

ZBA

PACKET

FEBRUARY 13, 2020



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

Agenda

(Subject to Change)

Thursday, February 13, 2020

1:00 PM

4 Fairgrounds Road

Public Safety Facility – **Community Room**

1 **I. CALL TO ORDER:**

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

Pages 4 - 10

- December 12, 2019
- January 9, 2020

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN):

NONE

V. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

- 03-20 Randolph G. Sharp, Jr., Trustee, Randolph G. Sharp, Jr. Trust Cohen
Action Deadline May 13, 2020 76 Polpis Rd.

Pages 12 - 44

Applicant is requesting modification of prior Special Permit relief pursuant to Zoning By-law Section 139-33.A. Said relief, granted in ZBA Decision 11-19, approved the demolition and reconstruction of a dwelling structure having 2,293± SF with the ability to retain the pre-existing nonconforming ground cover ratio of 3.6% where 3.0% is allowed. Applicant now seeks to construct a dwelling and detached garage/ancillary structure with the previously granted ability to retain the pre-existing nonconforming ground cover ratio of 3.6%. Locus is situated at 76 Polpis

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

Road, shown on Assessor's Map 43 as Parcel 177 and as Lot 2 upon Plan Book 19, Page 126. Evidence of owner's title is recorded in Book 1691, Page 93 on file at the Nantucket County Registry of Deeds. The site is zoned Limit Use General-3 (LUG-3).

- 04-20 Peter Braverman and Michael Ashner, Tr., Winthrop Nantucket Nominee Trust
 Action Deadline April 21, 2020 7-9 Salem St. and 2-4 New Whale St. Bailey
 Applicant seeks relief by Variance pursuant to Zoning By-law Section 139-16.A for a waiver from the side and rear yard setback requirements. The distance between the eastern wall of the Stop 'n Shop building and certain Tank Farm structures varies between under 1' to just over 5' in a district where the side/rear yard setback requirement is 5'. The Locus is situated at 7-9 Salem Street (Stop 'n Shop) and 2-4 New Whale Street (Harbor Fuel Tank Farm), shown respectively on Assessor's Map 42.3.1 as Parcels 141, 89, 87, and 88, and upon Land Court Plan 13642-D & E and as Lots 6A & 6B on Approval Not Required Plan approved by the Planning Board on January 9, 2020. Evidence of owner's title is registered on Certificate of Title No.s 12975 and 17520 at the Nantucket County District of the Land Court. The site is zoned Residential Commercial (RC).

Pages 45 - 60

- 05-20 Kristiana Kay Snyder 3 Somerset Road Williams
 Action Deadline May 13, 2020
 Applicant is seeking relief by Special Permit pursuant to Zoning By-law Section 139-16.C(2) in order to validate an unintentional setback intrusion. The "as-built" survey shows the primary dwelling sited within the required 30' front yard setback area. A portion of the primary dwelling is as close as 23.6' from the front yard lot line, with another portion of the porch located farther away from the front yard lot line. Applicant is seeking to validate the siting of the dwelling with the encroaching front porch. In the alternative and to the extent necessary, Applicant seeks relief by Variance pursuant to Section 139-16.A for a waiver from the front yard setback requirements. The Locus is situated at 3 Somerset Road, shown on Assessor's Map 56 as Parcel 18.1, and as Lot 2 upon Plan Book 25, Page 42. Evidence of owner's title is recorded in Book 1647, Page 219 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20).

Pages 61 - 88

VI. OTHER BUSINESS: (Votes may be taken)

- 051-03 Rugged Scott a/k/a Beach Plum 40B Holland / Posner
 DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the "Settlement Agreement".

Pages 90 - 189

VII. ADJOURNMENT (VOTE WILL BE TAKEN)



ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, December 12, 2019

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

Called to order at 1:04 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members: McCarthy, Botticelli, Toole, O'Mara, Koseatac, Poor, Thayer, Mondani
Late Arrivals: Botticelli, 1:05 p.m.

Agenda adopted as amended by unanimous consent

I. APPROVAL OF MINUTES

- 1. November 14, 2019: Motion to Approve. (made by: Toole) (seconded by: Thayer) Carried unanimously

II. OLD BUSINESS

- 1. 76-11 Sachems Path Nantucket, LLC Sachems Path 40B
Vote to release remaining funds in Escrow account subsequent to payment of all outstanding invoices.
Voting McCarthy, Botticelli, Toole, O'Mara, Koseatac
Alternates Poor, Thayer, Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing None
Public None
Discussion **McCarthy** – Ed Pesce recommends releasing the funds upon payment of his final bill.
Motion **Motion to Approve the release of the escrow upon payment of the final bill submitted by the Town Engineering Consultant, Ed Pesce.** (made by: Toole) (seconded by: O'Mara)
Vote Carried 5-0
- 2. 18-19 Peter L O'Brien and Natalia V. O'Brien 36 Low Beach Road Cohen
Request to continue to January 9, 2020
Voting McCarthy, O'Mara, Koseatac, Thayer, Mondani
Alternates Poor
Recused Botticelli, Toole
Documentation File with associated plans, photos and required documentation
Representing None
Public None
Discussion **McCarthy** – A continuance has been requested
Motion **Motion to Continue to January 9, 2020.** (made by: Thayer) (seconded by: Koseatac)
Vote Carried 5-0
Motion **Motion to Extend the action deadline to January 14, 2020** (made by: Thayer) (seconded by: Koseatac)
Vote Carried 5-0
- 3. 29-19 Timothy M. Stevens & Lea Stevens 45 Starbuck Road Williams
Applicant is seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-2 in order to install an in-ground residential swimming pool. The proposal meets the criteria in Section 139-2.A. Locus is situated at 45 Starbuck Road, shown on Assessor's Map 59.3 as Parcel 50, as Lot 385 upon Land Court Plan 3092-25. Evidence of owner's title is registered on Certificate of Title No. 27439 at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).
Voting McCarthy, Botticelli, Toole, O'Mara, Koseatac
Alternates Poor, Thayer, Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing Linda Williams
Public Jessie Dutra, Dutra Designs, Inc.
Public None

Discussion (1:08) **Williams** – Her client reviewed the standard conditions and has no concerns with them being applied. In this particular case, the pool is virtually invisible. There is no proposed landscape lighting, just lighting within the pool.
McCarthy – There should be language in the approval that the only lighting is in the pool. We might want more screening of the pool.
Dutra – Little of the natural vegetation is changing. Anything on the pond side is in the no-disturb zone.
Williams – You can't see the pool because of the topography and building, so she feels there is no need for extra screening. Ms. Antonietti gave us the list of conditions; we meet all the conditions.
Botticelli – Doesn't think the visibility of the fence is an issue. What would be helpful is to have detailed landscaping more clearly shown on a plan.
McCarthy – We need the plan to be labeled with the plants to clarify the plans. Visibility isn't the issue for a special permit; we just need the details presented in a more professional manner. The other pools approved under Special Permit had specific information about plants, screening, and lighting; we need that to be consistent.
Dutra – He hasn't yet worked out the specific plants to be used with the property owner.
Williams – The other two pools the ZBA approved in Madaket were contentious because they were much more visible and with a larger impact on the neighbors. Historic District Commission (HDC) approved the pool based upon lack of visibility.
McCarthy – They were contentious because they were the first pool special permits; we have since developed requirements and protocol. Visibility is the concern of the HDC, not the ZBA. We need the planting plan, lighting schedule, and pool equipment.
Botticelli – Suggested Bracken add notes to his survey plan indicating the no-disturb line. The plan should be clean.
McCarthy – You keep saying you aren't adding plants, but you are.
Discussion about whether or not to approve this with conditions requiring additional information on the site plans.

Motion **Motion to Grant the Special Permit with all the conditions imposed in previously approved pool Special Permits included in the decision and with submission of a more detailed site plan.** (made by: Toole) (seconded by: Botticelli)

Vote Carried 5-0

4. 30-19 Nantucket Housing Authority (OWNER) Habitat for Humanity Nantucket, Inc. (APPLICANT)
Miacomet Village 40B Brescher

The Applicant, Habitat for Humanity Nantucket, Inc., seeks to modify prior Comprehensive Permits, granted in accordance with M.G.L. Chapter 40B, pursuant to 760 CMR 56.05 to allow Lot 17, currently prohibited from having any dwellings, to contain dwellings and be further subdivided. Specifically, Habitat is proposing to subdivide Lot 17 into three lots. Concept "Lot 1" will have no dwellings and will contain two existing outbuildings. Concept "Lot 2" will contain either a single-family dwelling or a duplex, which will then be converted to a condominium form of ownership and conveyed to two families. Concept "Lot 3" will contain a single-family dwelling. Concept Lots 2 and 3 shall abide by the proposed Homeowner's Association Declaration of Restrictions. The property will be permanently deed-restricted for the purpose of providing affordable year-round housing. As proposed, the structures will otherwise conform to the intensity regulations of the R-10 zoning district. The Applicant is requesting waivers from the Code of the Town of Nantucket and, to the extent necessary, relief from the Rules and Regulations of the Nantucket Planning Board and the Subdivision Control Law, as provided in M.G.L. Chapter 40B. The file with a copy of the complete list of requested waivers is available at the Zoning Board of Appeals office at 2 Fairgrounds Road between the hours of 7:30 A.M. and 4:30 P.M., Monday through Friday. Locus is situated within the Miacomet Village, a 40B subdivision approved and modified in Comprehensive Permit Decisions numbered 025-86, 050-86, 030-94, 110-93, and 17-97. The above-referenced Lot 17 is shown on Plan File 44-Y. Evidence of owner' title is in Book 233, Page 26 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 2 (LUG-2).

Voting McCarthy, Botticelli, Toole, O'Mara, Koseatac
Alternates Poor, Thayer, Mondani
Recused None
Documentation File with associated plans, photos and required documentation
Representing John Brescher, Glidden & Glidden
Gerry Keneally, President Habitat for Humanity
Public None

Discussion (1:28) **Brescher** – Reviewed the request. Have submitted a revised concept site plan showing the parking for each unit; and clarification of requested waivers. Nantucket Housing Authority (NHA) and Housing Nantucket have provided letters supporting the request.
Keneally – Reviewed the parking provided; have approval from police, fire, water, & sewer. The Fire Department asked for a fire hydrant; there is a fire lane in front of the house. There is a duplex and on single-family dwelling. Will be going to HDC.
Toole – Asked what the minimum required greenspace is; he can't remember if there was a number in mind.
Antonietti – There is no provision in the Zoning By-law requiring a minimum percentage of greenspace for residential lots. Discussion about the transformation of greenspace/open space within a dense development into building lots.
McCarthy – We weren't prepared to vote not knowing if other departments had issues.
Botticelli – The biggest issue with no frontage is access.
Keneally – We went from 5 feet to 15 feet for an undisturbed buffer zone.

McCarthy – We can add “undisturbed” to the language. We’ve heard back from the other departments and the applicant provided the information we requested. She would want Lot 1 to remain undeveloped.

Motion **Motion to Approve the application as requested to modify the Comprehensive Permit to allow Lot 17 to be divided into 3 lots; Lot 1 to have no dwellings on it; Lots 2 & 3 to have one single-family dwelling and one duplex and plan updated to show undisturbed buffer and no-parking fire lanes and the encroaching shed on Lot 2 to be moved out of the setback.** (made by: Koseatac) (seconded by: O’Mara)

Vote Carried 4-1//Toole opposed

III. NEW BUSINESS

- 31-19 Trustees of the Union Lodge, Free & Accepted Masons 30 Main Street Cohen

Applicant seeks relief by Special Permit pursuant to Zoning By-law Section 139-33.A to remove and reconstruct a portion of the pre-existing nonconforming structure within the rear yard setback and in excess of the permitted 75% ground cover ratio. Specifically, Applicant proposes to demolish and reconstruct a rear portion of the existing structure to allow for needed improvements to the foundation with the ability to retain the pre-existing nonconforming ground cover of 3,370 SF and with no change to the pre-existing nonconforming rear setback distance. Locus is situated at 30 Main Street, shown on Assessor’s Map 42.3.1 as Parcel 215, as Lot 6 upon Land Court Plan 13467-D and unregistered abutting parcel to the north. Evidence of owner’s title is registered on Certificate of Title No. 7327 at the Nantucket County District of the Land Court and in Book 102, Page 567 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Downtown (CDT).

Voting Botticelli (acting chair), Toole, Koseatac, Poor, Mondani
 Alternates None
 Recused McCarthy, O’Mara, Thayer,
 Documentation File with associated plans, photos and required documentation
 Representing Jay Maroney
 Scott Andersen, contractor
 Public None
 Discussion (1:56) **Maroney** – Presented the request.
Botticelli – The plan isn’t clear as to what is being demolished and rebuilt.
Maroney – Clarified that the scope is to demolish/rebuild the wood ell-shaped porch, demolish chimneys, and underground structural work to the foundation.
Toole – It would help to have the construction plans from which the work is going be done. The information submitted to date is not clear; this is too big to do through staff.
Botticelli – We also need the construction protocol that protects the neighbors from work being done on the lot line. Agrees that this is too big to do through the staff.
 No concerns with the project concept.
 Motion to Continue to the end of the meeting and be reopened. (made by: Mondani) (seconded by: Koseatac) Carried unanimously
 Reopened at 2:36 p.m.
Andersen – If we removed the structure without the special permit, we would lose the groundcover. We need to take the wart out to access the basement. NIR has plans and knows the full scope of work and did survey work.
Toole – All that information needs to be part of our record.
Andersen – There is high-water issue, but we want to go down 7 feet. Presented the plan at the table. Work is at least 8 feet from NIR’s building.
 Review of the construction plans.
Botticelli – As part of the approval, we should get a reduced set of the plans.
Antonietti – Everything that the Board sees and bases its decision must become part of the record. He can deliver a full-sized copy of the architectural plans.
 Discussion of construction moratorium conditions: 7 a.m.-4 p.m., Monday through Friday, no external work on weekends and between Friday Memorial Day weekend and Labor Day, construction parking not to block streets.
Toole – Asked about their plan concerning the water.
Andersen – over the past couple of months, he hasn’t seen water and thinks the basement can be excavated down to 8 feet without issues.
Mondani – He feels very confused because the information isn’t there. He’ll support this if the other members do. He’s comfortable with the interior basement work.
Toole – He agrees with Mr. Mondani. However, the applicant has done the work and has the information. The more information we get from the beginning, the faster a decision can be made. Normally, we would tell them to come back next month with all the information.
Antonietti – In previous cases, there have been one or more abutters with concerns. That wasn’t the case here.

Motion **Motion to Approve the application as requested with the standard construction protocols, conditions, and moratorium, as discussed, in effect and Applicant will submit all documents and materials requested to be submitted into the file (Engineer report, Abutter assent to project, Town street closing permit, detailed foundation plan that clearly shows part of building to be demolished and rebuilt).** (made by: Koseatac) (seconded by: Botticelli)

Vote Carried 5-0

2. 32-19 Patrick S. Keating 49 Red Barn Road Carey
 The Applicant seeks relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver from the front and side yard setback provisions in Section 139-16.A. Specifically, Applicant proposes to move an existing dwelling to a location in the northeast corner of the lot, roughly 5' from the front and side yard lot lines, in order to retreat from the severely eroding coastal bank which places the structure in its current location in imminent danger. Locus is situated at 49 Red Barn Road, shown on Assessor's Map 63 as Parcel 15, and as Lot 3 upon Land Court Plan 35141-B. Evidence of owner's title is registered on Certificate of Title No. 26766 at the Nantucket County District of the Land Court. The site is zoned Limited Use General Two (LUG-2).

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

Alternates Poor, Thayer, Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing Linda Williams

Public None

Discussion (2:05) **Williams** – This is surrounded by conservation land and water so when it moves to the zero setback, there is nothing near it to be impacted. An emergency move has been issued to pull it off the edge and it has been disconnected from all utilities.

Botticelli – We could approve per the submitted plan which indicates setback 5 feet.

Williams – This move would give it 5 or 6 more years of use.

O'Mara – Access to parking is through where the house is going. The new access needs to be on the plan.

Motion **Motion to Grant the variance as requested.** (made by: Toole) (seconded by: O'Mara)

Vote Carried unanimously

3. 33-19 John B. Brescher, Trustee, 3 Pond Road Nominee Trust 3 Pond Road Brescher
 Applicant is seeking modification of prior Variance relief and, to the extent necessary, Variance relief pursuant to Zoning By-law Section 139-32 for a waiver from the front yard setback provision in Section 139-16.A in order to allow second-floor dormers on the secondary dwelling structure as close as 26.1' from the front yard lot line. The subject structure is sited as close as 12.9' from the front yard lot line where minimum front yard setback is 30'. No change in footprint is proposed. The Locus is situated at 3 Pond Road, is shown on Assessor's Map 56 as Parcel 151.1, and as Lot 132 upon Land Court Plan 14830-7. Evidence of owner's title is registered on Certificate of Title No. 26211 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

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

Alternates Poor, Thayer, Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing John Brescher

Public None

Discussion (2:13) **Brescher** – The garage is 12.9 feet from the front yard lot line and became non-compliant when the lot was subdivided.

Botticelli – The building is already over the setback but there is a lot of vegetation. The owner probably didn't realize the dormers would be tagged.

Motion **Motion to Modify the existing variance as requested.** (made by: Botticelli) (seconded by: Toole)

Vote Carried 5-0

4. 34-19 Daniel L. Lawson & Michael J. Gnojewski 26 Appleton Road Weinman
 At the time the relief was granted, the proposed 17,496 sq. ft. lot was undersized for the R-20 zoning district in which it was situated. When the zoning was changed to R-5, the lot became conforming in all respects, rendering the need for relief obsolete. Locus is situated at 26 Appleton Road Avenue, is shown on Assessor's Map 66 as Parcel 30, and as Lot 30A upon Plan No. 2006-13. Evidence of owner's title is recorded in Book 1313, Page 36 on file at the Nantucket County Registry of Deeds. The site is zoned Residential Five (R-5).

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

Alternates Poor, Thayer, Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing None

Public Bryan Swain, attorney for the buyer

- Discussion (2:21) **Swain** – Rhoda Weinman is the attorney for the owner. The sale is contingent upon the approval of this request.
Antonietti – Provided the background on the request for removal of restrictions. The lot has been further subdivided since 2004. The need for the initial relief has been rendered obsolete by virtue of Annual Town Meeting (ATM) approval to change zoning district
McCarthy – Asked if the removal of the variance would apply to all the lots.
Antonietti – Yes, unless you make it a part of the approval that is exclusive to Lot 30A. The decision will be sent to the abutters and referenced against the previous decision. If the abutters who own the other affected lots want to build a second dwelling, they would have to come before the ZBA to remove the restriction and/or vacate the Variance relative to their lots.
- Motion **Motion to Grant relief as requested to rescind and vacate prior Variance relief relative to 26 Appleton shown as Lot 30A on Plan 2006-13.** (made by: Toole) (seconded by: Botticelli)
- Vote Carried 5-0

IV. OTHER BUSINESS

- 1. 051-03 Rugged Scott a/k/a Beach Plum 40B Holland / Posner
DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the “Settlement Agreement”.
Voting McCarthy, Botticelli, Toole, O’Mara, Koseatac
Alternates Poor, Thayer, Mondani
Discussion (3:05) **Antonietti** – No new information has been submitted. This is continued.
- 2. Proposed Warrant Articles – 2020 Annual Town Meeting timeline. For information only
Antonietti – She will notify the members when the Planning Board is holding the hearing on this; she just needs to know if three or more are attending that meeting so she can post it as a ZBA meeting. The warrant will be published January 2, 2020; so any projects impacted by proposed changes would have to come to the ZBA.

V. ADJOURNMENT

Motion to Adjourn at 3:16 p.m. (made by: Mondani) (seconded by: Koseatac) Carried unanimously

- Sources used during the meeting not found in the files:
 - 1. Updated 2020 Annual Town Meeting Timeline Endorsed 06/05/2019

Submitted by:
Terry L. Norton



ZONING BOARD OF APPEALS

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

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

~~ MINUTES ~~

Thursday, January 09, 2020

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

Called to order at 1:01 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker
Attending Members: McCarthy, Toole, Koseatac, Poor, Thayer, Mondani
Absent: Botticelli, O'Mara

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

- 1. December 12, 2019: Held by unanimous consent.

II. OLD BUSINESS

- 1. 18-19 Peter L O'Brien and Natalia V. O'Brien 36 Low Beach Road Cohen
REQUEST TO WITHDRAW WITHOUT PREJUDICE
Voting McCarthy, Toole, Koseatac, Poor, Mondani
Alternates Thayer
Motion **Motion to Accept the Withdrawal without prejudice.** (made by: Toole) (seconded by: Mondani)
Vote Carried 5-0

III. NEW BUSINESS

- 1. 01-20 Jill A. Araujo 40 Hooper Farm Road Reade
Applicant seeks to Modify Variance, granted in File No. 030-10 to allow applicant and former spouse to divide their property into two lots, by removing conditions which prohibit additional ground cover and a secondary dwelling. Locus is conforming as to ground cover ratio having 1,646 sq. ft. of ground cover where maximum allowable would be 25% of lot area (10,000 sq. ft) or 2,500 sq. ft. The Locus is situated at 40 Hooper Farm Road, shown on Assessor's Map 67 as Parcel 272, and as Lot 1 upon Plan No. 2010-37. Evidence of owner's title is recorded in Book 1302, Page 147 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 10 (R-10).
Voting McCarthy, Toole, Koseatac, Thayer, Mondani
Alternates Poor
Recused None
Documentation File with associated plans, photos and required documentation
Representing Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public None
Discussion **Reade** – Parallels another recent application; explained the circumstances behind the request. In 2010 decision, conditions were set for no additional ground cover and no secondary dwelling without ZBA approval; those restrictions were removed from the husband's lot fronting Hull Lane and we are now asking for same modification to remove the conditions as they pertain to this lot.
Toole – This lot meets zoning but has this existing condition. The groundcover issue didn't materially change from one lot to the split to two lots. He thinks the original discussion was about creating an undersized lot; the *quid pro quo* was no more groundcover.
Mondani – We approved it on the smaller lot; doesn't see how this is different when it's a conforming lot.
McCarthy – Agrees with Mr. Mondani.
Motion **Motion to Approve as requested.** (made by: Koseatac) (seconded by: Mondani)
Vote Carried 4-1//Toole opposed

2. 02-20 Nicole Gross and Karl Gross 72 Cato Lane Beaudette
 Applicants seek a Special Permit pursuant to Sections 139-30 and 139-16.C of the Nantucket Zoning By-Law, to validate an unintentional set back intrusion with the siting of a solar hot water heater into the required 10' side yard set-back. In the alternative, Applicants request relief by Variance pursuant to Section 139-32 of the By-Law from the setback provisions of Section 139-16.A. The Locus is situated at 72 Cato Lane, shown on Assessor's Map 66 as Parcel 457, and as Lot 2 upon Plan No. 2008-21. Evidence of owner's title is recorded in Book 1152, Page 103 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 10 (R-10).

Voting: McCarthy, Toole, Koseatac, Poor, Mondani
 Alternates: Thayer
 Recused: None
 Documentation: File with associated plans, photos, correspondence, and required documentation
 Representing: Richard Beaudette, Vaughan, Dale, Hunter & Beaudette, P.C.
 Public: None
 Discussion (1:11) **Beaudette** – Explained the circumstances behind this request. MGL (Massachusetts General Law) Provisional 40A prohibits unusually restricting installation of solar systems and Marcus Silverstein, Zoning Enforcement Officer (ZEO) agreed; the building inspector did not.
McCarthy – Mr. Silverstein's email encouraged not putting in the setback but recognizes that this positioning was necessary.
Beaudette – There were a number of locations this could have gone but the contractor placed this in the most logical place.
Toole – The owner asked permission multiple times and received approval from the ZEO. He'd have a problem granting this if they hadn't sought permission from Mr. Silverstein.
Mondani – He's a little concerned we might be re-adjudicating this. He thinks Mr. Silverstein would say the ZBA didn't have to do anything.
Antonietti – She spoke with the Building Inspector; he felt that he couldn't approve it by default.
Thayer – If this were new construction being placed in the setback, he would say no. That's not the case here.
McCarthy – She's willing to reduce the setback but with conditions.
Antonietti – When validating, you are validating no more than 8.27' from the property line.
Toole – He wants it to reference the validation is for the solar unit only with no other intrusion permitted.
Thayer – Asked that the Building Department and ZEO get together and come to an agreement that prevents these requests in the future.
 Motion **Motion to Grant the relief conditioned that it is for the solar only.** (made by: Toole) (seconded by: Koseatac)
 Vote Carried 5-0

IV. OTHER BUSINESS

1. 051-03 Rugged Scott a/k/a Beach Plum 40B Holland / Posner/Haverty
 DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the "Settlement Agreement".
NO NEW INFORMATION HAS BEEN RECEIVED.

V. ADJOURNMENT

Motion to Adjourn at 1:35 p.m. (made by: Mondani) (seconded by: Toole) Carried unanimously

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
Terry L. Norton

NEW

BUSINESS

RANDOLPH G. SHARP, JR.,

Trustee

Randolph G. Sharp Jr. Trust

76 POLPIS ROAD

FILE NO. 03-20

MODIFICATION

OF PRIOR

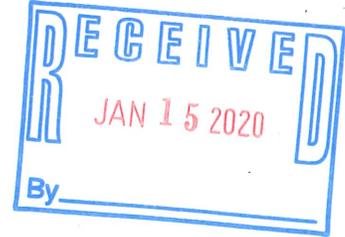
SPECIAL PERMIT



NANTUCKET
TOWN CLERK

2020 JAN 15 PM 2:20

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554



APPLICATION

03-20

File No. AS AMENDED

Fee: \$450.00

Owner's name(s): Randolph G. Sharp, Jr., Trustee of the Randolph G. Sharp Jr. Trust

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket, MA

Phone Number: 508-228-0337 E-Mail: jay@cohenlegal.net

Applicant's name(s): (SAME)

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 76 Polpis Road Assessor's Map/Parcel: 43 / 177

Land Court Plan/Plan Book & Page/Plan File No.: 19 / 126

Deed Reference/Certificate of Title: 1691 / 93 Zoning District LUG-3

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 1984

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: 11-19

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

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

See Addendum A

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: Steven Chen 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: __/__/__

ADDENDUM as AMENDED

The Locus is a lot 62,876 square foot lot in the LUG-3 Zoning District, which has a minimum lot area requirement of 120,000 square feet. The Locus has a ground cover ratio of 3.6% where 3% is allowed. These nonconformities are the result of a zoning map change in the area from LUG-1 that allowed for a 7% GCR and a minimum lot size of 40,000 SF.

Applicant was recently granted Special Permit relief (see File No. 11-19 and Special Permit recorded with the Nantucket Registry of Deeds in Book 1700, Page 323) under Zoning Bylaw Section 139-33(A)4 to remove the pre-existing nonconforming structure and replace it with a new single structure of up to 2,293 square feet of ground cover.

The Applicant requests an amendment to that granted relief under Sections 139-33(A)1 and 4, as applicable, to allow instead for the construction of two structures, which the applicant proposes to be a dwelling of approximately 1,932 square feet of ground cover and a detached garage/ancillary structure of approximately 332 square feet of ground cover. This would result in 2,264 total square feet of ground cover on the Locus, slightly below the total allowed by the previous Special Permit.

Applicant seeks to retain the right for the remaining 29 square feet to provide an allowance in the construction and final measurements.

This relief will reduce the massing on the Locus by breaking up the building and will not be more detrimental to the neighborhood than the existing or proposed nonconforming structure. All structures will continue to conform to all setback requirements.



Property Information

Property ID 43 177
Location 76 POLPIS RD
Owner SHARP RANDOLPH G JR TR



**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.

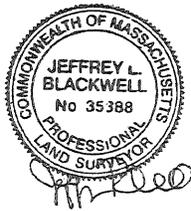
Geometry updated 11/13/2018
 Data updated 11/19/2018

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE:	120,000 S.F.	PROPOSED:	63,146± S.F.
MINIMUM FRONTAGE:	200 FT.		SEE PLAN
FRONT YARD SETBACK:	35 FT.		SEE PLAN
SIDE/REAR SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		3.6± %

OWNER INFORMATION

RANDOLPH G. SHARP, Jr., TRUSTEE
 RANDOLPH G. SHARP Jr. TRUST
 Deed Bk./Pg.: 1691/93
 Plan No.: 2014-30, LOT 20
 ASSESSOR'S MAP 43, PARCEL 177
 #76 POLPIS ROAD



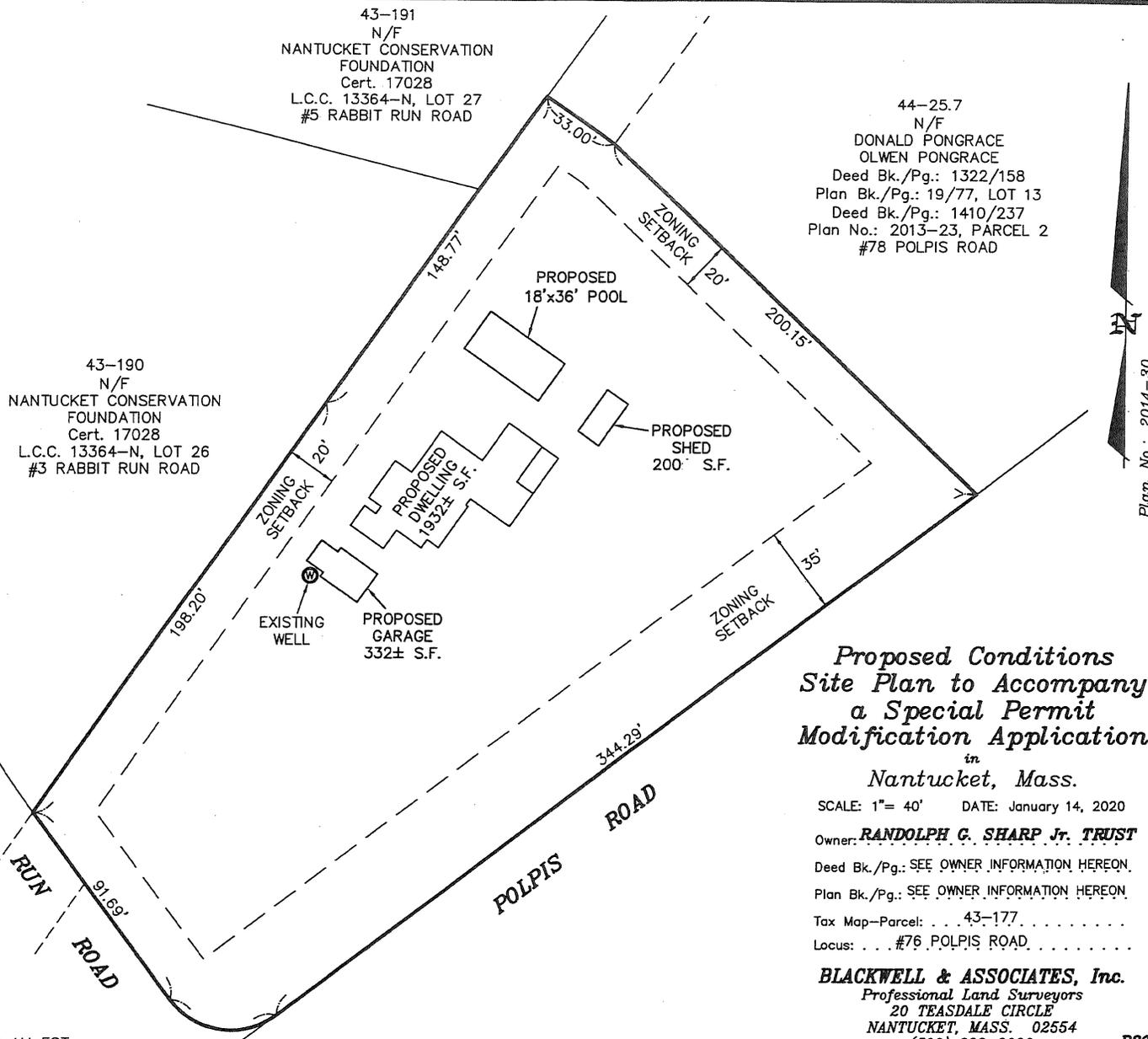
ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

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

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T: \MARCUS 25 JOB 2

V: \DRAWFILES\B8646\ZBA 2020.dwg 1/15/2020 8:08:03 AM EST



**Proposed Conditions
 Site Plan to Accompany
 a Special Permit
 Modification Application**

in
 Nantucket, Mass.

SCALE: 1"= 40' DATE: January 14, 2020

Owner: **RANDOLPH G. SHARP Jr. TRUST**

Deed Bk./Pg.: SEE OWNER INFORMATION HEREON.

Plan Bk./Pg.: SEE OWNER INFORMATION HEREON.

Tax Map-Parcel: . . . 43-177

Locus: . . . #76 POLPIS ROAD

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

Plan No.: 2014-30

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE:	120,000 S.F.	EXISTING:	63,146± S.F.
MINIMUM FRONTAGE:	200 FT.		SEE PLAN
FRONT YARD SETBACK:	35 FT.		SEE PLAN
SIDE/REAR SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		3.6% ±

OWNER INFORMATION

RANDOLPH G. SHARP, Jr., TRUSTEE
 RANDOLPH G. SHARP Jr. TRUST
 Deed Bk./Pg.: 1691/93
 Plan No.: 2014-30, LOT 20
 ASSESSOR'S MAP 43, PARCEL 177
 #76 POLPIS ROAD



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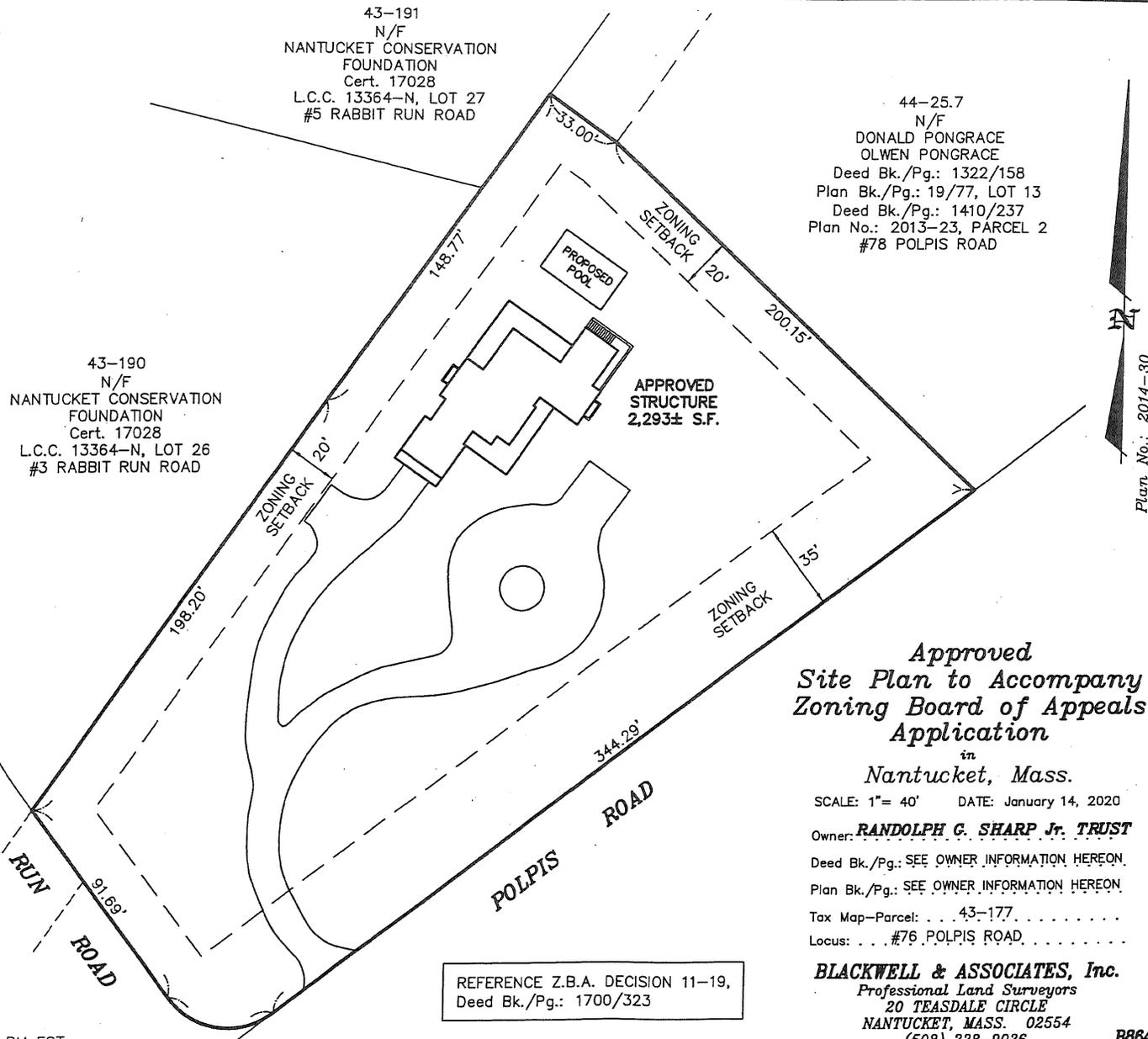
THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS.

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V:\DRAWFILES\B8646\ZBA 2020.dwg 1/14/2020 3:20:41 PM EST



**Approved
 Site Plan to Accompany
 Zoning Board of Appeals
 Application**

in
 Nantucket, Mass.

SCALE: 1" = 40' DATE: January 14, 2020

Owner: **RANDOLPH G. SHARP Jr. TRUST**

Deed Bk./Pg.: SEE OWNER INFORMATION HEREON.

Plan Bk./Pg.: SEE OWNER INFORMATION HEREON.

Tax Map-Parcel: . . . 43-177

Locus: . . . #76 POLPIS ROAD

REFERENCE Z.B.A. DECISION 11-19,
 Deed Bk./Pg.: 1700/323

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

B8646



NANTUCKET
TOWN CLERK

2020 JAN 13 AM 10:28

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 03-20

Owner's name(s): Randolph G. Sharp, Jr., Trustee of the Randolph G. Sharp Jr. Trust

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket, MA

Phone Number: 508-228-0337 E-Mail: jay@cohenlegal.net

Applicant's name(s): _____

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 76 Polpis Road Assessor's Map/Parcel: 43 / 177

Land Court Plan/Plan Book & Page/Plan File No.: 19 / 126

Deed Reference/Certificate of Title: 1691 / 93 Zoning District LUG-3

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 1984

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: 11-19

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

See Addendum A

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: Steven Chen 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: __/__/__

ADDENDUM

The Locus is a lot 62,876 square foot lot in the LUG-3 Zoning District, which has a minimum lot area requirement of 120,000 square feet. The Locus has a ground cover ratio of 3.6% where 3% is allowed. These nonconformities are the result of a zoning map change in the area from LUG-1 that allowed for a 7% GCR and a minimum lot size of 40,000 SF.

Applicant was recently granted Special Permit relief (see File No. 11-19 and Special Permit recorded with the Nantucket Registry of Deeds in Book 1700, Page 323) under Zoning Bylaw Section 139-33(A)4 to remove the pre-existing nonconforming structure and replace it with a new single structure of up to 2,293 square feet of ground cover.

The Applicant requests an amendment to that granted relief under Sections 139-33(A)1 and 4, as applicable, to allow instead for the construction of two structures, which the applicant proposes to be a dwelling of approximately 1,932 square feet of ground cover and a detached garage/ancillary structure of approximately 352 square feet of ground cover. This would result in 2,284 total square feet of ground cover on the Locus, slightly below the total allowed by the previous Special Permit.

Applicant seeks to retain the right for the remaining 9 square feet to provide an allowance in the construction and final measurements.

This relief will reduce the massing on the Locus by breaking up the building and will not be more detrimental to the neighborhood than the existing or proposed nonconforming structure. All structures will continue to conform to all setback requirements.

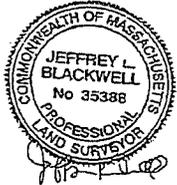
CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
SIDE/REAR SETBACK: 20 FT.
GROUND COVER % : 3%

EXISTING:
63,146± S.F.
SEE PLAN
SEE PLAN
SEE PLAN
3.6% ±

OWNER INFORMATION

CYNTHIA M. CASSANO, TRUSTEE
DORIS MURRAY TRUST
Deed Bk./Pg.: 1496/192
Plan Bk./Pg.: 19/126, LOT 2
Deed Bk./Pg.: 1414/40
Plan No.: 2013-23, PARCEL 1
ASSESSOR'S MAP 43, PARCEL 177
#76 POLPIS ROAD



43-190
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-N, LOT 25
#3 RABBIT RUN ROAD

43-191
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-N, LOT 27
#5 RABBIT RUN ROAD

44-25.7
N/F
DONALD PONGRACE
OLWEN PONGRACE
Deed Bk./Pg.: 1322/158
Plan Bk./Pg.: 19/77, LOT 13
Deed Bk./Pg.: 1410/237
Plan No.: 2013-23, PARCEL 2
#78 POLPIS ROAD

EXIST. 1 STY
W/F DWELLING
2,293± S.F.
(FOUNDATION)
#76 POLPIS ROAD
LOCATION SCALED FROM
RECORD PLAN

RABBIT RUN ROAD

POLPIS ROAD

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

Nantucket, Mass.

SCALE: 1" = 40' DATE: April 08, 2019

Owner: **DORIS MURRAY TRUST**

Deed Bk./Pg.: SEE OWNER INFORMATION HEREON

Plan Bk./Pg.: SEE OWNER INFORMATION HEREON

Tax Map-Parcel: . . . 43-177

Locus: . . . #76, POLPIS ROAD

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

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Plan No.: 2014-90

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE:	120,000 S.F.	PROPOSED:	63,146± S.F.
MINIMUM FRONTAGE:	200 FT.		SEE PLAN
FRONT YARD SETBACK:	35 FT.		SEE PLAN
SIDE/REAR SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		3.5± %

OWNER INFORMATION

CYNTHIA M. CASSANO, TRUSTEE
DORIS MURRAY TRUST
Deed Bk./Pg.: 1496/192
Plan Bk./Pg.: 19/126, LOT 2
Deed Bk./Pg.: 1414/40
Plan No.: 2013-23, PARCEL 1
Reference Plan No.: 2014-30
ASSESSOR'S MAP 43, PARCEL 177
#76 POLPIS ROAD



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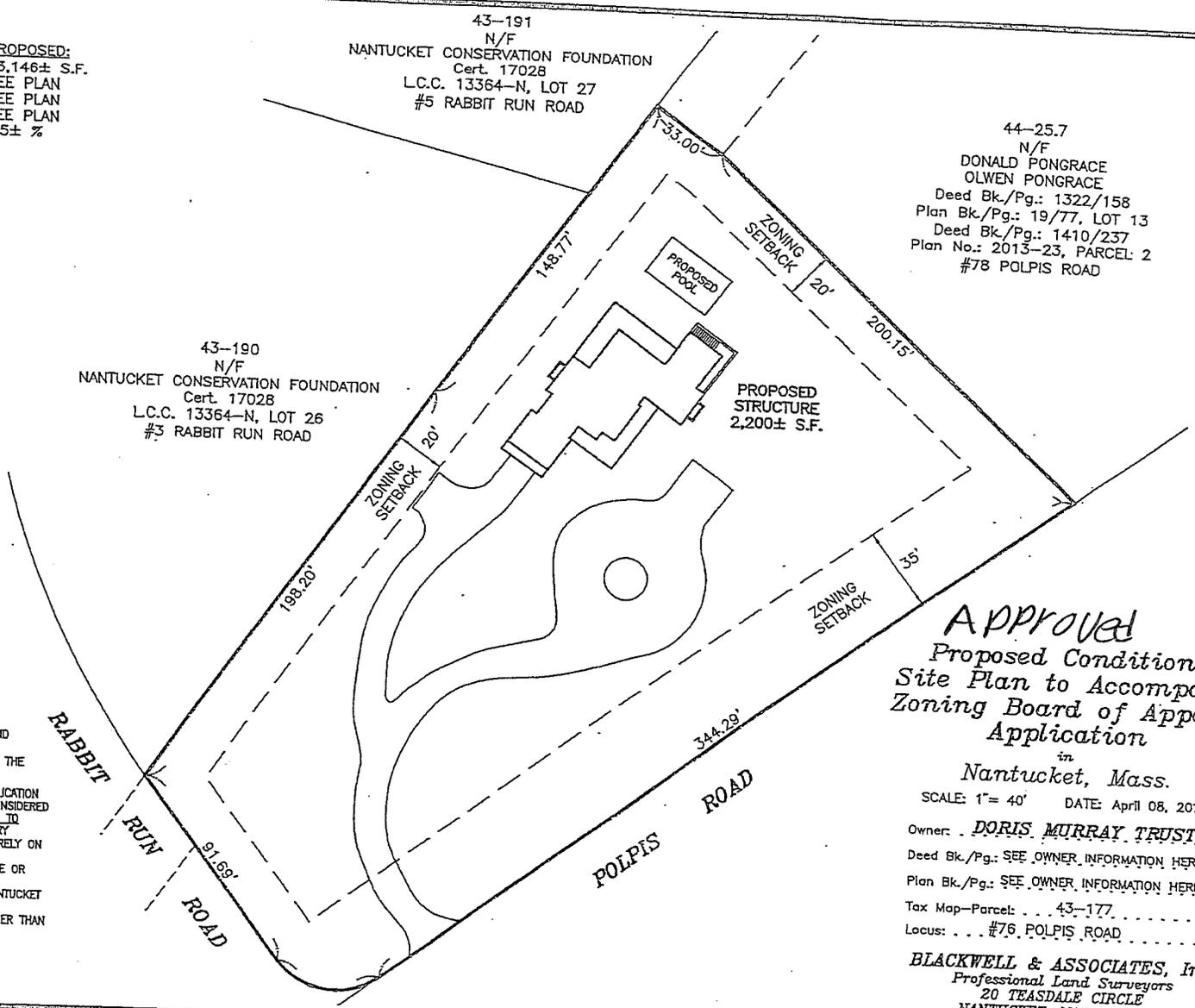
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43-190
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-N, LOT 26
#3 RABBIT RUN ROAD

43-191
N/F
NANTUCKET CONSERVATION FOUNDATION
Cert. 17028
L.C.C. 13364-N, LOT 27
#5 RABBIT RUN ROAD

44-25.7
N/F
DONALD PONGRACE
OLWEN PONGRACE
Deed Bk./Pg.: 1322/158
Plan Bk./Pg.: 19/77, LOT 13
Deed Bk./Pg.: 1410/237
Plan No.: 2013-23, PARCEL 2
#78 POLPIS ROAD



Approved
Proposed Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application

in
Nantucket, Mass.

SCALE: 1"= 40' DATE: April 08, 2019

Owner: **DORIS MURRAY TRUST**

Deed Bk./Pg.: SEE OWNER INFORMATION HEREON

Plan Bk./Pg.: SEE OWNER INFORMATION HEREON

Tax Map-Parcel: . . . 43-177 . . .

Locus: . . . #76. POLPIS ROAD . . .

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

Plan No.: 2014-30

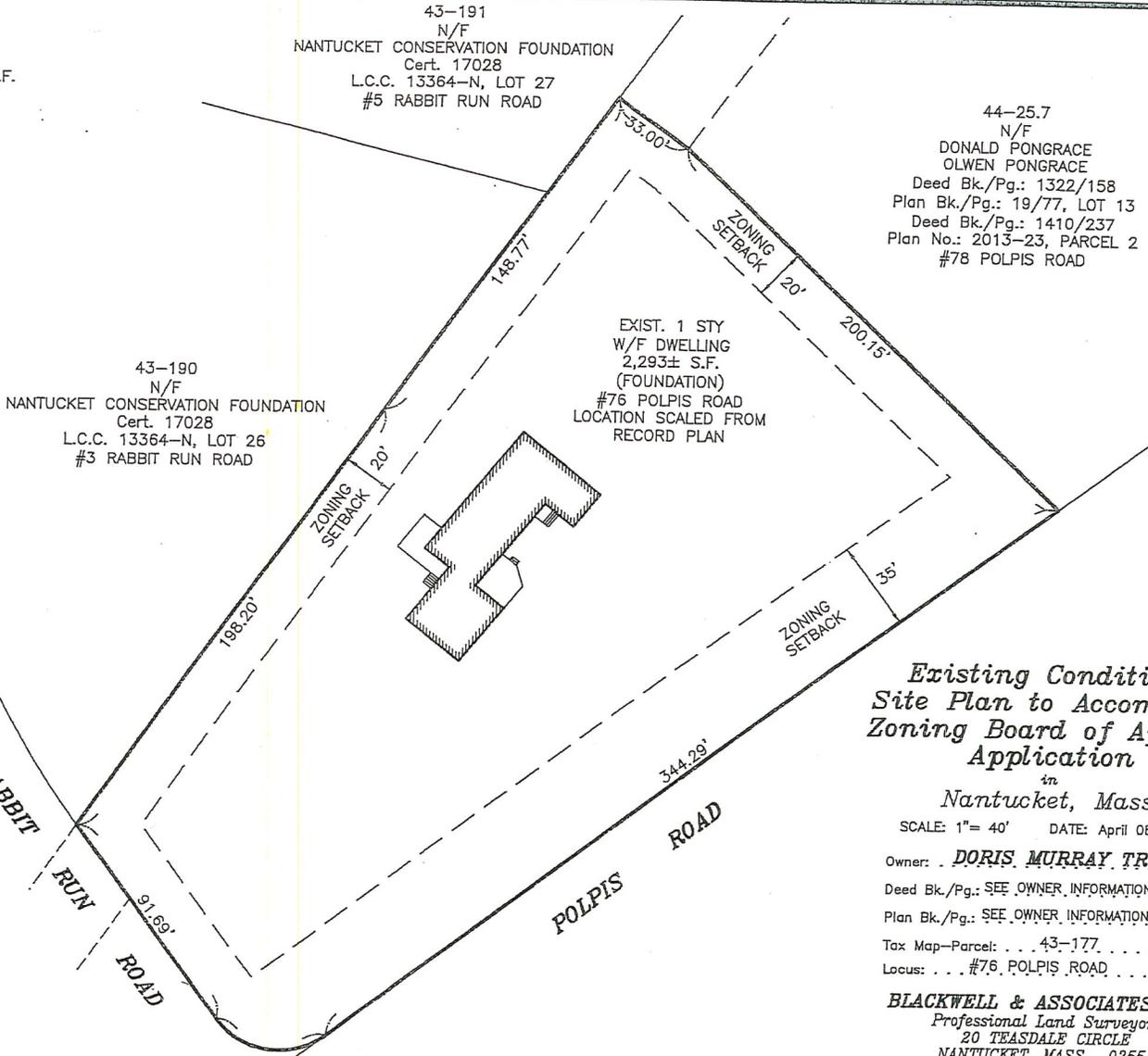
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CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)

MINIMUM LOT SIZE:	120,000 S.F.	EXISTING:	63,146± S.F.
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FRONT YARD SETBACK:	35 FT.		SEE PLAN
SIDE/REAR SETBACK:	20 FT.		SEE PLAN
GROUND COVER % :	3%		3.6% ±

OWNER INFORMATION

CYNTHIA M. CASSANO, TRUSTEE
DORIS MURRAY TRUST
Deed Bk./Pg.: 1496/192
Plan Bk./Pg.: 19/126, LOT 2
Deed Bk./Pg.: 1414/40
Plan No.: 2013-23, PARCEL 1
ASSESSOR'S MAP 43, PARCEL 177
#76 POLPIS ROAD



Plan No.: 2014-30

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

in
Nantucket, Mass.

