

ADVISORY COMMITTEE OF NONVOTING TAXPAYERS

Minutes of Public meeting 10 A.M., SATURDAY, December 3, 2022 via Zoom

1. Attending members: Gary Beller, Bill Gardner, Don Greene, Peter Halle, and Peter Kahn. Members absent: Kathy Baird, Lou Bassano and Bill Sherman. A quorum was present. Also present were Gene Briskman, Ralph Kuncel and Donna Martino. One other member of the public was on line, but did not speak.
2. At approximately 10:05 AM the Chair Peter Halle started reading the Virtual Meeting Script.
3. The Agenda approval for today's meeting was moved and seconded and passed unanimously.
4. Approval of the minutes from the November 19th meeting was moved and seconded. It passed unanimously.
5. It was moved and seconded that the email from Kathy Baird, who could not attend the meeting, be a part of the record of the meeting and attached to these minutes.
6. The Chair said that he emailed his personal views on STRWG to the Moderator, Stacie Smith, and that he would forward a copy to ACNVT Members. He explained his views.
7. STRWG – Peter Kahn and Bill Gardner updated the ACNVT on the recent meeting and spoke about future meetings. It is expected that there will be a Special Town Meeting at the end of the Summer/Early Fall to consider its recommendations. There was concern voiced by Members of the ACNVT and the Public regarding the lack of progress by STRWG in defining the problem and in organizing data collection necessary to inform decisions. There is also a concern that STRWG needs the active participation of the Nantucket Real Estate industry as they are “experts” with relevant information that would be useful. One suggestion is that they be asked to fill a non-voting seat at the STRWG Table so they could more fully participate but avoid conflict of interest concerns. There was inconclusive discussion of the role of “purely commercial” STR owners.
8. ACNVT discussed possible opposition to Articles 13, 19, 20 and 21 should there be a decision to hold a Special Town meeting later in the year so that passage of one or more of those articles would not preempt the work of STRWG.
9. There was discussion of Articles 1 and 6 regarding a possible change to the Form of Government in Nantucket. The ACNVT would like to hear from the proponents of the Articles in a future meeting. There was general discussion that Nantucket had outgrown the ATM format with over 9,000 registered voters. There is evidence from the voting patterns at recent Town Meetings and elections that more voters vote in the elections than in the Town Meetings by a five to one margin.

10. There was discussion of possible cancellation of the December 17th Meeting depending on STRWG developments. The Members will be notified prior to December 14th. There was consensus that there not be a December 31st Meeting.
11. Motion to adjourn was seconded and passed unanimously at 11:38 am.

Respectfully submitted,

Kathy Baird, Secretary

The following link represents the recording of this meeting located on the Town of Nantucket YouTube website. https://www.youtube.com/watch?v=DZw_D2gqplk

Attachment (1) – Email input from Kathy Baird for this meeting as follows

12/10/22, 6:20 PM

Gmail - Input to ACNVT For 12/3 Meeting



Kathy Baird <kathy950@gmail.com>

Input to ACNVT For 12/3 Meeting

1 message

Kathy Baird <kathy950@gmail.com>

Fri, Dec 2, 2022 at 9:22 AM

To: Kathy Baird <kathy950@gmail.com>, Gary Beller <gbellerny@gmail.com>, Peter Kahn <pkahn@wc.com>, Lou Bassano <lbassano@comcast.net>, Don Green <gred43@comcast.net>, William Sherman <wms Sherman@icloud.com>, Bill Gardner <gard7180@comcast.net>, Peter Halle <peter@halle-lamm.com>

All -

Since I will (hopefully) be on an airplane headed to Key West for a week, I wanted to share with all of you some thoughts on our agenda items. I do hope we still have a quorum!

•Discussion of STR Working Group Meetings with a focus on data issues. I found the Nantucket Data Platform study compelling and worth an investment in an update. No surprise that the density issues we have been talking about are not new (and it appears each generation brings it up again and again) and there is no STR bias in here because that was not even a defined term. Interesting how it is now a dirty word. I think engaging Alan Worden as a guest speaker and suggesting an updated analysis to benefit the STRWG process is a good idea. Funding is a problem because it must be independent but that might be accomplished

