



# Nantucket Planning Board

## STAFF REPORT

Date: February 26, 2016

To: Planning Board

From: Holly E. Backus  
Land Use Specialist

Re: Staff Report for ~~February 8, 2016~~ **March 3, 2016** Special Planning Board Meeting

---

### ANRs:

- **#7922 – Michael Sullivan, 4 Reacher Lane (Map 68 Parcel 336)**  
Staff will provide a recommendation at the meeting.
- **#7924 – Ebayliss, LLC – 52 Eel Point Road (Map 32 Parcel 25)**  
The purpose of this plan is to divide an existing lot to create another buildable lot shown as Lot 2. Both lots will meet the minimum lot size and frontage for the LUG-2 district. Staff recommends endorsement.
- **#7931 – Courtney Szwajkowski, 3 Joy Street, (Map 55.4.4 Parcel 68)**  
This is a perimeter plan. The original ANR plan was approved in 2012 and recorded in Plan Book 2014-45 at the Nantucket Registry of Deeds. Staff recommends endorsement.
- **#7932 – Mary L. Richrod, 2 Marble Way (Map 66 Parcel 101)**  
This is a perimeter plan to freeze the uses allowed in the RC-2 district. Staff recommends endorsement.
- **#7933 – Mary L. Richrod, 2 Marble Way (Map 66 Parcel 101.1)**  
This is a perimeter plan to freeze the uses allowed in the RC-2 district. Staff recommends endorsement.
- **#7934 – Melissa K. Murphy Etal, 3R Alexandria Drive (Map 67 Parcel 418)**  
The purpose of this plan is to divide an existing lot to create one lot approximately 6,000 square feet and the other lot approximately 8,067 square feet, as shown. The Planning Board approved a Secondary Residential Lot on July 13, 2015 (PB #29-15.) Staff recommends endorsement.
- **#7935 – The Inhabitants of the Town of Nantucket, Woodbine, Weweeder (portion of) & Plum (Map 80)**  
The purpose of this plan is to subdivide parcel 2 to create two unbuildable parcels 2A and 2B pursuant to Article 98 of the 2011 ATM. Staff recommends endorsement.
- **#7936 – John Weber, 12 Marble Way (Map 66 Parcel 105)**  
This is a perimeter plan to freeze the uses allowed in the CTEC district. Staff recommends endorsement.

### Public Hearings:

- **#7716 Valero Road Subdivision, 60, 62, 64, 66 & 68 Old South Road, action deadline 02-29-16**  
*This Application was not heard at the December & January meetings. **CONTINUED TO 03-07-16***
- **#7916 Mark A. Lombardi & Maureen Lombardi, Trustees of Lombardi Realty Trust, 1 Pochick Avenue, action deadline 04-10-16 **CONTINUED TO 03-07-16****  
*This Application was heard at the January meeting; however the board had questions regarding potential zoning and wetland issues.*
- **#7771 White Elephant Hotel LLC, 50 Easton Street, action deadline 02-29-16**  
*This Application was not heard at the December & January meetings. **CONTINUED TO 03-07-16***

- **#16-15 Brotherhood of Thieves, 23 Broad Street**, *action deadline 02-29-16*  
*This Application was not heard at the December & January meetings. **CONTINUED TO 03-07-16***
- **#08-16 – Richard E. Lewis Jr., & Sylvia I. Lewis, 37 Cato Lane**  
*The Applicant requested to **withdraw** this application.*
- **#05-16 Nantucket Boating Club, Inc., owner and John B. Brescher, applicant, 6B Greglen Avenue**,  
*action deadline 04-10-16*  
*This Application was not heard at the January meeting. **CONTINUED TO 03-07-16***

**Warrant Articles:**

- **Article 33:** Zoning Bylaw amendment to Chapter 139 section 26 to add restrictions for new dwelling units on or within 200 feet of shorefront land  
*Staff will provide a recommendation at the meeting.*
- **Article 37:** Zoning Map change from Residential Commercial 2 (RC-2) to Residential-5 (R-5) and Commercial Trade, Entrepreneurship, and Craft (CTEC) for properties off of Bartlett Road and Marble Way  
*Since the last meeting, staff confirmed that the owner of 2 Marble Way prefers to be included in the CTEC district. The Board should discuss Articles 37 and 38 together, since there is some overlap between the articles.*
- **Article 38:** Zoning Map change from Residential Commercial 2 (RC-2) and Commercial Trade, Entrepreneurship, and Craft (CTEC) to Residential 10 (R-10) or Residential 20 (R-20) for properties off Marble Way (citizen petition)  
*This continues to be a controversial proposal with no agreement between the residential owners who proposed the article and the commercial property owners who will be affected if this zoning change is passed. Some of the commercial property owners have submitted ANR plans to freeze the uses allowed in the CTEC district, but a perimeter plan will not protect changes to ground cover, setbacks, or frontage. As a member of the public stated at the last meeting, this area was in the RC-2 district prior to inclusion in the CTEC district, which was approved via Article 45 at the 2012 ATM.*
- **Article 40:** Zoning Map change from Residential-1 (R-1) to Residential Old Historic (ROH) for properties off of Cliff Road, Easton Street, North Avenue, Prospect Street, Joy Street, Milk Street, Mt. Vernon Street, Quaker Road, Main Street, Lowell Place, Madaket Road, and Vestal Street  
*Staff will provide a recommendation at the meeting.*
- **Article 43:** Zoning Map change from Residential-20 (R-20) to Residential-40 (R-40) for properties off of Crooked Lane, Grove Lane, and Madaket Road  
*Staff will provide a recommendation at the meeting.*
- **Article 49:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for property at 8 Masaquet Avenue (citizen petition)  
*We anticipate that the proponent of this article will be present to discuss their proposal.*
- **Article 50:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for properties off Lovers Lane, Boulevarde, and Okorwaw Avenue (citizen petition)  
*We anticipate that the proponent of this article will be present to discuss their proposal.*
- **Article 55:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);  
*Staff, with the assistance of Town Counsel, is in the process of researching an appropriate definition for the term “family”. This requires balancing potential legal issues with maintaining the intent of the proposed Bylaw changes. This matter should be continued to the March 7 meeting.*
- **Article 56:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition)  
*Staff, with the assistance of Town Counsel, is in the process of researching an appropriate definition for the term “family”. This requires balancing potential legal issues with maintaining the intent of the proposed Bylaw changes. This matter should be continued to the March 7 meeting.*

- **Article 57:** Zoning Bylaw amendment to Chapter 139, section 11, to amend the major commercial development regulations  
 Staff supports a positive recommendation for this article.
- **Article 59:** Zoning Bylaw amendment to Chapter 139 section 7B to amend the prohibition of abandoned vehicles  
 Staff will provide a recommendation at the meeting.
- **Article 60:** Zoning Bylaw amendment to Chapter 139, sections 2, 16, 17, 29, 30, and 33, to make various technical amendments.  
 Staff supports a positive recommendation for this article with a few minor changes. We proposed “clean-up” of definitions related to height, and some of the proposed deletions need to stay in the Bylaw.
  
- **#21-15 46 Surfside Road, LLC, 46 Surfside Road, action deadline 03-31-16**  
*(This Application was last heard at the October 2015 meeting and was not heard at the November, December & January meetings.)*  
 Staff received a revised site plan via email on February 4, 2016 entitled, “Major Commercial Development Site Development Plan, 46 and 46A Surfside Road in Nantucket, Massachusetts,” by Nantucket Surveyors, LLC, dated February 1, 2016. A copy is included in your packet. This project has been considered by the Board at several meetings, and over time the site plan has slightly changed. Staff does not have a recommendation at this time. This is a proposal that the Board has shown a particular interest in and the site plan has not changed much since your last review.
  
- **#44-15 Arthur I Reade, Jr. And Peter D. Kyburg, Trustees of Auction House Realty Trust, As Owners, and Walter Glowacki, As Applicant, 4 Lovers Lane, action deadline 01-13-16**  
*(This Application was heard at the January meeting, but was continued to provide more information.)*  
FROM 1/5/16 STAFF REPORT:  
 The new plans by Staff on January 5<sup>th</sup> show existing pavement in front of the building to be removed and a proposed dumpster enclosure on a concrete pad with an enclosed cedar fence to the rear of the building, visible from Lovers Lane. The Board previously questioned the applicant about a variety of operational issues and we have not received responses. Staff notes that the gravel parking area that is secured by an easement was approved by the Board when the business was intended to be an auction house. That type of business is significantly less intense than the current proposal of a 70 seat restaurant. Aside from the general operational questions that need to be discussed, the Board should also evaluate whether or not a gravel parking lot is appropriate for the current proposal.

UPDATE:  
 Staff met with representatives of the Applicant, which resulted in the submission of a revised plan indicating additional information about the dumpster area, open space, loading zone, lighting, and drainage. Although adequate parking will be available for the proposed restaurant, the gravel surface of the overflow lot should be evaluated as to whether or not it is appropriate for the proposed use. The proposed restaurant is a higher intensity use and the existing parking easement may or may not be sufficient.
  
- **#61-15 Seamus M. Crowley & Elizabeth Gennaro, 46 Nobadeer Farm Road, action deadline 03-13-16**  
*(This Application was heard at the January meeting; however the board had questions regarding the parking maneuvering throughout the site. Also, the applicant, staff, and the board were waiting on Pesce’s review comments.)*  
FROM 1/5/16 STAFF REPORT:  
 The Applicant is requesting a Special Permit for a Major Commercial Development for Nantucket Windows & Doors, Inc. This business exists in this location; however they plan to expand and renovate the existing commercial building for the existing business of a contractor shop with light manufacturing (fabrication of cabinets, windows and doors.) More specifically, the existing business “Nantucket Windows and Door, Inc” is reconstructing their existing site by building an addition to their existing warehouse and by doing so, removing all their exterior storage; including existing storage containers and dumpsters. There is no retail sales existing at this site, nor proposed. Customers (contractors or architects) stop by appointment and meet with the owner. The Applicant proposes to have approximately 5,494 square feet of contractor shop on the first floor and approximately 3,223 square feet of storage on the second floor. The Applicant is requesting a waiver on the open space requirement of 30% (Section 139-11,) a waiver to forego the inclusionary housing requirement (Section 139-11,) and a waiver to forego a traffic study (Section 139-23.B.2(b).) The proposal provides a total of seven (6)

parking spaces (with one ADA space) and a loading zone space. The site will consist of a combination of both gravel and concrete driveway/parking lot area. The Applicant proposes to widen the existing apron, giving a better site distance. The MCD requires a 30% open space, however as a result of the proposed addition; the Applicant is proposing 20% with the inclusion of additional trees along the front of the site. The total proposed ground cover will be 49.8% (out of the 50% allowed.)

Planning Staff met with the Applicant's project engineer and council on January 7<sup>th</sup> to go over the proposed application. At this meeting, staff was notified of the Applicant's wiliness and proposal to extend the bike path along Nobadeer Farm Road. The bike path extension will match the existing grade, surface, etc along their property. The Applicant/Owner is also willing to get the Board of Selectman's approval for the bike path, if necessary. Staff feels this contribution to the area is a great example of an applicant willing to provide something to their adjacent community while asking for waiver(s) from the board. The application has not been reviewed by our consulting engineer, Mr. Ed Pesce; however the application and materials has been emailed to him by the Applicant's engineer. If the board is to be so inclined to approve, staff respectfully requests that the board motions that the approval is condition upon addressing any comments Mr. Pesce, PE and his office may have for the Applicant and the project engineer.

#### UPDATE:

The project engineer provided an updated site plan based on the last Planning Board meeting. Staff had a conference call with the project engineer and the board's consultant engineer, Mr. Ed Pesce to review these plans. Mr. Pesce had questions regarding the grading and the existing and proposed run-off of the site. As of February 7<sup>th</sup>, staff has received Mr. Pesce's review letter. A copy is included in your packet.

The project engineer has revised the plan to accommodate the board's comments regarding circulation and maneuvering within the site. The removal of the handicap ramp and reduction of the existing porch has provided a space for any delivery trucks to turn around and not force trucks to back up into Nobadeer Farm Road or the proposed multi-path extension. Based on this new plan, staff provided the following comments to the project engineer:

- (1) Does the proposed location of the handicap parking space meet ADA requirements under the Building Code? IE: "quickest accessible route;" location, surface?
- (2) Were there thoughts of moving the handicap parking space to the rear (on the concrete?)
- (3) Were there thoughts of moving the proposed loading zone?

Staff has received a forwarded email where the Applicant mentioned he spoke to the Building Commissioner regarding the ADA accessibility of the front building. Staff has confirmed with the Building Commissioner; as long as the existing building is clearly identified for employees only and not for the public, the existing ramp can be removed. The Building Department would need something for their files to be received during the building permit process. The Certificate of Water Quality Compliance from Wannacomet Water Company has been received for this project and is included in your packet. Again, if the board is so inclined to approve the revised plans, staff respectfully requests that the board conditions the approval upon addressing any comments from Mr. Pecse.

#### ■ #07-16 – Brass Lantern, LLC, owner, 11 North Water Street

Staff notes that any changes will effectively modify prior relief granted by the ZBA. The Applicant is seeking a Special Permit to alter and extend a preexisting nonconforming structure by demolishing a portion of the existing structure and constructing an addition. The Applicant also seeks a special permit to reconfigure and increase the number of guest rooms from seventeen (17) to twenty-four (24), to add a one (1) bedroom manager's apartment with kitchen, and to add a commercial kitchen for the preparation of food for guests. Applicant proposes to remove the existing parking area and provide two (2) stacked parking spaces, where thirteen (13) are required. The proposal is consistent with the use and intensity of surrounding properties and staff is supportive of this application.

#### ■ #7917 – 4 North Mill Court, LLC – 11 Mill Hill

The Applicant is requesting to amend paragraph 12 of the Planning Board's decision to allow a portion of a structure, patio, and swimming pool to be sited within the required 10' buffer affecting Lot 15. For your reference, the language contained within Paragraph 12 is pasted below:

*"That a ten (10) foot wide, densely vegetated buffer including a mixture of coniferous and deciduous plan material, shall be established and permanently maintained along the southern and eastern limits of the subdivision, specifically affecting Lots 18,14,15,16, and 17, but excluding the drainage easement area within Lots 18, 16, and 17. This restriction shall be included in future deeds and included*

*within the legal documents, with enforcement granted to the Town of Nantucket. On an as-needed basis, plantings shall be replaced within a year of their removal/deterioration/demise...”*

The site is currently vacant; therefore the applicant could comply with the buffer requirement. Staff notes that a prior applicant was unsuccessful with obtaining a waiver from the Board and the Board expressed very strong feelings about maintaining the required buffers.

▪ **#7918 – Richmond Great Point Development, LLC, owner, 42, 46, 48, 54 Skyline Drive & 20 Davkim Lane**

The Applicant is seeking approval of a Definitive Subdivision Plan for properties along Skyline Drive and Davkim Lane. The Applicant proposes to create a new roadway known as Clay Street to access one (1) new buildable lot containing portions of 42, 46, 48 and 54 Skyline Drive and to connect Skyline Drive to Davkim Lane. A reconfiguration of the 20 Davkim Lane lot to accommodate the proposed roadway will result in the creation of an additional lot with frontage on proposed Clay Street. A copy of Mr. Ed Pesce’s report is included in your packet. A letter in opposition to this proposal is also included in your packet.

Staff does not have a recommendation at this time. This proposal will significantly impact future development in that area, particularly relevant to the workforce housing project that the applicant has publicly committed to building. The Board should thoroughly discuss this proposal and the future potential that will be created.

▪ **#7919 – Hatikva Way Subdivision, Surf Act, LLC, owner, 82 & 84 Surfside Road, *action deadline***

The Applicant is seeking approval of a Definitive Subdivision Plan for 82 and 84 Surfside Road. The Applicant proposes to subdivide two (2) lots into four (4) lots, three (3) of which will be buildable and the remainder will be for the roadway. Two (2) existing dwellings will be relocated to accommodate the proposed subdivision layout. The proposed roadway will be 14 feet in width and surfaced with gravel. A paved apron will be installed at the roadways intersection with Surfside Road. The site is zoned R-10 and is located within the Town Overlay District and the Public Wellhead Recharge Overlay District. There has been an inquiry with questions raised by an abutter. The abutter’s questions are included in your packet for your review. On February 7<sup>th</sup>, staff received Mr. Ed Pesce’s review letter and a copy is included in your packet. Mr. Pesce has provided a list of comments for the project engineer to address. Staff recommends approval of the proposal and the requested waivers with Mr. Pesce’s recommendations and comments addressed.

**Previous Plans:**

- **#02-12 Point Breeze Hotel Amendment #4, 77 Easton Street, *discussion for additional staff room & a pergola***  
This was continued by the Board at the February 19<sup>th</sup> Special Meeting. The Landscape Plans need to go before the HDC first.

**Other Business:**

- **REMINDERS:**
  - **Regular Planning Board Meeting on MARCH 7, 2016 at 6:30PM, Public Safety Facility Community Room , 4 Fairgrounds.**
  - **Special Planning Board Meeting on March 8, 2016 at 1:00PM, 2 Fairgrounds Road Conference Room. *(Only if necessary.)***
  - **Special Planning Board Meeting on March 17, 2016 at 12:00PM, 2 Fairgrounds Road Conference Room.**



# Nantucket Planning Board

## Nantucket Planning Board Agenda

Thursday, March 3, 2016

6:00PM

4 Fairgrounds Road

Public Safety Facility Community Room

First Floor

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Video of meeting available on Town website

**(AGENDA SUBJECT TO CHANGE)**

\*The complete text, plans, application, or other material relative to each agenda items are available for inspection at the Planning Office at 2 Fairgrounds Road between the hours of 8:30 AM and 4:30 PM\*

I. Call to order:

II. Approval of the agenda:

III. Minutes:

- January 28, 2016
- February 19, 2016

IV. ANRs:

- #7922 – Michael Sullivan, 4 Reacher Lane (Map 68 Parcel 336)  
*Continued from February 19, 2016 Special Planning Board Meeting.*
- #7924 – Ebayliss, LLC – 52 Eel Point Road (Map 32 Parcel 25)  
*Continued from February 19, 2016 Special Planning Board Meeting.*
- #7931 – Courtney Szwajkowski, 3 Joy Street, (Map 55.4.4 Parcel 68)  
*Continued from February 19, 2016 Special Planning Board Meeting.*
- #7932 Mary L. Richrod, 2 Marble Way (Map 66 Parcel 101)
- #7933 Mary L. Richrod, 2 Marble Way (Map 66 Parcel 101.1)
- #7934 Melissa K. Murphy Etal, 3R Alexandria Drive (Map 67 Parcel 418)

- #7935 The Inhabitants of the Town of Nantucket, Woodbine, Weweeder (portion of) & Plum (Map 80)
- #7936 John Weber, 12 Marble Way (Map 66 Parcel 105), *perimeter plan*

#### **V. Public Hearings:**

- #7716 Valero Road Subdivision, 60, 62, 64, 66 & 68 Old South Road, *action deadline 02-29-16*, **CONTINUED TO 03-07-16**
- #7916 Mark A. Lombardi & Maureen Lombardi, Trustees of Lombardi Realty Trust, 1 Pochick Avenue, *action deadline 4-10-16*, **CONTINUED TO 03-07-16**
- #7771 White Elephant Hotel LLC, 50 Easton Street, *action deadline 02-29-16*, **CONTINUED TO 03-07-16**
- #16-15 Brotherhood of Thieves, 23 Broad Street, *action deadline 02-29-16*, **CONTINUED TO 03-07-16**
- #05-16 Nantucket Boating Club, Inc., as Owner and John B. Brescher, as Applicant, 6B Greglen Avenue, *action deadline 4-10-16*, **CONTINUED TO 03-07-16**
- **WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING TO BE DISCUSSED (CONTINUED FROM THE 01-11-16 MEETING):**

- **ARTICLE #33:** Zoning Bylaw amendment to Chapter 139 section 26 to add restrictions for new dwelling units on or within 200 feet of shorefront land;
- **ARTICLE #37:** Zoning Map change from Residential Commercial 2 (RC-2) to Residential-5 (R-5) and Commercial Trade, Entrepreneurship, and Craft (CTEC) for properties off of Bartlett Road and Marble Way;
- **ARTICLE #38:** Zoning Map change from Residential Commercial 2 (RC-2) and Commercial Trade, Entrepreneurship, and Craft (CTEC) to Residential 10 (R-10) or Residential 20 (R-20) for properties off Marble Way (citizen petition);
- **ARTICLE #40:** Zoning Map change from Residential-1 (R-1) to Residential Old Historic (ROH) for properties of Cliff Road, Easton Street, North Avenue, Prospect Street, Joy Street, Milk Street, Mt. Vernon Street, Quaker Road, Main Street, Lowell Place, Madaket Road and Vestal Street;
- **ARTICLE #43:** Zoning Map change from Residential 20 (R-20) to Residential 40 (R-40) or Limited Use General 1 (LUG-1) for properties off of Crooked Lane, Grove Lane, and Madaket Road;
- **ARTICLE #49:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for property at 8 Masaquet Avenue (citizen petition);
- **ARTICLE #50:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for properties off Lovers Lane, Boulevarde, and Okorwaw Avenue (citizen petition);
- **ARTICLE #55:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);
- **ARTICLE #56:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);
- **ARTICLE #57:** Zoning Bylaw amendment to Chapter 139, section 11, to amend the major commercial development regulations;
- **ARTICLE #59:** Zoning Bylaw amendment to Chapter 139 section 7B to amend the prohibition of abandoned vehicles; AND
- **ARTICLE #60:** Zoning Bylaw amendment to Chapter 139, sections 2, 16, 17, 29, 30, and 33, to make various technical amendments.

- #08-16 Richard E. Lewis, Jr & Sylvia I. Lewis, 37 Cato Lane,  
***REQUEST FOR WITHDRAWAL.***
- #21-15 46 Surfside Road, LLC, 46 Surfside Road, *action deadline 03-31-16*
- #44-15 Arthur I. Reade, Jr. And Peter D. Kyburg, Trustees Of Auction House Realty Trust, As Owners, And Walter J. Glowacki, As Applicant, 4 Lovers Lane, *action deadline 03-31-16*
- #61-15 Seamus M. Crowley & Elizabeth Gennaro, 46 Nobadeer Farm Road, *action deadline 03-13-16*
- #07-16 Brass Lantern, LLC, 11 North Water Street, *action deadline 05-08-16*
- #7917 4 North Mill Court LLC, 11 Mill Hill, *action deadline 05-25-16*
- #7918 Richmond Great Point Development, LLC – 42, 48, 54 Skyline Drive & 20 Davkim Lane, *action deadline 05-25-16*
- #7919 Hatikva Way Subdivision, 82 & 84 Surfside Road, *action deadline 05-25-16*

VI. Public Comments:

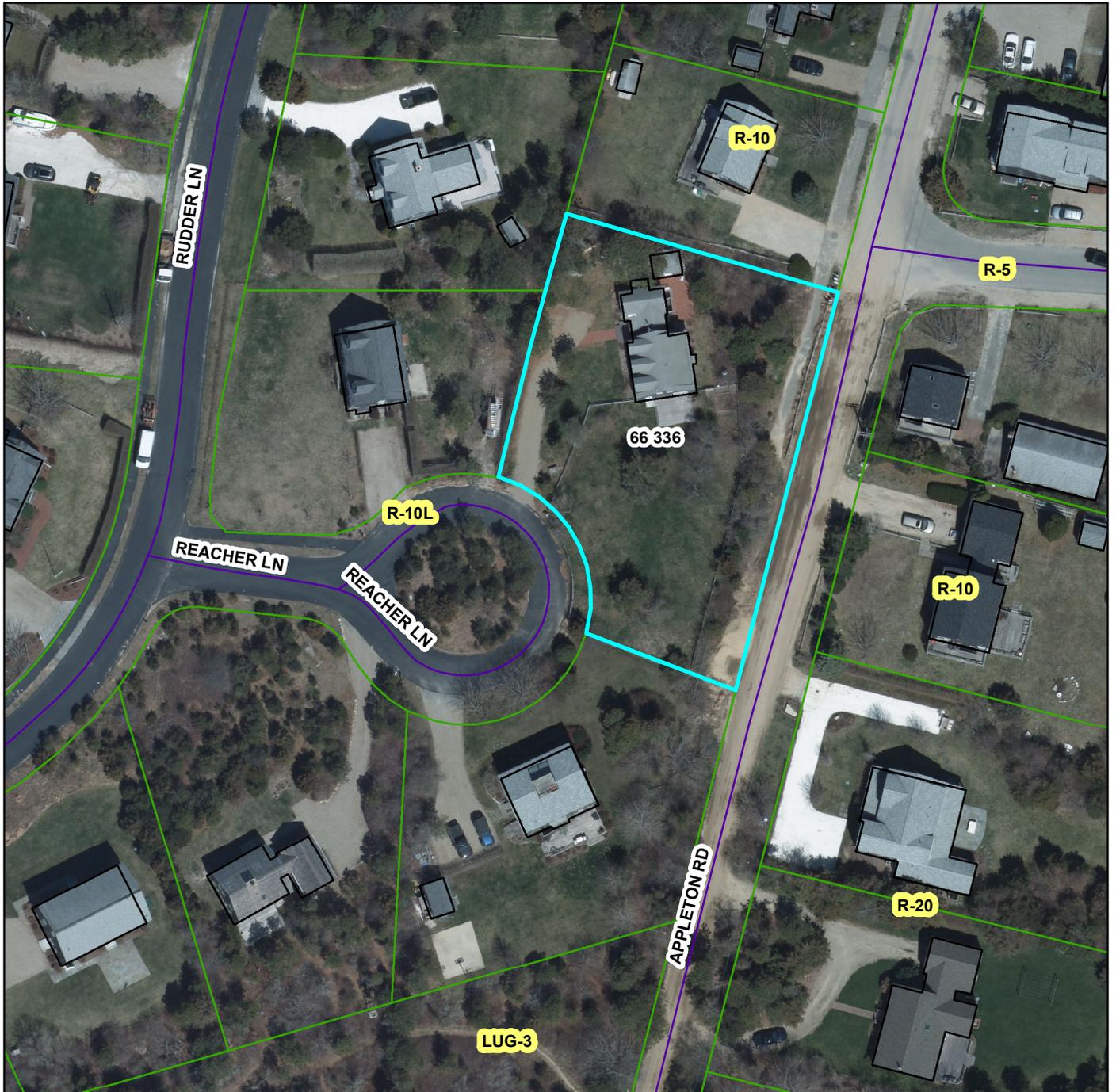
VII. Other Business II:

- REMINDER REGULAR PLANNING BOARD MEETING ON MARCH 7, 2016 AT 6:30PM.

VIII. Adjourn:



ANR #7822 ~~—~~ #7922  
Michael Sullivan  
4 Reacher Lane  
Map 68 Parcel 336





JAN 27 2016 AM 11:19

PB # 7822

Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

# Nantucket Planning Board

## Form A Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: 1/27/16 \*Name of Owner(s)/Applicant(s): MICHAEL SULLIVAN

\*Owner's/Applicant's address: c/o MARKLINGER 3 GROVE LANE  
State: MA Zip Code: 02557

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 4 REACHER LANE

Name of Registered Land Surveyor: JOSEPH MARKLINGER  
Surveyor's address: 3 GROVE LANE

The owner's title to the land derived under deed from \_\_\_\_\_, date \_\_\_\_\_  
And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of  
Title # 23389, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on  
Assessor's Map# 68, Parcel # 386  
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires 75' feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR

B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

Nantucket Planning and Land Use Services ▪ 2 Fairgrounds Road ▪ Nantucket ▪ MA ▪ 02554 ▪ (508) 325-7587

relation to the proposed use of the land abutting thereon or served thereby, and for the provision of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

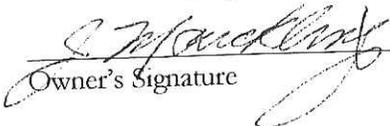
- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

■ Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

\_\_\_\_\_

\_\_\_\_\_

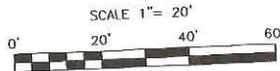
I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

  
 Owner's Signature \_\_\_\_\_ AGENT.

Planning Board File # 7822

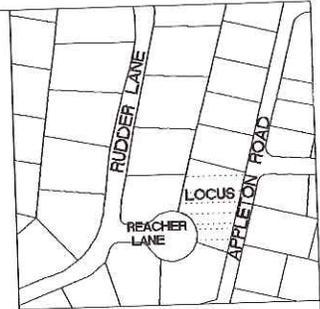
Endorsement Date: \_\_\_\_\_

EDM ACCURACY ± (2MM + 2 PPM)  
 TRAVERSE PRECISION = 1 IN  
 LINEAR ERROR OF CLOSURE =  
 DIRECTIONAL ERROR OF CLOSURE =



DATE: \_\_\_\_\_  
 PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN THE DATES DECEMBER 10, 2015 AND JANUARY 23, 2016



LOCUS MAP  
 NOT TO SCALE

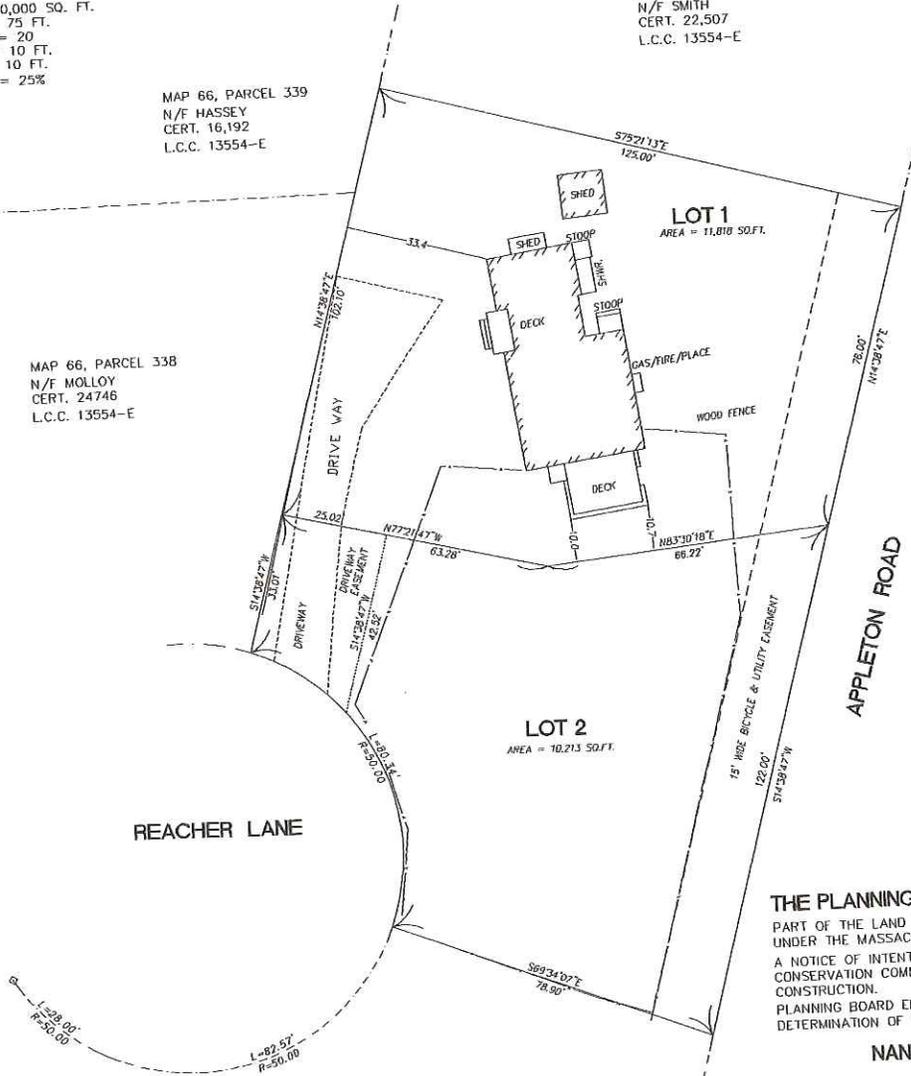
JOSEPH MARCKLINGER P.L.S. DATE: \_\_\_\_\_

ZONING CLASSIFICATION: R-10  
 MINIMUM LOT SIZE = 10,000 SQ. FT.  
 MINIMUM FRONTAGE = 75 FT.  
 FRONT YARD SETBACK = 20'  
 REAR YARD SETBACK = 10 FT.  
 SIDE YARD SETBACK = 10 FT.  
 GROUND COVER RATIO = 25%

MAP 66, PARCEL 402  
 N/F SMITH  
 CERT. 22,507  
 L.C.C. 13554-E

MAP 66, PARCEL 339  
 N/F HASSEY  
 CERT. 16,192  
 L.C.C. 13554-E

MAP 66, PARCEL 338  
 N/F MOLLOY  
 CERT. 24,746  
 L.C.C. 13554-E



**THE PLANNING BOARD DETERMINES THAT,**  
 PART OF THE LAND SHOWN IS NOT SUBJECT IN TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT. A NOTICE OF INTENT MAY BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO PROPOSED CONSTRUCTION.  
 PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE DETERMINATION OF CONFORMANCE TO ZONING

**NANTUCKET PLANNING BOARD**

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SUBDIVISION PLAN  
 IN  
 NANTUCKET MA.**

DIVIDING LOT 68, L.C.C. 13554 -E  
 (NANTUCKET COUNTY)

SCALE 1 IN. = 20 FT  
 JANUARY 24, 2016

PREPARED FOR: MICHAEL SULLIVAN  
 OWNED BY: MICHAEL AND JENNIFER SULLIVAN  
 CERT.: 23,839 MAP 68, PARCEL 336

JOSEPH MARCKLINGER P.L.S.  
 J. MARCKLINGER & ASSOC.  
 PROFESSIONAL LAND SURVEYORS  
 P.O. BOX 896  
 NANTUCKET, MA. 02554  
 (310) 945-7054

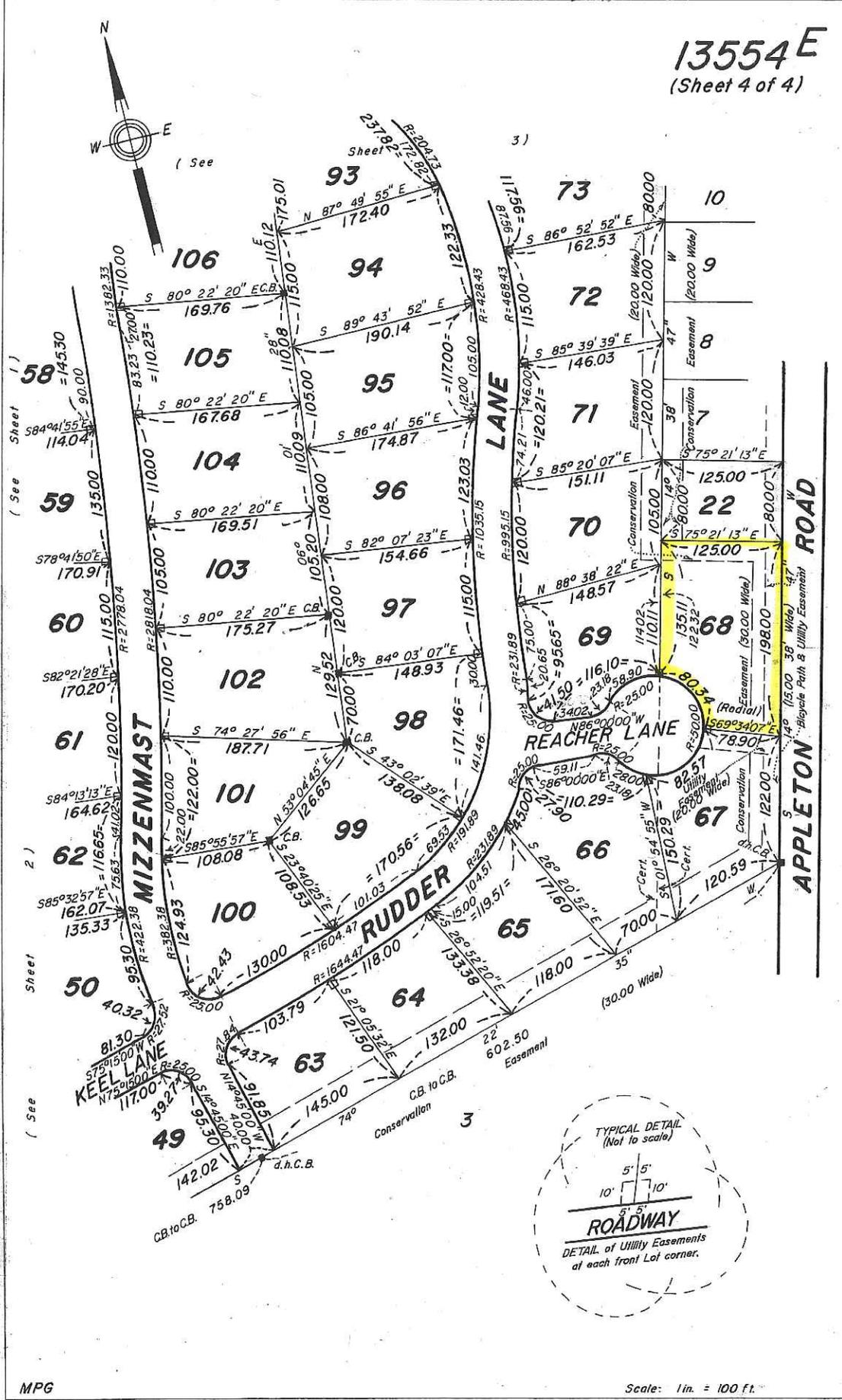
DATE SIGNED

FILE NUMBER

(See order Doc. 45470 re: conservation easement)

# 13554 E

(Sheet 4 of 4)



( See Sheet 1 )  
( See Sheet 2 )  
( See Sheet 3 )

THIS PLAN FILED WITH CERTIFICATE NO. 11,402

MPG

Scale: 1 in. = 100 ft.



ANR #7824 **#7924**  
EBAYLISS, LLC  
52 Eel Point Road  
Map 32 Parcel 25



PAID  
FEB 01 2016  
BY: DS CK# 3468 150



PB# 7824

TOWN CLERK  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

12/16

FEB 1 2016 AM 10:37

## Nantucket Planning Board

### Form A

### Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: January 25, 2016 \*Name of Owner(s)/Applicant(s): Ebayliss LLC

\*Owner's/Applicant's address: 140 East 72nd Street, Apartment 21A, New York

State: NY Zip Code: 10021

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 52 Eel Point Road

Name of Registered Land Surveyor: Site Design Engineering & J. Marcklinger & Associates, Inc.

Surveyor's address: 11 Cushman Street, Middleboro, MA 02346

The owner's title to the land derived under deed from Edward Bayliss, date 11/25/15

And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of

Title # 25878, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on

Assessor's Map# 32, Parcel # 25

To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely Eel Point Road; OR

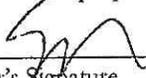
B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
  - The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_
- \_\_\_\_\_
- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)
- \_\_\_\_\_

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

  
\_\_\_\_\_  
Owner's Signature

Planning Board File # 7824

Endorsement Date: \_\_\_\_\_





2015 00149981

Cert: 25871 Doc: DD  
Registered: 11/20/2015 01:41 PM

**STATUTORY QUITCLAIM DEED**

WE, WILLIAM M. SCHAEFER, JR. of 18 Fenway Drive, Loudonville, New York 12211 and JOY C. TEAL, of 17 Wildwood Drive, Loudonville, New York 12211, for consideration paid and in full consideration of THREE MILLION FIVE HUNDRED THOUSAND and 00/100 (\$3,500,000.00) DOLLARS, the receipt of which is hereby acknowledged, grant to EDWARD BAYLISS of 140 East 72<sup>nd</sup> Street, Apt. 21A, New York, New York, 10021, individually, with QUITCLAIM COVENANTS,

Those certain parcels of land, together with the buildings and improvements thereon, situate in Nantucket Town and County, Commonwealth of Massachusetts, now known and numbered as 52 Eel Point Road and bounded and described as follows:

**PARCEL ONE**

NORTHERLY by Eel Point Road, one hundred thirty-six (136.00) feet;

NORTHWESTERLY by Lot 56 on plan hereinafter mentioned, eighty-five and 34/100 (85.34) feet;

WESTERLY by said Lot 56, four hundred forty-three and 50/100 (443.50) feet;

SOUTHERLY by a portion of Lot 51 on said plan, one hundred and forty-five and 65/100 (145.65) feet; and

EASTERLY by Lots 37 and 38 on said plan, four hundred fifty-nine and 76/100 (459.76) feet.

All of said boundaries are determined by the Court to be located as shown upon Land Court Plan No. 15209-C, drawn by Schofield Brothers, Inc., Surveyors, dated July 7, 1970, and filed with Certificate of Title No. 6077 at the Registry District of Nantucket County. Said land is shown thereon as Lot 57.

**PARCEL TWO**

NORTHERLY by Eel Point Road, three hundred five and 75/100 (305.75) feet;

WESTERLY by Lot 57 on plan hereinafter mentioned, two hundred sixty-four and 76/100 (264.76) feet;

SOUTHERLY by Lot 38 on said plan, two hundred sixty-one and 54/100 (261.54) feet; and

EASTERLY by a Proprietors Road as shown on said plan, one hundred forty-six and 43/100 (146.43) feet.

Said land is shown on plan hereinafter mentioned as Lot 37.

PARCEL THREE

NORTHERLY by Lot 37 on plan hereinafter mentioned, two hundred sixty-one and 54/100 (261.54) feet;

WESTERLY by Lot 57 on said plan, one hundred ninety-five (195.00) feet;

SOUTHERLY by Lot 39 and a portion of Lot 51 on said plan, two hundred sixty-one and 54/100 (261.54) feet; and

EASTERLY by a Proprietors Road as shown on said plan, one hundred ninety-five (195.00) feet.

Said land is shown on plan hereinafter mentioned as Lot 38.

PARCEL FOUR

NORTHERLY by Eel Point Road, twenty-two (22.00) feet;

NORTHWESTERLY by Lot 55 on plan hereinafter mentioned, two hundred eighty-seven and 74/100 (287.74) feet;

WESTERLY by Lot 53 on said plan, thirty-five and 50/100 (35.50) feet and by Lot 52 on said plan, two hundred twenty-two and 50/100 (222.50) feet;

SOUTHERLY by portions of Lots 50 and 51 on said plan, one hundred forty-five and 65/100 (145.65) feet;

EASTERLY by said Lot 57, four hundred forty-three and 50/100 (443.50) feet; and

SOUTHEASTERLY by said Lot 57, eighty-five and 34/100 (85.34) feet.

Said land is shown on plan hereinafter mentioned as Lot 56.

All of said boundaries are determined by the court to be located as shown upon Land Court Plan No. 15209-C, drawn by Schofield Brothers, Inc., Surveyors, dated July 7, 1970, and filed with Certificate of Title No. 6077 at the Registry District of Nantucket County.

For title, see Certificate of Title No. 22709 at the Registry District of Nantucket County.

WITNESS our hands and seals this 9<sup>th</sup> day of November 2015.

William M. Schaefer, Jr.  
WILIAM M. SCHAEFER, JR. by  
Gwendolyn J. Schaefer attorney-in-fact u/p/a  
dated October 20, 2009

MASSACHUSETTS EXCISE TAX  
Nantucket County ROD #16 001  
Date: 11/20/2015 01:41 PM  
Ctrl# 462043 21410 Doc# 00149981  
Fee: \$15,960.00 Cons: \$3,500,000.00

Joy C. Teal  
JOY C. TEAL by Gwendolyn J. Schaefer  
attorney-in-fact u/p/a dated October 20, 2009

STATE OF NEW YORK

COUNTY OF ALBANY ss. November 9, 2015

On this 9<sup>th</sup> day of November 2015, before me, the undersigned notary public, personally appeared Gwendolyn J. Schaefer attorney-in-fact for William M. Schaefer, Jr. by u/p/a dated October 20, 2009 and proved to me through satisfactory evidence of identification, which were drivers license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of William M. Schaefer, Jr.

William M. Harris  
NOTARY PUBLIC  
My Commission Expires:  
WILLIAM M. HARRIS  
Notary Public, State of New York  
No. 4620778  
Qualified in Albany County  
Commission Expires 4-30-2019

STATE OF NEW YORK

COUNTY OF ALBANY ss. November 9, 2015

On this 9<sup>th</sup> day of November 2015, before me, the undersigned notary public, personally appeared Gwendolyn J. Schaefer attorney-in-fact for Joy C. Teal by u/p/a dated October 20, 2009 and proved to me through satisfactory evidence of identification, which were drivers license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of Joy C. Teal.

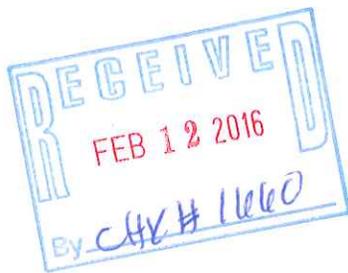
William M. Harris  
NOTARY PUBLIC  
My Commission Expires:  
WILLIAM M. HARRIS  
Notary Public, State of New York  
No. 4620778  
Qualified in Albany County  
Commission Expires 4-30-2019

NANTUCKET LAND BANK  
CERTIFICATE  
 Paid \$ 70000.00  
 Exempt  
 Non-applicable  
No. 36924 Date 11/20/15  
Authorization 824



ANR #7931  
Courtney Szwajkowski  
3 Joy Street  
Map 55.4.4 Parcel 68





Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

# PLANNING BOARD Nantucket Planning Board

FILE # 7931

Form A

Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

FEB 12 2016 PM 12:32

Date: \_\_\_\_\_ \*Name of Owner(s)/Applicant(s): COURTNEY

S ZWATKOWSKI

\*Owner's/Applicant's address: 610 MARCKLINGER, 3 GROVE LANE

State: MA Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 3 JOY STREET

Name of Registered Land Surveyor: JOSEPH MARCKLINGER

Surveyor's address: 3 GROVE LANE

The owner's title to the land derived under deed from CLARIS - , date 11-18-2014

And recorded in Nantucket Registry of Deed, Book 1460 Page 260 or Land Court Certificate of Title # \_\_\_\_\_, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on Assessor's Map# 56.4.4, Parcel # 68.

