

NANTUCKET TOWN AREA PLAN WORK GROUP
Meeting Of February 18, 2022
FINAL AND APPROVED MINUTES

Attending: Mary Anne Easley, Mary Longacre, Mickey Rowland, Lee Saperstein, and Henry Terry.

Absent: Liz Almodobar, Marsha Fader, Regen Horchow, Alison King.

Attendance was verified by a roll call; there was a quorum at all times.

Chair Henry Terry called the meeting to order at 4:01 pm. Mary Longacre read the official notice about remote meetings and the fact of the meeting being recorded. Approval of the draft minutes for the meeting of February 1, 2022, was moved by Mary Longacre, seconded by Mary Anne Easley, and approved unanimously by roll-call vote.

Henry Terry then introduced Mary Anne Easley to review the interim report on issue 2. "Land Use" prepared by her and Liz Almodobar, which is attached. She began by reviewing the intent of the issue and then saying that her presentation will follow the steps in the report. In a subsequent e-mail to the Secretary, she wrote, "Here is the report that Liz prepared for "Land Use Plan." I basically followed it for my presentation today and then added a few issues of my own, including commercial/mixed use properties, wetlands, potentially regulating noise created by various kinds of installed heavy equipment (ac condensers, pool equipment, generators), and the potential for investor-owned properties to negatively impact neighborhoods. Mickey added the troubling trend to add on to the side of historic houses when there's no room at the back and wondered if we can't make a change to the zoning to prevent this when it changes the width of the structure."

She said that the overall goal of this issue is to identify the present use of the land in the area and to propose needed improvements. She noted also that the Town is mainly built out and that new construction can occur in the occasional piece of vacant land or by replacing existing structures. The recommendations, which we make, should respect the vitality and history of the area; they should document, also, public versus private uses of the land. Ultimately, recommendations may be made on changes needed to zoning. As noted by Leslie Snell, Deputy Director of Planning, in an earlier presentation to the Work Group, the Town is in the process of moving properties from R-1 to ROH, R-5, or R-5L. Inasmuch as this requires a lot-by-lot motion at Town Meeting, there is no time line for completion of the entire move. She noted that some properties in the Town area are historic but are not included within the boundaries of the Old Historic District, OHD. It might be a good idea to identify these properties to see if a redrawn boundary of the OHD is appropriate. Recently, the ground-cover maximum for the Residential Old Historic District was moved from 50 to 40 percent and the ratio for R-5 is 40 percent and R-5L is 30 percent (Chapter 139-16, Intensity Regulations, of the Code of the Town of Nantucket). Pools, however, are not considered to be a structure and, therefore, are not included in the calculation of ground cover. We should consider whether or not we recommend a change for pools in the intensity regulations. While new pools are not allowed in the ROH, they are an acceptable accessory use in R-5 and R-5L (Use Chart).

Also, she commented, building heights are limited to 30 feet in these districts (139-17). Similar to the Madaket Overlay District, should we recommend that the limit be reduced to 25 feet? There are citizens' articles (54-57) in the up-coming Annual Town Meeting to limit the size of hot tubs and spas, to ban them in the ROH, and to control further the size and location of pools in other districts. Should we, she asked, give a Work-Group recommendation on those articles?

Mary Anne Easley then moved onto a consideration of commercial enterprises. With the Commercial Downtown, CDT, district to be considered separately, the Town Area has only a limited number of commercial enterprises: inns, restaurants, and a few retail stores. Major issues with these entities are noise, parking, and increased traffic. Noise from stationary units such as generators, air conditioning condensers, and pool equipment is particularly bothersome. She felt that an inspectable condition in the building code should be maximum noise levels for stationary equipment. Mary Longacre agreed and said that noise levels should be measured before granting a certificate of occupancy. It may be useful, Mary Anne Easley suggested, for the work group to catalog commercial enterprises in the Town Area as a foundation for any recommendation on providing special permits for additional ones. Lee Saperstein added that, with respect to environmental control issues, federal law requires "Best Available Control Technology Economically Achievable" equipment in some areas, "Best Practicable Pollution Control Technology Currently Available" in others, and "Best Conventional Control Technology" in yet others (<https://www.epa.gov/eg/learn-about-effluent-guidelines>). It may be appropriate for the Work Group to recommend that best available low-noise equipment be required in the ROH and best practicable in other parts of the Town area. In a separate issue, Mary Anne Easley noted that the wetlands that exist within the Town area are not adequately identified and protected. Mickey Rowland said that proposed changes in zoning intensity regulations would increase allowable ground cover and, thus, permit larger structures.