SCALE: 1" = 40' DATE: April 08, 2019

Owner: **DORIS MURRAY TRUST**

Deed Bk./Pg.: SEE OWNER INFORMATION HEREON

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Tax Map-Parcel: . . . 43-177

Locus: . . . #76 POLPIS ROAD

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

B8646

RECEIVED
BOARD OF ASSESSORS
JAN 09 2020
TOWN OF
NANTUCKET, MA

TOWN OF NANTUCKET

Zoning Board of Appeals

75
(changed to list)
LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER: Randolph G. Sharp, Jr, Trustee
the Randolph G. Sharp, Jr. Trust

MAILING ADDRESS: c/o Cohen & Cohen, 34 Main Street, Nantucket

PROPERTY LOCATION: 76 Polpis Road, Nantucket, MA 02554

ASSESSOR MAP/PARCEL: 43/177

SUBMITTED BY Cohen & Cohen Law PC - Anastasia

SEE ATTACHED PAGES

I certify that the foregoing is a list of 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, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

1-10-2020
DATE

[Signature]
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters List

MBLU	Lot	Lot Cnt	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
43	6		SHAWKEMO DUCKLANDS LLC		35 WYKEHAM RD	NEWTON	MA	02465	11 GARDNER RD
43	193		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	1 CONSERVATION AV
43	209		LARNER C CHARLES III & BROOKE D		33 BRIMMER ST	BOSTON	MA	02108	2 DREW LN
43	211		HOUGHTON JAMES R & ALIX C		PO BOX 632	NANTUCKET	MA	02554	4 MOORS END LN
43	212		EPSTEIN ADAM S & LUCIA F		84 ROYALSTON RD	WELLESLEY	MA	02481	6 MOORS END LN
43	222		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	2 MOORS END LN
44	23	1	TROGNI MICHAEL J & MICHELE L		8 CHAPEL LN	RIVERSIDE	CT	06878	4 DREW LN
44	23	2	PIERCE MARCO A & PATRICIA J		721 MAIN STREET	HINGHAM	MA	02043	77 POLPIS RD
44	23	3	BARTON NANCY A TR	BARTON REALTY TRUST	PO BOX 3116	NANTUCKET	MA	02584	79 POLPIS RD
44	23	4	WEBER MARK A & PAUL F		101 OLD KINGS HWY SOUTH	DARIEN	CT	06820	81 POLPIS RD
44	25	6	KENNEDY JOHN J & ANNE L TRST	OVER HERE OVER THERE TRUST	5 COURSEVIEW ROAD	BRONXVILLE	NY	10708	82 POLPIS RD
44	25	7	PONGRACE DONALD R & OLWEN T		4150 FORDHAM RD N W	WASHINGTON	DC	20016	78 POLPIS RD
Count:	12								

SHAWKEMO DUCKLANDS LLC
35 WYKEHAM RD
NEWTON, MA 02465

NANTUCKET CONSERVATION FOUND I
PO BOX 13
NANTUCKET, MA 02554

LARNER C CHARLES III & BROOKE D
33 BRIMMER ST
BOSTON, MA 02108

HOUGHTON JAMES R & ALIX C
PO BOX 6320
NANTUCKET, MA 02554

EPSTEIN ADAM S & LUCIA F
84 ROYALSTON RD
WELLESLEY, MA 02481

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

TROGNI MICHAEL J & MICHELE L
8 CHAPEL LN
RIVERSIDE, CT 06878

PIERCE MARCO A & PATRICIA J
721 MAIN STREET
HINGHAM, MA 02043

BARTON NANCY A TR
BARTON REALTY TRUST
PO BOX 3116
NANTUCKET, MA 02584

WEBER MARK A & PAUL F
101 OLD KINGS HGWY SOUTH
DARIEN, CT 06820

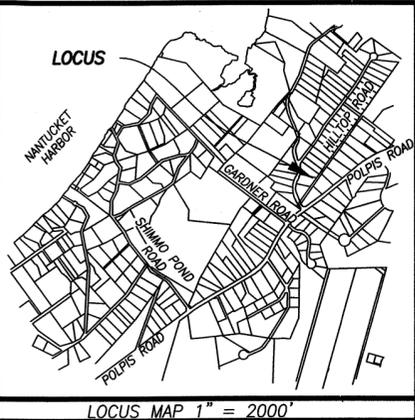
KENNEDY JOHN J & ANNE L TRST
OVER HERE OVER THERE TRUST
5 COURSEVIEW ROAD
BRONXVILLE, NY 10708

PONGRACE DONALD R & OLWEN T
4150 FORDHAM RD N W
WASHINGTON, DC 20016

MATERIALS

PROVIDED

BY STAFF



LEGEND

- S.B. FND. ■ DENOTES STONE BOUND FOUND WITH EPLP
- dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND



NANTUCKET REGISTRY
OF DEEDS
Date: 05/29/2013
Time: 1:30 PM
Plan No: 2012-23
Graham K. Tenen
Register

Sheet 1 of 1

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3%

43-190,191,192 & 193
NANTUCKET CONSERVATION FOUNDATION, INC.
CERT. 17,028
L.C. 13364-N
LOTS 26-30

HILLTOP ROAD
PROPRIETORS ROAD 33.00' WIDE

DETAIL NOT TO SCALE

DETAIL NOT TO SCALE

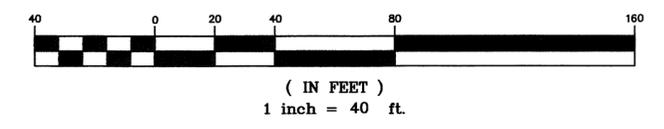
PLAN TO ACQUIRE LAND FOR GENERAL MUNICIPAL PURPOSES

IN
NANTUCKET, MASS.

PREPARED FOR
TOWN OF NANTUCKET
HILLTOP ROAD

SCALE: 1" = 40' DATE: JANUARY 17, 2013

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



43-177
N/F
DORIS A. MURRAY, et al
DEED BOOK 176 PAGE 323
PLAN BOOK 19 PAGE 126
LOT 2
51,520± S.F.

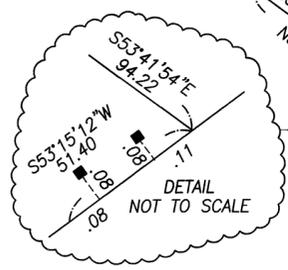
POLPIS ROAD
PUBLIC ~ 60' WIDE

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.

Edward F. Edwards
EDWARD F. EDWARDS
PROFESSIONAL LAND SURVEYOR
DATE: 11/7/2013

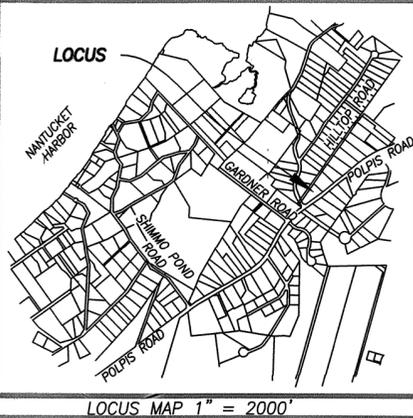
NANTUCKET BOARD OF SELECTMAN
Being a majority—
Rick Atherton *Rick Atherton*
Bruce Miller *Bruce Miller*
Patricia Roggeveen *Patricia Roggeveen*
Bob DeCosta *Bob DeCosta*
Date: *5/13/2013*

Nantucket Planning Board
APPROVAL UNDER
APPROVED PURSUANT TO ACTICLE 12
SPECIAL TOWN MEETING WARRANT 10/22/2012
Barry Rector
John McLaughlin *John McLaughlin*
Sylvia Howard *Sylvia Howard*
Linda Williams *Linda Williams*
Nathaniel Lowell
DATE APPROVED: 05/13/2013
File # 7559



NANTUCKET REGISTRY
 OF DEEDS
 Date: 04/07/2014
 Time: 2:52 PM
 Plan No: 2014-25
 Attest: *Jennifer Jereen*
 Register

Sheet 1 of 1

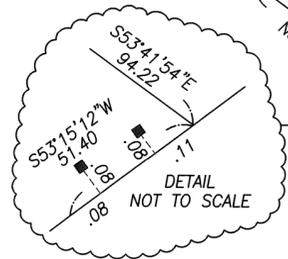


CURRENT ZONING CLASSIFICATION:
 Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE: 120,000 S.F.
 MINIMUM FRONTAGE: 200 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR/SIDE SETBACK: 20 FT.
 GROUND COVER % : 3%

LEGEND

- S.B. FND. ■ DENOTES STONE BOUND FOUND WITH EPLP
- dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND



**LOT 20 IS THE COMBINATION OF
 LOT 2; PLAN BOOK 19 PAGE 126
 & PARCEL 1; PLAN 2013-23**

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.

Edmund J. ...
 PROFESSIONAL LAND SURVEYOR
 DATE 1/31/2014

Nantucket Planning Board
 Approval Under the
 SUBDIVISION CONTROL LAW
 NOT REQUIRED

DATE SIGNED: 02-10-14
 FILE No.: 7647

**PERIMETER
 PLAN OF LAND
 IN
 NANTUCKET, MASS.**

PREPARED FOR
DORIS A MURRAY
 DEED BOOK 176 PAGE 323
 DEED BOOK 1414 PAGE 40
 76 POLPIS ROAD

SCALE: 1" = 40' DATE: JANUARY 31, 2014

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



NANTUCKET
TOWN CLERK

2019 JUN 17 PM 3:22

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

Date: June 13, 2019

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

Application No.: 11-19

Prior Owner: CYNTHIA M. CASSANO, Trustee of the Doris Murray
Trust

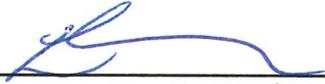
Current Owner/Applicant: RANDOLPH G. SHARP, JR., Trustee of the
Randolph G. Sharp, Jr. Trust

Property Description: 76 Polpis Road Map 43, Parcel 177

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 Nantucket Superior Court or 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.



Eleanor W. Antonietti,
Zoning Administrator

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
508-325-7587.

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

Assessor's Map 43, Parcel 177
76 Polpis Road
Limited Use General-3 (LUG-3)

Book 1496, Page 192
Book 1691, Page 93
Lot 2; Plan Book 19, Page 126

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals (the "Board") opened on Thursday, May 9, 2019 in the Conference Room, at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following Decision on the application of **CYNTHIA M. CASSANO, Trustee** of the **DORIS MURRAY TRUST**, the owner of record at the time the application was submitted, and **RANDOLPH G. SHARP, JR., Trustee** of the **RANDOLPH G. SHARP, JR. TRUST**, the contract purchaser, ("Applicants") and current owner, c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Floor, P.O. Box 786, Nantucket, MA 02554, in **File No. 11-19**.
2. Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A(4) in order to demolish a pre-existing nonconforming structure having approximately 2,293 square feet for a ground cover ratio of 3.6% where 3.0% is allowed, and to replace it with a new structure that retains the nonconforming ground cover ratio ("GCR"). Locus is situated at 76 Polpis Road, shown on Assessor's Map 43 as Parcel 177 and as Lot 2 upon Plan Book 19, Page 126. Evidence of prior¹ owner's title is recorded in Book 1496, Page 192 on file at the Nantucket County Registry of Deeds. The site is zoned Limit Use General-3 (LUG-3).
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 matters of planning concern were presented. No opposition to the application, written or oral, was received.
4. Applicant, through its counsel, presented testimony at the public hearing. The Locus, an undersized corner lot of record having undergone a change of zoning from LUG-1 to LUG-3, is shown on plan entitled, "Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application in Nantucket, Mass.", dated April 8, 2019, and prepared by Blackwell & Associates, Inc., a reduced copy of which is attached herewith as "Exhibit A". The lot contains 63,146 sq. ft. where 120,000 sq. ft. is the minimum lot area. The

¹ Per submission of the Application on April 12, 2019, the Locus was owned by Cynthia M. Cassano, Tr. of the Doris Murray trust who conveyed the Locus to Randolph G. Sharp, Jr., Tr. of the Randolph G. Sharp, Jr. Trust by deed recorded with the Nantucket Registry of Deeds on April 22, 2019, in Book 1691, Page 93.

maximum allowable ground cover would be *either* a GCR of 3%, which in this case would be 1,894 sq. ft., *or* 2,000 sq. ft. pursuant to Section 139-33.E(1)(b) – whichever is greater.

5. When the dwelling was constructed, circa 1984, the lot was zoned LUG-1 where allowable ground cover was a GCR of 7%, which in this case would have been 4,420 sq. ft. The Locus contains a single-family dwelling with attached garage having 2,293 square feet of ground cover, or a GCR of 3.6%. The Locus is otherwise dimensionally conforming under the Zoning Bylaw. The Applicant proposes to remove the existing structure and to replace it with a new structure which will retain the same ground cover. The proposed structure is said to be consistent with other dwelling structures and their respective ground cover in the area.
6. Therefore, the Applicant is seeking Special Permit relief to remove the pre-existing nonconforming structure and replace it with a new structure with the same pre-existing nonconforming ground cover. The relief is requested pursuant to By-law Section 139-33.A(4) which reads:
Removal and reconstruction of any or all of the preexisting nonconforming structure(s), or any portion(s) thereof, in excess of the permitted ground cover ratio upon a lot, shall be allowed by special permit, provided that:
 - (a) Such special permit shall have been issued prior to the removal of the preexisting nonconforming structure(s), or any portion(s) thereof;*
 - (b) (Reserved)*
 - (c) All reconstructed structure(s), or portion(s) thereof, shall conform to all applicable front, rear and side yard setback requirements; unless relief is granted under separate provisions of this chapter; and*
 - (d) The special permit granting authority shall have made the finding that the result of the proposed removal and reconstruction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and/or use.*
7. Based upon the foregoing, together with the absence of opposition, the Board made the finding that the requested relief could be granted. The proposed new dwelling shall not be substantially more detrimental to the neighborhood than the pre-existing ground cover ratio nonconformity and the new structure shall conform to all applicable front, rear, and side yard setback requirements.
8. Accordingly, by a **UNANIMOUS** vote, the Board **GRANTS** the requested **SPECIAL PERMIT** to remove the pre-existing nonconforming structure and replace it with a new structure with the same ground cover ratio, which shall not exceed 2,293 square feet of ground cover.

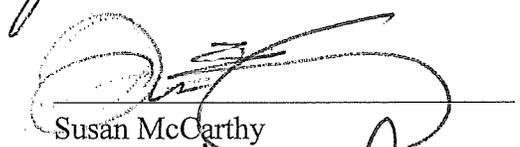
SIGNATURE PAGE FOLLOWS

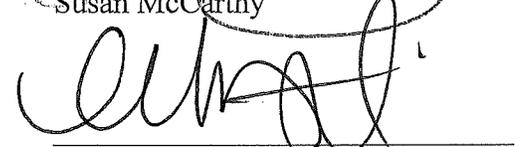
Assessor's Map 43, Parcel 177
76 Polpis Road
Limited Use General-3 (LUG-3)

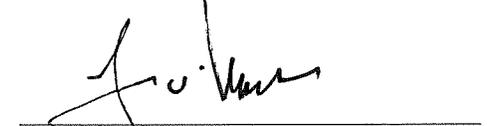
Book 1496, Page 192
Plan Book 19, Page 126
Lot 2

Dated: May 9, 2019



Edward S. Toole

Susan McCarthy

Lisa Botticelli

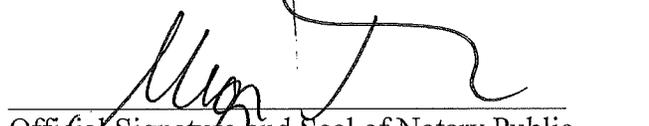
Michael O'Mara

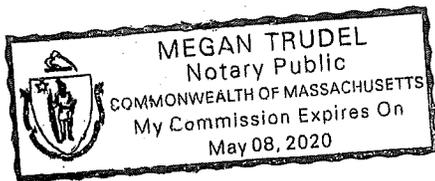
Kerim Koseatac

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On the 13th day of June, 2019, before me, the undersigned notary public, personally appeared Susan McCarthy, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that they signed the foregoing instrument as their free act and deed and voluntarily for the purposes therein expressed.



Official Signature and Seal of Notary Public
My commission expires May 8, 2020

5. IDENTIFICATION - To be completed by all applicants

Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee RANDY SHARP	11		508 560 2080
2. Contractor Print Name Signature RANDY SHARP NANTUCKET MA 02574	92 MIA COMET AVE	Builder's License Date	5843
3. Contact Person	11	Date	

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant: *Randy Sharp* Address: 92 MIA COMET AVE Telephone # 508 500 2080
 Print name: RANDOLPH G. SHARP JR E-Mail Address: randysharp@comcast.net

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required				
HISTORIC DISTRICTS COMMISSION		72734	1.16.19	
SEPTIC	10/21/19	108	Good for 4yr Home. 6 B Septic Unfinished Basement	
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

7. VALIDATION

		FOR DEPARTMENT USE ONLY
Building Permit Issued _____		Use Group _____ Occupancy Load _____ Census No. _____
Building Permit Fee _____		Approved by: _____ Building Commissioner
Date of Issuance of Certificate of Occupancy _____		

#5978
BLDR-2019-10-0028
10/25/19
BUILDING PERMIT NUMBER

RECEIVED
SEP 13 2019

APPLICATION FOR BUILDING PERMIT

IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 Please Print

3/17/19

1. LOCATION OF BUILDING
 OWNERS NAME (print): SHARP, RANDOLPH
 Last First Middle Initial
 76 POPLIS RD NANTUCKET MA
 No. Street
 Assessor's Map No. 43 Assessor's Parcel No. 177

2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E

A. TYPE OF IMPROVEMENT	B. OWNERSHIP	D. DIMENSIONS
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair, replacement <input type="checkbox"/> Demolition <input type="checkbox"/> Moving	<input checked="" type="checkbox"/> Private <input type="checkbox"/> Public	Dimensions of Structure First Floor Area: 1939 ± Second Floor Area: 1662 Third Floor Area: _____ Total Floor Area: 3601 Full Cellar Area: yes
	C. COST TOTAL COST OF IMPROVEMENT \$1,600,000.-	

E. PROPOSED USE
 Residential
 Detail scope of work by floor & provide the square footage.
 One Family
 Studio
 Two or more family - Enter number of units _____
 Hotel, Motel, Dormitory enter number of units _____
 Second Dwelling
 Garage
 Pool
 Other - Specify _____

NEW W/F CONSTRUCTION ON FULL 10' DEEP CONC. FOUNDATION.
 1939 ± SF 1ST FL
 1662 ± SF 2ND FL

3. SELECTED CHARACTERISTICS OF BUILDING For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.

F. PRINCIPLE TYPE OF FRAME	H. TYPE OF SEWAGE DISPOSAL	K. ACCESSORY HEAT SOURCE
<input checked="" type="checkbox"/> Wood frame <input type="checkbox"/> Other - Specify _____	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private (septic tank, etc.)	No. of fireplaces _____ No. of Wood Stoves _____ Other: 1 GAS FIRE PLACE
G. PRINCIPLE TYPE OF HEATING	I. TYPE OF WATER SUPPLY	L. RESIDENTIAL BUILDINGS
<input checked="" type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Oil <input type="checkbox"/> Heat Pump <input type="checkbox"/> Other - Specify _____	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private (well)	Number of Bedrooms 4 Number of Bathrooms 4.5 Full 4 Partial 1
	J. SMOKE DETECTORS	
	No. of Detectors Per code See Plan for Location	

3. Continued

M. ENERGY CONSERVATION	Type	Thickness	R Value
Foundation or Floor insulation	_____	_____	_____
Wall Insulation	_____	_____	_____
Ceiling or Roof Insulation	_____	_____	_____
Window Glazing:	Insulated Glass _____ Double Glass _____ Storm _____		
Doors: Insulated	Yes _____ No _____ Weatherstripped: Yes _____ No _____		
Percentage of Window Area to Wall Area: _____			

N. STRUCTURAL CHARACTERISTICS OF BUILDING

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

Foundation

Footing size: 10 x 30 Footing reinforcing: 2# 5's
 Wall material: CONC Wall thickness: 10"
 Wall height: 10' Wall reinforcing: # 5's 30" o.c.
 Pier or column size: _____ Pier or column spacing: _____
 Pier or column footing size: _____ Pier or column reinforcing: _____
 No. of crawl space vents: _____ Crawl space: Full Partial

FRAMING: Main Carrying members: Size: _____ Support Spacing: _____

First Floor Framing Joist size: _____ Maximum Span: _____ Maximum Spacing: _____
 Second Floor Framing Joist size: _____ Maximum Span: _____ Maximum Spacing: _____
 Ceiling Framing Joist size: _____ Maximum Span: _____ Maximum Spacing: _____
 Roof Framing Joist size: _____ Maximum Span: _____ Maximum Spacing: _____

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

SKETCH OF PROPOSED WORK (minor projects)

Deck 8 x 28 224
 6 x 20 120
344
 . 25
369

UNFINISHED BASEMENT

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

1ST	1939	□
2ND	1662	□
	3601	□
	100	
	\$ 3601.00	
	86.00	
	<u>3687.00</u>	

* 3687.00

36

4. ZONING COMPLIANCE To be completed by all applicants

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: L05 3 Total Land Area: 63,146 (Blackwell's 4/8/19)
 Frontage on Street: 344.29 Lot No.: 20
 Plan Book No. and Page: 176-323/144-40 Land Court Plan No.: _____
 Date Lot Purchased: SPRINGS 2013 Certificate No.: _____
19-126 + 2013-23 Name of Previous Owner: MURRAY

SUBDIVISION INFORMATION

Name of Owner: _____
 Date of Plan Approval: _____
 Type of Approval: ANR _____ AR _____
 Planning Board File No.: _____
 Is the Subdivision subject to a Covenant: YES _____ NO _____
 Is a Release required: YES _____ NO _____
 Has Plan been filed with the Registry of Deeds? YES _____ NO _____
 If YES: Plan Book and Page No.: _____ Date _____

TIME SHARING INFORMATION

Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?
 Yes _____ No _____

DIMENSIONS

Distance from Property Lines: FRONT 95' ± REAR 34-5" LEFT 170' ± RIGHT 100' ±
 Distance between Principal and Secondary Dwelling: _____ (12ft. minimum)
 Height of structure above finish grade: N 28'-10" ± E 28'-10" ± S 28'-10" ± W 28'-10" ±
 Number of off-street parking spaces: Enclosed 0 On-site PLENTY

GROUND COVER

Principal Dwelling: 1939 ± SF
 Secondary Dwelling: _____
 Addition: _____
 Garage: _____
 Accessory Building: _____
 Swimming Pool: 048
 Other: _____

Total: 1939 ± SF.
 Allowable: 2300 SF.
 *

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES _____ NO _____
 If answered YES, include "Order of Conditions" with application.
 What date was the "Order of Conditions" with application.
 What date was the "Order of Conditions" filed with the Registry of Deeds? _____
 Is the property located within a Flood Hazard district? YES _____ NO _____
 Was a Variance or Special Permit granted by the Board of Appeals? YES _____ NO _____
 If answered YES, what date was the decision filed with the Town Clerk? _____

FOR ZONING OFFICER

Minimum Lot Size: _____ Ground Cover Ratio: _____
 Frontage on Street: _____ Side and Rear Setback: _____
 Front Yard: _____ Secondary Dwelling approval _____
 Additional Comments: _____ Board of Appeals _____
 * 30A #11-19 allows demo/rebuild up to the existing p-n/c 2,293 sq. ft. Proposed replace complies w/ g.c. (3.6% ; 3% allowed) for p-n/c lot > 40,000 sq. ft. lot area
 Date: 10/21/19 APPROVED BY: [Signature] Zoning Officer

CERTIFICATE NO: 72734

DATE ISSUED: 7/16/19

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°: 43 PARCEL N°: 177
Street & Number of Proposed Work: 76 POLPIS RD
Owner of record: RANDOLPH SHARP
Mailing Address: 92 MIACOMET AVE
NANTUCKET
Contact Phone #: 508 560 2080 E-mail: _____

AGENT INFORMATION (if applicable)

Name: THORNEWILL DESIGN, LLC
Mailing Address: 40 DUKES RD
NANTUCKET, MA 02554
Contact Phone #: 228-9161 E-mail: _____

FOR OFFICE USE ONLY 10/10

Date application received: 6/11/19 Fee Paid: \$ 729.50
 Must be acted on by: 8/10/19
 Extended to: _____
 Approved: [Signature] Disapproved: _____
 Chairman: _____
 Member: [Signature]
 Member: [Signature]
 Member: [Signature]
 Member: [Signature]
 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 Hardscaping Move Building Demolition Revisions to previous Cert. No. _____
- Pool (Zoning District _____) Roof Other _____

Size of Structure or Addition: Length: 70 Sq. Footage 1st floor: 1932 ± Decks/Patio: Size: 8 x 28 1st floor 2nd floor
Width: 36 Sq. Footage 2nd floor: 1717 ± Size: 6 x 20 1st floor 2nd floor
Sq. Footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North 28' South 28' East 28' West 28'

Additional Remarks

Historic Name: _____ REVISIONS* 1. East Elevation
 Original Date: _____ (describe) 2. South Elevation
 Original Builder: _____ 3. West Elevation
 Is there an HDC survey form for this building attached? Yes N/A 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 9/12 Secondary Mass 9/12 Dormer 12 Other porch 4/12

Roofing material: Asphalt: 3-Tab Architectural
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) Yellow Cedar 5/8"

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

Gutters: Wood Aluminum Copper Leaders (material) Fiberglass - Fiberglass Gutters Co.

Leaders (material and size): Fiberglass 2"

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 10" Rake 8" Soffit (Overhang) 4" Corner boards 5/4 x 6 Frieze 6"
 Window Casing 1 x 4 Door Frame 1 x 4 Columns/Posts: Round _____ Square 6"

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

Doors* (type and material): TDL SDL Front 4 LIGHT 2 PANEL Rear 6 LIGHT GLIDING Side 4 LIGHT 2 PANEL
 Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall NAT WHITE CEDAR Clapboard (if applicable) _____ Roof YELLOW CEDAR
Trim NANTUCKET GRAY Sash BLACK Doors BLACK
Deck NATURAL MATOGANY Foundation CONC 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 6-11-19 Signature of owner of record RANDY SHARP Signed under penalties of perjury

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°: 43 PARCEL N°: 177
Street & Number of Proposed Work: 76 POLPIS RD
Owner of record: RANDOLPH SHARP
Mailing Address: 92 MIACOMET AVE
NANTUCKET
Contact Phone #: 508 560 2090 E-mail: Randysharp@comcast.net

AGENT INFORMATION (if applicable)

Name: THORNEWELL DESIGN, LLC
Mailing Address: 48 DUKE'S RD
NANTUCKET, MA 02551
Contact Phone #: 228-9161 E-mail:

FOR OFFICE USE ONLY	
Date application received: <u>1/8/2020</u>	Fee Paid: \$ <u>666.40</u>
Must be acted on by: <u>3/14/2020</u>	
Extended to:	
Approved: <u>[Signature]</u>	Disapproved:
MEMBER	
CHAIRMAN: <u>[Signature]</u>	
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 Hardscaping Move Building Demolition Revisions to previous Cert. No. _____
- Pool (Zoning District _____) Roof Other _____

Size of Structure or Addition: Length: 26 Sq. Footage 1st floor: 332 Decks/Patio: Size: _____ 1st floor 2nd floor
Width: 14 Sq. footage 2nd floor: _____ Size: _____ 1st floor 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North 14" ± South 15' 6" ± East _____ West _____

Additional Remarks

- REVISIONS***
1. East Elevation
 2. South Elevation
 3. West Elevation
 4. North Elevation

Historic Name: _____
Original Date: _____
Original Builder: _____
Is there an HDC survey form for this building attached? Yes N/A

*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 1/12 Secondary Mass 1/12 Dormer 1/12 Other _____
Roofing material: Asphalt: 3-Tab Architectural
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) YELLOW CEDAR

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ 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 10" Rake 8" Soffit (Overhang) 4" Corner boards 5/4x6 Frieze _____

Window Casing 1x4 Door Frame 1x4 Columns/Posts: Round _____ Square _____

Windows*: Double Hung Casement All Wood Other _____

True Divided Lights(muntins), single pane SDL's (Simulated Divided Lights) Manufacturer ANDERSEN

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

Garage Door(s): Type _____ Material _____

Landscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall NAT. WHITE CEDAR Clapboard (if applicable) _____ Roof YELLOW CEDAR
Trim WHITE Sash BLACK Doors WHITE
Deck _____ Foundation NAT. CONC 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 1/8/2020 Signature of owner of record RANDY SHARP Signed under penalties of perjury

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.

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TAX MAP N^o: 43 PARCEL N^o: 177
Street & Number of Proposed Work: 76 POLPIS RD
Owner of record: RANDOLPH SHARP
Mailing Address: 92 MIACOMET AVE
NANTUCKET, MA 02554
Contact Phone #: 508-560-2090 E-mail: randysharp@comcast.net

AGENT INFORMATION (if applicable)

Name: THORNEWILL DESIGN, LLC
Mailing Address: 48 DUKES RD
NANTUCKET, MA 02554
Contact Phone #: 228-9141 E-mail:

FOR OFFICE USE ONLY

Date application received: 11/8/2020 Fee Paid: \$50.00

Must be acted on by: 3/14/2020

Extended to: _____

Approved: Disapproved: _____

MEMBER: _____

CHAIRMAN: _____

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 Hardscaping Move Building Demolition Revisions to previous Cert. No. _____
- Pool (Zoning District _____) Roof Other _____

Size of Structure or Addition: Length: 20 Sq. Footage 1st floor: 200 Decks/Patio: Size: _____ 1st floor 2nd floor

Width: 10 Sq. footage 2nd floor: _____ Size: _____ 1st floor 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: _____

Original Date: _____ (describe) _____

Original Builder: _____

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

*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 9/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: Asphalt: 3-Tab Architectural

Wood (Type: Red Cedar, White Cedar, Shakes, etc.) yellow cedar

Fence: Height: _____

Type: _____

Length: _____

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

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Shutters: Wood Aluminum Copper Leaders (material) _____

Leaders (material and size): _____

Siding wall: 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 10" Rake 8" Soffit (Overhang) 4" Corner boards 5/4 x 6 Frieze _____

Window Casing 1x4 Door Frame 1x4 Columns/Posts: Round _____ Square _____

Windows*: Double Hung Casement All Wood Other _____

True Divided Lights (muntins), single pane SDL's (Simulated Divided Lights) Manufacturer ANDERSEN

Doors* (type and material): TDL SDL Front 6" VERT. BOARD + BATTEN Side _____

Garage Door(s): Type _____ Material _____

Landscape materials: Driveways _____ Walkways _____ Walls _____

Note: Complete door and window schedules are required.

COLORS

Siding wall NAT. WHITE CEDAR Clapboard (if applicable) _____ Roof YELLOW CEDAR

Trim WHITE Sash BLACK Doors _____

Deck _____ Foundation NAT. CONC. 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 of 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.

APPROVED

HDC2020-01-0473

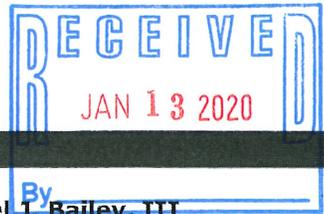
No Exterior Changes Without HDC Approval

**Peter BRAVERMAN &
Michael ASHNER, Trustees
WINTHROP NANTUCKET
NOMINEE TRUST**

**7-9 SALEM ST.
2-4 NEW WHALE ST.**

FILE NO. 04-20

VARIANCE



PIERCE ATWOOD

By Daniel J. Bailey, III

ZBA
0420

100 Summer Street
22nd Floor
Boston, MA 02110

617.488.8165 voice
617.824.2020 fax
dbailey@pierceatwood.com
www.pierceatwood.com

Admitted in: MA

January 13, 2020

Susan McCarthy, Chair
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

RE: Variance Application, 7-9 Salem Street and 2-4 New Whale Street

Dear Chairperson McCarthy:

We represent Peter Braverman and Michael Ashner, trustees of Winthrop Nantucket Nominee Trust ("Winthrop"). Winthrop owns a large parcel of land at 7-9 Salem Street and 2-4 New Whale Street. The Harbor Fuel Tank Farm and the Stop and Shop are located on this parcel.

2020 JAN 13 PM 1:34
NANTUCKET
TOWN CLERK

The Planning Board recently approved an ANR Plan for the site. 2-4 New Whale Street and 7-9 Salem Street are now separate lots. We are requesting a side/rear yard variance because the distance between the Tank Farm outer containment wall and the Stop and Shop building is less than the required 5 feet.

Enclosed please find the following:

1. Two copies of the paper application for a variance;
2. An abutters list;
3. A locus plan;
4. A site plan, which is titled "Approval Not Required Plan, 9 Salem Street, Nantucket, Mass.," dated May 7, 2019; and
5. A check in the amount of \$450.

Sincerely yours,

Daniel J. Bailey

DJB/smg



2020 JAN 13 PM 1:34
NANTUCKET
TOWN CLERK

TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 04-20

Owner's name(s): Peter Braverman and Michael Ashner, Trustees of Winthrop Nantucket Nominee Trust

Mailing address: Winthrop Financial Associates, 7 Bulfinch Place, PO Box 9507 Boston, MA 02114

Phone Number: 617-570-4614 E-Mail: pbraverman@winthropmanagement.com

Applicant's name(s): c/o Daniel J. Bailey, III, Esq., Pierce Atwood LLP

Mailing Address: 100 Summer Street, 22nd Floor, Boston, MA 02110

Phone Number: 617-488-8165 E-Mail: dbailey@pierceatwood.com

Locus Address: 7 & 9 Salem Street, 2 & 4 New Whale Street Assessor's Map/Parcel: 42.3.1-88 and 42.3.1-89

Land Court Plan/Plan Book & Page/Plan File No.: See Exhibit A Attached

Deed Reference/Certificate of Title: See Exhibit A Zoning District Residential – Commercial (RC)
Attached

Uses on Lot- Commercial: None Yes (describe) Supermarket / Oil Storage Facility

Residential: Number of dwellings 0 Duplex 0 Apartments 0

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

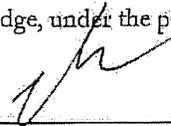
Building Permit Numbers: N/A

Previous Zoning Board Application Numbers: N/A

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

See attached Exhibit B.

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*

*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
508 325-7587 telephone 508-228-7298 facsimile

EXHIBIT A

The owner's title to Lots 3, 4, 6, 8 and 10 are derived under deed from Winthrop Nantucket Limited Partnership dated September 10, 1996 and filed with the Nantucket District Registry of the Land Court as Certificate of Title No. 17520. The owner's title to Lots 15 and 16 are derived under deed from Michael L. Ashner and Peter Braverman, Trustees of Sherburne Associates Realty Trust dated June 10, 2005 and filed with the Nantucket District Registry of the Land Court as Certificate of Title No. 12975. The Nantucket Assessor Map and Parcel Numbers are as follows:

- 7 Salem Street – 4231/141 (Lot 3)
- 9 Salem Street – 4231/89 (Lots 6 and 10)
- 2 New Whale Street – 4231/87 (Lots 4 and 8)
- 4 New Whale Street – 4231/88 (Lots 15 and 16)

EXHIBIT B

Application for Side/Rear Yard Setback Variance

Peter Braverman and Michael Ashner, as Trustees of Winthrop Nantucket Nominee Trust (“Winthrop”) are requesting a variance from the side/rear Setback requirements listed in § 139-16 of the Nantucket Zoning Bylaw (the “Bylaw”) for the property located at 7-9 Salem Street and 2-4 New Whale Street. 7-9 Salem Street is the location of the downtown Stop and Shop; 2-4 New Whale Street is the location of the Harbor Fuel Tank Farm.

The Stop and Shop (formerly the A&P) and the Tank Farm have coexisted on a single lot (Lot 6, Land Court Plan 13642D – copy attached as Exhibit B-1) since redevelopment of downtown Nantucket by Walter Beinecke in the late 1960s and early 1970s. The distance between the eastern wall of the Stop and Shop building and certain Tank Farm structures varies from under a foot to just over five feet, and has been this way since their construction over 50 years ago.

On January 9, 2019, the Nantucket Planning Board endorsed an Approval Not Required Plan (“ANR Plan”) dividing Lot 6 into Lots 6A and 6B. A copy of the ANR Plan is enclosed with this application. The property line between Lots 6A and 6B is along the western edge of the Tank Farm containment wall and then along the south side of the Stop and Shop building. The ANR Plan also divided the Stop and Shop parking lot (Lot 4 on Land Court Plan 13642C) into Lots 4A and 4B.

The purpose of the ANR Plan is to facilitate the redevelopment of the Stop and Shop, Stop and Shop parking lot, and Tank Farm properties. The Harbor Fuel lease of the Tank Farm expired at the end of 2019. The Board of Selectmen recently renewed the Tank Farm’s flammable storage license, but only for one year, and only for two tanks, which will be used solely to provide fuel to the Nantucket Boat Basin.

It is not possible to divide Lot 6 in full compliance with the Zoning Bylaw. There is simply not enough space between the Tank Farm and the Stop and Shop to satisfy the five foot setback requirement.

The need for a variance stems, in large part, from the historic use of the site as a storage facility for marine fuel. In the past, providing a storage site for marine fuel was critical for Nantucket residents and businesses, and for the economic health of Nantucket Harbor, but it came at the cost of environmental contamination of the site. The Tank Farm site is unique because it is contaminated with the byproducts of the historic fuel storage facility, in a way that is specific to the site itself but that does not generally affect the larger RC Zoning District.

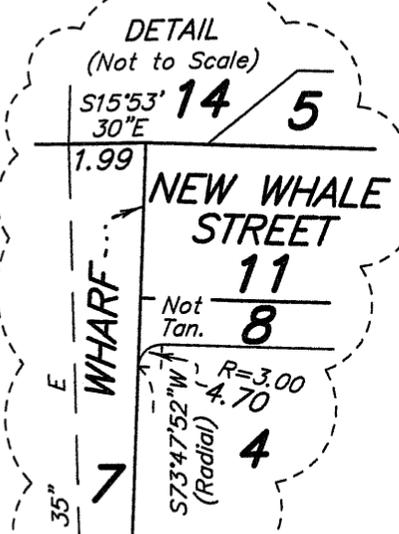
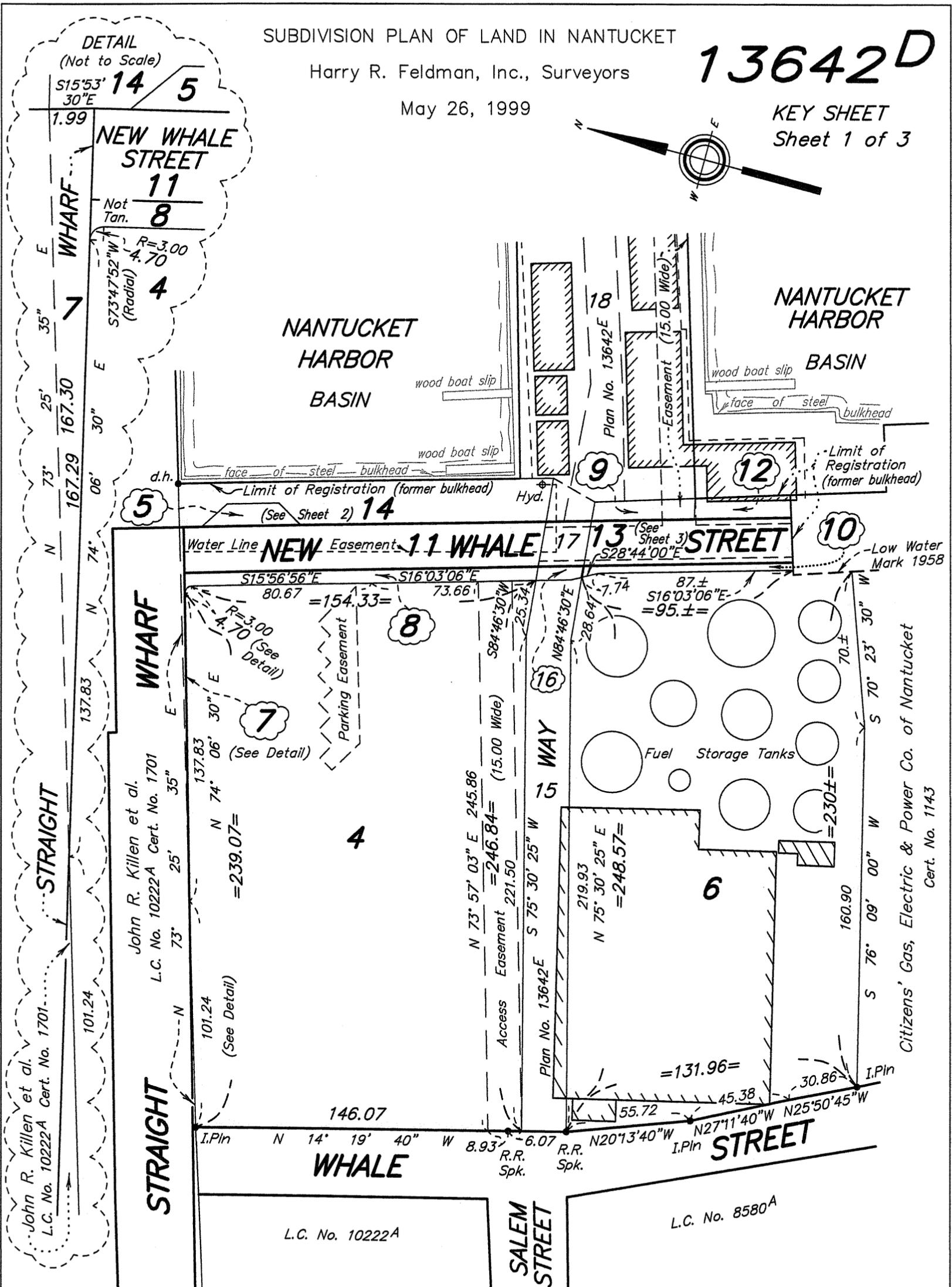
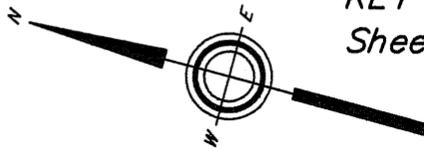
SUBDIVISION PLAN OF LAND IN NANTUCKET

Harry R. Feldman, Inc., Surveyors

May 26, 1999

13642D

KEY SHEET
Sheet 1 of 3



Subdivision of Lots 1 and 2
Shown on Plan 13642-C
Filed with Cert. of Title No. 4833
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon and on Sheets 2 and 3 as Lots 4 through 14 By the Court.

Abutters are shown as on original decree plan.

