



HISTORIC DISTRICT COMMISSION REGULAR MEETING

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Raymond Pohl (Chair), Stephen Welch (Vice-chair), Diane Coombs, Abigail Camp, Vallorie Oliver
Associate Commissioners: Jessie Dutra, Carrie Thornewill, Connie Patten

~~ MINUTES ~~

Thursday November 17, 2022

Conference Room, 2 Fairgrounds Road & Remote Participation via ZOOM.

Called to order at 1:08 pm. and announcements by Mr. Pohl

Staff in attendance: Holly Backus, Historic Planner; Esmeralda Martinez, Land Use Specialist; Adrian Rodriguez, Administrative Specialist; Billy Saad, Land Use Specialist; Terry Norton, Town Minutes Taker

Attending Members: Pohl, Welch, Coombs, Camp, Oliver, Thornewill

Remote participant: Coombs

Absent Members: Dutra, Patten

Late Arrivals: None

Early Departures: None

Adoption of Agenda:

Motion **Motion to Approve as drafted. (Coombs)**

Roll-call vote Carried 5-0//Oliver, Camp, Welch, Coombs, and Pohl-aye

I. DISCUSSION & VOTE

1. HDC-OFC Best Practice Recommendation

Voting Pohl, Welch, Coombs, Camp, Oliver

Alternates Thornewill

Documentation HDC -Best Practice Recommendations; *Building with Nantucket in Mind (BWNIM)*

Concerns **Welch** – These elements have been discussed in past meetings; HDC is doing business as it has for decades when the workload now far exceeds that of the past. Reviewed recommendations as noted in the document.

Item 1) Establish protocols for “Digital Review of Applications” (using tablets & projector at meetings), explained this.

Pohl – With paper copies at scale we can readily know the dimensions; if we go digital, we will require the applicant to have the information; we need something to provide accurate information about the dimensions at hand.

Thornewill – We could have one paper copy available.

Welch – Suggested, to compensate for concerns listed regarding the lack of a paper copy, the plans would have a dimension bar on every elevation, we could use Apple pen for Exhibit As. Noted that digital files would be verified as accessible. Suggested if there’s controversy, this best practice could be done for a 1-year trial period.

Thornewill – Asked about the distribution of the paper copies upon approval; one for the files and two for the applicant.

Welch – We would stick with 3 and cut it down as necessary.

Coombs – When we’re doing this on Tablet, asked about people who attend the meeting seeing what’s being discussed. Also, what about hand-drawn plans.

Pohl – That’s why we maintain having the plans up on the big screen.

Motion **Motion to Adopt Item 1 Best Practice as submitted. (Oliver)**

Roll-call vote Carried 5-0//Coombs, Camp, Welch, Oliver, and Pohl-aye

Welch – Item 3) Consent Items, reviewed recommendations for assessing applications to go on the consent agenda.

Coombs – It would be good if whoever reviews and application initials the items they recommend for consent; if there’s a problem, we can see who made the recommendation and what their point was.

Welch – Identifying responsible parties would be useful. None of these recommendations would change the opportunity for a commissioner to call an application out.

Camp – Asked what happens if, when it’s your turn, you can’t review the applications.

Welch – If you can’t do it, it would be up to you to find someone else to do it. Also, when reviewing an application, you could also ask for another opinion.

Motion **Motion to Adopt Item 3 Best Practice to include administrative assistance from PLUS staff and with reviewers initialing those applications they reviewed. (Oliver)**

Roll-call vote Carried 5-0//Camp, Welch, Coombs, Oliver, and Pohl-aye

Welch – Item 4) Establish rule to eliminate “Lack of Responsiveness by the Applicant/Agent, a lot of time is spent reviewing projects repeatedly; reviewed the requirement for the 3-and-out rule, which would result in a denial due to lack of response to commissioner requests.

Pohl – We have to make a decision that they haven’t done what we’ve asked for. We already have the power to do that; this sends the message that we do have a policy in place, and we will be adhering to it.

