



Nantucket Planning Board

Nantucket Planning Board APPROVED Minutes
Remote Participation via Zoom Webinar
January 26, 2023 @ 4:00 PM

Board Members: John Trudel, III (Chair), David Iverson (Vice-Chair) (ABSENT), Nat Lowell, Barry Rector, Joseph Topham

Alternates: Stephen Welch (ABSENT), Carl Borchert, Abby De Molina

Staff: Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (PLUS Administrative Specialist)

PLANNING BOARD APPROVED MINUTES FOR 01-26-2023

Webinar Registration Link:

https://us06web.zoom.us/webinar/register/WN_og22g5BQRy2eT9C0NogcaQ

To View Meeting Only:

<https://www.youtube.com/watch?v=4H7L3zUxgi0>

I. Call to Order:

Chair Trudel called the meeting to order at 4:03PM.

Chair Trudel read a prepared statement in accordance with Governor Baker's March 21, 2020, order regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

Roll call of those participating:

Board members:

Nat Lowell *Aye*

Barry Rector *Aye*

Joseph Topham *Aye*

Chair Trudel *Aye*

Vice- Chair Iverson *Absent*

Alternates:

Abby De Molina *Aye*
Carl Borchert *Absent*
Stephen Welch *Absent*

Staff:

Andrew Vorce *Aye*
Meg Trudel *Aye*
Catherine Ancero *Aye (technical issues)*
Leslie Snell *Aye*

II. Approval of the Agenda:

Mr. Rector moved to approve the agenda. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

III. Cannabis Advisory Committee: *appointment (1 member)*

Ms. De Molina interested in taking Mr. Iverson's seat that is vacated.
Mr. Topham moved to appoint Ms. De Molina to the Cannabis Advisory Committee. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Joseph Topham *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

Mr. Rector stated that he is the Chair for the Cannabis Advisory Committee and will send Ms. De Molina some information and is delighted that she is on board.

IV. Zoning Articles for 2023 Annual Town Meeting:

Discussion: Chair Trudel stated that he wanted to go through the articles differently. He would like to treat it like an Annual Town Meeting with the public. Will leave all articles open to the public hearing and will list all the articles to the Board members and see if any need to be pulled for discussion, then will go to the public and to see if there are any that they would like pulled for discussion. Chair Trudel identified the articles that are going to be removed as of now for the vote for further discussion in Articles 44, 45, 46, 49, 50, 58, 60, 66 and 39. Chair Trudel stated that he received a letter that Article 39 will be discussed today. Mr. Rector asked Chair Trudel to mention Articles that are laid over to the February 9th meeting. Chair Trudel stated that Article 63 had already been heard and voted at the January 12th. Article 47 will be re-advertised due to a correction. Articles 61, 62, 51, and 68 continued to the February 9th meeting.

Motion/Vote: Mr. Rector made a motion to act on these articles as stated in the staff memo for continuances. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*

