha Pond including a significant area of barrier beach, which protected it from development. Mr. Dean died in 1987 and bequeathed the pond property to the Maria Mitchell Association, who decided that Mass Audubon would be a much better custodian, since they had extensive experience in managing sanctuaries.

It was never intended that there be private buildings on the beach. If Mr. Shuch were granted permission to raise the roof of his building, what would stop the house next to his from applying for the same such permission? In years past Mr. Shuch applied for a bathroom in his building, but fortunately was denied.

We as Quidnet residents, are the custodians of this fragile pond and will continue to care for it. We volunteers clean the beach, keep the fences in good repair, drag derelict boats to the dump, and keep close watch that the pond be used with respect.

I sincerely ask that Mr. Shuch's request is denied.

Sincerely, Ginny

**From:** [Betty Miller](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** alan Shuch structure  
**Date:** Thursday, August 04, 2016 2:52:20 PM

---

To whom this may concern, I believe that the changes Alan Shuch has proposed for his structure on Sesachacha Pond are inappropriate.

These changes compromise the integrity of the pond and surroundings. I object to his proposal.

Thank you,

Betty Miller

12 Sesachacha Rd.

**From:** [Bill Gardner](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Shuch application - Sesachacha Pond  
**Date:** Friday, August 05, 2016 1:49:28 PM

---

Dear Ms. Antonietti: My name is William Gardner and I live in Quidnet several hundred feet from the property that is the subject of the application. I wish to go on record as stating that I have no objection to what is proposed. It seems perfectly reasonable to me.

**From:** [Randee Seiger](#)  
**To:** [Eleanor Antonietti](#)  
**Subject:** Shuch Beach Studio Application-45 Quidnet  
**Date:** Tuesday, August 30, 2016 10:59:33 AM

---

To Whom It May Concern:

I am writing in support of the application by Alan Shuch to raise his beach studio structure in order to mitigate effects from storm surges. My home is at 11 Sesachacha Road and is the property directly above the structure.

I have seen drawings, elevations, and photo shopped-visuals of the proposed design and have discussed these with Alan Shuch. I believe the proposed changes are modest and will not adversely impact me.

Please let me know if you have any questions.

Randee Seiger

Summer: 11 Sesachacha Road  
Nantucket MA

Primary: 27087 Old Trace Lane  
Los Altos Hills, CA 94022

650/948.8817  
2ees@seigerspace.net

**NEW**

**BUSINESS**

**6 Lily St., LLC  
Sconset Partners, LLC**

**6& 8 LILY ST.**

**FILE NO. 24-16**

**CONTINUED TO 1/12/17**

**Loren H. KROLL**  
**Norman J. GOLDMAN**

**24 COFFIN ST.**

**FILE NO. 36-16**

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

October 5, 2016

Eleanor Antonietti  
Zoning Administrator  
Nantucket Zoning Board of Appeals  
2 Fairgrounds Road  
Nantucket, MA 02554

ZBA File No. 36-16

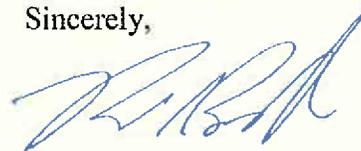
Re: *Request for Special Permit*  
*24 Coffin Street, Siasconset, MA 02564*  
*Map 73.4.1 / Parcel 52*

Dear Eleanor:

Our clients, Loren H. Kroll and Norma J. Goldman, own the property located at 24 Coffin Street, Siasconset, Massachusetts 02564. Enclosed please find an Application for a Special Permit under Sections 139-30 A (1) and 139-16 C (2) of the Nantucket Zoning By-Law to validate the unintentional side yard setback violation caused by the porch connected to the dwelling on the Premises, as further described in the Addendum attached hereto.

I have also enclosed the filing fee required by the Town of Nantucket in the amount of \$450 and a certified abutters list. Please note that I reserve the right to supplement this Application with further materials at a later time. Thank you for your help in this matter. Please feel free to call me should you have questions.

Sincerely,



Richard Beaudette

RPB/ldd

Enclosures

cc: Loren H. Kroll  
Norma Goldman



NANTUCKET  
TOWN CLERK

2016 OCT 31 PM 12: 56

PLANNING OFFICE  
OCT 11 2016  
RECEIVED

TOWN OF NANTUCKET  
BOARD OF APPEALS  
NANTUCKET, MA 02554

PAID  
OCT 11 2016  
PAID  
BY: ✓ 16172

APPLICATION

Fee: \$450.00

File No. 36-16

Owner's name(s): Loren H. Kroll and Norma J. Goldman

Mailing address: c/o 2 Whaler's Lane, PO Box 659, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@vdhlaw.com; lori@vhdlaw.com

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 24 Coffin Street Assessor's Map/Parcel: 73.4.1 / 52

Land Court Plan/Plan Book & Page/Plan File No.: Plan No. 2012-37  
Bk. 1456,

Deed Reference/Certificate of Title: Pg. 168 Zoning District SR-1

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 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: \_\_\_\_\_ Owner\*

SIGNATURE: \_\_\_\_\_ Applicant/Attorney/Agent\*  
Richard P. Beaudette: Attorney for Loren H. Kroll and Norma J. Goldman, Owners

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

**OFFICE USE ONLY**

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

**ADDENDUM TO THE  
APPLICATION – 24 COFFIN STREET**

Loren H. Kroll and Norma J. Goldman, Applicants, are the owners of 24 Coffin Street, Siasconset, Massachusetts 02564, shown as Lot 2 on Plan No. 2012-37 recorded in the Nantucket Registry of Deeds, a copy of which is attached hereto as Exhibit “A” (the “Premises”). The Premises is located in the SR-1 Zoning District. The Applicant seeks a Special Permit pursuant to Sections 139-30 A (1) and 139-16 C (2) of the Nantucket Zoning By-Law (the “By-Law”) to validate the unintentional side yard setback violation on the Premises.

The existing conditions of the Premises are shown on the plan entitled, “Final As-Built Plot Plan in Nantucket, Massachusetts”, dated August 17, 2016, prepared for Loren Kroll and Norma Goldman by Bracken Engineering, Inc. (the “As Built”), a copy of which is attached hereto as Exhibit “B”. The Premises consists of a dwelling and a shed. As shown on the As Built, the porch on the dwelling is sited as close as 9.5 feet from the easterly side yard lot line in a zoning district that requires a 10 foot side yard setback. While the Premises would otherwise comply with the 5 foot side yard setback normally required in the SR-1 zoning district, the Premises abuts Coffin Street to the north and West Sankaty Avenue to the east and, therefore, an easterly side yard setback of 10 feet is required pursuant to Section 139-16.C.(3) of the By-Law. The Premises complies with the SR-1 zoning regulations in all other respects.

Section 139-30 A (1) of the By-Law states that the Board may issue Special Permits “for structures and uses which are in harmony with the general purpose and intent” of the By-Law. Further, Section 139-16 C (2) of the By-Law states the following:

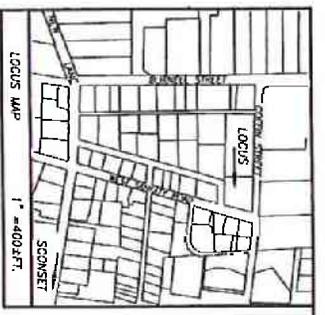
- (2) The Board of Appeals may grant a special permit to validate unintentional setback intrusions not greater than five feet into a required yard and not closer than four feet from a lot line, provided that it shall first find that the burden of correcting the intrusion substantially outweighs any benefit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

The Applicant seeks to validate the location of the porch on the Premises pursuant to the above mentioned sections of the By-Law. The 0.5 foot intrusion into the easterly side yard created by the porch was unintentionally created by a contractor, who misjudged the distance from the lot line to the porch. The Premises would otherwise comply with the 5 foot side yard setback normally required in the SR-1 zoning district but for the fact that the easterly side yard abuts West Sankaty Street. Due to the fact that the easterly side yard abuts a street, no abutter is directly burdened by the 0.5 foot intrusion into the side yard. The intrusion is not greater than 5 feet into the required yard and not closer than 4 feet from the lot line. Further, the burden of correcting the intrusion created by the porch, being a mere 0.5 feet into the easterly side yard, substantially outweighs any benefit to an abutter of eliminating the intrusion. Under these circumstances, granting the Special Permit to validate the unintentional side yard setback intrusion on the Premises is in harmony with the general purpose and intent of the By-Law.

Therefore, Applicant respectfully requests that the Board grant the requested Special Permit pursuant to Sections 139-30 A (1) and 139-16 C (2) of the By-Law. Alternatively, in the event the Board does not grant the aforementioned Special Permit, the Applicant seeks a Variance pursuant to Section 139-32 of the Nantucket Zoning By-law.



EXHIBIT A

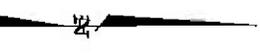


CURRENT ZONING CLASSIFICATION:  
SASCONSET RESIDENTIAL 1 (SR-1)

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

**LEGEND**

- S&W RND DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- S&W RND DENOTES SURVEY MARKER FOUND
- P RND DENOTES IRON PIPE FOUND
- S&W SET DENOTES 1/2" S&W SET



NAUTUCKET REGISTRY OF DEEDS

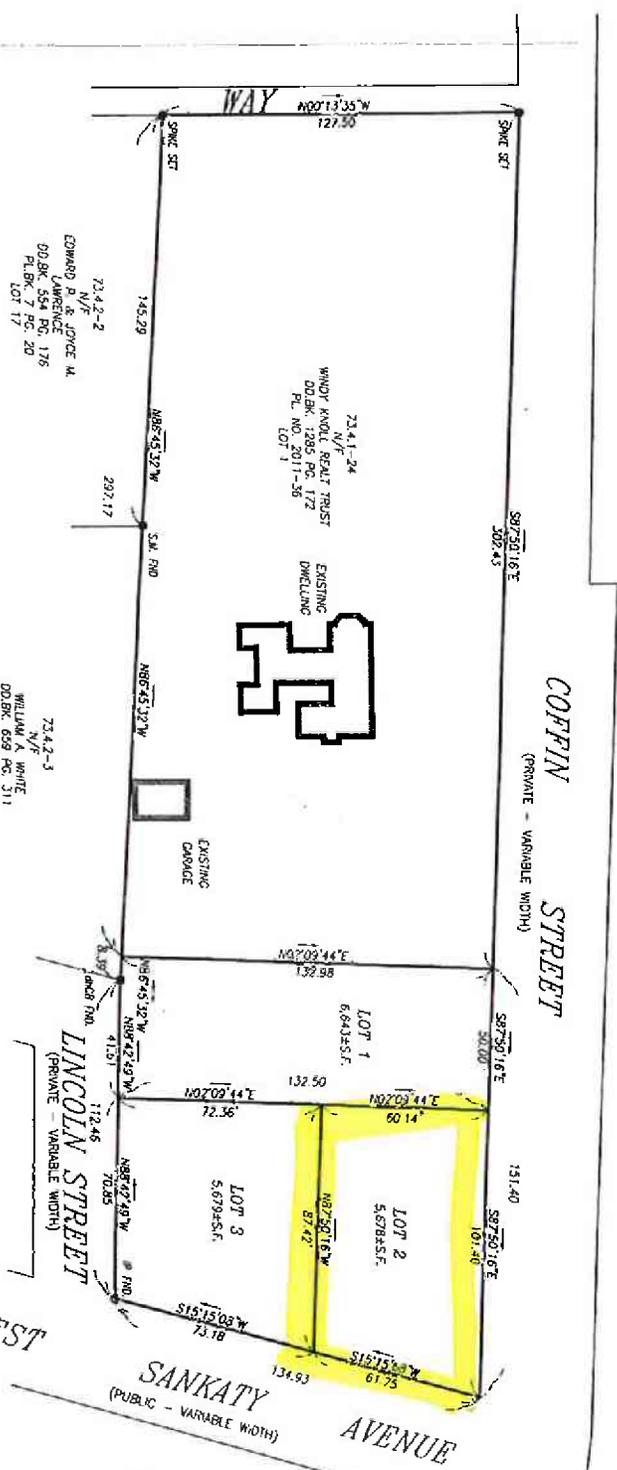
Date: 05/18/2012  
Time: 10:21 AM

Plan Bk: \_\_\_\_\_ Pg: \_\_\_\_\_  
Plan No: 2012-37

Charles H. Hart  
Attest: Register

Sheet 1 of 1

RESERVED FOR REGISTRY USE



BEING A SUBDIVISION OF LOT 2  
SHOWN IN PLAN NO. 2011-36

**PLAN OF LAND**  
IN  
**NAUTUCKET, MA.**

OWNER'S REFERENCE:  
LIVINGSTON YANCE WATROUS  
ROBERT S. JOHNSON  
PATRICIA R. WATROUS  
DEED BOOK 1285, PAGE 170  
PLAN NO. 2011-36

