



Nantucket Planning Board

STAFF MEMO

January 25, 2023

To: Planning Board

From: Megan Trudel,
Land Use Specialist

Re: Staff Memo for the January 26, 2023 Planning Board Meeting

Call to Order:

Approval of the Agenda:

Cannabis Advisory Committee: *appointment (1 member)*

Zoning Articles for 2023 Annual Town Meeting:

The following articles have been removed from the agenda or continued:

- ~~Zoning Map Amendment (Article 63) to place property located at 6 Elbow Lane currently in the Seonset Old Historic (“SOH”) district in the Village Neighborhood (“VN”) district (Williams).~~
PUBLIC HEARING CLOSED, ALREADY VOTED AT THE JAN 12, 2023 MEETING
- ~~Zoning Map Amendment: RC 2 to R 20 and LUG 2 – 91 and 95 Miacomet Avenue (Article 47) to place properties at 91 Miacomet Avenue and 95 Miacomet Avenue (portion of) currently in the RC 2 district in the R 20 district and to place property located at 95 Miacomet Avenue (portion of) currently located in the RC 2 district in the LUG 2 district. (Planning Board)~~
RE-ADVERTISED WITH A CORRECTION
- **Zoning Bylaw Amendment (Article 61)** to amend the Zoning Bylaw (Section 139-33 “Pre-existing non-conforming uses and structures”) to delete language that provides preexisting nonconforming status for lots, and any structures thereon, created pursuant to MGL 41-81L (Molden). **CONTINUE TO FEBRUARY 9, 2023**

- **Zoning Bylaw Amendment (Article 62)** amend the Zoning Bylaw (Section 139-33 “Pre-existing non-conforming uses and structures”) to add language that would require any new structure or expansion or increase in “volume, area, or height” of a structure on a lot that was approved under MGL 41-81L to require a Special Permit from the Zoning Board of Appeals (Molden) **CONTINUE TO FEBRUARY 9, 2023**
- **Zoning Map Amendment and County Overlay District Change: 69 Hummock Pond Road (Article 51)** – to place property at 69 Hummock Pond Road currently in the LUG-2 district and County Overlay District into the R-20 district and the Town Overlay District. (Planning Board) **CONTINUE TO FEBRUARY 9, 2023**
- **Zoning Map Amendment (Article 68)** to place property located at 69 Hummock Pond Road currently in the Limited Use General-2 (“LUG-2”) district in the Residential-20 (“R-20”) district (Iller). **CONTINUE TO FEBRUARY 9, 2023**

Please note that pursuant to the updated Housing Choice Legislation, the quantum vote (2/3 v 1/2) should be identified in the Planning Board motion.

****Articles numbers are as published in the Draft Warrant dated 01.25.23 2:30pm, and are subject to change**

Planning staff suggests that the Board Open ALL of the below for public hearing and:

- **Remove Articles 44, 45, 46, 49, 50, 58, 60, 66 for further discussion**
- **Remove any other articles that Board members feel need further discussion**
- **Have members of the public to identify any articles that they wish to discuss and remove for further discussion**

Then vote the remaining articles with the recommendation and quantum vote stated in the memo.

- **Zoning Bylaw Amendment: Animal Hospital and Animal Shelter (Article 37)** – to amend Section 139-2A “Definitions” to add new definitions for “Animal Shelter” and “Animal Hospital” and to include in Section 139-7A “Use-Chart” as uses allowed by Special Permit in all zoning districts. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment: Ground Cover – Shed (Article 38)**– to amend Section 139-2A “Definitions” to allow for more than one groundcover exempt shed as long as in the aggregate, a ground cover of 200 sq ft is not exceeded. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment: Swimming Pool-Residential (Article 39)**– to amend Section 139-2A “Definitions” to change “Swimming Pool” to “Recreational Outdoor Water Feature” and to define three types: “Hot tub/spa”, “Small swimming pool”, and “Large swimming pool”. The existing definition of “Hot tub/spa” is proposed to be deleted. Section 139-7A is proposed to be updated to insert the new terms, delete the existing “Hot tub/Spa” row, and to allow a “Recreational outdoor water feature” consistent with current bylaw provisions. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment: Duplex (Article 40)** – to amend Section 139-2A “Definitions” to allow separate ownership for duplexes in the R-1, ROH, and SOH districts when subject to a Nantucket Housing Needs Covenant and to amend Section 139-7A “Use-Chart” to allow duplexes in R-20 and R-40, allow in ROH/SOH by Special Permit, and allow as an accessory use in the CI district. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 50%

- **Zoning Bylaw Amendment: Secondary Residential Lot (Article 41)** – to amend Section 139-8C(3) to require the groundcover distribution be determined at the time a Special Permit is issued when a waiver is granted and to specify within the Bylaw that only the market rate lot is eligible for a second dwelling. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment: Tertiary Lot (Article 42)** – to amend Section 139-8D “Tertiary Lot” to allowed in the R-10 and R-20 zoning districts. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 50%

- **Zoning Bylaw Amendment: Off-street Parking Requirements (Article 43)** – to amend Section 139-18B “ Off-street Parking Requirements” for “Duplex” and “Garage Apartment” uses. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 50%

- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Appleton Road (Article 44)** – to place properties at 20, 22, 24 Appleton Road currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)

Further discussion/explanation needed. Quantum vote 50%

- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Nobska Way (Article 45)** – to place properties at 3, 4, 5, 6, 8 Nobska Way currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)

Further discussion/explanation needed. Quantum vote 50%

- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Salros Road (Article 46)** – to place properties at 1, 2, 3, 4, 5, 5A, 6, 7, 7B, 8, 8A #1, 8B #2, 9, 10 Salros Road currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)

Further discussion/explanation needed. Quantum vote 50%

- **Zoning Map Amendment: R-1 to R-5 – 11 and 13 Williams Lane (Article 48)** – to place properties at 11 and 13 Williams Lane currently in the R-1 district in the R-5 district. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 50%

- **Zoning Map Amendment: R-1 to R-5, CN, and CMI – Pleasant Street, Kimberly Way, Williams Lane, Cherry Street, Bear Street, and Madison Court (Article 49)** – to place properties on Pleasant Street, Kimberly Way, Williams Lane, Cherry Street, Bear Street, and Madison Court in the R-5 district; to place properties on Pleasant Street and Cherry Street in the CN district; and to place properties at Cherry Street and Pleasant Street in the CMI district. (Planning Board)

Further discussion/explanation needed. Quantum vote of 50%

- **Zoning Map Amendment: R-10 to CN – Surfside Road and Cobble Court (Article 50)** – to place properties at 3, 5, 8 Cobble Court and 13, 15 Surfside Road currently in the R-10 district in the CN district. (Planning Board)

Further discussion/explanation needed. Quantum vote 50%.

Note that this article previously received unanimous Planning Board support and majority Town Meeting support when proposed as a citizen article for 3 Cobble Ct only. At that time, the quantum vote was not identified in advance of the meeting through the motion and the neighboring parcels were not included (which they are now included with the proposed change).

- **Zoning Map Change: Town Overlay District – Open Space Parcels (Article 52)** – to place parcels used for open space within the Town Overlay district on N. Mill Street, Mill Street, Candle House Lane, Easton Street, Washington Street, Cobblestone Hill, Easy Street, and Commercial Wharf currently located in a variety of zoning districts in the R-40 district. (Planning Board)

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment (Article 53)** to change the special permit granting authority for residential swimming pools from the Zoning Board of Appeals to the Planning Board (Section 139-2 “Definitions”) (Williams).

Motion to not adopt the article with a quantum vote of 2/3

- **Zoning Bylaw Amendment (Article 55)** to amend language in Section 139-16 “Intensity Regulations” to change the special permit granting authority for the reduction in frontage in commercial districts from the Zoning Board of Appeals to the Planning Board (Williams).

Motion to approve the article as proposed with a quantum vote of 2/3

- **Zoning Bylaw Amendment (Article 56)** to amend language in Section 139-16 “Intensity Regulations” to change the special permit granting authority for the reduction in the required ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, R-20, and SR-20 to five feet from the Zoning Board of Appeals to the Planning Board (Williams).

Motion to not adopt the article with a quantum vote of 2/3

- **Zoning Bylaw Amendment (Article 57)** to amend language in the Zoning Bylaw (Section 139-15 “Accessory Use”) to clarify that the rental of rooms in an owner-occupied dwelling is permitted as an accessory use (Williams).

Motion to approve the article as proposed with a quantum vote of 2/3

Note that this accomplishes a goal as outlined in the Housing Production Plan

- **Zoning Bylaw Amendment (Article 58)** to amend the definition of “Principal Use” in the Zoning Bylaw (Section 139-2 “Definitions”) by deleting the word “expressly”(Williams).

Further discussion/explanation needed. Quantum vote of 2/3

While independently, this is supported by staff as good practice, the decision of the Styller case ties this to STRs, and the Town is actively moving forward with an STR proposal through the STRWG and possible STM.

- **Zoning Bylaw Amendment (Article 60)** to amend the definition of “Commercial” in the Zoning Bylaw (Section 139-2 “Definitions”) to exclude rental of dwelling units (Williams).

Further discussion/explanation needed. Quantum vote of 2/3

See comment above

- **Zoning Map Amendment (Article 65)** to place properties located at 105 and 107 Old South Road, 3 Miller Lane, portion of 17 Airport Road and Old South Road/Little Isle Lane (Map 68 Parcels 174 and 208) currently located in the Residential-20 (“R-20”) district in the Commercial Neighborhood (“CN”) district (Williams).

Motion to support only for portions of 17 Airport Road and any other portions included with the Nantucket Inn property (which is already located in CN) and not to adopt for the other proposed parcels. Quantum vote of 2/3.

- **Zoning Map Amendment (Article 66)** to place properties located at 11, 17 and 19 Miller Lane and 77, 79, 81A, 81B, 83, 87, 91 Old South Road currently in the Residential-20 (“R-20”) district in the Residential-10 (“R-10”) district (Williams).

Motion to approve the article as proposed with a quantum vote of 50%

Other Business

- **Upcoming meetings:**
 - **Thursday, February 9, 2023 via Zoom (Warrant Articles)**
 - **Monday, February 13, 2023 via Zoom (Regular Monthly Meeting)**

Adjournment

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