

TOWN AREA PLAN WORK GROUP
Meeting of May 19, 2023, at 4:00 pm by Zoom
FINAL AND APPROVED MINUTES

Attending: Mary Anne Easley, Marsha Fader, Regen Horchow, Alison King, Mary Longacre, Mickey Rowland, and Henry Terry.

Absent: Lee Saperstein.

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:

<https://www.youtube.com/watch?v=mZnKBhG7hSc&list=PL49sKqpy7VAhF3WZ8xvh3sdHgJEvCabR6&index=24>.

1. Call to Order.

Chair Henry Terry called the meeting to order at 4:01 pm. Mary Longacre reviewed the rules on remote-attendance meetings, which have been amended recently, and said also that this meeting would be recorded. Henry Terry called the roll, live, and confirmed the reported attendance.

2. Agenda Approval.

Henry Terry asked for approval of the agenda; Regen Horchow moved approval, Mary Anne Easley seconded, and it was approved unanimously.

3. Minutes Approval.

Mary Anne Easley moved approval of the minutes of the meeting of May 2, 2023, which was seconded by Regen Horchow, and the motion passed unanimously.

4. Public and Member Comments.

There were no members of the public present, hence no public comments. Henry Terry noted that the July meeting of the Work Group falls on July 4, 2023, and asked if we should cancel that meeting. Mary Anne Easley moved to cancel it, Regen Horchow seconded it, and the motion was approved unanimously.

5. Discussion of Area Plan.

Henry Terry invited Mary Anne Easley to present her draft report on Land Use; the draft and subsequent inserted comments is appended to these minutes. For information and ease in discussion, Mary Longacre read down the list of topics and sub-group members, which can be found also at the end of these minutes. Mary Anne Easley noted that her very first draft had been circulated some time ago and had been annotated by Secretary Lee Saperstein with helpful information. This time, she said that she would like to break the draft into small pieces with the intention of getting member comments on each that could, with editing, lead to a semi-finished draft. To assist the conversation, Mary Longacre posted the draft that had been circulated earlier. Mary Anne Easley began by saying that former member, Liz Almodobar, had served a year or so ago on another work group and was most helpful in the initial writing of this one. Marsha Fader asked if the Master Plan requirement for land use could be read. While Mary Anne Easley looked for the specific wording, Marsha Fader found her copy of Massachusetts General Law, Chapter 41, Section 81D and read the following.

“Land Use Plan: 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.” (quotation taken from the Master Plan Summary provided to us by PLUS personnel.)

Mary Anne Easley began by saying that a vision statement made a lot of sense to her, so the first segment of the draft land-use plan was a vision for land use in the Town Area. Visitors to Nantucket are attracted by the historic nature of the Town Area and are most likely to stay within its boundary. Her idea of a vision, therefore, is to protect the historic nature of the Town Area. Mickey Rowland said that he liked the sense of the vision but that the words “historic nature” are not actually in her draft. She agreed that these words should be added to the vision statement.

Mary Anne Easley then went on to say that zoning is the mechanism by which planning is made real. Some time ago, Deputy Planning Director, Leslie Snell, gave a presentation on zoning in the Town Area. She said that the goal was to phase out R-1 zoning in the area in favor of R-5. Although most of the Town Area is Residential Old Historic, there are properties toward the edge of the Area that are R-1. She also noted that the Residential Old Historic District does not coincide exactly with the Old Historic District and that rectifying this should be studied. Mary Anne Easley suggested that supporting this move would be the wise way to go. Marsha Fader asked if we could include a statement of why this move was being made and why we would support it. It was noted that re-zoning would require a property-by-property analysis of impact. The move to match the Residential Old Historic, ROH, zoning district with the Old Historic District, OHD, overlay also led to a question of purpose. Mickey Rowland noted that the OHD overlay is larger than the ROH and includes the downtown and harbor areas; the latter extends to Brant Point. Mickey Rowland pointed out, also, that those properties in the OHD but not in the ROH are zoned R-1 (or soon to be R-5), which has more restrictive land use controls for setback and ground cover than does the ROH. He suggested that, before we endorse the change, the work group should be comfortable with the change and its consequences. He went on to explain that the Historic District Commission, HDC, looks at properties in the OHD more deeply and thus the OHD is an HDC construct and is not zoning. Mary Longacre then shared the use chart from the Town’s zoning bylaw.

