



Nantucket Planning Board

Planning Board APPROVED MINUTES of 01-09-2025

(Subject to change)

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

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

Alternates: Stephen Welch - ABSENT, Abby De Molina *(remote participation)*, Howard Matz *(remote participation)*

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

Webinar Registration Link:

https://us06web.zoom.us/webinar/register/WN_B-8gRQu_Q06SfpOzxHDrbQ#/registration

To view the meeting only, see link below:

<https://www.youtube.com/watch?v=gWneTAPrZmE>

I. Call to order:

Chair Iverson called the meeting to order at 4:06 pm

Roll call of Board members:

Vice-Chair Joseph Topham, *Aye (remote participation)*

Nat Lowell, *Aye*

Barry Rector, *Aye*

John Kitchener, *Aye (remote participation)*

Dave Iverson, *Aye (remote participation)*

Roll call of Alternate members:

Stephen Welch, Absent

Abby De Molina, *Aye (remote participation)*

Howard Matz, *Aye (remote participation)*

Staff members:

Director of Planning Leslie Snell, *Aye*

Meg Trudel, *Aye*

Catherine Ancero, *Aye*

II. Approval of the agenda:

Motion/Vote: Mr. Kitchener moved to approve the agenda. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Roll call of Board members:

John Kitchener, *Aye (remote participation)*

Nat Lowell, *Aye*

Barry Rector, *Aye*

Vice-Chair Joseph Topham, *Aye (remote participation)*

Dave Iverson, *Aye (remote participation)*

Chair Iverson commented that the meeting is for informational purposes only, with a focus on understanding the articles and their consequences, rather than debating their merits. The goal is for the public to educate themselves and avoid unnecessary questions during the town meeting.

III. Executive Office of Housing and Livable Communities (EOHLC) Comments on Draft Regulations for Accessory Dwelling Units (ADUs):

Discussion: The Executive Office of Housing and Livable Communities is accepting comments on the draft accessory dwelling unit regulations. Mrs. Trudel stated that we would ask that the Board make a motion to authorize staff to submit a comment letter on behalf of the Planning Board.

Motion/Vote: Mr. Rector moved to authorize staff to submit a comment letter on behalf of the Planning Board. The motion was duly seconded by Mr. Lowell, and the motion was carried unanimously.

Roll call of Board members:

Barry Rector, *Aye*

Nat Lowell, *Aye*

Vice-Chair Joseph Topham, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Dave Iverson, *Aye (remote participation)*

IV. Zoning Articles Proposed by Citizens for the Nantucket 2025 Annual Town Meeting:

- **Zoning Map Amendment: LUG-1 to VR – Rachel Drive and South Shore Road (Visco)** – to place properties located at 1, 2, 3, 4, 5, 5R, and 6 Rachel Drive and 43 and 47 South Shore Road currently in the Limited Use General-1 (LUG-1) district into the Village Residential (VR) district. – **Request to Continue**
- **Zoning Map Amendment: LUG-1 to R-20 & Town and Country Overlay District Change – 25 Monohansett Road (Mackay)** – To place property located at 25 Monohansett Road currently in the Limited Use General -1 (LUG-1) and Country Overlay (COD) districts into the Residential-20 (R-20) and Town Overlay (TOD) districts.

Voting: (Chair) Iverson (remote participation), (Vice-Chair) Topham (remote participation), Nat Lowell, Barry Rector and John Kitchener (remote participation)

Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)

Recused: None

Absent: Stephen Welch

Documentation: File with associated plans, photos and required documentation

Representing: Peter MacKay

Discussion: The proponent of this article, Peter MacKay, is requesting a zoning change for a property near the airport from LUG-1 (one-acre zoning) to R-20 (half-acre zoning), along with a change from the Country Overlay