To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

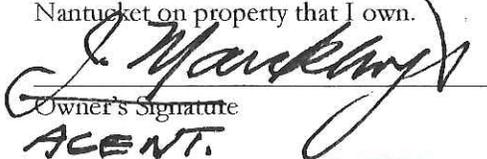
- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR
  - B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR
  - C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

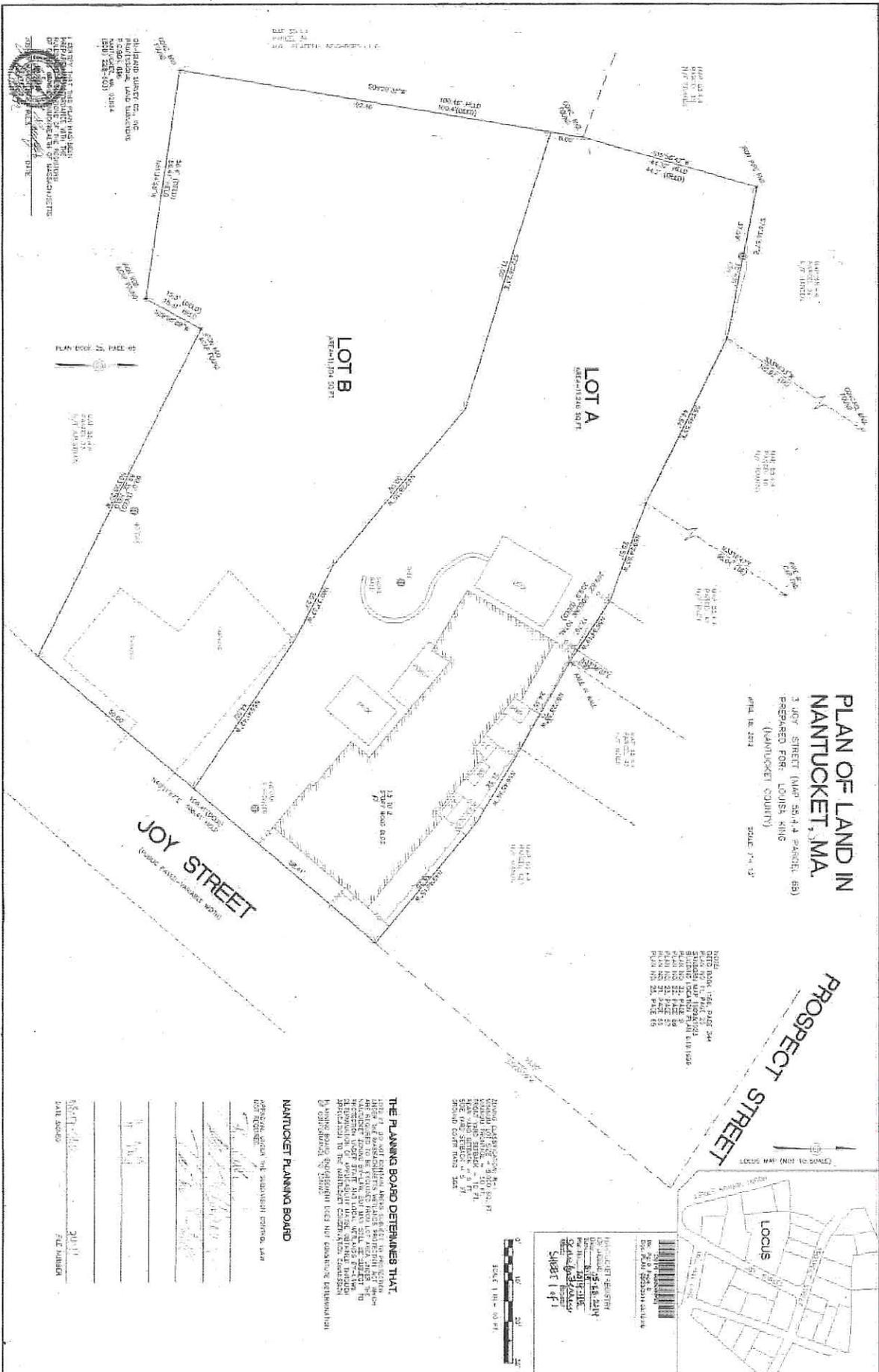
I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

  
Owner's Signature  
**AGENT.**

Planning Board File # **7931**

Endorsement Date: \_\_\_\_\_





**PLAN OF LAND IN  
NANTUCKET, MA.**

3 JOY STREET (MAP 55-1-4 PARCELS 65)  
PREPARED FOR LOUISE KING  
(NANTUCKET COUNTY)  
APRIL 18, 2011 SCALE 1/4" = 1'

**PROSPECT STREET**

NOTE:  
DITD BOOK 1546, PAGE 344  
PARCELS 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

THE PLANNING BOARD DETERMINES THAT  
 THIS PLAN IS IN ACCORDANCE WITH THE ZONING  
 REGULATIONS AND THE SUBDIVISION CONTROL ACT  
 AND THAT THE PROPOSED LOTS ARE OF A  
 SUFFICIENT SIZE TO BE CONSIDERED AS  
 SEPARATE LOTS FOR THE PURPOSES OF THE  
 ZONING REGULATIONS AND THE SUBDIVISION  
 CONTROL ACT.

NANTUCKET PLANNING BOARD

DATE	2011
FILE NUMBER	

PROJECT NUMBER  
 DATE  
 SCALE  
 SHEET 1 of 1



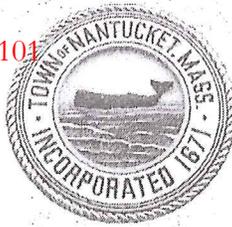
PROJECT NUMBER  
 DATE  
 SCALE  
 SHEET 1 of 1





ANR #7932 & 7933  
2 Marble Way  
Map 66 Parcel 101 & 101.1





PAID PAID  
FEB 18 2016  
BY: CK 2170 \$50

Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

# Nantucket Planning Board

## PLANNING BOARD

Form A

FEB 18 2016 AM 11:06

FILE # 7932 Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: 2/18/2016 \*Name of Owner(s)/Applicant(s): MARY RICHROD

\*Owner's/Applicant's address: P.O. Box 2487 NANTUCKET  
State: MA Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 2 MARBLE WAY LOT 199

Name of Registered Land Surveyor: EDWARD F. KING JR.  
Surveyor's address: P.O. Box 1197 NANTUCKET MA 02554

The owner's title to the land derived under deed from \_\_\_\_\_, date \_\_\_\_\_  
And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of Title # 23902, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on Assessor's Map# 666, Parcel # 101.  
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR

B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

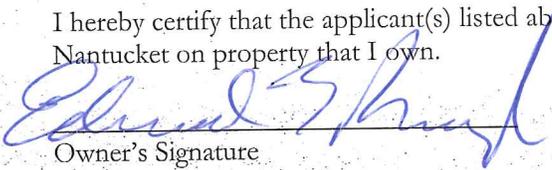
width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

ANR #7932 - Railroad - Map 66 Parcel 101

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

 AGENT  
Owner's Signature

Planning Board File # 7932

Endorsement Date: \_\_\_\_\_



LOCUS MAP SCALE: 1"=1200' F.  
 CURRENT ZONING CLASSIFICATION: Residential Commercial (RC-2)  
 MINIMUM LOT SIZE: 5000 S.F.  
 MINIMUM FRONT SETBACK: 40 FT.  
 FRONT YARD SETBACK: 10 FT.  
 REAR/SIDE SETBACK: 5 FT.  
 GROUND COVER %: 50%

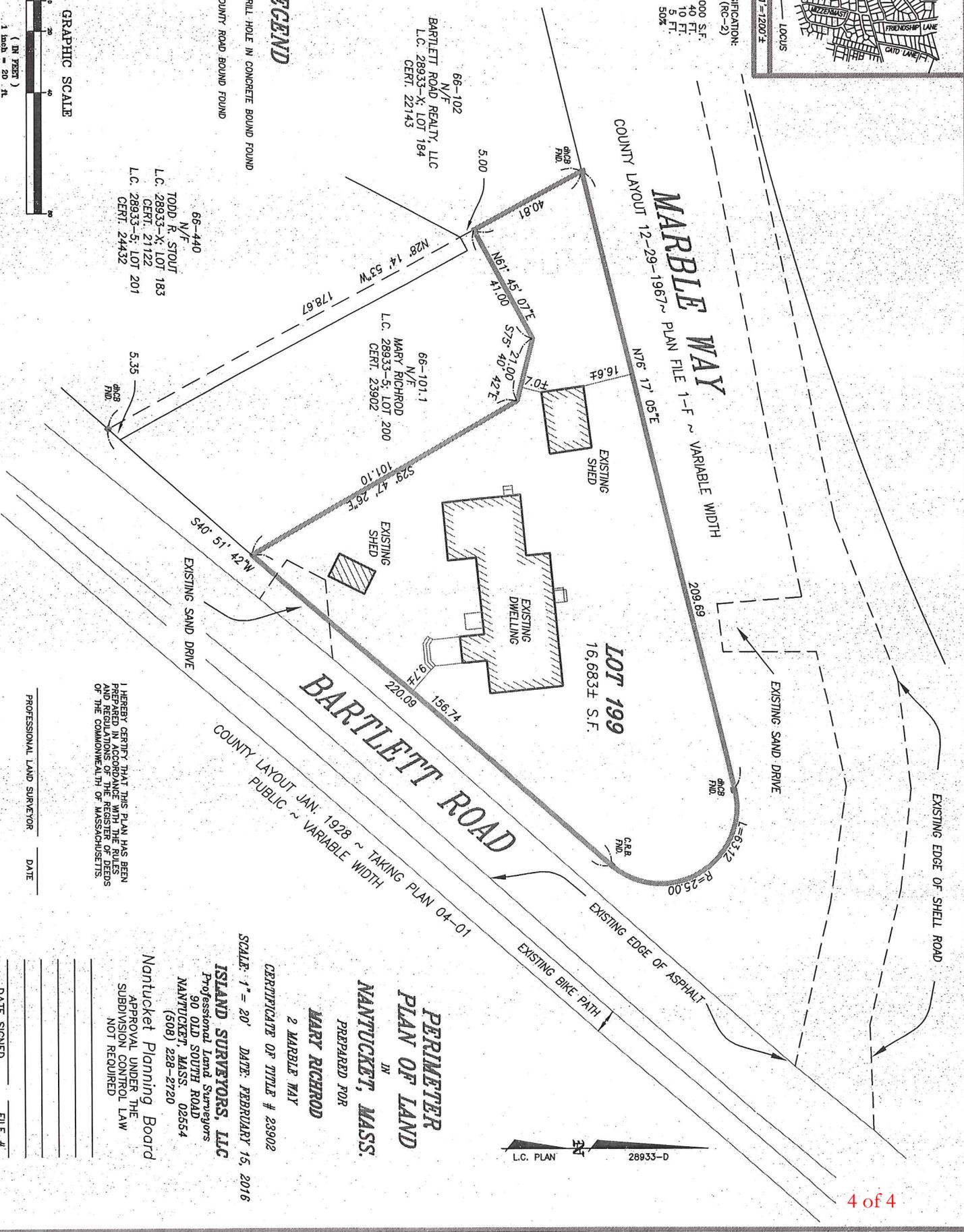
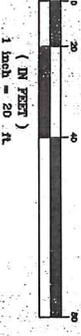
66-102 N/F  
 BARTLETT ROAD REALTY, LLC  
 L.C. 28933-X; LOT 184  
 CERT. 22143

66-101.1 N/F  
 MARY RICHROD  
 L.C. 28933-5; LOT 200  
 CERT. 23902

66-440 N/F  
 TODD R. STOUT  
 L.C. 28933-X; LOT 183  
 CERT. 21122  
 L.C. 28933-5; LOT 201  
 CERT. 24432

**LEGEND**

GRAPHIC SCALE  
 (IN FEET)  
 1 inch = 20' ft.



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_  
 ASSESSORS MAP 66 PARCEL 101

PERIMETER PLAN OF LAND  
 IN NANTUCKET, MASS.  
 PREPARED FOR MARY RICHROD  
 2 MARBLE WAY  
 CERTIFICATE OF TITLE # 23902  
 SCALE: 1" = 20' DATE: FEBRUARY 15, 2016  
 ISLAND SURVEYORS, LLC  
 Professional Land Surveyors  
 90 OLD SOUTH ROAD  
 NANTUCKET, MASS. 02554  
 (508) 228-8720  
 Nantucket Planning Board  
 APPROVAL UNDER THE  
 SUBDIVISION CONTROL LAW  
 NOT REQUIRED

L.C. PLAN 28933-D



ANR #7932 & 7933  
2 Marble Way  
Map 66 Parcel 101 & 101.1





PAID  
FEB 18 2016  
CK # 2178  
50 - TOWN CLERK

# PLANNING BOARD

FILE # 7933

## Nantucket Planning Board

Town & County Building  
16 Broad St  
Nantucket, MA 02554

*Math*

Form A

FEB 18 2016 AM 11:05

### Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: 2/18/2016 \*Name of Owner(s)/Applicant(s): MARY RICHROD

\*Owner's/Applicant's address: P.O. Box 2487 NANTUCKET  
State: MA Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 2 MARBLE WAY LOT 200

Name of Registered Land Surveyor: EDWARD F. KING JR  
Surveyor's address: P.O. Box 1197 NANTUCKET, MA 02554

The owner's title to the land derived under deed from \_\_\_\_\_, date \_\_\_\_\_  
And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of  
Title # 23902, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on  
Assessor's Map# 66, Parcel # 101.1  
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

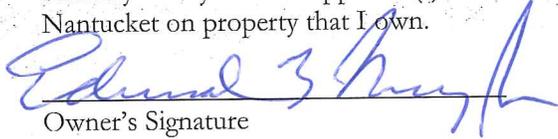
- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR
  - B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR
  - C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

 AGENT  
Owner's Signature

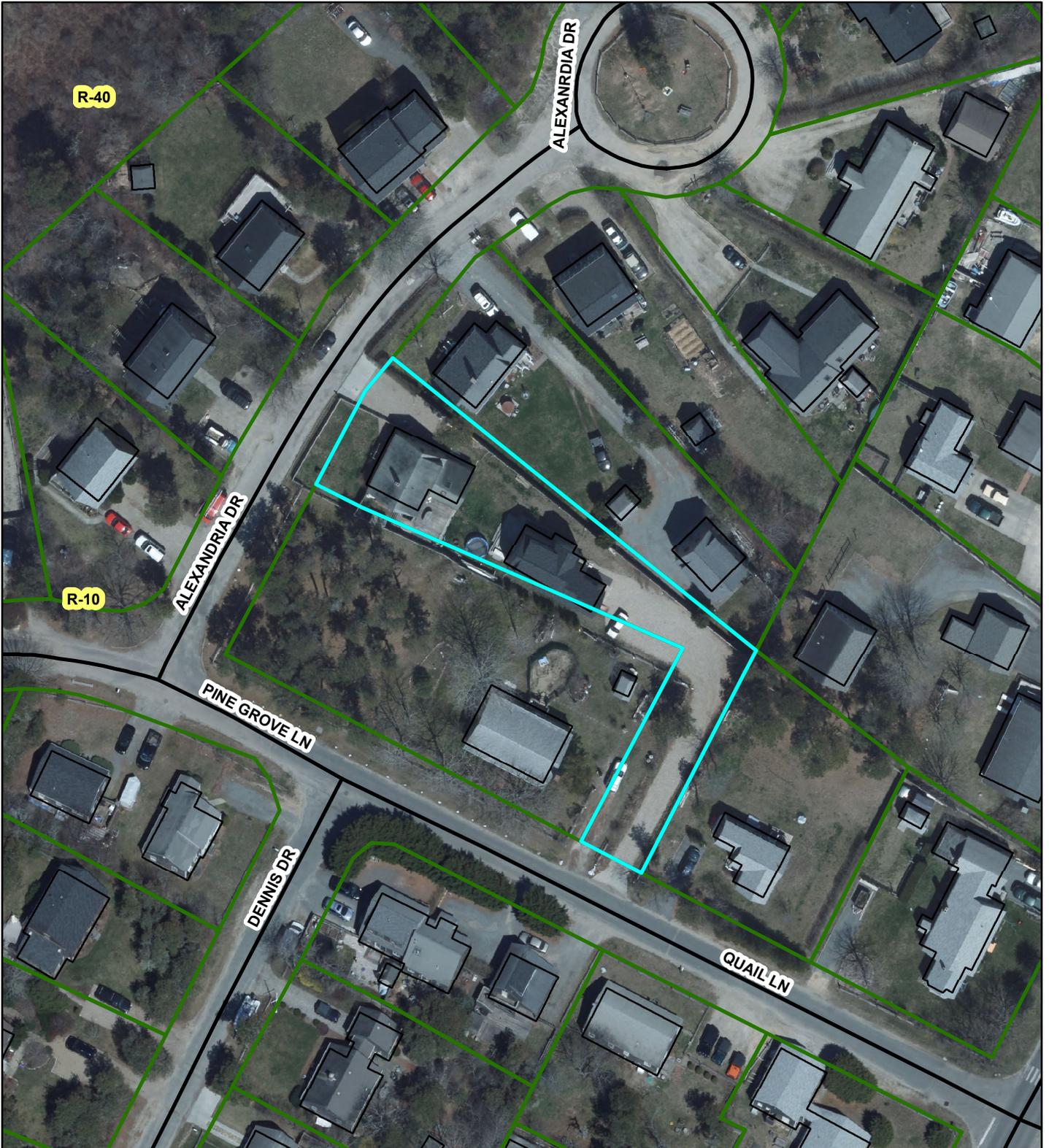
Planning Board File # 7933

Endorsement Date: \_\_\_\_\_





ANR #7934  
3 Alexandria Dr  
Map 67 Parcel 418

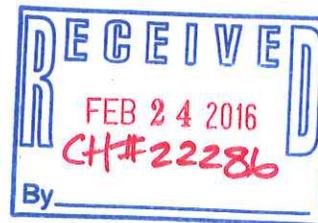




# PLANNING BOARD

FILE # 7934

## Nantucket Planning Board



### Form A Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: Feb. 24, 2016 \*Name of Owner(s)/Applicant(s): Dexon Murphy & Melissa Murphy

\*Owner's/Applicant's address: 3 Alexandria Dr. Nantucket  
State: MA Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 3 Alexandria Drive

Name of Registered Land Surveyor: Jeffrey Blackwell  
Surveyor's address: 20 Teasdale Circle Nantucket, MA 02554

The owner's title to the land derived under deed from Jane Bonviri, date 1/24/2014  
And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of Title # 25192, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on Assessor's Map# 67, Parcel # 418  
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR

B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

Nantucket Planning and Land Use Services ▪ 2 Fairgrounds Road ▪ Nantucket ▪ MA ▪ 02554 ▪ (508) 325-7587

FEB 24 2016 PM 1:09

Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_

- ① Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

Zoning 139-8C

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

M. Murphy  
Owner's Signature

Planning Board File # 7934

Endorsement Date: \_\_\_\_\_





RECEIVED

2015 AUG 25 PM 2:43

# Nantucket Planning Board

## APPROVAL OF A SPECIAL PERMIT SECONDARY RESIDENTIAL LOT

Planning Board File #29-15

Owner/Applicant: Melissa K. Murphy & Devon Murphy

Project Address: 3R Alexandria Drive  
Nantucket Tax Assessors Map 67, Parcel 418  
Residential 10 (R-10)

Certificate of Title No. 25192  
Lot 87 upon Land Court Plan No. 26439-O  
Registered with the Nantucket County District of the Land Court

July 13, 2015

### Description of the Proposed Project:

The Applicant is requesting the issuance of a special permit pursuant to Nantucket Zoning By-law Section 139-8.C in order to divide the site into two (2) buildable lots (primary and secondary lots). The purpose of this subdivision is to create a market-rate lot and an affordable lot for a year-round resident on Nantucket who earns at or below 150% of the Nantucket County median household income. Applicants are further requesting waivers from the internal setback requirement between lot lines pursuant to Section 139-8.C(2)(f) and from the shared driveway requirement pursuant to 139-8.C(2)(h).

The Locus has a total lot area of approximately 14,067 square feet in the Residential 10 zoning district which requires a minimum lot size of 10,000 square feet. There are two existing dwellings on the lot. The proposed primary (smaller) lot will contain approximately 6,000 square feet (minimum lot size for the primary lot in the R-10 district), will have frontage on and access from Alexandria Drive, a private way, and contains a 1,221 square foot dwelling, which is pre-existing nonconforming as to southerly side yard setback. The proposed secondary (larger) lot will contain approximately 8,067 square feet, will have frontage on and a separate access from Quail Lane, a private way, and contains a 958 square foot dwelling which is sited within the required five (5) foot setback distance, resulting in a setback intrusion as it pertains to the internal lot line of the proposed subdivision. Therefore, Applicants are requesting waivers for internal setbacks between lot lines and from the requirement for a shared driveway access pursuant to By-law Sections 139-8.C(f) and 139-8.C(2)(h), respectively. Although the secondary lot is larger than the primary lot, both lots will be compliant with the provisions of By-law Section 139-8.C(2)(e).

### Basis of the Findings:

The Board's findings and decision were based on the following documents:

- An application to the Planning Board for a Special Permit received June 5, 2015;
- A plan entitled "Site Plan to Accompany Special Permit Application" prepared by Blackwell & Associates, Inc., dated May 29, 2015;

- Representation and testimony received in connection with the public hearing held on July 13, 2015; and
- Other assorted documents that are on file with the Planning Board.

The Planning Board closed the public hearing on July 13, 2015.

**Findings:**

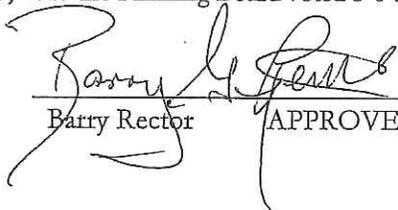
The Planning Board, at its July 13, 2015 meeting, found that the proposal was in keeping with section 139-8.C of the Zoning Bylaw and that the proposal advances the purpose and intent of the Nantucket Zoning Bylaw.

**Decision and Vote:**

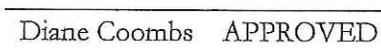
On July 13, 2015, a motion was made and duly seconded to **APPROVE** the requested Special Permit to create a secondary residential lot subject to the following conditions and waivers:

1. That the secondary lot shall be subject to an NHNC-Ownership Form (Nantucket Housing Needs Covenant), which shall provide, without limitation, that the owner and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income;
2. That each lot shall be limited to one (1) dwelling unit per lot;
3. That each lot shall comply with the ground cover ratio, front yard setbacks, northerly and easterly side yard setbacks of the underlying zoning district, or as otherwise specified in 139-8.C;
4. That the secondary lot shall be granted a waiver from the internal setback line with a portion of the structure sited within the required five (5) foot distance as this pertains to the westerly rear yard lot line;
5. That each lot shall have a separate driveway access as shown on the subdivision plan; and
6. That an Approval Not Required (ANR) plan to establish each lot is a necessary step to implement this permit.

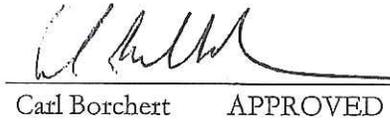
On July 13, 2015 the Planning Board voted 5-0 to **APPROVE** this application and to **ENDORSE** this decision.

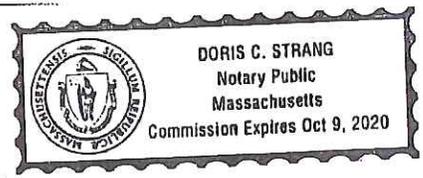
  
Barry Rector APPROVED

  
Joseph Marcklinger APPROVED

  
Diane Coombs APPROVED

  
Nathaniel Lowell APPROVED

  
Carl Borichert APPROVED

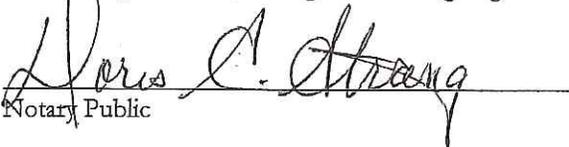


COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

8/24, 2015

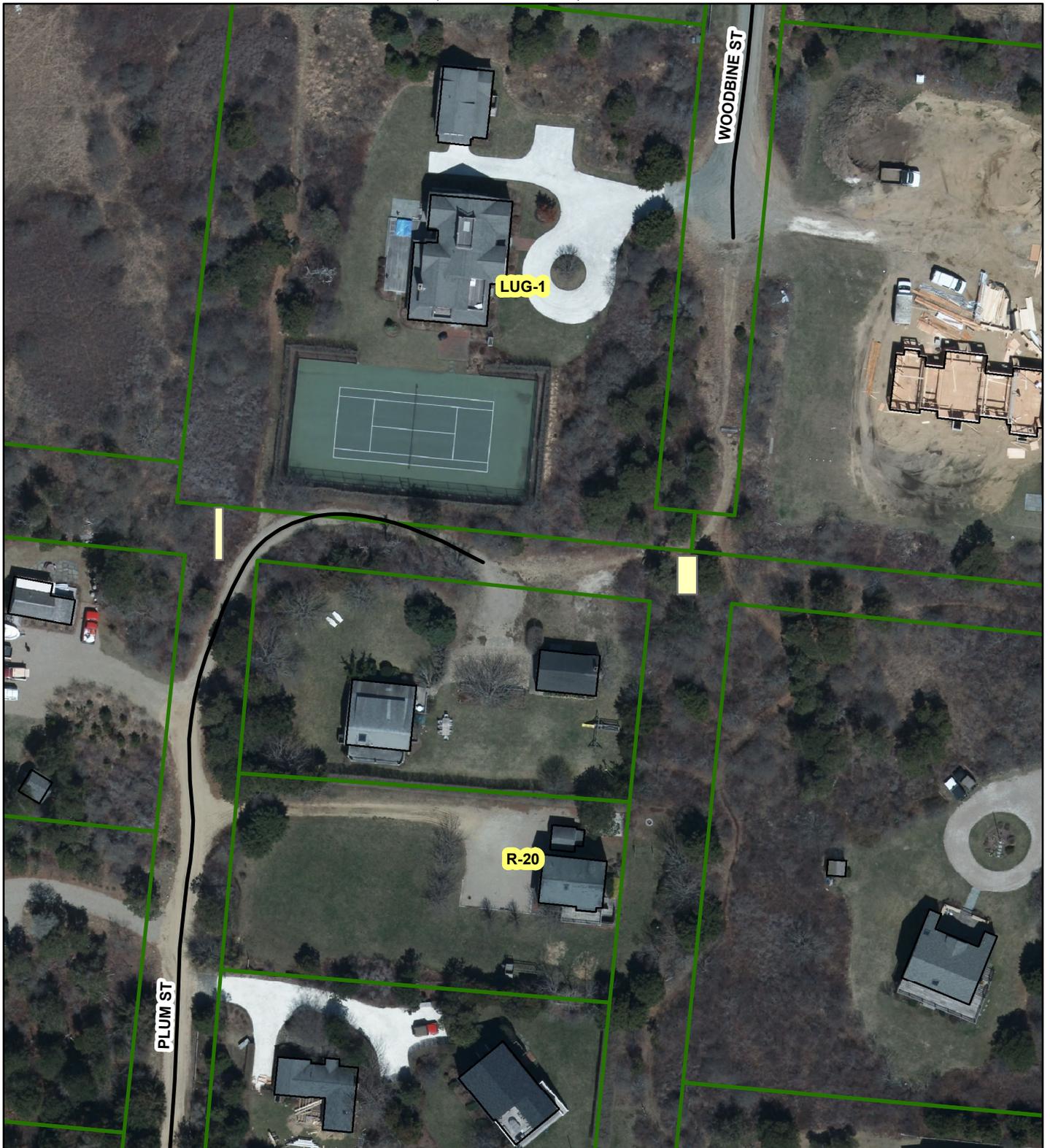
On the 24<sup>th</sup> day of August, 2015, before me, the undersigned notary public, personally appeared Nathaniel Lowell, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

  
Notary Public

10/09/2020  
My Commission Expires



ANR #7935  
Woodbine, Weweeder (portion of) & Plum  
(Parcel 2A & 2B)





FILE # 7935

# Nantucket Planning Board

## Form A

### Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: February 25, 2016

\*Name of Owner(s)/Applicant(s): The Inhabitants of the Town of Nantucket

\*Owner's/Applicant's address: 16 Broad Street State: MA Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): Woodbine, Weweeder (portion of) & Plum (Parcel 2A & 2B)

Name of Registered Land Surveyor: Bracken Engineering, Inc.

Surveyor's address: 19 Old South Rd., Nantucket, MA 02554

The owner's title to the land derived under deed from \_\_\_\_\_ date \_\_\_\_\_ and recorded in Nantucket Registry of Deed, Books 1368 Pages 43 or Land Court Certificate of Title # \_\_\_\_\_ registered in Nantucket Document Number \_\_\_\_\_, and shown on Assessor's Maps # 80 Parcels \_\_\_\_\_.

#### To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

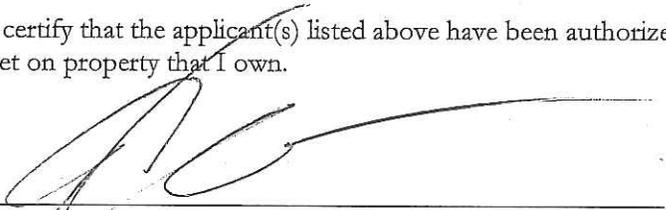
A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR

B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_  
\_\_\_\_\_
- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

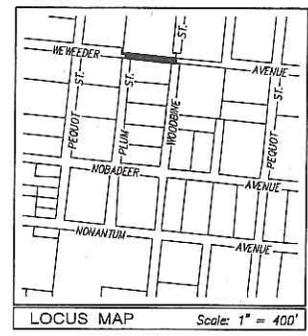
I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.



Owner's Signature

Planning Board File # 7935

Endorsement Date: \_\_\_\_\_

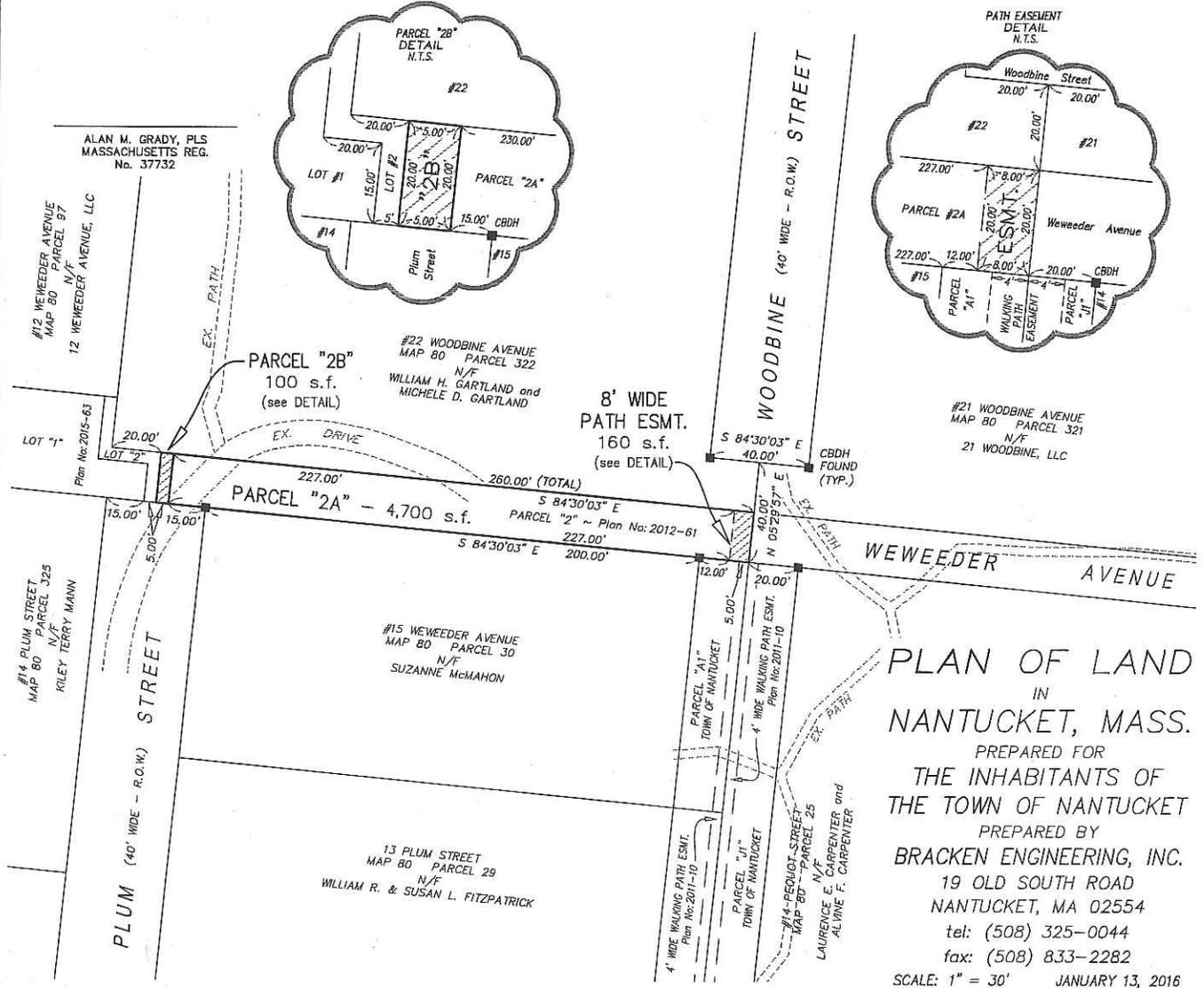
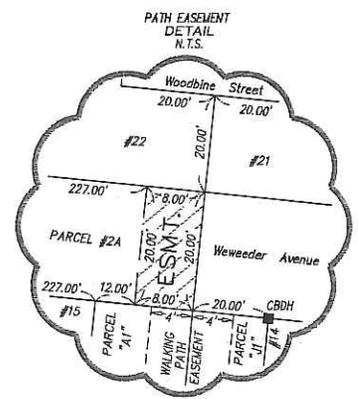
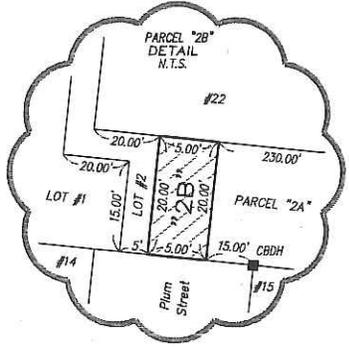


- NOTES:**
1. LOCUS: WEWEEDER AVENUE  
ASSESSOR MAP 80
  2. OWNER: INHABITANTS OF THE TOWN OF NANTUCKET
  3. DEED REF: Bk:1368 Pg:43 (ORDER OF TAKING)
  4. PLAN REF: Plan No:2012-61
  5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
  6. PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER CURRENT ZONING.
  7. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE PARCEL 2 AS SHOWN ON Plan No:2012-61 TO CREATE UNBUILDABLE PARCELS "2A" AND "2B".



RESERVED FOR REGISTRY USE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



**PLAN OF LAND**  
IN  
**NANTUCKET, MASS.**  
PREPARED FOR  
**THE INHABITANTS OF**  
**THE TOWN OF NANTUCKET**  
PREPARED BY  
**BRACKEN ENGINEERING, INC.**  
19 OLD SOUTH ROAD  
NANTUCKET, MA 02554  
tel: (508) 325-0044  
fax: (508) 833-2282  
SCALE: 1" = 30'    JANUARY 13, 2016

APPROVAL BY THE  
NANTUCKET PLANNING BOARD  
NOT REQUIRED

---



---



---

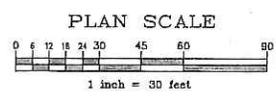


---

FILE NUMBER: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

- THE PLANNING BOARD DETERMINES THAT:
- (b) PARCELS "2A" and "2B" DO CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.
  - (c) PARCELS "2A" and "2B" CONTAIN INADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

- NOTES:**
1. LOCUS: a portion of WEWEEDER AVENUE (ON ASSESSORS MAP 80)
  2. PLAN REFERENCES: Plan No: 2015-63  
Plan No: 2012-61  
Plan No: 2010-56  
Plan File: 54-W





# Town of Nantucket

◆◆◆◆◆

## OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street  
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC  
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: [cstover@nantucket-ma.gov](mailto:cstover@nantucket-ma.gov)

[townclerk@nantucket-ma.gov](mailto:townclerk@nantucket-ma.gov)

WEBSITE: <http://www.nantucket-ma.gov>

◆◆◆◆◆

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 98: "Real Estate Acquisition: "Paper" Streets in Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

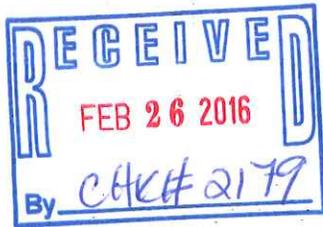
**VOTE: The vote on the motion pursuant to Article 98 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.**

Catherine Flanagan Stover, MMC, CMMC  
Town and County Clerk



ANR #7936  
12 Marble Way  
Map 66 Parcel 105





FEB 26 2016 AM 11:23

Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

# Nantucket Planning Board

PLANNING BOARD

Form A

## Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

FILE # 7936

Date: February 26, 2016 \*Name of Owner(s)/Applicant(s): John Weber

\*Owner's/Applicant's address: 2 Greglen Ave. PMB 213

State: Ma Zip Code: 02554

\*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): 12 Marble Way

Name of Registered Land Surveyor: Edward F. King Jr.

Surveyor's address: P.O. Box 1197 Nantucket, Ma 02554

The owner's title to the land derived under deed from \_\_\_\_\_, date \_\_\_\_\_

And recorded in Nantucket Registry of Deed, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of

Title # 18323, registered in Nantucket District Book \_\_\_\_\_, Page \_\_\_\_\_ and shown on

Assessor's Map# 66, Parcel # 105

To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely \_\_\_\_\_; OR

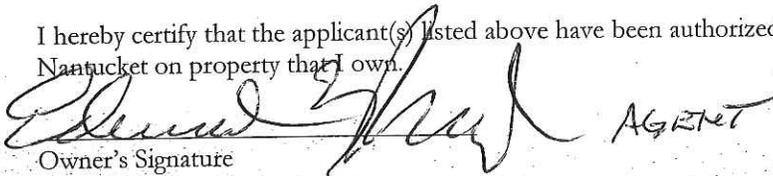
B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely \_\_\_\_\_ on \_\_\_\_\_ (date) and Subject to the following conditions \_\_\_\_\_; OR

C. a way in existence on \_\_\_\_\_ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient

width, suitable grades, and adequate construction to provide for the need to vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_

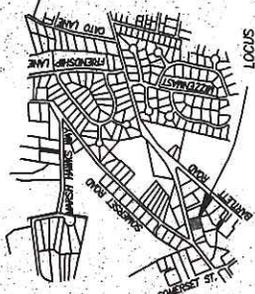
- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely \_\_\_\_\_, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires \_\_\_\_\_ feet.
  - The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: \_\_\_\_\_
- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

  
Owner's Signature

Planning Board File # 7936

Endorsement Date: \_\_\_\_\_



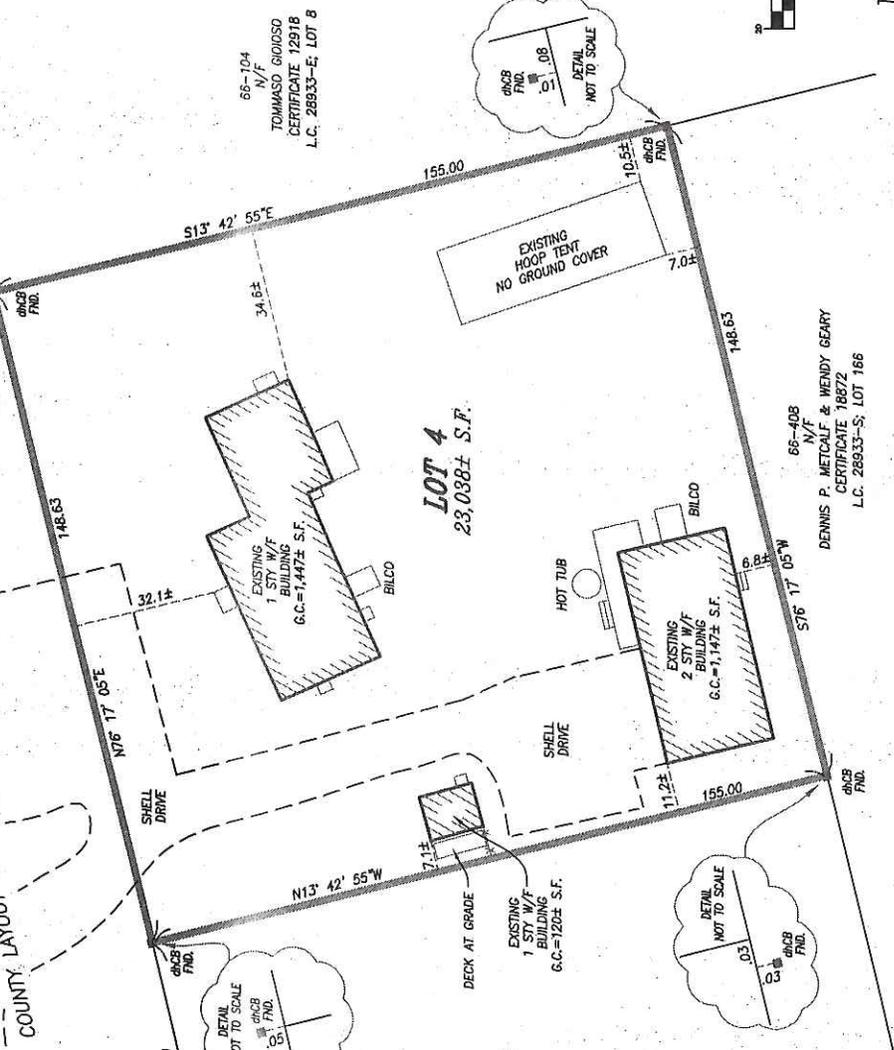
LOCUS MAP SCALE: 1" = 1200' ±

**EXISTING:**  
 MINIMUM LOT SIZE: 10,000 S.F.  
 MINIMUM FRONTAGE: 50 FT.  
 FRONT YARD SETBACK: 10 FT.  
 SIDE/REAR SETBACK: 5/10 FT.  
 GROUND COVER %: 40%

**CURRENT ZONING CLASSIFICATION: (CTEC)**  
 Commercial Trade Entrepreneurial Craft

**MARBLE WAY**  
 COUNTY LAYOUT 12-29-1967 ~ PLAN FILE 1-F ~ VARIABLE WIDTH  
 60' WIDE

**SOMERS ST ROAD**



66-104  
 N/F  
 TOMMASO GIOIOSO  
 CERTIFICATE 12918  
 L.C. 28933-E; LOT 8

**LOT 4**  
 23,038± S.F.

66-106  
 N/F  
 MARY C. BURKE, TRUSTEE  
 CERTIFICATE 18235  
 L.C. 28933-P; LOT 155

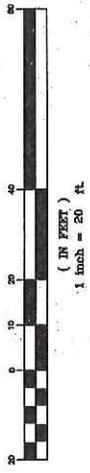
66-408  
 N/F  
 DENNIS P. METCALF & WENDY GEARY  
 CERTIFICATE 18872  
 L.C. 28933-S; LOT 166

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

**PERIMETER  
 PLAN OF LAND**  
 IN  
**NANTUCKET, MASS.**

PREPARED FOR  
**JOHN WEBER**  
 CERTIFICATE 18323  
 SCALE: 1" = 20' DATE: FEBRUARY 20, 2016

**ISLAND SURVEYORS, LLC**  
 Professional Land Surveyors  
 90 OLD SOUTH ROAD  
 NANTUCKET, MASS. 02554  
 (508) 228-2720  
 GRAPHIC SCALE



Nantucket Planning Board

APPROVAL UNDER THE  
 SUBDIVISION CONTROL LAW  
 NOT REQUIRED

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR DATE

DATE SIGNED FILE #

ASSESSORS MAP 66 PARCEL 105

ØCS FND. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND

**LEGEND**

\* = FEB 8<sup>th</sup>

## Annual Town Meeting 2016



**Article 34:** Zoning Map change from Residential Commercial (RC) to Commercial Mid-Island (CMI) for properties off of Sparks Avenue, Hooper Farm Road, Sanford Road, Pleasant Street, Freedom Square, Bayberry Court, West Creek Road, Chin's Way, Orange Street, Cherry Street, and Dave Street;

**Article 35:** Zoning Map change from Residential Commercial (RC) to Commercial Mid-Island (CMI) for properties off of Old South Road, Nobadeer Farm Road, Hanabea Lane, and Wampanoag Way;

**Article 36:** Zoning Bylaw amendment to Chapter 139, Section 2, of the Code of the Town of Nantucket to amend the definition of "apartment building;"

\* **Article 37:** Zoning Map change from Residential Commercial-2 (RC-2) to Residential-5 (R-5) and Commercial Trade, Entrepreneurship, and Craft (CTEC) for properties off of Bartlett Road and Marble Way;

\* **Article 38:** Zoning Map change from Residential Commercial 2 (RC-2) and Commercial Trade, Entrepreneurship, and Craft (CTEC) to Residential 10 (R-10) or Residential 20 (R-20) for properties off Marble Way (citizen petition);

**Article 39:** Zoning Map change from Residential Commercial-2 (RC-2) to Commercial Neighborhood (CN) and Residential 5 (R-5) for properties off of Fairgrounds Road, Vincent Circle, and Ticcoma Way;

**Article 40:** Zoning Map change from Residential-1 to Residential Old Historic (ROH) for properties off of Cliff Road, North Avenue, Prospect Street, Joy Street, Milk Street, Mt. Vernon Street, Quaker Road, Main Street, Lowell Place, Easton Street, Vestal Street, and Madaket Road.

