



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 (absent), Abby De Molina, Howard Matz

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

PLANNING BOARD APPROVED MINUTES

03-06-2025

(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 mtrudel@nantucket-ma.gov

This meeting will be uploaded to the Town's YouTube page at a later date

I. Call to order:

Chair Iverson 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.

II. Approval of the agenda:

MOTION/VOTE: Mr. Rector made a motion to approve the agenda. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

Roll Call vote:

Barry Rector – *Aye (remote participation)*

Nat Lowell, *Aye (remote participation)*

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

John Kitchener, *Aye (remote participation)*

Chair David Iverson, *Aye (remote participation)*

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

- **Article 34 - (Re-Open) Zoning Map Amendment: RC-2 to R-10 or CN – Surfside Road** – to place properties located at 48, 50, 52R, 54, 54R Surfside Road and other abutting unaddressed parcels (Map 67, Parcels 560 & 561)

on Surfside Road currently in the Residential Commercial-2 (RC-2) district into the Residential-10 district or the Commercial Neighborhood (CN) district.

Discussion: At a prior meeting, the Planning Board had moved to rezone these parcels to R-10 as the property owner had not provided any input despite outreach efforts.

Following that decision, the property owner's representative, Attorney Jessie Glidden, contacted Staff and requested reconsideration for a CN zoning instead. Planning staff supports this request, as CN. The initial decision to propose R-10 was made due to the absence of feedback from the property owner at that time.

Mrs. Trudel stated that if the Board supports the change to CN, the required quantum of vote will shift to a simple majority (50%), and this should be included in the motion.

MOTION/VOTE: Mr. Rector made a motion to close the public hearing. The motion was duly seconded by Mr. Lowell and the motion was carried unanimously 5-0.

Roll Call vote:

Barry Rector – *Aye (remote participation)*

Nat Lowell, *Aye (remote participation)*

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

John Kitchener, *Aye (remote participation)*

Chair David Iverson, *Aye (remote participation)*

MOTION/VOTE: Mr. Rector made a motion to give a positive recommendation to Town Meeting to rezone the parcels from RC-2 to CN. Mrs. Trudel confirmed that the quantum of vote would change from two-thirds to 50%. The motion was duly seconded by Mr. Kitchener acknowledged the change and restated that the quantum of vote will be 50% and the motion was carried unanimously 5-0.

Roll Call vote:

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Nat Lowell, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

- **Article 48 - Zoning Bylaw Amendment: Off street parking requirements- Accessory Dwelling** – to amend Section 139-18B “Parking requirements” to add the word “Unit” after “Accessory Dwelling” and to change the required parking for an “Accessory Dwelling Unit” in CDT and CMI from “0” to “N/A” and in CN, VN, and VTEC from “1” to “N/A”.

DISCUSSION: This article was inadvertently left off a prior agenda and is being discussed for the first time. The article proposes technical changes to the parking calculations to address accessory dwellings. It removes parking calculations for districts where accessory dwellings have been removed. Chair Iverson asked if this change would affect any parking quantum requirements. Mrs. Trudel clarified that the changes update the parking chart to reflect the removal of accessory dwellings in certain districts in the CDT and CMI districts, the requirement changes from zero spaces required to "N/A" since accessory dwellings will no longer be allowed in those districts and in the CN, VN, and VTEC districts, the requirement changes from one space to "N/A" due to the State's definition disallowing accessory dwellings in those districts. Acting-Chair Topham described the changes as a housekeeping update to clarify language, and Megan Trudel agreed. Chair Iverson opened the floor to the public. There were no comments or concerns from the public.

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 5-0.

Roll Call vote:

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

MOTION/VOTE: Mr. Rector made a motion to give a positive recommendation to Town Meeting with a quantum of vote of two-thirds. The motion was duly seconded by Vice-Chair Topham, and the motion was carried unanimously 5-0.

Roll Call vote:

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

- **Article 65 - (Re-Open) 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 expansion of existing structure(s) or creation of new structure(s) that would have otherwise been allowed on the original lot.