District to the Town Overlay District. He and his brother have lived in separate homes on the property for nearly 40 years. The change would allow them independent ownership of their homes without increasing housing density. The area has already undergone multiple zoning changes (LUG-3 to LUG-2 to LUG-1). Surrounding properties include undersized lots, lifeguard housing, a church, and a daycare, indicating a mix of uses. The area has already undergone multiple zoning changes. The property is near the airport, which has encroached on the area and may have contributed to health concerns (both brothers developed prostate cancer). A deed restriction would make sure no additional homes or increased density. Other solutions, such as Covenant Housing, would impose a financial hardship. The Zoning Board of Appeals (ZBA) previously opposed the change, citing concerns about setting a precedent for more zoning reductions. Mr. MacKay is seeking the Planning Board's support to move forward. Anne Phaneuf, Peter MacKay's sister-in-law spoke in support of the zoning amendment. Ms. Phaneuf stated that she has been a public-school teacher for 29 years and is deeply invested in the community. Ms. Phaneuf stated that Peter and her husband David are at different life stages and the zoning change would provide them with needed flexibility. Ms. Phaneuf acknowledges that the Town may be hesitant however urges the Board to support their request and consider the human impact over strict precedent concerns. Ms. Phaneuf appreciates the Board's work and thanks them for their time. Mr. Lowell questioned size of property. The property in question is 40,000 square feet with two existing dwellings that have separate addresses, 21 and 25 Monohansett. Mrs. Snell stated that there are no other R-20 nearby making this a case of spot zoning, which could be challenged by the Attorney General. There were concerns amongst the Board that many other properties on the island might seek similar changes, creating a precedent that could complicate zoning policies. A possible compromise could involve placing a deed restriction that limits the future sale price to go with the Town's year-round housing affordability program. This could prevent the lots from becoming high end market rate homes making sure that they remain attainable for residents. Mrs. Snell stated that there is a technical error in the warrant article's language was identified, CTEC instead of R-20. Town Counsel confirmed this can be corrected through the Board's motion. One idea is to divide the lot into two 20,000 sq. ft. lots while maintaining the current 7% ground cover limit. Another is to create a deed restriction make sure no additional building and to require year-round residency. Expanding the amendment to include nearby non-conforming lots might make it more acceptable. Alternative Approaches would be Seeking a variance through the Zoning Board of Appeal, challenging however possible, creating a condominium structure rather than rezoning, although this would still require meeting zoning regulations or exploring the Affordable Housing Covenant Program, though it might lower property values. The Town is cautious about approving zoning changes that set new precedents. The proposal needs clear language to prevent unintended consequences. The Town meeting audience may resist a one-off zoning change. Mr. MacKay argues that their situation is unique due to hardships like airport expansion, well contamination, and health issues. Some Board members see this as a chance to explore new ways to create year-round housing solutions. Others worry about making an exception for a single lot without a broader zoning strategy. The Board understands the frustration however must follow legal procedures. Even if the Board supports the amendment, it must go through a formal process, including Town meetings and approval from the Attorney General's Office. The Board needs to make sure that the amendment language is legally sound and precise to pass Town Meeting approval. It is unclear whether the proposed change complies with the Town's overall policies and state laws. One suggestion is to tie the zoning change to year-round ownership and reduced ground coverage, making it more beneficial to the community. Chair Iverson opened the floor to the public. Matt Peele acknowledged the Board's efforts and expressed support for the McKays. Mr. Peel mentioned that a Special Town meeting is likely in the fall, meaning any unresolved matters could be addressed by then. Mr. Peel also suggested brainstorming alternative solutions and asked if the Lovers Lane project and Monohansetts bike path, which runs on the McKays' side of the street, could be tied into the discussion, though he wasn't sure if eminent domain or other factors were involved. Mimi Huber expressed her support for the MacKay's. Board members and neighbors expressed support, concerns arose about zoning complications and potential legal issues. A suggestion was made to consider alternative density and ground cover percentages to address concerns. It was clarified that any deed restrictions must be voluntary. The Board agreed to keep the discussion open and encouraged the McKays to work with staff on refining their proposal.

MOTION/VOTE: Mr. Rector made a motion to continue to the January 30th. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously.

ROLL CALL VOTE:

Barry Rector, *Aye*

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

Vice-Chair Joseph Topham, *Aye (remote participation)*

Dave Iverson, *Aye (remote participation)*

Mrs. Trudel clarified that Rachel Drive and South Shore Road zoning article will be continued to the January 30th meeting without discussion this evening.

Chair Iverson recused and will return once vote is finished.

MOTION/VOTE: Mr. Lowell made a motion to continue zoning article for Rachel Drive and South Shore Road to the January 30th meeting. The motion was duly seconded by Mr. Rector and the motion was carried unanimously.

