Zoning Board of Appeals

January 12, 2017

Packet

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Agenda
(Subject to Change)
Thursday, January 12, 2017
1:00 PM
4 Fairgrounds Road
Public Safety Facility – 1st Floor Community Room

THE FOLLOWING AGENDA ITEMS WILL BE DISCUSSED JANUARY 12, 2017.
HOWEVER, IF NO QUORUM CAN BE ESTABLISHED AT THAT TIME,
EFFECTED APPLICATIONS WILL BE CONTINUED TO 12:00 PM ON TUESDAY, JANUARY 17, 2017:

- **CALL TO ORDER:**

- **APPROVAL OF THE AGENDA:**

- **APPROVAL OF THE MINUTES:**

Pages 5 - 12

- December 8, 2016

- **OLD BUSINESS:**

Pages 14 - 26

- 41-16 Linda Mason, Applicant, & Anne G. Davis And Paul A. Gares, Owners
Action deadline March 8, 2017 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).

- **NEW BUSINESS:**

Page 29

- 24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale
REQUEST TO WITHDRAW WITHOUT PREJUDICE

Pages 30 - 43

- 36-16 Loren H. Kroll and Norma J. Goldman 24 Coffin St. Beaudette
Action deadline April 12, 2017
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).

Pages 44 - 87

- 40-16 Sankaty Head Golf Club 100 Sankaty Road Dale
Action deadline April 12, 2017 *CONFLICTS*: ET
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).

Pages 88 - 99

- 01-17 Ronald W. Winters and Ellen H. Winters 12 Gardner Street Winters
Action deadline April 12, 2017
Applicant is seeking Special Permit relief pursuant to Bylaw Sections 139-7(a), 139-30, and 139-33.A to allow the change of use of a pre-existing nonconforming garage structure to a residential use with an expansion of the footprint. Applicant proposes to convert the garage, which is pre-existing nonconforming as to side and rear yard setbacks, into a second dwelling and build a conforming 187 square foot addition. The garage, as so altered, will not be any closer to the side or rear yard lot lines. The Locus is situated at 12 Gardner Street, is shown on Assessor's Map 42.3.3 as Parcel 12, and upon Land Court Plan 21923-A. Evidence of owner's title is registered on Certificate of Title No. 24714 at the Nantucket County District of the Land Court. The site is zoned (Residential Old Historic (ROH).

Pages 100 - 109

- 02-17 R. Eric Kennedy and Jacqueline W. Kennedy, as Co-Trustees, Into The Mystic Nominee Trust 189 Polpis Road Alger
Action deadline March 27, 2017
Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver of the ground cover ratio provisions in Section 139-16. Specifically, applicant seeks to validate the various structures upon the premises already granted Certificates of Occupancy but shown on most recent As-Built survey to have a total ground cover ratio of 3.03% where 3% is maximum allowed. In the alternative, applicant requests a finding that no relief is necessary either by virtue of the definition of ground cover or the de minimis nature of the overage. The Locus is situated at 189

Polpis Road, is shown on Assessor's Map 45 as Parcel 5.2, and as Lot 2 upon Plan File 9-A. Evidence of owner's title is in Book 1103, Page 85 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General Three (LUG-3).

- 03-17 Marie E. Lemberg 53 Pochick Avenue Wilson
Action deadline March 27, 2017

Pages 110 - 140

Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver of the intensity regulations in Section 139-16 in order to render the subject lot separately marketable and buildable from abutting property at 55 Pochick Avenue. The Locus is nonconforming as to lot size and groundcover, but is otherwise dimensionally conforming. The Locus is situated at 53 Pochick Avenue, is shown on Assessor's Map 79 as Parcel 127, and as Lots 1-4 on Block 164 in Plan Book 2, Page 61 and as Parcel One on Plan No. 2010-52. Evidence of owner's title is in Book 1285, Page 214 and Book 1418, Page 154 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General One (LUG-1).

- 04-17 Venividivici Property Development, Inc. 55 Pochick Avenue Wilson
Action deadline March 27, 2017

Pages 141 - 166

Applicant is seeking relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver of the intensity regulations in Section 139-16 in order to render the subject lot separately marketable and buildable from abutting property at 53 Pochick Avenue. The Locus is nonconforming as to lot size and setback but is otherwise dimensionally conforming. The Locus is situated at 55 Pochick Avenue, is shown on Assessor's Map 79 as Parcel 76, and as Lots 5-11 on Block 164 in Plan Book 2, Page 61. Evidence of owner's title is in Book 1458, Page 291 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General One (LUG-1).

- **OTHER BUSINESS:**

Pages 168 - 253

- 076-11 Sachem's Path Nantucket, LLC Sachems Path 40B Singer

Extended Action deadline January 26, 2017 – for decision on Conditions F.2, F.19(m), & proposed new Condition F.35 regarding Fee Waivers
Extended Action deadline February 9, 2017 – for Condition F.7 regarding timing of infrastructure
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.

- Discussion about policy regarding re-notification to abutters when an application has been continued for a protracted period.

- **ADJOURNMENT.**

ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, December 08, 2016

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

Called to order at 1:12 p.m.

Staff in attendance:	Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members:	Toole, Botticelli, McCarthy, O'Mara, Koseatac, Thayer, Mondani
Absent:	Poor
Late Arrivals:	None
Early Departures:	McCarthy, 4:46 p.m.

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. November 10, 2016: **Motion to Approve.** (made by: Botticelli) (seconded by: Koseatac) Carried unanimously

II. OLD BUSINESS

1. 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).

Voting	Toole, Botticelli, McCarthy, O'Mara, Thayer
Alternates	Mondani
Recused	None
Documentation	File with associated plans, photos, required documentation, and Planning Board vacating their previous decision.
Representing	**Dennis Dias**, owner – They have the requested recommendation to vacate the decisions from Planning Board.
Public	**Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP – Attested to the Planning Board's decision.
Discussion	**Antonietti** – The Planning Board letter was very recently issued and can be corrected to reflect the modification and elimination of their restrictions. **Toole** – Established the voting board
Motion	**Motion to Approve with the condition that the Planning Board letter be modified as noted.** (made by: O'Mara) (seconded by: McCarthy)
Vote	Carried unanimously

2. 37-16 CHC Development, LLC 7 Primrose Avenue Cohen

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).

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

PROPOSED

Representing **Stephen Cohen**, Cohen & Cohen LP – This has a roof connecting the bathroom and pool equipment storage shed; everything was constructed as permitted. The building department staff issued an erroneous building permit calling it a shed exempt from groundcover. He is asking that the board determine that the covered connector be declared a porch or breezeway or gazebo and so not subject to groundcover; in the alternative, he asks for a variance because if it does count as groundcover, it is only about 100 feet over. Feels the Building Commissioner is implying there is something at the ground level per the definition for groundcover when there is not

Chip Webster, Chip Webster Architecture (CWA)

Public None

Discussion (1:17) **Steve Butler**, Building Commissioner – There were several mistakes made. Contends that this is one structure as it is all under one roof and the covered space is not a porch nor is it a breezeway, which are the only two elements exempt from ground cover. Explained how groundcover is measured. He hopes the board upholds his decision; feels granting the variance would set a bad precedent.

Botticelli – The barn doors were removed August 30 and the CWA site plan shows the sheds as two separate structures; so she has trouble seeing it as one building.

Webster – Contends that the inclusion of barn door was an error on their part which they didn't pick up on until after the original Historic District Commission (HDC) application was approved. It is his belief the overhang doesn't count for groundcover because there is no structure or footprint at grade.

Toole – This has a disconnected portion which reads as two separate structures.

O'Mara – If it is two separate structures, then this is a breezeway connecting the two.

Botticelli – A breezeway usually has a lower roof height. This reads as one structure under one roof and was applied for initially as one structure. She agrees that granting their request could set a dangerous precedent. It comes down to what a porch tends to be and she doesn't see this as a porch.

Cohen – With the increase of structures to create shaded spaces for pools, this is going to come up frequently; zoning needs a better definition for porch and breezeway.

Toole – Feels the board is disinclined to approve a variance; suggested Mr. Cohen go to Town Meeting with a warrant article defining a porch and breezeway.

Thayer – Noted that this had a single common foundation at one point and the two "rooms" were connected by a deck.

Botticelli – Looking at the initial application with the barn doors, this was intended as a single structure.

Mondani – This overhang is not a breezeway.

Butler – It's not a breezeway or a porch and counts as ground cover. Ground cover is always measured at grade with the sun at its zenith and the shade cast is the ground cover. This is part of a single structure and breezeways typically connect two structures; this cannot be construed as two structures; each part of the building is dependent on the other.

Toole – Noted that at grade, the pool deck continues under the overhang with no change in grade. This was applied for as one building and doesn't meet the definition of a breezeway. It is either a porch or not; if not it counts as ground cover.

Discussion on the motion to uphold Mr. Butler's decision.

O'Mara – Asked about granting a variance for additional ground cover.

Webster – The reason for granting the relief would be based on the building department's error of not recognizing the existence of the bathroom.

Butler – This doesn't meet the statutory reasons for granting a variance.

Cohen – The burden of removing this outweighs the impact, which is nil.

Marcus Silverstein, Zoning Enforcement Officer – He's conflicted in this case and has stayed off it; he's not that familiar with it. He could possibly be the one to issue the enforcement if the variance is not granted.

Paul Santos, Nantucket Surveyors – Referring to the as-built, it was not his determination of ground cover.

Motion **Motion to Uphold Building Commissioner's decision to deny the request to amend a building permit and to revoke the building permit.** (made by: Thayer) (seconded by: Botticelli)

Vote Carried unanimously

Motion **Motion to Grant the variance as requested.** (made by: Botticelli) (seconded by: Mondani)

Vote Not Carried unanimously

PROPOSED

3. 38-16 Edmund M. Carpenter, Jr. and Patricia F. Carpenter 17 Columbus Avenue Gifford

REQUESTED WITHDRAWAL WITHOUT PREJUDICE

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).

Voting	Toole, Botticelli, O'Mara, Thayer, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	**Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP – asked be withdrawn without prejudice
Public	None
Discussion	None
Motion	**Motion to Accept the withdrawal as requested.** (made by: Botticelli) (seconded by: Mondani)
Vote	Carried unanimously

III. NEW BUSINESS

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

CONTINUED TO JANUARY 12, 2017

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, Botticelli, McCarthy, O'Mara, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	None
Public	None
Discussion	**Antonietti** – This needs to be re-noticed to the abutters before it is heard again. She will put on an agenda a discussion about re-noticing abutters in cases where applications are continued for several consecutive months. A policy may be established for the length of time which would warrant renoticing.
Motion	**Motion to Continue to January 12, 2017.** (made by: O'Mara) (seconded by: Botticelli)
Vote	Carried unanimously

2. 36-16 Loren H. Kroll and Norma J. Goldman 24 Coffin St. Beaudette

CONTINUED TO JANUARY 12, 2017

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).

Voting	Toole, Botticelli, McCarthy, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	None
Public	None
Discussion	None
Motion	**Motion to Continue to January 12, 2017.** (made by: McCarthy) (seconded by: Thayer)
Vote	Carried unanimously

PROPOSED

3. 39-16 23 Commercial Wharf JA, LLC 23 Commercial Wharf Dale

Applicant is requesting Special Permit relief pursuant Zoning By-law Sections 139-33.A and 139-12.I to alter, expand, and relocate a pre-existing nonconforming cottage. Specifically, applicant proposes to reduce the westerly side yard setback intrusion, build a second story addition, and expand the footprint by 98± square feet. The Locus is situated at 23 Commercial Wharf, is shown on Assessor's Map 42.2.4 as Parcel 5, and as Lot 1 upon Land Court Plan 10726-A. Evidence of owner's title is registered on Certificate of Title No. 24768 at the Nantucket County District of the Land Court. The property is located in the Residential Commercial (RC) zoning district and in the Harbor Overlay District.

Voting Toole, Botticelli, McCarthy, O'Mara, Koseatac
Alternates Thayer, Mondani
Recused None
Documentation Architectural plans, photos of abutting properties, and letter of concerns from the Barneys at 25 Commercial Wharf
Representing **Kevin Dale**, Vaughan, Dale, Hunter and Beaudette, P.C. – This is for a residential renovation and extension project. Previously the Planning Board issued a special permit that was appealed resulting in the permit being overturned. This an existing residential cottage and is exempt from the harbor overlay district (HOD) restricting it to water-dependent uses. This is subject to FEMA flood requirements. They have approval from the HDC and Order of Conditions from Conservation Commission. Noted that the cottages on either side have special permits for a second story. The Barney's expressed concern about the floating dock; his client will do what is necessary to satisfy that concern. Asserts the project is beneficial to the neighborhood especially with the off-street parking.
Don Bracken, Bracken Engineering, Inc.
Mickey Rowland, Rowland and Associates
Public **Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP, for abutters the Barney Family and Corey Family – Contends that this is a new structure because it is being moved and therefore is subject to HOD restrictions of no new residential structures with 1st-floor residential use and/or within 25 feet of high water. Asked for a denial in full.
Discussion (2:10) **Toole** – The existing building is shown as 349 square feet (SF). Suggests adding exactly 98 feet might not be prudent. In regards to the HOD, asked if the extra 100 feet relates to that.
Dale – It relates to pre-existing structures in the HOD.
Bracken – The height will be 23.6 from existing grade. Will need a State Building Code Commission variation for the first floor elevations to match the neighbors. They calculated 349 SF based on the foundation on the application; from cornerboard to cornerboard is 359 SF and that was for the Conservation Commission application; just the cornerboards extend beyond the foundation, not the walls.
Dale – His client is happy to refrain from construction between May 15 to September.
Botticelli – Asked if there is a demolition plan. The question is whether or not this is a new building.
Rowland – The eastern side roofline will remain front and back.
Dale – Read the Harbor Plan exemption for existing residential structures in the HOD.
Toole – He doesn't agree with this being a new structure because it is moving on the lot not from another lot.
Koseatac – In his opinion, the addition and moving it doesn't make it a new structure.
Dale – The move will reduce the non-conformity. Noted that the floating dock is not in ZBA purview.
Toole – The decision comes down to whether or not this is a new structure.
Discussion about the summer external construction dates.
Motion **Motion to Grant the relief as requested with the normal no-build summer restrictions.** (made by: Koseatac) (seconded by: Botticelli)
Vote Carried unanimously

4. 40-16 Sankaty Head Golf Club 100 Sankaty Road Dale

CONTINUED TO JANUARY 12, 2017

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, Mondani
Alternates None
Recused Toole, O'Mara, Thayer
Documentation File with associated plans, photos and required documentation
Representing **Kevin Dale**, Vaughan, Dale, Hunter and Beaudette, P.C. – Would prefer to have 5 members sign the approval.
Public None
Discussion (2:39) None
Motion **Motion to Continue to January 12, 2017.** (made by: Botticelli) (seconded by: Koseatac)
Vote Carried unanimously

PROPOSED

5. 41-16 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
Alternates Thayer, Mondani
Recused O'Mara
Documentation File with associated plans, photos and required documentation
Representing **Richard Beaudette**, Vaughan, Dale, Hunter and Beaudette, P.C. – Linda Mason now the owner of the property. Seeking a special permit to remove the existing structure and replace it; the new structure will increase the groundcover by 435 SF and will be conforming in regards to setbacks. This is not substantially more detrimental to the neighborhood, which already has some structures exceeding the groundcover limit and some that do not conform to setback; reviewed properties that are non-conforming in regards to groundcover. They have not yet applied to the HDC for the proposed new structure.
Public **David Berry**, 11 & 15 Brewster Road – Spoke in opposition to granting the special permit especially in regards to increasing the groundcover within the Country Overlay District; expanding the footprint decreases the green space. They are going from 14% to 17% and additional 3% of ground cover.
Dane DeCarlo, for Nantucket Islands Land Bank – The Land Bank owns 21 Monomoy Road. On the proposed plans, the edge of clearing shows significant encroachment onto Land Bank property. Suggests an ounce of prevention that the owner be persuaded to take steps to maintain proper boundaries.
Discussion (2:44) **Toole** – Would like the ratios Mr. Beaudette referred to be included as part of the packet. Needs more information about other structures in the neighborhood. Monomoy is a well-defined neighborhood.
Discussion about a State law allowing a property owner to further increase groundcover when in non conformity to groundcover already.
Discussion about the radius of inclusive non-conforming properties to be placed in the file: abutter's list plus properties shown on the map.
McCarthy – Noted that this board can limit or deny the increase in ground cover. Noted it might be in the applicant's best interest to not increase the amount of being over groundcover so much; 17% is a significant number.
Motion **Motion to Continue to January 12, 2017.** (made by: Botticelli) (seconded by: Koseatac)
Vote Carried unanimously

6. 42-16 Nancy Colson 9 Hallowell Lane Reade

Applicant is seeking modification of prior Special Permit and new Special Permit relief pursuant to Zoning By-law Section 139-33.A to allow removal and reconstruction of a pre-existing nonconforming dwelling in excess of the permitted ground cover. The siting of the proposed new dwelling will cure the nonconforming front yard setback and the pre-existing nonconforming ground cover will be reduced. The Locus is situated at 9 Hallowell Lane, is shown on Assessor's Map 30 as Parcels 14, 15, & 257, and upon Land Court Plans 12022-B, 12022-Q, and 12022-H. Evidence of owner's title is registered on Certificate of Title No. 14549 and in Book 350, Page 225 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20).

Voting Toole, McCarthy, O'Mara, Koseatac, Thayer
Alternates Mondani
Recused Botticelli
Documentation File with associated plans, photos and required documentation
Representing **Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP – This is for the demolition and reconstruction of a structure that will reduce the set-back non-conformities while groundcover will remain the same. They have HDC approval for the work. It is waterfront property subject to erosion which caused the non-conformity.
Public None
Discussion (3:15) None
Motion **Motion to Grant the relief as request.** (made by: O'Mara) (seconded by: McCarthy)
Vote Carried unanimously

IV. OTHER BUSINESS

1. 051-03 Rugged Scott, LLC Rugged Scott *a/k/a* Beach Plum 40B Humphrey

The Applicant seeks determination that proposed changes to the architectural plans approved with 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. The proposed changes pertain to new home construction upon Market Rate Lots 2, 3, 26, & the replacement of the existing pool and Community Center upon Lot 42 of the 40B development known as Beach Plum Village.

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

PROPOSED

Alternates	Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	**Chris Humphrey** – Modification to allow architectural changes that don't result in significant design changes; color change for lot 2; re-locate pool; and exchange a pre-approved model M1 home for M5 design on the lot. Noted that the ZBA has jurisdiction to approve these changes without going to HDC. Clarified the changes to the pool and community area. Josh Posner, principal
Public	None
Discussion (3:21)	Architectural changes – no concerns. Color change – no concerns. Pool and community area – **Antonietti** – Once the Certificate of Occupancy is issued, changes fall under HDC. The ZBA already approved the relocation and downsizing of the pool in 2008. The CO has been issued, so this falls within the HDC purview. House Model change – no concerns.
Motion	**Motion to Approve the amendments as requested but not the pool change request.** (made by: McCarthy) (seconded by: Botticelli)
Vote	Carried unanimously

2. 076-11 Sachem's Path Nantucket, LLC Sachems Path 40B Singer

Extended Action deadline December 8, 2016

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, Mondani O'Mara, Koseatac
Alternates	Thayer, Botticelli
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	**Andrew Singer**, Law Office of Singer & Singer, LLC – Phase I is successfully completed. The building permit applications for Phase II are ready to go and the lottery will be next week. Requesting some amendments: infrastructure, applicant construct 37 homes and Habitat for Humanity (H4H) to build 3 homes, allocation, and waiver of fees. Ken Beaugrand, Chair Community Preservation Committee (CPC) Beth Ann Meehan, Commissioner Nantucket Housing Authority and Affordable Housing Lender Cape Cod 5 Renee Ceeley, Executive Director Nantucket Housing Authority
Public	Ed Marchant, Town Consultant (remote participation)
Discussion (3:31)	**Toole** – This board needs to determine if changes are substantial or insubstantial; a substantial change requires notifying the abutters. He believes the monetary changes are substantial and he would like input from Board of Selectmen (BOS) and other boards involved. **O'Mara** – Confirmed that the total amount of one amendment would be $193,600 and other approximately $60,000. **Singer** – They aren't asking to change the overall *pro formas*. Determining the changes are substantial creates a problem because everything gets put off; as of January 1, 2017, there is a new State building code coming into effect that will increase the cost of building these houses by about $100,000; that influences the applicants ability to start Phase II. They didn't get final approval from the State until late October and this was the first available ZBA meeting they could get on the agenda. Noted they are talking about less than one percent of a $22M project; based upon that he submits this is insubstantial in this instance. Discussion about whether or not the BOS has waived these fees in the past. **Toole** – In his opinion, this is a substantial change in terms of what this board has done in the past. In regards to the infrastructure issue, this board was adamant from a health and safety standpoint and that the CPC donated money on the condition that the infrastructure be put in ahead of time. There might be a compelling reason to agree to the change. **O'Mara** – He feels this is substantial. **McCarthy** – She has no concerns with Number 1. **Mondani** – Noted that the BOS has waived fees in the past as long as the reason meets certain criteria, which this does. **Singer** – Noted that the applicant paid all the fees in Phase I. We are dealing with whether or not this project is economic; and completely below what the state says is economic. Everyone has been working with the CPC to make this project happen. This is a community project that is 100% affordable and will not be half-done. Having a non-profit doing the work for a community backed project is ample evidence Phase II will be completed; pointed out a non-profit board can't start a project they aren't able to fund; the issue becomes when they can get started. Contends these changes are not substantial. The way the provision is set up, infrastructure has to be finished before a building permit can be pulled; infrastructure is usually done at the same time as construction.

PROPOSED

O'Mara – He has a problem with waiting to finish the infrastructure after the Phase II houses are in. He's also concerned with the board being told they are responsible for decisions that would increase the cost of construction if the houses aren't begun within three weeks due the change in the building code and eliminating sewer fees that add up to $193,600.
Toole – This board has not been presented with a new infrastructure plan explaining the how and why. There is a lack of clarity in what is being presented.
Singer – The ZBA stands in for other boards; the Planning Board doesn't get into the level of detail of construction; the ZBA has all that. The fees are significant enough to jeopardize what the applicant is trying to do.
McCarthy – The conditions as drafted need to be clarified. She wants to take the changes apart; she thinks changes 1 & 2 are insubstantial.
Toole – Everyone agrees that Changes 1 & 2 are insubstantial; we don't need to discuss those. The Planning Board normally would require a certain amount of work to be completed or post a bond to get a release on a lot. The applicant had agreed to do the infrastructure and now they want to change that; that is substantial.
Singer – The way the language of the condition is written, you can't pull a building permit until everything, including mailboxes are in.
Botticelli – The intent of the board was sewer, water, power, and roads would be in place before construction began.
McCarthy – That can be fixed.
Meehan – There are 66 applicants for 22 houses in Phase II; they are very concerned about this project being jeopardized. This development is unique with every house being affordable and does not set a precedent. Time is of the essence for the applicants. There is huge momentum on the island for affordable housing and it falls upon the shoulders of the ZBA to make it happen. Contends the $193,600 is not significant and encourages the board to waive the fee and let Phase II move forward.
Beaugrand – Reviewed the BOS memo in relation to waiver of fees. CPC assesses needs of the community in regards to affordable housing; this year it became clear that affordable housing is a critical need. They assessed over 54% of funds allocated to affordable housing projects. The BOS has waived these fees for other non-profits and asks the ZBA to make this decision to allow the lottery to proceed next week.
Ceeley – Asked the ZBA to approve these changes right now.
McCarthy – We are a regulatory board and have to follow a process; if we make a feel-good decision, we put the Town at risk.
Toole – Feels that the applicant had time to get a letter from the BOS stating whether or not they support these changes; that wasn't done.
Marchant – They've asked for three modifications. H4H is a "non issue." Road construction, the ZBA is responsible for safety issues; as the chair said, there is a need for clarification as to what is being requested; could grant that approval subject to the condition that a plan of when and how they intend to do that be submitted. The ZBA could waive the fees; however, ZBAs don't waive fees unless they get a clear signal from the chief executive to do so; you could vote subject to submission of a letter of support from the BOS with the burden on the applicant.
Singer – He has no problems with Mr. Marchant's suggestion. He will reach out to the BOS. As for the infrastructure, construction won't start immediately so he could withdraw the condition for the F-7 change now and come back in January or February with that.
Toole – Don't know how they can get a building permit without the sewer entry permit. It is unfair to put the onus on the ZBA when they had two months to go to the BOS.
McCarthy – Agrees with Mr. Marchant.
O'Mara – Agrees it isn't fair to do a cram-down at this meeting.
Koseatac – Over countless meeting, we went through every topic and told them don't come back and ask for a waiver. That's exactly what's happening.
Thayer – Most of the infrastructure work is completed: connections, sewer pumps. There are no more connections in the street. He has reservations about the timing and why it's over budget; did they put it out to bid again or are they relying on their contractor.
Toole – We don't have that information to make a determination.
Marchant – He would accept the offer to withdraw the modification to the infrastructure request, which allows them to provide an acceptable format to do that. The condition of the fee waiver should be conditioned upon a letter from BOS endorsing that. This has been a rush job and could have been presented more carefully. He doesn't understand the building permit issue; the only way the applicant is protected is that the sewer tie-in is in place before the building permit is issued. This is the only monetary relief they can ask the ZBA. If they run into other issues, they need to find another source of funding. Another option is change the mix of the units and generate the additional funding by having more 150% structures. He doesn't know if that can be done under the current subsidy program; he would like to know the details of this financially to figure out whether or not attrition costs can be generated from Phase I.
Consensus is okay with waiving the fee if the BOS agrees to it.
Singer – Asked to continue F7 to January to allow submission of supplemental information.
Discussion on the motion to grant the fee waiver request.
O'Mara – Would prefer to continue this vote until the BOS issue their decision. It's their job to approve it.

PROPOSED

Motion	**Motion to Approve Change to Condition F2.** (made by: McCarthy) (seconded by: Koseatac)
Vote	Carried unanimously
Motion	**Motion to Continue Condition F7 to January 12, 2017.** (made by: McCarthy) (seconded by: Koseatac)
Vote	Carried unanimously
Motion	**Motion That if BOS Grants the Fee Waivers for Phase II the ZBA Will Modify the Comprehensive Permit.** (made by: McCarthy) (seconded by: O'Mara)
Vote	Carried unanimously

3. Discussion about potential changes to zoning by-law to be proposed in Warrant Articles for 2017 Annual Town Meeting

Voting	Toole, Botticelli, O'Mara, Koseatac
Alternates	Thayer, Mondani
Discussion (4:45)	**Toole** – Asked if the board would like to pursue the idea that if a property is over ground cover it can continue to increase the non-conformity *ad nauseum*. (Consensus yes.) We also need to clearly define a storage shed and porch. Discussion about a citizen warrant that would change the ground cover ratio. **Toole** – Feels a property shouldn't be able to down-zone from 2 acres to 1 acres just to split a property.

4. Ratify approval of 2017 ZBA meeting schedule: January 12, 2017 (possible date change); 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

Voting	Toole, Botticelli, O'Mara, Koseatac
Alternates	Thayer, Mondani
Discussion	Discussion about changing the date of the January 12 meeting; three members will not be present on January 12 and those present are available the following week. The January meeting will remain on January 12 and those items which will have quorum could be heard. Those that do not will be continued to a date to be determined at the January 12 meeting. Board members ask Staff to come back with potential dates that could work for everyone.

V. ADJOURNMENT

Motion to Adjourn: 4:51 p.m.

Submitted by:
Terry L. Norton

PROPOSED

OLD

BUSINESS

Linda MASON

23 MONOMOY RD.

FILE NO. 41-16

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

File No. 41-16

November 9, 2016

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

Re: Request for Special Permit
23 Monomoy Road
Map 54, Parcel 205
Nantucket, Massachusetts 02554

Dear Eleanor:

On behalf of our client, Linda Mason, enclosed please find an Application for a Special Permit under Sections 139-33(A)(2) and (4) of the Nantucket Zoning By Law for the property located at 23 Monomoy Road, Nantucket, MA 02554 (the "Premises"). The Applicant seeks permission to increase the pre-existing nonconforming ground cover on the Premises.

I have also enclosed the filing fee required by the Town of Nantucket in the amount of $450, a certified abutters list and mailing labels. Please mark this matter for hearing by the Nantucket Zoning Board of Appeals at its December 7, 2016 Public Hearing.

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/lld
Enclosures
cc: Linda Mason

NANTUCKET
TOWN CLERK
2016 NOV 28 PM 2:10

Zoning Board of Appeals
NOV 09 2016
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No.** 41-16

Owner's name(s): Anne G. Davis and Paul A. Gares

Mailing address: 21 Meadowlark Drive, Windsor, CT 06095-1516

Phone Number: _____ E-Mail: _____

Applicant's name(s): Linda Mason

Mailing Address: c/o VDH&B. P.C., PO Box 659, 2 Whalers Ln., Nantucket, MA 02554

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

Locus Address: 23 Monomoy Road Assessor's Map/Parcel: Map 54 / Parcel 205

Land Court Plan/Plan Book & Page/Plan File No.: Land Court Plan 10937-C, Lot 17

Deed Reference/Certificate of Title: COT 22059 Zoning District LUG-1

Uses on Lot- Commercial: None x Yes (describe) _____
Residential: Number of dwellings _____ 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:

Please 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: JOSEPH M. GURY Atty for GARES _____ Owner*
Anne G. Davis and Paul A. Gares

SIGNATURE: _____ Applicant/Attorney/Agent*
Richard P. Beaudette, Attorney for Linda Mason

*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:__/__/__

Property Information

Property ID	54 205
Location	23 MONOMOY RD
Owner	DAVIS ANNE G & GARES PAUL A

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 11/03/2016

ADDENDUM TO ZONING APPLICATION

23 Monomoy Road

The Applicant, Linda Mason (hereinafter the "Applicant"), is the contract purchaser of 23 Monomoy Road, Nantucket, MA 02554 (the "Premises"). The Premises is shown as Lot 17 on Land Court Plan 10937-C registered at the Nantucket Registry District of the Land Court and as Parcel 205 on Nantucket Town Assessor's Map 54. The Applicant hereby requests Special Permit Relief pursuant to Sections 139-33 (A)(2) and (4) of the Nantucket Zoning By-Law (the "By-Law"). The Premises is located in the Limited Use General-1 ("LUG-1") Zoning District and is currently improved with a dwelling.

The Premises is pre-existing nonconforming as to lot size, ground cover ratio, as well as front and side yard setbacks. The existing conditions of the Premises are shown on a plan prepared for Linda Mason by Bracken Engineering, Inc., dated November 8, 2016 (the "As Built"), a copy of which is attached hereto as Exhibit "A". As shown on the As Built, the Premises consists of a 12,695+/- square foot lot in a zoning district that requires a minimum lot area of 40,000 square feet; has a front yard setback as close as 33.8+/- feet to the front yard lot line in a zoning district that requires a front yard setback of 35 feet; a side yard setback as close as 9.0+/- feet to the front yard lot line in a zoning district that requires a side yard setback of 10 feet; and a ground cover ratio of 14.3 % (1,810+/- square feet) in a district where 7% (1,500 square feet for lots of record) is the maximum ground cover ratio allowed. The Premises complies with the zoning regulations in all other respects.

The Applicant, of advancing age, wishes to construct a dwelling with first floor bedrooms which will allow her to access the master bedroom without going up and down the stairs as she ages. As shown on the proposed site plan prepared for Linda Mason by Bracken Engineering, dated November 8, 2016, a copy of which is attached hereto as Exhibit "B", the Applicant proposes to remove and rebuild the Premises, increasing the ground cover for the existing dwelling from 1,810+/- square feet to 2,245+/- square feet. As a result of the proposed work, the existing front and side yard setback violations on the Premises will be cured.

Under Section 139-33A (2) of the By-Law:

An extension, alteration, or change to an existing structure or new structure that will result in an increase in the pre-existing nonconforming ground cover ratio of a lot may be allowed through the issuance of a special permit, provided that the special permit granting authority makes the following findings:

(a) The increase in ground cover ratio will not be substantially more detrimental to the neighborhood that the existing nonconformity;

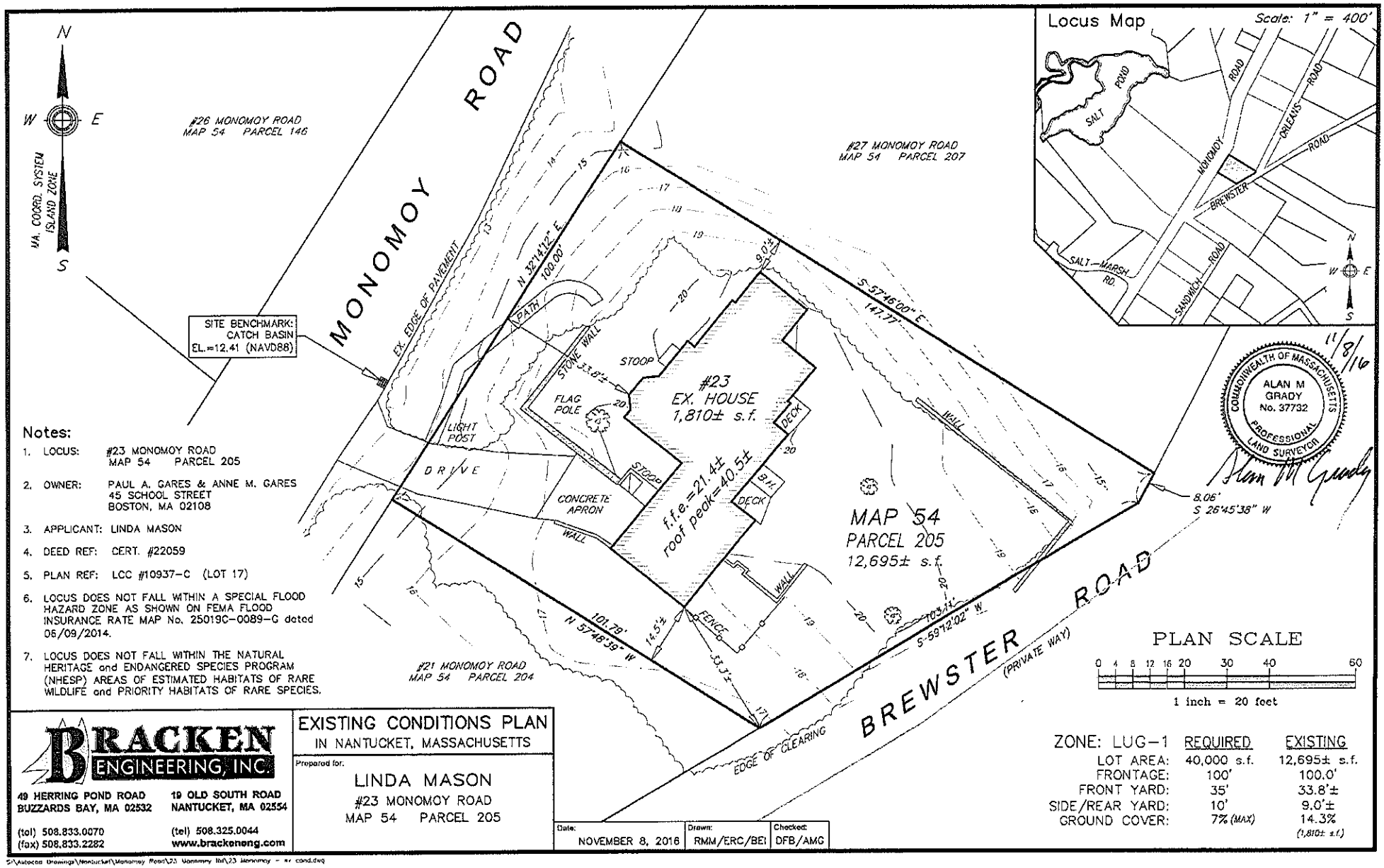
(b) The resulting ground cover ratio is consistent with the character of the surrounding neighborhood; and,

(c) The extension, alteration, or change to the existing structure or the new structure is conforming to other dimensional requirements of this chapter.

Granting the proposed Special Permit under the above referenced Sections of the By Law for the proposed work will not be substantially more detrimental to the neighborhood than the pre-existing nonconformity on the Premises. The proposed plans are suitable for the Premises as they are consistent with the character of the surrounding neighborhood. As a result of the proposed work, the existing front and side yard setback violations will be cured. Finally, by granting the requested Special Permit, the Board would be acting in a manner consistent with the spirit and intent of the Zoning By-Law.

The Applicants respectfully request that the Board grant the requested relief.

EXHIBIT A



Notes:

1. LOCUS: #23 MONOMOY ROAD MAP 54 PARCEL 205
2. OWNER: PAUL A. GARES & ANNE M. GARES 45 SCHOOL STREET BOSTON, MA 02108
3. APPLICANT: LINDA MASON
4. DEED REF: CERT. #22059
5. PLAN REF: LCC #10937-C (LOT 17)
6. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
7. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.

ZONE: LUG-1	REQUIRED	EXISTING
LOT AREA:	40,000 s.f.	12,695± s.f.
FRONTAGE:	100'	100.0'
FRONT YARD:	35'	33.8'±
SIDE/REAR YARD:	10'	9.0'±
GROUND COVER:	7% (MAX)	14.3% (1,810± s.f.)

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackenengineering.com

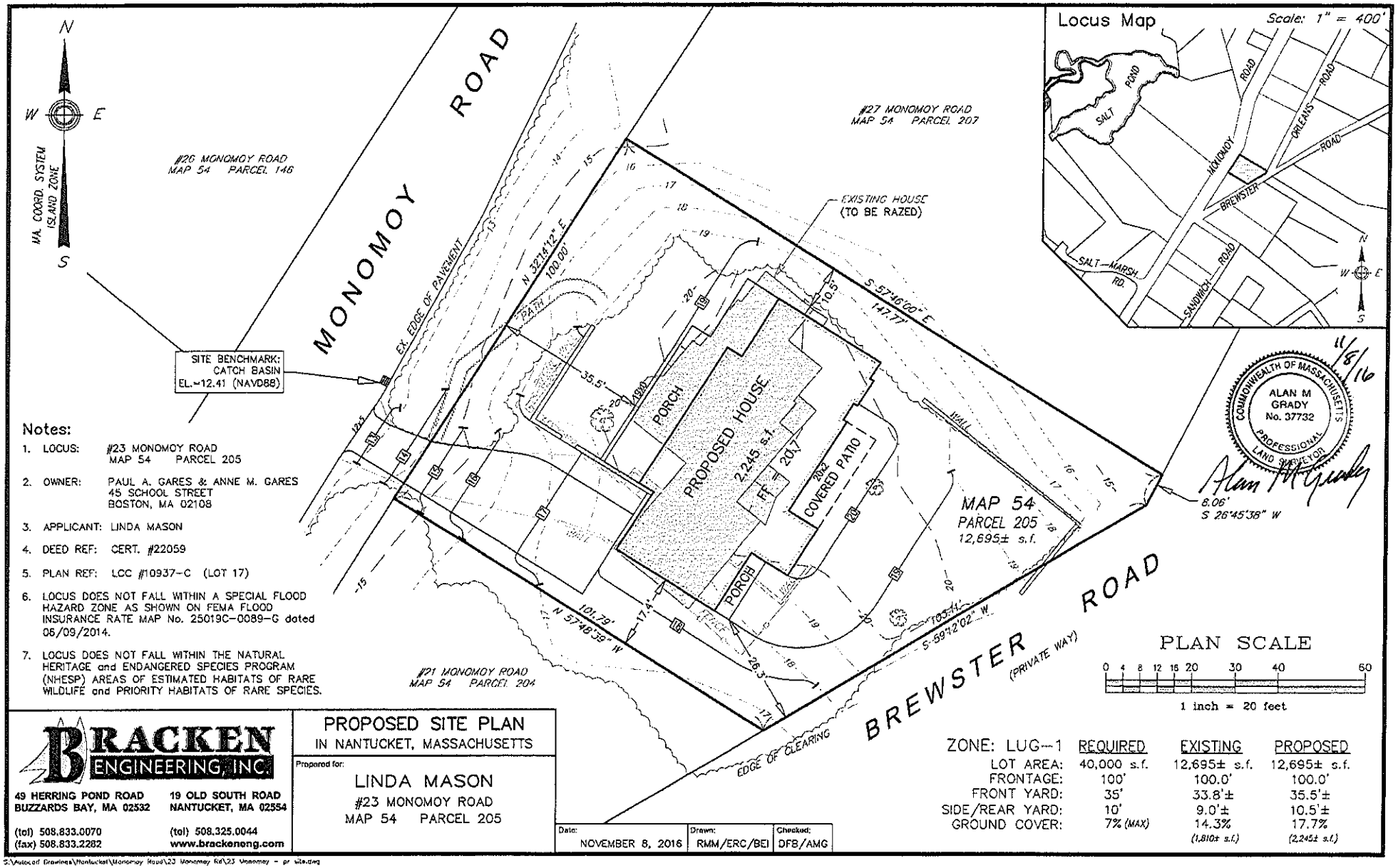
EXISTING CONDITIONS PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared for:
LINDA MASON
#23 MONOMOY ROAD
MAP 54 PARCEL 205

Date:	Drawn:	Checked:
NOVEMBER 8, 2016	RMM/ERC/BEI	DFB/AMG

S:\Autocad Drawings\Nantucket\Monomoy Road\23 Monomoy Rd\23 Monomoy - ex cond.dwg

EXHIBIT B



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ZONE: LUG-1	REQUIRED	EXISTING	PROPOSED
LOT AREA:	40,000 s.f.	12,695± s.f.	12,695± s.f.
FRONTAGE:	100'	100.0'	100.0'
FRONT YARD:	35'	33.8'±	35.5'±
SIDE/REAR YARD:	10'	9.0'±	10.5'±
GROUND COVER:	7% (MAX)	14.3% (1,810± s.f.)	17.7% (2,245± s.f.)

BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared for:
LINDA MASON
#23 MONOMOY ROAD
MAP 54 PARCEL 205

Date:	Drawn:	Checked:
NOVEMBER 8, 2016	RMM/ERC/BEI	DFB/AMG

S:\Autocad Drawings\Nantucket\Monomoy Road\23 Monomoy Rd\23 Monomoy - pr site.dwg

RECEIVED
BOARD OF ASSESSORS
NOV 01 2016
TOWN OF
NANTUCKET, MA

$10

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER: Anne G. Davis and Paul A. Gares

MAILING ADDRESS: C/O Vaughan, Dale, Hunter and Beaudette, P.C. 2 Whaler's Lane, PO BOX 659, Nantucket, MA 02554

PROPERTY LOCATION: 23 Monomoy Road

ASSESSOR MAP/PARCEL: 54/205

SUBMITTED BY: Bryan J. Swain, Esq.

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).

11/1/16
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
54		52		WAREING PETER S	16 MONOMOY RD NOM TRST	3511 DEL MONTE	HOUSTON	TX 77019	16 MONOMOY RD
54		145		GARRETT RICHARD J JR TRST ETAL	C/O JEFFRIES MARGARET G	11 SUNSET BLVD	PITTSFORD	NY 14534	20 MONOMOY RD
54		146		RANNEY H FLINT TR	THE MONOMOY RD REALTY TRUST	BOX 597	NANTUCKET	MA 02554	26 MONOMOY RD
54		203		17 MONOMOY ROAD LLC	C/O JACK MCCARTHY JR	731 SMITH RIDGE RD	NEW CANAAN	CT 06840	17 MONOMOY RD
54		204		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA 02554	21 MONOMOY RD
54		205		DAVIS ANNE C & GARES PAUL A	C/O WELCH & FORBES	45 SCHOOL ST	BOSTON	MA 02108	23 MONOMOY RD
54		207		RAM ISLAND LLC	C/O INSIGHT PARTNERS	275 GROVE ST STE 2-400	NEWTON	MA 02466	27 MONOMOY RD
54		209		COHEN STEVEN L TR	29 MONOMOY RD NOM TRUST	PO BOX 786	NANTUCKET	MA 02554	29 MONOMOY RD
54		210		WESTFALL MATTHEW S & LAURA J		1342 LACHMAN LANE	PACIFIC PALISAD	CA 90272	30 MONOMOY RD
54		223		BERRY DAVID G		PO BOX 1288	NANTUCKET	MA 02554	15 BREWSTER RD
54		224		BERRY DAVID G		P O BOX 1288	NANTUCKET	MA 02554	11 BREWSTER RD
54		226		AKELMAN EDWARD & VICKIE R		5 PHEASANT LN	DARRINGTON	RI 02806	2 SANDWICH RD
54		236		RICH CHRISTOPHER & JOHN F TRS	C/O RUSSELL DONALD & MARY T	680 NE HARBOUR DRIVE	BOCA RATON	FL 33431	14 BREWSTER RD
54		260		READE ARTHUR I JR TRST	19 MONOMOY RD NOM TRUST	PO BOX 2669	NANTUCKET	MA 02584	19 MONOMOY RD
54		261		K22S LLC		PO BOX 2516	NANTUCKET	MA 02584	3 BREWSTER RD
54		285		DEBENEDICTIS DANIELLE		P O BOX 880	SIASCONSET	MA 02564	2 SASACHUMET LN
54		286		DEBENEDICTIS DANIELLE		P O BOX 880	SIASCONSET	MA 02564	4 SASACHUMET LN
54		287		DEBENEDICTIS DANIELLE		P O BOX 880	SIASCONSET	MA 02564	7 BREWSTER RD

NEW

BUSINESS

6 Lily St. LLC
Sconset Partners, LLC

6 & 8 Lily St.

File No. 24-16

REQUEST TO WITHDRAW W/O PREJUDICE

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

January 3, 2017

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

Zoning Board of Appeals
JAN 03 2017
RECEIVED

RE: 6 Lily Street LLC and Sconset Partners LLC
Request for Withdrawal of Application

Dear Chairman Toole:

My clients, 6 Lily Street LLC and Sconset Partners, LLC, hereby withdraw their special permit application without prejudice. My clients want to take additional time to reconsider the design of the proposed cottage at 8 Lily Street. Thank you for your attention to this matter.

Sincerely,

Kevin F. Dale (BSS)

Cc: Sarah F. Alger, Attorney
Eleanor Antonietti, Zoning Administrator
Mr. and Mrs. George Kelly

Loren H. KROLL &
Norma J. GOLDMAN

24 COFFIN ST.
'SCONSET

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) 228-4433
FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN
KEVIN F. DALE
RICHARD P. BEAUDETTE

LORI D'ELIA
BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

December 6, 2016

Eleanor W. Antonietti
Zoning Administrator
Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, Massachusetts 02554

ZBA File 36-16

Re: *Continuance of Loren Kroll and Norma J. Goodman*
24 Coffin Street
Nantucket, MA 02554
ZBA File No.36-16

Dear Eleanor:

As you are aware, I represent Loren Kroll and Norma J. Goodman in the above referenced matter. It is scheduled to be heard at the next Zoning Board of Appeals meeting. I would like to request a continuance of this matter until the January public hearing. I appreciate your attention to this matter. If you have any questions please feel free to contact me.

Sincerely,

Richard P. Beaudette

Richard P. Beaudette

RPB/BJS
Cc: Loren Kroll and Norma J. Goodman

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/lld
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
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

Deed Reference/Certificate of Title: Bk. 1456, Pg. 168 Zoning District SR-1

Uses on Lot- Commercial: None x 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: _____

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

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.

Property Information

Property ID	73.4.1 52
Location	24 COFFIN SIAS ST
Owner	KROLL LOREN & GOLDMAN NORMA

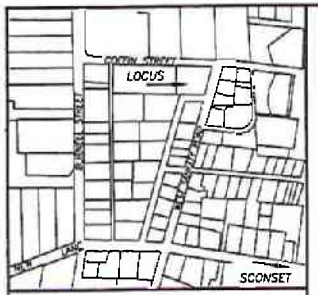
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Parcels updated December, 2014
Properties updated January, 2015

EXHIBIT A

2012 00000037
Bk: Pg: 0 Page: 0
Doc: PLAN 05/18/2012 10:21 AM



LOCUS MAP 1" =400±FT.

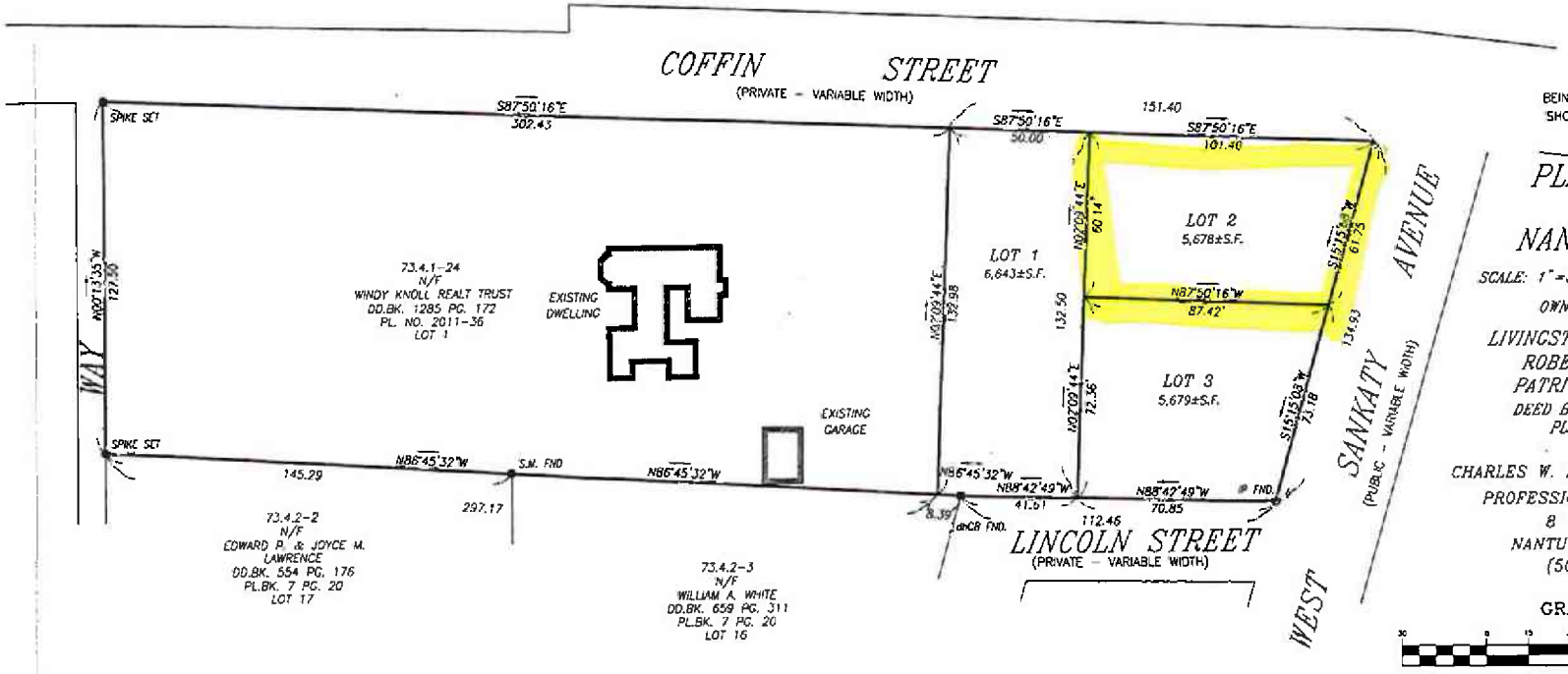
CURRENT ZONING CLASSIFICATION:
SIASCONSET RESIDENTIAL 1 (SR-1)

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

■ drCB FND.	DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
● S.M. FND	DENOTES SURVEY MARKER FOUND
○ IP FND.	DENOTES IRON PIPE FOUND
● SPIKE SET	DENOTES 12" SPIKE SET

NANTUCKET REGISTRY OF DEEDS
Date: 05/18/2012
Time: 10:21 AM
Plan Bk.: — Pg.: —
Plan ~~File~~ NO.: 2012-37
Attest: Jennifer H Ferreira 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
NANTUCKET, MA.

SCALE: 1"=30' DATE: SEPTEMBER 1, 2011

OWNER'S REFERENCE:

LIVINGSTON VANCE 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
NANTUCKET, MA. 02554
(508) 228-8910

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

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 5-1-11
PROFESSIONAL LAND SURVEYOR DATE

Nantucket Planning Board
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

09-10-11 7975
DATE SIGNED FILE # H-6128

THE PLANNING BOARD DETERMINES THAT:

(b) LOT(S) 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 STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

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."