Nat Lowell *Aye*

Joseph Topham *Aye*

Chair Trudel *Aye*

Discussion: Chair Trudel listed the Articles that were called again for further discussion, Articles 44, 45, 46, 49, 50, 58, 60, 66 and 39. Hearing non from the Board Chair Trudel asked the public if there were Articles that they would like pulled for further discussion. Leslie Forbes wanted to confirm Articles that are being pulled meant they are being discussed today. Chair Trudel said yes. Linda Williams called Articles 53, 56, 58, 60 and 65 for discussion. Attorney David Buckley stated that the Articles had already been called for discussion. Attorney Buckley interested in the Article for Nobska Way. Anne Dewez called Articles 54 and 57 for discussion. Article 54 will be on the February meeting and not for this agenda. Ms. Dewez stated that the Articles that she was interested in are the three definition articles 53, 55, 56 and add Article 57. Peter Zschau at 77 Washington Street stated that he had communication with Mrs. Snell regarding a citizen petition about a zoning change and that she was going to pull it and not sure if that has been done. Mr. Zschau stated that the list of Articles that they received from Mrs. Snell did not have article numbers so not sure if called. Mrs. Trudel stated that the Article for Washington Street has been removed from the warrant this year's Town Meeting. Chair Trudel read the list of Articles called out by the public, Articles 44, 45, 46, 49, 50, 58, 60, 66 in addition to that are Articles 39, 53, 55, 56, 57, 58, 60 and 65. Mrs. Trudel stated that she can list the Articles that were not called. Mrs. Trudel stated that the Articles numbers are published in the draft warrant dated January 25th, 2023, at 2:30PM and the Article numbers are subject to change. Ms. Dewez point of clarification stated that at last night's Select Board meeting a new article was proposed it's as yet been numbered it's been placed in the draft warrant, and it has to do with amending the definition of time shares and was wondering if that Article will have a public hearing. Mrs. Trudel stated that it just went to the inky for its first advertisement today and will hold a public hearing on that matter on February 9th. Chair Trudel stated that the order would be to close the public hearing and then take a vote or motion for Articles that were not called to go with the recommendation of the staff and the quantum percentages of either 50 or 2/3 vote. Mrs. Trudel stated that she did not call in to move forward with whatever is recommended in the staff memo with the quantum vote recommended in the staff memo Zoning Bylaw Amendment Animal Hospital and Animal Shelter - Article 37, Zoning Bylaw Amendment Ground Cover – Article 38, Zoning Bylaw Amendment Duplex -Article 40, Zoning Bylaw Amendment Secondary Residential Law – Article 41, Zoning Bylaw Amendment Tertiary Law – Article 42, Zoning Bylaw Amendment Off Street requirements – Article 43, Zoning Map Amendment R-1 to R-5, 11 and 13 Williams Lane – Article 48, Zoning Map change Town Overlay District Open Space Parcels – Article 52 and lastly Zoning Map Amendment – Article 66 for Miller Lane, Old South Road, R-20 to R-10.

Motion/Vote: Mr. Rector moved to close the public hearings with the Articles that Mrs. Trudel just listed. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0

Board members:

Barry Rector *Aye*

Joseph Topham *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

Motion/Vote: Mr. Rector moved to accept the list of Articles 37, 38, 40, 41, 42, 43, 48, 52 and 66 in accordance with the recommendations from staff with the quantum percentages of either 50 or 2/3 vote. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0

Board members:

Barry Rector *Aye*

Joseph Topham *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

Articles for discussion that were called:

- **Zoning Bylaw Amendment: Swimming Pool-Residential (Article 39)** – to amend Section 139-2A “Definitions” to change “Swimming Pool” to “Recreational Outdoor Water Feature” and to define three types: “Hot tub/spa”, “Small swimming pool”, and “Large swimming pool”. The existing definition of “Hot tub/spa” is proposed to be deleted. Section 139-7A is proposed to be updated to insert the new terms, delete the existing “Hot tub/Spa” row, and to allow a “Recreational outdoor water feature” consistent with current bylaw provisions. (Planning Board)

