



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

Tuesday January 28, 2020

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

Called to order at 4:00 p.m.

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

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

Absent Members: McEachern, Roche

Early Departure: Maury, 5:44 p.m.

Documents used: January 21 & 23, 2020 minutes; Warrant Articles for 2020 Annual Town Meeting.

Agenda Approved by unanimous consent

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. **Kathy Grieder** – Presented a letter, from family and friends of residents, asking FinCom to support the Our Island Home override.

III. APPROVAL OF PRIOR MEETING MINUTES

1. January 21, 2020: held
2. January 23, 2020: held

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

1. Article 79 (Bylaw Amendment: Noise – Gas-powered Leaf Blowers) Julia Lindner

Discussion **Julia Lindner**, ACK Now – Presented at the table a document about their out-reach regarding this article. Engaged in discussions with an organization, Quiet Community, in Lincoln about the outreach. Feels an advantage is lowering the number of noise complaints the Town has to deal with. Air quality is also impacted; a 2-stroke or 4-stroke gas-powered leaf blower emits more pollution than an F-150 travelling 900 miles. Reviewed economic advantages to electric leaf blowers.

Tobias Glidden, ACK Now – He thinks of this article as an opportunity to distinguish Nantucket. It is nice after a hard day to not hear a leaf blower. FinCom’s purview is the cost to the Town; we want to present that there is no cost to the Town. This is also in line with the Town’s new noise policy.

Schaeffer – About the battery, it lasts 30 minutes but turning the machine on and off lowers its life. Asked what the normal time a leaf blower is on property.

Lindner – It depends on the time of year and type of work; typically, landscapers will have to change the battery once a day.

Kronau – Of the four opposed to this, asked their concerns.

Lindner – Some dissent is that electric leaf blowers are not as powerful. Different people have different experiences.

Kronau – Considering a smaller landscaping company with smaller cash flow and now that company is expected to make a significant outlay in the next six months. Asked if there is flexibility on the compliance. We want to do the right thing for every company on the Island.

Lindner – We talked to the smaller guys; some have already switched and a few that are in the process of changing and a few who are not.

Glowacki – Asked if their advocacy would continue should this fail at Town Meeting.

Lindner – She hopes so; our goal is outreach and it feels like the right thing to do.

Glowacki – He thinks this will increase complaints because people will call whenever they see a leaf blower.

Lindner – It's a valid point: how many complaints do we get now and how much might it increase.

Vieth – Asked what the incentive is for companies to switch other than the complaints.

Lindner – That is up to the Town.

Glidden – There is also a fund for noise violation fines; this would fall into that. We had a lot of discussion about hedge clippers, but we don't want to force whole-sale changes at once. The Governor wants Net Zero by 2050.

Schaeffer – He looked at Consumer Reports; battery operated is not as strong and they are only good for leaves, but you can't blow woodchips.

Laura (no last name) – Her thought is this doesn't make sense; she tried a DeWalt battery-powered blower and after a few minutes the power dropped. Clients don't want you plugging into their outlet. Also, if you go to battery operated blowers, the clean-up is less efficient and takes longer, therefore costs the client more. Doesn't see how someone not working in the field can push something that impacts the industry without trying it out in the field.

Vieth – If it were in a more limited area, asked how she would feel about it.

Laura – For smaller properties, we might use a blower during Fall clean-up; we don't use it every day. Thinks it would be hard to specify use in certain areas.

Glowacki – The modeling is based upon using a blower 30 minutes a day.

Lindner – We've heard from landscapers that they use one or two batteries a day per blower. One reason we brought this forward is it resonated with folks and been done in other communities.

Maury – He'd like to see statistics on the number of complaints to compare against those who would be impacted. Would also like information on other towns that have done this.

Lindner – Quiet Communities and AGZA have more up-to-date information on communities doing this.

Maury – When the Town expanded its sewer district, the Town worked to help reduce the cost for lower income residents hooking into the lines. Asked if ACK Now could spearhead a similar idea such as bulk purchase to help lower the cost for smaller companies.

