Nantucket Planning Board

**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, John Kitchener (*Remote participation*), and Hillary Hedges Rayport

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

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

LINK TO MEETING:
https://us06web.zoom.us/webinar/register/WN_-rnpchoXTKCNGhbllHbuTA#/registration

YOUTUBE LINK:
https://www.youtube.com/watch?v=KKNpyIhvw0Q

APPROVED MINUTES OF 12-08-2025

I. Call to order:

Acting Chair Lowell called the meeting to order at 4:00pm.

Attendance taken by roll call:

Board Members:
Dave Iverson, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Vice-Chair Nat Lowell, *Aye*

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

Staff:
Leslie Snell, *Aye*
Megan Trudel, Aye
William Saad, *Aye*
Catherine Ancero, *Aye*

Acting Chair Lowell 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:**

DISCUSSION: Two items were discussed regarding posting; one item was posted; however, it did not meet with the 48-hour notice, and another internal update was not posted. Mrs. Trudel clarified that the "Milestone Crossing" agenda item would not be addressed tonight.

MOTION/VOTE: Mr. Topham made a motion to approve the agenda, and the motion was duly seconded, and the motion was carried out unanimously.

Board members roll call vote:
Joseph Topham, *Aye* (*remote participation)*
Dave Iverson, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

III. **Public Comment:** *for items not listed on the agenda*
Campbell Sutton requested a reminder about the time, date, and details of the upcoming breakfast meeting. Mrs. Snell stated that the meeting will be held at the Nantucket Inn. Registration opens at 8:30 a.m. with coffee available, and the meeting will run from 9 to 11a.m. The purpose of the meeting is to discuss the Planning and Economic Development Commission's enabling legislation.

Before the beginning of the meeting, the Chair asked if there were any recusals or items to be separated. None was noted. It was stated that Mr. Iverson would chair item at 16 Bayberry. There was a brief discussion about how to proceed with agenda items, and Ms. Rayport had a comment regarding 97 Old South Road for awareness purposes.

IV. **Minutes:**

- **September 8, 2025**
- **November 13, 2025**

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION: A Board member requested edits on October 20th minutes. Request to strike a speculative line stating that "board members seemed to agree" about a layout not conflicting with zoning intent. Adding clarification regarding the discussion of granting an exception to use an easement for frontage. Edits were sent to staff (Catherine).

MOTION/VOTE: Ms. Rayport made a motion to approve the September 8th and November 13th set of minutes. The motion was duly seconded by Mr. Iverson, and the motion was carried out unanimously.

Board members roll call vote:
Joseph Topham, *Aye* (*remote participation)*
Dave Iverson, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

V. Second Dwellings:

- **Chip Webster – 11 South Shore Road**

- **Larry B. Whelden – 97 Old South Road**

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION: Board reviewed applications for second dwellings. Ms. Rayport requested that a specific finding be added for 97 Old South Road due to the project including additional driveway access, and a finding should state that it is not contrary to sound traffic and safety considerations. It was clarified that the driveway in question was an internal driveway rather than a new curb cut, so no additional concern was required.

11 South Shore Road:

MOTION/VOTE: Mr. Iverson made a motion to approve the second dwelling at 11 South Shore Road, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

97 Old South Road:

MOTION/VOTE: Mr. Iverson made a motion to approve the second dwelling at 97 Old South Road, finding that the proposed second dwelling does not include a new curb cut or second driveway access to Old South Road, as the driveway shown is internal to the site and therefore the project is not contrary to traffic or safety considerations, the motion was duly seconded and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

VI. Ticcoma Green Workforce Rental Community: *clarification of Condition A6 (pg 14) of Special Permit #67-17, EOHLC lottery application to market rate units.* ***This agenda item was not anticipated by the Chairman within 48 hours.***

DISCUSSION: Board discussed an unanticipated agenda related to a condition in a 2017 decision that required a DHCD now known as EOHLC, approved lottery for market rate units. It was explained that lotteries are not standard practice for market rate units, and the issue arose during a review of closing checklist items. The original intent of the Board was to make sure that the market rate units complied with applicable state requirements and regulations, which they follow. Town Counsel prepared a proposed motion to address this technical issue by removing the lottery requirement and updating references to the appropriate state agency. Board members reviewed the language, noted that the change was housekeeping, and agreed it was appropriate to approve.

