

BOARD OF SELECTMEN

Minutes of the meeting of March 28, 2018. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Jason Bridges, Matt Fee, Rita Higgins, Dawn Hill Holdgate, and James R. Kelly.

I. CALL TO ORDER

Chair Hill Holdgate called the meeting to order at 6:24 PM.

II. BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted by the Board.

III. ANNOUNCEMENTS

1. Ms. Gibson announced that the Select Board meeting is being video/audio recorded.
2. Ms. Gibson announced that the 2018 Annual Town Meeting starts Tuesday, April 3, 2018 at 6:00 PM at Nantucket High School Auditorium, 10 Surfside Road. Ms. Gibson informed that the Voter's Guide to the Warrant Articles is available online and at Town Administration, also are copies of the warrant. Ms.; Gibson noted there are several videos to informed the population about different articles.
3. There will be no Select Board meeting on Wednesday, April 4, 2018 (Town Meeting).
4. The Annual Town Election is Tuesday, April 10, 2018 – polls open from 7:00 AM to 8:00 PM at Nantucket High School.

IV. PUBLIC COMMENT*

1. Richard Ray, private citizen, noted that unknown citizens with no permits opened Miacomet Pond. Town Manager Libby Gibson gave an update on the status of the Miacomet Pond, noting that unknown parties decided to open the bridge to the Atlantic Ocean without permits. Ms. Gibson noted the environmental police officer is investigating the opening. This pond is subject to Army Corps of Engineers decision. Ms. Gibson informed that at this point the water is only coming out and no salt water is coming into the ocean. Richard Ray thanked Town Manager for answering to his concerns. He feels this is an unfortunate situation; fish and natural habitat are being lost because of this. Chief of Police William Pittman 2 years in prison, \$25,000 in fine and they may have to pay for restoration, subject to Conservation Commission supervision. Andy Lowell feels that when the building permits are submitted, there should be permit limits that show where the benchmark for the water table reaches its highest.

V. NEW BUSINESS*

1. Ms. Gibson noted there is a request to extend the scallop season. Mr. Fee made a motion this item was unanticipated and the Board may vote if they wish; Mr. Kelly seconded. All in favor, so voted. Andy Lowell, Chair of the Harbor & Shellfish Advisory Board (SHAB), noted that this has been a difficult season due to the various winter storms. The fishermen feel there is still an abundance of scallops in the harbor and are seeking for the Board's support to extend the scallop season two weeks. Mr. Lowell is representing the SHAB members that unanimously support this idea, so does Representative Dylan Fernandes. Natural Resources Coordinator Jeff Carlos and Biologist Tara Riley support this idea. Mr. Lowell feels that extending the season will help dissipate bad reputation for the harbor after the sewer brake. Mr. Kelly moved to extend season through the end of April 14 pending the necessary approvals; Mr. Fee seconded. All in favor, so voted.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 21, 2018 at 5:15 PM; March 21, 2018 at 6:00 PM. Mr. Kelly moved to approve minutes of March 28, 2017 at 6:00 PM; Mr. Bridges seconded. All in favor, so voted.

2. Approval of Payroll Warrants for Weeks of March 25, 2018. Mr. Kelly moved to approve payroll warrants for weeks of March 25, 2018; Mr. Bridges seconded. All in favor, so voted.

3. Approval of Treasury Warrants for March 28, 2018. Mr. Kelly moved to approve treasury warrants for March 28, 2018; Mr. Bridges seconded. All in favor, so voted.

4. Approval of Pending Contracts for March 28, 2018 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Higgins moved to approve pending contracts for March 28, 2018; Mr. Bridges seconded. All in favor, so voted.

VII. TOWN MANAGER'S REPORT

1. Town Counsel: Overview of Cannabis Control Commission Regarding Final Marijuana Regulations. Attorney Katie Laughman from Town Counsel's Office review latest Cannabis Control Commission regulation updates. Attorney Laughman noted the final regulations were voted on March 6 and became registered and public on March 23. Under the final regulations there are different marijuana establishments; Attorney Laughman noted differences in between the categories. Attorney Laughman spoke on the transportation security standards: types of vehicles, cameras, number of drivers, etc. She also noted that testing standards apply to the product to be sold. The Cannabis Control Commission, through independent testing laboratories, will test product from at the cultivation establishments. Attorney Laughman proceeded to explain the municipality's role in approving a medical marijuana establishment and the licensing process. Attorney Laughman also spoke on the Host Community Agreements applicants have to sign with municipalities and hold a "community impact meeting", similar to a public hearing. Attorney Laughman answered questions from the Board and Ms. Gibson; noting if the Board prohibits one of the categories, it will impact in any other category they allowed due to the unique location of Nantucket. Next, Attorney Laughman spoke on the limitations the Board can apply to marijuana establishments.

