



Nantucket Planning Board

SECONDARY DWELLING REPORT

Prepared by: Holly E. Backus, Land Use Specialist

Meeting Date: September 12, 2016

11 Cottage Avenue
Assessors Map #73.3.1 Parcel #52, 52.1 & 52.2

Applicant
Brian & Mary MacDonald

Owner
Same



The applicant is proposing to construct an 879 square foot three (3) bedroom secondary dwelling. The proposed secondary dwelling will be located on the south side of the site, which has approximately 28,748 square feet of lot area and is zoned SOH.

The dwelling will be accessed by a shared shelled driveway off Cottage Avenue, which is a private paved road. The site will contain two (2) exterior parking spaces. The site plan, as submitted meets the requirements of Zoning Bylaw Sections 139-18 and 139-20.1.

Planning staff recommends approval of this application with the following conditions:

- (1) Although the owner has entered into a Lot Merger Covenant for Lot 9 and Lot 10 on Land Court Plan 12533-D and 12533-E, in the event that Lot 11 (shown on Land Court Plan 12533-E), is conveyed into separate ownership, this Secondary Dwelling approval will automatically lapse 30 days after the deed is filed with the Nantucket Registry of Deeds, unless there is a designation of an easement submitted to the Planning Board for review and approval;
- (2) That an apron at the driveway entrance shall be constructed with a minimum depth of ten (10) feet and a maximum width of fifteen (15) feet, flared to a width not to exceed nineteen (19) feet;
- (3) That any future landscaping at the driveway entrances be limited to low growing plant material not to exceed three (3) feet in height;
- (4) That the driveways be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet; and
- (5) That the applicant shall submit an As-Built prior to the final inspection by staff which shall take place prior to the issuance of a Certificate of Occupancy.

PAID
2230
AUG 01 2016
BY: *(signature)*



2016 AUG -1 PM 4: 12

Nantucket Planning Board

Nantucket Planning Board

Application for a Secondary Dwelling Permit

Applicant: Brian and Mary MacDonald

Mailing address: 54 Cathlow Drive Court, Riverside, CT 06878

Daytime phone number: 512.468.5940 Fax: 508.257.4264

E-mail Address: echurchillarch@gmail.com

Owner (if other than applicant): N/A

Mailing address: _____

Location of proposed secondary dwelling:

Street Address: 11 Cottage Avenue, Siasconset, MA

Assessors Tax Map #: 73.3.1 Parcel #: 52

Size of Parcel: .42 acres Zoning District: SOH

Secondary Dwelling # of Bedrooms: 3 Primary Dwelling # of Bedrooms: 5

*****Submission Requirements:

See attached checklist dated January 15, 2015.

