



## **NANTUCKET TOWN ASSOCIATION MEETING**

July 25, 2023, at 4:00 pm

Meeting held in the Learning Lab of the Atheneum and by Zoom

### **DRAFT MINUTES FOR REVIEW AND APPROVAL**

Attendance in the Atheneum: Trish Bridier, Barbara Cohen, Anne Dewez, Lee Saperstein, Bill Seay, Anne Terry, and Henry Terry.

Attendance by Zoom: Carolyn Seay and Charley Walters

Guest: Julia Lindner, Executive Director, ACK·Now.

Thanks to the Atheneum, Samantha Aguiar, for hosting the meeting, which was recorded and the link to the video is included here: <https://youtu.be/YLu9x-YDU-M>.

#### **I. Call the July 25, 2023, Nantucket Town Association Meeting to Order.**

President Henry Terry called the meeting to order at 4:01 pm. He announced that the meeting is being recorded and those who could not attend are welcome to use the above link to watch the recording. He also announced that, to avoid conflicts with the Open Meeting Law, there would be no discussion of the Nantucket Town small area plan because members of that working group are in attendance at today's meeting and no agenda for it has been posted.

#### **II. Approval of minutes of the Meeting of June 27, 2023.**

Henry Terry asked for approval of the minutes of the meeting of June 27, 2023; Trish Bridier moved their approval, Anne Terry seconded them, and the vote to approve was unanimous.

#### **III. Treasurer's Report.**

Henry Terry noted that the Treasurer was traveling and that he would give the Treasurer's Report orally from information sent to him by the Treasurer. The starting balance was \$3,847.01, which was reduced by a payment of \$230.00 for the post-office box, leaving an ending balance of \$3617.01. The report was accepted upon a motion made by Trish Bridier, seconded by Anne Terry, and approved unanimously.

#### **IV. Guest Speaker, Julia Lindner, Executive Director, ACK·Now.**

Before introducing Julia Lindner, Henry Terry asked if there was any objection to re-ordering the agenda so that our guest could speak first. Seeing none, he proceeded to introduce her.

She thanked the Nantucket Town Association for its invitation and then began her presentation. While Short-Term Rental, STR, regulations were the significant issue of the moment, ACK·Now, as a citizens activity group, was more than that one issue and is dedicated to protection of the Island's community and the quality of its way of life.

She then went into the key issues discussed by the STR Work Group, which were then incorporated into their final report. Most everyone at the meeting had read the news discussions of the report and understood that the proposed compromise was not happily received by all members of the Work Group. Where do we draw the line, she asked, between supporting the needs of year-round residents and those of corporate owners of rental real estate. She noted also that the report suggested that STRs could go into any zone, residential or commercial, while some members felt that they belonged only in commercial zones. The work group resulted from an impasse at last year's Annual Town Meeting, where separate warrant articles favoring each position, failed to pass while one establishing regulations for permitting STRs did pass. The Town engaged a consultant to facilitate the activities of the Work Group. The consultant suggested rules of procedure that were adopted by the Work Group, including the notion that consensus, defined as seven votes out of nine members, was needed to pass any recommendation.

We learned so much, she said. Data on rental activity are extensive. In each of the past three years, rental activity increased by 200 entries in the State registry. While local realtors do not see a similar growth of rental activity from local residential owners, they know that prices are rising. Presumably the increased STR activity is coming from on-line web sites such as Airbnb and VRBO. Anne Terry reflected on the change in nature of the renters. Some years ago, when she rented her home to others, they often stayed for a month or more and usually came back season after season. This is not the case, obviously, for short-term renters.

As the work group converged on a final report, it became clear that there would be two no votes, from the representatives of the Advisory Committee of Non-Voting Taxpayers and ACK·Now, Julia Lindner, and seven positive ones. There are several key issues she said that caused her negative vote. Allowing pre-existing, non-conforming rentals to continue indefinitely meant that the suggested reforms would be diluted greatly. Also, allowing STRs in all districts, including residential, meant that a continuing turnover of renters would create the same distractions as do inns and hotels. The quality of life in residential districts would be diminished.

She went on to say that the Select Board has the report and the proposed new zoning and general Bylaw regulations and that it will be up to them as to what happens next. With the Chair of the Select Board having recused herself because of a conflict of interest and two members of the Board questioning the Work Group's recommendations, the Board may not come up with a majority on any motion before it, including one of adoption of the proposed warrant articles for

the Special Town Meeting of November 7<sup>th</sup>. Julia Lindner suggested that the Board will have several options:

- The first, as suggested above, would be to recommend inclusion of the proposed articles in the warrant, which would probably take at least three votes.
- The second would be to allow inclusion of the articles but without a recommendation for their approval.
- The third would be to recommend against their inclusion.
- While unlikely, the Select Board could re-open the warrant to new citizen articles, which would allow the proposed regulatory articles to be offered by one or more members of the Work Group. The original deadline was June 21<sup>st</sup> and the warrant is supposed to be finalized by August 16<sup>th</sup>. This is very little time in which to obtain needed supporting signatures.

Whatever happens, ACK·Now will continue to inform the public.

She said that these were her prepared remarks and was open to questions and discussion. Anne Dewez said forcefully that the proposed regulations had no “guard rails” and would be difficult to enforce. The general bylaws only need a 50-percent-plus-one vote to be amended at a future Town Meeting and could be amended easily. She proposed that STRs be considered an accessory use, not a primary one, and that all STR permits be term limited. No matter what passes, she predicted that there will be litigation. Anne Terry added that residents in the Town Area will be surrounded by a rotating band of strangers. Yes, said Julia Lindner, short-term rentals will be polarizing and will induce weariness among permanent residents. Lee Saperstein asked if the Work Group had considered the Supreme Court adjudication in “Citizens United” that deemed corporations to be “persons.” It was not discussed she replied.

When there seemed to be no further comments, she said that members of the Town Association who have concerns should go to the Select Board and speak either in the open-comment period or when it is considering the Warrant Article for the Special Town Meeting. Henry Terry started to say goodbye to Charley Walters, who re-opened the discussion by saying that the regulation should not dwell on defining a corporation because they have the legal resources to work around any such definition. He said that the regulation should define a STR as a commercial business and not a residential use. He asked if Nantucket could create its own definition of a “commercial use” and was told, “yes.”

Sensing, now, that formal discussion had ended, Henry Terry reminded the group that the agenda had been re-arranged so that the speaker could go first. He asked if there was any old or new business, which were the remaining agenda items. Hearing none, he asked for a move to adjourn, which was made by Trish Bridier, seconded by Anne Terry, and approved unanimously.

## **VII. Adjournment.**

The meeting adjourned at 4:48 pm.

**\*Next meeting is August 22, 2023, and will be hybrid with an in-person meeting in the Atheneum and a virtual one via Zoom; if one uses Zoom, the address is <https://us02web.zoom.us/j/87455121153>.**

Lee W. Saperstein, Secretary, [saperste@mst.edu](mailto:saperste@mst.edu).

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