

V. REQUESTED WAIVER TO LOCAL REGULATIONS
Updated version April 6, 2016

The Applicant seeks waivers from the Nantucket’s local bylaws and rules and regulations as indicated in the below chart.

The Applicant also requests that waivers be granted from any requirement that the Applicant apply to Nantucket or other municipal boards, commissions, or departments, including, but not limited to, the Public Works Department, Water Commission, Health Department, Historic District Commission, Board of Selectmen, Conservation Commission, Planning and Economic Development Commission, Wannacomet Water Company and Planning Board, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the permits required by the aforementioned boards, commissions and departments, including but not limited to the authorizations of permits and approvals otherwise required to extend and connect to the municipal sewer system and to the water system (whether pursuant to Chapter 396 of Acts of 2008 (the “Act”) or otherwise).

If in the course of the hearings it is determined that there are other local bylaws and rules and regulations that would otherwise be applicable to the Project that have not been requested in this application, the Applicant reserves the right to so amend the Requested Waivers.

WAIVERS REQUESTED FROM THE: TOWN OF NANTUCKET, MASSACHUSETTS CODE, AS AMENDED THROUGH APRIL 6, 2015.

<http://ecode360.com/NA0948?needHash=true>

Surfside Commons

Sewer and Wastewater Facilities	Requested Waiver
<u>Section 120-1. Payment for use of drains and sewers:</u> Requires a person who enters his/her particular drain onto a main drain or common sewer, or who by more remote means receives benefit thereby for draining his/her land or buildings to pay certain fees.	Waiver to exempt Applicant from the requirement to pay fees.
<u>Section 120-6. Sewer privilege:</u> Requires charges to certain owners of land.	Waiver to exempt Applicant from the requirement to pay charges.
Signs; Satellite Dishes; Rooflines	Requested Waiver
<u>Section 124-1. Approval required:</u> The erection or display of an occupational or other sign exceeding two feet in length and six inches in	Waiver from required HDC approval of the sign shown on Applicant’s attached plans.

width on any lot must be approved in advance by the Historic District Commission (“HDC”).	
Section 124-7. A. Restrictions: No residential structure roofline shall exceed 50 feet in horizontal length per elevation.	Waiver to allow Applicant’s roofline up to 150 feet in horizontal length per elevation.
Section 124-8. Construction conditioned on approval: No building or structure shall be constructed or altered within the Nantucket Historic District in any way that affects its exterior architectural features without issuance of a certificate from HDC.	Waiver to allow construction without issuance of a certificate from HDC.
124-9. Permit for razing required: No building or structure within the Historic Nantucket District shall be razed without first obtaining a permit approved by HDC.	Waiver to allow razing of existing building on the Project site without issuance of a certificate from HDC.
Streets and Sidewalks	Requested Waiver
Section 127-1. Permit required: No person, except in an emergency may contract for, or make any excavation or alteration of any public way, sidewalk or bicycle path without first having received a permit for such alteration or excavation from the Town of Nantucket Department of Public Works and the Board of Selectmen	Waiver to allow excavation and alterations in public ways, sidewalks and bicycle paths to install improvements, including, but not limited to, utilities and connections from the Project to such areas.
Chapter 136. Wetlands	Requested Waiver
Section Chapter 136-3. Wetlands: No person shall commence to remove, fill, dredge, alter or build upon or within any area located within the geographic boundaries of the habitat for rare/significant wildlife and/or fauna without filing written application for a permit.	Waiver from the requirement to submit a written application and receive a permit to the extent otherwise required for the Applicant to remove, alter, or build in any habitat for rare/significant wildlife and/or fauna on the Project site.
Zoning Bylaw	Requested Waiver
Section 139-7 B. Use chart; prohibited uses in all districts: The Use Regulations do not permit Apartment Buildings in the LUG-2 and LUG-3 zones, do not allow more than one Apartment Building per lot and limit Apartment Buildings to a maximum of 8 units. In addition, the following uses are prohibited:	Waiver to allow multiple Apartment Buildings per lot within the LUG-2 and LUG-3 Districts with the number of dwelling units as permitted as part of the Comprehensive Permit.

