



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2021 APR 01 AM 10:47
NANTUCKET TOWN CLERK
Posting Number:T 310

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, April 8, 2021, at 1:00 PM
Location / Address	REMOTE PARTICIPATION VIA ZOOM Webinar Pursuant to Governor Baker's March 12, 2020, Order Regarding Open Meeting Law (Attached) INFORMATION on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	Leslie Woodson Snell, Deputy Director of Planning

WARNING: IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.

AGENDA FOR 04-08-2021

(**Subject to change**)

The meeting will be recorded and archived at www.nantucket-ma.gov

Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link below to register for Zoom participation. Contact eantonietti@nantucket-ma.gov with any questions.

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_dtObGfHZTp-rRnc8GBu2Sw

To view the LIVE broadcast of the meeting, see YouTube Link at <https://youtu.be/JXViAtCqdSI>

BELOW ARE THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

JAYNE C. DEBIASIO & BRIAN F. DEBIASIO, FILE NO. 06-21 (Action Deadline 07-05-21) PAGE 3

Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition ‘a.’ that the “studio shall not be for human habitation”. Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor’s Map 56 as Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of owner’s title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

WILLIAM S. COWZER AND AISLING L. COWZER, FILE NO. 07-21 (Action Deadline 07-05-21) PAGE 10

Applicants are requesting Modification of a previously issued Special Permit in the Decision in ZBA File No. 106-93 granted pursuant to Zoning By-law Section 139-16.C(1) in order to reduce the required southwesterly side yard setback from 10 feet to 6.6 feet to validate the siting of an existing bulkhead. A Modification was granted in the Decision in ZBA File No. 16-14 to construct an exterior “walk-down” set of stairs in place of the bulkhead, reducing the setback to 5.4 feet at its closest point. However, as the Special Permit was never exercised within the statutorily required 3-year time period, relief has arguably expired. Applicants are now seeking the same relief in the form of a Modification of the Decision in File No. 106-93 for the same project. The Locus is situated at 32 Equator Drive, is shown on Assessor’s Map 56 as Parcel 340, and as Lot 80 upon Land Court Plan 35397-G. Evidence of owner’s title is registered on Certificate of Title No. 23394 with the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

EBWC, LLC, FILE NO. 08-21 (Action Deadline 07-05-21) PAGE 44

Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A to allow for the extension, alteration, and change of a dwelling which is pre-existing nonconforming as to height. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. Specifically, Applicant proposes to construct an addition to the dwelling with a ridge height extending from the pre-existing nonconforming ridge height. As a result of the project as proposed, the height nonconformity will decrease slightly. The Locus is situated at 4 Lincoln Avenue, is shown on Assessor’s Map 30 as Parcel 151, as Lot 1 upon Land Court Plan 33167-B. Evidence of owner’s title is registered on Certificate of Title No. 27906 with the Nantucket County District of the Land Court. The site is zoned Residential One (R-1).

IV. OTHER (VOTES MAY BE TAKEN)

V. ADJOURNMENT (VOTE WILL BE TAKEN)

ZBA File 06-21



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

PAID
PAID
PAID
MAR 04 2021
BY: *DM 21252*

APPLICATION

2021 MAR 16 PM 1:36

NANTUCKET
TOWN CLERK

Fee: \$450.00

File No. 06-21

Owner's name(s): Jayne C. DeBiasio and Brian F. DeBiasio

Mailing address: c/o Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way, Post Office Box 2669, Nantucket, Massachusetts 02584

Phone Number: 508-228-3128 E-Mail: air@readelaw.com

Applicant's name(s): Same

Mailing Address: Same

Phone Number: Same E-Mail: Same

Locus Address: 39 Meadow View Drive Assessor's Map/Parcel: 56-133

Land Court Plan 14830-O, Lot 50

Certificate of Title: 23121 Zoning District Residential-20 (R-20)

Uses on Lot- Commercial: None

Residential: Number of dwellings One

Date of Structure(s): all pre-date 7/72 No

Building Permit Numbers: 5615-87 (dwelling); 1350-12 (garage/studio)

Previous Zoning Board Application Numbers: 030-11; 25-19

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile

State below or attach a separate addendum of specific special permits or variance relief applying for:

The applicant requests that the condition set forth in the decision in File No. 030-11, which granted a Special Permit for side line setback of a garage/studio structure, that the studio which was the subject of that application "shall not be for human habitation", be removed. At the time of granting of the Special Permit, the locus was served by an on-site septic system which did not have the capacity for an additional bedroom. Subsequently, the locus has been connected to the municipal sewer system. The applicant has applied to the Planning Board for secondary dwelling approval, which has been granted.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: *Jayne C. DeBiasio and Brian F. DeBiasio* Owner*

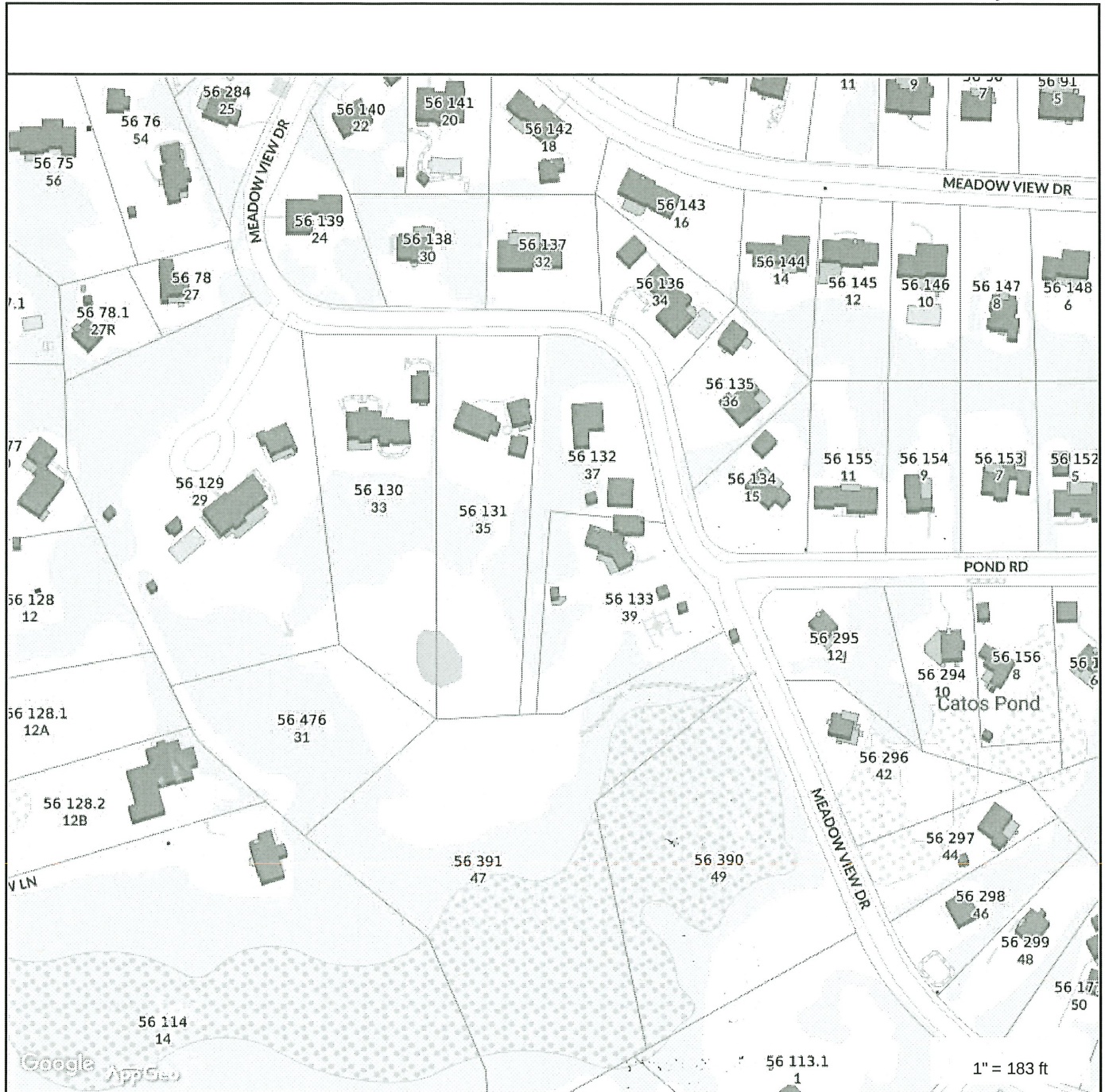
By:

SIGNATURE: *Arthur I. Reade, Jr.* Applicant/Attorney/Agent
Arthur I. Reade, Jr.

OFFICE USE ONLY

Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: __/__/__ Hearing notice posted with Town Clerk: __/__/__ Mailed: __/__/__
I&M __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on: __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

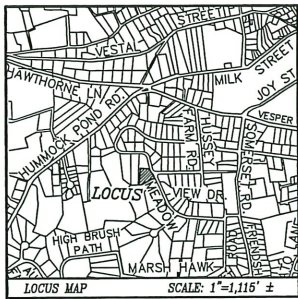
2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan, 2021
Data updated Jan, 2021



CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.*
GROUND COVER % : 12.5%

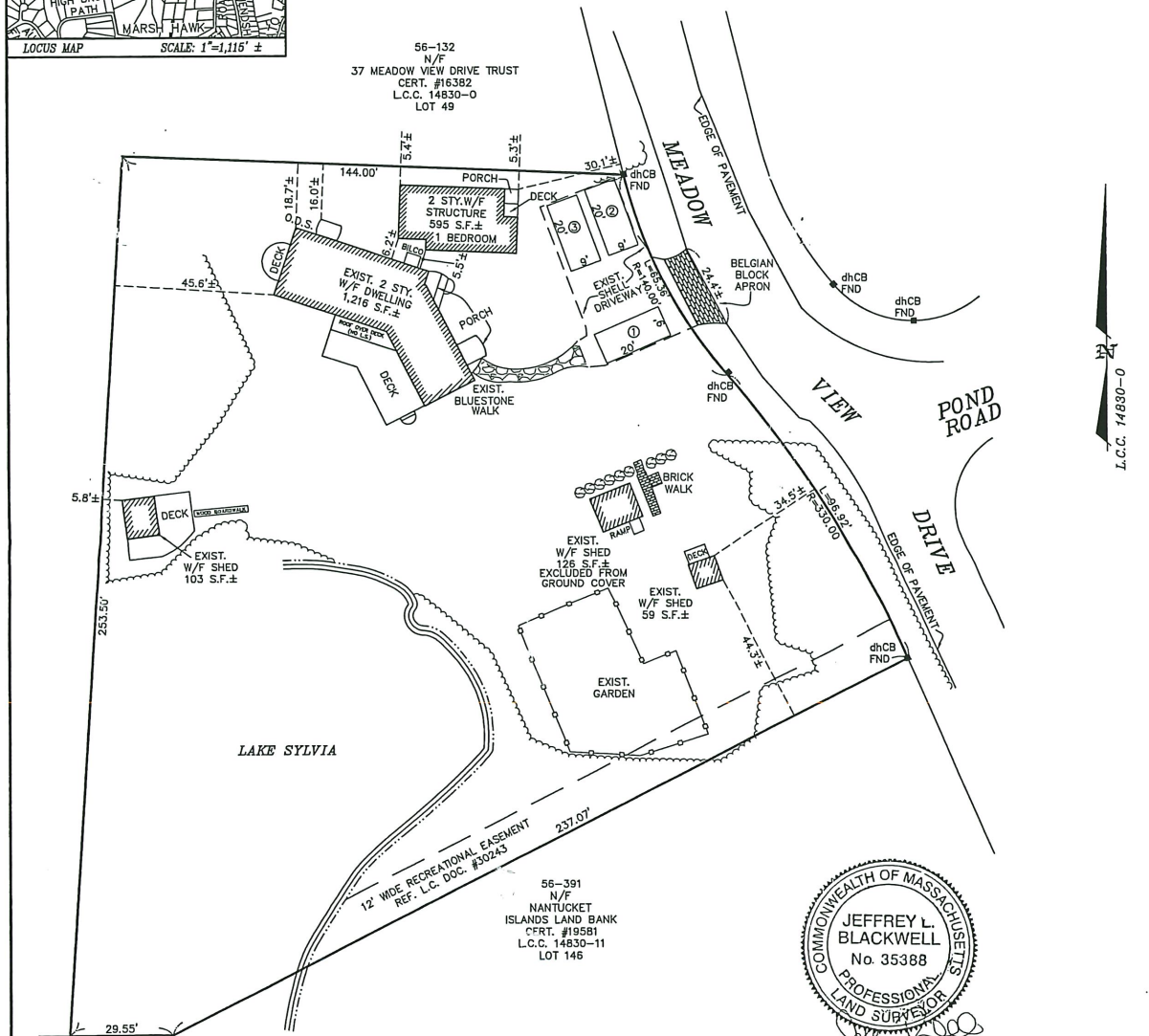
Existing:

40,764 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
4.8% ±

*REF. SPECIAL PERMIT #030-11, DOC. 134331.

LEGEND

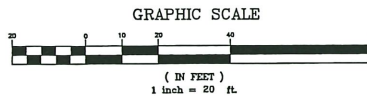
dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
--- DENOTES EXIST. EDGE OF BRUSH
--- DENOTES EXIST. PLANK FENCE



OWNER INFORMATION

JAYNE C. DEBIASIO
BRIAN F. DEBIASIO
CERT. OF TITLE #23121
L.C.C. 14830-0, LOT 50
ASSESSOR'S MAP 56, PARCEL 133
#39 MEADOW VIEW DRIVE

LOT AREA = 40,764± S.F.



BLACKWELL & ASSOCIATES, Inc.

PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

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V:\DRAWFILES\B7378\SP 2021.dwg 1/7/2021 1:59:41 PM EST

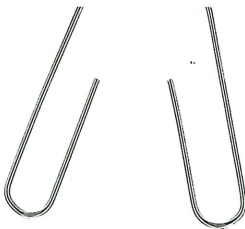
JANUARY 07, 2021

SITE PLAN OF LAND
PREPARED FOR
JAYNE C. & BRIAN F. DEBIASIO
#39 MEADOW VIEW DRIVE
NANTUCKET, MA
MAP: 56, PARCEL: 133

Design/Drawn by: CLR
Approved by: JLB

SHEET 1 OF 1

B7378



Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Jayne C. DeBiasio and Brian F. DeBiasio
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 39 Meadow View Drive
ASSESSOR MAP/PARCEL..... Map 56, Parcel 133
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2).

2-9-2021

DATE

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2021.02.09 15:10:20 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
56	129		PENN JONATHAN TRUSTEE		120 CABOT STREET	CHESTNUT HILL	MA	02467	29 MEADOW VIEW DR
56	130		PONDERON LLC	C/O KUPPER WILLIAM P & JACQUELINE	28535 CHIANTI TERRACE	BONITA SPRINGS	FL	34135	33 MEADOW VIEW DR
56	131		MORASH JEFFREY D		35 MEADOW VIEW DR	NANTUCKET	MA	02554	35 MEADOW VIEW DR
56	132		MCGOVERN MARTHA C TRST	37 MEADOWVIEW DR TRUST #305	4825 GULF OF MEXICO DR UNIT C	LONGBOAT KEY	FL	34228	37 MEADOW VIEW DR
56	133		DEBIASIO JAYNE C & BRIAN F		39 MEADOW VIEW DR	NANTUCKET	MA	02554	39 MEADOW VIEW DR
56	134		CHAPMAN JOHN S JR & EDITH H		3 BORDEAUX CIRCLE	OLMSTED TOWNSHIP	OH	44138	15 POND RD
56	135		HINSON AMY & JAMES G		36 MEADOW VIEW DR	NANTUCKET	MA	02554	36 MEADOW VIEW DR
56	136		SLAVITZ NOREEN C		34 MEADOW VIEW DR	NANTUCKET	MA	02554	34 MEADOW VIEW DR
56	137		HANSEN JEFFREY TRST ETAL	HANSEN FAMILY TRUST	52 WHITEWOOD ROAD	MILFORD	MA	01757	32 MEADOW VIEW DR
56	138		30 MEADOW VIEW LLC		21 RUTLAND SQUARE #2	BOSTON	MA	02118	30 MEADOW VIEW DR
56	143		JOHNSON PAUL H & BRENDA B		16 MEADOW VIEW DR	NANTUCKET	MA	02554	16 MEADOW VIEW DR
56	144		LEHMACHER THOMAS J ETAL		23 COUGHLIN ROAD	KILLINGWORTH	CT	06419	14 MEADOW VIEW DR
56	145		ACKME LLC		4 HEATHER WAY	MILL VALLEY	CA	94941	12 MEADOW VIEW DR
56	154		ALLEN ELISA H		9 POND RD	NANTUCKET	MA	02554	9 POND RD
56	155		KUSZPA JOHN & ANNE P M		11 POND RD	NANTUCKET	MA	02554	11 POND RD
56	294		BLANK THEODORE J & CRISTINA		10 POND RD	NANTUCKET	MA	02554	10 POND RD
56	295		KANE JOHN J JR & ANGELA M		83 EAGLE ROCK ROAD	STOUGHTON	MA	02072	12 POND RD
56	296		PATTERSON ARTHUR H & CHISWICK	NANCY R	2443 HICKORY HILL DR	STATE COLLEGE	PA	16803	42 MEADOW VIEW DR
56	390		ALPER KARIN & MICHAEL TRST	KARIN ALPER REVOC TRUST 2005	5 CHESTNUT HILL TERRACE	NEWTON	MA	02467	49 MEADOW VIEW DR
56	391		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	47 MEADOW VIEW DR
56	476		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	31 MEADOW VIEW DR
Count:		21							

ZBA File 07-21



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**



APPLICATION

Fee: \$450.00

File No. 07-21

2021 MAR 12 PM 12:56
NANTUCKET
TOWN CLERK

Owner's name(s): AISLING AND WILLIAM COWZER

Mailing address: 32 EQUATOR DRIVE, NANTUCKET, MA 02554

Phone Number: 508-367-0293 E-Mail: aisling@activities.com

Applicant's name(s): (SAME)

Mailing Address: _____

Phone Number: _____ E-Mail: _____

Locus Address: 32 EQUATOR DRIVE

Assessor's Map/Parcel: 56 - 340

Land Court Plan: Lot 80 ON LC Plan No. 35397-G

Deed Reference/Certificate of Title: 23394 Zoning District R-20

Uses on Lot- Commercial: None ☒ Yes (describe) _____

Residential: Number of dwelling: 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 _____ or 1987 _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: ZBA File No. 106-93; ZBA File No. 016-14
to validate the intrusion of the bulkhead, to reduce side yard setback requirement from 10 feet
to five (5) feet to allow a walkdown basement access where the bulkhead is located, respectively.

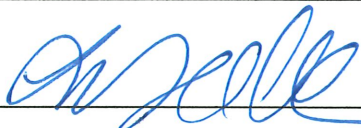
2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone

State below or attach a separate addendum of specific special permits or variance relief applying for:

(SEE ATTACHED ADDENDUM)

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: _____ Owner*

SIGNATURE:  _____ Applicant/Attorney/Agent* 

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: / / By: _____ Complete: _____ Need Copies: _____ Filed
with Town Clerk: / / _ Planning Board: / / _ Building Dept.: / / _ By: _____ Fee
deposited with Town Treasurer: / / _ By: _____ Waiver requested: _____
Granted: / / Hearing notice posted with Town Clerk: / / Mailed: / / _ I&M /
/ & / / Hearing(s) held on: / / Opened on : / / _____ Continued to: /
/ Withdrawn: / / Decision Due By: / / _____
Made: / / Filed w/Town Clerk: / / Mailed: / / _

ADDENDUM

Applicants are seeking a MODIFICATION of the SPECIAL PERMIT granted to a predecessor-in-title in the Decision in BOA File No. 106-93 ("Decision"). Relief was granted pursuant to Nantucket Zoning By-law Section 139-16C(1) (Intensity regulations – setback) to validate an unintentional setback intrusion of a bulkhead basement entrance on the southwesterly side of the structure by reducing the required side yard setback distance from 10 feet to about 6.6 feet at its closest point.

A Modification of the Decision was sought by the Applicants in 2014 to expand the bulkhead into a walk-down to the basement space to create living space for their growing family. Relief was granted in the Decision in BOA File No. 016-14. However, due to circumstances, the walk-down was not constructed. As a result, both the Historic District Commission ("HDC") and ZBA approvals expired after three (3) years without activation.

Applicants are now seeking to reinstate the prior relief granted in 2014 in order to construct the walk-down basement access exactly as previously applied for no closer than 5.4 feet from the southwesterly side yard lot line. The HDC has recently reissued approval for the same project.

Section 139-16C(1) states the following:

Notwithstanding the provisions of §139-16C(4), the Board of Appeals may grant a special permit to reduce the 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.