**Article 41:** Zoning Map change from Residential-20 (R-20) to Village Residential (VR) for properties off of Quidnet Road, Squam Road, Sesachacha Road, Naauma Lane, Beacon Lane, and Sakedan Lane;

**Article 42:** Zoning Bylaw amendment to Chapter 139, section 7A, to remove the by-right allowance of residential swimming pools in the Village Residential (VR) district;

\* **Article 43:** Zoning Map change from Residential-20 (R-20) to Residential-40 (R-40) for properties off of Crooked Lane, Grove Lane, and Madaket Road;

**Article 44:** Zoning Map change from Sconset Residential 20 (SR-20) to Sconset Residential 5 (SR-5) for properties off of Clifton Street, Comeau Lane, and Sconset Avenue (citizen petition);

**Article 45:** Zoning Map change from Commercial Downtown (CDT), Residential Old Historic (ROH), Residential-1 (R-1), Residential-20 (R-20), and Limited Use General-2 (LUG-2) to Residential-40 (R-40) Town Open Space – for open space properties in various locations;

**Article 46:** Zoning Map change from Residential-20 (R-20,) Village Residential (VR,) Limited Use General-1 (LUG-1,) and Limited Use General-2 (LUG-2) to Limited Use General-3 (LUG-3) Country Open Space – for open space properties in various locations;

**Article 47:** Zoning Map change from Village Trade, Entrepreneurship, and Craft (VTEC) to Village Residential (VR), from Limited Use Gen-3 (LUG-3) to VTEC and from VTEC to LUG-3 for property at 165, 171 and 171R Hummock Pond Road;

**Article 48:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for properties off Evergreen Way, Airport Road, and Daffodil Lane (citizen petition);

\* **Article 49:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for property at 8 Masaquet Avenue (citizen petition);

\* **Article 50:** Zoning Map change from Limited Use General 2 (LUG-2) to Limited Use General 1 (LUG-1) for properties off Lovers Lane, Boulevard, and Okorwaw Avenue (citizen petition);

**Article 51:** Zoning Bylaw amendment to Chapter 139, section 2, to amend the definition of tertiary dwelling;

**Article 52:** Zoning Bylaw amendment to Chapter 139, sections 2, 7, and 18, of the Code of the Town of Nantucket to allow the creation of a tiny house unit (citizen petition); and

**Article 53:** Zoning Bylaw amendment to Chapter 139, sections 2, 7, and 18, of the Code of the Town of Nantucket to allow the creation of a tiny house village (citizen petition);

**Article 54:** Zoning Bylaw amendment to Chapter 139, section 8, to amend the secondary lot regulations;

\* **Article 55:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);

## Annual Town Meeting 2016



- \* **Article 56:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);
- \* **Article 57:** Zoning Bylaw amendment to Chapter 139, section 11, to amend the major commercial development regulations;
- Article 58:** Zoning Bylaw amendment to Chapter 139, sections 2 and 30, to amend the adult use definition and to clarify the issuance of special permits by the special permit granting authority;
- Article 59:** Zoning Bylaw amendment to Chapter 139, Section 7B (5), of the Code of the Town of Nantucket to amend “abandoned vehicles;”
- \* **Article 60:** Zoning Bylaw amendment to Chapter 139, sections 2, 16, 17, 29, 30, and 33, to make various technical amendments;

**ARTICLE 37**

**(Zoning Map Change: RC-2 to CTEC and R-5 - Bartlett Road and Marble Way)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

- 1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
67	524	48	Bartlett Road
67	100 (a portion of)	54	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

- 2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
66	434	40	Bartlett Road
66	530	42	Bartlett Road
66	529	44	Bartlett Road
66	531	46	Bartlett Road
66	100 (a portion of)	54	Bartlett Road
66	100.2	56	Bartlett Road
66	100.1	58	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 37 RC-2 to CTEC and R-5 - Bartlett Road and Marble Way" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 38**

**(Zoning Map Change: RC-2 and CTEC to R-10 or R-20 - Marble Way)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

- 1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

Map	Lot	Number	Street
66	101 (a portion of )	2	Marble Way
66	101.1 (a portion of)		Marble Way

2. Placing the following properties currently located Commercial Trade Entrepreneurship and Craft (CTEC) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

Map	Lot	Number	Street
66	101 (a portion of )	2	Marble Way
66	101.1 (a portion of)		Marble Way
66	102.1	4A	Marble Way
66	102	4B	Marble Way
66	103	6 (Lots 202 and 203 on Land Court Plan 28933-6)	Marble Way
66	104	10	Marble Way
66	105	12	Marble Way
66	106	14	Marble Way
66	106.1	16	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: RC-2 and CTEC to R-10 or R-20 - Marble Way" dated October 23<sup>rd</sup>, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Samantha Parsons, et al)*

#### ARTICLE 39

#### **(Zoning Map Change: RC-2 to CN and R-5 - Fairgrounds Road, Vincent Circle and Ticcoma Way)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
67	40	2	Fairgrounds Road
67	752	4	Fairgrounds Road
67	710 (a portion of)	16	Vincent Circle

2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

21	51	8	Squam Road
----	----	---	------------

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 41 R-20 to VR - Quidnet" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 42**

**(Zoning Bylaw Amendment: Village Residential/Swimming Pool)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7A, by deleting "A" in the "VR" column and "Swimming pool - residential" row and replacing it with "SP" or "N" (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 43**

**(Zoning Map Change: R-20 to R-40 or LUG-1 - Crooked Lane, Grove Lane and Madaket Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 20 (R-20) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	330	36	Crooked Lane
41	441	18	Grove Lane
41	505	19	Grove Lane
41	440	20	Grove Lane
41	438	23	Grove Lane
41	439	24	Grove Lane
41	437	26	Grove Lane
41	436	28	Grove Lane
41	435	30	Grove Lane
41	433.1	34A	Grove Lane
41	433	34B	Grove Lane
41	432	36	Grove Lane

41	431	38	Grove Lane
41	430	40	Grove Lane
41	415	54	Grove Lane
41	419	55	Grove Lane
41	416	58	Grove Lane
41	410 (portion of)	35	Madaket Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 43 R-20 to R-40 or LUG-1 - Crooked Lane, Grove Lane and Madaket Road" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 44

#### **(Zoning Map Change: SR-20 to SR-5/Clifton Street, Comeau Lane and Sconset Avenue)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Sconset Residential-20 (SR-20) Zoning District in the Sconset Residential-5 (SR-5) Zoning District.

Please see attached list of parcels and map.

73.4.1	4	11	Clifton
73.4.1	27	7	Clifton
73.4.1	5	3	Comeau Ln
73.4.1	28	2	Sconset Ave
73.4.1	6	4	Sconset Ave
49.3.2	13	7	Comeau Ln
49.3.2	12	6	Sconset Ave
49.3.2	29	9	Comeau Ln
49.3.2	28	8	Sconset Ave
49.3.2	27	10	Sconset Ave
49.3.2	25	12	Sconset Ave
49.3.2	32	16	Sconset Ave
49.3.2	24	14	Sconset Ave
73.4.1	7	3	Sconset Ave
49.3.2	11	5	Sconset Ave
49.3.2	10	7	Sconset Ave
49.3.2	9	9	Sconset Ave
49.3.2	8	11	Sconset Ave
49.3.2	7	13	Sconset Ave

#### ARTICLE 48

##### (Zoning Map Change: LUG-2 to R-40 - Evergreen Way, Daffodil Lane and Airport Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	726	3	Evergreen Way
68	727	1	Evergreen Way
68	54	21	Airport Road
68	55	23	Airport Road
68	723	5	Daffodil Lane
68	717.1	15A	Evergreen Way
68	717.2	15B	Evergreen Way
68	716	17	Evergreen Way
68	715	19	Evergreen Way
68	709	20	Evergreen Way
68	710	22	Evergreen Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: LUG-2 to R-40 - Evergreen Way, Daffodil Lane, and Airport Road" dated 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(James Lydon, et al)*

#### ARTICLE 49

##### (Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing 8 Masaquet Avenue (Assessor Map 80 Lot 193), currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district, as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue" dated August 6, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Ronald Santos, et al)*

#### ARTICLE 50

##### (Zoning Map Change: LUG-2 to LUG-1 Surfside South - Boulevarde, Okorwaw Avenue and Lover's Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties identified in the Surfside Area Plan as a portion of "Surfside

South”, currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district:

Map	Lot	Number	Street
79	3	40	Lover’s Lane
79	28	1	Okorwaw Avenue
79	31	44	Lover’s Lane
79	80	54	Lover’s Lane
79	81	52	Lover’s Lane
79	82	50	Lover’s Lane
79	83	48	Lover’s Lane
79	84	46	Lover’s Lane
79	131 (a portion of)	4	Okorwaw Avenue
80	214	44	Boulevarde
80	215	61	Lover’s Lane

Or to take any other action related thereto.

Or, to take any other action related thereto.

*(Leslie Kennie, et al)*

**ARTICLE 51  
(Zoning Bylaw Amendment: Tertiary Dwelling)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 2, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

**TERTIARY DWELLING**

~~(1) No more than 120 building permits for a tertiary dwelling shall be granted in any calendar year.~~

(1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

(2) ~~A third dwelling unit located on a lot. The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, and including~~ the following options:

(a) A garage apartment not exceeding 550 650 square feet of gross floor area.

~~cover ratio does not exceed the amount that would have been allowed for the original lot.~~

(g) ~~The primary lot and the secondary lots~~ each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) ~~The primary lot and the secondary lots~~ shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(34) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).

(45) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a ~~NHNC Ownership Form~~ covenant. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.

(56) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 55

### (Zoning Bylaw Amendment: Secondary Lots - Qualified Family Member)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. To amend Section 2, Definitions, as follows:

#### SECONDARY LOT

The smaller of the lots created by the division of the original lot pursuant to § 139-8D. The secondary lot shall be subject to an NHNC-Ownership Form ~~-or owner occupied by~~ Qualified Family Member.

2. To amend Section 8B(2), Nantucket Housing Needs Program, by inserting a new definition in alphabetical order:

**QUALIFIED FAMILY MEMBER**

The legal father, mother, grandfather, grandmother, son, daughter, or sibling of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

3. To amend Section 8C(2)b), Secondary Residential Lots, as follows:

(b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non-Qualified Family Member the lot shall be subject to an NHNC-Ownership Form and the requirements set forth therein.

Or, to take any other action related thereto.

*(David Fredericks, et al)*

**ARTICLE 56**

**(Zoning Bylaw Amendment: Secondary Lots - Qualified Family Member)**

To see if the Town will vote to change the Town of Nantucket Zoning By-law by adding the attached language in red

139-2 Definitions

**SECONDARY LOT**

The smaller of the lots created by the division of the original lot pursuant to § 139-8D.

The secondary lot shall be subject to an NHNC-Ownership Form or owner occupied by a Qualified Family Member.

[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]

139-8B

B.

Nantucket Housing Needs Program.

(1) Purpose. To create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

(2) Definitions. The following definitions only apply to this § 139-8C:

**HOUSING AUTHORITY**

The Nantucket Housing Authority (NHA) or its designee.

**MAXIMUM RENTAL PRICE**

Shall be no more than the fair market rent established for Nantucket County as published by the U.S. Department of Housing and Urban Development in Federal Register, Vol. 65 No. 185 (September 25, 2000) and as may hereafter be amended from time to time.

**MAXIMUM RESALE PRICE**

The greater of the maximum sales price or price the current Nantucket Housing Needs Covenant unit owner paid for the Nantucket Housing Needs Covenant unit.

**MAXIMUM SALES PRICE**

Shall be calculated by assuming a ten-percent down payment and an annual debt service (at prevailing thirty-year fixed interest rates) that is equal to 30% of the gross annual income of a household earning up to 125% of median income.

**MEDIAN INCOME**

Median family income for Nantucket County as published from time to time by the U.S. Department of Housing and Urban Development.

**NANTUCKET HOUSING NEEDS COVENANT**

A covenant placed on housing, which property owners choose to execute and which shall be enforceable by the NHA, to be recorded in the Registry of Deeds or the Land Court Registry District.

**PRINCIPAL RESIDENCE**

The locality where a person resides with the present intent to make it the person's fixed and permanent home. The person's physical presence alone will not establish a principal residence. In ascertaining one's intent, the Housing Authority shall consider, among other things, the person's employment status, voter registration, driver's license, motor vehicle registration, real property ownership, income tax returns, or the filing with the Housing Authority of a written declaration to establish or maintain a principal residence.

**QUALIFIED FAMILY MEMBER**

The legal child, grandchild, father, mother, brother or sister, of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

**QUALIFIED PURCHASER HOUSEHOLD**

A household whose gross annual income is less than 150% of median income.

**QUALIFIED RENTER HOUSEHOLD**

A household whose gross annual income is not more than 100% of median income.

**(3) General requirements.**

**(a) Housing subject to the Nantucket Housing Needs Covenant shall be:**

- [1] Occupied by a qualified renter or qualified purchaser household
- [2] The principal residence of the qualified renter or qualified purchaser household
- [3] Enforceable for the greater of 99 years or the maximum time period allowable by law.
- [4] The price of the unit shall not exceed the maximum sales price, or, in the case of resale, the maximum resale price.
- [5] The unit rent shall not exceed the maximum rental price.
- [6] The owner of a unit being rented shall provide the Housing Authority with an annual certification of compliance with the terms of the covenant.

**(4) Monitoring and administration.**

- (a) The Housing Authority shall monitor and administer the Nantucket Housing Needs Program and may promulgate rules and regulations to implement it. Prior to promulgating such rules and regulations and prior to completing a model Nantucket Housing Needs Covenant, the Housing Authority shall hold a public hearing or hearings to solicit advice from the public. The Housing Authority shall publish notice of these hearings prominently in a newspaper of general circulation on Nantucket for two successive weeks.
- (b) All legal documentation shall be submitted to the Housing Authority for review and approval.

C.

Special permit to create secondary residential lots for year-round residents.

(1)

Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket if they wish to do so; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2)

As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-8C, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:

[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

- (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the placement, use or occupancy of second dwellings on said original lot.
- (b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non Qualified Family member the lot shall then be subject to an NHNC-Ownership form and the requirements set forth herein.
- (c) No more than one dwelling shall be permitted on the primary lot.
- (d) No more than one dwelling shall be permitted on the secondary lot.
- (e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot		Minimum Secondary Lot Size	Minimum Primary Lot Size
	Size	(§ 139-16A)		
LUG-1	40,000		15,000	25,000
LUG-2	80,000		25,000	55,000
LUG-3	120,000		35,000	85,000
R-40	40,000		15,000	25,000

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
R-10	10,000	4,000	6,000
R-20/SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
ROH/SOH	5,000	2,000	3,000
R-5	5,000	2,000	3,000

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.

(g) The primary lot and the secondary lot each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The primary lot and the secondary lot shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(3) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).

[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

(4) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a NHNC covenant. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.

(5) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

*(Cormac Collier, et al)*

## ARTICLE 57

### (Zoning Bylaw Amendment: Major Commercial Development)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 11, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of*

*this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

A. ~~The Planning Board shall be the special permit granting authority for any "major commercial development" (or "MCD"). Every commercial use which constitutes a major commercial development, as defined in Subsection B below, shall require the grant of a special permit and major site plan review by the Planning Board under this § 139-11:~~

~~(1) Notwithstanding the fact that such use or uses may be listed elsewhere in this chapter as a permitted use or a use by exception requiring a special permit; and~~

~~(2) Whether or not it is located in a commercial zoning district (RC, RC-2, CDT or LC); for example, if it is a preexisting nonconforming commercial use in a residential district and, pursuant to §§ 139-33A and 139-11C below, has or will become a major commercial development.~~

B. A "major commercial development" (or "MCD") shall be defined as a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control, meeting, in the aggregate, any one or more of the following criteria:

(1) Five thousand square feet of commercial use, including, but not limited to the total of the following:

(a) Gross floor area of interior commercial use, including roofed-over storage areas;

(b) Outdoor commercial use, including but not limited to sand, gravel or topsoil borrow operations and asphalt plants; land used commercially for recreation; and land used for the exterior storage or display of merchandise, equipment or material.

(2) Four thousand square feet or more of gross floor area of commercial use, including roofed-over storage areas.

~~(3) A commercial use requiring twenty or more off-street parking spaces as required by pursuant to § 139-18, whether or not provided. A motor vehicle parking lot as defined in § 139-2 which contains twenty or more parking spaces shall not be considered an MCD.~~

(4) Auditorium, theater or place of public assembly use with a rated legal occupancy of 100 or more persons.

(5) Restaurant, club and/or bar use which, taken together, have a with a combined rated legal occupancy of 100 or more.

(6) Developments which generate an estimated 10,000 gallons per day of wastewater.

(7) Marinas, wharfs and piers containing 250 lineal feet or more of tie-up space for vessels.

(8) Transient residential facilities with 10 or more guest rooms or units.

C. ~~Preexisting and nonconforming uses under this § 139-11 shall be subject to the requirement of a special permit hereunder this subsection only on and after the point in time when any~~

extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as or subsequently for amendments) of the applicable provisions of this § 139-11, meets or exceeds the criteria of Subsection B above, which defines a major commercial development MCD.

~~D.~~ The Planning Board shall be the sole special permit granting authority for major commercial developments.

~~(1) In instances where all or a portion of a major commercial development, in addition to requiring a special permit as a major commercial development, also requires a special permit pursuant to any provisions of this chapter other than this § 139-11, the Planning Board shall serve as the special permit granting authority for such relief, which relief may be a matter for consideration concurrent with its review of the major commercial development application.~~

~~(2) Any relief associated with a major commercial development requiring a variance shall remain solely within the power of the Board of Appeals.~~

~~(3) An application to the Planning Board for a special permit for a major development shall be in accordance with submission requirements adopted by the Planning Board, as amended. The Planning Board shall adopt design guidelines for major commercial developments, a copy of which shall be filed with the office of the Town Clerk.~~

~~(4) The Planning Board shall require that plans for major commercial developments be consistent with its design guidelines adopted pursuant to Subsection D(3) above; provided, however, waivers from strict compliance with the design guidelines may be granted when a finding is made by the Planning Board that it is in the public interest to do so.~~

~~(5) Prior to submitting an application for a major commercial development and prior to incurring significant design expenses, the applicant is strongly urged to meet with the Planning Board's professional staff at a preapplication conference and site visit to discuss the Planning Board's procedural requirements, to review the Board's design guidelines with respect to the proposed project, and to identify any issues of concern at the staff level prior to formal review by the Board in the public hearing process. (6) Depending on the size and complexity of the project, the preapplication conference may also be attended by other staff level personnel representing other Town boards in order to coordinate and expedite the review and approval process.~~

~~E.~~ Land owned by the Town of Nantucket (including any of its agencies) shall not be exempt from major commercial development requirements for commercial uses or structures which are operated, maintained or managed by others under leases or other right to use agreements with the Town.

~~F~~D. Conditions. The Planning Board shall have the right, in granting special permits for major commercial developments, to impose conditions, safeguards and limitations, including, but not limited to the following requirements:

~~(1) Require the implementation of a A landscaping and planting plan, including indicating the location, species, and size of trees and shrubs by species and the location and type of fencing.~~

~~(2) Require structures, access streets and interior ways open to the public, parking and loading facilities, outdoor recreational facilities, and utilities to be laid out in a manner which is safe,~~

consistent with sound planning practice and which preserves the integrity of adjacent uses and neighborhoods, including the requirement that open areas be placed as suitable buffers to conflicting adjacent uses and structures.

(32) Control An exterior lighting plan indicating the size and type of any proposed fixtures exterior lighting of grounds, parking areas and buildings.

(43) Require the installation of underground utilities.

(5) Require public sewer and water facilities, if necessary, and require appropriate storm drainage facilities.

(6) The preservation of certain natural features, including but not limited to ponds, wetlands, dunes and beaches.

(7) Specify the type of surfacing and curbing for accessways, driveways, parking areas, sidewalks and bicycle paths.

(84) A plan indicating Specify the type, size and location of all exterior signs.

(5) The days and hours of operation may be limited based on the type of business, the character of the surrounding areas, and the potential impacts to adjacent properties or the surrounding neighborhood.

GE. Open area for major commercial developments.

(1) Except for lots located within the CDT district, A lot or tract of land containing a commercial building, structure or use shall have a minimum of 320% of the lot(s) land as open area shall be landscaped and free from impervious surfaces maintained as open land.

(2) Impervious surfaces here include, but are not limited to, paved and gravelled areas, walkways and sidewalks, patios, decking, game courts, pools, buildings and other structures, and areas designated for parking or loading; provided however, that in computing the percentage of open area land, brick stone sidewalks and patios may be counted as open area included up to a maximum of 10% of the lot(s) or site.

(32) The Planning Board may grant a special permit to waive a reduction of the above stated requirement in § 139-11G(1) the requirement for open land, provided that it makes the express finding the Board finds that the applicant has provided sufficient and appropriate landscaping will be provided; and further provided that it makes the finding that the benefits to the community and the neighborhood from the reduction of open land area requirements, as conditioned by the decision granting the special permit, will outweigh the benefits that would be derived from the provision of the open area land requirements as would otherwise be required. The special permit granting authority shall may impose appropriate conditions for the granting of such a special permit, including, but not limited to, the substitution for of off-site landscaping elements, the a financial or other type of contribution of the applicant toward the creation of common public space(s), and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

~~H.F.~~ Any expansion or reconstruction of, or any changes to, a major commercial development for which a special permit has been granted shall require its modification or issuance of a new special permit by the Planning Board subject to the procedural and substantive requirements of §§ 139-11 and 139-30. However, the Planning Board may, by majority vote, waive the requirements for such modified or new special permit when it finds that the expansion, reconstruction or change proposed does not materially affect the findings and conclusions upon which the Planning Board's previous decision to approve the development was based.

~~I.G.~~ Setbacks. The Planning Board may specify, as part of its decision to grant a special permit under this § 139-11, that a reduction of up to 100% in ~~t~~he side and rear lot line yard setback requirement be permitted-reduced to 0 feet, provided that the Planning Board finds that such a reduction will preserve the integrity of adjacent uses and the neighborhood, and will promote the purposes and intent of this chapter.

~~J.H.~~ In order to further the availability of housing for persons and households of all income levels, ~~to encourage the most appropriate use of land throughout the Town of Nantucket, to preserve and increase the amenities in the Town of Nantucket, to avoid undue concentration of population, and mitigate the impacts of major commercial developments on the supply and cost of housing in a Town with unique and special qualities,~~ the Planning Board may, as a condition of granting a permit for a major commercial development (MCD), require applicants to provide inclusionary housing in accordance with the following standards:

~~(1) The Planning Board may require the provision of up to e~~One inclusionary unit for each 4,000 feet of gross floor area of interior commercial use or one inclusionary unit per major commercial development, whichever is greater.

~~(2) The inclusionary unit(s) shall may be located on the MCD site unless the Planning Board determines that the public benefits to be gained by providing the inclusionary units or at an off-site outweigh those to be gained from providing them on-site location. Inclusionary units located off-site must comply in all respects with the zoning in effect for the off-site area.~~

~~(3) The Planning Board may require or allow employer dormitories to be substituted for all or part of the inclusionary unit requirement set forth in § 139-11J(1) above, provided that a finding is made by the Planning Board that the public benefits to be gained by the substitution outweigh possible detriments and that such substitution occurs at a rate not to exceed one inclusionary unit for each six persons of rated occupancy of employer dormitory use.~~

~~(4) In lieu of providing inclusionary units or employer dormitories as outlined in Subsection J(1) to (3), above, an applicant may provide a monetary contribution of equivalent value to the Town of Nantucket, to be placed in a fund for the development of affordable housing administered by the Nantucket Housing Authority Affordable Housing Trust Fund or such other housing fund as may be designated by the Planning Board. The amount of such contribution shall be agreed upon between the Planning Board and the applicant, and shall be equivalent to the average sale price of nonexempt residential property with 5,000 to 10,000 square foot lot sizes in the R-5 RC-2 District as recorded by the Nantucket Islands Land Bank during the one-year period prior to approval of the special permit. This payment may be used only for the~~

planning, development and administration and maintenance of affordable housing outside the limits of the major commercial development.

~~(5) Where the inclusionary units are provided on the MCD site, the Planning Board may allow a bonus permitting the approval of multiple inclusionary units to be located on one lot, provided that the total number of inclusionary units located on the lot does not exceed the total number of units otherwise allowed by zoning on the lot and the units comply with the Planning Board's MCD guidelines, as amended from time to time.~~

~~(6) Where the inclusionary units are provided on the MCD site, the Planning Board may allow a bonus permitting an increase in the number of units that may be permitted within a single structure or upon a single lot beyond that which is permitted in the zoning district where in which the units are located, provided that no more than eight units may be permitted within any one structure and the units comply with the Planning Board's MCD design guidelines, as amended from time to time.~~

~~(7) Inclusionary units shall be subject to a deed restriction, enforceable by the Planning Board or its designee, to be in effect during the thirty-year period which commences from the date of the initial sale or the date of the first issuance of the certificate of occupancy for the building in which the unit(s) is located, whichever is earlier, which shall include a resale restriction requiring that any increase in the selling price of the inclusionary unit not exceed the initial sale price of the unit plus the cost of capital improvements, each adjusted to reflect changes in the CPI, but in no event shall the resale price exceed the owner's purchase price plus 5% per annum compounded annually; shall include an option to purchase the inclusionary units created pursuant to this section; and may include a right of first refusal.~~

~~(8) The inclusionary units shall be subject to use restrictions limiting occupancy of said units to eligible households. The Planning Board or its designee shall establish regulations governing eligible households and inclusionary units as defined in this chapter, including tenant and buyer eligibility and selection, occupancy limitations, lease agreements and such other occupancy requirements as may be permitted by law.~~

~~(9) The requirements contained in this section, and the rules and regulations and design guidelines promulgated pursuant thereto, shall be subject to review by the Planning Board every five years from the effective date of this section. Such review shall take into account the supply of inclusionary housing, the rental vacancy rate, and the overall condition and strength of the housing market.~~

~~(10) No building permit shall be issued for an MCD unless the Planning Board has certified that the applicant has provided legal assurances that the obligations under this section will be satisfied. No certificate of occupancy will be issued for any building within an MCD unless the required inclusionary unit(s) are is also eligible for such certificate, or unless the Planning Board has approved its issuance, a schedule linking a portion of the required inclusionary units to specified portions of the overall MCD, allowing phases of the MCD to become eligible for certificates of occupancy as the inclusionary units become eligible for such certificates.~~

~~K]. Cap on retail MCDs.~~

(1) Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing commercial development whenever the expanded portion of the development, added together starting from the effective date of this § 139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 58

### (Zoning Bylaw Amendment: Adult Use)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. To amend section 2 as follows:

#### ADULT USES

All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:

~~(1) A minimum lot area of 20,000 square feet is required for adult uses.~~

~~(2)~~ Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

~~(3)~~ A minimum separation of 300 feet, measured between lot lines, is required between adult uses and the following uses or areas: state-certified public or private schools or state-licensed day-care centers.

Use/Area	Minimum Separation (feet)
State-certified public or private school	300
State-licensed day care center	300
Religious institution	1,000
Public library	1,000
Other adult uses	500

~~(4) A minimum ten-foot wide vegetative buffer consisting of evergreen shrubs and trees not less than five feet in height at the time of the planting shall provide screening from adjacent lots, with exceptions for minimal driveway and utility access.~~

2. To amend section 30A(1) as follows:

~~(1) The special permit granting authority may~~ shall issue special permits for structures and uses which are in harmony with the general purpose and intent of this chapter subject to the provisions of such chapter.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 59

##### (Zoning Bylaw Amendment: Abandoned Vehicles)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7B(5), as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

A motor vehicle which is and for the immediately preceding thirty-day period has been unregistered, disabled, dismantled or inoperative shall not be stored on any land or lot unless such vehicle is enclosed within a building or covered by a tarpaulin and screened from surrounding residential properties by a fence or hedge.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 60

##### (Zoning Bylaw Amendment: Miscellaneous Technical Changes)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be*

permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend section 2 (Definitions), as follows:

#### **APARTMENT BUILDING(S)**

A structure or structures...

#### **BUILDING AND STRUCTURE HEIGHT**

(1) The height of the building or structure shall be established for each side. There shall only be one highest point for each building or structure.

(2) There shall only be one highest point for each building or structure.

(3) No one building and/or structure side shall exceed 32 feet.

(2) Where a side does not have continuous existing and/or finish grade lines, the average mean grade shall be the average of separately calculated average mean grades of each separate continuous median grade line.

#### **BUILDING COMMISSIONER**

The administrative chief of the Building Department official of the Town of Nantucket who is in charge of responsible for the administration and enforcement of Code of Massachusetts Regulations 780, State Board Building Regulations and Standards.

#### **MOTOR VEHICLE PARKING LOTS OR STRUCTURES**

A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this Chapter shall not be considered a separate use from the use requiring the off-street parking.

#### **YARD**

The area of a lot to be kept free of buildings and other structures (except fences, fence gates, landscape retaining walls, mail and lamp posts, utility service poles, and pedestals, lot accessways, and docks, bulkheads, groins and other coastal engineering structures). The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point (excluding the eaves) between the structure and the lot line.

2. Amend section 17 (Height limitations), as follows:

A. Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet. Height limitations, except as noted in the Village Height Overlay District, shall be as follows: ...

3. Amend 139-17 (Height limitations), as follows:

The height of a structure which is situated within the "Areas of one-hundred-year Flood" and/or the "Areas of 100-Year Coastal Flood with Velocity" as established by the Federal Emergency Management Agency ("FEMA") and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed ~~28~~ 30 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements, except in the CDT district where a maximum height may be determined by special permit.

4. Amend sections 29B(2) and 29D (Zoning Board of Appeals), by deleting them in their entirety;

5. Amend section 30J (Alternate Members of the Planning Board) by deleting it in its entirety;

6. Amend section 33A(3) as follows:

... Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures. The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than 6 months.

7. Amend section 33E(1)(b) as follows:

In the case of a lot containing at least 5,000 square feet, ~~the greater of 1,500 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater;~~ In the LUG-2 and LUG-3 districts only, a lot containing at least 40,000 square feet shall be permitted 2,000 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater; and

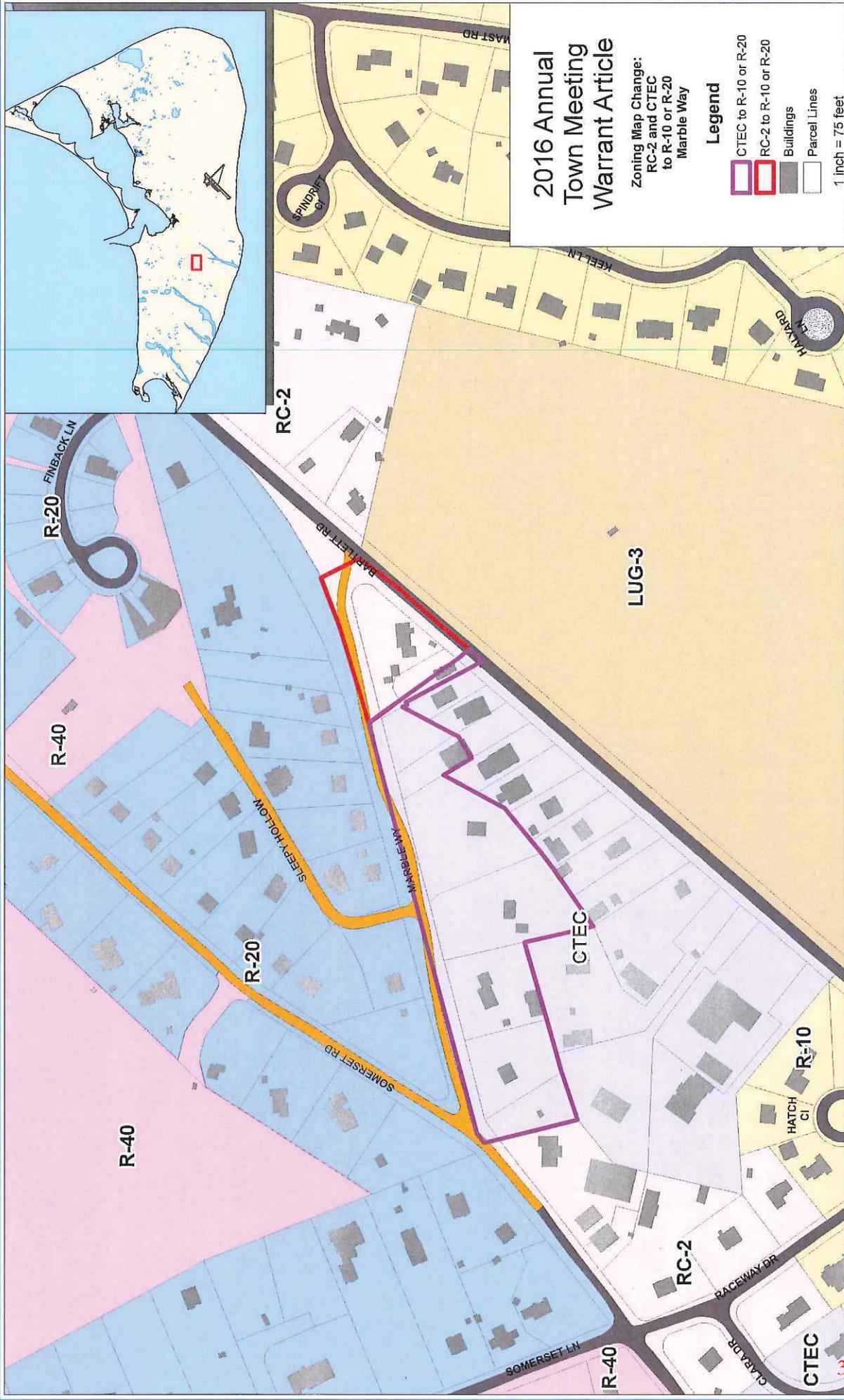
8. Amend section 16E(1) as follows:

Except for lots within the CDT district, A ~~a~~ lot containing a commercial building, structure or use shall have a minimum of 20% of the land as open area free from impervious surfaces.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*





# 2016 Annual Town Meeting Warrant Article

Zoning Map Change:  
 RC-2 and CTEC  
 to R-10 or R-20  
 Marble Way

### Legend

- CTEC to R-10 or R-20
- RC-2 to R-10 or R-20
- Buildings
- Parcel Lines

1 inch = 75 feet

Please identify any errors and corresponding corrections to:  
 GIS Coordinator  
 2 Fairbanks Road  
 Nantucket, MA 02554

Map data provided by GIS.com. All other data provided by GIS.com. GIS.com is not responsible for any errors or omissions in this map. GIS.com is not responsible for any errors or omissions in this map.

October, 2015



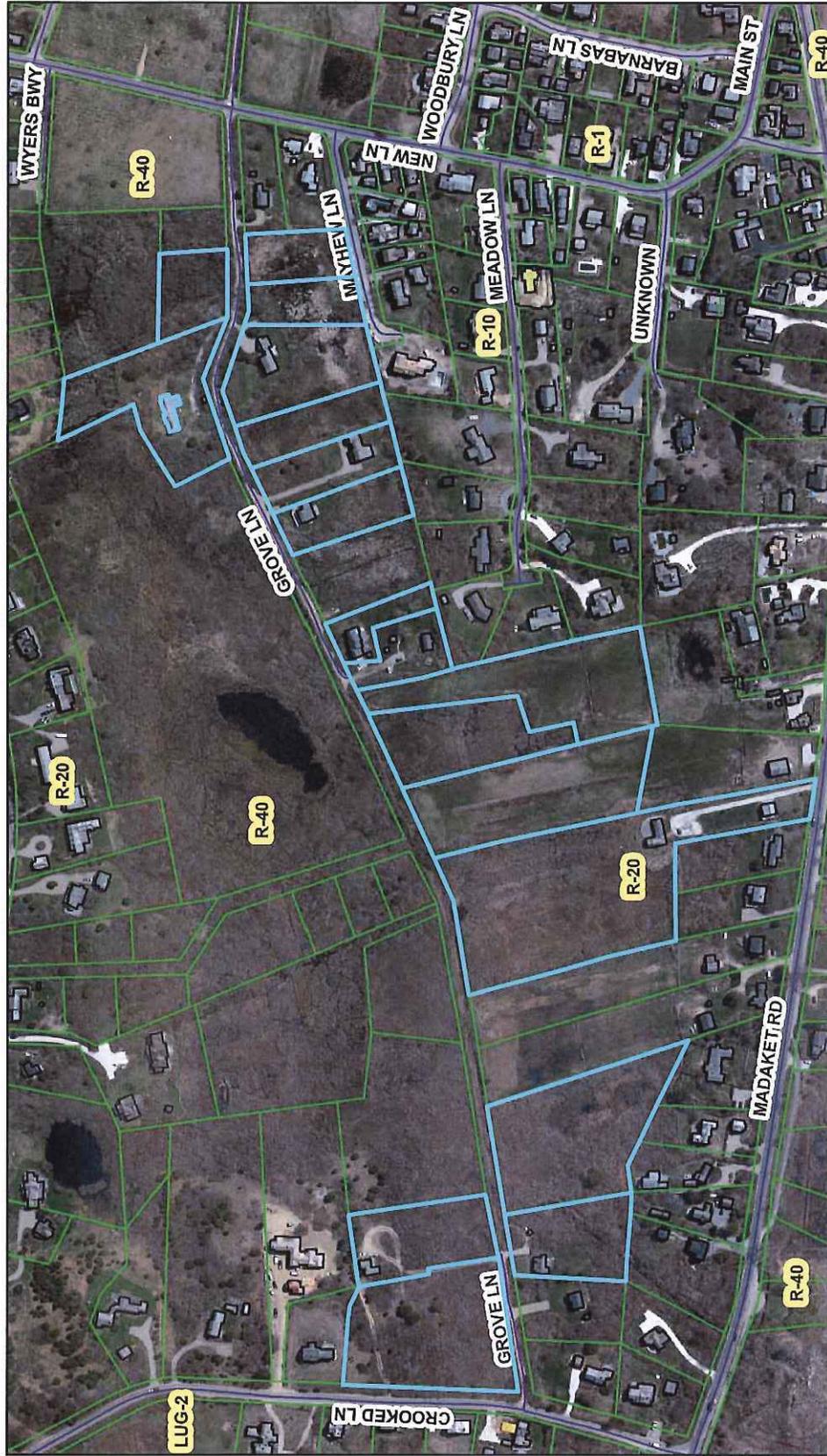
## Town of Nantucket - GIS Mapsheet

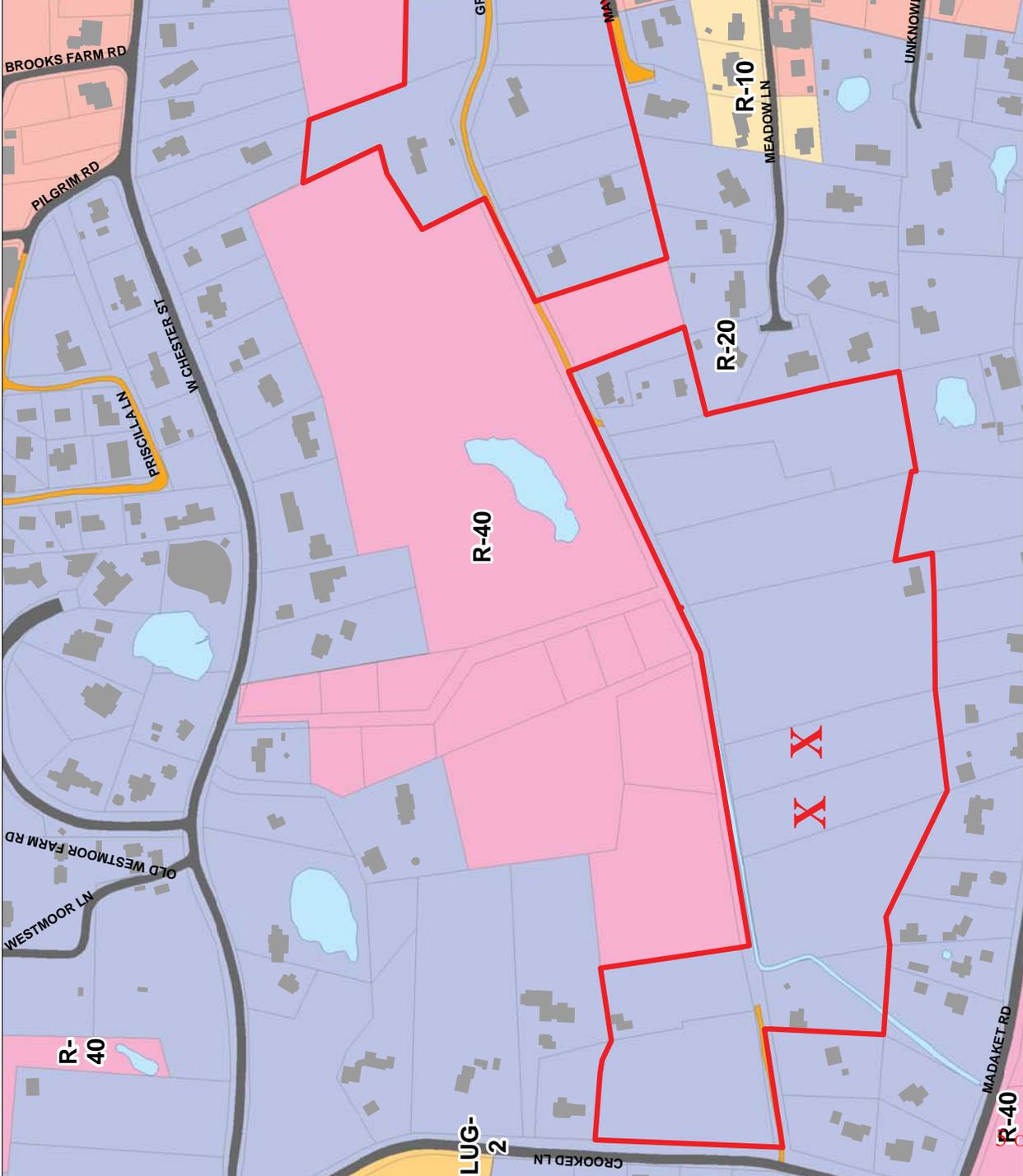
The data in this mapsheet represents the effects of the information relating to the proposed zoning change. It is not intended to be used for any other purpose. The user assumes all responsibility for any errors or omissions in this map. The user assumes all responsibility for any errors or omissions in this map.

Data Source: GIS.com. All other data provided by GIS.com. GIS.com is not responsible for any errors or omissions in this map. GIS.com is not responsible for any errors or omissions in this map.



Article 43:  
R-20 to R-40  
Crooked Lane, Grove Lane & Madaket Road





## 2016 Annual Town Meeting Warrant Article

**Zoning Map Change:  
R-20 to R-40 or LUG-1  
Grove Ln**

**Legend**

- R-20 to R-40 or LUG-1
- BUILDINGS
- Parcel Lines

1 inch = 100 feet

Please send identification of any errors and corresponding corrections to:

GIS Coordinator  
Town of Nantucket  
2 Fairgrounds Road  
Nantucket, MA 02554

January, 2015



# Town of Nantucket - GIS Mapsheet

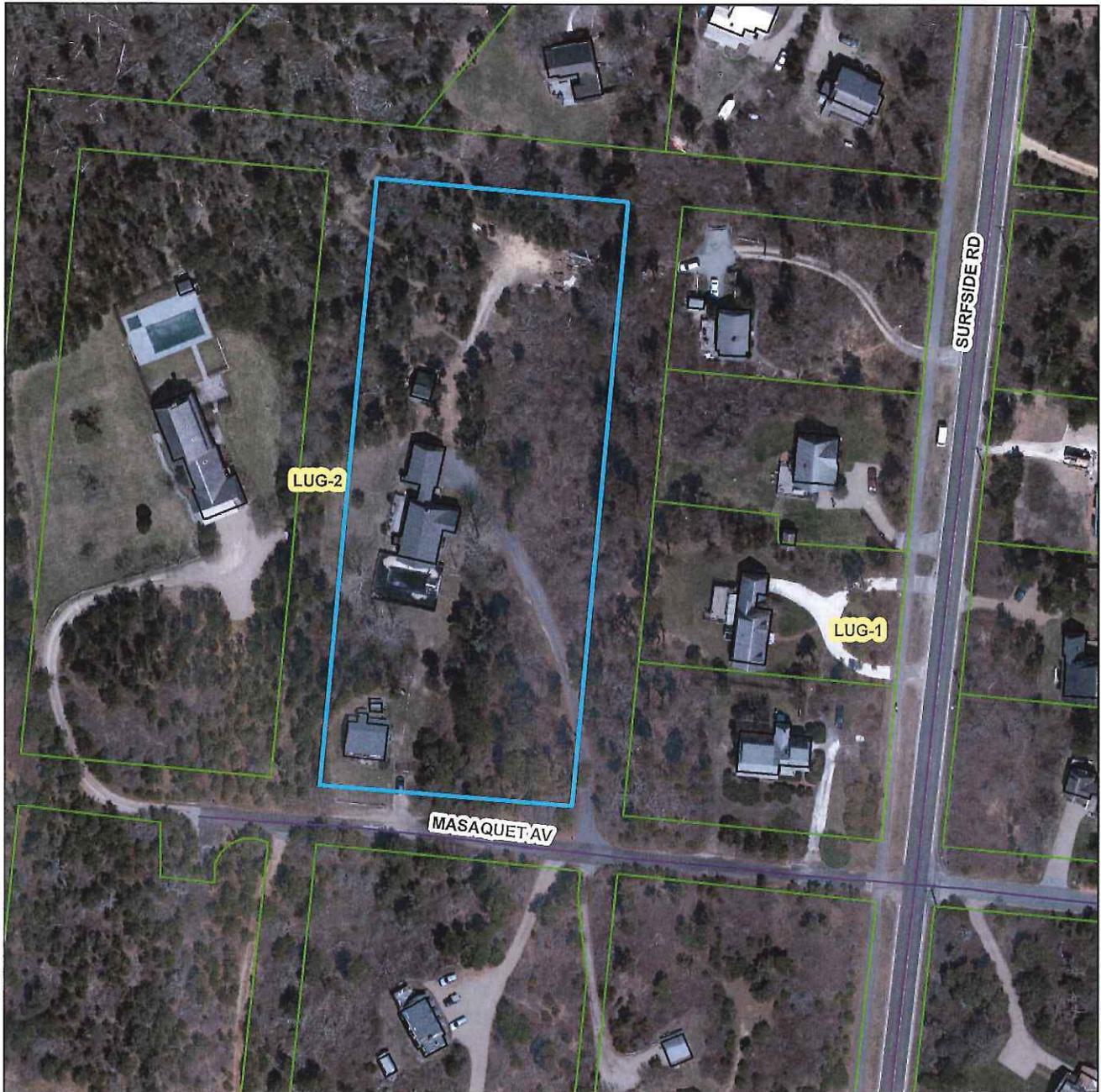


The data on this mapsheet is provided to the public in accordance with the Freedom of Information Act. The Town of Nantucket and other cooperating organizations do not warrant the accuracy or completeness of the geographic information systems (GIS) data. The GIS staff maintains an ongoing effort to update the data. The Town of Nantucket makes no claims as to the absolute veracity or reliability of these data or their fitness for any particular use.

**Data Sources**  
The data on this mapsheet is based primarily on the GIS data maintained by the Town of Nantucket. The GIS staff maintains an ongoing effort to update the data. The Town of Nantucket makes no claims as to the absolute veracity or reliability of these data or their fitness for any particular use.