Deborah J. Patterson
Recorder

MAY 11, 2005

EFPI
JMF-03W7

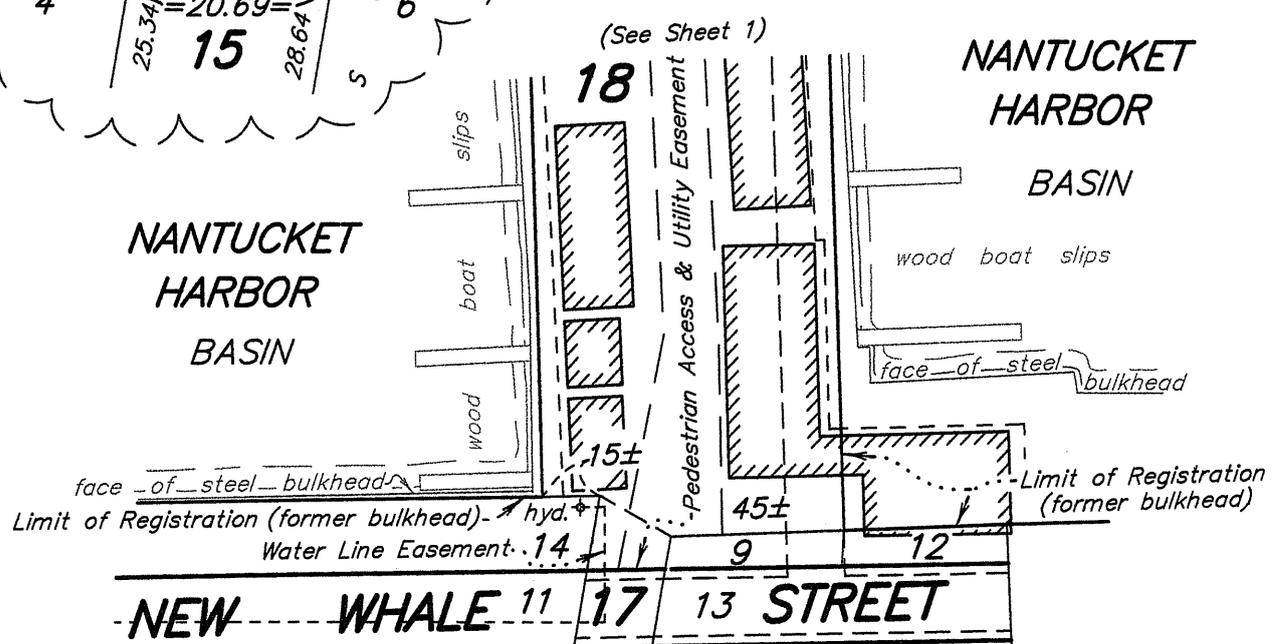
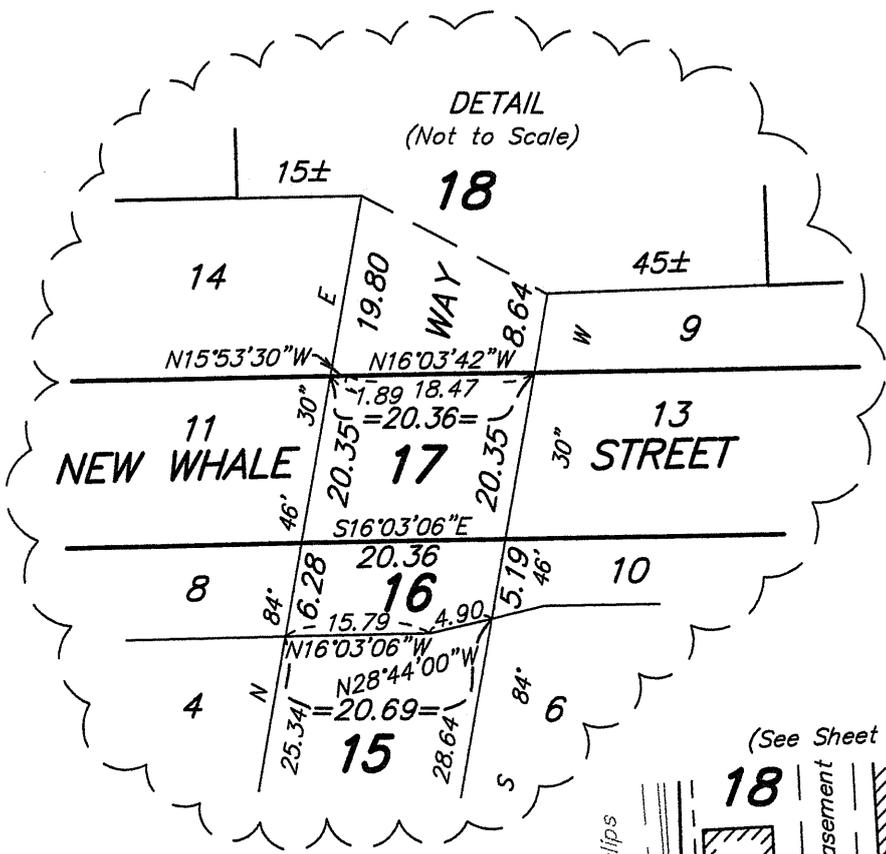
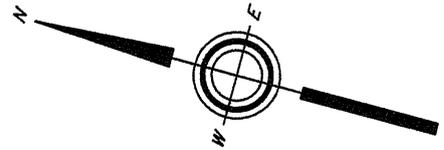
Copy of part of plan
filed in
LAND REGISTRATION OFFICE
SEPT. 6, 2002
Scale of this plan 50 feet to an inch
G.T. Capellanis, Deputy Engineer for Court

THIS PLAN FILED WITH CERTIFICATE NO. 17520

Citizens' Gas, Electric & Power Co. of Nantucket
Cert. No. 1143

13642E

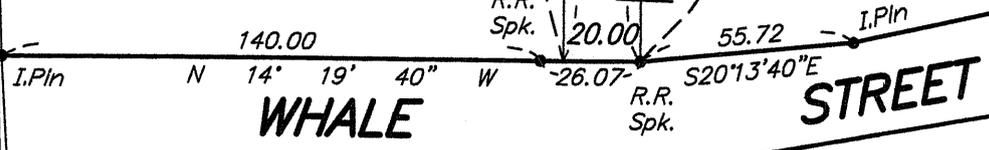
Sheet 2 of 2



Plan No. 13642D
Cert. No. -----

Plan No. 13642D
Cert. No. -----

STRAIGHT WHARF
L.C. No. 10222A

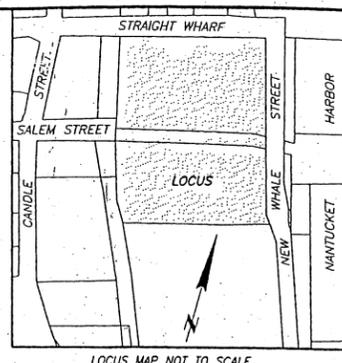
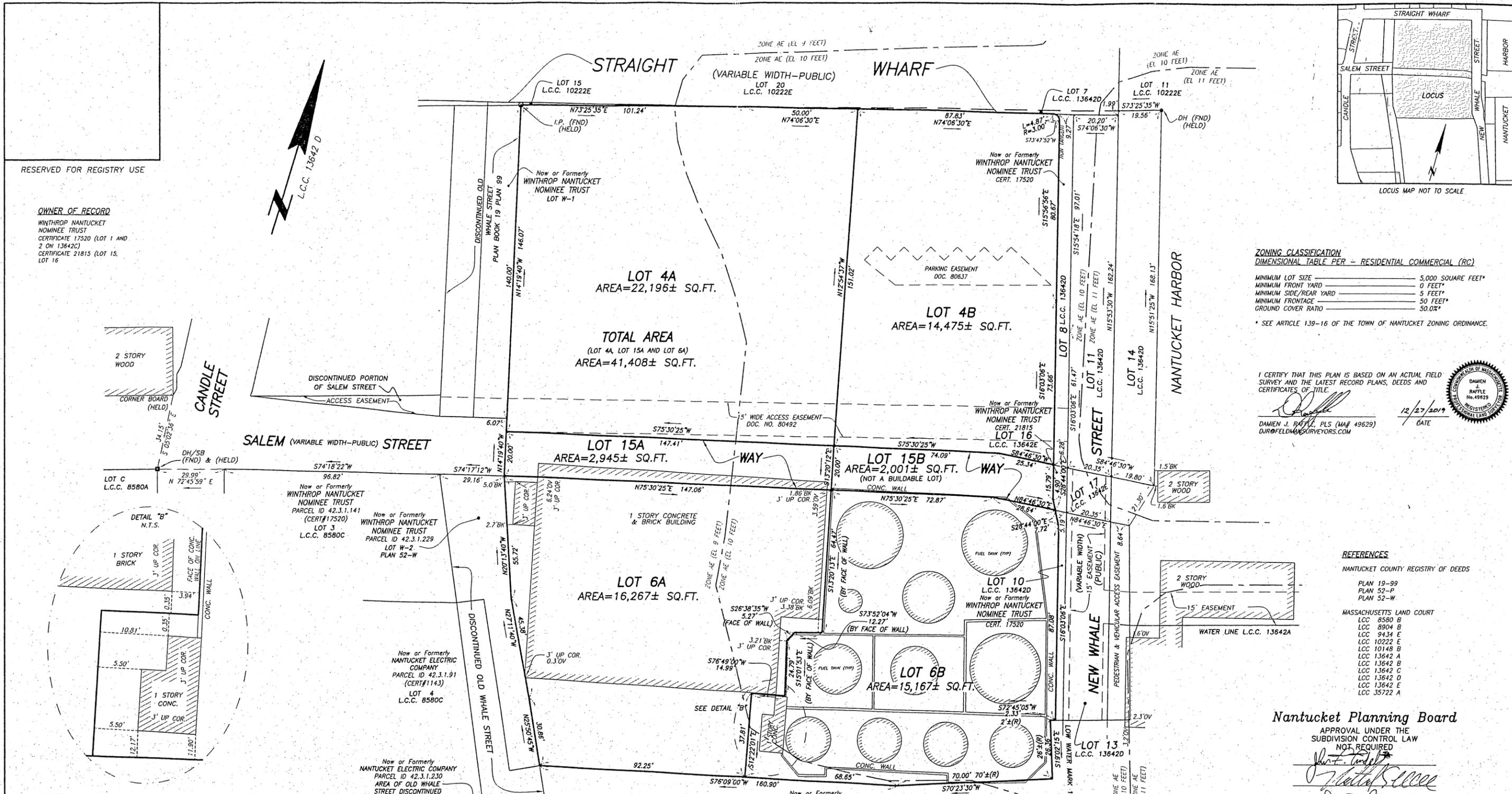


L.C. No. 10222A

L.C. No. 8580A

EFPI
JMF-09RA

Scale of this plan 50 feet to an inch



RESERVED FOR REGISTRY USE

OWNER OF RECORD
 WINTHROP NANTUCKET
 NOMINEE TRUST
 CERTIFICATE 17520 (LOT 1 AND
 2 ON 13642C)
 CERTIFICATE 21815 (LOT 15,
 LOT 16)

ZONING CLASSIFICATION
 DIMENSIONAL TABLE PER - RESIDENTIAL COMMERCIAL (RC)

MINIMUM LOT SIZE	5,000 SQUARE FEET*
MINIMUM FRONT YARD	0 FEET*
MINIMUM SIDE/REAR YARD	5 FEET*
MINIMUM FRONTAGE	50 FEET*
GROUND COVER RATIO	50.0%*

* SEE ARTICLE 139-16 OF THE TOWN OF NANTUCKET ZONING ORDINANCE.

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND THE LATEST RECORD PLANS, DEEDS AND CERTIFICATES OF TITLE.

Damen J. Raffle
 DAMIEN J. RAFFLE, PLS (MA# 49629)
 D.JR@FELDMANLANDSURVEYORS.COM

12/27/2019 DATE



- REFERENCES**
- NANTUCKET COUNTY REGISTRY OF DEEDS
 - PLAN 19-99
 - PLAN 52-P
 - PLAN 52-W
 - MASSACHUSETTS LAND COURT
 - LCC 8580 B
 - LCC 8904 B
 - LCC 9434 E
 - LCC 10222 E
 - LCC 10148 B
 - LCC 13642 A
 - LCC 13642 B
 - LCC 13642 C
 - LCC 13642 D
 - LCC 13642 E
 - LCC 35722 A

Nantucket Planning Board

APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW
 NOT REQUIRED

John T. ...
David ...

DATE APPROVED: 01-09-2020
 DATE ENDORSED: 01-09-2020
 PLANNING BD. FILE NO.: PLSUB-2020-01-00020
 THE PLANNING BOARD DETERMINES THAT:
 LOTS 4A, 6A AND 15A COMBINED AND LOTS 4B AND 6B
 CONTAIN ADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET
 ZONING BYLAW, TO COMPLY WITH MINIMUM AREA
 REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

**APPROVAL NOT REQUIRED PLAN
 9 SALEM STREET
 NANTUCKET, MASS.**

FELDMAN LAND SURVEYORS MAY 7, 2019
 152 HAMPDEN STREET PHONE: (617)357-9740
 BOSTON, MASS. 02119 www.feldmansurveyors.com

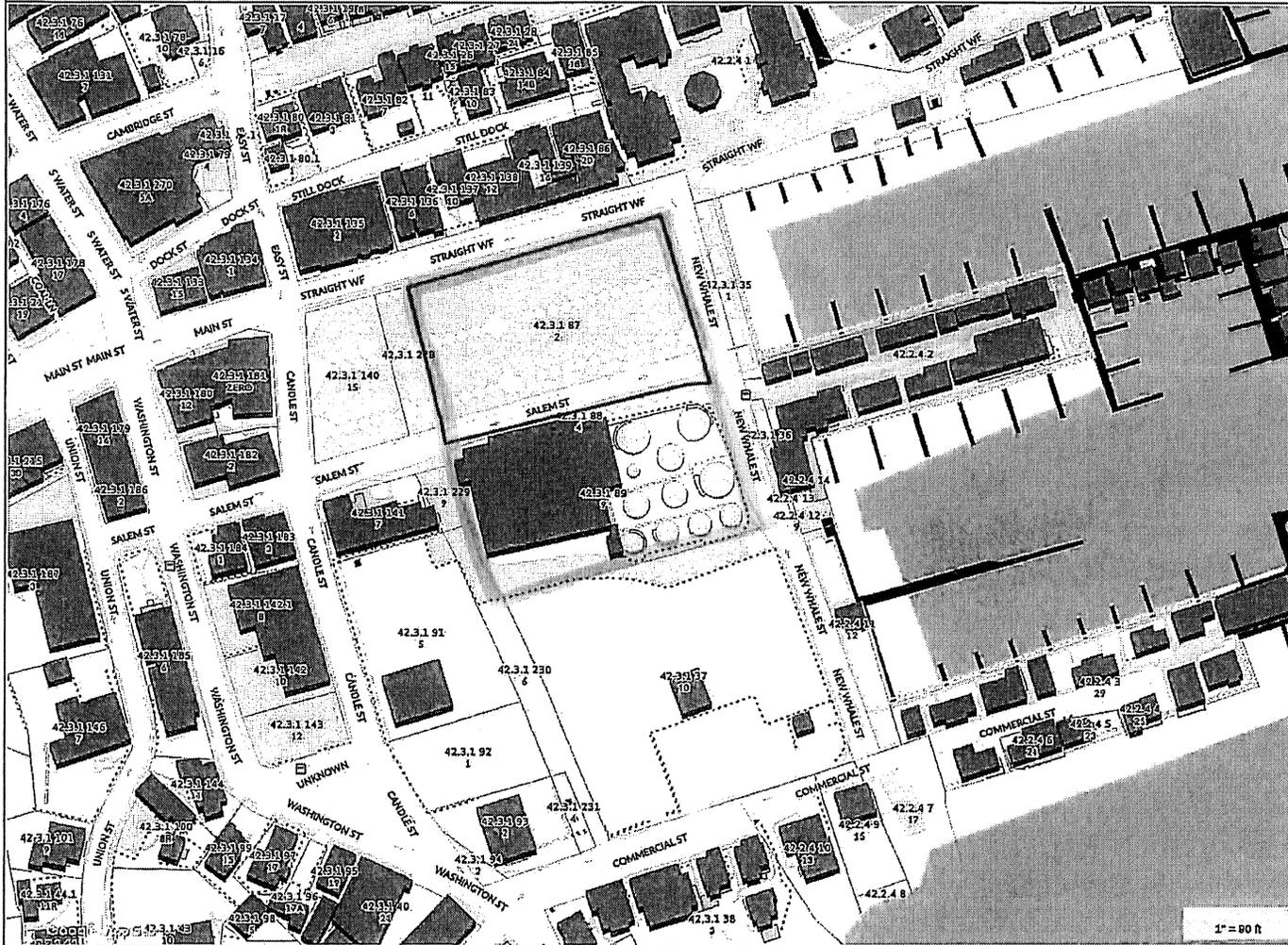


RESEARCH EC	FIELD CHIEF ST	PROJ MGR DJR	APPROVED 152	SHEET NO. 1 OF 1
CALC EC	CADD EC	FIELD CHECKED ST	CRD FILE 16732	JOB NO. 16732

- LEGEND**
- DRILL HOLE
 - BOUND FOUND WITH DRILL HOLE
 - IRON PIPE
 - CERT CERTIFICATE
 - COR CORNER
 - CONC CONCRETE
 - DH DRILL HOLE
 - BK BACK
 - OV OVER
 - FND FOUND
 - IP IRON PIPE
 - L.C.C. LAND COURT CASE
 - SB STONE BOUND
 - SQ. FT. SQUARE FEET
 - TP TYPICAL

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE:
 LOT 5 (LCC 13642 D) INTO LOT 6A AND LOT 6B;
 LOT 4 (LCC 13642 D) INTO LOT 4A AND LOT 4B; AND
 LOT 15 (LCC 13642 E) INTO LOT 15A AND 15B.
 - LOTS 4A, 6A, AND 15A TO BE CONVEYED INTO COMMON OWNERSHIP AND CONSIDERED A SINGLE PARCEL FOR ZONING PURPOSES.
 - LOTS 4B AND 15B TO REMAIN UNDER COMMON OWNERSHIP AND CONSIDERED A SINGLE PARCEL FOR ZONING PURPOSES.
 - LOTS 6B AND 10 TO REMAIN UNDER COMMON OWNERSHIP AND CONSIDERED A SINGLE PARCEL FOR ZONING PURPOSES.
 - LOT 4 AND LOT 6, SHOWN ON LCC 13642D AND LOT 15, SHOWN ON LCC 13642E, ARE REQUIRED TO BE WITHDRAWN FROM REGISTRATION PRIOR TO THIS SUBDIVISION TAKING EFFECT.

tank farm



Property Information
 Property ID 42.3.1.87
 Location 2 NEW WHALE ST
 Owner MCCREADY RICHARD J ETAL TRS



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.

Geometry updated 11/13/2018
 Data updated 11/19/2018

RECEIVED
BOARD OF ASSESSORS
JAN 15 2020
TOWN OF
NANTUCKET, MA

65

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Winthrop Nantucket Nominee Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 7 & 9 Salem Street and 2 & 4 New Whale Street
ASSESSOR MAP/PARCEL..... Map 42.3.1, Parcels 141, 229, 89, 87 and 88
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2)).

1-15-2020
DATE

RHJ
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
4224		1		NIR RETAIL LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	STRAIGHT WF
4224		2		NIR RETAIL LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA	BOSTON	MA 02116	OLD SOUTH WF
4224		3		NANTUCKET BOAT BASIN LLC	C/O NEW ENGLAND DEVELOPMENT ACCTING	75 PARK PLAZA #3	BOSTON	MA 02116	29 COMMERCIAL WF
4224		4		BARNEY WILLIAM H III & RUTH M		2222 ROCKINGHAM DRIVE	TROY	OH 45373	25 COMMERCIAL WF
4224		6		COREY RICHARD G TRUSTEE	21 COMMERCIAL WHARF NOM TR	895 PARK AVE #2A	NEW YORK	NY 10022	21 COMMERCIAL WF
4224		7		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA 02554	17 COMMERCIAL WF
4224		9		ROWLAND MILTON & ROBERTA		15 DEER RUN RD	NANTUCKET	MA 02554	15 COMMERCIAL WF
4224		10		MULLER DAVID F		580 WASHINGTON ST PH02	BOSTON	MA 02111	13 COMMERCIAL WF
4224		11		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451-2286	12 NEW WHALE ST
4224		12		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451-2286	9 NEW WHALE ST
4224		13		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	7 NEW WHALE ST
4224		14		NIR RETAIL LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	11 NEW WHALE ST
4224		15		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	STRAIGHT WF
4231		17		BRANT POINT PARTNERS LLC		251 MAIN STREET	HUNTINGTON	NY 11743	7 EASY ST
4231		18		ANDREWS VIRGINIA F		P O BOX 1182	NANTUCKET	MA 02554	4 OLD NORTH WF
4231		19		AEDCONW LLC		6500 ROCK SPRING DRIVE S	BETHESDA	MD 20817	6 OLD NORTH WF
4231		20		JONES HARVEY C JR TRST		300 RIDGEVIEW DRIVE	PALM BEACH	FL 33480	8 OLD NORTH WF
4231		23		SEASCENE LLC		6500 ROCK SPRING DR SUIT	BETHESDA	MD 20817	10 OLD NORTH WF
4231		24		PUNNETT NICHOLAS TRST	ENTERPRISE TRUST	C/O 49 MILK STREET	NANTUCKET	MA 02554	11 OLD NORTH WF
4231		26		MALONEY ROSALIE T FKA GRENNAN		2430 TRACY PLACE NW	WASHINGTON	DC 20008	15 OLD NORTH WF
4231		27		TACK3 LLC	C/O BATTERY GLOBAL ADVISORS	ONE MARINA PARK DR STE 11	BOSTON	MA 02210	17 OLD NORTH WF
4231		28		FARRELL ACK LLC		1512 S E 11 STREET	FORT LAUDERDALE	FL 33316	21 OLD NORTH WF
4231		35		NIR RETAIL LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	1 NEW WHALE ST
4231		37		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	10 NEW WHALE ST
4231		38		TACK3 LLC	C/O HARBORVIEW NANTUCKET	24 WASHINGTON ST	NANTUCKET	MA 02554	3 COMMERCIAL ST
4231		39		WHELDEN LARRY B TR	N L T NOMINEE TRUST	PO BOX 454	NANTUCKET	MA 02554	23 WASHINGTON ST
4231		40		AMERICAN LEGION	BYRON L SYLVARO POST # 82	PO BOX 265	NANTUCKET	MA 02554	21 WASHINGTON ST
4231		78		LOTHIAN DEBORAH K & WILLIAM TRS	TEN EASY STREET NOMINEE TRUST	PO BOX 877	NANTUCKET	MA 02554	10 EASY ST
4231		79		GIFFORD JOHN F TR	FAWN GROVE REALTY TRUST	86 COLBOURNE CR	BROOKLINE	MA 02445	4 EASY ST
4231		80		3S INVESTMENTS LLC		200 EAST 66TH ST APT A-7	NEW YORK	NY 10065	1R OLD NORTH WF
4231		80	1	KILLEN PATIENCE E		PO BOX 606	NANTUCKET	MA 02554	1 OLD NORTH WF
4231		81	2	GIFFORD JOHN F TR		86 COLBOURNE CRESANT	BROOKLINE	MA 02445	3 OLD NORTH WF
4231		82		SIMBLARIS LAMPE LEAH TRST	OLDNAN REALTY TRUST	17 SMITHS POINT RD	MANCHESTER	MA 01944	7 OLD NORTH WF
4231		83		LAWTON ERNEST J & SUSAN P		33 PENINSULA ROAD	BELVEDERE	CA 94920-2325	10 STILL DOCK
4231		84	1	GLIDDEN RICHARD J TRST		37 CENTER STREET	NANTUCKET	MA 02554	14B STILL DOCK
4231		86		20 STRAIGHT WHARF LLC		745 BOYLSTON ST STE 601	BOSTON	MA 02116	20 STRAIGHT WF
4231		87		MCCREADY RICHARD J ETAL TRS	C/O WINTHROP MANAGEMENT LP	PO BOX 9507	BOSTON	MA 02114-9507	2 NEW WHALE ST
4231		88		WINTHROP NANTUCKET NOM TRUST	C/O WINTHROP MANAGEMENT LP	PO BOX 9507	BOSTON	MA 02114-9507	4 NEW WHALE ST
4231		89		MCCREADY RICHARD J ETAL TRSTS	WINTHROP MANAGEMENT LP	PO BOX 9507	BOSTON	MA 02114-9507	9 SALEM ST
4231		91		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	5 CANDLE ST
4231		92		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	1 CANDLE ST
4231		93		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	2 COMMERCIAL ST
4231		94		NANTUCKET COUNTY OF		16 BROAD ST	NANTUCKET	MA 02554	2 COMMERCIAL ST
4231		96		17A WASHINGTON ST LLC		955 CONNECTICUT AV #5103	BRIDGEPORT	CT 06607	17A WASHINGTON ST
4231		97		17A WASHINGTON ST LLC		19 FIVE MILE ROAD	DARIEN	CT 06820	17 WASHINGTON ST
4231		99		BERRY MAX N TRST	BERRY REV REALTY TRUST	2716 CHESAPEAKE STREET N	WASHINGTON	DC 20008	15 WASHINGTON ST

**ABUTTERS LISTING
NANTUCKET, MA**

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
4231		100	1	DIEM PAMELA LYNN		318 HARVARD ST	CAMBRIDGE	MA 02139	8R UNION ST
4231		131		F C MAC CORPORATION ETAL		P O BOX 662	BELLVUE	ID 83313	7 S WATER ST
4231		133		PACIFIC CLUB INC		PO BOX 1227	NANTUCKET	MA 02554	15 MAIN ST
4231		134		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	1 MAIN ST
4231		135		NIR RETAIL LLC	NEW ENGLAND DEVELOPMENT	75 PARK PLAZA #3	BOSTON	MA 02116	2 STRAIGHT WF
4231		136	1	GTKT LLC		10061 RIVERSIDE DR #535	TOLUCA LAKE	CA 91602	6 STRAIGHT WF
4231		137		TEN STRAIGHT WHARF LLC		155 SURPLUS ST	DUXBURY	MA 02332	10 STRAIGHT WF
4231		138		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA 02554	12 STRAIGHT WF
4231		139		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	16 STRAIGHT WF
4231		140		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	15 CANDLE ST
4231		141		MCCREADY RICHARD J ETAL TRSTS	WINTHROP MANAGEMENT LLP	PO BOX 9507	BOSTON	MA 02114-9507	7 SALEM ST
4231		142		GREENHOUND LLC		ZERO MAIN STREET	NANTUCKET	MA 02554	10 WASHINGTON ST
4231		142	1	LEICHTER DOROTHY M TR	C/O SUSAN THURSTON	PO BOX 405	NANTUCKET	MA 02554	8 WASHINGTON ST
4231		143		GREENHOUND LLC		ZERO MAIN STREET	NANTUCKET	MA 02554	12 WASHINGTON ST
4231		144		SWEET PEA ACK LLC		73 MAIN ST	NANTUCKET	MA 02554	11 WASHINGTON ST
4231		146		WATERFALL ENTERPRISES INC		7 UNION ST	NANTUCKET	MA 02554	7 UNION ST
4231		178		MICHAEL SCOTT REALTY CORP		BOX 538	NANTUCKET	MA 02554	17 MAIN ST
4231		179		RALPH LAUREN RETAIL INC	ATT: LEASE ACCOUNTING	201 N PENDLETON ST	HIGH POINT	NC 27260	16 MAIN ST
4231		180		ISLANDER REALTY TRUST		PO BOX 40064	ST PETERSBURG	FL 33743	12 MAIN ST
4231		181		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	ZERO MAIN ST
4231		182		NIR RETAIL LLC	NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA 02116	2 WASHINGTON ST
4231		183		WINTHROP NANTUCKET 3 REALTY TR	C/O WINTHROP MANAGEMENT LP	PO BOX 9507	BOSTON	MA 02114-9507	3 SALEM ST
4231		184		ONE SALEM STREET LLC	C/O VILLAGE SHOPS	6174 A1A	VERO BEACH	FL 32963	1 SALEM ST
4231		185		REUNION LLC	C/O BETH N BROOKS	6 UNION ST	NANTUCKET	MA 02554	6 UNION ST
4231		186		NANTUCKET HISTORICAL ASSN		PO BOX 1016	NANTUCKET	MA 02554	2 UNION ST
4231		187		BELL ATLANTIC/NE TELEPHONE	C/O VERIZON NEW ENGLAND INC	C/O DUFF & PHELPS BOX 27	ADDISON	TX 75001	3 UNION ST
4231		214	1	MLECZKO PRISILLA TR	TOGETHER REALTY TRUST	3 HINCKLEY LANE	NANTUCKET	MA 02554	19 MAIN ST
4231		215		UNION LODGE F & A MASONS		PO BOX 697	NANTUCKET	MA 02554	30 MAIN ST
4231		217		NIR RETAIL II LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEP	75 PARK PLAZA #3	BOSTON	MA 02116	32 MAIN ST
4231		225		OLD NORTH WHARF COOPERATIVE INC		PO BOX 187	NANTUCKET	MA 02554	23 OLD NORTH WF
4231		228		SHERBURNE ASSOCIATES	C/O WINTHROP MANAGEMENT	PO BOX 9507	BOSTON	MA 02114-9507	STRAIGHT WF
4231		229		SHERBURNE ASSOCIATES	C/O WINTHROP MANAGEMENT LP	PO BOX 9507	BOSTON	MA 02114-9507	9 SALEM ST
4231		230		NANTUCKET ELECTRIC COMPANY	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	6 COMMERCIAL ST
4231		231		NANTUCKET ELECTRIC CO	C/O PROPERTY TAX DEPT	40 SYLVAN RD	WALTHAM	MA 02451	4 COMMERCIAL ST
4231		251		OLD NORTH WHARF COOPERATIVE INC		13 PLEASANT ST	NANTUCKET	MA 02554	12 OLD NORTH WF
4231		252		OLD NORTH WHARF COOPERATIVE INC	C/O SANFORD COTTAGE TRUST	1 N BEACH ST	NANTUCKET	MA 02554	14 OLD NORTH WF
4231		253		OLD NORTH WHARF COOPERATIVE INC	C/O HARVEY C JONES JR TRST	300 RIDGEVIEW DRIVE	PALM BEACH	FL 33480	16 OLD NORTH WF
4231		254		OLD NORTH WHARF COOPERATIVE INC	C/O COLEMAN BURKE	52 HOOK ROAD	BEDFORD	NY 10506	18 OLD NORTH WF
4231		255		OLD NORTH WHARF COOPERATIVE INC	WHARF RAT CLUB	P O BOX 664	NANTUCKET	MA 02554	20 OLD NORTH WF
4231		256		OLD NORTH WHARF COOPERATIVE INC	C/O QUICK CHRISTOPHER C	233 SEVENTH ST #305	GARDEN CITY	NY 11530	22 OLD NORTH WF
4231		257		OLD NORTH WHARF COOPERATIVE INC	C/O NEMO LLC - ONE IF BY LAND	450 ROUNDHILL RD	GREENWICH	CT 06831	24 OLD NORTH WF
4231		258		OLD NORTH WHARF COOPERATIVE INC	C/O NEMO TWO LLC	450 ROUND HILL ROAD	GREENWICH	CT 06831	26 OLD NORTH WF
4231		262		OLD NORTH WHARF COOPERATIVE INC	C/O JOHNSON CHARLES B TR	1220 SOUTH OCEAN BLVD	PALM BEACH	FL 33480	25 OLD NORTH WF
4231		270		ISLACK CORP TRUSTEE	SO WATER ASSOC REALTY TR	180 WELLS AV SUITE 100	NEWTON	MA 02459	5A S WATER ST
4231		85	56						18 18 STILL DOCK

4224
NIR RETAIL LLC
C/O NEW ENGLAND DEVELOP-ACCTING I
75 PARK PLAZA #3
BOSTON, MA 02116

4224
NIR RETAIL LLC
C/O NEW ENGLAND DEVELOP-ACCTING I
75 PARK PLAZA
BOSTON, MA 02116

4224
NANTUCKET BOAT BASIN LLC
C/O NEW ENGLAND DEVELOPMENT ACC'
75 PARK PLAZA #3
BOSTON, MA 02116

4224
BARNEY WILLIAM H III & RUTH M
2222 ROCKINGHAM DRIVE
TROY, OH 45373

4224
COREY RICHARD G TRUSTEE
21 COMMERCIAL WHARF NOM TR
895 PARK AVE #2A
NEW YORK, NY 10022

4224
NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

4224
ROWLAND MILTON & ROBERTA
15 DEER RUN RD
NANTUCKET, MA 02554

4224
MULLER DAVID F
580 WASHINGTON ST PH02
BOSTON, MA 02111

4224
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

4224
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

4224
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP'
75 PARK PLAZA #3
BOSTON, MA 02116

4224
NIR RETAIL LLC
C/O NEW ENGLAND DEVELOP-ACCTING I
75 PARK PLAZA #3
BOSTON, MA 02116

4224
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP'
75 PARK PLAZA #3
BOSTON, MA 02116

4231
BRANT POINT PARTNERS LLC
251 MAIN STREET
HUNTINGTON, NY 11743

4231
ANDREWS VIRGINIA F
P O BOX 1182
NANTUCKET, MA 02554

4231
AEDCONW LLC
6500 ROCK SPRING DRIVE STE 5
BETHESDA, MD 20817

4231
JONES HARVEY C JR TRST
300 RIDGEVIEW DRIVE
PALM BEACH, FL 33480

4231
SEASCENE LLC
6500 ROCK SPRING DR SUITE 5
BETHESDA, MD 20817

4231
PUNNETT NICHOLAS TRST
ENTERPRISE TRUST
C/O 49 MILK STREET
NANTUCKET, MA 02554

4231
MALONEY ROSALIE T FKA GRENNAN
2430 TRACY PLACE NW
WASHINGTON, DC 20008

4231
TACK3 LLC
C/O BATTERY GLOBAL ADVISORS
ONE MARINA PARK DR STE 1150
BOSTON, MA 02210

4231
FARRELL ACK LLC
1512 S E 11 STREET
FORT LAUDERDALE, FL 33316

4231
NIR RETAIL LLC
C/O NEW ENGLAND DEVELOP-ACCTING I
75 PARK PLAZA #3
BOSTON, MA 02116

4231
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
TACK3 LLC
C/O HARBORVIEW NANTUCKET
24 WASHINGTON ST
NANTUCKET, MA 02554

4231
WHELDEN LARRY B TR
N L T NOMINEE TRUST
PO BOX 454
NANTUCKET, MA 02554

4231
AMERICAN LEGION
BYRON L SYLVARO POST # 82
PO BOX 265
NANTUCKET, MA 02554

4231
LOTHIAN DEBORAH K & WILLIAM TRS
TEN EASY STREET NOMINEE TRUST
PO BOX 877
NANTUCKET, MA 02554

4231
GIFFORD JOHN F TR
FAWN GROVE REALTY TRUST
86 COLBOURNE CR
BROOKLINE, MA 02445

4231
3S INVESTMENTS LLC
200 EAST 66TH ST APT A-706
NEW YORK, NY 10065

4231
KILLEN PATIENCE E
PO BOX 606
NANTUCKET, MA 02554

4231
GIFFORD JOHN F TR
86 COLBOURNE CRESANT
BROOKLINE, MA 02445

4231
SIMBLARIS LAMPE LEAH TRST
OLDNAN REALTY TRUST
17 SMITHS POINT RD
MANCHESTER, MA 01944

4231
LAWTON ERNEST J & SUSAN P
33 PENINSULA ROAD
BELVEDERE, CA 94920-2325

4231
GLIDDEN RICHARD J TRST
37 CENTER STREET
NANTUCKET, MA 02554

4231
20 STRAIGHT WHARF LLC
745 BOYLSTON ST STE 601
BOSTON, MA 02116

4231
MCCREADY RICHARD J ETAL TRS
C/O WINTHROP MANAGEMENT LP
PO BOX 9507
BOSTON, MA 02114-9507

4231
WINTHROP NANTUCKET NOM TRUST
C/O WINTHROP MANAGEMENT LP
PO BOX 9507
BOSTON, MA 02114-9507

4231
MCCREADY RICHARD J ETAL TRSTS
WINTHROP MANAGEMENT LP
PO BOX 9507
BOSTON, MA 02114-9507

4231
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
NANTUCKET COUNTY OF
16 BROAD ST
NANTUCKET, MA 02554

4231
17A WASHINGTON ST LLC
955 CONNECTICUT AV #5103
BRIDGEPORT, CT 06607

4231
17A WASHINGTON ST LLC
19 FIVE MILE ROAD
DARIEN, CT 06820

4231
BERRY MAX N TRST
BERRY REV REALTY TRUST
2716 CHESAPEAKE STREET NW
WASHINGTON, DC 20008

4231
DIEM PAMELA LYNN
318 HARVARD ST
CAMBRIDGE, MA 02139

4231
F C MAC CORPORATION ETAL
P O BOX 662
BELLVUE, ID 83313

4231
PACIFIC CLUB INC
PO BOX 1227
NANTUCKET, MA 02554

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOPMENT
75 PARK PLAZA #3
BOSTON, MA 02116

4231
GTKT LLC
10061 RIVERSIDE DR #535
TOLUCA LAKE, CA 91602

4231
TEN STRAIGHT WHARF LLC
155 SURPLUS ST
DUXBURY, MA 02332

4231
NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

4231
MCCREADY RICHARD J ETAL TRSTS
WINTHROP MANAGEMENT LLP
PO BOX 9507
BOSTON, MA 02114-9507

4231
GREENHOUND LLC
ZERO MAIN STREET
NANTUCKET, MA 02554

4231
LEICHTER DOROTHY M TR
C/O SUSAN THURSTON
PO BOX 405
NANTUCKET, MA 02554

4231
GREENHOUND LLC
ZERO MAIN STREET
NANTUCKET, MA 02554

4231
SWEET PEA ACK LLC
73 MAIN ST
NANTUCKET, MA 02554

4231
WATERFALL ENTERPRISES INC
7 UNION ST
NANTUCKET, MA 02554

4231
MICHAEL SCOTT REALTY CORP
BOX 538
NANTUCKET, MA 02554

4231
RALPH LAUREN RETAIL INC
ATT: LEASE ACCOUNTING
201 N PENDLETON ST
HIGH POINT, NC 27260

4231
ISLANDER REALTY TRUST
PO BOX 40064
ST PETERSBURG, FL 33743

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

4231
NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

4231
WINTHROP NANTUCKET 3 REALTY TR
C/O WINTHROP MANAGEMENT LP
PO BOX 9507
BOSTON, MA 02114-9507

4231
ONE SALEM STREET LLC
C/O VILLAGE SHOPS
6174 A1A
VERO BEACH, FL 32963

4231
REUNION LLC
C/O BETH N BROOKS
6 UNION ST
NANTUCKET, MA 02554

4231
NANTUCKET HISTORICAL ASSN
PO BOX 1016
NANTUCKET, MA 02554

4231
BELL ATLANTIC/NE TELEPHONE
C/O VERIZON NEW ENGLAND INC
C/O DUFF & PHELPS BOX 2749
ADDISON, TX 75001

4231
MLECZKO PRISILLA TR
TOGETHER REALTY TRUST
3 HINCKLEY LANE
NANTUCKET, MA 02554

4231
UNION LODGE F & A MASONS
PO BOX 697
NANTUCKET, MA 02554

4231
NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING I
75 PARK PLAZA #3
BOSTON, MA 02116

4231
OLD NORTH WHARF COOPERATIVE INC
PO BOX 187
NANTUCKET, MA 02554

4231
SHERBURNE ASSOCIATES
C/O WINTHROP MANAGEMENT
PO BOX 9507
BOSTON, MA 02114-9507

4231
SHERBURNE ASSOCIATES
C/O WINTHROP MANAGEMENT LP
PO BOX 9507
BOSTON, MA 02114-9507

4231
NANTUCKET ELECTRIC COMPANY
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
NANTUCKET ELECTRIC CO
C/O PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

4231
OLD NORTH WHARF COOPERATIVE INC
13 PLEASANT ST
NANTUCKET, MA 02554

4231
OLD NORTH WHARF COOPERATIVE INC
C/O SANFORD COTTAGE TRUST
1 N BEACH ST
NANTUCKET, MA 02554

4231
OLD NORTH WHARF COOPERATIVE INC
C/O HARVEY C JONES JR TRST
300 RIDGEVIEW DRIVE
PALM BEACH, FL 33480

4231
OLD NORTH WHARF COOPERATIVE INC
C/O COLEMAN BURKE
52 HOOK ROAD
BEDFORD, NY 10506

4231
OLD NORTH WHARF COOPERATIVE INC
WHARF RAT CLUB
P O BOX 664
NANTUCKET, MA 02554

4231
OLD NORTH WHARF COOPERATIVE INC
C/O QUICK CHRISTOPHER C
233 SEVENTH ST #305
GARDEN CITY, NY 11530

4231
OLD NORTH WHARF COOPERATIVE INC
C/O NEMO LLC - ONE IF BY LAND
450 ROUNDHILL RD
GREENWICH, CT 06831

4231
OLD NORTH WHARF COOPERATIVE INC
C/O NEMO TWO LLC
450 ROUND HILL ROAD
GREENWICH, CT 06831

4231
OLD NORTH WHARF COOPERATIVE INC
C/O JOHNSON CHARLES B TR
1220 SOUTH OCEAN BLVD
PALM BEACH, FL 33480

4231
ISLACK CORP TRUSTEE
SO WATER ASSOC REALTY TR
180 WELLS AV SUITE 100
NEWTON, MA 02459

KRISTIANA KAY SNYDER

3 SOMERSET RD.

FILE NO. 05-20

SPECIAL PERMIT



TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: \$450.00

File No. 05-20

2020 JAN 27 12:15

NANTUCKET
TOWN CLERK

Owner's name(s): KRISTIANA KAY SNYDER

Mailing address: PO BOX 782, NANTUCKET, MA 02554

Phone Number: 617-686-7914 E-Mail: info@kristykay.com

Applicant's name(s): (SAME)

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 3 SOMERSET ROAD

Assessor's Map/Parcel: 56/18.1

Plan Book & Page: LOT 2, ON PLAN BOOK 25/PAGE 22

Deed Reference/Certificate of Title: 1647/219 Zoning District R-20

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwelling: 2 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 2019 _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: Planning Board File No. 43-19 Special Permit for second driveway curb cut

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: *[Handwritten 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: / / _

From: [Linda Williams](#)
To: [Eleanor Antonietti](#)
Subject: FW: ZONING BOARD
Date: Thursday, January 16, 2020 6:10:20 PM

From: Kristy Kay <info@kristykay.com>
Sent: Thursday, January 16, 2020 3:30 PM
To: Linda Williams <Czarinalinda@comcast.net>
Subject: Re: ZONING BOARD

Linda, hello! Permission granted.

THANK YOU!

Kristy Kay
Principal Designer, KristyKayDesign
617.686.7914
info@kristykay.com
www.KristyKay.com

On Thursday, January 16, 2020, 2:56:18 PM EST, Linda Williams <czarinalinda@comcast.net> wrote:

Hi Kristy,

Can you send me an email ASAP giving me permission to sign the Zoning Board application to fix your front porch. I was drafted last night to put the application in and was able to get it in four days past the deadline. I will get you a copy of it later but need the okay to sign it for you as the owner. Thanks, Linda Williams 508-221-0432

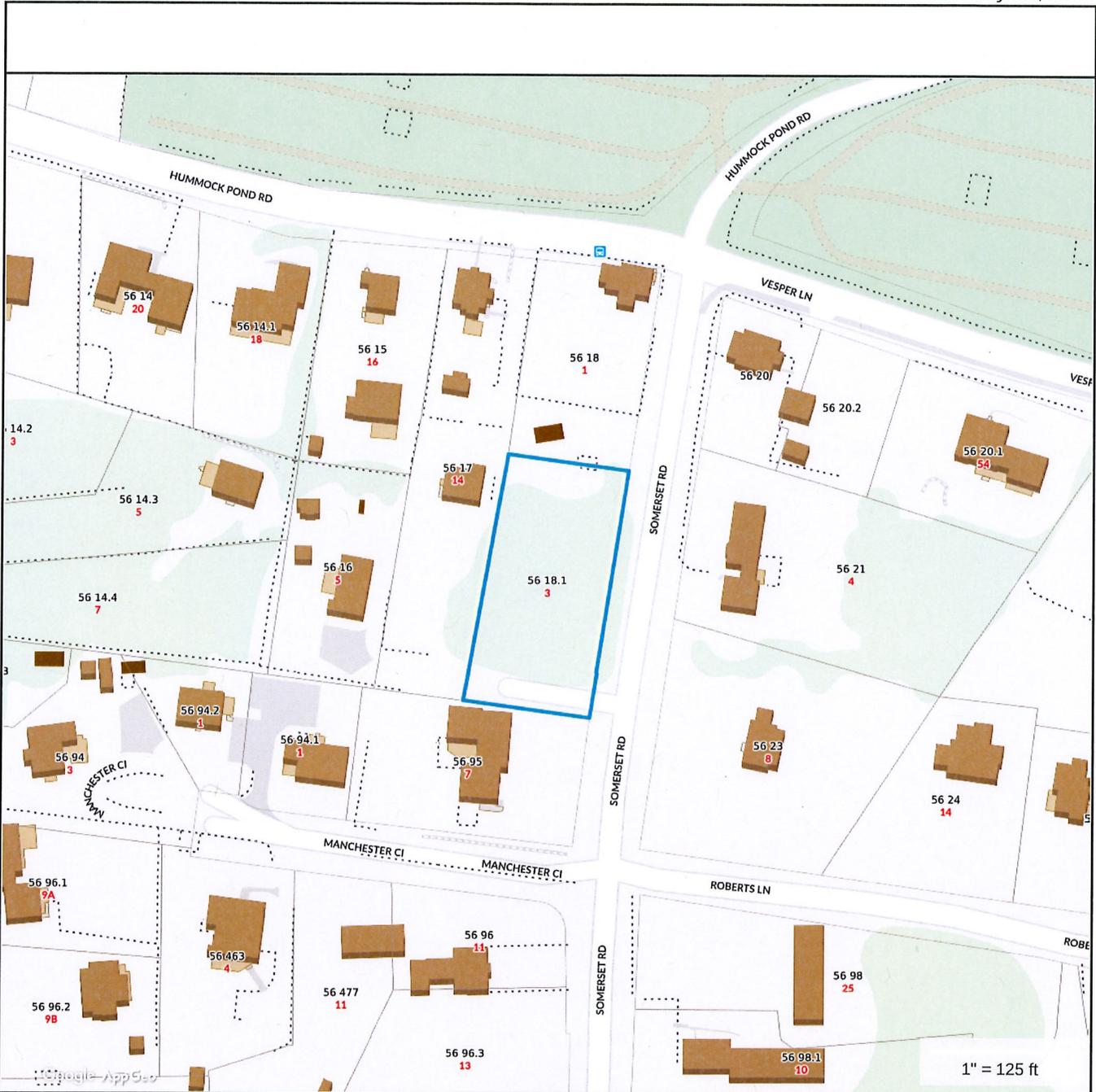
ADDENDUM

Applicant is seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-16C(2) (Intensity regulations – setback). Applicant constructed a primary and secondary single-family dwelling on a lot that is conforming to all dimensional requirements. However, after the “as-built” survey was done in pursuit of the Certificate of Occupancy, it was found that the primary dwelling was sited within the required 30-foot front yard setback area. The structure had been staked by a surveyor prior to construction, a copy of the plan is attached to this Application. No front porch on the east side of the dwelling is indicated on that plan. The Historic District Commission (“HDC”) approval and the plans attached to the Huntington Homes construction packet for the subject dwelling show a front porch on the east side of the dwelling. The contractor built the dwelling pursuant to the plans which resulted in an intrusion into the required front yard setback. The dwelling itself is conforming. However, a portion of the front porch is sited as close as 25 feet, with the steps sited as close as 23.6 feet, from the front yard lot line along Somerset Road. Applicant is seeking to validate the siting of the dwelling with front porch by Special Permit. In addition and in the alternative, Applicant is seeking relief by Variance pursuant to Section 139-16A to the extent necessary to validate the siting of the front porch and steps. Section 139-16C(2) states the following:

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.

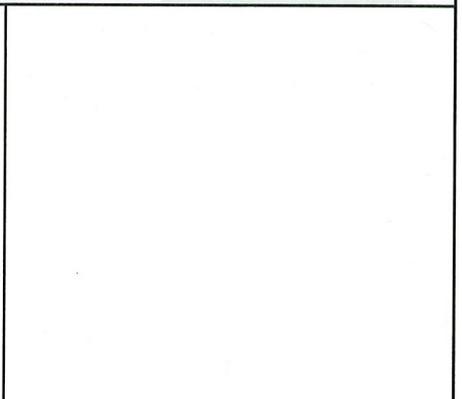
A finding that the burden of correcting the intrusion would outweigh any benefit to an abutter as the intrusion is in the front yard setback and the abutter is Somerset Road, so no other property owner would be adversely affected by allowing the porch to remain in place. Removal of the porch would be costly and significantly affect the architectural design and appearance of the dwelling. A condition of no further construction or expansion of the dwelling within the

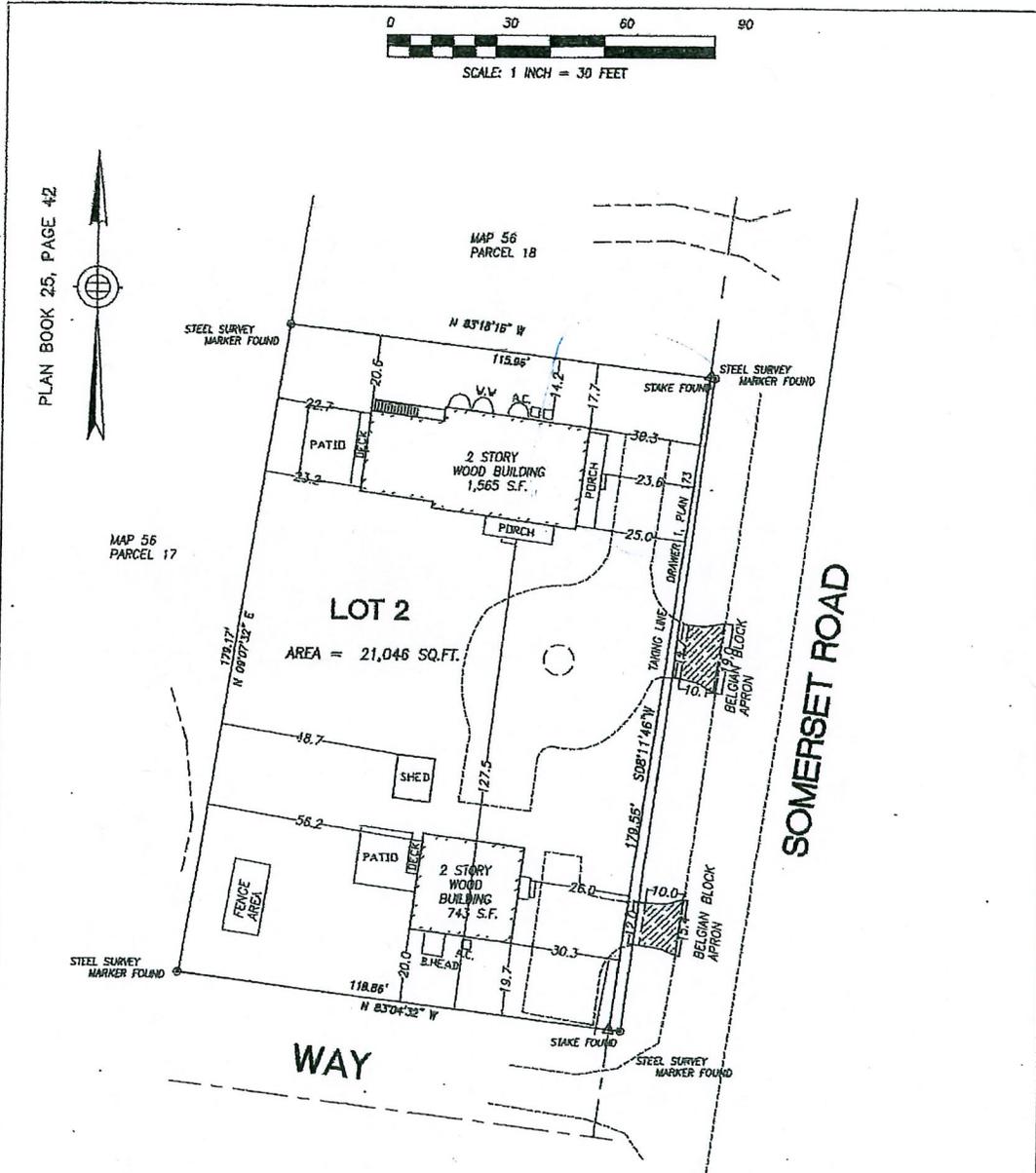
required 30-foot front yard setback area would be appropriate. A review of the aerial map indicates that the siting of the dwelling would not be out of character with the neighborhood.



Property Information	
Property ID	56 18.1
Location	3 SOMERSET RD
Owner	SNYDER KRISTIANA KAY


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.
 Geometry updated 11/13/2018
 Data updated 11/19/2018





ZONING CLASSIFICATION: R- 20
 MINIMUM LOT SIZE = 20,000 SQ. FT.
 MINIMUM FRONTAGE = 75 FT.
 FRONT YARD SETBACK = 30 FT.
 REAR YARD SETBACK = 10 FT.
 SIDE YARD SETBACK = 10 FT.
 GROUND COVER RATIO = 12.5%
 EXISTING GROUND COVER RATIO = 11 %



" AS-BUILT " PLOT PLAN
 NANTUCKET, MA.