Discussion: Anne Dewez called Article 39. Ms. Dewez stated that she didn’t see this come up in the concept that was on the Select Board’s agenda. Ms. Dewez asked Mrs. Trudel if this had been discussed and she informed her that it hadn’t been discussed. Ms. Dewez questioned if this is the first time the Board is seeing this and if so, what is the Board’s opinion. Ms. Dewez stated that she’s got several comments and is unclear about the best way to ask her questions and get feedbacks. Chair Trudel stated that Ms. Dewez should continue and will address them as they see. Ms. Dewez stated that she wanted to know what exactly the objectives are and what potential unintended consequences are, a general overview of. Ms. Dewez would like to make a specific comment about the hot tub definition and request that it include a depth criterion because without one can envision six and half by twelve-foot lap pools that four or five feet deep with a little bench. Ms. Dewez would like to understand the purpose of the small pool definition and would like to discuss how it will open by creating all these subcategories that create additional modifications. Mr. Vorce stated that he will not go into a long explanation at this time. Mr. Vorce stated that he would like to hear either what the suggestions are or what the problems are and can sort of deal with that in due time. Staff has not hear any request from the Board members about needing detailed explanations. Chair Trudel stated that he is comfortable as its written. Ms. Dewez stated that she wants to make a specific request that the depth limit criteria be included in the Spa Hot tub definition and would like to suggest thee and half feet maximum because that in fact is a spa and sees no reason not to include that criterion. Mr. Rector urged the Board to be careful with the dialogue because of the active litigation that is pending. Mr. Lowell stated that this is housekeeping and keeping up with what’s out there. Mr. Lowell spoke of fiberglass swimming pool about how they are cheaper, and how you can insulate the bottom, use less energy, and come in certain sizes. Mr. Topham stated that a lot of the fiber glass company has a preset depth. Mr. Topham stated that there are a lot of companies that would have to change their scope and doesn’t think it’s necessary. Mr. Topham would like to have some flexibility. Leslie Forbes stated that the zoning code for swimming pool commercial and swimming pool residential read almost identical. Ms. Forbes asked why the swimming pool language not being changed to aligned with the swimming pool residential. Ms. Forbes questioned that the different kinds of pools state code talks about semi-public pools and semi-public pools that require lifeguards. Ms. Forbes went through the Zoning Code and was not able to find anything that mentions semi-public pools and the State has restrictions. She wanted to know where in Nantucket Zoning Code referencing semi-public pools. Mr. Vorce stated that the focus of this Article was to discuss residential pools not commercial pools. Mr. Vorce stated that the Zoning Bylaw is not going to mention all the State rules. The Bylaw deals with uses. Mr. Vorce was not sure if in the definition references lifeguards however the Board could consider that. Linda Williams stated that this is more housekeeping and that there are a lot of things in the State code that are not referenced and should not be referenced in the local Bylaw. Ms. Williams stated that there are all kinds of depths, widths, lengths, heights, whether they are ground, above ground, whether they are freestanding, whether they’re built into a pool or next to a pool they’re all different depths. Ms. Dewez stated that in the draft language the word “residential” should be struck out. Chair Trudel suggest continuing this to

the February 9th meeting. The deadline for any written comments for the new public hearing to be distributed or considered were set for Friday, February 3rd.

Motion/Vote: Mr. Topham made a motion to continue to February 9th. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Joseph Topham *Aye*

Nat Lowell *Aye*

Barry Rector *Aye*

Chair Trudel *Aye*

The Board will discuss Articles 44, 45 and 46 together however will have separate motions.

Mr. Vorce stated that the motion that they make will determine which Zoning District they will go into if there is a change.

Mrs. Snell drafted a motion for all three Articles that she sent to the Board.

- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Appleton Road (Article 44)** – to place properties at 20, 22, 24 Appleton Road currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)
- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Nobska Way (Article 45)** – to place properties at 3, 4, 5, 6, 8 Nobska Way currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)
- **Zoning Map Amendment: RC-2 to R-5 and/or CTEC – Salros Road (Article 46)** – to place properties at 1, 2, 3, 4, 5, 5A, 6, 7, 7B, 8, 8A #1, 8B #2, 9, 10 Salros Road currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)

Discussion: Appleton Road currently in the RC-2 district in the R-5 and/or CTEC district. (Planning Board)
The proposed motion is to move those from their current Commercial Residential District to another Commercial District which is the Commercial Trade Entrepreneur and Crafts (CTEC) District. Chair Trudel opened the floor to the public. David Buckley property owner of 8 Nobska Way and family owns 10 and 7 Nobska Way stated that they feel that it should stay to Residential Zoning. Pennel Ames at 5 Nobska Way stated that he is presently zoned RC-2 and does not want to be zoned R-5 due to his small business and don't want any restrictions. He would like to be able to pass his property to his two daughters and two grandchildren who will be needing a place to live in the future. Mr. Ames would like to remain in zoned RC-2. Chair Trudel stated that he feels that R-5 in his opinion would be the best way to for that area. Mr. Lowell suggest that Mr. Ames schedule to see Mrs. Snell who will explain the changes and the type of uses. Mr. Lowell suggest continuing Article 45 and make a vote for Articles 44 and 46. Mr. Vorce in support of Mr. Lowell's request.