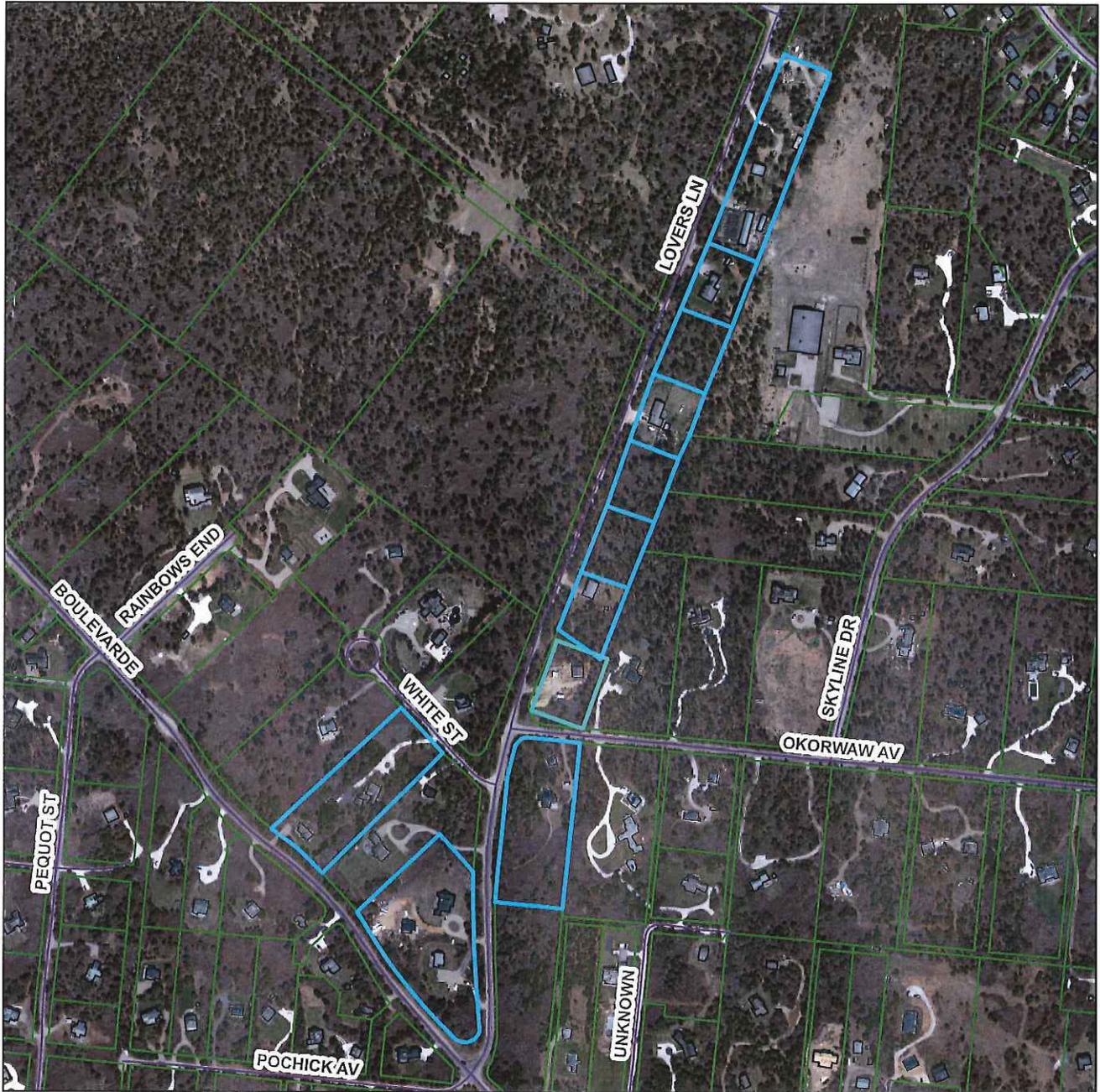


Article 49:  
LUG-2 to LUG-1  
8 Masaquet Ave





Article 50:  
LUG-2 to LUG-1  
Boulevarde, Okorwaw Avenue & Lover's Lane





Article 50:  
LUG-2 to LUG-1  
Boulevard, Okorwaw Avenue & Lover's Lane



## Annual Town Meeting 2016



- \* **Article 56:** Zoning Bylaw amendment to Chapter 139, sections 2 and 8, of the Code of the Town of Nantucket to allow secondary lots to be sold to qualified family members without being subject to the Nantucket Housing Needs Covenant Ownership Form (citizen petition);
- \* **Article 57:** Zoning Bylaw amendment to Chapter 139, section 11, to amend the major commercial development regulations;
- Article 58:** Zoning Bylaw amendment to Chapter 139, sections 2 and 30, to amend the adult use definition and to clarify the issuance of special permits by the special permit granting authority;
- Article 59:** Zoning Bylaw amendment to Chapter 139, Section 7B (5), of the Code of the Town of Nantucket to amend “abandoned vehicles;”
- \* **Article 60:** Zoning Bylaw amendment to Chapter 139, sections 2, 16, 17, 29, 30, and 33, to make various technical amendments;

**ARTICLE 37**

**(Zoning Map Change: RC-2 to CTEC and R-5 - Bartlett Road and Marble Way)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
67	524	48	Bartlett Road
67	100 (a portion of)	54	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

Map	Lot	Number	Street
66	434	40	Bartlett Road
66	530	42	Bartlett Road
66	529	44	Bartlett Road
66	531	46	Bartlett Road
66	100 (a portion of)	54	Bartlett Road
66	100.2	56	Bartlett Road
66	100.1	58	Bartlett Road
66	101	2	Marble Way
66	101.1	2	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 37 RC-2 to CTEC and R-5 - Bartlett Road and Marble Way" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 38**

**(Zoning Map Change: RC-2 and CTEC to R-10 or R-20 - Marble Way)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

Map	Lot	Number	Street
66	101 (a portion of )	2	Marble Way
66	101.1 (a portion of)		Marble Way

2. Placing the following properties currently located Commercial Trade Entrepreneurship and Craft (CTEC) district, in the Residential 10 (R-10) or Residential 20 (R-20) district:

Map	Lot	Number	Street
66	101 (a portion of )	2	Marble Way
66	101.1 (a portion of)		Marble Way
66	102.1	4A	Marble Way
66	102	4B	Marble Way
66	103	6 (Lots 202 and 203 on Land Court Plan 28933-6)	Marble Way
66	104	10	Marble Way
66	105	12	Marble Way
66	106	14	Marble Way
66	106.1	16	Marble Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: RC-2 and CTEC to R-10 or R-20 - Marble Way" dated October 23<sup>rd</sup>, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Samantha Parsons, et al)*

#### ARTICLE 39

#### (Zoning Map Change: RC-2 to CN and R-5 - Fairgrounds Road, Vincent Circle and Ticcoma Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
67	40	2	Fairgrounds Road
67	752	4	Fairgrounds Road
67	710 (a portion of)	16	Vincent Circle

2. Placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

21	51	8	Squam Road
----	----	---	------------

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 41 R-20 to VR - Quidnet" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 42**

**(Zoning Bylaw Amendment: Village Residential/Swimming Pool)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7A, by deleting "A" in the "VR" column and "Swimming pool - residential" row and replacing it with "SP" or "N" (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 43**

**(Zoning Map Change: R-20 to R-40 or LUG-1 - Crooked Lane, Grove Lane and Madaket Road)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 20 (R-20) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
41	330	36	Crooked Lane
41	441	18	Grove Lane
41	505	19	Grove Lane
41	440	20	Grove Lane
41	438	23	Grove Lane
41	439	24	Grove Lane
41	437	26	Grove Lane
41	436	28	Grove Lane
41	435	30	Grove Lane
41	433.1	34A	Grove Lane
41	433	34B	Grove Lane
41	432	36	Grove Lane

41	431	38	Grove Lane
41	430	40	Grove Lane
41	415	54	Grove Lane
41	419	55	Grove Lane
41	416	58	Grove Lane
41	410 (portion of)	35	Madaket Road

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article 43 R-20 to R-40 or LUG-1 - Crooked Lane, Grove Lane and Madaket Road" dated January, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**ARTICLE 44**

**(Zoning Map Change: SR-20 to SR-5/Clifton Street, Comeau Lane and Sconset Avenue)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following properties currently located in the Sconset Residential-20 (SR-20) Zoning District in the Sconset Residential-5 (SR-5) Zoning District.

Please see attached list of parcels and map.

73.4.1	4	11	Clifton
73.4.1	27	7	Clifton
73.4.1	5	3	Comeau Ln
73.4.1	28	2	Sconset Ave
73.4.1	6	4	Sconset Ave
49.3.2	13	7	Comeau Ln
49.3.2	12	6	Sconset Ave
49.3.2	29	9	Comeau Ln
49.3.2	28	8	Sconset Ave
49.3.2	27	10	Sconset Ave
49.3.2	25	12	Sconset Ave
49.3.2	32	16	Sconset Ave
49.3.2	24	14	Sconset Ave
73.4.1	7	3	Sconset Ave
49.3.2	11	5	Sconset Ave
49.3.2	10	7	Sconset Ave
49.3.2	9	9	Sconset Ave
49.3.2	8	11	Sconset Ave
49.3.2	7	13	Sconset Ave

### ARTICLE 48

#### (Zoning Map Change: LUG-2 to R-40 - Evergreen Way, Daffodil Lane and Airport Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district, in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	726	3	Evergreen Way
68	727	1	Evergreen Way
68	54	21	Airport Road
68	55	23	Airport Road
68	723	5	Daffodil Lane
68	717.1	15A	Evergreen Way
68	717.2	15B	Evergreen Way
68	716	17	Evergreen Way
68	715	19	Evergreen Way
68	709	20	Evergreen Way
68	710	22	Evergreen Way

All as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: LUG-2 to R-40 - Evergreen Way, Daffodil Lane, and Airport Road" dated 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(James Lydon, et al)*

### ARTICLE 49

#### (Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing 8 Masaquet Avenue (Assessor Map 80 Lot 193), currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district, as shown on a map entitled "2016 Annual Town Meeting Warrant Article \_\_\_ Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue" dated August 6, 2015 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Ronald Santos, et al)*

### ARTICLE 50

#### (Zoning Map Change: LUG-2 to LUG-1 Surfside South - Boulevarde, Okorwaw Avenue and Lover's Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties identified in the Surfside Area Plan as a portion of "Surfside

South”, currently located in the Limited Use General 2 (LUG-2) district, in the Limited Use General (LUG-1) district:

Map	Lot	Number	Street
79	3	40	Lover’s Lane
79	28	1	Okorwaw Avenue
79	31	44	Lover’s Lane
79	80	54	Lover’s Lane
79	81	52	Lover’s Lane
79	82	50	Lover’s Lane
79	83	48	Lover’s Lane
79	84	46	Lover’s Lane
79	131 (a portion of)	4	Okorwaw Avenue
80	214	44	Boulevard
80	215	61	Lover’s Lane

Or to take any other action related thereto.

Or, to take any other action related thereto.

*(Leslie Kennie, et al)*

**ARTICLE 51  
(Zoning Bylaw Amendment: Tertiary Dwelling)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 2, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

**TERTIARY DWELLING**

~~(1) No more than 120 building permits for a tertiary dwelling shall be granted in any calendar year.~~

(1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

(2) ~~A third dwelling unit located on a lot. The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, and including~~ the following options:

(a) A garage apartment not exceeding 550 ~~650~~ square feet of gross floor area.

~~cover ratio does not exceed the amount that would have been allowed for the original lot;~~

(g) ~~The primary lot and the secondary lots~~ each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) ~~The primary lot and the secondary lots~~ shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(34) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).

(45) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a ~~NHNC Ownership Form~~ covenant. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.

(56) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 55

### (Zoning Bylaw Amendment: Secondary Lots - Qualified Family Member)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. To amend Section 2, Definitions, as follows:

#### SECONDARY LOT

The smaller of the lots created by the division of the original lot pursuant to § 139-8D. The secondary lot shall be subject to an NHNC-Ownership Form-~~or owner occupied by~~ Qualified Family Member.

2. To amend Section 8B(2), Nantucket Housing Needs Program, by inserting a new definition in alphabetical order:

**QUALIFIED FAMILY MEMBER**

The legal father, mother, grandfather, grandmother, son, daughter, or sibling of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

3. To amend Section 8C(2)b), Secondary Residential Lots, as follows:

(b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non-Qualified Family Member the lot shall be subject to an NHNC-Ownership Form and the requirements set forth therein.

Or, to take any other action related thereto.

*(David Fredericks, et al)*

**ARTICLE 56**

**(Zoning Bylaw Amendment: Secondary Lots - Qualified Family Member)**

To see if the Town will vote to change the Town of Nantucket Zoning By-law by adding the attached language in red

139-2 Definitions

**SECONDARY LOT**

The smaller of the lots created by the division of the original lot pursuant to § 139-8D.

The secondary lot shall be subject to an NHNC-Ownership Form or owner occupied by a Qualified Family Member.

[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]

139-8B

B.

Nantucket Housing Needs Program.

(1) Purpose. To create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

(2) Definitions. The following definitions only apply to this § 139-8C:

**HOUSING AUTHORITY**

The Nantucket Housing Authority (NHA) or its designee.

**MAXIMUM RENTAL PRICE**

Shall be no more than the fair market rent established for Nantucket County as published by the U.S. Department of Housing and Urban Development in Federal Register, Vol. 65 No. 185 (September 25, 2000) and as may hereafter be amended from time to time.

**MAXIMUM RESALE PRICE**

The greater of the maximum sales price or price the current Nantucket Housing Needs Covenant unit owner paid for the Nantucket Housing Needs Covenant unit.

**MAXIMUM SALES PRICE**

Shall be calculated by assuming a ten-percent down payment and an annual debt service (at prevailing thirty-year fixed interest rates) that is equal to 30% of the gross annual income of a household earning up to 125% of median income.

**MEDIAN INCOME**

Median family income for Nantucket County as published from time to time by the U.S. Department of Housing and Urban Development.

**NANTUCKET HOUSING NEEDS COVENANT**

A covenant placed on housing, which property owners choose to execute and which shall be enforceable by the NHA, to be recorded in the Registry of Deeds or the Land Court Registry District.

**PRINCIPAL RESIDENCE**

The locality where a person resides with the present intent to make it the person's fixed and permanent home. The person's physical presence alone will not establish a principal residence. In ascertaining one's intent, the Housing Authority shall consider, among other things, the person's employment status, voter registration, driver's license, motor vehicle registration, real property ownership, income tax returns, or the filing with the Housing Authority of a written declaration to establish or maintain a principal residence.

**QUALIFIED FAMILY MEMBER**

The legal child, grandchild, father, mother, brother or sister, of the owner of the lot at the time the lot was subdivided into primary and secondary lots.

**QUALIFIED PURCHASER HOUSEHOLD**

A household whose gross annual income is less than 150% of median income.

**QUALIFIED RENTER HOUSEHOLD**

A household whose gross annual income is not more than 100% of median income.

(3) General requirements.

(a) Housing subject to the Nantucket Housing Needs Covenant shall be:

- [1] Occupied by a qualified renter or qualified purchaser household
- [2] The principal residence of the qualified renter or qualified purchaser household
- [3] Enforceable for the greater of 99 years or the maximum time period allowable by law.
- [4] The price of the unit shall not exceed the maximum sales price, or, in the case of resale, the maximum resale price.
- [5] The unit rent shall not exceed the maximum rental price.
- [6] The owner of a unit being rented shall provide the Housing Authority with an annual certification of compliance with the terms of the covenant.

(4) Monitoring and administration.

- (a) The Housing Authority shall monitor and administer the Nantucket Housing Needs Program and may promulgate rules and regulations to implement it. Prior to promulgating such rules and regulations and prior to completing a model Nantucket Housing Needs Covenant, the Housing Authority shall hold a public hearing or hearings to solicit advice from the public. The Housing Authority shall publish notice of these hearings prominently in a newspaper of general circulation on Nantucket for two successive weeks.
- (b) All legal documentation shall be submitted to the Housing Authority for review and approval.

C. Special permit to create secondary residential lots for year-round residents.

(1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket if they wish to do so; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-8C, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c. 41, § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:  
 [Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

- (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the placement, use or occupancy of second dwellings on said original lot.
- (b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below 150% of the Nantucket County median household income. Secondary lots sold to Qualified Family Members shall not be subject to an NHNC-Ownership Form. Upon resale, transfer, or gift of the secondary lot to a non Qualified Family member the lot shall then be subject to an NHNC-Ownership form and the requirements set forth herein.
- (c) No more than one dwelling shall be permitted on the primary lot.
- (d) No more than one dwelling shall be permitted on the secondary lot.
- (e) Except for pre-existing nonconforming lots, in which case the Planning Board may issue a special permit defining the lot areas, the minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot		Minimum Secondary Lot Size	Minimum Primary Lot Size
	Size	(§ 139-16A)		
LUG-1	40,000		15,000	25,000
LUG-2	80,000		25,000	55,000
LUG-3	120,000		35,000	85,000
R-40	40,000		15,000	25,000

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
R-10	10,000	4,000	6,000
R-20/SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
ROH/SOH	5,000	2,000	3,000
R-5	5,000	2,000	3,000

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%. The Planning Board may waive the setback requirements only as they apply to the lot line(s) between the primary and secondary lot.

(g) The primary lot and the secondary lot each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The primary lot and the secondary lot shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(3) This § 139-8C shall not apply to major commercial developments (§ 139-11); flex development and open space residential development options (§ 139-8A); and are not permitted in the following zoning districts: Commercial Downtown (CDT); Moorlands Management (MMD).

[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

(4) The Planning Board may grant a special permit for the division of a duplex into two attached single-family dwellings, provided that one of the dwellings is subject to a NHNC covenant. Subsection D(2)(e) and (f) above shall not apply and the Planning Board shall establish minimum lot size, ground cover ratio, and setbacks during the special permit review. Ground cover ratios for the primary and secondary lot combined shall not exceed the maximum allowed in the underlying zoning district.

(5) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

[Amended 4-5-2014 ATM by Art. 63, AG approval 5-7-2014]

*(Cormac Collier, et al)*

## ARTICLE 57

### (Zoning Bylaw Amendment: Major Commercial Development)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 11, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of*

*this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

A. ~~The Planning Board shall be the special permit granting authority for any "major commercial development" (or "MCD"). Every commercial use which constitutes a major commercial development, as defined in Subsection B below, shall require the grant of a special permit and major site plan review by the Planning Board under this § 139-11:~~

- ~~(1) Notwithstanding the fact that such use or uses may be listed elsewhere in this chapter as a permitted use or a use by exception requiring a special permit; and~~
- ~~(2) Whether or not it is located in a commercial zoning district (RC, RC-2, CDT or LC); for example, if it is a preexisting nonconforming commercial use in a residential district and, pursuant to §§ 139-33A and 139-11C below, has or will become a major commercial development.~~

B. A "major commercial development" (or "MCD") shall be defined as a single commercial structure or use, or a group of commercial structures or uses, which is proposed to be constructed on a single lot or tract of land or on contiguous tracts of land and held in common ownership or control, meeting, in the aggregate, any one or more of the following criteria:

- (1) Five thousand square feet of commercial use, including, but not limited to the total of the following:
  - (a) Gross floor area of interior commercial use, including roofed-over storage areas;
  - (b) Outdoor commercial use, including but not limited to sand, gravel or topsoil borrow operations and asphalt plants; land used commercially for recreation; and land used for the exterior storage or display of merchandise, equipment or material.
- (2) Four thousand square feet or more of gross floor area of commercial use, including roofed-over storage areas.
- (3) ~~A commercial use requiring twenty or more off-street parking spaces as required by pursuant to § 139-18, whether or not provided. A motor vehicle parking lot as defined in § 139-2 which contains twenty or more parking spaces shall not be considered an MCD.~~
- (4) Auditorium, theater or place of public assembly use with a rated legal occupancy of 100 or more persons.
- (5) Restaurant, club and/or bar use which, taken together, have a ~~with a combined~~ rated legal occupancy of 100 or more.
- (6) Developments which generate an estimated 10,000 gallons per day of wastewater.
- (7) Marinas, wharfs and piers containing 250 lineal feet or more of tie-up space for vessels.
- (8) Transient residential facilities with 10 or more guest rooms or units.

C. ~~Preexisting and nonconforming uses under this § 139-11 shall be subject to the requirement of a special permit hereunder this subsection only on and after the point in time when any~~

extended or altered portion of the commercial use(s), added together starting from the effective date (April 4, 1979, as or subsequently for amendments) of the applicable provisions of this § 139-11, meets or exceeds the criteria of Subsection B above, which defines a major commercial development MCD.

~~D. The Planning Board shall be the sole special permit granting authority for major commercial developments.~~

~~(1) In instances where all or a portion of a major commercial development, in addition to requiring a special permit as a major commercial development, also requires a special permit pursuant to any provisions of this chapter other than this § 139-11, the Planning Board shall serve as the special permit granting authority for such relief, which relief may be a matter for consideration concurrent with its review of the major commercial development application.~~

~~(2) Any relief associated with a major commercial development requiring a variance shall remain solely within the power of the Board of Appeals.~~

~~(3) An application to the Planning Board for a special permit for a major development shall be in accordance with submission requirements adopted by the Planning Board, as amended. The Planning Board shall adopt design guidelines for major commercial developments, a copy of which shall be filed with the office of the Town Clerk.~~

~~(4) The Planning Board shall require that plans for major commercial developments be consistent with its design guidelines adopted pursuant to Subsection D(3) above; provided, however, waivers from strict compliance with the design guidelines may be granted when a finding is made by the Planning Board that it is in the public interest to do so.~~

~~(5) Prior to submitting an application for a major commercial development and prior to incurring significant design expenses, the applicant is strongly urged to meet with the Planning Board's professional staff at a preapplication conference and site visit to discuss the Planning Board's procedural requirements, to review the Board's design guidelines with respect to the proposed project, and to identify any issues of concern at the staff level prior to formal review by the Board in the public hearing process. (6) Depending on the size and complexity of the project, the preapplication conference may also be attended by other staff level personnel representing other Town boards in order to coordinate and expedite the review and approval process.~~

~~E. Land owned by the Town of Nantucket (including any of its agencies) shall not be exempt from major commercial development requirements for commercial uses or structures which are operated, maintained or managed by others under leases or other right to use agreements with the Town.~~

~~F. Conditions. The Planning Board shall have the right, in granting special permits for major commercial developments, to impose conditions, safeguards and limitations, including, but not limited to the following requirements:~~

~~(1) Require the implementation of a A landscaping and planting plan, including indicating the location, species, and size of trees and shrubs by species and the location and type of fencing.~~

~~(2) Require structures, access streets and interior ways open to the public, parking and loading facilities, outdoor recreational facilities, and utilities to be laid out in a manner which is safe,~~

consistent with sound planning practice and which preserves the integrity of adjacent uses and neighborhoods, including the requirement that open areas be placed as suitable buffers to conflicting adjacent uses and structures.

(32) Control An exterior lighting plan indicating the size and type of any proposed fixtures exterior lighting of grounds, parking areas and buildings.

(43) Require the installation of underground utilities.

(5) Require public sewer and water facilities, if necessary, and require appropriate storm drainage facilities.

(6) The preservation of certain natural features, including but not limited to ponds, wetlands, dunes and beaches.

(7) Specify the type of surfacing and curbing for accessways, driveways, parking areas, sidewalks and bicycle paths.

(84) A plan indicating Specify the type, size and location of all exterior signs.

(5) The days and hours of operation may be limited based on the type of business, the character of the surrounding areas, and the potential impacts to adjacent properties or the surrounding neighborhood.

GE. Open area for major commercial developments.

(1) Except for lots located within the CDT district, A lot or tract of land containing a commercial building, structure or use shall have a minimum of 320% of the lot(s) land as open area shall be landscaped and free from impervious surfaces maintained as open land.

(2) Impervious surfaces here include, but are not limited to, paved and gravelled areas, walkways and sidewalks, patios, decking, game courts, pools, buildings and other structures, and areas designated for parking or loading; provided however, that in computing the percentage of open area land, brick stone sidewalks and patios may be counted as open area included up to a maximum of 10% of the lot(s) or site.

(32) The Planning Board may grant a special permit to waive a reduction of the above stated requirement in § 139-11G(1) the requirement for open land, provided that it makes the express finding the Board finds that the applicant has provided sufficient and appropriate landscaping will be provided; and further provided that it makes the finding that the benefits to the community and the neighborhood from the reduction of open land area requirements, as conditioned by the decision granting the special permit, will outweigh the benefits that would be derived from the provision of the open area land requirements as would otherwise be required. The special permit granting authority shall may impose appropriate conditions for the granting of such a special permit, including, but not limited to, the substitution for of off-site landscaping elements, the a financial or other type of contribution of the applicant toward the creation of common public space(s), and requirements for the permanent maintenance of landscaping features within the site by the applicant and its successors.

~~H.F.~~ Any expansion or reconstruction of, or any changes to, a major commercial development for which a special permit has been granted shall require its modification or issuance of a new special permit by the Planning Board subject to the procedural and substantive requirements of §§ 139-11 and 139-30. However, the Planning Board may, by majority vote, waive the requirements for such modified or new special permit when it finds that the expansion, reconstruction or change proposed does not materially affect the findings and conclusions upon which the Planning Board's previous decision to approve the development was based.

~~I.G.~~ ~~Setbacks.~~ The Planning Board may specify, as part of its decision to grant a special permit under this § 139-11, that a reduction of up to 100% in ~~t~~he side and rear lot line yard setback requirement be permitted-reduced to 0 feet, provided that the Planning Board finds that such a reduction will preserve the integrity of adjacent uses and the neighborhood, and will promote the purposes and intent of this chapter.

~~J.H.~~ In order to further the availability of housing for persons and households of all income levels, ~~to encourage the most appropriate use of land throughout the Town of Nantucket, to preserve and increase the amenities in the Town of Nantucket, to avoid undue concentration of population, and mitigate the impacts of major commercial developments on the supply and cost of housing in a Town with unique and special qualities,~~ the Planning Board may, as a condition of granting a permit for a major commercial development (MCD), require applicants to provide inclusionary housing in accordance with the following standards:

~~(1) The Planning Board may require the provision of up to e~~One inclusionary unit for each 4,000 feet of gross floor area of interior commercial use or one inclusionary unit per major commercial development, whichever is greater.

~~(2) The inclusionary unit(s) shall may be located on the MCD site unless the Planning Board determines that the public benefits to be gained by providing the inclusionary units or at an off-site outweigh those to be gained from providing them on-site location. Inclusionary units located off-site must comply in all respects with the zoning in effect for the off-site area.~~

~~(3) The Planning Board may require or allow employer dormitories to be substituted for all or part of the inclusionary unit requirement set forth in § 139-11J(1) above, provided that a finding is made by the Planning Board that the public benefits to be gained by the substitution outweigh possible detriments and that such substitution occurs at a rate not to exceed one inclusionary unit for each six persons of rated occupancy of employer dormitory use.~~

~~(4) In lieu of providing inclusionary units or employer dormitories as outlined in Subsection J(1) to (3), above, an applicant may provide a monetary contribution of equivalent value to the Town of Nantucket, to be placed in a fund for the development of affordable housing administered by the Nantucket Housing Authority Affordable Housing Trust Fund or such other housing fund as may be designated by the Planning Board. The amount of such contribution shall be agreed upon between the Planning Board and the applicant, and shall be equivalent to the average sale price of nonexempt residential property with 5,000 to 10,000 square foot lot sizes in the R-5 RC-2 D district as recorded by the Nantucket Islands Land Bank during the one-year period prior to approval of the special permit. This payment may be used only for the~~

planning, development and administration and maintenance of affordable housing outside the limits of the major commercial development.

~~(5) Where the inclusionary units are provided on the MCD site, the Planning Board may allow a bonus permitting the approval of multiple inclusionary units to be located on one lot, provided that the total number of inclusionary units located on the lot does not exceed the total number of units otherwise allowed by zoning on the lot and the units comply with the Planning Board's MCD guidelines, as amended from time to time.~~

~~(6) Where the inclusionary units are provided on the MCD site, the Planning Board may allow a bonus permitting an increase in the number of units that may be permitted within a single structure or upon a single lot beyond that which is permitted in the zoning district where in which the units are located, provided that no more than eight units may be permitted within any one structure and the units comply with the Planning Board's MCD design guidelines, as amended from time to time.~~

~~(7) Inclusionary units shall be subject to a deed restriction, enforceable by the Planning Board or its designee, to be in effect during the thirty-year period which commences from the date of the initial sale or the date of the first issuance of the certificate of occupancy for the building in which the unit(s) is located, whichever is earlier, which shall include a resale restriction requiring that any increase in the selling price of the inclusionary unit not exceed the initial sale price of the unit plus the cost of capital improvements, each adjusted to reflect changes in the CPI, but in no event shall the resale price exceed the owner's purchase price plus 5% per annum compounded annually; shall include an option to purchase the inclusionary units created pursuant to this section; and may include a right of first refusal.~~

~~(8) The inclusionary units shall be subject to use restrictions limiting occupancy of said units to eligible households. The Planning Board or its designee shall establish regulations governing eligible households and inclusionary units as defined in this chapter, including tenant and buyer eligibility and selection, occupancy limitations, lease agreements and such other occupancy requirements as may be permitted by law.~~

~~(9) The requirements contained in this section, and the rules and regulations and design guidelines promulgated pursuant thereto, shall be subject to review by the Planning Board every five years from the effective date of this section. Such review shall take into account the supply of inclusionary housing, the rental vacancy rate, and the overall condition and strength of the housing market.~~

~~(10) No building permit shall be issued for an MCD unless the Planning Board has certified that the applicant has provided legal assurances that the obligations under this section will be satisfied. No certificate of occupancy will be issued for any building within an MCD unless the required inclusionary unit(s) are is also eligible for such certificate, or unless the Planning Board has approved its issuance, a schedule linking a portion of the required inclusionary units to specified portions of the overall MCD, allowing phases of the MCD to become eligible for certificates of occupancy as the inclusionary units become eligible for such certificates.~~

~~K]. Cap on retail MCDs.~~

(1) Except in the following approved area plan location: Mid-Island Planned Overlay District (MIPOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing commercial development whenever the expanded portion of the development, added together starting from the effective date of this § 139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

## ARTICLE 58

### (Zoning Bylaw Amendment: Adult Use)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. To amend section 2 as follows:

#### ADULT USES

All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:

~~(1) A minimum lot area of 20,000 square feet is required for adult uses.~~

~~(2)~~ Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

~~(3)~~ A minimum separation of 300 feet, measured between lot lines, is required between adult uses and the following uses or areas: state-certified public or private schools or state-licensed day-care centers.

Use/Area	Minimum Separation (feet)
State-certified public or private school	300
State-licensed day care center	300
Religious institution	1,000
Public library	1,000
Other adult uses	500

~~(4) A minimum ten-foot wide vegetative buffer consisting of evergreen shrubs and trees not less than five feet in height at the time of the planting shall provide screening from adjacent lots, with exceptions for minimal driveway and utility access.~~

2. To amend section 30A(1) as follows:

~~(1) The special permit granting authority may~~ **shall** issue special permits for structures and uses which are in harmony with the general purpose and intent of this chapter subject to the provisions of such chapter.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 59

##### **(Zoning Bylaw Amendment: Abandoned Vehicles)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 7B(5), as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

A motor vehicle which is and for the immediately preceding thirty-day period has been **unregistered**, disabled, dismantled or inoperative shall not be stored on any land or lot unless such vehicle is enclosed within a building ~~or covered by a tarpaulin and screened from surrounding residential properties by a fence or hedge.~~

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

#### ARTICLE 60

##### **(Zoning Bylaw Amendment: Miscellaneous Technical Changes)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be*

permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend section 2 (Definitions), as follows:

#### **APARTMENT BUILDING(S)**

A structure ~~or structures~~..

#### **BUILDING AND STRUCTURE HEIGHT**

~~(1) The height of the building or structure shall be established for each side. There shall only be one highest point for each building or structure.~~

~~(2) There shall only be one highest point for each building or structure.~~

~~(3) No one building and/or structure side shall exceed 32 feet.~~

~~(2) Where a side does not have continuous existing and/or finish grade lines, the average mean grade shall be the average of separately calculated average mean grades of each separate continuous median grade line.~~

#### **BUILDING COMMISSIONER**

The administrative chief of the Building Department ~~official of the Town of Nantucket who is in charge of~~ responsible for the administration and enforcement of Code of Massachusetts Regulations 780, State Board Building Regulations and Standards.

#### **MOTOR VEHICLE PARKING LOTS OR STRUCTURES**

A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this Chapter shall not be considered a separate use from the use requiring the off-street parking.

#### **YARD**

The area of a lot to be kept free of buildings and other structures (except fences, fence gates, landscape retaining walls, mail and lamp posts, utility service poles, and pedestals, lot accessways, and docks, bulkheads, groins and other coastal engineering structures). The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point (excluding the eaves) between the structure and the lot line.

2. Amend section 17 (Height limitations), as follows:

A. ~~Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet.~~ Height limitations, except as noted in the Village Height Overlay District, shall be as follows: ...

3. Amend 139-17 (Height limitations), as follows:

The height of a structure which is situated within the "Areas of one-hundred-year Flood" and/or the "Areas of 100-Year Coastal Flood with Velocity" as established by the Federal Emergency Management Agency ("FEMA") and depicted upon the Flood Insurance Rate Map promulgated by FEMA, as from time to time revised, shall not exceed ~~28~~ 30 feet above the minimum height at which the first floor of the structure will conform with all applicable building codes and FEMA requirements, except in the CDT district where a maximum height may be determined by special permit.

4. Amend sections 29B(2) and 29D (Zoning Board of Appeals), by deleting them in their entirety;

5. Amend section 30J (Alternate Members of the Planning Board) by deleting it in its entirety;

6. Amend section 33A(3) as follows:

... Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures. The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than 6 months.

7. Amend section 33E(1)(b) as follows:

In the case of a lot containing at least 5,000 square feet, ~~the greater of 1,500 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater;~~ In the LUG-2 and LUG-3 districts only, a lot containing at least 40,000 square feet shall be permitted 2,000 square feet of ground cover or the amount determined in accordance with the maximum ground cover ratio requirement for the zoning district in which the lot is situated, whichever is greater; and

8. Amend section 16E(1) as follows:

Except for lots within the CDT district, A lot containing a commercial building, structure or use shall have a minimum of 20% of the land as open area free from impervious surfaces.

Or to take any other action related thereto.

*(Board of Selectmen for Planning Board)*

**From:** Paul Santos [psantos@nantucketsurveyors.com]  
**Sent:** Thursday, February 04, 2016 11:23 AM  
**To:** Holly Backus; Catherine Ancero; chip@chipwebster.com  
**Cc:** 'Steven Cohen'  
**Subject:** RE: 46 Surfside

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Planning Board Matters

Holly,

We would like to use the meeting as in informational update with a request for feedback. Changes are:  
46A the designation of a handicapped space.  
46 the addition of two designated "future" on-site parking spaces and clarification and layout of the proposed loading zone within the Surfside Road Layout. (hardscape, screening and signage. Hope this helps.

Paul

---

**From:** Holly Backus [mailto:hbackus@nantucket-ma.gov]  
**Sent:** Thursday, February 04, 2016 11:12 AM  
**To:** psantos@nantucketsurveyors.com; Catherine Ancero; chip@chipwebster.com  
**Cc:** 'Steven Cohen'  
**Subject:** RE: 46 Surfside

Good Morning Paul,

Since it's been some time since this application has been heard at the Planning Board, and so I can accurately indicate in our staff report the proposed plan; what has been changed to the plan since the last meeting?

I appreciate any information you can give.  
Thanks,

Holly E. Backus  
Land Use Specialist  
Town of Nantucket

---

**From:** Paul Santos [mailto:psantos@nantucketsurveyors.com]  
**Sent:** Thursday, February 04, 2016 10:47 AM  
**To:** Catherine Ancero; chip@chipwebster.com  
**Cc:** 'Steven Cohen'; Holly Backus  
**Subject:** RE: 46 Surfside

Plan attached.

---

**From:** Catherine Ancero [mailto:CAncero@nantucket-ma.gov]  
**Sent:** Thursday, February 04, 2016 9:55 AM  
**To:** 'psantos@nantucketsurveyors.com'; 'chip@chipwebster.com'  
**Cc:** 'Steven Cohen'; Holly Backus  
**Subject:** FW: 46 Surfside

Paul & Chip-  
Please submit as soon as possible. We are trying to send the packet out TODAY!

*Thank you,*

*Catherine Ancero,  
Administrative Specialist  
Planning Board*

*Planning and Land Use Services (PLUS)  
Planning Board Office  
2 Fairgrounds Road  
Nantucket, MA 02554*

*Telephone#: 508.325.7587 (PLUS) Ext. 7008  
Facsimile#: 508.228.7298*

*Email: [cancero@nantucket-ma.gov](mailto:cancero@nantucket-ma.gov)*

*Town website: <http://www.nantucket-ma.gov>*



---

**From:** Steven Cohen [<mailto:steven@cohenlegal.net>]  
**Sent:** Thursday, February 04, 2016 9:52 AM  
**To:** 'psantos@nantucketsurveyors.com'; Chip Webster  
**Cc:** Catherine Ancero  
**Subject:** 46 Surfside

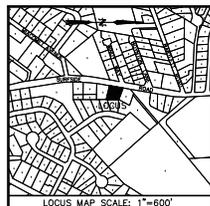
Paul and Chip,

I have confirmed to Catherine that we will be proceeding at the next Planning Board meeting. She needs the plan and a short explanation today if we have it. Chip, I think that you have both?

**Steven L. Cohen, Partner**  
Cohen & Cohen Law PC  
34 Main Street, 2<sup>nd</sup> Floor  
Mail: Post Office Box 786  
Nantucket, Massachusetts 02554  
Tel. (508) 228-0337  
Fax (508) 228-0970  
[Steven@Cohenlegal.net](mailto:Steven@Cohenlegal.net)  
<http://cohenlegal.net>

**STATEMENT OF CONFIDENTIALITY:**

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or



**GROUND COVER/OPEN SPACE SUMMARY**

PROPOSED GROUND COVER RATIO #46	15%
PROPOSED GROUND COVER RATIO #46A	19%
#46 & 46A SURFSIDE ROAD PROPOSED OPEN SPACE	32.5%
MINIMUM OPEN SPACE REQUIRED 30% (SECT. 139-11G)	

**PARKING SUMMARY**  
(REF. NANTUCKET ZONING BYLAW S.139-18)

PARKING SPACES REQUIRED	
<b>#46 SURFSIDE ROAD</b>	
RESTAURANT 30 SEATS 1 SP/3 SEATS	10
8 EMPLOYEES X 1 SP/3 EMPLOYEES ON PEAK SHIFT	3
APARTMENTS 2 BEDROOMS X 1 SP/BEDROOM	2
<b>TOTAL</b>	<b>15</b>
<b>#46A SURFSIDE ROAD</b>	
OFFICES 690 SF X 1 SP/200 SF GFA	3
APARTMENTS 2 BEDROOMS X 1 SP/BEDROOM	2
<b>TOTAL</b>	<b>5</b>

PARKING SPACES	REQUIRED	PROVIDED
STANDARD	19	17
ACCESSIBLE	1	2
<b>TOTAL</b>	<b>20</b>	<b>19*</b>

\*TWO SPACES EXIST AT LOADING ZONE TO BE UTILIZED UPON ESTABLISHMENT OF LOADING ZONE SCHEDULE.  
\*TWO SPACES SHOWN AS "FUTURE PARKING SPOT" TO BE CONSTRUCTED UPON REQUEST OF THE PLANNING BOARD AFTER ONE YEAR OF FACILITY OPERATION.

MAP 67 PARCELS 120.3 & 773  
TOTAL AREA=16,844±S.F.  
PROPERTY REZONED RC-2 TO CN 2012 ATM  
ZONING CLASSIFICATION (COMMERCIAL NEIGHBORHOOD)  
(PWR OVERLAY DISTRICT)  
MINIMUM LOT SIZE =7,500 S.F.  
FRONT YARD SETBACK =10'  
SIDE YARD SETBACK =5'  
REAR YARD SETBACK =10'  
MAX. GROUND COVER RATIO =40%

**SOIL EROSION SEDIMENT CONTROL NOTES.**

- LAND STABILIZATION WILL BE KEPT TO A MINIMUM NECESSARY FOR CONSTRUCTION OPERATIONS; RESTABILIZATION WILL BE SCHEDULED AS SOON AS PRACTICAL.
- CATCH BASINS WILL BE PROTECTED WITH PRODUCT KNOWN AS "SILT SACK" THROUGHOUT THE CONSTRUCTION PERIOD AND UNTIL ALL DISTURBED AREAS ARE THOROUGHLY STABILIZED.
- EROSION AND SEDIMENT CONTROL MEASURES WILL BE INSTALLED PRIOR TO CONSTRUCTION.
- ALL CONTROL MEASURES WILL BE MAINTAINED IN EFFECTIVE CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
- ADDITIONAL CONTROL MEASURES WILL BE INSTALLED DURING THE CONSTRUCTION PERIOD IF NECESSARY OR REQUIRED.
- SEDIMENT REMOVED FROM CONTROL STRUCTURES WILL BE DISPOSED OF IN A MANNER WHICH IS CONSISTENT WITH THE INTENT OF THE PLAN.
- CHIP WEBSTER (506)-229-3500 AS THE OWNER IS ASSIGNED THE RESPONSIBILITY FOR IMPLEMENTING THIS EROSION AND SEDIMENT CONTROL PLAN. THIS RESPONSIBILITY INCLUDES THE INSTALLATION AND MAINTENANCE OF CONTROL MEASURES, INFORMING ALL PARTIES ENGAGED ON THE CONSTRUCTION SITE OF THE REQUIREMENTS AND OBJECTIVES OF THE PLAN, NOTIFYING THE NANTUCKET PLANNING BOARD OF ANY TRANSFER OF THIS RESPONSIBILITY AND FOR CONVEYING A COPY OF THE EROSION AND SEDIMENT PLAN IF THE TITLE TO THE LAND IS TRANSFERRED.

**CONSTRUCTION AND STABILIZATION SEQUENCE NARRATIVE.**

PRE-CONSTRUCTION MEETING WITH TOWN DEPARTMENTS, APPLICANT, CONTRACTOR AND SITE ENGINEER.

**PHASE I SITE CLEARING.**

- INSTALL ANTI-TRACKING PAD AT CONSTRUCTION ENTRANCE.
- INSTALL SEDIMENT CONTROL BARRIER AS DIRECTED BY THE ENGINEER. PROTECT ALL CATCH BASINS WITH SEDIMENTATION CONTROL UNITS UNTIL PROJECT IS COMPLETED.

**PHASE II SITE CONSTRUCTION.**

- PROCEED WITH EXCAVATION FOR FOUNDATION.
- PROTECT ALL CATCH BASINS WITH SEDIMENTATION CONTROL UNITS UNTIL PROJECT IS COMPLETED.
- PLACE FOOTING.
- POUR FOUNDATION WALL.
- INSTALL DRAIN SYSTEM.
- INSTALL UTILITIES.
- INSTALL PARKING, BACKFILL SITE, GRADE AS REQUIRED.
- INSTALL LANDSCAPING.
- LOAM AND SEED, STABILIZE SITE.

**PHASE III SITE STABILIZATION.**

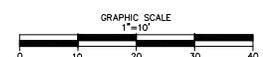
- REMOVE ALL CONSTRUCTION DEBRIS.
- MAINTAIN ALL EROSION CONTROL UNTIL DISTURBED AREAS HAVE BEEN STABILIZED WITH NEW GROWTH FOR A PERIOD OF 60 DAYS.
- REMOVE ALL EROSION CONTROL AND CLEAN UP SITE.

**MAJOR COMMERCIAL DEVELOPMENT SITE DEVELOPMENT PLAN**

#46 & 46A SURFSIDE ROAD  
IN  
NANTUCKET, MASSACHUSETTS  
SCALE: 1"=10' DATE: MAY 11, 2015  
REVISED: JUNE 30, 2015 PARKING, LOADING, SCREENING  
REVISED: SEPTEMBER 11, 2015 LOADING ZONE  
REVISED: FEBRUARY 1, 2016

PREPARED FOR:  
CHIP WEBSTER ARCHITECTURE  
NANTUCKET SURVEYORS, LLC  
5 WINDY WAY  
NANTUCKET, MA 02554  
(508) 228-0240

- LEGEND:**
- COS COTTON GRN SPIKE
  - DHCB DRILL HOLE/CONCRETE BOUND
  - FND FOUND
  - MGS MASSACHUSETTS GEODETIC SURVEY
  - N/F NDW OR FORMERLY
  - NTS NOT TO SCALE
  - SPK SPIKE
  - ① PARKING SPACE 9'x20' TYPICAL



**NOTE:**  
THIS PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION BY NANTUCKET SURVEYORS, LLC.  
PLAN DEPICTS CONCEPTUAL LANDSCAPE LAYOUT. SUPPLEMENTAL LANDSCAPE PLAN TO BE PROVIDED AS PART OF MCD SUBMISSION.



**ZONING RELIEF REQUESTED**

SECTION 139-7. USE CHART (RESTAURANT USE) (ALCOHOL SALES)
SECTION 139-11.J SETBACK (REAR SETBACK 10' TO 5')
SECTION 139-11.I INCLUSIONARY UNIT
SECTION 139-18 OFF STREET PARKING 1 SPACE
SECTION 139-19.A SCREENING
SECTION 139-23 MAJOR SITE PLAN REVIEW

**NANTUCKET PLANNING BOARD**  
MAJOR COMMERCIAL DEVELOPMENT  
SPECIAL PERMIT

- BARRY RECTOR, CHAIRMAN
- LINDA WILLIAMS, VICE-CHAIRWOMAN
- NATHANIEL LOWELL
- JOHN MCLAUGHLIN
- JOSEPH MARKLINGER
- DATE APPROVED \_\_\_\_\_
- DATE SIGNED \_\_\_\_\_
- FILE NO. \_\_\_\_\_



Planning Board #44-15  
Trustees of Auction House Realty Trust  
4 Lovers Lane  
Map 68 Parcel 202



## Holly Backus

---

**From:** P. John Ogren, Jr. [JOgren@hayeseng.com]  
**Sent:** Friday, January 29, 2016 10:05 AM  
**To:** Holly Backus  
**Subject:** RE: #44-15 - Glowacki - 4 Lovers Lane  
**Attachments:** SP4lovers-PROP.pdf

Holly

Attached is the revise site plan for your review.

Thanks.

*John Ogren*  
Hayes Engineering, Inc.  
781-246-2800

---

**From:** Holly Backus [<mailto:hbackus@nantucket-ma.gov>]  
**Sent:** Thursday, January 28, 2016 4:20 PM  
**To:** P. John Ogren, Jr. <[JOgren@hayeseng.com](mailto:JOgren@hayeseng.com)>  
**Subject:** FW: #44-15 - Glowacki - 4 Lovers Lane

FYI

Thanks!