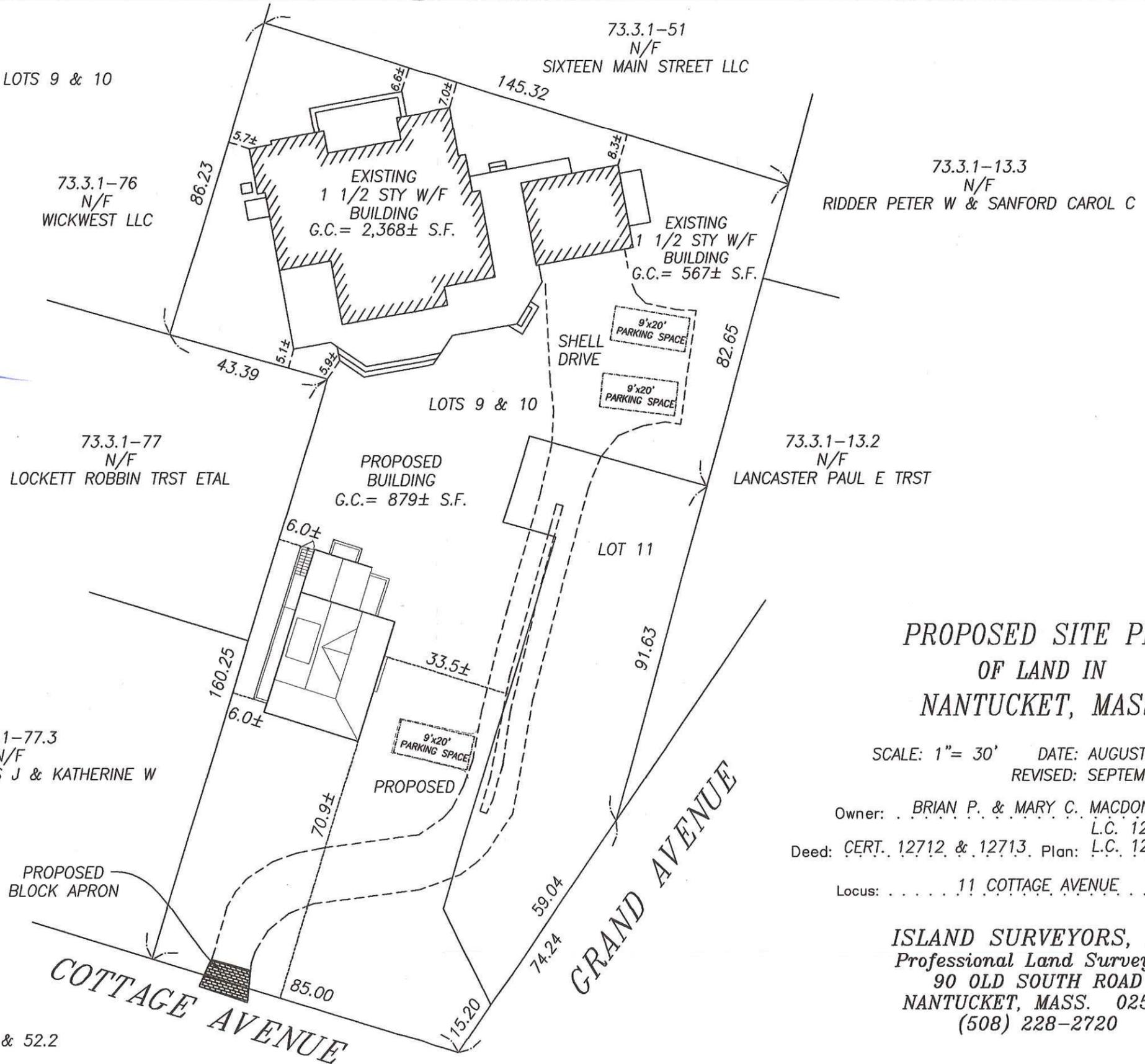
CURRENT ZONING CLASSIFICATION:
Residential Old Historic (S-OH) EXISTING:

MINIMUM LOT SIZE: 5000 S.F. 23,748± S.F. LOTS 9 & 10
 MINIMUM FRONTAGE: 50 FT. SEE PLAN.
 FRONT YARD SETBACK: none SEE PLAN.
 REAR/SIDE SETBACK: 5 FT. SEE PLAN.
 GROUND COVER % : 50% SEE PLAN.

I CERTIFY, AS OF : THAT
 THE BUILDING(S) IS/ARE LOCATED ON THE
 GROUND AS SHOWN HEREON.



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



PROPOSED SITE PLAN
 OF LAND IN
 NANTUCKET, MASS.