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR

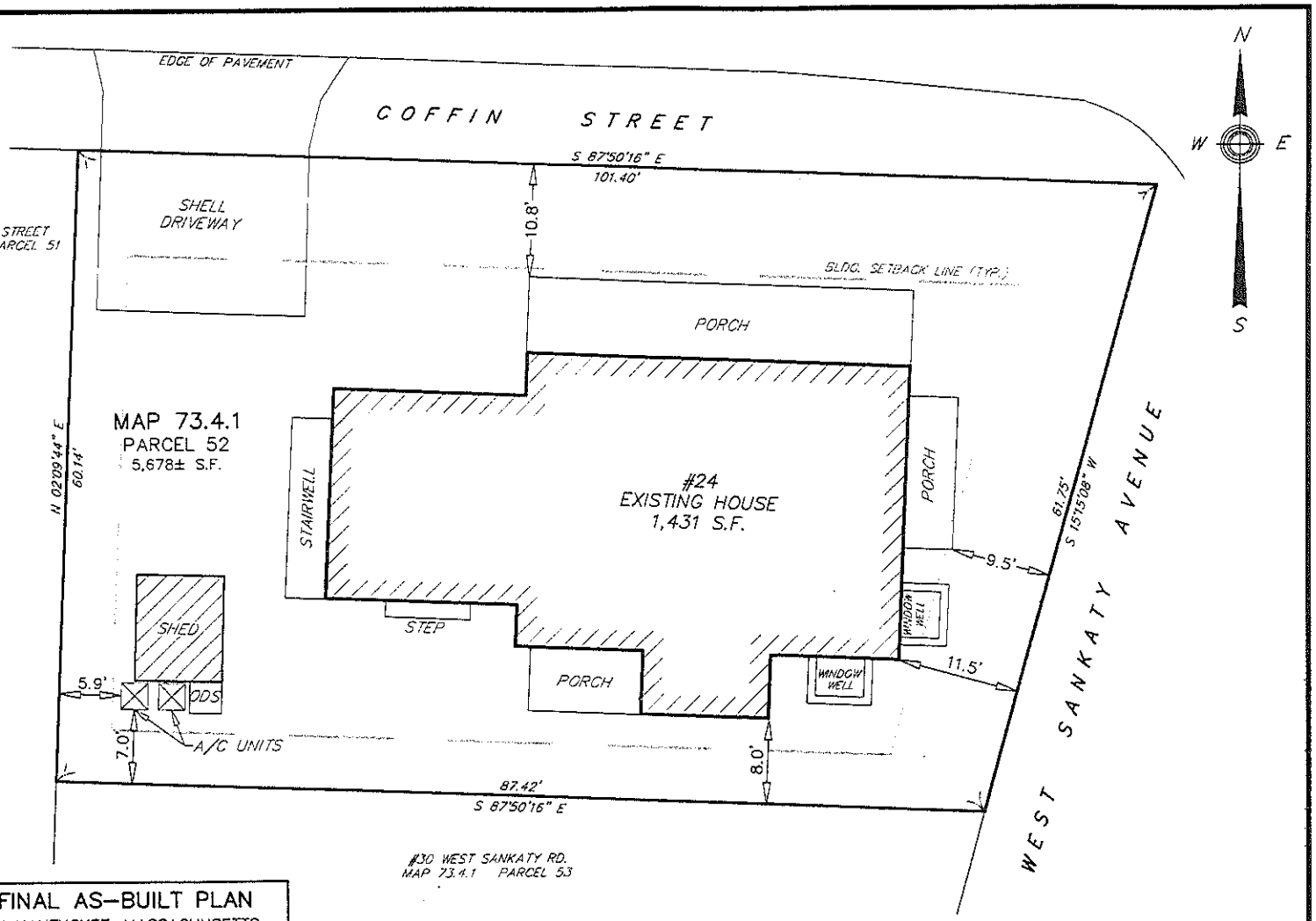
PROFESSIONAL LAND SURVEYOR

NOTES:

1. LOCUS: #24 COFFIN STREET MAP 73.4.1 PARCEL 52
2. OWNEER: LOREN H KROLL & NORMA J GOLDMAN 1150 EAST AVENUE ROCHESTER, NY 14607
3. DEED REF: Bk:1456 Pg:168
4. PLAN REF: No. 2012-37 (LOT 2)
5. 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%



PLAN SCALE

0 2 4 6 8 10 15 20 30

1 inch = 10 feet

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(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

S:\Autocad Drawings\Nantucket\Coffin Street\24 Coffin Street\24 Coffin Street - Fall(26a).dwg

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

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABUTTERS LISTING
NANTUCKET, MA

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

9/29/2016 1:28:35PM

SANKATY HEAD GOLF CLUB

100 SANKATY RD.

FILE NO. 40-16

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

November 21, 2016

BY HAND DELIVERY AND EMAIL

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

RE: Sankaty Head Golf Club
100 Sankaty Road
Siasconset, Massachusetts 02564

Dear Eleanor:

Please continue the hearing on Sankaty Head Golf Club's application for a modification of its special permit or, alternatively, a modification of its variance, from December 8, 2016 to January 12, 2017. My client wants to review and make some minor design changes to its house plans. Thank you.

Sincerely,

cc: Charles Pagnam, President
Mark Kohler, General Manager
Leo Asadoorian, RLS

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

File No. 40-16

November 9, 2016

BY HAND DELIVERY AND EMAIL

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

RE: Sankaty Head Golf Club
100 Sankaty Road
Siasconset, Massachusetts 02564

Dear Eleanor:

On behalf of my client, the Sankaty Head Golf Club ("Sankaty"), enclosed for filing is an application for a modification of prior Special Permits to allow for the construction, use and occupancy of four (4) cottages on the golf course property pursuant to Section 139-33A(1) of the By-Law. The cottages would be used solely to house Sankaty employees. In the alternative, Sankaty seeks a modification of prior Variance No. 022-83 to allow for the construction, use and occupancy of the cottages by its employees.

In support of this application, I enclose the following:

1) Signed Application

2) Addendum

3) Locus Plan

4) Proposed Site Plan (Showing Proposed Conditions)

5) Certified Abutters List

6) Two (2) sets of mailing labels; and

7) Filing fee check in the sum of $450.00 made payable to the "Town of Nantucket"

Please schedule the matter for hearing before the Nantucket Board of Appeals on December 7, 2016 and call me with any questions or concerns at 508-228-4455. I will email the completed application as a single document in PDF format later today. Thank you.

Sincerely,

Enc.
Cc: Charles Pagnam, President
Mark Kohler, General Manager

NANTUCKET
TOWN CLERK

2016 NOV 28 PM 2:10

Zoning Board of Appeals
NOV 09 2016
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 File No. 40-16

Owner's name(s): SANKATY HEAD GOLF CLUB

Mailing address: P.O. Box 293; 100 Sankaty Road, Siasconset, MA 02564

Phone Number: 508-257-6391 E-Mail: kevin@vdhlaw.com

Applicant's name(s): Same

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: Same Assessor's Map/Parcel: 49-2

Land Court Plan/Plan Book & Page/Plan File No.: Lot 2A - Plan No. ~~9458~~ 9548-C

Deed Reference/Certificate of Title: 1308 Zoning District LUG-3

Uses on Lot- Commercial: None ____ Yes (describe) _____
Residential: Number of dwellings 10 ~~Duplex~~ ~~Apartments~~ 3 Dormitories

Date of Structure(s): all pre-date 7/72 No or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: 022-83; 061-89; 062-94; 066-97; 020-03; 087-04; 04-12

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

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

The Applicant seeks a Modification to prior Special Permits pursuant to Section 139-33A(1) of the By-Law to construct and occupy four (4) cottages for on-site employee housing. In the alternative, Applicant seeks a Modification of prior Variance No. 022-83 to construct and occupy said cottages for on-site employee housing.

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.

Sankaty Head Golf Club

SIGNATURE:_____ Owner*

Kevin F. Dale, Secretary/Clerk

SIGNATURE:_____ Applicant/Attorney/Agent*

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

OFFICE USE ONLY

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

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

ADDENDUM "A"
SANKATY HEAD GOLF CLUB

Sankaty Head Golf Club ("Applicant") seeks a modification of Special Permit Nos. 022-83; 061-89; 062-94; 066-97; 020-03; 087-04 and 04-12 pursuant to Section 139-33A(1) of the By-Law to alter and expand a pre-existing, non-conforming use to construct, maintain and occupy four (4) cottages to be used solely for golf course employee housing on the southeast portion of the Applicant's property located at 100 Sankaty Road, Siasconset, Massachusetts 02564, shown as Lot 2A on Land Court Plan No. 9548-C and Parcel 02 on Nantucket Assessor's Map 49 ("Property"). The Property is zoned Limited Use Genral-3 ("LUG-3").

The Property has an area of approximately 126.58 +/- acres and includes a private golf course which was constructed in 1921. The Property also includes a Golf Club House, Cart Barn, Maintenance Building, Garage, three (3) employee dormitories, three (3) separate dwelling units, and a seven (7) building caddie camp residential buildings. The existing golf course is a pre-existing and non-conforming private recreational facility. The three (3) dwelling units, three (3) employee dormitories and seven (7) caddie camp buildings are non-conforming because they exceed the allowable number of dwelling units in the LUG-3 Zoning District which allows a maximum of two (2) dwelling units on a lot.

Applicant proposes to construct four (4) cottages on the Property which will be used to provide on-site housing to Applicant's employees, together with two (2) separate six (6) bedroom septic systems and a central parking lot for twelve (12) vehicles as shown on the submitted plan prepared by Blackwell & Associates, Inc. dated October 30, 2016, #13-8020.

By providing the proposed on-site housing for its employees, Applicant will contribute to the best interests of the Nantucket Community. Applicant's employees will live on the Property, lessening the pressure on the meager summer rental market available to island employees and eliminate additional summer traffic caused by Club employees driving to and from the Club to rental housing in Town. In its prior Special Permit Decision No. 066-97, the Board expressly found that ". . . expanded on site housing for seasonal employees is in the best interests of the community . . ." The construction and use of the proposed four (4) cottages by the Applicant's employees will not be substantially more detrimental to the neighborhood than the existing pre-existing, non-conforming private golf course and will enhance the Nantucket Community by providing desperately needed on-site employee housing, thereby reducing summer traffic and pressure on the Nantucket rental housing market which lacks sufficient affordable summer housing for workers.

In the alternative, Applicant seeks a modification of Variance No. 22-83 which allowed Applicant to construct a dormitory to provide housing for its seasonal employees. In this Variance Decision, the Board expressly found the requisite criteria to grant Applicant a Variance, including the unique topography of the Property and the substantial hard ship Applicant faced based upon its inability to provide its employees with adequate and affordable on-site housing. Similarly, by providing its employees with on-site housing in the four (4) proposed cottages, Applicant will avoid a substantial hardship arising from the lack of available seasonal and affordable rental housing on Nantucket for its employees.

For these reasons, Applicant seeks a Modification of prior Special Permits pursuant to Section 139-33A (1) of the By-Law to construct, maintain and use four (4) cottages for on-site employee housing. In the alternative, Applicant seeks a Modification of Variance No. 22-83 pursuant to Section 139-32 of the By-Law to allow for the construction, use and occupation of four (4) proposed cottages for on-site employee housing.

THE COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, MASSACHUSETTS
City or Town

BOARD OF APPEALS

Date: JUNE 10, 19 83

Certificate of Granting of Variance ~~or Special Permit~~
(General Laws Chapter 40A, Section 11)

The Board of appeals of the City or Town of NANTUCKET, MASSACHUSETTS

hereby certifies that a Variance ~~or Special Permit~~ has been granted

To SANKATY HEAD GOLF CLUB, INC.

Address SANKATY ROAD

City or Town SIASCONSET, MASSACHUSETTS 02564

affecting the rights of the owner with respect to land or buildings at

SANKATY ROAD, SIASCONSET, MASSACHUSETTS 02564

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance — ~~special permit~~, and that copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the city or town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Kevin F. Dale
Chairman

Clerk

FORM 1094 HOBBS & WARREN, INC., REVISED

BOARD OF APPEALS
Nantucket, Massachusetts

DECISION:

At a meeting of the BOARD OF APPEALS held on FRIDAY, MAY 27, 1983, in the Town and County Building, in the matter of the application of SANKATY HEAD GOLF CLUB, INC., (22-83), the BOARD finds:

1. This is an application for a USE VARIANCE; the applicant seeks to construct a dormitory to house seasonal workers at the golf club Off Sankaty Road in Siasconset; the property is zoned LUG-3.

2. Based upon review of the application, supporting documents, plans and testimony at Public Hearing, the BOARD finds that dormitories are not permitted uses under the Nantucket Zoning By-Law and the applicant requires a variance to construct a dormitory on its property. Further, the topography of the subject property is irregular, hilly and does not affect generally the LUG-3 zoning district. The applicant proposes to provide inexpensive housing to female summer service employees. Such housing is already provided to male summer service employees. Electricity, water and adequate parking exist at the subject building site. Owing to the above specific topographical circumstances, a literal enforcement of the Zoning By-Law would cause the applicant a substantial hardship since its female employees would be deprived of adequate and inexpensive housing. Moreover, the requested relief will not derogate or undermine the intent and purpose of the By-Law but will enhance the applicant's golf facility and contribute to the welfare of the citizens of Nantucket.

3. For the reasons set forth, the BOARD hereby GRANTS the applicant a VARIANCE to construct a dormitory in accordance with submitted plans on the express condition that the employees residing in the dormitory are supervised by the golf club and that hours of operation are limited to May 1 to October 15, by unanimous vote.

Dated: Nantucket, Mass.
June 10, 1983

BOARD OF APPEALS

Kevin F. Dale

Judith K. Bartel

Lydia L. Rickard

Received
June 10, 1983
Ann Petraccia
Secretary

No appeal filed within twenty day period following decision.
Madeline E. Perry
Town Clerk
July 1, 1983

BOARD OF APPEALS
TOWN OF NANTUCKET
NANTUCKET, MASSACHUSETTS 02554

DECISION:

THE BOARD OF APPEALS, at a public hearing held on Friday, November 3, 1989 at 1:00 P.M. in the Town and County Building, Nantucket, made the following decision upon the application of SANKATY HEAD GOLF CLUB, INC. (061-89) of 100 Sankaty Avenue, Siasconset, Massachusetts 02564.

1. Applicant seeks a Special Permit pursuant to Section 139-33A to alter a pre-existing, non-conforming private golf course use on the site and Section 139-22H granting permission to construct a new employer dormitory for fourteen (14) male employees and expand an existing four (4) man dormitory (the "Bug House" a/k/a the greenskeeper cottage) to sleep ten (10) employees. The property is located at 100 Sankaty Avenue, Assessor's Map and Parcels 49-002 et al, and shown as Lot 2A on Land Court Plan 9548-C as evidenced by Certificate of Title No. 1308 at the Nantucket Registry District for the Land Court. The property is zoned LIMITED USE GENERAL-3. See prior decision in case 022-83.

2. Based upon the application, a three (3) sheet set of site, floor and elevation plans (see Exhibit "A") prepared by Bentley and Churchill, Architects, the access ways and parking sites for each of the structures being shown on the Bentley and Churchill plans, and testimony presented at the public hearing, the Board finds that the expansion of the existing Bug House and the construction of a new dormitory for male employees is in keeping with

Nantucket's continuing need for employers to provide appropriate housing on site for their employees. Further, the project complies with the ground cover and setback requirements of the zoning by-law.

3. The Board finds that the Applicant qualifies for Section 139-22H Special Permit as the provision of housing by employers for their employees is in harmony with the general purpose and intent of the zoning code, provided, however, that the new structure and expanded dormitory are constructed substantially in conformity with the plans submitted to the Board and marked as Exhibit A, including the gravel surfacing of the parking area and its access way for the new dormitory.

4. Accordingly, by UNANIMOUS vote, this Board grants to the applicant the requested Special Permits under Sections 139-33A to alter a pre-existing, non-conforming use and under Section 139-22H to provide a new employer dormitory and expand an existing employer dormitory on the site, subject to the condition stated above.

Dated: Nantucket, MA
November 14, 1989

William R. Sherman

Linda Williams

Robert J. Leichter

Michael J. O'Mara

David J. Leggett

Rec'd November 20, 1989
Jennifer A. Stone
Assistant Clerk

NO APPEAL HAS BEEN FILED
40A, SECTION 11
Jeanne M. Waldgett
January 17, 1990

chc#71

066168

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: September 23, 19 94

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

Application No.: 062-94

Owner/Applicant: SANKATY HEAD GOLF AND BEACH CLUB, INC.

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

TOWN OF NANTUCKET **066168**

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Assessor's Map 49
Parcel 002
LUG-III

100 Sankaty Rd., Siasconset
Land Court Plan 9548-C
Lot 2A
Cert. of Title #1308

At a Public Hearing of the Zoning Board of Appeals, held at 1:00 P.M., Friday, September 9, 1994 in the Selectmen's Meeting Room, Town and County Building, Broad Street, Nantucket, Massachusetts, on the Application of SANKATY HEAD GOLF AND BEACH CLUB, INC., of P.O. Box 293, Siasconset, MA 02564, Board of Appeals File No. 062-94, the Board made the following Decision:

1. Applicant is seeking relief by Special Permit under Nantucket Zoning By-Law §139-7D(4) (employer dormitory), and, to the extent necessary, under §139-33A, (alteration or extension of a pre-existing, nonconforming use, private golf course). Applicant proposes to demolish four (4) "Quonset Hut" type structures currently being used to house caddies and staff members, and replace them with five (5) new structures, that will provide housing for sixty (60) caddies and four (4) staff members. The new structures will meet all building and health code requirements.

The premises is located at 100 SANKATY ROAD, SIASCONSET, Assessor's Map 49, Parcel 002, as shown on Land Court Plan 9548-C, Lot 2A. The property is zoned Limited Use General-III.

2. The Decision is based upon the Application and materials submitted with it and the testimony, evidence and photographs submitted at the Hearing. There were no letters in the file and the Planing Board made a favorable recommendation stating that the improvements would be better than what currently existed on the site.

3. Applicant represented that the four (4) current structures (metal quonset huts), that housed caddies and staff for the Golf Club, were pre-existing and non-conforming and did not meet building or health codes. The structures have no indoor bathroom facilities and to accommodate the same number of employees, 60 caddies and 4 staff members, they needed to construct five buildings in order to meet all codes and include sanitation facilities in each structure. The wood frame structures would be built substantially on the same sites as the huts and would meet all scalar requirements, i.e., maintaining the 12 foot separation between dwelling units. Applicant further represented that they would meet all setback and ground cover requirements though there would be an increase in the ground cover.

4. Applicant stated that the Sankaty Head Golf and Beach Club,

Owner: Sankaty Head Golf Club

Inc. owns the land on which the structures were situated, but that the Sankaty Foundation, a non-profit organization, leases the land and actually owns any improvements on it, i.e., the huts and any new structures.

5. The Board finds that the uses pre-date zoning and that demolition of four (4) quonset huts and construction of five (5) new buildings would not be substantially more detrimental to the neighborhood and is in harmony with the purpose and intent of the Nantucket Zoning By-Law.

6. Accordingly, by a unanimous vote, the Board GRANTS the requested relief under Zoning By-Law § 139-7D(4) and §139-33A to allow the demolition of the four (4) quonset huts and construction five (5) new structures under the following conditions:

A. The proposed structures shall be built in substantial conformance with the Historic District Commission's Certificates of Approval #25,637, #25,638, #25,639, #25,640 and #25,641; and

B. The siting and uses of the structures shall be in substantial conformance with Exhibit "A" on file in the Board of Appeals and the uses shall be as follows:

- Buildings A, B and C shall be for dormitory uses;
- Building D shall be for kitchen and dining uses; and
- Building E shall be for multipurpose/recreational uses.

Dated: September 23, 1994

Dale W. Waine

Linda F. Williams

Ann Balas

Michael O'Mara

Nancy Sevrens

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
SEP 23 1994
TIME: 10:00 a
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, PERSUANT TO GENERAL LAWS 40 A, SECTION 11

TOWN CLERK

Rebecca J. Coleman

OCT 1 7 1994

078722

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: December 18, 1997

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

Application No.: 066-97

Owner/Applicant: SANKATY HEAD GOLF AND BEACH CLUB, INC.

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.

078722

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

Assessor's Map 49
Parcel No. 02
LUG-3
File No. 066-97

100 Sankaty Avenue
Siasconset, MA
L.C. Plan 9548C
Lot 2A
Certificate of
Title No. 1308

At a public hearing of the Zoning Board of Appeals, held at 1:00 P.M. on Friday, November 7, 1997 and at 11:00 A.M. on Tuesday, November 18, 1997 in the Selectmen's Meeting Room, Town and County Building, Broad Street, Nantucket, Massachusetts on the application of the Sankaty Head Golf and Beach Club, Inc., of 100 Sankaty Road, Siasconset, Massachusetts 02564, Board of Appeals File No. 066-97, the Board made the following DECISION:

OWNER: SANKATY HEAD GOLF CLUB

1. Applicant is seeking relief by Special Permit pursuant to Section 139-7D(4) of the Nantucket Zoning By-Law to expand an existing dormitory that was permitted by variance on June 10, 1983, Board of Appeals File No. 22-83. The dormitory, known as Fleming Hall, presently provides sleeping quarters for ten (10) persons and the applicant seeks a special permit to expand that facility to sleep eighteen (18) persons by reconfiguring the interior of the building, and by adding a wing, for a total additional ground cover of 956 square feet.

2. The premises are located at 100 Sankaty Road, Siasconset, Massachusetts, Assessor's Map 49, Parcel 02, Land Court Plan 9548C, Lot 2A, Certificate of Title No. 1308. The property is zoned LUG-3.

3. The DECISION is based upon the application and materials submitted with it and the testimony introduced the hearings. There were no letters in the file. The preliminary focus of the Board was of a jurisdictional nature. The question reviewed was whether applicant had crossed the 4,000 square foot commercial structure or use threshold imposed by Section 139-11 of the Nantucket Zoning By-Law. Crossing the threshold would put the

project in the major commercial development category, jurisdiction over which is confined to the Planning Board. The applicant presented a letter to the Board analyzing the commercial structures that have been built and removed at the Club since 1979. In the case of applicant, the present count of commercial structures is 3,770 square feet and the MCD threshold has not yet been reached. Accordingly, jurisdiction remains with the Zoning Board of Appeals.

4. The Planning Board submitted its comments on November 18, 1997 which recommended approval of the site plan subject to certain conditions, some of which were adopted by the Board in its vote.

5. The site plan showing elevations, the structure, additions, parking and the relative position of Fleming Hall was approved by unanimous vote of the Board although the applicant could have done a better job in presentation of the information. The Board recognized that site plan review is a relatively new procedure but made it clear to the applicant that on future applications more exacting standards would have to be met.

6. The Board finds that expanded on-site housing for seasonal employees is in the best interests of the community and that the addition is harmonious with all of the dimensional and intensity regulations of the code, as well as the general purpose and intent of the Nantucket Zoning By-Law. In granting the requested relief, however, the Board requires that the applicant provide ten (10) additional parking spaces adjacent to Fleming Hall and a bicycle rack containing not less than nine (9) slots for bicycles.

7. Accordingly, by UNANIMOUS vote, the Board GRANTS the requested relief under Zoning By-Law §139-7(D)4 to approve the expansion of Fleming Hall by 956 square feet, the building thereafter to house a maximum of eighteen (18) persons, provided that applicant make available ten (10) additional parking spaces adjacent to Fleming Hall and that it have a bicycle rack for no less than nine (9) bicycles also available.

078722

Dated: At Nantucket
December 18, 1997

Dale W. Waine

Linda F. Williams

Nancy Sevrens

Michael O'Mara

Timothy Madden

(jah)SANKATY/boadecis

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
DEC 18 1997
TIME:
CLERK:

I CERTIFY THAT 20 DAYS HAVE ELAPSED
WAS FILED IN THE OFFICE OF THE TOWN CLERK
NO APPEAL HAS BEEN FILED PERSUANT TO GL
40 A, SECTION 11.
TOWN CLERK
JAN 20 1998

NANTUCKET ZONING BOARD OF APPEALS
1 East Chestnut Street
Nantucket, Massachusetts 02554

Assessor's Map 49/Parcel 002
100 Sankaty Road, Siasconset
Limited-Use-General-3

Land Court Plan 9548-C, Lot 2A
Cert. of Title 1308

DECISION:

1. At a Public Hearing of the Nantucket Zoning Board of Appeals, held on Friday, March 14, 2003, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following Decision on the Application of SANKATY HEAD GOLF AND BEACH CLUB, INC.,** AND FOR SANKATY HEAD FOUNDATION, of PO Box 293, Siasconset, MA, 02564 and PO Box 875, Siasconset, MA 02564, respectively, Board of Appeals File No. 020-03:

2. Applicants are seeking a MODIFICATION of the SPECIAL PERMIT granted in the Decision in BOA File No. 062-94, which granted relief under Nantucket Zoning By-law Section 139-7D(4) (employer dormitory) and to the extent necessary, under Section 139-33A (alteration/expansion of a pre-existing nonconforming use/structure) as some of the dormitories did not themselves contain kitchen units, but just sleeping quarters and sanitation facilities, and another contained a central eating facility with no dwelling unit contained therein. Applicants are now seeking to construct a new about 520 square-foot dormitory that would house up to six employees, specifically caddies. The Caddie Camp is used in conjunction with the Sankaty Head Golf and Beach Club, a private entity. To the extent necessary, Applicants are also seeking relief by SPECIAL PERMIT under Section 139-18 to waive any additional parking requirements as the caddies are prohibited from bringing cars to the camp.

The Premises is located at 100 SANKATY ROAD, SIASCONSET, Assessor's Map 49, Parcel 002, Land Court Plan 9548-C, Lot 2A. The property is zoned Limited-Use-General-3.

3. Our Decision is based upon the Application and accompanying materials, and representations and testimony received at our public hearing. The Planning Board made no recommendation, as the matter was not of planning concern. There were no letters on file. No testimony in favor or in opposition to the Application was presented at the public hearing.

4. The representative for the Applicants stated that the Applicants were granted Special Permit relief in the Decision in BOA File No. 062-94 in order to be allowed to demolish four existing "Quonset Huts" that were being used as dormitories and replace them with five new structures, that would provide housing for up to sixty caddies and four staff members. That work was done. Applicants now seek relief by Modification to construct a additional dorm that would house up to six caddies and would contain sanitation facilities but not contain a kitchen. There would be no violation of any of the dimensional requirements of the Zoning By-law. In addition, Applicants are seeking relief from the parking requirements due to the fact that caddies are prohibited from bringing cars to the Island and are either transported in the Club's vehicles or used public transportation. There is an existing parking area adjacent to the site for staff parking. The dorms are used for housing caddies only during the summer months. Applicants stated that there would be little impact upon the neighborhood as the site of the Caddies Camp was in the interior of a multi-acre parcel and not proximate any residential uses.

** a/k/a SANKATY HEAD GOLF CLUB

5. Therefore, based upon these facts, the Board of Appeals finds that the addition of the about 520 square-foot dormitory that would house up to six additional caddies as proposed would not be substantially more detrimental to the neighborhood than what previously existed and the Modification would create little impact upon the area, and waiver of the parking would also be in harmony with the general purpose and intent of the Zoning By-law and not contrary to any traffic and safety concerns.

6. Accordingly, by UNANIMOUS vote, the Board GRANTS the requested MODIFICATION of the previously granted relief by SPECIAL PERMIT in the Decision in BOA File No. 062-94, under Nantucket Zoning By-law Section 139-7D(4) and Section 139-33A and GRANTS SPECIAL PERMIT relief under Section 139-18, to be allowed to construct an about 520 square-foot dormitory that would contain sanitation facilities, but no kitchen, and sleep up to six caddies, upon the following express conditions, which also incorporates by reference the conditions contained in the Decision in BOA File No. 062-94:

a. The construction of the new dormitory shall be performed in substantial conformity with the plan prepared by John Shugrue, dated June 6, 1995, as marked by the Applicants, indicating the approximate location of the new dormitory, a reduced copy of which is attached hereto as new Exhibit A.

b. The addition shall be done in substantial conformity with the Certificate of Appropriateness No. 40,564 as approved by the Nantucket Historic District Commission, as may be amended.

7. By UNANIMOUS vote, the Board waives the site plan review under Nantucket Zoning By-law Section 139-23 for this project.

Dated: March 19, 2003

Nancy J. Sevrens

C. Richard Loftin

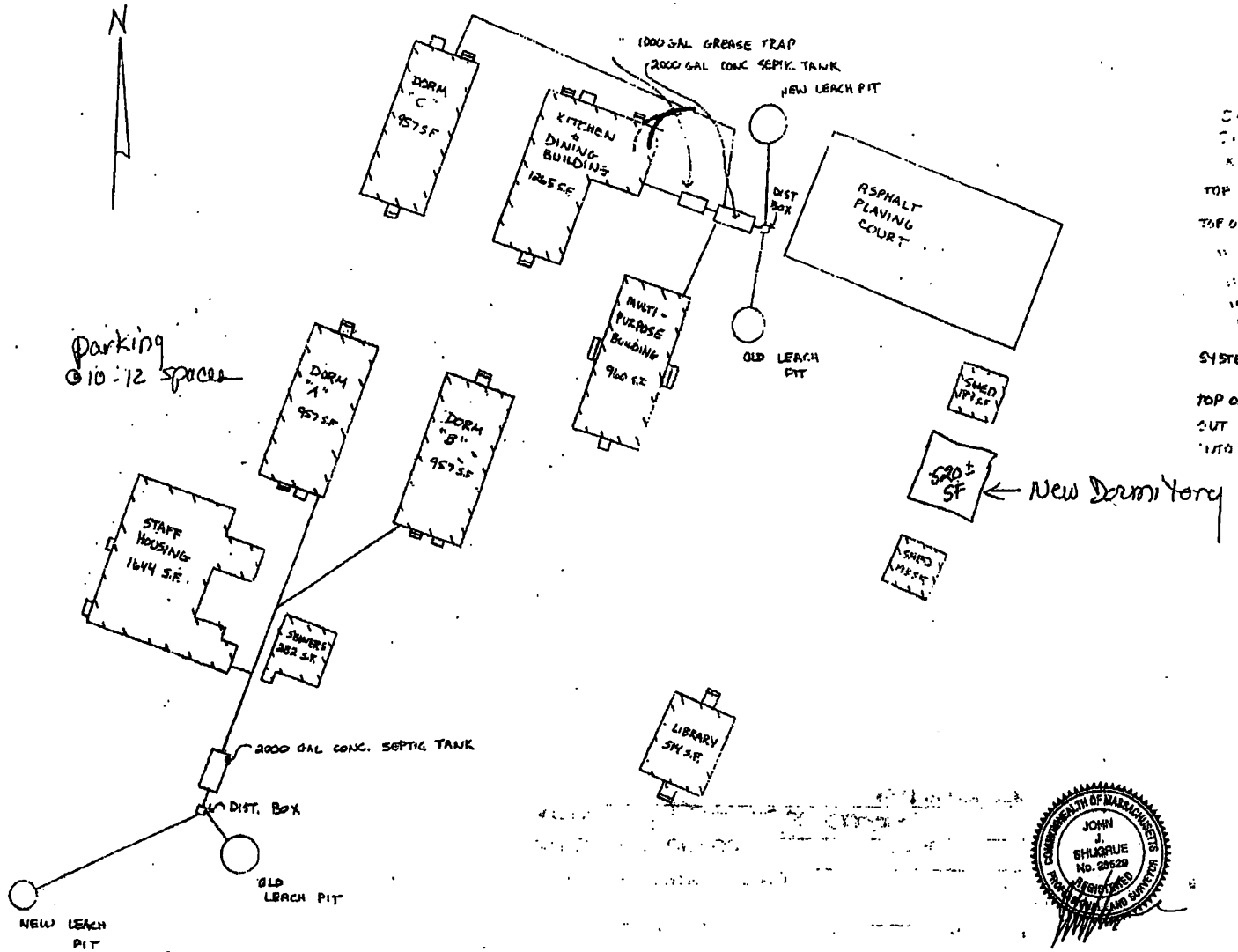
Michael J. O'Mara

Dale Waine

Edward Sanford

03 MAR 19 P2:49
TOWN CLERK

Exh. "A"



SCHEDUAL OF FLOW
SYSTEM FOR MULTI PURPOSE BUILDING
& KITCHEN & DORM C

TOP OF PIPE INTO EXISTING PIT	55.38
TOP OF PIPE INTO NEW PIT	55.38
" " DIST BOX OUT	55.61
" " DIST BOX IN	55.78
" " TANK OUT	55.83
" " TANK IN	[illegible]

SYSTEM FOR DORM A & B

TOP OF PIPE TANK IN	53.80
OUT OF DIST BOX	52.84
INTO NEW PIT	52.29

SEPTIC SYSTEM AS BUILT
IN
NANTUCKET, MA

SCALE 1" = 30'
JUNE 6, 1995
JOHN J SHUGRUE, INC
57 OLD SOUTH ROAD
NANTUCKET, MA 02554

FOR SANKATY HEAD GOLF CLUB
CADEN AMP

COMMONWEALTH OF MASSACHUSETTS
JOHN J. SHUGRUE
No. 28629
REGISTERED
PROFESSIONAL LAND SURVEYOR

101766

66

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: December 15, 2004

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

Application No.: 087-04

Owner/Applicant: Sankaty Head Golf Club

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 J. Sullivan

Nancy J. Sullivan, 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
One East Chestnut Street
Nantucket, Massachusetts 02554

Assessor's Map 49, Parcel 2
100 Sankaty Road
Limited Use General-3

Land Court Plan 9548-C
Lot 2A
Certificate of Title No. 1308

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, December 10, 2004, at 1:00 P.M., in the Conference Room, in the Town Annex Building, 37 Washington Street, Nantucket, Massachusetts, the Board made the following decision on the application of SANKATY HEAD GOLF CLUB, c/o Reade, Gullicksen, Hanley & Gifford, LLP, Post Office Box 2669, Nantucket, Massachusetts 02584, File No. 087-04:

2. The applicant is seeking MODIFICATION of the VARIANCE relief granted in the decision in Board of Appeals File No. 022-83, as modified by SPECIAL PERMIT relief granted in the decision in File No. 066-97, which allowed the construction of an employer dormitory known as "Fleming Hall", and its expansion to house up to eighteen persons. The applicant proposes to construct an addition to the building that would not increase the total number of occupants, but would enable an increase in the number of single rooms. All dimensional requirements of the Nantucket Zoning By-law would be met. [Although relief was originally granted by variance, the modification in File No. 066-97 and the present application are brought pursuant to By-law §139-7.D(4).] The locus is situated at 100 SANKATY ROAD, SIASCONSET, Assessor's Map 49, Parcel 2, is shown on Land Court Plan 9548-C as Lot 2A, and is situated in a Limited Use General-3 zoning district.

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, on the basis that no matter of planning concern was presented. There was no support or opposition presented at the public hearing.

4. As presented by the applicant's representatives, the proposed work consists of alteration of an existing employer dormitory structure on Sankaty Head Golf Club property, used primarily for housing golf professionals, in order to increase the number of single rooms while not affecting the total number of occupants, which was allowed by a previous grant of relief for up to 18 employees. The Club's manager explained that this would also facilitate the hiring and housing of female professional golf staff by providing additional privacy and bathroom facilities. Approval for the proposed changes has been granted

by the Nantucket Historic District Commission ("HDC") in its Certificate of Appropriateness No. 44759.

5. Based upon this presentation, the Board of Appeals, by UNANIMOUS vote, made the finding that the proposed alteration to the subject structure would be in harmony with the purpose and intent of the By-law, and accordingly, by the same UNANIMOUS vote, GRANTED the requested MODIFICATION to the existing variance and special permit in order to alter the structure as proposed, subject to the following conditions:

(a) The alteration of the structure shall be conducted in substantial conformity to the plans approved by the HDC in Certificate of Appropriateness No. 44759, as may be amended; and

(b) The total number of employees housed in the structure shall not exceed eighteen at any given time.

Dated: December 15, 2004

Nancy J. Sevrens

Michael J. O'Mara

Dale W. Waine

C. Richard Loftin

Edward C. Murphy

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

TOWN CLERK

JAN 05 2005

'04 DEC 15 P3:19

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

TOWN OF NANTUCKET
ZONING ADMINISTRATOR
NANTUCKET, MASSACHUSETTS 02554

RECEIVED
2012 MAY 30 PM 2 21
NANTUCKET TOWN CLERK

Date: May 30, 2012

To: Parties in Interest and Others concerned with the Decision of The Zoning Administrator in the Application of the following:

Application No: 04-12

Owner/Applicant: Sankaty Head Golf and Beach Club, Inc.

Enclosed is the Decision of the Zoning Administrator which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision to the Zoning Board of Appeals may be taken pursuant to Nantucket Zoning Bylaw Section 139-29.C.(3)

Any action appealing the Decision must be brought by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk, pursuant to Nantucket Zoning Bylaw Section 139-29.C.(6)

John B. Brescher
Zoning Administrator

cc: Town Clerk
Building Commissioner/Zoning Enforcement Officer

I CERTIFY THAT 30 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

JUL 0 2 2012

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

NANTUCKET ZONING ADMINISTRATOR
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 49, Parcel 2
100 Sankaty Road
Limited Use General - 3

Certificate of Title No. 1308
Plan File 9458-C, Lot A

DECISION:

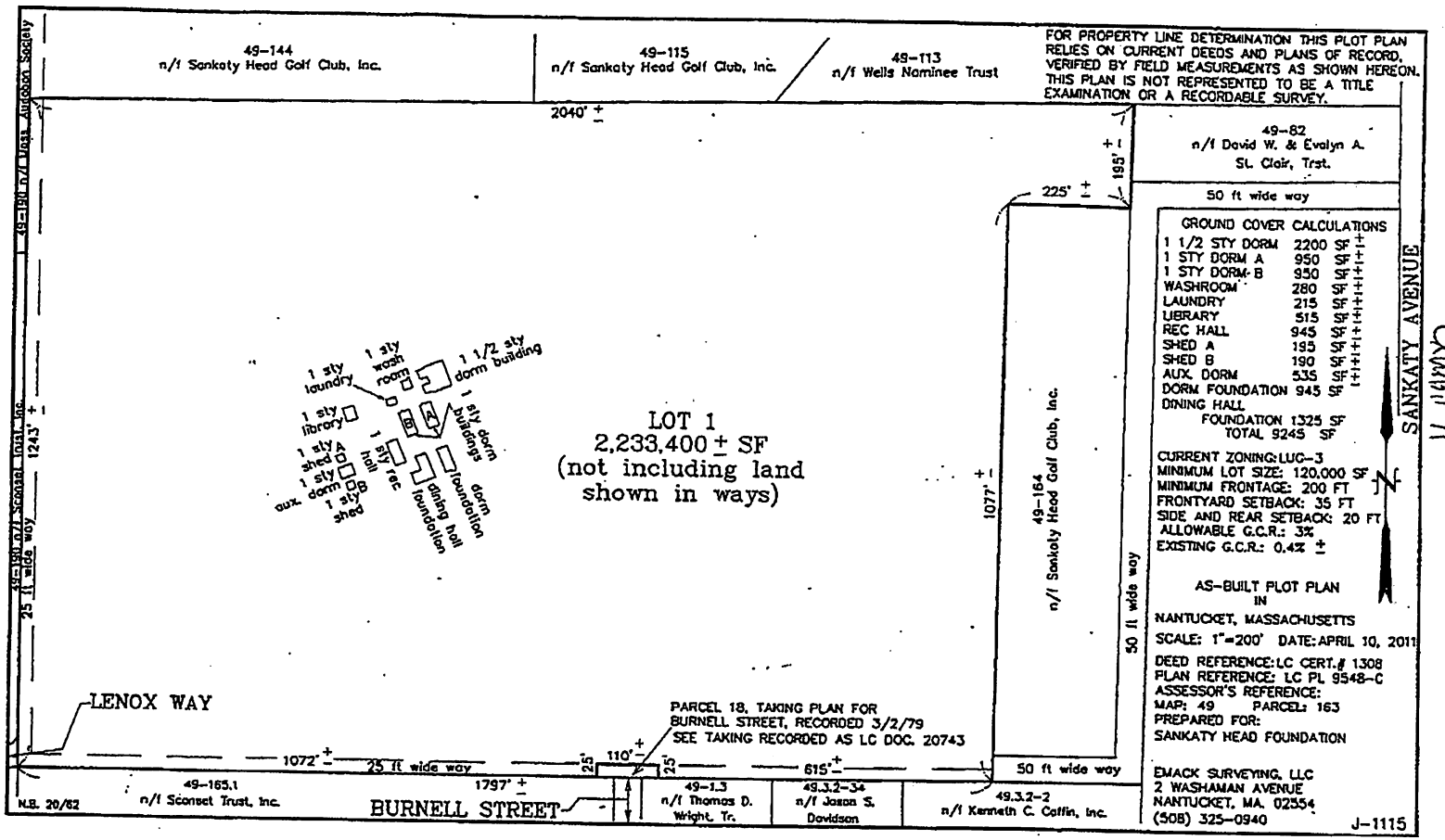
1. Upon review of the application submitted by the Applicant and the building department file of the above-referenced property, it was determined by the Zoning Administrator that pursuant to Nantucket Zoning Bylaw Section 139-33.A.(3)(a), the proposed alteration of the structure will not increase the nonconforming nature of the structure.

2. The Applicant is proposing to increase the ground cover of the new Caddy Camp Mess Hall from 1,264 +/- square feet to 1,325 +/- square feet. Said structure is an accessory use on the Locus and the proposed addition will not contain any habitable space.

3. The structures on the Locus conform to the intensity regulations of the Zoning Bylaw; however, the uses on the Locus are preexisting nonconforming to the Limited Use General - 3 zoning district and have the benefit of special permit relief. The private golf club on the Locus is a preexisting nonconforming use; the eight (8) dwellings and the caddy dormitories on the Locus all have special permit relief.

4. Therefore, because there is no increase in habitable space to the any of the structures on the Locus, the increase in ground cover of the Mess Hall structure from 1,264 +/- square feet to 1,325 +/- square feet as shown on the plan entitled, "As-Built Plot Plan," prepared Emack Surveying, dated April 10, 2011, attached hereto as "Exhibit A", will not increase the nonconforming nature of the structure on the Locus.

John B. Brescher
Zoning Administrator


49-144
n/f Sankaty Head Golf Club, Inc.
49-115
n/f Sankaty Head Golf Club, Inc.
49-113
n/f Wells Nominee Trust
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.
49-82
n/f David W. & Evelyn A. St. Clair, Trst.
50 ft wide way
2040' ±
195' ±
225' ±
1077' ±
49-164
n/f Sankaty Head Golf Club, Inc.
50 ft wide way
49-161 n/f Trust Augodon Society
49-160 n/f Sconset Trust, Inc.
25 ft wide way
1243' ±
1 sty laundry
1 sty wash room
1 1/2 sty dorm building
1 sty library
1 sty shed
1 sty dorm
1 sty shed
aux. dorm
1 sty hall
1 sty rec
1 sty dorm buildings
dining hall foundation
dorm foundation
LOT 1
2,233,400 ± SF
(not including land shown in ways)
LENOX WAY
1072' ±
25 ft wide way
1797' ±
25'
110' ±
25'
615' ±
50 ft wide way
PARCEL 18, TAKING PLAN FOR BURNELL STREET, RECORDED 3/2/79
SEE TAKING RECORDED AS LC DOC. 20743
BURNELL STREET
N.B. 20/62
49-165.1
n/f Sconset Trust, Inc.
49-1.3
n/f Thomas D. Wright, Tr.
49.3.2-34
n/f Jason S. Davidson
49.3.2-2
n/f Kenneth C. Coffin, Inc.
SANKATY AVENUE
GROUND COVER CALCULATIONS
1 1/2 STY DORM 2200 SF ±
1 STY DORM A 950 SF ±
1 STY DORM-B 950 SF ±
WASHROOM 280 SF ±
LAUNDRY 215 SF ±
LIBRARY 515 SF ±
REC HALL 945 SF ±
SHED A 195 SF ±
SHED B 190 SF ±
AUX. DORM 535 SF ±
DORM FOUNDATION 945 SF
DINING HALL
FOUNDATION 1325 SF
TOTAL 9245 SF
CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000 SF
MINIMUM FRONTAGE: 200 FT
FRONTYARD SETBACK: 35 FT
SIDE AND REAR SETBACK: 20 FT
ALLOWABLE G.C.R.: 3%
EXISTING G.C.R.: 0.4% ±
AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=200' DATE: APRIL 10, 2011
DEED REFERENCE: LC CERT.# 1308
PLAN REFERENCE: LC PL 9548-C
ASSESSOR'S REFERENCE:
MAP: 49 PARCEL: 163
PREPARED FOR:
SANKATY HEAD FOUNDATION
EMACK SURVEYING, LLC
2 WASHAMAN AVENUE
NANTUCKET, MA. 02554
(508) 325-0940
J-1115

"Exhibit A"

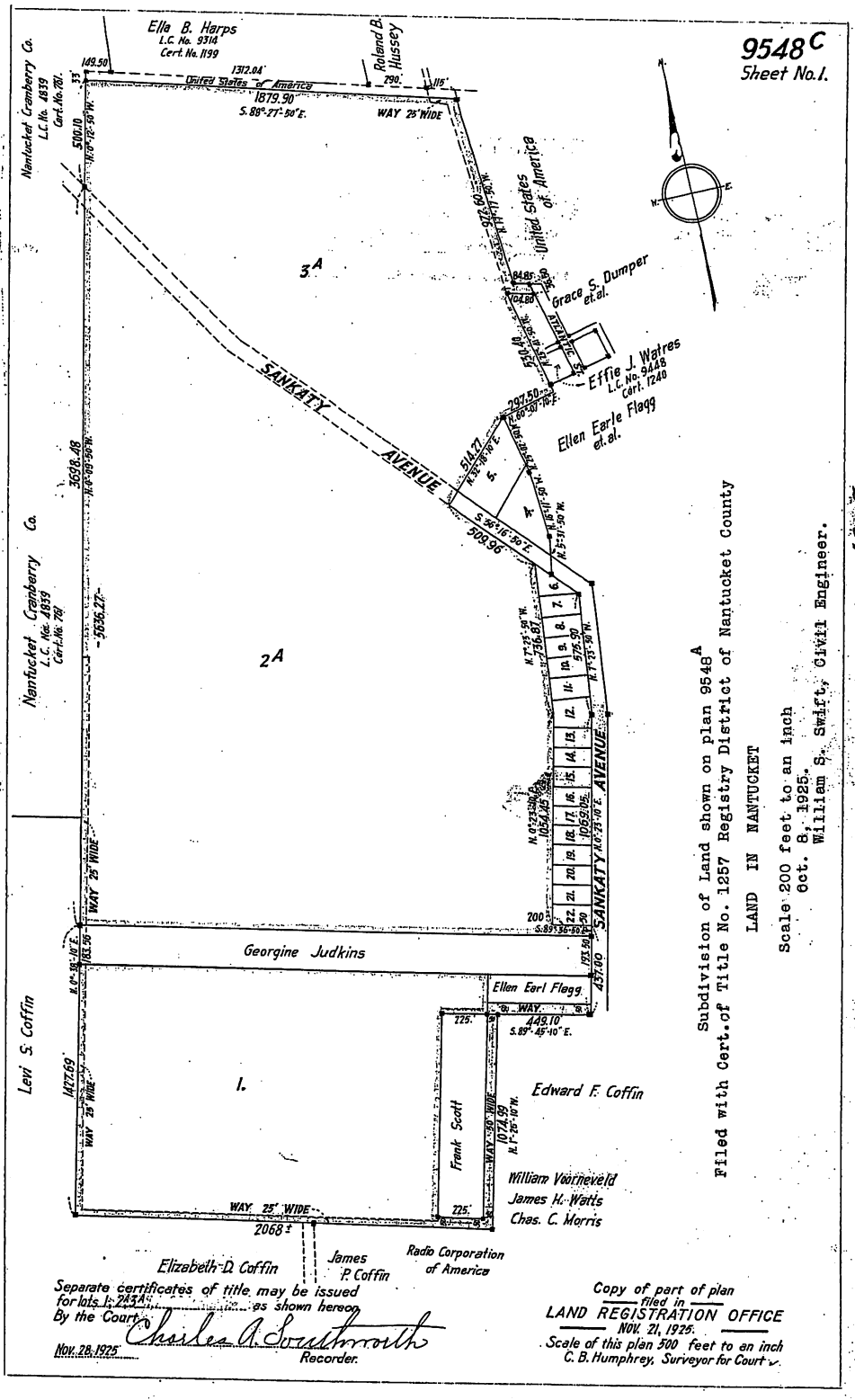
Property Information

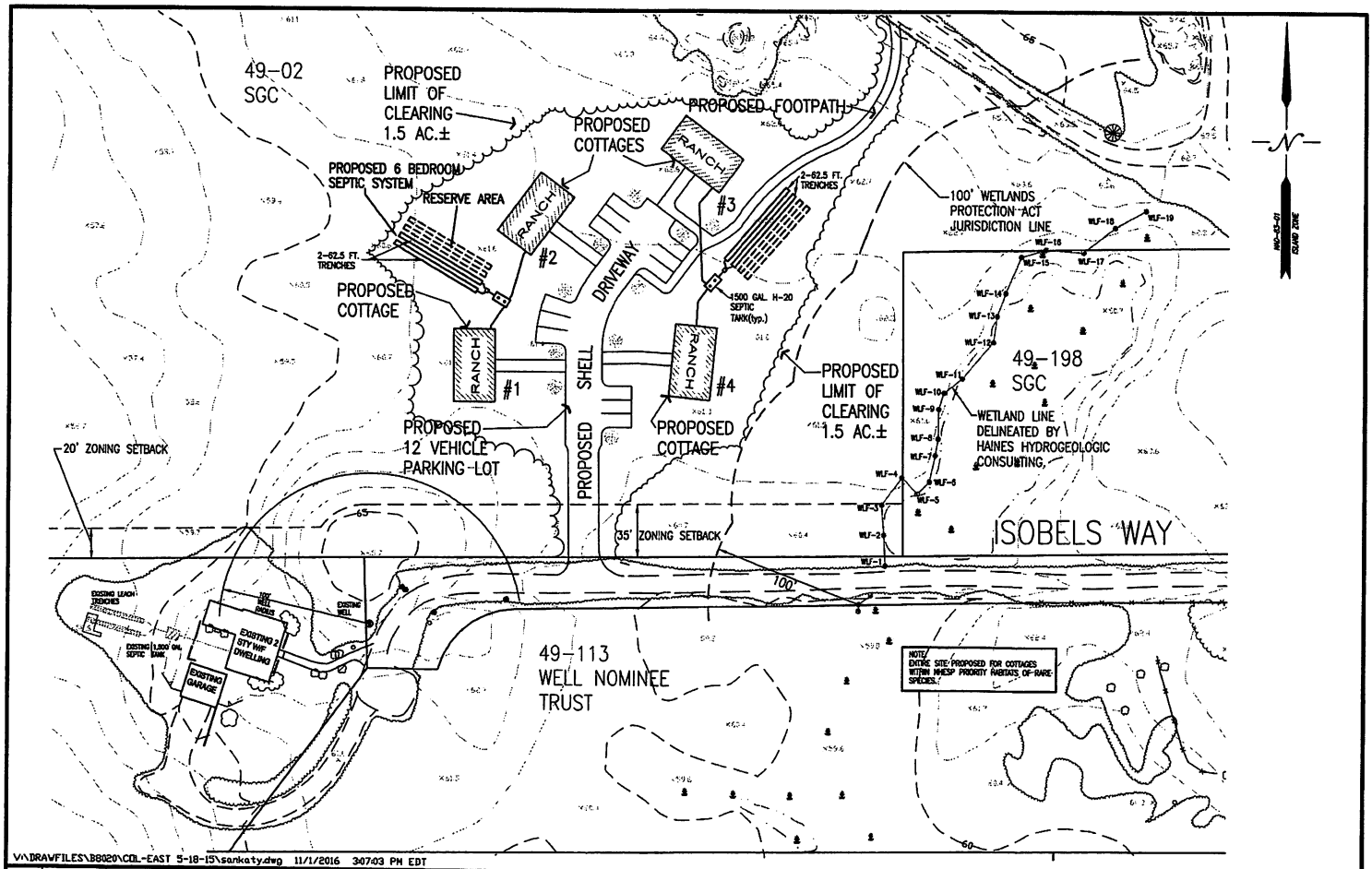
Property ID	49 163
Location	100 SANKATY RD
Owner	SANKATY HEAD GOLF CLUB INC

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


9548C
Sheet No. I.
Ella B. Harps
L.C. No. 9314
Cert. No. 1199
Roland B. Hussey
United States of America
1879.90
S. 88°-27'-50" E.
WAY 25' WIDE
Nantucket Cranberry Co.
L.C. No. 4839
Cert. No. 781
United States of America
Grace S. Dumper et. al.
Effie J. Waires
L.C. No. 9448
Cert. 1240
Ellen Earle Flagg et. al.
SANKATY AVENUE
3A
2A
1.
Georgine Judkins
Ellen Earl Flagg
449.10
S. 89°-45'-10" E.
Edward F. Coffin
Frank Scott
William Voorheveld
James H. Watts
Chas. C. Morris
Levi S. Coffin
Elizabeth D. Coffin
James P. Coffin
Radio Corporation of America
Separate certificates of title may be issued for lots 1, 2A, 3A as shown hereon
By the Court
Nov. 28, 1925
Charles A. Southworth
Recorder.
Copy of part of plan filed in
LAND REGISTRATION OFFICE
NOV. 21, 1925.
Scale of this plan 500 feet to an inch
C. B. Humphrey, Surveyor for Court
Subdivision of Land shown on plan 9548A
Filed with Cert. of Title No. 1257 Registry District of Nantucket County
LAND IN NANTUCKET
Scale 200 feet to an inch
Oct. 8, 1925.
William S. Swift, Civil Engineer.
This plan filed with Certificate No. 1257



NO.	DATE	DESCRIPTION	BY
3	10-30-16	ADD DELINEATED WETLAND	LCA
2	9-28-16	REV. LIMIT OF CLEARING	LCA
1	8-2-16	ADD SEPTIC LAYOUT SCHEME	LCA

GRAPHIC SCALE

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

PLAN TO ACCOMPANY MESA APPLICATION

100 SANKATY ROAD, OFF ISOBEL'S WAY - SIASCONSET

prepared for: SANKATY GOLF CLUB; NANTUCKET, MASSACHUSETTS

1 INCH = 30 FEET — OCTOBER 30, 2016

Design/Drawn by: LCA

Approved by:

SHEET 1 OF1 B-8020

$16

RECEIVED
BOARD OF ASSESSORS
SEP 28 2016
TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER.....SANKATY HEAD GOLF CLUB

MAILING ADDRESS.....P.O. Box 293, 100 SANKATY RD, SIASCONSET, MA 02564

PROPERTY LOCATION.....100 SANKATY ROAD, SIASCONSET, MA 02564

ASSESSOR MAP/PARCEL.....49/2

SUBMITTED BY.....

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).

