



Nantucket Housing Needs Covenant Program

Which Covenant Program suits your lot?

Covenant Condo	<u>Secondary</u> and <u>Tertiary</u> Covenant Lots
Allows separate ownership of primary, secondary, and tertiary dwellings on one lot . No Town approval required of Condo Docs and Plans.	Allows one lot to be split, creating up to three separate lots for zoning purposes: the Market rate lot (unrestricted), a Secondary Covenant lot, and Tertiary Covenant lot (if allowable, as per specifications below). The result is separate ownership of up to three lots .
Affordability covenant is put in place, restricting sale of Covenant unit to income qualified applicants. Residency, sale and resale of Covenant units must follow Covenant regulations.	Purchase of Covenant lot(s) are restricted to income qualified applicants or Qualified Family Members . Residency, sale and resale of Covenant lots must follow Covenant regulations.
Land cannot be subject to restrictions prohibiting secondary or tertiary dwellings, but can be subject to subdivision restrictions.	Land cannot be subject to restrictions prohibiting secondary (or tertiary) dwellings, or prohibiting subdivisions.
Cannot be done on vacant land (need some sort of structure to create condominium).	Can be done on vacant land or land with dwellings constructed on it
Available in all zones, and on preexisting non-conforming lots.	Secondary Lots: Allowable in R-5, R-10/SR-10, R-20/SR-20, VR, ROH/SOH, LUG-1, LUG-2, and LUG-3 zones Tertiary Lots: Allowable in R-10, R-20, R-40, LUG-1, LUG-2, and LUG-3 zones
No minimums regarding size of land allotted to affordable unit.	The minimum lot size for the smaller of the two lots shall be at least 40% of the minimum lot size for the district in which the lot is located. <ul style="list-style-type: none"> ○ Except in the LUG-2 and LUG-3 Districts, where the secondary lot may be reduced to 20,000 sqft. ○ For pre-existing nonconforming lots, the Planning Board may issue a special permit defining the lot areas.
Requires survey, site plan and interior floor plans to create Condo. No Town approval required of Condo Docs and Plans.	Approval Not Required (ANR) and Special Permit (SP) required from Town Planning Board (PB). PB may require the creation of a Homeowner's Association (HOA) to address shared areas.

Remains one lot for zoning purposes (i.e. setbacks, density, ground cover).	Requires secondary and tertiary lots to have minimum 20' frontage or for the lots to have a common driveway. The lots must comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions for pre-existing nonconforming lots. If requested within the SP application, the PB may waive: <ul style="list-style-type: none"> ○ setback requirements, but only as they apply to lot line(s) between the newly created lots. ○ ground cover ratios between the lots, but not exceed ground cover allowed for the zone ○ shared driveway access requirement
The traditional relationship between the Primary and Secondary Dwellings must be maintained i.e. single family dwellings, sited with a scalar separation, and 20% difference in ground cover between the dwellings. Tertiary Dwellings have other specific requirements.	Covenant lots are not subject to Secondary and/or Tertiary Dwelling requirements, including ground cover ratio between buildings and maximum gross floor area of Tertiary unit. Access to utilities including septic and water may limit development potential. Contact a surveyor or civil engineer to clarify.
Requires Secondary and/or Tertiary Dwelling approval.	Covenant lots are not be subject to Secondary or Tertiary Dwelling approval from PB.
Primary and secondary units can share well and septic.	Primary and Covenant lot(s) can share well and septic but Department of Environmental Protection approval is required. Shared-septic agreement must be put in place.
Requires Condominium Liability Insurance.	No liability insurance required.

Nantucket Zoning Map: https://www.nantucket-ma.gov/DocumentCenter/View/24254/Zoning_2019_04

Zoning Table (in sqft):

One acre = 43,560 sqft

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
LUG-1	40,000	15,000	25,000
LUG-2	80,000	25,000	55,000
LUG-3	120,000	35,000	85,000
R-40	40,000	15,000	25,000
R-10/ R-10	10,000	4,000	6,000
R-20/ SR-20	20,000	8,000	12,000
VR	20,000	8,000	12,000
ROH/SOH	5,000	2,000	3,000
R-5	5,000	2,000	3,000