Lindner – We've been exploring ways to reduce the costs.

Sara Decker – She's an outdoor-power equipment mechanic. There are a number of big-name companies going in to remove trees; the chips are going onto neighbor's properties. Battery-powered blowers aren't going to move the wood chips or larger debris. Also, you can't use battery or electric on rainy or foggy days; if that wet contacts the wire, it shuts the equipment off. She's not against this but feels more research needs to be done; larger companies need the stronger power. She had some friends do a test between gas, battery, and electric blowers. She's also concerned it will lead to banning other powered lawn equipment. Need to do more research and talk to more landscapers.

Motion
Vote

No action at this time.

N/A

2. Article 69 (Traffic Rules and Regulations: Limit Heavy Commercial Vehicle Deliveries in Core District)
Grant Sanders

Discussion
(4:39)

Grant Sanders, ACK Now – The impetus is to create a pilot program that generates data on the impact of delivery trucks on traffic downtown. Since the last discussion with FinCom, we’ve had productive meetings with some of the commercial delivery companies and two meetings with restaurant owners and folks downtown about what is the problem. The ultimate problem is the Steamship Authority (SSA) is at capacity for freight. We’ve heard of ways to make the article better. We will be talking with the SSA in the coming week.

Schaeffer – Asked if there are any changes to the article.

Sanders – There are in his mind, but they haven’t been discussed as a board.

Kronau – Right now the article stands as proposed: no trucks prohibited between certain hours.

Lindner – Last time we were here, we talked about an amendment; since then we’ve gotten resistance from the truckers and restaurants. At this point, we want to make the article work and would like to propose an amendment but are asking for more time to meet with the SSA.

Beale – Asked if there has been any modeling on the volume of food that comes into the Island in a 3-month period and how the changes might impact the costs of providing the food and operations of the SSA. Until that’s ascertained, this is “blowing smoke.”

Lindner – Delivery trucks are one facet of the problem. Our discussions with the companies has gotten them to partner with us to come up with a solution.

Kronau – We spoke about being good at collecting data and identifying a problem; when you couple that with limiting when trucks can be downtown, that excuses the study and sets an artificial condition that damages the data collection. She wants them to get more data, get the study, understand what needs to be done, come up with a sensible plan, and work with all the components.

Lindner – We’ve generated amazing discussion and would like to share the amendment with the FinCom. At the end of the day, we feel progress is being made.

Vieth – Asked her to identify what the problem is; it’s referenced but not defined.

Lindner – Restaurant owners want to get their deliveries on time without having to go in to work early. The delivery companies want to get onto the Island as soon as possible especially in terms of perishable foods. We’re talking about more short-term loading zones, so trucks can get in and out.

Vieth – With the previous article, you’re concerned about noise. Asked if this wouldn’t add noise earlier in the day.

Lindner – She’d rather this be looked at as a pilot study; the hours presented are probably not workable.

Luke Tedeschi, owner The Tavern in the Gazebo – He sees deliveries every day of the week. The article hasn’t yet been amended so there is more in the article than spoken to today. There is talk of a problem; he’s not aware of any problem. He was at the first meeting with ACK Now and spoke his mind; this is a ball now put into our court. There is a plethora of problems. Firstly, we are a destination resort island and we are a community of servers for the visitors; saying we don’t want trucks downtown during certain time periods is putting the cart in front of the horse. The Town granted us license to run our business and now someone wants to restrict how we do that. These trucks are there because it’s part of their job; once parked, they are in and out as quickly and efficiently as possible. About enforcement, feels this could result in more calls because trucks are on the street earlier; another issue is liquor license holders because no one can be in the building except during the noted hours. There are many other factors other than delivery. Asked if this article is also restricting trucks that do trash pick-up. Pointed out that there was no one from the trucking industry at the hearing.

