



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, November 13, 2008
1:00 PM
2 Fairgrounds Road

Board Members in attendance: Michael J. O'Mara, Kerim Koseatac, Burr Tupper, Carol Cross, and Mark Poor.
Staff: John Brescher and Venessa Moore

I. Call to Order:

Chairman Michael O'Mara called the meeting to order at 1:07 P.M.

II. Approval of the Agenda

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

III. Approval of the Minutes

A motion was made (Koseatac) and duly seconded to approve the Minutes (October 10th, 2008; October 29, 2008). The vote was 5-0 in favor.

IV. Old Business

- **085-06 Reis 80 Miacomet Avenue Reade C**
Action Deadline March 26, 2009. Continued to March 13, 2009
- **030-07 Burnham 12½ Sherburne Turnpike Reade C**
Action Deadline March 26, 2009. Continued to March 13, 2009
- **033-08 Tetawkimmo Comm. Assoc. Tr. Barnard Valley Rd. Philbrick C**
Action Deadline January 23, 2009. Continued to January 8, 2009.
- **034-08 Longfin, LLC Barnard Valley Rd. Hunter C**
Action Deadline January 23, 2009. Continued to January 8, 2009.
- **035-08 Longfin, LLC Barnard Valley Rd. Hunter C**
Action Deadline January 23, 2009. Continued to January 8, 2009.

V. New Business

- **065-08 Seaquist 10 Jonathan Way Self**
Action Deadline January 9, 2009.

Claire Seaquist represented herself.

Ms. Seaquist explained to the Board that the reason for her being over the allowable ground cover was an error in calculating the ground cover because of a cantilevered second floor living space that now counts towards the ground cover calculation under the current Zoning Bylaw requirements.

A motion was made (Poor) and duly seconded to approve the requested relief with the conditions that there shall be no further expansion of ground cover on the lot. The vote was 5-0 in favor.

- 058-08 Aslansan 1 Brock's Court Zieff C
Action Deadline December 11, 2008. Continued to December 11, 2008.
- 054-08 Roche 15 Trotters Lane Self C
Action Deadline December 11, 2008. Continued to December 11, 2008.
- 055-08 Cooney 19 West York Lane Young
Action Deadline December 11, 2008.

Bob Patterson spoke on behalf of the Applicant.

Mr. Patterson explained to the Board that the height of the structure needs to be validated. Additionally, the Applicant has modified his request in order to change the garage use to a studio use, conditioned upon there being no habitable space in the new studio.

Attorney Steven Cohen, speaking on behalf of abutter Donna Martino, expressed concern in the change in use and any potential interference with the light and air.

A motion was made (Poor) and duly seconded to approve the requested relief to validate the existing height of the structure and that the garage shall not be for human habitation. The vote was 4-1 in favor (Cross opposed).

- 064-08 Werner as Owner, David as Applicant 1 Gardner Ct. Weinman
Action Deadline February 22, 2009.

Attorney Rhoda Weinman spoke on behalf of the Applicant.

Attorney Weinman stated that this was a modification of an existing special permit. Presently, there are 5 dwelling units existing on the locus. The Applicant is proposing to create a 6th unit by adding a kitchen to an existing bedroom.

The Board expressed concern with the increase in intensity and requested that more detailed floor plans showing where the proposed dwelling unit would be located be submitted.

The Applicant requested to withdraw the application without prejudice. A motion was made (Koseatac) and duly seconded to approve the requested withdrawal. The vote was 5-0 in favor.

- 066-08 Schmidt/Conway 28 Bosworth Road Glidden
Action Deadline January 9, 2009.

Attorney Richard Glidden spoke on behalf of the Applicant.

Attorney Glidden stated that the Applicant is requesting to validate the siting of the existing tennis court.

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

- **067-08** **Martin as Owner, Stone as Applicant** **2 Atlantic Ave** **MacEachern**
Action Deadline February 22, 2009.

Matt MacEachern spoke on behalf of the Applicant.

The Applicant is requesting to increase the height of the structure in order to renovate the structure and add a living space to the second floor.

A motion was made (Tupper) and duly seconded to approve the requested relief with the condition of using steel sheeting in the southeast corner, moving the propane tank out of the setback, and that there shall be no exterior work between May 15th and September 15th. The vote was 5-0 in favor.

- **068-08** **Jebel, LLC** **39/41 Hulbert Ave** **Reade**
Action Deadline January 9, 2009.

Attorney Arthur Reade spoke on behalf of the Applicants.

Attorney Reade stated that this application had been before the ZBA a few months ago and has since been modified.

Burr Tupper noted that the plans submitted were confusing and did not lend much clarity in determining what portions of the structures would be removed. The other Board members agreed with this assessment and suggested the Applicant return with revised plans.

A motion was made (Koseatac) and duly seconded to continue the application to the January 8th meeting. The vote was 5-0 in favor.

- **069-08** **AGS Nominee Trust** **40 Orange Street** **Hunter**
Action Deadline February 22, 2009.

Attorney Bill Hunter spoke on behalf of the Applicants.

Attorney Hunter requested that the application be withdrawn without prejudice.

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

- **070-08** **McQuade** **97 Baxter Road** **Hunter**
Action Deadline January 9, 2009.

Attorney Bill Hunter spoke on behalf of the Applicants.

Attorney Hunter spoke on behalf of the Applicants.

Attorney hunter stated that due to the eroding coastal bluff a variance to relocate the dwelling would be in harmony with the general purpose and intent of the zoning bylaw.

A motion was made (Poor) and duly seconded to approve the requested relief with the condition that no exterior work shall be done between June 1st and the day after Labor Day. The vote was 5-0 in favor.

- 072-08 Butler 8 Salros Road Stetina
Action Deadline February 22, 2009.

Attorney Jeff Stetina spoke on behalf of the Applicant.

Burr Tupper divulged that he was on the abutters list and if any member of the Board, the Attorney, the Applicant, or any member of the public had issue with his sitting on this application, then he would recuse himself. There were no objections.

Attorney Stetina stated that this was an application to validate the existence of stone steps sited in the setback. These steps were once classified as landscape features and subsequently were approved to be located within the setback. Now, they are considered to be part of the structure and require validation.

A motion was made (Koseatac) and duly seconded to approve the requested variance with the condition that there shall be no commercial work done on Sundays. The vote was 5-0 in favor.

- 073-08 Varian 54 Union Street Cohen
Action Deadline February 22, 2009.

Attorney Steven Cohen spoke on behalf of the Applicants.

Attorney Cohen stated that the Applicants are proposing to convert the dwelling into an antiques store that also sells art.

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

VI. Other Business

- Approval of ZBA 2009 meeting dates.

A motion was made (Tupper) and duly seconded to approve the 2009 meeting dates.

VII. Adjournment

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