

MINUTES  
Nantucket Land Bank Commission  
Regular Meeting of March 28, 2017  
Land Bank Meeting Room, 22 Broad Street  
Nantucket, Massachusetts

CALL TO ORDER: 4:00 P.M.

PRESENT: Robert Gardner, Richard Glidden, Neil Paterson, Allen Reinhard, John Stackpole.

STAFF PRESENT: Eric Savetsky, Executive Director; Jesse Bell, Assistant Director; Susan Campese, Administrator/Finance Manager; Marian Wilson, Assistant Administrator.

*Candidate for Land Bank Commission, Kristina Jelleme and Inquirer and Mirror Reporter, Peter Sutters were also present at call to order.*

I. CONVENE IN OPEN SESSION:

A. CITIZEN BUSINESS/ANNOUNCEMENTS: None.

*Ms. Jelleme and Mr. Sutters departed the meeting at 4:02 p.m.*

II. EXECUTIVE SESSION: Upon a motion made by Commissioner Glidden and duly seconded by Commissioner Paterson, it was unanimously VOTED to go into executive session in order to discuss the purchase, exchange, lease or value of real property and review and approve executive session minutes. A roll call vote was taken: Reinhard – Aye, Paterson – Aye, Glidden – Aye, Stackpole – Aye, Gardner – Aye. The Chairman under Purpose 6 [G.L. c. 30A, 21(a)(6)] declared that discussion of these matters in open session may be detrimental to the Land Bank’s negotiating position and that the Commission would reconvene in regular session following executive session.

III. RECONVENE IN OPEN SESSION:

*Ms. Jelleme; Mr. Sutters; Miacomet Golf Course (“MGC”) General Manager, Alan Costa and Golf Controller, Walter Lankau entered the meeting at 4:55 p.m.*

A. GOLF BUSINESS:

1. Sconset Golf Course – Manager’s Monthly Review: The Commission received the balance sheet and profit and loss comparison through January 2017 and February 2017.

2. Miacomet Golf Course – Manager’s Monthly Review: The Commission reviewed the balance sheet and profit and loss comparison through January 2017 and February 2017, as well as the check register and the profit and loss departmental summary for January and February 2017. Mr. Lankau explained some of the variances from the budget and from the

previous year, and presented a graph that illustrated the cash flow levels throughout the year based on actual figures from 2016. Mr. Lankau pointed out that dues were slower coming in this year and several members have resigned, but he expected to make up for that once the membership documents were complete and new memberships could be accepted.

3. MGC Food and Beverage Manager – Update: Commissioner Paterson asked Mr. Costa how the situation regarding the Food and Beverage Manager position had been resolved. Mr. Costa said that Ms. O’Connor had agreed to continue to working through the end of the month to complete certain tasks, such as set up budget spreadsheets, helping with inventory procedures, and training new staff.

*Property Management Coordinator, Dane DeCarlo entered the meeting at 5:16 p.m.*

4. Golf Donations Policy – Discussion: Mr. Costa explained that he receives an average of 55 donation requests every year for rounds of golf to be sold at various charity events. Mr. Savetsky explained that due to the Anti-Aid Amendment, the Land Bank cannot give away anything with a monetary value, such as a round of golf, since it would be considered an indirect application of public funds. There may be exceptions if the funds are directly allocable to a specific project that benefits the public, however Ms. Bell explained that it would be very difficult in most cases for an organization to meet the narrowly-defined criteria for an exception. The consensus of the Commission, insofar as it is possible, was to have staff work with counsel on developing a policy which gives the Manager the ability to assess donation requests from on-island non-profit organizations.

5. Repayment of Advance – Discussion: Mr. Costa explained that due to cash flow at this time of year it would be difficult to repay the advance but had previously suggested it be put against last year's capital expenditures. Ms. Campese explained that it could not be used for prior year expenditures, as the policy for the Land Bank to pay for capital expenditures out of the capital reserve fund was for the current year and that the prior year’s budget was closed. She stated the advance could stay on the Land Bank’s books as a receivable until cash flow enabled repayment.

6. Initiation Fees – Discussion: Ms. Campese was concerned that the initiation fees for 2016 had still not been received and according to policy should be forwarded to the Land Bank to be deposited in the capital reserve fund.

7. Sconset Golf Course (“SGC”) – Seasonal Malt License: Mr. Costa suggested that the Commission should decide soon if they wanted to reapply for the seasonal Malt License at SGC. The Commission asked staff to place the matter on the next agenda for a decision.

8. Miacomet Golf Course – Employee Dormitory Update: Mr. Savetsky reported that he, along with the architect, owner’s project manager, Mr. Costa and Mr. Oberly met with some neighbors to explain the project and answer questions. Ms. Bell explained the committee was currently evaluating the non-price proposal for construction of the dormitory.

9. H2B Visa – Update: Mr. Costa reported that MGC staff had met the application deadline and received approval for their H2B visa employees to return on time for the season. Further, he credited Mr. Oberly and former Assistant Superintendent, Frank Duda, for obtaining the approval in a timely manner.

