



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Wednesday, October 29, 2008
1:00 PM
2 Fairgrounds Road

Board Members in attendance: Michael J. O'Mara, Dale Waine, Kerim Koseatac, Lisa Botticelli, Edward Toole,
Staff: John Brescher and Venessa Moore

I. **Call to Order:**

Chairman Michael O'Mara called the meeting to order at 1:10 P.M.

II. **Approval of the Agenda**

III. **Old Business**

- 033-08 Tetawkimmo Comm. Assoc. Tr. Barnard Valley Rd. Philbrick
Action Deadline November 14, 2008. (ET, DW, MJO, KK, LB)
- 034-08 Longfin, LLC Barnard Valley Rd. Hunter
Action Deadline November 14, 2008. (ET, DW, MJO, KK, LB)
- 035-08 Longfin, LLC Barnard Valley Rd. Hunter
Action Deadline November 14, 2008. (ET, DW, MJO, KK, LB)

Attorney Melissa Philbrick spoke on behalf of the Tetawkimmo Commons Neighborhood Association Trust.

Attorney Philbrick suggested the Board act as "fact finders" at this point in the hearings. Attorney Philbrick suggested that Board should consider whether or not the activities on site constitute a change in use. And if they do, then the Board should draw a conclusion and determine whether or not this is a permissible change.

Attorney Philbrick listed the various uses on the site and reminded the Board what that matters were before them.

Attorney Bill Hunter spoke on behalf of Holdgate Partners (d/b/a Longfin, LLC). Attorney Hunter suggested that rather than concluding the meeting today, Holdgate Partners would come back in January, 2009 with a comprehensive plan that would address all of the concerns that have been addressed at the various hearings.

Attorney Hunter also stated that just by virtue of the fact that Holdgate Partners is modernizing the equipment, this does not constitute an unpermitted expansion.

Bill Cassidy, the owner of Holdgate Partners, stated that any conditions that are agreed to at this meeting will go into effect the day after the meeting.

Attorney Philbrick stated that she believed the Board could impose conditions at this point.

John Brescher, acting Zoning Administrator, stated that he did not think any conditions could be imposed as the conditions in question were not the subject of any application.

Carolyn Durand, an abutter, asked the Board what constituted an expansion. She also requested that the scope of operations be written somewhere in the decision so there is a baseline by which to determine any expansion.

Michael Bloomberg, an abutter, asked Bill Cassidy what the business would be doing about the stone washing. Mr. Cassidy stated that there would be no washing during the summer months.

Michael Touchette, an abutter, asked if Bill Cassidy had permission from the FAA to relocate his antenna.

Bill Cassidy responded that the FCC has approved the antenna and, in order to do so, the FCC checks with the FAA.

Dale Waine and Ed Toole discussed some of the possible conditions, even though they could not be enforced at this time. These conditions included:

- The hours of operation shall be 7:00 am to 7:00 pm, with no pit operation after 5:00 pm. There shall be no work activity on Sundays.
- There shall be no more than seven (7) total businesses on site.
- Garages must meet the various DEP requirements.
- The communications tower must be moved out of the setback.
- There must be a plan to implement site watering.
- There must be an erosion plan in place.
- There shall be no washing of stone from Memorial Day through Columbus Day.
- Holdgate Partners and the neighborhood association shall meet annually.
- There shall be no transfer station on site – Holdgate Partners must list the acceptable materials to store.
- There shall be no retail sales on the premises.

Ben Champoux, an abutter, noted that the pit is in the wellhead recharge district. Therefore, there should be concern regarding the materials stored on site.

Ellen Shapiro questioned whether or not the cell tower constituted a business.

A motion was made (Koseatac) and duly seconded to continue the applications to January 8, 2009. The vote was 5-0 in favor.

IV. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 2:35.