Holly E. Backus  
Land Use Specialist  
Town of Nantucket

---

**From:** Holly Backus  
**Sent:** Monday, January 25, 2016 3:37 PM  
**To:** 'pkyburg@gmail.com'  
**Cc:** Catherine Ancero; Leslie Snell; Andrew Vorce  
**Subject:** #44-15 - Glowacki - 4 Lovers Lane

Good Afternoon Peter,

Per our meeting this afternoon, staff has the following comments/questions regarding the plans that were provided January 5<sup>th</sup>:

- (1) Dumpster enclosure – please provide detail of the cedar fence; dimensions, opaque? Please be prepared to provide additional vegetation screening along Lover’s Lane view, as the board may bring up the fact that the proposed dumpster will be visible from Lover’s Lane.
- (2) Open Space - Staff was aware of the pavement in the front was removed in order to reach the 30% open space requirement, however please be advised of Section 139-11G2, where “brick sidewalks may be counted as open area up to a maximum of 10% of the lot or site.” The total amount of pavement removal may not be needed. Also, it should be clear on the plans as to how the 30% of the site is met as open space. Currently, the plans indicate only the existing 794 square feet of arborvitae.
- (3) Loading zone –please provide.
- (4) Drainage – does this site currently address drainage?

- (5) Lighting – staff is aware that there are (3) existing light poles on the site, along with recessed lighting on the building’s overhangs, however what about lighting in the gravel parking lot area?
- (6) Parking – currently, there is enough parking available for the proposed restaurant, however please be advised that the gravel parking lot was provided for a significantly less intense use. A restaurant is a use that produces a greater amount of traffic than an auction house. The present parking easement for the property may or may not be sufficient enough for the proposed restaurant use.

Per our discussion, please feel free to provide these comments to Hayes Engineering. I will be more than happy to discuss any questions or comments they may have.

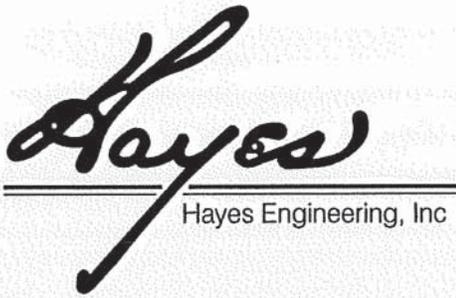
I look forward to the revised plans and responses prior to the February 8<sup>th</sup> meeting.  
Thank you,

Holly E. Backus  
Land Use Specialist

Town of Nantucket  
Planning & Land Use Services  
2 Fairgrounds Road  
Nantucket, MA 02554

Tel: 508-325-7587 X 7026  
Fax: 508-228-7298  
[hbackus@nantucket-ma.gov](mailto:hbackus@nantucket-ma.gov)  
<http://www.nantucket-ma.gov>





603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228-7909

Refer to File No. NAN-0142

January 29, 2016

Holly E. Backus  
Land Use Specialist  
Town of Nantucket  
Planning & Land Use Services  
2 Fairgrounds Road  
Nantucket, MA 02554

RE: Revised Site Plan  
Glowacki - 4 Lovers Lane

Dear Holly:

Below are the responses and plan changes based on your email dated: January 25, 2016:

- (1) Dumpster enclosure – a narrative detail of the type of cedar fencing has been added to the plan along with the length, width and height of the dumpster enclosure.
- (2) Open Space – The brick sidewalks were included in the calculations of the Open Area showing 30.2% on the site plan. I have included a highlighted plan showing the existing Open Areas and the proposed pavement to be removed.
- (3) Loading zone – The loading area has been labeled on the plan at the rear of the building.
- (4) Drainage – There is currently no drainage on the property and drainage was not proposed on the prior MCD approval. Runoff from the site generally flows from the front of the building out to Lovers Lane with the majority of the remainder of the site flowing toward the rear of the property. We are proposing the removal of some paved areas which will reduce the site runoff.
- (5) Lighting – Four additional light poles are proposed in the area of the gravel parking. These lights will be the same as currently exist along the southern property line.
- (6) Parking – No revisions to plan.



Planning & Land Use Services  
RE: 4 Lovers Lane  
January 29, 2016

Accompanying this letter please find revised plan sheets E1 and SP1 for your review. Should you have any questions or concerns please do not hesitate to contact me using the provided telephone number or via electronic mail at [jogren@hayeseng.com](mailto:jogren@hayeseng.com).

Best Regards,

**HAYES ENGINEERING, INC.**

P. John Ogren, Jr.  
*Project Manager*

Enclosures

Cc: Peter D. Kyburg, Esq.

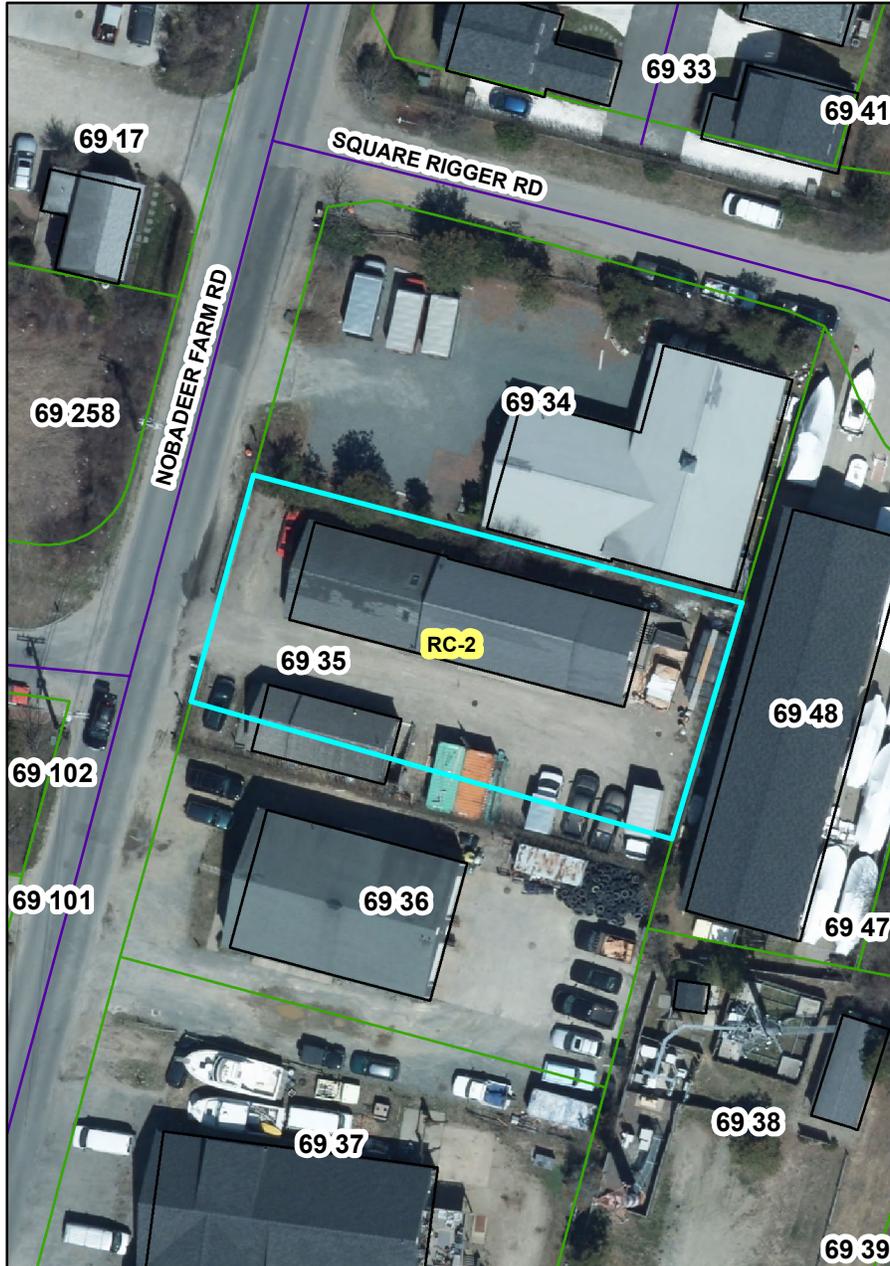








Planning Board #61-15  
Seamus M. Crowley & Elizabeth Gennaro  
46 Nobadeer Farm Road  
Map 69 Parcel 35



Holly Backus

PLANNING BOARD

**From:** Ed Pesce [epesce@comcast.net]  
**Sent:** Sunday, February 07, 2016 11:03 AM  
**To:** Leslie Snell  
**Cc:** Catherine Ancero; Holly Backus; Leo Asadoorian; Arthur Gasbarro; Bill Hunter  
**Subject:** Nantucket Windows & Doors MCD - Engineering Review Report  
**Attachments:** Nantkt Window & Doors- Engr. Review - 6 Feb 2016.pdf

FILE # 61-15

Hi Leslie,

Please find attached the engineering review report for the Nantucket Windows & Doors MCD at 46 Nobadeer Farm Road.

With the latest revised plan (revised February 1, 2016), all comments have been adequately addressed, and I recommend approval of the Site Plan.

As always, let me know if you have any questions.

Thank you,

ED

---

**Edward L. Pesce, P.E., LEED® AP**

*Pesce Engineering & Associates, Inc.*

451 Raymond Road  
Plymouth, MA 02360

Office: 508-743-9206

Fax: 508-743-0211

Cell: 508-333-7630

[epesce@comcast.net](mailto:epesce@comcast.net)



**PESCE ENGINEERING & ASSOCIATES, INC. PLANNING BOARD**

451 Raymond Road  
Plymouth, MA 02360

Phone: 508-743-9206 Cell: 508-333-7630  
epesce@comcast.net

FILE # 61-15

February 6, 2016

Nantucket Planning Board  
Attn: Ms. Leslie Snell, AICP, LEED® AP  
Deputy Director, Planning & Land Use Services  
2 Fairgrounds Road  
Nantucket, MA 02554

RE: Engineering Review of the Proposed **Nantucket Windows & Doors, Inc. Major Commercial Development (MCD)**, 46 Nobadeer Farm Road, Nantucket, MA

Dear Mrs. Snell & Members of the Board:

Pesce Engineering & Associates, Inc. is pleased to provide you this engineering review of the proposed **Nantucket Windows & Doors MCD**, located at 46 Nobadeer Farm Road, Nantucket, MA. We have evaluated the plans for consistency with the Town's Zoning Bylaw, and general conformance with the Massachusetts Stormwater Management Regulations.

We have reviewed the following information to prepare this letter report:

- Letter from Blackwell & Associates, Inc. to the Nantucket Planning Board, Re: Nantucket Windows & Doors, Inc. MCD, 46 Nobadeer Farm Road, dated February 1, 2016.
- Revised Site Development Plan entitled "MCD Site Plan Review In Nantucket, MA," 1 sheet, prepared by Blackwell & Associates, Inc., dated January 7, 2016, and revised February 1, 2016.
- Letter from the Wannacommet Water Company to Ms. Holly Backus, Nantucket Planning Board, RE: Certificate of Water Quality Compliance: Major Commercial Development Special Permit Application, Forty six Nobadeer farm Road Condominium; 46 Nobadeer Farm Road.

The proposed development is located on approximately 0.28 acres of land situated at 46 Nobadeer Farm Road. The site is located in the Residential Commercial – 2 (RC-2) Zoning District. No wetland areas are located on or abutting the subject parcel.

The applicant proposes to develop this parcel by constructing a new 2,440 sf warehouse addition to the existing 2-story commercial building on the site. There are no new water or sewer services planned for this project. The following are our review comments:

We have discussed several aspects of this project via numerous e-mails and phone calls with Blackwell & Associates, and Ms. Holly Backus. As a result, the highlights of the proposed development on the Site Plan, including the recent changes, are as follows:

- New 2,440 sf warehouse addition.
- New pedestrian crosswalk across Nobadeer Farm Road, including HP sidewalk ramps along Nobadeer Farm Road (abutting the property). The new crosswalk will connect to the existing brick sidewalk on Hanabea Lane.
- New 100-gal. leaching pit to support the drainage for the parking area. The roof downspouts from the new addition will also be piped to this leaching structure ,
- Removal of the existing porch and HP ramp at the existing 1 ½ story building on the south border of the property. NOTE: Mr. Butler, Building Inspector, has stated that this ramp is not necessary for this existing building.
- Six parking spaces, including 1 HP space.
- Loading zone area and turnaround area, with a "No Parking" sign for the turn around area.
- New asphalt driveway apron off Nobadeer Farm Road, and a new concrete ramp area in front of the new addition.

Based on the above list of design features, and the proposed revisions, which include drainage and site improvements, we have no further engineering review comments. We recommend approval of the proposed MCD Site Plan by the Planning Board.

Thank you again for this opportunity to assist the Planning Board in their review of this project. As always, please call if you have any questions or comments.  
Sincerely,

PESCE ENGINEERING & ASSOCIATES, INC.



Edward L. Pesce., P.E., LEED ® AP  
Principal

cc:

Art Gasbaro, PE, PLS LEED AP, Blackwell & Associates, Inc.  
Leo Asadoorian, PS, CSE, Blackwell & Associates, Inc.



#07-16 Brass Lantern Inn  
Brass Lantern, LLC  
11 North Water Street  
Map 42.4.2 Parcel 54.1

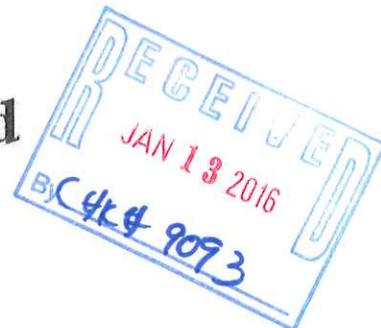


Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554



JAN 13 2016 PM 3:16

# Nantucket Planning Board



## Application for a Special Permit

Date: January 11, 2016

File #: 07-16

Name of development: Brass Lantern Inn

Owner(s) name(s): Brass Lantern LLC

Mailing address: c/o Sarah F. Alger, P.C., 2 South Water Street, Nantucket, MA 02554  
Phone number: 508-228-1118 Fax number: 508-228-8004 E-mail: sfa@sfapc.com

Applicant's name: Same as above.

Mailing address: \_\_\_\_\_  
Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Engineer / surveyor's name: Nantucket Surveyors LLC

Mailing address: 5 Windy Way, Nantucket, MA 02554  
Phone number: 508-228-0240 Fax number: 508-228-9856 E-mail: psantos@nantucketsurveyors.com

Location of lot(s):  
 Street address 11 North Water Street, Nantucket, Massachusetts

Tax Assessors Map 42.4.2 Parcel 54.1

Nantucket Registry of Deed: Plan Book 20 and Page 2 **OR**  
Plan File # \_\_\_\_\_ **OR** Land Court Plan # \_\_\_\_\_ at Certificate # \_\_\_\_\_

Size of parcel: 0.17 acres sq. ft. Zoning District: Residential Old Historic (ROH)

Special Permit sought: (check one)

- Cluster subdivision
- Commercial WECS
- Driveway Access/Curb Cut Special Permit
- Harbor Overlay District (HOD)
- Major Commercial Development (MCD)

- Multi-family Special Permit
- Moorlands Management District Subdivision or Construction (MMD)
- NEHOD (Neighborhood Employee Housing Overlay District)
- MRD (Major Residential Development)
- MIPOD (Mid-Island Planned Overlay District)
- Other Uses Requiring a Special Permit (specify all uses and *Nantucket Code* sections)

Section	Description
139-2	Definitions and word usage-Transient Residential Facilities
139-16.C.(2)	Intensity Regulations- unintentional setback intrusions
139-18	Off-street parking requirements
139-23	Site plan review
139-33	Alteration and extension of a pre-existing nonconforming structure and use

Specify all associated Zoning Code relief sought:

Section	Description
	See attached Addendum.

*Only the zoning relief expressly requested above will be considered as part of this application.*

If applying for a Major Commercial Development, specify how the application will comply with Section 139-11 (J) of the *Zoning Code of the Town of Nantucket*, also known as the Town's Affordable Housing Effort:

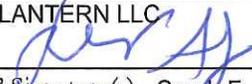
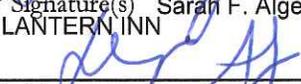
\_\_\_\_\_

\_\_\_\_\_

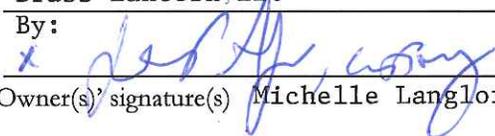
Planning Board filing fee due: \$ 250.00

Engineering Inspection Escrow Deposit due: \$ \_\_\_\_\_

I/ we hereby certify that the applicant(s) cited above have been authorized by me/ us to file a Special Permit application with the Planning Board on property that I/ we own.

BRASS LANTERN LLC  
By:   
Owner(s)' Signature(s) Sarah F. Alger, its attorney  
BRASS LANTERN INN  
by:   
Applicant's Signature Sarah F. Alger, its attorney

I/we Michelle Langlois, as Manager, the undersigned, hereby authorize  
Sarah F. Alger to act as agent(s) on my/our behalf and to  
make any necessary revisions on this filed application as they may be requested by the Board to meet its governing  
rules and guidelines.

Brass Lantern, LLC  
By:   
Owner(s)' signature(s) Michelle Langlois, Manager

**Check List:**

- Planning Board Special Permit abutters list – to be obtained at the Tax Assessor's office
- Completed application form entitled "Application to the Planning Board for a Special Permit"
- Application fee of \$250.00 payable to Town of Nantucket
- Abutters fee of \$6.11 per abutters payable to Pitney Bowes Reserved Funds
- Four (4) sets of mailing labels with each abutter's name and address
  - 1" x 2 5/8" size, typed labels, are preferred
  - duplicate labels are not necessary if the same owner is listed for more than one abutting property
- Completed application form
- Town Clerk's stamped application (provide 2 copies-one for Town Clerk and one for Planning Board)

BRASS LANTERN LLC  
 By: [Signature]  
 Owner(s) Signature(s) Sarah F. Alger, its attorney  
 BRASS LANTERN INN  
 by: [Signature]  
 Applicant's Signature Sarah F. Alger, its attorney

I/we Michelle Langlois, as Manager, the undersigned, hereby authorize  
Sarah F. Alger to act as agent(s) on my/our behalf and to  
 make any necessary revisions on this filed application as they may be requested by the Board to meet its governing  
 rules and guidelines.

Brass Lantern, LLC  
 By: [Signature: Michelle Langlois]  
 Owner(s) signature(s) Michelle Langlois, Manager

Check List:

- Planning Board Special Permit abutters list – to be obtained at the Tax Assessor's office
- Completed application form entitled "Application to the Planning Board for a Special Permit"
- Application fee of \$250.00 payable to Town of Nantucket
- Abutters fee of \$6.11 per abutters payable to Pitney Bowes Reserved Funds
- Four (4) sets of mailing labels with each abutter's name and address
  - 1" x 2 5/8" size, typed labels, are preferred
  - duplicate labels are not necessary if the same owner is listed for more than one abutting property
- Completed application form
- Town Clerk's stamped application (provide 2 copies-one for Town Clerk and one for Planning Board)

ADDENDUM

11 North Water Street  
Nantucket Planning Board  
Special Permit

The Applicant proposes to alter and extend the preexisting, nonconforming transient residential facility (inn) on the locus by demolishing a portion of the existing structure, constructing an addition, reconfiguring and increasing the number of guest rooms by seven (7) from seventeen (17) to twenty-four (24), and adding one (1) one-bedroom manager's apartment with kitchen and a commercial kitchen. As so improved, the inn will have a total of twenty-four guest (24) rooms, one (1) one-bedroom manager's apartment with kitchen, three (3) staff sleeping rooms with kitchen, and a commercial kitchen. The existing structure is nonconforming as to height, having height of about thirty-four (34) feet, and the structure as proposed will be no higher. Two (2) stacked parking spaces will be provided on site, where thirteen (13) are required as follows:

<b>Parking Table</b>			
<u>Use</u>	<u>Requirement</u>	<u>Proposed Use</u>	<u>Required Spaces</u>
Transient Residential Facility	3 spaces plus 1 space for each 3 rental units over 2	24	10
Apartment/Bedrooms	0.3 space/bedroom	4	1
Employees	1 space/each 3 employees on peak shift	6	2
<b>Total</b>			<b>13</b>

# 11 North Water



**Property Information**

**Property ID** 42.4.2 54.1  
**Location** 11 N WATER ST  
**Owner** BRASS LANTERN LLC



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014  
 Properties updated January, 2015

1424

Brass Lantern Inn  
11 North Water St.  
Nantucket, MA 02554



Site Plan, Locus Map

Site Information

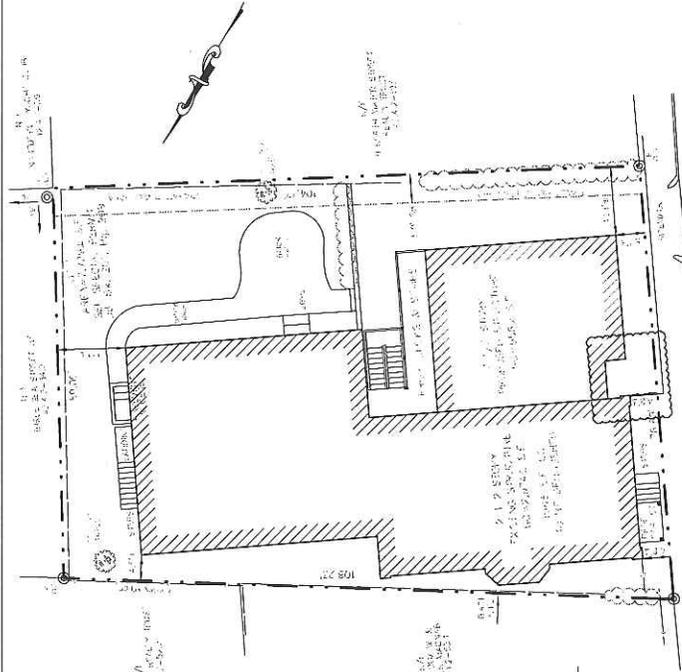
Use & Permit: 4242 (R1)  
 Contract: LC  
 Project: 11 North Water Street  
 Client: Brass Lantern, LLC  
 Architect: C.M. C. I. B. B. CONSULTANTS, P.A.  
 Date: 12/22/15  
 Project: 11 North Water Street  
 Project: 11 North Water Street  
 Project: 11 North Water Street

Information: This plan was submitted to the Nantucket Planning Board for review and approval. It is subject to the Nantucket Zoning Ordinance and other applicable laws and regulations. The applicant warrants that the information provided is true and correct to the best of their knowledge.

SHEET INDEX  
 G.1.1 Site Plan, Locus Map  
 A.1.1 First Floor Plan  
 A.1.2 Second Floor Plan  
 A.1.3 Third Floor Plan  
 A.1.4 Staircase  
 A.1.5 Elevation

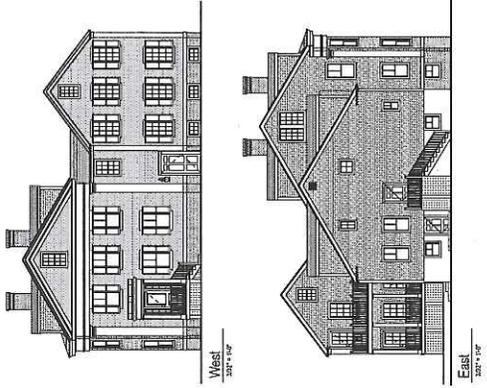
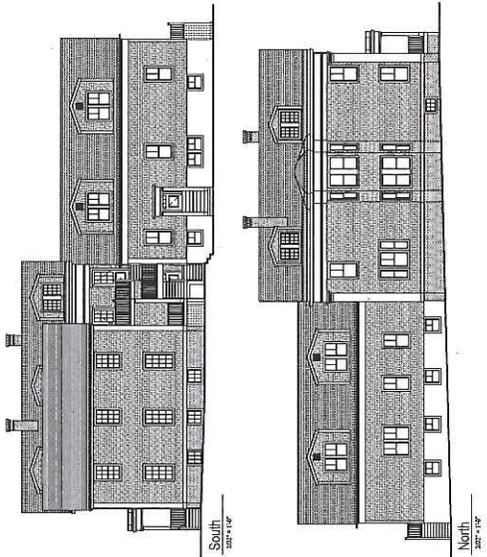
G.1.1  
1424

REVISIONS

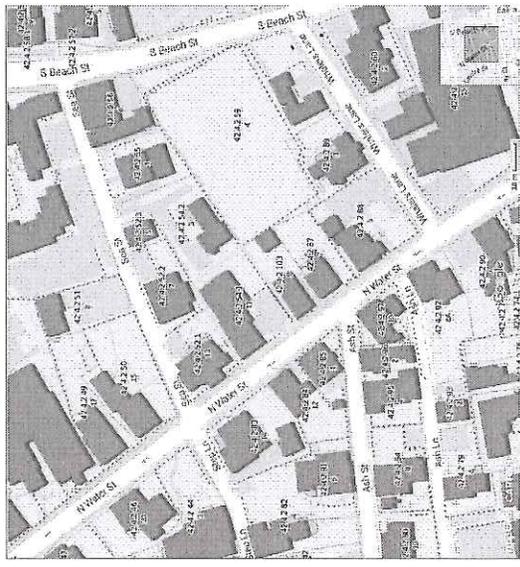


NORTH WATER STREET  
(11 North Water Street)

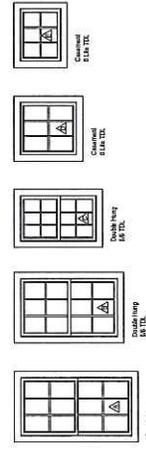
4  
Site Plan  
1/4\"/>



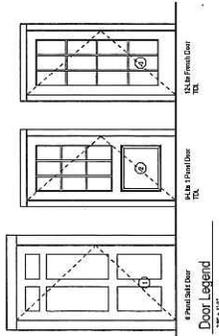
Brass Lantern Inn  
11 North Water St.  
Nantucket, MA 02554



1 Locus Map  
1/8\"/>



Window Legend  
3/8\"/>



Door Legend  
3/8\"/>

12.22.15

HDC Submission



1424

Brass Lantern Inn  
11 North Water St.  
Nantucket, MA 02554



First Floor Plan

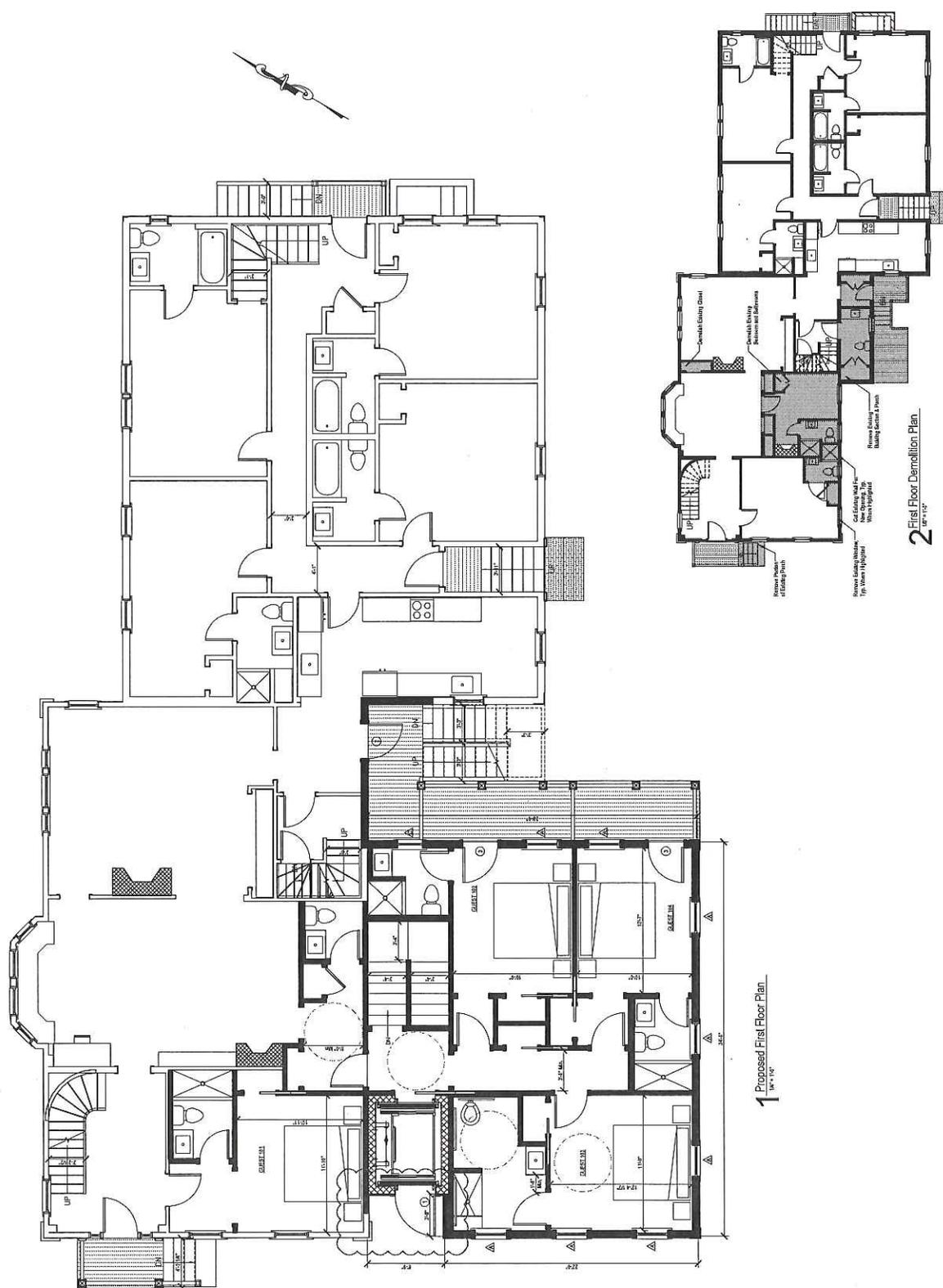
**Site Information**  
 02.07 (N.A.)  
 02.08 (N.A.)  
 02.09 (N.A.)  
 02.10 (N.A.)  
 02.11 (N.A.)  
 02.12 (N.A.)  
 02.13 (N.A.)  
 02.14 (N.A.)  
 02.15 (N.A.)  
 02.16 (N.A.)  
 02.17 (N.A.)  
 02.18 (N.A.)  
 02.19 (N.A.)  
 02.20 (N.A.)  
 02.21 (N.A.)  
 02.22 (N.A.)  
 02.23 (N.A.)  
 02.24 (N.A.)  
 02.25 (N.A.)  
 02.26 (N.A.)  
 02.27 (N.A.)  
 02.28 (N.A.)  
 02.29 (N.A.)  
 02.30 (N.A.)

**SHEET INDEX**  
 01.1 Site Plan, Lot 1424  
 01.2 Foundation Plan  
 01.3 Second Floor Plan  
 01.4 Third Floor Plan  
 01.5 Elevation  
 01.6 Elevation  
 01.7 Elevation  
 01.8 Elevation  
 01.9 Elevation  
 01.10 Elevation  
 01.11 Elevation  
 01.12 Elevation  
 01.13 Elevation  
 01.14 Elevation  
 01.15 Elevation  
 01.16 Elevation  
 01.17 Elevation  
 01.18 Elevation  
 01.19 Elevation  
 01.20 Elevation  
 01.21 Elevation  
 01.22 Elevation  
 01.23 Elevation  
 01.24 Elevation  
 01.25 Elevation  
 01.26 Elevation  
 01.27 Elevation  
 01.28 Elevation  
 01.29 Elevation  
 01.30 Elevation

**Revisions**

A.1.1  
1424

NOT TO SCALE  
 THIS DRAWING IS THE PROPERTY OF EMCETTA AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EMCETTA.



12.22.15

HDC Submission

1 Proposed First Floor Plan  
1/4" = 1'-0"

2 First Floor Demolition Plan  
1/4" = 1'-0"

1424

Brass Lantern Inn  
11 North Water St.  
Nantucket, MA 02554



Second Floor Plan

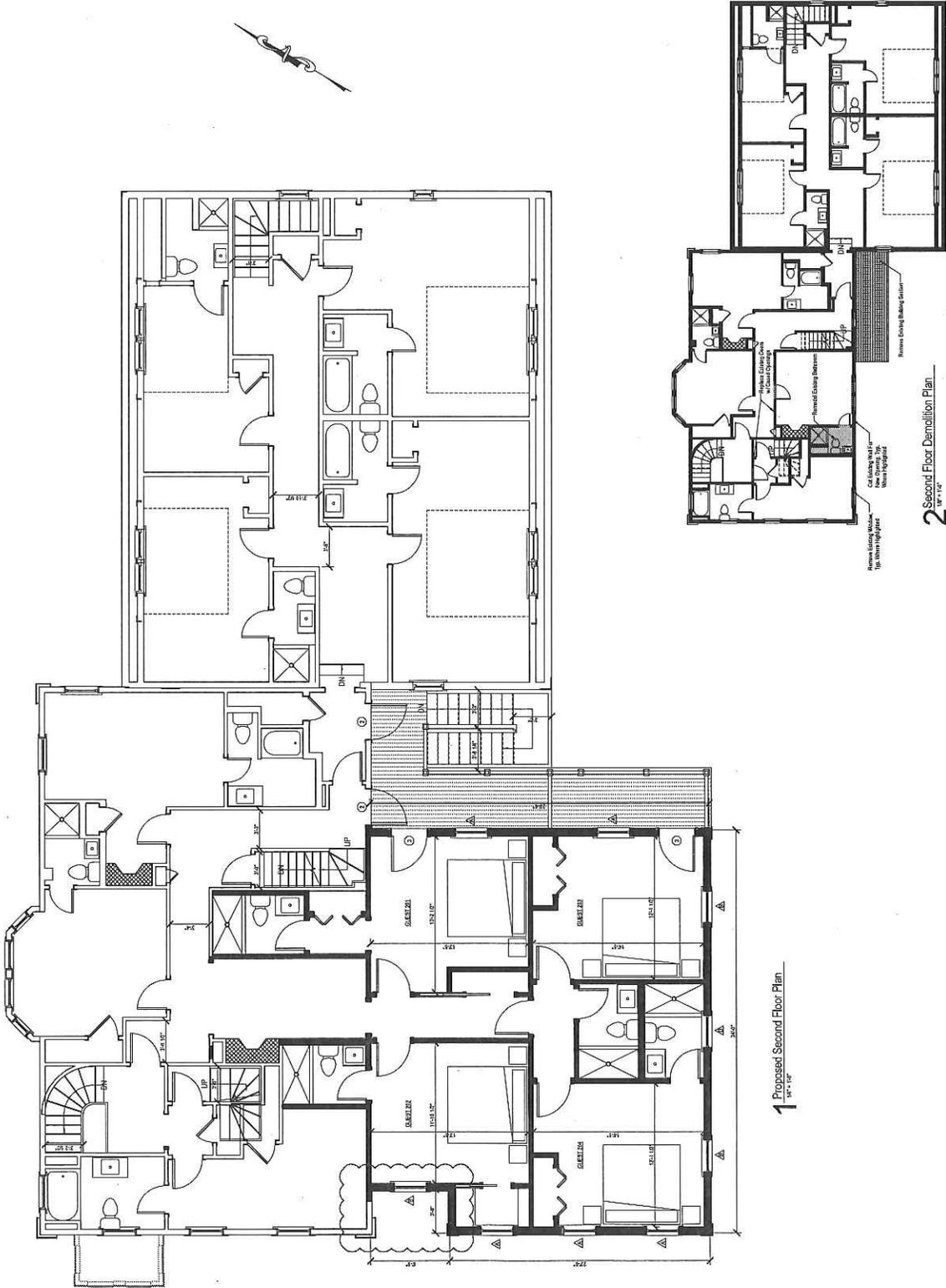
Site Information

Map Sheet: 6242 (A4)  
 Contour: 10'  
 Project: 1424  
 Date: 12/22/15  
 Author: J.C.  
 Checker: J.C.  
 Designer: J.C.  
 Engineer: J.C.  
 Project No.: 1424  
 Drawing No.: 1424-2

SHEET INDEX

A.1.1 Site Plan, Lot Map  
 A.1.2 Foundation  
 A.1.3 First Floor Plan  
 A.1.4 Second Floor Plan  
 A.1.5 Staircase  
 A.1.6 Details

A.1.2  
1424



12.22.15

HDC Submission

1424

Brass Lantern Inn  
11 North Water St.  
Nantucket, MA 02554



Environmental Remediation  
1000 State Street  
Nantucket, MA 02554  
emcrs llc

Third Floor Plan

Site Information

Map Sheet: 42CJ (A1)  
Lot: 10  
Zoning: R-1  
Project Name: Brass Lantern Inn  
Address: 11 North Water St.  
Nantucket, MA 02554  
Project E.C. #: 2014-0001  
100% Project E.C. #: 2014-0001

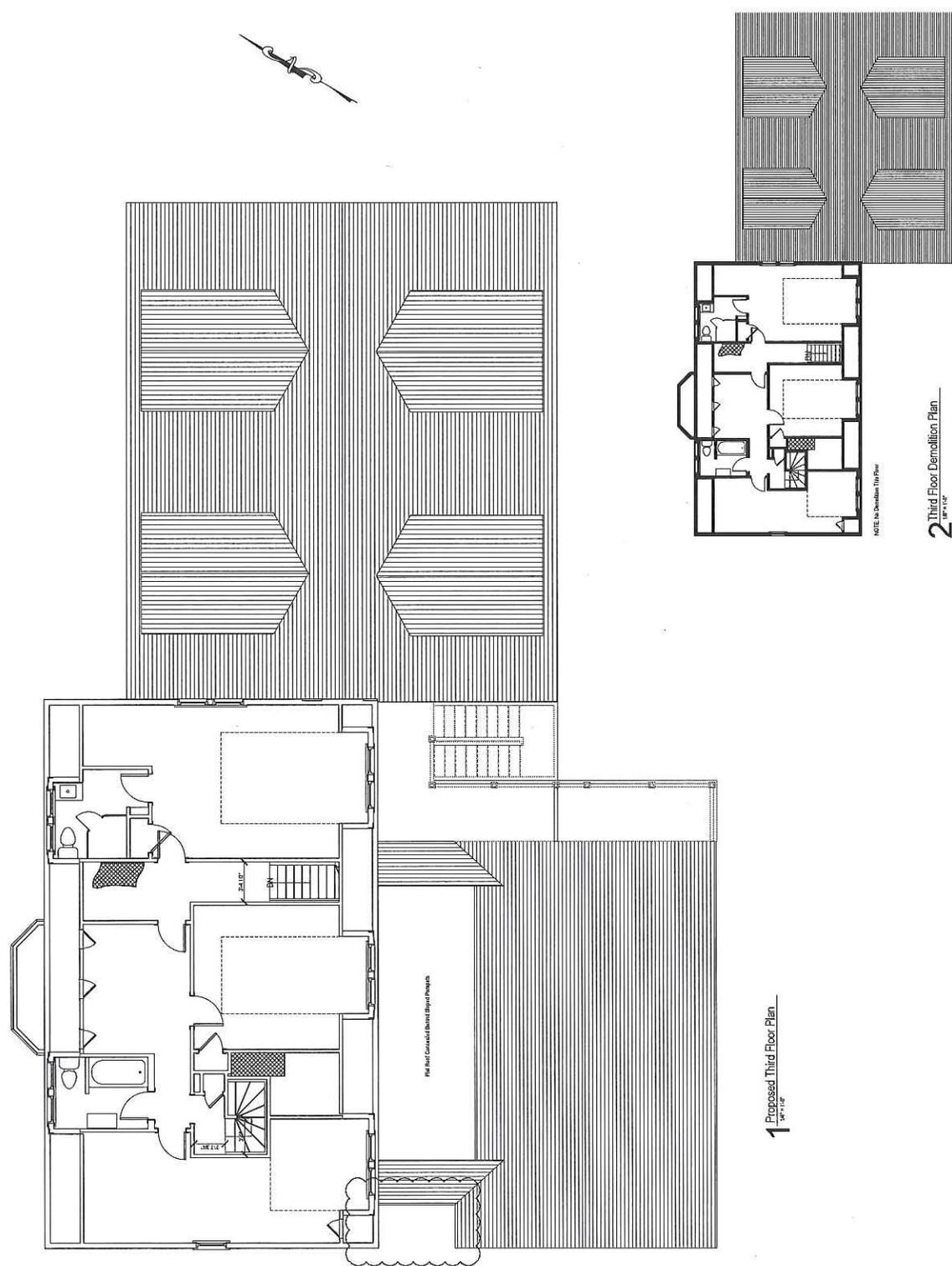
Intended for the use of the owner and the architect. This drawing is not to be used for any other purpose without the written consent of the architect. This drawing is not to be used for any other purpose without the written consent of the architect. This drawing is not to be used for any other purpose without the written consent of the architect.

SHEET INDEX

C.1.1 Site Plan, Lot Map  
A.1.1 Preliminary Plan  
A.1.2 Second Floor Plan  
A.1.3 Third Floor Plan  
A.2.1 Elevations  
A.2.2 Elevations

A.1.3  
1424

NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.  
3. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.  
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.  
6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL HEALTH DEPARTMENT.  
7. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL FIRE DEPARTMENT.  
8. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL POLICE DEPARTMENT.  
9. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL ENVIRONMENTAL AGENCY.  
10. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL HISTORIC COMMISSION.



1 Proposed Third Floor Plan  
1/4" = 1'-0"

2 Third Floor Demolition Plan  
1/4" = 1'-0"

12.22.15

HDC Submission

**1424**  
**Brass Lantern Inn**  
 11 North Water St.  
 Nantucket, MA 02554



EMCRIBUS  
 COMMERCIAL BUILDING  
 CONSULTANTS, LLC

**Elevations**

**Site Information**

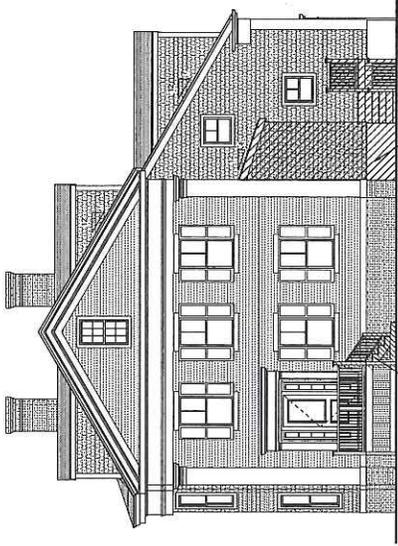
Map & Parcel: 44-21-14-1  
 Lot: 14  
 Zoning: R-1  
 Project Name: Brass Lantern Inn  
 Architect: EMCRIBUS COMMERCIAL BUILDING CONSULTANTS, LLC  
 Date: 12/22/15  
 Project C.C.: 1508-14-1-0  
 1508-14-1-0-0

Information for this set was taken from the Nantucket Planning Board's records. All work shall be subject to review and approval by the Planning Board. All work shall be subject to review and approval by the Planning Board.

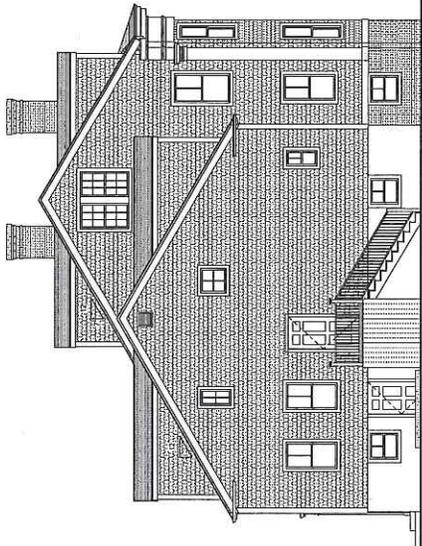
**Revisions**

**A.2.1**  
**1424**

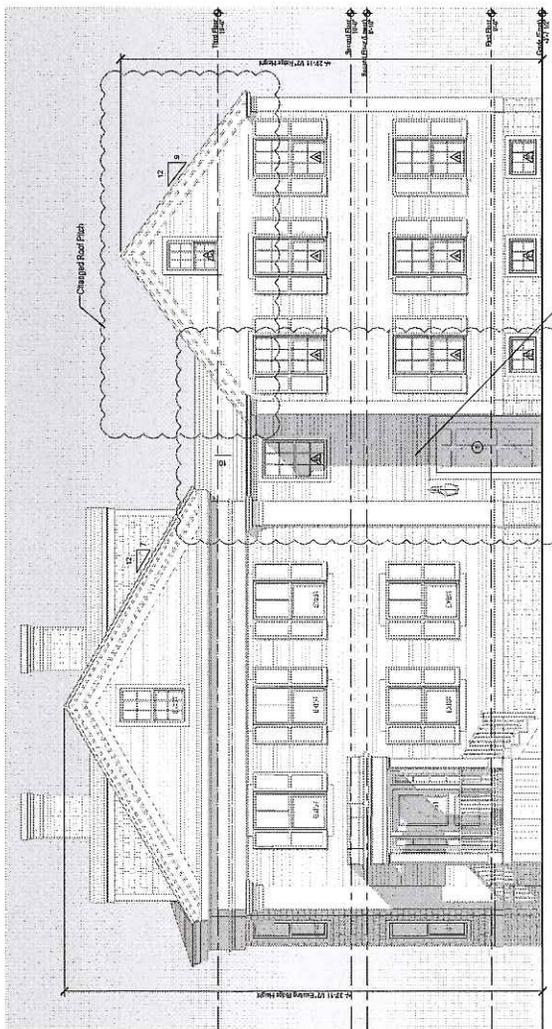
NOTE: All clouds refer to suggested changes made since initial 12/15/15 meeting.