Rick Beaudette, for NIR – He has had an issue with this article from the beginning. One of his initial concerns with this is there is no identified problem. Second, issue is who would benefit from this; it doesn’t benefit any restauranteurs or business owners. Personally, if he has to wait,

he drives around until he finds parking; in the summer he rides his bike. Ms. Lindner said it has created discussion; if it has done that, he applauds that. If this restricts doing business downtown, it should not be supported. You can't make deliveries between 5 and 7 a.m. because of the noise bylaw. Another question is who will pay for the pilot program to study traffic.

Kronau – ACK Now would pay for the pilot program.

Beaudette – It looks like the only people it helps is the summer person who wants to shop between 10 a.m. and 3 p.m. He thinks the stakeholder businesses are underrepresented at this hearing. Asked FinCom to vote against the article.

Jamie Holmes, General Manager Nantucket Hotel and Chair Nantucket Lodging Association – Our group is very upset that this will be voted on at ATM without knowing how it will impact business. We have agreements with trucking companies to come at certain times because it's good business. In his 8 years here, he can reach the airport in 15 minutes in bad traffic. Summer traffic is inconvenient, but he feels it is blown out of proportion. We don't want deliveries at 5 a.m.; he doesn't allow deliveries before 8 a.m. If you try to compress delivery times, that would cause more congestion. The delivery companies work out how to make deliveries, so several trucks aren't trying to deliver to the same business at the same time. We don't see anything wrong with studying traffic patterns. We don't think this is written in a way that benefits our constituency.

Orla Murphy-LaScola, The Proprietors – As a restaurant owner, it would have been nice to have had a discussion with ACK Now before this article was brought forward. She has spoken to a lot of businesses and she hasn't heard one restaurant owner in favor of this.

Sanders – We want to amend this and make it better. We want to get a handle on the problem. We have 32,000 registered vehicles on the Island in the summer and the Island can't accommodate that. Cited examples where delivery trucks were blocking traffic and pedestrian-bicycle lanes. We are talking about space for deliveries and space for customer parking.

Vieth – You are picking on one aspect of a huge traffic issue; she doesn't understand why he's picking on the large trucks, which we have to have.

Sanders – We study traffic all the time; commercial delivery is the type of traffic we can have control over and are the easiest to track. They come off the boat, make deliveries, and leave.

Vieth – That isn't entirely true; trash pick-up was an excellent point she hadn't thought of. Trash trucks have more than one pick-up a day.

Harrington – Having been in the food business, before you form any ideas, form an article, you need to take at least one full season to analyze what's going on and take everything into account: seats in restaurants, parking available, SSA accommodations for trucks. This is a frivolous exercise in front of this Board and Town Meeting because you're coming at us half-cocked. This is an insult to everyone who works in the hospitality business.

Lindner – Asked if studying is more important at this time.

Harrington – Your comprehension needs to be upgraded. He feels they have no idea what's actually happening downtown; there are ways to quantify that. He's not in favor of this article at all.

Lindner – Hopes this is a piece of that.

Amy Young, The Beet – A small group sat with Ms. Lindner and Mr. Grant; we asked that they pull the article and do a study for one year.

Schaeffer – He thinks ACK Now has a noble concept but feels they created a problem that doesn't exist. They really need to study and come up with a real problem and a real solution.

Kronau – All articles that come to ATM, we review them all carefully to look at the economic impact on the Town and visitors and residents and businesses. We won't rule on this tonight because ACK Now might come back with amendments.

Glowacki – Asked how the amendment would be made to the article.

Snell – FinCom can consider modifications to an article and include that in the motion.

Motion

No action at this time.

Vote N/A

3. Article 39 (Zoning Map Change: RC-2 to R-5 – Appleton Road)

Discussion **Vorce** – Planning Board unanimously recommends this.

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

Vote Carried unanimously

4. Article 40 (Zoning Map Change: RC-2 to R-5 – Bartlett Road and Boynton Lane)

Discussion **Vorce** – Planning Board unanimously recommends this.