ROLL CALL VOTE:

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Aye*

John Kitchener, *Aye (remote participation)*

Nat Lowell, *Aye*

- **Zoning Map Amendment: R-20 to R-10 – 32 Appleton Road (Jekanowski)** – to place property located at 32 Appleton Road currently in the Residential-20 (R-20) district into the Residential-10 (R-10) district.

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

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

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Beth Jekanowski – Agent

Discussion: Ms. Jekanowski presented rezoning a property from R-20 to R-10 to allow for increased ground cover (building footprint), but not subdivision. The property is currently used to house employees of local businesses Sophie T's and Shangri-La, and the zoning change would help the owners maintain economic viability. Concerns were raised about the impact of increased density on traffic, emergency access, and parking. Appleton Road is a dead-end street with limited evacuation routes. Ms. Jekanowski stated that the change would allow for additional housing, helping to retain employees and address workforce housing shortages without placing a burden on the town. Board members expressed concerns about setting a precedent for further rezoning and the potential for unintended consequences. Some members suggested that if restrictions were placed on ground cover and density, the proposal might be more palatable. Instead of rezoning, some Board members suggested deed restrictions, requiring year-round housing in exchange for a ground cover bonus. This method would allow property owners more flexibility without a zoning change and help address the island's year-round housing crisis. Granting an R-10 designation would double the allowed ground cover, which some members found excessive. A smaller, controlled ground cover increase like 5% through a deed restriction program was suggested as a more balanced approach. Chair Iverson opened the floor to the public. Emily Molden from the Nantucket Land and Water Council raised concerns about expanding R-10 zoning into an R-20 neighborhood, stating that while the proposed change wouldn't allow subdivision for this lot, adjacent properties could become subdividable if rezoned. Ms. Jekanowski stated that rezoning would allow for two covenant properties however they were not sure whether the full ground cover allowance would be used. Campbell Sutton a resident of Appleton Road expressed concerns about the traffic and safety, and parking issues.

MOTION/VOTE: Mr. Lowell made a motion to continue to the January 30th meeting. The motion was duly seconded by Mr. Rector and the motion was carried unanimously.

ROLL CALL VOTE:

Nat Lowell, *Aye*

Barry Rector, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

Mr. Kitchener left the meeting at 5:23 PM.

NOTE: Mrs. Snell announced that she will be recusing from discussions on five upcoming articles related to 13 Woodland and 44 Skyline stating that she would not participate in any way. Mrs. Snell indicated that she would rejoin via Zoom for the final three articles after those discussions have concluded.

