



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, Elisa Allen
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, March 10, 2022-1:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 1:00 pm and announcements made by Ms. McCarthy

Staff in attendance: Leslie Snell, Deputy Director of Planning; Nikesha Sheriff, Land Use Specialist

Attending Members: McCarthy, Botticelli, O'Mara, Allen, Poor, Thayer, Mondani

Absent: Toole

Adoption of Agenda

Motion **Motion to Approve as written.** (made by: O'Mara) (seconded)

Roll-call vote Carried 5-0//McCarthy, Allen, O'Mara, Botticelli, and Poor-aye

I. APPROVAL OF MINUTES

1. February 10, 2022

Botticelli – Page 9: bottom referencing HDC approval change “we’re” to “they’re” in both cases.

Motion **Motion to Approve as amended.** (made by: O'Mara) (seconded)

Roll-call vote Carried 5-0//O'Mara, Botticelli, McCarthy, Allen, and Poor-aye

II. OLD BUSINESS

1. 37-21 Kristina & Nicholas Amendolare 8 Bank Street Williams
Continued to April 14, 2022

Voting McCarthy, Botticelli, O'Mara, Allen, Poor

Alternates Thayer, Mondani

Discussion **Sheriff** – They have signed the extension request.

Motion **Motion to Accept the continuance.** (made by: Botticelli) (seconded)

Roll-call vote Carried 5-0//Botticelli, Allen, McCarthy, O'Mara, and Poor-aye

2. 22-21 Adam Delaney-Winn, Trustee of Warren's Landing Nominee Trust Reade
Continued to April 14, 2022

Voting McCarthy, Botticelli, O'Mara, Allen, Poor

Alternates Thayer, Mondani

Discussion **Sheriff** – They have signed the extension request.

Motion **Motion to Accept the continuance.** (made by: Botticelli) (seconded)

Roll-call vote Carried 5-0//Botticelli, Allen, O'Mara, McCarthy, and Poor-aye

III. NEW BUSINESS

1. 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).

Voting McCarthy, Botticelli, O'Mara, Allen

Alternates Thayer =

Recused Poor

Documentation File with associated plans, photos and required documentation

Representing Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP

Public Roberto Santamaria, 10B Thirty Acres Lane

Discussion **Reade** – This is for an employee dormitory in existence since 2000 with a special use permit; since then the definition for an employee dormitory has been changed and only permitted in country over-lay district. This is now a pre-existing, non-conforming use. His client is planning to sell the property to someone who wants to continue using it as an employee dormitory.

McCarthy – Asked if they would have this as an allowable use if they applied to the Planning Board for a permit.

Snell – It would be permitted as neighborhood employee housing. Dormitories have to be in the country and adjacent to the business. Housing does have to be tied to a specific employer.

McCarthy – It accomplishes the same thing; she has no concerns.

O’Mara – Asked if the Management Agreement requires someone to be in charge at the dormitory.

Thayer – That’s under Paragraph 1.

Reade – That is still in effect.

Botticelli – She’s assuming all requirements of the management plan were met.

Snell – She’s not aware of any complaints or issues associated with this dormitory.

Mondani – He’s okay with it but is wondering what’s the cleanest way to do it.

Reade – Some provisions in the Management Agreement could be modified based upon that past 20 years.

Mondani – Wouldn’t it be easier to convert it to match the current bylaw.

Snell – Her recommendation is to remove the current owner and make it specific to the new owner. She’s worked through the Management Plan; it would stay mostly the same with a few technical changes.

Santamaria – They have been an excellent neighbor. His only concern is going from 18 to 25 with that parking lot, which is already full; asked that the contact phone number in the Management Plan be provided to abutters. If that cul de sac gets blocked, no emergency equipment can get through.

O’Mara – The phone number should be for the manager of the property.

Reade – We can agree that contact information is made available to all direct abutters.

McCarthy – We want to keep the provision that if the property changes hands, the new owner would have to come back for continued use as a dormitory; otherwise the permit expires.

