



MEETING POSTING

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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);

- 2) Approval of the siting of the proposed shed approximately 30' from the southeasterly boundary line inclusive of the 5' setback from the boundary line of Lot 29 with buffer Lot 46, and the 25' width of buffer Lot 46.

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

- 17-19 Robert Glenn Elmer *et al.*, (Owners), & Seventeen BR Property, LLC (Applicant/Contract Purchaser) 51 Morey Lane Reade
 Action Deadline October 15, 2019
 Owners & Applicant are requesting relief by Variance pursuant to Zoning By-law Section 139-32.A for a waiver from the lot size requirements in Section 139-16 as they pertain to 51 Morey Lane (Locus) which is a pre-existing nonconforming lot as to lot size, despite recent merger with Parcel E, acquired in 2017 through the Town “yard sale” program”. Owners of Locus propose to convey 1,591 SF Parcel E to the direct abutter (Applicant) at 1 Low Beach Road. Accordingly, Variance relief is sought in order that 51 Morey Lane may retain its status as a pre-existing nonconforming lot subsequent to conveyance of Parcel E which will render 1 Low Beach Rd. compliant as to lot size. Locus is shown on Assessor’s Map 73.3.2 as Parcel 54 and as Lots 1 & 2 upon Plan Book 2, Page, 28 and Parcel E upon Plan No. 2017-79. Evidence of owners’ title is recorded in various deeds including but not limited to Book 1635, Page 63 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Residential Twenty (SR-20).
- 18-19 Peter L O’Brien and Natalia V. O’Brien 36 Low Beach Road Cohen
 Action Deadline October 15, 2019
 Applicants request Variance relief pursuant to Zoning By-law Section 139-32.A for a waiver from the ground cover provisions of Sections 139-16.A and 139-33.E(1)(b). Specifically, applicants seek approval of a ground cover allowable upon acquisition of the 19,666 SF abutting paper road parcel, shown as Parcel 33 upon Plan No. 2016-113. Said acquisition with Locus is progressing through the Town “yard sale” program and will ultimately be merged with the property to allow for a ground cover of 2,143 SF, where the existing Locus would permit up to 2,000 SF pursuant to 139-33.E. The structures and Locus will otherwise be dimensionally compliant. The Locus is a pre-existing nonconforming undersized lot of record situated at 36 Low Beach Road, shown on Assessor’s Map 74 as Parcel 55, and as Lots 1-10 in Block 33 upon Plan Book 7, Page 14. Evidence of owners’ title is recorded in Book 1696, Page 82 on file at the Nantucket County Registry of Deeds. The Locus is zoned Limited Use General Three (LUG-3).
- 19-19 Sheila Giardini and Carmine Giardini 7 Clifford Street Cohen
 Action Deadline October 15, 2019
 Applicant is requesting relief by Variance pursuant to Zoning By-law Section 139-32.A for a waiver from the 10’ side yard setback provision in Section 139-16 in order to construct a pool as close as 2’ from the easterly side yard lot line. The acquisition and subsequent merger of abutting paper road parcel, shown as Parcel H upon Plan No. 2013-45, will add 6,001 SF and 20’ to the easterly lot line and will eventually cure the setback intrusion. However, Parcel H is currently undergoing registration in the Land Court, a lengthy process required in order for the Town to convey it to the Applicant. The Locus is situated at 7 Clifford Street, shown on Assessor’s Map 79 as Parcel 19, and as Lot 35 upon Land Court Plans 17745-F. Evidence of owner’s title is registered on Certificate of Title No. 20981 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).
- 20-19 Scott Kelley 115 & 117 Baxter Road Cohen
 Action Deadline October 18, 2019
 Applicant is requesting relief by Variance pursuant to Zoning By-law Section 139-32.A for a waiver from the setback requirements in Section 139-16, to allow for the relocation of the single-family dwelling as close as 0’ from the front yard lot line and as much as 7.5’ over it, and also as close as 5’ from the north side lot line, where a 30’ front yard setback and 10’ side yard setback are required; to allow for the relocation of the single-family dwelling as close as 0’ from the front yard lot line and as

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)