



Town of Nantucket Finance Committee

www.nantucket-ma.gov

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, February 15, 2022

Called to order at 4:00 pm by Ms. Kronau

Staff in attendance: Brian Turbitt, Director of Finance; Rich Sears, Deputy Director of Finance; Mariya Basheva, Financial Analyst; Terry Norton, Town Minutes Taker

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

Absent Members: McEachern

Documents used: Draft minutes as listed; Warrant Articles for 2022 Annual Town Meeting.

Adoption of agenda.

Motion **Motion to Approve as drafted.** (made by: Maury) (seconded)

Roll-call Vote Carried 8-0// Grause, Schaeffer, Vieth, Glowacki, Maury, Harrington, Roche, and Kronau-aye

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. None

III. APPROVAL OF PRIOR MEETING MINUTES

1. February 10, 2022

Motion **Motion to Approve as written.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 8-0// Grause, Schaeffer, Vieth, Glowacki, Maury, Harrington, Roche, and Kronau-aye

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

1. Article 39 (Bylaw: Short-term Rental (STR) Regulations)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Jason Bridges, Select Board
Libby Gibson, Town Manager

Discussion **Vorce** – This and Articles 40 & 41 are not Planning Board articles; this is a general bylaw article. Nantucket Planning and Economic Development Committee (NP&EDC) and Planning Board discussed these and made a positive recommendation. Anyone who rents for 2 weeks or less must register with the State. The Board of Health (BOH) has similar inspection requirements for housing-related issues and have sufficient staff to do the inspections. He has offered to help draft regulations by to be ready for the vote at ATM. The registration process isn't onerous.

Bridges – The Select Board hasn't been able to talk about this; hope to do so soon.

Kronau – Asked if FinCom should wait until after the Select Board discuss this.

Vieth – Asked if the Select Board would add to this (no). Asked if there's been any discussion about the filing fee.

Vorce – The fees elsewhere are fairly modest, \$50 to \$100 annually. The purpose of the fee is to cover the cost of the program.

Vieth – Most of the concerns people have with STR is noise and traffic. Asked how departments would coordinate enforcement.

Vorce – When a noise complaint comes in, we don't know how the property is used other than commercial. We went through the complaints to figure that out which came from STRs. Any complaint involving a STR would be shared with the Health Department.

Schaeffer – Asked why it doesn't apply to all rentals.

Vorce – General bylaws do apply to all properties. This article focuses on STRs; other properties can be addressed in the future. There would be a checklist of items, which must be met in order to receive the ticket; that checklist has to be developed by the BOH.

Roche – In terms of enforcement, if a complaint is made, asked who responds to the complaint.

Vorce – A Health Department inspector. If police respond to a complaint involving an STR, it gets referred to the Health Department.

Roche – She's confused because Health Director Roberto Santamaria has said he isn't allowed to go on property; asked how that would work and what would then happen.

Vorce – Explained how the Health Department inspectors gain access to a property in response to complaints. There are 3 potential actions for a violation: issue a non-criminal ticket, file a law suit up to \$5,000, and suspend the right to operate in the future. This goes together with the other STR articles.

Gibson – The BOH would come up with a list that is approved by the Select Board. That will be through a public hearing process.

Discussion about how all the departments that might respond to a complaint would work together.

Motion **Motion to Adopt.** (made by: Roche) (seconded)

Roll-call Vote Carried 5-1//Schaeffer, Grause, Harrington, Roche, and Kronau-aye; Vieth-nay
Glowacki and Maury recused (short-term rentals)

2. Article 42 (Zoning Bylaw Amendment: Short-term Rentals)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – This has 3 parts to it: Section 1 prohibits STRs in an apartment building; Section 2 is a workforce housing special permit, and Section 3 allows people to rent rooms in an owner-occupied dwelling. The biggest controversy is the definition of STR and its going into the Zoning Bylaws as a use. Reviewed the history of STRs and related evolving laws. This would establish a baseline date; there would then be an opportunity to register the property for STR use locally and with the State.

Grause – The carve out for 14 days or less, asked if that is a non-taxable time.

Vorce – The way the legislation is written, you have to register with the State but don't have to pay any fees.

Motion **Motion to Adopt.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 6-0//Schaeffer, Grause, Vieth, Harrington, Roche, and Kronau-aye
Glowacki and Maury recused

3. Article 43 (Zoning Bylaw Amendment: Protective Rights to Short-term Rentals)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – The Planning Board voted not to adopt Article 43. There are issues with the wording; some language doesn't meet the intent of the petitioner's stated intent; and the current form needs modification. Also, the Zoning Board of Appeals (ZBA) requirement to apply for a determination is an administratively burdensome process.