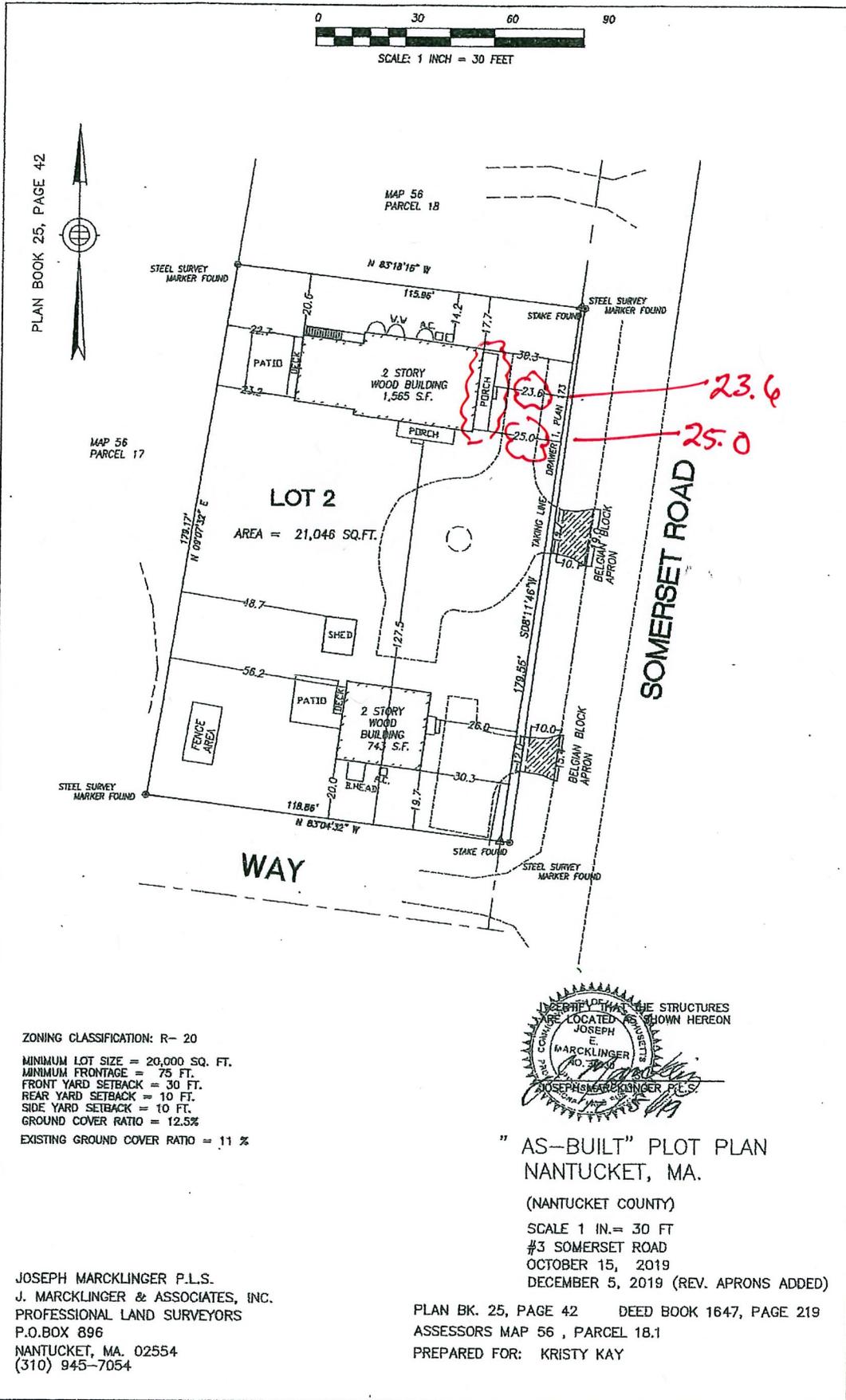
(NANTUCKET COUNTY)
 SCALE 1 IN. = 30 FT
 #3 SOMERSET ROAD
 OCTOBER 15, 2019
 DECEMBER 5, 2019 (REV. APRONS ADDED)

JOSEPH MARCKLINGER P.L.S.
 J. MARCKLINGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 896
 NANTUCKET, MA. 02554
 (310) 945-7054

PLAN BK. 25, PAGE 42 DEED BOOK 1647, PAGE 219
 ASSESSORS MAP 56 , PARCEL 18.1
 PREPARED FOR: KRISTY KAY

AS-BUILT

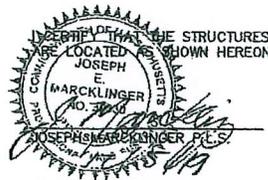
EXHIBIT A



PLAN BOOK 25, PAGE 42

ZONING CLASSIFICATION: R-20
 MINIMUM LOT SIZE = 20,000 SQ. FT.
 MINIMUM FRONTAGE = 75 FT.
 FRONT YARD SETBACK = 30 FT.
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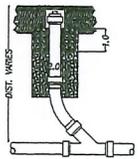
JOSEPH MARCKLINGER P.L.S.
 J. MARCKLINGER & ASSOCIATES, INC.
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 NANTUCKET, MA. 02554
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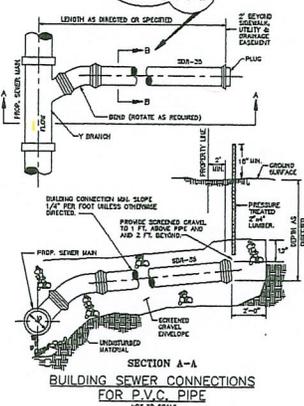
"AS-BUILT" PLOT PLAN
 NANTUCKET, MA.

(NANTUCKET COUNTY)
 SCALE 1 IN. = 30 FT
 #3 SOMERSET ROAD
 OCTOBER 15, 2019
 DECEMBER 5, 2019 (REV. APRONS ADDED)

PLAN BK. 25, PAGE 42 DEED BOOK 1647, PAGE 219
 ASSESSORS MAP 56, PARCEL 18.1
 PREPARED FOR: KRISTY KAY



TYPICAL SEWER CLEANOUT DETAIL
NOT TO SCALE



SECTION A-A
BUILDING SEWER CONNECTIONS
FOR P.V.C. PIPE
NOT TO SCALE

- LEGEND
- PROPOSED FENCE
 - ⊗ PROPOSED LARGE TREE
 - ⊙ PROPOSED PRIVET
 - ⊕ PROPOSED NATURAL GRASS

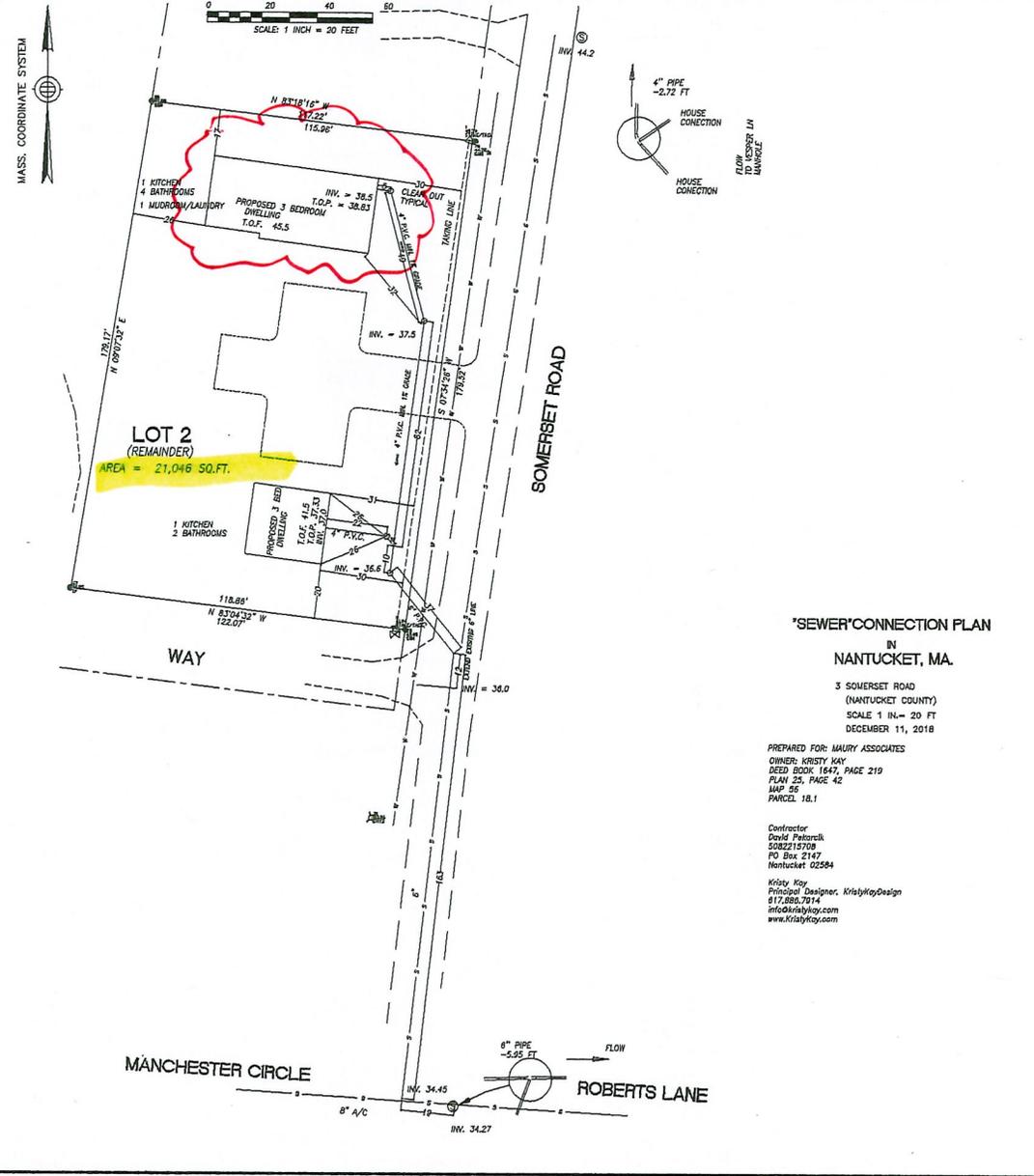
GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARKKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO AN MASSACHUSETTS COORDINATE SYSTEM.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN 100 YEAR FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-NUMBER 285239 0288 G, DATED JUNE 9, 2014.
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ACCESSORS RECORDS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND MAY BE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INADEQUATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL MAKE APPLICATIONS FOR AND PAY ALL FEES FOR PERMITS REQUIRED TO CONSTRUCT THIS PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE PREPARATION NECESSARY FOR THE COMPLETE INSTALLATION OF THE PROJECT FACILITIES DURING CONSTRUCTION.
3. ALL CONSTRUCTION METHODS, MATERIALS AND COMPONENTS ASSOCIATED WITH THE PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM SHALL BE IN CONFORMANCE WITH THE APPROVED PLANS, THE REQUIREMENTS OF 310 CMR 15.000-2.0 OF THE STATE ENVIRONMENTAL CODE, AND ALL LOCAL BOARD OF HEALTH REGULATIONS UNLESS A WAIVER HAS BEEN GRANTED.
4. ALL CHANGES TO THE PLAN MUST BE APPROVED BY SITE BY THE LOCAL BOARD OF HEALTH.
5. ALL SYSTEM COMPONENTS, EXCEPT PERFORMED PIPING, SHALL BE WATER-TIGHT AS REQUIRED BY 310 CMR 15.021.
6. THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES ARE APPROXIMATE ONLY. THE ENGINEER DOES NOT GUARANTEE THEIR ACCURACY OR THAT ALL UTILITIES AND SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION AND DEPTH OF UTILITIES AND STRUCTURES AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES WITH RECORD DATA SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE CONTRACTOR IS CAUTIONED TO CONTACT US FIRST.
7. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE HIS WORK WITH THE APPROPRIATE HIGHWAY & UTILITY DEPARTMENTS.
8. CONTRACTOR SHALL MAINTAIN ALL EXISTING AND NEWLY INSTALLED UTILITIES IN GOOD WORKING ORDER AND SHALL PROTECT THEM FROM DAMAGE AT ALL TIMES UNTIL THE WORK IS COMPLETED AND ACCEPTED BY THE OWNER.
9. ELECTRIC, GAS, TELEPHONE, AND CABLE TELEVISION UTILITY CONNECTIONS AND SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE UTILITY.
10. THE CONTRACTOR SHALL UTILIZE ALL MEASUREMENTS AND MATERIALS NECESSARY TO ENSURE THE SAFETY OF ALL PERSONS AND PROPERTIES AT THE SITE DURING CONSTRUCTION. ALL EXCAVATIONS SHALL CONFORM TO CURRENT OSHA STANDARDS.
11. A MINIMUM OF 18" VERTICAL CLEARANCE SHALL BE MAINTAINED WHENEVER SANITARY SEWER PIPES PASS BELOW WATER MAINS OR DRAIN LINES. OTHERWISE, WATER SERVICE, DRAIN LINES AND SEWER LINES SHALL BE CAREFULLY ENCASED IN CONCRETE FOR A MINIMUM OF 10" (10) FEET FROM THE CROSSING POINT. WHERE SEWER LINES PASS ABOVE WATER OR DRAIN LINES, THEY SHALL ALL BE ENCASED IN CONCRETE REGARDLESS OF CLEARANCE.

JOSEPH MARKKLINGER P.L.L.C.
J. MARKKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 895
NANTUCKET, MA 02554
(510) 945-7054



**"SEWER" CONNECTION PLAN
IN
NANTUCKET, MA.**

3 SOMERSET ROAD
(NANTUCKET COUNTY)
SCALE 1 IN. = 20 FT
DECEMBER 11, 2018

PREPARED FOR: MAURY ASSOCIATES
OWNER: KRISTY KAY
DESD. BOOK 1642, PAGE 219
PLAN 25, PAGE 42
JMP 365
PARCEL 18.1

Contractor
David Petrosik
5082215708
PO Box 2147
Nantucket 02584
Kristy Kay
Principal Designer, KristyKayDesign
817.886.7914
info@kristykay.com
www.KristyKay.com

Scraper's plan

CERTIFICATE NO: 70892

DATE ISSUED: 8/28/18

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°: 56 PARCEL N°: 18.1
Street & Number of Proposed Work: 3 SOMERSET ROAD
Owner of record: KRISTIANA KAY SNYDER
Mailing Address: PO BOX 782
NANTUCKET MA 02554
Contact Phone #: 61768167914 E-mail: INFO@KRISTIKAY.COM

AGENT INFORMATION (if applicable)

Name: KRISTIANA KAY
Mailing Address: PO BOX 782
NANTUCKET, MA 02554
Contact Phone #: (617)681-7914 E-mail: info@kristikay.com

FOR OFFICE USE ONLY	
Date application received: <u>8/22/18</u>	Fee Paid: \$ <u>2000.00</u>
Must be acted on by: <u>6/2/18</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: <u>[Signature]</u>	
Member: _____	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
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 Hardscaping Move Building Demolition Revisions to previous Cert. No. _____

Pool (Zoning District _____) Roof Other _____

Size of Structure or Addition: Length: 60' Sq. Footage 1st floor: 1540SF Decks/Patio: Size: 8x21' 1st floor 2nd floor
Width: 27.5' Sq. footage 2nd floor: 1540SF Size: _____ 1st floor 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North 29" South 29" East 29" West 29"

Additional Remarks

Historic Name: _____

Original Date: _____ (describe)

Original Builder: _____

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

- REVISIONS*
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 12" Block Block Parged Brick (type) _____ Poured Concrete Piers

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

Roof Pitch: Main Mass 9/12 Secondary Mass 9/12 Dormer 9/12 Other _____

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

Skylights (flat only): Manufacturer _____ 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 8" Rake 1x3 Soffit (Overhang) 6'-9" Corner boards 1x6 Frieze _____
Window Casing 1x4 Door Frame 1x6 Columns/Posts: Round _____ Square X

Windows*: Double Hung Casement All Wood Other _____
 True Divided Lights (muntins), single pane SDL's (Simulated Divided Lights) Manufacturer AMMEXSON 400 SERIES

Doors* (type and material): TDL SDL Front 4 PANEL Rear 4 LIGHT FRENCH Side 4 LIGHT
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways TPO Walkways TPO Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall NATURAL Clapboard (if applicable) _____ Roof PAINTED WOOD

Trim WHITE Sash WHITE Doors GRAY

Deck NATURAL Foundation GRAY Fence W/P Shutters GRAY

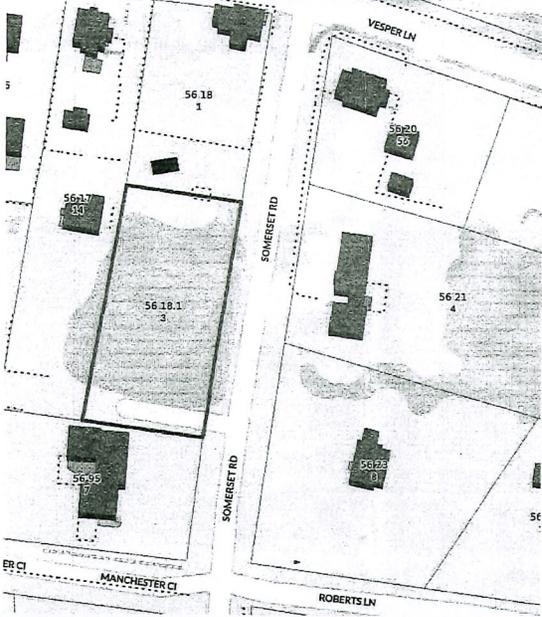
* Attach manufacturer's color samples if color is not from HDC approval list.

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 7.13.18 Signature of owner of record [Signature] Signed under penalties of perjury

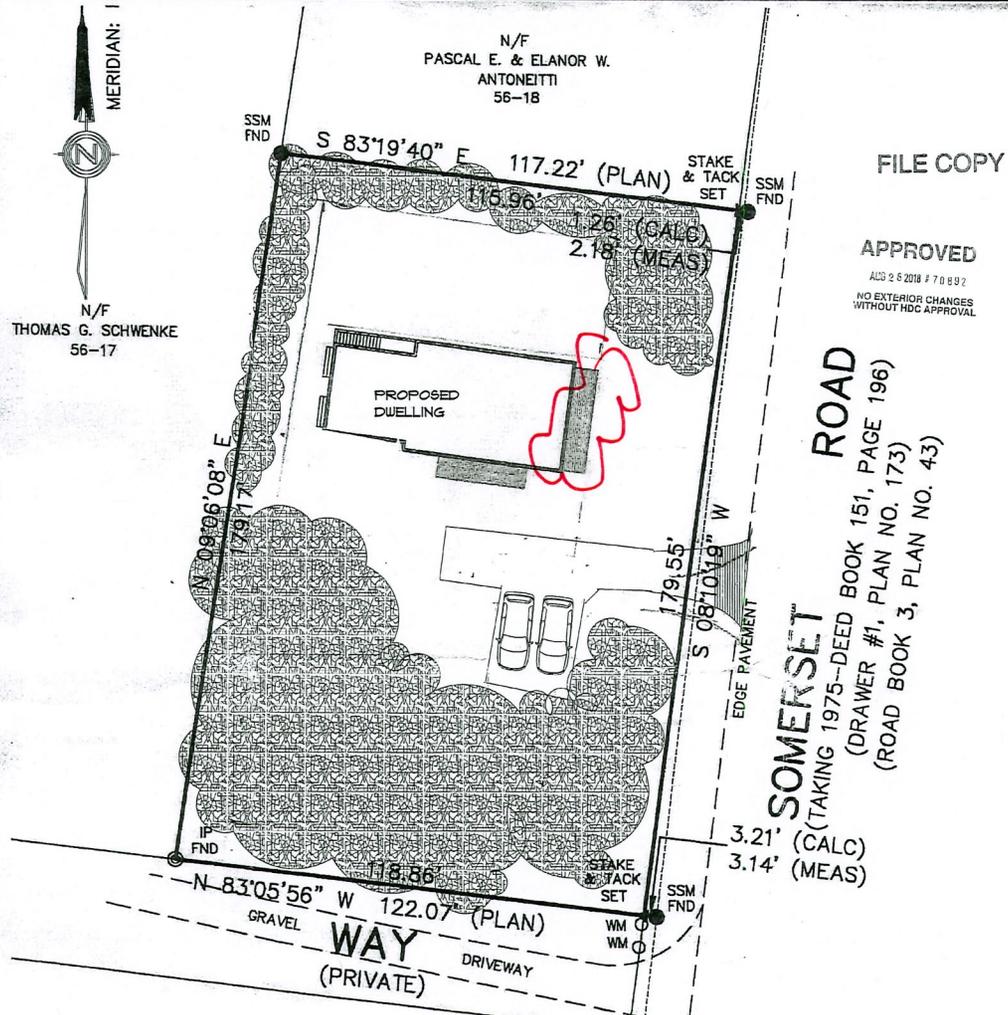


MAP 56 PARCEL 18.1



N/F
THOMAS G. SCHWENKE
56-17

N/F
PASCAL E. & ELANOR W.
ANTONEITTI
56-18



FILE COPY

APPROVED

ALSO 2-6-2018 # 70 892
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL

SOMERSET ROAD
(TAKING 1975-DEED BOOK 151, PAGE 196)
(DRAWER #1, PLAN NO. 173)
(ROAD BOOK 3, PLAN NO. 43)

ZONING- R-20
MIN LOT SIZE- 20,000SF
MIN FRONTAGE- 75'
FRONT SETBACK- 30'
SIDE/REAR SETBACK- 10'
GROUND COVER RATIO- 12.5%

N/F
RICHARD D. MANCHESTER
ET AL
56-95

ZONING: R-20
LOT SIZE: 20,000 S.F.
FRONTAGE: 75'
SETBACK: 30'

MORTGAGE INSPECTION PLOT PL/
#3 SOMERSET ROAD
INI

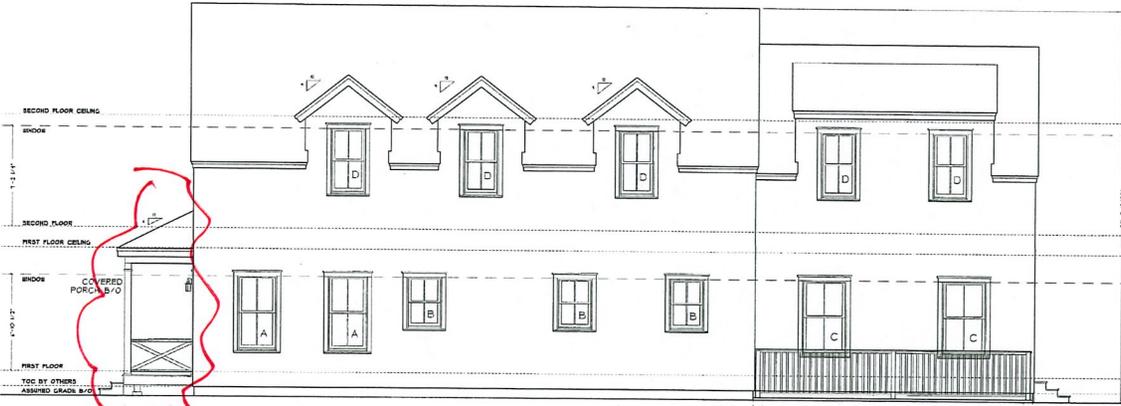
SCALE: 1/4"=1'
DRAWN BY: YO
DATE: 8-18-18

KRISTY KAY-3 SOMERSET RD
NEW DWELLING

VAL OLIVER DESIGN
PO BOX 3057
NANTUCKET, MA 02584



HDC Approved plans
72



WINDOW SCHEDULE Required Egress: 34 SF Min. Double Hung Window Opening

No.	Qty	Manufacturer	Model	Height	Width	Area	U-Value	R-Value	Shading	Notes
A	4	TYD408	2'-10 1/2" X 3'-0"	16.14	3.06	49.19	0.31	0.31		Anderson Clad Tri-Wall Low "E" window
B	8	TYD408	2'-6 1/2" X 3'-0"	15.23	2.98	45.59	0.31	0.31		Anderson Clad Tri-Wall Low "E" window
C	8	TYD408	2'-0 1/2" X 6'-0"	16.68	6.04	100.95	0.26	0.31		Anderson Clad Tri-Wall Low "E" window
D	13	TYD446	2'-6 1/2" X 4'-0"	15.70	4.36	68.45	0.29	0.31		Anderson Clad Tri-Wall Low "E" window
E	2	TYD446	2'-10 1/2" X 4'-0"	18.28	5.05	92.83	0.29	0.31		Anderson Clad Tri-Wall Low "E" window
F	1	TYD446	2'-10 1/2" X 4'-0"	18.28	5.05	92.83	0.29	0.31		Anderson Clad Tri-Wall Low "E" window
G	0	ATI	2'-0 3/4" X 2'-0 3/4"	4.00	0.9	3.60	0.29	0.31		Anderson Clad Awning Low "E" window
		Total Window Area:		481.57						

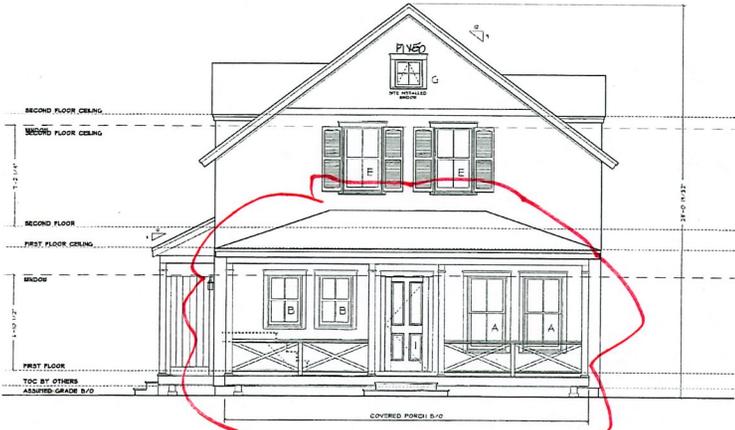
DOOR SCHEDULE

No.	Qty	Manufacturer	Model	Height	Width	Area	U-Value	R-Value	Shading	Notes
1	1	F-73461-34	2'-0 1/2" X 10'-10 1/2"	21.72	3.06	66.25	0.30	0.30		Emerson Pk Entry - 4 Panel
2	1	F-73461-28	2'-10 1/2" X 10'-10 1/2"	17.78	2.68	47.66	0.30	0.31		Emerson Pk Entry - 12 Glass
3	2	F73461-11	5'-0" X 5'-0"	26.18	6.61	172.22	0.31	0.28		Anderson 40 Series Clad Impact Terrace Door
4	1	3030-36	2'-0 1/2" X 10'-10 1/2"	21.28	3.06	64.73	0.29	0.31		Therma-Tru Plywood Entry - Half Glass
		Total Door Area:		313.12						

NORTH ELEVATION (RIGHT)

WEST ELEVATION (REAR)

APPROVED
AUG 28 2018 / 70892
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL



EAST ELEVATION (FRONT)

SOUTH ELEVATION (LEFT)

REVIEWED
AUG 28 2018

HDC SUBMISSION PLANS
NOT FOR CONSTRUCTION

ELEVATIONS
KAY, KRISTY - HOUSE

HUNTINGTON HOMES, INC.
PROJECT: # 10101
SHEET SIZE: 24x36
DRAWING NO: EL-1

HDC PLANS APPROVED
73

HUNTINGTON Home PLAS

	Commonwealth of Massachusetts <i>Manufactured Buildings Program - Plan Identification Number Assignment</i>		
Name of Manufacturer	HUNTINGTON HOMES		MC Identification Number 083
			Third Party Identification Number 02
Project Title	10101		
Use Group	R3	BBSR\OPSI Identification Number	0421-18
Review Required	All plans are reviewed by MA and a BBSR Number assigned when approved		Date: 11/08/18

Manufactured Buildings Program

From: Linda Shea
Manufactured Buildings Program

Re: Confirmation of Receipt of Building Plans & Assignment of BBSR\OPSI
Identification Number (BBSR\OPSI I.D. Number)

The Board of Building Regulations and Standards and Office of Public Safety (BBSR\OPSI) has received your building plans for the referenced project and has assigned the identification number noted above (in the block marked BBSR\OPSI I.D. Number). This number has been assigned for purposes of internal tracking methods. This number shall be used in reference to this project and on all future correspondences, inquiries and plan revisions.

Thank you for your cooperation with this matter.

Send all correspondences, inquiries and plan revisions to:
Office of Public Safety & Inspections - Linda Shea
1000 Washington Street, Suite 710
Boston, MA 02118
Linda.shea@mass.gov
Bbrs\forms2\manufacturedbldgplanid - 06/2018

FILE COPY

INSTALLATION OF CAP SHINGLES
BY SET CREW

SPACE FOR A BI-POLAR
CIRCUIT BREAKER B/O. REF
MASS RESIDENTIAL BUILDING
CODE SECTION "A1003".

FINISH ALONG RAKE
BY OWNER

INSTALLATION OF CAP SHINGLES
BY SET CREW

INFILL OF SHINGLES AT
HINGE POINTS COMPLETED
BY SET CREW

COMPLETION OF VALLEY
BY SET CREW

FLASHING AT DORMER
BY SET CREW

ALL SIDING BY OWNER

ALL SIDING BY OWNER

PLYWOOD SKIRT AROUND
PERIMETER LAPPING OVER
THE FOUNDATION BY SET CREW

GUARDRAIL B/O

ALL FOUNDATION WORK
INCLUDING SILL PLATES
AND LALLY COLUMNS
BY OWNER

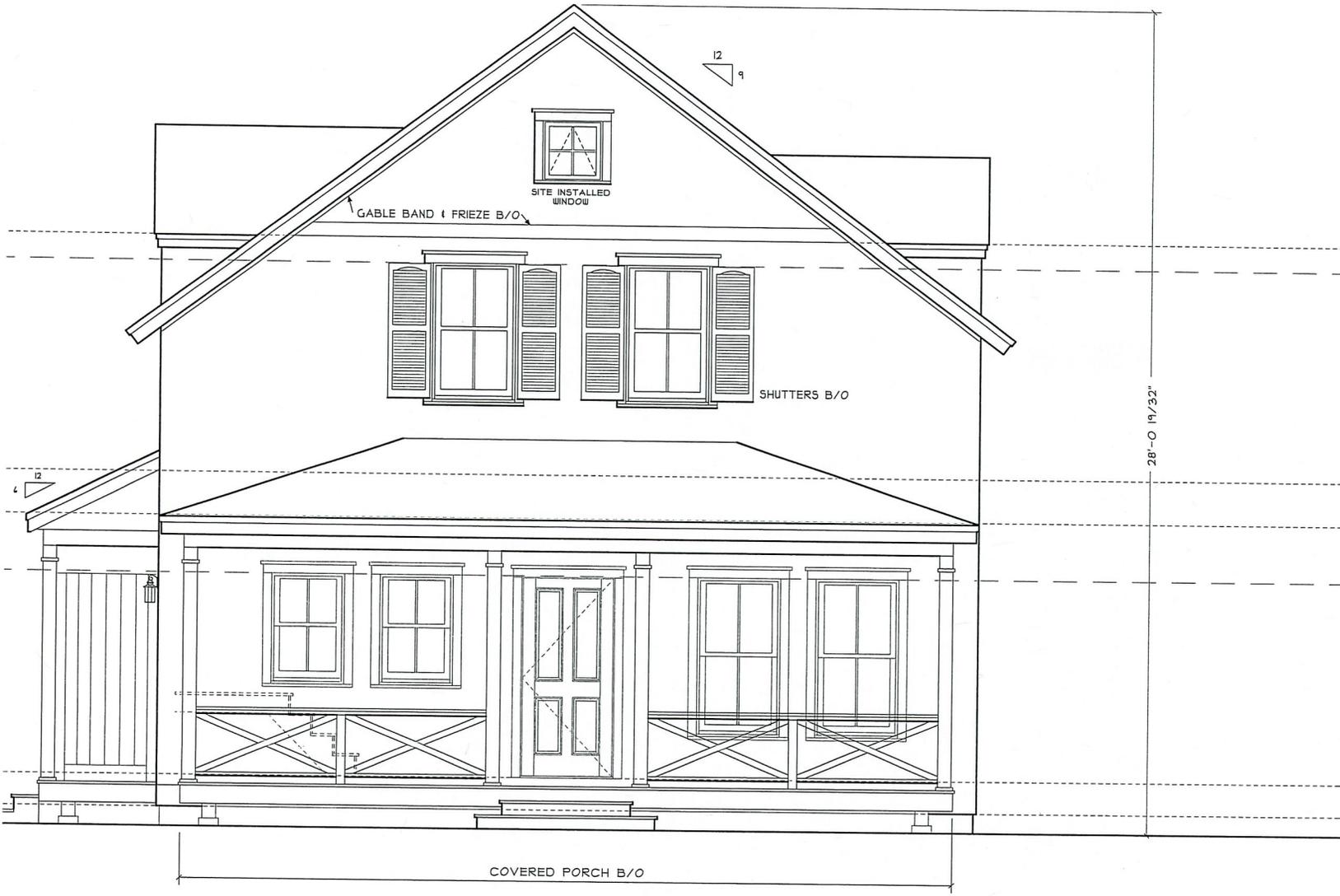
EXTERIOR ENTRY B/O

FOUNDATION

PFS Corporation
Northeast Region
APPROVED
H Raup - 3
10/22/18
Approval limited to
Factory Built Portion

75





Houston TX 77



RECEIVED
BOARD OF ASSESSORS
JAN 15 2020
TOWN OF
NANTUCKET, MA

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS

\$10

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

PROPERTY OWNER KRISTIANA KAY SNYDER

MAILING ADDRESS PO BOX 782, NANTUCKET, MA 02554

PROPERTY LOCATION 3 SOMERSET ROAD

ASSESSORS MAP/PARCEL 56-18.1

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list. (300 ft)

DATE:

1-16-2020

ASSESSORS OFFICE

ZATRL

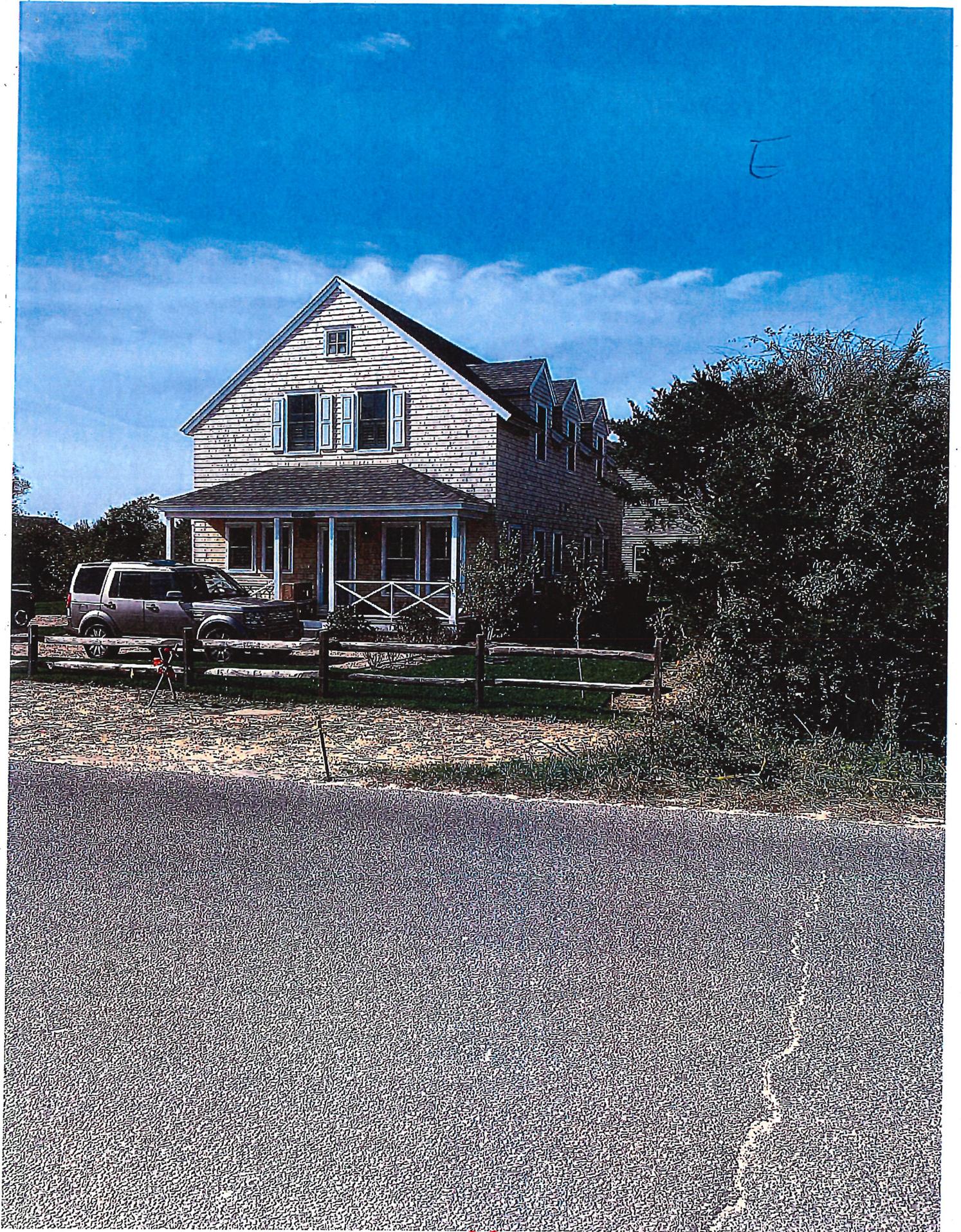
Abutters List

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
56	14		TOPHAM LEIGH M		20 HUMMOCK POND ROAD	NANTUCKET	MA	02554	20 HUMMOCK POND RD
56	14	1	TOPHAM JOSEPH M		18 HUMMOCK POND ROAD	NANTUCKET	MA	02554	18 HUMMOCK POND RD
56	14	3	TOPHAM ROSEMARY E		5 HUSSEY FARM RD	NANTUCKET	MA	02554	5 HUSSEY FARM RD
56	14	4	OKEEFE MICHAEL S & BETH M		P O BOX 186	NANTUCKET	MA	02554	7 HUSSEY FARM RD
56	15		DECKER ROGER D & KATHLEEN D		16 HUMMOCK POND RD	NANTUCKET	MA	02554	16 HUMMOCK POND RD
56	16		VOSS WILLIAM R		5 SOMERSET RD	NANTUCKET	MA	02554	5 SOMERSET RD
56	17		SCHWENKE THOMAS G		50 MAIN ST NORTH	WOODBURY	CT	06798	14 HUMMOCK POND RD
56	18		ANTONIETTI PASCAL E & ELEANOR W		1 SOMERSET RD	NANTUCKET	MA	02554	1 SOMERSET RD
56	18	1	SNYDER KRISTIANA KAY		PO BOX 782	NANTUCKET	MA	02554	3 SOMERSET RD
56	19		CATHOLIC CEMETERY		BOX 1168	NANTUCKET	MA	02554	VESPER LN
56	20		56 VESPER LANE LLC		5 LEHOUX DRIVE	HOOKSETT	NH	03106	2 SOMERSET RD
56	20	1	BASSETT GEORGE H JR & SHARON L TRS	BASSETT GEORGE H JR & SHARON L REV TRUSTS	54 VESPER LANE	NANTUCKET	MA	02554	54 VESPER LN
56	20	2	KROON LOUIS II TR	56 VESPER LANE REALTY TRUST	5 LEHOUX DRIVE	HOOKSETT	NH	03106	56 VESPER LN
56	21		HARDY RALPH L & JANE J TRUSTEES	HARDY FAMILY NOMINEE TRUST	4 SOMERSET RD	NANTUCKET	MA	02554	4 SOMERSET RD
56	23		COWAN BRUCE J & CAROL		PO BOX 77	NANTUCKET	MA	02554	8 SOMERSET RD
56	24		REINEMO KARSTEN & JULIE		PO BOX 1444	NANTUCKET	MA	02554	14 ROBERTS LN
56	26		MACVICAR ANGUS C & MELISSA B		52 VESPER LANE	NANTUCKET	MA	02554	52 VESPER LN
56	95		MANCHESTER RICHARD D ETAL		7 SOMERSET RD	NANTUCKET	MA	02554	7 SOMERSET RD
56	96		WILLIAMS CLIFFORD J		PO BOX 3842	NANTUCKET	MA	02584	11 SOMERSET RD
56	96	1	STARR MICHELE M & JAMES		9A HUSSEY FARM RD	NANTUCKET	MA	02554	9A HUSSEY FARM RD
56	96	3	ARNOLD LLOYD W		PO BOX 895	NANTUCKET	MA	02554	13 SOMERSET RD
56	98		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	25 ROBERTS LN
56	98	1	UNIVERSITY OF FLORIDA FNDTN INC	C/O MORRIS HYLTON III	BOX 115705	GAINESVILLE	FL	32611	10 SOMERSET RD
56	276		PROSPECT HILL CEMETERY ASSN			NANTUCKET	MA	02554	HUMMOCK POND RD
56	463		NESTLE SCOTT & CYNTHIA		115 BEECHWOOD ROAD	SUMMIT	NJ	07901	4 MANCHESTER CI
56	477		WILLIAMS CLIFFORD J		PO BOX 3842	NANTUCKET	MA	02584	11 SOMERSET RD
Count:	26								

MATERIALS

PROVIDED

BY STAFF





Planning and Land Use Services

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

BUILDING DIVISION

January 14, 2020

Kristina Kay Snyder
P.O. Box 782
Nantucket, MA 02554

Reference: 3 Somerset Road – Front porch encroachment

Dear Ms. Snyder,

Upon reviewing your request for a certificate of occupancy for the dwellings located on the premises referenced above, an encroachment into the required front yard setback was discovered. The front porch on the primary dwelling unit shows 25 feet from Somerset Road, where 30 feet is required. An encroachment of this type constitutes a zoning violation. Section 139-28A (1) prohibits the issuance of an occupancy permit if the premises is not in compliance with the Zoning Code of the Town of Nantucket. Please contact my office upon receipt of this letter so we may discuss the options available to you.

Very truly yours,

Paul Murphy
Building Commissioner
Town of Nantucket

5. IDENTIFICATION - To be completed by all applicants

Name	Mailing address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee KRISTIANA KAY SNYDER	P.O. BOX 782 NANTUCKET, MA	02554	617 686 7914
2. Contractor David Pelcarik	Po Box 2147 Nantucket	Builder's License	081142
3. Contact Person KRISTY KAY	OWNER	Date	10-26-18
Works Compensation Insurance Certificate or Affidavit must be submitted with this application.			
I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.			
Signature of applicant <i>Kristiana Kay Snyder</i>	Address P.O. Box 782 Nantucket	Telephone # 617-686-7914	E-Mail Address: INFO@KRISTYKAY.COM

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use

Plans Review Required			
HISTORIC DISTRICTS COMMISSION	70892	8 28 18	
SEPTIC			
SEWER	SS 6173	12 20 19	
WATER WELL COMPLETION REPORT			
CONSERVATION COMMISSION			
FIRE CHIEF			
OVER-THE-ROAD (Board of Selectmen)			
ROAD OPENING PERMIT (DPW)	10 29 18	EX 10 29 18	
PLUMBING			
ELECTRICAL			

7. VALIDATION

Building Permit Issued <u>1 14 19</u>	FOR DEPARTMENT USE ONLY Use Group <u>101 - R3</u>
Building Permit Fee <u>\$ 3140.00</u>	Occupancy Load _____ Census No. <u>101</u>
Date of Issuance of Certificate of Occupancy _____	Approved by: <i>James B. [Signature]</i> Building Commissioner

119-19
Jan. 16, 2019
BUILDING PERMIT NUMBER

APPLICATION FOR BUILDING PERMIT

Paid 108

2018 DEC 24 PM 1:17

IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 Please Print

1. LOCATION OF BUILDING

OWNERS NAME (print): SNYDER, KRISTIANA KAY
Last First Middle Initial

3 SOMERSET ROAD
No. Street

Assessor's Map No. 56 Assessor's Parcel No. 18.1

2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E

A. TYPE OF IMPROVEMENT	B. OWNERSHIP	D. DIMENSIONS
<input checked="" type="checkbox"/> New Building	<input checked="" type="checkbox"/> Private	Dimensions of Structure
<input type="checkbox"/> Addition	<input type="checkbox"/> Public	First Floor Area: <u>1544</u>
<input type="checkbox"/> Alteration		Second Floor Area: <u>1544</u>
<input type="checkbox"/> Repair, replacement		Third Floor Area: _____
<input type="checkbox"/> Demolition		Total Floor Area: <u>3088</u>
<input type="checkbox"/> Moving		Full Cellar Area: <u>1544</u>
C. COST		
TOTAL COST OF IMPROVEMENT <u>\$600,000</u>		

E. PROPOSED USE

Residential

Detail scope of work by floor & provide the square footage.

One Family

Studio

Two or more family - Enter number of units _____

Hotel, Motel, Dormitory enter number of units _____

Second Dwelling

Garage

Pool

Other - Specify _____

NEW CONSTRUCTION 4 BEDROOM, 3 1/2 BATH HUNTINGTON HOME 1544 sqft ON EACH OF 2 FLOORS, TOTAL 3088 sqft MODULAR CONSTRUCTION. PRINCIPAL DWELLING

3. SELECTED CHARACTERISTICS OF BUILDING For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.

F. PRINCIPLE TYPE OF FRAME	H. TYPE OF SEWAGE DISPOSAL	K. ACCESSORY HEAT SOURCE
<input checked="" type="checkbox"/> Wood frame	<input checked="" type="checkbox"/> Public	No. of fireplaces <u>1</u>
<input type="checkbox"/> Other - Specify _____	<input type="checkbox"/> Private (septic tank, etc.)	No. of Wood Stoves <u>0</u>
G. PRINCIPLE TYPE OF HEATING	I. TYPE OF WATER SUPPLY	Other: _____
<input checked="" type="checkbox"/> Gas <input type="checkbox"/> Electricity	<input checked="" type="checkbox"/> Public	
<input type="checkbox"/> Oil <input type="checkbox"/> Heat Pump	<input type="checkbox"/> Private (well)	L. RESIDENTIAL BUILDINGS
<input type="checkbox"/> Other - Specify _____	J. SMOKE DETECTORS	Number of Bedrooms <u>4</u>
	No. of Detectors <u>6</u>	Number of Bathrooms <u>4</u>
	See Plan for Location	Full <u>3</u> Partial <u>1</u>

3. Continued

M. ENERGY CONSERVATION *SEE ATTACHED*

Type	Thickness	R Value
Foundation or Floor insulation		
Wall Insulation	<u>R21 DENSEPACK CELLULOSE</u>	<u>R21</u>
Ceiling or Roof Insulation		
Window Glazing:	Insulated Glass _____ Double Glass _____ Storm _____	
Doors:	Insulated Yes _____ No _____ Weatherstripped: Yes _____ No _____	
Percentage of Window Area to Wall Area:	_____	

N. STRUCTURAL CHARACTERISTICS OF BUILDING *SEE ATTACHED*

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

Foundation

Footing size:	_____	Footing reinforcing:	_____
Wall material:	_____	Wall thickness:	_____
Wall height:	_____	Wall reinforcing:	_____
Pier or column size:	_____	Pier or column spacing:	_____
Pier or column footing size:	_____	Pier or column reinforcing:	_____
No. of crawl space vents:	_____	Crawl space:	<input type="checkbox"/> Full <input type="checkbox"/> Partial

FRAMING: Main Carrying members: Size: _____ Support Spacing: _____

First Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Second Floor Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Ceiling Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____
Roof Framing	Joist size: _____	Maximum Span: _____	Maximum Spacing: _____

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

SKETCH OF PROPOSED WORK (minor projects)

SEE ATTACHED PLANS

HDC

Deck 8 x 26 208

25

\$52.00

NOTES AND DATE (For Department Use)	FEE CALCULATIONS
	1st 1544 0
	2nd 1544 0
	3088 0
	1.00
	3088 00
	52.00
	3140 00

\$3140.00

4. ZONING COMPLIANCE To be completed by all applicants

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: R-20 Total Land Area: 21,046 ~~21,418~~ ******

Frontage on Street: 179.55' Lot No.: 2 **21,046 ****

Plan Book No. and Page: 25 Page 42 Land Court Plan No.: _____

Date Lot Purchased: MAY 2018 Certificate No.: _____

Name of Previous Owner: HOLDGATE

SUBDIVISION INFORMATION *NA*

Name of Owner: _____

Date of Plan Approval: _____

Type of Approval: ANR _____ AR _____

Planning Board File No.: _____

Is the Subdivision subject to a Covenant: YES _____ NO _____

Is a Release required: YES _____ NO _____

Has Plan been filed with the Registry of Deeds? YES _____ NO _____

If YES: Plan Book and Page No.: _____ Date _____

TIME SHARING INFORMATION

Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?

Yes _____ No

DIMENSIONS

Distance from Property Lines: FRONT 30 REAR 26 LEFT 134 RIGHT 17

Distance between Principal and Secondary Dwelling: 68 (12ft. minimum)

Height of structure above finish grade: N _____ E _____ S _____ W _____

Number of off-street parking spaces: Enclosed _____ On-site 8 +/-

GROUND COVER

Principal Dwelling: 1544

Secondary Dwelling: 728

Addition: NA

Garage: NA

Accessory Building: NA

Swimming Pool: NA

Other: _____

Total: _____ SF.

