Nantucket Planning Board

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

Board Members: David Iverson (Chair), Joseph Topham (Vice-Chair), Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)*, and John Kitchener

Alternates: Stephen Welch, Abby De Molina *(Remote participation)*, Howard Matz

Staff: Leslie Snell (Director of Planning), Meg Trudel (Senior Planner), William Saad (Zoning Administrator/Land Use Specialist) *(Remote participation)*, and Catherine Ancero (Administrative Specialist)

APPROVED MINUTES OF 07-15-2024
PLANNING BOARD AGENDA
07-15-2024

(*Subject to change*)

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

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

Webinar Registration Link:

https://us06web.zoom.us/webinar/register/WN_D_Uiuof6Q7-B9KQgiFTKXA#/registration

To view the meeting only, see link below:

https://www.youtube.com/watch?v=q_CvyGrAeig

I. Call to order:

Chair Iverson called the meeting to order at 4:05pm.

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.

Chair Iverson welcomed and introduced new alternate member Howard Maltz.

The meeting is being audio and video recording, and all votes will be conducted via roll call. Attendees on Zoom are required to use their real names for accurate minute-keeping. The Chair will recognize both in-person and Zoom participants when it is their turn to speak. Attendees are requested to mute themselves when not speaking.

Vote taken by Roll Call:
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*

John Kitchener *Aye*
Chair Iverson *Aye*
Stephen Welch, *Aye*
Abby De Molina *Aye (Remote participation)*
Howard Matz *Aye*

Staff members:
Leslie Snell *Aye*
Meg Trudel *Aye*
Billy Saad *Aye*
Catherine Ancero *Aye*

II. Approval of the agenda:

Vice-Chair Topham moved to approve the agenda. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously.

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

III. Public Comment:

There were no public comments.

IV. Town Meeting Process Overview, Town Moderator- Sarah Alger

Town Moderator, Sarah Alger provided an overview of the Town meeting process. Ms. Alger explained that the Select Board sets the agenda however the meeting itself is governed by the voters, with her role being to facilitate discussion and make sure rules are followed. The distinction between warrant articles and motions and how motions must relate to their corresponding articles. The concept of scope, making sure motions are consistent with the original articles, preventing significant changes that voters wouldn't expect. The process for amending motions which include technical amendments, friendly amendments, and more substantive amendments. Technical amendments are typically simple fixes, while substantive amendments may require more discussion and are less likely to be adopted if they are complex. Procedures for introducing and debating articles and motions, including time limits for speakers and the importance of providing written amendments in advance when possible. No questions were raised by the Board members.

V. Public Hearings, Zoning Articles for the Nantucket 2024 Special Town Meeting

- **Article 8 - Zoning Bylaw Amendment: Extension of Existing Demolition Delay Bylaw (Bergman) –** to amend Section 139-26A "Issuance of building and use permits" to change the current requirements so that a Certificate of Appropriateness must be issued prior to the publication of the notice offering the structure for reuse; to extend the deadline for an interested party to move the structure from 60 days to 180 days; to extend the response time to the public notice from 30 days to 180 days; and add a requirement that a certified copy of the Certificate of Appropriateness must be included with an application for a building permit when applicable.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz

Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Meg Bergman, the proponent of this article
Discussion: Ms. Bergman presented the proposed bylaw amendment, proposing to extend the existing demolition delay bylaw. Ms. Bergman clarified that while the intent is to extend the deadline for moving structures with reuse potential from 60 to 180 days, the response time for expressing interest remains at 30 days, not extending to 180 days as previously stated. The Bylaw originally sponsored by former Planning Board member Mark Beale in 1997, to provide a time frame for relocating structures approved for demolition by the Historic District Commission. Currently, structures are advertised for 30 days, with an additional 30 days given for moving them if an interested party steps forward. Ms. Bergman stressed the challenges, such as a moratorium on moving buildings between June 15th and September 15h, except during specific hours. Utility companies require a 45-day engineering review before any house move. This short timeline often hinders the ability to move building effectively. Housing Nantucket typically takes 12 to 18 months to move a house, indicating that the current 60-day window is insufficient. Extending the timeline to 180 days would better align with the time needed for these processes, promoting the retention and reuse of housing stock and reducing demolition waste. Other towns in Massachusetts generally have demolition delays ranging from six months to a year. Nantucket is among the few with a delay of fewer than six months. The Historic District Commission discussed this article and showed support, with a six out of eight Commissioners in favor. The Nantucket Historical Commission also weighed in positivity. Ms. Bergman stressed that the proposed extension is meant to facilitate not hinder, progress in relocating and reusing structures. Mr. Kitchener commented that extending the demolition delay bylaw is a "common sense thing to do". Mr. Kitchener expressed support for the proposal, wishing Ms. Bergman well. Ms. De Molina commended Ms. Bergman for her presentation and mentioned that she had heard the proposal at a previous Nantucket Historical Commission (NHC) meeting. Ms. De Molina stated that the six-month timeline sometimes made people nervous however clarifies that it is up to six months and can be shorter if feasible. Ms. De Molina agreed with Mr. Kitchener's view that the proposal is common sense and added that the NHC also supports it. Vice-Chair Topham recognized Ms. Bergman's intentions and hard work. Vice-Chair Topham supported the intent behind the proposal however raised concerns about its practical implications. Vice-Chair Topham expressed the lengthy process of building approvals and the need for better coordination among involved parties. Vice-Chair Topham questioned why only residential properties were considered and not commercial properties as well. Vice-Chair Topham expressed the importance of involving the HDC in the approval process for demolition and moves. Mr. Welch supported Ms. Bergman's efforts and support for encouraging practical reuse of structures. He questioned the purview of the HDC and the potential legal issues of involving them in matters outside their jurisdiction. Mr. Welch felt that it was necessary to extend the demolition delay period beyond the current timeline to give interested parties more time to respond and act. Chair Iverson opened the floor to the public. Erika Mooney, the Operations Administrator expressed support for this article, highlighting the unrealistic expectations set by the current 60-day timeline. Ms. Mooney discussed the practical challenges involved in house moves, including coordination with utility companies and the need for more time. Ms. Mooney supported the idea of an educational program to help property owners understand the requirements and processes involved in moving houses. Chair Iverson suggested that an organized program involving the Town, HDC and other parties could help streamline the process and save more houses. Also, Chair Iverson expressed the need for a system that could quickly match potential move-on applicants with available properties. Campbell Sutton suggested the idea of a pre-approval process for potential move-on applicants, like a loan pre-approval. Mrs. Snell expressed her concerns about the proposed changes. Mrs. Snell stated that since the implementation of the PLUS system in 2012, there haven't been a significant complaint about owners being forced to demolish buildings. Mrs. Snell said that she is worried about extending the 30-day period to 180 days due to it being a significant jump. Mrs. Snell stated that if a positive motion is considered she has a few technical amendments to suggest. In Section A of the new highlighted language, Mrs. Snell points out that the HDC does not issue Certificate of Appropriateness (COAs) for the use of structures, that part should be deleted. On page 19, Mrs. Snell suggests that the public notice should occur only after the building commissioner's review and the issuance of the COA. On page 20 Mrs. Snell questioned the term "certified copy" of the COA, suggesting it should simply state "signed COA" since a COA is either signed or not. Ms. Mooney clarified that a certified copy is one certified by the Town Clerk's office and is necessary for an HDC appeal, it must be received by the

Town Clerk and certified and is in favor of keeping that language. The Board members briefly discussed these points. Mr. Welch expressed the importance of having sufficient time for an applicant to go through the process. Mr. Welch agrees with the idea of certifying that a COA has been filed with the Town Clerk before a building permit for demolition or move-off is issued.

Motion/Vote: Vice-Chair moved to close the public hearing. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously with a vote of 5-0.

