

## DRAFT PB MOTIONS AND COMMENTS 02/03/22

### ARTICLE 42

#### (Zoning Bylaw Amendment: Short Term Rentals)

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

1. Amend Zoning Bylaw, Section 2A (definitions) to as follows, with new definitions to be inserted in alphabetical order:

#### **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 ... with no commercial or other uses. The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term rentals in all or a portion of the dwelling units. Apartment Building(s) shall be allowed in the following districts:...

#### **SHORT TERM RENTAL**

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short Term Rental.

Short-Term Rentals are allowed as of right on residential properties including, but not limited to, a primary, secondary, tertiary, duplex, or accessory dwelling, apartment, apartment building(s), and garage apartments, unless specifically prohibited in a special permit issued by the Planning Board in accordance with this bylaw.

2. Amend Section 8D(2) and 8D(3) by adding a new subsection (e) in each, as follows:

(e) The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term Rentals in all or a portion of the dwelling units on the lots subject to the special permit.

3. Amend Section 15 as follows:

In addition to the principal buildings, structures or uses permitted in a district, there shall be allowed in that district, as accessory uses, such activities as are

subordinate and customarily incident to such permitted uses including, but not limited to, the rental of rooms within an owner-occupied dwelling unit.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

#### **PLANNING BOARD MOTION:**

#### **PLANNING BOARD COMMENT:**

### **ARTICLE 43**

#### **(Zoning Bylaw Amendment: Protective Rights to Short-Term Rentals)**

##### **PREAMBLE:**

Tourism has been a pillar of the Nantucket economy for decades. Generations of Nantucket families have made or supplemented their incomes by welcoming and serving visitors in many ways, including renting their homes. However, a recent Massachusetts Supreme Judicial Court decision (*Styller v. Lynnfield*) threatens the ability of Nantucket residents to rent their homes on a short-term basis (stays of less than 30 days). In the *Styller* decision, the state's highest court ruled that zoning bylaws, such as Nantucket's, do not allow short-term rentals in residential zoning areas.

In order to address the impact of the *Styller* decision, this zoning article clearly defines and protects residents' rights to short-term rent their homes. It ensures that Nantucket residents can continue to short-term rent their own property even in residential zoning areas. This article also clearly allows for seasonal residents to short-term rent, while discouraging the conversion of neighborhood homes into purely commercial short-term rental businesses by off-island corporate investors. This article only applies to short-term stays - any rental of one month or longer is not affected.

The purpose of this article is to protect Nantucket homeowners, while also seeking to protect our neighborhoods and housing. We can do that by helping to manage and sustain economic growth and honor our tourism tradition by preserving our community's character.

##### **ARTICLE:**

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

(Original in black with changes shown in red)

#### **§139-2 DEFINITIONS AND WORD USAGE**

##### **SHORT TERM RENTAL**

Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.

### §139-15 ACCESSORY USES

In addition to the principal buildings, structures and uses permitted in a district, there shall be allowed in that district as accessory uses, such activities as are subordinate and customarily incident to such permitted uses.

Short-Term Rentals shall be permitted as Accessory Uses in all residential districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, VR, LUG-1, LUG-2, LUG-3, MMD) as follows: (1) Residents may use their primary residence for Short-Term Rentals by right; and (2) as of January 1, 2023, non-Residents may use their dwelling units for Short-Term Rentals upon issuance of a Special Permit from the Zoning Board of Appeals upon a finding that the proposed Short-Term Rental is an Accessory Use as defined in this Bylaw. As of January 1, 2023, all other use of Short-Term Rentals in residential districts is prohibited. For the purposes of this provision, a "Resident" is a person whose primary residence is Nantucket as determined by federal tax filings.

*(Tobias Glidden, et al)*

*Technical Note: the proposed text for the purposes of printing are shown as highlighted in gray (not red).*

### PLANNING BOARD MOTION:

### PLANNING BOARD COMMENT:

## ARTICLE 44

**(Zoning Map Change: R-1 to R-5L - Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court

55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane

55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

**ARTICLE 45**

**(Zoning Map Change: RC to CN - Washington Street)**

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

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 45 RC to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

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

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street

55.1.4	37	103	Washington Street
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All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 45 RC to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

**ARTICLE 46**

**(Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L - Bartlett Farm Road and Mioxes Way)**

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

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5, R-5L, R-10, or R-10L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

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

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

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5L” dated February 2022 and filed herewith at the Office of the Town Clerk.

