

1. 6:00 P.M. 01-16-2020 PLANNING BOARD PACKET - WARRANT ARTICLE (FINAL)

Documents:

01-16-2020 PLANNING BOARD MEETING AGENDA - FINAL.PDF  
1. ARTICLE AA RC-2 TO R-5 APPLETON RD.PDF  
2. ARTICLE BB RC-2 TO R-5 BARTLETT RD AND BOYNTON LN.PDF  
3. ARTICLE CC RC-2 TO R-5 MIACOMET AV AND SURFSIDE RD.PDF  
4. ARTICLE DD RC-2 TO CN BARTLETT RD, THIRTY ACRES LN, BOYNTON LN,  
AND SURFSIDE RD.PDF  
5. ARTICLE EE RC-2 TO CTEC APPLETON RD, BARLTETT RD AND PERRY  
LN.PDF  
6. ARTICLE FF RC-2 TO R-5 AND OR CN 33 OLD SOUTH RD AND 24 TICCOMA  
WY.PDF  
7. ARTICLE HH RC TO CN FRANCIS, UNION AND WASHINGTON ST AND SALT  
MARSH WY.PDF  
8. ARTICLE JJ SR1 TO SOH FRONT BANK.PDF  
9. ARTICLE LL R-20 TO R-40 BAYBERRY LN AND RUGGED RD.PDF  
10. SWIMMING POOL - R1 AND R5 LOT RESEARCH UPDATED 011420 -  
POOL.PDF  
11. ZONING BYLAW AMENDMENT - SECONDARY DWELLING.PDF  
12. ZONING BYLAW AMENDMENT ARTICLE R-5 AND R-10 SHEDS.PDF  
13. ZONING BYLAW AMENDMENT - DEMOLITION DELAY.PDF  
14. ZONING BYLAW AMENDMENT AND ZONING MAP AMENDMENT -  
TECHNICAL AMENDMENTS.PDF  
15. WITHDRAWAL ARTICLE - ARTICLE LUG-3 TO SOH (KENNETH  
GULLICKSEN).PDF  
16. ZONING BYLAW AMENDMENT - HEIGHT CHANGE 40 FT TO 30 FT.PDF  
17. ARTICLE R5 TO CTEC MARYANN.PDF  
18. ARTICLE R10 TO CN COBBLE.PDF  
19. LUG-2 AND LUG-3 120KSQFT - COHEN HOUSING.PDF  
20. RESIDENTIAL EVENT FACILITY -TENTS OPPOSITIONS.PDF  
21. LUG3 TO LUG1 DRISCOLL.PDF  
22. VR TO VN POLPIS CHATHAM.PDF  
23. LUG2 TO R20 RUGGED.PDF  
24. COASTAL EROSION LIABILITY WAIVER ARTICLE.PDF  
2005 2014 2016 2017 2019 ZONING LAND AREA CHANGES.PDF  
CITIZEN PETITION ARTICLE SUMMARY LWS 120519.PDF  
GUIDANCE FOR CITIZEN PETITIONS APPROVED 101118.PDF  
NANTUCKET ISLAND ZONES - ISLAND MAP.PDF  
PLANNING BOARD SPONSERED ARTICLE SUMMARY 121619.PDF  
SWIMMING POOL.PDF  
WITHDRAWAL ARTICLE - CAMPBELL SUTTON.PDF  
ZONING DISTRICT BY LAND AREA 2019 MAY.PDF  
ZONING DISTRICTS BY DENSITY AND SIZE 2019.PDF



# Nantucket Planning Board

## Nantucket Planning Board Agenda

THURSDAY, JANUARY 16, 2020

6:00PM

4 Fairgrounds Road

Public Safety Facility Community Room

First Floor

**(AGENDA SUBJECT TO CHANGE)**

\*The Planning Board meeting will be audio recorded.

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

**Board Members:** Judith Welch Wegner (Chairman), John Trudel, III (Vice-Chairman), Nat Lowell, “Fritz” McClure, and David Iverson

**Alternates:** Stephen Welch, Campbell Sutton and David Callahan

**Staff:** Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Holly Backus (Preservation Planner) and Catherine Ancero (Administrative Specialist) and Meg Trudel (Land Use Planner)

\*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. Public Hearings:

- #1** ■ Zoning Map amendment to place 3 properties on Appleton Road currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district;
- #2** ■ Zoning Map amendment to place properties on Bartlett Road and Boynton Lane currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district;
- #3** ■ Zoning Map amendment to place properties located on Surfside Road and Miacomet Avenue currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district;
- #4** ■ Zoning Map amendment to place properties on Boynton Lane, Thirty Acres Lane, Surfside Road, and Bartlett Road currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district;

- #5** ▪ Zoning Map amendment to place properties on Appleton Road, Bartlett Road, and Perry Lane currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district;
- #6** ▪ Zoning Map amendment to place properties at 33 Old South Road and 24 Ticcoma Way currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district and/or Commercial Neighborhood (CN) district;
- #7** ▪ Zoning Map amendment to place properties on Union Street, Francis Street, Washington Street, and Salt Marsh Way currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district;
- #8** ▪ Zoning Map amendment to place properties on Bank Street, Beach Street, Broadway, Codfish Park Road, Elbow Lane, Fawcett Way, Front Street, Gully Road, Jackson Street, and North Gully Road currently located in the Sconset Residential 1 (SR-1) district in the Sconset Old Historic (SOH) district;
- #9** ▪ Zoning Map amendment to place properties on Bayberry Lane currently located in the Residential 20 (R-20) district in the Residential 40 (R-40) district;
- #10** ▪ Zoning Bylaw amendment to increase the minimum lot size and setback requirements for residential swimming pools in the R-1/SR-1 and R-5/R-5L zoning districts;
- #11** ▪ Zoning Bylaw amendment to alter the secondary dwelling definition to add a requirement that one of the two dwelling units on the lot be owner occupied;
- #12** ▪ Zoning Bylaw amendment to reduce the setback requirement in the R-5 and R-10 districts for a shed with not more than 50 square feet of ground cover;
- #13** ▪ Zoning Bylaw amendment to modify the demolition delay requirements for residential structures;
- #14** ▪ Zoning Bylaw and Map amendments to make various technical changes, including modifying the definition of “inclusionary unit” and “landscape contractor”, reordering the subsections contained within section 12 (overlay districts), modifying language in section 30 for consistency with MGL c. 40A s. 11, and placing a portion of a property at 32 Crooked Lane currently in the Residential 40 (R-40) in the Residential 20 (R-20) district;
- #15** ▪ Zoning Map amendment to place a property at 10 Ocean Avenue currently located in the Limited Use General 3 (LUG-3) district in the Sconset Old Historic (SOH) district (citizen petition);
- #16** ▪ Zoning Bylaw amendment to reduce the maximum allowed height in the Commercial Mid-Island (CMI) district from 40 feet to 30 feet (citizen petition);
- #17** ▪ Zoning Map amendment to place 3 properties on Maryanne Drive currently located in the Residential 5 (R-5) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district (citizen petition);
- #18** ▪ Zoning Map amendment to place a property at 3 Cobble Court currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district (citizen petition);
- #19** ▪ Zoning Bylaw amendment to create an additional development option to create affordable dwelling units through the issuance of a special permit in the Limited Use General 2 (LUG-2) and Limited Use General 3 (LUG-3) districts (citizen petition);
- #20** ▪ Zoning Bylaw amendment to create a new use “residential event facility” to regulate events meeting certain criteria within residential zoning districts (citizen petition);
- #21** ▪ Zoning Map amendment to place 3 properties on Driscoll Way currently located in the Limited Use General 3 (LUG-3) district in the Limited Use General 1 (LUG-1) district (citizen petition);
- #22** ▪ Zoning Map amendment to place 8 properties on the north side of Polpis Road currently located in the Village Residential (VR) district in the Village Neighborhood (VN) district (citizen petition);
- #23** ▪ Zoning Map amendment to place a property at 25 Rugged Road currently located in the Limited Use General 2 (LUG-2) district in the Residential 20 (R-20) district (citizen petition); and

- #24** ▪ Zoning Bylaw amendment and Home Rule Petition to insert a new section adding the requirement for a liability waiver granted by the property owner in favor of the Town of Nantucket prior to the issuance of a building permit for construction on lots on “shorefront land” or within 300 feet of “shorefront land” (citizen petition).

**IV. Public Comments:**

**V. Other Business:**

- Planning Board, Monday, January 27, 2020 @ 5PM, PSF Training Room (second floor)
- Planning Board non-public hearing agenda items is Thursday, February 6, 2020 at 12PM at 2 Fairgrounds Road (conference room)
- Planning Board regular meeting will be Monday, February 10, 2020 @ 5:00PM 4 Fairgrounds Road in the PSF Community Room (first floor)
- Planning Board, Thursday, February 13, 2020 @ 5:30PM, PSF Community Room (first floor), *Warrant Articles discussion if needed only*

**VII. Adjournment:**





ARTICLE AA

(Zoning Map Change: RC-2 to R-5 - Appleton 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 Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

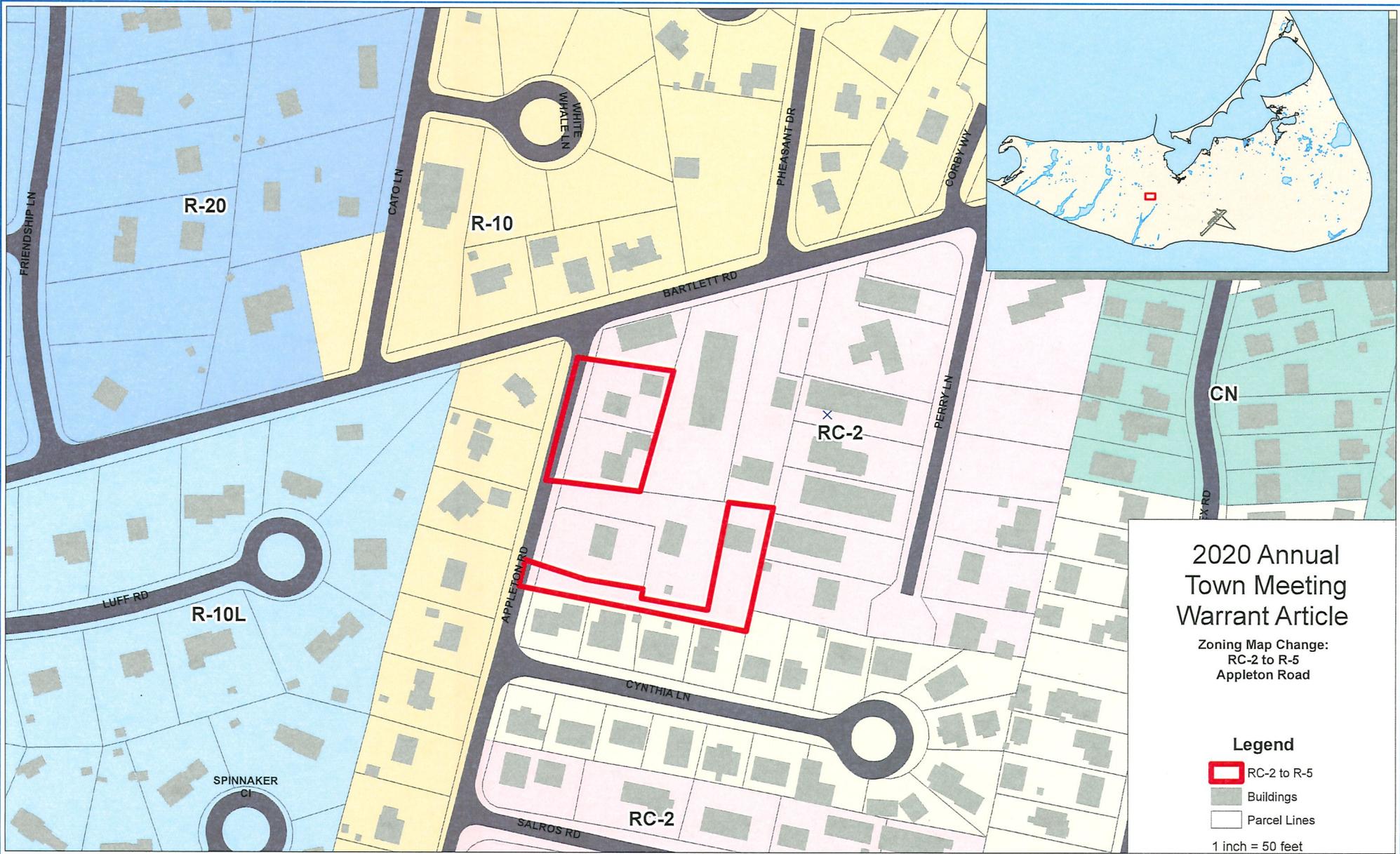
MAP	LOT	NUMBER	STREET
66	19.1	2	Appleton Road
66	19.2	4	Appleton Road
66	477	12	Appleton Road

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_ RC-2 to R-5" dated October 2019 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 AA



**2020 Annual  
Town Meeting  
Warrant Article**

**Zoning Map Change:  
RC-2 to R-5  
Appleton Road**

**Legend**

- RC-2 to R-5
- Buildings
- Parcel Lines

1 inch = 50 feet

**Date Sources:**  
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class I Map Accuracy for 1"=100' scale maps.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



Town of Nantucket - GIS Mapsheet



Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements. The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

Please send identification of any errors and corresponding corrections to:  
GIS Coordinator  
Town of Nantucket  
2 Fairgrounds Road  
Nantucket, MA 02554

ARTICLE BB

(Zoning Map Change: RC-2 to R-5 - Bartlett Road and Boynton Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

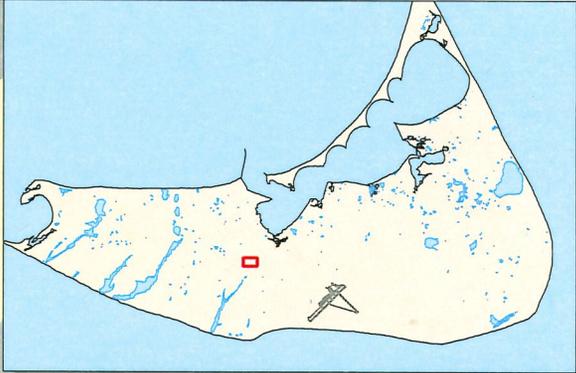
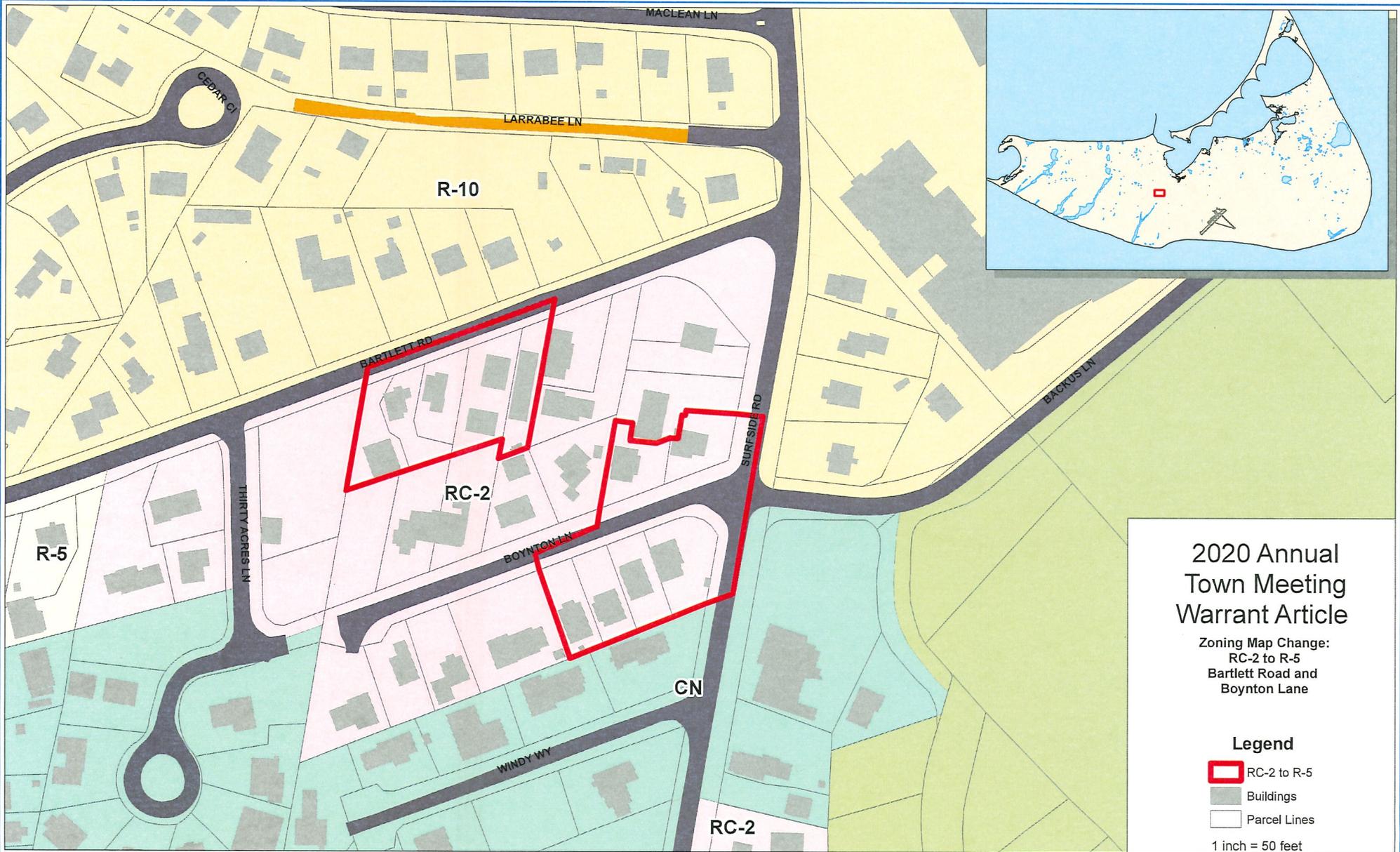
MAP	LOT	NUMBER	STREET
67	14.9	10.5	Bartlett Road
67	666	10	Bartlett Road
67	14.8	8	Bartlett Road
67	14.1	8	Bartlett Road
67	484	6	Bartlett Road
67	665	1	Boynton Lane
67	664	3	Boynton Lane
67	117.9	8	Boynton Lane
67	117.8	6	Boynton Lane
67	117.7	4	Boynton Lane
67	117.4	2	Boynton Lane

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_\_ RC-2 to R-5" dated October 2019 and filed herewith at the Office of the Town Clerk.

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*(Board of Selectmen for Planning Board)*

ARTICLE BB



2020 Annual  
Town Meeting  
Warrant Article

Zoning Map Change:  
RC-2 to R-5  
Bartlett Road and  
Boynton Lane

Legend

- RC-2 to R-5
- Buildings
- Parcel Lines

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ARTICLE CC

(Zoning Map Change: RC-2 to R-5 - Miacomet Avenue and Surfside Road)

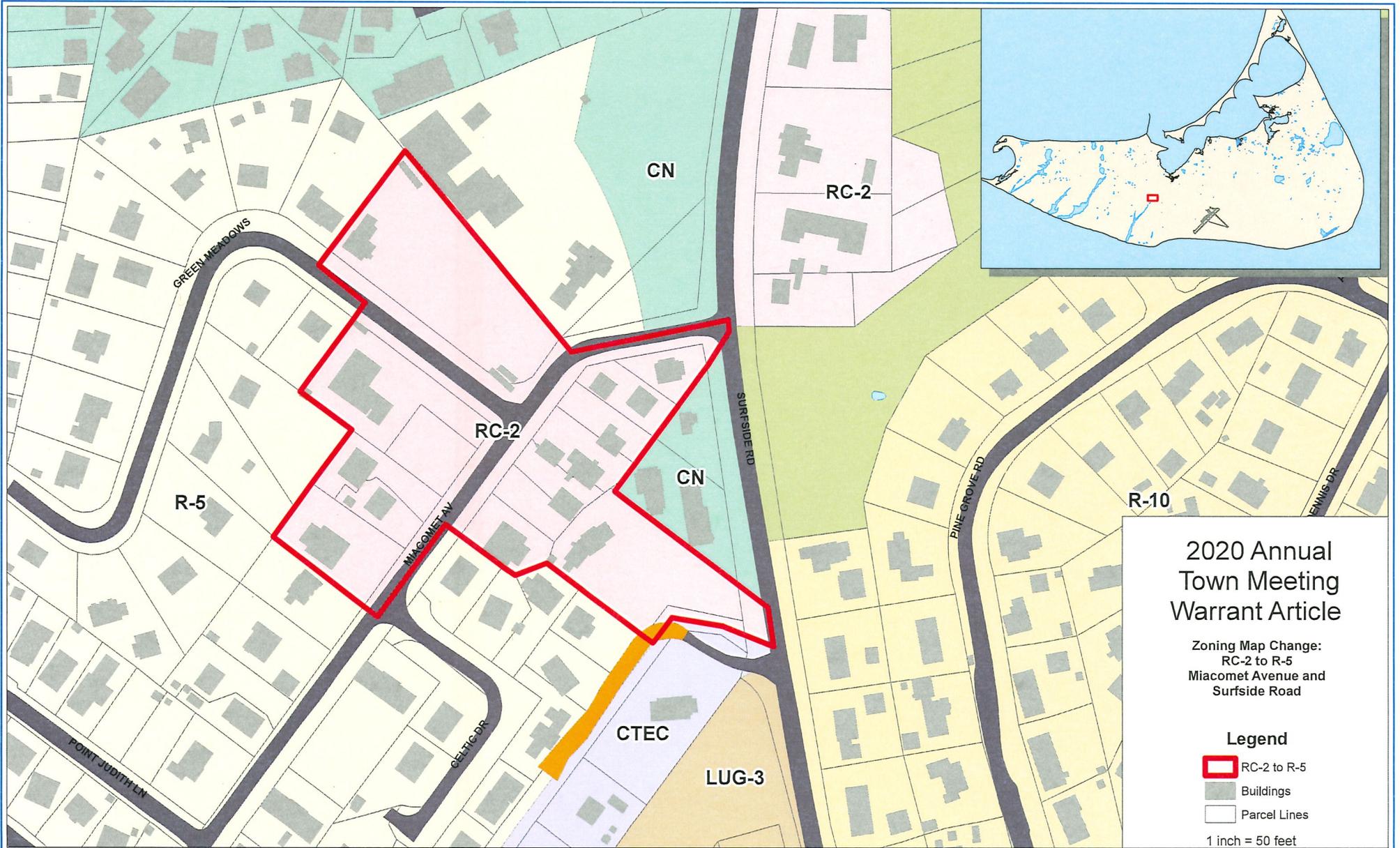
To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
67	223.5	65.5	Surfside Road
67	223.8	61	Surfside Road
67	223.7	2	Miacomet Avenue
67	223.3	4	Miacomet Avenue
67	223.4	6	Miacomet Avenue
67	223.6	8	Miacomet Avenue
67	223.1	8A	Miacomet Avenue
67	223.9	10A	Miacomet Avenue
67	215	11	Miacomet Avenue
67	216	9	Miacomet Avenue
67	881	9B	Miacomet Avenue
67	217	7	Miacomet Avenue
67	210.4	5	Miacomet Avenue
67	210.5	3	Miacomet Avenue

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_ RC-2 to R-5" dated October 2019 and filed herewith at the Office of the Town Clerk.