SCALE: 1" = 30' DATE: AUGUST 1, 2016
 REVISED: SEPTEMBER 1, 2016

Owner: . BRIAN P. & MARY C. MACDONALD
 L.C. 12533-D; LOT 9
 Deed: CERT. 12712 & 12713. Plan: L.C. 12533-E; LOT 10 & 11

Locus: 11 COTTAGE AVENUE

ISLAND SURVEYORS, LLC
 Professional Land Surveyors
 90 OLD SOUTH ROAD
 NANTUCKET, MASS. 02554
 (508) 228-2720

ASSESSOR MAP: . 73.3.1. , PARCEL: 52, 52.1, & 52.2

K-594

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

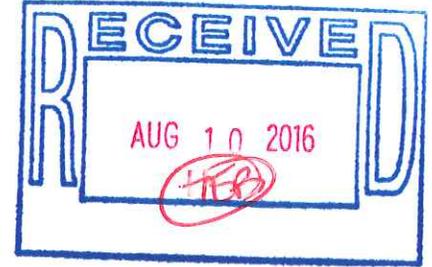
SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554
(508) 228-3128

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

FAX: (508) 228-5630

MAILING ADDRESS
POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

August 9, 2016



HAND DELIVERY

Holly E. Backus
Land Use Specialist
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: 11 Cottage Avenue, Siasconset
Secondary Dwelling Application

Dear Holly:

Enclosed please find recorded copies of the Deed for Lot 9 on Land Court Plan 12533-D to Brian MacDonald, as Trustee of Grand Cottage Realty Trust and the Lot Merger Covenant for Lot 9 on Land Court Plan 12533-D and Lot 10 on Land Court Plan 12533-E. Please add these documents to the secondary dwelling application that you have at the Planning Board.

Please let me know if you have any questions or need anything further.

Sincerely,

Carrie Phillip, Legal Assistant
READE, GULLICKSEN, HANLEY
& GIFFORD, LLP

/cap

Enclosures



2016 00152397

Cert: 26147 Doc: MERG
Registered: 08/08/2016 02:56 PM

LOT MERGER COVENANT

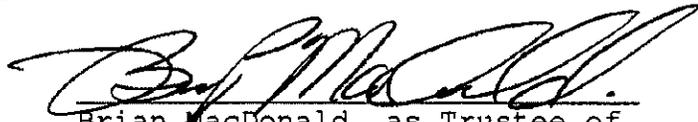
I, BRIAN MacDONALD, as Trustee of GRAND COTTAGE REALTY TRUST under Declaration of Trust dated October 20, 1986, registered as Document No. 37624 at Nantucket Registry District, amended and restated as of October 20, 2006, as set forth in a Certificate of Amendment registered as Document No. 152395 at Nantucket Registry District, being the owner of certain contiguous lands in Nantucket, Nantucket County, Massachusetts, now known and numbered as 9 and 11 Cottage Avenue, Siasconset, consisting of (a) Lot 9 on Land Court Plan 12533-D, held by virtue of Certificate of Title No. 26147 at Nantucket Registry District ("Lot 9"), and (b) Lot 10 on Land Court Plan 12533-E, held by virtue of Certificate of Title No. 12714 at Nantucket Registry District ("Lot 10"), in consideration of the assessment by the Town of Nantucket of Lots 9 and 10 as a single lot and the issuance by the Town of Nantucket Building Department of a building permit, hereby covenants and agrees with the INHABITANTS OF THE TOWN OF NANTUCKET that Lots 9 and 10 shall permanently constitute a single lot for all purposes in connection with applicable building and zoning requirements, and shall not be conveyed into separate ownership from each other.

Nothing herein shall prohibit the conveyance of any portion of the combined Lots 9 and 10 pursuant to and in accordance with the provisions set forth upon any plan hereafter endorsed under the Subdivision Control Law by the Nantucket Planning Board, provided that the effect of any such conveyance shall not be to create any new zoning nonconformity nor to increase any existing nonconformity.

I hereby certify that I am the sole present trustee of Grand Cottage Realty Trust, which is in full force and effect, has not been amended nor revoked, and has not terminated; and that I have been duly authorized to execute and deliver this instrument

according to its terms and content by the holders of all of the beneficial interest in said Trust, none of the holders being under any disability to act, and none of the holders being a corporation (or limited liability company which has elected to be taxed as a corporation) which is disposing of all or substantially all of its property situated in Massachusetts; and that no individual beneficiary of said Trust has died within ten years prior to the date of this instrument.

Executed and sealed as of August 2, 2016.



