



HISTORIC DISTRICT COMMISSION ORGANIZATIONAL MEETING

2 Fairgrounds Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Kristine Glazer (Chair), Diane Coombs (Vice-chair), John McLaughlin, Raymond Pohl, Abigail Camp
Associate Commissioners: Vallorie Oliver, Matt Kuhnert

~~ MINUTES ~~

Monday, September 19, 2016

Public Safety Facility, 4 Fairgrounds Road, Training Room – 3:00 p.m.

Called to order at 3:03 p.m.

Staff in attendance: John Hedden, PLUS Administrative Specialist; Andrew Vorce, PLUS Director; Leslie Snell, PLUS Deputy Director; Terry Norton, Town Minutes Taker
Attending Members: Glazer, Coombs, Pohl, Camp, Oliver, Kuhnert
Absent Members: McLaughlin
Late Arrivals: Camp, 3:06 p.m.
Early Departures: None

Agenda adopted by unanimous consent.

PUBLIC COMMENT

None

II. OPERATIONAL MEETING TO DISCUSS AND POSSIBLY VOTE ON BOARD POLICY

1. Certificates of Non-Applicability

Voting Glazer, Coombs, Pohl, Camp, Oliver, Kuhnert

Concerns **Coombs** – Asked what the difference between a Certificate of Non-Applicability (CAN) and approval due to lack of visibility.

Glazer – If a project is not applicable, it doesn't get reviewed. This board doesn't have a vehicle for a CNA.

Pohl – In his 25 years coming before this board, there has never been one. Can't ascertain a project would receive a CNA without a review of some kind.

Glazer – If someone applies for a CNA, that would trigger someone on staff, the Zoning Enforcement Officer (ZEO) for instance, to inspect the property to ensure the project is not visible from any public way and at the same time would be triggered as a view by the board. At the meeting a determination is made; if it meets the requirements, a CNA is issued. However, we need a CNA form.

Pohl – It would be impossible for this board to make projections about the future, whether or not a paper road would be opened. We judge visibility based upon current conditions. If we are going to issue a CNA, it has to be with the understanding that the certificate is issued based on conditions at this time; however if the same project comes in later and there is view from a public way, the CNA is no longer valid; the context has changed.

Oliver – This opens up the door for people to do what they wish on their property. It needs to meet some minimal Nantucket criteria in the event the property becomes visible. Also questions what sort of material would the applicant for a CNA provide.

Pohl – A CNA is not really different than being approved on consent.

Glazer – Read Section 5(a)(2) of the Special Act which mentions a CNA.

Kuhnert – CNAs are common in other jurisdiction; we might want to look at how they use them and what their processes and criteria are. COAs issued for lack of visibility trigger HDC inspections, but CNAs do not. Mr. Pohl's point that the visibility changes over time is valid and brings up conundrum in the way that structures can be grand-fathered in through in-kind replacement. Doesn't know if it's possible to have a temporal limit on CNAs. There should be someone who reviews previous approvals to determine whether or not the conditions of those approvals still apply.

Camp – Suggested noting on Consents that it is only valid until such time as conditions change.

Oliver – Doesn't understand why someone would be afraid to have an approval due to lack of visibility.

Coombs – Asked what work would CNAs cover.

Kuhnert – Interior work, foundation work from inside, and visibility.

Vorce – Any instance where there is a paper road, HDC has the authority to address it as being open. The question is if there is no paper road, what can and cannot be seen. CNAs are a common practice in other districts and if our inspector can't see anything from a publicly travelled way, there is no reason to spend time on it.

Snell – Suggested items like patios or cabanas behind a house and surrounded by other properties.

Oliver – That is why the consent agenda works well; it covers those instances.

Glazer – In some cases portions are visible and portions are not; this is happening more often.

Pohl – We have a system that works for limited and no visibility. Unless Town Counsel says we have to have this available as an option, he sees no reason to create a new application.

Kuhnert – COAs trigger inspections and are time consuming for a project that needn't do that.

Coombs – Would like to have Town Counsel make a determination on whether or not we have to have CNAs.

Motion **Motion to Contact Town Counsel to review the Certificate of non-applicability. (Coombs)**
Vote Carried unanimously

2. Board Policy Regarding Requests for Preliminary Residential Design Reviews

Voting Glazer, Coombs, Pohl, Camp, Oliver, Kuhnert

Concerns **Glazer** – Preliminary reviews, in general, come back “to haunt us”; plus the agenda is so full, we don't have time.

Oliver – There used to be an architectural review board.

Kuhnert – Thinks it would be good to revive that. He doesn't think it appropriate for this board to do preliminary reviews; having a separate advisory board do the review helps insulate this board.

Glazer – Asked if it might be advisable to recommend to people that they contact the existing advisory boards to request a preliminary review.

Consensus is yes.

Pohl – He is against “informal” applications; he prefers to an actual application when the Board has more force.

Kuhnert – In other jurisdiction, the local preservation advocacy organizations facility design review; perhaps this Board could have a conversation with Nantucket Preservation Trust about adding that to their program.

Motion **Motion to Not Have the Board do preliminary reviews on residents but to refer them to the appropriate advisory review board. (Camp)**

Vote Carried unanimously

3. Temporary Sign-offs on Commercial Applications

Voting Glazer, Coombs, Pohl, Camp, Oliver, Kuhnert

Concerns **Glazer** – Everyone should know they can come to the board if they need more time. However, there is the case where someone doesn't follow the rules and needs sign-off at the “eleventh hour.” For now, anyone wanting a temporary sign off can request it by filing an application under “other” on the application form.

Pohl – He's not troubled about issuing a temporary signoff to bridge the gap before a final sign off. It might be different for residential projects, they usually want a final sign off for insurance, loans, etc.

Vorce – The staff signs off on the COA stating it meets the original requirements. When there is a problem, having them filling another application is not practical.

Glazer – Explained situations when a temporary sign off was requested and issued knowing some aspects were not yet done. This doesn't happen that often.

Kuhnert – Asked why it can't be handled at the staff level; he can understand when there is a change.

Camp – Agrees with Mr. Kuhnert.

Glazer – There might be situations when that can be done, but the Board should be made aware that a temporary sign off was done.

Vorce – Suggested criteria to differentiate when the staff can do it, i.e.: there would need to be an inspection on file and a compelling reason. If it doesn't meet the minimum criteria, they must come to the board.

Motion **N/A**

Vote **N/A**

III. OTHER BUSINESS

Approve Minutes None

Review Minutes None

Other Business None

Commission Comments 1. **Oliver** – Wanted to bring up that other than pools and fencing, hardscaping doesn't have any method of compliance. **Pohl** – That falls under enforcement. **Snell** – Explained the PLUS inspection procedures to catch violations. Discussion about how to track grading changes for inspection purposes.
2. **Glazer** – Would like an opportunity to discuss construction materials.

List of additional documents used at the meeting:

1. None

Adjourn at 4:00 p.m.

Submitted by:
Terry L. Norton