



HISTORIC DISTRICT COMMISSION ORGANIZATIONAL MEETING

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Raymond Pohl (Chair), Diane Coombs (Vice-chair), John McLaughlin, Abigail Camp, Vallorie Oliver,
Associate Commissioners: Stephen Welch, Terence Watterson, Jessie Dutra

~~ MINUTES ~~

Thursday, February 7, 2019

Public Safety Facility, 4 Fairgrounds Road, Training Room – 1:00 p.m.

Called to order at 1:02 p.m. and announcements by Mr. Pohl

Staff in attendance: John Hedden, HDC Compliance Coordinator; Cathy Flynn, Administrative Specialist; Kadeem McCarthy, Administrative Specialist; Terry Norton, Town Minutes Taker
Attending Members: Pohl, McLaughlin, Oliver, Welch, Dutra
Absent Members: Coombs, Camp, Watterson
Late Arrivals: McLaughlin, 1:05 p.m.; Dutra, 1:13 p.m.
Early Departures: Pohl, 3:04 p.m.
Documentation: Mr. Welch memorandum 2/9/19; Vineyard Wind Area of Potential Effect maps; Brad Fleming packet on Keeping History Above Water; 2019 ATM Warrant Article 63; Nantucket street map

Agenda adopted by unanimous consent.

PUBLIC COMMENT

None

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

1. Discussion and Vote to Support the Alliance to Protect Nantucket Sound as a National Historic Landmark.
2. Off-shore Wind Farms and Impact to Nantucket.

Sitting Pohl, McLaughlin, Oliver, Welch, Dutra

Concerns **Oliver** – It is important to talk about this because the public meeting, which is on Monday. The discussion will be about the environmental impact. The thing that'll hold the most weight is Section 106 Historical Landmark status.

Welch – In going through Bureau of Ocean Energy Management (BOEM) information on the Vineyard Wind project, he came across imagery significantly different than what has been presented by Vineyard Wind. He has been told an article in the paper states, according to the developer, the turbines are barely visible from Nantucket. BOEM's imagery is dramatic in comparison; these appear as huge structures on the horizon line. He was drafting the HDC's letter when he came across these images and wanted to bring them to the commission's attention. Procedurally, with the resources we have it does not seem there is a lot we can do about what is going there. The focus is on some on-site mitigation and a lot of off-site mitigation, the latter for education and tourism, and preservation, planning and restoration, each having to do with helping to protect Nantucket as a National Historic Landmark.

Oliver – At these meetings, there needs to be some scientific analysis (a peer review); that is especially key with the disparity in information; we can't make an informed decision. The other projects will come fast on the heels of this one, which will result in about 600 turbines.

Pohl – If we are given incorrect information such as they will be more visible than Vineyard Wind is intimidating, that is an egregious mistake that won't be discovered until they start construction.

Welch – A peer review was something he requested at the initial Section 106 hearing; without accurate information it is impossible to make properly informed determinations about adverse effects and appropriate mitigation measures. He also requested that, failing requirement for a peer review, any mitigation agreement should reasonably include provisions for measures required of the developer if after construction it is determined there was an error or omission in the visual simulations that understated impact. In addition to the experience of Nantucket's maritime history and the island in its historic, natural setting, the experience of the unbroken view of Madaket sunsets was brought up as something suffering from these turbines. Now the unbroken view of the ocean will be "littered" and Nantucket's history is tied to an unbroken view of the ocean. These are set up in a grid layout; you are going to see them in a grid fashion, which is alien to the organic view of the ocean. We should request a peer view of the visual impact study.

Pohl – We need to submit the letter requesting a peer review, so the public is properly informed about the visual impact. There are also the remediation measures, which are a good idea to have in there. The peer review is where the strength would be; getting that and a real read on the visual impact will be better than the realization after construction has begun.

Welch – BOEM's position was, as a consulting party you can ask to spend more money on additional visual impact work, which we can spend our meeting time talking about, or we can talk about what mitigation would be and from that how much funding is involved. To his mind, cart before the horse almost fundamentally different issue; mitigation

should be based on accurate information. At the BOEM Section 106 hearing he also brought up the concern that images presented do not factually represent the view shed, for instance where due to various obstructions such as a building an image was included whereas in the immediate area a direct view corridor exists to the ocean down a Land Bank path. Suggested the Section 106 meeting won't reconvene for probably 1½ or so months out since it hasn't yet been rescheduled.

McLaughlin – Reading over the information that he has states the turbines are separated by ¼ mile; he thinks they should be separated by ½ a mile. He thinks they are good to have; but they are in public waters, over which we have jurisdiction.

Dutra – The nearest point to Madaket is 24 miles with massive pieces of equipment.

Pohl – On a clear day, from the North shore, the water tower on the vineyard is visible. These are at least the same distance and way larger. Asked about the Monday meeting.

Oliver – Monday's Vineyard Wind meeting at the Athenaeum will discuss the environmental impact.

Pohl – We have time to get a memo out expressing HDC concerns in advance.

