Nantucket Planning Board

Board Members: John Trudel, III (Chair), David Iverson (Vice-Chair), Nat Lowell, Barry Rector, Joseph Topham

Alternates: Stephen Welch, Carl Borchert, Abby De Molina

Staff: Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (PLUS Administrative Specialist)

PLANNING BOARD APPROVED MINUTES
06-08-2023

**The Planning Board meeting will be audio and video recorded*

REMOTE PARTICIPATION VIA ZOOM:

https://us06web.zoom.us/j/86178080870?pwd=d3F3dDhRd0tOSzhBREMybjJYNnBFdz09
Passcode: 324801

Please list below the topics the chair reasonably anticipates will be discussed at the meeting.

(*Subject to change*)

I. Call to order:

Chair Trudel called the meeting to order at 4:06PM.

Acting-Chair Iverson read a prepared statement in accordance with Governor Baker's March 21, 2020, order regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

Roll call of those participating:

Board members:
Vice- Chair Iverson *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Alternates:
Abby De Molina *Aye*
Carl Borchert *Aye*
Stephen Welch *Aye (4:14PM arrived)*

Staff:
Meg Trudel *Aye*
Catherine Ancero *Aye*
Leslie Snell *Aye*

II. Approval of the agenda:
Mr. Rector moved to approve the agenda. The motion was duly seconded by Vice-Chair Iverson and the motion was carried unanimously 5-0.

Vote taken by Roll Call:
Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Vice-Chair Iverson *Aye*
Chair Trudel *Aye*

III. Joint Discussion with the Short-Term Rental Workgroup (STRWG) of Potential Warrant Article Ideas for STRs for the 2023 Special Town Meeting:
Recused: John Trudel and Stephen Welch recused.
Representing: Stacie Nicole Smith, Management Director, CBI Short-term Rental Workgroup Facilitator
Discussion: The Planning Board had a discussion involving various members and alternates from different committees. The discussion centered around a proposed Bylaw and Stacie Nicole Smith (Management Director, CBI Short-term Rental Workgroup Facilitator) presented an overview. She emphasized that the draft document shared was a work in progress and hadn't been voted on or approved by the committee. The purpose of the bylaw was discussed including protecting the traditional use of homes as a short-term rental on Nantucket, preserving housing for residents, and minimizing adverse impacts on the local economy. The group expressed interest in prohibiting additional corporations' ownership of residential properties solely for short-term rentals. They aimed to limit the conversion of housing units intended for year-round rentals into short-term rentals. Additionally, they wanted to establish a regulatory structure that would reduce the risk of litigation for residents using their homes as short-term rentals. The proposed bylaw was divided into three parts. The first part consisted of general bylaws that would be presented as one package to the Town meeting. These provisions would only take effect if the Zoning Bylaw passed. The general bylaws included limitations as allowing owners to operate only one dwelling unit as a short-term rental, prohibiting corporate ownership of residential properties for short-tern rentals, and not permitting short term rentals in units deed restricted for affordable or attainable housing. Additionally, there were limitations on occupancy changes during specific months and exemptions for hosed stays. Existing short term rental certificates would be valid until the units are transferred or not renewed. The second component focused on the Zoning Bylaw which would add a definition of short-term rentals and allow them as permissible use in all districts if the general bylaw passes. Lastly the group proposed standalone policies that could be implemented regardless of the general and zoning bylaws. These policies included a 3% community impact fee on non-primary residences with two or more short-term rentals, with at least 35% of the fee dedicated to affordable housing or local infrastructure. There is a proposal for a separate vote where a two-thirds majority would allow 100% of a fee to be dedicated to affordable housing or local infrastructure projects. Kathy Baird (STR Workgroup) wanted clarification on the language regarding the limit of nine occupancy and its status in relation to grandfathering. She was not sure where the language was mentioned. Ms. Baird expresses confusion regarding the conveyance and transfer of Short-Term Rentals (STR) specifically about the ability to operate short term rentals for inheritance purposes or transferring them to other family members. The Board acknowledged these points and agreed that further clarification and details were needed. The Board emphasized that all individuals currently engaged in short term rentals with a permit through the State

