



# Town of Nantucket Finance Committee

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**Committee Members:** Denice Kronau (Chair), Stephen Maury (Vice-chair), Joseph T. Grause Jr., Peter McEachern, Joanna Roche, Peter Schaeffer, Chris Glowacki, Jill Vieth, George Harrington

## MINUTES

**Monday, February 18, 2020**

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Alexandria Penta, Financial Analyst; Andrew Vorce, Planning Director; Leslie Snell Deputy Director of Planning

Attending Members: Kronau, Maury, Grause, Roche, Schaeffer, Glowacki, Vieth, Harrington

Absent Members: McEachern

Late Arrivals: Vieth, 4:31 p.m.

Documents used: Warrant Articles for 2020 Annual Town Meeting.

Agenda adopted by unanimous consent

### I. ANNOUNCEMENTS

### II. APPROVAL OF PRIOR MEETING MINUTES

1. None

### III. PUBLIC COMMENT

1. **Judith Wegner**, Planning Board Chair – Her to ask the committee to accept more information on Article 48 (Zoning Bylaw Amendment: Swimming Pool - Residential) and rescind the vote. Reviewed the purpose of the article; Planning Board has been discussion the issue of pools for 1.5 years; concerns include stormwater runoff, draining of the pools, noise, and losing places close to the core that could have been used for year-round housing. The lots impacted by this are close to or within the historic core areas – Town of Nantucket and ‘Sconset.

**Fritz McClure**, Planning Board – It’s important to understand that this is a Planning Board article with 100% support by the Board. Feels that should have some bearing on FinCom’s position.

**Maury** – About the final version of the 2019 Warrant article, asked hadn’t that been subjected to amendments which reduced the scope to the R1 area and required those pools be approved by special permit.

**Wegner** – We never got that far; that article wasn’t refined to the degree of this.

**Maury** – During the Planning Board public hearing on the 2019 Warrant article, a citizen had recommended removing the groundcover restriction and reducing the number of zones to just R1. There was a Planning Board comment to do public outreach. When it was apparent there was no support for that proposal, the Planning Board revised the proposal and asked the FinCom to consider the new version requiring a special permit. This year, what we have bans pools in more properties and has no suggestion for requiring a special permit.

**Vorce** – It’s important to realize that the 2019 article was broader; and because it had been advertised in a certain way, the Planning Board decided it couldn’t move forward with it.

**Maury** – There was support for the idea of a special permit from the attorneys present. He’s concerned with people whose income is derived from installing pools and we don’t know what they or the property owners think about this.

**Vorce** – Pointed out that this article has been the same since the public hearing.

**Maury** – The tenor of that hearing was primarily negative; there is a lack of evidence that this will address a problem. It does impact the assessed property value, tax income, and livelihood of citizen taxpayers.

**Schaeffer** – Wants to know how many properties will be impacted by this.

**Wegner** – She has a spreadsheet from the assessors which lists all the existing pools but doesn't have that with her. Out of R1 994 lots, about 200 or 300 lots would be potentially impacted. Out of R5 515, about 300 lots would be impacted. Our Board feels there is enough interest in this to warrant discussion. Explained why the Board didn't pursue a survey and brought this forward at this time.

**Kronau** – We agree with bringing this up for discussion on ATM floor; but we look at this article differently than Planning Board. There are noise and lighting bylaws and the Historic District Commission (HDC) requires pools not to be visible from the street.

**Glowacki** – Our charge is not to bring items to ATM floor for discussion; our charge is to look at each article and make a recommendation. Feels our motion to take no action is appropriate in this case, perhaps with a comment.

**Kronau** – Closed the public hearing section. Asked if there is a motion to rescind the earlier motion understanding that has to be brought by someone who voted in the majority and it must pass by 2/3<sup>rd</sup> vote. No motion is made so we stand by our earlier motion.

**IV. WARRANT ARTICLES FOR 2020 ANNUAL TOWN MEETING (ATM)**

1. Article 44 (Zoning Map Change: RC-2 to R-5 and/or CN – 33 Old South Road and 24 Ticcoma Way)

Discussion **Vorce** – There was a slight adjustment to the map; and was reopened with an affirmative Planning Board vote.

Motion **Motion to support the Planning Board motion.** (made by: Grause) (seconded)

Vote Carried unanimously

2. Article 58 (Zoning Bylaw Amendment: Commercial Mid-Island – Height Restriction) Vallorie Oliver

Discussion **Vorce** – The Planning Board opposed this article; we've developed a more detailed comment. This is about 3 stories, not 4 stories under any circumstances. The maximum at 40 allows discussion between 30 and 40 feet.

**Maury** – There's a need to put that into the bylaw, not just remembered in the comments.

**Vorce** – That change is on our list for the Fall Special Town Meeting.

Motion **Motion to support the Planning Board motion.** (made by: Maury) (seconded)

Vote Carried unanimously

3. Article 60 (Zoning Bylaw Amendment: Rural Affordable Development) Steven Cohen

Discussion **Vorce** – This is similar to an article brought to the 2019 ATM, upon review of this article, it was found to be similar enough that the Planning Board motioned not to adopt. Due to that similarity, it can't be called at ATM. The motion not to adopt is a stronger resolution; take no action is a more passive statement.

