



# TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes  
Friday, August 8, 2008  
12:00 PM  
2 Fairgrounds Road

**Board Members in attendance:** Michael J. O'Mara, Dale Waine, Kerim Koseatac, Lisa Botticelli, Edward Toole, Mark Poor, and Carol Cross.

**Staff:** John Brescher

I. Call to Order:

**Chairman Michael O'Mara called the meeting to order at 12:15 P.M.**

II. Approval of the Minutes:

**A motion was made to approve the Minutes (Toole) (July 11, 2008), duly seconded, and voted 5-0 in favor.**

III. Other Business:

- Modification of Driveway in Abrem Quarry
  - 4 Kinikinnik Way – Phillips

**The applicant requested to modify the configuration of her driveway to create two side by side spaces from the existing configuration of two stacked spaces.**

**A motion was made (Toole) and duly seconded to approve the requested modifications. The vote was 5-0 in favor.**

IV. Old Business

- |   |               |                |                                     |                                  |          |
|---|---------------|----------------|-------------------------------------|----------------------------------|----------|
| ▪ | <b>085-06</b> | <b>Reis</b>    | <b>80 Miacomet Avenue</b>           | <b>Reade</b>                     | <b>C</b> |
|   |               |                | Action Deadline September 26, 2008. | Continued to September 12, 2008. |          |
| ▪ | <b>030-07</b> | <b>Burnham</b> | <b>12½ Sherburne Turnpike</b>       | <b>Reade</b>                     | <b>C</b> |
|   |               |                | Action Deadline September 26, 2008. | Continued to September 12, 2008. |          |
| ▪ | <b>087-07</b> | <b>Barrett</b> | <b>21 Somerset Road</b>             | <b>Cohen</b>                     | <b>C</b> |
|   |               |                | Action Deadline September 30, 2008. | Continued to September 12, 2008. |          |
| ▪ | <b>023-08</b> | <b>Spring</b>  | <b>339 Polpis Road</b>              | <b>Spring</b>                    | <b>C</b> |
|   |               |                | Action Deadline October 31, 2008.   | Continued to September 12, 2008. |          |

- 033-08 Tetawkimmo Comm. Assoc. Tr. Barnard Valley Rd. Philbrick  
Action Deadline September 10, 2008.
- 034-08 Longfin, LLC Barnard Valley Rd. Hunter  
Action Deadline September 10, 2008.
- 035-08 Longfin, LLC Barnard Valley Rd. Hunter  
Action Deadline September 10, 2008.

The Board and the applicants agreed to have the two appeals and the application heard simultaneously.

Attorney Bill Hunter spoke on behalf of the applicants, Holdgate Partners d/b/a Longfin, LLC. Attorney Hunter submitted a site plan to the Board and explained that the top of the bank has not changed. Attorney Hunter further explained the angle of repose and how it affected the bank.

Attorney Melissa Philbrick spoke on behalf of the appellants, Tetawkimmo Commons Association Trust. Attorney Philbrick expressed concern regarding the erosion. Attorney Philbrick also suggested that as the issue of erosion is in question, an expert opinion may be required.

Attorney Hunter stated that the applicant has been storing materials against the bank and will continue to mine in the southeast corner.

Dale Waine suggested the applicant obtain a plan to stabilize the top of the bank.

Ed Toole agreed with Mr. Waine and also suggested the applicant submit a timeline.

Attorney Hunter expressed his concern that the Board should remain focused on the issues within their purview. Attorney Hunter also suggested the Board bear in mind that the equipment has been modernized.

Tom Bresette, as an abutter, stated that the slope of the bank has in fact changed. Additionally, Mr. Bresette expressed concern regarding the safety of the road and berm.

Phil Nardoni, as an abutter, also stated that there has been erosion.

Bob Parr, as an abutter, questioned if there was in fact a survey done at the time Bill Cassidy purchased the pit and whether such a survey would be available.

Attorney Philbrick urged the Board to look at the previously granted Special Permits as the controlling documents. Attorney Philbrick also suggested the Board further discuss the need for retaining walls. As the property is located in the wellhead recharge, Attorney Philbrick recommended better information regarding the asphalt grindings should be submitted.

Attorney Hunter reminded the Board that the applicants are here because this is not an expansion as determined by the Zoning Enforcement Officer.

Ed Toole stated that mining is different than trucking in material and questioned the use of the property as a transfer station.

Dale Waine recommended the applicants obtain affidavits of the business when it existed when the Tetawkimmo subdivision was before the Planning Board.

Michael O'Mara suggested the applicants look for the survey that should have been filed when the property was transferred to Bill Cassidy.

Kerim Koseatac agreed that an affidavit would be helpful and also requested some information regarding the height of the original tower.

A motion was made (Koseatac) and duly seconded to continue the application to the September 12<sup>th</sup> meeting. The vote was 5-0 in favor.