would be grandfathered in as specified in the Bylaw not in the Zoning Bylaw. This was considered an important point of the ongoing work. The details regarding legacy families or pass-throughs are not included in the presentation because they are still being worked out with John Giorgio. There were suggestions to use waivers like those used by the Land Bank, however they haven't gotten that far down the road on that item. Ms. Smith clarifies to Ms. Baird that the most recent version of the document sent out includes a grandfathering clause which is denoted as "L". However, it explicitly states that subsection K (related to the limit of nine times during July and August) is not included in the grandfathered provision. Ms. Smith apologies for the oversight. Julia Lindner (STR Workgroup) raises a question regarding the jurisdiction of the general bylaw, suggesting that most of it seems to fall under the authority of the Board of Health rather than the Planning Board. Planning Board Chair Iverson agrees with Ms. Lindner's interpretation stating that currently the registration and nuisance aspects of the bylaw fall under the authority of the Board of Health. However, he acknowledges that there are still details to work out, especially regarding enforcement. Planning Board Chair Iverson mentions the implementation of Granicus for enforcement and suggests that if a hardship provision is included it might be more appropriate for the Zoning Board to handle rather than the Board of Health. Ms. Lindner suggests that a joint meeting between the Planning Board and the Board of Health could provide valuable insights and guidance on enforcement challenges. The Planning Board Chair, Iverson, agrees with Ms. Lindner's point and suggests that Ms. Smith coordinate with Roberto to invite him to a meeting. Ms. Lindner raised the issue of exploring alternatives to full-time short-term rentals in all districts. Ms. Lindner explained that Judy Barrett mentioned that short-term rentals are currently considered a legal residential use, which may have influenced the decision to move forward with the proposed zoning article. She questioned why other options such as accessory use, were not considered. Planning Board Chair Iverson stated that the Planning Board should consider not only the draft policies but also the alternative options proposed by Ms. Lindner. Mr. Rector suggests engaging Judy Barrett and the Town Council to discuss the best approach for implementing regulations on short-term rentals. He mentions that both Judy Barrett and Town Council have advised that the regulations should be placed as a general bylaw. He requests input from Judy Barrett and the Town Council to confirm this recommendation. Town Council John Giorgio recommended that the Work Group propose an amendment to the zoning bylaw to clarify that short-term rental use is not allowed as residential use. This would address pending lawsuits related to short term rentals. Town Council Mr. Giorgio stated that tying the zoning bylaw's use regulation to a general bylaw that regulates the operation of short-term rentals. Ms. Barrett expressed her struggle with the approach of allowing short-term rentals as an allowed use. She has reached peace with the idea because it ties the use to compliance with the general bylaw making it like other uses subject to regulatory schemes. Leslie Snell, Director of Planning stated that allowing short-term rentals as a use in all zoning districts provides clarity and regulating it through the general bylaw offers great flexibility and is easier to enforce than using the zoning bylaw. Town Council Mr. Giorgio mention Chapter 123 includes extensive enforcement provisions including a civil penalty of up to $5000 for violations which would not be available if the regulations were placed in zoning and is another reason why it's better to be in the general bylaw. Peter Khan wanted to bring attention that Paragraph K, which distinguishes between the (four vs. nine) rental opportunities based on whether they are for residents or non-residents. Mr. Khan pointed out that it may have been inadvertently overlooked in the discussion. Mr. Khan emphasized that the principle of treating everyone equally regardless of whether they are involved in short-term rentals seasonally or year-round has been an important aspect throughout their meetings. Treating property owners differently could potentially lead to legal issues especially if there is an economic benefit involved. Mr. Kahn stated that there was concern that the provision discussed which differentiates between the four and nine rental opportunities could face some legal challenges and needs further discussion. The legality of the provision was also a topic of debate, and the Planning Board members were given the opportunity to