A review of the aerial map indicates that the siting of the walk-down would not create a detriment to the neighborhood, or more specifically, the immediate abutter to the southwest, and would not be out of character with the area. It would come no closer to the southwesterly side yard lot line than 5.4 feet, closer than the previously validated 6.6 feet, but no closer than that allowed by the previous expired Special Permit of 5.4 feet. The walk-down is proposed for this location in order to utilize the existing basement access point and to minimize disturbance to other parts of the foundation. The property is conforming to all other dimensional requirements of the Zoning By-law.

A finding to grant relief could be made as the Modification would be in harmony with the general purpose and intent of the Zoning By-law and would not create a detriment to the neighborhood. A grant of this relief would also be consistent with similar relief granted multiple times within the R-10 and R-20 (formerly R-2) zoning districts. In addition, a condition that no further construction within the required 10-foot side yard setback without further relief from the ZBA would be appropriate.

Linda Williams

From: Aisling Glynn <aisling@activities.com>
Sent: Thursday, March 11, 2021 10:01 PM
To: Eleanor Antonietti
Cc: 'Linda Williams'; Billy Cowzer
Subject: Cowzer - 32 Equator Drive - ZBA Application

Eleanor,

This e-mail is to confirm that Linda Williams is our representative for the application.

Thank you,

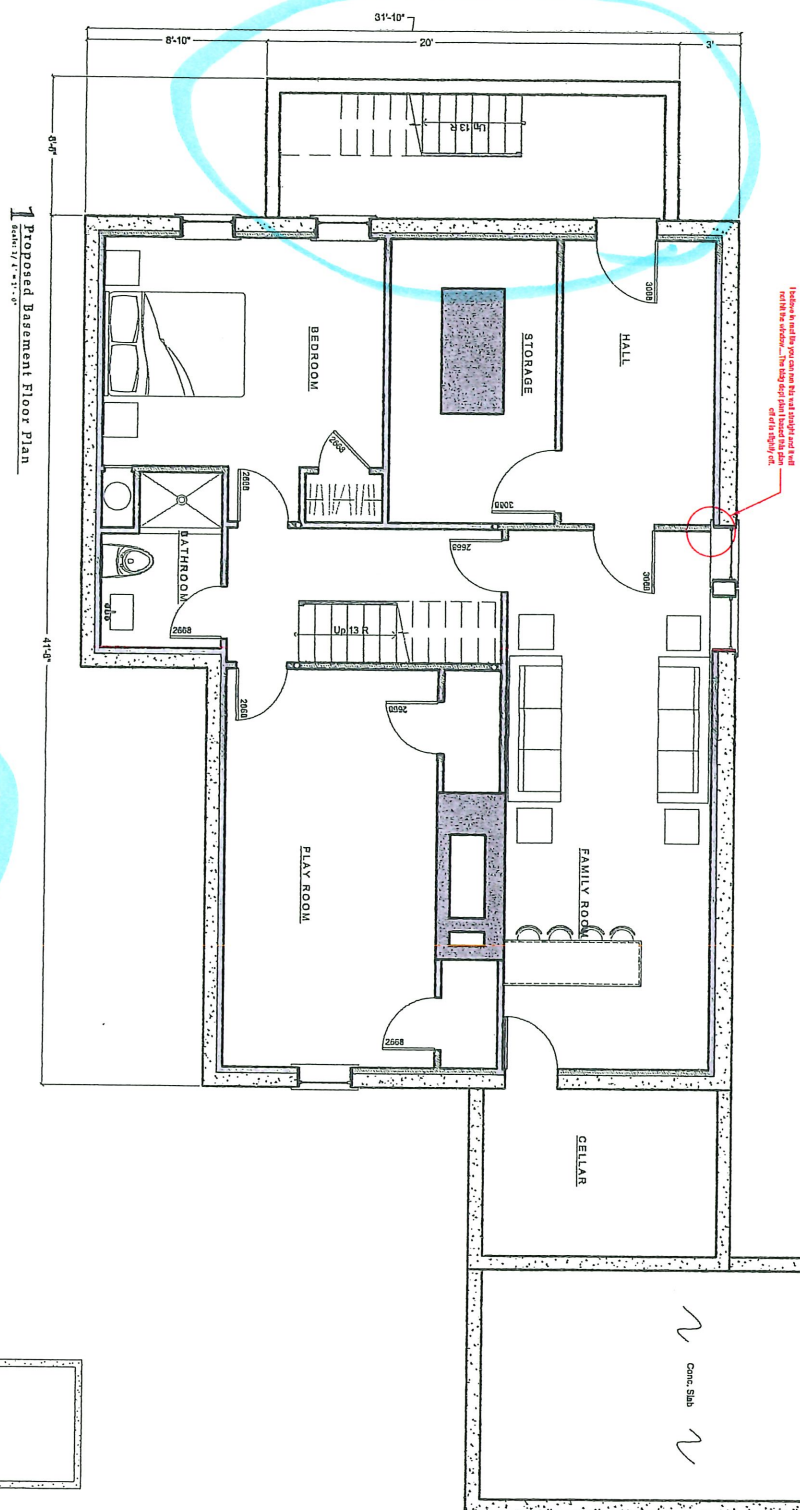
Aisling

Aisling Glynn
ACKtivities

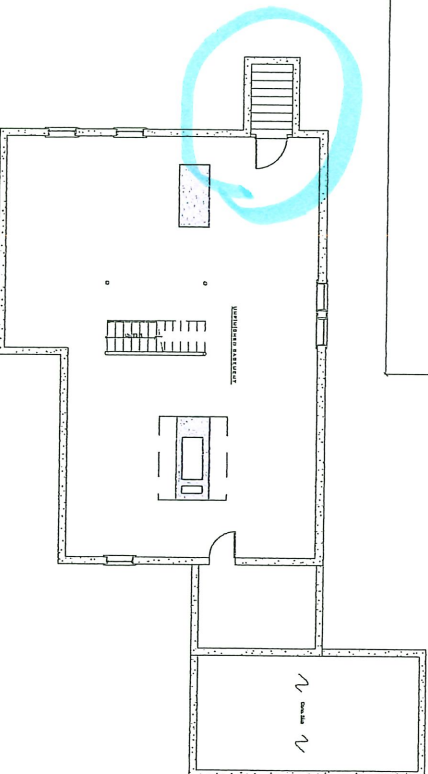
📞 (508) 2286648

www.activities.com

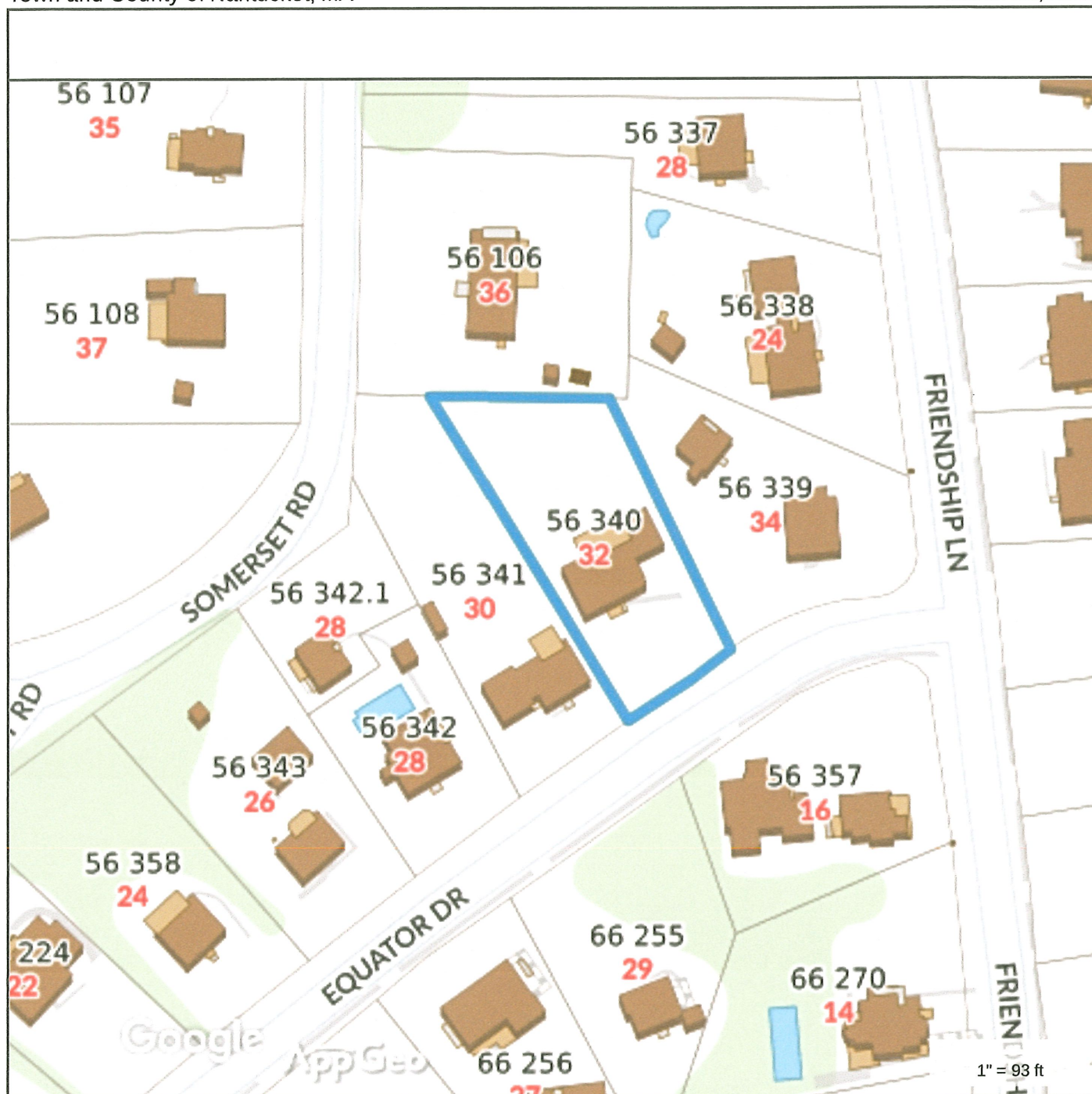
32 Equator Drive
Nantucket, Massachusetts



1 Proposed Basement Floor Plan



2 Existing Basement Floor Plan



Property Information

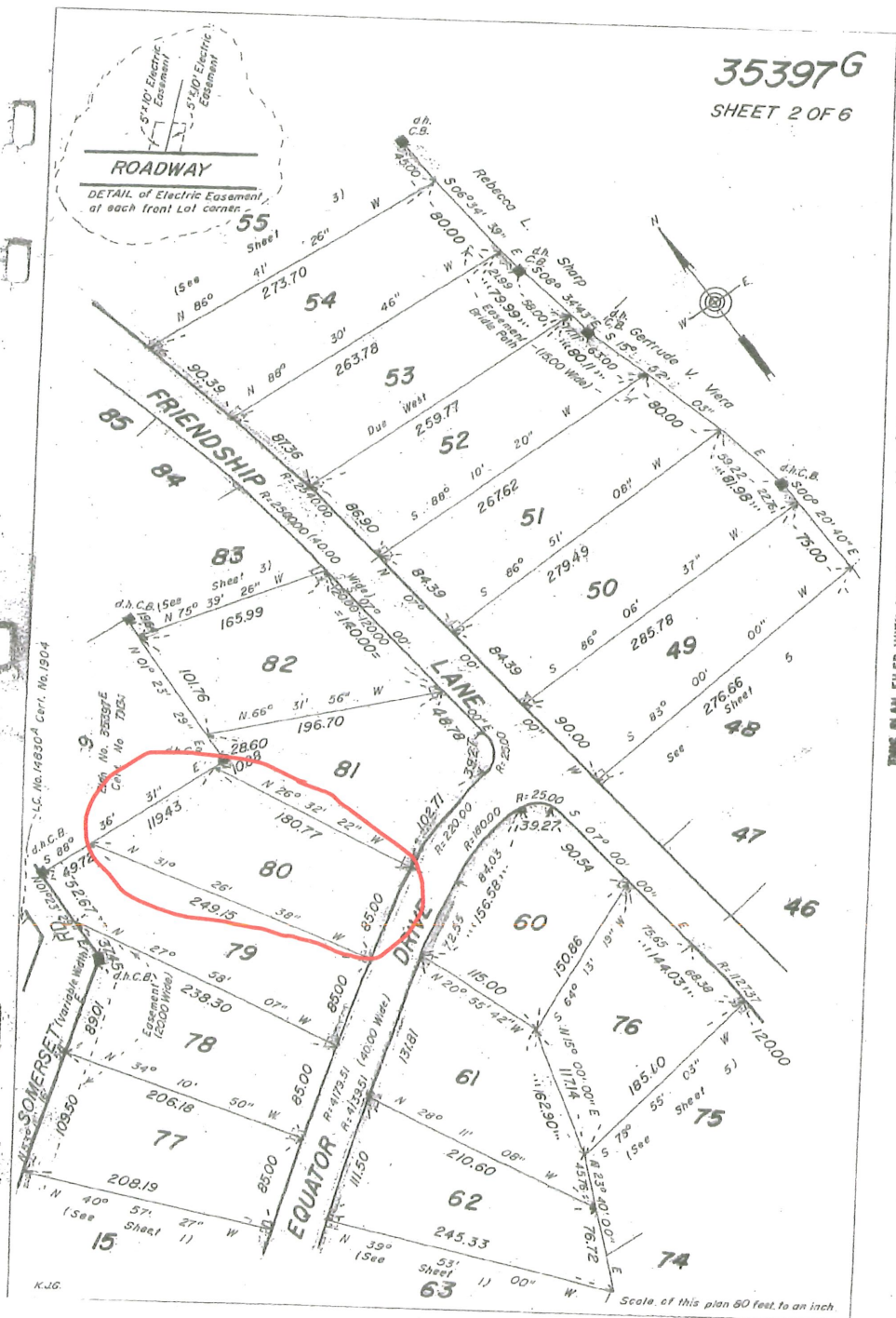
Property ID 56 340
 Location 32 EQUATOR DR
 Owner COWZER AISLING L & WILLIAM S



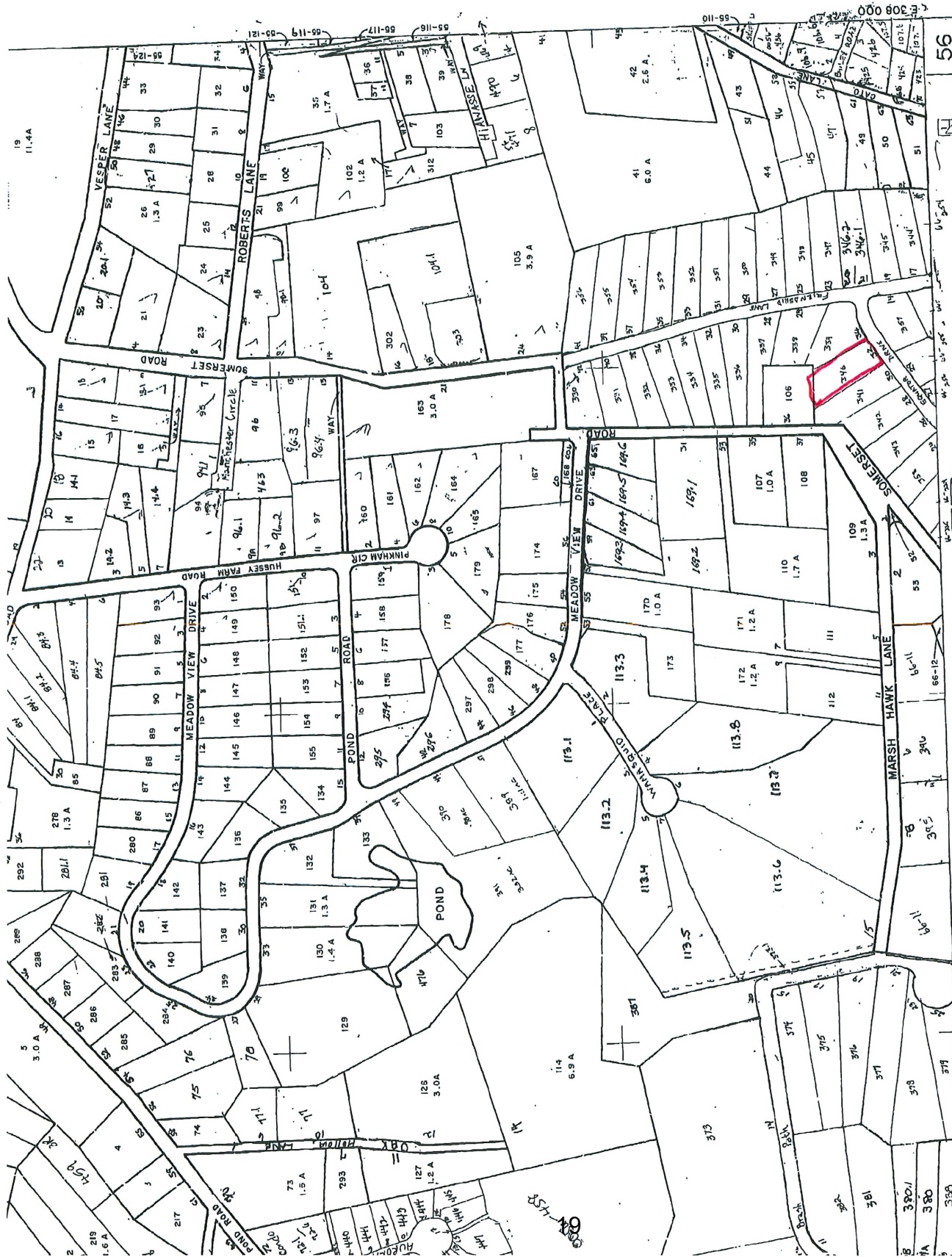
**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan. 2021
 Data updated Jan. 2021



THIS PLAN FILED WITH CERTIFICATE NO. 11,132



The Town and County of
NANTUCKET
 Massachusetts

Scale 1" = 400'

400'

143 FEDERAL ST., NANTUCKET, MASS.

SCHOFIELD BROTHERS, INC.
 PROFESSIONAL ENGINEERS - REGISTERED LAND SURVEYORS

GRID NORTH

MASSACHUSETTS COORDINATE SYSTEM ISLAND ZONE

SHEET INDEX

56

SHEET NO.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PLAT MAP

Borrower: Aisling L. Glynn

File No.: 09-32equatordrive

Property Address: 32 Equator Drive

Case No.: 251-4076800

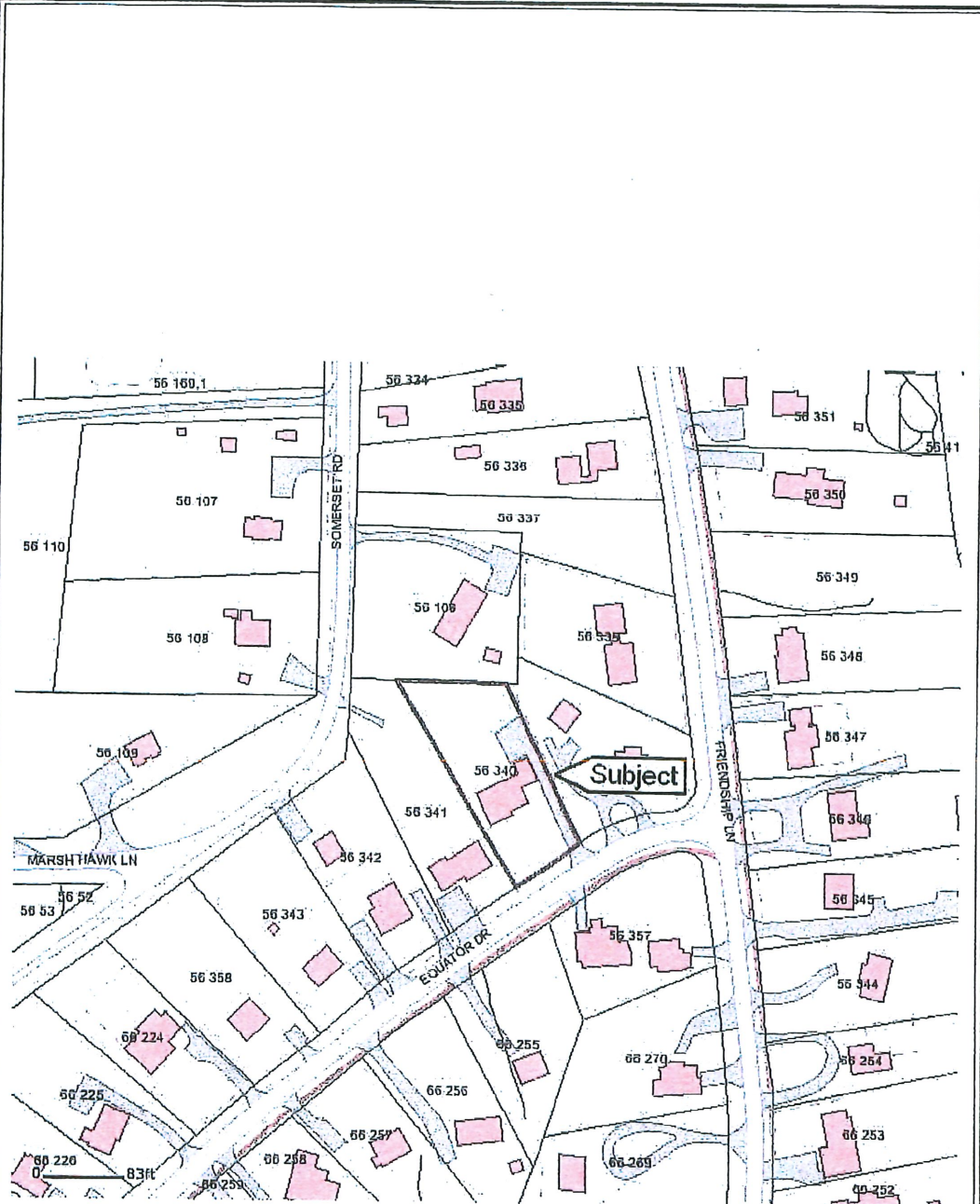
City: Nantucket

State: MA

Zip: 02554



Leitch, Salem, MA





TOWN OF NANTUCKET
BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

FEB 04 1994

RECEIVED 2 25 PM TIME

Filed & Entered
Nantucket Registry
District

Doc. 63585
Cert of Title 13875

Attest

Sandra M. Chadwick
Assistant Recorder

Date: January 14

19

CERTIFICATE OF GRANTING OF ~~VARIANCE AND/OR~~ SPECIAL PERMIT
(Massachusetts General Laws, Chapter 40A, Section 11)

The BOARD OF APPEALS of the TOWN OF NANTUCKET, hereby certifies that a ~~VARIANCE AND/OR~~ SPECIAL PERMIT has been GRANTED:

To: (Owner/Applicant) LINDA M. ROSENBERG (106-93)

Address: 32 Equator Drive, Nantucket, MA 02554

affecting the rights of the Owner/Applicant with respect to land or building at:

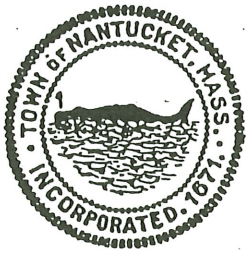
32 Equator Drive, Assessor's Map 56, Parcel 340,

as shown on Land Court Plan 35,397-G, Lot 80,

Deed Reference:

And the BOARD OF APPEALS further certifies that the attached Decision is a true and correct copy of its Decision GRANTING the ~~VARIANCE AND/OR~~ SPECIAL PERMIT and that copies of the Decision and all plans referred to in the Decision have been filed with the Planning Board and the Town Clerk.

