

ADVISORY COMMITTEE OF NONVOTING TAXPAYERS
Notes of meeting 10 A.M., SATURDAY, February 26, 2022 via Zoom

1. Attending members: Kathy Baird, Gary Beller, Don Greene, Peter Halle, Peter Kahn, Mary Russell and Bill Sherman; Members absent include Lou Bassano, Bill Gardner, and Sue Matloff. Six members of the public also attended. Invited Guest Speakers were Town Planning and Land Use Services Director Andrew Vorce and Deputy Director of Planning, Leslie Snell.
2. Chair Gary Beller opened the meeting at 10:03 a.m., read the script for Zoom meetings provided by the town and with a quorum present, the agenda for today's meeting and minutes for the September 4, 2021 meeting were approved by roll call vote.
3. Gary welcomed guest speakers Andrew Vorce and Leslie Snell from Planning and Land Use Services who were invited to speak about the Short Term Rental (STR) warrant articles.
4. Mr. Vorce provided background on the 2019 state legislation that defined short-term rentals, required their registration with the state and permitted local governments to regulate them. He also gave background on the Styller Case in Lynnfield MA which denied the claim of a homeowner that the use of his home for STRs constituted a prior nonconforming use that was exempt from the town's zoning bylaw that, as amended. The zoning bylaw had been amended to expressly forbid short-term rentals in single-residence zoning districts. Mr. Vorce outlined the similarities and differences between Lynnfield's and Nantucket's zoning and also described Nantucket's as it is now and would with passage of Article 42.
5. Mr. Vorce explained the type (zoning or general) of bylaws in the town sponsored articles 39-42. Articles 39-41 are general bylaws related to the operation and funding for the registration of STRs and 42 is the zoning article to specifically permit STRs in all zones across the island. As a group, these are supported by the Planning Board and FINCOM, while the Select Board still discussing them due to lack of a quorum in recent meetings.
6. Mr. Vorce stated the Planning Board and FINCOM had voted to take no action on citizen Article 43 which would permit by right, STR operation in the primary residence of a year round resident and require all others to apply for a special permit for accessory use as an STR through the Zoning Board of Appeals (ZBA). He described this as an administratively overwhelming process with required public hearings that the ZBA is not staffed or funded to handle and

that this article would leave homeowners in the same legal jeopardy they are now, citing the lawsuit recently filed against the STR homeowners at 9 W. Dover. He also added that there were so many nuances in the definition of a year round homeowner (e.g. temporarily living off-island) and STR properties that are not suitable for year round residency, that is would make implementation a challenge.

7. Mr. Vorce stated there was no available useable and complete data upon which regulations (beyond what are now in Article 39) could be based. He stated that the state STR registry does not have granular data (e.g., only the street name is published) and is inaccurate in several ways. For example, there is no incentive to remove an STR from the database if it ceases to operate as one and if the property is sold to a new STR operator, it will be listed twice. He stated that one of the goals of Article 39's registration process is to collect Nantucket specific data and the Planning department is also looking to analyze census data that will be released on March 17. Mr. Vorce indicated that his detailed analysis of several predominantly year round mid-island residential areas indicated a loss of only 5 year round homes to seasonal or short term rentals in between 2008 and 2020 without even taking into account the new homes built in that area. He also stated that recent data shows 45% of homes on the island are occupied by year round residents and 55% as seasonal which is one of the highest rates of year round residency since 1980. Also noted, year round home ownership had grown over recent years while year round rentals dropped, viewing that as a positive trend. Mr. Vorce answered several questions from members and the meeting was then opened for public comment.
8. Gary Beller proposed and Peter Halle seconded a resolution be written and sent from ACNVT to the Select Board, affirming ACNVT's support for the town sponsored Articles 39-42 and indicate disapproval of Article 43. A roll call vote was taken with the result 6 in favor and 1 abstention. The resolution is as follows: Resolved: The ACNVT endorses the Short Term Rental proposals prepared by the Town's planning department (Articles 39,40,41 and 42) included in the Warrant and subsequently voted favorably by the Town's Planning Board and the Town's Finance Committee. The ACNVT finds Article 43 to be clearly discriminatory against members of our taxpaying community and impermissible. The

ACNVT accordingly requests that the Select Board consider our views when making its determination on the above articles.

9. After a short discussion, it was agreed to send out a poll to members to determine the date for the next ACNVT meeting.
10. There was a motion, seconded and approved by roll call to adjourn the meeting. The meeting was adjourned at 11:32 a.m.

Respectfully submitted,

Kathy Baird, Secretary

The following link represents the recording of this meeting located on the Town of Nantucket YouTube website.

<https://www.youtube.com/watch?v=qDrW2mr3M74>