ZBA MEETING PACKET

01/12/23

MINUTES

12/08/22

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Elisa Allen (Clerk), Michael J. O'Mara, John Brescher
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, December 8, 2022

Public Safety Facility, 4 Fairgrounds Road, Community Room –1:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 1:00 pm and announcements made by Ms. McCarthy

Staff in attendance:	Leslie Snell, Deputy Director of Planning; Nicky Sheriff, Administrative Specialist; Terry Norton, Town Minutes Taker
Attending Members:	McCarthy, O'Mara, Allen, Brescher, Poor, Thayer, Mondani
Remote participant:	Thayer
Absent:	Botticelli

Agenda adopted by unanimous consent

Motion	**Motion to Approve as drafted.** (made by: O'Mara) (seconded)
Roll-call vote	Carried 5-0//Brescher, Poor, Allen, McCarthy, and O'Mara-aye

I. APPROVAL OF MINUTES

1. November 10, 2022
   McCarthy – Page 9 her 1st comment: should read "zoning setbacks considered reasonable for the zoning district" and "but doesn't see reducing a setback for the installation of a pool". Her 3rd comment that page "intruding" should read "intrude."

Motion	**Motion to Approve as amended.** (made by: O'Mara) (seconded)
Roll-call vote	Carried 5-0//Poor, Allen, McCarthy, O'Mara, and Mondani-aye

II. OLD BUSINESS

1.	37-21	Kristina & Nicholas Amendolare	8 Bank Street	Williams
2.	09-22	Harris on Weweeder, LLC	50 Weweeder Avenue	Brescher

Continued to January 12, 2023

Voting	McCarthy, O'Mara, Allen, Poor, Mondani
Alternates	Thayer
Recused	Brescher
Documentation	None
Representing	None
Public	None
Discussion	None
Motion	**Motion to continue to January 12, 2023.** (made by: Allen) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Allen, O'Mara, Poor, and Mondani-aye

III. NEW BUSINESS

1.	10-22	Paul P. Moran & Jean M. Moran	4 Washington Avenue	Santos
2.	17-22	Nantucket Cottage Hospital	16 Vesper Lane	Erickson
3.	18-22	Jeff McDermott, et al.	32 Monomoy Road	Anderson & Kreiger

Continued to January 12, 2023

Voting	McCarthy, O'Mara, Allen, Brescher, Poor
Alternates	Thayer, Mondani
Recused	None
Documentation	None
Representing	None
Public	None
Discussion	None
Motion	**Motion to continue 10-22, 17-22 & 18-22 to January 12, 2023.** (made by: Allen) (seconded)
Roll-call vote	Carried 5-0//Brescher, Poor, Allen, McCarthy, and O'Mara-aye

PROPOSED

4. 15-22 Christopher Quick, appellant 15 Delaney Road Anderson & Kreiger

Applicant is appealing the Building Commissioner's September 21, 2022 determination pursuant to Zoning Code Section 139-31A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. The Building Commissioner determined that use of the Property for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaw. Locus subject to the appeal is situated at 15 Delaney Road, shown on Assessor's Map 30 as Parcel 635 and upon Land Court Plan 14695-C. Evidence of owner's title is registered on Certificate of Title No. 25803 with the Nantucket County District of the Land Court. The site is zoned Residential 1 (R1).

Voting	McCarthy, O'Mara, Allen, Brescher, Poor
Alternates	Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Nina Pickering-Cook, Anderson Kreiger, for the Quicks at 9 Delaney Road
Public	Paul Murphy, Building Commissioner Steven Cohen, Cohen & Cohen Law P.C, Bonny & Ralph Keith, 15 Delaney Road John Kichner, STR Workgroup
Discussion (1:18)	**Pickering-Cook** – Her clients feel the STR is not permitted under the Zoning Bylaw; they've been negatively impacted by the use of this house as exclusively STR. The onerous use is commercial; no one lives there. Appellate courts in Bourne and Lynnfield have rendered the opinion that these are commercial in nature. A full-time STR can't be incidental to a primary residential use if there is no primary residential use; this is different from someone who lives on the property and rents it out a couple of months a year. Cited relevant cases regarding incidental/accessory use as a STR. **Murphy** - His letter is self-explanatory; he does not feel and STR violates the Zoning by-law. **Cohen** – You only have to find whether or not Mr. Murphy's finding is reasonable. This is not exclusively an STR; his client uses the property frequently and submitted photos into the record to support this argument. There have been no nuisance or noise complaints against this property. Argues that it's use as a STR is not a secondary use. It's a mixed use allowed under the bylaw. Reviewed the bylaws which are related to and pertain to STRs and this property. **Pickering-Cook** – We can agree the Nantucket Zoning Bylaw doesn't address the issue of STRs. She didn't hear Mr. Cohen cite any provision that allows STRs. Our argument is that this is a commercial use as supported by the SAP and Massachusetts Appeals Court. Our documentation shows this property is available for rental 365 days a year. The argument that STRs have no less impact than long-term rentals is countered by studies showing differently. She can provide that literature to the Board. **McCarthy** – We've had this conversation before; in the last few decisions, we've been clear these are larger policy issues. Nantucket might or might not amend the Bylaw. We look at the Bylaw we have; she doesn't need to see literature about long-term effects because we don't change or make policy. **Pickering-Cook** – You are a quasi-adjudicatory board and can take in evidence. **Brescher** – Asked if there are updates from the STR group. **McCarthy** – They don't have anything to give us yet; hopefully they will in the future. **Kichner** – He's on the STR Group. What was decided is that we are going to submit an article for a Special Town Meeting; it will take until February to get accurate information from Granicus.
Motion	**Motion to uphold the Building Commissioner's determination that the use of the property as STR doesn't violate the Bylaw.** (made by: Allen) (seconded)
Roll-call vote	Carried 5-0//Brescher, Poor, Allen, McCarthy, and O'Mara-aye

IV. OTHER BUSINESS

1. Approval of 2023 Meeting Schedule

Motion	**Motion to Approve the 2023 meeting schedule as proposed.** (made by: Brescher) (seconded)
Roll-call vote	Carried 5-0//Mondani, O'Mara, McCarthy, Allen, and Poor-aye

2. Snell – There are several petitions that would impact the ZBA. They will be in the January packet for a recommendation to the Planning Board.

V. ADJOURNMENT

Motion	**Motion to Adjourn at 1:56 pm.** (made by: Mondani) (seconded)
Roll-call vote	Carried 5-0//Mondani, O'Mara, McCarthy, Allen, and Poor-aye

Sources used during the meeting not found in the files or on the Town website:

1. 2023 Meeting Schedule

Submitted by:
Terry L. Norton

PROOFED

UPDATED MEETING POSTING
ORIGINAL POSTING T 012
JANUARY 05, 2023

RECEIVED
2023 JAN 06 AM 10:20
NANTUCKET TOWN CLERK
Posting Number:T 016

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)

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, January 12 , 2023, at 1:00 PM
Location / Address	4 Fairgrounds Road, Nantucket, MA 02554 **PSF COMMUNITY ROOM & REMOTE PARTICIPATION VIA ZOOM WEBINAR**
Signature of Chair or Authorized Person	Leslie Woodson Snell, Deputy Director of Planning and Zoning Administrator
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

(Subject to Change)

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

YOUTUBE LINK FOR VIEWING ONLY:
https://youtu.be/8I7tR14W13I

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_P7FOg2RITsKalO7EkyIhyw

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

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- December 08, 2022

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

37-21 Kristina & Nicholas Amendolare **8 Bank Street** **Williams**
Continued to February 09, 2023

Applicants are seeking Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-30 and 139-33A to make renovations, including an addition, to a single-family dwelling that is pre-existing non-conforming to the setbacks. Locus is situated at 8 Bank Street, shown on Assessor's Map 73 and Parcel 69. Evidence of owner's title is recorded in Book 1770, Page 216 on file at the Nantucket County Registry of Deeds. The site is zoned Sconset Old Historic (SOH).

09-22 Harris on Weweeder, LLC **50 Weweeder Avenue** **Brescher**
Continued to February 09, 2023
Applicant is seeking Variance relief pursuant to Nantucket Zoning Bylaw Section 139-32 from the intensity regulations in Section 139-16A to site a proposed pool cabana in the side yard setback as close as 2.7 feet from the side yard lot line in a zoning district that requires a minimum of a ten (10) foot side yard setback and to increase the allowable groundcover ratio to 7.9% in a zoning district with a maximum groundcover ratio of 7%. Locus is situated at 50 Weweeder Avenue, shown on Assessor's Map 79 as Parcel 15 and upon Land Court Plan 42927-A. Evidence of owner's title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

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

10-22 Paul P. Moran & Jean M. Moran **4 Washington Avenue** **Santos**
Continued to February 09, 2023
Applicants are seeking Special Permit relief pursuant to Nantucket Zoning By-law Sections 139-30 and 139-2 in order to install an in-ground swimming pool. Locus is situated at 4 Washington Avenue, shown on Assessor's Map 60.2.4 as Parcel 65 and upon Land Court Plan 14672-A. Evidence of owner's title is registered on Certificate of Title No. 27684 with the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

18-22 Jeff McDermott, Et Al **32 Monomoy Road** **Anderson & Kreiger**
Applicants are appealing the Building Commissioner's October 31, 2022 determination pursuant to Zoning Code Section 139-31A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15. The Building Commissioner determined that use of the Property for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaw. Locus subject to the appeal is situated at 32 Monomoy Road, shown on Assessor's Map 54 as Parcel 242 and upon Land Court Plan 14974-C. Evidence of owner's title is registered on Certificate of Title No. 25823 with the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

19-22 Pacaso, Inc **11A Meadow Lane** **Panebianco**
Continued to February 09, 2023
Applicant is appealing the Zoning Enforcement Officer's determination regarding transient residential facilities. Locus subject to the appeal is situated at 11A Meadow Lane, shown on Assessor's Map 41 as Parcel 448.1 Evidence of owner's title is recorded in Book 1911 and Page 44 with the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20).

17-22 Nantucket Cottage Hospital **16 Vesper Lane** **Erickson**
Applicant is seeking Variance relief pursuant to Nantucket Zoning ByLaw Section 139-16 in order to divide an existing lot, which is nonconforming as to frontage, into two lots, both of which will not meet the required frontage of 50 feet in the CN district. Both lots will be accessed via an easement from Vesper Lane. Locus is situated at 16 Vesper Lane, shown on Assessor's Map 34 as Parcel 72 and shown as Lot 1 with the Nantucket County Registry of Deeds. Evidence of owner's title is recorded in Book 184 and

Page 112 with the Nantucket County Registry of Deeds. The site is zoned Commercial Neighborhood (CN).

20-22 Steven L. Cohen & Christopher P. Choma, Trs. 29 Monomoy Rd Nominee Trust, Cohen
Applicant is seeking Variance relief pursuant to Zoning By-law Section 139-32 for a waiver from the ground cover provision in Section 139-16 in order to construct an accessory structure of up to 780.25 SF. Locus is situated at 29 Monomoy Road, shown on Assessor's Map 54 as Parcel 209 and as Lots 10 and 11 on Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22883 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 1 (LUG-1).

21-22 Jennifer Bowman 14 Starbuck Road Williams
Applicant is seeking relief by Special Permit pursuant to Nantucket Zoning By-law Section 139-2 (Definitions and word usage – swimming pools) and Section 139-7A (Use Chart) in order to construct a small residential spa. Locus is situated at 14 Starbuck Road, shown on Assessor's Map 60 as Parcel 114 and as Lots 296 and 850 on Land Court Plan 3092-19 and 3092-103. Evidence of owner's title is registered on Certificate of Title No. 27039 at the Nantucket County District of the Land Court. The site is zoned Village Residential (VR).

VI. OTHER (VOTES MAY BE TAKEN)
Discussion of Citizen Warrant Zoning Articles for ATM 2023

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

OLD BUSINESS

CONTINUED TO FEBRUARY 9, 2023

NEW BUSINESS

Jeff McDermott, Et Al

File No. 18-22

32 MONOMOY ROAD

APPEAL

ANDERSON
KREIGER

NINA PICKERING-COOK
npickeringcook@andersonkreiger.com
T: 617.621.6536
F: 617.621.6636

November 4, 2022

Nantucket Planning and Land Use Services
c/o Nicky Sherriff
2 Fairgrounds Road
Nantucket, MA 02554

Re: Appeal of Building Commissioner's Zoning Enforcement Decision of October 31st, 2022 at 32 Monomoy Road

Dear Chair McCarthy and Members of the Board:

I represent the local advocacy group Monomoy Civic Association and the following property owners:

- Jeff McDermott of 38 Monomoy Road
- Matthew Westfall of 30 Monomoy Road
- Stephen Ketchum of 34 Monomoy Road
- Bob and Deborah Landreth of 4 Berkeley Avenue
- Mark Wilmot of 33 & 35 Monomoy Road

By letter dated October 31, 2022, Nantucket Building Commissioner Paul Murphy declined my clients' request to find that use of the property located at 32 Monomoy Road (the "Property") exclusively as a short-term rental ("STR") business was a "commercial use" prohibited in the residential zone in which it is located. My clients hereby appeal the Building Commissioner's refusal to enforce a zoning violation at the Property.

For the reasons set forth in our Statement of Facts and Law and Requested Relief (**Addendum B**) and supported by our addenda, my clients request that the Nantucket Zoning Board of Appeals overturn Commissioner Murphy's determination with respect to the Property, and order the Copley Group to cease and desist using the Property as an STR.

I have enclosed the following in support of my clients' application:

1. ZBA application form for appeal of Building Commissioner's determination;
2. Locus plan from the Nantucket Tax Assessor;
3. Certified abutters list and accompanying mailing labels;
4. Written Statement of Agency;
5. Check in the amount of $450;
6. Copy of Commissioner Murphy's October 31, 2022 Enforcement Denial (Addendum A);
7. Requested Relief and Statement of Facts and Law (Addendum B);
8. Copy of October 18, 2022 Enforcement Request (Addendum C);
9. Copies of relevant sections of the Nantucket Zoning Code (Addendum D);
10. Copy of Use Table from Nantucket Zoning Code (Addendum E);
11. 32 Monomoy Road Appellant – Abutters Map (Addendum F).

Best regards,



Nina Pickering-Cook

cc: Clients

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No._____**

Owner's name(s):_____Copley Monomoy, LLC, a Massachusetts Limited Liability Company_____

Mailing address:_____896 Beacon Street, Boston, MA 02215_____

Phone Number:_____Unkonwn_____ E-Mail:_____Unknown_____

Applicants: Jeff McDermott, Matthew Westfall, Stephen Ketchum, Deborah Landreth, Bob Landreth, Mark Wilmot

Mailing Address: Anderson & Kreiger, c/o Nina Pickering Cook, 50 Milk Street, 21st Floor, Boston, MA 02109

Phone Number:_(617) 625-6536_____ E-Mail:__pickering@andersonkreiger.com_____

Locus Address: __32 Monomoy Road_____ Assessor's Map/Parcel:____54/ 242_____

Land Court Plan/Plan Book & Page/Plan File No.: Plan 14974-C, dated 8/1/1950, Lot 4 on Land Court_____

Deed Reference/Certificate of Title: 149601/25823_____ Zoning District___LUG-1_____

Uses on Lot- Commercial: Yes (describe) ___Short-Term Rental_____

Residential: Number of dwellings___1_____ Duplex _____ Apartments _____

Date of Structure(s): _____2004_____

Building Permit Numbers: _____N/A_____

Previous Zoning Board Application Numbers:_____N/A_____

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

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*

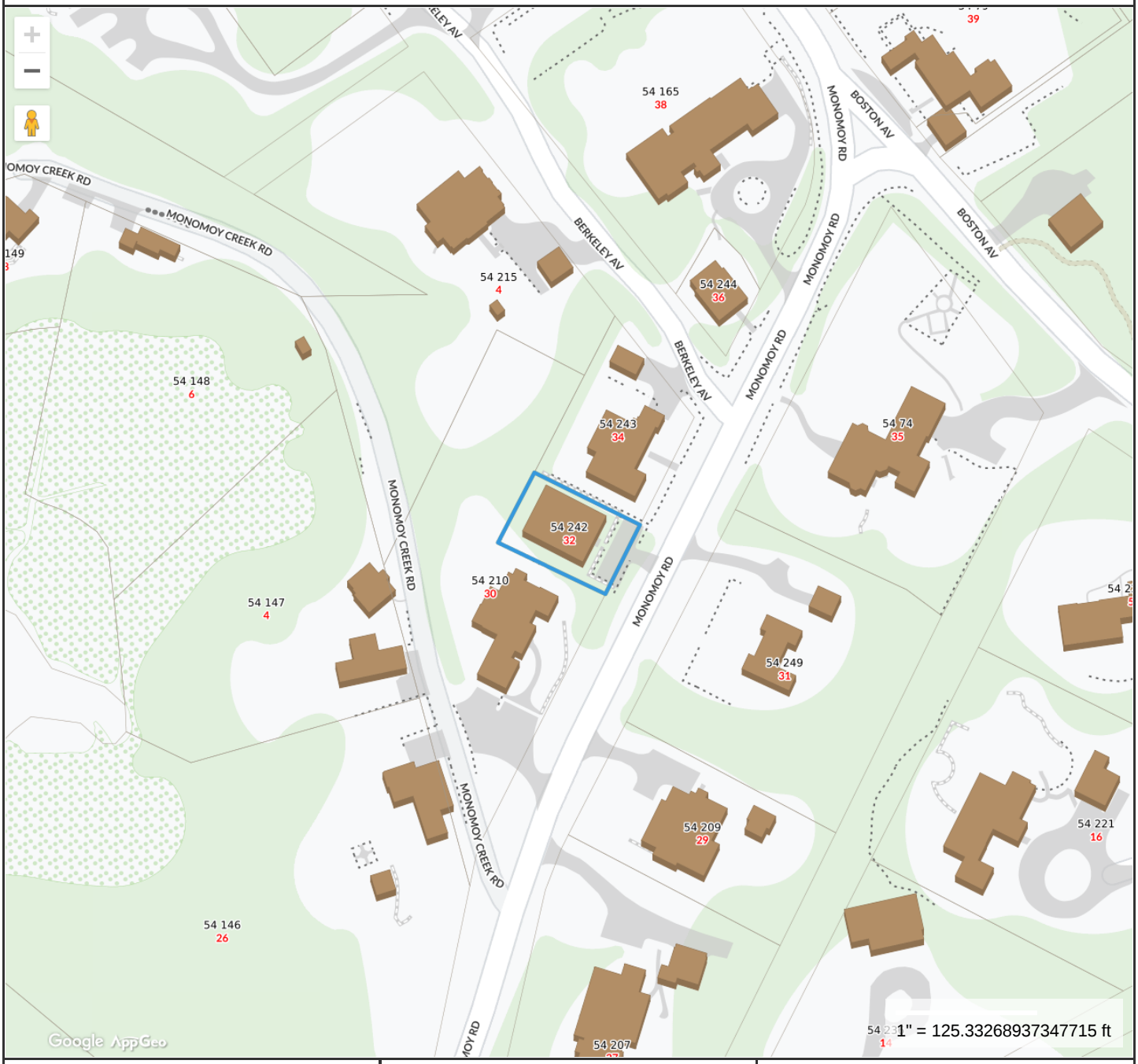
SIGNATURE: Kristen Vagalis (elb) Applicant/Attorney/Agent*

*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:__/__/__

32 Monomoy Road Locus Plan



Property Information

Property ID	54 242
Location	32 MONOMOY RD
Owner	COPLEY MONOMOY LLC

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 11/02/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER.....Copley Monomoy LLC.....

MAILING ADDRESS.....896 Beacon Street, Boston MA 02215.....

PROPERTY LOCATION.....32 Monomoy Rd.....

ASSESSOR MAP/PARCEL.....54-342.....

APPLICANT.....Anderson Kreager.....

SEE ATTACHED PAGES

I certify that the foregoing is a list of 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, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

November 2, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.11.02 09:09:36 -04'00'

ASSESSOR'S OFFICE
Town of Nantucket

WILMOT MARK S
33-35 MONOMOY RD
NANTUCKET, MA 02554

HOLDGATE DAWN E & MICHAEL K
PO BOX 869
NANTUCKET, MA 02554

WILLET E CROSBY & WILLET AUGUSTA W TR
2400 INDIAN CREEK BLVD WEST
VERO BEACH, FL 32966

WILLET WILLIAM
6 MONOMOY CREEK RD
NANTUCKET, MA 02554

JP MORGAN TRUST CO TRST ETAL
OTIS BOOTH FAMILY TRUST
500 STANTON CHRISTIANA RD C/O MEGHAN EBEID
NEWARK, DE 19713

BENNETT JOANN
27 MONOMOY ROAD
NANTUCKET, MA 02554

COHEN STEVEN L TR
29 MONOMOY RD NOM TRUST
PO BOX 786
NANTUCKET, MA 02554

WESTFALL MATTHEW S & LAURA J
1342 LACHMAN LANE
PACIFIC PALISADES, CA 90272

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

WYNNEMER LLC
65 SPRING DELL ROAD
LANCASTER, PA 17601

MASON LINDA A TRUSTEE
227 GARDEN ROAD
PALM BEACH, FL 33480

REDAN MONOMOY HOLDINGS LLC
1111 CAROLINE ST #2306
HOUSTON, TX 77010

JP MORGAN TRUST CO TRST ETAL
OTIS BOOTH FAMILY TRUST
500 STANTON CHRISTIANA RD
NEWARK, DE 19713

KNIGHT-SCHWARTZ C ETHELIND TR &
SCHWARTZ DAVID A TR
104 TIFFANY LANE
SUMMERVILLE, SC 29485

ANDERSON
KREIGER

MEMORANDUM

To: Nantucket Zoning Board of Appeals

From: Nina Pickering-Cook and Kristen Gagalis
ANDERSON & KREIGER LLP

Re: Statement of Agency

Date: November 4, 2022

This office represents Jeff McDermott of 38 Monomoy Road, Matthew Westfall of 30 Monomoy Road, Stephen Ketchum of 34 Monomoy Road, Bob and Deborah Landreth of 4 Berkeley Avenue, and Mark Wilmot of 33 & 35 Monomoy Road (the "Appellants"), all of whom are abutters, or abutters to an abutter within 300 feet, of 32 Monomoy Road (the "Property") as shown by the Assessors' abutters' list attached to this appeal. *See* **Addendum F**. Therefore, they are each a "party in interest" pursuant to G.L. c. 40A with respect to any zoning decision concerning the Property.

The Appellants requested zoning enforcement for a violation at the Property. The Building Commissioner denied the Appellants' requested enforcement. As such, they are aggrieved by the Building Commissioner's Decision and appeal it to this Board.

Signed,

Kristen R. Gagalis

Anderson & Kreiger, LLP

Addendum A

Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

BUILDING DIVISION

CERTIFIED MAIL # 7020 0640 0000 3225 0768

October 31, 2022

Nina Pickering-Cook
Anderson & Kreiger LLP
50 Milk Street 21st Floor
Boston, MA 02109

Re: Request for Zoning Enforcement at 32 Monomoy Road, Nantucket

Dear Ms. Pickering-Cook,

I am in receipt of your zoning enforcement request dated October 18, 2022, with regard to the property located at 32 Monomoy Road, Nantucket (the "property"). I will not pursue zoning enforcement at this time because, in my opinion, the use of the property for short term rentals does not violate the Town's Zoning Bylaw.

If you are aggrieved by this determination, you may appeal to the Nantucket Zoning Board of Appeals pursuant to G.L. c. 40A Sections 8 and 15.

Very truly yours,

Paul Murphy
Building Commissioner
Town of Nantucket

Cc: Andrew Vorce, Director of Planning, Leslie Snell, Deputy Director of Planning

Addendum B

ANDERSON
KREIGER

MEMORANDUM

To: Nantucket Zoning Board of Appeals

From: Nina Pickering-Cook and Kristen Gagalis
ANDERSON & KREIGER LLP

Re: Statement of Facts and Law; Requested Relief

Date: November 7, 2022

This office represents Jeff McDermott of 38 Monomoy Road, Matthew Westfall of 30 Monomoy Road, Stephen Ketchum of 34 Monomoy Road, Bob and Deborah Landreth of 4 Berkeley Avenue, and Mark Wilmot of 33 & 35 Monomoy Road, all of Nantucket (collectively the "Appellants"). The Appellants appeal the Building Commissioner's October 31, 2022 Decision with respect to 32 Monomoy Road (the "Property") to the Zoning Board of Appeals pursuant to Zoning Code Section 139-31-A-(1) and Massachusetts General Laws Chapter 40A, Sections 8 and 15.

In the Decision, the Commissioner determined that use of the Property exclusively for short-term rentals ("STR") does not violate Nantucket's Zoning Bylaws despite its location in a residential zone. This finding is inconsistent with the Town's Zoning Bylaws ("Bylaw") and the LUG-1 zoning district in which the Property is located. Where no one resides at the Property and it is being used solely as a pay-per-night or week rental operation, it is a commercial use – more properly defined as a Transient Residential Facility – and, therefore, not allowed in the LUG-1 District.

BACKGROUND

The Property is a 6 bedroom, 5½ bath single-family home located in the LUG-1 District of Nantucket, which permits only residential uses. The owner of the Property, The Copley Group, is a Massachusetts Limited Liability Company based in Boston. The Copley Group purchased the Property in 2015. It appears to also own numerous residential buildings in the Greater Boston area and twelve luxury homes on Nantucket. **Exhibit A**. The Owner advertises the Property as part of its "Nantucket Collection," which consists of luxury rental homes available for rent year-around at both nightly and weekly rates. The services provided by The Copley Group to renters of its properties include things like a personal concierge. **Exhibit A**.

The Property is advertised on multiple luxury vacation websites, including The Copley Group's own Nantucket Collection site, Sotheby's International, and CapeCodVacation.com. **Exhibit B**.

Prices range from $1,875 per night during the winter months to $5,000 per night during peak weeks in the summer and fall. **Exhibit C.** Based on information and belief, no resident of Nantucket (or anywhere else) has lived in the Property as a residence since at least 2015 when The Copley Group purchased it.

The Appellants have experienced harm as a result of the use of the Property exclusively as an STR. Specifically, the Appellants have had increased and damaging noise and traffic from the Property, which they can describe further during the ZBA's hearing.

As demonstrated by the manner in which The Copley Group advertises the Property, and the Appellants' experience with customers at the Property, the Property's exclusive use as an STR is antithetical to the surrounding residential uses within the LUG-1 Country Residential District. The Copley Group is operating a business through the Property for commercial purposes in direct contravention of the Zoning Bylaw. The Board should therefore order The Copley Group to cease and desist all such uses at the Property.

On October 18, 2022, pursuant to G.L. 40A, § 7 and Town Zoning Bylaw § 139-25, the Appellants filed a request with Nantucket's Building Commissioner requesting that he issue a cease and desist order to The Copley Group for using the Property as an STR in a residential district. **Addendum C.** The Commissioner denied the appellants request on October 31, 2022, refusing to find that the use of the Property as an STR violates the Town Zoning Bylaw. **Addendum A.** Where his Decision is not supported by either the Nantucket Zoning Bylaw or binding Massachusetts case law, this Board should take the unusual step of overturning the Building Commissioner's determination.

LEGAL ARGUMENT

A. The Owner's Use of the Property is a Commercial Use Not Permitted in the Residential Zoning District.

The Bylaw defines "commercial" as "a trade, occupation, or business, including transient residential facility, but excluding governmental, religious or private residential uses." Bylaw §139-2. On Nantucket, no commercial uses are allowed in the "Town Residential" districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-20 and R-40) or in the "Country Residential" districts (V-R, LUG-1, LUG-2, LUG-3 and MMD), with very limited exceptions.

By its nature as an investor-owned rental property, the Property exists exclusively to serve commercial business purposes. The Copley Group is conducting numerous arms-length transactions for fixed rates over brief periods of time with unrelated third parties. Massachusetts courts have recently held that these type of commercial enterprises that charge weekly rental rates via contractual agreement are indeed commercial in nature and have no business in residential districts. *See, e.g.*, *Styller v. Zoning Bd. of Appeals of Lynnfield,* 487 Mass. 588 (2021) (finding that an STR property was a commercial use prohibited in a residential district because

"short-term rental use of a one family home is inconsistent with the zoning purpose of the single-residence zoning district in which it is situated, i.e., to preserve the residential character of the neighborhood."); *Stevens v. Zoning Bd. of Appeals of Bourne*, 97 Mass. App. Ct. 713 (2020) (finding an STR property that was solely rented pursuant to rental contracts with unrelated third parties was a commercial use prohibited in a residential district); *Lytle v. Swiec*, 2017 WL 2257702 (Mass. Land Ct. May 23, 2017) (holding a homeowner's use of one dwelling in his two-dwelling single-family home for weekly summer rentals was a commercial use prohibited in a residential district).

The Bylaw excludes "private residential uses" from the definition of "commercial," but The Copley Group's use of the Property has nothing to do with "private residential uses." Operating a company to rent an investment house to strangers is not even remotely akin to the "private uses" envisioned by the Bylaw, like offering one's residence to family or friends for the week, or inviting guests to stay at a property while the primary resident is there. Because the Property is owned by an investor-group, there is no "resident" to use the home for private purposes; no one lives in the house full time. In fact, where the Property is available to rent in short term stints year round, it is not possible to have the Property serve as anyone's residence. Taken together, these attributes of the Property place it squarely within the definition of "commercial".

B. <u>The Property is a Transient Residential Facility</u>

Rather, the Property is more properly characterized as a "Transient Residential Facility." Transient Residential Facilities are defined as "hotels; rooming, lodging or guest houses; and time-sharing or time-interval-ownership dwelling unit(s)." Bylaw § 139-2. Similar to commercial uses, no transient residential facilities are allowed in residential zoning districts, with the exception of rooming, lodging or guest houses, which are only allowed in ROH and SOH districts, and even then only with a special permit. Bylaw § 139-7A. [1]

The Property is continually available for short-term rentals in both daily and weekly increments. Therefore, the Property, as an investor-owned STR, is more closely aligned with the purposes and uses defined as transient residential uses than those uses defined as residential. For example, hotels offer rooms at both nightly and weekly rates, just as the Property does. Hotels also conduct arms-length transactions with third parties for financial gain, just as the Property does. The definition of "transient residential facilities" also includes "time-sharing" and "time-interval-ownership dwelling units," both of which cater to longer periods of use, but additionally require actual equity ownership in the property. By comparison, this Property actually has a *more* transient customer base than time-sharing or interval ownership, with shorter booking periods and renters who lack any ownership interest in the Property.

[1] It is important to note, however, thatrooming, lodging, and guest houses all share a common feature that is absent in the present case: residents who live on the property while guests come and go - no residents live at the Property.

To find that the Property is a traditional residence and not a transient residential facility would render the definitional group of "transient residential facilities" an illogical combination of uses ill-suited to the uniform application required under the Town's Zoning Bylaw. All types of lodging included within the Bylaw's definition of transient residential facilities cater to the same customer base as the Property and other STRs – individuals or small groups who live elsewhere and who are looking to rent for a short, defined period of time.[2] Most transient residential facilities also presumably have similar impacts on surrounding areas, which is why the Bylaw is explicit about where these uses can legally take place (commercial districts) versus where they can only take place with permission or not at all (residential districts).

Excluding this Property (and all investor-owned STRs) from the definition of transient residential facilities is contrary to the Commonwealth's characterization of STRs. In December 2018, the Massachusetts Legislature passed "An Act Regulating and Insuring Short Term Rentals." G.L. 64G, *et seq*. All of the lodging types listed as "transient residential facilities" in the Zoning Bylaw are subject to the room occupancy tax under G.L. 64G, §3, a list that now includes STRs. The Legislature's decision to include STRs being rented more than 14-days a year in the room occupancy tax list is evidence that the Commonwealth considers STRs such as this Property to be "commercial" use, not personal residential use, and therefore akin to a "transient residential facilities" on the island.

C. <u>The Use of the Property as a STR is Not Accessory to Residential Use</u>

At this point, the Town has repeatedly found that STRs are allowed in residential districts in Nantucket as accessory uses. Indeed, Town Counsel John Giorgio, at a recent Short Term Rental Workgroup, Data Subgroup meeting, stated: "[T]he building inspector has made the determination that [STRs] are permitted accessory uses." Short Term Rental Workgroup, 10/28/2022, at https://www.youtube.com/watch?v=8smSkZYsb1w&ab_channel=NantucketGovernmentTV . But that argument fails here. Although "accessory dwelling" units are allowed in all residential districts on Nantucket, this Property cannot be considered an "accessory use" because there are simply no residents at the Property to which the STR is "accessory" to.

The Bylaw defines "accessory uses" as "separate structures, buildings or uses which are *subordinate* and *customarily incidental* to a principal structure, building or use located on the same lot." Bylaw § 139-2 (emphasis added). The principal structure located on the lot is a single family residence. **Exhibit D**. A "residence" is defined as "the act or fact of dwelling in a place *for some time*," or "the place where one actually lives as distinguished from one's domicile or a place of temporary sojourn." Miriam–Webster's Dictionary, (11th ed. 2020) (emphasis added). Therefore, to qualify as an "accessory," the rental of the Property would have to be subordinate

[2] Both "hotel" and "rooming, lodging, and guest houses" are defined by the By-laws as "primarily temporary abode of persons who have a permanent residence elsewhere." By-laws, § 139-2. Time-shares are characterized by "the use being inherently transient." *Id*.

to the Property's use as a single family residence. Based on advertising, ownership structure, and Appellant testimonials, the Property is very plainly not a single family residence; it is a rental property 365 days a year. **Exhibit C**. Thus, the rental use predominates any other use and cannot be "accessory."

The Town's determination on the issue of accessory use as STR is contrary to existing case law. Under Bylaw strikingly similar to Nantucket's, courts have consistently found that STRs are not an accessory use to a residential use. *See Stevens*, *supra*, 97 Mass. App. Ct. 713; *Styller v. Aylward*, WL 4502015 (Mass. Land Ct. Sept. 19, 2018), *aff'd* 487 Mass. 588, (2021).; *Lytle*, *supra,* 2017 WL 2257702. In *Styller,* the trial court reasoned that a single homeowner renting his property on Airbnb was not "clearly incidental to the use of the principal building" as a single family residence. 2018 WL 4502015, at *7. As the Land Court explained:

> In zoning bylaws or ordinance, 'incidental' incorporates two concepts: It means that the use must not be the primary use of the property but rather *one which is subordinate and minor in significance* . . .[and] incidental, when used to define an accessory use, must also incorporate the concept of reasonable relationship with the primary use. It is not enough that the use be subordinate; *it must also be attendant or concomitant.* To ignore this latter aspect of 'incidental' would be to permit any use which is not primary, no matter how unrelated it is to the primary use.