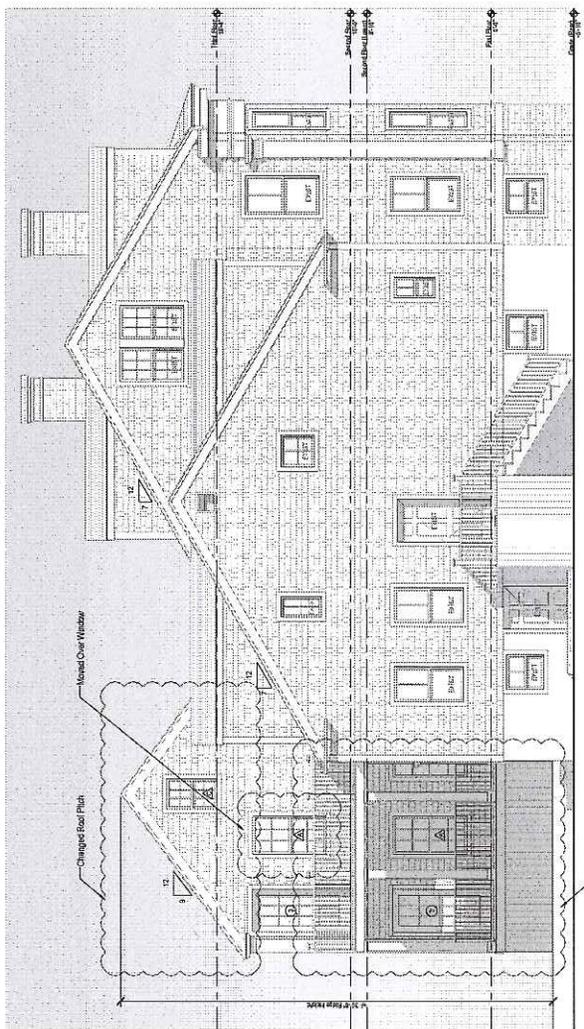
**2** Demolition West Elevation  
 2" = 1'-0"



**4** Demolition East Elevation  
 2" = 1'-0"



**1** Proposed West Elevation  
 2" = 1'-0"



**3** Proposed East Elevation  
 2" = 1'-0"

12.22.15

HDC Submission

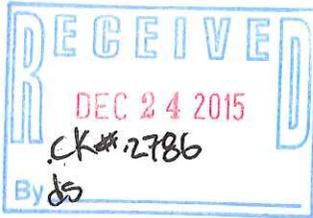






#7917 Woodland Hill  
Definitive Subdivision  
4 North Mill Court, LLC  
Map 55 Parcels 919 through 928





# Nantucket Planning Board

## Form B1

### Application for Approval of a Definitive Subdivision Modification

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: December 24, 2015 File #: 7661

#### To the Planning Board of Nantucket:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision *modification* shown on a plan entitled plan of land in Nantucket designed by Bracken Engineering, Inc dated March 10, 2014, and described as follows: located on 11 Mill Hill, Lot 7-20 Inclusive on Land Court Plan No. 1255-G

\_\_\_\_\_, number of lots proposed \_\_\_\_\_, total acreage of tract \_\_\_\_\_, hereby submits said plan as a **definitive plan modification** in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said modification.

The undersigned's title to said land is derived from Dorothy Harrison Egan Foundation by deed dated June 23, 2014 and recorded in the Nantucket Registry of Deeds Book \_\_\_\_\_,

Page \_\_\_\_\_, registered in the Nantucket Registry District of the Land Court, Certificate of Title # 25308 and shown on Nantucket Assessor's Map # 55, Parcel 919-928, and said land is free of encumbrances except for the following: \_\_\_\_\_

Said plan  has  has not evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ (date) and  approved  disapproved on May 12, 2014 (date).

The undersigned hereby applies for the approval of said **definitive plan modification** by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

To further amend Paragraph 12 of the Decision to allow minor encroachment into the 10' buffer on Lot 15 Land Court Plan No. 12559-G

Name(s) and address(es) of the Applicant(s):  
(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees

Nantucket Planning and Land Use Services ■ 2 Fairgrounds Road ■ Nantucket ■ MA ■ 02554 ■ (508) 325-7587

Planning Board, Form B, page 2  
of a trust or partners of a partnership)

4 North Mill Court LLC

Contact Phone #: 508-228-0337 Contact Fax #: 508-228-0970

Name of owner(s): 4 North Mill Court LLC

Address of owner(s): c/o Cohen & Cohen, PO Box 786, Nantucket, MA 02554

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan modification with the Planning Board on property that I own.

4 North Mill Court, LLC

Dy Judd esq.

Owner's signature

Received by Town Clerk:

Date: \_\_\_\_\_

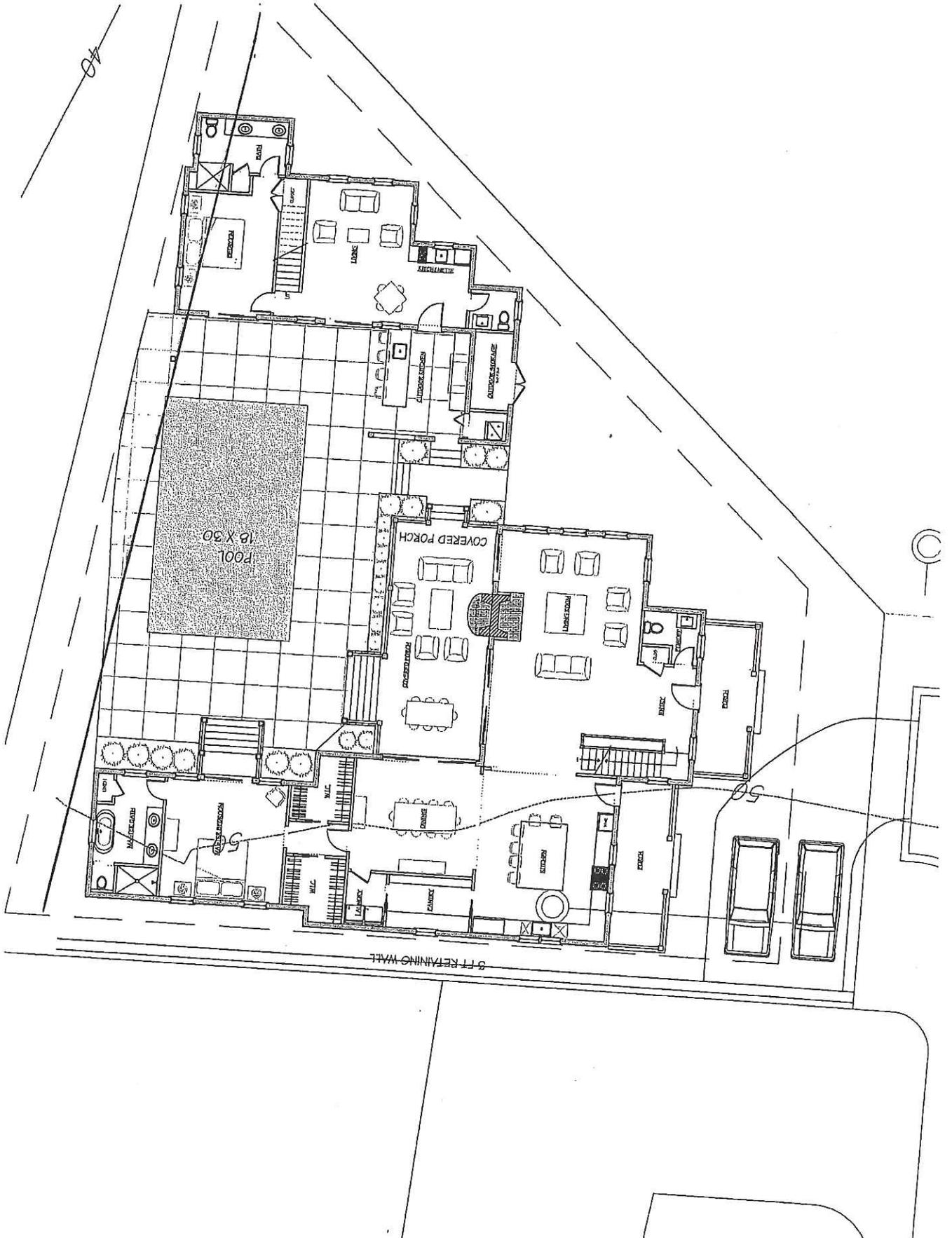
Time: \_\_\_\_\_

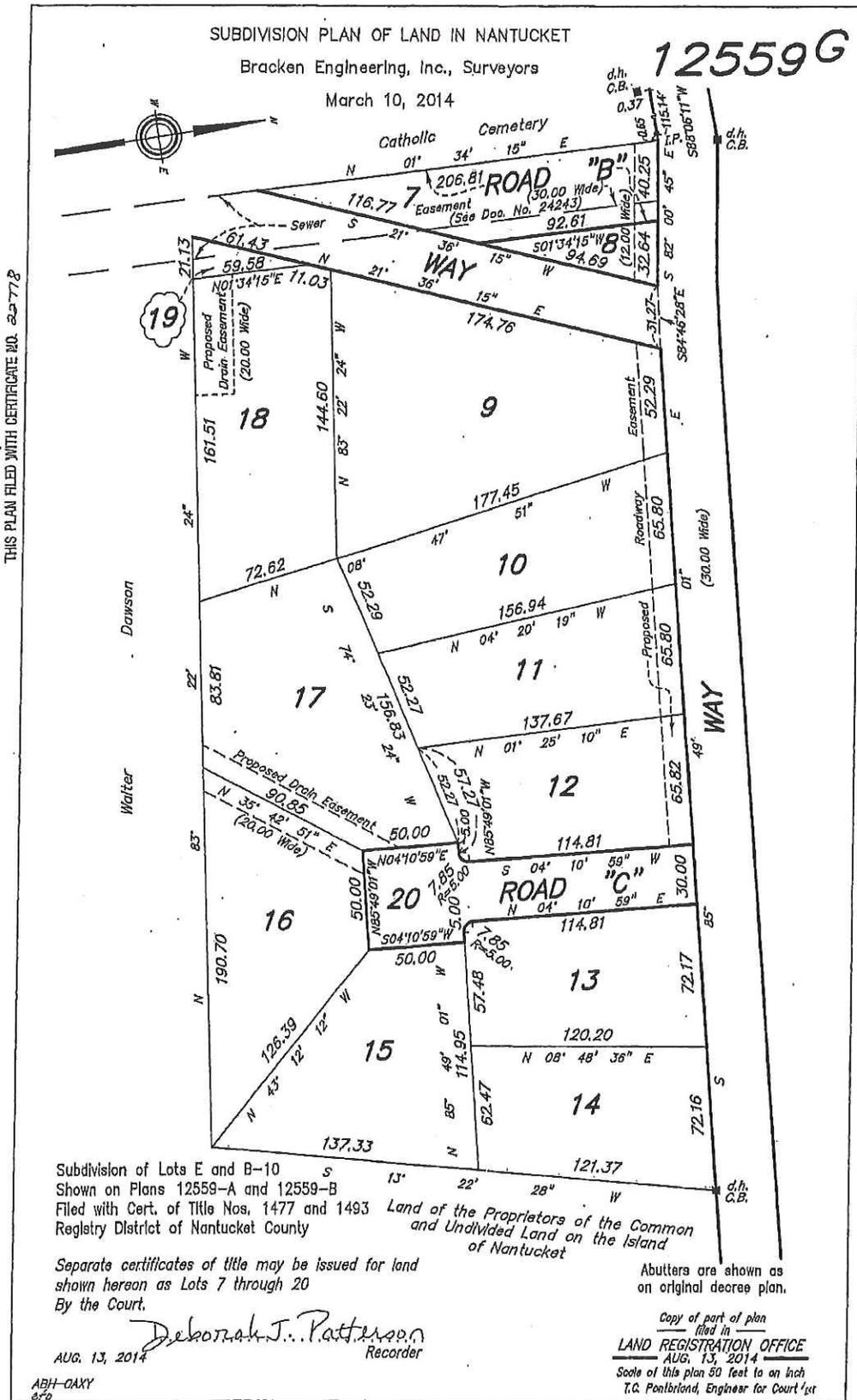
Received by Board of Health:

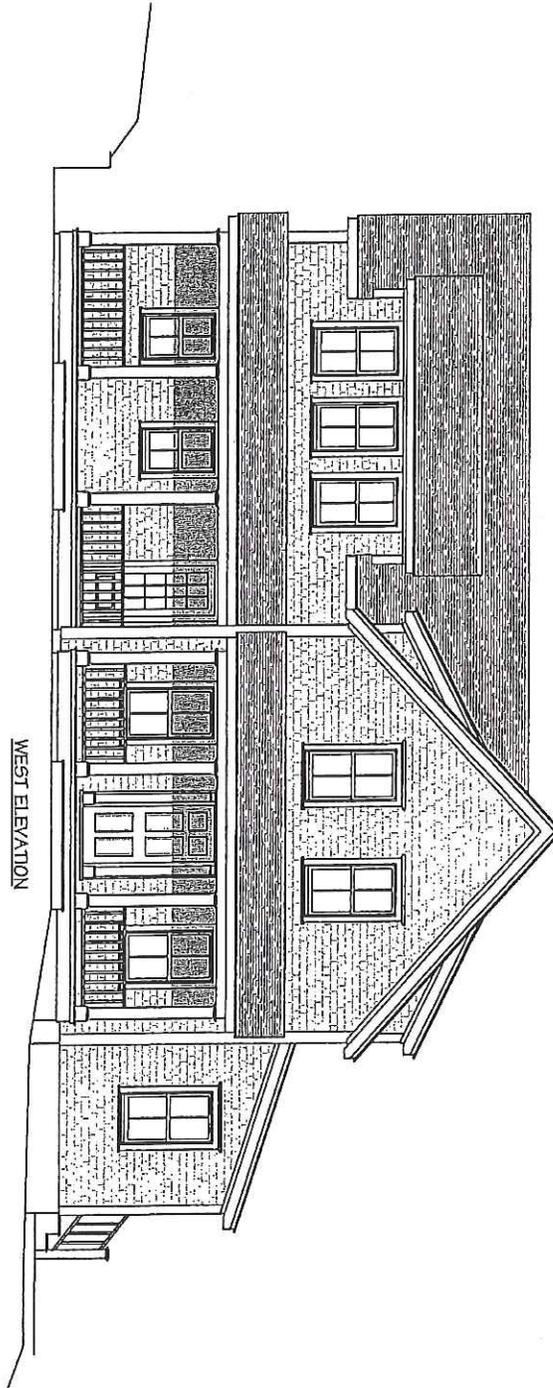
Date: \_\_\_\_\_

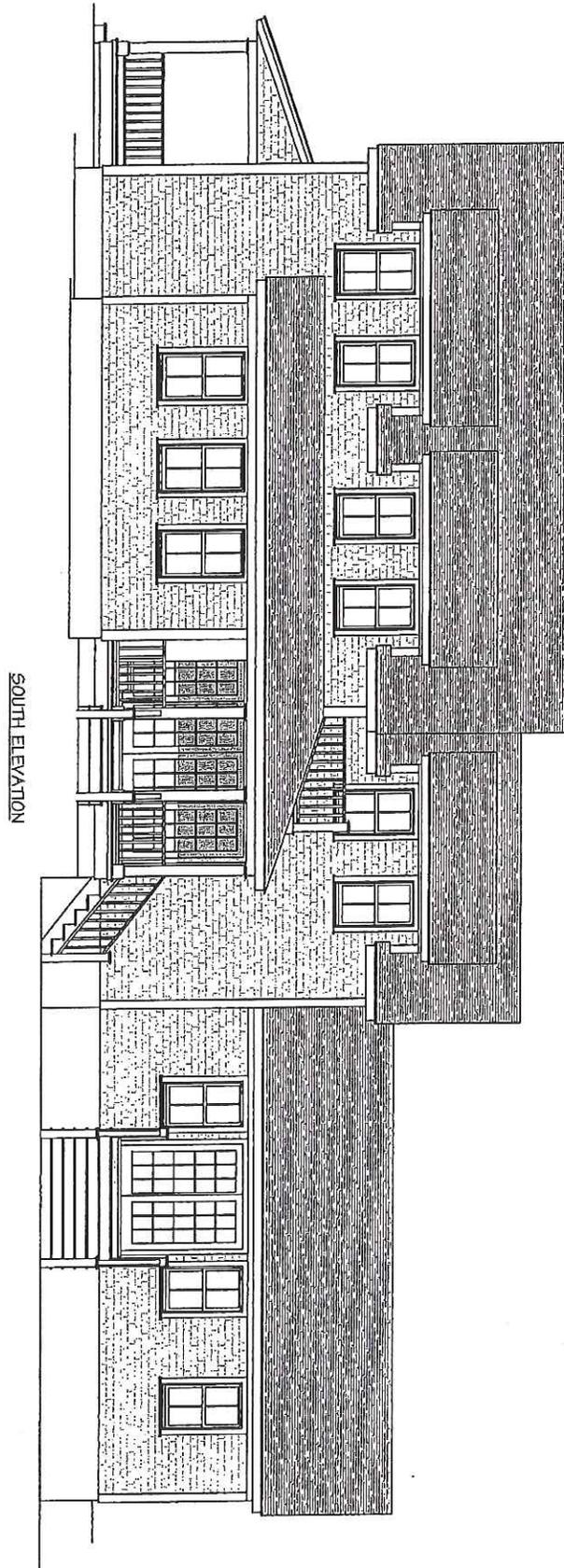
Time: \_\_\_\_\_

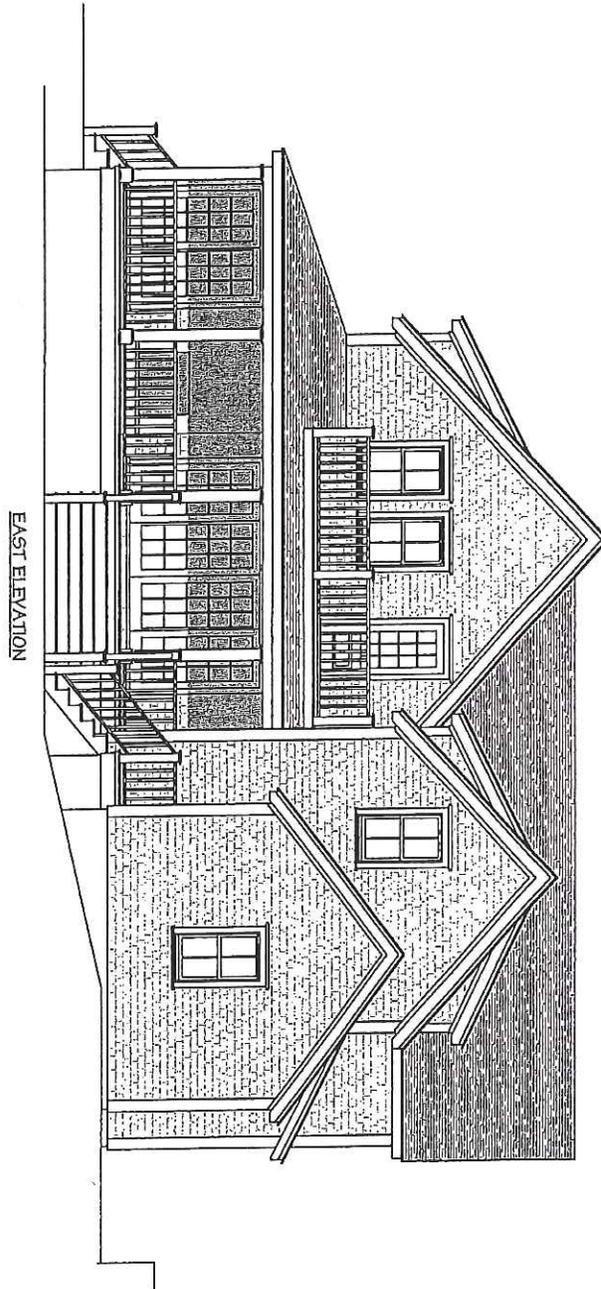
Planning Board File #: 7917

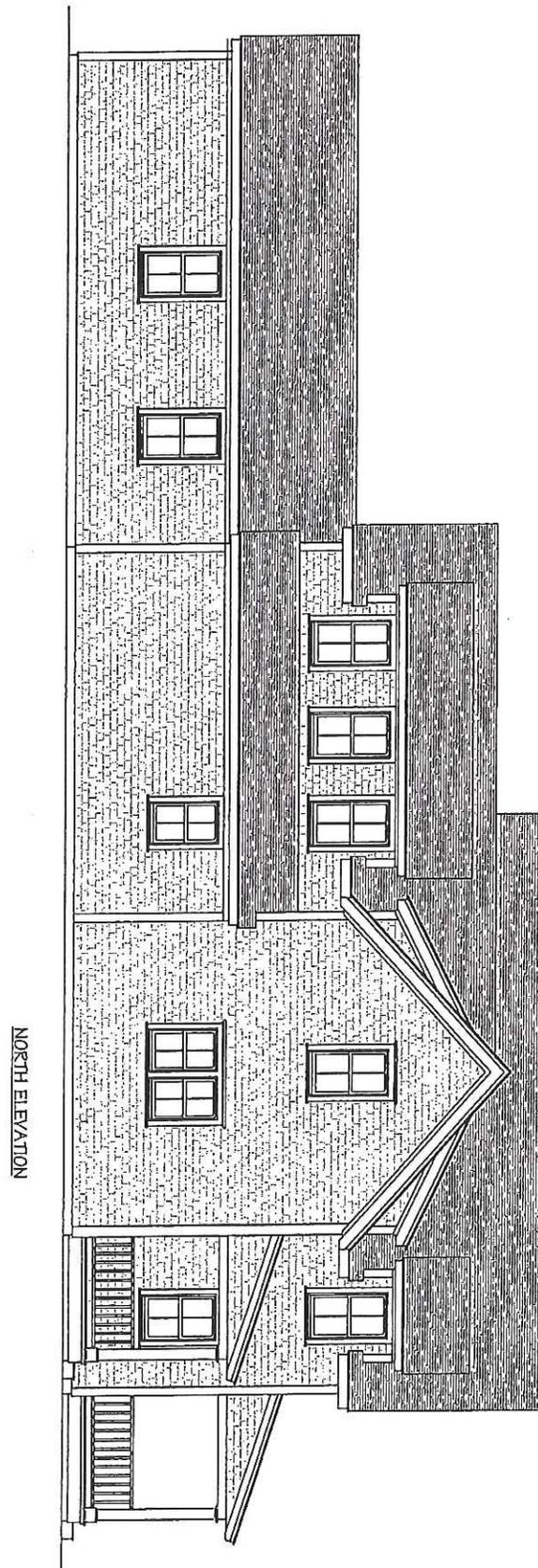




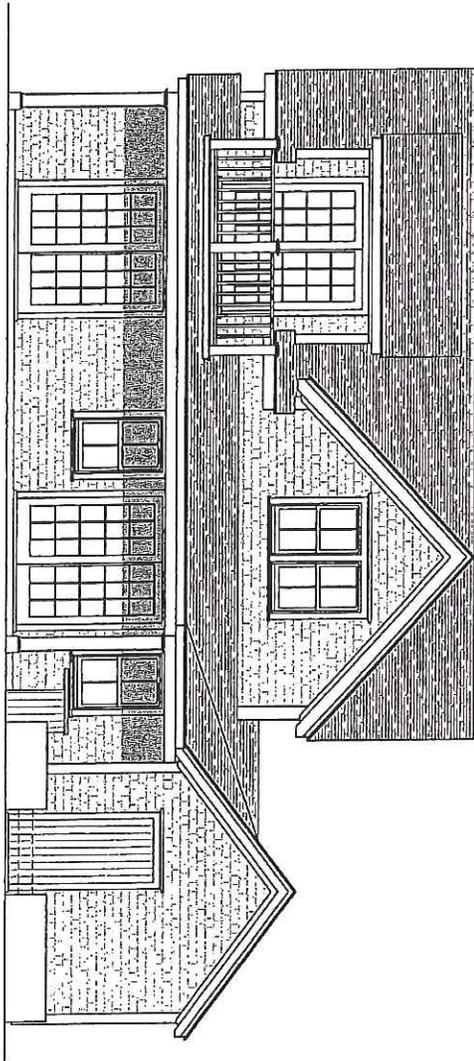




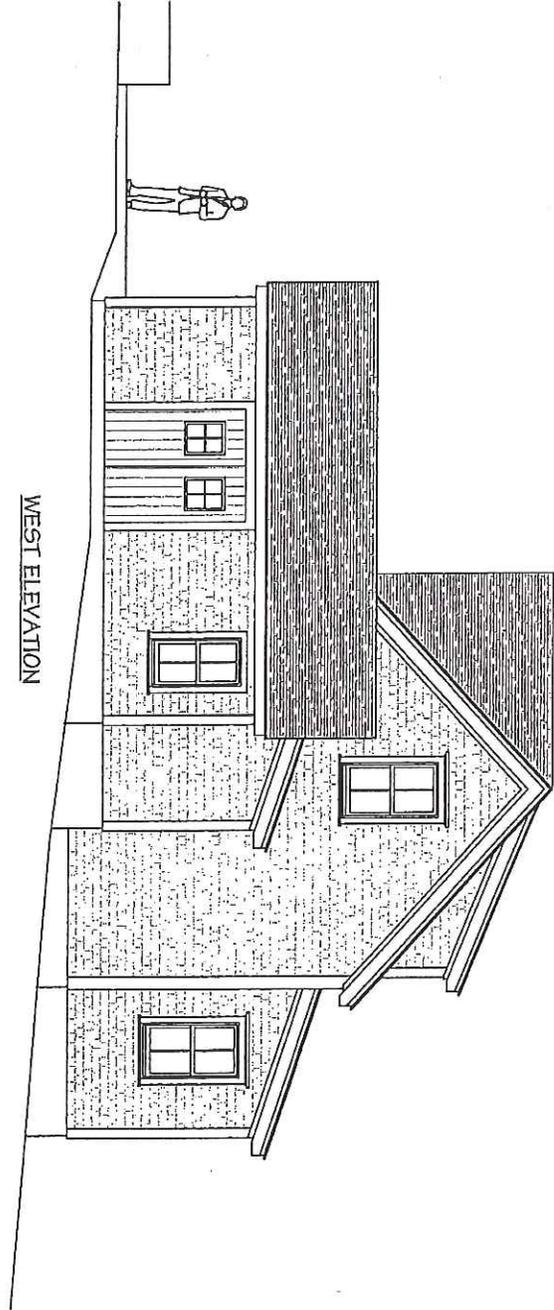


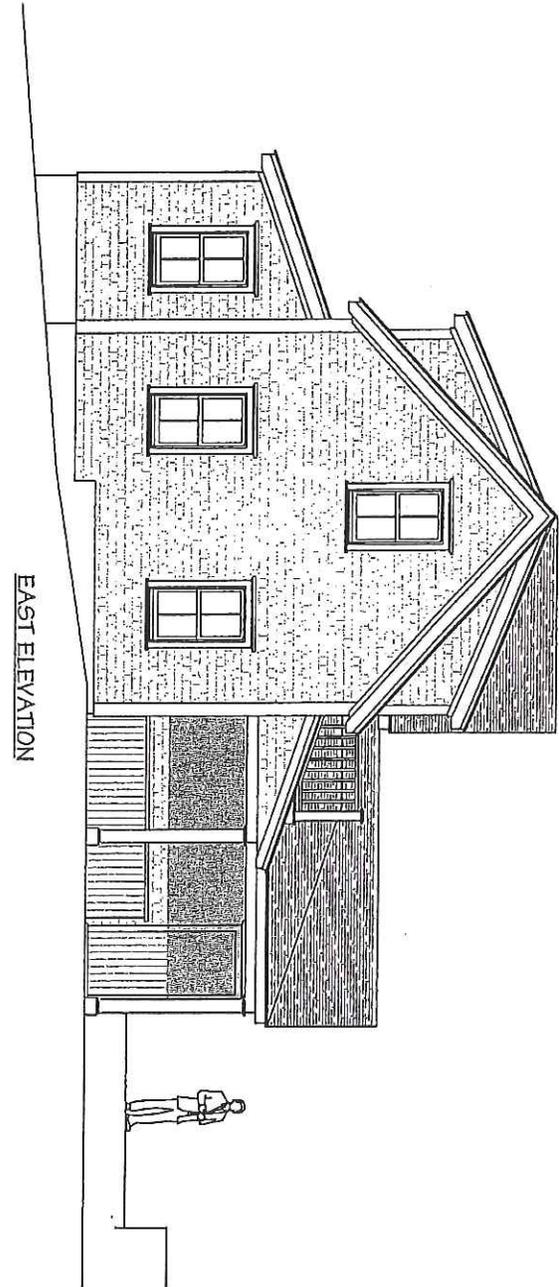
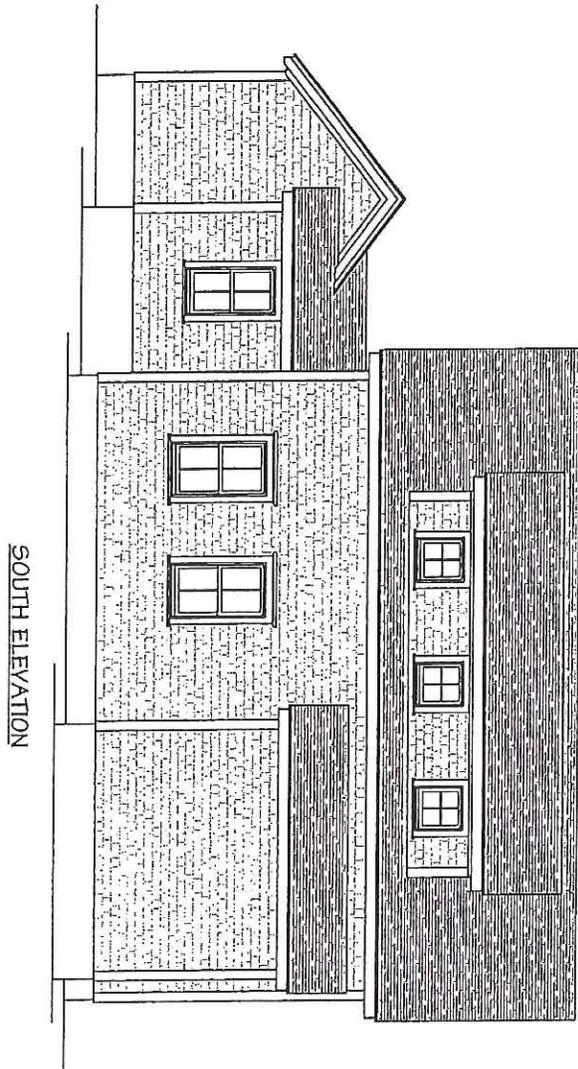


NORTH ELEVATION

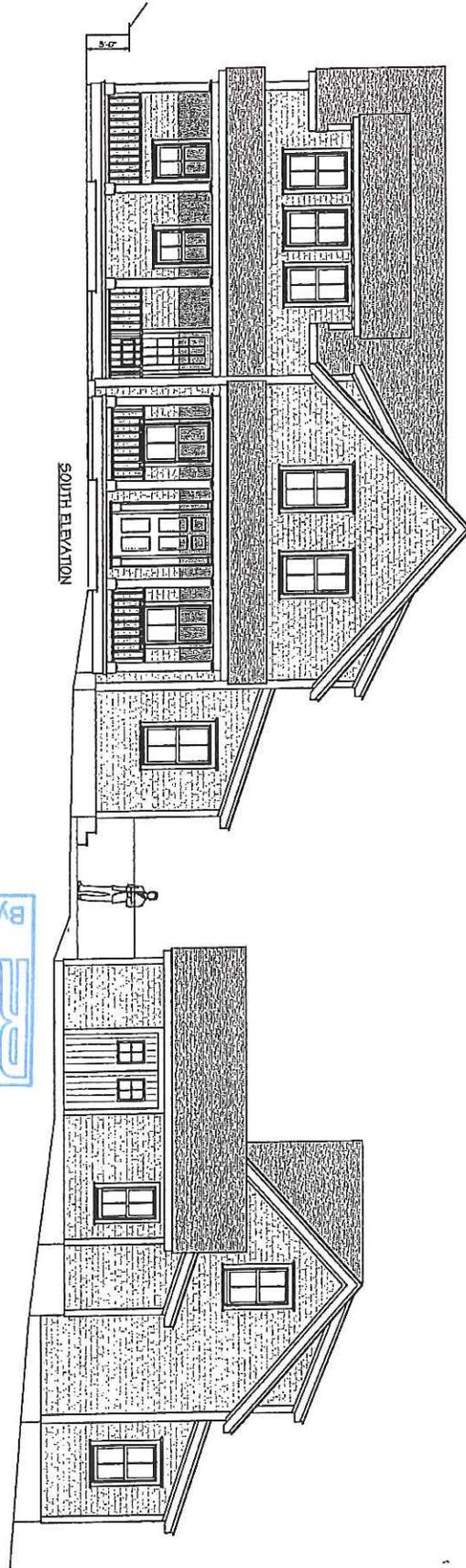


WEST ELEVATION





RECEIVED  
DEC 24 2015  
By



RECEIVED  
DEC 24 2015  
By



## Nantucket Planning Board

RECEIVED  
2015 JUN 23 PM 3:49  
NANTUCKET TOWN OFFICE

### APPROVAL OF A DEFINITIVE SUBDIVISION PLAN (AR)

Woodland Hill Subdivision  
Planning Board File #7661

Current Owner & Applicant: GG Development, LLC

Prior Owner: Dorothy Harrison Egan Foundation

Property located off of an Unnamed Way off of Mill Hill

Registered in the Nantucket Registry District of the Land Court, Certificate of Title #19810 and #22778 25308

Parcels 314, 316, 317, 318 shown on Nantucket Tax Assessors Map 55  
Parcel 26 shown on Nantucket Tax Assessors Map 55.4.4

May 12, 2014

#### TECHNICAL CORRECTIONS

*(to reflect renumbering of lots and transfer of ownership)*

June 23, 2015

The applicant is proposing an Approval Required (AR) subdivision on a 2.8 acre parcel with frontage on an unnamed way in the vicinity of Hummock Pond Road and Mill Hill Lane. There are a total of ten (10) buildable lots in the subdivision, all of which meet or exceed the minimum lot size, frontage, and upland requirements. In addition, Lot 29 (buildable) and Lots 48 and 15, now known as the "Way" (unbuildable) are anticipated to be combined and reconfigured in the future to result in a total of three (3) buildable lots, shown as Future Lot A, B, and C on sheet 5 of the plans. A maximum of twelve (12) buildable total lots may result from the proposal.

Three (3) roadways will provide access and frontage to the lots within the subdivision. Roadway A is an existing unnamed road that will provide the primary access from Hummock Pond Road to the proposed Roadway C, Roadway B will connect to the proposed 1950's Cato Lane roadway layout that was never established as a public way, and Roadway C is a dead-end street within the subdivision. The specific proposal for each of these roads is as follows:

- Roadway A will be paved to a width of eighteen (18) feet between Hummock Pond Road and Roadway B, and between Roadway C and the terminus of the paved portion of the roadway as shown on the proposed plans. Between Roadway B and Roadway C, the pavement width will be increased twenty-seven (27) feet to accommodate on-street parking spaces of nine (9) feet in width. Six (6) inch vertical granite curbing will be installed along the edge of the roadway and associated parking spaces. Roadway A will provide driveway access to two (2) lots within the subdivision;

- Roadway B will be paved to a width of eighteen (18) feet and will terminate in a “Turning L” configuration. Cape Cod berms will be installed along the edge of the roadway. Roadway C will provide driveway access to a maximum of four (4) lots within the subdivision;
- Roadway C will be paved to a width of eighteen (18) feet and will terminate in a “Turning T” configuration. Cape Cod berms will be installed along the edge of the roadway. Roadway C will provide driveway access to five (5) lots within the subdivision.

Stormwater runoff from the proposed roadway construction will be collected by deep sump catch basins, which will discharge to subsurface infiltration systems designed to contain and infiltrate up to the twenty-five (25) year storm event. All lots within the proposed subdivision will be serviced by municipal water and sewer.

The Nantucket Planning Board at its May 12, 2014 meeting voted 5-0 to close the public hearing and voted 5-0 to **APPROVE** the Definitive Subdivision Plan (AR) for the subject property. The application for approval of this definitive subdivision plan was received by the Planning Board on March 11, 2014 and approval of the subdivision was based on the following documents:

- A letter from Bracken Engineering, Inc. dated March 10, 2014. This letter includes the requests for waivers from the “Rules and Regulations Governing the Subdivision of Land”;
- Plans entitled “Definitive Subdivision Plan Set of “Woodland Hill” in Nantucket, Massachusetts”, sheets 1 through 11, prepared by Bracken Engineering, Inc., dated March 10, 2014;
- A document entitled “Supplemental Information” prepared by Bracken Engineering Inc., dated March 10, 2014;
- Engineering review reports from Pesce Engineering & Associates, Inc., engineering consultants for the Planning Board, dated April 11, 2014;
- A 2013 Preliminary Plan approval issued by the Planning Board;
- Representation and testimony received in connection with the public hearings held April 16, 2014 and May 12, 2014. Minutes of these meetings are on file with the Planning Board; and
- Other assorted documents (including correspondence from various Town departments) that are on file with the Planning Board.

Approval of the subdivision is granted conditionally upon the aforementioned documents, compliance with the Planning Board’s *Rules and Regulations Governing the Subdivision of Land* (as amended through December 20, 1999), and on the following additional requirements and agreements:

1. That the applicant be granted the following waivers from the *Rules and Regulations Governing the Subdivision of Land*:

- |          |           |  |
|----------|-----------|--|
| 4.03a(1) | Streets   | Waiver Granted – the finished roadway width of eighteen (18) feet for the travel lanes is appropriate for the scale of this subdivision;   |
| 4.03(e)  | Streets   | Waiver Granted – the existing width of the roadway layout for Roadway A is thirty (30) feet. This roadway is shown on a 1928 Land Court Plan. The proposal includes an additional twelve (12) foot easement for a total of forty (42) feet to be dedicated to roadway purposes. Roadway C will have a layout of thirty (30) feet total. This is an interior roadway and additional width is not required for infrastructure improvements.  |
| 4.09     | Shoulders | Waiver Granted – to reduce the width of the shoulder along the north side of Roadway A from four (4) feet to one (1) foot. This waiver is appropriate based on the roadway construction including vertical curbing. No pedestrian infrastructure will be affected.<br><br>Waiver Granted – to reduce the width of the shoulder along both sides of Roadway B and Roadway C from four (4) feet to two (2) feet. This waiver is appropriate based on the number of lots served by these dead-end roadways and the lack of affect on any pedestrian infrastructure. |

- 4.18 Sidewalks  
Waiver Granted – the applicant has agreed to construct a bike path connection between the terminus of Roadway A and Mill Hill Lane. Sidewalks for the proposed roadways are unnecessary due to the scale and location of this subdivision. The bike path connection will positively impact the ability to access the existing pedestrian network in proximity to this subdivision;
- 4.19 Bicycle Paths  
Waiver Granted – the applicant has agreed to construct a bike path connection between the terminus of Roadway A and Mill Hill Lane. The bike path connection will positively impact the ability to access the existing pedestrian network in proximity to this subdivision, and will provide a much needed connection between Prospect Street and Hummock Pond and Madaket Roads;
- 4.20 Street Lights  
Waiver Granted – street lighting in this located would be inconsistent with the semi-rural landscape of the surrounding open space.

2. That the interior roadway and associated infrastructure improvements shall not commence until the definitive plans have been endorsed by the Planning Board. The definitive plans shall be presented to the Planning Board within six (6) months of the date of this decision (November 12, 2014) and shall incorporate any changes required by Pesce Engineering & Associates;
3. That recorded copies of all legal documents (Homeowners Association documents, Statement of Conditions, Grant of Right of Enforcement, Declaration of Restrictions and Easements for Access, Driveways, Utilities, and Drainage, and Covenant) shall be presented to the Planning Board prior to the release of any lot from the Covenant or within six (6) months from the date of this decision (November 12, 2014);
4. That a Homeowners Association be established by the applicant, along with a Road Maintenance Endowment Fund for the maintenance of all required improvements to the interior roadway including the drainage structures, grading, utilities, etc.. The Association shall be initially endowed at \$1000 per buildable lot (\$10,000.00 total). This fund shall be administered by the Homeowners Association with the Planning Board named as a third party enforcing agent. Proof of this endowment shall be provided prior to the release of any lot from the covenant;
5. That the roadway layout for the interior roadway be transferred to the Homeowners Association. Evidence of the conveyance shall be presented to the Planning Board prior to the release of any lot from the covenant;
6. That the following easements shall be granted to the Town/County of Nantucket upon installation of the binder course of pavement, and prior to the release of any lots thereafter:
  - a. Bicycle and pedestrian access shall be granted within Roadway A, within the land east of the terminus of Roadway A at Roadway C to Mill Hill Lane, and Roadway B. Applicant has agreed to prepared the plan showing these easements;
  - b. Vehicular access shall be granted within Roadway A between Hummock Pond Road and a line extending the eastern sideline of Roadway B, and through Roadway B. Applicant has agreed to prepared the plan showing these easements;
  - c. Vehicular access shall be granted from the southern sideline of Roadway A to the property line separating the land within this subdivision from land owned by the Town of Nantucket. Applicant has agreed to prepared the plan showing these easements;
  - d. Water and sewer easements within Roadway A, B, and C and within the land east of the terminus of Roadway A at Roadway C to Mill Hill Lane. Applicant has agreed to prepared the plan showing these easements;
  - e. To the extent necessary, an easement shall also be granted for the existing sewer in Lots 12 and 15 the "Way" as shown on the plans referenced in this decision. Applicant has agreed to prepared the plan showing these easements;
7. That the applicant has agreed to offer as a gift to the Town the construction of the turn-around at the terminus of Roadway B and within land owned by the Town of Nantucket as shown on the plans referenced in this decision. This gift shall be offered prior to the construction of the turn-around and shall be completed prior to the release of the final lot from the covenant;

8. That all lots within the subdivision be restricted to no further division, with the exception of Lot 2 9. Minor lot line adjustments shall be permitted through the submission of an Approval Not Required (ANR) plan, however, no additional building lots shall be created;
9. That five (5) lots shall be restricted to a single dwelling unit. Studios, garages, sheds, outbuildings, or other accessory structures that do not contain dwelling units shall be permitted;
10. That access to Lots 5, 6, and 7 12, 13, and 14 shall be prohibited from Roadway A. Lots 5 and 6 shall be accessed from Roadway C and Lot 7 shall be accessed from Mill Hill Lane;
11. That access to Lots 15, 14, and 2 the "Way", Lots 8 and 9 (which are anticipated to be combined and reconfigured to create future Lots A, B, and C) shall be prohibited from Roadway A;
12. That a ten (10) foot wide, densely vegetated buffer including a mixture of coniferous and deciduous plant material, shall be established and permanently maintained along the southern and eastern limits of the subdivision, specifically affecting Lots 1, 7, 8, 9, and 10 18, 14, 15, 16, and 17, but excluding the drainage easement area within Lots 1, 9, and 10 18, 16, and 17. This restriction shall be included in future deeds and included within the legal documents, with enforcement granted to the Town of Nantucket. On an as-needed basis, plantings shall be replaced within a year of their removal/deterioration/demise;
13. That one (1) lot shall be released upon endorsement of the definitive plans. Other lots shall be released as infrastructure improvements are completed. At anytime, the applicant shall have the right to obtain release(s) of the lots from the covenant in return for a deposit of money or negotiable securities with the Planning Board sufficient, in the opinion of the Board, to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan as set forth in the covenant, and the Planning Board may require that the applicant specify the time within which such construction shall be completed, all in accordance with Section 20.6f(2) of Rules & Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, as amended;
14. That a dense gravel tracking pad shall be installed at the entrance to the site from Hummock Pond Road during the construction period to remove construction debris from the tires of construction vehicles, as shown on the plans;
15. That all utilities shall be installed underground in accordance with the requirements of the respective utility;
16. That all required infrastructure improvements be completed within two (2) years from the date of definitive plan endorsement;
17. That the Planning Board may grant extensions of deadlines stated herein without holding a public hearing;
18. The failure or refusal of any Town board, commission, agency, or department, including, but not limited to the Nantucket Board of Selectmen, Nantucket Islands Land Bank, and the Wannacomet Water Department to accept any easement, gift, contribution, improvement, or the like, shall not affect the intent or findings of this decision, the applicant's ability to proceed under the other provisions of this decision, or the special permits and waivers granted in this decision.

SIGNATURE PAGE TO FOLLOW



# Nantucket Planning Board

RECEIVED  
2015 JUN 23 PM 3 49  
NANTUCKET TOWN CLERK

## MEMORANDUM

**Date:** June 23, 2015

**To:** Town Clerk

**From:** Eleanor Weller Antonietti, Zoning Administrator

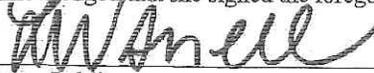
**Re:** Planning Board File #7661 – TECHNICAL CORRECTION

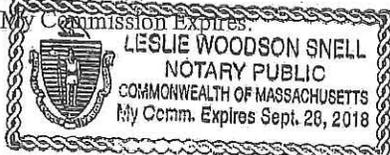
The above referenced Planning Board Decision regarding APPROVAL OF THE DEFINITIVE WOODLAND HILL SUBDIVISION, filed with the Town Clerk on June 3, 2014 requires a modification to reflect a recent re-numbering of the subject lots. A corrected decision is filed herewith. This minor modification will neither effect the content of the decision nor the completed appeal period.

  
 Eleanor W. Antonietti,  
 Zoning Administrator

### COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss  
 On the 23 day of June, 2015, before me, the undersigned notary public, personally appeared Eleanor Antonietti, the above-named Zoning Administrator of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that she signed the foregoing instrument voluntarily for the purposes therein expressed.

  
 Notary Public:



Town and County of Nantucket  
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman  
Rick Atherton  
Matt Fee  
Tobias Glidden  
Dawn E. Hill Holdgate



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

July 2, 2015

Rick Beaudette, Esq.  
Vaughan, Dale, Hunter and Beaudette  
PO Box 659  
Nantucket, MA 02554

Dear Rick:

At its June 17, 2015 meeting, the Board of Selectmen voted to approve the request of GG Development, LLC to name the roads in the Woodland Hill Subdivision "Old Farm Road," "Red Mill Lane" and "Old Mill Court", as identified on the attached plan.

