

## **ADVISORY COMMITTEE OF NONVOTING TAXPAYERS**

### **Minutes of Public meeting 10 A.M., SATURDAY, March 2, 2024 via Zoom**

1. Attending members: Kathy Baird, Gary Beller, Gene Briskman, Patti Deuster, Lynn Filipski, Bill Gardner, Don Green, Peter Halle, Peter Kahn, Ralph Kuncel, Donna Martino, Pam Suan, and Scott Ulm. Members absent: Lou Bassano, Steve Perelman
2. At 10:03 AM the Chair Peter Halle convened the meeting and read the Virtual Meeting Script confirming a quorum was present.
3. The Agenda for today's meeting was moved for approval, seconded and passed unanimously.
4. Approval of minutes from the February 3, 2024 meeting was moved, seconded and passed unanimously.
5. Donna provided an update on the recent meetings of the Town Council Study Committee (TCSC). At their last meeting, the committee was briefed by Libby Gibson on the structure of the existing town government. The committee was also briefed by and is considering contracting with the Edward J. Collins, Jr. Center for Public Management as their consultant based on their experience in advising 2/3 of the 351 municipalities in MA. It was agreed that Peter H. will draft proposed language for the TGSC to consider regarding the role of non-voting taxpayers in the future form of government.
6. Lynn Filipski reported that the Bicycle and Pedestrian Advisory Committee met and elected a new chair, Ian Golding and their current strategy is to partner with the town, Chamber of Commerce and the Nantucket Civic League (NCL) for outreach and education. The issuance of bike registrations (e-bikes and pedal bikes) for free or a small fee is under consideration (with a sticker for the bike helmet to encourage them to be worn). E-bikes that can go the speed limit on roads would not be permitted on bike paths. Still undecided is who would issue tickets for non-compliance and violations and potential changes to signage. Changes in a future town meeting would be proposed to Chapter 57 of the town code and Transportation Program Manager Mike Burns is playing a role in that effort. Questions were raised and answered and Lynn will continue to attend the meetings and report back to the group.
7. Kathy provided an overview of the STR Articles on the 2024 ATM warrant which now includes a consensus from the sponsors of all 3 general bylaws (60-62) on using the Town version (Article 60) as the basis and recommendations to take no action on the others (Articles 61 and 62). Article 60 now includes the intention of 'protecting the time-honored tradition of vacation rentals by natural persons' as a clear statement to the Land Court in the current litigation, defines terms (corporation, time-sharing/interval ownership) and prohibits new corporate-owned, time-sharing/interval ownership STRs and those in affordable or income-restricted housing while protecting those that already exist. The proposed zoning bylaw (59) would be a companion article to Article 60 but the recommendation from the town will be to only vote for the article should there be a negative judgement on the town's position by the Land Court before town meeting. The compromise was seen by all parties as a first step to get something passed that appears to have general consensus with the voters. Guest Matt Fee (Select Board) shared his concerns as the dissenting member.
8. As promised at our last meeting, Peter H. drafted a proposed revision to town warrant Article 81 which includes a provision to amend the sewer act to waive sewer

connection fees to those qualified for a residential exemption. Peter H. drafted and sent a letter to the Select Board/FINCOM which recommended a needs-based fee waiver that would be a lien against the property for recovery at a future date when the property is sold. The town has yet to respond.

9. Lynn provided an overview on the potential summer outdoor construction noise proposal for certain neighborhoods sponsored by Caroline Baltzer that is being considered for a future town meeting and offered to share the town warrant article questionnaire that provides the initial justification for the article. Lynn shared her concerns about some of the assumptions included in it and it will be on our agenda in a future meeting (Questionnaire circulated to ACNVT members and is attached).
10. Pattie Duester presented the PR sub-committee report in Steve Perelman's absence (his written report is attached) and led a discussion on how to get the word out to other NVTs and suggested outreach at the 26 neighborhood associations when they meet this summer. Guest Kimberly Schulam suggested a scheduled Zoom meeting for that purpose to explain our mission and gather ideas in an interactive manner. It was agreed to pursue this idea further and perhaps renew the ACNVT partnership with NCL. The good PR news for today's meeting was that we had 13 members in attendance and 10 NVT guests who had heard about our meeting on local social media.
11. Kathy noted the expiring terms for 5 of the 15 ACNVT members in June 2024 and agreed to circulate that information so members could submit their paperwork to be re-appointed or provide notification that they would not seek re-appointment.
12. The next ACNVT meeting will be held via Zoom on 10am Saturday April 6 with either Mike Burns (PLUS Transportation Program Manager) who can speak to both Bike Safety and Traffic Issues or Kristie Ferrantella (Town Housing Director) as the invited speakers for our April and May meetings with Libby Gibson for our first summer meeting.
13. Motion to adjourn was seconded and passed unanimously at 12:03 pm.

