

TOWN AREA PLAN WORK GROUP
Meeting Of November 1, 2022, at 4:00 pm
FINAL AND APPROVED MINTUES

Attending: Mary Anne Easley (4:05 pm), Regen Horchow, Alison King, Mary Longacre, Mickey Rowland, Lee Saperstein, and Henry Terry.

Absent: Marsha Fader

Attendance was verified by a roll call; there was a quorum at all times. The meeting was recorded and can be viewed at the following address:

Meeting Recording:

<https://us06web.zoom.us/rec/share/ukloBj-pm5-Np5-rsF7a6lzJTIB0QY-tPcG6xi7nPOU6ACsAFD-r5b10llu8Kksy.N6BjcCeJgwuBCCQq>

Passcode: mO*1T8YD

Call to Order.

Chair Henry Terry called the meeting to order at 4:02 pm. Mary Longacre reviewed the rules on remote-attendance meetings and said also that this meeting would be recorded. Attendance was verified by roll call.

Agenda Approval.

Henry Terry then asked for approval of the agenda; Mary Longacre moved, Alison King seconded, and approval was given unanimously by roll-call vote.

Minutes Approval.

The next order of business was approval of the draft minutes for the meeting of October 4, 2022; the meeting of October 21st was canceled due to a lack of a quorum so this was the first opportunity to approve these minutes. A motion to approve the draft was made by Mary Longacre, seconded by Mickey Rowland, and approval was granted unanimously by roll-call vote.

The Agenda: Zoning and the Town Area Plan.

Henry Terry introduced the subject by saying that Marsha Fader and Mickey Rowland had mentioned in their sub-committee report that the Work Group should look at zoning issues in the Town Area; he asked Mickey Rowland to discuss expansion of the Residential Old Historic District, ROH, to be more coincident with the Old Historic District, OHD, as defined by the Historic District Commission, HDC. Mickey Rowland suggested that the location of Marsha Fader's house, which is in the ROH zone but not in the OHD, may have caused her interest in the dissimilarity of the two boundaries. He noted that her home is historic. Mary Anne Easley said

that both her home and that of Marsha Fader were in the R-1 zone. While Mickey Rowland spoke to the differences between ROH and R-1, Lee Saperstein shared his screen to show the Town's GIS maps of these areas; they are attached. Mickey Rowland said that while both zones had the same basic minimum lot size, 5000 square feet, they had different requirements for setbacks and ground cover. Specifics can be found in the intensity and use charts attached to Chapter 139 of the Code of the Town of Nantucket. Mary Longacre reported that the differences between the two historic districts is to be studied by the Planning Department but that it might take a property-by-property analysis to bring the two into closer, but not necessarily coincident, alignment. She said that Holly Backus, Preservation Planner in the Planning Department, will join the Work Group in its next meeting to discuss historic preservation planning. Mary Anne Easley asked if the Work Group was going to do a property-by-property analysis and the response was, no but that we should encourage the Town's planners to do so. Lee Saperstein said that he first thought that the two districts should be made coincidentally identical but has been persuaded that there are some properties, particularly in the R-1 portion of the OHD, that might be constrained in their allowable use if they were moved to the ROH. He added his voice to the notion, expressed by Mary Longacre, that the Work Group should endorse the effort to reduce the differences between the two districts.

Mary Longacre referred to the map of the Town Area, also attached, and asked if ways just outside the southern boundary of the ROH, but in the Town Area, should be included in the ROH. Lee Saperstein said that, yes, they should be incorporated. A question about ways further south, such as Daves Street, brought mention by Lee Saperstein that they were in the Commercial Mid-Island, CMI, zone and, additionally, part of the Mid-Island Area Plan. They were not candidates for inclusion in the Town Area. Although there is not an active Mid-Island Area Plan Work Group, Mary Anne Easley said that Liz Almodobar, former member of the Town Area Work Group, had been part of the Work Group that wrote the Mid-Island Local Area Plan. A formal motion was not made but it was clear that the Work Group endorsed the efforts by the Planning Department to rationalize the differences between the ROH and the OHD.