9/28/16
DATE

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
47		1		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA 02554	POLPIS RD
47		2		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA 02554	POLPIS RD
48		23		KORENGOLD DANIEL L TRST	D & M BAXTER ROAD NOM TRUST	101 EAST MELROSE STREET	CHEVY CHASE	MD 20815	92 BAXTER RD
48		26		GIFFORD WHITNEY A	C/O GRETZ HANNAH J	940 EAST DEERPATH RD	LAKE FOREST	IL 60045	115 SANKATY RD
48		27		GIFFORD WHITNEY A TRST	C/O CRONIN CAROL	19 MAYO AVENUE	ANNAPOLIS	MD 21403	117 SANKATY RD
48		44		WEBB ALEXANDER III & LAURA R		91 PINCKNEY ST	BOSTON	MA 02114	96 BAXTER RD
48		45		KORENGOLD DANIEL L TRST	D & M BAXTER ROAD NOM TRUST	101 EAST MELROSE STREET	CHEVY CHASE	MD 20815	94 BAXTER RD
48		46		DIFFELL MARTHA L TRST ETAL	DLEHLD NOM TRUST	101 EAST MELROSE ST	CHECY CHASE	MD 20815	107 SANKATY RD
48		47	1	GIFFORD WHITNEY A TRST	C/O GRETZ HANNAH J	940 EAST DEERPATH RD	LAKE FOREST	IL 60045	111 SANKATY RD
49		1		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA 02554	MIDDLE PASTURE
49		2		SANKATY HEAD GOLF CLUB INC		PO BOX 293	SIASCONSET	MA 02564	100 SANKATY RD
49		4		MASSEY CRAIG & POPPI E G TRS		P O BOX 270806	HOUSTON	TX 77277	103 SANKATY RD
49		5		GUIDO LAURANCE J MD PACS ETAL		73 A SNAPPER LANE	KEY LARGO	FL 33037	90 BAXTER RD
49		36		MANERA JOHN TRUSTEE ETAL	C/O 86 BAXTER ROAD LLC	244 WEYBOSSET STREET	PROVIDENCE	RI 02903	86 BAXTER RD
49		82		ST CLAIR DAVID W & EVALYN A TRST		31 SUNCLIFF DR	TARRYTOWN	NY 10591	74 SANKATY RD
49		90		SCONSET TRUST INC		P O BOX 821	SIASCONSET	MA 02564	81 SANKATY RD
49		91		GPJ INC	C/O MEADE JULIE	4 BACON CT	BRONXVILLE	NY 10708	85 SANKATY RD
49		92		GABLES REALTY TRUST	C/O GIRARD RUDDICK	40 BROWNELL STREET	WARREN	RI 02885	6 BAYBERRY SIAS LN
49		92	1	RUDDICK J PERRY & SUSAN H TRST	A SEPARATE PEACE TR-J MEADE	4 BACON COURT	BRONXVILLE	NY 10708	8 BAYBERRY SIAS LN
49		94		HUNTER JULIET F		PO BOX 358	SIASCONSET	MA 02564	97 SANKATY RD
49		95		ROOSEVELT KERMIT TRST	NIMZO NOMINEE TRUST	P O BOX 616	SIASCONSET	MA 02564	101 SANKATY RD
49		113		WELLS JOSEPH L & ERIKA A TRST	WELLS NOMINEE TRUST	1 WEST EDITH AV UNIT B206	LOS ALTOS	CA 94022	8 ISOBELS WY
49		114		WERLE KEVIN C & WENDY E		11 OLD STONE CROSSING	WEST TIMSBURY	CT 06092	80 SANKATY RD
49		162		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA 02554	OFF BURNELL ST
49		163		SANKATY HEAD GOLF CLUB INC		PO BOX 293	SIASCONSET	MA 02564	100 SANKATY RD
49		182		WHITELEY JEANNE S	C/O JEANNE WULLSCHLEGGER	11872 SE VILLAGE DR	TEQUESTA	FL 33469	93 SANKATY RD
49		183		STARBUCK ROBERT F & SUSAN A		82 LARCHWOOD DR	CAMBRIDGE	MA 02138	91 SANKATY RD
49		184		MACDOUGALL LOUISE TR	MACDOUGALL LIVING TRUST	495 VALLEY CLUB RD	SANTA BARBARA	CA 93108	9 BAYBERRY SIAS LN
49		185		WALLACE WILLIAM F & SUZANNE M		39 BROAD BROOK RD	BEDFORD HILLS	NY 10507	7 BAYBERRY SIAS LN
49		186		WALLACE WILLIAM F & SUZANNE M		39 BROAD BROOK RD	BEDFORD HILLS	NY 10507	5 BAYBERRY SIAS LN
49		188		SINGER ELIZABETH		674 AD HOC RD	GREAT FALLS	VA 22066	64R BAXTER RD

CERTIFICATE NO: 66788 DATE ISSUED: 10/25/16

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind,* prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 49 PARCEL N°. 2

Street & Number of Proposed Work: 100 Sankaty Road

Owner of record: Sankaty Head Golf Club, Inc

Mailing Address: 100 Sankaty Road
Nantucket, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Concept Design

Mailing Address: 33 1/2 Vesper Lane
Nantucket, MA

Contact Phone #: 5082213009 E-mail: _____

FOR OFFICE USE ONLY

Chk - 3662 263.20

Date application received: 9/23/16 Fee Paid: $ ~~270.20~~

Must be acted on by: 11/28/16

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☒ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Landscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District _____) ☐ Roof ☐ Other Building #1

Size of Structure or Addition: Length: 48' Sq. Footage 1st floor: 1315 SF Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: 28' Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North No Change South — East — West —

Height of ridge above final finish grade: North 19'6" South 19'6" East 19'6" West 19'6"

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" +/- ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass 8/12 Secondary Mass _____/12 Dormer 4/12 Other _____

Roofing material: ☒ Asphalt: ☐ 3-Tab ☒ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer Velux Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☒ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☒ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☒ Cedar ☐ Other _____

B. Treatment ☐ Paint ☒ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake 1x8 Soffit (Overhang) _____ Corner boards 1x6 Frieze 1x8

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☒ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights(muntins), single pane ☒ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☒ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall Natural Clapboard (if applicable) _____ Roof Grey

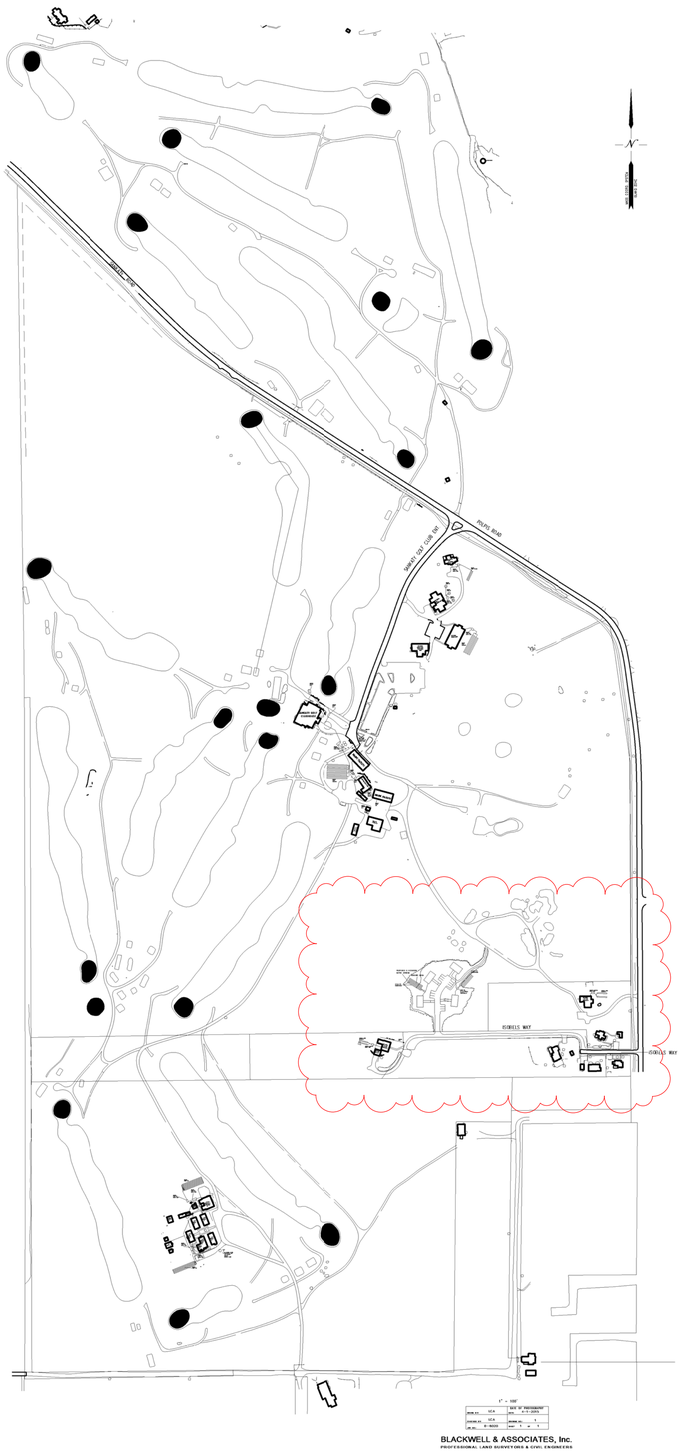
Trim Natural Sash White Doors White/Gardner Green Front Door

Deck Natural Foundation Natural Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

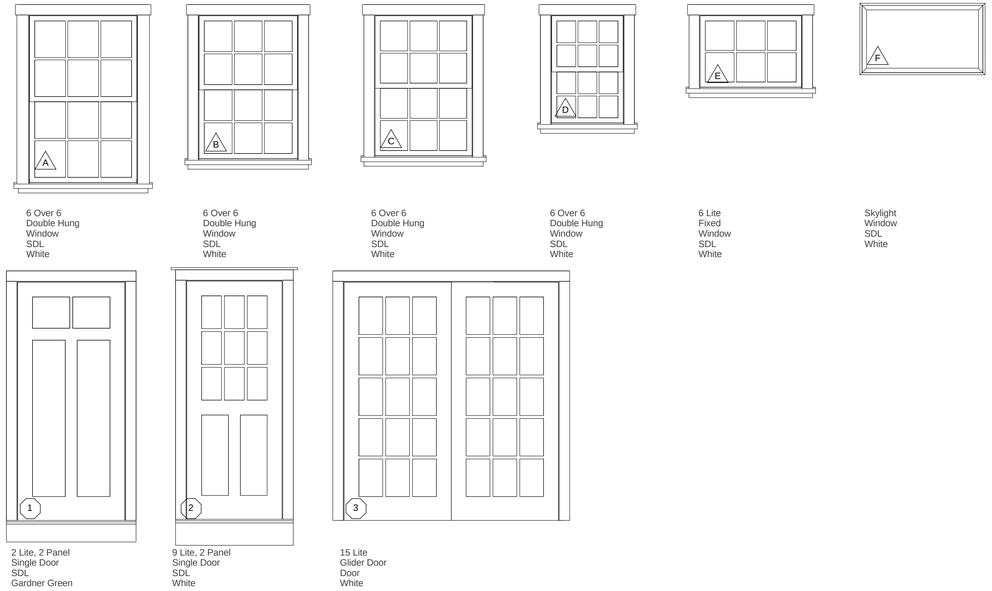
I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

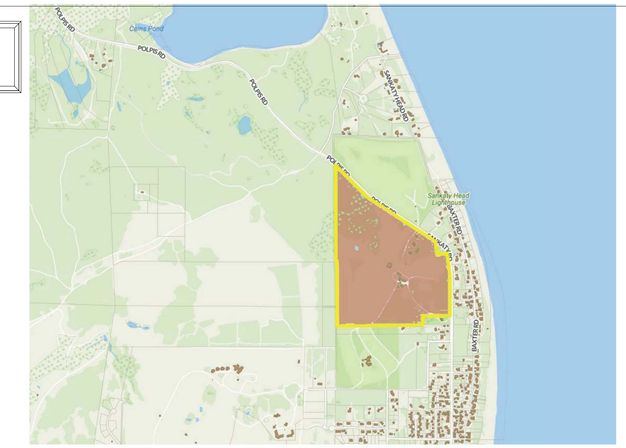
Date 9/13/16 Signature of owner of record Sankaty Head Golf Club / Secretary / Clerk Signed under penalties of perjury

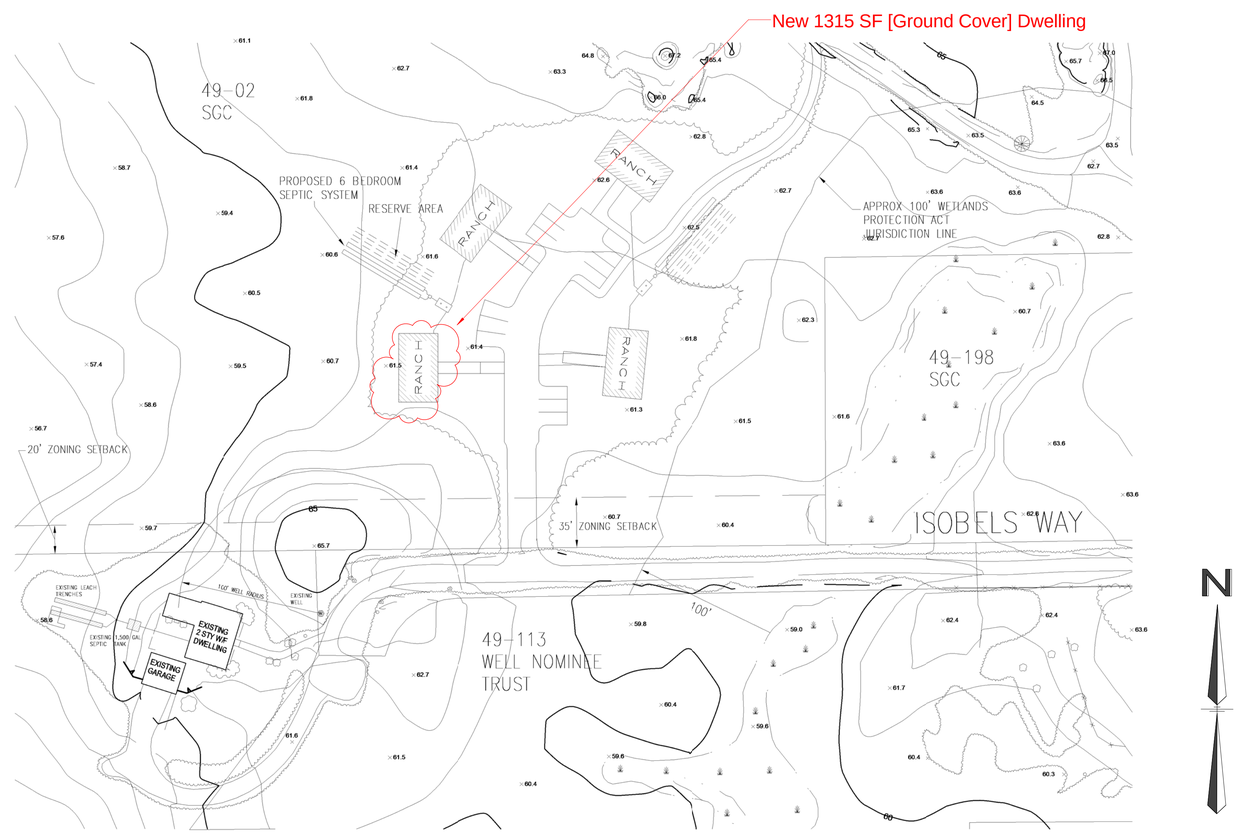


2 Site Key

1" = 300'-0"







1 Partial Site Plan

1" = 50'-0"

Map & Parcel	49-2
Current Zoning	LUG3
Minimum Frontage	200 FT
Front Setback	35 FT
Side/Rear Setback	20FT
Min. Lot Size	120,000 SF
Lot Size	9,128,282 SF
Allowable G.C.	273,848 SF
Existing G.C.	32,760 SF
Proposed G.C.	1315 SF
Total Proposed G.C.	35,390 SF

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 1]

100 Sankaty Road
Nantucket, MA 02554

Residential Design & Plan

Concept Design

508.332.4634
117 Pleasant Street
Nantucket, MA 02554

These Designs are the Property of CONCEPT DESIGN, LLC and May Not be Used Beyond the Scope of This Project Without Express Written Consent. Applicable Copyright Laws Will be Enforced ©2016

C1.1
COVER SHEET

1 **Basement**
1/4" = 1'-0"

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 1]

100 Sankaty Road
Nantucket, MA 02554

Residential Design & Plan

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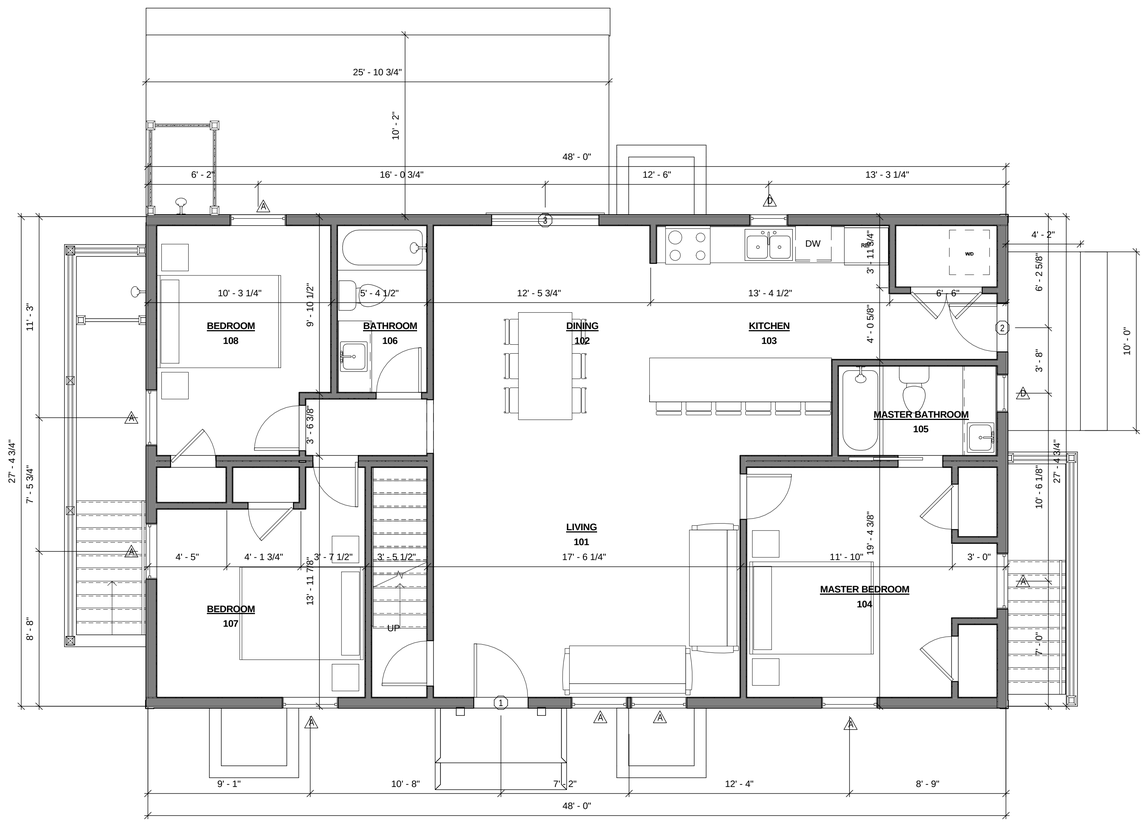
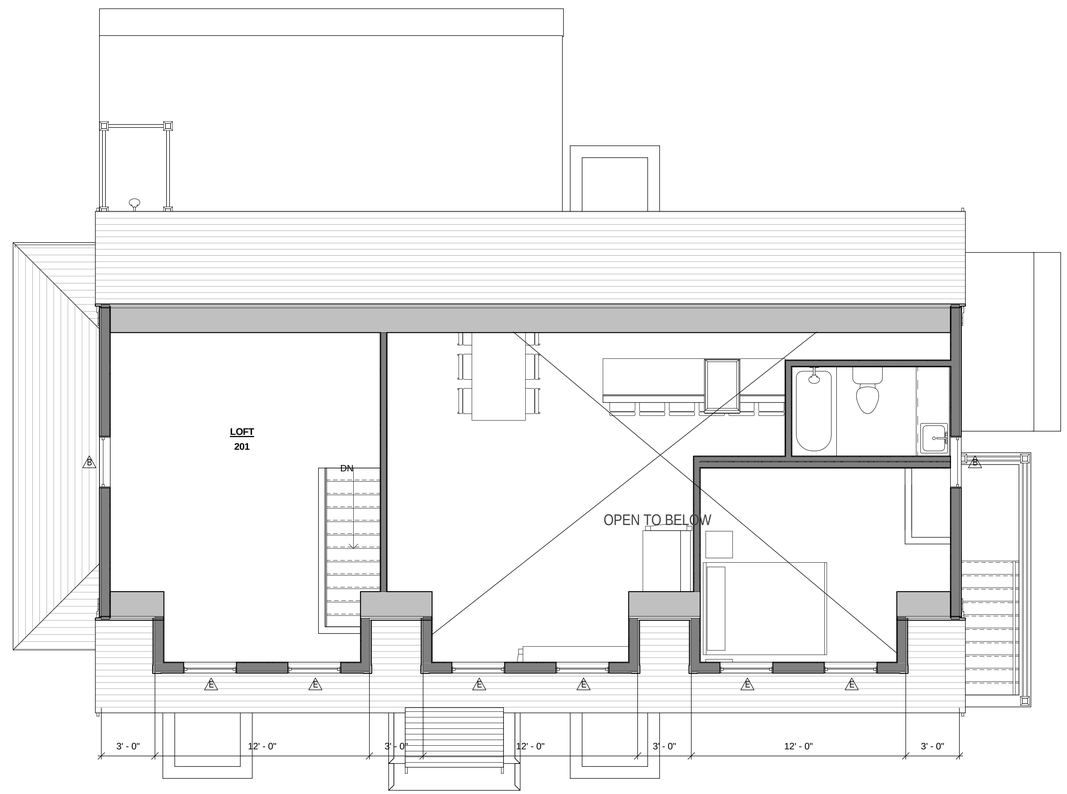
A1.0 BASEMENT PLAN



1 **First Floor**
1/4" = 1'-0"



2 **Second Floor**
1/4" = 1'-0"

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 1]

100 Sankaty Road
Nantucket, MA 02554

Residential
Design &
Plan

Concept Design

508.332.4634
117 Pleasant Street
Nantucket, MA 02554

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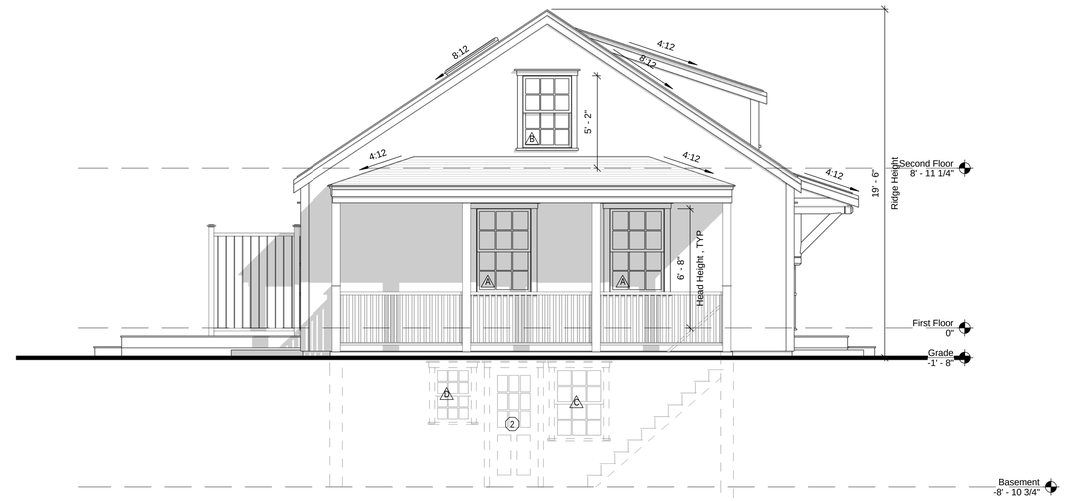
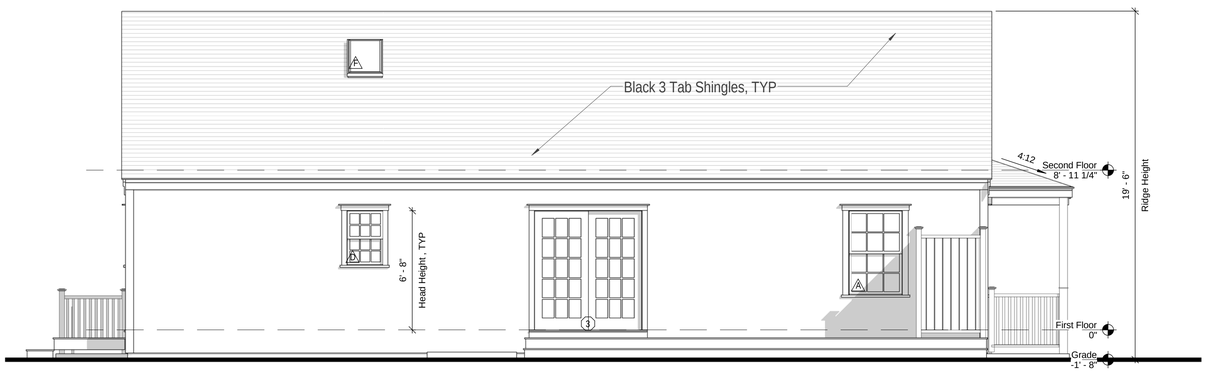
A1.1
FLOOR PLAN

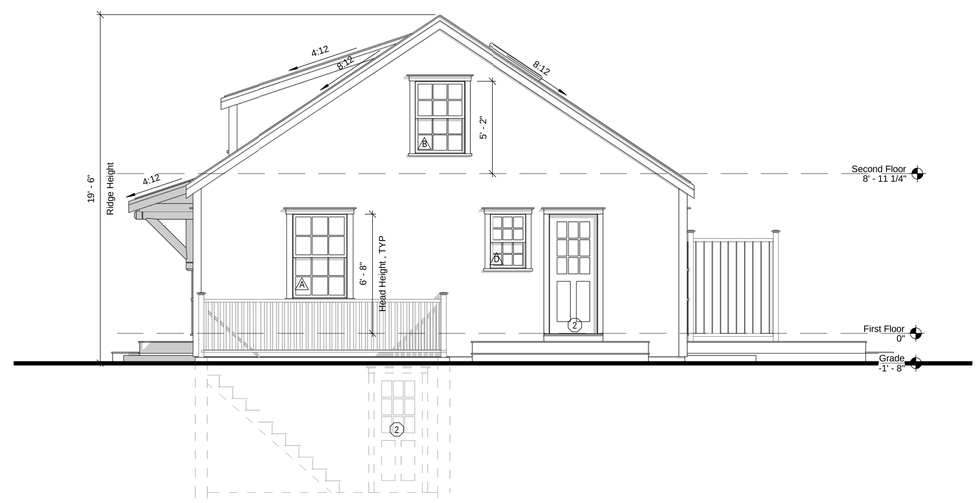
1 East Elevation
1/4" = 1'-0"



2 South Elevation
1/4" = 1'-0"



3 West Elevation
1/4" = 1'-0"



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

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 1]
100 Sankaty Road
Nantucket, MA 02554

Residential
Design &
Plan

Concept Design

508.332.4634
117 Pleasant Street
Nantucket, MA 02554

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A2.1
EXTERIOR ELEVATIONS

CERTIFICATE NO: 66789 DATE ISSUED: 10/25/16

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind,* prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

FOR OFFICE USE ONLY

chk - 3662

Date application received: 9/23/16 Fee Paid: $ ~~270.00~~ 263.30

Must be acted on by: 11/28/16

Extended to:

Approved: Disapproved:

Chairman: Mary Kate Lucas Coons

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

Mirror image to second drawing

PROPERTY DESCRIPTION

TAX MAP N°: 49 PARCEL N°. 2

Street & Number of Proposed Work: 100 Sankaty Road

Owner of record: Sankaty Head Golf Club, Inc.

Mailing Address: 100 Sankaty Road
Nantucket, MA 02554

Contact Phone #: E-mail:

AGENT INFORMATION (if applicable)

Name: Covert Design

Mailing Address: 23½ Vesper Lane
Nantucket, MA

Contact Phone #: 508 221 3009 E-mail:

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☒ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Landscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.
☐ Pool (Zoning District) ☐ Roof ☐ Other Building #2

Size of Structure or Addition: Length: 48' Sq. Footage 1st floor: 1345 S.F. Decks/Patio: Size: ☐ 1st floor ☐ 2nd floor
Width: 28' Sq. footage 2nd floor: Size: ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North No Change South — East — West —

Height of ridge above final finish grade: North 19'6" South 19'6" East 19'6" West 19'6"

Additional Remarks

Historic Name:

Original Date:

Original Builder:

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

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8" +/- ☐ Block ☐ Block Parged ☐ Brick (type) ☒ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) ☐ Other

Roof Pitch: Main Mass 8/12 Secondary Mass /12 Dormer 4/12 Other

Roofing material: ☒ Asphalt: ☐ 3-Tab ☒ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height:
Type:
Length:

Skylights (flat only): Manufacturer Velux Rough Opening Size Location

Manufacturer Rough Opening Size Location

Gutters: ☐ Wood ☒ Aluminum ☐ Copper ☐ Leaders (material)

Leaders (material and size):

Sidewall: ☒ White cedar shingles ☐ Clapboard (exposure: inches) Front ☐ Side ☐
☐ Other

Trim: A. Wood ☐ Pine ☐ Redwood ☒ Cedar ☐ Other
B. Treatment ☐ Paint ☒ Natural to weather ☐ Other
C. Dimensions: Fascia Rake 1x8 Soffit (Overhang) Corner boards 1x6 Frieze 1x8
Window Casing Door Frame Columns/Posts: Round Square

Windows*: ☒ Double Hung ☐ Casement ☐ All Wood ☐ Other
☐ True Divided Lights(muntins), single pane ☒ SDL's (Simulated Divided Lights) Manufacturer

Doors* (type and material): ☐ TDL ☒ SDL Front Rear Side
Garage Door(s): Type Material

Hardscape materials: Driveways Walkways Walls

* Note: Complete door and window schedules are required.

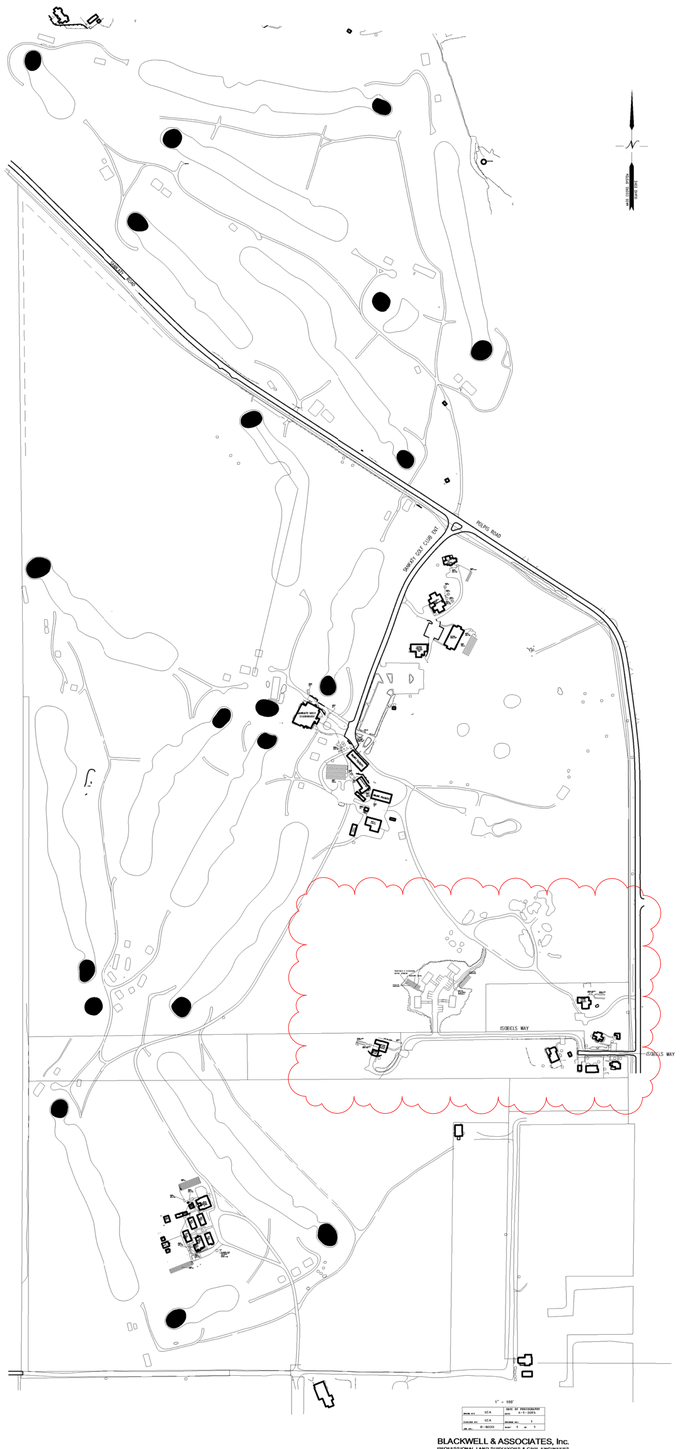
COLORS

Sidewall Natural Clapboard (if applicable) Roof Grey
Trim Natural Sash White Doors White / Gardner Green Front Door
Deck Natural Foundation Natural Fence Shutters

* Attach manufacturer's color samples if color is not from HDC approval list.

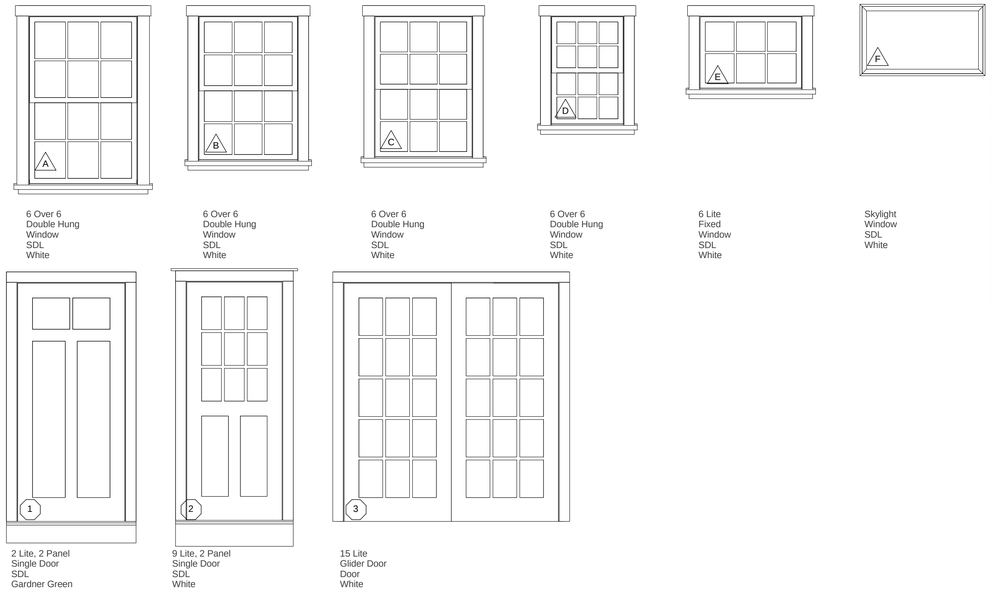
I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

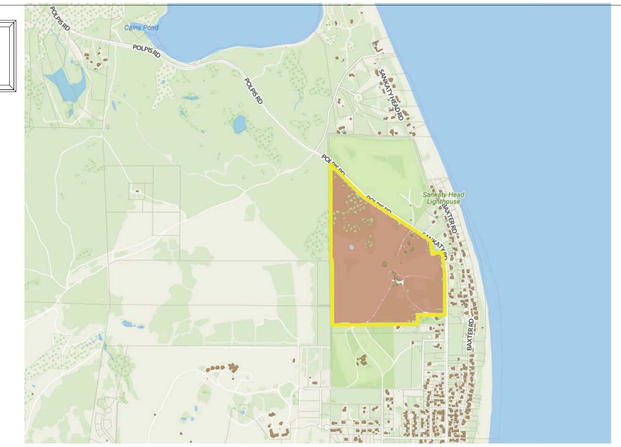
Date 9/13/16 Signature of owner of record By Sankaty Head Golf Club John F. Dale, Secretary/Clerk Signed under penalties of perjury

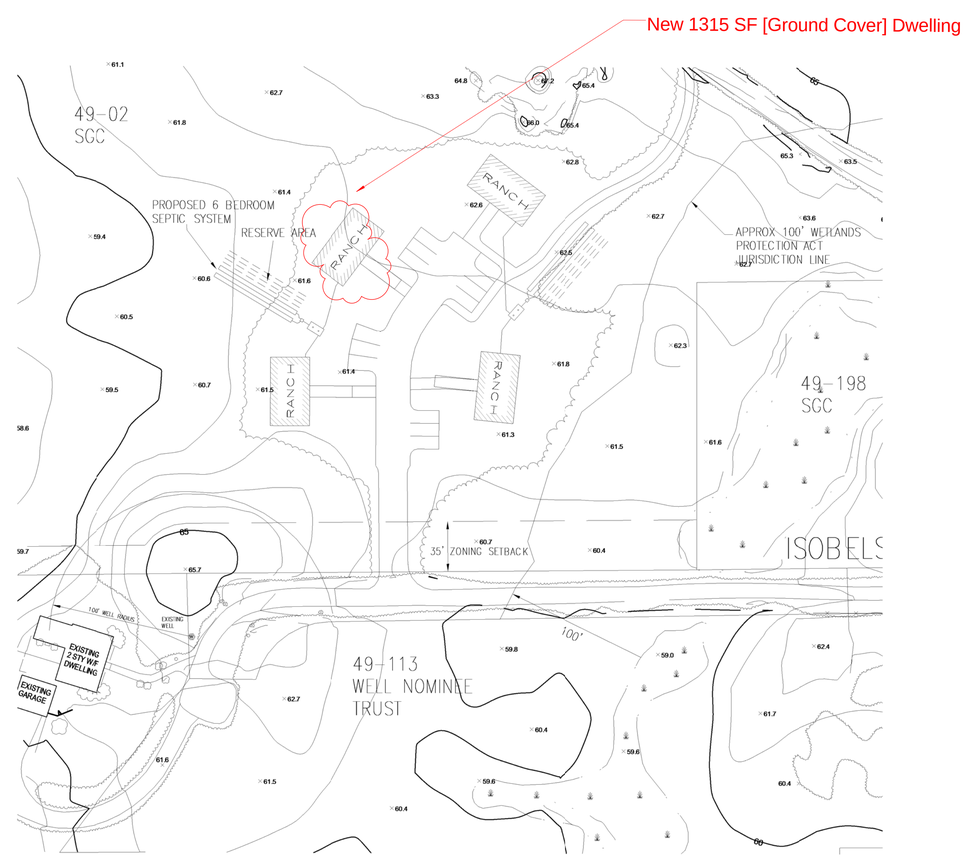


2 Site Key

1" = 300'-0"







1 Partial Site Plan

1" = 50'-0"

N

Map & Parcel	49-2
Current Zoning	LUG3
Minimum Frontage	200 FT
Front Setback	35 FT
Side/Rear Setback	20FT
Min. Lot Size	120,000 SF
Lot Size	9,128,282 SF
Allowable G.C.	273,848 SF
Existing G.C.	32,760 SF
Proposed G.C.	1315 SF
Total Proposed G.C.	35,390 SF

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 2]

100 Sankaty Road
Nantucket, MA 02554

Concept Design
Residential Design & Plan

508.332.4634
117 Pleasant Street
Nantucket, MA 02554

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C1.1
COVER SHEET

1 **Basement**
1/4" = 1'-0"

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 2]

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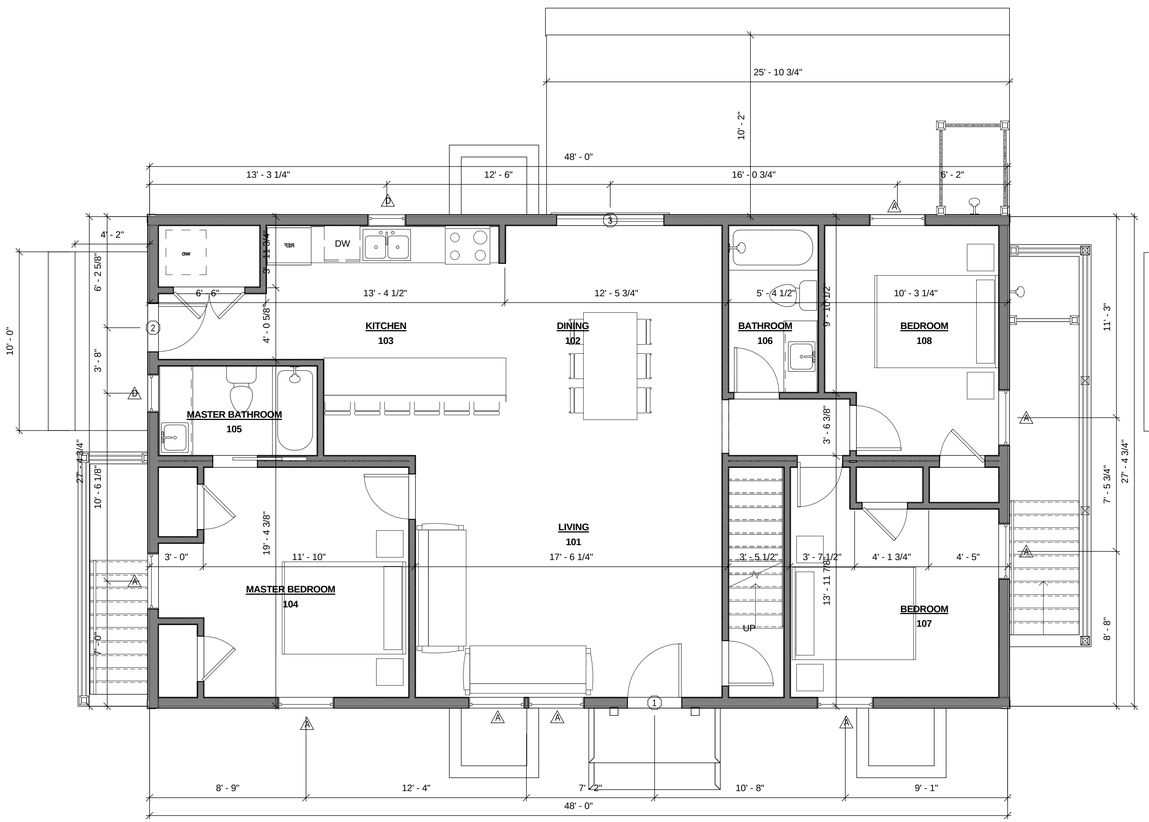
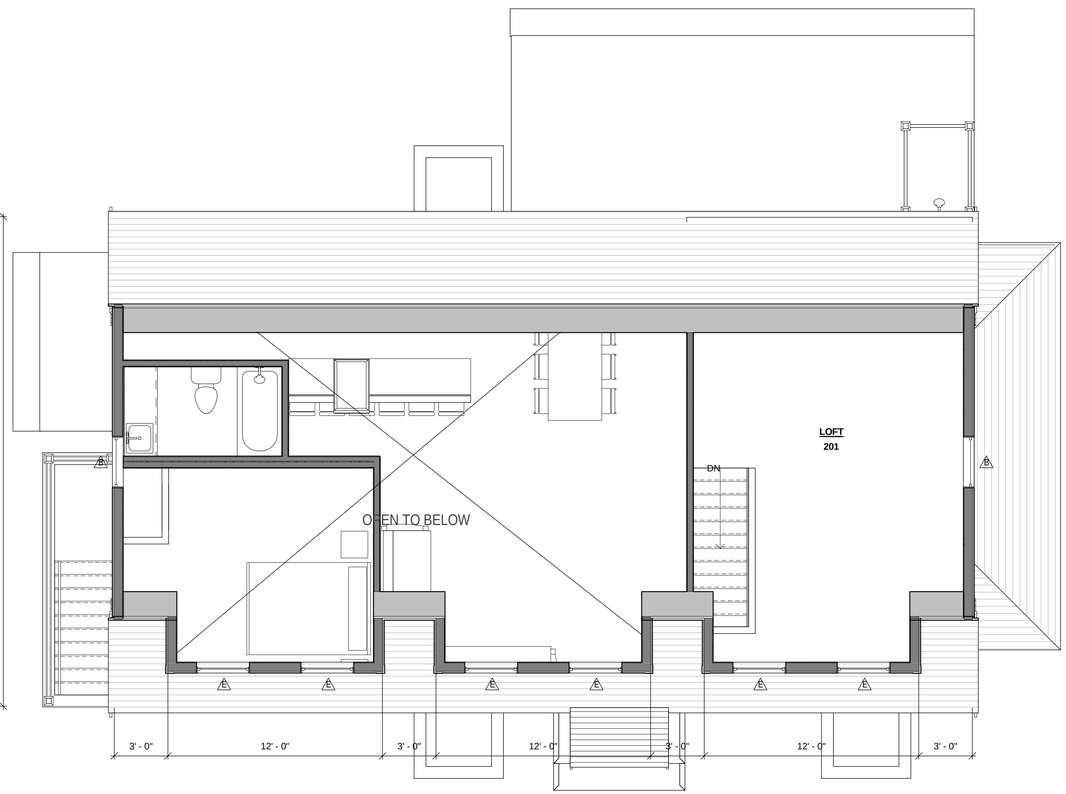
A1.0 BASEMENT PLAN



1 First Floor

1/4" = 1'-0"



2 Second Floor

1/4" = 1'-0"

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 2]

100 Sankaty Road
Nantucket, MA 02554

Residential
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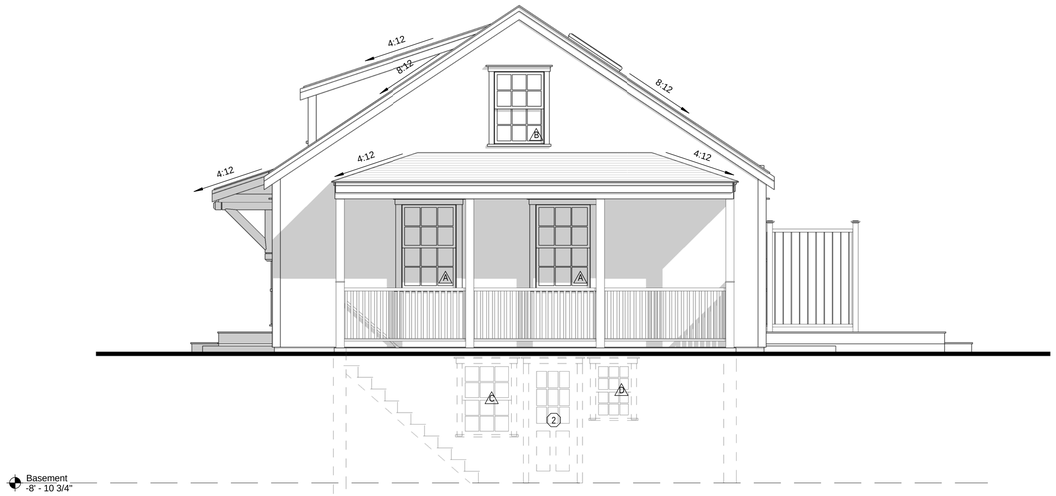
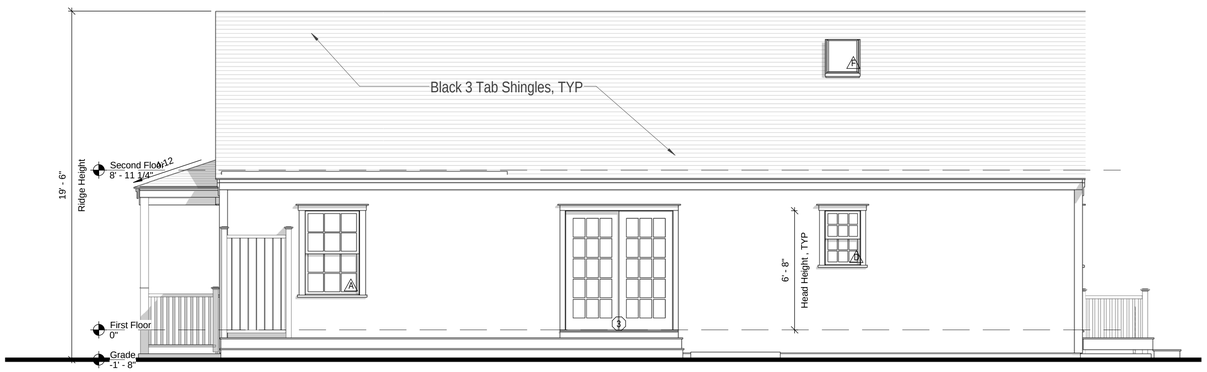
A1.1
FLOOR PLAN

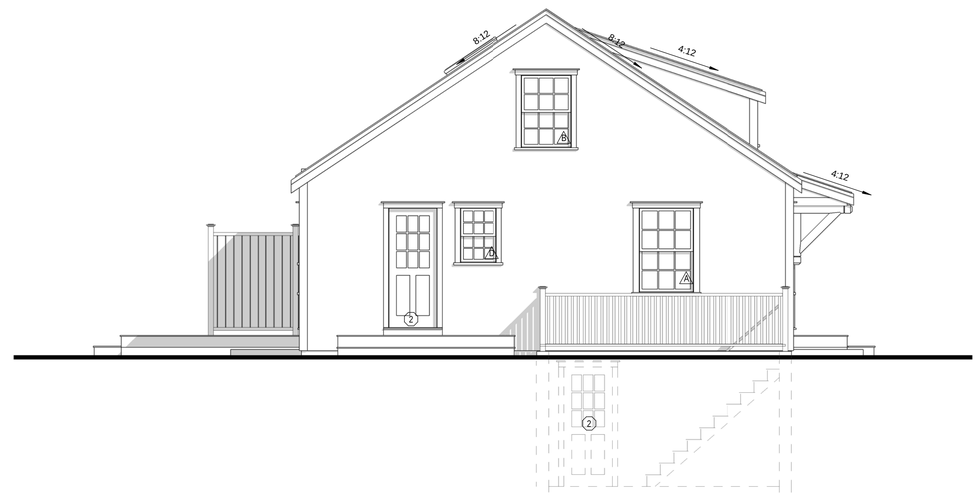
1 Southeast Elevation
1/4" = 1'-0"



2 Northeast Elevation
1/4" = 1'-0"



3 Northwest Elevation
1/4" = 1'-0"



4 Southwest Elevation
1/4" = 1'-0"

HDC Approval
Through Staff
10.26.16

Sankaty Head Golf Club [Bldg 2]
100 Sankaty Road
Nantucket, MA 02554

Residential Design & Plan

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A2.1
EXTERIOR ELEVATIONS

Ronald & Ellen WINTERS

12 GARDNER ST.

FILE NO. 01-17

PAID
DEC 12 2016
BY: CHK # 8519 $450

NANTUCKET TOWN CLERK
2016 DEC 30 AM 11:43

2016 DEC 12 AM 11:28

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No.** 01-17

Owner's name(s): Ronald & Ellen Winters

Mailing address: P.O. Box 1540

Phone Number: 508-228-3449 E-Mail: ronwinters@thirdacrewood.com

Applicant's name(s): Same

Mailing Address:

Phone Number: E-Mail:

Locus Address: 12 Gardner St Assessor's Map/Parcel: 42.3.3/12

Land Court Plan/Plan Book & Page/Plan File No.: LCP#21923-A Cert # 24714

Deed Reference/Certificate of Title: Zoning District ROH

Uses on Lot- Commercial: None ____ Yes (describe) ____
Residential: Number of dwellings 1 Duplex ____ Apartments ____

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

Building Permit Numbers: None

Previous Zoning Board Application Numbers: None

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

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*
Sarah F. Alger, Attorney

*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
(Nantucket Zoning Board of Appeals Application
189 Polpis Road, Nantucket, Massachusetts)

The Applicants seek a Variance under Nantucket Zoning By-law (the "By-law") §139-32 from the intensity regulations of By-law §139-16 to validate the existing ground cover of about 3.03% or about 4,070 square feet on the locus.

In the alternative, the Applicants request a finding that either (a) the second floor dormers over the porches on the main dwelling do not constitute "overhangs which contain enclosed interior space" within the meaning of "ground cover" in the definitions in By-law §139-2 and, as a result, are not considered as "ground cover" for purposes of the By-law, or (b) that the ground cover overage of about 0.03% or 41 square feet is *de minimus* and does not constitute a zoning violation.

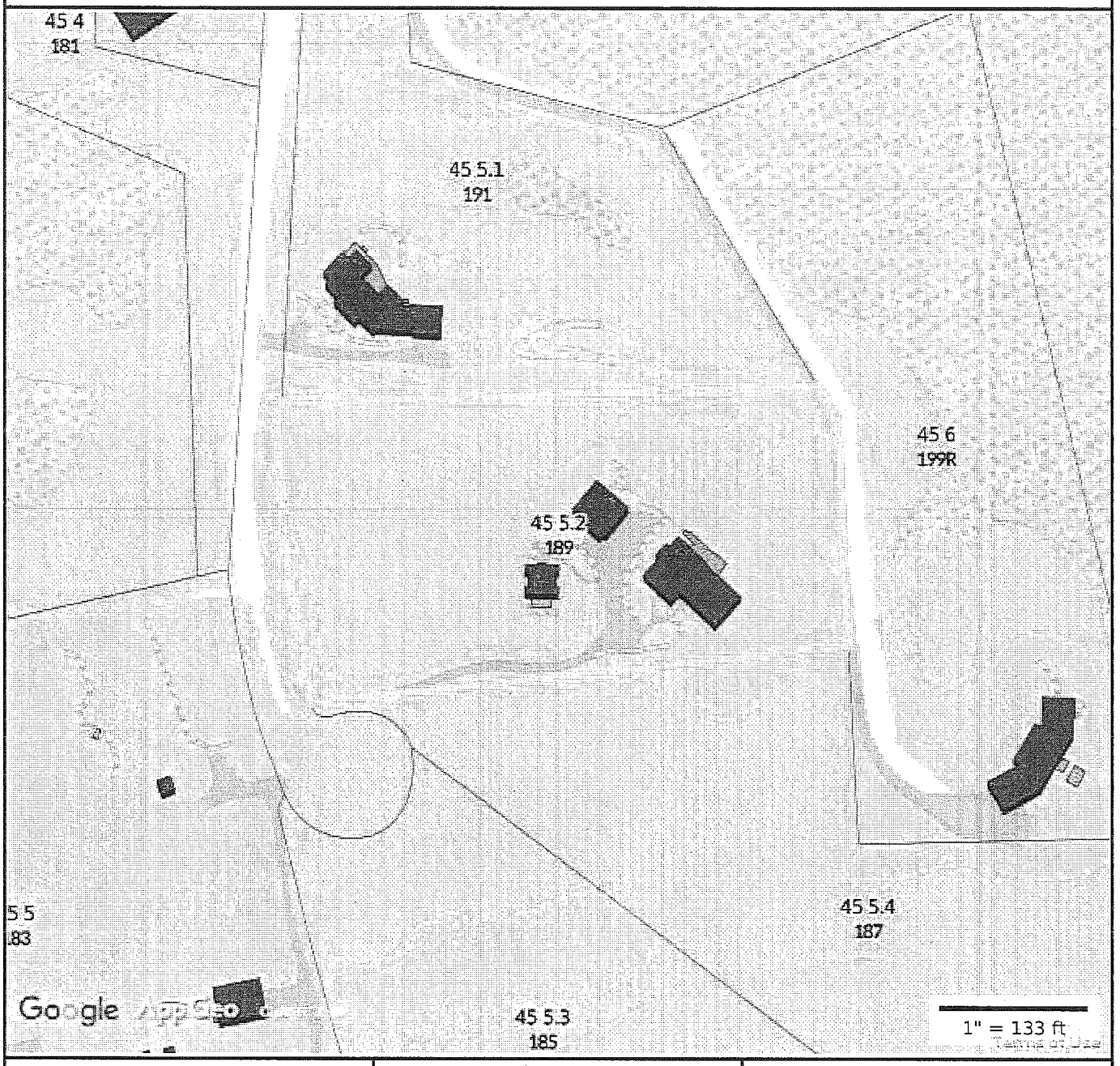
The locus is improved by three (3) structures, a single-family main dwelling constructed in 1997, a garage/workshop with a studio also constructed in 1997, and a studio constructed in 2010. All three (3) structures have the benefit of Certificates of Occupancy.