Snell – She doesn't see how the ZBA could process the applications within the required time frame.

Kronau – We don't make a motion on this, but we would say whether or not we endorse it

Motion **Motion to Endorse the Planning Board recommendation.** (made by: Roche) (seconded)

Roll-call Vote Carried 6-0//Schaeffer, Grause, Vieth, Harrington, Roche, and Kronau-aye
Glowacki and Maury recused

4. Article 44 (Zoning Map Change: R-1 to R-5L – Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane)
- Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
- Discussion **Vorce** – On many of these map changes, we talked about implementing the 2001 Strategic Plan. R-5Limited is the same size as R-5 but has more ground cover and eliminates secondary dwellings and duplexes. This has a positive recommendation.
- Motion **Motion to Support the Planning Board motion.** (made by: Schaeffer) (seconded)
- Roll-call Vote Carried 8-0//Schaeffer, Grause, Vieth, Glowacki, Maury, Harrington, Roche, and Kronau-aye
5. Article 45 (Zoning Map Change: RC to CN – Washington Streets)
- Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
- Discussion **Vorce** – For property at the end of Washington Street. Planning Board recommendation was positive.
- Motion **Motion to Support the Planning Board motion.** (made by: Schaeffer) (seconded)
- Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye
6. Article 46 (Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L – Bartlett Farm Road and Mioxes Way)
- Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
- Discussion **Vorce** – This is near Bartlett Farm in a mixed zone area. The recommendation is to go to R-5L with special permission.
Schaeffer – Asked for the difference between the two.
Vorce – RC-2 is essentially a commercial district and allows a number of commercial options. The property owners want residential options. Setbacks and groundcover are similar and prohibits duplexes; the pool issue would affect these properties, but most are above the 7500sf.
- Motion **Motion to Support the Planning Board motion.** (made by: Schaeffer) (seconded)
- Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye
7. Article 47 (Zoning Map Change: RC-2 to R-5L, R-10 or CTEC – Clara Drive and Raceway Drive)
- Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
- Discussion **Vorce** – At the intersection of Raceway Drive and Somerset Road where development is going to residential on one side and CTEC on the other. The Planning Board recommendation is positive.
Kronau – Confirmed that R-5L essentially limits density.
- Motion **Motion to Support the Planning Board motion.** (made by: Glowacki) (seconded)
- Roll-call Vote Carried //PS, JG, JV, CG, SM, GH, JR, and DK
8. Article 48 (Zoning Map Change RC-2 to CTEC – 26 Bartlett Road and 1 Perry Lane)
- Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
- Discussion **Vorce** – This is a single property. It was under consideration last year, but the property owner had to finish existing permitting and had divided the property; that is completed. Has a positive recommendation.
- Motion **Motion to Support the Planning Board motion.** (made by: Maury) (seconded)
- Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye

9. Article 49 (Zoning Map Change: RC-2 to CN – Nobadeer and Sun Island Roads)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Snell** – This further the Master Plan goals to create commercial pockets within residential areas so people can walk to the market and such. This won't expand since it has nowhere to go.
Glowacki – Asked what the yellow on the map indicates (R-5).

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

Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye

10. Article 50 (Zoning Bylaw Amendment: Tertiary Dwelling)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – This increases the gross floor area of a tertiary dwelling 900sf. The Planning Board voted to support this.

Schaeffer – Asked how they measure the gross floor area and if it includes the basement.

Snell – It does not include an unfinished basement and areas customarily placed in the basement. You can put a bedroom in a basement, but it counts toward the 900sf.

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

Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye

11. Article 51 (Zoning Bylaw Amendment: Tertiary Lot)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Snell** – There is a provision that allows for a secondary lot and dwelling to be subject to housing-needs covenant; this would allow a lot to be divided into three with two lots would have to be restricted by the housing-needs covenant. We haven't heard from Housing Nantucket but some members of Affordable Housing Trust Fund (AHTF) supported it. We have only approved about 3 tertiary houses in the past year, so she doesn't expect there to be that much of a demand.

Grause – Asked if the lot has to be a certain size in order to be subdivided this way.

Snell – Part of the Planning Board concern was adding density to neighborhoods; another concern was accommodating needed parking. As drafted, the bylaw would allow this only in R-40, LUG-1, LUG-2, and LUG-3 districts; these are the larger-lot districts. PB gave this a positive recommendation.

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

Roll-call Vote Carried 8-0//Schaeffer, Grause Vieth Glowacki, Maury Harrington, Roche, and Kronau-aye

12. Article 52 (Zoning Bylaw Amendment: Workforce Homeownership Housing)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Snell** – This alters the Workforce Homeownership Housing Bonus Lots Provision; it's the single-family portion of R-5 in Richmond. The AHTF suggested expanding this into R-10 District; it requires 3 conforming lot totaling 35,000sf in order to get a special permit for a bonus 4th lot.