if ReMain was interested or if NAREB or someone else could fund it but the control over the survey would be out of their hands? I have heard that NAREB is hard at work collecting the data from its participating agencies and then will get it independently aggregated but it will not be ready this month. Note that the SB has decided to hold a special ATM in the fall for STRs. (<https://www.nantucketcurrent.com/town-s-new-short-termrental-bylaw-proposal-punted-to-fall-2023> and <https://www.ack.net/stories/select-board-commits-to-fall-special-town-meeting-for-strs,30742>) I am not particularly happy with Malcolm McNab's comment on the STRWG 'not doing our homework' so someone should tell him what is really going on. I think that Granicus believes they are the sole conduit for 'independent data' (perhaps Stacie sees it that way too since she continues to question the need for NAREB data) and that is why they have ignored the state database, the town's data and all the studies members have sent them. When I spoke with Stacie she had no idea that the town knew how much revenue they were getting from STRs and could not believe it was posted on the town website. I told her it wasn't a perfect metric but it would reflect a combination of increased compliance (over time), increased rental prices and increased use of STRs by visitors during the pandemic, along with the growth (or shrinkage) of STRs. I had also sent her the national data showing the 40+% growth of the year round population over the last decade but that was not shared with the group either and Granicus has no use for it since it does not relate to STRs.

Discussion of Published Citizen's Warrant Articles for ATM 2022

- STR Zoning Bylaw Definition Changes (4) I support Articles 19-21 since they accomplish the same goal as Article 42 would have last year to confirm the status quo and protect STR homeowners from lawsuits. I do not support Article 13 which is discriminatory (in effect and intent) against NVTs and would also harm any year round homeowner who also owns a rental property or owns a seasonal cottage that is only able to be lived in/rented on a seasonal basis (e.g. Sconset and Old North Wharf Cottages) so cannot be someone's owner-occupied residence. The town said they will come out against both sets
- Town Government Change Warrant Articles (3) - I agree that the town government needs to move away from ATM but would prefer to hear from the sponsors of each before

weighing in. I did watch the Select Board meeting where folks from other towns that moved away from ATM to other forms of government shared their experiences but there were no clear winners in what I heard.

◦Outside Lighting Bylaw – Proposed by Nantucket Lights
- Full disclosure - I am on the advisory board for this organization and they will be looking for our support on this. I believe they already have the support from the NCL and are following up with individual neighborhood associations, the Chamber of Commerce, ACK Now and Nantucket Together and perhaps others. I think it is a great idea but also think that going for full IDA compliance as step one is a huge step for the island to take. They have really done their homework on this very technical topic so would suggest Gail Walker be invited to speak to us if this is an area where the group feels we should consider taking a stand.

◦Other Warrant Articles of Interest - We may want to review Article 4 (Arthur Reade) who is proposing to set aside 2/3 of the STR revenue (which now goes into the general fund) for the affordable housing trust. It might be good to invite Arthur as a speaker. On the surface, I support it but would like to better understand why the town has not already done that and it also appears they will not support it and it will go to the fall ATM as well.

- Other thoughts:

- there are currently 2 zoning complaints and one active lawsuit against STR owners with a fourth dropped when the owner sold the property. These are all filed against NVT homeowners who are targeted on purpose. It is a form of bullying and it is discriminatory and frivolous - just to try to set a precedent that would make all STRs illegal if deemed commercial. I think ACNVT should propose or support something in the STRWG that will protect these folks as they are 'our' folks. Perhaps support Articles 19-21 with a 2 year sunset clause that allows the STR regulations to be in place to collect operational data with nuisance fines and penalties enforced before further action is taken.

◦Although the data the town has published does not support there being a large local population of investor-only STRs, it

is a fear and a growing national trend and I have no problem with finding a way to (in a general bylaw) restrict operators to those associated with a 'natural person' or family and/or disallow 'formula businesses' which is how the chain stores and hotels were kept out. Those are not 'traditional vacation rentals'.

I attended the planning meeting for the 12/12 public input virtual STRWG and they have published the announcement for it. I got the moderators to add an agenda item up front to walk through the process we have had to follow so far, name the challenges and also make sure people understand that Article 39 is already law so the noise and nuisance issue is already addressed with fines and penalties so it should be off the table until we see how well it works. I emphasized that this is a very complex issue as are the complex tools at our disposal to be able to do anything and the shortened timeline we were given. I am not sure Stacie will say all of that but the public needs to hear it before the floodgates are opened. The STRWG members and alternates will be tasked with being the small group facilitators first to address the question 'What is your experience with STRs', then a joint session to share feedback followed by another set of workgroups who will discuss any of the 'solution packages' we may have agreed to put forward on 12/5. Stacie acknowledges we may have none

Just checked into my flight - fingers crossed. Have a good meeting and I will watch the recording so don't forget to select the 'record to the cloud option'!

Kathy