Lee Saperstein then suggested that the language of the Historic Overlay District in Chapter 139-12I of the Code of the Town of Nantucket (attached) should be brought up to date to include specific reference to the need for Chapter 91 Licenses for any work done on the harbor front and that the Town Area Work Group should refer specifically in its draft of the local area plan for the Town to the recommendations of the Coastal Resilience Advisory Committee, CRAC, for the development of wave-energy absorbing shore developments such as tidal salt marshes and topographically varied parks and recreation areas on the waterfront. Mary Longacre noted that the Harbor Overlay District, i.e., the waterfront, had been designated by the NPEDC as a separate local area, not in our purview, but that the potential for harm by storms to properties in the Town Area, across the road from the harbor front, suggested to her that the Town Area Work Group should include these recommendations in its report. Mary Longacre gave a summary of the conversation leading to the recommendation of an endorsement of the Planning Department's work to rationalize OHD and ROH as much as possible.

Mary Anne Easley then said that a starting point for this work would be to establish the ages of properties in these districts and whether or not they were historic. Henry Terry said that the Town Assessor's web site gave access to the property card for any particular property and that

date of construction was included on these cards: <https://gis.vgsi.com/nantucketma/Search.aspx>. Lee Saperstein noted that the Property Record Card can be obtained also by clicking on a particular property on the GIS map of Nantucket. He said also that Clay Lancaster's book on "The Historic Architecture of Nantucket" gave a street-by-street description of historic streets including a description of the historic houses on these streets. Mickey Rowland added that any new boundary locations should go behind property lines and not down the middle of the street, a practice that can put similarly historic properties into two separate zones. Mary Longacre pointed out the differences between the R-1 and ROH zones as defined in the Intensity Regulations, Chapter 139-16:

R-1: Lot size = 5000 ft²; ground cover = 30 %; front setback = 10 ft; side and rear setback = at least one side to be 10 ft; 5 ft for the others and the rear.
ROH: Lot size = 5000 ft²; ground cover = 40%; front setback = none; side and rear = 5 ft.

Old Business.

Mary Longacre gave a summary on progress in releasing the survey to residents of the Town Area. The on-line survey is ready to go but the property-identified survey, which will go out by post card with unique codes on them, is awaiting a determination on the appropriate address to which they will be sent. The Town's Street List displays property owners, along with their official addresses, yet, she said, we should be surveying inhabitants who may well be tenants. The planning department said that they will be sending out only one postcard per address and this would be the owners no matter where they actually resided. She felt that we would be missing input from people who reside in the Town; Mickey Rowland, Henry Terry, and Mary Anne Easley agreed. Mary Longacre said that she will work with the Planning Department to develop text and format for the postcards.

Adjourn.

After asking if there was anything else to discuss and hearing no response, Henry Terry asked for a motion to adjourn, which was given by Mary Anne Easley, seconded by Regen Horchow, and approved unanimously.