Roche – Asked how many lots fit into the category.

Vorce – There are 12 or so lots that could take advantage of this.

Snell – The Planning Board gave this a positive recommendation.

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

Roll-call Vote Carried 8-0//Roche, Harrington, Maury, Vieth, Glowacki, Grause, Schaeffer, and Kronau-aye

13. Article 53 (Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Snell** – This is a series of technical amendments; reviewed the proposed changes. Planning Board supports this article.

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

Roll-call Vote Carried 8-0//Maury, Glowacki, Vieth, Grause, Schaeffer, Roche, Harrington, and Kronau-aye

14. Article 54 (Zoning Bylaw Amendment: Swimming Pool Use Chart – Residential and Hot Tub/Spa)
Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Discussion **Vorce** – This is related to hot tubs and spas. The Planning Board motioned not to adopt 4-1. An important reason is that we had suggested a survey be conducted; that was delayed, and we didn't have the information. Certain members felt the existing language and allowance are okay.
Motion **Motion to Support the Planning Board motion.** (made by: Glowacki) (seconded)
Roll-call Vote Carried 7-0//Roche, Harrington, Maury, Glowacki, Grause, Schaeffer, and Kronau-aye
Vieth Recused
15. Article 55 (Zoning Bylaw Amendment: Swimming Pool Definition – Residential and Hot Tub/Spa)
Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Discussion **Vorce** – The main issue with this is that it doesn't justify solely to the Nantucket old historic district (OHD) and 'Sconset OHD; it extends to outlying areas. This would reduce the size and capacity of the hot tub/spa. The Planning Board motion was not to adopt 4-1.
Motion **Motion to Support the Planning Board motion.** (made by: Glowacki) (seconded)
Roll-call Vote Carried 7-0//Roche, Harrington, Maury, Glowacki, Grause, Schaeffer, and Kronau-aye
Vieth Recused
16. Article 56 (Zoning Bylaw Amendment: Swimming Pool - Residential)
Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Discussion **Vorce** – This would undo the bylaw, which was voted in at 2021 ATM and went into effect September 1, 2021 and which implemented a minimum lot size of 7500sf with setbacks increased to 10'. The Planning Board motioned to take no action.
Kronau – Last year, FinCom didn't support the Planning Board motion because no survey was done. Her understanding is that survey has still not been done.
Glowacki – Asked if FinCom could make no comment on Articles 56 & 57.
Gibson – Yes.
Grause – He'd be willing to support the take no action and let voters decide.
Motion **Motion to Support the Planning Board motion.** (made by: Grause) (seconded)
Roll-call Vote Carried 7-1//Roche, Harrington, Maury, Glowacki, Grause, Schaeffer-aye; Kronau-nay
Vieth Recused
17. Article 57 (Zoning Bylaw Amendment: Swimming Pool - Residential)
Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Discussion **Vorce** – This proposes to alter the minimum size to 6,000sf and leave 10' setbacks in place. The Planning Board voted to take no action.
Motion **Motion to Support the Planning Board motion.** (made by: Grause) (seconded)
Roll-call Vote Carried 7-1//Roche, Harrington, Maury, Glowacki, Grause, Schaeffer-aye; Kronau-nay
Vieth Recused
18. Article 58 (Zoning Bylaw Amendment: Definitions and Word Usage)
Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning
Discussion **Vorce** – This is a citizen article that allows Planning Board to waive the density charge by special permit. There are instances where a property is just shy of the density requirement with space for an apartment. The Planning Board supported the basic principal of allowing to go up one additional unit but not to exceed 4 units. This was supported by the Planning Board.
Motion **Motion to Support the Planning Board motion.** (made by: Maury) (seconded)
Roll-call Vote Carried 8-0//Roche, Grause, Harrington, Schaeffer, Maury, Glowacki, Vieth, and Kronau-aye

19. Article 59 (Zoning Bylaw Amendment: Storage Container by Special Permit in CMI)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – This would allow storage containers by special permit in the mid-Island area. Planning Board moved take no action, as storage containers are allowed by special permit in industrial area and hard to screen on small lots; these areas should have a commercial shed.

Schaeffer – Asked the reason for allowing this such as difficulty finding inventory storage.

Vorce – Ms. Williams had a client looking to get storage quickly. Ms. Williams and her client thought storage containers should be allowed.