#### ARTICLE 47

**(Zoning Map Change: RC-2 to R-5L, R-10 or CTEC - Clara Drive and Raceway Drive)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5 Limited (R-5L), Residential 10 (R-10) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	272	6	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L, R-10 or CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

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

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

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
66	272	6	Raceway Drive

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L and R-10” dated February 2022 and filed herewith at the Office of the Town Clerk.

#### ARTICLE 48

**(Zoning Map Change: RC-2 to CTEC - 26 Bartlett Road and 1 Perry Lane)**

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

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

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

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.



**ARTICLE 49**

**(Zoning Map Change: RC-2 to CN - Nobadeer and Sun Island Roads)**

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

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 49 RC-2 to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 49 RC-2 to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

**ARTICLE 50**

**(Zoning Bylaw Amendment: Tertiary Dwelling)**

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-*

*sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

### **TERTIARY DWELLING**

- (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~~ 900 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. The ground cover of the existing building shall not increase more than ~~650~~ 900 square feet and the dwelling unit shall not contain more than ~~650~~ 900 square feet of gross floor area.
  - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ 900 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.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-*

*sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

**TERTIARY DWELLING**

- (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~~ 900 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. The ground cover of the existing building shall not increase more than ~~650~~ 900 square feet and the dwelling unit shall not contain more than ~~650~~ 900 square feet of gross floor area.
  - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ 900 square feet of gross floor area.

...

**PLANNING BOARD COMMENT:** The Board determined that the allowance of an additional 250 square feet would allow for greater flexibility in design and may provide for a unit size that creates opportunities for families that is not possible within 650 square feet. The Board notes that the overall bedroom limitation per lot is not increased by this proposed change in unit size.

**ARTICLE 51**

**(Zoning Bylaw Amendment: Tertiary Lot)**

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

- 1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

**TERTIARY LOT**

A lot created by the division of the original lot into three lots pursuant to § 139-8C. The tertiary lot, in addition to one of the secondary 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.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

D. Special permit to create tertiary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
  - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
  - (b) The tertiary lot, in addition to one of the secondary lots subject to § 139-8C of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.
  - (c) The lot shall not be subject to the tertiary dwelling

requirements contained within §139-2 of this chapter.

(d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.

(e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows:

[1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;

[2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;

(g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The lots shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § 139-8C shall not apply to flex development and open space residential development options (§ 139-8A).

(6) Section 139-16D, Regularity formula, shall not apply to this § 139-8C.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

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

1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

**TERTIARY LOT**

A lot created by the division of the original lot into three lots pursuant to § 139-8D. The tertiary lot, in addition to one of the secondary 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.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

**D. Special permit to create tertiary residential lots for year-round residents.**

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
  - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.

(b) The tertiary lot, in addition to one of the secondary lots subject to § 139-8C of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.

(c) The lot shall not be subject to the tertiary dwelling requirements contained within §139-2 of this chapter.

(d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.

(e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows:

[1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;

[2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;

(g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The lots shall share a single driveway access. The

Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § 139-8D shall not apply to flex development and open space residential development options (§ 139-8A).

(6) Section 139-16D, Regularity formula, shall not apply to this § 139-8D.

**PLANNING BOARD COMMENT:** The addition of a tertiary lot provision to the Bylaw will provide another option for the creation of a Nantucket Housing Needs Covenant lot, without adding additional density or ground cover. The Board felt it important to introduce this concept in districts with larger minimum lot sizes where there is ample room for parking. The secondary lot provision of the Bylaw has been a successful option for the creation of year-round dwelling units and this proposal will provide another option.

## ARTICLE 52

### (Zoning Bylaw Amendment: Workforce Homeownership Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

(1) Requirements

(a) The following requirements shall apply to workforce homeownership housing bonus lots in the R-5 and R-10 Zoning Districts...