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*(Board of Selectmen for Planning Board)*



### 2020 Annual Town Meeting Warrant Article

Zoning Map Change:  
RC-2 to R-5  
Miacomet Avenue and  
Surfside Road

#### Legend

- RC-2 to R-5
- Buildings
- Parcel Lines

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## Town of Nantucket - GIS Mapsheet



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2 Fairgrounds Road  
Nantucket, MA 02554

ARTICLE DD

(Zoning Map Change: RC-2 to CN - Bartlett Road, Thirty Acres Lane, Boynton Lane, and Surfside 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 Commercial 2 (RC-2) district in the Neighborhood Commercial (CN) district:

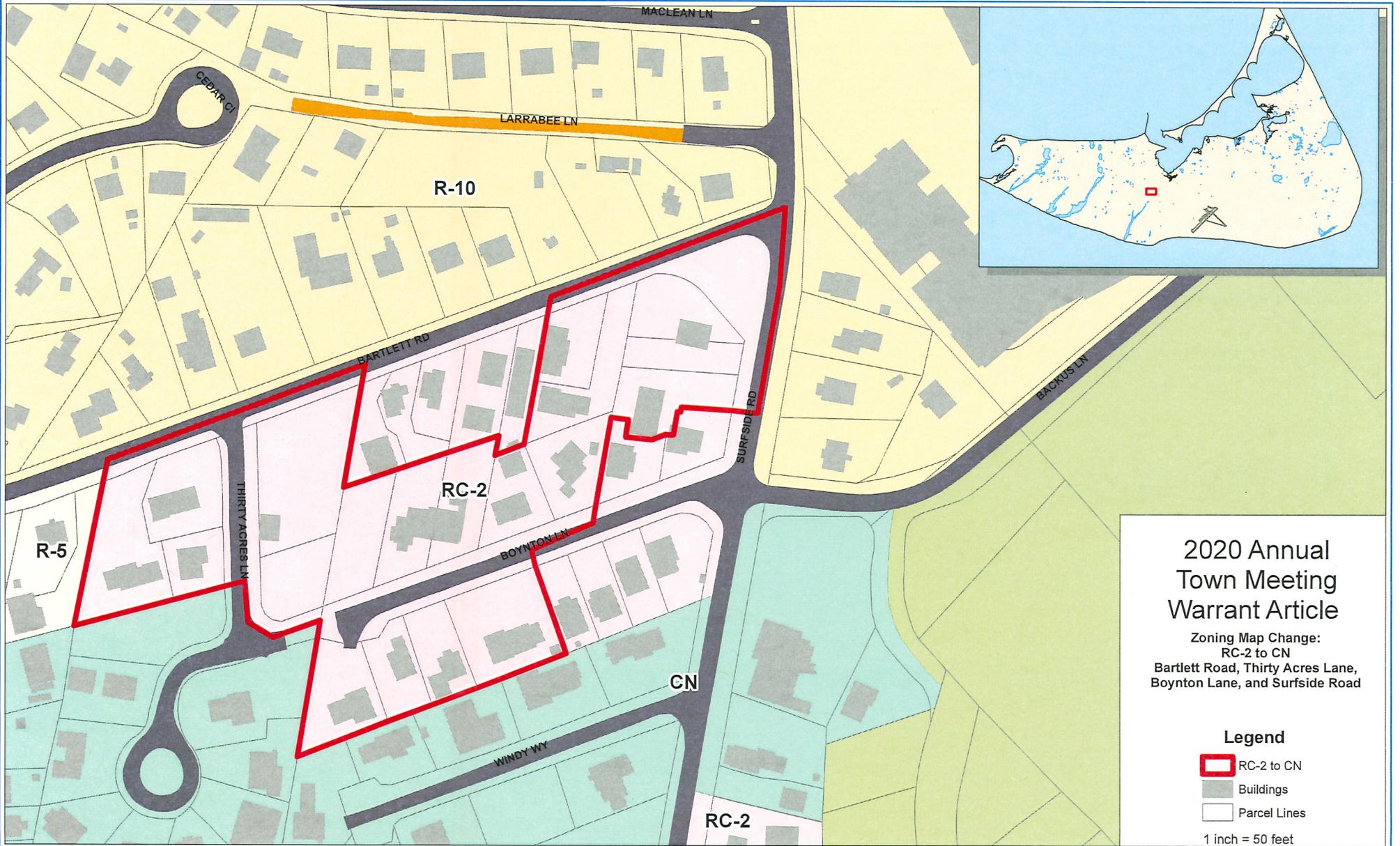
MAP	LOT	NUMBER	STREET
67	14.3	2	Bartlett Road
67	990	2R	Bartlett Road
67	14	4 ½	Bartlett Road
67	844	4	Bartlett Road
67	116	12	Bartlett Road
67	115.1	12 ½	Bartlett Road
67	114.1	16 ½	Bartlett Road
67	114	16	Bartlett Road
67	486	1	Thirty Acres Lane
67	14.2	7	Boynton Lane
67	485	11	Boynton Lane
67	117.5	12	Boynton Lane
67	554	16A	Boynton Lane
67	14.7	17	Boynton Lane
67	14.6	19	Boynton Lane
67	117.1	18	Boynton Lane
67	117	20	Boynton Lane
67	14.5	21	Boynton Lane
67	14.4	45	Surfside Road

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_ RC-2 to CN" dated October 2019 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 DD



**2020 Annual  
Town Meeting  
Warrant Article**

**Zoning Map Change:  
RC-2 to CN**

**Bartlett Road, Thirty Acres Lane,  
Boynton Lane, and Surfside Road**

- Legend**
- RC-2 to CN
  - Buildings
  - Parcel Lines
- 1 inch = 50 feet

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2 Fairgrounds Road  
Nantucket, MA 02554

ARTICLE EE

(Zoning Map Change: RC-2 to CTEC - Appleton Road, Bartlett Road and Perry Lane)

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 Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	476	8	Appleton Road
66	437	10	Appleton Road
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28 ½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26 ½	Bartlett Road
67	425.5	24	Bartlett Road
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane
67	112.6	11	Perry Lane
67	112.1	12	Perry Lane
67	425.1	10	Perry Lane
67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as  
on a

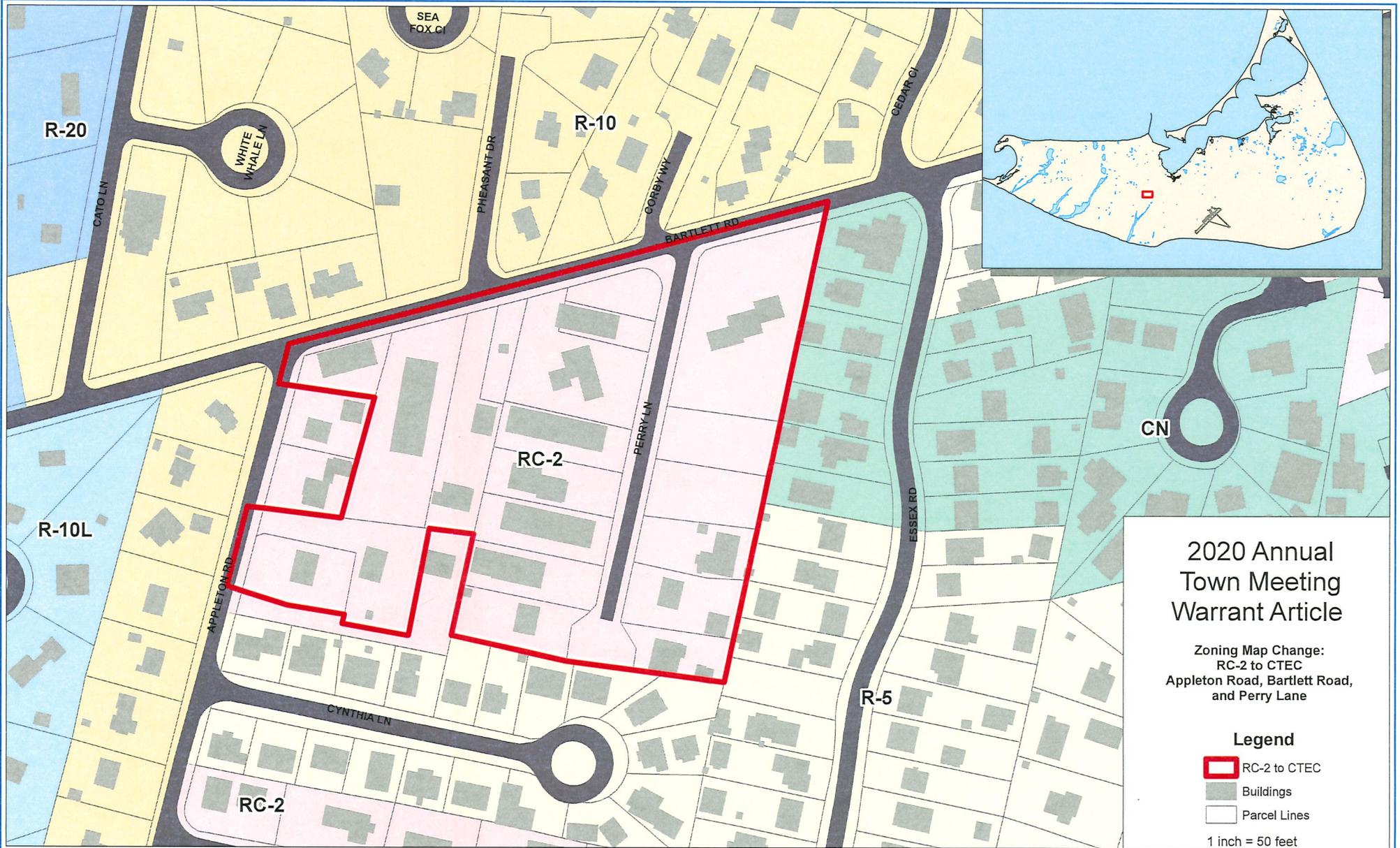
shown  
map

entitled "2020 Annual Town Meeting Warrant Article \_\_ RC-2 to CTEC" dated October 2019 and filed herewith at the Office of the Town Clerk.

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*(Board of Selectmen for Planning Board)*

ARTICLE EE



2020 Annual  
Town Meeting  
Warrant Article

Zoning Map Change:  
RC-2 to CTEC  
Appleton Road, Bartlett Road,  
and Perry Lane

Legend

- RC-2 to CTEC
- Buildings
- Parcel Lines

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2 Fairgrounds Road  
Nantucket, MA 02554

October, 2019

ARTICLE FF

(Zoning Map Change: RC-2 to R-5 and/or CN - 33 Old South Road and 24 Ticcoma Way )

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 Commercial 2 (RC-2) district in the Residential 5 (R-5) and/or Commercial Neighborhood (CN) districts:

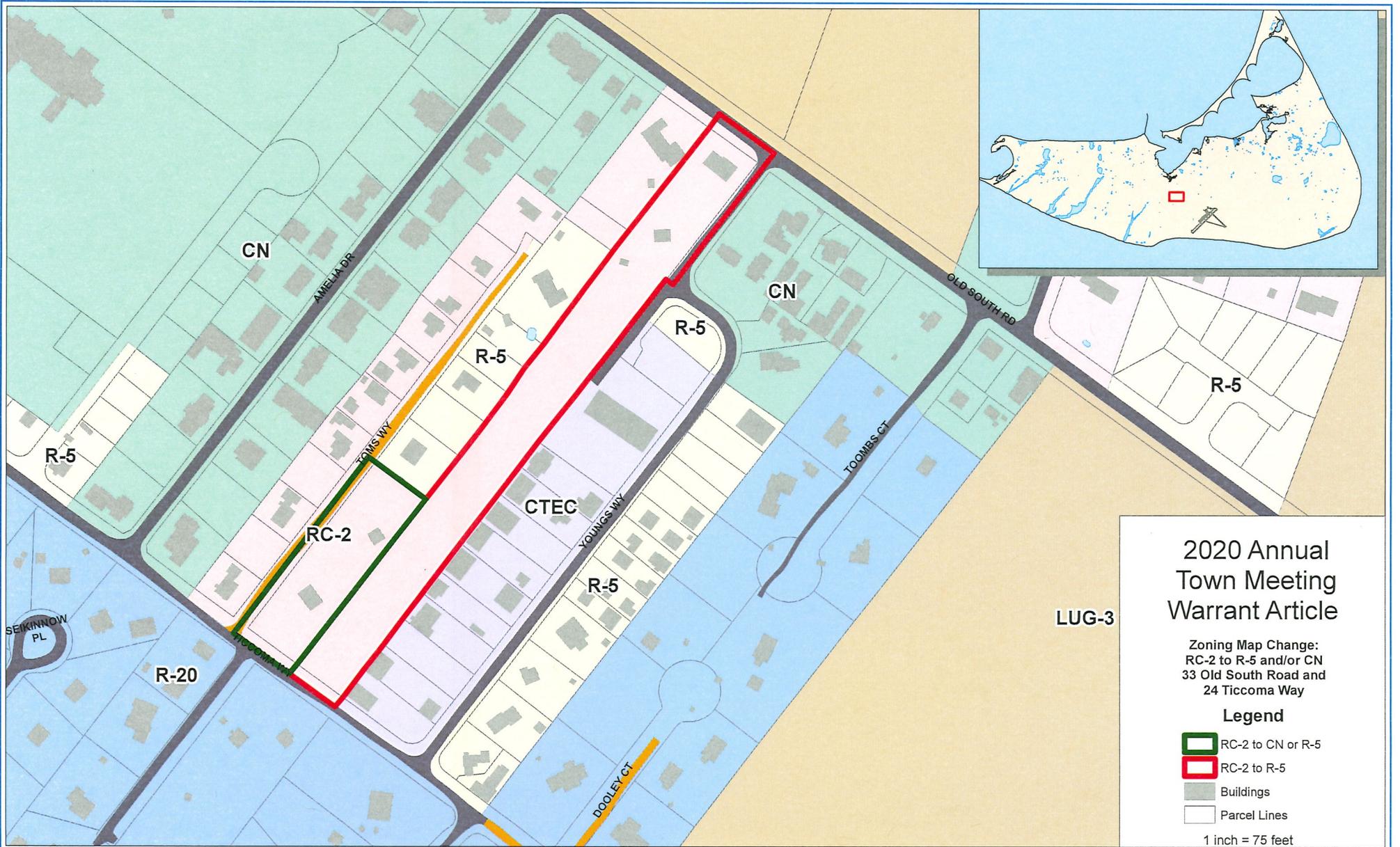
MAP	LOT	NUMBER	STREET
68	4	33	Old South Road
67	50	24	Ticcoma Way

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_ RC-2 to R-5 and/or CN" dated October 2019 and filed herewith at the Office of the Town Clerk.

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*(Board of Selectmen for Planning Board)*

ARTICLE FF



### 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:**  
RC-2 to R-5 and/or CN  
33 Old South Road and  
24 Ticcoma Way

**Legend**

- RC-2 to CN or R-5
- RC-2 to R-5
- Buildings
- Parcel Lines

1 inch = 75 feet

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2 Fairgrounds Road  
Nantucket, MA 02554

October, 2019

ARTICLE HH

(Zoning Map Change: RC to CN - Francis, Union, and Washington Streets, and Salt Marsh Way)

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 Commercial (RC) district in the Commercial Neighborhood (CN) district:

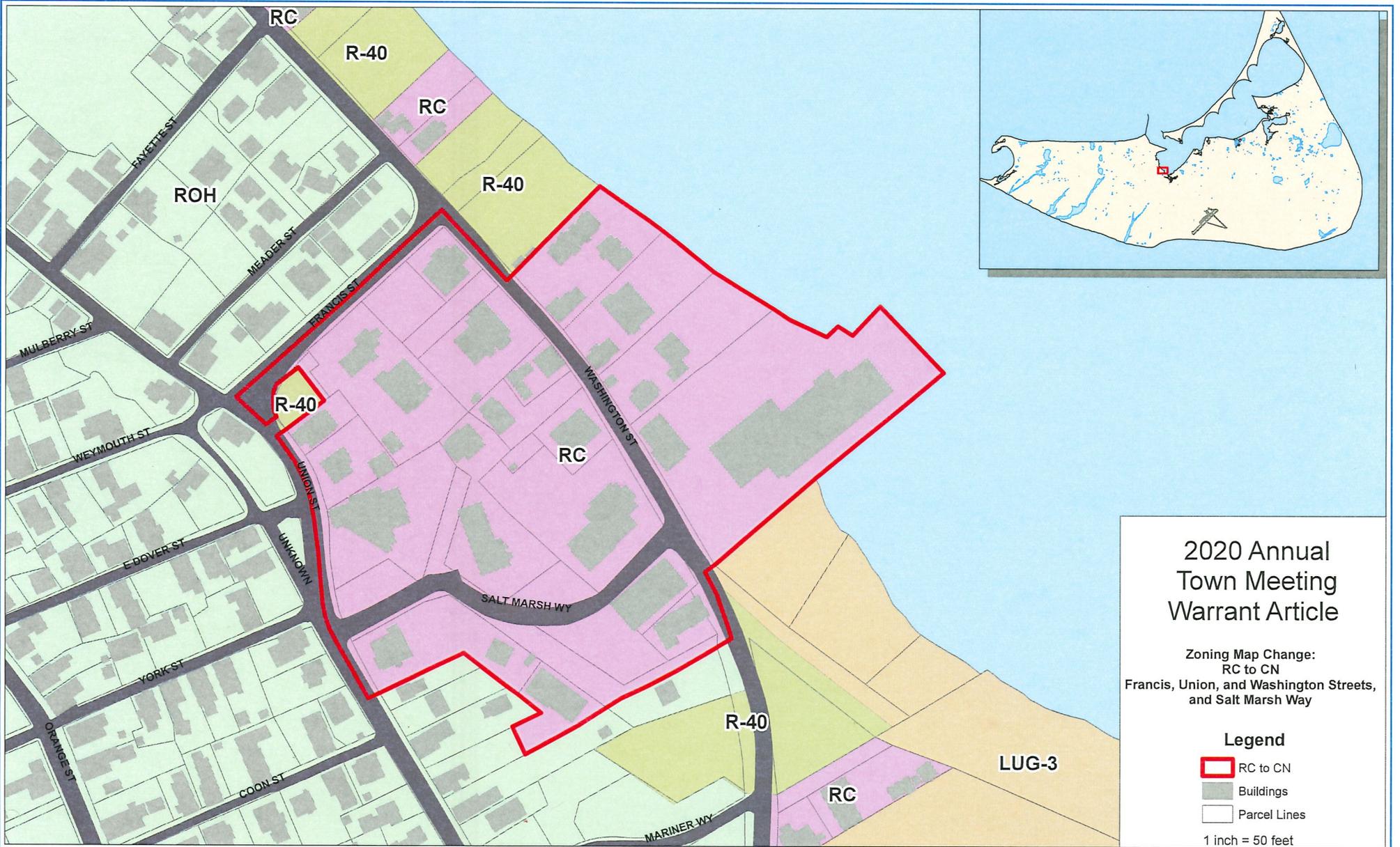
MAP	LOT	NUMBER	STREET
42.2.3	42	77	Washington Street
42.2.3	20	80B	Washington Street
42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	37	103	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_ RC to CN" dated October 2019 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 HH



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 Nantucket, MA 02554

## Catherine Ancero

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**From:** Megan Trudel  
**Sent:** Monday, January 13, 2020 10:10 AM  
**To:** Catherine Ancero  
**Cc:** Holly Backus  
**Subject:** FW: 77 Washington St Parcel 4223-042

FYI-

Catherine, could you please add to the file for this zoning change? I believe this is the first email in opposition for this particular change.

Megan Trudel  
Town of Nantucket  
PLUS-Land Use Specialist  
2 Fairgrounds Rd, Nantucket MA 02554  
Phone (508) 325-7587 ext. 7053

-----Original Message-----

**From:** Peter Zschau <pzschau@pzinc.com>  
**Sent:** Monday, January 13, 2020 10:06 AM  
**To:** Megan Trudel <mtrudel@nantucket-ma.gov>  
**Cc:** Jonathan Zschau <jzschau@pzinc.com>; Melanie Zschau <mzschau@atroxen.com>  
**Subject:** 77 Washington St Parcel 4223-042

As owners of the above captioned property, we are opposed to any change in our current RC zoning class.

Please advise if any additional action is required by us to prevent any zoning change.