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

Vote Carried unanimously

5. Article 41 (Zoning Map Change: RC-2 to R-5 – Miacomet Avenue and Surfside Road)

Discussion **Vorce** – Planning Board unanimously recommends this with removal of two properties.

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

Vote Carried unanimously

6. Article 42 (Zoning Map Change: RC-2 to CN – Bartlett Road, Thirty Acres Lane, Boynton Lane and Surfside Road)

Discussion **Vorce** – Planning Board unanimously recommends this.

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

Vote Carried unanimously

7. Article 43 (Zoning Map Change: RC-2 to CTEC – Appleton Road, Bartlett Road and Perry Lane)

Discussion **Vorce** – Planning Board unanimously recommends this.

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

Vote Carried unanimously

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

Discussion **Vorce** – Planning Board does not have a final recommendation on this.

Motion No action at this time.

Vote N/A

9. Article 45 (Zoning Map Change: RC-2 to CN – Francis Street, Union Street, and Washington Street, and Salt Marsh Way)

Discussion **Vorce** – Two properties removed for further study. Planning Board unanimously recommends this with the removal of the two properties.

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

Vote Carried unanimously

10. Article 46 (Zoning Map Change: SR-1 to SOH – Bank Street, Beach Street, Broadway, Codfish Park Road, Elbow Lane, Fawcett Way, Front Street, Gully Road, Jackson Street, and North Gulley Road)

Discussion **Vorce** – This change removes the possibility of putting in pools and have heard support of that. Planning Board unanimously recommends this.

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

Vote Carried unanimously

11. Article 47 (Zoning Map Change: R-20 to R-40 – Bayberry Lane and Rugged Road)

Discussion **Vorce** – Planning Board voted to take no action. Read Planning Board comment. It could come up for discussion at ATM.

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

Vote Carried unanimously

12. Article 48 (Zoning Bylaw Amendment: Swimming Pool - Residential)

Discussion **Vorce** – This establishes a minimum lot size of 7500 square feet in residential districts similar in size to the ROH and increases the setback.

Kronau – Asked who would oppose this.

Snell – People who want pools and pool installers.

Vorce – There has been an open debate over pools. People have strong opinions about pools. This impacts pools only, not spas. Planning Board unanimously recommends this.

- Motion No action at this time.
Vote N/A
13. Article 49 (Zoning Bylaw Amendment: Sheds in R-5 and R-10 Districts)
Discussion **Vorce** – Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Glowacki) (seconded)
Vote Carried unanimously
14. Article 50 (Zoning Bylaw Amendment: Driveways)
Discussion **Vorce** – This mainly impacts SOH and requires a Certificate of Appropriateness from the Historic District Commission (HDC) before the Department of Public Works approves a curb cut request. Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Schaeffer) (seconded)
Vote Carried unanimously
15. Article 51 (Zoning Bylaw Amendment: Demolition Delay)
Discussion **Vorce** – Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Grause) (seconded)
Vote Carried unanimously
16. Article 52 (Zoning Bylaw Amendment Zoning Map Amendment: Technical Amendments)
Discussion **Snell** – Reviewed the technical amendments and reasons for the changes.
Vorce – Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Vieth) (seconded)
Vote Carried unanimously
17. Article 53 (Zoning Map Change: R-5 to CTEC – Mary Ann Drive) Brian Ryder
Discussion **Vorce** – Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Glowacki) (seconded)
Vote Carried unanimously
18. Article 54 (Zoning Map Change: R-10 to CN – 3 Cobble Court) Susan Ottison
Discussion **Vorce** – Planning Board unanimously recommends this.
Motion **Motion to Support the Planning Board Motion.** (made by: Glowacki) (seconded)
Vote Carried unanimously
19. Article 55 (Zoning Map Change: VR to VN – Polpis Road and Chatham Road) Robert Von Dampen
Discussion **Vorce** – In discussion, the apparent motivation is not to go to commercial use but to increase the allowable groundcover. Planning Board continued this to February 10th; the Board wants no commercial use, no subdivision, no more than 15% groundcover, and an entity to hold a conservation restriction.
Motion No action at this time.
Vote N/A
20. Article 56 (Zoning Map Change: LUG-2 to R-20 – Rugged Road) Irene Schreiber
Discussion **Vorce** – Planning Board unanimous recommendation is to take no action.
Motion **Motion to Support the Planning Board Motion.** (made by: Grause) (seconded)
Vote Carried unanimously
21. Article 57 (Zoning Map Change: LUG-3 to LUG-1 – Driscoll Way) James Driscoll
Discussion **Vorce** – Planning Board unanimous recommendation is to take no action.
Motion **Motion to Support the Planning Board Motion.** (made by: Glowacki) (seconded)
Vote Carried unanimously
22. Article 58 (Zoning Bylaw Amendment: Commercial Mid-Island – Height Restriction) Vallorie Oliver
Discussion **Vorce** – The 30-foot limit came out of the height of the fire ladder in 1979. The master plan encourages upper floor development and the HDC controls the height of a building. Planning Board and Planning Commission unanimously oppose this.
Kronau – Wants to have Ms. Oliver speak to FinCom about this.
Vorce – If this is called for discussion, Planning will vigorously oppose it.
Motion No action at this time.