Motion/Vote: Mr. Lowell made a motion to continue to February 9th for both Articles 44 and 45. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Nat Lowell *Aye*

Joseph Topham *Aye*

Barry Rector *Aye*

Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion to close the public hearing for Article 46. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion at this point that they vote accords with the staff recommendation and the necessary quantum of vote to accomplish that for Article 46. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

- **Zoning Map Amendment: R-1 to R-5, CN, and CMI – Pleasant Street, Kimberly Way, Williams Lane, Cherry Street, Bear Street, and Madison Court (Article 49)** – to place properties on Pleasant Street, Kimberly Way, Williams Lane, Cherry Street, Bear Street, and Madison Court in the R-5 district; to place properties on Pleasant Street and Cherry Street in the CN district; and to place properties at Cherry Street and Pleasant Street in the CMI district. (Planning Board)

Mrs. Trudel stated that staff learned late this afternoon that this needs to be re-advertised. Article 49 will need to be continued to March 9th due to missed advertising deadline for both February meetings.

Mrs. Trudel stated that the legislation is very clear that it needs to be in a newspaper of print. Mrs. Trudel stated that at the last MARPA meeting, which is the Regional Planning meeting she attended, the legislative update they mention that as one of the potential updates moving forward, they are trying to change the legislation to allow for digital print advertising.

Motion/Vote: Mr. Rector made a motion to continue to March 9th for Article 49. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Zoning Map Amendment: R-10 to CN – Surfside Road and Cobble Court (Article 50)** – to place properties at 3, 5, 8 Cobble Court and 13, 15 Surfside Road currently in the R-10 district in the CN district. (Planning Board)

Discussion: Mr. Vorce stated that the proposal is to bring the five properties to commercial neighborhood. Chair Trudel opened the floor to the public. No comments were made. Mrs. Trudel stated that they have not received any negative comments. More of house cleaning.

Motion/Vote: Mr. Lowell made a motion to close the public hearing for Article 46. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Nat Lowell *Aye*
Joseph Topham *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion that the Board advance this Article 50 to Town Meeting with the staff recommendation and with the appropriate quantum vote to take place as well. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

- **Zoning Bylaw Amendment (Article 53)** to change the special permit granting authority for residential swimming pools from the Zoning Board of Appeals to the Planning Board (Section 139-2 “Definitions”) (Williams).

Discussion: Ms. Williams stated that this is a dimensional use issue. Ms. Williams stated that the Planning Board is the best Arbiter of this type of use and dimensional requirements. Ms. Williams would rather have the Board vote to take no action if the Board is not going to support Article 53. Mr. Rector stated that he is not a big fan of take no action. Chair Trudel opened the floor to the public. Leslie Forbes stated that she worked with the Planning Department and worked with the Finance Committee to put this Special Permit required in the VR District. Mrs. Forbes stated that this was well designed and supported.

Mr. Vorce stated that there is no change in Mrs. Snell’s opinion on this and the staff report recommendation is not to adopt. Ms. Williams stated that her only change is who judicates it whether it be the ZBA or the Planning Board. Mr. Topham stated that the proper place for this is on the ZBA side. Mr. Topham agrees with the staff’s comments and approval to not adopt Article 53.

Motion/Vote: Mr. Topham made a motion to close the public hearing for Article 53. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

Board members:

Joseph Topham *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Topham made a motion to not adopt Article 53 with the quantum vote of two-thirds. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

Board members:

Joseph Topham *Aye*
Barry Rector *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

Ms. Williams asked for clarification what it means the quantum voted of two-thirds. Town Meeting needs that vote. Chair Trudel stated that the Board was informed that they need to state that for each article that is appropriate to the two-thirds or fifty percent inner motion.