Brian MacDonald, as Trustee of
Grand Cottage Realty Trust

COMMONWEALTH
OF
MASSACHUSETTS

Nantucket County, ss.

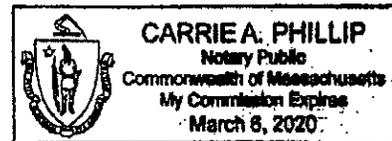
August 2, 2016

Then personally appeared the above-named Brian MacDonald, and acknowledged the foregoing instrument to be his free act and deed, before me,



Notary Public

My commission expires:





2016 00152396

Cert: 26147 Doc: DD
Registered: 08/08/2016 02:56 PMDEED

We, BRIAN P. MacDONALD and MARY C. MacDONALD, of Riverside, Connecticut, for consideration paid, grant to BRIAN MacDONALD, as Trustee of GRAND COTTAGE REALTY TRUST under Declaration of Trust dated October 20, 1986, registered as Document No. 37624 at Nantucket Registry District, amended and restated as of October 20, 2006, as set forth in a Certificate of Amendment registered as Document No. 152395 at Nantucket Registry District, with a mailing address of 54 Cathlow Drive, Riverside, Connecticut 06878, with QUITCLAIM COVENANTS,

That certain parcel of land, together with the buildings thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 11 Cottage Avenue, Siasconset, consisting of Lot 9 on Land Court Plan 12533-D, filed with Certificate of Title No. 12144 at Nantucket Registry District.

Said land is conveyed subject to real estate taxes assessed by the Town of Nantucket for the fiscal years 2017 and 2018.

For title, see Certificate of Title No. 12712 at Nantucket Registry District.

Executed and sealed as of August 2, 2016.

Brian P. MacDonald

Mary C. MacDonald

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

August 8, 2016

Then personally appeared the above-named Mary C. MacDonald, and acknowledged the foregoing instrument to be her free act and deed, before me,



Notary Public

My commission expires:

CARRIE A. PHILLIP
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 8, 2020

NANTUCKET LAND BANK	
CERTIFICATE	
<input type="checkbox"/> Paid \$	
<input checked="" type="checkbox"/> Interest	D
<input type="checkbox"/> Home Equity Line	
No. 37650	8/8/16
Authorization	MW