- **Zoning Map Amendment: LUG-2 to R-20 and Town Overlay District – 44 Skyline Drive (Williams)**– to place property located at 44 Skyline Drive currently in the Limited Use General-2 (LUG-2) district and the Country Overlay District (COD) into the Residential-20 (R-20) district and the Town Overlay District (TOD).
Voting: (Chair) Iverson, (Vice-Chair) Topham, Nat Lowell, and Barry Rector
Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)
Recused: None
Documentation: File with associated plans, photos and required documentation
Representing: Clifford Williams
Discussion: Mr. Williams advocated for rezoning 44 Skyline Drive into the Town overlay district to support affordable housing. Mr. Williams has made past efforts to collaborate with the town, including proposals with deed restrictions for town employees, however expressed frustration over repeated opposition from both the Town Boards and Town Meetings. Mr. Williams compared the situation to *Shark Tank*, where an offer is made but not accepted, despite the community's stated need for affordable housing. Board members recognized the Town's ongoing challenge in developing affordable housing and the importance of collaborating with private developers. However, the Board acknowledged the community's ongoing resistance to zoning changes that allow for increased density. Some Board expressed uncertainty about balancing these conflicting interests, stressing that progress depends on shifting public sentiment. Mr. Williams argued that progress must begin with a positive recommendation from the Board, which had not been given in previous attempts. Mr. Williams also criticized procedural issues at Town Meetings, suggesting that articles like his are disadvantaged by their placement late in the agenda, allowing opposition groups to dominate the discussion. Mr. Lowell opened the floor to the public. Art Gasbarro expressed concern on the increase in density and ground cover, which he believes would drastically alter the character of the neighborhood and unfairly burden surrounding residents. Mr. Gasbarro argued that the proposed zoning changes amount to giving away development rights at the community's expense. Mr. Gasbarro also raised concern about infrastructure strain and the impact on quality of life. Mr. Gasbarro felt that the changes would undermine the existing Covenant program, which, despite its flaws, still provides opportunities for year-round homeownership. Mr. Gasbarro stated that there is skepticism about the financial motivations behind the proposal and suggested to the Board to issue a negative recommendation. Graham Kilvert residing at Skyline Drive expressed not in favor due to increase in traffic, safety and density increase. Darla Stuckey echoes comments made from Mr. Gasbarro and Mr. Kilvert. Matthew Peele, and Erika Mooney both also spoke not in favor of the zoning amendment. Bethann Meehan at 3 Ridgeline, a long-time advocate for affordable housing on Nantucket, spoke in support of the proposed rezoning and development. Mrs. Meehan highlighted her extensive experience in affordable housing initiatives, including her work with the Nantucket Housing Office and the Covenant program. Mrs. Meehan argued that the community's year-round residents are leaving due to a lack of affordable housing, and the proposed development would help address this crisis by creating deed-restricted, year-round homes. Mrs. Meehan stated that the development would not add new people to the island but would provide homes for those already living there, such as local workers who struggle to afford housing. Mrs. Meehan expressed hope that the proposal would meet the community's needs without significantly altering the neighborhood's character. Mrs. Meehan by saying that such developments are critical for sustaining the island's workforce, citing recent successes at the Nantucket Cottage Hospital in providing housing for employees. Vice-Chair Topham too much of an impact and too much density. Donna Marie Quinn, Patrick Taffe and Suzanee Daub all spoke not in favor of the rezoning and in hopes that the Board vote for a negative recommendation. Chair Iverson argued that the rezoning would

significantly alter the character of a well-established neighborhood by dramatically increasing housing density and ground cover.

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

ROLL CALL VOTE:

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Aye*

Chair Dave Iverson, *Aye (remote participation)*

DISCUSSION: Mrs. Trudell pointed out two things procedural clarification before taking action. Town Counsel advised correcting a typo in the article regarding the referenced property (changing "13 Woodland Drive" to the correct location). Mrs. Trudel clarified the required voting threshold, while zoning changes typically require a simple majority (50%), the inclusion of an overlay district in the same article meant that a two-thirds majority (2/3) vote would be required.

MOTION/VOTE: Mr. Lowell made a motion to take no action on the article, incorporating the property name correction and the two-thirds vote. The motion was duly seconded by Vice-Chair Topham, and the motion was carried 3-1 with Mr. Rector opposed.

ROLL CALL VOTE:

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Nay*

Chair Dave Iverson, *Aye (remote participation)*

- **Zoning Map Amendment: LUG-2 to R-20 – Portion of 13 Woodland Drive (Maury)** – to place a portion property located at 13 Woodland Drive currently in the Limited Use General-2 (LUG-2) district into the Residential-20 (R-20) district.

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

Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Stephen Maury

Discussion: Stephen Maury apologized to the attendees who were offended by a video he had posted online showing their faces and names. Mr. Maury acknowledged that this may have hindered communication over the past few months. The proposal seeks to rezone a portion of the property from LUG-2 to match the zoning of the rest of 13 Woodland Drive and the surrounding neighborhood. Mr. Maury stated that the change aligns with the Surfside Area Plan and the master plan's goal of consolidating split-zoned properties. Mr. Maury stated that if the property is added to the Sewer District, all new dwellings would be required to be year-round affordable housing for individuals earning up to 240% AMI (Area Median Income). There are voluntary restrictions in place regarding purchase priority and affordability, which were self-imposed by the property owner rather than mandated by the Planning Office. Mr. Maury stated that additional town subsidies could be used to lower housing costs further. A transportation consultant conducted a traffic study in July, comparing the existing five buildable lots to a potential maximum of 12 under the new zoning. Findings indicated an increase of approximately 30 additional cars during peak morning and evening hours (equivalent to one car every two minutes). Chair Iverson opened the floor to the public. Meri Lepore not in favor due to increase in traffic, density increase and safety concerns. Megan Boyes at 13 Equator Drive not an abutter however is Stephen's aunt expressed the urgent need for more affordable housing for working families on the island. Ms. Boyes stressed that many young families are being forced to leave the island due to a lack of affordable options, despite working full-time and running businesses. Mr. Kilvert is opposed to the