The BOARD OF APPEALS calls to the attention of the Owner/Applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no ~~VARIANCE AND/OR~~ SPECIAL PERMIT, or any EXTENSION, MODIFICATION or RENEWAL thereof, shall take effect until (a) a copy of the Decision is certified by the Town Clerk that TWENTY (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed (or, if such appeal has been filed that it has been dismissed or denied) and (b) the certified copy is recorded in the Registry of Deeds for the County of Nantucket and indexed in the grantor index under the name of the Owner of Record is recorded and noted on the Owner's Certificate of Title. The fee for such recording or registering shall be paid by the Owner/Applicant.



TOWN OF NANTUCKET
BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: January 14, 1994

To: Parties in Interest and Others concerned with the
Decision of the BOARD OF APPEALS in the Application of the
following:

Application No.: 106-93

Owner/Applicant: LINDA M. ROSENBERG

Enclosed is the Decision of the BOARD OF APPEALS which has
this day been filed in the office of the Nantucket Town
Clerk.

An Appeal from this Decision may be taken pursuant to
Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by
filing an complaint in court within TWENTY (20) days after
this day's date. Notice of the action with a copy of the
complaint and certified copy of the Decision must be given
to the Town Clerk so as to be received within such TWENTY
(20) days.

Dale W. Waine : Chairman

cc: Town Clerk
Planning Board
Building Commissioner



TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Map 56.0
Parcel 340

32 Equator Drive
R-2

At a Public Hearing of the Nantucket Zoning Board of Appeals, held at 12:00 P.M., Friday, December 10, 1993, in the Town and County Building, Broad Street, Nantucket, MA, on the Application of LINDA M. ROSENBERG, 32 Equator Drive, Nantucket, MA 02554, Board of Appeals File No. 106-93, the Board made the following Decision:

1. Applicant seeks relief by Special Permit under Nantucket Zoning By-Law §139- 16C.1 to reduce the side yard setback from ten (10) feet to five (5) feet in order to validate a said to be unintentional side yard setback intrusion. Applicant's bulkhead intrudes 2 $\pm$ feet into the 10 foot required side yard setback.

The premises are located at 32 EQUATOR DRIVE, Assessor's Map 56.0, Parcel 340, as shown on Land Court Plan 35,397-G, Lot 80. The property is zoned Residential-2.

2. The Decision is based upon the Application and materials submitted with it, the testimony and evidence presented at the Hearing, no recommendation from the Planning Board, and no letters of objection or support from abutters.

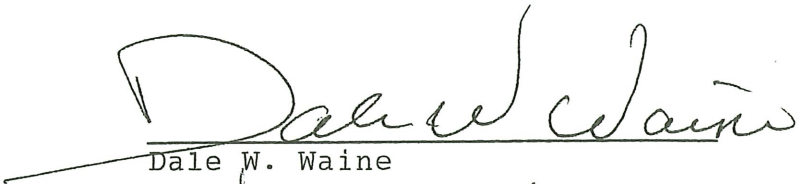
3. Applicant represented that though the single family dwelling was built and sited in accordance with a validly issued Building Permit in 1987 the 2 $\pm$ foot intrusion of the bulkhead into the side yard setback requirement of 10 feet was not indicated til a recent as-built plan was done to obtain a Certificate of Occupancy. The bulkhead was not shown on the original plan submitted to the Building Department when the Building Permit was issued, and Applicant represented that the bulkhead, consisting of a bilco type door with no structure over it, was added by the mason as he was constructing the basement without adding it to the plan on file. Two (2) means of access are required to the basement and the mason apparently realized that only one had been shown on the plans and proceeded to add the bulkhead in question on his own initiative. Applicant represented that there was no intention to violate the setback requirments.

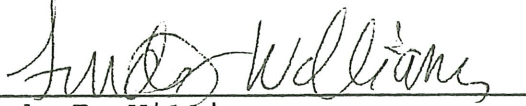
4. Accordingly, by unanimous vote, the Board finds that the requested relief is in harmony with the general purpose and intent of the By-Law, and GRANTS the Special Permit as requested, under 139-16C(1) to reduce the sideline setback to validate the current siting of the structure, a bulkhead entrance, that encroaches upon the setback by 2 $\pm$ feet upon the following condition:

There will be no further alteration or construction within the sideline setback area of 10 feet without

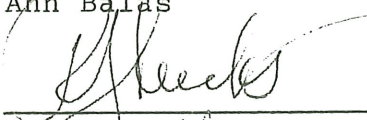
further relief from the Board of Appeals.

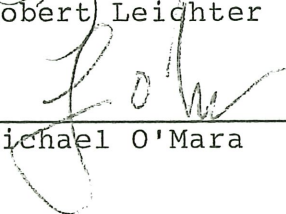
Dated: January 14, 1994


Dale W. Waine


Linda F. Williams


Ann Balas


Robert Leichter


Michael O'Mara



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554**

RECEIVED
2014 MAY 14 AM 9 46
NANTUCKET TOWN CLERK

Date: May 14, 2014

To: Parties in Interest and Others concerned with the Decision of
The BOARD OF APPEALS in the Application of the following:

Application No: 016-14

Current Owner/Applicant: William S. Cowzer & Aisling L. Cowzer

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a
complaint in Land Court within TWENTY (20) days after this day's
date. Notice of the action with a copy of the complaint and
certified copy of the Decision must be given to the Town Clerk so
as to be received within such TWENTY (20) days.



Eleanor W. Antonietti,
Zoning Administrator

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-325-7587.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 56, Parcel 340
32 Equator Drive
Residential-20 (R-20)

Certificate of Title 23394
Lot 80
Land Court Plan 35397-G

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, held on Thursday, March 13, 2014, at 12:00 P.M., at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following Decision on the Application of **WILLIAM S. COWZER AND AISLING L. COWZER**, with an address of 32 Equator Drive, Nantucket, Massachusetts 02554, respectively, **File No. 016-14:**

2. Applicants are seeking a MODIFICATION of the SPECIAL PERMIT granted to a predecessor-in-title in the Decision in BOA File No. 106-93 ("Decision") to validate a new basement access where the present bulkhead is located. In the Decision, relief was granted pursuant to Zoning By-law Section 139-16C to reduce the southwesterly side yard setback distance from ten feet to approximately 6.6 feet in order to validate the siting of a bulkhead that was constructed on the single-family dwelling prior to conveyance of the property to the Applicants. The property was then situated within the R-2 zoning district in which a reduction in side and rear yard setback requirements from ten feet to five feet may be allowed by special permit. The Locus is situated at 32 Equator Drive, is shown on Nantucket Assessor's Map 56, Parcel 34, and as Lot 80 on Land Court Plan 35397-G. Evidence of owners title is recorded at Certificate of Title 13875. The site is now zoned Residential-20 (R-20).

3. Our Decision is based upon the Application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. No written or verbal testimony was received.

4. Applicant Cowzer made the presentation. Applicant proposes to construct a new "walk-down" basement entrance in place of the existing bulkhead, as shown on plan entitled "Cowzer Residence", a reduced copy of which is attached herewith as "Exhibit A". The pressure-treated walkout will bring the basement access into compliance with Building Code requirements and will allow applicant to expand interior living space for his growing family. The new bulkhead would be sited no closer than 5.4 feet from the southwesterly side yard lot line. The new access is proposed in this location as it would utilize the existing below grade basement door and minimize disturbance to other parts of the foundation. In all other respects the property is conforming to the dimensional requirements of the Zoning By-law. The Decision stated as a condition of a grant of relief that "There will be no further alteration or construction

within the sideline setback area of 10 feet without further relief from the Board of Appeals". Applicants seek Modification of this provision to allow expansion and construction within the same area of the setback as previously allowed.

5. Based upon the foregoing, the Board finds that the Modification could be granted according to the findings stated in prior Decision as it would also be in harmony with the general purpose and intent of the Zoning By-law. In addition, a grant of relief would be consistent with similar relief granted to several properties located within the then R-2 (now R-20) and R-10 zoning districts by this Board. The above-referenced condition would continue to be in full force and effect and would require further relief from this Board should any further alteration/expansion be proposed within the ten-foot side yard setback area.

6. Accordingly, by a UNANIMOUS vote of the sitting Board, the Zoning Board of Appeals GRANTS the requested Modification of the SPECIAL PERMIT relief granted in the Decision in BOA File No. 106-93 to allow the construction of a new basement access that would come no closer to the southwesterly side yard lot line than approximately 5.4 feet. Relief is conditioned upon the following:

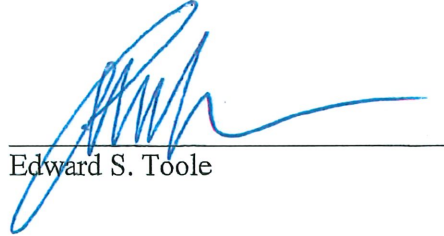
- a. There will be no further alteration or construction within the sideline setback area of 10 feet without further relief from the Board of Appeals; and
- b. The basement access shall be constructed in substantial conformity with the plan, a reduced copy of which is attached hereto as "Exhibit B".

SIGNATURE PAGE TO FOLLOW

Assessor's Map 56, Parcel 340
32 Equator Drive
Residential-20 (R-20)

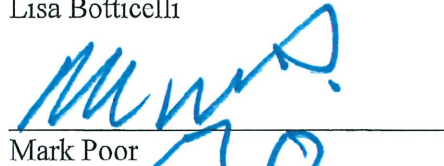
Certificate of Title 23394
Lot 80
Land Court Plan 35397-G

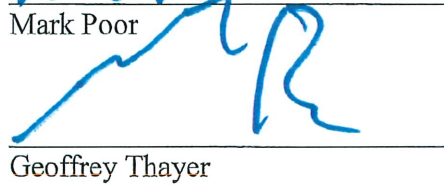
Dated: May 8, 2014


Edward S. Toole

Michael J. O'Mara

Lisa Botticelli

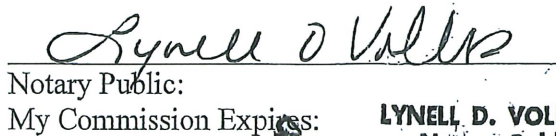

Mark Poor


Geoffrey Thayer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On the 8th day of May, 2014, before me, the undersigned notary public, personally appeared Edward S. Toole, one of the above-named members of the Zoning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public:
My Commission Expires:



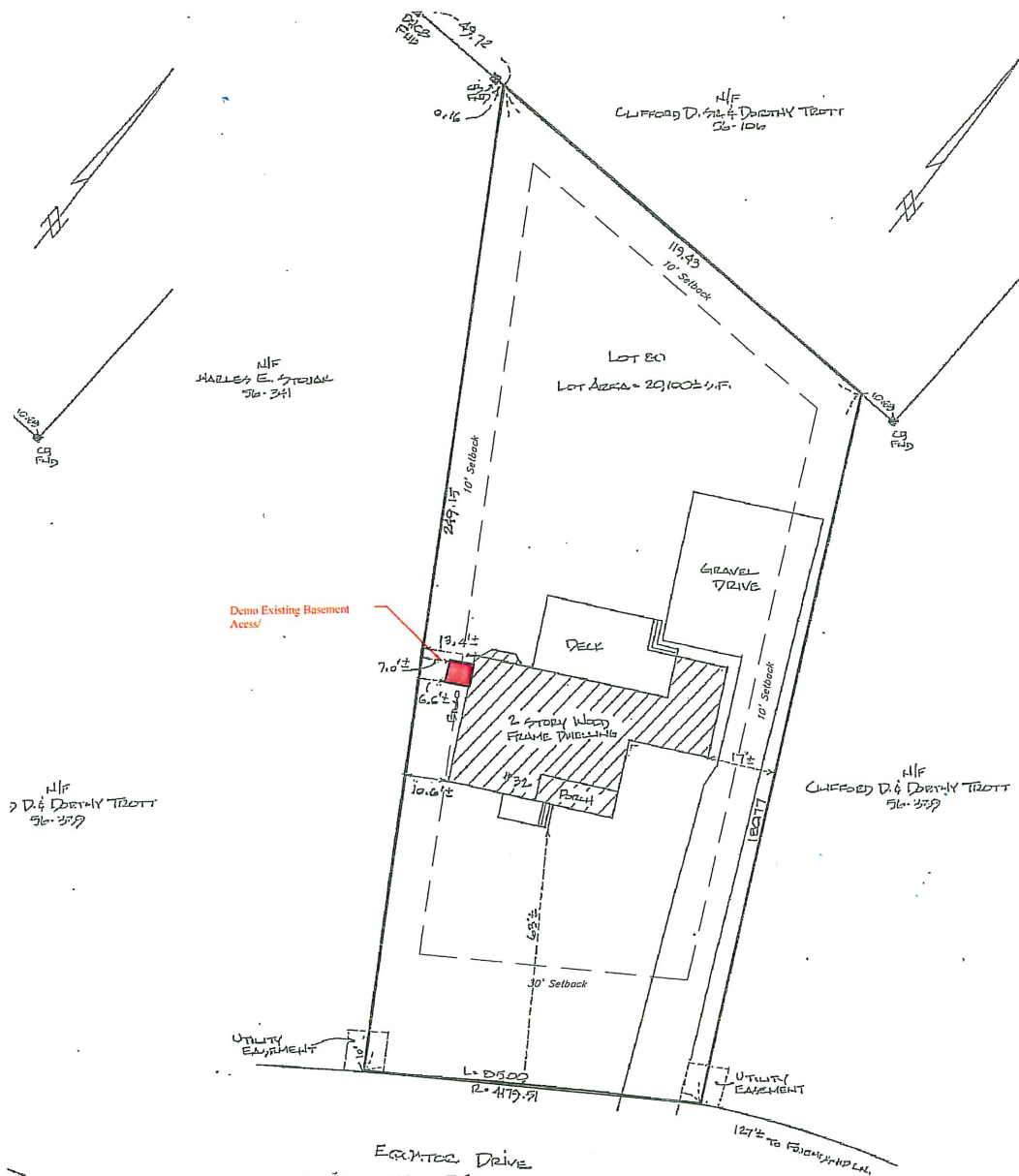
LYNELL D. VOLLANS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 28, 2018

02/12/14



Cowzer Residence

32 Equator Drive
Nantucket, Massachusetts

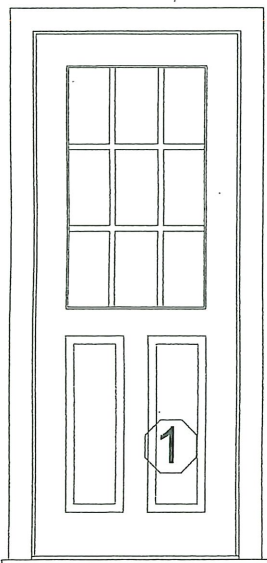


3 Existing Site Plan
1"=30'

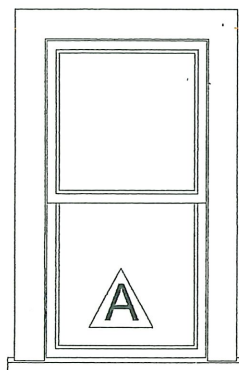
Site Information	
Map & Parcel	56-340
Current Zoning	R-2
Minimum Frontage	75 Ft
Front Setback	30 Ft
Side/Rear Setback	10 Ft
Lot Size	.46 Acres
Min. Lot Size	20,000 SF
Allowable GC	12.5% or 2,800 SF
Existing GC	1152 SF
Proposed GC	1152 SF

Information for this site plan was taken from the Nantucket GIS. This drawing does not constitute a proposed survey. All site work should be verified by a registered land surveyor prior to construction.