Roll call of Board members:
Vice-Chair Topham *Aye*
John Kitchener *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
Chair Iverson *Aye*

Discussion: Vice-Chair Topham is concerned about the 180-day period, due to challenges like client commitments, and suggests starting the process at the beginning of the HDC submission to streamline it. Mr. Lowell suggests tweaking the article to make it work better. Chair Iverson asked Vice-Chair Topham if he would collaborate with Ms. Bergman to address process issues related to the amendment. The Board decided to give a positive recommendation for the amendment.

Motion/Vote: Mr. Lowell moved to give a positive recommendation to go to Town meeting with a 2/3 vote. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously with a vote of 4-1 with Vice-Chair Topham opposed.

Roll call of Board members:
Nat Lowell *Aye (Remote participation)*
John Kitchener *Aye*
Barry Rector *Aye ((Remote participation)*
Vice-Chair Topham *Nay*
Chair Iverson *Aye*

- **Article 1 - Zoning Bylaw Amendment: Regulating Short Term Rental Use (Select Board) –** to amend Section 139-2 "Definitions and Word Usage" by inserting and defining new terms; to insert a new Section, "139-38: Nantucket Vacation Rental", which details requirements; and to amend Section 139-7A "Use Chart" by inserting "Short-Term Rental" with an "N" in all columns and by inserting "Nantucket Vacation Rental" with an "Y" in all columns except in the Commercial Industrial (CI) zoning district, which will have an "N" with a note "Subject to the requirements of Section 139-38".

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, and Barry Rector *(Remote participation)*
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: John Kitchener
Representing: Jim Seltzer and Charity Benze
Documentation: File with associated plans, photos and required documentation
Discussion: Mr. Kitchener recused himself for articles 1 through 4, however, was permitted to speak as a citizen. Mr. Seltzer briefly discussed their productive collaboration with various stakeholders in the STR article. Mr. Seltzer expressed their intent to protect traditional vacation rentals while limiting investor-only rentals. Mr. Seltzer suggested refining definitions to clarify points of confusion and prevent potential workarounds. Mrs. Snell reminded the Board that Attorney John Giorgio provided comments on what the Board just heard. Attorney Giorgio stated that the subcommittee worked diligently on Article one's bylaw wording. Attorney Georgio expressed concerns about amending warrant articles during Town Meeting. Attorney Giorgio recommended that the Planning Board avoid amendments unless there was a clear error in, the Bylaw's wording, stressing the importance of simplicity and clarity. The possibility of future amendments was acknowledged if the bylaw needs further adjustments after it is implemented. The discussion focused on

