



Nantucket Planning Board

PLANNING BOARD APPROVED MINUTES OF 01-29-2026

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

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

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

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

I. Call to order:

Acting Chairman Mr. Lowell called the meeting to order at 4:05pm.

Attendance taken by roll call:

Board Members:

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

Alternates:

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: A request had been made by the property owners to continue Articles 60 and 61 and by continuing the items would involve opening the public hearing, it was agreed that no substantive Board discussion would take place at this time and that the Applicant understood the items would not be discussed this evening based on prior conversations with staff.

MOTION/VOTE: Mr. Iverson made a motion to continue Articles 60 and 61 to February 9th meeting. The motion was duly seconded by Mr. Kitchener, and 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*

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

Board members roll call vote:

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

III. Public Comment: *for items not listed on the agenda*

There are no public comments online or on the floor.

IV. Public Hearings- Zoning Articles Proposed by the Planning Board

DISCUSSION: Articles 47-54 are interconnected and staff prepared a summary sheet to present the articles in a clear and simplified manner. Before discussion began, Board member Mr. Kitchener expressed appreciation for the document prepared by staff. Acting Chair Lowell confirmed that Town Counsel Amy Kwesell was present to proceed with the introduction of the articles. Town Counsel Amy Kwesell provided background on the state law changes requiring municipalities to allow Protected Use Accessory Dwelling Units (ADUs) under MGL Chapter 40A, Section 3 – the Dover Amendment. Protected use ADUs are defined by state regulations as units up to 900 square feet or 50% of the principal dwelling, whichever is smaller. Nantucket’s existing zoning already allowed secondary and tertiary dwellings, making integration of Protected Use ADUs more complex and requiring careful adjustments to avoid overdevelopment. Add a new Protected Use ADUs section to the bylaw. Update definitions to match state regulations. Eliminate the tertiary dwelling category and revise the use chart accordingly. Following the Town Counsel presentation staff stated that although the articles are intertwined, the Board can open the public hearing for Articles 47-54 collectively however the Board must make separate motions and recommendations for each article.

- **Article 47 - Zoning Bylaw Amendment: Definitions and Use Chart – Accessory Dwelling Unit** – to amend Section 139-2 “Definitions and Word Usage” by striking the existing definition of “Accessory Dwelling Unit” in its entirety and to amend Section 139-7A “Use-Chart” by removing “Accessory Dwelling Unit” in its entirety.

DISCUSSION: Eliminates the current definition of accessory dwelling in the zoning bylaw. The existing definition functions more like an in-law suite and counts toward the dwelling unit mix, creating potential confusion. Removing the definition clarifies the bylaw and aligns it with the updated framework for Protected Use ADUs.

- **Article 48 - Zoning Bylaw Amendment: Use Chart and Definitions – Protected Use Accessory Dwelling Unit (ADU)** – to amend Section 139-2 “Definitions and Word Usage” by defining a new term “Protected Use Accessory Dwelling Unit (ADU)” and to amend Section 139-7A “Use Chart” by inserting a new term “Protected Use ADU” with a “Y” in the R-1/SR-1, ROH/SOH, R-5/R-5L, R-10/R-10L/SR-10, R-20, R-40, V-R, LUG-1, LUG-2,

LUG-3, and MMD districts and a “N” in the CDT, CMI, CN, CTEC, CI, RC, RC-2, VN, and VTEC districts.

DISCUSSION: Inserts the state approved definition of Protected Use Accessory Dwelling Unit (ADU) into the zoning bylaw. The definition is included in the use chart exactly as required by state regulations. Protected Use ADUs are officially allowed in single family residential districts where a primary dwelling is permitted, either by right or by Special Permit, clarifying their legal status and zoning placement.

- **Article 49 - Zoning Bylaw Amendment: Definitions – Gross Floor Area** – to amend Section 139-2 “Definitions and Word Usage” by making language updates to comply with 760 CMR 71.00.