Mary Longacre suggested that the Planning Department would like to hear from the work group its opinion on harmonizing the two boundaries (OHD and ROH). Ultimately, it will be the Planning Department that decides the preferred steps to take. For illustration, Mickey Rowland put the OHD map on the screen. Mary Anne Easley asked if she should do a census of properties in the OHD and not in the ROH and it was thought that this would be worthwhile. A comparison of OHD and ROH showed that the two largest disparities were along Easton Street on Brant Point and the Woodbury subdivision. Mickey Rowland suggested that, while not historic in the sense of building age, each of these areas holds a lot of history, which is why the HDC includes them in the OHD. He added that he would not like to see the OHD made smaller, which meant that an acceptable harmonization would expand the ROH. Generally speaking, Mary Longacre said that there was not a problem for her in having two different boundaries and Mickey Rowland agreed. Minor adjustments, however, based on an examination of individual properties might be in order. Marsha Fader agreed, also, and suggested that there may be a substantial number of historic structures outside of the OHD boundary and, therefore, that boundary should be expanded. Mary Longacre thought that our discussion would be helped by seeing a map with the three boundaries on it: OHD, ROH, and Town Area. Subjectively, she felt that the Town Area most coincided with the OHD, minus, of course, the downtown and the waterfront.

Mary Anne Easley agreed that she was amenable to taking an inventory of affected properties, creating a table of properties defined by zoning, ROH and R-1, and by historic designation, OHD, but that she would need a lot of help. Marsha Fader added that details would help reinforce our conclusions and that a lot of help would be given. A flowing conversation arrived at the two-part conclusion that an inventory of houses not in both districts would be useful but that it should not happen before we get additional guidance from the Planning Department on their attitude toward harmonization. Marsha Fader, who is working on the Housing report, asked about the impact of harmonization of properties in the Town Area. She said that she had received information from Nathan Porter, the GIS Coordinator, that there are 1758 parcels in the Town Area Plan, of which 1531 are residential, and 53 are developable.

The conversation shifted toward the question of desirability of adding more housing in the Town Area and included issues of second houses on small lots. There is an obvious link between the sub-group issues of housing and land-use. Regen Horchow asked if there was any plan to encourage part-time residents to rent their homes when they were absent. Mary Longacre pointed out that this was a question in the survey and it generated more questions than answers: how to obtain legal help, how to obtain valid references for potential renters, etc. Marsha Fader noted that the responses were generally favorable to adding housing, i.e., apartments or second dwellings, but most respondents said that they would need help and advice, e.g., legal, or financial support to winterize their dwellings.

Mary Anne Easley then moved onto the next item in her draft report, which is “Commercial/Mixed-Use Properties,” for which she said that there were a number of these historically but that current zoning does not permit them now. She suggests that the work group recommend the use of special permits to allow commercial enterprises to re-open on their historical sites. With general assent given to this suggestion, she moved on to the issue of ground cover. For clarification she and Mickey Rowland provided the details: ROH = 40 percent ground cover and R-1 allows only 30 percent. R-5 also allows 40 percent but requires a 10-ft front setback. PLUS intends to replace R-1 as much as possible with R-5.

The next element in her plan is building height, which is currently limited to 30 feet in the ROH. The Madaket Village zone allows only 25 feet and the ‘Sconset small-area plan seeks a height of 24 feet. She asked if we wished to recommend any change from 30 feet. Mickey Rowland said that from the vantage of his time on the Historic Structures Advisory Board, 30 feet is appropriate because small building lots would not allow the increased ground cover needed to maintain the same interior area with a reduced height. Mary Longacre noted that the prevailing architecture in Madaket was of lower heights and that is zone, Village Residential, VR, was defined to maintain that appearance. She felt, similarly to Mickey Rowland, that 30 feet was appropriate for the Town Area.

Originally, there was no call to change the statement in the section on “Pools and Spas.” Mickey Rowland reminded the group that, although pools were not allowed in the ROH, small spas were so allowed. The issue is that they are outside and noises made by bathers can be heard readily by neighbors. Noise is controlled by a separate segment of the town code and is not a zoning issue. The work group did not amend the draft statement on pools. [In the recent Annual Town Meeting, Article 39 passed and re-defined hot tubs/spas, small pools, and large pools according to their area and depth. Permission for these features is still controlled by zoning and shown in the Use Chart. ATM articles 54 and 54, also on pools, did not pass. Inserted by Lee Saperstein, Secretary]

With respect to the section on “Lot Setbacks”, Mary Anne Easley asked Mickey Rowland if the work group should expand on his concern that many building projects are adding side additions to historic structures so as to save back yards for private use and that this practice is changing the nature of historic houses. The traditional place for additions was to the rear of the existing structure. It was agreed that, while this was a practice not supported by the work group, it belongs to the Historic District

Commission. Mary Anne Easley will amend the draft to note the concern while acknowledging that the work group was not recommending changes to the side setback provisions in zoning.

The next topic discussed was “Installed Heavy Equipment” and the control of noise from swimming pool filter pumps, air conditioners, and generators. Chapter 101, “Noise”, of the Town’s code does limit noise from air conditioners and pool equipment but does not include generators. The work group members agreed that a maximum sound-pressure level (noise limit) should be applied to generators and that the code emphasize the use of low-noise equipment.