There were no further comments on the report and Henry Terry asked if there were any other considerations for the Work Group. Mary Longacre said that she and Alison King have been working on Issue 4, Economic Development, and can report on some of their concerns. They had discussed this issue with Karen Macumber of the Chamber of Commerce who said that a key issue for Chamber members was clear internet and WiFi signals in the Town. There is no readily available map of cell-phone towers or WiFi hotspots to help to understand why there are dead zones of cellular and WiFi reception. Lee Saperstein added that any recommendation for additional coverage should include a requirement that new towers respect the historic nature of the Town.

Mary Anne Easley asked if the Chamber knew how many businesses exist within the Town area and the answer was "no." She then said that creation of a catalog might be a good idea. Mary Longacre noted that if a non-conforming use was abandoned, it could not be restored by right and that this was detrimental to a vital community. She suggested that we consider recommending a zoning change whereby appropriate commercial enterprises, such as existed historically in the Town, could be granted special permits to operate. Currently, the ROH does not allow special permits.

Mary Anne Easley then said that she was concerned with the number of investor-owned properties in the Town area and how they diminished the vitality and historic feel of the Town. She asked if they are an issue for the Work Group and Mary Longacre said, “yes.” Mary Anne Easley suggested that there are other Towns in Massachusetts that are concerned about investor-owned properties and that we ought to research their findings and strategies.

Mickey Rowland asked if property ownership may be controlled legally. He offered to include this topic in his report with Marsha Fader on housing (Issue 3.). He then spoke about his concern with current building trends on smaller lots, where owners are adding to their houses on their sides because there was no room in the back for an addition. Architecturally, side additions change the streetscape appearance by altering the historic façade of the re-built structure. This may be an issue for zoning and permitted land uses. Mary Anne Easley asked if we could recommend a change to the zoning rules and the answer was yes. The rules by which the Historic District Commission operate are inconsistent on this issue.

With no further questions, Henry Terry suggested that a move to adjourn was appropriate. Mary Longacre spoke before a motion could be made to note that Friday Zoom meetings on the Town’s accounts were different from other days and that this may have caused log-in problems. She then offered a motion to adjourn, which was seconded by Mickey Rowland, and passed unanimously.

Adjournment came at 4:42 pm.

For reference: Subcommittee composition.

2. Land Use: Liz Almodobar and Mary Anne Easley
3. Housing: Marsha Fader and Mickey Rowland
4. Economic Development: Alison King and Mary Longacre
5. Natural and Cultural Resources: Liz Almodobar and Marsha Fader
6. Open Space and Recreation Plan: Mary Anne Easley and Henry Terry
7. Services and Facilities: Regen Horchow and Mickey Rowland
8. Circulation; Mary Longacre and Lee Saperstein

Lee W. Saperstein, Secretary, saperste@mst.edu.

Nantucket Town Area Plan
Land Use Plan Work Group
Progress Report
Mary Ann Easley & Elizabeth Almodobar
1/4/2022

Land Use Plan: Identifies present land use and designates the proposed distribution, location, and interrelationship of public and private uses. The element shall relate the proposed standards of population density and building intensity to the capacity of land available or planned facilities and services. A land-use plan map illustrating the land-use policies of the municipality shall be included.