respond but there were no comments. Mr. Lowell mentioned that there was no zoning until 1971 and now they need to come up with new regulations. Mr. Lowell briefly discussed the challenges of introducing new zoning regulations and the need to strike a balance between rights and controls for development. There was discussion about allowing people who currently own four properties and rent them out to continue doing so. There was a proposal to limit the number of properties to two, but it was later changed to one. The rationale for the change was to support the group's goal of allowing the homeowners to rent their houses but found it challenging for those who own two houses to justify using both as residence. The provision was made to allow only one property to be used for short-term rentals while the other should be primarily used as a residence. This measure aimed to prevent properties from being solely operated as businesses or hotels. There were concerns raised by older property owners with multiple properties who may not necessarily be wealthy but have seen a significant increase in property value over the years. Mr. Lowell questioned the 31-day rental limit imposed by the State. Mr. Lowell expressed feeling deceived by this limitation as it categorizes 31 days as a short-term rental which seems inappropriate for Nantucket where such a duration is considered a long rental. Short-term rentals were never an issue until 2019 and he questioned whether there would be room for future changes in the current draft of the bylaws particularly in relation to rental duration restrictions. The discussion was centered around managing short-term rentals in a manner that can evolve and adapt to the changing needs and circumstances, making it a sensible approach to navigate through this new and unprecedented territory. The discussion touched on the need for careful consideration of individual cases, the potential for adjustments to the bylaws in the future and the appropriate Board to handle short-term rental regulations. It was clarified that the group aimed to create a mechanism for hardship or exceptional cases that may arise due to the new bylaws. The provision was intended to prevent someone from losing their home if they faced unforeseen circumstances that clashed with the regulations. The aim was to create regulations that support homeowners who need to rent their properties while also preserving the integrity of neighborhoods. Jim Sulzer (STRWG) compared the concept of equal treatment to fairness in the context of students with different needs. He emphasized that Nantucket has a special need to prioritize the housing situation of its year-round residents. He argued that fairness may not always mean treating everyone equally. Mr. Sulzer stated that in this case the consideration was to create an exemption for year-round residents due to the unique challenges they face in finding affordable housing. Ms. Biard stated that there is a rule that permits only one dwelling to be rented out on a property. The concern is that this rule might be problematic for year-round residents who might want to rent out a property to support their child's education or other financial needs. Ms. Biard is seeking input and data from the Planning Board on this matter to ensure that bylaws have broad and overwhelming support before being passed. The goal is to address concerns and ensure unity within the community on these regulations. Ms. Biard suggests creating a package of regulations where certain measures are universally supported and others are optional for voters. She proposes that the optional measures could be voted on as part of the Zoning Bylaw and if passed would be linked to it. The main concern being discussed is the restriction on renting out multiple dwellings on a property. Chair Iverson stated that the concern is that allowing two dwellings to be rented out might double the number of STRs which goes against the public sentiment that prefers fewer STRs in the community. Chair Iverson stated that the flexibility of a bylaw allows for adjustments if it's not effective. He stated that most of the participants in the Workgroup seemed to agree that they would not support having multiple STRs on one property. The workgroup has made significant progress and the Planning Board has provided valuable suggestions. Chair Iverson suggested that Stacy and Roberto collaborate on including Roberto in one of the short-term rental workgroup meetings. Roberto Santamaria stated that there are regulations that need to be addressed and that he looks forward to this collaboration and thanked everyone. Chair Iverson concluded the meeting without the need for a vote and thanked Stacy and the members of the Short-Term Rental Work Group for their presence and insightful questions.