Sincerely,

Melanie and Peter Zschau

Phone: 413 218-8895 or 413 218-8897  
Mail Address: PO Box 93 Millers Falls MA 01349

## Catherine Ancero

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**From:** Linda D <ldolceamore@gmail.com>  
**Sent:** Wednesday, January 15, 2020 10:26 AM  
**To:** Catherine Ancero  
**Cc:** Rebecca Refvik; Candace Alexander  
**Subject:** Harborside Association Opposition to Proposed Zoning Changes

Catherine --Thank you for your assistance. Please provide this letter to the Board to be read during tomorrow's meeting:

Dear Planning Board and Island Residents,

The Harborside Condominium Association of 80 Washington Street is writing this letter to express our strong opposition to the proposed zoning changes to Washington Street. We cherish our way of life on Washington Street and believe the proposed change to all Commercial would negatively impact the solitude and peace we relish in our Nantucket homes and on the island. We oppose the zoning change as we do not want the future of Washington Street Extension to pave the way for more commercial properties and all that entails. The consequences of increased traffic and congestion will negatively impact our homeowners on a dead end street, island residents and visitors alike. We do not want this zoning change to be approved.

Sincerely,

Candace Alexander: Board President

Rebecca Refvik: Board Member

Linda Dolceamore: Board Member

## Catherine Ancero

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**From:** Richard R. Richter <rrichter@genre.com>  
**Sent:** Wednesday, January 15, 2020 11:16 AM  
**To:** Catherine Ancero  
**Subject:** 80 Washington Street #1, opposition to Proposed Zoning Changes

Catherine,

Please present this letter to the Board to be read during the zoning meeting tomorrow.

I am the owner of 80 Washington Street, #1. My home is located across the street from the Salt Marsh Center and will be directly affected by the proposed zoning changes to Washington Street. I am expressing my strongest possible opposition to the zoning changes that are being proposed.

I bought my home because of the calm and peace that currently exists on Washington Street Extension. There is a neighborhood feel to living there. A conversion to commercial use will bring highly disruptive and negative consequences to the area. In addition, as a homeowner most affected by these proposed changes given my location, it is crystal clear to me that the value of my home will be affected – its value will be diminished. If approved, not only will my way of life be altered, but the negative financial consequence is something I will not recover from.

This is not the Nantucket I (and we) have bought into. Approval will have devastating consequences to the Washington Street Extension part of the island. PLEASE do the right thing for the community, and do not approve the proposed zoning changes.

Sincerely,

Richard Richter  
80 Washington Street, #1

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This transmission, including attachments, is intended for the person or company named and may contain confidential and/or legally privileged information. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited. If you are not the intended recipient, please delete the original and all copies of this transmission and notify the sender.

ARTICLE JJ

(Zoning Map Change: SR-1 to SOH - Bank Street, Beach Street, Broadway, Codfish Park Road, Elbow Lane, Fawcett Way, Front Street, Gully Road, Jackson Street, and North Gully Road)

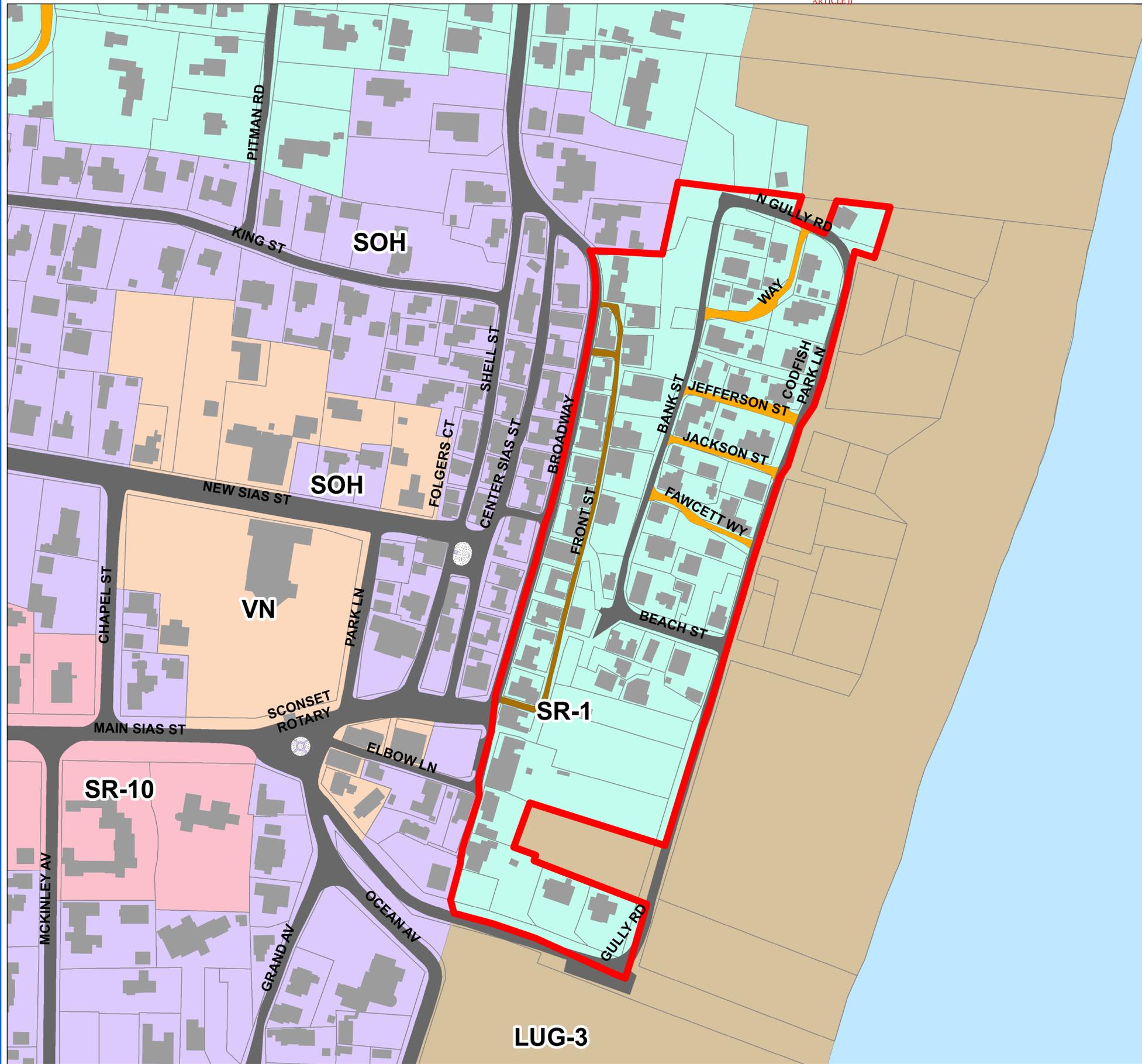
To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Sconset Residential 1 (SR-1) district in the Sconset Old Historic (SOH) district:

MAP	LOT	NUMBER	STREET
73.2.4	7	1	Bank Street
73.2.4	8	5	Bank Street
73.1.3	27	7	Bank Street
73.1.3	69	8	Bank Street
73.1.3	67	11	Bank Street
73.1.3	68	13	Bank Street
73.1.3	62	15	Bank Street
73.1.3	60	19	Bank Street
73.1.3	57	21	Bank Street
73.1.3	55	23	Bank Street
73.1.3	51	25	Bank Street
73.1.3	50	27	Bank Street
73.1.3	49	29	Bank Street
73.1.3	52	23R	Bank Street
73.1.3	23	7	Beach Street
73.1.3	24	9	Beach Street
73.2.4	10	10	Beach Street
73.1.3	25	11	Beach Street
73.1.3	26	15	Beach Street
73.2.4	37	1	Broadway
73.2.4	38	3	Broadway
73.2.4	4	5	Broadway
73.1.3	29	7	Broadway
73.1.3	72	8	Broadway
73.1.3	45	10	Broadway
73.1.3	71	11	Broadway
73.1.3	100	13	Broadway
73.1.3	113	15	Broadway
73.1.3	112	17	Broadway
73.1.3	111	19	Broadway
73.1.3	110	21	Broadway
73.1.3	109	23	Broadway
73.1.3	108	25	Broadway
73.1.3	91	27	Broadway
73.2.4	40	8	Codfish Park Road
73.2.4	39	10	Codfish Park Road
73.2.4	9	12	Codfish Park Road
73.2.4	11	16	Codfish Park Road
73.1.3	66	24	Codfish Park Road
73.1.3	65	26	Codfish Park Road
73.1.3	56	30	Codfish Park Road
73.1.3	54	32	Codfish Park Road
73.1.3	53	34	Codfish Park Road
73.1.3	47	36	Codfish Park Road
73.2.4	44.1	3	Elbow Lane
73.2.4	43	5	Elbow Lane
73.2.4	41	7	Elbow Lane
73.1.3	64	7	Fawcett Way
73.2.4	5	5	Front Street
73.1.3	28	7	Front Street
73.1.3	70	9	Front Street
73.1.3	99	11	Front Street
73.1.3	98	13	Front Street
73.1.3	97	15	Front Street
73.1.3	95	19	Front Street
73.1.3	94	21	Front Street
73.1.3	92	23	Front Street
73.1.3	93	23	Front Street
73.2.4	44.3	3	Gully Road
73.2.4	44.2	5	Gully Road
73.2.4	45	9	Gully Road
73.1.3	58	7	Jackson Street
73.1.3	61	8	Jackson Street
73.1.3	61.1	8	Jackson Street #1
73.1.3	61.2	6	Jackson Street #2
73.1.3	7	3	N Gully Road
73.1.3	48	8	N Gully Road
73.1.3	119	10	N Gully Road

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_\_ SR-1 to SOH" dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)



## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:  
SR-1 to SOH**

**Bank Street, Beach Street, Broadway,  
Codfish Park Road, Elbow Lane, Fawcett Way,  
Front Street, Gully Road, Jackson Street, and  
North Gully Road**

**Legend**

- SR-1 to SOH
- Buildings
- Parcel Lines

1 inch = 75 feet

**Data Sources:**  
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.  
  
The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2013.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



# Town of Nantucket - GIS Mapsheet



Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licensees must inquire of the relevant agency for applicable requirements.  
  
The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

Please send identification of any errors and corresponding corrections to:

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

**ARTICLE LL**

**(Zoning Map Change: R-20 to R-40 - Bayberry Lane and Rugged 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
67	57	1	Bayberry Lane
67	74	2	Bayberry Lane
67	59	3	Bayberry Lane
67	58	4	Bayberry Lane
67	60	5	Bayberry Lane
67	73	6	Bayberry Lane
67	61	7	Bayberry Lane
67	72	8	Bayberry Lane
67	62	9	Bayberry Lane
67	71	10	Bayberry Lane
67	63	11	Bayberry Lane
67	70	12	Bayberry Lane
67	64	13	Bayberry Lane
67	69	14	Bayberry Lane
67	65	15	Bayberry Lane
67	68	16	Bayberry Lane
67	66	17	Bayberry Lane
67	67	18	Bayberry Lane
As altered by ANR Plan #8298, as may be amended			
67	915	30	Rugged Road

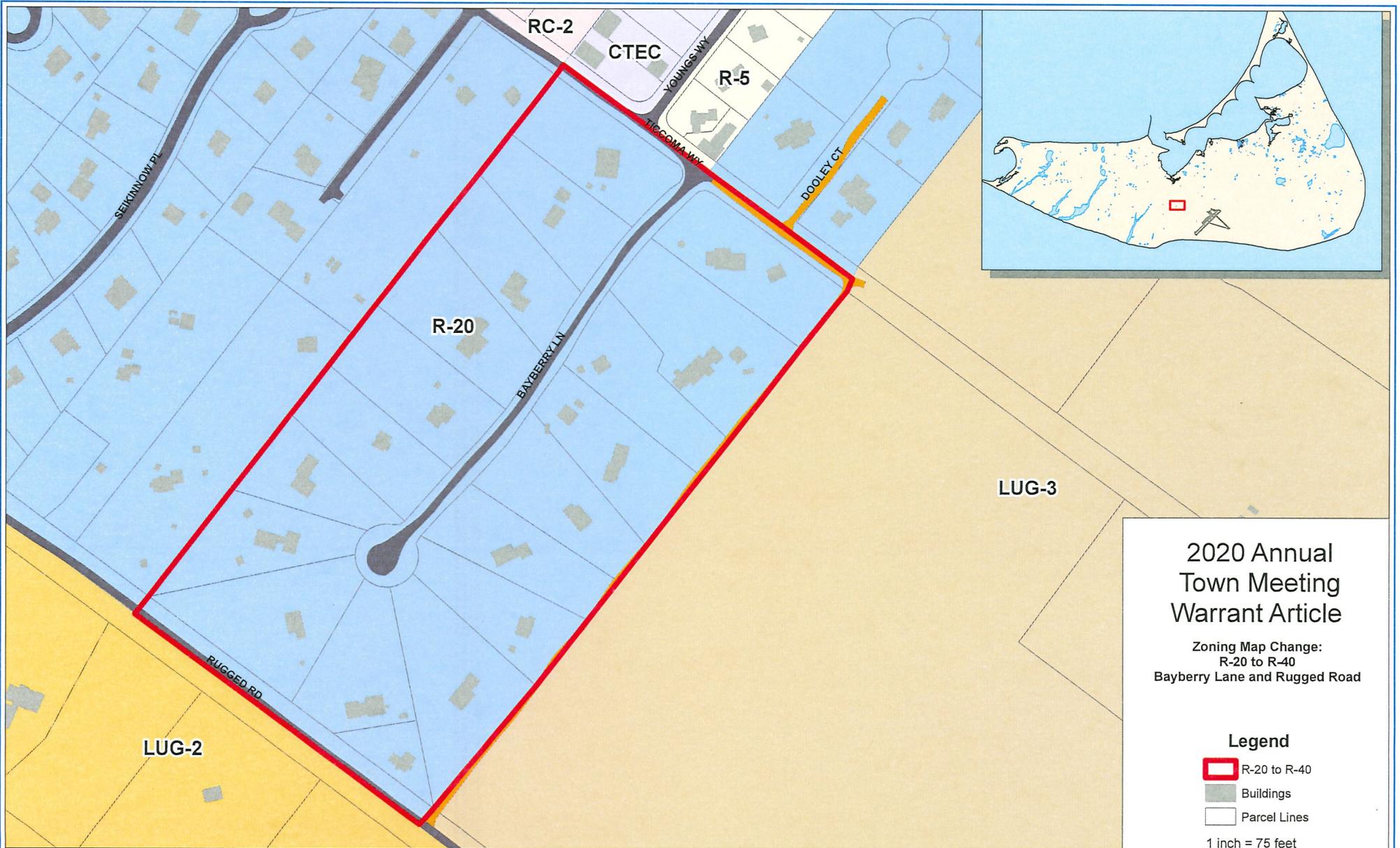
All as

shown on a map entitled "2020 Annual Town Meeting Warrant Article \_\_\_ R-20 to R-40" dated October 2019 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 LL



2020 Annual  
Town Meeting  
Warrant Article

Zoning Map Change:  
R-20 to R-40  
Bayberry Lane and Rugged Road

Legend

-  R-20 to R-40
-  Buildings
-  Parcel Lines

1 inch = 75 feet

**Data Sources:**  
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class I Map Accuracy for 1"=100' scale maps.  
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Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

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

October, 2019

Homer F. Ray III  
Ellen L. Ray  
15 Bayberry Lane  
Nantucket, MA 02554  
508-228-1170

December 11, 2019

Leslie Woodson Snell  
Deputy Director of Planning  
2 Fairgrounds Road  
Nantucket, MA 02554

RE: Article LL

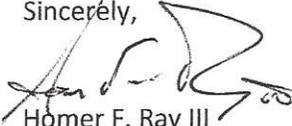
Dear Leslie,

We are writing you in opposition to the zoning changes as they would affect our two lots on Bayberry Lane, Map 67 Lot 65 Number 15 and Map 67 Lot 66 Number 17. We have no plans at this time but wish to retain the ability should our grandchildren wish to remain on Nantucket in the future and need land to build their homes.

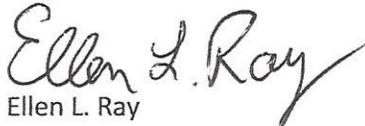
We request our lots be removed from any zoning changes or short of that the Article LL not be presented for approval.

Thank you for taking into consideration our needs.

Sincerely,



Homer F. Ray III  
Trustee 15 Bayberry Lane



Ellen L. Ray  
Trustee 17 Bayberry Lane

January 6, 2019

received  
1/6/2019  
HGB

Dear Chairperson Wegner,

I am writing to you to in reference to a proposed Article for the upcoming Annual Town Meeting that would change the Zoning on Bayberry Lane from R-20 to R-40. I am in the middle of purchasing the property at 1 Bayberry Lane for my family and I would like to see what I can do to request my future property be removed from this Article. I have been under contract since December and will be closing in February before the Article even gets voted on. I am a single working mother, with four children, of which I am the primary care giver and provide a majority of the financial expenses, including my oldest daughter's college tuition, and my middle son's private high school tuition. My twin sons are in sixth grade in the public school on island.

This property is a dream home for me and my family and without the present zoning in place, it would be a financial burden to try and keep up with the monthly mortgage payments. I did plan to subdivide my property into two half-acre lots, live in the existing house on 24,000 sq. ft. and my employer has agreed to purchase the future subdivided lot of 20,000 sq. ft., which would enable me to make my mortgage manageable.

The property I am purchasing on 1 Bayberry Lane is a little more unique than the other properties in the neighborhood. I am a corner lot on Bayberry Lane and Ticcoma Way, so this would not be a rear lot subdivision. I would have proper road frontage and be of proper size, as well as having both Town water and Town Sewer.

Although, I am not a present owner, I am at Purchase and Sale, and I will be closing in February. I thought it would be pertinent to address the Planning Board at this time, so I would be on the record to have my future property be removed from this article. I am neither for nor against the Article for the inside properties, however, I believe 1 Bayberry Lane is uniquely different.

I understand there is a Planning Board meeting on January 16th to discuss Warrant Articles and I will attend and address the Board if necessary. Please advise me if there is anything you may need of me prior to the scheduled meeting. Thank you for your time and for your service. I wish you and the Planning Board a Happy New Year!

Sincerely,



Marianne Jenkinson  
1 Weatherly Place  
Nantucket, MA 02554  
(774) 236-0176 cell

ARTICLE \_\_\_

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions (*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-sustentative 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 2A (definitions) as follows:

**SWIMMING POOL - RESIDENTIAL**

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association.

- In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 10,000 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2020.

2. Amend section 7A (use chart) by replacing "A" with "A with lot  $\geq$  10,000 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

*(Select Board for Planning Board)*

## R-1 and R-5 Review (01/14/20)

### R-1

293	Acres (excluding roadways)
994	Total Lots
959	Buildable Lots
229	Lots over 15,000 square feet
155	Lots between 10,000 and 14,999 square feet
170	Lots between 7,500 and 9,999 square feet
13,304	Average Lot Size
8,557	Median Lot Size
15.8%	Average Ground Cover

### R-5

109	Acres (excluding roadways)
582	Total Lots
558	Buildable Lots
45	Lots over 15,000 square feet
51	Lots between 10,000 and 14,999 square feet
90	Lots between 7,500 and 9,999 square feet
8,532	Average Lot Size
6,246	Median Lot Size
17.6%	Average Ground Cover (aggregate for all parcels and structures)

## ARTICLE \_\_\_\_\_

### (Zoning Bylaw Amendment: Secondary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2, by deleting the existing definition of secondary dwelling in its entirety and by replacing it with the following (*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-sustentative 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*):

#### SECONDARY DWELLING

A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The primary purpose of secondary dwellings is to provide housing opportunities for year round residents, subject to the following requirements:

- One of the two dwelling units, if in the same ownership, shall be owner occupied. This requirement shall apply to dwellings for which a building permit is issued after September 30, 2020.
- Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership."
- The secondary dwelling may contain an attached garage.
- A secondary dwelling may only be attached to the primary dwelling by a breezeway.
- The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling.
- The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; excluding breezeways, retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences.

Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter. Prior to the issuance of a building permit for a secondary dwelling, the Planning Board shall make a determination regarding the adequacy of access to the lot and structures thereon. Planning Board determinations granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**NOTE: the new definition contains one new concept, which is that one of the two dwellings must be owner occupied, as defined in the Bylaw. All other language is in the current bylaw, but has been reorganized to make this definition more clear.**

ARTICLE \_\_\_\_

(Zoning Bylaw Amendment: Sheds in the R-5 and R-10 Districts)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 16, 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-sustentative 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*):

....

(4) In the R-5 District ~~only~~, the ten-foot side yard setback may be reduced to five feet ~~under one of~~ subject to the following conditions:

(a) A five-foot side yard setback may apply to a secondary dwelling or accessory structure that is located within 20 feet of the rear lot line or to sheds of not more than 50 square feet in ground cover and eight feet in height, as measured from the top of the slab or pier foundation; or,

(b) Where a common driveway of at least 10 feet in width is provided to allow access to two or more lots.

(5) In the R-10 District the ten-foot side and/or rear yard setback may be reduced to five feet for sheds of not more than 50 square feet in ground cover and not taller than eight feet, as measured from the top of the slab or pier foundation.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

ARTICLE

(Zoning Bylaw Amendment: Demolition Delay)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 26, 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-sustentative 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*):

Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner or Local Inspector for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals. [Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]

(1) Demolition delay. [Added 4-14-1997 ATM by Art. 40, AG approval 8-5-1997]

(a) Statement of purpose. The purpose of this section is to establish a predictable process for reviewing requests to demolish residential structures in order to:

[1] Establish an appropriate waiting period during which the Town and the applicant can propose and consider alternatives to the demolition of a building of residential value;

[2] Minimize the quantity of demolition debris ending up in the landfill;

[3] Create an incentive for reuse of residential structures;

[4] Give interested parties an opportunity to acquire reusable residential structures.

(b) Buildings subject to demolition delay. All residential structures are subject to review by the Building Commissioner or a registered design professional for the purpose of determining whether such buildings have any residential reuse potential.