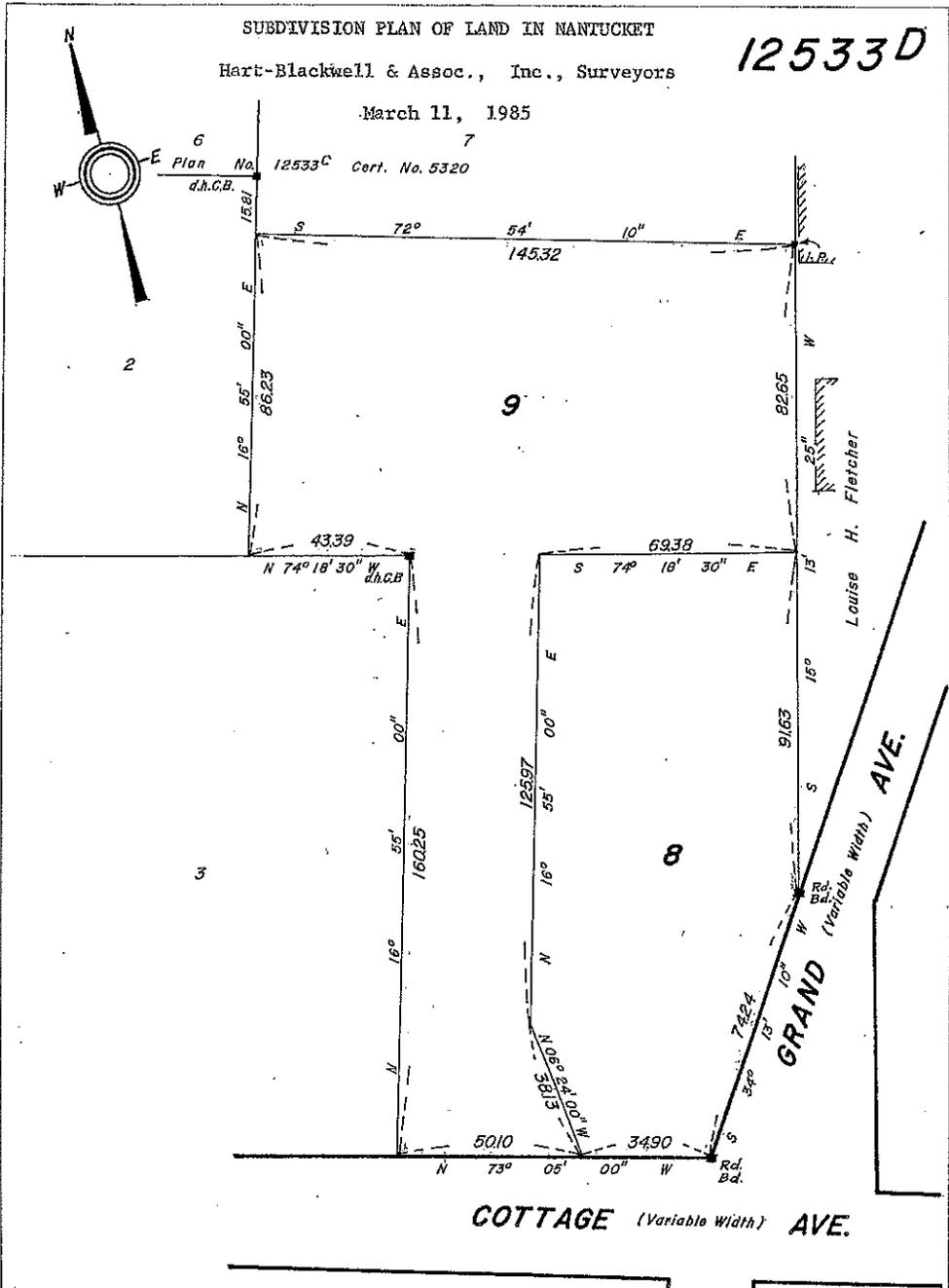
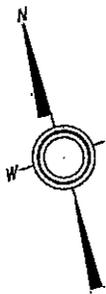
SUBDIVISION PLAN OF LAND IN NANTUCKET

Hart-Blackwell & Assoc., Inc., Surveyors

12533D

March 11, 1985

Plan No. 12533^C Cert. No. 5320



THIS PLAN FILED WITH CERTIFICATE NO. 12,144

Subdivision of Lot 4
 Shown on Plan 12533^B
 Filed with Cert. of Title No. 3970
 Registry District of Nantucket County
 Separate certificates of title may be issued for land
 shown hereon as Lots 8 and 9.
 By the Court.

Charles Tomblin
 Recorder.

Oct. 28, 1985.

Copy of part of plan
 filed in
 LAND REGISTRATION OFFICE
 Oct. 28, 1985
 Scale of this plan 30 feet to an inch
 Louis A. Moore, Engineer for Court