Note: John Trudel returned to the meeting at 5:06PM.

IV. **Election of Officers:**

- **Chair** *(currently John Trudel)*
- **Vice Chair** *(currently Dave Iverson)*

Discussion: The process for nominations and elections was clarified. There was an inquiry about whether the Board could make multiple nominations for both the Chair and Vice Chair positions simultaneously, but it was explained that nominations are made one at a time. Voting first for the Chairperson and subsequently for the Vice-Chair. Chair Trudel nominated Dave Iverson for the Chairperson role and asked for a second but was clarified that seconds are not necessary for nominations. It was explained that after a nomination is made the Board should inquire if there are any additional nominations. If there are none the nominations are closed, and the Board can proceed with a vote. There were no other nominations for the chairperson and the Board proceeded to call for a vote. Mr. Iverson abstained from voting for himself. The vote was counted, and Mr. Iverson was elected as the new Chairperson. There was the question of whether Mr. Iverson, as the new Chairperson, would be making the nomination for the Vice-Chair position or if others could make the nominations. The new Chairperson, Dave Iverson, indicated that he would defer to John who then nominated Joe for the Vice-Chair position. After the votes were tallied it was confirmed that Mr. Topham had been elected as the new Vice-Chair. Chair Trudel expressed his relief at passing on the Chairmanship and handed the meeting over to the new Chairperson Iverson and handed the meeting over to Mr. Iverson, congratulating him and wishing him well. Mr. Rector thanked John for his service and time as the chair.

V. <u>Annual Appointments:</u>

- **Coastal Resiliency Advisory Committee** *(currently Carl Borchert)*
  Mr. Borchert was asked if he was willing to continue his role on the committee and he expressed his interest in staying on, stating that his work had just begun, and he was eager to continue. There was a discussion about the protocol for accepting nominations and interest. It was clarified that a motion was not necessary, and individuals interested in the role could express their willingness. The rest of the Board confirmed their support for Mr. Borchert to remain on the Coastal Resiliency committee and it was decided that a vote was not required.

  Motion/Vote: Mr. Topham made a motion to nominate Carl Borchert on the committee. The motion was duly seconded, and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>
John Trudel Aye
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Iverson *Aye*

- **Cannabis Advisory Committee** *(currently Abby De Molina)*
  Mr. Trudel nominated Ms. De Molina on the committee. Ms. De Molina expressed her continued interest.

Motion/Vote: Mr. Trudel made a motion to nominate Ms. De Molina on the committee. The motion was duly seconded, and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>
John Trudel Aye
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Iverson *Aye*

- **Community Preservation Commission** *(currently John Trudel)*
  Mr. Trudel expressed his willingness to speak on the matter and mentioned his past involvement with the CPC. He conveyed his appreciation for serving on the CPC Board and noted its significance in his role. However, he acknowledged that Mr. Topham had also served on the Board in the past. Mr. Trudel would be willing to step aside from the CPC to allow Mr. Topham to continue the work he had been

doing during his time on the CPC. had a desire to join the Board due to his previous position. Mr. Topham stated that there was unfinished business related to making plaques, taking photo documentation, and obtaining CPC funding for property restoration efforts. Mr. Topham confirmed his interest in rejoining the CPC. Mr. Trudel officially nominated Mr. Topham for the position and there were no other nominations.

Motion/Vote: Mr. Topham made a motion to nominate Joseph Topham for the commission. The motion was duly seconded, and the motion was carried unanimously.

Vote taken by Roll Call:
John Trudel *Aye*
Vice-Chair Topham *(Abstained)*
Barry Rector *Aye*
Nat Lowell *Aye*
Chair Iverson *Aye*

Mrs. Trudel suggested voting the secondary, garage apartment and the tertiary dwellings into a single vote.

VI. Secondary Dwellings:

- **Susan Grey, 34 Essex Road**
- **Benjamin Norman, 5 Doc Ryder Drive**

Discussion for 5 Doc Ryder Drive: Vice-Chair Topham raised concern regarding the site plan for 5 Doc Ryder Drive, particularly the structure on the east side of the new Pavilion, that the structure potentially encroaching into the setback area. Vice-Chair Topham expressed concern that the owner might build something that violates the setback rules. Ben Norman, the Applicant responded that the appendages are an outdoor shower and a fencing feature. He clarified that the outdoor shower's floor is made of patio surface which qualifies as a fence and that to his understanding it's not a setback encroachment. The fence won't be physically attached to the main structure.