DISCUSSION: Updates the definition of Gross Floor Area to incorporate state permissive standards while retaining Nantucket’s existing more permissive rules. Clarifies which spaces count or do not count toward ground floor area. Aligns local zoning with state regulations while maintaining flexibility in ground floor area calculations.

- **Article 50 - Zoning Bylaw Amendment: Use Chart – Primary Dwelling** – to amend Section 139-7A “Use Chart” by changing Primary dwelling from “A” to “N” in the CDT, CMI, CN, VN, and VTEC districts and by changing “Y” to “N” in the CTEC, RC, and RC-2 districts.

DISCUSSION: Eliminates the allowance of primary dwellings in commercial districts. Separates residential and commercial uses clearly. Removes ambiguity in mixed use districts, protected use ADUs are not improperly applied. Clarifies zoning prevents confusion and makes sure it is consistent with the existing density calculations.

- **Article 52 - Zoning Bylaw Amendment: Use Chart and Definitions – Tertiary Dwelling** – to amend Section 139-2 “Definitions and Word Usage” by striking the existing definition of “Tertiary Dwelling” in its entirety and to amend Section 139-7A “Use-Chart” by removing “Tertiary Dwelling” in its entirety.

DISCUSSION: Eliminates the tertiary dwelling definition and removes it from the use chart. The new Protected Use ADU covers a similar size and function but has different regulations, cannot restrict bedroom counts or occupancy. Simplifies zoning by replacing tertiary dwellings with Protected Use ADUs while acknowledging the key differences.

- **Article 51 - Zoning Bylaw Amendment: Use Chart and Definitions – Secondary Dwelling** – to amend Section 139-2 “Definitions and Word Usage” by updating the existing definition of “Secondary Dwelling” to insert new language related to ownership and/or occupancy requirements, insert new language to clarify enforcement authority, and add bedroom density requirements and amend Section 139-7A “Use-Chart” by changing from a “Y” to a “SP” in the R-1, SR-1, ROH, SOH, CDT, RC, RC-2. And VR districts and by changing from a “SP” to a “N” in the R-5L and R-10L districts, *will also be readvertised with updates to the use chart for 2/9/26*

DISCUSSION: Updates secondary dwelling regulations. Incorporate key elements from the former tertiary dwelling definition for denser districts. Applies only to units over 900 square feet that do not qualify as Protected Use ADUs. Clarifies that one other dwelling on the lot must be owner occupied, owned by a non-profit, religious, or educational entity or subject to a restriction limiting occupancy to a year-round household. Provide an option for a Special Permit if none of the three conditions are met. Deed restrictions must be held by the Planning Board and enforceable in perpetuity.

- **Article 53 - Zoning Bylaw Amendment: Use Chart and Definitions - Garage Apartment**
– to amend Section 139-2 “Definitions and Word Usage” by striking the existing definition of “Garage Apartment” in its entirety and to amend Section 139-7A “Use-Chart” by removing “Garage Apartment” in its entirety.

DISCUSSION: Eliminates the garage apartment use from the zoning bylaw, removing it from both the definitions and use chart. Garage apartments created confusion around density calculations and did not clearly fit within the dwelling unit framework. Residential units should be clearly categorized as primary dwelling, secondary dwelling or Protected Use ADU. A garage apartment may still qualify as a secondary dwelling under the updated definition. In commercial districts such as units must be classified as an apartment or apartment building so they promptly fall under established density calculations.

- **Article 54- Zoning Bylaw Amendment: Use Chart and Definitions - Apartment** – to amend Section 139-2 “Definitions and Word Usage” to insert the Village Neighborhood (VN) district and the Village Trade, Entrepreneurship and Craft (VTEC) district into the density schedule and amend Section 139-7A “Use-Chart” by changing Apartment from “N” to “Y” in the VN and VTEC districts.

DISCUSSION: Garage apartments and primary dwellings as accessory uses are being removed, the VN and VTEC districts would otherwise have no residential option. These districts are therefore added to the apartment density framework, with a maximum of two residential units per lot, which is consistent with what is already allowed today, resulting in no increase in density.