Hedden – There is an obligation for the developer to reach out the HDC to set up a presentation date. Suggested concentrating on how it affects Nantucket as a National Historic Landmark. He'd like to look into preservation of rural landscapes. The first section of the Enabling Act touches on tourism as part of the economy.

Welch – Arising from the Section 106 interactions, Audra Park is spearheading a movement for permanent protection of Nantucket Sound by getting it designated a national Historic Landmark. That letter has been provided to the members and are being asked to sign on as supporting this initiative. IF this were to pass, it would help extend protection throughout the sound. This would stretch shore to shore. Asked for a vote on signing that.

Motion to that HDC will sign on to support permanent protection of Nantucket sound by having it designated a national historic landmark. (Welch) Carried unanimously

3. Discussion of Keeping History Above Water.

4. Flood Elevation Guidelines.

Sitting Pohl, McLaughlin, Oliver, Welch, Dutra

Concerns (1:51) **Pohl** – We have to deal with sea-level rise and consequences in low-lying areas.

Welch – Keeping History Above Water is a national movement put on by numerous agencies and groups. Holly Backus presented to the Organizational Focus Committee but hadn't been able to present to the HDC. HDC should talk about the fact it needs to be done and other people are doing it and how it fits into other Island plans. HDC needs to come up with solutions that are appropriate for Nantucket; have a discussion; and hold a public comment period.

Dutra – If Nantucket is a National Historic Landmark, you can get a Federal appeal.

Pohl – It depends on the amount of work you're doing to the building and whether or not it is deemed historic. People don't want to get exemption because insurance premiums are very high. Not having heard Ms. Backus' presentation, he would love to have her present to HDC.

Welch – One area we would need expert input would be Federal laws and regulations with respect to insurance and building codes. Based on previous discussion, he doesn't think Ms. Backus could answer those. Her presentation was to get people thinking about the concepts and the importance of initiating it.

Pohl – Second is identifying other shoreline communities wrestling with similar issues and come up with a strategic plan.

Oliver – The information Brad Fleming sent from South Carolina is excellent.

Dutra – We could say this is a historical landmark and a person needs to go to the Federal government and pay more for insurance.

Welch – He has concerns about two things. First, the idea of how raising structures is related to Coastal Resiliency; HDC should get ahead of this. developing rules, regulations and guidelines on raising structures so that individual decisions rely on consistency and not the whims of the Board. Second, suggests an important goal be to limit the approaches to raising homes (if allowed to raise them at all) which otherwise creates a 'staggered, toothy' presentation as a streetscape for instance if one raises grade, the next raises the structure, and so on.

Pohl – The reason the new flood regulations are being enacted is because places are being flooded. Brant Point has been flooded numerous times in the past decade. We need to decide which is better for an historic building: staying at its historic elevation or being lifted above the flood plain. The allowances that the Town is now making to the building code is opening doors to people who want to raise their homes higher to see the sunset.

Dutra – There are new houses taking advantage of the code change by lifting up their homes with third floors put on them just to get the best possible view.

Pohl – These organizational meetings is where we discuss strategy. We can and do supersede zoning; we retain that right and have to be firm on it.

Oliver – She thought the height exemption was for existing structures.

Pohl – No, it pertains to new houses only. The article for this year raises the height at least another foot.

McLaughlin – Asked if the Zoning Board of Appeals (ZBA) can override a HDC decision.

Pohl – Normally they ask to see and HDC approval first.

Welch – He feels HDC is sometimes inconsistent in applying standards. Suggested we get height surveys of structures areas of concerns to establish an average mean height of the primary ridge and secondary and tertiary ridges; we adopt them and post them and communicate to the designers in advance that no house will be approved taller than that.

Pohl – That requires a lot of field work.

Dutra – Suggested discussion a standard for housing in the flood zones.

Norton – Read Article 63.

Pohl – From the grade to the level of the first floor is 2 feet; the zoning maxes out at 30 feet, which allows 28 feet of height. Article 63 would place the 1st floor above the minimum flood level; so, a house that is 28 feet from the first floor now has that extra height added. During a review, the first question to ask, is if a 30-foot house is approvable within the context of that neighborhood. We also should to start reviewing/creating flood-zone guidelines. When reviewing a project, we must take the time to ascertain which flood zone it is in, the mandated top of foundation, and then the height from the first floor. This is a citizen's article; the Planning Board has not yet given a positive or negative recommendation.

Oliver – She is okay with an existing structure being raised. This article is to save people the effort of having to go to the ZBA to build over 30 feet; HDC doesn't have to agree with that.

Pohl – He wants to hear what Ms. Backus has to say. We need to create flood elevation guidelines. We need to take the time when reviewing a project to determine which flood zone it is in, the top of foundation, the finished first floor elevation to determine the final height.

Dutra – In creating a height survey map, it is all going to relate to the flood zones; those flood-zone maps are already drawn up.