MOTION/VOTE: Mr. Iverson made a motion to amend the Planning Board's 2017 decision to remove the condition requiring a DHCD now known as EOHLC, approve lottery for the market rate units as such lotteries are not required or customary for market rate housing. This amendment is a technical and housekeeping change intended to clarify the original decision while maintaining compliance with all applicable EOHLC requirements and regulations, the motion was duly seconded and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

VII. Plans - Approval Not Required (ANRs):

- **Ellen B. Ryder – 16 Bayberry Lane,** *action deadline 12-22-2026,* ***SEE PUBLIC HEARING***
- **Thomas C. Holt & Maia Howard, as Trustees of Thomas C. Holt Revocable Trust & Maia Howard Revocable Trust – 10 Bayberry Lane,** *action deadline 12-14-2026,* ***SEE PUBLIC HEARING***
- **126 Main Street Nominee Trust, Ryan Kelly, Trustee and Casino Partners II LLC – 126 & 126R Main Street,** *action deadline 12-10-2026*

- **Badlands Investments LLC; Fred Luchsinger, Resident Agent and Gird Joint Revocable Trust, Albert Gird & Carol Ann Gird, Trustees – 10 South Pasture Lane,** *action deadline 12-14-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION: Board reviewed applications for 126 & 126R Main Street and 10 South Pasture Lane. There were no questions or concerns raised by Board members.

MOTION/VOTE: Mr. Topham made a motion to approve 126 & 126R Main Street and 10 South Pasture Lane, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
John Kitchener, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
Dave Iverson, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

VIII. Previous Plans:

- **12 Nobska Way –** *request to release surety*

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION: The applicant posted a performance surety to cover the cost of final paving along the cul-de-sac. The paving has been completed, however, pending inspection by the consulting engineer, Ed Pesce. The recommendation is to authorize the release of the performance surety subject to a favorable inspection. There were no questions from Board members.

MOTION/VOTE: Ms. Rayport made a motion to authorize the release of the performance surety for 12 Nobska Way, contingent upon a favorable inspection from the consultant engineer, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Hillary Hedges Rayport, *Aye*

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

- **Fog Nominee Trust, Mark Dawson, Trustee - 17 Milestone Crossing –** *request for discussion: Waiver of Enforcement of restriction – proposed secondary residential lot subdivision –* ***This agenda item was not anticipated by the Chairman within 48 hours.***

IX. Public Hearings:

- **Three Yawkey Way, LLC – 3B Yawkey Way #2,** *action deadline 01-18-2026,*
 REQUEST FOR WITHDRAWAL
- **Fairgrounds Road, LLC – 25 Fairgrounds Road,** *action deadline 01-18-2026*
 REQUEST FOR WITHDRAWAL

DOCUMENTATION: File with associated plans, photos and required documentation

MOTION/VOTE: Mr. Iverson made a motion to accept the withdrawals for 3B Yawkey Way #2 and 25 Fairgrounds Road, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

- **Longfin, LLC – 1 Barnard Valley Road,** *action deadline 01-18-2026,*
 CONTINUED TO JANUARY 12, 2026
- **Marylin Lane Homeowners Association Trust – 9 Correia Lane,** *action deadline 01-30-2025*
 CONTINUED TO JANUARY 12, 2026
- **Cliffside Beach, Inc. – 46 Jefferson Avenue,** *action deadline 01-30-2026*
 CONTINUED TO JANUARY 12, 2026

DOCUMENTATION: File with associated plans, photos and required documentation

MOTION/VOTE: Mr. Topham made a motion to accept the continuance to January 12th of 2026 for 1 Barnard Valley Road, 9 Correia Lane and 46 Jefferson Avenue, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Joseph Topham, *Aye (remote participation)*
Dave Iverson, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

NOTE: Staff will be handling any internal deadline extensions.