<p>(1) More than two dwellings or dwelling units per lot except as otherwise allowed in this chapter. (2) Use of a trailer or a building-like container for residential purposes.</p>	<p>Waiver to allow the use of trailers or building-like containers for residential purposes.</p>
<p>Section 139-12 B. Overlay Districts The Public Wellhead Recharge District: Prohibits (i) uses not allowed in underlying zoning and (ii) all land uses, buildings, and accessory structures, that result in rendering impervious more than 15% or 2,500 square feet of any lot, whichever is greater.</p> <p>Requires mandatory referral to, and review by, Nantucket Water Commission prior to issuance of any permit and prohibits issuance of building permit or special permit unless a finding has been issued therewith, and the conditions, if any, of such finding are incorporated in said permits.</p>	<p>Waiver to allow all uses not permitted in the underlying zoning and to allow land uses, buildings, and accessory structures, that result in rendering impervious more than 15% or 2,500 square feet of the Project's lot, whichever is greater.</p> <p>Waiver from referral requirement.</p>
<p>Section 139-16 A. Intensity regulations: The applicable intensity regulations are as follows:</p> <p>LUG-2</p> <ul style="list-style-type: none"> • Frontage: 150' • Max ground cover ratio: 4% • Min Lot size: 80,000 sf • Front yard: 35' • Side yard: 15' • Rear yard: 15' <p>LUG-3</p> <ul style="list-style-type: none"> • Frontage: 200' • Max ground cover ratio: 3% • Min Lot size: 120,000 sf • Front yard: 35' • Side yard: 20' • Rear yard: 20' 	<p>Waiver to the extent the provided dimensional requirements do not meet the intensity regulations.</p> <p>Provided dimensional requirements:</p> <p>Frontage: 342' – <u>COMPLIES</u> Max ground cover ratio: 77% - <u>WAIVER</u> Min Lot size: 108,528 sf - <u>COMPLIES</u> Front yard: 10' - <u>WAIVER</u> Side yard: 15' - <u>COMPLIES</u> Rear yard: 48' – <u>COMPLIES</u></p> <ul style="list-style-type: none"> • <u>Frontage in LUG-2 - COMPLIES</u> • <u>Ground cover ratio 70% - WAIVER</u> • <u>Lot size: 108,528 SF- WAIVER</u> • <u>Front yard in LUG-2 zone - WAIVER</u> • <u>Side yard: n/a no portion of building in LUG-3</u> • <u>Rear yard: n/a no portion of building in LUG-3</u>

Section 139-16 A. D. (1) Intensity regulations Regularity Formula: The regularity factor of any lot shall not be less than 0.55.	Waiver to the extent the lot regularity factor is not met. <u>Intensity factor is 0.98</u> <u>- COMPLIES</u>
Section 139-17 Height limitations Country Overlay District: Maximum Height of 30’.	Waiver from height limitation <u>to proposed height of 55’ - WAIVER.</u>
Section 139-18 (6) Off –street parking requirements: Head-in, ninety-degree parking spaces and forty-five-degree parking spaces shall not be less than nine feet in width and 20 feet in length.	Waiver to the extent the parking spaces shown on the attached plans do not meet the parking dimensional requirements. <u>allow parking spaces of 18’ in length</u>
Section 139-19. Screening of parking areas, driveways and off-street loading facilities: Requires screening of parking areas and a special permit to waive such requirements.	Waiver to exempt the Project from the parking screening requirements <u>requirements and substitution of a 4’ privacy fence.</u> Waiver from and from the requirement for the issuance of a special permit for such exemption
Section 139-20.1. B. Driveway access, Regulation of driveway access: Requires Nantucket Department of Public Works approval for new driveway access and compliance with the minimum driveway standards.	Waiver (i) to allow issuance of a new driveway access permit without Nantucket Department of Public Works approval, and (ii) of the required minimum driveway standards.
Section 139-23. Site plan review (SPR)	Waiver from the requirements of Site Plan Review.
Section 139-26. A. Issuance of building and use permits: Requires building or use permit having been issued by the Building Commissioner.	Waiver from this requirement
Section 139-28 Occupancy permits	Waiver from any requirement for a certificate from HDC.
Section A301-4. Historic District Commission	Requested Waiver
Section A301-4. Historic District Commission	Waiver from HDC review requirements and any requirement for the issuance or non-issuance of approvals or certificates from HDC.
Section A301-12 Sewer Commission and sewer districts.	Requested Waiver
Section A301-12 Sewer Commission and sewer districts	Waiver of requirements for Town Meeting approval for extension of sewer district and Board of Selectmen for extension of the sewer system.

Nantucket Water Commission and/or Wannacomet Water Company	Requested Waiver
Application for Water Service: Requires a fee of \$3,000.00 per 1" installation.	Waiver of the fee.