(c) Issuance of demolition permit. The requirements set forth in this section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. No demolition permit shall be issued for a building that is subject to review, pursuant to Subsection A(1)(b) above, unless:

[1] It is determined that demolition is necessary, pursuant to Subsection A(1)(d) below.

[2] It is determined that said building has no residential reuse potential due to the existing condition of the structure or physical barriers to moving the structure such as significant trees, bridges, etc.

[3] The demolition delay period set forth in Subsection A(1)(f) below has expired.

(d) Required demolition or repair.

[1] Demolition. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to order the building owner, or Town, to demolish a building at any time if it is determined that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

[2] Repair. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to require the applicant to take reasonable action to prevent the need for required demolition of a significant building, which may include securing the building and making it safe so that it does not present an imminent and substantial danger to the public.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review has re-use potential pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

(f) Procedure.

[1] An application for A request for review of reuse potential pursuant to this section shall be made to the Building Commissioner or Local Inspector. The request shall be made by letter, email or any other method acceptable to the building official, manner provided in this Subsection A(1)(f). If the applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

[2] The applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this section, may be completed prior to, or during, any other review to which the building or its site may be subject.

[3] Application for review under this section shall be made in connection with an application for a demolition permit.

[4] After its receipt of an application, pursuant to this Subsection A(1)(f), the following determinations shall be made:

[a] Whether immediate demolition is required pursuant to Subsection A(1)(d); and

[b] Whether said structure has any residential reuse potential pursuant to Subsection A(1)(c)[2].

[5] A notice of determination shall be made issued within 20 days after the request, the application filing date. If it is determined that the structure does not require

immediate demolition and that it does have reuse potential the applicant shall place a public notice in a local newspaper.

[a] Contents of public notice.

INVITATION FOR LETTERS OF INTEREST REGARDING AVAILABILITY OF HOUSE WHICH MUST BE MOVED FROM CURRENT LOCATION A house at (street address), scheduled for demolition, is being made available to any interested parties subject to the owner's conditions. The Building Commissioner is accepting Letters of Interest for 30 days from the date of this publication. All interested parties should submit a letter of interest to the Building Commissioner. The house must be moved within 60 days of this publication.

Subject to the Chapter 139 Section 25A(1) of the Code of the Town of Nantucket (the so-called "demolition delay bylaw"), a house located at INSERT ADDRESS is being made available to any interested party subject to the ability to move the structure within 60 days from the date of this publication, in addition to meeting any conditions imposed by the current owner. A letter of interest must be submitted to INSERT OWNER/CONTACT ADDRESS AND EMAIL with a copy provided to the Town of Nantucket Building Commissioner at 2 Fairgrounds Road or by e-mail at INSERT BUILDING COMMISSIONER E-MAIL within 30 days from the date of this publication. Letters of interest received after 30 days may be considered at the discretion of the property owner.

[6] A published copy of said notice shall be presented to the Building Department. From the date of publication of said notice, any interested parties shall have 30 days to respond in writing to the Building Commissioner. If any bona fide letters of interest, as determined by the Building Commissioner or Building Local Inspector, are received within the thirty-day period no demolition permit shall be issued for a period of 30 days thereafter.

[7] If no bona fide letters of interest are received within the thirty-day period, a demolition permit may be issued.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE \_\_\_\_

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, 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-sustentative 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 2A (definitions) as follows:

**INCLUSIONARY UNIT**

Any rental dwelling unit required pursuant to § 139-11JH restricted to employee occupancy.

**LANDSCAPE CONTRACTOR**

A business engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. Exterior storage of equipment and/or materials must be effectively screened by a wall, fence, or densely planted vegetative buffer.

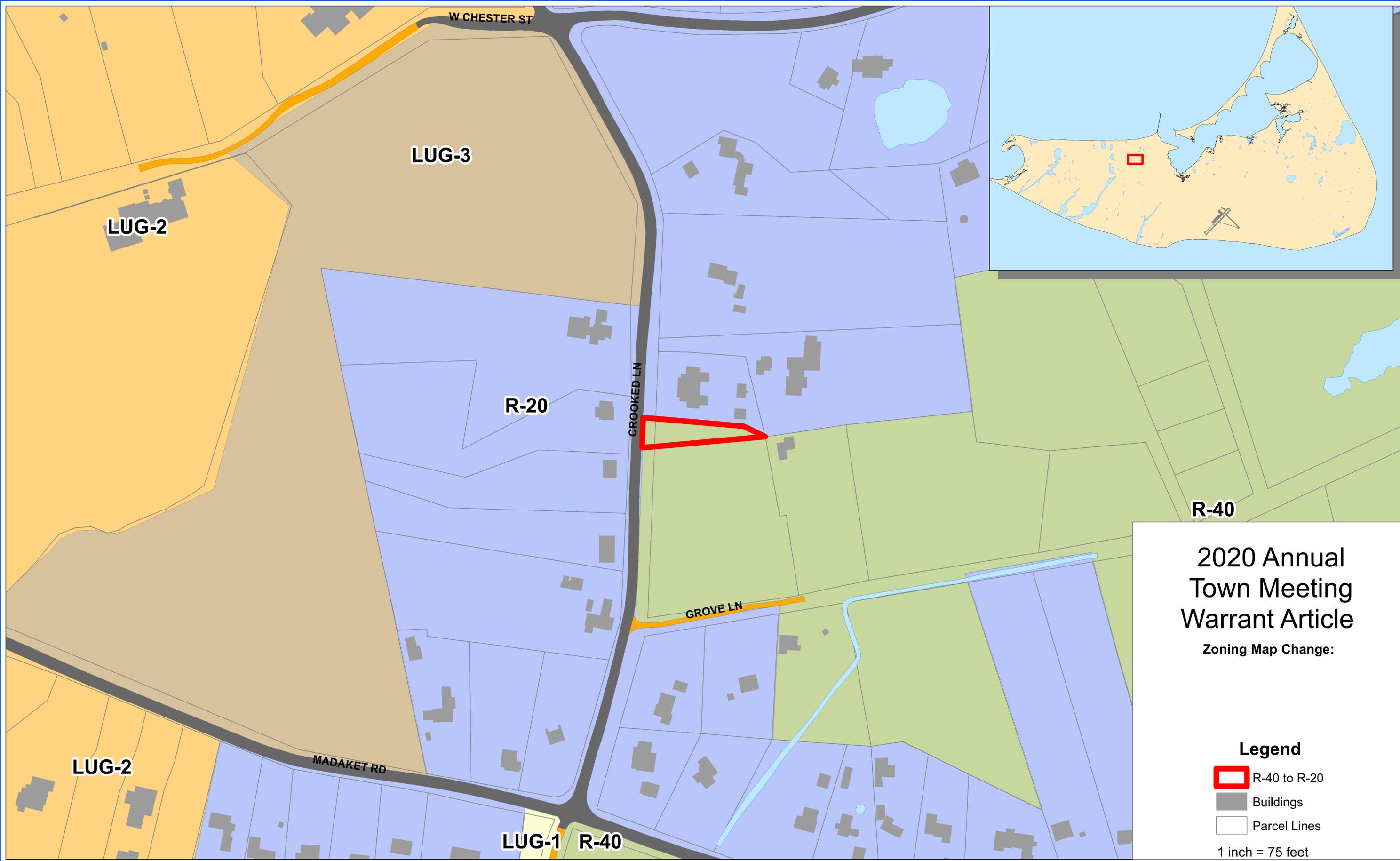
2. Amend section 12 by deleting the existing title in its entirety and replacing it with the following, and by reordering section 12 by placing the existing subsections in the order listed in the title:

Town Overlay District (TOD), Country Overlay District (COD), Formula Business Exclusion Overlay District (FBED), Mid Island Planned Overlay District (MIPOD), Village Height Overlay District (VHOD), Nantucket Cottage Hospital Overlay District (NCHOD), Public Wellhead Recharge District (PWED), Flood Hazard Overlay District (FHOD), Harbor Overlay District (HOD), Solar Energy Overlay District (SEOD).

3. Amend section 30 as follows: **ADD LANGUAGE MGL C. 40S S 11**
4. Amend the Zoning Map by placing a portion of property at 32 Crooked Lane (Map 41, Parcel 331) currently located in the Residential 40 (R-40) district in the Residential 20 (R-20) district.

Or to take any other action related thereto.

*(Select Board for Planning Board)*



## 2020 Annual Town Meeting Warrant Article

Zoning Map Change:

### Legend

-  R-40 to R-20
-  Buildings
-  Parcel Lines

1 inch = 75 feet

**Data Sources:**  
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

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# Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

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

**Petition for Withdrawal of Article Submitted for April, 2020 ATM**

We, the undersigned registered voters of the Town of Nantucket, being all the signatories to an Article submitted for inclusion in the Warrant for the 2020 Annual Town Meeting for a zoning change on Ocean Avenue (the text of which is below and a copy of which is attached), hereby request that the Article be withdrawn from consideration.

To see if the Town will vote amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 3 (LUG-3) district in the Sconset Old Historic (SOH) district:

Map	Lot	Number	Street
73.2.4	23	10	Ocean Avenue

or take other action with regard thereto.

NANTUCKET  
 TOWN CLERK  
 2020 JAN -8 AM 10:37

Signature	Printed Name	Street Address
	Kenneth Bullockson	18 Pond View Drive
	Yvette St Jean	33 First Way
	Whitney Gilbert	19 Kessel Ln.
	Barbara A. Reis	27 Equator Dr.
	Carrie Philip	54 Goldfinch Drive
	Arthur L. Peabody	41 India St.
	Laura Lombardi	22 Field Ave
	Monique Torley	516 Washington Ave
	RICHARD EARLE	10 SURESIDE DR.
	Trish Lally	18 BLUFAIR LN.
	Alexandra Lafegre	5 Atlantic Ave
	Kathryn L. Glidden	41 Somerset Lane
	Anastasia Cuer	13 Cedar Circle
	Jane Lovelock	15 Pine Tree Nantucket, MA
	Dayton Threl	24 Marina Drive, Nantucket, MA

**Instructions to Registrars:**

You must time-stamp or write in date and time these paper are received. Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes below:

- N No such registered voter at that address
- S Unable to identify signature or address as that of
- W Wrong District or Community
- T Already signed this petition

**CERTIFICATION OF SIGNATURES**

(at least three Registrars names must be signed or stamped below)

We certify that (15) *eighteen*

Checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

*James M. Coffin*

*Carolyn A. Gould*

*Susan Y. Cary*

January 3, 2020



To: The Planning Board

From: Val Oliver

Re: Proposed Article to Reduce CMI Building Height back to 30'

I start my intent for this Citizen article with a segment from the Mission Statement of the 2009 Master Plan-

“Create and sustain a healthy community, one whose residents have stability and security with resources protected for the future generations....to protect the quality of residential districts, and enhance the ability of Nantucket residents to live and work on Island”

I understand the Master Plan 2009 pointed toward the infill of Mid Island as the place to grow in terms of business and some housing....“**it is valued more for its function, than its overall appearance and character**” is its very clear message. This decade old determination, however, is rather dismissive of the existing residents, who already live in this area and our established aspects of life.

We are existing Island residents; and feel we are not being considered in the solutions sought by the Town to infill Mid Island. We are, neither the “vacation” second home population, nor are we, or do we qualify as, the “affordable” income population. We do represent the “workforce” and make efforts to maintain our housing and property by following the regulations imposed on us when we built or bought our homes. To disregard our established model is discriminatory. We equally important, and our needs, should be of the utmost concern because we are already a part of the community fabric.

The intent of the 2016 higher overall building height increase to 40' in the CMI overlay district was clearly an attempt to try and allow for higher structures with the hope that there would be work force or affordable housing included , with the benefit of the extra floor square footage. Is the 40' height actually going to provide the needed housing, or will it's intent get misused and become high end “over development” of more short-termed rentals? Are there specific requirements clearly defined as to the use for this additional floor space? It is the short-term

vacation rental market, that has usurped so much of the former year-round workforce/ affordable housing. In Historic Town proper, the housing units over the shops for owners and workers is now seasonally rented.

The increased height is a visual game changer for Mid Island, we do not wish to resemble an urban jungle with more cars and on street parking, and certainly not, for vacation rentals. We were encouraged to provide parking in the rear of our houses to maintain the mostly, residential feel of our neighbor hoods. Businesses are almost indistinguishable because they are well integrated within the context of the existing structures, except in the Stop n Shop core area.

As an HDC member, I am very concerned that, ultimately, the new structures will try to push the existing context aside and stretch the massing to disproportional limits. There will be a modern metropolitan form of a city developed, rather than, our existing historic patterned language and framework. Mid Island may not be historic but it does have a developed character that should be followed if infill commercial development and housing is a necessity.

I understand the smart growth ideals of planning and that they strive for...compact building design, which means going up, not out and having walkable neighborhoods but those ideals also claim to want; to foster distinctive, attractive communities with a strong sense of place. The EPA's guidelines for smart growth also, are supposed to encourage citizen and stake holder participation in development decisions.

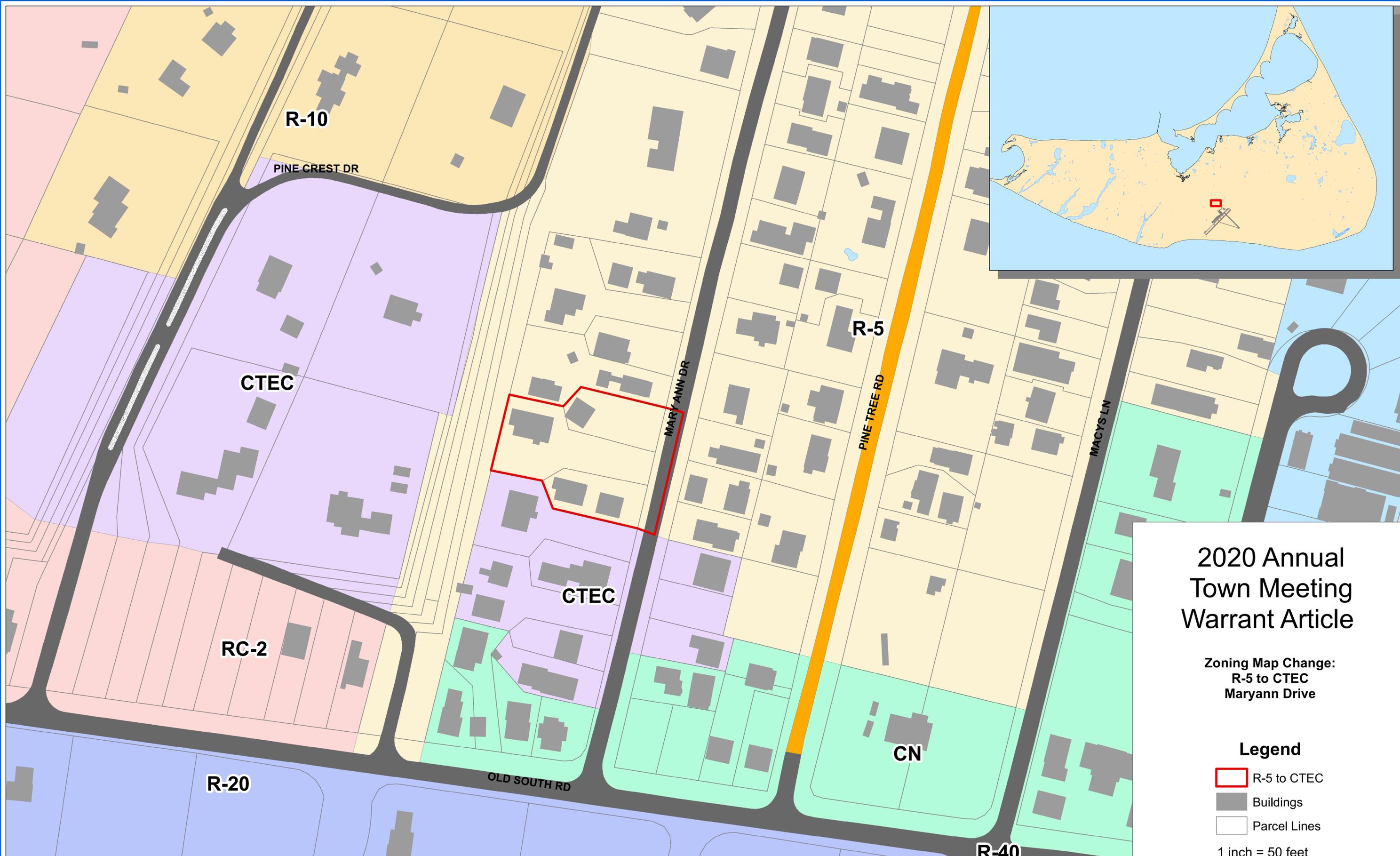
The "Plan of 2020" should consider the "real" conditions in Mid Island and perhaps rethink strategies and solutions that are good for everyone, not just the folks who would like to live here and especially not, for those who vacation here. This is the reason I am proposing the return to the 30' max height limitation. If there are no alternate options to expanding the growth in our area, we can at least, have buildings that are visually integrated to what we own now and complement rather than replace the context of our area.

Thank you very much for your consideration of this proposal and it is my hope we can work together to protect existing residents and still provide for new opportunities.

Sincerely-

A handwritten signature in black ink, appearing to read 'Vallorie Oliver', with a long horizontal flourish extending to the right.

Vallorie Oliver



## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:**  
R-5 to CTEC  
Maryann Drive

### Legend

- R-5 to CTEC
- Buildings
- Parcel Lines

1 inch = 50 feet

**Data Sources:**  
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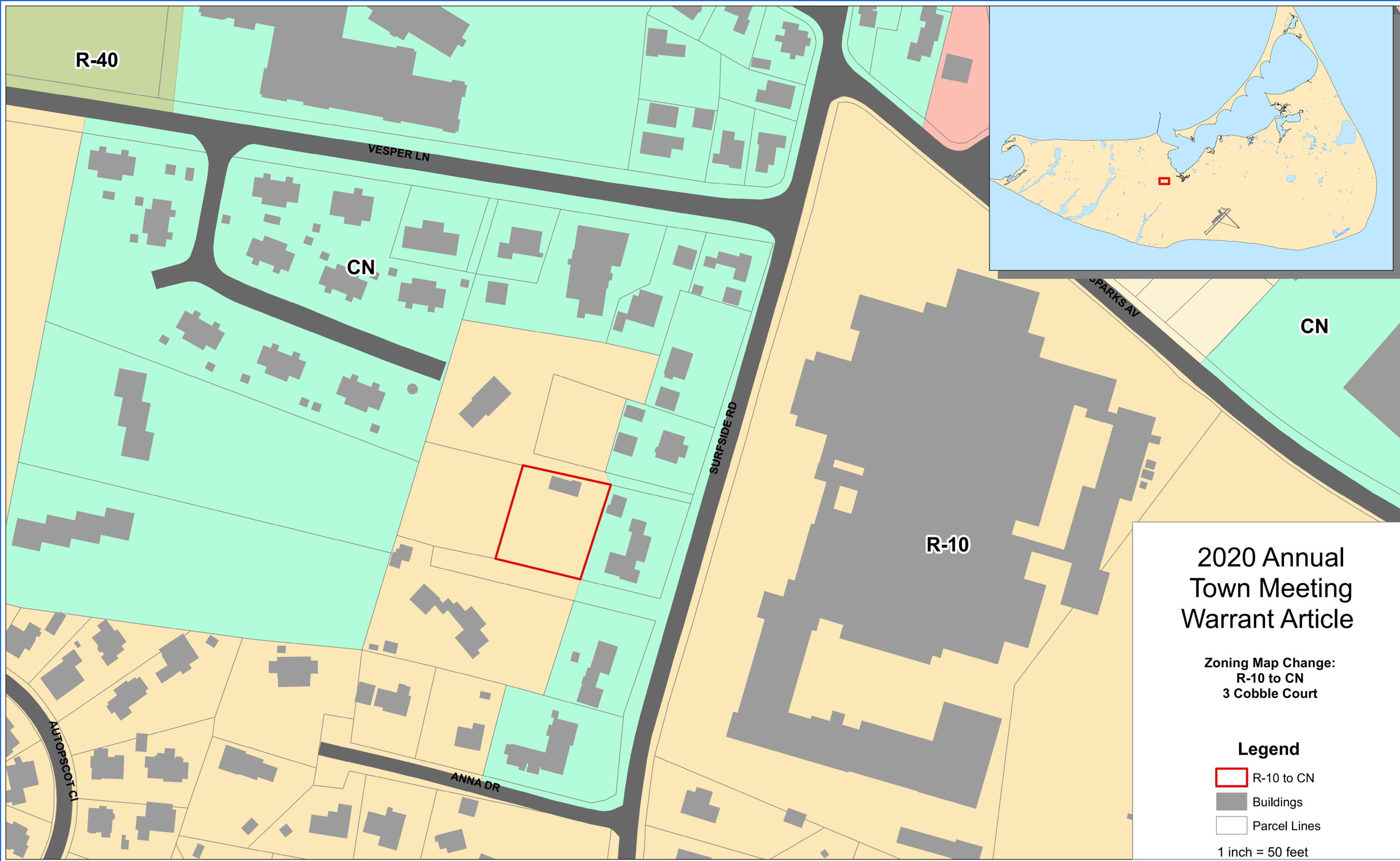
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GIS Coordinator  
Town of Nantucket  
2 Fairgrounds Road  
Nantucket, MA 02554



## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:**  
R-10 to CN  
3 Cobble Court

### Legend

- R-10 to CN
- Buildings
- Parcel Lines

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# Town of Nantucket - GIS Mapsheet