CHARLES W. HART and ASSOCIATES, Inc.  
PROFESSIONAL LAND SURVEYORS  
8 WILLIAMS LANE  
NAUTUCKET, MA. 02554  
(508) 228-8910



Nantucket Planning Board  
APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW  
NOT REQUIRED

Charles W. Hart  
Professional Land Surveyor

DATE SIGNED 05-12-11 FILE # 3935

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

Charles W. Hart  
PROFESSIONAL LAND SURVEYOR DATE 5-12-11



THE PLANNING BOARD DETERMINES THAT:

(b) LOTS 1 & 2 & 3 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 SHALL MEET ALL OTHER REQUIREMENTS OF THE ZONING BY-LAW AND THE MASSACHUSETTS WETLANDS PROTECTION ACT. PERMIT APPLICATION TO THE CONSERVATION COMMISSION.

ASSESSORS MAP 73.4.1 PARCEL 24 (PORTION)

EXHIBIT B

TO THE TOWN OF NANTUCKET:

"I CERTIFY THAT THE BUILDING AND IMPROVEMENTS SHOWN WERE LOCATED BY AN ACTUAL FIELD SURVEY AND THE DIMENSIONS SHOWN ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF."



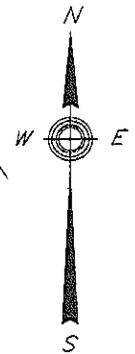
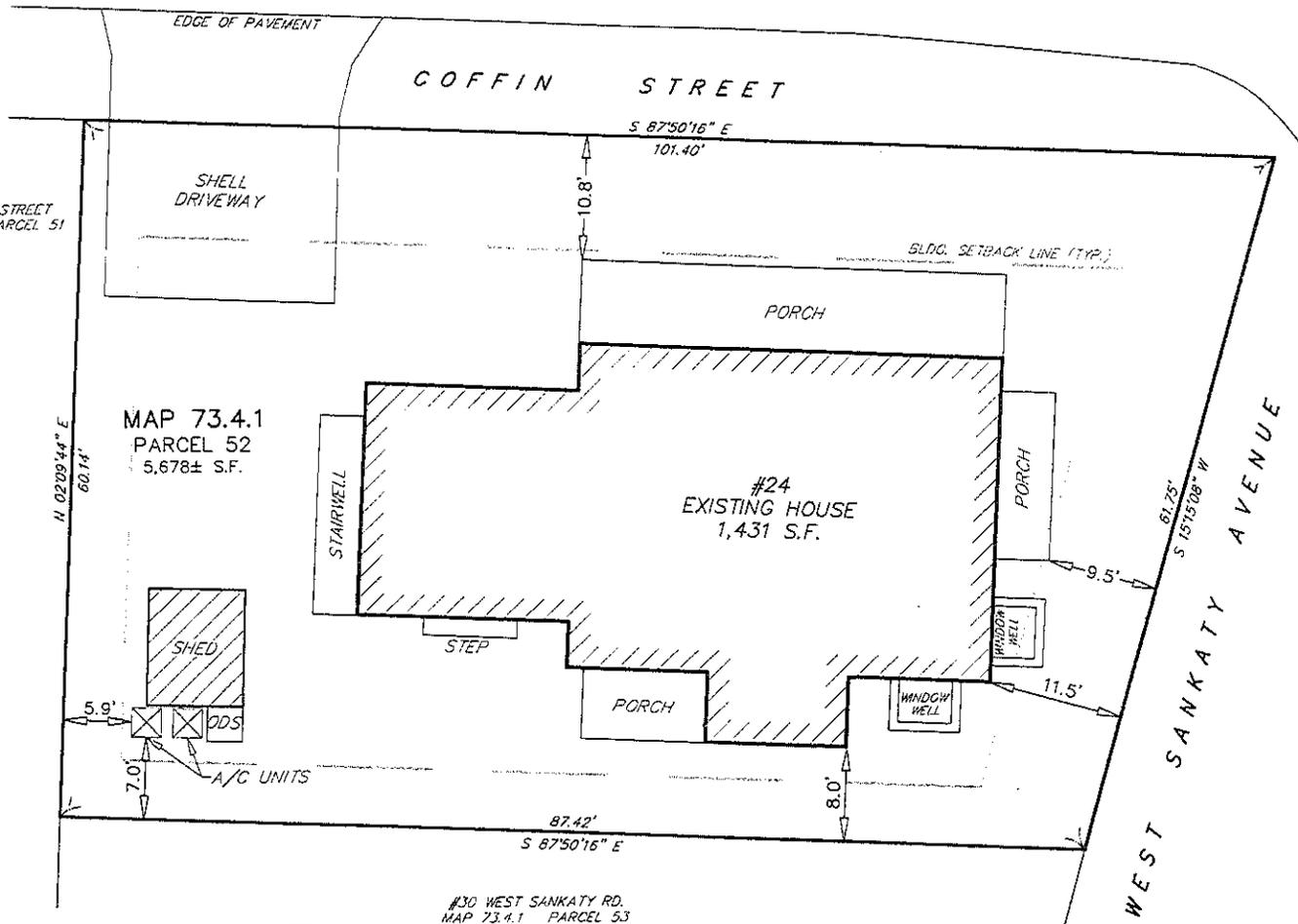
*Alan M. Grady*  
PROFESSIONAL LAND SURVEYOR

**NOTES:**

- LOCUS: #24 COFFIN STREET  
MAP 73.4.1 PARCEL 52
- OWNER: LOREN H KROLL & NORMA J GOLDMAN  
1150 EAST AVENUE  
ROCHESTER, NY 14607
- DEED REF: Bk:1456 Pg:168
- PLAN REF: No. 2012-37 (LOT 2)
- LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0114-G dated 06/09/2014.

ZONE: SR-1

	REQUIRED	EXISTING
LOT AREA:	5,000 s.f.	5,678± s.f.
FRONTAGE:	50'	101.40'
FRONT YARD:	10'	9.5'(PORCH)
SIDE/REAR YARD:	5'	5.9'
GROUND COVER:	30% (MAX)	25%



**BRACKEN ENGINEERING, INC**

49 HERRING POND ROAD  
BUZZARDS BAY, MA 02532

19 OLD SOUTH ROAD  
NANTUCKET, MA 02554

(tel) 508.833.0070  
(fax) 508.833.2282

(tel) 508.325.0044  
www.brackeneng.com

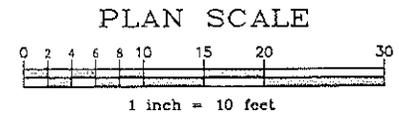
**FINAL AS-BUILT PLAN**  
IN NANTUCKET, MASSACHUSETTS

Prepared for:

**LOREN KROLL  
NORMA GOLDMAN**

#24 COFFIN STREET  
MAP 73.4.1 PARCEL 52

Date:	Drawn:	Checked:
AUGUST 17, 2016	JJF/BEI	AMG



RECEIVED  
BOARD OF ASSESSORS  
SEP 29 2016  
TOWN OF  
NANTUCKET, MA

\$16

Town of Nantucket  
Zoning Board of Appeals

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

PROPERTY OWNER... Loren H. Knoll and Norma J. Goldman.....  
MAILING ADDRESS... c/o VDH&B, 2 Whalers Ln., PO Box 659, Nantucket, MA 02554.....  
PROPERTY LOCATION... 24 Coffin Street.....  
ASSESSOR MAP/PARCEL... 73.4.1 / 52.....  
SUBMITTED BY... Vaughan, Dale, Hunter & Beaudette, P.C.....

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)).

9/29/16  
\_\_\_\_\_  
DATE

*[Signature]*  
\_\_\_\_\_  
ASSESSOR'S OFFICE  
TOWN OF NANTUCKET

NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
7341		19		QUINN KEVIN W & SHEILA H					
7341		20		QUINN KEVIN W & SHEILA H		24 STONEFIELD COURT	NEEDHAM	MA 02494	14 COFFIN SIAS ST
7341		21		WENGROVIUS JEFFREY H TRST ETAL		24 STONEFIELD CT	NEEDHAM	MA 02494	16 COFFIN SIAS ST
7341		22		ALGER SARAH F TRST		822 CHARLES STREET	SCOTIA	NY 12302	18 COFFIN SIAS ST
7341		23		BROWN ROBERT C JR & ESTHER		923 EAST CAPITOL ST S E	WASHINGTON	DC 20003	33 W SANKATY RD
7341		24		WATROUS LIVINGSTON & ALICIA TR	C/O WATROUS PETER	3761 MONTEREY PLACE	BOULDER	CO 80301	31 W SANKATY RD
7341		26		AURORA HEIGHTS LLC		4 HUNTS LN	BROOKLYN	NY 11201	30 COFFIN SIAS ST
7341		26	2	OVERLOCK KATHERINE S TRST ETAL	KSO QPR TRUST	P O BOX 906	SIASCONSET	MA 02564	21 COFFIN SIAS ST
7341		26	4	CURRY EMILY OVERLOCK ETAL		32 PECKSLAND RD	GREENWICH	CT 06831	29 COFFIN SIAS ST
7341		26	5	ROBERTS CYNTHIA B TRST	ROBERTS NOM TRUST	32 PECKSLAND RD	GREENWICH	CT 06831	20 CLIFTON ST
7341		26	7	ROBERTS CYNTHIA B TRST	ROBERTS NOM TRUST	PO BOX 1638	HOBE SOUND	FL 33475	18 CLIFTON ST
7341		34		LORD FAMILY LLC	C/O THOMAS LORD	PO BOX 1638	HOBE SOUND	FL 33475	25 COFFIN SIAS ST
7341		34	2	LORD FAMILY LLC	C/O THOMAS LORD	110 RIVERSIDE DRIVE	APT NEW YORK	NY 10024	15 COFFIN SIAS ST
7341		35		REISKIN ROBERT		110 RIVERSIDE DRIVE	APT NEW YORK	NY 10024	19 COFFIN SIAS ST
7341		36		SMITH GEOFFREY L TRST	DEEP SIX NOMINEE TRUST	54 NATHAN ROAD	NEWTON	MA 02459	20 COFFIN SIAS ST
7341		37		MCROBIE JORDAN S		20 WANTON SHIPYARD	NORWELL	MA 02061	22 COFFIN SIAS ST
7341		44		GIFFORD WHITNEY TRST	C/O FILIPSKI MARK	362 BROADWAY	COSTA MESA	CA 92627-2344	9 SOUTH RD
7341		51		LYNCH JEROME F & KIERA T		130 WEST 12TH ST # 5A	NEW YORK	NY 10011	7 SOUTH RD
7341		52		KROLL LOREN & GOLDMAN NORMA		10 CAT ROCK ROAD	COS COB	CT 06807	26 COFFIN SIAS ST
7341		53		COFFIN STREET LLC		1150 EAST AVENUE	ROCHESTER	NY 14607	24 COFFIN SIAS ST
7342		2		LAWRENCE EDWARD P & JOYCE M		PO BOX 15709	SPRINGFIELD	MA 01115	30 W SANKATY RD
7342		3		GATE ACK LLC		282 NEWTON AVE	BROOKLINE	MA 02445	13 SUNSET RIDGE LN
7342		4		VAUGHAN ALAN C & PATRICIA A		17 PAIGE STREET	HINGHAM	MA 02043	26 LINCOLN SIAS ST
7342		5		MOFFITT CAROL J		1431 SOUTH OCEAN BLVD #6	LAUDERDALE BY S	FL 33062	28 W SANKATY RD
7342		7	1	SIASCONSET LLC	C/O SIASCONSET LLC	P O BOX 125	SIASCONSET	MA 02564	29 W SANKATY RD
7342		51		BLAMBERG JAN ERIC & MARGARET		PO BOX 5010	MONROE	CT 06468	27 W SANKATY RD
7342		52		VAUGHAN ALAN C & PATRICIA A		70 REMSEN ST	BROOKLYN	NY 11201	18 LINCOLN SIAS ST
7342		55		MOFFITT CAROL J		1431 S OCEAN BLVD #63	LAUDERDALE BY S	FL 33062	26 W SANKATY RD
7342		56		MULCAHY PETER ETAL		PO BOX 125	SIASCONSET	MA 02564-0125	19 W SANKATY RD
7342		58		8 PITMAN ROAD LLC		P O BOX 7568	SIASCONSET	MA 02564	21 W SANKATY RD
7342		91	1	GRAF JOHN A & MAUREEN K		358 GABLES ROAD	NARROWSBURG	NY 12764	8 PITMAN RD
7342		94		SCOTT PARKER ASSOCIATES LLC		2607 PEMBERTON DRIVE	HOUSTON	TX 77005	24 W SANKATY RD
7342		132		WHITE ROBERTA B		54 FOWLER ROAD	FAR HILLS	NJ 07931	17 W SANKATY RD
						28 CREEK LANE	NANTUCKET	MA 02554	24 LINCOLN SIAS ST