- **Ellen B. Ryder – 16 Bayberry Lane,** *action deadline 01-18-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

The Acting Chair, Mr. Lowell recused.
Mr. Iverson assumed the role of Chair for this agenda item.
Alternate Board member Howard Matz was activated to vote.
Representing the applicant is Attorney Arthur Reade.

DISCUSSION:
The application is for a rear lot subdivision on a property where an ANR plan has already been approved. The request is for a Special Permit for the rear lot subdivision and for the ANR plan to be endorsed and recorded after the special permit is issued. The application complies with all rear lot subdivision requirements in the bylaw and that the applicant agreed with the staff's findings and recommendations. Chair Iverson opened the floor to the public. There were no public comments on the floor or online.

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

Board members roll call vote:
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Dave Iverson, *Aye (remote participation)*
Howard Matz, *Aye*

MOTION/VOTE: Ms. Rayport made a motion to approve the Special Permit with the findings and conditions as outlined in the staff report, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Hillary Hedges Rayport, *Aye*
Howard Matz, *Aye*
John Kitchener, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
Dave Iverson, *Aye (remote participation)*

ANR: Ellen B. Ryder – 16 Bayberry Lane
DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION: None

MOTION/VOTE: Mr. Topham made a motion to endorse the ANR plan, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Howard Matz, *Aye*
Hillary Hedges Rayport, *Aye*
Dave Iverson, *Aye (remote participation)*

After completing the discussion and voting on this application the previous Acting Chair Mr. Lowell, returned to the meeting and resumed the role of Chair.

- **Edward S. Bent, Rebecca L. Bent, and Maxwell S. Bent Trustees of Bent Shimmo Nominee Trust – 2 & 4 South Valley Road and 27 Shimmo Pond Road,** *action deadline 03-08-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION:
Representing the applicant are Attorney Arthur Reade and Paul Santos on behalf of Bent Shimmo Nominee Trust.

The property originally consists of three parcels subdivided as an ANR in 2008 however a Declaration of Restriction was filed in July to merge the lots for zoning and building purposes, effectively treating the property as a single parcel with two dwellings. Currently the property has one driveway, and the applicant is seeking a second driveway, so each dwelling has its own access. Staff recommended approval with three conditions which the applicant indicated they had no issues with. Chair Iverson opened the floor to the public. Campbell Sutton raised concerns about the proposed second driveway potentially increasing runoff into a sandy low spot waterhole at the intersection of Shimmo Pond Road and South Valley Road. Ms. Sutton stated that the area is naturally sandy and wet, and questioned whether the new driveway could worsen the condition. Mr. Santos stated that the driveway would be a shell driveway, entirely on the property, about 123 feet from the intersection and the grading could be done to mitigate runoff and avoid creating problems. Mr. Santos stressed that the property owners access the property from that area already, so they are aware of and intend to address the conditions. Attorney Reade clarified that the road in question is a private way maintained by the Shimmo Association, not a public road and if the lots had remained three separate parcels, the property owner could have added the second driveway as of right without a permit. The lot merger means the permit is procedural rather than substantive. There were no other comments from the public.

MOTION/VOTE: Ms. Iverson made a motion to close the public hearing, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

MOTION/VOTE: Ms. Rayport made a motion to approve the Special Permit for a second driveway and with the findings and conditions as outlined in the staff report, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Joseph Topham, *Aye* (*remote participation)*
Dave Iverson, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

- **Dara Murphy Foundyller Etal – 8 Massachusetts Avenue,** *action deadline 03-08-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION:
Representing the applicant is Victoria Ewing.
The applicant is seeking a proposed new boathouse/garage on a vacant lot, intended as the primary and only structure on the parcel. The structure is a two-bay boathouse/garage, in line with the existing house across the street, same owner. The project is limited to the approved building envelope by previous ConCom approval, and the application is in the final round with the HDC. Mr. Iverson stated that the proposal is straightforward and consistent. Acting Chair Lowell opened the floor to the public. Campbell Sutton expressed concerns about potential drainage or runoff from boats/motors. Ms. Ewing stated that the garage is for storage only, with no work, fuel, or oil handling. Stephen

Murphy asked whether the structure would permit residential use. Ms. Ewing confirmed that it is strictly a boathouse/garage. Questions regarding the mailbox and validity of a previous MassDEP order were addressed.

