

UPDATED 02/07/2020

ARTICLE 39

(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 39 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 39 RC-2 to R-5” dated October 2019.

ARTICLE 40

(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 40 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	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 40 RC-2 to R-5” dated October 2019.

ARTICLE 41

(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	65½	Surfside Road
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	871	10B	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 41 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	65½	Surfside Road
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	871	10B	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 41 RC-2 to R-5” dated October 2019.

ARTICLE 42

(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	4½	Bartlett Road
67	844	4	Bartlett Road
67	116	12	Bartlett Road
67	115.1	12½	Bartlett Road
67	114.1	16½	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 42 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	4½	Bartlett Road
67	844	4	Bartlett Road
67	116	12	Bartlett Road
67	115.1	12½	Bartlett Road

67	114.1	16½	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 42 RC-2 to CN” dated October 2019.

ARTICLE 43

(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	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	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 shown on a map entitled “2020 Annual Town Meeting Warrant Article 43 RC-2 to CTEC” dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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
67	476	8	Appleton Road
66	437	10	Appleton Road
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	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 shown on a map entitled “2020 Annual Town Meeting Warrant Article 43 RC-2 to CTEC” dated October 2019.

ARTICLE 44

(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 44 RC-2 to R-5 and/or CN” dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that ... FEBRUARY 10 Re-noticed public hearing. This received a positive recommendation at the meeting on January 16, 2020. The attorney for the owner asked if the district line could be altered. Staff is supportive of the change, but it requires a new public hearing and for the Board to adopt the new district boundary.

ARTICLE 45

(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	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	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
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street

55.1.4	111	89C	Washington Street
55.1.4	112	89D	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 45 RC to CN” dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	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
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	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 45 RC to CN" dated **October 2019 NEED NEW MAP.**

ARTICLE 46

(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 46 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended 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 46 SR-1 to SOH" dated October 2019.

ARTICLE 47

(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 47 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Planning Board presented this article based on comments received by property owners during a public hearing for a proposed special permit that resulted in the creation of one additional lot between Bayberry Lane and Rugged Road. At that time, property owners in the neighborhood suggested that they would prefer to maintain the existing character of the properties, rather than take advantage of additional ground cover and lot division potential available in the R-20 zoning district. Subsequently, other property owners filed preliminary plans or special permit applications to divide their property and one owner requested to have their property removed from the article. Based on those considerations, the Board determined that this proposal would not have the result anticipated when the article was drafted and would instead create zoning nonconformities where they do not currently exist.

ARTICLE 48

(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 ...

- In the VR District only...
- 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 7,500 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 7,500 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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended 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 ...

- In the VR District only...
- 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 7,500 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 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

PLANNING BOARD COMMENT: Impact of residential swimming pools have been an ongoing topic of discussion. Concerns relate to adding more structures that contribute to stormwater runoff, environmental concern related to draining water from residential swimming pools, noise and light impacts to neighbors, and other impacts that may degrade Nantucket's historic character. Other concerns relate to reducing the potential for an estate like development pattern that detracts from traditional neighborhoods and ultimately housing that is attainable for year-round households.

ARTICLE 49

(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 eight feet in height, as measured from the top of the slab or pier foundation.~~

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 16, be amended 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 eight feet in height, as measured from the top of the slab or pier foundation.

ARTICLE 50

(Zoning Bylaw Amendment: Driveways)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 20.1B, 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*):

... A Certificate of Appropriateness issued by the Nantucket Historic District Commission (HDC) is required prior to driveway access approval by the DPW for lots located within the “Core Historic Districts” as shown on the map entitled “Core Historic Districts”, dated April 9, 2019, as may be amended from time to time by the HDC.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that ... FEBRUARY 10 PUBLIC HEARING

ARTICLE 51

(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 26A(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 26, be amended 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, Local Inspector, 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 26A(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.

PLANNING BOARD COMMENT: The changes proposed in this article provide non-substantive updates, including changes to reflect the appropriate building code officials and current practices.

ARTICLE 52

(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 30E(8) by deleting it in its entirety and replacing it with the following language consistent with the provisions of MGL c. 40A s. 11 as follows:

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the Town Clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for Nantucket County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

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, as shown on a map entitled "2020 Annual Town Meeting Warrant Article ___ R-40 to R-20" dated October 2019 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket and the Zoning Map, be amended 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 30E(8) by deleting it in its entirety and replacing it with the following language consistent with the provisions of MGL c. 40A s. 11 as follows:

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the Town Clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for Nantucket County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

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, as shown on a map entitled "2020 Annual Town Meeting Warrant Article 52 R-40 to R-20" dated October 2019.

ARTICLE 53

(Zoning Map Change: R-5 to CTEC - Mary Ann Drive)

To see if the Town will vote approve the zoning map change from the existing R-5 zone to the CTEC zone on the following three, (3) properties;

14 MARYANN DRIVE, Map 68, Parcel 444
16 MARY ANN DRIVE, Map 68, Parcel 445,
18 Mary Ann Drive, Map 68 Parcel 446,

; or otherwise act thereon.