*Mr. Costa and Mr. Lankau departed the meeting at 5:37 p.m.*

## B. PROPERTY BUSINESS:

1. Mt. Vernon Farm/168 Hummock Pond Road – Resolution Regarding Agricultural Use: Ms. Bell stated that due to environmental issues raised by an abutter, Land Bank counsel recommended that the Commission adopt the following resolution in order to firmly establish Mt. Vernon Farm as an agricultural property. Upon a motion made by Commissioner Glidden and duly seconded by Commissioner Paterson, it was unanimously VOTED to adopt the following resolution:

NANTUCKET ISLANDS LAND BANK COMMISSION  
RESOLUTION REGARDING  
AGRICULTURAL USE OF MOUNT VERNON FARM  
MARCH 28, 2017

Background Information

The Land Bank owns approximately 26 acres of land which has been known for many years as “Mount Vernon Farm”. At the Nantucket Registry of Deeds it is particularly described as Lots 2 and 4 on Plan File 50-Y. (The full historic farm also included Lot 3 on Plan File 50-Y, which is not owned by the Land Bank.)

The Land Bank purchased Mount Vernon Farm for \$1,203,500 in July 1997, from the children of Frank Powers, Sr. (Deed at Book 542 Page 296.) In 1997 the sellers retained title to Lot 3 and also retained restrictions on Lots 2 and 4 which allowed them to continue farming the property for 99 years. The permitted uses included growing hay and produce, tree and shrub nursery, pasturing and horse boarding.

The Powers family continued their agricultural use until May 2014, when the Land Bank purchased the 1997 restrictions from them for an additional \$1,000,000. (See deed at Book 1435 Page 119.) At the time of the 2014 purchase, the Town of Nantucket Assessor issued a Certificate of Penalty Tax under MGL Chapter 61A showing no tax due because no change from agricultural use was expected. (See Book 1435 Page 116.)

Since the 2014 acquisition the Land Bank has continued to use Mount Vernon Farm for agricultural purposes. The current uses include farming by Sustainable Nantucket and livestock grazing (currently horses and goats). These uses are consistent with the purposes authorized by Section 5(h) of the Land Bank Act (Chapter 669 of the Acts of 1983, as amended).

Research indicates that Mount Vernon Farm has been used for agricultural purposes for at least a century. The records of the *Inquirer & Mirror* disclose periodic advertisements

beginning in 1915 offering farm products for sale, including from time to time vegetables, pigs, dairy products, and horse barn. The Town of Nantucket Assessor's records indicate that the property was assessed at agricultural or horticultural use rates under MGL Chapter 61A beginning in 1981 continuing until the property became exempt due to Land Bank ownership. Maintaining the Chapter 61A assessment required the Powers family to file applications annually documenting the farm use of the land. (See notices of lien at Book 236 Page 84 and Book 529 Page 124.)

### RESOLUTION

Based on the foregoing background and confirming our original intention in acquiring Mount Vernon Farm, the following vote is hereby adopted:

RESOLVED, that when Mount Vernon Farm (Lots 2 and 4 on Plan File 50-Y) was acquired, it had been in continuous use as a farm for about a century, and the Nantucket Islands Land Bank intends to continue its use for agricultural purposes consistent with and as defined in Massachusetts Wetland Regulations (310 CMR 10.04) and the Land Bank Act (Section 5(h)).

RESOLVED FURTHER, that Land Bank staff be and hereby are instructed to proceed with management of Mount Vernon Farm in a manner consistent with the foregoing resolution.

2. Sustainable Nantucket/168 Hummock Pond Road – Execution of Amendment to License Agreement: Ms. Bell explained this was to amend the license to include the use of the additional six acres for agricultural use which was voted at the meeting of January 26, 2016.

3. Mt. Vernon Farm/168 Hummock Pond Road – Abutters Notice: Mr. Savetsky reported that a notice had been received for a Historic District Commission application for a new house by an abutter to the property, Rachel Powers. He explained that the height of the house was potentially concerning and that Commissioner Paterson had heard similar concerns from plot holders at the Community Garden. The consensus of the Commission was to take no action, as the application was currently before a town regulatory board.

4. Reyes/219 & 231 Polpis Road – Gate Replacement and Dedication Request: Mr. Savetsky referred to the letter in the meeting packet and published in the March 23<sup>rd</sup> edition of the *Inquirer & Mirror* requesting that the red pergola gate that for years stood at the entrance of the property be replicated and installed and further to add some dedication to Jose Reyes, the former owner of the property. Mr. DeCarlo reported that he had taken the time to measure the dimensions of the old gate so an exact replica could be rebuilt. The consensus of the Commission was to replicate the gate.