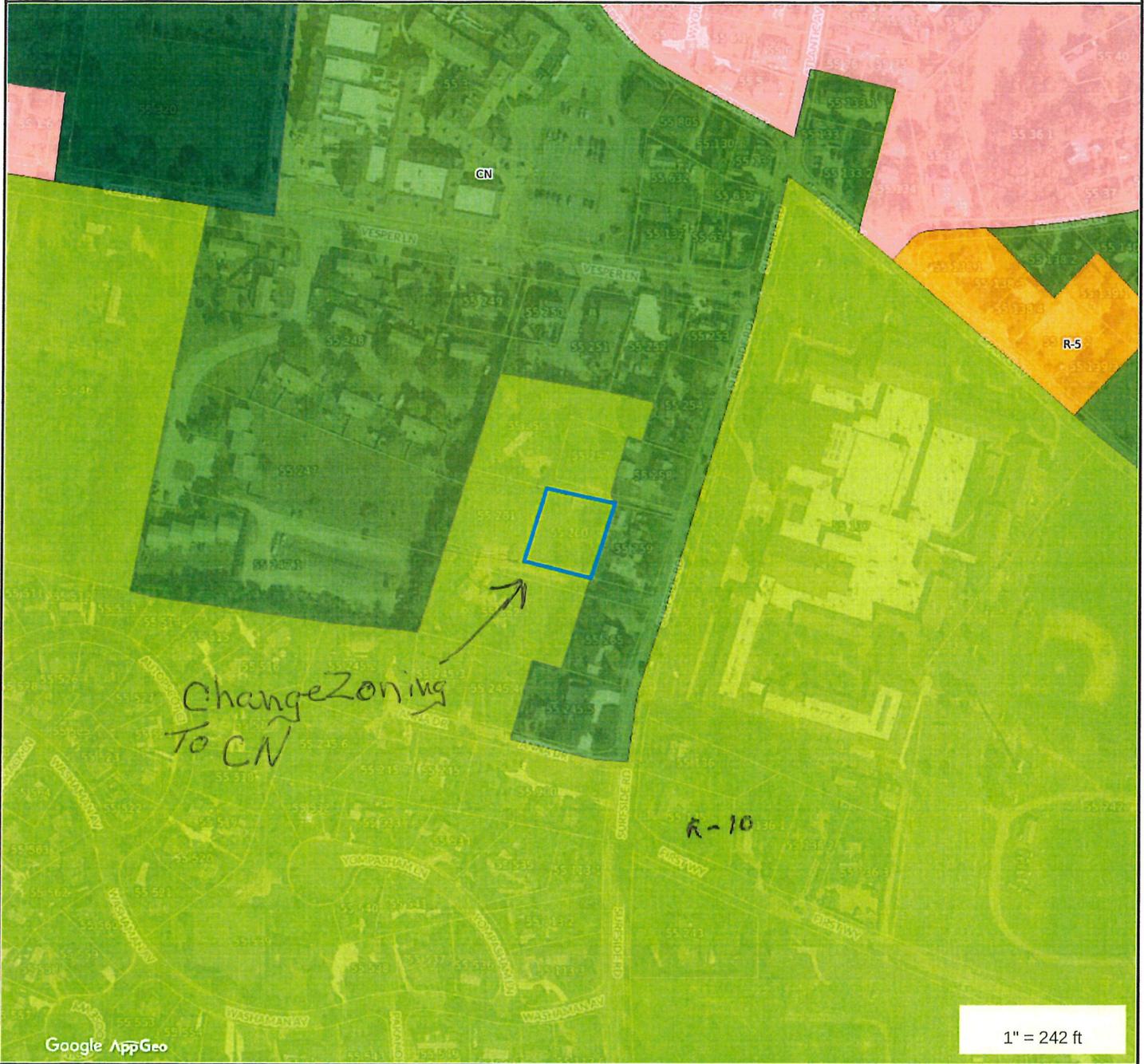


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2 Fairgrounds Road  
Nantucket, MA 02554

# Zoning



**Property Information**

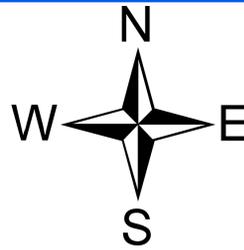
Property ID: 55 260  
 Location: 3 COBBLE CT  
 Owner: OTTISON KARL & SUSAN TRST



**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.

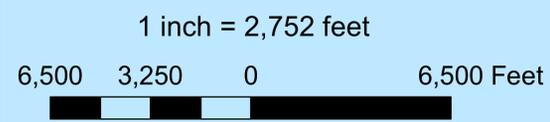
Geometry updated 11/13/2018  
 Data updated 11/19/2018



### Legend

- Parcels 120K sq feet or more
- Limited Use 2: LUG-2
- Limited Use 3: LUG-3

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



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1/14/2020

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The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2014.

**Zones LUG-2 and LUG-3  
Greater than 120,000 sq ft**

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now. (See attached "History of Tents on Nantucket" for reference.)**

The undersigned is opposed to this Article for the following reasons:

- Nantucket would lose part of our vital economy with many local businesses affected. Nantucket being a wedding destination is part of our island's identity;
- The vast majority of tent weddings are during May, early June, September, and early October – the "shoulder" season – when less people are on Nantucket compared to July and August. These wedding revenues during the slower "shoulder" season are critical to the island economy;
- Residential home weddings on Nantucket are far less expensive than weddings at luxury Nantucket hotels – thereby providing access to Nantucket weddings to more economic segments of the population. For example, many local year-round Nantucket residents such as teachers and police officers use these venues. We want to keep Nantucket economically diverse;
- Finally, these Nantucket weddings bring much needed tax revenue to the Commonwealth of Massachusetts via the new 5.7% tax on short-term rentals – and Nantucket gains 6.0% local tax for our many island needs.

*It should be noted -- the same small group of short-term seasonal summer residents put forth a similar Citizen's Article last year in January 2019 – seeking to restrict number of tents per year to only 4 tents in any 3 year period. That Citizen's Article ("Definition of a Tent") was voted down by Planning Board in January 2019. Dozens of local businesses wrote letters in opposition – citing adverse effects to their business and the year-round Nantucket economy.*

**A small handful of summer residents should not dictate laws for the entire island. This Citizen's Article is a misuse of the Planning Board. This is a small "neighbors dispute" masquerading as a Citizen's Article.**

**I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.**

Thank you for your consideration.

Printed Name: Jennifer Shepherd

Signed Name: Jennifer Shepherd

Business Name:

Place setters, Inc.

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

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Thank you for your consideration.

Printed Name: **Amanda Ciarmataro**

Signed Name:



Business Name: **Nantucket Baby**

## **HISTORY OF TENTS ON NANTUCKET**

For decades, Nantucket allowed tents on all lots for up to 30 calendar days per year. And, in 2009 Nantucket voted to allow up to 3 tents per year per lot. Nantucket also has the 10:00PM noise ordinance island wide. These laws have governed Nantucket well for many years.

Section 139-7A of the Nantucket zoning code provides that, “such framework and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities” are permitted in all zones on Nantucket. The language of this zoning bylaw is clear. It specifically allows the use of tents in all zoning districts on Nantucket.

*Over the years, a small group of short-term seasonal summer residents have challenged this part of the Nantucket zoning code. And, Nantucket Town officials have repeatedly ruled against these challenges and stood up for year-round Nantucket residents and the vital year-round Nantucket economy.*

**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

**Said former Zoning Administrator Linda Williams:** “Tents are an ancillary use to a residential property. It’s the nature of Nantucket to have weddings, anniversary parties, birthday parties, etc.”

**Even Judge Malcolm Graham of the Massachusetts Superior Court has reviewed the use of tents on Nantucket and he ruled that:** “the lawful use of tents on Nantucket does not constitute an unreasonable interference with the use and enjoyment” of neighboring properties.

-----  
Nantucket homeowners renting their homes to weekly renters or for lawn parties or for weddings has been part of Nantucket island culture for generations.

Many wedding guests are experiencing Nantucket for the first time – and attending a private lawn party or wedding reception introduces them to Nantucket in a wonderful fashion.

Many wedding guests return to Nantucket in future years – and boost our economy for the long-term.

Music at any such lawn party must stop at 10:00PM as per island law – thereby preventing neighborhood disturbance.

**DATE and TIME** this paper received by  
Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W	P	PRINTED NAME
			a	r	
			r	e	
			d	c	
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

**Instructions to Registrars**

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N B no such registered voter at that address.
- S B unable to identify signature or address as that of
- W B wrong district or community.
- T B already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

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**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now.** (See attached "History of Tents on Nantucket" for reference.)

The undersigned is opposed to this Article for the following reasons:

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Thank you for your consideration.

Printed Name: Brian Sager

Signed Name:



12/20/19

Business Name: Brian Sager Photography

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**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

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**DATE and TIME** this paper received by  
Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

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I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r d	P r e c	PRINTED NAME
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

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**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now.** (See attached "History of Tents on Nantucket" for reference.)

The undersigned is opposed to this Article for the following reasons:

- Nantucket would lose part of our vital economy with many local businesses affected. Nantucket being a wedding destination is part of our island's identity;
- The vast majority of tent weddings are during May, early June, September, and early October – the "shoulder" season – when less people are on Nantucket compared to July and August. These wedding revenues during the slower "shoulder" season are critical to the island economy;
- Residential home weddings on Nantucket are far less expensive than weddings at luxury Nantucket hotels – thereby providing access to Nantucket weddings to more economic segments of the population. For example, many local year-round Nantucket residents such as teachers and police officers use these venues. We want to keep Nantucket economically diverse;
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*It should be noted -- the same small group of short-term seasonal summer residents put forth a similar Citizen's Article last year in January 2019 – seeking to restrict number of tents per year to only 4 tents in any 3 year period. That Citizen's Article ("Definition of a Tent") was voted down by Planning Board in January 2019. Dozens of local businesses wrote letters in opposition – citing adverse effects to their business and the year-round Nantucket economy.*

**A small handful of summer residents should not dictate laws for the entire island. This Citizen's Article is a misuse of the Planning Board. This is a small "neighbors dispute" masquerading as a Citizen's Article.**

**I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.**

Thank you for your consideration.

Printed Name: *Caromen Amaral*

Signed Name:



Business Name: *TAGG Inc/dba Nantucket Pool & Spa Center*

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Thank you for your consideration.

Printed Name: Dan Driscoll

Signed Name:



Business Name: September Productions, Inc

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I	II	III
Check	Now Living At (Street and Number) NO PO BOX	W P a r r e d c  PRINTED NAME
1		0 1
2		0 1
3		0 1
4		0 1
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Thank you for your consideration.

Printed Name: David M. Handy

Signed Name:



Business Name: Handy & Dallaire Events

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			a	r	
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Thank you for your consideration.

Printed Name: David Lombardi

Signed Name:



Business Name:

Arrowhead Nursery

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Printed Name: Dawn Kelly

Signed Name:



Business Name: Soiree Floral

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**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now.** (See attached "History of Tents on Nantucket" for reference.)

The undersigned is opposed to this Article for the following reasons:

- Nantucket would lose part of our vital economy with many local businesses affected. Nantucket being a wedding destination is part of our island's identity;
- The vast majority of tent weddings are during May, early June, September, and early October – the "shoulder" season – when less people are on Nantucket compared to July and August. These wedding revenues during the slower "shoulder" season are critical to the island economy;
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**A small handful of summer residents should not dictate laws for the entire island. This Citizen's Article is a misuse of the Planning Board. This is a small "neighbors dispute" masquerading as a Citizen's Article.**

I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.

Thank you for your consideration.

Printed Name: Donald J. Dallaire

Signed Name:



Business Name: Handy & Dallaire Events

## **HISTORY OF TENTS ON NANTUCKET**

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**DATE and TIME** this paper received by  
Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r d	P r e c	PRINTED NAME
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
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8			0	1	
9			0	1	
10			0	1	

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**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
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**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now.** (See attached "History of Tents on Nantucket" for reference.)

The undersigned is opposed to this Article for the following reasons:

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I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.

Thank you for your consideration.

Printed Name: **Dylan Cavaliere**

Signed Name:

Business Name:



## **HISTORY OF TENTS ON NANTUCKET**

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Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

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Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W	P	PRINTED NAME
			a	r	
			r	e	
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2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

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The undersigned is opposed to this Article for the following reasons:

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Thank you for your consideration.

Printed Name: Gaven Norton

Signed Name: 

Business Name: Keepers Restaurant

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To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

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Thank you for your consideration.

Printed Name: Gerald Zadroga

Signed Name: 

Business Name: JZ Electric, INC

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(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r d	P r e c	PRINTED NAME
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

**Instructions to Registrars**

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N B no such registered voter at that address.
- S B unable to identify signature or address as that of
- W B wrong district or community.
- T B already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now. (See attached "History of Tents on Nantucket" for reference.)**

The undersigned is opposed to this Article for the following reasons:

- Nantucket would lose part of our vital economy with many local businesses affected. Nantucket being a wedding destination is part of our island's identity;
- The vast majority of tent weddings are during May, early June, September, and early October – the "shoulder" season – when less people are on Nantucket compared to July and August. These wedding revenues during the slower "shoulder" season are critical to the island economy;
- Residential home weddings on Nantucket are far less expensive than weddings at luxury Nantucket hotels – thereby providing access to Nantucket weddings to more economic segments of the population. For example, many local year-round Nantucket residents such as teachers and police officers use these venues. We want to keep Nantucket economically diverse;
- Finally, these Nantucket weddings bring much needed tax revenue to the Commonwealth of Massachusetts via the new 5.7% tax on short-term rentals – and Nantucket gains 6.0% local tax for our many island needs.

*It should be noted -- the same small group of short-term seasonal summer residents put forth a similar Citizen's Article last year in January 2019 – seeking to restrict number of tents per year to only 4 tents in any 3 year period. That Citizen's Article ("Definition of a Tent") was voted down by Planning Board in January 2019. Dozens of local businesses wrote letters in opposition – citing adverse effects to their business and the year-round Nantucket economy.*

**A small handful of summer residents should not dictate laws for the entire island. This Citizen's Article is a misuse of the Planning Board. This is a small "neighbors dispute" masquerading as a Citizen's Article.**

**I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.**

Thank you for your consideration.

Printed Name:

Jake Toy

Signed Name:



Business Name:

Look's Good Landscaping Inc.

**Nantucket Planning Board**

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Thank you for your consideration.

Printed Name: Jennifer Shepherd

Signed Name: Jennifer Shepherd

Business Name:

Place setters, Inc.

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Thank you for your consideration.

Printed Name: Kat Bedell

Signed Name: *Kat Bedell*

Business Name: Nantucket Tents

## HISTORY OF TENTS ON NANTUCKET

For decades, Nantucket allowed tents on all lots for up to 30 calendar days per year. And, in 2009 Nantucket voted to allow up to 3 tents per year per lot. Nantucket also has the 10:00PM noise ordinance island wide. These laws have governed Nantucket well for many years.

Section 139-7A of the Nantucket zoning code provides that, “such framework and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities” are permitted in all zones on Nantucket. The language of this zoning bylaw is clear. It specifically allows the use of tents in all zoning districts on Nantucket.

*Over the years, a small group of short-term seasonal summer residents have challenged this part of the Nantucket zoning code. And, Nantucket Town officials have repeatedly ruled against these challenges and stood up for year-round Nantucket residents and the vital year-round Nantucket economy.*

**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

**Said former Zoning Administrator Linda Williams:** “Tents are an ancillary use to a residential property. It’s the nature of Nantucket to have weddings, anniversary parties, birthday parties, etc.”

**Even Judge Malcolm Graham of the Massachusetts Superior Court has reviewed the use of tents on Nantucket and he ruled that:** “the lawful use of tents on Nantucket does not constitute an unreasonable interference with the use and enjoyment” of neighboring properties.

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Nantucket homeowners renting their homes to weekly renters or for lawn parties or for weddings has been part of Nantucket island culture for generations.

Many wedding guests are experiencing Nantucket for the first time – and attending a private lawn party or wedding reception introduces them to Nantucket in a wonderful fashion.

Many wedding guests return to Nantucket in future years – and boost our economy for the long-term.

Music at any such lawn party must stop at 10:00PM as per island law – thereby preventing neighborhood disturbance.

**DATE and TIME** this paper received by Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r r e d	P r e c	PRINTED NAME
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

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Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

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**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

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Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

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The undersigned is opposed to this Article for the following reasons:

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I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.

Thank you for your consideration.

Printed Name: Fred Bisailon  
Business Name: Owner  
The Charlie Noble  
BACK yard BBQ

Signed Name:



## HISTORY OF TENTS ON NANTUCKET

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Thank you for your consideration.

Printed Name: Lindsay Walsh

Signed Name: 

Business Name: RJ Miller Salon & Spa

**Nantucket Planning Board**

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Nantucket, MA 02554

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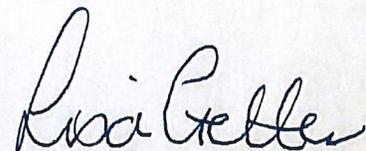
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Printed Name: **LISA GETTER**

Signed Name:



Business Name:

**Nantucket Planning Board**

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Thank you for your consideration.

Printed Name:

Mark Crosby

Signed Name:

Business Name:

Zofia & Co. Photography



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December 20th, 2020

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This letter addresses a Citizen's Article – Zoning Bylaw Amendment: Residential Event Facility, Section 139-2 & 139-7A. This Article seeks to reduce the number of tents allowed at a residential property – currently 3 tent permits per calendar year per home/lot – to only 1 tent per calendar year. (The Amendment provides for a lot owner to apply for a special permit for a 2<sup>nd</sup> tent each calendar year – but the requirements are so high and broad that effectively this Amendment limits each lot to 1 tent per year.)

**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy – as Nantucket Town officials have done on this issue for many years now.** (See attached "History of Tents on Nantucket" for reference.)

The undersigned is opposed to this Article for the following reasons:

- Nantucket would lose part of our vital economy with many local businesses affected. Nantucket being a wedding destination is part of our island's identity;
- The vast majority of tent weddings are during May, early June, September, and early October – the "shoulder" season – when less people are on Nantucket compared to July and August. These wedding revenues during the slower "shoulder" season are critical to the island economy;
- Residential home weddings on Nantucket are far less expensive than weddings at luxury Nantucket hotels – thereby providing access to Nantucket weddings to more economic segments of the population. For example, many local year-round Nantucket residents such as teachers and police officers use these venues. We want to keep Nantucket economically diverse;
- Finally, these Nantucket weddings bring much needed tax revenue to the Commonwealth of Massachusetts via the new 5.7% tax on short-term rentals – and Nantucket gains 6.0% local tax for our many island needs.

*It should be noted -- the same small group of short-term seasonal summer residents put forth a similar Citizen's Article last year in January 2019 – seeking to restrict number of tents per year to only 4 tents in any 3 year period. That Citizen's Article ("Definition of a Tent") was voted down by Planning Board in January 2019. Dozens of local businesses wrote letters in opposition – citing adverse effects to their business and the year-round Nantucket economy.*

**A small handful of summer residents should not dictate laws for the entire island. This Citizen's Article is a misuse of the Planning Board. This is a small "neighbors dispute" masquerading as a Citizen's Article.**

I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.

Thank you for your consideration.

Printed Name: *Mark Lombardi*

Signed Name: 

Business Name: *Weewceder LLC  
Lombardi Family Realty LLC*

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

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Thank you for your consideration.

Printed Name: Michael Reed

Signed Name:



Business Name: Albion Ridge, LLC  
1 Reeds Way

## HISTORY OF TENTS ON NANTUCKET

For decades, Nantucket allowed tents on all lots for up to 30 calendar days per year. And, in 2009 Nantucket voted to allow up to 3 tents per year per lot. Nantucket also has the 10:00PM noise ordinance island wide. These laws have governed Nantucket well for many years.

Section 139-7A of the Nantucket zoning code provides that, “such framework and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities” are permitted in all zones on Nantucket. The language of this zoning bylaw is clear. It specifically allows the use of tents in all zoning districts on Nantucket.

*Over the years, a small group of short-term seasonal summer residents have challenged this part of the Nantucket zoning code. And, Nantucket Town officials have repeatedly ruled against these challenges and stood up for year-round Nantucket residents and the vital year-round Nantucket economy.*

**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

**Said former Zoning Administrator Linda Williams:** “Tents are an ancillary use to a residential property. It’s the nature of Nantucket to have weddings, anniversary parties, birthday parties, etc.”

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Music at any such lawn party must stop at 10:00PM as per island law – thereby preventing neighborhood disturbance.

**DATE and TIME** this paper received by Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

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Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r r e d	P r e c	PRINTED NAME
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Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

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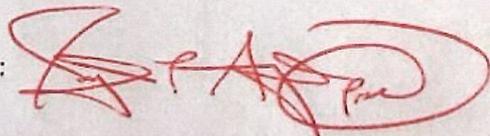
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Thank you for your consideration.

Printed Name: *Raymond P. Symer*

Signed Name:



Business Name:

*KR Inc.*

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Thank you for your consideration.

Printed Name: Rebecca Holdgate Zadroga

Signed Name: *Becky zadroga*

Business Name: Becky Zadroga Photography

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# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

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Printed Name: Rebecca Koliass

Signed Name:



Business Name: Albion Ridge II, LLC  
3 & 3A Reeds Way

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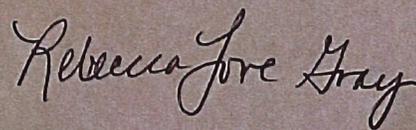
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Thank you for your consideration.

Printed Name: Rebecca Love Gray

Signed Name:



Business Name: Rebecca Love Photography

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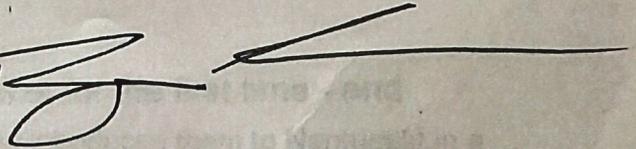
Thank you for your consideration.

Printed

Name:

*Ryan Conway*

Signed  
Name:



Business

Name:

#### **HISTORY OF TENTS ON NANTUCKET**

For decades, Nantucket allowed tents on all lots for up to 30 calendar days per year. And, in 2009 Nantucket voted to allow up to 3 tents per year per lot. Nantucket also has the 10:00PM noise ordinance island wide. These laws have governed Nantucket well for many years.