(Brian Ryder, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential-5 (R-5) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Parcel	Number	Street
68	444	14	Mary Ann Drive
68	445	16	Mary Ann Drive
68	446	18	Mary Ann Drive

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 53 R-5 to CTEC” dated January 2020.

ARTICLE 54

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

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 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on the attached map.

Or to take any other action related thereto.

(Susan C. Ottison, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

As shown on a map entitled “2020 Annual Town Meeting Warrant Article 54 R-10 to CN” dated January 2020.

ARTICLE 55

(Zoning Map Change: VR to VN - Polpis Road and Chatham Road)

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
54	128/188	2	Polpis Road

54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Village-Residential (V-R) district, to the Village-Neighborhood (VN) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

PLANNING BOARD MOTION: Moved that... CONTINUED TO FEBRUARY 10

PLANNING BOARD COMMENT: The lots included in this article were the subject of a rezoning from the LUG-1 district to the VR district at the *2010? CHECK DATE ATM. That rezoning made the lots more conforming and provided less restrictive setback and ground cover allowances. If approved, this rezoning would provide even less restrictive requirements, resulting in lot division, additional ground cover, and commercial use potential that does not currently exist. Although commercial use exists on the opposite side of Polpis Road, that property has historically been used commercially and the two commercial properties included in this article are pre-existing nonconforming. Additional commercial use on these properties is not something that this Board supports.

ARTICLE 56

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

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
67	166	25	Rugged Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irene Schreiber, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 57

(Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way)

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
76	4.1	2	Driscoll Way
76	4.2	6	Driscoll Way
76	4.3	10	Driscoll Way

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 3 (LUG-3) district, to the Limited Use General - 1 (LUG-1) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(James M. Driscoll II, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 58

(Zoning Bylaw Amendment: Commercial Mid-Island - Height Restriction)

Reason and Intent;

At the 2016 Annual Town Meeting, Article 36 was adopted. The article had several sections, was complicated and in the case of changes in Section 17A, not in the best interests of Nantucket. The change in Section 17A involved the change of the height restriction for the SMI District from 30 feet to 40 feet. . This Article will reestablish the same height limitation as exist in the other districts referenced in Chapter 17 Section 17A.

The Article:

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

To amend section 17A as follows:

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

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, RC, RC-2, LC	30
Town Overlay District	CMI	40 30

Or to take any other action related thereto.

(Vallorie Oliver, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The 40-foot structure height limitation was approved by voters at the 2016 (CHECK) Annual Town Meeting. The intent of the increase in the CMI district, which comprises only 0.1% of the island’s total land area, is limited to what is known as Mid-Island, and is located in close proximity to the airport, was to allow for more design flexibility and more usable interior space. Mixed commercial use with a variety of housing options has been encouraged in the CMI district through the adoption of numerous bylaw changes over the past decade, including the allowance of Workforce Rental Housing in an effort to add to our Subsidized Housing Inventory. The 2009 Master Plan, which was unanimously approved by Town Meeting, set a goal to remove the one-size-fits-all approach to structure height, and we note that there is no historical context for 30 feet. Perhaps the most important factor to consider is that regardless of the maximum height allowed through zoning, the elected Historic District Commissioners have full authority during their design review to require a lower height if they find it would be more appropriate.

ARTICLE 59

(Zoning Bylaw Amendment: 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.

(Steven Cohen, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 60

(Zoning Bylaw Amendment: Rural Affordable Development)

To see if the Town will vote to: amend Section 139 to provide for a **Rural Affordable Development** option, allowing for division of lots of 120,000 square feet or larger in the LUG-2 and LUG-3 zoning districts, with a 50% affordable housing requirement and other provisions to allow moderate development while protecting the rural nature of these areas, substantially as provided in the attached Exhibit A.

Exhibit A to Annual Town Meeting - Citizen's Article

Rural Affordable Development

To see if the Town will vote to: amend Section 139 to provide for a **Rural Affordable Development** option with the purpose to provide for housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity; to provide for affordable and accessible housing with moderate density in rural areas; all in order to maintain Nantucket's diversity and unique sense of community.