making sure that the bylaw's language accurately reflects the Board's intent in regulating who can operate STRs and under what circumstances. There was a lengthy discussion of the complexity of crafting a bylaw that balances community needs, housing protections, and legal considerations with further review and potential revisions needed before final approval. There were several concerns raised such as the definition of 'hosted stay" and the term "operator", which some argued was unclear and potentially open to abuse. There was a request to delete certain provisions to avoid exempting hosted stays from broader regulations, which could be dangerous. Chair Iverson opened the floor to the public. Kathy Warren stated that Darlene Demichele was unable to attend the meeting and requested that her statement be read. Ms. Demichele's concern is about the current STR regulations not addressing a situation in her neighborhood. The issue involves a property owner on Birdsong Lane who leases out two residential dwellings and a guest house to a company called Exclusive Resorts. This company is reportedly filling the property with high turnover rates, with many guests and associated activities, including taxis and cleaning services. The discussion involved defining who qualifies as an "operator" of short-term rentals, and if entities like clubs that lease properties and the sublease them to members would be considered operators under this definition. It was clarified that the zoning bylaw's definition of an operator would only apply to short-term rentals, and not to hotels or bed and breakfast establishments. Concerns were raised about the potential for loopholes that might allow properties in residential areas to be operated like hotels which would undermine the Town's efforts to limit such uses. The Board discussed the difference between the zoning bylaw, which controls land use, and the general bylaw, which controls how short-term rentals are run. Emily Molden speaking for the Nantucket Land and Water Council raised concerns about zoning bylaw amendment regulating short term rentals. Some of the main concerns she had are conflict with existing laws, ownership loopholes and questioned whether the Town has the authority to regulate the number of rental contracts per year as it's not clearly allowed by state law. Ms. Molden proposed specific changes to the wording of the amendment to address these issues. Matt Peel, a workgroup member expressed concerns about arbitrage, where operators might rent properties year-round but the sublet them as short-term rentals for higher profit. Mr. Peele called for eliminating specific clauses. Kathy Baird expressed concern that the proposed regulations might inadvertently prevent locals from renting their properties especially with new homeowners or those downsizing. Ms. Baird mentioned that the bylaw's provisions could lead to a permanent reduction in short-term rentals over time which could conflict with the community's needs. Mary Mack stated that the short-term rental could potentially alleviate the housing crisis if hosted stays were better utilized. Ms. Mack suggested incentivizing homeowners to offer hosted stays by reducing fees or offering discounts to guests. Grant Sanders expressed support for the amendment and stated that its crucial to pass it now and continue refining it in the future. Mr. Welch raised concerns about the definition and interpretation of "hosted stay" in the zoning bylaw amendment for regulating short term rentals. Mr. Welch pointed out that "hosted stay" might misunderstand to include garage apartment rentals and suggested that the definition should clarify that it involves short term rental use. Mr. Welch questioned Section 139-38.1 regarding the restriction on renting multiple dwellings on different lots. Attorney Giorgio suggested modifying the bylaw to clearly include garage apartments as eligible for rental under the same rules that apply to primary and secondary dwellings. Attorney Giorgio proposed that any of the three dwellings (primary, secondary or garage apartment) could be rented separately on a single lot. Chair Iverson commented that overall, the concerns were about the definitions and provisions within the bylaw, and the need for careful consideration and possibly more time to refine the proposal. Chair Iverson expressed concerns about potential regulation of short-term rentals during the offseason with a suggestion to remove any reference to this in the bylaw to avoid future issues.

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

Roll call of Board members:
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
Chair Trudel *Aye*

Discussion: Mr. Rector expressed frustration over the lack of clear data regarding the numbers of garage apartments and short-term rentals. Mr. Rector suggested pausing further changes until definitive data is available allowing the Board to address any issues more effectively based on solid information.
The Board and Attorney Giorgio reviewed and confirmed the proposed changes to the zoning bylaw amendment for regulating short-term rentals. Some of the changes are replace "operator" with "immediate family member" in the definition of "hosted stay"; delete definition of "operator" and all references to it throughout the bylaw; update the language in Section 4 to reflect the suggestions about ownership; remove Section 5 entirely; and add a reference to garage apartments, allowing any two out of three options to be rented separately.

Motion/Vote: Vice-Chair Topham moved to adopt the bylaw with the five amendments and to give a positive recommendation for the article, adding that further comments or refinements might be added later if necessary. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously with a vote of 4-0.

Roll call of Board members:
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
Chair Trudel *Aye*

- **Article 2 - Zoning Bylaw Amendment: Regulating Short Term Rental Use (Benz)** – to amend Section 139-2 "Definitions and Word Usage" by inserting and defining new terms; to insert a new Section, "139-38: Accessory Short-Term Rentals", which details requirements; and to amend Section 139-7A "Use Chart" by inserting "Accessory Short-Term Rental" with an "A" in all columns with a note "Subject to the requirements of Section 139-38".

