



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, December 11, 2008
1:00 PM
2 Fairgrounds Road

Board Members in attendance: Michael J. O'Mara, Ed Toole, Lisa Botticelli, 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 1:05 P.M.

II. Approval of the Agenda

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

III. Approval of the Minutes

A motion was made (Toole) and duly seconded to approve the Minutes (November 11, 2008). The vote was 5-0 in favor.

IV. Other Business

Chairman O'Mara requested a moment of silence to honor the passing of Neil D. Parent.

Attorney Richard Glidden requested a six (6) month extension for 18 Rabbit Run Road. The Applicants had not yet activated their Special Permit and duly requested an extension so that they may activate said Special Permit.

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

V. 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.

Burr Tupper requested a more concrete definition of “trucking” so that they may be better able to determine whether or not there has been an unpermitted expansion.

Attorney Melissa Philbrick spoke on behalf of the abutters. Attorney Philbrick reminded the Board that the last time the Applicants were before the Board, the Board was looking at attaching conditions to the property. Attorney Philbrick also stated that she objected to the “bootstrapping” of uses on the property.

One of the Applicants, Chester Barrett, stated that work had always been done both on-site and off-site.

One of the abutters, Charles Butler, stated that he has lived in the neighborhood for thirty years. Mr. Butler indicated that most of the work had been done off-site and only recently has there been a dramatic increase in the amount of auto repair work, evening work, and that there has been a retail business involving the sale of mulch.

John Stanton, speaking as an abutter, reminded the Board that there have been families in that neighborhood since 1951.

Marianne Stanton, speaking as an abutter, also indicated that the scope of operations has increased and that the business was not as large a few years ago.

Mary Soffell, an abutter, suggested the Board look at the advertisement in the phone book. Ms. Soffell suggested that the Barretts are looking to expand the size of their operations. Ms. Soffell also wondered what the odor was that was emanating from the property.

Burr Tupper also wondered what this odor was because he drove by the property and smelled it.

Scott Barrett, one of the Applicants, stated that he was unsure what the odor was.

Burr Tupper indicated that he was concerned with the level of activity, the increase in noise, the odors, and the hours of operation.

Elizabeth Hitchcock, as an abutter, stated that on Veteran’s Day there was a horrible stench coming from the property.

David Hitchcock, as an abutter, stated that there is a new business on site.

Attorney Cohen wanted to clarify that many of the disturbances that are existing on-site are from the reorganization of the site.

Attorney Philbrick urged the Board to apply the Powers test and use this to find that the Applicants need a Special Permit for the unpermitted expansion.

Attorney Cohen argued that the Powers test did not fully apply to the present situation.

A motion was made (Koseatac) and duly seconded to uphold the Order issued by the Zoning Enforcement Officer. The vote was 5-0 in favor.

Mr. Burnham explained that the deck was sited about six (6) inches into the setback due to a contractor error. Mr. Burnham subsequently requested the Board allow him to validate the siting of the deck in the side yard setback.

A motion was made (Poor) and duly seconded to approve the requested relief with the condition that the deck be allowed to be sited in its present location and any further expansion will require relief from the Board of Appeals. The vote was 5-0 in favor.

- 080-08 Paul 7 Paupamo Way Stetina
Action Deadline March 11, 2009.

The Applicants requested to withdraw the application.

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

- 071-08 Furrow 99 Baxter Road Hunter
Action Deadline March 5, 2009.

Attorney Bill Hunter spoke on behalf of the Applicant.

Attorney Hunter stated that a cottage would be relocated on the property, away from the eroding coastal bluff.

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

- 081-08 Fronzuto 35 First Way Self
Action Deadline March 11, 2009.

David Fronzuto represented himself.

Mr. Fronzuto explained to the Board that he is proposing a dance studio on his property.

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

- 082-08 Werner as Applicant, David as Owner 1 Gardner Court Weinman
Action Deadline March 11, 2009.

The Applicant requested to withdraw the application.

A motion was made (Toole) and duly seconded to withdraw the application.

- 083-08 53 Orange Street Partners, LLC 53 Orange Street Glidden
Action Deadline March 11, 2009.

Attorney Jessie Glidden represented the applicants.

Attorney Glidden explained that the Applicant is proposing to raise the height of the structure and to put in a full basement.

Attorney Bill Hunter, representing one of the abutters, indicated that there may be an issue regarding the construction process.

A motion was made (Toole) and duly seconded to continue the application to the January 15th meeting. The vote was 5-0 in favor.

VII. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 3:30 P.M.