1) In the LUG-2 and LUG-3 zoning districts, the Planning Board, acting as the special permit granting authority, may issue a special permit for Rural Affordable Development, authorizing the division of a lot (or abutting lots) into two or more lots, provided the following requirements and/or conditions shall apply:

- a) The initial lot or lots shall have a lot area of at least 120,000 square feet,
- b) At least 50% of the resulting buildable lots shall be subject to a Nantucket Housing Needs Covenant for affordable ownership by a Qualified Purchaser

- c) Household, or for affordable rental to a Qualified Rental Household, Lots subject to a Nantucket Housing Needs Covenant shall contain at least 20,000 square feet of lot area,
 - d) Lots not subject to a Nantucket Housing Needs Covenant shall contain at least 40,000 square feet of lot area,
 - e) Each buildable lot shall be restricted to one dwelling, which shall be a single family dwelling,
 - f) Each buildable lot shall have adequate access and parking,
 - g) Each buildable lot shall have adequate utilities and services, including sewer or septic capacity and water capacity, and
 - h) Each lot shall be restricted from any further lot division that results in any additional building lots.
- 2) To mitigate impacts on the rural nature of the area, and to preserve natural resources, water quality, wildlife habitat, scenic views, and existing mature vegetation, the Planning Board may impose conditions related to such on any lot, including conditions that reasonably provide for the following:
- a) Screening of structures and parking areas,
 - b) Buffers from abutting properties,
 - c) Limitations on improving or clearing of specified portions of any lot,
 - d) Limitations on the number and location of curb cuts,
 - e) Limitations on the ground cover, height or location of any structures,
 - f) Limitations on grade changes,
 - g) Limitations on uses on any lot, and
 - h) Mitigation of environmental impacts.
- 3) In determining the initial lot size and the subsequent percentage of lots subject to a Nantucket Housing Needs Covenant, the Planning Board shall apply a credit to the application for any abutting lot already subject to such covenant that was divided from the applicant lot at the time of the imposition of that covenant.
- 4) Except as otherwise provided, the ground cover ratio and setback requirements of the underlying zoning district shall apply to each lot.
- 5) Provided that the Planning Board finds that doing so will not have an adverse impact on the rural nature of the area and will promote the intent of this section, the Planning Board may provide the following relief by special permit:
- a) Waive the regularity formula in § 139-16D,
 - b) Provide for a reduction in frontage, providing that each lot shall have not less than 20 feet of frontage or shall have a recorded easement of sufficient width and grade to provide access,
 - c) Provide for the reduction of the front yard setback to not less than 20 feet and the side and rear yard setbacks to not less than 10 feet,
- 6) Planning Board approval of a Rural Affordable Development special permit shall not substitute for approval of a definitive subdivision or approval not required (ANR) plan.

(Steven Cohen, et al)

PLANNING BOARD MOTION: Moved to... CONTINUED TO FEBRUARY 10

PLANNING BOARD COMMENT: Although the Board applauds the effort of the proponent to creatively draft another affordable housing option, this particular approach is too far reaching and is inconsistent with the Town and Country Overlay District concept that have consistently been supported by the voters. If implemented, this Bylaw would encourage additional development where services and infrastructure are not available.

ARTICLE 61

**(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)
Reason and Intent;**

This article was included in the 2015 ATM. It was recommended for adoption by the Finance Committee, but was “Not adopted by Majority Voice Vote”. With the passage of time, protecting the Town from liability due to climate change and sea level rise is 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. The article below is exactly the same as the one for 2015 and was drafted by Town Counsel.

The Article:

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.

(Rick Atherton, et al)

PLANNING BOARD MOTION: Moved to... CONTINUED TO FEBRUARY 10

PLANNING BOARD COMMENT: The Board acknowledges that the intent of this article may have merit, however, significantly more discussion is needed to develop this concept. Requiring such a waiver as a prerequisite to the issuance of a building permit may not be the most appropriate approach. Input from various town departments as well as boards/committees/commissions who are involved with coastal issues should occur before this type of concept is adopted.

ARTICLE 62

(Bylaw Amendment: Preservation of Historically Significant Buildings)

**RULED BY MODERATOR THAT THIS CANNOT BE CONSIDERED FOR ZONING.
FINANCE COMMITTEE WILL PROVIDE A MOTION**

ARTICLE 63

(Affordable Housing Requirements)

To see if the Town will vote to: To require the Town of Nantucket to create and enforce legislation and regulations to enact and enforce the attachment of the state mandated 10% affordable housing to our local building permit process. 10% of new residence permits issued annually (both year round and seasonal) shall be designated affordable. For each 10 residential permits issued 1 shall be affordable; or otherwise act thereon.

(Andrew G. Lowell, et al)

PLANNING BOARD MOTION: Moved to... PUBLIC HEARING FEBRUARY 10

PLANNING BOARD COMMENT: Although not written as a Zoning Bylaw, the article suggests a future Bylaw can be created, which is false. This is an open-ended rate of growth concept which has been found to be unconstitutional and therefore is not legal or practical.

**ARTICLE 64
(Public Property Damage)**

To see if the Town will vote to: require the Town of Nantucket through the PLUS department to create and enforce regulations to hold accountable all land owners to repair damage to public property caused by permitted activity. All applicants to the PLUS Department must submit photos of surroundings 500 feet beyond each boundary to a public way areas of concern shall include streets/roads, shoulders, sidewalks, medians and bike paths. These areas shall be inspected and approved before a certificate of occupancy or completion is issued; or otherwise act thereon.

(Andrew G. Lowell, et al)

PLANNING BOARD MOTION: Moved to... PUBLIC HEARING FEBRUARY 10