Anderson & Kreiger Secures Second Major Win for Nantucket Homeowner in Short-Term Rental Zoning Dispute

In a significant follow-up to their initial victory, A&K Partner Nina Pickering-Cook and Associate Kristen Gagalis have again prevailed in a landmark case concerning short-term rentals (STRs) on Nantucket. On June 7, 2025, Massachusetts Land Court Judge Michael D. Vhay ruled in favor of A&K's client—a Nantucket homeowner challenging the use of a neighboring property as an STR in violation of the Nantucket Zoning Bylaw.

This latest decision marks the second time Judge Vhay has sided with the homeowner, reaffirming that homes in Nantucket's residential zones must be residences, not short-term rentals. In this most recent ruling, the Court rejected the Nantucket Zoning Board of Appeals' (ZBA) conclusion that STRs are an "accessory use" allowed under the local bylaw. Rather, STRs did not fit within the current definition of "accessory use" in the Bylaw because that use is not "incidental" to the primary use of the home as a residence.

Last year, Judge Vhay found that the STR of this same neighboring property was not an allowed principle use under Nantucket's Bylaw. The Judge then sent the matter back to the ZBA to decide whether it could be an allowed "accessory use." With this second win, the Court has affirmed that commercial STR activity is incompatible with residential neighborhoods.

The Court has ordered the ZBA to pursue zoning enforcement sought by A&K's client against her neighbors. But beyond that, the ball is now in the Town's court to figure out how to handle an island admittedly full of STRs with the busy summer season approaching. Legislative efforts to amend the Nantucket Bylaw to both permit and restrict STRs have all failed to date.

Nina Pickering-Cook advises and litigates on behalf of both public and private sector clients, focusing on construction, land use, and real estate matters.

Kristen Gagalis supports clients through a wide range of legal issues including land use and compliance and brings a background in education and public service to her legal practice.

Read the full decision here: 24 MISC 000543 MDV – Decision