

ZONING BY-LAW

The Subject Property is located within the Limited Use General-2 (“LUG-2”) zoning district under the Nantucket Zoning By-law.

NOTE: Pursuant to 760 CMR 56.05(7), waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements. That is how the Waiver Requests have been analyzed and requested.

Zoning By-Law	Waiver Requested
<p>Section 139-7. Use Chart; prohibited uses in all districts Section B (1) Prohibits more than two dwelling units per lot.</p>	<p>Allow apartment buildings (as applicable to the condominium component of the application), prohibited in LUG-2 zone.</p>
<p>Section 139-12 B. Overlay Districts The Public Wellhead Recharge District Section 2 (q) prohibits rendering impervious more than 15% or 2500 square feet of any lot.</p>	<p>Allow more than 15% or 2,500 square feet of any lot to be rendered impervious for subdivision lots.</p> <p>To allow 68% and 106,800 sf of impervious area (condominium component).</p>
<p>Section 139-16. Intensity regulations LUG-2 requirements:</p> <ul style="list-style-type: none"> • Min. Lot Size: 80,000 sf • Frontage: 150’ • Front yard:35’ • Side/Rear yard: 15’ • Ground Cover Ratio: 4% 	<p>Allow minimum lot size of 3,700 square feet.</p> <p>Allow frontage of 0 feet.</p> <p>Allow front yard setback of 0 feet.</p> <p>Allow side and rear yard setbacks of 5 feet.</p> <p>Allow ground cover ratio of 50%.</p>
<p>Section 139-19 B. (1) & D. Screening of Parking Parking areas of 20 cars or more require a 10’ planting strip buffer.</p> <p>Relief through issuance of special permit.</p>	<p>Waive requirement, as applicable to condominium lot, for 10-foot-wide planting strip with at least one tree per parking space in parking lot with 20 or more spaces.</p>
<p>Section 139-20.1 B. Driveway access to be approved Nantucket Department of Public Works.</p>	<p>Waive requirement for approval of driveway access by Nantucket Department of Public Works for each driveway.</p>

<p>B. (1) Not more than one driveway access allowed on a lot.</p> <p>B(2)(f)[2] Minimum driveway width of 10 feet.</p>	<p>Waive requirement for condominium component, which will have access at the front and rear.</p> <p>Allow driveway width of 9’.</p>
<p>Section 139-23. Site plan review (SPR)</p>	<p>Waiver from any requirements of this section.</p>
<p>Section 139-26 Issuance of building and use permits.</p> <p>C (1). Certificate of appropriateness issued by the Nantucket Historic District Commission (HDC) required as part of the building permit application.</p> <p>I. No building permit shall be issued until fees are paid.</p>	<p>Waive requirement for Certificate of Appropriateness from Historic District Commission (HDC) for submission of building permit application.</p> <p>.</p> <p>Waive building permit application fees for affordable units.</p>
<p>Section 139-28. Occupancy permits</p> <p>B. (2) Written certification required by the Nantucket Historic District Commission.</p>	<p>Waive requirement for certificate from HDC.</p>

Town of Nantucket, Comprehensive Permit Chapter 40B Regulations

<p>Section 3.01(i)</p> <p>States that applicant shall submit any and all Copies of materials/applications filed with subsidizing agency – the application contains proforma, and pursuant to 760 CMR 56.05 (6) Board may request to review the pro forma or other financial statements for a Project only after “certain preconditions have been met.”</p>	<p>To the extent that such preconditions have not been met, to the extent legally necessary, a waiver is requested.</p>
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MISCELLANEOUS WAIVERS

<p>Nantucket Historic District Commission (HDC)</p>	<p>Applicant requests a waiver from the applicability of the Nantucket Historic District Commission requirements, including the requirement of obtaining a Certificate of Appropriateness from the HDC</p> <p>Applicant further requests all permits or approvals relating to Signs, Satellite Dishes and Rooflines as set forth in Nantucket Code Chapter 124 which are under the jurisdiction of the HDC, be issued by the ZBA as part of the Comprehensive Permit process</p>
<p>Board of Water and Sewer Commissioners/ Water Department and Sewer Department</p>	<p>Applicant requests that any permits or approvals required to connect to the municipal sewer system and the municipal water system be granted by the Zoning Board of Appeals as part of the Comprehensive Permit, and that any requirements to apply to the Board of Water and Sewer Commissioners, the Water Department, and the Sewer Department (or any other board or commission related to the sewer or water system) be waived.</p>
<p>Nantucket Code Chapter 132/ Trees and Shrubs</p>	<p>To the extent applicable, Applicant requests that any permits, approvals, or waivers arising thereunder be issued by the ZBA in connection with the Comprehensive Permit.</p>
<p>Nantucket Code Chapter 102/Outdoor Lighting</p>	<p>Applicant intends to comply with same, but to the extent applicable, any waivers or permits arising thereunder be issued by the ZBA in connection with the Comprehensive Permit</p>
<p>Nantucket Code Chapter 127</p>	<p>To the extent that the construction of the Project may require issuance of a permit for opening of any public way, or any other matter requiring a permit under Nantucket Code Chapter 127, Applicant requests that the ZBA issue any such permit as part of the Comprehensive Permit</p>