Id. (internal citations and quotation marks omitted) (emphasis added). Using single family homes, such as the Property, as STRs is not "customary in connection with the principal building." Putting it bluntly, the court stated: "Most people do not rent out their homes on a continuing basis. They live in them." *Id*. at *8.

Likewise, in *Stevens*, the court refused to find that the use of a house owned by an investment trust was an accessory use due in part to the fact that neither the Trustee nor any beneficiary of the trust resided at the property and use of the property was conducted pursuant to rental contracts with unrelated third parties for financial gain by the investors. 97 Mass. App. Ct. at 718. In *Lytle*, the Land Court upheld the Hull ZBA's determination that short-term renting of a unit alongside a lived-in residence was an unlawful commercial use and not a permitted accessory use. 2017 WL 2257702 at *7. The court reasoned that even though the owner was still occupying one-dwelling in the two-dwelling single family home, the separate commercial use of the other dwelling unit was not an accessory use due to the commercial nature of the rental. *Id*.

CONCLUSION

Allowing the Commissioner's Decision with respect to 32 Monomoy Road, a permanent STR, to stand risks exacerbating a near-impossible situation for Nantucket's already over-priced and under-supplied year-round housing stock. Affirming the Decision would be giving investor

groups like The Copley Group the green light to continue buying up single family homes in residential districts and turning them into high-turnover rental properties. This would further blur the lines of commercial versus residential, and come at a high cost to actual residents of Nantucket's many residential neighborhoods.

For these reasons, we urge the Board to overturn the Commissioner's Decision and find that the Property is a commercial use that is not allowed in the LUG-1 District, and to require The Copley Group to immediately cease and desist such commercial operation at the Property.

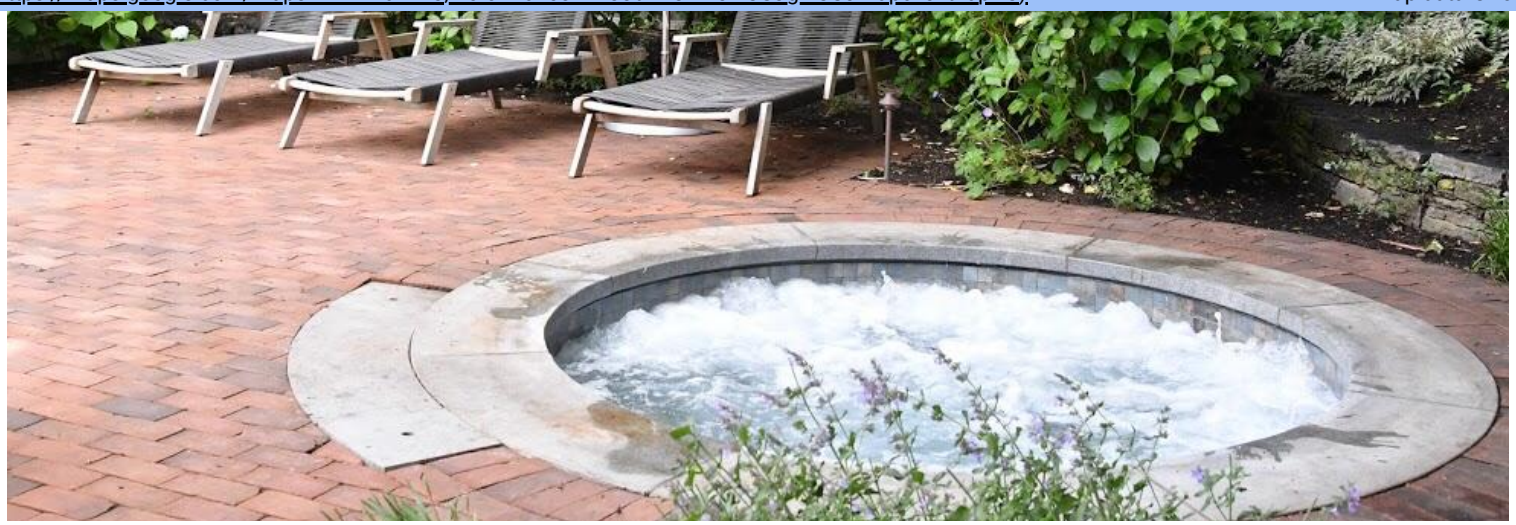
Exhibit A

NANTUCKET VACATION RENTALS

SHARE THESE RESULTS

	Min Beds
Arrival	Departure





38 PLEASANT STREET
(HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-

VACATION-RENTALS/38-PLEASANT-STREET)

6 Bedrooms 5.5 Bathrooms 12 Guests

Air Condition
Concierge
Spa/Jacuzzi
Outdoor Shower



26 PLEASANT STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/26-PLEASANT-STREET)

5 Bedrooms 5.5 Bathrooms 12 Guests

Air Condition
Heated Pool
Concierge
Spa/Jacuzzi



27 NORTH BEACH STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/27-NORTH-BEACH-STREET)

4 Bedrooms 2 Bathrooms 8 Guests

Air Condition

Concierge

Outdoor Shower

Yard



13A WESTERN AVENUE (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/13A-WESTERN-AVENUE)

4 Bedrooms 4 Bathrooms 8 Guests

Water View

Concierge

Air Condition

Outdoor Shower



13B WESTERN AVENUE (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/13B-WESTERN-AVENUE)

4 Bedrooms 4 Bathrooms 8 Guests

Water View

Concierge

Air Condition

Outdoor Shower



32 MONOMOY ROAD (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/32-MONOMOY-ROAD)

6 Bedrooms 6 Bathrooms 12 Guests

Water View

Concierge

Air Condition

Outdoor Shower



27 UNION STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/27-UNION-STREET)

5 Bedrooms 5.5 Bathrooms 10 Guests

Concierge

Air Condition

Outdoor Shower

Beach Chairs



59 ORANGE STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/59-ORANGE-STREET)

5 Bedrooms 5 Bathrooms 10 Guests

Concierge
Air Condition
Outdoor Shower
Beach Chairs



1 DOLPHIN COURT (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/1-DOLPHIN-COURT)

5 Bedrooms 5.5 Bathrooms 10 Guests

Concierge

Air Condition

Outdoor Shower

Yard



17 LILY STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/17-LILY-STREET)

4 Bedrooms 4.5 Bathrooms 9 Guests

Concierge
Air Condition
Spa/Jacuzzi
Outdoor Shower



27 1/2 NORTH BEACH STREET (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/27-12-NORTH-BEACH-STREET)

3 Bedrooms 2 Bathrooms 6 Guests

Air Condition

Concierge

Outdoor Shower

Yard



32 NONANTUM AVENUE (HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS/32-NONANTUM-AVENUE)

6 Bedrooms 7 Bathrooms 12 Guests

Heated Pool
Water View
Concierge
Air Condition

CONTACT US (/CONTACT-US)

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Phone: (508) 901-9877 (tel:5089019877)
Email: guestservice@thecopleygroup.com (mailto:guestservice@thecopleygroup.com)

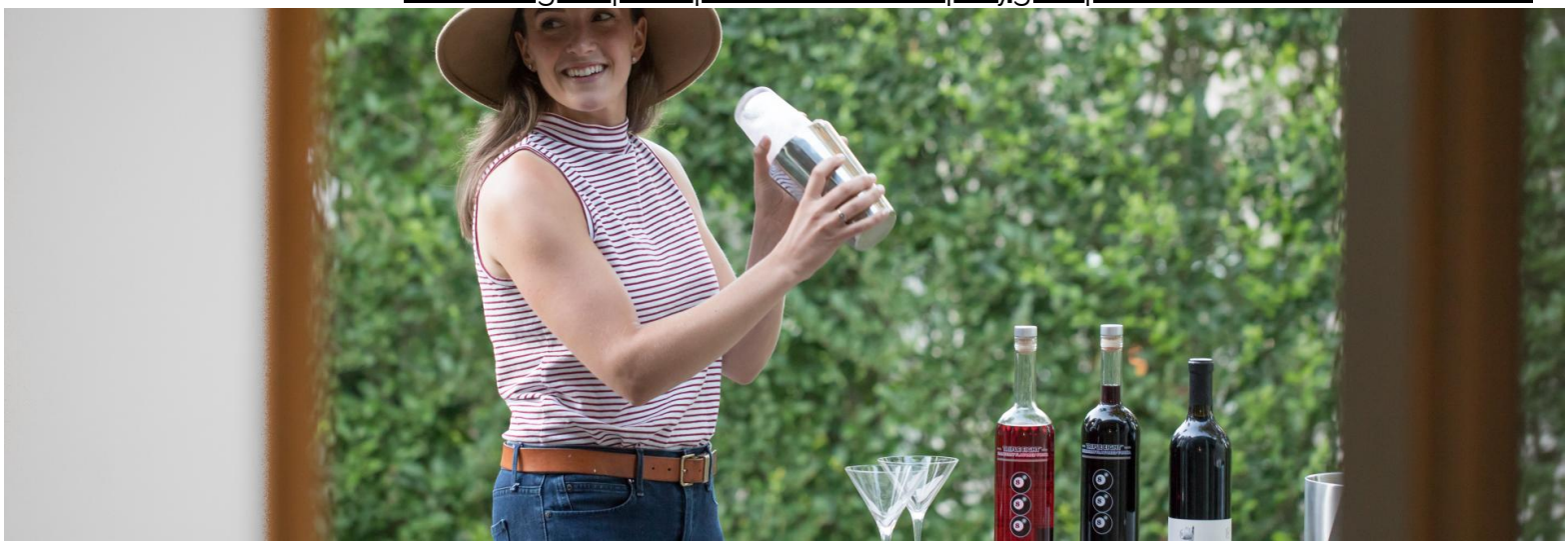
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COMPLIMENTARY CONCIERGE SERVICES

Named “Best Island in the World” by National Geographic and ranked in the top 10 by Travel and Leisure, Nantucket has a rich history, a vibrant social scene, and beautiful beaches (things-to-do/entertainment/beaches). When you book one of our Nantucket rentals (nantucket-vacation-rentals), you have access to our expert knowledge of the island and the best things to do (things-to-do) here.

We’re happy to impart our first-hand knowledge of the island and help you plan exciting activities while you’re staying with us. There are many historical landmarks to visit, museums to browse, delicious things to eat (things-to-do/dining) and interesting walking tours to participate in year-round.

Please reach out to us and let us know what your needs are, in advance of your arrival, so that your time with us is the most enjoyable and memorable it can be.

CONTACT THE COPLEY GROUP NANTUCKET (/CONTACT-US)

Discover Nantucket's Iconic Luxuries



REFERRALS

Weather it is your first visit to Nantucket, or you ar returning for your 20th summer, we can refer you to the best spots and activits in nantucket. Ask us about:

Restaurants

Outings such as fishing trips, scenic tours, bike rides, hikes, etc.

Family and kids activities

Baby equipment rentals

Private chefs

and more...

BROWSE OUR NANTUCKET RENTALS TODAY
(HTTPS://WWW.THECOPLEYGROUPNANTUCKET.COM/NANTUCKET-VACATION-RENTALS)

PLAN YOUR STAY WITH THE COPLEY GROUP NANTUCKET



(https://www.thecopleygroupnantucket.com/getting-to-nantucket)

GETTING TO NANTUCKET

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Arrival

Departure

SUBMIT

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The Copley Group Nantucket
PO Box 463
Nantucket, MA 02554
Phone: (508) 901-9877 (tel:5089019877)
Email: guestservice@thecopleygroup.com (mailto:guestservice@thecopleygroup.com)

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Exhibit B

32 MONOMOY ROAD

6 BR | 6 BA | 12 Guests

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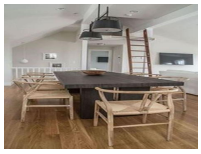
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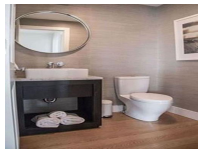
IMAGES VIDEO












SEARCH AVAILABILITY

Arrival

Departure

Promo Code

Search Availability

Featured Amenities

- Water View
- Concierge
- Air Condition
- Outdoor Shower
- Yard
- Beach Chairs
- Beach Towels
- Patio

Description

Amenities

Rates

Availability

The Copley Group's Nantucket Collection homes are available for rent year-round. A one-week minimum rental- from Saturday to Saturday- is required during the summer high season. During non-peak season we have a three-night minimum stay requirement. For nightly rates during the shoulder and off-season please call or email us directly.

Any rates that are listed below are subject to change and should not be considered price quotes.

#	**Night Available**	#	**Night Unavailable**	#	**Arrive Only**	#	**Depart Only**

November 2022 - June 2023

Location



CONTACT US (/CONTACT-US)

The Copley Group Nantucket
PO Box 463
Nantucket, MA 02554
Phone: (508) 901-9877 (tel:5089019877)
Email: guestservice@thecopleygroup.com (mailto:guestservice@thecopleygroup.com)

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GO

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32 Monomoy Road, Nantucket MA



26 Photos of 32 Monomoy Road, Nantucket MA

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RENTAL

6	5	1	12	MONOMOY
BEDROOMS	BATHROOMS	HALF BATHS	SLEEPS	AREA

This property features extraordinary views of Nantucket Harbor and town. An upside down house, it has six bedrooms and five and one-half baths on three levels: there are two king bedrooms on the lower level; three bedrooms (two king and one queen) on the first floor and one bedroom (master suite, king) on the second level. Additionally, this stunning property features three living areas, a large deck, a gourmet kitchen - and is beautifully and fully appointed in a contemporary style.

Show More

Rates and Availability

*Published rates do not include local & state taxes. Current state tax is 5.7% and current local tax is 6%. These taxes are both subject to change.
**Availability & rates are subject to change. Please contact Maury People Sotheby's International Realty to confirm.

15 = Available ~~15~~ = Unavailable

June 2023

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	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	1

Week	Rate
May, 27, 2023 to June, 3, 2023	$15000
June, 3, 2023 to June, 10, 2023	$18000
June, 10, 2023 to June, 17, 2023	$18000
June, 17, 2023 to June, 24, 2023	$20000
June, 24, 2023 to July, 1, 2023	$20000

July 2023

Su	Mo	Tu	We	Th	Fr	Sa

Week	Rate

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25	26	27	28	29	30	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~~	~~1~~	~~2~~	~~3~~	~~4~~	5

Week	Rate
June, 24, 2023 to July, 1, 2023	$20000
July, 1, 2023 to July, 8, 2023	$20000
July, 8, 2023 to July, 15, 2023	$20000
July, 15, 2023 to July, 22, 2023	$20000
July, 22, 2023 to July, 29, 2023	$20000
July, 29, 2023 to August, 5, 2023	$20000

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
~~30~~	~~31~~	~~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~~	1	2

Week	Rate
July, 29, 2023 to August, 5, 2023	$20000
August, 5, 2023 to August, 12, 2023	$20000
August, 12, 2023 to August, 19, 2023	$22000
August, 19, 2023 to August, 26, 2023	$22000
August, 26, 2023 to September, 2, 2023	$22000

Today

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32 Monomoy Road, Nantucket MA

RENTAL

6	5	1	12	MONOMOY
BEDROOMS	BATHROOMS	HALF BATHS	SLEEPS	AREA

This property features extraordinary views of Nantucket Harbor and town. An upside down house, it has six bedrooms and five and one-half baths on three levels: there are two king bedrooms on the lower level; three bedrooms (two king and one queen) on the first floor and one bedroom (master suite, king) on the second level. Additionally, this stunning property features three living areas, a large deck, a gourmet kitchen - and is beautifully and fully appointed in a contemporary style.

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Rates and Availability

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**Availability & rates are subject to change. Please contact Maury People Sotheby's International Realty to confirm.

15 = Available ~~15~~ = Unavailable

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
~~27~~	~~28~~	~~29~~	~~30~~	~~31~~	~~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

Week	Rate
August, 26, 2023 to September, 2, 2023	$22000
September, 2, 2023 to September, 9, 2023	$18000
September, 9, 2023 to September, 16, 2023	$18000
September, 16, 2023 to September, 23, 2023	$18000
September, 23, 2023 to September, 30, 2023	$18000

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October 2023

32 Monomoy Road, Nantucket MA

Su	Mo	Tu	We	Th	Fr	Sa
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	1	2	3	4

Week	Rate
September, 30, 2023 to October, 7, 2023	$13500
October, 7, 2023 to October, 14, 2023	$10000
October, 14, 2023 to October, 21, 2023	$10000
October, 21, 2023 to October, 28, 2023	$10000
October, 28, 2023 to November, 4, 2023	$8000

November 2023

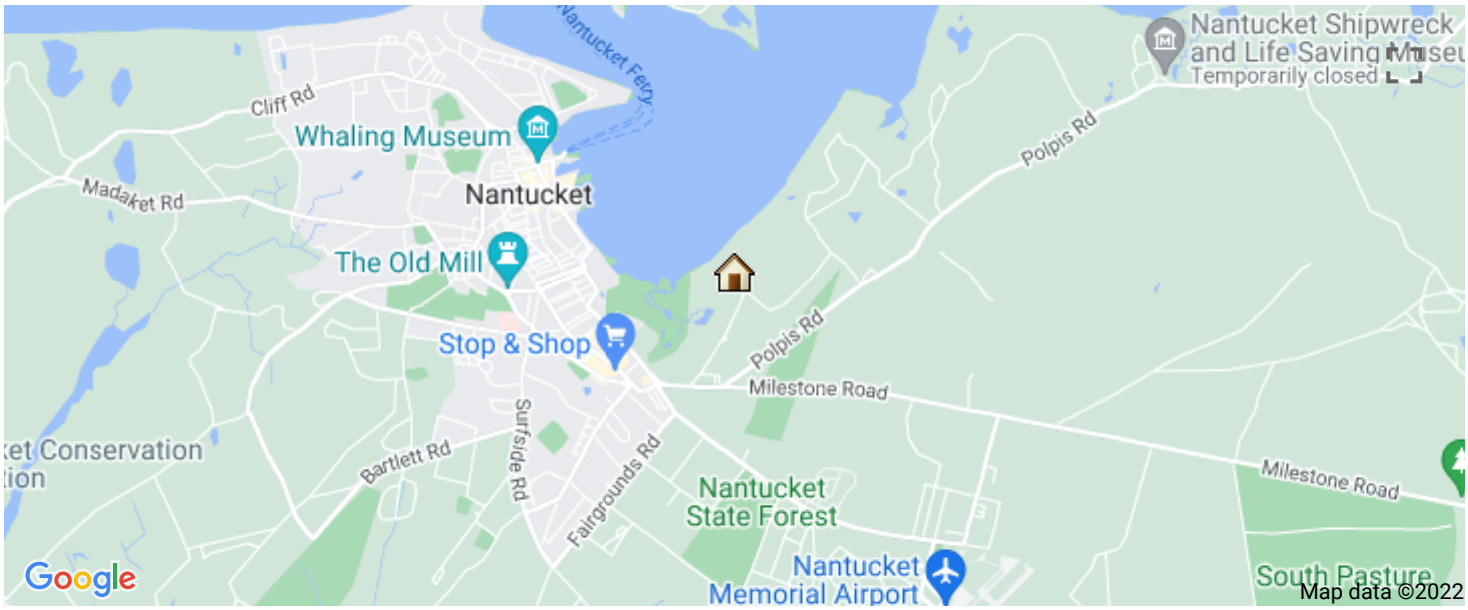
Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Week	Rate
October, 28, 2023 to November, 4, 2023	$8000
November, 4, 2023 to November, 11, 2023	$8000
November, 11, 2023 to November, 18, 2023	$8000
November, 18, 2023 to November, 25, 2023	$5500
November, 25, 2023 to December, 2, 2023	$5500

Today

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Map



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Fill out the form below to request more information.

Your Name (required)

Your Email (required)

Contact Preference

Either

Special Requests or Comments (required)

Sign up for email alerts?

Phone

Evening Phone

Contact Time

Morning

Send a copy of this request to my email

Send Inquiry

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Share and Save 32 Monomoy Road

Maury People Sotheby's International Realty

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Exhibit C

32 MONOMOY RD

Location	32 MONOMOY RD	**Mblu**	54/ / 242/ /
Acct#	00003102	**Owner**	COPLEY MONOMOY LLC
Assessment	$2,584,400	**PID**	3102
Building Count	1		

Current Value

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$1,213,400	$1,371,000	$2,584,400

Owner of Record

Owner	COPLEY MONOMOY LLC	**Sale Price**	$2,025,000
Co-Owner		**Certificate**	
Address	896 BEACON STREET BOSTON, MA 02215	**Book & Page**	C0025823/0
		Sale Date	10/16/2015
		Instrument	00

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
COPLEY MONOMOY LLC	$2,025,000		C0025823/0	00	10/16/2015
FULLER WILLIAM R TRST	$0		C0023540/0	99	05/11/2010
FULLER WILLIAM	$2,375,000		C0021668/0	1O	02/16/2005
MURPHY KENT J & LINDA J TRST	$1,050,000		C0031315/0	1P	07/06/2004
KNIGHT CHARLOTTE ETHELIND	$0		C0007/0307		12/01/1974

Building Information

Building 1 : Section 1

Year Built:	2004
Living Area:	3,704
Replacement Cost:	$1,257,419
Building Percent Good:	96
Replacement Cost Less Depreciation:	$1,207,100

Building Attributes	
Field	**Description**
Style	Cape Cod
Model	Residential
Grade:	Good
Stories:	1.75
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Wood Shingle
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	6
Total Bthrms:	5
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Modern
Kitchen Style:	Luxurious
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	

Building Photo



(https://images.vgsi.com/photos/NantucketMAPhotos//\00\03\43\52.jpg)

Building Layout



(https://images.vgsi.com/photos/NantucketMAPhotos//Sketches/3102_364

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	1,512	1,512
TQS	Three Quarter Story	1,512	1,134
FBM	Basement, Finished	1,512	1,058
FOP	Porch, Open, Finished	756	0
WDK	Deck, Wood	632	0
		5,924	3,704

Extra Features

Extra Features				Legend
Code	**Description**	**Size**	**Value**	**Bldg #**
FPL3	2 STORY CHIM	1.00 UNITS	$4,000	1
FPO	EXTRA FPL OPEN	2.00 UNITS	$2,300	1

Land

Land Use

Use Code	1010
Description	Single Fam M01
Zone	LUG1
Neighborhood	850
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.15
Frontage	0
Depth	0
Assessed Value	$1,371,000

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2022	$1,213,400	$1,371,000	$2,584,400
2021	$1,184,400	$1,262,800	$2,447,200
2020	$1,184,400	$1,262,800	$2,447,200
2018	$894,900	$1,262,800	$2,157,700
2017	$894,900	$1,262,800	$2,157,700

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Addendum C

ANDERSON
KREIGER

Nina Pickering-Cook
pickering@andersonkreiger.com
t: 617.621.6536

October 18, 2022

VIA EMAIL
Marcus Silverstein, Zoning Compliance Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554
msilverstein@nantucket-ma.gov

Re: ***Request for Zoning Enforcement at 32 Monomoy Road, Nantucket***

Dear Mr. Silverstein:

I am writing on behalf of my clients Jeff McDermott of 38 Monomoy Road, Matthew Westfall of 30 Monomoy Road, Stephen Ketchum of 34 Monomoy Road, Bob Landreth and Deborah Landreth, both of 4 Berkeley Avenue, and Mark Wilmot of 33 & 35 Monomoy Road, (collectively, the "Requestors"), to request zoning enforcement against a neighboring property located at 32 Monomoy Road and owned by Copley Monomoy, LLC (managed by Copley Management & Development Corp.) ("32 Monomoy").

Based on public advertising (attached as Exhibit 1 and available at https://www.thecopleygroupnantucket.com/nantucket-vacation-rentals/32-monomoy-road) and personal experience as its neighbors, the STR Property is being used exclusively as a short-term rental ("STR").[1] 32 Monomoy Road's use as an STR is a commercial use. Where 32 Monomoy is located in the LUG-1 District, which permits only residential uses, its use as a commercial property is prohibited. Although it may appear to be a single family home from the outside, the 32 Monomoy is not being used for any lawful residential use under the Nantucket Zoning Bylaw.

As a result, my clients are requesting, pursuant to G.L. c. 40A, § 7 and Nantucket Zoning Bylaw § 139-25, that the Town, acting through your office, issue a cease and desist of commercial use of 32 Monomoy. My clients look forward to seeing their neighboring property return to single family residential use and to the permanent housing stock for the Island.

[1] Although there is no definition for this use in the Nantucket Zoning Bylaw, G.L. c. 64G, §1 defines it as "an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Please respond as required under Nantucket Zoning Bylaw § 139-25(B)(1). If needed, I would be happy to provide more information specific as to the STR use of 32 Monomoy (at least to the extent it is publicly available) and how it qualifies as a commercial use. I can be reached at the phone and email listed above. Thank you for your consideration of this important issue.

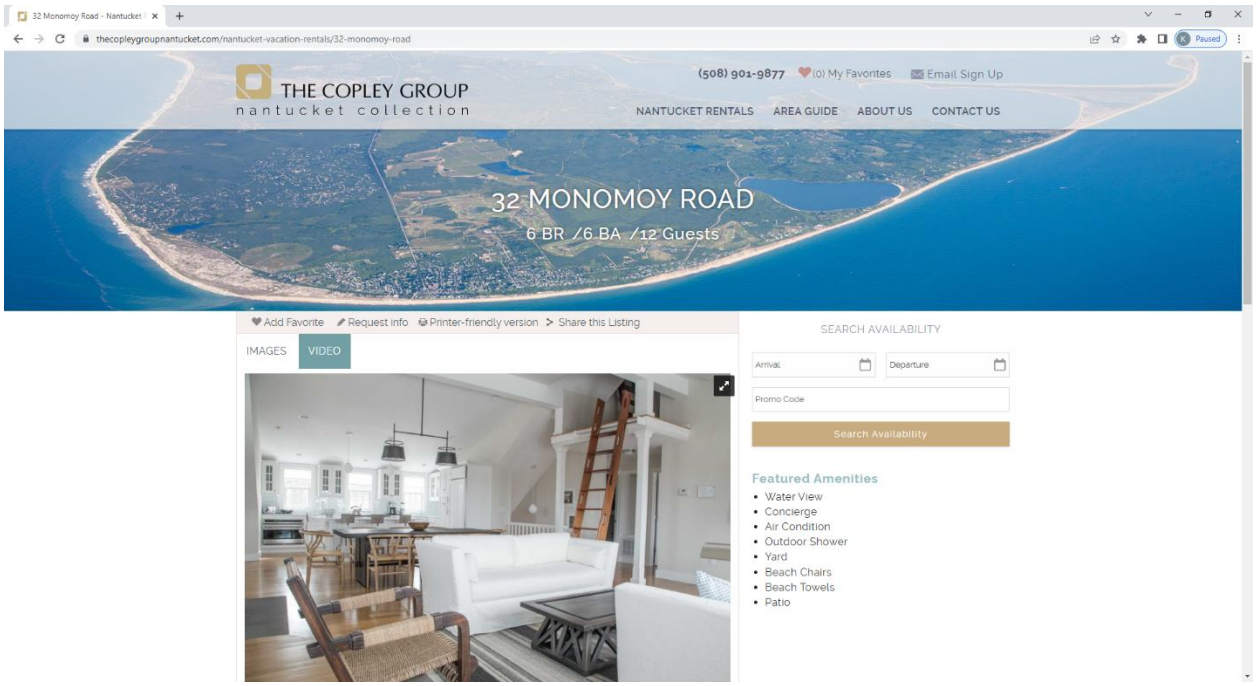
Sincerely,

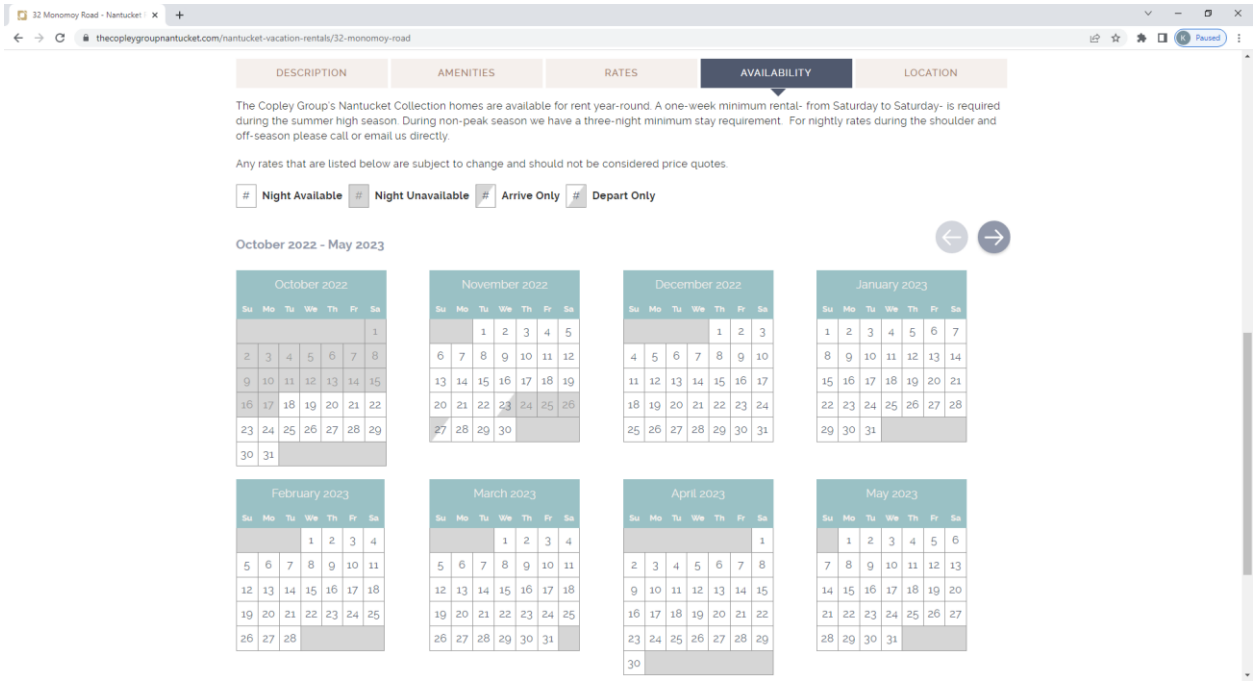


Nina Pickering- Cook

cc: Clients
Nantucket Building Commissioner

EXHIBIT 1


32 Monomoy Road - Nantucket
thecopleygroupnantucket.com/nantucket-vacation-rentals/32-monomoy-road
THE COPLEY GROUP
nantucket collection
(508) 901-9877
(0) My Favorites
Email Sign Up
NANTUCKET RENTALS
AREA GUIDE
ABOUT US
CONTACT US
32 MONOMOY ROAD
6 BR /6 BA /12 Guests
Add Favorite
Request info
Printer-friendly version
Share this Listing
IMAGES
VIDEO
SEARCH AVAILABILITY
Arrival
Departure
Promo Code
Search Availability
Featured Amenities
Water View
Concierge
Air Condition
Outdoor Shower
Yard
Beach Chairs
Beach Towels
Patio


32 Monomoy Road - Nantucket
thecopleygroupnantucket.com/nantucket-vacation-rentals/32-monomoy-road
DESCRIPTION
AMENITIES
RATES
AVAILABILITY
LOCATION
The Copley Group's Nantucket Collection homes are available for rent year-round. A one-week minimum rental- from Saturday to Saturday- is required during the summer high season. During non-peak season we have a three-night minimum stay requirement. For nightly rates during the shoulder and off-season please call or email us directly.
Any rates that are listed below are subject to change and should not be considered price quotes.
Night Available
Night Unavailable
Arrive Only
Depart Only
October 2022 - May 2023
October 2022
November 2022
December 2022
January 2023
February 2023
March 2023
April 2023
May 2023

Addendum D

ARTICLE I
Purpose; Definitions

§ 139-1. Purpose.

To promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the danger from fire and congestion and to improve the Town under the provisions of the State Zoning Act, MGL c. 40A, the use, construction, repair, alteration and height of buildings and structures and the use of land and the size and shape of lots in the Town of Nantucket are hereby restricted and regulated as hereinafter provided.

§ 139-2. Definitions and word usage.

A. Definitions. In this Zoning Bylaw, Chapter 139 of the Nantucket Code, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

ACCESSORY DWELLING — A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than 550 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2015 ATM by Art. 61, AG approval 8-5-2015]**

ACCESSORY USES — Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. [1] **[Amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

ADULT ON-SITE MARIJUANA SOCIAL CONSUMPTION OPERATOR — A marijuana retailer where consumers are permitted to consume marijuana and marijuana products on its

1. **Editor's Note: The former definition of "affordable unit" which immediately followed this definition, was replaced by the definition of "inclusionary unit," which is included in its proper alphabetical sequence.**

premises**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

ADULT USES — All uses as described and defined in MGL c. 40A, § 9A, as may be amended from time to time to include: Any establishment which has 10% of its stock-in-trade on hand; whose sales, including rentals from such a portion of stock equals or exceeds 10% of monthly sales; or has 10% or greater floor area open to and observable by customers used for the display or storage of adult-oriented material, or as presentation time of live or recorded performances, shall be defined as an adult use. Adult uses are subject to the following standards:**[Added 4-10-2002 ATM by Art. 41, AG approval 7-31-2002; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 4-2-2016 ATM by Art. 58, AG approval 7-12-2016]**

(1) Adult uses shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial or other uses.

(2) A minimum separation of 300 feet, measured between lot lines, is required between adult uses and state-certified public or private schools or state-licensed day-care centers.

AFFORDABLE HOUSING — Dwelling units restricted to occupancy by families with annual incomes less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.**[Added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994; amended 4-8-2008 ATM by Art. 57, AG approval 8-18-2008; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

AGRICULTURE — The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary uses for packing, treating and storing the produce.

ALCOHOLIC BEVERAGE SALES — A facility for the retail sale of beer, wine, or other alcoholic beverages for off-premises consumption.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

ALTERATION — Any change in size, shape or use of a building or structure.

