



Nantucket Planning Board

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

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

Alternates: Stephen Welch, Abby De Molina, Howard Matz

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

PLANNING BOARD APPROVED MINUTES

01-30-2025

(Subject to change)

I. Call to order:

Acting-Chair Topham called the meeting to order at 4:03 pm.

Acting Chair Topham 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:

Nat Lowell, *Aye*

David Iverson, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

Barry Rector – En route

II. Approval of the agenda:

MOTION/VOTE: Mr. Lowell made a motion to approve the agenda. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

III. Zoning Articles Proposed by the Planning Board for the Nantucket 2025 Annual Town Meeting

- **Zoning Bylaw Amendment: Solar Energy** – to amend Section 139-2 “Definition and Word Usage” by amending the definition of “Ground Cover” to exempt ground mounted solar; by amending the definition of “Structure” to include ground mounted solar; by defining new terms “Roof-mounted solar energy system”, “Grid-

connected solar energy system”, “Solar photovoltaic system”, and “Ground-mounted solar energy system”; to amend Section 139-7A “Use-Chart” by inserting “Ground-mounted solar energy system” and inserting an “A” in all districts; and by inserting “Roof-mounted solar energy system” and inserting a “Y” in all districts.

DISCUSSION:

Note: Lauren Sinatra having technical issues

The amendment is to clarify language related to solar energy. New definitions added (Solar Photovoltaic System, Grid-Connected Solar Energy System, Roof Mounted Solar Energy System and Ground Mounted Solar Energy System as an accessory use). Update the use chart to include ground mounted solar energy systems in all districts as in accessory use. Ground mounted solar does not count towards ground cover however must comply with setbacks. Roof mounted solar is recognized as an accessory use in all districts. These changes stem from a consultant review, clarifying existing practices, improve transparency and interpretation issues. Acting Chair Topham opened the floor to the public. There were no comments and concerns.

MOTION/VOTE: Mr. Lowell made a motion to close the public hearing. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

MOTION/VOTE: Mr. Lowell made a motion to give a positive recommendation with a quantum vote of two-thirds. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

Acting-Chair Topham announced postponement of four Woodland Drive articles to February 6th. The articles include zoning changes (LUG-2 to R-20, R-20 to R-10) and two overlay district changes. The postponement is to allow the proponent and neighbors time to work out any issues.

Motion/Vote: Mr. Lowell made a motion to continue all four articles to the February 6th meeting. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

Mrs. Snell stated that although the four articles have been continued, she recused herself from all discussions related to these articles.

- **Zoning Bylaw Amendment: Technical Amendment – Secondary Dwelling** – to amend Section 139-2 “Definition and Word Usage” by deleting unclear language that aligns with the definition of “Ground cover” and not the definition of “Secondary dwelling”.

DISCUSSION:

Technical amendment to the zoning bylaw. Certain language in the definition of “secondary dwelling” mirrored ground cover language, likely due to a past copy-paste error. Involves striking the incorrect language. Acting-Chair Topham opened the floor to the public. There were no comments and concerns from the Board and public.

MOTION/VOTE: Mr. Lowell made a motion to close the public hearing. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

MOTION/VOTE: Mr. Lowell made a motion to give a positive recommendation with a quantum vote of two-thirds. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

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

- **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.

DISCUSSION:

Article sponsored by Fritz McClure is seeking to impose a minimum 30-day non-rental occupancy requirement, however non-consecutive. It also includes an exemption for investment properties if rented for a least six months continuously allowing for temporary workforce house. Mr. McClure suggested a voluntary reporting system with random audits, like IRS tax reporting. The Board expressed support for regulating short term rentals however had already unanimously endorsed a separate article by Ms. Bolzer which the Board believe offers a stronger approach by codifying regulations under the general bylaw, Chapter 123. Due to the prior endorsement, the Board felt it could not grant another positive recommendation however recognized the viability of Mr. McClure’s article.

MOTION/VOTE: Mr. Lowell made a motion to take no action and to include a comment acknowledging its well thought out structure.

Roll Call vote:

Nat Lowell, *Aye*

Barry Rector, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

- **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.