The dwelling has ground cover of about 2,320 square feet; the garage/workshop with studio has ground cover of about 1,230 square feet; and the studio has ground cover of about 520 square feet, for total ground cover of about 4,070 square feet or about 3.03%.

The locus is located in a Limited Use General 3 (LUG-3) zoning district where maximum ground cover of 3% (or, in the case of the locus, 4,029 square feet) is allowed. As a result, the structures on the locus exceed allowable ground cover by 0.03% or 41 square feet (an area about of about 6.41′ by 6.4′). The locus otherwise conforms to all dimensional requirements of the By-law.

The ground cover issue appears to stem from the failure of two separate surveyors, one in 2003 and the other in 2010, to include the dormers over the porches on the main dwelling in the ground cover calculation. The issue was discovered in 2016 when a third surveyor prepared a plan and included the dormers in the ground cover calculation.

The Locus is located at 189 Polpis Road, is shown on Nantucket Tax Assessor's Map 45 Parcel 5.2, is shown as Lot 2 on plan recorded with Nantucket Deeds in Plan File 9-A, and is located in the Limited Use General 3 ("LUG3") Zoning District.



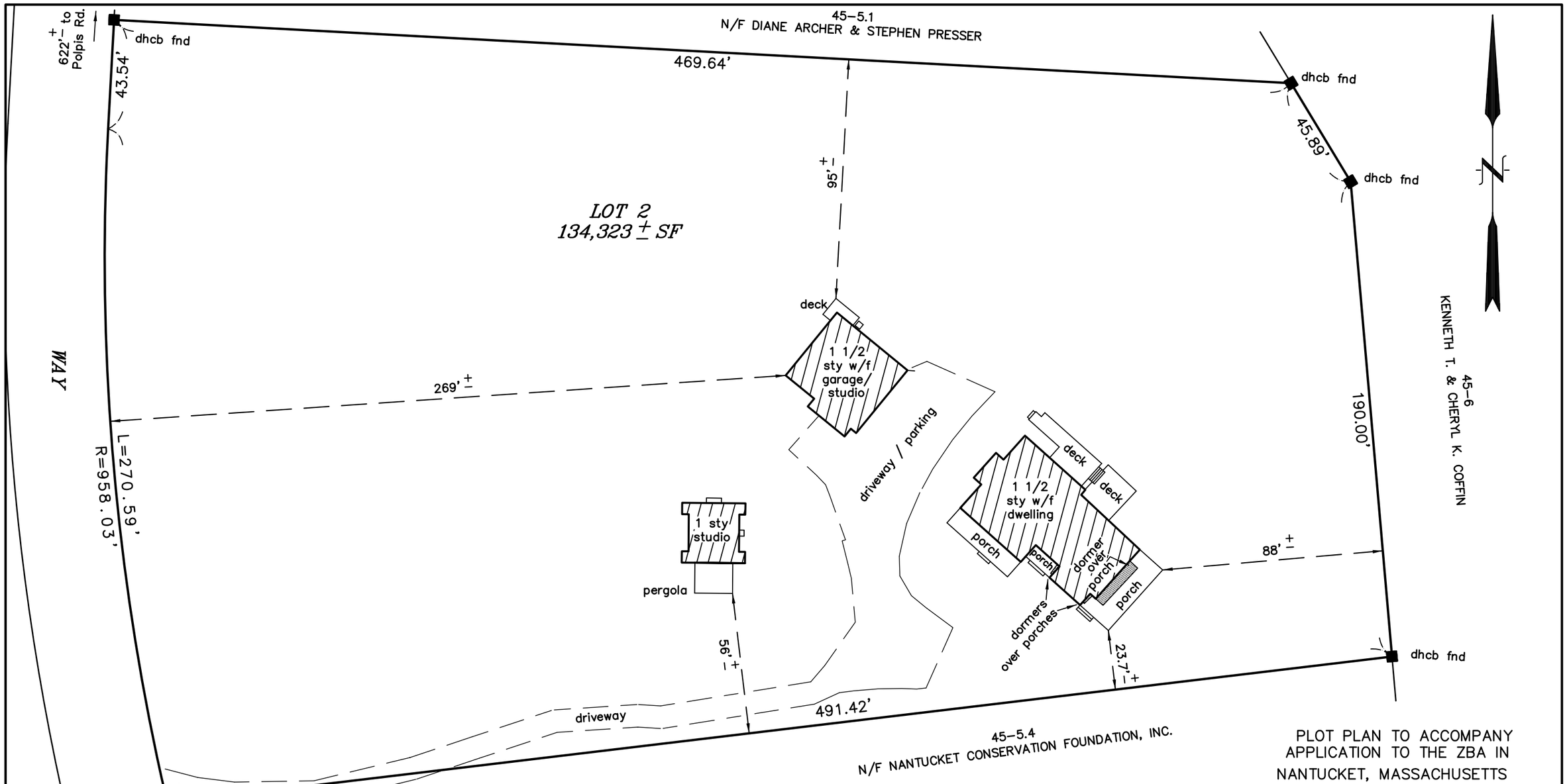
Property Information

Property ID	45 5.2
Location	189 POLPIS RD
Owner	KENNEDY JACQUELINE W TRST 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 12/06/2016



CURRENT ZONING: LUG–3
MINIMUM LOT SIZE: 120,000 SF
MINIMUM FRONTAGE: 200 FT
FRONTYARD SETBACK: 35 FT
SIDE AND REAR SETBACK: 20 FT
ALLOWABLE G.C.R.: 3%
ALLOWABLE G.C..: 4029 SF
EXISTING G.C.R.: 3.03% ±
EXISTING G.C. DWELLING: 2320 ± SF
EXISTING G.C. GARAGE/STUDIO: 1230 ± SF
EXISTING G.C. STUDIO: 520 ± SF
EXISTING G.C. TOTAL: 4070 ± SF

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.

NOTE: GCR NUMBERS ARE CALCULATED TO BUILDING FOUNDATIONS AS ESTIMATED FROM MEASUREMENTS TO CORNER BOARDS.

NOTE: BUILDINGS DO NOT CONFORM TO CURRENT ZONING REQUIREMENTS WITH RESPECT TO ALLOWABLE GROUND COVER.

NOTE: DRIVEWAY ENCROACHES ON ABUTTING LOT.

PLOT PLAN TO ACCOMPANY APPLICATION TO THE ZBA IN
NANTUCKET, MASSACHUSETTS

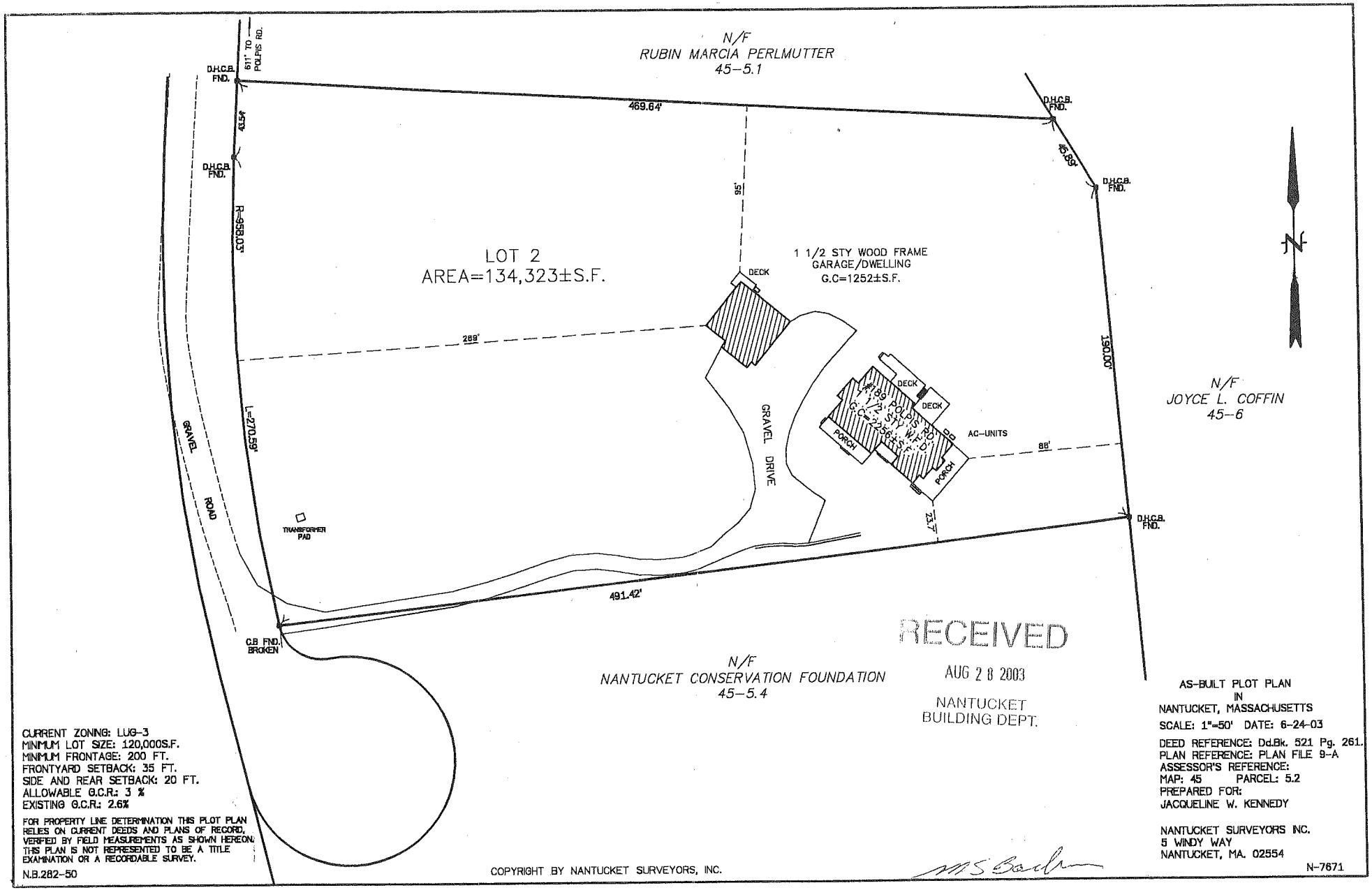
SCALE: 1"=40' DATE: DEC. 12, 2016

DEED REFERENCE: DBK 1103, PG 85
PLAN REFERENCE: PLFL 9–A
ASSESSOR'S REFERENCE:
MAP: 45 PARCEL: 5.2
PREPARED FOR:
INTO THE MYSTIC NOMINEE TRUST

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

N.B. 22/28

J–1348



CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000S.F.
MINIMUM FRONTAGE: 200 FT.
FRONTYARD SETBACK: 35 FT.
SIDE AND REAR SETBACK: 20 FT.
ALLOWABLE G.C.R.: 3 %
EXISTING G.C.R.: 2.6%

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.282-50

COPYRIGHT BY NANTUCKET SURVEYORS, INC.

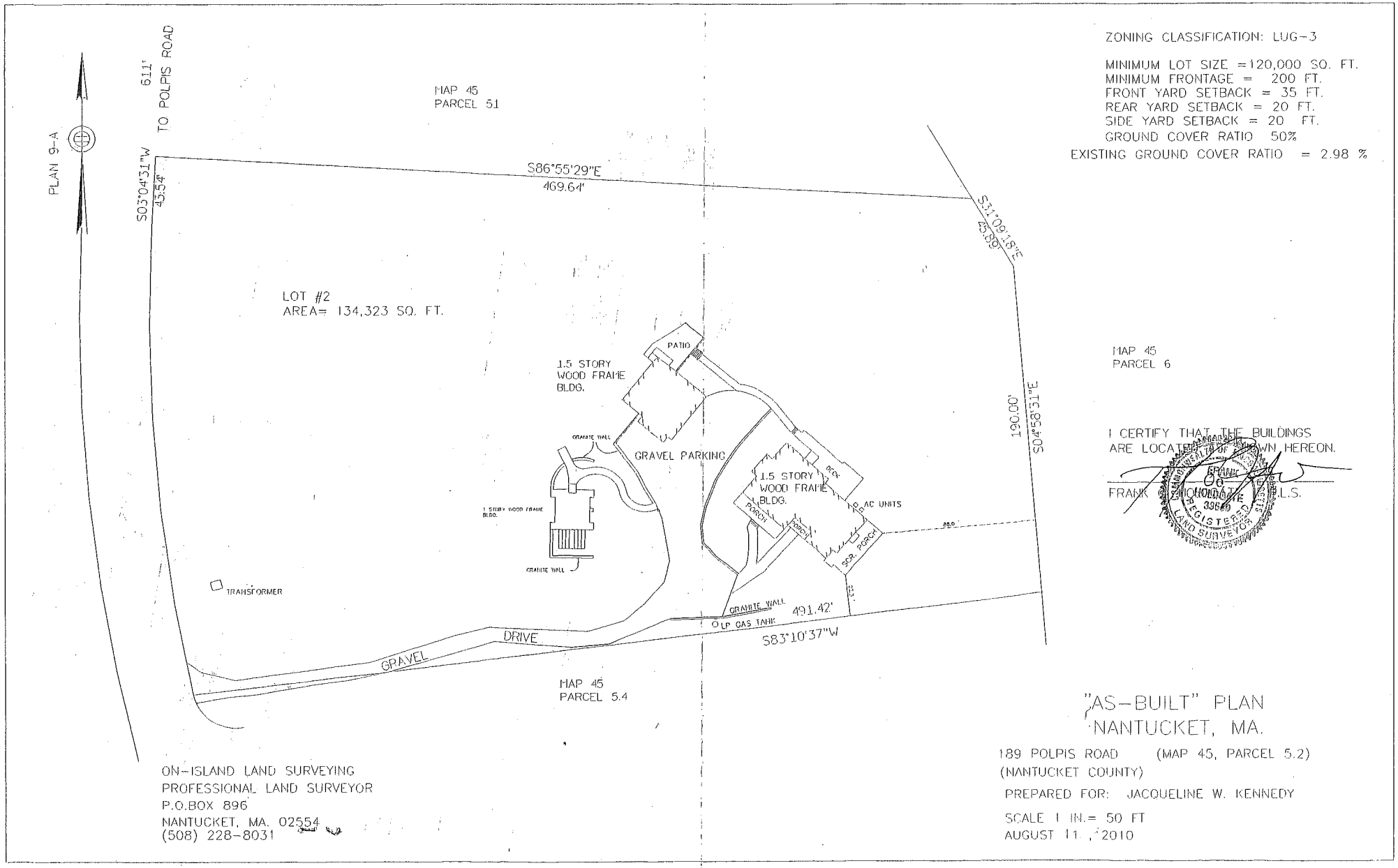
AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS

SCALE: 1"=50' DATE: 6-24-03

DEED REFERENCE: Dd.Bk. 521 Pg. 261.
PLAN REFERENCE: PLAN FILE 9-A
ASSESSOR'S REFERENCE:
MAP: 45 PARCEL: 5.2
PREPARED FOR:
JACQUELINE W. KENNEDY

NANTUCKET SURVEYORS INC.
5 WINDY WAY
NANTUCKET, MA. 02554

N-7671



ZONING CLASSIFICATION: LUG-3

MINIMUM LOT SIZE =120,000 SQ. FT.
MINIMUM FRONTAGE = 200 FT.
FRONT YARD SETBACK = 35 FT.
REAR YARD SETBACK = 20 FT.
SIDE YARD SETBACK = 20 FT.
GROUND COVER RATIO 50%
EXISTING GROUND COVER RATIO = 2.98 %

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN HEREON.

FRANK EDWARD RICHARDSON III L.S.

FRANK E. RICHARDSON III
33669
REGISTERED PROFESSIONAL LAND SURVEYOR

ON-ISLAND LAND SURVEYING
PROFESSIONAL LAND SURVEYOR
P.O.BOX 896
NANTUCKET, MA. 02554
(508) 228-8031

"AS-BUILT" PLAN
NANTUCKET, MA.

189 POLPIS ROAD (MAP 45, PARCEL 5.2)
(NANTUCKET COUNTY)

PREPARED FOR: JACQUELINE W. KENNEDY

SCALE 1 IN.= 50 FT
AUGUST 11, 2010

RECEIVED
BOARD OF ASSESSORS
DEC 06 2016
TOWN OF
NANTUCKET, MA

$5

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER... Eric Kennedy and Jacqueline W. Kennedy, as Trustees of Into the Mystic Nominee Trust

MAILING ADDRESS... c/o Sarah F. Alger, P.C., 2 S. Water Street, Nantucket, MA

PROPERTY LOCATION... 189 Polpis Road

ASSESSOR MAP/PARCEL... Map 45 - Parcel 5.2

SUBMITTED BY... Same as above.

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).

12/6/16
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip	Parcel Location
26		35		COFFIN KENNETH T & CHERYL K		199 POLPIS RD	NANTUCKET	MA 02554	199 POLPIS RD
45		4		MACK RICHARD C & CATHERINE TRS	181 POLPIS ROAD REALTY TRUST	181 POLPIS RD	NANTUCKET	MA 02554	181 POLPIS RD
45		5		GOLDNER BARBARA S TRST		309 BENEFIT ROAD	PROVIDENCE	RI 02903	183 POLPIS RD
45		5	1	ARCHER DIANE & PRESSER STEPHEN		151 CENTRAL PARK W APT 4C	NEW YORK	NY 10023	191 POLPIS RD
45		5	2	KENNEDY JACQUELINE W TRST ETAL		2043 RANDOM RD APT 304	CLEVELAND	OH 44106	189 POLPIS RD
45		5	4	NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA 02554	187 POLPIS RD
45		6		COFFIN KENNETH T & CHERYL K		199 POLPIS RD	NANTUCKET	MA 02554	199R POLPIS RD
45		13		MACK RICHARD H & MARY O		181B POLPIS RD	NANTUCKET	MA 02554	181B POLPIS RD

LETTERS

From: zelda goodman
To: Eleanor Antonietti
Subject: Ronald W. Winters and Ellen H. Winters, File NO. 01-17
Date: Sunday, January 01, 2017 4:37:04 PM

Dear Members of Nantucket Zoning Board of Appeals,

My husband, Jordan Goodman, and I, Zelda Goodman, are owners of 11 Gardner St. We have no objection to the special permit that the above applicant is seeking. It will be an asset to the neighborhood.

Zelda and Jordan Goodman

R. Eric Kennedy
Jacqueline Kennedy
As Trustees of
Into the Mystic Nom. Tr.

189 Polpis Rd.

File No. 02-17

NANTUCKET
TOWN CLERK
2016 DEC 16 PM 3:55

RECEIVED
DEC 14 2016
By DS

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No.** 02-17

Owner's name(s): ERIC KENNEDY and JACQUELINE W. KENNEDY, as Trustees of INTO THE MYSTIC NOMINEE TRUST

Mailing address: c/o Sarah F. Alger, P.C., Two South Water Street, Nantucket, Massachusetts 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: Same as above.

Locus Address: 189 Polpis Road Assessor's Map/Parcel: Map 45 - Parcel 5.2

Land Court Plan/Plan Book & Page/Plan File No.: Lot 2, Plan File 9-A.

Deed Reference/Certificate of Title: Book 1103, Page 85 Zoning District LUG-3

Uses on Lot- Commercial: None____ Yes (describe) _____
Residential: Number of dwellings 3 Duplex _____ Apartments _____

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

Building Permit Numbers: 14698-97; 14699-97; and 74-10

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*
Sarah F. Alger, Attorney

*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
(Nantucket Zoning Board of Appeals Application
189 Polpis Road, Nantucket, Massachusetts)

The Applicants seek a Variance under Nantucket Zoning By-law (the "By-law") §139-32 from the intensity regulations of By-law §139-16 to validate the existing ground cover of about 3.03% or about 4,070 square feet on the locus.

In the alternative, the Applicants request a finding that either (a) the second floor dormers over the porches on the main dwelling do not constitute "overhangs which contain enclosed interior space" within the meaning of "ground cover" in the definitions in By-law §139-2 and, as a result, are not considered as "ground cover" for purposes of the By-law, or (b) that the ground cover overage of about 0.03% or 41 square feet is *de minimus* and does not constitute a zoning violation.

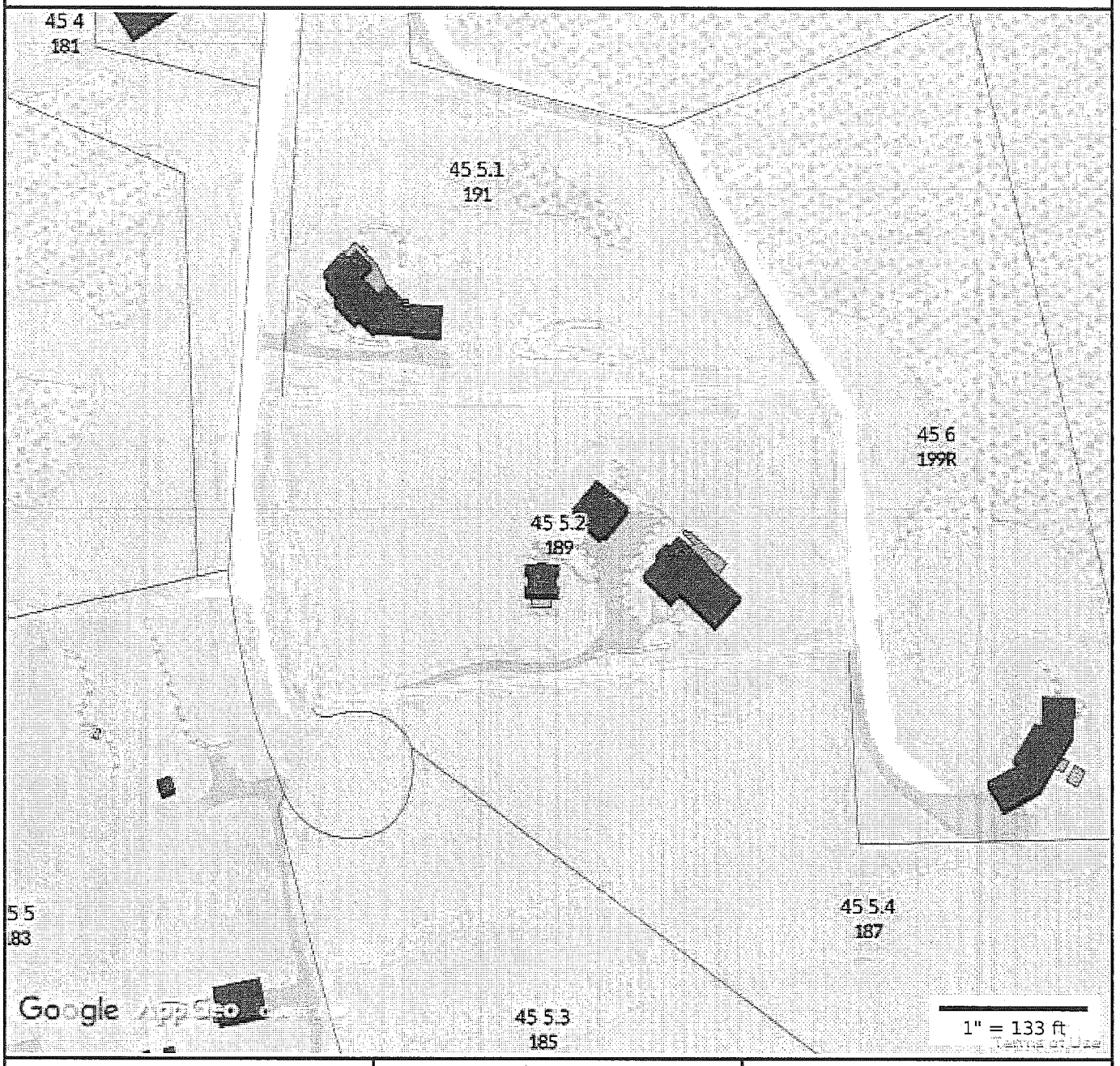
The locus is improved by three (3) structures, a single-family main dwelling constructed in 1997, a garage/workshop with a studio also constructed in 1997, and a studio constructed in 2010. All three (3) structures have the benefit of Certificates of Occupancy.

The dwelling has ground cover of about 2,320 square feet; the garage/workshop with studio has ground cover of about 1,230 square feet; and the studio has ground cover of about 520 square feet, for total ground cover of about 4,070 square feet or about 3.03%.

The locus is located in a Limited Use General 3 (LUG-3) zoning district where maximum ground cover of 3% (or, in the case of the locus, 4,029 square feet) is allowed. As a result, the structures on the locus exceed allowable ground cover by 0.03% or 41 square feet (an area about of about 6.41′ by 6.4′). The locus otherwise conforms to all dimensional requirements of the By-law.

The ground cover issue appears to stem from the failure of two separate surveyors, one in 2003 and the other in 2010, to include the dormers over the porches on the main dwelling in the ground cover calculation. The issue was discovered in 2016 when a third surveyor prepared a plan and included the dormers in the ground cover calculation.

The Locus is located at 189 Polpis Road, is shown on Nantucket Tax Assessor's Map 45 Parcel 5.2, is shown as Lot 2 on plan recorded with Nantucket Deeds in Plan File 9-A, and is located in the Limited Use General 3 ("LUG3") Zoning District.



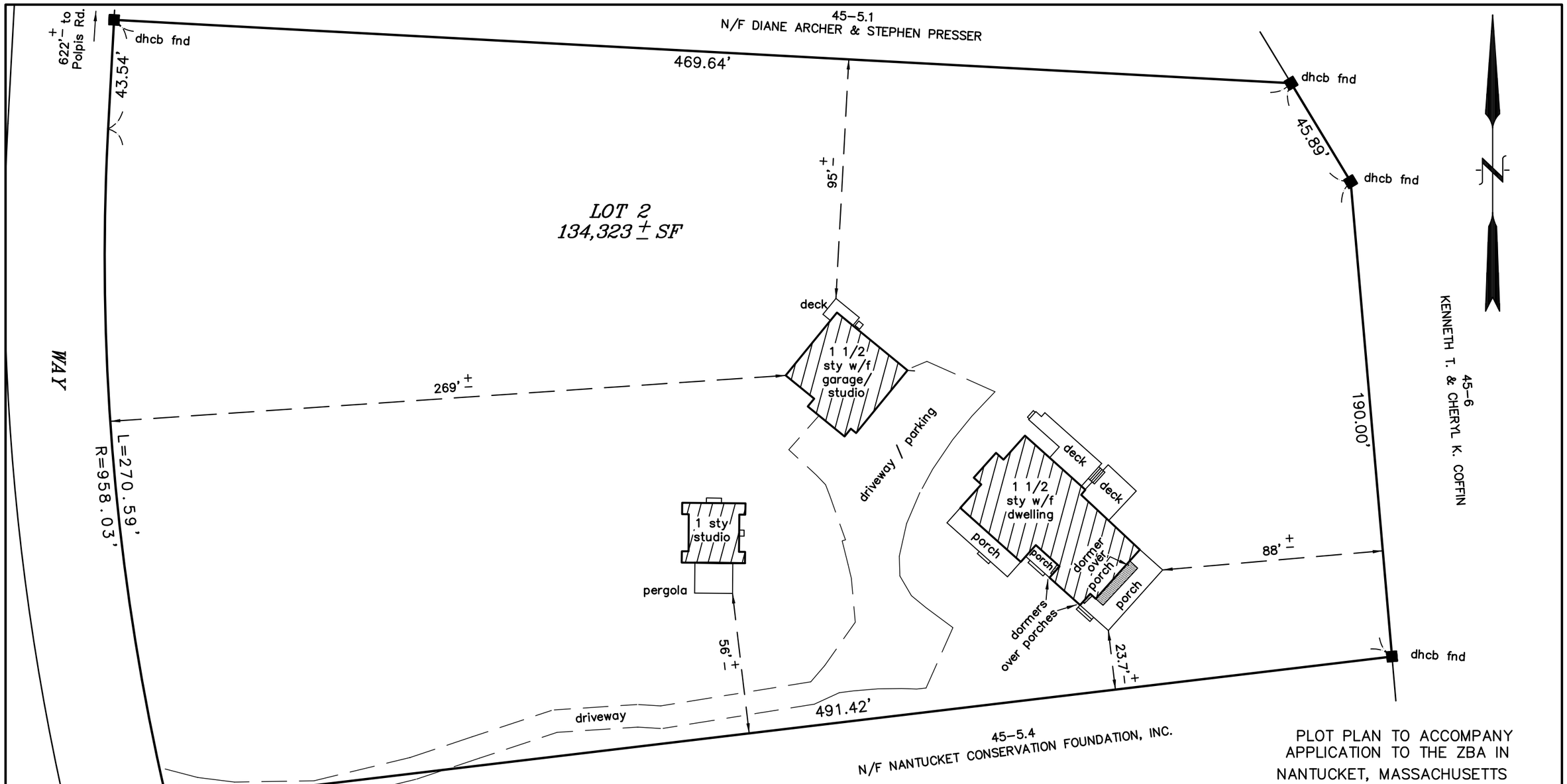
Property Information

Property ID	45 5.2
Location	189 POLPIS RD
Owner	KENNEDY JACQUELINE W TRST 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 12/06/2016



CURRENT ZONING: LUG–3
MINIMUM LOT SIZE: 120,000 SF
MINIMUM FRONTAGE: 200 FT
FRONTYARD SETBACK: 35 FT
SIDE AND REAR SETBACK: 20 FT
ALLOWABLE G.C.R.: 3%
ALLOWABLE G.C..: 4029 SF
EXISTING G.C.R.: 3.03% ±
EXISTING G.C. DWELLING: 2320 ± SF
EXISTING G.C. GARAGE/STUDIO: 1230 ± SF
EXISTING G.C. STUDIO: 520 ± SF
EXISTING G.C. TOTAL: 4070 ± SF

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.

NOTE: GCR NUMBERS ARE CALCULATED TO BUILDING FOUNDATIONS AS ESTIMATED FROM MEASUREMENTS TO CORNER BOARDS.

NOTE: BUILDINGS DO NOT CONFORM TO CURRENT ZONING REQUIREMENTS WITH RESPECT TO ALLOWABLE GROUND COVER.

NOTE: DRIVEWAY ENCROACHES ON ABUTTING LOT.

PLOT PLAN TO ACCOMPANY APPLICATION TO THE ZBA IN NANTUCKET, MASSACHUSETTS

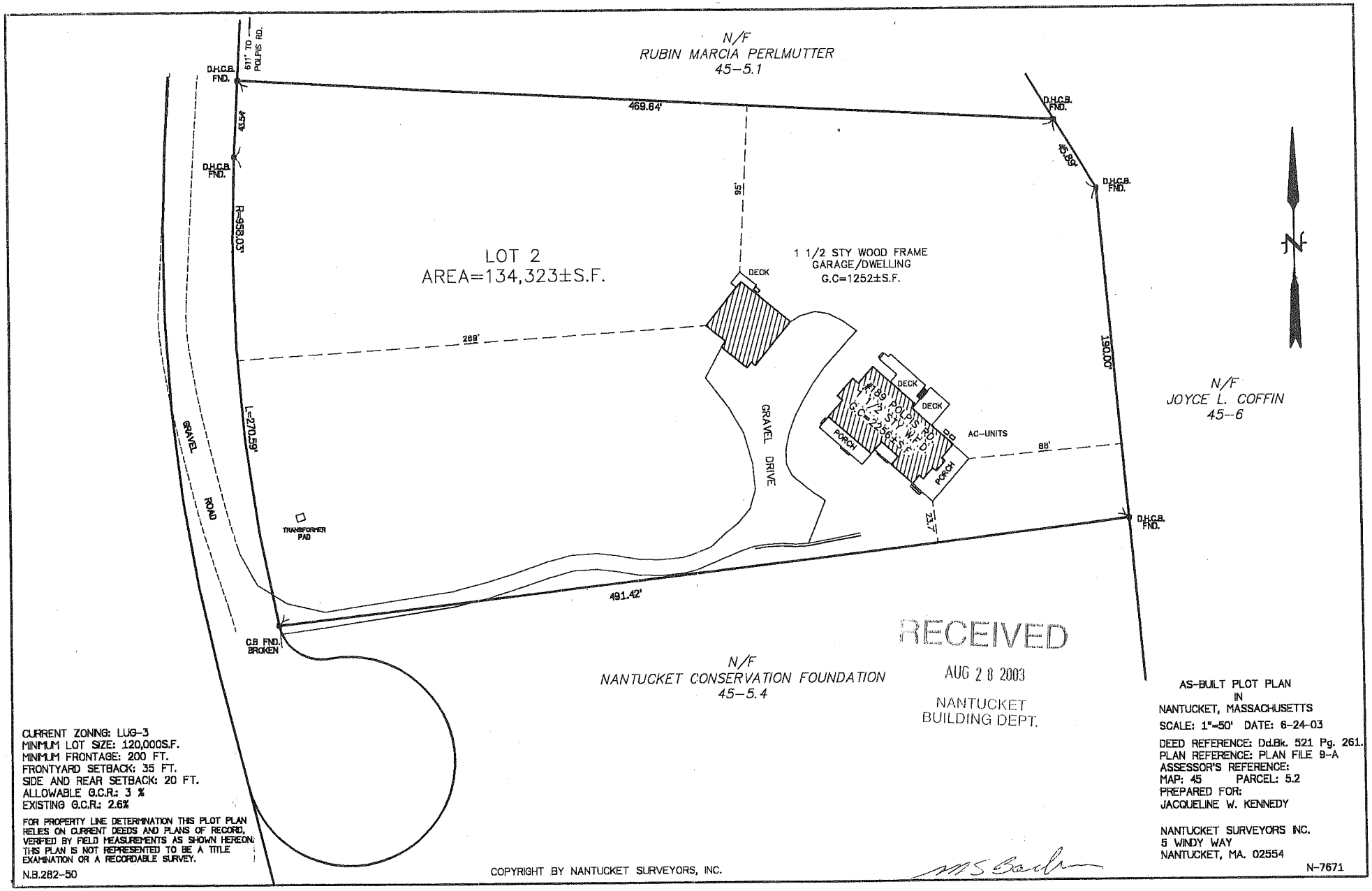
SCALE: 1"=40' DATE: DEC. 12, 2016

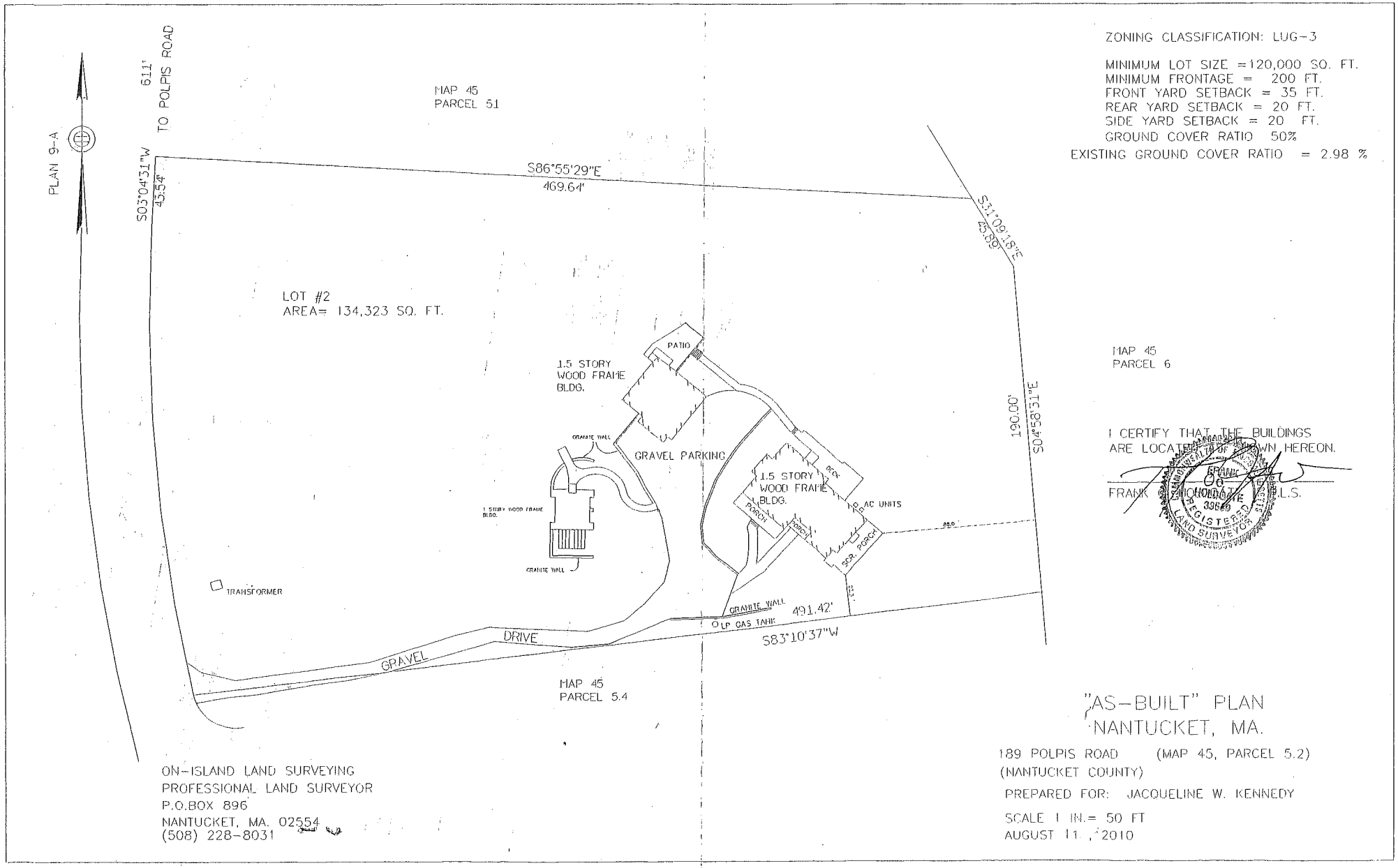
DEED REFERENCE: DBK 1103, PG 85
PLAN REFERENCE: PLFL 9–A
ASSESSOR'S REFERENCE:
MAP: 45 PARCEL: 5.2
PREPARED FOR:
INTO THE MYSTIC NOMINEE TRUST

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

N.B. 22/28

J–1348


N/F
RUBIN MARCIA PERLMUTTER
45-5.1
511' TO POLPIS RD.
D.H.C.B. FND.
469.64'
45.54'
95'
R=958.03'
LOT 2
AREA=134,323±S.F.
1 1/2 STY WOOD FRAME
GARAGE/DWELLING
G.C=1252±S.F.
DECK
289'
L=270.59'
GRAVEL ROAD
GRAVEL DRIVE
TRANSFORMER PAD
DECK
DECK
PORCH
PORCH
AC-UNITS
88'
23.7'
45.83'
150.00'
N/F
JOYCE L. COFFIN
45-6
491.42'
C.B. FND. BROKEN
N/F
NANTUCKET CONSERVATION FOUNDATION
45-5.4
RECEIVED
AUG 28 2003
NANTUCKET
BUILDING DEPT.
CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000S.F.
MINIMUM FRONTAGE: 200 FT.
FRONTYARD SETBACK: 35 FT.
SIDE AND REAR SETBACK: 20 FT.
ALLOWABLE G.C.R.: 3 %
EXISTING G.C.R.: 2.6%
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.282-50
COPYRIGHT BY NANTUCKET SURVEYORS, INC.
AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=50' DATE: 6-24-03
DEED REFERENCE: Dd.Bk. 521 Pg. 261.
PLAN REFERENCE: PLAN FILE 9-A
ASSESSOR'S REFERENCE:
MAP: 45 PARCEL: 5.2
PREPARED FOR:
JACQUELINE W. KENNEDY
NANTUCKET SURVEYORS INC.
5 WINDY WAY
NANTUCKET, MA. 02554
N-7671



ZONING CLASSIFICATION: LUG-3

MINIMUM LOT SIZE =120,000 SQ. FT.
MINIMUM FRONTAGE = 200 FT.
FRONT YARD SETBACK = 35 FT.
REAR YARD SETBACK = 20 FT.
SIDE YARD SETBACK = 20 FT.
GROUND COVER RATIO 50%
EXISTING GROUND COVER RATIO = 2.98 %

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN HEREON.

FRANK [illegible] L.S.

FRANK E. RICHARDSON III
33669
REGISTERED PROFESSIONAL LAND SURVEYOR

"AS-BUILT" PLAN
NANTUCKET, MA.

189 POLPIS ROAD (MAP 45, PARCEL 5.2)
(NANTUCKET COUNTY)

PREPARED FOR: JACQUELINE W. KENNEDY

SCALE 1 IN.= 50 FT
AUGUST 11, 2010

ON-ISLAND LAND SURVEYING
PROFESSIONAL LAND SURVEYOR
P.O.BOX 896
NANTUCKET, MA. 02554
(508) 228-8031

RECEIVED
BOARD OF ASSESSORS
DEC 06 2016
TOWN OF
NANTUCKET, MA

$5

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER... Eric Kennedy and Jacqueline W. Kennedy, as Trustees of Into the Mystic Nominee Trust

MAILING ADDRESS... c/o Sarah F. Alger, P.C., 2 S. Water Street, Nantucket, MA

PROPERTY LOCATION... 189 Polpis Road

ASSESSOR MAP/PARCEL... Map 45 - Parcel 5.2

SUBMITTED BY... Same as above.

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).

12/6/16
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

ABUTTERS LISTING
NANTUCKET, MA

Map	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip	Parcel Location
26		35		COFFIN KENNETH T & CHERYL K		199 POLPIS RD	NANTUCKET	MA 02554	199 POLPIS RD
45		4		MACK RICHARD C & CATHERINE TRS	181 POLPIS ROAD REALTY TRUST	181 POLPIS RD	NANTUCKET	MA 02554	181 POLPIS RD
45		5		GOLDNER BARBARA S TRST		309 BENEFIT ROAD	PROVIDENCE	RI 02903	183 POLPIS RD
45		5	1	ARCHER DIANE & PRESSER STEPHEN		151 CENTRAL PARK W APT 4C	NEW YORK	NY 10023	191 POLPIS RD
45		5	2	KENNEDY JACQUELINE W TRST ETAL		2043 RANDOM RD APT 304	CLEVELAND	OH 44106	189 POLPIS RD
45		5	4	NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA 02554	187 POLPIS RD
45		6		COFFIN KENNETH T & CHERYL K		199 POLPIS RD	NANTUCKET	MA 02554	199R POLPIS RD
45		13		MACK RICHARD H & MARY O		181B POLPIS RD	NANTUCKET	MA 02554	181B POLPIS RD

Marie LEMBERG

53 Pochick Ave.

File No. 03-17

NANTUCKET
TOWN CLERK

2016 DEC 16 PM 3:21

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
DEC 16 2016
By 10033

APPLICATION

Fee: $450.00 **File No.** 03-17

Owner's name(s Marie E. Lemberg

Mailing address: 53 Pochick Avenue, Nantucket, MA 02554

Phone Number: 508-332-9165 E-Mail: edmarie68@aol.com

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail Same

Locus Address: 53 Pochick Avenue Assessor's Map/Parcel: 79-127

Land Court Plan/Plan Book & Page/Plan File No.: Lots 1-4, Block 164, Plan Bk 2, Page 61 & Plan 2010, Page 61

Deed Reference/Certificate of Title: 1285/214 & 1418/154 Zoning District LUG-1

Uses on Lot- Commercial: None X Yes (describe) _____
Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 1993

Building Permit Numbers: _____

Previous Zoning Board Application Numbers 049-11 combine yard sale parcel

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: Marie Lombardo Owner*

SIGNATURE:_____ Applicant

*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

Applicant, Marie E. Lemberg, is seeking a VARIANCE pursuant to Nantucket Zoning By-law Section 139-32 from the provisions of Nantucket Zoning By-law Section 139-16 (Intensity Regulations – minimum lot size, groundcover) in order to render the subject lot separately marketable and buildable from abutting property specifically at 55 Pochick Avenue (Map 79-76).

A parcel of land shown as Lots 1-11 on Block 164 was conveyed by Bertram MacMannis in 1987 under Deed 287/273 to Elizabeth A. Rezendes on November 5, 1987. Subsequently, the parcel was split into two (2) parcels, Lots 1-4, today known as 53 Pochick Avenue, and Lots 5-11, today known as 55 Pochick Avenue.

On January 14, 1991 the Nantucket Bank took the two (2) properties in one (1) Foreclosure Deed 358/83 from Alfred S. Rezendes, Trustee of South Shore Trust. The parcels were vacant at the time of foreclosure. As the lots were vacant at the time of the foreclosure and the Bank took ownership of the properties in one title and name, there is a question that the nonconforming lots may have merged under the provisions of the Zoning By-law. Had the lots been improved there would be in general no issue of merger.

Nantucket Bank then conveyed vacant parcel 53 Pochick Avenue to current Applicant/Owner Marie E. Lemberg on May 28, 1992 in Deed 390/169.

Nantucket Bank then also conveyed vacant parcel 55 Pochick Avenue to current owner Edwin A. Lemberg on May 28, 1992 in separate Deed 390/171 (the subject of a companion application to the ZBA for the same relief).

Marie Lemberg obtained a validly issued building permit to construct a single-family home without comment from the Building Department in 1993 that there may be a merger issue with 55 Pochick Avenue. Subsequent permits were issued also without comment. Separate tax bills were sent, creating a separate identity from 55 Pochick Avenue which exists to the present.

In addition, Special Permit relief was granted by the Zoning Board of Appeals in the Decision in File No. 049-11 to validate a change in lot lines with the incorporation of a paper street conveyed by the Town of Nantucket to the property. No comment was made at the time of any possible merger issues with 55 Pochick Avenue.

There is no possibility of merging 53 Pochick Avenue with 55 Pochick Avenue at this point as there are two (2) dwelling units on 55 Pochick Avenue and the lots are held in separate ownership and control. Merger would create further nonconformities as three (3) dwelling units would be contained on one (1) lot. 53 Pochick Avenue is under agreement to be sold and this matter needs to be corrected and validated through issuance of Variance relief and further eliminating the ability to merge the lots.

The Locus is nonconforming as to lot size, with the lot containing about 15,304 square feet of lot area in the LUG-1 zoning district that requires a minimum lot size of 40,000 square feet and as to groundcover with the dwelling containing about 2791 SF in a district that allows a maximum groundcover of 1500 SF or 7% whichever is greater. The lot is conforming to the setback and frontage requirements of the Zoning By-law.

Applicant is asking the Zoning Board of Appeals to validate the lot as presently configured, with the existing groundcover as separately marketable and buildable from adjacent land. The Zoning Board of Appeals has granted similar relief on many occasions over time and could support a grant of relief based on the unique circumstances affecting these lots, separate histories, shape of the lot, topography of the structure and extreme negative financial hardship that would be created should the Board require re-merger of the two (2) parcels. Further, there would be an increase in the nonconformity should merger be required resulting in three (3) dwelling units on one (1) parcel. There would be no detriment to the public good with allowing the two (2) properties to remain separately marketable and buildable as the situation has existed without negative impact since the dwellings were constructed on the lots, at least 24 years ago. There are other similarly sized lots along Pochick Avenue.

Property Information

Property ID	79 127
Location	53 POCHICK AV
Owner	LEMBERG MARIE

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 12/15/2016

Property Information

Property ID	79 127
Location	53 POCHICK AV
Owner	LEMBERG MARIE

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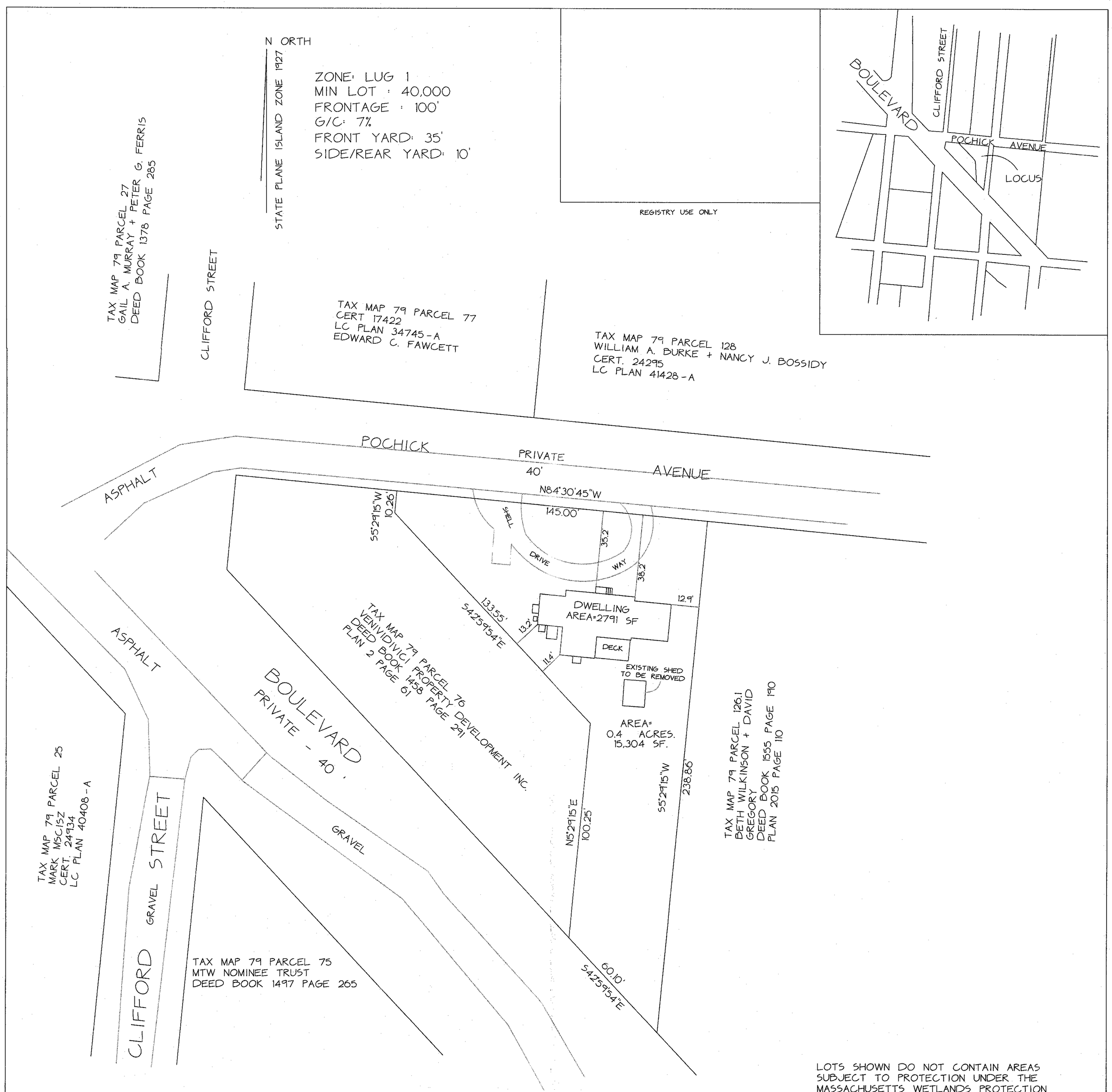
Parcels updated December, 2014
Properties updated 12/15/2016



LOTS SHOWN DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL REQUIRED TO BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

DATE _____

FILE NUMBER _____

PARCEL COMBINATION PLAN

53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2 PAGE 61
DEED BOOK 1285 PAGE 214
PLAN 2010 PAGE 52
SCALE 1" = 30' 12-13-2016
ACKME SURVEY LLC
PO BOX 1448
NANTUCKET 02554

OWNER:
MARIE LEMBERG
53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2010-52

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMON WEALTH OF MASSACHUSETTS.