Coombs – Asked if they are issued a denial, we can say they can't reapply for 6 months.

Welch – That is handled in a subsequent issue.

Oliver – Thinks this will help make applicants more responsible.

Discussion about the Action Item(s) and notifying the public.

Motion
Roll-call vote

Motion to Adopt Item 6 Best Practice for Lack of Responsiveness. (Coombs)

Carried 5-0//Oliver, Camp, Welch, Coombs, and Pohl-aye

Welch – Item 5) Revisit protocols for Incomplete Applications, incomplete applications waste time of meetings and for the staff; this initiative is to have staff empowered to reject incomplete applications based on the accepted check list. This notice will be posted, and we will interface with PLUS to ensure resources are available.

Backus – She sent an email to PLUS staff telling them to review the applications for completeness and not to let the submitter leave until the application is complete.

Motion
Roll-call vote

Motion to Adopt Item 5 Best Practice for Incomplete Applications. (Oliver)

Carried 5-0//Coombs, Camp, Welch, Oliver, and Pohl-aye

Welch – Item 6) Revisit previous rule addressing “Waiting Period after Denial”, recommend adopting a rule to establish a 3-year waiting period for an application which is substantially the same as the one denied.

Hillary Rayport – She's concerned about having an overly punitive measure; it might make HDC hesitant to deny a project.

Pohl – Feels 3 years is onerous.

Welch – This is to prevent having to review an application that was denied and resubmitted as materially the same.

Backus – The denial would last for 3 years. She wants to verify that doing this doesn't require Town Counsel review.

Welch – He doesn't think HDC should depend on Town Counsel review when we have the authority to set our own rules. We used to have a rule, which he couldn't verify, that had a waiting period after a denial.

Coombs – She thought the denial waiting period was 2 years.

Welch – Suggested that by unanimous vote, the waiting period is 2 years before resubmitting an application that is materially the same.

Motion
Roll-call vote

Motion to Adopt Item 6 Waiting Period of 2 years with a unanimous vote. (Coombs)

Carried 5-0//Oliver, Camp, Welch, Coombs, and Pohl-aye

Welch – Item 7) Revisit protocol for timely submission of “Supplemental Application Materials”, supplemental information should be provided on the same schedule as the application material; there would be a 1-time exception for extenuating circumstances.

Oliver – When an applicant makes revisions requested by an advisory group the day before the hearing; asked if revisions incorporating those changes could be reviewed. People do put something in just to get in line.

Welch – Between this and Item 8, you don't get to submit a placeholder and turn something in at the last moment.

Backus – Once something is stamped received, it becomes part of the public record and staff must ensure there is a copy in the file.

Welch – Reviewed the exceptions to the rule.

Motion
Roll-call vote

Motion to Adopt Item 7 Supplemental Application Material. (Camp)

Carried 4-1//Coombs, Welch, Camp, and Pohl-aye, Oliver-nay

Welch – Item 8) Establish rule for “Repeated Postponement of Hearings by Applicant”, this is directed at applicants who repeatedly postpone hearings, which amounts to an abuse of the process. More than 1 postponement bumps the application two weeks down the list; in the event of a 3rd and subsequent postponements, it's bumped to the bottom of the agenda. Reviewed exceptions to the rule. All of these Best Practices will be posted.

Pohl – Postponements aren't a problem for HDC; the real issue is neighbors who want to speak to a project. It feels like a way for an applicant to game the system and eliminate the voices of the neighbors with concerns. Asked if there's a way to work in when an applicant knows in a week in advance and submits the changes in advance, they are exempt from this rule because neighbors have adequate notice.

Thornewill – The agenda is long and all these that getting continued are not allowing those at the bottom of the agenda to be heard. They have to get bumped somewhere on the agenda that would be painful, so they show up.