DISCUSSION:

Article sponsored by Peter MacKay is seeking to change the designation of 25 Monohansett Road from Limited Use General 1 (LUG-1) to R-20 and adjust the Town and Country Overlay District. The McKay family, who owns the property, is pursuing this change not to increase density but to allow for individual ownership of the two existing homes—one occupied by Peter McKay’s family and the other by his brother’s family. Mr. MacKay propose two deed restrictions, no additional building beyond what currently exists, and homes must be sold only to year-round residents. The Board expressed concern that if they approve this change it would set a precedent for other property owners requesting similar one-off zoning changes. Some Board members suggest seeking a variance from the Zoning Board of Appeals (ZBA) instead of rezoning. This would allow property division without changing zoning rules. An alternative path would be involving support from neighboring properties for a broader zoning change rather than an isolated amendment. Mr. MacKay stated that they previously approached the ZBA in 2020 but were denied. However, members acknowledged that housing priorities have shifted, and this case aligns with the town’s goal of increasing year-round housing. Some board members expressed willingness to advocate for the proposal at the ZBA, noting that this request does not increase density. Acting Chair Topham opened the floor to the public. There were support from the MacKay’s family and neighbors. Robert Liddle acknowledged concerns about Town Meeting opposition however supported Mr. Lowell’s and Mr. MacKay’s proposal to collaborate with the Zoning Board of Appeals (ZBA). Mr. Liddle stated that while the ZBA previously denied the request in 202 the housing crisis has since worsened and there is now a stronger emphasis on creating year-round housing. Mr. Liddle encourage Mr. MacKay to engage in discussion with the ZBA which could lead to a more viable and successful outcome. Acting Chair Topham expressed understanding and empathy for the MacKay’s situation. Acting Chair Topham cautioned that even simple proposals have failed at Town Meeting and could face rejection from the Attorney General or Land Court. Acting Chair Topham suggested that Mr. MacKay apply to the Zoning Board of Appeals (ZBA) as the current board may be more receptive however at the same time encourage collaboration with the Planning Board and the neighborhood to explore alternative solutions, potentially crafting a revised proposal for an upcoming Special Town Meeting. Mr. Kitchener acknowledged the strong goodwill and support the MacKay’s have from the Board and others. Mr. Kitchener cautioned against rushing to Town Meeting without considering potential legal obstacles. Mr. Kitchener advised carefully evaluating their options considering whether waiting for a Special Town Meeting. Mr. Lowell acknowledges the complexity and uniqueness of the MacKay’s situation. The ZBA may be viable path however concerns remain about whether their case would receive fair consideration and compatible with the existing zoning regulations. Mr. Lowell stated that the housing crisis has led to multiple zoning adjustment over time, however no clear solution exists for this specific scenario. Rezoning the lot to R-20 would raise major concerns at Town Meeting potentially leading to rejection or legal challenges. David MacKay, Peter’s brother appreciates everyone’s efforts to help his family. D. MacKay stated that he is hoping to find solutions however process feels complicated and that with the Planning Board’s support and input they have a strong chance of success. D. MacKay stated that they have a unique situation and that they are committed to staying in the community for the long term and ideally, their children too. The MacKay’s are simply looking for a fair and viable solution. D. MacKay stated that if the ZBA is the best option, we’d appreciate any influence the Planning Board can have in guiding the outcome. D. MacKay also stated that they have strong support from their neighbors which he believes is an important factor to consider. Anne Phaneuf appreciates the Board’s thoughtful approach to their situation. Ms. Phaneuf stated that the difficulty of pursuing a property division, which would not burden the neighborhood or result in profit but instead allow both McKay families to retain their equity. Ms. Phaneuf stated that their intention is simply to live their lives in their home. Ms. Phaneuf shared personal feelings regarding the decision to stay in Nantucket, despite the potential financial gain from selling the property. Ms. Phaneuf expressed a strong connection to the community, having worked as a teacher and believing in the future of Nantucket. Ms. Phaneuf stressed their commitment to remaining in the community and contributing to its improvement, rather than taking the financial option of selling. Peter MacKay

MOTION/VOTE: Mr. Lowell made a motion to close the public hearing. The motion was duly seconded by Mr. Rector and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

Barry Rector, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

MOTION/VOTE: Mr. Rector made a motion to take no action at this time to allow the MacKay's to move forward without any formal Planning Board position. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Barry Rector, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

David Iverson, *Aye (remote participation)*

Nat Lowell, *Aye*

Acting-Chair Joseph Topham, *Aye*

A comment was made regarding the importance of continuing discussions with staff, specifically with Susan MacCarthy, to explore ways to address the McKays' situation in the context of Nantucket's broader housing issues. This includes exploring potential solutions related to the 240-housing project or market deed restriction plans. The Board recognizing this is a unique situation, they stressed that it is crucial to continue the conversation and develop ideas for future solutions, given the increasing demand for year-round housing options.

