



# TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes  
Thursday, June 11, 2009  
1:00 PM  
2 Fairgrounds Road

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

**Staff:** John Brescher and Venessa Moore

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.**

III. Approval of the Minutes

**A motion was made (Toole) and duly seconded to approve the minutes (April 9, 2009 and May 14, 2009). The vote was 5-0 in favor.**

**Chairman O'Mara expressed his gratitude towards Burr Tupper for his years of service on the Board of Appeals.**

IV. Old Business

- **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
- **007-09 Ferriera 47 Nobadeer Farm Road Self**  
Action Deadline December 12, 2009.

**Attorney Bill Hunter represented the Applicant.**

**Attorney Hunter stated that while he was not present at the last meeting, his clients informed him of the Board's concerns regarding the intensity of the use on site. Accordingly, Attorney Hunter stated the balance of the existing unit will not be used, as there are only two bedrooms.**

Attorney Hunter also stated that there would be privet screening and the applicants are aware that they are located within the Wellhead Recharge District and are therefore limited to what they can and cannot do with their business.

Lisa Botticelli wanted to make sure that the hours of operation would be 10:00 am to 4:00 pm and by appointment only.

Dale Waine expressed his concern with any potential signage and any car being advertised in the front of the property.

Ed Toole indicated that the privet should be a minimum of five (5) feet when it goes in the ground and there should only be six (6) cars and six (6) mopeds on site. Mr. Toole also expressed concerns regarding the intensity of the use and wanted to make sure the unused portion of the structure would remain unused.

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

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

Lynne Robinson represented herself at the hearing.

The Board resumed its discussion regarding the number of taxi cab licenses the Applicant and her husband have.

The Board was informed that the Applicant and her husband are grandfathered to have two (2) licenses each and that under the new taxi cab regulations, no new applicant will have more than one (1) license.

Given that this is a unique situation, the Board found that it was permissible for the Applicant to continue operating with the two (2) licenses.

A motion was made (Waine) and duly seconded to overturn the order of the Zoning Enforcement Officer. The vote was 5-0 in favor.

- 088-08 DeBenedictis 7 Brewster Road Self C  
Action Deadline October 15, 2009. Continued to June 11, 2009

Danielle DeBenedictis represented herself.

Ms. DeBenedictis informed the Board that the sub-contractor for the pool made an error and subsequently the pool was sited incorrectly.

Dale Waine suggested that rather than ask for relief, the Applicant request a land swap with her neighbor. The Applicant agreed to this suggestion.

A motion was made (Poor) and duly seconded to allow the withdrawal of the application without prejudice. The vote was 5-0 in favor.

## V. New Business

- **012-09**      **Town of Nantucket**                      **192 Cliff Road**                      **Vorce**  
Action Deadline August 26, 2009.

Leslie Snell of the Planning Office represented the Town of Nantucket.

Ms. Snell indicated to the Board that this was essentially a reissuance of a lapsed variance.

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**  
Action Deadline August 12, 2009.

Attorney Bill Hunter represented the Applicant.

Attorney Hunter stated that the only issue before the Board is the Special Permit request to reduce the rear setback by 1.2 feet.

Ed Toole wondered why the shed was sited so close to the rear yard when there was plenty of space on the lot.

Attorney Sarah Alger, representing one of the abutters, spoke in opposition to the Application. Attorney Alger expressed concern that this shed may ultimately be used more than a shed.

Attorney Hunter assured the Board and Attorney Alger that the shed would only be used as a shed and not as a studio, a living area, a dwelling, or any other such use other than a shed.

Burr Tupper expressed concert that the contractor was unwilling to move the shed for his client.

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

- **021-09**      **Griffin**    **18 Rabbit Run Road**                      **Glidden**  
Action Deadline September 9, 2009.

Attorney Richard Glidden represented the Applicants.

Attorney Glidden explained that although the Applicants had received prior relief, they had not technically activated their permit as the Building Department does not consider demolition to be exercising the relief granted.

Accordingly, Attorney Glidden requested a condition be added to the decision that effectively extended the time limit of the granted relief.

The Zoning Enforcement Officer spoke against the requested relief.

A motion was made (Waine) and duly seconded. The vote was 4-1 in favor (Poor opposed).

- 023-09 51 Baxter Road, LLC 51 Baxter Road Gullicksen  
Action Deadline September 9, 2009.

Attorney Ken Gullicksen represented the Applicants.

Attorney Gullicksen explained to the Board that the addition would not encroach into the setback any further than what already exists.

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

VI. Other Business

The Board discussed revising the fee schedule. The agreed upon change would be a \$400 fee, regardless of the type of application and a postage fee of \$1 per abutter.

VII. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 4:20 P.M.