Respectfully submitted,

Kathy Baird, Secretary

Attachment 1 – PR Committee Report

Attachment 2 – Draft Questionnaire for future warrant article on Summer Construction Noise Restrictions

The following link represents the recording of this meeting located on the Town of Nantucket YouTube website. [ACNVT Meeting recording for March 2, 2024](#)

*A Proposal, not yet submitted, written in October 2023 for a*

## Citizen's Warrant Article on Nantucket—

To see if the Town will vote to enact a general or zoning bylaw establishing an exterior building construction activity moratorium to include framing activity between July 1st and Labor Day in the island's areas of heaviest visitor concentration —Brant Point, Nantucket Town, and the Village of Siasconset— or to take any other action relative thereto. A provision will be made for relief by special permit to allow for unusual circumstances.

### Questionnaire Answers:

#### 1. AT A SUMMARY LEVEL, WHAT IS THE PROPOSED PURPOSE AND OBJECTIVES OF THIS WARRANT ARTICLE?

**Purpose:** This Citizen's Article's purpose is to protect and further the goals stated by the Brant Point Area Plan, the Siasconset Area Plan and the Town of Nantucket Area Plan. Neighborhood plans are filed with the NP&EDC and serve to uphold the Master Plan for Nantucket.

**Objective:** Specifically, this Warrant Article addresses the objectives of increasing the safety, enjoyment, and peace for both the visitors to and residents of these neighborhoods, areas which are more dense and thus more specifically affected by our island's summer surge, and being bordered as they are by the water, allow sounds to carry and amplify.

#### 2. DOES THE COMMUNITY-AT-LARGE GAIN VALUE THROUGH THE ARTICLE? IF SO, HOW?

Yes, as the only whole-island in America listed on the Register of Historic Places with research demonstrating clearly that our primary economy is seasonal heritage tourism (Nantucket Data Platform), it behooves Nantucketers to protect the sense of place that offers beauty, peacefulness and quiet enjoyment. Protecting these economic resources during the population surge of the summer season

importantly aids in maintaining safety. Like the successful Dark Night Sky movement on Nantucket which recognized the value of limiting exterior lights to preserve the sense of place that we value on Nantucket, codifying measures to protect inhabitants from the traffic of heavy machinery, construction crews' heavy vehicular traffic, the churn of very loud residential construction noise near public attractions, and the need to park in residents' and public parking spots *during our historically busiest and most populous time insures that the goals of the Town's master plan can be successfully met with a special attention paid to necessary safety measures during our summer tourism season's short peak.*

*With all but one hotel on Nantucket being located in these three seasonally popular neighborhoods, it can be acknowledged that these are the areas that do the heavy-lifting in terms of generating income and contributing to the island's primary economy, a contribution which benefits all property owners, businesses and residents on this island.* It is therefore in the best interest of voters to embrace a new zoning or general rule that would support all parties in keeping the visitor experience positive and safe as well as for all homeowners — year-round and seasonal — *by planning for all exterior construction building activity outside our discrete 8 week span of "high season" during the summer peak on Nantucket.* This is a common practice in other Summer / Seasonal communities, and it embraces the very civil concept of neighborliness, as well as the basic right to safety.

3. HAVE YOU DONE ANY RESEARCH ON THE TOPIC THAT CAN BE SHARED? IF YES, PLEASE FEEL FREE TO ATTACH ANY SUPPLEMENTAL INFORMATION.

Yes: local leaders as well as residents from many neighborhoods on Nantucket, were canvassed. It was quickly ascertained that there exists a locally-held wisdom, as well as a locally-held belief, which says that during the summer months on Nantucket, construction in these particular neighborhoods is already assumed to be suspended. Indeed,

the majority of everyone polled (@ 40 people) indicated their belief that this ordinance was already in effect.

