



Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes Remote Participation via Zoom Webinar February 8, 2024 @ 4:00 PM

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

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

Alternates: Stephen Welch, Abby De Molina (ABSENT) and John Kitchener

Staff: Leslie Snell (Director of Planning), Meg Trudel (Senior Planner), William Saad (Land Use Specialist), and Catherine Ancero (PLUS Administrative Specialist)

PLANNING BOARD AGENDA

02-08-2024

(Subject to change)

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

*The complete text, plans, application, or other material relative to each agenda item are available for inspection digitally. Email requests may be sent to wsaad@nantucket-ma.gov *

**Participation in Public Hearings and Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the below link to register for Zoom participation. Contact mtrudel@nantucket-ma.gov with any questions. **

Zoom Registration Link (for participation):

https://us06web.zoom.us/webinar/register/WN_WdKNPpQHSdObl6b8brjipw#/registration

**this meeting will be audio and video recorded **

YouTube Link (to view only):

https://www.youtube.com/live/IP7erYs14aw?si=JWxFJR_8sCyRpZJq

I. Call to order:

Chair Iverson called the meeting to order at 4:02pm.

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:

Vote taken by Roll Call:

Vice-Chair Topham *Aye*

Nat Lowell *Aye*

Barry Rector *Aye*
Chair Iverson *Aye*

Alternates:

John Kitchener *Aye*
Stephen Welch *Aye*

Staff:

Leslie Snell *Aye*
Billy Saad *Aye*
Catherine Ancero *Aye*
Megan Trudel *Aye*

II. Approval of the agenda:

Motion/Vote: Mr. Lowell moved to approve the agenda. The motion was duly seconded by Vice-Chair Topham and was carried unanimously with a vote of 4-0.

Vote taken by Roll Call:

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

III. Public Hearings:

• **Article 38 – Zoning Bylaw Amendment: Height Limitation – Affordable Housing**

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, and Barry Rector

Alternates: Stephen Welch and John Kitchener

Recused: None

Documentation: File with associated plans, photos and required documentation

Discussion: The Planning Board held a discussion to discuss Article 38, a proposed Zoning Bylaw Amendment regarding height limitations for affordable housing. Currently the height limit is set at 3 feet by right with a Special Permit allowing up to 37 or 38 feet. The proposed amendment seeks to increase the by right height limit to 40 feet if 250% of the units within a structure are eligible for affordable housing. It includes the commercial neighborhood district and allows for up to 40 feet with a Special Permit under similar conditions. Some Board members suggested considering amendments to the proposal, such as removing the need for a Special Permit for housing or involving the Historic District Commission (HDC) in the review process early on. There were concerns raised about the new development fitting into the existing neighborhood context and considering future changes in building height standards. Chair Iverson opened the floor to the public. There were no public comments and concerns.

Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

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

Motion/Vote: Mr. Rector moved to give a positive recommendation to Article 38 and that it falls under Housing Choice for Reason #7 with a voting threshold of 50%. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Vice-Chair Topham *Aye*

Nat Lowell *Aye*

Chair Iverson *Aye*

• **Article 46 - Zoning Map Amendment: RC-2 to CMI or CTEC – 43 Nobadeer Farm Rd**

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, and Barry Rector

Alternates: Stephen Welch and John Kitchener

Recused: None

Documentation: File with associated plans, photos and required documentation

Discussion: There was a recommendation not to adopt the zoning change yet. The property owner has been cooperative in pursuing the change, but the plans for their property are not finalized. The Board suggested continuing to work cooperatively with the owner. Chair Iverson opened the floor to the public. Linda Williams stated that the property is already developed and has plans approved by the Board. The Board members pointed out that there isn't much potential for major changes between now and the next public hearing. The public hearing was closed after some procedural discussion.

Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Nat Lowell *Aye*

Vice-Chair Topham *Aye*

Chair Iverson *Aye*

Motion/Vote: Mr. Rector moved to not adopt Article 46 The motion was duly seconded by Vice-Chair Topham and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

Barry Rector *Aye*

Vice-Chair Topham *Aye*

Nat Lowell *Aye*

Chair Iverson *Aye*

• **Article 53 - "R" Zoning Map Amendment: LUG-2 to R:20 – 25 Rugged Road (Schreiber)**

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, and Barry Rector

Alternates: Stephen Welch and John Kitchener

Recused: None

Documentation: File with associated plans, photos and required documentation

Discussion: The Board discussed Article 53 concerning a zoning map amendment from LUG-2 to R-20 at 25 Rugged Road. The proposal is for a portion of land for Irene Schreiber, a retired homeowner, to preserve her residence. The property's location is near sewer access and existing development patterns. Chair Iverson opened the floor to the public. Emily Molden from the Nantucket Land and Water Council expressed her opposition to the proposed change, citing concerns about its alignment with community needs, affordable housing initiatives, and zoning integrity. Tobias Glidden raised concerns regarding potential changes to the neighborhood's character and zoning regulations. There was debate over the necessity of the zoning change and its potential impact on the surrounding area. Some of the Board members expressed reservations about the proposal while others highlighted the unique circumstances of the property and the need for flexibility in zoning decisions. Suggestions were made to include narratives explaining the zoning situation and its implications.

Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

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

Motion/Vote: Mr. Lowell moved to give a positive recommendation, with additional comments to clarify the proposal's context and implications and that it falls under Housing Choice for Reason #7 with a voting threshold of 50%. The motion was duly seconded by Vice-Chair Topham, and the motion was carried with a vote of 3-1 with Chair Iverson opposed.

Vote taken by Roll Call:

Nat Lowell *Aye*
Vice-Chair Topham *Aye*
Barry Rector *Aye*
Chair Iverson *Nay*

• **Article 59 - "Q" Zoning Bylaw Amendment: Regulating Residential Rental Use (Cohen)**

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, and Barry Rector

Alternates: Stephen Welch and John Kitchener

Recused: None

Documentation: File with associated plans, photos and required documentation

Discussion: The focus on Article 59 was on the Zoning Bylaw amendment concerning the regulation of residential rental use. Attorney Steve Cohen explained that the article aimed to clarify the legal situation surrounding short-term rentals (STRs) and to establish rules within the zoning code. Attorney Cohen stated that the rental of a residential property is not considered a commercial activity under current legal interpretation and the article sought to codify this understanding to prevent lawsuits between neighbors. Attorney Cohen proposed several technical changes to the article such as removing extraneous language and ensuring consistency in definitions between long-term and short-term rentals. Attorney Cohen also suggested adjustments to improve clarity and enforceability. Concerns were raised about potential lack of sufficient regulations and the need for guardrails to prevent unintended consequences once the article is adopted. Some of the Board members expressed reservations about potential future restrictions and the need for additional safeguards. Chair Iverson opened the floor to the public. There were no public comments.

Motion/Vote: Mr. Rector moved to close the public hearing. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 4-0.

Vote taken by Roll Call:

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

Motion/Vote: Mr. Rector moved to give a positive recommendation to the Town meeting. The motion was duly seconded by Vice-Chair Topham, and the motion was carried 3-1 with Chair Iverson opposed.

Vote taken by Roll Call:

Barry Rector *Aye*
Vice-Chair Topham *Aye*
Nat Lowell *Aye*
Chair Iverson *Nay*

IV. Other Business:

- Review ATM 2024 Warrant Article motions and comments
- Planning Board regular meeting – Monday, February 12, 2024, at 4PM via Zoom

XIII. Adjournment:

Mr. Rector moved to adjourn the meeting at 5:42PM. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously with a vote of 4-0.

Vote taken by Roll Call:

Barry Rector Aye

Nat Lowell Aye

Vice-Chair Joseph Topham

Chair Dave Iverson

Submitted by Catherine Ancero

***Link to the Planning Board packet:**

https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_02082024-13487?html=true