ANIMAL FEEDLOT — Land on which 25 or more livestock per acre are kept for the purpose of feeding.

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. The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density set forth in the schedule below; and (2) the applicant shall demonstrate through submission of a dimensioned lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 66, AG approval 5-7-2014; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 20, AG approval 2-26-2018]**

(1) CDT — one dwelling unit is permitted for each 1,000 square feet of lot area.

(2) CMI — one dwelling unit is permitted for each 2,000 square feet of lot area.

(3) CN — one dwelling unit is permitted for each 3,000 square feet of lot area.

(4) CTEC — one dwelling unit is permitted for each 4,000 square feet of lot area.

(5) CI — one dwelling unit is permitted for each 5,000 square feet of lot area.

APARTMENT BUILDING(S) — A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot , or an equivalent density, through the issuance of a special permit granted by the Planning Board, for a project, comprised of one or more parcels of land in the same ownership or control, that could be divided into multiple lots on a conventional subdivision plan meeting all dimensional and upland requirements of the bylaw and consistent with the

Rules and Regulations Governing the Subdivision of Land, as may be amended by the Planning Board from time to time, as demonstrated by the submission of a dimensioned lotting plan, with no commercial or other uses, shall be allowed in the following districts:**[Added 4-5-2014 ATM by Art. 68, AG approval 5-7-2014; amended 4-2-2016 ATM by Arts. 36, 60, AG approval 7-12-2016; 11-6-2017 STM by Art. 20, AG approval 2-26-2018]**

(1) CN/VN — one dwelling unit is permitted for each 2,500 square feet of lot area.

(2) CMI — One dwelling unit is permitted for each 1,250 square feet of lot area.

The Planning Board shall be the special permit granting authority.

AQUIFER — A geological formation that stores and transmits significant quantities of recoverable water.

ARCADE — A place or facility where any electric or electronic machine, such as pinball or other similar electronic games, is played for amusement only. Shall not be construed so as to include bingo games, juke boxes, children's mechanical rides (e.g., horses, rocket ships), or machines that sell merchandise nor shall it be construed so as to include gambling devices or any other devices prohibited by law.[2]**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

AUTOMOBILE SERVICE STATION — Any building, structure or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement or rebuilding, body and fender repair, or painting.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

AVERAGE MEAN GRADE — **[Added 4-12-1994 ATM by Art. 55, AG approval 4-29-1994]**

(1) Average mean grade shall be the average of the mean grades established along the median grade line. There shall be only

2. Editor's Note: The former definition of "assisted-independent-living community," added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000, which immediately followed this definition, was repealed 9-21-2009 STM by Art. 16, AG approval 12-11-2009.

one average mean grade for each continuous median grade line.

(2) Where a side does not have continuous existing and/or finish grade lines, caused by retaining walls or horizontal breaks created by setbacks or protrusions, the average mean grade shall be the average of separately calculated average mean grades for each separate continuous median grade line and shall be proportional to the horizontal length of each continuous median grade line.

BAKERY — An establishment primarily engaged in the retail sale of baked goods for off-site consumption. A bakery may include, as an accessory use, wholesale distribution of goods prepared on the site.[3] **[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

BUILDING — A structure forming a shelter for persons, animals or property and having a roof. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof."

BUILDING AND STRUCTURE HEIGHT — **[Added 4-12-1994 ATM by Art. 55, AG approval 4-29-1994; amended 4-12-1999 ATM by Art. 30, AG approval 8-10-1999; 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

(1) The height of the building or structure shall be established for each side.

(2) There shall only be one highest point for each building or structure.

(3) No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI Districts, or as otherwise permitted.

(4) Where a side does not have continuous existing and/or finish grade lines, the average mean grade shall be the average of separately calculated average mean grades of each separate continuous median grade line.

BUILDING, DETACHED — A building surrounded by an open space on the same lot.

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3. Editor's Note: The definition of "breezeway," as amended, which immediately followed this definition, was repealed 11-6-2017 STM by Art. 18, AG approval 2-26-2018.

BUILDING ENVELOPE — The sole area on a lot, less than allowed by applicable setback requirements, for the placement of a building or other structures. **[Added 11-13-1990 STM by Art. 19, AG approval 3-19-1991]**

BUILDING COMMISSIONER — The chief official of the Town of Nantucket who is responsible for the administration and enforcement of Code of Massachusetts Regulations 780, State Board Building Regulations and Standards.**[Added 4-10-2000 ATM by Art. 36, AG approval 8-2-2000; amended 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

BUILDING INSPECTOR — The Building Commissioner, or his/her designee, otherwise referred to in this chapter as the "Inspector of Buildings." **[Amended 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**

BUILDING, PRINCIPAL — A nonaccessory building on a lot in which a principal use is conducted.

BULK MERCHANDISE RETAIL — The sale of goods that require a large amount of floor space and which involves goods both warehoused and retailed at the same location. Items for sale include large, categorized products such as household appliances, furniture, construction and lawn equipment, electrical and heating fixtures and supplies, plumbing fixtures and supplies.[4]**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

CATERING SERVICE — An establishment in which food, meals, and incidental services are prepared and then delivered to another location for consumption.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CLINIC, MEDICAL OR DENTAL — Offices organized as a unified facility by one or more physicians, dentists, chiropractors or other licensed practitioners to provide medical or dental treatment and examination, but not including bed-patient care.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CLUB — Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a

4. **Editor's Note: The definition of "capital improvements," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.**

business.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

COMMERCIAL — As in a trade, occupation, or business, including a transient residential facility, but excluding governmental, religious or private residential uses.

COMMERCIAL WECS — A WECS designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a residential WECS.

CONSTRUCT — To build, erect or assemble. [5]

CONTRACTORS SHOP — An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office but which does not use any exterior storage area.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

CONVENIENCE STORE — A retail store offering for sale groceries and household items intended for the convenience of the neighborhood with a floor area of less than 2,500 square feet; does not include automotive service stations or vehicle repair shops.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

COUNTRY OVERLAY DISTRICT — The overlay district described in § 139-12F.[6]**[Added 4-9-2002 ATM by Art. 37, AG approval 7-31-2002]**

DAY-CARE CENTER — Any institution or place which receives for temporary custody, separate and apart from their parents, five or more children not of common parentage, under seven years of age, during part or all of the day, with or without stated educational purposes.

DISPOSAL — Any discharge, deposit, injection, dumping, spilling, leaking or placing so that waste may enter ground or surface water.

DOCK or PIER or WHARF — Each such word shall mean the same for purposes of this chapter, and shall be used interchangeably, either singularly or in the plural, in the conjunctive or in the

5. **Editor's Note: The definition of "construction," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011.**

6. **Editor's Note: The definition of "CPI," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011, and the definition of "customary home occupation," which immediately followed was repealed 1-8-2001 STM by Art. 5, AG approval 4-10-2001. See now the definition of "home occupation."**

disjunctive, and shall mean any structure, floating or fixed, attached or adjacent to land, and placed in or and extending into coastal inland waters (in the case of tidal waters, seaward of the mean high tide line) which is designed, or is suitable for use, for access to vessels, or for swimming or any other similar recreational, commercial, or educational purpose.[7] **[Added 4-10-2000 ATM by Art. 30, AG approval 8-2-2000]**

DRIVEWAY ACCESS — A vehicular access point onto any public way, private way or any way customarily used by the public for purposes for which a public way is generally used in the Town or County of Nantucket.[8] **[Added 4-9-2001 ATM by Art. 27, AG approval 8-2-2001]**

DUPLEX — A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 District only, both dwelling units shall be in the same ownership. A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this chapter.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

DWELLING UNIT — A room or enclosed floor space used, or to be used, as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation.

ELDER HOUSING FACILITIES — One or more structures used for independent living, assisted living, skilled nursing care, hospice care, and other long-term residential care for persons 55 or older or the disabled. Such structures may be detached dwelling units, attached dwelling units, integrated dwelling units, and/or multiple-bedroom long-term care facilities, as well as associated and ancillary facilities and services.**[Added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000; amended 9-21-2009 STM by Art. 16, AG approval 12-11-2009]**

ELIGIBLE HOUSEHOLD — A household whose total annual income is less than 150% of the median annual household income for Nantucket County as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.**[Amended 11-13-1990 STM by Art. 18, AG**

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7. Editor's Note: The definition of "dormitory housing," added 4-9-2001 ATM by Art. 38, AG approval 8-2-2001, which immediately followed this definition, was repealed 4-8-2008 ATM by Art. 55, AG approval 8-18-2008.

8. Editor's Note: The definition of “dwelling,” which immediately followed this definition, was repealed 4-6-2009 ATM by Art. 27, AG approval 8-10-2009.

approval 3-19-1991; 4-8-2008 ATM by Art. 57, AG approval 8-18-2008]

EMPLOYER DORMITORY — A dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the TOD in which sleeping accommodations for more than five persons are provided by one or more employers, with occupancy limited solely to their employees.**[Amended 4-10-2000 ATM by Art. 31, AG approval 8-2-2000; 4-9-2001 ATM by Art. 37, AG approval 8-2-2001; 4-9-2001 ATM by Art. 38, AG approval 8-2-2001; 4-8-2008 ATM by Art. 55, AG approval 8-18-2008; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

ERECT — To construct or reconstruct or excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction; or to move a building or structure upon a lot.

FAMILY — One or more persons occupying a dwelling unit and living as a single household.**[Amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

FLOOD HAZARD DISTRICT — An overlay district to all other districts. The district includes all special flood hazard zones designated as Zone A, AH, AO, A5-8, V5-8, and the FEMA Flood Boundary and Floodway Map, all of which indicate the one-hundred-year regulatory floodplain on Nantucket's Flood Insurance Rate Map (FIRM), dated July 2, 1992, and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). Exact boundaries are further defined by the Flood Insurance study booklet dated June 3, 1986. The FIRM, and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission. **[Added 5-4-1993 ATM by Art. 44, AG approval 5-24-1993]**

FLOOR AREA, GROSS — The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding basement and cellar areas devoted exclusively to uses accessory to the operation of the structure; and areas devoted to housing mechanical equipment customarily located in the basement or cellar, such

as heating and air-conditioning equipment, plumbing, electrical equipment, and residential laundry facilities.

FOOD PROCESSING ESTABLISHMENT — Manufacturing establishments that produce or process foods for consumption. Includes: (1) bakery products, sugar and confectionery products primarily for wholesale distribution, but not including a "bakery" as herein defined; (2) dairy products processing; (3) fats and oil products (including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing; and (7) distilleries.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008; amended 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

FORMULA BUSINESS — A type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which is under common ownership or control or is a franchise, and is one of 10 or more other businesses or establishments worldwide maintaining two or more of the following features:**[Added 4-4-2006 ATM by Art. 42, AG approval 10-26-2006; amended 4-2-2013 ATM by Art. 31, AG approval 7-26-2013]**

(1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs, that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(3) Standardized color scheme used throughout the interior or exterior of the establishment, including, but not limited to, graphics, awnings, signage, and the like visible from the exterior of the structure.

(4) Standardized interior decor, including, but not limited to, style of furniture, wall coverings, permanent fixtures, displays, window treatments.

(5) Standardized uniform, including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

FRONTAGE — The lineal extent of the boundary between a lot and an abutting street measured along a single street line affording legal and practical access to the lot. For a lot abutting two or more streets, frontage is measured along any single street line of the lot. Frontage shall not include jogs in street width, backup strips and other irregularities in street line, such as at a turning "T" or hammerhead turnaround or street-width change.

GARAGE — A building for covered shelter of one or more motor vehicles. A garage shall be for vehicle parking at grade, or for commercial storage, repair, washing, painting or other servicing of motor vehicles. The Planning Board shall be the special permit granting authority for residential garages serving as a primary use on a lot.**[Amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

GARAGE APARTMENT — A dwelling unit located within a residential or commercial garage. The dwelling unit shall not exceed 150% of the gross floor area of the garage. If located on the same lot as a primary dwelling unit, the following requirements shall be applicable:**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2011 ATM by Art. 64, AG approval 9-15-2011]**

(1) Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the primary dwelling and garage apartment on the lot shall not be deemed to constitute "the same legal and beneficial ownership."

(2) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

GROUND COVER — The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-

ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and detached sheds not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation.**[Added 4-15-2003 ATM by Art. 48, AG approval 8-27-2003; amended 4-5-2014 ATM by Art. 68, AG approval 5-7-2014; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019; 4-1-2019 ATM by Art. 56, AG approval 8-6-2019]**

GROUND COVER RATIO — The ground cover upon a lot divided by the area of the lot, expressed as a percentage.**[Amended 4-12-1999 ATM by Art. 29, AG approval 8-10-1999; 4-15-2003 ATM by Art. 48, AG approval 8-27-2003]**

HAZARDOUS OR TOXIC MATERIALS — Liquid hydrocarbon products, including but not limited to residual oil, gasoline, fuel oil, diesel oil and any other toxic, caustic or corrosive chemicals, radioactive materials and other substances defined as being hazardous or toxic by the Massachusetts Division of Hazardous Waste under the provisions of MGL c. 21C and c. 21E. **[Amended 5-4-1993 ATM by Art. 42, AG approval 5-24-1993]**

HEALTH SPA — A place or building where massage, beauty treatment, cosmetic procedures, and related activities take place.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

HISTORICAL HIGH WATER TABLE — The highest groundwater elevation that is likely to occur at a given location, based on calculations made in accordance with the high groundwater methodology specified in the U.S.G.S. Water Resource Investigations Circular #83-4112 by Frimpter et al., and any subsequent revisions. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

HOME OCCUPATION — An occupation, trade, profession, or business activity conducted as an accessory use wholly or partly within a dwelling unit or in one or more accessory structures.**[Added 1-8-2001 STM by Art. 5, AG approval 4-10-2001; amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

(1) Home occupations shall be subject to the following requirements:

(a) The home occupation shall be conducted by occupants of a dwelling upon the lot, and not more than one additional worker who is not an occupant of a dwelling upon the lot.

(b) There shall be no exterior storage of material or equipment, unless effectively screened by a wall, fence or densely planted vegetative buffer.

(c) The gross floor area used in connection with the home occupation shall not exceed 800 square feet, not more than 200 square feet of which shall be used for retail sales.

(d) The home occupation, as projected, shall not generate an average daily traffic generation during the months of June through September that exceeds 14 vehicle trips per day.

(e) A use permit shall be obtained from the Building Commissioner for the home occupation.

(f) There shall be no retail sales except of commodities prepared, crafted or otherwise produced upon the lot.

(2) Special permit relief. A special permit may be granted by the special permit granting authority for a home occupation (including multiple home occupations upon the same lot, collectively) which employs more than one nonresident of the lot, or which conducts retail sales in a gross floor area exceeding 200 square feet, provided that all of the other requirements are met and the criteria for the granting of a special permit under § 139-30 are met, and a home occupation for which a special permit is granted hereunder shall be subject to the provisions for minor site plan review under § 139-23.[9]

HOSPITAL — A health care facility providing patient treatment with specialized staff and equipment, including, but not limited to, bed-patient care, medical testing facilities, wellness center, rehabilitation facilities, medical offices (i.e., medical clinic), and ancillary facilities customarily associated with a hospital such as a helicopter landing pad, employee housing, maintenance facilities, retail sale of convenience and gift related items, and

9. **Editor's Note: The former definition of "household," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.**

cafeteria and food services. A hospital shall be exempt from § 139-11.**[Added 4-6-2015 ATM by Art. 70, AG approval 8-5-2015]**

HOT TUB/SPA — A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.**[Added 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

HOTEL — A building or buildings on a lot containing a commercial kitchen and rental sleeping units without respective kitchens, primarily the temporary abode of persons who have a permanent residence elsewhere.**[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

IMPERVIOUS — For the purpose of enforcing the provisions of the Public Wellhead Recharge District, the term "impervious" shall mean those surfaces which will result in little or no infiltration of stormwater through underlying soil layers. Surfaces such as concrete, bituminous concrete, brick, or similar interlocking surfaces which have no interstitial gaps or openings shall be considered impervious. The designated review authority shall determine whether alternative paving surfaces which have interstitial openings can be deemed to reduce the impervious coverage of a lot. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

INCLUSIONARY UNIT — Any rental dwelling unit required pursuant to § 139-11J restricted to employee occupancy.[10]**[Amended 11-13-1990 STM by Art. 18, AG approval 3-19-1991; 4-14-1997 ATM by Art. 48, AG approval 8-18-1997; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

JUNK YARD — A structure or lot used in connection with a business for collection, storage, or sale of waste or scrap materials.**[Added 4-5-2014 ATM by Art. 68, AG approval 5-7-2014]**

KENNEL — A building for the boarding for pay or hire of four or more dogs.

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10. Editor's Note: The former definition of "independent living cottages," added 4-10-2000 ATM by Art. 27, AG approval 8-2-2000, which immediately followed this definition, was repealed 9-21-2009 STM by Art. 16, AG approval 12-11-2009.

LANDSCAPE CONTRACTOR — A business engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250 kW DC.**[Added 4-1-2019 ATM by Art. 62, AG approval 8-6-2019]**

LIGHT MANUFACTURING — An establishment engaged in the indoor manufacturing, processing, or fabrication of materials or products.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

LODGING, ROOMING OR GUEST HOUSE — A building or buildings on a lot containing rental sleeping units without respective kitchens, and not having a commercial kitchen, primarily the temporary abode of persons who have a permanent residence elsewhere.**[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

LOT — A tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership to the extent necessary to eliminate or minimize zoning nonconformities. However, two or more adjacent parcels in common ownership, each of which complies with all applicable zoning requirements, or each of which has been lawfully improved with one or more dwellings conforming to all applicable zoning requirements, if any, at the time of construction thereof, and each of which parcels was in compliance with area and frontage requirements applicable thereto at the time of such construction, shall be considered to be separate lots for all purposes under this chapter, notwithstanding any subsequently effective amendment to this chapter. **[Amended 4-12-1994 ATM by Art. 50, AG approval 4-29-1994]**

LOT AREA — The horizontal area of the lot exclusive of any area in a street or private way open to the public use or land seaward of the mean high tide line of any harbor, sound, ocean or estuary. For any lot created after November 14, 1990, 90% of

the minimum lot area required for the zoning district in which such lot is situated must be exclusive of areas subject to the protection under the Wetlands Protection Act, MGL c. 131, § 40, not including areas defined as land subject to coastal storm flowage, coastal flooding or inundation, or any area defined as a buffer zone under such statute. In addition, for any lot created after April 5, 2011, the wetlands defined in the local Wetlands Bylaw, Chapter 136 of the Code of the Town of Nantucket, shall also apply, not including areas defined as land subject to coastal storm flowage, coastal flooding or inundation, or any area defined as a buffer zone under such statute.**[Amended 11-13-1990 STM by Art. 16, AG approval 3-19-1991; 5-5-1992 ATM by Art. 36, AG approval 8-3-1992; 4-4-2011 ATM by Art. 60, AG approval 9-15-2011]**

LOT LINE — A line bounding a lot, including a street line or an interior line which divides the lot from another lot, or a natural boundary line for a lot.

LUMBERYARD — A facility where building materials such as lumber, plywood, drywall, cement blocks, roofing materials, insulation, and the like, including related products such as wallpaper, plumbing and electrical supplies, paint, glass, and hardware, are stored and sold.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

MAJOR COMMERCIAL DEVELOPMENT — See § 139-11.

MARIJUANA ESTABLISHMENT, RECREATIONAL — A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL c. 94G, § 1, and 935 CMR 500.00, unless otherwise defined in this section. Recreational marijuana establishments are subject to the following standards:**[Added 11-6-2017 STM by Art. 2, AG approval 2-26-2018; amended 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

(1) Recreational marijuana establishments shall be located in standalone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for colocation with a licensed medical marijuana treatment center.

(2) A minimum separation of 500 feet, measured between lot lines, is required between recreational marijuana establishments and state-certified public or private schools or state-licensed day-care centers.

(3) Except where co-located, a minimum separation of 2,000 feet, measured between lot lines, is required between recreational marijuana establishments.

(4) No building permit for a recreational marijuana establishment shall issue until the applicant has executed a host community agreement with the Town pursuant to MGL c. 94G, § 3(d).

(5) A recreational marijuana establishment shall be required to obtain an annual certificate of inspection issued by the Inspector of Buildings.

(6) A recreational marijuana retailer must operate and provide all storage within a permanent structure.

(7) A recreational marijuana establishment shall not be eligible for qualification as a home occupation.

(8) On-site consumption of marijuana products is prohibited.

(9) Delivery of cannabis products to consumers is prohibited.

(10) A special permit for a recreational marijuana establishment shall be limited to the applicant at the time of special permit issuance. Any changes to the owner/operator/licensee shall require a new special permit.

(11) A recreational marijuana establishment shall not generate outside odors from the processing or manufacturing of marijuana or marijuana products.

(12) An applicant for a special permit for a recreational marijuana establishment shall obtain a provisional license from the Cannabis Control Commission prior to submitting an application to the Planning Board for a special permit.

MARIJUANA MEMBERSHIP CLUB — An organization, club, lodge, other private grounds allowing on-site consumption of cannabis or marijuana products, but not operating as a licensed marijuana social consumption operator and where no sales occur.**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

MARIJUANA PRODUCTS — Cannabis or marijuana and its products unless otherwise indicated and as defined in MGL c. 94G, § 1, as may be amended. These include products that have been manufactured and contain cannabis or an extract from cannabis or marijuana, including concentrated forms of

marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.**[Added 10-10-2018 STM by Art. 1, AG approval 8-6-2019]**

MARIJUANA TREATMENT CENTER, MEDICAL — A premises approved under a medical use marijuana license pursuant to MGL c.94I that acquires, cultivates, processes, transports, sells, distributes, dispenses or administers marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof. Medical marijuana treatment centers are subject to the following standards:**[Added 11-6-2017 STM by Art. 2, AG approval 2-26-2018]**

(1) Medical marijuana treatment centers shall be located in standalone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with a licensed recreational marijuana establishment.

(2) A minimum separation of 500 feet, measured between lot lines, is required between medical marijuana treatment centers and state-certified public or private schools or state-licensed day-care centers.

(3) No building permit for a medical marijuana treatment center shall issue until the applicant has executed a Host Community Agreement with the Town pursuant to MGL c.94G, § 3(d).

MARITIME SERVICE STATION — A marine establishment which may include, but not be limited to, boat fuel sales, boat sales, boat rental, boat construction, boat maintenance, repair, and incidental painting, and marine equipment sales or rental.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

MEAN GRADE — The median grade line established between existing grade and finish grade measured along a line four feet from the perimeter of the building or structure, extended four feet beyond the building or structure at each end. **[Amended 4-12-1994 ATM by Art. 55, AG approval 4-29-1994]**

MEANS OF ACCESS — A way affording vehicular access to a lot and across the line of the way [or lot line, for lots within the scope of § 139-33E(1)(b) below] and having sufficient width, suitable grades and adequate construction to provide for the year-round needs of vehicular traffic in relation to the way's prospective use

and for the installation of utility services.[11]**[Amended 5-5-1992 ATM by Art. 44, AG approval 8-3-1992]**

MINING — The removal of any geologic material, including but not limited to topsoil, sand, gravel and clay, not to include removal associated with on-site road and building construction.[12]

MOTOR VEHICLE PARKING LOTS OR STRUCTURES — A commercial use dedicated to exterior or interior vehicular parking. Motor vehicle parking lots or structures that are constructed to meet the off-street parking requirements of § 139-18 of this chapter shall not be considered a separate use from the use requiring the off-street parking.**[Added 4-2-2016 ATM by Art. 60, AG approval 7-12-2016]**

MUNICIPAL — Of or by the Town of Nantucket, the County of Nantucket, or any agency, board or department thereof; and specifically including the Nantucket Islands Land Bank.**[Added 4-6-2015 ATM by Art. 66, AG approval 8-5-2015]**

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM — Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

NEIGHBORHOOD EMPLOYEE HOUSING — Housing for the exclusive use of employers who own or lease space on a lot, for the purpose of housing their employees, their spouses, domestic partners and dependents. A maximum of two dwelling units shall be permitted per lot with occupancy limited to a total of 18 persons. In the R-1, ROH, R-5, R-10, R-20, and R-40 Districts only, there shall be no more than two lots containing neighborhood employee housing or employer dormitory units (conforming or preexisting nonconforming), within a 1,000 foot radius. The Planning Board shall be the special permit granting authority.

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11. Editor's Note: The former definition of "medical marijuana treatment center," which immediately followed this definition, was amended 4-5-2014 ATM by Art. 68 to become "registered marijuana dispensary," which was repealed 11-6-2017 STM by Art. 2, AG approval 2-26-2018.

12. Editor's Note: The former definition of "motel," which immediately followed this definition, was repealed 4-6-2009 ATM by Art. 27, AG approval 8-10-2009. The former definition of "multi-family dwelling," added 4-10-2000 ATM by Art. 33, AG approval 8-2-2000, as amended, which also followed this definition, was repealed 4-2-2013 ATM by Art. 30, AG approval 7-26-2013. The former definition of "moderately priced housing," which also followed this definition, added 4-12-1994 ATM by Art. 48, AG approval 4-29-1994, and amended 4-8-2008 ATM by Art. 29, AG approval 8-18-2008, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.

Site plan review in accordance with § 139-23 and the submission of a dormitory management plan shall be required.**[Added 4-9-2001 ATM by Art. 37, AG approval 8-2-2001; amended 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

NONCONFORMING STRUCTURE, USE OR LOT — A structure or a use or lot that does not conform to a zoning restriction of this chapter for the zoning district in which it is located, provided that the nonconformity was lawfully in existence on the July 27, 1972, effective date of this chapter, or in the case of a structure, use or lot made nonconforming by an amendment of this chapter, on the effective date of such amendment.[13]

OFFICE — The building, room or building space where the clerical work of a business, trade or occupation, or profession is conducted or where the work of administration is conducted. Commercial office space shall not include any trading in merchandise or manufacturing or fabricating.

OPEN AIR MARKET — An occasional or periodic market held in an open area or in a structure where groups of individual sellers licensed by the Board of Selectmen offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

OPEN LAND — A parcel or parcels of land or an area of water or wetlands or a combination of land and water or wetlands, not including streets, set aside in an undeveloped state.

ORIGINAL LOT — An existing lot, dividable into two lots pursuant to § 139-8C.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2016 ATM by Art. 54, AG approval 7-12-2016]**

OUTBUILDING(S) — Detached accessory residential structure(s) such as a cabana, barn, hoop barn, shanty, greenhouse, gazebo, playhouse, fitness studio, home office, but not including dwelling units or structures used for habitation, studios, or sheds.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

OWNER OCCUPIED — The primary residence, or temporary (seasonal) residence, of a person(s) or the individual beneficiaries of a legal entity that holds title to the property, where such

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13. Editor's Note: The definition of "occupied," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.

persons are physically present and living within dwelling units on said property for at least three months each calendar year. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as owner occupied.**[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015]**

OWNERSHIP — Record title to land, as shown upon deeds or other documents of title on file at the Nantucket Registry of Deeds, the Nantucket Registry District of the Land Court, the Registries of Probate, or other applicable public offices.**[Added 4-6-2015 ATM by Art. 65, AG approval 8-5-2015]**

PARKING SPACE — An area dedicated to the parking of a motor vehicle meeting the requirements of § 139-18.**[Added 4-9-2001 ATM by Art. 27, AG approval 9-2-2001; amended 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

PARKING SPACE: TANDEM/STACKED — A group of two or more parking spaces arranged one behind the other where one space blocks access to the other space.**[Added 4-15-2003 ATM by Art. 30, AG approval 8-27-2003]**

PERSONAL SERVICES — Establishments providing services generally related to personal non-medical needs, including, but not limited to: beauty and barber, clothing rental, garment repair, and shoe repair shops, tanning salons, photography studios, psychic reading, tattoo or body piercing studio, upholster shop, personal training. These uses may also include accessory retail sales of products related to the services provided. No personal service establishment shall exceed 3,000 square feet of floor area, and the aggregation of such service establishments on a lot (or on contiguous lots in one ownership) shall not exceed 4,000 square feet of floor area.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008; amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-6-2015 ATM by Art. 64, AG approval 8-5-2015]**

PERSONAL WATERCRAFT — A small vessel of less than 16 feet in length which uses an inboard motor powering a waterjet pump or a propeller as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside a vessel. This term includes jet skis, wet bikes and surf jets.**[Added 4-8-2008 ATM by Art. 49, AG approval 8-18-2008]**

PHARMACY — An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, home and personal care products, and related supplies.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

PRIMARY DWELLING — A detached single-family dwelling unit or the portion of a structure that contains a single dwelling unit. A primary dwelling may contain an attached garage.[14]**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-6-2011 ATM by Art. 64, AG approval 9-15-2011]**

PRINT SHOP — A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

QUALIFIED FAMILY MEMBER DEED RESTRICTION — A deed restriction accepted and enforceable by the town of Nantucket, which limits owner-occupancy of a subject lot to the owner of the lot at the time the lot was subdivided into secondary lots, or the owner's spouse, and/or their parent(s), grandparent(s), children, brother(s) and/or sister(s). This deed restriction shall only be released by the Town in the event that an NHNC Ownership Form replaces this restriction.**[Added 4-1-2019 ATM by Art. 48, AG approval 8-6-2019]**

RECHARGE — The addition of water to the saturated zone of an aquifer. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

RECREATIONAL FACILITY — Golf courses, tennis, paddle, and racquet courts, bowling alleys, fitness centers, or the like, including any uses ancillary to the recreational facility. In the R-10 District only, the recreational facility may include accessory uses such as a restaurant, catering facility, snack bar, or pro shop that operate independently from the recreational facility.[15]**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

RESIDENTIAL WECS — A WECS designed or operated to provide energy principally to the residence and accessory structures

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14. Editor’s Note: The former definition of “primary lot,” added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009, which immediately followed this definition, was repealed 4-2-2016 ATM by Art. 54, AG approval 7-12-2016.

15. Editor’s Note: The former definition of "registered marijuana dispensary," added 4-2-2013 ATM by Art. 30, as amended, which immediately followed this definition, was repealed 11-6-2017 STM by Art. 2, AG approval 2-26-2018. See now the definitions of "marijuana establishment, recreational" and "marijuana treatment center, medical."

located on the lot, or on contiguous lots held in common ownership. A WECS designed or operated to provide more than 50% of its rated energy production for off-site consumption shall not be considered residential except in cases where such power is consumed by residences of adjacent property or within 1,000 feet, whichever is greater.**[Amended 4-6-2009 ATM by Art. 47, AG approval 8-10-2009]**

SECONDARY DWELLING — A detached single-family dwelling unit located on the same lot as a primary dwelling unit. The ground cover of the secondary dwelling shall be a minimum of 20% less or more than the primary dwelling. The secondary dwelling may contain an attached garage. The primary and secondary dwelling must be separated by a minimum distance of 10 feet, measured at grade at the closest point between the dwellings; excluding retaining walls, window wells, platforms, decks, and steps, chimneys, bulkheads, bay windows, bow windows, roof eaves and overhangs, air conditioning units, a maximum of two aboveground fuel tanks not to exceed 120 gallons each, trash bins, and fences. Relief from the ground cover and scalar separation requirements of this definition may be granted by a special permit issued by the Planning Board subject to a finding that the reduced separation is in harmony with the general purpose and intent of this chapter. A secondary dwelling may only be attached to the primary dwelling by a breezeway.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-5-2010 ATM by Art. 56, AG approval 8-5-2010; 4-6-2011 ATM by Art. 64, AG approval 9-15-2011; 4-2-2013 ATM by Art. 40, AG approval 7-26-2013; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-3-2018 ATM by Art. 45; AG approval 7-18-2018]**

Both dwelling units shall be in the same ownership unless one of the two dwelling units is subject to the NHNC. The ownership of a lot by a condominium cooperative housing corporation, land trust, or other common interest ownership entity in which there is a separate beneficial ownership of the principal and secondary dwellings on the lot shall not be deemed to constitute "the same legal and beneficial ownership."

The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals granted after April 8, 1996, shall be valid for a period of two years from the date of plan endorsement.

The principal purpose of secondary dwellings is to create housing opportunities through the provision of affordable rental housing for year round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income. The intent of this provision is also that one of the two dwellings be designated and constructed at such scale and bulk so as to be clearly subordinate in both use and appearance.

Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant.[16]

SECONDARY LOTS — Lots created by the division of the original lot into two lots pursuant to § 139-8C. One of the two lots shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; amended 4-2-2016 ATM by Arts. 54, 55, AG approval 7-12-2016; 4-1-2019 ATM by Art. 48, AG approval 8-6-2019]**

SHED — An accessory structure for storage purposes, not designed to be served by heat or plumbing and not to be used for habitation.**[Added 4-2-2013 ATM by Art. 30, AG approval 7-26-2013]**

SHOREFRONT LAND — A parcel or parcels of land, a portion of which is located within or abutting the mean high water line of the Atlantic Ocean, Nantucket Sound, Nantucket Harbor, Polpis Harbor, or Madaket Harbor.[17]**[Added 4-13-1998 ATM by Art. 35, AG approval 7-31-1998]**

SOLAR ENERGY FACILITIES — All of the equipment, machinery, and structures used for either the primary or accessory purpose of converting, storing or transmitting electricity generated from solar energy.**[Added 4-1-2019 ATM by Art. 62, AG approval 8-6-2019]**

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16. Editor's Note: See Ch. 100, Nantucket Housing Needs Covenant Program.

17. Editor's Note: The former definition of "sign," which immediately followed this definition, was repealed 4-6-2011 ATM by Art. 64, AG approval 9-15-2011.

SOLID WASTE — Discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, scrap material, junk, refuse and inert fill material.

SPECIAL PERMIT GRANTING AUTHORITY — The Board of Appeals except in those matters for which the Planning Board is specified as having jurisdiction under this chapter.

STABLE, PRIVATE — An accessory building in which horses are kept for private use, not for a fee, hire or sale.

STABLE, PUBLIC — An accessory building in which any horses are kept for a fee, hire or sale.