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, and Barry Rector *(Remote participation)*
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: John Kitchener (Abstained)
Documentation: File with associated plans, photos and required documentation
Representing: Charity Benze, Sponsor of the article
Discussion: Charity Benze presented her article. The article is centered on managing short-term rentals (STRs) to protect Nantucket's residential neighborhoods and preserve the community's quality of life. Ms. Benze expressed concerns about the potential for STRs to decimate the island's housing stock and lead to gentrification. The article proposes several measures, including requiring that property owners or family members occupy the property for 32 days a year to qualify for 28 days of short-term rental. It also limits changes in occupancy to reduce neighborhood disruption. Board members appreciated the effort to protect neighborhoods. Some of the Board members found the article too restrictive especially the limitation on changes in occupancy. Briefly discussed enforcement challenges and whether the proposed measures would be legally sound.

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 with a vote of 4-0.

Roll call of Board members:
Barry Rector *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Chair Trudel *Aye*

Motion/Vote: Vice-Chair Topham moved to take no action. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously with a vote of 4-0.

<u>Roll call of Board members:</u>
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
Nat Lowell *Aye (Remote participation)*
Chair Trudel *Aye*

- **Article 3 - Zoning Bylaw Amendment: Regulating Short Term Rental Use (Cohen) –** to amend Section 139-2 “Definitions and Word Usage” by inserting and defining new terms; to insert a new Section, “139-38: Accessory Short-Term Rentals”, which details requirements; and to amend Section 139-7A “Use Chart” by inserting “Accessory Short-Term Rental” with an “Y” in all columns except in the Commercial Industrial (CI) zoning district, which will have an “N” with a note “Subject to the requirements of Section 139-38”.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener (*Abstained*)
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: The proponent Steve Cohen was not present. Stephen Maury is representing and made a request that the Board to take no action on Article 3 and instead support Article 1. Chair Iverson opened the floor to the public. There were no public comments.

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 with a vote of 4-0.

<u>Roll call of Board members:</u>
Nat Lowell *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
Chair Trudel *Aye*

Motion/Vote: Vice-Chair Topham moved to take no action with a majority vote. The motion was duly seconded by Mr. Rector and the motion was carried unanimously with a vote of 4-0.

<u>Roll call of Board members:</u>
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
Nat Lowell *Aye (Remote participation)*
Chair Trudel *Aye*

- **Article 4 - Zoning Bylaw Amendment: Regulating Short Term Rental Use (Sanders) –** to amend Section 139-2 “Definitions and Word Usage” by inserting and defining new terms; to insert a new Section into the Zoning Bylaw, “Section 139-38: Accessory Short-Term Rentals”, which details requirements; and to amend Section 139-7A “Use Chart” by inserting “Accessory Short-Term Rental” with an “Y” in all columns except in the Commercial Industrial (CI) zoning district, which will have an “N” with a note “Subject to the requirements of Section 139-38”.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener (*Abstained*)
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation

Discussion: Grant Sander suggested that the Board should vote to take no action on this article, with the understanding that if Article 1 and Charity's article fail a positive motion would be offered for Article 4. If either Article 1 or Charity's article succeeds the motion for Article 4 would be withdrawn. Chair Iverson opened the floor to the public. There were no public comments.

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

Roll call of Board members:
Nat Lowell *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to take no action. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously with a vote of 4-0.

Roll call of Board members:
Barry Rector *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Chair Trudel *Aye*

- **Article 9 - Zoning Bylaw Amendment: Apartment Community (Cohen)** – to amend Section 139-8 "Residential Development Options" by adding a subsection for "Apartment Community for Year-Round Housing" which outlines the requirements, special permit granting authority, adjustments and waivers, etc.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: Article 9, citizen petition by Attorney Cohen. The article proposes a zoning bylaw amendment to allow for an apartment community. Staff expressed concerns about the proposal, citing increased density and potential inconsistency with the Town and Country concept. Mrs. Snell stated that the bylaw was repetitive with other sections and required substantial work. Staff suggested taking no action on the article and is willing to collaborate with Attorney Cohen for future improvements. Mr. Rector questioning proper procedural steps were taken especially when specifying the quantum of vote for previous articles. Decisions to revote if necessary to confirm all procedural requirements were met. Chair Iverson opened the floor to the public. Emily Molden, Nantucket Land and Water Council supported staff's recommendations and comments. Kristen Erickson is opposed to the article due to the existing two-acre minimum property requirements in the community. Erika Mooney supported taking no action. Campbell Sutton expressed concerns about high-density housing impacts on mental and physical well-being particularly in smaller lots.