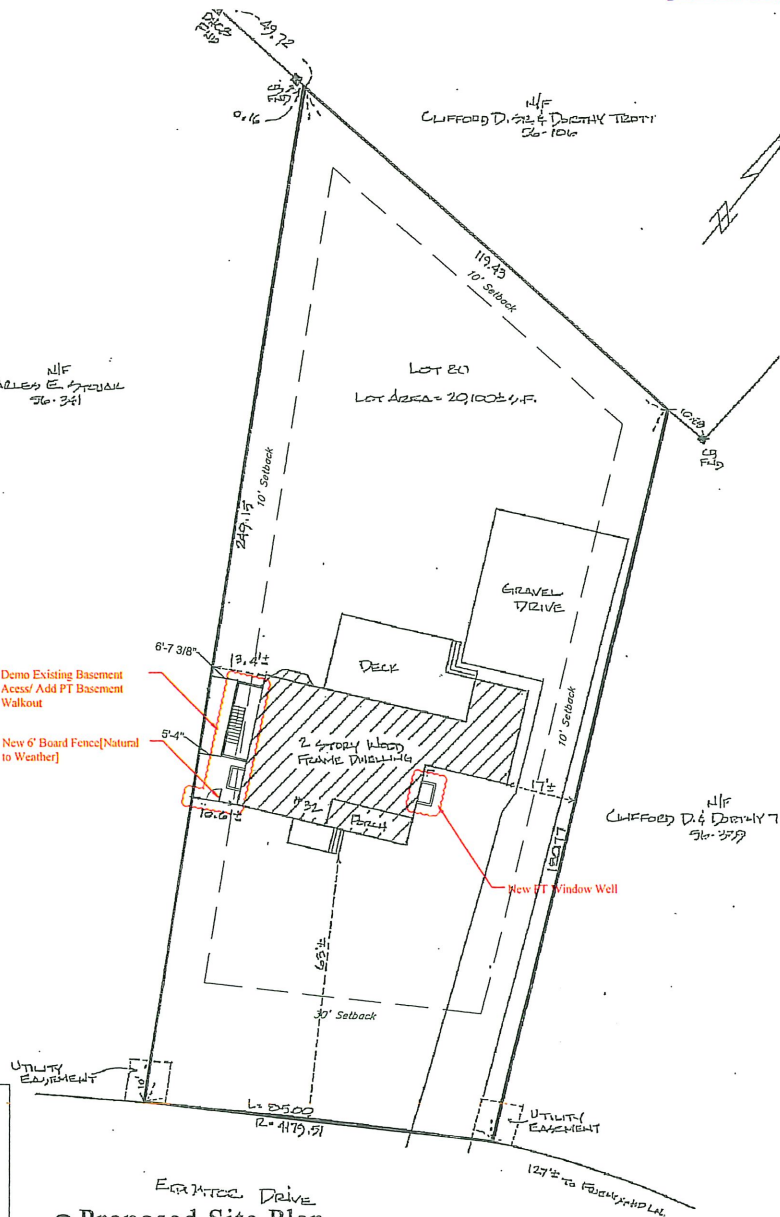
Not to Scale



2868
9 Lite, 2 Panel
Door



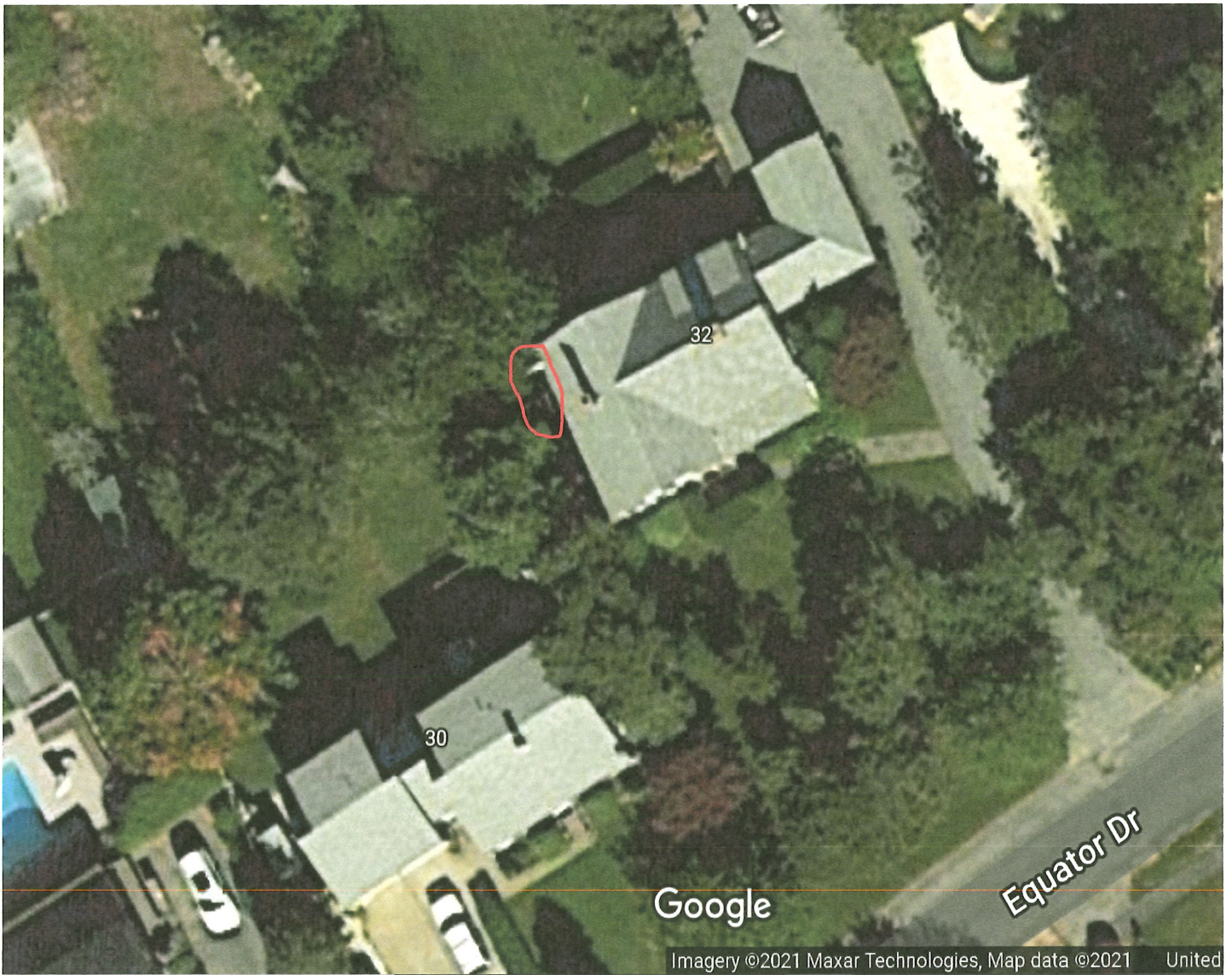
Db1 Hung
Window



2 Proposed Site Plan

 $1'' = 30'$

CURRENT AERIAL



2003 AERIAL



1" = 46 ft

2014 AERIAL



1" = 46 ft

2019 AERIAL



1" = 46 ft

CERTIFICATE NO:

HDC2020-12-2567

DATE ISSUED:

12/22/2020

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 56 PARCEL N°: 340

Street & Number of Proposed Work: 32 EQUATOR DRIVE.

Owner of record: William Cowzer

Mailing Address: 32 EQUATOR.

Contact Phone #: 508-325-7160 E-mail: P.COWZER@CHIC

AGENT INFORMATION (if applicable)

Name: _____

Mailing Address: _____

Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY

Date application received: 12/15/20

Fee Paid: \$ 50

Must be acted on by: 01/30/21

Extended to: _____

Approved: _____

Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☐ Pool (Zoning District _____) ☐ Roof ☒ Other Review 6/1/48 (CONSENT 2/18/2014)

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: _____ Sq. Footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. Footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: _____

Original Date: _____

Original Builder: _____

(describe)

1. East Elevation

2. South Elevation

3. West Elevation

4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____

Type: _____

Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles ☐ Clapboard (exposure: _____ inches) Front ☐ Side

☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 12/15/20

Signature of owner of record _____

Signed under penalties of perjury

CERTIFICATE NO: _____

DATE ISSUED: _____

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

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PROPERTY DESCRIPTION

TAX MAP N°: 56 PARCEL N°: 340
Street & Number of Proposed Work: 32 EQUATOR DRIVE
Owner of record: NANTUCKET WILLIAM COWZER
Mailing Address: 32 EQUATOR
Contact Phone #: 508 325 716 @mail: BCOWZER@CHYC

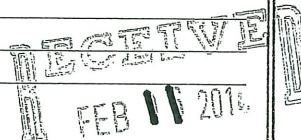
AGENT INFORMATION (if applicable)

Name: _____
Mailing Address: _____
Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: \$ _____
Must be acted on by: _____
Extended to: _____
Approved: _____ Disapproved: _____
Chairman: _____
Member: _____
Member: _____
Member: _____
Member: _____

Notes - Comments - Restrictions - Conditions



BY: _____

2014
HDC
Approval

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☒ Other ADD P.T. BASEMENT WALKOUT & P.T. WINDOW WELLS (2)
Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: _____

Original Date: _____ (describe)

Original Builder: _____

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

REVISIONS*

1. East Elevation ADD PT WINDOW WELL
2. South Elevation
3. West Elevation ADD PT WALKOUT & P.T. WINDOW WELLS (2)
DEMO EXISTING BULKHEAD ENTRANCE.
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles ☐ Clapboard (exposure: _____ inches) Front ☐ Side ☐
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 2/10/14 Signature of owner of record W. Cowzer Signed under penalties of perjury

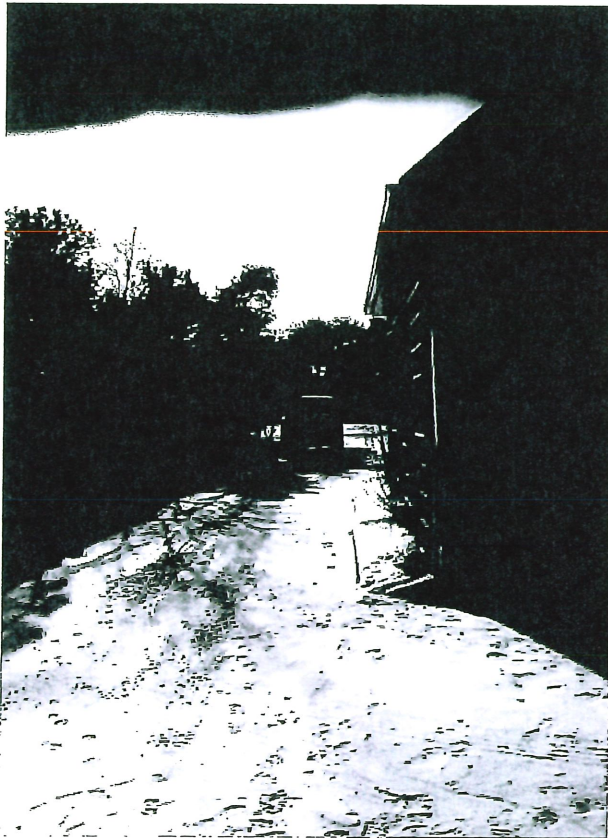




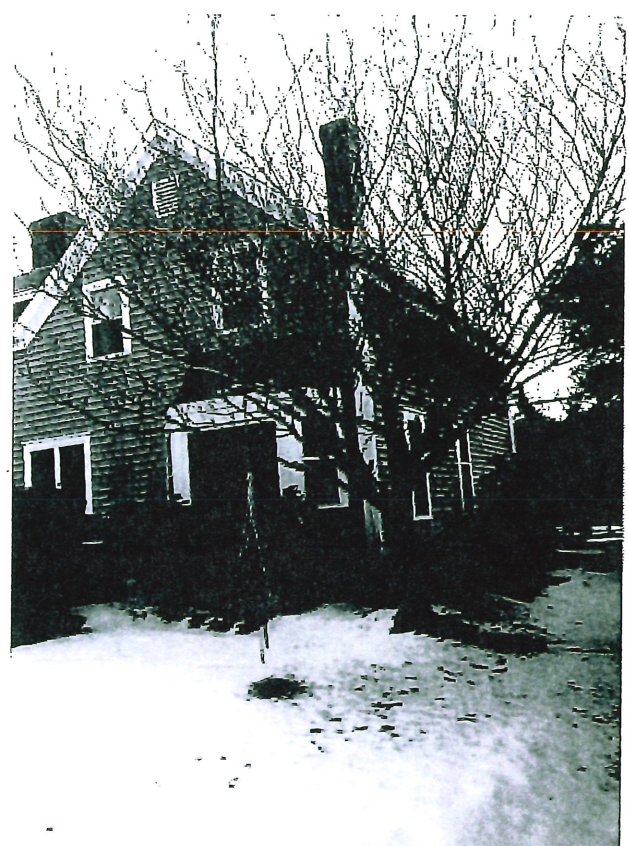
South



West

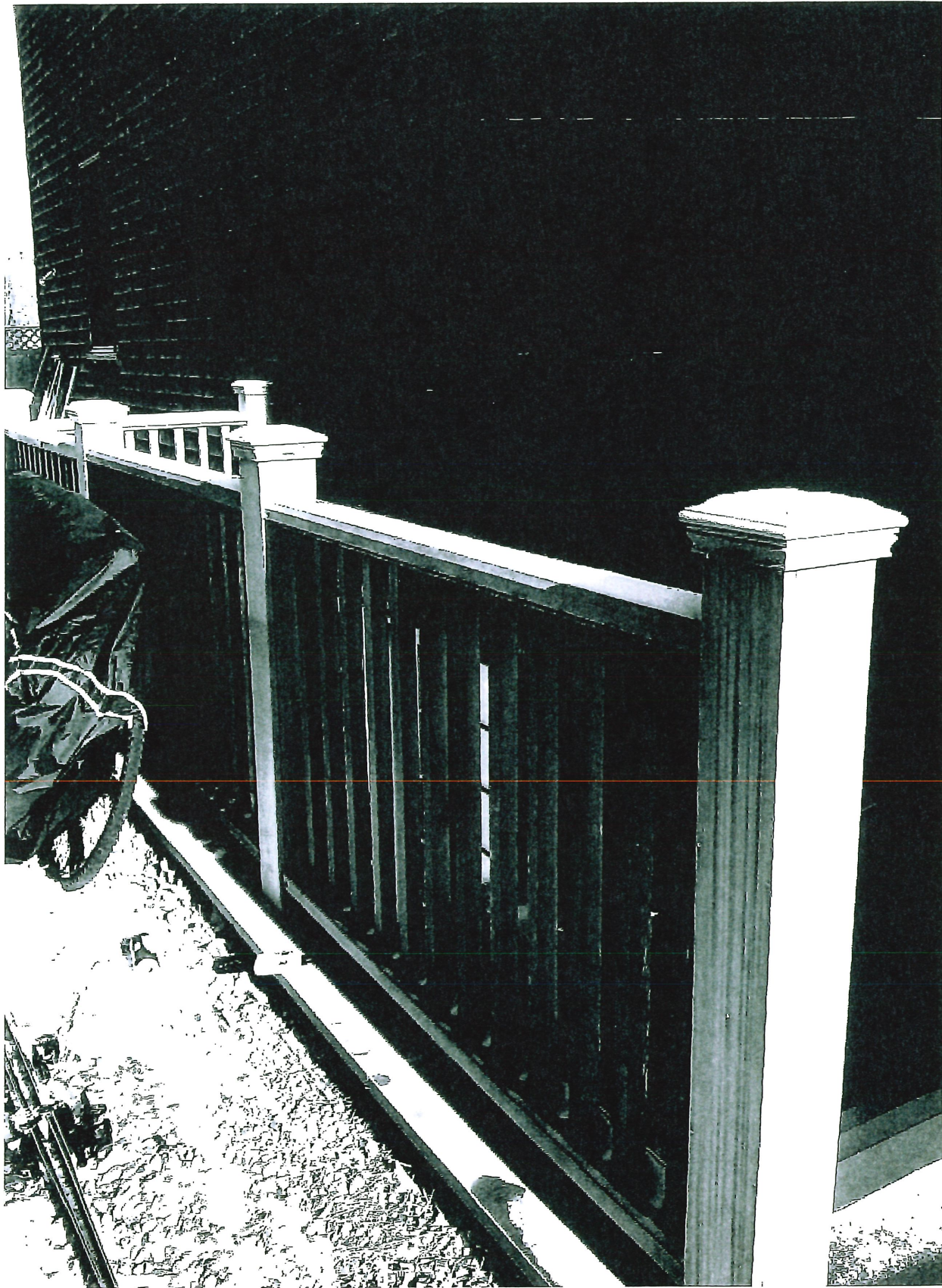


East



North

RECEIVED
FEB 11 2016



2 Proposed Guard Rail Detail

Graphic Scale

40

RECEIVED
FEB 11 2014

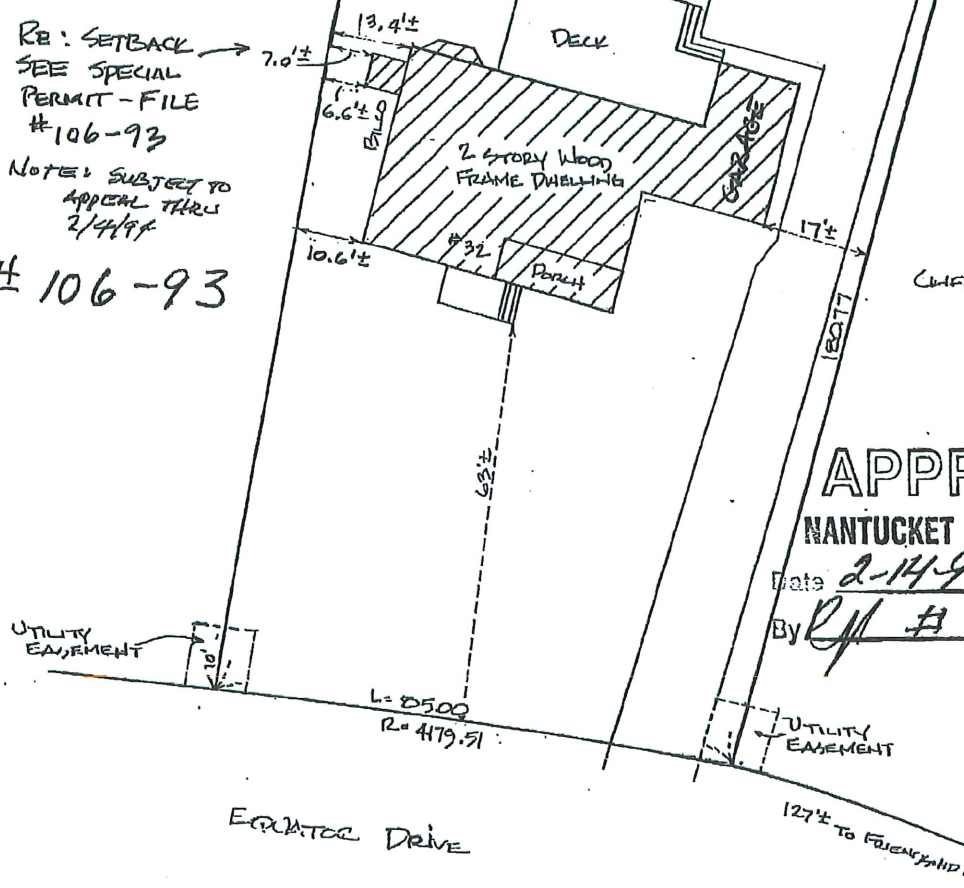
BY: _____

Map/Parcel
56/340
Lot 80

NIF
CHARLES E. STOLAK
56-341

LOT 80
LOT AREA = 20,100 ± S.F.

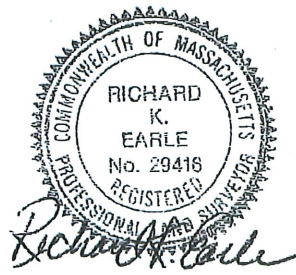
RE: SETBACK
SEE SPECIAL
PERMIT - FILE
#106-93
NOTES: SUBJECT TO
APPEAL THRU
2/4/94
#106-93



NIF
CLIFFORD D. & DOMINIC TROTT
56-379

APPROVED
NANTUCKET BUILDING DEPT.
Date 2-14-94 As built
By R/K # 5228-87/93

CURRENT ZONING MAP: R-2
MINIMUM LOT SIZE: 20,000 SF
MINIMUM FRONTAGE: 75 FT
FRONTYARD SETBACK: 30 FT.
SIDE AND REAR SETBACK: 10 FT
ALLOWABLE G.C.R.: 12.5%
EXISTING G.C.R.: 9.1% ± (INCLUDING PORCH)



PROPERTY LINES SHOWN ARE TAKEN FROM RECORDED DEED AND PLAN REFERED TO HEREON. BUILDINGS, MONUMENTS, ETC. ARE PLOTTED FROM FIELD MEASUREMENTS.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE C ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230; MASS. EFFECTIVE: 6-3-86 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
N.B. 153/76

AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=30' DATE: 1/18/94
PREPARED FOR:
LINDA M. & NEIL A. ROSENBERG

NANTUCKET SURVEYORS INC.
5 WINDY WAY
NANTUCKET, MA. 02554
DEED REFERENCE: L-108375
PLAN REFERENCE: L-103537-9
ASSESSOR'S MAP: 56 PCL 240

N-4195

TOWN OF NANTUCKET
ZONING BOARD OF APPEALS

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER WILLIAM COWZER

MAILING ADDRESS 32 EQUATOR DRIVE, NANTUCKET, MA 02554

PROPERTY LOCATION 32 EQUATOR DRIVE

ASSESSORS MAP/PARCEL 56-340

SUBMITTED BY LINDA WILLIAMS

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

DATE: 2-23-2021

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2021.02.23 09:06:24 -05'00'
ASSESSORS OFFICE