STORAGE CONTAINER — An outdoor container, such as fully enclosed semi-trailers, steel shipping containers, cargo containers, and the like, used for commercial storage of goods and materials that are not registered vehicles themselves or situated on a registered trailer or attached to a registered vehicle. This definition does not apply to registered or unregistered boat trailers, registered vehicles or sheds.**[Added 11-6-2017 STM by Art. 21, AG approval 2-26-2018]**

STREET —

(1) A public way or a way which the Town Clerk certifies is maintained and used as a public way; or

(2) A way shown on a plan approved and endorsed by the Nantucket Planning Board in accordance with the Massachusetts Subdivision Control Law[18] and which has been improved and constructed in accordance with the requirements of such approval; or

(3) A way in legal and physical existence when the Subdivision Control Law[19] became effective on Nantucket on February 1, 1955, which has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. **[Amended 5-5-1992 ATM by Art. 44, AG approval 8-3-1992; 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

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18. Editor's Note: See MGL c. 41, § 81K et seq.

19. Editor's Note: See MGL c. 41 § 81K et seq.

STREET LINE — The line separating a street from a lot as duly determined by matters of record.

STRUCTURE — Anything constructed or erected, the use of which requires a fixed location on the ground. "Structure" shall be construed, where the context allows, as though followed by the words "or part thereof" and shall include, but not be limited to, buildings, retaining walls which support buildings, platforms, antenna towers, steel storage containers, lighthouses, docks, decks, chimneys, tents, and game courts. "Structure" shall not include retaining walls not exceeding four feet in height for landscaping purposes, fences, rubbish bins, underground propane tanks, stairs, access ramps, or platforms that provide the minimum Building Code compliant access to a structure and that extend into the required front, side, or rear yard setback less than a depth of three feet, and within a total area less than 20 square feet on a lot containing less than 40,000 square feet, and a maximum of two aboveground propane tanks not to exceed 120 gallons each.**[Amended 4-8-2008 ATM by Art. 63, AG approval 8-18-2008; 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; 11-6-2017 STM by Art. 18, AG approval 2-26-2018; 4-1-2019 ATM by Art. 57, AG approval 8-6-2019]**

STUDIO — A building or a room or rooms where an artist, artisan, photographer or the like does his or her work.

SUPERMARKET — Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores or pharmacies.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

SWIMMING POOL - COMMERCIAL — A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool may be a primary use or accessory use to a club, recreational facility, transient residential facility, yacht/sailing club, or other commercial use as identified in § 139-7A.**[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011]**

SWIMMING POOL - RESIDENTIAL — A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.**[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; amended 4-1-2017 ATM by Art. 69, AG approval 5-31-2017]**

TAKE-OUT FOOD ESTABLISHMENT — A commercial establishment, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is: **[Amended 4-12-1999 ATM by Art. 31, AG approval 8-10-1999]**

(1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;

(2) Available upon a short waiting time; and

(3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TAKE-OUT STATION — A designated area within a take-out food establishment where a cash register or other means of taking and processing orders is located.**[Added 3-31-2012 ATM by Art. 56, AG approval 7-12-2012]**

TAXICAB BUSINESS — A service that offers transportation utilizing three or more motor vehicles to persons, including those who are handicapped, in return for remuneration.**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

TENT — A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for

periods exceeding 30 days per calendar year; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.**[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]**

TERTIARY DWELLING**[Added 4-6-2015 ATM by Art. 62, AG approval 8-5-2015; amended 4-2-2016 ATM by Art. 51, AG approval 7-12-2016]** —

(1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.

(2) A third dwelling unit located on a lot, including the following options:

(a) A garage apartment not exceeding 650 square feet of gross floor area.

(b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. **[Amended 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]**

(c) A detached building containing not more than 650 square feet of ground cover and not more than 650 square feet of gross floor area.

(3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:

(a) R-5: 1 bedroom per each 1,000 square feet of lot area;

(b) R-10: 1 bedroom per each 1,400 square feet of lot area;

(c) R-20: 1 bedroom per each 2,500 square feet of lot area;

(4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.

(5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

TIME-SHARING OR TIME-INTERVAL-OWNERSHIP DWELLING UNIT OR DWELLING — A dwelling unit or dwelling in which the exclusive right of use, possession or ownership circulates among various owners or lessees thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either: a time-share estate, in which the ownership or leasehold estate in property is devoted to a time-share fee (tenants in common, time-share ownership, interval ownership) and a time-share lease; or time-share use, including any contractual right of exclusive occupancy which does not fall within the definition of "time-share estate," including, but not limited to, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond, the use being inherently transient.

TINY HOUSE UNIT — A detached structure containing a dwelling unit with less than a total of 500 square feet constructed on a moveable trailer to be attached to a foundation pursuant to a building permit issued in accordance with Zoning Bylaw § 139-26. Only one tiny house unit shall be allowed per lot. The tiny house unit shall not be a recreational vehicle (commonly known as an RV), auto home, shipping container, motor vehicle, semi-trailer, camper, or boat, and shall not be located upon a lot with a commercial or other nonresidential use. The tiny house unit shall be owned by a not-for-profit, religious, or educational entity or shall be the primary residence of a person(s), or the individual beneficiary(ies) of a legal entity, that holds title, common title, or land lease to the property, or any direct family member of that person(s) (their child, parent, grandparent, or brother or sister, or their spouse's child, parent, grandparent, brother or sister). A tiny house unit may be a primary dwelling unit or may be located on a lot in lieu of an otherwise permitted secondary dwelling, garage apartment, or tertiary dwelling. If located on a lot with a primary dwelling, secondary dwelling, or garage apartment, the Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance

of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.**[Added 4-2-2016 ATM by Art. 52, AG approval 7-12-2016]**

TOWN OVERLAY DISTRICT — The overlay district described in § 139-12E. **[Added 4-9-2002 ATM by Art. 37, AG approval 7-31-2002]**

TRANSFER STATION — A handling facility where solid waste is brought, stored and transferred from one vehicle or container to another vehicle or container for transport off-site to a solid waste treatment, processing or disposal facility.**[Added 4-8-2008 ATM by Art. 62, AG approval 8-18-2008]**

TRANSIENT RESIDENTIAL FACILITIES — Hotels; rooming, lodging or guest houses; and time-sharing or time-interval-ownership dwelling unit(s). In the ROH District only, rooming, lodging, and guest houses may be allowed by special permit for lots located entirely within a quarter-mile radius of the CDT District.**[Amended 4-6-2009 ATM by Art. 47, AG approval 8-10-2009; 4-6-2015 ATM by Art. 44, AG approval 8-5-2015]**

TRUCK/BUS TERMINAL — A facility for the receipt, transfer, short-term storage, or dispatching of goods transported by truck or the storage, service, or maintenance of buses not in active transport of passengers. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.[20]**[Added 4-8-2008 ATM by Art. 28, AG approval 8-18-2008]**

UNENCLOSED PORCH — An unenclosed appendage, whether roof covered or not, projecting from an exterior wall(s) of a structure. An unenclosed porch may connect portions of a single building, roof, or two or more buildings.**[Added 11-6-2017 STM by Art. 18, AG approval 2-26-2018]**

USE, PRINCIPAL — A use which is expressly permitted by this chapter (other than as an accessory use), either with a special permit or without need of one.

WATER-DEPENDENT USE — Uses and facilities that require direct access to or location in coastal waters and which therefore cannot be located inland, including uses that provide general public access to those waters.**[Added 4-8-2008 ATM by Art. 49, AG approval 8-18-2008]**

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20. Editor's Note: The former definition of "used," which immediately followed this definition, was repealed 4-6-2015 ATM by Art. 64, AG approval 8-5-2015.

WIND ENERGY CONVERSION SYSTEMS (WECS) — Mechanisms, including all appurtenances thereto, designed or operated for the purpose of converting wind energy to electrical or mechanical power.

WINDMILL — A mill operated by the wind's rotation of large, oblique sails or vanes radiating from a shaft, used as a source of power.

WORKFORCE HOMEOWNERSHIP HOUSING — Ownership or rental of single-family dwelling units, pursuant to § 139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below the percentages of area median income set forth herein. An increment of 75% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 80% of area median income. The remaining increment of 25% of the total 25% of the restricted units shall be restricted to occupancy by households earning at or below 175% of area median income.**[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]**

WORKFORCE RENTAL HOUSING — Rental of multifamily dwelling units, pursuant to § 139-8D, where at least 25% of the total dwelling units are restricted to occupancy by households earning at or below 80% of area median income.**[Added 11-9-2015 STM by Art. 2, AG approval 12-29-2015]**

YARD — The area of a lot to be kept free of buildings and other structures (except fences, fence gates, landscape retaining walls, mail and lamp posts, utility service poles, and pedestals, lot accessways, and docks, bulkheads, groins and other coastal engineering structures). The setback distance from any required front, side, or rear yard shall be measured from the corner board of the structure, if applicable, or the closest point (excluding the eaves and any exterior insulation) between the structure and the lot line.**[Amended 4-2-2016 ATM by Art. 60, AG approval 7-12-2016; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]**

YARD, FRONT — The yard extending from the street line of a lot inwardly the required front-yard setback distance. For lots abutting two or more streets or ways, whether constructed or not, the required front yard setback shall be maintained from one street or way, and the required side yard setback shall be maintained from each other lot line, except in the R-1 and RC-2 Districts, where a minimum ten-foot side yard setback shall be maintained from any other street or way, whether constructed or not. For lots abutting one street or way, whether constructed or

not, on more than one side or portion thereof, the Planning Board may grant a waiver by special permit to allow the required side yard or rear yard setback to be maintained from such portion of the lot as the Planning Board determines to be consistent with the purpose of this definition.**[Amended 11-13-1990 STM by Art. 22, AG approval 3-19-1991; 5-5-1992 ATM by Art. 45, AG approval 8-3-1992; 4-1-2019 ATM by Art. 59, AG approval 8-6-2019]**

YARD, REAR or SIDE — The portion of any lot lying between the buildings upon such lot and each lot line other than a line adjoining a street.

ZONE II — The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated. For the purposes of this chapter, the Zone II is coterminous with the Public Wellhead Recharge District established under § 139-12B of this chapter. **[Added 4-14-1997 ATM by Art. 48, AG approval 8-18-1997]**

ZONING ENFORCEMENT OFFICER — An official of the Town of Nantucket who is responsible for the administration and enforcement of the Nantucket Zoning Bylaw in accordance with the provisions of MGL c. 40A, § 7. **[Added 4-10-2000 ATM by Art. 46, AG approval 8-2-2000]**

B. Word usage. "Shall" is considered mandatory and not discretionary.

Addendum E

139 Attachment 2

Town of Nantucket
Use Chart
(See § 139-7A.)
[Amended 4-6-2009 ATM by Art. 27, AG approval 8-10-2009; 4-4-2011 ATM by Arts. 58 and 61, AG approval 9-15-2011; 3-31-2012 ATM by Art. 47, AG approval 7-12-2012; 4-2-2013 ATM by Art. 30, AG approval 7-26-2013; 4-5-2014 ATM by Art. 67, AG approval 5-7-2014; 4-6-2015 ATM by Arts. 44, 47, 61, 62, 64, AG approval 8-5-2015; 11-9-2015 STM by Art. 2, AG approval 12-29-2015; 4-2-2016 ATM by Art. 36, 52, AG approval 7-12-2016; 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 11-6-2017 STM by Arts. 2, 19, 21, AG approval 2-26-2018; 10-10-2018 STM by Art. 2, AG approval 5-8-2019; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]

A = Accessory Use as defined in § 139-15
FBED = Formula Business Exclusion District
N = No
SP = Special Permit issued by Zoning Board of Appeals, unless the Planning Board is designated as the special permit granting authority pursuant to another section of this chapter.
Y = Yes

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Residential	Primary dwelling	Y	Y	Y	Y	Y	Y	A	A	A	Y	N	Y	Y	Y	Y	Y	Y	Y	A	A
	Secondary dwelling	Y	Y	Y SP R-5L	Y SP R-10L	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
	Accessory dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tertiary dwelling	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
	Apartment	N	N	N	N	N	N	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N	N
	Apartment building	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	SP	N
	Tiny house unit	N	N	Y R-5 N R-5L	Y R-10 N R-10L N SR-10	Y R-20 N SR-20	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
	Garage apartment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Duplex	Y R-1 N SR-1	N	Y N R-5L	Y R-10 N R-10L N SR-10	N	N	Y	Y	A	Y	N	Y	Y	N	N	N	N	N	N	N
	Workforce rental community	N	N	N	N	N	N	N	SP	SP	N	N	N	N	N	N	N	N	N	N	N
	Elder housing facilities	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	SP	SP	SP	SP	SP	SP	N	N	N
	Studio	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	A	A	A	Y	Y
	Garage – residential	A/SP	A/SP	A/ SP	A/SP	A/SP	A/SP	N	N	A	A	N	A	A	A/ SP	A	A	A/SP	A	A	A
	Shed	A	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
	Outbuildings – other	A	A	Y	Y	A	A	N	N	A	A	A	A	A	A	A	A	A/SP	A	A	A
	Swimming pool - residential	A	N	A	A	A	A	A	A	A	A	N	A	A	SP	A	A	A	SP	A	A
	Home occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
	Keeping of pets for personal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	N	N	N	N	N	N	Y	Y	Y	A	A	Y	Y	N	N	N	N	N	Y	A
	Convenience store	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	SP	A
	Alcohol sales	N	N	N	N	N	N	Y	Y	SP/A	N	N	Y	Y	N	N	N	N	N	A	A
	Bakery	N	N	N	N	N	N	Y	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	Y	A/SP
	Open-air market	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	Y	Y
	Pharmacy	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurants																				
	Small (up to 70 seats)	N	N	N	N	N	N	Y	Y	SP	N	N	Y	Y	N	N	N	N	N	SP	N
	Large (71-200 seats)	N	N	N	N	N	N	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	N
	Drive-through take-out food	N	N	N	N	N	N	N	N	SP	N	N	SP	SP	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	Y	Y	SP/A	N	N	SP	SP	N	N	N	N	N	A	A
	Formula businesses																				
	Retail (includes: bakery, convenience store and pharmacy)	N	N	N	N	N	N	N	Y	Y	N	SP	SP/N in FBED	SP	N	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Restaurant																				
	Small (up to 70 seats)	N	N	N	N	N	N	N	SP	SP	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N	N	SP	N	N	N	SP/N in FBED	N	N	N	N	N	N	N	N
	Take-out food establishment	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	N	SP	SP	N	N	Y/N in FBED	N	N	N	N	N	N	N	N
	Offices	N	N	N	N	N	N	Y	Y	Y	A	Y	Y	Y	N	N	N	N	N	Y	A
	Theatres, auditoriums, or other places of public assembly	N	N	N	N	N	N	Y	SP	SP	N	N	Y	Y	N	N	N	N	N	A	A/SP
	Personal services	SP	SP	SP N R-5L	SP N R-10L	SP	SP	Y	Y	Y	A	N	Y	Y	N	N	N	N	N	Y	SP
	Print shop	N	N	N	N	N	N	Y	Y	Y	Y	Y	SP	SP	N	N	N	N	N	N	N
	Laundromat or dry-cleaning establishment	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	SP	N
	Bank	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Automated teller machine	N	N	N	N	N	N	Y/A	Y/A	Y/A	N	N	Y	Y	N	N	N	N	N	A	A
	Arcade	N	N	N	N	N	N	N	SP/A	SP/A	N	N	A	A	N	N	N	N	N	N	N
	Art gallery	N	N	N	N	N	N	Y	Y	Y	N	N	SP	SP	N	N	N	N	N	Y	Y
	Museum	N	N	N	N	N	N	Y	N	SP	N	N	Y	Y	N	N	N	SP	N	SP	N
	Catering	N	N	N	N	N	N	N	Y	Y	Y	SP	SP/A	SP/A	N	N	N	N	N	A	A
	Crematorium	N	N	N	N	N	N	N	N	N	N	Y	A	A	N	N	N	SP	N	N	N
	Funeral home	SP	SP	SP N R-5L	SP N R-10L	N	N	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N
	Health spa	N	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N	N	N
	Medical clinic	N	N	N	N	N	N	N	SP	SP	N	N	Y	Y	N	N	N	N	N	N	N
	Adult on-site marijuana social consumption operator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana membership club	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Marijuana establishment, recreational and marijuana treatment center, medical	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N	N	N

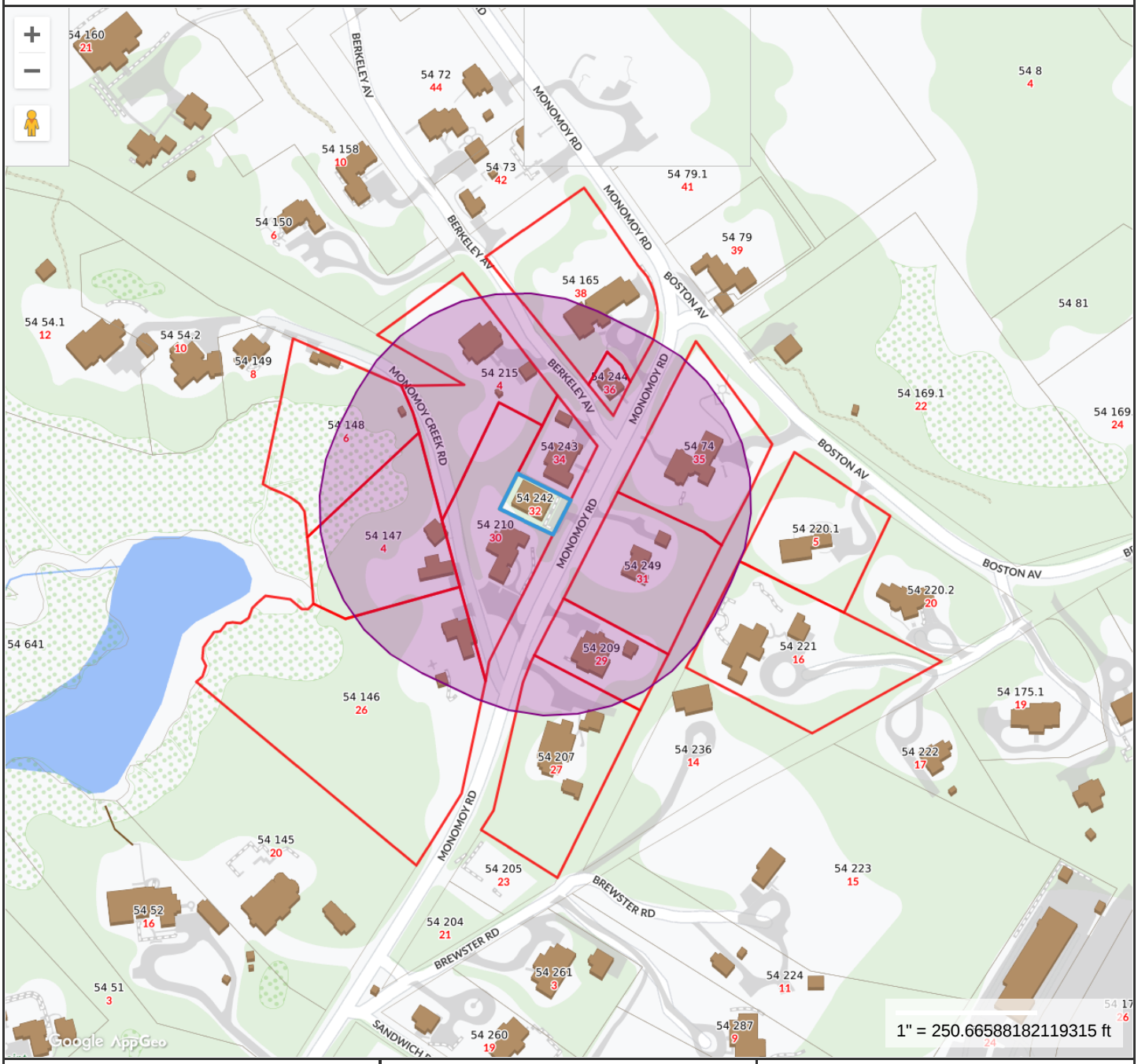
	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
	Hospital	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
	Transient residential facilities																				
	Hotel or inn	N	N	N	N	N	N	SP	SP	SP	N	N	Y	N	N	N	N	N	N	N	N
	Rooming, lodging, or guest house	N	SP[1]	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	SP	N
	Time-sharing/Interval dwelling units	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	Y	N
Commercial Industrial	Contractor shop	N	N	N	N	N	N	N	SP	SP	Y	Y	SP	SP	N	N	N	N	N	N	A
	Lumberyard	N	N	N	N	N	N	N	N	SP	SP	Y	N	N	N	N	N	N	N	N	SP
	Bulk merchandise retail	N	N	N	N	N	N	Y	Y	Y	SP	Y	N	N	N	N	N	N	N	SP	SP
	Landscape contractor	N	N	N	N	N	N	N	N	SP	Y	Y	SP	SP	N	N	N	N	N	N	SP
	Light manufacturing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	SP/A	SP/A
	Food processing	N	N	N	N	N	N	N	N	SP	SP	Y	SP	SP	N	N	N	N	N	N	SP
	Shed - commercial	N	N	N	N	N	N	A	A	A	A	A	N	N	N	N	N	N	N	A	A
	Storage container	N	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	N	N	N	N	N	N
	Interior or exterior storage or warehousing	N	N	N	N	N	N	N	N	A	SP/A	Y	SP	SP	N	N	N	N	N	A	SP/A
	Motor vehicle sales	N	N	N	N	N	N	N	SP	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle rental	N	N	N	N	N	N	Y	N	SP	N	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle repair or painting	N	N	N	N	N	N	N	SP	SP	SP	Y	SP	SP	N	N	N	N	N	N	N
	Motor vehicle service station	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Motor vehicle parking lots or structures	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y	Y	N	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N	N	SP	N	N	SP	SP	SP	N	N	N	N	N	N	N
	Taxicab business	N	N	N	N	N	N	N	Y	Y	Y	N	SP	SP	N	N	N	N	N	N	N
	Bicycle rental or sale	N	N	N	N	N	N	Y	N	SP	SP	N	SP	SP	N	N	N	N	N	SP	A
	Maritime service station	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	SP
	Yacht/Sailing clubs and marinas	N	N	N	N	N	N	Y	N	N	N	SP	Y	Y	N	N	N	N	N	N	SP
Industrial	Adult uses	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	N	N	N	N	N	N
	Asphalt/Batching plant	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Licensed junkyard	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Transfer station	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Utility production/distribution (does not include WECS)	N	N	N	N	N	N	SP	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
	Mining	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
	Truck/Bus terminal	N	N	N	N	N	N	N	N	N	SP	Y	N	N	N	N	N	N	N	N	N
	Boat-related storage	N	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	N	N	N	N	SP

	Use	Town Residential Districts						Town Commercial Districts							Country Residential Districts					Country Commercial Districts	
		R-1 SR-1	ROH SOH	R-5 R-5L	R-10 R-10L SR-10	R-20 SR-20	R-40	CDT	CMI	CN	CTEC	CI	RC	RC-2	V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Other	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (including keeping of farm animals, greenhouses, truck gardens, farms, orchards and nurseries)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Municipal uses (any)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Kennel	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Public stable	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Employer dormitory	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N	SP	SP
	Neighborhood employee housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
	Swimming pool - commercial	N	N	N	N	N	N	N	SP/A	SP/A	A	N	SP/A	SP/A	A	A	A	A	N	A	A
	Recreational facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Club	N	N	N	SP	SP	SP	Y	Y	Y	Y	N	Y	Y	N	SP	SP	SP	N	SP	SP

NOTES:
[1]See the definition of "transient residential facility" in § 139-2A.

Addendum F

32 Monomoy Road Appellant - Abutters Map



Property Information

Property ID	54 242
Location	32 MONOMOY RD
Owner	COPLEY MONOMOY LLC

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 11/02/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

MATERIALS SUBMITTED BY THE APPELLEE

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remsr@gilmac.com
Direct Dial: 617-371-0424

January 5, 2023

VIA EMAIL (LSnell@nantucket-ma.gov; nsheriff@nantucket-ma.gov)

Nantucket Zoning Board of Appeals
c/o Nickesha Sheriff

Leslie Woodson Snell
Deputy Director of Planning and Zoning Administrator
2 Fairgrounds Road
Nantucket, MA 02554

RE: 32 Monomoy Road, Nantucket — Nantucket ZBA File No. 18-22

To Chair McCarthy and Members of the Zoning Board of Appeals:

Please be advised that we represent Copley Monomoy, LLC ("Copley"), which owns the property at 32 Monomoy Road, Nantucket.

On behalf of Copley we hereby oppose the application to appeal the October 31, 2022 determination by the Nantucket Building Commissioner, filed on November 4, 2022 by counsel representing abutters Jeff McDermott, *et al*. In support of this opposition, we are submitting the accompanying Memorandum. Please provide the Memorandum to the Board in advance of the public hearing scheduled for January 12, 2023 at 1:00 PM.

Thank you for your attention and assistance with this matter.

Sincerely,

/s/ Robert E. McLaughlin, Sr.

Robert E. McLaughlin, Sr.

Enclosure
cc: Nina Pickering-Cook, Esquire (via email)

MEMORANDUM

TO: Nantucket Zoning Board of Appeals

FROM: Copley Monomoy, LLC — Owner of 32 Monomoy Road

RE: Nantucket ZBA File No. 18-22 — Appeal Application of McDermott, *et al*.

DATE: January 5, 2023

I. Introduction and Procedural History

Copley Monomoy, LLC ("Copley" or the "Owner") owns the single-family home located at 32 Monomoy Road, Nantucket, Massachusetts (the "Property") which is the subject of this appeal. The Property was purchased by Copley in October 2015.

On October 18, 2022, multiple, individual property owners (the "Neighbors"), through their counsel at Anderson & Kreiger LLP, filed a request for zoning enforcement with the Zoning Compliance Coordinator of the Town of Nantucket. They requested enforcement of the zoning Bylaw that prohibits commercial uses in a residential district. They claimed that the Property is a so-called Short-Term Rental ("STR") and thus a prohibited commercial use in the residential zone where the Property is located.

On October 31, 2022, the Building Commissioner for Nantucket, Paul Murphy, issued a letter to counsel denying the request for zoning enforcement, stating that "the use of the property for short term rentals does not violate the Town's Zoning Bylaw." The letter advised the Neighbors' counsel of their right to appeal to the Nantucket Zoning Board of Appeals ("ZBA").

On November 4, 2022, counsel for the Neighbors filed the Application appeal form (with 10 supporting documents), appealing the Building Commissioner's denial of their request for zoning enforcement. This Application/Appeal is File No. 18-22.

This ZBA appeal was initially scheduled for public hearing on Thursday, December 8, 2022 at 1:00 P.M., via both Zoom and in-person. Copley requested a continuance and re-scheduling, which the Board allowed, setting the appeal to be heard at the January meeting scheduled for January 12, 2023 at 1:00 P.M.

The Property Owner, Copley Monomoy LLC, hereby opposes the appeal submitted by the Neighbors to the ZBA. The ZBA should **affirm** the Building Commissioner's decision and **deny** this appeal for multiple reasons, including: (i) so as to be consistent with no less than three prior Decisions by this same Board of three nearly exact appeals (i.e., use of property as an STR), all brought by the same attorneys; (ii) because there was, and is, no violation of the zoning Bylaw in these circumstances, as the use of the Property by Copley qualifies as a "private residential use" (and is thus, by definition, not "commercial" use); and (iii) because this issue should be dealt with via the democratic process of Town Meeting. This has, in fact, already occurred — in the form of the vote in favor of Article 39 at the 2022 Town Meeting. That article created a registration system for STRs on Nantucket — which by obvious implication means that the Neighbors' appeal here is essentially moot.

As the ZBA's own Staff Report for the December 2022 Meeting noted, this Board has been here before, and is no doubt familiar with the issues raised by this appeal. This Board has repeatedly emphasized that it is a regulatory body and not a policy-making body, and that Town Meeting is the proper forum to address the STR issue. While Copley is confident of the outcome of this appeal, Copley will err on the side of caution, and repeat here its recitation of the law applicable to this matter.

New discussion, reflecting the new development of the passage of Article 39 by Nantucket Town Meeting, appears on pages 7–8, *infra*.

II. Argument

A. Standard of Review

In reviewing an appeal from the denial of a request for zoning enforcement, the ZBA "may … make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit." Gen. L. ch. 40A, § 14. For this ZBA, the "concurring vote of four members of [the board] shall be necessary to reverse any order or decision of any administrative official under this chapter." Gen. L. ch. 40A, § 15; see also Nantucket Bylaws, § 139-31 (E)(3). "The Board of Appeals shall cause to be made a detailed report of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and its official actions." Bylaws, § 139-31 (E)(4).

B. Standing

To be able to appeal to the ZBA a party must be "aggrieved." Mass. Gen. Laws ch. 40A, § 8. In this context, the term "aggrieved" is a term of art with a specific legal meaning. It does not mean being unhappy about, or disapproving of, a decision related to zoning or land use. To qualify as actually "aggrieved" for legal purposes, the abutter needs to be able to establish how their personal legal interest or rights will be specifically harmed; speculation is not enough.

Thus, being "aggrieved" is a jurisdictional requirement to be able to maintain a § 8 appeal. "Aggrieved person status is no less a jurisdictional condition to maintaining an appeal to a board of appeal under G.L. c. 40A, § 8, than it is to maintaining judicial review under § 17." Chongris v. Board of Appeals of Andover, 17 Mass. App. Ct. 999, 1000 (1984); see also 81 Spooner Road, LLC v. Zoning Board of Appeals of Brookline, 461 Mass. 692, 700 n.12 (2012)

(citing Chongris). When a party has no right to file an appeal, the ZBA has no authority to hear it. Chongris, 17 Mass. App. Ct. at 1000.

While an abutter or an abutter within 300 feet of the property at issue is a so-called "party in interest" and thus has a presumption of being "aggrieved," that presumption can be rebutted. See 81 Spooner Road, LLC, 461 Mass. at 700-701; Mass. Gen. Laws ch. 40A, § 11. If rebutted, the presumption recedes and the issue of standing (i.e., being aggrieved) is determined on all of the evidence, with the abutter having to prove his standing "by putting forth credible evidence to substantiate the allegations." 81 Spooner Road, LLC, 461 Mass. at 701.

A party may rebut the presumption either "by providing affirmative evidence that a basis for aggrievement is not well founded – or by demonstrating, in the negative, that the [abutters] lack any factual foundation for asserting a claim of aggrievement." Del Torchio v. Movali, 2009 WL 391623 *10 (Mass.Land Ct. 2009). That is, if the allegations of harm are shown to be "unfounded or *de minimis*", the abutter's presumption will have been successfully challenged. 81 Spooner Road, LLC, 461 Mass. 702, citing Kenner v. Zoning Board of Appeals of Chatham, 459 Mass. 115, 119-120 (2011) ("Aggrievement requires a showing of more than minimal or slightly appreciable harm."). As for showing the *absence* of factual support, evidence demonstrating such lack of factual support for claims of aggrievement "has equal force." Standerwick v. Zoning Board of Appeals of Andover, 447 Mass. 20, 36 (2006).

And if successfully rebutted, the law is clear that the party claiming to be a 'person aggrieved' "must be able to demonstrate, not merely speculate, that there has been some infringement of his legal rights" and the "claimed injury or loss must be personal to the party, not merely reflective of the concerns of the community." Denneny v. Zoning Board of Appeals of Seekonk, 59 Mass. App. Ct. 208, 211 (2003). The abutter is required to "establish — by direct

facts and not by speculative personal opinion — that his injury is special and different from the concerns of the rest of the community." Standerwick, 447 Mass. at 33. The required evidence needs to be sufficient, both quantitatively and qualitatively. See Butler v. City of Waltham, 63 Mass. App. Ct. 435, 441 (2005). "Quantitatively, the evidence must provide specific factual support for each of the claims of particularized injury the [abutter] has made. Id. "Qualitatively, the evidence must be of a type on which a reasonable person could rely to conclude that the claimed injury likely will flow from the [enforcement officer's] action. Conjecture, personal opinion, and hypothesis are therefore insufficient." Id.

It is also worth noting that zoning is concerned with the *use* of land, not with ownership. See CHR General, Inc. v. Newton, 387 Mass. 351, 356 (1982) ("A 'fundamental principle of zoning is that it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use.'"). The Neighbors' focus on who owns 32 Monomoy Road is misplaced, as the question of ownership is irrelevant to zoning enforcement.

The Standing of the Individual Neighbors

None of the Neighbors have made any *specific* allegations of harm that he/she/they has suffered as a result of the use of the Property at 32 Monomoy Road. There is merely a vague reference to "increased and damaging noise and traffic from the Property" on page two of the Appellants' Memorandum (page 126 of the PDF of appeal materials), adding that "they can describe [this] further during the ZBA's hearing."

The Owner submits that this wholly unsupported claim of harm is clearly insufficient to meet the standard needed to have standing to maintain an appeal. The Neighbors' silence speaks volumes. There is no indication whatsoever of any formal complaints or police reports made by anyone concerning the Property. No affidavits have been submitted. No photographs (of

"increased traffic") or recordings (of "increased … noise") have been provided. No measurements of traffic, vehicle use, or noise have been referred to, let alone included for this Board's consideration. There is no mention of any expert evidence or testimony that might be available. This is not a case of 'weak evidence' of harm — this is **zero** evidence of harm, and has crossed over into the realm of a frivolous claim brought in bad faith — particularly where this is at least the *fourth* appeal of this same issue brought by the same lawyers.

C. The Property does not violate the Bylaws

The glaring lack of any specific claim of harm suffered by the Neighbors is completely understandable, and is due to the actual use of the Property at issue here. That is, there is no harm alleged because no actionable harm exists — because the Property is indeed being use as a residence and solely as a residence. Where there is, for all intents and purposes, normal "residential use" of the Property, it follows that there is no cognizable harm to any abutters, neighbors, or to this residential neighborhood.

The Owner submits that the current use of the house at 32 Monomoy Road qualifies as a valid and genuine "private residential use." If so, this "private residential use" means that the use does *not* come within the definition of "commercial" in the Bylaws, as the Appellant contends, and there is no violation of the Bylaws. Bylaws, § 139-2 (Definitions and word usage).

The use here is indeed "private residential use" because anyone who stays at the house lives there as a resident would, coming and going as a resident would, using the house for sleeping, cooking and eating meals, and other normal day-to-day "residential" living activities. In short, the house is used as a single-family house — and only as a single-family house — regardless of who stays there or for how long. This situation is therefore distinguishable from

the Lytle v. Swiec Land Court case cited in the Neighbors' Memorandum. That case involved a two-family dwelling and the owner argued that the use of one unit was an allowable "accessory use" of the property. Here, the house at 32 Monomoy Road is a single-family residence being used as a single-family residence in this residential district.