Vote N/A

23. Article 59 (Zoning Bylaw Amendment: Residential Event Facility) Steven Cohen

Discussion **Vorce** – There was extensive opposition to this and we have the means to support a residence crossing the line to commercial. Planning Board unanimous recommendation is to take no action.

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

Vote Carried unanimously

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

Discussion **Vorce** – The intent is to promote covenant lots in outlying areas. The bylaw has problems per Town Counsel; it is too close to the previous article so is considered repetitive. There are amendments pending. Planning Board will look at this on February 10th.

Motion No action at this time.

Vote N/A

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

Discussion **Vorce** – A similar article came before ATM in the past; it could end up a home-rule petition to become viable. Received an opinion from Town Counsel on this; will forward that to the FinCom members. Tying Town liability exemption to the building permit is on the coercive side; a building permit is issued based upon the State Building Code. The definition of shore-front land includes property 300 feet from the water. He doesn't believe collection insurance waivers belongs in his department. Planning Board has not come to a final decision on this.

Motion No action at this time.

Vote N/A

26. Article 62 (Bylaw Amendment: Preservation of Historically Significant Buildings) Mary Bergman

Discussion **Vorce** – We have an existing demolition delay bylaw which is part of zoning. Putting this as a general bylaw, enforcement falls to police. As a home-rule petition, enforcement falls to HDC; HDC reviewed every demolition application as written in the original legislation. There might be some disagreement over a specific structure on Centre Street that was allowed to be deconstructed and rebuilt; HDC carefully reviewed the application. There is the appeal process for those who do not support the HDC decision.

Grause – Asked how long it took to deconstruct the Centre Street house.

Vorce – The elements of the reasons for removal are in the HDC record.

Snell – We are looking to Town Counsel to opine on this.

Motion No action at this time.

Vote N/A

27. Article 63 (Affordable Housing Requirements) Andrew Lowell

28. Article 64 (Public Property Damage) Andrew Lowell

Discussion **Kronau** – Mr. Lowell will be before FinCom to address these on Thursday.

Vorce – The intent of Articles 63 & 64 was to start discussion on creating bylaws. We are concerned about Article 63 because it is an open-ended rate of development bylaw, which has been ruled unconstitutional. We issue nine permits, but the tenth permit request is being told to provide affordable housing; it singles out every 10th permit. Plus, the definition of Affordable is lacking.

Motion No action at this time.

Vote N/A

V. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, January 30, 2020; 4:00 p.m.; 4 Fairgrounds Road Community Room

Motion to Adjourn at 6:37 p.m. accepted by unanimous consent.

Submitted by:

Terry L. Norton