The public hearing is open to the public for Articles 47-54.

Ms. Rayport raised technical and policy questions focused on clarity, impact and consistency with state law. Question raised about whether principal dwelling is defined in the bylaw. Staff confirmed it was added previously however the current code version may not yet reflect the update. Concern raised that the bylaw does not explicitly state that only Protected Use ADU is allowed per lot, as required by state regulations. Staff and Town Counsel confirmed state regulations already limit to one Protected Use ADUs to one per lot. Adding explicit language was discussed as a possible belt and suspenders clarification, though changes are limited since the warrant is closed. Questioned whether “proposed” was necessary in the ADU definition. Staff explained it clarifies that both existing structures and future proposals must be evaluated and categorized correctly at the permitting state. Board raised concerns about differences between local and state Ground Floor Area definition and potential confusion over excluded spaces such as basements, laundry rooms, enclosed porches. Staff clarified that state required exclusions such as crawl spaces, garages, attics, enclosed porches are mandatory for Protected Use ADU review. Existing local exclusions remain to allow unfinished basement and mechanical/storage space without triggering future conversion to living space. The Board discussed clarifying zoning definitions and allowing apartments in the Village Neighborhood (VN) and Village Trade, Entrepreneurship and Craft (VTEC) districts by right. There was debate on accessory dwelling units (ADUs) regarding size limits, 900 square feet versus possibly 1200 square feet whether existing secondary dwellings count as ADUs or trigger a third dwelling. The consensus favored sticking close to state standards, 900 square feet, simplifying definitions, and making minimal changes now, with the option to adjust later once impacts are better understood. Town Counsel Amy Kwesell warned that increasing ADU size to 1200 square feet could conflict with state law and could invite legal challenges. MS. Rayport questioned whether expanding ADUs to 1200 square feet could be reversed later. Mr. Topham stated that it’s much easier to expand later than to scale back once adopted. Mr. Welch stated that staff proposal simplifies dwelling definitions, adds sensible limits on new second dwellings, and provides a clear, cautious foundation that can be adjusted at a future Town Meeting. Mr. Welch suggested shifting focus away from dwelling counts and toward bedrooms, parking and ground cover, which better manage impacts while supporting diverse housing needs. Mr. Kitchener warned that deviating from the state’s 900 square feet ADU standard would introduce complexity and likely make the article difficult to defend on the Town Meeting floor. Campbell Sutton cautioned Board that ongoing debate and last-minute amendments risk confusing Town Meeting voters and undermining confidence in the warrant articles as written.

MOTIONS/VOTES FOR ARTICLES 47-54:

➤ ARTICLE 47:

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:

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

MOTION/VOTE: Ms. Rayport made a motion to give it a positive recommendation as drafted for Article 47 with a 2/3 vote. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ ARTICLE 48:

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

MOTION/VOTE: Mr. Topham made a motion to give it a positive recommendation as drafted for Article 48 with a simple majority reason for 1B and adding the language that a protected Use ADU shall be in the same ownership as the Principal Dwelling and only one Protected Use ADU (PADU) is allowed on a lot. The motion was duly seconded by Ms. Rayport, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ ARTICLE 49:

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

MOTION/VOTE: Ms. Rayport made a motion to give it a positive recommendation as drafted for Article 49 with a 2/3 vote. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ **ARTICLE 50:**

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

MOTION/VOTE: Mr. Topham made a motion to give it a positive recommendation as drafted for Article 50 with a 2/3 vote. The motion was duly seconded by Ms. Rayport, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ **ARTICLE 51:**

Staff stated that Article 51 was re-advertised for the February 9th meeting. Gives Board more time to review.

