



# Town of Nantucket



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April 4, 2018

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 3, 2018 ANNUAL TOWN MEETING adopted **Article 49: “Bylaw Amendment: Zoning”** at the April 3, 2018 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, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting...”

**VOTE: The vote on the motion pursuant to Article 49 as moved by the Planning Board, was by Unanimous Voice Vote. The motion was adopted.**

Catherine Flanagan Stover, MMC, CMMC  
Town and County Clerk

**ARTICLE 49**  
**(Bylaw Amendment: Zoning)**

To See if the Town Will Vote to Amend the Town of Nantucket Code Chapter 139-8.A.1.b by adding the highlighted language:

139-8.A.1.b

Preservation of open space shall be required, with the amount based on the total tract size pursuant to Subsections A(3) and (4) below.

- 1) A restriction defining the protection of the open space shall be enforceable by the Town or County of Nantucket and recorded at the Nantucket County Registry of Deeds or the Registry District of the Land Court. In addition, open space shall be:
  - (a) Owned by the Town of County of Nantucket; or
  - (b) Owned by the Nantucket Islands Land Bank; or
  - (c) Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or
  - (d) Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. **A letter of intent to hold the conservation restriction from the prospective holder shall be presented as part of the application to the Planning Board.**
  
- 2) Open space shall be restricted to one or more of the following uses, subject to approval of the **Planning Board, in accordance with MGL c. 184, §§ 31 and 32:**
  - (a) Preservation of important natural features on a lot.
  - (b) Passive recreation, including, but not limited to, nature study, boating, fishing, hunting, picnicking, and horseback riding.
  - (c) Active recreation.
  - (d) Bicycle paths and walking trails.
  - (e) Agriculture.
  - (f) Structures accessory to the use of the open space which may include, but are not limited to: boathouses, duck walks, landings, barns, gazebos. **Pools, clubhouses, parking, access roads, and other recreational facilities not open for public use shall be prohibited.**
  - (g) Water **(excluding private pools)** features consistent with the purposes described above.
  - (h) Individual underground septic systems or wells that provide service to the lots within the development.

(Cormac Collier, et al)

**PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8A(1)(b) is 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):**

**Preservation of open space shall be required, with the amount based on the total tract size pursuant to Subsections A(3) and (4) below.**

[1] A restriction defining the protection of the open space shall be enforceable by the Town or County of Nantucket and recorded at the Nantucket County Registry of Deeds or the Registry District of the Land Court. In addition, open space shall be:

- [a] Owned by the Town of County of Nantucket; or
- [b] Owned by the Nantucket Islands Land Bank; or
- [c] Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or
- [d] Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. A letter of intent to hold the conservation restriction from the prospective holder shall be required before a final plan is endorsed.

[2] Open space areas included in the minimum calculation required in subsections A(3) and A(4) shall be restricted to one or more of the following uses, subject to approval of the Planning Board, in accordance with MGL c. 184, §§ 31 and 32:

- [a] Preservation of important natural features on a lot.
- [b] Passive recreation, including, but not limited to, nature study, boating, fishing, hunting, picnicking, and horseback riding.
- [c] Active recreation.
- [d] Bicycle paths and walking trails.
- [e] Agriculture.
- [f] Structures accessory to the use of the open space which may include, but are not limited to: boathouses, duck walks, landings, barns agricultural outbuildings, outbuildings associated with passive recreational use, and gazebos. The following accessory structures are allowed, but their ground cover is prohibited from inclusion in the minimum open space requirement: residential swimming pool(s) and/or hot tub(s)/spa(s) and their associated decks and/or patios, outbuildings which are cabanas, clubhouses, fitness studios, and/or offices, and game courts .
- [g] Water features (excluding residential swimming pools) consistent with the purposes described above.
- [h] Individual underground septic systems or wells that provide service to the lots within the development.

**FINANCE COMMITTEE COMMENT:** The Committee supports the Planning Board Motion. Quantum of vote required for passage of the motion is 2/3