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
56	106		ANGELASTRO DAVID & HEATHER		36 SOMERSET RD	NANTUCKET	MA	02554	36 SOMERSET RD
56	107		FLYNN ELAINE E		35 SOMERSET ROAD	NANTUCKET	MA	02554	35 SOMERSET RD
56	108		RAY NICHOLAS		10 C STREET	NANTUCKET	MA	02554	37 SOMERSET RD
56	109	2	CURRY SEAN G & LINDSAY M		3A MARSH HAWK LN	NANTUCKET	MA	02554	3 MARSH HAWK LN
56	110		OMARA JANICE L		PO BOX 1866	NANTUCKET	MA	02554	33 SOMERSET RD
56	334		MARSH GREGORY H & KAREN L		34 FRIENDSHIP LANE	NANTUCKET	MA	02554	34 FRIENDSHIP LN
56	335		DRAGON CHARLES A & SUSAN S TR		PO BOX 904	NANTUCKET	MA	02554	32 FRIENDSHIP LN
56	336		HOLDGATE BRUCE D & DIANE WB		30 FRIENDSHIP LN	NANTUCKET	MA	02554	30 FRIENDSHIP LN
56	337		ZSCHAU PETER B & MELANIE Y TR	ZSCHAU PETER B FAMILY TRUST	PO BOX 93	MILLERS FALLS	MA	01349	28 FRIENDSHIP LN
56	338		FRASER KATE MERLINI TR ETAL	THREE MUSKETEERS NOM TRUST	PO BOX 2800	NANTUCKET	MA	02584	24 FRIENDSHIP LN
56	339		FRASER KATE MERLINI TR ETAL		34 EQUATOR DR	NANTUCKET	MA	02554	34 EQUATOR DR
56	340		COWZER AISLING L & WILLIAM S		32 EQUATOR DR	NANTUCKET	MA	02554	32 EQUATOR DR
56	341		STOJAK SHAUN B TR	SB STOJAK TRUST	324 POLPIS RD	NANTUCKET	MA	02554	30 EQUATOR DR
56	342		CHENEY STEPHEN W & ALISON G	CHENEY REALTY TRUST	PO BOX 2670	NANTUCKET	MA	02584	28 EQUATOR DR
56	342	1	CIARMATARO TRINA L		BOX 3352	NANTUCKET	MA	02584	28 SOMERSET RD
56	343		JUNGHANS ERIC ETAL		26 EQUATOR DRIVE	NANTUCKET	MA	02554	26 EQUATOR DR
56	344		BOYNTON CHRISTOPHER D		PO BOX 427	WEST DOVER	VT	05356	17 FRIENDSHIP LN
56	345		SWAIN JOSEPH M JR		19 FRIENDSHIP LN	NANTUCKET	MA	02554	19 FRIENDSHIP LN
56	346	1	HUDSON NEIL & JENNIFER		21 FRIENDSHIP LN	NANTUCKET	MA	02554	21 FRIENDSHIP LN #1
56	346	2	JOHNSON STEPHANIE C		21 B FRIENDSHIP LN	NANTUCKET	MA	02554	21 B FRIENDSHIP LN #2
56	347		SCHULTZ WILLIAM A ETAL		123 BLAKEMAN RD	MADISON	CT	06443	23 FRIENDSHIP LN
56	348		GERARDI MARK A & SUZANNE		PO BOX 3316	NANTUCKET	MA	02584	25 FRIENDSHIP LN
56	349		HIGGINS SEAN P & KIMBERLY A		27 FRIENDSHIP LN	NANTUCKET	MA	02554	27 FRIENDSHIP LN
56	350		THE BOOZY CHEFS REAL ESTATE LLC		29 FRIENDSHIP LANE	NANTUCKET	MA	02554	29 FRIENDSHIP LN
56	357		16 FRIENDSHIP LANE LLC		14 FRIENDSHIP LANE	NANTUCKET	MA	02554	16 FRIENDSHIP LN
56	358		HEINTZ ROBERT B D & LEISA		24 EQUATOR DR	NANTUCKET	MA	02554	24 EQUATOR DR
66	254		FRITSCH JOHN E & CIARA		PO BOX 3080	NANTUCKET	MA	02584	15 FRIENDSHIP LN
66	255		CURTIS JASON A & CHERYL L		29 EQUATOR DR	NANTUCKET	MA	02554	29 EQUATOR DR
66	256		REIS ANDREW M & BARBARA A		27 EQUATOR DR	NANTUCKET	MA	02554	27 EQUATOR DR
66	257		VASQUEZ ROMELYS M & RONALD O		9 WEST YORK LANE	NANTUCKET	MA	02554	25 EQUATOR DR
66	269		KERWIN MICHELLE WALL		12 FRIENDSHIP LN	NANTUCKET	MA	02554	12 FRIENDSHIP LN
66	270		NEWMAN FAMILY TRUST 2020		NEWMAN JOHN L TR	NANTUCKET	MA	02554	14 FRIENDSHIP LN
Count:									32

ZBA File 08-21

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

BRYAN J. SWAIN

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

WILLIAM F. HUNTER

OF COUNSEL

March 8, 2021

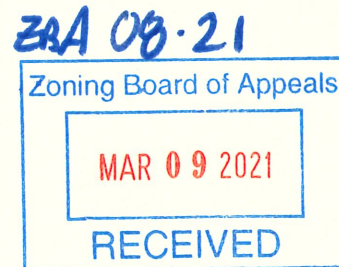
VIA HAND DELIVERY:

Eleanor W. Antonietti

Zoning Board of Appeals Administrator

2 Fairgrounds Road

Nantucket, Massachusetts 02554



Re: *EBWC, LLC*
4 Lincoln Ave.
Nantucket, MA 02554
Application for a Special Permit

Dear Eleanor:

Our client, EBWC, LLC, hereby requests Special Permit Relief pursuant to Section 139-33 (A)(1)(a) of the Nantucket Zoning By-Law (the "By-Law"), or in the alternative Variance relief pursuant to 139-32 of the By-law, with respect to 4 Lincoln Avenue, Nantucket, MA 02554 (the "Premises"). Further to this application, enclosed please find the following documents:

1. An application for a Special Permit with its Addendum and Exhibit (a copy of which is simultaneously being filed with the Town Clerk);
2. Locus Plan from the Nantucket Tax Assessor's Map Book;
3. A check in the sum of \$450.00, made payable to "Town of Nantucket," representing the Special Permit filing fee, and,
4. A certified list of the parties in interest (Abutters) to the application and two (2) sets of mailing labels.

Please note that the Applicant reserves the right to supplement this application with additional materials and information at a later time. Please mark this matter for hearing by the Zoning Board of Appeals at its meeting scheduled for April 8, 2021. Please feel free to call me should you or any of the Staff or Board members have questions or concerns.

Sincerely,

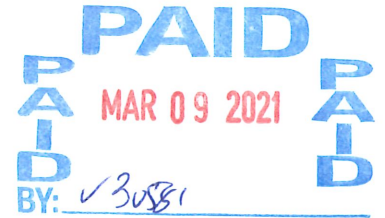
A handwritten signature in blue ink, appearing to read 'R. Beaudette', with a large, stylized loop at the end.

Richard P. Beaudette, Esq.

RPB/lld
Enclosures
cc: EBWC, LLC



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**



APPLICATION

Fee: \$450.00

File No. 08.21

Owner's name(s): EBWC, LLC

Mailing address: c/o 2 Whalers Lane PO Box 659, Nantucket, MA 02554

Phone Number: 508-228-4455 E-Mail: rick@vdhlaw.com

Applicant's name(s): same

Mailing Address: same

Phone Number: same E-Mail: same

Locus Address: 4 Lincoln Avne. Assessor's Map/Parcel: 30 / 151

Land Court Plan/Plan Book & Page/Plan File No.: Lot 1 on Plan No. 33167-B

Deed Reference/Certificate of Title: COT 27906 Zoning District R-1

Uses on Lot- Commercial: None ☒ Yes (describe) _____

Residential: Number of dwellings 1 Duplex _____ Apartments _____

Date of Structure(s): all pre-date 7/72 ☒ or _____

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

2021 MAR 16 PM 1:36
NANTUCKET
TOWN CLERK

State below or attach a separate addendum of specific special permits or variance relief applying for:

Please see Addendum, attached hereto.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:  Owner*
Michael Petrick ESWE LLC OWNER/MANAGER

SIGNATURE: _____ Applicant/Attorney/Agent*
Rick Beaudette, Attorney for Applicant

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: __/__/__ Hearing notice posted with Town Clerk: __/__/__ Mailed: __/__/__
I&M: __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on: __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

2 Fairgrounds Road Nantucket Massachusetts 02554
508 325-7587 telephone 508-228-7298 facsimile

State below or attach a separate addendum of specific special permits or variance relief applying for:

Please see Addendum, attached hereto.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: _____ Owner*

SIGNATURE:  _____ Applicant/Attorney/Agent*

Rick Beaudette, Attorney for Applicant

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: __/__/__ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: __/__/__ Planning Board: __/__/__ Building Dept.: __/__/__ By: _____
Fee deposited with Town Treasurer: __/__/__ By: _____ Waiver requested: _____
Granted: __/__/__ Hearing notice posted with Town Clerk: __/__/__ Mailed: __/__/__
I&M __/__/__ & __/__/__ Hearing(s) held on: __/__/__ Opened on : __/__/__
Continued to: __/__/__ Withdrawn: __/__/__ Decision Due By: __/__/__
Made: __/__/__ Filed w/Town Clerk: __/__/__ Mailed: __/__/__

**ADDENDUM TO ZONING APPLICATION
EBWC, LLC
4 LINCOLN AVENUE, NANTUCKET, MA 02554
NANTUCKET TAX ACCESSOR'S MAP: 30, PARCEL: 151**

Introduction

The applicant, EBWC, LLC (hereinafter the "Applicant"), requests Special Permit relief pursuant to Section 139-33A(1)(A), of the Nantucket Zoning By-Law (the "By-Law") for the property located at 4 Lincoln Avenue, Nantucket, Massachusetts 02554, shown as Parcel 151 on Nantucket Town Assessor's Map 30 (the "Premises").

Existing Conditions

The existing and proposed conditions of the Premises are shown on the plan prepared by Bracken Engineering, Inc., dated March 8, 2021, a copy of which is attached hereto as Exhibit A and the design plans by Bottecelli and Pohl dated March 4, 2021 and attached hereto as Exhibit B. As noted on the plans, the Premises is located in the R-1 zoning district. The existing house shown on the plans has a ridge height of 32.79 +/- feet, while Section 139-17 of the Zoning By-Law limits the maximum ridge height to 30 feet. The house was built in 1920 and is, therefore, pre-existing nonconforming as to the current zoning regulations.

Proposed Conditions

The Applicant desires to renovate the preexisting nonconforming house, demolish the existing garage, construct a new garage and studio each of which conform to the Nantucket Zoning Bylaw in all respects except for ridge height. Specifically, the Applicant desires to construct an addition to the house with a ridge height extending from the existing height. The Applicant also plans to fill the back site where it slopes off, which will help to flatten the site and slightly lessen the existing non-conformity with respect to ridge height. The proposed ridge height above grade will be 32.46 +/- feet.

Relief

Nantucket Bylaw Chapter 139 § 33 (a)(1)(A) provides that "preexisting, nonconforming structures or uses may be extended, altered, or changed, provided that: The special permit granting authority finds that such extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure and/or use to the neighborhood."

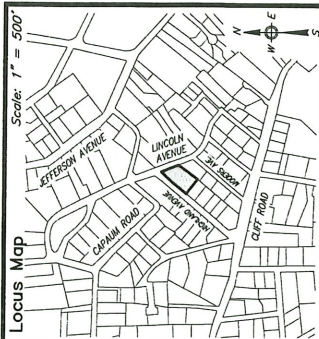
The proposed renovations to the house will not be substantially more detrimental than the existing nonconforming house. The ridge height of the house will not change, and in conjunction with the renovation, the Applicant plans to fill in the back of the yard, thereby helping to lessen the nonconforming ridge height.

Accordingly, the Applicant respectfully requests the Board grant the relief under Section 139-33A of the By-Law to construct the proposed renovations.

Conclusion

Granting the proposed relief under the above referenced Sections of the By Law for the proposed renovations are not substantially more detrimental than the existing nonconforming house to the neighborhood, and is within the spirit and intent of the Bylaw. The proposed renovations are suitable for the Premises and will be in harmony with other houses in this area of the Island. The Applicant respectfully requests that the Board grant the requested relief.

EXHIBIT A



- Notes**
1. LOCUS: #4 LINCOLN AVENUE
MAP 30 PARCEL 151
 2. OWNER: EBWC LLC
571 INDIAN FIELD ROAD
GREENWICH, CT 06830
 3. DEED REF: Cert. #27906
 4. PLAN REF: LC Plan #33167-B (LOT 1)
 5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
 6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.

HEIGHT CALCULATIONS:

	EXISTING	PROPOSED
PEAK ELEVATION:	73.80	73.80
MEAN GRADE:	41.01	41.34
BUILDING HEIGHT:	32.79	32.46

ZONE: R-1

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 s.f.	18,210± s.f.	18,210± s.f.
FRONTAGE:	50'	113.97'	113.97'
FRONT YARD:	10'	17.5'±	17.0'±
SIDE/REAR YARD:	5'	3.6'±	6.6'±
GROUND COVER:	(5.43 s.f.)	(2,322 s.f.)	(2,432 s.f.)

Prepared By: **BRACKEN ENGINEERING INC.**
 49 HERRING FOND ROAD
 BUZZARDS BAY, MA 02532
 (tel) 508.833.0070
 (fax) 508.833.2282
 www.brackeneng.com

PROPOSED SITE PLAN
 IN NANTUCKET, MA
 Prepared For:
EBWC LLC
 #4 LINCOLN AVENUE
 MAP 30 PARCEL 151

No.	Date	Revision Description	By
1	MARCH 8, 2021	ERC/BBB	DPB/AMG

Checked: Sheet: 1 of 1

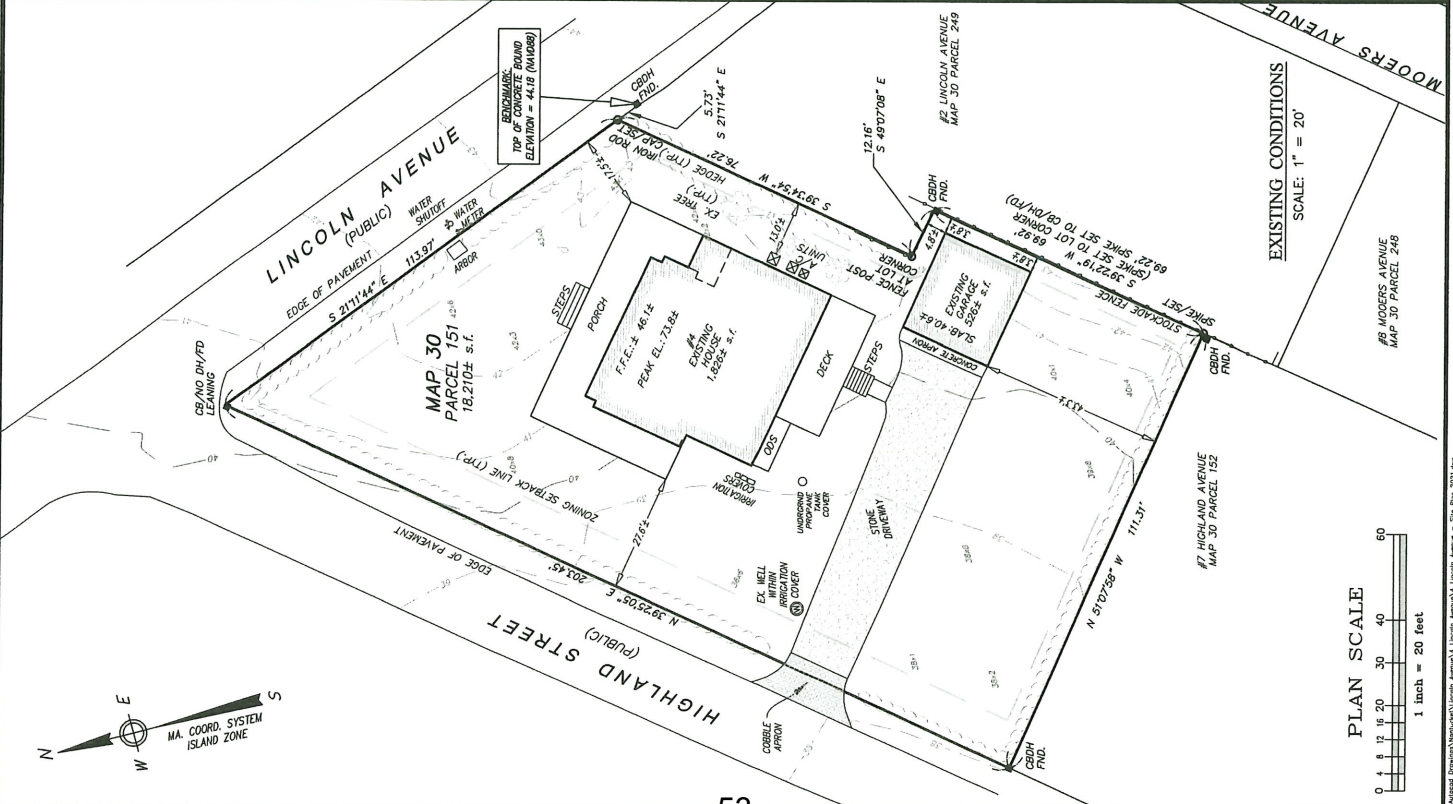
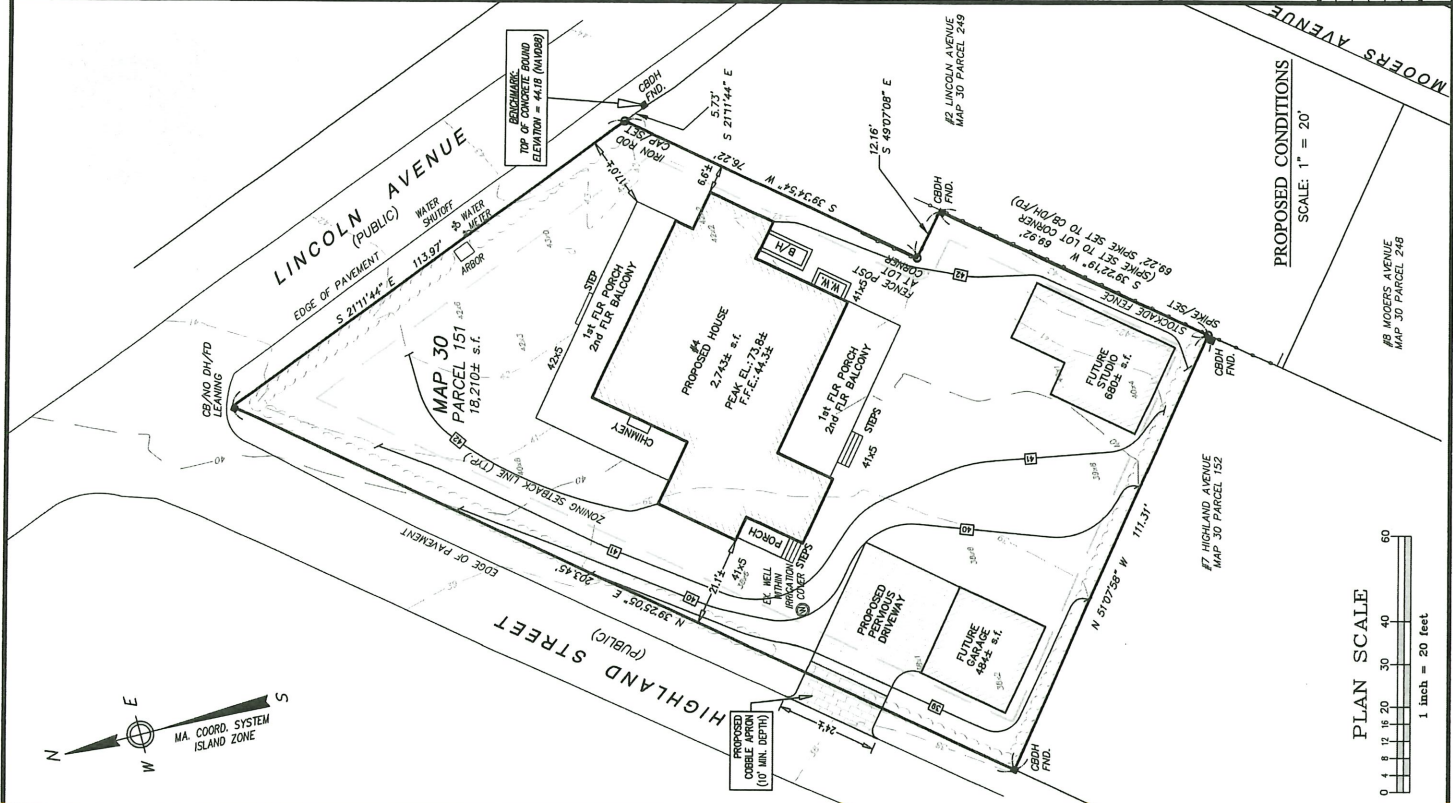
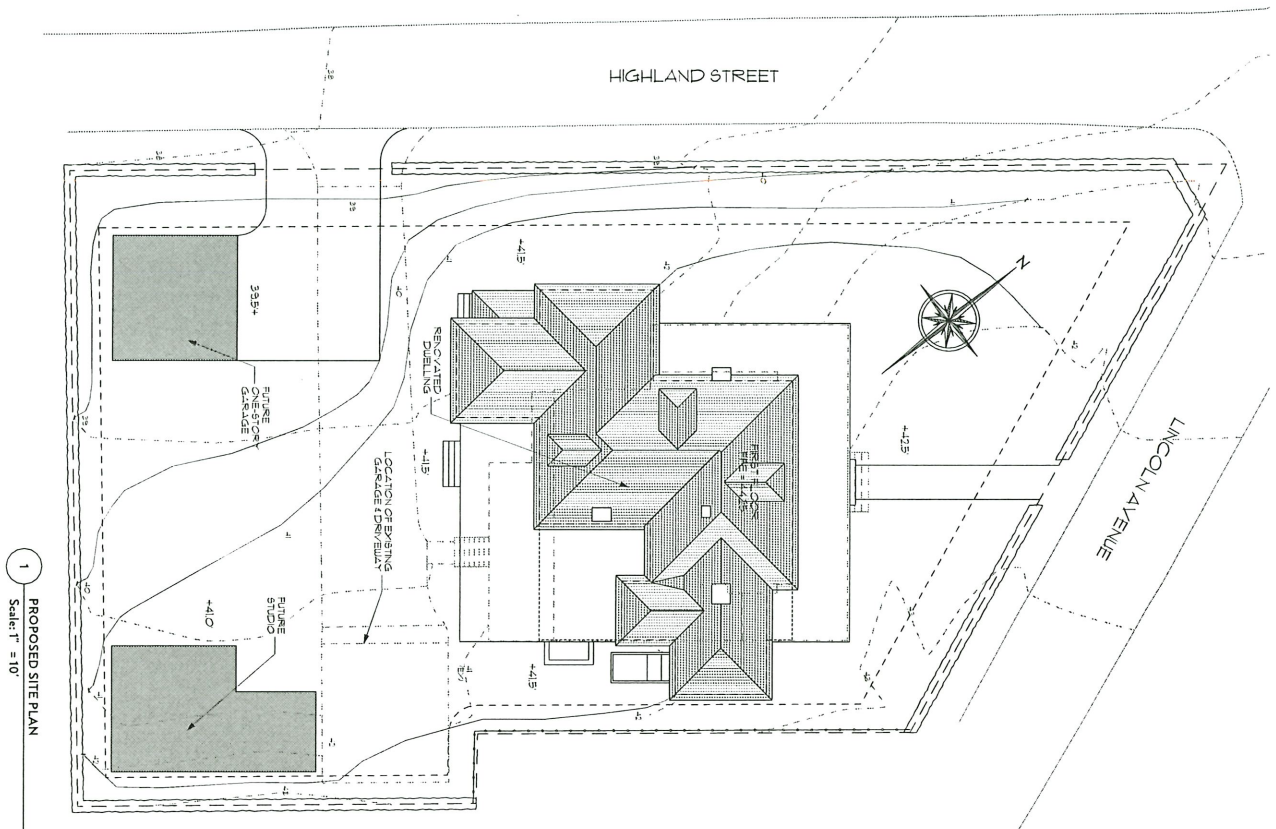
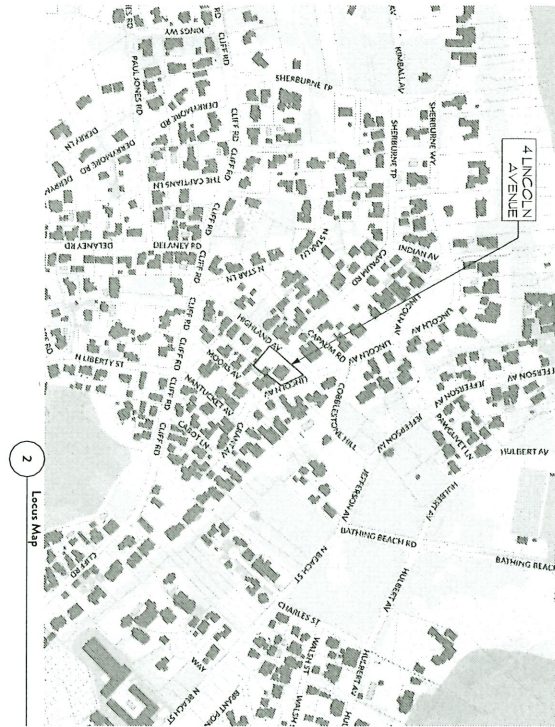