- **Zoning Bylaw Amendment (Article 55)** to amend language in Section 139-16 “Intensity Regulations” to change the special permit granting authority for the reduction in frontage in commercial districts from the Zoning Board of Appeals to the Planning Board (Williams).

Discussion: Ms. Williams stated that this is just housekeeping. Chair opened the floor to the public. Anne Dewez stated that she wanted to understand better why a citizen needs to take these actions and not the Planning Board. Ms. Williams stated that it needed to be corrected in the Bylaw. Mr. Vorce stated that our process allows any citizens to come forward with any article and any good idea.

Motion/Vote: Mr. Rector made a motion to close the public hearing for Article 55. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion to approve in accordance with staff recommendation with the appropriate quantum vote associated. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Mr. Rector thanked Linda for picking up on this with her years of experience through Zoning is invaluable.

- **Zoning Bylaw Amendment (Article 56)** to amend language in Section 139-16 “Intensity Regulations” to change the special permit granting authority for the reduction in the required ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, R-20, and SR-20 to five feet from the Zoning Board of Appeals to the Planning Board (Williams).

Discussion: Linda Williams feels that the Planning Board should be granting the authority. Mr. Vorce stated that staff’s position on this is to not adopt. Mr. Vorce stated that the Board has the Master Plan to consider and the workload as well. He feels that this is better retained by the ZBA and if there needs to be further discussion about streamlining that process it’s something they certainly could explore. Chair Trudel opened the floor to the public. No public comments were made.

Motion/Vote: Mr. Lowell made a motion to close the public hearing for Article 56. The motion was duly seconded by Mr. Rector and the motion carried unanimously 4-0.

Board members:

Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion to not adopt with the quorum vote of two-thirds. The motion was duly seconded by Mr. Lowell and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

- **Zoning Bylaw Amendment (Article 57)** to amend language in the Zoning Bylaw (Section 139-15 “Accessory Use”) to clarify that the rental of rooms in an owner-occupied dwelling is permitted as an accessory use (Williams).

Discussion: Linda Williams feels that the Special Permit granting the authority to the Planning Board is housekeeping. Mr. Vorce stated that staff’s position on this is to not adopt. Chair Trudel stated that we do not want to confuse this with short term rental that this is more like a long-term. Mrs. Trudel wanted to clarify for members of the public who may be watching and or in attendance the reason why this should be a separate discussion, from a staff perspective that this had nothing to do with the STR regulations because this is specific to rental of rooms in an owner occupied only. This was recommended in the Housing Production Plan. Ms. Williams stated that she appreciates separating this out from the other two. Ms. Williams stated that she has many friends who rent rooms in their homes, and they live in their homes and that needed to be protected because it impacts a large section of the year-round population. Chair Trudel opened the floor to the public. Anne Dewez stated that it does seem logical to lump it with the other two. Ms. Dewez stated that the citizen warrant articles on the November 14th specifically said that all three of these articles should be looked at as a package. Ms. Dewez wanted to make it clear that many people think that this is a package of STR regulations and let’s not try to hide anything else. Chair Trudel stated that his point of view is that he doesn’t think it’s a short term when you’re renting a house to a room for a year-round employee and it’s 12 months out of the year, it’s not for a week and not an ARBNB as Mrs. Trudel described in the Housing Production Plan. Chair Trudel feels that this is separate from the others. Mr. Vorce stated that we do not have control over what other groups say or don’t say. Staff supports this article because it is a direct recommendation from the Housing Production Plan and that there should be protection for homeowners who are struggling to meet their needs and subject to a lawsuits or attacks or other issues. Mr. Vorce stated that the data shows predominantly whole house rentals, they’re not small minority that include rooms and that is what helps a lot of people maintain their home here especially low- and moderate-income families. Mr. Vorce said that hopefully there’s an effort to work to educate people, so they don’t think of them all the same as it’s laid out in the staff report.

Motion/Vote: Mr. Rector made a motion to close the public hearing for Article 56. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion to approve in accordance with the staff recommendation with the necessary quantity of vote. Note that this accomplishes a goal as outlined in the Housing Production Plan. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0. Mr. Vorce stated that there will be a time for the Board to consider comments on all the Articles.

