



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, May 14, 2009
1:00 PM
2 Fairgrounds Road

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

Staff: John Brescher

I. Call to Order:

Chairman O'Mara called the meeting to order at 1:05 PM.

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. Old Business

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|---|---|---------------------|-------------------------------|--------------|----------|
| ▪ | 085-06 | Reis | 80 Miacomet Avenue | Reade | C |
| | Action Deadline September 26, 2009. Continued to September 10, 2009 | | | | |
| ▪ | 030-07 | Burnham | 12½ Sherburne Turnpike | Reade | C |
| | Action Deadline September 26, 2009. Continued to September 10, 2009 | | | | |
| ▪ | 088-08 | DeBenedictis | 7 Brewster Road | Self | C |
| | Action Deadline October 15, 2009. Continued to June 11, 2009 | | | | |

IV. New Business

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| ▪ | 007-09 | Ferreira | 47 Nobadeer Farm Road | Self | |
| | Action Deadline June 12, 2009. | | | | |

Carlos Ferreira represented the Applicant.

Mr. Ferreira explained that he would like to have seven (7) cars and five (5) mopeds for sale on site. Mr. Ferreira stated that these would be used vehicles. Additionally, Mr. Ferreira informed the Board that the proposed hours of operation would be 10:00 am to 4:00 pm, open six (6) days a week.

Ed Toole wondered whether or not there was any screening proposed and suggested that there should be.

Chairman O'Mara expressed concerns regarding the intensity of the use.

Mr. Ferreira explained that business would be “by appointment only.”

Chairman O’Mara also indicated that under the present proposal, the Applicant is short about two (2) parking spaces.

A motion was made (Toole) and duly seconded to continue the application to the June 11th meeting. The vote was 5-0 in favor.

- 012-09 Haigh and Christ 7 Roberts Lane Self
Action Deadline July 9, 2009.

The Applicants represented themselves at the hearing.

The Applicants stated that the property owner prior to the Applicants had erected a shed located within the setback. Subsequently, the Applicants had inherited this defect and were requesting relief in order to validate the location of the shed.

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

- 016-09 Neudert 18 Dukes Road Hunter C
Action Deadline August 12, 2009. Continued to June 11, 2009.

A motion was made (Toole) to continue the application without opening to the June 11th meeting.

- 020-09 Dreamland Foundation 17 So. Water/18 East St. Hunter
Action Deadline July 26, 2009.

Attorney Kevin Dale and Executive Director Patty Roggeveen represented the Applicant.

Attorney Dale explained to the Board that the Applicant was requesting a dimensional variance to allow a tent to be erected for longer than thirty (30) days.

Attorney Dale and Executive Director Roggeveen also explained that the Dreamland’s Major Commercial Development had just been approved by the Planning Board.

A motion was made (Toole) and duly seconded to approve the requested relief with the conditions imposed by the Planning Board. The vote was 5-0 in favor.

- 017-09 Robinson 141 Hummock Pond Road Self
Action Deadline June 27, 2009.

The Applicant represented herself.

Ms. Robinson explained to the Board that she is appealing the Zoning Enforcement Officer’s Cease and Desist Order. The Zoning Enforcement Officer contends that this is effectively one business that has four (4) taxi cab licenses. Ms. Robinson stated that she

and her husband each separately own a taxi cab business and each business has two (2) licenses.

Chairman O'Mara indicated that he would like to take the opportunity to inspect the site before making a determination.

A motion was made (Waine) and duly seconded to continue the application to the June 11th meeting. The vote was 5-0 in favor.

- 018-09 Visco 17 Young's Way McCarthy C
Action Deadline August 12, 2009. Continued to June 11, 2009.

A motion was made (Toole) and duly seconded to continue the application without opening to the June 11th meeting. The vote was 5-0 in favor.

- 019-09 Bengloff, Trustee 137 Polpis Road Glidden
Action Deadline July 26, 2009.

Attorney Richard Glidden represented the Applicants.

Attorney Glidden explained the history of the locus and how the Applicant is requesting to construct an addition that will be located in the setback; but, said addition will not be any closer to the lot line than what already exists.

Attorney Cohen, representing an abutter, spoke against the application. Attorney Cohen's clients indicated they did not want the Applicant's second story deck (the addition) to be looking onto their pool.

Lisa Botticelli expressed concern that the addition should not be located in the setback. Kerim Koseatac agreed with this sentiment.

A motion was made (Toole) and duly seconded to approve the relief requested. The vote was 2-3 (Botticelli, Koseatac, Poor opposed).

VII. Other Business

VIII. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 2:45 P.M.