zoning amendment. Emily Molden from Nantucket Land and Water Council expressed concerns about density and asked for clarification on the zoning changes and their impact. Ms. Molden requested clearer information on how many lots could be developed under the current zoning versus the proposed zoning changes, given the property's unique split-zoning situation. Ms. Molden stated that these numbers are very crucial for evaluating the density impact. Ms. Molden asked for clarification on how many Covenant Lots could be created under both the current and proposed zoning regulations. Mr. Maury stated under current zoning it allows for five buildable lots, include an additional one -acre lot that is not buildable for housing. If both proposed zoning changes pass the property could accommodate twelve buildable lots, if only the current article passes the property could accommodate nine buildable lots. Suzanne Daub questioned why access couldn't be made through Richmond which is a private road and whether Skyline could be used instead. Mrs. Trudel stated that the lots do not have frontage on the roads within the Richmond development making access difficult. A vehicle connection through Clay Street is not feasible unless Skyline and Harvey become public roads. Richmond's roads may eventually become Town roads however this requires a lengthy approval process. For now, only a pedestrian connection is planned between Richmond and Clay Street. No existing infrastructure supports a roadway connection to Woodland. Phil Garufi who spoke about his recent accident and shared his concerns about housing developments in the area. Mr. Garufi criticized the density of certain developments, citing concerns over lottery winners benefiting despite already owning multiple homes and the potential for homes being rented out to offset mortgages. Mr. Garufi expressed skepticism that new affordable housing developments would serve vital workers such as police officers, firefighters, or teachers, instead suggesting they would largely house construction workers. Mr. Garufi argued that the Mid-Island area was developed to keep dense housing out of more affluent neighborhoods and advocated for using Town and Land Bank funds to purchase homes for essential workers instead of building more high-density developments.

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 4-0.

MOTION/VOTE: Mr. Lowell made a motion to open the remaining three articles for Woodland Drive below. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

ROLL CALL VOTE:

Nat Lowell, *Aye*

Barry Rector, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

MOTION/VOTE: Mr. Lowell made a motion to continue the remaining three Woodland Drive zoning articles to January 30th. The motion was duly seconded by Mr. Rector with discussion.

DISCUSSION: Mr. Rector expressed concerns about the term "density" and the lack of data supporting claims regarding traffic and population impact. It was suggested that those opposing or supporting developments should provide clear data rather than rely on conjecture. Mr. Rector stated that the project complies with zoning regulations and if density is a concern a clear benchmark should be defined. Also, it was stressed the importance of understanding what can be built under current zoning regulations compared to the potential impact of proposed changes. It was suggested that alternative solutions such as working with the Affordable Housing Trust could be explored.

MOTION/VOTE: Mr. Lowell made a motion to continue the three articles regarding Woodland Drive to January 30th. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 4-0.

ROLL CALL VOTE:

Nat Lowell, *Aye*

Barry Rector, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

- **Zoning Map Amendment: R-20 to R-10 – 13 (portion of) and 13A Woodland Drive (Maury)** – to place property located at 13A Woodland Drive and a portion of 13 Woodland Drive currently in Residential-20 (R-20) district into the Residential-10 (R-10) district.
- **Zoning Map Amendment: Town and Country Overlay District Change – Portion of 13 Woodland Drive (Maury)** – to place a portion of 13 Woodland Drive currently in the Country Overlay District (COD) into the Town Overlay District (TOD).
- **Zoning Map Amendment: Town and Country Overlay District Change – 13A Woodland Drive and a Portion of 13 Woodland Drive (Maury)** – to place a portion of 13 Woodland Drive and 13A Woodland Drive currently in the Country Overlay District (COD) into the Town Overlay District (TOD).
- **Zoning Bylaw Amendment: MGL 41-81L (Molden)** – to amend Section 139-33 “Pre-existing nonconforming uses, structures and lots” by striking language that grants lots created through subdivision utilizing MGL c. 41, s. 81L with pre-existing non-conforming status and to add new language that will require a Special Permit through the Zoning Board of Appeals for any new structure or expansion of volume, area or height that existed when the lots were first shown on a plan endorsed pursuant to MGL c. 41A s. 81P.