Motion
Roll-call vote

Motion to Adopt Item 8 with the revision adding 2-week prior notice. (Camp)

Carried 5-0//Oliver, Welch, Coombs, Camp, and Pohl-aye

Welch – Item 9) Establish protocol for “Reflecting Material Grade-changes in Applications”, explained how this would ensure that grade changes are always represented the same way.

Pohl – Surveyors can do spot changes on your property but not the neighbors.

Welch – Change it to “projected.” He will change the proposed line color to burn sienna.

Motion
Roll-call vote

Motion to Adopt Item 9 Material Grade changes with language modifications. (Camp)

Carried 5-0//Coombs, Oliver, Welch, Camp, and Pohl-aye

Welch – Item 10) Establish a rule for “Flood Resistant portion of Approvals – Wet-proofing Type”, this is to ensure we are using consistent language. Approval would be based upon i) Flood Elevation Certificate, ii) licensed surveyor stamped certification to indicate “for [insert Property Address and Scope of Work] the maximum floor structure height is [insert Feet and Inches], which height is no higher than the minimum 780 CMR required Design Flood Elevation for the property, based on [insert Flood Zone]; and iii) submission of the applicable Firmette.

Pohl – Paul Santos said that a flood certificate can only be issued once the structure is built.

Motion
Roll-call vote

Welch – Explained how that is not wholly true for HDC’s purposes. A flood certificate is also required for a Certificate of Occupancy. We’d coordinate with PLUS regarding any requirement related to FEMA.

Motion to Adopt Item 10 Material Grade changes. (Oliver)

Carried 5-0//Coombs, Camp, Welch, Oliver, and Pohl-aye

Welch – Item 2) Establish Protocol for Conduct of Application Hearings, reviewed the proposed 5 points for conduct consistent with conduct of other Town regulatory boards. Abutters would speak after commissioners in the event their questions are asked and answered. There should be some time allotment; the Select Board allows 2 minutes for each speaker. Thinks HDC could allow 1 minute to speak with detailed comments submitted in writing.

Backus – Left out where staff comments are made.

Thornewill – Staff comments are generally after the presentation by the applicant. Someone should read the application at the beginning to call out the details.

Welch – As commissioners, we need to review applications prior to the meeting and re-review while the project is being introduced. We waste a lot of time in having someone explain the application and then the back and forth. One minute should be plenty of time to state concerns with after the 3rd speaker 30 seconds are allowed.

Mary Bergman, Executive Director Nantucket Preservation Trust – The time allotment would organize and stabilize the hearing.

Hillary Rayport – She appreciates these suggestions. Encouraged HDC to phase in any time limits; 1 minute is a really short period of time. Regarding neighbors, people need to take part in the discussions as applications affect their properties. It can also cause a small group to appear as representative of a larger group when that’s not the case.

Welch – We should include a time limit and state that we won’t entertain redundant comments; a time limit helps people to structure their thoughts. It’s important that the public be heard but also for other applicants to have timely processing of their applications.

Oliver – She would like to have a refresher on Robert’s Rules.

Coombs – John Giorgio said he’d set up a training for Robert’s Rules and Ethics.

Welch – The time limit becomes a tool to stop someone from abusing their opportunity to speak.

Coombs – The applicant should not be allowed to interrupt the commissioner or the public while they are speaking.

Welch – We’ll print and post the protocol and bring it to the meeting to be handed out to attendees.

Rayport – *BWNIM* states there should be a public hearing for demolitions.

Motion

Motion to Adopt Item 2 Protocol and Conduct with 2 minutes for applicant/agent, 1 minute for first 3 abutters and following public as needed, staff to be added after commissioners, strongly discourage redundant comments. (Camp)

Roll-call vote

Carried //Coombs, Oliver, Welch, Camp, and Pohl-aye

2. Discussion & vote of Ms. Coombs’ Letter

Voting Pohl, Welch, Coombs, Camp, Oliver

Alternates Thornewill

Documentation Ms. Coombs’ letter to the Select Board

Concerns **Coombs** – Every letter she has written has been sent to staff; staff should notify us if they are writing a letter. Last night a staff letter was presented to the Select Board; I didn’t know anything about.