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 with a vote of 5-0.

Roll call of Board members:
Nat Lowell *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
John Kitchener *Aye*
Chair Trudel *Aye*

Mrs. Snell clarified that even if the motion is to take no action the housing choice designation still needs to be made with a simple majority.

Motion/Vote: Mr. Lowell moved to take no action, the housing choice designation requirement with a simple majority vote. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously with a vote of 5-0.

Roll call of Board members:
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
John Kitchener *Aye*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

- **Article 10 - Zoning Map Amendment: CN to R-5 (Select Board for Planning Board) – 1 Beach Grass Road** – to place property located at 1 Beach Grass Road currently in the Commercial Neighborhood (CN) district in the Residential-5 (R-5) district.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: This amendment is to change the zoning from CN to R-5 to correct a previous mapping error. The parcel in question, part of the Sandpiper Workforce housing community was intended to be in the R-5 zoning district, as indicated by all special permits. The proposed amendment would rectify this error without altering the existing permits or the current use of the land. There were no questions or concerns from the Board. Chair Iverson opened the floor to the public. There were no public comments.

Motion/Vote: Vice-Chair Topham moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously with a vote of 5-0.

Roll call of Board members:
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
John Kitchener *Aye*
Chair Trudel *Aye*

Motion/Vote: Vice-Chair Trudel moved to adopt with a positive recommendation with a simple majority. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously with a vote of 5-0.

Roll call of Board members:
Vice-Chair Topham *Aye*
John Kitchener *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
Chair Iverson *Aye*

- **Article 11 - Zoning Map Amendment: LUG-2 to R-5 – 44 Skyline Drive (Maury)**– to place property located at 44 Skyline Drive currently in the Limited Use General-2 (LUG-2) district in the Residential-5 (R-5) district.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener
Alternates: Stephen Welch, Abby De Molina *(Remote participation)* and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation
Discussion: Mr. Maury is no longer supporting this article. Mrs. Snell noted that while she is not a direct abutter to these properties, they are in her neighborhood, so she will abstain from the discussion. She left the meeting at 7:54 PM. Mrs. Trudel provided a brief overview of the proposed zoning map amendment. Chair Iverson mentioned that at the past two or three Town Meetings, the community has expressed opposition to downzoning. As an elected official, he feels compelled to respect the community's stance and finds this change challenging. He then opened the floor to the public. Donna Marie Quinn Hedges of 71 Skyline Drive asked who proposed this article. Chair Iverson replied that the property owner, Clifford Williams, put it together. Stephen Maury explained that when the warrant articles were due, there was discussion about Cliff Williams potentially selling the property, but he decided not to sell and therefore lost interest in moving forward with or representing the article. Mr. Maury also mentioned that he spoke with Cliff this morning, and Cliff intends to call the article at Town Meeting. Ms. Hedges expressed opposition to the article, stating that she does not see any benefit to the neighborhood. She raised concerns about increased traffic, speeding, and the financial burden on homeowners to connect to the sewer system. Patrick Taffe at 21 Okorwaw expressed his concerns about maintaining the character of the area, he also mentioned that the hard work required to own a large lot and opposing further zoning changes that would increase housing density. Erika Mooney (Zoom participant) echoed the same sentiments, the importance of preserving the large lots. Kristin Erickson also spoke against increasing the number of housing units expressing the neighborhood's unique character and the potential negative impact of denser development. Darla Stuckey expressed concern about the significant increase in residents on her cul-de-sac. Campbell Sutton criticized the Board application of Governor Healey's regulation to intensify living situations without considering neighborhood specifics, urged to vote against downzoning. Emily Molden from the Nantucket Land and Water Council echoed many of the concerns and the implications associated with changing from LUG-2 to R-5 zoning. Mr. Lowell agreed with the public's concerns.