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

Roll-call Vote Carried 8-0//Vieth, Glowacki, Maury, Harrington, Roche, Schaeffer, Grause, and Kronau-aye

20. Article 60 (Zoning Map Change: R-20 to R-10L – Nobadeer Way)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – We’ve had discussion with property owners in this development where lots are all undersized for R-20 zoning thus restricting their properties. R-10L would match the size of these lots bringing them into conformity. R-10L would not allow duplexes but allows secondary dwellings by special permit. No one is opposed to this and provides a little extra ground cover. Planning Board gave this a positive recommendation.

Glowacki – Isn’t there a paper road transfer; asked if this and that were looked at in conjunction.

Vorce – The transfer wouldn’t bring them over the minimum lot size.

Vieth – Asked if what is happening in the CTEC affects Nobadeer Way.

Vorce – That caused a lot of scrutiny of the area.

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

Roll-call Vote Carried 8-0//Roche, Harrington, Schaeffer, Grause, Maury, Glowacki, Vieth, and Kronau-aye

21. Article 61 (Zoning Map Change: R-20 to CTEC and/or CN – Old South Road)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – As submitted, it would rezone 6 properties, undoing what was voted last year. The Master Plan talks about nodes of commerce along Old South Road rather than having a commercial district. The Planning Board felt Little Isle Lane would be an appropriate end for CTEC, so their motion is for 3 lots on the east side of Little Isle Lane would go to CTEC. The 3 lots west of Little Isle Lane would remain R-20.

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

Roll-call Vote Carried 7-0//Roche, Harrington, Schaeffer, Maury, Vieth, Grause, and Kronau-aye
Glowacki recused

22. Article 62 (Zoning Map Change: R-20 to CTEC and/or CN – Old South Road)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – The Planning Board gave this a negative recommendation.

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

Roll-call Vote Carried 7-0//Roche, Harrington, Schaeffer, Maury, Vieth, Grause, and Kronau-aye
Glowacki recused

23. Article 63 (Zoning Map Change: LUG-2 to R-5 or CN – 44 Skyline Drive)

Speakers Leslie Snell, Deputy Director Planning
Andrew Vorce, Director Planning

Discussion **Vorce** – The sponsor of this article has a concept for this property to be 100% affordable housing and to design units like the Monomoy Village property. The concept plan didn’t materialize by the time the Planning Board voted on this. The Planning Board voted to take no action. That allows the sponsor to bring the article back in 2 years.

Schaeffer – Asked if there’s any way for the sponsor to resubmit without waiting another year.

Vorce – Possibly. The FinCom could investigate that with Town Counsel.

Kronau – With the need for affordable housing, it would be helpful to keep moving on this project.

Vieth – Confirmed the property doesn’t have Town sewer.

Vorce – It’s outside the sewer district.

Harrington – Advised the Board to think about damage to the environment that occurred in the property just north of this property; he doesn’t think wells or drainage could be approved for this property.

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

Roll-call Vote Carried 8-0//Grause, Schaeffer, Harrington, Maury, Glowacki, Vieth, Roche, and Kronau-aye

24. Article 81 (Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act)

Speakers Andrew Vorce, Director Planning
Hillary Rayport, sponsor

Discussion **Vorce** – This was discussed at both the Planning Board and NP&EDC. It completely rewrites the NP&EDC existing legislation and reduced the Planning Board representation to 3. The effort was appreciated but the recommendation is to refer this back to the Planning Commission. There are other options available.

Kronau – We’ve had two long discussions on this article; reviewed the intent of the article and concerns, which came up during the FinCom public hearings. John Trudel requested the FinCom not make a positive motion on Article 81.

Glowacki – Confirmed this is a FinCom motion versus supporting the Planning Board motion.

Kronau – Give Ms. Rayport an opportunity to speak with the reminder this is not a public hearing.

Rayport – Thanked NP&EDC and Planning Board for entertaining her Article. Pointed she suggested to the Government Study Committee that this is something to think about.

Motion **Motion not to adopt.** (made by: Roche) (seconded)

Roll-call Vote Carried 8-0//Harrington, Roche, Schaeffer, Glowacki, Vieth, Grause, Maury, and Kronau-aye

Discussion **Kronau** – A comment would be appropriate with this motion. Asked Mr. Maury to discuss that.
Maury – Thinks it would be best for him to circulate the comment via email and to adopt it at a subsequent meeting.

Motion No action at this time.

Roll-call Vote N/A

V. COMMITTEE REPORTS

I. None

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, February 17, 2022; 4:00 p.m.

VII. OTHER BUSINESS

Adjournment:

Motion **Motion to adjourn at 6:07 pm.** (made by: Maury) (seconded)

Roll-call Vote Carried 8-0//Grause, Schaeffer, Roche, Glowacki, Maury, Harrington, Vieth, and Kronau-aye

Submitted by:

Terry L. Norton