To wit, the writer has noticed that oftentimes construction projects on Brant Point appear to be specifically paused during July and August. It is likely that this curtesy is motivated by those particular owners' own neighborliness and respect for their neighbors' enjoyment of their properties and may stem from the prevailing assumption cited above that this rule is already in place.

This civic spirit described above was demonstrated to this citizen personally at an abutter's property in 2022 after their property had been sold. The purchaser's construction project on this site was subject to the former owner's deed restriction for building between July 1st through Labor Day weekend. Notably, if the situation had not been investigated by abutters at the Building Department, they would not have known about the former neighbor's act of civility because the off-island developer planned to continue exterior building activity during the summer season because he had not planned his building schedule to avoid it. If the proposed zoning change had been in place, the restriction wouldn't have depended on any given individual's spirit of neighborliness, a builder's excellent planning, or extra expenditure of legal fees to enact deed restrictions, but would have been available to all abutters through codification as well as neighborly expectation.

Licensed builders under their trade licenses are required to follow safety rules so this Bylaw will enhance their ability to successfully comply. No builder wants a safety mishap to occur and working with heavy construction equipment used for exterior building (cement trucks, bulldozers, cranes, excavators) during Nantucket's high season is a much riskier endeavor for them especially in the close quarters of Brant Point, 'Sconset Village, and the historic streets of Nantucket Town. However, without the specific request of an owner, a deed restriction, or a special permitting process, builders are not currently required to pause the part of their projects that entail heavy outside construction during our island's very limited seasonal visitor surge of 64 days. Off-island builders may be especially unaware or unconcerned of the

effects of such an extreme change in population around their building sites.

During the 8 week period proposed by this Article, *owners, along with their general contractors and builders can schedule their timelines accordingly and continue indoor building activity where noise violations will not occur.* This proposed Article therefore aids in protecting the seasonal economy on Nantucket which occurs principally between July 1st and Labor Day. The Brant Point neighborhood, for example, is made up of nearly 100% seasonal residential homes where the population surge of residents, guests and visitors does not occur outside those dates and thus allows for safer timing of heavy construction in the 301 days falling outside of the proposed heavy construction moratorium. Since construction is the second main economic driver on the island, it is important to insure the continuance of interior building activity for these 64 days of the summer tourism economy.

Using Brant Point again as an example, the Brant Point Association's Mission Statement includes maintaining "Brant Point as a desirable area to live in a safe, stable and [sic] with pride of community today and the long-term future [and to] promote a sense of community and common purpose"; thus this proposed Article is in line with the Brant Point Association Mission Statement.

Some local builders were asked about the ability to plan around a 64-day interior-work-only restriction and Project Managers from off-Island builders were also included. The off-island builder from the above-mentioned example, said that he was able in the end to plan his two year-long project in such a way that allowed interior-work only to be scheduled during the restricted period. Thus, with the ability to plan ahead, Builders on Nantucket can accommodate both their work schedules and homeowners' rights to a safe and peaceful experience of their homes and neighborhoods during seasonal surge which increases safety and enjoyment for all.

4. WHAT IS YOUR UNDERSTANDING OF THE COST IMPLICATIONS (OPERATING AND CAPITAL), BOTH IMMEDIATE AND LONG-TERM TO THE TOWN? (EXAMPLE: PERSONNEL COSTS, MAINTENANCE,

EQUIPMENT, SUPPLIES, ETC); AND, WHAT WOULD BE THE PROPOSED FUNDING SOURCE?

Increased costs to the Town are not foreseen beyond any necessary enforcement of the building construction activity moratorium, an activity which would likely be easier to control than increased noise restrictions would be. This is inferred because noise is more subjective than the binary truth of building construction activity (one is either building outside, or one is not.) Furthermore, after the first summer season of this newly implemented summer exterior-construction moratorium, builders will begin to plan according to the new bylaw, so it is anticipated that there will be less need for law enforcement will occur over time.

If this Bylaw is successful, there would be a predicted increase in tourist and visitor activity and thus spending during these two months will likely balance out any enforcement costs.

Note: If this Bylaw is successful, the tax income to the state of Massachusetts on the construction materials and supplies used during heavy exterior work would likely be somewhat less during these two months, but it is not anticipated that spread over a 12 month period the taxable materials of both exterior and interior building supplies would decrease due to this Bylaw (the building work will still get done, just at different times).