Snell – All the neighborhood housing is specific to the owner.

Mondani – His concern with the permit not running with the land, there’s nothing to stop someone from buying this and turning into a rental.

Motion **Motion to Approve the permit change as requested transferring the special permit to the new owner and update the Management Plan as required.** (made by: Botticelli) (seconded)

Roll-call vote Carried 5-0//Botticelli, O’Mara, McCarthy, Allen, and Mondani-aye

2. 04-22 Anthony Noto

10 Lincoln Avenue

MacEachern

WITHDRAWN

Voting McCarthy, Botticelli, O’Mara, Poor, Thayer

Alternates Mondani

Recused Allen

Discussion **Snell** – This is a withdrawal without prejudice; they will be reapplying.

Motion **Motion to Accept the withdrawal without prejudice.** (made by: O’Mara) (seconded)

Roll-call vote Carried 5-0//O’Mara, Botticelli, McCarthy, Poor, and Thayer-aye

3. 05-22 Elizabeth Singer, as Trustee of 64 Sankaty Road Realty Trust

63 Baxter Road

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).

Voting McCarthy, Botticelli, O’Mara, Allen

Alternates Poor, Thayer, Mondani

Recused None

Documentation File with associated plans, photos and required documentation

Representing Sarah Alger, Sarah F. Alger P.C

Public None

Discussion **Alger** – This is an area of extreme erosion; they are trying to put themselves in position to move the house back should it become more threatened. The house is currently 47’ from top of bank; hope to move as close to Baxter Road as allowed. This has been done for other houses on Baxter Road.

McCarthy – Asked if there is a reason not to allow it to move closer to the road.

Snell – No.

Botticelli – There aren’t a lot of structures on the property; the garage window well is 10’ from the road.

Discussion about allowing them to go within 10’ of Baxter Road.

McCarthy – Read the finding from the Staff Report.

Alger – Regarding the construction restriction; her concern would be a summer storm that leaves the house precariously close to the top of bank; they should be able to move it.

McCarthy – In the past, we have issued an emergency permit in similar cases. They are hoping the bank will remain stable so have no current plans to move the structure. They use it as a summer home and would probably move it in the off season.

Snell – She doesn't think this is an area where you have imposed the construction restrictions; she thought that was core downtown. Some language could be added to allow for an emergency move.

O'Mara – We have imposed seasonal restrictions on Baxter Road. He also recalls granting an emergency that allowed the applicant to work through the summer.

Botticelli – They can come back for an emergency or they should move it before it's threatened.

Alger – Asked if an emergency permit would be issued only at the regular meeting.

Snell – You can take it up at any time with 48-hours public notice.

Poor – This should be coordinated with Conservation Commission; he thinks they would move forward with a joint effort to get the permits in place.

Motion

Motion to Approve the requested relief allowing the applicant to move the structure as close as 10' from Baxter Road with no exterior construction from Memorial Day to Labor Day. (made by: Botticelli) (seconded)

Roll-call vote

Carried 5-0//Botticelli, Allen, O'Mara, McCarthy, and Poor-aye

IV. OTHER BUSINESS

- 1. Discussion about going back to in-person meetings.

McCarthy – Asked if anyone is opposed to going back to doing in-person meetings.

O'Mara – He suggested starting in May.

Snell – We will coordinate with Erika Mooney for the May 12th meeting to be in person at your regular time. If there's a potential of a meeting going past 3, we will have to move the start time to 12:00 pm.

- 2. **Snell** – At 4:00 pm today, there is a joint Finance Committee, Select Board, and Planning Board meeting to discuss article motions and comments. If anyone is interested, they can tune in.

V. ADJOURNMENT

Motion **Motion to Adjourn at 1:45 pm.** (made by: Allen) (seconded)

Roll-call vote Carried unanimously

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

- 1. None

Submitted by:

Terry L. Norton