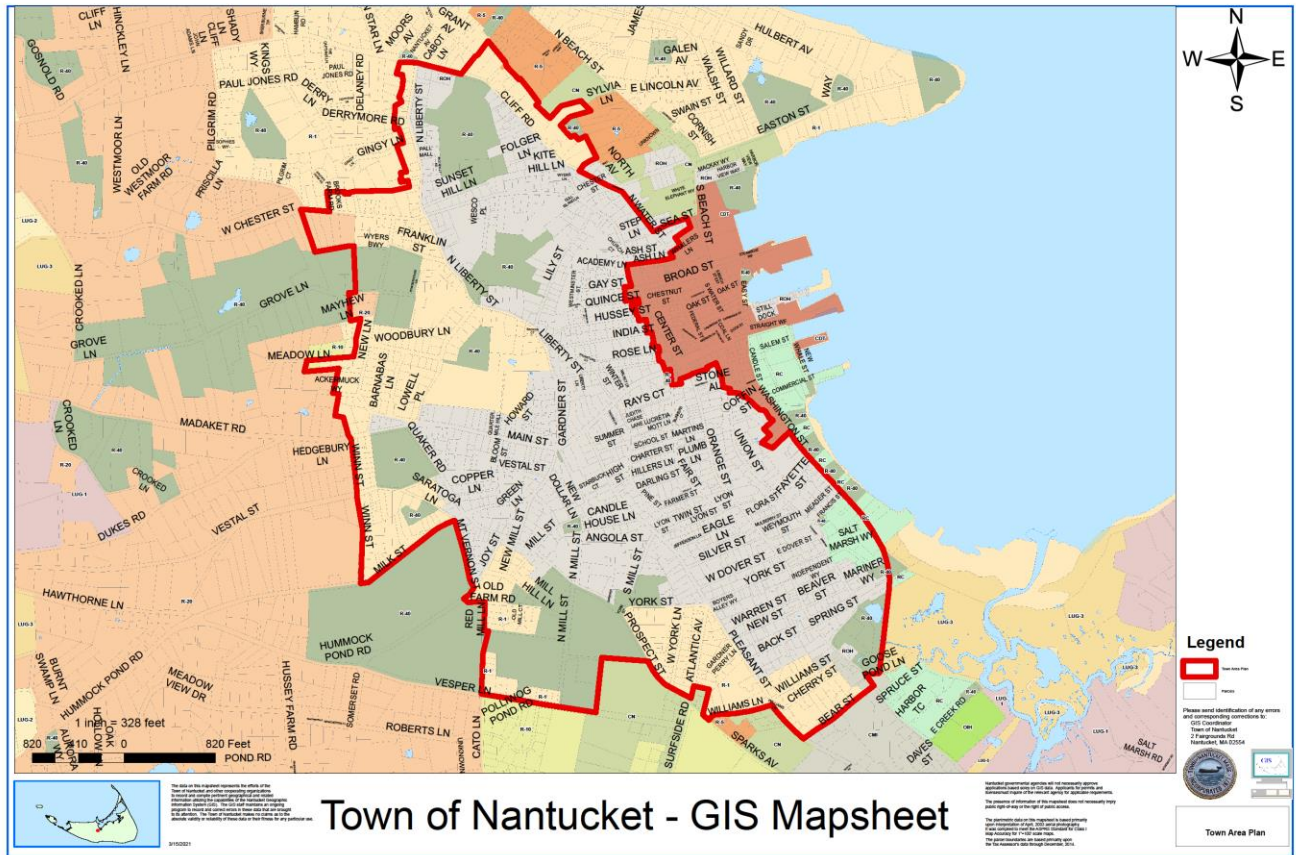
Adjournment came at 4:38 pm.

The next scheduled meeting is Friday, November, 2022, at 4:00 pm. Until advised otherwise, this meeting will be by Zoom. NB: the Zoom link will be the same as for all Friday meetings but different from that for Tuesday meetings.

For reference: Subcommittee composition and Survey Question Status.

