



HISTORIC DISTRICT COMMISSION SPECIAL 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, Jessie Dutra

~~ MINUTES ~~

Friday, September 11, 2020

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 10:00 a.m. and announcements by Mr. Pohl

Staff in attendance: Cathy Flynn, Land Use Specialist; Holly Backus, Preservation Planner
Attending Members: Pohl, McLaughlin, Oliver, Welch
Absent Members: Coombs, Camp, Dutra

Adoption of Agenda:

Motion **Motion to Approve the agenda. (Oliver)**
Roll-call Vote Carried 4-0//McLaughlin, Welch, Oliver, and Pohl-aye

I. PUBLIC COMMENT

None

II. DISCUSSION OF HISTORIC PRESERVATION RESTRICTION AT 31 WESTERN AVENUE

Documentation 31 Western Avenue Preservation Restriction; HDC Enabling Legislation

Public Mary Bergman, Director Nantucket Preservation Trust (NPT)

Discussion **Pohl** – A few weeks ago, he got a call from the I&M about details on a preservation restriction on the youth hostel at 31 Western Avenue. he was unaware of the Preservation Restriction, which indicated the HDC was the administrator of it. He felt this put HDC in a domain outside its jurisdiction. Realtors are calling him about the Preservation Restriction. One thing mentioned in the restriction is that they have to come before the HDC for any exterior changes. He feels NPT would be better suited to be administrator of this and could enforce the restrictions and go further such as looking into zoning; there is a state rule that would allow the property to be subdivided.

Bergman – This restriction is an anomaly being administered by the HDC. Para 19 of the restriction lays out the desire to reassign this to NPT. We monitor more than 25 restrictions and have a monitoring system set up. An owner has been chosen. This would be a long-term relationship where NPT manages the restriction in perpetuity. Reassignment might require a vote by Town Meeting. This moment is the most critical regarding what happens to the structure. Community Preservation Committee (CPC) put money into this building. NPT would never supersede HDC authority.

Backus – Spoke to Town Counsel this morning and it is recommended to have alternative designee as the administrator of the restriction and it would not require Town-meeting approval. The Town would still hold the restriction. Suggested a motion to propose to the Select Board that they put appointment of NPT as an alternate designee on their agenda. Town Counsel would help Staff with the acceptance form required by NPT that would go on record with the deed restriction. She inspected the structure this week and will provide a photo in her inspection report. It is odd for the Town to hold a preservation restriction.

Welch – Concurs with Ms. Backus' comments; reviewed the documentation: Concept of a recommendation to Select Board, to affect assignment under section 19, seems most appropriate and probably the legal way to do it. Supports the concept and our making a motion. Suggests that it may be appropriate, regardless of to whom this is transferred, believes there are additional protections the HDC could affect: this document puts in place protections that if there were violations, they would end up having to be settled in litigation or the like. There's an alternative and important step the HDC could pursue that would be beneficial, which is to designate the structures as Protected; under Protected status, the requirement is that it needs to be significant which is defined in our code as fifty-years old or older, associates with one or more historic figures or events, with broad island historical, architectural, cultural, political, economic or social history; and historically or architecturally, significant individually or in context of the area in which located. These check many if not all the boxes. If we designate this as Protected in advance of an application for renovations or other changes, the designation conveys the message that this is a significant structure the HDC holds in high regard.

Pohl – A point of clarification, the restriction we are talking about covers all of the property and four structures on the property; 3 are definitely contributing. Giving over our administrative role does not take away HDC authority regarding our review process. Looking for a vote for this to go to the Select Board for reassignment of the administrator.

McLaughlin – Any change in this should go to Town Meeting; it is a public building and they should have a voice.

Backus – That pertains to Section 19; if the Town chooses to relinquish full authority of the restriction to a non-Town entity, that would require an act of Town Meeting because the entire population of the Island has an interest in the property

as a historical resource. Section 20 allows the opportunity for the Town to alternate a designee to uphold the management. Our staff doesn't have the manpower to monitor the restriction; it would be better to relinquish that power; the Town would not relinquish any rights.

McLaughlin – The HDC should do their job under the State Act. Any changes should go through Town Meeting and the public have the opportunity to speak; not the Select Board.

Welch – Mr. McLaughlin makes an important point; however, our recommendation would be to reassign the administrator of the restriction; his understanding is that the Select Board would have to make that decision at a publicly noticed meeting which may or may not be with public input but there is public comment at the beginning of their meetings.