Allowable: 2631 +/- SF.

2272

2631

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES _____ NO

If answered YES, include "Order of Conditions" with application.

What date was the "Order of Conditions" with application. _____

What date was the "Order of Conditions" filed with the Registry of Deeds? _____

Is the property located within a Flood Hazard district? YES _____ NO

Was a Variance or Special Permit granted by the Board of Appeals? YES _____ NO

If answered YES, what date was the decision filed with the Town Clerk? _____

FOR ZONING OFFICER

Minimum Lot Size: _____ Ground Cover Ratio: _____

Frontage on Street: _____ Side and Rear Setback: _____

Front Yard: _____ Secondary Dwelling approval _____

Additional Comments: _____ Board of Appeals _____

** Plan Book 25, p. 42* Lot Release Form _____

*** Santos, 3/23/18*

Date: 1/9/18 APPROVED BY:  Zoning Officer

85



MAP 56 PARCEL 18.1



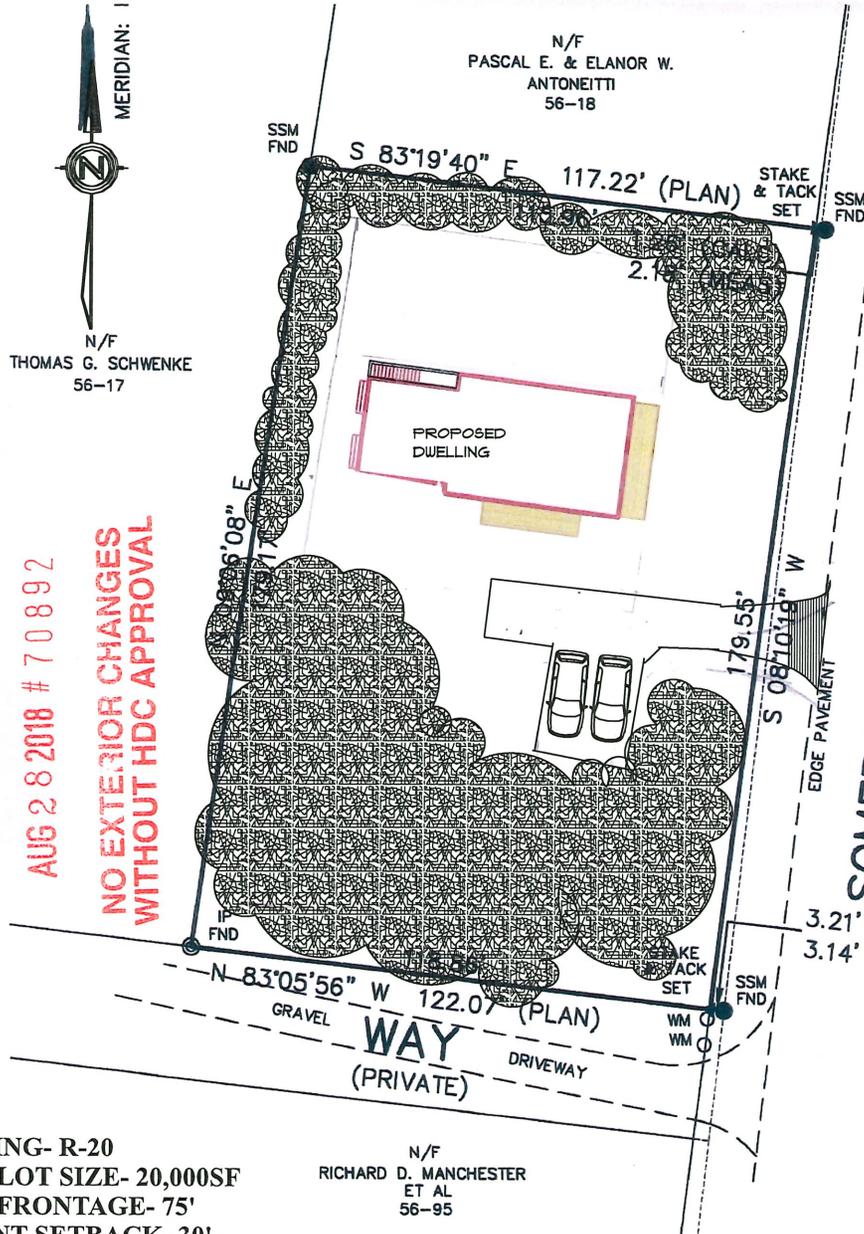
APPROVED

AUG 28 2018 # 70892

**NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL**

**ZONING- R-20
MIN LOT SIZE- 20,000SF
MIN FRONTAGE- 75'
FRONT SETBACK- 30'
SIDE/REAR SETBACK- 10'
GROUND COVER RATIO- 12.5%**

ONING: R-20
T SIZE: 20,000 S.F.
ONTAGE: 75'
SETBACK: 30'



SOMERSET ROAD
 (TAKING 1975-DEED BOOK 151, PAGE 196)
 (DRAWER #1, PLAN NO. 173)
 (ROAD BOOK 3, PLAN NO. 43)

RECEIVED
 AUG 22 2018

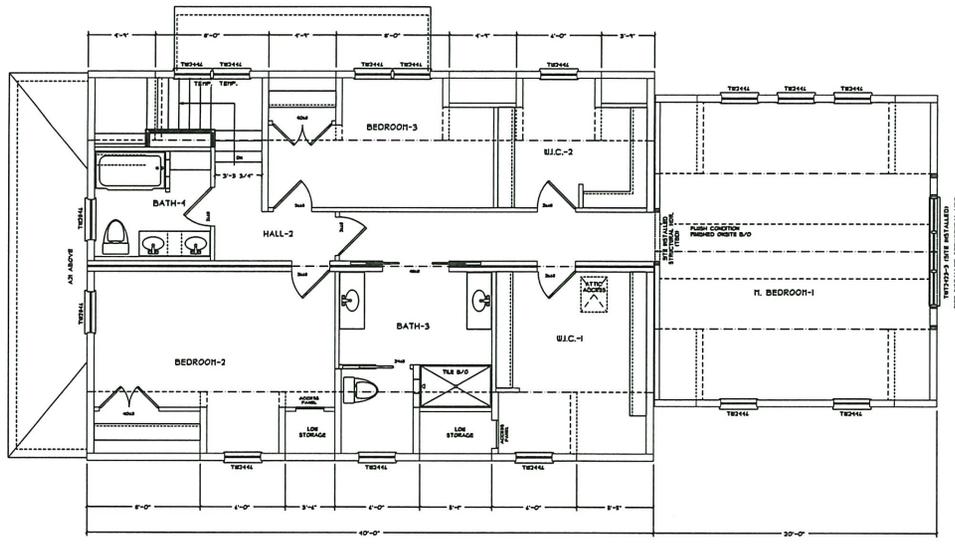
MORTGAGE INSPECTION PLOT PL/
 #3 SOMERSET ROAD
 IN

SCALE: 1/4"=1'
DRAWN BY: VO
DATE: 8-18-18

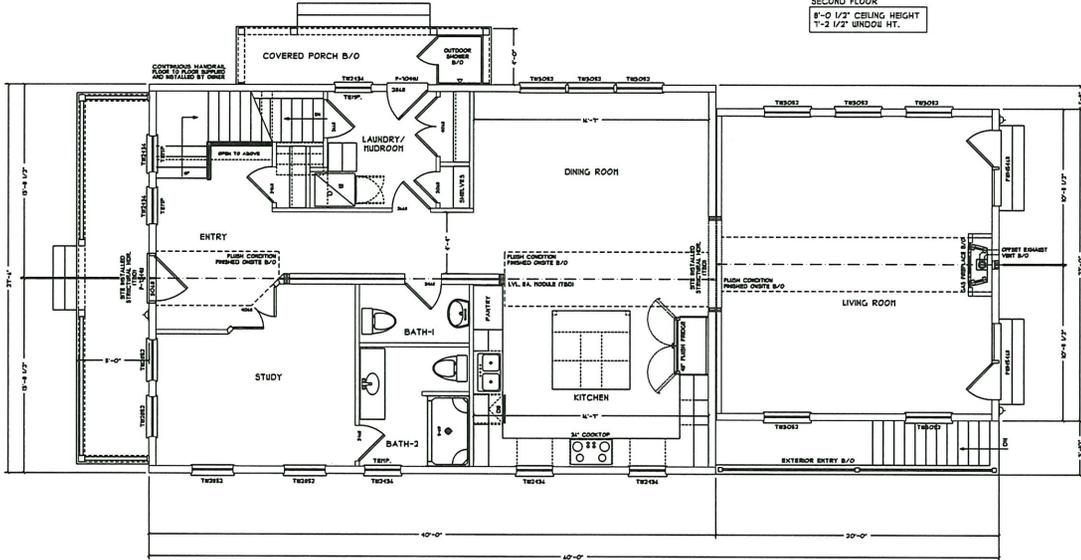
KRISTY KAY-3 SOMERSET RD
 NEW DWELLING

VAL OLIVER DESIGN
 PO BOX 3057
 NANTUCKET, MA 02584





SECOND FLOOR
 8'-0" 1/2" CEILING HEIGHT
 7'-2" 1/2" WINDOW HT.



FIRST FLOOR
 8'-10" CEILING HEIGHT
 4'-0" 1/2" WINDOW HT.

DATE	DESCRIPTION
8/17/18	REVISED
8/17/18	REVISED

ARCHITECTURAL PLANS

KAY, KRISTY - HOUSE

HUNTINGTON HOMES, INC.

PROJECT: # 1001

SHEET SIZE: 24x36

DRAWING NO. 1-1

SCALE
 1/4" = 1'-0"

OTHER

BUSINESS

Beach Plum Village

Rugged Scott 40B

FILE NO. 51-03

DISCUSSION ITEM –

Implementation of policy outlined in Comp. Permit

- o.) The clubhouse/pool/lawn/tennis court facility shown on the plans shall be available only to those residents of the site and their accompanied guests for personal use. The facility shall not be open to the public. The clubhouse may not function as a restaurant or bar as these terms are defined in the Nantucket Zoning Code. Use of the facility for functions with food and/or alcohol service may be allowed as an accessory use subject to all Zoning and other regulatory requirements. Memberships shall be provided to all residents on a fee schedule to be adopted by the Association provided, however, that any fee for an affordable unit is factored into the 30% maximum housing expense calculation. The Association shall establish hours of operation for the facility and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final ZBA approval. **Notwithstanding the above resident restriction, abutting property owners as shown on a map attached hereto as Exhibit D shall be allowed access to the facility subject to a comparable fee structure and in accordance with rules and regulations established by the Association. A minimum of ten (10) non-resident family memberships shall be offered and a maximum of 30 non-resident family memberships may be allowed by vote of the Association.**

From: [Tucker Holland](#)
To: [Eleanor Antonietti](#)
Cc: [Peter McEachern](#); [Chris Young](#); [Bert.Turner@yahoo.com](#); [Andrew Vorce](#); [Leslie Snell](#); [Paul Murphy](#); [Marcus Silverstein](#)
Subject: FW: Proposal to Abutters from Beach Plum Homeowners
Date: Friday, February 07, 2020 2:59:45 PM
Attachments: [Beach Plum Abutters Proposal 1-19-20.docx](#)
[image001.png](#)
[Ltr_ZBA2ZEO_Non-rsdnt_mbrshp2BPV_Facilities+Withhold COs_8.20.19.pdf](#)

Hi Eleanor,

In our interest to see the developer implement the non-resident amenities program required by the Comprehensive Permit and Settlement Agreement regarding Beach Plum Village (see attached prior materials), we would like to bring these current facts to the ZBA's attention. While we have made a good faith effort to try to help the developer and homeowners association construct and offer a program in line with what we believe to be the original intent, we have been unable to make meaningful progress on this matter.

After half a year of waiting, we recently received from the developer and the Beach Plum Village Homeowners the attached 1-page proposal. You will see it is light on detail, and we have not received answers to our material questions (noted below). Further, we do not believe the proposal to be "of comparable fee structure" to the homeowners, as required.

Regarding a yearly fee methodology, we believe a pro-rated amount based on HOA costs that have a nexus to the amenities being offered – and properly discounting for any restrictions that might be imposed on non-residents only – seems a reasonable approach to us. However, we have been unequivocal that a \$30,000 initiation fee is not acceptable, nor do we believe it was ever intended that neighbors impacted by the 40B development underwrite the developer's cost of development. We believe this is a thinly veiled attempt to discourage neighboring year-round residents from partaking in the amenities that the developer and Beach Plum Village is required to offer.

The homeowners have equity that is tangible, that presumably increases in value over time, based on their purchase in Beach Plum Village. They purchased a house in a neighborhood, one that was approved based on the fact that surrounding neighbors would have shared access to their amenities. This aspect was part of the program they bought into. There is no evidence that there is a separate "club" which they joined.

Unfortunately, the developer is trying to put the burden on his clients and surrounding year-rounders to resolve this. The developer made the original agreement in order to get the project underway, years before the eventual Beach Plum homeowners were involved. And, it has become clear that the developer did not take sufficient efforts to ensure the eventual buyers in Beach Plum Village were fully aware of this provision when they purchased their home. It is unfortunate, yet we do not believe it absolves the responsibility to follow through on the program in a manner consistent with the original documentation and intent.

We request your assistance. We plan to attend the ZBA meeting on February 13th. In the absence of being able to arrive at a reasonable man's / reasonable woman's approach to implementing the

program there, we will be formally requesting that the Comprehensive Permit be re-opened for modification at your March meeting.

In the meantime, we would ask that you to continue to ensure with the Zoning Enforcement Officer and the Building Department that no CO's are issued for the remaining Beach Plum Village market rate units until this matter is fully and satisfactorily resolved, as you had requested last August (see attached).

With best regards,

SEIKINNOW PLACE HOMEOWNERS & YEAR-ROUND RESIDENTS

Tucker Holland
Peter McEachern
Bert Turner
Chris Young

From: Tucker Holland
Sent: Friday, January 31, 2020 12:06 PM
To: Howard Edelman <hcearb@gmail.com>
Cc: Allison Johnson <allimj@hotmail.com>; Allison Johnson <ajohnson@nantucketnewschool.org>; Ben Winikoff <benjaminwinikoff@aol.com>; Peter McEachern <Peter@nantucketyachtclub.org>; Chris Young <chris@housefitters.com>; Bert.Turner@yahoo.com
Subject: RE: Proposal to Abutters from Beach Plum Homeowners

Howard,

We have received your proposal and have some initial clarifying questions / requests which would aid in our review and then allow us to respond more fully:

1. What is the basis for the \$30,000 figure?
2. Please provide documentation which would demonstrate a comparable initiation fee (and 80% return of that fee when they leave) in conjunction with the common amenities which was paid by the owners within Beach Plum Village.
3. Are you proposing any restrictions on non-resident memberships that would not apply to Beach Plum Village owners as well? For example, if a non-resident member were to rent their home, would their renter be entitled to use the common amenities, as we understand the case is with Beach Plum Village owners?
4. If a non-resident member sells their home, does the membership transfer to the new owner with the new owner simply picking up the obligation for the annual dues?
5. If more than ten neighbors express interest in the initial round of memberships, how do plan to pick the ten initial members? Should one of the original ten withdraw in the future, would there be an opportunity for someone to join in the future whom initially raised their hand yet was not picked in the initial round?

Based on your responses to the above, we may have some follow up questions.

Best,

Tucker, on behalf of the Seikinnow homeowners included on this e-mail

Tucker Holland

Municipal Housing Director



m: Town Administration Building, 16 Broad Street -- Office 111, Nantucket, MA 02554

e: tholland@nantucket-ma.gov

p: 508-325-7587 ext. 7023

c: 802-233-3177

From: Howard Edelman <hcearb@gmail.com>

Sent: Sunday, January 19, 2020 11:39 AM

To: Tucker Holland <tholland@nantucket-ma.gov>

Cc: Allison Johnson <allimj@hotmail.com>; Allison Johnson <ajohnson@nantucketnewschool.org>;
Ben Winikoff <benjaminwinikoff@aol.com>

Subject: Proposal to Abutters from Beach Plum Homeowners

Please review with your folks as soon as possible and get back to me with your thoughts.

Best,

Howard

--

Howard C. Edelman ADR, Inc.
Arbitrator/Mediator

1175 York Avenue, PHA-8
New York, NY 10065
Phone: (212) 644-2380

Proposal to Abutters from Beach Plum Homeowners

1. On or about March 15, 2020, a letter/email will be sent to prospective joiners. It will indicate that up to ten joiners will be permitted to utilize Beach Plum amenities - pool, gym, tennis court and play area. Prospective joiners will be given 45 days to indicate interest.
2. The communication shall include the following requirements:
 - a. A one-time initiation fee of \$30,000 to be paid on or before June 1, 2020. In the event a joiner subsequently decides not to rejoin, 80% of the fee shall be returned.
 - b. A yearly maintenance fee shall be imposed, equal to 76%* of assessments paid by Beach Plum homeowners. The 2020-21 budget has not been finalized but it is anticipated that the fee will be between \$3,500 - \$4,000 plus any cost attributable to the BOH requirement for an attendant to be present during pool hours.
3. Conditions relating to usage and number of joiners:
 - a. The number of joiners shall be restricted to those who accept the invitation for the 2020-21 year.
 - b. Usage will be monitored by a key or pass system which is the same as for Beach Plum homeowners.
 - c. The key/pass shall be returnable to the Beach Plum Property Manager at the end of each season; i.e., the day the pool closes.

*This figure represents the portion of the current assessment attributable to the maintenance of the amenities available to joiners.

Nantucket Zoning Board of Appeals



August 20, 2019

Marcus Silverstein
Zoning Enforcement Officer
2 Fairgrounds Road
Nantucket, MA 02554

Re: Beach Plum Village
Rugged Scott 40B

Dear Mr. Silverstein:

I am writing on behalf of the Zoning Board of Appeals ("Board") to direct your attention to a matter that was discussed at our most recent meeting on August 8, 2019. Tucker Holland spoke on behalf of a group of homeowners seeking guidance as to implementation of a policy in fulfillment of an obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the "Settlement Agreement".

The above-referenced sections of the original Comprehensive Permit granted to Rugged Scott, LLC, in File No. 051-03 are cited with highlighting below:

TOWN OF NANTUCKET ZONING BOARD OF APPEALS FILE NO. 051-03

**DECISION ON APPLICATION OF RUGGED SCOTT LLC
AS MODIFIED PURSUANT TO THE "AGREEMENT AND STIPULATION FOR
ENTRY OF JUDGMENT" IN HOUSING APPEALS COMMITTEE DOCKET NO.
04-13**

**COMPREHENSIVE PERMIT
FOR THE RUGGED SCOTT LLC DEVELOPMENT**

**15, 19 Rugged Road and 6, 8 Scott's Way (aka Scotts Way)
Assessor's Map 67, Parcels 170, 170.1, 170.2 and 170.3, Plan Book 21, Page 106, Lots 19A,
19B, 19C and 19D, Deed Reference 761/53, zoned Limited-Use-General-2**

3.2 (o) The clubhouse/pool/lawn/tennis court facility shown on the plans shall be available only to those residents of the site and their accompanied guests

Nantucket Zoning Board of Appeals



for personal use. The facility shall not be open to the public. The clubhouse may not function as a restaurant or bar as these terms are defined in the Nantucket Zoning Code. Use of the facility for functions with food and/or alcohol service may be allowed as an accessory use subject to all Zoning and other regulatory requirements. Memberships shall be provided to all residents on a fee schedule to be adopted by the Association provided, however, that any fee for an affordable unit is factored into the 30% maximum housing expense calculation. The Association shall establish hours of operation for the facility and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final ZBA approval. Notwithstanding the above resident restriction, abutting property owners as shown on a map attached hereto as Exhibit D shall be allowed access to the facility subject to a comparable fee structure and in accordance with rules and regulations established by the Association. A minimum of ten (10) non-resident family memberships shall be offered and a maximum of 30 non-resident family memberships may be allowed by vote of the Association.

SETTLEMENT AGREEMENT

Now come the parties in the case of Lisa P. Dias. et al. Plaintiffs. v. Town of Nantucket Zoning Board of Appeals. et al, Nantucket Superior Court Docket No. 04-15 ("the Superior Court case") and the case of Rugged Scott. LLC v. Nantucket Zoning Board of Appeals, Housing Appeals Committee Docket No. 04-13 ("the HAC case", and hereby agree that this Settlement Agreement settles all matters in dispute between the parties related to the property located at Rugged Road and Scotts Way, Nantucket, MA (hereinafter "the Property") and that this Settlement Agreement shall be enforceable as set forth below between the parties, and be forever binding upon the parties, their heirs, successors and assigns; the parties further acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Settlement Agreement. The parties hereby agree as follows:

9. Clubhouse/Pool/Tennis Courts Facility: The Decision clearly states allowable and prohibited uses and further establishes a procedure under which Rugged Scott and the Homeowners' Association must establish hours of operation for the facility, and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final Board approval. Rugged Scott agrees to impose a requirement that the tennis and pool facilities will be closed no later than 7 PM and will operate only between May 1 and October 31 in any given year. Rugged Scott also agrees to comply with Condition 3.2 (o) of the Decision and in addition will present and discuss with a representative group of abutters its proposed guidelines on these matters before submitting them to the Board for approval.

Mr. Holland has repeatedly attempted to address this matter with Josh Posner who is the principal of Rugged Scott, LLC and still the primary Trustee of the Rugged Scott Owners Association Trust. Unfortunately, due to a lack of or inadequate responsiveness from Mr. Posner, Mr. Holland has come to the Board for guidance. We are asking Mr. Posner to place

Nantucket Zoning Board of Appeals



this matter on the agenda of the next Rugged Scott Owners Association Trust Meeting and to attend the Board's next meeting on September 11, 2019, to address this matter.

I would further like to direct your attention to the attached letter sent to the Building Department on November 20, 2017, which requested that issuance of Certificates of Occupancy for seven lots be withheld until the public hearing underway at that time had been closed and the outstanding matters resolved.

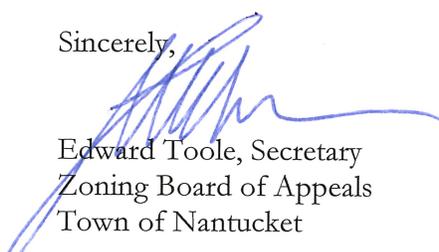
THE LOTS AND THEIR CURRENT STATUS AS TO BUILDING PERMITS ARE:

<u>ADDRESS</u>	<u>Lot #</u>	<u>Map/Parcel</u>	<u>Bdg. Permit Status</u>
▪ 6 Wood Lily Rd.	Lot 38	Map 67, Parcel 837	CO issued April 17, 2018
▪ 3 Blazing Star Rd.	Lot 40	Map 67, Parcel 839	CO issued August 17, 2018
▪ 1 Cranberry Lane	Lot 39	Map 67, Parcel 838	CO issued June 21, 2018
▪ 2 Blazing Star Rd.	Lot 32	Map 67, Parcel 831	CO ^{DU} issued August 17, 2018 • No CO for Garage Bldg. Permit
▪ 1 Wood Lily Rd.	Lot 1	Map 67, Parcel 800	CO issued August 3, 2018
▪ 17 Wood Lily Rd.	Lot 15	Map 67, Parcel 814	Bldg. Permit ^{DU} issued/No CO
▪ 12 Wood Lily Rd.	Lot 1	Map 67, Parcel 815	Bldg. Permit ^{DU} issued/No CO

THOSE HIGHLIGHTED YELLOW HAVE OUTSTANDING BUILDING PERMITS.

Although the Public Hearing for the various matters under the Board's scrutiny at the time the letter was submitted to the Building Department was eventually closed (primarily in early to mid-2018), this particular issue may result in a reopening of a Public Hearing, although we are attempting to resolve it without a need to do so. Until that time, and given the pending status of this matter recently brought to our attention, I would respectfully request that issuance of Certificates of Occupancy for the above-highlighted lots be withheld until satisfactory resolution has been achieved.

Sincerely,


Edward Toole, Secretary
Zoning Board of Appeals
Town of Nantucket

ENCLOSURES

cc: Tucker Holland (via email)
George Pucci, Attorney (via email)
Joshua Posner (via email)

Nantucket Zoning Board of Appeals



November 20, 2017

Building Department
2 Fairgrounds Road
Nantucket, MA 02554

Re: Beach Plum Village
Rugged Scott 40B

To Whom It May Concern:

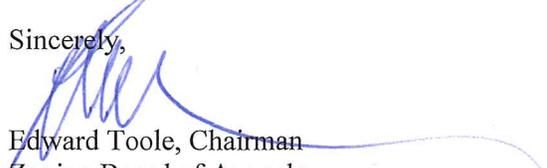
On behalf of the Zoning Board of Appeals, I have recently signed several letters approving the architectural plans for the following lots as shown on Plan No. 2006-19:

- 6 Wood Lily Road – Lot 38 – Map 67, Parcel 837
- 3 Blazing Star Road – Lot 40 – Map 67, Parcel 839
- 1 Cranberry Lane – Lot 39 – Map 67, Parcel 838
- 2 Blazing Star Road – Lot 32 – Map 67, Parcel 831
- 1 Wood Lily Road – Lot 1 – Map 67, Parcel 800
- 17 Wood Lily Road – Lot 15 – Map 67, Parcel 814
- 12 Wood Lily Road – Lot 1 – Map 67, Parcel 815

Under 40B legislation, the Zoning Board of Appeals acts as the Nantucket Historic District Commission (“HDC”) for the initial approval and the HDC staff has been charged with the final sign-off of the structure’s compliance upon completion of the construction project and prior to issuance of a Certificate of Occupancy. The above referenced letters are in lieu of Certificates of Appropriateness and, as such, are a required component in order for the applicant to obtain Building Permits for proposed construction.

In August 2017, the applicant submitted a request to modify the Beach Plum Village Comprehensive Permit in File No. 051-03. The Initial Public Hearing for this application took place on September 14, 2017 and was continued and granted Action Extensions at both the October and November hearings. Given the pending status of this matter, I would respectfully request that issuance of Certificates of Occupancy for the above referenced lots be withheld until the hearing has been closed and the outstanding matters resolved.

Sincerely,


Edward Toole, Chairman
Zoning Board of Appeals
Town of Nantucket

August 2nd, 2019

Zoning Board of Appeals
Attn: Susan McCarthy, Chair
c/o Nantucket Planning Office
2 Fairgrounds Road
Nantucket, MA 02554

Dear Chair McCarthy and members of the ZBA,

Thank you for the work that you do on behalf of Nantucket. We are writing today to ask for your assistance.

The attached documentation illustrates that the developer of Beach Plum Village is obligated, and furthermore freely agreed, to make available a minimum of ten (10) and a maximum of thirty (30) non-resident family memberships for use of the common amenities (i.e., clubhouse, pool, lawn, tennis) at Beach Plum Village for residents residing within certain proximity to the development. Please see Section 3.2(o) and Exhibit D of the "Decision on Application of Rugged Scott LLC As Modified Pursuant to the 'Agreement and Stipulation for Entry of Judgement' in Housing Appeals Committee Docket No. 04-13" as well as Section 9 of the "Settlement Agreement".

Over a decade later, the developer has not implemented this non-resident program.

We understand the developer has retained control of the Homeowners Association at this point, so it would appear the ability to act is in their hands.

In the attached correspondence with the developer, you will see that the developer suggests that he plans to wait until all units are sold before implementing this policy. We see nothing in the Decision or Settlement Agreement that states that need be the case.

One would think it reasonable that, initially, before the amenities had been developed, that a non-resident program may not be in place. We would agree that to be very reasonable. However, in this case, not only has the pool, for example, been built – *it has been rebuilt*. Residents of Beach Plum Village have been enjoying the common amenities for years. As they should.

We understand that this non-resident program was intended to be a kind of community benefit and that the developer states they are interested in helping the year-round community through their housing programs. We also understand it could provide a lessening of the shared expense burden to the year-round as well as seasonal homeowners at Beach Plum Village were the non-resident membership program to be in place. As year-round residents, we are struggling to see how these facts and representations square with the developer not having previously implemented this simple program which the developer committed to do...?

We simply would like the developer to perform, finally, on the obligation without further delay. In addition to each of us having a potential interest in non-resident membership (dependent on program guidelines and pricing), we each, also, would like to be part of the representative group of abutters to review and discuss the proposed guidelines for the program with the developer / Homeowners Association as provided for in the Settlement Agreement.

We believe the developer to be in violation of both the Comprehensive Permit and the Settlement Agreement. We are not sure if a (re)opening of a public hearing is the next appropriate step, yet we would greatly value your guidance and attention to drive this matter to resolution without further unnecessary delay on the part of the developer.

Surely life would be easier for all if folks would just *do the right thing*.

Indeed, at any point over the past decade the developer could have come up with the guidelines and implemented the program if they so choose. Apparently in this case, it is going to take an authority compelling them to do so.

With best regards,

Chris Freeman, 14 Seikinnow Place
Tucker Holland, 5 Seikinnow Place
Peter McEachern, 2 Seikinnow Place
Bert Turner, 11 Seikinnow Place
Chris Young, 12 Seikinnow Place

Attachments (6)

80A-051-03 2/24/06
de Wans
Wiley & Sweeney
David Wiley
Lillian



PREPARED BY:
Weinmayr-Jay Associates, Inc.
Landscape Architects & Land Planners
617-354-8700

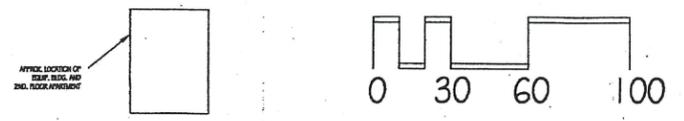
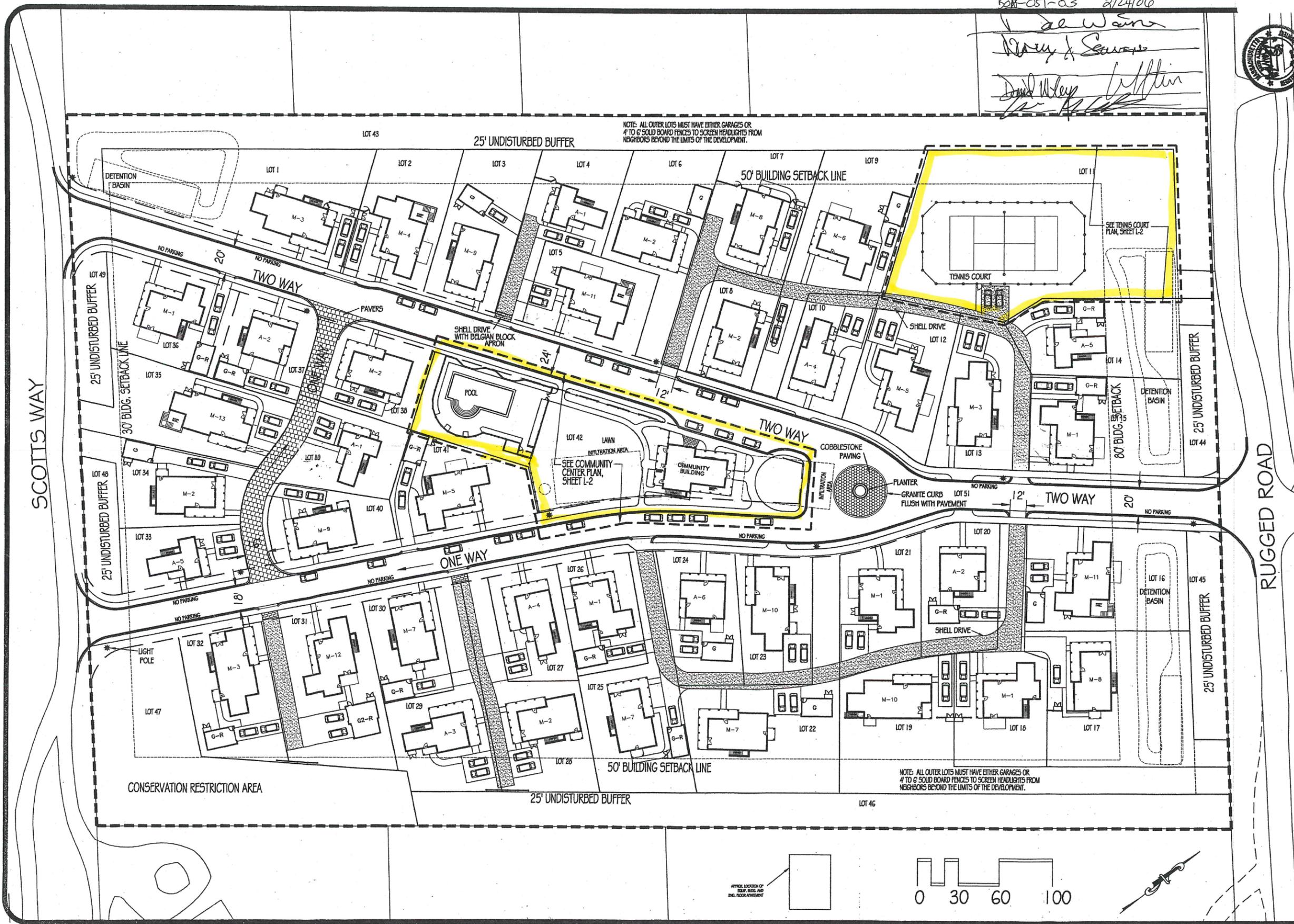
OWNER:
Rising Tide Development LLC
32 Arlington Street, Cambridge MA

DATE: Jan. 30, 2006
DRAWN: DAJ
SCALE: 1"=30'

LANDSCAPE PLAN
PROPOSED RESIDENTIAL DEVELOPMENT
AT RUGGED ROAD AND SCOTTS WAY

L-1

20230127



DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

HOUSING APPEALS COMMITTEE

Werner Lohe, Chairman
Shelagh Ellman-Pearl, Hearing Officer
Robert Dickens Smith, Research Counsel
Lorraine Nessar, Clerk
617-573-1520



Mitt Romney, Governor
Kerry Healey, Lt. Governor
Jane Wallis Gumble, Director



2006 00000775

Bk: 1010 Pg: 1 Page: 1 of 44
Doc: AGR 03/10/2006 02:25 PM

CERTIFICATION OF THE PUBLIC RECORD

I certify and attest that the attached copy of the filed Agreement and Stipulation for Entry of Judgment in the case of Rugged Scott, LLC v. Nantucket Board of Appeals, No. 2004-13, which I have initialed and dated, is a true copy of the document filed with the records of the Housing Appeals Committee.

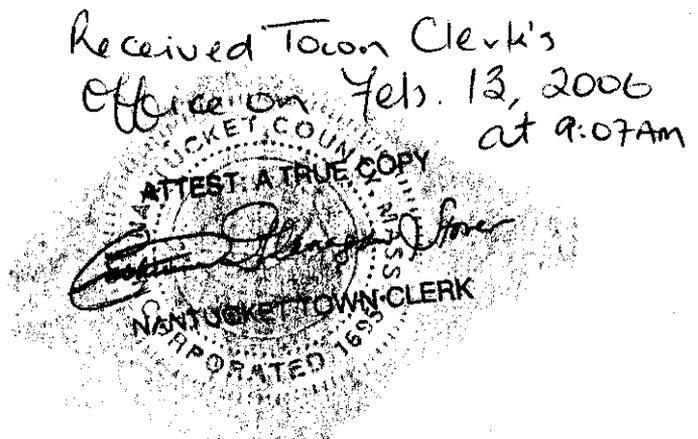
In WITNESS WHEREOF I have hereunto set my hand and seal.

02/02/06
(Date)

Lorraine Nessar, Clerk
Keeper of the Records
Housing Appeals Committee

N.b. Research shows that physical seal is unnecessary, even though it says "hand and seal".

100 Cambridge Street, 3rd Floor
Boston, Massachusetts 02114
Phone: 617-573-1520 Fax: 617-573-1515
www.mass.gov/dhcd/components/hac



COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

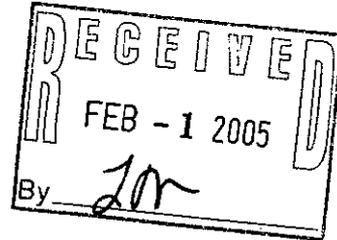
HOUSING APPEALS COMMITTEE
DOCKET NO. 04-13

RUGGED SCOTT LLC, Appellant
v.

TOWN OF NANTUCKET
ZONING BOARD OF
APPEALS, Appellee

and

LISA DIAS, Intervenor



AGREEMENT AND STIPULATION FOR ENTRY OF JUDGMENT

Now come Rugged Scott, LLC ("Rugged Scott") and the Town of Nantucket Zoning Board of Appeals ("the Board"), the Appellant and Appellee in the above-entitled action (the "parties"), and stipulate and agree that the Housing Appeals Committee shall enter a Decision on Stipulation and/or other Order approving the attached "Town of Nantucket Zoning Board of Appeals File No. 051-03 Decision on Application of Rugged Scott LLC As Modified Pursuant to the 'Agreement and Stipulation for Entry of Judgment' in Housing Appeals Committee Docket No. 04-13" (the "Modified Decision") as the Comprehensive Permit for this project.

I. **GRANT OF COMPREHENSIVE PERMIT**

The parties agree that by entering into this Agreement and Stipulation for Entry of Judgment, through the execution hereof by their respective counsel, they agree to, and are

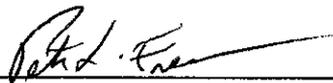
Handwritten initials and date:
JM
02-01-06

bound by the terms of the Modified Decision, whether or not this Agreement and Stipulation for Entry of Judgment is approved by the Housing Appeals Committee.

II. **BINDING AGREEMENT**

This Agreement and Stipulation for Entry of Judgment shall be enforceable as a Decision, Order, and/or Judgment of the Housing Appeals Committee, shall not be extinguished by merger as a result of incorporation in such Decision, Order and/or Judgment, shall in all events survive such Decision, Order and/or Judgment and be forever binding upon the parties, their heirs, successors and assigns; and shall retain its independent legal significance as a legally enforceable Agreement, whether or not approved by the Housing Appeals Committee. The parties agree that they will not appeal said Decision, Order, and/or Judgment, expressly waiving any right of appeal, whether statutory or otherwise, and acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Agreement and Stipulation for Entry of Judgment.

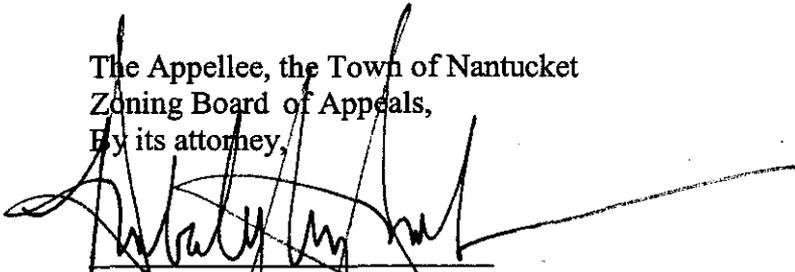
The Appellant,
Rugged Scott, LLC
By its Attorney,



Peter L. Freeman
BBO # 179140
Freeman Law Group
86 Willow Street – Suite 6
Yarmouthport, MA. 02675
508-362-4700

Handwritten: JM
02-22-01

The Appellee, the Town of Nantucket
Zoning Board of Appeals,
By its attorney,



Kimberly M. Saillant, BBO # 548775
Deutsch Williams/Brooks
DeRensis & Holland
99 Summer Street
Boston, MA 02110
617-951-2300

APPROVED:

Housing Appeals Committee,

Date: _____

Werner Lohe, Chairman

Shelagh Ellman-Pearl, Hearing Officer

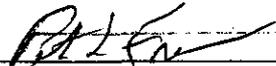
Handwritten initials and date:
ZM
02-02-01

CERTIFICATE OF SERVICE

I, Peter L. Freeman, do hereby certify that this day I served a true copy of the within Joint Motion of Appellant and Appellee to Adopt Agreement and Stipulation for Entry of Judgment, and to Stay Proceedings Pending Consideration of Motion and Agreement and Stipulation for Entry of Judgment by mailing same first class mail, postage paid to:

Jonathan D. Witten, Esquire
Daley and Witten, LLC
156 Duck Hill Road
Duxbury, MA 02332

Kimberly Saillant, Esquire
Duetsch Williams PC
99 Summer Street
Boston, MA 02110


Peter L. Freeman

DATED: February 1, 2005

JM
62-02-06

**TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
FILE NO. 051-03**

DECISION ON APPLICATION OF RUGGED SCOTT LLC

**AS MODIFIED PURSUANT TO THE "AGREEMENT AND STIPULATION FOR
ENTRY OF JUDGMENT" IN HOUSING APPEALS COMMITTEE DOCKET NO.
04-13**

**COMPREHENSIVE PERMIT
FOR THE RUGGED SCOTT LLC DEVELOPMENT
15, 19 Rugged Road and 6, 8 Scott's Way (aka Scotts Way)
Assessor's Map 67, Parcels 170, 170.1, 170.2 and 170.3, Plan Book 21, Page 106, Lots 19A,
19B, 19C and 19D, Deed Reference 761/53, zoned Limited-Use-General-2**

I. BACKGROUND OF APPLICATION

An application for a Comprehensive Permit pursuant to Massachusetts General Laws ("MGL") Chapter 40B, Sections (§) 20-23 ("the statute") for 72 units of housing was filed with the Nantucket Zoning Board of Appeals ("the ZBA") by Rugged Scott LLC (the "Applicant" hereinafter) on April 30, 2003. The Applicant agreed that the initial Public Hearing could be scheduled for July 31, 2003 and granted an extension, which was duly filed with the Nantucket Town Clerk. The location of the property that is the subject of this application is four separate parcels at 15 and 19 Rugged Road and 6 and 8 Scott's Way. 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 July 10 and 17, 2003. A Public Hearing on the Application was first held in the Large Group Instruction Room of the Nantucket High School, 10 Surfside Road, Nantucket, Massachusetts at 6:00 PM on July 31, 2003, and was continued to September 25, 2003, October 30, 2003, November 20, 2003, December 17, 2003, January 29, 2004, February 19, 2004, and again to March 17, 2004, during which the ZBA, the neighbors, and other concerned parties discussed changes to the plan with the Applicant. The public hearing was closed on March 17, 2004. The ZBA was assisted by Mr. Edward Marchant, a consultant, hired to advise on the 40B statute and procedural questions. The ZBA also received a report from the Nantucket Planning Board, dated October 27, 2003, which commented on requested waivers, traffic issues, density, lot layout, housing type and location. The members of the ZBA hearing this application were Mr. Edward J. Sanford, Chairman, Mr. C. Richard Loftin, Mr. Edward Murphy, Mrs. Nancy J. Sevrens, and Mr. David R. Wiley.

The ZBA has adopted no 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 (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 B; 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.

The ZBA issued a Decision on this Application dated May 25, 2004, granting a Comprehensive Permit for construction of forty (40) units, with numerous conditions. The Applicant appealed the Decision to the Commonwealth of Massachusetts Housing Appeals Committee (Docket No. 04-13); and there was also an appeal of the Decision in Nantucket Superior Court (Lisa P. Dias, and Kenneth F. Dias and Lisa P. Dias as Trustees of Daisey

Handwritten:
for
02-02-06

Nominee Trust, and Peter Paul Meerbergen, and Nantucket Land Council, Inc., Plaintiffs, v. Town of Nantucket Zoning Board of Appeals, et al, Nantucket Superior Court Civil Docket No. 04-15.

This modified Decision restates the original Decision in its entirety, but with the revisions that have been agreed to between the ZBA and the Applicant, with the intention that this modified Decision shall be attached to the "Agreement and Stipulation for Entry of Judgment" signed by counsel for the Applicant and the ZBA and submitted to the Housing Appeals Committee in full settlement of the Applicant's appeal to the Housing Appeals Committee.

II. BACKGROUND OF MGL CHAPTER 40B

This is an application, pursuant to MGL Chapter 40B, § 20-23, for a Comprehensive Permit for the construction of 72 dwelling units in single-family and duplex structures. During the public hearing, the ZBA voted 3-2, with Sanford, Sevens, Murphy in favor and Loftin and Wiley opposed, on January 29, 2004, to support a maximum of 40 dwelling units consisting of 26 market-rate, ten (10) affordable (see III,B(2) below). Such revision eliminated 32 dwelling units from the original application due to density concerns and based on housing needs. The unit program was further modified during negotiations that resulted in the full settlement of the Applicant's appeal of the May 25, 2004 ZBA decision to consist of a maximum of 44 dwelling units including eleven (11) affordable and 33 market rate units. All units will be detached single-family homes in fee simple ownership, which the ZBA found to be consistent with the neighborhood. The housing is proposed pursuant to the Housing Starts Program of the Mass Housing Finance Agency (MHFA). 25% of the units or eleven units will be sold to households whose annual 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"), with no more than 30% of their annual income going toward their interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any homeowners' association fees, hereinafter referred to as the "affordable units".

III. THE PUBLIC HEARING

A. Jurisdictional Requirements

At the first Public Hearing, Mr. Marchant gave a detailed presentation regarding the MGL Chapter 40B process and the floor was open for questions from the public. Mr. Marchant explained how the Applicant satisfied the jurisdictional requirements of the statute (see D. Findings of Fact, below) as well as the ZBA's role as the local permitting granting authority.

B. Project Description

The Applicant, represented by Mr. Joshua Posner, principal, outlined the Rugged Scott LLC Development proposal, with the assistance of the Applicant's consulting architect, Mr. Christopher Dalmus, AIA, of Design Associates, Inc.; consulting engineer, Mr. Dan Malloy, PE, Senior Project Manager of Cullinan Engineering, Inc; and the Applicant's counsel, Mr. Arthur Reade. As previously stated, the initial project proposed the construction of 72 dwelling units in single-family and duplex structures.

1.) Physical Characteristics

The land is a 10.0 +/- acre, vacant, wooded, site. The surrounding area is residential. Immediately abutting properties to the east and west contain single-family dwellings and outbuildings on lots of 50,000 to 80,000 square feet or greater. These properties are within the Limited-Use General-2 (LUG-2) zoning district, as is the subject site. To the north of the site, immediately across a paved private way, known as Rugged Road, is an area zoned Residential-2 (R-2) with a minimum lot size requirement of 20,000 square feet. Most lots in the area have been improved with single-family dwellings. To the south, across a separate dirt, private way, known as Scott's Way, is a 66.7 +/- acre, wooded, tract of land that is part of a Boy Scout camp. The site is level and the underlying soil type is "Evesboro association" according to the Soil Survey of Nantucket County Massachusetts. It is described as "Nearly level and gently sloping, excessively

drained, sandy soils formed in outwash deposits." There is a sewer line and water line proximate the Locus on Rugged Road.

2.) **Affordability**

The proposed prices for the eleven (11) affordable units are estimated to be approximately between \$218,000 and \$235,000 for the three (3) and four (4) bedroom homes, respectively, based upon current income guide-lines and the pro forma submitted by the Applicant dated July 28, 2003. The maximum sales price would be based upon an assumption that no more than 30% of their annual income would be used for interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any Homeowners' Association fees.

Final prices for the affordable units shall be established in accordance with State regulations and NHNC requirements prior to unit marketing based upon pertinent income data and MassHousing 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 eleven (11) affordable units in that, although household eligibility will be based upon 80% or less of median family income, the initial sales prices for the eleven (11) affordable units will be established by assuming that household median family income is no greater than 70% of median family income.

C. **Public Comment**

At each session of the Public Hearing, the ZBA asked for public comment. Many residents from the surrounding area and other interested parties spoke at various times. They expressed concerns about density, traffic, drainage, site plan design, noise, and other "quality of life" issues. The ZBA also received many questions about the pro forma and the ability of the development to maintain long-term affordability.

In addition to input from several pertinent Town departments, including a report from the Nantucket Planning Board, dated October 27, 2003, which commented and made recommendations on the requested waivers, traffic issues, density, lot layout, housing type, buffers and location, the ZBA retained two (2) engineering firms at the Applicant's expense to conduct a peer review of the traffic and engineering submittals. The engineering peer review report submitted by Horsley and Witten, the ZBA's engineering consultant, is dated July 3, 2003, revised July 25, 2003 and updated March 26, 2004, and the traffic peer review report by Rizzo and Associates, the ZBA's traffic consultant, is dated October 2, 2003 and updated October 21, 2003.

D. **Findings of Fact**

1. **The ZBA has jurisdiction to issue a comprehensive permit in accordance with the Act, in accordance with the following:**
 - a. The Applicant, Rugged Scott LLC, is a limited dividend corporation within the meaning of the Act.
 - b. The MassHousing Housing Starts Program (the "Program") has been accepted as an eligible program under the Act by the Housing Appeals Committee. The Applicant proposes to fund the project with funding from MassHousing. The Applicant has received a Project Eligibility letter, pursuant to 760 CMR 31.01 (2), for the project from MassHousing; therefore, the Applicant fulfills the requirement of 760 CMR 31.01(1)(b) that: "The project shall be fundable by a subsidizing agency under a low and moderate income subsidy program." Thus, the project complies with the regulations concerning fundability by a subsidizing agency. Construction financing by a private bank lender

JM
02-02-06

operating under the New England Fund program of the Federal Home Loan Bank of Boston may be allowed provided that MassHousing remains the Project Administrator overseeing enforcement of the terms of the Regulatory and Monitoring Agreements and written permission from MassHousing and DHCD is received.