(2) Workforce homeownership housing bonus lots.

(a) ...

[1] The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33 in the R-5 district and by a factor of 1.2 in the R-10 district.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:**



## PLANNING BOARD COMMENT:

### ARTICLE 53

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

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

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

#### 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~~ 800 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.

#### **TAKE-OUT FOOD ESTABLISHMENT**

A commercial establishment, including a food truck, 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:

- (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.

#### **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 unless a special permit has been issued by the Planning Board; 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.

2. Amend section 8C(3)(d) as follows:

One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter. The Planning Board may waive this requirement by the issuance of a special permit, provided that the Board finds that the proposal is in keeping with the character of the surrounding neighborhood.

3. Amend section 16D as follows:

Regularity formula.

- (1) The regularity factor of any lot shall not be less than 0.55. The regularity factor shall be determined by the formula:

$$r = 16A/p^2 \text{ where}$$

r = regularity factor

A = land area in square feet

p = perimeter in feet

- (2) That part of the lot area in excess of the required lot area may be excluded from the regularity formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.

- (3) The regularity formula shall not apply to lots recorded or endorsed prior to April 15, 1980.

- (4) The Planning Board may issue a special permit to waive compliance with the regularity factor for a lot provided that the Planning Board finds that such waiver does not negatively impact access to the lots and does not result in the creation of lots that would have a negative impact on the character of the surrounding neighborhood.

4. Amend section 20.1B(2)(h) as follows:

All secondary dwellings, tertiary dwellings, and garage apartments approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling, tertiary dwelling, and garage apartment applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would

not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and that separate access is not contrary to sound traffic and safety considerations. Access to secondary dwellings, tertiary dwellings, and garage apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

- Amend the Zoning Map by placing a portion of the following properties currently located in the Commercial Neighborhood (CN) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road
68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

- Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
-----	-----	--------	--------

68	338 (a portion of)		Beach Grass Road
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All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

*(Select Board for Planning Board)*

**PLANNING BOARD MOTION:**

**PLANNING BOARD COMMENT:**

**ARTICLE 54**

**(Zoning Bylaw Amendment: Swimming Pool Use Chart - Residential and Hot Tub/Spa)**

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

Amend Section 7A (use chart) by adding a new line after Swimming Pool - Residential entitled "Hot Tub/Spa" and inserting "N" in the ROH SOH column and "A" in each other column under the respective zoning districts across the chart except for zoning district CI: "N" and zoning districts V-R and MMD: SP

;or otherwise to act thereon

*(Anne Dewez, et al)*

**PLANNING BOARD MOTION:** Moved to take no action.

**PLANNING BOARD COMMENT:** The Board discussed this article at length and determined that additional public input was needed from the affected property owners within the ROH and SOH districts.

**ARTICLE 55**

**(Zoning Bylaw Amendment: Swimming Pool Definition - Residential and Hot Tub/Spa)**

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

*substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Amend section 2A (definitions) as follows:

#### 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 equal to or less than ~~150~~ 64 square feet of water surface area, and equal to or less than 1000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

#### SWIMMING POOLS - 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~~ 64 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. 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 setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment.

;or otherwise to act thereon

*(Anne Dewez, et al)*

PLANNING BOARD MOTION: Moved to take no action.

**PLANNING BOARD COMMENT:** The Board discussed this article at length, and while the citizen petitioner represented that it was intended to impact properties in the ROH and SOH districts, the proposed changes would apply to all zoning districts. The real or perceived impacts from hot tubs/spas and/or residential swimming pools are not consistent across all zoning districts, with 96.61% of the island land area being within a moderate to low density district.

### ARTICLE 56 (Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket by striking the following language (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

1. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
- In the VR District only...

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

- ~~2. Amend Section 139-7A (Use Chart) by replacing "A" with "A with lot  $\geq$  7,500 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.~~

Or to take any other action related thereto.

*(Linda Williams, et al)*

PLANNING BOARD MOTION: Moved to take no action.

**PLANNING BOARD COMMENT:** The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has not even been in effect for a year.