Moreover, this particular single-family home does not host typical commercial-type uses, such as weddings, parties, functions, conferences, or business meetings. That was the issue in the Stevens v. Zoning Board of Appeals of Bourne case cited, where the property was being rented out as a wedding venue for up to 100 guests. The Neighbors' reliance on that case is therefore misplaced.

Perhaps most relevant is the recent opinion of the Supreme Judicial Court in Styller v. Aylward, 487 Mass. 588 (2021), which the Neighbors' counsel has cited. What the Neighbors' counsel has ignored is the SJC's statement in footnote 19 which relates to its conclusion that the use of the property as an STR in Lynnfield was not permissible under the relevant version of that town's zoning bylaw. Notwithstanding the conclusion as to the property and bylaw in Lynnfield, the SJC added the following:

> We hasten to add, however, that a different result may obtain in other circumstances, depending upon, for example, the specifics of the zoning bylaw of the city or town, including what types of additional uses are permitted (if any), as well as what is considered a customary accessory use in a particular community.

487 Mass. at 600 n.19. Previous appeals, and the corresponding Decisions of this Board did not have the benefit of the 2022 Nantucket Town Meeting vote on Article 39, which is clearly the type of thing the SJC was contemplating in its crucial footnote in Styller. As this Board knows, and has repeatedly heard from property owners, Nantucket is a unique location with its own unique history. Wholly consistent with that history and tradition, in 2022 Nantucket voters voted

in support of Article 39, thereby allowing for the registration of STRs. Perhaps equally notable is that at the 2021 Nantucket Town Meeting, the voters soundly *rejected* Article 90 (sponsored by ACK*NOW), which would have strictly regulated and limited STRs on Nantucket.

The results of these votes by Town Meeting cannot be ignored. Elections, as they say, have consequences — and here the people of Nantucket have spoken, loudly and clearly.

III. Conclusion

In conclusion, the Building Commissioner's denial of the request for zoning enforcement was correct and should be affirmed by the Board. Thus, the Board should deny this appeal application.

Respectfully submitted,

COPLEY MONOMOY, LLC,

By its attorneys,

/s/ Robert E. McLaughlin, Sr.

Robert E. McLaughlin, Sr. (BBO #337480)
John G. Hofmann (BBO #653989)
Gilman, McLaughlin & Hanrahan, LLP
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Dated: January 5, 2023

NANTUCKET COTTAGE HOSPITAL

File No. 17-22

16 VESPER LANE

VARIANCE

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

A P P L I C A T I O N

Fee: $450.00 **File No._____**

Owner's name(s): Nantucket Cottage Hospital

Mailing address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: jivesericksen@partners.org

Applicant's name(s): Jeanette Ives Erickson

Mailing Address: 57 Prospect Street, Nantucket MA 02554

Phone Number: 508-825-8100 E-Mail: jivesericksen@partners.org

Locus Address: 16 Vesper Lane Assessor's Map/Parcel: 3472

Land Court Plan/Plan Book & Page/Plan File No.: N/A

Deed Reference/Certificate of Title: 184/112 Zoning District CN

Uses on Lot- Commercial: None x Yes (describe) _____
Residential: Number of dwellings 0 Duplex 0 Apartments 0

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

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

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: Jeanette Lee Erickson Owner*

SIGNATURE: Jeanette Lee Erickson 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:__/__/__

APPENDIX A

Variance Narrative

Nantucket Cottage Hospital (the "Hospital" or the "Petitioner") has been working with the Town of Nantucket Affordable Housing Trust Fund (the "Trust") to cooperatively address the housing needs on Nantucket.

As a result of these efforts, the parties have entered into a Memorandum of Understanding whereby they will exchange parcels of land to address their respective housing needs. Specifically, the Trust has agreed to convey its property at 18 Vesper Lane, shown as "UMass Parcel" on the Lotting Plan (defined herein), that formerly provided housing for those working at the UMass Field Station (the "Trust Property") to the Hospital, which can be repurposed by the Hospital to provide critical housing for employees. In exchange for the Trust Property, the Hospital has agreed to convey a portion of its lot at 16 Vesper Lane (the "Property") to the Trust so that the Trust can ultimately develop affordable housing. This is an opportunity for the Hospital to create employee housing units relatively quickly that will help address their housing needs in the short-term and for the Trust to acquire a development parcel for long-term development.

The Property is located within the Commercial-Neighborhood zoning district and the Nantucket Cottage Hospital Overlay district. As shown on the enclosed plan titled Lotting Exhibit, prepared by RJO'Connell & Associates, Inc. and dated September 16, 2022 (the "Lotting Plan"), the Property is a rear lot with access provided via an easement from Vesper Lane and it is large enough to be divided into two lots, one lot for the existing building owned by the Hospital and one lot that can be conveyed to the Trust. The portion of the Property that would be conveyed to the Trust from the Hospital meets the lot area requirements of the Nantucket Zoning Bylaw (the "Zoning Bylaw") and has access via an easement from Vesper Lane. However, as an old rear lot, the Property does not have legal frontage. Accordingly, the Petitioner is submitting this application requesting a variance from Section 139-16 of the Zoning Bylaw to allow for the creation of "Proposed Parcel B" as shown on the Lotting Plan.

For the reasons set forth below, the Petitioner respectfully requests that the Zoning Board of Appeals grant the requested relief.

A) A literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the Petitioner. The Property is a rear lot and will obtain pedestrian and vehicular access to Vesper Lane through an easement granted over private property and onto an existing private way known as Gouin Village. There is no way for the Property to independently acquire frontage because of the private ownership of the properties located between the Property and Vesper Lane. Absent relief granted from this Board, the Property will be undevelopable. As a result, the Hospital would not have the opportunity to acquire the Trust Property because it could not offer a portion of the Property to the Trust to provide crucially-needed affordable housing for

the residents of Nantucket through the development of affordable housing. Accordingly, literal enforcement of this Ordinance would involve a substantial hardship to the Petitioner. The Property is undevelopable without relief from the requirement that the Property have 50 feet of frontage.

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The Property is uniquely situated as a land-locked parcel surrounded by several privately-owned parcels. As a result, the Property must be located along a private way causing lack of frontage unique to the land. The existing lack of frontage due to the location of the Property is a hardship particular to Petitioner, which can be ameliorated by precluding the need for the Property to have 50 feet of frontage.

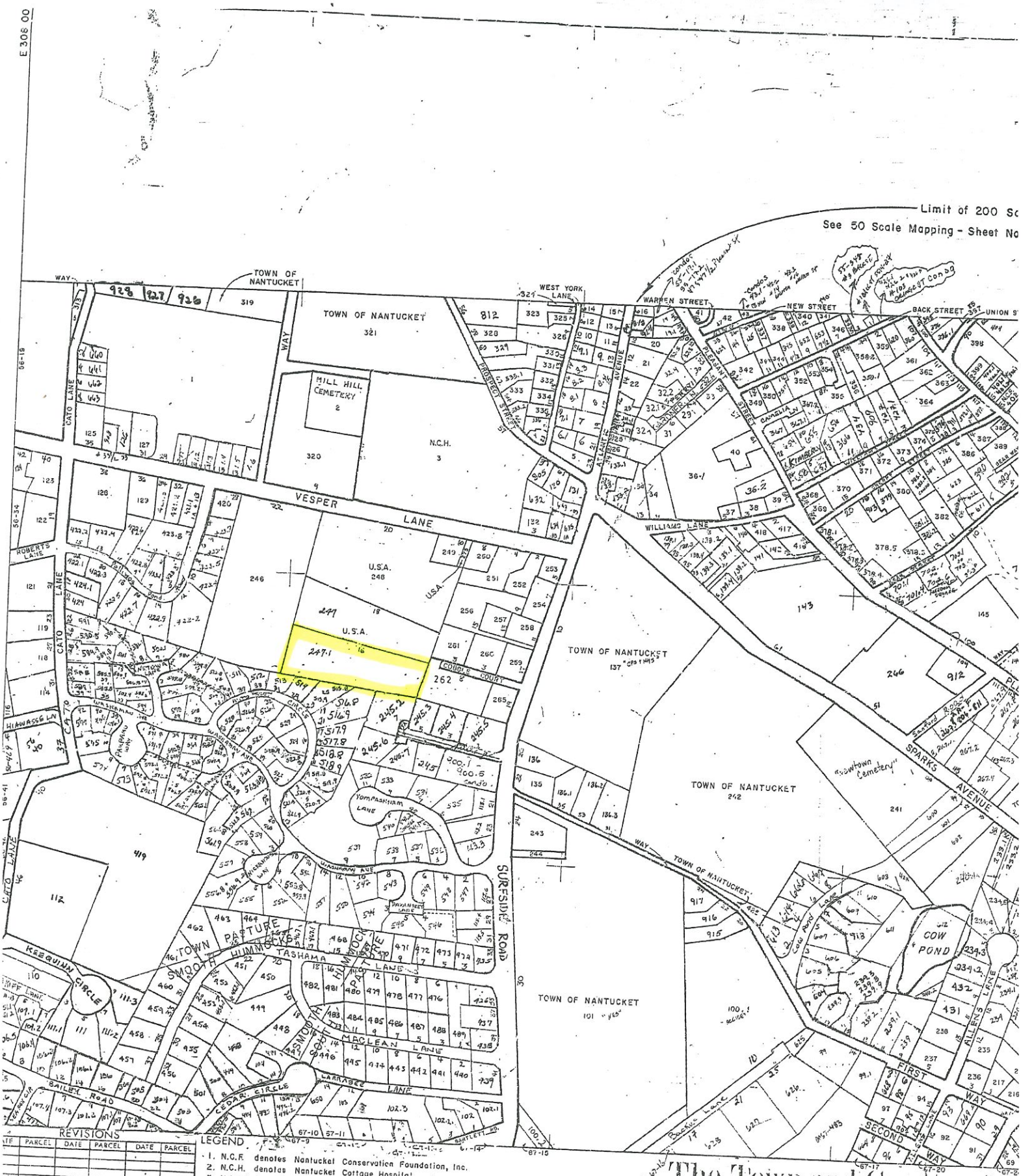
C) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

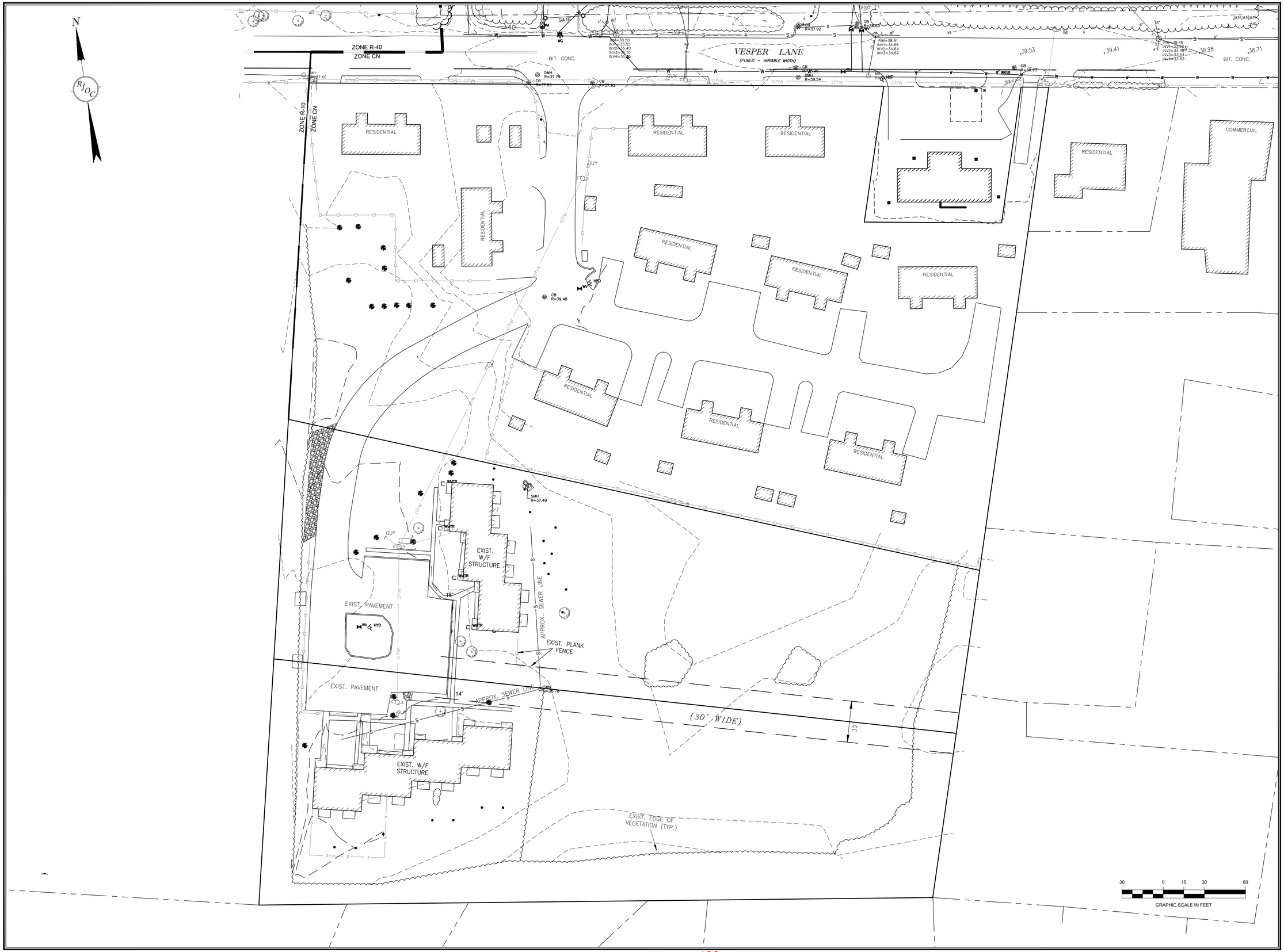
The requested relief can be granted without detriment to the public good. As detailed above, the Trusts intend to provide crucially-needed affordable housing for the residents of Nantucket through the development of affordable housing. Additionally, the Hospital is able to provide critical housing employee housing by exchanging a portion of the Property for the Trust Property. The Property has been identified as a promising location to provide these public benefits and the requested relief will allow the Property to be developed for this important purpose. Therefore, granting relief from the requirement for the Property to have frontage along a public way will not be a detriment to the public good. In fact, granting the relief benefits the residents of Nantucket by creating affordable housing opportunities and much needed employee housing for Nantucket's only hospital.

D) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw for the following reasons:

The relief requested can be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. According to Section 139-1, the Zoning Bylaw is intended to "promote the health, safety, convenience, morals and general welfare of its inhabitants…." The relief requested herein allows for the provision of employee and affordable housing, which is consistent with the Town's morals and interest in providing housing for the Hospital's employees and affordable housing for the residents will enhance the general welfare of its inhabitants. Because of the Property's access to Vesper Lane over private property and a private way, its lack of frontage will not impair the health, safety, or convenience of residents or other members of the public. Accordingly, the relief requested can be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

For the reasons set forth above, the Petitioner respectfully requests that the Zoning Board of Appeals grant the above-described variance and such other relief as the Board deems proper.


E 308 00
Limit of 200 Sc
See 50 Scale Mapping - Sheet No
TOWN OF NANTUCKET
WEST YORK LANE
WARREN STREET
NEW STREET
BACK STREET
MILL HILL CEMETERY
N.C.H.
VESPER LANE
CATO LANE
ROBERTS LANE
HIAWASSE LN
U.S.A.
COBBLE COURT
WILLIAMS LANE
SPARKS AVENUE
"Old Town Cemetery"
COW POND
SURFSIDE ROAD
SMOOTH HUMMOCK
TASHAMA
MACLEAN LANE
LARRABEE LANE
CEDAR CIRCLE
BAILEY ROAD
KEEQUINN CIRCLE
FIRST WAY
SECOND WAY
REVISIONS
PARCEL
DATE
LEGEND
1. N.C.F. denotes Nantucket Conservation Foundation, Inc.
2. N.C.H. denotes Nantucket Cottage Hospital
3. U.S.A. denotes United States of America
4. (N.C.) denotes not constructed
INFORMATION SHOWN HEREON WAS
MPILED FROM AERIAL PHOTOGRAPHS, DEEDS,
D PLANS OF RECORD AND IS NOT TO BE
NSTRUED AS HAVING SUFFICIENT ACCUR
Y FOR CONVEYANCE
Photogrammetry By
ROCKWOOD MAPPING, INC.
ROCHESTER, N.Y.
The Town and County of
NANTUCKET
Massachusetts



Drawing name: G:\MA\Nantucket\NIED\UMass– Vesper\Main\Subdivision\21058_EC-1 Existing Conditions.dwg Sep 16, 2022 – 12:36pm

RJOC

NO.	REVISION	DATE
.	ISSUED FOR ZBA APPROVAL	09/16/2022

PREPARED BY:

RJO'CONNELL & ASSOCIATES, INC.

CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS

80 MONTVALE AVENUE, SUITE 201 STONEHAM, MA 02180

PHONE: 781.279.0180 RJOCONNELL.COM

PREPARED FOR:

NEW ENGLAND DEVELOPMENT

75 PARK PLAZA
BOSTON, MA 02116
617-965-8700

PROJECT NAME:

16, 18, & 20 VESPER LANE
NANTUCKET, MA

SEAL:

DESIGNED BY:	SPG
DRAWN BY:	HAA
REVIEWED BY:	SPG
SCALE:	1" = 30'
DATE:	09/16/2022

DRAWING NAME:

EXISTING CONDITIONS PLAN

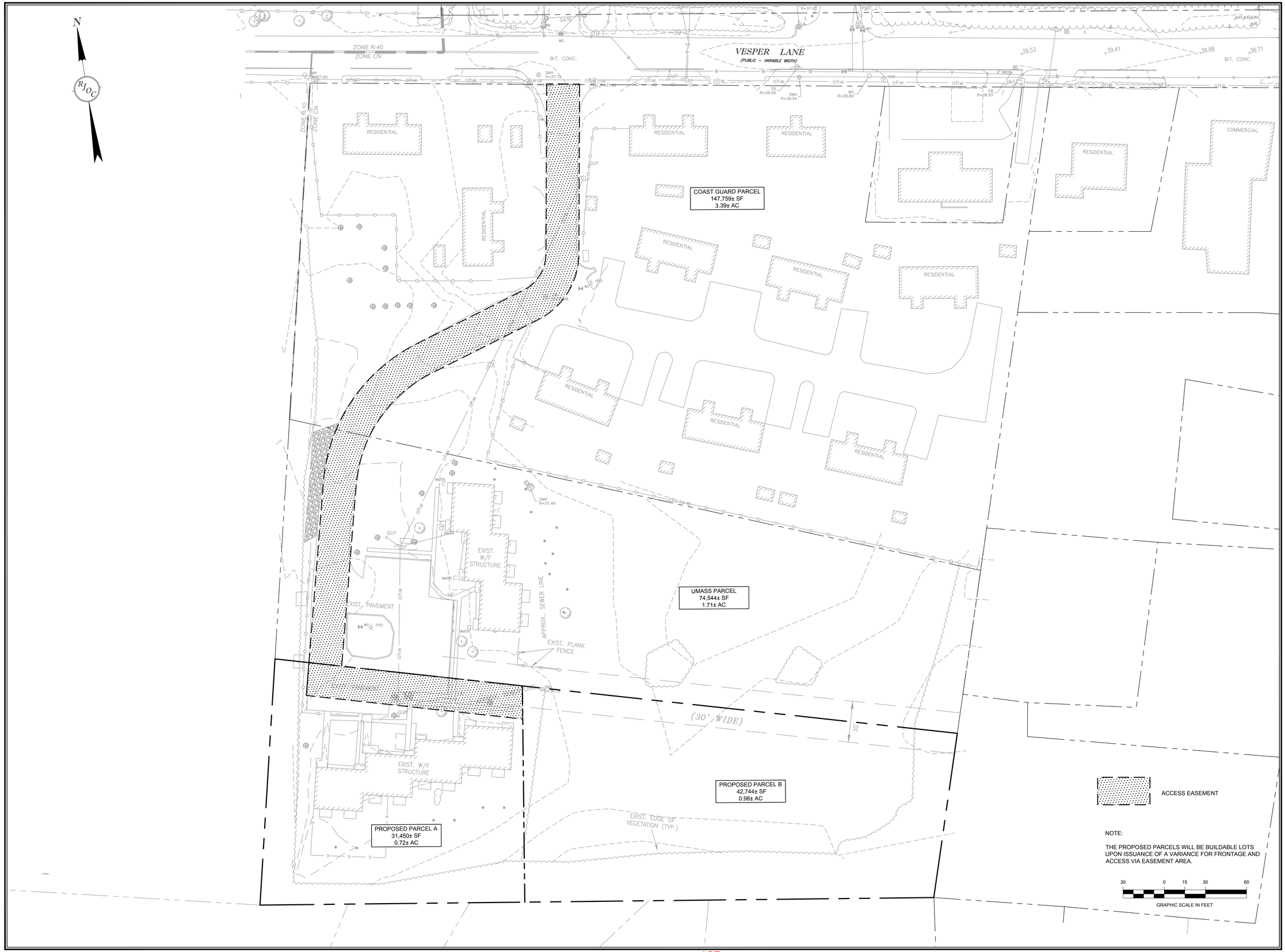
DRAWING NUMBER:

EC-1

PROJECT NUMBER:

21058

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RJOC

NO.	REVISION	DATE
-	ISSUED FOR ZBA APPROVAL	09/16/2022

PREPARED BY:

RJO'CONNELL & ASSOCIATES, INC.

CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
80 MONTVALE AVENUE, SUITE 201 STONEHAM, MA 02180
PHONE: 781.279.0180 RJOCONNELL.COM

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NEW ENGLAND DEVELOPMENT

75 PARK PLAZA
BOSTON, MA 02116
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PROJECT NAME:

16, 18, & 20 VESPER LANE
NANTUCKET, MA

SEAL:

DESIGNED BY:	SPG
DRAWN BY:	HAA
REVIEWED BY:	SPG
SCALE:	1" = 30'
DATE:	09/16/2022

DRAWING NAME:

LOTTING EXHIBIT

DRAWING NUMBER:

LE-1

PROJECT NUMBER:

21058

Copyright © 2021 by R.J. O'Connell & Associates, Inc.

Drawing name: G:\MA\Nantucket\NED\UMass- Vesper\Main\Subdivision\21058_LE-1 Lotting Exhibit.dwg Sep 16, 2022 - 15:17pm

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Nantucket Cottage Hospital

MAILING ADDRESS..... 57 Prospect St. Nantucket, MA 02554

PROPERTY LOCATION..... 16 Vesper Ln

ASSESSOR MAP/PARCEL..... 55/247.1

APPLICANT..... Christopher Clements

SEE ATTACHED PAGES

I certify that the foregoing is a list of 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, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.09.02 11:39:21 -04'00'

September 2, 2022

DATE

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
55	245		4 ANNA DRIVE LLC		PO BOX 659	NANTUCKET	MA	02554	4 ANNA DR
55	245	2	SOUTHEY DANIEL O & CURRIE MICHELE L		PO BOX 824	NANTUCKET	MA	02554	7 ANNA DR
55	245	3	MURRAY ROBERT DEAN		5 ANNA DR	NANTUCKET	MA	O2554	5 ANNA DR
55	245	4	BEAUDETTE RICHARD P & RICHELLE L		3 ANNA DR	NANTUCKET	MA	02554	3 ANNA DR
55	245	5	SEO REAL ESTATE LLC		302 BROADWAY RT 138 STE 6	RAYNHAM	MA	02767	19- SURFSIDE RD
55	245	6	8 ANNA DRIVE LLC		307 POLPIS RD	NANTUCKET	MA	02554	8 ANNA DR
55	245	7	ALBERTSON PHILIP K JR		6 ANNA DR	NANTUCKET	MA	02554	6 ANNA DR
55	246		SEVRENS NANCY J TRST		PO BOX 428	NANTUCKET	MA	02554	22 VESPER LN
55	247		TOWN OF NANTUCKET		16 BROAD STREET	NANTUCKET	MA	02554	18 VESPER LN
55	248		U S OF AMERICA	C/O U S COAST GUARD	2 EASTON ST	NANTUCKET	MA	02554	20 VESPER LN
55	256		RYDER RICHARD C & NANCY G TRS	RYDER FAMILY NOMINEE TRUST	15 SURFSIDE RD	NANTUCKET	MA	02554	15 SURFSIDE RD
55	257		RYDER RICHARD C & KIMBERLEY A TRST		15 SURFSIDE RD	NANTUCKET	MA	02554	13 SURFSIDE RD
55	258		RYDER JANET R TRUSTEE	J RYDER NOMINEE TRUST	11 SURFSIDE ROAD	NANTUCKET	MA	02554	11 SURFSIDE RD
55	259		CRIB LLC		19 ARROWHEAD DRIVE	NANTUCKET	MA	02554	17 SURFSIDE RD
55	260		OTTISON KARL & SUSAN TRST	RANDOM WINDS REALTY TRUST	170 ORANGE ST	NANTUCKET	MA	02554	3 COBBLE CT
55	261		BRESCHER JESSIE M TR	FIVE COBBLE CT REALTY TRUST	37 CENTER STREET	NANTUCKET	MA	02554	5 COBBLE CT
55	262		MARKS SCOTT		PO BOX 853	NANTUCKET	MA	02554	8 COBBLE CT
55	265		AUSTIN SALLYANNE		19 SURFSIDE RD	NANTUCKET	MA	02554	19 SURFSIDE RD
55	508		NASHAQUISSET COOPERATIVE INC	AMORY NATHANIEL & SARA	9 CABOT ST	WINCHESTER	MA	01890	27 WASHAMAN AV
55	509		NASHAQUISSET COOPERATIVE INC	FINN ROBERT A JR & EIDENT JENNIFER	193 CHERRY VALLEY RD	PRINCETON	NJ	08540	45 AUTOPSCOT CI
55	510	8	NASHAQUISSET COOPERATIVE INC	C/O SEEMAN WILLIAM H & ELLEN V	8 DARROWS RIDGE RD	EAST LYME	CT	06333	43 AUTOPSCOT CI
55	510	9	NASHAQUISSET COOPERATIVE INC	C/O LOOMAS PATRICK N TR	16 SALEM RD	WELLESLEY	MA	O2481	41 AUTOPSCOT CI
55	511		NASHAQUISSET COOPERATIVE INC	MCDONOUGH THOMAS & KATHLEEN FUREY	2000 FERNDALE DR	WILMINGTON	DE	19810	37 AUTOPSCOT CI
55	512		NASHAQUISSET COOPERATIVE INC	C/O ALBERTSON KIMBERLY F ETAL	33 AUTOPSCOT CIR	NANTUCKET	MA	02554	33 AUTOPSCOT CI
55	513		NASHAQUISSET COOPERATIVE INC	C/O PICINICH JAMES K & ELENA F	800 WEST END AVE APT 7B	NEW YORK	NY	10025	31 AUTOPSCOT CI
55	514		NASHAQUISSET COOPERATIVE INC	C/O WARMS MARK E	BOX 540817	HOUSTON	TX	77254-0817	29 AUTOPSCOT CI

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	515	8	NASHAQUISSET COOPERATIVE INC	C/O UNDERWOOD SARA M TRST	21 DEERWOOD RD	WELLESLEY	MA	02481	25 AUTOPSCOT CI
55	515	9	NASHAQUISSET COOPERATIVE INC	C/O PEAC FAMILY PARTNERSHIPLLC	23 AUTOPSCOT CIRCLE	NANTUCKET	MA	O2554	23 AUTOPSCOT CI
55	516	8	NASHAQUISSET COOPERATIVE INC	C/O 19 AUTOPSCOT CIR LLC	1 WILLIAM COLLEARY LANE	SOUTHBOROUGH	MA	01772	19 AUTOPSCOT CI
55	516	9	NASHAQUISSET COOPERATIVE INC	C/O HOLLISTER THOMAS J & DIANE	101 CHESTNUTST APT H	BOSTON	MA	O2108	21 AUTOPSCOT CI
55	517	8	NASHAQUISSET COOPERATIVE INC	BLOCK ELIZABETH W	4100 CATHEDRAL AVE NW #815	WAASHINGTON	DC	20016	15 AUTOPSCOT CI
55	518	8	NASHAQUISSET COOPERATIVE INC	C/O LAFONTAINE PAMELA S	135 IMPERIAL AVE	WESTPORT	CT	06880	11 AUTOPSCOT CI
55	522		NASHAQUISSET COOPERATIVE INC	C/O LOHRMAN JOHN & NATALIE TRS	3401 TUTTLE RD SUITE 290	SHAKER HEIGHTS	OH	44122	15 WASHAMAN AV
55	523	8	NASHAQUISSET COOPERATIVE INC	C/O MORAN MARC R & YUELING G	15 VALENTINE STREET UNIT 3	CAMBRIDGE	MA	02139	8 AUTOPSCOT CI
55	523	9	NASHAQUISSET COOPERATIVE INC		280 ABRAHAMS LANE	VILLANOVA	PA	19085	17 WASHAMAN AV
55	524		NASHAQUISSET COOPERATIVE INC	C/O REYES PROTACIO A & PHYLLIS	177 SOUTH AVE #1	NEW CANAAN	CT	06840	16 AUTOPSCOT CI
55	525		NASHAQUISSET COOPERATIVE INC	C/O MARASCO WILLIAM J	21 AARONS WAY	S YARMOUTH	MA	02673	19 WASHAMAN AV
55	526	1	NASHAQUISSET COOPERATIVE INC	GALLUP SAMANTHA & BARRY JR	235 TOKENEKE RD	DARIEN	CT	06820	32 AUTOPSCOT CI
55	526	8	NASHAQUISSET COOPERATIVE INC		3630 84TH AVE SE	MERCER ISLAND	WA	98040	40 AUTOPSCOT CI
55	526	9	NASHAQUISSET COOPERATIVE INC	C/O SUNG A KIM PARK TR	41 PHILLIPS ST APT 13	BOSTON	MA	O2114	21 WASHAMAN AV
55	527		NASHAQUISSET COOPERATIVE INC	C/O MACDONALD LESLIE W JR	PO BOX 2538	NANTUCKET	MA	02584	24 AUTOPSCOT CI
55	528		NASHAQUISSET COOPERATIVE INC	C/O TUCKER F MICHAEL TRST	115 HUNTERFIELD RD	DELMAR	NY	12054	23 WASHAMAN AV
55	532		STRAZZULA KATHLEEN J		82 CRESCENT AV	SCITUATE	MA	02066	11 YOMPASHAM LN
55	533		LAWS WHITNEY E & SCHMITT MAKENZIE A TRS	SCHMITT FAMILY IRREVOCABLE FAMILY TRUST	9 YOMPASHAM LANE	NANTUCKET	MA	02554	9 YOMPASHAM LN
55	534		CHADWICK HOWARD B JR		7 YOMPASHAM LN	NANTUCKET	MA	02554	7 YOMPASHAM LN
55	539		NASHAQUISSET COOPERATIVE INC		PO BOX 3067	NANTUCKET	MA	02584	9 WASHAMAN AV
55	578		NASHAQUISSET COOPERATIVE INC	C/O BRADLOW ERIC T & LAURA W	128 BLEDDYN ROAD	ARDMORE	PA	19003	29 WASHAMAN AV
55	579	1	NASHAQUISSET COOPERATIVE INC	C/O GLEASON SUZANNE MARIE	7 S E MARLIN AVENUE	KEY LARGO	FL	33037	2 NETOWA LN
55	579	2	NASHAQUISSET COOPERATIVE INC	C/O NORTON ROBERT L & KATHRYN K	47 AUTOPSCOT CI	NANTUCKET	MA	O2554	47 AUTOPSCOT CI
55	579	9	NASHAQUISSET COOPERATIVE INC	C/O FALCONE KATHERINE B	7900 ARLINGTON CR #403	NAPLES	FL	34113	4 NETOWA LN
55	900	1	RYAN KEITH E TRST ETAL	C/O RYAN GAIL	30 WESTOVER RD	SLINGERLANDS	NY	12159	2B ANNA DR
55	900	2	RYAN DENIS C. JR TRUST ET AL	C/O RYAN PATRICIA M	12 STONEHENGE LN	ALBANY	NY	11203	3C ANNA DR

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	900	3	MILLER BRADY & SUZANNE		8 RELAY CT	COS COB	CT	O6807	2D ANNA DR
55	900	4	ROBINSON JULIAN JADE ET AL		61 OLD SOUTH RD #103	NANTUCKET	MA	O2554	2E ANNA DR
Count:	**54**								

Letters

Nickesha Sheriff

From: Ives Erickson, Jeanette,R.N.,D.N.P. <JIVESERICKSON@PARTNERS.ORG>
Sent: Thursday, December 1, 2022 4:18 PM
To: Spinella, Peter C CIV USCG SILC (USA); Nickesha Sheriff; Lee, Amy E.; Glowacki, Christopher A.; Gerard Keneally; Melissa Philbrick; Craig Mulhauser
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

Thank you for copying me on this message. I am including the board and hospital leadership in this message so that they are aware of this request.

Jeanette Ives Erickson RN, DNP, NEA-BC, FAAN
Chief Nurse Emerita
The Distinguished Paul M. Erickson Chair in Nursing
Massachusetts General Hospital

From: Spinella, Peter C CIV USCG SILC (USA) <Peter.C.Spinella@uscg.mil>
Date: Thursday, December 1, 2022 at 2:39 PM
To: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Cc: Ives Erickson, Jeanette,R.N.,D.N.P. <JIVESERICKSON@PARTNERS.ORG>
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

External Email - Use Caution

I would like to request a postponement of the meeting. The Proposal could have substantial impacts to our federal property and our families living there. I would like the opportunity to review an alternative solution with the hospital. There are also some questions about the deed granted to the town from government and the restrictions in the deed.

