



ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Tuesday, January 17, 2017

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

Called to order at 12:05 p.m.

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

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

- 1. None

II. OLD BUSINESS

- 1. 41-16 Linda Mason, Applicant, & Anne G. Davis And Paul A. Gares, Owners 23 Monomoy Road Beaudette
Applicant is seeking Special Permit relief pursuant to Zoning By-law Section 139-33.A to allow an increase in the pre-existing nonconforming ground cover ratio upon the pre-existing nonconforming locus. The proposed work consists of removing the pre-existing nonconforming dwelling and replacing it with a larger dwelling which will be sited so as to cure the nonconforming side and front yard setbacks. The Locus is situated at 23 Monomoy Road, is shown on Assessor's Map 54 as Parcel 205, and as Lot 17 upon Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22059 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

Voting Toole, Botticelli, McCarthy, Koseatac, Thayer
Alternates Mondani
Recused O'Mara, Poor
Documentation File with associated plans, photos and required documentation
Representing **Rick Beaudette**, Vaughn, Dale, Hunter and Beaudette P.C. – Reviewed the ground cover ratios of neighboring properties. The new structure would be consistent in ground cover with the surrounding neighborhood. The side setback non-conformities will be removed. He does not believe this is substantially more detrimental to the neighborhood. Do not yet have Historic District Commission (HDC) or Conservation Commission approval.
Robert Sarkisian, acquaintance to Ms Mason – He met on site with the abutting neighbors who had concerns and reviewed the plans; their concerns were alleviated.
Neal Adamiak, Woodmeister Master Builders – The footprint would have an additional 400 square feet (SF) to put a master bedroom on the first floor. Reviewed the architectural plans with the board members.
Public None
Discussion **Toole** – He doesn't see a compelling reason to grant this. The vast majority of the area does conform; there are seven other properties that don't conform. He doesn't agree with the Zoning By-law Section 139-33.A(2). The existing structures is already 300 plus SF over allowable ground cover.
Botticelli – This new structure would be one of the largest structures, which don't comply; the biggest is at 10.2%. Spreading it out across the ground is a better solution except there isn't the ground cover. Also not a fan of 139-33.A(2).
Koseatac – He also doesn't agree with 139.33.A(2); but it does exist.
Antonietti – Nantucket Islands Land Bank expressed concern about clearing of brush and vegetation encroaching onto their property.
Botticelli – Would be more comfortable with having an HDC-approved plan to attach to the approval.
Thayer – The neighbors withdrew their concerns based on the reduced 2nd-floor. He would not approve this with the 200 SF shed; that should be eliminated.
Koseatac – Suggested continuing two months to allow time for the applicant to get HDC approval.
Motion **Motion to Continue to March 9, 2017.** (made by: Koseatac) (seconded by: McCarthy)
Vote Carried unanimously

III. NEW BUSINESS

- | | | | |
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| 1. | 36-16 Loren H. Kroll and Norma J. Goldman | 24 Coffin Street | Beaudette |
| CONTINUED TO FEBRUARY 9, 2017 | | | |
| 2. | 40-16 Sankaty Head Golf Club | 100 Sankaty Road | Dale |
| Applicant is requesting modification of prior Special Permit relief to alter and expand a pre-existing nonconforming use in order to construct four new cottages to be used for on-site employee housing pursuant to Zoning Bylaw Section 139-33.A(1). The proposed work will meet all dimensional and parking requirements of the Bylaw. In the alternative, Applicant requests modification of prior Variance relief to allow the proposed project. The Locus is situated at 100 Sankaty Road, is shown on Nantucket Tax Assessor's Map 49 as Parcel 2, and as Lot 2A on Land Court Plan 9548-C. Evidence of owner's title is registered as Certificate of Title No. 1308 in the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3). | | | |
| Voting | Botticelli, McCarthy, Koseatac, Thayer, Poor | | |
| Alternates | Mondani | | |
| Recused | Toole, O'Mara | | |
| Documentation | File with associated plans, photos and required documentation | | |
| Representing | Kevin Dale , Vaughan, Dale, Hunter and Beaudette, P.C. – This is a modification of previously granted special permit to construct four duplex cottages; there are already two employee dormitories and the general manager's house on the property. Two duplexes have been approved by HDC and they have a Massachusetts Endangered Species Act No-take letter. These would be limited to employees and their families for year-round housing. There is sufficient groundcover. Explained why special permit relief is the appropriate route for this. In the alternative, these can be called employee dormitories, which are already allowed; he prefers not to do that. | | |
| Public | None | | |
| Discussion (12:57) | <p>Koseatac – Asked about being able to attach the corrected drawings.</p> <p>Botticelli – Could limit this with the basement unit and ground-floor unit.</p> <p>Thayer – Asked if they could be limited using a bedroom count.</p> <p>Antonietti – Pointed out that Duplex use is not allowed in the LUG-3 zoning districts.</p> <p>Discussion about ways to restrict the size of the duplexes or continue for finalized architectural plans. The application will be modified.</p> <p>Poor – Asked for additional information on the number of bedrooms per unit and parking.</p> | | |
| Motion | Motion to Continue to February 9, 2017. (made by: Koseatac) (seconded by: McCarthy) | | |
| Vote | Carried unanimously | | |