53 POCHICK AV

Location	53 POCHICK AV	**Mblu**	79/ / 127/ /
Acct#	00007390	**Owner**	LEMBERG MARIE
Assessment	$1,519,500	**PID**	7390
Building Count	1		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2016	$567,700	$951,800	$1,519,500

Owner of Record

Owner	LEMBERG MARIE	**Sale Price**	$0
Co-Owner		**Certificate**	
Address	53 POCHICK AV NANTUCKET, MA 02554	**Book & Page**	01418/0154
		Sale Date	12/30/2013
		Instrument	99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
LEMBERG MARIE	$0		01418/0154	99	12/30/2013
LEMBERG MARIE E	$2,500		01285/0214	1J	07/11/2011
LEMBERG MARIE E	$30,500		00390/0169	1P	05/28/1992
NANTUCKET BANK	$90,000		00358/0083	1L	01/14/1991
REZENDES ELIZABETH TR	$160,000		00287/0273	1N	11/05/1987

Building Information

Building 1 : Section 1

Year Built:	1993
Living Area:	3,186
Replacement Cost:	$598,306
Building Percent Good:	94
Replacement Cost Less Depreciation:	$562,400

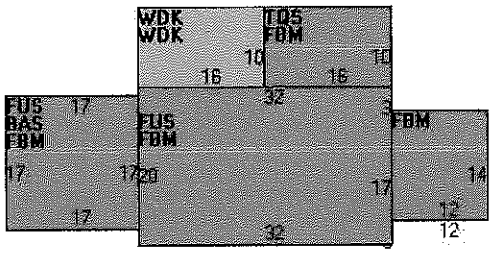
Building Attributes

Field	Description
Style	Colonial
Model	Residential
Grade:	Above Average
Stories:	2 Stories
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	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3
Total Bthrms:	4
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern

Building Photo

(http://images.vgsi.com/photos/NantucketMAPhotos//\00\03\1

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,257	1,257
FUS	Upper Story, Finished	929	929
FBM	Basement, Finished	1,257	880
TQS	Three Quarter Story	160	120
WDK	Deck, Wood	320	0
		3,923	3,186

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	2 STORY CHIM	1 UNITS	$3,900	1

Land

Land Use

Land Line Valuation

Use Code	1010	**Size (Acres)**	0.35
Description	Single Fam M01	**Frontage**	0
Zone	LUG1	**Depth**	0
Neighborhood	550	**Assessed Value**	$951,800
Alt Land Appr	No		
Category			

Outbuildings

Outbuildings						Legend
Code	**Description**	**Sub Code**	**Sub Description**	**Size**	**Value**	**Bldg #**
SHD1	SHED FRAME			120 S.F.	$1,400	1

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2016	$551,900	$951,800	$1,503,700
2015	$432,200	$677,000	$1,109,200
2014	$432,200	$677,000	$1,109,200
2013	$429,000	$677,000	$1,106,000
2012	$339,900	$677,000	$1,016,900

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Separate tax Bill
53 POCNICK AVENUE

53

Bill Information

Parcel 0079-127

Location ** MULTIPLE **

Name ** VARIOUS **

Alerts

Effective Date 12/14/2016

Bills

Year	Cat	Bill	NS	Orig Billed	Activity	Unpaid Bal	Due Now
2017	RE-R	5992		2990.84	-969.66	2021.18	.00
2016	RE-R	10473		3939.30	-3939.30	.00	.00
2015	RE-R	5920		2860.75	-2860.75	.00	.00
2014	RE-R	5891		3125.74	-3125.74	.00	.00
2013	RE-R	5851		3021.90	-3021.90	.00	.00
2012	RE-R	5836		3780.76	-3780.76	.00	.00
2011	RE-R	5818		3438.45	-3438.45	.00	.00
2011	RE-O	1000004		291.77	-291.77	.00	.00
2010	RE-R	5775		3051.58	-3051.58	.00	.00
2009	RE-R	5756		3190.44	-3190.44	.00	.00
2008	RE-R	5706		3086.40	-3086.40	.00	.00
2007	RE-R	5658		2878.33	-2878.33	.00	.00
2006	RE-R	5624		2485.15	-2485.15	.00	.00
2005	RE-R	5538		2419.03	-2419.03	.00	.00
2004	RE-R	5524		2231.54	-2231.54	.00	.00
2003	RE-R	5514		2273.09	-2273.09	.00	.00
2002	RE-R	5386		2084.84	-2084.84	.00	.00
2001	RE-R	34370		1905.78	-1905.78	.00	.00
2000	RE-R	34369		1795.05	-1795.05	.00	.00
1999	RE-R	34368		1813.71	-1813.71	.00	.00
1998	RE-R	34367		1510.43	-1510.43	.00	.00
1997	RE-R	34366		1718.70	-1718.70	.00	.00

Property Location: 53 POCHICK AV | MAP ID: 79/ / 127/ / | Bldg Name: | State Use: 1010

Vision ID: 7390 | Account #00007390 | Bldg #: 1 of 1 | Sec #: 1 of 1 | Card 1 of 1 | Print Date: 12/14/2016 14:46

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION
LEMBERG MARIE	1 Level	5 Well	3 Unpaved	3 Rural
53 POCHICK AV		6 Septic		
NANTUCKET, MA 02554				

Additional Owners:

SUPPLEMENTAL DATA

Other ID: 0079-127
DESC RESURVEY PL 2010-5

7390

GIS ID: F_1755015_90792 ASSOC PID#

CURRENT ASSESSMENT

Description	Code	Appraised Value	Assessed Value
RES BDG	1010	566,300	566,300
RES LAND	1010	951,800	951,800
RES OB	1010	1,400	1,400
	Total	1,519,500	1,519,500

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
LEMBERG MARIE	01418/0154	12/30/2013	U	I	0	99
LEMBERG MARIE E	01285/0214	07/11/2011	U	V	2,500	1J
LEMBERG MARIE E	00390/0169	05/28/1992	U	V	30,500	1P
NANTUCKET BANK	00358/0083	01/14/1991	U	V	90,000	1L
REZENDES ELIZABETH TR	00287/0273	11/05/1987	U	V	160,000	1N

PREVIOUS ASSESSMENTS (HISTORY)

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2017	1010	566,300	2016	1010	550,500	2016	1010	503,000
2017	1010	951,800	2016	1010	951,800	2016	1010	677,000
2017	1010	1,400	2016	1010	1,400	2016	1010	1,400
Total:		1,519,500	Total:		1,503,700	Total:		1,181,400

EXEMPTIONS

Year	Type	Description	Amount
2013	100	Residential Exemption	373,635.00
		Total:	373,635.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm. Int.

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch
550/A				

NOTES

YARD SALE DEED 1285/214
FY 12 RESURVEY PL 2010-52
FY 11 SENT R & O
INCREASE TO LAND PER PLAN
FBM= MEDIA ROOM/BATH/SAUNA/
WINE LOCKER/STORAGE

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	562,400
Appraised XF (B) Value (Bldg)	3,900
Appraised OB (L) Value (Bldg)	1,400
Appraised Land Value (Bldg)	951,800
Special Land Value	0
Total Appraised Parcel Value	1,519,500
Valuation Method:	C
Exemptions	373,635
Adjustment:	0
Net Total Appraised Parcel Value	1,145,865

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
1128-11	11/08/2011	NC	New Construct	4,500	07/02/2012	100		SHED - 120 SF
1036-10	11/23/2010	RS	Residential	25,000	12/30/2014	100		CONVERT UBM TO FI
10170-93	08/05/1993	NC	1,790SF	0		0		

VISIT/ CHANGE HISTORY

Date	Type	IS	ID	Cd.	Purpose/Result
04/27/2015			DM	10	Revaluation Visit
12/30/2014			MD	04	Information Taken at Doc
07/02/2012			MD	04	Information Taken at Doc
06/10/2011			MD	02	Interior Estim
06/21/2009			DM	10	Revaluation Visit

LAND LINE VALUATION SECTION

B #	Use Code	Use Description	Zone	D	Front	Depth	Units		Unit Price	I. Factor	S.A.		C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing Spec Use	Special Pricing Spec Calc	S Adj Fact	Adj. Unit Price	Land Value
1	1010	Single Fam M01	LUG1				15,304	SF	62.19	1.0000	5		1.00	550	1.00				1.00	62.19	951,800

Total Card Land Units: 0.35 AC | Parcel Total Land Area: 0.35 AC | Total Land Value: 951,800

2011 00002278
Bk: 1291 Pg: 306 Page: 1 of 4
Doc: SP 09/09/2011 11:53 AM

'11 AUG 19 PM 1:39

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: August 19, 2011

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

Application No: 049-11

Owner/Applicant: MARIE LEMBERG

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

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

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

Edward S. Toole (SBB)

Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-228-7215.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road, Nantucket, Massachusetts 02554

Assessor's Map 79, Parcel 127
53 Pochick Avenue
Land Use General 2 (LUG-2)

Lots 1-4 Block 164
Book 17, Page 146 Plan
Plan Book 2, Page 61
Deed Book 390, Page 167

DECISION:

1. The Nantucket Zoning Board of Appeals held a public hearing on August 11, 2011 at 4 Fairgrounds Road, Nantucket, Massachusetts 02554, regarding the application of **Marie Lemberg**, 53 Pochick Avenue, Nantucket Massachusetts 02554, Board of Appeals File No. 049-11. The Board made the following decision:

2. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(8) (alteration of preexisting nonconforming lots) in order to alter the preexisting nonconforming lot by adding a parcel from the Town's Yard Sale program to said lot. The lot, as so altered, will still not meet the minimum lot size of the LUG-2 zoning district. The Locus is situated at 53 Pochick Avenue, is shown on Nantucket Tax Assessor's Map 79 as Parcel 127, is shown Lots 1-4, Block 164 Surfside, Plan Book 2, Page 61, and title is recorded at the Nantucket County Registry of Deeds in Book 390, Page 167. The property is zoned Limited Use General – 2.

3. The applicant is requesting permission to alter the preexisting nonconforming lot by adding a parcel of land acquired through the Town's Yard Sale program. The altered lot will remain nonconforming as it will not meet the minimum lot size. The existing lot is 15,304 square feet. The applicant has purchased a lot pursuant to the Nantucket Yard Sale Program of approximately 4,600 square feet as shown on plan recorded as Plan File 2010-52 at Nantucket Registry of Deeds. In the Limited Use General – 2 zoning district, the minimum lot size is 80,000 square feet. With the addition of 4,600 square feet the applicant's lot, the Locus will still be nonconforming as to lot size, but will be less nonconforming.

4. Our decision is based upon the application, accompanying materials and presentation by applicant's attorney at the public hearing. There was no recommendation from the Planning Board, as it is not considered a matter of planning concern, and no opposition or concerns were presented by abuttors or members of the public. Applicant's attorney stated that there have been many similar applications and that there will be many more as the town is aggressively pursuing the "Yard Sale Program" in order to raise revenue as well as restore un-used land to the tax rolls. In this instance, applicant's lot, while still undersized for the zoning district, will be increased in size by almost thirty percent.

5. Therefore, based upon the foregoing, the Board finds that the requested special permit was in keeping with the spirit and intent of the by-law. The Board also found that decreasing the non-conformity by increasing the lot area was to be encouraged and the newly created lot would not be substantially more detrimental to the neighborhood than the existing non-conformity.

6. Accordingly, by a unanimous vote, the Board grants the requested Special Permit pursuant to Nantucket Zoning By-Law Section 139-33.A.(8) to allow the alteration of applicant's pre-existing non-conforming lot by adding the yard sale lot containing 4,600 square feet, making a total lot area of 19,904± square feet.

SIGNATURE PAGE TO FOLLOW

Dated: August 18, 2011

Edward Toole

Dale Waine

Lisa Botticelli

Kerim Koseatac

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss.

On this 18 day of August, 2011, before me, the undersigned notary public, personally appeared Dale Waine (a) X personally known to me, or (b) _____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

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

TOWN CLERK

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

Commission Expires: 7/19/2014

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 891

BOOK 287 PAGE 273

WE, BERTRAM R. MacMANNIS a/k/a BERTRAM R. MacMANNIS, JR., and WILLIAM M. BURKE, as tenants in common,
of 8 St. James Place, Rowayton, Connecticut 06853, [redacted]

~~having a mailing address~~, for consideration paid, and in full consideration of $160,000.00

grant to ELIZABETH A. REZENDES, Trustee of South Shore Trust u/d/t dated October 28, 1987, and recorded in Book 287 Page 269 at the Nantucket Registry of Deeds, * of Unit #1E, Bayberry Square, 1645 Route 28, Centerville, MA/ 02632 with quitclaim covenants

the land in Nantucket Town and County, Massachusetts, situate at 50 Boulevard, Surfside, and bounded and described as follows:

[Description and encumbrances, if any]

Lots one (1) through eleven (11), inclusive, in Block 164 in the surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately .61 acres.

For our title see Deed of William J. Devine, Trustee of the Mills Land Trust, recorded in Book 283, Page 11 at the Nantucket Registry of Deeds.

NANTUCKET LAND BANK FEE
☒ Paid: $ 3200.-
☐ Exempt: $
4921 11/5/87 603
NO. DATE CERTIFICATION

COMMONWEALTH OF MASSACHUSETTS
DEEDS EXCISE
NO. 11263 384.80

Witness our hands and seals this 4TH day of November 1987

Joseph R. Filanowski

Bertram R. MacMannis a/k/a Bertram R. MacMannis, Jr.

William M. Burke

STATE OF CONNECTICUT
~~The Commonwealth of Massachusetts~~

Fairfield ss. Greenwich November 4, 1987

Then personally appeared the above named William M. Burke

and acknowledged the foregoing instrument to be his free act and deed before me.

Joseph R. Filanowski Jr.
Notary Public — [redacted]

My com[illegible] 19

JOSEPH R. FILANOWSKI, JR.
STATE OF CONNECTICUT
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1993

NANTUCKET COUNTY
Received and Entered
NOV 5 1987 2:04 P.M.
Attest Sandra M. Chadwick
Register

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

QUITCLAIM DEED

NANTUCKET BANK, a banking corporation duly established in the Commonwealth of Massachusetts, having its usual place of business at 104 Pleasant Street, Nantucket, Massachusetts 02554, in consideration of THIRTY THOUSAND FIVE HUNDRED AND 00/100 ($30,500.00) DOLLARS paid, grants to MARIE E. LEMBERG, 28 1/2 Pleasant Street, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

That certain parcel of land, situated in Nantucket , Nantucket County, Massachusetts, bounded and described as follows:

PARCEL ONE

Lots one (1) through four (4), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 6,969 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, road takings and reservations of record, insofar as the same are now in force and applicable.

For title see Deed recorded in Book 287 Page 273, Nantucket County Registry of Deeds.

IN WITNESS WHEREOF the said Nantucket Bank has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by William P. Hourihan, Jr.

this day 28 of May, 1992.

NANTUCKET BANK

W.P. Hourihan

By: William P. Hourihan, Jr.

Property Address: 50 Boulevard

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
53 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0060

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. May 28, 1992

Then personally appeared the above named William F. Hourihan, Jr. and acknowledged the foregoing instrument to be the free act and deed of the Nantucket Bank, before me,

Notary Public

My Commission Expires: 10-5-95

NANTUCKET LAND BANK CERTIFICATE
☒ Paid $ 610.00
☐ Exempt
☐ Non-applicable
No. 9509 Date 5/28/92
Initiation P. Nunes

REGISTRY OF DEEDS REC. 16 NANTUCKET 05/29/92 Cancelled
TAX 139.00
CASH 139.00
20640000 09:16
EXCISE TAX

MAY 28 1992
3:45 PM
NANTUCKET COUNTY REC'D ENTERED
SANDRA M CHADWICK ATTEST REGISTER

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
29 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0080

WHEREAS Alfred S. Rezendes as Trustee of South Shore Trust did by mortgage deed, dated June 22, 1989 and recorded in Nantucket County Registry of Deeds in Book 327 Page 216 convey the premises hereinafter described to Nantucket Bank and whereas in an by said mortgage deed the grantee therein named, or its assigns, were authorized and empowered, upon any default in the performance or observance of the condition of said mortgage, to sell the said premises with all improvements that might be thereon, at public auction in Nantucket, Massachusetts first publishing a notice as therein required, and to convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and whereas there has been such default, and notice has been published, and a sale has been made, as will more particularly appear in and by the affidavit hereto to be subjoined.

NOW THEREFORE KNOW ALL MEN that the said Nantucket Bank by virtue and in execution of the power contained in said mortgage deed as aforesaid, and of every other power it hereto enabling, and in consideration of the sum of NINETY THOUSAND AND 00/100 ($90,000.00) DOLLARS to it paid by Nantucket Bank of 104 Pleasant Street, Nantucket, Nantucket County, Massachusetts the receipt whereof is hereby acknowledged does hereby grant, bargain, sell, and convey unto the said Nantucket Bank the premises conveyed by the aforesaid mortgage deed, namely: The land with the buildings thereon situated in Nantucket, Nantucket County, Massachusetts bounded and described as follows:

PARCEL ONE

Lots one (1) through four (4), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 6,969 square feet.

HAYES & HAYES
ATTORNEYS-AT-LAW
25 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-[illegible]

PARCEL TWO

Lots five (5) through eleven (11), inclusive, in Block 164 in the Surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds being approximately 18,730 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, and road takings and reservations of record insofar as the same are now in force and applicable.

TO HAVE AND TO HOLD the same to the said Nantucket Bank, its heirs and assigns, to its use and behoof forever.

IN WITNESS WHEREOF the said Nantucket Bank has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by William P. Hourihan, Jr. its Senior Vice President this 3rd day of December in the year one thousand nine hundred and ninety.

Signed and sealed in the presence of

Patricia A. Hill

NANTUCKET BANK

By W.P. Hourihan

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. December 3, , 1990

Then personally appeared the above named WILLIAM P. HOURIHAN, JR. Senior Vice President and acknowledged the foregoing instrument to be the free act and deed of the NANTUCKET BANK, before me,

Notary Public

My Commission Expires:
10-5-95

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
33 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0080

AFFIDAVIT

I, William P. Hourihan, Jr. the Senior Vice President and duly authorized agent of Nantucket Bank on oath depose and say, on behalf of the said Corporation, that default has been made in the payment of the principal and interest mentioned in the condition of the mortgage deed above referred to, the said principal and interest not having been at the time when it became payable, or at any time, paid or tendered to any person authorized to receive the same; and that, pursuant to the provision of said mortgage deed and to the requirements of the Statutes of the Commonwealth of Massachusetts, the said Nantucket Bank published on the 25th day of October, 1990 and the 1st and 8th days of November, 1990 in the Inquirer and Mirror a newspaper published in Nantucket aforesaid, a notice of which the following is a true copy:

NOTICE

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Alfred S. Reynolds as Trustee of South Shore Trust under a Declaration of Trust dated October 20, 1967 and recorded in Nantucket County Registry of Deeds in Book 207 Page 399, which said mortgage is dated June 22, 1989, and recorded with the Nantucket County Registry of Deeds on June 26, 1989 in Book 327 Page 216 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 2:00 o'clock p.m. on the 16th day of November, 1990, at the mortgaged premises hereinafter described:

The land together with the buildings and improvements thereon situated in Nantucket, Nantucket County, Massachusetts, bounded and described as follows:

PARCEL I

Lots one (1) through four (4), inclusive, in Block 184 in the Surfside section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 8,969 square feet.

PARCEL II

Lots five (5) through eleven (11), inclusive, in Block 184 in the Surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds being approximately 18,730 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, road takings and reservations of record, insofar as the same are now in force and applicable.

Mortgagee reserves the right to adjourn the sale from time to time. The description of the premises contained in the mortgage shall control in the event of a typographical error in this publication.

This property is subject to municipal and other public taxes.

TERMS OF SALE:

FIVE THOUSAND and 00/100 ($5,000.00) DOLLARS are to be paid in cash, certified check or bank draft at the time of the sale, and the balance is to be paid within thirty (30) days following the order of the Superior Court approving the entry and sale at the office of Hayes & Hayes Attorneys-At-Law, P.C., 23 East Main Street, Hyannis, Massachusetts 02601.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by foreclosure deed to the second highest bidder, providing that said second highest bidder shall deposit with Mortgagee's attorney, Michael J. Hayes, Hayes and Hayes Attorneys, the amount of the required deposit as set forth herein within five (5) business days after written notice of the default of the previous highest bidder.

Other terms, if any, to be announced at the sale.

NANTUCKET BANK
By Its Attorney
Michael J. Hayes
FROM THE OFFICE OF:
Hayes & Hayes, Attorneys-At-Law, P.C.
23 East Main Street
Hyannis, Massachusetts 02601
Dated: October 18, 1990.
10/25/90

HAYES & HAYES
ATTORNEYS AT LAW P.C.
23 EAST MAIN STREET
HYANNIS MA 02601
508 775 1960

I also complied with Massachusetts General Laws Chapter 244, Section 14, by mailing the required notices, certified mail, return receipt requested, to the parties entitled to such notice.

And I further depose and say that, pursuant to said notice and at the time and place therein appointed, the said default still continuing, the said Nantucket Bank sold the premises conveyed by said mortgage deed at public auction by Mark S. Tower, a duly licensed auctioneer of C/O Joseph Finn Co., Inc. 188 Needham Street, Newton, Massachusetts to Nantucket Bank of 104 Pleasant Street, Nantucket, Massachusetts, for the sum of NINETY THOUSAND AND 00/100 ($90,000.00) DOLLARS which said amount was bid by the said Nantucket Bank and was the highest bid made therefor at said auction.

WITNESS my hand this 3rd day of December 1990.

W P Hourihan

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. December 3, , 1990

Then personally appeared the above named William P. Hourihan, Jr. before me, and made oath that the foregoing subscribed statement by him is true,

Notary Public

My Commission Expires:
10-5-95

NANTUCKET LAND BANK CERTIFICATE
Book
Page #
Not applicable
Date
Date 15

NANTUCKET COUNTY
Received and Entered
JAN 14 1991 1:43 PM
Attest Linda M Chadwick
Register

DEEDS REG. 16
NANTUCKET
01/14/91
TAX 410.40
CASH 410.40
24476000 15:16
EXCISE TAX

HAYES & HAYES
ATTORNEYS-AT-LAW P.C.
23 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0101

2011 00001742
Bk: 1285 Pg: 214 Page: 1 of 3
Doc: DD 07/11/2011 11:05 AM

QUITCLAIM DEED

Parcel One, Harriet Street, Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Board of Selectmen (the "Grantor"), in consideration of Two Thousand Five Hundred and 00/100 Dollars ($2,500.00), receipt of which is hereby acknowledged, pursuant to the authority of Article 77 voted upon at 2010 Annual Town Meeting held on April 6, 2010, a certified copy of which is attached hereto, grants to **MARIE E. LEMBERG** of 55 Pochik Avenue, Nantucket, Massachusetts 02554 (the "Grantee"), with QUITCLAIM COVENANTS, that certain plot of land shown as Parcel One, Harriet Street, shown on a plan of land entitled "Taking Plan of land in Nantucket, MA, Harriet Street (F.K.A. Prospect Street), Town of Nantucket, Prepared for: Town of Nantucket," dated September 8, 2010, recorded with Nantucket County Registry of Deeds as Plan No. 2010-52. The premises hereby conveyed is a portion of Harriet Street in Nantucket, Massachusetts, and contains approximately 4,600 square feet of vacant land (the "Parcel").

The Grantor's conveyance of this Parcel is based in part on the Grantee's warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with all abutting lots previously acquired by Grantee pursuant to Deed as shown on Town Assessor Map 79, Parcel 127 and shown as Lots 1-4 on Block 164 on the Plan of Surfside recorded with said Deeds in Plan Book 2, Page 61 (collectively with the Parcel, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions coupled with a reversionary interest hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless the Grantor, in addition to any other permission required by law, grants to the Grantee or to all their successors, heirs and assigns, such Grantor's prior written release for such use, conveyance, division or subdivision and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the

Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking recorded with said Deeds in Book 1249, Page 160.

EXECUTED under seal this 6 day of July, 2011.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Rick Atherton

Whiting Willauer

Patricia Roggeveen

Michael Kopko

Robert DeCosta

NANTUCKET LAND BANK
CERTIFICATE
☑ Paid $ 50.00
☐ Exempt
☐ Non-applicable
No. 31798 Date 7/11/11
Authorization

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this 8 day of July, 2011, before me, the undersigned Notary Public, personally appeared Rick Atherton, Whiting Willauer, Patricia Roggeveen, Michael Kopko, and Robert DeCosta as Members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Board of Selectmen of the Town of Nantucket.

Erika D Mooney

Notary Public
My Commission Expires:

ERIKA DAVIDSON MOONEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 17, 2017

428537/NANT/19712/0002

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

2013 00004016
Bk: 1418 Pg: 154 Page: 1 of 4
Doc: RELEASE 12/30/2013 02:5

RELEASE DEED

The TOWN OF NANTUCKET, acting by and through its Board of Selectmen, a Massachusetts municipal corporation, having offices at 16 Broad Street, Nantucket, Massachusetts,

for consideration paid and in full consideration of ONE AND NO/100 ($1.00) DOLLAR,

grants to MARIE LEMBERG of 53 Pochick Avenue, Nantucket, Massachusetts, 02554

all of Grantor's right, title and interest, if any, in and to that portion of property located at 53 Pochick Avenue, shown as Lots one (1) through four (4), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 6,969 square feet.

This conveyance is made without any covenants of title of any kind or nature whatsoever.

This conveyance is made without monetary consideration to confirm Grantee's record title to said Lots one (1) through four (4), inclusive in Block 164 in Book of Plans 2, Page 61.

This conveyance is made pursuant to the authority of Article 81 adopted at the April, 2012 Nantucket Annual Town Meeting, a certified copy of which is attached hereto, and to Chapter 334 of the Acts of 1990.

The conveyance hereby made has been completed in full compliance with the requirements of MGL CH 30 B.

In witness whereof the undersigned set their hands and seals this 18 day of December, 2013 on behalf of the Town of Nantucket.

Town of Nantucket
By and through its
Board of Selectmen:

Rick Atherton

Robert DeCosta

Bruce D. Miller

Matthew G. Fee

Tobias B. Glidden

COMMONWEALTH OF MASSACHUSETTS

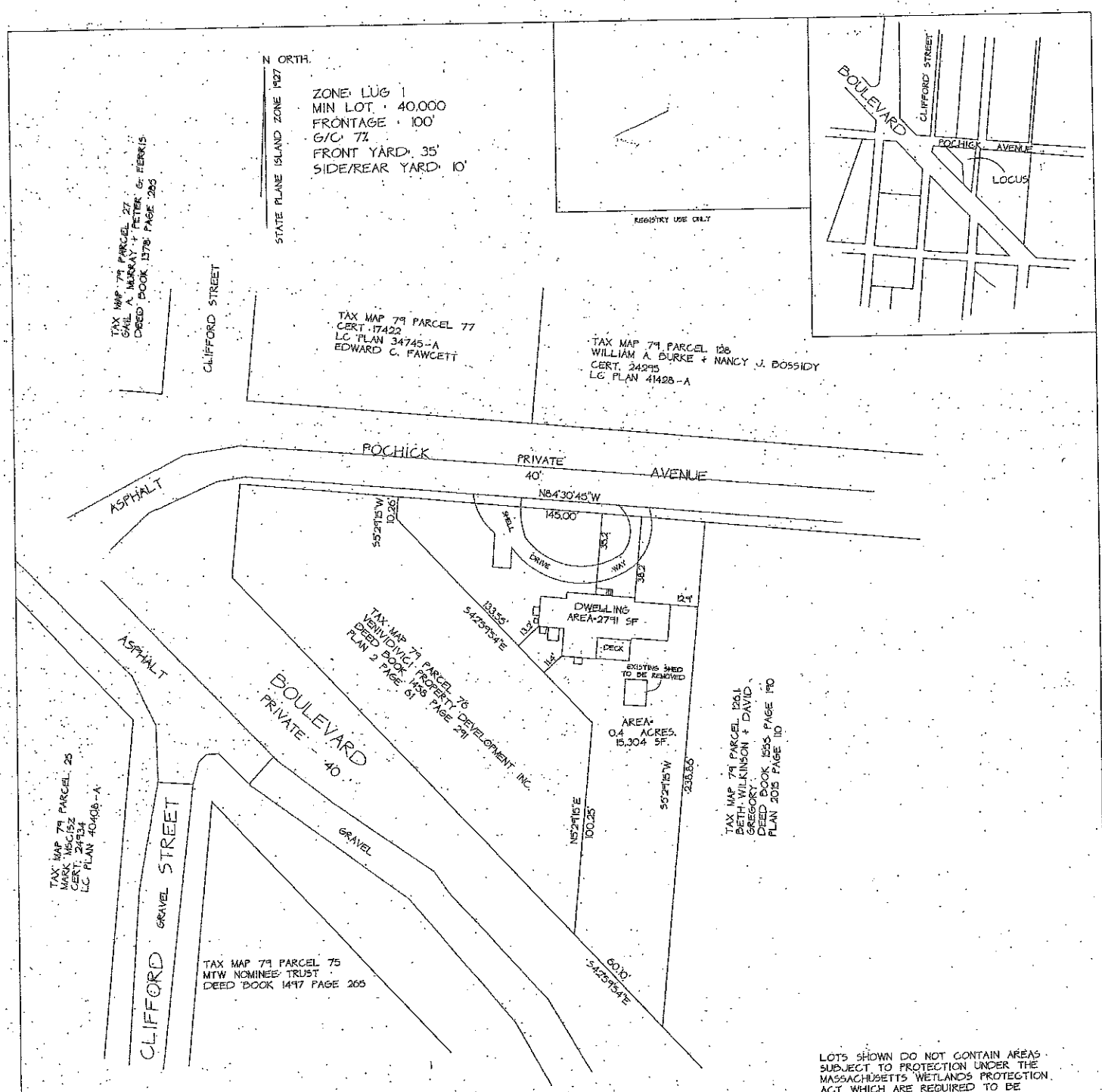
County of Nantucket

On this 18 day of December 2013, before me, the undersigned notary public, personally appeared Rick Atherton, Robert DeCosta, Bruce D. Miller, Matthew G. Fee, and Tobias B. Glidden, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose name are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the of the Board of Selectmen of the Town of Nantucket.

Erika D Mooney
Official Signature and Seal of Notary Public
My Commission expires:

ERIKA DAVIDSON MOONEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 17, 2017

NANTUCKET LAND BANK CERTIFICATE
Paid $
Exempt B
Non-applicable
No. 34829 Date 12/30/13
Authorization dcs



LOTS SHOWN DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL REQUIRED TO BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS; DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED

DATE _____

FILE NUMBER _____

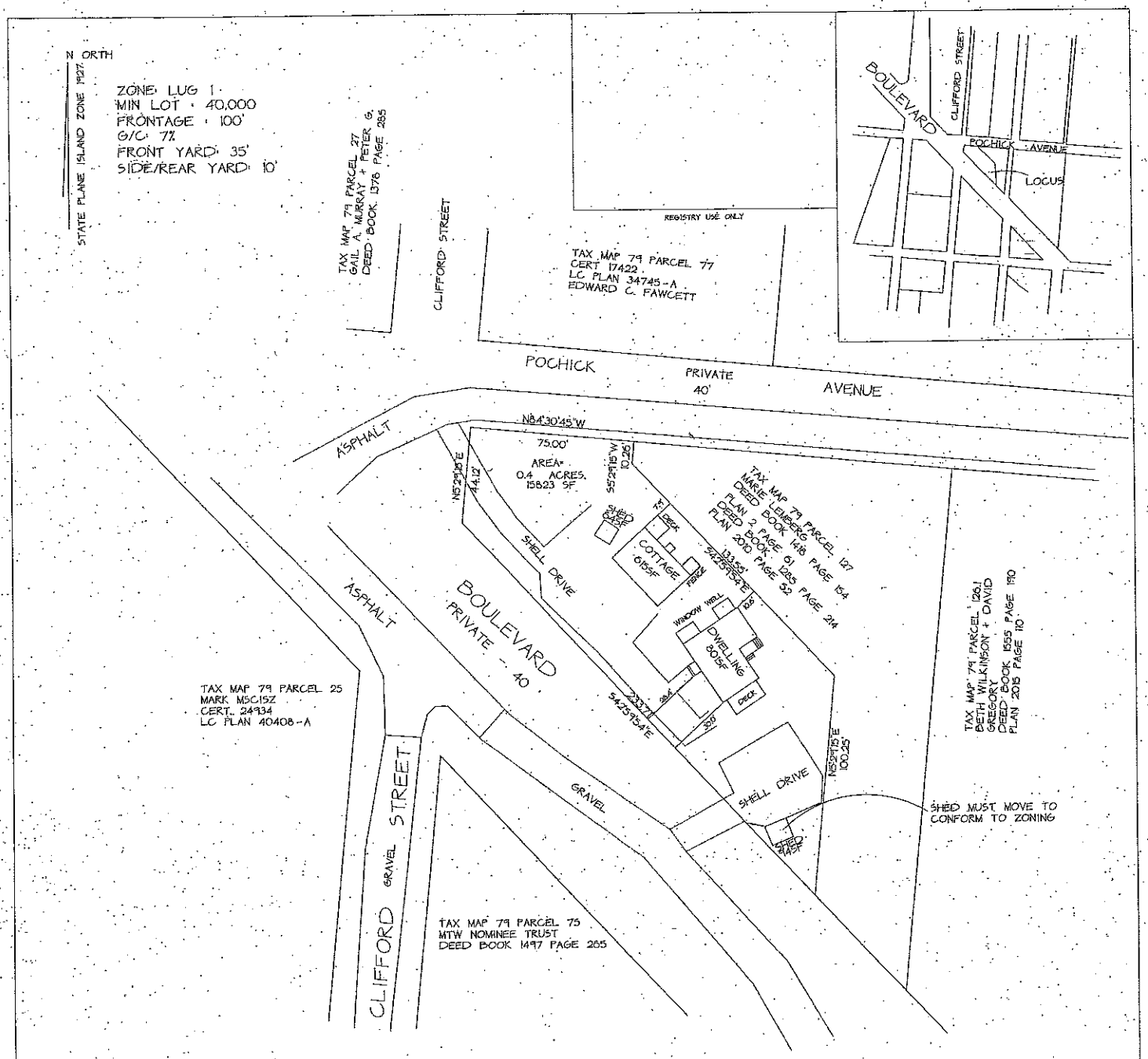
PARCEL COMBINATION PLAN

53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2 PAGE 61
DEED BOOK 1285 PAGE 214
PLAN 2010 PAGE 52
SCALE 1" = 30' 12-13-2016
ACKME SURVEY LLC
PO BOX 1448
NANTUCKET 02554

OWNER:
MARIE LEMBERG
53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2010-52

COMMONWEALTH OF MASSACHUSETTS
FRANK D. HOLDGATE
No. 7880
PROFESSIONAL LAND SURVEYOR

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



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APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

DATE _____

FILE NUMBER _____

PARCEL AS DESCRIBED IN
DEED BOOK 1458 PAGE 291

55 POCHICK AVENUE
TAX MAP 79 PARCEL 76
DEED BOOK 1458 PAGE 291
PLAN 2 PAGE 61
PLAN 2010 PAGE 52
SCALE 1" = 30' 12-13-2016
ACKME SURVEY LLC
PO BOX 1448
NANTUCKET 02554

OWNER:
VENIVIDIVICI PROPERTY DEVELOPMENT INC.
53 POCHICK AVENUE
TAX MAP 79 PARCEL 76
DEED BOOK 1458 PAGE 291
PLAN 2010-52

0 10 30 100

COMMONWEALTH OF MASSACHUSETTS
FRANK O. HOLDGATE
No. 30985
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Venividivici Property Development, Inc.

55 Pochick Ave.

File No. 04-17

NANTUCKET
TOWN CLERK

2016 DEC 16 PM 3:20

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED
DEC 16 2016
By 10033

APPLICATION

Fee: $450.00 **File No.** 0417

Owner's name(s VENIVIDIVICI PROPERTY DEVELOPMENT, INC.

Mailing address: 53 Pochick Avenue, Nantucket, MA 02554

Phone Number: 508-332-9165 E-Mail: edmarie68@aol.com

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail Same

Locus Address: 55 Pochick Avenue Assessor's Map/Parcel: 79-76

Land Court Plan/Plan Book & Page/Plan File No.: Lots 5-11, Block 164, Plan Bk 2, Page 61

Deed Reference/Certificate of Title: 1458-291 Zoning District LUG-1

Uses on Lot- Commercial: None X Yes (describe) _____
Residential: Number of dwellings 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 1992 (cottage); 1995 (primary dwelling)

Building Permit Numbers: _____

Previous Zoning Board Application Numbers _____

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

(SEE ATTACHED 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

*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

Applicant, VENIVIDVICI PROPERTY DEVELOPMENT, INC., Edwin A. Lemberg, Principal, is seeking a VARIANCE pursuant to Nantucket Zoning By-law Section 139-32 from the provisions of Nantucket Zoning By-law Section 139-16 (Intensity Regulations – minimum lot size, groundcover) in order to render the subject lot separately marketable and buildable from abutting property specifically at 53 Pochick Avenue (Map 79-76).

A parcel of land shown as Lots 1-11 on Block 164 was conveyed by Bertram MacMannis in 1987 under Deed 287/273 to Elizabeth A. Rezendes on November 5, 1987. Subsequently, the parcel was split into two (2) parcels, Lots 1-4, today known as 53 Pochick Avenue, and Lots 5-11, today known as 55 Pochick Avenue.

On January 14, 1991 the Nantucket Bank took the two (2) properties in one (1) Foreclosure Deed 358/83 from Alfred S. Rezendes, Trustee of South Shore Trust. The parcels were vacant at the time of foreclosure. As the lots were vacant at the time of the foreclosure and the Bank took ownership of the properties in one title and name, there is a question that the nonconforming lots may have merged under the provisions of the Zoning By-law. Had the lots been improved there would be in general no issue of merger.

Nantucket Bank then conveyed vacant parcel 55 Pochick Avenue to current Owner Edwin A. Lemberg on May 28, 1992 in separate Deed 390/171.

Nantucket Bank then also conveyed vacant parcel 53 Pochick Avenue to current Owner Marie E. Lemberg on May 28, 1992 in Deed 390/169 (the subject of a companion application to the ZBA for the same relief).

Edwin Lemberg obtained validly issued building permits to construct a cottage (1992) and a primary single-family dwelling (1995) without comment from the Building Department that there may be a merger issue with 53 Pochick Avenue. Subsequent permits were issued also without comment. Separate tax bills were sent, creating a separate identity from 53 Pochick Avenue which exists to the present.

An affidavit was also presented to the Building Department stating that the subject lot at 55 Pochick Avenue had not been held common ownership with any contiguous parcels in support of the first building permit. Title insurance had also been issued for this property as a mortgage was granted

Special Permit relief was granted by the Zoning Board of Appeals in the Decision in File No. 049-11 to validate a change in lot lines with the incorporation of a paper street conveyed by the Town of Nantucket to the property for 53 Pochick Avenue. No comment was made at the time of any possible merger issues with subject lot 55 Pochick Avenue.

There is no possibility of merging 55 Pochick Avenue with 53 Pochick Avenue at this point as there are two (2) dwelling units on 55 Pochick Avenue and one (1) on 53 Pochick Avenue and the lots are held in separate ownership and control. Merger would create further nonconformities as three (3) dwelling units would be contained on one (1) lot. 53 Pochick Avenue is under agreement to be sold and this matter needs to be corrected and validated through issuance of Variance relief and further eliminating the ability to merge the lots.

The Locus is nonconforming as to lot size, with the lot containing about 15,823 square feet of lot area in the LUG-1 zoning district that requires a minimum lot size of 40,000 square feet and as to setback with a side patio/deck area providing access to the back of the cottage set back from the easterly side yard lot line at about 7.9 feet in a district that requires a 10 foot side yard setback. The lot is conforming to frontage requirements of the Zoning By-law.

Applicant is asking the Zoning Board of Appeals to validate the lot as presently configured, with the existing lot size and setback nonconformities as separately marketable and buildable from adjacent land. The Zoning Board of Appeals has granted similar relief on many occasions over time and could support a grant of relief based on the unique circumstances affecting these lots, separate histories, shape of the lot, topography of the structure and extreme negative financial hardship that would be created should the Board require re-merger of the two (2) parcels. Further, there would be an increase in the nonconformity should merger be required resulting in three (3) dwelling units on one (1) parcel. There would be no detriment to the public good with allowing the two (2) properties to remain separately marketable and buildable as the situation has existed without negative impact since the dwellings were constructed on the lots, at least 24 years ago. There are other similarly sized lots along Pochick Avenue.

Property Information

Property ID	79 76
Location	55 POCHICK AV
Owner	VENIVIDIVICI PROP DEV INC

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 12/15/2016

Property Information

Property ID	79 76
Location	55 POCHICK AV
Owner	VENIVIDIVICI PROP DEV INC

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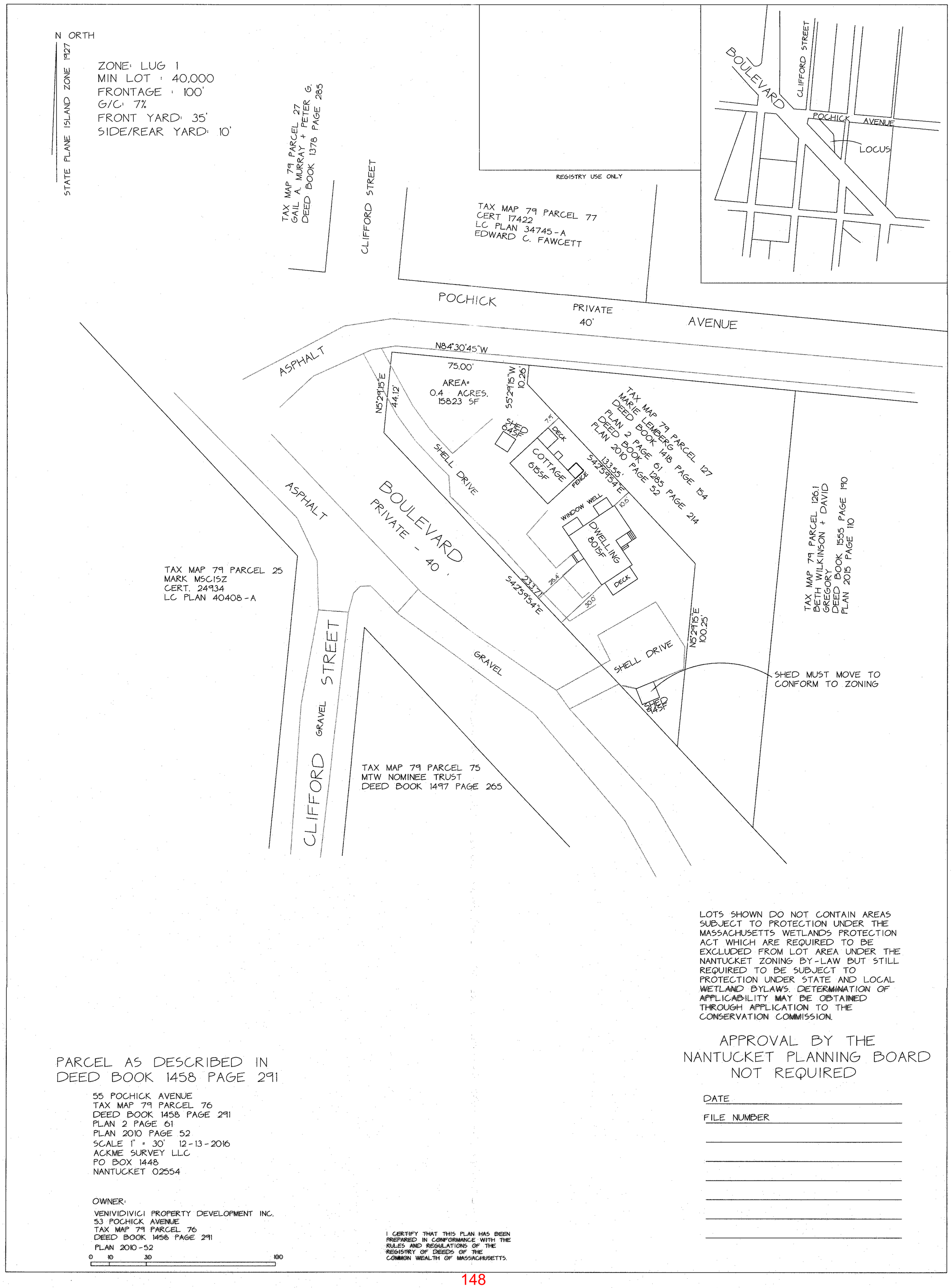

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APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

DATE _____

FILE NUMBER _____

PARCEL AS DESCRIBED IN
DEED BOOK 1458 PAGE 291

55 POCHICK AVENUE
TAX MAP 79 PARCEL 76
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PLAN 2 PAGE 61
PLAN 2010 PAGE 52
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OWNER:
VENIVIDIVICI PROPERTY DEVELOPMENT INC.
53 POCHICK AVENUE
TAX MAP 79 PARCEL 76
DEED BOOK 1458 PAGE 291
PLAN 2010-52

0 10 30 100

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMON WEALTH OF MASSACHUSETTS.

55 POCHICK AV

Location	55 POCHICK AV	**Mblu**	79/ / 76/ /
Acct#	00007356	**Owner**	VENIVIDIVICI PROP DEV INC
Assessment	$1,589,800	**PID**	7356
Building Count	2		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2016	$617,400	$972,400	$1,589,800

Owner of Record

Owner	VENIVIDIVICI PROP DEV INC	**Sale Price**	$0
Co-Owner		**Certificate**	
Address	53 POCHICK AV NANTUCKET, MA 02554	**Book & Page**	01458/0291
		Sale Date	11/05/2014
		Instrument	99

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
VENIVIDIVICI PROP DEV INC	$0		01458/0291	99	11/05/2014
LEMBERG EDWIN A	$30,500		00390/0171	1P	05/28/1992
NANTUCKET BANK	$90,000		00358/ 083	1L	01/14/1991
REZENDES ELIZABETH A TR	$160,000		00287/ 273	N	11/05/1987

Building Information

Building 1 : Section 1

Year Built:	1992
Living Area:	780
Replacement Cost:	$199,937
Building Percent Good:	94
Replacement Cost Less Depreciation:	$187,900

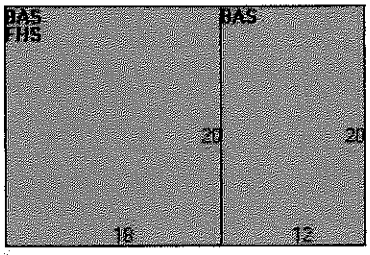
Building Attributes	
Field	**Description**

Style	Cape Cod
Model	Residential
Grade:	Average
Stories:	1 1/2 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern

Building Photo

(http://images.vgsi.com/photos/NantucketMAPhotos//\00\03\1

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	600	600
FHS	Half Story, Finished	360	180
		960	780

Building 2 : Section 1

Year Built:	1995
Living Area:	2,120
Replacement Cost:	$455,635
Building Percent Good:	94
Replacement Cost Less Depreciation:	$428,300

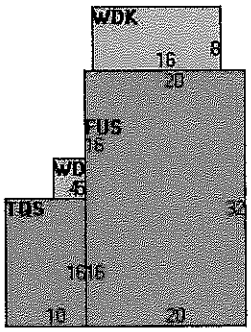
Building Attributes : Bldg 2 of 2	
Field	**Description**
Style	Colonial
Model	Residential
Grade:	Above Average

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	Plastered
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 Bedrooms
Total Bthrms:	4
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern

Building Photo

(http://images.vgsi.com/photos/NantucketMAPhotos//\00\03\1

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	800	800
FUS	Upper Story, Finished	640	640
FBM	Basement, Finished	800	560
TQS	Three Quarter Story	160	120
WDK	Deck, Wood	148	0
		2,548	2,120

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code	1090	**Size (Acres)**	0.43
Description	MULTI HSES M01	**Frontage**	0
Zone	LUG1	**Depth**	0
Neighborhood	550	**Assessed Value**	$972,400
Alt Land Appr	No		
Category			

Outbuildings

Outbuildings						Legend
Code	**Description**	**Sub Code**	**Sub Description**	**Size**	**Value**	**Bldg #**
SHD1	SHED FRAME			100 S.F.	$1,200	2

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2016	$605,300	$972,400	$1,577,700
2015	$508,300	$686,500	$1,194,800
2014	$508,300	$686,500	$1,194,800
2013	$508,300	$686,500	$1,194,800
2012	$518,500	$686,500	$1,205,000

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SEPARATE TAX BILL
55 POCHICK AVENUE

55

Bill Information

Parcel 0079-076

Location ** MULTIPLE **

Name ** VARIOUS **

Alerts

Effective Date 12/14/2016

Bills

Year	Cat	Bill	NS	Orig Billed	Activity	Unpaid Bal	Due Now
2017	RE-R	12863		5540.93	-2725.02	2815.91	.00
2016	RE-R	12793		5450.02	-5450.02	.00	.00
2015	RE-R	5916		4431.80	-4431.80	.00	.00
2014	RE-R	5887		4615.94	-4615.94	.00	.00
2013	RE-R	5847		4505.46	-4505.46	.00	.00
2012	RE-R	5831		4482.10	-4482.10	.00	.00
2011	RE-R	5813		4432.58	-4432.58	.00	.00
2010	RE-R	5768		3911.92	-3911.92	.00	.00
2009	RE-R	5752		3929.56	-3929.56	.00	.00
2008	RE-R	5702		3801.42	-3801.42	.00	.00
2007	RE-R	5650		3545.15	-3545.15	.00	.00
2006	RE-R	5617		2210.81	-2210.81	.00	.00
2005	RE-R	5534		2201.32	-2201.32	.00	.00
2004	RE-R	5520		2008.91	-2008.91	.00	.00
2003	RE-R	5512		2038.63	-2038.63	.00	.00
2002	RE-R	5384		1965.31	-1965.31	.00	.00
2001	RE-R	34197		1804.37	-1804.37	.00	.00
2000	RE-R	34196		1769.66	-1769.66	.00	.00
1999	RE-R	34195		2310.43	-2310.43	.00	.00
1998	RE-R	34194		1953.53	-1953.53	.00	.00
1997	RE-R	34193		1113.45	-1113.45	.00	.00

Property Location: 55 POCHICK AV | MAP ID: 79/ / 76/ / | Bldg Name: | State Use: 1090

Vision ID: 7356 | Account # 00007356 | Bldg #: 1 of 2 | Sec #: 1 of 1 | Card 1 of 2 | Print Date: 12/14/2016 14:48

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION
VENIVIDIVICI PROP DEV INC	1 Level	5 Well	1 Paved	2 Suburban
53 POCHICK AV		6 Septic		
NANTUCKET, MA 02554				

Additional Owners:

SUPPLEMENTAL DATA

Other ID: 0079-076
DESC LOTS 5 T

7356

GIS ID: F_1754946_90791 | ASSOC PID#

CURRENT ASSESSMENT

Description	Code	Appraised Value	Assessed Value
RES BDG	1090	616,200	616,200
RES LAND	1090	972,400	972,400
RES OB	1090	1,200	1,200
	Total	1,589,800	1,589,800

1401
NANTUCKET, MA

VISION

RECORD OF OWNERSHIP

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
VENIVIDIVICI PROP DEV INC	01458/0291	11/05/2014	U	I	0	99
LEMBERG EDWIN A	00390/0171	05/28/1992	U	V	30,500	1P
NANTUCKET BANK	00358/ 083	01/14/1991	U	V	90,000	1L
REZENDES ELIZABETH A TR	00287/ 273	11/05/1987	U	V	160,000	N

PREVIOUS ASSESSMENTS (HISTORY)

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2017	1090	616,200	2016	1090	604,100	2016	1090	568,000
2017	1090	972,400	2016	1090	972,400	2016	1090	686,500
2017	1090	1,200	2016	1090	1,200	2016	1090	1,200
	Total:	1,589,800		Total:	1,577,700		Total:	1,255,700

EXEMPTIONS

Year	Type	Description	Amount
		Total:	

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm. Int.

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD

NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch
550/A				

NOTES

'MAISON MARIE'

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	187,900
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	972,400
Special Land Value	0
Total Appraised Parcel Value	1,589,800
Valuation Method:	C
Exemptions	0
Adjustment:	0
Net Total Appraised Parcel Value	**1,589,800**

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
339-14	03/14/2014	RE	Remodel	30,000	12/30/2014	100		CHANGE UBM TO FB
332-14	03/13/2014	NC	New Construct	7,000	12/30/2014	100		SHED - 10 X 10
12002-95	12/27/1994	NC	TOTAL 30	0		0		

VISIT/ CHANGE HISTORY

Date	Type	IS	ID	Cd.	Purpose/Result
04/27/2015			DM	10	Revaluation Visit
12/30/2014			MD	04	Information Taken at Doc
06/21/2009			DM	10	Revaluation Visit
03/05/1996			TE	00	Exterior Only
06/09/1994			JD	10	Revaluation Visit

LAND LINE VALUATION SECTION

B #	Use Code	Use Description	Zone	D	Front	Depth	Units		Unit Price	I. Factor	S.A.		C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing Spec Use	Special Pricing Spec Calc	S Adj Fact	Adj. Unit Price	Land Value
1	1090	MULTI HSES M01	LUG1				18,730	SF	51.92	1.0000	5		1.00	550	1.00				1.00	51.92	972,400

Total Card Land Units: 0.43 AC | Parcel Total Land Area: 0.43 AC | Total Land Value: 972,400

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 801

BOOK 287 PAGE 273

WE, BERTRAM R. MacMANNIS a/k/a BERTRAM R. MacMANNIS, JR., and WILLIAM M. BURKE, as tenants in common,
of 8 St. James Place, Rowayton, Connecticut 06853,

[redacted]

[redacted], for consideration paid, and in full consideration of $160,000.00

grant to ELIZABETH A. REZENDES, Trustee of South Shore Trust u/d/t dated October 28, 1987, and recorded in Book 287 Page 269 at the Nantucket Registry of Deeds, of Unit #1E, Bayberry Square, 1645 Route 28, Centerville, MA/ 02632 with [redacted]

the land in Nantucket Town and County, Massachusetts, situate at 50 Boulevard, Surfside, and bounded and described as follows:

[Description and encumbrances, if any]

Lots one (1) through eleven (11), inclusive, in Block 164 in the surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately .61 acres.

For our title see Deed of William J. Devine, Trustee of the Mills Land Trust, recorded in Book 283, Page 11 at the Nantucket Registry of Deeds.

NANTUCKET LAND BANK FEE
☒ Paid: $ 3200.-
☐ Exempt: $
4921 11/5/87 603
INV. DATE CERTIFICATION

COMMONWEALTH OF MASSACHUSETTS
DEEDS EXCISE
$384.80

Witness our hands and seals this 4TH day of November 1987

Joseph R. Filanowski

Bertram R. MacMannis a/k/a Bertram R. MacMannis, Jr.

William M. Burke

STATE OF CONNECTICUT
[redacted]

Fairfield ss. Greenwich November 4, 1987

Then personally appeared the above named William M. Burke

and acknowledged the foregoing instrument to be his free act and deed before me.

Notary Public — [redacted]

My com 19

JOSEPH R. FILANOWSKI, JR.
STATE OF CONNECTICUT
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1989

NANTUCKET COUNTY
Received and Entered
NOV 5 1987 2:04 P.M.
Attest Sandra M. Chadwick
Register

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 185 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

WHEREAS Alfred S. Rezendes as Trustee of South Shore Trust did by mortgage deed, dated June 22, 1989 and recorded in Nantucket County Registry of Deeds in Book 327 Page 216 convey the premises hereinafter described to Nantucket Bank and whereas in an by said mortgage deed the grantee therein named, or its assigns, were authorized and empowered, upon any default in the performance or observance of the condition of said mortgage, to sell the said premises with all improvements that might be thereon, at public auction in Nantucket, Massachusetts first publishing a notice as therein required, and to convey the same by proper deed or deeds to the purchaser or purchasers absolutely and in fee simple; and whereas there has been such default, and notice has been published, and a sale has been made, as will more particularly appear in and by the affidavit hereto to be subjoined.

NOW THEREFORE KNOW ALL MEN that the said Nantucket Bank by virtue and in execution of the power contained in said mortgage deed as aforesaid, and of every other power it hereto enabling, and in consideration of the sum of NINETY THOUSAND AND 00/100 ($90,000.00) DOLLARS to it paid by Nantucket Bank of 104 Pleasant Street, Nantucket, Nantucket County, Massachusetts the receipt whereof is hereby acknowledged does hereby grant, bargain, sell, and convey unto the said Nantucket Bank the premises conveyed by the aforesaid mortgage deed, namely: The land with the buildings thereon situated in Nantucket, Nantucket County, Massachusetts bounded and described as follows:

PARCEL ONE

Lots one (1) through four (4), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 6,969 square feet.

HAYES & HAYES
ATTORNEYS-AT-LAW
23 EAST MAIN STREET
HYANNIS, MA 02601

PARCEL TWO

Lots five (5) through eleven (11), inclusive, in Block 164 in the Surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds being approximately 18,730 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, and road takings and reservations of record insofar as the same are now in force and applicable.

TO HAVE AND TO HOLD the same to the said Nantucket Bank, its heirs and assigns, to its use and behoof forever.