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 with a vote of 5-0.

Roll call of Board members:
Nat Lowell *Aye (Zoom)*
Vice-Chair Topham *Aye*
John Kitchener *Aye*
Barry Rector *Aye (Zoom)*
Chair Trudel *Aye*

Motion/Vote: Mr. Lowell moved to not adopt. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously with a vote of 5-0.

Roll call of Board members:
Nat Lowell *Aye (Remote participation)*
John Kitchener *Aye*
Barry Rector *Aye (Remote participation)*
Vice-Chair Topham *Aye*
Chair Iverson *Aye*

- **Article 12 - Zoning Map Amendment: LUG-2 and R-20 to R-5 – 13 and 13A Woodland Drive (Maury) –** to place property located at 13 and 13A Woodland Drive currently in the Limited Use General-2 (LUG-2) and Residential-20 (R-20) districts in the Residential-5 (R-5) district.

Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell *(Remote participation)*, Barry Rector *(Remote participation)* and John Kitchener
Alternates: Stephen Welch, Abby De Molina (Zoom Participant) and Howard Matz
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Stephen Maury
Discussion: Mr. Maury urged the Board to consider the uniqueness of the property being discussed, which abuts commercial areas and dense development. The property was identified in the Town's housing production plan as suitable for housing. Mr. Maury proposed a small-scale cottage as one possible development and expressed that he was open to community preferences and feedback. Mr. Lowell expressed strong opposition due to increase in traffic, overpopulation and preserving the neighborhood's character. Chair Iverson opened the floor to the public. Matt Peel, Jay McConnell, Erika Mooney, Emily Molden, Arthur Gasbarro and Mary Malavase all voiced their opposition. All expressed the negative impact on the neighborhood's character, potential traffic issues, and the need to comply to existing zoning regulations. The neighbors felt that it would alter the community urging the Board to reject the proposal. Board members acknowledged the concerns and Mr. Maury's intentions, however the Board agreed that the proposal was premature and not suitable for the area. The Board expressed the need for a more comprehensive community approach to address workforce housing while preserving neighborhood character.

Motion/Vote: Vice-Chair Topham moved to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously with a vote of 5-0.

<u>Roll call of Board members:</u>
Vice-Chair Topham *Aye*
Nat Lowell *Aye (Remote participation)*
Barry Rector *Aye (Remote participation)*
John Kitchener *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Kitchener proposed a motion to take no action. There was some confusion about the nature of the motion. Mrs. Trudel clarified that making a motion not to adopt the article would mean it could not be revisited for two years unless there were substantial changes. Mr. Kitchener revised the motion not to adopt, with a quantum vote of 50 percent duly seconded by Vice-Chair Topham who accepted the friendly amendment, and the motion was carried unanimously.

<u>Roll call of Board members:</u>
John Kitchener *Aye*
Vice-Chair Topham *Aye*
Barry Rector *Aye (Remote participation)*
Nat Lowell *Aye (Remote participation)*
Chair Iverson *Aye*

VI. Other Business:

- **Planning Board special meeting (if needed) – Thursday, July 18th at 4pm via Zoom ONLY**
  No need for special meeting to be held.
- **Planning Board regular meeting – Monday, August 12th at 4pm Hybrid (4FG and Zoom)**

VII. Adjournment:
Vice-Chair Topham moved to adjourn the meeting at 8:40PM. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously with a vote of 4-0.

<u>Vote taken by Roll Call:</u>
Vice-Chair Joseph Topham *Aye*

John Kitchener *Aye*
Barry Rector *Aye (Remote participation)*
Chair Dave Iverson *Aye*

Submitted By: *Catherine Ancero*

***Link to the Planning Board packet:**
https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_07152024-14066?html=true

**** Link to the Planning Board meeting video:**
https://www.youtube.com/watch?v=q_CvyGrAeig