Section 139-7A of the Nantucket zoning code provides that, "such framework and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities" are permitted in all zones on Nantucket. The language of this zoning bylaw is clear. It specifically allows the use of tents in all zoning districts on Nantucket.

*Over the years, a small group of short-term seasonal summer residents have challenged this part of the Nantucket zoning code. And, Nantucket Town officials have repeatedly ruled against these challenges and stood up for year-round Nantucket residents and the vital year-round Nantucket economy.*

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

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Thank you for your consideration.

Printed Name: TJ Lahuisa

Signed Name: 

Business Name: Nantucket Party Rentals

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**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

**Said former Zoning Administrator Linda Williams:** “Tents are an ancillary use to a residential property. It’s the nature of Nantucket to have weddings, anniversary parties, birthday parties, etc.”

**Even Judge Malcolm Graham of the Massachusetts Superior Court has reviewed the use of tents on Nantucket and he ruled that:** “the lawful use of tents on Nantucket does not constitute an unreasonable interference with the use and enjoyment” of neighboring properties.

-----  
Nantucket homeowners renting their homes to weekly renters or for lawn parties or for weddings has been part of Nantucket island culture for generations.

Many wedding guests are experiencing Nantucket for the first time – and attending a private lawn party or wedding reception introduces them to Nantucket in a wonderful fashion.

Many wedding guests return to Nantucket in future years – and boost our economy for the long-term.

Music at any such lawn party must stop at 10:00PM as per island law – thereby preventing neighborhood disturbance.

**DATE and TIME** this paper received by Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W a r r e d	P r e c	PRINTED NAME
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

**Instructions to Registrars**

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N B no such registered voter at that address.
- S B unable to identify signature or address as that of
- W B wrong district or community.
- T B already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

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Printed Name:

Shirley Ladis

Signed Name:

Shirley Ladis

Business Name:

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Printed Name:

*Kimberly Higgins*

Signed Name:

*Kimberly Higgins*

Business Name:

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Printed Name: *Michelle L. Allen* Signed Name: *Michelle L. Allen*

Business Name:

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Printed Name:

Marilyn Vaughn

Signed Name:

Marilyn Vaughn

Business Name:

Yates Island Gas

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Business Name:

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Printed Name: *Kimberly Higgins*

Signed Name: *Kimberly Higgins*

Business Name:

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I strongly urge you to vote "NO" on this Citizen's Article. 3 tents per year per lot constitutes only 5% of weekends per year – a fair rule that enhances Nantucket's economy and also prevents any property from excessive lawn parties.

Thank you for your consideration.

Printed Name: *Michelle L. Allen* Signed Name: *Michelle L. Allen*

Business Name:

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

Dear Nantucket Planning Board,

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**My local year-round Nantucket business would be adversely affected by this proposed Citizen's Article. I urge you to vote against this Citizen's Article. Please stand-up for the year-round island economy -- as Nantucket Town officials have done on this issue for many years now. (See attached "History of Tents on Nantucket" for reference.)**

The undersigned is opposed to this Article for the following reasons:

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Thank you for your consideration.

Printed Name:

Marilyn Vaughn

Signed Name:

Marilyn Vaughn

Business Name:

Yates Island Gas

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Thank you for your consideration.

Printed Name: Rocky Fox

Signed Name: 

Business Name:

## **HISTORY OF TENTS ON NANTUCKET**

For decades, Nantucket allowed tents on all lots for up to 30 calendar days per year. And, in 2009 Nantucket voted to allow up to 3 tents per year per lot. Nantucket also has the 10:00PM noise ordinance island wide. These laws have governed Nantucket well for many years.

Section 139-7A of the Nantucket zoning code provides that, “such framework and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities” are permitted in all zones on Nantucket. The language of this zoning bylaw is clear. It specifically allows the use of tents in all zoning districts on Nantucket.

*Over the years, a small group of short-term seasonal summer residents have challenged this part of the Nantucket zoning code. And, Nantucket Town officials have repeatedly ruled against these challenges and stood up for year-round Nantucket residents and the vital year-round Nantucket economy.*

**Said former Nantucket Building Commissioner John Dunn:** “Commercial and residential uses are mixed completely through-out Nantucket. A commercial use is an operation open to the public. Private weddings are not open to the public – thus not a commercial use. Such private lawn parties are permitted in all Nantucket zoning districts – and the tents are an ancillary use of the lawn party.”

**Said former Zoning Administrator Linda Williams:** “Tents are an ancillary use to a residential property. It’s the nature of Nantucket to have weddings, anniversary parties, birthday parties, etc.”

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Music at any such lawn party must stop at 10:00PM as per island law – thereby preventing neighborhood disturbance.

**DATE and TIME** this paper received by  
Registrars

# ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

(Bylaw Amendment: Zoning Bylaw Change: Residential Event Facility)

To see if the Town will vote to: add Residential Event Facility as a definition in Section 139-2 and Use Chart in Section 139-7A.

**Residential Event Facility** – A residential lot or lots in common ownership or common use or control that are used for events that meet three of the following criteria: 1) more than 50 people in attendance, 2) use of a tent larger than 150 square feet, 3) exterior live or amplified music after 8pm, and 4) serviced by a caterer. No lot shall act as a Residential Event Facility for more than two events per calendar year, and no event shall last longer than two calendar days. No lot shall act as a Residential Event Facility for more than one event per calendar year without first of obtaining a Special Permit from the Planning Board, with restrictions and conditions as may be appropriate, upon the finding that 1) the use is not substantially detrimental to the neighborhood or contrary to public health, public safety, and/or traffic safety, and 2) the applicant has sufficiently addressed issues of health, safety, and nuisance which the Planning Board may deem appropriate, including hours of operation, days of operation, fire safety, sanitation, food safety, alcohol service, architectural access, parking, traffic safety, lighting, trash, noise, screening, accessibility to responsible persons, site management and abutter notices.

To amend the Use Chart of Section 139-7A to add Residential Event Facility as a use by Special Permit in all zoning districts.

**SIGNERS' STATEMENT:** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

**INSTRUCTIONS TO SIGNERS:** Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

I		II		III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number) NO PO BOX	W	P	PRINTED NAME
			a	r	
			r	e	
			d	c	
1			0	1	
2			0	1	
3			0	1	
4			0	1	
5			0	1	
6			0	1	
7			0	1	
8			0	1	
9			0	1	
10			0	1	

**Instructions to Registrars**

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N B no such registered voter at that address.
- S B unable to identify signature or address as that of
- W B wrong district or community.
- T B already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

**Nantucket Planning Board**

Attention: Judith Wegner, John Trudel III, Nathaniel Lowell, Frederick "Fritz" McClure, Dave Iverson  
2 Fairgrounds Road  
Nantucket, MA 02554

December 20th, 2020

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Thank you for your consideration.

Printed Name: *KENNETH R Turgeon*

Signed Name: 

Business Name: *CRANBERRY TRANSPORTATION*

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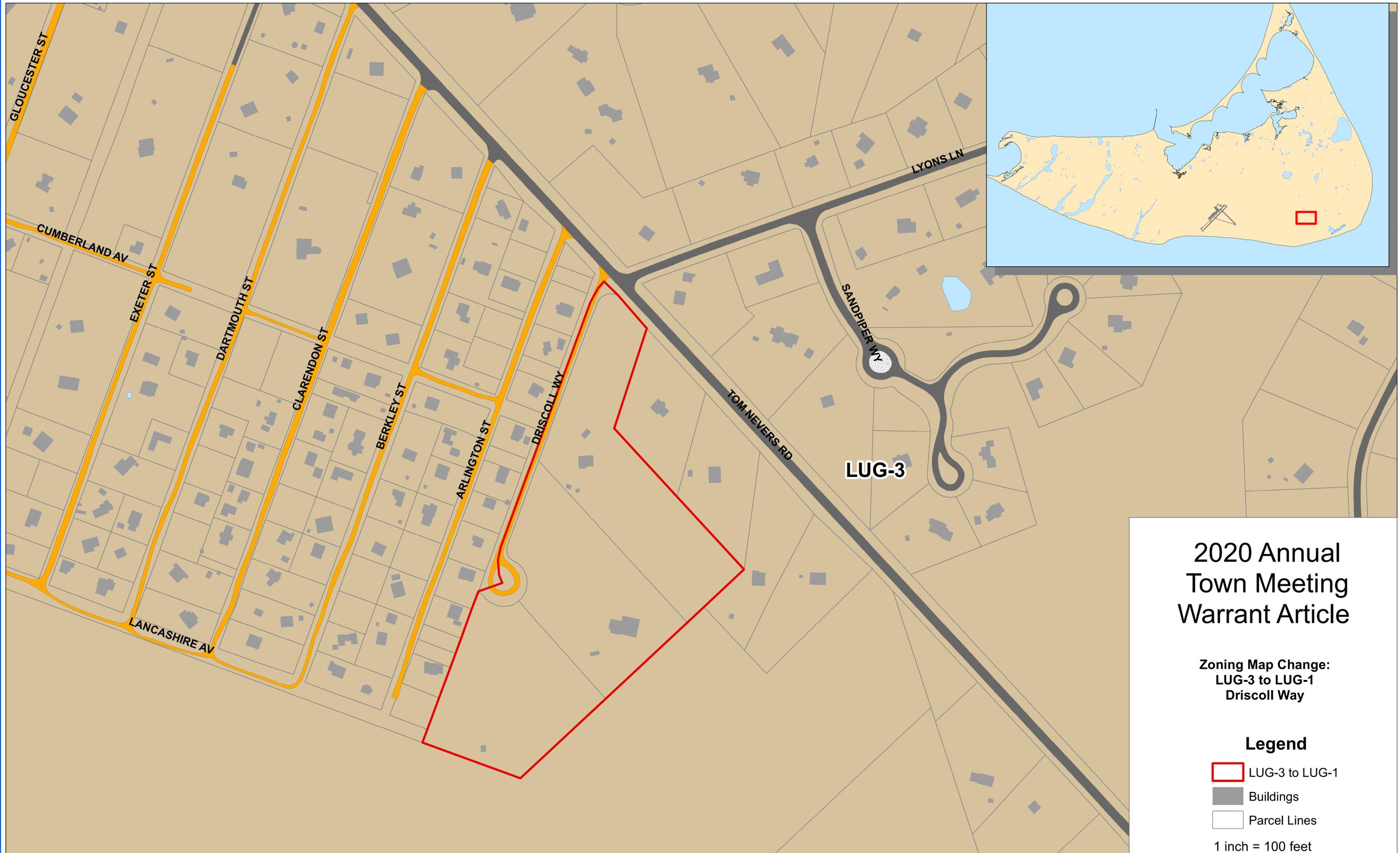
Printed Name: Kimberly Reed

Signed Name:



Business Name: A Taste of Nantucket





## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:**  
LUG-3 to LUG-1  
Driscoll Way

### Legend

- LUG-3 to LUG-1
- Buildings
- Parcel Lines

1 inch = 100 feet

**Data Sources:**  
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



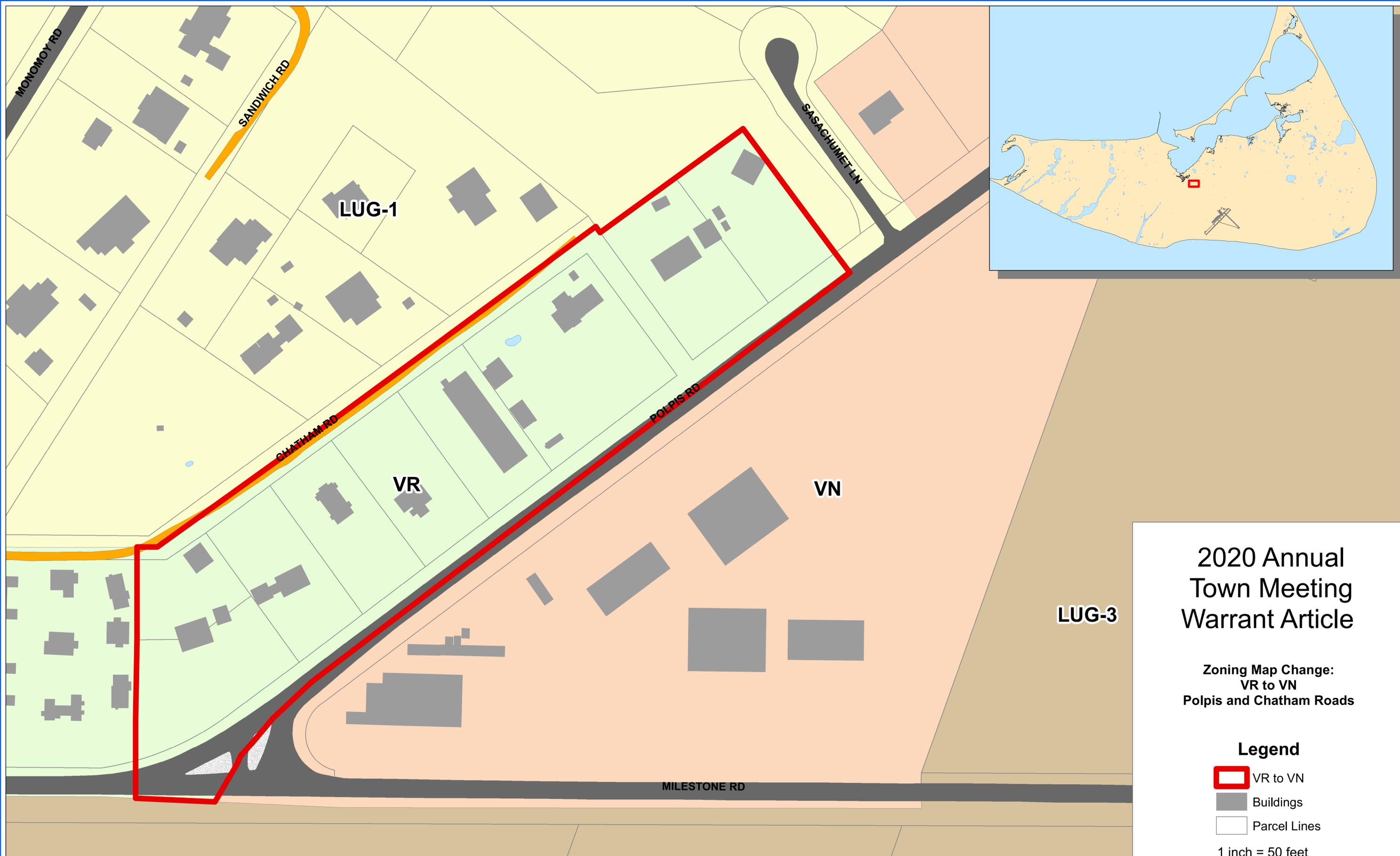
# Town of Nantucket - GIS Mapsheet



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Please send identification of any errors and corresponding corrections to:

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



## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:  
VR to VN  
Polpis and Chatham Roads**

### Legend

-  VR to VN
-  Buildings
-  Parcel Lines

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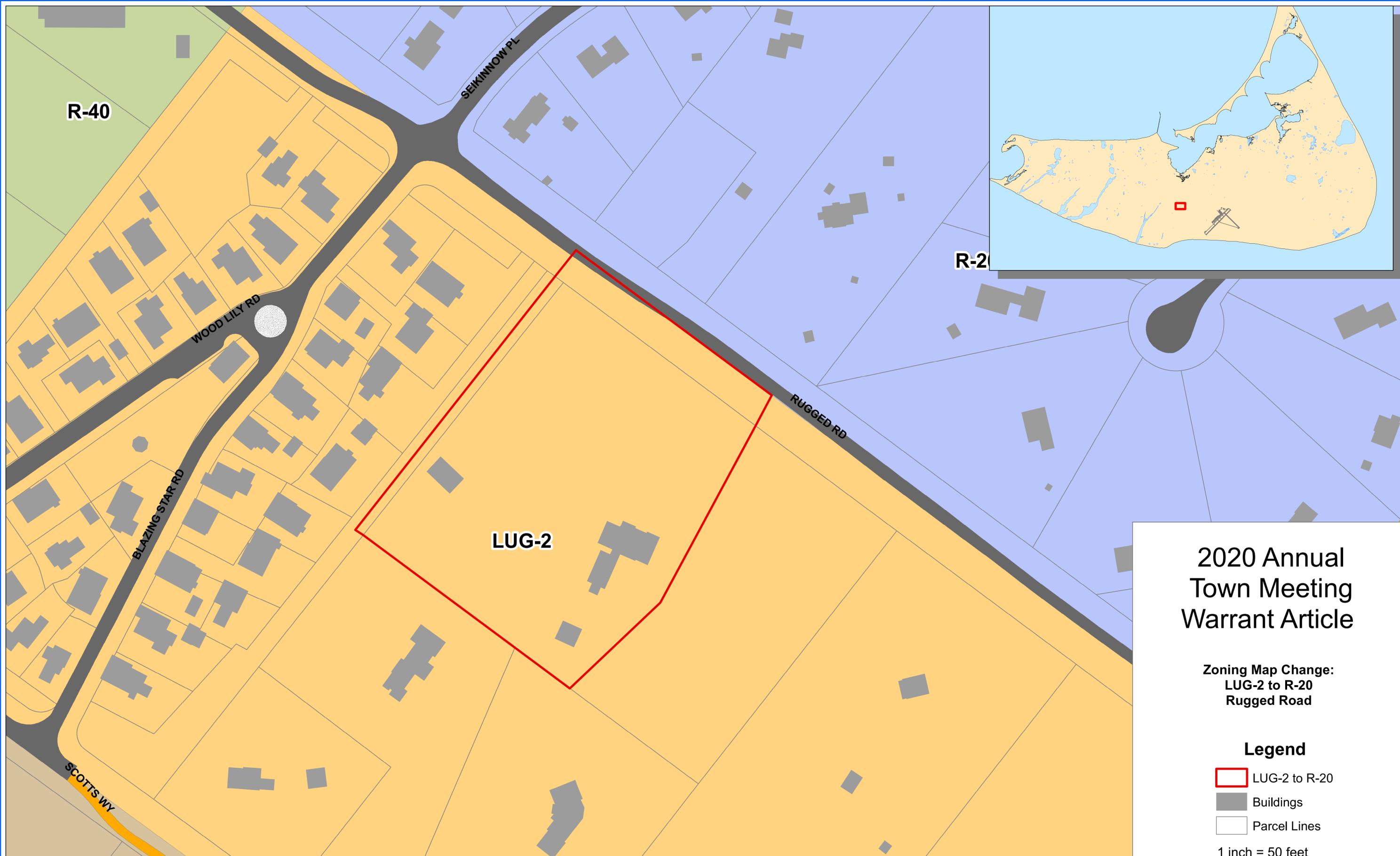
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GIS Coordinator  
Town of Nantucket  
2 Fairgrounds Road  
Nantucket, MA 02554



## 2020 Annual Town Meeting Warrant Article

**Zoning Map Change:**  
LUG-2 to R-20  
Rugged Road

### Legend

- LUG-2 to R-20
- Buildings
- Parcel Lines

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



## Citizen Warrant Article

*Primary Sponsor*

Name:	Rick Atherton
Address:	37-41 Old South Road, PO Box 3126-02584
Email:	rickatherton@comcast.net
Phone #:	508 228 23661

### COASTAL LIABILITY ARTICLE: REASON AND INTENT

This article was included in the Warrant for [ATM2015](#). It had a negative motion from the Planning Board; however, it had a positive Comment from the Finance Committee. (From the 2015 Warrant: “FINANCE COMMITTEE COMMENT: The Finance Committee does not support the Planning Board’s Motion. The Committee believes that the Town should pursue all available avenues to reduce its liability for the financial impacts of erosion.”) It was “Not adopted by Majority Voice Vote”. With the passage of time, protecting the Town from financial liability due to climate change and sea level rise becomes only more important. The impact is prospective, and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility for the choices they make. The article below is exactly the same as the one submitted for ATM2015. It was originally drafted by Town Counsel. [For further information about this article, see [Final Voters’ Guide for ATM2015](#), page 13 for Article #42.]

### TEXT OF PROPOSED COASTAL LIABILITY ARTICLE:

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: **new language is shown as highlighted text**; 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); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

## Chapter 139 ZONING

### Article V. Administration and Enforcement

#### § 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

#### (1) Demolition delay.

##### (e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement (“Release”) relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement (“Release”) acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of

compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.



## Citizen Warrant Article Questionnaire

The Finance Committee (FinCom) encourages article sponsors to provide complete and comprehensive answers to the below questions. Your materials will be distributed to members well in advance of the Public Hearing at which you will have the opportunity to speak on your proposal. The more specific and relevant information provided on the action you seek from the Town Meeting, the more prepared FinCom will be for the actual hearing with you. The questionnaire is not required but is intended to provide a full set of materials for the FinCom to evaluate. Additional sheets may be attached to this form.

Date Form Completed: 11/30/19	Date Rec'd by Town Admin:
Article Title: <b>Coastal Erosion Liability Waiver Article</b>	
Sponsor Name: Rick Atherton	Email: rickatherton@comcast.net

<i>1</i>	<i>At a summary level, what is the proposed purpose and objective of this Warrant Article?</i>
<b>Response</b>	The purpose of this article is to protect the Town from financial liability due to climate change and its impacts on sea level rise and coastal erosion. With the passage of time, protecting the Town from financial liability due to climate change and sea level rise becomes only more important. The impact is prospective, and the sooner action is taken, the sooner protection will begin. It is simply a matter of property owners accepting personal responsibility for the choices they make.
<i>2</i>	<i>Does the community-at-large gain value through the article? If so, how?</i>
<b>Response</b>	The community gains value through this article because it requires the owners of shoreline property to accept personal responsibility for possible risks caused by coastal erosion in a time of climate change and sea level rise. If adopted, the article would prevent private property owners from being able to threaten the Town (and the taxpayers) with being liable for financial costs associated with possible erosion of private property.