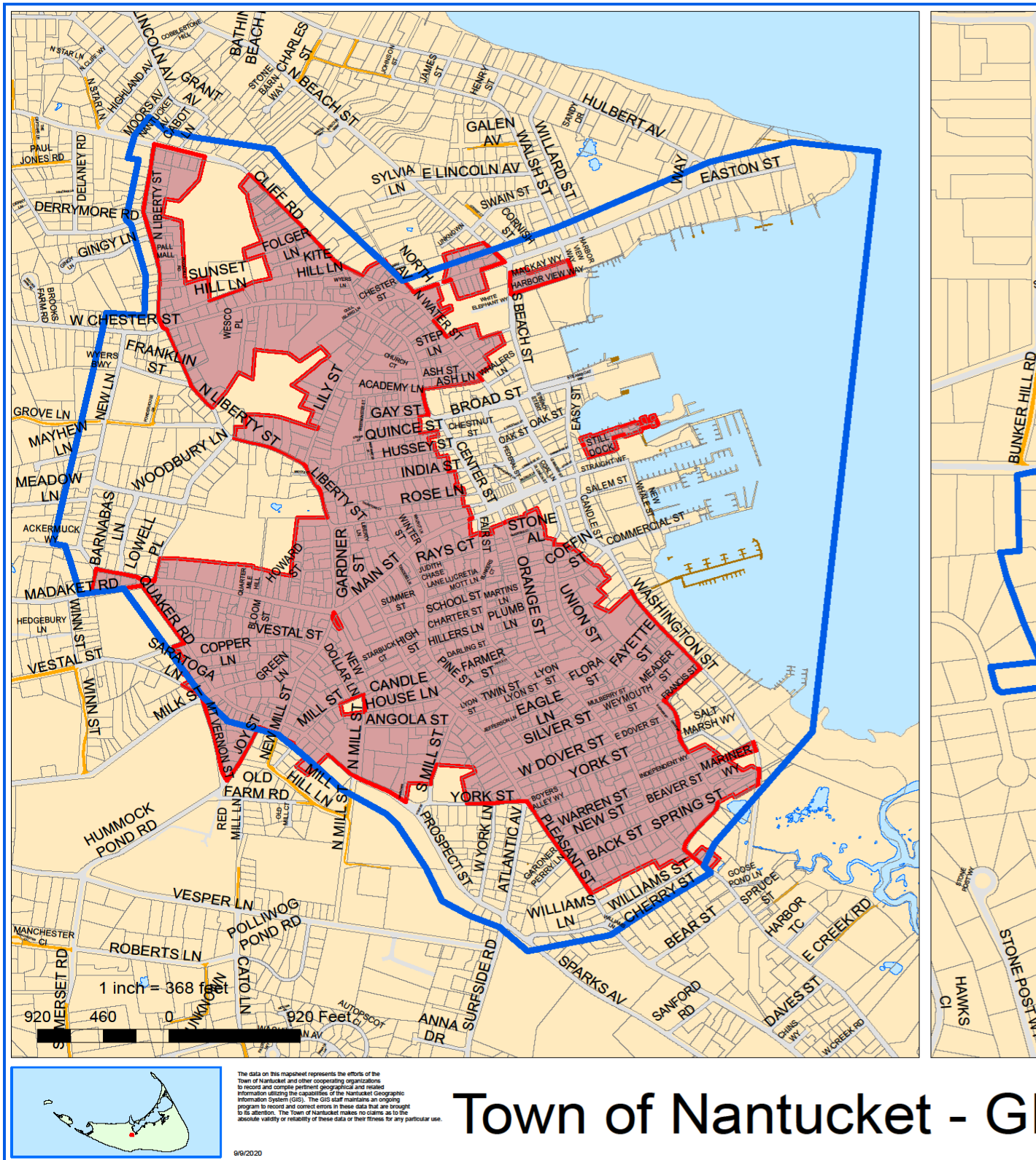
2. Land Use: Liz Almodobar and Mary Anne Easley	02/19/2022
3. Housing: Marsha Fader and Mickey Rowland	12/07/2021
4. Economic Development: Alison King and Mary Longacre	05/20/2021
5. Natural and Cultural Resources: Liz Almodobar and Marsha Fader	12/07/2021
6. Open Space and Recreation Plan: Mary Anne Easley and Henry Terry	
7. Services and Facilities: Regen Horchow and Mickey Rowland	12/07/2021
8. Circulation; Mary Longacre and Lee Saperstein	07/05/2021