VII. Garage Apartments:

- **Kathryn Cook, Trustee, 85 Low Beach Road**

VIII. Tertiary Dwellings:

- **Kathryn Cook, Trustee, 85 Low Beach Road**

Motion/Vote: Mr. Trudel moved to approve all the second dwellings, garage apartments and the tertiary dwellings listed above per staff recommendation. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

Vote taken by Roll Call:
John Trudel *Aye*
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Iverson *Aye*

IX. ANRs

- **Timothy A. Parsons - 33 Hinsdale Road**
- **Town of Nantucket - 7 Amelia Drive**
- **K22s LLC - 126 & 126R Main Street**

- **K22s LLC - 126 & 126R Main Street,** *Perimeter plan*
- **Eric W. Goddard, Trustee of the Meadow View Pond Trust - 54 & 56 Meadow View Drive**
- **Robert B. Martin & Robin K. Martin - 3 & 9 South Mill Street**
- **Lord Family LLC & Brer Rabbit LLC – 15 & 19 Coffin Street** *Siasconset*
- **Allura M. Duffy, Trustee - 85 Fairgrounds Road**
- **Mark F. Perron and Thomas Decunto – 1 Hatch Circle**
- **Town of Nantucket, Milestone Road, Nobadeer Farm Road, & Hinsdale Road**

Mrs. Trudel request 85 Fairgrounds Road and the Town roadway yard sale taking in conveyance for Milestone Road, Nobadeer Farm Road, and Hinsdale Road to be removed because these items are not ready for a vote, one is a re-sign that does not require a vote and the other was a placeholder. Both these two agenda items will be removed from the agenda.

Chair Iverson listed the ANRs that will require a vote.

Motion/Vote: Mr. Rector moved to approve all the ANR applications listed by the Chairman Iverson in accordance with the recommendations in the staff report. The motion was duly seconded by Mr. Mr. Trudel, and the motion was carried unanimously 5-0.

Vote taken by Roll Call:
Barry Rector *Aye*
John Trudel *Aye*
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

X. Previous Plans

- **60-62 Walsh Street,** *modification to a previously approved second dwelling*

This was a previously approved modification and a second dwelling on the property. There was a discussion regarding the actual construction does not match what was initially agreed upon in the permit. The Board recalls a prior discussion involving this matter which spanned over two meetings. The main discussion was regarding the approval of a second dwelling which included the approval of a second driveway for access to a garage. There was a debate on how the driveway leading to the garage should be designed so that it doesn't visually resemble a traditional driveway. The initial agreement was to have two shell tracking pads as the driveway surface into the garage, but the actual construction turned out to be a cobblestone driveway that Mrs. Trudel was unable to sign off on the permit. The options were for the applicant to either request a change in the driveway material approval from the Board or reconstruct the driveway to match the original approved plan. Mrs. Trudel stated that there is a correction in terms of the driveway material indicating it was a crushed shell not cobblestone. Mr. Trudel stated that he recalled this and that this was at a time when there were a lot of contentious debates regarding second dwellings particularly near Town. Mr. Trudel expressed dissatisfaction with the apparent disregard for the earlier discussions and suggested that the Board should stand by the original approval and design rather than approving the current proposal. Mr. Topham stated that he hadn't participated in the first meeting but believed that the cobblestone pads with grass in between could have a lesser visual impact compared to the shell driveway. He felt that these pads were less intrusive and might be a better solution overall despite Mr. Trudell's concerns. Chair Iverson asked for clarification that the driveway is currently shell. Mrs. Trudel said yes, it is shell now which was not approved. Mr. Rector asked the reason for the change. Mrs. Trudel stated that the change appears to be related to mitigating visual impact possibly to avoid the appearance of a driveway. Mrs. Trudel stated that this all came about signing off on a building permit before issuing a Certificate of Occupancy (CO). Elizabeth Orourke explains that the decision to change was due to construction needs and potential damage to the area with two small tracks during construction, potentially turning the area into a mud hole. As construction was taking place around the Fourth of July the urgency of completing the project before the client's arrival led to the decision to keep it that way temporarily. Ms. Orourke continued to explain that after the initial decision was made the condition persisted not of malicious intent but due to time constraints. When the driveway was inspected, it was brought to attention. The HDC approved the driveway as an all-shell driveway with Belgian block at the garage, there was discrepancy between the HDC's approval and the Planning Board's approval which had a different configuration. The client favored the shell driveway option because the area is susceptible to flooding and using shell instead of grass would mitigate potential damage caused by driving the area. Mr. Welch stated that if he had been involved with the HDC application he would have spoken up. Based on the information in the application it appeared to have been approved on consent. Chair Iverson expressed concern about the process of approving projects and then not seeing them executed as approved. He stressed the importance of maintaining consistency and being considerate of the message sent when changes occur without apparent justification. Chair Iverson stated that if the Board is going to allow changes there should be well-thought-out reasons for doing so. He expressed concern that if changes are made without sufficient justification, it could reflect poorly on the Board's credibility and support. Mrs. Snell stated that there were concerns raised about how staff proceed in situations like this. Mrs. Snell stated that if a driveway is constructed using materials like pea stone or Belgian block that meet zoning bylaws, it wouldn't require attention and would be approved automatically. However, this specific case involved a second driveway and had multiple meetings due to the specific materials used which led to their being put back on the agenda. Chair Iverson questioned whether any Board members had visited the site prior to the meeting. No such visits were reported. Chair Iverson suggested postponing the decision to the next meeting to allow the Board members to visit the site before making a final determination. The Board agreed with him. Mr. Lowell requested to obtain minutes from previous meetings to better understand the details and context.