5. WHO DO YOU ENVISION EXECUTING THE OUTCOME OF THE ARTICLE (WILL IT REQUIRE A NEW POSITION; HOW WOULD IT FIT IN WITH A PARTICULAR DEPARTMENT; WHO WOULD ENFORCE IT; WHO WOULD BE IN CHARGE OF IMPLEMENTING IT)? HAVE EFFORTS BEEN MADE TO INVOLVE THE NECESSARY PARTICIPANTS AS TO THE IMPACTS OF EXECUTING THE ARTICLE?

This proposed Citizen's Article has been presented to the Town Manager, and Town Counsel; their advice has been taken into consideration in the editing stage. It has also been reviewed with two members of the Roads and Right-of-Way Committee, one of whom said

it would “likely receive a lot of support”. A member of the NP&EDC was also consulted and offered suggestions for narrowing the time of restricted construction noise which has been done while not materially reducing the desired objective stated here.

The Nantucket Police Department would likely be in the position of receiving any complaints of construction crews who are in violation of the external building construction moratorium during the 64 days of summer. The Nantucket PD would field police officers and the added summer community service officers as may be necessary to enforce the new law. Since the majority of those residents on Nantucket that were polled assume there already is a summer building restriction in place, it suggests that the new law would be easily adapted in common practice. In the citizen’s example provided above, there were no violations of the deed-restricted property on Brant Point to report for the summer months in 2022. Since violators of this new law would be publicly evident, it would likely be a self-enforcing law.

Most importantly, *the resulting diminution of heavy construction activities during the period of time in question is designed to reduce other problems and complaints historically lodged in these three areas stemming from safety and parking issues* so complaints to the NPD would likely be balanced out or reduced over all.

As for this Bylaw’s effects on property owners, neighbors and abutters, *for each single property owner that is subject to this restriction, the restriction would protect a multiple of that one property’s abutters and neighbors and visitors who would receive specific benefit from it.* This civic-minded restriction in these seasonally expanded and cheek-by-jowl neighborhoods will no doubt promote good-will and friendliness rather than resentment and feelings of hardship, and these qualities will help reinforce this bylaw as it develops into a very cordial norm in these neighborhoods. Since the current assumption is that this bylaw already exists, in the context of many new residents, it will benefit from codification to maintain and grow the neighborly equilibrium on Nantucket. This Bylaw offers a common ground, if you will, each summer when neighbors re-convene, where everyone’s expectation is the same. This By-law promotes civic-mindedness and its protection

benefits many people while impinging on relatively few on and off-island construction businesses who have the expertise to plan accordingly.

Note:

Because 'Sconset and Brant Point are neighborhoods with very few voters, a high rate of visitors, and large seasonal visitor tax base, it is especially important to have the support of the Select Board to promote this Bylaw's particular protection of property rights and safety in these neighborhoods.

6. IS THE TOPIC OF THE ARTICLE CONTAINED WITHIN ANY TOWN PLAN (IE; ANY MASTER PLAN, TRANSPORTATION PLAN, CAPITAL IMPROVEMENT PLAN, STRATEGIC PLAN)?

Yes:

Siasconset:

As regards the current Siasconset Area Plan, the SAP's accompanying letter to the Select Board Chair stated, "Coupled with the significant seasonal visitation of tourists and islanders alike to the Sankaty Head Lighthouse, beach, bluff walk and charming historic district, this traffic often poses a danger to pedestrians and cyclists." This article seeks to use a moratorium on building construction in 'Sconset during only the two months of high season as an effective solution to dangerous summer traffic in the small village of 'Sconset which has traditionally been filled with children on bikes.

Brant Point:

In the Brant Point Area Plan, under Section 7 entitled "Services and Facilities", in sub-section 13 it states, "The BPAPWG [Brant Point Area Plan Work Group] supports the continued stringent enforcement of existing laws and regulations concerning parking and speeding in Brant Point, particularly during the summer months. Parking enforcement would ensure roadways are left passable by emergency vehicles, facilitate postal delivery and access to beaches." Since the time this 2013 Area Plan was written, building activity on Brant Point has veritably exploded and this trend shows evidence of continuing as