DISCUSSION: Mrs. Trudel provided an update on Article 65, a zoning bylaw amendment related to Emily Molden’s 41L. She reminded the Board that they had previously supported the article in concept at an earlier public hearing. At that time, Town Counsel suggested language changes, which were incorporated into the Board’s motion. Mrs. Trudel stated that further discussions with Town Counsel revealed that the prior motion did not sufficiently protect the lot’s pre-existing nonconforming status. Since then, Staff, worked extensively with Town Counsel to refine the language to make sure that the article’s intent was achieved while maintaining legal soundness. Mr. Lowell sought clarification on whether the amendment pertains to a Zoning Board of Appeals (ZBA) Special Permit to add ground cover to one of the lots. Mrs. Trudel confirmed that any structural alteration beyond what currently exists would require a Special Permit from the ZBA. However, the ZBA would not have the authority to grant a Special Permit beyond what would have otherwise been allowed. Mr. Lowell questioned about the distribution of the 40% ground cover allowance across the newly created lot and the existing lot. Mrs. Trudel explained that while each lot retains its 40% ground cover allowance, the amendment allows the coverage is spread across the original lot configuration rather than being reset for the new lot. The intent is to prevent the new lot from gaining an excessive development advantage while maintaining a fair distribution of ground cover rights. Mrs. Trudel stated that the amendment eliminates automatic pre-existing, nonconforming status for these lots. Any development beyond current allowances would require ZBA review, allowing the abutters and the community to have an opportunity to provide input. The Special Permit review process introduces a notification requirement, addressing concerns from community members who previously felt excluded from the decision-making process. Mr. Lowell expressed the importance of making sure that the language clearly conveys the limitations on additional development rights. Mr. Lowell highlighted that the amendment represents a significant compromise from what was previously permitted under the zoning bylaw. The amendment maintains the ability to carve out market-rate lots but does not allow additional ground cover beyond what was originally permitted. Mrs. Trudel summarized that the amendment removes automatic pre-existing, nonconforming status and ensures that any structural changes leading to increased ground cover must undergo ZBA review. This approach balances development rights with regulatory oversight, ensuring that properties are subject to proper review while addressing community concerns. Chair Iverson opened the floor to the public. Emily Molden expressed her full support for the proposed changes, stating that she had discussed them with Megan and Leslie. Ms. Molden agreed with Megan’s explanation and believed the amendments successfully achieved her original intent. Ms. Molden expressed appreciation for the Planning Board’s consideration and support. Mrs. Trudel confirmed that she, Amy Pressel at KP and Mrs. Snell had collaborated on multiple revisions to refine the language to its clearest possible form.

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 5-0.

Roll Call vote:

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

MOTION/VOTE: Mr. Lowell made a motion to give a positive recommendation as drafted and presented on the screen to Town Meeting with a quantum of vote of two-thirds. The motion was duly seconded by Mr. Rector, and the motion was carried unanimously 5-0.

Roll Call vote:

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

- **Article 47 - (Re-Open) Zoning Bylaw Amendment: Year-round Housing** – to amend Section 139-2 “Definition and Word Usage” by defining a new term, “Year-round Housing”.

DISCUSSION: Mrs. Trudel explained that during the Finance Committee’s review of zoning articles, a committee member suggested slight language modifications to improve clarity while maintaining the article’s intent. Since other public hearings were being reopened, the Planning Board was presented with the revised language for consideration and inclusion in the warrant. Mrs. Snell added that the original wording may not have fully captured the intended definition. The revised language, proposed by the Finance Committee member and reviewed by Town Counsel, better aligns with the article’s goals. 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 Mr. Lowell, and the motion was carried unanimously 5-0.

Roll Call vote:

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

MOTION/VOTE: Mr. Lowell made a motion to give a positive recommendation to Town Meeting with a quantum of vote of two-thirds. The motion was duly seconded by Mr. Kitchener, and the motion was carried unanimously 5-0.

Roll Call vote:

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

IV. Review final motions and comments for all zoning articles for the Nantucket 2025 Annual Town Meeting

DISCUSSION: Mrs. Trudel did an overview of the final motions and comments for all zoning articles. Since the public hearings has been closed, no alterations to motions unless there were glaring errors. The main focus was reviewing motions and refining comments where needed for specific articles.