MOTION/VOTE: Ms. Iverson made a motion to close the public hearing, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

DISCUSSION: Board members discussed Condition #3 in the staff report, which limits use of the proposed boathouse/garage to the property owner of 9 Mass Avenue and requires common ownership of the garage lot and the residential property across the street. Board members asked how this restriction would be enforced and what would occur if ownership were separated in the future. Staff explained that if approved the Special Permit would be recorded against the deed, making the conditions enforceable by the Town. If the properties were no longer in common ownership the use would be in violation of the Special Permit and subject to enforcement or the owner would need to return to the Planning Board to request an amendment. It was clarified that the lot was pre-existing nonconforming and the Special Permit is required because the garage is not accessory to a structure on the same lot. Board members agreed that the proposal was appropriate given the proximity, ownership structure and conditions imposed.

MOTION/VOTE: Mr. Iverson made a motion to approve the Special Permit for the boathouse/garage, with the findings and conditions as outlined in the staff report, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

- **Thomas C. Holt & Maia Howard, as Trustees of Thomas C. Holt Revocable Trust & Maia Howard Revocable Trust – 10 Bayberry Lane,** *action deadline 03-08-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

DISCUSSION:
The Acting Chair, Mr. Lowell had to step out for a few minutes. Mr. Iverson assumed the role of Chair for this agenda item.
Represented by Arthur Reade.
The property was previously subdividable, an ANR plan which had already been endorsed by the board. The current application proposes a new ANR plan to formalize it as a rear lot subdivision, which slightly changes the lot shape. The applicant agreed with all staff recommendations and was available to answer questions. It was confirmed that all access will come from Bayberry Lane. Acting-Chair Lowell opened the floor to the public. There were no public comments on the floor or online.

MOTION/VOTE: Ms. Rayport made a motion to close the public hearing, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Hillary Hedges Rayport, *Aye*
Joseph Topham, *Aye* (*remote participation)*
Acting-Chair Nat Lowell, Ay*e*
John Kitchener, *Aye* (*remote participation)*
Chair Dave Iverson, *Aye* (*remote participation)*

After closing the hearing Mr. Lowell assumed the role of Chair and continued with the agenda item.

MOTION/VOTE: Mr. Iverson made a motion to approve the Special Permit for the rear lots subdivision, with the findings and conditions as outlined in the staff report, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

ANR: Thomas C. Holt & Maia Howard, as Trustees of Thomas C. Holt Revocable Trust & Maia Howard Revocable Trust – 10 Bayberry Lane

MOTION/VOTE: Mr. Iverson made a motion to approve the ANR, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

- **Karlton A. Phillips & Suzanne L. Riddle – 19 Folger Avenue (1),** *action deadline 03-08-2026*
- **Karlton A. Phillips & Suzanne L. Riddle – 19 Folger Avenue (2),** *action deadline 03-08-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

Represented by Karlton Phillips

DISCUSSION:
The Board addressed both Special Permits together (19 Folger Avenue (1) and 19 Folger Avenue (2)). The first Special Permit is an amendment to an existing secondary lot permit, swapping which lot has the restriction. The second Special Permit is the proposal for a tertiary lot. The final proposed layout, Lot 1, is a market rate lot, Lot 2 is the secondary lot and Lot 3 is the tertiary lot. Lot 3 (tertiary) would get enough ground cover for a two-bedroom dwelling, Lot 2 would not require additional allocation, Lot 1 would retain the remaining allowable ground cover. Total ground cover across all three lots cannot exceed 7%, consisting with zoning limits. Redistribution among the lots is flexible if the total stays under the 7% cap, adjustments can be made later if needed. Acting Chair Lowell opened the floor to the public. There were no public comments on the floor or online.

MOTION/VOTE: Ms. Rayport made a motion to close both public hearings, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

MOTION/VOTE: Mr. Iverson made a motion to approve both Special Permit applications together, the amendment to the secondary lot and the tertiary lot, with the findings and conditions as outlined in the staff report, the motion was seconded, and the motion was carried out unanimously.