Motion/Vote: Mr. Lowell moved to continue with the July meeting. The motion was duly seconded by Mr. Topham and the motion was carried unanimously.
Vote taken by Roll Call:
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
Barry Rector *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

- **#7661 Woodland Hill Subdivision,** *re-endorse legal documents*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: Vice-Chair Topham
Documentation: File with associated plans, photos and required documentation
Activated: None
Discussion: Mrs. Trudel stated that this pertains to re-endorse legal documents that had previously been approved and endorsed but had become stale dated while waiting in the pickup bin. The applicant is seeking a redo of the endorsement process.

Motion/Vote: Mr. Rector made a motion to re-endorse the legal documents. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

Vote taken by Roll Call:
Barry Rector *Aye*
Nat Lowell *Aye*
John Trudel *Aye*

Chair Iverson *Aye*

- **Westmoor Club,** *partial release of restrictive covenant*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Discussion: Mrs. Trudel stated that the request from the Westmoor Club is for the Board to endorse a partial release of a restrictive covenant specifically for property at 100 Cliff Road. Mrs. Trudel stated that the approval for this release had been previously granted in theory when the lot was released from the MCD. This was done through a minor modification without requiring a public hearing as the request was deemed insignificant enough. This earlier action was then followed by an endorsement of an architectural review document. The current request is considered a formality to ensure a clear title and has been made by the Applicant's attorney.

Motion/Vote: Mr. Rector made a motion to re-endorse the legal documents. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

- **4 Hanabea,** *minor modification to the site condition & reducing size of one parking space*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham
Alternates: Stephen Welch, Carl Borchert and Abby De Molina
Recused: None
Documentation: File with associated plans, photos and required documentation
Activated: None
Discussion: Mrs. Trudel stated that the applicant is seeking a modification to address the length of an on-street parking space which needs to be reduced by three feet to accommodate the property line and the garage bay access. Also, they are requesting an increase in the width of the driveway material, replacing a grass strip with a stone or brick area. The staff did a site visit and support this request. The reduction in parking space length does not affect parking calculations as it's an on-street space outside the property line. There is no need for a compact car sign. The modification request does not alter their parking calculations and the parking calculations will be reviewed separately for a change of use application.

Motion/Vote: Mr. Trudel made a motion to approve the minor modification to the site and the reduction in the size of one parking space. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>
John Trudel *Aye*
Nat Lowell *Aye*
Vice-Chair Topham *Aye*
Barry Rector *Aye*
Chair Iverson *Aye*

- **Dillion Court,** *Form J Lots 34 & 35*

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Discussion: Mrs. Trudel stated that these two lots were originally created around 2008-2009 and the structures on them were already in existence. The Applicant hadn't previously requested the Form J lot release and now they are seeking this release for these lots as a form of housekeeping.