3	<i>Have you done any research on the topic that can be shared? If yes, please feel free to attach any supplemental information.</i>
<b>Response</b>	Yes. See the pages of Shoreline Setback Ordinances on the Shoreline Setback page of the Kauai (Hawaii) County Planning Department web site: <a href="https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback">https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback</a> . Here is the salient language related to liability waivers: “The applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures or activities from any coastal natural hazard and coastal erosion.” There are many more such regulatory initiatives in communities subject to coastal erosion.
4	<i>What is your understanding of the cost implications (operating and capital), both immediate and long-term to the town? (Example: personnel costs, maintenance, equipment, supplies, etc.); and, what would be the proposed funding source?</i>
<b>Response</b>	There will be some administrative cost to develop forms and a procedure to be sure that building permits are issued only in conformance with the by-law. If legal review costs are not covered by the Town’s retainer, there could be charges billed by Town Counsel. Over time, the Town will save resources by avoiding suits and claims. It would only take one successful liability claim (if this article is not adopted) to cost the Town well in excess of any costs associated with the adoption of this article.
5	<i>Who do you envision executing the outcome of the article? (Will it require a new position; how would it fit in with a particular department; who would enforce it; who would be in charge of implementing it)? Have efforts have been made to involve the necessary participants as to the impacts of executing the article?</i>
<b>Response</b>	See #4 above, as well as this response in more detail. The cost to implement this article by the Building Inspector would be minimal. The additional time to verify applicability to specific properties should be no less burdensome than many other regulations added to the Code of Nantucket, such as the requirements of the Massachusetts building stretch code.

6	<i>Is the topic of the article contained within any Town Plan (i.e., Master Plan, Transportation Plan, Capital Improvement Plan, Strategic Plan)?</i>
<b>Response</b>	While perhaps not directly related to other Town plans, the general topic of SUSTAINABILITY and several other sections of developing resiliency planning should contain methods to deal with the impacts of climate change. More specifically, the Municipal Vulnerability Plan, the Coastal Management Plan (for Town-owned property), and the Coastal Resiliency Plan (under development) should address the topic of this article which is, simply put: In a time of climate change and rising sea level, who should bear the risk of financial liability of coastal erosion and inundation? The individual property owners or the taxpayers?

## Coastal Liability Warrant Article 2020

While there are many communities that require waivers, below are four example links to other coastal communities with similar waiver requirements:

Island of Kauai:

[https://www.kauai.gov/Portals/0/Planning/Ordinance\\_979\\_Shoreline\\_Setback\\_Amends%20887%2012-05-14.pdf?ver=2017-07-06-153242-393](https://www.kauai.gov/Portals/0/Planning/Ordinance_979_Shoreline_Setback_Amends%20887%2012-05-14.pdf?ver=2017-07-06-153242-393)

Hermosa Beach- Planning Application Form- Section 6-

<http://www.hermosabch.org/modules/showdocument.aspx?documentid=435>

Huntington Beach- p.4-Indemnification and Hold Harmless

Condition: <http://www.huntingtonbeachca.gov/Government/Departments/Planning/ZAAgenda040214.pdf>

County of Mendocino, CA- Zoning Ordinance (Section 1.04.120)-

[https://library.municode.com/ca/mendocino\\_county/codes/code\\_of\\_ordinances?nodeId=MECOCO\\_TIT1GEPR\\_CH1.04INGE\\_S1.04.120INHOHALAUSAP](https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT1GEPR_CH1.04INGE_S1.04.120INHOHALAUSAP)



## Citizen Warrant Article

*Primary Sponsor*

Name:	Rick Atherton
Address:	37-41 Old South Road, PO Box 3126-02584
Email:	rickatherton@comcast.net
Phone #:	508 228 23661

### COASTAL LIABILITY ARTICLE: REASON AND INTENT

This article was included in the Warrant for **ATM2015**. It had a negative motion from the Planning Board; however, it had a positive Comment from the Finance Committee. (From the 2015 Warrant: “FINANCE COMMITTEE COMMENT: The Finance Committee does not support the Planning Board’s Motion. The Committee believes that the Town should pursue all available avenues to reduce its liability for the financial impacts of erosion.”) It was “Not adopted by Majority Voice Vote”. With the passage of time, protecting the Town from financial liability due to climate change and sea level rise becomes only more important. The impact is prospective, and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility for the choices they make. The article below is exactly the same as the one submitted for ATM2015. It was originally drafted by Town Counsel. [For further information about this article, see [Final Voters’ Guide for ATM2015](#), page 13 for Article #42.]

### TEXT OF PROPOSED COASTAL LIABILITY ARTICLE:

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: **new language is shown as highlighted text**; 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); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

## Chapter 139 ZONING

### Article V. Administration and Enforcement

#### § 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

#### (1) Demolition delay.

##### (e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement (“Release”) relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement (“Release”) acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of

compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.



## Citizen Warrant Article Questionnaire

The Finance Committee (FinCom) encourages article sponsors to provide complete and comprehensive answers to the below questions. Your materials will be distributed to members well in advance of the Public Hearing at which you will have the opportunity to speak on your proposal. The more specific and relevant information provided on the action you seek from the Town Meeting, the more prepared FinCom will be for the actual hearing with you. The questionnaire is not required but is intended to provide a full set of materials for the FinCom to evaluate. Additional sheets may be attached to this form.

Date Form Completed: 11/30/19	Date Rec'd by Town Admin:
Article Title: <b>Coastal Erosion Liability Waiver Article</b>	
Sponsor Name: Rick Atherton	Email: rickatherton@comcast.net

<i>1</i>	<i>At a summary level, what is the proposed purpose and objective of this Warrant Article?</i>
<b>Response</b>	The purpose of this article is to protect the Town from financial liability due to climate change and its impacts on sea level rise and coastal erosion. With the passage of time, protecting the Town from financial liability due to climate change and sea level rise becomes only more important. The impact is prospective, and the sooner action is taken, the sooner protection will begin. It is simply a matter of property owners accepting personal responsibility for the choices they make.
<i>2</i>	<i>Does the community-at-large gain value through the article? If so, how?</i>
<b>Response</b>	The community gains value through this article because it requires the owners of shoreline property to accept personal responsibility for possible risks caused by coastal erosion in a time of climate change and sea level rise. If adopted, the article would prevent private property owners from being able to threaten the Town (and the taxpayers) with being liable for financial costs associated with possible erosion of private property.

3	<i>Have you done any research on the topic that can be shared? If yes, please feel free to attach any supplemental information.</i>
<b>Response</b>	Yes. See the pages of Shoreline Setback Ordinances on the Shoreline Setback page of the Kauai (Hawaii) County Planning Department web site: <a href="https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback">https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback</a> . Here is the salient language related to liability waivers: “The applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures or activities from any coastal natural hazard and coastal erosion.” There are many more such regulatory initiatives in communities subject to coastal erosion.
4	<i>What is your understanding of the cost implications (operating and capital), both immediate and long-term to the town? (Example: personnel costs, maintenance, equipment, supplies, etc.); and, what would be the proposed funding source?</i>
<b>Response</b>	There will be some administrative cost to develop forms and a procedure to be sure that building permits are issued only in conformance with the by-law. If legal review costs are not covered by the Town’s retainer, there could be charges billed by Town Counsel. Over time, the Town will save resources by avoiding suits and claims. It would only take one successful liability claim (if this article is not adopted) to cost the Town well in excess of any costs associated with the adoption of this article.
5	<i>Who do you envision executing the outcome of the article? (Will it require a new position; how would it fit in with a particular department; who would enforce it; who would be in charge of implementing it)? Have efforts have been made to involve the necessary participants as to the impacts of executing the article?</i>
<b>Response</b>	See #4 above, as well as this response in more detail. The cost to implement this article by the Building Inspector would be minimal. The additional time to verify applicability to specific properties should be no less burdensome than many other regulations added to the Code of Nantucket, such as the requirements of the Massachusetts building stretch code.

6	<i>Is the topic of the article contained within any Town Plan (i.e., Master Plan, Transportation Plan, Capital Improvement Plan, Strategic Plan)?</i>
<b>Response</b>	While perhaps not directly related to other Town plans, the general topic of SUSTAINABILITY and several other sections of developing resiliency planning should contain methods to deal with the impacts of climate change. More specifically, the Municipal Vulnerability Plan, the Coastal Management Plan (for Town-owned property), and the Coastal Resiliency Plan (under development) should address the topic of this article which is, simply put: In a time of climate change and rising sea level, who should bear the risk of financial liability of coastal erosion and inundation? The individual property owners or the taxpayers?

## ARTICLE ---

### (Zoning Bylaw Amendment: Article V, Section 139-26, Issuance of Building and Use Permits)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (*NOTE: new language is shown as highlighted text; 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*); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

### Chapter 139. ZONING

#### Article V. Administration and Enforcement

#### § 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

[Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]

#### (1) Demolition delay.

[Added 4-14-1997 ATM by Art. 40, AG approval 8-5-1997]

(a) Statement of purpose. The purpose of this section is to establish a predictable process for reviewing requests to demolish residential structures in order to:

- [1] Establish an appropriate waiting period during which the Town and the applicant can propose and consider alternatives to the demolition of a building of residential value;
- [2] Minimize the quantity of demolition debris ending up in the landfill;
- [3] Create an incentive for reuse of residential structures;
- [4] Give interested parties an opportunity to acquire reusable residential structures.

(b) Buildings subject to demolition delay. All residential structures are subject to review by the Building Commissioner for the purpose of determining whether such buildings have any residential reuse potential.

(c) Issuance of demolition permit. The requirements set forth in this section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. No demolition permit shall be issued for a building that is subject to review, pursuant to Subsection A(1)( b) above, unless:

[1] It is determined that demolition is necessary, pursuant to Subsection (A)(1)(d) below.

[2] It is determined that said building has no residential reuse potential due to the existing condition of the structure or physical barriers to moving the structure such as significant trees, bridges, etc.

[3] The demolition delay period set forth in Subsection A(1)(f) below has expired.

(d) Required demolition or repair.

[1] Demolition. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to order the building owner, or Town, to demolish a building at any time if it is determined that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

[2] Repair. Nothing in this section shall restrict any authority in the general laws for the Building Commissioner or Building Inspector to require the applicant to take reasonable action to prevent the need for required demolition of a significant building, which may include securing the building and making it safe so that it does not present an imminent and substantial danger to the public.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to

review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for the construction of any new dwelling unit on Shorefront Land or within \_\_\_\_\_ feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement (“Release”) relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner. A Release shall not be required for any renovations or repairs to structures existing prior to the effective date of this Section.

(f) Procedure.

[1] An application for review pursuant to this section shall be made to the Building Commissioner in the manner provided in this Subsection A(1)(f). If the applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

[2] The applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this section, may be completed prior to, or during, any other review to which the building or its site may be subject.

[3] Application for review under this section shall be made in connection with an application for a demolition permit.

[4] After its receipt of an application, pursuant to this Subsection A(1)(f), the following determinations shall be made:

[a] Whether immediate demolition is required pursuant to Subsection A(1)(D);  
and

[b] Whether said structure has any residential reuse potential pursuant to Subsection A(1)(c)[2].

[5] A notice of determination shall be issued within 20 days after the application filing date. If it is determined that the structure does not require immediate demolition and that it does have reuse potential the applicant shall place a public notice in a local newspaper.

[a] Contents of public notice.

INVITATION FOR LETTERS OF INTEREST REGARDING AVAILABILITY OF HOUSE WHICH MUST BE MOVED FROM CURRENT LOCATION A house at (street address), scheduled for demolition, is being made available to any interested parties subject to the owner's conditions. The Building Commissioner is accepting Letters of Interest for 30 days from the date of this publication. All

interested parties should submit a letter of interest to the Building Commissioner. The house must be moved within 60 days of this publication.

[6] A published copy of said notice shall be presented to the Building Department. From the date of publication of said notice, any interested parties shall have 30 days to respond in writing to the Building Commissioner. If any bona fide letters of interest, as determined by the Building Commissioner or Building Inspector, are received within the thirty-day period no demolition permit shall be issued for a period of 30 days thereafter.

[7] If no bona fide letters of interest are received within the thirty-day period, a demolition permit may be issued.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for the construction of any new dwelling unit on Shorefront Land or property within \_\_\_\_\_ feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a Release, as specified in this Section, acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. A Release shall not be required for any renovations or repairs to structures existing prior to the effective date of this Section.

Pursuant to said Release and the issuance of a permit for construction of a new dwelling unit, the applicant shall understand and be advised that the proposed new dwelling unit site at or within \_\_\_\_\_ feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

B. Form of application. The application for a building or use permit shall be submitted in such form as shall be described by the Building Inspector and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the owner or lessee of any building or structure or the agent of either. The application for the permit shall be accompanied by a plot plan of the proposed building, structure or use drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing lot lines.

C. Accompanying documents. The application for a building or use permit shall be accompanied by the following documents, if applicable:

(1) Certificate of appropriateness issued by the Nantucket Historic Districts Commission pursuant to Ch. 395, Acts of 1970, as amended.

(2) Sewer permit.

(a) For on-site septic systems issued by the Nantucket Board of Health pursuant to Title V, § 3.7, of the State Environmental Code.

(b) For hook-ups to the public sewage system issued by the Superintendent of the Nantucket Department of Public Works pursuant to the Wastewater Systems Regulations Governing the Use of Common Sewers, of the Town and County of Nantucket, as amended.

(3) Order of conditions issued by the Nantucket Conservation Commission, pursuant to the State Wetland Protection Act (MGL c. 131, § 40), when a determination has been made that all or a portion of the property included in the building permit application is subject to the Wetland Protection Act. It is the responsibility of the applicant to file a request to determine applicability of the Wetland Protection Act if the applicant suspects that all or a portion of his property may be subject to the Act.

(4) Water well completion report establishing availability of water on property, if public water supply is unavailable.

(5) Certified copy of each Board of Appeals and Planning Board decision, including minor and major site plan review approvals, and of the plan approved by the Planning Board if the building permit is for a secondary dwelling, whichever may be relevant to the proposed project.

[Amended 4-14-1997 ATM by Art. 49, AG approval 8-5-1997]

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefor, within 30 days of the submission of a complete application.

[Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) Prior to the issuance of a permit for new dwelling unit on Shorefront Land or within \_\_\_\_\_ feet of Shorefront Land, the Owner of said property, shall be required to, in

exchange for the issuance of the building permit execute the Release, as specified in this Section. Said Release shall be maintained by the Building Commissioner.

E. Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within six months after its issuance; however, for cause, one or more extensions of time, for periods not exceeding six months each, may be granted in writing by the Inspector of Buildings. Work under such permit, in the opinion of the Inspector of Buildings, must proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances.

F. Revocation of permits. The Building Inspector may revoke any permit issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application on which the permit was based or for any other cause set forth in this chapter.

G. Posting of permit. A true copy of a permit placard issued to the applicant with the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

**Zoning District Land Area Changes 2005-2019**

Prepared by: Leslie Snell, AICP, Deputy Director of Planning and Nathan Porter, GIS Coordinator

May 6, 2019

Zone	2005		2014		2016		2017		2019	
	Acres	Percentage of Total Land Area								
AH	1.18	0	0	0	0	0	0	0	0	0
LC	37.93	0	0	0	0	0	0	0	0	0
OIH	4.71	0.01	4.77	0.01	4.77	0.01	4.77	0.01	4.77	0.01
VN	0	0	17.03	0.05	18.34	0.06	18.35	0.06	20.65	0.07
ALC	21.01	0.06	21.02	0.07	21.02	0.07	21.02	0.07	21.02	0.07
VTEC	0	0	22.56	0.07	27.65	0.09	27.65	0.09	27.65	0.09
RC	330.39	1	92.03	0.3	48.89	0.16	32.70	0.12	30.22	0.1
SR-1	48.9	0.15	39.63	0.13	33.92	0.11	33.92	0.11	33.92	0.11
CDT	23.48	0.07	35.19	0.11	34.99	0.11	37.68	0.13	37.68	0.13
SOH	34.83	0.11	33.24	0.11	44.41	0.15	44.41	0.15	42.11	0.14
SR-10	13.91	0.04	45.17	0.15	45.21	0.15	45.21	0.15	45.21	0.15
CMI	0	0	0	0	46.62	0.15	51.49	0.17	53.75	0.18
CTEC	0	0	33.21	0.11	36.57	0.12	47.20	0.16	60.16	0.2
RC-2	1380.67	4	221.98	0.73	183.7	0.61	134.47	0.45	113.25	0.38
R-5	0	0	117.45	0.39	139.16	0.46	153.80	0.51	154.97	0.51
CN	0	0	106.49	0.35	164.25	0.54	176.31	0.59	183.69	0.61
ROH	209.38	0.6	209.46	0.69	227.59	0.75	228.85	0.76	229.66	0.76
SR-20	445.86	1.4	279.35	0.92	273.63	0.9	273.63	0.91	273.63	0.91
VR	0	0	270.72	0.89	261.35	0.86	290.59	0.97	288.12	0.96
R-1	641.01	1.9	362.69	1.2	351.62	1.16	350.98	1.67	351.51	1.17
R-10/10L	346.22	1.05	420.21	1.39	413.93	1.37	421.45	1.40	423.84	1.41
R-40	0	0	339.43	1.12	414.2	1.37	429.93	1.43	435.37	1.45
CI	0	0	452.32	1.5	452.66	1.5	455.27	1.51	455.27	1.51
LUG-1	989.92	3	908.14	3.01	993.04	3.29	1017.92	3.38	1011.46	3.36
R-20	2505.03	7.6	1176.33	3.9	1128.31	3.74	1114.67	3.70	1113.62	3.7
MMD	618.59	1.9	1773.22	5.88	1784.47	5.93	1784.47	5.93	1790.03	5.95
LUG-2	7481.84	22.6	2677.93	8.89	2285.47	7.59	2285.68	7.59	2269.42	7.54
LUG-3	17986.23	54.3	20438.32	67.88	20672.51	68.66	20626.13	68.50	20637.5	67.65
<b>Total</b>	<b>33121.09</b>	<b>99.79</b>	<b>30097.89</b>	<b>99.85</b>	<b>30108.28</b>	<b>99.91</b>	<b>30108.55</b>	<b>100.52</b>	<b>30108.56</b>	<b>99.12</b>

## CITIZEN PETITION SUMMARY – LWS 120419

I – Zoning Map amendment from LUG-3 to SOH for 10 Ocean Avenue (east side of road). The parcel contains approximately 5,200 square feet of land and is currently pre-existing nonconforming. No additional lots could be created if this rezoning is approved.

S – Zoning Bylaw amendment to reduce the maximum allowed height in the CMI district from 40 feet to 30 feet. The increase in allowed height in the CMI district was approved at the 2018 ATM and the intent was to allow for more design flexibility and more usable interior space within the mid island area, where mixed use and affordable housing development has been encouraged through the adoption of numerous bylaw changes over the past decade. To date, no structures have been constructed taking advantage of the height increase, therefore opposition to the allowance seems premature. Further, the height allowance through zoning does not diminish the review or authority of the Historic District Commission to approve a lower structure height.

U – Zoning Map amendment from R-5 to CTEC for 3 properties on the west side of Maryanne Drive. This rezoning would extend the CTEC district north from its current terminus. CTEC would increase the minimum lot size, maintain the current ground cover allowance, and change the potential uses from exclusively residential to either multi-family residential, mixed use, or commercial.

X – Zoning Map amendment from R-10 to CN for a single parcel at 3 Cobble Court. This rezoning would extend the CN district west to this parcel, which contains approximately 15,000 square feet of area and a garage. The site abuts the CN district and is adjacent to other commercial uses including a medical clinic (dentist office) and a beauty salon. If this rezoning is approved, one new lot could be created (check plan to confirm frontage and area).

HH – Zoning Bylaw amendment to change the calculation for ground cover ratio. The purpose of this article is to reduce the ground cover allowance in all zoning districts by applying the allowed ground cover ratio ONLY to buildable area of a lot (meaning, the area of the lot within the required yard setbacks is excluded from the ground cover ratio calculation). Based on a preliminary review by staff, this change would present a variety of issues including, but not limited to the following:

- Ground cover ratio is currently a simple calculation based on the total lot area and the percentage of ground cover allowed in a district. This new methodology would require a surveyor to determine the exact ground cover allowed for a lot, placing a significant cost and time burden on a property owner.
- The effect of the ground cover reduction is fairly dramatic in all districts and would create many nonconformities, resulting in increased permitting requirements for any changes to either existing or proposed structures.

- Owners of properties may have invested with the intent of future improvements, which would no longer be possible and they would have no opportunity to make arrangements in advance of this change.

PP – Zoning Bylaw amendment to create a rural affordable development option. The purpose of this article is to create a new residential development option through the issuance of a special permit by the Planning Board for lots 120,000 square feet or larger in the LUG-2 and LUG-3 zoning districts. At least 50% of the newly created lots would be required to be subject to the Nantucket Housing Needs Covenant for either home ownership or rental. The market rate lot would be at least 40,000 square feet in area and the income restricted lot would be at least 20,000 square feet in area, with all lots being restricted to a single dwelling unit.

QQ – Zoning Bylaw amendment to restrict events in residential zoning districts. The purpose of this article is to add a new use “residential event facility” to the bylaw to regulate events meeting certain criteria within residential zoning districts. One event meeting the criteria outlined would be permitted for each property, and the second within a single calendar year would require the issuance of a special permit by the Planning Board. The restrictions on the use of tents have long been utilized to limit events in residential districts, however, those restrictions do not capture situations where there are contiguous properties in common ownership or where a tent is not required.

TT – Zoning Map amendment to rezone 3 properties on Driscoll Way from LUG-3 to LUG-1.

UU – Zoning Map amendment to rezone 8 properties on the north side of Polpis Road from VR to VN. The properties included in this article are primarily residential in character and they abut the LUG-1 district to the north. This rezoning would result in a reduction in the required minimum lot size from 20,000 square feet to 10,000 square feet, a reduction in required frontage from 100 feet to 50 feet, a reduction in front yard setback from 20 feet to 10 feet, and an increase in allowable ground cover ratio from 10% to 30%. If this rezoning is approved,        new lots could potentially be created.