Mary Anne Easley then spoke of the significance of wetlands to Nantucket and the fact that there are many such areas in the Town Area. She believed that the work group should indicate its support for enforcement of wetland rules. Mary Longacre added that wetlands and any changes proposed to them are monitored by the Conservation Commission. Mary Anne Easley agreed but noted that there have been land-use disputes in the Town Area over wetlands and that our support was warranted; there was agreement to this idea and to the proposed statement.

The final topic on the “Land Use” draft was a strong note of support for the work of the Historic District Commission, inasmuch as they are the monitors of the OHD. She noted that Mickey Rowland had a potential edit; he replied that he liked the proposed statement but that it should be made stronger, particularly for the Town Area district, by adding a word or phrase for “strict enforcement of historic districts.” The discussion then moved into “Building with Nantucket in Mind,” which serves to guide architectural design and building to conform with HDC principles. Mickey Rowland acknowledged that this is a very valuable document but that it may need to be brought up to date. Concern was expressed that “Building with Nantucket in Mind” is a set of guidelines and is not a regulation. Additionally, there is concern that the HDC has not followed its guidance with a lot of recent construction in the OHD. In support of HDC preservation efforts, it was suggested that the HDC participate in regular training sessions with specialists who have preservation credentials. Upon reflection, it was deemed best to emphasize strict enforcement and an up-dated version of “Building with Nantucket in Mind.”

Mary Anne Easley finished by saying that the tasks that are yet needed are to inventory the commercial enterprises that are in the Town Area; to identify properties that are in the area but not in the ROH, and to identify properties that are in the OHD but not in the ROH. Mary Longacre committed to reviewing her annotation of the draft statement and then to send it to the members [the annotated version is appended to these minutes]. In a brief review of the edits, Marsha Fader said that the vision statement should emphasize the protection of the historic nature of the Town Area. Tourism is important and may stay in the statement but it should not be the dominant concern of the vision.

In preparation for adjournment, Henry Terry asked Mary Anne Easley if she would return the edited draft for a review at the next meeting. He also asked Marsha Fader and Mickey Rowland if they would be ready with a draft of the “Housing” section of the plan. They said that they would be ready.

6. Adjourn.

Mickey Rowland moved adjournment, Marsha Fader seconded, and approval was unanimous. The meeting was adjourned at 5:06 pm

The next scheduled meeting is Tuesday, June 6, 2023, at 4:00 pm. This meeting will be by Zoom.

For reference: Subcommittee composition.

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	03/17/2023
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

Land Use Plan (DRAFT)
Related topics for presentation/discussion
at TAP Work Group May 19, 2023 meeting

Vision

Our vision with regard to land use in the Town area: To protect the tourism industry which is essential to the island's economic well-being, it is vitally important to maintain the attractiveness of the residential area adjacent to downtown. This area, more than any other part of the island, needs to be protected for future generations of residents and visitors. [Include historic character](#)
[De-emphasize tourism in the vision](#)

Zoning

PLUS plans to eliminate R-1 zoning and reassess all affected properties individually. We encourage this plan. [Add why R1 is being eliminated](#)

Preserve the historic character of this residential area; align OHD and ROHD properties. These changes require town meeting approval.
[Determine whether aligning OHD & ROH is desired on a property by property basis](#)

Commercial/mixed used properties

We may want to recommend allowing special permits in the ROH for the operation of commercial enterprises that existed historically in Town but don't currently exist.

Ground cover

Has already been reduced from 50% to 40%.

Building height

Do we want to recommend a height restriction? Sconset suggests 24 feet in their area plan, Madaket 25 feet.

Pools and spas

Pools and spas are not allowed in ROH. Not considered a structure and therefore not included in ground cover (although Sconset suggested pools should be considered part of ground cover). Both are allowed in other areas but restrictions apply.

Lot setbacks

Mickey mentioned a troubling trend with current building on smaller lots where owners are adding to the sides of their houses when there is no room in the back for an addition. This changes the historic character of the dwelling.

Installed heavy equipment

Some guidelines should be established to limit the noise created by installed equipment such as condensers, pool equipment, generators. The building code could set maximum enforceable noise levels for stationary equipment. Recommend best available low-noise equipment should be required in the area.

Wetlands

Although wetlands are the purview of the Commonwealth, we encourage our Natural Resources department to enforce state regulations to monitor and preserve those within our area, as well as the rest of the island, for the sake of environmental and community health.

Historic District Commission

The mission of the HDC is especially relevant to our area. We encourage active support of the HDC and its efforts to preserve the historic character of this area as well as the rest of Nantucket.

[HDC should strictly enforce the design guidelines in our area.](#)

[Building with Nantucket in Mind should be updated](#)

Next step: Create a catalog of businesses in our area.