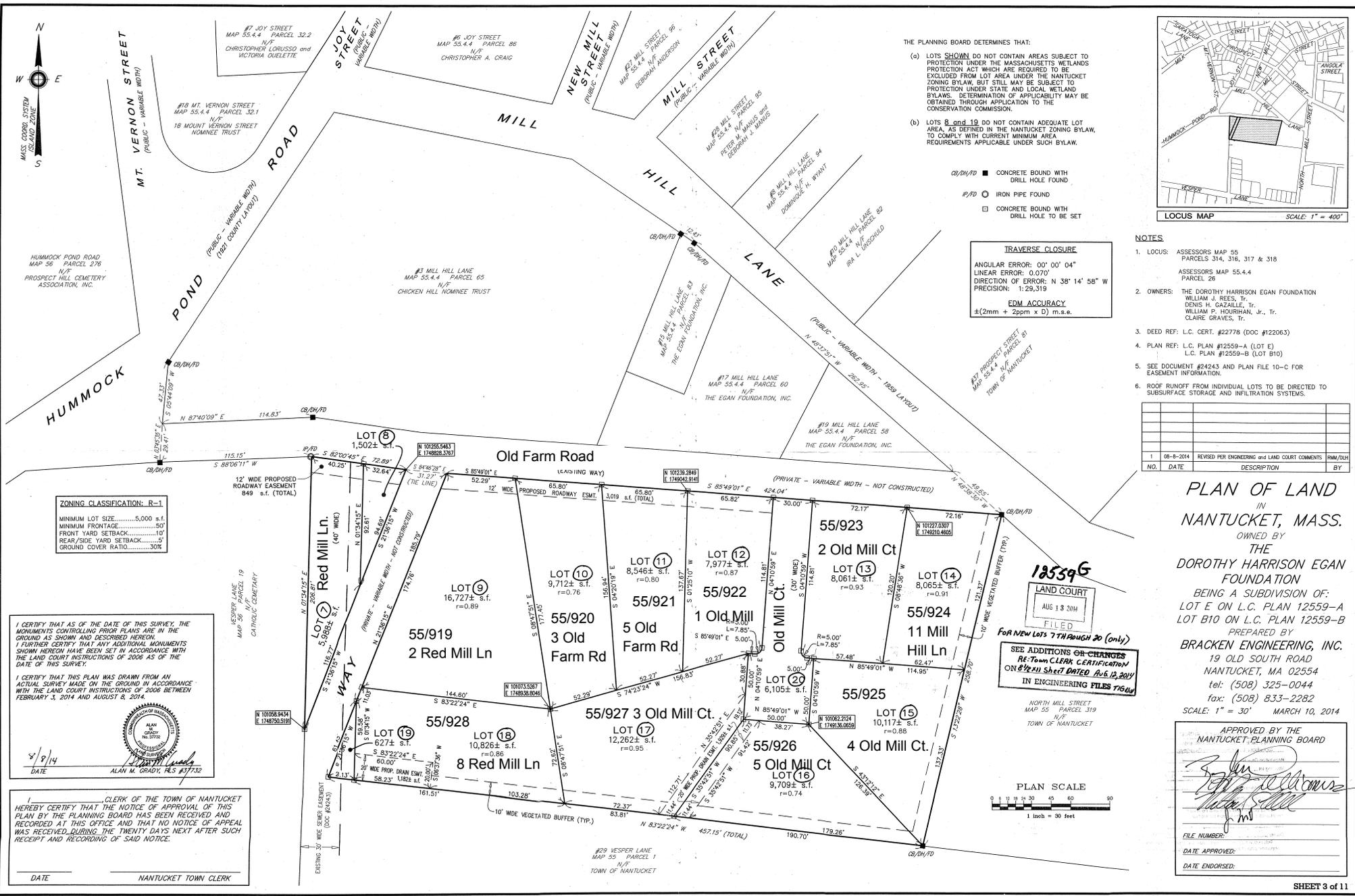
Sincerely,

A handwritten signature in blue ink, appearing to read "Erika", is written over the word "Sincerely,".

Erika D. Mooney  
Project Administrator

Cc: Assessor  
Police Department  
Leslie Snell, PLUS  
Fire Department  
DPW  
GIS





THE PLANNING BOARD DETERMINES THAT:

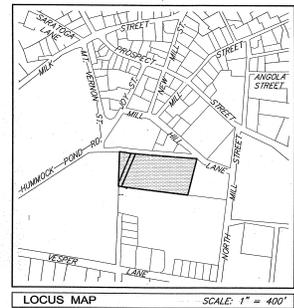
(a) LOTS SHOWN DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

(b) LOTS 8 and 19 DO NOT CONTAIN ADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH CURRENT MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

- CB/DH/FO ■ CONCRETE BOUND WITH DRILL HOLE FOUND
- IP/FO ○ IRON PIPE FOUND
- CONCRETE BOUND WITH DRILL HOLE TO BE SET

**TRAVERSE CLOSURE**  
 ANGULAR ERROR: 00° 00' 04"  
 LINEAR ERROR: 0.070'  
 DIRECTION OF ERROR: N 38° 14' 58" W  
 PRECISION: 1:28,319

**EDM ACCURACY**  
 ±(2mm + 2ppm x D) m.a.e.



**NOTES**

- LOCUS: ASSESSORS MAP 55 PARCELS 314, 316, 317 & 318 ASSESSORS MAP 55.4.4 PARCEL 28
- OWNERS: THE DOROTHY HARRISON EGAN FOUNDATION WILLIAM J. REES, Jr., DENIS H. GAZAILE, Jr., WILLIAM P. HOURIHAN, Jr., Tr. CLAIRE GRAVES, Tr.
- DEED REF: L.C. CERT. #22778 (DOC #122063)
- PLAN REF: L.C. PLAN #12559-A (LOT C) L.C. PLAN #12559-B (LOT B10)
- SEE DOCUMENT #24243 AND PLAN FILE 10-C FOR EASEMENT INFORMATION.
- ROOF RUNOFF FROM INDIVIDUAL LOTS TO BE DIRECTED TO SUBSURFACE STORAGE AND INFILTRATION SYSTEMS.

NO.	DATE	DESCRIPTION	BY
1	08-8-2014	REVISED PER ENGINEERING and LAND COURT COMMENTS	RMW/DJH

**ZONING CLASSIFICATION: R-1**

MINIMUM LOT SIZE.....5,000 s.f.  
 MINIMUM FRONTAGE.....50'  
 FRONT YARD SETBACK.....10'  
 REAR/SIDE YARD SETBACK.....5'  
 GROUND COVER RATIO.....30%

I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON.  
 I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN FEBRUARY 3, 2014 AND AUGUST 8, 2014.

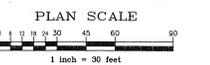


\_\_\_\_\_, CLERK OF THE TOWN OF NANTUCKET HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND THAT NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

DATE: \_\_\_\_\_ NANTUCKET TOWN CLERK

**125396**  
 LAND COURT  
 AUG 13 2014  
 FILED  
 FOR NEW LOTS 7 THRU 20 (only)  
 SEE ADDITIONS OR CHANGES  
 RE: TOWN CLERK CERTIFICATION  
 ON 8/22/14 SHEET DATED AUG 13, 2014  
 IN ENGINEERING FILES 7164

NORTH MILL STREET MAP 55 PARCEL 319 N/A TOWN OF NANTUCKET



**PLAN OF LAND IN NANTUCKET, MASS.**

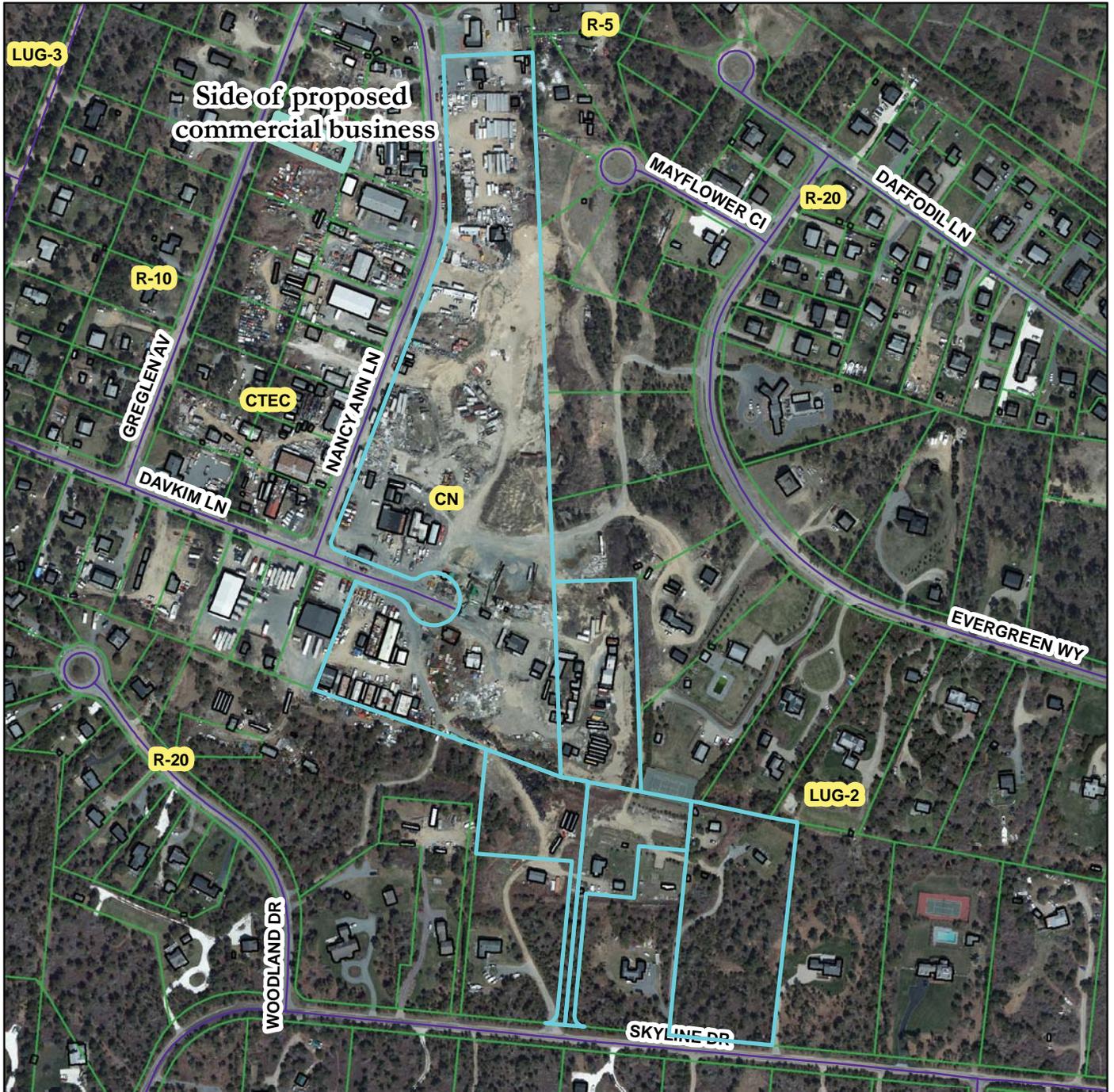
OWNED BY THE DOROTHY HARRISON EGAN FOUNDATION  
 BEING A SUBDIVISION OF: LOT E ON L.C. PLAN 12559-A LOT B10 ON L.C. PLAN 12559-B  
 PREPARED BY BRACKEN ENGINEERING, INC.  
 19 OLD SOUTH ROAD NANTUCKET, MA 02554  
 tel: (508) 325-0044  
 fax: (508) 833-2282  
 SCALE: 1" = 30' MARCH 10, 2014

APPROVED BY THE NANTUCKET PLANNING BOARD

\_\_\_\_\_  
 FILE NUMBER: \_\_\_\_\_  
 DATE APPROVED: \_\_\_\_\_  
 DATE ENDORSED: \_\_\_\_\_



#7918 Richmond Great Point Development, LLC  
Definitive Subdivision  
42B, 48R, 54R Skyline Drive & 20 Davkim Lane  
Map 79 Parcels 44.1, 45.1, 46  
Map 68 Parcels 56.1, 57





The Richmond Company, Inc.  
23 Concord Street  
Wilmington, Massachusetts 01887  
(979) 988-3900

January 6, 2016

TOWN OF NANTUCKET  
PLANNING BOARD  
2 Fairgrounds Road  
Nantucket, Massachusetts 02554

Attention: Leslie Woodson Snell, AICP, LEED AP, Deputy Director of Planning

Subject: Submittal of Application for Approval of a Definitive Subdivision Plan  
42 (Rear) 48 (Rear) and 54 (Rear) Skyline Drive Properties and 20 Davkim Lane Property

Dear Ms. Snell:

The purpose of this correspondence, issued in our capacity as the applicant and development manager, on behalf of the owner of the subject properties (Richmond Great Point Development LLC) is to submit the enclosed completed application (Form B) and associated materials (plans, storm water management report, deeds, etc.) comprising a Definitive Subdivision Plan for the series of adjoining properties located at 42 (Rear), 48 (Rear), and 54 (Rear) Skyline Drive, and 20 Davkim Lane.

The submittal is being made in accordance with and conforms to the provisions of Section 2.06 of "The Rules and Regulations Governing the Subdivision of Land, Nantucket, Massachusetts" as well as "The Subdivision Control Law of Massachusetts" (M.G.L. Chapter 41, Sections 81K-81GG, inclusive).

The primary intent of the subdivision is to consolidate the +/-1 acre (rear) portions of both of the 48 Skyline Drive property and the 54 Skyline Drive property, which have been previously subdivided out from the front portions of these properties, by way of approval not required plans that were previously endorsed by the Town of Nantucket Planning Board, into a single +/- 2 acre conforming / buildable lot. This lot will take access from and derive its frontage off a new roadway, also comprising part of this subdivision, whose layout matches the layout of the previously laid out "paper street" known as Clay Street. This road will intersect with Skyline Drive, at the south, will run north, past the 42 (Front) and 48 (Front) Skyline Drive properties and past the (new) 48 (Rear) / 54 (Rear) Skyline Drive property, and will then turn northwest, running through the southern edge of the 20 Davkim Lane property, and intersecting with the existing portion of Davkim Lane, due east of its existing intersection with Nancy Ann Lane.

The entirety of the 48 (Rear), and 54 (Rear) Skyline Drive properties, which will be consolidated to create the buildable lot upon approval of this subdivision (show as Lot # 1 on the plan), are designated within the Limited Use General 2 (LUG-2) zoning district. The buildable lot resulting from the proposed action will meet or exceed the relevant dimensional criteria and related requirements for such as established in the local zoning bylaw for the above-referenced district, including but not limited to the following:

- Minimum Lot Area (Not Less than 80,000 Square Feet) – Proposed 89,219 Square Feet
- Minimum Lot Frontage (Not Less than 150 Linear Feet – Proposed 302.48 Linear Feet
- Minimum Lot Regularity Factor (Not Less than 0.55) – Proposed 0.568

It is further noted that the land area comprising the entirety of the 48 (Rear), and 54 (Rear) Skyline Drive properties, which will be consolidated to create the buildable lot upon approval of this subdivision (shown as Lot # 1 on the plan), is subject to a covenant in favor of the Nantucket Land Council, Inc. (NLC), dated as of January 15, 1982, recorded at Book 481, Page 314 in the Nantucket County Registry of Deeds. This covenant provides that certain land in this area, including the subject properties, “*shall not be resubdivided, or combined and resubdivided, in such a manner as to create or leave any lot containing less than 80,000 square feet of land*”. As described herein and as a review of the proposed subdivision plan will confirm, the current proposal, which resubdivides portions of two lots and consolidates them into a single lot, which is comprised of 89,219 square feet of land area, exceeds and complies with the (applicable) restriction in this covenant.

With respect to access and vehicular circulation, as part of this application, we are respectfully requesting that the Planning Board allow for a “phased” improvement of the new roadway, based on the anticipated progression of development of the (new) 48 (rear) / 54 (Rear) Skyline Drive property, and the other surrounding properties. To this end, our intent is to sell and to provide for the development of the (new) 48 (rear) / 54 (Rear) Skyline Drive property immediately. Our proposal is to initially improve the first +/- 450 linear feet of this roadway to driveway standards, including all required drainage, terminating at a “turnaround”, but not to improve it to full roadway standards and not to improve the remaining +/- 800 linear foot long segment running further north which intersects into the existing portion of Davkim Lane until such time as is necessary, based on the future development and improvement of the adjacent (20 Davkim Lane) property. The rationale and underlying basis for this “phasing” request is as follows.

As you are aware and as the Planning Board is aware, the 20 Davkim Lane property, which is +/- 15 acres in size, was recently the subject of zoning warrant articles which were approved at the Nantucket Special Town Meeting which was held on November 9, 2015, which is ultimately expected to result in the development of this property as a multi-family rental apartment residential community. We are currently in the initial phases of the site planning specific to this property, which will take several months to work through and will then be subject to substantial review / approval by the Planning Board, including a special permit, major site plan review, and a subsequent definitive subdivision. Because the precise path and layout of the roadway that will be expected to run through this property is still subject to this planning and permitting process, we would respectfully request the phasing and improvement flexibility described herein relative to the roadway that will serve the current subdivision, in order to improve the segment which is required to allow for the release and development of the 48 (Rear) and 54 (Rear) Skyline Drive properties as a single residential lot as a driveway immediately, while deferring the improvement of the remaining segment of the roadway until such time as the specific development plan for the (much larger) surrounding property is finalized, and reviewed / approved by the Planning Board.

In addition to the completed (Form B) application, we have submitted the following plans and technical materials that are required to be submitted to provide for the processing and approval of the proposed subdivision, including: (1) the Definitive Plan, Clay Street, Nantucket, Mass as prepared by Hayes Engineering, Inc., dated December 11, 2015, depicting the subdivision of the lots along with the applicable / customary notes and details (totaling 9 sheets), (2) the Storm Water Management Report, as prepared by Hayes Engineering, Inc., dated December 11, 2015, (3) the Site Analysis Report, as prepared by Hayes Engineering, Inc., dated December 2015, (4) the Street Network Plan, as prepared by Hayes Engineering, Inc., dated December 11, 2015, and (5) the Requested Waivers, as prepared by Hayes Engineering, Inc., dated December 2015.

We have also attached Attachment # 1 to the Form B application form, detailing the derivation of the title to the land comprising the proposed subdivision, given that the land includes multiple parcels, and that title to several of the parcels has been derived from different sellers / grantors.

Definitive Subdivision Plan Submittal  
January 6, 2016  
Page Three

We trust that this submittal conforms to the applicable requirements for such a Definitive Subdivision Plan (AR) and we look forward to the completion of your review and the subsequent review and approval of the plan by the Town of Nantucket Planning Board.

If you any immediate questions with respect to either the application or the enclosed materials, please feel free to contact me at 978-988-3900, Extension # 12.

Very truly yours,



David J. Armanetti, Director of Real Estate Development  
The Richmond Company, Inc. (Applicant / Development Manager)  
On Behalf of Richmond Great Point Development LLC (Owner)

Cc: Philip Pastan, TRC  
Kathryn Fossa, TRC  
Patricia Roggeveen, RGPDLLC  
Shane Valero, RGPDLLC  
John Ogren, Hayes Engineering  
Andrew Burek, Esq., TRC  
Arthur Reade, Esq.



JAN 11 2016 PM 1:19

Town Clerk  
Town & County Building  
16 Broad St  
Nantucket, MA 02554

# Nantucket Planning Board

## Form B

### Application for Approval of a Definitive Subdivision Plan (AR)



File one completed form with the Planning Board and one copy with the Town Clerk.

Date: JANUARY 6, 2016

To the Planning Board of Nantucket:

SUBDIVISION PLAN OF LAND  
IN NANTUCKET, MASS

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_ designed by HAYES ENGINEERING, INC. dated \_\_\_\_\_, and described as follows: located on 42B/48R/54R SKYLINE DRIVE AND 20 DANKIM LANE, number of lots proposed THREE (3) total acreage of tract 17.044 ACRES hereby submits said plan as a **definitive** plan in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said plan.

SEE ATTACHMENT #1 FOR DETAILS

The undersigned's title to said land is derived from \_\_\_\_\_ by deed dated \_\_\_\_\_ and recorded in the Nantucket Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the Nantucket Registry District of the Land Court, Certificate of Title # \_\_\_\_\_ and shown on Nantucket Assessor's Map # \_\_\_\_\_, Parcel \_\_\_\_\_, and said land is free of encumbrances except for the following: CUSTOMARY UTILITY EASEMENTS AND ONE COVENANT IN FAVOR OF NANTUCKET LAND COUNCIL (ATTACHED)

Said plan  has  has not evolved from a preliminary plan submitted to the Board on N/A (date) and  approved  disapproved on N/A (date).

The undersigned hereby applies for the approval of said **definitive** plan by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

Name(s) and address(es) of the Applicant(s):  
(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees of a trust or partners of a partnership)

RICHMOND GREAT POINT DEVELOPMENT LLC  
PHILIP PASTAN, ITS MANAGER

Contact Phone #: (978) 988-3900 Fax #: (978) 988-3950 E-mail: ppastan@richmondco.com

Name of owner(s): <sup>x16</sup> RICHMOND GREAT POINT DEVELOPMENT LLC

Address of owner(s): 23 CONCORD ST., WILMINGTON MA 01887

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan with the Planning Board on property that I own.

Owner's signature PHILIP PASTAN, ITS MANAGER.

*(Handwritten initials and date)*  
12/4/15

Received by Town Clerk:

Date: Jan. 11, 2016  
Time: 1:19 p.m. 1/11/16

Received by Board of Health:

Date: 1-11-2016  
Time: 1:15 pm

*(Handwritten initials 'AR' circled)*

Planning Board File # \_\_\_\_\_

**Attachment 1 to Form B / Application for Approval of a Definitive Subdivision Plan (AR)**

Additional Space Needed to Provide Derivation of Title to Land

“Definitive Plan, Clay Street, Nantucket Mass”

42 (Rear), 48 (Rear), and 54 (Rear) Skyline Drive and 20 Davkim Lane

The title to the land included in the Application for Approval of a Definitive Subdivision Plan is derived as follows:

**As to the Owner of One Hundred Percent (100%) of the 42 (Rear) Skyline Drive Property**  
**RICHMOND GREAT POINT DEVELOPMENT LLC**

“Deed” dated August 7, 2013, recorded at the Nantucket County Registry of Deeds, in Book # 01397, Page # 312, recorded on August 8, 2013 (referred to as “Recorded Land – Parcel Seventy” on Page 14 of the “Deed”).

**As to the Owner of One Hundred Percent (100%) of the 48 (Rear) Skyline Drive Property**  
**RICHMOND GREAT POINT DEVELOPMENT LLC**

“Deed” dated July 25, 2014, recorded at the Nantucket County Registry of Deeds, in Book # 1443, Page # 213, recorded on July 25, 2014.

**As to the Owner of the One Hundred Percent (100%) of the 54 (Rear) Skyline Drive Property**  
**RICHMOND GREAT POINT DEVELOPMENT LLC**

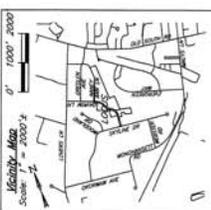
“Quitclaim Deed” recorded as Document # 00002834, recorded on October 10, 2014 at the Nantucket Registry of Deeds (as to a 25% interest in the property).

“Deed” dated December 11, 2015, recorded at the Nantucket County Registry of Deeds, in Book # 1515, Page # 1, recorded on December 14, 2015 (as to a 50% interest in the property).

“Deed” dated November 30, 2015, recorded at the Nantucket County Registry of Deeds, in Book # 1514, Page # 343, recorded on December 14, 2015 (as to a 25% interest in the property).

**As to the Owner of One Hundred Percent (100%) of the 20 Davkim Lane Property**  
**RICHMOND GREAT POINT DEVELOPMENT LLC**

“Deed” dated August 7, 2013, recorded at the Nantucket County Registry District, as Certificate # 24872, recorded on August 8, 2013 (referred to as “Registered Land – Parcel Thirty-Two” on Page 7 of the “Deed”).



Vertical Axis  
Scale 1" = 2000'  
Horizontal Axis  
Scale 1" = 2000'

IDENTIFY THAT I HAVE CONFORMED WITH ALL REQUIREMENTS OF THE RESISTERS OF DEEDS IN PREPARING THIS PLAN.

HAYES ENGINEERING, INC.

**Coordinate Station**  
N 92.8233 98  
W 114.1111 114  
Massachusetts State Plane  
Coordinates, Island Zone 18  
Datum: North American 1983  
Central Meridian: 71° 00' 00" W  
False Easting: 1000000  
False Northing: 0  
MAD 83(2011) position

**LEGEND**  
CWB - CONCRETE ROAD WITH GRIFF HOLE  
(R) - FOUND  
LC - LAND COURT  
R - RESURFACING FACTOR  
B - PROPOSED  
CONCRETE ROAD SET BY OWNER UNLESS OTHERWISE NOTED



**DEFINITIVE INDEX SHEET**  
**CLAY STREET**  
**MASS.**  
**NANTUCKET,**

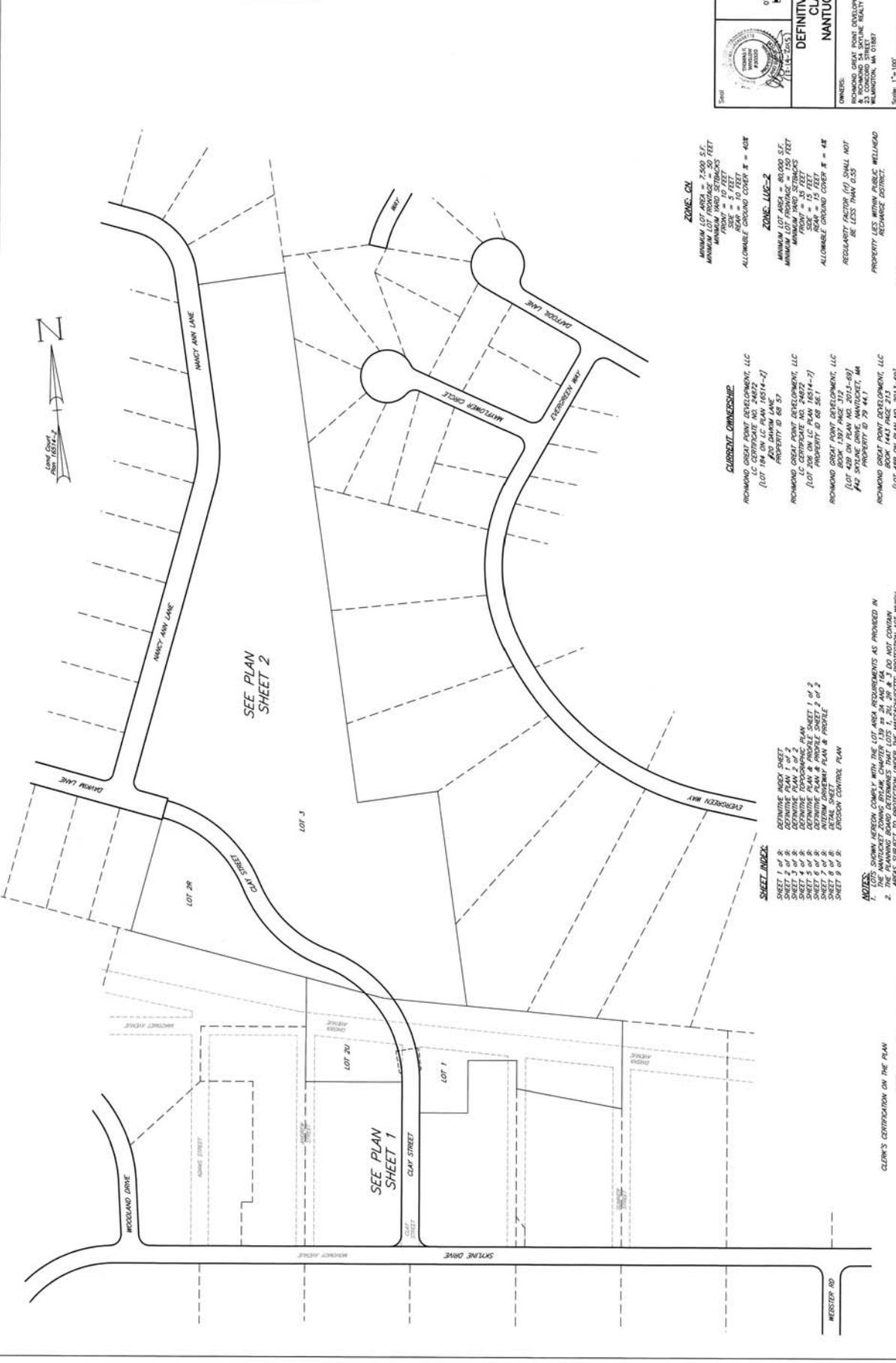
OWNERS:  
RICHMOND GREAT POINT DEVELOPMENT, LLC  
21 CONCORD STREET  
WALTON, MA 01987

Engineer:  
Hayes Engineering, Inc.  
633 South Street  
Walton, MA 01987  
www.hayeseng.com

Scale: 1" = 100'

December 11, 2015

Application File #	
Meeting Date:	
Plan Approval:	
Plan Sign-off:	
INDEX SHEET	SHEET 1 OF 9



SEE PLAN SHEET 2

SEE PLAN SHEET 1

**ZONE CW**  
MINIMUM LOT AREA = 2500 S.F.  
MINIMUM LOT FRONTAGE = 50 FEET  
MINIMUM LOT DEPTH = 10 FEET  
MINIMUM FRONT YARD SETBACK = 5 FEET  
MINIMUM SIDE YARD SETBACK = 5 FEET  
MINIMUM REAR YARD SETBACK = 5 FEET  
ALLOWABLE GROUND COVER % = 40%

**ZONE LUG-2**  
MINIMUM LOT AREA = 8000 S.F.  
MINIMUM LOT FRONTAGE = 50 FEET  
MINIMUM LOT DEPTH = 10 FEET  
MINIMUM FRONT YARD SETBACK = 5 FEET  
MINIMUM SIDE YARD SETBACK = 5 FEET  
MINIMUM REAR YARD SETBACK = 5 FEET  
ALLOWABLE GROUND COVER % = 4%

REGULARITY FACTOR (R) SHALL NOT BE LESS THAN 0.55

PROPERTY LIES WITHIN PUBLIC WELLHEAD RECHARGE DISTRICT.

**CURRENT OWNERSHIP**  
RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #101-12]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #103-112]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #104-110]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #105-109]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #106-108]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #107-109]  
PROPERTY ID 69 57

RICHMOND GREAT POINT DEVELOPMENT, LLC  
[LOT #110-112]  
PROPERTY ID 69 57

**SHEET INDEX**  
SHEET 1 OF 9  
SHEET 2 OF 9  
SHEET 3 OF 9  
SHEET 4 OF 9  
SHEET 5 OF 9  
SHEET 6 OF 9  
SHEET 7 OF 9  
SHEET 8 OF 9  
SHEET 9 OF 9

**NOTES**  
1. LOT WITHIN SECTION COMPLY WITH THE LOT AREA REQUIREMENTS AS PROVIDED IN THE ZONING ORDINANCE.  
2. THE PLANNING BOARD DETERMINES THAT LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 DO NOT COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE AND ARE TO BE EXCLUDED FROM THE MAP UNDER THE ANTI-LOT LOT AREA WHICH BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL ZONING ORDINANCES. A REVIEW MAY BE GRANTED THROUGH APPEAL TO THE CONSERVATION COMMISSION.  
3. IN COMMON OWNERSHIP LOTS TO BE LUNG LOT BUT IS TO BE REID (TOTAL PARCEL AREA = 112,468 S.F., OR 2.581 ACRES)

CLERK'S CERTIFICATION ON THE PLAN

DATE: \_\_\_\_\_  
I, \_\_\_\_\_, CLERK OF THE TOWN OF NANTUCKET, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECORDED IN THE TOWN CLERK'S OFFICE AND NO APPEAL HAS BEEN RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK



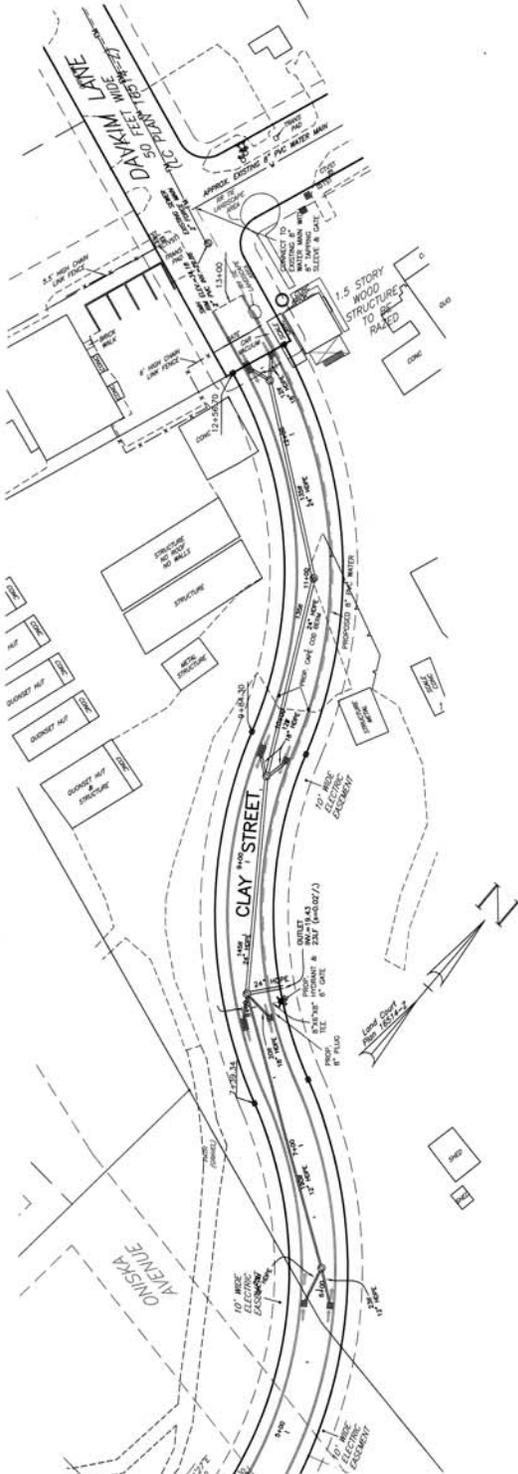






I CERTIFY THAT I HAVE CONFORMED TO THE RULES AND REGULATIONS OF THE RECORDERS OF DEEDS IN PREPARING THIS PLAN.

HAYES ENGINEERING, INC.



CLERK'S CERTIFICATION ON THE PLAN

D.M.E.

I, D.M.E., CLERK OF THE TOWN OF NANTUCKET, MASSACHUSETTS, DO HEREBY CERTIFY THAT THE PLANNING BOARD HAS BEEN RECORD AND RECORDED IN MY OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK

- LEGEND**
- CON - CONCRETE BOUND WITH GABL PAVL
  - FR - FROG
  - LC - LAND COURT
  - R - REGULARITY FACTOR
  - PRO - PROPOSED
  - CONC - CONCRETE BOUND WITH GABL PAVL SET BY OWNER. ANALYSIS UNIFORMITY NOTED

**ZONE: OL**  
 MINIMUM LOT AREA = 7,500 S.F.  
 MINIMUM LOT FRONTAGE = 50 FEET  
 MINIMUM LOT DEPTH = 10 FEET  
 MINIMUM LOT WIDTH = 10 FEET  
 ALLOWABLE GROUND COVER # = AGE

**ZONE: LUGC-2**  
 MINIMUM LOT AREA = 60,000 S.F.  
 MINIMUM LOT FRONTAGE = 100 FEET  
 MINIMUM LOT DEPTH = 15 FEET  
 MINIMUM LOT WIDTH = 15 FEET  
 REAR = 15 FEET  
 ALLOWABLE GROUND COVER # = 4%

REGULARITY FACTOR (R) SHALL NOT BE LESS THAN 0.35

PROPERTY LIES WITHIN PUBLIC WELLSHEAD RESERVE DISTRICT.



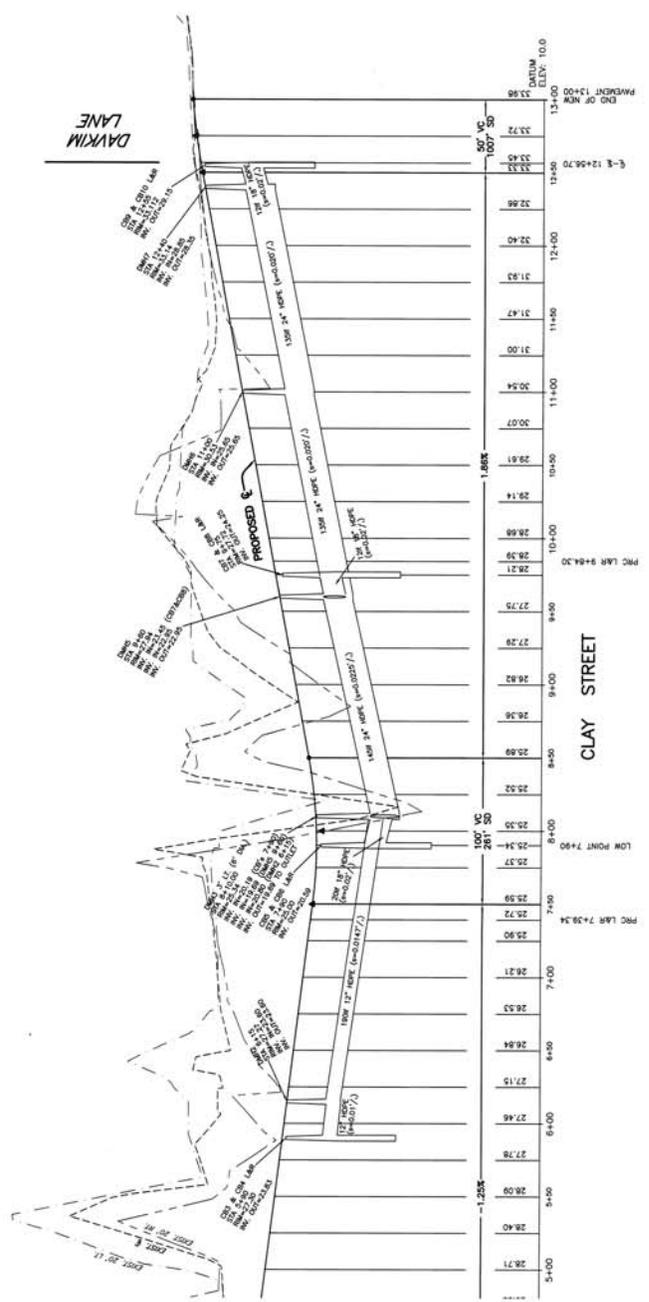
**DEFINITIVE PLAN & PROFILE**  
**CLAY STREET**  
**NANTUCKET, MASS.**

Engineer  
 Hayes Engineering, Inc.  
 603 Main Street  
 Nantucket, MA 01957  
 www.hayeseng.com  
 December 11, 2015

10	PLANNING BOARD	Application File:	
9		Final Plan File:	
8		Hearing Date:	
7		Plan Approval:	
6		Plan Signed:	
5			
4			
3			
2			
1			

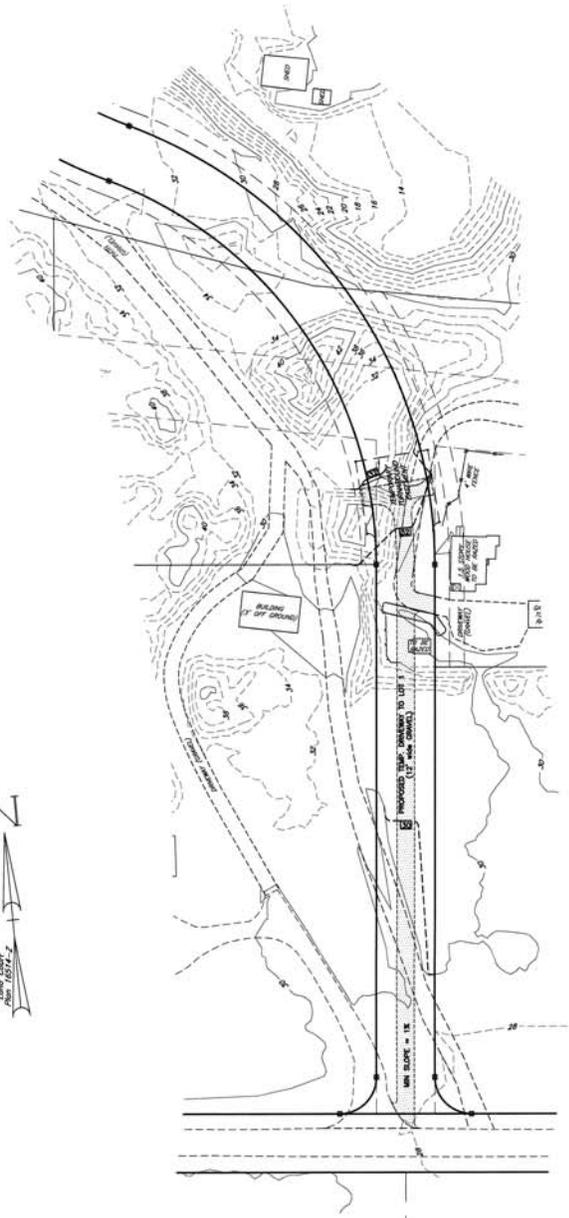
PROFILE SHEET 2 OF 2

SHEET 6 OF 9



I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTERED PROFESSIONAL ENGINEERS IN DRAWING THIS PLAN.

HAYES ENGINEERING, INC.



CLERY'S CERTIFICATION ON THE PLAN

DATE: \_\_\_\_\_

CLERY OF THE TOWN OF NANTUCKET, DO HEREBY CERTIFY THAT THE NOTICES OF APPOINTMENT OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND THAT THE PLANNING BOARD HAS MET AFTER SUCH NOTICE AND RECORDING OF SAID NOTICE.

TOWN CLERK \_\_\_\_\_

**ZONE: OL**

MINIMUM LOT AREA = 7,500 S.F.  
 MINIMUM LOT FRONTAGE = 100 FEET  
 FRONT YARD SETBACK = 10 FEET  
 SIDE YARD SETBACK = 10 FEET  
 REAR YARD SETBACK = 10 FEET  
 ALLOWABLE GROUND COVER = 40%

**ZONE: LUG-2**

MINIMUM LOT AREA = 7,500 S.F.  
 MINIMUM LOT FRONTAGE = 100 FEET  
 FRONT YARD SETBACK = 10 FEET  
 SIDE YARD SETBACK = 10 FEET  
 REAR YARD SETBACK = 10 FEET  
 ALLOWABLE GROUND COVER = 40%

REGULARITY FACTOR (R) SHALL NOT BE LESS THAN 0.55

PROPERTY LIES WITHIN PUBLIC WELLHEAD RECHARGE DISTRICT.



Hayes

0' 20' 40' 80' 120'

**INTERIM DRIVEWAY PLAN & PROFILE**  
**CLAY STREET**  
**NANTUCKET, MASS.**

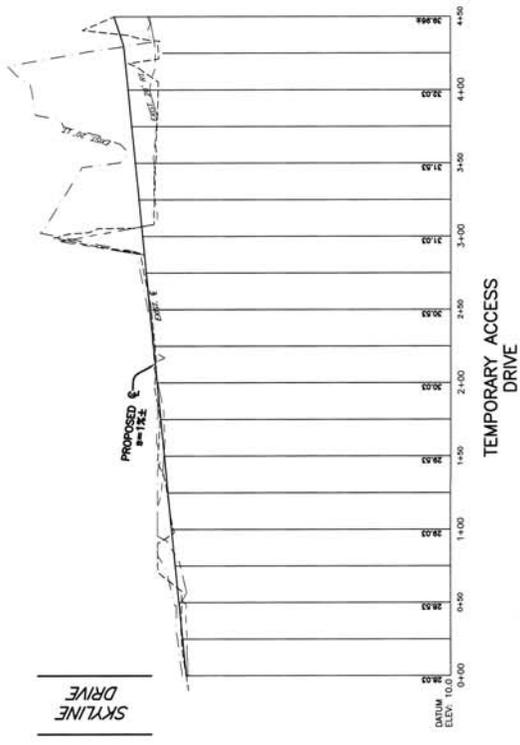
OWNERS: HAYES ENGINEERING, INC. 23 LONGFORD STREET NANTUCKET, MA 01097

ENGINEER: HAYES ENGINEERING, INC. 23 LONGFORD STREET NANTUCKET, MA 01097

Scale: 1"=40'(HORIZ.) & 4"(VERT.)

December 11, 2015

Application Filed:	
Final Plan Filed:	
Hearing Date:	
Plan Approved:	
Plan Signed:	
PLAN SHEET 1 OF 1	
SHEET 7 OF 9	



I CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS IN PREPARING THIS PLAN.

HAYES ENGINEERING, INC.

DATE: \_\_\_\_\_  
 FROM: CLERK

CLERK'S CERTIFICATION ON THE PLAN

DATE: \_\_\_\_\_  
 FROM: CLERK

I, CLERK OF THE TOWN OF NANTUCKET, DO HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE BOARD OF PROFESSIONAL ENGINEERS HAS BEEN RECEIVED AND RECORDED IN THE TOWNY CLERK'S OFFICE AND APPROVALS HAS BEEN RECEIVED ALONG WITH THE NECESSARY FEES. THIS CERTIFICATION IS VALID FOR 90 DAYS FROM THE DATE OF THIS NOTICE.