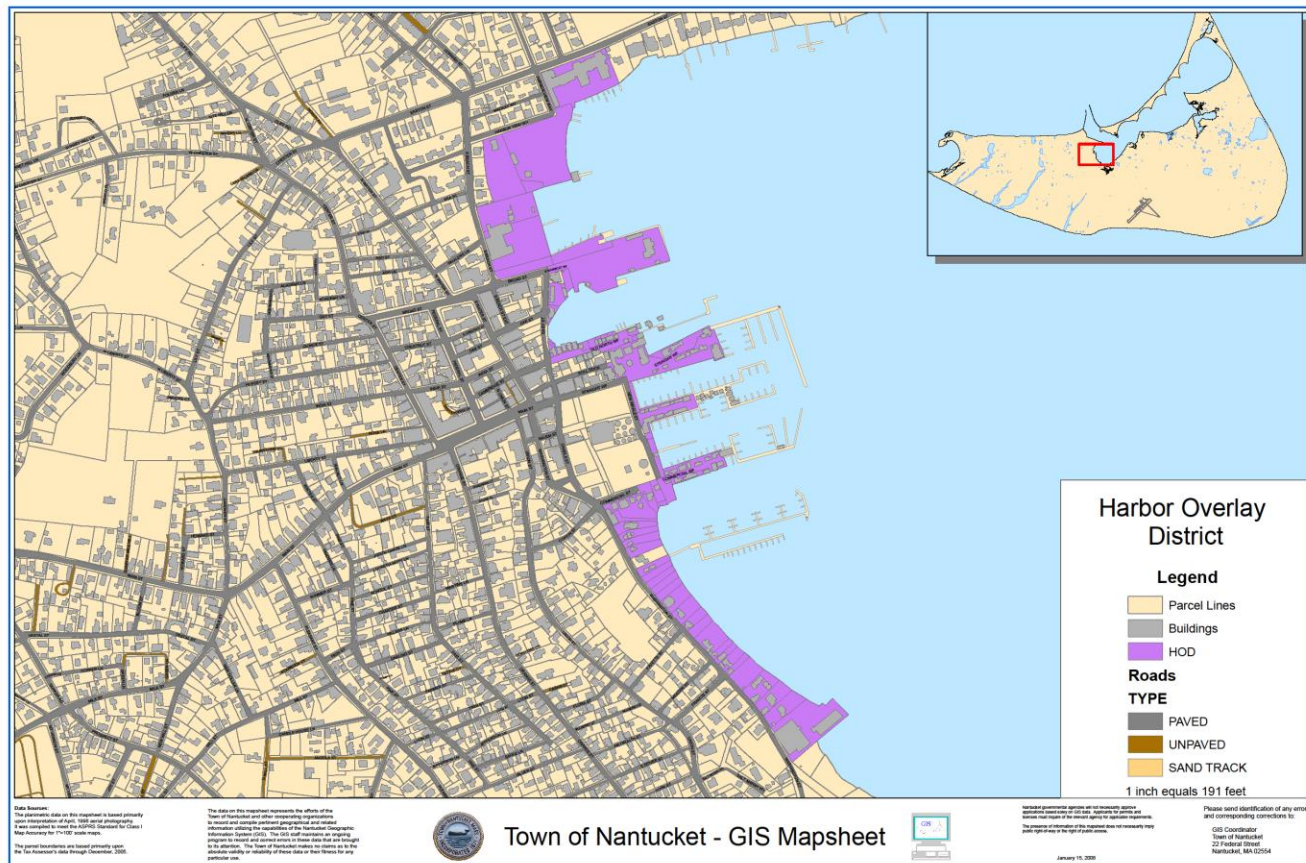
Lee W. Saperstein, Secretary, saperste@mst.edu



Nantucket Town Area Plan boundaries imposed on the Zoning Map of Nantucket: gray = ROH; yellow = R-1. and green = R-40

Old Historic District boundary in blue around ROH District.