IN WITNESS WHEREOF the said Nantucket Bank has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by William P. Hourihan, Jr. its Senior Vice President this 3rd day of December in the year one thousand nine hundred and ninety.

Signed and sealed in the presence of

Patricia A. [illegible]

NANTUCKET BANK

By W.P. Hourihan

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. December 3, , 1990

Then personally appeared the above named WILLIAM P. HOURIHAN, JR. Senior Vice President and acknowledged the foregoing instrument to be the free act and deed of the NANTUCKET BANK, before me,

Notary Public

My Commission Expires:
10-5-95

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
29 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0880

AFFIDAVIT

I, William P. Hourihan, Jr. the Senior Vice President and duly authorized agent of Nantucket Bank on oath depose and say, on behalf of the said Corporation, that default has been made in the payment of the principal and interest mentioned in the condition of the mortgage deed above referred to, the said principal and interest not having been at the time when it became payable, or at any time, paid or tendered to any person authorized to receive the same; and that, pursuant to the provision of said mortgage deed and to the requirements of the Statutes of the Commonwealth of Massachusetts, the said Nantucket Bank published on the 25th day of October, 1990 and the 1st and 8th days of November, 1990 in the Inquirer and Mirror a newspaper published in Nantucket aforesaid, a notice of which the following is a true copy:

NOTICE

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Alfred B. Rezendes as Trustee of South Shore Trust under a Declaration of Trust dated October 20, 1987 and recorded in Nantucket County Registry of Deeds in Book 287 Page 202, which said mortgage is dated June 22, 1989, and recorded with the Nantucket County Registry of Deeds on June 28, 1989 in Book 327 Page 218 of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 2:00 o'clock p.m. on the 16th day of November, 1990, at the mortgaged premises hereinafter described:

The land together with the buildings and improvements thereon situated in Nantucket, Nantucket County, Massachusetts, bounded and described as follows:

PARCEL I

Lots one (1) through four (4), inclusive, in Block 184 in the Surfside section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 5,969 square feet.

PARCEL II

Lots five (5) through eleven (11), inclusive, in Block 184 in the Surfside section of Nantucket, Massachusetts, shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds being approximately 18,750 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, road takings and reservations of record, insofar as the same are now in force and applicable.

Mortgagee reserves the right to adjourn the sale from time to time. The description of the premises contained in the mortgage shall control in the event of a typographical error in this publication.

This property is subject to municipal and other public taxes.

TERMS OF SALE:

FIVE THOUSAND and 00/100 ($5,000.00) DOLLARS are to be paid in cash, certified check or bank draft at the time of the sale, and the balance is to be paid within thirty (30) days following the order of the Superior Court approving the entry and sale at the office of Hayes & Hayes Attorneys-At-Law, P.C., 22 East Main Street, Hyannis, Massachusetts 02601.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by foreclosure deed to the second highest bidder, providing that said second highest bidder shall deposit with Mortgagee's attorney, Michael J. Hayes, Hayes and Hayes Attorneys, the amount of the required deposit as set forth herein within five (5) business days after written notice of the default of the previous highest bidder.

Other terms, if any, to be announced at the sale.

NANTUCKET BANK
By Its Attorney
Michael J. Hayes
FROM THE OFFICE OF:
Hayes & Hayes, Attorneys-At-Law, P.C.
22 East Main Street
Hyannis, Massachusetts 02601
Dated: October 10, 1990.

10/26/31

HAYES & HAYES
ATTORNEYS AT LAW P.C.
22 EAST MAIN STREET
HYANNIS MA 02601
508-775-0600

I also complied with Massachusetts General Laws Chapter 244, Section 14, by mailing the required notices, certified mail, return receipt requested, to the parties entitled to such notice.

And I further depose and say that, pursuant to said notice and at the time and place therein appointed, the said default still continuing, the said Nantucket Bank sold the premises conveyed by said mortgage deed at public auction by Mark S. Tower, a duly licensed auctioneer of C/O Joseph Finn Co., Inc. 188 Needham Street, Newton, Massachusetts to Nantucket Bank of 104 Pleasant Street, Nantucket, Massachusetts, for the sum of NINETY THOUSAND AND 00/100 ($90,000.00) DOLLARS which said amount was bid by the said Nantucket Bank and was the highest bid made therefor at said auction.

WITNESS my hand this 3rd day of December 1990.

W P Hourihan

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. December 3, , 1990

Then personally appeared the above named William P. Hourihan, Jr. before me, and made oath that the foregoing subscribed statement by him is true,

Notary Public

My Commission Expires:
10-5-95

NANTUCKET LAND BANK CERTIFICATE

NANTUCKET COUNTY
Received and Entered
JAN 14 1991 1:43PM.
Attest Linda M Chadwick
Register

DEEDS REC. 16
NANTUCKET
01/14/91
TAX 418.40
CASH 418.40
24474080 15:16
EXCISE TAX

HAYES & HAYES
ATTORNEYS-AT-LAW PC
23 EAST MAIN STREET
HYANNIS, MA 02601

QUITCLAIM DEED

NANTUCKET BANK, a banking corporation duly established in the Commonwealth of Massachusetts, having its usual place of business at 104 Pleasant Street, Nantucket, Massachusetts 02554, in consideration of THIRTY THOUSAND FIVE HUNDRED AND 00/100 ($30,500.00) DOLLARS paid, grants to EDWIN A. LEMBERG, 28 1/2 Pleasant Street, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

That certain parcel of land, situated in Nantucket , Nantucket County, Massachusetts, bounded and described as follows:

PARCEL TWO

Lots five (5) through eleven (11), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 18,730 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, road takings and reservations of record, insofar as the same are now in force and applicable.

For title see Deed recorded in Book 287 Page 273, Nantucket County Registry of Deeds.

IN WITNESS WHEREOF the said Nantucket Bank has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by William P. Hourihan, Jr.

this day 28 of May, 1992.

NANTUCKET BANK

W. P. Hourihan

By: William P. Hourihan, Jr.

Property Address: 50 Bickwood

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
33 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0000

BOOK 0390 PAGE 172

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. May 28, 1992

Then personally appeared the above named William P. Hourihan, Jr. and acknowledged the foregoing instrument to be the free act and deed of the Nantucket Bank, before me,

Notary Public

My Commission Expires: 10-5-95

NANTUCKET LAND BANK CERTIFICATE
☒ Paid $ 640.00
☐ Exempt
☐ Non-applicable
9509 5/28/92
No. Date
Authorization

REEDS REC 16
NANTUCKET
05/29/92
Cancelled

TAX 139.88
CASH 139.88
3865 EXCISE TAX

MAY 28 1992 3:45PM
NANTUCKET COUNTY REC'D ENTERED
SANDRA M CHADWICK ATTEST REGISTER

HAYES & HAYES
ATTORNEYS-AT-LAW, P.C.
33 EAST MAIN STREET
HYANNIS, MA 02601
(508) 775-0060

2014 00003214
Bk: 1458 Pg: 291 Page: 1 of 2
Doc: DD 11/05/2014 02:47 PM

MASSACHUSETTS QUITCLAIM DEED

EDWIN A. LEMBERG with an address of 53 Pochick Avenue, Nantucket, MA 02554,

For consideration paid in the amount of $ 1.00, grants to

VENIVIDIVICI PROPERTY DEVELOPMENT INC., a Massachusetts Corporation, with an address of 53 Pochick Avenue, Nantucket, MA 02554.

With QUITCLAIM COVENANTS,

The following described parcel of land situated at 55 POCHICK AVENUE, Nantucket, Nantucket County, Massachusetts, together with the buildings and all other improvements thereon:

Lots five (5) through eleven (11), inclusive, in Block 164 in the Surfside Section of Nantucket, Massachusetts shown on the Plan of Surfside, recorded in Book of Plans 2, Page 61 at the Nantucket Registry of Deeds, being approximately 18,730 square feet.

The above described premises are subject to and have the benefit of all rights, rights of way, restrictions, easements, road takings and reservations of record, insofar as the same are now in force and applicable.

For title see Deed recorded in Book 390, Page 171, at the Nantucket Registry of Deeds, Nantucket, Massachusetts.

SIGNATURE PAGE TO FOLLOW

Executed and sealed effective as ~~of October~~ NOV 3rd ___, 2014.

Edwin A. Lemberg

Edwin A. Lemberg

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket

On this 3rd day of ~~October,~~ November 2014, before me, the undersigned notary public, personally appeared Edwin A. Lemberg (a) ✓ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: 5/9/19

KATHRYN L GLIDDEN
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMM. EXPIRES MAY 9, 2019

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

NANTUCKET LAND BANK CERTIFICATE
☐ Paid $
☑ Exempt I
☐ Non-applicable
No. 35702 Date 11/5/14
Authorization

EDWIN A. LEMBERG
Lots 5 - 11, inclusive, 50 The Boulevard, Nantucket, MA

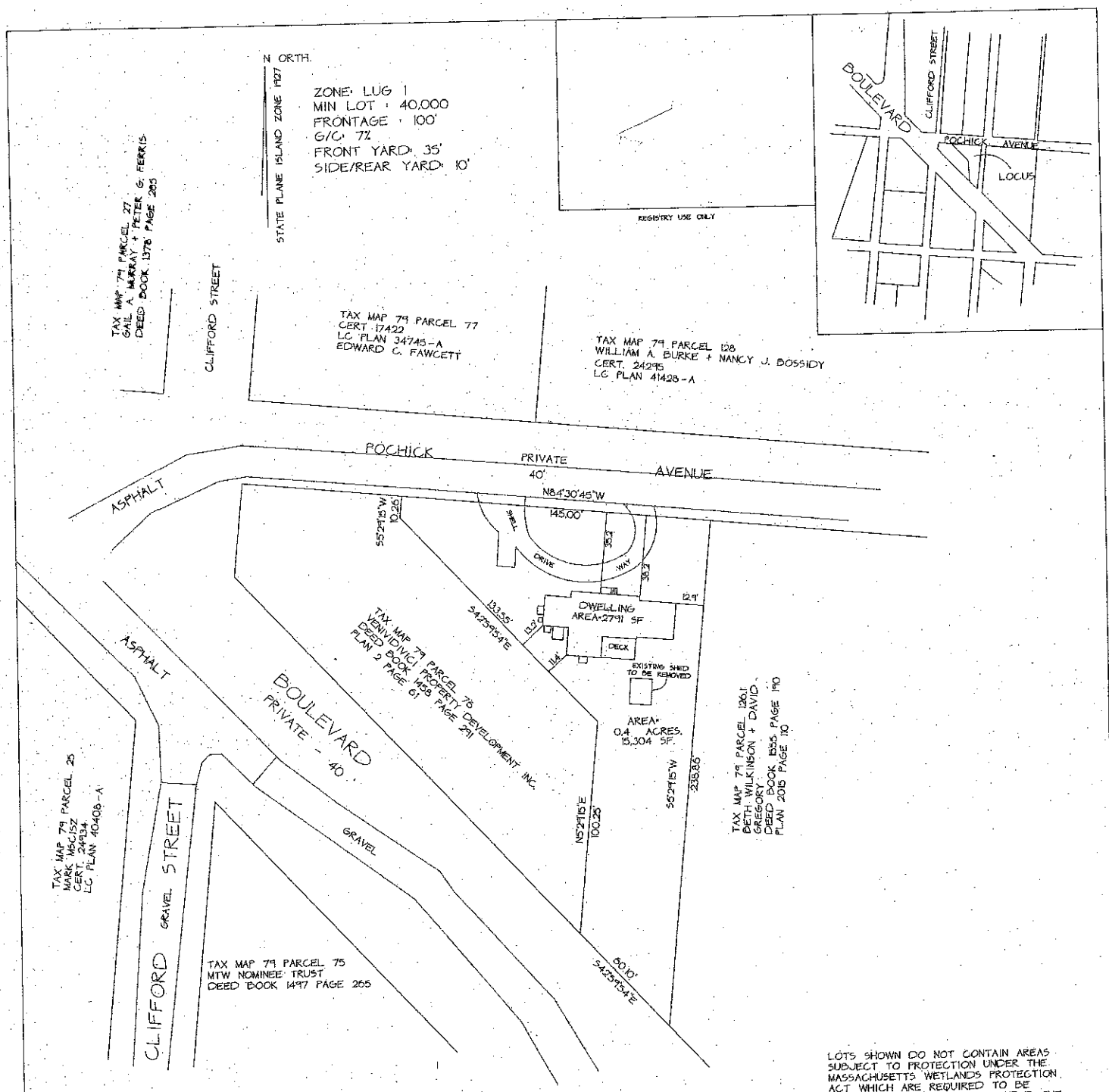
COMMONWEALTH OF MASSACHUSETTS

Nantucket,ss

CERTIFICATE OF NON-CONTIGUOUS OWNERSHIP

I, the undersigned Richard J. Glidden of Glidden & Glidden, P.C., 37 Centre Street, Nantucket, MA 02554, being an attorney duly licensed in the Commonwealth of Massachusetts, hereby certify to the Nantucket Building Department for the purposes of the issuance of a building permit, that I have examined the public records maintained at the Nantucket Registry of Deeds affecting the premises at Pochick Avenue and The Boulevarde, Surfside, being shown as Lots 5 - 11 inclusive, on Plan recorded in Plan Book 2, Page 61 at the Nantucket Registry of Deeds (Tax Map 79, Parcel 076), currently owned by Edwin A. Lemberg, Deed recorded at Book 390, Page 171, hereinafter referred to as the Premises, and I have examined the record title to the properties abutting the Premises, to wit:

Northerly abuttor:	Pochick Avenue;
Northeasterly abuttor:	Lots 1-3 in Block 166 on said plan;
Easterly abuttor:	Lot 4 in Block 164 on said plan;
Southerly abuttor:	The Boulevarde;
Westerly abuttor:	Clifford Street.



LOTS SHOWN DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL REQUIRED TO BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

DATE _____

FILE NUMBER _____

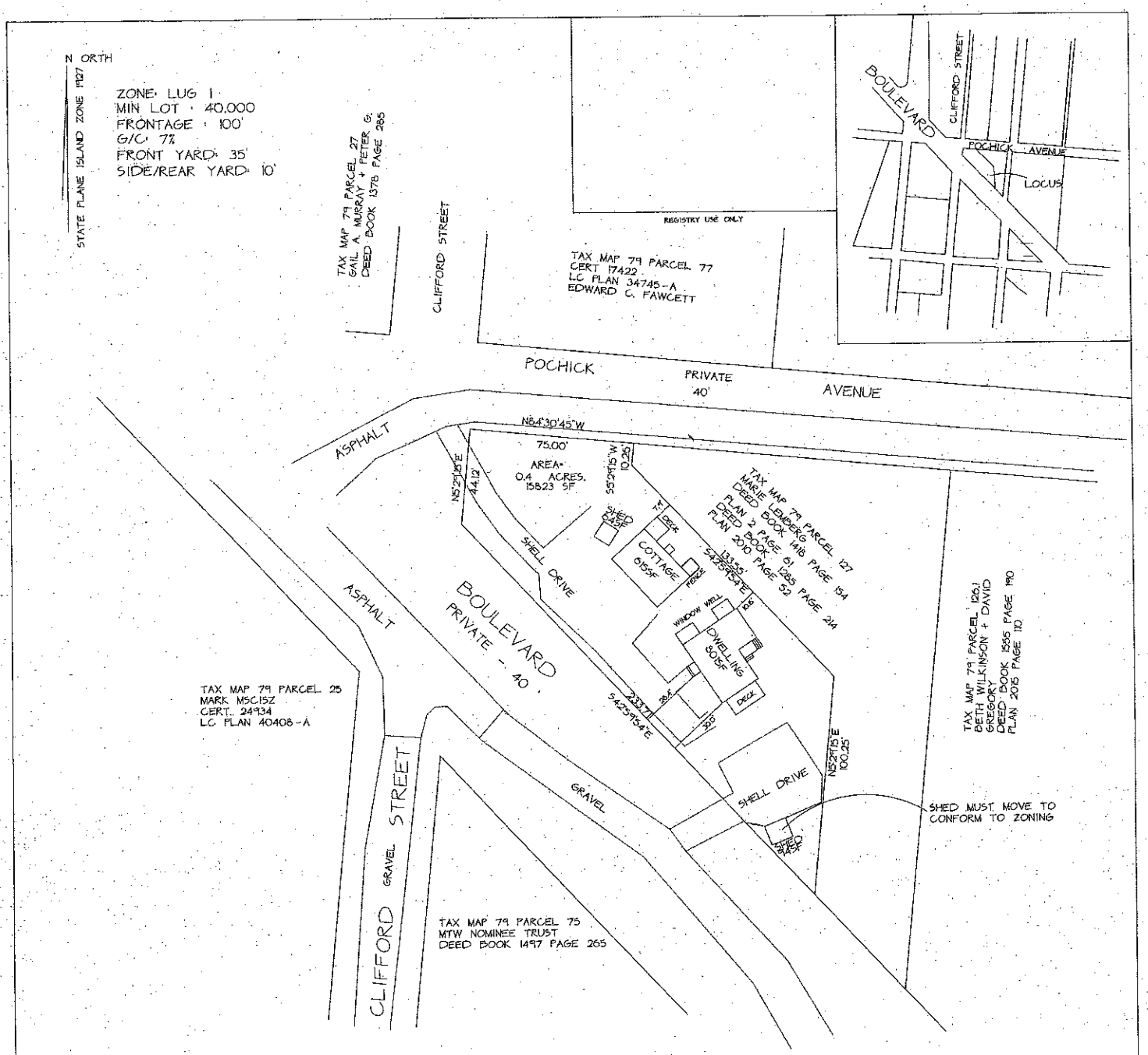
PARCEL COMBINATION PLAN

53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2 PAGE 61
DEED BOOK 1285 PAGE 214
PLAN 2010 PAGE 52
SCALE 1" = 30' 12-13-2016
ACKME SURVEY LLC
PO BOX 1448
NANTUCKET 02554

OWNER:
MARIE LENDBERG
53 POCHICK AVENUE
TAX MAP 79 PARCEL 127
DEED BOOK 1418 PAGE 154
PLAN 2010-52

COMMONWEALTH OF MASSACHUSETTS
FRANK O. HOLDGATE
No. 29893
PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMON WEALTH OF MASSACHUSETTS.



LOTS SHOWN DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL REQUIRED TO BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED

DATE _____

FILE NUMBER _____

PARCEL AS DESCRIBED IN DEED BOOK 1458 PAGE 291

55 POCHICK AVENUE
TAX MAP 79 PARCEL 76
DEED BOOK 1458 PAGE 291
PLAN 2 PAGE 61
PLAN 2010 PAGE 52
SCALE 1" = 30' 12-13-2016
ACKME SURVEY LLC
PO BOX 1448
NANTUCKET 02554

OWNER:
VENIVIDIVICI PROPERTY DEVELOPMENT INC.
53 POCHICK AVENUE
TAX MAP 79 PARCEL 76
DEED BOOK 1458 PAGE 291
PLAN 2010-52

0 10 30 100

COMMONWEALTH OF MASSACHUSETTS
FRANK D. HOLDGATE
No. 32663
PROFESSIONAL LAND SURVEYOR

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

OTHER

BUSINESS

SACHEMS PATH

40B

SACHEMS PATH NANTUCKET, LLC

FILE NO. 76-11

Print Form

NANTUCKET
TOWN CLERK

2016 DEC -9 PM 3:42

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

File No. 76 - 11 Map 67 Parcel 513

This agreement to extend the time limit for the Board of Appeals to make a decision, hold a public hearing, or to take other action concerning the application of:

SACHEMS PATH NANTUCKET, LLC - SACHEMS PATH (40B) COMPREHENSIVE PERMIT

Pursuant to the provisions of the Acts of 1987, Chapter 498, amending the State Zoning Act, Chapter 40A of the Massachusetts General Laws, Applicant(s)/Petitioner(s) and the Zoning Board of Appeals hereby agree to extend the time limit

- ○ For a public hearing on the application
- ○ For a written decision
- ● For other action Review request for Comprehensive Permit amendment

Such application is:

- ○ An appeal from the decision of any administrative official
- ○ A petition for a special permit
- ○ A petition for a variance
- ○ An extension
- ● A modification of a condition regarding infrastructure in the Comp. Permit, as previously amended.

The new time limit shall be midnight on February 9, 2017, which is not earlier than a time limit set by statute or bylaw.

The Applicant (s), attorney, or agent for the Applicant represented to be duly authorized to act in this matter for the applicant, in executing this agreement waives any rights under the Nantucket Zoning Bylaw and the State Zoning Act, as amended, to the extent, but only to the extent, inconsistent with this agreement.

Andrew L. Singer, Attorney
For Applicant (s)

Eleanor W. Antonietti, Zoning Administrator
For Zoning Board of Appeals

December 8, 2016
Effective Date of Agreement

Town Clerk Stamp:

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

NANTUCKET
TOWN CLERK

2016 NOV 28 PM 2:11

Print Form

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

File No. 76 - 11 Map 67 Parcel 513

This agreement to extend the time limit for the Board of Appeals to make a decision, hold a public hearing, or to take other action concerning the application of:

SACHEMS PATH NANTUCKET, LLC - SACHEMS PATH (40B) COMPREHENSIVE PERMIT

Pursuant to the provisions of the Acts of 1987, Chapter 498, amending the State Zoning Act, Chapter 40A of the Massachusetts General Laws, Applicant(s)/Petitioner(s) and the Zoning Board of Appeals hereby agree to extend the time limit

- o For a public hearing on the application
- o For a written decision
- o For other action Review request for Comprehensive Permit amendment

Such application is:

- o An appeal from the decision of any administrative official
- o A petition for a special permit
- o A petition for a variance
- o An extension
- o A modification

The new time limit shall be midnight on December 8, 2016, which is not earlier than a time limit set by statute or bylaw.

The Applicant (s), attorney, or agent for the Applicant represented to be duly authorized to act in this matter for the applicant, in executing this agreement waives any rights under the Nantucket Zoning Bylaw and the State Zoning Act, as amended, to the extent, but only to the extent, inconsistent with this agreement.

Andrew L. Singer, Attorney
For Applicant (s)

Eleanor W. Antonietti, Zoning Administrator
For Zoning Board of Appeals

November 28, 2016
Effective Date of Agreement

Town Clerk Stamp:

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

Law Office of Singer & Singer, LLC
26 Upper County Road
P. O. Box 67
Dennisport, Massachusetts 02639

Andrew L. Singer

Myer R. Singer
Of Counsel

Tel: (508) 398-2221
Fax: (508) 398-1568
www.singer-law.com

RECEIVED
NOV 22 2016
By EWA

November 14, 2016

Via Email

Nantucket Board of Appeals
Two Fairgrounds Road
Nantucket, MA 02554

Re: Sachem's Path – File 076-11

Dear Members of the Board:

The developer of the Sachem's Path affordable housing development has completed construction of Phase 1 of the development and is preparing to begin construction of Phase 2. Funding for Phase 2 from the Commonwealth of Massachusetts has been received (see attached two letters from MA DHCD).

As part of this process, the developer is proposing a construction protocol change for Phase 2 to improve efficiency, and further, the developer and Habitat Nantucket have agreed to re-divide the number of homes that each will build such that the developer will become responsible for building all of the 80%-deed restricted Affordable Homes. Thus, instead of donating the originally-contemplated four (4) lots to Habitat Nantucket for development, three (3) lots have been so donated (see copy of Deed into Habitat for Humanity Nantucket, Inc.). The developer will be responsible for building 37 homes, of which 10 will be the required 80%-deed restricted Affordable Homes.

A proposed, redlined Second Amended and Restated Comprehensive Permit is attached for the Board 's review reflecting not only the above change in the various provisions that discussed the original 36/4 split as well as updating the project history, but also in proposing the following:

1. Remove the third sentence in Condition F.2 regarding issuance of building permits. This provision had been included when the developer would only have been constructing 8 of the 10 80%-deed restricted Affordable Homes. Since the developer will now be responsible for all 10 such homes, this provision is no longer necessary.

2. Remove the second sentence in Condition F.7 regarding timing of infrastructure construction. Constructing the infrastructure first in Phase 1 resulted in many problems and inefficiencies that the developer would like to avoid in Phase 2. Thus, the developer proposes that both the infrastructure and the homes will be constructed at the same time in Phase 2 by the same general contractor.

3. The change in Condition 19.m was previously reviewed and approved by the Board on March 10, 2016, but it was not reflected in a recorded decision. The developer proposes to include it here for completeness and accuracy.

4. As will be discussed with the Board and with the CPC, cost overruns have led to a significant budget shortfall. In order to try and close this large gap while continuing to provide such necessary affordable housing opportunities on Nantucket, the developer is respectfully requesting that the listed fees for Phase 2 (water connection, sewer connection, and building permit) be waived at this time.

Thus, in accordance with 760 CMR 56.05(11), I am writing on behalf of the Applicant to request the Board's determination that these changes are insubstantial as that term is defined in 765 CMR 56.05(11)(a) and 56.07(4) and that this matter be placed on the Board's December 8, 2016, meeting agenda for review.

If you have any questions or if I can provide any additional information, please let me know.

Thank you for your continued assistance in this matter.

Very truly yours,

Andrew L. Singer

ALS/a
Attachments

Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ◆ Karyn E. Polito, Lt. Governor ◆ Chrystal Kornegay, Undersecretary

COPY

SEP 2016
RECEIVED
Housing Assistance Corporation

October 3, 2016

Mr. Frederic Presbrey
Sachems Path Nantucket LLC
C/O Housing Assistance Corporation
460 West Main St.
Hyannis, MA 02601

RE: Sachem's Path 2

Dear Mr. Presbrey: Rick

On behalf of the Baker Polito Administration, I am pleased to inform you that funds in the amount of $1,130,000 from the Commonwealth's Affordable Housing Trust Fund (AHTF) have been awarded to the Sachem's Path 2 project, subject to the conditions contained in this letter and subject to this project proceeding to loan closing in an expeditious manner. This award has been made based on the application for financing that was submitted to the AHTF and the representations that were made about this project in that application.

This conditional funding reservation is subject to the conditions listed on the attached sheet.

I congratulate you on receiving this award of Affordable Housing Trust Fund monies and on your commitment to creating housing opportunities for low-income individuals and families. I look forward to working with you to close this loan and to complete this project. If you have any questions regarding this commitment, please contact Lynn Shields at MassHousing. She can be reached at 617/854-1381.

Sincerely,

Chrystal Kornegay

Chrystal Kornegay
Undersecretary

cc: Please see the attached list for those receiving copies of this letter.

The following received a copy of the award letter.

Senator Daniel A. Wolf
Representative Timothy R. Madden
Mr. Timothy Sullivan, MassHousing

CONDITIONS

1. **The sponsor must close on the AHTF financing within one year of the date of this award or apply to the AHTF for an extension to the award.** Inability to meet the one-year deadline may result in a reconsideration of this award.

2. The borrower will be responsible for payment of all costs of construction monitoring for the AHTF.

3. The AHTF financing to the project will be in the form of a deferred payment loan.

4. It is anticipated that the source of AHTF funds to be provided to the project will be **tax exempt** funds. **Taxable funds are subject to availability.**

5. The fiscal year of the AHTF financing will be **2018**.

6. The construction budget and contingency must be acceptable to MassHousing.

7. All sources and uses must be acceptable to MassHousing.

8. AHTF financing must be applied to eligible uses. Commercial costs, reserves, and infrastructure are not eligible uses.

9. The developer fee and overhead must be within DHCD limits and acceptable to MassHousing. A portion of the overhead may be released at construction closing. Developer fee may not be released prior to substantial completion.

10. A firm commitment for all sources adequate to cover uses and acceptable to MassHousing.

11. Identification of a general contractor acceptable to MassHousing if the general contractor is not identified at the time of application or if the general contractor is changed from that in the application.

12. The general contractor must be able to obtain a payment and performance bond or provide a letter of credit equal to at least 15% of the construction contract sum.

13. The borrower of the AHTF funds must be a single purpose, sole asset entity with the exception of projects sponsored by public housing authorities in which case the public housing authority sponsor may be the borrower.

14. The sponsor is current on all existing mortgage obligations with the Commonwealth or any subdivision thereof.

15. Upon receipt by the borrower, disbursing agent or escrow agent, AHTF funds must be deposited into non-interest bearing accounts (IOLTA accounts may not be used).

16. The final plans and specifications must meet or exceed Energy Star/sustainable design to the extent pledged in the OneStop application on which the award is based.

17. Upon completion of the development, any cost savings from the original budget for the development, including 100 percent of the unused soft cost contingency line items, shall be paid pro rata to the MassDocs Participating Lenders as a prepayment of their respective loan and/or grant. At the option of MassHousing, in the case of developments that consist in whole or in part of rental housing, the savings may be held as a capital reserve for the development.

18. The execution of an Affordable Housing Restriction satisfactory to MassHousing that shall provide that units shall be leased, rented or otherwise made available exclusively to persons or families whose annual income, at the time of initial occupancy of the unit, is less than or equal to area median income based on family size pursuant to the so-called Section 8 Program under Section 8 of the U.S. Housing Act of 1937, or any successor program, and the regulations promulgated thereunder according to the schedule below.

Unit Type (e.g. duplex, single family)	# of Units	# of BRs	Targeted Population (if applicable)	Sales Price	Targeted AMI
single family	1	1	NA	$228,415	80%
single family	2	1	NA	$277,296	100%
single family	2	2	Habitat	--	80%
single family	2	2	NA	$257,384	80%
single family	2	2	NA	$329,591	100%
single family	3	2	NA	$496,615	150%
single family	3	3	NA	$275,414	80%
single family	2	3	NA	$380,943	100%
single family	7	3	NA	$572,434	150%

19. The Affordable Housing Restriction shall be in effect in **perpetuity**.

20. Construction contingency acceptable to MassHousing.

21. Project sponsors are strongly encouraged to seek additional non-MassDocs sources for the project. Please note that in the event the sponsor obtains additional funding for the project, the Affordable Housing Trust Fund award may be reduced, as necessary and appropriate to maintain compliance and consistency with Affordable Housing Trust Fund requirements.

22. If there is an identity of interest between the sponsor and the general contractor or if a construction contractor is selected on any basis other than a competitive bid, the sponsor must submit a plan acceptable to MassHousing to ensure that construction pricing is competitive and, prior to loan closing, evidence that the price is, in fact, competitive.

23. Funding of the Affordable Housing Trust Fund loan is conditional upon the continued availability of state bond funds and release of funds by the Executive Office of Administration and Finance for the Affordable Housing Trust Fund.

24. The developer must respond to issues raised in the recent design/cost review commissioned by DHCD in a form acceptable to MassHousing.

25. Submission of an updated environmental report acceptable to MassHousing.

This award letter shall be deemed accepted when it has been signed and a copy returned to DHCD.

Borrower Signature Frederic B. Presbrey, President/CEO

11-2-16

Date

Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ◆ Karyn E. Polito, Lt. Governor ◆ Chrystal Kornegay, Undersecretary

COPY

October 3, 2016

2016 RECEIVED Housing Assistance Corporation

Frederic Presbrey
Sachems Path Nantucket LLC
C/O Housing Assistance Corporation
460 West Main Street
Hyannis, MA 02601

RE: Sachem's Path Phase II /Nantucket (the "Project")

Dear Mr. Presbrey: Rick

On behalf of the Baker Polito Administration, I am pleased to inform you that funds in the amount of $370,000 from the Housing Stabilization and Investment Trust Fund ("HSITF") have been conditionally reserved by the Department of Housing and Community Development ("DHCD") for a mortgage loan for the Project, subject to the terms stated herein. If all the requirements of this Conditional Funding Reservation and a state Comptroller's Standard Contract for HSITF projects are satisfied, the HSITF loan will be made to the Project's developer/owner, Sachem's Path Nantucket, LLC (the "Developer").

This Conditional Funding Reservation is issued pursuant to and in reliance on your funding application submitted to DHCD on April 17, 2014 and an updated budget dated July 15, 2016. It is also based upon your agreement that the Project will consist of a minimum of 24 homeownership units, 6 of which will be HSITF-assisted and will be made available for purchase by individuals or families whose incomes are no higher than 80% of area median income (the "Eligible Use"). To accomplish this goal, the loan documents will contain appropriate restrictions on the use of the Project.

The maturity date of the loan will correspond to the end of the period for construction and sale of properties in the Project, to be determined by DHCD prior to the loan closing. The loan will be without interest, and there will be no periodic payments due under the loan. There will be one payment due at maturity, in an amount (subject to adjustment for costs, penalties and other charges under the terms of the loan documents) representing the entire principal balance of the loan. Upon the sale of each unit in the Project with a mortgage approved by DHCD, the principal amount due under the loan will be reduced in accordance with the HSITF promissory note.

As collateral for the loan, DHCD will take a mortgage on each of the properties included in the Project. The priority position of the HSITF mortgage will be determined at the time of execution of a HSITF Standard Contract. A change in ownership of the Project or in the legal form of the owner of the Project, the placing of additional encumbrances on the Project without the prior written consent of DHCD, failure to maintain the Eligible Use of the Project, or default under senior mortgage loans, shall be among

the events of default under the HSITF loan. As part of the documentation that the Eligible Use of the Project is being maintained, the Developer will be required to certify annually, in a manner acceptable to DHCD, that each unit continues to be occupied on a permanent basis by the initial HSITF-eligible homebuyer.

This Conditional Funding Reservation will result in the execution of a HSITF Standard Contract for the Project, provided that the Developer meets the following conditions to the satisfaction of DHCD by March 31, 2017:

1) submission to and approval by DHCD of the following:

a. updated development and operating pro formas: With the issuance of this award, DHCD will not permit an increase in the total developer fee, overhead, and consulting costs (as calculated within program guidelines), from the calculation submitted and approved in the One Stop Application, if additional project sources become available, DHCD may reduce its award;
b. evidence of firm commitment for construction and/or permanent mortgage financing from those entities and in those amounts shown on the development pro forma, and on such terms as are acceptable to DHCD;
c. detailed time lines for the rehabilitation of the Project, including construction completion date, funding schedule, and move-in date;
d. documentation of the bid process, contractor selection process, and plan for monitoring of rehabilitation;
e. documentation that the general contractor is bonded or, if the general contractor is unable to meet this requirement, at DHCD's discretion the general contractor will be required to obtain a Letter of Credit for a minimum of 15% of the construction contract;
f. documentation of plans for meeting applicable state and federal requirements regarding Section 3, Minority and Women-Owned Business Enterprises, Davis-Bacon, Environmental Review, Uniform Relocation Act, and conflict of interest;
g. documentation that all contractors/subcontractors have been screened to confirm that they are not debarred or ineligible to work on a project;

2) submission of an instrument satisfactory to DHCD which indicates that by the date of the HSITF loan closing, the Developer will have clear title to the Project, and the quality of the title must be satisfactory to DHCD's counsel;

3) submission to and approval by DHCD of a final construction budget with bid prices from the selected general contractor;

4) submission of satisfactory evidence that all other legal, design, regulatory, environmental, and historic requirements for the Project are fulfilled and approvals obtained and all site surveys required for the Project are obtained;

5) submission to and approval by DHCD of an Affirmative Fair Marketing and Buyer Selection Plan including an analysis of prospective buyers' monthly mortgage payment (principal, interest, taxes and insurance) and the income range needed to purchase a property;

6) submission to and approval by DHCD of the final sales prices for each unit. DHCD reserves the right to decrease the amount of the final HSITF award if the sales prices are increased from those originally presented in the One Stop Application;

7) submission to and approval by DHCD of homebuyer packets for the proposed HSITF unit purchasers. In addition to meeting general income and first-time homebuyer guidelines, DHCD requires that each homebuyer must have a 30-year fixed-rate conforming loan product;

8) submission of documentation that the building will meet federal and state requirements for accessibility;

9) submission to and approval by DHCD of proposed signage and press release material for groundbreakings, ribbon cuttings, etc., clearly referencing DHCD's financial support of the project;

10) please note that DHCD uses MassDocs loan documents. These documents are intended to be template documents to be employed "as is" with the exception of project specific provisions; and

11) upon completion of the development, any cost savings from the original budget for the development, including 100% of the unused soft cost contingency, shall be paid pro rata to the MassDocs Participating Lenders as a prepayment of their respective loan and/or grant.

Again, the project must proceed to a full financial closing by March 31, 2017 or this Conditional Funding Reservation will expire. If you become aware that the Project will not be able to meet all requirements for closing by that date, you should immediately contact Rachel Carlson, HSITF Program Manager at 617-573-1303. Closing and funding of the HSITF loan will be conditional upon the fulfillment of this Conditional Funding Reservation and the HSITF Standard Contract and upon satisfactory submission of all documents required by a loan closing agenda to be prepared by DHCD's special counsel for this loan. Funding of the HSITF loan also is conditional upon the continued availability of state bond funds and release of funds by the Executive Office of Administration and Finance for the HSITF Program.

I congratulate you on receiving this Conditional Funding Reservation from the HSITF Program and on your commitment to increasing the supply of affordable homeownership housing. I look forward to seeing the project move toward completion.

Sincerely,

Chrystal Kornegay

Chrystal Kornegay
Undersecretary

This award letter shall be deemed accepted when it has been signed and a copy returned to DHCD.

Borrower Signature Frederic B. Presbrey, President/CEO

11.2.16

Date

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Doc: DD 01/07/2016 03:38 PM

QUITCLAIM DEED

Lots 13, 39, and 40 Plan No. 2014-68
Nantucket, Massachusetts

Sachem's Path Nantucket, LLC, a Massachusetts limited liability company having its office at c/o Housing Assistance Corporation, 460 West Main Street, Hyannis, MA 02601 ("Grantor") for consideration, the receipt of which is hereby acknowledged, grants to **Habitat for Humanity Nantucket, Inc.**, a Massachusetts non-profit corporation, having an address at 2 Greglen Ave., Nantucket, Massachusetts 02554 ("Grantee") with QUITCLAIM COVENANTS, those certain lots of land shown as Lot 13 (7 Wappossett Circle), Lot 39 (4 Nanina Drive), and Lot 40 (2 Nanina Drive) (together, the "Premises") upon a plan by Blackwell & Associates, Inc., dated July 31, 2012, recorded with the Nantucket Registry of Deeds (the "Registry") as Plan No. 2014-68 (the "Plan").

Excepting and excluding the fee and soil in Wappossett Circle and Nanina Drive, being portions of Lot 48 on the Plan, which is expressly reserved and retained by the Grantor.

The Premises are conveyed subject to the following covenants, conditions and restrictions:

1. The Premises shall be used for affordable housing purposes in perpetuity.

2. Grantee shall, within five (5) years from the date on which this Deed is recorded with the Nantucket Registry of Deeds, (a) construct on the Premises a single-family dwelling unit (the "Units"), and (b) sell said Units to families whose annual income from all sources is not more than one hundred and fifty percent (150%) of the median income for the Town of Nantucket, as most recently published by the U.S. Department of Housing and Urban Development ("HUD"), adjusted for household size (an "Eligible Purchaser"), at a price affordable to said Eligible Purchaser. In the event Grantee elects not to construct or sell the Units or otherwise does not complete construction and sale of the Units as set forth herein, any remaining undeveloped and unsold lots shown on the Plan shall at that time be re-conveyed back to the Grantor for nominal consideration and lien free other than existing liens of record at the time of this conveyance herein, all as set forth in that certain Amended and Restated Comprehensive Permit issued by decision of the Town of Nantucket Zoning Board of Appeals dated July 2, 2015 and recorded with the Registry at 1492, Page 213 (the "Comprehensive Permit").

dated July 2, 2015 and recorded with the Registry at 1492, Page 213 (the "Comprehensive Permit").

3. Grantee shall convey the Units subject to a perpetual affordable housing restriction qualifying under G.L. c. 184, §§ 31, 32, enforceable by Grantee and the Grantor, which shall be contained in a Deed Rider in form and substance acceptable to Grantor.

4. The Premises are conveyed subject to and with the benefit of the following additional restrictions:

(a) The provisions of Chapter 323 of the Acts of 2006 for the benefit of the Nantucket Housing Authority (the "Authority");

(b) The Comprehensive Permit;

(c) The provisions of that certain Development Agreement between the Grantor and the Authority dated October 23, 2013 recorded with the Registry in Book 1446, Page 69;

(d) A permanent, non-exclusive easement upon Lot 44 on the Plan to use, maintain, repair and replace the existing dirt driveway, mailboxes and dumpster located on Lot 44, such driveway to be used for ongoing access to and from the two garage/shed buildings located on the Grantor's adjacent land and Benjamin Drive;

(e) Those rights of the Authority to reconveyance of the Premises as set forth in the deed of the Authority to Grantor dated August 19, 2014 and recorded with the Registry in Book 1446, Page 66.

5. This conveyance is made without monetary consideration, as a grant to the Grantee for its charitable and exempt purposes.

No deed stamp taxes are due on this conveyance pursuant to G.L.c.64D, §1.

For Grantor's Title, see Deed recorded in Book 1446, Page 66.

[Remainder of page intentionally left blank. Signature page follows.]

[Signature page to Quitclaim Deed.]

EXECUTED under seal on this 6 day of January, 2016.

SACHEM'S PATH NANTUCKET, LLC

By: Housing Assistance Corporation,
Its sole member

Frederick B. Presbrey
Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 6 day of January, 2016, before me, the undersigned Notary Public, personally appeared Frederick B. Presbrey, authorized signatory of the Housing Assistance Corporation, sole member of Sachems Path Nantucket, LLC, who proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Town of Nantucket.

Notary Public
My Commission Expires: 4/1/16

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $
☑ Exempt 6
☐ Non-applicable
No. 37079 Date 1/7/16
Authorization

KATE E. FERREIRA
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
April 1, 2016

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

ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, March 10, 2016

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

Called to order at 1:09 p.m.

Staff in attendance:	Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members:	Toole, Botticelli, McCarthy, O'Mara, Koseatac, Poor, Thayer
Absent:	Mondani
Late Arrivals:	None
Early Departures:	Botticelli, 1:24 p.m.

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. February 11, 2016: **Motion to Approve.** (made by: Botticelli) (seconded by: O'Mara) Carried unanimously

II. OLD BUSINESS

1. 076-11 Sachems Path, LLC Sachems Path 40B Singer/Maguire

Request for determination that a change to a condition in the First Amended and Restated Comprehensive Permit, requested by the Nantucket Historic District Commission (HDC), is insubstantial and may therefore be approved as a minor amendment.

Sitting	**Toole, Botticelli, O'Mara, Koseatac, Poor**
Documentation	File with associated plans, photos and required documentation
Representing	**Kate Ferreira**, Director of Housing Development Housing Assistance Corporation – HDC has requested a variety of driveway materials. Current houses have crushed shell. ADA houses must have paved driveways. The aprons are planned to be concrete.
Public	None
Concerns (1:14)	None.
Motion	**Motion to Determine that this qualifies as an insubstantial change.** (made by: O'Mara) (seconded by: Koseatac)
Vote	Carried 5-0

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

CONTINUED TO APRIL 14, 2016

3. 06-16 1620 Capital, LLC 25 Broadway Brescher

Sitting	**Toole, Botticelli, McCarthy, Koseatac**
Documentation	File with associated plans, photos and required documentation
Representing	Richard Glidden, Glidden and Glidden – Asked that this be held for Mr. Mondani to return.
Public	Sarah Alger, Sarah F. Alger P.C.
Concerns (1:19)	Discussion about whether or not Mr. O'Mara should sit in Mr. Mondani's stead.
Motion	**Motion to Continue to April 14 meeting.** (made by: McCarthy) (seconded by: Botticelli)
Vote	Carried 4-0

Locus: Surfside Road at South Shore Drive

DRAFT REDLINE 11.14.16

TOWN OF NANTUCKET ZONING BOARD OF APPEALS

FILE NO. 076-11

SECOND AMENDED AND RESTATED COMPREHENSIVE PERMIT
For
SACHEM'S PATH NANTUCKET, LLC

Surfside Road at South Shore Drive, Nantucket

Assessor's Map 67, Parcel 513, Building Lots 1-40, Open Space Lots 41-47, and the fee in the 30' Right-of-Way as shown on the Definitive Cluster Subdivision Plan, entitled "Definitive Subdivision Plan, Sachem Path, Nantucket, Massachusetts, Permitting Plans", dated July 31, 2012 ["Subdivision Plan"], recorded with the Nantucket Registry of Deeds as Plan No. 2014-68. Deed Reference in Book 1446, Page 66.

I. BACKGROUND OF APPLICATION

An application for a Comprehensive Permit pursuant to Massachusetts General Laws ["MGL"] Chapter 40B, Sections ["§§"] 20-23 ["Statute"], to create a subdivision containing 40 building lots and seven (7) open-space lots as shown on the Subdivision Plan ["Development"] [See Exhibit B] was filed with the Nantucket Zoning Board of Appeals ["ZBA"] by Housing Assistance Corporation on October 11, 2011, which was duly filed with the Nantucket Town Clerk with the initial Public Hearing scheduled for November 10, 2011.

The ZBA issued a Comprehensive Permit to Housing Assistance Corporation pursuant to the Statute in a decision dated September 13, 2012, and recorded with the Nantucket County Registry of Deeds in Book 1446, Page 20, to create the Development.

The ZBA issued an Amendment #1 to Comprehensive Permit pursuant to the Statute in a decision dated May 15, 2014, and recorded with the Nantucket County Registry of Deeds in Book 1446, Page 50, to create the Development. As part of Amendment #1, the Comprehensive Permit was transferred from Housing Assistance Corporation to Sachem's Path Nantucket, LLC [hereafter as the context so admits, "Applicant"]

By a request dated February 10, 2015, and subsequently amended on March 5, 2015 and March 9, 2015, the Applicant requested further amendments to the Comprehensive Permit. Items 1-4 and original Item 6 of such request were subsequently approved by the Board, and original Item 5 was withdrawn by the Applicant. As part of such approval, the Board and

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Applicant agreed and the Board so voted at a meeting on March 12, 2015, that for purposes of clarity and convenience, the requested new modifications along with modifications approved in Amendment #1 should be consolidated into an Amended and Restated Comprehensive Permit Decision.

Deleted: this

By a request dated June 5, 2015, the Applicant requested further amendments to the Comprehensive Permit.

By a request dated August 24, 2015, and subsequently amended on September 30, 2015, the Applicant requested further amendments to the Amended and Restated Comprehensive Permit in order to comply with requirements set forth by the Massachusetts Department of Housing and Community Development dated August 14, 2015. The Board issued a First Amended and Restated Comprehensive Permit on December 10, 2015.

In response to a request by the Applicant to further amend Condition 19.m in response to a request by the Nantucket Historic District Commission concerning driveway materials, the Board voted on March 10, 2016, to find that the proposed replacement language in Condition 19.m was approved as an insubstantial change.

By a request dated November ___, 2016, the Applicant requested further amendments to the First Amended and Restated Comprehensive Permit in connection with the buildout of Phase 2 of the Development as set forth in this Second Amended and Restated Comprehensive Permit.

The location of the property that is the subject of this Application consists of one parcel located at the corner of Surfside Road and South Shore Drive. Notice of the Public Hearing on the Application was duly posted in the Town and County Building, was mailed to the Applicant, abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within three hundred feet of the property lines of the subject property, the Nantucket Planning Board and other Town Agencies, and was published in the Nantucket *Inquirer and Mirror* newspaper on October 10, 2011.

A Public Hearing on the Application was opened at 4 Fairgrounds Road, Nantucket, MA, at 1:00 p.m. on November 10, 2011, and was continued to December 8, 2011, January 12, 2012, February 1, 2012, February 15, 2012, April 12, 2012, May 10, 2012, June 14, 2012, and July 12, 2012, during which the ZBA, Town Departments and Committees, neighbors, and other interested parties discussed the plan and proposal with the Applicant.

The time frame in which the Board was required to close the public hearing was extended from April 20, 2012 to July 12, 2012, as agreed upon by the Applicant and the Board. The public hearing was closed on July 12, 2012. The time frame in which the Board was required to render its decision was extended to September 14, 2012, as agreed upon by the Applicant and the Board.

ZBA meetings on the Amendment #1 to Comprehensive Permit request were held on January 9, 2014, February 13, 2014, March 13, 2014, and April 10, 2014, during which the ZBA, Town Departments and Committees, the ZBA's consultant, neighbors, and other interested parties discussed the various amendment requests with the Applicant.

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A ZBA meeting on the further amendment request of February-March 2015, was held on March 12, 2015, during which the ZBA, Town Departments and Committees, the ZBA's consultant, neighbors, and other interested parties discussed the various amendment requests with the Applicant.

A ZBA meeting on the further amendment request of June 2015, was held on June 10, 2015, during which the ZBA, Town Departments and Committees, the ZBA's consultant, neighbors, and other interested parties discussed the various amendment requests with the Applicant.

A ZBA meeting on the further amendment request of September 30, 2015, was held on October 8, 2015, during which the ZBA, Town Departments and Committees, the ZBA's consultant, neighbors, and other interested parties discussed the various amendment requests with the Applicant.

A ZBA meeting on the request for the change in Condition 19.m was held on March 10, 2016, during which the ZBA and Town Departments and Committees discussed the request with the Applicant.

A ZBA meeting on the further amendment request for a Second Amended and Restated Comprehensive Permit was held on December ____, 2016, during which the ZBA, Town Departments and Committees, the ZBA's consultant, neighbors, and other interested parties discussed the various amendment requests with the Applicant.

The members of the ZBA hearing the original Application were Mr. Edward Toole, Chairman, Mr. Michael O'Mara, Mr. Kerim Koseatac, Mrs. Lisa Botticelli, and Mr. Mark Poor. The members of the ZBA hearing the Amendment #1 request were Mr. Edward Toole, Chairman, Mr. Michael O'Mara, Mrs. Lisa Botticelli, and Mr. Mark Poor. The members of the ZBA hearing the February-March 2015 further amendment request were Mr. Edward Toole, Chairman, Mr. Kerim Koseatac, Mr. Mark Poor, Mrs. Susan McCarthy, and Mr. Geoffrey Thayer. The members of the ZBA hearing the June 2015 further amendment request were Mr. Edward Toole, Chairman, Mrs. Lisa Botticelli, Mr. Michael O'Mara, Mr. Kerim Koseatac, and Mr. Mark Poor. The members of the ZBA hearing the September 2015 further amendment request were Mr. Edward Toole, Chairman, Mrs. Lisa Botticelli, Mr. Michael O'Mara, Mr. Kerim Koseatac, and Mr. Mark Poor. The members of the ZBA hearing the March 2016 further amendment request were Mr. Edward Toole, Chairman, Mrs. Lisa Botticelli, Mr. Michael O'Mara, Mr. Kerim Koseatac, and Mr. Mark Poor. The members of the ZBA hearing the December 2016 further amendment request were Mr. Edward Toole, Chairman, Mrs. Lisa Botticelli, Mr. Michael O'Mara, Mr. Kerim Koseatac, and Mr. Mark Poor. The ZBA was assisted by Mr. Edward Marchant, a consultant, hired to advise on the Statute and procedural questions; Mr. Ed Pesce, an engineer, hired to advise on technical aspects of the proposal; and Mr. Jeffrey S. Dirk, a traffic engineer, hired to advise on site access questions.

The ZBA has not adopted local rules and regulations governing applications filed pursuant to MGL Chapter 40B, and accordingly, the model rules prepared by the Commonwealth of Massachusetts, Department of Housing and Community Development

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(DHCD), are the rules applicable to this Application.

The Public Record of this Decision includes, but is not limited to, the Application, including reports, plans, and specifications, supplemental materials listed in Exhibit C; the correspondence between the Applicant and the ZBA, agency and peer review reports, written material received during the public process; and such other information on file with the ZBA at the Nantucket Zoning Board of Appeals office.

II. BACKGROUND OF MGL CHAPTER 40B

This is an Application, pursuant to MGL Chapter 40B, §§ 20-23, for a Comprehensive Permit to create a subdivision containing 40 building lots and seven (7) open-space lots as shown on the Subdivision Plan. Single-family homes and site amenities are to be constructed in substantial compliance with the Neighborhood Conceptual Design Plan and Representative Site Landscape Plans, each dated April 2, 2012, and known as Sheets L1 Alt, L2 Alt, and L3 Alt. After the closing of the public hearing, the ZBA voted 1) four (4) to zero (0), on September 13, 2012, with Mr. Edward Toole, Mr. Kerim Koseatac, Mrs. Lisa Botticelli, and Mr. Mark Poor in favor and no one opposed, to approve the subdivision as shown on the Subdivision Plan, and 2) four (4) to zero (0), on September 13, 2012, with Mr. Edward Toole, Mr. Kerim Koseatac, Mrs. Lisa Botticelli, and Mr. Mark Poor in favor and no one opposed, to approve the Comprehensive Permit consisting of 40 dwelling units of which (as proposed by the Applicant) 12 homes will be affordable at or below 80% of area median income and 28 homes be affordable between 81 and 150% of area median income (see Section III(B)(2) below). All 40 dwellings will be detached, single-family homes in fee simple ownership, which the ZBA found to be consistent with the neighborhood.

In connection with the Amendment #1 request, after lengthy discussion over several meetings, at its meeting on April 10, 2014, after a Motion was made by Mrs. Lisa Botticelli and seconded by Mr. Michael O'Mara, the ZBA voted unanimously to approve certain requested insubstantial changes as discussed and requested.

In connection with the February-March 2015 further amendment request, after discussion, at its meeting on March 12, 2015, after a Motion was made by Susan McCarthy and seconded by Geoffrey Thayer, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

In connection with the June 2015 further amendment request, after discussion, at its meeting on June 10, 2015, after a Motion was made by Lisa Botticelli and seconded by Mark Poor, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

In connection with the September 30, 2015 further amendment request, after discussion, at its meeting on October 8, 2015, after a Motion was made by Kerim Koseatac and seconded by Lisa Botticelli, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

In connection with the March 2016 further amendment request, after discussion, at its meeting on March 10, 2016, after a Motion was made by Michael O'Mara and seconded by Kerim

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Koseatac, the ZBA voted unanimously to approve the amendment to Condition 19.m as an insubstantial change as discussed and requested.

In connection with the November ____, 2016, further amendment request, after discussion, at its meeting on December ____, 2016, after a Motion was made by _____ and seconded by _____, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

The housing is proposed pursuant to the Housing Stabilization Program of the Massachusetts Department of Housing and Community Development (Subsidizing Agency) or other direct funding subsidy authorized by the Commonwealth of Massachusetts, and a minimum of 25% of the dwellings (10) will be sold to households whose annual household incomes do not exceed 80% of the annual median income for Nantucket as defined by the U.S. Department of Housing and Urban Development ("HUD"), adjusted for household size, with no more than 30% of household annual income going toward interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any homeowners' association fees [collectively "Affordable Homes"]. As previously noted, however, the Applicant proposes that twelve of the units will be such Affordable Homes. Three (3) of the Affordable Homes will be provided by Habitat for Humanity Nantucket, and the remainder will be constructed by the Applicant. All Affordable Homes shall be sold to households satisfying all applicable income, asset, first time homebuyer, and other eligibility requirements for inclusion of these Affordable Homes in the DHCD Subsidized Housing Inventory. All marketing must satisfy applicable state and federal Fair Housing requirements. The Applicant shall be responsible for assuring compliance with the applicable eligibility and Fair Housing guidelines for the ten (10) Affordable Homes that are necessary to satisfy the minimum 25% affordable unit Chapter 40B statutory requirement, including the proposed four homes to be completed by Habitat for Humanity Nantucket.

