Called to order at 1:00 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator

Attending Members: McCarthy, Botticelli, Toole, Koseatak, Poor, Thayer, Mondani

Absent: O’Mara,

Early Departures: Botticelli, 2:14 p.m.

Agenda adopted by unanimous consent

I. APPROVAL OF MINUTES

1. February 13, 2020 Held by unanimous consent until proposed corrections can be made.

II. OLD BUSINESS

1. 05-20 Kristiana Kay Snyder 3 Somerset Road Williams
   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).

   Voting McCarthy, Botticelli, Poor, Thayer, Mondani
   Documentation File with associated plans, photos and required documentation
   Representing Kristiana Kay Snyder, owner
   Joe Mareklinger, Surveyor
   Public None
   Discussion
   Snyder – Explained the financial hardship incurred by moving the structure to bring it into compliance.
   Botticelli – The Historic District Commission (HDC) plan shows the porch but not the setback. In Ms. Snyder’s sketch it looks very close to the road.
   Thayer – Asked if removing the porch is out of the question for Ms. Snyder.
   Snyder – She asked the designer, Val Oliver about that; the HDC doesn’t weigh in on ZBA issues; and if it is removed, it is in violation with the HDC approval. Also, there is no refinancing with the bank so there is no money to remove the porch.
   McCarthy – Ms. Snyder provided us with all the plans that show the porch.
   Mareklinger – He had a sketch where the dimensions shown are of the foundation; he ensured the foundation matched the sketch, but he missed the porch. Admitted that when he set the footings, he should have caught the porch.
   Snyder – The final as-built was resubmitted on 12/5/2019 showing the driveway apron.
   Toole – The landscape plan shows the porch in the setback.
   McCarthy – This is tough; when we’ve had issues like this before, it becomes hard to rework the house to rectify the intrusion. The porch could come off but it’s integral to the house. At the last hearing, Linda Williams made a point about the abutter being the road, but roadway layouts are kept large for reasons. There’s a point to not building up to the road.
   Botticelli – Asked where the foundation plan is. The building permit would have required HDC-stamped plans; asked to see that.
   Poor – Huntington Homes always do a foundation plan; there would have been one in those documents. His observation is that he’s done enough Huntington Homes developments that if they aren’t building it, they don’t show it in the plans; that includes sono-tubes for porches.
   Botticelli – Asked about a zoning bylaw relative to front yard setbacks because it looks like the cottage is also over the setback.
   Antonietti – Read the definition of a structure under Bylaw Section 139-2(A).
III. NEW BUSINESS

1. 06-20  Ack Sconset, LLC

8 Center Street
Reade

Action Deadline June 10, 2020 Applicant is requesting relief by Special Permit pursuant to Zoning By-law Sections 139-30 and 139-33.A to allow installation of an air conditioning condenser unit, within a fenced area, in the northwesterly corner of the lot. The proposed siting will be no closer to the lot lines than the existing dwelling and stairs which are pre-existing nonconforming as to side and rear yard setbacks. In the alternative and to the extent necessary, applicant requests relief by Variance pursuant to Sections 139-32 for a waiver to allow installation of an air conditioning condenser unit, within a fenced area, in the northwesterly corner of the lot. The proposed location allows the duct work to go through the attic.

Voting
McCarthy, Botticelli, Toole, Koseatak, Thayer

Alternates
Poor, Mondani

Recused
None

Documentation
File with associated plans, photos and required documentation

Representing
Arthur I. Reade Jr., Reade, Gullicksen, Hanley, & Gifford, L.L.P.
Brett Watts, Watts Heating and Refrigeration

Public
None

Discussion
Reade – The two northerly bedrooms are intolerably hot and is asking for installation of A/C. HDC has approved placement of the unit within a fence. No new non-conformity would be created. There is a ZBA special permit issued in 1993 for the steps. The northern abutter has submitted a letter of concern; addressed those concerns. As a matter of right, we can install window units in the two bedrooms, which are much louder.

Poor – Asked if the fence could have acoustical material applied on the inside to help absorb sound.

Watts – He’s never heard of that. This is an open fence; they’d need HDC approval to change the fence.

Toole – Asked why it can’t go in the little jog off the kitchen.

Watts – It’s at the wrong end of the house and more work. The proposed location allows the duct work to go through the attic.

Discussion about what moving the condenser would entail.

McCarthy – Suggested Mr. Reade speak with the abutter; pointed out the proposed location puts the condenser right outside their bedroom window. We’ve been consistent about not allowing A/C in the setback.

Toole – The Zoning Enforcement Officer has allowed them; we need to come up with a clearer policy for A/C in town. This option is much less noisy than window units.

Reade – Asked for a continuance to April to allow for the possibility to reach out to the neighbor.
ZBA Minutes for March 12, 2020, adopted June 11

Antonietti – The application is specific to the northwest corner; if we are going to resite the A/C, this would have to be
renoticed.

Thayer – Suggested looking at the 1993 special permit as well.

Motion Motion to continue to April 9. (made by: Thayer) (seconded)

Vote Carried 5-0

2. 07-20 Andrew P. Prague and Kurt F. Somerville, Tr., Parizeau Nantucket Realty Trust

Applicants are seeking relief by Special Permit pursuant to Zoning By-law Sections 139-30 and 139-33.A(3) & (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, Applicants propose 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 ratio of up to 3.4%. As a result of a zoning change from LUG-1
to LUG-3, the Locus became pre-existing non-conforming as to lot area and groundcover. The new construction will be conforming as
to all setback requirements for a pre-existing nonconforming lot of record. The Locus is situated at 10 Fulling Mill Road, is shown on
Tax Assessor’s Map 27 as Parcel 31, and as Lot 15 upon Land Court Plan 14311-P. Evidence of owner’s title is registered on Certificate
of Title No. 24639 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, Thayer, Mondani
Alternates Poor
Recused None
Documentation File with associated plans, photos and required documentation
Representing Sarah Alger, Sarah F. Alger, P.C.
Public None
Discussion Alger – There is a 50-foot, private way within the property, which isn’t included in the ground cover calculation; we have
79,709 square feet. The owner wants to redevelop to 2,748 square feet, about 357 square feet more than allowed at 3% of
the previously improved lot and maintain the pre-existing non-conformity. If you include the private way, this would
meet the 3% groundcover. Everything is pre-existing, non-conforming.
Toole – Confirmed the shed was built with a building permit. If it were a zoning shed, we wouldn’t be talking about it.
Thayer – This is almost identical to what Randy Sharp requested a month ago.
Toole – He has no concerns about this.
Discussion – About the private way.
McCarthy – There are no letters regarding this.

Motion Motion to Grant the relief as requested. (made by: Thayer) (seconded)

Vote Carried 5-0

IV. OTHER BUSINESS

1. 051-03 Rugged Scott a/k/a Beach Plum 40B Holland / Posner CONTINUE TO APRIL 9, 2020

V. ADJOURNMENT

Motion to Adjourn at 2:23 p.m. (made by: Mondani) (seconded) Carried unanimously

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

1. None

Submitted by:
Terry L. Norton