The Applicant has demonstrated that it has control of the property by providing the ZBA with a copy of the deed conveying the title in the property from Steven C. Jemison, aka Stephen C. Jemison, to the Applicant, Rugged Scott LLC c/o Rising Tide Development LLC, dated June 8, 2000, and recorded at the Nantucket Registry of Deeds, Deed Book 761, Page 53.

2. The Project is consistent with local needs:

- a. Based on the statistics maintained by DHCD and presented by the Applicant, the Town has fallen significantly short (only 2.48%) of the 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 (NHA) has produced 100 units of MGL Chapter 40B eligible housing based upon the DHCD inventory dated October 1, 2001 updated to April 24, 2002, and there have been numerous housing initiatives, including actions taken at recent 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 a 39% decrease in the number of units, restriction of one dwelling unit per lot, creation of meaningful buffer areas, a 50-foot building setback line and other site changes agreed upon with the Applicant through the public hearing and meeting process that have significantly reduced and/or mitigated the impacts to the neighborhood.

3. The Project raises significant local health and safety issues:

- a. The Project must rely on municipal sewer and water service in order to support the density of development proposed by the Applicant. The project is within the Public Wellhead Recharge Overlay District. If on-site septic systems were proposed, the project would have an adverse impact on the Island's sole source aquifer. The nearest connections to public water and sewer are adjacent to the site, however the existing sewer line has reached capacity at a location far from the site at Newtown Road (a.k.a. New Town Road). The existing sewer line cannot receive substantial amounts of additional flow and a bypass sewer line needs to be constructed between Newtown Road (a.k.a. New Town Road) to a point near the Rotary. Construction of this bypass sewer line is essential to the issuance of a building permit for this project.

There are no constructed pedestrian facilities along Scott's Way, a dirt road. The nearest interconnected pedestrian and bicycle path is on Surfside Road although a planned facility along Fairgrounds Road is anticipated in the near future. The lack of these facilities is deemed to be an unsafe situation for

pedestrians and bicyclists given the level of vehicular traffic proposed for the site. Although a combined bicycle and pedestrian path along the north side of Rugged Road exists, which path was installed as a condition of the nearby 19-lot "Seikinnow Place" subdivision, the path would be inadequate to serve the needs of the future residents of the area. As with any comparable subdivision, sidewalks through the site are necessary to ensure pedestrian and bicycle safety. Scott's Way must be upgraded from its current condition to accommodate the additional traffic generated from this development.

- b. To mitigate the traffic impacts identified in b., above, the ZBA believes that construction of interior sidewalks, construction of Scott's Way and an extension of a bike path along Scott's Way are minimum requirements necessary to ensure vehicular, pedestrian, and bicycle safety to and from the site. In addition, off-site improvements are warranted because of the project's impact on traffic in the immediate area. The ZBA hereby requires the contribution of \$35,555* to be placed in a segregated account prior to the issuance of a building permit, administered by the ZBA or its designee, for traffic mitigation measures within a one-mile radius of the site.

* Calculated as follows: \$24,000=Cost of Bus Pull Out
 \$40,000=Cost of Fairgrounds Road/Old South Road Intersection Reconstruction
 \$64,000 x 40/72 (unit reduction)=\$35,555
 Source of Costs: 3/17/04 Memo, Nantucket Electric Land Purchase by Doug Unruh

E. ZBA Discussion and Vote

After ZBA discussion at its meeting held on May 24, 2004, a Motion was made by Edward Murphy, seconded by C. Richard Loftin, to approve the Comprehensive Permit, and to allow only those exceptions from the Nantucket local By-laws and regulations, as shown on Exhibit A attached hereto and incorporated herein by reference, and to incorporate **CONDITIONS** into the Comprehensive Permit. The ZBA finds that relaxing certain restrictions are 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.

CONDITIONS

1. General

- 1.1 The Project shall be constructed in substantial compliance with the following plans of record subject to final revisions as stated herein. Any deviation, ruled by the ZBA to be substantial, from these plans and/or directly related conditions and documents shall be a modification of this Comprehensive Permit by the ZBA as set forth in 760 CMR 31.03.
- "Conceptual Plan" (4 sheets) dated April 28, 2003 by Weinmayr Associates, Inc.
 - "PRELIMINARY COMPREHENSIVE PERMIT PLANS, PROPOSED HOUSING FOR RUGGED ROAD AND SCOTTS WAY" (6 sheets) by Cullinan Engineering Co., Inc., dated April 30, 2003.
 - "OVERALL LAYOUT PLAN, PROPOSED HOUSING FOR RUGGED ROAD AND SCOTTS WAY" (1 sheet) by Cullinan Engineering Co., Inc., dated September 24, 2003.
 - Drawing D15.28 "conceptual plan" dated February 17, 2004 and "mark-up" dated February 19, 2004 by Weinmayr Associates, Inc.
 - "Comprehensive Permit Application for Rising Tide LLC by Design Associates, Inc., dated April 2, 2003, (3 sheets)

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- 1.2 Revisions to plans. The following revisions shall be made to the plans to be submitted to the ZBA for final approval as required by 4.1 below:
- 1.2.1 The project shall be limited to no more than 44 detached, single-family dwelling units, 33 market rate units and, eleven (11) restricted to households at or below 80% of median family income as defined by HUD all held in fee simple. Total bedrooms for the site shall not exceed 155 and no unit shall have more than four (4) bedrooms. Total square footage (not including garages, basements and clubhouse) shall not exceed 85,500 square feet of habitable space. The clubhouse shall be limited to a maximum ground cover of 2,500 square feet. All plans, building schedules, etc. will be amended so as to address these limits.
 - 1.2.2 The final plan will show Road "A", Road "B", Road "C" and Road "E"; with Road "D" being eliminated. Roads "A", "B", and "E" will be fee-simple lots to be conveyed to the Homeowners Association (see 3.1). Road "C" will be an easement. The Roads shall be designated with names to be approved by the ZBA on the final plans.
 - 1.2.3 Road "A" shall be constructed to a width of 24 feet between curbs except (1) between its intersection with Rugged Road to its intersection with Road "E" and, (2) between its intersection with Scott's Way to its intersection with Road "C". In these two areas, the width shall be 20 feet between curbs and the pavement shall be marked with a "no parking" yellow line on both sides of the road. The western side of Road "A" shall be appropriately marked as "no parking." Additional signage may be required at the discretion of the ZBA.
 - 1.2.4 Road "B" shall be constructed to a width of 18 feet between curbs and the pavement shall be marked with a "no parking" yellow line on the eastern side of the road and both sides of the road between Scott's Way and Road "C". Additional signage may be required at the discretion of the ZBA.
 - 1.2.5 Road "C" shall be paved, 16 feet in width, similar to Roads "A" and "B".
 - 1.2.6 Twenty-five-foot wide perimeter lots to be owned by the Association, comprising a "no-disturb" buffer area as further discussed at 2.7 below, shall be shown upon the final plan.
 - 1.2.7 Interior sidewalks shall be constructed of brick pavers.
 - 1.2.8 Driveway aprons shall be shown on the plans.
 - 1.2.9 All parking areas shall be identified including the designation of all impervious improvements.
 - 1.2.10 The final plans shall show a "hybrid" drainage system that incorporates the use of vegetative swales to the extent practicable and without the necessity of impacting proposed "no disturb" buffer areas or existing trees. The ZBA must receive final comments from the ZBA's consulting engineers and the Wannacomet Water Company reviewing the adequacy of the final drainage system design.

- 1.3 Subsequent to the end of all applicable appeal periods and prior to the commencement of construction, the Applicant shall record this Decision in the Nan-

tucket 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 documentation of the filing of this Decision or a copy of the Decision with all recording information thereon.

- 1.4 The Applicant shall submit to the Historic District Commission ("HDC") the items listed in 4.1 a., f., g. and h. of this Decision and all information normally submitted to the HDC for a Certificate of Appropriateness ("COA") no later than 60 days prior to submitting the above plans to the ZBA. The Applicant shall meet in a reasonable manner with the HDC and make best efforts to satisfy HDC suggestions, requests and comments. The Applicant shall request in writing that the HDC prepare a formal comment letter for submission to the ZBA. Assuming that the HDC is willing to submit such a letter, the ZBA will review all HDC comments and make a Decision related to incorporating some or all of the HDC comments into the final plans. The ZBA retains final review authority on HDC-related design parameters on the above listed final plans and other documents relating to the initial permitting of the subject project.

The Applicant shall submit final architectural plans approved by the ZBA for the structures that are part of the project to the Building Department and the HDC. Final occupancy of all structures shall require a Certificate of Occupancy issued by the Building Department. The Applicant shall request inspections of completed buildings by the HDC staff and the ZBA hereby designates HDC staff as its agent to sign-off on the building permit card, confirming that the structure meets the requirements of the final ZBA approved plans.

After the issuance of a building permit, the ZBA hereby designates the HDC to review and approve any changes in accordance with their normal reviews that are not inconsistent with the original ZBA approval, by issuance of a COA.

- 1.5 This Comprehensive Permit shall not be transferable without the prior written approval of the ZBA.
- 1.6 The Applicant shall not cause any further site disturbance until all permits pursuant to 1.9 below have been issued and no tree removal, grading or layout, construction of roadways, drainage or other site disturbance shall be undertaken prior to the receipt of final approval of all required plans and legal documents required herein including but not limited to conditions contained in 1.2, 1.3, 1.4, 2.1, 2.2, 4.1, and 4.7, and the completion of any applicable appeal periods and/or the conclusion of any appeal(s) or legal action(s) except for:

- (1) Surveying activities at the perimeter of the site;
- (2) Those activities necessary to conduct the endangered species study required by 1.9 below. Additional site testing of soil types and archaeology may commence, subject to the above conditions regarding tree removal/alteration.
- (3) Other related testing, the exact nature of which is not known, but is related to environmental/archaeological/historic resource issues, may also occur subject to prior written notification to the ZBA to commencement of such disturbance.

The Applicant shall utilize the least intrusive means to conduct the activities described above such as hand-auger test pits. The Applicant shall not cause any trees greater than 4-inch caliper or 5 feet in height to be removed or significantly altered for the above-described activities. Minor, minimal removal of branches and shrubs for surveying sight lines and as part of on-site investigation shall be the only disturbance to the existing vegetation.

As a condition of this approval, the Applicant shall exercise care to not impact the intent of the "no disturb" buffer area's purpose of protecting adjacent residences from the visual and noise impacts by excessively trimming trees or trampling low-

lying shrubs and brush. The ZBA reserves the right to require additional screening, including but not limited to the planting of new trees and/or shrubs beyond those required by 2.7 below, if it is presented with evidence that these above conditions have been violated.

The Applicant shall retain mature, healthy trees, as is practicable, within the general area to be disturbed by roadway and house construction consistent with the landscape plan required by 4.1g.

- 1.7 Except to the extent modified by the conditions, the Applicant shall be bound by the submissions contained in the Application (as revised) for approval 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.
- 1.8 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.
- 1.9 The Applicant shall provide the following permits and/or documentation of compliance with the following environmental programs and or requirements before any site clearing:
 - Massachusetts Historical Commission (MHC)
 - Sewer Extension Permit, Department of Environmental Protection (DEP)
 - Massachusetts Environmental Policy Act (MEPA)
 - Massachusetts Endangered Species Act (MESA)
 - Environmental Protection Agency (EPA)

It is a condition of this Decision that the above listed State and/or Federal requirements shall be met by the Applicant.

2. Programmatic Issues

- 2.1 The Applicant must identify an independent monitoring agent, acceptable to the ZBA, to monitor the project, pursuant to the Regulatory Agreement described in 2.2 below. The Applicant shall bear all reasonable costs for the monitoring agent's contract/services. The Nantucket Housing Office (NHO) as designated by the Nantucket Housing Authority (NHA) and/or the Citizens' Housing and Planning Association, of Boston, Massachusetts ("CHAPA") have been identified by the Applicant as potential monitoring agents, and either is acceptable to the ZBA.
- 2.2 The Applicant, the ZBA, and NHA-NHO/CHAPA, shall execute a Regulatory Agreement, subject to the review and approval of Town Counsel prior to recording in the Nantucket Registry of Deeds, which shall incorporate without limitation the following conditions as to affordability:
 - a.) Twenty-five (25%) percent of the units shall remain affordable in perpetuity or for as long as the project does not comply with local requirements, whichever is longer. Except as hereinafter stated, such units shall be sold to households whose annual income, adjusted for family size, does not exceed 80% percent of the median family income for Nantucket as defined by HUD. A Deed Rider, subject to the review and approval of Town Counsel, shall be executed and recorded for each

affordable unit. Applicant agrees that prior to the closing of the first affordable unit, Applicant will modify the form of Deed Rider used for the affordable units to include any additional reasonable provisions that will further protect the long-term affordability of the affordable unit, if such language is provided to the Applicant by the monitoring agent and/or ZBA in a timely manner. The purpose of this condition is to ensure that

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the actual Deed Rider used and recorded reflects the then current "state-of-the-art" for such deed riders to ensure that affordable units are protected for the longest possible legal period and to minimize the risk that such homes may be lost for any reason as an affordable housing resource.

- b.) The affordable units shall be marketed and sold to the fullest extent legally permissible, with preference for Nantucket residents, with monitoring of the lottery process by the ZBA or its designee.
 - c.) Any mortgage loan to an affordable unit owner/buyer that is secured by any of the eleven (11) affordable units shall be subject to the perpetual MGL Chapter 40B affordability requirement that is a fundamental condition of this Comprehensive Permit, unless Applicant/owner/buyer can demonstrate to the ZBA through clear and convincing evidence that this requirement prevents affordable unit buyers from securing reasonable mortgage loan financing satisfactory to allow the timely sale of the affordable units, despite Applicant's/owner's/buyer's best efforts to identify acceptable lenders willing to make such subordinated loans. Best efforts by the Applicant/owner/buyer would have to include earnest and timely discussions with local lenders, particularly with those that have participated as mortgage lenders in the NHNC program.
- 2.3 Prior to the start of construction, the Applicant shall record the aforesaid Regulatory Agreement, after execution by all required parties, at the Nantucket Registry of Deeds, with a marginal reference to the deed or deeds for the Locus to the Applicant.
- 2.4 Applicant shall submit an audited cost certification of all revenues and expenses, including any rebates received from suppliers, prepared by a Certified Public Accountant acceptable to the Monitoring Agent. Such cost certification shall comply with the requirements established by the Monitoring Agent in conformance with MGL 40B guidelines.
- 2.5 The Applicant shall employ no fewer than six (6) distinct styles of homes in accordance with a chart submitted by the Applicant entitled "Unit Program" dated February 19, 2004 (see Exhibit E, the "Chart"). Although the chart shows only four (4) styles, there will be distinctions among the designs subject to final approval by the ZBA. The units will generally correspond to the unit sizes contained in the Chart. No three-bedroom unit shall be less than 1200 square feet of habitable area (not including basements or garages) or any unit greater than 2700 square feet of habitable area (not including basements or garages). The unit styles shall be distributed to avoid a concentration of styles in any particular location. There shall be no more than ten (10) dwellings of any style home. There will be no "Cottage Type E" affordable units but a minimum of one (1) and a maximum of four (4) of the remaining three (3) styles of each home design shall be employed for affordable units.
- 2.6 All units shall consist of individual lots owned in fee simple and approximately 4,000 to 15,000 sq. ft in lot area, each improved with one single-family dwelling. All lots shall have a minimum of 20 feet of frontage on a road or way. Lots with frontage on Rugged Road or Scott's Way shall be restricted from constructing any driveway access directly to Scott's Way or Rugged Road. Front-yard setbacks shall be a minimum of five (5) feet and a maximum of ten (10) feet with a minimum clearance of five (5) feet from the edge of any sidewalk for those lots fronting on Roads "A" and "B", except for those lots that the ZBA designates a waiver from this setback requirement on the final plans. It is expected that the Applicant may propose a small number of lots with larger front yard setbacks as shown on the "Drawing D15.28 (see 1.1). Minimum side/rear yard setbacks shall

be five (5) feet, except for those lots affected by a 50-foot building setback line (see 2.8 below). Maximum ground cover on each lot shall be 30%. No more than 40% or a maximum of 2500 square feet of impervious surface (which includes the dwelling units), whichever is less, shall be allowed on any lot. Each lot shall be restricted to one dwelling unit only, except for the clubhouse/pool/lawn/tennis facility lot, which shall be restricted to no dwelling units.

- 2.7 The "no disturb" buffer area lots described in 1.2.6 above shall be a minimum of 25 feet in depth from the adjoining property lines and a minimum of 25 feet in depth from Rugged Road and Scott's Way, exempting the Road lots and lots that have "reverse frontage" as shown on the final site plan. The "no disturb" buffer area lots shall be considered permanently protected open space consistent with MGL Chapter 40A § 9.

Based upon the information presented, the ZBA determines that an adequate buffer standard should be at least one (1) tree per ten (10) linear feet of the "no disturb" buffer area perimeter, said trees being a minimum height of five (5) feet and minimum caliper of three (3) inches. Planting should occur within or at the edges of the "no disturb" buffer areas as directed by the ZBA or its designee. The total required planting of new trees based on a perimeter measurement (2,729.98 feet) minus the Road lots (3 Road lots, Road "A" at Scott's Way and Rugged Road, Road "B") $\times 40 \text{ ft} = 120 \text{ ft}$, is 261 trees (2,609.98 feet $\times 1 \text{ tree}/10 \text{ feet} = 260.98$). Trees shall be planted in a natural pattern, shall be offset where appropriate and are meant to supplement existing, mature vegetation. This condition shall be incorporated into the final landscaping plan required by 4.1 g. The ZBA reserves the right to alter any aspect of this standard and vary tree sizes and locations based upon a review of the detailed final landscape plan.

The Applicant shall stake the proposed locations for these required trees for review with the goal being to maximize the screening between the easterly and westerly properties and the proposed houses from Rugged Road. The final landscaping plan and a schedule for the planting of all required trees submitted for review by the ZBA shall identify species of conifers that would meet the above goal and be suitable for planting in the "no disturb" buffer areas to the satisfaction of the ZBA or its designee. The ZBA reserves the right to alter any aspect of this procedure and specify alternative tree types and species based upon a review of the detailed final landscape plan.

The Applicant shall be responsible for maintaining the health of these trees until the sale of the 44th lot. Thereafter, the Homeowner's Association shall maintain the trees of the "no disturb" buffer area, including the replacement of unhealthy, diseased or dead trees. This condition shall be included in the Homeowner's Association documents.

As stated in 1.8 above, the ZBA reserves the right to require additional plantings in the event that care in preserving existing vegetation of the "no disturb" buffer area is not undertaken by the Applicant until the completion of the project.

- 2.8 A 50-foot building setback line shall be established from the easterly and westerly property lines. This restriction shall be enforceable by the Town of Nantucket in perpetuity or the longest time period allowed by law and shall prevent the erection of any permanent structure or building within its limits. The Applicant shall execute a restriction granting said right of enforcement to the Town of Nantucket.

3. Management Issues

- 3.1 A Homeowner's Association (the "Association") shall be established by the Applicant for the maintenance of all common areas including the clubhouse/pool/lawn/tennis facility, roadways including drainage facilities, swales, sidewalks, bike paths, and shoulders. The Association shall be governed by By-

laws, submitted to the ZBA for review and approval as required pursuant to 4.1. The Association may be legally created, accept deeds to the Road lots and common facilities and undertake other administrative/organizational actions but shall not assume road, infrastructure maintenance or clubhouse/pool/lawn/tennis court facility management until all of the infrastructure is completed or the 30th lot is conveyed.

The Association shall be initially endowed by the Applicant in the amount of \$250.00 per lot and shall determine assessments for common area maintenance. The Association shall administer the fund and the ZBA shall be named as the third-party administration agent. The Association may promulgate rules and regulations, consistent and in compliance with the terms and conditions of this decision and those specific conditions in 3.2 below. 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, (6) rental terms and conditions for market-rate units, and (7) hours of operation and conditions related to the use of the clubhouse, pool and tennis courts.

3.2 The following conditions and rules and regulations shall be binding upon the Owners, the Occupants and the Association, under the authority of the Association, its agents, designees, and assigns:

a.) Affordable units may not be rented and they must remain owner-occupied. This condition shall be reflected in the Deed Rider.

Rentals of market rate units shall be undertaken by an agent of the Association so as to ensure compliance with the rules, regulations and standards governing the units.

b.) No more than two (2) adult persons per bedroom may occupy any of the units. This condition shall not apply to minor children under 18 years of age, except that in no case shall total occupancy of the units exceed three (3) persons per bedroom, including adults and minors. This condition is further restricted by 3.2 (d) below.

c.) Dwelling units may be expanded beyond the original "building footprint" shown on the final plans, subject to the following requirements:

- Expanded ground cover, as defined in the Nantucket Zoning By-law may not exceed 15% of the unit's original ground cover;
- Expansion may not increase the overall room count of the dwelling, said room count not including bathrooms; additional bedrooms being expressly prohibited; and
- Expansion must receive a COA from the HDC and be constructed pursuant to a duly issued building permit, and shall receive permission from the Association.

No Owner or Occupant may add secondary dwelling units, apartments, or studios.

Garages, new or expanded parking and/or impervious areas not shown on the final site plan, fences, and sheds for the storage of garbage receptacles, lawnmowers, bicycles, toys, and similar items may be allowed by written consent of the Association, must apply for and receive a COA from the HDC, and must be constructed pursuant to a duly issued building permit.

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No garages, or parts thereof, shall be used for human habitation. A hose bib and/or utility-work sink shall be the only allowable plumbing fixtures within the interior area of a garage. No garage may contain a studio.

- d.) No units shall be occupied as a dormitory, employer dormitory, rooming house or like housing, as such housing may be defined by the Nantucket Zoning Bylaw. No more than five (5) individuals unrelated by marriage are allowed to reside in any dwelling unit except that, prior to the issuance of a Certificate of Occupancy or one (1) year from the issuance of the building permit for the 43rd dwelling, whichever occurs sooner, workers engaged in construction on the subject property may exceed the five (5) person limit by up to three (3) additional persons (eight total) provided that they occupy a dwelling unit as one household and abide by the conditions set forth in these rules and regulations. There must also be an acceptable plan to address any automobile parking issues related to such occupancies.
- e.) The Association shall have the authority and lien powers to collect fees for common area maintenance, including the power to impose reasonable fines for failure to comply with the conditions of the Comprehensive Permit.
- f.) Among other uses, Association fees collected may be used for contribution in common with other abutters whose properties front and gain access onto Rugged Road and Scott's Way to maintain adjacent portions of these streets, and to provide for snow removal, until, if and when, the Town or County of Nantucket assumes this responsibility.
- g.) The Owners and Occupants 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.
- h.) The Association shall keep the roads, catch basins, drainage infrastructure, clubhouse/pool/lawn/tennis facility and other common areas and common improvements in a high state of maintenance and cleanliness.
- i.) No unregistered, uninsured and inoperable vehicles, boats, campers or recreational vehicles shall be allowed on-site overnight unless enclosed in a garage. Commercial vehicles other than pickup trucks and passenger automobiles used in association with a resident's profession or business shall not be allowed.
- j.) Exterior/outdoor lighting shall be low-wattage, uni-directional, downward facing, and prevent glare from occurring on adjacent property.
- k.) No commercial signs of any kind, including "For Rent", or "For Sale" signs shall be posted.
- l.) There shall be no change in the By-laws of the Association without the approval of 75% of each of the two (2) income levels of the Owners as follows:

Market Rate -33 units x 75%=(24.75)=25

Affordable -11 units x 75%=(8.25) = 9

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Owners may not vote changes inconsistent with the Comprehensive Permit and any conditions thereto, the approved Regulatory Agreement and/or the approved Deed Rider.

- m.) Owners wishing to make changes to their units that the ZBA determines to be minor and that vary from the final plans identified at 4.1 a., f., g., and h. must apply for and receive a COA from the HDC if the changes are subject to normal H.D.C. jurisdiction and permission from the Association is granted.
- n.) All driveways shall be either brick, cobblestone, Belgium block, white gravel or shell, with a minimum of two (2) off-street parking spaces on each lot. Driveway aprons shall be constructed at the intersection with all paved roadways in conformance with Chapter 139 (Zoning) §20.1 of the Nantucket Code.
- o.) The clubhouse/pool/lawn/tennis court facility shown on the plans shall be available only to those residents of the site and their accompanied guests for personal use. The facility shall not be open to the public. The clubhouse may not function as a restaurant or bar as these terms are defined in the Nantucket Zoning Code. Use of the facility for functions with food and/or alcohol service may be allowed as an accessory use subject to all Zoning and other regulatory requirements. Memberships shall be provided to all residents on a fee schedule to be adopted by the Association provided, however, that any fee for an affordable unit is factored into the 30% maximum housing expense calculation. The Association shall establish hours of operation for the facility and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final ZBA approval. **Notwithstanding the above resident restriction, abutting property owners as shown on a map attached hereto as Exhibit D shall be allowed access to the facility subject to a comparable fee structure and in accordance with rules and regulations established by the Association. A minimum of ten (10) non-resident family memberships shall be offered and a maximum of 30 non-resident family memberships may be allowed by vote of the Association.**
- 3.3 Deeds to all units, including market rate units, 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.
- 3.4 Affordable units shall be distributed throughout the development, and they shall be constructed in a ratio of not less than one (1) affordable unit to every three (3) market rate units until all units are sold. The proposed locations and building types for the affordable units must be submitted to the ZBA for approval prior to the issuance of a building permit.
- 3.5 If the project generates a Development Fee in excess of 15% of Total Development Cost as determined by the final and approved Cost Certification, all such monies shall be divided between the Applicant and the Town of Nantucket evenly on a 50-50 basis.
- 3.5.1 The Town's share of any funds received pursuant to 3.5 above shall be used to support affordable housing initiatives and will be administered by the Nantucket Housing Office, or in the event that it does not exist at the time, by another agency designated by the Town.
- 3.5.2 These Town funds shall be divided evenly for use in supporting affordable housing initiatives with 50% targeted for households earning less than 80% of the area median income, and 50% units targeted to households earning up to 150% of median income.

- 3.5.3 For the purposes of calculating whether a Development Fee greater than 15% has been generated by the project, the final approved Cost Certification will be used. The Applicant agrees for the purposes of Cost Certification that: a) expenses in the line item for Administrative/Overhead will be capped at \$250,000 or such other greater or lesser amount as may be approved by MassHousing but in no case shall the amount be greater than \$300,000; b) that expenses in the line item for Construction Administration will be capped at \$250,000 or such lesser amount as may be approved by MassHousing, except that if the Applicant serves as its own Construction Contractor, and thereby creates an "identity of interest" as determined by DHCD, that this Construction Administration line item will be eliminated; c) that if the Applicant serves as its own Construction Contractor then certain construction cost line items normally regulated by DHCD in "identity of interest" circumstances, including General Requirements, Builder's General Overhead and Builder's Profit and any other such line items as determined by DHCD will be limited to the amounts defined by DHCD; and 4) that if the Applicant serves as its own marketing agent, that the Marketing line item, including advertising, will be capped at 5% of sales of market rate units, and 3% of sales of affordable units; plus third party direct costs for promotional brochures and mailers, visual models, displays and video presentations, furnishings for model units, and the like, such costs not to exceed \$100,000.
- 3.5.4 In the event that the Applicant wishes to perform any other services in relation to the development of this project not listed in 3.5.3 above, then it shall notify the ZBA and will negotiate in good faith an "identity of interest" agreement for said service along the lines of the services described in 3.5.3 above. The general guideline shall be that the cost of any services provided by the Applicant shall be consistent with industry standards.
- 3.5.5 If the project generates a Development Fee such that the total Development Fee exceeds 20% of Total Development Cost as determined by the final and approved Cost Certification, 100% of all such Development Fees in excess of 20% shall be contributed to the Town in accordance with MGL 40B guidelines and shall be used as described in 3.5.2.

4. Construction

- 4.1 Prior to the application for a building permit for any dwelling unit, the Applicant shall submit the following information and/or plans for approval by the ZBA:
- a.) Definitive Subdivision Plan (see 1.4), suitable for recording, showing all lots with metes and bounds descriptions, common driveway easements, utility easements, drainage and swale easements (if applicable), and 50-foot building setback line from the easterly and westerly property lines of the site shown thereon. Separate sheets shall show the minimum setbacks, proposed building footprints, building style or types on all lots (see 2.5) identifying affordable and units, garages, and parking areas identifying impervious surfaces on each of the 44 house lots and all structures, decks, and the overall layout of the clubhouse/pool /tennis court lot.
 - b.) Roadway Plan or Plans showing cross-sections, grade, bicycle plans and specifications and drainage details.
 - c.) Utility Plan or Plans showing all electric, cable television, telephone, public water, and other infrastructure on site.

- d.) Sewer Plan and Profile showing both the sewer line to be constructed within the site and off-site.
- e.) Final Grading and Erosion Control Plan.
- f.) Final Architectural Plans of all structures (see 1.4).
- g.) Landscape and Planting Plan. (see 1.4) The landscaping plan shall be designed to achieve the most attractive appearance, screening and sound buffering that is practical. The final landscaping plan shall screen parking areas as viewed from the street and along common driveways, to the extent feasible. In addition to other minimum requirements related to landscaping herein, a minimum of one deciduous tree per lot, 41 in total, shall be provided as street trees along Roads "A" and "B". A planting chart identifying species, sizes and quantities of trees and other plant materials and a maintenance schedule shall also be submitted.
- h.) Lighting Plan. (see 1.4 and 3.2 j)
- i.) Outline Building Specifications for all units indicating, if applicable, any differences among market rate and affordable units.
- j.) Legal documents in their final draft form including Association By-laws, Deed Rider, Regulatory Agreement, Declaration of Restrictions and Covenant.
- k.) All permits required by 1.9.
- l.) A construction mitigation/phasing plan (see 4.5).
- m.) Clubhouse, pool, tennis court hours of operation and guidelines (see 3.2 o.)
- n.) Proposed Association budget identifying all estimated Association fees for the affordable and market units.

The ZBA shall make a determination whether the plans and information above are consistent with the Applicant's representations to the ZBA during the Public Hearing and the materials submitted by the Applicant into the record of the Public Hearing.

4.2 The Applicant, at its expense or with the contribution of other parties, shall design to Town of Nantucket specifications, and construct, an extension of and connection to the municipal wastewater sewer system which shall service the structures on the site (the "project sewer system"). This Decision shall constitute all required local approvals for said project sewer system. However, prior to construction, the Applicant shall obtain all State approvals that may be required for the project sewer system, including but not limited to any permit and/or waiver from the Administrative Consent Order dated October 30, 2003 issued in the matter of "Surfside Wastewater Treatment Facility, ACOP-BO-03-1G002, Groundwater Discharge Permit, SE #1-200", if any. This system is projected to consist of an internal sewer network serving the 44 dwelling units and clubhouse, 12 (twelve)-inch sewer line to be constructed along the westerly side of Fairgrounds Road from Newton Road (a.k.a. New Town Road) to a manhole approximately 250 feet north of the Rotary. At Newton Road (a.k.a. New Town Road), the existing eight-inch sewer line must be capped off. Upon completion and acceptance of these improvements, the Applicant shall promptly convey the sewer line to the Town. An easement covering all portions of the sewer line within the site shall also be granted to the Town. No septic systems shall be allowed within the subject property.

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- 4.3 The Applicant shall construct at its expense, with the assistance of the Wannacomet Water Company, a new water main and a loop of supply pipe sized to service through the site and Scott's Way, between Road "B" and Fairgrounds Road. The water system shall have sufficient capacity to service other properties to the east of the site along Rugged Road and all of Scott's Way. This water main and loop shall contain fire hydrants as required by the Nantucket Fire Department, and shall be designed to Wannacomet Water Company and State specifications. Upon completion and acceptance of these improvements, the Applicant shall promptly convey the improvements to the Town. An easement covering all portions of the water line within the site shall also be granted to the Town. No water supply wells shall be allowed within the subject property.
- 4.4 The Applicant agrees to construct at its expense a bicycle path running parallel to Scott's Way connecting Roads "A" and "B" with the Fairgrounds Road Bicycle Path.
- 4.5 Prior to the start of construction, the Applicant shall submit a description and location of plans for the staging of equipment, construction materials, parking and soil stockpiles incorporated in the required construction/mitigation-phasing plan. Said plans shall be reviewed by the ZBA's engineering consultant, at the expense of the Applicant, and shall be acceptable to the ZBA.
- 4.6 The Applicant shall incorporate measures to control erosion, sedimentation, and dust during construction in the plans to the satisfaction of the ZBA's engineering consultant.
- 4.7 Prior to the start of 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 ZBA's engineering consultant who will be involved in the inspection of the road and drainage improvements. The Applicant shall select and have on-site a Project Representative responsible for on-site activities acceptable to the ZBA.
- 4.8 The traffic mitigation contribution of \$35,555 (see III D 3. [c]) shall be deposited in a segregated account prior to the issuance of a building permit, administered by the ZBA or its designee, for traffic mitigation measures within a one-mile radius of the site.
- 4.9 The Applicant shall install at its own expense, the improvements stated herein. Building permits shall be issued based upon a review of the progress of infrastructure installment. A Planning Board "Form J" release from the covenant shall be submitted by the Applicant. An exception to this requirement is hereby granted to the Applicant who is allowed to construct two (2) structures as marketing models only and not for occupancy.
- The Planning Board has agreed to lend staff assistance to the ZBA and the ZBA hereby designates them as their agent to oversee and administer the completion of improvements in the same manner that it oversees subdivision improvements approved by the Planning Board.
- 4.10 The construction of road and drainage improvements cited in this Decision, shall be inspected by the ZBA's engineering consultant. The cost for such inspection shall be the responsibility of the Applicant in accordance with the standard protocol for such inspections required by the Planning Board for subdivisions.
- 4.11 There shall be no construction activity on Sundays and legal holidays. All exterior construction activity shall not begin prior to 7:30 am nor continue after 6:00 pm

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on weekdays. All exterior construction activity shall not begin prior to 8:00 am nor continue after 5:00 pm on Saturdays.

- 4.12 Following completion of the road, bicycle path and drainage improvements described above, the Applicant shall prepare at its own expense as-built plans, which shall be reviewed and approved by the ZBA's engineering consultant. These plans shall document substantial compliance with the specifications of the improvements required by the ZBA.

(051-03, RUGGED SCOTT LLC)

INDEX OF EXHIBITS

- A: List of Exceptions
- B: Application Materials, Supplemental Information and Applicant Correspondence
- C: Capital Cost Pro Forma prepared by Edward Marchant 2/13/04
- D: Clubhouse/Pool/Lawn/Tennis Facility-Non-Resident Eligibility Area
- E: Chart - Unit Program 2/19/04

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EXHIBIT A

LIST OF EXCEPTIONS (aka WAIVER LIST)

(Please note: the following language that has been struck out are portions of requested exceptions that were not granted by the ZBA in this Decision.)

Chapter 139. Zoning

§ 139-7.A. Exception to permit a clubhouse/community building, ~~which may also contain a retail shop,~~ within a Limited Use General-2 ("LUG-2") zoning district.
Granted except for allowance of retail shop. See Clubhouse/Pool/Lawn/Tennis Facility discussion at 3.2. o., page 11.

§ 139-12.B(3)(a). Exception from the requirement that the application be referred to the Nantucket Water Commission.
Granted. Comments included.

§ 139-16.A. Exception from the Intensity Regulations as to lot area, frontage, setbacks and ground cover ratio.
Granted. See 2.6, page 10.

§ 139-16.D. Exception from the regularity formula.
Granted.

§ 139-18. Exception from on-site parking requirements for the lot, which will contain the proposed clubhouse.
Granted.

§ 139-20. Exception from the provision of off-street loading facilities for the lot, which will contain the proposed clubhouse.
Granted.

§ 139-20.1. Exception from the regulations as to driveway access.
Granted to the extent necessary. See 3.2 n., page 13.

§ 139-23. Exception from the Site Plan Review provisions for the proposed clubhouse.
Granted.

§ 139-24.A. Exception from the Phased Development provisions.
Granted.

§ 139-26.C. Exception from the requirements under clause (1) for submission of a Certificate of Appropriateness from the Historic District Commission ~~and under clause (2)(b) for submission of a sewer-connection permit from the Department of Public Works in connection with a building permit application.~~
Granted for submission of final plans only. See discussion at 1.4, page 6

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND ISSUED BY THE NANTUCKET PLANNING BOARD

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§ 2.06b(18). Exception to the required on-site disposal area.
Granted.

§ 4.03a(1). Exception from the street width standards to allow pavement widths for the various proposed subdivision roadways of 16 feet (one-way road with no on street parking), 20-foot (one-

way road with on street parking limited to one side), 20-foot (two-way road with no on street parking), and 24-foot (two-way road with on street parking limited to one side).

Granted. See discussion at 1.2.2, 1.2.3, 1.2.4. and 1.25, page 6.

§ 4.03e. Exception from the minimum design standards for streets to allow the use of a 30-foot right-of-way ("R.O.W.") in place of the required 40-foot right-of-way.

Granted for Road "C". See 1.2.2 and 1.2.5, page 6.

§ 4.03e. Exception from the minimum design standards for streets to allow pavement widths of 16-foot (one-way road with no on street parking), 20-foot (one-way road with on street parking limited to one side), 20-foot (two-way road with no on street parking), and 24-foot (two-way road with on street parking limited to one side).

Granted. See discussion at 1.2.2, 1.2.3, 1.2.4 and 1.25 page 6.

§ 4.04b. Exception to allow the use of a Turning "T" layout similar to that shown within Plate No. 4.
Granted.

§ 4.06b(3). Exception to allow the use of underground stormwater leaching/infiltration systems in place of the required leaching basins.

Granted. See discussion at 1.2.10, page 6.

§ 4.06b(5). Exception to allow the use of gas and oil separators designed in compliance with section 4.06b(6) and the Department of Environmental Protections Stormwater Management Policy in place of the gas and oil separator specified by Appendix A, Plate 13.

Granted.

§ 4.19. Exception to the requirement for a bicycle path within the boundaries of the project.

Granted. Sidewalks are being constructed within the site and a bicycle path along Scott's Way outside of the boundaries of the project.

HISTORIC DISTRICT COMMISSION

The Applicant requests an exception from all requirements for the submission of plans and materials to the Nantucket Historic District Commission ("HDC").

Granted for submission of final plans only. See discussion at 1.4, page 6

FEES AND SECURITY; GENERAL

The Applicant further requests an exception from any requirement to post a bond, cash, covenant or other security in connection with the construction of the proposed infrastructure improvements.

Conditionally granted. Applicant must execute a covenant that is equivalent to "Form I-Covenant" used by the Planning Board, see 4.8, page 1.

OTHER

The Applicant requests an exception from any Town by-law or regulation relative to local decision-making with regard to connection to the Town sewer system, including Warrant Article 56 approved at the April 2004 Town Meeting creating a new sewer district and any increased sewer connection fees as they may apply to this project.

Granted, consistent with the requirements stated in Condition No. 4.2..

Handwritten signature/initials

Exhibit B
Rugged Scott LLC
Application Materials, Supplemental Information, and Applicant Correspondence

1. Application package, entitled: "New Housing for Rugged Road and Scotts Way, Nantucket, Massachusetts, Comprehensive Permit Application Under M.G.L. Chapter 40B, Section 20-23", submitted by Rugged Scott LLC, dated April 29, 2003. Package includes, but is not limited to:
 - Section 1: Project Summary and Data
 - Section 2: Applicant Status
 - Section 3: Site Approval Letter
 - Section 4: Development Team
 - Section 5: Site Control and Existing Zoning
 - Section 6: Plans and Drawings
 - Section 7: Department of Housing and Community Development Subsidized Housing Inventory
 - Section 8: List of Exceptions
 - Section 9: Site Engineering and Analysis Report
 May 30, 2003 extension letter to Nantucket Board of Appeals from Joshua Posner
2. July 10, 2003 Technical Memorandum, from Michael R. Abend, Abend Associates, for the Applicant, regarding Traffic Impact Assessment.
3. July 28, 2003 letter to Nantucket Board of Appeals from Joshua Posner, regarding Pro Forma.
4. "Outline ZBA Presentation", dated July 31, 2003 from Joshua Posner
5. October 9, 2003 letter to Nantucket Zoning Board of Appeals from Daniel C. Mulloy, PE from Cullinan Engineering, for the Applicant.
6. October 10, 2003, Technical Memorandum from Michael R. Abend, Abend Associates, for the Applicant, regarding traffic report.
7. October 10, 2003 letter to Nantucket Zoning Board of Appeals from Paul R. Lelito, Executive Director of Ecological Services.
8. October 21, 2003 letter to Nantucket Board of Appeals from Joshua Posner, regarding Hard Costs, Soft Costs and Home Sales Prices.
9. November 12, 2003 letter (2 pages) to Nantucket Board of Appeals from Attorney Arthur I. Reade for the Applicant.
10. November 18, 2003 letter (3 pages) to Nantucket Board of Appeals from Joshua Posner, regarding Endangered Species Program, with attachments.
11. December 9, 2003 letter to Nantucket Board of Appeals from Joshua Posner, re: Source of Construction Estimates, Response to Marchant's Financial Model, Sales Prices, Development Costs-Fixed, not Variable Costs, Items that are particularly at risk being higher than the pro forma, A Pro Forma is a Balancing Act, A Revised Version of the Marchant Model, Where Do We Go From Here, and A Final Comment, with Attachments: #1 (2 pages, costs); #2 (2 pages (December 9, 2003 letter to Mr. Josh Posner from Edward Miano, President, Atlantic Homes, LLC); #3 (four pages, January 16, 2003 letter to Joshua Posner from Juliet Hunter, the Maury people, inc.); #4 (2 pages, "Comments on Ed Marchant's Financial Model"); #5a (2 pages); and #5b (2 pages).
12. January 23, 2004 letter (2 pages) to Nantucket Board of Appeals from Joshua Posner regarding Changes to the Plan.
13. January 29, 2004 letter (1 page) to Nantucket Board of Appeals from Daniel C. Mulloy, PE, of Cullinan Engineering, for the Applicant, regarding drainage issues.

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14. Plan, Drawing No. D1528, marked as "Conceptual Plan", dated February 17, 2004, done by Weinmayr Associates, Inc., for the Applicant, a reduced copy of which is attached hereto.
15. May 19, 2004 letter (1 page) to Nantucket Board of Appeals from Attorney Arthur I. Reade, for the Applicant, and signed by Joshua Posner, granting and extension for the filing of the Decision to May 25, 2004.

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12-02-06

EXHIBIT C

RUGGED SCOTT NANTUCKET, MA					
February 13, 2004					
	40	UNITS			
CAPITAL COST PROFORMA		Total Costs	Per Unit	Per Sq Foot	% of TDC
(a) Land Acquisition		\$1,683,000	\$42,075	\$22.56	9.0%
Hard Costs:					
(b) Site Work					
1. Roads, drives, utilities, site clearing		\$1,106,666	\$27,667	\$14.84	5.9%
2. House lot improvements (utilities, drives, walks, foundation hole and grade)		\$600,000	\$15,000	\$8.04	3.2%
3. Landscape plantings and hardscape		\$320,000	\$8,000	\$4.29	1.7%
(c) Clubhouse and Pool		\$400,000	\$10,000	\$5.36	2.1%
(d) Residential Construction		\$10,636,534	\$265,913	\$142.60	56.9%
(e) Subtotal Hard Costs (b+c+d)		\$13,063,200	\$326,580	\$175.13	69.9%
(f) Hard Cost Contingency	5%	\$653,160	\$16,329	\$8.76	3.5%
(g) Total Hard Costs (e + f)		\$13,716,360	\$342,909	\$183.89	73.4%
Soft Costs:					
Architectural [% of (e) above]	1.25%	\$163,290	\$4,082	\$2.19	0.9%
Engineering		\$140,000	\$3,500	\$1.88	0.7%
Permits/Backcharges [% of (e) above]	1%	\$130,632	\$3,266	\$1.75	0.7%
Legal Fees/Title		\$200,000	\$5,000	\$2.68	1.1%
Construction Administration		\$190,000	\$4,750	\$2.55	1.0%
Monitoring Agent/Lottery		\$45,000	\$1,125	\$0.60	0.2%
Appraisal Fees		\$10,000	\$250	\$0.13	0.1%
Accounting Fees		\$15,000	\$375	\$0.20	0.1%
Liability/Builder's Risk Insurance		\$33,320	\$833	\$0.45	0.2%
Real Estate Taxes (during construction)		\$40,000	\$1,000	\$0.54	0.2%
Marketing (Market Units)	5%	\$890,500	\$22,263	\$11.94	4.8%
Marketing (Nantucket Resident Units)	3%	\$42,000	\$1,050	\$0.56	0.2%
Marketing (Affordable Units)	1.5%	\$33,975	\$849	\$0.46	0.2%
Financing Costs		\$80,000	\$2,000	\$1.07	0.4%
Construction Interest		\$440,000	\$11,000	\$5.90	2.4%
Unit Closing Costs/Legal		\$40,000	\$1,000	\$0.54	0.2%
Maintenance Costs during Sellout		\$120,000	\$3,000	\$1.61	0.6%
Permitting Period Carrying Costs		\$300,000	\$7,500	\$4.02	1.6%
Project Overhead/Administration		\$240,000	\$6,000	\$3.22	1.3%
(h) Subtotal Soft Costs		\$3,153,717	\$78,843	\$42.28	16.9%
(i) Contingency (% of Subtotal - Marketing)	6%	\$131,235	\$3,281	\$1.76	0.7%
(j) Total Soft Costs (h + i)		\$3,284,952	\$82,124	\$44.04	17.6%
(k) Total Development Costs (a + g + j)		\$18,684,312	\$467,108	\$250.49	100.0%

Pro Forma

1

DEVELOPMENT FEE ANALYSIS				
<u>Revenue:</u>				
Affordable projected sales		\$2,265,000		
Nantucket Resident sales		\$1,400,000		
Market projected sales		\$17,810,000		
(A) Total Revenue		\$21,475,000		
<u>Expenses:</u>				
(B) Total Development Costs		\$18,684,312		
<u>Development Fee:</u>				
(C) Total Profit (A-B)		\$2,790,688		
(D) Percentage Profit (C/B)		14.94%		
PROJECT DESCRIPTION				
Total Units		40		
Residential Construction Cost per Sq Ft		\$142.60		
Affordable Units		10		
Nantucket Resident Units		4		
Market Units		26		
		40		<u>Average</u>
				<u>Posner</u>
				<u>Size</u>
Average Affordable Unit		1,400	Square Feet	1500
Average Nantucket Resident Unit		1,400	Square Feet	1525
Average Market Unit		2,115	Square Feet	2059
Total Gross Square Footage		74,590		
Gross Square Footage Average/Unit		1,864.75		
Sales Revenue		<u>Units</u>	<u>Average Price</u>	<u>Revenue</u>
			<u>Assumed</u>	<u>Posner</u>
				<u>Estimate</u>
Affordable Units		10	\$226,500	\$2,265,000
Nantucket Resident Units		4	\$350,000	\$1,400,000
Market Units		26	\$685,000	\$17,810,000
		40		\$21,475,000
Marchant (2/13/04)				

Exhibit D

ZBA File 51-03

Rugged Scott LLC

Clubhouse/Pool/Lawn/Tennis Facility

Non-Resident Eligibility Area



May 25, 2004

Unit Program
2/18/2004

1. Objective: Accomplish ZBA program voted January 29, 2004—40 single family homes; 10 Affordables; 4 Moderates
2. Reduce average size of Affordable and Moderate units to approx 1400 SF.
3. 6 somewhat larger units with larger lots at approx. 2500 SF
4. Allow up to 6 garages (one or two car)

	Aff/ Mod			Total	Afford #	Mod #	Mkt #	Mkt \$	Aff SF	Mod SF	Mkt SF	Total SF
	Gr.	Mkt Gr	No. of BRs									
	Sq.Ft.	Sq Ft										
Cottage Type A	1700	2200	4	13	2	1	10	704,000	3400	1700	22000	27100
Cottage Type B	1400	1800	3	15	4	1	10	812,000	5900	1400	18000	25000
Cottage Type E	2000	2500	4	6	0	0	6	775,000	0	0	15000	15000
Cottage Type F	1200		3	6	4	2	0	458,000	4800	2400	0	7200
Total Units				40	10	4	26		13800	5500	55000	74300
Percentage of total					25.0%	10.0%	65.0%	Avg SF	1380	1375	2115	1857.5

Area analysis

	Acres	Sq. Ft.
Total Site	10.1	439,956
Streets	0.9	39,000
Sidewalks	0.4	16,000
Club House	0.5	21,600
Lots	8.3	363,356
Avg Lot		9083.9

EXHIBIT E

BK: 01010 Pg: 30

SETTLEMENT AGREEMENT

Now come the parties in the case of Lisa P. Dias, et al, Plaintiffs, v. Town of Nantucket Zoning Board of Appeals, et al, Nantucket Superior Court Docket No. 04-15 (“the Superior Court case”) and the case of Rugged Scott, LLC v. Nantucket Zoning Board of Appeals, Housing Appeals Committee Docket No. 04-13 (“the HAC case”, and hereby agree that this Settlement Agreement settles all matters in dispute between the parties related to the property located at Rugged Road and Scotts Way, Nantucket, MA (hereinafter “the Property”) and that this Settlement Agreement shall be enforceable as set forth below between the parties, and be forever binding upon the parties, their heirs, successors and assigns; the parties further acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Settlement Agreement. The parties hereby agree as follows:

1. Number of Units: The project on the Property shall be comprised of forty (40) residential units, of which ten (10) shall be “affordable housing” units as defined in M.G.L. c. 40B, ss. 20-23, as further described in the attached chart (Attachment 1) which is a modified version of Exhibit E to the Decision of the Nantucket Zoning Board of Appeals (“ZBA”) dated May 25, 2004, as modified by the Agreement and Stipulation for Entry of Judgment dated January 27, 2005 executed by Rugged Scott, LLC and the Nantucket Zoning Board of Appeals (“the Board”) in the HAC case (both the Decision and the Agreement and Stipulation for Entry of Judgment being collectively referred to as “the Decision”).