Peter C. Spinella
Lead Realty Specialist
United States Coast Guard
Shore Infrastructure Logistics Center
Civil Engineering Unit Providence
475 KILVERT ST STE 100
Warwick, RI 02886-1379
Peter.C.Spinella@uscg.mil
Office 401-736-1754

From: Nickesha Sheriff <nsheriff@nantucket-ma.gov>
Sent: Thursday, December 1, 2022 2:14 PM
To: Spinella, Peter C CIV USCG SILC (USA) <Peter.C.Spinella@uscg.mil>
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] RE: Nantucket Zoning Board - Nantucket Cottage Hospital File No. 17-22

Peter,

STEVEN L. COHEN
&
CHRISTOPHER P. CHOMA
TRUST

File No. 20-22

29 MONOMOY ROAD

VARIANCE

ZBA

PAID
DEC 20 22
By

NANTUCKET
TOWN CLERK
2022 DEC 20 AM 11:04

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00

File No. 20-22

Owner's name(s): Steven L. Cohen and Christopher P. Choma, Trs. of the 29 Monomoy Road Nominee Trust, U/D/T dated November 30, 2015

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, P.O. Box 786

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Applicant's name(s): Same

Mailing Address: 34 Main Street, P.O. Box 786, Nantucket, MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@Cohenlegal.net

Locus Address: 29 Monomoy Road Assessor's Map/Parcel: 54/209

Plan: Lots 10 + 11 on LC Plan 10937-C Certificate of Title: 22883

Zoning District: LUG-1

Uses on Lot- Commercial: None

Residential: Number of dwellings One Duplex _____ Apartments _____

Date of Structure(s): all pre-date 1972 No or 2016

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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

Please 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:

The locus, 29 Monomoy Road, is an undersized lot of 20,000 SF in the Limited Use General - 1 (LUG-1) Zoning District. It is shown on Assessor's Map 54 as Parcel 209 and as Lots 10 and 11 on Land Court Plan No. 10937-C at the Nantucket Registry District of the Land Court. Evidence of Applicant's ownership is at Certificate of Title No. 22883. The premises contains a single-family dwelling with 1,496 SF of ground cover, where 1,500 SF is allowed by Zoning Bylaw Section 139-33.E.1.B, as an alternative to the 7% allowed under Section 139-16. The lot is preexisting nonconforming as to lot area, where 40,000 SF of lot area is required, but is otherwise dimensionally conforming.

The Applicant is a contract purchaser for 5,400 SF of land from the rear abutter to the south-east, 14 Brewster Road. However, 29 Monomoy Road and 14 Brewster Road are separated by a former paper road, the former Orleans Avenue, which was Taken by *Eminent Domain* by the Town in July of 2015, see Document No. 148654. The Yard Sale of this land to the Applicant has been stalled at the Land Court for seven years. As shown on Plan 2015-18, when the process is completed, the Applicant will be able to acquire 7,125 SF of land from the Town. When the private sale and the Yard sale acquisitions are completed, the Applicant will have a lot of 32,525 SF, with an allowed ground cover by right of 2,276,75 SF, a difference of 780.75 SF from the ground cover existing on the lot.

The Applicant is a certain acquirer of the Yard Sale land, as the *only* abutter. Applicant has delayed building an accessory structure on this lot for 7 years, waiting for the Yard Sale process to be completed. Due to the shape of the lot and the temporary non-contiguity of the abutting lots, Applicant seeks relief by Variance pursuant Zoning By-law Section 139-32 from the provisions of Section 139-16 to allow for the use of the ground cover that will be available by right when the Yard Sale is completed.

This Variance would allow the Applicant to move forward with long-delayed plans for a garage and storage structure, which has been a significant burden on the Applicant, and would be a benefit to the neighborhood by encouraging a significant reduction of the lot size nonconformity. Literal application of the ground cover ratio to the pre-Yard Sale lot line does not serve the intent of the bylaw, as the Applicant is attempting to substantially cure a nonconformity and is being delayed at the Land Court. Relief may therefore be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw.



Property Information

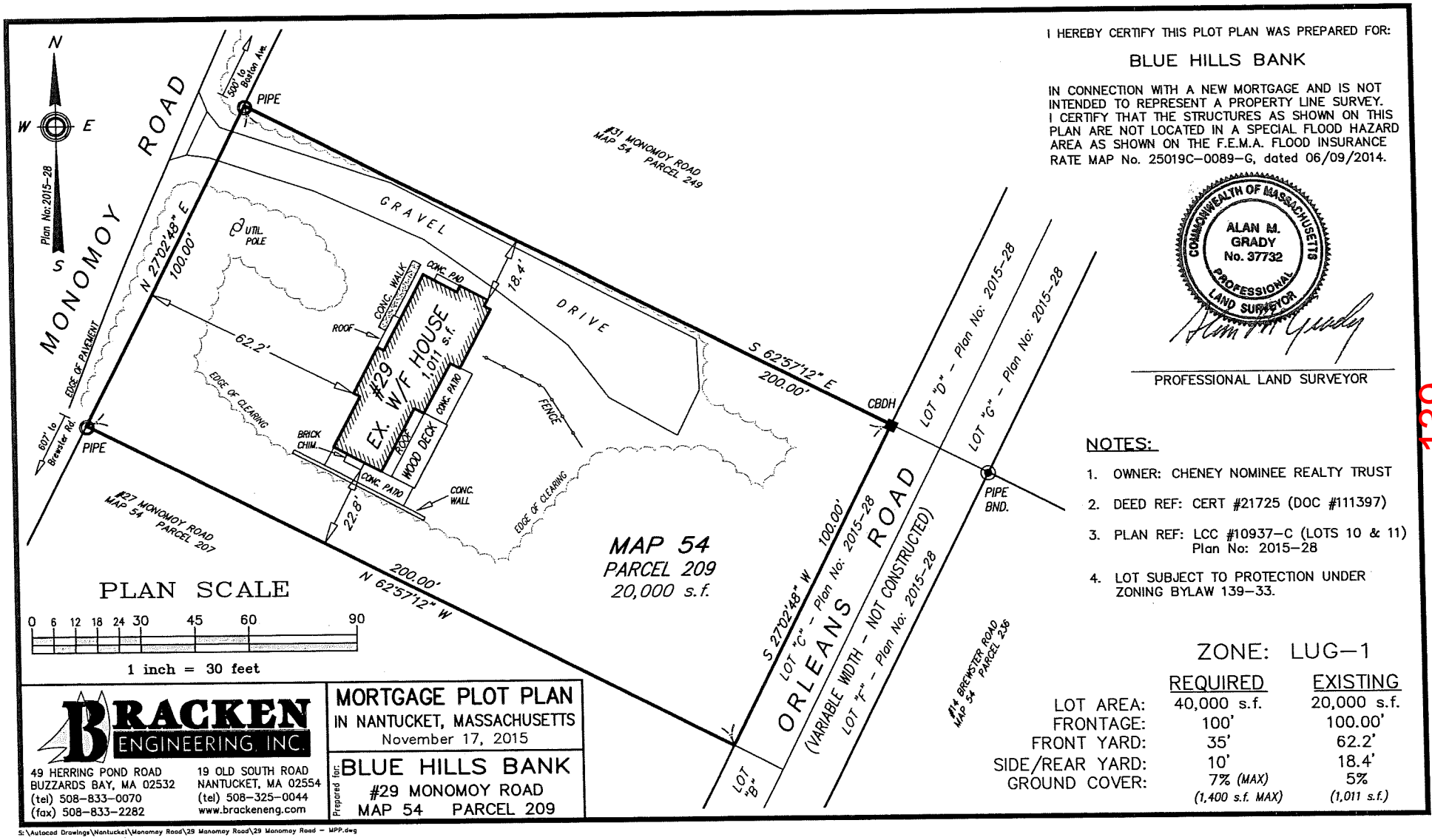
Property ID	54 209
Location	29 MONOMOY RD
Owner	COHEN STEVEN L TR

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 11/14/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



I HEREBY CERTIFY THIS PLOT PLAN WAS PREPARED FOR:

BLUE HILLS BANK

IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED TO REPRESENT A PROPERTY LINE SURVEY. I CERTIFY THAT THE STRUCTURES AS SHOWN ON THIS PLAN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP No. 25019C-0089-G, dated 06/09/2014.

COMMONWEALTH OF MASSACHUSETTS
ALAN M. GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR

NOTES:

1. OWNER: CHENEY NOMINEE REALTY TRUST
2. DEED REF: CERT #21725 (DOC #111397)
3. PLAN REF: LCC #10937-C (LOTS 10 & 11) Plan No: 2015-28
4. LOT SUBJECT TO PROTECTION UNDER ZONING BYLAW 139-33.

ZONE: LUG-1

	REQUIRED	EXISTING
LOT AREA:	40,000 s.f.	20,000 s.f.
FRONTAGE:	100'	100.00'
FRONT YARD:	35'	62.2'
SIDE/REAR YARD:	10'	18.4'
GROUND COVER:	7% (MAX) (1,400 s.f. MAX)	5% (1,011 s.f.)

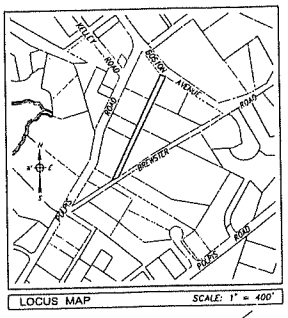
BRACKEN ENGINEERING, INC.
49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508-833-0070
(fax) 508-833-2282
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508-325-0044
www.brackeneng.com

MORTGAGE PLOT PLAN
IN NANTUCKET, MASSACHUSETTS
November 17, 2015

Prepared for: BLUE HILLS BANK
#29 MONOMOY ROAD
MAP 54 PARCEL 209

S:\Autocad Drawings\Nantucket\Monomoy Road\29 Monomoy Road\29 Monomoy Road - MPP.dwg

2015 00006028
Bk: Pg: D Page: 0
Doc: PLAN 06/02/2015 02:47 PM



NOTES:

1. LOCUS: ORLEANS ROAD
2. PLAN REF: LCC #10937-C
   LCC #10937-H
3. SEE ARTICLE 107 ON THE 2011 TOWN MEETING WARRANT FOR TAKING BY THE TOWN OF NANTUCKET.

NANTUCKET REGISTRY OF DEEDS
Date: 6/03/2015
Time: 2:14:17pm
Plan No: 2015-28
Attest: Register
Sheet 1 of 1

ZONE: LUG-1

MINIMUM LOT SIZE	40,000 s.f.
MINIMUM FRONTAGE	100'
FRONT YARD SETBACK	35'
REAR/SIDE YARD SETBACK	10'
GROUND COVER RATIO	7%

LOCUS

#38 MONOMOY ROAD
MAP 54 PARCEL 165
N/F
OTIS BOOTH FAMILY TRUST
Cert #24744
LCC #14974-E

#36 MONOMOY ROAD
MAP 54 PARCEL 244
N/F
OTIS BOOTH FAMILY TRUST
Cert #24745
LCC #14974-E

#22 BREWSTER ROAD
MAP 54 PARCEL 169.1
N/F
TWENTY-TWO BREWSTER ROAD NOMINEE TRUST
Deed Bk: 775 Pg: 229
Plan Bk: 16 Pg: 15

#35 MONOMOY ROAD
MAP 54 PARCEL 74
N/F
CAMP IP NOMINEE TRUST
Cert #17404
LCC #10937-C
LOTS 1-3

#5 BOSTON AVENUE
MAP 54 PARCEL 220.1
N/F
RALSTON W. RUSSELL and MARY ANN RUSSELL
Cert #15301
LCC #10937-G
LOT 107

#20 BREWSTER ROAD
MAP 54 PARCEL 220.2
N/F
TWENTY BREWSTER ROAD NOMINEE TRUST
Cert #20065
LCC #10937-G
LOT 106

#34 MONOMOY ROAD
MAP 54 PARCEL 243
N/F
34 MONOMOY ROAD LLC
Cert #19711-C
LCC #14974-C

#32 MONOMOY RD.
MAP 54
PARCEL 242
N/F
WILLIAM R. FULLER REVOCABLE TRUST - 2010
Cert #23540
LCC #14974-C

#31 MONOMOY ROAD
MAP 54 PARCEL 249
N/F
HAIGHT-SCHWARTZ TRUST-1988
Cert #14320
LCC #10937-C
LOTS 8-9

#16 BREWSTER ROAD
MAP 54 PARCEL 221
N/F
LINDA A. MASON AMENDED AND RESTATED REVOCABLE TRUST
Cert #25278
LCC #10937-H
LOT 52

#18 BREWSTER ROAD
MAP 54 PARCEL 175.1
N/F
HELEHE PATTERSON TRUST
Cert #23243
LCC #10937-25

#30 MONOMOY ROAD
MAP 54 PARCEL 210
N/F
MATTHEW S. WESTFALL and LAURA J. WESTFALL
Cert #24311
LCC #10937-J

#29 MONOMOY ROAD
MAP 54 PARCEL 209
N/F
CHENEY NOMINEE REALTY TRUST
Cert #21725
LCC #10937-C
LOTS 10-11

#17 BREWSTER ROAD
MAP 54 PARCEL 222
N/F
ELIZABETH K. TOLTON REVOCABLE TRUST
and
JOHN L. KELLY TRUST
Cert #15372
LCC #10937-T

#14 BREWSTER ROAD
MAP 54 PARCEL 226
N/F
14 BREWSTER ROAD NOMINEE TRUST
Cert #19736
LCC #10937-H
LOT 51

#15 BREWSTER ROAD
MAP 54 PARCEL 223
N/F
DAVID G. BERRY
Cert #24847
LCC #10937-5

#27 MONOMOY ROAD
MAP 54 PARCEL 207
N/F
BLOOMING CLEAR NOMINEE TRUST
Cert #20221
LCC #10937-C
LOTS 12-16

#11 BREWSTER ROAD
MAP 54 PARCEL 224
N/F
DAVID G. BERRY
Cert #23656
LCC #10937-5

#26 MONOMOY ROAD
MAP 54 PARCEL 146
N/F
THE MONOMOY ROAD REAL ESTATE TRUST
Deed Bk: 400 Pg: 291
Deed Bk: 9 Pg: 1

#23 MONOMOY ROAD
MAP 54 PARCEL 205
N/F
ANNE G. DAVIS and PAUL A. GARES
Cert #22059
LCC #10937-C
LOT 17

#3 BREWSTER ROAD
MAP 54 PARCEL 287
N/F
DANIELLE ORBEKHEDICINS
Cert #20602
LCC #10937-8

#21 MONOMOY ROAD
MAP 54 PARCEL 204
N/F
NANTUCKET ISLANDS LAND BANK
Cert #14305
LCC #10937-C
LOT 18

#3 BREWSTER ROAD
MAP 54 PARCEL 26'
N/F
KUSHNER1&346 PARKWAY TRUST
Cert #25412
LCC #10937-8

#19 MONOMOY ROAD
MAP 54 PARCEL 260
N/F
NINETEEN MONOMOY ROAD NOMINEE TRUST
Cert #23763
LCC #10937-8

BOSTON AVENUE (PUBLIC) — N 38°20'10" W 220.00' — N 61°45'48" W 15.84' — S 27°02'23" W 22.60'

MONOMOY ROAD (PUBLIC - 50' WIDE) — S 27°02'48" W 400.00'

BERKELEY AVENUE

ORLEANS ROAD (VARIABLE WIDTH - NOT CONSTRUCTED)

BREWSTER ROAD (PRIVATE - 33' WIDE) — N 62°19'57" E 235.03' — N 58°20'48" E 173.47' — S 57°34'00" E 174.25' — N 38°27'55" E 215.85' — N 38°27'55" E 54.99' — N 62°20'55" E 155.07'

LOT "A" 19± s.f.
LOT "B" 4,644± s.f.
LOT "C" 1,502± s.f.
LOT "D" 3,002± s.f.
LOT "E" 3,163± s.f.
LOT "F" 5,810± s.f.
LOT "G" 3,002± s.f.
LOT "H" 3,239± s.f.

LOT 1 · LOT 2 · LOT 3 · LOT 4 · LOT 5 · LOT 6 · LOT 7 · LOT 8 · LOT 9 · LOT 10 · LOT 11 · LOT 12 · LOT 13 · LOT 14 · LOT 15 · LOT 16

CB/DH/AD · CB/DISK/AD · PB/AD · P/AD

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON MARCH 11, 2015 through MARCH 25, 2015.

5/1/15
DATE

ALAN M. GRADY, PLS #12732

ROADWAY ACQUISITION PLAN
IN
NANTUCKET, MASS.

BEING A SUBDIVISION OF:
UNCONSTRUCTED
"ORLEANS ROAD"
SHOWN ON
L.C. PLAN #10937-C
L.C. PLAN #10937-H

PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282

SCALE: 1" = 40' MAY 1, 2015

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED (SEE ARTICLE 107 OF THE 2011 ANNUAL TOWN MEETING)

FILE NUMBER: 2831
DATE SIGNED: 05-11-15

TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE: 5.20.2015

THE PLANNING BOARD DETERMINES THAT:

(a) LOTS "A" through "H" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

(b) LOTS "A" through "H" DO NOT CONTAIN ADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH CURRENT MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

CB/DH/AD ■ EXISTING CONCRETE BOUND WITH DRILL HOLE FOUND
CB/DISK/AD ■ EXISTING CONCRETE BOUND WITH DISK FOUND
PB/AD ◉ EXISTING PIPE BOUND FOUND
P/AD ○ EXISTING IRON PIPE FOUND

PLAN SCALE
0 8 16 24 32 40 60 80 100
1 inch = 40 feet

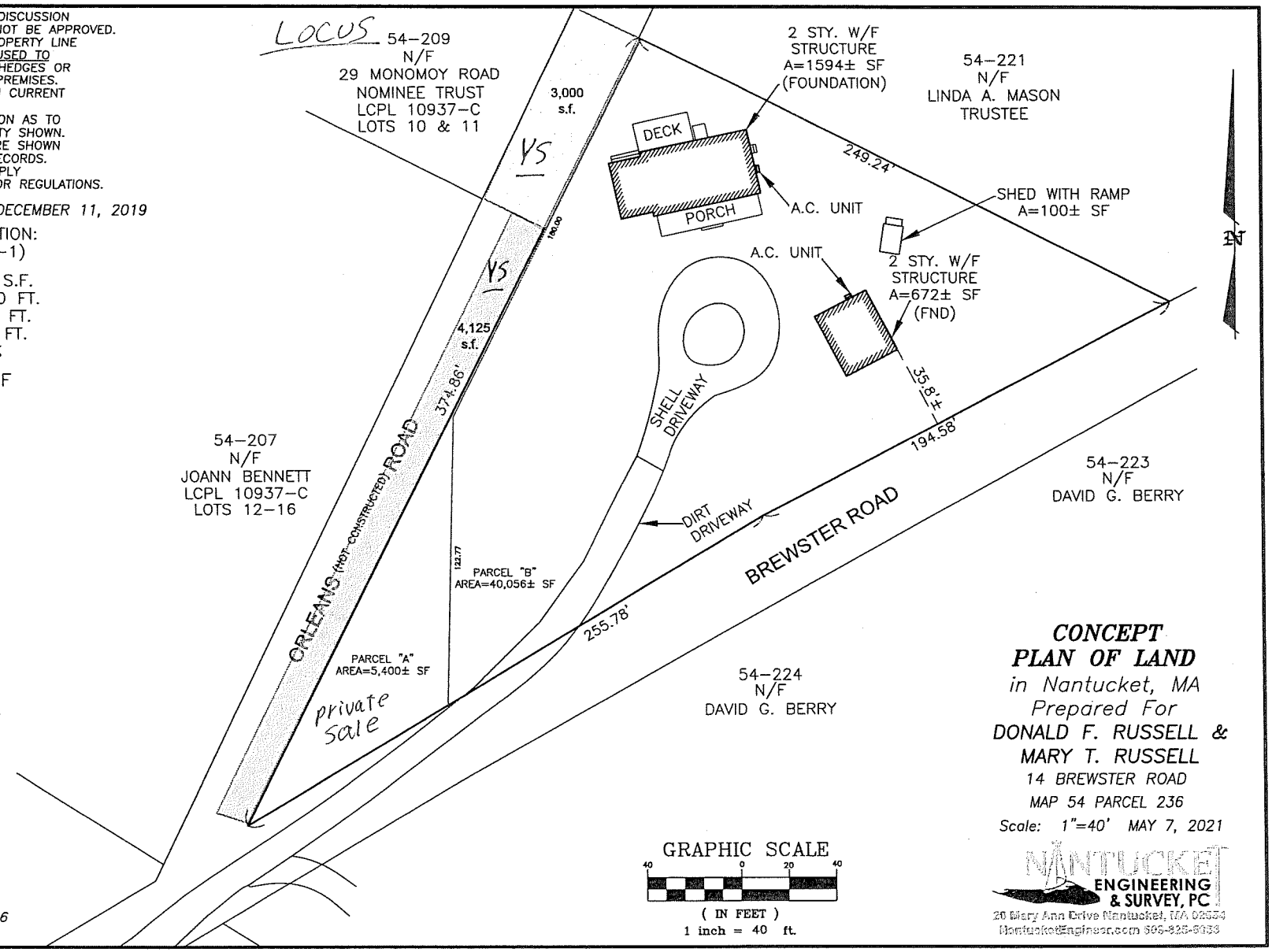
THIS PLOT PLAN WAS PREPARED FOR DISCUSSION DISCUSSION PURPOSES ONLY & MAY NOT BE APPROVED. IT SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. LAYOUT SHOWN HEREON DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS OR REGULATIONS.

SITE CONDITIONS SHOWN AS OF DECEMBER 11, 2019

CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (LUG-1)

MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 7%

LOT AREA = 45,456± SF



OWNER INFORMATION
DONALD F. RUSSELL &
MARY T. RUSSELL
CERT. 26,062
LC PLAN 10937-H, LOT 51
ASSESSOR'S MAP 54 PARCEL 236
14 BREWSTER ROAD

GRAPHIC SCALE
40 0 20 40
(IN FEET)
1 inch = 40 ft.

CONCEPT PLAN OF LAND
in Nantucket, MA
Prepared For
DONALD F. RUSSELL & MARY T. RUSSELL
14 BREWSTER ROAD
MAP 54 PARCEL 236
Scale: 1"=40' MAY 7, 2021

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5033

141

2015 00148654
Cert: 22059 Doc: OOT
Registered: 07/23/2015 03:24 PM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

ORDER OF TAKING BY EMINENT DOMAIN OF PORTIONS OF ORLEANS ROAD

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote adopted by the Town on Article 107 at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Orleans Road described below ("Parcels") is required for general municipal purposes and/or public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass., Being a Subdivision of Unconstructed "Orleans Road," prepared by Bracken engineering, Inc., dated May 1, 2015 recorded with Nantucket county Registry of Deeds as Plan No. 2015-28(the "Plan") and consisting of the following Parcels described on the Plan:

Parcel	Address/Location	Area ±
Lot A	Orleans Road	19 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 205	Anne G. Davis and Paul A. Gares	Certificate of Title No. 22059

Parcel	Address/Location	Area ±
Lot B	Orleans Road	4,644 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54 Parcel 207	Whitney A. Gifford, Trustee of Blowing Clear Nominee Trust u/d/t dated February 20, 2002 filed with Nantucket Registry District of the Land Court as Document No. 96048	Certificate of Title No.20221

Parcel	Address/Location	Area ±
Lot C	Orleans Road	1,502 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 209	Wendy R. Cheney and Mack L. Cheney, Trustees of Cheney Nominee Realty Trust u/d/t dated February 4, 2005 evidenced by Trustee's Certificate Under G.L. c. 184, s. 35 filed with said Registry District as Document No. 111398	Certificate of Title No. 21725

Parcel	Address/Location	Area ±
Lot D	Orleans Road	3,002 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 249	C. Ethelind Knight-Schwartz, Trustee of Knight-Schwartz Trust-1989 u/d/t dated November 20, 1989, filed as Document No. 49258 with said Registry District of the Land court, as amended by by trust agreement filed as Document No. 91598 filed with said Registry District	Certificate of Title No.14320

Parcel	Address/Location	Area ±
Lot E	Orleans Road	3,163 s.f.

Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 74	Suzanne Rinfret Moore, Trustee of Camp IP Nominee Trust u/d/t dated June 26, 1996 evidenced by Trustee's	Certificate of Title No. 17404

Certificate Under M.G.L. c. 184, s.35 filed with
Said Registry district as Document No. 118352

Parcel	Address/Location	Area±
Lot F	Orleans Road	5,810 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 236	Christopher Rich and John F. Rich, Trustees of the 14 Brewer Road Nominee Trust u/d/t dated October 16, 2000 filed as Document No. 91174 with said Registry District	Certificate of Title No. 19736

Parcel	Address/Location	Area±
Lot G	Orleans Road	3,002 s.f.
Assessor ID	Supposed Owner(s)	Title Reference
Map 54, Parcel 221	Linda A. Mason, Trustee Linda A. Mason Amended and Restated Revocable Trust Agreement u/d/t Dated May 15, 2014 evidenced by a Trustee's Certificate Pursuant to M.G.L. c. 184, s. 35 filed as Document No. 145255 with said Registry District	Certificate of Title No. 25278

Parcel	Address/Location	Area±
Lot H	Orleans Road	3,239 s.f.
Assessor ID	Supposed Owner (s)	Title Reference
Map 54, Parcel 220.1	Wynnemer, LLC	Certificate of Title No. 25622

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this 22 day July, 2015

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

Robert DeCosta

Matthew G. Fee

Rick Atherton

Tobias B. Glidden

Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

On this 22 day of July, 2015, before me, the undersigned notary public, personally appeared Robert DeCosta, Matthew G. Fee, Rick Atherton, Tobias B. Glidden and Dawn E. Hill Holdgate as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.

Erika D Mooney
Notary Public
My commission expires:

526544/NANTYDSALE/0001

ERIKA DAVIDSON MOONEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 17, 2017

Town of Nantucket

OFFICE OF THE
TOWN & COUNTY CLERK
16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: http://www.nantucket-ma.gov

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 107: "Real Estate Acquisition: Various "Paper" Streets"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 107 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 107
(Real Estate Acquisition: Various "Paper" Streets)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways:

- Proprietors Road in the Shimmo area known as Gardner Road bounded by the northeastern lot line of Parcels 131, 132, 133, the northeastern sideline of South Valley Road, the northeastern lot line of Parcels 134 and 135, the southeastern sideline of North Road, the southwestern lot line of Parcels 85, 86, and 92, and the northwestern lot line of Parcel 96; all as shown on Assessor Map 43;

- Vestal Street bounded by the southern sideline of Dukes Road, the northern lot line of Parcels 244, 267 and 268, a line extending across Vestal Street from the northeastern corner of Parcel 268 to the southeastern corner of Parcel 246, and the southern sideline of Parcels 246 and 245; all as shown on Assessor Map 56;

- Pollock (a.k.a. Pollack) Avenue and High Street between the southern sideline of Morgan Square and the northern sideline of Western Avenue; Morgan Square bounded by a line extending the southern sideline of Brooks Avenue across Morgan Square, the western and southern lot lines of Parcel 3.4, the southern lot line of Parcel 3.3, a line extending the eastern lot line of Parcel 3.3 across Morgan Square; a northern lot line of Parcel 4, the northern sideline of High Street, the northern lot line of Parcel 91, the northern sideline of Pollock (aka) Pollack) Avenue and the western and a northern lot lines of Parcel 86; and Western Avenue bounded by the southern lot lines of Parcel 93, 4, and 91 and the southern sidelines of Pollock Avenue, Washington Street and High Street, northern and western lot lines of Parcel 36, and eastern by a line extending across Western Avenue extending from the western lot line of Parcel 84; all as shown on Assessor Map 87;

- Orleans Road between the southwestern sideline of Boston Avenue and the northern sideline of Brewster Road; all as shown on Assessor Map 54;

- Hulbert Avenue Extension between a line perpendicular to the western sideline at a point where the northeast corner of Assessor Map 30 Parcel 49 intersects Hulbert Avenue Extension to Nantucket Sound;

- Sherburne Turnpike-Lot P-5 as shown on a plan entitled "Proposed Modification of Sherburne Turnpike (a.k.a. Sherburne Avenue) dated February 2007, by Blackwell and Associates, Inc." and on file at the Nantucket Registry of Deeds at Plan No. 2008-62;

And, to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be authorized to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways identified in Article 107 of this Warrant, all as shown on a map entitled "2011 Annual Town Meeting Warrant Article 107" dated January 2011.

Steven L. Cohen and Christopher P. Choma, Trs. 29 Monomoy Road Nominee Trust, FILE NO. 22-xx

Applicant is requesting relief by Variance pursuant to Zoning By-law Section 139-32 for a waiver from the ground cover provision in Section 139-16 in order to construct an accessory structure of up to 780.25 SF. The property is located at 29 Monomoy Road, shown on Assessor's Map 54 as Parcel 209 and as Lots 10 + 11 on Land Court Plan 10937-C. Evidence of owner's title is registered on Certificate of Title No. 22883 at the Nantucket County District of the Land Court. The site is zoned Limited Use General -1 (LUG-1).

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
54	74		WILMOT MARK S		33-35 MONOMOY RD	NANTUCKET	MA	02554	35 MONOMOY RD
54	147		WILLET E CROSBY & WILLET AUGUSTA W TR		2400 INDIAN CREEK BLVD WEST	VERO BEACH	FL	32966	4 MONOMOY CREEK RD
54	205		CHEEVER CONSTANCE K & DAVID TR	CHEEVER CONSTANCE K REV TRUST	23 MONOMOY RD	NANTUCKET	MA	02554	23 MONOMOY RD
54	207		BENNETT JOANN		27 MONOMOY ROAD	NANTUCKET	MA	02554	27 MONOMOY RD
54	210		WESTFALL MATTHEW S & LAURA J		1342 LACHMAN LANE	PACIFIC PALISADES	CA	90272	30 MONOMOY RD
54	215		LANDRETH ROBERT E		1600 COUNTRY CLUB RD	MIDLAND	TX	79701	4 BERKELEY AV
54	220	1	WYNNEMER LLC		65 SPRING DELL ROAD	LANCASTER	PA	17601	5 BOSTON AV
54	220	2	STAPLES GARY S TRUSTEE	TWENTY BREWSTER RD NOM TRUST	305 MARYLAND AVENUE NE	WASHINGTON	DC	20002	20 BREWSTER RD
54	221		MASON LINDA A TRUSTEE		227 GARDEN ROAD	PALM BEACH	FL	33480	16 BREWSTER RD
54	223		BERRY DAVID G		PO BOX 1288	NANTUCKET	MA	02554	15 BREWSTER RD
54	224		BERRY DAVID G		P O BOX 1288	NANTUCKET	MA	02554	11 BREWSTER RD
54	236		RUSSELL DONALD & MARY T		6391 CAICOS CT	VERO BEACH	FL	32967	14 BREWSTER RD
54	242		COPLEY MONOMOY LLC		896 BEACON STREET	BOSTON	MA	02215	32 MONOMOY RD
54	243		REDAN MONOMOY HOLDINGS LLC		1111 CAROLINE ST #2306	HOUSTON	TX	77010	34 MONOMOY RD
54	249		KNIGHT-SCHWARTZ C ETHELIND TR &	SCHWARTZ DAVID A TR	104 TIFFANY LANE	SUMMERVILLE	SC	29485	31 MONOMOY RD
Count:	15								

WILMOT MARK S
33-35 MONOMOY RD
NANTUCKET, MA 02554

WILLET E CROSBY & WILLET AUGUSTA W TR
2400 INDIAN CREEK BLVD WEST
VERO BEACH, FL 32966

CHEEVER CONSTANCE K & DAVID TR
CHEEVER CONSTANCE K REV TRUST
23 MONOMOY RD
NANTUCKET, MA 02554

BENNETT JOANN
27 MONOMOY ROAD
NANTUCKET, MA 02554

WESTFALL MATTHEW S & LAURA J
1342 LACHMAN LANE
PACIFIC PALISADES, CA 90272

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

WYNNEMER LLC
65 SPRING DELL ROAD
LANCASTER, PA 17601

STAPLES GARY S TRUSTEE
TWENTY BREWSTER RD NOM TRUST
305 MARYLAND AVENUE NE
WASHINGTON, DC 20002

MASON LINDA A TRUSTEE
227 GARDEN ROAD
PALM BEACH, FL 33480

BERRY DAVID G
PO BOX 1288
NANTUCKET, MA 02554

BERRY DAVID G
P O BOX 1288
NANTUCKET, MA 02554

RUSSELL DONALD & MARY T
6391 CAICOS CT
VERO BEACH, FL 32967

COPLEY MONOMOY LLC
896 BEACON STREET
BOSTON, MA 02215

REDAN MONOMOY HOLDINGS LLC
1111 CAROLINE ST #2306
HOUSTON, TX 77010

KNIGHT-SCHWARTZ C ETHELIND TR &
SCHWARTZ DAVID A TR
104 TIFFANY LANE
SUMMERVILLE, SC 29485

Abutt

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name
54	74		WILMOT MARK S	
54	147		WILLET E CROSBY & WILLET AUGUSTA W TR	
54	205		CHEEVER CONSTANCE K & DAVID TR	CHEEVER CONSTANCE K I TR
54	207		BENNETT JOANN	
54	210		WESTFALL MATTHEW S & LAURA J	
54	215		LANDRETH ROBERT E	
54	220	1	WYNNEMER LLC	
54	220	2	STAPLES GARY S TRUSTEE	TWENTY BREWSTER RD N TRI
54	221		MASON LINDA A TRUSTEE	
54	223		BERRY DAVID G	
54	224		BERRY DAVID G	
54	236		RUSSELL DONALD & MARY T	
54	242		COPLEY MONOMOY LLC	
54	243		REDAN MONOMOY HOLDINGS LLC	
54	249		KNIGHT-SCHWARTZ C ETHELIND TR &	SCHWARTZ DAVID A

Count: 15

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33-35 MONOMOY RD
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WILLET E CROSBY & WILLET AUGUSTA W TR
2400 INDIAN CREEK BLVD WEST
VERO BEACH, FL 32966

CHEEVER CONSTANCE K & DAVID TR
CHEEVER CONSTANCE K REV TRUST
23 MONOMOY RD
NANTUCKET, MA 02554

BENNETT JOANN
27 MONOMOY ROAD
NANTUCKET, MA 02554

WESTFALL MATTHEW S & LAURA J
1342 LACHMAN LANE
PACIFIC PALISADES, CA 90272

LANDRETH ROBERT E
1600 COUNTRY CLUB RD
MIDLAND, TX 79701

WYNNEMER LLC
65 SPRING DELL ROAD
LANCASTER, PA 17601

STAPLES GARY S TRUSTEE
TWENTY BREWSTER RD NOM TRUST
305 MARYLAND AVENUE NE
WASHINGTON, DC 20002

MASON LINDA A TRUSTEE
227 GARDEN ROAD
PALM BEACH, FL 33480

BERRY DAVID G
PO BOX 1288
NANTUCKET, MA 02554

BERRY DAVID G
P O BOX 1288
NANTUCKET, MA 02554

RUSSELL DONALD & MARY T
6391 CAICOS CT
VERO BEACH, FL 32967

COPLEY MONOMOY LLC
896 BEACON STREET
BOSTON, MA 02215

REDAN MONOMOY HOLDINGS LLC
1111 CAROLINE ST #2306
HOUSTON, TX 77010

KNIGHT-SCHWARTZ C ETHELIND TR &
SCHWARTZ DAVID A TR
104 TIFFANY LANE
SUMMERVILLE, SC 29485

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JENNIFER BOWMAN

File No. 21-22

14 STARBUCK ROAD

SPECIAL PERMIT

NANTUCKET
TOWN CLERK
2022 DEC 16 PM 1:2

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

APPLICATION

Fee: $450.00 **File No. 21-22**

Owner's name(s): **Jennifer Bowman**

Mailing address: **27 Darbrook Road, Westport, CT 06880**

Phone Number: **203-247-7388** E-Mail: **jlwybowman@gmail.com**

Representative: **Linda Williams**

Mailing Address: **PO Box 1446, Nantucket, MA 02554**

Phone Number: **508-221-0432** Email: **ackczarinaz1@gmail.com**

Locus Address: **14 Starbuck Road**

Assessor's Map/Parcel: **60-114**

Land Court Plan: **Lot 296 on LCP #3092-19 & Lot 850 on LCP #3092-103**

Deed Reference/Certificate of Title: **27039** Zoning District **VR**

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

Residential: Number of dwelling: **1**

Date of Structure(s): all pre-date 7/72: **1986**

Building Permit Numbers: _____

Previous Zoning Board Application Numbers: _____

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: Linda Williams 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: / /__

Jennifer Bowman <jlwybowman@gmail.com> 12/13/2022 9:42 PM

Re: 14 STARBUCK

To Jesse Dutra <jesse@waterscapesdesigngroup.com> Copy Elisabeth O'Rourke <eo@jardinsintl.com> • Linda Williams <czarinalinda@comcast.net> • Robert Bowman <robowman2000@yahoo.com>

Dear Linda,

Please proceed with our ZBA application for the hot tub/spa permit for our home at 14 Starbuck Rd.