**CHC  
DEVELOPMENT,  
LLC**

**7 PRIMROSE AV.**

**FILE NO. 37-16**



**PAID**  
OCT 11 2016  
BY: ✓ 3226 *Em*

2016 OCT 11 PM 2:01  
NANTUCKET  
TOWN CLERK

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

Fee: \$450.00

File No. 37-16

Owner's name(s): CHC Development LLC

Mailing address: c/o Cohen & Cohen Law PC

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

Applicant's name(s): Same

Mailing Address: (34 Main Street, 2<sup>nd</sup> Fl.) Post Office Box 786, Nantucket, MA. 02554

Phone Number: same E-Mail: same

Locus Address: 7 Primrose Ave. Assessor's Map/Parcel: 40 - 65  
Cot

Deed: 25497 Plan.: Lot 6, LCP 40657-A Zoning District: LUG-2

Uses on Lot- Commercial: None

Residential: Number of dwellings 2 Duplex 0 Apartments 0

Date of Structure(s): all pre-date 7/72 no, all new

Building Permit Numbers: 405-16, 1601-15, and 1338-15.

Previous Zoning Board Application Numbers: \_\_\_\_\_

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

**RECEIVED**  
OCT 11 2016  
By \_\_\_\_\_

The Appellant brings this appeal under Nantucket Zoning By-law Sections 139-29 and 139-31, concerning 1) a Denial of a request to amend a Building Permit and 2) the revocation of such permit by the Building Inspector concerning work at 7 Primrose Lane in a letter dated September 14, 2016, as attached. To the extent necessary, in the alternative, the applicant seeks Variance relief under Section 139-32, to have the structure in question determined to be a porch or gazebo or to have the ground cover allowed.

The premises is a conforming lot of 85,268SF in the LUG-2 zoning district. The Ground Cover Ratio in the LUG-2 zone is 4%, yielding a total available ground cover of 3410 SF for the premises. The premises was recently a vacant lot and has been issued building permits providing for 3,355 SF of ground cover (1605-15 for a dwelling of 1065SF, 1338-15 for a dwelling of 2098SF, and 405-16 for a cabana of 192SF). These structures were recently built and upon the application to update the cabana, the requested amendment was rejected and the building permit for it was revoked by the Building Inspector.

In the Denial and Revocation, the Building Inspector notes that ground cover is defined by Section 193-2 as: *The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding tents, retaining walls, substantially below grade finished or unfinished space, decks and unenclosed porches, gazebos, platforms and steps, game playing courts at grade, exterior in-ground residential swimming pools, chimneys, bulkheads, bay and bow windows, unenclosed breezeways, air conditioning units, fuel tanks, roof eaves, trash bins and not more than one accessory detached shed covering an area not to exceed more than 200 square feet at grade.* The Building Inspector notes that the applicable exclusions are *unenclosed porches* and *unenclosed breezeways* and asserts that neither apply. He contends that the cabana is a single structure and that the entire structure should count toward its Ground Cover, that the building has a ground cover of 360SF, and therefore that the locus is over ground cover. However, the Building Commissioner is incorrect.

The building in question is clearly two enclosed spaces that also has a porch or gazebo that is entirely unenclosed. One of the enclosed spaces is a mechanical area and the other is a combination of storage and a bathroom. The connecting overhang is a covered unenclosed area that serves solely to create a shaded sitting and viewing area. The suggestion that porches can only be of the kind discussed in Building With Nantucket In Mind is baseless, arbitrary, and inconsistent with hundreds of other permits issued and approved on Nantucket for pool cabanas with porches, pergolas, and other shade providing overhangs. The Zoning Code clearly exempts roofed overhangs that are not enclosed areas at grade or above grade. In this case, the area between the two boxes is clearly not enclosed.

The Board should overturn the Building Inspector, and should determine that the unenclosed roofed area is a porch or gazebo and does not count as ground cover under the Nantucket Zoning Bylaw. Building Permit 405-16 should be reinstated and the amendment should be reviewed consistent with such a determination.

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: John Galihier, as Manager of CHC Development LLC By:**

**SIGNATURE:**   
Steven L. Cohen, as duly authorized attorney

---

**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



# Planning and Land Use Services

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

## BUILDING AND CODE ENFORCEMENT DIVISION

September 14, 2016

CHC Development, LLC  
9 Sycamore Dr.  
Chatham Rd, NY 07928

Re: 7 Primrose Ln. Amendment to building Permit 405-16

Dear Sir,

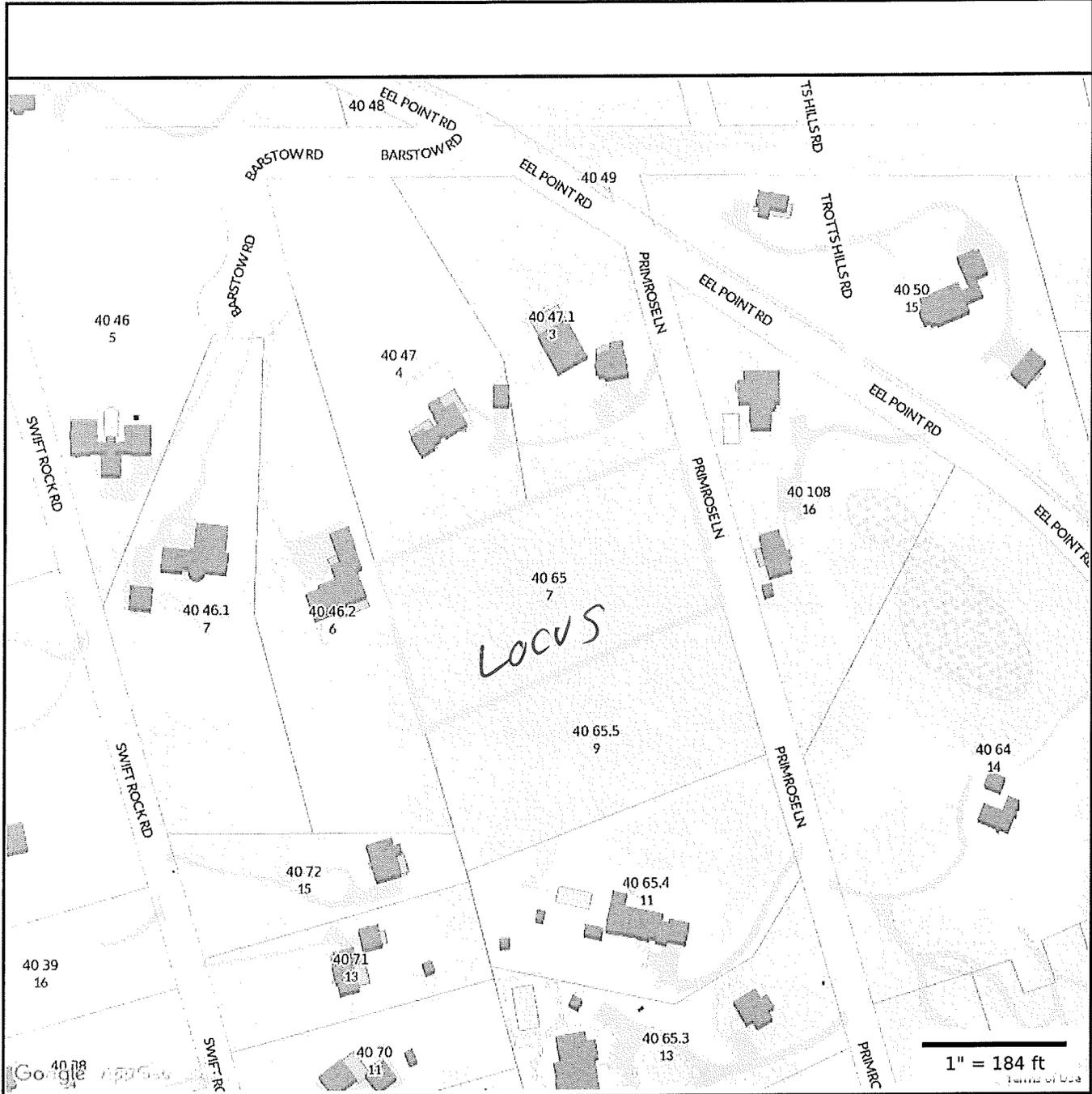
The application to amend building permit 405-16 has been reviewed and for the following reasons DENIED:

Permit 405-16 was issued on the representation by the applicant the ground cover of the building was 192 square feet that statement is incorrect. The ground cover of the building as defined by §139-2 of the Code of Nantucket is 360 square feet. Permits have been issued for a total of 3,355 square feet of ground cover (#1602-15 dwelling 1065 square feet and #1338-15 dwelling 2,098 square feet), the permissible ground cover for the lot has been determined to be 3,410 square feet. The remaining ground cover is 192 square feet this puts the structure permitted by 405-16 168 square feet over the permissible ground cover. The proposed amendment does not cure the violation. Therefore pursuant to §139-26F building permit 405-16 is REVOKED and all construction authorized by said permit shall cease immediately.