Nantucket Harbor Overlay District.

Code of the Town of Nantucket, Chapter 139-12I.

I. Harbor Overlay District (HOD).

(1)

(Reserved)

(2)

The purposes of the Harbor Overlay District are to ensure that:

(a)

Existing water-dependent uses are not displaced by nonwater-dependent uses;

(b)

Harbor waters and the immediate shoreline and pier areas are zoned to protect water-dependent uses;

(c)

Commercial uses allowed by the underlying district regulations are compatible with, support, or otherwise do not interfere with water-dependent uses of the district; and

(d)

In new structures, replacement of commercial use with residential use is limited, except where the lot(s) is located within a residential zoning district.

(3)

Uses allowed or permitted in this overlay district are the same as those uses allowed or permitted in the underlying district except as modified by the following:

(a)

No new nonwater-dependent use or extension of an existing nonwater-dependent use on shorefront land shall:

[1]

Displace or significantly disrupt an existing water-dependent use;

[2]

Unreasonably diminish the capacity of the site to accommodate future water-dependent uses;

[3]

Impede or infringe upon existing public access.

(b)

In new structures located on shorefront land within a commercial zoning district, residential uses shall only be allowed above the first floors except for stairways and other mechanical or accessory functions related thereto;

(c)

New residential uses shall not be established on pile-supported structures over coastal waters with access from the HOD, except where the lot is located within a residential zoning district;

(d)

Any new structure shall be set back a minimum of 25 feet from the mean high water line.

(e)

Any new nonwater-dependent use shall be limited to a maximum ground cover ratio of 50%.

(f)

New structures located on shorefront land within a commercial zoning district, which in this subsection shall include extensions of existing structures, shall contain the following water-dependent uses and/or uses accessory to these water-dependent uses or provide these on the lot:

[1]

Recreational boating-related: commercial marina; boat ramp or other public boating access facilities; boat haul-out facilities; boat repair and maintenance or waterfront facilities associated with inland sites providing these services; launch service; fuel and pump-out services; upland boat storage; services such as ice, laundry, bait, provisions; businesses such as ship chandlery, fishing outfitter; parking.

[2]

Commercial fishing related: berthing; loading/unloading areas; gear storage facilities; parking; seafood wholesaler, retail fish market.

[3]

Commercial charter boat: berthing, support facilities.

[4]

Waterfront public access and amenities (as an enhancement to all other uses, except where water-dependent operations would present a safety concern): public restrooms, seating, physical access or view easement.

[5]

Passenger and cargo ferry pier and facilities.

(g)

Existing structures located within a commercial zoning district and used for residential purposes are exempt from Subsection **(f)** and may be altered or extended, provided that the existing ground cover of the structure(s), as of April 1, 2017, is not increased by a total of more than 100 square feet.

(4)

Additional requirements within the HOD.

(a)

Notwithstanding the provisions of § **139-23H(3)** and **139-23I**, all new commercial uses or extensions of commercial uses that increase the ground cover ratio of the lot or parking requirements, and which are not otherwise subject to major site plan review, shall be subject to minor site plan review by the Director of Planning designated by the Planning Board for site plan review purposes, and such professional planning staff to whom the Director of Planning shall delegate this responsibility, for all uses and expansions up to, and including, 3,999 square feet of gross commercial floor area (including roofed over area).

(b)

The Planning Board shall be the special permit granting authority for all commercial uses requiring a special permit within the HOD.

(c)

In reviewing a use or expansion requiring either a minor or major site plan review within the HOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § **139-23**, and with the standards set forth in § **139-12I**.

(5)

The following uses are prohibited in the Harbor Overlay District:

(a)

Cruise ship terminals or support facilities owned or operated in conjunction with vessels moored outside of the Harbor.

(b)

Personal watercraft rental.

(c)

Private docks unless allowed in § **139-22C** and **D**.