## ARTICLE 57

### (Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

3. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
- In the VR District only...

- In the R-1, SR-1, R-5, and R-5L, districts only, the following criteria must be met: (1) a minimum lot area of ~~7,500~~ 6,000 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.
- 4. Amend Section 139-7A (Use Chart) by replacing “A” with “A with lot  $\geq$  ~~7,500~~ 6,000 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

Or to take any other action related thereto.

*(Linda Williams, et al)*

**PLANNING BOARD MOTION:** Moved to take no action.

**PLANNING BOARD COMMENT:** The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has not even been in effect for a year.

#### **ARTICLE 58**

##### **(Zoning Bylaw Amendment: Definitions and Word Usage)**

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions and Word Usage - Apartment) by adding the following highlighted paragraph:

**APARTMENTS** - A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s). 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 in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional 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):

- (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.

The Planning Board may waive the density as set forth in the schedule above by special permit.

Or to take any other action related thereto.

*(Linda Williams, et al)*

**PLANNING BOARD MOTION:** Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

**APARTMENTS -** A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s). 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 in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional 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):

- (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.

**The Planning Board may waive the lot area requirements as set forth in the schedule above through the issuance of a special permit based on the finding that not more than one additional unit, not to exceed a total of four, may be constructed.**

#### ARTICLE 59

**(Zoning Bylaw Amendment: Storage Container by Special Permit in CMI)**

To see if the Town will vote to amend Zoning Bylaw Section 139-7A (Use Chart) by deleting "N" and replacing it with "SP" in the Commercial-Mid-Island (CMI) column.

Or to take any other action related thereto.



*(Linda Williams, et al)*

**PLANNING BOARD MOTION:** Moved to take no action.

**PLANNING BOARD COMMENT:** The Board determined that the general character of the area zoned CMI is not consistent with the more industrial character of other areas where storage containers are allowed by special permit. The Board notes that the minimum lot size in CMI is 5,000 square feet, which is not conducive to effective screening from abutting properties and the surrounding streets. Commercial sheds are permitted in CMI and are more appropriate given the size of the lots and character of the areas in which they are located.

#### ARTICLE 60

#### (Zoning Map Change: R-20 to R-10L - Nobadeer Way)

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

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

- (1) To place the foregoing properties noted, currently in the Residential-20 (R-20) zoning district, into the Residential-10 Limited (R-10L) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

*(Linda Williams, et al)*

**PLANNING BOARD MOTION:** Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Residential 10 (R-10) district:

Map	Lot	Number	Street
68	50	1	Nobadeer Way

68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 60 R-20 to R-10L” dated February 2022 and filed herewith at the Office of the Town Clerk.

**ARTICLE 61**

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

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

Map	Lot	Number	Street
68	1032	105	Old South Road
68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South Road

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

All as shown on the attached map.

Or to take any other action related thereto.

*(James Jackson, et al)*

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

Map	Lot	Number	Street
68	1032	105	Old South Road

68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 61 R-20 to CTEC dated February 2022 and filed herewith at the Office of the Town Clerk.

**ARTICLE 62**

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

To see if the Town will vote to:

On Map 68, Lot 208, Old South Road, to Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial trade, Entrepreneurship and craft) and/or CN (Commercial - Neighborhood) zoning district.

As shown on the attached map.

; or otherwise act thereon.

*(Julie Bunting, et al)*

**PLANNING BOARD MOTION: Moved to take no action.**

**ARTICLE 63**

**(Zoning Map Change: LUG-2 to R-5 or CN - 44 Skyline Drive)**

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) zoning district into either the Residential-5 (R-5) or Commercial Neighborhood (CN) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

*(Clifford Williams, et al)*

**PLANNING BOARD MOTION: Moved to take no action.**

**PLANNING BOARD COMMENT:** The citizen petitioner represented to the Planning Board that their intent with this rezoning was to work with the Affordable Housing Trust

**Fund to create housing opportunities for year-round residents. No formal plans, agreements, or partnerships have been finalized, therefore, the Board found it was premature to support this rezoning.**

DRAFT