Ground Cover as defined by §139-2 is "the horizontal area of the lot covered at grade by structures..." the applicable exclusions are limited to unenclosed porches and unenclosed breezeways. It is clear from the elevations as approved by HDC Certificates of Appropriateness (COA) 64242 and 66400 that the structure has neither. Porch is an undefined term in zoning but is extensively discussed in Building with Nantucket in Mind the HDC guide book which was referenced in the discussion when the ground cover exemption for porches was adopted. The proposed structure can not be construed to have a porch. Breezeway is defined by §139-2 as "A roofed passageway, open or enclosed, connecting two buildings." A breezeway must connect two buildings, the structure is one building for both zoning and building code purposes. It also must be a passageway this envisions the ability to go under cover from one building to another. It fails this requirement as well first it is one building and second there is no interconnection between the roofed area and the enclosed ends. The roofed area is not a breezeway.

Please be advised that if you are aggrieved by this decision you may appeal pursuant to §139-29E(1)(b).

Stephen Butler  
Building Commissioner  
Town of Nantucket  
2 Fairgrounds Rd  
Nantucket, MA 02554  
508.325.7587 ex 7012  
[sbutler@nantucket-ma.gov](mailto:sbutler@nantucket-ma.gov)

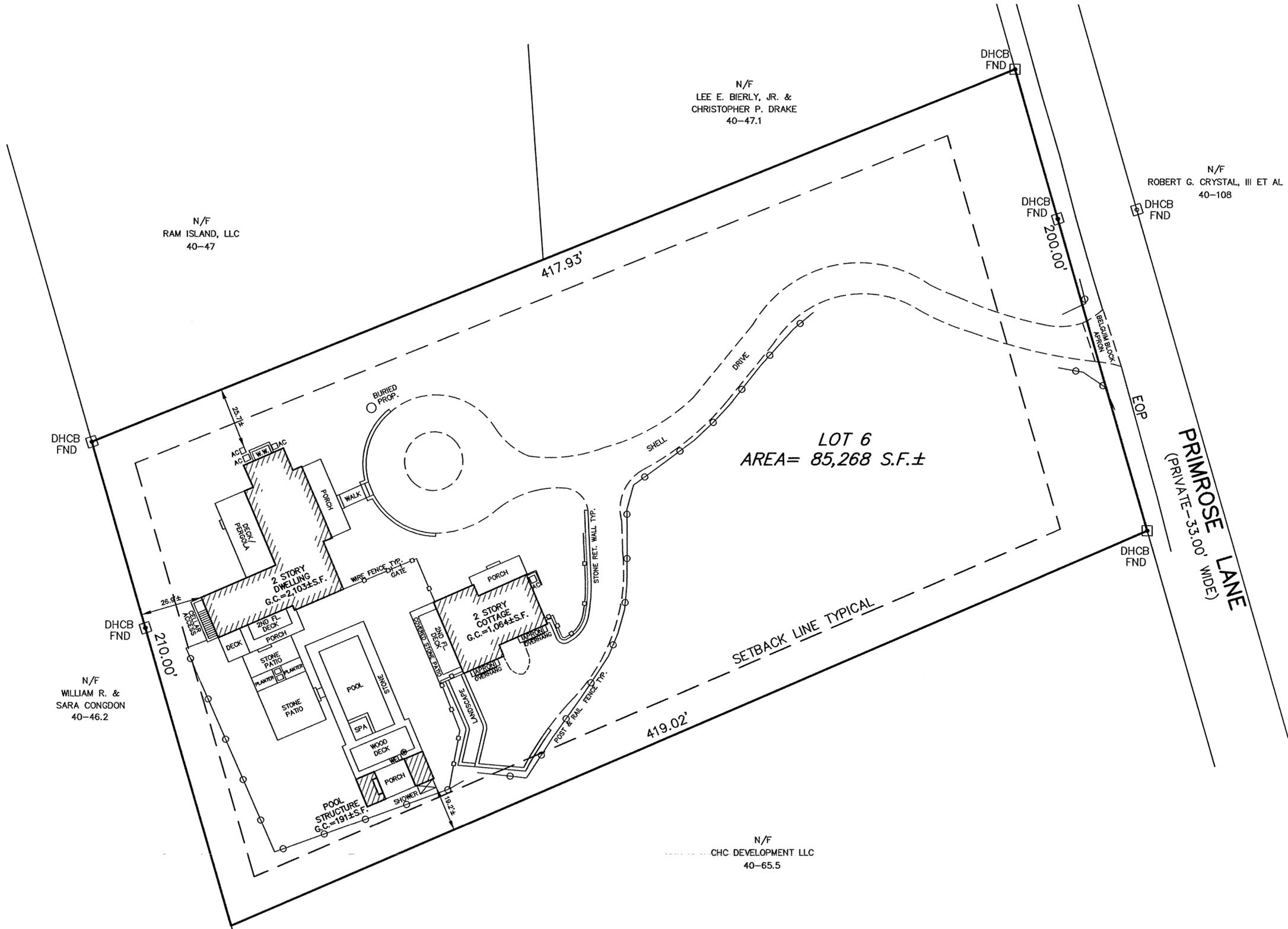


Property Information	
<b>Property ID</b>	40 65
<b>Location</b>	7 PRIMROSE LN
<b>Owner</b>	CHC DEVELOPMENT LLC

  
**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" = 184 ft  
Terms of Use





LOT 6  
AREA = 85,268 S.F.±

SETBACK LINE TYPICAL

PRIMROSE LANE  
(PRIVATE - 33.00' WIDE)

CURRENT ZONING: LUG-2  
MINIMUM LOT SIZE: 80,000 S.F.  
MINIMUM FRONTAGE: 150'  
FRONTYARD SETBACK: 35'  
SIDE AND REAR SETBACK: 15'  
ALLOWABLE G.C.R.: 4%  
EXISTING G.C.R.: 3.94%±

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B. 405/62

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

AS-BUILT PLOT PLAN  
#7 PRIMROSE LANE  
IN  
NANTUCKET, MASSACHUSETTS  
SCALE: 1"=30' DATE: 9/15/16  
DEED REFERENCE: L.C.C. #25497  
PLAN REFERENCE: L.C.P. #40657-A  
ASSESSOR'S REFERENCE:  
MAP: 40 PARCEL: 65  
PREPARED FOR:  
CHC DEVELOPMENT, LLC  
NANTUCKET SURVEYORS LLC  
5 WINDY WAY  
NANTUCKET, MA. 02554









ABBUTTERS LISTING  
NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST	Zip	Parcel Location
40		46	1	MOSER YVONNE WEI TRST	15B BELGRAVIA	57 SOUTH BAY ROAD	HONG KONG	SA	.	7 BARSTOW RD
40		46	2	CONGDON WILLIAM R & SARA		PO BOX 108	NANTUCKET	MA	02554	6 BARSTOW RD
40		47		RAM ISLAND LLC	C/O SCANNELL WILLIAM F & ELIZABETH	164 PINE STREET	MEDFIELD	MA	02052	5 PRIMROSE LN
40		47	1	BIERLY LEE E JR & DRAKE CHRISTOPHER		780 BOYLSTON ST APT 26J	BOSTON	MA	02199	3 PRIMROSE LN
40		50		PALLOTTA JAMES J & KIMBERLY S		180 ASH ST	WESTON	MA	02493	15 EEL POINT RD
40		64		BELL ATLANTIC/NE TELEPHONE	C/O VERIZON NEW ENGLAND INC	C/O DUFF & PHELPS BOX 2	ADDISON	TX	75001	14 EEL POINT RD
40		65		CHC DEVELEPMENT LLC		9 SYCAMORE DRIVE	CHATHAM	NJ	07928	7 PRIMROSE LN
40		65	4	LAWLOR ELENA	C/O CBIZ MHM LLC	1675 N MILITARY TRAIL 5T	BOCA RATON	FL	33486	11 PRIMROSE LN
40		65	5	CHC DEVELEPMONT LLC		9 SYCAMORE DRIVE	CHATHAM	NJ	07928	9 PRIMROSE LN
40		71		MOSCHELLA PAUL A ETAL	C/O BETH SCHMIDT	30 PYNGYP ROAD	STONY POINT	NY	10980	13 SWIFT ROCK RD
40		72		COWELL HENRY R		P O BOX 605	NANTUCKET	MA	02554	15 SWIFT ROCK RD
40		108		CRYSTAL ROBERT G III ETAL		21 GLADWIN PLACE	BRONXVILLE	NY	10708	16 EEL POINT RD

**Edmund M. CARPENTER, Jr.**  
**Patricia F. CARPENTER**

**17 COLUMBUS AV.**

**FILE NO. 38-16**



NANTUCKET  
TOWN CLERK

2016 OCT 31 PM 12: 56

PAID  
PAID  
OCT 12 2016  
BY: ck # 19264  
450- DS

TOWN OF NANTUCKET  
BOARD OF APPEALS  
NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 38-16

Owner's name(s): Edmund M. Carpenter, Jr. and Patricia F. Carpenter

c/o Reade, Gullicksen, Hanley & Gifford, LLP

Mailing address: 6 Young's Way, Post Office Box 2669, Nantucket, Massachusetts 02584

Phone Number: 508-228-3128 E-Mail: wag@readelaw.com

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail: Same

Locus Address: 17 Columbus Avenue Assessor's Map/Parcel: 59.3-108

Land Court Plan/Plan Book & Page/Plan File No.: Lot 604, Land Court Plan 3092-48

Deed Reference/Certificate of Title: 23,848 Zoning District VR

Uses on Lot- Commercial: None  Yes (describe) \_\_\_\_\_

Residential: Number of dwellings One Duplex \_\_\_\_\_ Apartments \_\_\_\_\_

Date of Structure(s): all pre-date 7/72 \_\_\_\_\_ or dwelling constructed in 1970 \_\_\_\_\_

Building Permit Numbers: 456-74, 257-11, 419-11 and 220-12

Previous Zoning Board Application Numbers: n/a

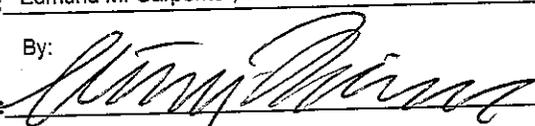
State below or attach a separate addendum of specific special permits or variance relief applying for:

The applicant is seeking a Special Permit under Nantucket Zoning By-Law Section 139-33.A(3)(a). The property is located at 17 Columbus Ave which is in the Zone VR. The minimum lot size is 20,000 sq.ft. with an allowable ground cover ratio of 10%. The Front setbacks are 20 ft. with a 10 ft. side and rear setback. The lot size is +/- 39,885 SF. The current dwelling sits approximately 13'2" from the front property line and sits within the front setback. The applicant proposes a 560 sq. ft.(G.C.) 1 story addition to the existing 793 sq.ft. (G.C.) dwelling. The proposed addition sits 13'6" from the property line and is also within the front setback.