2. Lighting: Rugged Scott, LLC (“Rugged Scott”) agrees to achieve the mitigation requirements contained in Condition 3.2 of the Decision regarding the type and placement of exterior lighting so as not to create glare on adjacent homes, with particular attention to mitigation of any glare from such lighting in the direction of the residence of Kenneth F. Dias and Lisa P. Dias at 25 Rugged Road, Nantucket, Massachusetts, and the residence of Peter Paul Meerbergen at 20 Rugged Road, Nantucket, Massachusetts, and to comply with any and all Town of Nantucket light bylaws and regulations.
3. Screening/ Landscaping: Rugged Scott agrees to provide vegetation/plantings in the 25 foot buffer area lots described in Condition 1.2.6 of the Decision. This vegetation/ plantings will be consistent with Condition 2.7, Paragraph 2 of the Decision, and a plan entitled “Type ‘B’ and ‘C’ Buffer Planting” dated August 26, 2005, a copy of which is attached hereto as Attachment 2 and incorporated herein by reference. It is understood that the planting type shown on Attachment 2 is illustrative of the number and density of plantings to be installed, and establishes a proposed minimum density and number of plantings/vegetation to be installed within said buffer area lots rather than a specific number of any such plants to be used in every location. Additional indigenous deciduous shrubs and/or trees such as poplar, oak, ash or aspen may be included in the landscaping design for the development in an effort to create a natural looking buffer with somewhat better screening characteristics. Rugged Scott agrees to include flowering trees to be planted along Rugged Road for the Board’s consideration in the landscape design for the project. Rugged Scott also agrees to install a reasonable amount

of drip irrigation in an effort to speed the growth of and strengthen the vegetated buffer. In addition, Rugged Scott will establish a Screening Contingency Fund in the amount of Twenty thousand Dollars (\$20,000.00) to be placed in escrow and held by the Homeowners Association to be used after the development is completed to supplement screening, if needed to reduce/mitigate lighting, mitigate sound transmission, and enhance the privacy of neighboring properties.

4. Fencing: Rugged Scott agrees to provide limited fencing in locations where necessary to reduce/mitigate/deflect direct lighting shine/glare off roads and headlights of vehicles and/or any lighting fixtures onto the property of abutters. Rugged Scott will propose the installation of four (4) to six (6) foot fencing with ancillary planting in those locations of a type designed to provide a complete visual block. (The plan entitled "Buffer Density Key" dated August 26, 2005, a copy of which is attached hereto as Attachment 3 and incorporated herein by reference, is an example of the type of fencing Rugged Scott agrees to propose for said installation.

5. Siting of Dwellings: Rugged Scott agrees to preserve mature trees (defined as "a healthy tree with visible characteristics of growth, minimal, if any, infestation and a minimum height of 15 feet and a minimum caliper of 8 inches") to the maximum extent that is reasonably possible, it being understood that it may be necessary that certain of such trees be cleared for the construction of infrastructure, roadways, driveways and houses. Additionally, Rugged Scott agrees to perform clearing of the project site in phases, with clearing for roadways and infrastructure installation first, then the clubhouse

area, and then individual house lots and driveways. Also, Rugged Scott will draft proposed final home siting plans in a manner generally consistent with the locations as shown on Exhibit 3, which illustrates such proposed siting. The 7 lots marked "See Note 1" on Attachment 3 will contain a deed restriction requiring that no "hoop barn," other similar storage structure, nor any structure which requires the issuance of a permit will be placed closer than 80 feet from the nearest lot line of the Rugged Scott property as it abuts Rugged Road.

6. Catch Basins and Oil/Gas Separators: Rugged Scott agrees to a minimum separation of catch basins and oil/gas separators of one hundred (100) feet from the properties of abutters to the Rugged Scott residential housing development site. The placement and design of all such catch basins and oil/gas separators will be subject to engineering review and Board approval.

7. Setbacks: Rugged Scott acknowledges and agrees to building setbacks of a minimum of 50 feet from its bordering lot line, except for the 7 properties marked "See Note 1" on Attachment 3, as described in #5 above.

8. Secondary Dwellings: Rugged Scott acknowledges and agrees that the approved plan permanently prohibits the construction of secondary dwellings, and that there shall be a restriction in each of the deeds conveying the separate lots created in the Rugged Scott residential housing development prohibiting the construction of secondary dwellings.

9. Clubhouse/Pool/Tennis Courts Facility: The Decision clearly states allowable and prohibited uses and further establishes a procedure under which Rugged Scott and the Homeowners' Association must establish hours of operation for the facility, and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final Board approval. Rugged Scott agrees to impose a requirement that the tennis and pool facilities will be closed no later than 7 PM and will operate only between May 1 and October 31 in any given year. Rugged Scott also agrees to comply with Condition 3.2 (o) of the Decision and in addition will present and discuss with a representative group of abutters its proposed guidelines on these matters before submitting them to the Board for approval.
10. Access off Scott's Way: Rugged Scott agrees to the current plan which has two roads entering the site from Scotts Way and only one from Rugged Road.
11. Water Line Extension: In order to mitigate any potential impact of the Rugged Scott residential development on the private water wells of abutters Dias, Meerbergen and Glidden, Rugged Scott agrees to extend the water line with appropriate tap connections in Rugged Road in the grassed portion of the Right of Way up to the Glidden driveway at 24 Rugged Road, in an effort to facilitate any opportunity for Dias, Meerbergen and/or Glidden to connect to Town of Nantucket (Wannacomet) water. Rugged Scott agrees to make every effort not to disturb the existing vegetation/plantings/landscaping (already existing and recently planted) within the right of way known as Rugged Road and located in front of the property lines of the

Meerbergen residence (20 Rugged Road) and homeowner Edward G. Jalbert (1 Seikinnow Place – corner of Rugged Road and Seikinnow Place); in the event such vegetation/plantings/landscaping are disturbed, Rugged Scott agrees to re-plant/landscape the disturbed area. In addition, Rugged Scott will request that the Board recommend approval of any and all applications that would allow said Dias, Meerbergen, and Glidden to connect to the newly extended water line in the future; the parties specifically agree, however, that should such approvals be denied, such denial will in no way invalidate the terms of this Settlement Agreement. By signing this Settlement Agreement, the Board agrees only that it shall duly consider Rugged Scott's request, but makes no commitment one way or the other as to an approval or denial of such request.

12. By signing this Settlement Agreement the parties recognize both that the substantive terms of the agreement do not vitiate the role of the Board in dealing with post-Comprehensive Permit matters, including but not limited to the review by the Board of final plans by Rugged Scott pursuant to various conditions of the Comprehensive Permit, and that the public hearing procedure and public input shall continue to be part of the process for such review.

13. To the extent that there may be future disagreements between the plaintiffs in the Superior Court case and Rugged Scott concerning the performance of the obligations hereunder, the parties recognize and agree that the Board will not and does not assume any duties of enforcement as a result of the Settlement Agreement; in addition the parties

recognize that the Settlement Agreement is not intended to limit any power that the Board may inherently have under the Comprehensive Permit, G.L. c. 40B and the regulations promulgated thereunder.

14. Mediation: The plaintiffs in the Superior Court case and Rugged Scott agree that in the event a disagreement should arise during the implementation of these terms as to their meaning or interpretation, that they will meet together with counsel on a non-binding basis to make a good faith attempt to resolve their differences. If such mediation is not successful after a ten (10) day period, then the plaintiffs and/or Rugged Scott shall be entitled to pursue all rights and remedies available at law or in equity.

15. By entering into this Settlement Agreement, the parties agree that the Decision shall be deemed to be modified so as to incorporate the provisions, terms and obligations herein.

16. Upon execution of this Settlement Agreement by all parties, counsel for all parties shall execute and forthwith file Stipulations of Dismissal, with prejudice and without costs to any parties, dismissing the Superior Court case and the HAC case.

17. All of the parties hereto hereby waive any and all rights of appeal, statutory or otherwise, in the Superior Court case and the HAC case.

DATED: November 21, 2005

PLAINTIFFS IN SUPERIOR COURT CASE:



Lisa P. Dias, Trustee, Daisey Nominee
Trust



Lisa P. Dias, Individually



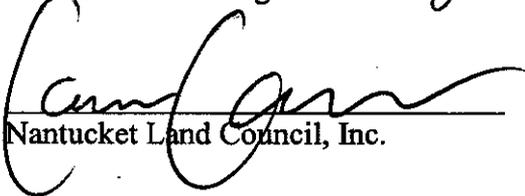
Kenneth F. Dias, Trustee, Daisey Nominee
Trust



Kenneth F. Dias, Individually

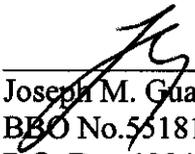


Peter Paul Meerbergen 11 2005

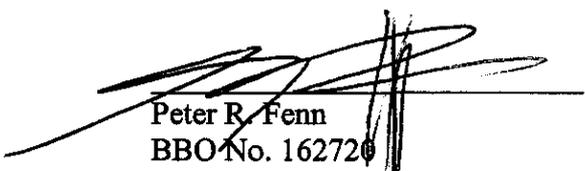


Nantucket Land Council, Inc.

COUNSEL FOR PLAINTIFFS IN SUPERIOR COURT CASE:



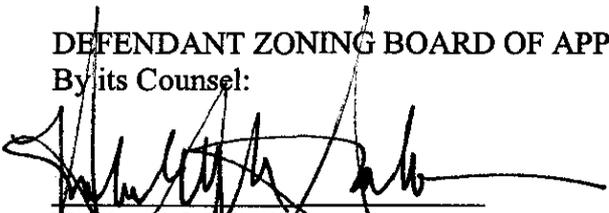
Joseph M. Guay
BBO No.551814
P.O. Box 1294
108 Surfside Road
Nantucket, MA 02554
(508) 825 9099



Peter R. Fenn
 BBO No. 162720
 Peter R. Fenn & Associates
 71 South Street
 Jamaica Plain, MA 02130
 (617) 522-9292

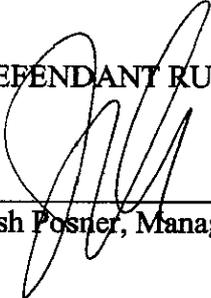
DEFENDANT ZONING BOARD OF APPEALS IN SUPERIOR COURT CASE:

By its Counsel:



Kimberly M. Saillant
 BBO No. 548775
 Deutsch Williams Brooks
 DeRensis & Holland
 99 Summer Street
 Boston, MA 02110
 (617) 951-2300

DEFENDANT RUGGED SCOTT LLC IN SUPERIOR COURT CASE:



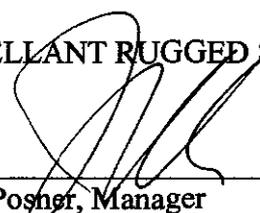
Josh Posner, Manager

COUNSEL FOR DEFENDANT RUGGED SCOTT LLC IN SUPERIOR COURT CASE:



Peter L. Freeman
 BBO No. 179140
 Freeman Law Group
 1597 Falmouth Road, Suite 3
 Centerville, MA 02632
 (508) 775-5010

APPELLANT RUGGED SCOTT LLC IN HAC CASE



Josh Posner, Manager

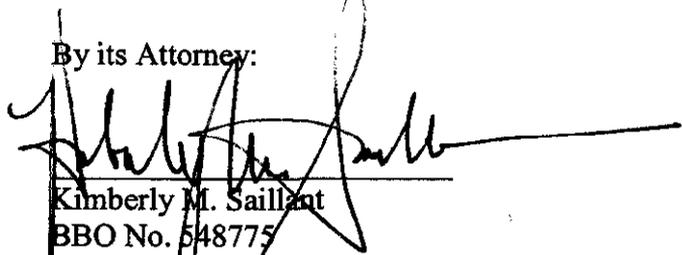
COUNSEL FOR APPELLANT RUGGED SCOTT LLC IN HAC CASE



Peter L. Freeman
BBO No. 179140
Freeman Law Group
1597 Falmouth Road, Suite 3
Centerville, MA 02632
(508) 775-5010

APPELLANT NANTUCKET ZONING BOARD OF APPEALS IN HAC CASE

By its Attorney:



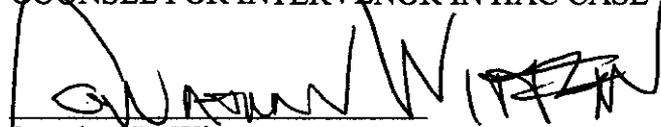
Kimberly M. Saillant
BBO No. 548775
Deutsch Williams Brooks
DeRensis & Holland
99 Summer Street
Boston, MA 02110
(617) 951-2300

INTERVENOR IN HAC CASE



Lisa Dias

COUNSEL FOR INTERVENOR IN HAC CASE



Jonathan D. Witten
BBO No.636337
Daley and Witten, LLC
156 Duck Hill Road
Duxbury, MA 02332
(781) 939-0084

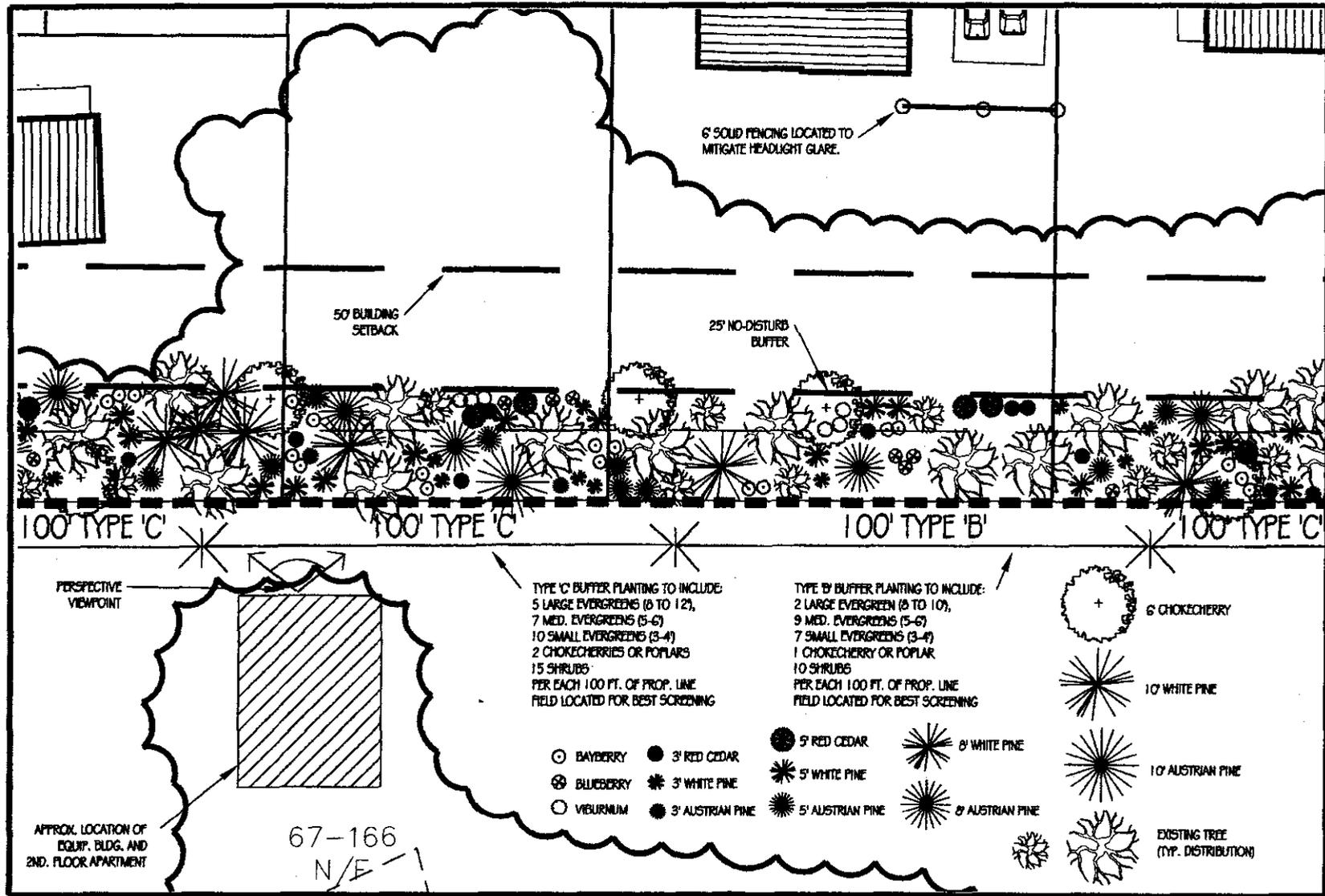
DWLIB 191414v1
289/99

Unit Program
7/26/2005

	Aff/ Mod Gr. Sq.Ft.	Mkt Gr Sq Ft	No. of BRs	Total	Afford #	Mod #	Mkt #	Mkt \$	Aff SF	Mod SF	Mkt SF	Total SF
Cottage Type A	1700	2400	4	15	3	0	12	704,000	5100	0	28800	33900
Cottage Type B	1400	2000	3	15	3	0	12	612,000	4200	0	24000	28200
Cottage Type E	2000	2500	4	6	0	0	6	775,000	0	0	15000	15000
Cottage Type F	1200		3	4	4	0	0		4800	0	0	4800
Total Units				40	10	0	30		14100	0	67800	81900
Percentage of total					25.0%	0.0%	75.0%	Avg SF	1410		2260	2047.5

Bk: 01010 Pg: 42

ATTACHMENT 1



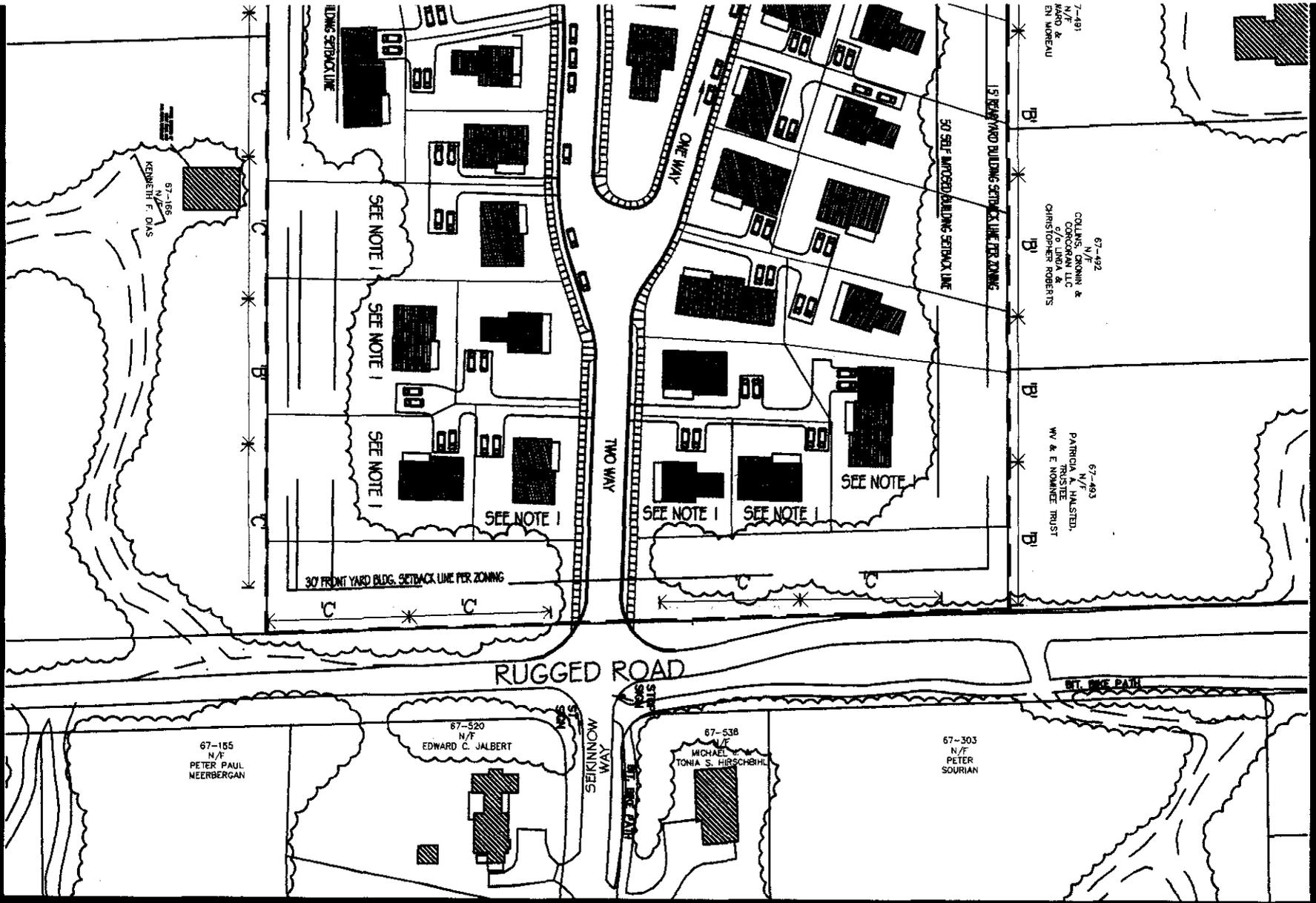
Rising Tide Development LLC
 32 Arlington Street, Cambridge MA
 617-549-3232

WEINMAYR ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 PHONE: (617) 354-8700

TYPE 'B' & 'C'
 BUFFER PLANTING

DATE: AUG. 26, 2005
 DRAWN: DAJ
 SCALE: 1"=20'
 CONCEPTUAL PLAN

FIGURE
 5
 DRAWING NO.



7-491
N/F
KARO &
EN MOREAU

67-492
N/F
COLLINS, CHOWN &
CORCORAN LLC
C/O LINDA &
CHRISTOPHER ROBERTS

67-493
N/F
PATRICIA TRUSTEE
WY & E NORMAN TRUST

67-156
N/F
KORNEH F. OAS

67-155
N/F
PETER PAUL
NEERBERGAN

67-520
N/F
EDWARD C. JALBERT

67-536
N/F
MICHAEL &
TONIA S. HIRSCHBL

67-303
N/F
PETER
SOURIAN

BUFFER DENSITY KEY

Rising Tide Development LLC
32 Arlington Street, Cambridge MA
617-549-3232

WEINMAYR-JAY ASSOCIATES, INC.
LANDSCAPE ARCHITECTS & LAND PLANNERS
PHONE: (617) 354-8700

DATE: AUG. 26, 2005

DRAWN: DAJ

SCALE: 1"=100'

CONCEPTUAL PLAN

FIGURE 6

DRAWING NO.

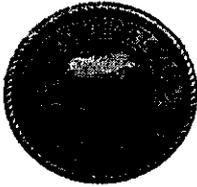
2168

145

Attest: Joanne L. Kelley, Register of Deeds
RECORDED CURRENT RECEIVED & ENTERED



Bk: 1148 Pg: 63 Page: 1 of 3
Doc: MOD 07/30/2008 01:20 PM



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

Date: July 18, 2008

RECEIVED
TOWN CLERK
JUL 18 8:08 AM '08

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

Application No.: 051-03

Owner/Applicant: Rugged Scott, LLC

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.

Michael J. O'Mara, 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**

CLARIFICATION AND TECHNICAL CORRECTION:

1. At a public meeting of the Nantucket Zoning Board of Appeals, on Friday, April 11, 2008, at 1 P.M., in the Conference Room, in the former Electric Company building, 2 Fairgrounds Road, Nantucket, Massachusetts, the Board of Appeals made the following MINOR MODIFICATION to the Comprehensive Permit in the matter of the RUGGED SCOTT, LLC project (File No. 051-03):

2. Applicant's attorney presented a request for two minor modifications to the Comprehensive Permit for the project, recorded at the Nantucket Registry of Deeds at Book 1010, Page 01. The first request was to **modify the design and location of the pool and community center** within Lot 42 to accommodate drainage needs for the project also served by that lot. Applicant's attorney presented plans and elevations showing the revised designs and location. The second request was to reduce the square footage of the dwelling units on up to eight unsold lots (Lots 7, 8, 15, 16, 18, 21, 25 and 26) by up to between 48 square feet less than prior to 354 square feet less than prior, in order to reduce the price point at which they would be marketed and sold. Applicant's attorney presented revised design plans for each of the unit types on these lots. Applicant's attorney also presented evidence that all of the existing purchasers had been provided notice of the application and supporting documents by email, and that the only current lot owner directly viewing the pool and community center responded, stating that he did not object to the alterations proposed.

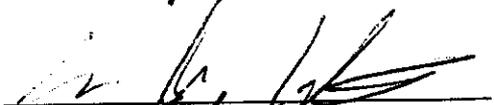
3. The Board of Appeals determined that the modifications requested constituted minor modifications that posed no detrimental effect, and that no public hearing was necessary for the requested changes. The Board acted, by UNANIMOUS vote of the members participating, to accept and approve the following modification to the Comprehensive Permit:

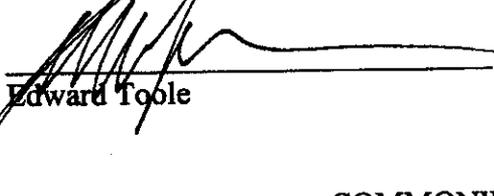
- (a) The **location of the pool and community center are modified** as per the attached site plan, on the condition that **the former location will be a grass lawn area utilized for drainage purposes.**
- (b) That the square footage for the dwelling units on Lots 7, 8, 15, 16, 18, 21, 25 and 26 may be constructed either as previously approved, or in the alternative, as per the table below and the plans in File 051-03.

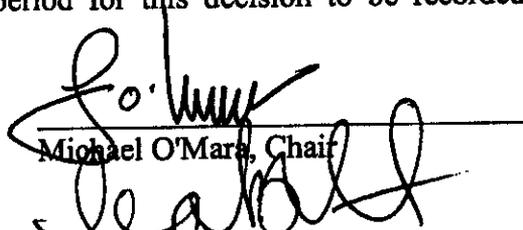
Lot #	Prior SF	Alternate SF
7	2314 SF	1960 SF
8	1947 SF	1899 SF
18	1947 SF	1899 SF
21	1947 SF	1899 SF
15	1947 SF	1899 SF
16	2122 SF	1925 SF
25	2314 SF	1960 SF
26	1947 SF	1899 SF

As a Minor Modification, there is no appeal period for this decision to be recorded at the Nantucket Registry of Deeds.

Dated: July 7, 2008


Kerim Koseatac


Edward Toole


Michael O'Mara, Chair

Lisa Botticelli

David Wiley

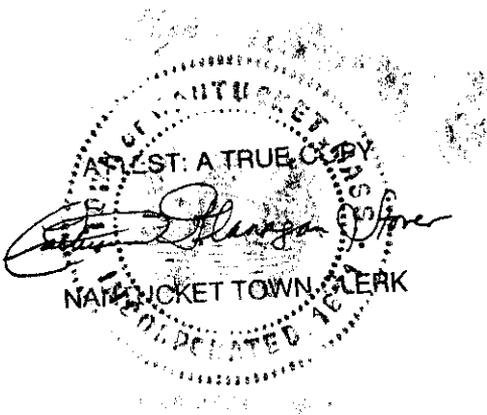
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 7th day of June, 2008, before me, the undersigned notary public, personally appeared Michael O'Mara, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed voluntarily for its stated purpose, on behalf of the Nantucket Zoning Board of Appeals



Notary Public
Printed Name: Venessa K. Moore
My Commission Expires: March 22, 2013



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

JUL 29 2008

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferrairol, Registrar of Deeds



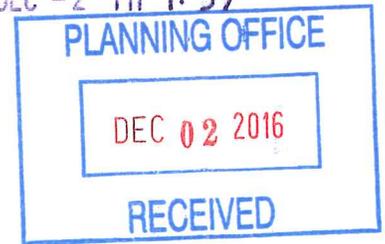
cottage + castle

2016 DEC -2 PM 1:59

December 2, 2016,

Via Hand Delivery & Electronic Mail

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



**Re: Rugged Scott LLC Development (a/k/a Beach Plum Village 40B)
Minor Modification of Comprehensive Permit – File No. 051-03**

**Owner: Rugged Scott, LLC
32 Arlington St.
Cambridge, MA 02140**

**Agent: Cottage + Castle, Inc.
37 Old South Rd., #6
Nantucket, MA 02554**



Dear Ms. Antonietti:

Attached please find two (2) copies of following in support of the owner, Rugged Scott, LLC's request for a minor modification of the Comprehensive Permit issued for Beach Plum Village:

- 1) Application with \$450.00 Filing Fee
- 2) Locus Map
- 3) ZBA Decision/Order
- 4) Lot 2 proposed plans, previously approved model plan for Lot 2 and proposed color scheme
- 5) Lot 3 proposed plans and previously approved model plan for Lot 3
- 6) Lot 26 proposed plans and previously approved model plan for Lot 26
- 7) Pool and Community Area proposed plans and current as-built plan
- 8) Full size building plans

The applicant is seeking the following permit modifications:

- 1) Minor Architectural Detail Changes: A Comprehensive Permit was issued for this 40B subdivision in 2006. The ZBA approved the site plan, and a set of model home plans, for the development dated August 1, 2006 (see attached model plans). The proposed plans for Lots 2 and 3 have minor architectural detail changes to the originally approved 2006 plans. The changes are *de minimis* and the details are consistent with the existing models in Beach Plum Village.

37 Old South Road, Unit #6 • Nantucket, MA 02554 • P 508.825.5500 • F 508.825.8826

chris@cottageandcastleinc.com • www.cottageandcastleinc.com

- 2) Lot 2 Color Scheme Change: The applicant is seeking permission to construct a dwelling with platinum grey trim and black window sashes. An example of the proposed color scheme is provided. This requested change would further assist in establishing a distinction between the models which was encouraged by the ZBA when the original permit application was reviewed.
- 3) Replacement of Pool & Community Area: The applicant seeks permission to replace the existing pool and community area in accordance with the attached plans.
- 4) Exchange of Model Homes: The applicant seeks permission to construct a model M5 home on Lot 26 which was previously approved for a M1 model. The change does not result in a disparity between the affordable homes and market rate homes in the development. The proposed M5 model is a previously approved model in the development.

Thank you for your time and assistance. Please advise if you require any additional information.

Very truly yours,



Christopher C. Humphrey
VP & General Counsel

Cc: Josh Posner (via electronic mail)



Zoning Board of Appeals
DEC 02 2016
RECEIVED

PLANNING OFFICE
DEC 02 2016
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

PAID
DEC 02 2016
✓ 2446
PAID

APPLICATION

Fee: \$450.00

File No. 051-03

Owner's name(s): RUGGED SCOTT LLC

Mailing address: 32 ARLINGTON RD., CAMBRIDGE, MA 02146

Phone Number: (617) 549-3232 E-Mail: jposner@ruggedscottllc.net

Applicant's name(s): COTTAGE + CASTLE, INC.

Mailing Address: 37 OLD SOUTH RD. #6, NANTUCKET, MA 02554

Phone Number: (508) 825-8825 E-Mail: chris@cottageandcastleinc.com

Locus Address: BEACH PLUM VILLAGE Assessor's Map/Parcel: 67-800 THRU 841

Land Court Plan/Plan Book & Page/Plan File No.: BK 1010 (1-44)

Deed Reference/Certificate of Title: 701/53 Zoning District LUG-3

Uses on Lot- Commercial: None Yes (describe) _____

Residential: Number of dwellings 40 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or POST 2006

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: DOCKET # 04-13

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

MINOR MODIFICATION OF COMPREHENSIVE PERMIT FOR THE RUGGED SCOTT LLC 408 DEVELOPMENT (COMMONLY REFERRED TO AS BEACH PLUM VILLAGE) TO ALLOW MINOR ARCHITECTURAL CHANGES TO APPROVED PLANS; AN EXTERIOR COLOR CHANGE ON LOT 2; THE CONSTRUCTION OF A MS MODEL ON LOT 26 IN LIEU OF A MI MODEL AND; THE CONSTRUCTION OF A NEW POOL AND COMMUNITY AREA.

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: J. P... Owner*

SIGNATURE: C. H... Applicant/Attorney/Agent*

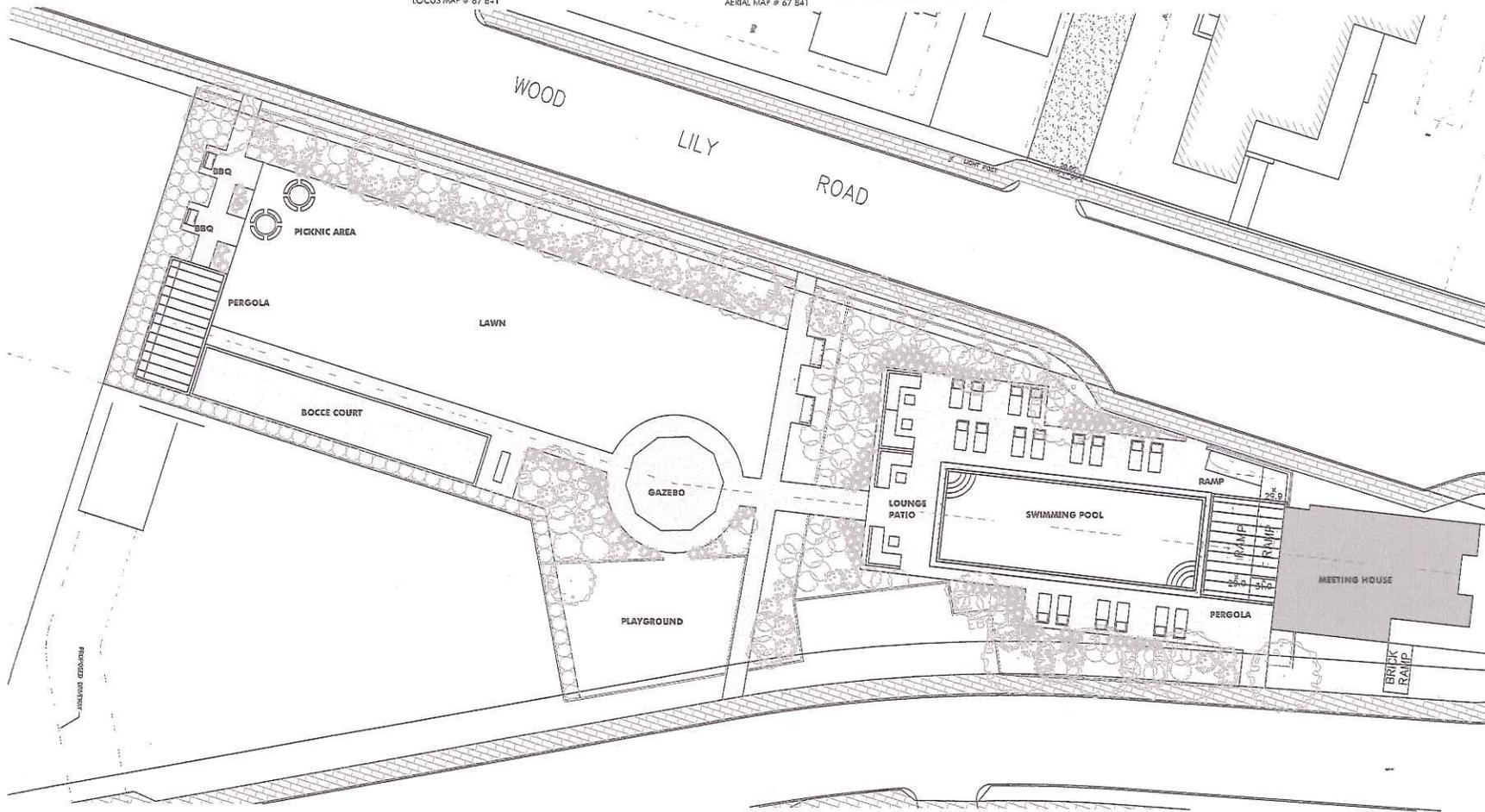
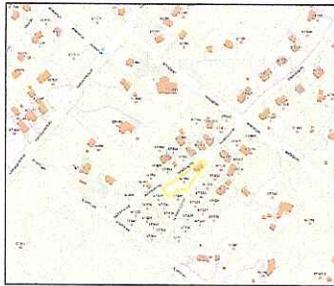
*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

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: ___/___/___

POOL/COMMUNITY AREA

DRAWING INDEX		10/28/16 POOL ESTIMATE	11/01/16 POOL ESTIMATE	11/25/16 POOL ESTIMATE				
L 00	COVER SHEET	*	*	*				
L 01	CONSTRUCTION NOTES							
L 02	LAYOUT/UTILITY/DETAIL PLAN							
L 03.1	LAYOUT DETAILS							
L 03.2	SWIMMING POOL DETAIL							
L 04	PLANTING PLAN							



PROJECT
BEACH PLUM VILLAGE

RUGGED ROAD & 100TH WAY
N.W. PORTLAND, OR 97229



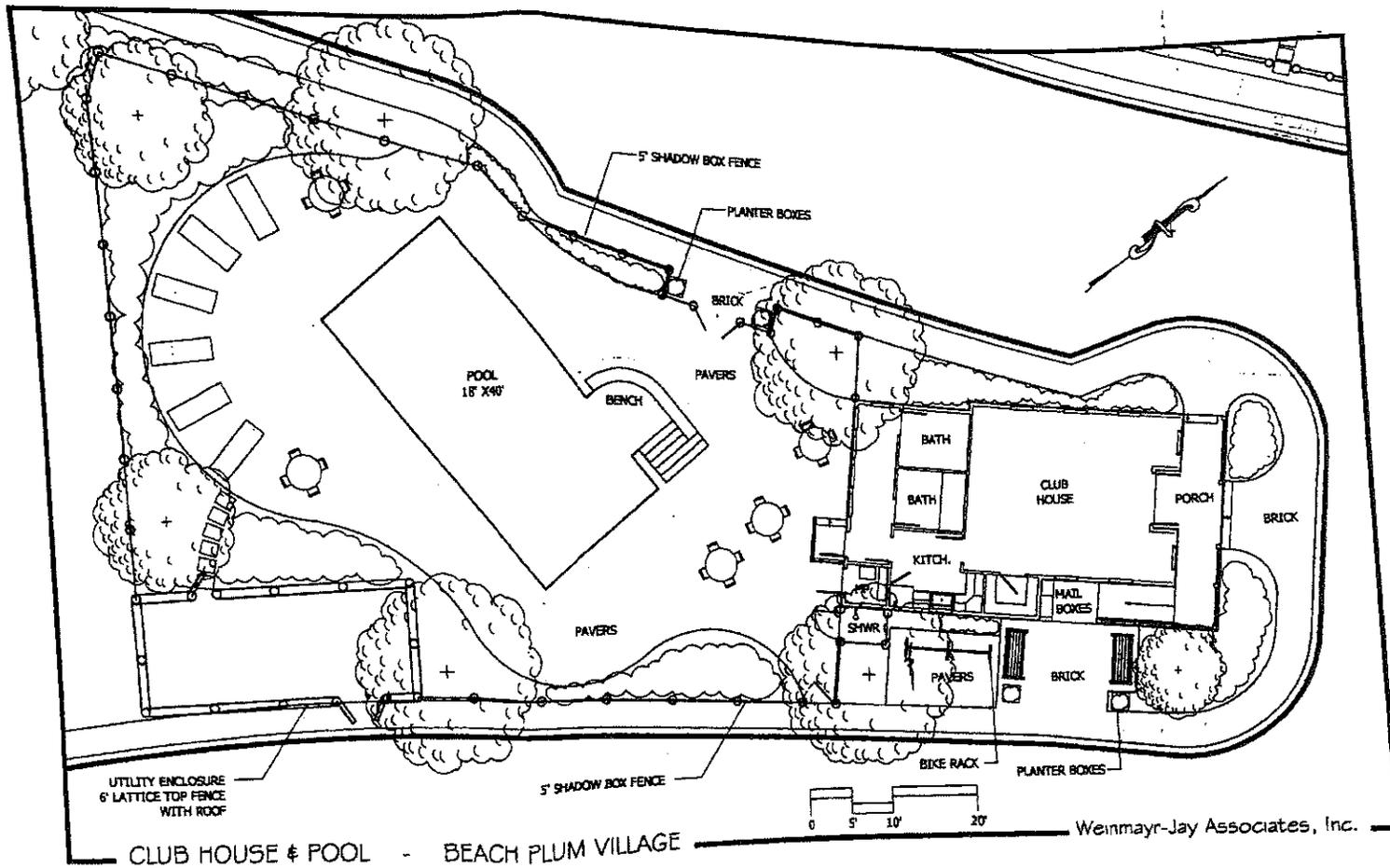
DRAWING
COVER SHEET

DRAWING INFO
DATE: NOVEMBER 25, 2016
SCALE: 1" = 10' - 0"

REVISIONS

NO.	DESCRIPTION

L.00



FILE COPY

APPROVED
 NANTUCKET BUILDING DEPT.
 Date 9-27-05
 By [Signature]

Nantucket Zoning Board of Appeals



March 14, 2017

Stephen Butler,
Building Commissioner
2 Fairgrounds Road
Nantucket, MA 02554

Re: Lot 42; Map 67 Parcel 841
Rugged Scott 40B
Community Pool – Modification

Dear Commissioner Butler:

The above-referenced Application for a Building Permit to demolish the existing 825 square foot Community Pool, issued Certificate of Occupancy No. 839-08, situated at 8 Wood Lily Road, and replace it with a 936 square foot pool, relates to a Homeowners Association lot created as part of the Rugged Scott LLC 40B Project approved by “Comprehensive Permit for the Rugged Scott LLC Development” in Zoning Board of Appeals File No. 051-03. A copy of said decision, as well as two subsequent “Clarification and Technical Correction” decisions issued in 2008, are on file with your department.

Under 40B legislation, the Zoning Board of Appeals acts as the Nantucket Historic District Commission (“HDC”) for the initial approval and the HDC staff has been charged with the final sign-off of the structure’s compliance upon completion of the construction project and prior to issuance of a Certificate of Occupancy. Pursuant to Section E(1.4) of the Comprehensive Permit:

After issuance of a building permit, the ZBA hereby designates the HDC to review and approve any changes in accordance with their normal reviews that are not inconsistent with the original ZBA approval, by issuance of a COA.

At the meeting on December 8, 2016, the Zoning Board of Appeals declined to comment on this modification pursuant to the above-cited provision of the Comprehensive Permit, confirming that approval shall fall within the purview of the HDC. Accordingly, the applicant requested and received approval from the HDC for the project by virtue of Certificate of Appropriateness No. 67015 (demolition) and No. 67107 (new pool), as revised by No. 67439.

Respectfully,


Eleanor W. Antonietti, Administrator
Zoning Board of Appeals
Town of Nantucket

tucket 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 documentation of the filing of this Decision or a copy of the Decision with all recording information thereon.

- 1.4 The Applicant shall submit to the Historic District Commission ("HDC") the items listed in 4.1 a., f., g. and h. of this Decision and all information normally submitted to the HDC for a Certificate of Appropriateness ("COA") no later than 60 days prior to submitting the above plans to the ZBA. The Applicant shall meet in a reasonable manner with the HDC and make best efforts to satisfy HDC suggestions, requests and comments. The Applicant shall request in writing that the HDC prepare a formal comment letter for submission to the ZBA. Assuming that the HDC is willing to submit such a letter, the ZBA will review all HDC comments and make a Decision related to incorporating some or all of the HDC-related design parameters on the above listed final plans and other documents relating to the initial permitting of the subject project.

The Applicant shall submit final architectural plans approved by the ZBA for the structures that are part of the project to the Building Department and the HDC. Final occupancy of all structures shall require a Certificate of Occupancy issued by the Building Department. The Applicant shall request inspections of completed buildings by the HDC staff and the ZBA hereby designates HDC staff as its agent to sign-off on the building permit card, confirming that the structure meets the requirements of the final ZBA approved plans.

After the issuance of a building permit, the ZBA hereby designates the HDC to review and approve any changes in accordance with their normal reviews that are not inconsistent with the original ZBA approval, by issuance of a COA.

- 1.5 This Comprehensive Permit shall not be transferable without the prior written approval of the ZBA.
- 1.6 The Applicant shall not cause any further site disturbance until all permits pursuant to 1.9 below have been issued and no tree removal, grading or layout, construction of roadways, drainage or other site disturbance shall be undertaken prior to the receipt of final approval of all required plans and legal documents required herein including but not limited to conditions contained in 1.2, 1.3, 1.4, 2.1, 2.2, 4.1, and 4.7, and the completion of any applicable appeal periods and/or the conclusion of any appeal(s) or legal action(s) except for:
- (1) Surveying activities at the perimeter of the site;
 - (2) Those activities necessary to conduct the endangered species study required by 1.9 below. Additional site testing of soil types and archaeology may commence, subject to the above conditions regarding tree removal/alteration.
 - (3) Other related testing, the exact nature of which is not known, but is related to environmental/archaeological/historic resource issues, may also occur subject to prior written notification to the ZBA to commencement of such disturbance.

The Applicant shall utilize the least intrusive means to conduct the activities described above such as hand-auger test pits. The Applicant shall not cause any trees greater than 4-inch caliper or 5 feet in height to be removed or significantly altered for the above-described activities. Minor, minimal removal of branches and shrubs for surveying sight lines and as part of on-site investigation shall be the only disturbance to the existing vegetation.

As a condition of this approval, the Applicant shall exercise care to not impact the intent of the "no disturb" buffer area's purpose of protecting adjacent residences from the visual and noise impacts by excessively trimming trees or trampling low-

AM
02-02-06

Certificate No: OP-2009-0181

Building Permit No.: BP-2008-0544

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the POOL located at
Dwelling Type

8 WOOD LILY ROAD in the TOWN OF NANTUCKET
Address Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

Construct 825sf pool with HC lift, accessible gates & accessible routes
CO for permit 839-08 M/P 67-841

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires _____ unless sooner suspended or revoked.
Expiration Date

Issued On: Tue May 26, 2009

GeoTMS® 2009 Des Lauriers Municipal Solutions, Inc.

OF MASSACHUSETTS

NANTUCKET

Map 67 Parcel 841

DEPARTMENT

Building Inspector FEE \$ 250.00

Sept. 22, 2008

3 PERMIT

C--Josh Posner HAS

lift--accessible gates and accessible routes

ON 8 Wood Lilly Road PROVIDED THAT

CONFORM TO THE TERMS OF THE APPLICATION ON
THE PROVISIONS OF THE STATUTES AND THE
N, MAINTENANCE AND INSPECTION OF BUILDINGS
USETTS STATE BUILDING CODE 780 CMR.

ON UPON RETURN OF THIS PERMIT ONLY AFTER ALL
AND DATED BY THE APPROPRIATE INSPECTOR.

MONTHS FROM THE DATE OF ISSUE IF THE WORK
PROCEEDING CONTINUOUSLY TO COMPLETION AS

CONSPICUOUS PLACE ON THE PREMISES.

BUILDING INSPECTOR

CERTIFICATE NO: 67015

DATE ISSUED: 12/10/16

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°: 67 PARCEL N°: 841
Street & Number of Proposed Work: 8 WOOD LILY
Owner of record: RUGGED SCOTT LLC
Mailing Address: 32 ARLINGTON ST.
CAMBRIDGE, MA
Contact Phone #: (617) 549-3232 E-mail: jposner@risingtide.com

AGENT INFORMATION (if applicable)

Name: COTTAGE + CASTLE, INC.
Mailing Address: 37 OLD SOUTH RD. #6
NANTUCKET, MA 02554
Contact Phone #: (508) 825-8825 E-mail: chase@cottageandcastleinc.com

chk-2415 FOR OFFICE USE ONLY

Date application received: 11/30/16 Fee Paid: \$ 100.00

Must be acted on by: 2/6/17

Extended to: _____

Approved: [Signature] Disapproved: [Signature]

Chairman: _____

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

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 _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ 1st floor 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ 1st floor 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: _____ REVISIONS* 1. East Elevation * DEMO OF EXISTING POOL.
Original Date: _____ (describe) 2. South Elevation
Original Builder: _____ 3. West Elevation
Is there an HDC survey form for this building attached? Yes N/A 4. North Elevation
*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ Block Block Parged Brick (type) _____ Poured Concrete Piers
Masonry Chimney: Block Parged Brick (type) _____ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____
Roofing material: Asphalt: 3-Tab Architectural
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ 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 _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
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 _____ Clapboard (if applicable) N/A Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ 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 11/29/16 Signature of owner of record [Signature] Signed under penalties of perjury

159

CERTIFICATE NO: 67107

DATE ISSUED: 12/13/16

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°: 67 PARCEL N°: 841

Street & Number of Proposed Work: 8 WOOD LILY RD.

Owner of record: RUGGED SCOTT LLC

Mailing Address: 32 ARLINGTON ST.

CAMBRIDGE, MA 02140

Contact Phone #: (508) 825-8825 E-mail: JAMIE@COTTAGEANDCASTLE INC.COM

AGENT INFORMATION (if applicable)

Name: COTTAGE+CASTLE INC. ATTN: JAMIE FEELEY

Mailing Address: 37 OLD SOUTH RD.