EXHIBIT B



1 PROPOSED SITE PLAN
Scale: 1" = 10'

L-1.1

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554
MAP NO. 30 ZONING INFO: R-1
PARCEL NO. 151 PROJECT NO. 63 REVISED:
All drawings and designs contained herein are the property of Botticelli & Pohl, P.C.
No part of these drawings is to be reproduced without prior approval from Botticelli & Pohl, P.C.

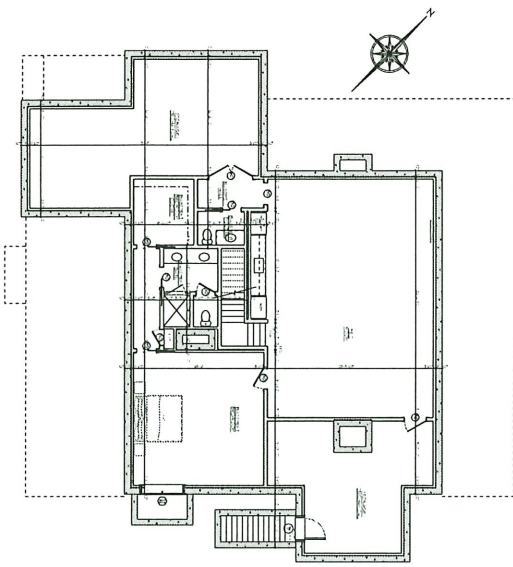
Site Plan

DATE	REVISIONS

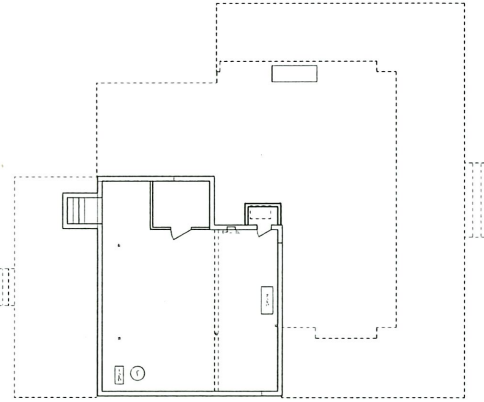
BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P: 508.228.5455 | P: 617.482.4543

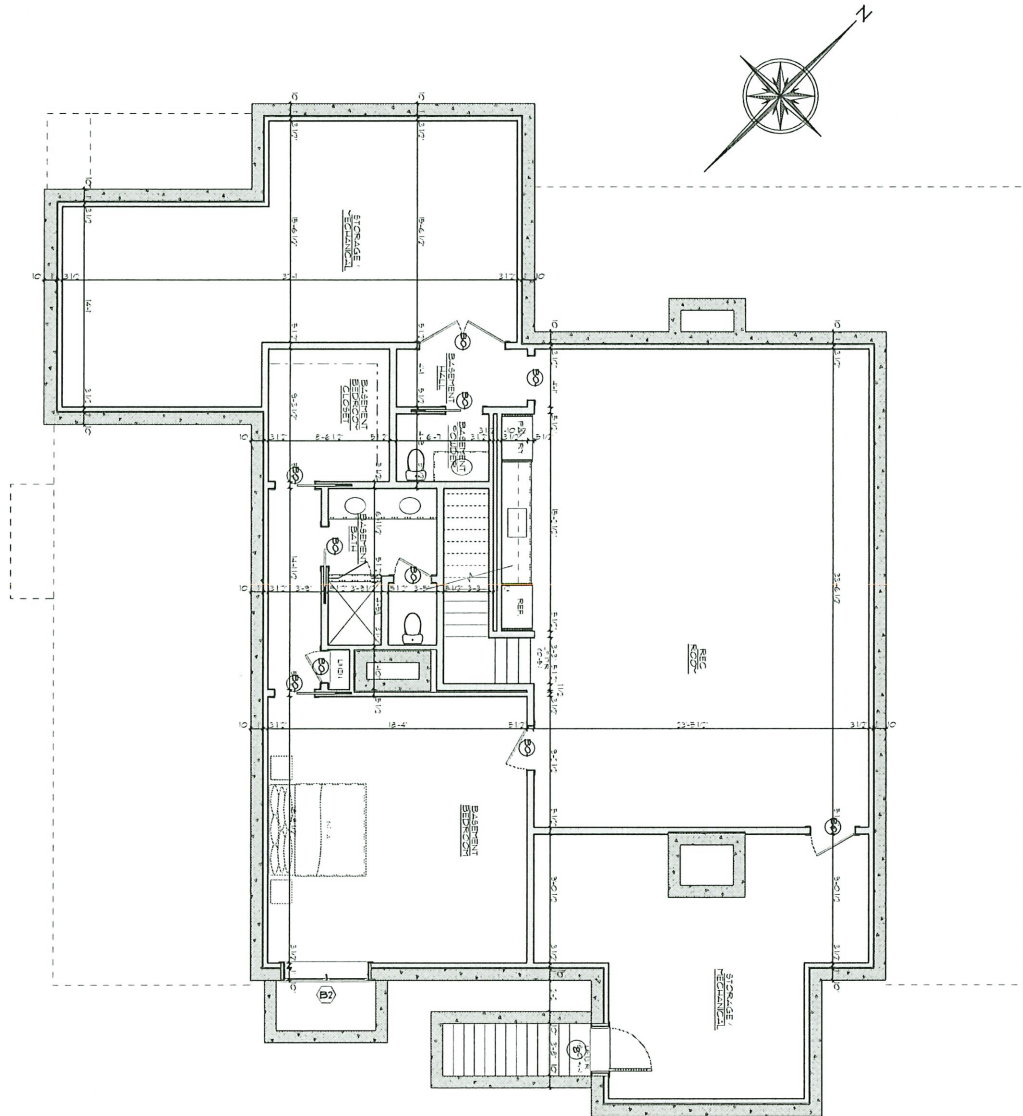
Previously Submitted Basement



EXISTING BASEMENT PLAN
SCALE: 1/8" = 1'-0"



1 BASEMENT FLOOR PLAN
Scale: 1/4" = 1'-0"



A-1.0

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554

MAP NO: 30 ZONING INFO: R-1
PARCEL NO: 151 PROJECT NO: 63 REVISED:

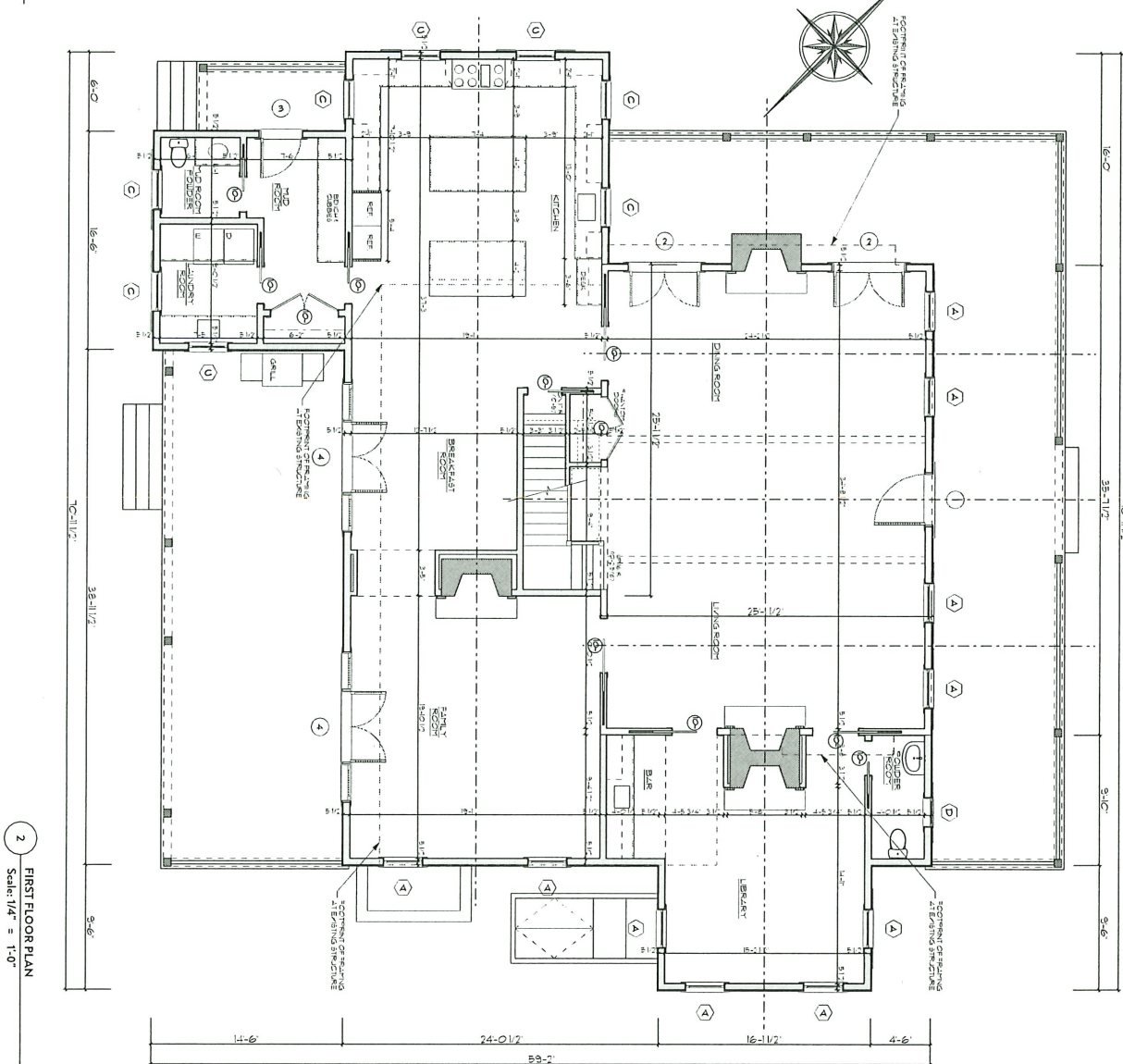
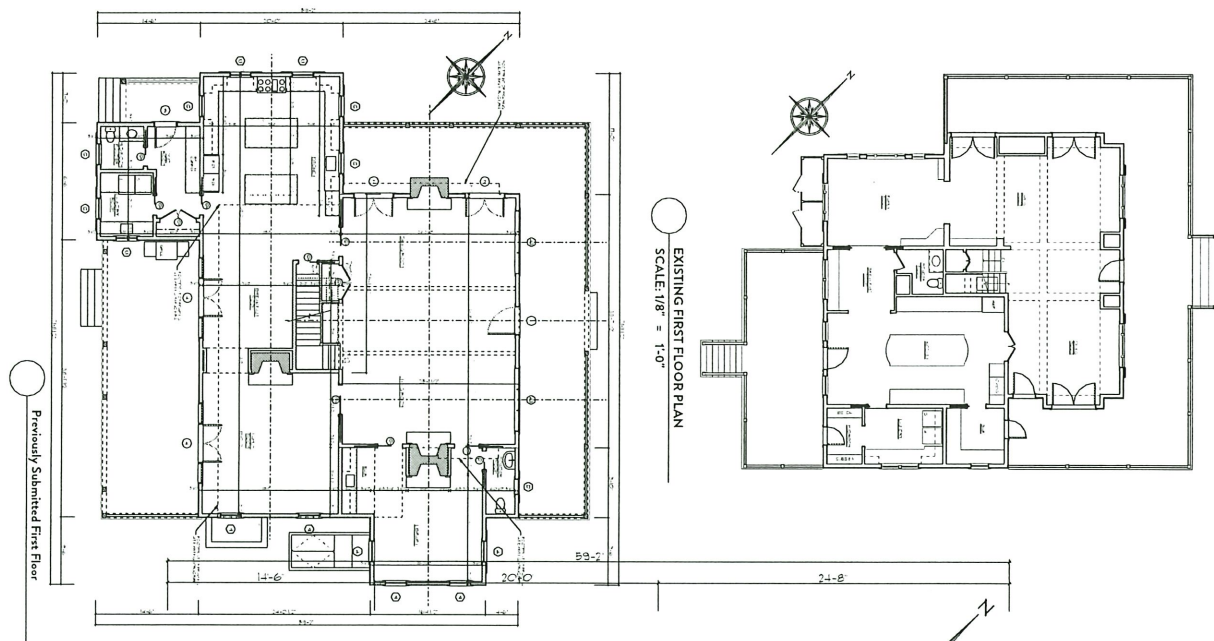
All drawings and designs remain the sole property of Botticelli & Pohl, P.C.
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Basement Floor Plan

DATE	REVISIONS

BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 31 STATE STREET, BOSTON, MA 02109 BOTTICELLIANDPOHL.COM
P: 508.228.5455 P: 617.482.4543



ID#
A-1.1

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554

MAP NO: 30 ZONING INFO: R-1
PARCEL NO: 151 PROJECT NO: 63 REVISED:

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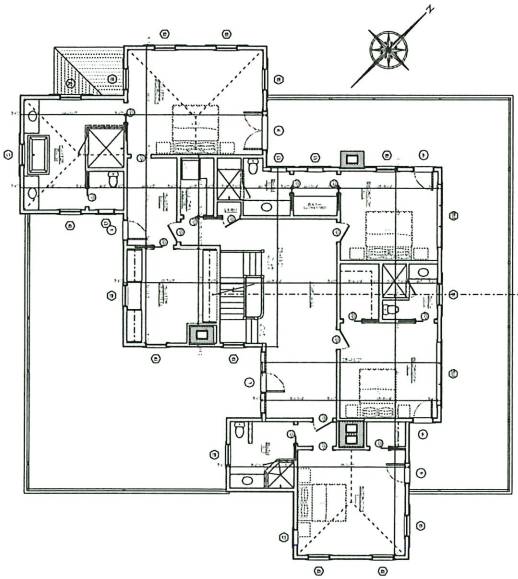
First Floor Plan

DATE	REVISIONS

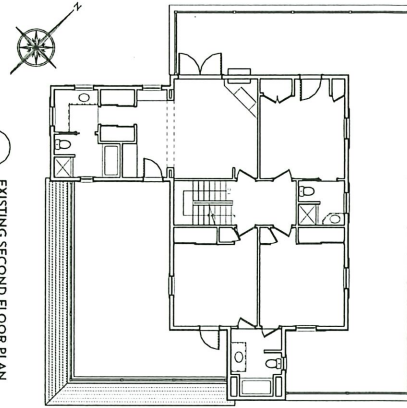
BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P. 508.228.5455 | P. 617.482.4543

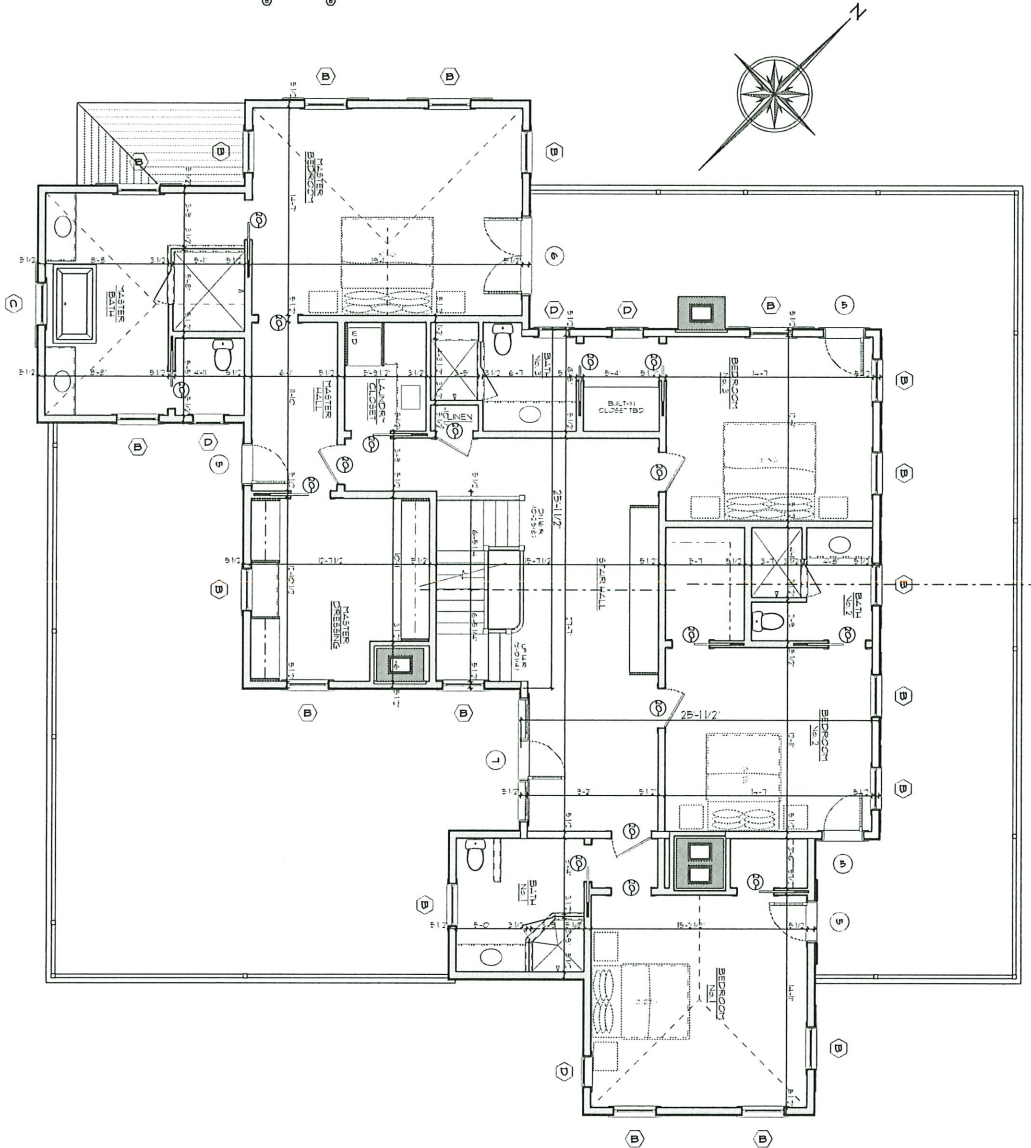
Previously Submitted Second Floor



EXISTING SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
Scale: 1/4" = 1'-0"