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

Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Emily Molden

Discussion: Ms. Molden stated that this bylaw amendment is to address properties subdivided under MGL 41-81L, which allows division based on pre-existing structures. The amendment does not alter this right but removes an existing provision that automatically grants pre-existing, non-conforming rights to newly created lots. It introduces new standards for redevelopment, making sure that subdivided lots do not gain additional density beyond what was originally permitted. Mrs. Trudel briefly discussed refining the language of the proposed zoning bylaw amendment based on Town Counsel’s legal review. A key revision was making sure that the Zoning Board of Appeals (ZBA) not the Planning Board serves as the Special Permit granting authority. The amendment clarifies that any proposed new or expanded structure must not result in additional density beyond what is already permitted. To enforce this a deed restriction must be recorded in advance of any Special Permit approval. Mrs. Snell stated that the updated language modernizes the regulation while maintaining property owners' rights to subdivide lots under existing laws without automatically granting additional ground cover bonuses. A key benefit is the introduction of notice requirements under the ZBA’s special permit process, increasing transparency compared to the current system. Chair Iverson opened the floor to the public. There were no public comments and concerns.

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

ROLL CALL VOTE:

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Aye*

Nat Lowell, *Aye*

Chair Dave Iverson, *Aye (remote participation)*

MOTION/VOTE: Mr. Rector made a motion to send to Town Meeting with a positive recommendation with the amendment regarding the revised language from Town Counsel as read into the record by Mrs. Trudel and the motion was carried unanimously 4-0.

ROLL CALL VOTE:

Barry Rector, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Nat Lowell, *Aye*

Chair Dave Iverson, *Aye (remote participation)*

- **Zoning Bylaw Amendment: Short Term Nantucket Vacation Rentals (Baltzer)** – to amend Section 139-2 “Definitions and Word Usage” by inserting and defining a new term “Short-Term Nantucket Vacation Rental (NVR)”; to amend Section 139-7A “Use Chart” by inserting “Short-Term Nantucket Vacation Rental (NVR)” with a “Y” in all columns except Commercial Industrial (“CI”); and to insert a new Section, “139-38: Short-Term Nantucket Vacation Rentals (NVR)”, which details requirements.

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

Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Caroline Baltzer

Discussion: This proposed article is a way to bring closure to the STR debate while maintaining property rights and respecting Nantucket’s rental traditions. Chair Iverson opened the floor to the public. Matthew Peele raised concerns about the arguments supporting the Nantucket Vacation Rental article such as that the short-term rentals have declined despite the absence of new regulations with early reports indicating another 10% decline this year. Mr. Peele felt that the proposal is another version of past STR zoning articles that been repeatedly rejected by the Town and the public. Mr. Peele state that with the Select Board stepping back from STR regulation he suggested that the Board should take no action on the NVR article. Kathy Baird referenced Brian Turbitt’s December 11th presentation to the Select Board, that the Town’s concern was not just the drop in STR tax revenue however it declined despite expectations of natural growth due to increasing rental prices. Ms. Baird stated that the STR revenue constitutes most of the rooms tax, far exceeding hotel generated revenue. Ms. Baird also stated that the 15% decline in STR tax revenue is substantial leading the Town to reduce expected revenue for 2026. Ms. Baird supports incorporating the Zoning Board of Appeals (ZBA) ruling into the Town code as it would provide clarity and legal backing for vacation rentals. Chair Iverson stated that contrary to fear, short term rentals are not proliferating uncontrollably, and the expected rise of mini hotels has not materialized. Chair Iverson believes that incorporating the ZBA ruling into zoning is the best way to settle the ongoing STR debate. The approach is to make sure that STRs are recognized while allowing for reasonable regulations through general bylaws. Chair Iverson stated that he believes continued debate and fear-based opposition are unnecessary as STRs have not caused the anticipated problems.

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

ROLL CALL VOTE:

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Aye*

Nat Lowell, *Aye*

Chair Dave Iverson, *Aye (remote participation)*

MOTION/VOTE: Mr. Rector made a motion to send to Town Meeting with a positive recommendation. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

ROLL CALL VOTE:

Barry Rector, *Aye*

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

- **Zoning Bylaw Amendment: Regulating Short Term Rental Use (McClure)** – to amend Section 139-2 “Definitions and Word Usage” by inserting and defining new terms “Short-Term Rental” and “Accessory Short Term Rental”; 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”; and to insert a new Section, “139-38: Accessory Short-Term Rentals”, which details requirements.