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III. THE PUBLIC HEARING

A. Jurisdictional Requirements

At the first session of the Public Hearing, representatives of the Applicant as requested gave an introductory presentation on the proposal, the site history, and the 40B process, including a review of the jurisdictional requirements of the Statute. Mr. Marchant gave a synopsis regarding the MGL Chapter 40B process and explained how the Applicant satisfied the jurisdictional requirements of the Statute (see Section D below) as well as the ZBA's role as the local permit granting authority. The Application was continued to December 8, 2011, for a more thorough presentation.

B. Project Description

The Applicant, represented by Adrienne Danner and Gisele Gauthier, originally of Housing Assistance Corporation and thereafter Adrienne Danner of Sachem's Path Nantucket, LLC; attorney Andrew L. Singer, of the Law Office of Singer & Singer, LLC; development consultant, Mr. Kevin Maguire, of Oxbow Partners; consulting engineer, Mr. Brian Kuchar, of Horsley Witten Group, Inc.; and consulting

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architects, Mr. Rick Fenuccio, of Brown Lindquist Fenuccio & Raber Architects, Inc. and Mr. Thomas Hartman, of Coldham & Hartman Architects, outlined the Sachem's Path Development proposal. The land is currently owned by the Nantucket Housing Authority and is held for the purpose of constructing affordable housing. The land will be deeded to the Applicant. The original 50-unit Request for Proposals issued by the Nantucket Housing Authority was downsized to the proposed construction of 40 single-family dwelling as previously discussed. Thirty-seven (37) of the lots will be developed and sold by the Applicant, and three (3) of the lots will be gifted to Habitat for Humanity Nantucket for construction or relocation of design-appropriate housing on such lots in compliance with the Comprehensive Permit. The Nantucket Historic District Commission has reviewed design plans proposed by the Applicant and will review and must approve any changes thereto, as well as the proposed Habitat for Humanity homes.

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Although the Applicant is gifting three of the lots to Habitat for Humanity Nantucket, Applicant shall be responsible for monitoring Habitat for Humanity Nantucket's activities and compliance with the terms of the Comprehensive Permit, the Regulatory Agreement and any other applicable documents.

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Physical Characteristics

The Property is a 9.12-acre parcel located at the southwestern corner of Surfside Road and South Shore Drive (Assessor Map 67, Parcel 513). The site is currently undeveloped and is vegetated with trees and shrubs, with an open area in the central portion with low-growing shrubs, grasses, and herbaceous species. The Property is located in the Limited Use General 2 (LUG-2) District and is mapped as Priority Habitat of Rare Species by the Massachusetts Natural Heritage and Endangered Species Program. Hooper Farm Road is located across Surfside Road from the Property. The Surfside Bike Path is located on Surfside Road along the eastern Property boundary. A utility right of way bisects the site, extending south from Hooper Farm Road. The Property is bounded by Town-owned lands to the north, residential properties to the northwest, and privately-owned, undeveloped land to the southwest. The closest buildings are residences to the west and east across Surfside Road. There are no wetlands on the Property or within 100 ft. of the proposed development. The project site is relatively close to the downtown commercial center of Nantucket, and is within the service area for public infrastructure, including public water supply, public wastewater collection and treatment, and public transportation.

Affordability

The proposed sales prices for the Affordable Homes are estimated to be approximately between $205,400 and $260,000, for the one-to-three bedroom homes, respectively, based upon current U.S. Department of Housing and Community Development (HUD) income data adjusted for household size and the updated pro forma submitted by the Applicant dated April 4, 2012. The maximum sales price will be based upon an assumption that no more than 30% of the homeowner's annual household income -shall be used for interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any

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Homeowners' Association fees. The proposed maximum sales prices shall be as reviewed and approved by the Subsidizing Agency. The proposed sales prices for the remaining homes are estimated to be approximately between $285,000 and $465,000, for the one-to-three bedroom homes, respectively. Final prices for the Affordable Homes shall be established in accordance with State regulations prior to unit marketing based upon applicable household income data and the Subsidizing Agency requirements or, if applicable, in accordance with the appropriate DHCD Guidelines for "Housing Programs in which Funding is Provided Through a Non-governmental Entity" in effect at the time the initial lottery is done. A "Window of Affordability" shall be created for the Affordable Homes in that, although household eligibility will be based upon 80% or less of median family income, adjusted for household size, the initial sales prices for the Affordable Homes will be established by assuming that household median family income is no greater than 70% of median family income, adjusted for household size.. Habitat for Humanity Nantucket (Habitat Nantucket) will price homes consistent with its formula currently in use on Nantucket. However, any such Habitat Nantucket pricing and marketing methodology shall satisfy all DHCD requirements for inclusion of these four units in the DHCD Subsidized Housing Inventory. If any Habitat Nantucket home does not satisfy these requirements, the Applicant shall be responsible for substituting one of its 81% to 150% homes to assure compliance with the Chapter 40B minimum 25% affordability requirement.

C. Public Comment

At each session of the Public Hearing, the ZBA asked for public comment. Several residents from the surrounding area spoke or wrote at various times with questions and/or concerns about plant habitat, market demand for the higher-priced homes, and traffic patterns. Several residents of the community spoke in support of the new housing.

The Chairman of the Nantucket Historic District Commission ["HDC"] spoke about the proposal, complimenting the Applicant for working closely with the HDC. The HDC recommended that the houses be sited closer to the street to enhance a "neighborhood feel".

The Nantucket Planning Department submitted comments from the Senior Planner and on behalf of the Planning Board in Memoranda to the ZBA dated November 5, 2011, December 8, 2011, and January 9, 2012, raising questions, comments, and concerns about certain infrastructure, including roadway width, sidewalks and pedestrian access, paved driveway aprons and parking space location, community mailboxes, and open space delineation.

The Applicant submitted supplemental submissions on November 2, 2011, December 1, 2011, January 5, 2012, January 30, 2012, February 13, 2012, April 12, 2012, April 27, 2012, May 2, 2012, June 6, 2012, and July 3, 2012. On behalf of the Applicant, Horsley Witten Group, Inc. submitted a Site Entrance and Traffic Review Letter dated January 4, 2012, and McMahon Transportation

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Engineers & Planners submitted a Traffic Review Letter dated January 27, 2012. On behalf of the ZBA, Vanasse & Associates, Inc. submitted a Site Access Review dated March 1, 2012.

Habitat for Humanity Nantucket submitted a letter dated January 13, 2012, to the ZBA. Habitat for Humanity Cape Cod submitted a letter dated February 28, 2012, to the ZBA.

Board members raised questions and there was substantial discussion about site access and public safety, market demand for the higher priced Homes that would have the same Resale Restrictions as the Affordable Homes, building design, shed locations, landscaping, buffers, fencing, street lighting, Habitat Nantucket's understanding of 40B marketing and eligibility requirements, expansion of homes—particularly any increases in the number of bedrooms, waivers, and conditions, among other matters.

Field Code Changed

D. Findings of Fact

1. The ZBA has jurisdiction to issue a comprehensive permit in accordance with the Statute as follows:

   a. Sachem's Path Nantucket, LLC is a nonprofit organization.

   b. The MassHousing Project Eligibility Letter ["PEL"] dated October 11, 2011, fulfills the requirement of 760 CMR 56 that "[t]he project shall be fundable by a subsidizing agency under a low and moderate income subsidy program." The PEL notes in part that it "…is intended to be a written determination of Project Eligibility (Site Approval) in accordance with the Comprehensive Permit Rules, establishing fundability by a subsidizing agency under a low- and moderate-income housing subsidy program. To the extent that Project funding is provided by a non-governmental entity (NEF), this letter is also intended to be a determination of Project Eligibility ("Site Approval") by [the Subsidizing Agency] (formerly, "Project Administrator") under the Comprehensive Permit Guidelines ("Guidelines") issued by the Department of Housing and Community Development." As subsequently approved in the amendment requests, the Subsidizing Agency was changed to the Massachusetts Department of Housing and Community Development.

   c. The Applicant has demonstrated site control through its collaboration with the Nantucket Housing Authority, the successful completion of the RFP process, and the

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proposed purchase of the land in connection with developing the proposed subdivision.

2. The Project is consistent with local needs:

   a. Based on the statistics maintained by DHCD and presented by the Applicant, the Town's housing stock does not satisfy the State's goal of 10% of its year-round housing units dedicated to low and moderate-income level households. This is despite the fact that the Town and Nantucket Housing Authority have made significant efforts and numerous housing initiatives, including actions taken at Annual Town Meetings, all in an effort to meet the substantial community need for housing.

   b. Although the proposed density is significantly above that allowed by the current zoning district (LUG-2), the ZBA finds both higher and lower actual density within the area. The ZBA required modifications including setbacks from Surfside Road and dedicated open space, one-way traffic flow and sidewalks on the loop portion of the subdivision road, and other site changes agreed upon with the Applicant through the public hearing process that have significantly reduced and/or mitigated potential impacts to the neighborhood. The subdivision will connect to the nearby municipal sewer and water service.

3. Housing Assistance Corporation, Sachem's Path Nantucket LLC, and the Nantucket Housing Authority have entered into a Development Agreement ["Development Agreement"] dated October 23, 2013 governing the rights, responsibilities, and obligations between and among the parties to the Development. The provisions of the Development Agreement, including without limitation financial obligations, shall be followed in connection with the construction and operation of the Development.

4. The MassHousing Project Eligibility Letter ["PEL"] dated October 11, 2011, stated that 25% of the units must be offered for sale to households earning no more than 80% of the Area Median Income, adjusted for household size, as published by HUD. Consistent with the Development Agreement and general program for the development, the remaining homes will be offered for sale to households between 81% - 150% of Area Median Income, adjusted for household size. The Applicant shall use the regulatory documents required by the Commonwealth of Massachusetts for households earning between 81% - 100% of the Area Median Income me and shall also use similar regulatory documents for those households earning between 101% - 150% of the Area Median Income. Regulatory

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documents for households earning between 101% - 150% of the Area Median Income shall be especially created in consultation with and with the approval of the Town of Nantucket including the Nantucket Housing Authority and the Nantucket Community Preservation Commission.

5. The current G.L. c. 40B Guidelines issued by DHCD require that affordable homeownership units be reasonably interspersed through the project and blended into a project, so that they are an integral part of the overall design and relate to market units on a substantially equal footing. It is also our understanding that the Subsidizing Agency regulates the construction ratio of units to be sold to households earning no more than 80% of area median income to units not required to be sold to households earning no more than 80% of area median income.

6. The PEL stated that the Subsidizing Agency intends to delegate responsibility for monitoring compliance with the affordability and eligibility requirements to a Monitoring Agent. The Applicant has also submitted form legal documents such that the Subsidizing Agency will itself be monitoring the limited dividend requirement, and that the Applicant shall bear all reasonable costs for the Monitoring Agents' contract/services.

7. The PEL stated that the Applicant must enter into a Regulatory Agreement with the Subsidizing Agency ensuring compliance with the requirements of the applicable program, the comprehensive permit rules and guidelines. The PEL also stated that an affordable housing restriction must be recorded with the deed to each unit that is to be restricted to households earning no more than 80% of the Area Median Income, which restriction ensures that the units remain affordable to future buyers in perpetuity.

8. Pursuant to an agreement with Housing Authority, the Applicant has further committed that, notwithstanding the foregoing, the Applicant shall not disburse any sales, financing, grant or other revenue toward its development fee (profit) except as set forth on Exhibit D attached hereto and made a part hereof. Said agreement further specifies that the Applicant may disburse such revenue for reasonable and certifiable development overhead costs during both the preconstruction period and during construction on a house by house basis. As set forth in the agreement with the Housing Authority, these commitments were made by the Applicant in order to maintain an adequate cost contingency so as to be able to complete the Project in accordance with the terms of the Comprehensive Permit.

9. The Applicant has received awards of funds from the Nantucket Community Preservation Committee (CPC) under the auspices of the Community Preservation Act (CPA) to support the creation of affordable

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housing by assisting the Development. The Development Agreement entered into between the Applicant and the Nantucket Housing Authority as well as the 2012 Comprehensive Permit as the same may be amended over time shall collectively be treated as the affordability restriction required by Section 12(a) of the Community Preservation Act, as otherwise referenced in the awards of funds by the CPC under the CPA, unless determined otherwise by DHCD.

E. ZBA Discussion and Vote

After ZBA discussion at its meeting held on July 12, 2012, a Motion was made by Mr. Poor, seconded by Mrs. Boticelli, to close the public hearing regarding this Application. The ZBA deliberated regarding the application at its properly-posted meeting on September 13, 2012, after which two separate motions were made and voted as follows: 1) a Motion was made by Mr. Poor, seconded by Mrs. Boticelli, to approve the Subdivision Plan, and 2) a Motion was made by Mr. Poor, seconded by Mrs. Boticelli, to approve the Comprehensive Permit and to allow only those waivers from the Nantucket local By-laws and regulations as shown on Exhibit A attached hereto and incorporated herein by reference and to incorporate Conditions as set forth in Section F below into the Comprehensive Permit. The ZBA finds that relaxing certain restrictions is necessary to ensure affordability, but that the following conditions and restrictions are necessary to protect the public health, safety and environment and that such conditions and restrictions would not make the project uneconomic.

In connection with the Amendment #1 request, after lengthy discussion over several meetings, at its meeting on April 10, 2014, after a Motion was made by Mrs. Lisa Botticelli and seconded by Mr. Michael O'Mara, the ZBA voted unanimously to approve certain requested insubstantial changes as discussed and requested.

In connection with the February-March 2015 further amendment request, after discussion, at its meeting on March 12, 2015, after a Motion was made by Susan McCarthy and seconded by Geoffrey Thayer, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested and to issue this Amended and Restated Comprehensive Permit Decision.

In connection with the June 2015 further amendment request, after discussion, at its meeting on June 10, 2015, after a Motion was made by Lisa Botticelli and seconded by Mark Poor, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

In connection with the September 30, 2015 further amendment request, after discussion, at its meeting on October 8, 2015, after a Motion was made by Kerim Koseatac and seconded by Lisa Botticelli, the ZBA voted unanimously to approve

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certain additional insubstantial changes as discussed and requested.

In connection with the March 2016 further amendment request, after discussion, at its meeting on March 10, 2016, after a Motion was made by Michael O'Mara and seconded by Kerim Koseatac, the ZBA voted unanimously to approve the amendment to Condition 19.m as an insubstantial change as discussed and requested.

In connection with the November _____, 2016, further amendment request, after discussion, at its meeting on December _____, 2016, after a Motion was made by _____ and seconded by _____, the ZBA voted unanimously to approve certain additional insubstantial changes as discussed and requested.

F. Conditions

The Comprehensive Permit is issued upon the following conditions:

1. Except as may otherwise be required by this Decision, Sachem's Path shall be constructed in substantial compliance with the Subdivision Plan, the Neighborhood Conceptual Design Plan, the Representative Landscape Plans, the Phasing Plan and the other plans of record (as most recently amended), listed in Exhibit C and incorporated herein by reference. Any deviation from these plans ruled by the Zoning Enforcement Officer to be material shall be reviewed as a modification of this Comprehensive Permit and shall be reviewed as set forth in 760 CMR 56.00.

2. As proposed by the Applicant, Sachem's Path shall be limited to no more than forty (40) detached, single-family dwellings to be held in fee simple ownership. Of these forty (40) dwellings, the Applicant has full responsibility for ensuring that a minimum of ten (10) dwellings are completed, and sold to eligible households earning at or below 80% of the Area Median Income in accordance with Chapter 40B guidelines. The MassHousing PEL stated that 25% of the units must be offered for sale to households earning no more than 80% of the area median income, adjusted for household size, as published by HUD. Compliance with such programmatic requirements shall be determined solely by the Subsidizing Agency in accordance with the Chapter 40B Regulatory Requirements. Total bedrooms for the site shall not exceed ninety-seven (97) bedrooms, which are proposed in one, two, and three-bedroom homes. The Applicant has stated that the sewer allocation for Sachem's Path can accommodate all of the proposed ninety-seven bedrooms in the subdivision.

   Construction Management

Comment [w1]: Since the Applicant will now be responsible for constructing all 10 of the Affordable Homes, this condition is no longer necessary.

Deleted: The Town may withhold the issuance of building permits beginning with the building permit request for the twenty-sixth (26th) dwelling if two (2) of the four (4) dwellings anticipated to be constructed by Habitat have not received Certificates of Occupancy and been sold to households that satisfy Chapter 40B eligibility requirements

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3. Thirty-seven homes (37) shall be constructed by the Applicant in accordance with bona fide Purchase and Sale Agreements. Notwithstanding the foregoing, two (2) homes may be constructed as Marketing Models prior to a Purchase and Sale Agreement being signed. Three homes (3) shall be constructed by Habitat Nantucket. No lots shall be sold by either the Applicant or Habitat Nantucket until Certificates of Occupancy have been received for each respective lot.

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4. Prior to submitting an application for a building permit for the first lot, the Applicant shall submit the following information and/or plans to the Zoning Enforcement Officer for review for consistency with the Comprehensive Permit, the Applicant's representations to the Board during the Public Hearing and the materials submitted by the Applicant into the record of the Public Hearing:

   a. Definitive Subdivision Plan, suitable for recording, showing all lots with metes and bounds descriptions, utility easements, drainage and swale easements (if applicable), and 40-foot open space line along Surfside Road;

   b. Final Conceptual Neighborhood Site Development Plan, not to be recorded, and House-Lot Models Options Master List showing minimum setbacks, proposed building footprints and style or type options that are suitable for each lot;

   c. Roadway Plan or Plans showing cross-sections, grade, and drainage details;

   d. Utility Plan or Plans showing all electric, cable television, telephone, public water, and other infrastructure on site;

   e. Sewer Plan and Profile showing the sewer connection line to be constructed;

   f. Final Grading and Drainage Plan and Erosion Control Plan;

   g. Final Landscape and Planting Plan, prepared by a Registered Landscape Architect, including a planting schedule identifying species, sizes, quantities of trees and other plant materials, and planting details. The Applicant shall provide a landscaping security escrow in the amount of $50,000.00 to be held by the Town of Nantucket , pursuant to G.L. c.41,

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§81U(par.7)(2). The Landscaping and Planting Plan shall not include pitch pines and shall state that trees will be minimum four-inch caliper. The Applicant may provide evidence to the Zoning Enforcement Officer of a bond in the amount of $50,000.00 as security for the completion of all landscape improvements, after which event all of the cash escrow shall be returned to the Applicant, and such bond shall remain in place until all homes have been constructed in the Subdivision. The terms of the bond and the bond issuer must be acceptable to the Zoning Enforcement Officer.

h. A description and location for the proposed staging of equipment, construction material, parking, and soil stockpiles including measures designed to protect the sewer force main crossing the Property;

i. Final Declaration of Protective Covenants; and

j. Proposed Homeowner's Association budget identifying all estimated Association fees.

5. The Applicant shall incorporate best management practices to control erosion, sedimentation, and dust during construction as indicated on the plans, including but not limited to watering and seeding stockpiles of earth material as necessary to prevent dust or other nuisance, and reseeding any disturbed areas in which no work takes place for more than thirty days. Long-term (more than six months) storage of stockpiles of material shall be prohibited.

6. Prior to the start of infrastructure construction, a pre-construction meeting shall be held among the Applicant, the Applicant's contractors, utility company representatives, the Board's representatives, representatives of the DPW and the Wannacomet Water Company, and the Board's engineering consultant who will be involved in the inspection of the road and drainage improvements. The Applicant shall provide for a Project Representative to be on site who will be responsible for on-site activities.

7. The Applicant shall construct, at its own expense, the improvements stated herein as shown on the referenced engineering and/or architectural plans as revised with the Applicant's Request for Modifications. Infrastructure work, including any site clearance, shall not commence for Phase 1 until after a Commitment Letter for State Funding acceptable to the

Comment [w2]: Constructing the infrastructure first in Phase 1 led to many problems and inefficiencies. The Applicant is proposing to construct the Phase 2 infrastructure and homes at the same time using the same general contractor.

Deleted: Except as provided herein, no building permits for dwellings within Phase 1 and Phase 2, respectively, shall be issued until the infrastructure for the respective phase, including but not limited to water, sewer and electrical utility connections; curbing; sidewalks; common mailboxes; and all but the top coat of street pavement (the finish coat) has been completed

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ZBA is received and submitted to the ZBA for its review and approval. Such letter must provide adequate subsidy for the completion of the Phase 1 dwellings. Subsidy funding shall be available to the project within a timeframe such that the construction of dwelling units may begin within nine (9) months of receipt of the Commitment Letter. Completion of infrastructure in each phase shall include a two-inch binder coat for the road and the other required infrastructure as listed above. The finish coat for the roadways within each of the (2) two phase shall be completed prior to the issuance of a Certificate of Occupancy for the last dwelling in each phase. Notwithstanding the foregoing, the Applicant shall be allowed to construct two (2) houses to serve only as marketing models at the same time as the infrastructure improvements are being undertaken within the first phase. No use of these two marketing models other than for marketing purposes shall be allowed until such time that Certificates of Occupancy are duly issued for the subject model homes. Prior to any marketing use of the two (2) model homes, the Zoning Enforcement Officer must make a determination that there can be safe access by the public to the model homes.

8. The Applicant shall be responsible for completion and maintenance of all infrastructure and compliance with this Decision until all of the homes in the development are constructed and sold, except that upon completion and sale of the first 16 homes, the Homeowners Association will become responsible for the costs of maintenance of the infrastructure serving such initial 16 homes. Upon completion and sale of all homes in the development, the Homeowners Association shall bear responsibility for maintenance of all infrastructure.

9. The interior sidewalk as shown on the Neighborhood Conceptual Design Plan shall be constructed of a precast concrete curb with a concrete sidewalk.

10. Concrete driveway aprons shall be as shown on the plans.

11. The construction of road and drainage improvements cited in this Decision shall be inspected by the Board of Appeals' engineering consultant. The cost for such inspection shall be the Applicant's responsibility in accordance with the standard protocol for such inspections required by the Planning Board for subdivisions.

12. There shall be no construction activity on Sundays and legal holidays. All exterior construction activity (including, without limitation, use of power tools, excavation equipment, and

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landscaping activities) shall not begin prior to 7:30 am, nor continue after 7:00 pm on weekdays. All exterior construction activity shall not begin prior to 8:00 am, nor continue after 6:00 pm on Saturdays. Further, these time limitations shall apply to the outdoor set-up and assembly of power tools and equipment, whether or not the intent is to use such equipment inside houses under construction.

13. Following completion of the road and drainage improvements described above, the contractor shall provide as-built plans to the Board's engineering consultant. These plans shall document substantial compliance with the improvements specifications required by the Board.

14. Preserved open space, conservation restriction area, and undisturbed buffer areas as shown on the Definitive Subdivision Plan dated July 31, 2012, and signed by the Board of Appeals on September 13, 2012, shall be delineated with a split rail fence in those locations shown on the Plans and shall be considered permanently protected open space consistent with M.G.L. Chapter 40A, §9, subject to the exceptions provided herein. As shown on the Plans, such fencing is not proposed or required around those sides of Lots 43 and 44 as shown on the Definitive Subdivision Plan not facing other lots within the Subdivision. The split rail fence shall be erected by the Applicant prior to application for any building permits. The Applicant shall be responsible for maintaining this fence in good order until all of the homes in the development are constructed and sold. Thereafter, the Homeowners Association shall bear such responsibility. Notwithstanding the foregoing, the existing dirt driveway, mailboxes, and dumpster located on Lot 44 as shown on the Definitive Subdivision Plan shall continue to be allowed to be used, maintained, repaired, and replaced by the Nantucket Housing Authority, such dirt driveway being for ongoing access to and from the two garage/shed buildings located on the Authority's adjacent land and Benjamin Drive. Lot 43 as shown on the Definitive Subdivision Plan shall be used only as allowed by the Massachusetts Natural Heritage and Endangered Species Program. Lot 42 as shown on the Definitive Subdivision Plan shall be maintained as undisturbed open space subject to the existing sewer force main easement thereon. Lots 41, 45, and 47 as shown on the Definitive Subdivision Plan shall be maintained as undisturbed open space. Lot 46 as shown on the Definitive Subdivision Plan shall be maintained as undisturbed open space subject to a drainage easement thereon. The areas labelled as undisturbed buffer areas within the Lots along Surfside Road and along the rear of the Subdivision property as shown on the

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Definitive Subdivision Plan shall be maintained as undisturbed open space.

15. During construction of infrastructure for the project, clearing and site work shall be limited to the areas necessary for such infrastructure improvements. Lots in the development shall only be cleared and/or graded as building permits are issued for such lots.

16. Any area that is cleared/disturbed, in which construction does not proceed diligently and in good faith, shall be restored and/or made safe by the Applicant at the direction of the Building Inspector.

17. Prior to issuance of a building permit for each lot, the proposed home design and siting on the lot shall be approved by the Historic District Commission. No waiver of such requirement is granted hereby.

Subdivision Management

18. A Homeowner's Association ("Association") shall be established by the Applicant for the maintenance of all common areas including roadways, drainage facilities, swales, sidewalks, mailboxes, emergency access gate, perimeter fencing and open space. The Association shall be governed by the Declaration of Protective Covenants submitted to the Board of Appeals during the Public Hearing. The Association may be legally created, accept deeds to the roads and common facilities and undertake other administrative and organizational actions, but shall not assume road, infrastructure maintenance or open space and mailbox management until all of the infrastructure is completed, except that upon completion and sale of the first 16 homes, the Homeowners Association will become responsible for the costs of maintenance of the infrastructure serving such initial 16 homes. Upon its formation, the Association shall be initially endowed by the Applicant in the amount of $250.00 per lot and shall determine monthly fees for common area maintenance. The Association shall administer the fund. The Association may promulgate rules and regulations, consistent and in compliance with the terms and conditions of this Decision and the documents referenced herein. These rules and regulations may include, but are not limited to, setting standards regarding (1) the conduct of its residents, (2) appearance of property, (3) minimum maintenance requirements, (4) procedures to address nuisance issues such as problematic pets, (5) parking, and (6) conditions

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related to the use of open space and mailboxes.

19. The following conditions and rules and regulations shall be binding upon Owners, Occupants and the Association, under the authority of the Association, its agents, designees, and assigns:

a. All of the homes are to be owner-occupied, and rentals are not allowed except under the limited circumstances contained in the required Universal Deed Rider or such other documentation ensuring perpetual affordability as required by the Commonwealth of Massachusetts. Notwithstanding the above, rentals of individual rooms are not allowed. This condition shall also be reflected in the Declaration of Protective Covenants;

b. Each lot shall contain only a single-family home, to be occupied by no more than two (2) adults per bedroom. This condition shall not apply to minor children under 18 years of age, except that in no case shall total occupancy of the homes exceed three (3) persons per bedroom, including adults and minors, and subject to the requirement that only a single household unit shall occupy each residence. No homes shall be occupied as a dormitory, employer dormitory, rooming house or like housing, as such housing may be defined by the Nantucket Zoning By-Law;

c. Except for the ~~four~~ three Habitat for Humanity homes, there shall be no bedrooms in the basements. In the Habitat for Humanity homes, one (1) of the allowed bedrooms in such homes may be located in the basement provided that the total number of bedrooms in such homes does not exceed three (3) and any basement bedroom satisfies all applicable building code requirements.. The remaining ~~six~~ thirty-seven homes in the subdivision shall include bulkhead access and egress from the basements, respectively; in addition there shall be no full size windows or window wells in basements.

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d. No Owner may add secondary dwelling units, apartments, or studios. The attics in the homes shall not be finished, and there shall be no expansions to the building footprints;

e. Fences and sheds for the storage of garbage receptacles, lawnmowers, bicycles, toys, and similar items may be allowed by written consent of the Association and upon receipt of a Certificate of Appropriateness from the

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Historic District Commission, and must be constructed pursuant to a duly issued building permit. Sheds and outbuildings shall maintain a minimum five (5) foot side and rear setback from all property lines;

f. The Association shall have the authority and lien powers to collect monthly dues, including the power to impose reasonable fines for failure to comply with the conditions of the Comprehensive Permit;

g. Among other uses, Association fees collected may be used to maintain adjacent portions of all Subdivision Roads, and to provide for snow removal, until, if and when, the Town or County of Nantucket assumes this responsibility;

h. The Owners shall keep their exterior areas in a high state of maintenance and cleanliness, with the Association having the power to enforce compliance and to take such curative or remedial action as the Association may deem necessary and to place liens on units for the Association's expenses incurred in so doing;

i. The Association shall keep the roads, catch basins, drainage infrastructure, cluster mailboxes, and other common areas and common improvements in a high state of maintenance and cleanliness;

j. There shall be no parking, storage or use of house trailers, portable houses, tents or other temporary shelter on a lot. No unregistered, uninsured or inoperable vehicles, campers or recreational vehicles shall be allowed on-site. Except as herein provided, no boats greater than 21 feet in length and no unregistered or junk vehicles or parts thereof shall be kept or stored in the open on any of the lots. Boats 21 feet or less in length shall be registered, if required, and may be kept or stored on a lot provided that they shall not be located in a front yard. Overnight parking of commercial vehicles other than pickup trucks, vans and other passenger vehicles used in association with a resident's profession or business shall not be allowed.

k. Exterior/outdoor lighting shall be low-wattage, uni-directional, downward facing, and prevent glare from occurring on adjacent property outside of the subdivision;

l. Owners wishing to make changes to their homes that the Zoning Enforcement Officer determines to be minor and that vary from the final plans identified herein must apply

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for and receive a Certificate of Appropriateness from the Historic District Commission if the changes are subject to normal Historic District Commission jurisdiction and permission from the Association is granted; and

m. All driveways shall have a minimum of two (2) off-street parking spaces on each lot. Four (4) foot minimum concrete driveway aprons shall be constructed at the intersection with all paved roadways. Driveways shall be constructed in a variety of materials consistent with Historical District Commission approval including shell, gravel, stone, concrete, asphalt, concrete, brick, and Belgian block.

Comment [w3]: Approved by Board of Appeals as Insubstantial Change on March 10, 2016.

Deleted: All driveways shall be gravel or shell, with a minimum of two (2) off-street parking spaces on each lot. Four (4) foot minimum concrete driveway aprons shall be constructed at the intersection with all paved roadways

20. Deeds to all lots shall include reference to the Association, and the Association's authority to impose maintenance fees and to enforce the rules and regulations of the Association.

Programmatic Issues

21. The programmatic requirements regarding distribution of the ten (10) 80% Area Median Income units and the construction ratio for 80% Area Median Income units to other units shall be determined solely by the Subsidizing Agency in accordance with Chapter 40B regulations and guidelines.

22. The legal documents to be entered into between the Nantucket Housing Authority and the Applicant in connection with the transfer of the Property to the Applicant shall include language stating that if the Applicant decides in the future not to complete the subdivision, the remaining undeveloped lots shall at that time be re-transferred back to the Nantucket Housing Authority for nominal consideration and lien free other than existing liens of record at the time of the sale of the property to the Applicant by the Nantucket Housing Authority. No lot or other portion of the property shall be pledged as security or otherwise transferred or alienated by the Applicant, except that the Applicant may grant a construction loan mortgage from which funds will only be advanced once there is a valid purchase and sale agreement with a buyer for a lot to allow construction on such lot to commence provided that the construction mortgage lender only secures the construction mortgage per advance against the specific lot in question and agrees to release such lot from the Applicant's construction mortgage at the time of sale of the lot to the buyer and the recording of the buyer's mortgage for such lot. Such construction financing by the Applicant shall not be used for subdivision infrastructure, but shall only be used as indicated above to allow construction to commence per lot once a valid purchase and sale

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agreement with a buyer is in place. There is no prohibition against such construction financing being advanced for multiple lots at the same time provided that there is a valid purchase and sale agreement with a buyer for each lot for which funds are to be advanced.

23. Subsequent to the end of all applicable appeal periods and prior to the commencement of construction, the Applicant shall record this Decision with the Nantucket Registry of Deeds senior to any other liens on the Property and shall provide the ZBA and the Building Department, including the Zoning Enforcement Officer, with a copy of the Decision as recorded.

24. This Comprehensive Permit shall not be transferable without the prior written approval of the ZBA.

25. Except to the extent modified by the conditions, the Applicant shall be bound by the submissions contained in the Application (as revised) and shall be bound by the representations made by it, or on its behalf, at the public hearings and meetings held to consider the granting of this permit.

26. The terms, provisions, and conditions of this Decision shall bind, burden, and benefit the successors and assigns of the Applicant and run with the land.

27. The Applicant shall provide the following permits and/or documentation of compliance with the following environmental programs and or requirements before any site clearing:

    a. Sewer Connection Permit; and
    b. Massachusetts Endangered Species Act (MESA).

28. The programmatic requirements regarding monitoring of the sale of units to households earning no more than 80% of Area Median Income and the monitoring of the limited dividend requirement shall be determined solely by the Subsidizing Agency.

29. The programmatic requirements regarding the execution of a Regulatory Agreement and the use of affordable housing restrictions shall be determined solely by the Subsidizing Agency.

30. The Affordable Units and all other units shall be marketed and sold with preference for Nantucket residents to the fullest extent legally permissible and subject to approval by the Subsidizing Agency.

31. Prior to the start of any house construction, the Applicant shall

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obtain Final Approval from the Subsidizing Agency and shall execute a Regulatory Agreement with the Subsidizing Agency which shall be recorded, at the Nantucket Registry of Deeds, with a marginal reference to the deed or deeds for the Locus to the Applicant. No building permits shall issue for the project prior to Applicant's receipt of the Final Approval from the Subsidizing Agency. However, subject to approval by the Subsidizing Agency, site infrastructure can commence prior to the Final Approval by the Subsidizing Agency and prior to the recording of the Regulatory Agreement for the project subject to the receipt of a Commitment Letter for State Funding acceptable to the Board of Appeals.

32. The Applicant shall contemporaneously provide the ZBA and the Nantucket Housing Authority with copies of any financial reports or documentation submitted to the Monitoring Agent and the Subsidizing Agency including financial reports or documentation submitted in association with the review of the limited dividend requirement. Since the land was donated to the Housing Authority, which in turn is donating it to the project, and since the Town is donating substantial funding for the project, the Applicant has voluntarily committed that its maximum Developer's Fee will not exceed 15% of certified costs as approved by the Monitoring Agent and that any such certified and audited excess beyond 15% shall be paid to the Nantucket Housing Authority to use in advance of the Authority's Mission. The Applicant shall further comply with the financial provisions as set forth in the Findings Section of this Amended and Restated Comprehensive Permit Decision and the Development Agreement.

33. This permit shall not become final and may not be exercised until all outstanding consultant fees, including those of town counsel, incurred by the ZBA in relation to its review of this Application have been paid by the Applicant. Such fees incurred subsequent to issuance of this permit shall be paid prior to issuance of building permits.

34. Notwithstanding the foregoing, if there are certified and audited cost savings for the Development, such savings may, with the prior approval of the Participating Lender, be used for either project improvements (with a preference to landscaping improvements) and/or contributions to the Homeowner's Association Capital Reserves account.

Draft

35. The Board of Appeals hereby grants the following waivers from additional fees to be paid by the Applicant in connection with the buildout of Phase 2 of the Development:

A. Water Connection Fee: $110,000.00 (22 homes to be constructed by the Applicant x $5,000.00/Lot);

B. Sewer Connection Fee: $44,000.00 (22 homes to be constructed by the Applicant x $2,000.00/Lot); and

C. Building Permit Fee: $39,600.00.

[Continued Next Page for Signatures.]

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It is therefore the Decision of the Board of Appeals to GRANT the Application with the conditions and requirements herein provided by a _____ (___) to _____ (__) vote.

Dated: December ____, 2016

_____
Edward Toole, Chairman

_____
Lisa Botticelli

_____
Michael O'Mara

_____
Kerim Koseatac

_____
Mark Poor

DRAFT

EXHIBIT A

LIST OF EXCEPTIONS (WAIVER LIST) ATTACHED

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EXHIBIT B

DEFINITIVE SUBDIVISION PLAN ATTACHED

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EXHIBIT C

INDEX OF DOCUMENTS INCORPORATED BY REFERENCE HEREIN

A: List of Waivers (See Exhibit A)

B: Application Materials, Supplemental Information and Applicant Correspondence

C: Updated Pro Forma dated April 4, 2012

D: Nantucket Planning Department Memoranda to the ZBA dated November 5, 2011, December 8, 2011, and January 9, 2012

E: Vanasse & Associates, Inc. submitted a Site Access Review dated March 1, 2012

F: Habitat for Humanity Nantucket letter dated January 13, 2012

G: Habitat for Humanity Cape Cod letter dated February 28, 2012

H: Law Office of Singer & Singer, LLC, Supplemental Submissions dated November 2, 2011, December 1, 2011, January 5, 2012, January 30, 2012, February 13, 2012, April 12, 2012, April 27, 2012, and May 2, 2012

I: Horsley Witten Group, Inc. Site Entrance and Traffic Review Letter dated January 4, 2012

J: McMahon Transportation Engineers & Planners Traffic Review Letter dated January 27, 2012

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EXHIBIT D

PROPOSED OVERHEAD AND FEE DISTRIBUTION

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LETTERS

Community
Preservation
Committee

4 Winter Street, Nantucket, MA 02554 ☎ 508-325-6682 508-325-6683 nantucket.cpc@verizon.net

2016 DEC -6 AM 11: 22

Town of Nantucket Zoning Board of Appeal
2 Fairgrounds Road
Nantucket, MA 02554
Attn: Eleanor Antonietti

Zoning Board of Appeals
DEC 06 2016
RECEIVED

Re: Sachem's Path Phase 2
Community Preservation Committee Support for Phase 2 Fee Waivers

Members of the Zoning Board-

The creation of Sachem's Path as community asset that provides high quality affordable ownership housing for workforce islanders is nearing completion.

It is worth remembering that this community effort began in 1985 when the 'Inhabitants of the Town of Nantucket', acting on the Town Meeting approval of Article 42, sold 20 acres of land at corner of Surfside and South Shore Roads to the Nantucket Housing Authority for $1.00. Article 42 conditioned the sale such that the land be used to support those full time residents of the island whose ability to remain on the island was threatened by the inability to find adequate housing.

Over 30 years later, we have seen the creation of affordable rental housing, and most recently, the creation of affordable ownership housing in accordance with the 1985 Town Meeting vote.

As members of the Community Preservation Commission, we are charged with understanding the important needs of the island. Workforce housing is an acute need on the island and the Community Preservation Commission has allocated funds to address this need.

In September, we received a request for an allocation of CPA funds in the amount of $550,000 to allow Phase 2 of the development to be constructed – an amount that was not anticipated but resulted from the extreme increase of construction costs on the island.

In discussion with the developer, Sachem's Path Nantucket LLC, the Community Preservation Commission came to understand that the total project deficit was $835k and that Sachem's Path Nantucket LLC was ready to contribute 50% of it's Phase 2 fee or roughly $285k to complete the development.

We also learned that the request for $550,000 was necessary to pay for approximately $200,000 of water/sewer/permit fees to be paid to the Town of Nantucket. All members of the CPC agreed that scarce CPA funds should not be used to fund the operating accounts of Town Departments.

The CPC voted to recommend that an additional $300k of CPA funds support the completion of the development.

In making this decision, we felt strongly that a waiver for water/sewer/permit fees should be pursued by the developer and should be granted by the Town.

As members of the Community Preservation Committee, but also as residents of Nantucket, we feel strongly that the completion of Sachem's Path is of paramount importance.

Sachem's Path is a community initiative for which all Islanders should be proud. It is also a community initiative that should be completed.

We urge the members of the Zoning Board of Appeal to support Sachem's Path by granting the requested waiver of fees for Phase 2 in the same spirit with which the land was donated to the Town and sold pursuant to Town Meeting for this specific purpose over 30 years ago today.

Thank You for your Consideration

K Beauprez, CHAIR, CPC

Resident and Member of the Nantucket Community Preservation Committee

Cc: Nantucket Housing Authority – Board of Directors
Nantucket Board of Selectmen

2016 DEC -6 AM 11:22

From: Andrew Singer
To: Eleanor Antonietti
Subject: Sachem"s Path, Nantucket
Date: Wednesday, December 07, 2016 10:23:06 AM
Attachments: Sachem"s Path Summary of Request with Detailed Explanation.pdf
Sachem"s Path ZBA Handout.pdf

Good Morning Eleanor,

Attached for distribution to the Board of Appeals members in connection with tomorrow's meeting is a supplemental submission to the original filing dated November 14, 2016 (including a draft of the proposed Second Amended and Restated CP) as follows:

1. Handout (one page) discussing the request in more detail; and

2. Summary Outline (three pages) providing additional background information concerning the request.

Thank you for your ongoing assistance in this matter. I look forward to seeing you tomorrow.

Andrew

_____

Andrew L. Singer
LAW OFFICE OF SINGER & SINGER, LLC
26 Upper County Road
P.O. Box 67
Dennisport, MA 02639
(508) 398-2221 (tel)
(508) 398-1568 (fax)
www.singer-law.com

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Sachem's Path

Sachem's Path Homeowners Association Trust

Sachems Path
Summary Outline of Request for Modification's to Nantucket Board of Zoning Appeals
11.30.16

A. Change In Delivery of 80% AMI Units: Increase Number Built by HAC / Decrease Number Built by Habitat:

To solve numerous regulatory compliance challenges related to Habitat Nantucket producing 40B Compliant 80%AMI homes, it was determined that Sachem's Path Nantucket/HAC should be response for producing the 10 - 80% AMI homes required to meet the 25% @ 80% Threshold.

Change in Unit Mix to Accomplish This:

a. # of Habitat Units at Sachem's Path Reduced from 4 to 3
b. # of 80% Units to be developed by HAC in Phase 2 increased by 2 homes.
(1 unit from Habitat, 1 unit in a change in categorization between 100% AMI and 80% AMI).

Functional Reality:

Habitat not required to comply with DHCD/Comp Permit Subsidizing Agent in creation, marketing, sale or resale of units. The governing requirements become the Covenant Program as administered by Housing Nantucket.

Approvals:

1. Development Agreement with Nantucket Housing Authority (NHA approved)
2. Agreement with Habitat

Requested Change to Comprehensive Permit:

Throughout document:

a. # of units referenced in association with Habitat changed from 4 to 3;
b. # of units to be constructed by HAC increased to 37 and specifically 22 in Phase 2.

Condition #2:

Prior to the above change, 40B Compliance was dependent on Habitat performance and timing for creation of 80% units. This dependency on Habitat has been eliminated.

Request is to eliminate language that restricts Sachems Path Nantucket/HAC from pulling the 26th building permit until such time as the 2nd Habitat unit has been completed (has received Certificate of Occupancy). Prior to change, completion of 2nd Habitat unit would ensure 40B Compliance when Sachem's Path/HAC obtained its last CoO.

This check/balance is no longer needed given that HAC is fully responsible for creation of 40B compliant 80% AMI Units.

Request elimination of restriction on Sachem Path/HAC's ability to pull building permits.

Sachem's Path

Sachem's Path Homeowners Association Trust

B. Eliminate Requirement that Building Permits Can Not be Issued Until Infrastructure is 100% Complete

When splitting the project into Phases, we anticipated that CPC funds would be available for the accelerated construction of the "infrastructure" portion of the project for both Phases. This was the delivery method utilized in Phase 1.

For Phase 2, both the "infrastructure" and the "homes" will be constructed together under a single contract between Sachem's Path Nantucket LLC and JK Scanlan/Dellbrook.

Key reasons for this decision:

1. Eliminate scope gaps between two contracts as well as complications when timing is split on a site that involves small lot housing. The expectation is that quality will increase as under ground utilities, foundations, sidewalks, site grading and soil management coordinated and managed comprehensively.

2. A single contract will ensure the the infrastructure is coordinated by a professional team with existing systems for schedule and cost management. Simple put, JK Scanlan is much better at coordinating construction than Sachem's Path Nantucket LLC.

3. Related to item #2, full time supervision of the infrastructure is mandatory given that the work will be taking place adjacent to 16 families who moved into Phase 1 of Sachem's Path. Safety of the existing families requires a single point of responsibility.

Request: **Eliminate Requirement that Phase 2 Infrastructure be Fully Complete Prior to the Issuance of Building Permits for the Phase 2 Homes.**

C. New Condition#35 - Fee Waivers for Town of Nantucket Fees

The project is facing a GAP of $823k.

The GAP is due to a reduction in Sales Prices for the 80% AMI units (80% Income Limits for Nantucket went down from 2015 to 2016) and significant increases in construction cost on the island. A good indicator of the current market for sub trades is the fact that Toscana Corporation elected to 'Not Submit a Bid' the Phase 2 Infrastructure contract (roughly a $1.4M contract).

On September 9th, Sachems Path Nantucket LLC requested $550k of additional CPA funds from the Nantucket Community Preservation Committee as part of the FY 18 funding round.

In review of the application with CPC, the issue of using CPA funds to pay Town Fees was raised. The CPC felt strongly that the Town should waive fees for a community initiated workforce housing project in lieu of using scarce CPA funds to pay Town Fees.

Sachem's Path has been awarded an additional $300k from the Community Preservation Committee with the strict instructions to utilize fee waivers to realize an additional $193,600 of savings through the reduction of fees.

Condition #35 stipulates that:

$110,000 of Water Connection Fees will be waived;	[$75,000 paid in Phase 1]
$44,000 of Sewer Connection Fees will be waived; and	[$30,000 paid in Phase 1]
$39,600 of Fees for the Building Permit will be waived.	[$25,000 paid in Phase 1]

With these fee waivers, the total GAP at closing will be $329,400. Sachem's Path Nantucket will pledge its fee to fill the GAP. As an affordable ownership project, there is no opportunity to increase sales prices and thus decrease the contributed fee. Unlike an affordable rental development, there is no opportunity to realize the repayment of differed fee over time.

The State of Massachusetts made a policy decision in 2015 to stop state support of affordable ownership developments. There is no ability to get additional funds beyond what was originally committed in 2014.

In effect, HAC will be contributing 60% of its Phase 2 Fee (32% of its Fee for the full Sachems Path development) to ensure that the development gets completed.

The HAC board has been very clear in communicating that the upper limit of its fee contribution is $252,500 or 50% of the Phase 2 Fee.

The development is moving forward aggressively with 90 applications received on November 9th and the Phase 2 Lottery to be held on Thursday, December 15th.

Moving Phase 2 to completion is contingent on the ZBA acceptance of Condition #35.

Request for Second Amended and Restated Comprehensive Permit (December 8, 2016)

Phase 1:	Successfully Constructed and Occupied	16 New Single-Family Homes -- 15 by Sachem's Path Development, LLC (and 1 by Habitat Nantucket to be moved on site this month) providing affordable year-round housing to Nantucket residents

Phase 2: Request for Revisions to Allow Successful Construction, Completion, and Occupancy of Phase 2:

1. Change Applicant/Habitat Lot mix so that Applicant is responsible for all 10 80% AMI Lots (Total: Applicant 37; Habitat 3);

2. Allow infrastructure to be constructed simultaneously with dwellings to avoid Phase 1 mandatory sequencing which resulted in approximately $60,000 of additional Project costs that cannot be sustained in Phase 2; and

3. Grant select fee waivers to allow Phase 2 to be constructed without making the Project unsustainably Uneconomic.

There is a significant Phase 2 budget shortfall ($823,000) on a Project that is already technically Uneconomic as defined by the Commonwealth (see below). To help close this gap and bring Phase 2 to a successful completion for 24 more Nantucket families, the Nantucket CPC has generously awarded an additional $300,000 on condition that all parties contribute to reach a productive resolution. Specifically, the Applicant will contribute $329,400 from its budgeted Developer's Fee, and the Board of Appeals is being requested at the direction of the CPC and as set forth in Massachusetts regulations (see below) to authorize $193,600 in fee waivers from further water connection, sewer connection, and building permit fees.

The Applicant is not requesting a waiver from the sewer privilege fee nor did it receive any waivers for Phase 1 fees. The Applicant has previously paid $223,750 to the Town of Nantucket in such fees for Phase 1. While it is not requesting a waiver from the Phase 2 sewer privilege fee, the Applicant cannot sustain paying the remaining fees ($193,600) again for Phase 2. With the waivers being granted, the net profit/overhead for Phase 2 will be six percent (6%), and for the entire Project (both Phases) only eight percent (8%). Without the waivers, the Project cannot be completed because fundability of the remaining Phase 2 will be at risk and will violate the fiduciary duty of the Applicant's nonprofit Board of Directors under such conditions.

The Board is expressly authorized to grant fee waivers under 760 CMR 56.05(8)(c) (4) – ZBA has full authority to issue "complete or partial waiver ordered by the Board of fees otherwise assessed by Local Boards." 760 CMR 56.05(8)(d) – ZBA "shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic,...." 760 CMR 56.02 – Uneconomic "means any condition imposed by a Board..., brought about by a single factor or a combination of factors, to the extent that it:...makes it impossible for a Limited Dividend Organization to proceed and still realize a reasonable return in building or operating such Project...." 760 CMR 56.02 – Reasonable Return "means, as calculated according to guidelines issued by the department, and with respect to (a) building an ownership project..., that profit to the Developer is not more than 20% and not less than 15% of the total development costs;...."

Sachem's Path is a model affordable housing development envisioned and supported by the Nantucket Community. The requested revisions will allow the Applicant and the Community to realize the full potential of this development for Nantucket families.

TOWN & COUNTY OF NANTUCKET
BOARD OF SELECTMEN
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted: 07/20/2016

I. Policy.
The Board of Selectmen, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Board of Selectmen hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. Therefore, the Board of Selectmen will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

II. Sewer Connection and Sewer Privilege Fee Waivers.
The Board of Selectmen may, at its discretion, waive the sewer connection fee or the sewer privilege fee upon the request of an individual, non profit organization, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the unit or units by notifying the Town Manager when a building permit issues and when an occupancy permit issues. In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, the Board of Selectmen may, in its discretion, only waive the sewer connection fee.

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

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

(508) 228-3128
FAX: (508) 228-5630

MAILING ADDRESS:

POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

December 13, 2016

BY HAND DELIVERY

Board of Selectmen
Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, Massachusetts 02554

Re: Sachem's Path

Dear Selectmen:

We represent Sachem's Path Nantucket LLC, the developer of the Sachem's Path affordable housing site.

Sachem's Path is, as you are aware, a project which was approved under M.G.L., c. 40A, upon land formerly owned by the Town and transferred to the Housing Authority, which contracted with Housing Assistance Corporation, the principal of Sachem's Path Nantucket LLC, to develop the property as free-standing single-family affordable dwellings for sale to qualifying families. All of the units are affordable, with a mix of dwellings priced for households with incomes not exceeding 80%, 100% and 150% of median income for Nantucket County.

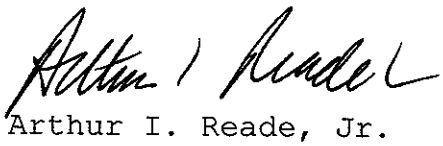
We recently appeared before the Nantucket Zoning Board of Appeals, the comprehensive permit granting authority for the Sachem's Path project, in order to request waiver of the fees for water and sewer connections and building permits in connection with the construction of Phase Two. The ZBA conditionally approved $193,600 in fee waivers, contingent upon endorsement of their action by the Board of Selectmen.

We believe that in consideration of the benefit to the public and the Town that is being created by Sachem's Path in providing affordable housing, not including any true "market-rate" units, it is appropriate for these fee waivers to be granted.

Accordingly, we request that you place this matter upon the agenda for discussion and approval of the fee waivers at the December 21, 2016 Selectmen's meeting, at which I shall be present with other representatives of Sachem's Path.

Thank you very much.

Sincerely,



Arthur I. Reade, Jr.
air@readelaw.com

AIR/irv

cc: Eleanor Antonietti,
Zoning Administrator

Town and County of Nantucket
Board of Selectmen • County Commissioners

James R. Kelly, Chairman
Rick Atherton
Robert R. DeCosta
Matt Fee
Dawn E. Hill Holdgate

16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

December 22, 2016

Arthur I. Reade, Jr.
Reade, Gullicksen, Hanley & Gifford, LLP
PO Box 2669
Nantucket, MA 02584

RE: Sachem's Path Phase 2

Dear Arthur:

At its December 21, 2016 meeting, the Board of Selectmen voted to approve the request of Sachem's Path Nantucket, LLC to waive 22 building permit and sewer connection fees for Phase 2 of Sachem's Path. Specific parcels are listed below.

Lot #	Street Address	Map	Parcel
14	6 Wapossett Circle	67	566
15	11 Wapossett Circle	67	567
16	8 Wapossett Circle	67	568
17	13 Wapossett Circle	67	569
18	10 Wapossett Circle	67	570
19	15 Wapossett Circle	67	571
20	12 Wapossett Circle	67	572
21	17 Wapossett Circle	67	573
22	14 Wapossett Circle	67	574
23	19 Wapossett Circle	67	575

24	21 Wapossett Circle	67	576
25	23 Wapossett Circle	67	577
26	25 Wapossett Circle	67	578
30	11 Nanina Dr	67	582
31	9 Nanina Dr	67	583
32	12 Nanina Dr	67	584
33	7 Nanina Dr	67	585
34	10 Nanina Dr	67	586
35	5 Nanina Dr	67	587
36	8 Nanina Dr	67	588
37	3 Nanina Dr	67	589
38	6 Nanina Dr	67	590

In addition, the Board voted to recommend that the Zoning Board of Appeals waive the water connection fees for the abovementioned parcels.

Sincerely,

Erika Mooney

Erika D. Mooney
Project Administrator

Cc: ZBA
PLUS
DPW
WWCo

WANNACOMET WATER COMPANY

Nantucket Water Commission
Nelson K. Eldridge
Allen Reinhard
Noreen Slavitz

Robert L. Gardner
General Manager

MEMORANDUM

1 Milestone Road
Nantucket, MA 02554

Telephone (508) 228-0022
Facsimile (508) 325-5344
www.wannacomet.org

TO: Nantucket Zoning Board of Appeals

From: Bob Gardner, General Manager, Wannacomet Water Company

RE: Waiver of New Water Service Application Fee

Date: January 3, 2017

At the direction of the Nantucket Water Commission I am sending this memorandum to address the recent request to the ZBA for the waiver of the New Water Service Application fees for the Sachem's Path II affordable housing project. The Water Commission fully understands that under the Massachusetts General Laws that pertain to 40B housing projects the ZBA has the authority to waive these fees. The Wannacomet Water Company is an enterprise fund and New Water Service Application fees are a significant portion of the revenue stream. The Wannacomet New Water Service Application fee is not a permit and is unlike any other town fee and it is important that the ZBA understand the components of the New Water Service Application Fee before making a decision to waive the fees.