List of Article discussions and motions:

- **Article 31:** Planning Board-sponsored motion to move properties to R-5 was supported.
- **Article 32:** Motion to move properties on Rosemary Way from RC-2 to R-5 was supported.
- **Article 33:** Motion to move Appleton Road properties from RC-2 to R-5 was supported.
- **Article 34:** Motion to move Surfside Road properties from RC-2 to CN was supported.
- **Article 35:** Motion to move 43 Nobadeer Farm Road from RC-2 to CTEC was supported
- **Article 36:** Van Gilder subdivision rezoning from RC-2 to C-Tech was supported.
- **Article 37:** Rezoning Sales Property from RC to CN was supported.
- **Article 38:** North Water Street properties rezoning from ROH to CDT was supported.
- **Article 39:** Fair Street property rezoning from R-40 to ROH was supported.
- **Article 40:** Another R-40 to CN rezoning was supported.
- **Article 41:** Open Space Parcels was motion to take no action.
- **Article 42:** Temporary Moratorium on Tertiary Dwellings: No action taken, explanation provided in the text.

DISCUSSION: The Board acknowledged the new principal dwelling definition and amendments to the current dwelling unit definition. These updates will align with year-round housing language changes. A technical change to the parking regulations was reviewed and confirmed. No additional discussion was required.

- **Article 43:** Accessory Dwelling Unit, comments to be included in Planning Board report.

DISCUSSION: The Board reviewed the language related to accessory dwelling units. No specialize comments was included in the report. However, the intent of the article was captured in the Affordable Homes Act overview section of the Planning Board.

- **Article 44:** Protected Use Accessory Dwelling Unit was supported.
- **Affordable Homes Act:** General comments added under each relevant article to align with legislation and increase visibility. Motion approved.
- **Article 45:** New Principal Dwelling Definition & Amendments: Updates approved.
- **Article 46:** Dwelling Units was supported.
- **Article 47:** Year-Round Housing updated with new language.

MOTION/VOTE: Mr. Lowell made a motion to include draft comments on articles related to the Affordable Homes Act, providing a basic explanation that these changes stem from Affordable Homes Act legislation and referencing the actual legislation in the comments. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 5-0

Roll Call vote:

Nat Lowell, *Aye (remote participation)*

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

- **Article 48:** Technical Change to Parking Requirements: Approved.

Discussion: A technical change to the parking regulations was reviewed and confirmed. No additional discussion was required.

Discussion on Article 48: The Board agreed to include a special comment explaining the history of the article. Mrs. Trudel stated that it was initially submitted as a citizen petition, the Planning Board later sponsored it, removing controversial provisions related to commercial property and by-right subdivisions.

Mrs. Snell suggested adding a generic comment under each relevant article, clarifying that the changes align with the Affordable Homes Act. Mrs. Trudel confirmed that while an overview was included in the Planning Board report, additional comments would be added under each article for better visibility.

- **Article 49:** Attainable Housing Definition: Approved.

MOTION/VOTE: Mr. Lowell made a motion to include draft comments on articles related to the Affordable Homes Act, providing a basic explanation that these changes stem from Affordable Homes Act legislation and referencing the actual legislation in the comments. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 5-0

Roll Call vote:

Nat Lowell, *Aye (remote participation)*

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

- **Article 50:** Cottage Community Proposal: Motion to take no action.

DISCUSSION: The Board reviewed and discussed the addition of new definitions for attainable housing and cottage community. A motion was made to take no action on these definitions.

- **Article 51:** Inclusionary Housing: Planning Board comment included, explaining the revised version after citizen petition. Motion approved.

DISCUSSION: This was the first article where the Board determined a specialized comment should be included. The comment will explain the article's background, including how an initial version was submitted by citizen petition. The Board elected to sponsor the article while removing certain controversial elements related to the inclusion of commercial property and by-right subdivision provisions.

The Board discussed the Affordable Homes Act articles, stating that while there were no specialized comments under each article, an explanatory section was included in the Planning Board report.

Mrs. Snell suggested adding a generic comment under each relevant article to indicate that the changes align with the Affordable Homes Act, as more people are likely to read the comments than the full report. The Board agreed to this approach.

Mrs. Trudel requested a motion to include draft comments on articles related to the Affordable Homes Act, providing a basic explanation that these changes stem from Affordable Homes Act legislation and referencing the actual legislation in the comments.

MOTION/VOTE: Mr. Lowell made a motion to include draft comments on articles related to the Affordable Homes Act, providing a basic explanation that these changes stem from Affordable Homes Act legislation and referencing the actual legislation in the comments. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 5-0.