A-1.2

Renovations at
4 Lincoln Avenue
Nantucket, MA 02554

MAP NO. 30 ZONING INFO: R-1
PARCEL NO. 151 PROJECT NO. 63 REVISED:

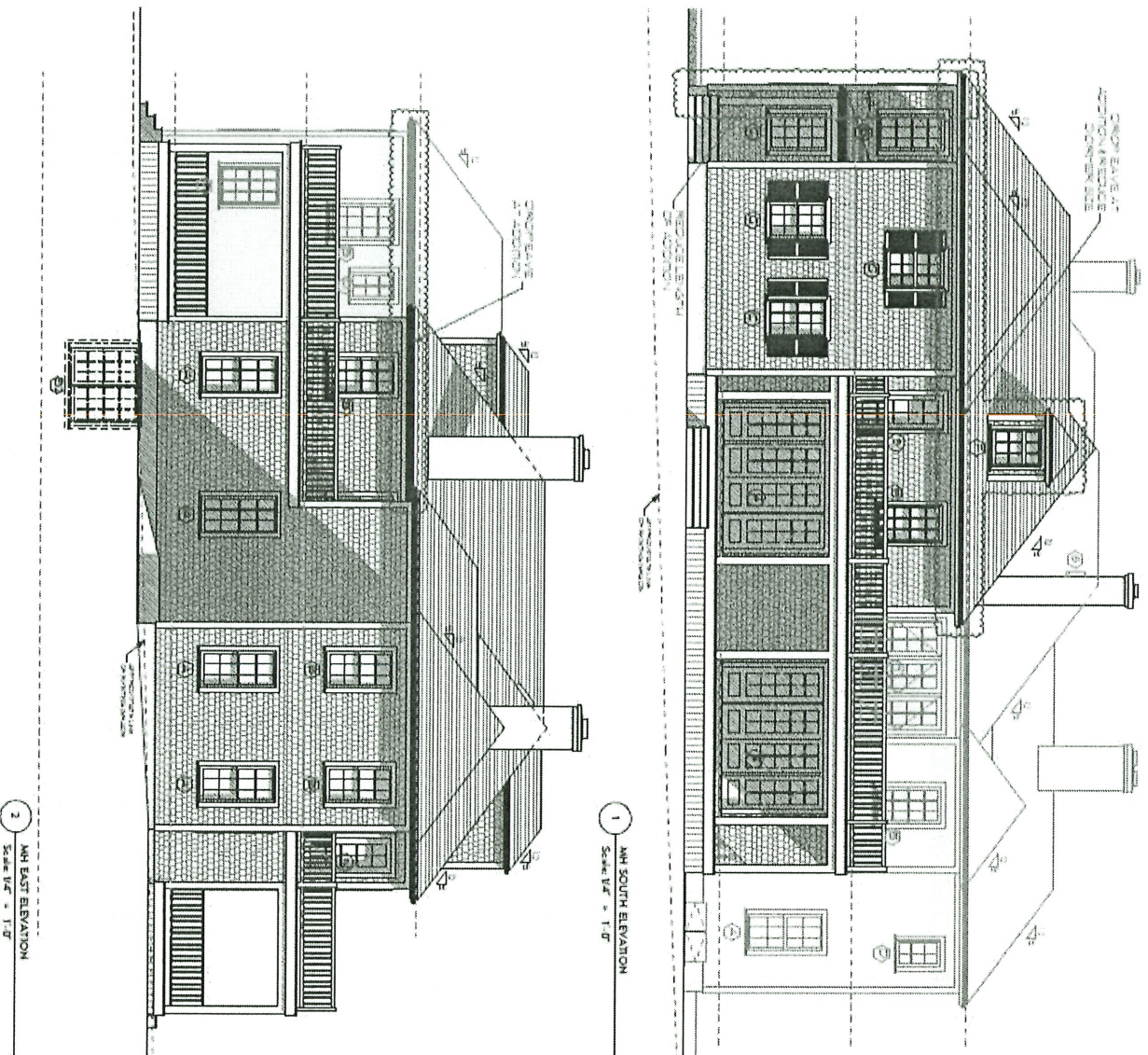
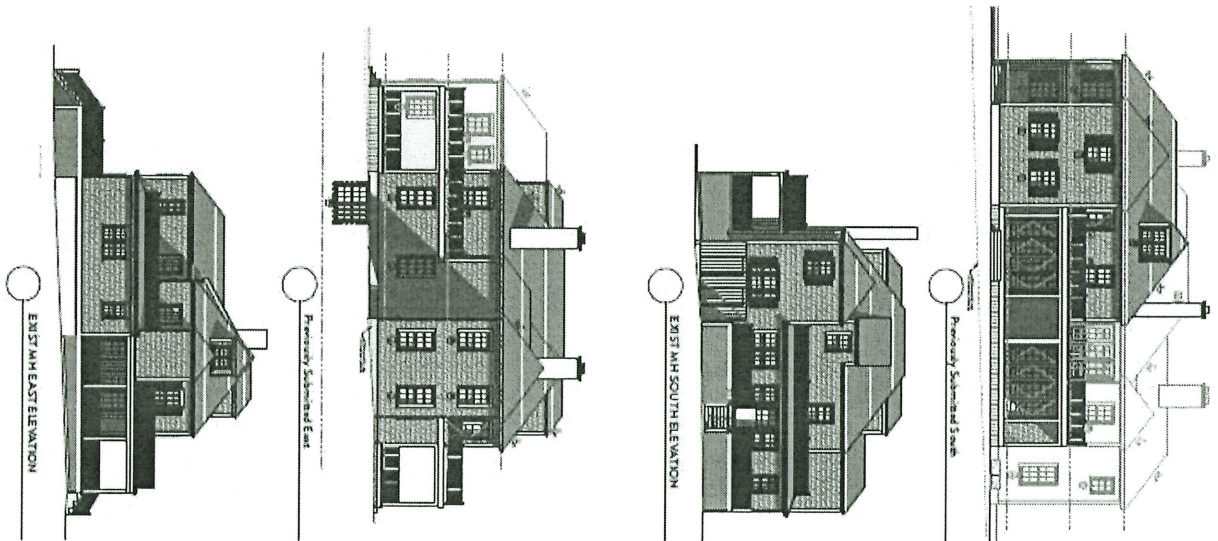
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Second Floor Plan

DATE REVISIONS

BOTTICELLI & POHL

11 OLD SOUTH ROAD, NANTUCKET, MA 02554 | 31 STATE STREET, BOSTON, MA 02109 | BOTTICELLIANDPOHL.COM
P. 508.228.5455 | P. 617.482.4543



A-2.2

Renovations at
4 Lincoln Avenue
Hantucket, MA 02554

ARCHITECT: JAMES BOTTICELLI
PROJECT NO. 100-00000000

DATE: 10/10/10
BY: JAMES BOTTICELLI

South & East Elevations

DATE	REVISIONS

BOTTICELLI & POHL

100-00000000-0000-0000-0000-000000000000
100-00000000-0000-0000-0000-000000000000
100-00000000-0000-0000-0000-000000000000
100-00000000-0000-0000-0000-000000000000

Town of Nantucket
Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... SULLIVAN, WILLIAM F. TRST ETAL
MAILING ADDRESS..... C/O VDHB&S, 2 Whales Lane, PO BOX 659, Nantucket, MA
PROPERTY LOCATION..... 4 Lincoln Ave.
ASSESSOR MAP/PARCEL..... 30 / 151
SUBMITTED BY..... Bryan J. Swain, Esq.

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2)).

1-5-2021

DATE

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov,
c=US
Date: 2021.01.05 14:49:28 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City
30	57		3 GRANT AVENUE LLC		330 SOCIETY HILL BLVD	CHERRY HILL
30	63		PHYLLIS M HOADLEY LIVING TRST	HOADLEY DEBORAH	27 PHEASANT RUN	SOMERS
30	64		LEVENTI PETER & GABRIELA		15 OLD ROARING BROOK RD	MT KISCO
30	136		MCCAUSLAND CHRISTOPHER F TRST ETAL		PO OX 274	LAFAYETTE HILL
30	137		NANTUCKET POINT OF VIEW LLC	C/O JOHN D FLAVIN	PO BOX 860	SARATOGA SPRINGS
30	138	2	NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET
30	139		LEVINGER FREDERICK N & CAROL J TRST	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS
30	139	1	LEVINGER FREDERICK N TR	LEVINGER NOMINEE TRUST	13360 PROVENCE DR	PALM BEACH GARDENS
30	140		DIAMOND JENNIFER		400 BROADHOLLOW RD	MELVILLE
30	142		ALGER SARAH F TRST	C/O HARDING & CARBONE	PO BOX 460329 DEPT 909	HOUSTON
30	143		CERUZZI LOUIS L JR		1720 POST ROAD	FAIRFIELD
30	144		3 GRANT AVENUE LLC		330 SOCIETY HILL BLVD	CHERRY HILL
30	145		ROTONDARO KATHLEEN M TRST	8 NANTUCKET AVENUE NOM TRUST	10 NEWLANDS STREET	CHEVY CHASE
30	146		BARTLETT JOHN P ETAL		19 CLEVELAND LANE	PRINCETON
30	147		ALLFATHER CAROL TRST	NELSON FAMILY IRRV 2012 TRUST	170 EAST 95TH STREET	NEW YORK
30	148		STEPHENSON L PARKER & ROBERT W		151 WEST 86TH STREET APT 12C	NEW YORK
30	152		WEILLE JEAN WALKER TR		166 E 96TH STREET # 1A	NEW YORK
30	153		HOADE RONEE		390 FIRST AVE - APT 7-D	NEW YORK
30	154		JARVIS DAVID J & SUZANNE L TRST	3 HIGHLAND NOM TRUST	28 CHIEFTANS ROAD	GREENWICH
30	155		HARBERT NANCY		1 CHARLES STREET APT 5D	BOSTON
30	184		LMD INVESTMENT LIMITED PRSHIP		177 GOODHILL ROAD	WESTON
30	185		FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY
30	185	1	FERGUSON ERIC N & ANNE R TRS	C/O FERGUSON NEIL	120 RIDGE RD	GLASTONBURY
30	186		GRAVES ANNE M & JAMES P TRST		321 SEA OAK DR	VERO BEACH
30	187		2 HIGHLAND AVENUE LLC		2 N CLIFF WY	NANTUCKET
30	214		IRWIN WILLIAM C & CLARK VIRGINIA		2 N CLIFF WY	NANTUCKET
30	217		MCDONALD JOHN T		5406 MARYANNA DRIVE	AUSTIN

30	218	KEITH ROBERT M & KATE L	19 OLD FARM RD	DARIEN
30	247	BEALE ANTHONY E & ANN PATRICIA	119 RIDGE RD	MILLERSVILLE
30	247	1 THOMPSON GEORGE III & BETTY M TRST	5020 COLLINWOOD AVE STE 300	FORT WORTH
30	248	GOLDSTUCK CHARLES & KARIN	465 FIELD POINT ROAD	GREENWICH
30	249	BEAUDETTE RICHARD P TR	PO BOX 659	NANTUCKET
30	252	TRILLIUM 88 LLC	707 DARLINGTON RD NE	ATLANTA
30	286	MILLER JOSEPH AUSTIN TR	937 BELLVIEW RD	MCLEAN
30	287	8 HIGHLAND AVE LLC	19 OLD FARM ROAD	DARIEN
30	288	2 HIGHLAND AVE LLC	2 NORTH CLIFF WY	NANTUCKET
30	289	2 HIGHLAND AVENUE LLC	2 N CLIFF WY	NANTUCKET
30	290	LUCKY STARFISH 17 LLC	3656 MAPLEWOOD AVE	DALLAS
30	291	CROWLEY DENNIS & KELLY	33 MOUNCE FARM WAY	MARSHFIELD
30	608	NANTUCKET ISLANDS LAND BANK	22 BROAD STREET	NANTUCKET
30	609	32 DUCKS LLC	830 PARK AVE APT 9/10 B	NEW YORK
Count 41				
:				

Zoning Articles with Planning Board Motions (FYI ONLY)

ARTICLE 39

(Zoning Map Change: CTEC to R-5 - Grey Lady Lane and Bartlett Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
66	701	2	Grey Lady Lane
66	702	4	Grey Lady Lane
66	703	6	Grey Lady Lane
66	704	8	Grey Lady Lane
66	705 (a portion of)	10	Grey Lady Lane
66	710 (a portion of)	9	Grey Lady Lane
66	711	7	Grey Lady Lane
66	712	5	Grey Lady Lane
66	713	3	Grey Lady Lane
66	100.5	54	Bartlett Road
66	531 (a portion of)	46	Bartlett Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 39 CTEC to R-5” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
66	701	2	Grey Lady Lane
66	702	4	Grey Lady Lane
66	703	6	Grey Lady Lane
66	704	8	Grey Lady Lane
66	705 (a portion of)	10	Grey Lady Lane
66	710 (a portion of)	9	Grey Lady Lane
66	711	7	Grey Lady Lane
66	712	5	Grey Lady Lane
66	713	3	Grey Lady Lane
66	100.5	54	Bartlett Road
66	531 (a portion of)	46	Bartlett Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 39 CTEC to R-5 Grey Lady Lane and Bartlett Road” dated October 2020.

ARTICLE 40

(Zoning Map Change: RC-2 to R-5 - 8 and 10 Appleton Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
67	476	8	Appleton Road
66	437	10	Appleton Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 40 RC-2 to R-5” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
67	476	8	Appleton Road
66	437	10	Appleton Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 40 RC-2 to R-5 8 and 10 Appleton Rd ” dated October 2020.

ARTICLE 41

Carried Over from 2020 Annual Town Meeting

(Zoning Map Change: RC-2 to CTEC - Appleton Road, Bartlett Road and Perry Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road

67	901	26	Bartlett Road
67	900	26½	Bartlett Road
67	425.5	24	Bartlett Road
67	900.1	1A	Perry Lane
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane
67	112.6	11	Perry Lane
67	112.1	12	Perry Lane
67	425.1	10	Perry Lane
67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 41 RC-2 to CTEC” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket Be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	Bartlett Road
67	425.5	24	Bartlett Road
67	900.1	1A	Perry Lane
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane
67	112.6	11	Perry Lane

67	112.1	12	Perry Lane
67	425.1	10	Perry Lane
67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 41 RC-2 to CTEC Appleton Rd, Bartlett Rd, and Perry Ln” dated October 2020.

ARTICLE 42

(Zoning Map Change: R-5 to CN - Bartlett Road and Young’s Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
67	113.1	18	Bartlett Road
67	876	18 (R)	Bartlett Road
68	238	1	Young’s Way

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 42 R-5 to CN” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
67	113.1	18	Bartlett Road
67	876	18 (R)	Bartlett Road
68	238	1	Young’s Way

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 42 R-5 to CN Bartlett Road and Young’s Way” dated October 2020.

ARTICLE 43

(Zoning Map Change: RC-2 to R-5 and/or CN - 33 Old South Road and 24 Ticcoma Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)
67	50	24	Ticcoma Way

2. By placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 43 RC-2 to R-5 and CN” dated October 2020.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)
67	50	24	Ticcoma Way

2. By placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)

All as shown on a map entitled “2020 Annual Town Meeting Warrant Article 43 RC-2 to R-5 and CN 33 Old South Rd and 33 Ticcoma Way” dated October 2020.

ARTICLE 44

(Zoning Map Change: RC-2 to R-5 - Toms Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	78	22	Toms Way
68	77	20	Toms Way
67	44	18	Toms Way
67	45	16	Toms Way
67	46	14	Toms Way
67	47	12	Toms Way
67	51	10	Toms Way
67	52	8	Toms Way
67	53	6	Toms Way
67	54	4	Toms Way
67	55	22	Ticcoma Way

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 44 RC-2 to R-5” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	78	22	Toms Way
68	77	20	Toms Way
67	44	18	Toms Way
67	45	16	Toms Way
67	46	14	Toms Way
67	47	12	Toms Way
67	51	10	Toms Way
67	52	8	Toms Way
67	53	6	Toms Way
67	54	4	Toms Way
67	55	22	Ticcoma Way

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 44 RC-2 to R-5 Toms Way and Ticcoma Way ” dated October 2020.

ARTICLE 45

(Zoning Map Change: RC to CN - Francis, Union, and Washington Streets, and Salt Marsh Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
42.2.3	20	80B	Washington Street
42.2.3	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	Washington Street
42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 45 RC to CN" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
42.2.3	20	80B	Washington Street
42.2.3	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	Washington Street
42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 45 RC to CN Francis, Union, and Washington Streets, and Salt Marsh Way” dated October 2020.

ARTICLE 46

(Zoning Map Change: R-20 and LUG-2 to VR - Osprey and Tautemo Way, and Hummock Pond Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	26	251	Hummock Pond Road
83	25	249	Hummock Pond Road
83	29.4	257	Hummock Pond Road
83	29	253	Hummock Pond Road
82	42	241	Hummock Pond Road
82	32	245	Hummock Pond Road
82	43	243	Hummock Pond Road
82	38	233	Hummock Pond Road
82	39	235	Hummock Pond Road
82	41	239	Hummock Pond Road
83	15	17	Osprey Way
83	21	16	Osprey Way
82	33	14	Osprey Way
82	44	12	Osprey Way
83	18	21 (a portion of)	Osprey Way
83	16	19	Osprey Way
83	10	23 (a portion of)	Osprey Way
82	35	13 (a portion of)	Osprey Way
82	37	5	Osprey Way
82	3	11 (a portion of)	Osprey Way
82	40	8	Osprey Way
82	4	7 (a portion of)	Osprey Way
82	5	3 (a portion of)	Osprey Way
83	27	2	Tautemo Way
83	23	1	Tautemo Way
83	28	4	Tautemo Way
83	22	3	Tautemo Way
83	19	6	Tautemo Way
83	20	5	Tautemo Way
83	17	7	Tautemo Way

83	11	10 (a portion of)	Tautemo Way
83	12	12 (a portion of)	Tautemo Way
83	13	14 (a portion of)	Tautemo Way
82	2	20 (a portion of)	Tautemo Way
83	14	16 (a portion of)	Tautemo Way
82	1	18 (a portion of)	Tautemo Way

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	9	27	Osprey Way
83	18 (a portion of)	21	Osprey Way
83	10 (a portion of)	23	Osprey Way
82	35 (a portion of)	13	Osprey Way
82	3 (a portion of)	11	Osprey Way
82	4 (a portion of)	7	Osprey Way
82	5 (a portion of)	3	Osprey Way
83	11 (a portion of)	10	Osprey Way
83	12 (a portion of)	12	Tautemo Way
83	13 (a portion of)	14	Tautemo Way
82	2 (a portion of)	20	Tautemo Way
83	14 (a portion of)	16	Tautemo Way
82	1 (a portion of)	18	Tautemo Way

3. By placing the following properties currently located in the Residential 20 (R-20) district within the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	Hummock Pond Road
65	20.3 (a portion of)	207	Hummock Pond Road
65	20.2	205	Hummock Pond Road
65	22	199	Hummock Pond Road
65	26	193	Hummock Pond Road
65	26.1	191	Hummock Pond Road
65	21 (a portion of)	201	Hummock Pond Road
65	22.1 (a portion of)	199A	Hummock Pond Road
65	23 (a portion of)	195-195B	Hummock Pond Road
65	24 (a portion of)	205R	Hummock Pond Road
65	27	189	Hummock Pond Road
65	74	187	Hummock Pond Road

4. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district within the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	Hummock Pond Road
65	20.3 (a portion of)	207	Hummock Pond Road
65	21 (a portion of)	201	Hummock Pond Road
65	22.1 (a portion of)	199A	Hummock Pond Road
65	23 (a portion of)	195-195B	Hummock Pond Road
65	24 (a portion of)	205	Hummock Pond Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 46 R-20 and LUG-2 to VR” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	26	251	Hummock Pond Road
83	25	249	Hummock Pond Road
83	29.4	257	Hummock Pond Road
83	29	253	Hummock Pond Road
82	42	241	Hummock Pond Road
82	32	245	Hummock Pond Road
82	43	243	Hummock Pond Road
82	38	233	Hummock Pond Road
82	39	235	Hummock Pond Road
82	41	239	Hummock Pond Road
83	15	17	Osprey Way
83	21	16	Osprey Way
82	33	14	Osprey Way
82	44	12	Osprey Way
83	18	21 (a portion of)	Osprey Way
83	16	19	Osprey Way
83	10	23 (a portion of)	Osprey Way
82	35	13 (a portion of)	Osprey Way
82	37	5	Osprey Way

82	3	11 (a portion of)	Osprey Way
82	40	8	Osprey Way
82	4	7 (a portion of)	Osprey Way
82	5	3 (a portion of)	Osprey Way
83	27	2	Tautemo Way
83	23	1	Tautemo Way
83	28	4	Tautemo Way
83	22	3	Tautemo Way
83	19	6	Tautemo Way
83	20	5	Tautemo Way
83	17	7	Tautemo Way
83	11	10 (a portion of)	Tautemo Way
83	12	12 (a portion of)	Tautemo Way
83	13	14 (a portion of)	Tautemo Way
82	2	20 (a portion of)	Tautemo Way
83	14	16 (a portion of)	Tautemo Way
82	1	18 (a portion of)	Tautemo Way

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	9	27	Osprey Way
83	18 (a portion of)	21	Osprey Way
83	10 (a portion of)	23	Osprey Way
82	35 (a portion of)	13	Osprey Way
82	3 (a portion of)	11	Osprey Way
82	4 (a portion of)	7	Osprey Way
82	5 (a portion of)	3	Osprey Way
83	11 (a portion of)	10	Osprey Way
83	12 (a portion of)	12	Tautemo Way
83	13 (a portion of)	14	Tautemo Way
82	2 (a portion of)	20	Tautemo Way
83	14 (a portion of)	16	Tautemo Way
82	1 (a portion of)	18	Tautemo Way

3. By placing the following properties currently located in the Residential 20 (R-20) district within the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	Hummock Pond Road
65	20.3 (a portion of)	207	Hummock Pond Road

65	20.2	205	Hummock Pond Road
65	22	199	Hummock Pond Road
65	26	193	Hummock Pond Road
65	26.1	191	Hummock Pond Road
65	21 (a portion of)	201	Hummock Pond Road
65	22.1 (a portion of)	199A	Hummock Pond Road
65	23 (a portion of)	195-195B	Hummock Pond Road
65	24 (a portion of)	205R	Hummock Pond Road
65	27	189	Hummock Pond Road
65	74	187	Hummock Pond Road

4. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district within the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	Hummock Pond Road
65	20.3 (a portion of)	207	Hummock Pond Road
65	21 (a portion of)	201	Hummock Pond Road
65	22.1 (a portion of)	199A	Hummock Pond Road
65	23 (a portion of)	195-195B	Hummock Pond Road
65	24 (a portion of)	205	Hummock Pond Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 46 R-20 and LUG-2 to VR Osprey and Tautemo Way, and Hummock Pond Road” dated October 2020.