- **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.

DISCUSSION:

Beth Jekanowski present presented the zoning amendment proposal to change the zoning from R20 to R10 for the property at 32 Appleton Road. Ms. Jekanowski clarified that the property owner, who owns two local restaurants, worked hard to obtain the property and is excited about the possibility of utilizing it for employee housing. The proposed zoning change would increase the allowable ground cover from 12.5% to 25%, which would help the property owner accommodate employees on-site. The property is located near R10 and R5-zoned areas. Ms. Jekanowski stated that this proposal is not spot zoning. Fire safety concerns were addressed, with a fire hydrant located across the street from the property, providing sufficient service for future development. Ms. Jekanowski stated that they would not seek further subdivision of the property through the rear lot subdivision program to avoid density concerns. Several members voiced concerns about the potential for "creep zoning" and the precedent it could set for the neighborhood. One Board member stated that while the property is well-suited for the proposed use, the broader implications of rezoning the area one lot at a time need careful consideration. There was agreement that further analysis of the entire neighborhood was necessary before proceeding with the zoning change. A recommendation was made to explore the potential for ground cover bonuses for year-round housing without changing zoning, which could be a simpler solution. Acting Chair Topham suggested that no immediate action be taken, and that the neighborhood should be further studied, possibly including discussions with residents.

MOTION/VOTE: Mr. Lowell made a motion to close the public hearing. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

Barry Rector, *Aye (remote participation)*
David Iverson, *Aye (remote participation)*
Acting-Chair Joseph Topham, *Aye*

MOTION/VOTE: Mr. Lowell made a motion to take no action on the zoning amendment at this time. The motion was duly seconded by Mr. Kitchener and the motion was carried 4-1 with Mr. Iverson opposed.

Roll Call vote:

Nat Lowell, *Aye*
John Kitchener, *Aye (remote participation)*
Barry Rector, *Aye (remote participation)*
David Iverson, *Nay (remote participation)*
Acting-Chair Joseph Topham, *Aye*

Mr. Rector asked for clarification regarding the quantum vote for the proposal, with the reminder that the vote required at town meeting for this type of article would need to be 50% in favor.

MOTION/VOTE: Mr. Rector made a motion confirming that the quantum vote for the article would be 50%. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Barry Rector, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
David Iverson, *Aye (remote participation)*
Nat Lowell, *Aye*
Acting-Chair Joseph Topham, *Aye*

- **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.

CONTINUED TO FEBRUARY 6TH.

- **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.

CONTINUED TO FEBRUARY 6TH.

- **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).

CONTINUED TO FEBRUARY 6TH.

- **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).

CONTINUED TO FEBRUARY 6TH.

- **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.

DISCUSSION:

Acting Chair Topham introduced the agenda item regarding a zoning amendment to change LUG1 to VR for the properties located on Rachel Drive and South Shore Road. Acting Chair Topham acknowledged that this was a citizen article and opened the floor to the Proponent to the article, David Visco. David Visco, a resident of Rachel Drive, provided background on the proposed amendment. He explained that the idea originated a couple of years ago when he and his neighbors sought to find solutions to help Nantucket families stay on the island. Mr. Visco mentioned discussions with Andrew Vorce, who suggested that the Village Residential (VR) district could be a perfect fit for their needs, as it would allow for potential development without disrupting the existing neighborhood. Mr. Visco expressed that all neighboring residents supported the amendment. Mr. Visco also stressed the area's housing needs, particularly for working families, could benefit from this change. Mr. Visco clarified that the proposal is to facilitate affordable housing options while respecting the area's character and helping island families. Mr. Visco reiterating that this was a practical solution for housing on Nantucket. Board Member Dave Iverson formally recused himself from the discussion and logged back in as a citizen. Mr. Iverson expressed his concerns regarding the proposed zoning change. Mr. Iverson stated that he moved to the area in 2014 because it was zoned as LUG2, which suited his preference for the neighborhood's open space and character. Mr. Iverson opposed the proposed change to LUG1, as it would nearly double the buildable area of the lots, affecting the neighborhood's character. Mr. Iverson voiced concerns that this zoning change would drastically alter the environment that attracted him to the area in the first place. Emily Molden from the Nantucket Water and Land Council acknowledged the individual circumstances of the property owners but expressed concerns about the proposal. Ms. Molden referenced the previous zoning change from LUG2 to LUG1, which had already increased the density of the area. Ms. Molden mentioned that the amendment would likely double the number of potential lots and that there are alternatives, such as covenant lots, which could address some of the needs without increasing density. Ms. Molden also pointed out that the area is in the country district, so this was not an immediate issue but still raised concerns about the overall density. David Visco responded, explaining that changes in the area were inevitable, as evidenced by nearby developments. Mr. Visco stressed that the proposal could help solve Nantucket's housing issues, even if it was a small step in the larger picture. Mr. Visco also addressed concerns about covenant lots, that many residents did not favor them due to restrictions. Mr. Visco offered to consider restricting the zoning to primary and secondary houses only, with minimal ground coverage, as a compromise to alleviate concerns. Acting Chair Topham clarified that the temporary moratorium on tertiary dwellings may complicate the restrictions on the third dwelling unit. The Town's ability to restrict such units might be limited due to state mandates for accessory dwelling units. Further consultation with Town Counsel will be necessary to clarify the legal feasibility of such restrictions. Mr. Iverson reiterated his concerns, stating that the zoning change would alter the neighborhood's character significantly. Mr. Iverson questioned whether the changes would align with the neighborhood's long-term vision. Acting Chair Topham thanked everyone for their comments and pointed out the need for further clarification from Town Counsel on the legal implications of zoning changes. The discussion would continue as the Board sought more information on the proposal and its potential impacts. Mr. Lowell shared his long-term involvement with the zoning changes in the "Badlands" area. Mr. Lowell stated that the first zoning change occurred in 2009 when the area transitioned from LUG2 to LUG1, a process that took years. Mr. Lowell mentioned that the Surf Side Crossing property struggled with its zoning and the difficulties that came with such changes. Dave emphasized that, despite challenges, the area is undergoing significant changes, including new infrastructure and shifts in land use patterns. Mr. Lowell stated that while some are resistant to these programs, they have been a critical tool for sustainable development. Mr. Lowell cautioned that without some form of restriction, zoning changes could quickly become unsustainable. Mr. Lowell stated that he acknowledges the challenges of making significant changes, especially given the complexities surrounding the zoning of the area. Mr. Lowell stressed that any changes must follow a well-thought-out process and should not be rushed through Town Meeting. Janna Visco, spoke on behalf of their families. Ms. Visco stated that the difficulty of building affordable housing under current zoning regulations, that the costs of construction often exceed the value of the land, making it unfeasible for her children to build homes in the area. Ms. Visco advocated for creative solutions to keep the community intact, stating that the changes made by the Board and developers over the years have failed to meet

the current needs of younger generations. Board members expressed understanding and sympathy for the issues raised. There was a consensus that the current system is outdated and may not adequately address the evolving needs of the community. The Board expressed the importance of finding a balanced approach that would allow families to stay in the area without overburdening the community with unsustainable development. The Finance Committee expects motions by February 10th. The Board was reminded of the full agenda for the next meeting and the need to prioritize motions related to the zoning discussion. The meeting scheduled for March 6 is intended for reviewing comments and feedback. The Board will continue refining motions in preparation for the Town Meeting. Staff to coordinate discussions with property owners and community members regarding zoning options and deed restrictions. Further deliberation to take place at the next Planning Board meeting on February 10th.

MOTION/VOTE: Mr. Lowell made a motion to the February 10th meeting. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll Call vote:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

Barry Rector, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

V.Upcoming Meetings:

- **Special Meeting - Thursday, February 6, 2025, at 4pm Hybrid**
- **Regular Meeting – Monday, February 10, 2025, at 4pm Hybrid**
- **Special Meeting – Thursday, March 6, 2025, at 4pm REMOTE ONLY**

VI.Adjournment:

Mr. Lowell made a motion to adjourn the meeting at 6:26PM. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously.

Roll call of Board members:

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

Barry Rector, *Aye (remote participation)*

Acting-Chair Joseph Topham, *Aye*

Submitted by: Catherine Ancero

➤ **Link to the Planning Board YouTube video:**

<https://www.youtube.com/watch?v=NT25aWBUHwY>

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

<https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/01302025-14760?html=true>