Board members roll call vote:
Dave Iverson, *Aye* (*remote participation)*
Joseph Topham, *Aye* (*remote participation)*
John Kitchener, *Aye* (*remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

- **North Water Holdings LLC – 17 North Water Street,** *action deadline 03-08-2026*

DOCUMENTATION: File with associated plans, photos and required documentation

Represented by Attorney Sarah Alger, Cailen Casey (owner) and Art Gasbarro, Surveyor online

DISCUSSION:
The Applicant seeks a Special Permit for transient residential facilities. The proposal is to expand to 16 rooms, fully compliant with zoning and ground cover limits, renovation includes sprinkler installation for safety. Expansion aligns with local needs for accommodations near Town and boats. Management plan proposed to make sure orderly operation. Compliance with staff report recommendations, suggesting adding a condition to restrict exterior construction during peak season roughly June 15th through Labor Day. Minimal concerns regarding parking as guests rarely bring cars. ~~Suggestion to clarify on website that no parking is provided.~~ Ms. Rayport requested the owner to further strengthen and promote messaging on the website that there is no available parking and cautioning against cars.
Section of lot is an easement for abutters, not part of the property. Inclusionary housing, previously waived because staff housing did not meet strict definition, rooms not dwelling units. Past occupancy, two people living on-site for the future proposal four people with renovated basement units. Owner and General Manager currently reside on property; seasonal staff may reside in building if needed. Questions were raised regarding ground cover, occupancy, easements and inclusionary housing conditions and staff confirmed Special Permits transfer with the land. Acting Chair Lowell opened the floor to the public. Beth Frates, North Water resident of 48 years, concerned about precedent for future expansions and parking. Ann Lingaman Davis at 10 Ash Street expressed concern with the intensification of commercial use contradicts prior MCD condition of no increase. Confusion over use of basement and staff rooms versus additional guests' rooms. Ms. Davis questions about easement and relationship to neighboring barn property and concern about neighborhood character, especially considering Veranda House fire. Ms. Davis urged the Board to hold original permits and prevent expansion. Malcolm McNab expressed concern with parking issues on North Water Street, citing lost street parking over years. Mr. McNab concern that even if guests are discouraged from bringing cars, reality shows cars will appear and neighborhood dynamics changing due to increased density. George Butterworth at 23 North Water Street strongly echoes Mr. McNab on parking loss and increased density. Mr. Butterworth stated that former shared parking behind 15 & 17 North Water no longer available. Mr. Butterworth is concerned about 60% increase in rooms, not accounting for employee housing. James Frates is skeptical of assurances that guests won't bring cars or be disruptive. Mr. Frates expressed concerns also regarding parking issues. Amy Eldridge reminded the Board of the historic fire risk, referencing the Veranda House fire. Ms. Eldridge expressed the density of buildings in the area and potential danger to neighbors. Ms. Eldridge urged the Board to consider the original permitted plans rather than allowing 60% expansion. Ms. Eldridge is concerned about the ongoing recovery of neighbors from past fire damage. Candice Pool at 1 Ash Street, worries about 12 additional guests nightly causing noise and disruption, especially during summer. Ms. Pool raised concern about parking issues. Ms. Pool mentioned

barn and property layout issues, questioning use of the barn for entertainment, deliveries and employee housing. Ms. Pool suggested that application may be financially