Motion **Motion to support the Planning Board motion.** (made by: Maury) (seconded)

Vote Carried unanimously

4. Article 64 (Public Property Damage) Andrew Lowell

Discussion **Vorce** – This was not clear if this is a zoning or planning article. The Planning Board moved not to adopt because it would require a zoning bylaw change. The FinCom made comments that was discussed by Planning.

**Kronau** – We ruled to take no action with comments.

5. Article 61 (Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver) Rick Atherton

Discussion **Kronau** – Mr. Atherton is off Island and we have not needed additional information; if Planning raises issues that we want more information, we can hold this for that.

**Vorce** – Planning Board developed a comment; the issue is similar to two earlier articles. The intent is good but the connection to only building permits isn't the best; in addition, the methodology identifying at-risk properties is flawed – one property identifies includes Altar Rock. Several committees are looking at coastal hazards and sea-level rise. This should be supported by Town Administration and initiate through that avenue and it needs resolution to the methodology and identify if this is a zoning or general bylaw.

Motion **Motion to support the Planning Board motion.** (made by: Maury) (seconded)

Vote Carried unanimously

6. Article 62 (Bylaw Amendment: Preservation of Historically Significant Buildings) Mary Bergman  
Discussion **Kronau** – Mr. Vorce’s notes state this is not a Planning article.  
**Vorce** – We are having continued discussion; the procedure impacts our office and our building inspectors. One question was could it be modified to be a zoning article; that is beyond the scope. Another question was could it include the Historical Commission as opposed to the HDC; that is also beyond the scope. This would affect HDC legislation; they are in discussion about amending their legislation to allow this. HDC has full authority over any demolition, which is unheard of elsewhere in the state.  
**Roche** – Asked if the HDC has a wait period before denying a demolition.  
**Vorce** – No, the HDC can rule a building is too important and prevent it being demolished.  
**Roche** – Asked if the HDC has the authority to self-impose the 12-month wait period over the next year.  
**Vorce** – They can make a finding that a structure is important, they can ask for further documentation, they can ask for referrals. His specific concern is the procedure needs to come out; that is in conflict with the HDC Certificate of Appropriateness requirement as it is now.  
**Kronau** – Ms. Bergman is at the HDC today and will present to FinCom on March 2.
7. Article 82 (Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change – 320R Milestone Road)  
Discussion **Kronau** – The Select Board approved this. David Gray’s concern was that Hydrangea Lane is currently on a privately-held shared septic, which is having licensing problem; that could end up tying into this sewer line.  
**Gibson** – the idea is to have a note that weighs out that the Town won’t extend the sewer and if it should end up being the Town, there are conditions that need to be codified.  
Motion **Motion to approve.** (made by: Roche) (seconded)  
Vote Carried unanimously
8. Article 84 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 18 Kimball Avenue) Bryan Swain  
Discussion **Kronau** – The Select Board did not support this article.  
**Gibson** – It isn’t in a needs area and there is no planned sewer project. The Sewer Commission recommended adding this to the sewer district, but the Select Board did not.  
**Vieth** – There’s been a lot of development in this area and the structures north and east of it are on Town sewer.  
**Jason Bridges**, Select Board – Town meeting can still vote it through, but this isn’t in the needs area and there are no water issues.  
Motion **Motion not to adopt.** (made by: Glowacki) (seconded)  
Vote Carried unanimously
9. Article 85 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 11 Milestone Crossing) Joyce Karyotakis  
Discussion **Kronau** – The Select Board approved this.  
**Maury** – This is within the wellhead protection area.  
Motion **Motion to approve.** (made by: Grause) (seconded)  
Vote Carried unanimously
10. Article 86 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 1 West Chester Street Ext.) Arthur Reade  
Discussion **Kronau** – The Select Board approved this.  
Motion **Motion to approve.** (made by: Maury) (seconded)  
Vote Carried unanimously