Mr. Fee would like to discuss how to go slow down the process; he wants Nantucket to be very careful on what gets approved. Chair Hill Holdgate would like to have another forum on this topic. Mr. Kelly feels the Board should have further discussion on its goal. Mr. Fee feels a forum will only be positive for those that want it to happen. The Board had a discussion on next steps.

Attorney Laughman answered questions from Mr. Bridges regarding the two current applicants. Ms. Gibson proposed adding this item to an April agenda and scheduling a forum after. Ms. Gibson proposed scheduling an agenda item for the end of April/beginning of May. The Board agreed on adding this item to one of the next two meetings.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Cisco Brewery/Nantucket Film Festival: Request to Hold Film Festival Party at Cisco Brewery on Friday, June 22, 2018 from 7:00 PM to 10:00 PM to Include Food and Entertainment. Mr. Bridges moved to approve the request as presented; Mr. Fee seconded. All in favor, so voted.

2. Nantucket Cottage Hospital: Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for 2018 Boston Pops to be held Saturday, August 11, 2018 at Jetties Beach.
Chair Hill Holdgate recused herself. She left the room at 7:27 pm.

Mr. Bridges moved to approve this request as presented; Mr. Fee seconded. So voted, 4-0.

3. Nantucket Cottage Hospital: Request for Waiver of Chapter 54 (Alcoholic Beverages) § (1)(c) (Open Container on Public Property) of the Code of the Town of Nantucket for 2018 Boston Pops at Jetties Beach.
Mr. Bridges moved to approve the request as presented; Ms. Higgins seconded. So voted, 4-0.

4. Nantucket Boys and Girls Club: Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for Tim Russert Summer Groove to be held Saturday, August 18, 2018 at Nantucket Boys and Girls Club, 61 Sparks Avenue.
Mr. Bridges moved to approve this request as presented; Ms. Higgins seconded. So voted, 4-0.

5. Planning Office: Request for Approval of Commitment Not to Clear-cut Natural Landscaping on Town-owned Parcels at 2, 4, 6, 8, 10, 12, 14 and 16 Ticcoma Way and 6 Fairgrounds Road aka Lots 66, 67, 68, 69, 70, 71, 72, 73 and 84 as Shown on Plan of Land Entitled "Division Plan of Land in Nantucket, MA, prepared for Town of Nantucket," Dated June 3, 2016, Prepared by Blackwell and Associates, Inc. and Recorded with Nantucket Registry of Deeds as Plan No. 2016-58, Pursuant to Planning Board Special Permit for Ticcoma Green Project.

Planning Director Andrew Vorce reviewed the application and answered questions from the Board. Mr. Kelly moved to approve this request as presented; Ms. Higgins seconded. So voted, 4-0.

Chair Hill Holdgate returned to the meeting at 7:29 pm.

6. Planning Office:

Mr. Vorce noted this project began a while ago with a different Board and intends to gain public access by removing a part of the road.

a) Request for Execution of Land Exchange Agreement with Ann Y. Orr, Joseph A. Young, Frances T. Young and Ann Y. Orr, Trustee of the Joseph J. Young Trust for Parcels off Jefferson Avenue and Hulbert Avenue; Ms. Higgins moved to approve as presented; Mr. Bridges seconded. All in favor, so voted.

b) Request for Acceptance of Deed from Young for Certain Parcel of Land Shown as Lot 4, Jefferson Avenue on Land Court Plan No. 14356-C filed with Nantucket Registry District of the Land Court; Ms. Higgins moved to approve as presented; Mr. Bridges seconded. All in favor, so voted.

c) Request for Execution of Quitclaim Deed for Town-owned Yard Sale Parcel Known as Parcel 2, Hulbert Avenue as Shown on Plan of Land Entitled "Plan of Land in Nantucket, Mass., Being a Subdivision of Portion of Unconstructed "Hulbert Street" Shown on L.C. Plan 16186-A (a.k.a. Hulbert Avenue)," Dated August 3, 2015, Revised November 11, 2015, Prepared by Bracken Engineering, Inc., Being Land Court Plan No. 16186-B, filed with Nantucket Registry District of the Land Court, Pursuant to Vote on Article 108 of 2011 Annual Town Meeting. Ms. Higgins moved to approve as presented; Mr. Bridges seconded. All in favor, so voted.

d) Request for Acceptance of Grant of "One Big Beach" Easement over a Portion of 43 Jefferson Avenue. Ms. Higgins moved to approve as presented; Mr. Bridges seconded. All in favor, so voted.

