



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Friday, October 10, 2008
12:00 PM
2 Fairgrounds Road

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

Staff: John Brescher and Venessa Moore

I. Call to Order:

Chairman Michael O'Mara called the meeting to order at 12:05 P.M.

II. Old Business

- **085-06 Reis 80 Miacomet Avenue Reade C**
Action Deadline September 26, 2008. Continued to September 12, 2008.
- **030-07 Burnham 12½ Sherburne Turnpike Reade C**
Action Deadline September 26, 2008. Continued to September 12, 2008.
- **023-08 Spring 339 Polpis Road Spring**
Action Deadline October 31, 2008. Continued to October 10, 2008.

Susan Spring represented herself.

Ms. Spring explained to the Board that she was attempting a property swap in order to meet the setback requirements.

Dale Waine recommended that because the applicant was only dealing with a 4 member board, it would be unlikely that the requested variance would be granted.

In light of this, the applicant requested to withdraw the application without prejudice.

A motion was made (Tupper) and duly seconded to approve the requested withdrawal. The vote was 4-0 in favor.

- **033-08 Tetawkimmo Comm. Assoc. Tr. Barnard Valley Rd. Philbrick**
Action Deadline October 28, 2008.
- **034-08 Longfin, LLC Barnard Valley Rd. Hunter**
Action Deadline October 28, 2008.

- 035-08 Longfin, LLC Barnard Valley Rd. Hunter
Action Deadline October 28, 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 reminded the Board that the scope of their discussions should be the appeal brought by the Tetawkimmo Commons Association Trust, Holdgate Partner's appeal regarding the use of the garage, a request for a clarification regarding the use of the garage, and the siting of the radio tower.

Bill Cassidy, the applicant, spoke in favor of the application by noting that there were supporters of the application; but, they have not come to the public hearings.

Michael Touchett, an abutter, expressed concern that there still has been no erosion control plan in place, despite the Board having requested a plan months ago.

Bill Cassidy indicated that he plans on rebuilding the berm. Additionally, the entire bank will be rebuilt.

Phil Nardoni, an abutter, wondered why things, like the erosion control plan, have not been submitted to the Board at this point, despite the Board's requests.

LeAnne Swain, an abutter, recommended the applicant construct a fence and also expressed concern regarding the smell, the dust, and the noise.

Ed Toole asked the applicant and the neighbors what the smell was.

Attorney Hunter reminded the Board that they have all taken rides out to the site.

Marcus Silverstein, the Zoning Enforcement Officer, reminded the Board that the purpose of the garage is to store the vehicles. The special permit, being so specific, does not allow for any additional conditions to be attached to it.

Bill Cassidy indicated that the garage in question is DEP compliant.

Ed Toole listed some proposed conditions for the applicant and the abutters to consider. These conditions were that the hours of operation be from 7:00 am to 5:00 pm from Monday through Friday and 7:00 am to 1:00 pm on Saturday, there shall be no activity on Sundays, each business shall have 5000 square feet of area, the Garage must be DEP compliant, the Tower must be moved out of the setback, there must be a watering truck on site to mitigate the erosion, there must be an erosion plan in place, there shall be a restriction on crushing stone and concrete, the applicant shall be available should the neighbors have any concerns, and there shall be no change in the grade.

The Board suggested the abutters, applicant, and staff determine the most appropriate conditions and continue the meeting to October 29th, at 1:00. A motion was made (Koseatac) and duly seconded to continue the applications to October 29th. The vote was 5-0 in favor.

- 059-08 First Sun, LLC 86 West Chester Street Zieff
Action Deadline December 11, 2008.

Attorney Alison Zieff spoke on behalf of the applicant.

Attorney Zieff presented a letter to the Board from the applicant apologizing for his error in siting the structure.

Ed Toole asked again why the applicant could not attend and expressed concern that approving this requested relief would set a bad precedent for the Board.

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

III. New Business

- 058-08 Aslansan 1 Brock's Court Zieff C
Action Deadline December 11, 2008.

The application was continued without being opened to the November 13th meeting.

- 053-08 Overlock, et al 16 Baxter Road Hunter
Action Deadline December 11, 2008.

Attorney Bill Hunter spoke on behalf of the appellants.

Attorney Hunter reminded the Board that this matter was originally heard and decided on last year. However, the owners of the property have applied for a building permit and the Zoning Enforcement Officer has not denied this permit. The request of the owners is essentially the same as what was denied by the Board at the original hearing. Subsequently, the neighbors are appealing the issuance of the building permit.

Attorney Arthur Reade spoke on behalf of the owners of the property in question. Attorney Reade stated that as the subject of the building permit was to correct the nonconformities on the property, this would subsequently make the property less nonconforming and; therefore, the owners believe that no zoning relief is necessary.

Robert Westbrook, the owner of the property, noted that he would be removing the nonconformities on the locus.

A motion was made (Toole) and duly seconded to overturn the Zoning Enforcement Officer's issuance of a building permit. The vote was 0-5 (Toole, Koseatac, O'Mara, Poor, Tupper opposed)

- 062-08 Richardson 22 Hussey Street Cohen
Action Deadline January 8, 2009.

Attorney Steven Cohen spoke on behalf of the applicants.

Mark Poor questioned whether or not the property in question was linked to another property, so as to provide adequate parking. Attorney Cohen responded that it was in fact linked to another property.

A motion was made (Toole) and duly seconded to approve the application with the condition that no work shall take place between May 15th and September 15th. The vote was 5-0 in favor.

- 063-08 Casscells 3 N. Gully Road Reade
Action Deadline January 8, 2009.

Attorney Arthur Reade spoke on behalf of the applicants.

A motion was made (Koseatac) and duly seconded to approve the application with the condition that no work shall take place between Memorial Day and September 15th. The vote was 5-0 in favor.

- 054-08 Roche 15 Trotters Lane Self
Action Deadline December 11, 2008.

Mark Roche requested that the application be continued to the November meeting.

A motion was made (Botticelli) and duly seconded to continue the application to the November meeting. The vote was 5-0 in favor.

- 055-08 Cooney 19 West York Lane Young
Action Deadline December 11, 2008.

The applicant requested that the application be continued to the November meeting without being opened.

- 061-08 Ross 15 Old South Road Dale
Action Deadline January 8, 2009.

Attorney Kevin Dale spoke on behalf of the applicant.

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

- 060-08 82 Orange Nantucket, LLC 82 Orange Street Glidden
Action Deadline January 8, 2009.

Attorney Richard Glidden spoke on behalf of the applicants.

A motion was made (Botticelli) and duly seconded to approve the application with the condition that no work shall take place between Memorial Day and September 15th. The vote was 5-0 in favor.

IV. Other Business:

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile

V. Approval of the Minutes:

A motion was made to approve the Minutes (Koseatac) (September 12), duly seconded, and voted 5-0 in favor.

VI. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 3:00 P.M.