5. Trailheads Design Update – Mr. DeCarlo presented drafts of two trailheads signs designed by Tony Leone who designed the Land Bank map. The trailheads were similar to the map in appearance and used simple icons, keys and a QR code that, when scanned with a smart phone, would open up to the corresponding property page on the Land Bank website. Chairman Reinhard asked Mr. DeCarlo to look into ways to differentiate individual loops on the

trails. Overall the Commissioners were very pleased with the draft trailheads.

6. NES 3<sup>rd</sup> Grade Class Fairy Trail – Request: Ms. Bell presented a request from Nantucket Elementary School third grade teacher Katie Mooney and her students to install a fairy trail on a Land Bank property. Ms. Bell and Mr. Pollock met with Ms. Mooney who explained that the students would build “fairy houses” out of natural materials and put them along the trail. Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Glidden it was unanimously VOTED to approve the request to install a fairy trail on a property deemed appropriate by staff.

*Mr. DeCarlo departed the meeting at 6:05 p.m.*

C. APPROVAL OF MINUTES: Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Glidden, it was unanimously VOTED to accept, approve and release the regular session minutes of March 14, 2017, as written.

#### D. TRANSFER BUSINESS:

1. Five-Year Domicile and Ownership Compliance – Release of Liens: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Gardner, it was unanimously VOTED to execute and authorize the issuance of Releases of Liens for the following transfers as a result of the purchasers fulfilling all of the requirements of Section 12, subsection (-m-):

No. 32525 Benjamin Cowger and Natalie RI Cowger  
No. 32543 Mark C. Lucas and Sarah Holton-Roth

2. Two-Year Domicile Non-Compliance/Request for Hearing – No. 35405 Patrick McEvoy: Ms. Campese reported that Patrick McEvoy had requested a hearing on the Notice of Assessment issued by the Commission based on his non-compliance with the domicile requirements of the “M” exemption. It was determined to schedule the hearing during the regularly scheduled meeting of April 25, 2017.

#### E. FINANCIAL BUSINESS:

1. Monthly Financial Report: The Commission accepted the February 2017 financial report including the balance sheet and income statement previously provided by electronic correspondence.

2. Warrant Authorization – Cash Disbursements: Upon a motion made by Commissioner Glidden and duly seconded by Commissioner Stackpole, it was unanimously VOTED to execute the March 28, 2017 warrant document in the amount of \$27,255.87 to be provided to the county treasurer.

F. REGULAR BUSINESS:

1. Amendment to Memorandum of Understanding between Town and Land Bank: Mr. Savetsky presented the amendment for signatures and explained that the Town was making good progress toward conveying the parcels under the MOU to the Land Bank as part of the so-called "Grand Swap". The amendment extends the time for performance of the Town's obligations under the original MOU to December 31, 2017. Upon a motion made by Commissioner Glidden and duly seconded by Commissioner Paterson, it was unanimously VOTED to approve and execute the Amendment to the Memorandum of Understanding with the Town of Nantucket, as presented.

2. Amendment to 39 Washington Street License: Ms. Bell presented an amendment to the license for 39 Washington Street to the Town of Nantucket for employee housing. Upon a motion made by Commissioner Gardner and duly seconded by Commissioner Glidden, it was unanimously VOTED to execute the amended license.

3. Annual Town Meeting Articles – Review: Mr. Savetsky reviewed the following town meeting articles that were relevant to the Nantucket Land Bank:

Article 37: Appropriation of CPC funds to Sustainable Nantucket for \$85,400 to install fencing around the additional six acres at 168 Hummock Pond Road licensed to Sustainable Nantucket from the Land Bank for expanded agricultural use.

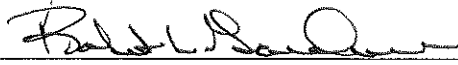
Article 59: Zoning Map Change: LUG-2 to LUG-1 on South Shore Road north of the sewer beds. This article received a negative recommendation by the Planning Board.

Article 64: Zoning Map Change: LUG-3 to LUG-2 at 7 West Miacomet Road. Mr. Savetsky explained this was an article sponsored by the property owner Charles Fisher which would result in the property being sub-dividable into two lots. The article received a negative recommendation from the Planning Board.

Article 94: Real Estate Conveyance: Article authorizing the Town to convey two lots in the surfside area to the Land Bank. Mr. Savetsky indicated this was merely a permissive article allowing the Town to convey the lots.

ADJOURNMENT: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Paterson, it was unanimously VOTED to adjourn the meeting at 6:41 p.m.

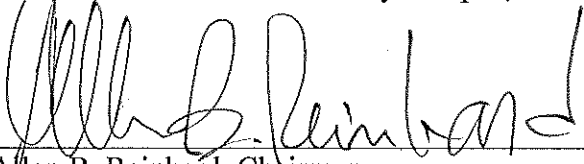
Attested to:



~~Richard Glidden, Secretary~~

Robert L. Gardner, Vice Secretary

Accepted, Approved, and Released by VOTE  
of the Commission this 11<sup>th</sup> day of April, 2017.



Allen B. Reinhard, Chairman