As to the affordable units, Applicant requests waivers from otherwise applicable building permit and water and sewer department fees.

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND
NANTUCKET ISLAND, MASSACHUSETTS

Subdivision control waivers (with reference to the applicable sections of the above):

Section	Waiver Requested
<p>§2.03.c Plans Believed not to Require Approval (ANR)</p> <p>A determination of wetland boundaries may be required to verify that the area complies with zoning requirements.</p>	Waive requirement for determination of wetland boundaries, as to ANR plan to create the condominium lot.
<p>§2.06a(2) Submission requirements</p> <p>Requirement for street network plan showing adjacent streets and misc. information.</p>	Waive street network plan
<p>§2.06a(6) Submission requirements</p> <p>Filing fee required of \$50 plus \$0.50 per linear foot of proposed roads.</p>	Waive filing fee.
<p>§2.06a(8) Submission requirements</p> <p>A covenant or bond is required in accordance with 2.06f – performance guarantee.</p>	Waive proposed covenant or bond.
<p>§2.06a(11) Submission requirements</p> <p>A Site Analysis report and map are required for definitive plan submissions.</p>	Waive site analysis report and map.
<p>§2.06b(4) Submission requirements</p> <p>Current zoning information required on each sheet</p>	Waive placement of zoning information on plan.
<p>§2.06b(14) Submission requirements</p> <p>A landscape plan showing (a) location, size, and species of all proposed landscape plantings and (b) location and size of existing trees to be preserved.</p>	Waive location and size of trees to be preserved.
<p>§2.06b(23) Submission requirements</p>	Waive notes as to lot area requirements under zoning.

<p>Plans shall contain notes relative to lot area compliance under zoning.</p>	
<p>§2.06e Submission requirements Stake and brush cut centerline of road and lot corners at the road for viewing.</p>	<p>Waive staking for viewing.</p>
<p>§3.01 Zoning All lots shown on the plan shall comply with area, frontage and other requirements of the Nantucket Zoning By-Law.</p>	<p>Waive dimensional compliance with zoning by-law.</p>
<p>§3.02 Public Open Spaces The Board in some cases shall require a park or parks</p>	<p>Waive public open spaces.</p>
<p>§3.05 Protection of Natural Features Due regard shall be shown for natural features.</p>	<p>Waive protection of natural features to the extent necessary.</p>
<p>§3.06 One Dwelling Per Lot Not more than one dwelling per lot without the consent of the Planning Board.</p>	<p>Waive limitation to one dwelling per lot for condominium component.</p>
<p>§3.10 Street System Shall conform to the Master Plan, continuous in alignment with existing streets, provisions for proper projection of streets and designed for convenient access for normal traffic and emergency vehicles.</p>	<p>Waive street system provisions.</p>
<p>§4.02 Roadway Layout and Parcel Perimeter Monuments Concrete monuments shall be installed at roadway pints and lot corners.</p>	<p>Waive requirements as to roadway layout and parcel perimeter monumentation.</p>
<p>§4.03 Streets Secondary and minor street layouts shall be 40' wide.</p>	<p>Waive street width requirement to 30' for proposed minor roads.</p>
<p>§4.09 Shoulders 4' shoulders required from outside treated road surface.</p>	<p>Waive roadway shoulders. Proposed sidewalk is adjacent to road.</p>

§4.16 Landscaping Specifies landscape plan requirements.	Waive requirements of planting new trees.
§4.19 Bicycle Paths Bicycle paths shall be required.	Waive provision of bicycle paths. Sidewalks on both sides of the road are proposed.
§4.20 Street Lights Street lights are required as designated by the Planning Board	Waive street lights.
§4.21 Bridges	Waive bridges.
§4.24 Driveway Aprons Minimum width of driveway aprons shall be 10'	Waive driveway apron width to 9'.