VV – Zoning Map amendment to rezone 25 Rugged Road from LUG-2 to R-20. The parcel is approximately 217,000 square feet in area and it contains a single family dwelling, a barn, and several outbuildings. If this rezoning is approved, approximately 8-9 additional lots could be created. The property is adjacent to the Beachplum Village 40B, which is developed at a density more consistent with R-5, and the R-20 district is located directly across Rugged Road and includes several neighborhoods developed at a density consistent with the R-20 standards.

XX – Zoning Bylaw amendment (and Home Rule Petition) to add a requirement for a liability waiver granted by the property owner in favor of the Town of Nantucket prior to the issuance of a building permit for construction on lots on “shorefront land” or within 300 feet of “shorefront land”. This article

was considered by the Planning Board for the 2016 ATM and it received a negative recommendation. Primarily, the Planning Board opposed the article because they determined that the applicability of the proposed Bylaw far exceeded the intended purpose, which was represented to be protecting the Town from damages created by construction in vulnerable coastal location. Some “shorefront land” or properties within 300 feet of “shorefront land” extends far inland to locations that are not subject to the same issues as land in close proximity to the coastal bank.

DRAFT



# Nantucket Planning Board

## MEMORANDUM

Date: October 24, 2018  
To: Registered Voters  
From: Planning Board  
Re: Citizen Petitions for Zoning Map Amendments

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The Planning Board determined at their October 11, 2018 meeting that guidance for proposed Zoning Map amendments would assist an article proponent with anticipating criteria that may be applied by the Board during their deliberation(s). If you submit a citizen petition for a proposed zoning map amendment, please provide written responses to the questions below in advance of the scheduled meeting at which the proposal will be discussed. There may be other factors that impact the Board's recommendation to Town Meeting, therefore, any other information relevant to your proposal should also be provided in advance.

- Is the proposed amendment consistent with the land use and zoning district designation of the surrounding area?
- Are the uses allowed within the proposed zoning district complimentary to the character of the parcels included in the zoning map amendment and the surrounding area? Describe the existing conditions and intended outcome.
- Does the proposed amendment create nonconformities that do not currently exist? If so, what type (i.e. use, frontage, setbacks, groundcover ratio)?
- Does the proposed amendment create additional potential for new building lots beyond what is allowed in the current district? If so, how many?
- Does the proposed amendment result in a change to the allowed ground cover ratio? If yes, what is the difference between the existing and proposed district allowances? Analysis of each property included in the proposed rezoning is helpful for the Board's consideration.
- Does the proposed amendment implement a specific goal or policy of the Master Plan? If yes, which goal(s) or policy(s) will be implemented? If no, is the proposal generally consistent with Master Plan or other planning principles? Please identify how.
- If the proposal is within an area where an area plan has been approved by the Nantucket Planning and Economic Development Commission, is the proposal consistent with the area plan? If yes, please identify how is consistent or which specific goals will be accomplished.
- Has this or a similar proposed amendment been included on the Town Meeting Warrant within the past two (2) years? If yes, which Town Meeting(s)?

Your attendance at the Planning Board meeting is expected so that you can present your proposal and respond to questions or issues discussed during the public hearing. If you have any questions about the process or the guidance provided in this document, please call 508-325-7587 to speak with a staff person who can assist you.



# Town of Nantucket - GIS Mapsheet



## Nantucket Island Zones

Includes Cumulative Zoning Updates through the April 2019 Annual Town Meeting

District	Minimum Lot Size (in Square Feet)	Frontage	Ground Cover Ratio	Front Setback	Side/Rear Setback
ROH, SOH	5,000	50 ft	40%, 50 %	0	5 ft
R-1, SR-1	5,000	50 ft	30 %	10 ft	5 ft
R-5, R-5L	5,000	50 ft	40 %	10 ft	10 ft min. on one side, 5 ft thereafter*
R-10, R-10 L, SR-10	10,000	75 ft	25 %	20 ft (15 ft)	Rear: 5 ft 10 ft (5 ft)
R-20, SR-20	20,000	75 ft	12.5 %	30 ft	10 ft
R-40	40,000	75 ft	10 %	30 ft	10 ft
VR	20,000	100 ft	10 %	20 ft	10 ft
LUG-1	40,000	100 ft	7 %	35 ft	10 ft
LUG-2	80,000	150 ft	4 %	35 ft	15 ft
LUG-3	120,000	200 ft	3 %	35 ft	20 ft
MMD	10 acres	300 ft	0.5%	50 ft	50 ft
CDT	3,750	35 ft	75 %	0	0 / 5 ft
RC	5,000	50 ft	50 %	0	5 ft
RC-2	5,000	40 ft	50 %	10 ft	5 ft
CMI	5,000	50 ft	50 %	0	0
CN	7,500	50 ft	40 %	10 ft	5 ft / 10 ft
CTEC	10,000	50 ft	40 %	10 ft	5 ft / 10 ft
CI	15,000	75 ft	50 %	20 ft	0/10 ft
VN	10,000	50 ft	30 %	10 ft	10 ft
VTEC	40,000	100 ft	25 %	30 ft	20 ft

\*For further explanation and exceptions, see Nantucket Zoning Bylaws Chapter 139 - 16A\*

Insets Map Scale:  
1 inch = 375 feet  
(except Great Point)

Island Wide Map Scale:  
1 inch = 1,400 feet

### Data Sources:

The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class I Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2013.

Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements.

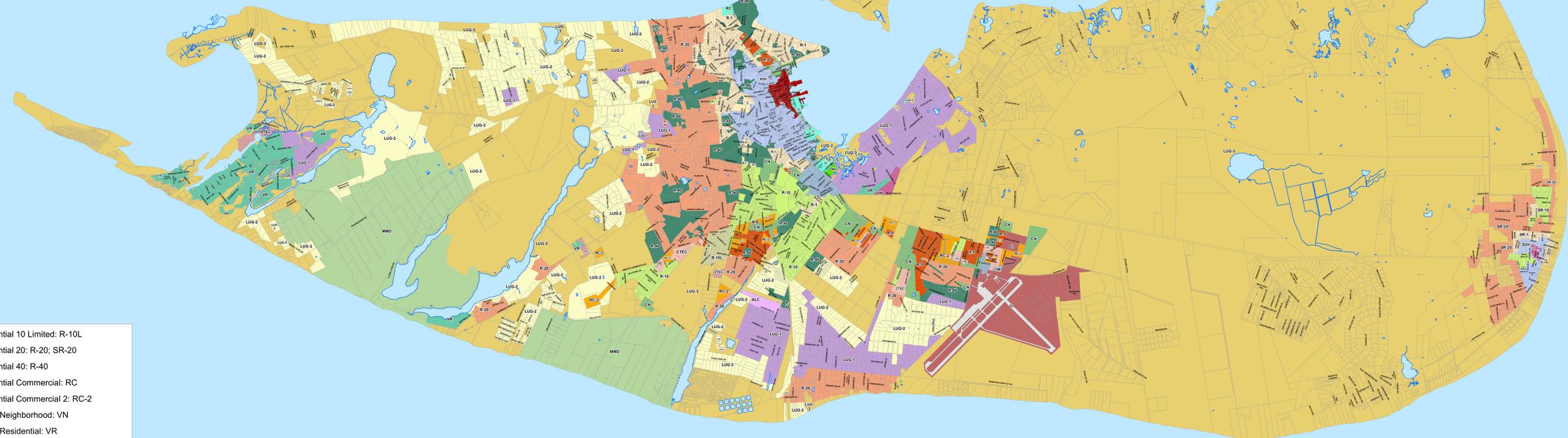
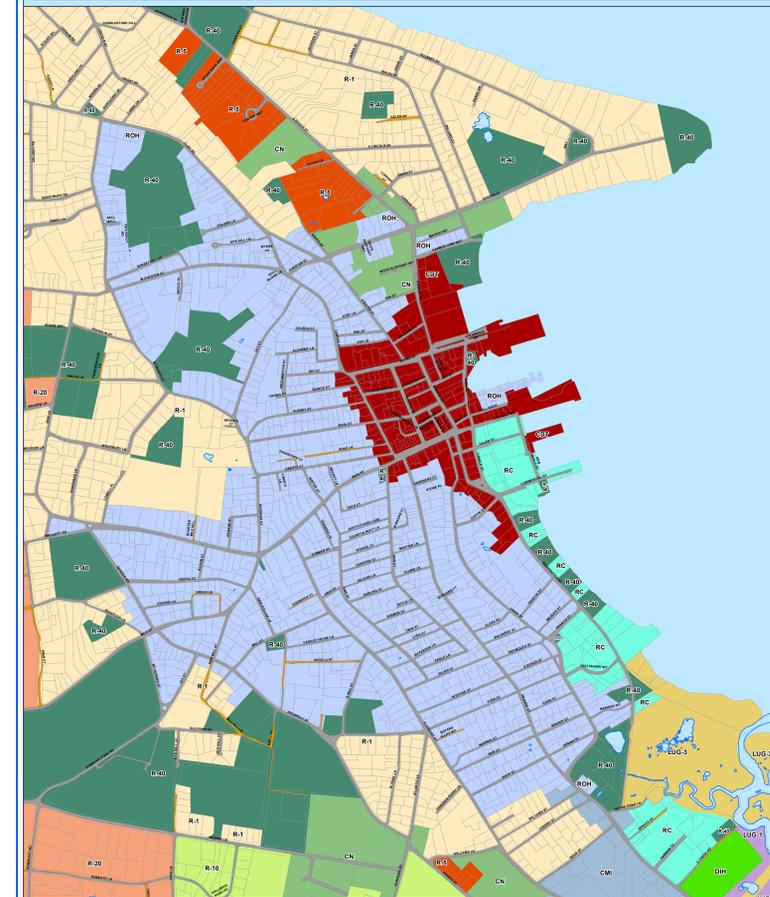
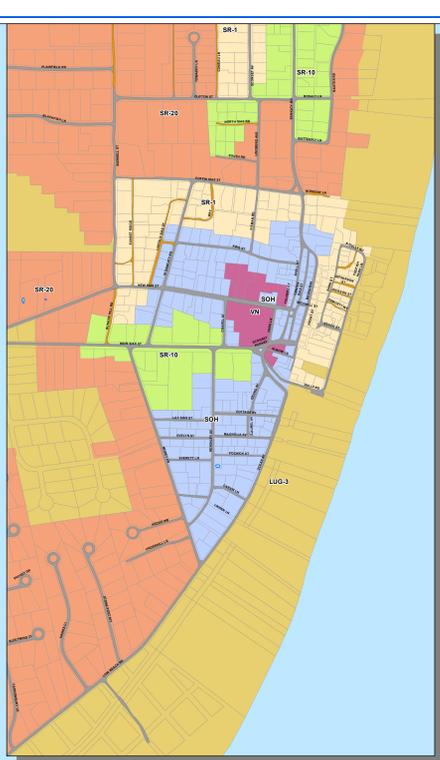
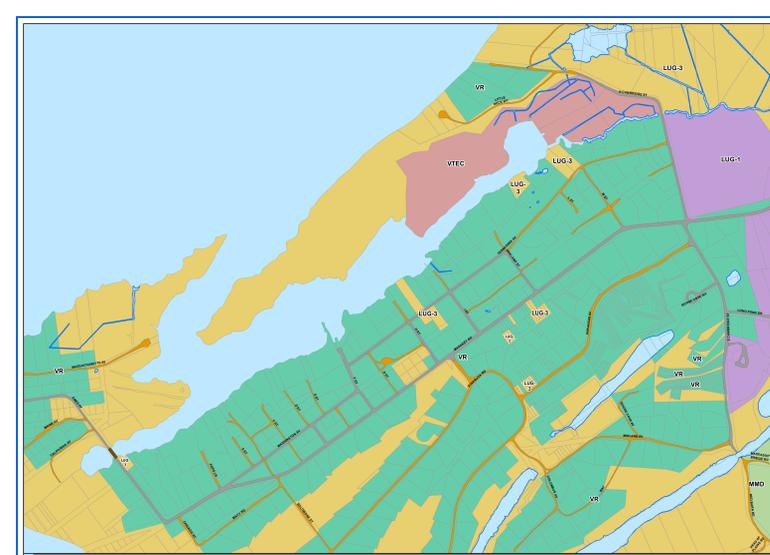
The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.

Please send identification of any errors and corresponding corrections to:

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

April 11, 2018



Zoning Districts		
	Assisted Independent Living Community: ALC	
	Commercial Mid-Island: CMI	
	Commercial Downtown: CDT	
	Commercial Industrial: CI	
	Commercial Neighborhood: CN	
	Commercial Trade Entrepreneurial Craft: CTEC	
	Historic: ROH; SOH	
	Limited Use 1: LUG-1	
	Limited Use 2: LUG-2	
	Limited Use 3: LUG-3	
	Moorlands Management: MMD	
	Our Island Home: OIH	
	Residential 1: R-1; SR-1	
	Residential 5: R-5	
	Residential 10: R-10; SR-10	
	Residential 10 Limited: R-10L	
	Residential 20: R-20; SR-20	
	Residential 40: R-40	
	Residential Commercial: RC	
	Residential Commercial 2: RC-2	
	Village Neighborhood: VN	
	Village Residential: VR	
	Village Trade Entrepreneurial Craft: VTEC	

Planning Board Sponsored Article Summary 12/16/19

Zoning Map Changes

Article	Current Zone	Proposed Zone	GC Change	Lot Size Change	Lot Division Potential	Other Comments
AA	RC-2	R-5	-20%	No change	No change	Places residential properties in a residential district
BB	RC-2	R-5	-20%	No change	No change/reduce	Places residential properties in a residential district
CC	RC-2	R-5	-20%	No change	No change	Places residential properties in a residential district
DD	RC-2	CN	-20%	Increases from 5,000 to 7,500	No change/reduce	Places commercial properties in a commercial district
EE	RC-2	CTEC	0%	Increases from 5,000 to 10,000	Reduce	Places commercial properties in a commercial district
FF	RC-2	CN/R-5	-20%	No change/Increases from 5,000 to 7,500	No change/reduce	Places residential property in a residential district/Places a mostly vacant large lot in a mixed-use district
GG	Not moving forward at this time					
HH	RC	CN	-20%	Increases from 5,000 to 7,500	No change/reduce	Places properties that are a combination of commercial and residential in a mixed-use district
II	Not moving forward at this time					
JJ	SR-1	SOH	40%	No change	No change	Places residential properties in a residential district more in keeping with the development and character of this area. Although ground cover increase may appear dramatic, most of these properties are pre-existing nonconforming with no additional building potential. Removes potential for residential swimming pools.
KK	Not moving forward at this time					
LL	R-20	R-40	-5%	Increases from 20,000 to 40,000	Reduce	Places residential properties in a district more in keeping with the low density character of the area

Zoning Bylaw Amendments

- Increase minimum lot size and setbacks for swimming pool allowance in the R-1/SR-1 and R-5/R-5L districts. Would reduce potential for new swimming pools in these districts.
- Add a requirement for secondary dwellings that one of the two dwellings on the lot must be owner occupied.
- Add an exception for sheds under 50 square feet to be located within the side or rear yard setback in the R-5 and R-10 districts.
- Revise the demolition delay requirements for consistency with current practices.
- Misc. technical amendments, including a split lot correction to place a single lot entirely in the R-20 district.
- 1 article for CAC addressing marijuana cultivators, craft marijuana cooperative, and microbusiness.

DRAFT

ARTICLE \_\_\_

(Zoning Bylaw Amendment: ONE OR TWO ARTICLES FROM CAC)

ARTICLE \_\_\_

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions (*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-sustentative 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 2A (definitions) as follows:

**SWIMMING POOL - RESIDENTIAL**

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association.

- In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.
  - In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 10,000 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2020.
2. Amend section 7A (use chart) by replacing "A" with "A with lot  $\geq$  10,000 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

*(Select Board for Planning Board)*

Petitioners:

We, the undersigned registered voters of the Town of Nantucket, hereby petition the Select Board to remove the following Article from the Warrant for the Annual Town Meeting to be held on April 4th, 2020.

*12th Avenue  
Received  
Dec. 23, 2019  
11:16 PM  
(2 pages)*

*H.H.*

A minimum of 10 signatures\* of voters registered in Nantucket and certified by the Town Clerk is required. Please attach separate sheets for additional signatures. Registered name must be substantially as written and signed. Please print name legibly.

\*10 signatures for Annual Town Meeting articles; 100 signatures for Special Town Meeting

Number	Printed Name	Signature	Address
1	Campbell Sutton	<i>[Signature]</i>	15 Appleton Rd
2	Elizabeth Sutton	<i>[Signature]</i>	15 Appleton Rd
3	Wendy Brown	<i>[Signature]</i>	12 W. Dover St.
4	CASSANDRA CHOMO Cassandra Chomo	<i>[Signature]</i>	24 Ridge Lane
5	PHILLIP Phillip Chomo	<i>[Signature]</i>	24 Ridge Lane
6	Marie Lemberg	<i>[Signature]</i>	12 Skyline Dr.
7	EDWIN LEMBERG	<i>[Signature]</i>	12 SKYLINE DR
8	Carl Jen Butler	<i>[Signature]</i>	2 Field Av.
9	Kathryn Kania	<i>[Signature]</i>	7 Deer Run
10	John Bryscher	<i>[Signature]</i>	31 Summit Ln
11	Christina Wiggins	<i>[Signature]</i>	40 Vesper Lane
12	JUDITH PERKINS	<i>[Signature]</i>	52 Appleton rd.
13	MARK MASTOON	<i>[Signature]</i>	171 HUMMOCK POINT RD
14	Karen Macnab	<i>[Signature]</i>	13 No. Water St.
15			

## Citizen Warrant Article

### *Primary Sponsor*

Name: Campbell Sutton  
Address: 15 Appleton Road  
Email: ccoastpaper@gmail.com  
Phone #: 508-228-3013

Warrant Article Title: Amend Zoning Bylaw Relating to Ground Cover Ratio

To see if the Town will vote to (may attach body of article on separate page):

Amend Zoning Chapter 139-2 Definitions and Word Usage to reflect the following

GROUND COVER RATIO The ground cover upon a lot divided by the **buildable** area of the lot, expressed as a percentage.

### **BUILDABLE AREA**

The buildable area of the lot is defined as the area of the lot minus the area of the front, rear, and side yard set backs.

; or otherwise act thereon.



## Zoning District by Land Area Updated through May 2019

<b>Zone</b>	<b>Acres</b>	<b>Percentage of Total Land Area</b>
<b>OIH</b>	4.77	0.02
<b>VN</b>	20.65	0.07
<b>ALC</b>	21.02	0.07
<b>VTEC</b>	27.65	0.09
<b>RC</b>	30.22	0.1
<b>SR-1</b>	33.92	0.11
<b>CDT</b>	37.68	0.13
<b>SOH</b>	42.11	0.14
<b>SR-10</b>	45.21	0.15
<b>CMI</b>	53.75	0.18
<b>CTEC</b>	60.16	0.2
<b>RC-2</b>	113.25	0.38
<b>R-5</b>	154.97	0.51
<b>CN</b>	183.69	0.61
<b>ROH</b>	229.66	0.76
<b>SR-20</b>	273.63	0.91
<b>VR</b>	288.12	0.96
<b>R-1</b>	351.51	1.17
<b>R-10/10L</b>	423.84	1.41
<b>R-40</b>	435.37	1.45
<b>CI</b>	455.27	1.51
<b>LUG-1</b>	1011.46	3.36
<b>R-20</b>	1113.62	3.7
<b>MMD</b>	1790.03	5.95
<b>LUG-2</b>	2269.42	7.54
<b>LUG-3</b>	20637.5	67.65
<b>Total</b>	1311528813	30108.56



# Zoning Districts by Density Classification

## May 2, 2019

High Density					Moderate Density					Low Density					Totals	
	Zone	Acres	Notes	Total Acreage and Percentage of Total Land Area		Zone	Acres	Notes	Total Acreage and Percentage of Total Land Area		Zone	Acres	Notes	Total Acreage and Percentage of Total Land Area		
Residential	OIH	4.77	Change to R-5	816.94 Acres 2.71% of Total Land Area	Residential	ALC	21.02	Change to Low Density	2,163.44 Acres 7.19% of Total Land Area	Residential	R-40	435.37		26,143.78 Acres 86.84% of Total Land Area	Residential	29,124.16 Acres 96.74% of Total Land Area
	SOH	42.11	Move to New District			SR-10	45.21	Merge with R-10			LUG-1	1,011.46				
	SR-1	33.92				VR	288.12				LUG-2	2,269.42				
	R-5	154.97				SR-20	273.63	Merge with VR			LUG-3	20,637.50				
	ROH	229.66				R-10	423.84									
	R-1	351.51	Change to ROH, R-5, R-10			R-20	1,111.62									
	<b>Total Residential</b>	<b>816.94</b>				<b>Total Residential</b>	<b>2,163.44</b>				<b>Total Residential</b>	<b>26,143.78</b>				
	Commercial	CMI	53.75				234.90 Acres 0.78% of Total Land Area	Commercial			VN	20.65				
CDT		37.68		C-TEC	60.16											
RC		30.22		CN	183.69											
RC-2		113.25		CI	455.27											
<b>Total Commercial</b>		<b>234.90</b>		<b>Total Commercial</b>	<b>719.77</b>				<b>Total Commercial</b>	<b>27.65</b>						
<b>Total High Density</b>	<b>1,051.84</b>		<b>Total Moderate Density</b>	<b>2,883.21</b>		<b>Total Low Density</b>	<b>26,171.43</b>				<b>26,171.43 Acres</b>				<b>30,106.48 Acres</b>	<b>100% of Total Land Area</b>
				3.49% of Total Land Area					9.58% of Total Land Area					86.93% of Total Land Area		