ABH

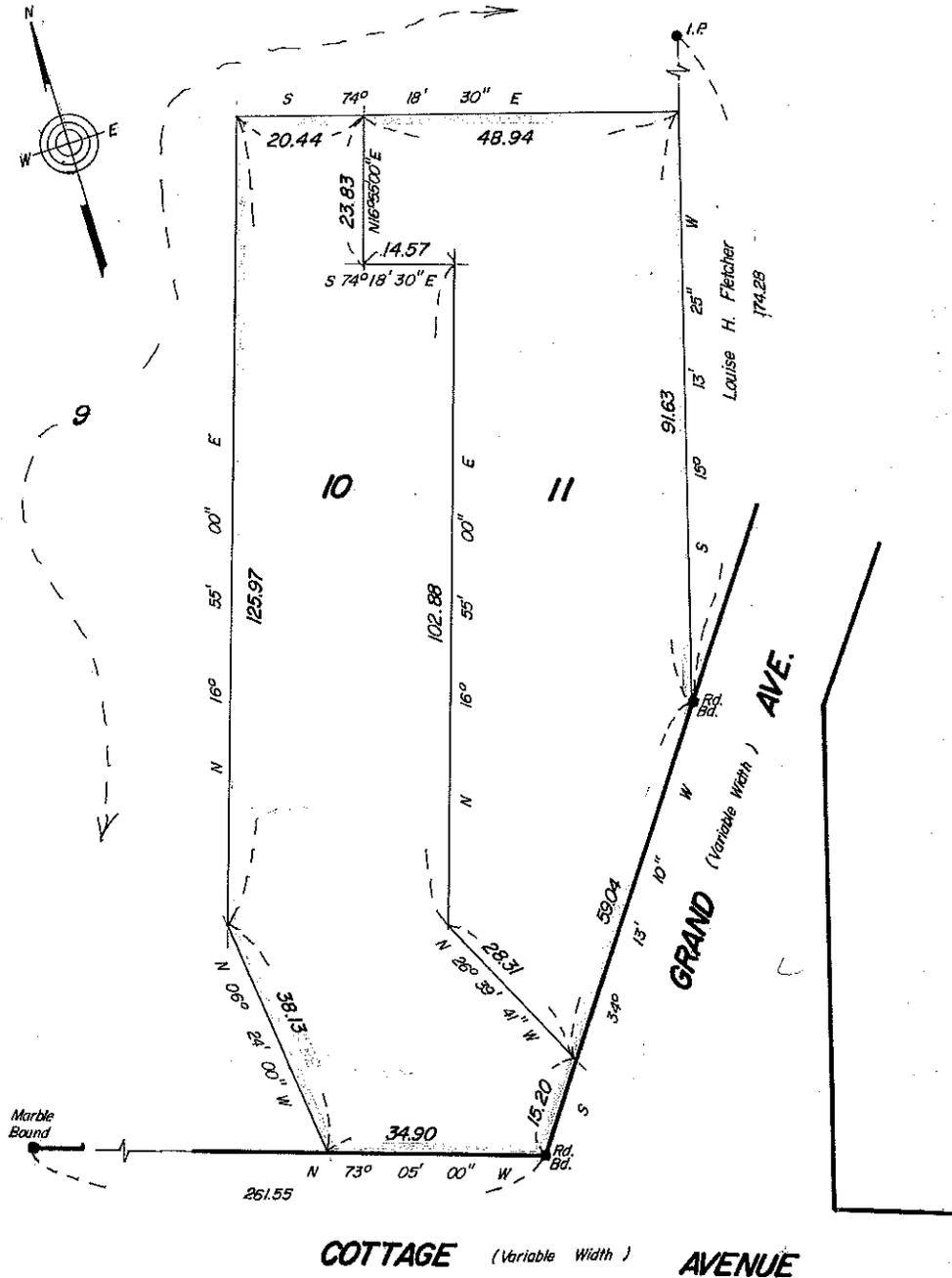
Form LCB-S-1, 3500 3-84

SUBDIVISION PLAN OF LAND IN NANTUCKET

Hart-Blackwell & Associates, Inc., Surveyors

March 21, 1986

12533^E



THIS PLAN FILED WITH CERTIFICATE NO. 12,5713

Subdivision of Lot 8
 Shown on Plan 12533^D
 Filed with Cert of Title No. 12144
 Registry District of Nantucket County

Separate certificates of title may be issued for land
 shown hereon as Lots 10 & 11
 By the Court.

Charles M. Mowbray
 Recorder.
 SEPT 25, 1986
 V.J.M.

Copy of part of plan
 filed in
LAND REGISTRATION OFFICE
 SEPT 25, 1986
 Scale of this plan 20 feet to an inch
 Louis A. Moore, Engineer for Court