Motion

Motion to Recommend the Select Board assign, under the terms of Section 19, this restriction to the Nantucket Preservation Trust, Inc. and to do anything in regard to affect that assignment. (Welch)

Roll-call Vote

Carried 4-0//Oliver, McLaughlin, Welch, and Pohl-aye

Bergman – To Mr. Welch's earlier point about the designated buildings, Form B, of the Preservation Restriction highlights those buildings.

Backus – All the designated buildings are subject to the agreement. The Lifesaving station was built in 1874 with the additions done in 1884. The cottage was originally built as a privy in 1884. The dormitory was built between 1900 and 1919. The shed was built in 1930; it's the only one with a caveat.

Pohl – All four buildings would be eligible for protected status. Asked whether or not to continue this discussion; he'd prefer to rule now than to allow this to languish.

Welch – We have sufficient information on the record to make a determination as to being Protected. The main building, cottage and dormitory are referred to as "historic buildings." Recommend if we feel comfortable that we rule on those three.

McLaughlin – When he was a kid it was known as Station Avenue; the site plan calls it Station Street. He's not happy with all the street name changes going on and would prefer it remain Station Avenue.

Welch – Noted that his inclination is to be more thorough than less regarding the designation.

Motion

Motion to Designate the following, each and together, as Protected structures:

a) the former Surfside Life Saving Station, now known as the Star of the Sea Youth Hostel ("the Main Building"), which contains a Victorian Gothic Style, two-story, wood-frame structure built in approximately 1874 and flanking Shingle Style shed additions built approximately 1884;

b) a one-story, wood-frame structure built originally as a privy and storehouse now converted to residential use and known as the Surfside Life Saving Station ("the Cottage");

c) the former Stable, now known as the Dormitory ("the Dormitory"), which is a one-and-one-half-story, wood-frame structure of vernacular design built approximately between 1900 and 1919.

With the Main Building, the Cottage, and the Dormitory, each and together, being in the public interest to preserve or rehabilitate, as structures that are:

i) 50 years old or older, and;

ii) associated with one or more historic figures or events, or with broad island architectural, or cultural, or political, or economic or social, history; and/or;

iii) of historic, cultural, or architectural significance, themselves and in context with other buildings, in terms of period, style, method of building construction, or due to association with a noted architect or local builder.

(Welch)

Roll-call Vote

Carried 4-0//Oliver, McLaughlin, Welch, and Pohl-aye

III. OTHER BUSINESS

Discussion of information needed to move forward with a discussion of Memorandum of Understanding (MOU) with the Historical Commission.

Documentation HDC/Historical Commission MOU; HDC Enabling Legislation

Historical Angus MacLeod

Commission Georgian Raysman

Micky Rowland

Pohl – At our joint meeting with the Historical Commission, we discussed having an MOU; Select Board has asked Town Counsel to weigh in on that MOU. He'd like to hear from Town Counsel

McLeod – Ms. Backus could answer any technical questions. Thanked the HDC for bringing this up.

Welch – He supports the overall concept and sending it to Town Counsel. Asked we clarify that we are looking for Town Counsel input with respect to HDC matters noting if the request to Town Counsel was submitted by the Select Board, request may be with respect to overall Town matters not specifically HDC matters. We might also in our request for opinion ask how to strengthen the Historical Commission position with respect to the admission under local government status.

Oliver – Nothing to add.

McLaughlin – Nothing to add.

Pohl – We are going to wait for Town Counsel opinion. To Mr. Welch's point, we would like to enlist the services of Town Counsel with the respect of the MOU as seen through the eyes of the HDC as opposed to through the eyes of the Select Board. Asked how to go about making that request.

Backus – She did not submit for Town Counsel for opinion and support on this particular issue; it was done by the Planning Director. She believes that request was to ensure there were no issues with the HDC special legislation as well as ensure it doesn't conflict with the Town Charter.

Pohl – He can touch base with Andrew Vorce on when to expect a response from Town Counsel.

Welch – He had thought the request had come from the Select Board; thanked Ms. Backus for the information it came through our Planning Director with much broader strokes.

Backus – Asked if there were any concerns on the MOU itself. The Coordinator would be someone like herself as the Preservation Planner.

Pohl – Asked if there were any other comments.

Raysman – Thanked the HDC for considering this and moving it along. It will be helpful for the Town to access funds.

Adjournment:

Motion

Roll-call Vote

Motion to Adjourn at 10:56 a.m. (McLaughlin)

Carried 4-0//Welch, Oliver, McLaughlin, and Pohl-aye

Submitted by:

Terry L. Norton