OWNERS:  
 RICHMOND GREAT GOLF DEVELOPMENT, LLC  
 23 CONCORD STREET  
 NANTUCKET, MA 01907

Scale: 1" = 11.115'

Application Filed: \_\_\_\_\_  
 Final Plan Filed: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Plan Approved: \_\_\_\_\_  
 Plan Signed: \_\_\_\_\_

DETAIL SHEET 1 OF 1  
 SHEET 8 OF 9

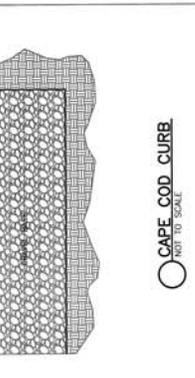
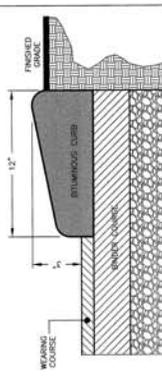
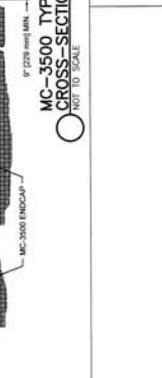
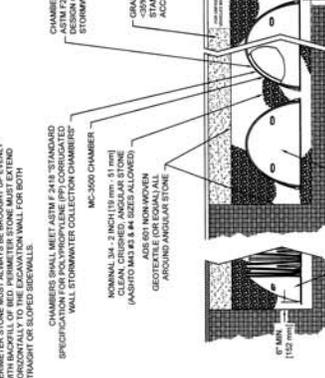
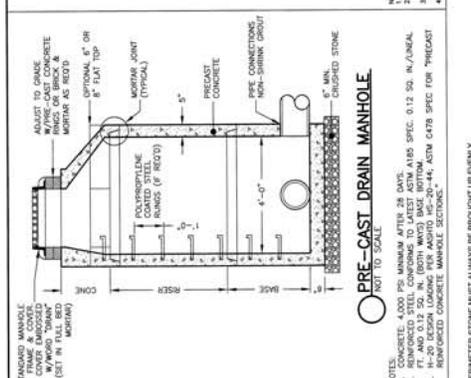
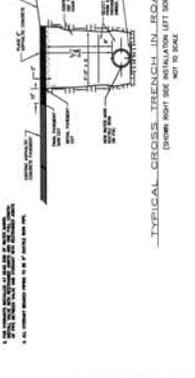
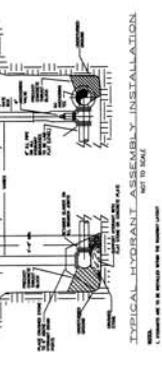
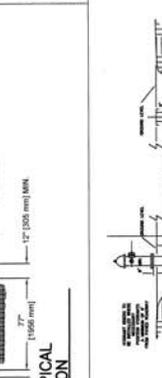
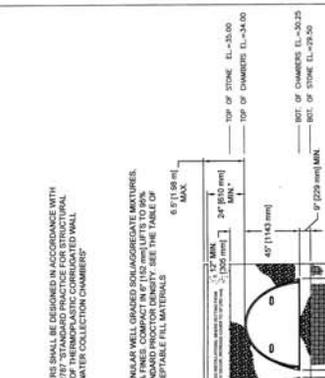
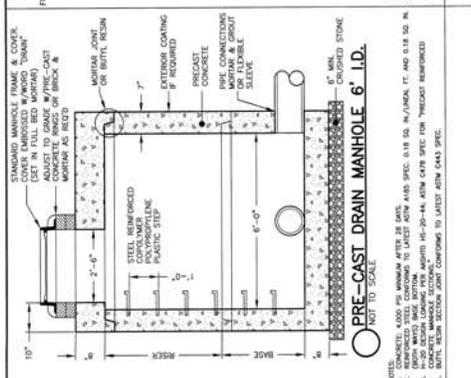
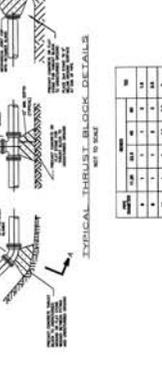
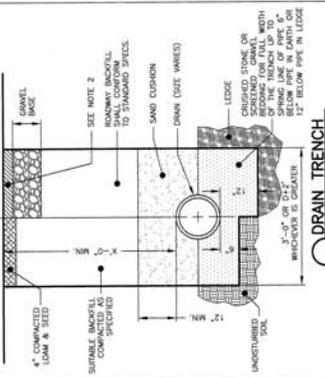
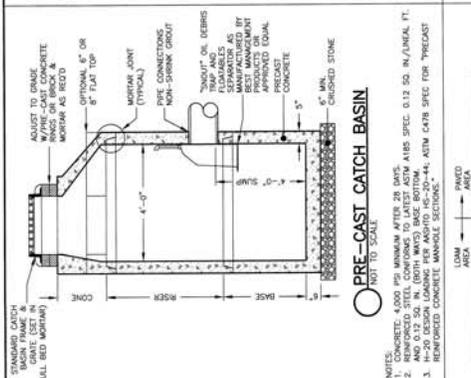
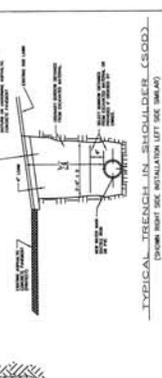
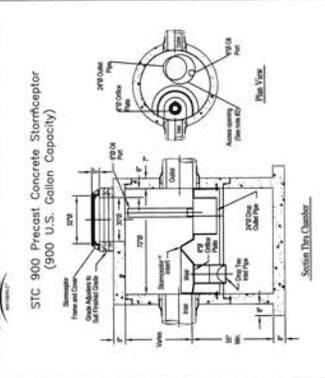
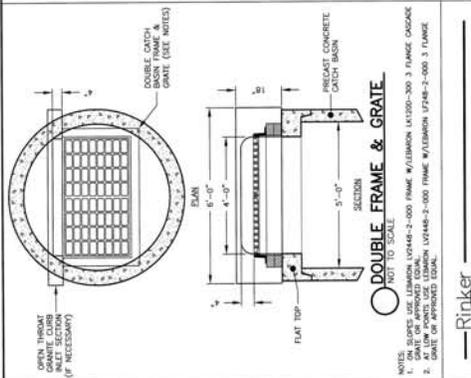
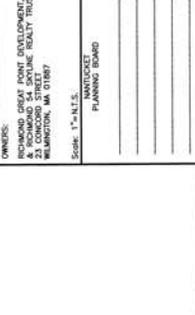
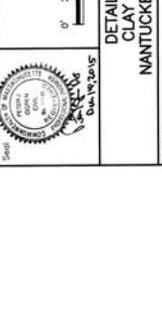
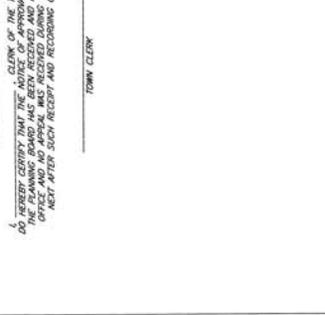
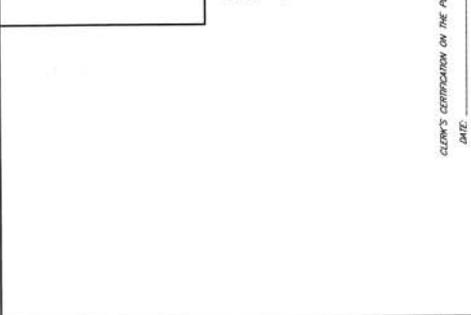


DATE: 04/19/2015

DETAIL SHEET  
 CLAY STREET  
 NANTUCKET,  
 MASS.

Engineer:  
 Hayes Engineering, Inc.  
 100 State Street  
 Westfield, Mass. 01090  
 www.hayeseng.com

December 11, 2015



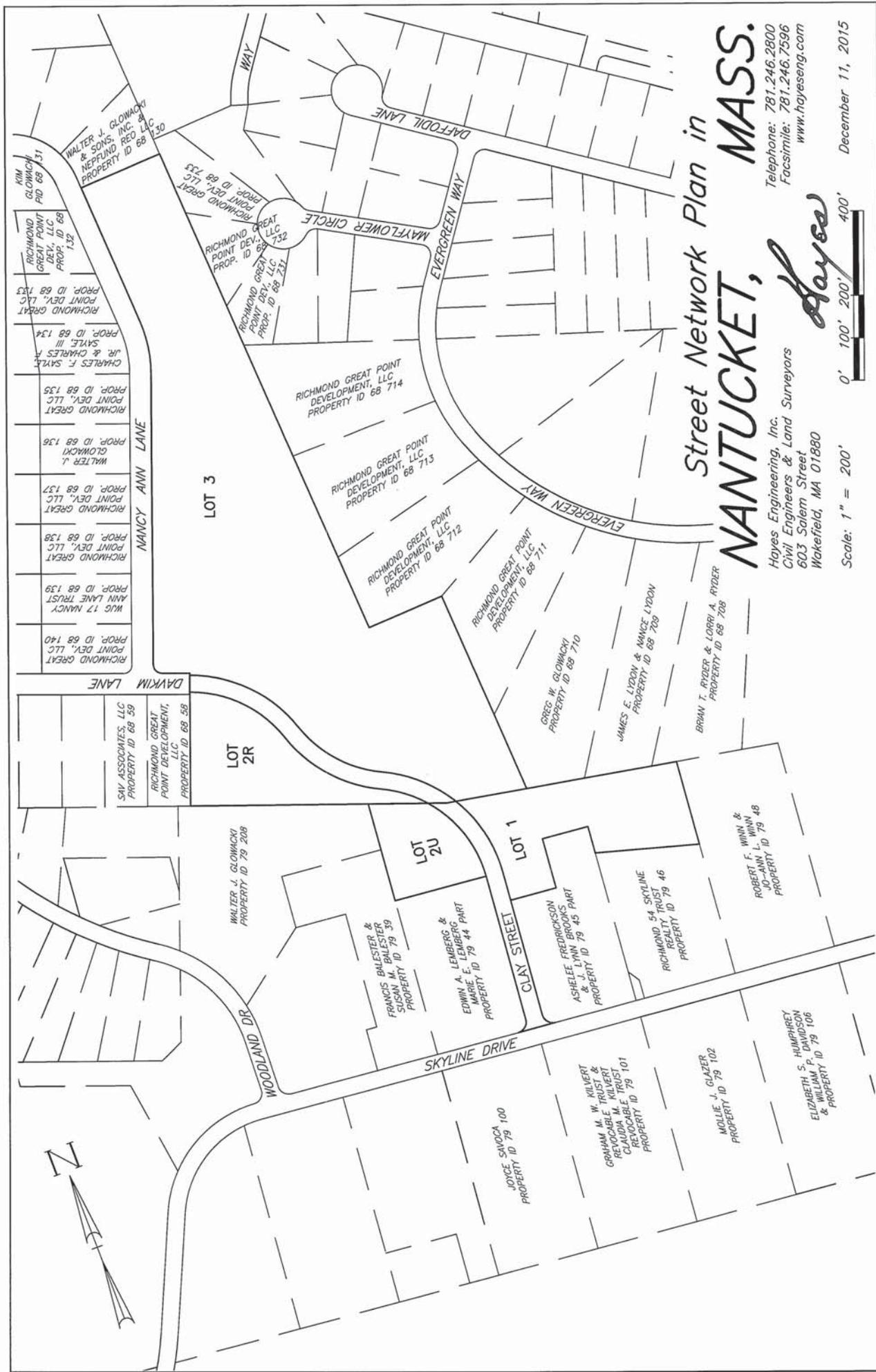


**REQUESTED WAIVERS  
CLAY STREET  
NANTUCKET, MASSACHUSETTS**

December 2015

**Town of Nantucket Rules and Regulations**

- |                      |   |
|----------------------|---|
| Section 2.06b(10)    | The elevations shown on the plan are NAVD88 rather than half-tide datum.  |
| Section 2.06b(14)(a) | Landscape Plan to be provided prior to Planning Board approval.   |
| Section 2.06b(14)(b) | Existing trees to be saved will be decided during construction.   |
| Section 4.06(b)(3)   | Stormtech® MC-3500 stormwater chambers to be substituted for the leaching basin (Appendix A, Plate No. 12)  |
| Section 4.13         | Dry sewer lines are not proposed to be installed.   |
| Section 4.16         | Same as Section 2.06b(14)(a) & (b) above.   |
| Section 4.18         | No sidewalks are proposed along the sides of the proposed roadway Clay Street. There are no sidewalks on the adjacent streets, Skyline Drive and Davkim Lane. |
| Section 4.23         | Soil tests will be provided prior to Planning Board approval.   |



# Street Network Plan in NANTUCKET, MASS.

Hayes Engineering, Inc.  
Civil Engineers & Land Surveyors  
603 Salem Street  
Wakefield, MA 01880

Telephone: 781.246.2800  
Facsimile: 781.246.7596  
www.hayeseng.com



Scale: 1" = 200' 0' 100' 200' 400'

December 11, 2015



**PESCE ENGINEERING & ASSOCIATES, INC.**

**451 Raymond Road**

**Plymouth, MA 02360**

Phone: 508-743-9206 Cell: 508-333-7630

[epesce@comcast.net](mailto:epesce@comcast.net)

---

February 4, 2016

Nantucket Planning Board  
Attn: Ms. Leslie Snell, AICP, LEED® AP  
Deputy Director, Planning & Land Use Services  
2 Fairgrounds Road  
Nantucket, MA 02554

**RE: Engineering Review of the Proposed Clay Street (Rear of Skyline Drive)  
Definitive Subdivision**

Dear Mrs. Snell & Members of the Board:

Pesce Engineering & Associates, Inc. is pleased to provide you this engineering review of the proposed Clay Street Definitive Subdivision, located off Skyline Drive, Nantucket, MA. We have evaluated the plans for consistency with the Town's Zoning Bylaw, the Nantucket Rules and Regulations Governing the Subdivision of Land (SR&R), and general conformance with the Massachusetts Stormwater Management Regulations.

Along with a site visit conducted on January 15, 2016, we have reviewed the following information to prepare this letter report:

- Letter from The Richmond Company to the Town of Nantucket Planning Board, Subject: Submittal of a Definitive Plan of a Subdivision Plan, 42 (Rear) 48 (Rear) and 54 (Rear) Skyline Drive Properties and 20 Davkim Lane Property, with application package and enclosures including the Form B Application for Approval of a Definitive Subdivision Plan, dated January 6, 2016, and list of requested waivers.
- Site Development Plans; Definitive Plan, Clay Street, Nantucket, MA, 9 sheets, prepared by Hayes Engineering, Inc., dated December 11, 2015.
- Site Analysis Report, Clay Street, and Street Network Plan, prepared by Hayes Engineering, Inc., dated December 2015.
- Storm Water Management Report, Definitive Subdivision, Clay Street, Nantucket, MA, prepared by Hayes Engineering, Inc., dated December 11, 2015.

The proposed development is located on approximately 18.3 acres of land (comprising multiple parcels) situated between Skyline Drive (including portions of the rear of the lots for #42, 48 & 54 Skyline Drive), and the intersection of Nancy Ann Lane & Davkim Lane.

See the Street Network Plan for an overall view of this area. The site is located in both the Land Use General 2 (LUG-2) and Commercial Neighborhood (CN) Zoning Districts and the Public Wellhead Recharge Overlay District. No wetland areas are located on the subject parcels.

Several buildings exist on the property, which is the site of the former Glowacki commercial operations. The applicant proposes to develop this parcel by creating 4 new lots (Lots 1, 2U, 2R & 3) and a roadway lot (designated as 2 roadway lots; Road-U and Road-R). The proposed subdivision road is a 22-ft. wide paved surface, with 1 ft. Cape Cod berms, within a 40-ft. layout, and with 10 ft. wide electric easements on each side. The new subdivision road is approximately 1,300 feet long. Municipal water service is planned for only part of the subdivision (an extension of a water main for the northerly 500 ft. of the road) with the remainder serviced by private wells. Title 5 septic systems are planned to be installed for the new lots.

The following are our review comments:

### **Definitive Plans, Utilities, and Site Layout**

1. We recommend that the applicant discuss with the Board the justification and explanation for the waivers requested. From our review of these waivers, we find they do not present any major additional engineering issues or concerns.
2. While we note that a waiver for submission of a Landscaping Plan (at this time) has been requested. We recommend that when it is submitted to the Board for review, that if street lighting is proposed, that this lighting be specified as “Dark Sky Compliant” with vertical cutoff shielding to mitigate impacts to abutters.
3. The applicant is requesting that the subdivision road be built in phases, and as such is proposing to build the first approximately 450 ft. of the new subdivision road, as a 12 ft. wide gravel driveway to allow access to Lot 1. If the Board chooses to approve this request, we recommend the following conditions:
  - a. All proposed drainage piping/structures and utilities should be installed up to the proposed 450 ft. length of the driveway.
  - b. A paved asphalt apron should be installed at the intersection with Skyline Drive.
  - c. Discussion of the “triggering” event (or date) that will require the upgrade of this driveway to subdivision standards.

4. If it has not already been received, we recommend that the applicant receive approval from the Nantucket Fire Department on the proposed fire hydrant location, with a written report (or e-mail message) to the Planning Board. We also note that only one fire hydrant is proposed (near Station 8+00) along the entire new subdivision road. This may be insufficient for the future use of this property (for fire protection) if the property is further subdivided, and future residences are located more than 300 ft. from a fire hydrant.
5. We recommend that some additional signage be added to the plans as follows:
  - a. Street signs at the intersections at each end of Clay Street.
  - b. Stop signs (with pavement stop line) at the intersections at Skyline Drive and after the end of Clay Street, on Davkim Lane at the intersection with Nancy Ann Lane.
6. The proposed grading appears to cut through and affect the foundation of the metal structure near Station 10+25. We recommend that the grading at this location be modified or the structure removed/relocated.
7. We recommend that proposed driveway aprons (in conceptual locations), with appropriate driveway detail, be shown on the plans.
8. The roadway cross section detail on sheet 5 indicates *“6” Compacted Sub Base With Gravel Hardening.* We recommend that this roadway base material be specified with a design sieve specification (such as MA DOT M2.01.7, M1.03.0 or similar).
9. The plans show Lots 2U & 2R labeled as “Not a Separate Building Lot” with a “paper” street, Oniska Avenue, located between them. We recommend that the applicant clarify the intent for these lots, and the intended disposition (or relevance) of the apparent paper streets labeled as Summer Street, Andrew Street and Oniska Avenue.

### **Stormwater Management**

This project proposes to mitigate post-development runoff for the new subdivision roadway by collecting runoff flow into a series of new catch basins and drain manholes, followed by discharge to 2 locations:

- A Stormceptor® treatment unit (at the intersection with Skyline Drive), which will discharge to a subsurface infiltration area in the subdivision road.

- A sediment forebay, which overflows to the existing gravel pit area east of the proposed subdivision road, which will act as a large infiltration area.

This stormwater management system will remove the Total Suspended Solids (TSS) in the stormwater, and recharge the stormwater to the aquifer. The proposed design also reduces the peak rate of runoff as compared to the existing conditions, and is additionally designed for the 100-yr. storm.

We have the following stormwater management comments:

1. The applicant proposes to use the existing gravel pit area as a big detention basin/infiltration area – designed for the volume up to the 20 ft. contour level. While this method will work well, it is not the conventional approach, since there are multiple sheds and structures in this area. For the proper use of stormwater management area, these structures should be removed to prevent the storage of materials/contaminants in the stormwater, or a re-design of this area (with no structures in the infiltration area) should be provided.
2. We recommend that the plans (sheets 4 & 8) show the gross length and width of the proposed infiltration bed with the MC-3500 StormTech™ chambers, for clarity during construction.
3. No soil test pit data was provided to evaluate the separation distance from the bottom of the StormTech™ chambers from the estimated seasonal high groundwater elevation. Subject to the approval of the Board, we recommend that the requirement to provide test pit data be added as a condition of the Decision; to conduct these test pits and provide this information to the Board prior to the construction start.
4. We recommend that inspection ports (2 minimum, per row of chambers), with covers brought to finish grade, be added to the plans.
5. The sediment forebay should have the following design features added to the plans:
  - a. A flared end section with rip-rap apron for the inlet pipe.
  - b. A rip-rap overflow spillway & apron at the 18.5 ft. elevation
  - c. Construction Details for the above
6. The following comment pertains to the Stormwater Report:

- a. Page 63 of the report in Appendix B (HydroCAD® calculations): The elevations shown for the subsurface infiltration chambers are different from those shown in the “MC-3500 Typical Cross-Section” detail on sheet 8. Please clarify and revise accordingly.
- b. Page 2 of the report in Appendix D “Checklist for Stormwater Report”: The Checklist should be stamped, signed, and dated by the engineer.

Thank you again for this opportunity to assist the Planning Board in their review of this project. As always, please call if you have any questions or comments.

Sincerely,

PESCE ENGINEERING & ASSOCIATES, INC.



Edward L. Pesce., P.E., LEED® AP  
Principal

David Armanetti, The Richmond Co.  
John Ogren, P.E., Hayes Engineering, Inc.

2/1/16

To The Nantucket Planning Board,

I am writing this letter in regards to the proposal put forth by Richmond Great Point Development, LLC (#7918) for the approval of a defining subdivision plan regarding 42, 46, 48, 54 Skyline Drive and 20 Davkim Lane. 48 and 54 Skyline Dr. already have access to Skyline Drive. 42 and 46 appear to be entitled to driveways on Skyline as long as they comply with existing zoning laws.

The proposed new road, Clay Street, would connect Davkim Lane to Skyline Dr.. Skyline is a private road that has constant repair issues. The proposed road would connect Skyline Dr. to a large commercial tract zoned RC2. 20 Davkim already has large amounts of frontage on Nancy Ann Lane and Davkim Lane. The proposed new road would only increase traffic and wear-and-tear on a private road and entirely change the nature of the Skyline neighborhood. Every property on Skyline is zoned LUG2. There is no access to any RC2 properties on Skyline, nor should there be. The proposed road only serves the commercial interests of Richmond Great Point Development, LLC and will burden the residents of not only Skyline Drive, but Webster Rd. and Woodland Dr. as well. The road will bring to Skyline Drive much commercial traffic, traffic that does not currently exist. It will also connect the other development of Richmond Great Point Development, LLC to Skyline Drive. Richmond Great Point Development, LLC has plenty of other options for their lot on 20 Davkim Lane.

I urge you to reject the proposed road, Clay St., and help maintain the quiet neighborly feel of Skyline Drive.

Sincerely,

William P. Davidson  
(Resident of 61 Skyline Drive for 21 years)

NET MARINE

BOAT STREET

MA 02654

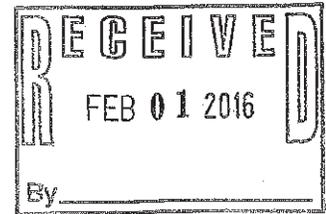
88-8294

# PLANNING BOARD

2751  
ET MA

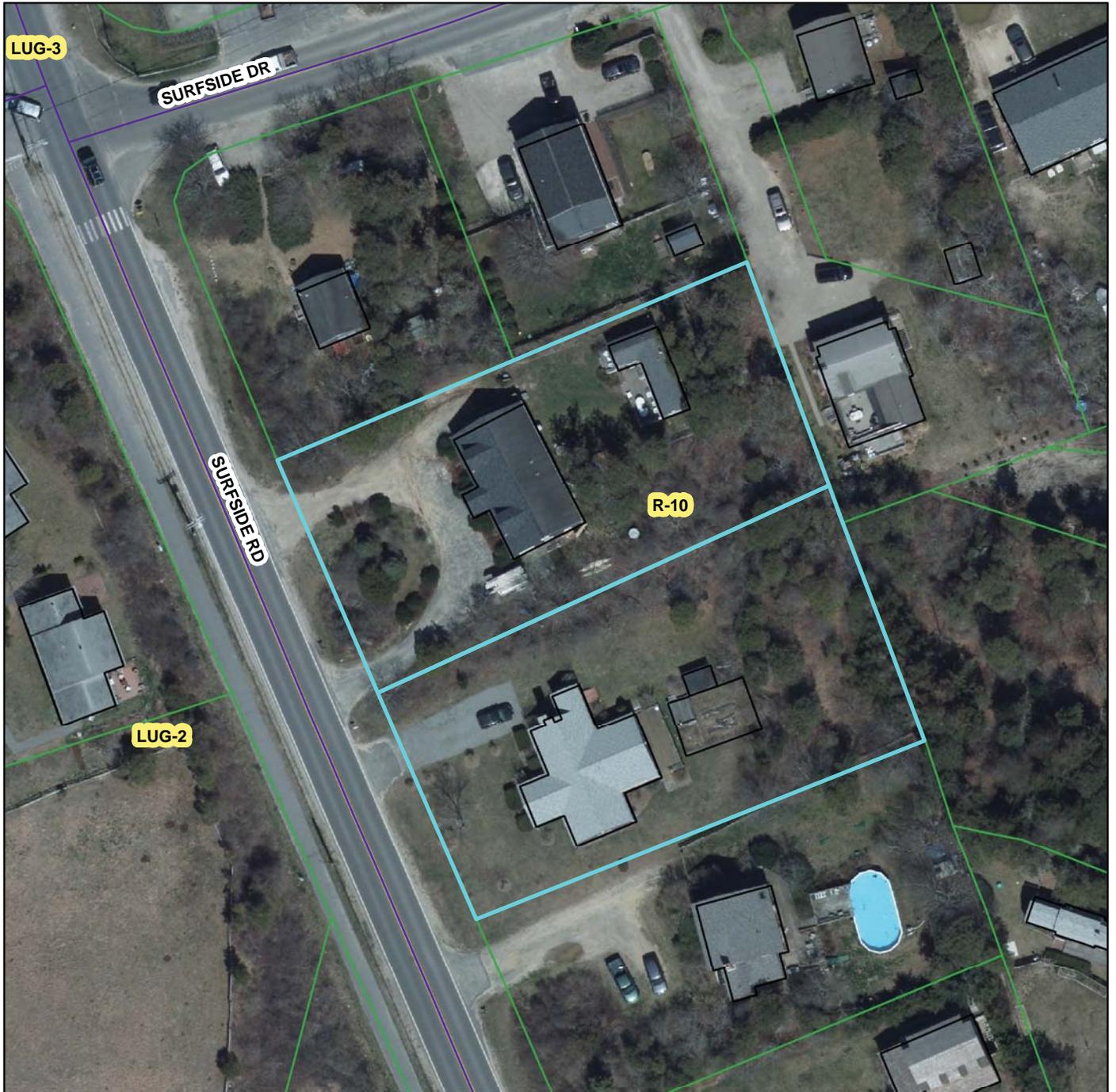
FOR MEETING ON 2/8/16

CASE # 2918





#7919 Hatikva Way Subdivision  
Definitive Subdivision Plan  
82 & 84 Surfside Road  
Map 67 Parcels 193 & 343



January 11, 2016

SDE No. 15137

Nantucket Planning Board  
2 Fairgrounds Road  
Nantucket, MA 02554

**Subject: Hatikva Way Subdivision  
Definitive Subdivision Plan Application  
82 & 84 Surfside Road  
Assessors Map 67 Parcels 193 & 343**

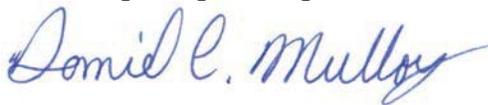
Dear Members of the Board:

The owners of property located at 82 and 84 Surfside Road are requesting your approval of a 3 lot definitive subdivision application. The applicant proposes to subdivide the existing 37,705± sf parcel into 3 building lots. The property is zoned Residential 10 (R-10) with a minimum lot size requirement of 10,000 sf. The property currently contains two dwellings that will remain and be reconfigured in accordance with the proposed subdivision layout.

Access to the property will be provided from Surfside Road via a proposed 14 foot gravel roadway. The roadway is proposed as a rural road alternative in keeping with the surrounding area. The roadway will have 1 foot shoulders for a total accessible width of 16 feet. Turnaround areas are provided at driveway aprons and at the end of the 142 foot long road. A paved apron will be provided at the intersection with Surfside Road in accordance with the Zoning Bylaw. The property will be serviced by municipal water and sewer systems and all utilities will be underground. There are no known wetland areas within 100 feet of the proposed roadway and the property is not located within endangered species habitat.

We ask that this application be placed on the agenda for the Boards February 8, 2016, meeting. Please call me with any questions at (508) 503-3500 or email [dmulloy@sitedesigneng.com](mailto:dmulloy@sitedesigneng.com).

Respectfully,  
Site Design Engineering, LLC.



Daniel C. Mulloy, PE.

Enclosures:

Form B Definitive Plan Application, Hatikva Way, 82 & 84 Surfside Road, 1/11/2016  
Hatikva Way Subdivision waiver requests  
82 & 84 Surfside Road certified abutters list and mailing labels  
Subdivision application fee of \$546.50  
Engineering peer review of \$5,000.00  
Abutter certified mailing fee of \$121.32  
82 & 84 Surfside Road Definitive Subdivision Plans, sheets 1-5, dated 1/11/2016



# Nantucket Planning Board

## Form B Application for Approval of a Definitive Subdivision Plan (AR)

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: January 11, 2016

**To the Planning Board of Nantucket:**

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Hatikva Way Subdivision designed by Site Design Engineering LLC dated January 11, 2016, and described as follows: located on 82 and 84 Surfside Road, number of lots proposed 4 (3 buildable), total acreage of tract 0.866, hereby submits said plan as a **definitive** plan in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from Platt & O'Neil by deed dated \_\_\_\_\_ and recorded in the Nantucket Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the Nantucket Registry District of the Land Court, Certificate of Title # 25603 & 25820 and shown on Nantucket Assessor's Map # 67, Parcel 193 & 343, and said land is free of encumbrances except for the following: \_\_\_\_\_

Said plan  has  has not evolved from a preliminary plan submitted to the Board on \_\_\_\_\_ (date) and  approved  disapproved on \_\_\_\_\_ (date).

The undersigned hereby applies for the approval of said **definitive** plan by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

Name(s) and address(es) of the Applicant(s):

(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees of a trust or partners of a partnership)

82 Surfside: Surf ACK, LLC, c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Flr., Nantucket, MA 02554

84 Surfside: 84 Surf ACK, LLC c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Flr., Nantucket, MA 02554

#7919 Hatikva Way Subdivision - 82 & 84 Surfside Road

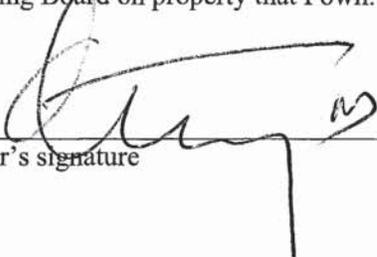
Planning Board, Form B, page 2

Contact Phone #: (508) 228-0337 Fax #: ( ) E-mail: steven@cohenlegal.net

Name of owner(s): Surf ACK, LLC & 84 Surf ACK, LLC

Address of owner(s): c/o Steven L. Cohen, Cohen & Cohen Law PC, 34 Main Street, 2nd Fl.,  
Nantucket, MA 02554

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan with the Planning Board on property that I own.

  
Owner's signature

Received by Town Clerk:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Received by Board of Health:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Planning Board File # \_\_\_\_\_



January 11, 2016

SDE No. 15137

## **HATIKVA WAY SUBDIVISION**

### **82 & 84 SURFSIDE ROAD**

#### **Waiver Requests**

The land on the accompanying plans, shall comply with the rules and regulations of the Nantucket Planning Board Rules and Regulations Governing the Subdivision of Land as amended through December 20, 1999, except for the following enumerated regulations which the applicant requests the Planning Board waive or alter in the manner specified:

#### **SECTION 4.03a(1) – STREETS**

Request the Board waive the requirement for a 20 foot paved roadway and allow the use of a 14-foot wide gravel roadway with 1-foot shoulders for a total width of 16 feet. The proposed roadway will provide access to only 3 building lots and be in keeping with the area. The waiver is requested through section 4.05a Rural Road Alternative.

#### **SECTION 4.03e – MINIMUM STREET DESIGN STANDARDS**

Request the Board waive the requirement of a 40 foot wide layout and allow a 20 foot layout with an abutting 10 foot access and utility easement. The low density of the development does not necessitate a 40 foot roadway layout.

Request the Board waive the requirement of a 20 foot width of roadway and allow use of a 14-foot wide gravel roadway.

Request the Board waive the requirement of a rounding of the right-of-way at its intersection with Surfside Road. The roadway will provide the required 15 foot curb/edge of pavement radius. The edge of pavement within Surfside Road is setback over 15 feet from the property line so the right-of-way rounding's would not serve any function.

#### **SECTION 4.04b – DEAD-END STREET**

Request the Board waive the requirement of a 60-foot cul-de-sac right-of-way radius and allow a 35-foot radius. The subdivision consists of only 3 building lots and the proposed roadway will provide adequate access as well as vehicle turnaround area.

Request the Board waive the requirement of a 50-foot roadway radius and a landscape island in the center of the cul-de-sac.

#### **SECTION 4.05a(3) – STREET CONSTRUCTION**

Request the Board allow the proposed roadway to be constructed under the provisions of a rural road with a 20 foot wide layout.

SECTION 4.09 – SHOULDERS

Request the Board waive the requirement of 4 foot shoulders and allow the use of 1 foot shoulders. The subdivision will only provide access to 3 lots with construction as a rural road alternative to be more in keeping with the area.

SECTION 4.16 - LANDSCAPING

Request that the Board waive the requirement of a formal landscape plan. The applicant will plant street trees as required by the Regulations and will also maintain existing on-site vegetation where possible.

SECTION 4.18 - SIDEWALKS

Request that the Board waive the requirement of sidewalks.

SECTION 4.19 – BICYCLE PATHS

Request that the Board waive the requirements for bicycle paths.

SECTION 4.22 – CURBING & BERMS

Request the Board waive the requirement for curbing.













# **DRAINAGE ANALYSIS**

**HATIKVA WAY SUBDIVISION  
82 & 84 SURFSIDE ROAD  
NANTUCKET, MASSACHUSETTS**

**JANUARY 11, 2016**

**Prepared for**

**SURF ACK**

**Prepared by:**

**SITE DESIGN ENGINEERING, LLC.  
11 CUSHMAN STREET  
MIDDLEBORO, MA 02346**

JOB NUMBER 15137

## **INTRODUCTION**

This drainage report was prepared for a proposed subdivision at 82 and 84 Surfside Road in Nantucket, Massachusetts. The purpose of this report is to demonstrate compliance of the proposed drainage system with Nantucket Planning Board Regulations and the Massachusetts Stormwater Management Policy (SMP). The project site is approximately 0.86± acres and is made up of two developed residential lots. Existing development consists of 3 dwellings, outbuildings, driveways onto Surfside Road and various site utilities and landscaping. The site is fronted by Surfside Road to the west and residential development on the three remaining sides.

The site is proposed to be subdivided into three residential lots. The lots are shaped around existing dwellings to the extent possible with one of the dwellings proposed to be moved onto one of the new lots. The site will largely maintain its present landscape and topographical characteristics at the completion of the project. The development will be accessed by a new 14-foot gravel road. The three existing driveways onto Surfside Road are proposed to be closed as part of this subdivision.

Existing stormwater runoff mainly flows towards the easterly property line and also within some low lying areas within the property. The subdivision roadway will include a stormwater system consisting of an oil/water separator and underground infiltration system. New dwellings are proposed to include roof drain collection and infiltration systems.

## **METHODOLOGY**

The proposed drainage system was designed according to the requirements of the Nantucket Planning Board Regulations. The following policies and design aides were also referred to for the design of the proposed drainage improvements:

- Department of Environmental Protection Stormwater Management Policy.
- Artificial Recharge: Evaluation and Guidance to Municipalities: A Guide to Stormwater Infiltration Practice in Public Water Supply Areas of Massachusetts, as prepared by the Pioneer Valley Planning Commission.

The drainage system for this project was designed using the following methods: the HydroCad® Stormwater Modeling System and the Manning's Equation.

The HydroCad® Stormwater Modeling System was used to quantify stormwater runoff conditions. The HydroCad® program utilizes Natural Resource Conservation Service (NRCS) techniques (TR-20) to predict stormwater runoff for given design storms. The calculations performed by HydroCad® are based on the NRCS model return frequency Type III distribution and a 25-year design storm. The analysis is performed by modeling the drainage areas as subcatchments. A subcatchment is an area that produces runoff that drains into a pond. A pond can be a natural depression, wetland, or manmade structure that detains or retains stormwater runoff.

## **DRAINAGE SYSTEM DESIGN**

For this analysis only one post-development subcatchment was modeled. The pre-development condition was not modeled nor a more detailed post-development condition due to the extent of the existing and proposed development. The proposed drainage system will infiltrate all runoff within its subcatchment for a 25-year storm event and proposed dwellings will incorporate roof drain collection systems thereby negating any potential increase in stormwater runoff.

Flows from HydroCad® subcatchment model S1 are routed to the proposed infiltration system via an oil/water separator and then recharged. The proposed drainage system is designed to store and recharge the entire 25-year 24-hour stormwater runoff generated within the subcatchment.

The HydroCad® pond model for the proposed underground storage system consists of the following information: the volume available for storage and a stage discharge curve. The stone void ratio is accounted to be 40 percent. A stage discharge curve is created for the storage and recharge systems based on the infiltration rate taken from local soil information and percolation rates. Based on the soil type within the area, the rate is assumed to be 8.27 in./hr. based on *Rawls Rate* for a soil class-"A" sand. After entering the required data, the model is complete and the program is executed to determine if the size of the stormwater storage BMPs to attenuate the storm runoff is adequate. The HydroCad® pond models provide the maximum water elevation, volume stored, and infiltration rate attained.

## **SUMMARY**

This drainage analysis was performed to determine and analyze the stormwater runoff characteristics resulting from the proposed subdivision. The drainage system will utilize underground storage and recharge systems to store and infiltrate the projected 25-year storm runoff volume increase from the new road. By storing and infiltrating runoff the design ensures that recharge and treatment are provided while at the same time eliminating potential off site stormwater impacts.

**HATIKVA WAY**  
**STORMWATER OPERATION AND MAINTENANCE PLAN**  
**JANAURY 11, 2016**

Facility Owner

The facility owner will be the contractor during construction and the Home Owner's Association upon completion and acceptance of construction activities.

Parties Responsible For Maintenance

The maintenance of the proposed drainage system will change as the project moves through development and ownership stages. The maintenance of the drainage system will be the responsibility of the contractor during construction. After construction the maintenance of the system will be the responsibility of the Home Owner's Association.

Drainage System Maintenance

The proposed drainage system consists of an oil/water separator and subsurface storage and infiltration system. These facilities shall be inspected and maintained according to the following schedule:

Oil & Water Separator

Inspections shall be performed two times per year. The unit shall be cleaned at least once a year or more frequently whenever the depth of sediment is greater than 24 inches or equal to half the sump depth. All sediment, debris, floatables, contaminants shall be disposed of to a landfill or other permitted facility.

Subsurface Storage & Infiltration System

The subsurface storage & infiltration system shall be inspected 24 hours after major rainfall events for retention of liquid. The inspection shall be by means of the inspection manhole or inspection ports. If liquid is found, the depth shall be recorded and a check of recent storm events and rainfall totals shall be obtained. A follow up inspection within twenty-four (24) hours shall be conducted. The depth of liquid shall be re-measured and the current acceptance rate of the infiltration bed shall be determined. When the infiltration rate exceeds twenty (20) minutes per inch, replacement of the system shall be scheduled. The chamber units should be inspected annually.

**HATIKVA WAY SUBDIVISION**  
**STORMWATER MANAGEMENT**  
**TSS REMOVAL CALCULATION WORKSHEET**

SDE Job No.: 15137  
Prepared by: DCM

Date: 1/11/16  
Checked by: DCM

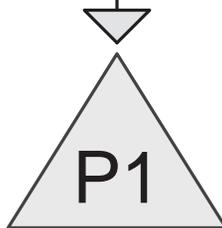
---

<b>A</b> <b>BMP</b>	<b>B</b> <b>TSS Removal Rate</b>	<b>C</b> <b>Starting TSS Load*</b>	<b>D</b> <b>Amount Removed (BxC)</b>	<b>E</b> <b>Remaining Load (C-D)</b>
Oil water separator	25.0%	1.000	0.250	0.750
Underground Storage & Recharge	80.0%	0.750	0.600	0.150
	0.0%	0.150	0.000	0.150
<b>Total TSS Removal =</b>			<b>85.0%</b>	

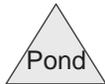
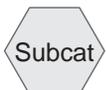
\* Equals remaining load from previous BMP (E) which enters the BMP



POST (eS1)- Roadway  
drainage system, site  
runoff flowing to  
proposed basin



Underground Storage



**Routing Diagram for 15137 HydroCad**  
Prepared by {enter your company name here}, Printed 1/19/2016  
HydroCAD® 10.00-11 s/n 05085 © 2014 HydroCAD Software Solutions LLC

**15137 HydroCad**

Prepared by {enter your company name here}

HydroCAD® 10.00-11 s/n 05085 © 2014 HydroCAD Software Solutions LLC

82 & 84 Surfside Road, Nantucket  
 Type III 24-hr 25-year Rainfall=5.80"

Printed 1/19/2016

Page 2

**Summary for Subcatchment S1: POST (eS1)- Roadway drainage system, site runoff flowing to proposed**

Runoff = 0.42 cfs @ 12.01 hrs, Volume= 1,414 cf, Depth> 2.20"

Runoff by SCS TR-20 method, UH=SCS, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.01 hrs  
 Type III 24-hr 25-year Rainfall=5.80"

	Area (sf)	CN	Description
*	2,200	98	Roadway, Proposed
*	500	98	Access, Driveway, Proposed
*	5,000	39	Lawn, Landscaping
	7,700	60	Weighted Average
	5,000	39	64.94% Pervious Area
	2,700	98	35.06% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.5	12	0.5000	0.43		<b>Sheet Flow, SEGMENT AB</b> Grass: Short n= 0.150 P2= 3.60"
0.4	114	0.0470	4.40		<b>Shallow Concentrated Flow, SEGMENT BC</b> Paved Kv= 20.3 fps
0.9	126	Total			

**15137 HydroCad**

Prepared by {enter your company name here}  
HydroCAD® 10.00-11 s/n 05085 © 2014 HydroCAD Software Solutions LLC

**Summary for Pond P1: Underground Storage**

Inflow Area = 7,700 sf, 35.06% Impervious, Inflow Depth > 2.20" for 25-year event  
Inflow = 0.42 cfs @ 12.01 hrs, Volume= 1,414 cf  
Outflow = 0.08 cfs @ 12.43 hrs, Volume= 1,414 cf, Atten= 81%, Lag= 25.2 min  
Discarded = 0.08 cfs @ 12.43 hrs, Volume= 1,414 cf  
Primary = 0.00 cfs @ 0.00 hrs, Volume= 0 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs / 3  
Peak Elev= 94.13' @ 12.43 hrs Surf.Area= 238 sf Storage= 317 cf  
Flood Elev= 95.50' Surf.Area= 238 sf Storage= 472 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)  
Center-of-Mass det. time= 22.7 min ( 789.0 - 766.3 )

Volume	Invert	Avail.Storage	Storage Description
#1A	92.00'	240 cf	<b>6.25'W x 38.04'L x 3.50'H Field A</b> 832 cf Overall - 233 cf Embedded = 600 cf x 40.0% Voids
#2A	92.50'	233 cf	<b>ADS_StormTech SC-740 x 5 Inside #1</b> Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap Row Length Adjustment= +0.44' x 6.45 sf x 1 rows
		472 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	92.00'	<b>8.270 in/hr Exfiltration over Wetted area</b>
#2	Primary	97.00'	<b>24.0" x 24.0" Horiz. Orifice/Grate</b> C= 0.600 Limited to weir flow at low heads

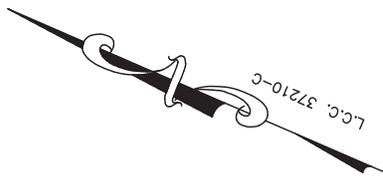
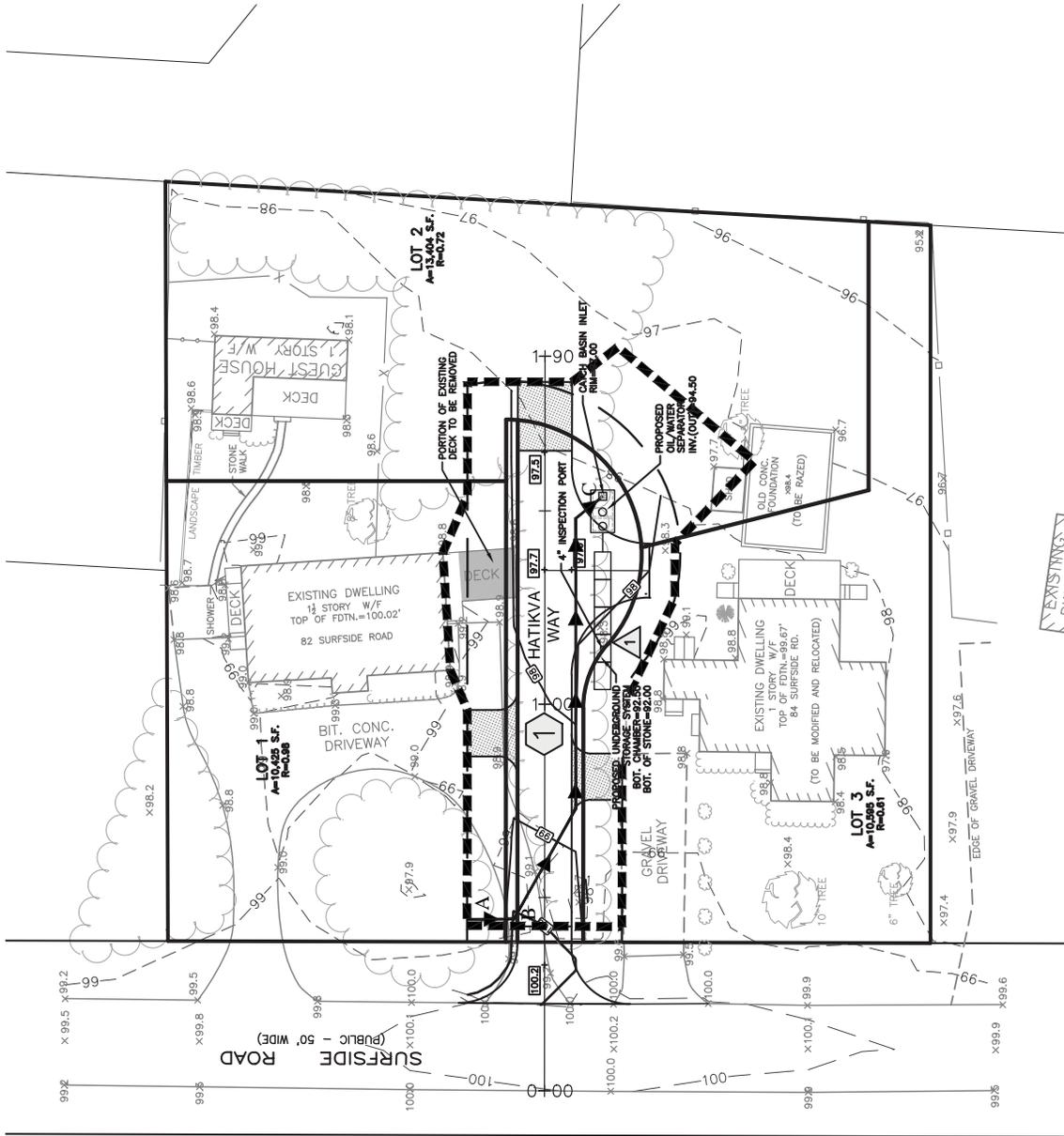
**Discarded OutFlow** Max=0.08 cfs @ 12.43 hrs HW=94.13' (Free Discharge)  
↑**1=Exfiltration** (Exfiltration Controls 0.08 cfs)

**Primary OutFlow** Max=0.00 cfs @ 0.00 hrs HW=92.00' (Free Discharge)  
↑**2=Orifice/Grate** ( Controls 0.00 cfs)

ISSUED FOR : REVIEW	PROJ.#: 15137	SCALE: 1" = 30'	DRAWN BY: SKD	CHECK BY: DCM
DATE: JANUARY 11, 2016	REV. DATE:			

**WATERSHED PLAN**  
**DEFINITIVE SUBDIVISION**  
**82 & 84 SURFSIDE ROAD**  
**NANTUCKET, MASSACHUSETTS**

**SITE DESIGN**  
**ENGINEERING, LLC.**  
 11 CUSHMAN STREET  
 MIDDLEBORO, MA 02346  
 T: 508-967-0873 F: 508-967-0874  
 WWW.SITDESIGNS.COM



**LEGEND**

-  SUBCATCHMENT AREA
-  POND / STRUCTURE
-  Tc-FLOPPATH  
START END POST-DEVELOPMENT
-  POST-DEVELOPMENT  
SUBCATCHMENT  
BOUNDARY