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: Edmund M. Carpenter, Jr. and Patricia F. Carpenter Owner\*

By:

SIGNATURE:  Applicant/Attorney/Agent\*

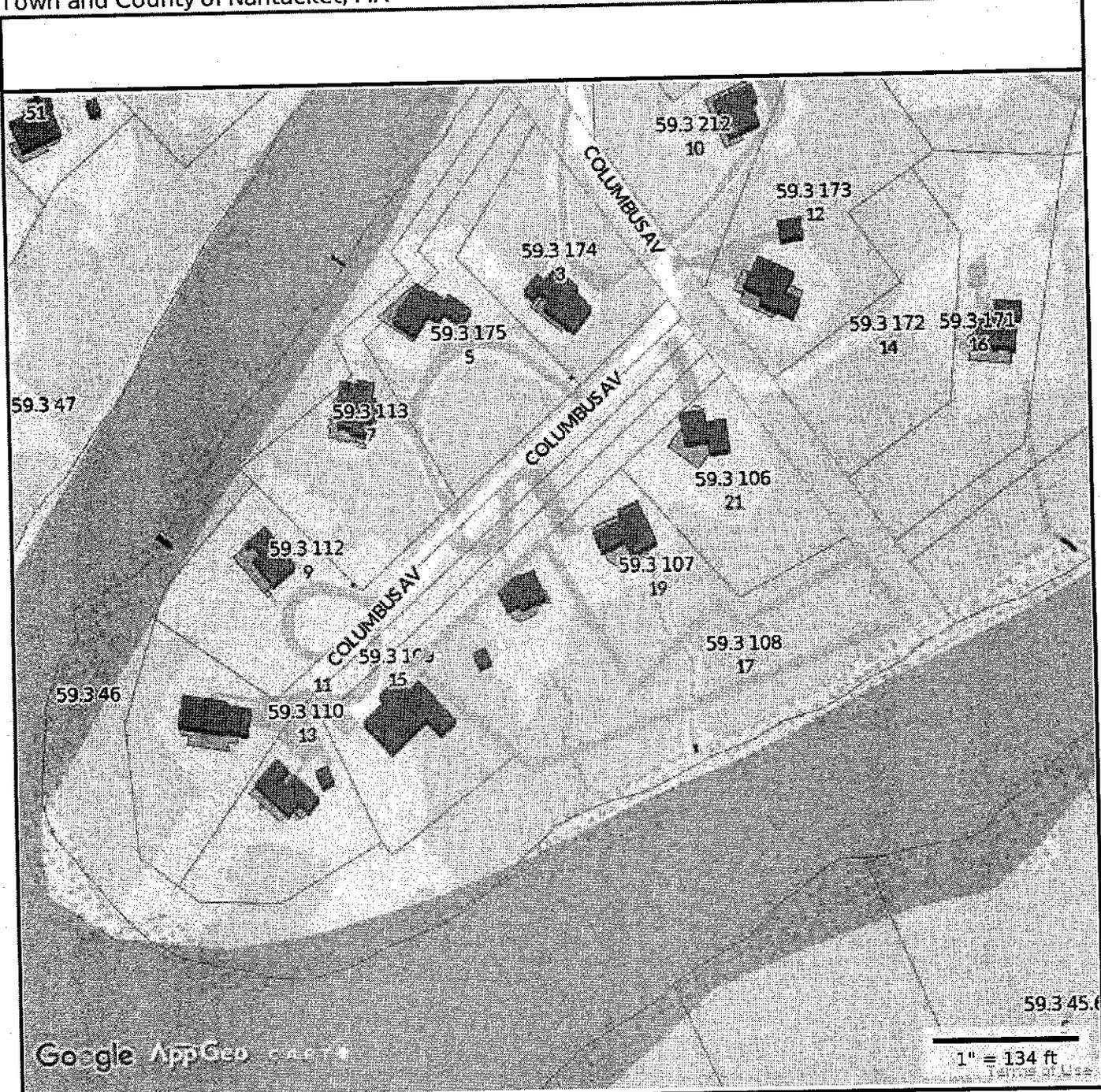
Whitney A. Gifford

\*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: \_\_\_/\_\_\_/\_\_\_



Google AppGeo PART

1" = 134 ft

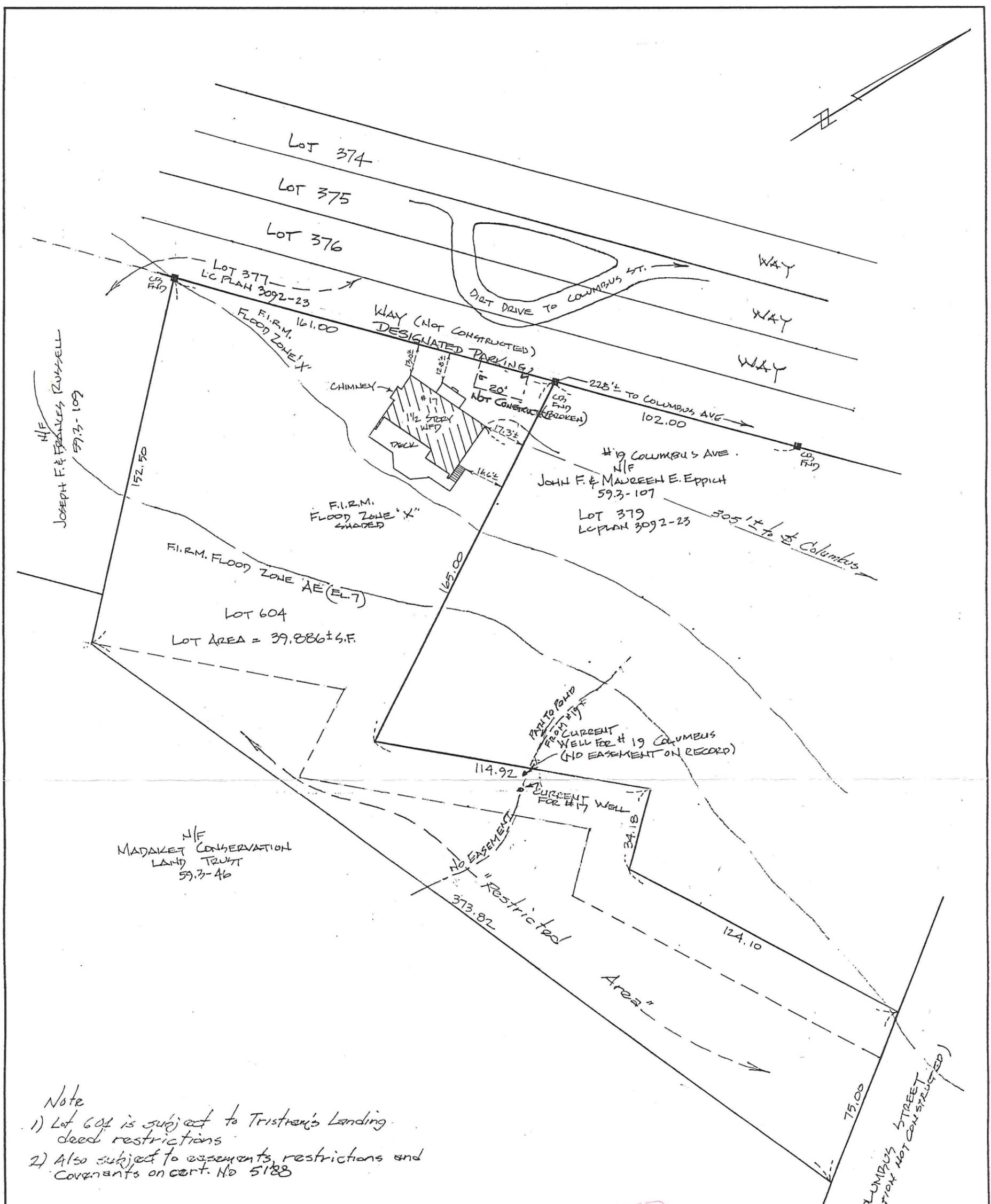
<b>Property Information</b>	
<b>Property ID</b>	59.3 108
<b>Location</b>	17 COLUMBUS AV
<b>Owner</b>	CARPENTER EDMUND M JR ETAL



**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.

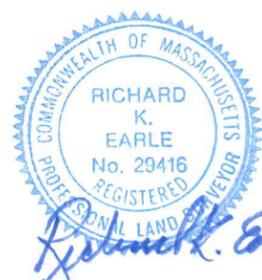
Parcels updated December, 2014  
Properties updated January, 2015



**Note**

- 1) Lot 604 is subject to Tristram's Landing deed restrictions
- 2) Also subject to easements, restrictions and covenants on cert. No 5188

**APPROVED**  
 NANTUCKET BUILDING DEPT.  
 Date: 12/29/97  
 By: *[Signature]*



AS-BUILT PLOT PLAN  
 IN  
 NANTUCKET, MASSACHUSETTS  
 SCALE: 1"=40' DATE: NOV 25, 97  
 DEED REFERENCE: LC Cert 13,216  
 PLAN REFERENCE: LC PL 3092-48  
 ASSESSOR'S MAP: 59.3 PCL. 108  
 PREPARED FOR:  
 EDWARD ZIELINSKI  
 MACK PALKES  
 NANTUCKET SURVEYORS INC.  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

CURRENT ZONING MAP: R-2  
 MINIMUM LOT SIZE: 20,000 Sq Ft  
 MINIMUM FRONTAGE: 75 FT  
 FRONTYARD SETBACK: 30 FT  
 SIDE AND REAR SETBACK: 10 FT  
 ALLOWABLE G.C.R.: 12.5 %  
 EXISTING G.C.R.: 2 % ±

PROPERTY LINES SHOWN ARE TAKEN FROM RECORDED DEED AND PLAN REFERED TO HEREON. BUILDINGS, MONUMENTS, ETC. ARE PLOTTED FROM FIELD MEASUREMENTS.  
 N.B. 159-101

CURRENT ZONING CLASSIFICATION:  
Village Residential (VR)

MINIMUM LOT SIZE: 20,000 S.F.  
MINIMUM FRONTAGE: 100 FT.  
FRONT YARD SETBACK: 20 FT.  
REAR/SIDE SETBACK: 10 FT.  
GROUND COVER % : 10%

Existing:  
39,885 S.F.±  
SEE PLAN  
SEE PLAN  
2% ±

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.

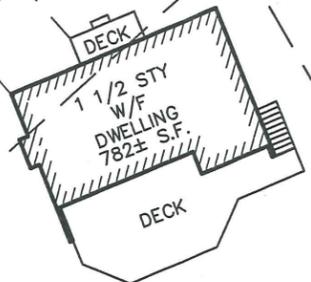
© Blackwell & Associates Inc.

59.3-106  
N/F  
SHELIA SMITH 2000 REALTY TRUST  
BOYLAN, JENNIFER S. - TR.  
L.C.C. 3092-23  
CERT. #19778  
LOT 380

59.3-107  
N/F  
EPPICH, JOHN F.  
& MAUREEN M.  
L.C.C. 3092-23  
CERT. #7480  
LOT 379

WAYS aka COLUMBUS AVE

COLUMBUS STREET



LOT AREA=  
39,885±

59.3-46  
N/F  
MADAKET CONSERVATION  
LAND TRUST  
CERT. #10248

### Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

in  
Nantucket, MA

SCALE: 1"= 30' DATE: OCTOBER 27, 2016

EDMUND M. CARPENTER, Jr.

Owners: PATRICIA F. CARPENTER

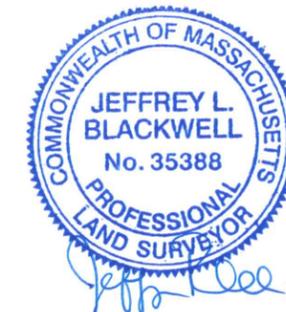
Cert. of Title: #23848 Plan: L.C.C. 3092-48

Tax Map-Parcel: . . . 59.3-108 . . . . .

Locus: . . . 17. COLUMBUS AVENUE . . . . .

BLACKWELL & ASSOCIATES, Inc.

