



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, July 9, 2009
1:00 PM
2 Fairgrounds Road

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

Staff: John Brescher and Venessa Moore

I. Call to Order:

Chairman O'Mara called the meeting to order at 1:10 PM.

II. Approval of the Agenda

A motion was made (Koseatac) and duly seconded to approve the Agenda.

III. Approval of the Minutes

A motion was made (Koseatac) and duly seconded to approve the minutes (June 11, 2009). The vote was 5-0 in favor.

IV. Other Business

Chairman O'Mara welcomed Susan McCarthy to the Board of Appeals.

A motion was made to elect the Chairman of the Board of Appeals. A nomination was made for Michael O'Mara (Waine) and duly seconded. The vote was 4-1 in favor (O'Mara opposed).

A motion was made to elect the Vice-Chairman of the Board of Appeals. A nomination was made for Dale Waine (Koseatac) and duly seconded. The vote was 5-0 in favor.

A motion was made to elect the Clerk of the Board of Appeals. A nomination was made for Ed Toole (Koseatac) and duly seconded. The vote was 5-0 in favor.

- **Special Permit extension for 71 and 73 Squam Road (File Nos. 061-06, 088-07, 011-08)**

Attorney Richard Glidden spoke on behalf of the Applicant.

Attorney Glidden explained that the Applicants are requesting a six-month extension for Decision No. 011-08.

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A motion was made (Waine) and duly seconded to grant the six month extension.

V. 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

VI. New Business

- **018-09 Visco 17 Young's Way RanneyC**
Action Deadline August 12, 2009. Continued to August 13, 2009.

This application was continued without opening.

- **024-09 Dimock 44 Bartlett Road Self**
Action Deadline October 7, 2009.

Donald Dimock represented himself on this matter.

Mr. Dimock explained that the corner of the structure is located in the setback because of the angling.

A motion was made (Toole) and duly seconded to approve the requested relief to validate the sited structure at 9.5 feet from the setback. The vote was 5-0 in favor.

- **025-09 Gage and Day 6 Corby Way Self**
Action Deadline October 7, 2009.

Jessica Gage and Michael Day represented themselves at the hearing.

The Applicants indicated that the HDC refused to let the Applicants demolish the structure and therefore they had to move it to the lot and attempt to reconfigure it so it met all zoning intensity regulations.

Given the narrow shape of the lot, there was not a lot of room to locate the structure. Nonetheless, a mistake was made regarding the status of the front porch and the front porch was subsequently sited approximately six inches in the side yard setback.

The Applicants requested the side yard setback be moved from ten feet to five feet, in case they wanted to build in the setback.

The Board expressed concerns and suggested they just validate the existing front porch.

A motion was made (Toole) and duly seconded to approve the requested relief in order to validate the sited structure at 9.5 feet from the side yard setback. The vote was 5-0 in favor.

- **026-09 Reinig 15 Milk Street Cohen**

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Action Deadline October 7, 2009.

Attorney Steven Cohen represented the Applicant.

Attorney Cohen explained that the nature of this application was to lift the structure in order to place a basement beneath it.

Michael O'Mara and Kerim Koseatac asked Attorney Cohen to verify that the structure existed pre-1972.

A motion was made (Koseatac) and duly seconded to continue the application to the August 13, 2009 meeting. The vote was 5-0 in favor.

- 027-09 NHA Properties (DBA Housing Nantucket) 2 Clarendon St. Self
Action Deadline September 26, 2009.

Aaron Marcavitch represented the Applicant.

Mr. Marcavitch explained that variance request stemmed from an error involving the type of construction materials used. The thickness of the walls has increased the ground cover of the structure.

The various Board members asked why this error occurred and why there was no "wobble room" incorporated into the design because it is common for mistakes to occur when constructing a dwelling.

Accordingly, a motion was made (Poor) and duly seconded to grant the requested variance relief pertaining to the 20% size differential between primary and secondary dwellings. The vote was 5-0 in favor.

A motion was made (Poor) and duly seconded to accept the Applicant's withdrawal request for a variance from the ground cover regulations. The vote was 5-0 in favor.

- 028-09 Town of Nantucket 2 Fairgrounds Road Gibson C
Action Deadline September 26, 2009.

This Application was continued to July 31, 2009 at 9:00 am after an informal discussion regarding when the Board members could attend a special meeting.

VII. Adjournment

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