



# NANTUCKET PRESERVATION TRUST

*Preserving the Island's Architectural Heritage*

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## BY EMAIL

[emooney@nantucket-ma.gov](mailto:emooney@nantucket-ma.gov)  
Nantucket Town Administration  
16 Broad Street  
1<sup>st</sup> Floor  
Nantucket, MA 02554

July 18, 2025

RE: Appeal of Demolition Permit for 10 New Whale Street, map and parcel  
42.3.1 37, (HDC #2025-01-11863)

To The Select Board:

On behalf of the Nantucket Preservation Trust, I am filing this notice of appeal of the decision of the Historic District Commission (HDC) granting a Certificate of Appropriateness (COA) in the above matter. The COA was issued on Thursday, July 10, 2025.

10 New Whale Street (c. 1927) is a contributing structure to the Nantucket National Historic Landmark District. 10 New Whale is unique in that it is one of the only surviving buildings that tells the story of Nantucket's changing industrial waterfront. By the 1920s, Nantucket's waterfront was a working district of lumber yards, fuel docks, and fishing piers until it was converted into a Boat Basin and retail district in the 1960s.

The revitalization of Nantucket's waterfront—Straight Wharf, Old South Wharf, and Commercial Wharf—is of local and national importance. This redevelopment of Nantucket's wharves "single handedly turned the island's economy around," as cited in the HDC's own guidebook.<sup>1</sup>

Section 6 of the HDC's enabling legislation states that the HDC is empowered to refuse the issuance of a demolition permit "for any building or structure of such architectural or historic interest, the removal of which in the opinion of said Commission would be detrimental to the public interest of the Town of Nantucket."<sup>2</sup> HDC Vice Chair Ray Pohl indicated he believed 10 New Whale Street was a structure whose cultural and architectural heritage was worthy of preservation, as stated at the October 29, 2024 HDC Meeting: "I feel like we're

<sup>1</sup> *Building with Nantucket in Mind*, 20.

<sup>2</sup> Acts, 1970, Chap. 395, As Amended; An Act Establishing an Historic District Commission of the Town of Nantucket and Establishing Nantucket Island as the Historic District.

reviewing a demolition for one of the Three Bricks, honestly. It's a blue-collar version of one of the Three Bricks. This building, for so many reasons — its material, its shape, its location, all of that — is so rich with meaning in terms of that downtown area. So, I could never, never vote in favor of a demolition of this building.” Notwithstanding this profession of fidelity to historic preservation, Vice Chair Pohl reversed course on July 8, claiming that the building could not practically be restored. Proposing without further delay that the HDC proceed to vote to demolish the 10 New Whale St. building, he formed a majority (3-2) of the HDC (Pohl, Oliver, and Welch) in favor of demolition.

There are several procedural and substantive errors that render the HDC's decision arbitrary and capricious. Allowing the removal of 10 New Whale Street further erodes the integrity of the Nantucket National Historic Landmark.

The grounds for this appeal are:

- The HDC did not follow the Demolition Policy as described on pages 20-22 of *Building with Nantucket in Mind* and Appendix C of *Building with Nantucket in Mind* to reach a determination to consider if the structure is a Protected and/or Significant and/ or Contributing Structure as defined by *Building with Nantucket in Mind*.
- The HDC failed to consider with due and equal process two expert reports, one by John Wathne, commissioned and paid for by National Grid at the HDC's request at a March 18, 2025 meeting, and one by Glenn Boornazian, a nationally recognized expert in investigating the condition of historic structures, submitted on behalf of the public respecting the building at 10 New Whale St. No testimony was required of John Wathne by the HDC, nor did he voluntarily appear to defend his opinion. In contrast, Glenn Boornazian appeared before the HDC on July 8, but the Commission did not seek any testimony from him other than to ask whether he had been solicited to write and submit his report or had a monetary interest in preserving the subject building. Neither, he testified, was the case.
- In his report, Mr. Boornazian stated, inter alia, that: (a) the building was far from being beyond salvation; (b) a carefully designed architectural conservation program would assure its responsible conservation and stabilization; (c) conditions described by Mr. Wathne were primarily the result of prolonged neglect by the current owner [National Grid since 2001] giving rise to a situation commonly referred to as

“demolition by neglect”; and (d) he offered to have an informed discussion and/or site visit with Mr. Wathne in furtherance reaching a mutual understanding that restoration of the building would be viable and valuable. Mr. Boornazian further noted that Mr. Wathne’s report itself outlined numerous methods for restoring the building, but expressed reluctance to pursue these methods seemingly because of financial considerations rather than technical infeasibility.

- The Chair’s ruling to limit public comment severely at the June 10, 2025 and July 8, 2025 meetings, including preclusion of serious discussion regarding Mr. Boornazian’s report then or at a later meeting, and then to advance a vote to abolish the historic building was arbitrary and capricious. Such limiting of public comment, as well as HDC discussion, is in direct conflict with the HDC’s guidelines as laid out on page 21 of *Building with Nantucket in Mind*. It states that the HDC is to provide “a process through which the right of the public to continue to enjoy a building can be weighed against the right of the owner to determine the fate of his own property.” This did not happen.
- The HDC failed to follow Appendix C (Demolition Policy, *Building with Nantucket in Mind*) as it relates to the reported condition of the structure, which states: “To the extent that the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of acts of neglect by the owner or his predecessors in title.”<sup>1</sup> The applicant’s own neglect of the building over more than 20 years of ownership and that of its predecessors for decades has given rise to its current state.

The Select Board should vacate the HDC’s decision, remand this application back to the HDC, where a fair, true and open public hearing as outlined in Appendix C of *Building with Nantucket in Mind* should be held.

We reserve the right to file additional materials prior to the Select Board hearing.

Thank you for your attention to this matter.

Sincerely,

  
Mary Bergman

Executive Director

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<sup>1</sup> *Building with Nantucket in Mind*, 163.