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



#### LEGEND

■ DENOTES CONCRETE BOUND FOUND

CURRENT ZONING CLASSIFICATION:  
Village Residential (VR)

MINIMUM LOT SIZE:	20,000 S.F.	Proposed:	39,885 S.F.±
MINIMUM FRONTAGE:	100 FT.	SEE PLAN	
FRONT YARD SETBACK:	20 F.T.	SEE PLAN	
REAR/SIDE SETBACK:	10 FT.	SEE PLAN	
GROUND COVER % :	10%	3% ±	

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.

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

© Blackwell & Associates Inc.

59.3-106  
N/F  
SHELIA SMITH 2000 REALTY TRUST  
BOYLAN, JENNIFER S. - TR.  
L.C.C. 3092-23  
CERT. #19778  
LOT 380

59.3-107  
N/F  
EPPICH, JOHN F.  
& MAUREEN M.  
L.C.C. 3092-23  
CERT. #7480  
LOT 379

59.3-109  
N/F  
DAVID SHEA  
CAROL SHEA  
L.C.C. 3092-23  
CERT. #23577  
LOT 377

LOT AREA=  
39,885±

59.3-46  
N/F  
MADAKET CONSERVATION  
LAND TRUST  
CERT. #10248

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

SCALE: 1"= 30'      DATE: OCTOBER 28, 2016

Owners: **EDMUND M. CARPENTER, Jr.**  
**PATRICIA F. CARPENTER**  
LOT 604  
Cert. of Title.: #23848    Plan: L.C.C. 3092-48  
Tax Map-Parcel: . . . 59.3-108 . . . . .  
Locus: . . . 17. COLUMBUS AVENUE . . . . .



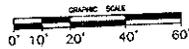
**BLACKWELL & ASSOCIATES, Inc.**  
Professional Land Surveyors  
20 TEASDALE CIRCLE  
NANTUCKET, MASS. 02554  
(508) 228-9026

**LEGEND**  
■ DENOTES CONCRETE BOUND FOUND

**LEGEND**

- DENOTES EXISTING CONCRETE BOUND
- ⊙#14 DENOTES EXISTING WETLAND FLAG
- DENOTES EXISTING WELL
- x 11.9 DENOTES EXISTING SPOT ELEVATION
- - - - DENOTES BURIED UTILITY LINE PER DIG-SAFE MARKOUT - DEC. 2010

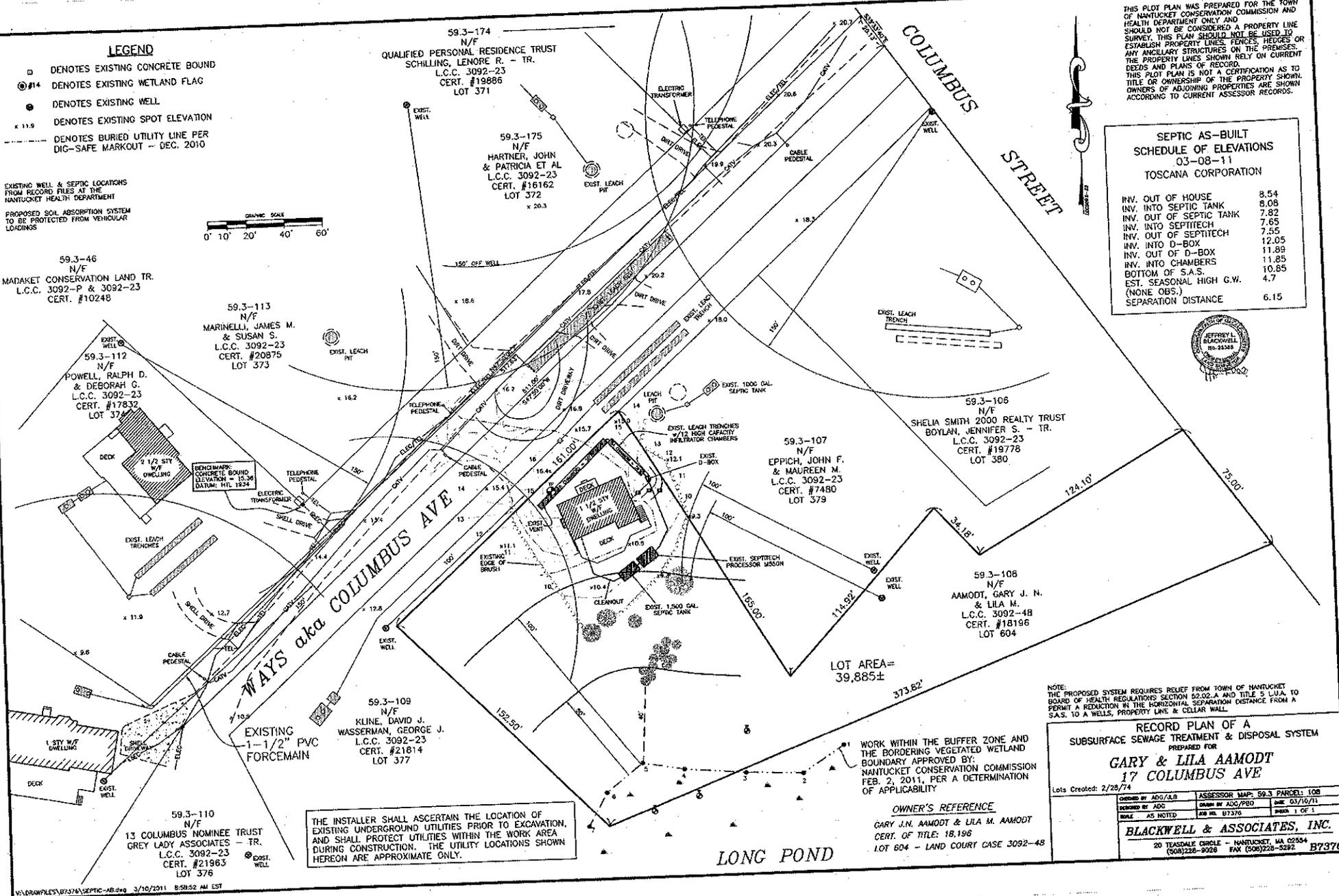
EXISTING WELL & SEPTIC LOCATIONS FROM RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT  
 PROPOSED SOIL ABSORPTION SYSTEM TO BE PROTECTED FROM VEHICULAR LOADINGS



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET CONSERVATION COMMISSION AND HEALTH 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.

**SEPTIC AS-BUILT SCHEDULE OF ELEVATIONS**  
03-08-11  
TOSCANA CORPORATION

INV. OUT OF HOUSE	8.54
INV. INTO SEPTIC TANK	8.08
INV. OUT OF SEPTIC TANK	7.82
INV. INTO SEPTITECH	7.85
INV. OUT OF SEPTITECH	7.55
INV. INTO D-BOX	12.05
INV. OUT OF D-BOX	11.89
INV. INTO CHAMBERS	11.85
BOTTOM OF S.A.S.	10.85
EST. SEASONAL HIGH G.W.	4.7
(NONE OBS.)	
SEPARATION DISTANCE	6.15



THE INSTALLER SHALL ASCERTAIN THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION, AND SHALL PROTECT UTILITIES WITHIN THE WORK AREA DURING CONSTRUCTION. THE UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY.

WORK WITHIN THE BUFFER ZONE AND THE BORDERING VEGETATED WETLAND BOUNDARY APPROVED BY: NANTUCKET CONSERVATION COMMISSION FEB. 2, 2011, PER A DETERMINATION OF APPLICABILITY

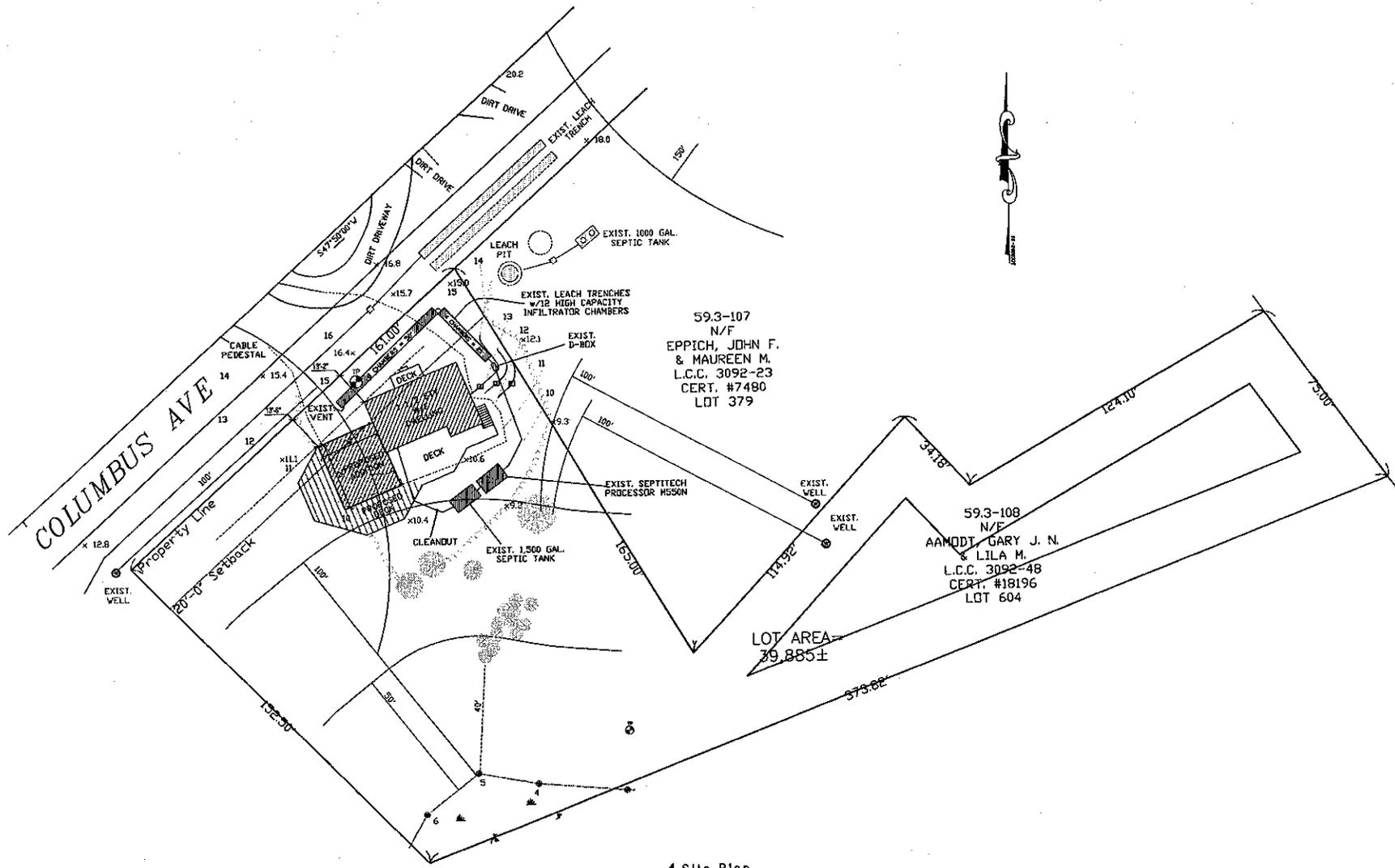
**OWNER'S REFERENCE**  
 GARY J.N. AAMODT & LILA M. AAMODT  
 CERT. OF TITLE: 18,196  
 LOT 604 - LAND COURT CASE 3092-48

NOTE: THE PROPOSED SYSTEM REQUIRES RELIEF FROM TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS SECTION 92.02 A AND TITLE 5 L.U.A. TO PERMIT A REDUCTION IN THE HORIZONTAL SEPARATION DISTANCE FROM A S.A.S. TO A WELLS, PROPERTY LINE & CELLAR WALL.