The $5,000 Wannacomet New Water Service Application fee has two components. The first is the expense component which consists of the materials, labor and equipment to make the actual connection to the distribution system, install the service line to the property line, the meter pit, meter setting and the meter. The materials are purchased through the operations expense inventory account and then charged out. This portion of the connection fee has a value of $1,700.00

The remaining $3,300 portion of the fee is to recognize the capital investment that the existing ratepayers have made in the water system to provide the capacity and fire protection reserves that allow new connections and extensions.

The difference between the Wannacomet New Water Service Application fee and Sewer Connection fee that the Board of Selectmen recently waived clearly shows this difference. The waiver of the $2,000 sewer connection fee will only impact the revenue stream for the sewer department because the applicant is responsible for all of the labor, materials and equipment to make the connection to the sewer main and run the pipe to the building. Therefore, there is no impact on the sewer department expense budget. The same can be said for other town fees that are applicable to this project.

However, If the Wannacomet New Water Service Application fee is waived for the 22 units in Sachem's Path II the impact would be as follows.

Revenue Impact: ($110,000)

Expense Budget Impact: ($37,400)

Total Impact on Wannacomet's Budget: ($147,400)

Summary

The Nantucket Water Commission feels that the impact of the waiver of the New Water Service Application fees will result in a significant loss of revenue and have an unreasonable impact on the expense budget and the existing ratepayers. For these reasons the Commission respectfully requests that the Zoning Board of Appeals deny the request for the waiver of the New Water Service Application fees for the Sachem's Path II project.

Materials Provided by Applicant & Staff to Supplement Application

WHAT IS AN ENTERPRISE FUND?

An enterprise fund establishes a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. Under enterprise accounting, the revenues and expenditures of services are separated into separate funds with its own financial statements, rather than commingled with the revenues and expenses of all other government activities.

Enterprise funds may be established, "for a utility, health care, recreational transportation facility", such as:

- Public utilities – water, sewer, trash disposal
- Health-care - ambulance service, nursing homes
- Recreation - skating rinks, pools, golf courses
- Transportation - airports, dock and wharf facilities

The community may not establish enterprise funds for normal government operations or services such as building rentals, inspectional services or cemeteries.

Establishing an enterprise fund does not create a separate or autonomous entity from the municipal government operation. The municipal department operating the enterprise service continues to fulfill financial and managerial reporting requirements like every other department.

Financial transactions are reported using standards similar to private sector accounting. Revenues are recognized when earned and expenses are recognized when incurred, under a full actual basis of accounting. An enterprise fund provides management and taxpayers with information to:

- Measure performance
- Analyze the impact of financial decisions
- Determine the cost of providing a service
- Identify any subsidy from the general fund in providing a service
-

Enterprise accounting allows the community to demonstrate to the public the portions of total costs of a service that is recovered through user charges and, if any, the portion that is subsidized by tax levy or other available funds. A community may choose to recover total services costs through user charges, but is not required to. Enterprise funds frequently are used to account for services whose costs are partially funded by fees and charges.

At year-end, the performance of an enterprise fund is measured in terms of positive and negative operations. An operating surplus is a result of revenues collected in excess of estimates and appropriation turn backs, and translates into retained earnings that are maintained in the fund rather than closing to the general fund. Retained earnings of an enterprise fund are certified as available funds after submission of the end of the year balance sheet to state government. Once certified, retained earnings may be appropriate only for expenditures relating to the fund. Conversely, if during the year, the enterprise fund incurs an operating loss, the loss must be raised in the subsequent year's budget.

THE ENTERPRISE BUDGET

Revenues

Similar to any operating department, revenue estimates are prepared. These may include user charges and fees, investment income, and any other enterprise revenues. All enterprise revenues may only be used to support the expenditures of the enterprise fund. At no time may these funds be used to support ongoing municipal operations or subsidize the general fund.

Costs

All costs of operating the enterprise must be identified. This should include direct costs, indirect costs, employee benefits, legal and borrowing cost, and capital expenditures. These costs may also include an appropriation for emergency reserve and a budget surplus.

- **Direct costs**
- **Indirect costs**
- **Employee benefits**
- **Legal and borrowing costs**
- **Capital expenditures or improvements**
- **Emergency reserve**
- **Budgeted surplus**
- **The budget surplus may be used to fund additional spending**.
- **Depreciation of the fixed assets and infrastructure**

ADVANTAGES OF ENTERPRISE FUND ACCOUNTING

The advantages of using an enterprise fund rather than the general fund or special revenue fund are as follows.

- Demonstrate total cost of service
- Provide useful management information
- Retain investment income and surplus
- Provide better ability to implement capital improvements

CAN AN ENTERPRISE FUND OPERATE INDEPENDENTLY UNDER ITS OWN PROCEDURES?

An enterprise fund is just an accounting/budgeting tool. It does not grant additional powers to the department providing service. The enterprise fund is still a municipal department and is subject to ordinary municipal finance procedures. The rate setting process is established by statute or local charter. Property and assets included in the enterprise fund is owned by the municipality and may only be acquired, leased or disposed of by vote of the town meeting. At no time are these conditions altered through the adoption of enterprise.

Massachusetts Department of Revenue *Division of Local Services*
Navjeet K. Bal, Commissioner *Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs*

Enterprise Funds
G.L. c. 44, § 53F½

April 2008

Visit our website at
www.mass.gov/dls

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Informational Guideline Release (IGR) No. 08-101
April 2008

Supersedes June 2002 Enterprise Fund Manual
and
Any Prior Written Inconsistent Statements

ENTERPRISE FUNDS

(G. L. c. 44, § 53F½)

These guidelines provide guidance to local officials on the use of an enterprise fund under G.L. c. 44, § 53F½ to separately account for municipal services of a proprietary nature, *i.e.*, those services provided to individual customers for a charge in a manner similar to private business.

The guidelines prescribe uniform accounting standards for enterprise fund revenues and expenditures. They also set forth the policies that apply to the review of enterprise budgets for tax rate setting purposes. G.L. c. 44, §§ 38 and 43; c. 59, § 23.

These standards and policies are effective as of June 30, 2008 and supersede those found in the June 2002 Enterprise Fund manual and any prior written inconsistent publications or statements.

BUREAU OF ACCOUNTS GERARD D. PERRY, DIRECTOR

SIGNIFICANT RULE CHANGES

The following are significant rule changes incorporated in these guidelines. Their effective date is June 30, 2008.

- *Use of retained earnings*. Retained earnings may be appropriated to:

    1. fund direct costs of the enterprise for the current fiscal year;
    2. fund costs appropriated in the General Fund operating budget and allocated to the enterprise for the current fiscal year;
    3. reimburse to the General or other fund for subsidized capital costs of the enterprise not already reimbursed for the two full, immediately prior, fiscal years.

- *Reporting of a retained earnings reimbursement*. Retained earnings appropriated specifically to reimburse the General Fund for subsidized capital costs should not be reported on page 4 of the Tax Rate Recap (similar to a vote from free cash to reduce the tax rate) or on Schedule A-2. Instead, the amount should be reported in Part IIID, line 4 of the Tax Rate Recap. If so reported, city/town Clerks are advised to provide a copy of the vote to the Bureau of Accounts for tax rate certification purposes.

- *Funding a retained earnings deficit*. A retained earnings deficit for the period ending June 30 must be reported and funded in the next fiscal year's tax rate. A community no longer needs to report and fund an enterprise fund revenue deficit. A retained earnings deficit must be raised from the tax levy as a General Fund subsidy unless the community:

    1. appropriates from the General or other applicable fund specifically for the purpose of funding the deficit; or
    2. increases enterprise estimated revenues above the amount appropriated for enterprise direct and indirect expenses, provided the additional estimated revenues can be properly supported.

- *Indirect cost allocation methodology*. The Bureau recommends that every community with an enterprise fund establish a written, internal policy regarding indirect cost allocation and should review this policy annually. The policy should be reasonable and calculated in a fair and consistent basis. Local financial officials should understand and agree on what indirect costs are appropriated as part of the General Fund operating budget and what percentage of these costs should be allocated to the enterprise fund.

  The Director of Accounts may reject any community's methodology, written or otherwise, as unreasonable for tax rate setting purposes.

- *Appropriation for indirect costs*. Indirect costs are generally appropriated as part of the General Fund operating budget and are allocated to the enterprise fund as reported on Schedule A-2. Do not appropriate these costs in both the General Fund operating budget and in the enterprise fund budget. Local financial officials may wish to show the public all costs of the enterprise fund, but should not duplicate their appropriation. Therefore, reporting of enterprise fund estimated receipts on page 3 of the Tax Rate Recap to offset any duplication should no longer be necessary.

- In the Bureau of Accounts' FY2007 end-of-year letter, the Bureau advised that "should a fund balance deficit occur as of June 30, 2007 and as of June 30, 2008 (two consecutive years), General Fund free cash as of June 30, 2008 will be reduced by the enterprise fund deficit balance." The policy has been revised and a General Fund reduction will not occur.

INTRODUCTION

BRIEF HISTORY

The enterprise fund statute, G.L. c.44, § 53F½, was initially enacted in 1986 (see Appendix A). Before then, communities used special revenue funds authorized by various general laws or special acts to separately account for their business type services. These special revenue funds were limited, however, with regard to the services and costs covered. The funds were most commonly authorized for water, gas and electric utility departments and used primarily to account for annual operating costs, not the indirect costs, capital improvements or fixed assets of the service.

WHAT IS AN ENTERPRISE FUND

An enterprise fund gives communities the flexibility to account separately for all financial activities associated with a broad range of municipal services. It establishes a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. Revenues and expenses of the service are segregated into a fund with financial statements separate from all other governmental activities. (See Uniform Massachusetts Accounting System (UMAS) chapter 12 for more information including illustrative journal entries).

WHY ADOPT AN ENTERPRISE FUND

A community may account for certain services in the General Fund, special revenue or enterprise fund. Advantages of an enterprise fund include that it:

- Identifies a total service cost – Consolidating direct operating, direct capital, and indirect costs (*e.g.*, enterprise-related costs appropriated in the General Fund operating budget) helps a community to readily identify a total service cost and determine funding sources. The total service cost may also include a subsidy from the General or other fund or a reimbursement from the enterprise fund to other funds for subsidized costs incurred in the two full, immediately prior fiscal years.

- Provides useful management information – Consolidating revenues, expenses and operating performance of the fund provides a community with useful decision making information regarding user charges and fees and a subsidy if necessary. The community can also include the enterprise fixed assets and infrastructure as assets and recognize the annual depreciation of these assets in audited financial statements.

- Retains investment income and surplus – All investment earnings and any operating surplus (actual revenues in excess of estimates and appropriations in excess of expenses) are retained in the enterprise fund rather than closed to the General Fund at fiscal year-end. Surplus certified by the Director of Accounts as available is called “retained earnings”. Retained earnings require appropriation by the community’s legislative body and have certain other use restrictions as will be noted in these guidelines.

WHAT GOVERNMENTAL ENTITY MAY ADOPT ENTERPRISE FUND ACCOUNTING

Only Massachusetts cities and towns may adopt an enterprise fund pursuant to G.L. c.44, § 53F½. Regional school, vocational-technical school and/or special purpose districts may not adopt an enterprise fund, unless permitted by special legislation.

FOR WHAT SERVICES CAN A COMMUNITY ADOPT AN ENTERPRISE FUND

Enterprise funds may be established, "for a utility, health care, recreational or transportation facility." Examples include:

- Public utilities – water, sewer, trash disposal;
- Health care – ambulance service, nursing homes;
- Recreation – skating rinks, pools, golf courses; and
- Transportation – airports, dock and wharf facilities.

A community may not establish enterprise funds for normal government operations or services such as public safety, inspectional services or cemeteries.

ADOPTING AN ENTERPRISE FUND

A city or town may adopt an enterprise fund by vote of the legislative body, subject to the local charter. Each enterprise fund must be adopted separately with its own vote. This allows the legislative body to identify and evaluate each enterprise on its own merits.

The following is sample language to adopt an enterprise fund.

> "To see if the (city or town) will accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing (the service) as an enterprise fund effective fiscal year (year)."

The language of the vote should clearly state what the service is and when the fund will commence. The Bureau of Accounts recommends that commencement begin at the start of a fiscal year. If a commencement date is absent, the Bureau recommends that the enterprise commence on the following July 1. However, the Bureau will allow an enterprise fund to commence after July 1 if adopted after July 1, but prior to Bureau certification of the tax rate. After that time, commencement of an enterprise fund must be deferred to July 1 of the next fiscal year.

Once adopted, the community begins the process of establishing the separate fund on its accounting records and identifying the assets (capital items and infrastructure), liabilities and equity in other funds if voted by the legislative body to be transferred to the enterprise fund.

The community must operate the enterprise fund for a minimum of three years before the provisions may be rescinded like any local adoption law.

THE ENTERPRISE FUND BUDGET

The entity responsible for operating the enterprise must submit to the local executive authority a proposed line item budget "no later than one hundred and twenty days prior to the beginning of each fiscal year" (March 1). The budget is submitted to the community's executive authority by the entity responsible for operation of the enterprise like any other departmental request for review and appropriation. When preparing the budget, revenue sources and appropriations must be clearly stated in detail and enterprise-related costs already included for appropriation in the General Fund operating budget must not be included for appropriation in the enterprise fund budget.

The mayor or other executive authority makes a recommendation to the appropriate city/town legislative authority for approval. The finance committee may also make a similar recommendation.

The budget is subject to the appropriation process. Any transfers among the enterprise fund's line-item appropriations require further legislative body action or the alternative method if during the last two months of any fiscal year. See Informational Guideline Release No. 06-209, *Appropriation Transfers*.

REVENUES OF AN ENTERPRISE FUND

Revenues may be appropriated by the community's legislative body until the tax rate is certified by the Bureau of Accounts. An increase in estimated revenues above prior fiscal year actual revenues must be supported in writing to the Bureau of Accounts using rate analysis, usage data, new rate implementation dates, etc., for tax rate certification purposes. Any surplus is kept by the enterprise fund at fiscal year-end.

- *User charges and fees* are amounts paid by those who use the service. These include late charges, fees and interest incurred in the collection process.
- *Other departmental revenue* includes state funding (Sewer Rate Relief), grants (Massachusetts Water Pollution Abatement Trust), a bond anticipation note premium or bond premium, apportioned or unapportioned betterments and special assessments.
- *Investment income* is interest earned by the fund and is retained in the fund rather than closed to the General Fund.

AVAILABLE FUNDS OF AN ENTERPRISE FUND

The following available funds may be appropriated by the community's legislative body at any time during the fiscal year if available. Other available funds may be allowed by special legislation.

- *Estimated sewer assessments* pursuant to G.L. c. 83, § 15B;
- *Closing and post-closing funds reserved for an existing operating solid waste facility* pursuant to G.L. c.44, § 28C;

- *Special purpose article(s),* the unspent and unencumbered balance, as voted by the community's legislative body;

- *Budgeted surplus*, the excess of budgeted estimated revenues and appropriated enterprise available funds over (a) direct operating and capital cost appropriations and (b) indirect cost appropriations in the General Fund operating budget allocated to the enterprise. This surplus may be appropriated to the enterprise fund budget and may be further appropriated for current enterprise operating and/or capital costs only, from July 1 to June 30. Any unspent balance closes to the enterprise fund at fiscal year-end.

  Note: If budgeted surplus has been appropriated to the enterprise fund budget as indicated above and if retained earnings are subsequently certified in deficit, the appropriation of the budgeted surplus, if sufficient at that time, may be rescinded or appropriated directly by the legislative body to help fund the retained earnings deficit.

- *Retained Earnings*, the portion of Net Assets Unrestricted that is certified by the Bureau of Accounts as available for appropriation. Certification requires submission of a June 30 balance sheet accompanied by all information necessary to calculate free cash in the General Fund. Once certified, retained earnings may be appropriated through the following June 30 and no appropriation may be in excess of the certified amount.

  Retained earnings may be appropriated to:

  1. fund direct costs of the enterprise for the current fiscal year;
  2. fund costs appropriated in the General Fund operating budget and allocated to the enterprise for the current fiscal year;
  3. reimburse to the General or other fund for subsidized capital costs of the enterprise not already reimbursed for the two full, immediately prior, fiscal years.

  Retained earnings appropriated specifically to reimburse the General Fund for subsidized capital costs as indicated above, should not be reported on page 4 of the Tax Rate Recap (similar to a vote from free cash to reduce the tax rate) or on Schedule A-2. Instead, the amount should be reported in Part IIID, line 4 of the Tax Rate Recap. If so reported, city/town Clerks are advised to provide a copy of the vote to the Bureau of Accounts for tax rate certification purposes.

  A retained earnings deficit for the period ending June 30 (see Appendix B) must be reported and funded in the next fiscal year's Tax Rate Recap. A community no longer needs to report and fund an enterprise fund revenue deficit. A community has the following options for reporting and funding a retained earnings deficit:

  1. report an appropriation made by the legislative body from the General or other applicable fund specifically to fund the deficit;
  2. report the deficit in part 3 of Schedule A-2 and Part IIB, line 6, of the Tax Rate Recap, as an Other Amount to be Raised, and report on Schedule A-2 and the Tax Rate Recap enterprise estimated revenues above the amount appropriated for direct and indirect expenses, provided the estimated revenues can be properly supported.
  3. report the deficit in part 3 of the Schedule A-2 and Part IIB, line 6, of the Tax Rate Recap, and raise it from the tax levy as a General Fund subsidy.

  In the Bureau of Accounts FY2007 end-of-year letter, the Bureau advised that "should a fund balance deficit occur as of June 30, 2007 and as of June 30, 2008 (two consecutive years), the General Fund free cash as of June 30, 2008 will be reduced by the enterprise fund deficit balance." This policy has been revised and a General Fund reduction will not occur.

EXPENSES OF AN ENTERPRISE FUND

All costs of operating the enterprise must be identified (see *Costing Municipal Services: Workbook and Case Study* at www.mass.gov/dls). However, costs funded by other than the enterprise fund or General Fund are not reported on Schedule A-2. Any surplus due to unspent appropriations as of June 30 is kept by the enterprise fund.

- *Salaries and Wages,* appropriated in and incurred directly by the enterprise for the enterprise employees.

- *Expenses,* appropriated in and incurred directly by the enterprise for operating expenses and contractual payments.

- *Capital Outlay,* capital expenses such as construction or major repairs, equipment or acquisitions. While these capital expenses may be reviewed and recommended centrally by a capital planning committee, they should be appropriated apart from General Fund capital expenditures.

- *Extraordinary and Unforeseen,* expenses that may be appropriated by the legislative body which may also impose any condition(s) for their use. Such conditions offer the community better control and accountability over their use. Any unspent balance closes to the enterprise fund at fiscal year-end. This is similar to a Reserve Fund.

- *Other,* may include employee benefits such as health and life insurance, unemployment insurance and pension costs or may include debt service. These expenses may be budgeted in the enterprise fund or in the General Fund operating budget.

- *Indirect costs*, most oftentimes appropriated as part of the General Fund operating budget and allocated to the enterprise fund, cannot be directly or exclusively assigned to one service. For example, the collector, whose salary is paid by the General Fund, may process enterprise user bill payments.

  The Bureau recommends that every community with an enterprise fund establish a written, internal policy regarding indirect cost allocation and should review this policy annually. The policy should be reasonable and calculated on a fair and consistent basis. Local financial officials should understand and agree on what indirect costs are appropriated as part of the General Fund operating budget and what percentage of these costs should be allocated to the enterprise fund.

  The Director of Accounts may reject any community's methodology, written or otherwise, as unreasonable for tax rate setting purposes.

  Once appropriated in the General Fund operating budget, indirect costs are allocated to the enterprise fund as reported on Schedule A-2. Do not appropriate these costs in both the General Fund operating budget and in the enterprise fund budget. Local financial officials may wish to show the public all costs of the enterprise fund, but should not duplicate their appropriation. Therefore, reporting of enterprise fund estimated receipts on page 3 of the Tax Rate Recap to offset any duplication should no longer be necessary.

1. Can a community establish a gas or electric enterprise fund under G.L. c. 44, § 53F½?

No. A gas and/or electric department would be established under G.L. c. 164.

2. Does an enterprise fund have to fully recover its costs through user fees?

No. Budget-wise, an enterprise fund may be self-sufficient, or it may budget a surplus or subsidy. The extent to which it is subsidized (generally by the General Fund) is a policy decision that should be clearly presented when the council or town meeting adopts the enterprise budget. A community may, for example, choose to subsidize a sewer enterprise through a Proposition 2½ debt exclusion. User charges and fees do not then fund total sewer service costs.

3. Can a mayor or board of selectmen decide to operate an enterprise fund for a particular service?

No. The town council or town meeting must vote to adopt G.L. c. 44, § 53F½ in a town and the city council, with approval of the mayor. These bodies may vote an enterprise fund only for purposes indicated in the statute.

4. Who determines user fees?

The board or officer designated under the general enabling legislation or local charter determines the user fees. The fees imposed for any municipal service must comply with legal standards.

5. Does a Proposition 2½ debt exclusion amount for an enterprise fund have to be reduced by user fees and/or special assessments imposed for the same project?

No. If the community votes to exclude debt service for an enterprise fund project and increase its tax levy for that fiscal year, the community must take this additional revenue source into account in the enterprise fund. If the community chooses, it may use a portion of user charges, betterments or other revenues to fund the debt service and reduce the debt exclusion.

6. Can an enterprise fund use its retained earnings to pay for the expenses that the legislative body voted to fund by borrowing?

No. Retained earnings of the enterprise cannot be spent without appropriation. It would require the legislative body's vote to change the funding source.

7. Can an enterprise fund operate independently or under its own procedures?

No. An enterprise fund is an accounting/budgeting method. It does not grant additional powers to the department providing the service. An enterprise is still a municipal department that is subject to ordinary municipal finance procedures. The rate setting process is established by statute or local

charter. Any enterprise fund property/asset is owned by the municipality and may only be acquired, leased or disposed of by vote of the legislative body. At no time can these conditions be altered through the adoption of an enterprise fund.

8. Can a community charge an enterprise fund a payment in lieu of taxes for property used to provide the service?

G.L. c. 44, § 53F½ states that the books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles (GAAP). From a purely accounting perspective, a payment in lieu of taxes is a proper expense of the enterprise fund. It is a quasi-external transaction, that is, an interfund exchange that would have resulted in recognition of an expense or revenue if it had involved a private party.

The validity of such a charge does not depend on the type of enterprise, but depends on the type and amount of property used by the enterprise. If the decision is made to proceed with a payment, the amount would be the community's commercial tax rate multiplied by the assessed value of the enterprise's land, buildings and personal property.

Notwithstanding the foregoing, it must be noted that from a legal point of view, it is not at all clear to what extent a court would consider a payment to be part of the actual cost of providing the service, and therefore an appropriate component of the enterprise's fee structure.

9. Should services provided by other departments be billed directly to the enterprise fund?

No. Any services provided by other departments and indirect expenses should be reimbursed to the General Fund through inter-fund transfers from the enterprise fund. Ideally, these transfers should be done monthly so the enterprise fund expenses are tracked and its financial position is accurately reflected.

10. What happens if there is a disagreement on the indirect costs (e.g., which expenses and how much) of an enterprise fund?

Indirect costs should be clearly set forth (*e.g.*, what costs will be shared and how much) when the budget is adopted to avoid disputes later in the fiscal year. Ideally, it should be set forth in writing. Resolution of any disagreement is purely a local matter. The Director of Accounts may request documentation of the city or town's methodology and may reject the methodology and/or amount for tax rate certification purposes if deemed unreasonable.

11. Does an enterprise fund operating loss have to be funded in the next fiscal year?

Beginning June 30, 2008, the revenue account will close to net assets unrestricted. An operating loss (generally budgeted revenues in excess of actual revenues plus unspent appropriations) will not have to be funded unless the operating loss results in a retained earnings deficit. The retained earnings deficit must be funded in the following fiscal year. The Bureau of Accounts recommends, however, that local financial officials and rate setters take note of a revenue shortfall and take appropriate

action (*e.g.*, raise rates, bill more timely, curtail expenses). The Bureau of Accounts will review matters in more detail if reductions to retained earnings caused by revenue deficits recur.

The Director of Accounts may reject a tax rate for overestimated enterprise revenues which may require further city council/town meeting action.

12. How is enterprise fund accounting different from other governmental accounting?

For UMAS and Tax Rate Recap purposes, revenues are recognized when received and expenses when the liabilities are incurred, under a modified accrual basis of accounting. For audited financial statement reporting purposes, revenues are recognized when earned and expenses when the liabilities are incurred, under a full accrual basis of accounting.

13. Is the treasurer required to maintain a separate bank account for the enterprise fund?

No. A separate enterprise fund bank account does not have to be maintained. Cash may be pooled for investment purposes. However, the accountant/auditor must account for enterprise fund cash separately in the general ledger. Investment income must be allocated proportionately to each fund.

14. Can a legislative body vote to use enterprise funds for purposes not related to the enterprise?

No. The enterprise enabling statute provides that the enterprise revenues may only be used for enterprise-related expenses.

15. If a community owns property that directly relates to the operation of an enterprise service and the property is subsequently leased, are the lease funds credited to the enterprise fund or to the General Fund?

First, it should be noted that the city or town department operating the enterprise can only lease or rent property under its control if it is specifically authorized by statute or in the absence of statute, with legislative body approval.

With regard to the disposition of the funds, it would depend on the acquisition of the property. If the property was acquired with enterprise fund revenue, or is currently maintained or debt service on the property is being paid by the enterprise, then lease revenues would be credited to the enterprise fund. If the property was transferred to the enterprise fund or paid for with General Fund revenue and the property is not dedicated to the enterprise service's use, then the lease revenue is general revenue and should be credited to the General Fund.

16. What happens if a community decides it no longer wants to have an enterprise fund?

After at least three years, a legislative body, subject to the local charter, may terminate the enterprise fund. Similar to when it was adopted, the new article should specify when this would become effective as shown below.

> "To see if the (city or town) will revoke the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws, ceasing (the service) as an enterprise fund effective fiscal year (year)."

Once it ceases operation and all of the current liabilities are accounted for, the community would close any fund balance to the General Fund and transfer any assets, debt and long term liabilities to the General Fund and to the appropriate account groups.

17. If the staff of an enterprise performs a service for another town department, can the enterprise fund be reimbursed for that service?

It is not appropriate for a town department to charge another town department, or for an enterprise fund to charge another fund for goods or services because the department operating the enterprise fund is not a separate and distinct legal entity. However, it is appropriate for those services to be taken into account in the budget process.

18. When converting from a special revenue fund to an enterprise fund, must the fund balance in the special revenue fund be transferred to the enterprise fund?

The fund balance may be transferred to the enterprise fund by vote of the legislative body. In addition, account #3211-Fund Balance Reserved for Encumbrances should be closed to Net Assets Unrestricted.

19. When converting from a special revenue fund to an enterprise fund, must the special revenue fund be revoked?

Authorization for the special revenue fund should be revoked to coincide with commencement of the enterprise fund. The adoption of an enterprise fund ends activity in the special revenue fund established for that same purpose as of the adoption date of the enterprise fund.

20. If after the establishment of an enterprise fund, a reservation once made in the special revenue fund is rescinded, do funds revert to the enterprise or General Fund?

The funds revert to Net Assets Unrestricted of the enterprise fund.

21. Does a General Fund subsidy have to be appropriated?

There are three potential General Fund subsidies of an enterprise fund: (a) for a portion of direct costs, (b) for a portion or all of the indirect costs, (c) for a portion or all of a retained earnings deficit from the prior fiscal year. A subsidy of direct costs must be voted as indicated in the third column of Tables 3 and 4 of these guidelines. Indirect costs are voted from the General or other fund. Funding a retained earnings deficit from the General Fund may be by appropriation or by addition to Part IIB of the Tax Rate Recap as an Other Amount to be Raised.

22. Should an enterprise fund budget for depreciation?

No. Depreciation is a technical accounting term to match costs specific to a certain accounting period with the associated revenues. However, the city or town may budget for the replacement of capital assets through a particular purpose stabilization fund (See Informational Guideline Release 04-201, *Creation of Multiple Stabilization Funds and Proposition 2 ½ Overrides for Stabilization Funds)* or by a separate warrant article.

23. If budgeting a surplus in the enterprise fund, can it be appropriated during the fiscal year before an actual surplus is determined?

Yes. A budgeted surplus is considered available on July 1. Budgeted surplus cannot be transferred by the legislative body to reimburse the General or other Fund for costs incurred in any prior fiscal year.

24. What information is necessary for the Director of Accounts to certify retained earnings of the enterprise fund as of June 30?

Retained earnings is certified by the Director of Accounts based upon receipt of a balance sheet as of June 30. The balance sheet submission must be accompanied by all information necessary to calculate free cash in the General Fund. A balance sheet for the enterprise fund alone will not suffice. Additional information necessary for certification is provided in an annual year-end letter from the Director to Accountants and Auditors.

25. For bills issued and payable after June 30, are revenues credited to retained earnings of the enterprise as of June 30?

Once certified as of June 30 by the Director of Accounts, revenues received after June 30 may be considered at the discretion of the Director.

26. Can retained earnings reimburse the General Fund for a subsidy granted to this activity when it was in a special revenue fund?

Retained earnings may reimburse the General Fund for capital costs only, provided the reimbursement follows the two full, immediately prior fiscal year rule.

27. Must betterments and special assessments be closed to net assets unrestricted at fiscal year's end?

Yes. Estimated sewer assessments, however, remain open and are held for payment of debt service pursuant to G.L. Ch. 83, § 15A.

28. Are indirect costs paid out of the General Fund or enterprise fund?

Indirect costs appropriated as part of the General Fund operating budget or from any other fund should be paid from that fund. Enterprise revenue to the extent budgeted is transferred into the General Fund to provide the source of funding.

29. Can retained earnings be used to reduce rates?

Yes. Retained earnings can be used to replace user charges as a funding source of the enterprise or as an additional revenue source to the enterprise to prevent the need to increase rates.

PESCE ENGINEERING & ASSOCIATES, INC.
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January 5, 2017

Nantucket Zoning Board of Appeals
Attn: Mrs. Eleanor Antonietti
Nantucket ZBA Administrator
2 Fairgrounds Road
Nantucket, MA 02554

RE: Review of the Phase II Proposed Logistics Plan, **Sachem's Path Project:**

Dear Eleanor:

Pesce Engineering & Associates has reviewed the Phase II Proposed Logistics Plan pertaining to the next phases of construction activities for the Sachem's Path Ch. 40B Project located off Surfside Road. This new Logistics Plan (4 sheets) has the following highlights:

- Construction fencing is adequately positioned/installed between the existing Phase 1 occupied section and the Phase 2 area, in order to properly and adequately segregate the active construction zones (and contractor traffic) from occupied areas as construction progresses.

- The Phase 2A & 2B areas represent reasonable size segments of construction to properly manage construction activities and site safety, based on the previous experience from Phase 1.

- This plan allows for adequate emergency vehicle access during construction for all areas.

Based on my review, I would recommend approval of this Proposed Logistics Plan.

Thank you again for this opportunity to assist the Zoning Board in their review of this project. As always, please call if you have any questions.

Sincerely,

PESCE ENGINEERING & ASSOCIATES, INC.

Edward L. Pesce, P.E., LEED ® AP
Principal

cc: Mrs. Leslie Snell, Nantucket Planning Board
Mr. Kevin Maguire, Oxbow Partners
Mr. Tom Shevory, Delbrook, JKS

Sachems Path Housing- Phase II
Proposed Logistics Plan

Existing Conditions Plan

Existing Post Driven Fence with Fabric Screen

Existing Pedestal Style Fencing with secure Gates, to be removed in Emergency situation.

Existing Location of Construction Trailer

Shaded Area Represents (16) Existing Phase 1 Homes

Shaded Area Represents (24) Total Proposed Phase 2 Home Lots

B.A. DENOTES PROPOSED BUFFER AREA
SS DENOTES EXIST STREET SIGN
SL DENOTES EXIST. 4"PVC SEWER LATERAL

67-82
N/F
NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26

67-82.1
N/F
TOWN OF NANTUCKET
DEED BK. 365, PG. 87
PLAN BK. 25, PG. 66
MIACOMET INDIAN BURIAL GROUND

67-191
N/F
JOHN P. McMANUS, JR. PAMELA McMANUS
CERT. #13748
L.C.C. 37210-C
LOT 14

67-515
N/F
NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26

67-501
N/F
NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26

67-336
N/F
BARBARA H. MALCOLM REALTY TRUST
DEED BK. 433, PG. 207
PLAN BK. 25, PG. 50
LOT 4

67-188
N/F
NANCY S. WOLFE REVOCABLE TRUST
CERT. #23441
L.C.C. 34507-B
LOT 9

67-187
N/F
NANCY S. WOLFE REVOCABLE TRUST
CERT. #23441
L.C.C. 34507-B
LOT 10

SURFSIDE ROAD
BENJAMIN DRIVE
NORQUARTA DRIVE
EXISTING DIRT ROAD
EXISTING GRAVEL ROAD
BIKE PATH
FAIRGROUNDS ROAD
SOUTH SHORE ROAD

NHESP CONSERVATION RESTRICTION AREA 47,295 S.F.
MAP 67 PARCEL 513 AREA = 397,211
UNDISTURBED 25' EXISTING BUFFER
BIORETENTION AREA 3
INFILTRATION BASIN 2
WIDE DRAINAGE EASEMENT
20' WIDE DRAINAGE EASEMENT
40' WIDE EASEMENT
SEWER FORCE MAIN EASEMENT (TOWN OF NANTUCKET - 30' WIDE PLAN FILE 10-C)
EXISTING 20" SEWER FORCE MAIN
EXISTING 6" DIA FORCE MAIN FROM SHERBURNE COMMONS
5,000 GAL. EMERGENCY STORAGE TANK RIM=31.85 INV.=23.45
ELEC. UTILITIES
SEWER. UTILITIES
ELEC. TRANSFORMER PAD
EDGE OF BRUSH
EXISTING SMH RIM EL. 35.29 INV. 25.88
EXISTING SMH RIM EL. 33.98 INV. 29.42
EXISTING SMH RIM EL. 35.64' INV IN. 27.14' INV OUT 27.09' 8" GRAVITY SEWER FLOWS INTO "DIAS" PUMP STATION
EXISTING SMH RIM EL. 51.18

BENCHMARK:
MAG NAIL SET IN ASPHALT AT UP #275/2 EL.=31.09, '34 H.T.L.

GRAPHIC SCALE
40 0 20 40 80 160
(in feet)
1 INCH = 40 FEET

DELLBROOK | JKS

Revisions

Rev.	Date	By	Appr.	Description
1	FEB. 2016	NJC	BRK	Revise building layout.
2	8/26/16	BAL	BRK	Add Phase 1 as-built

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Sandwich, MA 02563
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508-833-3150 fax

Checked By: RAC
Drawn By: NJC
Designed By: BRK
Date: AUGUST 2014

Plan Set: SACHEM'S PATH PHASE 2
NANTUCKET, MASSACHUSETTS
CONSTRUCTION PLANS – ISSUED FOR PRICING

Plan Title: EXISTING CONDITIONS

Prepared For:
HOUSING ASSISTANCE CORPORATION
460 WEST MAIN STREET
HYANNIS, MA 02601
Phone: (508) 771-5400
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Survey Provided By:
BLACKWELL & ASSOCIATES
TEASDALE CIRCLE
NANTUCKET, MA 02554
Phone: (508) 228-9026
Fax: ----
Dated: OCTOBER 4, 2011

Registration:

Project Number: 10088
Sheet: 3 of 19
Sheet Number: C - 3

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Sachems Path Housing- Phase II
Proposed Logistics Plan

Phase "2A" Plan (See below for Description of Work)

* February 2017 through December 2017.
* During this time, all Phase 2 lots will be cleared and rough graded. Sewer, Water, and Drainage Utilities will be installed throughout the Phase 2 site.
* The Wappossett Circle House lots highlighted in Phase 2A will be constructed, set to achieve occupancy in December 2017.
* House Lots 39 and 40 are to be constructed by Habitat for Humanity, and their schedule will begin concurrently with Phase 2A. Completion of lots 39 and 40 will fall closer in line with Phase 2C completion (June/July 2018)

*As the Phase 2A houses continue, foundation and framing crews will begin construction of Phase 2B.
At the completion of Phase 2A, a binder coat of asphalt pavement will be installed on the Wappossett Circle Road, as well as the continuation of Nanina Rd through Phase 2B.

* At completion of Phase 2A, all driveways, walkways, and landscaping in this Phase will be substantially complete.

Existing Post Driven Fence with Fabric Screen

Existing/Additional Pedestal Style Fencing with secure Gates, to be removed in Emergency situation.

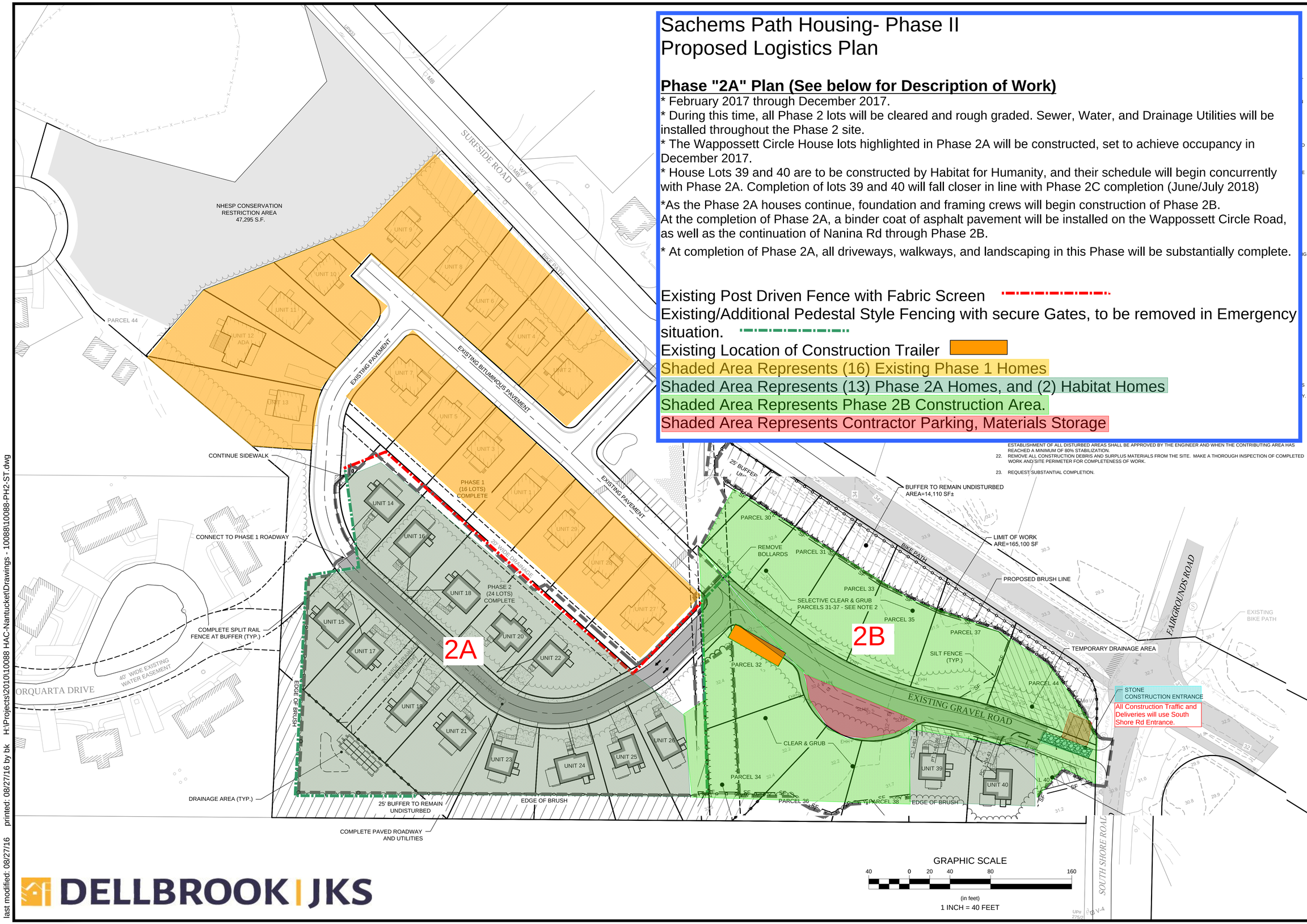
Existing Location of Construction Trailer

Shaded Area Represents (16) Existing Phase 1 Homes

Shaded Area Represents (13) Phase 2A Homes, and (2) Habitat Homes

Shaded Area Represents Phase 2B Construction Area.

Shaded Area Represents Contractor Parking, Materials Storage



ESTABLISHMENT OF ALL DISTURBED AREAS SHALL BE APPROVED BY THE ENGINEER AND WHEN THE CONTRIBUTING AREA HAS REACHED A MINIMUM OF 80% STABILIZATION.

22. REMOVE ALL CONSTRUCTION DEBRIS AND SURPLUS MATERIALS FROM THE SITE. MAKE A THOROUGH INSPECTION OF COMPLETED WORK AND SITE PERIMETER FOR COMPLETENESS OF WORK.

23. REQUEST SUBSTANTIAL COMPLETION.

DELLBROOK | JKS

Revisions

Rev.	Date	By	Appr.	Description
1	FEB. 2016	MJC	BRK	Revise building layout.
2	8/30/16	BAL	BRK	Revise building locations and LOW

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Checked By: PAC | Drawn By: MJC | Designed By: BRK | Date: AUGUST 2014

Plan Set: SACHEM'S PATH PHASE 2
NANTUCKET, MASSACHUSETTS
CONSTRUCTION PLANS – ISSUED FOR PRICING

Plan Title: PHASING PLAN

Prepared For:
HOUSING ASSISTANCE CORPORATION
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Survey Provided By:
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Fax: ----
Dated: OCTOBER 4, 2011

Registration:

Project Number: 10088

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Sheet Number: C - 5

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Sachems Path Housing- Phase II
Proposed Logistics Plan

Phase "2B" Plan (See below for Description of Work)

* July 2017 through February 2018

* As stated in the Phase 2A Plan, construction of the Phase 2B homes will overlap with completion of the Phase 2A Homes. However, prior to occupancy of the Phase 2A homes in December 2017, the fencing layout will be rearranged to separate the completed Phase 2A homes from the ongoing Phase 2B construction. The fencing between Phase 1 and Phase 2 A will be removed and Phase 2A residents will enter the development through the Main Surfside Rd Entrance.

*Upon completion of Phase 2B, all Phase 2B homes will have driveways, walkways, ramps, and any other provisions for safe access into their homes.

*As these homes are completed in late Winter, it will not be possible to complete the Landscaping, Exterior Painting until the weather permits. Please see Phase 2C for completion of this scope.

Existing/Additional Pedestal Style Fencing with secure Gates, to be removed in Emergency situation.

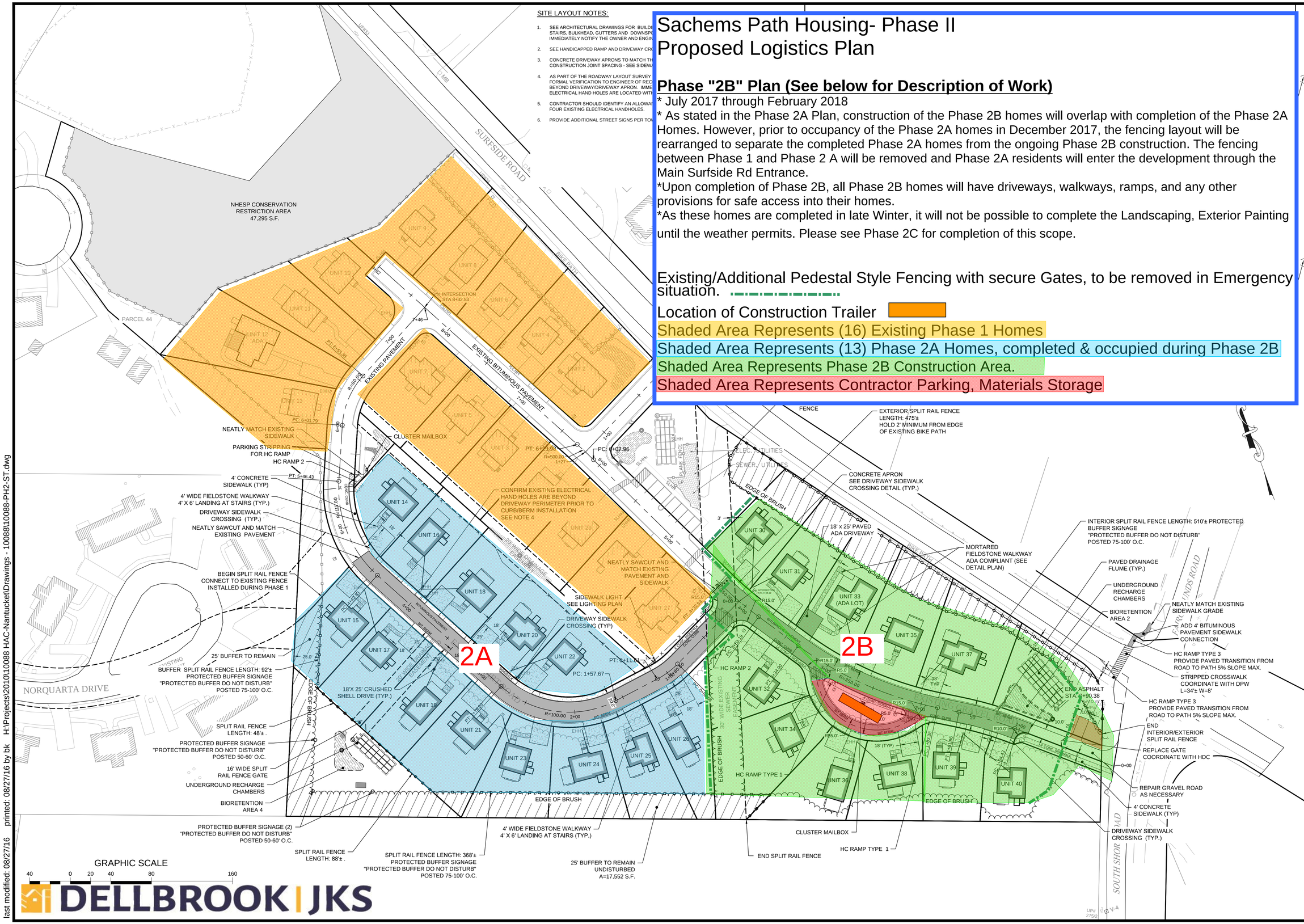
Location of Construction Trailer

Shaded Area Represents (16) Existing Phase 1 Homes

Shaded Area Represents (13) Phase 2A Homes, completed & occupied during Phase 2B

Shaded Area Represents Phase 2B Construction Area.

Shaded Area Represents Contractor Parking, Materials Storage



DELLBROOK | JKS

Revisions

Rev.	Date	By	Appr.	Description
1	FEB 2016	MJC	BRK	Revise building layout.
2	6/24/16	MJC	BRK	Revise bldg and walkway layout.
3	8/30/16	BAL	BRK	Revised building locations
4	8/30/16	BAL	BRK	Added additional notes
5				
6				

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508-833-6600 voice
508-833-3150 fax

Date: AUGUST 2014 | Designed By: BRK | Drawn By: MJC | Checked By: RAC

Plan Set: SACHEM'S PATH PHASE 2 NANTUCKET, MASSACHUSETTS CONSTRUCTION PLANS – ISSUED FOR PRICING

Plan Title: SITE LAYOUT PLAN

Prepared For: HOUSING ASSISTANCE CORPORATION
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HYANNIS, MA 02601
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Survey Provided By: BLACKWELL & ASSOCIATES
TEASDALE CIRCLE
NANTUCKET, MA 02554
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Fax: ----
Dated: OCTOBER 4, 2011

Registration:

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Sachems Path Housing- Phase II
Proposed Logistics Plan

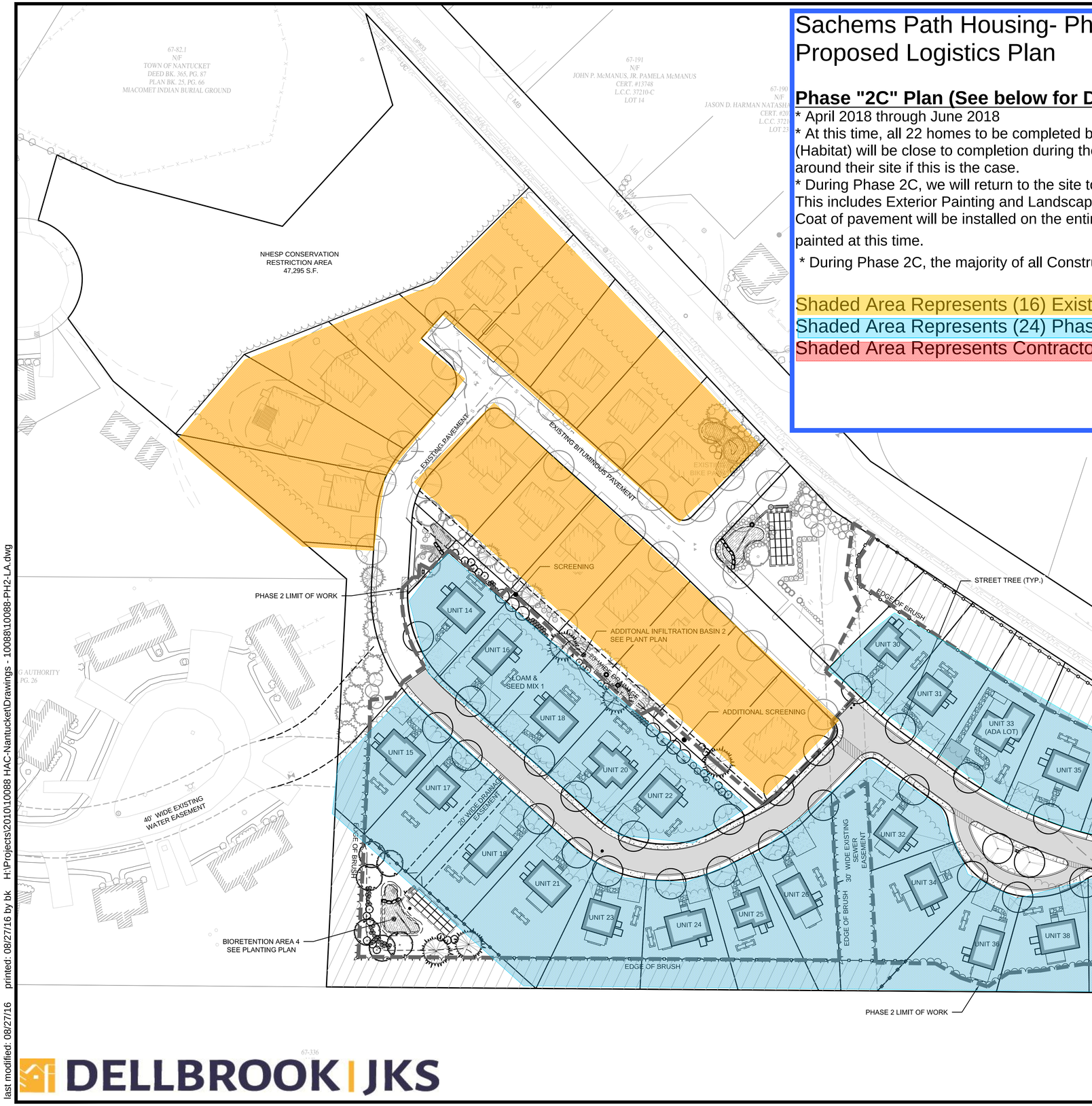
Phase "2C" Plan (See below for Description of Work)

* April 2018 through June 2018
* At this time, all 22 homes to be completed by HAC in Phase 2 homes will be completed and fully occupied. Lot 40 (Habitat) will be close to completion during the later stages of Phase 2C. (July 2018). Habitat will set up fencing around their site if this is the case.
* During Phase 2C, we will return to the site to complete tasks from 2B that could not be completed due to Weather. This includes Exterior Painting and Landscaping on the Phase 2B homes. Towards the end of Phase 2C, a final Top Coat of pavement will be installed on the entire Phase 2 area of development. Pavement markings/ striping will be painted at this time.
* During Phase 2C, the majority of all Construction Materials, Trailers, etc will have been removed from the site.

Shaded Area Represents (16) Existing Phase 1 Homes

Shaded Area Represents (24) Phase 2A Homes, completed & occupied during Phase 2C

Shaded Area Represents Contractor Parking, Materials Storage



NOTES:

1. HATCHED PLANTING AREAS SHALL BE RANDOMLY PLANTED INTO SMALL GROUPINGS OF THE SAME SPECIES TO CREATE A MORE NATURAL APPEARANCE. IN GENERAL, THE SAME PLANT SPECIES SHALL NOT BE PLANTED IN GROUPS LARGER THAN 10, DEPENDING ON THE OVERALL NUMBER OF THE PLANTINGS.
2. THE AREAS WITH GROUPINGS OF SHRUBS SHALL BE IN MULCHED BEDS. SEEDING SHALL NOT OCCUR WITHIN THIS MULCHED AREA.
3. ALL AREAS TO BE SEEDED SHALL BE DELINEATED ON SITE FOR APPROVAL PRIOR TO SEEDING.
4. SEE DIVISION 1 SPECIFICATIONS FOR LANDSCAPE PHASING.

SEED MIXES:

SEED MIX I (MAINTAINED LAWN - ALL HOUSE LOTS)

SEED MIX 2 (DRAINAGE AREAS/EASEMENTS)

DELLBROOK | JKS

Revisions

Rev.	Date	By	App.	Description
1	Feb 2016	MJC	BRK	Revised bodgmnts
2	8/30/16	BAL	BRK	Revised bio plantings
3				
4				
5				
6				

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Date: AUGUST 2014 | Designed By: | Drawn By: | Checked By:

Plan Set: SACHEM'S PATH PHASE 2 NANTUCKET, MASSACHUSETTS CONSTRUCTION PLANS - ISSUED FOR PRICING

Plan Title: LANDSCAPE OVERALL

Prepared For: HOUSING ASSISTANCE CORPORATION
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Fax: ----
Dated: OCTOBER 4, 2011

Registration:

Project Number: 10088

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End of Packet