motivated rather than necessity driven. Roberta St. Amore reiterated concerns about density and quality of life, skeptical of claims that additional rooms won't increase traffic or noise. Emily Molden from Land and Water Council asked for clarification on property and easement boundaries. Confirmed that the exclusive use area counts toward 17 North Water's ground cover, easement does not change this. Attorney Alger clarified that easement cannot be used for ground cover, setbacks, or storage and confirmed that the barn is on an adjacent property and unrelated to the applicant's property. Susan Renzulli at 5A Step Lane, shared personal trauma from the Vernada House fire. Ms. Renzulli expressed concern that additional density could repeat safety risks. Mr. Casey stressed experience of hospitality. He emphasized a commitment to being a responsible steward of the property and integrating with the neighborhood. Mr. Casey highlighted the outdated condition of bathrooms and the need for renovations to maintain competitiveness. Mr. Casey stated that he recognizes neighborhood concerns, especially the fire and construction disruptions over the past two years. There was a brief debate whether to close the public hearing. Closing the hearing prevents requesting new information from the applicant. Board agreed to leave the public hearing open to allow for any additional information from the Applicant. Updating the management plan to reflect the new rooms and staff arrangements. Annual review or check in to evaluate how the guest house is operating. The Board discussed occupancy limits, however there was concern about enforcing strict limits due to the nature of the property and existing inspections by the Board of Health. There was a discussion about the "substantially more detrimental" standard which was a typo in the staff report. The standard applies only when changing a pre-existing non-conforming use in which case it does not apply since the proposal is a Special Permit use. Conditions and requirements for approval, management plan must include the new rooms and employee occupancy, follow up review owner must return to the Board one year after the Certificate of Occupancy (CO) to report on progress, construction timing, no exterior construction during summer June 30 through September 15th, minor adjustments can be approved by staff without public hearing. It was clarified that certain rooms (basement) must be available for employee use, not just left vacant. Employee housing clarification that a minimum of two employees must live on site. Housing for up to four employees must be provided. Actual occupancy, not just availability, must clearly state in the management plan. Mr. Casey stated that some employees (cleaners) may live off-site however on-site management presence is required. These requirements were formally added as conditions to the MCD.

MOTION/VOTE: Ms. Rayport made a motion to close public hearings, the motion was seconded, and the motion was carried out unanimously.

__**Board members roll call vote:**__
Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting-Chair Nat Lowell, *Aye*

MOTION/VOTE: Mr. Iverson made a motion to approve the application subject to the following conditions: Basement rooms should be used exclusively for employee housing and shall not be used for guest accommodation. A minimum of two employees shall always reside on site during operation of the use. The Applicant shall provide on-site housing capacity for up to four employees. Even if not all spaces are occupied, the minimum on-site residency requirement shall be maintained, one of which must be a member of the property management. The applicant shall return before the Board one year after issuance of the Certificate of Occupancy (CO) for the new units to review operations and compliance with conditions. While some employees, such as cleaners, may reside off site, the required minimum on-site staffing shall be always maintained. No exterior construction shall occur between June 30th and September 15th; interior construction may continue during this period; Minor changes or scheduling adjustments may be reviewed and approved administratively by staff without requiring additional public hearing. Reference in prior conditions to a "garage" were corrected to refer to construction generally; minor typographical corrections acknowledged. The findings were revised to state that the project is in harmony with the purpose and intent of the zoning bylaw, rather than applying a nonconforming use standard. The motion was second and carried unanimously.

__**Board members roll call vote:**__

Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*

John Kitchener, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, *Aye*

X. Other Business:

- **2026 Planning Board Meeting Schedule**
- **Planning Board Special Meeting – Monday, January 5, 2026, at 4:00PM Hybrid**
- **Planning Board Regular Meeting – Monday, January 12, 2026, at 4:00PM Hybrid**
- **Planning Board Special Meeting – Thursday, January 15, 2026, at 4:00PM Hybrid**
- **Planning Board Special Meeting – Thursday, January 29, 2026, at 4:00PM Hybrid**
- **Planning Board Special Meeting – Monday, February 2, 2026, at 4:00PM Hybrid**
- **Planning Board Regular Meeting – Monday, February 9, 2026, at 4:00PM Hybrid**

DISCUSSION:

- Staff reviewed upcoming special and regular Planning Board meetings.
- January 5th Special meeting is required to hold a public hearing on citizen articles within the statutory 60-day window.
- Additional Planning Board sponsored articles may be added
- The 2026 Planning Board meeting schedule was provided as FYI

- **Discussion of Warrant Articles for Annual Town Meeting 2026**
  - **Inclusionary Housing Bylaw and Year-round deed restrictions**

    DISCUSSION: Staff asked feedback on potentially amending the new inclusionary housing bylaw, pending Attorney General approval. Current bylaw allows year-round deed restrictions only when five plus units and lots are created by Special Permit. Some Board members expressed a desire for greater flexibility particularly for rear lot subdivisions and small-scale projects. Any authority that requires year-round restrictions must be clearly stated in zoning. Staff will explore draft language allowing restrictions at fewer than five units. Incentives such as ground cover are needed to make restrictions more acceptable.