IV. OTHER BUSINESS

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| 1. | 076-11 Sachem's Path Nantucket, LLC | Sachems Path 40B | Singer |
| Applicant seeks determination that proposed construction protocol changes to the Comprehensive Permit may be considered insubstantial pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized by the Zoning Board of Appeals and incorporated into the Comprehensive Permit, as previously amended and restated. The proposed changes pertain to Phase 2 of the 40B development located on Surfside Road. | | | |
| Voting | Toole, McCarthy, O'Mara, Koseatac, Mondani | | |
| Alternates | Poor, Thayer, Botticelli, | | |
| Representing | Kevin McGuire, Sachem's Path
Sandy Horvitz, Housing Assistance.
Joe Grause, Habitat for Humanity | | |
| Discussion (1:18) | <p>McGuire – There was a concern about ample coverage with the bond, which is to ensure infrastructure is completed. The Board also wanted to ensure Sachem's Path fully coordinated with Habitat for Humanity. Reviewed additional information submitted. The State required a 100% payment and a performance bond by Dellbrook in addition to the bond with the Town of Nantucket.</p> <p>Toole – Asked if this bond is a reasonable alternative.
Consensus is satisfied.</p> <p>McGuire – Sachem's Path will provide temporary power to the Habitat for Humanity construction sites. Habitat for Humanity is responsible for landscaping their two properties. Scanlan is concerned about how long it will take the electric company to install the necessary meters; they would like to begin work on February 15, 2017; initial foundations should be poured about April 15, 2017. The electric feed servicing Phase I is in place.</p> <p>O'Mara – He's okay with the use of a generator to start the work; suggested allowing 30 days of using the generator.</p> <p>Toole – We either put something in the Comprehensive Permit or trust the applicant to do the right thing.</p> <p>McGuire – As far as codifying, it's a matter of adding a note to the Logistics Plan to incorporate it into the decision.</p> <p>Antonietti – That would work.</p> <p>Discussion about what should be the restriction on time for using the generator: until May 15, 2017.</p> <p>McGuire – Reviewed decisions made at the January 12 meeting.
Review of the proposed changes:</p> | | |

Minutes for January 17, 2017, adopted Feb. 9

Toole – Referencing the second red-line item, this was not opened up for a public hearing; we might need Town Counsel advice on striking the reference to a public hearing. We deemed the changes all as insubstantial; once we do that, we don't open this for public hearing.

Antonietti – We can delete the reference to inviting neighbors to speak on this.

Toole – “Certificate of Compliance” should read “Certificate of Occupancy.”

Mondani – Would like the site plan referenced and included at the end of the document as an exhibit.

Antonietti – Asked how Exhibit A should be handled.

McGuire – Suggested adding “See revised Exhibit A.”

Toole – Assuming those changes have been made, we can vote on this.

Motion

Motion to Approve contingent upon chair double-checking the final version. (made by: Koseatac) (seconded by: O'Mara)

Vote

Carried unanimously

V. ADJOURNMENT

Motion to Adjourn: 1:48 p.m.

Submitted by:

Terry L. Norton