Motion/Vote: Mr. Rector made a motion to approve the endorsement of Form J and release the two lots requested. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>

Barry Rector *Aye*
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

XI. <u>Preliminary Plans</u>

- **Carl H. Sjolund, Trustee and Julie A. Fitzgerald, Trustee Carl H. Sjolund Trust -2023 - 24 Appleton Road & 3 Nobska Way**

Voting: (Chair) John Trudel, Vice-Chair David Iverson, Nat Lowell, Barry Rector and Joseph Topham

Alternates: Stephen Welch, Carl Borchert and Abby De Molina

Recused: None

Documentation: File with associated plans, photos and required documentation

Activated: None

Discussion: Mrs. Trudel stated that the purpose of this plan is the initial step for a freeze plan filing. The freeze plan has been submitted to the Town Clerk ahead of the Town Meeting and will be followed by an Approval Required (AR) definitive subdivision plan filing to enact the freeze. The process has a seven-month timeline.

Motion/Vote: Vice-Chair Topham made a motion to have staff write an approval letter. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>

Vice-Chair Topham *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
John Trudel *Aye*
Chair Iverson *Aye*

XII. <u>Discussion of ATM 2023 Article 83 Outcome</u>

The NP&EDC had previously sent a letter to the Select Board regarding the outcome of Article 83 from the 2023 Town Meeting. matter and now the Planning Board members are discussing their role and potential impact of a home rule petition. The focus is on how the proposed changes might affect the terms and roles of elected Planning Board members who also serve the Planning Commission members. There was a brief discussion of a potential alteration of Planning Commission terms by a Town Meeting vote in which the Planning Board discussed whether they should send a separate letter regarding this matter. Mr. Lowell explains that the Planning Commission currently has a good mix of members including elected and appointed representatives from various areas such as the Select Board, Housing Authority and Conservation Commission. He emphasized that the current setup is effective even though there is room for improvement. Mr. Lowell stated that he acknowledges the issue of turnover and that the Planning Commission consistently sees changes in membership over time. Mr. Lowell stated that the challenge of finding willing participants on an island is the limited pool of potential members. Ms. De Molina addressed a point raised by Mrs. Snell, suggested that the Board should consider discussing a significant disconnect between the elected Planning Commission members who were chosen by a much larger voting population and the smaller number of people who attend Town Meetings and make decisions. Ms. De Molina believes that if the Board were to write a letter to the State, they should emphasize this concern. Ms. De Molina recommends that the letter highlight this issue along with other concerns previously identified by the NP&EDC. Ms. De Molina commends Mary Longacre for doing a good job addressing the points raised by the NP&EDC in their letter. Ms. De Molina emphasized the importance of the State understanding the technical issues and the potential inconsistency of having a Planning Board without involvement in the Planning process itself. Chair Topham supports Ms. De Molina points and that these aspects should be emphasized in the letter. He stated that he ran for his position with specific intentions and notes the significance of having a comprehensive letter that reflects various perspectives and concerns. Mr. Rector stated that he wants to address of sending a letter from the Planning Board to the Select Board and other relevant parties to facilitate the proposed changes. Mr. Trudel interjects and suggests that Mr. Rector might want to let others speak before he shares his thoughts given that he plans to provide an extensive statement. Mr. Trudel briefly states that he had abstained from a vote at the previous NP&EDC meeting and proceeds to clarify his stance on the issue. He stated that he will continue to abstain from any related votes due to his reasons despite agreeing with his Board members. Mr. Trudel emphasized his alignment with the Board's views, including points about the elected position and representation. Mr. Trudel stated that his abstention is not due to disagreement but stems from his perspective on abstaining as a formal decision. He clarifies the formal definition of "abstain" which means to formally decline to vote either for or against a proposal or motion. He stated that this might appear as if he's avoiding taking a stance, but he explains that he's committed to this choice based on his perspective of adhering to the process. Mr. Trudel emphasized that he supports his Board while upholding his belief in the process itself. Mr. Rector addressed his Planning Board peers and asked them a series of questions