  - **Accessory Dwelling Unit (ADU)**
    - **Accessory Dwelling Units** – **Policy Discussion**: General goals are to bring local zoning into compliance with state ADU law. Provide clarity for the Building Commissioner and the public. Avoid unintentionally allowing more dwellings than intended while preserving the rights and protections of our current zoning bylaw. Preserve as much local control as legally possible. There was a unanimous agreement to delete Nantucket current ADU in-law language, as is obsolete and confusing. Replace it with Protected Use ADU (PUADU) language consistent with state law. Prefer to rely heavily on State or MAPC model language to reduce AG risk. State standard up to 900 square feet or 50% of the principal dwelling, whichever is less. Board briefly discussed whether the by right should be adjusted locally and larger ADUs could be allowed by Special Permit subject to AG approval.
    - **Extra Dwelling Units**: A major concern was avoiding scenarios where lots could gain additional dwellings unintentionally. On fully built out lots, one unit must be clearly designated as the Protected Use ADU, so no fourth unit is created. In cases where a secondary dwelling already exists it should be treated as the protected use ADU unless its size prevents it – this is matter of procedure. Under the law, all ADUs that are not protected use ADUs must be issued by Special Permit.

  - **Others**
    - **Secondary and Tertiary Dwellings** – proposal to eliminate freestanding tertiary dwellings from zoning, except where already allowed by covenant. Use the ADU framework to replace the "third dwelling" concept. Making second dwellings Special Permit in certain districts. Allowing applicants to

waive their right to a by right ADU in exchange for a larger dwelling by Special Permit under the law, all ADUs that are not protected use ADUs must be issued by Special Permit. Ms. Rayport expressed desire to avoid simply swapping the protected use ADU for the tertiary dwelling because the tertiary dwelling is an occupancy restricted unit, and a protected use ADU is not.

- **Size, Floor Area and technical standards** – There were concerns about the difference between gross floor area and livable space as well as between State ADU regulations and Nantucket's historic tertiary dwelling standards. Board members agreed that the ADU size should reflect with what is already built on the ground. Poor sizing could unintentionally grant properties the right to additional dwelling units by right. Staff will coordinate with the Building Commissioner to clarify definitions.
- **Parking, bedrooms and neighborhood impacts** – Several Board members expressed concern with parking as major year-round neighborhood issue. Using bedroom count as a more accurate indicator of parking impacts than dwelling classifications. Past tertiary bylaws successfully limited bedrooms. State laws prevent regulating parking and bedroom counts for ADUs, and future consideration may revisit parking rules for primary and secondary dwellings.
- **Short Term Rentals (STRs) -** STR restrictions will not be addressed in this ADU bylaw. Focus remains on definitions and zoning compliance. Many supports future STR limits for ADUs however retroactive restrictions raise fairness and legal concerns.

NOTE: Board member Mr. Kitchener left meeting at 7:36 pm.

- **Attorney General and EOHLC Guidance –** On going tension between EOHLC and Attorney General interpretations. Pre-approval is possible, however not guaranteed. Certain measures, like waiving ADU rights may be allowed and others such as adding restrictions on the primary dwelling via special permit are not.
- **Next Steps and directions –** Staff will draft revised ADU language incorporating Board feedback. Advertise a January 5th public hearing to remove freestanding tertiary dwellings to avoid gaps after the moratorium. Continue researching size standards and implementation details. Board urged to keep proposals as simple and understandable as possible. Recognize not all ideas can be resolved for the upcoming Town Meeting. Community understanding and support will be critical.

XI. <u>Adjournment:</u>

Mr. Iverson made a motion to adjourn the meeting at 7:47pm. The motion was seconded, and the motion was carried out unanimously.

<u>Board members roll call vote:</u>

Dave Iverson, *Aye (remote participation)*
Joseph Topham, *Aye (remote participation)*
Hillary Hedges Rayport, *Aye*
Acting Chair Nat Lowell, Ay*e*