Pohl – That isn’t part of what has been noticed and can’t be discussed. The agenda notice is for your letter.

Coombs – This is a letter the HDC voted for asking for the reappointment of the advisory boards; however, staff did not inform us that they were writing a letter to the Select Board. The HDC is required to notify the staff of any letter we bring to a vote; she feels the staff should notify the commissioners of any letters they write.

Backus – Ms. Coombs is referring to the Select Board. This is about her letter, which was forwarded to the Select Board.

Camp – Last night at the Select Board, a letter came up that Ms. Backus had written about the advisory boards. Ms. Coombs’ point is that the HDC had not gotten that letter.

Welch – The discussion Ms. Coombs wants to have about the staff letter needs to be noticed. We can’t be deliberating on it.

Coombs – Asked that a discussion about the staff letter to Select Board be on the Tuesday, November 29 agenda.

Pohl – Asked to have included on the next agenda, Notification to HDC about letters staff has writing including letter submitted to Select Board for their November 16th meeting.

Welch – Add the discussion of Ms. Coombs letter to that notice.

Motion

No action at this time.

Roll-call vote

N/A

VIII. NEW BUSINESS 10/11/2022

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Emily Askin 10-7252	103 Orange Street	Roof replacement	55/426.1	T & T Roofing
2. Peter Taylor 10-7253	98 Main Street	Roof replacement	42.3.3/11	T & T Roofing
3. Kathryn Cook MTRS 10-7257	85 Low Beach Road	New Main House	75/31.3	Michael Bard
4. Kathryn Cook MTRS 10-7217	85 Low Beach Road	New Garage	75/31.3	Michael Bard
5. Laurie Richards 10-7215	4 Woodlily Road	Rooftop Solar	67/836	Cotuit Solar
6. Jena & Terri Dion 10-7216	24 Marion Street	Rooftop Solar	71.3./75	Cotuit Solar

7. James Koval 10-7256	24 Pocomo Road	Add roofwalk	14/73	Botticelli & Pohl
8. Auburn Cottage 10-7250	46 Easton Street	Historic Determination	42.4.1/22	Botticelli + Pohl
9. Alberta Urban 10-7213	14 Jefferson Lane	Roof replacement	55.4.1/158.1	Stegra Corp.
10. Whale's End LLC 10-7207	43 Squam Road	New Dwelling	13/24+23	MCA+
11. Whale's End LLC 10-7209	43 Squam Road	New garage	13/24+23	MCA+
12. Whale's End LLC 10-7208	43 Squam Road	New Barn	13/24+23	MCA+
13. Elizabeth Bagley 10-7191	123 Eel Point Rd	New garage	33/15	SCI
14. Robert & Jody Newman 10-7218	6 Topping Lift	Solar array & dormer rev.	66/308	SCI
15. Sara Hazelwood-Yates 10-7221	5 Beaver Street	Fenestration changes	55.1.4/98	Thornewill Design
16. Marcus Mignone 10-7238	10 Angola Street	Rev 01-5547: open porch	55.4.4/79	Val Oliver
17. Chris Holdgate 10-7248	3 Rose Bud Lane	Demo dwelling	68/782	Chris Holdgate
18. 41 Monomoy, LLC 10-7246	41 Monomoy Road	Add roofwalk & fenest chng	54/79.1	Emeritus LTD
19. The One 2744, LLC 10-7234	47 Main Street	Add gable dormers	42.3.1/206	Emeritus LTD
20. Tigerlily Nom. Tr 10-7289	7 Barnabus Lane	New Dwelling	41/563	Studio PPark
21. David Hall 10-7232	27 Cornwall Street	New 2nd dwelling	76.4.3/13	David Hagenstein
22. Gregory Cantone 10-7255	11 Sconset Avenue	New shed addition	49.3.2/8	Gregory Cantone
23. Campana Limited Prtn 10-7319	4 Cabot Lane	Addition	30/254	WAPD
24. Campana Limited Prtn 10-73	4 Cabot Lane	Addition foundation	30/254	WAPD