and requests simple hand gestures or responses for clarity. Mr. Rector proceeds to share his perspective on the recent Town Meeting and the discussions surrounding the issue. He expresses his concern and disappointment with the misinformation presented at the meeting. He points out the importance of long-range planning and the Board's commitment to the NP&EDC. Mr. Rector emphasizes the Boards role in advocating for the good planning practices and the need to consider the long-term implications of decisions. He highlighted the importance of the Planning Commission's continued involvement in the process. Mr. Rector expresses the significance of one vote and how it could have shifted the entire outcome. He cites a quote from Mahatma Gandhi about speaking the truth and acting accordingly. He urges the Board to speak out and take action in light of the situation. Chair Iverson expressed concern about the potential loss of institutional memory within the Planning Commission if term limits are implemented. He stated that experienced members contribute significantly to the Board's effectiveness and expressed their serious problems with this aspect of the proposal. He mentions the importance of institutional memory, citing examples like Jack Gardner's long tenure and Nat Lowell's expected extended term. He stressed the value of this institutional memory of the Planning Commission's functionality. Ms. De Molina raises a quick question about whether other Towns in the state have similar term limits for their Boards or Commissions. She wonders if implementing term limits might set their Town apart from others. Mrs. Snell stated that she reached out to the chairman of their MARPA Board, and she was unaware of any other RPAS with term limits, she asked the question in an email in which no one responded. Chair Iverson stated that he respects Mr. Trudel's position while emphasizing the importance of transparency regarding their opposition to term limits. He wants it to be understood that they're not trying to suppress any viewpoints but rather openly sharing their stance against the proposal. Mr. Lowell briefly stated that there is an upcoming joint meeting in which various plans will be discussed such as the sewer plan, water company plan and Strategic plan. Mr. Lowell points out the challenge of effectively communicating complex issues at Town Meetings especially when there is no regulatory authority vested in the NP&ED. He stated that while there is a perception of the Planning Commission having significant authority it's limited, and they cite an anecdote from the past to support this. Mr. Lowell reflects on a conversation with former Board Frank Spriggs from many years ago emphasizing the significance of the NP&EDC's relationship with the state. He pointed out that the Commission's role and status hold greater importance at the state level than on the local level. Mr. Lowell mentioned the unique position of Nantucket as the only community with this specific setup comparing it to Martha's Vineyard where there is a similar dynamic but with more members and power. He expressed the importance of ensuring that the public understands how the Commission functions before making any changes to its structure. He indicated with the ongoing efforts to work on changes and suggested that some of these changes may already be in progress and some of which align with certain articles proposed by Hillary. Mr. Lowell expressed opposition to term limits and the idea of Planning Board members disappearing. Vice-Chair Topham expresses frustration with the lack of opportunity for open discussion and debate during Town Meetings. He wishes that fact-checking and discussion could happen before a vote is taken as he believes it would better serve the importance of long-term and short-term Planning decisions for Nantucket. Vice-Chair Topham feels that the current approach of quickly moving to a vote without sufficient debate does a disservice to the Town Meeting process.

Motion/Vote: Mr. Rector made a motion to compose and send a letter to the Select Board and possibly the State outlining the Planning Commission's objections to Article 83 and its passage through Town Meeting, signed by the Chair. The motion was duly seconded by Vice-Chair Topham, and the motion was 4-0 with Mr. Trudel abstaining from the vote.

<u>Vote taken by Roll Call:</u>
Barry Rector *Aye*
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
John Trudel *Abstained*
Chair Iverson *Aye*

After the vote Mr. Rector suggested potentially involving the Finance Committee (FinCom) in the future but it was suggested to focus on the current step of sending the letter to the Select Board and possibly the State.

XIII. <u>Adjournment</u>:

Mr. Trudel moved to adjourn the meeting at 6:17PM. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

<u>Vote taken by Roll Call:</u>
John Trudel *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

Submitted by: Catherine Ancero