IX. CONSENT ITEMS

1. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcels A and B, Unnamed Ways Off Low Beach Road as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Town of Nantucket," Dated June 29, 2017, Prepared by Blackwell and Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2017-79, Pursuant to Vote on Article 111 of 2017 Annual Town Meeting. Ms. Higgins moved to approve the request as presented; Mr. Kelly seconded. All in favor, so voted.

2. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcels C and D, Unnamed Ways Off Low Beach Road as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Town of Nantucket," Dated June 29, 2017, Prepared by Blackwell and Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2017-79, Pursuant to Vote on Article 111 of 2017 Annual Town Meeting. Mr. Bridges moved to approve the request as presented; Mr. Kelly seconded. All in favor, so voted.

X. PUBLIC HEARINGS

1. Public Hearing to Consider the Taking of Portions of Various Paper Streets for General Municipal Purposes and/or Public Access or Open Space as Authorized by MGL Chapter 79 and Affirmative Vote on Article 100 of 2011 Annual Town Meeting, Shown as Easement Areas "E1" through "E10" on Plan Entitled "Easement Acquisition Plan in Nantucket, MA, Portions of Andrew Street, Clay Street, Jackson Street, Sumner Street, Oniska Avenue, Washington Street," Prepared by Nantucket Engineering and Survey, PC and Dated March 14, 2018;

Chair Hill Holdgate opened the public hearings for items a and b. Mr. Vorce reviewed the maps that showed the different roads; asking the Board to take initial steps and areas E1 to E10 of the proposed plan. Doing so will assist closing an access that is not needed for any public access. Arthur Gasbarro, in representation of Frederickson, spoke in favor of the application. Chair Hill Holdgate closed the public hearing. Mr. Vorce answered questions from the Board.

a) Andrew, Clay, Jackson, Sumner and Washington Streets between Northern Sideline of Skyline Drive and the Southern Sideline of Oniska Avenue; Ms. Higgins moved to approve this taking as presented; Mr. Fee seconded. All in favor, so voted.

b) Oniska Avenue between Western Sideline of Jackson Street and Eastern Sideline of Washington Street. Ms. Higgins moved to approve this taking as presented; Mr. Fee seconded. All in favor, so voted.

XI. SELECTMEN'S REPORTS/COMMENT

1. Ratification of Policy to Change Name of "Board of Selectmen" to "Select Board." Ms. Higgins moved to approve the ratification as presented; Mr. Kelly seconded. All in favor, so voted.

2. Committee Reports.

Mr. Bridges attended the Milestone Road information session. He noted the improvements will slow motor vehicles down making the road safer. Mr. Fee agrees.

X. ADJOURNMENT

The meeting was unanimously adjourned at 7:45 PM.

Approved the 11th day of April, 2018.

**BOARD OF SELECTMEN
MARCH 28, 2018 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VI. 1. Draft minutes of March 21, 2018 at 6:00 PM
- VI. 4. Pending contracts spreadsheet for March 28, 2018
- VII. 4. Town Council PowerPoint presentation, re: Cannabis Control Commission regulations
- VIII. 1. Cisco Brewery request letter, re: Nantucket Film Festival event; entertainment license; approval of request from 2014
- VIII. 2. Nantucket Cottage Hospital noise bylaw request letter, re: Boston Pops
- VIII. 3. Nantucket cottage Hospital open container request letter, re: Boston Pops
- VIII. 4. Boys & Girls Club noise bylaw request letter, re: Summer Groove event
- VIII. 5. Andrew Vorce email, re: 6 Fairgrounds Road/Ticcoma Way; map
- VIII. 6. Real Estate summary, Citizen/Dept. requests; Real Estate matters list; REAC recommendations
 - a) Town of Nantucket/Young Land exchange agreement
 - b) Deed; Lot 4 plan
 - c) Quitclaim deed, parcel 2; parcel 2 plan
 - d) Grant of easement
- IX. 1, 2. Real Estate summary, Consent Items; REAC recommendations; plan; Order of taking for portions of: Andrew, Clay, Jackson, Sumner, Washington streets, Oniska Avenue; ATM 2011 art. 100; ATM 2011, art. 101; plan
- XI. 1. Policy, re: Board of Selectmen to Select Board name change