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

Alternates: Abby De Molina (*Remote participation*) and Howard Matz (*Remote participation*)

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Fritz McClure

Discussion: Mr. McClure stated that he brought the article forward because he believes short-term rental (STR) regulation is necessary in the zoning bylaw to address the concerns of the majority of island residents as shown by the support at the most recent Town Meeting. Mr. McClure stated that he advocates for regulating STRs however also acknowledges the importance of balancing regulation with the island’s seasonal nature and long-standing history of rental practices. The article allows properties to qualify for residential use by owners if the property is used by family, friends, or the owner themselves on a non-rental basis. The residential use by an owner or their family/friends must be at least 30 days to qualify. An owner who rents their property for at least six months per year can still qualify for STR use for up to six months, allowing flexibility in how the property is used. This provision helps owners of rental properties and encourages year-round housing solutions. The proposal is designed to support housing for part-time residents and employees who may need temporary accommodations. Mr. McClure mentions the potential for organizations to rent properties as employee housing during the off-season, which supports local workforce needs. Mr. McClure argues that while the ZBA ruling is valuable, it has been appealed and could lead to further regulatory changes. Therefore, it's important to continue pushing forward with a zoning bylaw to clarify and address the needs for STR regulation comprehensively. Chair Iverson expressed concerns about the complexity and the enforcement. Mr. McClure stated that he doesn't see enforcement as a significant issue. Mr. McClure compares the regulation to keeping track of residency changes, suggesting that property owners just need to log the days they rent out the property, like how people track their residency days for tax purposes. Mr. McClure believes most people will be honest about it and that enforcement will focus on randomly checking records, like the IRS does, rather than inspecting every rental. Chair Iverson opened the floor to the public. Campbell Sutton questioned the number of days the owner, their family or friends occupy the property. Mr. McClure stated that unlike previous proposals this article does not limit the number of short-term rentals within the allowable period, simplifying enforcement. The system would largely rely on owners’ self-reporting their usage with random audits, like IRS audits conducted by the Health Department. Mr. McClure believes this approach minimizes enforcement costs and administrative burden. Ron Kokot commented on the occupancy requirements that to occupy their property for 30 days before renting it out is impractical and that many STR leases are signed months in advance, making it difficult for owners to predict their own occupancy. Some homeowners worry about long-term rentals due to Massachusetts laws that make evictions difficult. The discussion focused on balancing legal definitions, property rights, enforcement and practical challenges for homeowners.

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

ROLL CALL VOTE:

Acting-Chair Joseph Topham, *Aye (remote participation)*

Barry Rector, *Aye*

Nat Lowell, *Aye*

Chair Dave Iverson, *Aye (remote participation)*

MOTION/VOTE: Mr. Lowell made a motion to take no action.

DISCUSSION: Chair Iverson stated that all STR articles should be considered.

MOTION/VOTE: Mr. Rector made a motion to rescind the motion and to reopen the public hearing for further discussion at a future meeting.

MOTION/VOTE: Mr. Rector made a motion to continue to January 30th. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

ROLL CALL VOTE:

Barry Rector, *Aye*

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

V.Other Business:

- **Planning Board Regular Meeting – Monday, January 13, 2025, at 4:00PM Hybrid**
- **Planning Board Special Meeting – Thursday, January 23, 2025, at 4:00PM Hybrid**
- **Planning Board Special Meeting – Thursday, February 6, 2025, at 4:00PM Hybrid**

VI.Adjournment:

Mr. Rector made a motion to adjourn the meeting at 8:44 pm. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 4-0.

ROLL CALL VOTE:

Barry Rector, *Aye*

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye (remote participation)*

Chair Dave Iverson, *Aye (remote participation)*

Submitted by: Catherine Ancero

Link to YouTube Planning Board meeting of 01-09-2025:

<https://www.youtube.com/watch?v=gWneTAPrZmE>

Link to the 01-09-2025 Planning Board packet:

<https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/01092025-14661?html=true>