- 045-08 Killen 81 Hinsdale Road Dale  
Action Deadline October 9, 2008.

Attorney Kevin Dale represented the applicants.

Attorney Dale noted that pursuant to the Board's request at the August meeting, the applicant has submitted a new site plan detailing the parking spots.

A motion was made (Waine) and duly seconded to approve the requested relief with the conditions that Construction shall be done in substantial compliance with the plan entitled "An Addition for The Killen Shop" dated July 21, 2008, prepared by Nantucket Architecture Group; the evergreen screening as shown on the plan entitled "An Addition for The Killen Shop" dated July 21, 2008, prepared by Nantucket Architecture Group shall be maintained; the commercial buildings shall be limited to a total of five (5) wood shops; and the hours of operation shall be not earlier than 7:30 A.M. or later than 6:30 P.M on Monday through Saturday, with no such operations on Sundays. The vote was 4-0 in favor.

V. New Business

- 044-08 Thomas 4 Sparks Avenue Avery  
Action Deadline October 9, 2008.

Attorney Emily Avery spoke on behalf of the applicant.

Attorney Avery explained that the applicant is requesting to convert one of the dwellings on the property to a neighborhood beauty salon. Accordingly, the applicant is providing six (6) spaces of the required eight (8). Therefore, the applicant is requesting a waiver of two (2) parking spaces.

The applicant is also requesting a waiver of the loading zone requirements, to validate a step located in the side yard setback, and to make a finding that the existing grass driveway is pre-existing and therefore does not require special permit relief from the Planning Board.

A motion was made (Toole) and duly seconded to approve the requested relief with the conditions that the locus remain as one (1) dwelling, one (1) salon, and the parking will remain as shown on the submitted plans and the hours of operation shall be 9:00 am to 6:00 pm, Monday through Saturday. The vote was 5-0 in favor.

- 046-08 Mansfield, Tr. 12 Greenleaf Road Glidden  
Action Deadline November 6, 2008.

Attorney Richard Glidden represented the applicants.

Attorney Glidden explained that the previous decision was silent as to the allowable ground cover for the locus.

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

- 047-08 Crane 6 Salt Marsh Road Cohen  
Action Deadline November 6, 2008.

Attorney Steven Cohen represented the applicants.

Attorney Cohen stated that a copy of the proposed easement has been submitted and there is ample parking provided via said easement.

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

- 048-08 ReMain 54, LLC 54 Main Street Philbrick  
Action Deadline November 6, 2008.

Attorney Melissa Philbrick represented the applicants.

Attorney Philbrick stated that the second floor of the locus will now be used as a multi-function area and the rear stairs will be reconstructed so to provide ingress and egress to the second floor.

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

- 049-08 Beale 4 Mooers Avenue Philbrick  
Action Deadline November 6, 2008.

Attorney Melissa Philbrick represented the applicants.

Attorney Philbrick stated that pursuant to the proposed construction, the roofline will remain in tact and the building will then be raised.

Attorney Rhoda Weinman, representing one of the abutters, spoke against the application. Attorney Weinman questioned why, if the building were to be moved, the building could not conform to the zoning setback requirements. If the building were to remain in its present location, the building will deprive her client of light and air.

Attorney Marianne Hanley, representing an abutter, spoke against the application as well. Attorney Hanley indicated that the applicants needed to first prove that the cottage was a dwelling. If the applicant is unable to prove that it was initially a dwelling, then the applicant will need to request a variance. Attorney Hanley indicated that the proposed addition will have a substantial negative impact on her clients.

Nancy Conroy, as an abutter, spoke against the application. Ms. Conroy was concerned with the amount of noise that will result from the addition.

Tony Beale, the applicant, spoke and indicated that as the abutters were opposed to the application, he would revise the plans to come to a more amiable solution.

A motion was made (Koseatac) and duly seconded to continue the application to the September 12<sup>th</sup> meeting. The vote was 5-0 in favor.

- 050-08 Norton 4 Tawpoot Road Philbrick  
Action Deadline November 6, 2008.

Attorney Melissa Philbrick represented the applicants.

Attorney Philbrick stated that the reason for the unintentional setback intrusion was based on surveyor error. Chip Hart, the surveyor who surveyed the locus, stated that it was in fact an error on his part.

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

- 051-08 Lindsay Utah Avenue Hunter  
Action Deadline November 6, 2008.

Attorney Bill Hunter spoke on behalf of the applicants.

Attorney Hunter explained that due to the eroding coastal bank, the applicants were requesting the validation of an undersized buildable lot.

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

- 052-08 Bouque Nobadeer Farm Road Zieff C  
Action Deadline November 6, 2008. Continued to September 12, 2008.

This application was continued to the September 12<sup>th</sup> meeting without being opened.

VI. Adjournment

A motion was made (Waine) and duly seconded to adjourn the meeting at 2:50 P.M.