



Planning and Land Use Services

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

Date: March 10, 2022
To: Zoning Board of Appeals
From: Leslie Woodson Snell, AICP
Deputy Director of Planning
RE: March 10, 2022 Agenda

I. APPROVAL OF THE MINUTES:
▪ February 10, 2022

Staff reviewed and revised the minutes. We recommend approval.

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

37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams
Continued to April 14, 2022

22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust Reade
Continued to April 14, 2022

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

03-22 Larry B. Whelden & Robert M. Burton, Jr. Thirty Acres Lane Reade

Applicant is requesting a modification of the existing Special Permit in Decision No. 083-99. The decision allowed the conversion of an existing duplex dwelling to an employer dormitory and was subject to certain conditions. Specifically, applicant requests elimination of the condition set forth in "Exhibit A" paragraph 21 which provides: that the Special Permit is specific to the applicant. Locus is situated at 9 Thirty Acres Lane, shown on Assessor's Map 67 as Parcel 115.7 and as Lot 3 upon Plan File 48-G. Evidence of owner's title is recorded in Book 1876, Page 291 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

Staff recommends that the Board approve the requested modification, however, we recommend that the modification is specific to a new owner or leasee. The specific use Employee Dormitory is now considered pre-existing nonconforming in locations within the Town Overlay District and is only permitted in the Country Overlay District. A newer use, Neighborhood Employee Housing, has been added to the Zoning Bylaw for locations within the Town Overlay District, which this is located within, and those permits are issued by the Planning Board. The definition of both Neighborhood Employee Housing and Employee Dormitory ties the housing and the persons residing in it to a specific business, so it is important to address that in any granted

modification.

In addition to the requested modification, staff recommends that the dormitory management plan be modernized where applicable, for example, paragraph 19 references a “paging device”. These are updates that staff can work out with the applicant prior to filing a new decision, if approved.

04-22 Anthony Noto

10 Lincoln Avenue

WITHDRAWN

05-22 Elizabeth Singer, as Trustee of 64 Sankaty Road Realty Trust 63 Baxter Rd Alger

Applicant is seeking a Variance pursuant to the Zoning Bylaw Section 139-32 to move the existing main dwelling on the property away from the eroding bluff to a location no further than twenty (20) feet of Baxter Road, at least ten (10) feet into the required front setback of thirty (30) feet. Applicant also requests a Special Permit pursuant to section 139-18 (d) to reduce the off-street parking where necessary. Locus is situated at 63 Baxter Road, and shown on Assessor’s Map 49 as Parcel 22 and upon Land Court Plan No 9173-A. Evidence of owner’s title is registered on Certificate Title No. 19844 with the Nantucket County District of the Land Court. The site is zoned Sconset Residential 20 (SR-20).

Staff recommends granting the requested relief. The Board has granted similar requests along Baxter Road, a well-known environmentally unstable location due to severe erosion of the coastal bank. The finding you will need to make to approve the requested relief is pasted below, and this location certainly meets those requirements if the Board is inclined to approve the request.

The finding the Board will need to make to approve the variance is that “owing to circumstances related to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve a substantial hardship, financial or otherwise, to the petitioner or appellant, and the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw”.

IV. OTHER (VOTES MAY BE TAKEN)

- **DISCUSS RESUMING IN-PERSON MEETINGS**

V. ADJOURNMENT (VOTE WILL BE TAKEN)