Board members:

Barry Rector *Aye*

Joseph Topham *Aye*

Nat Lowell *Aye*

Chair Trudel *Aye*

- **Zoning Bylaw Amendment (Article 58)** to amend the definition of “Principal Use” in the Zoning Bylaw (Section 139-2 “Definitions) by deleting the word “expressly” (Williams).

Discussion: Ms. Williams stated that the workgroup people will continue appealing the ZBA and Paul Murphy’s decisions, that it’s a residential use for renting a house as a short-term rental or not and they will continue until they find a lawyer or a judge to agree with them. Ms. Williams stated that she decided to give the workgroup time to do their work and to stop this insanity of them suing these random house rentals so people can keep their homes. Ms. Williams stated that what the issue is she is going to put a Sunset date on it of September 1, 2024, that will give two Town Meetings for the workgroup to get together for the Special Town Meeting but will have it ready for the next May of 2024 and it give the Attorney General time to sign off on it. Ms. Williams stated that her proposal is that this goes forward with a Sunset date of September 1, 2024, and that will stop the workgroup from suing these individual homeowners. Mr. Rector stated that the STR workgroup are aware of the pressure and the deadlines to produce, and I have a high degree of confidence in them that they will indeed be successful for a Special Town Meeting and if they are not ready for the Special Town Meeting there’s going to be a litany of things occurring at this point. Mr. Lowell stated that Ms. Williams is right about this and questioned if the Board could give an opinion of a sunset date. Mr. Vorce stated that a motion by a Planning Board can specify a Sunset date or a deferred start date, like what was done for the pool article. Mr. Vorce stated that staff member Mrs. Trudel has spent a lot of time on this. Mr. Vorce stated that this is a policy level discussion at this point. Mr. Lowell stated that he agrees with the staff recommendation. The Finance Committee prefer a motion not to adopt. Ms. Williams stated that she is in favor of the Workgroup doing their thing however in the meantime there is a problem of leaving ourselves completely exposed to this continuous lawsuit. Mr. Topham stated that the STR workgroup is working as fast as they can, that they are doing a really good job and that we will need to wait. He hopes that it will get settled in Town Meeting and that it will all go away. Mr. Topham states that he agrees with the article however it’s not necessary currently. Kathy Baird speaking on behalf as a citizen, not only as a member of any organization or the workgroup, thanked Ms. Williams for bringing these matters forward and that the need to deal with the lawsuit issue is that there’s a cost to these people who are being sued and having to spend a lot of money to defend themselves, this is not the way to solve problems. Ms. Baird stated that there is also an intimidation factor that needs to be considered, people are afraid to admit that they run and operate an STR because they are worried that somebody might suing them. Ms. Baird feels that a Sunset clause or a deferred clause to make a statement that we want to protect some of our taxpayers on the island. Anne Dewez stated that she wants to thank Mr. Rector, Mr. Topham and others who are being consistent in supporting the Short-Term Rental Workgroup. Ms. Dewez stated that she strongly supports the Planning Board in taking a negative motion the same way they took a negative motion on the article to create an accessory use.

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

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion not to adopt with a quantum vote of two-thirds. Chair Trudel stated that to add stating that there is a workgroup. Mr. Rector stated that the Board needs to be consistent with anything that has STRs. Chair Trudel stated that there is a process taking place and was voted at the Annual Town meeting, the Board wants to let the process see its way through. Chair Trudel stated that it will be up to staff to put a comment as needed. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0. Mr. Vorce stated that there will be a time for the Board to consider comments on all the Articles.

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

- **Zoning Bylaw Amendment (Article 60)** to amend the definition of “Commercial” in the Zoning Bylaw (Section 139-2 “Definitions”) to exclude rental of dwelling units (Williams).