PLANNING BOARD COMMENT: The lots subject to this article are located within the Country Overlay District and the Hummock Pond Watershed. Rezoning these properties to Village Residential (VR) reduces potential ground cover in the aggregate and removes the allowance of swimming pools by-right. This change to VR is consistent with goals established in the 2009 Master Plan and more closely aligns future development potential with the surrounding area.

ARTICLE 47

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2A (definitions) as follows:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s)...

2. Amend section 8B as follows:

QUALIFIED FAMILY MEMBER

The owner of the lot at the time the lot was subdivided into ~~primary and~~ secondary lots and the owner's spouse, and their parents, grandparents, children, brothers and sisters, or as otherwise defined within the Nantucket Housing Needs Program regulations or guidelines.

3. Amend section 8D(3)(c) as follows:

~~A minimum of One~~ of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction...

4. Amend section 12G(3)(b) as follows:

In reviewing a use or expansion requiring ~~either a minor or major~~ site plan review within the MIPOD, 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 down in this § 139-12G.

5. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not ~~less~~ **more** than 12 months after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

6. Amend section 33B(1) as follows:

Unless the use or construction is commenced within a period of not more than ~~six~~ **12** months after the issuance of the permit; and

7. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 40 (R-40) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
55	928	8	Red Mill Lane
55	927	3	Old Mill Court
55	926	5	Old Mill Court
55	925	4	Old Mill Court

NOTE: The portion of these lots located in the R-40 district was formerly a portion of a paper street. The majority of these lots are located within the R-1 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket and the Zoning Map be amended as follows (NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. Amend section 2A (definitions) as follows:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s)...

2. Amend section 8B as follows:

QUALIFIED FAMILY MEMBER

The owner of the lot at the time the lot was subdivided into ~~primary and secondary~~ lots and the owner's spouse, and their parents, grandparents, children, brothers and sisters, or as otherwise defined within the Nantucket Housing Needs Program regulations or guidelines.

3. Amend section 8D(3)(c) as follows:

~~A minimum of One~~ One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction...

4. Amend section 12G(3)(b) as follows:

In reviewing a use or expansion requiring ~~either a minor or major~~ site plan review within the MIPOD, 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 down in this § 139-12G.

5. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less ~~more~~ than 12 months after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

6. Amend section 33B(1) as follows:

Unless the use or construction is commenced within a period of not more than ~~six~~ 12 months after the issuance of the permit; and

7. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 40 (R-40) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
55	928	8	Red Mill Lane
55	927	3	Old Mill Court
55	926	5	Old Mill Court
55	925	4	Old Mill Court

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 47 R-40 to R-1 Red Mill Lane and Old Mill Court” dated October 2020.

NOTE: The portion of these lots located in the R-40 district was formerly a portion of a paper street. The majority of these lots are located within the R-1 district.

ARTICLE 48

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2A (definitions) as follows:

SWIMMING POOL - RESIDENTIAL

A structure designed ...

- In the VR District only...
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to

residential swimming pools for which a building permit is issued after September 30, 2021.

2. Amend section 7A (use chart) by replacing “A” with “A with lot $\geq$ 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket be amended by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (definitions) as follows:

SWIMMING POOL - RESIDENTIAL
A structure designed ...

- In the VR District only...
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.

2. Amend section 7A (use chart) by replacing “A” with “A with lot $\geq$ 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

PLANNING BOARD COMMENT: This article reflects several years of deliberation by the Planning Board and received its unanimous support. It only addresses lots under 7,500 square feet in the R-1/SR-1 and the R-5/R-5L districts - not the island as a whole. In the proposed coverage area there have been a number of concerns including, the adverse effects of the impervious surface associated with swimming pools resulting in additional stormwater runoff affecting other properties and roads in areas prone to flooding. In addition, noise and lights associated with pool operation has an increased effect on neighbors abutting smaller lots, and in the areas closer to downtown, the historic character may be adversely impacted. The article imposes slightly increased setbacks to address these concerns, but in effect allows property owners with sufficient land in the to choose how to allocate their space (for example,

depending on the available land, they might opt for a pool in lieu of a secondary dwelling).

ARTICLE 49

(Zoning Map Change: RC-2 to CN and/or LUG-2, and LUG-2 to CN - Bartlett Farm Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing a portion of the following properties currently located in the Residential Commercial 2 (RC-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
82	502	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road

2. By placing a portion of the following properties currently located in the Limited Use General 2 (LUG-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
65	16.1	19 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road
82	602	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road

3. By placing the following property currently located in the Residential Commercial 2 (RC-2) zoning district in the Limited Use General 2 (LUG-2) zoning district:

Map	Parcel	Number	Street
65	92	30	Bartlett Farm Road

(John W. Bartlett, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing a portion of the following properties currently located in the Residential Commercial 2 (RC-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
82	502	23 (portion of)	Bartlett Farm Road

82	503	33 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road

2. By placing a portion of the following properties currently located in the Limited Use General 2 (LUG-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
65	16.1	19 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road
82	602	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road

3. By placing the following property currently located in the Residential Commercial 2 (RC-2) zoning district in the Limited Use General 2 (LUG-2) zoning district:

Map	Parcel	Number	Street
65	92 (a portion of)	30	Bartlett Farm Road
82	500 (a portion of)	41	Bartlett Farm Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 49 RC-2 to CN and/or LUG-2 and LUG-2 to CN Bartlett Farm Road” dated March 2021.

ARTICLE 50

(Zoning Map Change: R-5 to CN - 10 and 12 Young's Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential -5 (R-5) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	243	10	Youngs Way
68	244	12	Youngs Way

(David A. Schulz, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential - 5 (R-5) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	243	10	Youngs Way
68	244	12	Youngs Way

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 50: R-5 to CN 10 and 12 Young’s Way” dated February 2021.

ARTICLE 51

(Zoning Map Change: SR-10 to SR-1 or SOH - 10 Clifton Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following property currently located in the Sconset Residential-10 (SR-10) Zoning District in the Sconset Residential-1 (SR-1) Zoning District or the Sconset Old Historic District (SOH):

10 Clifton Street, Nantucket Tax Assessor’s Map 73.4.1, Parcel 30

(John Brescher, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Planning Board determined that rezoning this property at this time is premature since an update to the Sconset Area Plan is underway, and the workgroup will be looking at zoning alternatives for all properties in Sconset that are currently within the SR-1 district.

ARTICLE 52

(Zoning Map Change: R-10 to CN - 3 Cobble Court)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on the attached map.

Or to take any other action related thereto.

(Susan C. Ottison, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 52: R-10 to CN 3 Cobble Court” dated February 2021.

ARTICLE 53

(Zoning Map Change: VR to VN - Polpis Road and Chatham Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Village-Residential (V-R) district, to the Village-Neighborhood (VN) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 54

(Zoning Map Change: VR to R-20 - Chatham Road, Monomoy Road, Milestone Road and Polpis Road)

To see if the Tow will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
54	48	1	Chatham Road
54	135	3	Chatham Road
54	68	1	Monomoy Road
54	136	5	Monomoy Road
54	130	16B	Milestone Road
54	130.8	16A	Milestone Road
54	130.2	16C	Milestone Road

54	130.3	16D	Milestone Road
54	130.4	16E	Milestone Road
54	130.5	16F	Milestone Road
54	130.6	16G	Milestone Road
54	130.7	16H	Milestone Road
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road

54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

(1) To place the foregoing properties noted, into the Town Overlay district; and,

(2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Village-Residential (V-R) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

PLANNING BOARD MOTION: Moved that the Town vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Village Residential (VR) district in the Residential 20 (R-20) district, and, to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4E, by amending the Map entitled “Town and Country Designations” by placing the following properties currently located in the Country Overlay District in the Town Overlay District:

Map	Lot	Number	Street
54	48	1	Chatham Road
54	135	3	Chatham Road
54	132	5	Chatham Road
54	68	1	Monomoy Road
54	136	5	Monomoy Road
54	47	8	Milestone Road
54	133	10	Milestone Road
54	130	16B	Milestone Road
54	130.8	16A	Milestone Road
54	130.2	16C	Milestone Road
54	130.3	16D	Milestone Road

54	130.4	16E	Milestone Road
54	130.5	16F	Milestone Road
54	130.6	16G	Milestone Road
54	130.7	16H	Milestone Road
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 54: Zoning Map Change VR to R-20 and Town and Country Overlay District Change: Chatham Road, Monomoy Road, Milestone Road, and Polpis Road” dated February 2021.

ARTICLE 55

(Zoning Map Change: LUG-1 to R-20 - Chatham Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
54	229	10	Chatham Road
54	230	8	Chatham Road

- (1) To place the foregoing properties noted, into the Town Overlay district; and,
- (2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Limited Use General - 1 (LUG-1) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Diane Ryder, et al)

PLANNING BOARD MOTION: Moved that the Town vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 1 (LUG-1) district in the Residential 20 (R-20) district, and, to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4E, by amending the Map entitled “Town and Country Designations” by placing the following properties currently located in the Country Overlay District in the Town Overlay District:

Map	Lot	Number	Street
-----	-----	--------	--------

54	229	10	Chatham Road
54	230	8	Chatham Road

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 55: Zoning Map Change LUG-1 to VR and Town and Country Overlay District Change: Chatham Road” dated February 2021.

PLANNING BOARD COMMENT: The Planning Board based their recommendation on a restriction offered by the applicant to reduce additional lots that may be created by this rezoning to 1. The creation of an additional lot in this location is consistent with the scale and density of surrounding properties.

ARTICLE 56

(Zoning Map Change: LUG-1 to VR - 8 and 10 Chatham Road)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the VR zone affecting the following properties;

8 CHATHAM ROAD, identified as Nantucket Assessor’s Map-54, Parcel-230 which property is immediately across the road from the existing VR zone;

10 CHATHAM ROAD, identified as Assessor’s Map-54, Parcel-229, which property is immediately across the road from the exiting VR zone

; or otherwise act thereon.

(Diane Ryder, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 57

(Zoning Map Change: R-20 to R-5 - Mayflower Circle and Evergreen Way)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Parcel	Number	Street
68	728	2	Mayflower Circle
68	773	32	Evergreen Way

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Residential-20 (R-20) zoning district into the Residential-5 (R-5) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

ARTICLE 58

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road and Airport Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	167	111	Old South Road
68	168	113	Old South Road
68	112	115	Old South Road
68	111	117	Old South Road

68	48	1	Airport Road
68	49	7	Airport Road

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTWC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial-Neighborhood) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Tom Hanlon, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Lot	Number	Street
68	167	111	Old South Road
68	168	113	Old South Road
68	112	115	Old South Road
68	111	117	Old South Road
68	48	1	Airport Road
68	49	7	Airport Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 58: R-20 to CTEC: Old South Road and Airport Road" dated February 2021.

ARTICLE 59

(Zoning Map Change: LUG-1 to R-40 - 18 Evergreen Way)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the R-40 zone affecting the following property;

18 EVERGREEN WAY, identified as Nantucket Tax Assessor's Map-68, Parcel 708 which property currently abuts the existing R-40 zone

; or otherwise act thereon.

(Brian Ryder, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Limited Use General 1 (LUG-1) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	708	18	Evergreen Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 59: LUG-1 to R-40: 18 Evergreen Way" dated February 2021.

ARTICLE 60

(Zoning Map Change: LUG-2 to R-20 - Rugged Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
67	166	25	Rugged Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irene Schreiber, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: Extending the R-20 zoning district and Town Overlay District to include these properties was not supported and the Board, which found that Rugged Road should remain as the district boundary between LUG-2 and R-20.

Following a lengthy discussion, the Planning Board determined that the potential impacts of this rezoning proposal, which was carried over from the 2020 ATM, would

have a negative impact on the low density and rural character of the area east of the Beach Plum Village 40B.

ARTICLE 61
(Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
76	4.1	2	Driscoll Way
76	4.2	6	Driscoll Way
76	4.3	10	Driscoll Way

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 3 (LUG-3) district, to the Limited Use General - 1 (LUG-1) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(James M. Driscoll II, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: This article was carried over from the 2020 ATM, at which time the Board did not support the article based on extensive discussion during their public hearings. Prior to the Planning Board public hearing for the 2021 ATM, the proponent indicated to the Planning Board that they no longer wanted to advance this article.

ARTICLE 62
(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to:

Proposed Amendments to Nantucket Zoning Bylaw Ch 139 S 22

§ 139-22. Island perimeter restrictions. [Amended 5-5-1992 ATM by Art. 38, AG approval 8-3-1992; 4-10-1995 ATM by Art. 50, AG approval 5-22-1995; 4 13-1998 ATM by Art. 35, AG approval 7-31-1998; 4-10-2000 ATM by Art. 29, AG approval 8-2-2000; 4-13-2005 ATM by Art. 45, AG approval 10-19-2005; 10-23-2006 STM by Art. 16, AG approval 3-21-2007; 4-9-2007 ATM by Art. 28, AG approval 6-28-2007; 4-8-2008 ATM by Art. 52, AG approval 8-18 2008]

A. There shall not be permitted in or upon the areas adjacent to Nantucket Sound and the Atlantic Ocean between the water and the primary coastal bank or, in the absence of a bank, the line of upland vegetation, any dwelling, except dwellings which have continued in lawful existence since April 6, 1982.

B. Except as otherwise provided in Paragraphs C, D and E of this § 139-22, the construction of new docks and piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) ~~for existing docks, piers or wharves~~ is prohibited for shorefront land in all districts, ~~except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial Districts as of July 31, 2005, and where a private pier previously existed on the premises.~~ Nothing in this § 139-22 shall prohibit nor regulate the repair, maintenance or like-kind replacement of any ~~lawfully existing~~ **preexisting nonconforming** dock, pier or wharf ~~so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.~~

C. In the Harbor Overlay District and for commercial water-dependent uses only, (1) new docks, piers or wharves; ~~for commercial water-dependent use and~~ (2) the extension of any lawfully existing docks, piers or wharves; and (3) the addition of new appurtenant structures to any lawfully existing docks, piers or wharves; ~~for purposes of commercial water-dependent uses~~ are permitted uses.

D. Any proposed extension or reconfiguration of or addition ~~or creation of new~~ appurtenant structures to a preexisting ~~legally nonconforming~~ dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with § 139-33A(41). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure. Such applications shall be referred by the special permit granting authority to the **Department of Marine and Coastal Resources Harbor Master and the Natural Resources Department**, or its successor agency, for comment and recommendation in accordance with the procedures of § 139-30.

E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by landbased transportation are permitted uses. The words "public docks" as used in this section shall be defined as a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

(Emily Molden, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 22, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

:

§ 139-22. Island perimeter restrictions.

A. There shall not be permitted in or upon the areas adjacent to Nantucket Sound and the Atlantic Ocean between the water and the primary coastal bank or, in the absence of a bank, the line of upland vegetation, any dwelling, except dwellings which have continued in lawful existence since April 6, 1982.

B. Except as otherwise provided in Paragraphs C, D and E of this § 139-22, the construction of new docks and piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) ~~for existing docks, piers or wharves is prohibited for shorefront land in all districts, except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial Districts as of July 31, 2005, and where a private pier previously existed on the premises.~~ Nothing in this § 139-22 shall prohibit nor regulate the repair, maintenance or like-kind replacement of any ~~lawfully existing~~preexisting nonconforming dock, pier or wharf ~~so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.~~

C. In the Harbor Overlay District and for commercial water-dependent uses only, (1) new docks, piers or wharves; ~~for commercial water-dependent use and~~ (2) the extension of any lawfully existing docks, piers or wharves; and (3) the addition of new appurtenant structures to any lawfully existing docks, piers or wharves; ~~for purposes of commercial water-dependent uses are permitted uses.~~

D. Any proposed extension or reconfiguration of or addition ~~or creation of~~ new appurtenant structures to a preexisting legally nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with § 139-33A(41). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure. Such applications shall be referred by the special permit granting authority to the Department of Marine and Coastal Resources Harbor Master and the Natural Resources Department, or its successor agency, for comment and recommendation in accordance with the procedures of § 139-30.

E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by landbased transportation are permitted uses. The words "public docks" as used in this section shall be defined as a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

PLANNING BOARD COMMENT: The changes included in this article are primarily non-substantive in nature and result in the use of more consistent terms used throughout the Bylaw. The substantive change is the addition of a requirement that the special permit granting authority must make a finding that the proposed extension, reconfiguration, or

addition of a dock, pier, or wharf is not more detrimental to the marine environment than the existing structure. Although an application must be referred to the Harbor Master and the Natural Resources Department for comment, the addition of this finding reiterates the importance of considering the impacts to the marine environment.

ARTICLE 63
(Zoning Bylaw Amendment: Commercial Mid-Island - Height Restriction)
Carried Over from 2020 Annual Town Meeting

Reason and Intent;

At the 2016 Annual Town Meeting, Article 36 was adopted. The article had several sections, was complicated and in the case of changes in Section 17A, not in the best interests of Nantucket. The change in Section 17A involved the change of the height restriction for the SMI District from 30 feet to 40 feet. . This Article will reestablish the same height limitation as exist in the other districts referenced in Chapter 17 Section 17A.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

To amend section 17A as follows:

A. Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, RC, RC-2, LC	30
Town Overlay District	CMI	40 30

Or to take any other action related thereto.

(Vallorie Oliver, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: This article was carried over from the 2020 ATM, at which time the Board did not support the article based on extensive discussion during their public hearings. Prior to the Planning Board public hearing for the 2021 ATM, the proponent indicated to the Planning Board that they no longer wanted to advance this article.

ARTICLE 64

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)
Carried Over from 2020 Annual Town Meeting

Reason and Intent;

This article was included in the 2015 ATM. It was recommended for adoption by the Finance Committee, but was “Not adopted by Majority Voice Vote”. With the passage of time, protecting the Town from liability due to climate change and seal level rise is only more important. The impact is prospective and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility. The article below is exactly the same as the one for 2015 and was drafted by Town Counsel.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 139 ZONING

Article V. Administration and Enforcement

§ 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be

changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

(1) Demolition delay.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or

within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

(Rick Atherton, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board acknowledges that the intent of this article may have merit, however, significantly more discussion is needed to develop this concept. Requiring such a waiver as a prerequisite to the issuance of a building permit may not be the most appropriate approach. Input from various town departments as well as boards/committees/commissions who are involved with coastal issues should occur before this type of concept is adopted.