MOTION/VOTE: Mr. Topham made a motion to continue Article 51 to the February 9th meeting. The motion was duly seconded by Mr. Kitchener, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ **ARTICLE 52:**

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

Board members roll call vote:

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

MOTION/VOTE: Ms. Rayport made a motion to give it a positive recommendation as drafted for Article 52 with a 2/3 vote. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ **ARTICLE 53:**

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

MOTION/VOTE: Mr. Topham made a motion to give it a positive recommendation as drafted for Article 53 with a 2/3 vote. The motion was duly seconded by Ms. Rayport, and the motion was carried out unanimously.

Board members roll call vote:

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

➤ **ARTICLE 54:**

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

DISCUSSION: Ms. Rayport asked why the change was necessary and what its impact would be on the zoning districts. Mrs. Trudel explained that the changes wouldn't have any impact on the number of residential units allowed. Previously primary dwellings and garage apartments were allowed in certain districts however those were removed from the use chart. To avoid negative consequences these residential options now need to be allowed through the apartment bylaw with density calculations remaining the same based on minimum lot size.

MOTION/VOTE: Ms. Rayport made a motion to give Article 54 a positive recommendation as drafted with a 2/3 vote. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

Hillary Hedges Rayport, *Aye*
Joseph Topham, *Aye*

John Kitchener, *Aye (remote participation)*
Acting-Chair Nat Lowell, *Aye*

- **Article 38 - Zoning Bylaw Amendment: Prohibited Uses** – to amend Section 139-7B(3) “prohibited uses” to add new language that clarify that the prohibition of storage containers “shall not apply to the use of storage container or trailers authorized by Special Permit”.

DISCUSSION: Technical amendments to clarify that the prohibition on storage containers does not apply to containers or trailers authorized by Special Permits. The bylaw previously prohibited storage containers outright, however special permits allow their use in certain situations. This amendment is consistent with the use chart and allows controlled flexibility for applicants without intended penalties.

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

Board members roll call vote:

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

MOTION/VOTE: Mr. Topham made a motion to give Article 38 a positive recommendation as drafted with a 2/3 vote. The motion was duly seconded by Mr. Kitchener, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 39 - Zoning Bylaw Amendment: Demolition Delay** – to amend Section 139-26A(1)(f)[5] “Demolition Delay” by updating the notice requirement to allow in any “print newspaper or electronic media, having general circulation within the Town of Nantucket”.

DISCUSSION: This article proposed a technical amendment to the demolition delay bylaw to allow public notices to be published in either a print newspaper or electronic media with general circulation in Nantucket. Ms. Rayport disclosed that her husband is on the board of directors of the Nantucket Inquirer and Mirror, but it is a volunteer position, there is no ownership stake in the paper or compensation, and she feels she can be impartial in the discussion. Currently notices are required only in the newspaper. Some of the Board expressed concerns that relying on electronic media could exclude residents who depend on the print newspapers for notice. Some of the Board members argued that allowing electronic media is more modern, timely and accessible for many residents. The goal is broad public notification for demolition delays not cost savings. The changes apply only to the local zoning bylaw and not to notices required by state law. It was suggested to take no action for now and revisit the issue with clarifying language in the future. Acting-chair Lowell opened the floor to the public. Two members of the public expressed a preference for keeping the requirement for print publication.

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

Board members roll call vote:

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

MOTION/VOTE: Ms. Rayport made a motion to take no action in Article 39 and revisit next year with clearer language. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 41 - Zoning Bylaw Amendment: Rear Lot Subdivision** – to amend Section 8F “Special permit to create rear lot subdivisions” by adding language that states, “the Planning Board may require a year-round housing and/or attainable housing restriction on any of the newly created lot(s)”.

DISCUSSION: The proposal is to add language to the rear lot subdivision bylaw allowing the Planning Board to require year-round housing and or attainable housing deed restrictions on any newly created lots. Staff explained this was necessary because rear lot subdivisions rarely trigger the inclusionary housing bylaw threshold leaving the current bylaw silent on housing restrictions. Board members supported the amendment

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

Board members roll call vote:

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

MOTION/VOTE: Mr. Topham made a motion to adopt Article 41 with a 2/3 vote. The motion was duly seconded by Mr. Kitchener, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 44 - Zoning Bylaw Amendment: Definitions- Attainable Housing** – to amend Section 139-2 “Definitions and Word Usage” by updating the area median income (AMI) requirements from 240% AMI to 250% AMI.