You have our permission to submit, sign and represent the application at the ZBA on our behalf.

Please let me know if you need any further information in order to proceed.

Thank you.

Best,
Jennifer and Robert Bowman

14 Starbuck Rd
Nantucket MA 02554

203-247-7388

ADDENDUM

Applicant is seeking relief by SPECIAL PERMIT pursuant to Nantucket Zoning By-law Section 139-2 (Definitions and word usage – swimming pools) and Section 139-7A (Use chart). Applicants propose to construct a small 8' X 12' X 3.5' residential **spa** on their lot in Madaket. The property contains a single-family dwelling constructed in 1986. The property is now situated in the Village-Residential ("VR") zoning district. Residential pools are allowed by Special Permit in the VR provided the pool meets certain specified criteria as noted below in the By-law. However, "spas" were allowed as a matter of right in the VR zoning district until the last Annual Town Meeting. A change in the By-law was made to also include spas. The minimum required lot size in the VR is 20,000 SF. The Locus is over-sized with the lot containing about 26,570 SF of lot area. The spa and associated equipment will be sited more than 20 feet from any side or rear yard lot line as required.

The spa will be so sited as to be blocked from visibility from Starbuck Road on the northwest by the dwelling and substantial vegetation, and is abutted on the southeast by the common open area required in the Tristrams Landing subdivision. The spa is also located in the rear area of the yard that is further back behind the dwelling on the abutting lot to the southwest. The closest dwelling to the rear/southeast is approximately 100 feet away. The spa is about 23 feet at its closest point from the rear yard lot line. The spa equipment will be sited no closer to the northeasterly side yard lot line than 20 feet and enclosed by a 4-foot fence.

The Historic District Commission ("HDC") approved the spa in COA# HDC2021-07-4194 on August 10, 2021 primarily due to the location, screening and "lack of visibility". There will be no additional exterior lighting related to the spa. The HDC minutes are below.

12. Jennifer Bowman 07-4194 14 Starbuck Road Hardscape: spa & paving 60/114 Jardins Intl Voting Pohl, Camp, McLaughlin, Coombs, Oliver Alternates Welch, Thornewill Recused None Documentation Landscape design plans, site plan, photos, and advisory comments. Representing Elisabeth O'Rourke, Jardins International Public None Concerns (6:42) O'Rourke – Presented project. Pohl – Read MAB comments: incomplete application form; elevation viewed how high out of ground; lack of visibility; no apron approvable on dirt road. Coombs – The driveway is better; parking and patio should have rounded edges. The granite patio is very formal for Starbuck Road. Okay with the spa. Oliver – Appreciates the relocated driveway and cutting the spa into the deck. Doesn't think we can see the square corners. McLaughlin – **This is approvable due to lack of visibility (emphasis added).** Motion to Approve as submitted. (Camp) Roll-call Vote Carried 5-0//McLaughlin, Oliver, Coombs, Camp, and Pohl-ae Certificate # HDC2021-07-4194

In the VR zoning district, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool, now including spas, on a lot subject to the following finding that the pool use, now spa use, and associated mechanicals are in harmony with the general purpose and intent of the Zoning By-law and provided that the project meets the following criteria:

a) The lot must meet the minimum lot size for the district; and
b) Side and rear yard setbacks of twenty (20) feet shall apply to the residential swimming pool and associated mechanical equipment.

In addition to the criteria being met, a finding that the use is in harmony with the general purpose and intent of the Zoning By-law may be made to grant the requested Special Permit relief.

The following conditions generally contained in other ZBA decisions that grant Special Permit relief for pools in Madaket's VR zoning district are acceptable to the Applicants. However, the extent of these conditions may not be applicable to smaller spas and should be considered on a case by case basis:

a) All chemical treatments of the pool, now spa, water shall stop three weeks prior to any draining or discharging of the pool. If this is not feasible, the owner shall engage a professional company to discharge the pool water in a tanker and dispose of it at the Wastewater Treatment Facility.
b) If a municipal water source is not available, the owner shall engage a professional company to fill the pool, now spa, as needed.
c) The pool, now spa shall not be chemically treated between November 1 and May 1 of any given year.
d) Any exterior lighting related specifically to the pool, now spa, area shall comply with the provisions of Chapter 102 of the Town Code and be turned off by10:00 pm each night and shall be down-lit.
e) Owner shall use low-voltage lighting for exterior pool, now spa, lighting.
f) The location of the pool, now spa, shall be installed substantially as shown on the "Bistany-Rubenstein Concept Plan" (the "Plan") submitted to with the HDC application and approved by the HDC on July 5, 2022, prepared by Brook Meerbergen, a reduced copy of which is attached hereto as Exhibit A.
g) The landscaping shall be installed substantially as shown on the Plan.
h) All work shall be done in substantial conformity with the Plan approved in conjunction with Certificate of Appropriateness No. HDC2022-05-6401, duly issued by the HDC.

9. The Braes, LLC **07-4165**	23 Baxter Road	Addition	49.2.3/12	Botticelli & Pohl

Voting	Camp (acting chair), McLaughlin, Coombs, Oliver, Welch
Alternates	Thornewill
Recused	Pohl
Documentation	Architectural elevation plans, site plan, photos, historic documentation, and advisory comments.
Representing	Lisa Botticelli, Botticelli & Pohl
Public	None
Concerns (6:32)	**Botticelli** – Presented project; asked for 2 windows on the west elevation.
	Backus – Circa 1890 contributing. Read SAB comments: great example of a sensitive addition. Staff agrees. No concerns.
Motion	**Motion to Approve through staff with 2 windows on the west elevation. (McLaughlin)**
Roll-call Vote	Carried 5-0//Welch, Oliver, Coombs, McLaughlin, and Camp-aye Certificate # **HDC2021-07-4165**

10. Houghton, Jim **07-4186**	12 Upper Tawpawshaw	New Dwelling	53/58	Shelter 7

Voting	Pohl, Camp, McLaughlin, Coombs, Oliver
Alternates	Welch, Thornewill
Recused	None
Documentation	None
Representing	None
Public	None
Concerns (6:37)	Not opened at this time.
Motion	**Motion to Hold for representation. (Coombs)**
Roll-call Vote	Carried 5-0//Camp, McLaughlin, Oliver, Coombs, and Pohl-aye Certificate #

11. 38 Monohansett, LLC **07-4182**	38 Monohansett Road	New Dwelling	79/60	Val Oliver Design

Voting	Pohl, Camp, McLaughlin, Coombs, Thornewill
Alternates	Welch
Recused	Oliver
Documentation	Architectural elevation plans, site plan, and photos.
Representing	Val Oliver, Val Oliver Design
Public	None
Concerns (6:38)	**Oliver** – Presented project; 27'9", grey trim, black windows, natural to weather cedar roof. No concerns.
Motion	**Motion to Approve as submitted. (Camp)**
Roll-call Vote	Carried 5-0//Coombs, Thornewill, McLaughlin, Camp, and Pohl-aye Certificate # **HDC2021-07-4182**

12. Jennifer Bowman **07-4194**	14 Starbuck Road	Hardscape: spa & paving	60/114	Jardins Intl

Voting	Pohl, Camp, McLaughlin, Coombs, Oliver
Alternates	Welch, Thornewill
Recused	None
Documentation	Landscape design plans, site plan, photos, and advisory comments.
Representing	Elisabeth O'Rourke, Jardins International
Public	None
Concerns (6:42)	**O'Rourke** – Presented project.
	Pohl – Read MAB comments: incomplete application form; elevation viewed how high out of ground; lack of visibility; no apron approvable on dirt road.
	Coombs – The driveway is better; parking and patio should have rounded edges. The granite patio is very formal for Starbuck Road. Okay with the spa.
	Oliver – Appreciates the relocated driveway and cutting the spa into the deck. Doesn't think we can see the square corners.
	McLaughlin – This is approvable due to lack of visibility.
Motion	**Motion to Approve as submitted. (Camp)**
Roll-call Vote	Carried 5-0//McLaughlin, Oliver, Coombs, Camp, and Pohl-ae Certificate # **HDC2021-07-4194**

13. Westmoor Club, LLC **07-4189**	105 West Chester Street	Tennis/pickleball courts	41/805	JGG Architects

Voting	Pohl, Camp, McLaughlin, Coombs, Oliver
Alternates	Welch, Thornewill
Recused	None
Documentation	None
Representing	None
Public	None
Concerns (6:50)	**Flynn** – The asked this be held for Thurs. Not opened at this time.
Motion	**Motion to Hold for Thursday. (Camp)**
Roll-call Vote	Carried 5-0//McLaughlin, Coombs, Oliver, Camp, and Pohl-aye Certificate #

CERTIFICATE NO: HDC2021-07-4194 DATE ISSUED: 8/4/2021

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°: 60 PARCEL N°. 114

Street & Number of Proposed Work: 14 Skyhawk Road

Owner of record: Bauman Jennifer Revocable Trust

Mailing Address: 27 Darbrook Road Westport Ct 06880

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: Jardins International Inc.

Mailing Address: 53 Pleasant St. Nantucket Ma 02554

Contact Phone #: 508-325-9911 E-mail: ee@jardinsintl.com

FOR OFFICE USE ONLY ✓5183

Date application received: 7/14/21 Fee Paid: $ 200-

Must be acted on by: 8/27/21

Extended to: _____

Approved: ✓ Disapproved: _____

Chairman: Raymond Paul

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 Spa 12x8' w autocover

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:

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

REVISIONS* (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 3/8" pea stone Walkways Light Grey Granite Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

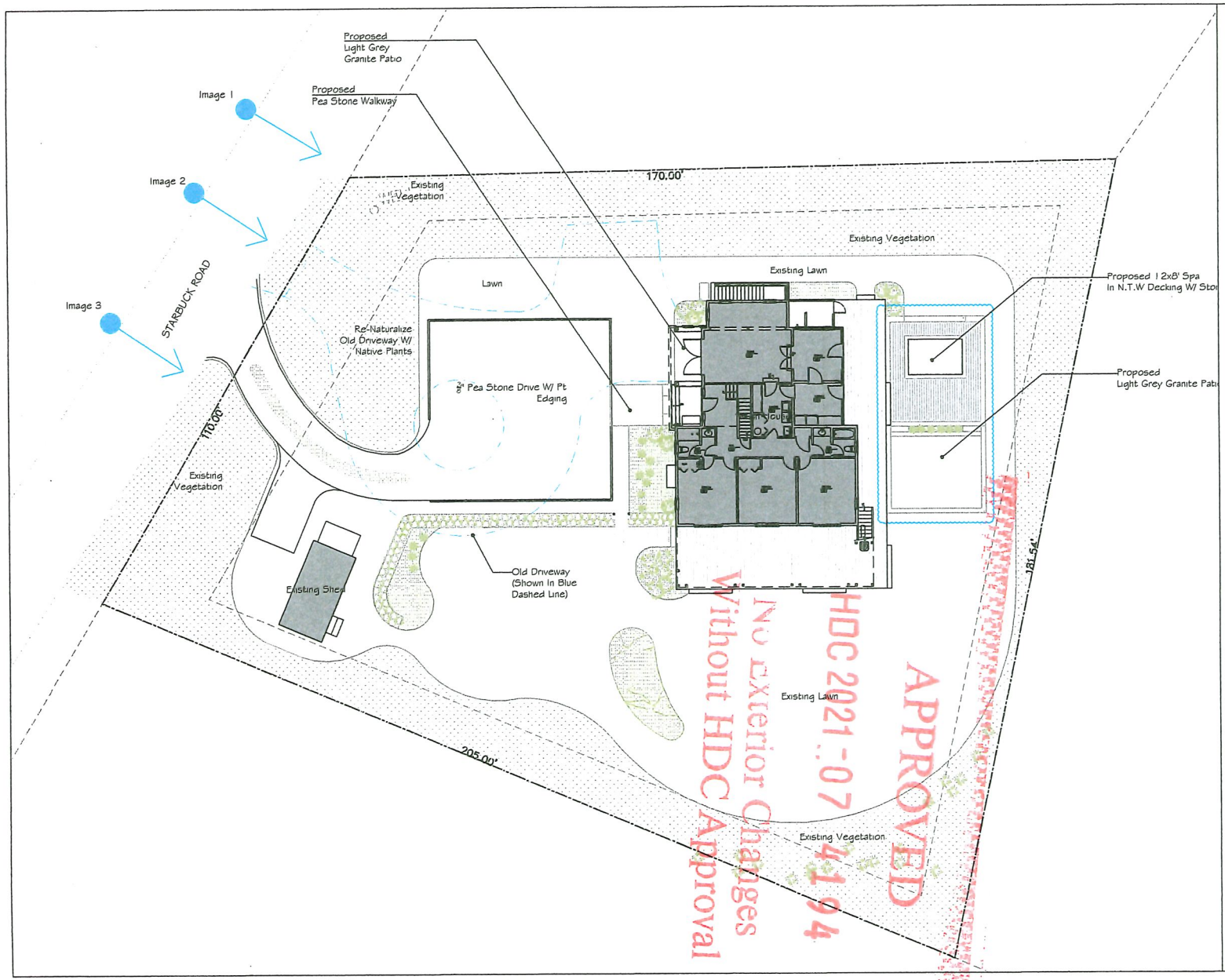
Trim _____ Sash _____ Doors _____

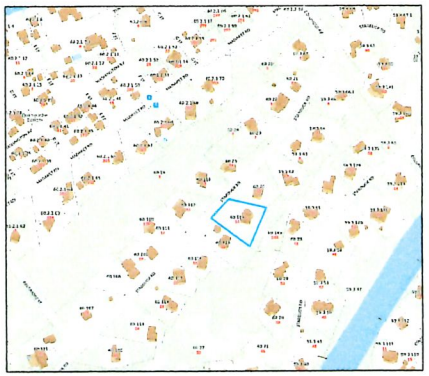
Deck N.T.W Foundation _____ Fence _____ Shutters _____

* 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 7/8/2021 Signature of owner of record E. Ah (Agent) Signed under penalties of perjury







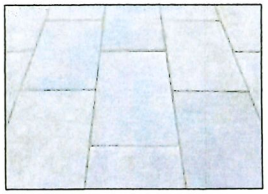
Street View Image 1



Street View Image 2



Street View Image 3



Light Grey Granite Image

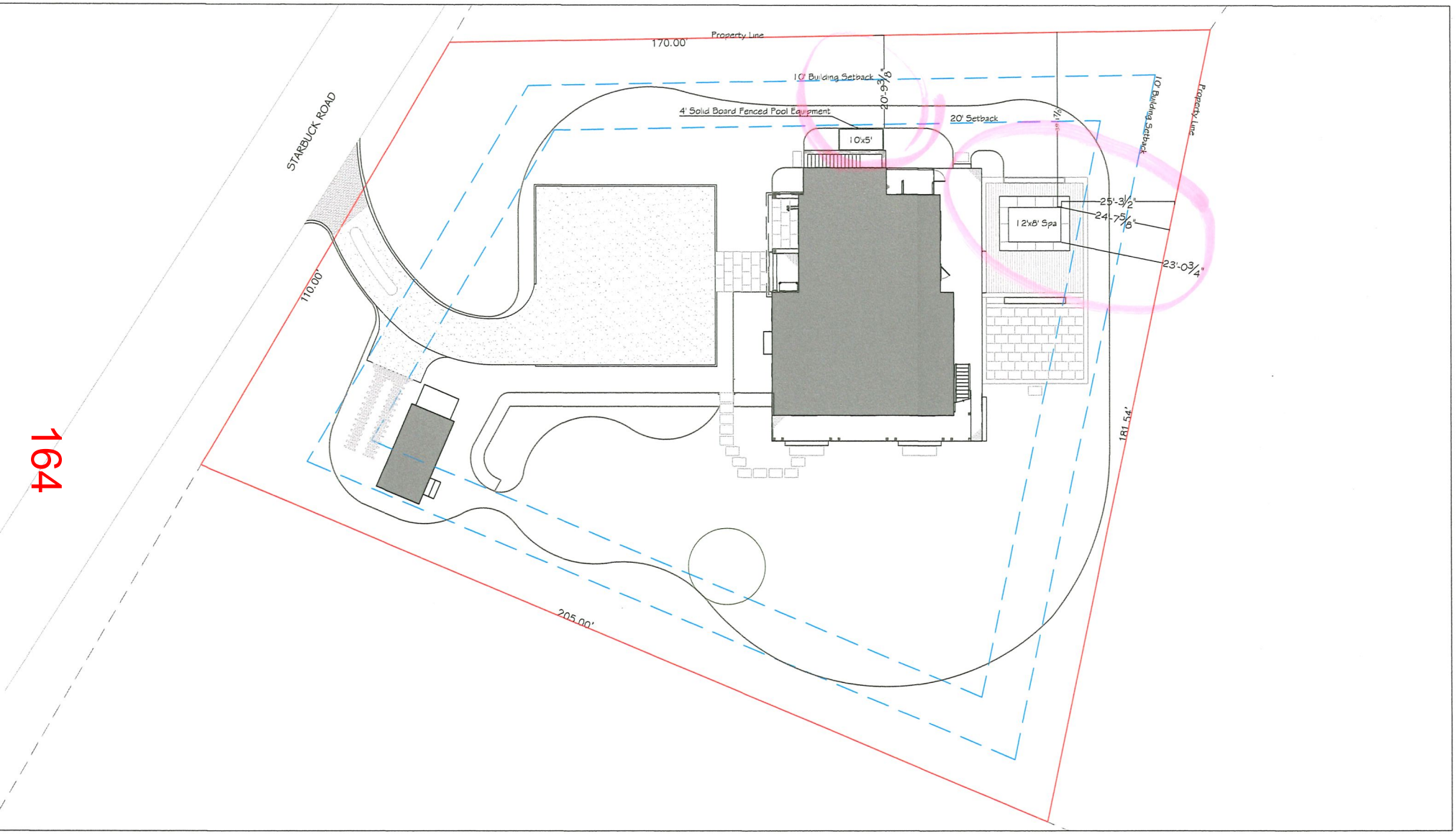
163

BOWMAN REVOCABLE TRUST RESIDENCE
14 STARBUCK ROAD
NANTUCKET, MA
02554

Schematic Plan
Scale: 1"=10'
7.8.2021
Page L1

North

JARDINS INTL., INC.



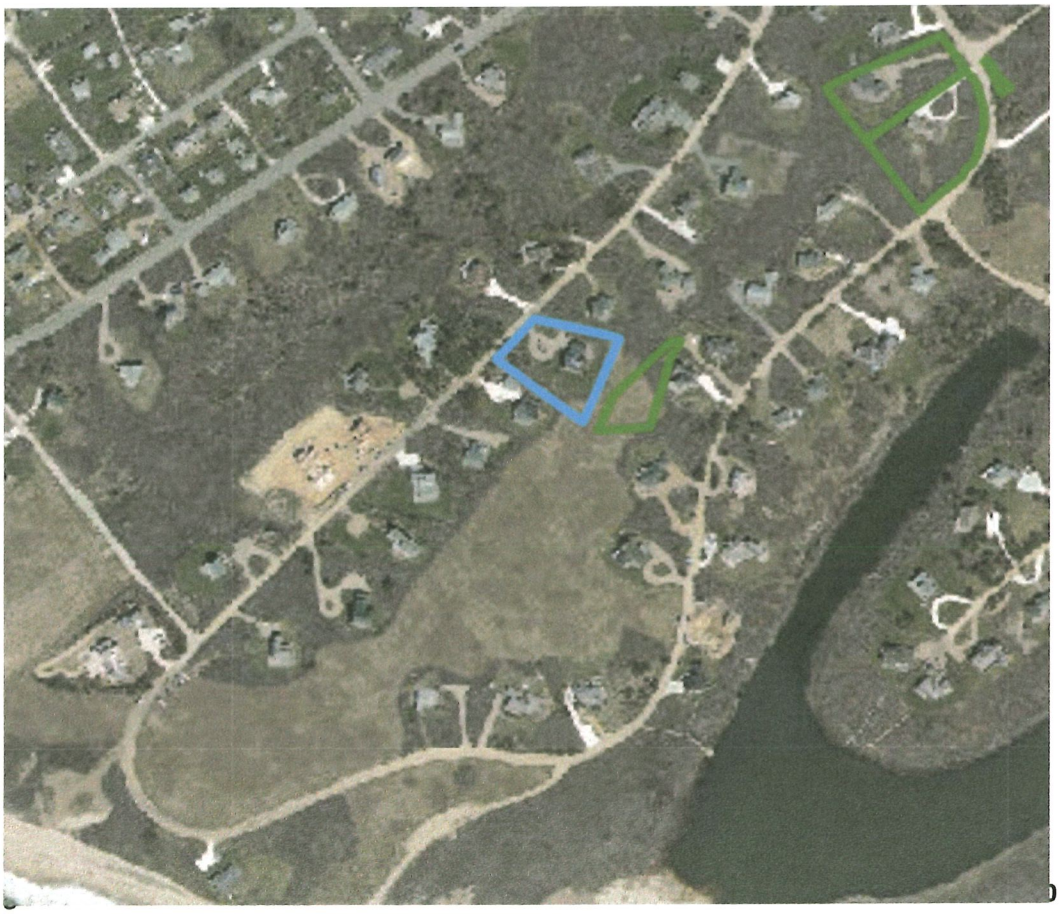
BOWMAN REVOCABLE TRUST RESIDENCE
14 STARBUCK ROAD
NANTUCKET, MA
02554

Layout Plan
Scale: 1"=20'-0"
12.14.2022
Page L.1

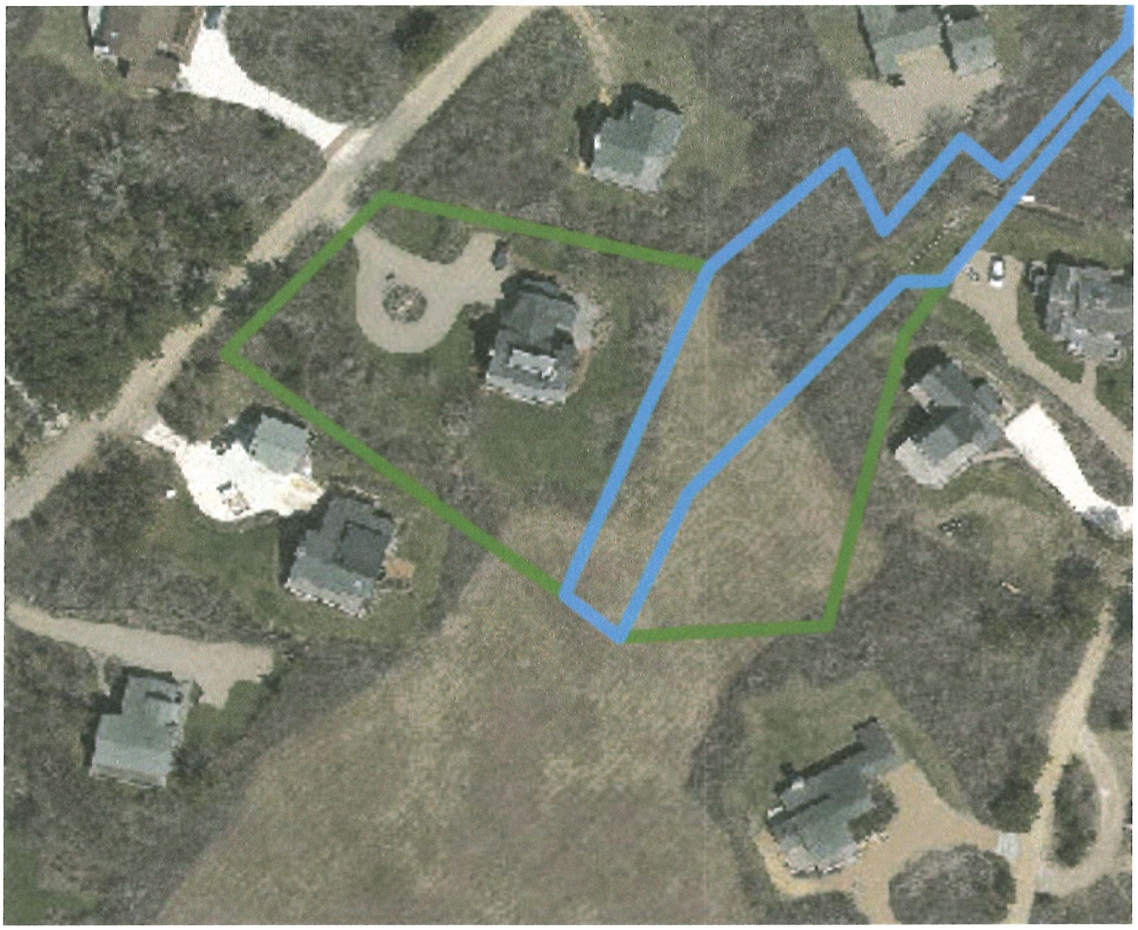
North

JARDINS INTL., INC.
53 Pleasant Street
Nantucket MA-02554
www.jardinsintl.com





2 Fair
02554
508-228-7215 telephone




Starbuck Rd
12
14
16
52
54R

VIEW FROM STARBUCK ROAD



LOOKING TOWARDS STARBUCK ROAD





SOUTHWESTERLY SIDE YARD





LOOKING SOUTHEASTERLY





PHOTO OF REAR OF HOUSE PRIOR TO LIFTING TO PLACE NEW FOUNDATION UNDER IT



Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER JENNIFER BOWMAN

MAILING ADDRESS 27 DARBROOK ROAD, WESTPORT, CT 06880

PROPERTY LOCATION 14 STARBUCK ROAD

ASSESSOR MAP/PARCEL 60-114

SUBMITTED BY LINDA WILLIAMS

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 1 1 and Zoning Code Chapter 40A, Section 139-29B (2).

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary Haley, Senior Clerk, Assessor's Office
Date: 2022.12.12 15:24:00 -05'00'

December 12, 2022

DATE

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
60	19		LINDSAY KARYN TR ETAL	MADAKET LAND TRUST	PO BOX 987	NANTUCKET	MA	02554	3 BALTIMORE ST
60	23		LINDSAY KENNETH S & KARYN S		PO BOX 987	NANTUCKET	MA	02554	7 STARBUCK RD
60	24		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	9 STARBUCK RD
60	25		CAMPBELL ROBERT & DEBORAH		242 WESTERN AVE	SHERBORN	MA	01770	11 STARBUCK RD
60	26		PAQUETTE JEFFREY D TR	ARLENE E PAQUETTE IRRVOC TRUST	1 PARK PLACE	JAMAICA PLAIN	MA	02130	12 STARBUCK RD
60	27		MADAKET CONSERVATION LAND TRUS	C/O KENNETH LINDSAY	P O BOX 987	NANTUCKET	MA	02554	30 STARBUCK RD
60	28		FOLLOWING SEA LLC		117 CHARTER OAK DRIVE	NEW CANAAN	CT	06840	52 STARBUCK RD
60	29		GREENBERG PHYLLIS S		3483 WOOLBRIGHT RD	BOYNTON BEACH	FL	33436	50 STARBUCK RD
60	30		MACTAGGART ROBIN M		180 NORTH SHORE POINT	VERO BEACH	FL	32963	48 STARBUCK RD
60	109		19-21 STARBUCK ROAD LLC		55 WEST ROAD	EASTON	CT	06612-1502	19 STARBUCK RD
60	111		BRODERICK TODD M & KELLY M TR		3 CEDARWOOD RD	SCITUATE	MA	02066	17 STARBUCK RD
60	112		DUNCAN SCOTT W		803 CAROL ST	BELLAIRE	TX	77401	15 STARBUCK RD
60	113		GARFINKEL STEVEN & MICHELLE L		465 GLEN ROAD	WESTON	MA	02493	13 STARBUCK RD
60	115		16 STARBUCK LLC		21 EAST STREET	WINCHESTER	MA	01890	16 STARBUCK RD
60	116		TIGER JANE R TR	JRT REVOCABLE TRUST	8 GLENBROOK DR	MENDHAM	NJ	07945	18 STARBUCK RD
60	117		SHIFF MARSHA B TRST	SHIFF NOM TRUST	4940 HILLBROOK LN N W	WASHINGTON	DC	20016	20 STARBUCK RD
60	149		SHOOTING STAR INVESTMENTS INC		122 POWDER POINT RD	DUXBURY	MA	02332	54R STARBUCK RD
593	51		CIRAMI MICHAEL A TRST ETAL	47 STARBUCK RD REALTY TRUST	47 STARBUCK RD	NANTUCKET	MA	02554	47 STARBUCK RD
593	52		CARROLL G JOSEPH ETAL		12 BEECHWOOD DR	OLD SAYBROOK	CT	06475	49 STARBUCK RD
593	55		SHOOTING START INVESTMENTS LLC		PO BOX 2168	DUXBURY	MA	02331	54 STARBUCK RD
593	62		10 STARBUCK LLC		21 EAST STREET	WINCHESTER	MA	01890	10 STARBUCK RD
593	63		KELLY SHELLEY J		48 HULL STREET	NEWTON	MA	02460	8 STARBUCK RD
593	65		TRISTRAMS GROUP	CO MAINSTAY INC	2 SANDFORD RD #5	NANTUCKET	MA	O2554	2 STARBUCK RD
593	120		PORTER R BRADFORD & MICHELLE		10 STEVENS WAY	HINGHAM	MA	02043	51 STARBUCK RD
Count:	24								