historic dwellings along Hulbert and the interior of Brant Point follow suit of the Easton Street corridor which also require improvements, etc. This Article if passed would significantly lift the burden for the Nantucket Police Department on parking and traffic enforcement activities, and for emergency vehicles on calls to accidents whose likelihood of occurring is raised considerably with the addition of so many construction crews in the area. Its success would immediately increase the safety for the many children and families who come to stay on and visit Brant Point between July 1st and Labor Day. Where Brant Point does not have bike paths or the ability to walk between the four most popular public beaches (Children's Beach, Brant Point Lighthouse, Jetties Beach, and Steps Beach) it is especially important to offer visitors and residents alike safer roadways upon which to walk and bike to our neighborhood attractions. Further, under section 8, sub-section 1, it states, "The BPAPWG recommends that further parking mitigation be explored in Brant Point. As Brant Point includes areas of intense recreational use such as the Jetties Beach and Children's Beach, which includes the town boat ramp, parking tends to spill over onto residential side streets during the summer season in particular." The most oft-heard complaint in Brant Point during the summer months is that there is not enough room on our streets as it is, let alone with increased construction. The residents, their guests, hotel guests, boaters, visitors, tourists, and shoppers already have a bad traffic and parking problem on Brant Point that increases the likelihood of property damage and personal injury not to mention the interference of quiet enjoyment. Accommodating the addition of multiple on- and off-Island construction crews during the already jam-packed short summer season is not necessary and doesn't align with the Brant Point Area Plan or Nantucket's Master Plan.

& from the Town of Nantucket:

From Nantucket's Long range Transportation plan, "There is insufficient availability and turn over of parking in town."

In sum, it is hoped that this Article as written will persuade the Select Board to approve of and advocate for it because of its alignment with the Town's Master Plan as well as common sense, neighborliness in seasonal close-quarters and because of it's direct impact on increasing

roadway safety, and protecting property rights in 2 of the 3 neighborhoods where there are not many voters to advocate for them.

Thank you for your consideration.

Respectfully,

Caroline R. Baltzer  
66 Hulbert Avenue



Kathy Baird &lt;kathy950@gmail.com&gt;

---

## PR Committee report

1 message

---

**Steve Perelman** <steveperelman@gmail.com>

Fri, Mar 1, 2024 at 5:09 PM

To: Peter Halle &lt;peter@halle-lamm.com&gt;, Peter Kahn &lt;PKahn@wc.com&gt;, Patti Deuster &lt;deuster2017@gmail.com&gt;, Kathy Baird &lt;kathy950@gmail.com&gt;

Hi all — I won't be at tomorrow's meeting, but please consider this the "report" from the PR Committee. Patti, Kathy and I plan to talk next week about the press release for the April meeting, which I also will not be able to attend.

I was disappointed that the press release I sent Monday didn't make it into any of the on-line publications this week, so this afternoon I wrote to the Inky, the Current, and Daybreak asking if I should be doing anything different.

Josh, Managing Editor of the Inky, replied:

Steve, I will continue do my best to get them in print, but they have been regularly running online since you started sending them to me, either as stand-alone news briefs or in the Calendar. It's simply a matter of space, or lack thereof, and especially this time of year, we don't always have enough room for all the briefs we'd like to get in print. One small help would be to give me some more lead time. Monday is OK, but Thursday or Friday of the week before you'd like the item to run is better. Having a speaker also potentially helps. — Josh

Laura Burnett of Daybreak replied:

Hi Steve, Unlike other publications we do not take a political stance or sides on groups or issues. Putting your information in DayBreak is beneficial to our readers. I have not joined your meetings, though I do believe having a speaker creates more interest to join. I also think you should take more of a call to action stance with a banner ad in DayBreak and possibly a premium position in Nantucket About Town Wednesday events edition. I added Mike Harter to this email and he can guide you on the costs and placement for a banner ad. — Good luck, Laura

*My response to her:*

*We are an official committee of the town, with no funding, so we do not have a budget to advertise. Our members are all non-voting taxpayers of Nantucket, but we are not political, and we don't take political stances. We do appreciate the coverage we've received from DayBreak since we started a Communications Committee in the summer, and will continue to send the news releases.*

I have not yet heard back from The Current.

I know Josh [at the Inky] and Jason [at The Current], and am confident that when we resume in-person meetings in season, with speakers, we will get more coverage. — Steve

A. Steven Perelman

[steveperelman@gmail.com](mailto:steveperelman@gmail.com)

860-604-7602