

ATTN: Kim  
(REVISED)



# TOWN OF OAK BLUFFS Zoning Board of Appeals Request for a Hearing

6/15, 2020

PLEASE PRINT

**Applicant Information:**

MICHAEL NANIA 617-784-3768 mjanania@hotmail.com  
Name (print) Phone Email  
28 NEW YORK AVE O.B. P.O. BOX 757 WEST TISBURY  
Address PO Box City/Town

Property in Oak Bluffs to be reviewed by the OB ZBA

Map 8 Lot 163 Street Address 28 NEW YORK AVE  
Property Owner MICHAEL NANIA  
Business Owner \_\_\_\_\_

The Applicant is Petitioning the Zoning Board of Appeals for (please Check):

- Special Permit OB Bylaws S. 10.3 MGL C.40A §§ 6, 9
- Variance OB Zoning Bylaws S. 10.2.2 MGL C. 40A §10
- Review a Zoning Action or Enforcement or Lack thereof. Zoning Bylaws S. 10.2.3, MGL C. 40A §§8, 15

The undersigned hereby petitions the Board of Appeals to grant a Special Permit, Variance, or to Review a Zoning Decision or any action or lack of enforcement pertaining thereto of the Zoning By-Laws of the Town of Oak Bluffs at the address located at 28 NEW YORK AVE, in the Town of Oak Bluffs, in the following respect: DEMO EXISTING 1BD GUEST HOUSE, build a two story 1BD, 597sq ft guest house using SAME EXISTING FOOTPRINT & new foundation. providing ALTERNATIVE housing for elderly resident.

? Relating to Section(s) 3.4, 3.4.1, 3.4.3 of The Town of Oak Bluffs Zoning Bylaws

Name MICHAEL NANIA

Signature [Handwritten Signature]

**Exhibit A - Property Description**

**Closing Date: May 3, 2017**

**Borrower(s): Michael J. Nania II**

**Property Address: 28 New York Avenue, Oak Bluffs, MA 02557**

The land with the buildings thereon in Oak Bluffs, County of Dukes County, Massachusetts, described as follows:

Two certain lots of land described as follows:

Lots 614 and 615 as shown on a plan entitled "Highlands The Property of the Vineyard Grove Company, Martha's Vineyard, Mass," being recorded with Dukes County Registry of Deeds in Book 45, Page 560.

For title see Deed recorded this date prior hereto.

**DUBIN & REARDON**  
**ATTORNEYS AT LAW**  
1645 Falmouth Road, Suite 4A  
Centerville, Massachusetts 02632  
[www.dubinreardon.com](http://www.dubinreardon.com)

Richard S. Dubin  
Bryan W. Reardon  
Jonathan M. Holter  
Karl R. Hemr

Tel: (508) 771-0330  
Fax: (508) 778-6966  
Fax: (508) 778-7624

NOTICE OF RIGHT TO DECLARE HOMESTEAD  
THE MASSACHUSETTS HOMESTEAD ACT  
MGL CHAPTER 188

Pursuant to Massachusetts General Laws Chapter 188 as revised and effective March 16, 2011, every owner of real estate occupied or intended to be occupied as a principal residence is entitled to an automatic homestead for the benefit of the owner and his or her family without recording or filing a declaration of homestead.

Under the old statute there were two types of homesteads which were available. Under the revised version of Chapter 188, there are three separate homesteads which are available:

**Section 2 Homestead, "Elderly or Disabled Persons"**. This form of homestead is intended to provide exemptions to persons age 62 and older and to disabled persons in an amount of \$500,000. This homestead is created only by recording or filing a written declaration of homestead in the appropriate land records.

**Section 3 Homestead, "Declared Homestead Exemption"**. This form of homestead is similar to what was available under the prior act and is created by the recording or filing of a declaration of homestead in the appropriate land records. The amount of exemption afforded under this homestead is \$500,000.

**Section 4 Homestead, "Automatic Homestead Exemption"**. This entirely new homestead is an automatic homestead for the benefit of the owner and the owner's family who occupy or intend to occupy the home as a principal residence. It requires no filing or recording of a declaration of homestead. The exemption is in the amount of \$125,000.

**We, the undersigned, hereby acknowledge receipt of this disclosure.**

Executed this 3rd day of May, 2017.

---

Michael J. Nania II

## ATTORNEY'S CERTIFICATION OF TITLE

I hereby certify to the mortgagor and the mortgagee, only if required by M.G.L.A. c.93, Section 70, named herein that I have had the title to the hereinafter mentioned real property examined, relying on the records of the Registry of Deeds and the Registry of Probate of **Dukes County** that, at the time of recording the mortgage, the mortgagor holds good, clear and marketable title of record to the property herein named, free from all encumbrances which would materially affect the title, and excepting only matters which are expressly enumerated therein, and the mortgagee is the holder of a satisfactory first mortgage of record given by **Michael J. Nania II, Mortgagor(s), to Stearns Lending, LLC ISAOA/ATIMA, Mortgagee**, dated **May 3, 2017**, covering premises at **28 New York Avenue, Oak Bluffs, MA 02557**, and securing the payment of a note in the sum of **\$391,400.00**, said mortgage being duly recorded by me in **Dukes Registry of Deeds**.

Liability herein for rendering such certification to the mortgagor shall be limited to the amount of the consideration as shown on the deed and liability for rendering such certification to the mortgagee shall be effective for the benefit of the mortgagor only as long as said mortgagor owns the said premises and for the benefit of the mortgagee only as long as the mortgage is in existence, and excepting the following matters:

1. ANY DEFECTS OR OTHER ENCUMBRANCES WHICH A SURVEY OR PLOT PLAN OF THE PREMISES WOULD REVEAL.
2. MATTERS NOT OF RECORD.
3. PROVISIONS OF BUILDING CODES AND LAWS AND ZONING LAW.
4. ANY STATE, FEDERAL, OR LOCAL LAW OR ORDINANCE OR REGULATION WHICH MAY AFFECT THE USE OR OCCUPANCY OR RENTAL OF THE MORTGAGED PREMISES AND ALL MATTERS PERTAINING TO RENT CONTROL AND HOUSING INSPECTION.

This certification is subject to and does not include nor does it cover any matter which might have been disclosed by inquiry, examination, or investigation of the aforesaid enumerated matters.

---

**Richard S. Dubin**

Dated: May 3, 2017

The undersigned mortgagor(s) named in the instrument hereby acknowledge receipt of a copy of this certification.

### Borrowers

---

Michael J. Nania II