172

LINDSAY KARYN TR ETAL
MADAKET LAND TRUST
PO BOX 987
NANTUCKET, MA 02554

LINDSAY KENNETH S & KARYN S
PO BOX 987
NANTUCKET, MA 02554

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

CAMPBELL ROBERT & DEBORAH
242 WESTERN AVE
SHERBORN, MA 01770

PAQUETTE JEFFREY D TR
ARLENE E PAQUETTE IRRVOC TRUST
1 PARK PLACE
JAMAICA PLAIN, MA 02130

MADAKET CONSERVATION LAND TRUS
C/O KENNETH LINDSAY
P O BOX 987
NANTUCKET, MA 02554

FOLLOWING SEA LLC
117 CHARTER OAK DRIVE
NEW CANAAN, CT 06840

GREENBERG PHYLLIS S
3483 WOOLBRIGHT RD
BOYNTON BEACH, FL 33436

MACTAGGART ROBIN M
180 NORTH SHORE POINT
VERO BEACH, FL 32963

19-21 STARBUCK ROAD LLC
55 WEST ROAD
EASTON, CT 06612-1502

BRODERICK TODD M & KELLY M TR
3 CEDARWOOD RD
SCITUATE, MA 02066

DUNCAN SCOTT W
803 CAROL ST
BELLAIRE, TX 77401

GARFINKEL STEVEN & MICHELLE L
465 GLEN ROAD
WESTON, MA 02493

16 STARBUCK LLC
21 EAST STREET
WINCHESTER, MA 01890

TIGER JANE R TR
JRT REVOCABLE TRUST
8 GLENBROOK DR
MENDHAM, NJ 07945

SHIFF MARSHA B TRST
SHIFF NOM TRUST
4940 HILLBROOK LN N W
WASHINGTON, DC 20016

SHOOTING STAR INVESTMENTS INC
122 POWDER POINT RD
DUXBURY, MA 02332

CIRAMI MICHAEL A TRST ETAL
47 STARBUCK RD REALTY TRUST
47 STARBUCK RD
NANTUCKET, MA 02554

CARROLL G JOSEPH ETAL
12 BEECHWOOD DR
OLD SAYBROOK, CT 06475

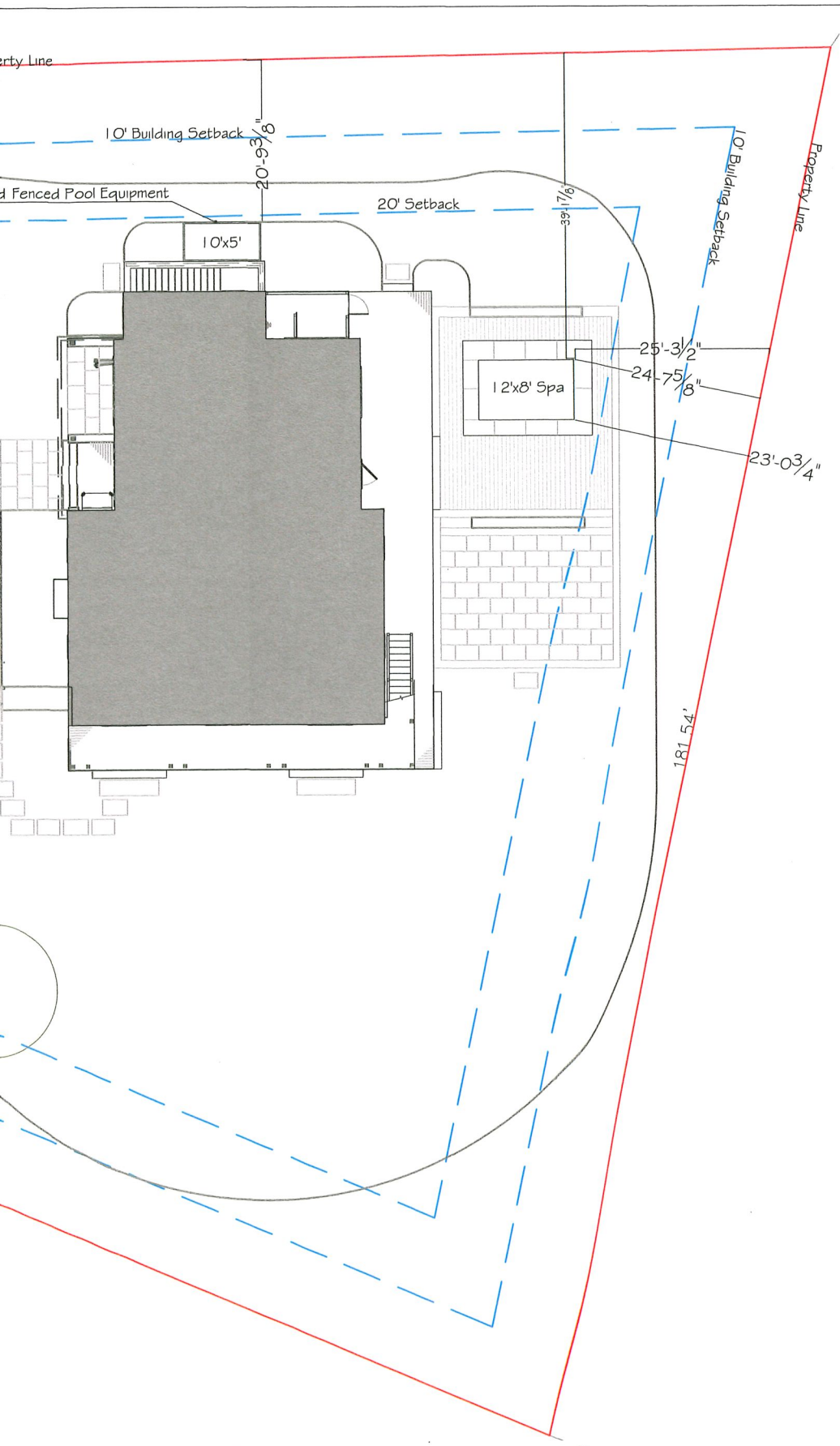
SHOOTING START INVESTMENTS LLC
PO BOX 2168
DUXBURY, MA 02331

10 STARBUCK LLC
21 EAST STREET
WINCHESTER, MA 01890

KELLY SHELLEY J
48 HULL STREET
NEWTON, MA 02460

TRISTRAMS GROUP
CO MAINSTAY INC
2 SANDFORD RD #5
NANTUCKET, MA 02554

PORTER R BRADFORD & MICHELLE
10 STEVENS WAY
HINGHAM, MA 02043



JARDINS INTL., INC.
53 Pleasant Street
Nantucket MA-02554
www.jardinsintl.com

OTHER BUSINESS

TOWN OF NANTUCKET
2023 Annual Town Meeting
Citizen Warrant Article Submissions
Town Counsel Comments
December 1, 2022

	Lead Petitioner	Article Description	Comment
1.	Curtis L. Barnes	Town Council Form of Government.	This article is a non-binding directive to the Select Board to establish a committee to study the establishment of a Town Council form of government.
2.	Curtis L. Barnes	Proposed Independent Sewer Commission.	This article would create an independently elected Sewer Commission rather than having the Select Board act as the Sewer Commission. Under the Nantucket Sewer Act, Chapter 396 of the Acts of 2008, Town Meeting may vote at any time, by a two-thirds majority, to establish a separate Sewer Commission either appointed by the Select Board or elected. This article provides for an elected Sewer Commission. The article, however, does not include any transition language such as when the new Sewer Commission would take over and how the staggered elected terms would first be elected.
3.	Bruce Mandel	Amend Chapter 98 of the Town Code – Motorized Vehicles.	This Article seeks to amend Chapter 98 of the Town Code. Specifically, the article includes a substantial rewrite of Section 98.1 by adding several new types of micro mobility devices, including electric bikes, to the requirements of the bylaw. All of the devices listed in the proposed

			amendment can only be operated on Town ways, sidewalks, parks, playgrounds, beaches, and multiuse paths with the permission of the Town official having jurisdiction over the use of the Town property. Although the article states that the changes to the existing bylaw are shown, in fact there is no delineation between the existing bylaw and what is being proposed in this article.
4.	Arthur Reade	Affordable and Year-Round Housing Stabilization Fund.	This article would establish a new special purpose stabilization fund for affordable and year-round housing, and would dedicate, without further appropriation, two-thirds of the local option rooms excise tax collected by the Town. A two-thirds vote of Town Meeting is required to adopt this article.
5.	Arthur Reade	Zoning Map Change - RC2 & CI to CMI - Arrowhead Dr	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
6.	Jeff Carlson	Charter Change - Town Council-Town Manager Form of Government	This article provides for the adoption of a new Town Charter which would replace Town Meeting and the Select Board with a Town Council/Town Manager form of government. The article is not, however, in proper legal form. In order to adopt a new Charter changing the form of government,

			the Town would have to either (1) elect a Charter Commission pursuant to G.L. 43B, §5 to write a new Charter which would then be subject to approval as a ballot question at the Annual Election, or (2) Town Meeting would have to vote to petition the Legislature through a Home Rule Petition to adopt a special act establishing a new form of government. If this article were to pass in its present form, it would not, by itself, result in the adoption of a new Charter. Town Meeting should not vote on a completely new Charter document without an extensive public review and comment period, and a comprehensive management and legal review, which should include a side-by side analysis to ensure that the unique provisions of the existing Charter are addressed.
7.	John Kane	Zoning Map Change - R40 to CN - Evergreen Way & Airport Rd	This article is approved as to form. Because this is a zoning amendment, the Article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
8.	Campbell Sutton	Zoning Bylaw Amendment - Swimming Pool - Residential	Although the article does not specifically state that it is an amendment to the Town's Zoning Bylaw, the context of the proposed amendment clearly shows an intention for this article to be a zoning bylaw amendment.

			The article would restrict swimming pools in certain residential districts to lots that meet the minimum lot size, and it would establish rear and side setback requirements of 20 feet. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
9.	Campbell Sutton	Noise	This article seeks to amend Chapter 101 of the Town Code – Noise, by decreasing the distance from 40 feet to 30 feet, at which noise levels are measured.
10.	Diane Coombs	Independent HDC Administrator	This article constitutes a non-binding directive to the Select Board to appoint an independent HDC Administrator who will be responsible for the efficient operation and management of the Historic District Commission. It appears that the intent of this article is to remove the administration of the HDC from the Department of Planning and Land Use Services. However, in order to effectuate this change, the Memorandum of Understanding between the Select Board and the Nantucket Planning and Economic Development Commission would have

			to be amended to remove the HDC from the administrative management of the PLUS Department.
11.	Hillary Rayport	Home Rule Petition - NPEDC	This article seeks approval of a Home Rule Petition for a special act of the Legislature to change the method of selection of members of the NP&EDC, as well as certain other changes.
12.	Christine McGrath Iller	Zoning Map Change - LUG2 to R20 - 69 Hummock Pond Rd	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
13.	Emily Kilvert	Zoning Bylaw Amendment - Short-Term Rental Accessory Use	This article seeks to amend the zoning bylaw to allow short-term rentals as of right that are owner-occupied for a minimum of six months of the year in any residential district. For non-owner-occupied units, short-term rentals would be permitted in any residential unit as an accessory use as long as the unit is used for a long-term rental use more than a short-term rental use. This article does not define key terms such as “short-term rental”, “long-term rental”, and “owner-occupied.” In addition, the proposed bylaw does not address short-term rental use in non-residential zoning districts.

TOWN OF NANTUCKET
2023 Annual Town Meeting
Citizen Warrant Article Submissions
Town Counsel Comments
December 1, 2022

			Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
14.	Marty McGowan	Bylaw Amendment - Sewer District Map Change - 25 Millbrook Rd	This article would add 25 Millbrook Rd to the sewer district. The article is approved as to form. Unless the Select Board recommends this article, a two-thirds vote will be required for passage.
15.	Catherine Gail Walker	Bylaw Amendment - Outdoor Lighting	This article amends Chapter 102 of the Town Code regarding lighting by deleting the existing text and replacing it with a new bylaw.
16.	Linda Williams	Zoning Bylaw Amendment - Swimming Pool - Residential	This zoning bylaw amendment would change the special permit granting authority for residential swimming pools from the Zoning Board of Appeals to the Planning Board. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
17.	Linda Williams	Zoning Map Change - SOH to VN - Elbow Ln	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.

TOWN OF NANTUCKET
2023 Annual Town Meeting
Citizen Warrant Article Submissions
Town Counsel Comments
December 1, 2022

18.	Linda Williams	Zoning Map Change - R20 to CN - Old South Rd/Little Isle Ln/Miller Ln/Airport Rd	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
19.	Linda Williams	Zoning Bylaw Amendment - Accessory Uses	This article would amend the Zoning Bylaw by expressly providing that the rental of rooms in an owner-occupied dwelling unit is a permitted accessory use. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
20.	Linda Williams	Zoning Bylaw Amendment - Definitions - Commercial	This article amends the definition of "Commercial" in the Zoning Bylaw to state that the rental of dwelling units or parts thereof are not a commercial use. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
21.	Linda Williams	Zoning Bylaw Amendment - Definition Use Principal	This article amends the definition of principal use in the Zoning Bylaw by deleting the word "expressly" from the definition.

			Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
22.	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Exceptions for frontage	This article proposes an amendment to the Zoning Bylaws, Intensity of Use Regulations, by changing the special permit granting authority for the reduction of frontage in Commercial Districts from the Zoning Board of Appeals to the Planning Board. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
23.	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Setbacks	This article proposes an amendment to the Zoning Bylaws, Intensity of Use Regulations, by changing the special permit granting authority for the reduction in certain yard setbacks from the Zoning Board of Appeals to the Planning Board. This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.

TOWN OF NANTUCKET
2023 Annual Town Meeting
Citizen Warrant Article Submissions
Town Counsel Comments
December 1, 2022

24.	Linda Williams	Zoning Map Change - R20 to R10 - Old South Rd/Miller Ln	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
25.	Emily Molden	Zoning Bylaw Amendment - Pre-Existing Non-Conforming Status of Lots	This article proposes to amend the Zoning Bylaw by deleting the language relative to Lots created under the Subdivision Control Law from the section of the bylaw providing non-conforming use protections. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
26.	Emily Molden	Zoning Bylaw Amendment - Lots Created Under MGL 41-81L	This article amends the Zoning Bylaw by requiring than any new structure or expansion or increase in volume of a dwelling on a lot that was approved under the Subdivision Control Law will require a special permit from the Zoning Board of Appeals regardless of the lot's status as a non-conforming use. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and

			recommendation. Passage of this article by Town Meeting will require a two-thirds vote.

Article	Sponsor	Description
1	Curtis Barnes	Town Council Form of Government
2	Curtis Barnes	Independent Sewer Commission
3	Bruce Mandel	Bylaw Amendment - Motorized Devices
4	Arthur Reade	Affordable & Year-Round Housing Stabilization Fund
5	Arthur Reade	Zoning Map Change - RC2 & CI to CMI - Arrowhead Dr
6	Jeff Carlson	Charter Change - Town Council-Town Manager Form of Government
7	John Kane	Zoning Map Change - R40 to CN - Evergreen Way & Airport Rd
8	Campbell Sutton	Zoning Bylaw Amendment - Swimming Pool - Residential
9	Campbell Sutton	Bylaw Amendment - Noise
10	Diane Coombs	Independent HDC Administrator
11	Hillary Rayport	HRP - Amend NPEDC
12	Christine McGrath Iller	Zoning Map Change - LUG2 to R20 - 69 Hummock Pond Rd
13	Emily Kilvert	Zoning Bylaw Amendment - Short-Term Rental Accesory Use
14	Martin McGowan	Bylaw Amendment - Sewer District Map Change - 25 Millbrook Rd
15	Catherine Gail Walker	Bylaw Amendment - Outdoor Lighting
16	Linda Williams	Zoning Bylaw Amendment - Swimming Pool - Residential
17	Linda Williams	Zoning Map Change - SOH to VN - Elbow Ln
18	Linda Williams	Zoning Map Change - R20 to CN - Old South Rd/Little Isle Ln/Miller Ln/Airport Rd
19	Linda Williams	Zoning Bylaw Amendment - Accessory Uses
20	Linda Williams	Zoning Bylaw Amendment - Definitions - Commercial
21	Linda Williams	Zoning Bylaw Amendment - Definitiond Use Principal
22	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Exceptions for frontage
23	Linda Williams	Zoning Bylaw Amendment - Intensity Regulations - Setbacks
24	Linda Williams	Zoning Map Change - R20 to R10 - Old South Rd/Miller Ln
25	Emily Molden	Zoning Bylaw Amendment - Pre-Existing Non-Conforming Status of Lots
26	Emily Molden	Zoning Bylaw Amendment - Lots Created Under MGL 41-81L

INCLUDE the following under Section 1 of Swimming Pool - Residential, as defined in Chapter 139 :

(3) In R-10, R-10L, SR-10, R-20, SR-20, and R-40 Districts only, the following criteria must be meet: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and all associated mechanical equipment.

Effective upon passage at the 2023 Annual Town Meeting

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars Nancy L Holmes Nov. 14 2022 9:55 a.m.

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I		II			III
	Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Ward 0	Prec 1	PRINTED NAME
1	✓	Campbell Sutton	15 Appleton Rd	0	1	Campbell Sutton
2	✓	Judy B Zurheide	1 Folger Avenue	0	1	Judy B Zurheide
3	✓	DENISE H. COVITS	2 B FOLGER AVE	0	1	DENISE COVITS
4	✓	Penny Starr	5 HATCH CIRCLE	0	1	PENNY STARR
5	✓	Frances Kartheiser	67 Center St.	0	1	Frances Kartheiser
6	✓		1 WASHINGTON AVE	0	1	James Richard
7	✓		22 Rugged Rd	0	1	Tobias Colibaba
8	✓	L Rance	6 South Water St.	0	1	LISA Rance
9	N		9 Ramos Court	0	1	Andrew McNeilly
10	✓	Richard Ray	60 Madaket	0	1	Richard Ray
11	✓	Nancy Camara	65 Goldfinch DR	0	1	N
12	✓		10 Road ad	0	1	CRISTINA BLACK
13	✓		1 commercial	0	1	STEVEN LAWRENCE
14	✓		40 Polpis Rd	0	1	Abigail Wolfschlegel
15	✓		28 Kelley Rd	0	1	Alan Myers
16	✓		28 Kelley Rd	0	1	Patricia Myers
17	✓		4 S. Shore Rd.	0	1	William C. Westerlund
18	✓		33 N. Liberty St	0	1	Thomas M. Montgomery II
19	✓		33 N. Liberty St	0	1	Margaret Montgomery
20		Elizabeth Sutton-Sims	15 Appleton Rd	0	1	Elizabeth Sutton-Sims

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified. For names not certified, use the codes opposite.

N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (18) Eighteen signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Nancy L. Holmes
Gary Hanley
Carolyn A. Gould

Registrars of Voters of the Town of Nantucket

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

To see if the Town will vote to:

DATE and TIME this paper received by Registrars 112 Holmes Nov. 14 2022 9:65am

SIGNERS' STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Nantucket.

INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

		I	II			III
	Check	**Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)**	**Now Living At (Street and Number)**	**Ward**	**Prec**	**PRINTED NAME**
				0	**1**	
1		Marie Lemberg	12 Skyline Dr.	0	1	Marie Lemberg
2		Edwin Lemberg	12 SKYLINE DR	0	1	EDWIN LEMBERG
3		Charles A. Kilvert	4 Darling St	0	1	Charles A. Kilvert
4		Emily H. Kilvert	4 Darling St.	0	1	Emily H. Kilvert
5		Anne F. Denez	5 Mill Street	0	1	ANNE F. DENEZ
6				0	1	
7				0	1	
8				0	1	
9				0	1	
10				0	1	
11				0	1	
12				0	1	
13				0	1	
14				0	1	
15				0	1	
16				0	1	
17				0	1	
18				0	1	
19				0	1	
20				0	1	

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N B no such registered voter at that address.
S B unable to identify signature or address as that of
W B wrong district or community.
T B already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that ( )_____

signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars= names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor

Name: LINDA WILLIAMS

Address: PO BOX 1446, 6 S. PASTURE LN, NANTUCKET, MA 02554

Email: CZARINALINDA@COMCAST.NET

Phone #: 508-221-0432

Warrant Article Title: ZONING - AMEND SWIMMING POOL - DEFINITION

To see if the Town will vote to (may attach body of article on separate page):

; or otherwise act thereon.

NOV. 14, 2022 LR
2:45 PM

ARTICLE

(Zoning Bylaw Amendment: Section 139-2 (Definitions - Swimming Pool - Residential)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

SWIMMING POOL - RESIDENTIAL
A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding 150 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association.
[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; amended 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 6-5-2021 ATM by Art. 48, AG approval 10-7-2021]
(1)
In the VR District only, ~~the Zoning Board of Appeals~~ the Planning Board, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment.
(2)
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.

Or to take any other action related thereto.

(Linda Williams)

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
1. Linda Williams		6 S. PASTURE LN
2. Evan Gerardi	Evan Gerardi	6 S. PASTURE LN
3. Brian Sullivan		56 Hummock Pond Rd
4.		17

Nov. 14, 2022.
2:45 LD

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
5.	James Edward Gillum Jr		561 Liberty St
6.	Carrie Phillips		4 Ohmwaw Ave
7.	Yvette St Jean	Yvette St Jean	33 First Way
8.	Leigh M Ramos	Leigh M. Ramos	20 Hummock Pond Road
9.	Barbara A. Reis	Barbara A Reis	27 Equator Dr.
10.	Steven Cohen	Steven Cohen	21 Flintlock Rd
11.	Zalitza Mitrakieva		6C Windy Hg
12.	Rebecca Devine	Rebecca Devine	18 York St.
13.	K Dale	Kevin F. Dale	7 Sesapuna Rd
14.	Dayton Neal	D Neal	24 Marina Dr.
15.	Holly Fernandes		5A Green Meadows Dr.
16.	Holly Visco		2 Zachary Way
17.	RICHARD J GLIDDEN		41 SOMERSET
18.	Kimberly Gourley		15B Pine Tree Rd.
19.	Alexandra LaPaglia		5 atlantic ave
20.			
21.			
22.			
23.			

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.

For names not certified, use the codes opposite.

N	no such registered voter at that address.
S	unable to identify signature or address as that of
W	wrong district or community.
T	already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (19) Nineteen signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars names must be signed or stamped below)

Nancy A. Holmes

Gary Lanzbey

Carolyn Gould

Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor

Name: LINDA WILLIAMS

Address: PO BOX 1446, 6 S. PASTURE LN, NANTUCKET, MA 02554

Email: CZARINALINDA@COMCAST.NET

Phone #: 508-221-0432

Warrant Article Title: ZONING - SECTION 139-16 - EXCEPTIONS FOR FRONTAGE

To see if the Town will vote to (may attach body of article on separate page):

; or otherwise act thereon.

Nov. 14, 2020 LR
3pm

ARTICLE

(Zoning Bylaw Amendment: Section 139-16 (Intensity Regulations)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-16B(1) (Intensity Regulations) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

B.
Exceptions for frontage*.
(1)
The ~~Board of Appeals~~ Planning Board may grant a special permit reducing the minimum frontage required in commercial districts to no less than 20 feet, provided that the use or structure on the lot to be granted such a reduction is a commercial use or structure and that such reduction in frontage will not be substantially more detrimental to the neighborhood.

Or to take any other action related thereto.

(Linda Williams)

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
1. LINDA Williams		6 S. PASTURE LN.
2. Evan Gerardi	Evan Gerardi	6 S. PASTURE LN
3. Brian Sullivan		56 HUMMOCK POND RD
4. Jean Libby Gillum		17 Milk Street Ave.
5. James Edward Gillum Jr.		56 N. Liberty St.
6. Carrie Phillip		4 Orange Ave.
7. Yvette St Jean	Yvette St Jean	33 First Way
8. Leigh M Ramos	Leigh M. Ramos	20 Hummock Pond Road
9. Barbara A. Reis	Barbara A Reis	27 Equator Dr.
10. Steven Cohen		21 Flintlock Rd
11. Kalitsa Mitrakieva		6C Windy Way

Nov. 14, 2022
3pm LLR

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
12.	Rebecca Devine	Rebecca Devine	18 York St.
13.		Kevin F. Dale	7 Sesayuna Rd
14.	Dayton Theau	D Theau	24 Nanina Drive
15.	Holly Fernandes	Holly Fernandes	5A Green Meadows Dr.
16.	Holly Vasco	Holly Vasco	2 Zachary Way
17.	RICHARD J GLIDDEN		41 SOMERSET LN
18.	Kimberly Gwozdz		15B Pine Tree Rd.
19.	Alexandra Lafleur	Alexandra Lafleur	5A Nautic Ave
20.			
21.			
22.			
23.			

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.

For names not certified, use the codes opposite.

N no such registered voter at that address.
S unable to identify signature or address as that of
W wrong district or community.
T already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (15 fifteen) signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars' names must be signed or stamped below)

Nancy A. Holmes
Gary Langley
Carolyn A. Gould

Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor

Name: LINDA WILLIAMS

Address: PO BOX 1446, 6 S. PASTURE LN, NANTUCKET, MA 02554

Email: C2ARINALINDA@COMCAST.NET

Phone #: 508-221-0432

Warrant Article Title: ZONING - SECTION 139-16 - INTENSITY REGULATION - Setback

To see if the Town will vote to (may attach body of article on separate page):

; or otherwise act thereon.

Nov 14, 2022 3pm LR

ARTICLE

(Zoning Bylaw Amendment: Section 139-16 (Intensity Regulations)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-16C(1) (Intensity Regulations) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

C.
Additional requirements and exceptions for yards. [See § 139-33E(3) below.]
[Amended 5-5-1992 ATM by Art. 36, AG approval 8-3-1992; 4-12-2004 ATM by Art. 40, AG approval 9-3-2004; 4-8-2008 ATM by Art. 29, AG approval 8-18-2008; 4-5-2010 ATM by Art. 54, AG approval 8-5-2010]

(1)
Notwithstanding the provisions of § **139-16C(4)**, the ~~Board of Appeals~~ Planning Board 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.
[Amended 4-3-2018 ATM by Art. 45; AG approval 7-18-2018; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]

Or to take any other action related thereto.

(Linda Williams)

NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
1. LINDA WILLIAMS		6 S. PASTURE LN
2. Evan Gerardi	Evan Gerardi	6 S. PASTURE LN
3. Brian Sullivan		56 Hummock Pond RD
4.		17 Miacomet
5. James Edward Gillum, JR	Gillum	56 N. Liberty St
6. Carrie Phillips		4 Okorwaw Ave.
7. Yvette St Jean		33 First Way
8. Leigh M Ramos	Leigh M. Ramos	204 Hummock Pond Road
9. Barbara A. Reis		27 Equator Dr.

NOV. 14, 2022
3pm LP

	NAME (PRINT)	SIGNATURE	RESIDENTIAL ADDRESS
10.	Steven Cohen	Steven Cohen	21 Flintlock Rd
11.	Lolitsa Mitrakieva		6C Windy Way
12.	Rebecca Devine	Rebecca Devine	18 York St.
13.		Kevin F. Dale	7 Sergeant Rd
14.	Dayton Theall	Dayton Theall	24 Marina Dr.
15.	Holly Fernandes		5A Green Meadows Dr.
16.	Holly Visco		2 Zachary Way
17.	RICHARD J GLIDDEN		41 SOMERSET LN
18.	Kimberly Coughlin		15B Pine Tree Rd.
19.	Alexandra Lafoglia		5 atlantic ave.
20.			
21.			
22.			
23.			

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of qualified voter to be certified.

For names not certified, use the codes opposite.

N no such registered voter at that address.
S unable to identify signature or address as that of
W wrong district or community.
T already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (15) fifteen signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars names must be signed or stamped below)

Nancy D. Holmes
Cathy Langley
Carolyn A. Gould

Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor

Name: Emily Molden

Address: 139.5 Hummock Pond Rd

Email: Emily@nantucketlandcouncil.org

Phone #: 508-901-1901

Warrant Article Title: A bylaw amendment relevant to the pre-existing non-conforming status of lots created under MGL 41 81L (pre 1955 subdivision control)

For the protection of neighborhoods and the physical environment against detrimental expansion and alteration of buildings on lots created under MGL c.41 s. 81L,

To see if the Town will vote to amend Chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by making the following changes [note: language to be deleted is shown by strikeout; this method to denote changes is not meant to become part of the final text]:

Amend Section 33 (A)(3) by deleting language as follows:

Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. ~~Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.~~ The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than one year.

; or otherwise act thereon.

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

DATE and **TIME** this paper received by Registrars
NOV. 14, 2022 LD
2:20pm

10 signatures (minimum required) of voters registered in Nantucket and certified by the Town Clerk. Additional signature pages may be attached.

PETITIONERS: We, the undersigned registered voters of the Town of Nantucket, hereby petition the Select Board pursuant to Massachusetts General Law Chapter 39, Section 10, to include the following Article in the Warrant for the Annual Town Meeting to be held on [redacted].

INSTRUCTIONS TO SIGNERS: Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I		II	III		
	Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Ward 0	Prec 1	PRINTED NAME
1	✓	Emily Molden	139.5 HUMMOCK POND RD	0	1	EMILY MOLDEN
2	✓	Hillary Rayport	89 Main St.	0	1	Hillary H. Rayport
3	✓	[illegible]	3B NEWTOWN RD.	0	1	VALVOLINE OWNER
4	✓	Charity Benz	5 MILESTONE CROSSING	0	1	CHARITY I. BENZ
5		[redacted]	[redacted]	0	1	[redacted]
6	✓	D A Pumphrey	4 Westminster	0	1	Dana Pumphrey
7	✓	David D. Worth	19 Long Bottom Dr	0	1	DAVID D. WORTH
8	✓	Thomas M. Montgomery	33 N. Liberty St.	0	1	THOMAS M. MONTGOMERY
9	✓	Malcolm MacNab	13 N. WATER ST.	0	1	MALCOLM MACNAB
10	✓	Cathy Ward	4A Silver St.	0	1	CATHY WARD
11	✓	William Willauer	101 Surfside Rd	0	1	William Willauer
12	✓	Charles A. Kilvert III	4 Darling St.	0	1	Charles A. Kilvert III
13	✓	Emily H. Kilvert	4 Darling St.	0	1	Emily H. Kilvert
14	✓	Georgia U. Raysman	39 Low Beach Rd	0	1	Georgia U. Raysman
15	✓	Richard Raysman	39 Low Beach	0	1	RICHARD RAYSMAN

Instructions to Registrars

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Check thus ✓ against the name of qualified voter to be certified.
For names not certified, use the codes opposite.

N no such registered voter at that address.
S unable to identify signature or address as that of
W wrong district or community.
T already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (14) fourteen signatures checked thus ✓ are names of voters of the Town of Nantucket and are qualified to sign this petition.

(at least three Registrars names must be signed or stamped below)

Nancy L. Holmes
Gary Langley
Cynthia A. Gould

Registrars of Voters of the Town of Nantucket

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

DATE and **TIME** this paper received by Registrars
Nov. 14, 2020 2:20pm LR

10 signatures (minimum required) of voters registered in Nantucket and certified by the Town Clerk. Additional signature pages may be attached.

PETITIONERS: We, the undersigned registered voters of the Town of Nantucket, hereby petition the Select Board pursuant to Massachusetts General Law Chapter 39, Section 10, to include the following Article in the Warrant for the Annual Town Meeting to be held on [redacted].

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		I	II	III		
	Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Ward 0	Prec 1	PRINTED NAME
1		[signature]	14 South Valley	0	1	Gregg Nosiglia
2		[signature]	11 Vestal St	0	1	Roy Gustaveson
3		[signature]	11 Vestal St	0	1	Joan Gustaveson
4		[signature]	33 N. Liberty St	0	1	Margot Montgomery
5		[signature]	83 Main St.	0	1	Kelvin Knesser
6		[signature]	37 Liberty St	0	1	Lucy Dillon
7		[signature]	48 Fair St	0	1	William R. Klein
8		[signature]	48 Fair St.	0	1	Elizabeth B. Klein
9		[signature]	35 Lily St	0	1	Mary G West
10		[signature]	46 Appleton Rd.	0	1	Allyson Mitchell
11		[signature]	6 Ash Lane	0	1	RJ Turcotte
12		K Bullett	6 Ash Lane	0	1	Kristin Bullett
13		Elizabeth Buel	7 Clover Place	0	1	Elizabeth Buch
14				0	1	
15				0	1	

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CERTIFICATION OF SIGNATURES

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(at least three Registrars names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

Citizen Warrant Article

Primary Sponsor

Name: Emily Molden

Address: 139.5 Hummock Pond Rd

Email: Emily@nantucketlandcouncil.org

Phone #: 508-901-1901

Warrant Article Title: A bylaw amendment relevant to lots created under MGL 41 81L (pre 1955 subdivision control)

For the protection of neighborhoods and the physical environment against detrimental expansion and alteration of buildings on lots created under MGL c.41 s. 81L,

To see if the Town will vote to amend Chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by adding the following as a final sentence to Section 33(A)(3):

"Notwithstanding a lot(s) or structure(s) status as preexisting non conforming or the provisions of Section 139-33 (E)(1)(a), any new structure or expansion of volume, area or height of the structure(s) located on said lot or lots greater than the volume, area or height that existed when the lots were first shown on a plan endorsed pursuant to c.41 s. 81-P, shall require a special permit from the Zoning Board of Appeals pursuant to Section 139-33(A)."

; or otherwise act thereon.

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars NOV. 14, 2025 2:20 pm LR

10 signatures (minimum required) of voters registered in Nantucket and certified by the Town Clerk. Additional signature pages may be attached.

PETITIONERS: We, the undersigned registered voters of the Town of Nantucket, hereby petition the Select Board pursuant to Massachusetts General Law Chapter 39, Section 10, to include the following Article in the Warrant for the Annual Town Meeting to be held on [redacted].

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1	✓	Emily Molden	139.5 HUMMOCK POND RD	0	1	EMILY MOLDEN
2	✓	Hillary Rayport	89 Main St.	0	1	Hillary H. Rayport
3	✓	[illegible]	3B NEWTOWN RD.	0	1	VALLORIE OLNEY
4	✓	Charity M Benz	5 MILESTONE CROSSING	0	1	CHARITY I. BENZ
5	✓	[redacted]	[redacted]	0	1	[redacted]
6	✓	Dave Pumphrey	4 Westminster	0	1	Dave Pumphrey
7	✓	Rick Atherton	48 Squam Road	0	1	Rick Atherton
8	✓	Barbara Halsted	14 Lyon St	0	1	Barbara Halsted
9	T	Rick Atherton	48 Squam Road	0	1	Rick Atherton
10	✓	David D. Worth	19 Long Pond Dr	0	1	DAVID D. WORTH
11	✓	Thomas M. Montgomery	33 N. Liberty St.	0	1	Thomas M. Montgomery
12	✓	Malcolm MacNab	13 N. Water St.	0	1	MALCOLM MACNAB
13	✓	Cathy Ward	4A Silver St	0	1	Cathy Ward
14	✓	Charles A. Kilvert	4 Darling ST	0	1	Charles A. Kilvert
15	✓	Georgia A. Raymond	39 Low Beach Rd	0	1	Georgia A. Raymond

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- W wrong district or community.
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Registrars of Voters of the Town of Nantucket

ANNUAL TOWN MEETING - CITIZEN'S ARTICLE

DATE and TIME this paper received by Registrars
NOV. 14, 2022 2:20 pm LP

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	I		II	III		
	Check	**Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)**	**Now Living At (Street and Number)**	**Ward 0**	**Prec 1**	**PRINTED NAME**
1		William Willauer	101 Surfside Rd	0	1	William Willauer
2		Emily H. Kilvert	4 Darling St.	0	1	Emily H. Kilvert
3		Richard Raysman	39 Low Beach	0	1	Richard Raysman
4			11 Vestal St.	0	1	Joan Gustaveson
5			11 Vestal St.	0	1	Roy Gustaveson
6			83 Main St.	0	1	Kevin Kiester
7		Lucy Dillon	37 Liberty	0	1	Lucy Dillon
8		Margot Montgomery	33 N. Liberty St	0	1	Margot Montgomery
9		William R. Klein	48 Fair St	0	1	William R. Klein
10		Elizabeth B. Klein	48 Fair St.	0	1	Elizabeth B. Klein
11		Mary G West	35 Lily St	0	1	Mary G West
12			96 Appleton Rd.	0	1	Allyson Mitchell
13			6 Ash Lane	0	1	RJ Turcotte
14		Kbullett	6 Ash Lane	0	1	Kristin Bullett
15		Elizabeth Bucci	7 Clever Place	0	1	Elizabeth Bucci

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(at least three Registrars names must be signed or stamped below)

Registrars of Voters of the Town of Nantucket

End of Packet