Roll Call vote:

Nat Lowell, *Aye (remote participation)*

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

- **Article 52:** Pickleball: Motion to take no action.
- **Article 53:** Solar Energy Regulations: Approved.
- **Article 54:** Technical Amendments MMD: Approved.
- **Article 55:** Technical Amendment Secondary Dwelling motion was supported
- **Article 56:** Temporary Moratorium on Recreational Marijuana Establishment motion was supported.
- **Article 57:** Motion was to take no action on R-20 to R-10 change.
- **Articles 58:** Motion was to take no action was supported. Comments clarified that sponsors requested no action at this time.

MOTION/VOTE: Mr. Lowell made a motion to approve the language. The motion was duly seconded by Mr. Rector and the motion passed unanimously 5-0.

Roll Call vote:

Nat Lowell, *Aye (remote participation)*

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

- **Article 59:** Chair Iverson recused. Motion was to take no action. Comments clarified that sponsors requested no action at this time. Motions approved.

MOTIONS/VOTES: Mr. Lowell made a motion to approve the language. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 4-0 with Chair Iverson recused.

Roll Call vote:

Nat Lowell, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Barry Rector – *Aye (remote participation)*

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

- **Article 60:** Moved not to adopt was supported.
- **Article 61 - Stephen Murray Proposal:** Moved to adopt was supported. Comment added explaining the Planning Board's decision was based on representations made at the public hearing. The Board retains the right to revise its motion at Town Meeting based on developments. Mrs. Snell was recused from this discussion.

Mr. Kitchener questioned whether the Board should revisit the article before Town Meeting. Mrs. Trudel explained that reopening public hearings was not feasible due to advertisement requirements. However, the Planning Board will hold a meeting 30 minutes before Town Meeting to address any last-minute concerns. It was confirmed that the motions can be revised on the day of the Town Meeting if necessary, allowing the Finance Committee to adjust

accordingly. Board members acknowledged that their support is contingent on the article sponsor fulfilling commitments. Some members suggested inviting the sponsor and neighborhood representatives to a meeting before Town Meeting for an update. Megan Trudel agreed to check procedural rules on whether such a meeting could be held. There were concerns about verifying deed restrictions and making sure that there was proper review by Town Counsel and staff. Mr. Kitchener pointed out that sewer capacity issues had been raised as a major constraint. Megan Trudel will reach out to the sponsor for a status update. The Board will monitor the sponsor's progress and may adjust its position at Town Meeting if commitments are not met.

MOTION/VOTE: Vice-Chair Topham made a motion to approve with the new language drafted by staff. The motion was duly seconded by Mr. Rector and the motion was carried unanimously 5-0.

Roll Call vote:

Vice-Chair Joseph Topham, *Aye*

Barry Rector - *Aye*

Nat Lowell, *Aye*

John Kitchener, *Aye (remote participation)*

Chair David Iverson, *Aye (remote participation)*

- **Article 62:** Moved to take no action
- **Article 63:** moved to take no action
- **Article 64:** Moved to take no action
- **Article 65:** Motion was supported
- **Article 66:** Motion was supported
- **Article 67:** Motion was not supported, and staff added a comment.

DISCUSSION: Mr. Rector not okay with language due to the language. Mrs. Trudel change the language to "could be a viable alternative". Board members agreed with the change.

MOTION/VOTE: Mr. Rector made a motion to accept the new language. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 5-0.

Roll Call vote:

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Nat Lowell, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

V.Upcoming Meetings:

- **Regular Meeting – Monday, March 10, 2025, at 4pm Hybrid**
- **Special Meeting – Thursday, March 13, 2025, at 4pm REMOTE ONLY**

VI.Adjournment:

Mr. Rector made a motion to adjourn the meeting at 5:03PM. The motion was duly seconded by Mr. Kitchener and the motion was carried unanimously 5-0.

Roll Call vote:

Barry Rector – *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*

Nat Lowell, *Aye (remote participation)*

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

Chair David Iverson, *Aye (remote participation)*

Submitted by: Catherine Ancero

- Link to the Planning Board YouTube video of March 6, 2025, meeting:
<https://us06web.zoom.us/j/83846976471?pwd=z4ZrfBG8nKFxmsxOjwdVeuhJRd6KjX.1>
- Link to the Planning Board packet of March 6, 2025, meeting:
<https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/03062025-14888?html=true>