**RECORD PLAN OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM**  
 PREPARED FOR  
**GARY & LILA AAMODT**  
 17 COLUMBUS AVE  
 Lots Created: 2/28/74

OWNED BY	ADG/ALB	ASSESSOR MAP	59.3 PARCEL: 100
RECORDED BY	ADG	CREATED BY	ADG/PBO DATE: 03/10/11
DATE	AS NOTED	JOB NO.	B7376 SHEET 1 OF 1

**BLACKWELL & ASSOCIATES, INC.**  
 20 TEASDALE CIRCLE - NANTUCKET, MA 02554  
 (508)226-9026 FAX (508)226-5292 B7376



59.3-107  
N/F  
EPPICH, JOHN F.  
& MAUREEN M.  
L.C.C. 3092-23  
CERT. #7480  
LOT 379

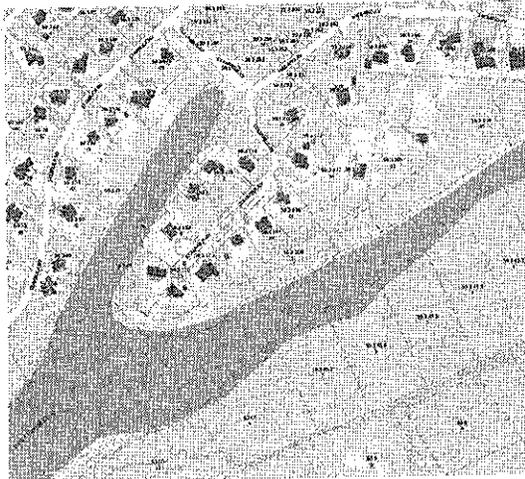
59.3-108  
N/F  
AAMODT, GARY J. N.  
& LILA M.  
L.C.C. 3092-48  
CERT. #18196  
LOT 604

LOT AREA  
39,885±

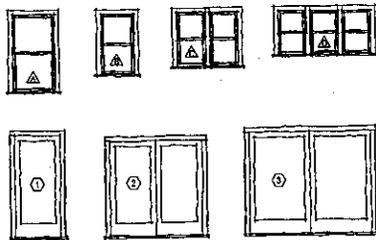
1 Site Plan  
Not to Scale

# Carpenter Residence

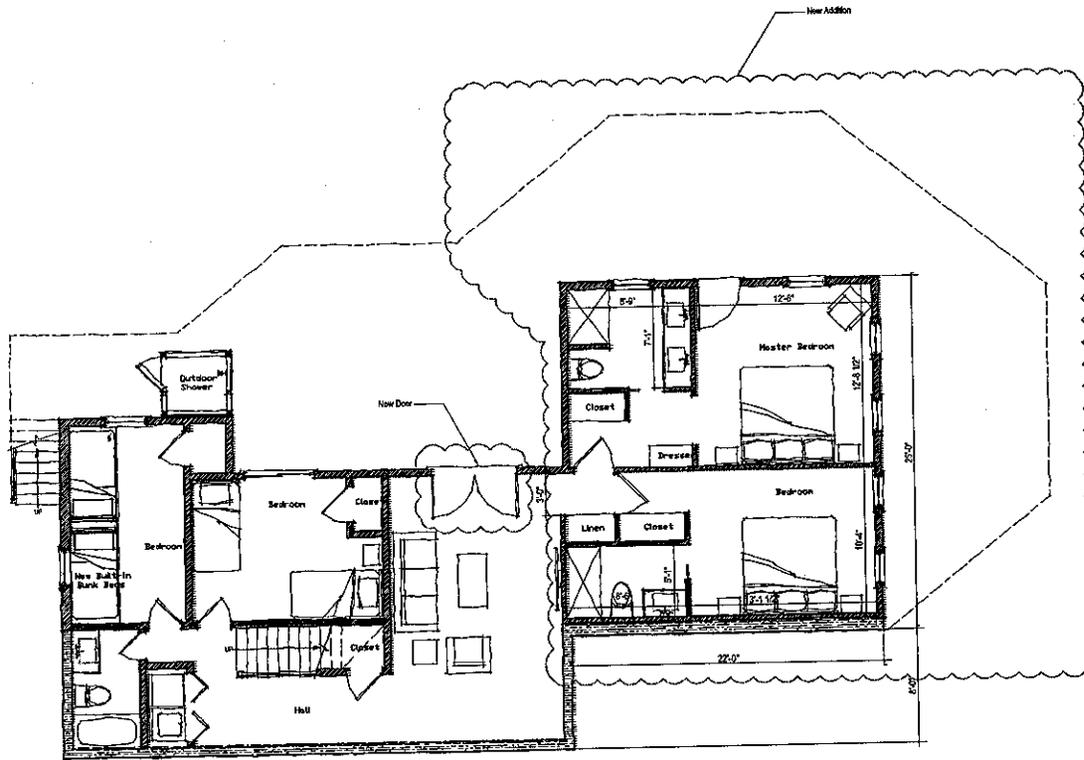
17 Columbus Ave  
Nantucket, MA 02554



1 Locus Map  
Graphic Scale



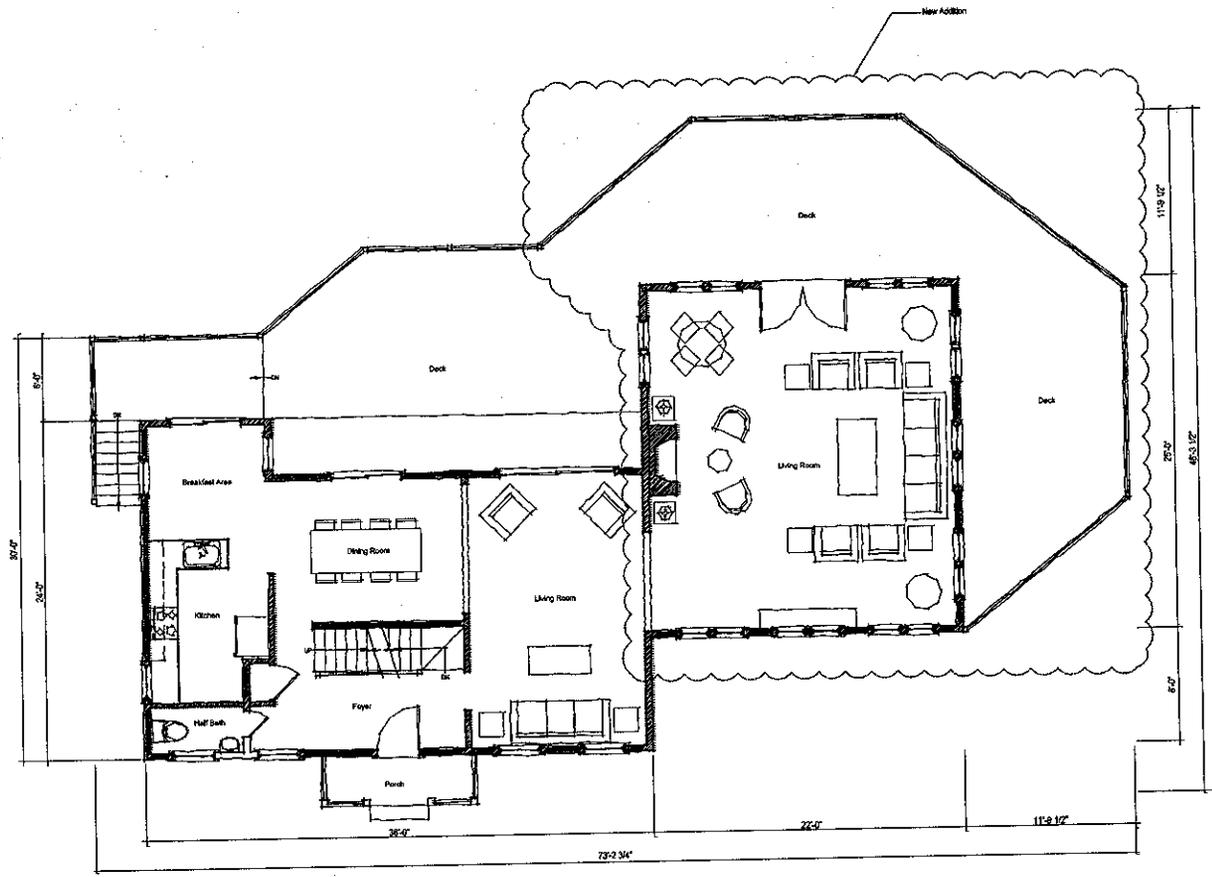
2 Door & Window Legend  
Not To Scale



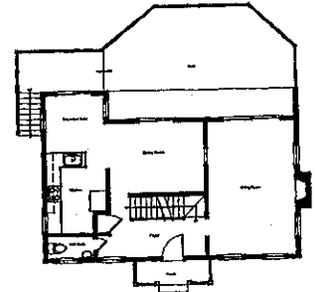
1 Proposed Lower Level Plan  
1/8"=1'-0"



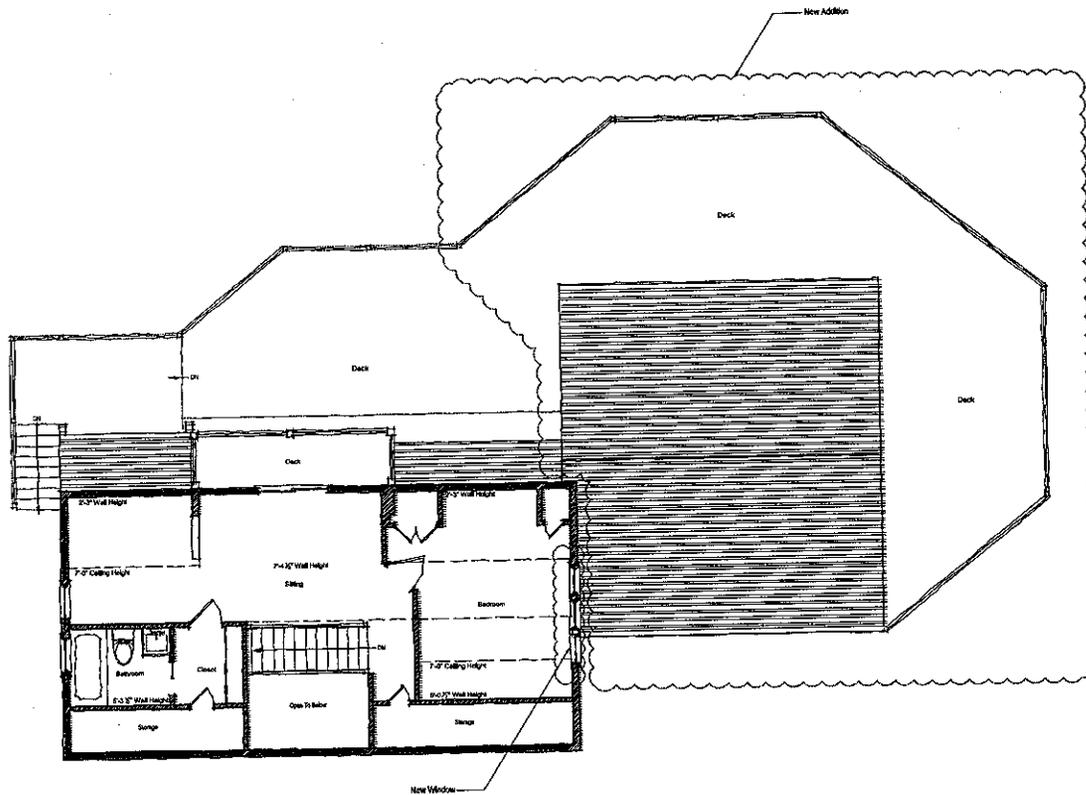
2 Existing Lower Level Plan  
1/8"=1'-0"