IX. OLD BUSINESS 10/18/2022

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. 13 Commercial Wharf, LLC 09-6996	13 Commercial Wharf	Rev. shorten structure	42.2.4/10	NAG
2. Sheila Coffin-Harshman 06-6569	1 Windsor Road	Rev. to previous COA	49/195	Val Oliver
3. Walter Glowacki 09-7011	5 Meader Street	Changes & grade info	42.2.3/37.1	Val Oliver
4. Richmond Great Pt 08-6948	6 Gooseberry Place	Rev. 08-6948: new dwelling	68/341	KOH
5. Richmond Great Pt 09-6783	21 Beach Grass Road	Rev. new dwelling	68/387	KOH

X. NEW BUSINESS 10/25/2022

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. 14 Bishops Rise, LLC	14 Bishop Rise	Pergola Carport	30/184	Emeritus LTD
2. 1010 Wins, LLC	10 Lincoln Avenue	New garage	30/184	Emeritus LTD
3. 1010 Wins, LLC	10 Lincoln Avenue	New cabana & o/d shwr	30/184	Emeritus LTD
4. 1010 Wins, LLC	10 Lincoln Avenue	Demolition	30/184	Emeritus LTD
5. 1010 Wins, LLC	10 Lincoln Avenue	Hardscap, gate, poolw/ spa	30/184	Jardins Intl.
6. Seth Gottlieb	6 Ridge Lane	Move on garage	38/126	Seth Gottlieb
7. Laura Anne Webber	5 Killdeer	Replace doors, wndw, trim	68/654	Seth Gottlieb
8. Eleven Lincoln Ave Trust	32 Jefferson Avenue	Hardscape	30/132	Ahern
9. 27 Fair St, LLC	27 Fair Street	Hardscape	42.3.2/193.1	Ahern
10. 27 Fair St, LLC	29 Fair Street	Hardscape	42.3.2/192	Ahern
11. Paul & Cecile Horvath	200 Polpis Road	Pool Replacement	26/37	Ahern
12. Mid Century Modern, LLC	21 Vestal Street	New shed	41/175	Normand Residential
13. Mid Century Modern, LLC	21 Vestal Street	Cottage- deck & o/d shwr	41/175	Normand Residential
14. Mid Century Modern, LLC	21 Vestal Street	Main house – new stoop	41/175	Normand Residential
15. Joanne Tobin	33B Washington Street	New shed	42.3.2/191	G. Harrington
16. 14 North Road, LLC	14 North Road	Rev. 10-2058: dele chimney	43/83	Workshop/APD
17. Tigerlily Nom. Tr	7 Barnabas	New Dwelling	41/563	Studio Ppark
18. Marsha Shiff	20 Starbuck Road	Addition	60/117	Permit Plus
19. 87 EPR RT	87 Eel Point Road	Rev. 03-3283	32/11	MCA+
20. Whales Tale, LLC	15 Shimmo Pond Road	Shed move off/demo	43/95	Normand Residential
21. Whales Tale, LLC	15 Shimmo Pond Road	New shed	43/95	Normand Residential
22. Nantucket Land Bank	76 Millbrook Road	Move/ demo dwelling	57/24	Normand Residential
23. Al & Mary Novissimo	14 Deer Run	Mod garage & deck	57/14.1	SCI
24. ACKUIRE, LLC	29 Skyline Drive	Shed size rev	79/91	Structure Unlimited
25. Dean Darling	1 Twin Street	Paint foundation, + window	42.3.2/43	Normand Residential
26. Milton Rowland	18 Mt. Vernon Street	Hardscaping	55.4.4/32	Normand Residential
27. Michael Molinar	1 Chestnut Street	Roof Replacement	42.3.1/7	T & T Roofing
28. Gardner MacDonald	8 Priscilla Lane	New Dwelling	41/353	Val Oliver
29. Brett Fodiman	111 Surfside Road	Garage Shingle Revision	80/70	Emeritus LTD
30. Brett Fodiman	111 Surfside Road	Guesthouse shingle rev	80/70	Emeritus LTD
31. Brett Fodiman	111 Surfside Road	Main hse shingle rev	80/70	Emeritus LTD
32. Genthner	128 Surfside Road	New dwelling	80/229.1	Val Oliver
33. 46 Union NT	46 Union Street	Revision 02-2843	42.2.3/28	MCA+
34. Vilma Merlos	3 Celtic Drive	Window replacement	67/660	Vilma Merlos
35. Tyler Hammond	8 Sparks Avenue	Window replacement	55/201	Tyler Hammond
36. Stephen Alfeleri Trust	28 Gardner Avenue	Addition	43/132	EMDA
37. 55 Road, LLC	56 South Shore Road	New Shed	80/114	EMDA