DISCUSSION: Article 44 proposed a technical amendment to the zoning bylaw definitions to update the Attainable Housing income threshold from 240% AMI to 250% AMI. Staff explained that these changes align with updated standards for seasonal communities and maintain consistency with a companion article from the Affordable Housing Trust which will also adopt the 250% AMI threshold. Intent is to keep all related bylaw and policies consistent.

MOTION/VOTE: Ms. Rayport 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:

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

MOTION/VOTE: Ms. Rayport made a motion to adopt Article 44 as printed in the warrant with a 2/3 vote. The motion was duly seconded by Mr. Kitchener, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 46 - Zoning Bylaw Amendment: Definitions – Fractional Ownership, Interval, or Time Share Unit** – to amend Section 139-2 “Definitions and Word Usage” by striking the existing definition of “Time Sharing or Time Interval Ownership Dwelling Unit or Dwelling”; changing the name to “Fractional Ownership, Interval, or Time Share Unit”; and inserting a new definition for “Fractional Ownership, Interval, or Time Share Unit”. Also to amend Section 139-7A “Use-Chart” by changing the name to “Fractional Ownership, Interval, or Time Share Unit”; changing from “Y” to “N” in the Residential Commercial (RC) district; and changing from “Y” to “SP” in the Commercial Downtown (CDT), Commercial Mid-Island (CMI), Commercial Neighborhood (CN), and Village Neighborhood (VN) districts.

DISCUSSION: Article 46 proposed a cleanup and updated to zoning bylaw definition by renaming and redefining “Time Sharing or Time Interval Ownership Dwelling Unit or Dwelling” as “Fractional Ownership, Interval, or Time Share Unit.” The new definition incorporates fractional ownership while clearly distinguishing it from family or partnership ownership to avoid unintended impacts on shared family properties. This was developed to address concerns raised in earlier discussions about fractional ownership without reopening short-term rental issues. This will also update the Use Chart to reflect the new terminology. Board members expressed strong support for the revised language by Martha’s Vineyard Commission housing specialist.

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

Board members roll call vote:

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

MOTION/VOTE: Ms. Rayport made a motion to adopt Article 44 as printed in the warrant with a 2/3 vote. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 55 - Zoning Map Amendment: RC and R-1 to CN – Jefferson Avenue–** to place a portion of property located at 46 Jefferson Avenue and property located at 54 Jefferson Avenue currently in the Residential Commercial (RC) district into the Commercial Neighborhood (CN) district and to place a portion of property located at 46 Jefferson Avenue currently in the Residential-1 (R-1) district into the Commercial Neighborhood (CN) district.

DISCUSSION: Article 55 proposed a zoning map amendment to rezone portions of properties at 46 Jefferson Avenue and 54 Jefferson Avenue from Residential Commercial (RC) and Residential-1 (R-1) to Commercial Neighborhood (CN). Staff described the changes as a cleanup measure intended to better align zoning with existing uses at the Galley and Cliffside properties. The rezoning was developed in coordination with the property owners who agreed to the CN designation. With this change it would not materially change existing conditions or overly restrict uses.

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

Board members roll call vote:

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

MOTION/VOTE: Mr. Topham made a motion to give a positive recommendation on Article 55 with a simple majority vote for reasons 1A and 2A. The motion was duly seconded by Mr. Kitchener, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 58 - Map Change: RC-2 to R-5, CN, or CMI– Old South Road, Forrest Ave, Rose Bud Lane, Hinsdale Road –** to place properties located at 42 Old South Road; 3, 4, 5, 6, 6A, 7, 8 Forrest Avenue; 3, 3A, 4, 5, 5A, 5B, 6, 7, 8 Rose Bud Lane; various unaddressed parcels on Rose Bud Lane (shown as map 68, parcels 785 and 786); 9, 11, and 13 Hinsdale Road all currently located in the Residential Commercial-2 (RC-2) district into the Residential-5 (R-5), Commercial Neighborhood (CN), or Commercial Mid-Island (CMI) district.