Welch – Cited the construction along Mariner's Way. as a multiple-structure project within two different flood zones. He thinks HDC should vote "Consue" a structure of individual significance; if we don't, we'll lose it. He agrees that architectural styles should form the area; however, we may have to consider there might be different flood zones within those areas.

Pohl – The rule is that if a portion of a lot is within the FEMA zone, the whole lot is considered to be within that flood zone.

Oliver – That can be appealed. The project behind "Consue" should have been more carefully scrutinized.

Welch – We need to get the ball moving and it will involve time and funding. Suggested HDC make a formal request for funding for something as specific as, a height survey of areas within a flood zone to identify individual structures and their heights from which can be compiled an average mean height for that area. If we don't have rules, regulations, and guidelines, each commission can go its own way and we lose consistency.

Pohl – Any surveyor using laser equipment can give you the height above grade of any building; what Mr. Welch suggested would take about a week to complete. Explained how that data would help during the review process.

Dutra – Couldn't the guideline state no new house would exceed flood plain plus old zoning.

Further discussion of the possible impact of Article 63 within the flood zones.

Welch – Asked that his suggestion for funding for a survey be brought up at a future meeting for further discussion. After brief departure from meeting, he spoke with Ms. Backus re. Keeping History above Water, she has all the information; however, what she presented to the Organizational Focus Committee will soon become less relevant. Through the Coastal Resiliency Plan, there is grant funding that might be available for surveying. It will also provide the Town with the opportunity to have a discussion about ideas and process with historical preservationist, which would involve the HDC. In the meantime, it might be useful to come up with a funding request that would accomplish the height averages, also getting discussion started on this and related topics. We can and should talk about the bigger picture with respect to effects of climate change on our historic structures, how and whether to reinforce, or retreat, or some combination, and the related details, but strategies may change once the Coastal Resiliency Plan is approved; once that happens, there will be opportunity for discussions and planning with nationally known preservations who head up Keeping History Above Water and similar initiatives; suggested holding off on having Holly replicate her previous presentation, at least until mid-summer when the discussion begins. In the meantime, we need to focus on stop-gap measures to help insure consistency before it is too late.

Pohl – We need to first solidify for what the funds will be used. In terms of a stop-gap, first any application that has anything to do with raising a building or new construction within the flood plain, we need to have a surveyor benchmark and the maximum flood height on the site plan before moving forward with the review; second, we do not need to feel beholdng to zoning parameters in judging the overall height.

Welch – Noted recent application on North Wharf where by use of historical determination the HDC is not beholdng to FEMA requirements either.

5. Synthetic Materials.

Sitting Pohl, McLaughlin, Oliver, Welch, Dutra

Concerns (2:52) **Oliver** – Allowing synthetic products would be opening a Pandora's Box. Synthetic materials are being used covertly now. We need to think through this carefully; if we permit one type of material, people will interpret it to mean all types.

Welch – If this were to start, the concern is keeping it under control. We don't have the resources to enforce it.

Pohl – After our discussion about AZAK®, he called one lumber company and asked if they were actively promoting the use of synthetic materials; he was told the sales slip indicates that it is synthetic and needs to be approved for use by HDC.

Oliver – They shouldn't sell it until the use of that material is approved by HDC. Without strict parameters, it will get out of control.

McLaughlin – If someone uses a synthetic material and paints it, the paint becomes the exterior architectural feature.

Welch – The idea for him is with this happening we need to get the information out; if it is used after the fact, after public information campaign as we did with HVAC mini-split systems, we can fine people if we have to.

Oliver – She thinks use of synthetic materials should be completely prohibited. People will just pay the fine.

Dutra – Another aspect is that they can buy it off Island and bring it back or have it shipped.

6. Photobook for Stone Types and Patterns – Hardscape.
7. Photos of Dormer Configurations and Successful Second-Floor Fenestration for Guidelines.
8. Photos of Additive Massing to be Used for Guidelines.

Sitting Pohl, McLaughlin, Oliver, Welch, Dutra

Concerns (3:02) **Pohl** – A photo book of these items is a great idea. He will take photos of the dormers and fenestration and additive massing. Mr. Dutra has put together the photos of stone types and patterns.

Motion to have Mr. Dutra put together a stone-type and patterns photobook. (Welch) Carried 4-0//Pohl departed

9. Update to Guidelines for Solar Panels.
10. Mid-Island Zoning Changes and Urbanization.
11. Housing Developments and Change to Island Setting.
12. Discussion of Rules and Regulations Voted on the Past by the Commission and Rules and Regulations for the Future.
13. Discussion of Examples of Possible Installation of Temporary Traffic Lights During Busy Season.
14. Discussion of Application Review and Redesigning Comments.

Held by unanimous consent.

III. OTHER BUSINESS

Approve Minutes None

Review Minutes None

Other Business None

Commission Comments McLaughlin – Passed out the latest Nantucket street map to members.

List of additional documents used at the meeting:

1. None

Adjourned at 3:06 p.m. by unanimous consent

Submitted by:

Terry L. Norton