Discussion: Ms. Williams stated that she wanted to correct the record that Ms. Dewez stated that adopting this would make all the people who want to purchase a house to rent it charge into the break. Ms. Williams stated that what will happen is that the workgroup will find more places to sue before getting in the Town Meeting. Chair Trudel opened the floor to the public. Anne Dewez stated that it’s all speculation about what might happen between now and a Special Town meeting to adopt STR regulation. Ms. Dewez stated that maybe it’s speculation that her idea of people coming in and buying in the window is correct however speculation as to what people will do relative to lawsuits is exactly the same and doesn’t find it useful as a comment. Kathy Baird stated that the door is already open, and this would put a Sunset clause. Mr. Lowell commented that we are our own worst enemy. Chair Trudel stated that we are being consistent and that is the word we must adhere to. Chair Trudel stated that we are letting the process take its place and that we have good people working on this and our hope is that we come to some resolution. Ms. Williams stated that she hopes so because you’re putting us all at risk and that’s my worry. Chair Trudel stated that the Town has put itself at risk not an individual or a Board. The Town has put their faith into a work group that hopefully will come to a resolution that is not going to appease to everyone, we know that. Ms. Williams stated that she would have agreed with him until one member of that group ignored what they agreed to and got somebody to put in a warrant article that is on the Town Meeting floor and that is a problem. Mr. Rector stated that everything has inherent risk.

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

Board members:

Barry Rector *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Chair Trudel *Aye*

Motion/Vote: Mr. Rector made a motion to not adopt with the appropriate quantum vote. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0. Mr.

Board members:

Barry Rector *Aye*
Joseph Topham *Aye*
Nat Lowell *Aye*
Chair Trudel *Aye*

- **Zoning Map Amendment (Article 65)** to place properties located at 105 and 107 Old South Road, 3 Miller Lane, portion of 17 Airport Road and Old South Road/Little Isle Lane (Map 68 Parcels 174 and 208) currently located in the Residential-20 (“R-20”) district in the Commercial Neighborhood (“CN”) district (Williams).

Discussion: Ms. Williams stated that all the kid’s family members inherited a lot of vacant land from Walter Glowacki. Ms. Williams stated that the family would like to go to CN not CTEC so they have a few options to something with their property whether it be business or putting a dwelling; Chair Trudel opened the floor to the public. Lynn Bunting McLaughlin who owns a property on Little Isle Lane stated that she wanted to clarify that it was her grandmother who left the property, the main thing is to be able to develop it into a small like bakery in a small market to support the neighbors and hopes the Board will support them. Ms. Williams suggested if they can continue to the February 9th meeting there maybe something that can be worked out with the families and come up with a better idea of what’s happening.

Motion/Vote: Mr. Lowell made a motion to continue to the February 9th meeting. The motion was duly seconded by Mr. Topham and the motion carried unanimously 4-0.

Board members:

Nat Lowell *Aye*
Joseph Topham *Aye*
Barry Rector *Aye*
Chair Trudel *Aye*

- ~~**Zoning Map Amendment (Article 63)** to place property located at 6 Elbow Lane currently in the Sconset Old Historic (“SOH”) district in the Village Neighborhood (“VN”) district (Williams). **PUBLIC HEARING CLOSED, ALREADY VOTED AT TE JAN 12, 2023, MEETING**~~
- ~~**Zoning Map Amendment: RC-2 to R-20 and LUG-2 — 91 and 95 Miacomet Avenue (Article 47)** — to place properties at 91 Miacomet Avenue and 95 Miacomet Avenue (portion of) currently in the RC-2 district in the R-20 district and to place property located at 95 Miacomet Avenue (portion of) currently located in the RC-2 district in the LUG-2 district. (Planning Board) **RE-ADVERTISED WITH A CORRECTION**~~
- **Zoning Bylaw Amendment (Article 61)** to amend the Zoning Bylaw (Section 139-33 “Pre-existing non-conforming uses and structures”) to delete language that provides preexisting nonconforming status for lots, and any structures thereon, created pursuant to MGL 41-81L (Molden). **CONTINUE TO FEBRUARY 9, 2023**
- **Zoning Bylaw Amendment (Article 62)** amend the Zoning Bylaw (Section 139-33 “Pre-existing non-conforming uses and structures”) to add language that would require any new structure or expansion or increase in “volume, area, or height” of a structure on a lot that was approved under MGL 41-81L to require a Special Permit from the Zoning Board of Appeals (Molden) **CONTINUE TO FEBRUARY 9, 2023**
- **Zoning Map Amendment and County Overlay District Change: 69 Hummock Pond Road (Article 51)** – to place property at 69 Hummock Pond Road currently in the LUG-2 district and County Overlay District into the R-20 district and the Town Overlay District. (Planning Board) **CONTINUE TO FEBRUARY 9, 2023**
- **Zoning Map Amendment (Article 68)** to place property located at 69 Hummock Pond Road currently in the Limited Use General-2 (“LUG-2”) district in the Residential-20 (“R-20”) district (Iller). **CONTINUE TO FEBRUARY 9, 2023**