NANTUCKET, MA 02554

Contact Phone #: (508) 825-8825 E-mail: JAMIE@COTTAGEANDCASTLE INC.COM

FOR OFFICE USE ONLY OF #2413

Date application received: 11/23/16 Fee Paid: \$ 200.00

Must be acted on by: 3/16/17

Extended to: _____

Approved: [Signature] Disapproved: _____

Chairman: _____

Member: [Signature]

Member: [Signature]

Member: [Signature]

Member: [Signature]

Notes - Comments - Restrictions - Conditions [Signature]

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 LUG2) Roof Other _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ 1st floor 2nd floor

(18'x52' Pool) Width: _____ Sq. Footage 2nd floor: _____ Size: _____ 1st floor 2nd floor

Sq. Footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks _____

Historic Name: _____

Original Date: N/A

Original Builder: _____

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

REVISIONS*

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

*Cloud on drawings and submit photographs of existing elevations.

(* MODIFICATION OF EXISTING POOL PER ATTACHED PLAN.)

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ Block Block Parged Brick (type) _____ Poured Concrete Piers

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

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

Roofing material: Asphalt: 3-Tab Architectural

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

Skylights (flat only): Manufacturer _____ 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 _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

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 BRICK/BLUE STONE Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) N/A Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ 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 11/17/16 Signature of owner of record [Signature] Signed under penalties of perjury

160

CERTIFICATE NO: 67439

DATE ISSUED: 2/14/17

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°: 67 PARCEL N°: 841
Street & Number of Proposed Work: 8 WOODLILY RD
Owner of record: RUGGED SCOTT LLC
Mailing Address: 32 ARLINGTON ST.
CAMBRIDGE MA 02140
Contact Phone #: 508 825 8825 E-mail: JAMIE@COTTAGEANDCASTLE.COM

AGENT INFORMATION (if applicable)

Name: MIROSLAVA AHERN
Mailing Address: PO BOX 2213
NANTUCKET MA 02584
Contact Phone #: 508 333 5138 E-mail: DESIGN@AHERN.LLC.COM

FOR OFFICE USE ONLY	
Date application received: <u>2/6/17</u>	Fee Paid: \$ <u>50</u>
Must be acted on by: <u>4/17/17</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Notes - Comments - Restrictions - Conditions <u>Fence Auto-leased.</u>	

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 Hardscaping Move Building Demolition Revisions to previous Cert. No. 67107
 - Pool (Zoning District _____) Roof Other: KEEP EXISTING STOCRAPE FENCE
- Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ 1st floor 2nd floor
Width: _____ Sq. Footage 2nd floor: _____ Size: _____ 1st floor 2nd floor
Sq. Footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: _____
Original Date: _____ (describe)
Original Builder: _____
Is there an HDC survey form for this building attached? Yes N/A

- REVISIONS***
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 _____ Block Block Parged Brick (type) _____ Poured Concrete Piers
Masonry Chimney: Block Parged Brick (type) _____ Other _____
Roof Pitch: Main Mass /12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: Asphalt: 3-Tab Architectural
 Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____
Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ 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 _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
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 _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ 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 2-6-2017 Signature of owner of record [Signature] Signed under penalties of perjury

Tucker Holland

From: Josh Posner <jposner@risingtidellc.net>
Sent: Thursday, June 13, 2019 2:00 PM
To: Chris Young
Cc: Peter McEachern; Tucker Holland; Robin Halik; Bert.Turner@yahoo.com; Chris Freeman
Subject: Re: Beach Plum Village Question

Hi Chris- Each homeowner is charged an annual common charge fee that covers all the facilities, etc. a lot of it is for the pool, but also tennis, fitness room, bocce and parks, keeping the other landscaping looking good. It varies somewhat by house and whether the unit is one of the affordable homes or a market-rate home. This topic is likely to get a fair amount of interest at this year's meeting since people are concerned about keeping the facilities un-crowded.

Josh

Sent from my iPhone
Apologies for typos and bizarre auto-corrects
Joshua Posner
32 Arlington Street
Cambridge, Ma 02140
617-549-3232- phone

On Jun 13, 2019, at 1:51 PM, Chris Young <chris@housefitters.com> wrote:

Tucker –
Thank you for the update. I look forward to the next update.

Josh, a question for you – is there a current fee begin charged for the club membership to the residents?

Chris Young
Nantucket Housefitters Inc.
508.228.2815
508.228.2816 fax

From: Peter McEachern [<mailto:Peter@nantucketyachtclub.org>]
Sent: Thursday, June 13, 2019 11:27 AM
To: Tucker Holland; Josh Posner
Cc: Robin Halik; Bert.Turner@yahoo.com; Chris Young; Chris Freeman
Subject: RE: Beach Plum Village Question

Good Morning Tucker,

Thank you for the update.

Kind regards,

Peter A. McEachern, General Manager
Nantucket Yacht Club
PO Box 667 - 1 South Beach Street
Nantucket, MA 02554

(508)228-1400

www.nantucketyachtclub.org
peter@nantucketyachtclub.org

From: Tucker Holland <tholland@nantucket-ma.gov>
Sent: Thursday, June 13, 2019 11:18 AM
To: Josh Posner <jposner@risingtidellc.net>
Cc: Robin Halik <robin@pioneercleaningpro.com>; Peter McEachern <Peter@nantucketyachtclub.org>; Bert.Turner@yahoo.com; chris@housefitters.com; Chris Freeman <Chris@nantucketyachtclub.org>
Subject: RE: Beach Plum Village Question

Thanks, Josh. Please do give us a report following the owners group in July. Has that date been set?

I expect everyone copied here would like to be a part of the representative group of abutters to review and discuss the guidelines following that meeting, as provided for below.

Tucker Holland
Housing Specialist

<image001.png>

m: Planning & Land Use Services, 2 Fairgrounds Road, Nantucket, MA 02554
e: tholland@nantucket-ma.gov
p: 508-325-7587 ext. 7023
c: 802-233-3177

From: Josh Posner <jposner@risingtidellc.net>
Sent: Thursday, June 13, 2019 11:06 AM
To: Tucker Holland <tholland@nantucket-ma.gov>
Cc: Robin Halik <robin@pioneercleaningpro.com>; Peter McEachern <Peter@nantucketyachtclub.org>; Bert.Turner@yahoo.com; chris@housefitters.com; Chris@nantucketyachtclub.org
Subject: RE: Beach Plum Village Question

Hi Tucker- I will discuss this with the owners group at the summer meeting in July. We have not offered memberships to people in the surrounding neighborhood yet. This will be addressed as the project nears completion which is almost at hand. Only 7 market homes to go! Glad you are liking living on Seikinnow.

Josh

From: Tucker Holland <tholland@nantucket-ma.gov>
Sent: Thursday, June 13, 2019 11:00 AM
To: Josh Posner <jposner@risingtidellc.net>
Cc: Robin Halik <robin@pioneercleaningpro.com>; Peter McEachern <Peter@nantucketyachtclub.org>; Bert.Turner@yahoo.com; chris@housefitters.com; Chris@nantucketyachtclub.org
Subject: RE: Beach Plum Village Question

Hi Josh,

Hadn't heard any further word on the below in the last month, so thought to just check in as to the timing of determining the policy / program. We have moved in to our new home and are loving the neighborhood. We remain interested in this membership arrangement. Several other Seikinnow residents (Peter McEachern, Bert Turner, Chris Young and Chris Freeman) are also interested in learning the details of the arrangement and are copied here.

Thanks again,
Tucker

Tucker Holland
Housing Specialist

<image001.png>

m: Planning & Land Use Services, 2 Fairgrounds Road, Nantucket, MA 02554
e: tholland@nantucket-ma.gov
p: 508-325-7587 ext. 7023
c: 802-233-3177

From: Josh Posner <jposner@risingtidellc.net>
Sent: Wednesday, May 15, 2019 9:13 AM
To: Tucker Holland <tholland@nantucket-ma.gov>
Cc: Robin Halik <robin@pioneercleaningpro.com>
Subject: Re: Beach Plum Village Question

Ticker- We have not instituted this policy yet. So I'm the one to sort this out with at this point. Thanks for your god wishes.

Josh

Sent from my iPhone
Apologies for typos and bizarre auto-corrects
Joshua Posner
32 Arlington Street
Cambridge, Ma 02140
617-549-3232- phone

On May 15, 2019, at 9:07 AM, Tucker Holland <tholland@nantucket-ma.gov> wrote:

Thanks for your note, Josh. Most importantly, I hope the doctor can figure things out soon and that you have a speedy recovery.

If there is someone else on the Homeowners Association who can just let me know the details of the program (I assume something is already in place as a new neighbor mentioned it to me and the development has been around for a while now), happy to just review that information and then we can talk in a week or two.

Many thanks – and feel better.
Tucker

Tucker Holland
Housing Specialist

<image001.png>

m: Planning & Land Use Services, 2 Fairgrounds Road, Nantucket, MA 02554
e: tholland@nantucket-ma.gov
p: 508-325-7587 ext. 7023
c: 802-233-3177

From: Josh Posner <jposner@risingtidellc.net>
Sent: Wednesday, May 15, 2019 8:17 AM
To: Tucker Holland <tholland@nantucket-ma.gov>
Cc: Robin Halik <robin@pioneercleaningpro.com>
Subject: Re: Beach Plum Village Question

Hi Tucker. I am in the hospital with a strange illness that is likely to keep me from getting to your question for another week or so. Please bug me again if I have not gotten back to you in two weeks. Sorry for delay. Josh

Sent from my iPhone
Apologies for typos and bizarre auto-corrects
Joshua Posner
32 Arlington Street
Cambridge, Ma 02140
617-549-3232- phone

On May 14, 2019, at 7:36 PM, Tucker Holland <tholland@nantucket-ma.gov> wrote:

Hi Josh,

I hope you had a good trip. Just circling back on the below. Any details you can provide would be appreciated.

Best,
Tucker

Tucker Holland
Housing Specialist
Town of Nantucket

Please excuse iTypos...this was sent from my iPad

On Apr 26, 2019, at 10:28 AM, Josh Posner <jposner@risingtidellc.net> wrote:

Hi Tucker. I am about to leave for a week. This is something that is being discussed among BP homeowners. Can I discuss with you when I get back?
Thanks.

Sent from my iPhone

Apologies for typos and bizarre auto-corrects
Joshua Posner
32 Arlington Street
Cambridge, Ma 02140
617-549-3232- phone

On Apr 25, 2019, at 5:02 PM, Tucker Holland
<tholland@nantucket-ma.gov> wrote:

Hi Josh,

I hope all is well. I am interested to find out more about the use of the pool / clubhouse / lawn / tennis court facilities by certain non-residents in the vicinity of the development. Please see below / attached.

**TOWN OF NANTUCKET
ZONING BOARD OF
APPEALS
FILE NO. 051-03
DECISION ON APPLICATION OF
RUGGED SCOTT LLC
AS MODIFIED PURSUANT TO
THE "AGREEMENT AND
STIPULATION FOR
ENTRY OF JUDGMENT" IN
HOUSING APPEALS COMMITTEE
DOCKET NO.
04-13**

**COMPREHENSIVE PERMIT
FOR THE RUGGED SCOTT LLC
DEVELOPMENT**

**15, 19 Rugged Road and 6, 8 Scott's
Way (aka Scotts Way)
Assessor's Map 67, Parcels 170,
170.1, 170.2 and 170.3, Plan Book 21,
Page 106, Lots 19A,
19B, 19C and 19D, Deed Reference
761/53, zoned Limited-Use-General-2**

3.2 (o) The clubhouse/pool/lawn/tennis court facility shown on the plans shall be available only to those residents of the site and their accompanied guests for personal use. The facility shall not be open to the public. The clubhouse may not function as a restaurant or bar as these terms are defined in the Nantucket Zoning Code. Use of the facility for functions with

food and/or alcohol service may be allowed as an accessory use subject to all Zoning and other regulatory requirements. Memberships shall be provided to all residents on a fee schedule to be adopted by the Association provided, however, that any fee for an affordable unit is factored into the 30% maximum housing expense calculation. The Association shall establish hours of operation for the facility and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final ZBA approval. Notwithstanding the above resident restriction, abutting property owners as shown on a map attached hereto as Exhibit D shall be allowed access to the facility subject to a comparable fee structure and in accordance with rules and regulations established by the Association. A minimum of ten (10) non-resident family memberships shall be offered and a maximum of 30 non-resident family memberships may be allowed by vote of the Association.

SETTLEMENT AGREEMENT

Now come the parties in the case of Lisa P. Dias. et al. Plaintiffs. v. Town of Nantucket Zoning Board of Appeals. et al, Nantucket Superior Court Docket No. 04-15 ("the Superior Court case") and the case of Rugged Scott. LLC v. Nantucket Zoning Board of Appeals, Housing Appeals Committee Docket No. 04-13 ("the HAC case", and hereby agree that this Settlement Agreement settles all matters in dispute between the parties related to the property located at Rugged Road and Scotts Way, Nantucket, MA (hereinafter "the Property") and that this Settlement Agreement shall be enforceable as set forth below between the parties, and be forever binding upon the parties, their heirs,

successors and assigns; the parties further acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Settlement Agreement. The parties hereby agree as follows:

9. Clubhouse/Pool/Tennis Courts

Facility: The Decision clearly states allowable

and prohibited uses and further establishes a procedure under which Rugged Scott and

the Homeowners' Association must establish hours of operation for the facility, and

guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents

to quiet enjoyment of their property, which shall be subject to final Board approval.

Rugged Scott agrees to impose a requirement that the tennis and pool facilities will be

closed no later than 7 PM and will operate only between May 1 and October 31 in any

given year. Rugged Scott also agrees to comply with Condition 3 .2 (o) of the Decision

and in addition will present and discuss with a representative group of abutters its

proposed guidelines on these matters before submitting them to the Board for approval.

My wife and I recently purchased a home on Seikinnow and this feature was recently brought to my attention so naturally was interested to learn more. Whom would I contact about a non-resident family membership?

Many thanks,
Tucker

Tucker Holland
Housing Specialist

<image001.png>

m: Planning & Land Use Services,
2 Fairgrounds Road, Nantucket, MA
02554

e: tholland@nantucket-ma.gov

p: 508-325-7587 ext. 7023

c: 802-233-3177

<Beach Plum Village - Rugged Scott
Settlement Agreement - Exhibit D.pdf>



2018 00002089

Bk: 1656 Pg: 112 Page: 1 of 2
Doc: AA 07/23/2018 09:22 AM

**CERTIFICATION OF
APPOINTMENT OF TRUSTEE and TRUSTEE INCUMBENCY
OF RUGGED SCOTT OWNERS ASSOCIATION TRUST**

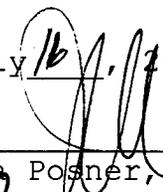
APPOINTMENT

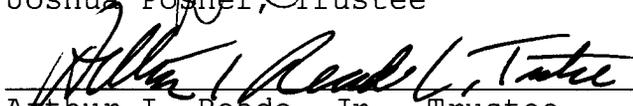
Joshua Posner and Arthur I. Reade, Jr., as Trustees of RUGGED SCOTT OWNERS ASSOCIATION TRUST under Declaration of Trust dated February 24, 2006, recorded with Nantucket Deeds at Book 1010, Page 51, as amended of record, hereby certify pursuant to the provisions of Article Four, Section 4.10 of said Declaration of Trust that Howard Edelman has been duly appointed by the Developer, Rugged Scott LLC, in order to replace the vacancy occasioned by the resignation of Steven L. Cohen.

We further certify the current slate of Trustees is as follows:

Joshua Posner
Arthur I. Reade, Jr.
Howard Edelman

Executed and sealed on July 16, 2018.



Joshua Posner, Trustee


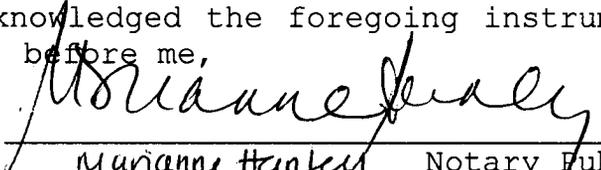
Arthur I. Reade, Jr., Trustee

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

July 19, 2018

Then personally appeared the above-named Joshua Posner and Arthur I. Reade, Jr., and acknowledged the foregoing instrument to be their free act and deed, before me,



Marianne Hankley Notary Public
My commission expires: 9/21/2023

ACCEPTANCE

The undersigned, Howard Edelman hereby accepts his appointment as a Trustee of the Rugged Scott Owners Association Trust Executed and sealed as of July 16, 2018.

Howard Edelman
Howard Edelman

COMMONWEALTH OF MASSACHUSETTS

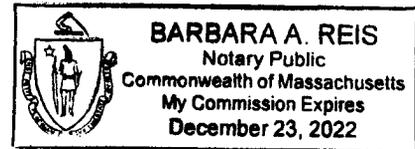
Nantucket, ss.

July 16, 2018

Then personally appeared the above-named Howard Edelman, and acknowledged the foregoing instrument to be their free act and deed, before me,

Barbara A Reis
Notary Public

My commission expires:



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



MEETING POSTING

RECEIVED
2019 AUG 02 PM 02:20
NANTUCKET TOWN CLERK
Posting Number:T 742

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, August 8, 2019 at 1:00 PM
Location / Address	4 Fairgrounds Road, Nantucket, MA PSF COMMUNITY ROOM
Signature of Chair or Authorized Person	Eleanor W. Antonietti, Zoning Administrator

WARNING: IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.

AGENDA

BELOW ARE THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- June 13, 2019
- July 11, 2019

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN):

- 051-03 Rugged Scott, LLC Rugged Scott a/k/a Beach Plum 40B Hanley
REQUEST TO WITHDRAW WITHOUT PREJUDICE

The Applicant seeks a determination that a proposed modification to the Comprehensive Permit, as amended, and the plans approved therewith, 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. The proposed modifications for which applicant seeks approval consist of:

- 1) Consent to the waiver of the 50' setback restriction from the southeasterly boundary of the subdivision, only to the extent necessary, to allow for the proposed location of a shed on Lot 29 (2 Blue Flag Path);

much as 7.5' over it, where a 30' front yard setback is required. In addition, Applicant seeks relief by Special Permit or Variance from the 30' height provision in Section 139-17 and Special Permit relief pursuant to Section 139-33.A to allow the change of use of the pre-existing nonconforming remainder structure, sited as close as 7.4' from the front yard lot line, to an accessory use. To the extent necessary and applicable, Applicant further requests Special Permit or Variance relief from the "90% upland rule" specified in the definition of "Lot Area" in Section 139-2.A. The Locus is situated at 115 & 117 Baxter Road, shown respectively on Assessor's Map 48 as Parcels 10 and 9, and on Plan Book 21, Page 113 and as Lot 2 and a portion of Lot 3 on Plan Book 2, Page 81. Evidence of owner's title is recorded in deeds at Book 1701, Page 107 and Book 1701 Page 201 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Residential Twenty (SR-20).

- 21-19 Patricia A. Halsted & Michael S. Leavitt, Trustees, 41 CHR Nominee Trust (Owner) and Ice Bear, LLC (Appellant) 41 Chuck Hollow Road Brown
 Action Deadline October 22, 2019
 Appellant, owners of 5 Parson Lane, brings an appeal, pursuant to Zoning By-law Sections 139-29.E(1) and 139-31, of a decision by the Building Commissioner. Specifically, Appellant requests that the Zoning Board of Appeals revoke the issuance of Building Permit No. 834-19 for the construction of a new dwelling at 41 Chuck Hollow Road. Appellant requests such revocation pursuant to Section 139-26.F on the basis that the Building Permit was issued despite an appeal of the required Certificates of Appropriateness (COA No.s 72096 and 72473), currently pending before the Select Board. Locus is situated at 41 Chuck Hollow Road, shown on Assessor's Map 75 as Parcel 110, as Lot 695 upon Land Court Plan 5004-33. Evidence of owner's title is registered on Certificate of Title No. 27179 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).
- 22-19 Richard J. Glidden, Tr., 4 Shawkemo Road Realty Tr. 4 Shawkemo Rd. Glidden
 Action Deadline November 6, 2019
 Applicant is seeking Special Permit relief pursuant to Zoning Bylaw Section 139-33.A(4) to remove and reconstruct any or all of the pre-existing nonconforming structures or any portion thereof in excess of the permitted 3% ground cover ratio. Specifically, Applicant proposes to demolish all or portions of existing structures to allow for new construction and/or additions with the ability to retain the pre-existing nonconforming ground cover of 2,110 SF. As a result of a zoning change from LUG-1 to LUG-3, the Locus became pre-existing non-conforming as to groundcover and as to lot size. The Locus is improved with a dwelling and garage which are also pre-existing nonconforming as to setbacks. The Locus is situated at 4 Shawkemo Road, is shown on Tax Assessor's Map 43 as Parcel 91.1, and as Lot 16 upon Land Court Plan 14732-E. Evidence of owner's title is registered on Certificate of Title No. 27324 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

VI. OTHER (VOTES MAY BE TAKEN)

- 051-03 Rugged Scott a/k/a Beach Plum 40B Holland
 DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the "Settlement Agreement".

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

16 upon Land Court Plan 14732-E. Evidence of owner's title is registered on Certificate of Title No. 27324 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

- Voting McCarthy, Toole, O'Mara, Koseatac, Mondani
- Alternates Poor, Thayer
- Recused Botticelli
- Documentation File with associated plans, photos and required documentation
- Representing Richard Glidden, Glidden & Glidden
- Public None

Discussion (3:37) **Glidden** – Summarized the request: maintain the pre-existing, non-conforming groundcover. They are in the process of obtaining HDC approval so don't have the final design and layout.

Poor – Our plans show proposed renovation within the setback.

Toole – You can move and reconstruct if the reconstructed meets all side-yard setbacks; he thinks we've done this in the past but usually for less non-conformity. He'd grant the relief as requested as long as it meets all other requirements.

O'Mara – They haven't shown full use of the groundcover; he's okay as long the setback isn't encroached upon.

Glidden – What exists does encroach into the setback and that small encroachment would be maintained while everything else is compliant.

McCarthy – That's not what the plan shows. We need more information.

Toole – Doesn't know why they wouldn't want to conform with the setback. The narrative we have isn't clear.

Glidden – You can only maintain the non-conformity in the setback if that part is maintained; if everything is torn down, the new construction must comply.

Poor – The plans indicate this is a renovation, not a reconstruction.

McCarthy – This request states, "...to remove and reconstruct any or all of the pre-existing nonconforming structures..."

Antonietti – There was no plan when this was submitted; her legal ad was due before submission of the plan. You can request alterations to the pre-existing nonconforming structure so as not to create any new non-conformities but that needs to be added to requested relief.

Motion **Motion to Continue to September 12.** (made by: Toole) (seconded by: O'Mara)

Vote Carried 5-0

IV. OTHER BUSINESS

1. **051-03 Rugged Scott a/k/a Beach Plum 40B Holland**
DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the "Settlement Agreement".
Presenter Tucker Holland, 5 Seikinnow Place
Discussion (3:52) **Holland** – It was brought to his attention, that there was provision as part of the permitting process for Beach Plum Village (aka Rugged Scott) for residents within a specified proximity to be offered membership in the amenities. It seems this provision is not widely known; he reached out to the Homeowners Association. Wants to know how to jumpstart this program. He was referred to the developer who responded that this hadn't yet been put into place. His understanding is that this program has not been formalized yet. There are other Seikinnow residents also interested in the details.
McCarthy – She became aware when we did talk about Rugged Scott in relation to Surfside Crossing. It had never been brought up in recent discussion regarding Rugged Scott, and she thought it was well underway.
Toole – Doesn't know what details we have.
Thayer – The developer agreed to it; the people have the right to enter into agreement to use the facilities.
Toole – Asked if Mr. Holland encountered reluctance on the part of the developer.
Holland – Yes; he thinks the year-round residents of Beach Plum Village would appreciate the additional members for comradery and defraying the cost of the amenities. A conversation he had with a seasonal owner indicated there were those who were not aware of this provision of the permit. In 13 years, the pool has been built and rebuilt; he feels that more than enough time has passed to have figured this out.
Mondani – He feels this is clear and doesn't feel we need to "interpret" this. It's part of the Comprehensive Permit.
O'Mara – The developer should have written something in the rules and regulations that supports his stake in this. We should write the developer a letter and ask him to explain.
Toole – That letter should also go to the Zoning Enforcement Officer; there are still some unsold lots. The last three lots shouldn't receive a Certificate of Occupancy until this issue is cleared up; we shouldn't have released those last three lots. It's been 13 years, and it fell through the cracks because no one has expressed interest.
Holland – He'd like to know when this program will be implemented.
McCarthy – Suggested they have Josh Posner come in and, under other business, explain the status of the program. She'd also like a better list of the eligible lots outside Beach Plum Village.
2. **Antonietti** – Mr. Poor will be absent in September and Mr. Toole in October.

From: [Tucker Holland](#)
To: [Josh Posner](#); [Eleanor Antonietti](#); [Ed Toole](#)
Cc: [Howard Edelman \(HCEArb@gmail.com\)](#); [Peter McEachern](#); [chris@housefitters.com](#); [Bert.Turner@yahoo.com](#); [Ruth Plandowski](#)
Subject: Re: Update on Discussions with Beach Plum neighbors
Date: Friday, November 08, 2019 11:58:21 AM
Attachments: [image001.png](#)

Hi Eleanor,

Knowing that you are assembling the materials for next week's ZBA meeting, I wanted to provide an update.

Howard Edelman reached out, and he and I had a call on or about 10/22 just prior to Howard leaving the country. While no definitive proposal was shared, Howard wanted to discuss some aspects and relay that he would be out of the country and unreachable for a period. He stated at the time that he would be fine if we pushed the ZBA update on this matter to the December meeting.

We appreciated Howard's call. While we don't want to get into a routine of kicking the can, we are fine with the parties continuing to work toward a solution in line with the commitments and requirements of the Comp Permit and Settlement Agreement and report to the ZBA on this at the December meeting.

Best,
Tucker

Tucker Holland
Housing Specialist
Town of Nantucket

Please excuse iTypos...this was sent from my iPad

On Oct 10, 2019, at 11:24 AM, Tucker Holland <tholland@nantucket-ma.gov> wrote:

Josh, thank you for summarizing the status below. Apologies to have to cut my participation in the discussion earlier today short due to the Select Board XS meeting.

Eleanor, I believe Josh's note covers things well. Still some ground to cover yet we remain hopeful reasonable minds will come to agreement for the November meeting. I'd like to add personally that the process has been furthered and I believe benefitted from the involvement of Howard Edelman on behalf of the homeowners at Beach Plum. I believe Howard and we share a long-term view on the benefit of a good relationship between the BPV homeowners and the greater surrounding community.

Best,
Tucker

Tucker Holland

Housing Specialist

<image001.png>

m: Planning & Land Use Services, 2 Fairgrounds Road, Nantucket, MA 02554

e: tholland@nantucket-ma.gov

p: 508-325-7587 ext. 7023

c: 802-233-3177

From: Josh Posner <jposner@risingtidellc.net>

Sent: Thursday, October 10, 2019 10:55 AM

To: Eleanor Antonietti <eantonietti@nantucket-ma.gov>

Cc: Tucker Holland <tholland@nantucket-ma.gov>; Howard Edelman

(<HCEArb@gmail.com>) <HCEArb@gmail.com>; Peter McEachern

(<Peter@nantucketyachtclub.org>; <chris@housefitters.com>; 'Bert.Turner@yahoo.com'

<Bert.Turner@yahoo.com>; Ruth Plandowski <ruthplan@gmail.com>

Subject: Update on Discussions with Beach Plum neighbors

Eleanor- As discussed at the last ZBA meeting we have been working with Beach Plum neighbors led by Tucker Holland to try to work out a mutually agreeable structure for offering the use of Beach Plum amenities to neighbors in accordance with the comprehensive permit. The most recent meeting was this morning. it was agreed by the participants that we would let you know that discussions are still underway, documents and data are being exchanged, our next meeting is planned, and the parties are still hoping to reach a mutually acceptable resolution. We plan to report to the ZBA on our progress at the November meeting.

On behalf of the participants copied above, could you pass this update on to the ZBA members since we said we would report to them for the October meeting.

Thank you for your assistance.

Josh Posner

PS- Any other participants (above) who wish to elaborate on this, please feel free to do so....

Joshua Posner

Rising Tide Development LLC

32 Arlington Street

Cambridge, MA 02140

617-549-3232- phone

www.risingtidellc.net

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September 6, 2019

To: Nantucket ZBA

From: Josh Posner

Subject: Offering non-resident neighbor memberships for use of Beach Plum amenities

We are in receipt of the letter from Ed Toole dated August 20 as well as the letter from Tucker Holland to the ZBA dated August 2. As Eleanor's August 22, 2019 email to me indicates, I was in contact with Tucker this Spring in response to his inquiry about the potential use of Beach Plum amenities by neighbors in accordance with the special condition included Comprehensive Permit. As I said to Tucker this is an aspect of the project that we intended to complete as the sales process comes to a close, something that we expect to occur during the spring of 2020. I indicated that we would be discussing this issue at the annual meeting of Beach Plum owners and that I would get back to him and the other neighbors after that meeting. He indicated that he was satisfied with this response and looked forward to hearing back. As you know from the special condition there are options involved in how we would structure the offer as well as how many memberships we would allow that I wanted to discuss with current owners. Tucker and others are obviously within their rights to contact the ZBA directly, even if it is not particularly neighborly given our exchange of phone calls and emails. However, I was surprised that he indicated that he was dissatisfied with my response and description of the next steps of a few months ago.

That said, the Beach Plum owners meeting was held on August 27 and we had a thorough discussion of the issue. Based on this discussion we plan to take the following steps over the coming months with regard to offering memberships to neighbors.

We plan to offer an opportunity to request a membership to all eligible homeowners in the mapped area during the winter/spring of 2020. The offer will state the membership dues for 2020 and will show how the dues are calculated based on the projected common charges to be paid by Beach Plum owners for 2020. In addition, there will be a Capital Payment required to cover the pro-rata cost of constructing the amenities, as well as an understanding that should there be a need for an assessment to make renovations or improvement to the amenities, that a pro-rata share would be paid by the member. This is necessary to ensure that use of the facilities by the neighbors is done on the same terms and conditions as the Beach Plum owners. Finally, there will be a statement of terms and condition, rules and regulations for use of the amenities by the neighbor member and his/her family, but not for any tenants who may rent their home. Other details may be considered as we prepare the offer to neighbors for membership.

We expect to allow a 60-day period this coming winter/spring beginning no later than April 1, 2020 during which potentially eligible owners will be asked to submit their membership

application, if interested. Membership applications will be considered on a first-come-first-served basis. We expect that there would be a required interview conducted by a committee of Beach Plum owners to make sure the prospective member understands the ground rules for membership and, in a manner similar to other clubs, that they would be compatible members of the community. Up to 10 memberships will be offered to qualified members.

Prior to sending membership offers we will present the pricing calculations, terms and conditions, rules and regulations, and any other eligibility criteria to the ZBA for comment.

August 2nd, 2019

Zoning Board of Appeals
Attn: Susan McCarthy, Chair
c/o Nantucket Planning Office
2 Fairgrounds Road
Nantucket, MA 02554

Dear Chair McCarthy and members of the ZBA,

Thank you for the work that you do on behalf of Nantucket. We are writing today to ask for your assistance.

The attached documentation illustrates that the developer of Beach Plum Village is obligated, and furthermore freely agreed, to make available a minimum of ten (10) and a maximum of thirty (30) non-resident family memberships for use of the common amenities (i.e., clubhouse, pool, lawn, tennis) at Beach Plum Village for residents residing within certain proximity to the development. Please see Section 3.2(o) and Exhibit D of the "Decision on Application of Rugged Scott LLC As Modified Pursuant to the 'Agreement and Stipulation for Entry of Judgement' in Housing Appeals Committee Docket No. 04-13" as well as Section 9 of the "Settlement Agreement".

Over a decade later, the developer has not implemented this non-resident program.

We understand the developer has retained control of the Homeowners Association at this point, so it would appear the ability to act is in their hands.

In the attached correspondence with the developer, you will see that the developer suggests that he plans to wait until all units are sold before implementing this policy. We see nothing in the Decision or Settlement Agreement that states that need be the case.

One would think it reasonable that, initially, before the amenities had been developed, that a non-resident program may not be in place. We would agree that to be very reasonable. However, in this case, not only has the pool, for example, been built – *it has been rebuilt*. Residents of Beach Plum Village have been enjoying the common amenities for years. As they should.

We understand that this non-resident program was intended to be a kind of community benefit and that the developer states they are interested in helping the year-round community through their housing programs. We also understand it could provide a lessening of the shared expense burden to the year-round as well as seasonal homeowners at Beach Plum Village were the non-resident membership program to be in place. As year-round residents, we are struggling to see how these facts and representations square with the developer not having previously implemented this simple program which the developer committed to do...?

We simply would like the developer to perform, finally, on the obligation without further delay. In addition to each of us having a potential interest in non-resident membership (dependent on program guidelines and pricing), we each, also, would like to be part of the representative group of abutters to review and discuss the proposed guidelines for the program with the developer / Homeowners Association as provided for in the Settlement Agreement.

We believe the developer to be in violation of both the Comprehensive Permit and the Settlement Agreement. We are not sure if a (re)opening of a public hearing is the next appropriate step, yet we would greatly value your guidance and attention to drive this matter to resolution without further unnecessary delay on the part of the developer.

Surely life would be easier for all if folks would just *do the right thing*.

Indeed, at any point over the past decade the developer could have come up with the guidelines and implemented the program if they so choose. Apparently in this case, it is going to take an authority compelling them to do so.

With best regards,

Chris Freeman, 14 Seikinnow Place
Tucker Holland, 5 Seikinnow Place
Peter McEachern, 2 Seikinnow Place
Bert Turner, 11 Seikinnow Place
Chris Young, 12 Seikinnow Place

Attachments (6)

80A-051-03 2/24/06
de Wans
Wiley & Sweeney
David Wiley
Lillian



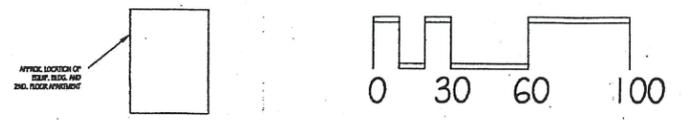
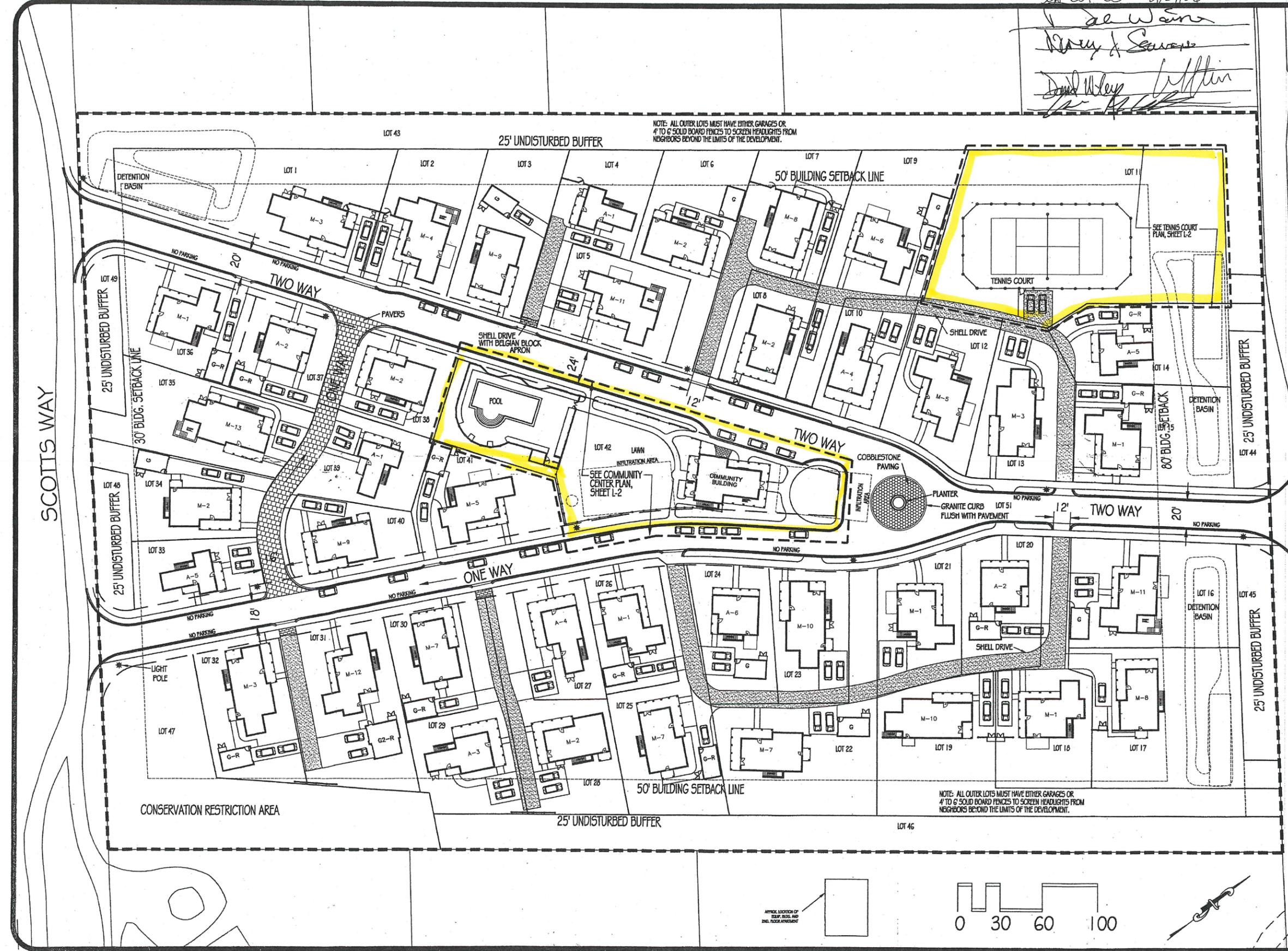
PREPARED BY:
Weinmayr-Jay Associates, Inc.
Landscape Architects & Land Planners
617-354-8700

OWNER:
Rising Tide Development LLC
32 Arlington Street, Cambridge MA

DATE: Jan. 30, 2006
DRAWN: DAJ
SCALE: 1"=30'

LANDSCAPE PLAN
PROPOSED RESIDENTIAL DEVELOPMENT
AT RUGGED ROAD AND SCOTTS WAY

L-1



RUGGED SCOTT 40B
Overall Tracking Sheet

Buildable Lot#	Map 67	Released	Market	Released	Built / Status	SOLD
	Parcel #		Rate			
1	800		1	1	CO	1
2	801		2	2	CO	2
3	802		3	3	CO	3
4	803	1		4	CO	4
5	804		4	5	CO	5
6	805		5	6	CO	6
7	806		6	7	CO	7
8	807		7	8	CO	8
9	808		8	9	CO	9
10	809	2		10	CO	10
12	811		9	11	CO	11
13	812		10	12	CO	12
14	813	3		13	CO	13
15	814		11	14	Permit	
16	815		12	15	Permit	
17	816		13	16	CO	14
18	817		14	17	CO	15
19	818		15	18	CO	16
20	819	4		19	CO	17
21	820		16	20	CO	18
22	821		17	21	CO	19
23	822		18	22	CO	20
24	823	5		23	CO	21
25	824		19	24	CO	22
26	825		20	25	CO	23
27	826	6		26	CO	24
28	827		21	27	CO	25
29	828	7		28	CO	26
30	829		22	29	CO	27
31	830		23	30	CO	28
32	831		24	31	CO	29
33	832	8		32	CO	30
34	833		25	33	CO	31
35	834		26	34	CO	32
36	835		27	35	CO	33
37	836	9		36	CO	34
38	837		28	37	CO	
39	838	10		38	CO	35
40	839		29	39	CO	36
41	840		30	40	CO	37

RUGGED SCOTT
Sales Tracking

Bldg. Lot#	Affordable	Market Rate	Lot Size	SOLD	# LOTS SOLD as of 2/3/20	Date Sold	Vacant / House	Purchase Price
1		1	11,640	YES	1	9/12/19	house	\$ 2,200,000
2		2	6,160	YES	2	1/13/17	vacant	\$ 400,000
3		3	6,485	YES	3	2/28/18	house	\$ 1,785,000
4	1		5,888	YES	4	3/20/17	house	\$ 301,300
5		4	5,534	YES	5	10/10/17	house	\$ 1,620,000
6		5	7,188	YES	6	8/27/10	house	\$ 800,000
7		6	7,810	YES	7	12/1/15	house	\$ 1,295,000
8		7	6,049	YES	8	8/3/15	house	\$ 1,095,000
9		8	7,919	YES	9	2/20/08	house	\$ 1,315,000
10	2		4,418	YES	10	6/1/07	house	\$ 228,000
12		9	6,455	YES	11	3/26/10	house	\$ 761,500
13		10	6,424	YES	12	10/19/07	house	\$ 1,185,000
14	3		7,758	YES	13	6/7/07	house	\$ 210,000
15		11	8,155					
16		12	9,422					
17		13	11,495	YES	14	5/3/08	house	\$ 1,330,000
18		14	7,843	YES	15	12/14/16	house	\$ 1,235,000
19		15	12,636	YES	16	9/23/10	house	\$ 805,000
20	4		5,047	YES	17	8/6/08	house	\$ 210,000
21		16	4,985	YES	18	12/16/14	house	\$ 950,000
22		17	9,294	YES	19	7/30/07	house	\$ 1,060,000
23		18	6,799	YES	20	5/19/16	house	\$ 1,360,000
24	5		5,177	YES	21	12/14/16	house	\$ 325,000
25		19	6,363	YES	22	6/17/16	house	\$ 1,375,000
26		20	6,422	YES	23	11/1/19	house	\$ 1,625,000
27	6		4,181	YES	24	4/28/17	house	\$ 301,300
28		21	7,637	YES	25	5/26/17	house	\$ 1,700,000
29	7		4,988	YES	26	6/16/17	house	\$ 325,250
30		22	5,907	YES	27	9/25/17	house	\$ 1,733,000
31		23	8,154	YES	28	9/10/15	vacant	\$ 650,000
32		24	6,820	YES	29	11/15/18	house	\$ 2,250,000
33	8		4,263	YES	30	6/29/18	house	\$ 301,300
34		25	6,065	YES	31	8/12/19	house	\$ 2,137,500
35		26	7,377	YES	32	2/22/19	house	\$ 2,225,000
36		27	6,124	YES	33	1/29/18	house	\$ 2,000,000
37	9		4,389	YES	34	1/27/18	house	\$ 301,300
38		28	5,257					
39	10		5,096	YES	35	6/29/18	house	\$ 301,300
40		29	5,173	YES	36	12/4/19	house	\$ 1,627,500
41		30	6,281	YES	37	12/14/16	bldg. begun 10/16 & CO issued 5/25/17	\$ 700,000

RUGGED SCOTT
Sales Tracking

Bldg. Lot#	Affordable	Lot Size	SOLD	# LOTS SOLD as of 2/3/20	Date Sold	Vacant / House	Purchase Price
4	1	5,888	YES	1	3/20/17	house	\$ 301,300
10	2	4,418	YES	2	6/1/07	house	\$ 228,000
14	3	7,758	YES	3	6/7/07	house	\$ 210,000
20	4	5,047	YES	4	8/6/08	house	\$ 210,000
24	5	5,177	YES	5	12/14/16	house	\$ 325,000
27	6	4,181	YES	6	4/28/17	house	\$ 301,300
29	7	4,988	YES	7	6/16/17	house	\$ 325,250
33	8	4,263	YES	8	6/29/18	house	\$ 301,300
37	9	4,389	YES	9	1/27/18	house	\$ 301,300
39	10	5,096	YES	10	6/29/18	house	\$ 301,300
Average lot size		5,121				Average Sale Price	\$ 301,300

RUGGED SCOTT
Sales Tracking

Bldg. Lot#	Market Rate	Lot Size	SOLD	# LOTS SOLD as of 2/3/20	Date Sold	Vacant / House	Purchase Price
1	1	11,640	YES	1	9/12/19	house	\$ 2,200,000
2	2	6,160	YES	2	1/13/17	vacant	\$ 400,000
3	3	6,485	YES	3	2/28/18	house	\$ 1,785,000
5	4	5,534	YES	4	10/10/17	house	\$ 1,620,000
6	5	7,188	YES	5	8/27/10	house	\$ 800,000
7	6	7,810	YES	6	12/1/15	house	\$ 1,295,000
8	7	6,049	YES	7	8/3/15	house	\$ 1,095,000
9	8	7,919	YES	8	2/20/08	house	\$ 1,315,000
12	9	6,455	YES	9	3/26/10	house	\$ 761,500
13	10	6,424	YES	10	10/19/07	house	\$ 1,185,000
15	11	8,155					
16	12	9,422					
17	13	11,495	YES	11	5/3/08	house	\$ 1,330,000
18	14	7,843	YES	12	12/14/16	house	\$ 1,235,000
19	15	12,636	YES	13	9/23/10	house	\$ 805,000
21	16	4,985	YES	14	12/16/14	house	\$ 950,000
22	17	9,294	YES	15	7/30/07	house	\$ 1,060,000
23	18	6,799	YES	16	5/19/16	house	\$ 1,360,000
25	19	6,363	YES	17	6/17/16	house	\$ 1,375,000
26	20	6,422	YES	18	11/1/19	house	\$ 1,625,000
28	21	7,637	YES	19	5/26/17	house	\$ 1,700,000
30	22	5,907	YES	20	9/25/17	house	\$ 1,733,000
31	23	8,154	YES	21	9/10/15	vacant	\$ 650,000
32	24	6,820	YES	22	11/15/18	house	\$ 2,250,000
34	25	6,065	YES	23	8/12/19	house	\$ 2,137,500
35	26	7,377	YES	24	2/22/19	house	\$ 2,225,000
36	27	6,124	YES	25	1/29/18	house	\$ 2,000,000
38	28	5,257					
40	29	5,173	YES	26	12/4/19	house	\$ 1,627,500
41	30	6,281	YES	27	12/14/16	u/construct	\$ 700,000
Average lot size		7,329				Average Sale Price	\$ 1,378,500

Bldg. Lot#	Affordable	Market Rate	Lot Size	# LOTS SOLD as of 2/3/20	Date Sold	Vacant / House	Purchase Price	NOTES
1		1	11,640	1	9/12/19	house	\$ 2,200,000	
2		2	6,160	2	1/13/17	vacant	\$ 400,000	Resold 8/24/2017 improved for \$2,204,000
3		3	6,485	3	2/28/18	house	\$ 1,785,000	
4	1		5,888	4	3/20/17	house	\$ 301,300	
5		4	5,534	5	10/10/17	house	\$ 1,620,000	
6		5	7,188	6	8/27/10	house	\$ 800,000	
7		6	7,810	7	12/1/15	house	\$ 1,295,000	
8		7	6,049	8	8/3/15	house	\$ 1,095,000	
9		8	7,919	9	2/20/08	house	\$ 1,315,000	
10	2		4,418	10	6/1/07	house	\$ 228,000	
12		9	6,455	11	3/26/10	house	\$ 761,500	
13		10	6,424	12	10/19/07	house	\$ 1,185,000	
14	3		7,758	13	6/7/07	house	\$ 210,000	subject to Garage Use/Access Esmt f/b/o Lot 11
17		11	11,495	14	5/3/08	house	\$ 1,330,000	see Note-Lot 20
18		12	7,843	15	12/14/16	house	\$ 1,235,000	
19		13	12,636	16	9/23/10	house	\$ 805,000	
20	4		5,047	17	8/6/08	house	\$ 210,000	was subject to Garage Use/Access Esmt f/b/o Lot 17 at time of sale
21		14	4,985	18	12/16/14	house	\$ 950,000	
22		15	9,294	19	7/30/07	house	\$ 1,060,000	
23		16	6,799	20	5/19/16	house	\$ 1,360,000	see Note-Lot 24
24	5		5,177	21	12/14/16	house	\$ 325,000	subject to Garage Use/Access Esmt f/b/o Lot 23
25		17	6,363	22	6/17/16	house	\$ 1,375,000	
26		18		23				
27	6		4,181	24	4/28/17	house	\$ 301,300	was subject to Garage Use/Access Esmt f/b/o Lot 128at time of sale
28		19	7,637	25	5/26/17	house	\$ 1,700,000	see Note-Lot 27
29	7		4,988	26	6/16/17	house	\$ 325,250	
30		20	5,907	27	9/25/17	house	\$ 1,733,000	
31		21	8,154	28	9/10/15	vacant	\$ 650,000	
32		22	6,820	29	11/15/18	house	\$ 2,250,000	
34		23	6,065	30	8/12/19	house	\$ 2,137,500	
35		24	7,377	31	2/22/19	house	\$ 2,225,000	

36		25	6,124	32	1/29/18	house	\$ 2,000,000	
33	8		4,263	33	6/29/18	house	\$ 301,300	
37	9		4,389	34	1/27/18	house	\$ 301,300	
39	10		5,096	35	6/29/18	house	\$ 301,300	
40		26	5,173	36	12/4/19	house	\$ 1,627,500	
41		27	6,281	37	12/14/16	sold under construction	\$ 700,000	bldg. begun 10/16 & CO issued 5/25/17

\$ 38,399,250

**END OF
PACKET**