- The Town Area Plan seeks to maintain vitality in the Town Area while protecting its historic resources. The Town area is not a vitrified museum, yet life in the Town should respect its history. Residential life should be protected. Many portions of the Town area are built out to capacity.
- The 2009 Master Plan identified the R-1 zoning district as a district to be phased out. The process is to review each property individually and then determine the most appropriate district. Any properties currently within the R-1 zoning district will need to be reviewed and evaluated.
- Planning and Land Use Services (PLUS) is trying to align the Old Historic District (OHD) and the Residential Old Historic (ROH) whenever possible. The timeline for the zoning transition has not been determined. The end goal is to analyze the subject lots and determine which district is most appropriate. Then the properties are moved individually to one of the following the zoning districts: ROH, R-5, or R-5L (R-5 is limited to only one structure) depending upon the best fit. These types of zoning changes require the approval from Town Meeting.
- Based on existing conditions the ROH Ground Cover was already reduced from 50% to 40 %. They have discussed reducing the height for the Sconset Old Historic District (SOH), but not the ROH district. There are many two-story buildings both historic and modern, that reach the 30 ft limitation. SOH - village overlay districts are smaller one-story structures and the 25-ft limit is in keeping.
- There is a moratorium on pools in the ROH district.
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For more information on zoning www.Nantucket-ma.gov click on the top tool bar and search for Code on the side tool bar. Also attached please find the map delineating the Town area, the Nantucket Zones with Intensity Rules (highlighted accordingly), The Town of Nantucket Zoning Use Chart and Town of Nantucket GIS Map Sheet with Island Zones.

Nantucket Zoning Bylaw – Chapter 139 of the Code of the Town of Nantucket
<https://ecode360.com/11471474>

· Definitions – Section 2A

- Use Chart – Section 7A
 - <https://ecode360.com/attachment/NA0948/NA0948-139a%20reference%20page.pdf>
 - Height – Section 17
 - Groundcover for pre-existing nonconforming lots – Section 33E(1)
 - Residential Swimming Pools – cross reference use chart and definitions of “swimming pool – residential” and “hot tub/spa”.
- HDC misc. info including “Building with Nantucket in Mind” and other resources:
<https://www.nantucket-ma.gov/283/Historic-District-Commission>
- Many Historic homes lie outside of the ROH or the HDC’s OHD. Perhaps TAP should explore broadening the OHD and exploring a new definition of the OHD and defining historic priorities by zone.

Sconset Area Plan

2. LAND USE

The Land Use plan element identifies present land use and designates the proposed distribution, location and inter-relationship of public and private land uses. This element shall relate the proposed standards of population density and building intensity to the capacity of land available or planned facilities and services. A land use plan map illustrating the land use policies of the municipality shall be included. The ‘Sconset land use map and the zoning code can be found in Exhibit 2.

Land use recommendations for ‘Sconset include:

2.1 Zoning changes in 2013 and 2019 created a VN (village neighborhood) zone to preserve the commercial core of the village. SAP recommends exploring additional ways to strengthen this essential commercial core by encouraging owners to ensure through deeds, easements, restrictions or bequests that buildings keep their commercial status.

2.2 The Siasconset Old Historic zoning boundary issues on Broadway, Front Street and Codfish Park were clarified at the 2020 Annual Meeting (as requested in the 2007 plan) with the endorsement of the ‘Sconset Trust.

2.3 SAP recommends making the boundaries of ‘Sconset consistent on the maps to be used for Planning and Land Use Services (PLUS), Sconset Advisory Board (SAB) and the Historic District Commission (HDC) defined to be the area bounded by the North, East, and South by the shore line of Nantucket Island and on the West by a straight line running from the eastern edge of Sesachacha Pond to the eastern edge of Tom Nevers pond.

2.4 SAP recommends the use of height restrictions in zoning guidelines depending on density and neighborhood architectural characteristics. SOH height restrictions should be 24 feet.

2.5 SAP recommends retaining the standards including density of the SR-1 district when changed to SR-5.

2.6 SAP recommends square footage of swimming pools be included in ground cover calculations for all zones. SAP endorses the existing prohibition of pools in the SOH

zone and lots under 7,500 square feet. All lots should comply with the 10-foot side and rear setback requirements.

2.7 SAP understands that the Town Master Plan recommends the denser built portions of 'Sconset be considered a Town Overlay District (SOH, SR1, SR10, SR10) and keep the larger properties of 40,000 square feet (LUG-1) on the perimeter of the village as a Country Overlay District. A subarea of the Country Overlay District could be labeled a Village Overlay district where limited commercial activity may take place, where infrastructure may be available and where there are more dense (sic. LWS: version ends here.)