- **Zoning Bylaw Amendment: Animal Hospital and Animal Shelter (Article 37)** – to amend Section 139-2A “Definitions” to add new definitions for “Animal Shelter” and “Animal Hospital” and to include in Section 139-7A “Use-Chart” as uses allowed by Special Permit in all zoning districts. (Planning Board)
- **Zoning Bylaw Amendment: Ground Cover – Shed (Article 38)**– to amend Section 139-2A “Definitions” to allow for more than one groundcover exempt shed as long as in the aggregate, a ground cover of 200 sq ft is not exceeded. (Planning Board)
- **Zoning Bylaw Amendment: Duplex (Article 40)** – to amend Section 139-2A “Definitions” to allow separate ownership for duplexes in the R-1, ROH, and SOH districts when subject to a Nantucket Housing Needs Covenant and to amend Section 139-7A “Use-Chart” to allow duplexes in R-20 and R-40, allow in ROH/SOH by Special Permit, and allow as an accessory use in the CI district. (Planning Board)
- **Zoning Bylaw Amendment: Secondary Residential Lot (Article 41)** – to amend Section 139-8C(3) to require the groundcover distribution be determined at the time a Special Permit is issued when a waiver is granted and to specify within the Bylaw that only the market rate lot is eligible for a second dwelling. (Planning Board)
- **Zoning Bylaw Amendment: Tertiary Lot (Article 42)** – to amend Section 139-8D “Tertiary Lot” to allowed in the R-10 and R-20 zoning districts. (Planning Board)
- **Zoning Bylaw Amendment: Off-street Parking Requirements (Article 43)** – to amend Section 139-18B “Off-street Parking Requirements” for “Duplex” and “Garage Apartment” uses. (Planning Board)
- **Zoning Map Amendment: R-1 to R-5 – 11 and 13 Williams Lane (Article 48)** – to place properties at 11 and 13 Williams Lane currently in the R-1 district in the R-5 district. (Planning Board)
- **Zoning Map Change: Town Overlay District – Open Space Parcels (Article 52)** – to place parcels used for open space within the Town Overlay district on N. Mill Street, Mill Street, Candle House Lane, Easton Street, Washington Street, Cobblestone Hill, Easy Street, and Commercial Wharf currently located in a variety of zoning districts in the R-40 district. (Planning Board)
- **Zoning Map Amendment (Article 66)** to place properties located at 11, 17 and 19 Miller Lane and 77, 79, 81A, 81B, 83, 87, 91 Old South Road currently in the Residential-20 (“R-20”) district in the Residential-10 (“R-10”) district (Williams).

V. **Other Business**

- **Upcoming meetings:**
 - **Thursday, February 9, 2023 via Zoom (Warrant Articles)**
 - **Monday, February 13, 2023 via Zoom (Regular Monthly Meeting)**

VI. **Adjournment**

Mr. Lowell moved to adjourn the meeting at 7:11PM. The motion was duly seconded by Mr. Rector and the motion carried unanimously 5-0.

Vote taken by Roll Call:

Nat Lowell *Aye*
 Barry Rector *Aye*
 Joseph Topham *Aye*
 Chair Trudel *Aye*