HDC Minutes for November 17, 2022, adopted Dec. 6

38. Ken Ansin	6 Todd Circle	Roof replacement	66/294	EMDA
39. Ack Living, LLC	3 Winn Street	Rev 08-4335	41/593	EMDA
40. Holly Coburn	5 High Brush	Apron	56/388	KMLD
41. Helen Dubois	5 Stone Post Way	Revision 03-6070	14/70	KMLD
42. Decantur XIX, LLC	12 Westerwyck Way	New Shed	82/64	Val Oliver
43. Michael Jemison	195C Hummock Pd Rd	Rev 04-6108	65/2302	Botticelli +Pohl
44. 10 York St, LLC	10 York Street	New dwelling	55.4.1/142	Thornewill Design
45. Chris & Ashley Austin	Maple Lane Lot 7	New shed	67/303	Emeritus LTD
46. Chris & Ashley Austin	Maple Lane Lot 7	New 2 nd Dwelling	67/303	Emeritus LTD
47. Kevin & Katherine Davidson	4 Step Lane	Like Kind replacement	42.4.2/82	Emeritus LTD
48. Jason Mendelson	7a Sherburne Turnpike	New studio	31/112.1	Studio Ppark
49. Sherburne Tpk, LLC	7a Sherburne Turnpike	Pool & hardscape	31/112.1	Atlantic Landscape
50. Eloise NT	1 Sandy Drive	New Dwelling	29/73	Thornewill Design
51. C. Marshall Beale	278 Polpis Road	Solar roof array	25/2	ACK Smart
52. Leo Mullen	19 Brewster Road	Solar roof array	54/175.1	ACK Smart
53. Patricia & James Patterson	61 Meadow View Drive	Solar roof array	56/169.4	ACK Smart
54. Jeffrey Soros Trst	47 Baxter Road	Fenestration chngs	49/14	JB Studio
55. Brian Herlihy	3 Rudder Lane	Addition	66/361	JB Studio
56. Genadi Prokopov	80 Surfside Road	Grade change	67/194	DTA

XI. OTHER BUSINESS

Approved Minutes Motion Roll-call vote	None
Review Minutes	November 01 & 08, 2022
Other Business	- Next HDC Meeting: Tuesday, November 29th @ 4:00 pm Hybrid – Zoom & 4 Fairgrounds Road, Community Room - No HDC meeting November 22nd
Future action items	- Classification of street trees & vegetating mapping - Discussion of Wind Turbines - Section 106 – Sunrise Wind Farm Project, intro (update as needed) - Review policy of move/demo hearings in relation to new dwellings - Hardscaping - Discussion of salvaging demolitions - Discussion of options for house moves

List of additional documents used at the meeting:

1. Draft minutes as listed

Adjournment:

Motion **Motion to adjourn at 2:59 pm. (Welch.)**
 Roll-call vote Carried 5-0//Oliver, Camp, Coombs, Welch, and Pohl-aye

Submitted by:
 Terry L. Norton

Nantucket Old Historic District

Sconset Old Historic District

Madaket Village District