11. Article 87 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – Hummock Pond Road and Millbrook Road) Allen Reinhard  
Discussion **Kronau** – The Select Board approved this.  
**Gibson** – The Land Bank plans to build a farm stand with restrooms.  
Motion **Motion to approve.** (made by: Maury) (seconded)  
Vote Carried unanimously
12. Article 88 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – Correia Lane and Marylin Drive) Linda Williams  
Discussion **Vieth** – It came to her attention that none of the signatories on the article had a Correia Lane address. She wonders why none of the residents signed the article.  
**Kronau** – The Select Board voted not to adopt; they wanted to put this to a 2/3<sup>rd</sup> vote at ATM; essentially, they did not rule on this.  
**Maury** – This meets the requisite number of points and is in the needs area and they will have between 90 and 100 dwellings down the street.  
**Jason Bridges**, Select Board – His concern is that no lots on three sides of this area are in the sewer district; it felt “picked out.” He feels this article wasn’t carefully thought out.  
**Grause** – Asked if this were added to the sewer district would it be at the owners’ expense.  
**Vieth** – They can ask for a reprieve from payment.  
**Gibson** – If you hook up to sewer within a certain time, the fee is \$500 versus \$2,000. There is a loan program that relates to septic upgrades. On a smaller sewer extension project, the affected people sometimes pay for it themselves and they are required to undergo certain conditions. Certain groups that provide affordable housing get a waiver for the connection fee and the privilege fee. The construction of a new sewer line to the force main would be at the cost of the residents per conditions set forth by the Town.  
Motion **Motion not to adopt.** (made by: Maury) (seconded)  
Vote Carried unanimously
13. Article 89 (Acceptance of Massachusetts General Law: Sewer User Charge Deferrals for Eligible Citizens)  
Discussion **Turbitt** – Adopting this adopts the provisions; it’s the same criteria for tax referrals and we don’t have any residents who meet those criteria. It’s good to have on the books as an option in the event someone eventually does meet those criteria. There are income provisions and restrictions that include the value of your home.  
Motion Motion to adopt. (made by: Maury) (seconded)  
Vote Carried 8-1//Vieth opposed
14. Article 90 (Acceptance of Massachusetts General Law: Property Revaluation Services Contracts)  
Discussion **Turbitt** – Recently the revaluation requirement changed from three years to five years; our contract companies are ending a 3-year cycle. Adopting of this allows him to enter into 5-year cycles. Recommends a motion to adopt.  
Motion **Motion to adopt.** (made by: Glowacki) (seconded)  
Vote Carried unanimously
15. Article 96 (Home Rule Petition: Amending the Town Charter Relative to the Audit Committee)  
Discussion **Kronau** – Asked if the committee can vote on this or if FinCom should wait.  
**Turbitt** – You can move forward on this. There is a motion provided.  
Motion **Motion to adopt.** (made by: Grause) (seconded)  
Vote Carried unanimously
16. Article 115 (Appropriation: Insurance Reimbursement Account)  
Discussion **Turbitt** – The motions have been drafted and distributed. This allows us to appropriate the insurance proceeds and pay off the ban.  
Motion **Motion to adopt.** (made by: Schaeffer) (seconded)  
Vote Carried unanimously

17. Article 116 (Appropriation: Stabilization Fund)  
Discussion **Turbitt** – Recommending \$500,000 each from free cash deposited into the general and capital stabilizations funds.  
Motion **Motion to adopt.** (made by: Schaeffer) (seconded)  
Vote Carried unanimously
18. Article 4 (Revolving Accounts: Spending Limits for FY2021)  
Discussion **Turbitt** – We have all the amounts; relative to solar rebate program, we put an asterix that this is subject to the approval of the bylaw under Article 71. Aviation fuel was changed from last year and the Town Manager will get the corrected copy.  
Motion **Motion to adopt.** (made by: Grause) (seconded)  
Vote Carried unanimously
19. Article 16 (Appropriation: Enterprise Funds Capital Expenditures)  
Discussion **Turbitt** – Reviewed number changes made and comments from Bond Council and Town Counsel. Totals all agree and tie out to the changes.  
Motion **Motion to adopt.** (made by: Schaeffer) (seconded)  
Vote Carried unanimously
20. Article 71 (Bylaw Amendment: Finances)  
Discussion **Turbitt** – This is the one changing the name to Solar Rebate Program to add “and Operational Adder” and changing Board of Selectmen to “Select Board.”  
Motion **Motion to adopted.** (made by: Harrington) (seconded)  
Vote Carried unanimously
21. Article 99 (Real Estate Acquisition: 24 Surfside Road)  
Discussion **Gibson** – The Select Board has been talking about this property to become part of the school campus; this is a purchase and land exchange. The purchase is \$370,000 as well as three parcels in the Surfside area; she can send the members a map of those two properties. Those parcels have already been approved for disposition. The three lots with houses were valued at less than the 24 Surfside Road lot.  
**Vieth** – She would like to see the value on the three swap lots before voting on this. We are talking about expensive, premium real estate.  
**Kronau** – We’ll hold off on this and Articles 100 – 104 until March 2 meeting.  
Motion No action taken at this time.  
Vote N/A
22. Article 100 (Real Estate Conveyance: Industrial Land and Acquisition: 57 Surfside Road)
23. Article 101 (Real Estate Acquisition: 114 Orange Street)
24. Article 102 (Real Estate Conveyance: 114 Orange Street)
25. Article 103 (Real Estate Acquisition: 64 North Liberty Street)
26. Article 104 (Real Estate Acquisition: 1 Hatch Circle (corner of Bartlett Road and Raceway Drive)  
Discussion See discussion for Article 99.  
Motion No action taken at this time.  
Vote N/A

## V. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, March 2, 2020; 4:00 p.m.; 4 Fairgrounds Road Community Room

Motion to Adjourn at 5:30 p.m. accepted by unanimous consent.

Submitted by:

Terry L. Norton