DISCUSSION: Article 58 proposal for rezoning of multiple properties along Old South Road, Forrest Avenue, Rosebud Lane, and Hinsdale Road from Residential Commercial-2 (RC-2) to Residential-5 (R-5), Commercial Neighborhood (CN), or Commercial Mid-Island (CMI). The intent of this article was to clean up zoning, reduce excessive by right commercial intensity, and move the area toward more predictable, manageable mixed used districts. There were concerns from several property owners (Rich Holdgate and Deb Holdgate). The primary concerns were not uses themselves, however it was future subdivision potential, lot size, frontage requirements, and density. Rich Holdgate expressed that by rezoning this could reduce the number of lots they could create, disrupt long standing family plans to divide land among children, and force rushed subdivision applications before Town Meeting. Residential development would still be allowed in CN through apartment or condominium structures, with flexibility in ownership and occupancy. Deb Holdgate expressed concern that the CN could allow higher perceived density and non-owner-occupied development which they felt conflicted with the neighborhood's residential character. Environmental concerns related to proximity to public water supply wells, caution about future commercial intensity. Several Board members recognized the difficulty of balancing individual family needs, long term property rights and the Town's responsibility to eliminate RC-2 zoning. A few options were discussed such as removing specific parcels from

the article, rezoning some properties while deferring others or postponing the entire article to allow further discussion. Board agreed that more time was needed and to continue discussions with affected property owners to better understand individual circumstances, explore alternatives, and potentially revise the article in a way that advances zoning reform without unfairly forcing rushed decisions or unintended consequences for families. Also, this would allow staff and property owners to meet and evaluate options. Ms. Rayport suggested the owners consider a community land trust.

MOTION/VOTE: Mr. Topham made a motion to continue Article 58 to the February 9th meeting. The motion was duly seconded by Ms. Rayport, and the motion was carried out unanimously.

Board members roll call vote:

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

- **Article 60 - Zoning Map Amendment: RC-2 to CN – 5 Bartlett Farm Road and LUG-2 & LUG-3 to CN – 162 Hummock Pond Road** – to place property located at 5 Bartlett Farm Road currently in the Residential Commercial -2 (RC-2) district into the Commercial Neighborhood (CN) district; a portion of property located at 162 Hummock Pond Road currently in the Limited Use General-2 (LUG-2) district into the Commercial Neighborhood (CN) district; and a portion of property located at 162 Hummock Pond Road currently in the Limited Use General-3 (LUG-3) district into the Commercial Neighborhood (CN) district .

NOTE: Continued to the February 9th meeting.

- **Article 61 - Zoning Map Amendment: Town and Country Overlay District Change: Bartlett Farm Road and Hummock Pond Road** – to place properties located at 5, (portion of) 19, 23, 33, 39 Bartlett Farm Road and 162 Hummock Pond Road currently located in the Country Overlay District (COD) in the Town Overlay District (TOD).

NOTE: Continued to the February 9th meeting.

V. Other Business:

- **Planning Board Special Meeting – Monday, February 2, 2026, at 4:00PM Hybrid, 4FG**
Board discussed logistics for the upcoming Monday meeting considering a severe snowstorm. Only two articles remained to be discussed. The meeting was changed to Zoom only if Town offices are open. Staff explained that if Town offices are closed, zoom meeting cannot be held due to administrative and union related constraints making it cleaner procedurally to avoid meeting under those circumstances.
- **Planning Board Regular Meeting – Monday, February 9, 2026, at 4:00PM Hybrid, 4FG**

VI. Adjournment:

Ms. Rayport made a motion to adjourn the meeting at 7:32PM. The motion was duly seconded by Mr. Topham, and the motion was carried out unanimously.

Board members roll call vote:

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