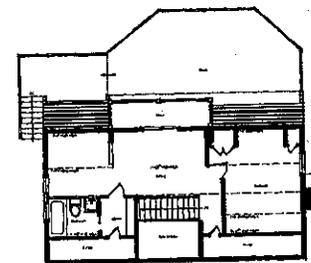
1 Proposed First Floor Plan  
114'-11"-0"



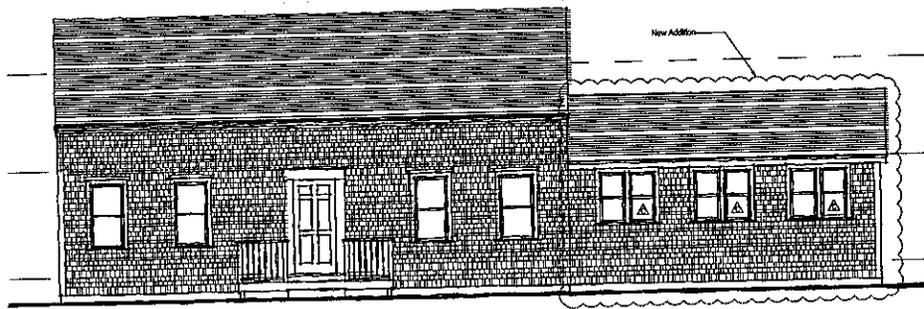
2 Existing First Floor Plan  
118'-11"-0"



**1 Proposed Second Floor Plan**  
118'-11"-0"



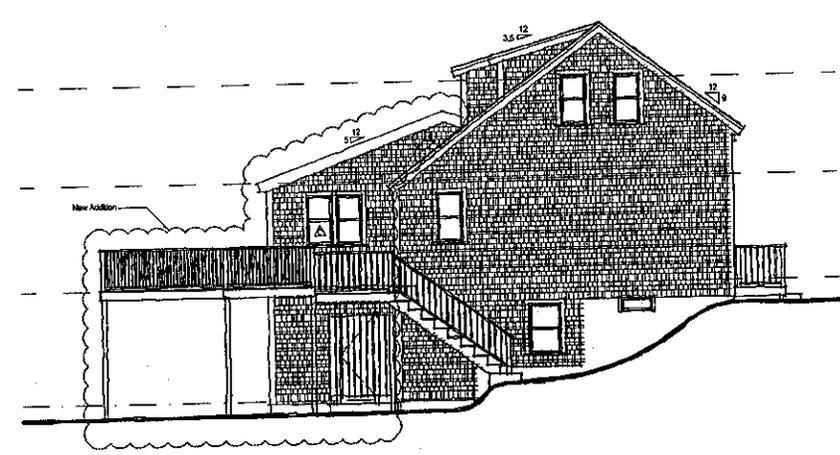
**2 Existing Second Floor Plan**  
118'-11"-0"



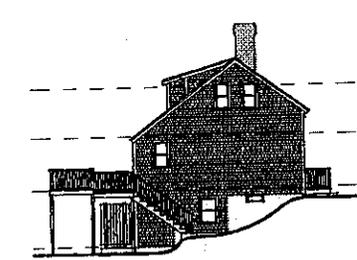
1 Proposed North Elevation  
1/4" = 1'-0"



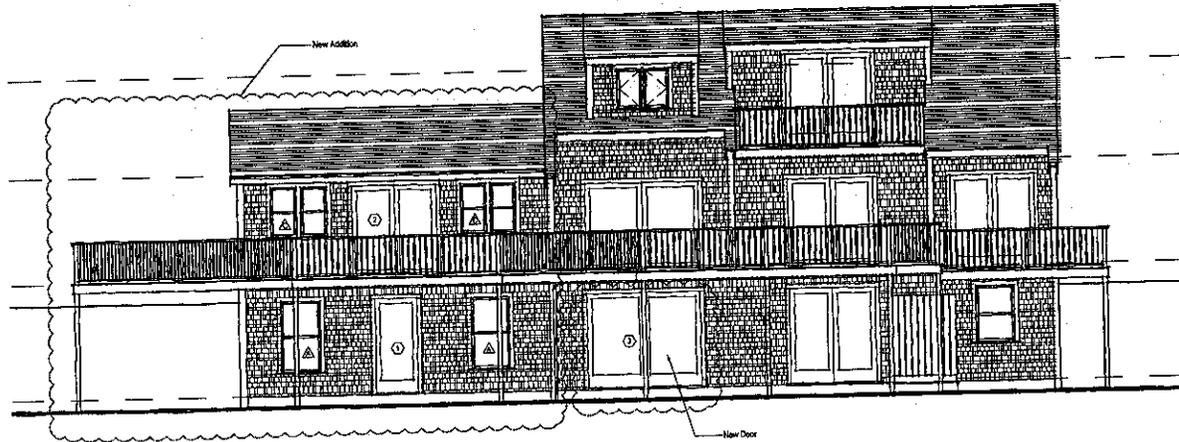
2 Existing North Elevation  
1/8" = 1'-0"



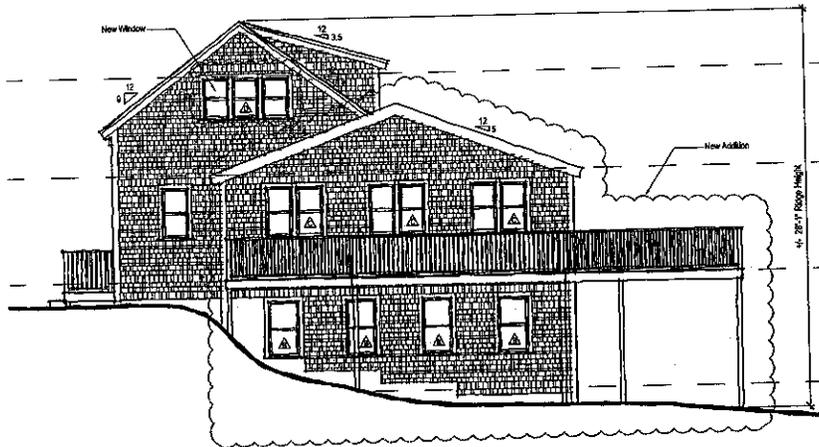
3 Proposed East Elevation  
1/4" = 1'-0"



4 Existing East Elevation  
1/8" = 1'-0"



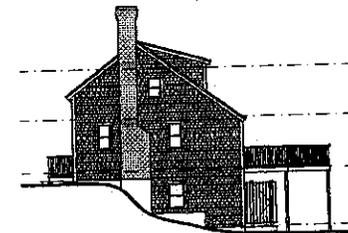
**1 Proposed South Elevation**  
124'x11'-0"



**3 Proposed West Elevation**  
124'x11'-0"



**2 Existing South Elevation**  
128'x11'-0"



**4 Existing West Elevation**  
128'x11'-0"

COPY

RECEIVED  
BOARD OF ASSESSORS  
OCT 11 2016  
TOWN OF  
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

116

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

PROPERTY OWNER Edmund M. Carpenter, Jr. and Patricia F. Carpenter

MAILING ADDRESS c/o Reade, Gullicksen, Hanley, & Gifford, LLP

PROPERTY LOCATION 17 Columbus Avenue

ASSESSOR MAP/PARCEL 59.3 - 100

SUBMITTED BY Reade, Gullicksen, Hanley & Gifford, LLP

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)).

DATE

10/11/16

ASSESSOR'S OFFICE  
TOWN OF NANTUCKET

*[Handwritten Signature]*

ABBUTTERS LISTING  
NANTUCKET, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST zip	Parcel Location
		67		NINEHOP LLC		121 BUXTON ROAD	BEDFORD HILLS	NY 10507	9 HEAD OF PLAINS RD
593	45	5		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA 02554	3 HEAD OF PLAINS RD
593	45	6		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA 02554	5 HEAD OF PLAINS RD
593	45	7		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA 02554	7 HEAD OF PLAINS RD
593	46			MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA 02554	COLUMBUS AV
593	104			MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA 02554	20 COLUMBUS AV
593	105			SHEPPARD JILL DEANE		4 HICKORY PINE COURT	PURCHASE	NY 10577	12 MIDLAND AV
593	106			BOYLAN JENNIFER S ETAL		140 LINCOLN AVE	BARRINGTON	RI 02806	21 COLUMBUS AV
593	107			EPPICH JOHN F & MAUREEN E		19 COLUMBUS AVE	NANTUCKET	MA 02554	19 COLUMBUS AV
593	108			CARPENTER EDMUND M JR ETAL		604 GUARDHILL RD	BEDFORD	NY 10506	17 COLUMBUS AV
593	109			SHEA DAVID J & CAROL. P		23 BROAD STREET	WESTON	CT 06883	15 COLUMBUS AV
593	110			GUT ZACHARY		100 BEACON ST APT 2B	BOSTON	MA 02116	13 COLUMBUS AV
593	111			SUL MARE LLC		100 DUDLEY AVE HC12	OLD SAYBROOK	CT 06475	11 COLUMBUS AV
593	112			POWELL RALPH D & DEBORAH G		11155 MILL RUN	MINNETONKA	MN 55305	9 COLUMBUS AV
593	113			MARINELLI JAMES M & SUSAN S		7021 RUE DE MARQUIS	NAPLES	FL 34108	7 COLUMBUS AV
593	171			FLANNERY LAWRENCE E & KAREN		5405 BLACKHAWK DR	PLANO	TX 75093	16 COLUMBUS AV
593	172			MCCARTNEY THOMAS & MAURA TRS	COLUMBUS NOMINEE TRUST	14 APPLETON WAY	AMHERST	NH 03031	14 COLUMBUS AV
593	173			MCCARTNEY MARY E TRSTEE	MARY E MCCARTNEY TRUST	24 EASTMAN LANE	HOLLIS	NH 03049	12 COLUMBUS AV
593	174			SCHILLING LENORE R TRUSTEE		26 EAST SUMMIT STREET	CHAGRIN FALLS	OH 44022	3 COLUMBUS AV
593	175			HARTNER JOHN & PATRICIA ETAL		111 BRANCH BROOK RD	WILTON	CT 06897	5 COLUMBUS AV
593	212			BRENNER MICHAEL & KAREN		33 HUNTINGTON RD	NEWTON	MA 02458-2416	10 COLUMBUS AV

**OTHER**

**BUSINESS**



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

**2017 Meeting Schedule**

1:00PM\* at 4 Fairgrounds Road  
Public Safety Facility Community Room

**Meeting Dates (Thursdays):**

**Filing Deadline: (Mondays)**

January 12, 2017

December 12, 2017

February 9, 2017

January 9, 2017

March 9, 2017

February 6, 2017

April 13, 2017

March 13, 2017

May 11, 2017

April 10, 2017

June 8, 2017

May 8, 2017

July 13, 2017

June 12, 2017

August 10, 2017

July 10, 2017

September 14, 2017

August 14, 2017

October 12, 2017

September 11, 2017

November 9, 2017

October 10, 2017 (Tuesday)

December 14, 2017

November 13, 2017

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January 11, 2018

December 11, 2017

February 8, 2018

January 8, 2018

**Meeting times\* and dates are subject to change, if you have any questions please contact the ZBA office at 508-325-7587 Extension 7010.**

2 Fairgrounds Road Nantucket Massachusetts 02554  
(508)325-7587 telephone (508)228-7298 facsimile

**END OF  
PACKET**