



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, March 13, 2008
12:00 PM
2 Fairgrounds Road

Board Members in attendance: Michael O'Mara, David Wiley, Dale Waine, Burr Tupper, Lisa Botticelli, and Edward Toole.

Staff: John Brescher, Leslie Woodson Snell, Venessa Moore

I. Call to Order:

Chairman Michael O'Mara called the meeting to order at 12:10 P.M.

II. Old Business

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| ▪ | 085-06 | Reis | 80 Miacomet Ave | Reade |
| | | | Action Deadline March 28, 2008; Continued to March 14, 2008. | |
| ▪ | 030-07 | Burnham | 12 ½ Sherburne Turnpike | Reade |
| | | | Action Deadline March 28, 2008; Continued to March 14, 2008. | |
| ▪ | 054-07 | Nantucket Hunt. Assoc. | Madequesham Valley Road | Zieff |
| | | | Action Deadline May 30, 2008; Continued to April 11, 2008. | |
| ▪ | 087-07 | Barrett | 21 Somerset Road | Cohen |
| | | | Action Deadline April 10, 2008. | |

Attorney Steven Cohen spoke on behalf of the applicants.

Attorney Cohen submitted new plans to the Board members at the meeting. Attorney Cohen noted that the applicants are willing to make concessions by limiting outdoor storage, cleaning up the yard, reducing the hours of operation from 9:00 AM to 5:00 PM, and eliminating the junk busses on site. Additionally, the applicants are willing to limit the type of materials that are stored on site to those that are directly related to their operations.

The abutters to the property commented on the application. The comments focused on the past activities of the applicant's operations and how difficult it would be to strictly enforce the proposed hours of operation because of the nature of the applicants' business. Other abutters questioned how the current expansion of the applicant's operation can be considered a natural evolution of the business. Other abutters' comments focused on the amount of noise generated from the applicants' business.

Cormac Collier of the Nantucket Land Council pointed out that locus is located in the public wellhead recharge zone and therefore may potentially be prohibited under the Zoning Bylaw.

Chairman O'Mara explained to the applicants that he was disappointed with the lack of communication and neighborly contact between the parties. Other Board members echoed this sentiment.

Burr Tupper requested more information regarding the applicants' retail business. Dale Waine expressed his disappointment in receiving the plans at the last minute. Dave Wiley also expressed concern with the lack of communication between the Applicants and the neighbors, as well as the possible wellhead recharge zone issue.

A motion was made (Wiley) to uphold the Zoning Enforcement Officer's cease and desist order. The motion failed for a lack of a second.

A motion was made (Waine) and duly seconded to continue the application to the May 9th meeting. The vote was 5-0 in favor.

- 108-07 Hammer 6 King Street Cohen
Action Deadline April 10, 2008

Attorney Steven Cohen spoke on behalf of the applicants.

Attorney Cohen proposed that there would be no work on Sundays and the hours of operation would be limited to 8:00 AM to 5:00 PM.

Attorney Alison Zieff spoke on behalf of some of the Youngs. Attorney Zieff expressed concern that the construction may damage the foundation of her client's house.

Attorney Bill Hunter spoke on behalf of some of the Reindell's. Attorney Hunter suggested the Board not grant the requested relief yet because the applicant has not had any communication with the abutters.

Attorney Rhoda Weinman spoke as an abutter. Attorney Weinman explained that there is less than one (1) foot between her property and the applicants' property and expressed concern that damage will be done to both King Street and her property.

Geoff Thayer discussed the practicalities of how the work would be completed. He mentioned that driven steel piles would be used.

John Stover discussed the engineering involving the construction. Mr. Stover indicated that the Reindell property would be the most critical one, indicating that the Reindell's would possibly suffer damage to their property as a result of the construction.

The Board asked about a limited survey indicating the locations of abutting structures within ten (10) feet of the site.

A motion was made (Waine) and duly seconded to continue to the application to the May 9th meeting. The vote was 5-0 in favor.

- 111-07 NPTA 81 Milestone Road Glidden
Action Deadline April 10, 2008.

Attorney Richard Glidden spoke on behalf of the applicants.

Ed Toole expressed his concern that the Land Bank property is going to be used for a private organization. The public will no longer be able to utilize the property if the Paddle Tennis courts are built because only members of the Paddle Tennis club will be able to enjoy the property.

A motion was made (Waine) and duly seconded to approve the application. The vote was 4-1 in favor (Toole opposed).

- 118-07 Veranda House, LLC 3 Step Lane Cohen
Action Deadline April 10, 2008.

Attorney Steven Cohen spoke on behalf of the applicants.

The applicants submitted updated plans for the Board to review.

Randi Ott and Calliope Legelis commented that the plans were not much of a compromise and noted there was little communication between the applicants and the abutters.

Attorney Rhoda Weinman spoke on behalf of some of the abutters and reiterated her request that there be no weddings or other events held on the premises, the “continental breakfast” remain available only to guests of the Veranda House, that outdoor lighting and air conditioning be “at a minimum”, and that construction be done between June 1st and September 15th.

The Board expressed their frustration of not being able to review the plans ahead of time. Rather than waiting until the April meeting, Attorney Cohen asked the Board to hold a Special Meeting on March 25, 2008.

A motion was made (Waine) and duly seconded to continue the application to the March 25, 2008 meeting. The vote was 5-0 in favor.

III. New Business

- 004-08 O'Rourke 7 Old North Wharf Glidden
Action Deadline June 13, 2008.

Attorney Richard Glidden spoke on behalf of the applicant.

A motion was made (Toole) and duly seconded to approve the application with the condition that no exterior work is to be done from June 1st to September 30th. The vote was 5-0 in favor.

- 005-08 Gifford, Trustee of 37 Liberty Street Nominee Trust 37 Liberty Street Reade
Action Deadline June 13, 2008.

Attorney Arthur Reade spoke on behalf of the applicant.

A motion was made (Botticelli) and duly seconded to approve the application with the condition that no exterior work is to be done from June 1st to September 15th and no heavy equipment be used. The vote was 5-0 in favor.

- 006-08 Deuberry 4 Charter Street Reade
Action Deadline June 13, 2008.

Attorney Arthur Reade spoke on behalf of the applicant.

A motion was made (Botticelli) and duly seconded to approve the application. The vote was 4-1 in favor (Toole opposed).

- 007-08 MacDougall, Trustee of MacDougall Nominee Trust Reade
9 Bayberry Lane
Action Deadline June 13, 2008.

Attorney Arthur Reade spoke on behalf of the applicant.

A motion was made (Wiley) and duly seconded to approve the application. The vote was 5-0 in favor.

- Modification of Driveways in Abrem Quarry
 - Harding – 3 Sasemin

A motion was made (Tupper) and duly seconded to approve proposed driveway configuration. The vote was 5-0 in favor.

IV. Approval of the Minutes:
A motion was made to approve the Minutes (February 8, 2008), duly seconded and voted 5-0.

V. Executive Session:

The members of the Zoning Board of Appeals were polled to go into Executive Session and not return to Public Session. The poll was unanimous.

VI. Adjournment

A motion was made (Waine) and duly seconded to adjourn the meeting at 4:45 P.M.